# **Taumata Arowai**

## **GENERAL COUNSEL POSITION DESCRIPTION**

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| Position title | General Counsel  |
| Reports to  | Head of Corporate  |
| Business Unit  | Corporate  |
| Location | National Office, Wellington  |
| Type | Permanent fulltime  |
| Salary Range | $126,800 - $171,500 |
| Date  | February 2021  |

## **Background and Context**

In 2019, Cabinet made decisions to reform the drinking water regulatory system, including the creation of a new regulatory body to oversee, administer and enforce this system. Legislation to establish this Crown entity, known as Taumata Arowai (the Water Services Regulator) was passed in July 2020 with a commencement date in March 2021.

As Taumata Arowai will be a Crown entity, the Chief Executive will report to a governance board. It will also need to act consistently with the principles of the Treaty of Waitangi and Te Mana o Te Wai and to engage with Māori and understand perspectives of Māori. A Māori Advisory Group (MAG) will advise Taumata Arowai in this respect.

This work is part of a wider package of regulatory reforms to address issues and opportunities highlighted by the Government Inquiry into Havelock North Drinking Water and in the Government’s Three Waters Reform Programme.

## **Working effectively with Māori**

As Taumata Arowai will be an agent of the Crown, Te Tiriti o Waitangi/the Treaty of Waitangi is important to everything we say or do. We recognise it as an enduring document central to New Zealand’s past, present and future. Building and maintaining meaningful relationships is important to work effectively with Māori, stakeholders and other agencies. We accept our privileged role and responsibility of holding and protecting the Treaty of Waitangi/Te Tiriti o Waitangi.

## **Spirit of Service**

Ka mahitahi mātou o te ratonga tūmatanui kia hei painga mō ngā tāngata o Aotearoa

i āianei, ā, hei ngā rā ki tua hoki. He kawenga tino whaitake tā mātou hei tautoko i te Karauna i runga i āna hononga ki a ngāi Māori i raro i te Tiriti o Waitangi. Ka tautoko mātou i te kāwanatanga manapori. Ka whakakotahingia mātou e te wairua whakarato ki ō mātou hapori, ā, e arahina ana mātou e ngā mātāpono me ngā tikanga matua o te ratonga tūmatanui i roto i ā mātou mahi.

 In the public service we work collectively to make a meaningful difference for New Zealanders now and in the future.  We have an important role in supporting the Crown in its relationships with Māori under the Treaty of Waitangi.  We support democratic government.  We are unified by a spirit of service to our communities and guided by the core principles and values of the public service in our work.

## **Position Purpose**

The General Counsel will lead and deliver Taumata Arowai’s legal and litigation functions to ensure Taumata Arowai is provided with high quality and robust legal advisory services as a Crown entity and as a regulator. They will provide strategic advice and act as a trusted advisor to the Chief Executive, Leadership Team, Board and Māori Advisory Group.

The General Counsel is a member of the Corporate Leadership Team who provide a range of enabling services to support Taumata Arowai to deliver its regulatory functions. As a member of the Corporate Leadership Team, the General Counsel will contribute to providing strategic leadership and direction across all Corporate functions

## **Staff**

Initially one Intermediate Solicitor

## **Delegations**

See delegation schedule

## **Key Accountabilities**

As a Crown agency, it is likely that the scope and functions of positions within Taumata Arowai will evolve over time as the organisation grows and matures. Responsibilities of this position are expected to change over time as Taumata Arowai responds to these changing needs.

## **People Leadership**

* Build and maintain a high performing team that are engaged and motivated to succeed
* Ensure each team member has a clear understanding of how they contribute to Taumata Arowai’s vision, values and mandate and have clear, measurable performance and development goals
* Develop a high performing team of trusted legal advisors who are capable in delivering both strategic and specialist advice and work in partnership with the business
* Ensure all team members demonstrate Taumata Arowai’s values and behaviours in the engagement with others
* Develop an environment within the team that encourages innovation and collaboration
* Embed and demonstrate Te Ao Māori as a people leader
* Value and respect the diversity of contribution within the team and build an inclusive team culture

## **General Counsel**

* Act as a trusted legal advisor to the Chief Executive, Leadership Team, Board and MAG, providing them with high quality, accurate and timely legal advice and leadership to inform their decision making and support the functions of Taumata Arowai
* Provide the Chief Executive, Board and MAG with ad hoc legal opinions and advice as required
* Support the Chief Executive and Board to meet any legal reporting requirements in a timely way
* Ensure the Chief Executive and Leadership Team are informed of and understand any legal risks and issues in a no surprises manner

