



LEGISLATIVE DRAFTING DIVISION NEWSLETTER UPDATE

VOLUME 10, ISSUE 2
1 APRIL-30 JUNE 2017

EDITOR'S NOTE

Greetings and Talofa lava!

Welcome to the second edition of the Legislative Drafting Division ("LDD") Newsletter for 2017. This edition continues to cover updates of all the events occurring from April to June 2017. Included in this issue is an update on legislation passed in Parliament as well as other activities attended by LDD.

Tacy Seupepe Sasagi (Part-Time Law Clerk)
EDITOR



Members of the LDD with the Attorney General

LDD team with the Attorney General (Cont'd on page 6).

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- ◆ Team Uniform Launch 2017
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PILON 2017 and members of the Attorney General's Office

The Attorney General's Office (AGO) hosted the Pacific Island Law Officer's Network Executive Meeting (PILON) 2017. The AGO welcomed the guests with the Ava ceremony to open the two day meeting. (Cont'd on page 4).

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- ◆ Drugs Reform [Narcotics Act 1967] Review
- ◆ PILON 2017
- ◆ National Seminar of New Development in Copyright and its Role in Sustainable Development.
- ◆ Project Management Trainings 2017



PARLIAMENT UPDATE 2017 APRIL-JUNE

ACTS PASSED 2017

ACTS	DATE PASSED	COMMENCEMENT DATE
Stamp Duty Amendment Act 2017 (Urgency Certificate)	30 May 2017	1 July 2017
Constitution Amendment (No.1) 2017	30 May 2017	Date of assent
Constitution Amendment (No.2) 2017	30 May 2017	Date of assent
Appropriation Act 2017/2018	26 June 2017	Date of assent
Income Tax Amendment Act 2017 (Urgency Certificate)	27 June 2017	ss 8b-date nominated by Minister ss 2, 3, 5, 7 (a) & (b) 8 (a) & 9-1 January 2018 ss 1, 4, 6, 7c-1 July 2017
Excise Tax Rates Amendment Act 2017 (Urgency Certificate)	27 June 2017	1 July 2017
Fees and Charges (Miscellaneous Amendments) Act 2017	27 June 2017	Date of assent
Casino and Gambling Control Amendment Act 2017	27 June 2017	Date of assent
Customs Tariff Amendment Act 2017	27 June 2017	Date of assent
Public Service Amendment Act 2017	27 June 2017	Date of assent

BILLS IN PARLIAMENT 2017

BILLS	STATUS
Police Service Amendment Bill 2017	First reading (26/6/17), Second reading and referred to Select Committee (27/6/17)
Sex Offenders Registration Bill 2017	First reading (26/6/17), Second reading and referred to Select Committee (27/6/17)
Film Production (Tax Incentives) Bill 2017	First reading, Second reading and referred to Select Committee (27/6/17)
Energy Efficiency Bill 2017	First reading (26/6/17), Second reading and referred to Select Committee (27/6/17)
Conventional Arms Bill 2017	First reading (26/6/17), Second reading and referred to Select Committee (27/6/17)



Remaining Parliamentary Sittings

MONTH	DATE
October 2017	Tuesday 27 th
December 2017	Tuesday 19 th
January 2018	Tuesday 23 rd

A BILL IN PARLIAMENT





Summaries of Legislation Passed in April-June 2017

Constitution Amendment (No.1) 2017

This Act abolishes the National Prosecution Office (NPO) and repeals the NPO Act 2015. The prosecutorial powers that were with NPO is now back to the Attorney General's Office. The National Prosecution Office is now the criminal division under the supervision of the Attorney General's Office.

Constitution Amendment (No.2) 2017

The Constitution Amendment (No.2) Act 2017 ("Act") amends the Constitution of the Independent State of Samoa 1960 by inserting in the body of the Constitution that Samoa is a Christian nation. This is to declare the dominance of Christianity in Samoa.

Appropriation Act 2017/2018

This Act provides appropriation for 2017/2018 for the Financial Ending Year ending 30th June 2018.

Fees and Charges (Miscellaneous Amendments) Act 2017

The Act seeks to amend various Acts of Parliament in relation to fees and charges and to give effect to a Cabinet Directive F.K.(14) 25 dated 16 July 2014. The main purpose of the Act is to ensure that all fees and charges for services rendered by Government Ministries, Government Agencies and public beneficial bodies and selected public trading bodies are to be prescribed by Regulations made by the Head of State, subject to the approval of the National Revenue Board.

