



## Position Description

### Senior Legal Counsel, Competition and Consumer Branch

#### Reports to

Deputy General Counsel

#### Purpose of Role

To provide high quality legal services to the Commission

#### Commission Vision

Our vision is that New Zealanders are better off because markets work well and consumers and businesses are confident market participants.

#### Commission Values

The Commerce Commission is committed to acting with **integrity** and being fair, honest and impartial. We set high standards of **excellence** and exercise **good judgement** by understanding the environment we operate in and the impact of our actions. We are **accountable** to the people of New Zealand for our work and spending. We **respect** each other and value peoples' diversity and opinions.

### Key Result Areas (KRAs)

- To provide high quality legal services to the Commission
- To present high quality legal advice to the Commission
- To contribute to project planning and implementation
- To effectively conduct and manage substantial or complex litigation
- To support the development of Legal Counsel

### Competencies (Behaviours)

• Applying expertise and knowledge	• Persuading and influencing
• Planning, organising and delivering (results)	• Working with people
• Analysing and researching	• Learning and developing
• Writing and reporting	• Mentoring and leading
• Presenting and communicating (verbally)	• Formulating strategies and concepts

## Key Result Areas

### 1: To provide high quality legal services to the Commission

- To undertake the legal role supporting project teams dealing with strategically significant and/or complex Commission projects or projects where the internal legal team has comparative advantage.
- To carry out significant and complex legal research and analysis of relevant NZ and international competition, regulatory and fair trading law
- To advise on the application of the Official Information and Privacy Acts
- To analyse substantial and complex information
- Identify solutions to legal issues
- Advise the Commission and project teams including reviewing significant communications to stakeholders
- Draft and review significant or complex legal documents as required
- Maintain effective relationships with external legal service providers ensuring they take account of the Commission's approach to issues
- Exercises sound legal judgment having regard to Commission's strategic objectives
- Ensure effective client relationships
- Actively contribute to the Legal Services knowledge base

#### *Outcome:*

- Key contribution to the delivery of high quality legal services to the Commission
- Satisfied clients
- Counsel achieves continuous professional development

### 2: To present high quality legal advice to the Commission

- Develop presentations and present significant legal opinions/advice on project issues
- Communicate succinct outline of complex legal issues and rationale for opinion
- Adopt an advocacy role and confidently debate difficult issues

#### *Outcome:*

- The Commission benefits from legal presentations that are effective, clear, concise, professional, non-argumentative, balanced and respectful of the audience
- Complex issues are described in an understandable manner and the
- The audience is well informed and confident in the legal advice

### 3: To contribute to project planning and implementation

- Confirm instructions and clarify Legal's role and deliverables with the project manager
- Analyse and understand the relevant facts and legal issues
- Plan own time in relation to the project and prioritises between projects
- Develop clear and robust next steps from a legal perspective
- Promptly inform the project manager of any changes to approach/timeframes
- Manage team expectations
- Anticipate legal 'road blocks' and steer the team around these
- Act in furtherance of the theory of the case
- Identify lessons learned from a legal perspective as part of project de-brief
- Assist in the development of improvements to Commission processes and procedures

#### *Outcome:*

- The Commission utilises project plans that correctly scope legal participation with realistic and achievable timeframes, allowing for internal quality management
- A well informed project team with appropriate expectations as to the legal counsel's role and deliverables

#### **4: To effectively conduct and manage substantial or complex litigation**

- Act as a project manager on selected litigation projects using the Commission's project management framework
- Ensure critical litigation related project dates are met
- Act as a liaison point for the litigation projects between internal and external stakeholders
- Provide instruction and direction to external legal counsel on Commission strategic objectives
- Conduct advocacy, whether as lead or junior counsel, as determined by the project team
- Draft and review Court documents as determined by project team
- Ensure Commission behaves as model litigant

##### *Outcome:*

- Well managed litigation projects
- Effective use of resources
- Timely disposition of cases
- Effective representation of the Commission's position both in short and long term
- The Commission achieves the best result in the circumstances

#### **5: To support the development of Legal Counsel**

- Provide, feedback and coaching on all aspects of legal counsel performance across projects, including research, communication, instructions and planning
- Provide this feedback to the Principal Counsel including comment on development needs of legal counsel
- Ensure 'know how' and knowledge are captured and shared with Commission staff, Legal Counsel and others
- Support the systems and processes to facilitate the effective operation of Legal Counsel and the Legal team

##### *Outcome:*

- Legal Counsel develop and benefit from mentoring and coaching

Note: These responsibilities are not exhaustive. From time to time it may be necessary to change the position requirements in response to the changing nature of our work environment, including technological requirements or statutory changes. Such change may be initiated as necessary by your manager or general manager and will be discussed with you.

## Person Specification

### Qualification

Undergraduate degree in law  
Practising Certificate

Ability	Level
• Demonstrated ability to provide high quality legal services in the areas of either competition or consumer law, public law and litigation	Expert
• Demonstrated conceptual thinking and problem solving ability	Expert
• Demonstrated drafting ability in Court pleadings and legal advice, and other legal documents	Expert
• Demonstrated legal research and analytical ability	Expert
• Demonstrated verbal and written ability	Expert
• Demonstrated numerical ability	Sound
• Demonstrated understanding of economic concepts and principles	Sound

Experience	Level
• Demonstrated experience working in a project management framework or project team	Sound
• Demonstrated experience managing internal and external relationships	Expert

Knowledge	Level
• Knowledge of relevant legislation/ legal frameworks enforced by the Commission and the related industries	Expert
• Knowledge of laws of evidence, Court rules and professional rules of conduct	Expert
• Knowledge of Commission internal and external guidelines, decision making processes and policies	Sound
• Knowledge of the Commerce Commission's role and function, and the functions of each group	Sound
• Knowledge of investigation techniques and their practical application	Sound

### Definitions

#### Basic

The job requires adeptness in a skill and experience in a variety of tasks. The skill may be related to specific activities that take time to acquire, extending beyond short term. (Typically 1-2 years related experience.)

#### Sound

The job requires highly relevant experience in a specific area of work, often involving specialised training in order to achieve competence. This is not short-term experience, but significant, longer-term experience, predominantly focused on acquiring specialist knowledge. (Typically 2-3 years related experience.)

#### Expert

The job requires experience of a broad nature, above that of a skilled person. Normally involves an awareness of work activities beyond the immediate job situation and the impact of the job on these activities. (Typically 3-5 years related experience.)

#### Strategic

The job requires highly relevant knowledge and experience, an understanding of immediate issues and long term effects of actions. This is a subject matter expert who can be focused on an organisation's goals as well as the specific short term issues. (Typically 5-10 years related experience.)