



## OFFICE OF THE ATTORNEY GENERAL LEGISLATIVE DRAFTING DIVISION UPDATE

### EDITORS' NOTE

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**Talofa lava and Warm greetings !** Welcome to the last edition of the Legislative Drafting Division newsletter for 2013. This edition will cover an update of all the events from October to December 2013. Those events include Bills passed by Parliament and workshops attended by members of the Legislative Drafting Division. The last quarter of this year has certainly been busy and eventful for the Legislative Drafting Division and you will see that in the details to follow.

On that note, may our good Lord guide and keep you all safe this festive season! **“WE WISH YOU ALL A VERY MERRY XMAS & A PROSPEROUS NEW YEAR!!”**

(Editors for this issue: Steffany Meredith and Siovia Florina Liu)



## LAW SYMPOSIUM: Examining current affairs through a Legal Lens APIA, SAMOA: 27—28 NOVEMBER



Members of the Samoa Law Society and the Judiciary and guests during the Law Symposium held at Tanoa Tusitala Hotel on the 27-28 November. (Full report on Page 3) - *Photo Credit by Samoa Observer*

# PARLIAMENTARY SITTINGS IN OCTOBER— DECEMBER 2013



MONTH	Monday	Tuesday	Wednesday	Thursday	Friday
OCTOBER	-	8	9	-	-
NOVEMBER	-	-	-	-	-
DECEMBER	-	18	-	-	-

## ACT PASSED BY PARLIAMENT FROM OCTOBER TO DECEMBER 2013

Title/Name of the Act	Date Passed
Road Traffic Amendment Act 2013	8 October 2013
Audit Act 2013	8 October 2013
Police Service Amendment Act 2013	9 October 2013

## PARLIAMENT UPDATE OCTOBER TO DECEMBER 2013 SESSIONS

<b>OCTOBER</b> <u>Bills introduced to Parliament (1st Reading)</u> <ul style="list-style-type: none"> <li>◆ Allied Health Professions Bill 2013</li> <li>◆ Health Promotion Foundation Bill 2013</li> <li>◆ Lands, Survey and Environment Amendment Bill 2013</li> <li>◆ Police Offences Amendment Bill 2013</li> <li>◆ Medical Practitioners Amendment Bill 2013</li> </ul> <u>Bills completed second reading and referred to Select Committee (2nd Reading)</u> <ul style="list-style-type: none"> <li>◆ National Payment System Bill 2013</li> <li>◆ Apprenticeship Bill 2013</li> <li>◆ Unit Titles Amendment Bill 2013</li> </ul>	<b>DECEMBER</b> <u>Bills introduced to Parliament (1st &amp; 2nd Reading)</u> <ul style="list-style-type: none"> <li>◆ Supplementary Appropriation Bill (No.1) 2013/2014</li> </ul> <u>Bills complete second reading and referred to Select Committee (2nd Reading)</u> <ul style="list-style-type: none"> <li>◆ <u>Allied Health Professions Bill 2013</u></li> <li>◆ <u>Health Promotion Foundation Bill 2013</u></li> <li>◆ <u>Lands, Survey and Environment Amendment Bill 2013</u></li> <li>◆ <u>Police Offences Amendment Bill 2013</u></li> </ul>
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## SUMMARY OF ACTS

