



OFFICE OF THE ATTORNEY GENERAL LEGISLATIVE DRAFTING DIVISION



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1. Last Parliament Sitting & 2016 General Elections



EDITORS' NOTE

Talofa lava and welcome to the last edition of the Legislative Drafting Newsletter for 2015. In this edition, we are happy to share the latest updates in legislation, workshops, trainings and other events that officers of the Legislative Drafting Division participated in from 1 October to 31 December 2015.

On that note, may God's grace and peace be with you this festive season.

"Have a Merry Christmas and a Joyous 2016."

(Editors: Mearold Viliamu, Ann Matalasi and Terina Sefo)



**Samoa Law Society:
4th Biennial Law
Symposium
Apia, Samoa
3-4 November 2015**





PARLIAMENT UPDATE: OCTOBER TO DECEMBER 2015



29 OCTOBER SITTING

Bills: Consideration in detail

- ♦ ACTS INTERPRETATION BILL 2015
- ♦ CITIZENSHIP INVESTMENT BILL 2015
- ♦ CONSTITUTION AMENDMENT BILL (NO.2) 2015
- ♦ EVIDENCE BILL 2015
- ♦ LANDS, SURVEY AND ENVIRONMENT AMENDMENT BILL 2015
- ♦ LAND TITLES REGISTRATION AMENDMENT BILL 2015

17 NOVEMBER SITTING

Bills: Consideration in detail

- ♦ CRIMINAL PROCEDURE BILL 2015
- ♦ DISTRICT COURT BILL 2015

15 DECEMBER SITTING

Bills: First Reading, Second Reading and Referred to Select Committee

- ♦ Supplementary Appropriation Bill (No. 1) 2015/2016

ACTS PASSED FROM OCTOBER TO DECEMBER 2015

Title of Acts	Date Passed	Date Commenced
1. ACTS INTERPRETATION ACT 2015	20 OCTOBER 2015	5 NOVEMBER 2015
2. CITIZENSHIP INVESTMENT ACT 2015	20 OCTOBER 2015	
3. CONSTITUTION AMENDMENT ACT (NO.2) 2015	20 OCTOBER 2015	
4. EVIDENCE ACT 2015	20 OCTOBER 2015	
5. LANDS, SURVEYS AND ENVIRONMENT AMENDMENT ACT 2015	20 OCTOBER 2015	5 NOVEMBER 2015
6. LAND TITLES REGISTRATION AMENDMENT ACT 2015	20 OCTOBER 2015	5 NOVEMBER 2015
7. VALUE ADDED GOODS SERVICES TAX ACT 2015	20 OCTOBER 2015	5 NOVEMBER 2015

SUBSIDIARY LEGISLATION

Title of Acts	Date Signed	Date Commenced
1. Public Bodies (Election Candidates) Regulations 2015		
2. Public Service Amendment Regulations 2015		
3. Plumbers Regulations 2015	27 October 2015	27 October 2015



SUMMARY OF LEGISLATION



CITIZENSHIP INVESTMENT ACT

The purpose of the Act is to promote investment in Samoa by foreigners by allowing citizenship through their investments. To be eligible for citizenship, foreigners can invest a minimum of \$4m in a qualifying investment area set out in the Act. The Act sets out the process of investment and applications to invest after which the investor will be initially granted a 3-year permanent resident permit before being eligible to apply for citizenship by permanent residence under the Citizenship Act 2004.

CONSTITUTION AMEDEMMENT ACT (NO.2) 2015

Constitution Amendment (No.2) Act 2015 inserts a new Article 41A to create a new position of the Director of Public Prosecutions to take over the prosecutorial functions of the Attorney General in Article 41.



ACT INTERPRETATION ACT 2015

The Acts Interpretation Act (AIA 2015) replaces the Acts Interpretation Act 1974. The purposes of the AIA 2015 is to:

- ♦ provide basic rules for interpreting a provision of an Act;
- ♦ provide definition of words commonly used in Acts so that they are not repeated;
- ♦ provide rules which regulate operations of Acts; and
- ♦ provide standard provisions commonly used in Acts.

There are 9 parts of the AIA 2015:

- ♦ Part 1 deals with preliminary matters such as the title, commencement date and application.
- ♦ Part 2 and 3 deal with definitions and interpretation of Acts and also the general, commencement and citation.
- ♦ Part 4 deals with amendments and repeals.
- ♦ Part 5 deals with appointments, duties and powers such as exercising of powers before commencement of Acts.
- ♦ Part 6 deals with time and distance in relation to the standard time and distance.
- ♦ Part 7 deals with subsidiary legislation.
- ♦ Part 8 deals with offences, penalties, proceedings and evidence.





