

**PACIFIC ISLAND LAW OFFICERS  
NETWORK  
(PILON)**

**SAMOA**



**COUNTRY REPORT**

**Apia, Samoa  
14-17 December 2009**

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# 1. INTRODUCTION

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Talofa and Greetings in the name of our Lord Jesus Christ.

It is indeed an honour to welcome and receive each and every one of you to Samoa as the host country for PILON 2009.

This is now my third year as Attorney General and I must say an unprecedented one for all of Samoa. There has been:- a global pandemic throughout most of the year, creating major concerns for public health and wellbeing; an iconic change, that has made its mark in history when sections of the much debated Road Transport Reform Act 2008 legalizing the road switch came into effect; and more recently, local adversity in the wake of a natural disaster. These and many other events have involved the Office of the Attorney General and each of the challenges involved was met head-on by this office as lawyers and corporate staff provide solid support. Their hardwork and determination in providing the legal and support services needed during those times have made the obligations and responsibilities of my position as Attorney General easier to carry out. I am grateful for the support and will continue to pray for God's blessing in their lives.

Aside from those events that have made international news, major highlights that my Office has had the privilege of being involved in include: a scoping exercise to determine if a human rights institution can be established, establishment of the Law and Justice Secretariat and coordinating the first ever Pacific Prosecutors Conference. I believe that these highlights indicate a growing maturity within the Office as Office members participate in not only domestic and regional affairs, but international matters with ongoing assistance from donors and Government funding.

With coordinated commitment and foresight amongst representatives of this region I believe that we can continue to significantly improve on these legal developments to better serve our people. I look forward to discussing them with you further at this meeting.

Enjoy your stay in Samoa and seasons greetings for the period ahead. God bless and soifua.

A handwritten signature in blue ink, appearing to read 'Ming C. Leung Wai'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ming C. Leung Wai  
**ATTORNEY-GENERAL**

## 2. SAMOA LEGAL SYSTEM

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### I. THE EXECUTIVE

**Head of State** – since the passing away in 2007 of His Highness Malietoa Tanumafili II who held the position from 1962, His Highness Tui Atua Tupua Tamasese Efi has held the post of Head of State as elected unanimously by the members of the Legislative Assembly for a five-year term.

**Head of Government** – The Prime Minister, Hon. Tuilaepa Lufesoliai Sailele Malielegaoi is a Member of Parliament with the confidence of the majority appointed by the Head of State.

**Cabinet Ministers** – Ministers are appointed by the Head of State on the advice of the Prime Minister and are responsible to Parliament.

**Executive Council** – The Council is made up of the Head of State, the Prime Minister and the Cabinet Ministers.

### II. THE LEGISLATIVE

**Parliament** – consists of the Head of State and the Legislative Assembly, whose 49 members are elected by popular vote. Parliament serves a 5 year term and is responsible for making laws to govern Samoa.

Between January and October this year, Parliament has passed a total of 21 Acts. They are listed in the order of enactment on pages 15-16.

### III. THE JUDICIARY

#### **Court Hierarchy**

Two parallel components remain within the Court Hierarchy, the mainstream legal system and the Lands and Titles system.

Mainstream	Land and Titles
<b>Court of Appeal</b> (overseas judges)	
<b>Supreme Court</b> (3 judges)	<b>Lands and Titles Appellate Court</b>
<b>District Court</b> (currently 2 Judges)	<b>Lands and Titles Court</b>
<b>Faamasino Fesoasoani</b> (Samoa Lay Judges)	

#### **Judges**

There are 3 judges of the Supreme Court consisting of:

- His Honour Chief Justice Patu Tiavaasue Falefatu Sapolu;
- His Honour Justice Lesatele Rapi Vaai; and
- His Honour Justice Vui Clarence Nelson.

The District Court currently has 2 judges being Justice Vaepule Alosamoa Vaemoa Vaai and Justice Tauilili Harry Schuster.

**Court of Appeal**

The Court of Appeal presided in April and October this year. The presiding judges were:

- Honourable Justice William David Baragwanath (from New Zealand);
- Honourable Justice Robert Fisher (from New Zealand); and
- Honourable Justice Pierre Slicer (from Australia).

### **3. OFFICE OF THE ATTORNEY GENERAL**

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The position of Attorney General is a constitutional one appointed by the Head of State acting on the advice of the Prime Minister.

The Attorney General heads the Office of the Attorney General and the Minister responsible for the Office is the Prime Minister.

The Attorney General's Office (AGO) is made up of the following divisions:

- 1) Civil Division
- 2) Prosecution Division
- 3) Legislative Drafting Division
- 4) Law Reform Commission\*
- 5) Law and Justice Secretariat
- 6) Corporate Services

\* The Law Reform Commission is considered a “quasi-division” of the AGO as they carry out their functions/duties “independently” of the AGO.

A working update for each Division is provided in the chapters below.

## 4. CIVIL WORK UPDATE

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The Civil Team has been very active in the past year representing Government in civil suits, providing legal advice and preparing numerous government contracts for the various Ministries and Government Corporations. The Civil Team has also been involved in other major government projects underway under the supervision of new Assistant Attorney General Donald Kerlake. Former Assistant Attorney General Rebecca Wendt resigned to take up a post in the private practice and the Attorney General's Office wish her success in the future.

The team currently consists of the Assistant Attorney General, two Principal Solicitors, a Senior Solicitor and 4 State Solicitors. Another Senior State Solicitor is currently being seconded to the Law Reform Commission.

### I. LITIGATION

#### **Court of Appeal**

##### *Samoa Party v Attorney General*

A summary of the facts and issues for the above case is provided below. This matter was heard in the Supreme Court and a ruling was handed down dismissing the application by the Plaintiffs. The matter was appealed by the Plaintiffs and has since been part heard by the Court of Appeal. The Court of Appeal will continue presiding on this matter when it next sits in Samoa sometime early next year.

#### **Significant Supreme Court Cases**

##### *1) Vaasilifiti Moelagi Jackson & Others v Attorney General*

The original action in this matter was to oppose and to quash an executive decision made by Cabinet to change the driving side from the left side to the right side and accordingly change the legislation. However, by the time the matter was to be heard on 1 May 2008, the legislation had already been passed. The Plaintiffs were ordered to file an Amended Motion and Statement of Claim. Subsequently, the hearing of the Amended Motion took place over a period of one week commencing on Monday 17 August 2009 to Friday 21 August 2009. The Applicants alleged that that relevant legislation to change the side which people were to drive on was inconsistent with Article 5: Right to life and Article 15: Right from discriminatory Legislation of the Constitution. Judgment was delivered on Friday 28 August 2009, dismissing the Application and ruling in favour of Government, hence, allowing the road switch to proceed.

##### *2) Lealailepule Rimoni Aiafi & Others v Speaker & Electoral Commissioner*

The Attorney General's Office appeared on behalf of the Electoral Commissioner against a claim by the Applicants questioning the legality of an order by the Speaker of the Legislative Assembly instructing the Electoral Commissioner to proceed with by elections in accordance with the Electoral Act. The Applicants also questioned the legality of the Speaker's decision to remove 9 members of the "Tautua Party". The Applicants also sought an injunction against the Electoral Commissioner to stop him from proceeding with the by elections.

In a preliminary hearing, the Chief Justice struck out the claim insofar as it related to the Electoral Commissioner as it was found that no injunction could lie against the Electoral Commissioner in accordance with the Government Proceedings Act.

However, the claim against the Speaker of the Legislative Assembly still continued and the Honourable Chief Justice Sapolu determined that:

- (i) The Speaker's decision to disqualify the nine members from holding their parliamentary seats was not supported by law;

- (ii) They were not disqualified legally and therefore still continued to hold their seats;
- (iii) The Members of Parliament should be reimbursed the salaries they have been withheld and paid the sitting allowances that would have been paid to them for attendance at meetings of their representative Select Committees that were held during the time they were excluded from attendance;

*3) Alii and Faipule of Satapuala v Samoa Trust Estate Corporation and the Government of Samoa*

The Applicants filed a motion and statement of claim against the Respondents seeking the return of land claimed by them to have been taken by previous Administrations illegally. Alternatively, the Applicants sought an award of compensation of 100 million tala for the land that was taken. Government filed a motion to strike out the proceedings on the basis that the claim and motion did not disclose a reasonable cause of action and that it was also statute barred. A decision by the Chief justice dated 24 October 2008 upheld the motion to Strike out filed by Government but allowed the Applicants to amend the claim to disclose a cause of action against the Samoa Trust Estate Corporation.

