



# THE REFORMER

The Official Six-Monthly Newsletter of the Samoa Law Reform Commission

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## REVIEW OF THE FABRIC OF LAWS OF SAMOA NO. 2

In 2017, the Commission initiated and conducted the first ever Review of the Fabric of Laws of Samoa, with a vision to assist the Government to be better informed of the existing laws and to be in a position to inform the public on the current and existing laws in Samoa. It was also an opportunity to identify laws that needed to be repealed given their redundancy nature.

The outcome of this project was the passing of the Fabric of Laws Miscellaneous Repeal Act 2020 which repealed a total of 17 laws considered to be out-of-date and redundant. This then reduced the total number of the laws of Samoa from 285 to 268.

Through this first Review, it was recommended that such a fabric of laws review become a periodic review, as needed. It has now been 6 years since the 2017 Review, and it is timely that a second and an updated Review of the Fabric of Laws be carried out to identify any further laws in need of review, update or repeal.

On 22 March 2024, the Commission submitted its proposed TOR on the Review of the Fabric of Laws of Samoa No. 2 to the Office of the Attorney General (OAG) for endorsement. On 2 May 2024, the proposed TOR was endorsed by OAG. The proposed TOR requires the Commission to:

- a) identify the current fabric of laws of Samoa, (How many laws does Samoa have to date?);
- b) identify, confirm and update which Ministries, State Owned Enterprises (SOEs) or Constitutional Offices (COs) are responsible for which laws (legal authority); and
- c) identify and confirm from Ministries/SOEs/COs any outdated laws under their administration and recommend removal, updating or replacing.

Following endorsement of the TOR, the Commission carried our preliminary research based on OAG's Consolidation of Laws of Samoa (as of December 2023) - identifying the respective administrator's of Samoa's current 267 laws.

Preliminary Consultations with each respective administrators of these laws are anticipated to be conducted early 2025.



**Afioa Tufuga Fagaloa Tufuga Fatu**  
EXECUTIVE DIRECTOR

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E ia te au le ava ma le faaaloalo tele e faatalofa atu ai i le mamalu o le au faitau. Malo lava le soifua manuia. E le uma le agaga faafetai i lo tatou Matai Sili i le lagi ona lana pule faasoa, ma lona agalelei i tiute ma galuega sa tauaveina e le Komisi i le 6 masina talu ai.

I am very pleased to share with you Volume 6: Issue 2 of the Commission’s bi-annual Newsletter for the period of January to June 2024. In this release, you will find out about the recent projects updates, some key achievements and upcoming events of SLRC.

As the newly appointed Executive Director for SLRC, it is my pleasure to have commenced my duties to serve the Government and the public through the work of the Commission.

I would firstly like to acknowledge the hard work and dedication of our 2 ACEOs who have been holding the fort since the former Executive Director resigned in 2022. Malo lava le galulue malo le onosai. To the staff of the Commission, faafetai tele lava mo galuega lelei. Viia le Atua i lo outou soifua galulue.

Since the official commencement of my duties at the end of March 2024, the last few months has been busy, challenging yet rewarding for SLRC. Two ongoing reviews by the Commission namely the Review of the Traffic Laws of Samoa and the Review of the Arms Ordinance 1960 are now in their Final Report Stages (last stage of the law reform process). The Review of the Arms Ordinance 1960 is of particular urgency given the rise of criminal offences involving the use of guns.

A total of 7 public consultations and 2 stakeholders consultations were conducted and completed in early 2024 for the Review of the Arms Ordinance 1960.

2 Projects are currently in their initial review stages namely the Review of the Fabric of Laws of Samoa No. 2 and the Review of the MWCSO legislations.

Details on the progress of these projects are summarized in this Issue of our Newsletter.

The Commission wishes to acknowledge the continuous support of the public, village communities as well as Government agencies in the work of the Commission.

Enjoy reading and may God bless our nation as we continue with our different callings in the next six months of 2024.

Faafetai tele!

**(1) Arms Ordinance Review 1960**

As highlighted in the last Issue (Issue 1, July - December 2023), the Commission conducted and completed a total of 12 Public Consultations in Upolu in the months of November – December 2023. The Commission started the year (2024) with Savaii Public Consultations in the month of February 2024 and Stakeholder Consultations in April 2024.

