POSITION DESCRIPTION

Agency: **Office of the Work Health and Safety Commissioner**

Position Title: Senior Prosecutor

Position Number: P72849

Classification: Grade 4 Prosecutor

Primary Location: Canberra, ACT

Last Reviewed: October 2026

WORKSAFE ACT OVERVIEW

The Office of the Work Health and Safety (WHS) Commissioner and the Regulator makes up WorkSafe ACT. WorkSafe ACT achieves its objectives through a combination of compliance and enforcement, awareness raising, education, inspection, investigation, and prosecution. It is responsible for monitoring and enforcing compliance by duty holders with the *Work Health and Safety Act 2011* (WHS Act) and associated legislation for Dangerous Substances, Workers' Compensation, Labour Hire Licensing and Long Service Leave.

WorkSafe ACT is a fully independent office headed by the WHS Commissioner, who is the Territory's Regulator. A planned program of work is currently being implemented to improve our operational efficiency and effectiveness. WorkSafe ACT is committed to cultural and organisational change to become a professional, modern, intelligence-led responsive regulator.

The work we do carries with it an obligation to act in the public interest. It requires standards of professional behaviour and conduct from all employees that promote and maintain public confidence and trust in our work. We contribute to the reduction of physical and psychological harm to workers across ACT workplaces.

DIVERSITY STATEMENT

The ACT Public Service (ACTPS) is committed to building a culturally diverse workforce and an inclusive workplace. As part of this commitment, women, Aboriginal and Torres Strait Islander peoples, people from linguistically and culturally diverse backgrounds, people with disability, veterans and those who identify as LGBTIQA+ are encouraged to apply.

PROSECUTION PRACTICE OVERVIEW

WorkSafe ACT ("Agency") is responsible for the regulation and enforcement of a range of legislation in relation to work health and safety, dangerous goods, workers' compensation, labour hire licensing, and long service leave.

The successful candidate will be engaged under the ACT Public Sector Legal Professionals Enterprise Agreement 2023-2026 and/or its successor.

WorkSafe ACT is setting up an in-house prosecution function in line with the Regulator's authority to commence prosecution proceedings for offences under the WHS Act and regulations. The Senior Prosecutor will independently assess, prepare, and conduct criminal prosecutions, civil-penalty proceedings, and other regulatory litigation on behalf of the Agency.

The Prosecution Practice will operate as a regulatory prosecution function for offenses against legislation administered by WorkSafe ACT, in particular the *Work Health and Safety Act 2011.* Most prosecutorial and advocacy work undertaken by the Prosecution Practice is performed in the Magistrates (Industrial) Court, however prosecutors may also have opportunities to appear in, and to instruct counsel in, matters before the Supreme Court.

POSITION OVERVIEW

The Senior Prosecutor acts in the public interest and assists the proper administration of justice. The position is not responsible for securing a conviction or penalty at any cost.

This position is a combined legal advocacy and leadership role, responsible for prosecutorial work and the development of the in-house prosecution function at WorkSafe ACT. The position will be required to manage a complex legal prosecution practice as well as appear in complex defended hearings, pre-hearing applications, mentions, sentences, and appeals.

As a Senior Prosecutor, you will be responsible for the day-to-day guidance, oversight, training and development of staff within your team. You will lead by example, promoting a culturally safe and inclusive workplace at all times, and actively develop and demonstrate your own cultural capability in your work.

The position applies independent professional judgment to ensure that every proceeding:

- is supported by sufficient admissible and reliable evidence;
- is in the public interest;
- is conducted fairly, robustly, efficiently, and consistently;
- complies with disclosure and prosecutorial obligations; and
- remains appropriate throughout the life of the case.

The position will appeal to a person who has proven advocacy experience, a desire to appear in complex court matters and the ability to successfully lead a team.

The successful applicant will have the capacity to effectively and clearly communicate with the courts, victims and witnesses, professional colleagues and other third parties. Excellent attention to detail, legal analytical skills and superior time management are essential.

The position is primarily based in the office and generally requires attendance five (5) days per week. The role is not suited to regular remote work; however occasional ad hoc flexibility may be considered where operational requirements allow.

ROLES AND RESPONSIBILITIES

As a Senior Prosecutor, you will:

- Provide guidance on questions of criminal law and practice to staff at WorkSafe ACT.
- Appear in complex court matters including hearings, sentences and appeals.

- Exercise delegated decision making authorities.
- Ensure prosecutions are conducted fairly and effectively and in accordance with the Prosecution Policy and Guidelines.
- Provide high-level enforcement and prosecution advice and related policy analysis to the Commissioner.
- You will be part of the leadership team at WorkSafe ACT and as part of this team, contribute to the management of the Agency by:
    a. Developing and training staff;
    b. Implementing the corporate and strategic goals of the Agency, and
    c. Working collaboratively with other managers and the executive team.
- Contribute to the development of prosecution policy, guidelines, standard operating procedures and any other requirements relevant to the in-house prosecution function of the Agency.
- Conduct and carry out WorkSafe ACT's prosecution practice in accordance with the requirements of the Legal Profession (Solicitors) Conduct Rules (ACT) 2025, the Legal Profession (Barristers) Rules 2026, and the Law Officers Legal Services Directions (ACT) 2023, or as revised from time to time.
- Maintain records in accordance with the Territory Records Act 2022.
- Undertake other duties as directed.

