



## Office of the Attorney General of Samoa LEGISLATIVE DRAFTING UPDATE

**“A good piece of legislation, is like a good sentence; or a good piece of music. Everybody can recognize it. They say, 'Huh. It works. It makes sense.’” (by Barack Obama, President Elect for the United States of America)**

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### EDITOR'S NOTE

Talofa lava and welcome to the last issue [October-December] of the Legislative Drafting Newsletter for 2008. It is this time of the year that everybody tends to relax and awaits the festive season. However, this is not hindering us from making sure that our readers are fully informed of the laws passed in Parliament, and the conferences and trainings attended by members of the Legislative Drafting team. This issue also introduces

some of the new members of our Office (photo in page 5). It is hoped that through this newsletter and the previous issues released this year, you have been able to feel the commitment and the hard effort put in by the Legislative Drafting Team as it undertakes the review and drafting process, aiming to provide sound, just, equitable, and relevant advice and recommendations resulting in quality legislation that meets

the needs of the people of Samoa. For 2009, let us throw things together ahead of schedule, adopt a positive attitude, and improve our performance in whatever duty is granted of us in 2009. Faafetai ma ia manuia le tatou faigamalaga o le 2009.

**Fetogi Vaai**  
(Leading Editor for this issue)

## CONSOLIDATION OF LAWS 2008/2009 AND PROFESSOR BATES VISIT: 24 - 28 NOVEMBER



Drafting Team with Professor Bates during Consolidation week. Professor St John Bates sitting with Parliamentary Counsel, Teleiaia Lalotoa Mulitalo and Legislative Drafting Advisor, Heather Holt.

The Legislative Drafting Division undertook the annual consolidation of laws of Samoa on the 24<sup>th</sup> – 28<sup>th</sup> November at the Pacific Pearl Conference Room at Togafua-fua. The Attorney General's Office has a duty under the *Revision and Publication of Laws Act 2008* to consolidate the laws of Samoa at intervals of not less than one year, the intention thus far of our Office is to consolidate the laws annually. The work could not have been done without the proficient effort put in by the Legislative Drafting Division. There were 9 professional staff and 1 supporting staff involved in the consolidation of laws project 2008. Given the team's experience in the consolidation project 2007 and all the preparatory work for the consolidation of laws project 2008, the project took 5 full working days without the team doing any other office work. (continue on page 7)

## PARLIAMENTARY SITTINGS FOR OCTOBER—DECEMBER 2008

| MONTH    | Monday<br>(Week beginning) | Tuesday | Wednesday | Thursday | Friday |
|----------|----------------------------|---------|-----------|----------|--------|
| OCTOBER  | 20                         | 21      | 22        | 23       | 24     |
| NOVEMBER | 17                         | 18      | 19        | 20       | 21     |
| DECEMBER | 15                         | 16      | 17        | 18       | 19     |

## CURRENT LEGISLATION

| <del>SEPTEMBER 2008</del><br>BETWEEN 01 OCTOBER<br>— 31 DECEMBER   | COMMENCED LEGISLATION AND SUBSIDIARY LEGISLATION                                |                   |
|--|---|-------------------|
|  | TITLE   | COMMENCEMENT DATE |
| <p><b>A. <u>Acts passed in October Parliament Session</u></b></p> <p>1. Water Resource Management Act 2008.</p> <p><b>B. <u>Acts passed in November Parliament Session.</u></b></p> <p>1. Export-Import Bank of China Loan Act 2008.</p> <p>2. Scientific Research Organisation of Samoa Act 2008.</p> <p><b>C. <u>Other Acts passed in 2008 that were not on the previous issues.</u></b></p> <p>1. Samoa Broadcasting Corporation Repeal Act 2008.</p> | Land Transport Authority (Authorised Inspectors and Officers) Regulations 2008. | 01 December 2008  |
|  | Land Transport Authority (License Fees and Other Charges) Regulations 2008.     | 01 December 2008  |
|  | Land Transport Authority (Transitional Road Use Management) Regulations 2008.   | 01 December 2008  |
|  | Land Transport Authority (Road and Road Reserve) Regulations 2008               | 01 December 2008  |
|  | Notice of Additional Charge for the Supply of Electricity (No.3) 2008           | 01 October 2008   |
|  | Notice of Additional Charge for the Supply of Electricity (No.4) 2008           | 01 November 2008  |
|  | Notice of Additional Charge for the Supply of Electricity (No.5) 2008           | 01 December 2008  |
|  | Tobacco Control Act 2008.   | 01 January 2009   |
|  | Land Transport Authority Act 2007.  | 01 December 2008  |