The Applicants subsequently filed a Motion for leave to appeal the decision of the Chief Justice. The motion for leave was rejected on the grounds that it had been filed out of time and the Applicants did not have a reasonable excuse for the delay.

*4) Samoa Party v Attorney General*

The Plaintiffs filed a motion alleging that section 105(1) of the Electoral Act 1963 was unconstitutional. This section prescribes who may lodge an electoral petition challenging the result of an election and is restricted to only those candidates in the election that received at least 50% of the total votes. No-one else (i.e. candidate or voter) can lodge a petition. It is alleged that section 105(1) infringes (a) the right to fair trial (article 9 of Constitution), (b) freedom from discriminatory legislation (article 15) and (c) the Constitution as a whole. The Chief Justice dismissed the motion on the basis that the rights argued by the candidates to have been breached were political rights and therefore did not fall within the ambit of Article 9 of the Constitution which dealt with civil rights.

*5) Asiata Saleimoa Vaai v Toleafoa Fa'afisi & Others*

A motion was brought by the Applicant against the Speaker of the Legislative Assembly for compensation arising out of a decision by the Speaker to remove and suspend him from the Legislative Assembly and withholding his payment during the period he was suspended. An initial application by the Attorney General to have the matter struck out was dismissed by His Honour Kellum J. His Honour ordered the Applicant to file an amended Statement of Claim to reflect some of the grounds which were raised by the Applicant during the hearing of the preliminary application.

*6) Samoa Democratic United Party & Asiata v Speaker of the Legislative Assembly*

The Applicant filed a motion challenging the validity of standing order 20(5) which was relied upon by the then Speaker to declare that there was no longer any opposition political party (SDUP) as its membership had fallen below the required number of eight (8) members. A preliminary application was filed by the Attorney General to have the application struck out on the principle of non intervention and other grounds. The application by the Attorney General was refused by his Honour Kellum J as in his view although it was unlikely that the application by the Applicant would be successful, it was in the public interest for this matter to proceed to a substantive hearing his Honour also ordered the Applicant to amend his Statement of Claim to disclose more grounds in support of his action.

*7) Asiata Saleimoa Vaai v Attorney General & Others*

There were essentially eight separate matters under this heading. The Applicant filed various Motions for declaratory Orders and/or Motion for Injunction and/or Mandamus attaching a Statement of Claim. The various motions concerned the following:

- (i) Constitutionality and validity of the appointment of:
  - (a) the Prime Minister and relevant standing orders;
  - (b) associate ministers;
  - (c) Public Servants and removal of authority to control and discipline from Public Service Commission to Cabinet.
- (ii) Alleged violations of fundamental rights of free speech and expression;
- (iii) Constitutionality of unforeseen expenditure;
- (iv) Validity of the application by a public body of its funds for payments other than for its operation and management is unlawful;
- (v) constitutionality of provisions for ex-gratia, write off losses and set off debts in Public Finance Management Act 2001;
- (vi) Authorizing of discretionary payments by the Minister of Finance from Totalisator Agency Board to charitable clubs are unconstitutional and the payment of public funds for authorize purposes is unlawful.

All eight matters were heard collectively on 5 May 2009. All matters were struck out by Kellum J. for being statute barred, disclosing no cause of action and for being frivolous, vexatious and an abuse of the courts process

## **II. TELECOMMUNICATIONS TRIBUNAL**

The Office of the Attorney General also participated in the first ever Telecommunication Tribunal hearing in Samoa. The Telecommunication Tribunal was recently established under the Telecommunications Act to provide for a forum whereby appeals by a decision of the Regulator could be determined. The first appeal was an appeal brought by SamoaTel against a decision of the Regulator when setting interim interconnection rates to govern the traffic between the only two mobile service providers in Samoa, Samoa Tel and Digicel. The Appeal was allowed and the matter was referred back to the Regulator to determine more reasonable rates based on a cost study model. (NB: Digicel's attempt to quash the decision of the tribunal before the Supreme Court by way of judicial review was not successful.)

## **III. HUMAN RIGHTS SCOPING EXERCISE**

At the request of the Office of the Attorney General and with the support of the Prime Minister, a scoping exercise was carried out in partnership with the Asia Pacific Forum on Human Rights in Samoa. The team comprised Ms. Joy Liddicoat (Commissioner) and Mr. Samuelu Sefuiva (Principal Advisor Race Relations) of the New Zealand Human Rights Commission (NZHRC) (under the auspices of the APF) and Mr Donald Kerslake and Ms Loukinikini Vili from the Attorney General's Office. The scoping visit took place from 27 March to 3 April 2009.

The team met with government Ministers and representatives of government agencies including the Ministries of the Prime Minister and Cabinet; Justice and Courts Administration; Foreign Affairs and Trade; Women, Community and Social Development; Health; Education; the Labour Commissioner (Ministry of Commerce, Industry and Labour), and the Public Service Commission. Consultations were held with civil society organisations (including those working with women, children and disabled people), representatives of the media and the private sector, members of the judiciary, community leaders and individuals and the Office of the Ombudsman. The team also visited the prison and met with the Superintendent. The objective was to talk with diverse individuals and organisations and obtain a variety of views about the possibility of a national human rights institution for Samoa.

The Report on the scoping exercise indicated widespread support for the establishment of a national human rights institution in Samoa and discussed options on the appropriate mechanisms to put this into place.

Cabinet has directed the Law and Justice Sector to look into the report and advise Cabinet as to the feasibility and funding for the establishment of a national human rights institution.

#### **IV. TRAINING**

An internal training was conducted by Bill Martin, QC from Melbourne, Victoria, Australia for eight (8) weeks. The topics ranged from how to write an advice to drafting pleadings. The training was catered for Law clerks and State Solicitors within the Office and other in-house counsels for Government Ministries also attended.

Other internal trainings have since been carried out by members of the Civil Team focusing on areas such as procurement and management of files.

## 5. PROSECUTION WORK UPDATE

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The year 2009 has been a challenging and fruitful one for the Criminal Team. The team itself has increased to cater for the ever increasing workload with the admission of four members to the Bar this year whereas three of the teams Prosecutor's including Assistant Attorney General Samuel Leslie Petaia, have resigned to take up positions overseas, in the private sector and within Government Corporation respectively. The Office wishes them all the best in their future endeavours.

In terms of prosecution and other general work carried out by the Criminal Team the main matters of interest are Court of Appeal cases, Workshops/Trainings, Criminal Law Review and the Pacific Prosecutors Conference.

### I. LITIGATION

#### **Court of Appeal**

There were two appeal sittings this year, one in April and one in October. In both sessions the majority of appeals involved the Criminal Team. During the April session, cases covered issues ranging from jurisdiction to appeal to evidential matters. The two major issues concerned: Court discretion to have joint trials; and jurisdiction to appeal on pre-trial matters that were only raised in the middle of a trial. It was clarified that the Court did have jurisdiction to order joint trials and there was no jurisdiction to appeal on a pre-trial issue where such issues were not raised at pre-trial. In the October appeals one of the main issues was in relation to powers of concurrence of a presiding Judge. Brief summaries of the cases are listed in order of appearance.

#### *APRIL*

##### *1) Lupematasila & Others v Attorney General*

This is an appeal by the Appellants against the decision of his Honour Chief Justice Sapolu in ruling that the Police did not breach any laws when obtaining the caution statement from the Appellant. The issue at appeal was whether the right to a lawyer was clearly conveyed to the Appellant and whether the Appellant at the time clearly understood that right. The appeal was withdrawn.