Customs Tariff Amendment Act 2017

This Act seeks to amend the Custom Tariff Act 1975 ("Act"). The object of the Act is to amend the Second Schedule of the Act so that electrical vehicles imported may be subject to concession. This duty concession will be decreased from 20 percent to 5 percent.

Excise Tax Rates Amendment Act 2017

This Act seeks to amend the Excise Tax Rates Act 1984 by providing for new excise tax rates for tobacco products.

Stamp Duty Amendment Act 2017

This Act amends the Stamp Duty Ordinance 1932 (Ordinance). The purpose of the Act is to amend section 2 of the Ordinance by inserting definitions for capital assets and capital gains and to amend section 4 of the Ordinance to provide an obligation on a person who owns a capital asset (and makes a capital gains on the sale of such) to settle his/her capital gains tax before the relevant instrument for sale is stamped under the Ordinance. The Ministry of Finance or Ministry of Natural Resources and Environment may seek assistance from Ministry of Revenue to verify any information provided by a person to be stamped.

Income Tax Amendment Act 2017

This Act seeks to amend the Income Tax Act 2012 to impose tax on ministers of religion and the Head of State. The Act further provides for an expiry date for the operation of the income tax credit scheme.

Casino and Gambling Control Amendment Act 2017

The Act seeks to amend the Casino and Gambling Control Act 2010 ("the Act") to cover the extension of the period for the Totalisator Agency Board ("TAB") to act as and assume the powers, duties and functions of the Gambling Control Authority. The replacement of 4 years with 5 years extends the period for up to 12 more months to enable the TAB to transition smoothly the handing over of the Board to the Casino and Gambling Control Authority.

Public Service Amendment Act 2017

This Amendment Act provides a legal basis for several policy decisions and practices that have been developed over a period of time.

"The greatest happiness of the greatest number is the foundation of morals and legislation" - Jeremy Bentham



EVENTS OF APRIL-JUNE 2017

ANTI-MONEY LAUNDERING AND COUNTER TERRORIST FINANCING WORKSHOP

Central Bank of Samoa on the 2 May 2017

The Central Bank of Samoa (“CBS”) invited relevant representatives from various Government Ministries and Agencies to a workshop at their Conference room to discuss the progress made by Samoa to address the deficiencies identified in the Asia/Pacific Group on Money (“AGP”), Mutual Evaluation Report for Samoa 2015 on Anti-Money Laundering and Counter Terrorist Financing.

The issues that were discussed were in relation to steps taken to address technical compliance deficiencies, steps taken to improve effectiveness and the current and future challenges priorities. Legislative amendments were also proposed to improve the compliance of Samoa on the standard AGP recommendations. The workshop was conducted for 3 days by Elliot Kennedy, Secretariat of AGP.

Senior State Solicitor, Kylie Wilson and State Solicitor, Beau Jacek Tuala, attended on behalf of the Office of the Attorney General.



Drugs Reform [Narcotics Act 1967] Review Issue Paper (Samoa Law Reform Commission [SLRC])

Charles Leicester Dean of the SLRC who was seconded to AGO for a week conducted a presentation regarding SLRC’s new project on drugs reform. The

presentation was presented on a number of issues listed below:

- Current Narcotic Act 1967 is outdated
- Areas did not cover some of the matters related to drugs
- Drugs related cases [minimize court waste of time]
- Laws relates to addicts [law relates to other drugs addicts]
- Need to consider emerging issues
- Laws from other jurisdiction just for comparison
- International Drugs Conventions [reference]
- Adequacy of enforcement including penalties, rehabilitation and monitoring
- Roles and responsibilities of parents, village councils and churches with respect to drug use.

The presentation was conducted at the Attorney General’s Office, minor comments were provided on the issue paper. The presentation outlined most of the important issues that needed to be addressed in the current Narcotics Act 1967 before SLRC undertakes consultations.





