



Volume 9—Issue 1: 1 January —31 March 2016

Office Of the Attorney General
LEGISLATIVE DRAFTING DIVISION

NEWSLETTER UPDATE

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Attorney General

Name:

Lemalu Hermann Paul Retzlaff

Date of appointment:

2 March 2016

Date of Commencement in Office:

18 April 2016



Editor's note :

Talofa and Welcome,

Welcome to the first edition of the Legislative Drafting Division Newsletter 2016. This edition will cover an update of all the events occurring from January to March 2016. These events include Bills passed by Parliament, workshops, and trainings attended by the Legislation Drafting Division. The first quarter of this year commenced with a busy period from the dissolution of Parliament to the General Elections to the 1st meeting of the new Parliament.

From the Acting Attorney-General and the Legislative Drafting Division we wish everyone an enjoyable and safe 2016.

Titilua Aiono & Jacek Tuala
(Editors)

DISSOLUTION OF PARLIAMENT

The term of the 15th Parliament was officially closed by the Head of State, His Highness Tui Atua Tupua Tamasese Efi on 29 January 2016, paving the way for the General Elections on 4 March 2016. The 15th Samoan Parliament consisted of 49 Members including 3 women Members. During its term, Parliament farewelled Hon. Tuilo'a Anitelea of the Constituency Gagaifomauga No.1 upon his passing away, and Muagututia Peter Ah Him who resigned as a Member of Parliament and welcomed Faimalotoa Kika Iemaima Stowers and Seiuli Ueligitone Seiuli as new Members of Parliament after winning by-elections for constituencies Gagaifomauga No.1 and Sagaga Le-Usoga.

The 15th Parliament passed the highest number of laws of 143 Acts of Parliament. Some of the major achievements include the establishment of great developments in Samoa's approach to advance technology with privatisation of Samoatel Company, new technical submarine optical cables, luxury of being able to be part of international protocol which was a first for the whole Pacific Region and the establishment of human right institution under the umbrella of the Ombudsman. Furthermore, the Government has developed government and civil society that worked in promoting positive awareness, rights, universal principles and good governance. In the closing speech, His Highness acknowledged challenges that arose during the pursuit of these successes, and said: *"The 15th Parliament has served Samoa well with human rights raising critical public consciousness and parliamentary democracy. I commend the Government and the Opposition for the success of this 15th parliament, and your work and commitment is a living legacy to Samoa."*

The historical events that occurred during the term of the 15th Parliament term are as follows:

- demolition of the Parliament House (Fale Fono) situated at Mulinu'u, Malae o Ti'afau for the construction of a new Parliament complex;
- amendment to the Constitution to safeguard 10% of women representation in Parliament;
- replacing the 2 individual voters seats with 2 Urban Seats of Vaimauga (East Urban) and Faleata (West Urban); and
- the appointment of 2 Members of the Council of Deputies who are former Members of Parliament, Honourable Le Mamea Ropati (former MP of Lefaga and Faleseela & Minister of Agriculture and Fisheries) and Honourable Tuiloma Lameko Tuiloma (former MP of Falealili & Minister of Revenue).



First Meeting of the 16th PARLIAMENT OF SAMOA

Noumea L. Teueli (Chief Legislative Drafter) and Steffany Meredith (Senior State Solicitor) attended the 1st meeting of the 16th Parliament of Samoa (1st meeting) on 18 March 2016. The session included the swearing in of the new Speaker of the Legislative Assembly Hon. Leapepe Taimaiono Toleafoa Faafisi, the Hon. Prime Minister Auelua Fatialofa Lupesoliai Tuilaepa Neioti Dr Sailele Malielegaoi, Members of Parliament and the announcement of Cabinet for this term.

