

Position description

Position title:	Senior Public Defender (Criminal Law Judicial Review and Strategic Litigation)
Reports to:	Chief Counsel
Program area:	Chambers
Location:	Melbourne
Classification:	VLA6 – V6LO5A
Position type:	Maximum term

Position Summary

The focus of this role is to deliver high quality advocacy for legally aided clients in complex and significant criminal matters with a focus on strategic litigation, administrative law and judicial review.

The role holder will provide expert and strategic legal advice and opinions to Victoria Legal Aid (VLA) including the Executive and senior management, as well as in-house and external practitioners representing legally aided clients. The role holder will provide practical support and assistance as well as professional legal education, mentoring and training to in-house and external practitioners to contribute to VLA's response on criminal and administrative law policy and law reform issues.

Responsibilities

1. Appear as Counsel in high level and complex criminal, quasi-criminal, civil and human rights litigation before Victorian and Federal Courts and tribunals including, but not limited to, judicial review and other strategic litigation.
2. Appear as Counsel in high level and complex criminal appeals against conviction and/or sentence in the Court of Appeal and the High Court; complex trials, pleas, bail applications and other hearings in the County and Supreme Courts; and complex matters in the Magistrates' Court, Children's Court and therapeutic courts where opportunities for strategic litigation arise.
3. Provide responsive and timely expert legal advice and opinions, both oral and written and often under time constraints, on criminal and quasi-criminal and administrative law; judicial review; appeals; procedure and evidence; sentencing and ancillary orders; and case strategy advice on complex matters.
4. Deliver professional legal education, mentoring and training to practitioners on criminal and quasi-criminal law practice and procedure, with a focus on strategic litigation; and support practitioners to identify opportunities for strategic litigation and spot issues as they arise.
5. Maintain accurate knowledge of changes to criminal law legislation and case law, participate in internal and external committees as directed and provide expert and authoritative advice and responses to Criminal law reform proposals.

Key selection criteria

1. Significant and substantial experience, skills and ability as a criminal law barrister/advocate.
2. Extensive and thorough knowledge, understanding and experience in the practice and procedure of State and Federal criminal law, administrative law, judicial review and the laws of evidence.
3. High level interpersonal, communication and negotiation skills with the demonstrated ability to liaise and communicate effectively with clients with complex needs, colleagues and external stakeholders.
4. Demonstrated skills in providing high level advice (both oral and written) on legal and policy issues within limited constraints, including the ability to perform duties independently and to strict deadlines.
5. High level ability and aptitude for mentoring, training and assisting in the supervision of legal staff.
6. Demonstrated experience working with First Nations Australians, including an understanding of the cultural norms, communication styles and complex issues experienced by Australian First Nations peoples.
7. Demonstrated knowledge of and commitment to social justice principles, an understanding of the legal assistance sector and the general business of VLA and a commitment to our vision and values.

Qualifications and experience

- A current Australian practising certificate which entitles you to practise in Victoria as a barrister or legal practitioner (mandatory).
- Extensive and significant advocacy experience, including the ability to conduct complex trials in the County and Supreme Court and strategic litigation, appeals and judicial reviews in higher courts (mandatory).
- Entitled to practise in federal courts and courts exercising federal jurisdiction (entry on the High Court's Register of Practitioners) (mandatory).
- Demonstrated experience working with First Nations Australians and understanding of cultural norms and communication styles (desirable).
- Demonstrated experience working with clients with complex needs (desirable).

Other relevant information

- To be eligible to apply for this position you must have the right to work in Australia (i.e., be an Australian or New Zealand citizen, permanent resident or hold a valid work permit or visa).
- All appointments are subject to reference checks and pre-employment misconduct screening. A preferred candidate with an adverse conduct history or criminal record will not necessarily be precluded from employment with VLA and each application will be considered on its merits. Pre-employment checks for this position may include:
 - o You may be required to undergo or hold a current Working with Children Check.
- It is a requirement that all VLA employees reside in Victoria, or a nearby border community, and attend for office-based days at their primary work location. From time to time you will be required to travel to regional and suburban courts and tribunals, regional offices, meeting venues and outreach

services, in order to appear for and deliver quality services to our clients, attend meetings and/or to deliver or receive professional development.

- Occupational health and safety responsibilities at Victoria Legal Aid:
 - This is a senior role where you will be required to lead by example in actively supporting, promoting and implementing the requirements of VLA's health and safety management system including its policies, procedures and processes. Senior staff at VLA actively support staff in participating in programs and initiatives that positively promote their health, safety and wellbeing.
 - All staff at VLA are expected to champion proactive and positive health and safety practices in the workplace by raising health, safety and wellbeing issues or concerns with managers and colleagues. Staff are required to observe all safe work procedures, rules and instructions, and take all reasonable care for their own safety and for the safety of work colleagues by always operating in a safe and appropriate manner.

