



# Legal Officers' Forum 2012

Effective Strategies and Working Models to Enhance Legal Officers' Performance and Efficiency within an Evolving Environment

Liquid Learning is delighted to present the 3rd Annual National Public Sector Legal Officers' Forum 2012. After establishing itself in 2010 and 2011 as the premier event for legal professionals, at all levels in the Public Sector, this event will build on past success to ensure that legal professionals stay well informed and up to the task in an ever-evolving public environment.

## FEATURED SPEAKERS



**The Honourable Michael Kirby, AC CMG** Retired Justice High Court of Australia



**Dr David Bennett, AC QC**  
Wentworth Chambers  
Former Solicitor-General (1998-2008)



**Nicholas Wilson** Fair Work Ombudsman  
Fair Work Ombudsman



**Dr James Popple** Freedom of Information Commissioner  
Office of Australian Information Commissioner  
Former First Assistant Secretary, Civil Law Division  
Attorney-General's Department



**Catherine Gale** President 2012  
Law Council of Australia

**Professor The Honourable George Hampel, AM QC** Professor of Trial Practice and Advocacy  
Monash University



Judge  
Supreme Court of Victoria 1983-2000  
Founding Chairman  
Australian Advocacy Institute



**George Kriz** Chief Lawyer and Group Manager Investigations, Legal and Investigations Group  
Department of Education, Employment and Workplace Relations



**Elizabeth Harris** Principal Consultant  
Allocatur Consulting



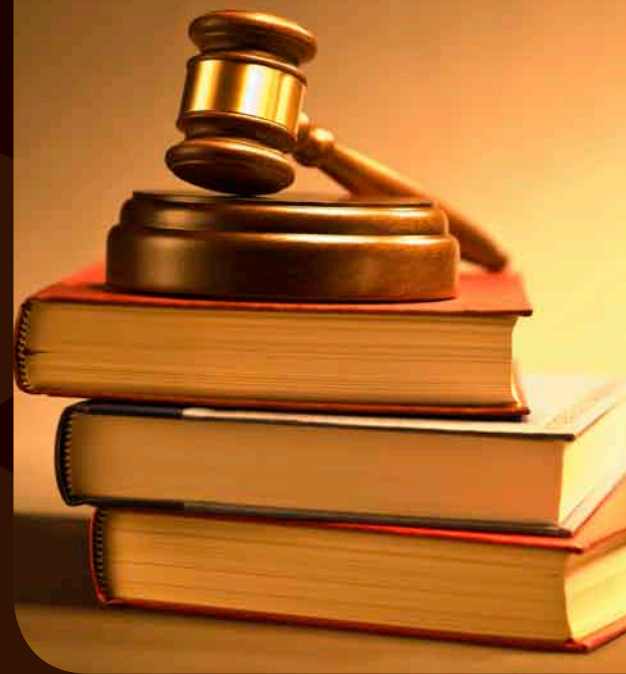
**Andre Marin** Ombudsman of Ontario  
Office of Ombudsman, Ontario, Canada



**Professor Seumas Miller** Professorial Research Fellow  
Centre for Applied Philosophy and Public Ethics at Charles Sturt University, Canberra

**Joanna Davidson** Special Counsel  
Victorian Government Solicitor's Office  
Former Crown Counsel  
Crown Law Office, New Zealand

**Michael Lysewycz** Assistant Secretary, Legal Services  
Department of Defence



6 & 7 March 2012  
Hyatt Hotel, Canberra

## EXPLORE

- The Effects of Recent Developments in the Public Sector Legal Sphere
- Attract, Develop and Retain the Skills of Excellent Government Lawyers
- Future Directions of Government Legal Service Provision
- The Unique Issues Faced by Public Sector Legal Officers

## PLUS WORKSHOPS

Plus Two Separately Bookable, Half-Day Workshops on 8 March 2012



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8.30 - 8.55 **Registration and Morning Coffee**

8.55 - 9.00 **Official Welcome and Opening Remarks from the Chair**

9.00 - 9.45 **OPENING SESSION**

### The Future of the Legal Profession – Insights on the Implementation of the National Legal Profession (NLP) Reforms

As the implementation of the NLP Reforms continue to transform the way lawyers operate nationally, it is timely to consider the impact that these, along with other developments on and beyond the horizon, may have on the legal profession. This presentation will explore:

- Actively seeking continuous improvement to reflect societal needs and expectations
- Utilising the increased influence of globalisation and technological advancement to improve legal services
- Technical and interpersonal skills that will become increasingly valuable to legal practitioners

