



# ALS

Aboriginal Legal Service (NSW/ACT) Limited

**Position:** **Managing Solicitor (Criminal Law)**  
**Grade 5**

**Based:** **Wagga Wagga Office**

**Application due:** **18<sup>th</sup> May 2017**

**Send to:** **Regional Administrative Coordinator**  
**Email:**

[christy.cromelin@alsnswact.org.au](mailto:christy.cromelin@alsnswact.org.au)

**Ph: 02 68416966**

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Contents of this package:

- ✓ Position Description
- ✓ Selection Criteria
- ✓ Details regarding our selection process and key policy areas
- ✓ Application Form

Additional information about our organisation, including our organisational structure, services and objectives can be found on our [website](http://www.alsnswact.org.au) at [www.alsnswact.org.au](http://www.alsnswact.org.au).

***Aboriginality is a genuine occupational qualification and is authorized under section 14(d) of the Anti-Discrimination Act 1977.***

## 1. ORGANISATIONAL CONTEXT

Aboriginal Legal Service (NSW/ACT) Ltd is an Aboriginal community organisation providing legal advice and court representation to Aboriginal and Torres Strait Islander men, women and children in NSW and ACT.

We practice in Criminal law, Family law and Care and Protection law. We provide information and referral for Civil law, Work and Development Orders, and the Royal Commission into Institutional Responses to Child Sexual Abuse. We operate Australia's only Custody Notification Service. We are assisting in the first justice reinvestment trial in Australia, in Bourke NSW.

The key programs and services provided by the ALS include:

- Legal advice and referral
- Duty lawyer service in specified court locations
- Criminal law advice and litigation
- Care and Protection law advice and litigation
- Family law advice and litigation
- Information and referral for work and development orders
- Family and civil law referrals
- Information and referral for Royal Commission into Institutional Responses to Child Sexual Abuse
- Law reform
- ACT Community Justice Program
- Community legal education and outreach

ALS was established as a Public Benevolent Institution (PBI) to assist economically and socially disadvantaged Aboriginal people understand and protect their rights in the legal system.

The ALS Board, which consists of a Chairperson and part-time members, establishes the broad policies and strategic plan of the ALS.

ALS is the largest agency delivering legal services to Aboriginal people in Australia. We have 23 offices and over 185 staff providing culturally appropriate legal services across NSW and ACT.

## Vision

Just and equitable treatment for Aboriginal people and communities

## Mission

To deliver quality and culturally appropriate legal services that meet the needs and aspirations of Aboriginal people and communities across NSW and the ACT and to be recognised as a leader in this field across Australia.

## Values

- We are proudly Aboriginal
- We acknowledge, honour and respect our traditional values and cultural practices
- We are a community focused
- We are accountable and ethical
- We are making a difference to create a better future

## 2. EMPLOYEE BENEFITS

Employments status	Permanent
Hours per week	35
Salary grossed up due to Public Benevolent Institute status	Tax concession of \$15,049 per FBT year in addition to tax free threshold. Those with HEC/Help debts are encouraged to seek financial advice before entering into these arrangements.
10% Superannuation	0.5% above the current ATO requirement
Superannuation	Paid on <u>grossed- up salary</u> (if earning less than \$66,000)
6 days Special leave	Leave for culturally specific occasions, moving or relocating, volunteering within natural disasters, family reasons and bereavement. 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	Approximately a week plus public holidays. Paid without leave loading.
4 weeks annual leave	Paid with 17.5 % leave loading
Personal /carer's leave	10 days per year. Previously known as sick leave.

Rostered Days Off	1 per month (if time accrued and requirements are met)
Study Leave	2 hours per week (if requirements are met)
Parental leave	Between 2 - 6 weeks depending on length of service
Remote area allowance	Remote offices attract a \$5,000 remote area allowance for solicitors and \$2,000 for field and administration officers.
Remote loyalty bonus	Grades 1 and 2 only. Specific offices.
Mobile phone (smart phone)	With limited personal use
Relocation allowance	Depending on circumstances
Accommodation	Subsidised in selected locations only

### 3. PURPOSE OF POSITION

Provide high quality legal advice and representation to clients, primarily in criminal matters, in accordance with the Aboriginal Legal Service (NSW/ACT) Limited's 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 and assist them to resolve their legal problems.