The Head of State, His Highness Tui Atua Tupua Tamasese Efi made His official proclamation and spoke to the Members of Parliament on the duties and privileges of leadership. At the opening His Highness stated: *"We hope that you will not experience any major conflicts and chaos, but no doubt there will be challenges. I wish you well in your journey over the next five years. As you voyage forward, may you be blessed in your search for God's wisdom, prudence, knowledge and discretion."*

The Hon. Prime Minister also gave special thanks to all of Samoa for their trust and belief in his leadership.

"Fa'amanuia le Atua i lo outou tofiga fou" – LDD.



Parliament update for January 2016

ACTS PASSED IN JANUARY SITTING

<i>Title</i>	<i>Date Passed</i>	<i>Commencement Date</i>
Supplementary Appropriation Act (No.1) 2015/2016	28/1/16	9 February 2016
Yazaki Samoa Enterprise Act 2016	28/1/16 (urgency certificate)	9 November 2015
Land, Survey and Environment Amendment Act (No.2) 2016	28/1/16 (urgency certificate)	9 February 2016
Broadcasting Amendment Act 2016	28/1/16	“yet to commence”
Fisheries Management Act 2016	28/1/16	“yet to commence”
Sentencing Act 2016	28/1/16	“yet to commence”
Competition and Consumer Act 2016	28/1/16	“yet to commence”
Teachers Act 2016	28/1/16	“yet to commence”
District Court Act 2016	28/1/16	9 February 2016
Criminal Procedures Act 2016	28/1/16	“yet to commence”

Subsidiary Legislation signed

<i>Title</i>	<i>Date Signed</i>	<i>Commencement Date</i>
Public Service Amendment Regulations 2015	11/11/15	11/11/15
Public Bodies Regulation (Election Candidates) Regulations 2015	02/12/15	01/12/15
Electoral Transitional Regulations 2016	18/01/16	18/01/16

Summaries of Legislation passed in January 2016

Fisheries Management Act 2016

The objects of the Act are:

- to regulate and control conservation, management and development of fisheries including fisheries management plans;
- to regulate fishing activities, including allocation of fishing rights, aquaculture, prohibited methods of fishing and transshipment and port measures;
- to regulate licensing of fishing vessels, including foreign fishing vessels intending to fish within the fisheries waters of Samoa;
- to control Samoan fishing vessels fishing outside Samoa fisheries waters;
- to regulate fisheries treaties, fisheries access agreement, fisheries commercial and other agreements or arrangements;
- to regulate processing, trading and marketing of fish and fisheries products; and
- to provide for enforcement measures.



The Act repeals the Fisheries Act 1988 and the Fisheries (Ban of Driftnet Fishing) Act 1999.

Broadcasting Amendment Act 2016

The Broadcasting Amendment Act 2015 aims to improve the framework for administration of the broadcasting sector. This is reflected by recognising that not all provisions applying to the telecommunications sector apply to broadcasting, given the difference in services provided or characteristics for each sector. The Act amends the Broadcasting Act 2010:

- * to clarify the extent of services that qualify as broadcasting (rather than telecommunication services in general);
- * to remove ex ante references that are not relevant to the broadcasting sector; and
- * to repeal Part III of the Principal Act which establishes a separate Broadcasting Tribunal and replacing with the Tribunal under the Telecommunications Act 2005 ("Telecommunications Act");
- * to extend the objectives under the Principal Act; and
- * to clearly merge the responsibilities of the Regulator under the Telecommunications Act and the Principal Act.



Yazaki Samoa Enterprise Amendment Act 2016

The Act seeks to repeal and replace the Yazaki Samoa Enterprise Act 2010. The object of the Act is to extend taxation assistance to the Company to retain its enterprise in Samoa.



Supplementary Appropriation Act (No.1) 2015/2016

This Act authorises the grant and appropriation of \$9,059,169.00 to Ministries and Departments' outputs and sub-outputs.

It also provides for the reduction of amounts earlier appropriated for particular Ministries and Departments and re-appropriates funds.



