



# OFFICE OF THE ATTORNEY GENERAL

## LEGISLATIVE DRAFTING NEWSLETTER UPDATE

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The first Council of Europe Cybercrime Workshop and training hosted by the Government of Samoa (through the Office of Attorney General's Office) from 2nd –6th July 2018 at the Taumeasina Island Resort, Samoa.

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Talofa and Welcome,

Welcome to the 3rd edition of the Legislative Drafting Division Newsletter 2018. This edition will cover an update of all the events occurring from July to September 2018.

These events include workshops, conferences, and trainings attended and hosted by the Legislative Drafting Division.

The 3rd quarter of this year commenced with a busy period from July until September.

From the Attorney General and the Legislative Drafting Division we wish everyone an enjoyable and safe remainder of the year.

Steffany Meredith & Titilua Aiono  
(Editors)

*"Every Law is an infraction  
of Liberty."*

*Jeremy Bentham*

# EVENTS: JULY–SEPTEMBER 2018

## COUNCIL OF EUROPE CYBERCRIME WORKSHOP AND TRAINING APIA, SAMOA 2ND – 6TH JULY 2018 TAUMEASINA ISLAND RESORT

The Government of Samoa (through the Office of the Attorney General's Office) hosted its first ever workshop and training on Cybercrime on the 2<sup>nd</sup> to 6<sup>th</sup> July 2018, at the Taumeasina Island Resort. Samoa has since earlier this year, made clear its intention, to ratify the Budapest Convention.



The aim of the five day workshop and training was to assist Samoa in strengthening its capacities of criminal justice authorities by providing advice on national legislation on cybercrime and electronic evidence. Phase 1 of the workshop was formally opened by the Hon. Prime Minister, Tuilaepa Dr. Sailele Malielegaoi and with the blessing of Pastor Va'a Teueli and was attended by high level officials; Hon Chief Justice, Hon Minister for Communication and Information Technology, Her Excellency High Commissioner of Australia, Police Commissioner and other Heads of Government Departments, Internet Service Providers, Banks and media representatives. As for the phase 2 workshop, Hon Chief Justice gave the formal welcoming speech for this session.

The workshop and trainings were very informative to all who attended and encouraged a great deal of dialogue between both the presenters and the participants. The workshop also highlighted the necessary legislative changes that may be required, in order for Samoa to be in compliance with the standards the Budapest Convention promotes.

The facilitators for this workshop and training were Mr. Matteo Lucchetti (Project Manager/ Cybercrime Programme Office (C-PROC) of the Council of Europe), Mr. Jan Kerkhofs (Federal Magistrate specialized in cybercrime and terrorism from Belgium), Mr. Zahid Jamil (Barrister-at-Law from Pakistan and chairman of the Cybercrime WG of the Global Forum for Cyber Expertise, Ms Marie Wynter Senior Legal Officer International Legal Assistance and Treaties (Australian Attorney Generals Department) and Ms Bhavana Dhanasar Legal Officer | International Legal Assistance and Treaties (Australian Attorney Generals Department).



Phase 2 Workshop – Judicial, Law Enforcement and Prosecutors Training.

# EVENTS: JULY—SEPTEMBER 2018

## Environmental Dispute Resolution and Small Island State's Workshop and Conference

The Executive Director of the Samoa Law Reform Commission Teleiai Dr. Lalotoa Mulitalo and Chief Legislative Drafter (Assistant Attorney General) Galumalemana Noumea L. Teueli attended the Environmental Dispute Resolution and Small Island State's Workshop and Conference held in London on 3 – 7 September 2018. This was initiative put together by the Ministry of Foreign Affairs and Trade, New Zealand, Queen Mary University, University of London – Centre for Small Island States, Queen Mary University of London – School of Law, Wilmer Hale Cutler Pickering Hale and Dorr and Victoria University of Wellington, New Zealand.

A Training Workshop was held on 3 – 5 September 2018 in which Mrs. Teueli was a participant and Ms. Mulitalo was a presenter. The presentation delivered by Ms. Mulitalo underlines the importance of legal pluralism in Samoa and as a small island state with more than one governing system in existence, legal pluralism must be taken into account when developing policy and reforming laws so that such laws are practical and enforceable in any area including Environmental Dispute Resolution in Small Island States.

