

## POSITION DESCRIPTION

<b>Position</b>	Lawyer
<b>Reports to</b>	Principal Legal Officer
<b>Direct Reports</b>	NA
<b>Status</b>	Part time / Full time
<b>Location</b>	Based at the Morwell office

## BACKGROUND

The Victorian Aboriginal Child Care Agency (VACCA) is the largest organization of its kind in Australia. VACCA is an Aboriginal community-controlled organization that supports and advocates for the Aboriginal community. Our strength lies with our people. Our team is committed to the organisation's vision and values; advocates for our children and other vulnerable community members; and shows respect for, observance and compliance with Aboriginal cultural protocols, practice and ceremony. Our Aboriginality is what distinguishes us from mainstream services and what enables us to deliver the positive outcomes we achieve for our people.

VACCA employs over 600 staff and delivers more than 70 programs across the state. VACCA's experience and expertise in the delivery of therapeutic interventions are underpinned by culture, connection, and healing. VACCA designs, develops and delivers programs with self-determination and an understanding that the intergenerational trauma experienced by our community requires intergenerational and community healing.

Central to VACCA's work is the importance of connection to family, community and culture as essential to Aboriginal children's safety, stability and ensuring that they have an ongoing sense of belonging. As Victoria's largest Aboriginal child welfare agency, VACCA will play a key role in the process of transitioning the care and case management of Aboriginal children from government and non-Aboriginal organisations to Aboriginal community-controlled organisations following the recent decision of the Victorian Government.

VACCA is implementing cultural therapeutic ways which is an agency wide framework that underpins our work with the community, our clients and staff.

## PROGRAM AREA

In line with the Victorian Government's policy of self-determination for Aboriginal people, in 2017 the Secretary of DHHS exercised, for the first time, the power under section 18 of the *Children Youth and Families Act 2005* to authorise the Chief Executive Officer of VACCA with functions and powers conferred on the Secretary in relation to protection orders in respect of Aboriginal children.

This enables VACCA to make all decisions in relation to the care, case planning and case management of children who have been authorised to VACCA. The name for VACCA's section 18 program is Nugel, a Wurundjeri word meaning "belong".

Critical to the implementation of this reform was the establishment of an in-house legal service at VACCA to provide legal advice and representation to the Nugel Program as the applicant in Children's Court proceedings. VACCA's In-house Legal Service (**ILS**) takes a human rights based approach to child protection for Aboriginal children recognising inherent cultural rights, including identity and connection to family, Country and community in addition to the right to protection from all forms of harm.

VACCA ILS and the Nugel Program build on VACCA's existing range of services and expertise in working with vulnerable children and complex families to progress a culturally appropriate model of child protection. This ground-breaking law reform is a first of its kind in Australia and an important and significant step towards realising self-determination in both the delivery of legal services as well as in the child protection arena in Victoria.

## POSITION SUMMARY

The primary responsibility of VACCA's ILS Lawyer is to provide legal advice and representation to VACCA's Nugel Program. VACCA's ILS lawyer will also provide legal or strategic advice on client services projects, programs or cases involving legal or human rights issues. From time to time the ILS lawyer may also contribute to a diverse range of projects that advance the interests of the organisation in the broader political arena including advocating for Aboriginal rights, law reform and self-determination.

## KEY SELECTION CRITERIA

### Essential

1. Demonstrated high level interpersonal skills with the ability to understand Aboriginal history and values to build trusting relationships and engage effectively with a broad range of stakeholders including Aboriginal people, Aboriginal organisations, clients, government departments, courts and the legal profession.
2. Demonstrated high level oral communication and listening skills and ability to represent VACCA in court proceedings and dispute resolution conferences.
3. Demonstrated ability to produce high quality written materials addressing a range of issues for different audiences or purposes.
4. Demonstrated capacity to employ critical analytical skills to solve problems or provide policy solutions.
5. Demonstrated high level organisational skills, attention to detail and the ability to work under pressure and prioritise competing demands.
6. Demonstrated ability to work both autonomously and also collaboratively as part of a team.
7. Demonstrated proficiency in MS Outlook and MS Word.