## BILLS BEFORE PARLIAMENT UP TO 31 DECEMBER 2008

| TITLE   | STATUS   |
|---|--|
| Police Service Bill 2008                          | Referred to Select Committee on 21/10/08       |
| Education Bill 2008                               | 2 <sup>nd</sup> reading in Parliament 18/11/08 |
| International Companies Amt Bill (No.2) 2008      | 2 <sup>nd</sup> reading in Parliament 18/11/08 |
| Trustee Companies Amendment Bill 2008             | 2 <sup>nd</sup> reading in Parliament 18/11/08 |
| Supplementary Appropriation Bill (No.1) 2008/2009 | 1st reading in Parliament 15/12/08             |

## SUMMARIES

### WATER RESOURCE MANAGEMENT ACT 2008

This Act repeals the Water Act 1965 and makes comprehensive provision in relation to the management, control and regulation of water resource in Samoa. The Act is administered in the Ministry of Natural Resources and Environment, Samoa Water Resources Division. The Act does not affect the ownership of water.

The Act enforces sustainable and proper management of water resource. A comprehensive water management plan shall form the basis of the proper management of the resource on scientifically sound principles. This shall include all relevant policies and technical data, and the individual management plans for watershed and water catchments areas. A Water Resources Board shall also be established to ensure that proper management of the water resource is achieved in the long term. Moreover, the villages are empowered to make by-laws to protect water resources in their local areas.

The rights of State management and control are also clearly stated in this Act. The major water using utilities (EPC, Samoa Water Authority and the Independent Water Supply Schemes) shall have rights to access water for their statutory functions. The Fire and Emergency Service shall have the right to use water for fire fighting and prevention purposes.

This Act also provides that all other persons who drill for water or who take water from river, streams and underground aquifers for commercial purposes must obtain a licence to do so. Licences shall control the amount of water which can be taken, and the rate at which it may be pumped out.

### EXPORT-IMPORT BANK OF CHINA LOAN ACT 2008

Since establishing diplomatic relations with the Peoples Republic of China in 1975, the Independent State of Samoa has enjoyed and benefited tremendously from this relationship.

This Act is to provide for the raising of loans from time to time between the Government of the Independent State of Samoa and the Peoples Republic of China via the Export-Import Bank of China. It also highlights the ongoing partnership between our two Governments to meet the development needs of Samoa by accessing loan facilities to finance certain projects.

### SAMOA BROADCASTING CORPORATION REPEAL ACT 2008

The Government of Samoa as part of its ongoing strategy for the development of the country has identified certain businesses where it has a governing interest for privatisation. The Samoa Broadcasting Corporation is one such entity.

The aim of this Act is to facilitate the privatisation of the Samoa Broadcasting Corporation by vesting the property of the former Samoa Broadcasting Corporation in the newly incorporated Samoa Broadcasting Corporation Limited.

There is no requirement for the Government to participate in a media business and such a business could more properly prosper if it is part of the private sector.

### SCIENTIFIC RESEARCH ORGANISATION OF SAMOA ACT 2008

The Scientific Research Organisation of Samoa Act 2008 amends the Research and Development Institute of Samoa Act 2006. The Act changes the name of the Institute from 'Research and Development Institute of Samoa' to 'Scientific Research Organisation of Samoa' ("the Organisation") in order to better reflect the work carried out in the Organisation, which is mainly scientific research.

The Act also makes specific provisions to further clarify the Organisation's mandate and also the functions of the Chief Executive Officer. As a result of the variations in the functions of the Organisation, there will be a variation to the number of Directors. This Act also provides new provisions for Advisory Committees, Corporate Plans, Annual Operational Plans, and Moneys payable to the Organisation.