### Training Workshop 3 – 5 September 2018

#### Centre for Commercial Law Studies Queen May University of London

The Workshop consisted of sessions provided from different areas of expertise such as the science areas where **Trends and Updates** were provided on the Science surrounding Climate Change, and the trends on where the World will be in 50 or 100 years if no change is made and the impacts the environment will face.

Sessions on the sustainable **Eco System Approach to Fisheries** was also undertaken with a look at the International Fisheries Management systems as well as using International Environmental Law as a tool for management of fisheries.

International Law experts presented sessions on Negotiating in International need for Small Island States to be aware of the issues and how to work with other Small Island States to push an agenda.

A legislative drafting aspect was provided by technical experts in the field primarily looking at the issues constantly faced by Small Island States drafting legislation on a daily basis. Teleiai Dr. Lalotoa Mulitalo provided an insight into not just the issues constantly faced by legislative drafters but the need for recognition of pluralistic systems when approaching law reform in Small Island States. Her paper discussed the importance of such an approach as it allowed for more practical and enforceable laws for Small Island States. An example provided were the development of Fisheries By-Laws for Samoa where the involvement of Village Councils provided a more likelihood of successful implementation of such By-Laws. The workshop ended with a session from a very seasoned mediator discussing tips and tools for successful mediation and arbitration that could be useful for Small Island States.

The Samoan delegation was also invited to an evening discussion hosted by an internationally recognised law Firm *Debevoise & Plimpton* in London to discuss **Women and Careers in Climate Change and International Environmental Law and Policy**. Teleiai Dr Lalotoa Mulitalo was also invited to speak as a panellist discussing the progress Samoa has made in terms of gender equality and advancement generally.

### Environmental Dispute Resolution and Small Island States Conference

6 – 7 September 2018

#### Wilmer Hale Cutler Pickering Hale and Dorr – London

The 2 day conference followed by the Workshop was an event filled with experts from wide fields of expertise all providing insight into Environmental Dispute Resolution for Small Island States. For a 2 day event, a total of 32 speakers presented abstracts on a number of topics interlinked with the theme of the conference. Amongst the 32 speakers, Teleiai Dr. Lalotoa Mulitalo was invited to speak on the Different Dimensions of Environmental Dispute Resolution in the Pacific Islands. It was noted that “alongside the Courts and tribunals of the Pacific Islands are informal and unofficial fora that determine disputes within the communities.” Dr. Mulitalo's paper is attached detailing the abstract presented on.

The Workshop and Conference was of beneficial to Samoa but more so, for other international participants to hear from Small Island States such as Samoa on how they deal with issues that impact on them.



# EVENTS: JULY—SEPTEMBER 2018

## EXCHANGE OF INFORMATION OF PUBLIC SECTOR CONSULTATION

The Samoa Law Reform Commission on 18 September 2018 conducted a Public Consultation for Government Offices to attend and share their views on the Exchange of Information of Public sector in the pipeline developing for Samoa.

The scope of the Project contrary to the Freedom of Information legislation that regulates public and media's right to access information in the Government Ministries and Agencies, focuses on 'information sharing' amongst Government Ministries, Public Bodies, Constitutional Authorities and Statutory Bodies ('Public Sector'). The Public sector consists of 5 Constitutional Offices, 15 Government Ministries, 23 Public Trading Bodies, 10 Public Beneficial Bodies and 4 Statutory Bodies.

The Consultation presentation was conducted by Ulupale Fuimaono, Assistant Executive Director, Legal Division. The presentation reflected on the following four Terms of Reference:

1. Issues—assess issues on 'Exchange of Information in the Public Sector';
2. Current laws/policies—examine the current laws and policies in place to govern the exchange of information;
3. Laws and policies in other jurisdictions; and
4. Suitable option(s) for Samoa.

