

POSITION DESCRIPTION

Position Title:	Coordinator Prosecutions		
Classification:	Band 8	Status	Full time
Group:	Prosecutions	Business Unit:	Regulatory Services
Reports to:	Manager Regulatory Services		
Direct Reports:	Yes	Date:	November 2024

ORGANISATIONAL CONTEXT

Cardinia Shire Council is committed to building a sustainable shire for present and future generations to enjoy. Council plays an important role in contributing to life in our community. We provide services which supports the wellbeing of our residents now and into the future.

To deliver on our commitment, we are developing a skilled and professional workforce that embraces our organisational culture, values, and demonstrates key leadership capabilities. Our culture is defined by working together, working differently, and working for the future. We value teamwork, respect, accountability, communication, and customer focus. These values underpin our work and our behaviours ensuring we deliver on the Council's vision while maintaining a healthy, engaging, and inclusive workplace.

POSITION OBJECTIVES

- To contribute to the effective and efficient management of the use, development and protection of land in the Cardinia Shire.
- To lead the Prosecutions team to ensure corporate and Business Unit objectives and targets are met.
- To provide expert prosecutions advice and support to Council, management, Council lawyers, Courts, Tribunals and unit customers.
- To contribute to the effective and efficient protection of land in the Cardinia Shire.

KEY RESPONSIBILITIES AND DUTIES

Key responsibilities include, but are not limited to:

- Provide direction and leadership to the Prosecutions team to ensure all relevant prosecutions matters are conducted appropriately and efficiently.
- Manage all legal proceedings and formally represent Council as a prosecutorial advocate in the Magistrates' Court and the Victorian Civil and Administrative Tribunal where Council is authorised to take criminal or quasi-criminal prosecution or enforcement action, under relevant legislation.
- Make decisions and recommendations relating to operational, strategic, policy and financial matters, prosecution approvals and any other relevant issues that may arise in conjunction with the Manager Regulatory Services.
- Oversee the use by Council of infringements and to administer the requirements of Infringements Act, including undertaking infringement reviews that have escalated beyond the first application review and to ensure appropriate and consistent resolution of all enforcement matters and

including management of the infringement software system and subcontractors.

- Negotiate with accused persons and recipients of infringement notices (or their representatives) with the view to achieve agreed positions and/or effective settlement outcomes where appropriate.
- Manage all prosecutions and enforcement action in Magistrates' Court and VCAT, ensuring accurate, effective and timely processing so that future action on all such matters is determined in a manner that enables the statute of limitation timeframe to be met.
- Co-ordinate the issuing and service of summonses on accused persons and witnesses in legal proceedings as required.
- Overseeing and conducting advocacy in all legal proceedings, or engaging appropriate practitioners as required, and briefing them to ensure they are provided with all available evidence and information to proceed on behalf of Council.
- Assist informants and where necessary prepare briefs on behalf of Council Officers.
- Conduct regular reviews of Council's Prosecution and Infringements Procedure.
- Provide biannual infringement reports to the Justice Department in accordance with the Infringements Act.
- To effectively liaise with, and coordinate workflows with other members of the Regulatory Services Business Unit as well as all other employees.
- Develop and implement business and customer service improvements in conjunction with the Manager Regulatory Services, including setting objectives, goals and performance indicators for the Prosecutions team.
- Provide and maintain processes, auditing and high level of integrity in line with IPA with Department of Transport
- Manage statistical data and auditing in conjunction with Fines Victoria
- Monitor the workloads of all team members and ensure they achieve appropriate outcomes in a timely manner.
- Provide training, coaching and development of Prosecutions team members.
- Develop and provide training and coaching for informants across Council's law enforcement function
- Remain aware of all relevant changes / amendments in legislation and educate and update the team on these changes.
- Provide sound information and advice on Prosecutions matters to Courts and Tribunals, community members, Council employees, Councillors and other relevant parties.
- Provide assistance to the Manager Regulatory Services in a range of prosecutions matters.

POLICY AND PROCEDURE COMPLIANCE

- Adhere to and promote to HR, IT, OH&S/Risk Management policies, procedures and practices and ensure compliance from employees and work areas under the leadership of the position.
- Demonstrate an understanding and accountability for record keeping policy including the accuracy and capture of data, the sensitivities involved and the release and destruction of documents.
- Ensure compliance with Council's financial and procurement policies and procedures in ensuring an adequate standard of internal control over finances is maintained.

OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

- Take reasonable care for the health and safety of yourself and others in the workplace, ensuring we provide and maintain a working environment that is safe and without risk to the health of employees, contractors, visitors and the general public, as far as is reasonably practicable.
- Ensure all legislative and regulatory responsibilities are addressed and met in relation to occupational health and safety.
- Responsible for ongoing consultation with employees, employee health and safety representatives and supervisors to identify and eliminate hazards and risks in the workplace.
- Ensure hazards, incidents, near misses and injuries are reported immediately and recorded within the appropriate system.
- Actively participate in the planning and execution of Return-to-Work plans as required.

