

Determination of the Commissioner for Public Sector Employment

5: Classification and Remuneration for
Employees: Supplementary provisions for the
classification of Legal Officers

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**Government
of South Australia**

Office of the Commissioner
for Public Sector Employment

CONTENTS

**Classification and Remuneration for Employees:
Supplementary Provisions for the Classification of Legal Officers.....3**

 Application of this determination3

Work Level Definitions3

 Classification rules and requirements.....3

Attachment 1: Work Level Definitions For Legal Officers4

 Group Definition4

 General Qualification Statement.....4

 Management Responsibilities4

 Work Level Definitions4

 Characteristics of each Level5

Legal Officers Level 1 (LE1).....5

 Work Level Definitions5

 Characteristics of the Level5

Legal Officers Level 2 (LE2).....6

 Work Level Definitions6

 Characteristics of the Level6

Legal Officers Level 3 (LE3).....7

 Work Level Definitions7

 Characteristics of the Level7

Legal Officers Level 4 (LE4).....8

 Work Level Definitions8

 Characteristics of the Level8

Legal Officers Level 5 (LE5).....9

 Work Level Definitions9

 Characteristics of the Level10

Determination 5:

Classification and Remuneration for Employees: Supplementary provisions for the classification of Legal Officers

Date of Operation: 14 February 2022
Review Date: In accordance with the review of Determination 5 of the Commissioner for Public Sector Employment

This determination is issued in accordance with the Commissioner for Public Sector Employment's powers under section 16(2)(a) of the *Public Sector Act 2009*. It has immediate effect and will remain in place until such time as it is revoked.

APPLICATION OF THIS DETERMINATION

This determination applies to employees who are classified and paid as Legal Officers (LE) in accordance with Schedule 1.8 of the *South Australian Public Sector Enterprise Agreement: Salaried 2021* (or successor).

The requirements of Determination 5 relating to the classification of duties will continue to apply.

Work Level Definitions

CLASSIFICATION RULES AND REQUIREMENTS

Attachment 3 of Determination 5: Classification and Remuneration for Employees must be applied in determining the classification of Legal Officers.

The Commissioner has determined that Attachment 1: Work Level Definitions for Legal Officers constitutes a determination pursuant to section 16(2) of the *Public Sector Act 2009* for determining the appropriate classification level.

Attachment 1: Work Level Definitions for Legal Officers

GROUP DEFINITION

The Legal Services Occupational Group comprises positions demanding professional legal training which advise on, administer, supervise or perform professional legal work specific to an assigned agency. Positions require knowledge of particular laws, regulations, precedents or practice specific to the agency the employee is assigned to, to enable the development, maintenance and application of legal processes which are the administrative responsibility of Government.

GENERAL QUALIFICATION STATEMENT

Positions within the Legal Services Occupational Group demand occupants who are qualified legal and hold a Degree in Law, and that an occupant be admitted or eligible to be admitted, as a practitioner of the Supreme Court of South Australia. Agencies may require positions that supervise less experienced officers in the Legal Services Occupational Group to possess an unrestricted Practising Certificate.

MANAGEMENT RESPONSIBILITIES

Officers with management responsibilities will be responsible for planning, organising, coordinating and controlling:

- A distinct area of work in the Section; or
- The formal and informal professional development of a number of officers in the Section; or
- Manage resources assigned to a Section; or
- The performance of a number of officers in the Section including work allocation and the management of work quality.

Supervision can include professional direction, assistance and guidance and influencing and motivating staff.

Officers may also participate in the development and implementation and review of business plans.

WORK LEVEL DEFINITIONS

Describe the main features of each of the five levels of work. In their presentation, some are prescribed or mandatory, others are not. It is not expected, nor would it be reasonable, for any one set of duties to fulfil all work level definitions at a level.

CHARACTERISTICS OF EACH LEVEL

As part of the Work Level Definitions describe typical factors apparent in duties at each level, however, not all characteristics apply to all duties at each level. Within a category (e.g. working environment), no one characteristic is mandatory, and none is weighted or necessarily determinative. Equally, there may be a feature or duty which does not readily equate to an exemplified characteristic; this would need to be assessed for its intrinsic work value level against the Work Level Definitions.

