

POSITION DESCRIPTION

"We acknowledge the Aboriginal and Torres Strait Islander people as the first peoples and Traditional Owners and custodians of the land and waterways on which we live. We honour and pay our respects to Elders past and present."  

POSITION DETAILS

Title:	Senior Lawyer, External Interventions	
Classification	VPS 5	
Position No:	LSC498	
Work location:	Level 27/500 Bourke Street, Melbourne (flexibility may be available)	
Employment type:	Temporary contract	
Reports to:	Assistant Manager	Intervention & Enforcement

ORGANISATIONAL ENVIRONMENT

The Victorian Legal Services Board and Commissioner (VLSB+C) is the independent regulator of the legal profession in Victoria. We license lawyers and oversee service standards and conduct. This includes handling complaints about lawyers, investigating poor conduct and overseeing management of trust accounts. We are also the stewards of the Public Purpose and Fidelity Funds and administer these to support legal regulation and access to justice in Victoria.

Our [strategy](#) sets out our key goals: to protect and empower consumers of legal services; to improve legal practice and ethics and to improve access to justice. Our strategic plan aligns our work across our four divisions and details what we plan to do to achieve these goals over.

Our people are passionate about ensuring the integrity of the legal profession and supporting public trust and confidence in the profession. Working at the VLSB+C is an opportunity to be part of a dynamic, flexible and agile work environment, in an organisation where you will make a real impact on the public's experience of legal services.

OUR COMMITMENTS

([more information](#))



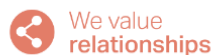
We
adapt



We are
courageous



We
collaborate



We value
relationships



We lead
and inspire

DIVISION CONTEXT

The **Legal & Investigations Division** deploys a fascinating and broad range of investigatory and regulatory functions and tools to protect consumers of legal services, improve legal practice and ethics and enhance access to justice. Taking a creative, efficient and impact-focused approach, we work closely with other Divisions and the CEO/Commissioner to achieve whole of organisation success.

Our regulatory functions and tools include early detection and prevention (including lead generation through data analysis, compliance audits and trust account investigations), disciplinary investigations and prosecutions, issuing binding determinations for misconduct, suspending or cancelling practising certificates, investigating and prosecuting criminal activity such as unqualified practice and theft, and investigating lawyers that abuse their privileges or enable others' unlawful conduct. We advise the Board on the appointment of external interveners (such as supervisors of trust money and managers) to take over law practices which may follow particularly serious misconduct. We also investigate and make decisions in relation to Fidelity Fund claims for loss to clients following dishonesty.

We provide legal analysis and advice relating to the exercise of our functions, which often involves complex questions of statutory interpretation and public law. We conduct a wide range of litigation in civil, criminal and administrative law jurisdictions. Our investigations, decisions and litigation are frequently impactful and high profile.

The **Intervention & Enforcement (I&E) Team** carries out several regulatory functions which directly affect practitioners, consumers and, more broadly, the public's trust and confidence in the legal profession. For example, in a case where a practitioner engages in criminal conduct, the I&E Team may oversee the external intervention of the practitioner's law practice, assess and make recommendations about any Fidelity Fund claims arising from the conduct, and investigate and then refer the conduct to Victoria Police for prosecution. The I&E Team is also responsible for responding to concerns about unqualified legal practice, adopting the most effective and proportionate course in each matter

POSITION CONTEXT

The position Senior Lawyer, External Interventions reports to the Assistant Manager, Intervention & Enforcement and works in conjunction with incumbent External Interventions solicitors.

As the successful applicant, you will oversee external interventions at law practices pursuant to Chapter 6 of the Uniform Law. Within tight timeframes, you will assess the need for possible intervention, liaise with a range of stakeholders (e.g. the practitioner or their family/legal representative and law practice clients), and prepare recommendation papers for the Board. Following appointment, you will liaise with the appointed intervener and make contact with other parties as required to ensure the external intervener can exercise their functions effectively (e.g. liquidators and trustees in bankruptcy; solicitors and counsel regarding related litigation, who may sometimes need to be instructed to commence or defend actions on behalf of the Board; etc.).

You will analyse the reports received from external interveners, consider and liaise with other VLSB+C staff and external entities in respect of disciplinary or criminal conduct and/or a range

of regulatory issues that may be disclosed and provide legal and strategic advice regarding the same. This may involve formal investigation, evidence review and provision of internal advice including recommendations to senior management and/or the Board - possibly leading to managing/conducting litigation (including briefing/instructing external lawyers).

It is also expected that you will enhance the capacity of other Team members to undertake external interventions work to broaden the Team's skill base. A capacity and willingness to undertake legal and analytical work relevant to the Team's broader functions is also required. You will also need to liaise closely with Team members carrying out the Board's Fidelity Fund function where external interventions involve the alleged loss of clients' monies from the law practice trust account because of allegedly dishonest or fraudulent conduct by the law practice or one of its associates.

