

Job Description

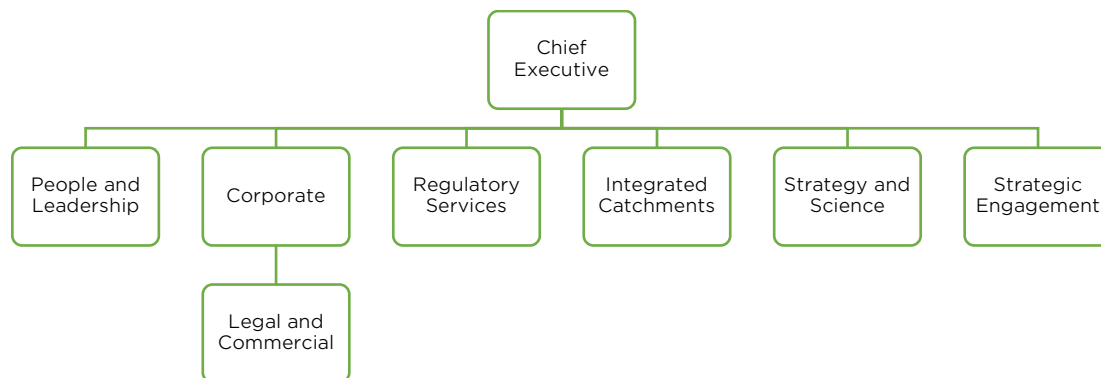


Job title	Legal Counsel
Group	Corporate
Section	Legal and Commercial
Responsible to	Legal and Commercial Manager
Responsibility for employees	None
Date	May 2024

Our organisation

About us	Toi Moana Bay of Plenty Regional Council's work guides and supports the sustainable development of the Bay of Plenty. We are responsible for land, air and water, as well as public transport and economic development. We want to make sure our region grows and develops in a way that keeps its values safe for future generations.
Our vision	Our vision of "Thriving together - mō te taiao, mō ngā tangata" means we want to ensure that both the environment and the people in the region thrive. Looking after the environment is at the heart of what we do.
Our values	Our values reflect who we are and what is important to us: Trust, Integrity, Courage, Manaakitanga, Kotahitanga, Whanaungatanga (<i>see attached</i>).
Our leadership model	Te Pae Rangatira, means 'The Model of Leadership'. In Māori, it is said a Rangatira (Leader) is one who is able to raranga (weave) their tira (group of people) together. Leadership at Toi Moana is guided by four pou whirinaki (pillars of guidance), these are: Care, Collaborate, Navigate and Balance (<i>see attached</i>).
Our community outcomes	Our community outcomes describe what we're working towards achieving for the Bay of Plenty: He taiao ora - a healthy environment, Te mana o te wai - freshwater for life, Kia haumarū, kia pakari te hāpori - safe and resilient communities, and Toitū to rohe - a vibrant region. Directly or indirectly, your work will feed into helping us achieve one or more of these outcomes.
Partnerships with Māori and Te Tiriti o Waitangi	The Treaty principles and the partnership upon which it is founded are an established part of our local government framework. As Treaty partners, Māori hold a unique role in shaping and contributing to regional leadership and direction. It is the collective responsibility of Toi Moana staff to uphold the principles and spirit of the Treaty.

Our team



Job purpose

Toi Moana Bay of Plenty Regional Council (BOPRC) is committed to its' vision of thriving together through the delivery of strong community outcomes. It is our people and their commitment to first class leadership and high performing teams which will ensure this delivery.

This job exists to provide in-house legal advisory services to ensure that legal advice and services received by the organisation are of high quality, consistent, effective and efficient, and that legislative compliance is maintained. The role will involve overseeing legal issues on behalf of Council by providing advice internally and liaising with external lawyers to ensure that Council activities and decision-making are supported by well-considered management of risk and liability. This is a senior role with organisation-wide responsibilities and a mandate for assisting capability and understanding of legal matters across the Council.

