

**Personnel Department
Job Evaluation Exercise for the Judicial & Legal Service**

Job Description: State Counsel III, Customs & Excise Division

JOB TITLE: State Counsel III
MINISTRY/ DEPARTMENT: Customs and Excise Division, Ministry of Finance
REPORTS TO (JOB TITLE): Senior State Counsel/ Comptroller of Customs
SUPERVISES: N/A

APPROVED BY

ISSUE DATE: June 1st, 2002

POSITION PURPOSE

Under the direct supervision of the Senior State Counsel, the incumbent is required to assist in administering, reviewing and ensuring compliance with the Division's policy, the Customs & Excise Laws and Regulations and the various Laws under which Customs Officers are empowered to act. The incumbent is to address complex legal matters.

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MAJOR DUTIES & RESPONSIBILITIES

Legal & Court Duties (50%)

1. Assists in the prosecution of persons for breaches of the Customs & Excise Laws before the Comptroller of Customs & Magistrates Court.
2. Assists the Senior State Counsel in performing all legal services on behalf of the Comptroller of Customs and Excise except those reserved by Law for the Chief State Solicitor and the Solicitor General.
3. Assist the Senior State Counsel in developing & coordinating the policies and programmes arising from the Customs & Excise Legislation. Coordinates how Customs performs its agency duties.
4. Briefs Police Officers in criminal proceedings
5. Appears before the Tax Appeal Board against assessments made by the Comptroller of Customs & Excise.
6. Appears as Advocate for the State in Criminal Appeal matters brought before the Court in the Court of Appeals

Advisory (30%)

1. Advises the Comptroller of Customs & Excise & Officers within the Division on its day to day legal problems pertaining to taxation and other legal matters arising out of the various pieces of legislation administered by the Comptroller of Excise
2. Collaborates with the Preventive Branch (enforcement arm) of the Customs and Excise Division in the Investigation and Prosecution of Offences committed against these laws

Legal Research (20%)

Investigates legal problems and gives advice or opinions on International and Bi-lateral Trade Agreements, Conventions and Protocols by doing extensive legal research.

Performs related work as may be required

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SUPERVISORY RESPONSIBILITIES

N/A

ACCOUNTABILITY

Is accountable to the Comptroller of Customs & Excise (administratively), and the Director of Public Prosecutions (Criminal matters once case goes to court)

Work is performed independently and is subject to general review by the Senior State Counsel through reports, meetings and general observations and by decisions of the Court on matters presented.

The Treasury Solicitor re broad guidelines (Economic Policy) ie. When the budget is being debated

General Accountability – The incumbent is required to gain approval of supervisor before proceeding with the actions deemed necessary or advisable.

KEY CONTACTS

INTERNAL

- (1) Comptroller of Customs & Excise –giving advice and opinions
- (2) Deputy Comptrollers, Assistant Comptrollers- giving advice and opinions
- (3) Chief Preventive Inspector, Officers of the Preventive Branch, Officers of the Valuation Branch-Drafting of charges for breached of the Customs & Excise Laws
- (4) Other Officers of the Customs – preparation of witnesses

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KEY CONTACTS (Continued)

EXTERNAL

- (1) Treasury Solicitor's Office- advice & opinions
 - (2) Office of the Solicitor-General –advice & opinions
 - (3) Office of the Director of Public Prosecutions – consultation re possible prosecution
 - (4) Other related government agencies –advice & opinions
 - (5) Attorneys in private practice- advice & opinions
 - (6) Board of Inland Revenue-advice & opinions
 - (7) Office of the Chief State Solicitor –advice & opinions
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REQUIRED QUALIFICATIONS, EXPERIENCE AND SKILLS

Minimum qualifications: LLB and an LEC- Legal Education Certificate

Minimum experience: at least 5 years experience in professional legal work including considerable experience relating to Revenue Law or an equivalent combination of training and experience. Alternatively, ten (10) to fifteen (15) years as a Customs Officer with qualification as an attorney.

Thorough knowledge of Customs and Excise Law

Thorough knowledge of the civil and criminal law of Trinidad & Tobago

Thorough knowledge of the legal reference authorities and ability to utilize them in legal research

Thorough knowledge of the various types of legislative enactments used in meeting different situations and the procedure involved in giving these the force of law

Thorough knowledge of Court procedures and practices.

Thorough knowledge of Revenue Laws

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REQUIRED QUALIFICATIONS, EXPERIENCE AND SKILLS (Continued)

Ability to draw up agreements and other legal documents

Ability to express ideas clearly and concisely and skilled in advocacy

Ability to establish and maintain effective working relationships with associates with the public and with other government officers.

Considerable knowledge of the principles, methods, materials, practices and references utilized in legal research

Considerable knowledge of court procedures and of the rules of evidence

Considerable knowledge of legal principles, practices and proceedings

Considerable knowledge of Government procedures and practices

Considerable experience in managing legal and administrative personnel

Considerable advocacy skills

Considerable interpersonal skills

Considerable communication skills both written and oral

Considerable management and supervisory skills

Considerable analytical and reasoning skills

Considerable negotiation skills

Considerable human relations skills

Considerable computer skills

WORKING CONDITIONS & ENVIRONMENT:

Long working hours

Large volume of work

On call twenty-four hours