

# Executive Job and Person Specification

<b>Title of Role:</b>	Director of Public Prosecutions	<b>Remuneration Level:</b>	DPP01
<b>Business Unit:</b>	Office of the Director of Public Prosecutions	<b>Type of Appointment:</b>	7 year Term
<b>Division:</b>	Legal and Legislative Services	<b>Position Number:</b>	AG0184
<b>Approved by</b>	Executive Director, Legal and Legislative Services (Delegate of the Chief Executive)	<b>Approval Date:</b>	January 2019

## Primary Purpose

The Director of Public Prosecutions is accountable for discharging the statutory duties under the *Director of Public Prosecutions Act 1991* to ensure efficient prosecution of criminal matters within the South Australian criminal justice system.

The Director of Public Prosecutions provides legal leadership and overall management of the Office of the Director of Public Prosecutions (ODPP) to enable it to provide a high quality, efficient and effective public prosecution service. The role is responsible for the provision of detailed legal/policy advice regarding criminal law, the interpretation and application of the law, and the application of prosecution policy, guidelines consistent with ethical practice.

As a member of the Attorney-General's Department's (AGD) Executive Management Team, the Director of Public Prosecutions contributes to sound corporate decision making.

## Job Environment

The *Director of Public Prosecutions Act 1991* provides the legislative framework for legal policy and legal process complying with court procedures and directions.

This role contributes to the strategic goals of the ODPP and AGD by ensuring that the ODPP participates in and successfully implements organisational efficiency within its business processes as part of the reform agenda across the criminal justice agencies

## Reporting Relationships

The Director of Public Prosecutions is responsible to the Attorney-General and reports:

- to the Attorney-General in legal matters in accordance with the *Director of Public Prosecutions Act 1991* as amended from time to time; and
- to the Chief Executive, AGD on administrative matters relating to the management of the ODPP

The Director of Public Prosecutions is responsible for the management of legal, professional, administrative and witness assistance staff in the ODPP.

## Key Relationships/Interactions

- Attorney-General and Chief Executive of AGD;
- AGD's Executive Management Team;
- Executive, management and employees in the ODPP;
- Members of the Judiciary and officers of the Courts Administration Authority; and



- Officers of the South Australia Police.

**Key Challenges**

- Multiple stakeholders, requiring effective management of internal and external relationships while ensuring key departmental interests are satisfied;
- Leading the ongoing review of the ODPP's discharge of its obligations within the criminal justice system with a view to the identification of possible improvements (internally and externally) to achieve more efficient, effective and speedy dispensation of justice in criminal matters and to the highest quality;
- Driving reform, strategy and vision for the ODPP in accordance with internal, government and departmental priorities; and
- Leading and managing a large team with competing priorities.

**Special Employment Conditions**

- Eligible to work in Australia
- Out of hours work will be required; and
- Some intra/interstate travel involving overnight absences may be required.

**AGD Conditions**

- Employment is dependent upon a National Police Certificate clearance that the AGD finds satisfactory;
- Participation in biannual performance review and development;
- Actively participate in all mandatory training requirements; and
- Abide by the standards in the Code of Ethics for the South Australian Public Sector (the Code), relevant legislation and AGD policies and procedures.

**Responsibilities**

This Executive Job and Person Specification is not exhaustive and describes the type and nature of duties you may be required to perform. The Executive may be required to perform any duties commensurate with their classification level, skills, experience and qualifications.

