

# POSITION DESCRIPTION



## Senior Technology & Commercial Lawyer



### POSITION DETAILS

<b>Position Title</b>	Senior Technology & Commercial Lawyer
<b>Classification</b>	Senior
<b>Position Number</b>	7012557
<b>School/Office</b>	Office of General Counsel
<b>Division</b>	Office of Legal, Compliance & Governance

### POSITION PURPOSE

The Office of General Counsel (OGC) is located within the Office of Legal, Compliance & Governance. The primary role of the OGC is to provide independent legal services to the University across a wide spectrum of university activities, including commercial and technology transactions, research, litigation and disputes, and statutory compliance. The OGC works proactively and collaboratively with its clients to produce viable and tangible solutions that align with the University's goals and appetite for commercial and other risks.

The OGC also plays a significant role in the development and review of university policies to ensure sound governance and statutory compliance. OGC clients include the University's Board of Trustees, the Vice-Chancellor and President, the academic schools, University executives, and other senior officers. The OGC also provides legal services and advice to university-controlled entities.

The Senior Technology and Commercial Lawyer is a senior legal advisor within the Office of General Counsel and provides strategic legal leadership across the University's technology, intellectual property, and commercial portfolios. The primary role of the Senior Technology and Commercial Lawyer is to provide strategic and commercial legal advice to University clients with particular emphasis on advising on technology and IP-related matters, drafting and negotiating IT and commercial contracts, and providing general advisory services on a broad range of issues relating to the University's educational and corporate activities.

The Senior Technology and Commercial Lawyer will be capable of advising on technology law, intellectual property law and commercial law, and will work independently alongside the Senior Commercial Lawyer.

The Senior Technology and Commercial Lawyer will work independently under the broad direction of, and report to, the University General Counsel. The Senior Technology and Commercial Lawyer may be

required to act as the University General Counsel from time to time.

## KEY ACCOUNTABILITIES

1. Strategic Legal Advisory
  - Negotiate and provide authoritative and responsive strategic advice and services on a broad range of issues relating to the University's corporate and educational activities, with a strong focus on information technology, intellectual property, research and commercial matters.
  - Lead commercial matters that affect the University promptly taking account of the University's risk appetite.
  - Deliver written advice and other documents are of a high standard and employ appropriate drafting and formatting techniques (including plain English) to ensure they can be understood by clients.
  - Lead identification of actual and potential legal and regulatory risks, and recommendations for constructive approaches and responses (including policy review or development and training initiatives).
  - Collaborate with the University General Counsel to promote and, where applicable, implement regulatory requirements through provision of advice and participation in policy development or systems/process design initiatives.
  - Deliver high-level legal advice to university senior staff on matters of strategic importance to the University.
2. Drafting Legal Documents
  - a. Draft and settle contracts, agreements, letters, correspondence, and memoranda of understanding with internal and external parties as instructed and per university objectives.
3. Strategic Advice on Commercial Technology Transactions, Tech Transfer Agreements and IP
  - Deliver high-level strategic legal advice on high value commercial transactions with domestic and international partners.
  - Advise the University in relation to the protection and commercialisation of its intellectual property portfolio, including advice on research agreements and funding agreements for research.
  - Provide general advice both domestically and internationally on trademarks, business names and domain names registration, tech transfer agreements, IP licencing and infringements.
  - Advise on artificial intelligence applications, cyber security generally and data protection.
  - Advise on ICT agreements, data access agreements, equipment purchase agreements.
  - Legal advice and services are:
    - independent, well-developed and evidence based.
    - focussed on practical and commercially sound solutions or outcomes.
    - promote the University's overall interests.
    - align with the University's mission and values, taking into account risk appetite.
  - Provide legal guidance on complex and high-value technology deals from core infrastructure and cloud contracts servicing the University to business specific deals involving technology integration and business applications.
  - Bring any issues of concern related to governance, compliance, or legal risk to the attention of the University General Counsel.
4. Work Collaboratively with Clients

- Work collaboratively with clients on business opportunities by providing advice and services on suitable structures and based on the University's risk appetite.
- Provide input into responses to draft legislation and government or regulatory reviews or reports.
- Manage and develop client and key stakeholder relationships.
- Build strong networks across the higher education sector in matters related to corporate governance, compliance, and legal risk.

5. Stakeholder Engagement

- Build strong relationships and supervise, external legal service providers, to ensure beneficial and cost-effective legal outcomes for the University.
- Monitor performance and costs of external legal service providers and provide feedback on performance as necessary.
- Outsourced legal matters are managed efficiently with timely reporting and feedback provided to the University General Counsel as required.

6. Undertake Other Duties as Directed

- Other functions as assigned or delegated by the University General Counsel.
- May be required to act as the University General Counsel from time to time.

## QUALIFICATIONS, EXPERIENCE AND SKILLS

1. A law degree or equivalent qualification and registration (or eligibility for registration) to practice law in New South Wales with extensive relevant experience or equivalent professional attainment and achievement at a senior level.
2. An unrestricted practising certificate in New South Wales or ability to acquire one prior to commencement in the position.
3. A minimum of 8 years' post-admission experience, as a senior lawyer including demonstrated experience in advising, negotiating and drafting complex commercial contracts with a strong focus on technology and outsourcing matters; legal documents in relation to IT services contracts, privacy, data protection and cyber security, commercialisation or academic research and corporate governance; advising on a range of projects.
4. Exceptional written and oral communication skills in public and private settings with diverse audiences, including the ability to effectively translate complex legal ideas or concepts for lay audiences. Exceptional attention to detail. High level of problem-solving skills with a commercial approach.
5. Demonstrated ability to engage confidently and credibly with senior executives and managers, providing authoritative legal advice in time sensitive contexts.
6. Advanced negotiation skills with a proven capacity to exercise sound legal and commercial judgement in a complex environment.
7. A collaborative and adaptable approach to working within a high-performing legal team and adopt a flexible approach to a demanding and time pressured client base.

## KEY RELATIONSHIPS

- **This position reports to:** University General Counsel
- **This position supervises:** This position currently has no direct reports but has a supervisory role for junior lawyers working on specific matters and performs a mentoring function for more junior staff generally.

- **Key internal relationships:**
  - University General Counsel
  - OGC Lawyers and professional staff
  - University Executive and senior staff across the University
- **Key external relationships:**
  - External law firms
  - Government agencies
  - Commercial partners

## **UNIVERSITY EXPECTATIONS**

The University expects that all employees are aware of, and comply with legislation and Western's policies and procedures relevant to the position, including but not limited to:

- Code of Conduct
- Work Health and Safety and Wellbeing Management System
- Enterprise Agreement or Award
- Anti-discrimination principles, Equal Employment Opportunity and staff and student equity.

**Approved by:**

**Date:**