



## SUMMARY OF OUTCOMES

### Introduction

High quality and effective legislation is an essential cornerstone of free and well-functioning democracies. It follows that having ready access to high quality legislative drafting services is fundamental to Pacific Island governments and, in turn, the communities on whose behalf they govern. It further follows that legislative drafters – as the lawyers responsible for advising governments about the laws necessary to implement government policy, as well as drafting those laws – play a critical role in contributing to the rule of law in Pacific Island countries and in the region generally.

2. Against this backdrop, a regional network for legal officials responsible for drafting legislation in Pacific Island governments – the Pacific Legislative Drafters' Technical Forum (Drafters' Forum) – was convened in 2007 as a regional platform for networking, information sharing, and capacity development. The network is guided by the *Regional Action Plan for Sustainable Legislative Drafting Capacity Building* (Regional Action Plan) and has operated via a series of regional meetings, with the 2017 meeting in Nuku'alofa being its sixth.

### 2017 Meeting of the Drafters' Forum

3. From 23 – 25 August 2017, the 2017 Drafters' Forum meeting was hosted in Nuku'alofa by the Attorney General's Office of the Kingdom of Tonga (Tonga AGO), with support from the Australian Attorney-General's Department (Australian AGD) and the Pacific Islands Forum Secretariat.

4. The meeting was attended by legislative drafters and legal officials from the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Palau, Papua New Guinea, Pitcairn Islands, Nauru, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

5. Also in attendance were representatives from countries and organisations supporting legislative development and drafting capacities in Pacific Island countries – the Australian AGD, the Australian Commonwealth Office of Parliamentary Counsel, the Australian Capital Territory's Office of Parliamentary Counsel (ACT OPC), the New Zealand Parliamentary Counsel Office (PCO), the Forum Secretariat, the Commonwealth Secretariat, and the Pacific Office of the

International Federation of Red Cross and Red Crescent Societies (IFRC). The List of Participants is at [Annex A](#).

6. In opening the meeting, the Honourable Sione Vuna Fa'otusia, Minister of Justice and Prisons and Chairman of the Cabinet's Law Committee, emphasised the important role of legislative drafters in fulfilling the political ambitions and objectives of Pacific governments. The Minister shared the Tonga Government's experience with ongoing challenges in recruitment and retention of legislative drafters. The Minister further shared that Tonga "lack[ed] resources to set up a stand-alone legislative drafting office to develop its own structures, operations, manuals and professional identity and careers ... all these [led] to financial challenges, and sometimes time constraints, of relying on overseas consultants to draft our domestic laws, who usually are not experts on local legislation and the legal and cultural context that our laws are applied in".

7. Noting these challenges, the Minister congratulated the Drafters' Forum for updating in 2015 its Regional Action Plan and encouraged partner support for countries to continue developing activities to meet the Plan. In concluding his address, the Minister called for elevating the stature of the network and envisioned Pacific countries establishing and staffing their own stand-alone legislative drafting offices. The Ministers' keynote address is at [Annex B](#).

### **Legislative drafting guidelines for using model legislation to develop national legislation**

8. The meeting comprised two parts ([Annex C](#)). The first involved training on legislative drafting guidelines for using model legislation to draft national legislation. A total complement of 60 legislative drafters, legal and policy officials attended the training, which was delivered by Pacific legislative drafting expert, Mr Rupeni Nawaqakuta.

9. The training subject addressed goals two, three and four of the Regional Action Plan. Its objectives were to: strengthen the skills and capacity of countries to draft legislation required to implement regional and international treaties and priorities; enhance participants' abilities to address legislative implications of regional and international issues and priorities; address common challenges faced by drafters in adapting model legislation; and promote strategic and coherent legislative drafting practices and techniques, in view of developing accessible legislative language to address technical issues usually dealt with by model instruments.

10. The training comprised eight modules supported by two practical sessions of policy analysis and legislative drafting. The modules involved presentations and guidance on the implications of, and steps to, using model legislation to draft national legislation. The exercise sessions enabled drafters and policy officials to sharpen their legislative development skills through policy analysis of model legislation and review and development of draft legislation to implement model provisions. As the sessions progressed, it became increasingly apparent that successful application of model legislation required legislative drafters to systematically unpack model legislation (reverse engineering) in order to understand its intentions and how best to give effect to them within a country's legislative framework.

11. To illustrate the use of model provisions and an international treaty to develop domestic legislation, a presentation was made by the Tonga AGO, Australian AGD, and ACT OPC on joint work to develop a Cybercrime Bill for Tonga. The team are developing the Bill in line with relevant standards of the Pacific Forensic Model Provisions, which were developed by the Australian AGD at the request of the Pacific Islands Chiefs of Police, and the Council of Europe Convention on

Cybercrime (also known as the Budapest Convention). The presentation demonstrated the depth of the policy development and analysis required by legislative drafters and policy officials when considering model legislation. The presentation also included helpful guidelines for undertaking legislative gap analysis.

12. The modules and presentations also provided opportunities for legislative drafters to reflect on similar experiences. These reflections formed the basis of useful discussions on subjects ranging from practical legislative drafting matters to constitutional questions relating to the rule of law. The opportunity to discuss drafting matters with peers was highly valued as it was not often available to legislative drafters from small jurisdictions.