Functional relationships

External	Purpose and frequency of contact
<ul style="list-style-type: none"> Council's external legal service providers 	Daily: <ul style="list-style-type: none"> Facilitating, motivating, influencing and persuading Bargaining, mediation, negotiation in contentious forum
<ul style="list-style-type: none"> Other legal and technical professionals or service provider 	Daily: <ul style="list-style-type: none"> Facilitating, motivating, influencing and persuading Bargaining, mediation, negotiation in contentious forum
<ul style="list-style-type: none"> Other regional and local authorities 	Weekly: <ul style="list-style-type: none"> Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading
<ul style="list-style-type: none"> Central Government agencies (including but not limited to: District and High Courts, Office of the Ombudsmen, Departments and Ministries) 	Weekly: <ul style="list-style-type: none"> Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading Bargaining, mediation, negotiation in contentious forum
<ul style="list-style-type: none"> Iwi and Māori Trusts 	Weekly: <ul style="list-style-type: none"> Explaining things to people, clarifying, understanding Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading

	<ul style="list-style-type: none"> Bargaining, mediation, negotiation in contentious forum
<ul style="list-style-type: none"> Contractors, consultants and suppliers 	<p>Daily:</p> <ul style="list-style-type: none"> Explaining things to people, clarifying, understanding Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading Bargaining, mediation, negotiation in contentious forum
<ul style="list-style-type: none"> Industry groups and community organisations 	<p>Daily:</p> <ul style="list-style-type: none"> Explaining things to people, clarifying, understanding Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading <i>Bargaining, mediation, negotiation in contentious forum</i>
<ul style="list-style-type: none"> Media 	<p>Occasionally:</p> <ul style="list-style-type: none"> Basic co-operation, courtesy, exchanging routine information <i>Explaining things to people, clarifying, understanding</i>

External	Purpose and frequency of contact
<ul style="list-style-type: none"> Chief Executive and Leadership Team 	<p>Weekly:</p> <ul style="list-style-type: none"> Explaining things to people, clarifying, understanding Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading
<ul style="list-style-type: none"> Staff from all Groups within the organisation 	<p>Daily:</p> <ul style="list-style-type: none"> Explaining things to people, clarifying, understanding Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading
<ul style="list-style-type: none"> Councillors 	<p>Weekly:</p> <ul style="list-style-type: none"> Explaining things to people, clarifying, understanding Gaining co-operation, advising, liaising, resolving minor conflicts Facilitating, motivating, influencing and persuading

Key result areas

The job encompasses the following major functions or key result areas:

- Job specific accountabilities
- Organisational framework and capability
- Relationship management
- Corporate contribution

Key accountabilities

The requirements in the above key result areas are broadly identified below:

Key accountabilities (You are responsible for)	Key accountability measures (You will be successful when)
<p>Job specific accountabilities</p> <ul style="list-style-type: none"> • Provide specialist legal advice and support across all of Council with a view to safeguarding Council by supporting our people and Councillors to reduce legal, commercial and reputational risks while being accountable, transparent and reasonable. • Provision of strategic and practical legal advice takes account of Council's statutory functions and roles, policy objectives and any relevant legal, organisational and political issues. • Develop policy, procedures, plans, statutory and non-statutory documents, templates, and reports to Council. • Provide quality legal advice across the organisation, to elected members and statutory entities in areas of expertise, as required. • Provide the Chief Executive with direct support to identify, manage and resolve cross organisation and external high risk issues which have potential legal implications. • As senior technical experts, provide advice and support to the Leadership Team, senior managers and principal advisors to ensure legal compliance and provision of sound technical advice from those staff. • Go beyond the provision of strict legal advice to bring a practical and commercial perspective that has regard to Council objectives and wider strategies. Problem solving skills are essential in order to identify and define issues, determine the cause, and select alternative solutions, and support implementation of solutions (including recommending appropriate risks). • Facilitate, participate and/or conduct negotiation, mediation and resolution of legal issues, including the case management of legal proceedings involving Council, in areas of expertise, as required. • Ensure that key risks for the legal services function are identified, assessed and that mitigation plans are in place. 	<ul style="list-style-type: none"> • Legal services provided to the organisation are efficient and time, resource and cost-effective. • Legal advice is well researched, well drafted and is effectively communicated. • Legal advice is of high quality, and is pragmatic and solution based. • Legal advice is provided in a timely manner and in accordance with agreed timeframes. • Staff and elected member feedback is positive and satisfied with the legal advice and services provided, both internal and external. • Procedures are developed, reviewed and enhanced to ensure they work effectively and efficiently. • Staff can access a legal advice database. • All staff adhere to legal policies and procedures • Risks are effectively identified, assessed and managed in a timely manner. • Legal advice is successfully implemented and adhered to within required timeframes. • Court protocols, requirements, requests and timeframes are strictly adhered to.

