

Position Title: General Counsel

Campus: Ballarat

Directorate: Chief Medical Office

Department: Medico-Legal

Reporting to: Chief Medical Officer

Direct Reports: Legal Services
Freedom of Information

Appointment Terms/Conditions:

Classification and Code: HS8

Enterprise Agreement: Health and Allied Services, Managers and Administrative Workers
(Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2021-2025

ORGANISATIONAL INFORMATION

Grampians Health was established on 1 November 2021. Drawing on a regional history of over 150 years, we provide service to over 250,000 Victorians, operate across 21 campuses and sites, and employ more than 7,000 dedicated professionals. Our values reinforce our commitment to providing high-quality, accessible healthcare services close to home. Our mission is to serve the communities of the Grampians region with comprehensive care, ensuring every individual receives the attention they deserve. For more information, visit www.grampianshealth.org.au.

Collaboration	Compassion	Accountability	Respect	Innovation
<i>We are stronger together.</i>	<i>We show that we care.</i>	<i>We do what we say and say what we do.</i>	<i>We appreciate and value all people.</i>	<i>We adapt and innovate to achieve best outcomes.</i>
Recognising and utilising strengths to share knowledge, solve problems, build relationships and deliver the best outcomes possible.	All people deserve to be treated with compassion, kindness and empathy.	Openness, honesty and transparency support us to be courageous, take responsibility for our actions and follow through on our commitments	Our actions and words reflect our commitment to a safe and fair health service for all.	Every day, we apply expertise and integrity to make responsible choices, always striving for continuous improvement.

POSITION PURPOSE

The General Counsel heads the Legal Services and Freedom of Information departments of Grampians Health. They are responsible for the provision of timely professional and considered legal advice and the delivery of a full range of legal services to all areas of Grampians Health including its Executive and Executive Committees. The General Counsel leads and coordinates activities to achieve Grampians Health's objectives in the provision of legal services. The General Counsel is accountable to the Chief Medical Officer and works closely with the Executive Team and senior leaders.

The General Counsel supports the Directorates and Programs of Grampians Health through the provision of legal advice and practical support in the areas of contracts, tenders, medico-legal issues and litigation, other litigation, crisis management, Coroner's investigations and inquests, privacy, freedom of information, policies, patient complaints, employee relations, research and insurance.

The position ensures that Grampians Health operates within the limits prescribed by law and that Grampians Health's rights are properly protected. As a member of the Grampians Health Senior Leadership Team, the appointee will model the values of the organisation.

KEY ACCOUNTABILITIES

Provision of Legal Advice and Education

- To act as legal counsel to Grampians Health, leading a small team of lawyers and administrative staff, and to provide professional legal advice and services to its Executive Team and senior leaders in respect of its activities and as summarised below:
- Provide legal advice regarding Coronial and litigation matters, assist in the preparation of statements by staff in relation to inquests and other legal proceedings, and review and draft such statements.
- Provide legal advice regarding Freedom of Information requests and privacy issues.
- Provide legal advice and input into the management of clinical incidents and complaints.
- Maintain and uphold the reputation of Grampians Health in respect of all legal issues.
- Provide legal advice regarding tender, contract, service agreements, partnership agreements and similar document documents, and review and draft these documents as required.
- Remain abreast of all current and new legislation affecting Grampians Health and its impact on the delivery of services at Grampians Health, and inform the Chief Executive and Executive Management Team of new relevant legislation.
- Provide education to Grampians Health employees, particularly members of its clinical staff, about medico-legal issues with particular emphasis on health and medical law, as well as risk management.
- Provide legal advice to the Grampians Health Human Research and Ethics Committee.
- Manage a small team of lawyers and administrative officers.
- Manage the outsourcing of legal work for specialist advice where appropriate and ensure contracted legal services are of high quality and within budget parameters.
- Initiate legal action where required and oversee the defence of the organisation in any legal action in conjunction with the insurer and external legal advisers.
- Provide advice in respect of Grampians Health's policies and procedures as requested and draft and review policies where required.
- Monitor and manage Grampians Health's legal expenses within budget.

Oversee the defence of actions brought against Grampians Health

- Work with Grampians Health's insurer and external legal advisers, to ensure that Grampians Health's interests and those of its staff are protected.

- Monitor all legal proceedings and other involvement by Grampians Health in court proceedings.
- Provide advice and support to Grampians Health staff involved in court proceedings or who are required to give evidence.