At the completion of Public Consultations, the Commission collated all data and submissions received from the public and stakeholders identifying issues for the consideration for reform.

The following highlights the progress of this Review for the period of this Newsletter (January - June 2024).

STAGE OF THE LAW REFORM PROCESS	DATE	DETAILS OF PROGRESS
STAGE 4: Stakeholder and Public Consultations	SAVAII PUBLIC CONSULTATIONS	
	12 February 2024	Public Consultations at Apita o Pifaga Hall, Salelologa for the Districts of Faasaleleaga 1, 2 & 3.
	13 February 2024	Public Consultation at Saipipi, EFKS Hall for the districts of Faasaleleaga 4 & 5.
	14 February 2024	Public Consultation at Avao, Methodist Hall for the districts of Gagaemauga 1 & 2
	15 February 2024	Public Consultation at Sasina, Fono Faavae Hall for the Districts of Gagaifomauga 1, 2 & 3
	16 February 2024	Public Consultation at Vaisala, Women’s Committee Fale for the Districts of Vaisigano 1 & 2, Falealupo and Alataua i Sisifo
	19 February 2024	Public Consultation at Vailoa Palauli, EFKS Hall for the Districts of Palauli 2 & 3 and Satupaitea.
	20 February 2024	Public Consultation at Vaipu’a, EFKS Hall for the Districts of Salega 1 & 2 and Palauli
	STAKEHOLDER CONSULTATIONS	
	4 April 2024	1) Stakeholder consultations with Samoa Shooting Federation 2) Stakeholder Consultations Licensed Dealers
STAGE 5: Further Research and Analysis	April – May 2024	Compilation of Consultations submissions from the public and Stakeholders and identifying issues for possible reforms
	June 2024	(1) Further research and analysis – structure of Final Report (2) University of Queensland Interns (4weeks) – Further Research

**(2) Review of the Traffic Laws of Samoa**

Following ‘The Reformer’ Issue 1 (July - December 2023), the Commission completed **Stage 5: Further Research and Analysis** in April 2024 on additional issues or matters raised and discussed during public and stakeholder consultations.

The Commission is now developing its Final Report with final recommendations for possible law reforms.

It is anticipated for the Final Report to submit to Cabinet for endorsement in the last quarter of 2024.

**(3) Request to review the Ministry of Women, Community and Social Development (MWCSO) Legislations**

Following the last Issue 1 (July - December 2023), the Commission again met with representatives from MWCSO in February 2024 to further discuss the needs of MWCSO’s legislative review and direction of a possible Terms of Reference (TOR). At the end of this meeting, the Commission requested that MWCSO provides the issues which they wish to be addressed in proposed Review. These were received in March 2024.

The issues provided guided the Commission’s development of a Draft TOR which was referred to MWCSO for their consideration. A further meeting was held on 27 May 2024 to confirm direction/scope of TOR.

The Commission and MWCSO are still in discussion to ensure any Review carried out is relevant to the needs of MWCSO.



## COMMENTS/INPUT MADE BY THE COMMISSION

From January to June 2024, the Commission has undertaken legal and doctrinal research on a few matters referred (in table below). These references usually require that the Commission carries out required research, make analysis and provide input and comments to requesting Ministries/SOEs and others. The Commission continues to strive to provide high-quality research-based responses in a timely manner to assist the requesting agencies.

NAME OF REQUEST	DATE RECEIVED	DATE OF COMPLETION
Samoa Second United Nations Convention Against Corruption (UNCAC) Review - Samoa Report	4 March 2024	25 March 2024
Tali a le Malo (Government Responses) - Annual Report of the SLRC 2022/2023	15 March 2024	4 June 2024
Stakeholder Consultative Meeting with MCIL on Legal and Regulatory Framework for the National E-Commerce Implementation	21 March 2024	21 March 2024
Tali a le Malo (Government Responses) - Final Report on the Review of the Family Laws of Samoa	25 March 2024	4 June 2024
Data Collection for Beijing Platform for Action +30 Review	27 March 2024	12 April 2024
Provided comments on the Land Transport Legislative and Funding Review Meeting with MWTI	17 April 2024	17 April 2024
Draft Crime Prevention Policy (Law & Justice Sector)	3 May 2024	17 May 2024