### 4. REPORTING RELATIONSHIPS

**Supervisor:** Western PLO , Dubbo

**Overall supervisor:** Western Regional Manager, Dubbo

## 5. NATURE AND SCOPE OF POSITION

### MAJOR DUTIES

The position is responsible to:

Court responsibilities (where applicable):

- Local Court
- Circuit travel
- Children's Courts
- Coroner's Court
- District Court
- Crime Commission (if required)

Including high quality appearances, undertaking:

- List work
  - Short matters
  - Defended Hearings
  - Committal Proceedings
  - District Court Appeals and Sentences
  - District Court Trials (instructing counsel and appearing as an advocate in consultation with supervisors)
  - Coronial Inquests
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- Other work consistent with experience as reasonably directed by your supervisor;
  - Prepare and research representation of Aboriginal clients in criminal matters;
  - Demonstrate continuing respect and support for Aboriginal cultural practices in dealing with clients, their families, communities, directors and staff; as an employee of the ALS, continue to learn about the customs and history of local Aboriginal people;
  - Prepare briefs for counsel and attend to instructing counsel as directed;
  - Maintain all files in a tidy and professional manner, including the recording of all data on the file cover required for statistical purposes;
  - Display good time management skills and attend to updating any diary as required in the relevant offices within your Region; co-ordinate diary and court schedules in order to maintain an efficient and effective legal practice;
  - As directed by the PLO act as a mentor to more junior solicitors regarding law and procedure and the operations of the ALS;

- As directed by your supervisor, assist in arranging and monitoring continuing legal education for the more junior solicitors in your Region;
- Develop and maintain computer literacy skills so as to generate and answer emails and short letters;
- Work as a team member with all other legal, field and administrative staff to achieve effective co-ordination in your office and Region service. This will involve good negotiation and communication skills and, at times, will require you to assist, guide and support field and administrative staff;
- Maintain an up-to-date knowledge of relevant criminal law legislation, case law and court procedures;
- Assist with the development of submissions on law reform and represent the ALS at meetings, conference and seminars as directed by your supervisor;
- As directed by your supervisor, oversee the allocation of work and management of workloads including briefing and assignment of work to external legal representatives and the implementation of policies and procedures for those functions within your Region;
- Implement all policies as directed by your immediate supervisor, senior management and the Board of Directors including any dealing with the use and condition of computer technology and programs and participate in your Region in their implementation;
- 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 (OH&S)

## **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 behaviors 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, practices and community needs.

- Adapting to new systems and technology which have a significant impact on the legal practice.
- Effectively balancing the requirements of managing a busy caseload.

## **DECISION MAKING**

The position is guided in its decision-making by legislation such as Legal Profession Act 2004; by the ALS policies and guidelines and ALS 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 seeks the advice and support of the PLO on a regular basis and consults with the PLO before determining applications for merit in complex matters.

## **COMMUNICATION**

### **Internal**

- The key relationship is with the Regional Manager within the Region.
- The position holder also creates and maintains positive relationships with other ALS staff.

### **External**

- The position holder has regular contact with clients and potential clients requiring legal assistance, support and referral.
- The position holder creates and maintains positive relationships with Aboriginal Communities, government and non-government service providers.

## **6. SELECTION CRITERIA**

### **Essential**

- Minimum 4 years experience in Criminal Law
- Up-to-date knowledge of the Criminal Law, including practice and procedure;
- Proven capacity to identify and understand legal issues facing socially and economically disadvantaged Aboriginal/Torres Strait Islanders peoples;



- Capacity and motivation to provide quality legal representation to Aboriginal people in rural and remote communities;
- Excellent written and verbal communication skills;
- Demonstrated ability to maintain files in a tidy and professional manner;
- Excellent time management skills;
- Computer literacy and capacity to generate legal correspondence; and willingness to drive or fly lengthy distances within the Region and stay overnight or longer to undertake court work or training.
- Demonstrated capacity to take on and maintain heavy LC/CC workload
- Demonstrated experience mentoring junior solicitors
- Willingness to undertake short matter work in the DC
- Demonstrated experience with committal matters
- Current and valid driver's 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 to undergo:

- Criminal History Check
- Working with Children Check.
- Approved access to Correctional Centres, Court and Police cells.
  - Enrolled in and complete an approved and accredited legal advocacy course.

**PLEASE NOTE: We require a copy of your resume, a completed application form (see next page), responses to the selection criteria plus a copy of your current valid Driver's Licence. Have you provided these four items?**



# ALS

Aboriginal Legal Service (NSW/ACT) Limited

## **CONFIDENTIAL APPLICATION FOR EMPLOYMENT**

Please complete this form using either BLOCK capitals, typewritten format or electronically.

A CV or Resume will not be accepted as a substitute for this form.

This form should be signed and dated.

Information provided on this form will be used for the short-listing process. It is therefore your responsibility to ensure that you demonstrate, on this form, what makes you suitable for employment at the ALS.

ALS reserves the right to exclude any application from the selection process when the instructions outlined on this form have not been followed.