Key accountabilities (You are responsible for)	Key accountability measures (You will be successful when)
<ul style="list-style-type: none"> • Comply with all legislation, regulations, policies, codes of practice, safe operating procedures and best practice. • Present complex reports and advice in a simple way to staff, Council, Committees, Courts and other stakeholders as required. • Conduct organisational legal training on high risk and relevant areas as required to support legal compliance. • Provide leadership and direction through the implementation of legal advice ensuring overall coordination and project management. Ensure contributors know what they are required to do and by when to ensure legal compliance. • Engage with and/or monitor external contacts to ensure satisfactory implementation. • As required, oversee Court proceedings including preparation of Court documents and ensuring staff adhere to Court timeframes. Court appearances may also be required on occasion. • Manage and oversee external legal spend on outsourced matters ensuring compliance with legal and project budgets. • Monitor external legal contacts, ensuring satisfactory performance. 	
Organisational framework & capability	
<ul style="list-style-type: none"> • Contribute and maintain reporting of legal function in a Legislative Compliance Framework. • Monitor legislative changes to identify any impacts and implications for Council and lead or contribute to the implementation of changes. • Monitor and maintain legal practices, procedures and policies and identify opportunities for improvement. • Enhance capability, understanding and awareness of legal and legislative compliance matters across the organisation. 	<ul style="list-style-type: none"> • The Legislative Compliance Framework provides concise and clear information for Council and is reviewed to ensure it is consistent with the latest direction and best practice for the public sector. • Staff and elected members are fully informed about legislative changes and the practise required from them as a result. • Quality training is provided as required.
Relationship management	
<ul style="list-style-type: none"> • Establish and maintain effective working relationships with staff across the organisation, including with senior managers and the Leadership Team. • Establish and maintain effective working relationships with internal and external contacts. 	<ul style="list-style-type: none"> • Effective professional relationships are developed and maintained with internal and external contacts. • Key external stakeholders consider that their relationship with the council is positive and constructive. • Professional image is conveyed in public forums.

Legal Counsel

Key accountabilities (You are responsible for)	Key accountability measures (You will be successful when)
<ul style="list-style-type: none"> • Ensure that the relationship between the Council and its key external stakeholders is positive and constructive. • Represent Council at appropriate conferences, seminars and other events. 	
Corporate contribution	
<ul style="list-style-type: none"> • Promote the implementation of the Corporate Culture Statement, Leadership Model and Health and Safety Systems. • Recognise individual responsibility for Workplace Health and Safety under the Health and Safety at Work Act 2015. • Meet the statutory responsibilities detailed in the Information Management Policy and Procedures standard. • Meet Bay of Plenty Regional Council's statutory responsibilities for civil defence and emergency management, including undertaking requisite training to participate in "Risk" function and provide legal assistance during any civil defence emergency response. 	<ul style="list-style-type: none"> • Corporate responsibilities are undertaken and completed accurately, meeting specified standards and within agreed timeframes. • Hazards are identified and all incidents and accidents are reported. • Participate in any wellness programmes, such as stress management training and health monitoring. • Council records are created and maintained in corporate information systems, meeting specified information management standards. • Participate in any civil defence and emergency management training initiatives and assist with any civil defence emergencies, as part of Bay of Plenty Regional Council's responsibilities for civil defence and emergency management.

Delegations

Delegations as set out in the Chief Executives Delegations Manual.

