



POSITION DESCRIPTION

Position	Privacy/Commercial Lawyer
Reports to	Principal Legal Officer
Direct Reports	N/A
Status	Part time/ Full time
Location	Based at the Preston office

BACKGROUND

The Victorian Aboriginal Child Care Agency (VACCA) is the largest organization of its kind in Australia. VACCA is an Aboriginal community-controlled organization that supports and advocates for the Aboriginal community. Our strength lies with our people. Our team is committed to the organisation's vision and values; advocates for our children and other vulnerable community members; and shows respect for, observance and compliance with Aboriginal cultural protocols, practice and ceremony. Our Aboriginality is what distinguishes us from mainstream services and what enables us to deliver the positive outcomes we achieve for our people.

VACCA employs over 600 staff and delivers more than 70 programs across the state. VACCA's experience and expertise in the delivery of therapeutic interventions are underpinned by culture, connection, and healing. VACCA designs, develops and delivers programs with self-determination and an understanding that the intergenerational trauma experienced by our community requires intergenerational and community healing. Through Cultural Therapeutic Ways VACCA is implementing a whole of agency approach to guide VACCA's practices of healing for Aboriginal children, young people, families, community members and carers who come into contact with our services, as well as creating a safe and supportive workplace for staff.

Central to VACCA's work is the importance of connection to family, community and culture as essential to Aboriginal children's safety, stability and ensuring that they have an ongoing sense of belonging. As Victoria's largest Aboriginal child welfare agency, VACCA will play a key role in the process of transitioning the care and case management of Aboriginal children from government and non-Aboriginal organisations to Aboriginal community-controlled organisations following the recent decision of the Victorian Government.

VACCA is implementing cultural therapeutic ways which is an agency wide framework that underpins our work with the community, our clients and staff..

PROGRAM AREA

In line with the Victorian Government's policy of self-determination for Aboriginal people, in 2017 the Secretary of DHHS exercised, for the first time, the power under section 18 of the *Children Youth and Families Act 2005* to authorise the Chief Executive Officer of VACCA with functions and powers conferred on the Secretary in relation to protection orders in respect of Aboriginal children.

Critical to the implementation of this reform was the establishment of an in-house legal service at VACCA to provide legal advice and representation to the VACCA's section 18 program (Nugel) as the applicant in Children's Court proceedings. VACCA's In-house Legal Service (**ILS**) has grown to provide advice and



support to the greater organisation on a range of matters relating to privacy, commercial litigation, information management, intellectual property and legislative reform.

POSITION SUMMARY

VACCA's Privacy/Commercial Lawyer will provide legal advice and representation to the VACCA's CEO. This will include the provision of legal and strategic advice on client services projects, programs and cases. From time to time the position may also contribute to a diverse range of projects that advance the interests of the organisation in the broader political arena including advocating for Aboriginal rights, law reform and self-determination.

The primary responsibility of the Privacy/Commercial lawyer will include managing and providing advice on matters relating to privacy, data protection, intellectual property and information management, including requests for information. The position will also provide general advice on commercial matters, including reviewing and drafting agreements and other documents.

The position will be required to review current processes and procedures relating to privacy and provide training to other team members and staff. The role will also support the other work within the unit as required.

KEY SELECTION CRITERIA

Essential

1. Demonstrated understanding of, and commitment to, the values that underpin VACCA' vision and purpose and the capacity to take a leadership role in championing these internally and externally.
2. Demonstrated awareness and appreciation of Aboriginal societies and cultures, and commitment to continually build knowledge of such, along with a high level of awareness of the key issues which impact upon Aboriginal communities.
3. Proven experience and knowledge in legal matters relating to commercial, privacy and information management, with a minimum of 2 years post qualified experience (PQE).
4. Sound knowledge of Freedom of Information and Privacy legislation and a strong understanding of compliance requirements in a highly regulated and complex environment.
5. Knowledge of or ability to quickly acquire knowledge of the Child Information Sharing Scheme, and Family Violence Information Sharing Scheme.
6. Proven ability to conduct legal research and to quickly assimilate and analyse information to create solutions and provide strategic advice.
7. Demonstrated high level interpersonal skills with the ability to understand Aboriginal history and values to build trusting relationships and engage effectively with a broad range of stakeholders including Aboriginal people, Aboriginal organisations, clients, government departments, courts and the legal profession.
8. Demonstrated ability to produce high quality written material including drafting and reviewing agreements on a range of issues for different audiences or purposes.
9. Demonstrated proficiency in MS Outlook and MS Word.