Organisational context

VLA provides legal aid services to the Victorian community through our in-house practice, contracted private lawyers as well as by funding community legal centres. We have 15 offices across Victoria.

Victoria Legal Aid is a statutory authority that serves the broader community by providing information, legal advice, and education with a focus on the prevention and early resolution of legal problems. We prioritise more intensive services, such as legal advice, legal representation, non-legal advocacy, and family dispute resolution, for those who need it most.

We recognise the intersections between legal and social issues in how we do our work and advocacy. We also work to dismantle the barriers that prevent people from accessing the justice system by participating in systemic reforms and strategic advocacy.

VLA's [Strategy 26](#) outlines our strategic directions across the first four years of our [Outcomes framework 2022–30](#): an eight-year view of the difference we make for our clients, the Victorian community, our partners, and the services and systems we work with.

Our in-house legal practice covers three program areas: Criminal Law; Family, Youth and Children's Law; Civil Justice and Access and Equity.

Chambers

Chambers sits separately from the Program areas. We work closely with VLA's inhouse legal teams to support their staff and strategic priorities, improve collaboration between solicitors and advocates, and promote briefing practices in accordance with VLA's diversity and quality commitments.

Chambers works to meet the needs of our clients and strengthen the broader justice system through:

- **Advocacy:** as part of the mixed model of service delivery, we complement the advocacy services provided by the Victorian Bar. Our advocates represent and appear for legally aided clients in a wide range of matters and complexity anywhere in Victoria and undertake strategic litigation intended to benefit the broader community;
- **Advice:** we provide an experienced advisory voice based on our practice experience on important stakeholder consultations, law reform and policy development; and
- **Legal education and mentoring:** we enhance the quality of legal services undertaken by VLA and the wider profession through the provision of:

- o legal education and advice on law, procedure and case strategy to lawyers representing legally aided clients anywhere in Victoria (whether inhouse, panel firms or CLCs); and
- o advocacy skills development, mentoring and career pathways for solicitor advocates and barristers representing legally aided clients anywhere in Victoria (whether inhouse or at the private Bar).

Chambers is led by Chief Counsel and incorporates specialist civil law, criminal law, and family and children’s law counsel who work across Victoria. Chambers operates as a centre of excellence with a commitment to support the development of legal staff and improve access to high quality advocacy in the legal assistance sector across Victoria.

Chief Counsel sits on VLA’s Senior Leadership Team and is supported by an Associate Director, Chambers. A Briefing Manager leads a group of clerks and is responsible for allocating work to in-house counsel (and on occasion to the private bar) based on transparent, equitable and quality assurance-based principles and processes.

Chambers also manages organisational-wide projects, such as the Equitable Briefing Strategy and the [Trial Counsel Development Program](#).

Our VLA vision and values

Our vision

Our Vision is for a fair, just and inclusive society where people can get help with their legal problems and have a stronger voice in how laws and legal processes affect them.

Our purpose

To make a difference for clients and the community by helping to effectively address legal problems, supporting the coordination of a strong and dynamic legal assistance sector and working with partners to create fairer laws and systems.

Our values

Fairness

We are committed to fairness in society and to facilitating fair and equitable access to legal support.

Care

We care about our clients and the community and we approach our work with an awareness of the effects that trauma and discrimination can have. We treat each other with kindness and respect.

Courage

We approach our work with strength and confidence. We are guided by our values and what matters most to our clients and society.

Inclusion

We provide an inclusive environment for clients, staff, and referral partners.

VLA is an Equal Opportunity Employer committed to promoting a diverse and inclusive workforce

We strongly encourage people from diverse backgrounds and abilities, including First Nations Australians and refugees to apply for positions within our organisation. We will make reasonable adjustments to enable everyone to participate in our recruitment processes and to work productively and safely.

It is a key priority of VLA's [Reconciliation Action Plan](#) to support principles of self-determination by increasing First Nations Australians' employment across all areas of VLA. We recognise that our workforce can benefit greatly from the unique knowledge, skills and expertise of a diverse workforce including First Nations Australians and in achieving a culturally safe and responsive service for our clients.

VLA is a Child-Safe organisation

VLA is committed to the safety and wellbeing of children and recognises that children's rights need to be respected, their views welcomed and valued, and their concerns taken seriously. We additionally acknowledge and appreciate the diverse and unique identities and experiences of Australian First Nations children, which we respect and value.

Position Description approved by People and Workplace Services

Position Title: People Business Partner

Date approved: October 2024