



Office of the Attorney General of Samoa LEGISLATIVE DRAFTING UPDATE

“It is the spirit and not the form of law that keeps justice alive”
-- Earl Warren (former U.S. Supreme Court Chief Justice)

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EDITOR’S NOTE



The Attorney General and his Legislative Drafting Team is pleased to bring you the third issue of our quarterly Legislative Drafting Update Newsletter.

Indeed, it has been a very busy but successful and eventful quarter, with the completion of major projects such as the Consolidation of Laws 2007-2008 and the first ever Legislative Drafting Handbook for Samoa. Whoever said that legislative drafting is a “dry” area of the legal profession will need to reconsider!

Like its predecessors, we continue to update you on the

latest government policies that have been translated and approved as laws. Not only that but we also continue to provide you with brief summaries of these laws because as one would find, reading a piece of legislation is almost as challenging as drafting it!

As promised in our previous issue, we will also provide reports on events undertaken and attended by our Team such as our first Legislative Drafting In-country Training for 2008 and the International Criminal Court Seminar.

It is our hope that this Newsletter will provide you with a

refreshed outlook on legislative reform and its developments in Samoa. May it continue to keep you aware, informed and interested in our country’s legislative progress, but most importantly may we continue to appreciate the importance of our working together to assure compliance with the laws of Samoa.

From the Attorney General and the Legislative Drafting Team—happy reading!

*Mary Victoria Lanola
Petelō-Faasau*

(State Solicitor, Legislative Drafting)

Lead Editor for this Issue

LAUNCH OF SAMOA’S FIRST LEGISLATIVE DRAFTING HANDBOOK

It is a privilege in this issue to report on the completion of the Legislative Drafting Handbook Project, which was officially launched on Friday 19 September by the Honourable Prime Minister, Tuilaepa Lupesoliai Sailele Malielegaoi.

The project was initiated by the Office of the Attorney General in conjunction with the Clerk of the Legislative Assembly. It was implemented

with assistance from the Public Sector Improvement Facility (PSIF) within the Government of Samoa, and utilised funds provided to the PSIF by the Governments of Australia and New Zealand.

The Handbook was prepared, reviewed and modified by the Office of the Attorney General with the assistance of Legislative Drafting Consultant, Mr Graham Bruce Powell.

Mr Powell has, over the last 11 years, drafted laws for 8 Pacific Island countries including Fiji, Papua New Guinea, Solomon Islands and Tonga. Based on his experience, Mr Powell stated that Samoa is by far foremost in legislative reform in the South Pacific region and this is proven not only by our legislative reform record, but also by the completion of this Handbook, which is also the first of its kind in the Pacific region.

Continue on page 4

PARLIAMENTARY SITTINGS FOR JULY—DECEMBER 2008

MONTH	Monday (Week commencing)	Tuesday	Wednesday	Thursday	Friday
JULY	14	15	16	17	18
AUGUST	18	19	20	21	22
SEPTEMBER	15	16	17	18	19
OCTOBER	20	21	22	23	24
NOVEMBER	17	18	19	20	21
DECEMBER	15	16	17	18	19

CURRENT LEGISLATION

BILLS PASSED FROM 30 JUNE—30 SEPTEMBER 2008	SUBSIDIARY LEGISLATION		
	TITLE	DATE MADE/ SIGNED	COMMENCEMENT DATE
	Companies Regulations 2008	25 July 2008	1 July 2008 (commencement date of <i>Companies Act 2001</i>)
	Planning and Urban Management (Development Consent Application and Fees) Regulations 2008	21 August 2008	21 August 2008
	Land Transport Authority (National Road Ac- counts) Regulations 2008	3 September 2008	Commencement date of <i>Land Transport Authority Act 2007</i>
	Fair Trading Act 1998—Special Price Order (No.4) 2008	12 June 2008	1 July 2008
	Fair Trading Act 1998—Special Price Order (No.5) 2008	20 June 2008	20 June 2008
	Prohibited Imports Amendment Order— Section 49, Customs Act 1977	21 August 2008	21 August 2008
	Companies Act 2001, Notice of commencement	19 June 2008	1 July 2008
BILL BEFORE PARLIAMENT UP TO 30 SEPTEMBER 2008			
	TITLE	STATUS	
	Water Resources Management Bill 2008	Referred to Work, Transport and Environment Committee	

