

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

Job Description: State Counsel I, Customs & Excise Division

JOB TITLE: State Counsel I
MINISTRY/ DEPARTMENT: Customs and Excise Division, Ministry of Finance

REPORTS TO (JOB TITLE): State Counsel III

SUPERVISES: N/A

APPROVED BY

ISSUE DATE:

[Signature]
August 24, 2006

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 Customs and Excise Division's policy, the Customs & Excise Laws and Regulations and the various Laws under which Customs Officers are empowered to act. The incumbent is also required to represent the state in the Magistrate's Court against offenders of Customs and Excise laws. The incumbent addresses less complex legal matters.

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MAJOR DUTIES & RESPONSIBILITIES

Legal & Court Duties (70%)

1. Prosecutes persons for breaches of the Customs & Excise Laws at the Magistrate's Court.
2. Assists the Senior State Counsel in providing 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.
4. Briefs Customs 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 less complex Criminal Appeals matters brought before the Court in the Court of Appeals
7. Assists in the preliminary drafting of proposed amendments to Customs and Excise Laws

Advisory (20%)

1. Advises the Comptroller of Customs & Excise and 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 Customs and 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 (10%)

1. Conducts legal research by consulting the laws and legal authorities on precedent cases in preparing instructions to be used in Court.
2. Assists in investigating legal problems and gives advice or opinions on International and Bi-lateral Trade Agreements, Conventions and Protocols by doing 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.

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 – to provide advice and opinions
- (2) Deputy Comptrollers, Assistant Comptrollers - to provide advice and opinions
- (3) Chief Preventive Inspector, Officers of the Preventive Branch, Officers of the Valuation Branch
- to assist officers in drafting of charges for breaches of the Customs & Excise Laws
- (4) Other Officers of the Customs – to prepare witnesses

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KEY CONTACTS (Continued)

EXTERNAL

- (1) Treasury Solicitor's Office
 - (2) Office of the Solicitor General
 - (3) Chief State Solicitor
 - (4) Office of the Attorney General -
 - (5) Office of the Director of Public Prosecutions –
 - (6) Other related government agencies such as Bureau of Standards,
Ministry of Trade and Industry and Ministry of Energy
and Energy based Industries
 - (7) Attorneys in private practice
 - (8) Board of Inland Revenue (VAT office)
 - (9) International Organizations such as World Trade Organization –
- to retrieve advice & opinions and instructions relating to the preparation of Affidavits
- to provide instructions re preparation of Affidavits
- to seek advice and consent in dealing with complex matters.
- to give advice & opinions
- to retrieve information

REQUIRED QUALIFICATIONS, EXPERIENCE AND SKILLS

Minimum qualifications: LLB and an LEC- Legal Education Certificate

Minimum experience: eighteen (18) months experience as an Attorney at law/experience in professional legal work relating to Revenue law, Civil law and Criminal law or any equivalent combination of training and experience. Alternatively two (2) to four (4) years as a Customs Officer with qualification as an Attorney.

Knowledge of Customs and Excise Laws

Knowledge of the civil and criminal law of Trinidad & Tobago

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

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

Knowledge of Court procedures and practices.

Knowledge of Revenue Laws

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REQUIRED QUALIFICATIONS, EXPERIENCE AND SKILLS (Continued)

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

Working knowledge of court procedures and of the rules of evidence

Working knowledge of legal principles, practices and proceedings

Working knowledge of Government procedures and practices

Good advocacy skills

Good mediation skills

Good interpersonal skills

Good communication skills both written and oral

Good analytical and reasoning skills

Good negotiation skills

Good human relations skills

Good networking skills

Good computer skills

WORKING CONDITIONS & ENVIRONMENT

Long working hours

Large volume of work