Freedom to act

Guidelines and support available to assist the job holder to make decisions e.g. policy documents, standard procedures, reference to team leader or senior Employees. If job holder can make decisions without approval from anyone else, please note that authority.

- Works within all organisational policies
- Develops and reviews a number of policies/procedures/frameworks which apply to all Council employees.
- Operates fairly autonomously, with occasional input and guidance from the General Manager Corporate, the Leadership Team and the Chief Executive.

Work complexity

Most challenging duties typically undertaken:

- Influencing within the organisation to facilitate behavioural and culture change in the practices and processes around seeking legal advice and support.
- Responding to requests and determining in a timely manner whether legal advice is needed, and if so, whether the legal services will be provided internally or whether external legal advice is needed.
- Managing conflicting needs and advice.

Legal Counsel

- Maintaining a high level of legal knowledge in areas of legal expertise and a working level of legal knowledge across the wide range of local government governing legislation.
- Providing advice in high-pressure or emergency situations, such as adverse events caused by natural hazards, in an unfamiliar legal environment.

Person specification

Minimum academic qualifications required:	
Essential	Desirable (for recruitment purposes only)
<ul style="list-style-type: none">• Bachelor of Laws (LLB) Degree;• Admission as a Barrister and Solicitor of the High Court of New Zealand; and• A current legal practicing certificate from the New Zealand Law Society.• A valid driver's licence required*¹	

Knowledge / experience (indicate years of experience required as appropriate)	
Essential	Desirable (for recruitment purposes only)
<ul style="list-style-type: none">• 10+ years post qualification experience.• Experience in developing corporate frameworks, policies, procedures and processes.• Excellent technical skills, drafting and negotiation experience.	<ul style="list-style-type: none">• In-house legal experience• Experience working in public sector law (or advising local government or a central government agency)• Experience providing advice to elected members/politicians or governance boards and chief executives• Experience supporting policy development• Understanding of official information and privacy principles

• ¹ *Driving record free of driving suspensions or convictions (excluding demerit points and infringement fees). Requirement for valid Driver's Licence may be waived if applicant has a driving-related disability.*

Key skills / job specific competencies

The following indicates what would typically be expected for this role at a competent level:

Advanced knowledge	<ul style="list-style-type: none"> • Relevant legislation applicable to a Regional Council and local government • Local government legislation, strategic and statutory policy development, planning processes, and regulatory roles and instruments • Working within co-governance relationships and partnerships with Māori • Working within a political environment • Ability to operate in an environment of uncertainty and incomplete information and make well-reasoned decisions • Ability to provide timely, pragmatic, strategic and solution-based legal advice • Research and legal analysis skills • Planning and organisation skills • Persuasion and influencing skills • Relationship management and interpersonal skills • Problem solving and ability to critically evaluate options • Negotiation and conflict resolution skills • Oral and written communication skills and the ability to share information and knowledge with others
Working knowledge	<ul style="list-style-type: none"> • Ability to foresee and avoid problems before they occur wherever possible • Ensuring appropriate quality assurance and risk management processes and policies are in place and operating effectively • Competent in Microsoft Office packages, databases and financial systems • Health and safety legislation and personal HSE obligations
Awareness	<ul style="list-style-type: none"> • Community, cultural and political awareness • Wider socio-economic, political, cultural landscape and environment

Personal attributes / key behaviours

- Prepared to challenge the status quo – displays courage, initiative, sound judgement and innovative thinking
- Collaborative and collegial working style – works towards shared vision and goals
- High level of personal resilience and emotional intelligence – can take and deal with the knocks
- Courteous and professional – displays confidentiality, honesty and integrity
- Effective co-ordination, influencing, conflict resolution and negotiation skills
- Cultural empathy and awareness
- Strong communication skills including written and oral presentation skills
- Sound decision making skills
- Effective time management, self-motivated and able to work unsupervised
- Ability to cope well with change
- Desire to enhance knowledge and skills

Other requirements

- May require frequent travel within or outside Bay of Plenty region
- Occasionally required to work outside of normal hours

Change to job description

From time to time it may be necessary to consider changes in the job description in response to the changing nature of our work environment. Such changes, including technological requirements or statutory changes, may be initiated by the manager of this job with due consultation with the position holder. This job description should be reviewed as part of the preparation for performance planning.