The Director of Public Prosecutions is responsible for:

Key Responsibilities	Specified Duties	Performance Indicator/Measurement
Lead and manage the ODPP	Ensuring that the powers and duties of the Director of Public Prosecutions under the <i>Director of Public Prosecutions Act 1991</i> are discharged properly in the public interest. Those powers and duties are:- <ul style="list-style-type: none"> <li>• to lay charges of indictable or summary offences against the law of the State</li> <li>• to prosecute indictable or summary offences against the law of the State</li> <li>• to claim and enforce, either on behalf of the Crown or other persons, civil remedies that arise out of, or are related to, prosecutions commenced by the Director of Public Prosecutions</li> <li>• to take proceedings for or in relation to the confiscation of profits of crime</li> <li>• to institute civil proceedings for contempt of court</li> </ul>	<ul style="list-style-type: none"> <li>• High quality professional criminal legal services delivered within the budget allocated to the ODPP</li> <li>• Funds used as approved by Chief Executive, with proper monitoring and program evaluation</li> </ul>



<p>Lead and manage the ODPP (continued)</p>	<ul style="list-style-type: none"> <li>• to enter a <i>nolle prosequi</i> or otherwise terminate a prosecution in appropriate cases</li> <li>• to grant immunity from prosecution in appropriate cases</li> <li>• to exercise appellate rights arising from criminal proceedings of the kind described above</li> <li>• to ensure sentencing courts are provided with all necessary information to discharge the sentencing process properly; and</li> <li>• to carry out any other function lawfully assigned to the Director of Public Prosecutions</li> </ul> <p>Allocating and managing resources to meet the current and emerging workloads of the ODPP within budget.</p> <p>Ensuring that the ODPP is properly and efficiently managed by:</p> <ul style="list-style-type: none"> <li>• controlling and monitoring the allocation of work and workloads to the staff of the Office</li> <li>• ensuring the most effective and efficient utilisation of physical, human and financial resources within the ODPP</li> <li>• establishing constructive working relationships among the staff and between management and staff consistent with a high performing professional office</li> <li>• ensuring the professional development of all staff within the ODPP</li> <li>• providing direction and leadership to staff to ensure that the objectives of the ODPP are effectively achieved and accord with high standards of professional performance</li> <li>• providing an effective and responsive contribution to the Executive management of AGD and contributing to corporate decision making by participating as a member of the AGD Executive Management Team</li> <li>• Persuade, influence and negotiate to ensure a high service delivery standards, subject to ongoing review and improvement for quality, consistency and timeliness; and</li> <li>• Lead the ongoing review and improvements for service delivery quality, consistency and timeliness.</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed service standards for quality, consistency and timeliness are met or exceeded</li> <li>• Complex people matters are resolved</li> <li>• Performance Development Plans in place for staff</li> <li>• Team and individual workloads are assessed regularly and risk assessments are undertaken.</li> <li>• Demonstrate SAES values and Public Sector Values</li> </ul>
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<p><b>Delivering Strategic Priorities</b></p>	<ul style="list-style-type: none"> <li>• Contributing to and support of the Office of the Director of Public Prosecutions business strategy</li> <li>• Identification and implementation of opportunities for continuous improvement in legal services and processes within the Office</li> <li>• Identification, capture and embedding of key measures for the organisation, legal teams and individual staff performance, including analysis and reporting.</li> <li>• Identification and continually monitoring trends and results in the ODPP and compare to targets.</li> <li>• Drive strategic and operational excellence through effective interpretation of strategic imperatives into operational goals.</li> <li>• Lead and advance Agency and Whole of Government priorities as defined from time to time.</li> </ul>	<ul style="list-style-type: none"> <li>• Services or programs delivered in scope.</li> <li>• Expenditure authority not exceeded, sound use of resources</li> <li>• Funds used as approved by Chief Executive, with proper monitoring and program evaluation</li> <li>• Cost effectiveness of service delivery</li> </ul>
<p><b>Conduct of legal matters and provision of legal advice</b></p>	<ul style="list-style-type: none"> <li>• Undertake the prosecution of complex legal matters as required, including, but not limited to, undertaking appeals in the Court of Criminal Appeal or the High Court.</li> <li>• Ensuring that the Attorney-General has access to timely and accurate information about criminal matters (in so far as it may be permitted under the <i>Director of Public Prosecutions Act 1991</i>) by providing written and oral advice about developments and conduct of major criminal cases.</li> <li>• Liaise with the Attorney-General and other agencies on proposals for legislative and procedural change</li> </ul>	<ul style="list-style-type: none"> <li>• High quality and timely advice provided to the Attorney-General</li> <li>• Contribute regularly to discussions and projects relating to legislative reform and change.</li> </ul>
<p><b>Relationship Management</b></p>	<ul style="list-style-type: none"> <li>• Forge and maintain constructive and productive relationships with internal and external stakeholders</li> <li>• Manage negotiations and conflict effectively</li> </ul>	<ul style="list-style-type: none"> <li>• Communication and engagement strategies developed and implemented.</li> <li>• Positive feedback from stakeholders and customers</li> </ul>
<p><b>Adherence to legislation</b></p>	<ul style="list-style-type: none"> <li>• Within the areas under the control of the Executive ensuring the observance of Government requirements and the objectives, values, principles and standards in, or made under, the <i>Public Sector Act 2009</i></li> <li>• Obligations under the <i>Public Finance and Audit Act 1987</i>, <i>Public Sector Act 2009</i> and <i>Public Sector (Honesty and Accountability) Act 1995</i> are satisfied</li> </ul>	<ul style="list-style-type: none"> <li>• Active participation and contribution in responsible and safe work practices.</li> <li>• Abides by the Acts, Regulations, Policies and Procedures relevant to employees of AGD;</li> <li>• Documents and correspondence filed according to <i>States Records Act 1997</i>.</li> </ul>
<p><b>Drive Culture</b></p>	<ul style="list-style-type: none"> <li>• Pro-actively safeguard the health and wellbeing of staff by ensuring safe work practices are undertaken by self and others in the workplace;</li> <li>• Embrace and contribute towards diversity and cultural differences in the workplace.</li> </ul>	<ul style="list-style-type: none"> <li>• Pro-active measures are undertaken to adhere to and prevent injuries;</li> <li>• Work practices are safe and Work Health and Safety legislation, policies and procedures are implemented;</li> <li>• Individual differences are encouraged and accommodated in the workplace.</li> </ul>