SUMMARY OF LEGISLATION CONT'D



VALUE ADDED GOODS AND SERVICES TAX ACT 2015

The Value Added Goods and Service Tax Act 2015 ("the Act") replaces the Value Added Goods and Services Tax 1992/1993. The Act addresses Samoa's membership of the World Trade Organisation, as well as the improvements to technology, e-commerce and telecommunication services in providing international services nowadays and the ability of the Ministry for Revenue to develop new taxation rules to accommodate for those changes. By increasing the 'turnover threshold' at which businesses have to register, the Act aims to reduce tax costs for certain smaller businesses. While there is a change in the name of the tax to goods and services tax (GST), the rules for calculating the tax are largely unchanged.

The Act deals with:

- ♦ VAGST and registration;
- ♦ supplies, imports and input tax credit; and
- ♦ post supply adjustments, GST periods and refund, and documentation and procedures.



LAND TITLES REGISTRATION AMENDMENT ACT 2015

The Act amends the Land Titles Registration Act 2008 to clarify that customary lands are not registered under the Torrens System of registration of land. Whilst a "record" of customary land can be maintained by the Registrar of Lands, such record is not to be treated as being part of the ordinary folio where freehold and Government lands (including leasehold interest in customary land) are registered.

EVIDENCE ACT 2015

The Evidence Act 2015 ("new Act") replaces the Evidence Ordinance 1961. The purpose of the new Act is to update procedures in determining evidence, to align with modern developments in the law and technology, and to address gaps in the Evidence Ordinance 1961. The new Act will assist with securing the just determination of proceedings by:

- providing facts to be established by the application of logical rules;
- promoting fairness to parties and witnesses;
- protecting rights of confidentiality and other important public interests;
- avoiding unjustifiable expense and delay; and
- enhancing access to the law of evidence and understanding of the law of evidence.

The new Act deals with:

- ♦ Admissibility;
- ♦ privilege and confidentiality;
- ♦ trial process; and
- ♦ judicial notice and documentary evidence

LANDS, SURVEY AND ENVIRONMENT AMENDMENT ACT 2015

The Act amends section 106 of the Lands, Surveys and Environment Act 1989 ("Principal Act") to allow other persons (including enforcement officers of the Land Transport Authority) to be authorised to enforce the litter provisions under the Principal Act. It also replaces references to "Conservation Officer" or "Conservation Officers" in the Principal Act and other enactments with the terms "authorised officer" or "authorised officers".

Do Not Litter



WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015



Law Society 4th Biennial Symposium 2015



Lawyers from the Attorney General's Office attended the Samoa Law Society 4th Biennial Symposium ("Symposium") which was held over two days, respectively on 3rd and 4th November 2015 at the Samoa Conference Centre, TATTE Building. The participants were lawyers from private and government sectors, as well as Judiciary and international experts presenting on significant legal topics. The theme was "WHO AM I?". It was chosen for each participant to pause and reflect on the effectiveness of legal services offered to the public. The Attorney General, Aumua Ming C. Leung Wai, presented on the Profession and Parliament on how the profession should assist with effective law making. Assistant Attorney General and Chief Legislative Drafter, Loretta Teueli, presented on the Lawyers and Legal Practice Act 2014 and the Community Law Centre Act 2015. Legislative Drafting

Advisor Rupeni Nawaqakuta presented the National Prosecution Office Act 2015. During the two days, Lexis Nexis and Xenox briefed the Society on the legal research services they have on offer.

What made the Symposium more special, the madam chair of the Continuing Legal Education Committee ("CLEC"), Teleiai Dr Lalotoa Mulitalo, presented a gift of appreciation to the Attorney General since this will be his last term.

The Symposium was organised by the CLEC, which involved two members from the Legislative Drafting Division, Steffany Meredith (State Solicitor) and Siovia Florina Liu (State Solicitor).



Assistant Attorney General and Chief Legislative Drafter Loretta



Madam Chair for CLEC, Teleiai Dr. Lalotoa Mulitalo, with the Attorney General



WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



Regional Workshop on Maritime Transport Policy SUVA, FIJI, 20-23 October 2015



Members who attended the Workshop with State Solicitor Siovia Florina Liu (front row-fourth from left)

The Secretariat of the Pacific Community (“SPC”) together with the International Maritime Organisation coordinated the Regional Workshop on Maritime Transport Policy (“Workshop”). The objective of the Workshop was to provide Pacific Island Countries and Territories (PICTs) with an understanding of the need for them to develop up-to-date Maritime Transport Policies and equip them with skills to develop policies that will in turn enhance international and regional maritime policy formulation skills and lead to better regulation of the maritime transport sector.

The workshop was attended by Siovia Liu (State Solicitor) on behalf of the Attorney General’s Office and Fepuleai Faleniu Mark Alesana, Assistant Chief Executive Officer for the Maritime Division in the Ministry of Works, Infrastructure and Transport.