## LIST OF ACTS PASSED IN 2008

|    | NAME OF ACT   | COMMENCEMENT DATE   |    | NAME OF ACT  | COMMENCEMENT DATE   |
|----|---|---|----|--|---|
| 1  | Supplementary Appropriation (N.1) 2007/2008             | 23/01/08  | 18 | Telecommunication Amendment Act 2008               | 12/06/08  |
| 2  | Marine Pollution Prevention Act 2008                    | 25/01/08  | 19 | Land and Titles Amendment Act 2008                 | 17/06/08  |
| 3  | Public Holidays Act 2008                                | 01/01/08  | 20 | Police Offences Amendment Act 2008                 | 17/06/08  |
| 4  | Samoa Trusts Estate Amendment Corporation Act 2008      | 25/01/08  | 21 | Land Titles Registration Act 2008                  | 17/06/08 for s 1 & 2 and other sections are to be nominated |
| 5  | Community Justice Act 2008                              | 25/01/08  | 22 | Supplementary Appropriation (No. 2) Act 2007/2008  | 24/06/08  |
| 6  | Revision and Publication of Laws Act 2008               | 25/01/08  | 23 | Appropriation Act 2008/2009                        | 24/06/08  |
| 7  | International Mutual Funds Act 2008                     | 07/05/08  | 24 | Samoa Broadcasting Corporation Repeal Act 2008     | 24/06/08  |
| 8  | Law Reform Commission Act 2008                          | 25/03/08  | 25 | Miscellaneous Fees Amendment Act 2008              | 18/07/08  |
| 9  | Unit Trusts Act 2008                                    | 25/03/08  | 26 | Tobacco Control Act 2008                           | 1/01/09   |
| 10 | Japan Bank of International Co-operation Loans Act 2008 | 21/04/08  | 27 | Constitution Amendment Act 2008                    | 18/07/08  |
| 11 | International Companies Amendment Act 2008              | 01/01/07  | 28 | Public Finance Management Amendment Act 2008       |   |
| 12 | Road Transport Reform Act 2008                          | 21/04/08 for all sections except for s.4 - 7 which will come into force on 7/9/09 | 29 | Passports Act 2008                                 | 01/09/08  |
| 13 | Sports Disputes Resolution Act 2008                     | 21/04/2008  | 30 | Road Traffic Amendment Act 2008                    | 23/09/08  |
| 14 | Robert Louis Stevenson Foundation Amendment Act 2008    | 8/05/08   | 31 | Water Resource Management Act 2008                 |   |
| 15 | Electronic Transactions Act 2008                        | 8/05/08   | 32 | Export-Import Bank of China Loan Act 2008          | 20/11/08  |
| 16 | Excise Tax Rates Amendment Act 2008                     | 12/06/08  | 33 | Scientific Research Organisation of Samoa Act 2008 | 20/11/08  |
| 17 | Customs Tariff Amendment Act 2008                       | s 2(b), 2(c), 2(d), 2(e) and 4 - from 1/6/08<br>s 2(a) and 3 - from 1/7/08        |    |  |   |

I write when I'm inspired and I see to it that I'm inspired at nine o'clock every morning...  
Peter De Vries (American editor and novelist)



## EVENTS OF SEPTEMBER 01 - DECEMBER 31 2008

### LAW REFORM COMMISSION OFFICIALLY OPEN ITS OFFICE

On the 20<sup>th</sup> October 2008, the Law Reform Commission Office officially started its operation on the Ground floor of the Government Building. The outgoing Mrs. Leilani Tuala-Warren was appointed as the Executive Director.

After years of trying to set up a workable Law Reform Commission, Samoa has finally established one of the most important Offices that will assist in reviewing, researching and updating existing laws in an orderly manner and which could also allow broad community participation.

The first attempt was when the Samoa Law Reform Commission Act 2002 was passed. Despite legislation in place, the Law Reform Commission was never established until the passing of the Law Reform Commission Act 2008.

Aside from the Executive Director, the staff of the Law Reform Commission comprises of a Principal Legal Research Officer, Principal Project Coordinator, Senior Administrator/Accounts Clerk and Senior Legal Secretary. Any other support staff as well as other resources required will be provided by the Office of the Attorney General until further positions are created and the when the new Law Reform Commission has the capacity to absorb the required resources.

In recognizing the importance not to interfere with the independence of the Law Reform Commission in carrying out its work, an office space separate and on a different floor level from the Office of the Attorney General in the Government Building has been allocated to the Law Reform Commission.