##### *2) Sawej Viliamu v Attorney General*

This matter was an appeal against a decision by Chief Justice Sapolu to deny the Appellants' application to vacate his guilty plea upon consultation with a lawyer. New counsel for the Appellant withdrew the appeal and the Appellant was remanded on the same bail conditions to the Supreme Court for sentence.

##### *3) Muiava Ufiufi v Attorney General*

The Prosecution were the Respondents in an appeal by the Appellants concerning Court discretion to have joint trials. The appeal was dismissed.

##### *4) Tautai Fata v Attorney General*

This is an appeal against a decision by the Court to refuse bail for the Appellant. The Appellant had been granted parole on a previous term for murder and Parole Board granted parole on the condition that if the Defendant re-offends, he will be recalled to serve his full sentence for murder. Counsel for the Appellant sought an adjournment until next sessions of the Court. Application was granted.

#### *OCTOBER*

##### *1) Muiava Ufiufi v Attorney General*

The Prosecution were the Respondents in an appeal against conviction for one (1) charge of Rape and one (1) charge of Attempted Rape. The grounds for appeal were that the verdict for

both charges were unreasonable and against the weight of the evidence and/or there was a miscarriage of justice. The decision by the panel of assessors was upheld and the appeal was dismissed.

2) *Attorney General v Esau Sefo*

The Prosecution appealed the decision of Vaai J in which he overturned a unanimous verdict by the panel of assessors in finding the Respondent guilty of rape. The appeal was to clarify powers afforded under the Criminal Procedure Act relating to “Concurrence of the Presiding Judge” but more importantly to determine guidelines as to how the power is to be exercised and whether reasoning should be given by a trial judge as to why he is departing from the verdict of assessors. The Court held that although the learned Judge erred in failing to give reasons for his decision a re-trial was not warranted because based on the facts, it was open for the trial judge to make his ruling. The appeal was dismissed.

3) *Attorney General v Lealofi Otto*

The Prosecution appealed the decision of Nelson J in which he overturned a verdict by the panel of assessors in finding the Respondent guilty of Attempted Rape. Similar to *AG v Esau Sefo* (above) Prosecution appealed to clarify concurrence powers of a presiding Judge. The Court held that there were ample grounds empowering the trial judge to entertain a reasonable doubt as to the guilt of the Respondent and there was no error of law. The appeal was dismissed.

4) *Attorney General v Simona Avia*

The Prosecution appealed the Courts decision in finding the Respondent not guilty of indecent assault on the ground that the age of the victim had not been proved. The Court held that the complainants self assertion of her age should have been recognized as admissible evidence and accordingly, the ground on which the charge was dismissed was erroneous in law. The appeal was allowed and the matter is remitted to the Supreme Court for re – trial on the charge of indecent assault.

5) *Attorney General v Ikilasi Isumu*

The Prosecution appealed a Court ruling that found admissions by the Respondent to be inadmissible because it had been obtained unfairly. In a voir dire to determine this issue the Judge held that a child has the right to have a parent present during police interviews under the Convention of the Rights of the Child. The Prosecution sought to clarify the basis for this decision as a child does not have such a right under Samoan law and also to determine whether the correct approach was taken by Nelson J in these proceedings. The Court upheld the decision of the Judge in relation to the inadmissibility of the respondents statement and held that Samoa should adopt guidelines as to proper police procedures in obtaining statements from accuseds as is the case in New Zealand. The appeal was dismissed.

### **Other Significant Cases**

*Police v Asiata Saleimoa Vaai*

The Defendant was charged with 2 counts of Contempt of Court; the first related to an article published in the 22<sup>nd</sup> March 2007 edition of the Samoa Observer; and the second to a letter published in the 25<sup>th</sup> March 2007 edition of the Sunday Samoan. In these two articles, the Defendant alleged a bias by his Honour Chief Justice Sapolu towards Government, following a decision by the Court to refuse an interim injunction seeking a stay in the non-recognition of the Samoa Democratic United Party (SDUP) in Parliament. The Defendant was found guilty and discharged without conviction.

### **Litigation Statistics**

The increasing workload for the Criminal Team is reflected in case statistics gathered every two months. Approximately 40-60 new files come through the Office during this period. These do not include old files or files that are re-called at Court mentions every two weeks.

The Criminal Team handles preparation for files based on the complexity of the matter, the number of defendants or complainants or charges, the bulk of evidence to peruse and so forth. Apart from preparation of the file a lot of time is spent in Court. For prosecution of theft as a servant offences, trial may take more than 3 days, a rape trial may take up to 4 days, and murder trials may take up to 1 week or more of actual court room. Where cases do not proceed to trial, as they sometimes do, reasons include: the Defendant changing his plea on the day of the hearing or failing to appear; the complainants or main witnesses failing to appear; or the defence not being ready to proceed to trial.

For July-September 12 matters proceeded to trial, 24 did not proceed and 19 sentencing files were completed.

## **II. TRAININGS/WORKSHOPS**

### **Sexual Assault Project**

In response to the increasing problems of medical evidence for sexual assault cases, the Criminal Team proposed a workshop to build better relations between doctors, police and prosecution.

As a joint project between the AGO and the Ministry of Police the workshop was scheduled for 17-24 August 2009 and aimed to enhance knowledge and skills of local police and health professionals in managing victims of sexual assault.

A sexual assault health specialist, Dr Maureen Phillips from Australia conducted the one week seminar and provided an update to police and medical practitioners on medical and/or forensic development in this area.

The workshop was a success and ended with a draft general practice note for all three Ministries. The Practice Note sets out general guidelines for responding to sexual assault and covers areas such as framework for victim/patient care. The draft is awaiting to be finalized by all three sectors.

### **Police Trainings**

As has been usual practice, the Office and the Ministry of Police are currently working on a training program for the Prosecution Section of Police. While the past trainings have been one-off seminars or practicals, the team hopes to have a more structured program in place.

The Criminal Team has already conducted a basic training for the Police Prosecution which was conducted from 9<sup>th</sup> – 10 March 2009. The training covered the basics of Court advocacy and etiquette as well as preparation of Court documents for hearings and sentencings.

### **Litigation Seminars**

The Office of the Attorney General Office had the opportunity to host Mr John Pike, a General Counsel of the Crown Law Office in Wellington, New Zealand and one of the most acknowledged appellate court litigators in New Zealand from 30 March to 3 April 2009. He travelled to Samoa under a joint program by NZ Crown Law and NZAID. During his visit Mr Pike made his time available to assist Prosecutors within the Office as well as conduct half day seminars on the following topics:

- (i) concept of liability as a party to an offence;
- (ii) selected issues on law of evidence in relation to:
  - (a) recent complaint evidence;
  - (b) similar fact evidence; and
  - (c) hearsay evidence; and
- (iii) Court of Appeal.

## **III. CRIMINAL LAW REVIEW**

### **Narcotics Amendment Act**

This has been a two year project for the Criminal Team working closely with the Legislative Drafting Division. It has finally been passed. To sum up the legislation, it generally increases

penalty for narcotic offences, classifies drugs into three categories, and caters for offending of manufacturing and precursors. It has been noted by Australia and New Zealand that it is a very modern and practical legislation.

#### **IV. PACIFIC PROSECUTOR CONFERENCE**

In 2008, prosecutors within the AGO initiated a proposal for a Pacific Prosecutor Conference (PPC). The concept was directed towards:

- i) starting discussions between prosecutors within the Pacific region on weaknesses and challenges commonly faced;
- ii) opening dialogue to come up with workable ways in which to start tackling these issues;
- iii) developing the idea of setting up an association or a forum in which prosecutors from around the region can discuss the challenges they face and how they can deal with these challenges as a region.

At last year's PILON meeting the Attorney General presented a proposal to this effect and a resolution was passed for Samoa to host the first ever PPC. The Attorney General's Office is pleased to report that less than a year later a conference was organised and held in Brisbane, Australia with funding assistance provided by the Commonwealth Secretariat, the United Nations Office on Drugs and Crime, the New Zealand Ministry of Foreign Affairs, Australian Aid as coordinated by PILON and the host country Government, Samoa. The venue of the conference was decided because of the availability of Australian Aid funding with the conference in Brisbane, Australia and also with easy flights from around the Pacific directly to Brisbane.