13. Participants expressed appreciation for the training in deepening their understanding of critical implications (constitutional, parliamentary, policy, interpretation, and international) to modernising or drafting new legislation to implement regional and international priorities. A full version of the training materials will form a regional drafting manual to be finalised and made available to all countries in September 2017.

### **Updates and progress against the Regional Action Plan**

14. The second component of the meeting involved sharing of information and developments in legislative development and drafting, and discussion of ways for advancing the Drafters' Forum, in view of enhancing national capacities.

15. The session began with a presentation by Pacific legislative drafting expert, Telei'ai Dr Lalotoa Mulitalo, on a guide entitled 'Legislative Drafting in the Pacific Context'. Dr Mulitalo summarised the three key parts of the guide: (1) Legislative Drafting Process in Context; (2) Recognition of Custom in State Laws; and (3) Making drafting in the Pacific context the norm. Each participant received a copy of the publication and congratulated Dr Mulitalo on her publication and its importance in advancing legislative drafting capacities.

16. Pacific Island countries reported against the five goals of the Regional Action Plan: (1) enhanced regional networking; (2) development/update of legislative development and drafting resources; (3) strengthened knowledge, skills and capacities; (4) improved regional resources to support legislative implementation of treaty obligations; and (5) improved access to laws.

17. Reports highlighted positive developments such as increased capacities and resources (manuals, guides, templates), including drafting instructions, as well as completed processes for revision of laws. Countries also shared ongoing challenges, including resource and capacity constraints, growing workloads, inconsistent drafting styles, and challenges with obtaining proper policy direction and drafting instructions. They also highlighted capacity development areas to further focus on, including mentoring, secondment, and south-south cooperation programmes. A consolidation of progress against goals two to five of the Regional Action Plan is at [Annex D](#).

18. Updates were also made by key partners providing support to legislative development and drafting – Australia, New Zealand, the Commonwealth Secretariat, the Forum Secretariat, and the IFRC Pacific Office. Partners noted, with appreciation, the quality of contributions and progress made over the 10 year existence of the network and committed to further supporting the Drafters' Forum, in view of its important role in advancing the rule of law in the region.

## **Advancing the Drafters' Forum – Next steps**

19. The Drafters' Forum discussed priorities, summarised below, for advancing the Drafters' Forum and regional initiatives of the Regional Action Plan.

### ***(a) Strengthened country ownership***

- (i) Countries committed to ongoing biennial meetings of the Drafters' Forum as an important opportunity to share updates on progress and achievements relating to the Regional Action Plan. Countries also considered meeting when opportunities arise and resources permit, such as meeting alongside annual PILON meetings.
- (ii) Countries committed to rotating the responsibility of hosting meetings, in view of the benefits and awareness raising opportunities they provide at a national level as well as maintaining momentum on developments. Vanuatu and Samoa have raised interest in hosting future meetings.
- (iii) Countries will create budget lines within their national budget processes for attendance of Drafters' Forum meetings.
- (iv) Country reporting will be streamlined (through reporting templates) in advance of Drafters' Forum meetings for better reporting, monitoring and evaluation. Reports will show commitment of countries to achieving and progressing implementation of the Regional Action Plan.
- (v) A Steering Committee was established to guide, support, and oversee progress of activities of the Drafters' Forum. The first Steering Committee comprises Tonga (as Chair of the 2017 Drafters' Forum), New Zealand, Samoa, Nauru, Australia, and Pitcairn Islands. Countries requested the Forum Secretariat to continue to provide Secretariat support.
- (vi) The Steering Committee, in consultation with all countries, will develop a draft Charter to further define the roles and operation of the Drafters' Forum, and in view of elevating the stature of the network.

### ***(b) Enhanced implementation, monitoring and review of the Regional Action Plan***

- (i) Countries expressed support for ongoing training opportunities, to be held in alternate years between Forum meetings. The Steering Committee will explore thematic training opportunities (including online models of training) and coordinate with Members on attendance and funding. Countries considered that the meeting facilities of the Forum Secretariat headquarters in Suva could be used, as required, as a training venue.
- (ii) Countries will consider and work together to access opportunities for mentoring, secondment, and south-south cooperation programmes.
- (iii) Countries noted the successful nomination of a Pacific representative to the Council of the Commonwealth Association of Legislative Counsel (CALC) for the period 2017 – 2019. Pacific Island representation in the Council is expected to enable visibility of Pacific Island drafting issues within CALC discussions and activities.
- (iv) Countries were encouraged to join the CALC community (either as full members or associate members (for non-Commonwealth members)) for access to: an extensive source of expert information and commentaries on drafting; shared experiences on legal, procedural and management issues relating to legislative drafting; information on CALC conferences; and information on training and other professional development opportunities.

- (v) The Steering Committee will explore opportunities and funding sources to support countries' efforts to further progress the goals of the Regional Action Plan.
- (vi) Progress against the Regional Action Plan will be monitored and measured on a regular basis, and its review will also be undertaken regularly to ensure that the goals are current, viable and reflect the priorities of countries.

***(c) Strengthened Internet based networking and information sharing***

- (i) The Steering Committee will work with the PILON Secretariat to expand the [Drafters' Forum portal](#) on the PILON website to maintain up to date information and updates relating to the Drafters' Forum.
- (ii) The Steering Committee will create, coordinate and monitor social media pages (e.g. Facebook, Twitter) for the Drafters' Forum.

