



# MINISTRY OF FINANCE

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## ROLE | JOB DESCRIPTION: LEGAL OFFICER

### CORPORATE INFORMATION

1. Position Level: Salary Band K
2. Salary Range: [\$66,493.04 - \$84,699.48]
3. **Duty Station:** Suva
4. Reporting Responsibilities:
  - a) **Reports To:** MCC Compact National Coordinator
  - b) **Liaises with:** MCC Office of the General Counsel, Government Ministries and Parliament, Compact Development Team, Attorney-General's Office
  - c) **Subordinates:** Nil
  - d) **Term:** One (1) year project-based contract term, with the possibility of extension.

### POSITION PURPOSE

The Compact Development Team (CDT) requires a Legal Officer from the time concepts for compact development have been identified through to the negotiation and signing of the Compact. The Legal Officer is responsible for advising the Government of Fiji on all legal issues relating to the Compact, including the obligations assumed by the Government under the compact and legal matters affecting the projects to be funded under the Compact. The Legal Officer acts as the principal legal adviser to the CDT and the main liaison with MCC's Office of the General Counsel throughout the Compact development process, and, given the CDT's placement within the Budget Division of the Ministry of Finance. The Legal Officer also advises the CDT on compliance with the CDF Agreement and the application of relevant Government of Fiji legislation.

### KEY RESPONSIBILITIES

The position will achieve its purpose through the following key responsibilities. Working with relevant staff and service providers, in accordance with legislative requirements:

- 1) Cooperate with and advise representatives of the Government, including Ministries and Parliament, regarding the Government's responsibilities under any potential agreement with MCC, and act as the main liaison between the CDT and MCC's Office of the General Counsel.
- 2) Determine the need for additional legal experts (outside counsel), identify possible sources, provide recommendations on legal tasks to be outsourced, and manage such outside counsel.
- 3) Advise the CDT regarding employment matters, including drafting and negotiating employment agreements, and provide guidance on the legal implications of procurement and financial activities undertaken by the CDT, including compliance with the CDF Agreement and applicable Government of Fiji legislation.
- 4) Advise on the legality and enforceability of the Compact as an international agreement under Fijian law, and on the legality and enforceability of all Compact-related agreements.
- 5) Identify and advise on all legal requirements, including permits and approvals, required for projects and activities to be funded under the Compact, and advise on the requirements to ensure MCC funding is tax-exempt in accordance with the Compact.
- 6) Advise on the formation or designation of an entity in Fiji to administer the Compact and its projects (the Accountable Entity), and review and negotiate grant agreements between MCC and the Government, and respond to due diligence inquiries by MCC's Office of the General Counsel.
- 7) Review and negotiate the compact and related agreements, including bank, procurement agent, fiscal agent and implementing entity agreements, provide legal opinions on their validity and enforceability, and assist the Government in their execution, approval and ratification as international agreements under Fijian law.
- 8) Fulfil such other responsibilities as are commonly exercised by, or incidental to, the position of legal officer, or as may be delegated from time to time by the National Coordinator.

## KEY PERFORMANCE INDICATORS

For Government of Fiji employment and performance-management purposes, performance will be assessed against the following indicators:

- 1) Sound, timely legal advice is provided to the Government and CDT on all Compact-related matters throughout the development process.
- 2) All Compact and related agreements are reviewed, negotiated and legally sound, with legal opinions provided on their validity and enforceability.
- 3) Tax exemption, Accountable Entity formation, and ratification requirements are correctly identified and addressed in a proper and timely manner.
- 4) Effective liaison with MCC's Office of the General Counsel is maintained, and due diligence inquiries are responded to accurately and promptly.

## Person Specifications

In addition to being qualified to practice law in Fiji (or equivalent relevant experience). The following Knowledge, Experience, Skills and Abilities are required to successfully undertake this role.

### **Knowledge and Experience**

- 1) Experience representing the Government, particularly in transactions or matters involving foreign investors or bilateral or multilateral engagements with foreign governments.
- 2) Experience advising entities in the negotiation, execution and implementation of international agreements with foreign governments.
- 3) Experience advising on the formation, governance and administration of legal entities in Fiji, particularly entities performing governmental or charitable functions.
- 4) Experience in government procurement and contracting, with familiarity with Fiji's public financial management and procurement framework, including the Financial Management Act 2004 and Procurement Regulations 2010.
- 5) Experience administering or providing legal advice on tax exemptions under Fijian law.

### **Skills and Abilities**

- 1) Excellent oral and written communication skills.
- 2) The ability to work under pressure and against tight deadlines.
- 3) Fluency in spoken and written English.
- 4) Sound legal judgement and the ability to advise at the highest levels of government.

### **Personal Character & Eligibility**

All applications for employment in the Ministry must be of good character, with a background that demonstrates their commitment to the public service values contained in the Fiji Constitution. Applicants must also be a Fijian Citizen, preferably under the age of 60, in sound health, with a clear police record. The selected applicant will be required to provide a medical certificate and police clearance prior to taking up duty.

The Ministry of Finance is an Equal Employment Opportunity Employer. Applications are encouraged from all eligible, qualified applicants. Only specific Knowledge, Experience, Skills and Abilities on the job will be considered in assessing the relative suitability of applicants.