



Australian Government

Comcare

Senior Legal Adviser

**Position Number: Several
Executive Level 1**

**Asbestos Legal and Administrative Appeal Sections
Ongoing Vacancies – Full Time
Canberra**

\$99,910 to \$106,800 plus 15.4% superannuation

Contact Officers

Nicole Jordan, Director Asbestos Legal Section, Legal Services Branch
on (02) 6276 0969 or 1300 366 979

Andrew Allan, Director, Administrative Appeals Section, Legal Services Branch
on (02) 6275 0068 or 1300 366 979

Closing Date

14 March 2010, Sunday at 11.00pm (Eastern Standard Time)

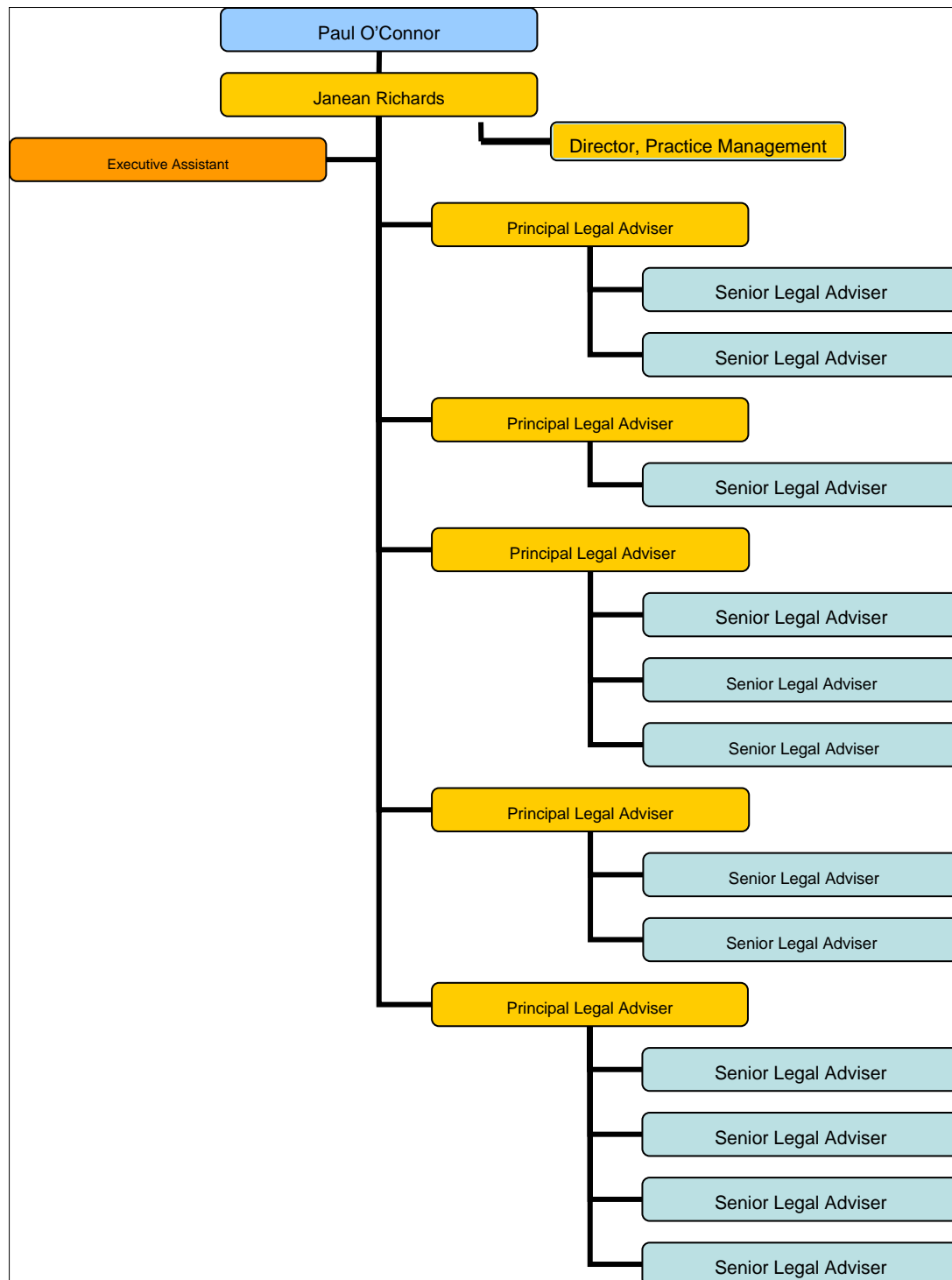
Submitting Your Application

1. In one combined application document include
 - a. Your completed application **Cover Sheet** (the last page of this document),
 - b. A statement addressing the **Selection Criteria**; and
 - c. Your **Resume** outlining your work history, relevant qualifications and training.
2. **[APPLY Online](#)** - When applying you will be asked to upload your combined application and enter your relevant personal and work details.

ABOUT THE BRANCH:

Comcare's legal services arrangements consist of the Legal Services Branch with access to external legal services through a panel arrangement. In 2008/09 Comcare's expenditure on external legal services was approximately \$20 million.

The Legal Services Branch is led by General Counsel, who is a member of Comcare's Executive. General Counsel manages the Legal Services Branch as well as the Panel of external legal service providers to assist Comcare to achieve its outcomes in an efficient and cost-effective manner.



OVERVIEW OF THE SECTION:

The **Administrative Appeals** Section manages the program responding to applications to the Administrative Appeals Tribunal under the *Administrative Appeals Tribunal Act 1975*. Members of this team provide feedback for Comcare claims management staff regarding decision-making under the legislation administered by Comcare; develop alternative methods to dispute management and ensure effective liaison within Comcare, as well as with members of Comcare's Legal Panel, to ensure appropriate outcomes in relation to matters lodged with the Administrative Appeals Tribunal.

The Section comprises of two teams in Comcare's Canberra office and one team in Comcare's Melbourne office.

The **Asbestos Legal** Section is responsible for managing common law asbestos related claims against the Australian Government and its agencies and pursuing contributions and recoveries from co-defendants and cross-defendants in respect of those liabilities. The proceedings are conducted in the Dust Diseases Tribunal of New South Wales and Supreme Courts of the States and Territories.

OVERVIEW OF THE ROLE:

As a Senior Legal Adviser in the Asbestos Legal Section you will be required to assist the Director with all aspects of the management of the team including:

- preparation of reports and compliance with reporting requirements;
- provision of quality legal advice;
- management of the team including to assist in the teams achievement of Key Performance Indicators;
- overall to assist in the resolution of asbestos related common law claims in a timely and sensitive manner in accordance with policy; and
- such other duties as reasonably required.

As a Senior Legal Adviser in the Administrative Appeals Section you will be required to assist the Director with all aspects of the management of the section, including:

- Provision of quality legal advice and resolution strategies for applications to the Administrative Appeals Tribunal in relation to decisions made by Comcare under the *Safety, Rehabilitation and Compensation Act 1988*;
- Management of an external panel of legal advisers, including quality assurance and cost control;
- Preparation of reports and compliance with reporting requirements;
- Management of a team, including assisting in the teams achievement of Key Performance Indicators;
- Day to day management of legal and administrative staff
- Such other duties as reasonably required.

Comcare offers a range of flexible working conditions to balance each individual's circumstances with the needs of the organisation. Comcare prides itself on the many opportunities it offers for further staff learning and development.

PRIMARY RESPONSIBILITIES (DUTY STATEMENT):

Reporting to the Director, Asbestos Legal Section/Administrative Appeals Section, the successful candidate will:

1. Personally deliver quality, timely and cost-effective legal services to a range of internal and external stakeholders on issues including; advice on legislation administered by Comcare; participation in reviews of legislation; and corporate governance obligations.
2. Manage litigation in relation to Comcare's organisational and operational goals including; preparing, reviewing and managing cases; briefing and instructing Comcare's external legal service providers and counsel; and advising on the institution of Court/Tribunal proceedings and settlements.
3. Provide high level professional, technical and/or specialist advice.
4. Supervising, guiding and/or training other staff as required.
5. Actively develop and maintain working relationships across the organisation and with employers and other stakeholders that are effective, collaborative and strategic.
6. Obtain and maintain a security clearance to the Secret Level. Or May be required to obtain and maintain clearance to Secret Level.
7. Commit to, promote and model the APS Values and APS Code of Conduct.
8. Participate in corporate learning and development activities.
9. Represent the organisation to client agencies and other external forums.