### **PERSONAL DETAILS**

First Name \_\_\_\_\_

Surname \_\_\_\_\_

Title \_\_\_\_\_

Date of Birth (optional) \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone (Evening) \_\_\_\_\_

Telephone (Day) \_\_\_\_\_

Telephone (Mobile) \_\_\_\_\_

Email \_\_\_\_\_

Please provide full details of any previous names \_\_\_\_\_

\_\_\_\_\_

**POSITION APPLIED FOR**

\_\_\_\_\_

How did you hear about the job vacancy? \_\_\_\_\_

*Please name the source Eg. ALS Website, Facebook , ALS Employee, SMH, OUR MOB.com, Ethical Jobs, Koori Mail, AMS Notice Board, RRR Law Website, Community Notice Board, SEEK, other...*

**DRIVERS LICENCE**

Do you have a current valid Driver's Licence?                      Yes                      No

If yes, please provide a copy of your Driver's Licence with this Application Form.

**HEALTH**

Do you have any medical conditions or disabilities which the ALS should be aware of?

This question is asked to enable consideration to be given to the provision of **CONFIDENTIAL** assistance to you, if you request such assistance. This would be to your benefit in the event of an emergency. (Optional)

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**CONVICTIONS**

Have you been charged or convicted of a criminal offence, a child related offence, or a domestic violence offence?            Yes            No

If yes, give details \_\_\_\_\_

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Please provide all details if you are currently subject to any Court Order (including an Apprehended Violence Order or interstate/overseas equivalent).

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It should be noted that convictions for certain offences do not necessarily deter an applicant from obtaining employment.

**REFEREES (if not noted on your Resume)**

***A WRITTEN REFERENCE FROM THE TWO REFEREES IS PREFERRED.***

Please give details of two referees from any suitable person (over 18 years and not related to you).

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Relationship \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Relationship \_\_\_\_\_

## DECLARATIONS

I hereby certify that the information I have provided on this form and in the attached documents is true and correct in every respect.

I hereby certify that if I am successful in obtaining a placement at ALS, I will comply with all lawful and reasonable directions from my manager.

I hereby certify that by signing this application form that I authorise the ALS to contact either by letter, telephone or any other means, any person/organisation that the ALS considers necessary to confirm any of the information I have provided in this application form. I also acknowledge that, if necessary, the ALS may need to obtain other information about me, for example conducting a Criminal Reference Check / Working with Children Check.

**I understand that any misrepresentation by me will lead to the withdrawal of any offer of employment or my employment being terminated.**

Signed \_\_\_\_\_

Date \_\_\_\_\_

## YOUR CHECKLIST

I have attached:

- ✓ A copy of my up-to-date Resume
- ✓ A statement responding to the Selection Criteria
- ✓ The ALS Application form
- ✓ A copy of my Driver's Licence / or another form of identification

## **FURTHER INFORMATION**

### **HINTS ON HOW TO RESPOND TO THE SELECTION CRITERIA**

1. Read the selection criteria (below) very carefully and establish what each one is asking. To do this, look for key words and determine what they mean. Some examples of key words frequently used are:
  - a. "Demonstrated" or "proven ability" mean that you should have successfully performed the duty or used the skill in the past. Actual experience rather than potential to perform the duty is required.
  - b. "An ability to rapidly acquire" means that if you do not already have the skills, knowledge and abilities you may demonstrate your potential to acquire these by comparing them to relevant tasks or responsibilities you have undertaken in previous positions or through study.
  - c. "Thorough", "sound" or "a high level" indicates that advanced skill or knowledge is required.
2. Ensure that you respond to all components of the selection criteria.
3. Relate the selection criteria back to the key duties and responsibilities for the position (see position description above) however remember that your response should focus on all of your relevant skills, knowledge and experience not just those relating to the duties and responsibilities for the position.
4. Address each selection criterion by outlining how your qualifications, experience, skills and abilities meet those required for the position.

Follow the guidelines below when responding to selection criteria. State each of the selection criteria as a heading and write your response underneath. Include the following in your response:

#### **An initial statement**

This should be a clear statement of how you meet the criterion. For example:

- "This is what I do"
- "I possess these skills"
- "My role as X demands that I..."

### **Supporting argument**

Justify your initial statement by showing how you meet the criterion. Identify the key issues for each selection criterion and include these in your response. Provide 1 or 2 examples that best demonstrate your skills, knowledge or abilities and cover as many of the relevant key issues as possible. The examples need to include:

- Content - what occurred and what you did
- Context - your responsibility: whether you were in charge, responsible or part of a team that was responsible
- Outcome - what happened as a result? Was your work approved? Adopted? Successful?
- What difference did your work make to the organisation?

