



Members of the Legislative Drafting Division & the Attorney-General Tuatagaloa Aumua Ming C. Leung Wai.

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### EDITOR'S NOTE

Talofa Lava and warm greetings to our readers!

This is the second edition of the Legislative Drafting Newsletter, Vol. 8, Issue 2. This edition includes the latest updates of the Parliament sittings, Legislative Drafting events, and other workshops and training members of the Legislative Drafting Division have participated in from April 1—June 30 2015. We trust this Newsletter will continue to keep you all well informed and up to date on matters relating to the Drafting Division.

On that note, happy reading and have a blessed and safe 2nd half of 2015!

Kylie Wilson (Editor)

Law Clerk—Legislative Drafting

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5. Attorney General's Office Employment Guidelines Workshop
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## PARLIAMENT UPDATE

### UP COMING PARLIAMENT SITTINGS AUGUST—DECEMBER 2015

MONTH	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
AUGUST		18			
OCTOBER		20			
NOVEMBER		17			
DECEMBER		15			

#### BILLS TABLED IN PARLIAMENT—APRIL 21 & APRIL 22

##### Bills completed second reading and referred to Select Committee:

- ⇒ Electoral Amendment Bill (No.2) 2015
- ⇒ District Courts Bill 2015 (referred to Select Committee)
- ⇒ Central Bank of Samoa Bill 2015 (referred to Select Committee)
- ⇒ Criminal Procedure Bill 2015 (referred to Select Committee)

##### Bills— consideration in detail:

- ⇒ National Provident Fund Amendment Bill (No.1) 2014
- ⇒ Food Bill 2013
- ⇒ Slaughter and Meat Supply Bill 2014

#### BILLS TABLED IN PARLIAMENT—MAY 26

##### Bills introduced (First reading):

- ⇒ Infants Amendment Bill 2015
- ⇒ Tax Information Exchange Amendment Bill 2015
- ⇒ Police Service Amendment Bill 2015
- ⇒ Income Tax Amendment Bill 2015
- ⇒ Constitution Amendment Bill (No.2) 2015
- ⇒ Value Added Goods and Services Tax Bill 2015

##### Bills completed second reading and referred to Select Committee:

- ⇒ Supplementary Appropriation Bill (No.2) 2014/2015
- ⇒ Appropriation Bill 2015/2016

##### Bills— consideration in detail:

- ⇒ National Provident Fund Amendment Bill (No.2) 2015

#### BILLS TABLED IN THE JUNE PARLIAMENT SITTINGS

##### Bills completed 1st and 2nd reading and referred to Select Committee:

- ⇒ Broadcasting Amendment Bill 2015
- ⇒ Infants Amendment Bill 2015
- ⇒ Village Fono Amendment Bill 2015
- ⇒ Constitutional Amendment Bill (No.2) 2015
- ⇒ Tax Information Exchange Amendment Bill 2015
- ⇒ Value Added Goods and Services Tax Bill 2015
- ⇒ National Prosecution Office Bill 2015
- ⇒ Police Services Amendment Bill 2015

##### Bills withdrawn:

- ⇒ Income Tax Amendment Bill 2015 (by motion moved by the Prime Minister dated June 29 2015).

**ACTS PASSED FROM APRIL—JUNE 2015**

NAME OF LEGISLATION	DATE PASSED
1. Casino and Gambling Control Amendment Act 2015 (passed under Urgency Certificate)	21 April 2015
2. International Companies Amendment Act 2015 (passed under Urgency Certificate)	21 April 2015
3. Food Act 2015	26 May 2015
4. Slaughter and Meat Supply Act 2015	26 May 2015
5. National Provident Fund Amendment (No.1) Act 2015	26 May 2015
6. Electoral Amendment Act (No.2) 2015	26 May 2015
7. Constitution Amendment Act 2015	26 May 2015
8. Supplementary Appropriation Act (No.2) 2014/2015	29 June 2015
9. Appropriation Act 2015/2016	29 June 2015
10. National Provident Fund Amendment Act (No.2) 2015	29 June 2015
11. Geneva Convention Act 2015	30 June 2015
12. Community Law Centre Act 2015	30 June 2015
13. Media Council Act 2015	30 June 2015

**SUMMARIES OF LEGISLATION PASSED FROM APRIL TO JUNE 2015**

**CASINO AND GAMBLING CONTROL AMENDMENT ACT 2015**

The Act amends the Casino and Gambling Control Act 2010. The objects of the amendments Act are:

- to regulate interactive gambling; and
- to allow a casino licensee to operate a second casino venue from the same licence; and
- to allow the Totalisator Agency Board ("TAB") to continue to act as the Casino and Gambling Control Authority for a further 2 more years .