- A. Acts passed in July Parliament Session (14th—17th July)**
- Tobacco Control Act 2008
 - Miscellaneous Fees Amendment Act 2008
 - Constitution Amendment Act 2008
 - Public Finance Management Amendment Act 2008
- B. Acts passed in August Parliament Session (18th—20th August)**
- Passports Act 2008
- C. Acts passed in September Parliament Session (15th and 18th September)**
- Road Traffic Amendment Act 2008

SUMMARIES

7 C's of sound drafting

A good legislative draft is one that communicates to users, in terms that are:

- *capable of being complied with;*
- *clear;*
- *comprehensible;*
- *concise;*
- *complete;*
- *consistent;*
- *and*
- *certain.*

Our task, then, is to give effect to all these objectives.

All official laws passed by the Parliament of Samoa may be found online:

www.parliament.gov.ws

TOBACCO CONTROL ACT 2008

Health issues regarding tobacco use continues to be a national as well as international concern. To help combat the negative impacts tobacco smoking causes in Samoa, Parliament passed the Tobacco Control Act 2008 on 16 July.

The Act regulates the marketing, advertising, sale, promotion and distribution of tobacco products, whether directly or through the sponsorship of other products, services or events.

The Act also monitors and regulates the presence of harmful constituents in tobacco products.

It is therefore the aim of this Act to deter the people of Samoa from tobacco use so as to protect their health from the diseases and premature death caused by tobacco use and tobacco smoke exposure. It also aims to protect non smokers from the hazards posed by exposure to tobacco smoke.

MISCELLANEOUS FEES AMENDMENT ACT 2008

Parliament passed the Miscellaneous Fees Amendment Act 2008 on 16 July to amend the fees and charges payable to government in various Acts of Parliament. The Act also validates fees and charges in accordance with a function under the relevant Act.

First of all, under the *Film Control Act 1978*, the Principal Censor is required to approve any film that is not exempted under the *Film Control Act 1978* for public exhibition and lending. The Film Control Board approves applications from potential exhibitors and lenders for the exhibition and lending of films that are approved by the Principal Censor.

The new Act provides for the various fees that the Film Control Board may charge for the issuing of licenses and the approving of films under the *Film Control Act 1978*.

Secondly, under the *Business Licences Act 1998*, any person who operates a business activity is required to apply to the Commissioner of Revenue for a licence to carry out the activity. The Ministry of Revenue charges various fees for the processing of applications and the issuing of licences for business activities. These fees are also provided by the new Act.

Finally, under the *Electric Power Corporation Act 1980*, one of the statutory functions of the Electric Power Corporation is to sell electricity to any person on terms and conditions that the Corporation determines, and to recover money for the same. The new Act gives the Minister the power to determine an additional charge for the supply of electricity to compensate the Corporation for the cost of fuel that is used for the supply of electricity.

PASSPORTS ACT 2008

In our society today, travelling to and from overseas is becoming more popular and frequent. This raises a need to strictly monitor the process allowing a person to travel, which means ensuring that Samoans travelling overseas carry the correct documents. This new law gives proper recognition to Samoan passports and to the right of Samoan citizens to such passports.

Parliament passed the Passports Act 2008 on 19 August to also consolidate and amend the law relating to travel documents to be made and recognised in Samoa.

The Act, therefore, allows for 3 types of travel documents to be made and recognised in Samoa, through the Ministry responsible for

Immigration, the Ministry of the Prime Minister and Cabinet. These 3 travel documents are namely the **Samoan passport**, the **certificate of identity**, and the **document of identity**.

In relation to each travel document, the Act makes proper provision for how each travel document is to be prepared and who may be entitled to apply for each travel document.

The Act also makes provisions for the period of validity of each travel document; how each travel document may be cancelled; and the offences for forging and making false Samoan travel documents, falsifying foreign passports and other offences relating to passport information and material.

CONSTITUTION AMENDMENT ACT 2008

This Act, which was passed by Parliament on 17 July, makes amendments to Articles 95 and 96 of the Constitution.

These amendments change the ceiling of what the Minister responsible for Finance may

authorise, to be expended in excess of or without the appropriation of the Legislative Assembly, from 1% to 3% of the total amount of all sums appropriated by the Appropriation Act for a financial year.