The PPC was held from 7-8 July 2009 to coincide with the Australian Association of Crown Prosecutors Conference on 9 and 10 July 2009. Speakers included: the Honourable Justice William David Baragwanath – President of the Court of Appeal of Samoa; John Pike – General Counsel of the Crown Law Office in Wellington, New Zealand; Ronald Talasasa – Director of the Public Prosecution's Office, Solomon Islands; Gregor Allan – Crown Counsel of the Crown Law Office in Wellington, New Zealand; Shirani de Fontgalland – Head of Criminal Law Section, Legal and Constitutional Affairs Division, Commonwealth Secretariat; Josaia Naigulevu – Former Director of Public Prosecutions Office in Fiji; Mark Tedeschi QC – President of the Australian Association of Crown Prosecutors; Glen Marshall – Crown Solicitor for Nelson and Blenheim in New Zealand; Nick Cowdery QC – Director of Public Prosecutions for New South Wales, Australia and the Attorney General of Samoa as the chair of the Conference.

Topics of discussion ranged from the role of prosecutors in the rule of law to specific problems within their jurisdictions. Towards the end of the Conference a resolution was passed to establish a network of Pacific Prosecutors that would improve prosecutorial services within the Pacific known as the Pacific Prosecutors Association (PPA). The next meeting of the PPA will be held in Vanuatu in June 2010.

## **6. LEGISLATIVE DRAFTING DIVISION**

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The Legislative Drafting Division is comprised of two Parliamentary Counsels, a Legislative Drafting Adviser, 2 Senior Legislative Drafters, three State Solicitors, (one of whom is seconded to the Law Reform Commission) a senior legal secretary and a newly appointed Senior Bills Officer who joined the team in August from the Office of the Clerk, Legislative Assembly. The Legislative Drafting Adviser, Ms Heather Holt will be with the Legislative Division until August 2010 under an Australian Aid programme.

This year, long serving employee Teleiai Lalotoa S. Mulitalo resigned from the position of Parliamentary Counsel to take up Consultancy work with another Ministry. Her absence from the office is a loss to the team but her legacy of hard work, diligence, patience and endurance continue to be an asset to the Office by remaining with those who worked with her. The Office wishes her every success in her career.

### **I. LEGISLATIVE DRAFTING PROCESS**

The Legislative Drafting Process consists of several stages that involve checks and balances to ensure that laws are accurate, consistent and in line with the Constitution and policy directives taken by the Ministries driving them.

In the drafting stages, Ministries involved in policy making liaise with the Office of the Attorney General that play an advisory/supporting role where drafting is carried out by a Consultant or a supervisory role where drafting is carried out by the Legislative Drafting Division of the Office. The Law Reform Commission coordinates stakeholder consultation where necessary.

Once a draft Bill is satisfactory to the Ministry and reflects all the matters intended to be covered by it the Bill is subject to final approval by the Office of the Attorney General which issues an Attorney General's Certificate if endorsed.

The Certificate, Bill and Explanatory Memorandum are provided to the Minister responsible so that it may be submitted to Cabinet for approval. If Cabinet approves the Bill it is forwarded to the Clerk of the Legislative Assembly for translation and other formatting requirements for debate in Parliament.

A Bill is passed by Parliament once it has been through a first reading, second reading, the Select Committee (where necessary), consideration in detail and a third reading. Assent by the Head of State most commonly brings the Act into force shortly thereafter.

### **II. PARLIAMENT SCHEDULE**

So far, there have been 4 Parliament sessions this year. Three Bills were passed in the January session, seven in the June session, four in the August session and seven in the October session.

These are listed in order of enactment:

- iv) Supplementary Appropriation Act (No. 1) 2009;
- v) Trustee Companies Amendment Act 2009;
- vi) International Companies Amendment Act 2009;
- vii) Supplementary Appropriation Act (No. 2) 2008/2009
- viii) Appropriation Act 2009/2010
- ix) SEG International Enterprise Act 2009;
- x) VAGST Amendment Act 2009;
- xi) Road Traffic (Payment of Fines) Act 2009;
- xii) Education Act 2009;
- xiii) Road Traffic (Breathalyser) Amendment Act 2009;
- xiv) Police Service Act 2009;
- xv) Patents Amendment Act 2009;
- xvi) Public Service Amendment Act 2009;

- xvii) Daylight Saving Act 2009;
- xviii) Taking of Lands Act 2009;
- xix) International Transfer of Prisoners Act 2009
- xx) Narcotics Act 2009;
- xxi) Ministry of Women Affairs (Sui Tamaitai o le Nuu) Act 2009;
- xxii) Unit Titles Act 2009;
- xxiii) Accident Compensation Corporation Amendment Act 2009; and
- xxiv) Electoral Amendment Act 2009.

The last Parliament sitting is from 7<sup>th</sup> December – 18<sup>th</sup> December where further Bills are expected to be discussed. The following Bills are with Parliament:

- i) Broadcasting Bill 2009;
- ii) Development Bank of Samoa Bill 2009;
- iii) Valuation Bill 2009;
- iv) Survey Bill 2009;
- v) Spatial Information Agency Bill 2009;
- vi) Waste Management Bill 2009;
- vii) Internal Affairs Amendment Bill 2009;
- viii) Customs Amendment Bill 2009 (WTO);
- ix) Constitution Amendment Bill 2009; and
- x) National Provident Fund Amendment Bill 2009.

### III. KEY LEGISLATION

#### **Education Act**

This Act aims to provide a more comprehensive approach to compulsory education for school-aged children. It provides for the responsibilities of carers of school-aged children to ensure attendance at school and that a breach of these responsibilities will incur a penalty under the Act. This Act also aims to regulate teachers and disciplinary policies provided by schools so that there is a clear prohibition of corporal punishment.

In achieving its aim, the Act provides responsibilities of Sui o le Nuu and police officers regarding the compulsory attendance of school-aged children. This Act provides for the establishment of approved organisations that will regulate certain classes of schools. There will be different approved organisations set up to regulate private and mission schools as well as ministry schools and early childhood education centres. The scope of the Act also covers the regulation of schools for school-aged children with special needs. The overall aim of the Act is compulsory attendance at school by children who are between 5 to 14 years old.

#### **Road Traffic (Payment of Fines) Act 2009 and the Road Traffic (Breathalyzer) Amendment Act 2009**

To ensure safety and smooth transition from driving on the “right” to the “left” these two Acts were passed before the day of the road switch. The Payment of Fines Act permits the payment and collection of fines for specified traffic offences without the need for Court proceedings. Those who have committed certain road traffic offences may elect to pay a pecuniary penalty as a substitute to court conviction. In short, the Act allows for a speedy acknowledgment of a traffic offence and a speedy resolution to the matter.

The Breathalyzer Amendment Act improves road safety by targeting drivers that are alcohol impaired. There is provision for the use of breathalyser equipment to assist police officers in identifying alcohol levels in a person. It is an offence for a person tested positive for excessive alcohol content in his or her breath and blood to drive a vehicle.

#### **Daylight Saving Act 2009**

The Act states that the Head of State, acting on the advice of Cabinet, may declare any period of consecutive days as a daylight saving period, specifying the hours and the date and time in which the period is to begin and end. The Act is in response to the need for national strategies to

address the current worldwide crisis in fuel and food price increase and intends to benefit the country by enhancing energy efficiency, boosting leisure activities, promoting public health and safety and increasing the Samoa's economic growth.

#### **International Transfer of Prisoners Act 2009**

This Act clearly facilitates the transfer of prisoners between Samoa and countries which Samoa may have entered into agreement with so that prisoners may serve their sentences of imprisonment in their countries of nationality.

### **IV. PROFESSIONAL TRAINING**

#### **Professional Diploma in Legislative Drafting (PDL D)**

This course is an advanced training conducted through the University of the South Pacific at Institute of Justice and Legal Studies (IJALS). The 30 week program encourages participants to learn practical skills in translating government policies into clear and effective laws that can be understood and applied by a variety of stakeholders. Scholarships are offered by the Forum Secretariat and the Commonwealth of Learning (COL) with four State Solicitors from the AGO fortunate enough to be awarded scholarships. The course commenced in April this year and is expected to end in November.