Approved:

Manager

Date

Discussed with job holder:

Employee

Date

Our Vision

Thriving together - mō te taiao, mō ngā tāngata

mō te taiao, mō ngā tāngata translates to "for the environment, for the people"

Our Values

A tatou haerenga - our journey

Our values reflect who we are and what is important to us.

Te Pumanawa 'the beating heart of the organisation'.

Our organisational values have been woven together following input from staff across the organisation, now it's up to each of us to bring these values to life in the work that we do every day.

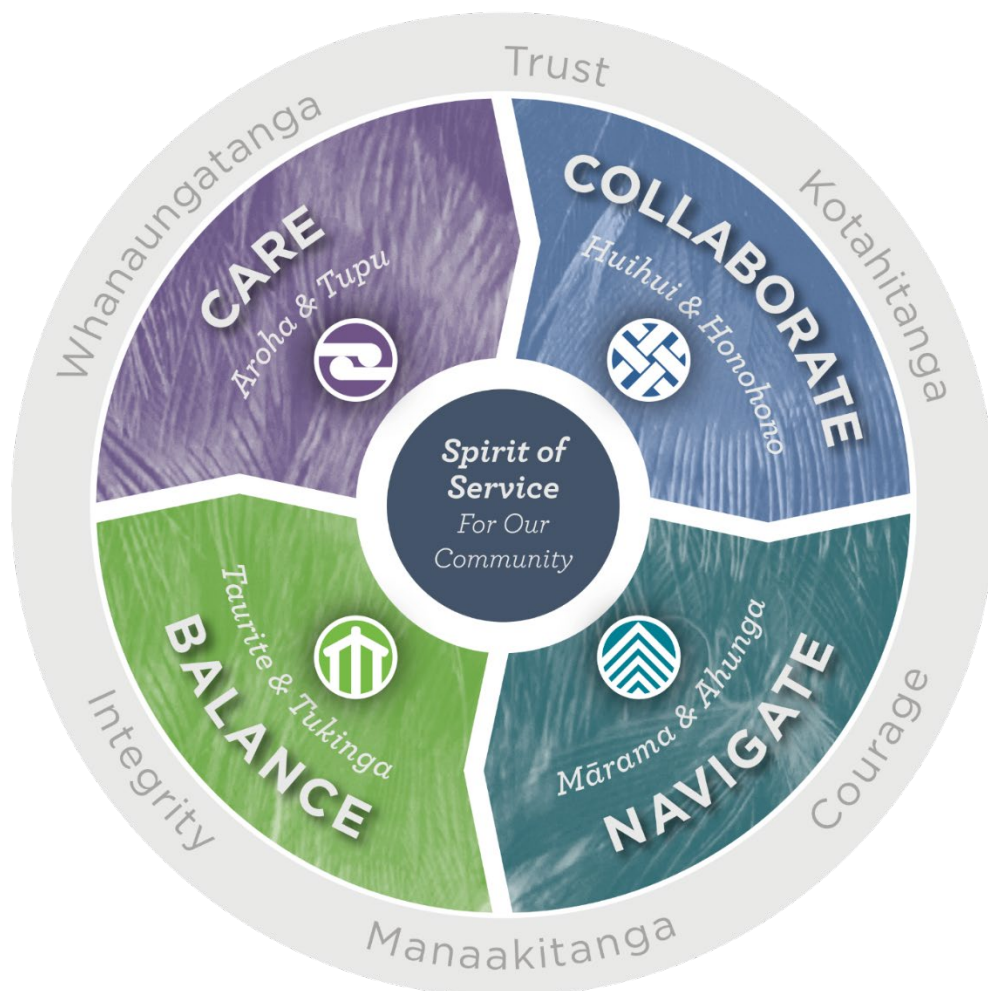
TRUST	INTEGRITY	COURAGE
We trust each other and work to build trust	We do what we say we will do We act with purpose to achieve results	We act boldly to lead and do the right thing for our region
MANAAKITANGA	KOTAHITANGA	WHANAUNGATANGA
<p>Mana</p> <ul style="list-style-type: none"> ▪ Leadership ▪ Having strength and courage ▪ Being a positive influence ▪ Being proud and courageous ▪ Professionalism <p>Manaakitanga</p> <ul style="list-style-type: none"> ▪ Trust and respect ▪ Reciprocity (sharing) ▪ Nurture/support <p>Mana has many meanings such as integrity, charisma and prestige.</p> <p>Manaaki means 'to nurture and support and help each other grow'. When you add the 'tanga' the word is enhanced.</p>	<ul style="list-style-type: none"> ▪ Unity ▪ Strong emphasis on collaboration ▪ Being inclusive ▪ Nurturing a positive team spirit ▪ Sense of ownership <p>Kotahi means 'as one'. Adding the 'tanga' accentuates the word, giving it a wider meaning, bringing us together - 'strength in unity'.</p>	<ul style="list-style-type: none"> ▪ Strong focus on relationships. ▪ Having fun and being happy ▪ Socialising, including the importance of friends ▪ Supporting each other <p>Whānau means family. Adding the 'tanga' extends the word to a wider whānau context. It has a very strong focus on relationship within the organisation.</p>

