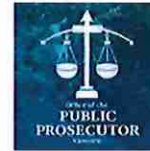
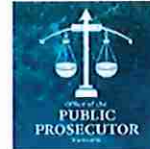




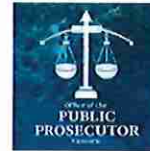
<b>OFFICE OF THE PUBLIC PROSECUTOR JOB DESCRIPTION FORM</b>		
1	<b>Job title</b>	Principal State Prosecutor
2	<b>Post number</b>	120PPL017 & 120PPL018
3	<b>Job Level</b>	SPL 1.1
4	<b>Agency</b>	Office of the Public prosecutor
5	<b>Unit</b>	Anti-Corruption Unit
6	<b>Location</b>	Port Vila, Efate, Vanuatu
7	<b>Purpose</b>	Prepares and conducts prosecutions in all courts in behalf of the Public Prosecutor. Render advice for the sufficiency of evidence and the relevant charge(s), locate and prepare witnesses for trial, attend pre-trial proceedings, present written and oral submissions and supervise Senior state Prosecutor and State Prosecutors.
8	<b>Key Result Areas (KRAs)</b>	<b>9</b> <b>Key Performance Indicators (KPIs)</b> refers to the quantifiable measurements that reflect the critical success of the KRAs.
8.1	Liaison with Investigators and receipt of briefs.	<b>9.1</b> <ul style="list-style-type: none"> <li>• Positive feedback received from partner agencies</li> <li>• Pre-Registration Case Screening completed</li> <li>• Quality briefs of evidence received</li> <li>• Communicate end of case outcomes to investigating agency (PD No. X of 2023)</li> <li>• Designs and delivers training to investigators and SPD prosecutors</li> <li>• <b>Leads</b> inter-agency case reviews and information sessions</li> </ul>
8.2	Assessment of evidence and provision of advice.	<b>9.2</b> <ul style="list-style-type: none"> <li>• Legal opinions rendered in 100% cases (PD No. 3/2016)</li> <li>• Legal opinions rendered within 3 weeks of allocation (PD No. 3/2016)</li> <li>• Legal opinions are approved with no revisions required</li> <li>• Provides advice to partner agencies</li> </ul>
8.3	Prosecute trials and appeals in all courts.	<b>9.3</b> <ul style="list-style-type: none"> <li>• Legal opinions rendered in 100% cases (PD No. 3/2016)</li> <li>• Legal opinions rendered within 3 weeks of allocation (PD No. 3/2016)</li> <li>• Legal opinions are approved with no revisions required</li> </ul>
8.4	High standard of advocacy.	<b>9.4</b> <ul style="list-style-type: none"> <li>• <b>High level advocacy skills</b></li> <li>• <b>Appears in the more complex cases</b></li> <li>• Chronology completed in 100% of cases</li> <li>• Timely consultation with complainants and compliance with all victim of crime policies</li> <li>• Victim Support Officer engaged where relevant</li> <li>• Certificate of Trial Readiness completed in 100% of cases</li> <li>• Regular communication with witnesses</li> <li>• Contact with defence counsel regarding potential early resolution of case</li> <li>• Completed cases closed and furnished to PP within 7 days (PD No. 4/2023)</li> </ul>