#### **In-Country Advanced Legislative Drafting Training**

The Office of the Attorney General was fortunate to take part in an advanced course in Legislative Drafting sponsored by the Commonwealth Secretariat. The training covered over a period of one month was conducted by Professor St John Bates who has his own Consultancy firm based in the Isle of Man. He was involved with teaching the LLM on Advanced Legislative Studies at the Institute of Advanced Legal Studies in London. The advanced legislative drafting course looked at various areas rarely explored in this practice of law, such as the authority to draft regulations. The course overall was constructive and capacity building not only for members of the Office of the Attorney General that attended, but also lawyers of various Government agencies and Ministries that were able to join.

### **V. DRAFTING PROJECTS**

#### **Universal Legal Framework Against Terrorism**

The Government of Samoa in remaining committed to meeting its international obligations under Counter Terrorism Conventions is currently reviewing the national legislative framework against terrorism and transnational organized crime. A 2 day workshop co-hosted by the Office of the Attorney General together with technical assistance provided by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC/TPB) was held in Apia on the 2 & 3 February 2009 to discuss issues relating to the "Universal Legal Framework against Terrorism". The workshop was well attended by senior Government officials and discussions were on the following issues: the outline of the United Nation's Counter Terrorism Conventions and Security Council Resolutions; legislation and measures member States are required to have in place; issues commonly encountered by States in implementing the conventions; and counter terrorism related matters on money laundering, mutual legal assistance and extradition etc. Discussions on improving Samoa's legislative framework to meet its international obligations and consideration of a working draft Bill on Counter Terrorism and Transnational Organised Crime were also made during the workshop.

#### **Legislative Newsletter**

The recent revival of Legislative Newsletters provided by the Office of the Attorney General has continued throughout 2009 with release of Volume 2, Issue 4 expected in December. The newsletter covers a 3 months period and aims to provide information on current policies of government intended to be given legislative status, draft laws before Parliament for debate and

laws that have been passed. These newsletters can be viewed on the Attorney General's Office website: [www.ag.gov.ws](http://www.ag.gov.ws)

## 7. LAW REFORM COMMISSION

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The Commission remains under the organizational structure of the Attorney Generals Office and has only been operational for a short period of time from the ground floor of the Government Building. In that time however, a lot of work has been co-ordinated with Ms. Leilani Tuala-Warren as the Executive Director of the Commission.

The Office now has six staff members, including the Executive Director – a Principal Legal Project Coordinator, Principal Legal Researcher, a Senior State Solicitor seconded from the Civil Division of the Attorney General, a Senior Accounts Administration Clerk, a Senior Legal Secretary and two State Solicitors seconded from the Office of the Attorney General.

The Law Reform Commission Act 2008 provides that the Commission is established for the review, reform and development of the laws of Samoa, in order to promote Samoan custom and traditions, enhance the social, cultural, economic and commercial development of Samoa, and ensure that the laws of Samoa are kept in a modern state which meets the needs of Government and the community. The Commission also looks to play a significant role in the Public Administration Sector Plan for Samoa 2007-2011 as it identifies the need for a legislative reform programme which includes updating all outstanding legislation.

### I. COMMISSION WORK PROGRAMME

Cabinet appointed the Advisory Board of the Commission in December and approved the Commission's Workplan for 2008 – 2009. An overview of the Workplan and work accomplished is set out below.

#### **Major Law Reform**

There are a total of 9 major law reforms in progress or at the stage to commence. Five are in relation to the criminal justice system – the Prisons Act 1967, Crimes Ordinance 1961, Criminal Procedure Act 1972, Evidence Act 1962 and the need for a Sentencing Bill. Others relate to Commissions of Inquiry, Protection of Traditional Knowledge, Judicial related legislation and the Law Practitioners Act.

#### **Other Law Reviews**

Other ongoing work by the Commission involve Care and Protection Legislation (to protect children), Coronial Legislation, Compliance with Environmental obligations and review of Ministry Acts for the Ministry of Works, Transport and Infrastructure and the Ministry of Commerce, Industry and Labour.

The Commission has also been involved in reviewing Bills submitted by the Samoa Tourism, Electric Power Corporation and Ministry of Women, Community and Social Development. The Commission is also working closely with the United Nation Committee on the CEDAW (through the Ministry of Women Community and Social Development) towards the completion of their report.

#### **Completed Work**

The Daylight Saving Act 2009 was passed in the third Parliamentary session this year. The Act was prepared and drafted by the Law Reform Commission with assistance from the Legislative Drafting Division. A brief description of the Act is given on page 16.

### II. CAPACITY BUILDING

#### **Familiarisation Visits**

The Commission has been fortunate to receive the opportunity to be exposed to overseas Law Reform Commissions. The Executive Director attended 3 familiarization visits in 2009 in three different countries. In March 2009 she visited Canada where she attended the Federation of Law Reform Agencies of Canada (FOLRAC), and was attached to the British Columbia Law Institute (BCLI) as well as the Alberta Law Reform Institute (ALRI). In April 2009 she was fortunate to receive full funding from NZAID to visit the New Zealand Law Commission as well as the Maori Land Court and the Waitangi Tribunal. In May 2009 she visited the Australian Law Reform Commission with the assistance of AUSAID. The Executive Director visited the Law Reform Commission of Western Australia and the Australian Law Reform Commission as well as the NSW Law Reform Commission.

All these visits have contributed immensely to building the skill and knowledge base within the Commission and also resulted in the donating of Legal resources for the Commission's library, and addressing some of the challenges faced by the Commission during the early stages of its establishment.

#### **Public Consultations/Stakeholder Database**

The Commission engaged in two public consultations through the Ministry of Women Community and Social Development (Pulenuu) monthly meetings in Upolu and Savaii. These Public Consultations were important in lifting the profile of the Commission around the country.



From these public consultations the Commission established a Database for stakeholders who have expressed an interest in having a say in the Laws of Samoa. Questionnaires have been widely distributed to these Pulenuu consultations as well as the general public. These questionnaires gather people's names and contacts for the Database. When the reviews are underway stakeholders will be contacted for their views.

### **III. FINANCE**

The approved estimates for the Law Reform Commission for the financial year 2009/2010 totaled \$286,547 which is a decrease of 45% from the previous 2008/2009 financial year.

## 8. LAW AND JUSTICE SECTOR

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The Law and Justice Sector (Secretariat) is an extension of the Office that was established to raise recognition of the importance of law and justice; improve the direction, delivery, effectiveness and coordination of law and justice services; create a government-owned priority-setting mechanism for development; and facilitate international development assistance.

The Secretariat provides administrative support and coordination for implementation of the law and justice sector plan. Sector Coordinator Ms. Ane Moananu has been recruited since early October 2009 to manage the Secretariat which will be further staffed by a Principal Finance Officer, a Principal Project Officer and a Project Office Assistant.

The Secretariat is currently working from within the offices of the Law Reform Commission but has secured premises at the National Provident Fund Building for a new office that will be fully operational once all officers are on board before the end of the fourth quarter 2009. Once operational the Secretariat will prepare for the start of the implementation phase in July 2010.

### I. LAW AND JUSTICE SECTOR PLAN

The Cabinet of the Government of Samoa endorsed the *Law and Justice Sector Plan 2008-2012* (LJSP) on 12 November 2008. This Plan had been formulated by the Steering Committee comprising of the Chief Executive Officers of the Law and Justice Sector agencies, namely Attorney Generals Office (AGO), Ministry of Justice and Courts Administration (MJCA), Ministry of Police and Prisons (MPP), The Office of the Ombudsman and the Ministry of Women, Community and Social Development (MWCSD).

This Plan adopts a shared vision for the sector which is: *Justice for a safe and stable Samoa*. It also defines the goals and objectives for the sector, which are to:

- a. Raise *community safety* through improved crime management
- b. Improve *access to justice*, law and legal services – including establishing the Law Reform Commission, and Community Law Centre(s), expanded legal aid and community empowerment and Human Rights Commission
- c. Promote and integrate *customary and community-based justice* – including participatory processes, capacity-building and awareness-raising
- d. Improve *governance* – including strengthening the Ombudsman's Office
- e. Build *capacity* of sector agencies and improve service coordination.