Land, Survey & Environmental Amendment Act 2016

The object of the Act is to give the Land Board the authority to lease the government land without competition where the purpose of the lease is for a hotel, resort, serviced apartment or other tourism-related development approved by the Board and involves a capital investment in the development of at least \$10,000,000 and the area of the land to be leased is not greater than 10 acres. It also gives power to the Board to grant a lease of government land for a term of up to 99 years.

It consequentially amends section 23 of the Survey Act 2010 (2010 Act) to give to the Chief Executive Officer (CEO) of the Ministry of Natural Resources and Environment the authority to exempt any subdivision plan or definition plan for tourism development approved by the CEO from the requirements of section 23 of the 2010 Act to set aside land as a public reserve.

Summaries of Legislation passed in January 2016

Competition and Consumers Act 2016

The object of the Act is to regulate the competition of companies engaging in trade and to protect consumers. The Act applies to companies, including public bodies. The Act covers competition rules such as:

- anti-competitive agreements;
- bid-rigging;
- price fixing;
- market sharing agreement; and
- abuse market of power.

The Act also establishes a Competition and Consumer Commission to enforce the competition rules and protect consumers as provided under the Act. The Act repeals and replaces the *Consumer Information Act 1989* and the *Fair Trading Act 1998*.

Consumer Rights



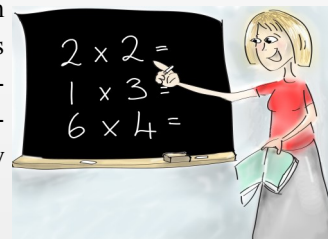
Teachers Act 2016

The objects of the Act are:

- ♦ to regulate the registration of teachers in schools (other than tertiary institutions); and
- ♦ to provide for teachers' professional standards aimed at raising the status of the teaching profession.

The Act establishes the Teachers Council ("Council") to register teachers and issue their teaching licences. The registration requirements cover the following:

- a qualified person cannot teach unless the person is registered and has a teaching licence issued by the Council;
- the registration is valid until it is cancelled or the teacher dies;
- the teaching licence is renewed every 3 years;
- the registration can be either a full registration or temporary registration;
- temporary registration covers graduate teachers, non-citizen and those who wish to teach part-time; and
- teachers are subject to professional standards.



District Court Act 2016

The object is to modernise the District Court Act 1969 by removing archaic provisions and simplifies the language used.

This Act also applies reformed arrangements relating to the Constitution, powers and procedures of the District Courts and the Divisions of the Courts. The changes are designed to enhance the administration of the District Courts and procedures with regard to proceedings heard and determined by it.



The Act repeals the District Courts Act 1969.

The Act also establishes the Teachers Tribunal to hear and determine appeals from decisions of the Council and any breach of professional standards.

Sentencing Act 2016

The object of the Act is to set out the purposes for which defendants may be sentenced or otherwise dealt with by the courts, to promote those purposes, to aid in the public's understanding of sentencing practices, by providing principles and guidelines to be applied by courts in sentencing or otherwise dealing with defendants, to provide a sufficient range of sentences and other means of dealing with defendants and to provide for the interests of victims of crime and for related purposes.

Criminal Procedure Act 2016

The Act provides a code relating to criminal procedure and rules as to the criminal jurisdiction of courts hearing criminal cases.

The Act covers commencement of proceedings, arrest and search, summons, service, evidence and disclosure, trials, pleas and mentally impaired defendants, witnesses, conduct of trial, adjournments and bail, trial in the Supreme Court and appeals.

The Act repeals the Criminal Procedure Act 1972.

EVENTS of JANUARY - MARCH 2016

NATIONAL PROSECUTIONS OFFICE TRAINING

The NPO held a day training on 7 January 2016 to inform their separation from the AGO and the critical analysis of the laws authorising their separation. The training was conducted by Mauga Precious Chang (*the then Acting Director of Public Prosecutions*) on the following:

- Evidence Bill 2015
- Sentencing Act 2015
- Criminal Procedure Bill 2015
- Acts Interpretation Act 2015
- National Prosecution Act 2015
- Constitution Amendment Act (No.2).



