

# Candidate pack

## General Counsel

SES Band 2

\$301,934 to \$310,104 per annum plus 15.4% superannuation and other benefits

Full-time, Ongoing  
Sydney, Melbourne, Canberra

Reference: 2645-2024-1  
Division: Legal Services

Security Clearance: Negative Vetting 1

**Applications close: Sunday, 20 October 2024 at 11:30pm AEST**

# About us

The Office of the eSafety Commissioner (eSafety) helps to safeguard Australians at risk from online harms and to promote safer, more positive online experiences.

eSafety leads and co-ordinates the online safety efforts across Commonwealth departments, authorities and agencies and engages with key online safety stakeholders. It has a broad remit under the Online Safety Act which includes the operation of regulatory schemes, investigations and enforcement as well as administering complaint schemes and the creation of audience-specific content and programs.

The eSafety Commissioner is an independent statutory office holder supported by staff from the Australian Communications and Media Authority (ACMA). eSafety employees are engaged under the [Australian Public Service Act 1999](#) and are subject to the terms and conditions of employment in the [ACMA's Enterprise Agreement 2024-2027](#).

View the '[Working at the ACMA](#)' document or [visit our website](#) for further details.

## Role responsibilities and duties

To support an evolving organisational structure, eSafety requires a highly experienced and sophisticated General Counsel to provide specialist strategic in-house legal advice and lead teams providing legal support to eSafety across a wide variety of areas, including:

- Investigations under the *Online Safety Act 2021*, including into illegal and restricted online content (e.g., child sexual abuse material and pro-terror material), cyber-abuse of an Australian adult, cyber-bullying of an Australian child, and the non-consensual sharing of intimate images.
- Industry regulation under the *Online Safety Act 2021*, including the administration and operation of eSafety's powers under the Act in connection with mandatory industry codes and standards, and the Basic Online Safety Expectations.
- Business Operations, including commercial issues such as contracts and procurement; data and privacy matters where you will act as eSafety's Privacy Champion, and management of eSafety's FOI function.

As eSafety's General Counsel you will provide legal advice and strategy that supports enforcement action and litigation undertaken pursuant to the *Online Safety Act 2021*. The General Counsel will help the organisation navigate legal complexities and make informed legal decisions aligned with eSafety's strategic and regulatory objectives.

The successful candidate will have experience in regulation and/or civil enforcement, gained in a government agency, regulator, or private practice. The candidate will also demonstrate a strong understanding of the technology industry and social media services, including the business operations of the global tech sector, key online safety issues and legal matters relating to technology, data and privacy.

You will work to enable eSafety's regulatory functions by leading the implementation and refinement of eSafety's enforcement posture and regulatory guidance and providing proactive advice and strategic recommendations to the eSafety Commissioner, about litigation approaches and strategies. You will also be responsible for overseeing

the engagement of external lawyers, and overseeing the work of others as they brief external solicitors and counsel, as required.

The successful applicant will play an important leadership role supporting the strategic direction and delivery of outcomes for eSafety.

As a seasoned leader, the General Counsel will help further embed eSafety's legal practice and establish plans to continually optimise the practice over time. As an actively contributing member of the Risk and Compliance Committee, you will manage matters related to corporate governance and ensure compliance with policies and standards applicable to the Legal Services function, be adept in prioritising workloads to set goals and meet deadlines in a fluctuating and sometimes ambiguous business environment, and be a proactive leader, able to mentor staff, improve processes and ensure business demands are satisfied.

Due to the nature of eSafety's regulatory scope, the role may be exposed to highly sensitive and distressing content.

## Our ideal candidate

We are seeking a dynamic senior legal professional with extensive experience to fill this role. You will be an agile operator with an ability to think creatively, providing trusted legal advice that will help eSafety achieve its regulatory outcomes. You will have a track record of providing excellent legal services and advice in areas relevant to a statutory office like eSafety, including administrative law, regulation and litigation. You will be adept at supervising legal staff and managing all teams involved in legal work across a spectrum of areas, including operational, regulatory, technology and business functions.

With broad legal knowledge and expertise, the ability to understand organisational objectives and align strategy with eSafety's goals, your deep understanding of the industries regulated under the *Online Safety Act 2021* will allow you to anticipate legal issues and provide proactive solutions. You will have a strong proficiency in assessing and managing legal risks, identifying potential legal challenges and developing strategies to mitigate or address them.

In addition, you will have experience supporting regulatory outcomes by providing measured, expert and strategic legal advice to senior decision-makers within a fast-paced and contentious operational environment. Litigation experience would be particularly beneficial. You will have a strong understanding of key sectors of the online industry, including providers of social media services, and related regulatory and enforcement challenges.