The LJSP is significant for a number of reasons. First, it articulates Government of Samoa's goals, objectives, strategies and priorities for the development of law and justice for the people of Samoa. As such, it provides a clear, coherent and cogent reform agenda to direct and unify national endeavour in support of the *Strategy for Development of Samoa 2008-2012* (SDS), and ultimately the attainment of Samoa's *Millennium Development Goals* by 2015.

Second, it introduces a new sector to the emerging mid-tier of government linking central agencies (notably, Ministry of Finance and Public Service Commission) with the line or service delivery agencies (being AGO, MPP, MJCA, Ombudsman and MWCSD). This sector addresses the challenge of major organisational culture change in moving from the prevailing autonomous agency perspectives to a more collective sectoral perspective to attain the goal of improved law and justice service delivery for the community. This is an important and substantial culture shift which will doubtless take a number of budget-cycles to fully attain.

Third, for the first time, LJSP provides both the government and the international community of donors with a comprehensive domestic policy-based reform agenda to support in a harmonised and coordinated manner. This implements the *Paris Declaration on Aid Effectiveness* (2005), and the *Accra Agenda for Action* (2008), and provides the framework for a new partnership in

development effectiveness. In due course, this will integrate into the implementation of priority outcome 3, 'Improved Governance,' of the *Samoa-Australia Partnership for Development* (SAPD).

The move to introduce the Law and Justice Sector has already required a significant transition in organisational culture and outlook, moving from the agency to sector perspective. Leadership and ownership of this process by agency CEO's and senior officers is characteristically strong and sustained, though it is timely to emphasise that this transition is ongoing. It is still early in the process, and ongoing support for this ongoing culture shift will be required over future years.

## **II. LAW AND JUSTICE SECTOR WORKPLAN**

The Steering Committee has adopted a workplan for the ongoing establishment and development of the sector during 2009. As a part of this workplan, recruitment of short-term advisors as consultants to undertake a number of sector assessments, develop activity implementation plans, for (i) budgetary resources, (ii) human resources, and organisational management, specifically including (iii) information management, (iv) capacity-building, and (v) communications management.

The implementation phase of the LJSP will commence in July 2010 where detailed activities will be implemented by the various line agencies.

## **9. CORPORATE SERVICES**

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### **I. CAPABILITY PLAN**

With the approval of the Office Corporate Plan 2008-2011, as well as the distribution of the Office Service Charter 2009 and the establishment of the office website as per Cabinet directive, the remaining document which is currently under way is the Capability Plan. A retreat for the office was held at Namu'a Island on 19<sup>th</sup> - 21<sup>st</sup> June 2009 to prepare a Capability Plan and draft the AGO Policy Manual. The Capability Plan sets out the strategies to bridge the gap between the skills that employees have and the set of skills required for the positions they hold in the Office. This required some consultation among Management as well as various teams. Once compilation is complete, the first draft will be forwarded to the Public Service Commission for their review before it is finalized.

### **II. HUMAN RESOURCES/ORGANISATIONAL STRUCTURE (ANNEX 1)**

Three members of Management resigned in 2009: Parliamentary Counsel (Legislative Drafting), Lalotoa S. Mulitalo, Assistant Attorney General (Civil), Rebecca Wendt and Assistant Attorney General (Criminal) Samuel L. Petaia. This is in addition to three other solicitors who also resigned to move to private practice, relocate overseas and to take up new appointments within Government.

In light of these resignations, Donald Kerslake was appointed Assistant Attorney General for the Civil Claims & Opinions division and Sarona Rimoni was appointed Parliamentary Counsel for the Legislative Drafting division. The Assistant Attorney General (Criminal) post will be advertised by the Public Service Commission in due course.

Peter Bedhall, former Australian Youth Ambassador for Development, returned in July 2009 as a Principal State Solicitor for the Attorney General's Office and is continuing his work with the Civil Division and has been providing supervision and guidance with the work of office solicitors.

Four law clerks were admitted to the Samoan bar in September 2009: Mathew Lemisio, Wendy Pogi, Elemesi Schmidt and Phaedra Valoia. One law clerk is expected to be admitted before December 2009. Two law clerks are completing their professional studies in Fiji and will be resuming work in January 2010.

For the financial year 2009/2010, the Public Service Commission approved the establishment of a Principal IT/Network Officer – the successful candidate is likely to start in November 2009. The new Senior Bills Officer position for the Legislative Drafting division was filled as well as the Office Assistant post.

Applications from law graduates in Vanuatu and New Zealand have been received and these have been forwarded to the Public Service Commission. These new graduates are likely to commence employment in January 2010.

As of November 2009, there are now 48 staff members with the inclusion of the Law Reform Commission Office.

### **III. FINANCE**

The approved estimates for the Office of the Attorney General for the financial year 2009/2010 totaled \$2,641,935 which is a decrease of 7.9% from the previous 2008/2009 financial year.

There are five main outputs approved for the Office and is divided into such:

1. Legal Advice to the Head of State, Ministers and Government Ministries
2. Legislative Drafting
3. Criminal Prosecutions
4. Civil Claims & Opinions
5. Drafting Government Contracts

Overheads are charged under the Corporate Services Division which includes administration, human resources, finance and information technology.

Two conferences were approved in the Main Estimates to be funded by the Office of the Attorney General. The Office co-hosted the Pacific Prosecutors Conference in July 2009 in Brisbane which was attended by the Attorney General, the Assistant Attorney General (Criminal) and five prosecutors. Some of the costs for allowances, accommodation and venue hire were funded by the Office. Cabinet approved \$40,000 for Samoa's hosting of the Pacific Island Law Officers' Network (PILON) which will be held at Aggie Grey's Resort & Spa from 12<sup>th</sup> – 16<sup>th</sup> December 2009.

The Audit Office has also completed their audit for the financial year 2008/2009 and their final report on their findings and recommendations is yet to be received.

#### **IV. TRAINING/MEETING PARTICIPATION (ANNEX 2)**

A table listing all the overseas trainings and meetings attended by members of the Attorney General's Office are attached as Annex 2.

#### **V. STUDY LEAVE/ SECONDMENTS**

Principal Legal Research Officer, Houlton Faasau, is currently on Study Leave for six months while he completes his legal professional requirements for admission to the Bar. Law clerks from various divisions of the Attorney General's Office have also been allocated on a rotational basis of two months to the Law Reform Commission to gain experience on law reform.

## 10. OTHER DEVELOPMENTS

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### I. OFFICE MANUAL

The Office of the Attorney General went on a 3 day retreat to Namu'a Island from 19-21 June as an informal way to present and discuss the Office Manual and work on Capability Plans as seen in the photos below. The Office Manual aims at acquainting new employees especially law clerks with the type of work required in the Office, legal procedures, office management and operation of each division and rules and policies of the Office.



### II. ROAD SWITCH DAY

The decision by Justice Nelson on Friday the 28<sup>th</sup> August 2009 confirmed that the road switch did not breach the Constitution and should be allowed to proceed. To facilitate the switch, two days were declared public holidays, speed limits were reduced to 25 mph, modifications were made to the roading network, a ban was imposed on the sale of liquor and nightclubs were closed throughout the transition for the safety of motorists.

On Monday 7 September 2009, sections 4 to 7 of the Road Transport Reform Act 2008 came into effect. Shortly before 6am, cars were brought to a stop, slowly directed to the other side of road and allowed to continue after 10 minute intervals to contemplate and adjust. An overwhelming number of the public turned out in the early hours of the morning to participate and many others lined the streets to witness the historic event.



Government Officers of the Land Transport Authority; Ministry of Police and Prison Services; and Ministry of Works, Transportation and Infrastructure and other agencies such as the Red Cross were on-hand across the country to ensure a safe and co-ordinated transition.

