



# Maritime New Zealand Position Description

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Title	Senior Solicitor
Responsible To	Manager Legal Services Public, International and Commercial
Staff Responsibilities	Nil
Location	Auckland or Wellington
Date	July 2022

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## Maritime NZ

We exercise Kaitiakitanga over the maritime domain, supporting Aotearoa oceans and waterways to be safe, secure, clean and sustainable. Through our organisational strategy Te Korowai o Kaitiakitanga, *The Cloak of Stewardship*, we're on a multi-year journey to bring together our aroha, work and skills to ensure we can operate more strongly as stewards of the maritime domain.

**Te Korowai, the cloak**, represents the fact that each feather is not strong by itself, but woven together they form something of beauty and strength. We are weaving together our teams and capabilities to strengthen our individual groups and ensure we continue to be a connected and effective regulator. The cloak also symbolises leadership and an obligation to care for people and the environment. Te Korowai o Kaitiakitanga sets the overall direction of our organisation, directing our choices on what we focus on and prioritise, how we work and behave, and how we are seen externally.

## Regulatory Frameworks

The Regulatory Frameworks Group has a key role in shaping, facilitating and implementing the organisation's strategic goals through:

- Influencing and shaping the maritime regulatory framework at the international and domestic level
- Providing operational policy that ensures this regulatory framework is delivered effectively and consistently
- Providing for the end-to-end development of the regulatory framework from planning through policy development to preparation for implementation, working closely with other key parts of Maritime NZ in a 'whole of system' way
- Providing advice on legal matters in respect to: regulatory, and safety and response, system design and delivery (including the exercise of statutory functions, legal risk issues and litigation management); as well as on corporate matters
- Influencing the wider policy framework that impacts on Maritime issues, to support delivery of the organisations wider outcomes.

## Legal Services

Legal Services is responsible for the provision of legal advice, the delivery of victim support services, and the management of strategic legal risk on behalf of the Director and the Authority to enable Maritime NZ to lawfully and effectively perform its functions, duties and powers. The team has six defined practice areas, being:

- Commercial and property law
- Incident response
- Litigation and operations
- Legal practice management (including delegations)
- Public and international law
- Victims support

The Legal Services Team is split into two functional areas, each with its own Manager:

#### *Public International & Commercial*

The Public, International and Commercial Team provides specialist advice on a variety of public law matters, including interpretation, application and implementation of legislation and international conventions, the exercise of statutory functions and powers, drafting and amendment of legislative instruments, as well as contract, procurement and property law advice.

#### *Litigation & Operations*

The Litigation and Operations team provides specialist in-house legal advice with a focus on regulatory compliance and enforcement. The team are involved in advising on criminal investigations and managing litigation relating to maritime transport and marine pollution breaches. This includes Maritime NZ's work as a designated regulator of health and safety in relation to ships. The unit also advises internally on policy and guidance relating to Maritime NZ's regulatory operations.

In certain circumstances there may be some cross over of functions.

### **Purpose, Nature and Scope of Role**

Reporting to the Manager Legal Services, the Senior Solicitor is responsible for providing high quality research and legal advice on a wide range of legal issues relevant to the operation of Maritime New Zealand by:

- Conducting legal research and providing legal advice to the Director of Maritime New Zealand and the staff in respect of the exercise of statutory functions and the development of new regulation.
- Overseeing and peer reviewing legal work prepared by team solicitors.
- Researching and preparing legal advice for all teams within Maritime NZ.
- Providing prosecution advice and managing litigation files for work instructed to Crown Solicitors and managing instructions to other external legal providers in respect of civil litigation.
- Providing international law advice and support on the development of rules to give effect to international obligations and representing New Zealand at International Maritime Law fora.
- Representing the Director of Maritime New Zealand in certain matters such as coronial inquiries.
- Researching and preparing legal advice for all teams within Maritime NZ on commercial and procurement matters.
- Working with external providers on legal matters outsourced to them including inquiries and oversight of large scale regulatory action.
- Assisting the Manager Legal Services (Compliance) in maintaining and reviewing the Crown Solicitor MOU's and the Legislative Compliance Policy
- Developing, preparing and presenting internal legal training seminars.
- Advising on handling of Official Information and Privacy Act requests.

## **Key accountabilities and duties**

- Provide high level, reliable legal advice to the Director of Maritime New Zealand and staff on the exercise of statutory powers and functions.
- Review of legal work prepared by team solicitors and providing guidance and support to solicitors to ensure delivery of legal work.
- Draft legal documentation supporting the execution of duties, including the review of contractual arrangements.
- Represent and advise the Director of Maritime New Zealand on inquiries as appropriate, including coronial inquiries.
- Establish and maintain relationships with relevant Government Departments, internal staff and relevant external service providers to perform relevant legal services.
- Promote the development of internal legal knowledge by presenting in-house legal training on relevant subject matters.
- Attend and participate in international and regional conferences and seminars.
- Advising on and reviewing internal reports, policy papers and legislative proposals.
- Mentor and coach Solicitors in the team, as appropriate.
- Support the Chief Legal Advisor and Managers, in reporting on and management of legal risks.