**Conclusion**

20. Participants expressed commitment and supports towards the Drafters' Forum as the formal networking mechanism for legislative drafters of Pacific Island countries, and appreciated the Regional Action Plan and initiatives for improvement of the delivery of high quality legislative development and drafting services. Participants also welcomed and expressed interest in the vision for professionalising legislative drafting – the definitive form of sustainable legislative drafting capacity building – through establishing stand-alone legislative drafting offices in Pacific Island countries.

21. Participants congratulated the host, the Tonga AGO, for the excellent organisation and hosting of the 2017 Drafters' Forum meeting. The Acting Attorney General of Tonga, as Chairperson of the 2017 Drafters' Forum, will co-report with the Forum Secretariat on the meeting outcomes to the 2017 Annual Meeting of the Pacific Islands Law Officers' Network to be held in Majuro, Republic of the Marshall Islands from 18 – 20 October 2017.

22. The venue and dates for the 2019 meeting of the Drafters' Forum will be advised in due course.

Nuku'alofa, Tonga  
25 August 2017

## LIST OF PARTICIPANTS

Country / organisation	Details
1. Australia	Dr Marie Wynter, Senior Legal Officer, International Legal Assistance, Attorney-General's Department, <a href="mailto:Marie.Wynter@ag.gov.au">Marie.Wynter@ag.gov.au</a>
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**Opening of the 2017 Meeting of the Pacific Legislative Drafters' Technical Forum**  
Tanoa International Dateline Hotel, Nuku'alofa, Kingdom of Tonga  
24 August 2017

**KEYNOTE ADDRESS**

**By**

**Honourable Sione Vuna Fa'otusia**  
**Minister of Justice and Prisons, and Chairman of the Cabinet Law Committee**

Lord Chief Justice,  
Chief Magistrate and Magistrates,  
Your Excellences, the Australian High Commissioner and New Zealand High Commissioner,  
Mr Ombudsman, 'Aisea Taumoepeau  
Rev 'Ungatea Kata,  
Attorneys General,  
Parliamentary Counsel,  
Chief Executive Officers,  
Distinguished Delegates,  
Distinguished Guests,  
Ladies and Gentlemen

I am very pleased to be opening the 2017 Meeting of the Pacific Legislative Drafters' Technical Forum.

This is the first time that the Government of the Kingdom of Tonga, through the Attorney General's Office, has hosted the Pacific Legislative Drafters' Forum. I hope that arrangements have been to your satisfaction and the facilities have allowed you to not only learn from each other, but also build special relations and networks for future cooperation.

As Minister for Justice and also Chairman of the Cabinet's Law Committee, I see the product of your work through bills and draft regulations that is considered by the Law Committee.

So I do understand and appreciate the level of commitment and dedication that you insert into your legislative drafting work to ensure that the laws that you draft are first of all legal, and secondly, in compliance with your Government's policy and international obligations, and the needs of the community that you serve.

I also appreciate that as legislative drafters, you are of high demand, especially in Government circles, to enable them to fulfil their political ambitions and objectives through enacting new and amending legislation. The fact that you are still working with Government rather than pursuing greener pastures in the consultancy field is to be commended, and I do hope that you continue to serve your respective Governments for years to come.

As you are all aware, laws are living things, and so they may always be subject to amendment to be moulded to be useful for the needs of Government and the community as a whole. So there is no doubt that you will never run out of a job.

Distinguished Delegates and Ladies and Gentlemen,

Like all of you around the Pacific, we here in Tonga face the same significant challenges in our legislative drafting capacity as you no doubt face. We find it difficult to retain expert legislative drafters in Government. We also find it difficult to attract lawyers, especially young lawyers, to make a career in drafting legislation. We also lack resources to set up a stand-alone legislative drafting office to develop its own structures, operations, manuals and professional identity and careers. And all these lead to the financial challenges, and sometimes time constraints, of relying on overseas consultants to draft our domestic laws, who usually are not experts on local legislation and the legal and cultural context that our laws are applied in.

The context in which laws are now drafted here in Tonga is also without its challenges. The main challenge is ensuring the Tongan version of the laws reflects the English version that it was drafted in. In some cases in the Courts the issue of differences of the English and Tongan versions has given some consternation for the Courts. The public are now more aware and critical of Government's functions and duties, and often their initial response to Government shortfalls is that a new law should be drafted or the current law should be repealed.

So I congratulate the Technical Forum for producing a Regional Action Plan in 2015 for sustainable legislative drafting capacity building amongst your members. I would encourage you all to develop activities to meet this Plan, and if need be, further raise the goals set out in this Plan.

I would also like to acknowledge the assistance provided by the Australian Government, provided through the Attorney General's Department, in sponsoring a participant from each of the countries represented here today.

I also acknowledge the continued support and advice that the Commonwealth Secretariat and that of the New Zealand Parliamentary Counsel Office in providing support in supplementing legislative capacity services to individual countries.

I understand that in 2016 the meeting of the Technical Forum could not be held due to lack of funding. I also understand that sustaining regularity of meetings of the Technical Forum is a concern, and that as part of your agenda you will be discussing options for advancing the Drafters Forum.

I do hope that development partners will take heed of your discussions and the outcomes agreed, and that they continue to support this important gathering on a regular basis, so that ultimately Pacific countries are able to establish their own stand-alone legislative drafting offices, and that local drafters do draft local laws efficiently and effectively, in a timely manner for Pacific Governments.