QUALIFICATIONS AND EXPERIENCE:

Essential: Admission as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; Possession of a current practising certificate are mandatory qualifications for appointment.

SPECIFIC CONDITIONS OF EMPLOYMENT:

1. 6 months probationary period
2. Australian Citizenship
3. Security Clearance Secret and Character Clearance (Police Records Check)
4. Health Assessment
5. Interstate travel

For information on conditions of employment, please refer to our website

http://www.comcare.gov.au/careers/working_at_comcare

DELEGATIONS FOR DECISION MAKING:

1. Financial delegations:

Credit Card

Certain budget expenses

2. Personal delegations: Staff Flex and Recreation Leave

KEY RELATIONSHIPS:

The Senior Legal Adviser works directly to the Director (Principal Legal Adviser) and will build and cultivate strong relationships with a wide range of stakeholders in order to provide high quality services to our clients.

Internal:

- Comcare Executive
- Senior and other Staff

External:

- Commonwealth Agencies
- Administrative Appeals Tribunals
- Dust Disease Tribunal
- Panel of Legal Advisers

THE SELECTION PROCESS:

Comcare uses merit in our competitive selection process. The standard process involves assessing a person against the selection criteria for the relevant position. Comcare's processes are likely to take approximately eight weeks for short listing, interviewing, reference checking and offers to be made.

HOW TO ADDRESS THE SELECTION CRITERIA:

The selection criteria describe the capabilities, skills and knowledge required to achieve the outcomes of the role. Your Statement of Claims against the selection criteria is your opportunity to demonstrate your competency to the selection panel, and is the most important factor in determining whether your application will be short-listed for further consideration. It is recommended that you frame your Statement of Claims against the selection criteria in the context of the primary responsibilities of the role and the qualifications and/or experience identified as a requirement for the position. Your claims against each criterion should be no longer than a page.

It is important that you demonstrate how you will be of value to the job and the organisation. Make sure you adequately address each selection criterion and provide evidence of your suitability. Do not simply state that you meet the requirements of the

selection criteria. Give examples from your current or past role(s) which demonstrate how you meet the criterion. Utilising the STAR Approach will assist you responding to the selection criteria. The STAR Approach is one way of presenting information against selection criteria. For each criteria think about the following and use these points to form sentences:

Situation: Set the context by describing the circumstance whether you used the skills or qualities and gained the experience.

Task: What was your role?

Approach: What did you do and how did you do it?

Result: What did you achieve?

What was the end result and how does it relate to the job you are applying for?

For more information on how to apply for jobs in the Australian Public Service please go to <http://www.apsc.gov.au/publications07/crackingthecode.htm>

SELECTION CRITERIA:

The following selection criteria are based on Integrated Leadership System <http://www.apsc.gov.au/ils/index.html> and Comcare's Capability Framework.

1. Legal Services Delivery

- Admission as a legal practitioner, however described, of the High Court or the Supreme court of an Australian state or Territory;
- Possession of a current Practising Certificate;
- Ability to provide high quality legal services;
- Experience in providing a client focussed approach to legal services delivery; and
- Demonstrated legal analysis skills

2. Shapes strategic thinking

- Contribute to the formulation and achievement of team, business and corporate goals.
- Aligns personal work goals with team goals and monitors outcomes and identifies issues related to priorities and problems.
- Understands and supports Comcare's core business and objectives; and
- Understands the work environment and contributes to team goals.
- Ability to think strategically and to find innovative solutions to complex issues and problems.
- Identifies emerging issues or problems and exercises sound judgement to develop robust solutions and recommendations.
- Ability to lead change and innovation.

3. Achieves results

- Ability to prioritise multiple tasks to meet business and/or legislative requirements.
- Monitors performance of a specified work area and establishes priorities and plans for work completion.
- Demonstrates willingness and ability to work under pressure and meet deadlines.
- Takes responsibility for managing projects, achieving objectives and progressing work.
- Motivate others to achieve results.
- Steers and implements change and deals with uncertainty.
- Effectively manage the delivery of programs, projects and/or organisation change initiatives.

4. Cultivates productive working relationships

- Develop and maintain internal and external productive relationships, partnerships and networks.
- Working effectively as a team member.
- Work flexibly in a team environment.
- Leading and managing people and work teams effectively.