The Work Level Definitions and Characteristics, taken together, set the classification requirements for each Level and are determinative of the classification for a position's duties.

Legal Officers Level 1 (LE1)

WORK LEVEL DEFINITIONS

Officers undertake research and analysis related to low risk or straightforward legal issues. This may include providing prosecution services within a lower range of complexity, including adjudication and less complex advocacy work, prepare limited legal documents, and under supervision may provide legal advice and attempt to resolve low risk or straightforward legal issues, including disputes and claims for compensation for matters not referred to the Crown Solicitor.

It is expected that officers will be subject to regular supervision and professional direction from a senior legal officer and that they will seek guidance in the handling of their legal duties (this may be from another public sector agency).

CHARACTERISTICS OF THE LEVEL

To be considered in conjunction with the Work Level Definitions.

Responsibility	Knowledge/Experience	Environment
Undertake low risk or straightforward legal duties of all types as directed.	A developing level of operational competence.	Work under regular supervision and direction from a senior legal officer (this may be from another public sector agency).
Liaise with the Crown Solicitor's Office, investigating officers and any external counsel appointed to represent the interests of the agency.	Knowledge of the practices and principles pertaining to Tribunal or Court systems and the procedures relating to Tribunal and Court Services and the administration of Justice.	Demonstrate professional judgement and analytical ability to administer and interpret legislation, rules and regulations.
	Officers will participate in continuing legal education.	

Legal Officers Level 2 (LE2)

WORK LEVEL DEFINITIONS

Officers undertake research, analysis and prepare legal documents and advice related to policy or legal issues, including complex matters on an irregular basis. Officers may, under reduced professional direction, provide prosecution services for summary and minor indictable offences including adjudication, negotiation and advocacy and representing an agency.

Officers may be responsible for the provision of written and verbal legal advice and guidance to departmental staff on legal, policy, legislative and other matters.

Officers may also be required to identify emerging or unresolved legal issues and formulating solutions to mitigate risk.

It is expected that officers will be subject to general supervision and direction from a senior legal officer and will seek guidance in handling of their legal duties and complex matters.

CHARACTERISTICS OF THE LEVEL

To be considered in conjunction with the Work Level Definitions.

Responsibility	Knowledge/Experience	Environment
Advise on and resolve legal issues including disputes and claims for compensation for matters not referred to the Crown Solicitor or Office of the Director of Public Prosecutions.	Officers have attained legal experience and are competent to handle legal matters, including complex matters on an irregular basis, without the need for close supervision.	Work under reduced professional direction.
Provide direction to, and liaise with, the Crown Solicitor's Office, investigating officers and any external counsel appointed to represent the interests of the agency.	Officers will participate in continuing legal education.	Officers interpret, select and apply legal methods and principles based on professional judgement.
Advise upon, review and draft commercial agreements that are not referred to the Crown Solicitor.		

Legal Officers Level 3 (LE3)

WORK LEVEL DEFINITIONS

Officers coordinate and undertake research and analysis, and prepare various documentation and advice related to policy or legal issues of a complex nature. Officers may be required to provide prosecution services for summary and minor indictable offences of a complex nature including adjudication, negotiation and advocacy and representing the agency. Officers may be required to carry out specialised or politically sensitive duties on an irregular basis and as circumstances require.

Officers are experienced and require only a minimum of supervision for complex matters. Officers are expected to assist, advise and guide less experienced officers. This is the first level which a Legal Officer may have *management responsibilities*.

CHARACTERISTICS OF THE LEVEL

To be considered in conjunction with the Work Level Definitions.

Responsibility	Knowledge/Experience	Environment
Advise on and resolve disputes and claims for compensation for complex matters that are not referred to the Crown Solicitor or Office of the Director of Public Prosecutions.	Officers will participate in continuing legal education and exercise specialised knowledge through extensive experience relevant to the legal duties required.	Officers exercise professional independence and their own judgement in carrying out their legal duties, subject to any directions or supervision given from time to time.
Provide direction to, and liaise with, the Crown Solicitor's Office, investigating officers and external counsel appointed to represent the interests of the agency or defendants.		Officers may work in areas of specialisation.
Provide advice and guidance to departmental staff on complex legal, policy, legislation and other matters specific to their agency.		Participate on intrastate committees, conferences or meetings to share information based on their specialised experience in an area of expertise or a specific matter.
Advise, review and draft commercial agreements that are not referred to the Crown Solicitor.		

