



# Job description

## Haere mai

This job description is your go-to place for all the ins and outs of this role at Internal Affairs

## Commercial Advisor

### Three Waters Programme, National Transition Unit - Local Government Branch

In July 2020, the Government launched the Three Waters Reform Programme – a three-year programme with the ultimate objective of improving the health and wellbeing of New Zealanders.

Currently over 70 different types of councils own and operate most of the drinking water, wastewater and stormwater services across New Zealand.

Local government is facing urgent challenges in the provision of these services including: funding infrastructure deficits, complying with safety standards and environmental expectations, building resilience into three waters networks to deal with natural hazards and climate change, and supporting population growth.

The Government has committed to comprehensive, system-wide reform to achieve lasting benefits for our communities and the environment.

The Three Waters Programme National Transition Unit (NTU) is responsible for the establishment of, and transition to, a new service delivery model. Its role is to ensure that, on 1 July 2024, four new water service entities (WSEs) are ready to assume responsibility for three waters-related infrastructure and service delivery.

The NTU objectives are to:

- advance the Government's reform objectives with the sector in a way that supports successful adoption of the reform with stakeholders,
- ensure reform objectives are supported by a smooth transition and implementation approach that is efficient, effective and minimises disruption to communities and consumers, and
- leverage the transition for strategic transformation opportunities.

Being part of Three Waters Reform in New Zealand is a once in a lifetime opportunity. We are transforming the water sector (drinking water, wastewater and stormwater) to ultimately improve the health and wellbeing of New Zealanders. This is your opportunity to be part of an innovative and successful delivery team.



**Te Tari Taiwhenua**  
**Internal Affairs**

## Position Outline

This position sits within the Delivery function of the NTU. The Delivery function is the driving force of the NTU where strategy is implemented by multiple workstreams, and the delivery of the Three Waters Work Programme is executed.

The Delivery function will lead the high-level design and oversee implementation of the new operating blueprint for the four interim new Local Establishment Entities (LEEs) and ensure the seamless transfer of services from the NTU to the LEEs and in turn to the Water Service Entities (WSE's) in July 2024. The overall goal is to ensure the water service entities are setup for success from day one, 1 July 2024.

The Commercial & Legal (C&L) Workstream has a broad range of accountabilities, including:

- overseeing and implementing the commercial and legal elements required for the establishment of the four new water services entities;
- providing a commercial perspective into the policy and legislative frameworks that are being developed to govern the new WSEs;
- undertaking the legal and commercial due diligence on the assets, liabilities, and interests that will transfer;
- developing the transfer process and delivering the transfer of three waters assets, liabilities, and interests, from local authorities to the WSEs;
- monitoring compliance with the anticipated reform legislation; and
- supporting the other workstreams within the NTU and the LEEs with legal and commercial advice.

The role of the **Commercial Advisor** is to advise on strategy and execution of appropriate commercial arrangements across a wide array of WSE activities and to ensure rigour and robust due diligence for all commercial transactions in the transfer of assets from councils to WSEs.

As a critical member of the C&L workstream this role is responsible for providing solutions to complex commercial challenges experienced at both a local and enterprise level. It will ensure transfer and transaction principles meet the requirements of reform objectives and commercial agreements are structured appropriately.

This role is also expected to connect and integrate across the wider branch and the Department, and all positions have a responsibility to support the team in the delivery of the four new water service entities by 1 July 2024.

The position accountabilities may change over time to accommodate programme scope and timeframes.

- **Reporting to:** Workstream Lead – Commercial & Legal, Three Waters Programme National Transition Unit
- **Location:** National
- **Salary range:** TBC

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## What we do matters – our purpose

Our purpose is to serve and connect people, communities and government to build a safe, prosperous and respected nation.

In other words, it's all about helping to make New Zealand better for New Zealanders.

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## How we do things around here – our principles



### We make it easy, we make it work

- Customer centred
- Make things even better

### We're stronger together

- Work as a team
- Value each other

### We take pride in what we do

- Make a positive difference
  - Strive for excellence
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## Working effectively with Māori

Te Aka Taiwhenua – our Māori Strategic Framework – enables us to work effectively with Māori. Te Aka Taiwhenua is underpinned by our mātāpono – Kotahitanga, Manaakitanga, Whānaungatanga, He Tāngata.