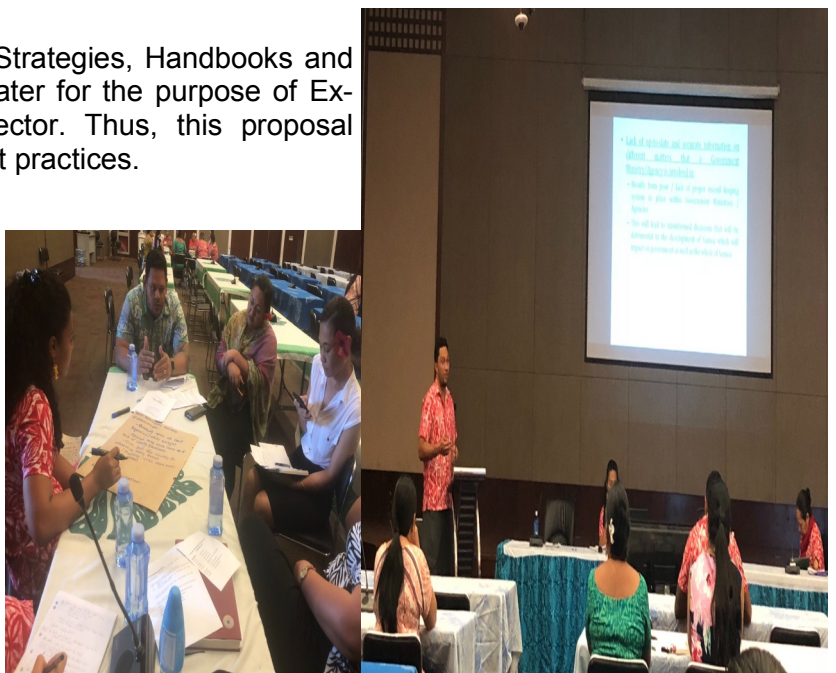
The issues in summary that is addressed under this proposal deals with:

- (a) Information—this deals with outdated and inaccurate information and when information is not readily available;
- (b) Officers/employees— concerns when there is a lack of collaboration amongst Government Offices, lack of resources/ expertise/training and uncertainty on what information to release when requested; and
- (c) information sharing systems concerns with lack of individual Ministry EOI systems and lack of centralized database.

There are existing Legislation, Policies, Strategies, Handbooks and other instruments currently in place to cater for the purpose of Exchange of information within Public Sector. Thus, this proposal seeks for options to improve these current practices.

Participants were divided into groups to discuss the main consultations questions on the challenges Ministries experience with exchange of information, how these challenges are addressed and what the most practical method or process of information sharing in the public sector would be.

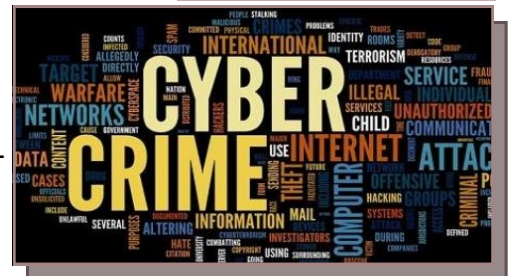
Ms. Titilua Aiono (Senior State Solicitor) of our Office attended on behalf of our Office.



**OCTOPUS CONFERENCE 2018: COOPERATION AGAINST CYBERCRIME**  
**11-13 JULY 2018,**  
**COUNCIL OF EUROPE, STRASBOURG, FRANCE**

**Senior State Solicitor, Kylie Wilson.**

- i. Evidence in cyberspace: multi-stakeholder consultation on the Protocol to the Budapest Convention;
- ii. Global state of cybercrime legislation: progress 2013 – 2018;
- iii. Jurisdiction in cyberspace;
- iv. Capacity building on cybercrime and e-evidence: what is the impact?; and
- v. Cyber-violence: challenges and responses.



**attorney.general@ag.gov.ws**

# EVENTS: JULY—SEPTEMBER 2018

## LEGISLATIVE DRAFTING DIVISION RETREAT

The Legislative Drafting Division had its Retreat in the Attorney General's Office Conference Room on Wednesday, 26th of September 2018. The retreat commenced with a prayer by our Chief Legislative Drafter, Galumalemana Noumea L. Teueli, then a Program was presented for discussion.

The following was the Agenda on the Program:

- (a) each individual to list two professional weaknesses about yourself or team; and
- (b) provide solutions to weaknesses in (a) above.