I also acknowledge also the important presentation of the study on legislative drafting in the Pacific context that will be presented by Telei'ia Dr Lalotoa Mulitalo from the Samoa Law Reform Commission. I hope that study will be well received and be useful in understanding and developing legislative drafting capacity in the region. I also congratulate Dr Mulitalo for her extensive work in this study.

I hope and I do encourage you to take every opportunity to share experiences in the challenges and successes that you each have had in these areas.

Finally, I also hope that you take some time outside of the meeting to enjoy the Kingdom, and I am sure your hosts will provide the very best we have for you all.

In closing, I am therefore very pleased to declare the meeting of the 2017 Meeting of the Pacific legislative Drafters' Technical Forum open.

Malo 'aupito.

## AGENDA

**Component One: Training on legislative drafting guidelines for domesticating model legislation  
Wednesday 23 – Thursday 24 August 2017**

Objective: to enhance drafters' skills in drafting legislation to implement international instruments.

Trainer: Mr Vuetaki Ledua Rupeni Nawaqakuta

Wednesday 23 August 2017		Thursday 24 August 2017	
8:30am	Registration	9:00am	<b>Module 5: Standard provisions – Duties and powers</b>
9:00	Welcome and introductions	9:30	<i>Experience of using the Pacific Forensic Model Provisions for drafting cybercrime legislation for Tonga</i>
9:15	<b>Module 1: Overview and Introduction to model legislation</b>	10:30	<i>Morning tea break</i>
10:15	<i>Morning tea break</i>	10:45	<b>Module 6: Analysis of model legislation against current laws; legislative options</b>
10:30	<b>Module 2: Policy analysis of model legislation</b>	11:45	<b>Module 7: Vetting a model legislation; checklist</b>
11:30	<i>Group exercise 1: Policy analysis of model legislation</i>	12:30pm	<i>Lunch break</i>
1:00pm	<i>Lunch break</i>	1:30	<i>Group exercise 2: Vetting a model legislation</i>
2:00	<b>Module 3: Legislative drafting principles; legal context and implications</b>	3:00	<b>Module 8: Subsidiary legislation analysis</b>
3:00	<b>Module 4: Standard provisions – regulatory system, offences</b>	3:30	<i>Afternoon tea break</i>
3:45	<i>Afternoon tea break</i>	3:45	<i>Group exercise 2: Presentation and feedback</i>
4:00	<i>Group exercise 1: Presentation and feedback</i>		

Wednesday 23 August, 6 – 9pm: **Welcome Reception at the Tanoa International Dateline Hotel**

**Component Two: Exchange of information and policy discussions, Friday 25 August 2017**

Objectives: To discuss progress against the goals of the Regional Action Plan, new and ongoing opportunities for improving access to high quality legislative drafting services, and ways forward for advancing the network  
*Chaired by Mr 'Aminiasi Kefu, Acting Attorney-General of Tonga*

9:00am	<p><b>Opening</b>  Prayer, Reverend 'Ungatea Kata  Welcome remarks, Mr 'Aminiasi Kefu, Acting Attorney-General of Tonga  Keynote address, Hon Sione Vuna Fa'otusia, Minister for Justice and Prisons, and Chairman of Cabinet's Law Committee  Vote of thanks, Ms Nola Faasau, Pacific Islands Forum Secretariat  Official photo</p>
9:45	<p><b>Overview</b>  2017 meeting objectives and expected outcomes, and the Regional Action Plan</p>
10:00	<p><b>Legislative Drafting in the Pacific Context</b>  A guide by Telei'ai Dr Lalotoa Mulitalo</p>
11:00	<p><i>Morning tea break</i></p>
11:15	<p><b>Progress against the Regional Action Plan</b>  Cook Islands, FSM, Fiji, Kiribati, Nauru, Palau, Papua New Guinea</p>
12:30pm	<p><i>Lunch</i></p>
1:30	<p>Pitcairn Islands, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu</p>
3:30	<p><i>Afternoon tea break</i></p>
3:45	<p><b>Support to legislative development and drafting</b>  Australia, New Zealand, Commonwealth Secretariat, IFRC, PIFS</p>
4:30	<p><b>Advancing the Drafters' Forum</b>  Discussion of options for advancing the Drafters' Forum</p>
5:00	<p><b>Conclusions</b>  Wrap up / Outcomes document, and next steps</p>

**7pm: Farewell Reception at the Vakaloa Beach Resort, Kanokupolu**

Buses depart the Tanoa International Dateline Hotel at 6.30pm

## Country progress against the Regional Action Plan for Sustainable Legislative Drafting Capacity Building in Pacific Island Countries