PUBLIC FINANCE MANAGEMENT AMENDMENT ACT 2008

This amendment to the *Public Finance Management Act 2001* is to accommodate the changes provided by the above *Constitution Amendment Act 2008*.

The changes to Articles 95 and 96 of the

Constitution increases the amount reserved for “Unforeseen Expenditure” which will now stand at 3% of the total Appropriation Act of any financial year.

Parliament passed this Act on 17 July.

ROAD TRAFFIC AMENDMENT ACT 2008

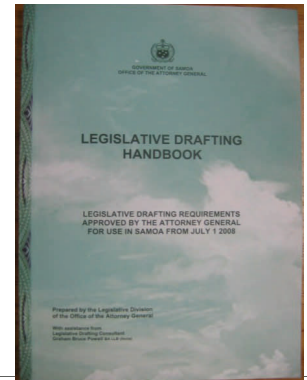
The Road Traffic Amendment Act 2008 was passed by Parliament on 18 September. It amends the *Road Traffic Ordinance 1960* to facilitate the implementation of the *Land Transport Authority Act 2007* and the establishment of the Land Transport Authority sometime soon.

The Act also repeals the Schedule of fees and charges previously imposed by the Transport Control Board. Once this Act is implemented, the Land Transport Authority will become the “Board” referred to in the Ordinance and all references to fees in the Ordinance will

become references to the fees prescribed by regulations made under the *Land Transport Authority Act 2007*.

The right to impose fees for the endorsement of international driving licences is provided for, and the Land Transport Authority has the right to change the current licensing arrangements for vehicles so that vehicle licences shall be valid for a period of 12 months irrespective of their date of issue. This replaces the current arrangements under which all licences must be renewed by 31 March of each year.

The Legislative Drafting Handbook is available in both English and Samoan



English version of the Handbook



Samoan version of the Handbook

SAMOA’S FIRST LEGISLATIVE DRAFTING HANDBOOK (continued from page 1)

The Handbook sets the requirements for legislative drafting in Samoa, as well as the different processes and roles involved. Such roles begin with the primary policy making responsibility and extends to many aspects of the implementation and management of legislative reform. The Handbook provides guidelines not only for our local drafters and local consultants, but also for those based overseas who intend to draft laws for Samoa.

The Handbook hopes also to improve legislation produced as one of its objectives is to eliminate the production of laws that fail to meet the most “basic technical assessments and quality tests”. The Handbook clearly stipulates the necessity for any legislative drafter drafting a law for Samoa to have sufficient background knowledge of the domestic legislative framework for Samoa, so in complying with such a necessity, the laws produced should be ideal and suitable for Samoa. Also, as the Honourable Prime Minister stated in his speech:

“I am certain that the Handbook will prevent any more drafting of laws that cannot be implemented.”

“Samoa is foremost in legislative reform in the South Pacific region”

The Office of the Attorney General and Mr Powell conducted workshops on Thursday 18 September for members from government Ministries, and on Friday 19 September for members from statutory authorities. This was the first time that the Handbook was introduced and presented, and members were given the opportunity to raise questions and opinions on the Handbook as well as problem areas and their previous experiences with the legislative process.

The workshops explained the contents of the Handbook with the hope to ensure that leaders are aware of the legislative process in Samoa, and that in the days, months, years and decades to come, cooperation and effective communication and understanding between drafters and their clients will be better understood and appreciated so as to produce the best, necessary and most efficient laws for Samoa. It is our hope to see the intentions and objectives of the Handbook realised.

Any queries regarding the Handbook may be made to Parliamentary Counsel Teleiai Lalotoa Mulitalo or Parliamentary Counsel Papolii Malietau Malietoa.

EVENTS OF JULY 1—30 SEPTEMBER 2008

LAUNCH OF CONSOLIDATION OF LAWS 2007-2008

“On matters of style, swim with the current, on matters of principle, stand like a rock.”

--Thomas Jefferson

On Wednesday 23 July, the Consolidation of Laws 2007-2008 Project was launched by the Honourable Prime Minister, Tuilaepa Lufesoia Sialele Malielegaoi. The event took place in the Legislative Assembly's Lounge and present to witness this event were the Honourable Speaker of the House and his Deputy, members of Parliament, the Chief Justice, Judges, other members of the Samoa Law Society, staff of the Legislative Assembly as well as the staff of the Office of the Attorney General.