**FOOD ACT 2015**

The Act regulates dealing with food, food business and inspection and analysis of food. It also provides the responsibility, functions, duties and powers of the Ministry to implement and enforce the Act.

It further regulates the following:

- production, manufacture, importation and exportation, sale, donation, processing, cooking, handling, labelling, advertising, promotion of; and
- information on food, including provision of food for community and traditional events and ceremonies.

**INTERNATIONAL COMPANIES AMENDMENT ACT 2015**

The Act amends the International Companies Act 1988. The purpose is to address the deficiencies identified in Samoa's Phase 1 Peer Review Report, under the Organisation for Economic Co-operation and Development (OECD). The amendments will ensure Samoa's compliance with OECD standards.



The objectives of the amendment Act are:

- to eliminate the issuing of bearer shares;
- to require an international company to keep accounting records and the type of information required to be kept; and
- to provide consequential amendments to the Special Purpose International Companies Act 2012, International Partnership and Limited Partnership Act 1998 and Trusts Act 2014 to reflect amendments in relation to keeping of accounting records.



## SUMMARIES OF LEGISLATION PASSED FROM APRIL TO JUNE 2015

### SLAUGHTER AND MEAT SUPPLY ACT 2015

This Act will regulate livestock slaughtering and meat distribution for domestic supply and for related purposes. The Act binds the Government and does not apply to meat exported under the Export of Meat Act 1997.

The objective of the Act is to promote the agriculture industry in Samoa through an efficient, effective and appropriate livestock slaughter, meat inspection and meat distribution system providing consumers with safe and wholesome locally produced meat and meat products while recognising the following principles:

- the right of the consumers to purchase inspected meat;
- the responsibility of producers and processors of meat products to provide safe and wholesome product;
- that slaughter be conducted in a humane manner; and
- that Government provides a responsive, effective, fair, timely and efficient administrative and regulatory system, recognising that whenever practical, it is essential to promote the purpose of the Act primarily through non-regulatory means such as co-operation, communication, education and partnerships.



### NATIONAL PROVIDENT FUND AMENDMENT ACT (NO.1) 2015



The amendment Act seeks to amend the National Provident Fund Act 1972 to cover the following:

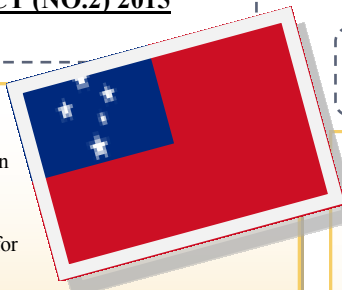
- crediting a member's account separated from provisions related to withdrawals;
- to provide for the interest rates payable on member's accounts and cash flows and the calculation of such interest;
- the time within which Senior Citizen Benefit Fund entitlements must be claimed; and
- the removal of the position of Deputy Chief Executive Officer and the substitution of managers with senior management.

These changes implement resolutions adopted by the Samoa National Provident Fund Board to have in place policies and procedures that improve the operation and management of the Fund.

### ELECTORAL AMENDMENT ACT (NO.2) 2015

The Act amends the Electoral Act 1963 to:

- allow a candidate to challenge the qualification of another candidate to be elected as a Member of Parliament; and
- provide for 6 months residential requirement for those wishing to be registered in the urban constituencies; and
- to re-define the boundaries of the urban constituencies.



On May 26 2015, members of Parliament were allowed to exercise their right of conscience vote when voting on the proposed change to boundaries of the Urban constituency as recommended by the Parliamentary Committee. The amendment recommended in the report of the Primary Production, Commerce, Industry and Labour Committee was supported by majority vote, thereby defeating the amendment in the Bill introduced by the Government on the boundary of the Urban constituencies.

### CONSTITUTION AMENDMENT ACT 2015

The purposes of the Act are:

- to allow the party or parties in Government to nominate a person to be appointed Head of State in the Legislative Assembly;
- to allow the Members of Parliament nominated by the majority party or parties in Government to be treated to have been duly elected and endorsed by the Legislative Assembly as Speaker and Deputy Speaker;
- to implement the recommendations of the 2012 Commission of Inquiry into Electoral Matters to change individual voters constituency to two (2) urban constituencies; and
- to deal with other minor and consequential amendments.

The Act further provides a new Part VIA to make the Ombudsman (Komesina o Sulufaiga) Constitutional Officer and to provide for his or her functions under the Constitution. It also provides for general amendments to use gender neutral terms throughout the Constitution.

