

About the Public Interest & Protection Practice Group

The Public Interest & Protection (formerly known as Community Law) practice group:

- advises and represents NSW Government agencies in public interest immunity claims and related protective orders applications in criminal and civil matters, across State and Commonwealth jurisdictions
- advises and represents the Attorney General and Government agencies in relation to the administration of charitable trusts
- represents Government agencies in guardianship, discrimination and human rights matters.

What kind of work can you expect to be involved in as part of this team?

As a member of the Public Interest & Protection practice group, you can expect to have carriage of significant matters in your own name. In most cases, you will be acting on behalf of the Commissioner of Police, the Attorney General, the Department of Communities and Justice, the Commissioner of Corrective Services, the NSW Crime Commission, or other high-profile clients.

The public interest immunity work involves a combination of advice and litigation services in relation to a broad variety of matters to protect State secrets from disclosure. This can entail advising about public interest immunity claims in high profile criminal and civil matters, including assisting with responding to subpoenas, making applications under legislation such as the *Witness Protection Act 1995*, the *Law Enforcement and National Security (Assumed Identities) Act 2010*, and the *Court Suppression and Non-publication Orders Act 2010*, and maintaining and watching briefs at trial.

The work usually involves reading and analysing the criminal facts or pleadings, reviewing and assessing the information or material sought to be protected and understanding its relevance to the proceedings, and providing strategic advice to clients about claims and applications. In consultation with your clients, you will also be responsible for preparing materials including applications, affidavits and exhibits, and other court documents for litigation matters. You will also prepare briefs for counsel, including drafting observations, and will attend conferences with counsel and clients. You may be required to draft advice as to the appropriateness or availability of a public interest immunity claim.

The charitable trust work consists of advice and litigation in relation to applications seeking the establishment of cy pres or administrative schemes by the Attorney General, pursuant to the *Charitable Trusts Act 1993*, or the Supreme Court. The work also involves advising about allegations and complaints made to the Attorney General, in their role as protector of charities, about the administration of charitable trusts, including with respect to whether proceedings for breach of trust should be commenced; whether the Attorney General should intervene in proceedings; and advising about other aspects of charitable trust law as they arise.

The charitable trust work usually involves reading and considering the applications or complaints, making further enquiries as required, and preparing advice in the form of a submission for the Solicitor General, as delegate of the Attorney General. It can also involve acting in proceedings on behalf of the Attorney General, in order to assist the Court and to make submissions in support of the charitable interest. This may require the preparation of evidence, briefing counsel, and assisting with the preparation of submissions. It may also involve participation in mediation.

The team also advises and acts for the Public Guardian, the Attorney General, the NSW Trustee and Guardian and other agencies in matters arising under the *Guardianship Act 1987*. It is

common for these matters to arise in circumstances where a person is dissatisfied with a decision made by the Public Guardian, or by the Civil and Administrative Tribunal. The client may require advice to be provided about prospects. These matters may require the preparation of evidence, briefing counsel, assisting with submissions, and appearances.

You may also have the opportunity to work on discrimination matters, either under the *Anti-Discrimination Act 1977* or with respect to complaints to the Australian Human Rights Commission. This work requires the provision of advice to the client about the complaint of discrimination made against the State, and the preparation of detailed responses to ADNSW or the AHRC. These matters may require participation in conciliation conferences and may sometimes proceed to litigation.

What are we looking for in an ideal candidate?

- Demonstrated ability to manage stressors associated with working on challenging matters that the PI&P team is involved in and the ability to make emotionally informed, wise business and professional decisions that enable you and your team to stay engaged and motivated at work (such as scheduling regular debriefing and seeking help when required).
- Demonstrated ability to conduct complex legal matters independently – i.e., undertake legal research, prepare legal documents, provide high quality legal advice / recommendations to clients and effectively conduct litigation or transactions.
- Prior experience working on matters in criminal or civil law.
- Strong litigation and legal analysis skills, and the ability to work and adapt in a fast-paced environment.
- Prior experience in independently identifying and advising clients on applicable legal risks and their strategic implications.
- Demonstrated experience or transferable skills that enable practice in areas of law in which the Crown Solicitor's Office specialises.
- Demonstrated ability to provide client-focused legal services in line with goals and values of the Crown Solicitor's Office.
- Demonstrated ability to provide professional supervision to other legal roles
 - in preparing legal advice to assure the quality of the advice provided; and/or
 - in the conduct and planning of litigation; and/or
 - prepare and present written and oral submissions which are clear, accurate and persuasive.
- Emotional intelligence, relationship-building skills, and a team-oriented approach to legal practice.

While knowledge of public interest immunity is desirable, it is not a requirement to qualify for this role.

Additionally, an ideal candidate for the role of Principal Solicitor VI will have:

- Capacity to situate legal matters within the client's operational and policy context, and to think strategically towards advancing the client's objectives.
- Ability to formulate and advance major projects, such as continuous improvement and capacity-building initiatives.
- Ability to mobilise resources in the team efficiently towards providing effective client service.

- ☑ Ability to independently manage competing priorities in a high-volume environment, and to support junior colleagues in managing their legal practices.
- ☑ The ability to analyse large amounts of documentation, discern relevant issues and identify legal and procedural implications and solutions

For more details about the team visit:

https://www.cso.nsw.gov.au/Pages/cso_ouexpertise/cso_communitylaw.aspx