Pacific Island Law Officer's Network Executive Meeting (PILON) 2017

The PILON Executive Meeting was hosted by the Office of the Attorney General (AGO). The meeting was for two days, from the 15-16 of June 2017. The AGO welcomed the guests with an Ava ceremony to open the meeting. There were seven (7) members who attended this meeting from different Pacific Island Countries. PILON is a network of senior law officers from the Pacific Island Countries. It provides a forum for addressing law and justice issues common to countries within the Pacific region. Meetings are usually attended by Attorney Generals, Solicitor Generals and Senior Crown Counsels or representatives of each. Although PILON is an independent body it has close relationship with regional and international organizations.



Lemalu Herman P. Retzlaff, Attorney General and the seven (7) PILON members





EVENTS OF APRIL-JUNE 2017 cont.

National Seminar of New Development in Copyright and its Role in Sustainable Development **Apia, Samoa on 9th and 10th May 2017**

The Ministry of Commerce, Industry and Labour in collaboration with the World Intellectual Property Organization provided a very informative seminar for the private sector, community organisations, public sector and members of the general public who were present.

The seminar acknowledged the very limited knowledge and understanding of the topic of Copyright and related rights nationwide and at the village level. Key presenters and artists from New Zealand shared their experiences on the evolving recognition of the role of Intellectual Property and Copyright and its importance on the original producers and artists in New Zealand.

Many issues were addressed following outcomes of individual and group discussions these involve:

- (a) strengthening relationships and partnerships between the Government and Private Sector Organisations;
- (b) increase targeted and effective nationwide awareness drives by Ministry of Commerce, Industry and Labour, other Ministries and private sector organisations on copyright and related rights;
- (c) better coordination amongst the relevant stakeholders i.e. between Government Ministries, private sector organisations and members of each organisation;
- (d) need more capacity building activities for stakeholders (Private Sector Organisations; Government Ministries and other stakeholders) through activities like Seminars;
- (e) to progress the work towards the establishment of a collective management organisation (“CMO”); and
- (f) to encourage local copyright holders to be members of organisations like APRA whilst Samoa is working on setting up a CMO.

The seminar provided an outcome and way forward for the Ministry to initiate the respective solutions to promote and find ways to safeguard the intellectual property rights of the Samoan artists to their original ideas and work.

PROJECT MANAGEMENT TRAININGS **2017**

The Project Management Training was conducted by Leasomaletenari Solomona and Anita Poutoa of the Corporate Service Team from 17th-19th May 2017, at the AGO Conference Room. The training focused on project management essentials, initiating a project, planning a project, executing the project and closing of a project. The Attorney General, Lemalu Hermann P. Retzlaff awarded certificates to those who attended the training. Tacy Sasagi and Losa Kelekolio attended this training on behalf of the Legislative Drafting Division.



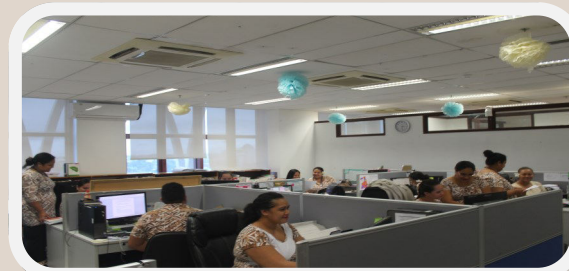
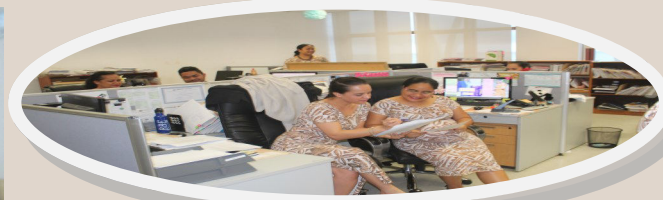
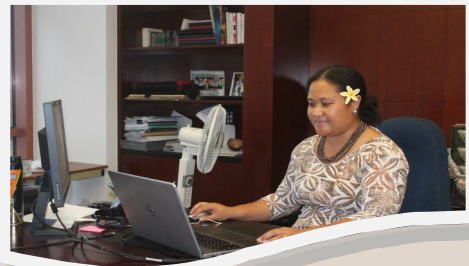
Attorney General with the AGO members.



EVENTS OF APRIL-JUNE 2017 cont.

Team Uniform Launch 2017

The LDD launched their first team uniform on Friday 23rd June 2017 following a photo shoot with the Attorney General.