The Acts of the Samoan Parliament have been revised and consolidated up until 31st December 2007. The Consolidation was undertaken with the authority of the Attorney General, Aumua Ming C. Leung Wai, under the *Revision and Publication of Laws Act 2008*, which is a major advance on the *Reprint of Statutes Act 1972*.

The project was assisted with funding provided by the Samoa Public Sector Improvement Facility,

and was undertaken by the Legislative Drafting Team and the Office of the Legislative Assembly with the assistance and guidance of Legislative Specialist, Graham Bruce Powell.

Prior to the completion of this project, the Acts of the Samoan Parliament had been unrevised and unconsolidated for over 10 years. We are thankful for the modern developments in information technology, which has played a major role in allowing this comprehensive revision, consolidation, modernisation and publication of the Acts.

It is hoped that this new consolidation will mark the beginning and set the path for ensuring that the Acts of Samoa will continue to be consolidated annually and in accordance with the *Revision and Publication of Laws Act 2008*.



LEGISLATIVE DRAFTING IN-COUNTRY TRAINING

From 4 to 8 August, an In-Country Training Programme was conducted on the Basic Principles of Legislative Drafting. The Training was conducted by Patrick Dodgson from the Office of the Legislative Drafting and Publishing, a division of the Australian Attorney-General's Department. He was assisted by Parliamentary Counsel Teleiai Lalotoa S. Mulitalo.

The Training was approved by the Public Service Commission, and was funded by New Zealand Aid through Oloamanu Centre.

A total of 13 lawyers participated—legal officers from the Ministry of Natural Resources and Environment, Ministry of Agriculture, and Samoa International Finance Authority, as well as 10 lawyers from our Office, 6 of whom were from the Legislative Drafting Division.

The course took us through the structure of legislation, the process of dealing with client agencies in developing legislation, the principles of drafting, and time management ideas. We did exercises in recasting material and writing new provisions. We also worked on a set of drafting instructions, raising questions for the client, planning a draft, and drafting a bill. Patrick left us with an electronic copy of the materials used for the course, which includes a handbook that is a useful reference for information about the process of drafting legislation.

This course was the first formal Legislative Drafting Training



Most of the participants of the Training, pictured with the Chairman of the Public Service Commission—Afioga Feesago George Fepuleai (front row, 3rd from left), and the presenter of the Training—Patrick Dodgson (front row, 3rd from right).

for the new junior drafters and lawyers from our Office as well as from the other Ministries and Authority, and was a refresher course for senior drafters. At the end of the Training, the Chairman of the Public Service Commission rewarded our performance with Certificates.

All participants agreed that this Training was indeed very useful and beneficial if not enjoyable as well. We look forward for more trainings as such for the further advancement of our legislative drafting capacity.

INTERNATIONAL CRIMINAL COURT SEMINAR

The Office of the Attorney General co-hosted with the regional arm of the International Committee of the Red Cross (ICRC) a Seminar on the International Criminal Court (ICC) on the 14th and 15th of August.

The Prime Minister of Samoa, Honourable Tuilaepa Lupe-soliai Sailele Malielegaoi, opened the Seminar and noted in his speech that:

It is important to remember that despite our distances from many of the trouble spots on the globe, the Pacific is no longer immune to conflicts that may have cross border or international dimensions. Our collective human history has shown that “injustice anywhere is a threat to justice everywhere” and the ICC represents a universal stand against some of the most serious international crimes against humanity. A remarkable consensus and one that bodes well for international security”.

The Seminar brought together several delegations from various Pacific Island countries. All delegations consisted of individuals from Ministries of Justice and Foreign Affairs.

The primary objective of the Seminar was to promote in our region the following:

- increase knowledge about the ICC;
- encourage States that have not yet become parties to consider accession to the Rome Statute (“the treaty”); and
- support States that have or wish to become party to the treaty to adopt suitable implementing legislation.

Worldwide there are 108 State Parties to the treaty, which includes seven from the Pacific region (Australia, Cook Is, Fiji, Marshall Is, Nauru, New Zealand and Samoa). To date only three of these Pacific States (Australia, New Zealand and Samoa) have implementing legislation with Samoa passing its ICC Act this year.

