
Position Description

Real Estate Authority

Position title	General Counsel
Group	Legal Services
REA Job Level	20
Location	Wellington
Reports to	Chief Executive/Registrar
DIRECT REPORTS	Legal Services Manager, Legal Operations and Litigation Coordinator, Principal Solicitor, Intermediate Legal and Regulatory Policy Advisor
Last review Date	June 2024

About REA

The Real Estate Authority (REA) is the independent government agency that regulates New Zealand licensed real estate professionals. We are a Crown entity established under the Real Estate Agents Act 2008.

Our purpose is to promote and protect the interests of consumers in respect of transactions that relate to real estate and to promote public confidence in the performance of real estate agency work. We aim to promote high standards of conduct in the real estate industry and help provide increased levels of protection for buyers and sellers of real estate.

As part of this role we:

- Oversee the regulatory framework for real estate professionals including licensing people and companies working in the real estate industry, and overseeing a continuing professional development programme for licensees
- We maintain Professional Conduct and Client Care Rules setting out the professional standards licensed real estate professionals must follow, and provide information and guidance to support them to meet their obligations
- Deal with complaints about the conduct of real estate agents
- Provide information for consumers about the real estate transaction process
- Maintain a public register of real estate agents which includes information about any upheld complaints.

Role Purpose

The purpose of this position is to:

- lead REA's professional in-house legal team ensuring the provision of high quality, accurate and timely litigation, operational policy and legal advice across REA's regulatory services
- provide strategic and regulatory leadership through membership in the REA's Senior Leadership Team
- oversee the provision of expert legal advice relating to any decisions or actions from Complaints Assessment Committees, the Real Estate Agents Disciplinary Tribunal, District and High Courts and the Court of Appeal
- build strong relationships with key stakeholders across the real estate sector and wider public sector, particularly the Ministry of Justice, Office of the Privacy Commissioner and Ministry of Business, Innovation and Employment
- ensure that the legal risk and exposure of the REA to reputational, political, media and industry pressure is minimised and managed effectively.

Delegations

This role holds the delegations as set out in the Delegated Authority Policy, which may be amended from time to time.

Relationships

The position is required to build and maintain the following relationships:

Internal (within REA)

- Chief Executive/Registrar
- Senior Leadership Team
- Complaint Assessment Committee members (CACs)
- Legal Services Team
- Regulatory Policy Committee
- Engagement, Insights and Education Team
- Regulatory Services Team
- Board Chair and members
- Other key staff as required

External (outside REA)

- External Legal providers
- General Counsel at the Real Estate Institute of NZ and other staff at REINZ as required
- Key industry stakeholders including Industry Advisory Groups and Real Estate Leaders Forum members and Continuing Professional Development Advisory Group
- Ministry of Justice officials
- Real Estate Disciplinary Tribunal
- Other Public sector agencies within the property sector ecosystem, such as Kainga Ora, Ministry of Housing and Urban Development and Ministry of Business, Innovation and Employment.

Key accountabilities

The key accountabilities of this role support delivery of REA's strategic priorities and includes:

Strategic and Functional Leadership

- Contributes to the strategic leadership of the REA, being part of the Senior Leadership Team. Shared responsibility for overall success of REA and delivery of REA strategic priorities and regulatory outputs.
- Working closely with Senior Leadership colleagues, provides strategic thought and regulatory stewardship to the organisation and sector.
- Leads the strategic direction of the legal functions and leads the legal regulatory position for REA, including oversight of operational policy advice.
- Provides effective and strategic legal advice and support to the Board, Board Committees, Chief Executive.
- Leads and oversees the legal and strategic advice to CACs, management and staff, on all matters that affect the REA, operating in a no surprises environment and within the context of a risk based regulatory environment.
- Develops and implements a legal services strategy for the REA.
- Leads the legal function's business planning capability, ensuring that there is alignment with the strategic objectives set by the organisation and measures of performance.
- Leads REA's contribution to the development of regulatory and operational policy and legislative actions, as well as overseeing the provision of advice on new or amended legislation and/or regulations.
- Works closely with the Head of Corporate Services and Head of Regulatory Services to develop and maintain procedures for organisational legal risk management, including promotion of strategic staff development relating to public law duties and the exercise of statutory functions.
- Oversees an effective system for responding to Official Information Act 1982 and Privacy Act 2020 requests and/or breaches on behalf of REA.
- As a member of Senior Leadership Team reporting to the Chief Executive, championing the legal services function for the organisation and demonstrating a joined-up approach to achieving organisational goals.
- Works closely with the Chief Executive, members of the Senior Leadership Team, and other managers and key stakeholders, to advise on key strategies which impact on core processes, service delivery and stakeholder satisfaction.

Expert Legal and Litigation Advice

- Develops and leads REA's litigation strategy, consulting with the Chief Executive and/or Board as required.
- Working closely with the Legal Services Manager, ensuring appropriate cases are identified where they can further the objectives of REA's regulatory and legal positions.
- Oversees the legal positions taken by REA on cases advanced by REA.
- Ensures REA's litigation approach is consistent with obligations as a model litigant and Attorney-General expectations.
- Working with the Legal Services Manager, oversees the provision of timely, accurate and high-quality expert legal advice and expertise by legal staff on all regulatory and legal matters.