**YOUR VOTE  
IS  
YOUR VOICE**

**SUMMARIES CONTINUED  
ON NEXT PAGE**

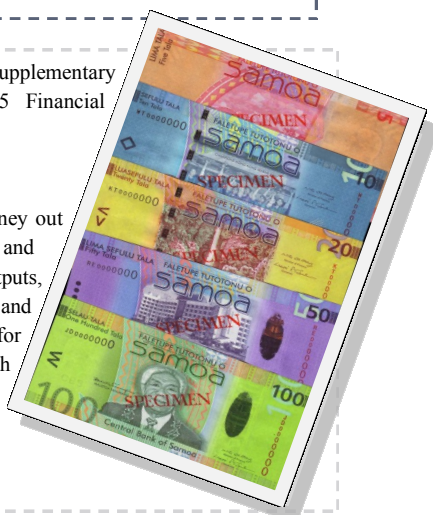


# SUMMARIES OF LEGISLATION PASSED FROM APRIL TO JUNE 2015

## SUPPLEMENTARY APPROPRIATION ACT (NO.2) 2014/2015

The Act contains the second Supplementary Appropriation for the 2014/2015 Financial Year.

The Act authorises the issue and application of certain sums of money out of the Treasury Fund to Ministerial and Departmental outputs and sub-outputs, outputs provided by third parties and transactions on behalf of the State for the Financial Year ending on 30th June 2015.



## APPROPRIATION ACT 2015/2016

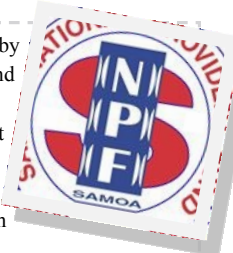
The Act authorises the appropriation of certain sums of money out of the Treasury Fund and the Public Trustee's Account and their specific application to outputs and sub-outputs delivered by Ministries and Departments, outputs delivered by third parties and transactions undertaken on behalf of the State for the financial year ending 30th June 2016.



## NATIONAL PROVIDENT FUND AMENDMENT ACT (No. 2) 2015

The Act amends the National Provident Act 1972 by progressively increasing the minimum employer and employee contribution rates in the next 2 years.

The first increase of 2 sene will be from 1st July 2015 and the second increase of 2 sene will be from 1st July 2016.



The purpose of the amendment is to assist in growing contribution balances for members, which would in turn mean more funds available to members or fund a life pension at retirement.

**Provident Fund**



## GENEVA CONVENTION ACT 2015

This Act is to domesticate and give effect to certain Conventions made in Geneva on 12 August 1949 and its 2 Additional Protocols of 1977. Samoa acceded and became a party to the 4 Geneva Conventions and its Protocols on the 23 August 1984.

The Conventions have a retrospective effect whereby it takes effect from 1 January 1962, whereas the Protocols took effect on 23 August 1984.



The aim of the Conventions and its Protocols is to protect those who are not involved in the hospitality of wars (civilians, health workers and aid workers) and those who are no longer participating in the hostilities, such as the wounded, sick and shipwrecked soldiers and prisoners of war.

The Act also provides for the protection of certain protected emblems and items such as the "Red Cross" designation and emblem. The Act also makes consequential amendments to the Samoa Red Cross Act 1993.

## COMMUNITY LAW CENTRE ACT 2015

This Act is to establish a Community Law Centre to provide legal assistance (in certain matters) for those people who cannot afford to engage private lawyers. It provides for the appointment of a Public Advocate who will be the head of the Office and other staff of the same.



The Centre will be monitored by the Oversight Committee comprising of the Chief Executive Officer of the Ministry of Justice and Courts Administration, a nominee of the Minister and the President of the Samoa Law Society of his or her nominee. Initial funding will be sourced by the Law and Justice Sector for sustainable donors like AusAID.

## MEDIA COUNCIL ACT 2015

This Act establishes the Media Council and Journalists Association of Samoa (also known as JAWS) to provide for the development, application and enforcement of a code of practice relating to the news media, and to promote professional journalism, and for other related purposes.

## EVENTS FROM APRIL TO JUNE 2015

### LEGISLATIVE DRAFTING SAMOAN LANGUAGE TRAINING

ATTORNEY GENERAL OFFICE, CONFERENCE ROOM. (7- 8 May 2015)



Attorney General Officers who took part in this training with Meiapo Faasau (Associate Legislative Drafter-front row second to the left)) and guest speaker Tōfā Fonomatunua Fa'agalu Naseri-front row, third from the left).

The Training with the theme “The Samoan Culture and Legislative Drafters” is the first training which is to be held annually, internally. The aim of the training is to highlight the importance of understanding and having a good command of the Samoan language for the purposes of the work carried out by the Drafting Division.

This Division has a primary duty in their responsibilities to:

- appear before Parliament whether it's for a briefing on a Bill or it's to explain in detail provisions of the Bill during the Select Committee stage; and
- assist the Government agencies in explaining to the public the contents of legislation; and
- engage in public consultations for some legal matters.