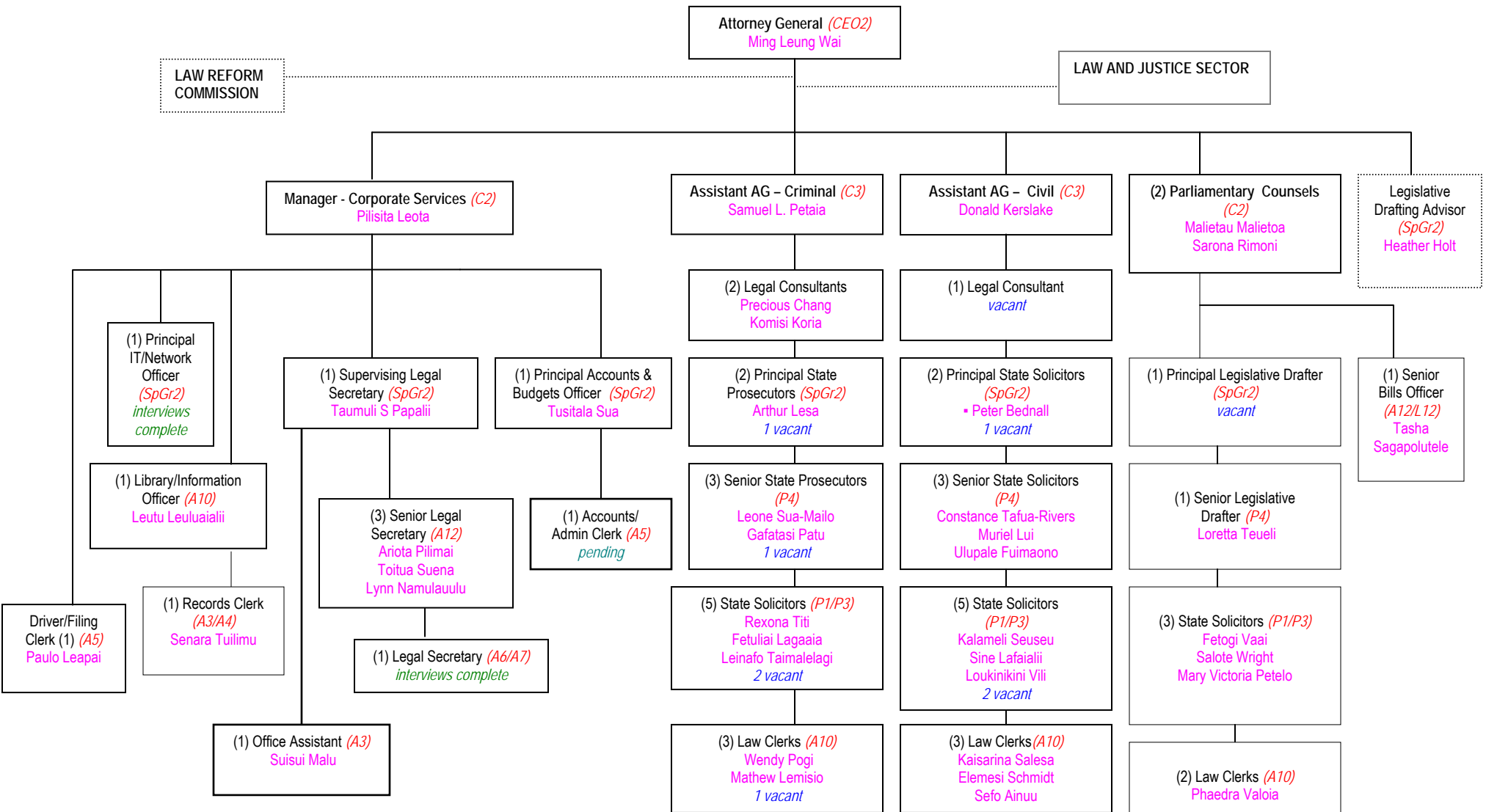
### III. DISASTER MANAGEMENT – IN THE WAKE OF THE TSUNAMI

It had started just like any other morning but the earthquake that jolted people awake on 29 September 2009 caused a tsunami that brought about unparalleled destruction to many areas

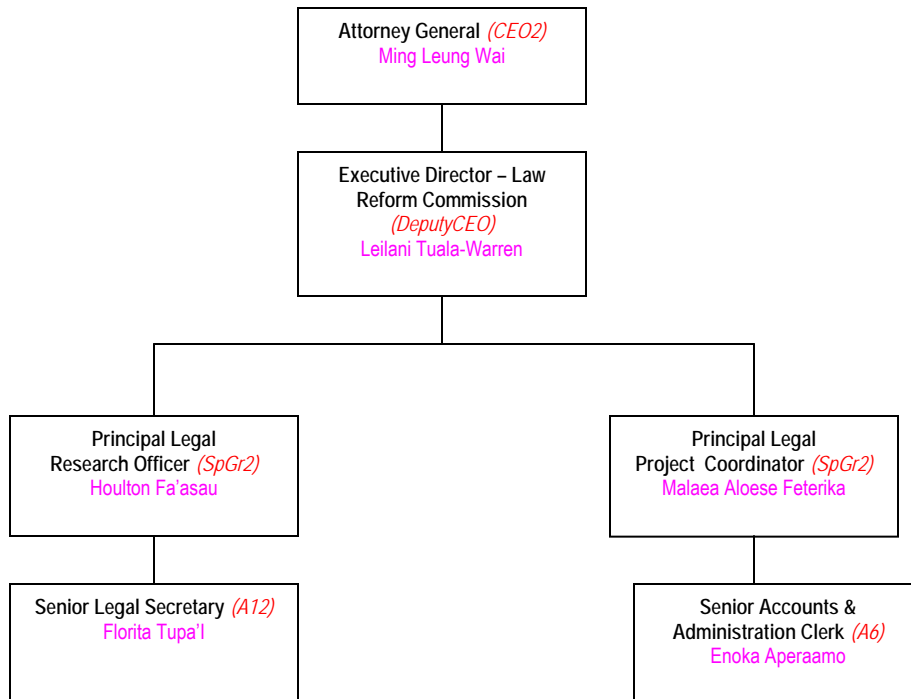
along the South Coast of Samoa. In the days that followed, members of the Office of the Attorney General played an active role in assisting with the relief effort by advising the National Disaster Council as part of the Disaster Advisory Committee (DAC).

Several members of the Attorney General's Office were required to be placed temporarily at the make shift DAC headquarters at the Faleata Fire Station. Although the primary task of the members was to provide legal advice and draft legal documents to facilitate recovery efforts, members of the Office upon request assisted in other areas such as recovery site inspections, coordination of air support and management etc. The Office of the Attorney General was on standby continually to provide advice and recommendations to ensure that the coordination of Samoa's recovery from the devastation of the Tsunami was as efficient and effective as possible.

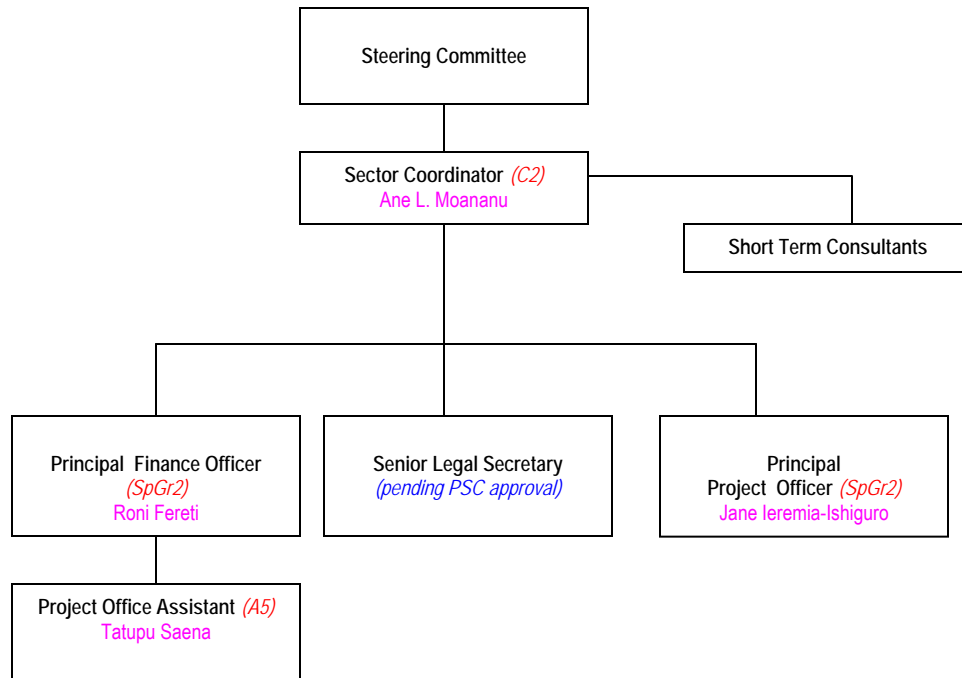
**ANNEX 1  
ORGANIZATION STRUCTURE – NOVEMBER 2009**