Determination 5: Classification and Remuneration for Employees:
Supplementary Provisions for the classification of Legal Officers

OFFICIAL

Legal Officers Level 4 (LE4)

WORK LEVEL DEFINITIONS

Officers manage and undertake research and analysis, and prepare various documentation and advice related to policy or legal issues of a complex or politically sensitive nature of strategic impact to the agency. Officers may be required to provide prosecution services for complex, specialised or politically sensitive summary and minor indictable offences including adjudication, negotiation and advocacy and representing the agency.

Officers manage matters of complexity and sensitivity with high levels of professional independence and provide professional guidance and assistance to less experienced officers. Officers may also have *management responsibilities*.

CHARACTERISTICS OF THE LEVEL

To be considered in conjunction with the Work Level Definitions.

Responsibility	Knowledge/Experience	Environment
Provide advice on, and negotiate with opposing counsel and defendants to deliver the timely and cost effective resolve of complex or politically sensitive disputes and claims for compensation that are not referred to the Crown Solicitor or Office of the Director of Public Prosecutions.	Officers have considerable legal experience and competence relevant to the legal duties.	Work under broad direction and high levels of professional independence.
Negotiate, provide direction to, and liaise with, the Crown Solicitor's Office, investigating officers and external counsel appointed to represent the interests of the agency or defendants for summary and minor offences.	Officers exercise comprehensive knowledge gained through wide spread professional expertise.	Participate in inter-agency or national committees, conferences or meetings to gather and share information relating to legal issues or policy affecting the agency.
May be required to undertake significant reform and law review projects and prepare submissions to the Executive	Officers are expected to mentor and supervise the work of junior legal staff.	

Determination 5: Classification and Remuneration for Employees:
Supplementary Provisions for the classification of Legal Officers

OFFICIAL

Responsibility	Knowledge/Experience	Environment
Government or relevant Minister when required.		
May be required to monitor and report on Section activities against appropriate budgets.		
Provide legal advice in complex and highly sensitive matters that affect an agency.		

Legal Officers Level 5 (LE5)

WORK LEVEL DEFINITIONS

Officers lead and direct research and analysis, and the preparation of high level legal documentation, advice and policy of a complex or politically sensitive nature of strategic impact to the agency. Officers may be required to lead, manage and deliver prosecution services for complex, specialised or politically sensitive summary and minor indictable offences including adjudication, negotiation and advocacy and representing the agency.

Officers may have *management responsibilities* and be expected to operate within broad policy or agency guidelines and with professional independence and judgment to undertake and manage or independently lead a wide variety of the more difficult legal work handled by the agency.

CHARACTERISTICS OF THE LEVEL

To be considered in conjunction with the Work Level Definitions.

Responsibility	Knowledge/Experience	Environment
<p>Lead and direct negotiations with opposing counsel and defendants to resolve significantly complex or politically sensitive disputes and claims for compensation and minimise settlement payments that are not referred to the Crown Solicitor and have strategic impact to the agency.</p>	<p>Officers have considerable legal experience, competence and expertise.</p>	<p>Officers are responsible to an Executive or equivalent and operate within broad policy or agency guidelines to achieve the agency's corporate goals.</p>
<p>Officers may determine and manage, and provide high level advice relating to, significant reform and law review projects and prepare submissions to the Executive Government or relevant Minister when required.</p>	<p>Officers have specialised knowledge in one or more areas of law gained through wide spread professional expertise.</p>	<p>Represent the agency on inter-agency or national committees, conferences and meetings to negotiate complex or politically sensitive legal issues or policy development affecting the agency.</p>
<p>May be required to allocate and manage both financial and human resources through control of activities against appropriate budgets/full time equivalent staff allocation.</p>		

**Office of the Commissioner
for Public Sector Employment**

Street Address

Ground Floor, State
Administration Centre,
200 Victoria Square
(Tarndanyangga),
Adelaide SA 5000

Mailing address

GPO Box 1045,
Adelaide SA 5001

E publicsector@sa.gov.au

T 1800 317 333

W publicsector.sa.gov.au



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