Country	Current capacity	Goal 2 Development / update of drafting resources	Goal 3 Knowledge, skills and capacity developments	Goal 4 Legislative implementation of treaty obligations	Goal 5 Improved Access to Laws
1. Cook Islands	<p><b>Crown Law Office</b></p> <ul style="list-style-type: none"> <li>No specific division, but 2 legal staff share drafting responsibilities.</li> <li>NZ PCO Pacific Desk assist on major legislative drafting projects.</li> </ul>	<ul style="list-style-type: none"> <li>The NZ PCO Pacific Desk has renewed its arrangement with the Cook Islands to provide legislative drafting assistance.</li> <li>The 2012 Guide to Preparing Instructions for the Drafting of Legislation and Solicitor General's Directives (Directives) are still in force and working well for the Cook Islands.</li> <li>Recruitment of external drafting consultants and local private lawyers by government ministries to draft policy and legislation are still on-going.</li> <li>Crown Law Office has strongly enforced compliance of the Guide and Directives so government ministries are now aware they must first obtain Cabinet approval of policies and a directive that CLO draft the legislation before drafting instructions are prepared and drafting commences. On receipt of the Cabinet Minute CLO is made aware in the first instance that a Ministry is preparing drafting instructions and that Cabinet has directed CLO to draft the legislation. CLO can manage the drafting either internally with the technical assistance obtained by a Ministry or instruct PCO. More importantly, ministries are now aware that a bill and its regulations must be drafted together for the Act to operate properly.</li> </ul>	<ul style="list-style-type: none"> <li>PCO conducted 2 training sessions this year on drafting regulations. This was for members of the Cook Islands Law Society (CILS). Crown Law staff were provided training separately for the first session and joined the CILS lawyers in the second training.</li> <li>The training covered plain language drafting, the importance of clear instructions, how to use the regulations template and basic drafting techniques.</li> <li>As a result of the above training: <ul style="list-style-type: none"> <li>CLO has 2 staff who will be involved in legislative drafting work, in particular assisting ministries in formulating drafting instructions before liaising with PCO or the Ministries' technical assistants; and</li> <li>CLO legal staff have been encouraged to draft regulations.</li> </ul> </li> <li>PCO provides ongoing training and mentoring of new drafters and legal officers.</li> </ul>		<ul style="list-style-type: none"> <li>Section 33 of the Legislative Services Act 1968-69 provides that legislation must be available for sale at Parliament. The Minister of Finance has the discretion to exempt anyone from paying for legislation,</li> <li>Crown Law Office recently revived the Consolidating Legislation Project by employing a part time intern to complete the project which began in 2009 and halted in 2011.</li> <li>Crown Law Office provides legislation on request, mainly to private law firms and government ministries.</li> <li>All new and revised legislation passed by Parliament can be found on PacLii.</li> </ul>
2. Federated States of Micronesia	<p><b>Department of Justice</b></p> <ul style="list-style-type: none"> <li>No specific division or dedicated staff. Drafting work is shared.</li> <li>Continued reliance on technical assistance for major tasks.</li> </ul>	<ul style="list-style-type: none"> <li>The FSM Department of Justice (DoJ) adopts a general guide of drafting, consisting eight steps: <ul style="list-style-type: none"> <li>obtain a clear understanding of the goal of the department, agency, or policy maker proposing the bill;</li> <li>discuss the potential impact of a law that would achieve the state goal;</li> <li>research internal standards;</li> <li>research laws, practices and policies in other jurisdictions;</li> <li>draft with respect to issues of substance as well as form;</li> <li>format;</li> <li>solicit review; and</li> <li>draft an executive summary of the bill.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Limited drafting personnel with legislative drafting skills. The numbers of lawyers and legislative counsels for both Executive and Congress remain the same, the number never increases nor decreases. Need in-house lawyers for line departments.</li> <li>Capacity building in certain areas of law, particularly captive insurance, maritime, money laundering, extradition, petroleum, climate change, and fisheries still remain a challenge, however, a newly hired attorney will join the FSM DOJ in September to assist the office of the FSM Registrar of Corporation with its corporate laws.</li> <li>Limited legislative drafting trainings/opportunities. DoJ lawyer undertook the 2 week Pacific Legal Policy Champions training programme with Australian AGD in 2016.</li> <li>DoJ will conduct two – three in country policy drafting workshops and trainings to DOJ, State AGs and Legislative counsels from Congress and State Legislatures in September and onward. These events will be assisted by Australian expert drafters and with funding support from the Australian Government.</li> <li>DoJ has not participated in any PDLN programme and is keen to encourage young lawyers to apply for enrolment into the programme.</li> <li>DoJ was to send a lawyer to do the PILON Litigation Skills last</li> </ul>	<ul style="list-style-type: none"> <li>It is a challenge for the National Government to have clear guides and tools for legislative implementation of treaty obligations because of the FSM government set up (national and state governments). Each have their own different agenda. To streamline this process, it will be lengthy because it will require a lot of constitutional amendments and national and state codes amendments.</li> </ul>	<ul style="list-style-type: none"> <li>The FSM codes are up to date and compiled and accessible on the FSM Supreme Court's website @ <a href="http://www.fsmsupremecourt.org">www.fsmsupremecourt.org</a>.</li> <li>However there is a need to update the website and also a need to consolidate and update various laws in FSM (four state governments and the national government) from 2014 to present as it was back in 2014 that the different national and state codes were updated and consolidated.</li> </ul>