AUDIT ACT 2013	POLICE SERVICE AMENDMENT ACT 2013
<p>The Audit Act 2013 replaces and repeals the Audit Office Ordinance and to give effect to the proposed amendment of Articles 83, 97-99 of the Constitution. The Act deals mainly with the following:</p> <ul style="list-style-type: none"> <li>• to provide for the appointment of the Staff of the Audit Office to strengthen the functions and powers of the Controller and Chief Auditor</li> <li>• to include performance, environmental and IT audits</li> <li>• to implement the UN General Assembly adopted Resolution A/66/209 (“Resolution”) on “Promoting the efficiency, accountability, effectiveness and transparency of public administration by strengthening supreme audit institutions”.</li> </ul> <p>The Resolution adopted seeks for the independence of audit institutions and protection of such institutions from outside influence. This ensures the importance of the role of audit institutions in “promoting the efficiency, accountability, effectiveness and transparency of public administration, which is conducive to the achievement of national development and priorities as well as the internationally agreed development goals, including the Millennium Development Goals”.</p>	<p>The Police Service Amendment Act 2013 amends the following provisions of the Police Service Act 2009 (“Principal Act”):</p> <ul style="list-style-type: none"> <li>• section 13 of the Principal Act to allow overseas police officers as well as former police officers to hold the post of Commissioner of Police</li> <li>• repeal Part III, Division 4 which provides for establishment of the position of Deputy Commissioner of Police</li> <li>• amends section 51 of the Principal Act to improve procedures in relation to inquiries into breaches of duty and punishments.</li> </ul>
	ROAD TRAFFIC AMENDMENT BILL 2013
	<p>The Road Traffic Amendment Act 2013 amends the Road Traffic Ordinance 1960 to revive the offence of driving under the influence of alcohol or drugs in order to apply the sobriety test, as an alternative to the breathalyzer process. The Act also removes the right of a person found driving under the influence of alcohol to elect to have a blood test to assess the proportion of alcohol in his or her blood.</p>

## EVENTS FOR OCTOBER - DECEMBER 2013

### LAW SYMPOSIUM: Examining current affairs through a Legal Lens APIA, SAMOA: 27—28 NOVEMBER



The legal staff of the AGO attended the Samoa law Society biennial Law Symposium which was held over two days , respectively on Wed 27th—Thurs 28th November 2013 in the Conference room of the Tanoa Tusitala Hotel. The participants were from private and government sectors as well as Judiciary and international experts presenting on significant legal topics.

The Law Symposium was organized by Samoa Law Society’s Continuing Legal Education Committee. The theme focused on “*Examining current affairs through a legal lens*” and it was an opportunity for qualified lawyers of Samoa to congregate in one room to participate, learn and exchange legal knowledge on different legal topics. The Symposium is part of Samoa Law Society’s biennial event for continuing legal education. This means promoting continuing legal education to ensure a better understanding of current affairs from a legal perspective. The Honourable Chief Justice stressed the function of the Samoa law Society to provide training programs to its members by saying ‘ the Symposium is exactly that. An educational training that will see an exchange of legal experiences, ideas and information’.

The significant areas of law that were discussed ranged respectively from Alternative Dispute Resolution regime at the Courts, Legal Ethics and trust Accounts and Regulatory Framework. The keynote address was given by Hon. Chief Justice Patu F.M Sapolu and he said it was vital for lawyers ‘not to just understand relative legislation’ but ‘to consider impacts on society and practical implications’. The Symposium concluded with a remarkable annual Bar dinner held at the Samoa Tradition Resort, Ululoloa.

***“ Continuing Education sets us free, from the slavery of ignorance”***

***(His Honour Chief Justice Patu Falefatu Maka Sapolu)***





## EVENTS FOR OCTOBER - DECEMBER 2013 (CONT'D)

### JOINT PLATFORM FOR DISASTER RISK MANAGEMENT AND CLIMATE CHANGE WORKSHOP

29 OCTOBER 2013

APIA, SAMOA

Legal Consultant Constance Tafua-Rivers was nominated from the Office of the Attorney General to present a paper from the law and justice perspective at the workshop on a “Joint platform for disaster risk management and climate change” on the 29 of October 2013. The theme of the Platform for Disaster Risk Management (DRM) and Climate Change (CC) 2013 was “Strengthening disaster risk management and climate change mainstreaming through sector collaboration, ownership and awareness”. It is the first national platform convened to enable discussion of DRM and CC in the context of how to integrate or mainstream into sector strategies, policies, plans and budgetary considerations as well as implementation at all levels. The key outcome 13 of the SDS 2012-2016 under priority area 4 – The Environment requires all sectors to mainstream climate change and disaster risks into sector plans, policies and ensure appropriate response mechanisms become a part of the implementation framework.

