

Eastern Health

POSITION DESCRIPTION

Position Title:	Senior Legal Counsel
Award Classification:	HS4
Award / Agreement Name:	<i>Health and Allied Services, Managers and Administrative (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2021 – 2025.</i>
Position Reports to:	Chief Counsel

EASTERN HEALTH – HEALTHIER TOGETHER

Eastern Health is one of Melbourne’s largest metropolitan public health services. We provide a comprehensive range of high quality acute, sub-acute, palliative care, mental health, drug and alcohol, residential care, community health and statewide services to people and communities that are diverse in culture, age and socio- economic status, population and healthcare needs



1. POSITION PURPOSE

The Senior Legal Counsel reports to the Chief Counsel and is responsible for the provision of sound, practical and timely legal advice to all Eastern Health operational areas as and when required.

The Senior Legal Counsel supports the Eastern Health Directorates and Programs by providing legal advice and practical support across a very broad legal portfolio which covers both commercial and litigation matters. The scope of the portfolio of work includes contract drafting and negotiations, assistance with tender preparations, advice in respect of consumer feedback, privacy and data protection, complaints and feedback, management of litigated matters and coronial investigations and in conjunction with VMIA-appointed lawyers and Eastern Health's medico-legal officer.

This role is a broad, commercial in-house counsel role that requires close engagement and cooperation with internal and external stakeholders to ensure that legal risks to Eastern Health are recognised, understood and mitigated. The Senior Legal Counsel requires:

- well-developed commercial legal skills;
- a high level of critical thinking;
- the ability to effectively triage matters to ensure timely responses to the most critical legal matters as they arise;
- ability to learn about and understand Eastern Health as the client; and
- excellent skills in stakeholder engagement.

The role is based at Box Hill Hospital, the location of Eastern Health's legal team.

2. KEY DUTIES AND RESPONSIBILITIES

- **[Commercial contracts]:** Drafting, reviewing and negotiating a broad range of commercial agreements including service agreements, supplier terms and conditions, Victorian government funding agreements, HealthShare Victoria purchase contracts, consignment agreements, hire/purchase agreements, confidentiality and non-disclosure agreements, construction contracts, property leases and licences, IT agreements (including software licences), consultancy agreements and research agreements.
- **[Litigation management]:** Management of a portfolio of litigated matters (medico-legal claims against Eastern Health) and coronial investigations and inquests in conjunction with VMIA-appointed legal counsel and Eastern Health medico-legal officers. Such matters include:
 - review of coronial statements drafted by clinicians;
 - review of legal defences, responses to interrogatories and affidavits of documents drafted by VMIA-appointed legal firms;
 - supporting clinicians in their engagement with VMIA-appointed panel firms for the purpose of defending a legal claim;
 - attending mediations for litigated matters; and
 - preparing and supporting clinicians who are called as witnesses at coronial inquests.
- **[VMIA notifications]:** Supervising Legal Assistant in VMIA notifications of claims against Eastern Health and high-risk clinical incidents and engaging with VMIA re same.
- **[Advice to clinicians]:** Providing advice to clinicians on various matters related to the care of Eastern Health patients, including consent to treatment, powers of attorney, intervention orders, Family Court orders, behavioural contracts, VCAT guardianship matters and mandatory reporting.
- **[Procurement advice]:** Providing advice to Eastern Health's procurement team in relation to the conduct of Eastern Health tenders.

- **[Precedent management]:** Drafting and updating Eastern Health legal templates.
- **[Privacy advice]:** Providing advice in relation to privacy and data protection issues including drafting submissions to the Office of the Victorian Information Commissioner.
- **[Information release]:** Providing advice to the Freedom of Information Officer and Information Release Officer in respect of the application of the *Freedom of Information Act 1982* (Vic) and interpretation of subpoenas for production.
- **[Regulators]:** Providing legal advice as required in relation to complaints by Eastern Health patients and consumers to the Victorian Health Complaints Commissioner, the Victorian Mental Health Complaints Commissioner, the Victorian Equal Opportunity and Human Rights Commissioner and the Australian Human Rights Commission, including drafting of submissions.
- **[Policies]:** Drafting and review of Eastern Health policies as required.
- **[Staff]:** Supervision of staff within the legal office, as directed by Chief Counsel.
- **[Process improvement]:** Identifying ways to improve the delivery of legal services to Eastern Health.
- **[Education]:** provide education and training to internal stakeholders to enable them to better engage with the legal team.
- **[Risk management]:** Supports the Chief Counsel in identifying and managing organisational legal risks to Eastern Health.
- Such other advice and functions as directed by Chief Counsel.

Key Result Areas

1. Legal advice is provided in a timely manner to meet organisational needs.
2. Legal advice is practical and suited to the audience.
3. Internal stakeholders are engaged with promptly and effectively to clarify instructions for the purpose of resolving legal requests in a timely fashion
4. Organisational issues and trends identified during the course of providing legal advice are raised with the Chief Counsel for the purpose of process improvement.
5. The legal team is viewed by internal stakeholders as trusted and responsive advisers.
6. External legal counsel receive timely and accurate instructions.
7. Regulators are responded to in an appropriate and respectful manner.

3. SAFE PRACTICE AND ENVIRONMENT

Occupational Health and Safety

Eastern Health is committed to providing and maintaining a working environment for all staff that is safe and without risk to health. All staff are to take care of their own health and safety and the health and safety of any other person who may be affected by your acts or omissions at the workplace. Understand responsibilities and accountabilities to yourself and others in accordance with OH&S legislation and Eastern Health policies and promote a working environment that is congruent with these guidelines. This includes staff reporting of all clinical and OHS incidents and near misses, in particular those related to Occupational Violence, Manual Handling and Slips, trips and falls.