One of the notable speakers at the Seminar was Judge Tuiloma Neroni Slade who was a former judge of the ICC



Regional delegates that attended the ICC Seminar (14 and 15 August)

and recently appointed as the new Secretary General of the Pacific Islands Forum Secretariat in Fiji. Judge Slade noted in his address:

All presentations during the ICC Seminar are available for distribution upon request from the ICRC on suva.suv@icrc.org

“I believe we should make it our commitment to make the Rome Statute universal and to ensure the cooperation and participation of States that the International Criminal Court requires. The Court cannot be effective by itself. The support it currently enjoys needs to be even more widespread and from many more countries, including from our own region”.

Many of the participants provided feedback about the obstacles that they confronted in their own countries regarding accession to the treaty or the drafting and implementation of ICC legislation. These concerns were addressed during the Seminar where technical assistance was on offer from the regional office of the ICRC to those Pacific States that have yet to become parties to the treaty.

At the conclusion of the two day Seminar, the Attorney General, Aumua Ming C. Leung Wai, hosted a farewell function for all participants at the Historic Robert Louis Stevenson Homestead Museum at Vailima.

MARITIME POLICY AND LEGISLATIVE DRAFTING

As reported in our previous issue, Parliamentary Counsel, Teleiai Lalotoa S. Mulitalo, was a resource person in a one week regional workshop in Suva, Fiji, concerning Maritime Policy and Legislative Drafting. The Workshop was organised by the Secretariat of the Pacific Community (SPC), Regional Maritime Programme.

Representatives from Pacific Island countries undertook this workshop, and our Senior Legislative Drafter, Loretta Teueli, attended together with a member from the Ministry of

Agriculture as the representatives from Samoa.

Ms Mulitalo presented on the second and last part of the Workshop, which addressed the various methodologies in different Pacific Island countries in translating International Maritime Organisation Conventions into domestic law.

The first part established the international maritime regulatory regime under International Maritime Organisation Conventions. It detailed the most important aspects for formulating regional and national maritime policies.

NEW LEGISLATIVE DRAFTING ADVISOR

The Legislative Drafting Team welcomed its newest member, Ms. Heather Holt, in September.

Ms Holt is originally from Victoria, Australia, and she made her move here from the Victorian WorkCover Authority where she was the Legislative Drafting Officer, Senior Legislation Officer, and Senior Legal Officer.

Ms Holt was the Second Parliamentary Counsel in Fiji from September 2003 to September 2005.

Ms Holt will be with us for 2 years under an Australian Aid programme, during which time we hope to gain as much as possible from her extensive experience and knowledge in legislative drafting as they will provide higher standards for our Team to work towards.

SOUTH PACIFIC PRECURSOR CONTROL FORUM LEGAL WORKSHOP

On 30 September, the Office of the Attorney General and the Australian Attorney-General's Department co-hosted the South Pacific Precursor Control Forum (SPPCF) conference in Apia.

Participants that attended were from SPPCF member countries: Fiji, Nauru, New Zealand, Palau, PNG, Samoa, Solomon Islands, Tonga, and Vanuatu. Also in attendance were representatives from the United Nations Office on Drugs and Crime, the Pacific Islands Forum Secretariat, the Pacific Islands Chiefs of Police, and the Oceania Customs Organisation.

The conference built upon the positive outcomes of the last two SPPCF meetings through further consideration of legislative and regulatory measures to prevent, investigate and prosecute precursor chemical diversion in order to combat the threat of amphetamine-type stimulants (ATS) in the

Pacific region.

The need to strengthen local illicit drug control legislation was recognised at the inaugural SPPCF meeting in February 2007 in Sydney, Australia, where delegates agreed to consider the status of local legislative and regulatory controls on precursor chemicals.

Legislative reform was also identified as a priority area for the SPPCF Regional Strategic Plan at the second SPPCF meeting in Auckland, New Zealand, in August 2007. The key topics that were discussed at the Legal Workshop included:

- United Nations Conventions relating to illicit drugs;
- the Model Illicit Drug Control Bill developed by the Pacific Islands Forum Secretariat;
- recent legislative reform initiatives of SPPCF member countries; and
- strategies and challenges for SPPCF member countries pursuing legislative reforms.