The SPC presented a paper on “*Legislative and administrative competence of States under the United Nations Convention on the Law of the Sea 1982*” where it clarified the rights of States to enact and enforce laws in internal waters, territorial seas, archipelagic waters, contiguous zone, EEZ and high seas.

SPC also presented a paper on the “*Role of SPC and SPREP in Technical Assistance*” where challenges were identified, such as governance of transport, implementation of flag, port and coastal State responsibilities, and sustainability and affordability of transport services. The main objective is for PICTs to have sustainable transport services that are reliable, affordable, safe and clean through the provision of adapted technical assistance that can be provided by SPC and SPREP for Maritime Transport Policy.

PICTs were also invited to present their views on their national maritime transport policies, on how they are implemented, and any constraints and best practices. The PICTs that have national maritime transport policies are Papua New Guinea, Cook Islands

and Kiribati. However, Fiji and Vanuatu have draft national maritime transport policies. Samoa currently does not have a stand-alone Maritime Transport Policy. However, Maritime Transport is covered under the National Strategic Development Plan which also provides for a National Transport Sector Plan under the Transport Sector Plan 2014 - 2019. Legislation to the implementation of maritime transport includes the Shipping Act 1998, Maritime Zones Act 1999, Ports Authority Act 1998, Immigration Act 2014, Customs Act 2014, and the Labour and Employment Relations Act 2013.

The common constraints identified during PICTs presentations were the lack of human resources (technical knowledge), lack of funding, lack of political will, unrealistic implementation timelines, weak enforcement and lack of clear knowledge of obligations under international conventions.

At the conclusion of the Workshop it was agreed for PICTs to review and update or develop a new Maritime Transport Policy to be presented to the Transport Ministers in 2017. It was also agreed for PICTs to take the following steps to facilitate effective action:

- designate a lead or coordinating agency;
- create a mechanism for consultations with all stakeholders involved in the maritime transport sector, including government ministries and agencies, private sector, non-governmental organisations, civil society etc;
- identify and review scope of pre-existing policies, strategies, plans, laws and procedures, that form the background for formulating a maritime transport policy; and
- determine the timeframe for review, update and development of maritime transport policies along with the preparation for International Maritime Organisation Member State Audit Scheme audit.



WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



Regional Workshop on Pacific Memorandum of Understanding on Flag State Implementation and Port State SUVA, FIJI, 26-29 October 2015



State Solicitor Siovia Florina Liu (front row-third from right) with other regional members who attended the Workshop

Following the regional workshop on Maritime Transport Policy, the Secretariat of the Pacific Community (“SPC”) together with the International Maritime Organisation (“IMO”) also coordinated another regional workshop focusing on “*Pacific Memorandum of Understanding (“MoU”) on Flag State Implementation and Port State Control*” from 26 to 29 October 2015 in Suva, Fiji. The primary objective of the Workshop was to seek the agreement of PICTs on the terms of reference for the establishment of a harmonised system and uniform standards for inspection and control of domestic and international ships. The goal of setting up the Pacific MoU system is to ensure that ships that sail to or within the waters of PICTs meet minimum safety standards and to prevent sub-standard ships from being operated in such waters.

The Workshop was attended by Siovia Liu (State Solicitor) of the Attorney General’s Office and Fepuleai Faleniu Mark Alesana (ACEO- Maritime Division for MWTI).

Mr. Thierry Nervale (SPC’s Deputy Director Transport Programme) in his opening address stated the Workshop is a result of one of the outcomes from the “2014 Transport Ministers’ Meeting” where it was agreed for options to be discussed on the establishment of a MoU to improve flag state implementation (FSI) and port state control (PSC) in the Pacific Islands region. The Workshop was facilitated by Yoli Tom’tavala (Policy & Legal Adviser, Transport Programme, Economic Development Division – SPC) and Francesca Pradelli (Legal Adviser – SPC) together with the support of Mr Jonathan Pace (Maritime Policy Development Officer, Technical Cooperation Division of the IMO). The Workshop was conducted in an interactive manner, with participants provided with exercises to complete to assist them with how a MoU is drafted and to integrate agreed

views into the MoU. The following proposals were widely discussed during the Workshop:

- ♦ PSC: improve collaboration, coordination and communication and support PICTs to conduct PSC and be party to the Tokyo MoU (where relevant);
- ♦ FSI: create a harmonized flag state inspection regime based on regional cooperation and collaboration for:
 - capacity building in FSI;
 - minimum ship safety standards for ship less than 500 tonne;
- ♦ Marine Casualty Investigation: improve collaboration in case of accident

There were concerns raised in relation to countries who have already signed the Tokyo MoU and recommendations for those PICTs who are not members of the Tokyo MoU to become a member. Currently the PICTs that are members of the Tokyo MoU are Fiji, Marshall Islands, PNG and Vanuatu.