### Highly desirable

1. Experience or knowledge of Children's Court and child protection proceedings, laws and/or policies.
2. Experience and knowledge of relevant international human rights instruments and bodies and /or relevant human rights protections for Aboriginal people within Australian and/or Victorian law.
3. Experience appearing as an advocate in court proceedings

## EDUCATION/QUALIFICATIONS

### Mandatory

- Bachelor of Laws
- Admitted or eligible for admission as a legal practitioner in Victoria
- Current driver's licence

### Desirable

- Aboriginal and Torres Strait Islander applicants are encouraged to apply

## POSITION ACCOUNTABILITIES

### Legal advice and representation to VACCA's Nugel Program

- Provide early legal advice to VACCA's Nugel program at key points including client entry into program, case planning and review and new information or reports which may alter case direction and lead to litigation.
- Provide legal advice to VACCA's Nugel Program regarding the making of court applications and recommending dispositions and conditions to seek on final orders.
- Provide legal advice and assist with final settlement of court documents including court reports, applications, warrants, subpoenas, witness summons and affidavits.
- Prepare correspondence to other parties regarding progression of legal proceedings.
- Appear on behalf of VACCA as the applicant in Children's Court proceedings.
- Represent VACCA in conciliation conferences (mediations).
- Negotiate the settlement of legal issues in dispute prior to, or during litigation of court applications made pursuant to section 18.
- Provide ongoing training, mentoring and continuous support for the development of the legal knowledge and court skills of VACCA's Nugel Program, particularly in relation to identifying and gathering evidence and drafting court reports that support the applications made.

### Law Reform, policy and advocacy

- Prepare high-level written material such as policies, reports, submissions and other documentation with legal or human rights content.
- Provide advice and assist the organisation to implement legislative reforms that are relevant to the Aboriginal child welfare sector
- Assist in the design and delivery of training on human rights and child protection laws for relevant stakeholders.
- Provide program advice and policy assistance to client service programs as required.
- Provide consultation and advice to client services staff regarding the production of documents and/or giving evidence in Children's Court proceedings.
- Provide advice in relation to requests for confidential information under the information sharing scheme and/or privacy legislation.

### General duties

- Participate in relevant organisation meetings, training and other relevant forums as required
- Undertake general administrative work and other duties as directed.

- Provide support and assistance to colleagues as required.

## HEALTH, SAFETY & WELLBEING

- Ensure compliance with the OH&S Act and VACCA policies.
- Contribute positively and proactively to team and organisation wide OH&S activities.

## QUALITY & CONTINUOUS IMPROVEMENT

- Ensure compliance with legislation, contract and policy requirements in your day to day work in order to meet the organisation's audit, contract and registration obligations.
- Proactively apply your specialist knowledge in the review and maintenance of HR policies, systems and processes.
- Continue the development of a culturally strong and positive working environment using a continuous improvement approach.

## OTHER

- Generate general and specific communication to stakeholders via effective and timely use of Staff Bulletin, intranet, forums and other opportunities as they arise.
- Participate proactively in team project initiatives
- Support other team members in periods of high demand and during periods of absence.
- Undertake other duties as directed

## ADDITIONAL INFORMATION

We are committed to Aboriginal self-determination and supporting strong, safe, thriving Aboriginal communities and aim to ensure every individual is treated with dignity, honouring all cultural backgrounds, abilities, ethnicities, sexual orientations, gender identities and spiritual beliefs.

VACCA is a child-safe organisation and is committed to ensuring the safety and wellbeing of children and young people with zero tolerance for child abuse. All successful applicants will be required to undertake a National Police Record Check and Working with Children Check prior to commencement of employment and periodically following commencement.

VACCA is an equal opportunity employer and has a smoke-free workplace policy.