

## POSITION DESCRIPTION

<b>Position Title</b>	<b>Legal Counsel</b>
<b>Reports to (Title)</b>	<b>General Counsel &amp; Company Secretary</b>
<b>Executive Director</b>	<b>Chief Executive</b>
<b>Department</b>	<b>Office of Chief Executive / Hospital Administration</b>
<b>Position Location</b>	<b>Cabrini Hawthorn</b>
<b>Award/Agreement</b>	<b>Salary &amp; Conditions in accordance with Contract of Employment</b>
<b>Delegation of Authority Level</b>	<b>Level 5</b>

### Position Summary & Role Purpose

The Legal Counsel will assess the legal implications of a range of Cabrini Health mission and business activities and provide advice to the Cabrini Health Board, the Chief Executive, the Cabrini Health Group Directors, General Counsel & Company Secretary and to Cabrini Health managers with delegated legal and legislative responsibilities.

### Key Result Areas

#### 1. Key Responsibilities, Outcomes and Activities

##### 1.1 Leadership and management

- Contributes to the Legal team's aim to ensure that Cabrini meets its objectives by developing, implementing and monitoring a strategy for the provision of legal advice, ensuring Cabrini has an appropriate legal risk and compliance management framework.
- Assists the General Counsel and team to ensure (a) business practices are both legally enforceable and defensible; (b) business units and the Board are at all times aware of the risks of conducting business; (c) business units and Board practices operate within a sound framework where compliance with the law and its spirit are understood; (d) the Board is informed of significant regulatory change and management of legal and regulatory issues are brought to satisfactory closure.
- Responsible for the provision of legal advice consistent with Cabrini's legal risk appetite and commercial objectives.
- Provides advice to the Cabrini Health Board, Chief Executive, members of the Cabrini Health Executive and General Counsel on legal and legislative compliance matters as requested by the Chief Executive and General Counsel.
- Reviews, advises on and oversees the engagement of external legal advisers as needed.

##### 1.2 Operational Responsibilities

- Provides advice and assistance to the General Counsel on legal matters as directed.
- Provides advice to delegated managers on legal matters.
- Assists and advises the Company Secretary concerning company secretarial matters and the legislative and statutory obligations of the Cabrini Health Board.

- Monitors the terms and conditions of engagement of external legal advisers and reviews the services provided by these advisers.
- Assists the management of and compliance with the annual budget for external legal advice and/or action.
- Attends meetings with the Cabrini Health Board, the Cabrini Health Executive and the Chief Executive as required.

### **1.3 Resource Management**

- Assists with the management of the annual budget for external legal advice and/or action on behalf of the General Counsel.
- Adherence to the Cabrini codes of professional conduct, code of ethics, standards of practice and competencies, Mission, Values and the *Behaviours that Matter*

### **1.4 Contributes to the achievement of professional expertise for self and direct reports through:**

- Contribution to the development of the Legal team's 'way we work'.
- Maintenance of ongoing personal professional development / continuing education.
- Personal application of the Cabrini management performance framework.
- Identifying, encouraging and monitoring the continuing development of others within a learning culture.

## **2. Work Health and Safety**

Cabrini is committed to providing facilities and services which minimise the risk of physical and psychosocial harm to our workforce, patients, residents, clients and visitors, so far as is reasonably practicable.

To achieve this, managers are required to implement, in consultation with their employees, the components of Cabrini's work health and safety management systems (the collection of policies, procedures, guidelines, other related documents and resources) to control the hazards that their employees, and any other person exposed to the work they do, may face. The WHS management system enshrines a risk management approach to managing hazards. For any hazards not explicitly covered in the WHS management system, managers are required to assess and control hazards as outlined in the WHS Risk Management Procedure.

Employees are responsible to work in a way that protects their own health and safety and that of others who may be affected by their actions. This includes following the policies and procedures from the WHS management system that apply to their work, any local processes and instructions from their manager regarding how work is to be performed. Employees are responsible to report hazards, incidents and injuries to their manager.

The Cabrini WHS Department facilitate the ongoing development and review of the WHS management system, build the capability of managers to assess and manage wellbeing, hazards, incidents and injuries and provide advice and support in the management of these areas.