IDEAL CANDIDATE – CORE CAPABILITIES

1. A proven ability to independently conduct complex prosecutions, prepare matters for hearing and appeals, and appear as an effective advocate in the Magistrates Court, as well as the Supreme Court. .

2. Demonstrated expertise in the application of relevant legislation, evidence law and authorities in the Magistrate and Supreme Courts jurisdictions, as well as prosecutorial principles, with the ability to make independent, well-reasoned, and defensible legal decisions in complex matters and appeals.

3. Demonstrated ability to prepare high-quality legal submissions and advice, Court documents including initiating Information and Summonses, Particulars, and Statements of Fact.

4. Demonstrated ability to communicate effectively with various stakeholders including defendants, other legal practitioners, witnesses and complainants, including vulnerable persons, and present complex legal issues clearly and persuasively.

5. Demonstrated ability to lead, mentor and support colleagues, including fostering a positive and high-performing team culture, and consistently demonstrating integrity, professionalism, and accountability.

6. Proven ability to manage a complex caseload and competing priorities, while developing and maintaining effective working relationships with inspectors, investigators, other WorkSafe ACT officers, Court staff and other key stakeholders to achieve successful prosecutorial outcomes.

ELIGIBILTY / OTHER REQUIREMENTS

- Admitted to, or eligible to, practice as a legal practitioner in the ACT.
- Hold, or eligible to hold, an ACT Law Society Practising Certificate.
- Approval from the ACT Attorney General through the Solicitor-General of the ACT at the Government Solicitor's Office to be permitted to carry out in-house legal work for WorkSafe ACT.
- The successful candidate will be required to undergo a pre-employment National Police Check.

APPLICATION

To apply for this position, please provide:

- A completed application form (available via the position advertisement on the ACT Government Jobs website), including contact details for two referees.
- A resume / curriculum vitae that outlines your skills and experience.
- A response of no more than two (2) pages, addressing the identified capabilities and describing how your knowledge, experience and qualifications meet the skills, capabilities and requirements for this role.

Note:

- Selection may be based on the written application and referee reports only.

WORK ENVIRONMENT DESCRIPTION

The following work environment description outlines the inherent requirements of the role of the Senior Prosecutor and indicates how frequently each of these requirements would be performed. Please note that WorkSafe ACT is committed to providing reasonable adjustment and ensuring all individuals have equal opportunities in the workplace.

ADMINISTRATIVE	FREQUENCY
Telephone use	Occasionally
General computer use	Frequently
Extensive keying/data entry	Frequently
Graphical/analytical based	Occasionally
Sitting at a desk	Frequently
Standing for long periods	Occasionally
Designated workstation *Please note this is a position in an activity based work environment*	Never

STANDARD HOURS	FREQUENCY
Flexible working hours (access to flex time)	Occasionally
Fixed or specified start/finish times	Occasionally
Expected to work extensive hours over a significant period due to the nature of the duties	Occasionally
Access to Accrued Days Off (ADOs)	Never
Peaks and troughs	Occasionally
Frequent paid overtime	Occasionally
Rostered shift work	Never
SOCIAL DEMANDS	**FREQUENCY**
Work with others towards shared goals in a team environment	Frequently
Work in isolation from other staff (remote supervision)	Occasionally
Working in a call centre environment	Never
Working directly with the public	Occasionally
PHYSICAL DEMANDS	**FREQUENCY**
Distance walking (large buildings or inter-building transit)	Occasionally
Working outdoors	Occasionally
MANUAL HANDLING	**FREQUENCY**
Lifting 0 – 5kg	Occasionally
Lifting 5 – 10kg	Never
Lifting 10kg+	Never
Climbing	Never
Reaching	Occasionally
Bending/squatting	Occasionally
Push/pull	Occasionally
Sequential repetitive movements in a short amount of time	Occasionally
TRAVEL	**FREQUENCY**
Frequent travel – multiple work sites	Occasionally
Frequent travel – driving	Occasionally
Frequent travel – interstate	Never
SPECIFIC HAZARDS	**FREQUENCY**
Working at heights	Never
Exposure to extreme temperatures	Never
Operation of heavy machinery e.g. forklift	Never
Confined spaces	Never
Excessive noise	Never
Low lighting	Never
Handling of dangerous goods/equipment	Never
Working with asbestos	Never
Potential to encounter agitated customers	Never
Exposure to potentially distressing case material	Occasionally
OTHER	**FREQUENCY**
Uniform required	Occasionally
Personal Protective Equipment (PPE) required	Occasionally