#### **Presentation and Discussion**

The presentation overview was divided into 3 parts – (i) the role of the law and justice in DRM and CC; (ii) the Legislative Framework for DRM and CC; and (iii) the possible areas for reform.

During discussion by the participants the following questions were raised:-

- Current programs for community awareness of laws for disaster management – useful for future legislative reform (since there are no existing community training programs) and Chief Executive Officer, MJCA Masinalupe added that consultation was always carried out by the Law and Justice Sector when it involved substantive projects of law reform for feedback from the community.— -
- UNESCO raised that they facilitated a workshop recently on climate change and the law which would be useful for further dialogue and contribution from our Office
- MNRE currently looking at climate change resilience policy with a view to implement our international obligations for climate change through a Bill sometime next year

Community involvement and interaction emphasised so that laws reach the people (reference made to efforts by LRC)

DRM requires a comprehensively integrated approach for effective management of risks in relation to a disaster and the adaptation programmes for climate change. Dialogue should continue to be clear and concise between sectors to enable efficient disaster risk management that effectively lessens the loss of life.

### 11th TECHNICAL WORKSHOP ON ASSISTING PACIFIC ISLAND COUNTRIES WITH MARITIME BOUNDARY DELIMITATION

25-29 NOVEMBER 2013

SYDNEY, AUSTRALIA

Legal Consultant Constance Tafua-Rivers attended the above workshop held in Sydney, Australia from the 25 to the 29 of November. The workshop continues efforts to assist with maritime boundary development of Pacific Islands Countries. of the Attorney General. Some of the issues discussed were:

- Current progress
- Participation of an additional representative from the Ministry of Foreign Affairs and Trade. This is to assist with communication of information to the UN and other agencies as a part of our international obligations and also to facilitate arrangements for negotiation with foreign countries.
- Direction for Negotiation
- Commonwealth assistance – Commonwealth assistance to be clarified. Most likely assistance to be received in the form of capacity building for negotiation and strategic advice for negotiation.
- Communication of geographic coordinates to the Secretary General of the International Maritime Organization (IMO).





**ARMS TRADE TREATY: PACIFIC MODEL LEGISLATION WORKSHOP**  
**AUCKLAND, NEW ZEALAND**  
**2 - 4 DECEMBER 2013**



Loretta Va'a Teueli – Assistant Attorney General (Drafting Division), attended a 3 day workshop in Auckland, New Zealand to discuss the model legislation intended for domesticating the Arms Trade Treaty (Treaty). Observers present were the Pacific Islands Forum Secretariat, CARICOM Ambassador from Trinidad and Tobago, and CARICOM Deputy Permanent Representative from Jamaica.

The objective of the workshop was to provide feedback on the Model legislation that was prepared by the Small Arms Survey Office (based in) Geneva. Before discussing the model legislation, presentations were made regarding the consultations and negotiations on the text of the Treaty as well as feedback from different island countries on what has been done so far in each country regarding the treaty.

At the roundtable discussions, Mrs Va'a Teueli on behalf of Samoa provided an update that: Samoa has signed the Treaty (in 2013) and under instructions from the Ministry of Foreign Affairs and Trade, will hold off ratifying the Treaty until legislative mechanisms are in place for Samoa to domesticate the Treaty.

The Attorney General's Office has since prepared a legislative plan and will be looking at the necessary changes to this plan in light of the model legislation. An important aspect that was noted is that the relevant stakeholders need to be consulted on the implication of the implementation of the Treaty because there are complicated provisions for the Pacific regarding implementation.

At the conclusion of the workshop, no consensus was met on the model law but it was agreed that a revised draft will be sent out based on comments from the participants input on the model law. For Samoa, the outcome was that the model law will be used as a guide and will continue with the preparation of Samoa's Bill to domesticate the treaty. This will eventually be circulated in Samoa for consultations with relevant stakeholders in early 2014.