At the conclusion of the Workshop the terms of reference for a Pacific MoU was agreed among the different PICTs and a draft matrix on the content of the MoU was drafted integrating agreed views on what should be addressed in the MoU. SPC have been requested to draft the Pacific MoU guided by the draft matrix on views agreed during the meeting on the content of the MoU and continue consultations in order to present it to the Transport Ministers at their next meeting in 2017.





WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



Regional Workshop on the Universal Periodic Review Suva Fiji 25- 27 November 2015

The Office of the United Nations High Commissioner for Human Rights (“OHCHR”) organised a regional workshop on the “*Universal Periodic Review Process: How to Translate Human Rights Commitments into National realities*” from 25 to 27 November 2015 in Suva, Fiji. The Universal Periodic Review (“UPR”) is a review of all 193 United Nations member States on human rights issues in their respective countries. Samoa had its first UPR in 2011 and the next UPR will be around April – June 2016. Samoa is currently working towards the preparation of its report for its second cycle of the UPR.

Siovia Liu (State Solicitor) attended the Workshop on behalf of the Attorney General’s Office together with Pepe Seiuli (Assistant Ombudsman) and Tarita Theresa Sione (Principal Research and Strategic Development Officer – MWCSD).

The Workshop was facilitated by UPR experts from the OHCHR in Geneva and was divided into the following four segments (the UPR process):

- ◆ Sharing of experiences and general assessment of the first and second cycles during all phases of the UPR, in terms of preparation for the next review and follow-up.
- ◆ Sharing of experiences on establishing/strengthening of inter-institutional structures: mandate, usefulness, membership, legislative basis, working methods.
- ◆ Sharing of experiences on adopting national plans and creating tools to follow-up and implement recommendations, including adoption/revision of existing National human rights action plans and other thematic plans, such as partnerships,

development of databases and indicators to facilitate the monitoring of progress, identifying gaps/seeking technical assistance from the international community.

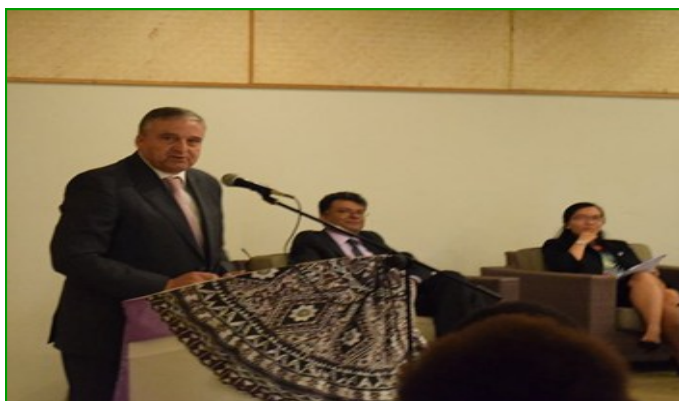
- ◆ Thematic discussion, which is sharing of practices on how to address common issues of concern and technical assistance for National Human Rights Institutions.

Samoa currently does not have a permanent national mechanism to follow up on UPR recommendations and its implementation. However, a Taskforce was appointed during the first cycle of UPR to prepare Samoa’s report, which is to be reactivated to oversee the preparation Samoa’s report for its’ second cycle of the UPR.

WAY FORWARD

It is recommended for Samoa to have a permanent national mechanism to follow up on recommendations received during its’ UPR and to oversee the preparation of the report. Another recommendation is for the Taskforce that was appointed during the first UPR to be re-activated permanently or to have a secretariat to oversee the monitoring of UPR recommendations and its implementation. This will make reporting more efficient.

Furthermore, the OHCHR in the Pacific have recently engaged an officer of the Ombudsman Office to work hand in hand with OHCHR Office here in the Pacific in assisting Samoa with its’ UPR process.



Attendees of the Workshop in Suva, Fiji from 25-27 November 2015



WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



PILON LITIGATION TRAINING

The Pacific Islands Law Officers Network (PILON) has been supported by New Zealand Crown Law for a number of years to deliver a biennial litigation skills programme. The programme provides the skills required by lawyers who are working as public defenders and prosecutors across the Pacific in case preparation, adducing evidence, cross-examination and running a defended Court hearing. The training is delivered by a panel of experts who are Judges, Crown Solicitors, Attorney General, Queen's Counsel, Barristers and field practitioners in courts across the Pacific. Many are graduates of this programme, which is funded by NZAID. The programme is designed to challenge and test the participants' skills and knowledge and to build these through a series of mock trials. Seven lawyers from the Attorney General's Office participated in the training, namely Sefo Ainuu from the Civil Division, Leone Mailo, Fetuliai Lagaaia, Lucy Sio, Ofisa Tagaloa, Lagafuaina Tavita, Brigitta Lo Tam and Alesana Tumua from the Criminal Division. Juniors from the Criminal and Civil Divisions volunteered to be Court officers during the training. Law Clerk Kylie Wilson represented the

Legislative Drafting Division in the PILON training.



