



ALS

Aboriginal Legal Service (NSW/ACT) Limited

## **CARE PROTECTION and FAMILY LEGAL**

Solicitor sought primarily for Care and Protection

Permanent Fulltime

Salary depending on experience

If you would like more information about the ALS, please visit our website at [www.alsnswact.org.au](http://www.alsnswact.org.au).

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Care and Family Legal Practices  
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**Applications close midnight 22 June 2017**

# Position Description

## **1. PURPOSE OF POSITION**

Provide high quality legal advice and representation to clients, primarily in state care and protection matters, in accordance with the Aboriginal Legal Service policies, procedures and guidelines; to contribute to the implementation of the Aboriginal Legal Service's strategic plan to deliver high quality legal services to Aboriginal clients

## **2. REPORTING RELATIONSHIPS**

**Supervisor:** Principal Legal Officer

**Overall supervisor:** Practice Manager

**Reporting to this Position:** Nil

## **3. ORGANISATIONAL CONTEXT**

The ALS commenced operations on 1 July 2006. The ALS provides legal services to Aboriginal clients across NSW/ACT. It was established as a Public Benevolent Institution and operates to assist economically and socially disadvantaged Aboriginal people to understand and protect their rights in the legal system.

The ALS Board, which consists of the Chairperson and 13 voting Directors includes the Chair and CEO plus 2 Honorary Directors, establishes the broad policies and strategic plan of the ALS. The ALS is the largest agency delivering legal services to Aboriginal clients in Australia, comprising a head office in Sydney (Redfern) and 23 offices in metropolitan, regional and remote centres across NSW/ACT.

### **The key programs and services provided by the ALS include:**

- Legal advice and referral for clients;
- Duty lawyer service in specified court locations;
- Criminal law advice and litigation;
- Care and protection law advice and litigation;
- Family law advice and litigation;
- Custody Notification Scheme;
- Work and development orders information and referrals;
- Civil Law information and referrals;
- Policy reform initiatives;
- Community Legal Education and Outreach;
- Community Justice Program (Australian Capital Territory);
  - Prisoner Through Care
  - Interview Friends
  - Galambany Circle Sentencing Support.
- Royal Commission Into Institutional Responses to Child Sexual Abuse information & referrals;
- Cooperative Service Delivery;

- Auspicing of Justice Reinvest NSW
- Aboriginal Tenancy Service.

**The Care and Protection Division** provides advice, non court assistance, duty solicitor and representation to clients in matters in the Children’s Court, District Court, Supreme Court and the Administrative Decisions Tribunal. Care and protection solicitors provide these services from one metropolitan and three regional offices (Lismore, Wollongong, and Parramatta), many of which also conduct outreach services to assist more distant clients. Solicitors in the Care and Protection Division also provide community legal education.

**Care and Protection Field Officers** work in partnership with Aboriginal Legal Service Care & Protection solicitors in a unique model of legal service delivery helping to deliver better outcomes for our clients both in and outside the courtroom. Care and Protection Field Officers provide referral and support services to clients and provide information to solicitors regarding relevant care and protection issues arising in the Community.

#### **4. NATURE AND SCOPE OF POSITION**

##### **MAJOR DUTIES**

The position is responsible for:

- Conducting an efficient and effective legal practice, primarily in state care and protection matters, including via an Outreach program as required.
- Determining applications for merit under delegated authority. Complying with ALS policies and practice management standards and undertaking all related administrative and case management activities.
- Contributing to the development and review of Aboriginal Legal Service procedures and guidelines;
- Contributing to the development and review of law reform and policy initiatives as Care & Protection issues arise
- Undertaking a range of Community Legal Education tasks.

##### **KEY CHALLENGES OR CONSTRAINTS**

- Being able to communicate with, take instructions from and effectively represent Aboriginal clients who may present as distressed, have a physical or intellectual disability, or have problem behaviours such as drug or alcohol addictions, when the legal concepts involved are complex and difficult for the client to understand.
- Maintaining and enhancing professional competence, keeping abreast of legal developments, changes in ALS policies, systems, guidelines, and practices and community needs.
- Adapting to new administration systems and technology which have a significant impact on the legal practice.

##### **DECISION MAKING**

The position is guided in its decision-making by legislation such as Legal Profession Act 2004; by the ALS policies & guidelines and ALS Care & Protection practice standard benchmarks. The position holder makes independent decisions relating to the day-to-day conduct of his or her legal practice within this context.

The position will be supported by the Care and Protection Principal Legal Officer & Specialist Regional Manager on a regular basis and consult with the Care and Protection Principal Legal Officer before determining applications for merit in complex matters.

## **COMMUNICATION**

### **Internal**

The key relationship is with the Care and Protection & Family Principal Legal Officer. The position holder also interacts closely with Care and Protection Field Officers, Legal Administration Assistants and other Care and Protection solicitors.