This duty in order to be effective must be carried out using Samoan language and observing Samoan protocol. Some drafters (mostly at entry level) come into the Division with little or no knowledge on how to use the Samoan language, nor the use of formal Samoan when addressing Parliamentarians, matai and other members of the public.

The two day training for the most part was led by members of the Samoan Language Steering Committee. Guest speakers were invited to give presentations on the chosen theme and also share their experiences and knowledge on the Samoan Culture to the participants of the training. The speakers included Susuga Paulo Leapai (Attorney General's Office) and Tōfā Fonomatunua Fa'agalu Naseri (Office of the Electoral Commissioner). In total, there were 20 participants who attended and participated in the training.

The programme culminated in the presentation of certificates by the Attorney General to all those who attended and participated. Certificates of appreciation were also handed out to the guest speakers and to co-trainers from the Samoan Language Steering Committee to acknowledge their efforts and hard work put into the training and making it a successful one. The closing remarks were delivered by Associate Legislative Drafter, Meiapo Fa'asau.



One of the Speakers, Susuga Paulo Leapai with Losa Kelekolio (Senior Legal Secretary—Legislative Drafting).



## **EVENTS FROM APRIL TO JUNE 2015 CONT'D**

### **SPC-EU PROJECT 6<sup>th</sup> REGIONAL TRAINING WORKSHOP ON “DEEP SEA MINERAL (DSM) POLICY FORMULATION AND LEGISLATIVE DRAFTING” - TANOA TUSITALA CONFERENCE ROOM. (18–22 MAY 2015)**

The Government of Samoa hosted a five- day regional workshop on deep sea minerals policy and legislative drafting organized with the Secretariat of the Pacific Community (SPC). Funded by the European Union, the training workshop brought together more than 60 government representatives from 13 Pacific Island countries to improve their understanding of the international legal regime for deep sea minerals activities and their policy formulation and legislative drafting skills.

The aim of the training workshop was to provide opportunities for participants to:

- increase their understanding and knowledge of the international legal regime for DSM activities;
- improve their policy formulation and legislative drafting skills;
- share and discuss different country's policy and law instruments; and
- foster the Pacific network of national officials involved in DSM policy and law development. The project involves 15 Pacific Community members who are part of the Africa-Caribbean-Pacific (ACP) grouping.

As global interest in DSM increases particularly in the Pacific region, effective policy and legal development are seen as vital to ensure that any deep sea mineral activities are conducted and managed in compliance with international standards and best environmental practices.

The Pacific leaders have specifically acknowledged this priority in 2012 and urged ACP countries to develop strong, robust and effective regulatory frameworks to regulate and monitor DSM activities that may occur within areas under their jurisdiction and control, or beyond.

The three major deep sea mineral deposits that are attracting commercial interest include seafloor massive sulphides (which contain high concentrations of metals such as copper, gold, silver, zinc and lead), manganese nodules and cobalt-rich crusts.

All three mineral deposits occur in the Exclusive Economic Zones of many Pacific Island countries and are increasingly being recognized as a potential source of revenue and economic development.

*“The Samoa Government is privileged to host this regional workshop that is aimed to elevate the standard of deep sea minerals policy and legislative development and would like to thank SPC and the European Union for their continuous support provided to our country as we learn more about this emerging area,”* the Government of Samoa's Assistant Attorney General (Legislative Drafting), Loretta Teueli, said. The workshop ended with a Certificate ceremony whereby all those who participated in the practical exercises during the week were presented with Certificates of Completion by Constance Rivers of the Office of the Attorney General, followed by a closing remarks by Ms Teueli.



#### **Members of the Legislative Drafting Division who attended the training.**

**Front Row Left to Right:** Kylie Wilson (Law Clerk), Meiapo Faasau (Associate Legislative Drafter), Shirley Malielegaoi (MNRE-Legal Division Principal), Steffany Meredith (State Solicitor), Leitu Moananu (Senior Solicitor), Lizatalei Hakai (Law Clerk).

**Back Row Left to Right:** Tiresa Ioelu (Volunteer), Faalau Lagaia (Volunteer) and Siovia Florina Liu (State Solicitor) .

## EVENTS FROM APRIL TO JUNE 2015 CONT'D

**ASSISTANCE TO NAURU ON LEGISLATIVE DRAFTING MANUAL. (6—10 APRIL 2015)**



**Assistant Attorney General Loretta Teueli (far left) with Nola Petelo-Faasau from PIFS (middle) and Ms. Unaisi Daurewa – Senior Legal Drafter of Nauru (right)**

Assistant Attorney General – Legislative Drafting  
Loretta Teueli attended as part of the Pacific Island  
Forum Secretariat delegation to Nauru to provide  
assistance to Nauru in putting together a Legislative  
Drafting Manual.