**“He who ignores instructions comes to poverty and shame, but whoever heeds correction is honoured”**

(Proverbs 13:18)

*(..so I will take your constructive criticism to build myself an honourable drafter)*

### NEW GRADUATES 2008



#### ATTORNEY GENERAL WITH NEW GRADUATES

Sitting(Left): Cecilly Faasau(Civil), Phaedra Valoia(Drafting), AG, Wendy Pogi(Criminal). Standing(Left): Matthew Lemisio(Criminal) Kaisarina Salesa(Civil), Leinafo Taimalelagi(Criminal), Sefo Ainuu.

### LEGISLATIVE DRAFTING HANDBOOK WORKSHOP FOR PARLIAMENTARI-

On October 23 2008, the Attorney General's Office conducted a Workshop on the Legislative Drafting Handbook for the Parliamentarians.

The Legislative Drafting Handbook as reported before is a project initiated by the Office of the Attorney General in conjunction with the Clerk of the Legislative Assembly. The Legislative Assembly were solely responsible for the translation of this Handbook, and we are indeed very grateful for this assistance.

One of the primary features of the Handbook is that it identifies the key roles played by all relevant persons and specifically by government Ministries, Agencies and Institutions in the legislative process. After the two workshops that were conducted for the government Ministries and Organizations, the Clerk of the Legislative Assembly requested a workshop particularly for the Parliamentarians.

The importance of having such a workshop is that it will ensure that the leaders of Samoa are aware of the guidelines for the legislative drafting process of the laws of Samoa.

The one day workshop was opened by the Attorney General and conducted by Parliamentary Counsel Teleiai Lalotoa Mualitalo. It was held at the Luafatasaga Kalapu (the Samoan fale) behind the Parliament House.

(Civil). Absent: Elemesi Schmidt (Civil)

## HEARSAY EVIDENCE IN-COUNTRY TRAINING

*“The mere fact that evidence of a witness includes evidence as to words spoken by another person who is not called, is no objection to its admissibility. Words spoken are facts just as much as any other action by a human being. If the speaking of the words is a relevant fact, a witness may give evidence that they were spoken.”*

*Lord Wiberforce in Ratten v R (1972) AC 378 at 387*

A workshop focusing on the aspects of Hearsay Evidence was attended by a total number of 16 lawyers, on the 3<sup>rd</sup> to the 7<sup>th</sup> of November. This one week long workshop was conducted by Mr. Kenneth Hall Averre, an experienced litigator both in criminal and civil matters in the region. He is a consultant originally from the United Kingdom but is now based in Australia.

## REGIONAL WORKSHOP FOR THE IMPLEMENTATION OF REFUGEE LEGISLATION

**Regional Workshop hosted by the Government of the Republic of Vanuatu  
20 & 21 November 2008, Port Vila**

The Government of the Republic of Vanuatu hosted the first event of the work program of the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) for 2008 - a regional workshop, *The Implementation of Refugee Legislation in the Pacific* at the Sebel Vanuatu Hotel in Port Vila on 20<sup>th</sup> and 21<sup>st</sup> of November 2008.

The meeting was attended by Parliamentary Counsel Teleiai Lalotoa S. Mulitalo for Samoa, Henry Taefu representative of the Pacific Immigration Directors Conference and representatives from Australia, Cook Islands, Fiji, New Zealand, Samoa, Vanuatu, and international organisations - International Organization for Migration (IOM), United Nations Children’s Fund (UNICEF) and United Nations High Commissioner for Refugees (UNHCR).

The purpose of the workshop was to consider global and regional developments in refugee protection; discuss current refugee protection arrangements in the region; discuss domestic refugee legislation models; and provide an opportunity for delegates to identify ways to further strengthen refugee protection in their countries.

The meeting was opened and co-chaired by Ausegaefa Poloma Komiti, Asia Pacific Consultation, Chair, and Chief Executive Officer of the Ministry of the Prime Minister and Cabinet, Samoa, and Mr George Pakoasongi, Director General, Internal Affairs, Government of the Republic of Vanuatu. Following this meeting, and equipped with the policy instructions from the Ministry of the Prime Minister and Cabinet, Teleiai Lalotoa S. Mulitalo has now completed a first draft Refugee Determination Bill for Samoa.

