# Chief Legal Counsel (Deputy Commissioner)

## Candidate Information Pack

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# Candidate Information Package

# Chief Legal Counsel (Deputy Commissioner)

**Affirmative Measures: Disability**

# About the NDIS Quality and Safeguards Commission

The NDIS Quality and Safeguards Commission (the NDIS Commission) is an independent agency established to improve the quality and safety of NDIS supports and services. The NDIS Commission is the dedicated national regulator of NDIS service providers in Australia and a non-corporate entity under the Public Governance, Performance and Accountability Act 2013.

The NDIS Commission works with people with disability, the National Disability Insurance Agency (NDIA), governments and the sector who together deliver the National Disability Insurance Scheme (NDIS).

We are committed to fostering a workforce made up of talented people from a diverse range of backgrounds and experiences, including people with disability, First Nations peoples, people from culturally and linguistically diverse (CALD) backgrounds and LGBTIQA+. We know a diverse workforce and inclusive workplace drives our success.

# The NDIS Commission’s core legislative functions are to:

* uphold the rights, and promote the health, safety and wellbeing, of people with disability receiving supports or services, including those received under the National Disability Insurance Scheme
* develop a nationally consistent approach to managing quality and safeguards for people with disability receiving supports or services, including those received under the National Disability Insurance Scheme
* promote the provision of advice, information, education and training to NDIS providers and people with disability
* secure compliance with relevant legislation through effective compliance and enforcement arrangements, including through the monitoring and investigation functions conferred on the NDIS Commissioner by legislation
* promote continuous improvement amongst NDIS providers and the delivery of progressively higher standards of supports and services to people with disability
* develop and oversee the broad policy design for a nationally consistent framework relating to the screening of workers involved in the provision of supports and services to people with disability
* engage in, promote and coordinate the sharing of information to achieve the objects of the relevant legislation, and
* provide NDIS market oversight, including:
  + - 1. by monitoring changes in the NDIS market which may indicate emerging risk; and
      2. by monitoring and mitigating the risks of unplanned service withdrawal.

# About the role

The Chief Legal Counsel (CLC) directly contributes to the delivery of the NDIS Commissioner’s functions and commitment to safeguard the wellbeing and rights of NDIS participants, and to improve the quality of NDIS services.

The CLC reports to the Associate Commissioner and is a member of the NDIS Commission’s executive leadership team. The Legal and Integrity Division provides the full range of in-house legal services to support the regulatory and corporate functions of the NDIS Commission.

The CLC is responsible and accountable for leading the NDIS Commission’s legal functions, including advising on highly complex and significant issues, initiatives and work programs, some or all of which have strategic and operational significance.

The CLC will also be a leader who promotes respectful standards of behaviour, reflects on their own biases and behaviours, and demonstrates how they are contributing to promoting a respectful culture, workplace, programs and policies that empower staff and puts the rights of people with disability at the centre of all activities and decision making.

The CLC fosters and maintains standards of independence and professionalism across the division and NDIS Commission as a whole.

# Key duties of the role

Duties may include, but are not limited to, the following:

* Leads the NDIS Commission’s legal agenda, including the management of legislative processes related to the NDIS Commissioner’s functions, and works closely with the Portfolio Department to deliver requirements.
* Provides timely, expert authoritative and strategic legal advice and counsel to the NDIS Commissioner on critical legal and legislative issues.
* Critically reviews, analyses, and appraises complex legal advice relating to policy proposals and provides expert legal opinions to the NDIS Commissioner on their impact.
* Leads and directs the work of the Division to deliver legal services and functions relating to integrity, freedom of information and privacy.
* Provides leadership and advice on strategic litigation initiatives.
* Provides direction and guidance on the management of protected Commission information
* Oversees the development and maintenance of key legal frameworks, policies, delegations, guidelines and operating procedures.
* Applies strategic and expert knowledge of the legislation under which the NDIS Commissioner performs her functions and human rights law, particularly as it relates to people with disability.

# Capability requirements

The successful candidate will have:

* A positive contemporary attitude to people with disability.
* Demonstrated extensive professional and technical legal expertise, including an understanding of human rights law, particularly in relation to people with disability.
* Proven capacity to lead senior and experienced teams of lawyers across a diversity of areas, particularly in relation to regulatory activities.
* An exceptional level of leadership and vision, professional authority, credibility and ability to inspire confidence.
* Highly advanced strategic, analytical and change management skills.
* Demonstrated expertise as a capable and inclusive senior executive leader who delivers high quality, timely results by working well with people.
* Exemplary communication, negotiation and relationship building skills, including the ability to sustain positive relationships with a network of key stakeholders internally and externally.

# Qualifications (mandatory)

* Possess legal qualifications and admitted as an Australian legal practitioner.

# Affirmative Measures: Disability

The filling of this vacancy is intended to constitute an affirmative measure under Section 33 of the Australian Public Service Commissioner's Direction 2022.