The training provided many insights on the operation of the newly established NPO and its development and progress. NPO continues to operate in the same premises the Criminal Division operated from. The separation of the NPO from AGO emanates from the removal of the prosecutorial functions of the AG to the DPP under the Constitution Amendment Act (No.2) 2015. Although we are now 2 separate offices, we share the corporate services division.

TALK BY DR. JEAN STARLING

AGO and NPO were fortunate to have Dr. Jean Starling on 10 February 2016 talking to us on mental illness.



Dr. Starling is a Clinical Senior Lecturer Psychiatry at Concord Clinical School. She is an academic at the University of Sydney. Her research interests include the early identification and treatment of mental illness in children and teenagers, in particular early psychosis and mood disorders. Her clinical specialty is psychiatry.

Her talk was based on how her role as a psychiatrist relates to the administration of justice. Dr. Starling provided insights into how psychiatrist experts assist the courts in determining the mental capacity of mentally unstable victims, witnesses and offenders. She explained the different types of mental illnesses and treatments available.

JUDICIAL OPENING PRAYER SERVICE

The Judiciary's Opening Prayer Service was held on 15 January 2016. When making the keynote address, the Honourable Chief Justice, Patu Falefatu Maka Sapolu said: *"We should all seek God's guidance in our everyday work and that we must always remember to put him first."*

The Service officially welcomed the new Chief Executive Officer, Papali'i John Taimalelagi. It also formally recognised and acknowledged the former Chief Executive Officer, Masinalupe Tusipa Masinalupe for his many years of service with the Ministry and Judiciary and for initiating the annual church service.

The Service was attended by the Minister of Justice and Courts Administration, Honourable Fiaame Naomi Mataafa, Cabinet Ministers, Justices and Judges of the District Court and the Supreme Court, Chief Executive Offices of government Ministries, AGO, Samoa Law Reform Commission, NPO, staff of the Ministry of the Justice and Courts Administration and members of the Samoa Law Society.

The Service marked the official opening of the Courts for the year 2016.

GENERAL ELECTIONS VOLUNTEERS



Samoa conducted its General Elections on 4 March 2016. A few staff members of the AGO namely, Jason Iputi, Bryan Patea, Kome Siatulau, Leutu Leulualii and Rosa Kelekolio were among the volunteers that assisted the Office of the

Electoral commission in carrying out the General Elections.

Prior to General Election day, the Office of the Electoral Commission conducted many trainings and workshops to help guide the volunteers during the elections. We thank all volunteers especially those from AGO for participating in this historical and memorable experience.



EVENTS of JANUARY - MARCH 2016

DRAFTING TRAINING

The Legislative Drafting Division has been undergoing monthly trainings within the Office of the Attorney General in order to upkeep the level of understanding and technical skills on the amendment and repealing of legislation. The trainings have been conducted by Legislative Advisor, Mr Rupeni Nawaqakuta of the Legislative Drafting Division.

The purpose of the trainings is to enhance further understanding of the basic skills on the process and procedures of legislation. The training provided all opportunity to improve our legislative drafting knowledge, theory and practice. Basic practical tests and oral discussions were among the learning exercises that were conducted in these trainings where each member was given an opportunity to provide answers and reasons. It also provided valuable information on ways legislation can be repealed, either expressly or impliedly and reasons provided.

Moreover these trainings have been a great initiative by the drafting team in maintaining the high standard of practice and skills the Legislative Drafting Division provides. It is a great way to continue interactive activities within the Division. These trainings will be an on-going exercise the drafting division will be undertaking throughout this year.

This training is also open to other in-house counsel should they wish to partake in these informative and enjoyable drafting technical trainings.