MORE PHOTOS FROM THE ICC SEMINAR



State Solicitor, Fetogi Vaai, Senior State Solicitor, Mareva Betham-Annandale, & Parliamentary Counsel, Teleiai Lalotoa S. Mulitalo



Parliamentary Counsel, Papalii Malietau Malietoa, State Solicitor, Constance Tafua-Rivers, & Senior Legislative Drafter, Loretta Teueli

PACIFIC ISLANDS LAW OFFICERS' NETWORK— PACIFIC SECTION

On 4 September, we received a visit from Doug Rutherford of the Australian Attorney-General's Department (AGD). Doug is Coordinator of the Pacific Islands Law Officers' Network (PILON) Secretariat, and his visit was to discuss PILON and to let us know about AGD's new programme of legal assistance available to Pacific Island countries.

AGD has recently established a new Pacific Section which offers Pacific Island countries assistance to review, develop and draft police and criminal justice legislation as part of Australia's Pacific Police Development Programme. When the new team is fully staffed, it will include eight legal advisors who will be available to assist with police, criminal justice policy and legislative issues.

AGD is also offering to assist with legislative drafting to implement changes or reforms. The Section is already working with Tuvalu and the Pacific Regional Policing Initiative to develop and draft police legislation.

Over coming months, officers from the Section will be traveling to Pacific Island countries to meet with agencies and stakeholders to discuss the assistance that is available, and to identify where AGD can assist with legal policy or legislative work on police and criminal justice issues. They are hoping to identify Pacific agencies that have a need for assistance to review or draft crime-related legislation where those activities would otherwise be difficult to carry out within existing resources.

The Pacific Section is keen to begin working with our Office on legislative projects.

The Pacific Section's Director, Lucinda Atkinson, visited Samoa at the end of September to discuss proposals further with us and to also attend the South Pacific Precursor Control Forum Legal Workshop (*see above*).

For more information about the Pacific Section, go to www.pilonsec.org.

REVIEW OF MARITIME LAWS

TRANSLATING INTERNATIONAL MARITIME LAWS TO DOMESTIC LAW

Background

The first regional meeting of Pacific Islands Ministers responsible for Maritime Transport was held in Apia on 19 April 2007. Amongst other important matters endorsed by the Ministers of Maritime Transport in that meeting was the review of national maritime legislation in-country to ensure compliance with relevant international instruments.

The Secretariat of the Pacific Community (SPC), in particular the Regional Maritime Programme (RMP), is charged with developing generic maritime working draft legislation to be made available to all Pacific Island countries to adopt and apply as and if they choose. To discharge this obligation, SPC/RMP engaged the PIMLA (Pacific International Maritime Lawyers Association) to develop generic working drafts from the Suppression of Unlawful Acts at Sea Convention (SUA Convention) and its related Protocols and the Regulations on the Long Range Identification and Trafficking of Ships (LRIT Regulations).

Invitation to Parliamentary Counsel, Office of the Attorney General

From 22 to 26 September, Teleiai Lalotoa S. Mulitalo, Parliamentary Counsel was invited by the Executive Council of

PIMLA to join the Review Team and assist maritime law experts in developing generic domestic working draft laws on two sources of international law – the SUA Convention and LRIT Regulations.

The purpose of these generic working drafts is to discharge the responsibility given by the Pacific Islands Maritime Transport Ministers and respective governments to make available generic working draft legislation at the disposal of Pacific islands and for consistency of maritime legislation in the Pacific.

In developing these generic working drafts (Bills and Regulations), the Review Team appreciates that all Pacific Island countries have their own practices and conventions in drafting legislation and further, that all Pacific Island countries have their own unique features pertaining to government authorities, government policies, judiciary, parliaments, other domestic bodies and their specific powers.

The generic working drafts prepared by the Review Team are therefore only a guide to incorporating the obligations under the International Maritime Organisation SUA Convention and LRIT Regulations and Pacific islands may adopt, adapt and discard at their discretion to suit their own local circumstances and in particular to be in compliance with their own Constitution and existing law.

OTHER EVENTS

LAWYERS VS DOCTORS—ANNUAL SPORTS DAY



The Attorney General and some of the lawyers of Samoa—winners of the 2008 Cup

Every year, lawyers of Samoa go head to head with the doctors of Samoa in a one day sports competition for the annual Prime Minister’s Cup.

On Saturday 27 September, the lawyers continued their reign from last year by retaining the Cup for 2008.

The day kicked off at 7am with the lawyer’s personal favourite—golf, which was held at the Fagalii Golf Course. We then continued to Samoa College at 12pm where the remainder of the games—touch, volleyball, and soccer—were played.

