



# POSITION DESCRIPTION

## Position details

**POSITION TITLE:** LEGAL ADVISOR

**Team/Section:** Legal Section, Samoa International Finance Authority (SIFA)

**Location:** Level 6, Development Bank of Samoa Building, Apia, Samoa

**Salary Range:** \$44,125.20 to \$59,714.64

## Our Purpose

SIFA is principally the registry for international companies and the regulatory authority for licensed international entities such as international banks, international insurance companies, international mutual fund companies and trust company service providers.

Our purpose is to play a legitimate and integral role in international financial services where our legislative solutions allow for financial and estate planning, risk management and makes possible cross-border vehicles necessary for international transactions.

As a profitable public body, SIFA makes substantial contributions to the Government budget every year and we invest our funds back into our community through sponsorship of projects that benefit Samoa's economic growth.

## How we Work

SIFA is governed by a Board of Directors and led by a Chief Executive Officer. We have about forty-eight (48) Staff, divided into four main Divisions - Registration, Compliance, Business Development, and Finance & Corporate Services. There are three Chief Managers leading and shaping different Divisions and with the assistance of Section Heads that coordinate and collaborate Teams within each Division.

The set Team goals become the individual staff goals and all are expected to work together to achieve them. Every team member is expected to learn and know every area of its Division's work, and become multi-skilled to be able to step in at short notice on any role.

On-the-job knowledge, positive attitude, exceptional performance and experience are valued and rewarded. Nevertheless, we want people's heart, not just their skills and capabilities. People with a heart for their Team, a heart for SIFA and a heart for Samoa.

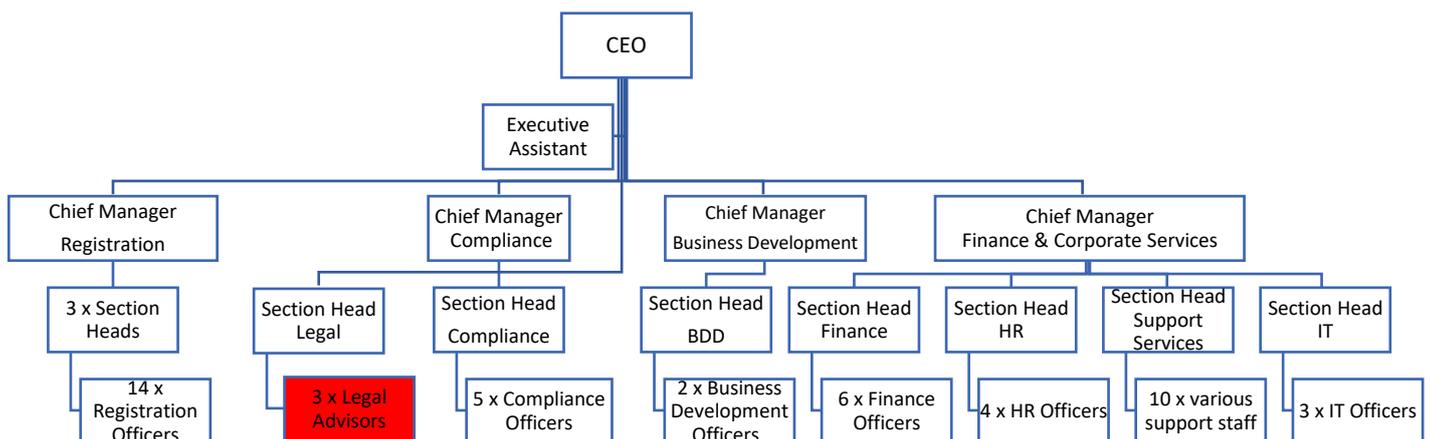
Using a democratic style of communication, Team members are encouraged to discuss and take ownership of Team decisions. There is a high expectation of the level of trust between Management and Staff as we trust our Staff to be committed to their role and carry out their tasks. The success of the Team is based on everyone in the Team pulling their weight. Because the Team depends on each other to achieve its goals, Team members are likely to call out the individual member that is not pulling their weight. Staff are enabled, encouraged and trusted to make decisions having received clear guidelines, training and competency measurements.

Our aspiration is that SIFA is a great place to work where great work gets done. We believe in harnessing the potential of our people and the diverse skills and life experiences they bring to SIFA.

