

ACT Public Service

WORK LEVEL STANDARDS

Classification: ACTCT Legal



ACT
Government

INTRODUCTION

What are Work Level Standards?

The Work Level Standards (WLS) describe **expected standards of work** across each classification level and provide a **consistent platform** for classifying jobs. Being general in nature, WLS are structured to differentiate clearly between the work expected (i.e., responsibilities and duties) at each classification level. Thus, they do not provide an exhaustive list of responsibilities and duties for each classification level – those are outlined in a position description for each position. Roles will not necessarily involve all the examples listed in the WLS

Purpose

Given the variety of legal roles across the organisation, ACT Courts and Tribunal (ACTCT) specific WLS have been developed to provide a contextual overview of the performance expectations in legal roles. These will require a level of interpretation depending on the broad job context and conditions within which the responsibilities and duties are to be performed. In this context, the WLS for ACTCT Legal provide a consistent platform for classifying legal roles, despite a variety of duties which each legal role could encompass.

Elements

The WLS consist of the following three elements:

1. **Characteristics** contain general statements about the broad job requirements and operating context for each classification level. They are described in work value terms, using the four key elements of the ACTPS Work Value Framework:
 - Responsibility and accountability
 - Physical nature of work (where applicable)
 - Cognitive nature of work
 - Social nature of work
2. **Functions** detail the typical duties and provides examples of the types of tasks and/or functions performed at each classification level.
3. **Qualifications, skills, and experience** detail the general type and extent of the qualifications, skills and experience expected at each classification level.

Relevance

The ACTCT-specific WLS will:

- provide a common language across ACTCT work areas and beyond, including with Directorates and other agencies within the ACTPS;
- support sound decision-making for role design and classifications; and
- help employees understand what is expected of them in their legal roles.

WLS will be used to assist with role classification, role design or re-design, evaluation of work value, developing a position description or job advertisement, learning and development, and performance management.

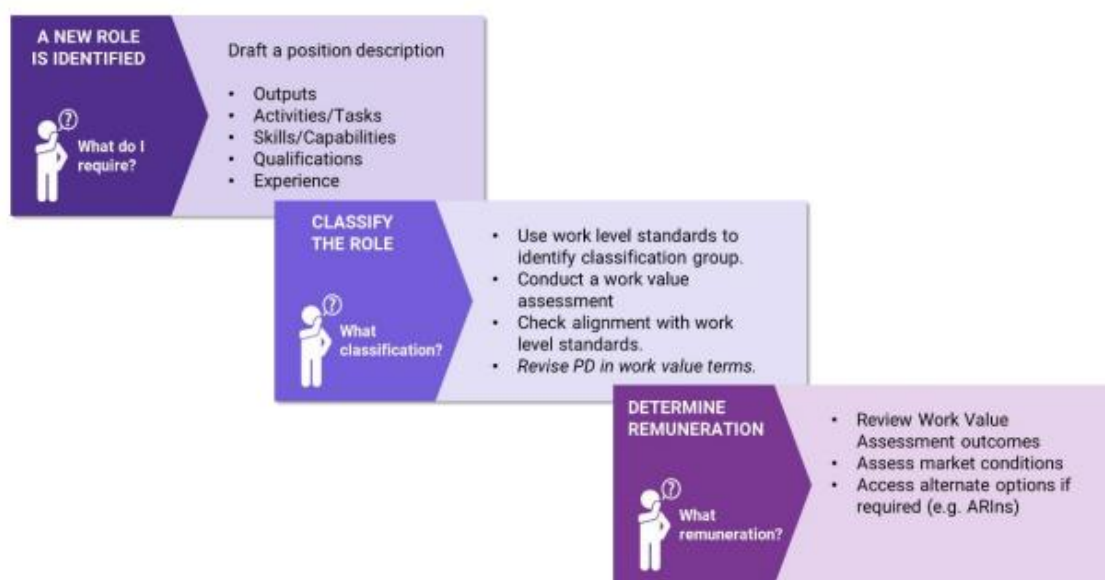
USING WORK LEVEL STANDARDS AND WORK VALUE ASSESSMENT TOOL FOR CLASSIFYING A ROLE

Assessing a role for the purposes of classification involves objectively evaluating a role based on information and evidence gathering and mapping against the ACTPS Work Value Assessment framework features which can be found in the ACTPS Work Value Assessment Tool. Information and evidence gathering includes activities such as reviewing position descriptions and interviewing or surveying individuals within a role and those supervising the role.

