



# THE REFORMER

THE OFFICIAL QUARTERLY NEWSLETTER OF THE SAMOA LAW REFORM COMMISSION

SPECIAL EDITION

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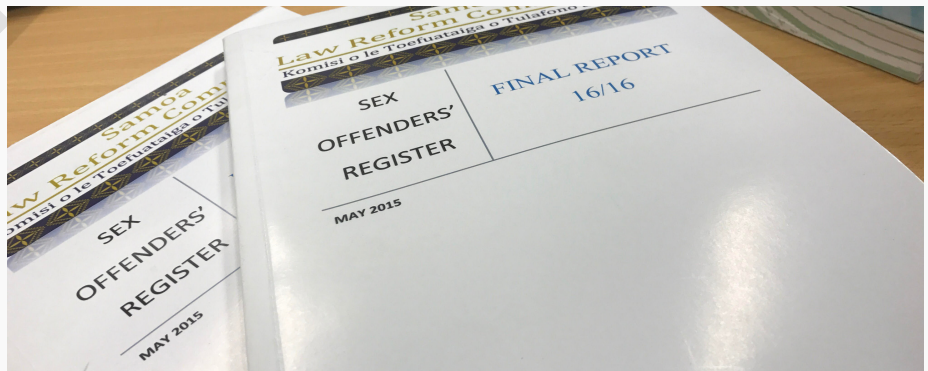
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## SEX OFFENDERS' REGISTER LAUNCH

BY SAMANTHA MILFORD

On 14 June 2017, the Samoa Law Reform Commission (SLRC) will officially launch its Sex Offenders' Register (SOR) Final Report in conjunction with some of its other completed projects.

The SOR project began in February 2013 when the SLRC received a reference from the Attorney General to assess whether it is appropriate in the context of Samoa to establish a SOR and if such a register would help in the deterrence of sexual re-offending.

The SLRC completed a Discussion Paper in April 2013 after which followed a series of public consultations designed to gauge the public's views on this project. A Final Report was completed in May 2015 which also included a draft SOR Bill to reflect its recommendations.

The SOR Bill has been finalized by the Attorney General's Office and is scheduled to be tabled at the next Parliamentary sitting. The establishment of a SOR in Samoa would be a monumental development in the legal landscape of not only Samoa, but the Pacific as a whole. The New Zealand Child Sex Offender Register was launched in October 2016, more than a year after the SLRC completed its SOR Final Report. Therefore, not only is the SOR project another area in which Samoa is pioneering law reform in the Pacific, it more importantly illustrates Samoa's firm commitment and dedication to protecting its children and most vulnerable.

*"The establishment of a SOR in Samoa would be a monumental development in the legal landscape of not only Samoa but the Pacific as a whole."*

## MESSAGE FROM ACTING EXECUTIVE DIRECTOR



I am pleased to share with you our first ever edition of the SLRC Newsletter for 2017. In order to keep our stakeholders and the public informed about our work, the SLRC has decided to release a quarterly newsletter. In this newsletter, you will find out about recent updates, some key achievements and upcoming events of the SLRC.

It has been a busy, challenging yet rewarding 1st quarter of 2017 for the SLRC. When our former Executive Director Leota Theresa Potoi left in February 2017, I was appointed Acting Executive Director until our new Executive Director starts on 19 June 2017. Many of our law reform projects reached the Final Report stage then, namely the Pule a le Matai Sa'o, and the Review of Supreme Court Civil Procedure Rules 1980 and Magistrate Court Rules 1971. Two projects completed the first stage of our law reform process, namely the Issues Paper for Drugs Reform (Review of Narcotics Act 1967) and the Discussion Paper for the review of the Ministerial and Departmental Arrangement Act 2003 (MDAA), both of which are now with Cabinet for approval for public consultations.

In March 2017, the SLRC launched its first ever Awareness Strategy which was put together by our former Australian Volunteer (AVID) Carly Price. This Awareness Strategy aims to boost the profile of the SLRC through various means to ensure our stakeholders and the public understand our work and how they can contribute to the law reform process. Significantly, the SLRC has been fortunate to receive financial support from The United Nations Children's Fund (UNICEF) to implement the Awareness Strategy, which began with the SOR Office Awareness workshop at Saleapaga Sands from 5-6 May 2017. On 14 June 2017, the SLRC will launch the SOR Final Report and other law reform reports. This will be the first ever launch of the SLRC's Final Reports. In addition, other upcoming SLRC awareness programs include the E te Silafia program which will be aired on 7 June 2017 and its Office advertisement.

