

Role Description

Trial Advocate (Level 5 Lawyer)



| | |
|---------------------------|---|
| Cluster | Justice |
| Agency | Office of the Director of Public Prosecutions |
| Division/Branch/Unit | Solicitors Office |
| Location | NSW |
| Classification/Grade/Band | Prosecution Officer (Lawyer) Level 5 |
| ANZSCO Code | 271311 |
| PCAT Code | 2521118192 |
| Date of Approval | 18 March 2015 |

Agency overview

The Office of the Director of Public Prosecutions (ODPP) provides an independent, efficient, fair and just prosecution service for the people of New South Wales. Its vision is to be a dynamic prosecution service recognized for its excellence and leadership. It acts in the public interest for NSW Parliament, the Judiciary, the Courts, Police, victims, witnesses, accused persons and others in the criminal justice system and the community.

Primary purpose of the role

This is a senior litigation role which involves conducting trials in the District Court and more complex matters in the Local and Childrens Court. It involves assessing cases received from police and other investigating bodies; providing advice about the sufficiency of evidence and appropriate charges; negotiating pleas of guilty in appropriate cases and providing leadership and mentoring to lawyers in the ODPP.

Key accountabilities

- Conduct trials in the District Court.
- Prosecute complex/sensitive matters before the NSW courts.
- Provide high level advice to and on behalf of the Director of Public Prosecutions.
- Provide leadership, guidance and mentoring to lawyers in the ODPP.
- Conduct matters in accordance with the Directors Guidelines and ODPP policies and procedures and the NSW Charter of Victims' Rights.
- Maintain up-to-date knowledge of the relevant law.

Key challenges

- Prosecute matters of varying complexity before different jurisdictions which may often involve traumatic material and events.
- Meet strict time standards in the preparation of cases and provision of advice in a high volume work environment

- Deal with complex issues of law and fact that arise during a trial and have the ability to make cogent submissions to judicial officers with minimal notice or preparation time.

Key relationships

| Who | Why |
|---|---|
| Internal | |
| Other Lawyers, Administrative staff and Witness Assistance Officers | <ul style="list-style-type: none"> • Work in a team environment to ensure the delivery of an effective and efficient prosecution service. Mentoring of legal staff. |
| External | |
| Victims/Witnesses | <ul style="list-style-type: none"> • Deliver on the ODPP's commitment to victims and witnesses and meet the obligations under the ODPP Guidelines and Victim's Rights Act. • Act with a high degree of sensitivity and understanding of the needs of victims of sexual assault and of the care givers together with a understanding of the best approach in a manner appropriate to their age and experience. |
| Police | <ul style="list-style-type: none"> • Liaise with Police in the effective prosecution of matters. |
| Courts | <ul style="list-style-type: none"> • Interact with Judicial officers, Courts and their staff to assist in the administration of justice. |
| Defence Lawyers | <ul style="list-style-type: none"> • Proactively interact with defence representatives to ensure effective and efficient prosecutions. |

Role dimensions

Decision making

The position holder exercises legal delegations commensurate with the role in the conduct of prosecutions. The role requires the ability to exercise professional judgment, to act in accordance with the Director's Guidelines and be accountable for the decisions made.

Reporting line

Deputy Solicitor- Operations.

Direct reports

Nil reports but undertakes mentoring and development of legal staff.

Budget/Expenditure

Nil

Essential requirements

The position requires a degree or diploma in law and admission as a legal practitioner of the Supreme Court of New South Wales.

Well developed advocacy skills with a high level of oral and written communication skills.

Extensive knowledge and experience in criminal practice and procedure within New South Wales with substantial experience in appearance work in court. Current driver's licence and willingness to travel.

Capabilities for the role

The NSW Public Sector Capability Framework applies to all NSW public sector employees. The Capability Framework is available at www.psc.nsw.gov.au/capabilityframework

Capability summary

Below is the full list of capabilities and the level required for this role. The capabilities in bold are the focus capabilities for this role. Refer to the next section for further information about the focus capabilities.

| NSW Public Sector Capability Framework | | |
|---|-------------------------------------|---------------------|
| Capability Group | Capability Name | Level |
|  Personal Attributes | Display Resilience and Courage | Advanced |
| | Act with Integrity | Advanced |
| | Manage Self | Advanced |
| | Value Diversity | Intermediate |
|  Relationships | Communicate Effectively | Advanced |
| | Commit to Customer Service | Advanced |
| | Work Collaboratively | Advanced |
| | Influence and Negotiate | Advanced |
|  Results | Deliver Results | Intermediate |
| | Plan and Prioritise | Advanced |
| | Think and Solve Problems | Advanced |
| | Demonstrate Accountability | Adept |
|  Business Enablers | Finance | Foundational |
| | Technology | Intermediate |
| | Procurement and Contract Management | Foundational |
| | Project Management | Intermediate |
|  People Management | Manage and Develop People | Intermediate |
| | Inspire Direction and Purpose | Intermediate |
| | Optimise Business Outcomes | Foundational |
| | Manage Reform and Change | Foundational |

Focus capabilities

The focus capabilities for the role are the capabilities in which occupants must demonstrate immediate competence. The behavioural indicators provide examples of the types of behaviours that would be expected at that level and should be reviewed in conjunction with the role's key accountabilities.

NSW Public Sector Capability Framework

| Group and Capability | Level | Behavioural Indicators |
|--|--------------|--|
| Personal Attributes Act with Integrity | Advanced | <ul style="list-style-type: none"> • Model the highest standards of ethical behaviour and reinforce them in others • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • Ensure that others have a working understanding of the legislation and policy framework within which they operate • Promote a culture of integrity and professionalism within the organisation and in dealings external to government • Monitor ethical practices, standards and systems and reinforce their use • Act on reported breaches of rules, policies and guidelines |
| Relationships Communicate Effectively | Advanced | <ul style="list-style-type: none"> • Present with credibility, engage varied audiences and test levels of understanding • Translate technical and complex information concisely for diverse audiences • Create opportunities for others to contribute to discussion and debate • Actively listen and encourage others to contribute inputs • Adjust style and approach to optimise outcomes • Write fluently and persuasively in a range of styles and formats |
| Results Think and Solve Problems | Advanced | <ul style="list-style-type: none"> • Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues • Work through issues, weigh up alternatives and identify the most effective solutions • Take account of the wider business context when considering options to resolve issues • Explore a range of possibilities and creative alternatives to contribute to systems, process and business improvements • Implement systems and processes that underpin high quality research and analysis |
| Business Enablers Project Management | Intermediate | <ul style="list-style-type: none"> • Perform basic research and analysis which others will use to inform project directions • Understand project goals, steps to be undertaken and expected outcomes • Prepare accurate documentation to support cost or resource estimates • Participate and contribute to reviews of progress, outcomes and future improvements • Identify and escalate any possible variance from project plans |

NSW Public Sector Capability Framework

| Group and Capability | Level | Behavioural Indicators |
|---|--------------|--|
| People Management Manage and Develop People | Intermediate | <ul style="list-style-type: none">• Ensure that roles and responsibilities are clearly communicated• Collaborate on the establishment of clear performance standards and deadlines in line with established performance development frameworks• Develop team capability and recognise and develop potential in people• Be constructive and build on strengths when giving feedback• Identify and act on opportunities to provide coaching and mentoring• Recognise performance issues that need to be addressed and work towards resolution of issues |