



NATIONAL ENVIRONMENT AND PLANNING AGENCY

JOB DESCRIPTION AND SPECIFICATION

JOB TITLE:	Director, Legal and Enforcement Division
JOB GRADE:	10
POST NUMBER:	140173
DIVISION:	Legal and Enforcement
BRANCH:	n/a
REPORTS TO:	Chief Executive Officer
ACCOUNTABLE TO:	
MANAGES:	Manager, Enforcement Branch, Manager, Legal Services Branch, Manager, Boards Secretariat

This document will be used as a management tool and specifically will enable the classification of positions and the evaluation of the performance of the post incumbent.

This document is validated as an accurate and true description of the job as signified below:

Employee

Date

Manager/Supervisor

Date

Head of Department/Division

Date

Date received in Human Resource Division

Date Created/revised

Strategic Objectives of the Division/Branch:

To provide legal and enforcement services to the National Environment and Planning Agency, the Natural Resources Conservation Authority, the Town and Country Planning Authority and the Land Development Utilization Commission (NEPA/NRCA/TCPA/LDUC) in maintaining compliance with environmental, planning, land utilisation laws and regulations. It also provides administrative and secretarial support to the NRCA, TPCA, NEPA Advisory Board and their sub-committees. The Division is organised in three branches as shown below:

1. ***The Legal Services Branch:*** The Legal Services Branch provides legal services to the NEPA/ NRCA/TCPA/LDUC on the implementation of the integrative legislative framework for managing Jamaica's natural resources and the built environment. The key functions include: representing the Agency and/or Authorities in legal hearings, such as the prosecution of environmental crimes, restrictive covenant hearings and appeal hearings; preparing position papers and conducting gap analysis on the various laws and regulations administered by the Agency and Authorities as well as compliance with international and regional treaties and agreements
2. ***The Enforcement Branch:*** enforces and ensures compliance of the environmental and planning laws, regulations and standards administered by NEPA through the monitoring of decision taken by the Authorities with respect to Permits/Licence/Approvals and the conduct of investigations to detect breaches of environmental and planning laws. The Branch also responds to wildlife incidents and assists with the removal/retrieval of wildlife as well as assist in disaster assessments
3. ***The Boards Secretariat:*** provides professional administrative and secretarial services to the Natural Resources Conservation Authority – NRCA, the Town and Country Planning Authority – TPCA and the Land Development and Utilization Commission – LDUC and their subcommittees.

Job Purpose:

The Director Legal and Enforcement provides leadership to the general operations of the Division in guiding and executing the legal obligations and statutory provisions within which the Agency functions, including the enforcement of the environmental and planning laws, regulations and standards administered by the Agency.

As the Agency's chief legal counsel, the Director is required to provide and or direct the provision of legal advice/opinion to the various Boards and management to enable them to operate within the law and protect them from legal liabilities in the execution of the operations of the Agency. The position also serves as secretary to the Boards and Authorities associated with the agency and directs the provision of related secretariat support.

The position forms part of the Senior Management team and as a result, the incumbent is required to:

- Participate in establishing and formulating the long term strategies, objectives and policies in support of the Agency's mandate
- Support the CEO in his/her role as member of several committees/boards and represents the Agency at meetings/conferences and other functions
- Demonstrate and uphold the core values in personal and professional behaviours in order to minimise reputational risks and maintain the corporate image of the Agency.
- Attend meetings of the TCPA, NRCA and Advisory Boards as required to provide technical advice and/or provide information on matters relating to the functions within the span of control.
- Establish and maintain effective professional working relationships with the local legal fraternity and also local, regional and international organizations involved in the management and development of environmental and spatial planning in an effort to advance the work of the Agency and maintain personal technical and professional currency.
- Utilize sound management practices in the day-to-day running of the Division including: effective control over financial and physical resources, comprehensive and integrated policies, systems and controls as well as dynamic decision-making in contributing to the overall achievement of the Agency's strategic objectives in delivering on its mandate.

Key Outputs:

- Division's Corporate & Operational Plans and budget
- Division's operating policies, systems and processes
- Reports, Legal opinions/advice, position papers
- Legal representation
- Contracts, leases and other legal instruments
- Legislative agenda
- Management and legal decisions
- Direct reports performance feedback and appraisals

Key Responsibility Areas:

A. *Management and other Responsibilities*

1. Leads the preparation of the Division's corporate plans and budget, oversees implementation and monitors achievement ensuring:
 - remedial action is taken in cases of underperformance to get back on target;
 - timely recommendations/requests for adjustments to the plan where necessary to achieve established targets;
 - appropriate recording and reporting of any changes and/or modification to the plan
 - performance results are shared with staff

2. Oversees and ensures the formulation and documentation of operating procedures and guidelines including appropriate systems of control to facilitate lawful enforcement and all other functions within the span of control; periodically evaluates systems effectiveness and recommends/implements methods to correct identified weaknesses to enhance/maintain service standards and compliance with established internal and external regulations, policies, treaties and conventions.
3. Directs and ensures effective collaboration with the parent ministry, Office of the Attorney General, DPP, the courts and other relevant government and non-government organizations to enable the effective administration of the legislative agenda of the Agency.
4. Oversees and ensures the provision of professional administrative and secretarial service to various Agency Boards to enable their efficient and effective operations; coordinates the conduct of performance surveys to assess the performance of the Boards and their members.
5. Directs the development and guides the implementation of an effective communication system and other initiatives to keep staff abreast of changes in policies, procedures and other matters; promote teamwork and cooperation and contribute to building an environment across the Division which stimulates, motivates and keeps them engaged.
6. Oversees and ensures full cooperation and participation of the Division's staff in collaborating with other Divisions to facilitate the seamless delivery of service and or execution of inter-division programmes in particular the:
 - the Agency's response to cases of application appeals
 - participation in the design and presentation of public education activities
 - design and execution of projects within the Division
 - design and execution of research programmes to inform the work of the Division.
7. Leads the development and oversees the delivery of "for fee" legal services to the private sector ensuring there is no conflict of interest and or compromise on the part of the Agency.
8. Collaborates with HRMD to address staffing and people needs of the Division to ensure the availability of the breadth and depth of talent required to sustain the Division and attain established corporate objectives.
9. Reviews and prepares response to internal and external audit reports on the Division and directs the implementation of accepted recommendations.
10. Attends seminars, conferences and lectures geared at continuing legal education and other development in environmental and planning.