**INTERNATIONAL COURSE ON LAW AND LEGAL PROTECTION IN NATURAL DISASTERS****SANREMO, ITALY****3 - 7 DECEMBER 2013**

As a Legal Consultant with some disaster risk management (DRM) training and exposure to DRM legislative framework issues Constance Tafua-Rivers was invited to attend the workshop as a representative of the Government of Samoa in Sanremo, Italy. The *International Institute of Humanitarian Law* (IIHL) together with *Brookings-LSE Project on Internal Displacement*, the *International Federation of the Red Cross/Crescent Societies* (IFRC), the financial support of the Government of the Federal Republic of Germany and the United States Agency for International Development, organised the above course to respond to the increasing demand for legal and regulatory frameworks aiming to limit the human element in many disasters at both the domestic and international level.

The workshop was delivered through a series of lectures, case studies and practical exercises led by experts. The 5 day course was divided into sessions on:

- Global Trends in Natural Hazards and Vulnerability;
- Building Blocks in Disaster Management and Law;
- International Norms and Domestic Response;
- International Disaster Response;
- Legal Issues in Disaster Recovery;
- Disaster Risk Reduction; and
- Climate Change Adaptation.

For each area there were additional sessions to look at a case study in groups followed by individual assessment by the participants of the national framework in place for their own country.

The workshop identified areas that are in need of reform under the national framework. This is following the assessment of Samoa's laws for the areas discussed at the workshop. These are namely:

- International Disaster Response
- Domestic Disaster Response
- Disaster Risk Reduction and Climate Change Adaptation

Preparedness Study for Strengthening Legal and Policy Framework for Foreign Disaster Response in Samoa.

The international course was a timely opportunity to review and assess the effectiveness of Samoa's laws for disaster risk management. The discourse and experiences shared by representatives of other countries has helped to improve the proposed plan of action that can be framed for legal reform. With improved understanding of the issues surrounding disaster risk management law this will contribute to expediting the legislative changes necessary and ensuring that the law to be drafted is simple and effective.

**International Health Regulation Workshop**

The Attorney General's Office was invited to attend a consultation and training conducted by Ministry of Health from the 4 – 6 of November on the review progress of International Health Regulations (IHR)/Asia Pacific Strategy for Emerging Diseases (APSED) Work – plan and LF Vector Reduction & Control. Titilua Aiono and Siovia Liu attended this consultation on behalf to the Office. The consultation was a review of the progress in domestication of the IHR into our laws. The incorporation of the IHR into our domestic law is part of the Ministry's mandate and its international obligation to the World Health Organisation. International Health Regulation is a legislation that aims to control the spread of infectious diseases and influenza epidemics worldwide. The consultation also included a field visit to the respective medical clinics throughout Upolu. Our Office is currently working alongside Delphina Kerslake, legal consultant for Ministry of Health in fulfilling our role in relation to the domestication of the IHR. As of now the Ministry is still looking for a consultant who has both the legal and technical capacity to draft a law to domesticate the IHR.



## EVENTS FOR OCT - DEC 2012 (Cont'd...)

### 32<sup>nd</sup> PACIFIC ISLANDS LAW OFFICERS' NETWORK MEETING (PILON) THEME: DOMESTICATING INTERNATIONAL LAW – CHALLENGES AND BEST PRACTICES NUKUALOFA, TONGA 5-6 NOVEMBER 2013



Legal Consultant Constance Tafua-Rivers together with the Attorney General and Lucymaria Sio attended the 32<sup>nd</sup> Pacific Islands Law Officers Network Meeting. This was hosted by the Attorney General's Office of Tonga at Nukualofa. PILON member countries who participated at the meeting included Australia, New Zealand, Cook Islands, Fiji, Kiribati, Nauru, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga and Vanuatu.