The main objective of this workshop was to discuss the different types of evidence in both criminal and civil cases, which the court will and won’t allow. It also aimed to enhance practical skills of participants to improve the lawyers on the job and in court performance.

The workshop was organized by the Samoa Law Society (CLE Committee) and was submitted through the Chamber of Commerce, funded by the governments of New Zealand and Australia with kind support from the government of Samoa through In-Country Training Programme.

Mrs. Sina Lima, President of the Chamber of Commerce said in her closing speech that,

*“...there is hope to have more of this kind of training available depending on statistical performance review of the participants...”*

So for those 16 participants, the hope for the availability of these important trainings will depend solely on how well you applied the knowledge and skills obtained from the workshop.

## REGIONAL MEETING FOR NATIONAL AUTHORITIES FOR THE CHEMICAL WEAPONS CONVENTIONS

The Organization for the Prohibition of Chemical Weapons (OPCW) together with the National Authority for the Chemical Weapons Convention of Bangladesh co-hosted the above Regional Meeting from the 4 – 6 November 2008. The meeting was convened in Dhaka the capital of Bangladesh.

The focus of the Regional Meeting was to seek avenues for National Authorities in the Asia-Pacific Region to foster closer working ties and also to share experiences with the implementation of national legislations prohibiting the use or the trans-shipment of Chemical Weapons via the Asia-Pacific Region.

From the Pacific sub-region, three countries were represented being Fiji, Palau and Samoa. Parliamentary Counsel Papalii Malietau represented Samoa and gave a presentation on the methods employed within the Pacific sub-region for fostering closer working ties. Papalii also reported on the state of national implementation of the legislation in the area of Chemical Weapons.

The National Authority for the Chemical Weapons Conventions in Samoa is the Ministry of Foreign Affairs and Trade. The hope is that if all progresses well the Chemical Weapons Bill will be presented to Parliament in 2009.

## CONSOLIDATION OF LAWS 2008/2009 AND PROFESSOR BATES VISIT (FROM PAGE 1)

Moreover, in order for the team to completely focus on the consolidation work, the team carried out the consolidation process out of the office for 5 full working days. Another reason behind the need for the project to be taken outside of the Office was to ensure that the consolidation process is completed in the days set apart for it and that there was enough space available for the team to work effectively.

We were fortunate to receive a visit from Professor St. John Bates on the fourth day of the Consolidation week. Professor St John Bates is a specialist in training legislative drafting and statutory interpretation, having given training courses for government lawyers in various

countries on the subject, as well as university courses, for over thirty years. He is the editor of the Statute Law Review, which is the leading journal in the field published by Oxford University Press. He is a member of the Commonwealth Association of Legislative Counsel, a member of the Council of the Statute Law Society in the U.K. and of the Board of the European Association of Legislation.

Professor Bates's visit was to consult our Office on a proposed legislative drafting course for Samoa or the Pacific. Negotiations on the Legislative Drafting Division requirements for this course are underway.

Preliminary inputs from some members of our drafting division included:

- the drafting course should be more advanced because basic procedures proposed in this course were already covered in the Samoa Legislative Drafting Handbook;
- decreasing the timeframe of the course because it will be for individual jurisdictions as opposed to a regional course as originally planned.

## REPORT ON PROFESSIONAL DIPLOMA IN LEGISLATIVE DRAFTING - WORKSHOP

As reported in our previous Issue, four solicitors from our Office who undertook the PDL for 2008 attended the workshop, which concluded the 30-week programme. The workshop was held on 13 November at the IJALS lecture theatre in the USP Laucala Campus, Suva. It was conducted by Daiana Buresova, a legislative drafter from the Pacific Islands Forum Secretariat, and was attended by all members of the Course from Tonga, Fiji, Solomon Islands, Cook Islands, Papua New Guinea, Vanuatu and of course Samoa.

The PDL, which is offered once every year by the University of the South Pacific (USP) as the premier qualification in legislative drafting in the South Pacific, is highly recommended in our Pacific region because the need for high quality legislative drafters is one of our region's most pressing legal professional needs. This Course assisted members with learning practical skills in translating government policies into clear and effective laws that can be understood and applied by a variety of stakeholders.

