

**3rd Meeting of the Pacific Legislative Drafters' Technical Forum
23 – 25 July 2012, PIFS Conference Centre, Suva, Fiji**

Draft Regional Action Plan for sustainable legislative drafting capacity building in Forum Island Countries
Overall objective: That Forum Island Countries have ready access to high quality legislative drafting services

	Strategies	Proposed actions	Proposed implementation (By who and how?)	Recommended timeframes
1	Improve skills of legislative drafters and other government lawyers	Delivery of in-country, sub-regional, or regional advanced training for legislative drafting. Such training to acknowledge and take into account traditional circumstances of relevant Pacific Island countries receiving the training.	NZ PCO to conduct scoping survey for delivery of sub-regional training, and subsequently prepare a proposal to COMSEC regarding advanced training. <i>Note:</i> drafters would like input into the selection of the relevant trainer(s). Possible administering /funding sources: PIFS, Australia, Commonwealth Secretariat/ Commonwealth Distance Learning.	Proposal completed before 2012 meeting of PILON (October 2012).
		Seek review/improvement of the USP Professional Diploma in Legislative Drafting (PDL D).	High level approach by PIFS to the USP Head of School on behalf of the Drafters' Forum proposing a review of the PDL D to ensure that the Diploma is best serving the needs of legislative drafters in the region. The approach could suggest, for example, the establishment of an independent review panel comprising a representative from the Commonwealth of Learning, Dean, 2 - 3 experienced drafters from the region, and PIFS rep.	PIFS to make the approach in August 2012 and provide report to 2012 meeting of PILON.
		Delivery of training for general legal writing skills, e.g. pursue continuing legal education (CLE)	National drafting offices could provide this training as necessary.	[Ongoing]

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	to develop legal writing skills.	National drafting offices could approach, where available, law societies to organise this type of training through CLE programs.	
	Encourage and enhance ongoing in-house mentoring programmes.	Drafting offices in each country, with the assistance of relevant donors. For example, Samoa currently employs a Legislative Drafting Advisor through the Pacific Technical Assistance Mechanism (PACTAM) initiative of the AusAID.	[Ongoing]
	Support legislative drafters undertaking professional placements/attachments with the legislative drafting offices of other Forum Island Countries.	Subject to external funding assistance, the Attorney General's Office of Samoa has indicated its willingness to offer legislative drafters from other jurisdictions the opportunity to undertake placements or attachments with the AGs Office of Samoa. PIFS could provide assistance to national legal offices in developing a framework to support regional exchanges/placements. <i>Note:</i> OPC has experience of this type of secondment arrangement with Canada and the UK. OPC could consider the possibility of supplementing the costs as an aspect of any mentoring programme.	[Ongoing]
	Delivery of 'train the trainers' course in legislative drafting to ensure that professional development is maintained within a national office, noting	For PIFS/Commonwealth Secretariat to look further into.	By July 2014

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		that recipients of initial training may leave to take up other opportunities.		
2	Strengthen networks of legislative drafters and sharing of information	Continue biennial meetings of the Pacific Legislative Drafters' Technical Forum.	PIFS/PILON jointly coordinate/host.	Next meeting in 2014 (preferably midyear).
		Share information and resources between national law offices, such as drafting manuals.	PILON Secretariat to obtain copies of handbooks/manuals/checklists from those countries that have them, and post them on the PILON website/database.	Subject to PILON Secretariat's other work commitments.
		Share information/networking through email network.	All.	Ongoing
		Consider membership of Commonwealth Association of Legislative Counsel (CALC).	NZ PCO to send email inviting relevant participants not already CALC members to consider and become members.	Prior to 2012 meeting of PILON.
		Raise awareness of legislative drafting issues and initiatives through PILON.	PILON members to request that legislative drafting issues become a standing item on the PILON agenda.	2012 meeting of PILON to take place 15 – 19 October 2012.
3	Improve the availability and quality of underlying policy for legislative proposals	Develop drafting manuals or guidelines to set out the legislative process for government policy officials.	For national drafting offices to develop or update as appropriate.	[As determined by individual jurisdictions.]
		Provide direct training to policy officials about the legislative process.	For national law offices to undertake.	[As determined by individual jurisdictions.]
		Seek assistance from organisations/associations with relevant policy expertise to	For national drafting offices to identify which law reform projects would benefit from assistance from other organisations and	