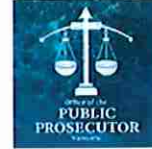
			<ul style="list-style-type: none"> <li>• 0 % appeals without legal opinion approval (PD No. 2/2016)</li> <li>• 0 % appeals commenced without PP's approval (PD No. 2/2016)</li> <li>• Appeal submissions provided to supervisor/PP for approval at least 3 days before hearing (?)</li> <li>• 100% appearance rate in all cases</li> <li>• 0% non-attendance rate in cases</li> <li>• Positive feedback received from judiciary/supervisor</li> <li>• Successful applications and submissions</li> <li>• Appropriate sentencing range submissions made</li> <li>• Attends and participates in Continuing Legal Education and training</li> <li>• Creates and delivers Continuing Legal Education and training</li> <li>• Encourages SP and SSP participation in professional development</li> </ul>
8.5	Case Management	9.5	<ul style="list-style-type: none"> <li>• File Notes and Appearance Records complete in 100% of cases</li> <li>• CMS updated at least every fortnight</li> <li>• Documents scanned to CMS 100</li> <li>• Ensures Pre-Registration Case Screening is completed</li> <li>• Leads feedback sessions with police regarding Screened Cases</li> <li>• Ensures SPs and SSPs are complying with case management requirements</li> <li>• Attends and participates in inter-agency liaison</li> </ul>
8.6	Supervise and manage Anti-Corruption Unit	9.6	<ul style="list-style-type: none"> <li>• Attends and contributes to Board of Management meetings</li> <li>• Represents the OPP at interagency meetings and on projects</li> <li>• Ensures SPs and SSPs in unit have appropriate work loads</li> <li>• Ensures SPs and SSPs have access to professional development opportunities</li> <li>• Manages SP and SSP underperformance</li> <li>• Leads a team to contribute to law reform and legislative amendments</li> <li>• Raises matters of practice and procedure for review or change</li> <li>• Complete 100% annual performance appraisals for Senior State Prosecutors.</li> </ul>
10	<b>Duties and responsibilities</b>		
10.1	Manages the Integrity and Commercial Crime Unit.		
10.2	Advices Senior State Prosecutors and State Prosecutors of the ICC on criminal law and procedure.		
10.3	Asses briefs to ensure compliance with minimum standards pertaining to evidence.		
10.4	Vet briefs relating to complex fraud received from the police and other law enforcement agencies.		



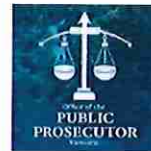
10.5	Where necessary vet briefs relating other offences received from the police and other law enforcement agencies.
10.6	Assess materials in briefs relating to complex fraud for sufficiency of evidence, identify gaps in the evidence, recommend appropriate charges, and advice the Public Prosecutor by way of legal opinion.
10.7	Where necessary assess materials in briefs relating other offences for sufficiency of evidence, identify gaps in the evidence, recommend appropriate charges, and advice the Public Prosecutor by way of legal opinion.
10.8	Interfacing with police, other law enforcement agencies as well as victims on sufficiency of evidence, progress and status of cases.
10.9	Identify and amend charges that have been forward by police and other law enforcement agencies.
10.10	Prepare and appear in preliminary proceedings including committals, contested bail applications, adjournments and remand remands and warrant applications in cases of complex fraud.
10.11	Where necessary prepare and appear in preliminary proceedings including committals, contested bail applications, adjournments and remand remands and warrant applications in other cases.
10.12	Prepare and appear in all pre-trial conferences leading up to trials, including bail applications, and disclosures in cases of complex fraud.
10.13	Prepare and appear in all pre-trial conferences leading up to trials, including bail applications, and disclosures in cases involving other offences where necessary.
10.14	Research and prepare cases for trial, negotiate pleas and agreed materials.
10.15	Prosecute trials relating to complex fraud in the Magistrate's Court.
10.16	Prosecute voir dires relating to complex fraud in the Supreme Court.
10.17	Prosecute appeals relating to complex fraud in the Supreme Court.
10.18	Prosecute appeals relating to complex fraud in the Court of Appeal.
10.19	Prosecute complex international and domestic tax evasion cases in the Magistrate's Court.
10.20	Prosecute complex international and domestic tax evasion cases in the in the Supreme Court.
10.21	Prosecute complex international and domestic tax evasion cases in the Court of Appeal.
10.22	Prosecute revenue cases in the Magistrate's Court.
10.23	Prosecute revenue cases in the Supreme Court.
10.24	Prosecute revenue cases in the Court of Appeal.
10.25	Prosecute money laundering cases in the Supreme Court.
10.26	Prosecute money laundering cases in the Court of Appeal.
10.27	Prosecute in the Magistrate's Court, Supreme Court and Court of Appeal offences under the Leadership Code and Ombudsman's Act.
10.28	Prosecutes other offences in the Magistrate's Court, Supreme Court and Court of Appeal.
10.29	Supervise and prosecute complex cases arising out of Commissions of Inquiry carried out pursuant to the Commissions of Inquiry Act.
10.30	Making necessary opening, no case to answer, closing and sentencing in complex fraud, money laundering, tax evasion and revenue cases in the Magistrates' Court and Supreme Court.
10.31	Meet strict deadlines.
10.32	Prosecute in hostile in hostile environments.
10.33	Prepare court documents and appear in Court during odd hours of the weeks, weekends and public holidays.
10.34	Advices Senior State Prosecutors and State Prosecutors of the ICC on civil law and procedure.
10.35	Apply in civil Court under section 213 of the Criminal Procedure Code to recover outstanding taxes.
10.36	Apply in civil Court for Restraining Orders under the Proceeds of Crime Act.
10.37	Apply in civil Court for Forfeiture Orders under the Proceeds of Crime Act.
10.38	Apply in civil Court for Pecuniary Penalty Orders under the Proceeds of Crime Act.
10.39	Apply in civil Court for Interim Restraining Orders for foreign offences under the Proceeds of Crime Act.



