

Terms of Reference

PACIFIC TECHNICAL ASSISTANCE MECHANISM 2 (PACTAM2)

Adviser Title	Deputy Secretary Custom Operations
PACTAM2 Partner Organisation	Ministry of Finance and Sustainable Development, Government of Nauru
Duration	12 months
Location	Nauru
Adviser Type (LTA or STA)	LTA
Adviser Remuneration Framework (ARF) level	D4
Aid Investment Plan or Partner Government's national/sectoral priority	
Primary capacity development role (check appropriate box, with reference to below)	<input checked="" type="checkbox"/> In line <input type="checkbox"/> Supplement capacity <input type="checkbox"/> Facilitate capacity
<p>Capacity Development Emphasis: <i>Minor / Indirect - the Adviser will be substituting for an existing or proposed in-line position, with minimal expectation of direct capacity building activities.</i></p> <p><i>Moderate – the Adviser will be directly supporting in-line staff member/s or team as well as helping the individual/s to increase their own job skills, knowledge and awareness - there is an expectation of supplementing capacity</i></p> <p><i>Major – the Adviser's primary purpose is to work with staff/teams in a training, mentoring, and/or facilitating way – there is significant expectation of implementing capacity building activities.</i></p>	

Purpose

PACTAM2 is an Australian Government initiative funded through its official aid agency, the Department of Foreign Affairs and Trade (DFAT), and managed by Scope Global. It places highly skilled Technical Advisers in Partner Government organisations across 8 Pacific Island countries.

Background

In recent years, Government of Nauru's revenue base has been largely reliant on customs duties, fishing licenses and to a lesser extent, phosphate mining royalties and dividends. However, it is estimated that customs duties are likely to decline in the near future due to trade liberalization under various regional free trade agreements. The free trade agreement most likely to impact on Nauru is PACER-Plus which may be ratified within the next 5 years.

The Nauruan authorities have been considering policy options to meet the potential loss of revenue and in April 2012, the Pacific Financial Technical Assistance Center (PFTAC) recommended a five year tax reform strategy. A key consideration in developing the strategy was the capacity of the Nauru Revenue Office (NRO) to administer the proposed taxes. NRO is primarily a cash receipts and payments office with little experience in tax administration of the type undertaken in most other countries. The PFTAC strategy recommended the phased introduction of tax reform over a five year period; the initial reform being the introduction of a direct tax system to raise revenue from significant untaxed business profits. Following the introduction of business taxes, PFTAC recommended the introduction of a VAT and reforms to customs duty and excise tax.

In September 2013, the Oceania Customs Organization (OCO) carried out a baseline assessment study of Nauru Customs and identified a number of areas that should be strengthened. A full OCO diagnostic mission followed in October and it recommended a major modernization program to improve customs business operations.

In order to improve effectiveness of revenue collection and facilitate modernization and tax reform, Government has moved the operations of the Customs Division from the Justice Department to the Ministry of Finance and has decided that Customs and NRO will be integrated into one organization to be known as Nauru Customs and Revenue Office (NCRO). Initially, NCRO will remain within the Ministry of Finance reporting to the Secretary, Finance but it is possible that NCRO may become more autonomous in the future. Government has recently received approval to recruit international experts to fill the two executive positions in NCRO. These positions are (i) Deputy Secretary, Customs and (ii) Deputy Secretary, Revenue. These experts will oversee the administration of the current revenue regimes and ensure there is focus on strengthening the capacity of the organization and staff. At the same time, they will lead and develop NCRO and oversee the development and implementation of a modernization and tax reform program. The Deputy Secretary, Customs will have a specific focus on customs and border control and development of a new modernized customs regime.

Nauru Customs and Revenue Office (NCRO)

The former NRO simply collected taxes for a number of Government agencies but had no role in determining the amount payable, whereas Customs charged import taxes and released goods without being responsible for collection. The tasks of charging and collecting revenue are interdependent on one another and NCRO will become far more effective because of its new dual function. As the new tax system rolls out, NCRO will also have the responsibility for charging and collecting all new domestic taxes.

However, NCRO will continue to be a collection agency for a range of other Government fees and charges. As far as possible, Government would give consideration to transferring full administration of fees and charges to NCRO and allow other Government Departments such as Justice to focus on policy and regulatory functions. As an example, many revenue agencies collect business license fees because of its relationship to business taxes. NCRO will be required to carry out registration checks for the new domestic tax system so it makes sense for it to administer the business license system and carry out license checks concurrently with registration checks. The Secretary for Finance will have overall policy and administrative responsibility and report directly to the Minister for Finance. The Secretary will delegate much of the operational responsibility and decision making to the Deputy Secretaries for Customs and Revenue and they will each have overall responsibility for managing the business of their respective divisions. The Deputies will report to the Secretary. The Heads of each Service Divisions will provide direct support to the Deputies under a “service agreement” but they will also report directly to the Secretary. The Secretary and Deputies will drive the modernization and reform program.