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		develop a 'legislative approach' or 'framework' for particular law reform proposals. (This method helps with the development of policy on technical issues but allows each jurisdiction to draft in its own style and ensure legislation is suitably tailored).	<p>associations (including the national, regional and international organisations in attendance at the Drafters' Forum, such as Australian Attorney-General's Department, PIFS, SPC, OCO etc).</p> <p>PILON Secretariat to maintain its existing practice of posting information on the PILON website about available types of legislative drafting and law reform assistance.</p> <p>Discuss at PILON to identify priority subject areas.</p>	
4	Improve the quality of legislative drafting services sourced externally	Develop clear criteria for engagement of consultants to ensure minimum professional requirements and vetting by government law or legislative drafting office(s).	National drafting offices to develop appropriate TORs for legislative drafting consultancies. TOR criteria could include: minimum requirement of 5 years experience, and a clear appreciation and understanding of the relevant Pacific Island country's traditional context.	[As determined by individual jurisdictions.]
		Utilise legislative drafting assistance available to Forum Island countries through the NZ PCO Pacific Desk and the Australia Attorney-General's Department /OPC.	National drafting offices, on a needs basis.	Ongoing
		Encourage donors and regional and international organisations involved in legislative initiatives to ensure that appropriately	PIFS to raise issue with other regional organisations. Jurisdictions to raise at donor roundtable	

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		qualified drafters are recruited (for example by using Pacific expertise available and advertising through CALC etc).	meetings (drafters to liaise with national development offices to get it onto the agendas of such meetings). PILON to consider issuing a statement on this issue with recommended approaches.	
5	Manage (and mitigate) the legislative implications of States becoming parties to international conventions, or seeking to address new and emerging international and regional issues	Use of model legislation, as relevant and necessary, prepared by competent legislative drafters.	National drafting offices to exchange views/peer review on model bills where a model bill is proposed.	Discuss at the PILON meeting October 2012
		Seek assistance from organisations/associations of relevant CROP and non CROP agencies with relevant policy expertise to develop a 'legislative approach' or 'framework' for domestic legislation (helps with the technical policy but allows each jurisdiction to draft in its own style and ensure legislation is suitably tailored).	National drafting offices, Pacific Islands Forum Secretariat, and other CROP and non-CROP agencies that offer technical policy and legislative drafting expertise in their respective area of expertise.	
6	Improve recruitment and retention of lawyers specialising	Plan to develop national expertise in legislative drafting so as to reduce reliance on external providers.	National drafting offices.	Ongoing
		Raise awareness within governments of the importance	Heads of legislative drafting services in each country, e.g. Attorneys General / Parliamentary Counsel / Ministers of Justice.	

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	in legislative drafting	of legislative drafting as a government service.		
		Improve terms and conditions of employment. For example, Introduce performance based incentives (permit consultancy work, recognition, placements, and employment benefits).		
		Consider, where relevant, the establishment of independent legislative drafting / Parliamentary Counsel offices.		
		Create opportunities for drafters to contribute regionally e.g. Regional Panel of Drafters.		
7	Improve access to laws	Develop and maintain national databases of legislation.	National drafting offices, with the assistance of the Commonwealth Secretariat and other jurisdictions that currently have effective legislative databases (e.g. Nauru).	Ongoing
		Provide access to legal electronic databases (PACLII, Lexis/Nexis, Westlaw) and support for PACLII by: ensuring in-country processes are established for regular contribution of material to PacLII; and supporting PacLII's move for independence.	National drafting offices. Legislative drafters to lobby their governments to contribute \$ to future independent PacLII.	Ongoing
		Undertake regular	Samoa AG's Office to provide a copy to AGD of	

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		consolidations of legislation.	its Annual consolidation of laws to be held in the AGD's library in Canberra and keep another copy in the Central Bank Vault and third copy in the Samoa AG's library. Also, drafting offices in each country to ensure good backups and antivirus.	
8	Improve access to other resources which assist legislative drafting	Develop electronic templates.	National drafting offices, with the possible assistance of the Australia Office of Parliamentary Counsel and the Commonwealth Secretariat.	Ongoing
		Develop standard legislative provisions (e.g. drafting legislation for new public authorities).	National drafting offices.	Ongoing
		Develop collection of legal references (e.g. legal dictionaries, style guides etc).	National drafting offices.	Ongoing
9	Improve administrative support	Appoint administrative support staff to perform support roles such as proof reading, legal research, filing, gazetting.	National drafting offices.	Ongoing
		Appoint IT staff to maintain electronic databases.	National drafting offices.	Ongoing
10	Implement Action Plan	Jurisdictional Action Plans forecasting individual country implementation targets of the regional Action Plan over the	National drafting offices.	For jurisdictions to consider – ideally for within 6 months.

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		next 2 years (next meeting).		Ongoing.
		Monitoring the effectiveness of the Technical Forum with a view considering the need for formalising this network.		