



OFFICE OF THE ATTORNEY GENERAL

Volume 15 , Issue 4. 1 October — 31 December 2019

LEGISLATIVE DRAFTING DIVISION



TUSI TULAFONO

NEWSLETTER UPDATE

MERRY CHRISTMAS

Editors Notes:

Talofa and welcome to the 4th edition of the Tusi Tulafono or the Legislative Drafting Division's Newsletter 2019. Volume 15 Issue 4 provides an update from Parliament and a highlight of the Infant Ordinance Amendment Act 2019; which was enacted to further protect Samoa from the effects of the measles epidemic with the hope that the infectious disease is eradicated from Samoa.

This issue also covers and focuses on three events such as the Measles Epidemic , the 38th PILON Annual Meeting and the Samoa Law Society 5th Biennial Symposium; along with a summary of the Octopus Conference on Cooperation against Cybercrime, organized by the Council of Europe on 20-22 November 2019 in Strasbourg, France

Lastly it introduces and welcomes the newest member of the legislative Drafting team to the Office of the Attorney General.

The Attorney General and the Legislative Drafting Division wishes everyone a happy holidays.

INSIDE THIS ISSUE:

Editor-Liufau Ioata Tanielu

1. Parliament Update;
2. Measles Epidemic;
3. 38th PILON Annual Meeting;
4. Samoa Law Society 5th Biennial Symposium;
5. Octopus Conference on Cooperation against Cybercrime;
6. Infant Bill Summary;
7. The Team;
6. New Staff Profile.

*It is not wisdom ,
but authority that
makes a law*

Thomas Hobbs



PARLIAMENT UPDATE

BILLS PASSED

ACTS	DATE PASSED	COMMENCEMENT DATE
THE INFANTS ORDINANCE AMENDMENT ACT 2019	17 December 2019	17 December 2019

SUBSIDIARY LEGISLATION

ACTS	DATE PASSED	COMMENCEMENT DATE
CUSTOMS AMENDMENT REGULATION 2019	15 November 2019	15 November 2019
ENERGY EFFICIENCY (APPROVED ENERGY USING PRODUCTS STANDARDS) AMENDMENT REGULATIONS 2019	24 December 2019	24 December 2019
PUBLIC FINANCE MANAGEMENT (GOVERNMENT VEHICLES) AMENDMENT REGULATIONS 2019	24 December 2019	24 December 2019

BILLS BEFORE PARLIAMENT

ACTS	Status
Intellectual Property Amendment Bill 2019	1st Reading 17 December 2019
Agriculture and Fisheries sector Bill 2019	1st Reading 17 December 2019
Tax Administration (Electronic System) Amendment Bill 2019	1st Reading 17 December 2019
Police Powers Amendment Bill 2019	1st Reading 17 December 2019
Public Finance Management System Amendment Bill 2019	1st Reading 17 December 2019
Police Powers Amendment Bill 2019	1st Reading 17 December 2019
Telecommunications Amendment Bill 2019	1st Reading 17 December 2019
Miscellaneous (Boards of Public Bodies) Amendment Bill 2019	1st Reading 17 December 2019

BILLS REFERRED TO SELECT COMMITTEE

ACTS	STATUS
Tax Administration Amendment Bill 2019 (Minister Access Tax information)	1st Reading 8 October 2019 2nd Reading 8 October 2019
Fabric of Laws Miscellaneous Repeal Bill 2019	1st Reading 8 October 2019 2nd Reading 8 October 2019
Teachers Amendment Bill 2019	1st Reading 8 October 2019 2nd Reading 8 October 2019
Supplementary Appropriation Bill (NO.1) 2019/2020;	1st Reading 8 October 2019 2nd Reading 8 October 2019

THE INFANTS ORDINANCE AMENDMENT ACT 2019

The Government of Samoa responded to the measles outbreak in Samoa in December 2019 by amending her laws to contribute to the effort of ensuring that an epidemic of such proportion is never again seen in the shores of Samoa.