The conduct of the meeting consisted of thirteen (13) sessions on the theme which included presentations by representatives of the international law panel, country reports from PILON member countries, reports from PILON Observer members and also report from the PILON Secretariat. Discussion of regional issues and information by the delegates were also invited by the chair.



Different presentations were carried out by members of the international law panel. These presentations were mainly on money laundering in the Pacific, Ratification of International Humanitarian law in the Pacific, Climate change in the Pacific and an overview of the United Nations Human rights mechanisms. Member countries provided reports on key law and justice activities and initiatives during 2013 as well as relevant domestic updates in relation to the three PILON strategic priority areas. For Samoa, Ms. Constance Rivers-Tafua, legal consultant at the Attorney General's Office presented Samoa's country report briefly on the areas of PILON Policy Agenda, Significant Cases and Implementation. Some of the challenges stated included the absence of technical expertise, the lack of policy direct, poor drafting of legislation as a result of external drafting without prior consultation and also the lengthy period to domesticate international laws due to political will. Nevertheless, the best practices identified included the need to advocate on early involvement in international law matters, promoting awareness of drafting *memorandums* for consultation, and encouraging the use of drafting instructions. Other matters and areas that were covered at the PILON meeting were:

- Strategic Plan Report
- PILON Secretariat Report
- Matters for members Consideration
- Regional issues and Initiatives
- International Crime Cooperation Workshop
- Reports and presentations by PILON Observer members
- PILON work for 2014 and Outcome report
- Arrangements for 2014 Annual Meeting
- 2014 PILON Executive Committee



The meeting was officially closed by Mr Neil Adsett, the Attorney general of Tonga and a vote of thanks was provided by the Attorney general of Samoa on behalf of the members and participants.

**LEGAL SKILLS TRAINING WORKSHOP**  
**MINISTRY OF JUSTICE, COURTS AND ADMINISTRATION (“MJCA”)**  
**APIA, SAMOA**  
**4 - 6 DECEMBER 2013**



The Office of the Attorney General in collaboration with DLA Piper and Centre for Asia-Pacific Pro-Bono hosted a “Legal Skills Training Workshop” over a period of two days from the 4—6 December 2013. The workshop was held at MJCA and the workshop presenters consisted of some of the sharpest minds in the Australian Legal industry. They were namely Rachel Walsh (Partner—DLA Piper), Sophie Devitt (Senior Associate—DLA Piper), Will Alstergen SC (Barrister, Supreme Court of Victoria and High Court of Australia) and Paul Panayi (Barrister—Supreme Court of Queensland and High Court of Australia). The participants of the workshop consisted of the Legal staff including the Drafting Division of the AGO, Government Ministries and the private sector.

The Workshop was divided into two major parts. The first part of the workshop focused on “Legal Skills”. This was conducted on day 1 by DLA Piper (Rachel and Sophie). The area of legal Skills were divided into different sessions focusing on-

- The Problem
- The research
- The language and drafting
- Advice Structure
- Time management

The day concluded with a ‘Questions and answers’ session. The participants had the opportunity to ask questions to clarify different issues that were raised in the first part of the workshop. The Legal Skills topic was relevantly useful for all legal staff as it refreshed some of the legal skills taught in law school and further enhanced legal skills acquired by each participants.

The remaining days focused on the second part of the workshop which was based solely on “Advocacy”. The following topics were discussed in different sessions -

- Opening Address
- Examination in Chief
- Objections to evidence
- Cross-Examination
- Re-examination
- Closing Address

The Advocacy sessions were highly significant for the participants as it focused on the technical and practical side of the law. It was a great experience for the lawyers of the AGO that rarely go to court and also the lawyers who work in litigation. The participants were divided into two groups and conducted the above mentioned topics in the court rooms at MJCA. All in all, the workshop was useful as it covered the expectations of the participants and a big Fa’amalo to the organizing committee and the legal experts from Australia.





