

Crown Solicitor's Office

INFORMATION BROCHURE

"...a wide selection of areas of practice...giving prospective employees the opportunity to specialise..."



Government of South Australia

AREAS OF PRACTICE

The Crown Solicitor's Office offers a wide selection of areas of practice. Some of these are exclusive to the Crown Solicitor's Office giving prospective employees the opportunity to specialise in a particular area. Employees are also given the opportunity to transfer from one section to another, or be out-posted to a particular client agency.

ADMINISTRATIVE & ENVIRONMENT

Assistant Crown Solicitor: Mark Stevens

The Administrative & Environment Section conducts a broad litigious practice, providing legal advice and representation to Ministers, government departments and statutory authorities. Solicitors from the Section appear regularly before a variety of courts, boards and tribunals. Some of the areas in which the Section has a substantial practice are:

Summary Prosecutions - prosecuting a wide range of summary offences on behalf of government departments and statutory authorities. The main areas include industrial safety, consumer affairs, environment protection, transport, fisheries and workers compensation fraud. The section advises agencies with respect to their enforcement activities and provides counsel for trial and appellate proceedings.

Police - advising the Commissioner of Police in respect of police and road traffic offences and represents the Commissioner in 'magistrates appeals' to the Supreme Court. It also appears on behalf of the Commissioner in applications to obtain telephone intercept or listening device warrants to assist in the investigation of major crime and terrorism. Representation is also provided where necessary to protect the public interest in proceedings in the liquor licensing and gaming jurisdiction.

Child Protection - the section has a large child protection practice, representing the Department of Families & Communities in the Youth Court and the Family Court. Action is taken, often on an urgent basis, to protect children at serious risk from physical, sexual or emotional abuse. This group also conducts international child abduction proceedings under the relevant Hague Convention. Our solicitors liaise with international authorities in a reciprocal arrangement and conduct these cases in the Family Court.

Guardianship & Mental Health - the section provides counsel to appear in appeals to the District Court from decisions of the Guardianship Board. These appeals commonly relate to persons detained under the Mental Health Act and raise significant public interest issues.

Environmental and Planning Law - as well as the summary prosecutions referred to earlier, the Section advises and represents the Department of Environment & Heritage, the Department of Water, Land & Biodiversity, and the Environment Protection Authority with respect to their regulatory and civil enforcement responsibilities. A comprehensive service is also provided to the Development Assessment Commission with counsel from the Section regularly appearing in planning and development appeals on the Commission's behalf.

Professional & Occupational Disciplinary Proceedings - the section has a large administrative law practice related to the regulation of various professions and occupations. Advice and representation is provided to a large number of statutory authorities responsible for the regulation of teachers, a wide range of health practitioners and other professionals. Counsel from the section prosecute disciplinary matters in various boards and tribunals and assist boards with issues involving medical unfitness to practice. Disciplinary proceedings in the occupational area are also prosecuted in the District Court on the instructions of the Office of Consumer & Business Affairs.

"...a wide selection of areas of practice...giving prospective employees the opportunity to specialise..."



ADVISING

Acting Assistant Crown Solicitor: Judy Hughes

The section provides advice to Ministers, CE's and agencies on administrative and constitutional law, employment law, statutory interpretation and public law generally. The section also provides support to the Solicitor-General in relation to constitutional and other significant High Court litigation.

CIVIL LITIGATION

Assistant Crown Solicitor: Julie Ellidson

The Civil Litigation Section advises on, or has the carriage of, a number of large scale and complex litigation matters arising out of allegations of medical negligence, misrepresentation, breach of contract, breach of duty of care, occupiers and employer's liability for dust disease claims, defamation and interpretation of the *Civil Litigation Act 1936*.

The section also represents the government in relation to applications pursuant to the *Victims of Crime Act 2001*, Coronial Inquests and claims pursuant to the *Workers Rehabilitation and Compensation Act*.

COMMERCIAL

Assistant Crown Solicitor: Chris Gray

The Commercial Section provides legal services to government in relation to contracting and commercial activities undertaken in government agencies. This includes the provision of advice, the negotiation and preparation of contracts and other legal documentation, and the provision of advice regarding the structuring of government commercial activities. The section also undertakes legal negotiation and documentation for major government commercial projects. The areas of practice for which the Commercial Section is responsible include:

- Information technology and telecommunications contracts;
- Commercial property projects;
- Consultancies;
- Supply of goods and services to government;
- Infrastructure projects;
- Leases of government land or of land for government use;
- Sale of surplus government land and purchasing of land for government use;
- Financial securities;
- Tendering and probity;
- Loan and grant agreements;
- Licensing agreements;
- Research and development agreements;
- Intellectual property and
- Building and construction contracts.

The Commercial Section also provides conveyancing services to government agencies including land tenure assessments, land divisions, creations of easements, title searches and settlements.

Crown Solicitor's Office

INFORMATION BROCHURE

"...a wide selection of areas of practice...giving prospective employees the opportunity to specialise..."



Government of South Australia

COMMERCIAL COUNSEL

Assistant Crown Solicitor: Gaby Jaksa

The Commercial Counsel is responsible for the most complex, sensitive and significant commercial legal work undertaken by the Crown Solicitor's Office. The Commercial Counsel is responsible for:

- Undertaking and taking responsibility for major commercial legal work (including forming and/or leading teams of lawyers and paralegals undertaking major commercial projects);
- Providing strategic commercial legal advice to the Government;
- Assisting and liaising with Outposted Lawyers undertaking commercial legal work, especially in significant matters where experienced legal guidance is required;
- Providing oversight and assistance in the development and maintenance of Commercial legal precedents;
- Assisting the Assistant Crown Solicitor of the Commercial Section in the management and supervision of significant matters undertaken within the Commercial Section.

NATIVE TITLE

Assistant Crown Solicitor: Jenny Hart

The Native Title Section provides a legal service to government in the areas of native title law, Aboriginal heritage and other related matters. The section negotiates settlements of native title claims via consent determinations and Indigenous Land Use Agreements. It has also provided a substantial amount of advice on native title and land related issues to Ministers, Departments and agencies. Some of the more significant issues advised upon in recent times include:

- Wellington Weir and the lower lakes emergency drought response measures;
- The expansion of the Olympic Dam mine by BHP Billiton;
- The expansion of the Cultana defence training facility near Port Augusta;
- The Iluka mineral sands project;
- The cleanup, handover and vesting of the former Commonwealth nuclear test site as part of the Maralinga lands;
- The establishment of the Lucky Bay ferry;
- The numerous acreage releases in the Cooper Basin;
- Commonwealth/State native title financial assistance agreements.

OUTPOSTINGS

Assistant Crown Solicitor: Rebecca Parry

The Crown Solicitor's Office places some forty lawyers in 14 government agencies, the majority of placements form legal units within the agencies. These lawyers remain employees of the AGD and provide on site legal services exclusively to their host agency. The work undertaken by outposted lawyers is varied and responds to the needs of clients. Such legal professional work includes:

- Commercial work (including advising on and drafting and negotiating commercial transactions);
- Advising work (including administrative law and interpreting legislation) and
- Litigation work (including summary prosecutions and civil claims).

Outposted lawyers are members of the Outposted Lawyer Section of the CSO headed up by an Assistant Crown Solicitor. Outposted lawyers have daily contact with their client and gain an in-depth knowledge of the business of the client. It is an excellent opportunity to work as a lawyer in a practical environment and gain experience in a variety of practice areas with face to face contact with clients. The section runs a rotation program to ensure that as many CSO lawyers as possible have the opportunity to be outposted.