

About the Regulatory & Environment (R&E) Practice Group

The Regulatory and Environment practice group conducts summary prosecutions for environmental and other regulatory offences, including under fisheries, water, electoral, child protection, health, transport, and gambling control laws. The practice group advises regulators on issues including enforcement options, criminal law and procedure, evidence, and discrete questions of statutory construction.

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

As a member of the R&E practice group, you will be responsible for conducting or supervising complex summary prosecutions in the Local Court and Land and Environment Court, and appeal proceedings in the District Court, Land and Environment Court, and Court of Criminal Appeal.

The practice group has two major litigated workstreams: prosecutions under the *Fisheries Management Act 1994* and related enactments, and prosecutions under the *Water Management Act 2000*. The practice group also commonly prosecutes offences under the *Children (Education and Care Services) National Law*, and state and local government electoral laws.

In the water workstream, common challenges include attribution of liability, particularisation of charges to avoid duplicity, assessment of technical and expert evidence, proof of environmental harm, and interpretation of legislative instruments. In the fisheries workstream, the primary legal issue arising is the native title "defence" provided by s. 211 of the *Native Title Act 1993* (Cth). Matters in these workstreams are invariably complex and multifaceted, and often the subject of reporting in popular media.

In litigated matters, you can expect to be involved in identifying and construing relevant offence provisions, formulating charges, settling lay and expert evidence, drafting initiating processes and interlocutory applications, assessing briefs and requisitioning further evidence, briefing counsel and experts, and reviewing a large volume of documents for the purpose of complying with the prosecutor's duty of disclosure.

The advice matters in the team are generally of two types: first, advice on prospects of success in a contemplated prosecution, and, secondly, advice on discrete questions of statutory construction arising in the context of particular regulatory regimes. In the case of prospects advices, you can expect to review large volumes of documentary and technical evidence. You will apply prosecution guidelines in such matters. Advices involving a discrete question of construction do not generally involve large volumes of material but are sometimes required within very short timeframes.

Given the high-volume nature of the work and the legal complexity involved, advocacy in the water and fisheries workstreams is generally done by external counsel, though there are opportunities to appear for the prosecutor in procedural and interlocutory hearings in such matters. For lawyers with the right skillset and interest, there are opportunities to appear for the prosecutor in defended summary hearings in electoral, child care, and other prosecution matters, and in sentencing proceedings.

What are we looking for in an ideal candidate?

- ☑ Demonstrated ability to conduct legal matters independently with minimal supervision.
- ☑ Specialist experience in criminal law or another relevant area of law (including administrative law or environmental and planning law).
- ☑ Demonstrated statutory interpretation ability, robust analytical ability, and well-developed technical skills.
- ☑ Prior experience in independently identifying and advising clients on applicable legal risks and their strategic implications.
- ☑ Demonstrated ability to provide client-focused legal services in line with goals and values of the Crown Solicitor's Office.
- ☑ Demonstrated ability to manage stressors associated with working on challenging matters that the R&E team is involved in, and the ability to exercise sound judgement in respect of practice management that enables you and your team to stay engaged and motivated at work (such as debriefing, delegating and seeking help when required).
- ☑ Demonstrated ability to provide professional supervision to other legal roles in:
 - preparing legal advice to assure the quality of the advice provided; and/or
 - the conduct and planning of litigation; and/or
 - preparing and presenting 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 criminal law, administrative law, environmental and planning law 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.

For more details about the team visit:

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