**Knowledge and Experience**

Technical expertise relevant to the role (qualifications, skills, knowledge and/or experience):

<p><b>Technical Expertise (Essential)</b></p>	<ul style="list-style-type: none"> <li>• As prescribed by statute, the person must be a legal practitioner within Australia of at least seven years standing and be admitted as a barrister and solicitor in the Supreme Court of South Australia or eligible for admission.</li> <li>• Proven leadership in the field of criminal law practice including extensive experience as a criminal advocate in indictable matters of both trial (in intermediate court and Supreme Court jurisdictions) and appellate level.</li> <li>• Strategic understanding of the issues facing the legal system, the administration of the criminal justice system, and the Government's criminal law reform agenda.</li> <li>• Detailed knowledge of the South Australian legal framework and environment and their impact on the community</li> <li>• Experience in providing leadership to, and supervision of, legal practitioners and administrative staff in a high workload legal professional environment.</li> <li>• Outstanding leadership skills, including evidence of the ability to effectively lead, manage, motivate and support highly professional teams of solicitors, trial counsel, paralegals and legal support staff</li> <li>• Outstanding verbal and written communication skills and an ability to related effectively to fellow professionals in the criminal justice system and formulate responses to community concerns about criminal justice issues.</li> <li>• Outstanding intellectual and conceptual abilities for identifying strategic opportunities for improving the existing criminal justice system.</li> <li>• An understanding of the structure of Government, the role of the Director of Public Prosecutions and the ODPP within Government and operating in a public sector context.</li> <li>• Demonstrated ability in leading and managing effective change.</li> <li>• Extensive knowledge and experience in development of legislation, policy development, project management, community engagement, work health and safety, industrial relations and public safety.</li> <li>• Demonstrated ability to understand detailed requirements and undertake big picture planning</li> <li>• Demonstrated skills to develop and articulate strategic directions in a complex environment.</li> </ul>
<p><b>Technical Expertise (Desirable)</b></p>	<ul style="list-style-type: none"> <li>• Eligible for admission or admitted as a practitioner of the High Court of Australia</li> <li>• Post graduate qualifications in law or a management related discipline would be highly regarded.</li> <li>• Knowledge of the Divisions and Business Units of the AGD and other justice agencies.</li> <li>• Knowledge of South Australian public sector policies and practices.</li> </ul>



