

Position description

Position title	Legal Counsel
Position number	200885
Classification level	E
Group	Office of the Chief Executive
Reports to	General Counsel
Location	1010 La Trobe Street, Docklands
Date	October 2024
Tenure	Permanent full time

Our organisation

VicTrack is custodial owner of Victoria's rail transport land, assets and infrastructure. We work to protect and grow the value of the portfolio, to support a thriving transport system and make travel and living better for all Victorians. With much of our asset portfolio dedicated to rail transport – our land, infrastructure, trams, trains and telecommunication networks – our focus is on strategic asset management and supporting the delivery of better transport solutions.

Whether we're planning and managing the use of transport land, upgrading the telecommunication network or partnering on major infrastructure projects, our job is to ensure the state's assets continue to serve Victoria now and well into the future.

Our core functions include:

- delivering telecommunications infrastructure and services that form the backbone of the transport network from signalling, driver communications, public information displays and myki ticketing
- managing land set aside for transport purposes, including the development and sale of land no longer required for transport to optimise its use
- generating income through land sales and commercial leases that is reinvested into the state's transport system
- providing project management, engineering and construction services to deliver a range of government transport projects from Victoria's Big Build to station and car park upgrades
- managing transport facilities and assets, including the open access Dynon Rail Freight Terminal, heritage buildings and environmental preservation.

VicTrack is the custodial owner of most of Victoria's tourist and heritage assets and performs the role of Tourist and Heritage Registrar.

Our business groups

Our business is made up of two specialist delivery groups – Property & Telecommunications – supported by Corporate Services, Strategy & Transformation and the Office of the Chief Executive.

Our vision

As a part of the transport portfolio, we share a common vision as defined in the *Transport Integration Act 2010*:

“To meet the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state”.

In realising this vision, we are working towards a transport system that promotes:

- social and economic inclusion
- economic prosperity
- environmental sustainability
- integration of transport and land use
- efficiency, coordination and reliability
- safety, health and wellbeing.

Our mission

To protect and grow our rail transport assets and drive reinvestment to service Victorians now and into the future.

Our values

- Professional – We make decisions with integrity and respect. By behaving professionally and ethically we win the trust of our colleagues, stakeholders and customers.
- Collaborate – We collaborate to get things done efficiently and effectively. We have greater opportunity through leveraging our collective knowledge, building stronger bonds and respecting each other.
- Achieve – We perform our roles with integrity and skill. We hold ourselves accountable for delivering what is needed and own both our successes and mistakes.
- Innovate – We embrace all new ideas that bring about change that adds value. We become more efficient, effective and competitive.

Dimensions

Reporting relationships

This role reports to the General Counsel

Budget

N/A

Purpose of the position

Legal Counsel is responsible for provision of legal services, legal advice and guidance, to internal stakeholders in relation to all legal, probity and corporate governance matters as requested within VicTrack.

Key accountabilities/functions

- Act as legal counsel for VicTrack as required, providing advice to the General Counsel and staff on legal issues which arise from time to time within each core business unit at VicTrack as well as the Corporate Services Group and the Office of the Chief Executive.
- Provide legal advice including drafting, negotiation and strategic advice (Legal Advice) and guidance to VicTrack in relation to legal, procurement, probity and corporate governance matters.
- Provide Legal Advice on property-related legal matters, including without exception or limitation as to volume or complexity all aspects of:
 - commercial, retail, industrial, freight, community, residential, tourist and heritage leasing and licencing
 - transactions, use and occupation of Crown land; utility and services leasing and licencing, including in support of major transport projects and operations
 - VicTrack's positions in State rail franchise agreements
 - managing impacts to VicTrack as custodian of land and assets for transport purposes in the context of major transport projects, level crossing removals, station upgrades including management of disputes, trespass, unauthorised use and occupation of VicTrack's land and assets
 - supporting VicTrack's ongoing interface and dealings with MTM, Yarra Trams, V/Line and ARTC (Transport Businesses) as well as Victoria's councils, water authorities, electricity companies, major transport authorities such as Melbourne Airport Rail, West Gate Tunnel Project, Suburban Rail Loop Authority, Victorian Infrastructure Delivery Authority, comprising Level Crossing Removal Project, Metro Tunnel Project, and RPV (Transport Authorities).
- Provide Legal Advice, oversight and support of the telco-property portfolio, which includes leasing and licensing of land, buildings, towers, shelters, racks and assets for and by VicTrack for the purpose of operating telecommunications networks.
- Manage establishment of the "Tourist and Heritage" rail industry-specific lease, asset lease and funding agreement templates in accordance with the *Tourist and Heritage Railways Act 2010*. Support transactions and negotiations with the "Tourist and Heritage" rail industry.
- Promote legal risk management and contractual cost recovery within VicTrack and assist the business with implementing this operationally.
- Assisting to ensure that business aspects of the legal group are operating efficiently by, for example, contributing to review of board papers, reviewing and administering Freedom of Information requests, assisting with the preparation of the VicTrack Annual Report.
- With the approval of the General Counsel, manage the relationship with external legal counsel as required.
- Providing ad-hoc property legal advice to the General Managers, Group Managers, Executives and CEO within the property team and other teams as required.
- Manage compliance issues, including implementation of the *Transport Integration Act 2010* (Vic), *Rail Safety National Law Application Act 2012* (Vic) and other relevant legislation and regulations.