The workshop was designed, as in previous years, to be a practical and interactive module that applies skills learnt throughout

the whole programme. It involved the preparation and submission of an assignment that forms the basis of group discussions and presentations.

Tuition fees and course materials for the programme were funded by the Commonwealth of Learning. The costs, however, for travel to the workshop were not funded. The funding therefore provided by the Government of Samoa for the costs of travel, accommodation and per diems in Fiji for our solicitors is greatly appreciated. Thank you also to the Office of the Attorney General for funding the subsistence incurred in attending the workshop. Of course without funding, our solicitors would not have been able to attend this workshop. The solicitors would also like to thank the Attorney General, Ming C. Leung Wai, for approving their attendance of the workshop.

They now continue to apply their newly learnt skills from this course to our Office work and they hope to continue to improve the quality of legislative drafting in Samoa as well as in the Pacific. They are Mareva Betham-Annandale, Donald Kerslake, Constance Tafua-Rivers and Lanola Petelo-Faasau.

## REPORT ON ANNUAL MEETING OF THE PILON

The 27th annual PILON meeting was held on 5 to 9 December in Vanuatu, co-hosted by Vanuatu and New Zealand with financial support from New Zealand's Pacific Security Fund.

Our Attorney General attended with representatives from Australia, Cook Islands, Federated States of Micronesia, Fiji; Kiribati; Nauru; Niue; New Zealand, Palau, Papua New Guinea, Solomon Islands and

Vanuatu. Apologies were received from the Marshall Islands, Tonga and Tuvalu. Some members attended as observers including the Commonwealth Secretariat, International Committee of the Red

Cross, Pacific Islands Forum Secretariat, Pacific Islands Maritime Law Association, Pacific Legal Information Institute  
(continue on next page)

(continued from page 7)

(PacLII) and Secretariat of the Pacific Community. The United Nations Office on Drugs and Crime (UNODC) attended as an observer for the first time.

The Attorney General presented a paper on the completion of its Law and Justice Sector Plan. Also included was a report on the reasons

why Samoa became party to the Rome Statute of International Criminal Court and its implementation issues. Moreover, a proposal was put forward by Samoa for an initial conference for prosecutors from Pacific island countries to consider issues of specific relevance to them in the region, and past activities and to establish a Pacific prosecutors' network or association.

The highlight was when the members gratefully accepted Samoa's offer to host the

28th PILON annual meeting.

Official record of meeting resolutions and detailed summary of key discussions are available on the PILON website that has been updated by Doug Rutherford, a Senior Legal Officer and Coordinator for PILON. For PILON Work Plan 2009 and PILON Outcomes Report, please visit [www.pilonsec.org](http://www.pilonsec.org).

## REPORT ON PILON LITIGATION SKILLS WORKSHOP

(BY MAREVA BETHAM-ANNANDALE)

Port Vila, Vanuatu, 30 Nov – 06 Dec 2008

**PILON 2008** as reputed remained the most intensive, stressful and life-draining programme ever. This week long litigation skills programme offers practical training by lawyers of lawyers, with the objective of acquiring litigation skills "by doing" and "preparation."

The **faculty** this year was led by the brilliant Robert Lithgow, QC from Wellington and included Justices of the High Court of New Zealand, Judges from the Auckland District Court of New Zealand, a senior magistrate from Solomon Islands, barristers and solicitors from throughout New Zealand, Papua New Guinea and Vanuatu as well as a barrister from Sydney Australia with an MBE! (member of the British Empire no less). The faculty was all very helpful and resourceful with endless tips on how to improve your performance as the training progressed. The organizing solicitor from New Zealand Crown Law Office, Ms Donna Llewellyn was impressive with her organization of the programme even to the point of speaking fluent Bislama to all the participants!

The **participants** were lawyers of various ages, experience and looks from all over the Pacific, with the majority being law graduates from the University of the South Pacific's Law School in Vanuatu. Four members of this Office were invited to attend from a number of applicants and these were – Arthur Lesa (Criminal team), Muriel Lui (Civil Team), Constance Rivers-Tafua (Legislative Drafting Team) and Mareva Betham-Annandale (Civil Team). A police prosecutor from the Ministry of Police and Prisons Services also attended, Sergeant Sale Salesa, making five participants from Samoa.