## PARLIAMENTARY SUMMONS

PARLIAMENT COMMITTEE	REPORT DISCUSSED	DATE
Standing Orders, Electoral, Petitions & Constitutional Offices Committee (Komiti o Tulafono Tumau, Mataupu tau Faiga Palota, Talosaga ma Tofiga Faa-le-Faavae)	(Annual Report of the Samoa Law Reform Commission for the Financial Year 2022/2023)	7 February 2024
Finance and Expenditure Committee (Komiti o Tupe Maua ma Tupe Totogi)	Tala Faatatau Autu o Tupe 2024/2025	4 June 2024

## CONFERENCES, WORKSHOPS & TRAININGS

### LEGAL DIVISION

Training/Course Title	Provider	Date	Location	SLRC Employee
NMIRF Taskforce	Ministry of Foreign Affairs & Trade (MFAT)	8 February 2024	MFAT Conference Room	Tapuai Leauanae Sheliza Tapuai Hope Crichton
Talanoa ma Faasoa Session-Awareness Roadshow-Performance Management System (PMS) for Senior Executives	Public Service Commission (PSC)	01 March 2024	Taumeasina Island Resort Meeting Room	Tapuai Leauanae Sheliza Tapuai
Consultation on the Development of the Early Childhood Development Strategic Framework	Ministry of Women, Community & Social Development (MWCSO)	05 March 2024	Tooa Salamasina Hall	Tapuai Leauanae Sheliza Tapuai Aunoa Uele
Stakeholder Consultative Meeting on Legal and Regulatory Framework for the National E-Commerce Implementation	Ministry of Commerce, Industry and Labour (MCIL)	21 March 2024	SLRC Conference Room	Tapuai Leauanae Sheliza Tapuai Lizatalei Hakai-Stanley Hope Crichton
Workshop for the Review of Key Performance Indicators (KPIs)	Ministry of Finance (MOF)	27 March 2024	Lava Hotel Conference Room	Tufuga Fagaloa Tufuga Fatu Tapuai Leauanae Sheliza Tapuai Leauoana Salima Lasalo Salima
Public Service Performance and Ethics Workshop	Public Service Commission (PSC)	12 April 2024	Lava Hotel Conference Room	Hope Crichton
Organizational Change Management	Public Service Commission (PSC)	26 April - 2 May 2024	Australian Public Sector Commission in collaboration with PSC	Tufuga Fagaloa Tufuga Fatu Tapuai Leauanae Sheliza Tapuai Leauoana Salima Lasalo Salima

## WELCOMING OF NEW EXECUTIVE DIRECTOR



**Afioga Tufuga Fagaloa Tufuga Fatu**  
EXECUTIVE DIRECTOR

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On 25 March 2024, the Commission welcomed its new Executive Director, Afioga Tufuga To'oalo Fagaloa Tufuga Fatu after 18 months since the former Executive Director Tele'ai Dr. Lalotoa Mulitalo resigned from the position in 2022.

The welcoming ceremony was conducted by the Office of the Commission with the keynote address delivered by Honorable Matamua Seumanu Vasati Sili Pulufana, Minister of Justice and Courts Administration and the Samoa Law Reform Commission.

Afioga Tufuga comes with a wealth of knowledge and experience as well as his passion in the work of the Commission.

Afioga Tufuga attended Samoa College and Wesley College, Paerata Auckland NZ, holds a Bachelor of Arts (1987), Master of Arts (Hons) (1989), complemented by a Bachelor of Laws (LLB) (1994) all from the University of Auckland, and a Master of Law (Distinction) in International Maritime (1997) at IMO, International Maritime Law Institute, Malta.

Prior to taking up the new Executive Director role for the Commission, Afioga Tufuga worked at the Office of the Attorney General, contracted as the Regional Maritime Legal Adviser at Secretariat of the Pacific Community (SPC) for 7 years (2004 - 2011) before returning home and was the 4th General Manager for Samoa Ports Authority (2012 - 2015) and also ran a Private Boutique Law Firm in Apia.

A snapshot of the Welcoming Ceremony!