I hope this newsletter will continue to keep you informed of our work and keep you interested in the law reform process and how you can contribute to effective and pragmatic law reform in Samoa.

Sincerely,  
Ulupale Fuimaono  
Acting Executive Director

## PROJECT UPDATES

BY CHARLES DEAN & SAMANTHA MILFORD

### ***Drugs Reform Issues Paper 2017***

In March 2015, the SLRC received a reference from the Office of the Attorney General to review the Narcotics Act 1967. A Discussion Paper was completed in March 2017 and submitted to Cabinet for approval.

### ***Review of Ministerial and Departmental Arrangements Act 2003 (MDAA) Discussion Paper 2017***

The SLRC received a reference from the Attorney General in 2012 to review the MDAA. The aim of the review was to update the MDAA to reflect current corporate structures within all government ministries and corporations. The Discussion Paper was completed in April 2017 and has been submitted to Cabinet.

### ***Review of the Property Law Act 1952 Discussion Papers 2017***

In August 2014, the SLRC received a reference from the Attorney General to review the Property Law Act 1952. Due to the significant size of the project, the SLRC has divided the Discussion Paper into four parts. Discussion Papers 1 and 2 have been completed and approved by Cabinet in March 2017.

### ***Review of Samoa's Civil Procedure Rules (Supreme Court and Magistrate Court) Final Report 2017***

The SLRC received a reference from Cabinet and the Attorney General in 2008 to review the laws regulating Samoa's court processes. This reference included a review of the Supreme Court Rules 1980 and Magistrates' Court Rules 1971. Issues Papers 1 and 2 for this project were completed and approved by Cabinet in 2012 and 2014 respectively. In 2015, consultations were carried out with members of the Judiciary and the Law Society. The SLRC completed its Final Report which was approved by Cabinet in February 2017.

### ***Pule a le Matai Sa'o Review Final Report 2017***

In March 2015, the SLRC received a reference from the Prime Minister to explore legislative and non legislative measures to address the abuse of power by the Sa'o or paramount chief of a family. A Discussion Paper was developed in August 2016 after which the Commission carried out public consultations. The SLRC's Final Report was approved by Cabinet in February 2017 and will be submitted for tabling in Parliament.

### ***Convention on the Elimination of Discrimination against Women (CEDAW) Final Report 2016***

In 2008, the SLRC received a reference from the Attorney General to review Samoa's legislative compliance with its obligations under CEDAW. The Final Report was approved by Cabinet in August 2016 and submitted to the Office of the Legislative Assembly for tabling in Parliament in January 2017.

### ***Alcohol Reform Final Report 2016***

In March 2013, the SLRC received a reference to review Samoa's alcohol laws with the objective of reducing harm caused by alcohol abuse. An Issues Paper was published in November 2013 followed by public consultations in 2014. In July 2016, Cabinet approved the SLRC's Final Report and Draft Alcohol Control Bill reflecting its recommendations. The Final Report was submitted to Parliament and is at Select Committee stage. The draft Alcohol Control Bill is with the Attorney General's Office for finalization.



Sex Offenders' Register Office Awareness Workshop 5 - 6 May 2017 at Saleapaga Sands

## INTERNAL ACTIVITIES

BY MEAROLD VILIAMU & SAMANTHA MILFORD

### ***E te Silafia Programme***

The SLRC utilised part of the funding from UNICEF to boost its profile through a TV awareness program (E te Silafia). This program is intended to inform members of the public about the ongoing work of the SLRC as well as some of its completed projects. The E te Silafia program will be aired on TV1 in the second week of June. Stay tuned!

### ***Revamped Office Logo/ Office Website***

As part of its Awareness Raising Strategy the SLRC has finalized its new office logo and revamped website. Check out our website [www.samoalawreform.gov.ws](http://www.samoalawreform.gov.ws) to see the new look and follow the SLRC's work!

### ***SLRC Awareness Raising Strategy***

On the 3 March 2017 the SLRC launched its Awareness Raising Strategy. The overall aim of the Awareness Raising Strategy is to increase public knowledge and understanding of the SLRC's work. It is hoped that this will increase the amount of submissions from the public, as people will better understand how they can contribute to the law reform process.

### ***SOR Office Awareness Raising - Saleapaga Sands Workshop***

In preparation for the upcoming SOR Project Launch, the SLRC held a SOR Workshop in Saleapaga from 4 - 5 May. This workshop was designed to carry out a refresher training for the SLRC on the SOR Final Report as well as prepare the logistics for the launch which will take place on 14 June 2017.