The Infants Ordinance Amendment Bill (No.2) 2019, places the policy focus on the health of children by amending the Infants Ordinance 1961, under Part 3 titled, the 'Protection of Children'. Other laws such as the Education Act 2009, Village Fono Act 1990, Internal Affairs Act 1995 and the Ministry of Women Affairs Act 1990 are amended to ensure a holistic approach to the protection of Samoa from any future viral epidemics.

The Bill was tabled in Parliament by the Honourable Prime Minister on 17 December 2019 for the 1st, 2nd and 3rd reading whereby it was passed into Act. The Act commenced on the 1 January 2020.

State of Emergency



Hon. Minister of Health, Faimalo Kika Stowers



Chairman of the National Disaster Advisory Committee, Ulu Bismarck Crawley

Government press release/Samoa Global News/Ministry of Health Press Secretariat

On the night of Friday 15th of November 2019, Samoa's then Acting Prime Minister who is also the Minister of Health Faimalotoa Kika Stowers announced the Proclamation of Emergency for the Outbreak and Spread of Measles in Samoa. The Acting Prime Minister made the announcement after an emergency meeting by Cabinet upon receiving an advice from the Ministry of Health and the Attorney General's Office.

The State of Emergency immediately activated the National Disaster Advisory Committee (NDAC). The NDAC is made up of all Cabinet Ministers, all CEOs and key Non Government Organisations and Civil Society Groups such as Samoa Chamber of Commerce and SUNGO. The NDAC met the following morning 16 November 2019 to assess and begin the process of eliminating the spread of measles in Samoa.

In making the announcement Faimalotoa said the state of emergency declaration is not something that should bring fear or panic. The Minister of Health called for national support to address the measles outbreak which, has claimed 83 lives to date, mostly children under the age of 5. "It is not a time to point fingers and look for who to blame, but a time to work together to combat this epidemic," said the Minister of Health. She thanked Samoa's development partners and Pacific partners for their assistance.

The Ministry of Health stopped MMR vaccination after the tragic deaths of two babies in July 2018. The Ministry then re-launched immunisations in April. However that 9 month hold on vaccinations is now being felt with the measles outbreak claiming lives. Samoa is not the only affected country in the region. New Zealand, Fiji, Tonga and American Samoa have also been affected.



38th PACIFIC ISLANDS LAW OFFICERS NETWORK (PILON) ANNUAL MEETING



Government Press release/Samoa Global News/pilonsec.org.

The Pacific Islands Law Officers Network (PILON) held its 38th Annual meeting in Apia at the Taumeasina Island Resort on the 5th, 6th and 7th of November 2019. Over 75 high level delegates attended the high level meeting which was attended by the High Commissioners of Australia and New Zealand, and various Attorney General's, Directors of Public Prosecution, Senior Legal Officers from around the Pacific Region

"PILON is a regional network of senior legal officers from 18 Pacific Island Member countries who collaborate to advance the legal infrastructure and address shared socio-economic development issues for their member countries." "Pacific island countries face common challenges in the law and justice field. The network focuses on legal issues that are not addressed in other Pacific policy forums. PILON provides a forum where these issues can be discussed and progressed at a regional level. Through PILON, communication and cooperation between law officers in the Pacific region is enhanced. " The 3 core issues where PILON is currently focusing on are Sexual and Gender Based Violence (SGBV), Cyber Crime and Corruption.

The keynote address to welcome participants and launch the PILON meetings was presented by the Honourable Prime Minister of Samoa Tuilaepa Sailele Malielegaoi. The Prime Minister acknowledged the special support towards PILON from the Attorney General's Office of Australia and the Crown Law Office of New Zealand. The Prime Minister also acknowledge the delegates from American Samoa as it was that country's first PILON meeting since becoming a member in 2017.

He further reiterated that the Government of Samoa, continues to acknowledge and emphasise the significance of PILON as a forum for addressing law and justice issues common to countries within the Pacific region." said the Prime Minister. Having hosted this event in 2009 the Prime Minister and Minister overseeing the Office of the Attorney General, offered a warm welcome back to PILON delegates, participants and officials. In closing the Prime Minister acknowledged that the meetings will keep everyone busy but hoped that the participants could find time to enjoy our beautiful Samoa.