It is important to note the ACTPS Work Value Assessment Tool provides an assessment of work value only. To determine what classification a role best fits within, a review of relevant work level standards will also need to be undertaken. Work level standards capture the way in which tasks, responsibilities, skills, and experience differ across classifications.

There are also additional considerations, such as market conditions, that are important when it comes to determining remuneration for a role.

An example of how the work value assessment, work level standards, and other considerations all form part of determining the classification for a role is depicted below.



Appendix A of this document provides a set of recommended work value scores for this classification group that should be used in line with the guidance provided in the ACTPS Work Value Assessment Tool.

SUMMARY

Characteristics

The following table outlines the differences between the ACTCT Legal Classification levels in terms of the work value factors (*refer to the ACTPS Work Value Assessment Framework for further details*).

WORK VALUE FACTORS	ACTCT LEGAL 1	ACTCT LEGAL 2	ACTCT LEGAL 3
Organisation of work	Limited to moderate responsibility	↑ Moderate responsibility	↑ Moderate to high responsibility
Implications of failure	Moderate	→ Moderate	↑ Major
Autonomy and decision making	General direction	↑ Limited direction	↑ Limited to broad direction
Accountability	Limited	↑ Moderate	↑ High
Physical environment	→ Moderate	→ Moderate	→ Moderate
Degree of physicality	→ Moderate	→ Moderate	→ Moderate
Cognitive complexity	Moderately complexity	↑ High complexity	→ High complexity
Application of knowledge and skills	Substantial	↑ Highly developed	↑ Highly developed to advanced
Mental Stress	Moderate exposure	↑ Moderate to high exposure	→ Moderate to high exposure
Team environment	Moderate interaction	↑ High interaction	→ High interaction
Customer and client relationships	Moderately complex and sensitive	↑ Complex and sensitive	→ Complex and sensitive

↑ Higher work value than the lower Classification level → Equivalent work value than the lower Classification level

Functions

There are many typical duties which are similar across the levels with the key differences relating to the additional leadership, supervisory, advisory, and representational activities for a Legal 2 role and a high level of autonomy and setting of strategic direction for a Legal 3 role.

Note, whilst many of the duties may be described in the same manner, the differences are evident when overlaid with the characteristics of the classification level. That is, all levels are required to provide case management and undertake quasi-judicial decision making; however, a Legal 2 role would hear more complex or sensitive matters compared to a Legal 1 role and a Legal 3 role would be across of the jurisdictions of the Courts or Tribunal.

Qualification, skills, and experience

Each classification level requires the same qualification. As experience is gained within each classification, the contribution and the level of professional capability increases and the level of required supervision decreases. In this context, the depth of skills and extent of experience required will increase with level:

- knowledge and experience in criminal and civil law and practice (including in case management and decision making), and the laws of evidence applicable to the Territory;

- an understanding, interpretation and application of relevant legal statutory, regulatory and policy frameworks; and
- leadership of staff, relationship management, management of resources, workflows and processes.

All classifications require an admission as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory.

ACTCT LEGAL 1

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- have limited supervisory responsibilities;
- provide advice and guidance on procedural matters;
- have some direct responsibility for resource management in-line with established procedures and practices;
- work under general supervision and direction;
- follow well defined and detailed policies, technical or professional guidelines and accepted practice or precedents to achieve specific end results;
- incur minor consequences arising from their failure to effectively undertake the required work because there are a range of mitigations in place;
- make decisions and achieve results, on a variety of matters, based on evaluative judgement and the tailoring of work methods, interpreting, and adapting existing procedures and practices;
- in some circumstances, be accountable for setting priorities for the work area, monitoring workflow, and reviewing work of less experienced employees;
- be accountable to an immediate supervisor for:
 - personal and team outcomes to some extent; and
 - monitoring emerging issues, identifying their impact on tasks and identifying and mitigating risks that will impact on personal and team outcomes; and
- be responsible for:
 - managing competing requests, demands, and priorities;
 - identifying within the Courts or Tribunal opportunities for increased efficiency and provide advice for improvements to the Registrars, implement agreed change programmes; and
 - planning for the achievement of personal results.