Te Pae Rangatira

Our Leadership Model

In Māori, it is said a Rangatira (Leader) is one who is able to raranga (weave) their tira (group of people) together. Our model, known as Te Pae Rangatira, means 'The Model of Leadership'.

At Toi Moana, we believe that to achieve great outcomes for our community we must enable our people to thrive together - connected and consistent leadership is a key success factor. Our leadership model has been co-designed with our people to create a shared understanding of what great leadership looks like at Toi Moana.



He aha te rangatira? Who is a leader at Toi Moana?

Everyone at Toi Moana has the opportunity to display leadership qualities.

Whether you're in a people leader role, working with our community, or supporting your colleagues, Te Pae Rangatira defines the capabilities that support us all to raranga (weave) a tira (group of people) together to enable great outcomes.

Ngā Pou Whirinaki The Pillars of Guidance



CARE

Aroha & Tupu Love & Growth

Ka manaaki tātou i a tātou ki te aroha, ki te manawaroa, kia tupu, kia rea.

We care for ourselves and others with empathy, resilience and growth mind-sets.

Whakaaronui

Empathise

Whakawhanake i a koe ake

Develop self

Kia kaha, haere tonu

Embrace resilience

Kia tupu te whakaaro

Have a growth mind-set

Āwhinatia ngā tāngata kē

Enable others



COLLABORATE

Huihui & Honohono Come Together & Connect

Ka whakakotahi tātou i a tātou, kia hono ai wō tātou rourou, e ora ai te iwi.

We are curious, connected and inclusive of all.

Mahi tahi

Work as one

Whakakotahi

Be inclusive

Whakawātea

Create safe spaces

Kia tupu te pā harakeke

Grow relationships and networks

Whāia tā te rōpū e whai ana

Facilitate shared goals



NAVIGATE

Mārama & Ahunga Understanding & Direction

Ka arahi tātou i a tātou, kia mārama ai ki ngā āhuatanga hai arotau mā tātou, e ahu whakamua ai tātou.

We are clear on our purpose, adaptable and navigate the way forward.

Kia Mārama

Create clarity of purpose

Aro whānui

Scan the horizon

Āta whai

Zoom out and in

Kia āhua rerekē

Be adaptable

Kia whai whakaaro ki te ao tōrangapū

Have political perspective



BALANCE

Taurite & Tukinga Balance & Impact

Ka whakarite tātou i a tātou, kia taurite ai ngā mahi, mo te tukinga nui tonu.

We balance what we do, how we do it and when we do it for maximum impact.

Whāia ngā hua

Focus on outcomes

Āta whakariterite

Plan and organise

Āta whakaraupapa, ka whai rauemi

Prioritise and resource

Āta whakatau

Make decisions

Mo te tukinga nui tonu

Deliver for success