LEGAL DRAFTER, ATTORNEY GENERAL’S CHAMBERS, SOLOMON ISLANDS

Australian Aid to Solomon Islands

Australia has an enduring interest in a stable Solomon Islands, underpinned by economic growth and viable institutions. Under the Solomon Islands Aid Investment Plan, Australia’s aid program in Solomon Islands focuses on three strategic objectives:

1. Supporting stability
2. Enabling economic growth
3. Enhancing human development.

Solomon Islands Justice Program (SIJP)

The Solomon Islands Justice Program (2017-2021) runs from 1 July 2017 to 30 June 2021. The program will work towards the Solomon Islands Government’s overall vision for the justice sector as expressed in the Justice Sector Strategic Framework; “Communities in Solomon Islands have greater access to a credible justice system that supports the rule of law”.

The program’s proposed end of program outcomes reflect Solomon Islands’ Justice Sector Strategic Framework. They are:

- Justice sector agencies are increasingly capable of delivering core services;
- Legislation is supported by sound policy development, is clearly written and well understood;
- Access to justice for Solomon Islanders is improved; and
- Good practice in leadership, decision making, public sector management and community engagement is increasingly demonstrated in the justice sector.

SIJP works with a number of agencies including the:

- Ministry of Justice and Legal Affairs;
- Attorney-General’s Chambers;
- National Judiciary (including the High Court and Magistrates Court);
- Office of the Director of Public Prosecutions;
- Public Solicitor’s Office;
- Police Prosecutions Directorate;
- Correctional Service of Solomon Islands (CSSI); and
- Non-government stakeholders.

The design process for this program was undertaken concurrently with designs for a new governance program and policing program. These three new programs will work in a coordinated manner towards a common goal.

This position will be remunerated in line with the Australian Government’s Adviser Remuneration Framework (http://dfat.gov.au/about-us/publications/Documents/adviser-remuneration-framework-2016.pdf) and will be offered at a level commensurate of the successful candidate’s experience relevant to the role within the following broadband Discipline Group C, Job Level 3 or 4.
Advisers engaged as part of SJP are required to perform the following throughout the course of their engagement:

- Adopt both planned and opportunistic approaches to developing counterpart capacities, and demonstrably reduce reliance on advisory support over time;
- Collaborate with SJP advisers and promote productive relationships between counterparts and relevant stakeholders, particularly between agencies;
- Analyse and address problems in partnership with counterparts, and pursue opportunities for positive change where agreed with Agency Supervisors;
- Contribute to the design and implementation of workforce development and financial planning activities with counterparts and in close coordination with the Sectoral Human Resources Adviser, Sectoral Training and Professional Development Adviser, and Sectoral Finance and Budget Adviser;
- Promote and integrate gender equity and social inclusion into all activities, in close coordination with the SJP Gender Equity and Social Inclusion Adviser;
- Assist counterparts to identify, collect, analyse, disseminate and use information to promote a culture of evidence-based decision-making for SIG agencies, SJP and DFAT;
- Closely consult with the SJP Sectoral Training and Professional Development Adviser to proactively provide post-twinning/training support, coaching, mentoring, observation and feedback to participants, including exploring how to put newly acquired skills or ideas into practice;
- Actively mentor motivated counterparts and other relevant staff who demonstrate an interest and potential as future leaders or managers;
- Identify and highlight risks, opportunities, concerns, best practices, innovative ideas and lessons learned to the Program;
- Investigate previous modes of support in areas relevant to the role, and incorporate the lessons learned from the past into current approaches; and
- Act as an ethical and professional role model in every respect and exhibit cultural, contextual, political and personal sensitivities in all facets of the role.

All persons engaged under the SJP will cooperate with the Solomon Islands Resources Facility (SIRF) to manage risk and ensure effective service delivery for the Australian Government Department of Foreign Affairs and Trade (DFAT).

**Purpose and Expected Outcomes**

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<td>End of Program Outcome:</td>
<td>Legislation is supported by sound policy development, is clearly written and well understood</td>
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<td>Objective 2.2</td>
<td>Attorney General's Chamber provides more timely and effective legal advice to SIG agencies</td>
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Objective 2.3 Attorney General’s Chambers is better able to draft legislation

Program Component 4: Whole of Sector Strengthening

End of Program Outcome: Good Practice in Leadership, Community Engagement and Public Sector Management is increasingly demonstrated in the Justice Sector

Objective 4.1 Gender and social inclusion are more explicitly addressed in the justice sector

Objective 4.2 Improved Continuing Legal Education programs involving SIBA

The Legal Drafter will perform in-line legislative drafting functions for the Attorney General’s Chambers and will adopt on-the-job training methods to improve the drafting skills of staff within the Drafting Division. The role may also be required to contribute to relevant Continuing Legal Education activities for legal professionals.