The purpose of the Manual is to provide a guide to all those that draft legislation in Nauru on the standards and requirements to be met. It particularly targets drafting consultants to ensure that the end product provided is good value for the money spent on those services. This is the same goal Nauru expressed as a purpose for putting in place a Manual for Nauru.

Ms. Teueli was able to produce a first draft of the Nauru Manual within a week. The one week agenda included consultations with Department Heads to inform them and request for their input into the initiative of the Drafting Manual.

As an outcome of the assistance provided by Samoa and the Pacific Island Forum Secretariat (PIFS) to Nauru, there is a first draft of the Nauru Drafting Manual as of Friday 1<sup>st</sup> May 2015. It is envisaged that their project will be completed over t for consultations.

the next 3 months. The target for the first phase has been met which is to produce a first draft for consultations.

The Government of Nauru would also like to convey their highest appreciation and gratitude to the Government of Samoa for providing regional assistance to put in place a legislative drafting manual for their country.

Furthermore, the Samoa Government through the Office of the Attorney General conveyed gratitude to PIFS for its vision in enabling *South-to-South* assistance and allowing Samoa to be a part of such initiative.

**REGIONAL MEETING ON WOMEN'S LEADERSHIP AND POLITICAL PARTICIPATION  
HONIARA, SOLOMON ISLANDS. (2—4 JUNE 2015)**

Assistant Attorney General—Legislative Drafting Loretta Teueli attended the above conference in Solomon Islands. The conference was primarily intended to push the agenda of a special temporary measure for women in parliament in the Solomon Islands.

Ms. Teuli was invited to speak about law reform that Samoa has undergone in previous years which created an enabling environment for women to contest in the elections and get into Parliament.

Ms Teueli was given the opportunity to sit as a panellist for this conference. She provided an insight in that the approach of creating an enabling environment for women to get into Parliament by the Samoan Government is a holistic approach, that is, it is a whole of Government and community approach.

Ms Teueli further spoke on law reforms that have catered to women leadership in Samoa as follows:

- *Ministry of Women's Affairs Amendment Act 2009* – this amendment gave recognition to the leadership capabilities of women on the local governance levels. It allowed the appointment of women representatives from each village to be the link between those villages and the Government on issues affecting women and children in those villages;
- *Constitution Amendment Act 2010* – this amendment promoted a stable political environment in Parliament which not only benefits women but also men (anyone intending to contest in elections for that matter). The amendment prohibited members of Parliament from changing political parties during any Parliamentary term. Not only does this promote political stability at the top level, but the effect of stability is felt nationally. The holistic approach taken by the Government of Samoa does not just refer to the contribution of all of Government stake-holders, and the Legislative Assembly, but it also refers to the consistent ruling by the Judiciary when dealing with electoral petitions and corrupt practices;
- *Constitution Amendment Act 2013* – This Act is the main vehicle by which a 10% mandatory of women's representation in Parliament comes into effect. It does not reserve seats in Parliament but effectively adds seats where the situation calls for it. It is unique in a sense that the number of additional seats is not set and that if during general elections, no woman contests the general elections, no woman can become "additional MPS".

**CONT'D NEXT PAGE**





- Electoral law reforms to deal with corrupt practices – after every General Election the Government appoints a Commission of Inquiry (COI) to look into matters of election that need improvement. One of the most consistent recommendations in the 3 previous COIs is the need to plug the loophole where cultural practices of gift giving as services rendered to a village or family are used to disguise treating and bribery.

The most recent amendment to deal with one of these issues is set out in the Electoral Amendment Act 2015 where the limitation period for a o'o and momoli was changed to be done within 12 months after a general elections only. After 12 months, this practice can no longer be carried out.

The discussion and promotion of special temporary measures for women need strong, effective and fearless leadership. One of the points of discussion, for the Constitution Amendment obligating that there be 10% representation of women in Parliament at any one time is the need for champions to push through such a controversial issue. Ms Teueli discussed in length how effectively the Constitution Amendment was put together, tabled and successfully defended and passed in Parliament despite disagreements with it. The Hon. Prime Minister's ability to push something through and defend it is what got this amendment passed. Not only that, others picked up the initiative after it was passed. Hon. Speaker of the House and his initiative in promoting the Bill and taking the time out to encourage women during awareness programmes showed the community that even male leaders were recognising the value-added by women to the decision making process;

The feedback from participants of the Conference was overwhelmingly supportive of Samoa's leadership in pushing the initiative for women leadership. Especially in dealing with cultural arguments made against the Bill. The President of the Fiji Women's Association Adi Finau put on record that the Hon. Prime Minister of Samoa should be called the "Woman's Man of the Pacific" and in saying that asked that their organisation's gratitude be conveyed to the Hon. Prime Minister, for championing this initiative.