## Our Character

- Shape** We shape the agenda by challenging the status quo, and by generating and adopting new ideas, to bring those ideas to life. Although we value this competency in all Staff, this competency is expected from each Chief Manager. This means asking ‘why not?’ instead of ‘why?’ and leveraging off the collective that is SIFA in the pursuit of goals that stretch right across Teams, Divisions and even across Government, financial and international bodies.
- Collaborate** We support each other, engage early and proactively partner in pursuit of shared goals. Although all Staff are expected to collaborate, this is a competency expected of all Section Heads. This means Section Heads are expected to coordinate and influence their Teams requiring a high level of communication. They partner with their Team members to have input into how they will achieve the Team goals.
- Deliver** We have a can do attitude, take ownership, act with purpose, urgency and discipline, take calculated risks, celebrate success and learn as we go. This is the key role of all Team members, to take pride in delivering consistently high quality services. The core deliverers are the workers that provide our core services.

## Our structure



## Position Purpose

The Legal Advisor delivers legal advice and assist in the delivery of core services provided by the Compliance Division, Registration Division or Business Development Division. The Legal Advisor will report to the Section Head Legal and will be expected to cover all legal issues/matters in other divisions when required. The same legislation applies to all divisions however the application of the legislation differs according to the division's functions.

The Legal Advisor is responsible to assist the Section Head Legal in identifying, analysing, and advising on all legal issues to ensure that SIFA operates within the confines of the laws applicable to it and that SIFA's rights, activities and interests are legally protected. The Legal Advisor is also responsible to assist the Section Head Legal in providing timely and accurate legal advice and services to the Chief Executive Officer, SIFA Management and SIFA Board of Directors on matters of law including but not limited to the effective and efficient management of contracts, leases, legal proceedings, statutory and policy compliance.

The Legal Advisor is responsible to provide legal advice on the Legislation relevant to the work of the Registration Division when requested by the Section Head Legal. The Section Head Legal will review the legal advice before it is sent to the relevant Section Head Registration of the Chief Manager Registration. The Registration Division's function involve the registration of new companies, name changes, annual renewals, strike-off and restoration. They issue good standing certificates, register amendment and adoption of M&A, increase and decrease of capital, and issue company numbers having carried out name checks. This involves the maintenance of current paper files as well as computer files and archive files. They also maintain Charges and Apostilles registers. They prepare Apostilles for MFAT certification. They attend to search requests and enquiries from trustees, law firms and other interested parties. Trustees submit their name checks via a SRS online system which is backed up with an access database and stored offsite.

The Legal Advisor is responsible to provide legal advice on the Legislation relevant to the work of the Compliance Division when requested by the Section Head Legal. The Section Head Legal will review the legal advice before it is sent to the Section Head Compliance or the Chief Manager Compliance. The Compliance Division's function involves research, analysis and assessments which include reviewing quarterly and prudential returns, audited financial accounts and recommending capital adequacy requirements and prudent business practices. They consider all applications made by licensees that include new applications, changes and cancellations. They carry out onsite inspections that include compliance with legislation, regulations and codes as well as sound business operations such as insolvency, internal control and management competency. They are required to report any areas of concern and carry out enforcement measures for non-compliance. They handle all queries by licensees and overseas Regulatory Authorities.

The Legal Advisor is also responsible to provide legal advice on the legislation to assist the Business Development Division's function when requested by the Section Head Legal. The Section Head Legal will review the legal advice before it is sent to the Section Head of Business Development or the Chief Manager Business Development. The Business Development's function involve the promotion and marketing activities, managing sponsorship and leveraging activities. They formulate reviews of international services and marketing trends. They research and develop promotional strategies in line with international standards. They review and recommend referrals from conference organisers. They manage sponsorship portfolio, provide graphic support, design advertising, research support of performance evaluation of marketing initiatives, and assist in promotional & presentation preparations to cabinet & board. They conduct research on international business sector and recommend legislative changes. They research and recommend promotional strategies and marketing plan. They provide cross jurisdiction performance analysis and assess community sponsorship proposals.

## Key Relationships

### Internal

- CEO
- Chief Manager of all divisions, but specifically to the division you are assigned to
- Your division Section Head

- Your division officers
- External

- Licenced Trustees
- SIFA Board of Directors
- Registered entities – overseas companies, banks, insurance companies, limited partnerships etc
- Overseas Regulatory Authorities
- Sponsored parties
- Conference Organisers
- Cabinet

## Key accountabilities and deliverables

Responsibilities of this position are expected to change over time as the Authority responds to changing needs. The incumbent will need the flexibility to adapt and develop as the environment evolves.