**Catherine Gale** President 2012  
Law Council of Australia

9.45 - 10.00 **Questions and Discussion**

10.00 - 10.45 **CASE STUDY**

### Attracting, Developing and Retaining High Quality Government Lawyers

The Department of Education, Employment and Workplace Relations (DEEWR) has a diverse range of legal requirements including statutory interpretation, commercial law and Public Sector governance. Across these areas, there is a need for specialised technical skills; 'soft' skills and an 'in-house orientation' for successful performance. This session will explore:

- Identifying the skills and traits that represent quality legal performance in a government setting
- Developing frameworks for these traits to be identified and developed within lawyers
- Policies designed to maintain corporate knowledge within an agency in an era of increased mobility by lawyers

**George Kriz** Chief Lawyer and Group Manager  
Investigations, Legal and Investigations Group  
Department of Education, Employment and Workplace Relations

10.45 - 11.00 **Questions and Discussion**

11.00 - 11.15 **Morning Tea**

11.15 - 12.00 **CASE STUDY**

### Reviewing the Impact of Freedom of Information (FOI) Reform on Government Legal Services

Designed to achieve improved levels of government transparency and accountability, FOI Reform of 2010 has given rise to important structural and operational changes within the Public Sector. Such organisational change often creates disruption, but also opportunities to improve a range of outcomes. Calling upon his experience as both Freedom of Information Commissioner and previous roles

providing legal and policy advice to government, Dr James Popple will explore:

- An assessment of the impact of the reform over the past 18 months and future directions
- Successful practices implemented by agencies in response to the Act and subsequent decisions

**Dr James Popple** Freedom of Information Commissioner

**Office of Australian Information Commissioner**  
Former First Assistant Secretary, Civil Law Division  
Attorney-General's Department

12.00 - 12.15 **Questions and Discussion**

12.15 - 12.45 **ROUNDTABLE DISCUSSION**

### Investigating the Junction Between Legal and Policy Functions – How and Where to Draw the Line

In order to maintain independence and quality of legal advice within a Public Sector setting, it is important that legal officers are able to differentiate between their function and that of other divisions within their organisation. This discussion will explore:

- The need to draw a clear distinction between legal and policy functions
- How a clear distinction leads to improved outcomes in both legal advice and policy formation
- Embedding this change within an agency

12.45 - 1.45 **Networking Lunch**

1.45 - 2.45 **EXPERT PRESENTATION**

### Achieving Peak Performance in Government Law – Insights for Legal Officers

Ranging from graduates to experienced legal professionals, government agencies rely on the expertise, knowledge and commitment of in-house lawyers to conduct their business efficiently and effectively. To optimise outcomes for the agency and the stakeholders they serve, legal officers need to overcome unique challenges of their operating environment and realise their potential as a force for positive change. Calling on his distinguished career in public service, culminating in his tenure as the longest serving Justice of the High Court of Australia, The Honourable Michael Kirby, AC CMG will discuss:

- Trends in the provision and procurement of legal advice in the past 15 years
- The importance of maintaining independence in arms of government – and how to achieve this
- What the future may hold for Public Sector legal officers operating in a Global Village
- The performance edge – what it takes to succeed

**The Honourable Michael Kirby, AC CMG** Former High Court Justice  
High Court of Australia

2.45 - 3.30 **CASE STUDY**

### The Role of Human Rights in Legislative Scrutiny

With Commonwealth Parliament considering a Bill addressing the role of human rights in legislative scrutiny, it is both relevant and topical for Public Sector legal officers to consider the potential impacts of such a Bill on whole of government, their agencies and their role in those agencies.

PLUS WORKSHOPS!

TWO Separately Bookable, Half-Day Workshops on 8 March 2012

EARLY BIRD DISCOUNT

Receive \$150 off registration if you register and pay by 31 January 2012

Calling upon her experience representing and advising government in Victoria and New Zealand working in jurisdictions with specific Human Rights legislation, Joanna Davidson will discuss:

- An analysis of the proposed Commonwealth scheme, including its potential advantages, limitations and impacts on government agencies
- A comparison with other schemes and Bills introduced at state level and internationally
- The impact of human rights issues on legislative scrutiny in jurisdictions without similar legislation

**Joanna Davidson** Special Counsel  
**Victorian Government Solicitor's Office**  
Former Crown Counsel  
**Crown Law Office, New Zealand**

### 3.30 - 3.45 **Questions and Discussion**

### 3.45 - 4.00 **Afternoon Tea**

### 4.00 - 4.45 **CASE STUDY**

#### **The Challenges and Opportunities Presented by Working Across Agencies and Jurisdictions**

The nature of work of the Fair Work Ombudsman addressing the different legal frameworks across all states and territories, as well as incorporated and unincorporated entities gives rise to inherent complexity. In order to foster collaboration and positive outcomes, developing an understanding of divergent drivers, limitations and requirements is necessary. This session will explore:

- The technical knowledge and personal skills required to effectively collaborate with stakeholders in diverse agencies and locations
- Navigating the junction of Commonwealth legislation and state and territory laws
- Ensuring the delivery of quality legal advice to disparate interest groups

**Nicholas Wilson** Fair Work Ombudsman  
**Fair Work Ombudsman**

### 4.45 - 5.00 **Questions and Discussion**

### 5.00 - 5.30 **MODERATED DEBATE**

#### **The Arguments For and Against In-house Legal Advice**

Both in-house legal functions and the outsourcing of these roles have pros and cons. A panel of legal experts and practitioners will debate the merits and perils associated with either model. Explore:

- Balancing the benefits and costs of each model
- Case studies of agencies who have been able to maximise the effectiveness of their legal spend using either model
- What are the defining factors for successful outcomes using either model?

### 5.30 **Concluding Remarks from the Chair**

### 5.30 - 6.30 **Networking Reception**



**Don't miss the practical workshops on 8 March – the ideal complement to the forum, they are a opportunity to translate ideas into action.**

### 8.30 - 8.55 **Morning Coffee**

### 8.55 - 9.00 **Opening Remarks from the Chair**

### 9.00 - 9.45 **CASE STUDY – VIA VIDEO LINK**

#### **Seeking and Achieving Continuous Improvement in Public Sector Legal Services**

A sought-after speaker on issues of ethics, oversight and organisational malaise, Mr Marin is perhaps best known for breathing new life in the efficacy of the Ombudsman's Office. In this interactive presentation via videolink, Mr Marin will explore:

- Advocating for change within the scope of government agencies
- Attracting and developing high quality legal officers to improve legal performance
- Utilising the power of transparency and common sense to overcome "rulitis"

**Andre Marin** Ombudsman of Ontario  
**Office of Ombudsman, Ontario, Canada**

### 9.45 - 10.00 **Questions and Discussion**

### 10.00 - 10.45 **CASE STUDY**

#### **Demonstrating the Value of the Legal Department**

It is often difficult for legal departments to demonstrate the value that they deliver. Legal officers can benefit by seeking improved strategies to establish, authenticate and increase this value. Calling on her extensive experience and knowledge of the legal market, Elizabeth will explore:

- What is value for a government legal department?
- Measuring value – more than benchmarking
- Communicating value to key stakeholders

**Elizabeth Harris** Principal Consultant  
**Allocatur Consulting**

### 10.45 - 11.00 **Questions and Discussion**

### 11.00 - 11.15 **Morning Tea**

### 11.15 - 12.15 **HYPOTHETICALS ROUNDTABLE**

#### **Ethics and Values – Their Impact on Framing Legal Problems and Responses**

The ethical frameworks, ideologies and value positions held by Legal Officers and decision makers shape how legal problems are defined, framed and analysed. In an evidence-based world, we find ourselves in a constant pursuit of objectivity and empirical explanation for why things are as they are. Combining the ingredients of ethics, values and politics to the 'evidence-based' equation, the practitioner is faced with a dilemma of balancing these often conflicting dimensions of law.

By deliberating hypothetical scenarios, this session will seek to provide a deeper theoretical understanding of these dynamics at play, which will provide Legal Officers with a heightened awareness of how ethics and values

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# Addressing the Unique Needs of Public Sector Legal Officers

can have a profound impact on legal outcomes and the choices made by decision makers.

**Professor Seumas Miller** Professorial Research Fellow  
**Centre for Applied Philosophy and Public Ethics at Charles Sturt University, Canberra**

- Reducing risk exposure without unduly compromising the quality of legal service or operational integrity
- Creating resilient processes to increase capacity of the workforce in order to improve outcomes for clients

**Michael Lysewycz** Assistant Secretary, Legal Services  
**Department of Defence**

## 12.15 - 1.15 **Networking Lunch**

## 4.15 - 4.30 **Questions and Discussion**

## 1.15 - 2.00 **EXPERT PRESENTATION**

### **An Examination of Statutory Interpretation**

Calling on extensive experience from private practice and the Public Sector, Dr David Bennett, AC QC will explore:

- Why statutory interpretation is necessary
- An analysis of some current approaches

**Dr David Bennett, AC QC**  
**Wentworth Chambers**  
Former Solicitor-General (1998-2008)

## 4.30 - 5.00 **Concluding Remarks from the Chair and Forum Close**

## 2.00 - 2.15 **Questions and Discussion**

## 2.15 - 3.00 **EXPERT PRESENTATION**

### **Providing Strong Advocacy and Representation of Clients' Interests**

A key role of lawyers is to utilise their expertise to provide properly represent the needs and interests of clients both in and out of a courtroom setting. To do this in a Public Sector setting requires the development of both technical knowledge and skills. In this presentation, Professor The Honourable George Hampel, AM QC will explore:

- How individuals and agencies can benefit from an increased capacity of legal officers to advocate for clients' interests
- Underpinning the improved performance of legal officers with principles of good advocacy
- Practical suggestions of how to continuously improve the skills of advocacy for a Public Sector setting

**Professor The Honourable George Hampel, AM QC**  
Professor of Trial Practice and Advocacy  
**Monash University**  
Judge  
**Supreme Court of Victoria 1983-2000**  
Founding Chairman  
**Australian Advocacy Institute**

## 3.00 - 3.15 **Questions and Discussion**

## 3.15 - 3.30 **Afternoon Tea**

## 3.30 - 4.15 **CASE STUDY**

### **Maximising Legal Officer Performance While Minimising Risk**

The Department of Defence engages in inherently high risk undertakings. Each government agency is exposed to their own set of risk and compliance obligations within their context. An understanding of how to manage these risks is pertinent across government. This presentation will explore:

- The diverse range of risks which Public Sector agencies are potentially exposed

## ABOUT THE EVENT

In the evolving landscape of the Public Sector, legal officers are typically called on for advice and direction, and as such, require continual upkeep of knowledge and development of skills in order to be professionally successful while supporting their agencies' mission.

Case studies from significant public agencies will offer relevant practical value while expert commentaries will provide perspectives on evolving directions and the emerging responsibilities of a government lawyer.

Over the course of two days, issues encompassing ethical challenges, reform initiatives, statutory interpretation, human rights, working across agencies and jurisdictions, risk management and many more will be explored with genuine examples and thoughtful reflections offered through interactive participation and discussion.

This event is a must for all Public Sector legal professionals wishing to perform their duties with eyes wide open in a knowledge-driven role.

## WHO WILL ATTEND

- Legal Officers
- General Counsel
- Lawyers / Solicitors
- Legal Branch Managers
- Regulatory and Compliance Officers

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## 9.00 - 12.30 **WORKSHOP A**

### **Increasing Impact and Influence with Staff, Colleagues, Executive Team and Even Your Minister**

Legal Officers, as communicators must get attention, engagement and conviction in today's information and communication blizzard. Most fail – with heavy consequences for their organisations and for their careers. This workshop will introduce approaches and tools that will give you the advantage advocating for ideas within your department or across whole of government. This interactive workshop will cover the following issues and more, including:

- How context and sequence can revolutionise your impact with even difficult to reach stakeholders
- Which words commonly used in business and government instantly stop people reading or listening
- How the latest brain science turns much of current practice on its head, but reaffirms what great communicators have always known
- Useful principles of influence and how to apply them
- The nine dots of high-impact communication and how to connect them – this is the ultimate back-of-the envelope strategy
- Why a strong verb can be worth 1,000 pictures

**Expert Facilitator: Geoff Kelly** Principal

#### **Kelly Strategic Influence**

For more than 30 years Geoff Kelly has shown leaders how to get others to actually act on their ideas. His clients include peak business associations, the Victorian Government, several top 40 corporations and leading professional service firms. Geoff publishes the popular monthly email newsletter *Leading Minds*, is a Fellow of the Public Relations Institute of Australia and a Council Member of the Small Business Council of Victoria.

## 12.30 - 1.30 **NETWORKING LUNCH**

## 1.30 - 5.00 **WORKSHOP B**

### **How to Manage Your External Counsel**

This workshop will train Public Sector legal professionals to become more skilled in the management of relationships with panel firms and external counsel to help ensure the agency is in control of the scoping of work to be performed, the composition of the legal team performing the work (including counsel) and legal expenditure incurred. The workshop will look at how efficiencies can effectively be driven through managing the relationships with the panel firms at a strategic level and agreeing cost-estimates / budgets at the commencement of proceedings. It will also provide a forum for open exchange of information to help provide solutions to principal litigation challenges. It will cover:

- How to project manage litigation
- Negotiating and agreeing efficient processes in the handling of litigation
- How to enable the linking of systems for the payment of costs, running of cases, gathering of information and management of documents
- Direct briefing of counsel

**Expert Facilitator: Liz Harris** Managing Director

#### **Allocatur Consulting**

Liz is a solicitor who specialises in advising on all issues relating to the client/lawyer relationship but with particular focus on cost and matter management, including budgeting, legal project management, cost agreements, and alternative pricing strategies. She has particular knowledge of current best practices in legal spend and law department management, regularly monitoring overseas trends in the US and UK. Her wide range of clients include those from financial, government, insurance and multinational sectors. Liz is former editor of *Butterworths Legal Costs Victoria*, former chair and current member of the Victorian Law Institute Costs.

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\* Please photocopy this form if more than three will attend

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