Highly desirable

1. Experience or knowledge of relevant inquiries, case law or law reform in relation to issues impacting Aboriginal people in Australia and/or Victoria.

EDUCATION/QUALIFICATIONS

Mandatory

- Bachelor of Law
- Admitted as a legal practitioner in Victoria

Desirable

- Aboriginal and Torres Strait Islander applicants are encouraged to apply

REQUIREMENTS

- You must have and continue to hold a full Victorian Driver's Licence and a current employment working with children check card.

POSITION ACCOUNTABILITIES

The key responsibilities of this role are as follows:

- Providing strategic legal advice on a range of matters including those relating to commercial litigation, privacy, intellectual property and information management;
- Overseeing, managing & liaising with other units regarding the implementation and ongoing operation of privacy transformation initiatives across VACCA. This would include reviewing and developing VACCA's current privacy, information management, confidentiality and other policies, guidelines and factsheets;
- Managing and engaging with other divisions within VACCA for the continuous improvement of the organisations privacy strategy and framework to grow and maintain privacy maturity. This would include developing information and privacy training to VACCA staff and assisting with the development of eLearning and other training materials;
- Supporting and monitoring compliance with applicable information and privacy laws, including the Victorian Information Privacy Principles within the Privacy and Data Protection Act 2014;
- Coordinating and executing core privacy processes including those relating to complaints and management of data breaches, with other units within the organisation;
- Supporting the business in the creation and implementation of information sharing agreements in-line with OVIC guidelines, MARAM, information sharing schemes and legislation;
- Responding to and providing advice for information requests including Freedom of Information, Commission for Children & Young Person's Inquiries, Coronial inquests, civil litigation and under the Redress scheme;
- Reviewing, providing advice and drafting legal agreements and other correspondence;
- Providing legal support in commercial litigation matters, including management of external lawyers briefed in litigation against VACCA;



- Supporting the business in managing VACCA's Intellectual Property, including through the provision of legal advice that is consistent with the organisations Intellectual Property Management Plan.

General duties:

- Participate in relevant organisation meetings, training and other relevant forums as required
- Undertake general administrative work and other duties as directed.

HEALTH, SAFETY & WELLBEING

- Ensure compliance with the OH&S Act and VACCA policies.
- Contribute positively and proactively to team and organisation wide OH&S activities.

QUALITY & CONTINUOUS IMPROVEMENT

- Ensure compliance with legislation, contract and policy requirements in your day to day work in order to meet the organisation's audit, contract and registration obligations.
- Proactively apply your specialist knowledge in the review and maintenance of HR policies, systems and processes.
- Continue the development of a culturally strong and positive working environment using a continuous improvement approach.

OTHER

- Generate general and specific communication to stakeholders via effective and timely use of Staff Bulletin, intranet, forums and other opportunities as they arise.
- Participate proactively in team project initiatives
- Support other team members in periods of high demand and during periods of absence.
- Undertake other duties as directed

ADDITIONAL INFORMATION

- We are committed to Aboriginal self-determination and supporting strong, safe, thriving Aboriginal communities and aim to ensure every individual is treated with dignity, honouring all cultural backgrounds, abilities, ethnicities, sexual orientations, gender identities and spiritual beliefs.
- VACCA is a child-safe organisation and is committed to ensuring the safety and wellbeing of children and young people with zero tolerance for child abuse. All successful applicants will be required to undertake a National Police Record Check and Working with Children Check prior to commencement of employment and periodically following commencement.
- VACCA is an equal opportunity employer and has a smoke-free workplace policy.