The **programme** focused on polishing skills in trial litigation such as examination in chief and cross examination, tendering exhibits, expert witnesses, opening and closing submissions, and how to identify the key facts and sieve through the good and bad facts. The "learning by doing" practical activities offered opportunities for the faculty to demonstrate each component of the course programme and the participants to perform to a digital camera for at least 5 minutes and to a panel of two judges whose job was to assess you on areas of improvement. If that was not enough, participants were further required to take your disc for additional assessment by an independent judge. All in all, the video recording and review assessments of the participants were at the beginning a bit daunting but by the third day, everyone had become an actor! The only down side was "*seeing yourself on screen*".

The culmination of the week-long training were the trials held on Saturday 6<sup>th</sup> December where the participants were paired up for criminal (murder case) and civil (contract claim) cases, and acted as counsels for the prosecution / plaintiff or defendant / defence, and then play witness roles. Real judges presided and participants were assessed and marked on their skills. All participants felt that by the end of the week one has truly become better if not has improved markedly as an advocate and litigant.

A **graduation dinner** at Vanuatu's new premier hotel, **Seabel in Port Vila** that Saturday night, ended with a huge drink up well into Sunday morning. Participants took away PILON litigation skills certificates and group photos as memorabilia of a great week of "learning by doing" training in Vanuatu, and a network of lawyers throughout the Pacific and useful contacts in New Zealand. On behalf of the participants from this Office, we take this opportunity to thank the Attorney General, Aumua Ming Leung, and our respective team leaders for allowing us to attend the PILON skills training this year, and to the sponsors - New Zealand **Law Society, Crown Law and NZAID** - for their generosity in funding, organizing and providing the best legal minds in the faculty for us to learn from. FAAFETAI TELE LAVA.



## LOOKING BACK AT 2008

### Legislative Drafting Division 2008 Highlights

1. Legislative Drafting Newsletter Revived. First issue released in March.
2. Launch and Publication of Consolidated and Revised Statutes of Samoa 2007.
3. Samoa's first Legislative Handbook: Commenced 01 July 2008
4. Legislative Drafting In-Country Training
5. New Legislative Drafting Advisor - Ms. Heather Holt
6. Completion of Consolidation of Laws 2008,.
7. International Criminal Court Seminar Co-hosted by the International Committee of the Red Cross and the Legislative Drafting Division.
8. Parliamentary Counsel Teleiai Lalotoa Mulitalo was the resource person in a Maritime Policy and Legislative Drafting Regional Workshop, Regional Maritime Programme, Secretariat Pacific Community.
9. Four additional graduates for PDL: Mareva Betham-Annandale, Donald Kerlake, Constance Rivers, Lanola Petelo- Faasau

#### MEMBERS OF THE LEGISLATIVE DRAFTING DIVISION

*Aumua Ming C. Leung Wai*, Attorney General  
*Teleiai Lalotoa S. Mulitalo*, Parliamentary Counsel  
*Papalii Malietau Malietoa*, Parliamentary Counsel  
*Heather Holt*, Legislative Drafting Advisor  
*Sarona Rimoni*, Principal Legislative Drafter  
*Loretta Teueli*, Senior Legislative Drafter  
*Constance Tafua-Rivers*, Senior Legislative Drafter  
*Lanola Petelō-Faasau*, State Solicitor  
*Fetogi Vaai*, State Solicitor  
*Salote Wright*, Law Clerk  
*Phaedra Valoia*, Law Clerk  
*Lynn Namulau'ulu*, Senior Legal Secretary

#### UPCOMING EVENT

##### NATIONAL WORKSHOP ON LEGAL FRAMEWORK AGAINST TERRORISM AND TRANSNATIONAL ORGANISED CRIME

A workshop on the universal legal framework against terrorism and transnational organised crime is proposed for 2-4 February 2009 to be coordinated by the United Nations Office on Drugs and Crime in collaboration with the Attorney General's Office. It will highlight the outline of the UN's counter terrorism conventions and Security Council resolutions, the legislation and measures they require member States to have in place, the issues commonly encountered by states in implementing the conventions as well as a general discussion on the issues confronting governments in meeting the various obligations.

#### 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.