## LAW REFORM COMMISSION



**LAW & JUSTICE SECTOR SECRETARIAT**



## ANNEX 2: TRAINING PARTICIPATION

<b>Staff Member</b>	<b>Division</b>	<b>Name of Training/Meeting</b>	<b>Location</b>	<b>Start Date</b>	<b>End Date</b>
Donald Kerslake	<i>Civil</i>	Universal Periodic Review on Conventions	<i>Auckland, New Zealand</i>	3-Feb-09	4-Feb-09
Teleiai Lalotoa Mulitalo	<i>Legislative Drafting</i>	Legislative drafting	<i>Brisbane, Australia</i>	24-Feb-09	25-Feb-09
Samuel L. Petaia	<i>Criminal Prosecutions</i>	Asia Pacific Regional Conference on an Arms Trade Treaty	<i>Tokyo, Japan</i>	26-Feb-09	28-Feb-09
Leilani Tuala-Warren	<i>Law Reform</i>	FOLRAC Symposium	<i>Vancouver/British Columbia, Canada</i>	8-Mar-09	30-Mar-09
Komisi Korua	<i>Criminal Prosecutions</i>	International Crime Cooperation Workshop	<i>Brisbane, Australia</i>	30-Mar-09	3-Apr-09
Fetuliai Lagaia	<i>Criminal Prosecutions</i>	International Legal Aid Group Conference	<i>Wellington, New Zealand</i>	1-Apr-09	3-Apr-09
Ulupale Fuimaono	<i>Law Reform</i>	TWG - Legal and Capacity Building	<i>Suva, Fiji</i>	20-Apr-09	21-Apr-09
Leilani Tuala-Warren	<i>Law Reform</i>	Familiarisation Visit	<i>Wellington, New Zealand</i>	20-Apr-09	23-Apr-09
Teleiai Lalotoa Mulitalo, Constance Tafua-Rivers	<i>Legislative Drafting</i>	UNODC/PIMLA Workshop, PIMLA 4th Annual General Meeting, Ministers for Maritime Transport Meeting	<i>Nukualofa, Tonga</i>	7-May-09	14-May-09
Leutu Solovi Leuluai	<i>Corporate Services</i>	Pacific Islands Law Library Twinning Program (Workshop)	<i>Port Vila, Vanuatu</i>	11-May-09	14-May-09
Leilani Tuala-Warren	<i>Law Reform</i>	Familiarization Visit	<i>Sydney, Australia</i>	12-May-09	23-May-09
Precious Chang	<i>Criminal Prosecutions</i>	Commonwealth Prosecution Training Program	<i>Sydney, Australia</i>	18-May-09	21-May-09

Loretta Afamasaga-Teueli	<i>Legislative Drafting</i>	Vichealth Study Tour	<i>Melbourne, Australia</i>	18-May-09	29-May-09
Donald Kerlake	<i>Civil</i>	WTO Geneva Week	<i>Geneva, Switzerland</i>	25-May-09	29-May-09
Loukinikini Vili	<i>Civil</i>	USPTO Colloquium Public Prosecutors and the Judiciary on Intellectual Property Rights Enforcement	<i>Kuala Lumpur, Malaysia</i>	9-Jun-09	11-Jun-09
Papalii Malietau Malietoa	<i>Legislative Drafting</i>	Australian and New Zealand Society of International Law: 17th Annual Conference	<i>Wellington, New Zealand</i>	2-Jul-09	4-Jul-09
Komisi Korcia	<i>Criminal Prosecutions</i>	Placement with the Commonwealth Director of Public Prosecution	<i>Canberra, Australia</i>	22-Jun-09	22-Aug-09
Constance Tafua-Rivers	<i>Legislative Drafting</i>	United Nations International Law Fellowship Programme	<i>The Hague, The Netherlands</i>	6-Jul-09	14-Aug-09
Ming C. Leung Wai, Samuel L. Petaia, Precious Chang, Gafatasi Patu, Theresa Faumuina-Tuuga, Fetogi Vaai, Fetuliai Lagaia	<i>Attorney General, Criminal Prosecutions</i>	Pacific Prosecutors Conference	<i>Brisbane, Australia</i>	7-Jul-09	8-Jul-09
Donald Kerlake	<i>Civil</i>	Conference of the Asia Pacific Forum of National Human Rights Institutions	<i>Amman, Jordan</i>	5-Aug-09	6-Aug-09
Ulupale Fuimaono	<i>Law Reform</i>	Technical Working Group Meeting – Pacific Island Countries on PICTA and EPA	<i>Suva, Fiji</i>	17-Aug-09	19-Aug-09
Arthur Lesa	<i>Civil</i>	Technical Consultation to Draft a Legally-Binding Instrument on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	<i>Rome, Italy</i>	24-Aug-09	28-Aug-09

Rexona Titi	<i>Criminal Prosecutions</i>	Counter Terrorism Workshop	<i>Cairns, Australia</i>	25-Aug-09	28-Aug-09
Ming C. Leung Wai	<i>Attorney General</i>	Organisation for Economic Co-operation and Development, Global Forum on Transparency and Exchange of Information	<i>Los Cabos, Mexico</i>	1-Sep-09	2-Sep-09
Ulupale Fuimaono	<i>Law Reform</i>	Joint Technical Working Group Meeting between PACP and EC on draft legal EPA text	<i>Brussels, Belgium</i>	23-Sep-09	2-Oct-09
Salote Wright	<i>Legislative Drafting</i>	Regional Semniar for Countries in Asia and the Pacific for Promoting Discussion on an Arms Trade Treaty	<i>Kuala Lumpur, Malaysia</i>	13-Oct-09	14-Oct-09
Papalii Malietau Malietoa, Mary Victoria Faasau	<i>Legislative Drafting</i>	Technical Forum on Legislative Drafting	<i>Canberra, Australia</i>	13-Oct-09	15-Oct-09
Loretta Afamasaga-Teueli, Sine Lafaialii	<i>Legislative Drafting, Civil</i>	Regional Lawyers and Magistrates Workshop on Legislative Reform on Violence Against Women	<i>Auckland, New Zealand</i>	19-Oct-09	23-Oct-09
Samuel L. Petaia	<i>Criminal Prosecutions</i>	Senior Prosecutors Meeting	<i>Brisbane, Australia</i>	20-Oct-09	21-Oct-09
Leilani Tuala-Warren	<i>Law Reform</i>	Changing the Law: Successful Reform	<i>London, Great Britain</i>	26-Oct-09	30-Oct-09
Papalii Malietau Malietoa	<i>Legislative Drafting</i>	Meeting for the Organization for the Prohibition of Chemical Weapons	<i>Hanoi, Vietnam</i>	28-Oct-09	30-Oct-09
Donald Kerlake	<i>Civil</i>	Geneva Week 2009	<i>Geneva, Switzerland</i>	26-Oct-09	30-Oct-09
Fetogi Vaai, Salote Wright, Fetuliai Laqaaia, Loukinikini Vili	<i>Criminal Prosecutions, Civil, Legislative Drafting</i>	Professional Diploma of Legislative Drafting	<i>Suva, Fiji</i>	5-Nov-09	5-Nov-09