National Workshop on Copyright

The Ministry of Commerce, Industry and Labour hosted the National Copyright Workshop ("Workshop") on the 22nd and 23rd October 2015, in collaboration with the World Intellectual Property Organisation ("WIPO"). Glory Fuimaono (State Solicitor, Civil Division), Mearold Viliamu (State Solicitor, Drafting Division), and Terina Sefo (Part-time Law Clerk, Drafting Division) attended the Workshop on behalf of the Attorney General's Office. The lead trainer, Mr. Paolo Lanteri, Legal Officer of the Copyright Law Division of WIPO, conducted a series of presentations over the 2 days on Copyright and Related Rights Multilateral Treaties. These include:

- Berne Convention (1886-1971)
- Rome Convention (1961)
- Phonograms Convention (1971)
- Satellites Convention (1974)
- TRIPS Agreement (1994)
- WIPO Copyright Treaty (1996)
- WIPO Performances and Phonogram Treaty (1996)
- Beijing Treaty on Audiovisual Performances (2012)
- Marrakesh Treaty to facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled (2013).

Moreover, there was a discussion on Collective Management, which is the "exercise of copyright and related rights by organisations acting in the interest and on behalf of the owners of rights", and the impracticality of managing certain activities

individually, both for owners and users.

The Workshop provided much insight on Copyright and related Rights for participants that attended, especially those in Samoa's music, media and video production businesses.





WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



Multi-stakeholder National Workshop Review and Development of Policies and Legislation relating to Disaster Risk Management

The Attorney General's Office, being a member of the Disaster Advisory Committee ("DAC") as well as the newly endorsed DAC Reference Group, was invited to the Multi-stakeholder National Workshop on the Review and Development of the Policies and Legislation relating to Disaster Risk Management ("Workshop").

The aims of the Workshop were:

- to present initial findings of stakeholder meetings (20-27 October, 2015);
- to present the review process of the National Disaster Management Plan ("NDMP") 2011-2014; and
- to present a draft guideline on mainstreaming of disaster risk management and climate change into sector planning.

The following were some of the key issues raised by the various stakeholders present at the Workshop:

- participants suggested to have a simple and straightforward NDMP that everyone can relate

to before, during and after a disaster (simplicity of the plan very critical for implementation);

- from the Government's perspective, one participant stated that in order for Samoa to become a disaster resilient country, the Government through MNRE has to look at ways to better leverage its resources when a disaster strikes. It was further explained that Samoa needs to work on areas which did not work well during the Tsunami of 2009 and Cyclone Evans in order to better respond if and when another disaster strikes;

- one of the issues presented by the consultants was the misalignment of dates. For instance, the lifespan of the NDMP is from 2011-2014 whereas the Samoa National Action Plan for Disaster Risk management (NAP) exists from 2011-2016. A strong consensus was made regarding the need to amend legislation (Public Bodies (Performance and Accountability) Act

2001 & Public Finance Management Act 2001) in order to align dates of Corporate plans, Strategy for the Development of Samoa ("SDS"), sector plans etc, so to have a more coordinated effort towards disaster risk management as well as climate change adaptation;

- in terms of the need to publicise the NDMP (as required under section 6(6) (e) of the Disaster and Emergency Management Act 2007), one of the participants suggested for the NDMP to be published on all DAC members websites;

- as the current SDS will be under review soon, one participant raised that it will be the ideal opportunity to incorporate and mainstream disaster risk management and climate change adaptation into the new SDS.

State Solicitor Mearold Viliamu from the Legislative Drafting Division attended the Workshop.

SBS-UNICEF Data Literacy Workshop

Mearold Viliamu (State Solicitor) and Terina Sefo (part-time Law Clerk) of the Legislative Drafting Division attended the Data Literacy Training led by UNICEF Pacific, in collaboration with the Samoa Bureau of Statistics, on 14 and 15 December 2015. The 2-day workshop training was focused on building statistical literacy in the interpretation and use of data from the most recent 2014 Samoa Demographic Health Survey and the 2011 Population and Housing Census to support child-relevant planning, decision making and advocacy programmes for the children of Samoa.





WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



VALIDATION WORKSHOP ON CHILD LABOUR IN SAMOA

The International Labour Organisation (ILO) for Pacific Island Countries in collaboration with the Ministry of Commerce, Industry and Labour hosted the Validation Workshop on Child Labour in Samoa on 2 December 2015 (“Workshop”). The objective of the Workshop was to present the final draft of the Child Labour Rapid Assessment Survey (“Survey”) that was conducted by the ILO in September 2014 as the key outcome of the Samoa National Forum on Child Labour piloting in June 2014. There was also a public consultation in May 2015. The Survey derived from the priorities set by Samoa during the Sub-regional forum on Combating Child Labour and Trafficking Forum in Nadi, Fiji from 13 to 16 April 2015. Presentations were made on the findings of the Survey in Samoa and also on the findings of the

scoping study and Media street vendors. The findings for the Survey showed that the percentage of street vending in Samoa is not alarming. However it is crucial to tackle this issue now as the negative consequences evident, will increase in the near future not only for the children but for Samoa as a whole. Lizatalei Hakai from the Legislative Drafting Division attended the Workshop.



SAMOA NATIONAL EMPLOYMENT POLICY (“SNEP”) CONSULTATION FOR PUBLIC AND PRIVATE SECTORS 2015 (“Consultation”)

The Ministry of Commerce, Industry and Labour (“MCIL”) hosted the first Consultation for the SNEP attended by two representatives from the Attorney Generals’ Office, Principal of Human Resources Michael Wulf and Law Clerk Kylie Wilson on 27 November 2015 at the Development Bank of Samoa. The purpose of the Consultation was to cover both employers and employees in public and private sectors on the following:

- to gauge their views on the newly developed SNEP;
- to discuss existing employment issues and challenges;
- to identify any shortcomings under the draft SNEP; and
- a way forward.

The Consultation covered three presentations. The first speaker on the SNEP 2015 was by Technical Assistant Silafau Paul Meredith, on the expected outcomes of the Policy, such as; awareness on SNEP development, the presentation of findings of the Samoa Employment Situational Analysis, the SNEP vision, objectives and draft policies. It also solicited feedback on the draft SNEP policies and implementation roles and responsibilities.

The second presentation was on the Apprenticeship, Employment and Labour Market (AELM) by Acting Chief Executive Officer of AELM Sa’u Taupisi Fa’amau. The presentation was on the scheme and how it is responsible for the administration of worker

and part-time study which involves both practical skills and understanding of theory in trades. It also covered the different types of apprenticeable trade courses for Samoa taught at the National University of Samoa’s Institute of Technology.

The third presentation was on the Industrial Relations, Work Permits and Occupational Safety and Health (IRWPOSH) by Helen Uiese, ACEO of IRWPOSH. The presentation covered matters relating to the role of the IRWPOSH Division and how it provides recommendations to immigration for issuance or non-approval of work permits, as well as to advise employers and workers on their rights, obligations, and Occupational Safety and Health.

Overall the Consultation was a great initiative taken by MCIL to gauge the views of the participants who shared their thoughts, comments and overall feedback on the three presentations.





WORKSHOPS/ TRAININGS/ CONSULTATIONS FROM OCTOBER TO DECEMBER 2015 CONT'D



EFFECTIVE LEADERSHIP TRAINING

7 TRAITS OF A GOOD LEADER

- ♦ Trust in the Lord
- ♦ Honour & Respect others
- ♦ Integrity
- ♦ Vision
- ♦ Create an enabling environment
- ♦ Ability to think outside the box
- ♦ Go the extra mile

(Attorney General, Ming C. Leung Wai)

The Attorney General's Office ("AGO") conducted a training on Effective Leadership from 12 to 13 November 2015 at the AGO's conference room. Trainers were Michael Wulf and Muriel Schuster. The Attorney General, in his opening remarks, shared of his experience as a leader not only as the Attorney General of Samoa for 9 years but also as the head of his family. The Attorney General also mentioned 7 traits which makes a good leader, with God at the center of it all.

Assistance Chief Executive Officer Manusamoa Christine Saaga also shared her experience during the training encouraging effective leadership. Participants from the Civil Division, Criminal Division, Legislative Drafting Division and Corporate Services Unit actively participated in the activities throughout the training. The training was concluded in awarding Certificates to all participants for the completing the training.



ACTS INTERPRETATION ACT 2015 TRAINING

Legislative Drafting Advisor Rupeni Nawaqakuta conducted a training on the Acts Interpretation Act 2015 ("Act") on 25 November 2015 at the Office of the Attorney General's Conference room. It focuses on the key features of the new Act so that lawyers are made aware on what is covered under the new Act. The Act influences existing laws in Samoa, it is crucial to train lawyers on its application.

The Act commences on 5 November 2015 and also applies to an act made before the commencement date.

The lawyers from the Attorney General's Office attended the training together with lawyers from Government Ministries.