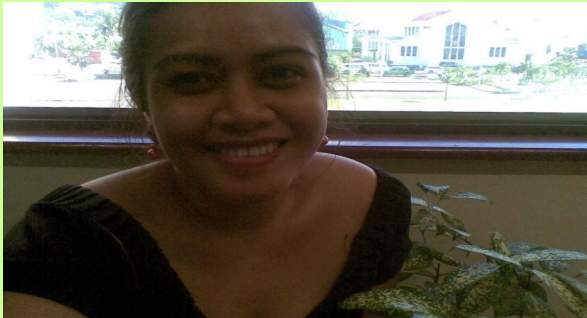




EVENTS OF APRIL-JUNE 2017 cont



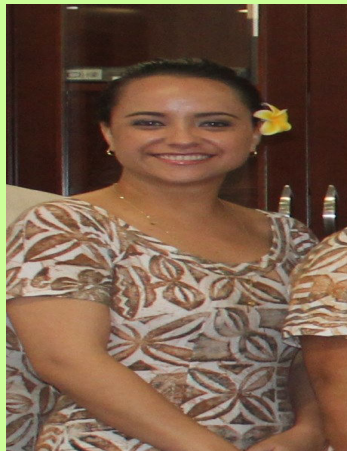
Congratulations to members of the LDD for your new promotions:



Jasmine Faleafaga-Principal Legislative
Drafter



Lizatalei Hakai-Senior Legislative
Drafter



Kylie Wilson– Senior
Legislative Drafter



Ann Luaipou Matalasi-
State Solicitor



Beau Jacek Tuala-State Solicitor



*You have worked very hard
for this promotion, and you
really deserve it. I wish you
all the best as you take up
your new role at work.*

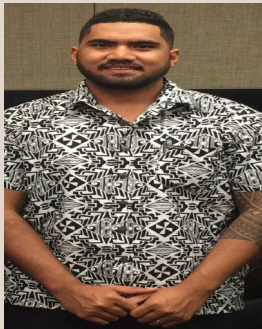
Congrats!



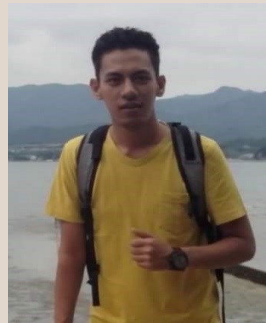
EVENTS OF APRIL-JUNE cont



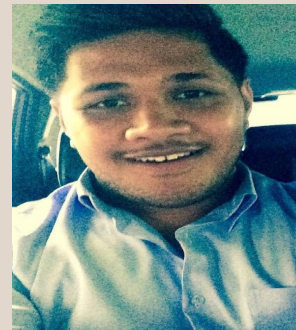
The Office of the Attorney General bid farewell to Mearold Viliamu, Esekia Soloi and Bryan Patea.



Mearold Viliamu first started in the AGO in 2015 as a State Solicitor in LDD and departed as Senior Legislative Drafter. He is now an Executive Legal Officer for the Samoa Law Reform Commission.



Esekia Soloi first started in the AGO in 2013 as a Law Clerk and departed as a Senior State Solicitor of the Civil Litigations & Opinions Division. He is now a Legal Consultant at the Land Transport Authority.



Bryan Patea first started in the AGO in 2015 as an Accounts Clerk in the Corporate Services Division.

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Upcoming events

Next Parliament Sitting: 27 October 2017

Next Newsletter Issue: End of September 2017

MEMBERS OF THE LEGISLATIVE DRAFTING DIVISION

Lemalu Hermann P. Retzlaff—Attorney General
Noumea L. Teueli—Chief Legislative Drafter
Leitu Moananu—Associate Legislative Drafter
Steffany Meredith—Principal Legislative Drafter
Siovia Florina Liu—Principal Legislative Drafter
Jasmine Faleafaga—Principal Legislative Drafter
Lizatalei Hakai—Senior Legislative Drafter
Kylie Wilson—Senior Legislative Drafter
Titilua Aiono—State Solicitor
Ann Matalasi—State Solicitor
Jacek Tuala—State Solicitor
Tacy Sasagi—Part-time Law Clerk
Losa Kelekolio—Senior Legal Secretary

DISCLAIMER

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