Discussions on internal procedures that the team needed to improve on was discussed including the visions and goals we set for ourselves personally and professionally as part of our short term and long term goals.

Prior to the division Retreat, each staff member of the Attorney General's Office had to undertake a management assessment for a survey that provided our honest and valuable feedback for our respective managers or Assistant Attorney General. The feedback results were confidential but the reviews and comment results from each division was discussed accordingly as a way forward to enhance better communication and work relationships in our division.



Legislative Drafting team during the team building brainstorm activities at the Office Retreat.



Legislative Drafting Division members during the Division Retreat on Wednesday, 26th September 2018.



# EVENTS: JULY—SEPTEMBER 2018

## CELEBRATING FATHER'S DAY



Fathers Day was celebrated in our Office on 10 August 2018. The Office Social Committee together with the Bible Study committee held a celebration of the Fathers Day to show appreciation for all Fathers in our Office. In making this event special, the Office invited Pastor Manasa Kolivuso, a Fijian Ministry Pastor to conduct our Office in Prayer and other Ministries also joined to hear the word of God.



Representatives from the Private Sector also attended.

The Prayer service concluded with afternoon refreshments and Special gifts were provided for not only all the Fathers in our Office but also to those who celebrated the Fathers Day prayer service with us.

## WELLBEING & COMMUNITY SOLUTIONS WORKSHOP PROGRAM

Senior State Solicitor, Kylie Wilson and State Solicitor, Ioata Tanielu of the Office of the Attorney General attended the Wellbeing and Community Solutions (WCS) Workshop on Wednesday 12 September 2018 at Tanoa Tusitala Hotel. The purpose of the workshop was to inform the stakeholder's regarding the organisation's case management approach to "actively nurture the wellbeing and civic contribution of all children, young people including people with disabilities in families in Samoa". The one hour workshop focused on the identity of WCS, its vision, the values and the importance of using case management as a tool for the organization.

It is a registered organisation in Samoa set up to support government and non-government providers of services to vulnerable children, young people who are at risk of harm and their families and people with disabilities. It is governed by a Board of Directors with operations directed by a group of professionals. They perform a range of functions in the areas of case management for both children and adults with disabilities and children and young persons who are at risk, early intervention; support planning, communications, learning and development and administration. Their current goals and objectives are directed towards strengthening the capacity of the community sector to achieve better outcomes for communities, families, children and young people.

Their vision is for a truly civil society based on equal opportunity and social inclusion that actively nurtures the wellbeing and civic contribution of all children, young people, families and communities including people with disabilities. The hope is to launch their service with the ***"Child Protection management: The introduction of case management"*** which seeks to promote the principles of the UN Convention, but it also identifies prevention and early childhood development.



# EVENTS: JULY—SEPTEMBER 2018

## *Office of the Attorney General's Retreat*

The Office of the Attorney General Retreat was held at the Samoa Tradition Resort, Ululoloa on 28<sup>th</sup> September 2018. The Retreat was initiated by the Attorney General, Lemalu Hermann Retzlaff to help build capacity within the Office. The Retreat consisted of all 6 divisions of the Office including Civil Litigation and Opinions Division, Commercial and International Relations Divisions, Criminal Prosecutions (District Court) Division, Criminal Prosecutions (Supreme Court) Division, Legislative Drafting Division, and Corporate Services Division.

The Retreat commenced with a Presentation by the Attorney General envisaged to focus on the vision and mission of the Office. The purpose of the Retreat set out to build an internal vision to build each other up. The presentation covered the following:

1. Vision and Mission of the Office;
2. miracle of cooperation; and
3. qualities of good leadership.

The vision of the Office is to “*ensure a safe and just society through the provision of quality and effective legal services*”, and our Mission is to “*serve the people of Samoa by upholding the Constitution and providing the highest quality legal services to Government.*”

The presentation encouraged the staff to have a positive mindset in moving forward with the work because it helps our individual professional development and maintain the good reputation of the Office. The Attorney General’s encouragement proves from his own professional and personal experience and ensures that together with the help of God anything we set out to do is possible. The presentation inspired the staff to fulfill the plan of God and keep rising up despite the many challenges. The idea prompts that “a setback is a setup for a comeback”. He reminded that moving forward with a positive attitude will be a guidance for our Office’s development in all our work.