You should possess a strong interest in the intersection of law and technology and be willing to upskill in new areas to keep up with emerging online safety issues. You should be prepared to engage critically in legal issues associated with technologies relevant to online harms regulation such as encryption and artificial intelligence (including generative artificial intelligence).

Your ability to lead, mentor and inspire teams will be a point of pride. You will model APS Values and conduct and have a focus on developing and growing staff capability and skills.

You have a strong facility in the explanation of complex legal advice, synthesising options and outlining risks and mitigations to senior decision-makers to enable effective regulatory decision making. You will possess a creative and adaptable approach, reflecting comfort operating in an environment where legal issues are often novel and legislation untested. Communication skills, both written and oral, will be of the highest calibre alongside strong interpersonal skills for building relationships with internal and external stakeholders. As well as knowing how to brief senior leaders, you will be comfortable and adept at appearing before forums as required such as parliamentary committees, senior stakeholder consultations, and cross-government processes.

You will be a deft and intuitive networker, building strong and durable relationships with colleagues across functional areas, seeing yourself as a partner and advisor within the organisation. Leading in a way that supports organisational stewardship will be second nature, with eSafety overall benefiting from your judgement, acumen, and maturity.

You will be experienced in working in a fast-paced environment, able to oversee delivery of several concurrent initiatives while managing priorities and implementing process improvements to ensure the Legal Services function is seen as a key enabling partner within the organisation.

Suitable candidates may be placed in a merit pool from this selection process and the pool may be used to fill similar ongoing or non-ongoing roles. Non-ongoing vacancies filled from a merit pool may be offered as a specified term. Applicants may have their application and assessment results shared with other Australian Public Service (APS) agencies looking to fill similar roles.

## Integrity

The Australian Public Service (APS) has a unique and privileged role in serving the Australian community. APS employees support the development and delivery of policies, services, regulation, and initiatives that affect the lives of all Australians. APS employees are trusted to act in the best interest of the Australian community. The integrity of the APS - its employees, systems, and practices - is fundamental to maintaining this trust.

The ACMA expects all staff to promote, model and uphold the APS and ACMA Values, and be committed to public service integrity.

Integrity at the ACMA is based on a foundation of robust, transparent, honest, and ethical behaviour and decision making.

In our role as a regulator and independent Commonwealth statutory authority, it is critical that we employ and model a pro-integrity culture in every aspect of everything we do, both internally and externally.

## Eligibility

**To be eligible for employment with eSafety, applicants must be an Australian citizen.**

Successful candidates must be able to obtain and maintain an NV1 level security clearance or hold a current security clearance of an appropriate level. More information on the security clearance vetting process is available on the [Australian Government Security Vetting Agency \(AGSVA\) website](#).

Legal qualifications are required. You must hold or be able to obtain and maintain an unrestricted practising certificate. In addition, membership of relevant professional associations or institutes will be well regarded.

# How to apply

If you consider your skills and abilities match the requirements of the job and this sounds like the opportunity you are looking for, we want to hear from you.

Our [online careers portal](#) will guide you through the application and submission process.

Your application will need to include:

- your resume
- the contact details of two referees
- a 'one-page statement' telling us how your skills, knowledge, experience, and qualifications make you the best person for the job.

## Your resume

Your resume should be no more than two to four pages. Include the following:

- **Personal details:** Name, contact email and mobile number. Use your personal email address so we can contact you at any time.
- **Education:** Provide details of any relevant education and qualifications.
- **Work experience:** List your career details in chronological order, starting with your most recent employment, and outline the responsibilities and achievements relating to your experiences. Indicate dates and explain any gaps in time.
- **Other experience:** Briefly mention any relevant extra-curricular activities or volunteer/community work, and what you may have gained from these.
- **Referees:** Give the details of two professional referees who can validate and support your application. It is important to remember that a good referee is someone who:
  - knows your abilities
  - can comment on your suitability for the role
  - can discuss details of your work performance.

Your referees should include your current supervisor and may be contacted at any stage of the process. It is important that you advise them of your application and that you are confident they will support it.

# Your one-page statement

Tell us why you are the right person for the position. We want to know:

- why you want to work in this role
- how your skills, experience and qualifications can benefit us.

Try not to duplicate information in your resume but highlight specific examples or achievements that will demonstrate your ability to perform the role.

You may like to structure your examples using the problem, action, result (PAR) method:

- **Problem (situation/issue):** Describe a specific problem, situation or issue that occurred where you had the chance to demonstrate your skills.
- **Action:** Describe the action you took to address or resolve the problem.
- **Result:** Describe the outcome of your actions, including what you learned, what you might do differently, and if the result impacted your organisation or team.

You do not need to use a different example for each of the skills required in this role; you could use one example that covers several of the skills and values we are seeking.