## EVENTS FOR OCT - DEC 2012 (Cont'd...)

### SEMINAR BY FARAZ MAGHAMI ON Administrative Law: Natural Justice and Civil Procedure

Date: Wednesday 13th 10:30am-12:30pm in the Conference Room



*“Fairness is not an abstract concept. It is essentially practical. Whether one talks in terms of procedural fairness or natural justice, the concern of the law is to avoid practical injustice.”(Faraz Maghami)*

The seminar was an initiative by former employee of the AGO, Ryan Zahrai to have Faraz Maghami conduct a seminar in relation to Natural Justice and Civil Procedure. Faraz is an admitted barrister of the Supreme Court of NSW, High Court of Australia and Solomon Islands. He recently appeared before the Court of Appeal of the Solomon Islands in a commercial/administrative type matter bringing a claim against the Office of the Attorney General of the Solomon Islands. Faraz was called to the Bar in 2009 and has since represented both large multinationals, smaller companies as well as individuals in commercial and human rights matters and international disputes. In his seminar he emphasized the importance of using logic when solving any legal problem. The seminar was conducted in an informal way with a lot of interaction between Faraz and participants through questions and answers. It was a mind provoking and informative seminar, with Faraz sharing experiences of both high and low profile cases he advocated whereby the application of natural justice and procedural fairness were applied. Participants of the seminar were members of the AGO staff as well in-house counsels from other offices and ministries.



### Family Violence Court and Youth Justice Workshop (8 – 11 October 2013)

Legal Consultant Constance Tafua-Rivers and Theodora Matalavea attended the Family Violence Court and Youth Justice Workshop.

#### The main objectives of the workshop were;

To consider Family Violence both in the Pacific context and in Samoa and to learn how to approach and deal with it including the setting up of a Family Violence Court.

To consider the recently enacted Family Safety Act 2013 and to learn how to apply it.

To consider proposed Family Law legislation for Samoa and its implications

To review the operation and implementation of the Young Offenders Act 2007.

Justice Malosi and Judge Boshier provided presentation on the Family Court Model, Victim Safety, withdrawals of charges and Cultural/Family pressures on domestic violence issues. For Family Court Model, Justice Malosi provided a short group discussion on how Samoa can harness existing resources and build them into a family court model, the use of mediators, counselors and stopping violence programmes.

Legal Consultant Constance Tafua-Rivers of the Office of the Attorney General provided a presentation on the scheme of the Family Safety Act 2013. The main objective of the presentation is to develop a good understanding of the participants of how Family Violence can be addressed under the legislation. Mr McCambridge and Mr Kitto provided a brief on the presentation of how NZPF practice in domestic violence cases.

## OTHER EVENTS FOR OCT– DEC 2013

### PROFESSIONAL DIPLOMA IN LEGISLATIVE DRAFTING (PDL) PROGRAM

April—November 2013



Three members from the Office of the Attorney General, namely Theodora Matalavea, Edelma Niumata and Leitu Moananu undertook the PDL Program for this year, 2013. The PDL is offered once a year by the University of the South Pacific (USP) as a premier qualification in legislative drafting. The PDL is a 30 week Program, commenced in April and concluded in November with a Compulsory Workshop (Workshop) (held at USP Laucala Campus, Suva, Fiji on 21<sup>st</sup> – 22<sup>nd</sup> November, 2013) as the main and final assessment for the Program. The Program was fully funded by the Commonwealth of Learning with the exception of travelling costs for the Workshop. The PDL Program is designed for the novice as well as the experienced drafter to acquire knowledge in the art and science of legislative drafting. The Program had 6 modules with 8 assignments. These 8 assignments assisted the participants with learning practical skills in translating government policies into clear and effective laws, critiquing policies for a proposed law, redrafting of technical and archaic provisions as well as introducing the participants to the legislative drafting process in a progressive manner. During the Workshop, general discussion was focused on the 8 assignments submitted for the Program followed by group work where groups were required to prepare a draft Plan, a draft Bill and make comments on the proposed policy. The Program is a good building block or a starting point for those who seek to pursue a career in legislative drafting. The participants are taken through a well-structured approach in terms of drafting a legislation that is clear, precise and simple and give effect to the intended policies in accordance with the Constitution. The above-mentioned staff members have successfully completed the PDL Program and it is highly recommended that other legal officers be encouraged to undertake the Program especially those of the Legislative Drafting Division.