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			year, but failed to do so due to a temporary moratorium restricting international travel.		
3. Fiji	<p><b>Legal Drafting Section, Office of the AG</b></p> <ul style="list-style-type: none"> <li>• 14 staff consisting 9 legal officers, 1 proof reader, 2 technical officers, and 2 typists.</li> <li>• Continued reliance on technical assistance for major tasks.</li> </ul>	<ul style="list-style-type: none"> <li>• Since the 2015 Meeting, the Legal Drafting Section has prepared: <ul style="list-style-type: none"> <li>○ a draft legislative drafting rules guide which sets out basic drafting rules;</li> <li>○ Bill and Regulations templates;</li> <li>○ proofing notes; and</li> <li>○ a list of correct British spelling which is followed when consolidating our laws or drafting legislation.</li> </ul> </li> </ul>	<p><b>Drafting Resources</b></p> <ul style="list-style-type: none"> <li>• Since the 2015 meeting, the Legal Drafting Section has expanded from 6 staff members (4 legal officers, 1 proof reader, and 1 technical officer) to 14 (9 legal officers, 1 proof reader, 2 technical officers, and 2 typists).</li> <li>• Fiji has also worked with 3 consultants over the past 2 years, namely Mr De Silva (Sri Lanka), Mr Jayantha Fernando (UNCITRAL), and Ms Victoria Aitken (Commonwealth Secretariat).</li> </ul> <p><b>Rotation of Legal Officers</b></p> <ul style="list-style-type: none"> <li>• Since 2016, the Office also began providing rotation of legal officers between the different sections (litigation, contracts and legal drafting) to ensure more exposure to all working areas of the Office. The rotation is at the discretion of the legal officer. Rotation usually occurs every 3 or 6 months depending on the legal officer's request and the Supervisor's approval.</li> </ul> <p><b>Mentoring Programme</b></p> <ul style="list-style-type: none"> <li>• Since 2016, AGO implemented a Mentoring Programme whereby all senior legal officers are assigned one or two legal officers to mentor.</li> <li>• The Legal Drafting Section has 3 senior legal officers and 6 legal officers. Each of the senior legal officers are assigned 2 legal officers each to mentor.</li> </ul> <p><b>Capacity development opportunities</b></p> <ul style="list-style-type: none"> <li>• 2017: 10 in-country training opportunities so far, including five internal drafting trainings on: the Interpretation Act 1967 (Ms Lyanne Vaurasi); Basic Legal Policy Development Training (Ms Glenys Andrews); Statutory Interpretation Discussion (Ms Victoria Aitken); Legislative Drafting Process and Statutory Interpretation Discussion (Ms Victoria Aitken), and Drafting Exercises (Ms Victoria Aitken).</li> <li>• In-country meetings include the 17<sup>th</sup> AG's Conference – Law at the Cutting Edge (Fiji, 2015), and three trainings in 2016, including a national workshop on Small Arms and Light Weapons/Arms Trade Treaty (Fiji Ministry of Defence, National Security and Immigration).</li> <li>• USP PDL: In 2016, four legal officers completed the course, which brings the total to 8 out of 9 legal officers of the Legal Drafting Section who have successfully completed the course.</li> <li>• 2016 international trainings: Pacific Legal Policy Twinning Programme (AGD, Canberra), Traditional Knowledge Training (WIPO, Geneva), and attendance of Senior Officials of Law Ministries meeting (Commonwealth, London).</li> <li>• 2017 international trainings: 11, including the Pacific Protection Learning Programme (UNHCR, Australia), Selected Issues in Fiscal Law and Governance (IMF, Washington), Pacific Islands Maritime Boundaries Coordination Workshop (Sydney), Fisheries Monitoring, Surveillance and Reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Fiji intends to continue working on clear guides and tools for the legislative implementation of treaty obligations such as: <ul style="list-style-type: none"> <li>○ continuing support in relation to streamlining processes and requirements for developing model provisions and other legislative support material or resources;</li> <li>○ creating and practicing coherent processes for developing compliant legislation; and</li> <li>○ developing and sharing best practices and standard legislative provisions.</li> </ul> </li> </ul>	<p><b>2016 Revised Edition of the Laws of Fiji</b></p> <ul style="list-style-type: none"> <li>• This was the most substantial project undertaken by the AGO. On 9 Dec 2016, the Fijian Government launched the Revised Edition of the Laws of Fiji, after nearly 18 months of hard work. The last revised edition of the laws in Fiji was prepared in 1985, over 30 years ago.</li> <li>• The revised edition was prepared under the authority of the Revised Edition of the Laws Act 1971. In February 2016, Parliament passed the <i>Revised Edition of the Laws (Amendment) Act 2016</i> to modernise the revised edition of the laws. The amendments facilitated the publication of the revised edition in the loose-leaf format and also allowed for amendments to a piece of legislation to be incorporated regularly without the need to reprint the entire legislation.</li> <li>• Fiji partnered with LexisNexis in 2015 to undertake the consolidation process.</li> <li>• In August 2017, Fiji began its first service update, i.e. updating the laws up to 28 February 2017.</li> <li>• Fiji is also currently working on a website to ensure that the consolidated laws are available online for public access. The Office intends to update the law on an ongoing basis and to have updated laws readily available online.</li> </ul> <p><b>Other sources</b></p> <ul style="list-style-type: none"> <li>• All new Bills and Acts can be retrieved from the Government Printer (hardcopy) at a cost and the Parliament of the Republic of Fiji website <a href="http://www.parliament.gov.fj">www.parliament.gov.fj</a>.</li> <li>• The Parliament website has e-copies of Bills from 2015 – 2017 and e-copies of Acts from 2014 – 2017.</li> <li>• The Government Printer also provides hardcopies of recent subsidiary legislation at a cost.</li> <li>• Laws (from 2009 onwards) are also</li> </ul>