10.40	Apply in civil Court for Foreign Restraining Orders under the Proceeds of Crime Act.		
10.41	Apply in civil Court for Production Orders under the Proceeds of Crime Act.		
10.42	Ensure money that is subject to a Restraining Order, Foreign Restraining Order is held in the Trust Account.		
10.43	Apply in criminal Court under the Penal Code and Criminal Procedure Code for seizure of assets and enforcement of monetary fines and compensations.		
10.44	Applying appropriate Court room etiquette.		
10.45	Manages the Integrity and Commercial Crime Unit.		
10.46	Supervise Senior State Prosecutors of the Integrity and Commercial Crime Unit.		
10.47	Supervise State Prosecutors of the Integrity and Commercial Crime Unit.		
10.48	Supervise Senior State Prosecutors of the Serious Crimes Unit where necessary.		
10.49	Supervise State Prosecutors of the Serious Crimes Unit where necessary.		
10.50	Supervise State Prosecutors and Senior State Prosecutors of the Integrity and Commercial Crimes and Serious Crimes Unit during Court circuits.		
10.51	Provide legal advice to the police and other authorised officers in the facilitation of investigations and preservations of property and search and seizure of tainted property in relation to foreign offences or terrorist property under the Proceeds of Crime Act.		
10.52	Provide advice to investigators of the Ombudsman's office.		
10.53	Provide legal advice to the police and other law enforcement agencies on other areas pertaining to criminal law and procedure.		
10.54	Provide training to revenue and tax investigators.		
10.55	Assist in training Prosecutors in other agencies in advocacy and substantive law and procedure.		
10.56	Assists State Prosecutors and Senior State Prosecutors to conduct legal research.		
10.57	Member of the Board of Members of the Office of the Public Prosecutor.		
10.58	Conduct legal research.		
10.59	Participate in in-house meetings including weekly prosecutors meetings.		
10.60	Attend and participate meaningfully in trainings, attachments etcetera and presenting and reporting on behalf of the Office of the Public Prosecutor and the Republic of Vanuatu in conferences, seminars etcetera held domestically, regionally and internationally.		
10.61	Assist the Public Prosecutor to implement internal and public policy.		
10.62	Assist the Public Prosecutor and the Finance Officer to prepare the OPP's budget and assist in submissions before Ministerial Budget Committee.		
10.63	Participate in initiatives for networking and collaboration with other Government agencies, legal professionals and non-Governmental organisations.		
10.64	Performs other related duties as required by the Public Prosecutor.		
11	<b>Reports directly to</b>	12	<b>Directly supervises</b>
	The Assistant Public Prosecutor		Senior State Prosecutor & State Prosecutor
13	<b>Frequent Internal Personal Contacts with...</b>	14	<b>Occasional Internal Personal Contacts with...</b>
	OPP legal and corporate staff		Santo OPP Officers
15	<b>Frequent External Personal Contacts with...</b> ("External" means other Ministries and the community)	16	<b>Occasional External Personal Contacts with...</b>
	Police, Victims, Legal advisors		SPD legal officers
17	<b>Impact of Decisions</b> (a) Think of the decisions this Post makes without help on a regular basis (weekly or monthly) to greatly reduce the risk of serious things happening. Name the more important thing(s) decided. (b)	<ol style="list-style-type: none"> <li>1. Due process takes place and judicial mechanism is supported.</li> <li>2. Fair and just prosecution.</li> <li>3. Rule of law is understood and protected</li> </ol>	