# CORPORATE SERVICE DIVISION

Training/Course Title	Provider	Date	Location	SLRC Employee
Budget Refresher Workshop on Budget Preparations	Ministry of Finance	18 January 2024	TATTE Building, Samoa Convention Centre	Leaumoana Salima Lasalo Salima
One-on-one Consultations for "Talofa with a Smile Roadshow"	Public Service Commission	13 March 2024	SLRC Conference Room	Leaumoana Salima Lasalo Salima Phillia Leleimalefaga Fugalaau Siaki
Chief Executive Officers Forum	Public Service Commission	21 March 2024	Taumeasina Island Resort Conference Room	Leaumoana Salima Lasalo Salima
Launch of the Rapid Response Manufacturing in the Pacific (Phase III) Project	Ministry of Natural Resources & Environment	21 March 2024	NEOC Building, Tuanaimito	Leaumoana Salima Lasalo Salima

# !! NEW !!

## 1. SLRC Slogan

In May 2024, the Commission conducted a one day exercise to decide on a "Slogan" or a catchy phrase representing the Samoa Law Reform Commission. Our first ever "slogan" is:

**"Responding to change through reformed laws"**

## 2. Front Office Renovation

The new 'front look' of the Commission was initiated by our Executive Director, Afioga Tufuga Fagaloa Tufuga Fatu in April 2024. The renovation was completed in June 2024 and this is also timely with the PSC "Talofa with a Smile" Campaign.



Double entry front-door with SLRC Logo and new slogan, and contact details

## 3. Welcoming of 2 Legal Interns from the University of Queensland, Australia

The Commission through its Internship Program (Program) occasionally hosts interns from various Universities around the Pacific Region and abroad. This Program provides lawyers-in-training experience in Samoa's own law reform approach in legal research and analysis to formulate context-appropriate recommendations for law reform. For the Commission, it is an opportunity to network and build relationships with other Institutions who can contribute to improve our own law reform.

The Commission's intake of interns was put on hold in 2020 due to COVID-19 pandemic.

In June 2024, the Commission was happy to recommence its Internship Partnership Program with the University of Queensland (UQ), welcoming Lilian Quinn and Holly Otto of TC Beirne School of Law, UQ for a 4-week Program.

The interns, for the duration of their internship will assist the Commission's Review of the Arms Ordinance 1960 Team in further research and analysis on issues collected from completed public consultations and especially a comparative assessment to other countries in the Region.



### TALOFA AND WELCOME!

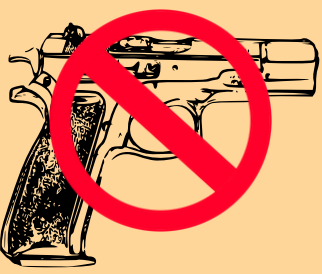


Staff entry door with 'key code' installed and Talofa with a Smile pull up Banner



Front counter with framed-photos of former and present Hon. Ministers of the Commission as well as photos of former and present Executive Directors





# COMMUNITY INVOLVEMENT

## SAVAII PUBLIC CONSULTATIONS

### ON THE REVIEW OF THE ARMS

### ORDINANCE 1960



Public Consultation on the Review of the Arms Ordinance 1960, 12 February 2024 - Apita o Pisaga Hall, Salelologa



Public Consultation on the Review of the Arms Ordinance 1960, 13 February 2024, EFKS Hall, Saipiipi



Public Consultation on the Review of the Arms Ordinance 1960, 14 February 2024, Methodist Hall, Avao



Public Consultation on the Review of the Arms Ordinance 1960, 15 February 2024, Fono Faavae, Sasina



Public Consultation on the Review of the Arms Ordinance 1960, 16 February 2024, Women's Committee Fale, Vaisala



# COMMUNITY INVOLVEMENT CONT'D

# Talofa with a Smile Campaign Exercise

By PSC, 10 May 2024

On 10 May 2024, PSC conducted an exercise complementing the Talofa with a Smile Campaign initiative by their office.

The SLRC participated in several exercises led by PSC representatives such as answering the telephone by using the 'Talofa' greeting, as well as serving customers at the front counter.

Not only it was a useful exercise in terms of emphasizing the use of "Talofa" but also a fun activity for SLRC.



