



Position Title	Legal Officer
Supervisor/Manager	Senior Legal Officer
Reviewed Date	November 2018
Reviewed By	

(a) Prime Function/Purpose of Job

The Legal Officer’s primary function is to provide legal support to the team with a responsibility of managing and assessing all legal affairs at MSAF under the guidance and supervision of the Senior Legal Officer and Manager Legal and Policy Planning.

(b) Principal Objectives and End Results expected of the job

- i) Formulate, draft and review all maritime laws (Acts and Regulations) to ensure that they are promulgated and maintained in accordance with the IMO Conventions and Protocols as amended and the State’s international obligations.
- ii) Provide legal opinion to the Manager Legal and Advice to Management and Staff, to ensure that decisions made by MSAF pertaining to its regulatory functions are legally sound, acceptable and favorable to MSAF;
- iii) Develop legally sound, well researched policy advice that meets the needs of MSAF’s policy objectives.
- iv) Draft IMO recommended amendments and the State’s international obligations and initiating and assisting in the development and implementation of State’s maritime laws and such other material as is required to ensure the State’s IMO obligations and international obligations are complied with.
- v) Review the State’s maritime legislation to ensure on-going compliance with IMO Conventions and Protocols and the State’s international obligations as amended, and adapted to suit the State’s maritime environment.
- vi) Formulate, draft and review all MSAF contract’s, MOU’s, MOA’s, consultancy agreements, strategic documents, MSAF letters to industry, Marine Notices, and documents to ensure they are legally sound and favorable to MSAF;
- vii) Coordinate with the Maritime Industry on the current legislation requirements, proposed amendments to the Acts, Regulations and IMO and other international

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obligation proposals, amendments and ensuring industry feedback on the maritime laws are actioned;

- viii) Initiate and review State obligation on IMO Reporting Requirements and other international reporting obligations to ensure the State remains compliant with its IMO obligations.
- ix) Draft charges, pleadings and other court documents
- x) Attend to all court/legal cases involving MSAF to ensure that MSAF’s interests are protected;
- xi) Initiate and assist in activities of the Technical Committee by overseeing MSAF’s response to instances of individual or industry failure to meet required maritime laws and initiating the necessary review and outcomes of such failures, including enforcement action and ensuring that due process is followed and providing legal advice that is legally sound, and favorable to MSAF.
- xii) Provide legal advice to the Chief Executive Officer when an appeal against MSAF is received pertaining to MSAF’s decisions.
- xiii) Represent MSAF and participate in any meetings and working groups to enhance MSAF’s coordination with stakeholders and control of issues pertaining to the same.
- xiv) Review, implement and monitor MSAF’s consultation mechanism and ensuring continued compliance of the process by MSAF and Industry.
- xv) Train staff on changes to the domestic legislation and the effect of the changes to the maritime industry and MSAF.
- xvi) Participate in consultations and awareness with the Maritime Industry so that the State adopts international best practices.
- xvii) Develop, review and ensure staff and authorized persons’ Delegation in accordance with the Acts and Regulations.
- xviii) Assist in training Technical Staff in maritime laws and related areas.
- xix) Assist with Maintenance of a Library for all legal documents/texts and Laws of Fiji so that legal references are accessible to and easily retrievable by the HODs and Technical Staff.

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(c) Job Dimensions

Number of Staff: NIL
 Operating Budget: As per CEO's Annual Budget

(d) Organization Structure



(e) Knowledge, Experience, Skills and Attributes Required

The following qualifications are preferred:

- A Bachelors of Law Degree, Professional Diploma in Legal Practice and on the Roll of the High Court of Fiji with a current Practice Certificate and at least 5 years of practical and relevant experience.
- Proven ability to perform collaboratively within a multidisciplinary management team which includes such diverse disciplines as standards & compliance, qualification & licensing, port regulatory & emergency response, enforcement & compliance, maritime security/safety, quality assurance and corporate services.
- Proven ability to undertake research and analysis on legal issues.
- Well-developed written and oral communication skills, interpersonal skills, and the ability to communicate effectively.
- Must be computer literate.