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			Legal Regimes (FFA, Honiara), Pacific Response to Cybercrime (AGO, Tonga), NZ Accident Compensation Corporation and the Earthquake Commission Meeting to help draft the Accident Compensation Act 2017 (NZ), Strengthening the Regulatory Infrastructure for Radiation, Transport and Waste Safety (Vienna), and CERT Australia Site Visit (Cyber Security) (AGD, Brisbane).		accessible on Fiji Government website <a href="http://www.fiji.gov.fj">www.fiji.gov.fj</a> . <ul style="list-style-type: none"> <li>• AGO ensures that Parliament and the Department of Information receives e-copies of all laws to upload onto respective websites.</li> </ul>
<b>4. Kiribati</b>	<p><b>Office of the AG</b></p> <ul style="list-style-type: none"> <li>• In the process of establishing a specific drafting section. Drafting tasks are currently shared amongst legal officers.</li> <li>• Continued reliance on technical assistance for major tasks.</li> </ul>	<ul style="list-style-type: none"> <li>• A standard Manual on drafting is still not yet produced since 2014 and this is very much needed by Office of the AG (OAG) in Kiribati especially at present as OAG is moving towards establishing a specialised drafting division/unit. The usefulness of such drafting manual is that it simply provides a simple guide to a drafter as to how he or she will go about his or her normal legal drafting responsibilities.</li> <li>• The OAG will encourage the use of a standard drafting manual upon production to minimise difficulties and challenges a drafter encounters in the course of performance of his or her drafting responsibilities.</li> <li>• OAG again requests and welcomes assistance for the development of a drafting manual (and guidelines, templates) to complement the skills already acquired by legal officers.</li> <li>• Yet to apply a standard clause that will regulate how a consultant performs his/her legal drafting work, but OAG supports this idea because it will produce a best or high quality drafting result. A consultant should have proper qualifications and be required to complete properly his or her work before being paid for such work. The OAG aims for tight control over the work of Technical Advisers or consultants through the utilisation of a clause requiring full payment only upon the draft being approved.</li> </ul>	<p><b>Establishment of new Ministry of Justice</b></p> <ul style="list-style-type: none"> <li>• A recent development establishing a new MOJ who deals with policy matters while OAG remains the principal legal adviser to government. Under the newly amended Constitution, the AG's role as an ex-officio has been abolished, thus the AG no longer sits in Cabinet and is no longer involved in policy matters but focuses on legal matters only as a public civil servant.</li> </ul> <p><b>Legislative drafting capacity within OAG</b></p> <ul style="list-style-type: none"> <li>• Drafting continues to be undertaken on an ad hoc basis due to lack of a specialised legal drafting division. Attention is focused on legal advice, civil and criminal litigation. External assistance is relied on for legal drafting.</li> <li>• With plans for creating a new legal drafting section, OAG will focus on building capacity of legal officers, including continuous utilisation of the PDLT training. This will solve many of the challenges currently faced, including lack of specialisation.</li> </ul> <p><b>Capacity development</b></p> <ul style="list-style-type: none"> <li>• The main sources for legislative drafting capacity building of legal officers are in-house drafting training, the annual PDLT programme, and the attachment programme with the Australian AGD.</li> </ul>	<ul style="list-style-type: none"> <li>• The forthcoming establishment of a drafting section will better ensure that legislative requirements of treaty obligations are better coordinated and implemented.</li> <li>• Examples of legislation that implement regional obligations include the Proceeds of Crimes Act 2003 and Extradition Act 2003, which respond to Leaders' 1992 Honiara Declaration on Regional Legal Cooperation. They were also developed based on regional model legislation in these areas. Kiribati also developed its Measures to Combat Terrorism and Transnational Organised Crime Act 2005 in line with the 2002 Nasonini Declaration on Regional Security and the Forum Model Provisions on Counter Terrorism and Transnational Organised Crime.</li> </ul>	<p><b>Establishment of Law Revision Unit within the new Ministry of Justice.</b></p> <ul style="list-style-type: none"> <li>• The Ministry of Justice houses a Law Revision Unit. Its purpose is to update, consolidate and review all existing laws of Kiribati, with the overall aim of creating a Kiribati Law Index. The Unit has started operation following recent recruitment of a Senior Law Reviser and 3 Law Revisioners.</li> </ul> <p><b>Access to laws and legal information</b></p> <ul style="list-style-type: none"> <li>• Acts and Amendment Acts can be accessed at <a href="http://www.parliament.gov.ki">www.parliament.gov.ki</a> as well as through PacLii.</li> <li>• The PacLii database provides access to the last consolidation of laws (1980 edition), sessional legislation, and Parliament related material, including the Kiribati rules of procedure of Maneaba ni Maungatabu. There is an apparent need to update the database.</li> <li>• OAG also provides, on request, copies of legislation to government Ministries (for free) and private individuals (at a cost).</li> </ul>
<b>5. Nauru</b>	<p><b>Legislative Drafting Section, Department of Justice</b></p> <ul style="list-style-type: none"> <li>• 3 legislative drafters, including one temporary officer.</li> <li>• Continued reliance on technical assistance for major tasks.</li> </ul> <p><b>Office of the Clerk of the Parliament of Nauru</b></p> <ul style="list-style-type: none"> <li>• Employs a Legislative Counsel</li> </ul>	<p><b>Legislative Drafting Manual</b></p> <ul style="list-style-type: none"> <li>• In 2015, the drafting section worked with the Forum Secretariat and Samoa to develop a drafting manual.</li> <li>• The Legislative Drafting Manual was launched in 2016 and is the guide for drafting all legislation in Nauru. It is a mandatory reference for all involved in legislative drafting, including consultants and policy officials.</li> <li>• The Section complies with drafting best practices and techniques to ensure that legislation are clear, precise, easy to read and conceptually appropriate. The manual contains drafting instructions guideline and checklists for policy makers and instructing Departments.</li> </ul>	<p><b>Current capacity</b></p> <ul style="list-style-type: none"> <li>• The Legislative Drafting Section is housed within the Department of Justice and Border Control. The Section consists 3 legislative drafters (2 full time and 1 temporary). The Section also operates 'on the job' training mode in order to build capacity and strengthen knowledge.</li> <li>• The Section is responsible to and reports weekly to the Secretary for Justice and Border Control. Specific functions include: <ul style="list-style-type: none"> <li>○ drafting and preparing legislation and subsidiary legislation for Cabinet and Parliament;</li> <li>○ preparing Cabinet submissions for Government Ministries;</li> <li>○ providing advice to Parliament, Cabinet and Government;</li> <li>○ maintaining the legislation archive – RONLaw; and</li> <li>○ other work allocated by the Secretary.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• In terms of streamlining of development of models laws in the region, Nauru legislative drafters are kept up to date with developments from regional and international bodies and consultant drafters in nationalising the model laws.</li> <li>• Where possible, drafters attend relevant trainings and have discussions with relevant departments and regional offices in the</li> </ul>	<p><b>RONLaw website <a href="http://ronlaw.gov.nr">http://ronlaw.gov.nr</a></b></p> <ul style="list-style-type: none"> <li>• The RONLaw is the Government online legislation website and is maintained by the Section. It is an effective tool in ensuring that the laws of Nauru are made available to any person, including judges, lawyers, pleaders, students, researchers, or the general public.</li> <li>• The Section ensures the site is continuously updated after each Parliamentary sitting, Cabinet approval of subsidiary legislation and when each Gazette is published.</li> <li>• Free online access and downloads,</li> </ul>