*"Drafter's write the law, lawyers
apply the law and judges decide
on the law"*

Rupeni Nawaqakuta .





OTHER EVENTS FROM OCTOBER TO DECEMBER 2015



PROFESSIONAL DIPLOMA IN LEGISLATIVE DRAFTING (“PDLD”) : APRIL– NOVEMBER 2015



Mr. Rupeni Nawaqakuta (PDLD Coordinator-front row, middle) with regional members that took PDLD, including lawyers of the Samoa Office of the Attorney General.

The University of the South Pacific (“USP”) provides an 8-month course to build legislative drafting capacity. Five members from the Attorney General’s Office namely Associate Legislative Drafter Meiapo Faasau, State Solicitor Esekia Soloi, Law Clerk Titilua Aiono, Law Clerk Lizatalei Hakai and Law Clerk Kylie Wilson undertook the PDLD this year. The PDLP programme has been a popular programme with many lawyers within the Office of the Attorney General. Most of the lawyers in the Legislative Drafting Division are former graduates. The intention of the PDLD programme has always been to offer basic skills and knowledge, which include: developing on office materials and legislative precedents; how to write and draft proper legislative sentences and expressions; working with rules of interpretation; analysing and brainstorming policy instructions and writing laws; how to draft within the limits of the Constitution, in particular, the fundamental rights provisions; preparing an effective legislative plan before drafting legislation; knowing how to repeal and amend legislation; and knowing when it is required to draft saving and transitional pro-

CONSOLIDATION PROJECT 2015 & EXTENSION OF LEISLATIVE DRAFTING ADVISOR’S CONTRACT

The Legislative Drafting Division completed their Consolidation Project on 24 December 2015. The project involved consolidating and reviewing of existing laws whereby consequential amendments are incorporated into the principle Act.

The Office of the Attorney General is fortunate to have Legislative Drafting Advisor Mr. Vuetaki-Ledua Rupeni Nawaqakuta’s contract extended for another year by the Australian Government. Mr. Nawaqakuta is a pacific islander who can understand the complexity of drafting legislation for a highly cultural society. He has conducted in-house trainings in Drafting and has been a mentor for most of our local drafters.



Vuetaki-Ledua Rupeni Nawaqakuta—Legislative Drafting Advisor



OTHER EVENTS FROM OCTOBER TO DECEMBER 2015



OFFICE ACTIVITIES: HIKING & ZUMBA



Above– Celebrating the end of the National Health Week up at Mount Palisi.

Below: AGO Zumba Fundraiser with Tempo Fitness at Maliu



The University of the South Pacific (USP) held its first graduation at the big island of Savaii on Friday 11 December 2015. Amongst the graduands was Beau Jacek Tuala (Volunteer at the Legislative Drafting Division) who received his Bachelor of Laws from USP Emalus Campus Vanuatu, after 4 years of hard work and commitment. Family

and friends gathered at the Pisaga Hall at Salelologa to celebrate the success of all the graduands.

Four lawyers from the Office of the Attorney General, namely State Solicitor Esekia Soloi from Civil Division, Law Clerk Lizatalei Hakai & Law Clerk Kylie Wilson and Law Clerk Titilua Aiono from the Legislative Drafting Division graduated with their Professional Diplomas in Legislative Drafting. It was not easy having to work full –time and taking the PDLD online. Congratulations to all the graduands and all the best in your future endeavors.



'I have found the one whom my soul loves' Song of Solomon 3:4



Congratulations to Senior State Solicitor Leitu Maonanuu, on tying the knot with Roger Morin of Fiji on 10 December 2015.

(Pictured on the left with the Bride's father and the Groom)

Also, big congrats to State Solicitor Siovia Florina Lui on sealing her union with Heroshi Tea on 19 December 2015. (Pictured on the right, Mr. & Mrs. Tea.)





OTHER EVENTS FROM OCTOBER TO DECEMBER 2015



FINAL BIBLE STUDY WITH AG

Warm greetings in the name of our Lord Jesus Christ, who is the hope and foundation and for whom without, the Attorney General's Office would not be able to carry out its God given mandate in Government.

The Attorney General's Office has been holding Bible Studies ever since 2010, an initiative by Mr. Attorney General himself. Speakers from various church denominations in the country were invited to share the word of God with the Office every Fridays from 12.30pm – 1.30pm. It has certainly been a blessing over the years for the Office to have such time to reflect on God's goodness and faithfulness not only to the Office but to each and every individual.

A final Bible Study group was organised by Assistant Attorney General, Loretta Teueli and the Bible Study Committee to bid Mr. Attorney General farewell. A special gift presentation was also presented to Mr. Attorney General as a token of appreciation for his spiritual leadership during his reign as Attorney General.