Roles and Responsibilities

The Legal Drafter will undertake institutional functions and strengthen individual capacities to:

- Draft legislation and regulations as required by the Solomon Islands Government (SIG). Review and provide comment on existing draft Bills prepared by external consultants and other SIG ministries;
- Supervise legal officers and administrative staff as the manager of the Drafting Division of Attorney-General’s Chambers;
- Lead Attorney General’s Chambers staff on drafting legislation, regulations and statutory interpretation;
- Develop productive working relationships with agencies instructing on the development of legislation;
- Assist the Attorney-General, Solicitor-General and AGC staff to develop productive working relationships with SIG agencies and stakeholders and to raise their awareness of the role of the AGC;
- Support the planning and post-twinning activities, if requested and as relevant to the Drafting Division, of the Australian Attorney-General’s Department twinning programs;
- Observe the performance of legal officers and administrative staff within the Drafting Division of Attorney-General’s Chambers and make constructive recommendations as appropriate to the Attorney General; and

The Legal Drafter may be asked to undertake other duties as directed by the Head of Program, Justice and Corrections in consultation with the Attorney-General.
Deliverables

1. Legislation identified for drafting by the Attorney General is finalised and submitted to Cabinet consistent with the legislative agenda.
2. Workplan within one month of commencement as agreed with the Agency Supervisor and aligning with the agency work plan. The workplan will outline how the drafter will deliver the expected outputs and outcomes.
3. Capacity Development and Sustainability Plan within 9 months of commencement in format agreed with the Head of Program. Work with the agency to develop a plan which identifies suitable approaches for moving DFAT support to the agency to an Advisory capacity.
4. Quarterly Reports in a format agreed with the Head of Program that describe progress during the reporting period, and that highlight issues, risks and opportunities.
5. Exception Reports when required.
6. Exit Report including a frank assessment of progress against the Capacity Development and Sustainability Plan, a concise situational analysis, and recommendations to inform decisions around future support.

All reports will be provided to the Head of Program, Solomon Islands Justice Program (SIJP).

Agency Supervision

Day to day supervision will be undertaken by the Attorney General or nominated delegate.

Reporting and Performance Management

The role will provide reporting to the Head of Program, Justice and Corrections who, will work with the Agency Supervisor to monitor and assess performance and delivery of outputs in accordance with this TOR and the approved Capacity Development and Sustainability Plan.

SELECTION CRITERIA

Qualifications

1. Tertiary qualification in law, justice or a relevant field

Essential Experience and Knowledge

2. Previous relevant experience in drafting legislation within a common law jurisdiction.
3. Proven experience in managing a legislative drafting office, including leading a team to develop systems and procedures for drafting, consolidating and publishing legislation.
4. Demonstrated commitment to gender equity, disability and anti-corruption mainstreaming in planning, practices and in support of service delivery.
5. A demonstrated personal commitment and success with building the capacity of a team, including mentoring, coaching and further professional development.

6. A sound (or the capacity to quickly acquire) an understanding of Solomon Islands or Pacific development context.

**Personal Attributes**

7. Patience, tolerance, resilience, flexibility and a preparedness to work with limited resources within a challenging environment.

**Travel Requirements**

Some provincial travel may be required

**Solomon Islands Resource Facility (SIRF)**

Cardno has been engaged to provide a facility management team to manage the Solomon Islands Resource Facility operations to ensure effective service delivery, including:

- Conducts procurement and contract management of technical assistance and supports performance management;
- Provides support services for Australian Government’s deployees and technical advisers; and
- Financial management and reporting including monitoring and evaluation of the Facility.

The Facility is a critical source of operational support to DFAT, deployees and Technical Advisers (TA) as they attempt to navigate a shifting operating context, consolidate previous achievements while also prioritising new ways of working to ensure Australia’s assistance better achieves service delivery impact.

SIJP is supported by SIRF and the successful candidate will be recruited through SIRF.

**Other Information:**

Amendments to the position’s Terms of Reference may be made during the period of the engagement as required.

All personnel must abide by Cardno’s Code of Conduct, DFAT’s policies in relation to Child Protection; Environmental and Resettlement safeguards; Gender Equality; and Disability.