SUNGO Anti-Corruption Workshop for Civil Society Organisations

The Samoa Umbrella for Non-Governmental Organisation Inc (“SUNGO”) hosted a 2 day workshop (17-18 February 2016) on Anti-corruption for Civil Society Organizations held at the Millenia Hotel. The objective of the workshop was based on Article 13 of the United Nations Convention against Corruption (“UNCAC”) which recognizes the role of civil societies in fighting corruption and calls on governments to increase transparency, improve public access to information, and to promote public contribution to government decision-making processes.

The aim of the Workshop was two-fold. Firstly, it sought to enhance participants’ understanding and awareness of Samoa’s implementation of UNCAC and ongoing anti-corruption activities. Secondly, it provided participants with a platform to discuss, share knowledge and information on possible ways to address corruption in a country context. However, Samoa is currently one of the four (Niue, Samoa, Tonga and Tuvalu) Pacific Island countries yet to accede to the UNCAC.

Subsequently, SUNGO invited a representative from the AGO present on current legislation for anti-Corruption in Samoa. Stefany Meredith of the Legislative Drafting Division attended the workshop and to conduct the presentation. The focus of the presentation was to inform the participants of the workshop on current legislation that Samoa has to address and combat anti-corruption. Some of the legislation that deals with corruption in Samoa includes the Crimes Act 2013, Electoral Act 1963, Proceeds of Crimes Act 20017 and the Casino and Gambling Control Act 2010 to name a few. Other presentations included the Office of the Ombudsman on the benefits for Samoa in acceding to and implementing the UNCAC.

LEXIS NEXIS TRAINING

Members from the Civil Division (Faalau Lagaia & Gemma Nelson) conducted a training on 19 February 2016 on Lexis Nexis and library training for lawyers of the AGO, especially junior lawyers. The training involved developing certain research skills when using websites such as Westlaw and Lexis Nexis. It includes how to understand the research process as well as knowing how to navigate online legal databases with particular use of search operators.

The training illustrated the practical steps of navigating the search engine. It was a valuable training for junior lawyers of the office, given that most of the work carried out involves thorough research. Having research skills are essential.

EVENTS of JANUARY - MARCH 2016

AGO & NPO RETREAT

The AGO and the NPO commenced 2016 with a retreat to Taufua Beach Fales at Lalomanu Aleipata on 15 and 16 January 2015. It was after the MJCA Opening Church Service when both Offices met at the Taufua Beach Fales to start the retreat programme. The retreat consisted of different programme.

The focus of the Offices' retreat was to gauge understanding of the direction each Office will take after the separation of the Criminal Division from the AGO with the establishment of the NPO. Both Offices therefore reviewed current strategic plans for different Divisions and made necessary changes to reflect where it is heading not just as Offices but as a part of the Law and Justice Sector for the next 5 years.

Programs for the retreat also included suggestions for improvement not just within Divisions but as an Office collectively for the purpose of the Offices' vision and missions.



EVENTS of JANUARY - MARCH 2016

NEWLY APPOINTED ATTORNEY GENERAL

The Attorney General, Mr. Lemalu Hermann Paul Retzlaff was appointed by the Head of State acting on the advice of the Prime Minister under Cabinet Directive F.K. (16)10 dated 2 March 2016. He is the son of a former Attorney General and former Deputy Prime Minister Honourable Misa Telefoni Retzlaff.

Mr. Retzlaff takes over from the former Attorney General, Tuatagaloa Aumua Ming Leung Wai. We wish the new Attorney General all the best in taking up his new role as Attorney General of Samoa to serve the people of Samoa.

Congratulations and Welcome.



PSC / PICPA Public Service Ethics and Decision Making Workshop

Public Service Commission (PSC) in collaboration with the Pacific Island Centre for Public Administration (PICPA) offered a short-term training on the Public Service Ethics and Decision Making.

The training was held for 3 half days (9.30 – 1.30pm) from 15 – 17 February 2016.

