



VACCA
Connected by culture

POSITION DESCRIPTION

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| Position | Lawyer/Senior Lawyer |
| Reports to | Principal Lawyer |
| Direct Reports | NA |
| Status | Part time / Full time |
| Location | 1 x Preston, 1 x Morwell / Dandenong preferred. Other locations and / or hybrid arrangements may also be available. |

BACKGROUND

The Victorian Aboriginal Child Care Agency (**VACCA**) operates within the context that Aboriginal children continue to be significantly over-represented in the Victorian protection and care system. VACCA considers that it has the responsibility and opportunity to advocate for and achieve positive changes in the lives of Aboriginal children, their families, and the broader Aboriginal community.

As a statewide community-based Aboriginal organisation VACCA has extensive experience in delivering a range of community services programs to the Aboriginal community with a particular focus on vulnerable children, families, and community members.

VACCA provides services in all regions and is a key point of policy advice for the Department of Fairness, Families and Housing (**DFFH**) on Aboriginal community wellbeing especially in child and family welfare matters.

PROGRAM AREA

In line with the Victorian Government's policy of self-determination for Aboriginal people, since 2017 the Secretary of DFFH has, pursuant to section 18 of the Children, Youth and Families Act 2005, authorised the Chief Executive Officer of VACCA to exercise functions and powers conferred on the Secretary in relation to Aboriginal children on protection orders.

This enables VACCA to make all decisions in relation to the care, case planning and case management of children who have been authorised to VACCA. The name for VACCA's section 18 program is Nugel, a Wurundjeri word meaning "belong".

Legislative amendments mean this program is expanding so that Nugel will also be carrying out pre-Court investigations and making decisions relating to protection applications in the Children's Court.

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 Nugel Program as the applicant in Children's Court proceedings. VACCA's In-house Legal Service (VACCA Legal) takes a human rights-based approach to child protection for Aboriginal children recognising inherent cultural rights, including identity and connection to family, Country, and community in addition to the right to protection from all forms of harm.



VACCA Legal, and the Nugel Program work with vulnerable children and complex families to progress a unique, culturally-appropriate model of child protection. This ground-breaking law reform was first of its kind in Australia and a significant step towards realising self-determination in both the delivery of legal services as well as in the child protection arena in Victoria.

While Nugel is the primary focus of VACCA Legal's work, the team also provides advice to other areas of VACCA managing issues as diverse as responding to inquiries, civil litigation, and strategic policy.

POSITION SUMMARY

The primary responsibility of the VACCA Lawyer/Senior Lawyer is to provide legal advice and Court representation to VACCA's Nugel Program.

This is a unique opportunity to be part of a groundbreaking program at the cutting edge of child protection law for Aboriginal children. Our practice is human rights informed, and VACCA Legal works creatively with Nugel to find solutions that protect children but also keep them close to family, community, and culture.

The role involves significant Courtroom advocacy, but with a difference. VACCA Nugel's approach requires cultural sensitivity, diplomacy, and balance, and in advising our VACCA clients we listen and respect diversity of professional and lived experience. For these reasons it is an exceptional opportunity for lawyers who want something more from their work.

Lawyers will also advise on other matters within VACCA including responses to inquiries, civil litigation, human rights issues, and strategic policy. From time to time, they 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.

Locations:

One role is intended to be focused on VACCA's Morwell office. This can be based there or in another VACCA office such as Dandenong (in which case travel to Morwell approximately 1-2 days per week is anticipated).

The other role is intended to be based at our Preston Head Office.

Both roles may involve occasional travel to other offices/courts within Victoria.

There may be room to discuss being based at other VACCA Melbourne or regional offices, and flexible/hybrid arrangements may also be open for the right candidates.

A Senior Lawyer will also be expected to demonstrate professional leadership, take on more complex matters and assist the Principal Lawyer with mentoring Lawyers.



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KEY SELECTION CRITERIA

Essential

1. 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.
2. Advocacy skills with the ability to confidently and sensitively represent VACCA in court proceedings and dispute resolution conferences.
3. Demonstrated ability to produce high quality written materials addressing a range of issues for different audiences or purposes.
4. Demonstrated capacity to employ critical analytical skills to solve problems or provide policy solutions.
5. Demonstrated high level organisational skills, attention to detail and the ability to work under pressure and prioritise competing demands.
6. Demonstrated ability to work both autonomously and collaboratively as part of a team.

Highly desirable

1. Knowledge of or experience in Magistrates' or Children's Court proceedings, laws and/or policies.
2. Experience appearing as an advocate in court proceedings.

EDUCATION/QUALIFICATIONS

Mandatory

- Bachelor of Laws/Juris Doctor
- Admitted or eligible for admission as a legal practitioner in Victoria
- Regular attendance in Morwell (1x role); occasional travel to other VACCA offices and courts in Victoria (both roles).
- Current driver's licence (applicants without this may be considered provide they are able to attend relevant offices and courts).

Desirable

- Aboriginal and Torres Strait Islander applicants are encouraged to apply.

POSITION ACCOUNTABILITIES

Legal advice and representation to VACCA's Nugel Program

- Appear as advocate on behalf of VACCA as applicant in Children's Court proceedings, and in Conciliation Conferences (mediations).
- Provide early legal advice to VACCA's Nugel program at key points including client entry into program, investigation, case planning and review and new information or reports which may alter case direction and lead to litigation.
- Provide legal advice to VACCA's Nugel Program regarding the making of court applications and recommending dispositions and conditions to seek on final orders.

- Provide legal advice and assist with final settlement of court documents including court reports, applications, warrants, subpoenas, witness summons and affidavits.
- Prepare correspondence to other parties regarding progression of legal proceedings.
- Negotiate the settlement of legal issues in dispute prior to, or during litigation of court applications made pursuant to section 18.
- Provide ongoing training, mentoring and continuous support for the development of the legal knowledge and court skills of VACCA's Nugel Program, particularly in relation to identifying and gathering evidence and drafting court reports.

Other legal and policy work

- Provide program advice across VACCA as required on matters such as inquiries, civil litigation, redress claims, and non-Nugel child protection issues.
- Prepare high-level written material such as policies, reports, submissions, and other documentation with legal or human rights content.
- Provide advice and assist the organisation to implement legislative reforms that are relevant to the Aboriginal child welfare sector.
- Assist in the design and delivery of training on human rights and child protection laws for relevant stakeholders.
- Provide consultation and advice to client services staff regarding the production of documents and/ or giving evidence in Children's Court proceedings.
- Provide advice in relation to requests for confidential information under the information sharing scheme and/or privacy legislation.

General duties

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

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.

This position is designated under the Multiagency Risk Assessment and Management framework (MARAM) Identification (Tier X) level which requires mandated MARAM Family Violence Screening & Identification training and responsibilities