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- Must be well versed with the laws of Fiji
- Have a valid drivers’ license and able to travel outside own jurisdiction to attend cases if the need arises

The following qualifications are desirable:

- Sound knowledge of Maritime Legislations and IMO Conventions and Protocols as amended;
- Masters in Maritime Law;
- Training and Experience in auditing and completion of Lead Auditor Training Course; and
- Fully conversant, trained and experienced in ISO9001:2008 and any subsequent amendment, and capable of acting as Lead Auditor.
- Holds a valid driver’s license.

(f) Span of Control

- i) Organizational wide.
- ii) Design and develop, promulgate and review of:

- Acts, Regulations
- MSAF Policies, Procedures
- MSAF Forms and Documents
- MSAF Corporate Plan
- MSAF Communications
- Strategic Documents

(g) MSAF Levels and Freedom of Action

- i) Legal Advice given to CEO, MSC, MSCR, MSI, MQL, MHR, MF
- ii) Legal Advice given to QAO, PRCO, SO and all Staff

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(h) Problem Solving

- i) When considering amendments to the legislative framework, legal research is required to verify what other regulatory Authorities such as Australia, New Zealand have implemented in their legislative framework and then making recommendations as to what course of action to take, taking into consideration the size of the State’s industry, operations, manpower to name a few.
- ii) When legal challenges are made by Maritime Document holders or members of the public against MSAF’s decision pertaining to its regulatory functions, it is required that investigative work be carried out to determine the legal issues and provide solutions to protect MSAF’s interest.
- iii) Decisions that are made in isolation of legal advice, then legal has to go into “damage-control” mode to ensure that the liability in respect of MSAF is minimized at the earliest opportunity.
- iv) Drafting of charges

(i) Contacts

Positions	Range and Nature	Frequency
HODs	Legal advice pertaining to MSAF’s regulatory functions Maritime Laws (Acts and Regulations) Enforcement Action Drafting/Reviewing of MSAF Communication - Letters/Responses Procedures	Daily and as and when required
	Technical Committee IMO Compliance Committee	Monthly
	State Letters	As and when required

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CEO	:	Legal Advice	As and when required
All Department Technical Staff	:	Legal advice pertaining to MSAF's regulatory functions Maritime Legislation Maritime Document issued/refusal Enforcement Action Drafting or Legal Vetting of MSAF letters/documents State Letters	Daily and as and when required
CEO Department	:	Employment Contracts Service Contracts MOU's/SLA's/MOA's/Consultancy Agreements/MSAF Letters to Industry/Ministry Corporate Documents Strategic Documents	As and when required
Industry	:	Industry Consultation Industry Consultation Legislation Legal Advice	As and when required
Court	:	Employment Tribunal Matters Debt Recovery Magistrate Court Matters High Court Matters Court of Appeal	As and when required

(j) Challenges and Impact on Organization Results

- i) The Vision of MSAF is to be a dynamic, internationally respected regulator, provider and promoter of maritime safety, security and protection of the marine environment.
- ii) The challenges to Legal Officer is:
 - In ensuring conformance with the legislative provisions (Acts, Regulations) and ISO requirements, and in conformance with documented policies, processes and procedures;
 - In ensuring that the State operates in compliance with IMO Conventions and Protocols as amended and the State's international obligations and where there is a requirement, to ensure the reporting requirements with IMO and other international agencies.

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- In ensuring that there is industry awareness of the development of the States maritime law and their participation in contributing to the development of such laws.
- In maintaining communication with other regulatory Authorities pertaining to Agreements and maintenance of legal contracts.

(k) Additional Information Relevant to the Position

- i) The incumbent would be required to assist other departments with legal support when attending meetings pertaining to its regulatory responsibilities.

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