Cognitive nature of the work

Work at this level would typically:

- be moderately complex to complex in nature and relate to a range of activities;
- be mostly stable in effort with occasional exposure to high pressure or extreme demands;

- require interpretation, analysis, and some judgement to select an appropriate course of action; there may be occasions where unfamiliar circumstances may require some judgement or technical assistance to be sought;
- utilise a moderate to high level of analytical and conceptual skills to assess and determine routine quasi-judicial matters; and
- exercise a degree of independence to analyse routine legal, policy and legislative proposals.

Social nature of the work

Work at this level would typically involve:

- operating within a team where some interaction with and reliance on other team members is required to undertake the work;
- occasional reliance on other team members to complete simple and straightforward tasks;
- interaction with other teams within the organisation;
- communication with and provision of advice and recommendations to a wide variety of customers and external stakeholders to achieve work area goals;
- liaising with a range of stakeholders in relation to difficult or sensitive issues, and on moderately complex to complex policy, project, or operational issues;
- consulting and advising internal and external stakeholders, anticipating, and responding to their needs and expectations;
- representing the ACTCT by promoting its interest at community and cross-agency levels and undertaking a representative or presentational role on behalf of the immediate work area; and
- providing customer or client service on routine matters and more complex issues.

FUNCTIONS

Typical duties for this work level include:

- exercise the routine jurisdiction of the relevant Registrar under the *Court Procedures Rules 2006* or *ACAT Act 2008*, *ACAT Procedures Rules 2020* and other legislation, such as return of subpoena, case management conferences and alternative dispute resolution processes;
- provide advice to senior managers of ACTCT on the implications of new policy proposals and options for implementation on legislative amendments;
- Act as Counsel Assisting and provide legal support in routine coronial matters under the *Coroners Act 1997*;
- support development and implementation of programs, practice and procedure to support innovative and efficient operations of the Courts and Tribunal;
- represent the ACTCT at external operational meetings including but not limited to court user groups, professional bodies and the Directorate or Whole-of-Government working groups;
- proactively initiate, plan and conduct legal research projects;
- support the ACTCT in leadership, management and building the capacity and professionalism of the organisation; and
- provide training, under limited direction, to Registry staff on jurisdictional matters; and
- act as a consultant or mentor to less experienced legal staff and Registry staff;
- Maintaining records and files in accordance with the *Territory Records Act 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to:

- have a sound level of knowledge and experience in one or more of the jurisdictions of the relevant Courts or Tribunal; and
- have a well developed understanding of case management to manage cases in their allocated jurisdiction. This position is required to regularly assess appropriate case management pathways to respond to the needs of:
 - individual cases;
 - the judiciary or members; and
 - Court and Tribunal users;
- hold a degree in laws of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive Officer and Principal Registrar, is appropriate to the duties of the office; and
- be admitted as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory.

ACTCT LEGAL 2

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- lead, supervise and organise the day-to-day work of a small number of employees or a small team who carry out similar types of work or have team members undertaking similar tasks or who possess similar skill sets;
- contribute to setting direction, priorities and ensuring quality of outputs of the team and the work area;
- assist in developing and implementing strategic plans for longer-term organisational and policy initiatives;
- have direct responsibility for resource management including administering, monitoring, and reporting;
- be accountable for and incur moderate consequences arising from their failure to effectively undertake the required work because there are some mitigations in place to prevent major consequences occurring;
- work under limited direction, using discretion and initiative over a broad area of activity with autonomy in interpreting policy and applying practices and procedures;
- make decisions based on professional judgement and evaluating risk in the context of a complex and changing environment;
- make decisions on a broad variety of matters with a significant impact on own work area and may affect other parts of the ACTCT;
- be accountable for:
 - personal and team outcomes; and
 - monitoring emerging issues, identifying their impact, and conducting risk management activities within a sphere of responsibility;
- be responsible for:
 - identifying with the Courts or Tribunal opportunities for increased efficiency and provide advice for improvements to the Registrars and implement agreed change programmes;
 - leading stakeholder engagement, and building client and customer relationships;
 - leading capacity building across work units, including growing technical, managerial and leadership expertise among staff;

Cognitive nature of the work

Work at this level would typically:

- be highly complex and involve various activities with different, unrelated processes and methods;
- require significant input into designing or inventing solutions to multi-dimensional and non-linear problems;
- be mostly stable in effort with occasional exposure to high pressure or extreme demands;
- deal with unfamiliar circumstances, variations in approach or sudden changes;

- utilise a high degree of analytical and conceptual skills to examine, scrutinise and evaluate information, data and documents to assess and determine complex quasi-judicial matters;
- involve identifying, formulating, evaluating and risk-assessing options for the most appropriate course of action, including by recognising and categorising patterns, interrelationships and dependencies;
- exercise a high degree of independence to analyse complex legal, policy and legislative proposals and to provide high level strategic, resourcing, procedural and budgeting advice to the Heads of Jurisdiction and to the Senior Executive of ACTCT; and
- require a level of independent judgement which may involve primary responsibility for a jurisdiction within the Courts or Tribunal; and
- proactively identify within the Courts or Tribunal opportunities for increased efficiency and provide advice for improvements and to implement and lead agreed change programmes.