The role also requires regular contact internally with all staff and externally with legal professional bodies, members of the public, complainants, legal practitioners, firms, forensic accountants, banks, police, other regulatory bodies, and court and tribunal staff.

POSITION RESPONSIBILITIES

1. Undertake all functions necessary for the effective discharging of the Board's External Interventions function.
2. Where appropriate alternatives to formal intervention exist to respond to a dysfunctional or distressed law practice, undertake all work necessary to resolve the issue(s), particularly dialoguing with the law practice and other stakeholders.
3. Manage relationships with relevant principal stakeholders being (among others) lawyers and external interveners, ensuring that the interests of clients are protected and that interventions are finalised in a timely fashion through appropriate communication and problem solving techniques. Liaise as required internally, including with Fidelity Fund staff and trust account investigators.
4. Handle litigation undertaken in relation to external interventions and issues ancillary to external interventions.
5. Consider implications for the External Interventions budget, ensuring that high quality and timely services are delivered as cost effectively as possible.
6. Work collaboratively within the Team (including guiding and mentoring more junior lawyers) and with other teams in using all regulatory tools available to provide high quality and responsive services to the profession and provide opportunities to improve the delivery of legal services to consumers.
7. Assist in the delivery of public presentations to external bodies and organisations that positively represent and enhance the reputation of VLSB+C.
8. Other duties as required.

KEY SELECTION CRITERIA

Qualifications or specialist requirements

Essential

- Minimum four years post-admission legal experience, with a sound knowledge of private legal practice.
- Strong analytical and problem solving skills.
- Developed communication skills (written and verbal).
- A high level of understanding of how to interpret and apply legislation.
- Must have completed a degree in Law and been admitted to practice in the Supreme Court.
- Must hold a current Victorian practising certificate.

Desirable

- Civil litigation and/or insolvency experience highly desirable.

Capability requirements

- Personal Attributes
 - **Resilience** - Gives frank and honest feedback/advice. Listens when ideas are challenged, seeks to understand the nature of criticism and respond constructively; Displays confidence and conviction when communicating an opinion
 - **Working collaboratively** - Build a supportive and cooperative team environment; Engages other teams to share information in order to understand or respond to issues; Support others in challenging situations
- Enabling Delivery
 - **Critical thinking & problem solving** - Resolves issues through deep understanding or interpretation of existing guidelines. Where guidelines are not available, analyses ideas available and takes action through self, or in consultation with others to resolve problems. If required, determine additional information needed to make informed decisions. Applies critical thinking and problem solving concepts in the right context
- Authentic Relationships
 - **Communicate with impact** - Prepares and delivers logical sequential and succinct presentations; Uses clear and concise language; Uses media appropriate to the audience and presents information to develop the understanding of the topic

- **Stakeholder management** - Takes steps to add value for the client or stakeholder; Links people with other areas as appropriate; Monitors client and stakeholder satisfaction; Constructively deals with stakeholder issues

NEW EMPLOYEE VALUE PROPOSITION

([more information](#))



OTHER RELEVANT INFORMATION

1. This position description is an overview of the position; changes to the position should be expected – reflecting changes in VLSB+C goals and priorities, activities or position focus.
2. The salary range for this position is set out in Schedule C of the [Victorian Public Service Enterprise Agreement 2024](#).
3. The appointment will be governed by the provisions of the [Victorian Public Service Enterprise Agreement 2024](#) or, for Executives, the [Executive Officer Handbook](#) and VLSB+C relevant policies.
4. Employees are required to comply with the provisions of the [Victorian Public Sector Code of Conduct](#).
5. Appointment will be subject to abiding by our Flexible Working Procedure which defines the number of required in-office days at Level 27, 500 Bourke Street (including the 'team day' of your team) and receiving a successful outcome of the VPS pre-employment screening process, including by providing a completed VPS Pre-Employment Statutory Declaration, Misconduct Declaration and Consent Form.
6. Your appointment may be subject to a satisfactory National Police Record Check, provision of evidence of qualifications required for your position and/or a probation period.
7. Re-employment restrictions apply to former public servants who were recipients of a voluntary departure package.
8. The VLSB+C is committed to good electronic recordkeeping and requires all staff to routinely create and keep full and accurate records of their work-related activities, transactions and decisions, using authorised electronic systems.
9. VLSB+C is committed to equal employment opportunity, ethical practice, diversity, inclusion and providing reasonable adjustments for persons with disabilities.

PRIVACY STATEMENT

The collection and handling of information will be consistent with the requirements of the *Privacy and Data Protection Act 2014*.

The **Information Owner** is accountable to ensure that information in their charge is protected and is responsible for ensuring that information assets is treated in accordance with the VDPSF framework.