The Cabrini Work Health and Safety Responsibilities Procedure defines the responsibilities of employees at all levels of the organisation – Chief Executive; Group Directors; General Managers; Managers; those with specified work health and safety responsibilities; and all other employees. Please refer to the procedure for more details of the responsibilities associated with your role.

### 3. Safety and Quality

It is the responsibility of all staff at Cabrini to ensure that they provide safe high quality care to our patients, residents and service users. Safe care means accepting individual and shared responsibility as well as compliance with the Cabrini policies and protocols by all staff.

### 4. Child Safety

Cabrini complies with the Victorian Child Safe Standards 2015 and the National Catholic Safeguarding Standards. All children who come to Cabrini have a right to feel and be safe. Cabrini policies and practices aim to keep children safe from harm. All Cabrini staff must comply with all policies including the following:

- Child safe organisational framework
- Mandatory reporting of suspected child abuse
- Working with children check

## Organisational Relationships

### The Cabrini Legal Counsel:

- Reports directly to the General Counsel & Company Secretary.
- Maintains a close collaborative working relationship with the members of the Cabrini Health Executive and with the Company Secretariat team.

## Committee Membership

**The Cabrini Legal Counsel will participate as a member of the following committees as required by the General Counsel and Chief Executive:**

- Cabrini Health Board sub-Committees.

## Staff Development

**The Cabrini Legal Counsel will demonstrate a commitment to personal and professional development of self and staff by:**

- Participating in professional development programs.
- Maintaining own skills and knowledge.
- Remaining up to date with contemporary legal practices.
- Contributing to the Cabrini professional development program as required.
- Participating on performance reviews in accordance with Cabrini policy.

## Key Competencies

**The Cabrini Legal Counsel must demonstrate the following requirements:**

### **ESSENTIAL**

#### **Educational/Vocational**

- Qualified legal practitioner (Bachelor of Laws or similar recognised in Australia for purposes of registration)

#### **Registration**

- Currently valid admission to practice as solicitor and barrister in the State of Victoria

#### **Experience**

- Company Secretary experience or undertaking/aiming to undertake relevant study
- Contracts and contract law
- Experience as an in-house legal counsel in a large private sector company
- Medico-legal and health-related law an advantage
- Experience in not-for-profit sector in Australia an advantage

## **Knowledge**

- Company Law in Australia
- Not-for Profit Law in Australia

## **Behaviours**

- Provide credible, trusted and value adding legal services, enabling Cabrini to achieve its strategic objectives.
- Ability to read, interpret and commercially apply legislation, codes and standards.
- Demonstrate initiative – taking action rather than simply thinking about it, identifying opportunities, creating opportunities, anticipating and acting for the longer term.
- Concern for quality and standards – attention to detail and contributing to the overall monitoring of quality and standards.
- Problem solving skills – able to identify problems, identify solutions and make recommendations to solve problems.
- Support and manage change – able to deliver the message of change in words and actions to motivate people to change.
- Results focused – demonstrating an ability to do the job well and to deliver results; doing things better and more effectively; sticking at a task until it is delivered.
- Influence outcomes by planning a strategic approach to support for Cabrini’s governance objectives.

## **Conditions of Employment**

Salary and conditions in accordance with the Cabrini Contract of Employment / Employment Agreement

## **Cabrini Mission, Values and the Behaviours that Matter**

### **Our mission**

#### **WHO WE ARE**

We are a Catholic healthcare service inspired by the spirit and vision of Mother Cabrini and the Missionary Sisters of the Sacred Heart of Jesus.

#### **WHAT WE BELIEVE**

We are a community of care, reaching out with compassion, integrity, courage and respect to all we serve.

#### **WHAT WE DO**

We provide excellence in all of our services and work to identify and meet unmet need.

### **Our values**

***Our values form the base of our mission, are built around what we believe and drive how we act. They are drawn from Mother Cabrini’s life and reflect her heart, her spirit, her conviction and her approach.***

#### **Compassion**

Our drive to care is not just a professional duty to provide excellent quality care but is born of a heartfelt compassion for those in need, motivated by God’s love for all people.

- We care deeply about each and every person we serve
- We respond willingly and positively to help meet the needs of those around us
- We put people first as we look to provide extra support and care, beyond our professional duties
- We promote a sense of belonging and community.

#### **Integrity**

We believe in the power of hope to transform people’s lives and remain faithful to the bold healing mission and legacy of Mother Cabrini.