To be eligible, you must identify as a person with a disability and meet the professional criteria outlined. Reasonable adjustments will be provided to support applicants throughout the recruitment process. Candidates can find out moreinformation in the[APSC guide for applicants on affirmative measures for people with disability](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/affirmative-measure-recruiting-people-disability-guide-applicants).

# Experience

* Legal experience at Chief Counsel level or an equivalent senior executive role in a government agency or private sector organisation.
* An understanding of issues affecting the disability community, and a strong commitment to improving outcomes for people with disability, their families and carers.
* An understanding of the NDIS Quality and Safeguarding Framework and the NDIS Act or the ability to quickly acquire that understanding.

This position may deal with distressing information. Occupants must be able to:

* demonstrate resilience and an understanding of vicarious trauma
* support others in dealing with distressing information.

# Employment suitability requirements

All NDIS Commission personnel are required to meet employment suitability requirements prior to, and throughout, their employment.

## Pre-employment

To be considered in this role, candidates will need to:

* be an Australian Citizen, and
* have a favourable National Police Check, and
* have or be willing to obtain and maintain a Negative Vetting Level 1 security clearance. Should business need arise, be willing to obtain and maintain Negative Vetting Level 2 security clearance. See AGSVA website for more details [Security | Sectors | Defence](https://www.defence.gov.au/security/clearances), and
* complete an NDIS Commission external influences and associations declaration form.

## Ongoing suitability

NDIS Commission employees are required to comply with the APS Code of Conduct, including to at all times behave in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of the NDIS Commission and the APS.

The NDIS Commission completes regular internal screening, monitoring and assessments to ensure all employees meet employment suitability requirements.

# Additional information

## Location

The successful candidate will be required to work at one of the NDIS Commission offices located in each State and Territory in Australia. The NDIS Commission supports flexible and hybrid working arrangements.

## Application

Senior Executive Service (SES) employees are expected to support the NDIS Commissioner by collaboratively working to improve the quality and safety of NDIS services and supports, investigate and resolve problems, and strengthen the skills and knowledge of NDIS participants, providers and workers across Australia.

Senior Executive Service employees are expected to uphold and model the [APS Values](https://www.apsc.gov.au/working-aps/information-aps-employment/aps-values) the APS Employment Principles and comply with the APS Code of Conduct. The Secretaries’ Charter of Leadership Behaviours sets out the behaviours expected from SES across the APS. The behaviours build on the [Integrated Leadership System](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/classifications/integrated-leadership-system-ils/ils-resources-profiles-comparatives-and-self-assessment/integrated-leadership-system-ils-ses-b3-profile) and align to the [SES performance leadership framework](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses/ses-performance).

The [Work Level Standards](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/classifications/work-level-standards-senior-executive-service) apply when selecting for Senior Executive Service (SES) positions within the Australian Public Service (APS). Candidates should consider presenting their application in a way that demonstrates significant outcomes associated with each of the criteria, as well as the capabilities and behaviors that underpin them.

## Reasonable adjustments

The NDIS Commission is committed to upholding the rights of people with disability to employment and offers interesting and challenging roles. People with disability are encouraged to apply for jobs in the NDIS Commission.

Please contact us to arrange any reasonable adjustments to ensure you can fully participate in the recruitment process.

# Aboriginal and Torres Strait Islander peoples

We recognise the richness of Aboriginal and Torres Strait Islander cultures and the unique knowledge Aboriginal and Torres Strait Islander employees bring to our workplace, policy development and service delivery. We welcome and encourage applications from Aboriginal and Torres Strait Islander peoples who also identify as having a disability in accordance with the affirmative measures requirements described above.

# Merit Pool

A merit pool may be created and utilised within 18 months from the date this vacancy was advertised on [APSJobs](https://www.apsjobs.gov.au/s/?positionInitiative=&classification=&department=&category=&opportunityType=&employmentStatus=&state=).

# How to apply

Please visit [www.futureleadership.com.au](http://www.futureleadership.com.au) where an accessibility menu (powered by UserWay) is available to support diverse user needs. Navigate to the ‘Opportunities’ section to apply for your preferred role. Address your cover letter and resume to Grant Nichol and Katie Hooker, quoting reference NDIcgc0625, or call 1300 347 437 for further information or assistance.

Your application should include:

* A complete and current CV
* A brief cover letter outlining your skills, capabilities and experience that aligns with the role

For enquiries, or if you would like assistance understanding this document or would like to receive it in another format, please contact Grant Nichol or Katie Hooker of Future Leadership via phone: 1300 347 437 using the [National Relay Service](https://www.accesshub.gov.au/about-the-nrs/nrs-call-numbers-and-links) 133 677 if required <https://www.accesshub.gov.au/about-the-nrs> or email applications to [applications@futureleadership.com.au](mailto:applications@futureleadership.com.au)