## Contact us

If you have any questions or need any more information about this role, please contact:

Kathryn King  
General Manager, Technology and Strategy Group  
[kathryn.king@esafety.gov.au](mailto:kathryn.king@esafety.gov.au)

<b>SES Band 2</b>			
<b>Role Details:</b>			
<b>Role</b>	General Counsel	<b>Job Family</b>	Senior Executive
<b>Classification</b>	SES Band 2	<b>Job Function</b>	Strategic Leadership
<b>Division</b>	Legal Services	<b>Job Code</b>	271299
<b>Division Overview</b>	<p>The Legal Services Division is responsible for providing legal advice across the following areas:</p> <ul style="list-style-type: none"> <li>• Investigations under the Online Safety Act 2021, including into illegal and restricted online content (e.g., child sexual abuse material and pro-terror material), cyber-abuse of an Australian adult, cyber-bullying of an Australian child, and the non-consensual sharing of intimate images.</li> <li>• Industry regulation under the Online Safety Act 2021, including the administration and enforcement of eSafety’s powers under the Act in connection with mandatory industry codes and standards, and the Basic Online Safety Expectations.</li> <li>• Business Operations, including commercial issues such as contracts and procurement; data and privacy matters where you will act as eSafety’s Privacy Champion, and management of eSafety’s FOI function.</li> </ul> <p>Legal Services also oversees, is responsible for, and provides strategic legal advice across eSafety regarding enforcement and litigation, including through advice to the eSafety Commissioner and senior leadership team.</p>		

<b>Role Overview</b>	<p>eSafety requires an experienced senior legal practitioner with considerable operational experience to oversee legal staff and ensure the quality of legal advice across a spectrum of disciplines.</p> <p>Reporting to the Commissioner, the General Counsel will be trusted source of strategic legal advice and will have deep experience in regulation and enforcement. They will possess a deep understanding of how to manage teams involved in a broad range of legal work and have a proven track record of supporting enforcement outcomes within a changing and multi-dimensional regulatory setting.</p> <p>The role will require the occupant to build and sustain senior-level professional relationships across government, and within eSafety.</p> <p>The successful candidate for this role will demonstrate strong knowledge of and understanding about the online industry, including key sectors such as social media services, and will ideally be familiar with key technologies relevant to online harms regulation.</p> <p>Due to the work of the eSafety Commissioner, the General Counsel may be exposed to highly distressing and disturbing content.</p>
----------------------	---

Role Capabilities	
<b>Business</b>	<ul style="list-style-type: none"> <li>• Acts as a collaborative, business enabling partner to the organisation, actively ensuring relevant professional input from others is obtained and sharing own expert views and experience.</li> <li>• Resolves conflict and manages sensitivities, acknowledging and addressing disagreements to facilitate mutually beneficial solutions while displaying resilience.</li> <li>• Strives for quality, and ensures compliance with all regulatory, government and legal requirements.</li> <li>• Facilitates cooperation and partnerships by building and sustaining relationships within the organisation, across the APS and with a diverse range of stakeholders.</li> <li>• Shows sound judgement and common sense by weighing up complex information, risks, and exploring options to make sound decisions.</li> </ul>
<b>Leadership</b>	<ul style="list-style-type: none"> <li>• Adheres to and promotes the APS Values and Code of Conduct and acts with utmost integrity and professionalism.</li> <li>• Builds and maintains a culture of excellence, collaboration, and continuous improvement.</li> <li>• Develops and mentors' staff, growing both legal and professional skill sets.</li> <li>• Provides impartial, clear, forthright, and strategic advice.</li> <li>• Seeks guidance and advice when required.</li> <li>• Represents the organisation effectively in public and internal forums, and advocates eSafety's strategic agenda.</li> <li>• Listens carefully to others and checks to ensure their views have been understood.</li> <li>• Approaches negotiations with a strong grasp of the key issues.</li> </ul>



**Specialist / Technical**

- Applies specialist legal knowledge and expertise in identifying and assessing legal options, risks, and pathways, including enforcement strategies related to a complex technology sector, to achieve desired outcome.
- Leverages knowledge of the online industry and regulation, including key sectors such as providers of social media services.
- Maintains a strong desire to stay across topical technology, regulatory and enforcement issues and upskill in specialist areas where required.

**Role Requirements****Mandatory**

- A Bachelor of Laws or a Juris Doctor from an Australian tertiary institution (or comparable overseas jurisdiction) and at extensive post-admission experience.
- Ability to obtain and maintain Negative Vetting 1 security clearance.
- Well-developed understanding of the online industry, including about providers of social media services.
- Experience of industry regulation, the exercise of statutory powers and/or civil enforcement.
- A strong interest in continued learning and upskilling in specialist areas related to the intersection of law and technology.

**Desirable**

- Experience working with tech company litigation, policy or compliance.
- Familiarity with relevant legal considerations related to internet technologies such as encryption, artificial intelligence (including generative artificial intelligence) and user safety.