Key Accountability or deliverables	Indicators of success
<b>Delivery of technical legal advice</b>	<p>Within the Division you are assigned to, contribute your legal expertise to support the services provided which will be demonstrated by:</p> <ul style="list-style-type: none"> <li>• Strong understanding of the portfolio responsibilities of that division</li> <li>• High quality legislative expertise provided to support the Division in making and managing its processes, decisions, risks, and promotional opportunities.</li> <li>• Legal knowledge is shared within the Division and across Divisions including the provision of staff training.</li> <li>• Quality analysis and advice on individual business cases.</li> <li>• Developed policies and procedures that meet legislative requirements</li> <li>• Sound legal advice taking into account business context with input from senior colleagues where necessary provided to the CEO, Board and Cabinet relating to legislative changes.</li> <li>• Able to operate independently at internal and external meetings, with senior support as required.</li> <li>• Broad general legal knowledge and good understanding of some specialist subject areas.</li> <li>• Exercises good judgement on a range of matters.</li> <li>• Has the ability to communicate more complex ideas to a wider audience, showing good knowledge development of some specialist areas.</li> <li>• If applicable, act as counsel for litigation issues with support from a qualified solicitor.</li> </ul>
<b>Contribute to and promote SIFA strategic plan</b>	<ul style="list-style-type: none"> <li>• SIFA annual strategic plan accurately describes legislative requirements</li> <li>• You support your division’s own annual plan that is aligned to SIFA’s plans.</li> <li>• You are committed to and believe the goals set out in the plan is achievable. The team has a sense of ownership of the plan.</li> <li>• All key external stakeholders have a copy of the plan and are willing to cooperate.</li> <li>• SIFA is able to leverage itself through promotional material due to positive outcomes achieved in meeting its legislative requirements.</li> </ul>
<b>Maintain effective relationships with key stakeholders</b>	<ul style="list-style-type: none"> <li>• External clients have a positive respect and professional perception of SIFA ability to understand its legislative requirements.</li> <li>• Client queries and complaints are resolved quickly</li> <li>• You are able to establish and maintain professional relationships with internal and external stakeholders</li> </ul>

	<ul style="list-style-type: none"> <li>You show developing ability to exert influence within a defined area</li> <li>You are aware of the Samoan system of government to ensure a sound understanding of the Authority when engaging with stakeholders.</li> </ul>
<b>Performance management accountability</b>	<ul style="list-style-type: none"> <li>CEO and other division chief managers provide positive feedback on your cooperation and willingness to assist when required.</li> <li>You contribute to the team quality measurement systems that confirm that team goals are being met at a consistently high standard.</li> <li>You are confident with clear guidelines and expectations provided</li> <li>Your team is properly resourced to carry out its role.</li> <li>You take responsibility for your own learning and seek out assistance when required.</li> <li>You are confident in confronting colleagues and your Section Head when a colleague in your team is not pulling their weight.</li> <li>You have a sense of ownership of the team goals. You understand that when the team fails, you fail.</li> </ul>
<b>Compliance division and SIFA contribution and membership</b>	<ul style="list-style-type: none"> <li>All Compliance team members work constructively with peers and colleagues.</li> <li>360 degree feedback reflects your own contribution and the team contribution.</li> <li>You actively contribute to team activities and meetings.</li> <li>You demonstrate commitment to team/management decisions and goals.</li> <li>You and your team take part in informal training/sharing information amongst colleagues and other SIFA staff.</li> <li>Well researched papers and commission studies on international business sector and related services are provided</li> </ul>

## Competencies

Competency	What does this mean?	Level Required
<b>Cultivates Innovation</b>	Shape the agenda, crafting new and better ways for the organisation to be successful, by <ul style="list-style-type: none"> <li>Coming up with useful ideas that are new, better or unique</li> <li>Challenging the status quo</li> <li>Introducing new ways of looking at problems</li> <li>Generating and adopting new and creative ideas, and putting them into practice</li> <li>Encouraging diverse thinking to promote and nurture innovation.</li> </ul>	Delivery level
<b>Nimble Learning</b>	Actively learn through experimentation when tackling new problems, using both successes and failures as learning fodder, by <ul style="list-style-type: none"> <li>Learning as we go, when facing new situations</li> <li>Experimenting to find new solutions</li> <li>Taking on the challenge of unfamiliar tasks</li> <li>Extracting lessons learned from failures and mistakes</li> <li>Being flexible and responsive to changes in requirements</li> <li>Identifying personal learning opportunities</li> <li>Finding own solutions were possible</li> </ul>	Delivery level
<b>Collaborates</b>	Support others, building partnership and working collaboratively with others to meet shared objectives, by <ul style="list-style-type: none"> <li>Working co-operatively with others across SIFA, government sector and external stakeholders group to achieve shared objectives</li> </ul>	Delivery level