### **Validity statement**

Validate your example by showing supporting evidence. For example:

- "Attached examples verify..."
- "Feedback from clients was..."

### **Concluding statement**

Reinforce again why and how you meet the criterion. Relate your response back to the criterion. For example:

- "I believe that through this I have gained..."
- "This demonstrates..."

It is your responsibility to convince the selection committee that you are the best candidate for the position. As the selection of candidates for interview is based solely on the information provided in the application, you must ensure that the information you provide is sufficient for the selection committee to assess the strength of your application.



## **SELECTION PROCESS REQUIREMENTS and KEY POLICY AREAS**

All appointments to ALS are based on merit. This means that each applicant is assessed on merit against the knowledge, skills, abilities, experience, qualifications and standard of work performance identified in the position description and selection criteria.

***All ALS Field Officer roles are Aboriginal and Torres Strait Islander identified.***

### **THE SELECTION PANEL**

The selection panel is responsible for selecting the best suited candidate for the position. The selection is based on merit and the selected candidate will best satisfy the selection criteria. The selection committee must base its decision on material presented by the applicants in writing, at interview, and from referees. Interview candidates will be advised of the composition of the panel prior to interview.

#### **Short listing**

If there are a number of applicants for the position, the selection panel will assess each application in order to identify which applicants will be further assessed.

#### **Interviews**

The members of the selection panel have a variety of selection techniques available to them. The most common technique used in the ALS is the interview, which may take the form of:

- A structured interview in which a series of predetermined questions relating to the selection criteria are asked of each applicant. Additionally, questions may be asked which explore issues raised by the applicant's responses
- Case studies in which the panel gives the applicant a realistic scenario and asks them what they would do in the given situation

Applicants are ranked according to how well they address the selection criteria, both in their written application and during the interview.

#### **Reference Check**

In your application, nominate at least two referees who have firsthand knowledge of your work performance - preferably your current or most recent supervisor. Be sure that you state their name, position, organisation/department and phone number.

The checking of references is a technique that confirms or clarifies claims that you have made in your application, interview or other selection activities. At the end of the interview process, the selection panel will contact the identified referees for those applicants who are being considered for the position.

If you have not mentioned your current supervisor as a referee, the selection panel may still wish to contact them if you are considered for appointment. Your consent will be required prior to any contact being made.

Your responsibilities to your referees

- Ask if they will act as a referee for you and notify them when you apply.
- Make sure that your referee is comfortable with your application and that they consider that you have the necessary skills to undertake this type of position.
- If you are short listed for an interview, give them a copy of the position description, which includes the selection criteria. This allows them time to think about their responses.

### **Appointment**

As a result of the selection process, the “best fit “is offered the position. All applicants are advised in writing whether they are successful or unsuccessful.

To be appointed as a “Field Officer “with the ALS you must be an Aboriginal or Torres Strait Islander (Aboriginality being a genuine occupational qualification and is authorized under section 14(d) of the Anti-Discrimination Act 1977). Proof will be required.

### **PROTECTION POLICY**

ALS is committed to the safety and protection of clients in our care. As part of our policy regarding this, prospective applicants may need to give permission for the organisation to conduct a Criminal History Check and if appropriate a Working with Children Check. Applicants are also asked to agree to provide information about any outstanding charges and, in the event of employment, agree to advise of any charges referred throughout the period of employment.

## **PROFESSIONAL AND ETHICAL CONDUCT**

ALS has a responsibility to its stakeholders to ensure the professional and ethical conduct of its employees. As such it is important that prospective applicants understand the core values of our Code of Conduct policy as the standard of conduct required. These core values are:

- Treat all the people that we come in to contact with respect and dignity
- Uphold the law, respect community standards, and act accordingly
- Use ALS property responsibly and in the best interests of ALS and its reputation, and
- Accept that we are responsible for our actions and accountable for the consequences.

## **EQUAL EMPLOYMENT OPPORTUNITY**

ALS is committed to Equal Employment Opportunity (EEO) and providing a working environment free from discrimination, intimidation, victimisation and harassment (direct or indirect). ALS applies EEO principles to all recruitment and selection activities.

ALS values its EEO and Anti-Discrimination Policy aims to create an environment where all workers are valued and respected and have opportunities to develop their full potential and pursue a career path of their choice.

## **WORK HEALTH and SAFETY**

ALS is committed to providing a safe and healthy working environment. The organisation believes that all illnesses and injuries can be prevented and supports early intervention in the rehabilitation process. The organisation will adhere to all relevant laws and regulations regarding safety and implement a comprehensive Work Health & Safety Program focused upon consultation and continuous improvement.