## **Maritime Incident/Emergency Response**

Provide legal services to assist in a major maritime incident response, including:

- Being prepared to provide such advice by undertaking response-related training to acquire/maintain specific knowledge and skills.
- Providing response-related training on relevant legal topics.
- Supporting Maritime New Zealand's role in specific response incidents as directed by management and in accordance with your terms of employment, including the provision of legal advice regarding the Director's statutory intervention powers and the powers of the on-scene commander.

## **Health, Safety and Security**

Each Maritime NZ employee has individual responsibility for ensuring their own safety and that of others in the workplace by:

- Ensuring they are familiar with Maritime NZ's Health and Safety systems, policies and procedures
- Leading and promoting H&S by acting as a role model, ensuring H&S is discussed at team meetings and encouraging colleagues to participate in H&S initiatives.
- Participating in the process of hazard identification and providing input/support into how these can best be controlled/managed
- Reporting all accidents, including near misses, whether or not these involve injury.
- Practicing safe work methods including the proper use of safety equipment.
- Actively participating in all health and safety initiatives, including providing suggestions for improvement of health and safety system design/operation and assisting with development of solutions for any health and safety issues.

All employees have a responsibility to ensure they understand the principles and practice the behaviours to ensure appropriate security in the workplace for themselves, co-workers, organisational information and physical assets. This includes the proper handling of private and official information relating to those that Maritime NZ regulates.

## **General**

Carry out other tasks as required by the Chief Legal Advisor and/or the Manager Legal Services (Compliance / Public, International and Commercial) from time to time.

## Relationships

The person in this role is expected to foster good working relationships with:

Internal	External
<ul style="list-style-type: none"><li>• Chief Legal Advisor</li><li>• Manager Legal Services (Compliance)</li><li>• Manager Legal Services (Public, International and Commercial)</li><li>• Director of Maritime NZ</li><li>• Deputy Directors and Deputy Chief Executives</li><li>• Maritime NZ Managers</li><li>• All Maritime NZ teams and staff</li></ul>	<ul style="list-style-type: none"><li>• Crown Solicitors</li><li>• Crown Law Office</li><li>• Barristers and Solicitors</li><li>• Other external legal providers</li><li>• International Maritime Administration</li><li>• Academics and lawyers</li><li>• NZ Law Society</li><li>• Te Manatū Waka (Ministry of Transport)</li><li>• Government Agencies &amp; Crown Entities</li><li>• Office of the Ombudsmen and Privacy Commissioner</li><li>• Industry representative groups</li><li>• Harbour Masters/Local Government</li></ul>

## Person Specification

- Bachelor of Laws or higher
- Admission as Barrister and Solicitor of the High Court of New Zealand with a minimum of 5 years post admission experience.
- Hold a current practising certificate (or currently eligible to hold a practising certificate).
- Demonstrated ability to interpret legislation and apply common law principles to relevant functions and obligations under Maritime law framework.
- Sound Public Law knowledge and experience with proven skills in researching and preparing legal opinions, managing litigation, and advising on commercial matters.
- Sound knowledge of and interest in International Law and legislative drafting.
- Experience in transport law and/or maritime, environmental, security and health & safety issues.
- Experience in providing legal advice in a public sector legal team with a sound knowledge of the public sector regulatory environment, including experience with government policy processes and drafting instructions or providing advice for the development of legislation.
- Sound leadership and coaching skills.
- Highly developed analytical and problem solving skills.
- Willingness to participate in international fora.
- Proactive approach with sound judgement, professionalism and integrity including a well-established track record of building and maintaining professional relationships.
- Excellent written and verbal communication skills.
- Sound computer literacy – including well developed skills in applying core Microsoft Suite.
- Ability to travel internationally and domestically.

## Maritime New Zealand Values

 <h3>Integrity</h3> <p>We are honest, ethical and trustworthy We are fair and objective We maintain confidentiality We demonstrate moral courage - engaging in the difficult conversations and making the hard decisions.</p>	 <h3>Respect</h3> <p>We think about MNZ as a whole We support the purpose, goals and values of the organisation We support others in MNZ to succeed We take personal responsibility for our own behaviour, and expect others to take responsibility for theirs.</p>	 <h3>Commitment</h3> <p>We treat everyone fairly and courteously We listen to others and act on the information received We value the different skills, experience and world views each of us brings to our work We role model the belief that how we do things is important - not just what we do We share information and help others in MNZ to do well.</p>
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## Authorisation

### Signatories:

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(Employee)

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(On behalf of Maritime New Zealand)

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(Date)

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(Date)