

POSITION DESCRIPTION

Senior Legal Counsel, Enforcement

Function	Response & Enforcement	Direct Reports	NA
Team	Enforcement	Location	Auckland/Wellington
Reporting to	Manager, Enforcement	Salary Band	6S

OUR VISION

More New Zealanders than ever believe the financial services sector is working well for them.

OUR PURPOSE

To foster the fairest financial sector in the world.

As New Zealand's conduct regulator for the finance sector, the Financial Markets Authority (FMA) promotes and facilitates the development of fair, efficient, and transparent financial markets.

With us, you'll be making a difference by enabling New Zealanders to have confidence that our financial sector provides a strong foundation for their financial future - helping them to save and invest, manage their risks, borrow, make payments, and support their families.

Our role (and yours) is to oversee a market that does right by consumers and participants alike, ensuring better outcomes for all New Zealanders by building confidence, participation, and efficiency in our financial markets.

FUNCTION PURPOSE

The Response and Enforcement group determines, with a high degree of collaboration, the appropriate FMA response to actions and behaviours of market participants, including investigation and enforcement in cases of misconduct, to enable the FMA's strategic objectives.

The Enforcement team provides legal analysis and advice on the FMA's investigations and manages the litigation process where there is evidence of breaches of legislation.

POSITION PURPOSE

The purpose of this position is to provide legal advice and expertise in relation to investigations, litigation and other enforcement action to ensure FMA's enforcement function reinforces the FMA's reputation as a strong, effective, proactive and respected organisation.

KEY RESPONSIBILITIES

- Provision of high quality legal advice and litigation expertise to ensure FMA's enforcement goals are achieved.

TECHNICAL

- Provide expert input into wider FMA projects, discussion groups and committees as required.
- Take on a project manager/leadership role on larger and/or significant projects where opportunities arise.
- Providing input and advice to the investigation team on active investigations.
- Drafting instructions to external Counsel and experts, drafting Court documents and as required.
- Advocacy where the opportunity arises, including appearing at Financial Advisors Disciplinary Committee hearings.
- Championing team projects.
- Providing internal training sessions for the team or the wider organisation.
- Undertake and deliver one-off projects as required.

RELATIONSHIPS

- Act as a role model and mentor for more junior members of the legal team.
- Work closely with Investigations teams in a collaborative, efficient manner on active cases.
- Facilitate positive working relationships and identify opportunities for collaboration between others in the organisation to promote a connected-organisational approach.
- Work as a 'virtual team' with other legal and policy advisers within the organisation to ensure a spirit of professional collegiality, mutual support, and information sharing is fostered and maintained.
- Work as a part of the overall FMA team in a way that demonstrates openness; mutual cooperation, respect and trust; commitment and energy; positivity; excellent performance; and a can-do attitude.
- Identify opportunities for and actively engage with key stakeholders (internal and external) to ensure others are informed, involved and buy-into initiatives and developments.
- Develop positive relationships with external parties that further the goals of FMA.
- From time to time the job holder may be expected to perform other such duties within their experience and capabilities in response to the changing nature of our work environment.

KEY COMPETENCIES

- Shows drive, enthusiasm, self-motivation, confidence, and initiative independent of direction from others.
- Demonstrates a sound and pragmatic approach to interpreting and applying legislation.
- Motivated not only to perform as an individual, but to promote overall team performance and harmony.
- Takes a well-considered, forward thinking and planned approach, but responds with agility and flexibility to change.
- Thinks creatively around issues and makes a positive contribution to solution development and implementation.
- Demonstrates commitment and resilience in the face of obstacles and setbacks.
- Ability and enthusiasm to perform in the face of pressure and time constraints.
- Acts with utmost integrity consistent with FMA's role as a regulator and model litigant.
- Is respectful of others – treats others with consideration, consistency, openness and honesty.
- Is willing to take responsibility and be personally held to account.
- Shows loyalty and commitment to FMA, and safeguards FMA's reputation.
- Maintains the highest standards of confidentiality, discretion, and trustworthiness.

PREREQUISITES

Knowledge / Experience / Skills

- At least 5 years' + post admission experience in litigation work.
- Financial services industry knowledge and experience gained in a law firm and/or corporate environment.
- Working knowledge of civil procedure (essential) and criminal procedure (desirable).
- Excellent knowledge of laws and regulations relevant to the financial sector.
- Strong analytical, critical thinking and reasoning skills.
- Ability to quickly establish credibility and grow trust and respect.
- Ability to build and maintain positive relationships and work constructively and collaboratively with others.
- Excellent written and oral communication skills.
- Strong self-management skills – sound social judgement, mature and professional conduct, and an ability to effectively manage stress.

- Well-developed planning and organising skills, including the ability to maintain performance when under pressure, and consistently deliver on time and to a good standard.

Qualifications

- Tertiary qualification in law, Honours degree desirable.
- Commerce or business degree desirable.
- Current practising certificate (or entitlement to one).

OUR VALUES

Open Hearts, Open Minds

We say what we mean, we are mindful, and we do the right thing. We are approachable, empathetic and demonstrate manaaki and humility. We are authentic and seek the best outcomes.

Make the Calls

We act with confidence and mana, we are decisive and trust our judgment. We think outside the box, take responsibility and stand by our decisions.

Look to the Horizon

We are nimble, proactive and willing to adapt. We anticipate the future, embrace change and champion innovation. We look with confidence to the challenges ahead.

Help the Team Work

We act as one FMA, seek out new perspectives and build consensus. We encourage participation, share knowledge and nurture relationships.

A great place to work. With great work to do.