### **External**

Externally, the position holder has regular contact with clients and potential client's assistance, taking instructions, where appropriate and providing oral and written advice.

The position holder is in contact with private legal practitioners, judges, magistrates, court staff, medical professionals, and offices of Community Services, Department of Human Services in relation to the provision of representation and advice to clients.

## **5 KEY ACCOUNTABILITIES**

- Providing an efficient and effective legal service to clients, primarily in NSW/ACT state Care and Protection matters, in accordance with State legislation and directions, policy, guidelines and practice standards, including:
  - providing legal advice, minor assistance and duty solicitor services to Aboriginal clients;
  - representing clients, including appearing for clients, instructing counsel when necessary and participating, as appropriate, in dispute resolution including negotiating early resolution of litigation;
  - Conducting casework including taking instructions, undertaking research and preparation of documents/ submissions;
  - providing appropriate referrals to other agencies/services as required.
- Determining merit in care and protection matters under delegated authority and consistent with ALS policy and guidelines;
  - making recommendations about merit and exercising discretion as required;
  - Undertaking active case management and complying with practice standards for case management;
- Effectively utilise the ALS electronic database including entering data in accordance with the standards and requirements of the systems, preparing required documentation and maintaining appropriate records in both soft and hard copy forms.
- Contributing to development and ongoing review of ALS guidelines, including contributing to law reform initiatives through providing feedback as requested on issues raised and/or /documents distributed.
- Organising and presenting information sessions for current and potential clients and conducting Community Legal Education and Outreach as required;
- Assisting with the preparation of printed promotional materials and/or information booklets and pamphlets;
- Keeping up-to-date on legal developments and procedures and identifying training needs and attending training to maintain professional standards and retain a practicing certificate;
- Perform the required duties in accordance with the requirements of the following legislation and/or ALS policies
  - Equal Employment Opportunity (EEO)
  - Work Health & Safety (WHS)
- Other duties as required

## 6. SELECTION CRITERIA

- Legal qualifications and a NSW Practising Certificate.
- Knowledge of NSW/ACT Care and Protection and or Family laws.
- Capacity to represent Aboriginal clients and undertake an advocacy role before Courts or Tribunals.
- Strong interpersonal skills and an ability to provide quality customer service in a high volume work environment.
- Proven capacity to identify and understand legal issues facing socially and economically disadvantaged Aboriginal peoples.
- Excellent written and verbal communication skills, including the ability to conduct Community Legal Education
- Capacity to prepare excellent written communication skills to prepare court documents, correspondence, submissions and other written materials.
- Ability to understand ALS policies and procedures.
- Well developed legal research/analytical and statutory interpretation skills.
- Ability to meet deadlines, work without close supervision and to manage a diverse workload
- Demonstrated computer skills.
- Class C Drivers licence

### **Job Notes:**

The successful applicant will need to have a willingness to drive in metropolitan and country locations as well as a willingness to travel by plane and stay overnight or longer to undertake outreach work or training, as required.

The position offered to the Employee is subject to the Employee agreeing he/she may be required to undergo:

- Criminal History Check
- Working with Children Check.
- Approved access to Correctional Centres, Court and Police cells.

## **EMPLOYEE BENEFITS**

Salary grossed up due to Public Benevolent Institute status	Tax concession of \$ 15,900 per FBT year ( 1 April to 30 March )  Those with HEC/Help debts are will be encouraged to seek tax advice before entering into these arrangements.
10% Superannuation	0.5% above the current ATO requirement
Hours per day	7 hours per day .9am – 5 pm i.e. 35 hour week fulltime employees
6 days Special leave	Leave for culturally specific occasions, moving/relocating, family reasons and bereavement is allowed up to 6 days per year (total) for all Employees, plus an additional day for all Aboriginal staff on NAIDOC Day to acknowledge the Aboriginal community based nature of our organisation
Christmas Closure	A number of days depending on court closures plus public holidays. Paid without leave loading and <u>not</u> deducted from 4 weeks annual leave.
4 Weeks Annual leave	Paid with 17.5 % leave loading
Long Service Leave	13 weeks after 10 years service
Personal /Carers leave	10 days per year Previously known as sick leave
Rostered Days Off	1 per month (if time accrued & requirements are met ) non management positions
Study Leave	2 hours per week (if requirements are met )
Parental Leave	Between 2 & 6 weeks paid leave depending on length of service
Mobile Phone	With limited personal use for Field Officers, Legal and Management positions

### **CHECKLIST:**

1. Covering letter to my application
2. A copy of an up-to-date CV
3. A statement responding to our Selection Criteria
4. A copy of current Drivers Licence
5. Copy of qualifications including Practicing Certificate

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