



POSITION DESCRIPTION

Position Title: Legal Counsel

Reports To: General Counsel

Location: Christchurch

Date: September 2017

Enable Overview	<p>Enable is a partnership between Crown Fibre Holdings Limited and Christchurch City owned Enable Services Limited to build and operate the ultra-fast broadband (UFB) network for Christchurch and surrounding centres.</p> <p>It will deliver fibre broadband services to up to 180,000 homes, schools and businesses in Christchurch, Rangiora, Kaiapoi, Woodend, Lincoln, Prebbleton and Rolleston.</p> <p>Enable’s fibre broadband will play a vital role as Christchurch rebuilds – it will sit at the heart of our vision for a 21st century city. It will generate new industry, provide unprecedented access to global markets and services for local businesses, and enable the people of Christchurch to connect with each other in exciting new ways.</p> <p>More information about Enable is available from enable.net.nz.</p>
Primary Function of the Role:	<p>With our current Legal Counsel going on maternity leave, our Legal Team needs the assistance of a Legal Counsel who can hit the ground running for the next 14 months.</p> <p>Enable Services Limited (ESL) is rolling out and operating the Ultra-Fast Broadband network for Christchurch, Rangiora and Rolleston for the Local Fibre Company, Enable Networks Limited (ENL)</p> <p>The Legal Counsel is a key position within ESL and ENL (together referred to as the Companies). The Legal Counsel assists the General Counsel to advise on legal matters, issues and risks impacting the Companies.</p> <p>The Legal Counsel is responsible for assisting the General Counsel to provide legal advice to support the evolving needs of a fast-paced and rapidly growing and changing business, including advice on legal, regulatory, property and strategic matters.</p>

Key Relationships:	<p>The role requires close working relationships with the following stakeholders:</p> <p>Within Enable</p> <ul style="list-style-type: none"> • Chief Executive • Executive Management Team • General Counsel • Stakeholders • Finance and Operational Teams <p>Major External Contacts:</p> <ul style="list-style-type: none"> • Shareholders • Crown Fibre Holdings Limited • Government officials, agencies and forums • Law firms and contracted legal counsel • Consultants • Auditors • Internal Auditors • Insurance Broker's
Key Dimensions of the Role:	<p>Key Outcomes</p> <ul style="list-style-type: none"> • A legal framework/compliance infrastructure will have been successfully established, providing the tools and resources required across the business to facilitate efficiency in operations, compliance with legislation, regulations, internal policies and contractual arrangements, decreasing the day to day involvement of the legal team in such matters. • Management of contractual negotiations and day to day legal, risk management and regulatory matters on a mostly autonomous basis with limited assistance required from the General Counsel whose time is in high demand. <p>Staffing</p> <ul style="list-style-type: none"> • No direct reports
Decision Making Authority	<p>Decisions Expected:</p> <ul style="list-style-type: none"> • As per DFA Policy <p>Recommendations Expected:</p> <ul style="list-style-type: none"> • As per DFA Policy

Business Outcome	Key Responsibilities	KPI
Legal Advice and Legal Risk Management	<p>The Legal Counsel will:</p> <ul style="list-style-type: none"> • Provide best practice legal advice to the Companies on matters of statute law, case law, contract interpretation and all other related business matters to ensure maximum protection of legal rights and management of risk, including by providing hands-on, practical legal and business advice; 	<ul style="list-style-type: none"> •

	<ul style="list-style-type: none"> • Draft, review, and negotiate, commercial and legal contracts and documents; • Advise on legal and regulatory issues confronting the Companies, including legal proceedings where applicable, assisting to develop strategies for resolution, minimisation of exposure and risk and maximisation of recovery and preservation of ongoing business and stakeholder relationships. 	
Compliance	<p>The Legal Counsel must assist the General Counsel to manage the Companies' legal compliance and corporate governance. The Legal Counsel's role will involve a particular focus on:</p> <ul style="list-style-type: none"> • Creating and implementing a legal framework/compliance infrastructure which will enable the business to become more efficient and self-sufficient, with less day to day intervention of the Legal Team; and • Overseeing and updating/developing the legal framework/compliance infrastructure as required to ensure a top-class compliance environment across the business; • Identifying legal compliance risk and recommending actions as appropriate to mitigate legal compliance risk. 	•
Corporate Governance	<p>The Legal Counsel is responsible for assisting the General Counsel to implement, update and maintain best practice corporate governance policies and procedures.</p>	•
Legislative and Regulatory Affairs	<p>The Legal Counsel is responsible for legislative and regulatory affairs and will assist the General Counsel to:</p> <ul style="list-style-type: none"> • Advise the Chief Executive and the Boards of Directors on matters of legislative and regulatory reform; • Prepare submissions and advise the Companies on effective lobbying strategies in relation to proposed legislative and regulatory matters and reforms; • Oversee and participate in working groups charged with implementing regulatory reforms; and • Develop and manage relationships with regulatory and industry bodies. 	•
Company Secretary	<p>The Legal Counsel will assist the General Counsel (who serves as the Company Secretary to the Companies) to:</p> <ul style="list-style-type: none"> • Perform duties, including providing advice and support on constitutional and governance matters as required; 	•