As DIA is 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.

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## Spirit of service

Ka mahitahi mātou o te ratonga tūmatanui kia hei painga mō ngā tāngata o Aotearoa i āiane, 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.

## What you will do to contribute

### Commercial delivery

- Work collaboratively with C&L workstream, NTU Workstream leads and Council representatives to structure commercial arrangements
- Work alongside the legal and other advisors to create transaction and transfer principles
- Complete robust due diligence on commercial transactions and agreements
- Gather sector information and complete analysis on commercial impact of the transfer of assets to the new entities
- Identify opportunities for commercial and financial improvement where commercial synergies exist
- Provide timely, high quality and effective commercial advice across the NTU on a range of commercial and corporate issues, including identifying and assessing risk
- Strategically connect the dots and provide insight into emerging issues, trends and risk in relation to commercial matters impacting delivery of the C&L work programme
- Ensure Three Water reform is reflected in all commercial transactions and agreements

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### Stakeholder engagement

- Build and maintain effective and trusting relationships with internal (NTU Work programme) and external (Council) stakeholders
- Manage relationships and develop close links with business groups so as to pro-actively identify legal risks in relation to commercial transactions and transfer of assets and work with senior leaders to put in place strategies to mitigate the risk
- Contribute to delivery of C&L work programme in collaboration with the C&L team
- Provide professional commercial leadership and advice to wide and diverse range of stakeholders

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### Strategic leadership

- Ensure commercial services for the water service entities are setup for success from day one, 1 July 2024 and WSE's have fit for purpose commercial services and agreements in place

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### 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

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## Who you will work with to get the job done

Internal	Head of Delivery
	Workstream Lead Commercial & Legal

## Who you will work with to get the job done

	NTU Workstream Leads
	NTU Leadership Team
	Three Waters, National Transition Unit Staff
	Relevant staff across Three Waters Reform, the Local Government Branch and the wider DIA
External	Other organisations involved in the Three Waters work programmes
	Local authorities and agencies, professional associations, and other key stakeholders
	Various external advisors to the Reform Programme
	Councils

## Your delegations

Human Resources and financial delegations	tbc
Direct reports	None

## What you will bring

### Experience:

- Extensive experience, a minimum of 15 years as a Commercial and/or Financial Advisor on large and complex infrastructure transactions, with experience working within NZ local authorities, CCO or water or other regulated entities in NZ or internationally (either directly or in an advisory role) preferred
- Extensive experience in management of complex and high-value commercial contracts including large infrastructure projects
- Experience in public law and working with government departments on public service transactions and/or reform
- Experience traversing policy and legislation to deliver meaningful outcomes and services (desirable)

### Knowledge:

- In depth understanding of transaction and transfer principles and their application on large scale programmes
- Knows how to drive delivery with effective relationship management towards critical service outcomes
- Extensive knowledge of Three Waters, Local and Central Government
- Knowledge of three waters services, customer experience, regulatory compliance, level of service, asset management, capital programmes and operations
- Strong financial and business acumen and understanding of economic and finance principles

## What you will bring

- Sound understanding of relevant legislation, including impending Three Waters legislation, Water Services Act, RMA, LGA legislation
- Knowledge of Te Mana o te Wai and how it interacts with the delivery of the three waters
- Knowledge of commercial and public law

### **Skills:**

- Exceptional written and oral communication skills
- Excellent problem-solving skills and highly tuned risk radar
- Excellent negotiation and influencing skills
- Able to form trusted relationships quickly at all levels
- Ability to plan and execute effective communication to reach a range of audiences
- Highly organised with a strong attention to detail
- Strategic capability: the ability and desire to think beyond immediate issues, to consider long-term and broader implications
- Be comfortable and confident chairing large meetings and presenting to a wide range of stakeholders
- Financial acumen, including the ability to produce, analyse and report on financial information

### **Other requirements:**

- Degree qualified (either in commerce, finance or law) preferred
- Will be required to pass satisfactory background checks