



Pacific Islands Forum Secretariat

**PACIFIC LEGISLATIVE DRAFTERS' TECHNICAL FORUM
Third Meeting, 23 – 25 July 2012
PIFS Conference Centre, Suva, Fiji**

Outcomes Statement

From 23 to 25 July 2012, the Pacific Islands Forum Secretariat hosted the third meeting¹ of the Pacific Legislative Drafters' Technical Forum ('Drafters' Forum') in Suva, Fiji.

2. The Drafters' Forum was attended by parliamentary counsel, senior legislative drafters, and senior government lawyers from the following 13 Forum Island Country Members² of the Pacific Islands Forum: Cook Islands, Federated States of Micronesia, Kiribati, Palau, Papua New Guinea, Nauru, Niue, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

3. The Drafters' Forum was also attended by national, regional and international organisations that provide legislative drafting assistance to Forum Island Countries or work with Forum Island Countries on projects involving law reform. These organisations were the Australian Attorney-General's Department and Office of Parliamentary Counsel; the New Zealand Parliamentary Counsel Office; the Commonwealth Secretariat; the Secretariat of the Pacific Islands Law Officers' Network; the Secretariat of the Pacific Community (specifically the Regional Rights Resource Team and the SOPAC Deep Sea Minerals Project); the Secretariat of the Pacific Regional Environment Programme; the Oceania Customs Organisation; the University of the South Pacific; the Pacific Immigration Directors' Conference; and the International Telecommunications Union. Other organisations attending the Drafters' Forum included the Pacific International Maritime Law Association and International Union for Conservation of Nature.

4. In opening the Drafters' Forum, the Secretary General of the Pacific Islands Forum Secretariat, Mr Tuiloma Neroni Slade, emphasised that the work of legislative drafters is critical in the maintenance of the rule of law, and in enabling governments to develop the legislation necessary to give legal effect to national policies as well as commitments under regional and international treaties. The Secretary General further emphasised the importance of Forum Island Countries having access to high quality legislative drafting services, and observed that this needs to be constantly highlighted.

¹ The first meeting was convened in 2007 in Port Vila, Vanuatu, and the second meeting was held in Canberra, Australia in 2009.

² Representing all Member countries of the Pacific Island Forum, except Australia and New Zealand.

5. Parliamentary counsel and government lawyers of Forum Island Countries shared their respective countries' approaches to, and experiences of, providing legislative drafting services to their governments. The discussions indicated that some jurisdictions had in recent years significantly enhanced the resources and processes for legislative drafting and publication of laws. For other jurisdictions, the allocation of dedicated resources for legislative drafting remains a challenge due to financial and human resources constraints. Participants highlighted the importance of governments allocating sufficient resources to support effective legislative drafting services.

6. Participants also considered the various forms of assistance that were available from national, regional and international organisations in relation to legislative drafting and law reform. Participants expressed their particular support for the assistance for legislative drafting provided by the Attorney-General's Department and Office of Parliamentary Counsel of Australia, and the New Zealand Parliamentary Counsel Office. Participants also discussed ways of better managing the provision of donor funded legislative drafting assistance to promote quality control, noting that insufficient appreciation of the role of, and required qualifications for, legislative drafters often resulted in the provision of unsuitable legislative products.

7. The participants developed an Action Plan (at Annexure A) for furthering the goal of Forum Island Countries having ready access to high quality legislative drafting services. The Action Plan includes proposals to: review legislative drafting courses provided in the region; share between jurisdictions legislative drafting resources, such as drafting manuals; develop strategies to improve the standard of policy advice and drafting instructions; recommend improved terms and conditions of employment for legislative drafters; pursue advanced and specialised legislative drafting training; develop processes for the management and quality control of legislation drafted by consultants; and improve administrative support for legislative drafting and publication of laws.

8. The participants noted the essential service provided by the Pacific Legal Information Institute (PacLII) and expressed their support for greater stakeholder involvement in the management of PacLII.

9. Participants agreed that the outcomes of the Drafters' Forum would be reported to the 2012 meeting of PILON and noted the intention that legislative drafting issues and resourcing become a standing item on the PILON agenda.

10. Participants recommended the convening of the fourth meeting of the Pacific Legislative Drafters' Technical Forum in 2014.

11. Participants expressed their gratitude to the Pacific Islands Forum Secretariat for their organisation of the Drafters' Forum.

Suva, Fiji
25 July 2012