We had the privilege of hearing the learned experiences from two Guest Speakers, the President of the Samoa Law Society, Leiatuaalesa Komisi Koria and the Minister of Finance, the Honourable Sili Epa Tuioti who also presented the Keynote address. They noted the immense legal responsibilities and roles that our Office carries out for Samoa and commended to encourage our Office to continue to be bold in our decisions and legal advices. We were very fortunate to have two well-known experts in their own professionals talk on their own personal experiences and advice on our professional development.

The full-day program comprised of many group activities, presentations, ice-breakers and discussions. The program ended with Office refreshments and prize giving for our Office’s two-month LOSE IT Challenge. The Retreat was a great success because of the collaborative work of the 6 divisions, their respective managers, the Attorney General and the hardworking Social Committee. Photos of the Retreat are included in the next page.



# EVENTS: JULY–SEPTEMBER 2018

## *Office of the Attorney General's Retreat*



- |   |   |
|---|---|
| 1. Guest Speaker—Honourable Sili Epa Tuioti (Minister of Finance)           | 6. Criminal Prosecution Divisions                             |
| 2. Guest Speaker—Leiatuaalesa Komisi Koria (President of Samoa Law Society) | 7. Commercial and International Relations Division            |
| 3. Office of the Attorney General   | 8. Attorney General during his presentation                   |
| 4. Corporate Service Division   | 9. Winners of the LOSE IT Office Challenge with Mrs. Retzlaff |
| 5. Legislative Drafting Division  |   |



# EVENTS: JULY—SEPTEMBER 2018

## JULY

### ADMISSION

One from our Legislative Drafting Division was amongst 6 lawyers to have been admitted to the bar as a Barrister and Solicitor of the Supreme Court of Samoa on 17th July 2018.



Tacy graduated with her Bachelors of Law with University of the South Pacific and completed her Professional Diploma of Legal Practice.

## AUGUST

### LAW SOCIETY GOLF TOURNAMENT

The Office of the Attorney General lawyers joined the Law Society in their one-day off Golf Tournament. This event was organized by the Law Society Sports Committee held at the Fagali'i Golf Course.

The event was followed by Prize Giving hosted by the Law Society Committee at Rendezvous Bar and Grill.



## SEPTEMBER

### Members of the Legislative Drafting Division

**Lemalu Hermann P. Retzlaff** (Attorney General)  
**Galumalemana Noumea L. Teueli** (Chief Legislative Drafter)  
**Leitu Moananu-Morin** (Associate Legislative Drafter)  
**Steffany Meredith-Hunt** (Principal Legislative Drafter)  
**Siovia Liu-Tea** (Principal Legislative Drafter)  
**Jasmine Faleafaga-Vaiao** (Principal Legislative Drafter)  
**Kylie Wilson** (Senior State Solicitor)  
**Titilua Aiono** (Senior State Solicitor)  
**Jacek Tuala** (State Solicitor)  
**Shalon Time** (State Solicitor)  
**Ioata Tanielu** (State Solicitor)  
**Losa Kelekolio**, (Senior Legal Secretary)

### FAREWELL

Tacy Seupepe Sasagi joined our Legislative Drafting family as a Part-time Law Clerk in 2017. She joined the Criminal Prosecutions (Supreme Court) team as a Law Clerk on 10 September 2018.

We wish Tacy all the best in all her future endeavors. God Bless.



### 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.

*"Compromise is the best and cheapest lawyer."*  
 Robert Louis Stevenson

### UPCOMING EVENTS

#### Legislative Drafting Team

1. Galumalemana Noumea L. Teueli is attending the 37th Annual meeting of the Pacific Islands Law Officer's Network (PILON) and working group meeting in Cook Islands from 8th October—11 October 2018.
2. Jacek Tuala will be attending the Pacific Policy Champion Program hosted at Attorney General Department in Canberra, Australia from 8th October—19th October 2018.
3. Next Parliament Sitting will be on 5th October 2018.

The newest addition to our Legislative Drafting Family. Siovia Liu-Tea gave birth to our new bundle of joy on 23/9/2018. Congratulations!