5. Exemplifies personal drive and integrity

- Consistently delivers sustained effort and hard work to achieve outcomes.
- Willingness to accept responsibility and accountability.
- Commitment to and ability to model the behaviours required by the APS Values, APS Code of Conduct and Comcare Leadership Values.
- Commitment to continuing personal learning and development.
- Promoting learning and development for team members. .

6. Communicates with influence

- Communication verbally and in writing at a high standard.
- Negotiate effectively with a range of internal and external stakeholders.
- Represent Comcare with credibility and professionalism.
- Resolve conflicts skilfully.
- Presenting information.

COMCARE'S VISION:

Comcare's vision is to achieve Australia's Safest Workplaces

ACHIEVING OUR VISION:

Work in partnership with our customers to reduce the human and financial costs of workplace injuries and disease in the jurisdiction.

WHAT WE DO:

- Work with the Safety, Rehabilitation and Compensation Commission to ensure the effective operation of the Comcare scheme. It achieves this through the regulation of:
 - » Occupational health and safety under the Occupational Health and Safety Act 1991; and
 - » Rehabilitation and compensation under the Safety, Rehabilitation and Compensation Act 1988
- Manage workers' compensation claims of Australian government and ACT government employees.
- Manage the common law asbestos claims of the Australian government.
- Provide secretariat, policy and legislative support to the Seafarers' Safety, Rehabilitation and Compensation Authority (Seacare).

COMCARE STRUCTURE:

The Chief Executive Officer of Comcare is Paul O'Connor. He is assisted in the strategic leadership of the agency by the Deputy CEO, five General Managers and the position of General Counsel. Comcare is structured around the following Branches:

- Claims Services
- Prevention & Rehabilitation
- Assurance
- Research & Policy
- Legal Services
- Corporate Services

Comcare has some 570 staff located in Canberra and all states, except Tasmania. It undertakes assurance and compliance activities out of all its offices. Additionally, Comcare undertakes education and prevention assistance and injury management services in its Canberra head office and in its Melbourne office. Comcare has an annual recurrent budget in excess of \$300 million and manages outstanding workers' compensation claims liabilities of appropriately \$2.5 billion.

COMCARE EMPLOYEES ARE GUIDED BY THE FOLLOWING THEMES:

- **partnerships** – based on informed trust and how we're working with our partners
- **accountability** – we are held to account for our decisions. We need to be able to explain our decisions; our work must be sustainable through a system of appeals
- **engagement** – we want to work in Comcare
- **authenticity** – we bring ourselves to work
- **empathy** – we understand what our partners think and feel. To do our job well we must be able to walk in their shoes
- **consultation** – we involve others in our decisions because what we do impacts on others. We observe procedural fairness and recognise the value of communications skills
- **decisiveness** – we need to do what needs to be done and when it needs to be done. How we plan to engage with our mistakes is important.

COMCARE LEADERSHIP VALUES:

Displaying energy and enthusiasm for Comcare and its goals

- Championing the interests of Comcare as a whole
- Playing the issue not the person
- Identifying and resolving issues constructively.

Being committed to an open and trusting workplace

- Setting a high priority to people management
- Supporting my colleagues
- Providing strong encouragement and constructive feedback on performance and career development
- Acting as a coach and mentor to those who value my experience
- Taking personal responsibility for sharing information.

Challenging the way we do our business (why and how)

- Being open to new information and ideas
- Encouraging a diversity of perspectives
- Suggesting ways of improving how things are done
- Sensibly managing and taking risks - learning from unsatisfactory outcomes
- Keeping on learning.

AUSTRALIAN PUBLIC SERVICE VALUES:

- ★ The APS is apolitical, performing its functions in an impartial and professional manner.
- ★ The APS is a public service in which employment decisions are based on merit.
- ★ The APS provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves.
- ★ The APS has the highest ethical standards.
- ★ The APS is openly accountable for its actions, within the framework of Ministerial responsibility to the government, the Parliament and the Australian public.