### SPECIAL ACKNOWLEDGEMENT

*The Commission wishes to acknowledge with sincere gratitude the generous assistance provided by UNICEF for the upcoming launch of the Sex Offenders Register Final Report.*

*Faafetai tele lava!*

## NEW RECRUITS & PROMOTIONS

Executive Legal Officer, **Mearold Solofa Viliamu** – new recruit (commenced work 18 April 2017)

Principal Legal Analyst, **Tuitapuono Samantha Milford** – promoted from Senior Legal Analyst (promotion effective 10 February 2017)

Senior Legal Analyst, **Charles Leicester Dean** – promoted from Legal Analyst (promotion effective 18 April 2017)

Information & Communications Advisor (Australian Volunteer Program), **Irlene Mokaraka-Tu'ulama** – term from Feb to Aug 2017



Irlene Mokaraka-Tu'ulama - Information & Communications Advisor (Australian Volunteer)

## FAREWELLS

Part timer (Law Clerk), **Faithful Dora Sofo** – completed work on 20 March 2017

Legal Policy Advisor (Australian Volunteer Program), **Carly Price** – completed term on 19 May 2017



Carly Price - Legal Policy Advisor (Australian Volunteer)

## INTERNSHIP PROGRAMME

After the success of its 2016 Programme, the SLRC has again rolled out its Internship Programme for 2017. The main purpose of the programme is for the SLRC to offer interns with a learning opportunity while also being provided with additional research assistance on ongoing projects. It is also a platform to develop relationships not only with the interns but also with their respective university institutions. This year the SLRC will be hosting interns from Australia, New Zealand and Samoa. More information about the programme and how to apply can be found on our website at [www.samoalawreform.gov.ws](http://www.samoalawreform.gov.ws).





PILON Regional Workshop on Cyber-crime and Electronic Evidence - Nukualofa, Tonga

## TRAININGS & WORKSHOPS

BY ULUPALE FUIMAONO, GRACE LAFI, SAMANTHA MILFORD & CHARLES DEAN

### ***Effective Stakeholder Engagement Training - Apia, Samoa.***

Two representatives from the SLRC attended a week long training which focused on "Tools and Techniques of Effective Stakeholder Engagement" from the 24 – 28 April 2017. The training was hosted by the Public Service Commission and the Oloamanu Centre. The purpose of the training was to equip participants with different tools and techniques to assist with engaging stakeholders and the general public in their line of work.

### ***National Workshop on World Trade Organisation (WTO) Notification Requirements - Apia, Samoa.***

A representative from the SLRC attended the first day of the national workshop on WTO notification requirements from the 16-20 May 2017 hosted by the WTO. The main purpose of the one week workshop was to inform government ministries/ stakeholders in Samoa about WTO, its notification requirements and how Samoa can fulfill its WTO notification objectives.

### ***National Conference on Democracy and Development in Samoa: The Role of Elections - Apia, Samoa.***

A SLRC representative attended the first ever National Conference on "Democracy and Development in Samoa: The Role of Elections", at Tanoa Tusitala from the 22 – 25 May 2017. The conference explored the important question of – 'the role of the electoral system in Samoa's democratic and development process.' Some of the key themes of the four day event included, democracy and development in Samoa; Samoan electoral system; women political participation; youth participation; and people with disability participation. Furthermore, the workshop also allowed for the opportunity to discuss very important issues regarding barriers to voter participation, abnormalities in the electoral system and the relationship between democracy, the fa'asamoa and development among others.

### ***PILON Regional Workshop on Cyber-crime and Electronic Evidence - Nukualofa, Tonga.***

The SLRC's Acting Executive Director was part of Samoa's delegation who attended the workshop on Cyber-crime in Tonga from the 23-25 May 2017. The workshop brought together the Pacific Island Law Officers Network (PILON) to share their experiences on the cyber-crime trends in their respective jurisdictions. It also invited experts from countries such as New Zealand, Australia and Europe to present on different issues around cyber-crime and share their expertise on how to better prosecute cyber-crime cases.

## HAVE YOUR SAY

**Q: How do I give the Commission my feedback?**

A: You can send us your feedback in writing (letter or email) or attend one of our public consultations in Upolu or Savaii. Keep checking our website and Facebook page to find out dates for our public consultations.



## CONTACT US

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