It was facilitated by Mataafa Dr. Desmond U. Amosa, a Regional Adviser, Capacity Development and Training

for PICPA. The training targeted Officers at A/CEOs, Principals and Senior levels. Participants were from different government Ministries, corporations and agencies. Leitu Moananu and Rebecca Schuster were the AGO's participants.

The aim of the workshop was to build public servants capacities to become competent and ethical decision makers and leaders in the public service. The programme was designed with expectations for public servants to behave and make decisions according to the principles and values underpinning the common good of society. Topics discussed include having to know yourself, what are ethics, morals and values, understanding our administrative responsibilities and ethics, ethical decision making and building ethical public organisations etc. Case study exercises were also given after each session to test participants understanding.

In recognition of the successful completing the above Workshop, participants were awarded Certificates of attendance from PSC and PICPA.



Report Writing training

The AGO was invited to attend the Public Service Commission ("PSC") Report Writing Training held from 9 – 11 February 2016 at the PSC Conference Room, FMFMII Building, Matagalalua. Terina Sefo of the Legislative Drafting Division and Gemma Nelson and Ryan Masinalupe of the Civil Division represented the AGO on the 3 half-days training. The importance of accurate and complete report writing was emphasised during the training. Various group and individual exercises undertaken to test report writing skills and to understand the different structures for different types of reports, procedures for report writing as well as the use of templates.

The training was facilitated by Ms. Kalena Segi, Principal Training Consultant from PSC, attended by representatives from various government Ministries.



EVENTS of JANUARY - MARCH 2016

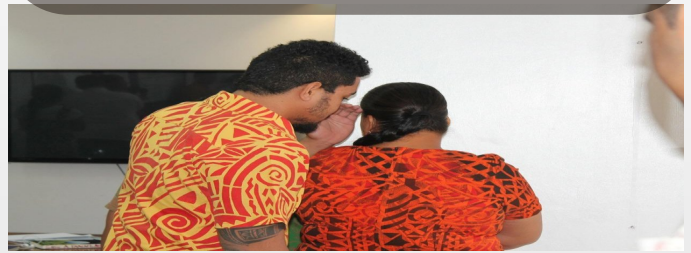
COMMUNICATION TRAINING

The Public Service Commission ("PSC") hosted a one week training (25th - 29th January) at the PSC Conference Room, FMFMIII Building, Matagalalua on Basic Communication Skills and Knowledge.

Participants were from government Ministries. Beau Jacek Tuala from the Legislative Drafting Division represented the AGO.

The training emphasized on the importance of effective communication inside the workplace environment. The purpose of the training is knowing how to communicate effectively, and understanding the different types of basic communication skills for effective communication.

The effective communication skills enhanced in the training was reflected by different groups' presentations and discussions in trying to attain how to communicate in a way that will bring about effective results.



AGO "Death and Resurrection" Prayer

The Bible Study Committee of the AGO hosted a Prayer Tea on 24 March 2016 before Good Friday to kick start bible studies for this year. The Prayer Tea was conducted by Noumea Loretta Teueli (Chief Legislative Drafter and Chairperson of the Bible Study Committee).

Mrs. Teueli gave a small speech on the purpose of the Prayer Tea, that is for the Offices to come together in prayer and commit to the Lord the two Offices and thank the Lord for all the wonderful things he has done and how far he has brought our Offices since the beginning of this year.

Members from other Divisions attended as well as the Director of the Public Prosecutions Office and NPO staff members.

May our loving Heavenly Father continue to bless AGO and NPO as we begin another year of service to the Government of Samoa.



EVENTS of JANUARY - MARCH 2016

Intellectual Property Protection:

A tool to enhance Samoan Cultural Industries

“Enhancing the Pacific Industries: Fiji, Samoa and Solomon Islands” is a project sponsored by the African Caribbean Pacific–European Union in order to promote the cultural industries as a substantial source of income for the Pacific Islands economy. Samoa’s project is managed by the Ministry of Education, Sports and Culture (MESC) with the assistance of the Secretariat of the Pacific Community (SPC) Human Development Programme, Pacific Islands Forum Secretariat (PIFS), Ministry of Commerce Industry and Labour (MCIL) and the Samoa Arts Council (SAC).