Staff are required to comply with all state legislative requirements in respect to the *Occupational Health and Safety Act 2004* (Vic) and the *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic).

4. TRAINING AND DEVELOPMENT

Relevant, practical and timely education should direct, facilitate, enhance and support the professional growth and practice of employees in a health environment characterised by change. All programs should endeavour to promote evidence-based practice, a problem-solving approach and to be competency based.

You are expected to participate in the personal development process on an annual basis.

5. QUALITY

As a staff member of Eastern Health, you are required to comply with Eastern Health's performance standards and participate in continuous monitoring and improvement as part of your role. You are also required to comply with legislation, professional standards and accreditation standards.

As a staff member employed by Eastern Health you must have and maintain the appropriate skills and knowledge required to fulfil your role and responsibilities within the organisation. In addition, you must ensure that you practice within the specifications of this position description, and where applicable within the agreed scope of practice.

You are responsible for ensuring safe high-quality care in your work. This will include complying with best practice standards, identifying and reporting any variance to expected standards and minimising the risk of adverse outcomes and patient harm. In addition, you will ensure that service and care is consistent with the Eastern Health approach to patient and family centred care.

6. CONFIDENTIALITY

Any information obtained in the course of your employment is confidential and should not be used for any purpose other than the performance of the duties for which you are employed. Staff are bound by *the Privacy and Data Protection Act 2000* (Vic) and the *Health Records Act 2001* (Vic) and the Information Privacy Principles and Health Privacy Principles contained therein.

7. EQUAL EMPLOYMENT OPPORTUNITY

You agree to adhere to the Equal Employment Opportunity policies and practices of Eastern Health. Discriminatory practices, including sexual harassment, are unlawful. Eastern Health will not tolerate discriminatory behaviour and any such conduct may lead to the invoking of the Disciplinary Policy and Procedure, which may result in termination of employment.

8. PERFORMANCE DEVELOPMENT

A Performance Review, that includes agreed targets, will occur three (3) months from commencement and then annually on the basis of the duties and responsibilities outlined in this position description. This is an opportunity to review personal and the allocated work unit's service performance, facilitated by the setting of objectives/goals and ongoing evaluation of performance and achievement. Objectives will be developed annually, documented, discussed and agreed with your immediate line manager, who will act as the assessor. The incumbent is expected to demonstrate and show evidence annually of on-going self and allocated work unit's service development.

9. EASTERN HEALTH'S PROMISE

Our promise to our communities, patients, consumers and staff is that we will be **HEALTHIER TOGETHER**. Bolder than a vision for the future, our promise calls us to action. We know that working together is the only way we can achieve what is necessary for a healthier future.

Our values are ones in action and are the behaviours that matter most.

- Respect for all
- Safe always
- Partnering in care
- Learning and improving everyday

Learning from the challenges of the past and looking to the future, we understand that we are building towards a more engaged, more reliable, always safe health service in partnership with our people to improve every day.

10. ATTACHMENTS

- Attachment 1 Key Selection Criteria

11. NOTE

Statements included in this position description are intended to reflect in general the duties and responsibilities of this position and are not to be interpreted as being all-inclusive.

Prior to accepting any offer of employment, prospective employees will be required to read and commit to the Eastern Health Code of Conduct, including (but not limited to) issues of Occupational Health and Safety, Equal Opportunity and Confidentiality.

Vaccination against infectious disease is a mandatory requirement of this role. An offer of employment is conditional on you providing evidence that you are currently vaccinated against COVID-19, prior to commencing employment.

Signed: _____

Date: ____/____/____

Manager

INCUMBENT STATEMENT

I _____ (Incumbent Name) have read, understood and accepted the above Position Description and associated Attachments.

Signed: _____

Date: ____/____/____

ATTACHMENT 1

KEY SELECTION CRITERIA

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Qualifications and experience

- Admitted as a Barrister and Solicitor of the Supreme Court of Victoria and current Practising Certificate pursuant to the *Legal Profession Uniform Law* (Victoria).
- Minimum 7 years post qualification experience.
- Experience in an in-house legal team.
- Knowledge of, and experience in, the Victorian public health sector (or equivalent public sector environment) and understanding of its legal challenges and relationship with the Victorian Government.

Skills

- Demonstrated experience in the practice of commercial law, including strong contract drafting skills.
- Demonstrated ability to provide concise and practical legal advice and exercise sound judgement within a complex environment, encompassing a broad range of legal issues at both strategic and operational levels.
- Ability to work autonomously and nimbly to manage a large portfolio of legal work and complete tasks in a timely manner.
- Excellent communication and relationship building skills across all levels of an organisation.
- Demonstrated experience in, or willingness to learn, management of medico-legal matters in conjunction with external legal counsel.
- Training and presentation skills.
- Demonstrated ability to work co-operatively in a team environment.
- Proficiency in the use of contemporary digital tools and environments.

Aboriginal & Torres Strait Islander Candidates

Eastern Health's Aboriginal Workforce Plan 2023 – 2026 has recently been released. With a strong focus on cultural safety and belonging, actions included in the Workforce Plan provide practical supports for all Aboriginal and/or Torres Strait Islander staff.

An Aboriginal Employment Coordinator is available to ensure each person has culturally safe and positive employee experiences which foster belonging and access to diverse experiences and career pathways.

Should you require further information regarding this position or support to complete an application, please contact the Recruitment Manager for this position or Eastern Health's Aboriginal Employment Coordinator at Aboriginal.Workforce@easternhealth.org.au.