	If the Post has a significant Financial Delegation to commit funds the amount should also be stated.	<ol style="list-style-type: none"> <li>4. Law and order is maintained, and potential instability is avoided.</li> <li>5. Victims interests are taken into account and protected, and his/her 'day in Court'.</li> <li>6. Accused persons rights are protected.</li> </ol>
18	<b>Special Conditions</b> e.g. if unusual work hours, equipment or travel is required.	<ol style="list-style-type: none"> <li>1. Beyond official workin ours - In Port Vila and on circuits Sometimes prosecutors are required to attend special Court sittings in the weekends or appear to obtain warrants at nights.</li> <li>2. Travel to urban and rural settlements, and outlying islands, sometimes these are hostile environments.</li> <li>3. Travel various mode at travel level including outboard boats or walk some distance.</li> <li>4. In rural settlements, approval or assistance may sometimes be sought in custom way from chiefs or other leaders.</li> <li>5. May have to deal with victims who already feel pressured to withdraw complaints; those of a very young age; those who may be difficult to communicate with because of mental or physical disabilities.</li> <li>6. Exposure to risk of physical harm and threats of harm to prosecutors and members of their families.</li> </ol>
19	<b>Reason for Seeking Approval</b> (e.g.; Routine Revision of Existing Job Description, New Post, Regrading. State if any overlap or duplication with existing Job Descriptions or new duties and responsibilities).	Review of PPIs.
20	<b>CRITERIA TO BE SELECTED FOR THIS PO T</b>	
20.1	<b>Qualification</b> the required qualification for the job. e.g. certificate, diploma, degree...	Bachelor of Law from a recognised University.
20.2	<b>Experience</b> e.g. number of years or level of experience filing/keyboard work or driving; or e.g. low or high level achievements in leadership, communicating, advising, managing resources, writing reports, advising clients, doing similar type of work etc	It is essential that the appointee has been and remains admitted unconditionally as a Legal Practitioner. Ideally candidates will have an excellent academic record. It will also be advantages to have had successful experience in prosecutions or criminal law
20.3	<b>Special Skills</b> e.g. vehicle license, driving record, computer word/excel	<ul style="list-style-type: none"> <li>• Advocacy and negotiatin s s;</li> <li>• Ability to prosecute before different jurisdictions which may involve traumatic material and events;</li> <li>• Ability to make cogent submissions with minimal notice or preparation time.</li> </ul>



20.4	<b>Thinking Style</b> e.g. an analytical thinker, a practical thinker, creative thinker	<ul style="list-style-type: none"><li>• Good knowledge of criminal law;</li><li>• Analytical and systematic thinker in assessing cases;</li><li>• Able to think quickly while acting as an advocate.</li></ul>
20.5	<b>Communication/interpersonal Skills</b> list the skills required for this position	<ul style="list-style-type: none"><li>• Good communication and interpersonal skills;</li><li>• Able to present a logical argument;</li><li>• Proven ability to communicate and achieve effectively in a fast paced environment;</li><li>• Ability to counsel difficult witnesses, and witnesses suffering from some form of disability;</li><li>• Ability to obtain support of leaders in rural communities.</li></ul>
20.6	<b>Behavioural Competencies</b> refers to the personal attributes or characteristics needed for the position	<ul style="list-style-type: none"><li>• Persuasive advocate;</li><li>• Respectful to the needs of victims witnesses and to the interest of the community;</li><li>• Consistently practice in accordance with the relevant prosecution Code of Ethics;</li><li>• Good character;</li></ul>
20.7	<b>Language</b> "English, French and Bislama" is usual	English, French and Bislama

**21 ENDORSEMENT WITH NAME, SIGNATURE AND DATE**

21.1	Prepared at OPP by:	Name: <u>Venla Kalmany</u> Signature:  Date: <u>04/09/23</u>
21.2	Certified by/for the Public Prosecutor	Name: _____ Signature: _____ Date: _____

20.3	<b>DECISION OF THE PUBLIC PROSECUTOR</b>	
	Decision: <u>Approved</u> or <del>Deferred</del> or <del>Amended</del> (Circle the appropriate decision)	Date of Decision: <u></u>
	Name: <u>Josaia Naigulevu</u>	Signature: _____ Date: <u>09/09/23</u>