A 3-day workshop, held on 21 - 23 March 2016 at Elisa Hotel Conference Room, Sogi, Apia was conducted to focus on capacity building part of the project - raising awareness on Intellectual Property (IP) rights, Trademarks, Copyrights and Patents within Samoa. The purpose of the workshop was to gather all cultural industries stakeholders to assess the current challenges and issues that are being faced under these rights, and proposing solutions as a way forward. The topics discussed by the panellists in the forum reflected on:

- the overview of Samoa’s Cultural industries, the relationship between IP and Cultural Industries contributing to economy;
- IP as a business tool assisting growth in the cultural industries;
- IP Protection and enforcement framework, and also provided visual case studies to support their findings;
- concerns and issues faced in cultural industries of the difficulty of IP rights;
- IP infringement in Samoa, its unauthorised use and misappropriation by individuals locally and internationally, further discussing avenues taken by MCIL to resolve issues under the Copyrights Act 2008 and the Intellectual Property Act 2011;
- the roles of the main actors in the process of Protection and Enforcement agencies;
- informative background of the role of different Ministries and Offices according to their Acts; and
- the process and procedures of how an individual can protect IP rights to prohibit cultural materials leaving the country without proper permission or legal authority;

The outcome of this workshop is a draft framework for the next 5 to 10 years for the protection of Samoa’s IP in the cultural industries with attached actions, activities, timelines and partnerships. It benefited the participants to use this information and encourage registering their IP for their cultural expressions to protect original ideas and designs. The workshop was attended by Principal State Solicitor Ane Iati of the Civil Division and State Solicitor Mearold Viliamu of the Legislative Drafting Division and Kylie Wilson representing the NPO.



MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND THE NATIONAL PROSECUTION OFFICE

History was made when the Criminal Division officially separated from AGO and became a statutory independent Office, known as the National Prosecution Office on 1 January 2016. It is a great milestone not only for the AGO but for Samoa. The aim behind the separation is to ensure that the role of the prosecution is fair, independent and objective and to be separated from the function of the Attorney General to advise the Government.

The NPO is established pursuant to article 41A of the Constitution and the National Prosecution Office Act 2015. The core functions of the NPO are:

- to provide advice on criminal prosecutions in a timely and efficient mode in both District and Supreme Court;
- to supervise criminal prosecutions and appeals in a fair and just manner; and
- to conduct and institute criminal prosecutions and appeals impartially.

The Office is currently headed by the Director of Public Prosecutions Mauga Precious Chang, who formerly held the post of Chief Prosecutor for the Criminal Division of the AGO. The staff is made up of prosecutors in the AGO Criminal Division and police prosecutors in the Police Prosecution. Regardless of the break-away, the AGO continues to work very closely with the NPO where required. In continuing to ensure that quality and efficient services are provided to Samoa for both offices, a Memorandum



Understanding (MOU) was entered into by the 2 offices through their respective heads.

The MOU was made on 15 March 2016 between the NPO, acting by and through the Director of Public Prosecutions, Mauga Precious Chang and the AGO acting by and through the Acting Attorney General, Muriel Theresa Lui.

The purpose of the MOU is to define and record the understanding between the 2 offices with regard to their responsibilities, duties and obligations in relation to the working together in delivering quality and efficient service to Samoa through the respective offices.

FAQs:

- Why establish an NPO?

Before the establishment of the NPO, there were continuous problems with criminal prosecutions within Samoa. The main issues were as follows:

- i. The quality of Police Prosecution services within the Ministry of Police;
- ii. The availability of prosecution services as well as quality services within the other Government Ministries; and

- iii. The increasing number of cases which creates a conflict with the Attorney General's role as a chief prosecutor for Samoa and as a legal advisor for Government.