Social nature of the work

Work at this level would typically involve:

- leading and working within a team where some interaction with and reliance on other team members is required to undertake the work;
- interaction with other teams within the organisation and across the ACT Public Service;
- developing and managing relationships with internal and external stakeholders, engaging and collaborating to achieve outcomes and facilitate cooperation;
- presenting and advocating for the ACTCT's position in the context of complex or sensitive issues to key stakeholders within and outside the ACTCT;
- representing and explaining the views of the ACTCT at cross-agency meetings and other forums;
- providing a direct customer or client service and support on complex matters and handling customer complaints and problems;

FUNCTIONS

Typical duties for this work level include:

- exercise the complex jurisdiction of the Registrar to hear and determine matters under the *Court Procedures Rules 2006* or *ACAT Act 2008*, *ACAT Procedures Rules 2020* and other legislation such, civil and criminal case management; interlocutory applications; and interim hearings;
- Act as Counsel Assisting and provide legal support in complex coronial matters under the *Coroners Act 1997*;
- provide legal advice to Senior Officers (judicial and non-judicial) of ACTCT on a range of matters, not limited to the implications of new policy proposals and options for implementation on complex or significant legislative amendments;
- lead development and implementation of programs, practice and procedure to support innovative and efficient operations of the Courts and Tribunal;
- represent the ACTCT at external operational meetings including but not limited to court user groups, professional bodies and the Directorate or Whole-of-Government working groups;
- lead a small team of professionals and non-professionals to deliver ACTCT priorities;
- manage within budgets within a jurisdiction of the ACTCT including the assessment and resolution of any resourcing issues that may arise;

- proactively initiate, plan and conduct complex legal research projects;
- assist the ACTCT in leadership, management and building the capacity and professionalism of the organisation;
- lead on capacity building initiatives and opportunities, including develop and implement training for legal officers and Registry staff who are engaged in a significant function or group of activities, continuously monitoring their output and managing performance;
- act as a consultant or mentor to less experienced legal staff and Registry staff; and
- Maintaining records and files in accordance with the *Territory Records Act 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to:

- have a high level of knowledge and substantive experience in one or more of the jurisdictions of the relevant Courts or Tribunal; and
- a well developed understanding of case management to manage cases in several allocated jurisdictions. This position is required to regularly assess appropriate case management pathways to respond to the needs of:
 - individual cases;
 - the judiciary or members; and
 - Court and Tribunal users;
- hold a degree in laws of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive Officer and Principal Registrar, is appropriate to the duties of the office;
- be admitted as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; and
- Leadership and management skills including the ability to: manage staff performance; motivate, encourage, and support the development of staff; lead and manage organisational change; and articulate vision and strategic direction.

ACTCT LEGAL 3

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- lead, manage and supervise the day-to-day and strategic work of several teams who carry out diverse types of work;
- in consultation with the Registrar, be responsible for setting direction, priorities and ensuring quality of outputs of the legal teams;
- lead and develop strategic plans for longer-term organisational and policy initiatives;
- have direct responsibility for resource management including administering, monitoring, and reporting;
- be accountable for and incur high consequences arising from their failure to effectively undertake the required work;
- work with broad parameters, using discretion and initiative over a broad area of activity with autonomy in interpreting policy and applying practices and procedures;
- make decisions based on professional judgement and evaluating risk in the context of a complex and changing environment;
- make decisions on a broad variety of matters with a significant impact on own work area and may affect other parts of the ACTCT, external stakeholders and the community;
- be accountable to Registrars for:
 - personal and team outcomes; and
 - monitoring related emerging issues, identifying their impact, and conducting risk management activities within a sphere of responsibility;
- be responsible for:
 - leading stakeholder engagement, and building client and customer relationships;
 - identifying with the Courts or Tribunal opportunities for increased efficiency and provide advice for improvements to the Registrars and implement agreed change programmes; and
 - leading capability building across work units, including growing technical, managerial and leadership expertise among staff; and