	<ul style="list-style-type: none"> <li>Balancing competing interests and priorities appropriately and in line with SIFA priorities</li> <li>Identifying, engaging early and partnering with relevant stakeholders to get work done</li> <li>Crediting others for their contributions and accomplishments</li> <li>Gaining trust and support of others</li> <li>Addressing behaviours that do not align with our culture</li> <li>Seeking and respecting the views and opinions of others</li> <li>Providing timely and helpful information to others across the organisation</li> </ul>	
<b>Customer Focus</b>	<p>Build strong customer relationships and delivering customer-centric solutions, by</p> <ul style="list-style-type: none"> <li>Gaining insights into customer needs</li> <li>Delivering quality, accurate, timely service and customer focussed solutions</li> <li>Identifying opportunities that benefit the customer focused solutions</li> <li>Building and delivering solutions that meet customer expectations</li> <li>Establishing and maintaining effective customer relationships</li> <li>Pro-actively partnering in pursuit of shared goals</li> </ul>	Delivery level
<b>Action Oriented</b>	<p>Take on new opportunities and tough challenges with purpose, urgency and discipline, by</p> <ul style="list-style-type: none"> <li>Readily taking ownership and action on challenges, without unnecessary planning and being accountable for the results</li> <li>Identifying and seizing new opportunities</li> <li>Displaying a can-do attitude in good and bad times, and celebrating success</li> <li>Stepping up to manage tough situations and encouraging my colleagues to do the same</li> </ul>	Delivery level
<b>Decision Quality</b>	<p>Make good and timely decisions that keep the organisation moving forward, by</p> <ul style="list-style-type: none"> <li>Making sound decisions, even in the absence of complete information</li> <li>Relying on an appropriate mix of analysis, wisdom, experience and judgement to make valid and reliable decisions</li> <li>Considering all relevant factors and using appropriate decision-making criteria and principles, taking calculated risks where required.</li> <li>Recognising when a quick 80% solution will suffice, and when it will not</li> <li>Analysing information to make effective decisions in order to improve performance</li> </ul>	Delivery level
<b>Organisational commitment and public service</b>	<p>Role Models the standards of integrity and conduct for the Public Services. Contributes to the development of, and helps promote and builds commitment to SIFA's vision, mission, values and services, by</p> <ul style="list-style-type: none"> <li>Willingly undertaking any duty required within the context of the position</li> </ul>	Delivery level

- Managing own personal health and safety, and takes appropriate action to deal with workplace hazards, accidents and incidents
- Understanding Equal Employment Opportunities (EEO) principles and the application of these to SIFA
- Complying with all legislative requirements and good employer obligations

## Personal Requirements

A proven tracked record of experience and achievement in:

- Minimum qualifications would be a Bachelor in Law (LLB) with professional legal experience in a similar regulatory authority or financial industry or any organization or a law firm.
- Preferably 3 to 4 years working experience in a similar regulatory authority or financial industry or any organization or a law firm.
- Professional legal experience in either Civil law, international law, Criminal law or Legislative Drafting.
- Must know how to draft Contracts, Agreements and legal documents.
- Must have a good understanding of the international finance legislations.
- Must know how to apply the relevant law to any legal issues that may arise in the course of his or work at SIFA. Must be able to provide clear, concise and fluent legal advice that is appropriate and readily understood by the intended audience.
- Demonstrate experience in carrying out research.
- Must have investigating and enquiring mind, willing to dig deep and question things.
- Maintaining integrity and high ethical standards in the conduct of work
- Guided by values of honesty, impartiality, respect, transparency and accountability
- An active interest in changes in the international financial services centre related legislation and is pro-active in seeking out the latest knowledge of compliance requirement, able to benchmark SIFA against other centre performances.
- Ability to communicate effectively and respectfully with people at all levels.
- A strong client service attitude, with sound relationship management skills
- Must be computer literate with demonstrated proficiency in the use of Microsoft (MS) Office programs, especially in MS Word and Excel.
- Must have the legal right to live and work in Samoa