Public Consultation on the Review of the Arms Ordinance 1960, 19 February 2024, EFKS Hall, Vailoa Palauli



Public Consultation on the Review of the Arms Ordinance 1960, 20 February 2024, EFKS Hall, Vaipu'a

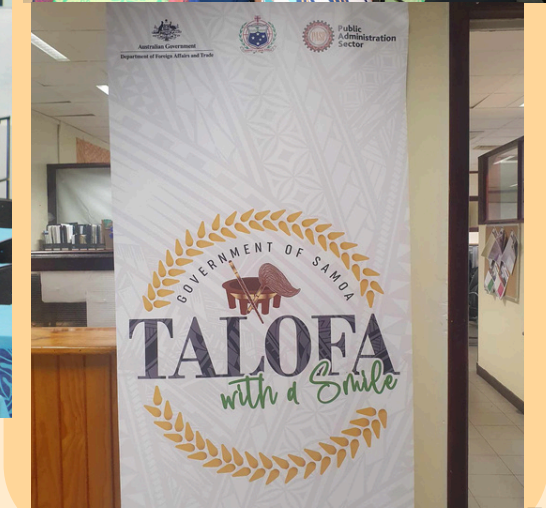
## STAKEHOLDER CONSULTATIONS



Stakeholder Consultation on the Review of the Arms Ordinance 1960, 4 April 2024, DBS Conference Room, Samoa Shooting Federation



Stakeholder Consultation on the Review of the Arms Ordinance 1960, 4 April 2024, DBS Conference Room, Licensed Dealers





# SLRC CORNER



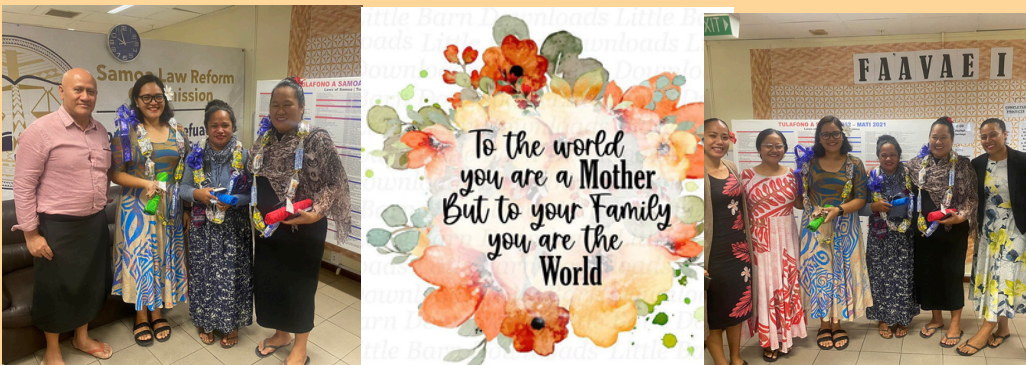
Savaii Public Consultations Shots, February 2024



Walking Session: Social Activity, 4 April 2024



Legal Team Debriefing on Arms Ordinance Review 1960



Mother's Day Celebration, 10 May 2024

**Samoa Law Reform Commission**  
 Thursday 11 July 2024 from 7.00 - 9.00am, Level 1, Govt Building

**OUR B/F/FAST Menu**

- OMELETTE WITH TOAST \$5.00
- CORNER BEEF FLYING SAUCER SANDWICH \$3.00
- KOPAI KOKO \$2.50
- FRIED SAUSAGE \$1.50
- FAAUSI ESI \$5.00
- EGG FLYING SAUCER SANDWICH \$3.00

PLEASE PRE-ORDER BY:  
 Wednesday 10 July 2024 @ 5.00pm

CONTACT:  
 FLORITA TUPAI - 7225050  
 AUNEA LILE - 7603545

AND MORE...

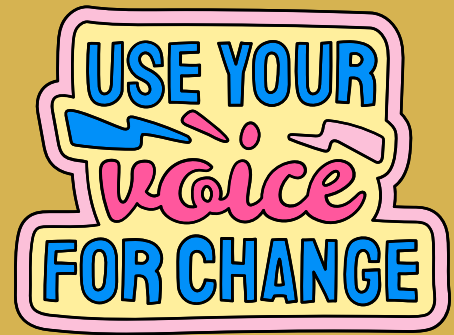


Fortnightly Office Canteens

## HAVE YOUR SAY

Q -  
 How to give the Commission my Feedback?

A -  
 Send us through letter, email, facebook message or join us at our public consultations in Upolu or Savaii.



## CONTACT US

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## What's Next



Find out any latest news about the Commission on our Facebook page and website :)