Participants from the Solomon Islands were interested in the method Samoa used however some wanted to approach this issue with caution as the Solomon Islands has a much more different political system from Samoa. Their provincial governing system is unique and cannot be compared to Samoa as different provinces have different governing and cultural systems, as well as different dialects. In response Ms. Teueli noted that Samoa did what was best and suitable to Samoa, as so should Solomon Islands.

The UNDP would also like to convey their gratitude to the Government of Samoa for providing our experience for such an important issue affecting Parliament systems around the world. And the Solomon Islands Government conveys its gratitude to Samoa for providing an example they can look at when moving forward with this issue.



Far left: Assistant Attorney General– Legislative Drafting Loretta Teueli

## CONVENTION ON THE RIGHTS OF A PERSON WITH DISABILITIES (CRPD)– TANOA TUSITALA CONFERENCE ROOM.

(23- 24 APRIL 2015)

The Ministry of Women, Community and Social Development held a *Government Officials Workshop* ("Workshop") on the Convention on Rights of Persons with Disability ("CRPD"). The purpose of the workshop is to educate and strengthen understanding of government officials after signing the CRPD in September 2014, reflecting the intention of the Government to implement provisions of the CRPD. The objectives of the workshop are as follows:

- common understanding of key provisions of the CRPD;
- link between CRPD and post 2015 agenda;
- identifying link between CRPD implementation and key public policy components, such as legal harmonisation, administrative regulations, public finance, staff training, public civil sector partnership;
- identifying element for mainstreaming rights of persons with disabilities in Ministries' work; and
- identifying indicators for implementation of CRPD and inclusive development.

The Workshop was conducted for 2 days by Alex Coat (International Disability Alliance) and Angeline Chand (Pacific Disability Forum).

The Workshop discussed the need to review legislation, with the obligations of the CRPD, policies and guidelines of the Government Ministries to be in line with. The Workshop also emphasized the importance of raising awareness in relation to the CRPD, to ensure government officials understand their duties, as Samoa heads towards ratification of the CRPD. Participants were also divided up into groups and given activities to present on. Associate Legislative Drafter, Meiaopo Fa'asau and Law Clerk Lizatalei Hakai from the Legislative Drafting Division attended the Workshop.



## EVENTS FROM APRIL TO JUNE 2015 CONT'D

### ATTORNEY GENERAL'S OFFICE EMPLOYMENT GUIDELINES WORKSHOP-SAMOA CONVENTION CENTRE, CONFERENCE ROOM (2 APRIL 2015).



The Corporate Services of the Office of the Attorney General (AGO) conducted a workshop for the purpose of informing the employees of the AGO of the relevance and importance of what the AGO's employment guidelines entail and the pieces of various legislation and legal documents that all employees and legal officers should know (such as AGO Act 2013, Public Service Act 2004, the Lawyer and Legal Practice Act 2014 and the Rules of the Professional conduct for Barristers and Solicitors of Samoa etc.). It also covers the following:

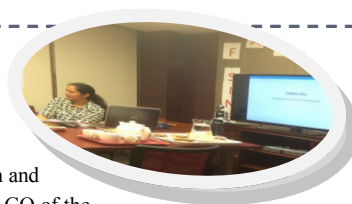
- the recruitment and appointment process of an employee and legal officer;
- the resignation and termination process;
- the management of work an employee must balance during working hours and working days;
- Salaries, allowances and remuneration, of the different positions in the Office;
- Leave entitlements of all employees and legal officers are entitled; and
  - the process and procedure of all disciplinary matters .



This workshop was very instructive and beneficial to all employees and legal officers of the AGO.

### TRAINING ON PUBLIC INTERNATIONAL LAW AND CONVENTIONS- ATTORNEY GENERAL'S OFFICE CONFERENCE ROOM (1 APRIL 2015).

This training was conducted by Constance Rivers (Civil Division -Associate Public Solicitor Commercial & International Relations) to inform and educate the legal officers of the AGO of the importance and relevance of International Conventions and Agreements and how to draft an advice on legal implications in relation of treaties and conventions. The first part of the presentation covered the role of Conventions and the part it plays in governing a country. A convention is an agreement between states or countries which covers particular matters, especially one less formal than a treaty.