### Behavioural Competencies

Descriptors below provide the behavioural competencies required for performance in the Director of Public Prosecutions, based on the AGD Performance Matrix. These behaviours are applicable to your ongoing success in the role. KEY behaviours for this role are highlighted in **bold**. Executives are also required to demonstrate broader behaviours under each of these five elements, as determined in the South Australian Executive Service (SAES) *Competency Framework*.

Element	Behaviours
<b>Shapes Strategic Thinking and Change</b>	<ul style="list-style-type: none"> <li>• Aligns strategies with the South Australian Government and AGD's strategic plans</li> <li>• Continually reviews goals and plans to reflect changing priorities or conditions</li> <li>• Anticipates risks and manages these accordingly</li> <li>• Operates within a whole of government context and considers multiple perspectives and agendas</li> <li>• Seeks to gather and understand all critical information when planning and making decisions</li> <li>• <b>Demonstrates effective and consistent decision making in an environment of ongoing change and uncertainty</b></li> <li>• Champions new initiatives and stimulates change</li> </ul>
<b>Achieves Results</b>	<ul style="list-style-type: none"> <li>• Brings together concepts and ideas into clear strategies and translates them into concrete implementation plans</li> <li>• Creates a shared sense of purpose towards achieving goals</li> <li>• Holds self and others accountable for quality, timely and cost effective results</li> <li>• Makes well informed effective and timely decisions even when information is incomplete and ambiguous</li> <li>• <b>Makes complex decisions that require a high degree of judgement</b></li> <li>• Monitors performance and drives continuous improvement</li> </ul>
<b>Drives Business Excellence</b>	<ul style="list-style-type: none"> <li>• Anticipates and plans for future events, trends, problems and opportunities</li> <li>• <b>Builds and manages capability and expertise of the workforce to achieve organisational goals</b></li> <li>• Models and promotes a customer service ethos</li> <li>• Astutely allocates resources for optimal short and long term outcomes.</li> <li>• Models a culture of financial responsibility, accountability and awareness</li> <li>• Sets clear performance standards that are linked to organisational outcomes.</li> <li>• Develops the ability of others to effectively manage their own, individual and team performance and contribute to the organisation</li> </ul>
<b>Forges Relationships and Engages Others</b>	<ul style="list-style-type: none"> <li>• Constructively manages and resolves conflict within and across areas.</li> <li>• Holds a clear understanding of the political context and acts accordingly</li> <li>• Adopts and promotes a collaborative approach when working with internal or external stakeholders</li> <li>• <b>Builds extensive effective working relationships, networks and partnerships</b></li> <li>• Utilises effective negotiation techniques to achieve mutually beneficial solutions</li> <li>• Actively listens and communicates in a clear, concise and diplomatic manner</li> </ul>
<b>Exemplifies Personal Drive and Professionalism</b>	<ul style="list-style-type: none"> <li>• Models and builds a culture of respect and high ethical standards</li> <li>• Provides impartial and constructive advice and clearly voices professional opinion where necessary</li> <li>• Effectively deals with difficult or controversial issues</li> <li>• Encourages diversity and uses this to enhance the objectives of the organisation</li> <li>• Models professionalism and confidentiality when dealing with sensitive issues</li> <li>• Demonstrates adaptability in dealing with change</li> <li>• Demonstrates an active commitment to ongoing development</li> <li>• Actively seeks feedback and engages in critical self-reflection</li> <li>• <b>Upholds and promotes a high standard of wellbeing for self and others</b></li> </ul>