Ensure that Grampians Health is compliant with all legislative requirements

- Advise Grampians Health on its rights and obligations that arise pursuant to legislation, other statutory instruments and the common law.
- Ensure that Grampians Health is informed of new legislation that may affect its activities.
- Undertake legal risk management activities to ensure compliance.
- **Oversee the management of insurance matters on behalf of Grampians Health** • Provide advice and guidance to staff in relation to insurance matters.
- Maintain a corporate relationship with Victorian Managed Insurance Authority (VMIA).
- Develop an understanding of the cover provided or excluded by insurance coverage and monitor any changes.

EXTERNAL RELATIONSHIPS:

- Liaises with:
- Legal firms
- Victorian Managed Insurance Authority (VMIA)
- Insurer

INTERNAL RELATIONSHIPS:

- Liaises with:
- Chief Medical Officer
- Chief Executive Officer
- Executive Team
- Senior leaders
- Board of Directors
- Senior Medical Staff
- Other relevant stakeholders

KEY SELECTION CRITERIA

Qualifications

- A commitment to Grampians Health values
- Relevant undergraduate qualifications with current practising certificate pursuant to the Legal Profession Uniform Law (Victoria) for at least five (10) years after admission and admission as a solicitor of the Supreme Court of Victoria.
- Demonstrated skills in conflict resolution and litigation.
- Demonstrated skills in drafting complex contracts, service agreements and partnership documents
- Demonstrated ability to provide pragmatic and practical advice as required.

Technical/Professional Knowledge and Skills

- Knowledge and experience of the law relating to the Victorian Public health sector, its legal challenges and its relationship with Government.

- Completion of a Commonwealth of Australia Statutory Declaration prior to commencement of employment

Work Environment

- Ability to consult and collaborate with others and work as an effective member of a team to deliver organisational outcomes.

Personal attributes

- Excellent communication skills, both written and verbal.
- Demonstrated ability to provide practical legal advice and exercise sound judgement within a complex environment encompassing a broad range of legal issues at both strategic and operational levels.

ORGANISATIONAL REQUIREMENTS

- Grampians Health is committed to a consumer centred approach in the provision of health care and services, consistent with our values, purpose and vision. It is expected that team members demonstrate the core values of consumer centred care in every interaction.
- All team members of Grampians Health are responsible for supporting the safety, participation, wellbeing and empowerment of children.
- Quality care is a strategic and operational priority at Grampians Health, achieved through our Governance Framework.
- Participation in the Grampians Health integrated quality improvement and risk management systems by being aware of responsibilities to identify, minimise and manage risks and identifying opportunities for continuous improvement in your workplace through communication and consultation with managers and colleague.
- You must ensure that the affairs of Grampians Health, its patients, clients and staff remain strictly confidential and are not divulged to any third party except where required for clinical reasons or by law. Such confidentiality shall extend to the commercial and financial interests and activities of Grampians Health.
- In accordance with current legislation and organisational policy, employees must be willing to undertake and maintain a police check, working with children check and where necessary a NDIS Worker screening check. Ongoing employment will be dependent on the provision of satisfactory checks.

OTHER RELEVANT INFORMATION

- At Grampians Health we recognise and respect diversity. Each person has a right to high-quality health care and opportunities regardless of diversity factors which might include aspects such as cultural, ethnic, linguistic, religious background, gender, sexual orientation, age, and socioeconomic status. Inclusiveness improves our service to our community and promotes engagement amongst Grampians Health employees.
- All Grampians Health employees are required to take reasonable care of their own health and safety in the workplace as well as take reasonable care for the health and safety of others who may be affected their acts or omissions. Persons with delegated management functions have an additional duty to provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable in areas where they have management or control. All employees have a duty to report issues they cannot rectify, follow all existing Grampians Health policies and protocols relating to health, safety, wellbeing and injury management and cooperate with any action taken by Grampians Health to comply with the OHS Act or Regulations.
- Statements included in this Position Description are intended to reflect in general the duties and responsibilities of this position and are not to be interpreted as being all inclusive.
- Management may alter this Position Description if and when the need arises. Any such changes will be made in consultation with the affected employee(s).
- An annual performance review will occur with your Manager. Your performance review is intended to be a positive discussion, outlining the key roles and responsibilities outlined in this Position Description. The

performance review discussion provides an opportunity to clarify your role, revise key performance activities and identify any objectives or goals for the year ahead.