The training also covered the importance of the Vienna Convention on the Law of Treaties 1969; whereby it was adopted on 22 May 1969 and only came into force on 27 January 1980. The Convention codifies a number of contemporary international law, whereby most nations, whether they are party to it or not, recognize it as the pre-eminent "Treaty of Treaties". It is universally identified as the authorities guide in relation to the formation and effects of treaties.

Another topic of the training touched on International Agreements, in particular the difference between the terms "signature", "ratification" and "accession" under those Agreements.

Miss Rivers also presented on how to provide an effective advice inclusive of the legal obligations, framework and the gap analysis taken. The training was very informative and provided an insight as to what Conventions entail and how to prepare a well-structured and effective legal advice beneficial to all legal officers of the AGO.

The training was attended by most of the AGO legal officers as well as lawyers from other Government Ministeries.



## TRAINING

## EVENTS FROM APRIL TO JUNE 2015 CONT'D

### TRAINING HELD BY THE PROSECUTION DIVISION- AGO

CONFERENCE RM. (ARPIL—MAY 2015.

The Prosecution Division of the Attorney General has taken the initiative to conduct a series of trainings specifically in relation to legal research, court etiquette, reading of cases and among others statutory interpretation.

Katie Hogan (Legal Consultant for the Prosecution Division) has conducted these training throughout the months of April and May on a weekly basis, in order for the junior lawyers of the Office to familiarise themselves on the importance of these practises in order to not only provide effective and efficient court submissions, but to become prominent ethical legal officers of the Court.

In brief, the trainings mainly focused on the process and procedures of how to conduct an effective legal research, and how to go about presenting these findings in a written submission before the Court. It focused on Court etiquette and how a lawyer must uphold the rule of law at all the times, how important it is for a lawyer to adhere to Court rules and to practice respect and integrity before a Judge when making submissions. Reading of cases was another important topic of this training; it covered the basic tips to go about analysing a case and conducting an analysis in an effective and proper manner. Statutory interpretation was another key topic that touched on the different tools used when interpreting legislation and the different contexts to bear in mind also.

These trainings have shown to be very educational and informative to the juniors of the Attorney General.



### DEMOCRACY, GOOD GOVERNANCE AND ACCOUNTABILITY WORKSHOP– USP ALAFUA, LODGE FALE, 5 MAY 2015

### MINISTRY OF FINANCE PRESENTATION ON POTENTIAL LAW REFORMS AND POLICY– ATTORNEY GENERAL OFFICE , CONFERENCE ROOM 15 MAY 2015.

#### THEME: “WORKING TOGETHER”

Ministry of Finance (Ministry) Legal Consultant Salote Peteru conducted an informative and well-presented presentation on matters of potential law reform. The purpose of the presentation was to inform the Legislative Drafting Division on the various laws currently administered by the Ministry and also the potential law reforms the Ministry is currently undergoing, the number of Acts administered by the Ministry that require special attention.

Ms Peteru further spoke on the branches of the General Revenue Fund and the strategy for the development of Samoa and National priority areas of development and objectives.

The Legislative Drafting Division would like to thank once again the Ministry of Finance and Ms Peteru for taking the time to conduct this short presentation. The Office of the Attorney General looks forward to working closely with the Ministry and their Law Reform proposals.



Kylie Wilson (far left) with participants of the workshop and Ms Natasha Kahn (middle).

This pioneering workshop was conducted by Natasha Kahn, the course coordinator for the Diploma in Leadership, Governance and Human Rights in the University of the South Pacific, Suva campus. The purpose behind the Workshop was to inform the respected participants of the importance of prioritizing good governance in a country and for Ms Kahn to speak on the brief background the Diploma holds, the various courses it provides for, and among other things the process and procedure to apply for a Diploma via online or face-to-face. This workshop was also conducted to inform participants on the principles of Modern Democracy Rule, and explaining in detail each 15 principles (also known as Pillars) it consists of.

The Workshop was also fortunate to have presenters from the Office of the Ombudsman (OMB) (Mauaivaio Pepe Seiuli and Bronwen Burfit) who both conducted an innovative presentation on a brief background of what the OMB provides for, among other things, and the different investigation of complaints the OMB may conduct in relation to administrative decisions by the Government agencies and Ministries in their personal capacities. The presentation also spoke briefly on the new roles that have been introduced under the Ombudsman Act 2013, by providing for Human Rights to promote and protect the people of Samoa and a Special Investigations Unit to investigate complaints against members of the Police and Prisons and Corrections. We wish to thank Ms Kahn on her marvellous hard effort spent conducting this one-day Workshop and we hope the Workshop will be used to the benefits of those who participated on that day.

Kylie Wilson (law Clerk) from the Legislative Drafting Division attended the Workshop on behalf of the Office of the Attorney General.