	<ul style="list-style-type: none"> • Maintain statutory records and prepare and lodge statutory returns; and • Prepare and review Board resolutions and, if required, subcommittee resolutions. 	
Insurance	The Legal Counsel will assist the General Counsel to oversee and manage all matters relating to insurance and the Companies' insurance programs, and for providing advice to the Chief Executive, Chair and Boards of Directors on all insurance related matters	•
Property	The Legal Counsel will provide advice on legal ownership and property title, owners and title memorials for the Customer Services and Operations Team. The Legal Counsel will also review and provide advice on easements and Agreements to Grant Easements and will be responsible for arranging registration of all of ENL's easements with assistance from our external legal advisors.	•
This position description is not intended to be a complete or limiting description of the functions that may reasonably be requested to undertake.		
Key Challenges for the Position:	•	
Other Relevant Information:		
Health and Safety:	<ul style="list-style-type: none"> • Provide leadership and direction in matters relating to health and safety by implementing and improving Enable's health and safety management system. • Demonstrate a commitment to continually improving health and safety performance. • Allocate the necessary human and financial resources to achieve strategic goals. • Deliver individual and team EHS performance objectives and targets to continually improve our EHS performance in in pursuit of our vision of "zero harm" to people and the environment 	
Continuous Improvement:	<p>To participate enthusiastically and positively in process improvement initiatives formed as part of all quality improvement strategies to improve efficiencies within the Enable team by adopting and supporting the continuous improvement philosophy that results is:</p> <ul style="list-style-type: none"> • Over achievement of operational KPIs. • Cost reduction. • Quality improvement. • Improved internal communication. • Streamlining of Process and Systems. • Ownership of product and processes. 	

Statutory / Compliance Responsibilities	<ul style="list-style-type: none"> • Safeguard Enable from legal/reputation risk by complying with all relevant statutory, regulatory, contractual and legal requirements and standards. • Comply with all of Enable’s requirements and policies including the enforcement of internal controls and delegated authority rules. • Know and monitor compliance and advise the CEO and General Counsel on any risk and ensure agreed mitigation plans are in place and actioned.
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Person Specification

Formal Education:	<ul style="list-style-type: none"> • As required for below.
Specialist Training and Experience:	<ul style="list-style-type: none"> • Admitted as a Barrister and Solicitor in New Zealand with at least 5 years’ experience in a senior legal advisory role with commercial emphasis. • Commercial focus with the ability to support the business manage its legal risk in a manner that enables the business to become more efficient and self-sufficient, reducing reliance on the Legal Team. • The ability to interpret complex contracts and to translate those into laymen’s terms. • Developed communication skills and demonstrated performance in negotiating a range of contract arrangements including technology and licensing agreements and professional services agreements. • Appreciation of board processes and policy frameworks to support good governance principles and high ethical standards. • Developed critical thinking ability; using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions and approaches to business, legal and risk problems.
Specific Knowledge, Skills and Attributes:	<ul style="list-style-type: none"> • Commercial acumen • Influencing and relationship management skills • Excellent written and verbal communication skills • Self-management and organisational skills • Sound judgement and political astuteness • A proactive self-starter with the confidence and the ability to quickly establish credibility in a fast-paced environment.
Value Behaviours expected when working for Enable:	<p>Values Behaviours expected when working for Enable:</p> <p>Living a common set of values that support our purpose and our promise, which is to connect our community with unlimited opportunity and accelerate connectedness, ensuring our customers never stop getting more out of life.</p> <p>We achieve this by:</p> <p>Smashing Boundaries</p> <p><i>We strive to work together to create bold new outcomes, and never give up.</i></p>

Keeping it Simple and Fresh

We understand that complexity and stale thinking are our enemy, and keep this front of mind.

Owning the Experience

We actively take charge and make great happen.

Showing the Love

We demonstrably care for each other, our customers, community and environment.