On behalf of the Bible Study Committee and the rest of the Office, we once again extend our sincere appreciation i lau

Afioga Tuatagaloa Aumua Ming Leuang Wai for being a great and inspirational spiritual leader and may the Lord keep blessing you and your family in your future endeavours.



“For I have chosen him, so that he will direct his children and his household after him to keep the way of the Lord by doing what is right and just”

Genesis 18: 19

Farewell to Dominic Talouli (State Solicitor), Taape Tepora Tutagalevao (Senior Records Officer) and Michael Malua Wulf (Principal Human Resource and Training Officer)

The Office of the Attorney General bid farewell to three of its long serving employees - Mr. Dominic Talouli, Ms. Taape Tepora Tutagalevao and Mr. Michael Malua Wulf.

Mr. Talouli started work with the Office in 2013 and officially left to pursue a new chapter in his employment career on 2nd October 2015. He was notably a friendly, humble and hard working lawyer who worked as a State Solicitor for the Civil Division. He now joins the Ministry for Revenue as a Senior Legal Officer.

Ms. Taape Tepora Tutagalevao was a Senior Records Officer when she resigned and left the Office on 16th October 2015. She was a hard working lady, always making sure that the records system for the Office runs smoothly. She resigned to pursue other family obligations.

Michael Wulf who worked in the Corporate Services Divisions

as a Principal Human Resource and Training Officer since 2013 now holds a post as the Assistant Chief Executive Officer for Corporate Services Divisions, at the Ministry of Public Enterprises. The Office bid farewell to a talented and hard working young man and as Mr. Attorney General pointed out during his farewell speech, whoever takes up the position next will have to fill some big shoes. Mr. Wulf resigned and left the Office on 24th December 2015.

Fa'amanuia tele le Ali'i e le gata i lo outou valaauina ae faapea foi nai outou aiga. God Bless!!





OFFICE OF THE ATTORNEY GENERAL — END OF YEAR FUNCTION

The Office of the Attorney General held its usual end of year Christmas party on the 18 December 2015 at the Robert Louis Stevenson Museum, Vailima. The theme of the night was “A night in Shanghai”. 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 made a few remarks to thank the whole staff for their hard work throughout the year.

The highlight of the night was the Groups Competition. The Office was divided into four groups namely Team Beijing, Team Shanghai, Team Shenzhen and Team Xi'an. Each team was tasked to perform a Chinese-inspired performance of their choice. All teams stepped up to the challenge but unfortunately only one team came out as winners of the competition. First place went to Team Xi'an. Congratulations!!!

In a night full of laughter and joy, the Attorney General also bid an emotional farewell speech to the Attorney General's Office, the place where he was “divinely”

appointed to lead since 2006. Truly, it is so hard to bid farewell to such a great and inspiring leader.

Lau Afioga i le Loia Sili, e manatu o lea ua a'e i fanua le tuiga a le tautai i lana fa'atamasoaliiga. O lea fo'i ua lalata le vaiva'a ma ua fa'atili foe auā le a'e. Se ua fa'amalo galue ma le lē faalogologo tiga. Malo mo lau ta'ita'iga i nei tausaga e tele sa e tula'i mai ai i le tofi. Silafia e Le Ali'i galuega lelei uma sa e punoua'i ai auā se manuia o Samoa ma ona tagata. O lā Saulo ia Tavitā, “E te faia mea sili ma e manumalo ai lava”. O le upu i le Ulumu ma le Faoseu, “Ua se togi le seu na lagatila, ua faapulou le tualima, ua faamalo fai o le faiva” malo toa, malo tau! O le tatalo, ia iai manuia e tele o Le Ali'i i la'asaga uma mo lau Afioga ma si ou aiga. Alofaaga mai le Pulega ma lau Aufaigaluega atoa i le Ofisa o le Loia Sili.





UPCOMING EVENTS

LEGISLATIVE DRAFTING GALLERY 2015



Ming C. Leung Wai– Attorney General

Loretta Teueli– Assistant Attorney General
Legislative Drafting Division

Rupeni Nawaqakuta– Legislative Drafting
Advisor

Meiapo Faasau– Associate Legislative Draft-
er

Leitu Moananu– Senior Legislative Drafter

Steffany Meredith– State Solicitor

Siovia Florina Liu– State Solicitor

Mearold Viliamu– State Solicitor

Lizatalei Hakai– Law Clerk

Kylie Wilson– Law Clerk

Titilua Aiono– Law Clerk

Terina Sefo– Part-time Law clerk

Ann Matalasi– Part– time Law clerk

Jacek Tuala– Volunteer



- ◆ Last Parliament Session 26 January 2016
- ◆ General Elections in March 2016

DISCLAIMER

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