- We remain true to our beliefs at all times – our mission and values are non-negotiable
- We are welcoming, hospitable and find comfort and motivation in the context of God’s all-inclusive love

- We look for the good in each other and recognise each person’s contribution as we work together to provide the best possible experience for our patients, residents and their families
- We are honest and reliable, making decisions that are consistent with our mission and taking responsibility for our own actions.

**Courage**

We have the strength, determination, vision and conviction to continue the work of Mother Cabrini and the Missionary Sisters.

- We care for the whole person – spiritually, physically and emotionally – creating an environment of hope and healing
- We rise up to challenges and opportunities, meeting them with an open mind and a positive attitude
- We maintain the courage of our convictions and express our values through our actions
- We continually look beyond our current services to help support and engage with those who are marginalised.

**Respect**

We believe that every person is worthy of the utmost respect and the best possible healthcare. We know that our resources are entrusted to us to use for the benefit of others.

- We uphold the worth and dignity of all people, regardless of gender, race, age, ability and social position and treat them with courtesy, respect, equality and justice
- We respect ourselves, our colleagues and the excellence of the services we deliver
- We identify and respond to emerging healthcare needs in our community
- We manage our resources wisely and actively seek to minimise our impact on the environment.

**Behaviours that matter**

***Our values are displayed in the way in which we behave in every interaction – with each other, with our patients and residents, with their families and carers, and with visitors and other customers.***

The behaviours that matter have been identified through consultation with staff. They are the minimum standard expected for all who work at Cabrini (employees, volunteers and accredited staff). They describe the organisational culture that we think is fundamental to our mission to “provide excellence in all of our services”.

Unacceptable behaviours have also been identified and described as follows. These behaviours are inconsistent with our values, have a detrimental effect on others and prevent us from achieving our mission and quality goals. If you experience or witness these behaviours, please speak up. If you are unable to address the issue yourself, advise your manager, another senior member of staff or People and Culture.

**We are committed to safety and quality:**

<b>Behaviours that matter</b>	<b>Unacceptable behaviours</b>
We put patient/resident safety first	We are careless, impulsive or take unnecessary risks that may cause harm to patients/residents
We ask questions to understand the problem	We jump to conclusions and look for someone to blame
We admit when we make a mistake and seek a solution	We try to cover up or make excuses for mistakes
We look for opportunities to improve our care and services	We resist or sabotage change
We speak up when we see behaviour that is inconsistent with our values	We encourage or participate in poor behaviour

**We are here to provide service:**

<b>Behaviours that matter</b>	<b>Unacceptable behaviours</b>
We greet everyone warmly	We are rude or discourteous
We are always kind and caring	We are arrogant or demeaning
We give our full attention to the person speaking to us	We are distracted, impatient or dismissive
We communicate openly, sensitively and in a timely manner	We are dominating, abrupt or sarcastic

**We work together to achieve the best outcome:**

<b>Behaviours that matter</b>	<b>Unacceptable behaviours</b>
We are quick to offer help without waiting to be asked	We refuse to help even when it is clearly required
We share information readily to promote the best care and services	We withhold information or are competitive to the detriment of others
We do as we say we will	We are unreliable or inconsistent
We encourage and support each other	We berate or humiliate others
We give praise for a job well done	We are excessively critical or devalue the contributions of others

**We exhibit a positive attitude:**

<b>Behaviours that matter</b>	<b>Unacceptable behaviours</b>
We approach our day with energy and enthusiasm	We are negative or apathetic
We look for the best in people	We are judgemental and put others down
We take pride in our personal appearance	We look dishevelled, dirty or have offensive personal odour

**We want to build a just and sustainable community:**

<b>Behaviours that matter</b>	<b>Unacceptable behaviours</b>
We treat each other fairly	We are hostile or abuse our power
We use our resources responsibly	We are wasteful or extravagant
We consider the environmental impact of all we do	We are thoughtless or careless

**APPROVAL**

*The above statements are intended to describe the general nature and level of work being performed by the incumbent of this role. This document may be revised or updated at any time in line with role, and/or organisational changes. Any such changes will be communicated with the appointed person.*

**I certify that this position description is an accurate description of the responsibilities assigned to the role**

Approved:  13/1/2021  
Group Director, People & Culture Date

Authorised:  6/1/2021  
General Counsel & Company Secretary Date