Consultations were conducted by members of the Commonwealth Secretariat among members of the public, the judiciary, the Ministry of Police, Government Ministries and the defence bar to ascertain whether there is a need for an NPO. The answer was an overwhelming yes.



NATIONAL PROSECUTION OFFICE
SAMOA

Organization

NATIONAL PROSECUTION OFFICE

Primary Business Address
6 floor
Tui Atua Tupua Tamasese Efi
Building
Apia Samoa

Phone: 685-20295
Fax: 685-202
Email:

Our Mission:

To fulfill its constitutional mandate by providing people of Samoa an independent, professional and effective prosecution service that operates with integrity, without fear or favour.

Left: NPO Brochure

Below: Signing of MOU pictured here, Director of Public Prosecution, *Mauga Precious Chang* & Acting Attorney General *Muriel T. Lui*



EVENTS of JANUARY - MARCH 2016

Farewell & Goodluck

From January to March AGO farewelled the following colleagues:



1. **Meiapo Fa'asau** returned on 23 March 2015 to work for our Office as a Principal Legislative Drafter in the Legislative Drafting Division. He left our Office as the Associate Legislative Drafter on 22 January 2016.
2. **Chrisanthy Amosa** commenced work as a Law Clerk in the Criminal Division on 9th October 2014, continued working in the Civil Division as a part-time Law Clerk. She was farewelled on 22 January 2016, moving to the Electrical Power Cooperation.
3. **Chanel Iosefo** commenced work as a Transport Officer/Driver on 10 March 2015 in the Corporate Services Division of our Office. He was farewelled on 22 February 2016.
4. **Taumuli Papalii** commenced employment as a Senior Legal Secretary for the Attorney General in the Corporate Service Division on 5 January 2006. Our Office farewell her on 26 February 2016 as the Principal Legal Secretary.
5. **Toitua Suenā** commenced employment on 21 May 2002 as a Senior Legal Secretary in the Corporate Service Division. She was farewelled on 2 March 2016.
6. **Christine Sa'aga** commenced employment as the Manager for Corporate Service Division in our Office on 20 May 2013. She was farewelled on 2 March 2016, moving to the Ministry of Police and Prison Services.
7. **Fetu Lagaaia** commenced employment at the AGO on 19 December 2007. He was farewelled as a Legal Consultant from NPO on 2 March 2016.
8. **Lagafuaina Tavita** commenced employment at the AGO on 6 January 2014. She was farewelled as a Senior State Solicitor from NPO on 25 March 2016.
9. **Grace Lafi** commence employment at the AGO on 4 January 2016. She was farewelled as a part-time Law Clerk from NPO on 2 March 2016.

Thank you for your dedication and loyalty to our Office. We wish you the very best in all your future endeavors.



MEMBERS OF THE LEGISLATIVE DRAFTING DIVISION

Muriel T. Lui, Acting Attorney General
Noumea L. Teueli, Chief Legislative Drafter
Rupeni Nawakaquta, Legislative Drafting Advisor
Leitu Moananu, Principal Legislative Drafter
Steffany Meredith, Senior Legislative Drafter
Siovia Liu, Senior Legislative Drafter
Mearold Viliamu, State Solicitor
Lizatalei Hakai, State Solicitor
Kylie Wilson, Law Clerk
Titilua Aiono, Law Clerk
Terina Sefo, Part-time Law Clerk
Ann Matalasi, Part-time Law Clerk
Jacek Tuala, Part-time Law Clerk
Losa Kelekolio, Senior Legal Secretary

UPCOMING EVENTS:

1. 18 April 2016: AGO welcome the new Attorney General.
2. Law-Clerks, Terina Sefo, Ann Matalasi will commence their Online Professional Diploma in Legislative Drafting course the University of the South Pacific in Suva, Fiji.
3. Next Parliament Sitting will be 31 May 2016.

DISCLAIMER

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