## **Legal Services**

* Lead the development, prioritisation and implementation of plans and programmes of work across the Legal function that are aligned with the organisation’s strategies and direction
* Manage the delivery of a fit for purpose suite of legal services for Taumata Arowai by leading and developing a team of engaged, business focussed solicitors who provide a high quality, responsive service to managers and staff
* Work closely with the organisation’s monitoring agency on legal and policy matters relating to Taumata Arowai
* Work closely with the Strategy and Insights team to support their work including strategic planning, external reporting, OIA requests, statutory interpretation
* Provide advice and guidance to the organisation on matters concerning the legislation administered by Taumata Arowai and matters relating to the operation of the organisation generally i.e. service delivery
* Contribute to identifying ways that Taumata Arowai can better build sector capability through the development and application of regulatory policy and legislative tools
* Provide expert input into wider Taumata Arowai projects, groups and committees as required
* Undertake complex drafting instructions and drafting tasks for legislative change to support policy development
* Draft legal documents, including formal legal instruments, gazette notices and regulations
* Instruct external legal providers for the provision of specialise legal services i.e. employment law advice while monitoring expenditure on these services
* Report to the Leadership Team on privacy issues and performance as Taumata Arowai’s Privacy Officer
* Assist teams to develop their legal interpretation and analysis capability by providing learning and development on legislation and other legal issues that apply to their roles
* Provide advice on the negotiation and management of commercial and contractual matters including the management of legal risks
* Ensure the organisation complies with all its statutory and legal compliance obligations
* Proactively identify potential areas of risk
* Participate in emergency responses (using the New Zealand Coordinated Incident Management System (CIMS)) if required and support others to participate in response as required
* Keep up to date with relevant legal developments and best practice

## **Litigation**

* Provide leadership and direction on all prosecution cases including preparing prosecution files for counsel
* Retain and instruct external counsel as required, while thinking about Taumata Arowai’s litigation objectives
* Manage the process for the resolution of legal issues

## **Relationship Management**

* Manage the relationship with external specialist legal advisors
* Build collaborative and constructive relationships across the organisation to enhance ways of working and facilitate service delivery
* Represent the Chief Executive in a range of legal, legislative and sector fora

## **Health and safety (for self)**

* Work safely and take responsibility for keeping self and colleagues free from harm
* Report all incidents and hazards promptly
* Know what to do in the event of an emergency
* Cooperate in implementing return to work plans

## **Health and safety (for team)**

* Inform, develop and equip staff to carry out their work safely
* Ensure prompt and accurate reporting and investigation of all workplace incidents and injuries
* Assess all hazards promptly and ensure they are managed.

## **Key Relationships**

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| --- | --- |
| **Internal** | **External** |
| Board Māori Advisory GroupChief Executive and Leadership TeamCorporate Leadership TeamRegulatory TeamStrategy and Insights TeamManagers and staff  | Crown LawExternal legal providersMonitoring agency |

## **Person Specification**

Qualifications

* Relevant legal qualification (minimum LLB)
* Admittance to the bar and a current practicing certificate as a barrister and solicitor in the High Court of New Zealand

Experience

* 10+ years PQE
* Experience leading and managing within a corporate legal function
* Experience managing people, resources and work programmes
* Experience managing the legal risk profile of an organisation
* Experience providing strategic legal advice to Chief Executives and/or Boards in complex organisations
* Significant experience providing legal advice in a regulatory environment in central or local government

Knowledge

* Understanding of public and administrative law as it applies to Crown agencies
* Understanding of the machinery of government and the public policy making process
* Understanding of the NZ regulatory environment
* Understanding of the political, social, economic and environmental context in which Taumata Arowai operates

Skills and Attributes

* A strategic thinker with strong analytical ability to interpret complex information
* Strong client service ethos
* Demonstrated credibility to provide advice to Boards and Chief Executives
* Ability to work under pressure and manage ambiguity and complexity
* Demonstrated commitment to the principles of the Treaty of Waitangi and te Ao Māori
* Successful demonstration of promoting diversity and inclusion in the workplace
* Ability to translate and communicate complex topics in a variety of fora that influence targeted audiences