ACCOUNTABILITY AND EXTENT OF AUTHORITY

- Demonstrate personal and professional integrity at all times consistent with the Cardinia Shire Council values.
- Be accountable for own decisions and actions.
- Take personal responsibility in meeting role, team and organisational objectives.
- Provide advice to management and employees on relevant processes, which is consistent with the desired outcomes and vision of the organisation.
- Represent the organisation in public litigation and make decisions on behalf of Council in an autonomous way, protecting Councils financial, resources and reputation.
- Authority to exercise all delegated powers on behalf of Cardinia Shire Council under the Infringements Act 2006 and report as required by Department of Justice.
- Has authority to conduct investigations regarding any legislation that is within the scope of prosecution or enforcement.

JUDGMENT AND DECISION MAKING

- Required to have considerable knowledge and understanding of all relevant prosecution issues and emerging trends and how these should be effectively addressed.
- Required to make professional and complex judgments, with limited guidance on all aspects relating to the functions, responsibilities and services associated with the Prosecutions team.
- Make decisions on matters which relate the responsibility of the position, delegated authority, legislative requirements, established policy or recognised standards.
- Continuously improve and/or develop methods and techniques based on theory or previous experience.
- Required to apply complex methods, procedures and processes relating to the legal functions and responsibilities and to determine instances where it is not appropriate to do so

SPECIALIST KNOWLEDGE AND SKILLS

- Advanced knowledge and highly developed skills in the interpretation and application of legislation, administrative law principles and policies, investigation processes and evidence analysis within the scope of legislation administered and enforced by the Cardinia Shire Council.
- Advanced understanding of the professional, ethical and legal obligations of public prosecutors.
- Ability to draft local laws, summonses, other enforcement/legal documentation and detailed submissions, correspondence or reports.
- Effective research and analytical skills and proven problem-solving skills.
- Proficiency in strategic thinking and planning complemented by the ability to develop and implement performance reports, policies, strategies, plans, processes and systems.

INTERPERSONAL SKILLS

- Communicate clearly and confidently across all levels of Cardinia.
- Able to lead, motivate and develop other employees.
- Oversee communication and consultation channels to share information and knowledge.
- Ability to communicate with the judiciary, managers, employees, community groups, members of the public, police, persons charged with offences and employees from other Councils.
- Ability to work effectively in teams to deliver positive organisational outcomes.
- Ability to engender the trust of management, employees, clients, and the general public.
- Demonstrate ability to develop options, solve problems, and be flexible when required.

MANAGEMENT SKILLS

- Ability to provide leadership and motivation within the Prosecutions team.
- Capable of producing sound and confident decisions and solutions within critical timelines.
- Experience in managing and coordinating approval of Magistrates' Court prosecutions and other proceedings.

- Ability to train employees in the interpretation and application of legislation, rules of evidence and court procedures.
- Ability to ensure that specific outcomes are achieved within set time frames against conflicting priorities.
- Capacity to strengthen linkages with teams within Regulatory Services and other relevant Business Units.
- Strong time management and problem-solving skills.
- Demonstrated management skills and abilities to effectively lead and supervise a team in a complex environment.
- Lead and influence a collaborative, innovative and values-based culture.

QUALIFICATIONS AND EXPERIENCE

- Current practice certificate as an Australian Lawyer (or eligible to obtain a practicing certificate).
- Experience and knowledge of summary criminal practice and procedure.
- Experience in mentoring and coaching employees.

KEY SELECTION CRITERIA

- Current practicing certificate as an Australian Lawyer (or eligible to obtain a practicing certificate).
- Demonstrated experience and record of achievement in prosecutions.
- Advanced knowledge and highly developed skills in the interpretation and application of legislation, administrative law principles and policies, investigation processes and evidence analysis.
- Advanced communication, negotiation, representation and interpersonal skills.
- Highly developed time management and problem-solving skills.
- Leadership skills and the ability to co-ordinate employees in the achievement of targets, delivery of services and provision of advice.
- Ability to embrace the Cardinia values and keys to success.

CONDITIONS OF EMPLOYMENT

Terms and conditions of employment are in accordance with the Cardinia Shire Council Enterprise Agreement 2024 and Cardinia's policies and procedures.

Tenure This is a full time position on going position

Pre-employment checks All appointments are subject to a National Police Record Check, pre-employment medical check, and a six-month probationary period (new employees only). Certain positions may also require a Financial Background Check, Traffic Check or Working with Children Check.