



Ref: PGCAR/570

Terms of Reference

Legislative Drafting Expert, Office of the Parliamentary Counsel Government of Jamaica

I. Project Background

National drafting offices in the Caribbean, generally have very limited capacity to deal with the volume of legislation that is required. Many offices are limited in drafting capacity and therefore require both skills development and/or direct assistance in dealing with the volume of work.

As part of a recent agreement reached with the International Monetary Fund, the Government of Jamaica has undertaken time-bound commitments to pass various pieces of legislation aimed at reforming and restructuring the Jamaican economy. These commitments will involve significant legislative development work over the coming year (March 2013 - March 2014), the bulk of which must take place during the next six months; in particular, preparation of adequate drafting instructions **and**, drafting of the required legislation.

II. Purpose of the project

This project will enable the OPC, in the Ministry of Justice to be better able to respond effectively to the legislative drafting needs of Jamaica. The drafting assistance required relates specifically to urgent pieces of legislation which are time-bound structural benchmarks under Jamaica's new Extended Fund Facility with the IMF.

III. Project Outcome

The Office of the Parliamentary Counsel is better able to meet the urgent legislative requirements of the Jamaican government in terms of compliance with international obligations.

IV. Scope of Work

The project will provide one legislative drafting expert to the OPC, Kingston Jamaica for a period of up to six calendar months. Legislative drafting activities will be focused on the major pieces of legislation required to be passed by various specified dates within Year 1 of the IMF programme (March 2013 - March 2014). These may include an Omnibus Tax Incentive Act, a Charities Act and an Omnibus Banking Act, or as otherwise specified by the OPC.

The expert is expected to:

- Provide direct assistance to the OPC in drafting national legislation specifically emanating from international obligations e.g. the IMF programme.
- Participate as required in drafting meetings with client entities, meetings of the Legislation Sub-Committee of the Cabinet, sittings of Parliament and its committees and any other activities pertinent to the development of the relevant legislation.
- Provide assistance to the relevant ministries, departments and agencies in the preparation of draft Cabinet Submissions, as required and offer adequate Drafting Instructions to facilitate the efficient drafting of the legislation. This activity may be coordinated by a unit within the Ministry of Finance established to coordinate the work required to meet the IMF-related deliverables, in consultation with the Chief Parliamentary Counsel (CPC).
- Provide opinions and guidance to staff within the OPC in drafting related legislation.

Expected outputs:

- Key draft national legislation produced.
- Ministers and Government Departments advised on legal and legislative issues arising in relation to proposed legislation.

V. Implementation Arrangements

The expert will report directly to the CPC and work closely with senior staff of the OPC, the Minister of Justice, the Ministry of Finance and Planning and related ministries and agencies as determined by the CPC. Day-to-day management of the expert will be undertaken by the CPC who will discuss requests, agree priorities and set the work programme. The expert will be required to submit monthly reports, endorsed by the CPC, to the Project Manager.

VI. Personal Specification

Educational Qualifications and Working Experience

- A graduate degree in law and, specialisation in legislative drafting;
- Minimum of 15 years' experience in legislative drafting within a Commonwealth jurisdiction;
- Substantial experience in reviewing and drafting legislation notably in the areas of **Taxation, Charities and the Financial Sector**;
- Strong communication (Written and verbal) and IT skills;
- Good interpersonal skills and ability to working in a team in a consultative and collaborative manner;
- Ability to constructively engage at a senior government and ministerial level.

(April 2013)