B. Technical/ Professional Responsibilities

1. Leads the analysis and review of existing legislative and regulatory framework of the various Authorities/ treaties that guide the operations of the Agency and makes recommendations for amendment where necessary with a view to enhancing the Agency's capability and effectiveness in executing its mandate; liaises with the Attorney General's Chambers and parent Ministry as required to facilitate the preparation of Cabinet submissions and drafting instructions; monitors the progress and provides support as necessary to facilitate the timely completion of the process; provides guidance to Directors and managers in implementing new/revised legislation.
2. Represents/directs the representation of the Agency before courts and tribunals instructing, where appropriate, the Attorney General's Chambers or external Counsel on matters in which NEPA has an interest.
3. Keeps abreast of changes in local and international laws and regulations that may impact the NWC's operations and makes recommendations for appropriate changes to the Commission's policies and procedures.
4. Liaises with the Director of Public Prosecutions on matters pertaining to prosecutions, and briefs other Attorneys/ Legal representatives/ Clerk of the Courts on cases which the Agency may wish to pursue
5. Provides legal oversight to ensure the Agency's interest is protected in the development of Memoranda of Understanding between the Agency and: other government agencies, departments, NGOs and private sector entities.
6. Prepares/directs the preparation of legal opinions and decisions in relation to modification and discharge of restricting covenants case submissions from the Supreme Court.
7. Oversees the planning and execution of enforcement and compliance activities ensuring the Agency operates within the ambit of its authority; provides legal guidance to the team as necessary to minimise negative legal repercussion to the Agency.
8. Directs the provision of legal advice/opinion relating to administrative and operational matters such as contract preparation and negotiations, procurement, ensuring thorough assessment of the legal effects and implications to the Agency.

C. Human Resource Responsibilities

1. Provides leadership to direct reports to enable their personal growth and professional development through inter alia:

- effective objective setting, discussion and agreement of work programmes
 - delegation of appropriate levels of authority and autonomy to enable risk-taking and decision making
 - appropriate technical and managerial guidance
 - timely and effective communication and performance feedback
2. Ensures that training and other development needs of direct reports and other Division staff are adequately identified and addressed.

Authority

The incumbent is authorized to:

- Manage the Divisional Budget
- Approve staff transfer within the Division
- Approve expenditure up to Five Hundred Thousand dollars
- Implement the divisional Corporate and Operational Plans

Performance Standards:

- Established Division and personal, targets are consistently achieved
- The operations of the Division are effectively managed to enable efficiency, cost savings and a productive and engaged cadre of staff
- Operational systems and policies are current and enable the provision of efficient and effective service delivery
- Legal advice/opinion is sound
- Boards of directors are satisfied with the quality of service provided
- Reports, position papers and other documents are comprehensive and
- Effective working relationship is maintained with industry professionals and other key stakeholders.
- Development and welfare of the Division's members are adequately addressed. Staff are efficient and effective.
- Direct reports are consistently satisfied with the quality and timeliness of guidance and performance feedback provided.
- Confidentiality, integrity and professionalism are demonstrated in the execution of duties and personal conduct

Internal and External Contacts

(i) Internal

Contact (Title)	Purpose of contact
Heads of Divisions and Branches	Provide/ receive information, collaborate on agency- wide initiatives Provide legal advice
CEO, Board of Directors	reporting and updating Provide legal advice

(ii) External Contact (required for the achievement of the position's objectives)

Contact (Title)	Purpose of Contact
Parent Ministry, Attorney General's Chambers, Office of the DPP, private sector Attorneys	Share information, respond to queries, participate in working group, networking
The courts, tribunals	Prosecute/arbitrate cases, provide legal opinion; seek legal advice/opinion
NGO's	Provide information on Application status and other matters Presentations on policies, procedures and requirements of Applications

Working Conditions

- Typical office environment

Required Competencies

Core

- Excellent negotiating and conflict resolution skills
- Excellent oral and written communication and presentation skills
- Working knowledge of relevant computer applications and systems
- Excellent leadership and interpersonal Skills
- Sound Knowledge of International Environmental Law, Environmental Law, Planning Law, Administrative Law
- Excellent analytical judgment, decision making and problem solving skills

Technical

- Mastery of the concepts, theories, techniques and trends of environmental management in particular conservation and protection, air and water quality, wastewater treatment, environmental management systems standards, pollution prevention, waste minimization
- Arbitration and Negotiation Techniques, Legal Drafting, Company Law and Practice

Minimum Required Education and Experience

- Bachelor of Law Degree
- Certificate of Legal Education.
- Practicing Attorney-at-Law at the Jamaican Bar
- At least ten years general legal practice with at least five years as a senior legal advisor managing team of legal and administrative staff.
- Training in environmental law