SAMOA LAW SOCIETY

5th BIENNIEL LAW SYMPOSIUM 2019

CYBERSPACE – Challenges, Opportunities & Solutions

Samoa Law Society/Attorney Generals Office

On 5 and 6 November 2019, the Samoa Law Society hosted its 5th Biennial Law Symposium. Members and partners of the society gathered to consider the opportunities and challenges of cyberspace, and advocate for stronger laws, policies and systems to safeguard Samoa and its people to make better informed decisions at all levels. Speakers and panelists from various sectors of government, NGOs, business and the law community were invited to share their technical expertise and experiences on issues affecting cyberspace in Samoa. They included Reverend Nuuausala Siaosi Siutaia, the Honourable Prime Minister Tuilaepa Sailele Malielegaoi, Acting Chief Justice Vui Clarence Nelson, the Governor of the Central Bank Maiava Atalina Enari, Chairman of the Electric Power Corporation Board Pepe Christian Fruean, and others such as the office of the Regulator, Digicel and the Ministry of Police. The Attorney General's Office was represented by a presentation by Assistant Attorney Generals Galumalemana Loretta Teueli who presented a paper on the developments of the domestication of the Cybercrime Convention, and Magele Leone Mailo as a panelist.

The Theme for this year's Symposium is a result of mounting interests in the development of technology and its many uses in improving our way of life; in addition to the ever increasing concerns over the use of social media and other virtual mediums in Samoa. The Symposium provided members and participants an opportunity to reflect on the current laws as well as the gaps in those laws (e.g. whether the laws are practical and responsive to the ever changing digital-Samoa, whether the laws guarantee security within and outside the home), and recommend changes to current policies and laws.



Octopus Conference on Cooperation against Cybercrime



<https://go.coe.int/hmG9z>

Within the framework of the Global Action on Cybercrime Extended project (GLACY+), Senior State Solicitor Kylie Wilson of the Legislative Drafting Division and Principal Prosecutor Vaisala Afoa of the Criminal Division of the Attorney General's Office were invited and attended the Octopus Conference on Cooperation against Cybercrime, organized by the Council of Europe on 20-22 November 2019 in Strasbourg, France.

Ministers, senior government officials, legal experts in criminal matters, representatives of the internet industry, civil society and data protection organisations from all over the world met at the Council of Europe in Strasbourg with a view to strengthening international co-operation in the fight against cybercrime. The conference focused on "Evidence in cyberspace: Consultations on the 2nd Additional Protocol to the Budapest Convention". The event provided an opportunity to interface for cybercrime experts from public and private sectors as well as international and non-governmental organisations from all over the world.

The workshop discussions also focused on several other topics such as online child sexual abuse and exploitation, co-operation in cybercrime and cyber-security matters and cybercrime, fake news and election interference.





NEW TEAM MEMBER

On the 2nd of December 2019, The legislative Drafting Division welcomed its newest addition Christine Ramona Amosa to the staff of the Office of the Attorney General with glee and arms wide open.

Christine is from the villages of Toomatagi and Sili and is currently studying at the University of the South Pacific's Alafua Campus majoring in law.

She is a self-motivated 20-year-old young woman who endeavors to graduate as a lawyer equipped with more skills, abilities and knowledge to help society and serve the people. She says that working at the AG's Office for LDD will further prepare her to undertake any task not only in the work field but also in school.

She is a part-time Law Clerk with the Legislative Drafting Division.



ROLE OF LEGISLATIVE DRAFTER

1st Role

Ensure legislation drafted reflect instructions submitted by sponsoring Government Ministries/Agencies and consistent with the Constitution and other legislation.

2nd role

Ensure effective legal advice and support is afforded to Parliament in relation to Bills.

3rd Role

Prepare orders, notices, warrants and other legal instruments in accordance with instructions and within the authority of primary legislation.

4th role

Provide legal support to projects which have legal component (s) by drafting TOR sitting on evaluation panel, and reviewing drafts provided