## EVENTS FROM APRIL TO JUNE 2015 CONT'D

### ATTORNEY GENERAL OFFICE TIME MANAGEMENT TRAINING- AGO CONFERENCE ROOM (16—17 APRIL 2015).

The purpose of the two-day training was to offer assistance to employees of the Office of the Attorney General in practicing time management within the work place and also in general everyday practice. Day one of the training focused on the definition of “time”, the key principles of time management and time utilization as well as the universally practiced “Belbin Team Roles” in a workplace. The training went further on to present on how to effectively and efficiently plan, organize and manage work. The presentation further touched on the importance of setting SMART (Specific, Measurable, Achievable, Relevant and Time-bound) goals and expectations.

Day two of the training covered the importance of Time Management tools. Such tools require the use of time planners (i.e. a to-do list) and also daily and weekly scheduling (i.e. use of Outlook Express calendars). The presentation also indicated the disadvantages of time robbers and how to go about identifying and eliminating time wasters and procrastination. The key resolution in such circumstances was how to prioritize workload and how to allocate it accordingly to avoid any missed deadlines.

The two-day training ended in a group discussion followed by team presentations of what the participants learnt throughout the trainings and what the definition of “time management” meant to them. The closing of this training ended with a certificate of completion ceremony presented by the Attorney General to all the participants. All in all, the training was very well prepared and presented with the hard work of the Corporate staff of the AGO, and was fully educational, interactive and enjoyable by all the participants.



### NATIONAL ALCOHOL CONTROL POLICY CONSULTATION - SAMOA TRADITIONAL HOTEL RESORT, ULULOLOA, 7 MAY 2015

The Ministry of Health hosted its second Consultation on the National Alcohol Control Policy (“Policy”) 2015-2020 (“Consultation”).



The purpose of the Consultation is to ensure that all necessary views in relation to the Policy are documented and finalised for submission to Cabinet for approval.

Participants were divided into groups and given the opportunity to go through the Policy and provide views, comments and also make recommendations on any information that needs incorporation into the Policy before finalisation.

At this point, consultations are on-going to ensure the public is aware of the Policy and make suggestions to other areas of the Policy that require further information.

Lizatalei Hakai of the Legislative Drafting Division attended the Consultation.

### STAKEHOLDER CONSULTATION ON NATURAL CULTURE POLICY, MINISTRY OF EDUCATION, SPORTS & CULTURE, AUTE CONFERENCE ROOM 1 MAY 2015

The Ministry of Education, Sports and Culture (MESC) with particular reference to its Culture Division, held a consultation to discuss and give comments on the National Culture Policy (Policy). The purpose of the consultation was for the stakeholders to come to a final agreement on the Policy framework. The consultation was attended by pastors, professors, Government Ministries, local authorities, civil society organisations, NGOs and private sector.

In brief, the Policy seeks to provide strategies to enhance the integration and development of culture for sustainable development as well as to indicate the roles of various stakeholders in the implementation of the Policy.

During consultation, there was a presentation conducted by Delphina Lee of MESC on the development of the draft Policy.

MESC will continue to notify stakeholders of any future matters relating to the Policy.

Mearold Vilimau and Terina Sefo of the Legislative Drafting Division attended the Workshop.



## **EVENTS FROM APRIL TO JUNE 2015 CONT'D**

### **ANIMAL WELFARE CONSULTATION– HOTEL ELISA 21 MAY 2015**

The purpose of the Consultation was to introduce the new policy of a proposed Animal Welfare Bill to all relevant stakeholders. The proposed Bill is to help improve production and to be self-sufficient so that

Samoa will supply its own sheep meat and welfare of other animals, including horses, cats and dogs (pet companions). The Consultation emphasized on the importance of animal welfare of companion animals in Samoa, what it entails and among other things the benefits of animal welfare to Samoa.

The Consultation was also an opportunity for relevant stakeholders to voice any concerns or comments in relation to the newly proposed Bill before the Policy is finalised.

Steffany Meredith of the Legislative Drafting Division attended the Consultation.



### **Upcoming EVENTS**

**Next Parliament Sitting—18 August 2015**

**Legislative Drafters Forum—28 September to  
30 September 2015, APIA.**

### **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. Any fault in the accuracy of the information in this Newsletter is ours alone.

## **W e l c o m e**

The Legislative Drafting Division would like to express a warm welcome to Reverend Tofiga Tusiane, Methodist Minister and recent Law Graduate from the University of Waikato. Reverend Tofiga is a new volunteer to our Division and we trust his experience with the Office of the Attorney General will be an educational and enjoyable one.



### **MEMBERS OF THE LEGISLATIVE DRAFTING DIVISION 2015**

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**Terina Sefo, Part Time Law Clerk**