- ★ The APS is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the government's policies and programs.
- ★ The APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public.
- ★ The APS has leadership of the highest quality.
- ★ The APS establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace.
- ★ The APS provides a fair, flexible, safe and rewarding workplace.
- ★ The APS focuses on achieving results and managing performance.
- ★ The APS promotes equity in employment.
- ★ The APS provides a reasonable opportunity to all eligible members of the community to apply for APS employment.
- ★ The APS is a career-based service to enhance the effectiveness and cohesion of Australian's democratic system of government.
- ★ The APS provides a fair system of review of decisions taken in respect of APS employees.

AUSTRALIAN PUBLIC SERVICE CODE OF CONDUCT:

- ★ An APS employee must behave honestly and with integrity in the course of APS employment
- ★ An APS employee must act with care and diligence in the course of APS employment
- ★ An APS employee, when acting in the course of APS employment, must treat everyone with respect and courtesy, and without harassment.
- ★ An APS employee, when acting in the course of APS employment, must comply with all applicable Australian laws. For this purpose, Australian law means any Act or an instrument made under an Act or any law of a State or Territory, including any instrument made under such law.
- ★ An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.
- ★ An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- ★ An APS employee must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment.
- ★ An APS employee must not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment.
- ★ An APS employee must not make improper use of inside information or the employee's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person.
- ★ An APS employee must at all times behave in a way that upholds the APS Values and the integrity and good reputation of the APS.
- ★ An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.
- ★ An APS employee must comply with any other conduct requirement that is prescribed by the regulations.

EMPLOYER VALUE PROPOSITION:

Comcare has established an Employee Value Proposition. As an employer, Comcare is committed to providing with:



DYNAMIC ORGANISATION

It's a great time to work with Comcare.
Get onboard and make a difference!



GENEROUS LEAVE ENTITLEMENTS

Comcare's current Collective Agreement sets out some very attractive leave entitlements.



STUDY LEAVE / STUDY OPTIONS

Up to \$3,000 per year study assistance/5 hours per week paid study leave.



LIFE BALANCE

Flexible working arrangements, employee wellness programs and employee assistance programs.



LEARNING & DEVELOPMENT

Structured on the job training + a year round calendar of professionally facilitated relevant courses.



CAREER PATHWAY

Comcare's capability and career framework allows you to easily identify the skills and competencies required in order for you to move up and along your desired career path.



PERFORMANCE MANAGEMENT

Achieve results through Performance Management. Everybody at Comcare has Individual Action Plan (IAP). Pay point advancements are available through this process.



REWARD & RECOGNITION

Comcare recognises that high performing staff are the key to its success, that's why staff who perform well are rewarded for their efforts through a formal reward and recognition process.



CHRISTMAS CLOSEDOWN

Comcare offices are closed from 12.30pm the last working day before Christmas to the 2nd of January giving all employees a break and a chance to spend some time with family and friends.



GENEROUS REMUNERATION

Comcare is able to offer generous remuneration points on engagement dependent on skills and experience.

Application Cover Sheet

Tip: Complete and save this form before commencing your on-line application.

Vacancy Details:

Job Title	Senior Legal Adviser	Branch	Legal Services
Position Number	Severall	Classification	Executive Level 1
		Location	Canberra

Personal details:

Surname		Given Name(s)	
Title (Mr/Mrs/Miss)		Date of Birth (optional)	
Address		State	P/Code
Phone Number		Mobile Number	
Email Address			

Employment Details: If you are not currently employed in the APS some of the following may not be relevant.

Name of Employer		Your Position/Title	
Are you currently working in the Australian Public Service?			YES / NO
If yes,	ONGOING / NON-ONGOING / CONTRACTOR		
Substantive level		Acting level	

Employment Conditions:

Are you an Australian citizen?	YES / NO		
Have you received a redundancy benefit from an APS Agency, Parliamentary Service, or the Murray-Darling Basin Commission?	YES / NO		
If yes, please specify employer's name and date of cessation:			
Have you ever been found to have breached the APS Code of Conduct?	YES / NO		
If yes, please specify employers' name and date?			
Do you have a security clearance?	YES / NO	If so, what level?	i.e. Protected/Secret

Referees:

Please provide two (2) current referees who have supervised and assessed your performance within the workplace.

Name		Relationship	
Email		Telephone	
Name		Relationship	
Email		Telephone	

Assistance:

Do you require special arrangements to be made for assessment e.g. interview? If yes, a member of the selection panel will contact you for more details (write here for any adjustments required).

Applicants Declaration: I declare that the information provided in this application is true and correct.