Cognitive nature of the work

Work at this level would typically:

- be highly complex and involve various activities with different, unrelated processes and methods;
- require designing or inventing solutions to multi-dimensional and non-linear problems;
- be mostly stable in effort with frequent exposure to high pressure or extreme demands;
- deal with unfamiliar circumstances, variations in approach or sudden changes;
- utilise a high degree of analytical and conceptual skills to examine, scrutinise and evaluate information, data and documents to assess and determine highly complex quasi-judicial matters;

- involve identifying, formulating, evaluating and risk-assessing options for the most appropriate course of action, including by recognising and categorising patterns, interrelationships and dependencies;
- exercise an extensive degree of independence to analyse highly complex legal, policy and legislative proposals and to provide high level strategic, resourcing, procedural and budgeting advice to the Heads of Jurisdiction and to the Senior Executive of ACTCT;
- require a high level of independent judgement and autonomy which may involve primary responsibility for complex jurisdictions within the Courts or Tribunal; and
- proactively identify within the Courts or Tribunal opportunities for increased efficiency and provide advice for improvements to the Heads of Jurisdiction and Registrars, implement and lead agreed change programmes.

Social nature of the work

Work at this level would typically involve:

- leading and managing teams where interaction with and reliance on other teams is required to undertake the work;
- collaboration with other teams within the organisation and across the ACT Public Service;
- developing and managing relationships with internal and external stakeholders, engaging and collaborating to achieve outcomes and facilitate cooperation;
- presenting and advocating for the ACTCT's position in the context of very complex or sensitive issues to key stakeholders within and outside the ACTCT;
- representing and explaining the views of the ACTCT at cross-agency meetings and other forums; and
- providing a direct customer or client service and support on complex matters and handling customer complaints and problems.

FUNCTIONS

The duties listed below are typical of this work level:

- exercise the most complex jurisdiction of the Registrar to hear and determine matters under the *Court Procedures Rules 2006* or *ACAT Act 2008*, *ACAT Procedures Rules 2020* and other legislation;
- provide legal advice and support to Heads of Jurisdiction and Senior Executive of ACTCT on the implications of new policy proposals and options for implementation on complex or significant legislative amendments;
- drive development and implementation of programs, practice and procedure to support innovative and efficient operations of the Courts and Tribunal;
- represent the ACTCT at sensitive and /or strategic external meetings including but not limited to court user groups, professional bodies and the Directorate or Whole-of-Government working groups;
- lead a number of small teams of professionals and non-professionals to deliver ACTCT priorities across jurisdictions;
- develop and manage budgets within a jurisdiction of the ACTCT including the assessment and resolution of any resourcing issues that may arise;

- proactively initiate, plan and conduct legal research projects of extensive breadth, complexity or significance, and as appropriate, direct legal and other staff involved in legal research;
- lead, manage and build the ACTCT in leadership, management and building the capacity and professionalism of the organisation;
- develop and implement strategic training plans for legal officers and Registry staff who are engaged in a significant function or group of activities, continuously monitoring their output and managing performance;
- act as a consultant or mentor to less experienced legal staff and Registry staff; and
- Maintaining records and files in accordance with the *Territory Records Act 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to:

- have an authoritative and extensive knowledge in significant areas of the complex jurisdictions of the relevant Courts or Tribunal and related legal policies and projects;
- have a highly developed understanding of case management to manage cases in a several allocated jurisdictions. This position is required to regularly assess appropriate case management pathways to respond to the needs of:
 - individual cases;
 - the judiciary or members; and
 - Court and Tribunal users;
- hold a degree in laws of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the Chief Executive Officer and Principal Registrar, is appropriate to the duties of the office;
- be admitted as a legal practitioner, however described, of the High Court or the Supreme Court of an Australian State or Territory; and
- Leadership and management skills including the ability to: manage staff performance; motivate, encourage, and support the development of staff; lead and manage organisational change; and articulate vision and strategic direction.

APPENDIX A – RECOMMENDED WORK VALUE SCORES

The following graph shows the recommended range of work value scores for the classification group. The vertical axis indicates the work value score range (with the minimum work value score being 22 and maximum 110). The horizontal axis displays each classification level, with the table specifying the minimum and maximum work value score for each classification level. Note these scores should be used in conjunction with the guidance provided in the *ACTPS Work Value Assessment Tool*.