- Working closely with the Legal Services Manager, instructs and oversees the provision of effective, efficient, timely, and cost effective, external legal advice on appropriately determined matters.
- Ensures changes in relevant legislation and the external environment is identified, analysed and appropriate action to be taken by REA. This includes ensuring timely and accurate guidance is provided to the sector.
- Demonstrates knowledge as subject matter expert on the Real Estate Agents Act 2008 as well as the Real Estate Agents Act 1976 and any other relevant legislation and regulations.
- Advises REA concerning disputes, claim liability, advisability of prosecuting, defending lawsuits, mediation, legal rights and/or obligations.
- Interprets laws, rulings and regulations for REA.
- Oversees the provision of advice and legal support on external contracts and engagement with key suppliers, as required.
- Oversees and advises on the development of material relating to regulatory obligations for distribution to the sector and/or stakeholders.
- Provides advice and/or leads the development of internal policies to ensure that REA meets its statutory obligations as a Crown Entity.
- Manages the provision of expert legal advice to ensure effective quality outcomes from cross-cutting REA projects.
- Support the development and execution of training and resources to support REA staff and CAC member capability.

People Leadership

- Builds a high performing team through effective leadership, mentoring and, provides support and guidance to the Legal Services Manager, and Intermediate Legal and Policy Advisor
- Identifies talent and ensures the development of the competence of individual team members with a view to establishing a cohesive team that is professional, customer focused and communicates well.
- Ensures regular and effective performance management and active development of the REA Legal Team.
- Ensures the regulatory policy function is effective and meets REA's regulatory and operational requirements.

Stakeholder engagement

- Makes presentations to various conferences and forums annually.
- Responds to media enquiries and/or acts as spokesperson on behalf of REA as required.
- Attends, and chairs as appropriate, industry forums including Industry Advisory Groups and Real Estate Leaders Forum

Governance Risk and Compliance

- Understands and manages the legal implications of initiatives presented and developed to protect the REA's position while meeting objectives set out in the Statement of Intent.
- Jointly with the Head of Corporate services ensures the implementation and maintenance of legislative compliance programme to report on REA's compliance for governance purposes and to promote REA legislative compliance.

- Develops and maintains procedures for organisational legal risk management, including promotion of strategic staff development relating to public law duties and the exercise of statutory functions.
- Establishes and maintains an effective system for responding to OIA Act and Privacy Act requests on behalf of REA.

Financial & Risk Management

- Manages the financial and resource requirements of the REA Legal Team, by planning, budgeting and forecasting requirements for routine legal services.
- Overall responsibility for external legal costs and the likely resource and financial costs associated with litigation including the law enforcement function.
- Monitors organisational demand for legal services and plans for appropriate allocation of human and financial resources to appropriately meet that demand.
- Embraces a risk tolerance approach to business that focuses on delivery objectives with reasons why, rather than why not.

Skills, knowledge and experience

The following skills, knowledge and experience is required:

- Tertiary qualification in law.
- 10+ years post qualification experience.
- Current practising certificate from the NZ Law Society.
- Recent senior legal roles in a regulatory environment, preferably leading at the political/legislative/policy interface.
- Leading a team of legal specialists.
- Extensive experience in managing litigation proceedings and processes, preferably in the regulatory context.
- Demonstrated deep understanding and application of regulation and/or policy

The following skills, knowledge and experience is preferred:

- Experience working with a diverse range of stakeholders providing cross-functional influence.
- Experience in engaging with and/or perspective from Māori and/or NZ diverse communities an advantage.
- Public sector experience, particularly in a regulatory environment.

Key competencies

- Foster a culture of genuine engagement while driving high performance.
- Ability to influence across organisation and externally.
- Strategically and future-focused, has an ability to 'bring to life' REA's strategy.
- Champions REA values.
- Highly effective communication skills in order to deal tactfully and sensitively with people at all levels.
- Excellent listening skills.

- Strong organisation and interpersonal skills.
- Ability to establish and maintain good working relationships with a diverse range of people.
- Ability to work as part of a team and motivate others.
- Ability to operate within tight dealings and manage competing priorities.
- High standards of integrity and confidentiality and ability to remain calm under pressure, and to be flexible with shifting priorities.

Client focus

- Provides responsive, respectful and knowledgeable service to internal and external clients.
- Puts the client (internal and external) perspective at the forefront of decision making & works to create client- focused service and solutions.
- Proactively, constructively, and pragmatically deals with client problems.

Communication

- Excellent written and oral communication skills with demonstrated ability to present complex information in a clear and accurate written and verbal format.
- Organises information in a logical sequence.
- Includes content appropriate for the purpose and the audience.

Results orientation

- Establishes a plan of action to achieve expected results.
- Employs a systematic approach to completing tasks.
- Establishes and reviews priorities.
- Takes timely corrective action.
- Pursues high quality results.
- Produces high quality reports.

Integrity

- Is a trusted leader.
- Maintains high personal standards of professional excellence.
- Accepts full responsibility for own actions.

Self-management

- Remains calm and in control under pressure.
- Seeks to continually develop self by acting on feedback and taking opportunities to learn.

Collaboration and team building

- Works closely with others to bring together resources for achievement of common objectives.
- Promotes cooperation within and across teams through the sharing of resources and information. Seeks and values the contributions of others.

- Reflects on how own working style impacts on others.
- Sees things from others point of view and confirms understanding.
- Works in a harmonious and collegial manner with colleagues and other staff.

Problem solving and analysis

- Systematically analyses situations by developing frameworks that reveal the essential features and issues.
- Uses analytical techniques to distinguish the important from the trivial.
- Looks beyond the obvious and does not stop at the first answers.
- Is objective and open-minded.
- Uses academic training effectively, and freely shares disciplinary insights and analytic techniques with others.

Oriented toward practical solutions

- Is able to produce timely, well presented and accurate work on issues in a format appropriate for the intended audience.

Judgement

- Recognises the need to consult before making a decision.
- Identifies and understands the risks that may result from a decision.
- Judgements take REA resources, constraints and values into consideration.

Approved on 25 June 2024

By Belinda Moffat - Chief Executive /Registrar