In addition to our daily Office work, we are always mindful of the need to stay healthy and fit. This event is a great opportunity for us to put our sporting talents to practice and promote the importance of health and fitness in Samoa.

UPCOMING EVENTS

CONSOLIDATION OF LAWS 2008-2009

The Legislative Drafting Team will conduct the 2008-2009 Consolidation of Laws towards the end of this year. It is hoped that we continue to undertake this annually so as to constantly update the Samoan public on the changes to our laws, as well as making it easier for correct reference and use.

As reported earlier, this consolidation is done pursuant to the *Revision and Publication of Laws Act 2008*.

ANNUAL MEETING OF THE PILON

The Attorney General will be attending the 27th PILON meeting which is expected to be held in Vanuatu from 5 to 9 December.

PILON was established in 1982 and is a network of senior public law officers from Pacific Island countries, including Australia and New Zealand.

PILON focuses on common legal issues within the Pacific region. For the PILON website, go to page 7.

PILON LITIGATION SKILLS WORKSHOP

Four lawyers from the Office of the Attorney General will be going to Vanuatu to attend this workshop from 30 November to 6 December.

This workshop is organised by the New Zealand Crown Law Office, New Zealand Law Society, and NZAID.

The workshop is a biannual seminar held for lawyers from

around the region with at least 3 years post admission. It is based on 2 case scenarios where lawyers are asked to prepare throughout the week, culminating in mock trials.

Samoa has participated since the early 1990s and has included lawyers from other Ministries such as the Ministry of Police and the Ministry of Revenue and Customs.

PROFESSIONAL DIPLOMA IN LEGISLATIVE DRAFTING—WORKSHOP

As reported in Volume 1, Issue 1, the Professional Diploma in Legislative Drafting (PDL) Course is a 30 week programme in which participants learn practical skills in translating government policies into clear and effective laws that can be understood and applied by a variety of stakeholders.

It has been realised that the need for high quality legislative drafters is one of the most pressing legal needs in the Pacific region. Several international and regional organisations provide practical support for specific legislative drafting projects, but there is also a need to build the legislative drafting capacity of those working in various government sectors.

The University of the South Pacific has for many years offered this

Course as the premier qualification in legislative drafting in the South Pacific, and in the previous years this Course was undertaken by the senior members of the Legislative Drafting Team. This year the Commonwealth of Learning (COL) agreed to fund a number of regional students from Commonwealth countries to undertake the Course. The funding covers the full tuition fees for the programme

The four members undertaking this Course from our Office for this year are Principal State Solicitor, Donald Kerslake, Senior State Solicitor, Mareva Betham-Annandale, State Solicitor, Constance Tafua-Rivers, and State Solicitor, Lanola Petelō-Faasau. They will be traveling to Fiji in November to attend a 1 day workshop, which is conducted as the final component of the Course.

NEXT ISSUE

In our next Issue, we will continue to address the laws that have been passed by Parliament as well as those that are still with Parliament. We will also provide reports on the above upcoming events.

ORGANISATIONAL STRUCTURE OF THE LEGISLATIVE DRAFTING DIVISION

Aumua Ming C. Leung Wai, Attorney General

Teleiai Lalotoa S. Mulitalo, Parliamentary Counsel

Papalii Malietau Malietoa, Parliamentary Counsel

Heather Holt, Legislative Drafting Advisor

Sarona Rimoni, Principal Legislative Drafter

Loretta Teueli, Senior State Solicitor (Legislative Drafting)

Constance Tafua-Rivers, State Solicitor (Legislative Drafting)

Lanola Petelō-Faasau, State Solicitor (Legislative Drafting)

Fetogi Vaai, State Solicitor (Legislative Drafting)

Salote Wright, Law Clerk (Legislative Drafting)

Lynn Namulau'ulu, Senior Legal Secretary (Legislative Drafting)



Most of the members of the Legislative Drafting Team pictured with the Attorney General, Ming C. Leung Wai, Assistant Attorney General (Civil), Rebecca Wendt, and other members of the Office of the Attorney General. This was taken during the ICC cocktail function to mark the end of the ICC Seminar (please refer to page 6 for the details and page 7 for more team photos).

DISCLAIMER

Please note that the information contained in this Newsletter is not intended to be taken as legal advice and therefore should not be relied upon as such.