### ADMISSION TO THE BAR



Five lawyers from the Attorney General's Office were admitted and sworn in on the 4 October by his Honour Justice Lesatele Rapi Vaai. Attorney General Tuatagaloa Aumua Ming C. Leung Wai moved the admission of Nick Mann, Esekia Kirifi Soloi, Steffany Meredith, Gemma Mary Nelson and Siovia Florina Liu. The motions were supported by the Samoa Law Society.

Congratulations to the newly admitted and may the Lord's loving hands continue to bless and guide each of you as you begin your journey with the Attorney General's Office. His Honour also quoted Nelson Mandela **"Be the change you want to see in the world"**.

*"Today is the end of one journey and the beginning of another journey, you will now be in practice and accumulate wisdom that you learned in the past."*

(His Honour Justice Lesatele Rapi Vaai)



Esekia Soloi (Civil Division) Glory Sauaga (Tamati Law Firm) Gemma Nelson (Criminal Division) Tafailagi Peniamina (Tamati Law Firm) & Nick Mann (Civil Division)

## OTHER EVENTS FOR OCT– DEC 2013 CONT...

### Law and Justice Open Day Held on the 8<sup>th</sup> October 2013



The steering committee for the Law and Justice Sector which comprises of Office of the Attorney General; Ministry of Justice and Courts Administration; Ministry of Police and Prisons; Ministry of Women, Community and Social Development; Office of the Ombudsman; Samoa Law Reform Commission; Samoa Law Society; Samoa Council of Churches; Matai; Sui o Nu'u; Sui Tama'ita'i o Nu'u; SUNGO and central Government Agencies: Public Service Commission and the Ministry of Finance decided to host an open day and open its doors to the members of the public to display and showcase what the Sector is all about and what it aims to achieve. Attorney General, Aumua Ming Leung Wai, delivered the keynote address, and stated that the Law and Justice Sector does not work in isolation. He stated "The work cannot be done individually, and this was the reason why the steering committee is asking the public to come together to witness this special day and to talk about ways for a better future for Samoa, This is the first event of its kind and was seen to be a success with the great turnout and enthusiastic participation of students from various high schools and the public.

More than 20 information booths were displayed at the event including sector agencies, donor partners – AusAID and Austraining; Sector Partners- Samoa Victim Support Group, Samoa Returnees Charitable Trust, Samoa Research Organisation of Samoa, National University of Samoa, University of the South Pacific, the education sector, health sector and the civil society support programme.



Volunteers with To'oto'oleaava Dr. Fanaafi Aiono Le Tagaloa



Students with CEO of JMCA Masinalupe Tusipa Masinalupe





## FAREWELLS



The Legislative Drafting Division (“LDD”) bid farewell two valuable drafters in the team. This was a huge loss for the LDD as it also contributed to the shortage of drafters.

Fetogi Va’ai worked in the Attorney General’s Office for almost 6 years. She was part of the criminal Division before moving to the LDD for the remaining years. She was actively involved in the drafting of several laws including the Crimes Act 2013. Her courage and outgoing personality is sorely missed in the LDD team. She now holds a post at the Ministry of Police as a legal advisor.

Sioa Sioa has been with the Attorney General’s Office for a year and worked in the LDD. He was also actively involved in the drafting of Bills such as the Community Law Centre Bill and more. He was also an active member of the AGO touch rugby team. He now holds a post as a principal Legal Advisor at the Office of the Regulator.

## VOLUNTEERS

The Legislative Drafting Division (“LDD”) was fortunate to receive two wonderful volunteers Reina Va’ai and Jaceck Tuala.