Customer focus

VicTrack staff practise customer focus by recognising the importance of valuing customers (internal and external) and ensuring that all activities are oriented towards meeting customer needs. We listen to customers about their expectations and focus on delivering solutions that address their needs. Customer focus also includes proactively seeking and acting on feedback to enhance the customer experience.

Safety and environmental responsibilities

Ensure safety and environmental instructions are adhered to and report any inappropriate practices and incidents. Comply with the *Occupational Health and Safety Act*, as it applies to self, tenants and customers, and environmental legislation in regard to preserving the environment.

Rail safety

All staff who may be required to come into contact with rail activity, including design work and the management of other staff, must:

- be responsible for their actions where those actions can in any way affect or compromise railway safety
- be aware of the railway safety requirements associated with their duties and responsibilities
- take whatever action is possible to prevent unsafe conditions and/or incidents
- report any railway safety problems/hazards to the Manager Safety
- safely access the rail corridor.

Individual attributes

Qualifications

- Tertiary qualification in Law
- Current Practising Certificate as an Australian Legal Practitioner under the Uniform Legal Profession Rules (Victoria)

Knowledge and experience

- Demonstrated experience in an in-house legal role or lawyer/solicitor role.
- Strong knowledge, skills and ability in areas relevant to VicTrack's operations and statutory functions (including rail franchise agreements; general and specialist leasing, licencing and access management; Crown land management and administration; asset management; telco property portfolio management; development of government-managed land; VicTrack's role in delivery and management of major transport projects).
- Demonstrated experience in liaising with, and providing information to senior and executive staff.
- Experience in the preparation of written reports.
- Demonstrated experience in the collection and coordination of information regarding legal matters from various functional groups within organisations.

- Knowledge of *Transport Integration Act 2010*, *Information Privacy Act 2000*, *Major Transport Facilitation Act 2009*, *Crown Land (Reserves) Act 1978*; *Land Act 1958*; *Border Railways Act 1922*; *Retail Leases Act 2003* and corresponding regulations; *Building Act 1993* and corresponding regulations; *Local Government Act 1989*; *Tourist and Heritage Railways Act 2010* and corresponding regulations; *Residential Tenancies Act 1997*; Government Policy and Guidelines: Indemnities and Immunities; Victorian government land policies; *Freedom of Information Act 1982*, *Occupational Health and Safety Act 2004*, Australian Standard – Rail Safety Accreditation (AS 4292.1) and *Equal Opportunity Act 2010*.

Skills

- Demonstrated ability to deliver accurate, concise and commercial legal advice
- Demonstrated experience in establishing, coordinating and managing complex intergovernmental, private, commercial and community agreements involving property
- Experience in scoping general and complex instructions and managing external legal briefs and service delivery to budget and in accordance with business needs
- Ability to act in accordance with VicTrack's values, develop and maintain effective working relationships with senior management (internally as well as with external stakeholders)
- Excellent interpersonal skills, with the ability to communicate with, and obtain information from, staff from various levels and across different disciplines
- Ability to oversee and manage huge volumes and streams of work of broad variety and complexity, intra and inter-organisationally
- Highly motivated, with the ability to meet deadlines
- Excellent administrative and organisational skills
- High attention to detail
- Ability to coordinate the preparation of information in a timely manner

Interpersonal and other features

Internal relationships

- All VicTrack employees

External relationships

- All VicTrack customers
- Vendors and/or suppliers