The legislative reform process is well underway with new Customs Bills tabled in parliament in September 2014.

Placement objectives	Core functions
1. To ensure domestic customs laws are effectively administered.	<ul style="list-style-type: none"> • Develop strategic and operational plans and take responsibility for the achievement of key deliverables in the administration of the existing customs, border control laws. • Develop a transition project to enable Nauru Customs to adopt and trade under the Pacer Plus agreement • Implement the transition project • Review the Customs and Excise legislative framework and develop policy proposals to improve duty collection operations and procedures
2. To develop and implement improved systems and processes of customs and border control that accord with international standards.	<ul style="list-style-type: none"> • Developing regulatory policies and strategy for implementing the Government’s objectives with respect to efficient and effective customs and border control services; WTO valuation procedures and regional trade agreements. • Provide legal and procedural advice in the development of customs manuals, public rulings and other educational material. •
3. To review, update and modernise customs and border control laws and regulations to accord with international standards.	<ul style="list-style-type: none"> • Oversee the implementation of the customs modernization program.

<p>4. To promote public relations, community awareness and consultation about these major customs modernization reforms.</p>	<ul style="list-style-type: none"> • Work in partnership with industry and other stakeholders to respond to the changing nature of the environment and service expectations.
<p>5. To provide capacity development of NCRO staff to effectively implement the improved customs administration.</p>	<ul style="list-style-type: none"> • Provide leadership, strategic direction and guidance in the administration of the Customs and Border Control Division. • Develop the human resource and organizational capacity of the Customs and Border Control Division and relevant Service Divisions. • Oversight of any Customs Adviser positions recruited through PACTAM2

Accountability and working relationships

The position reports to the Secretary for Finance and Sustainable Development, Ministry of Finance, Government of Nauru.

Key selection criteria

All PACTAM2 Advisers are expected to

- Demonstrate effective interpersonal skills and the ability to work and communicate effectively and respectfully across cultures
- Foster empowerment and sustainability
- Adhere to Scope Global and DFAT policies

Essential

Qualifications

- Bachelor level degree or post-graduate tertiary qualifications in customs, taxation, accounting, finance, business management or related discipline.

Skills and Experience

- A minimum of 10 years experience in customs and border control administration.
- Demonstrated experience in senior executive roles, including senior level experience in a developing Customs department; relevant work experience in a Pacific Island country will be an advantage.
- A demonstrated capacity to implement reform programs that will impact significantly on the performance of a national Customs Agency.
- An ability to:
 - Understand and analyse complex technical issues;
 - Interpret and apply customs and border control laws.
- A strong technical and practical knowledge of the systems, processes and policies used to administer customs and border control laws including:

DCR55417 V3 2016-12-12

- World Customs Organization (WCO) and World Trade Organization (WTO);
- Risk management strategies.
- Proven project management skills.
- Experience in the development and implementation of on-the-job training including the development of relevant procedures and manuals.
- Strong professional leadership and effective communication skills.

Personal attributes

- High level analytical skills with the ability to demonstrate sound judgement and negotiate to achieve outcomes.
- Well-developed administrative, organisational and coordination skills.
- A proven track record in, and a commitment to, mentoring and transferring knowledge and skills – particularly in a development context.
- Strong interpersonal and communication skills including the ability to communicate complex issues to a wide range of audiences and a good understanding of cultural sensitivities.
- High level interpersonal, leadership, representation and communication skills.
- Patience and flexibility.
- Ability to live and work in a new cultural setting.
 - A preparedness to work with limited resources within a challenging environment

Special conditions

Scope Global recruitment practices operate under equal employment opportunity principles and laws. We encourage all appropriately qualified and experienced people to apply regardless of their sex, age, race, ethnicity, physical ability or beliefs.

We require all Advisers to:

- (a) comply with the terms and conditions of the PACTAM2 Adviser Service Agreement including completing a police check, undergoing a medical examination, and attending a pre-departure briefing.
- (b) comply with DFAT safeguard policies and any other policies specific to their placement.

Date Terms of Reference Finalised	30.5.2019
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DCR55417 V3 2016-12-12