Reina Va’ai is a Law student at the University of Auckland and currently in her last year of studies towards her Bachelor of Laws. She was a great volunteer and help here at the LDD for two weeks in November 2013. She contributed in consolidation work and also participated in the Law Symposium.

Jacek Tuala is also a law student and currently in his 3rd year at the University of the South Pacific in Emalus campus, Vanuatu. Jaceck has been volunteering for 3 weeks and was also involved in the consolidation project for 2013 and attended the 3 day intense legal training by DLA Piper, and the Victorian Bar held at MJCA, Mulinu’u.

The LDD of the Attorney General’s office wish you both all the best for the remaining part of your studies! - Ia manuia tele le toe alo atu I lua a’oa’oga!





### AGO "WHITE CHRISTMAS" PARTY



The Office of the Attorney General held an end of year Christmas party on the 13 December 2013 at Café Sele. The theme of the night was "White Christmas" and it was a special occasion for the whole staff as it was a celebration of the hard work, patience and persistence throughout the year.

The Attorney General also made a few remarks and thanked the whole staff for the good work throughout the year. The party started at 6.30pm and the highlight of the night however, was a pageant which consisted of beautiful ladies of the AGO vying for the "best dressed award" in accordance with theme. The impromptu pageant was very entertaining as the contestants danced and also participated in an interview category. The winner however went to Ms Constance Tafua-Rivers of the Legislative Drafting Division. Congratulations!! (The following are photos taken on the night)







### GRADUATION DAY (USP)



The University of the South Pacific held its graduation on December 13<sup>th</sup> 2013 in the Congregational Christian Church of Samoa Hall at Sogi. Titilua Aiono and Lisatalei Hakai from our Legislative Drafting Division graduated both with a Bachelors of Law Degree, and Leitu Moananu and Theodora Fipe Matalavea graduated with a Postgraduate Diploma in Legal Drafting. The graduation ceremony commenced with the graduates procession into the building and followed by the procession of the King Taufaahau Tupou IV. His majesty had the honour of presenting the awards as the Chancellor of the University to all the graduates of the year present at the ceremony. The feeling of excitement, triumph and happiness filled the hall as each and every graduate walked up the stage to receive their hard earned piece of paper. The Legislative Drafting Division attended to celebrate with Ms. Aiono and Ms. Hakai their achievement. The event ended with a closing speech of the Vice - Chancellor putting forward that graduation is a celebration of the ending of one journey and the beginning of another.

### CONSOLIDATION PROJECT & TEAM BUILDING ACTIVITY!

The Legislative Drafting Division completed its annual end of year project with a team building activity trip to Lalomanu. The Consolidation project focuses mainly on consolidating and reviewing existing laws of Samoa. This is whereby amendments to any existing laws are incorporated into the principal Acts. The team bonding activity was carried out at Faofao beach fale where the team was able to bond and reflect on the year's work and challenges and at the same time to finalise and celebrate the end of the project.









**MEMBERS OF THE  
LEGISLATIVE DRAFTING DIVISION**

*Ming C. Leung Wai*, Attorney General  
*Loretta Teueli*, Assistant Attorney General—Legislative Drafting  
*Rupeni Nawaqakuta*, Legislative Drafting Advisor  
*Constance Tafua-Rivers*, Legal Consultant  
*Theodora F. Matalavea*, State Solicitor  
*Leitu Moananu*, State Solicitor  
*Steffany Meredith*, State Solicitor  
*Siovia Florina Liu*, Law Clerk  
*Titilua Aiono*, Part-Time Law clerk  
*Lizatalei Hakai*, Part-Time law clerk  
*Jacek Tuala*, Volunteer  
*Losa Kelekolio*, Senior Legal Secretary

**UPCOMING EVENTS**

- **PARLIAMENT SITTING 21 JANUARY 2014**
- **RESUME WORK ON THE 6 JANUARY 2014**



**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.