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	whose role includes providing legislative drafting assistance to Members of Parliament.	<ul style="list-style-type: none"> <li>The Section, in conducting trainings, advises Ministries on the need to provide clear drafting instructions. Prior to drafting, the Section communicates with the relevant departments and encourages the policy drivers to provide clear and proper drafting instructions so that 'good' laws are drafted.</li> <li>Ongoing issues continue with non-compliance with the Manual, last minute instructions, and expanding legislative programme, including numerous amendments to one law.</li> </ul>	<p><b>Capacity development</b></p> <ul style="list-style-type: none"> <li>The Section conducts capacity building amongst Departments and Parliamentarians on the legislative drafting process in Nauru.</li> <li>The Principal legal drafter regularly delivers such in-house trainings on the development of legislation and subsidiary legislation, together with the awareness of proper drafting instructions being provided to the section.</li> <li>More training required on administration of legislation.</li> </ul>	<p>drafting of a national legislation to give effect to regional/international standards and requirements.</p> <ul style="list-style-type: none"> <li>Before a model legislation is applied, the model is vetted against a checklist before adapting the model legislation.</li> </ul>	<p>which makes laws public friendly.</p> <ul style="list-style-type: none"> <li>Links to PacLii, which Nauru continues to support.</li> </ul> <p><b>Consolidation of Laws</b></p> <ul style="list-style-type: none"> <li>The Section also undertakes frequent consolidation of laws and updates. Consolidations are aimed to be done annually, subject to the directive of the Secretary and under the supervision of the Principal Legislative Drafter. Consolidations are thoroughly checked by the Section and approved before they are uploaded on RONLaw.</li> </ul>
6. Palau	<p><b>AG's Office</b></p> <ul style="list-style-type: none"> <li>No specific drafting unit within the AG's Office.</li> <li>Continued reliance on technical assistance for major tasks.</li> </ul> <p><b>Office of the President</b></p> <ul style="list-style-type: none"> <li>Drafting of executive branch legislation – including the adaptation of model provisions – is done or reviewed by attorneys in the Office of the President.</li> </ul> <p><b>Legal Counsel offices of the Senate and the House of Delegates</b></p> <ul style="list-style-type: none"> <li>Primary drafting responsibilities are undertaken within offices of the Legislature, including the respective offices of Legal Counsel for the House of Delegates and Senate.</li> </ul>	<ul style="list-style-type: none"> <li>Palau is working to revise and update its 1981 legislative drafting manual. Unfortunately, little progress has been made in this effort.</li> </ul>	<ul style="list-style-type: none"> <li>The Chief Legal Counsel for the House of Delegates is attempting to develop a training on legislative drafting, for the benefit of all junior OEK legal counsel, and for interested attorneys in other offices. The materials developed for this training will remain available to future generations of attorneys in Palau. There is not much formal drafting training available on-island.</li> <li>While Palau is not big enough to create specialised drafting divisions, Palau has dedicated drafters within our legislative legal counsel positions. There is significant turnover in these positions, but the attorneys who remain seem to rapidly develop legislative drafting proficiency.</li> <li>A variety of factors seem to hamper Palau's ability to retain experienced attorneys, especially in drafting positions. Of the attorneys doing legislative drafting at the national level, there is currently only one with a full year of experience in Palau. This lack of continuity creates a host of problems, most significantly an inability to accumulate institutional knowledge. Additionally, long-term goals like those expressed in the Regional Action Plan are difficult to achieve with constant turnover.</li> </ul>	<p>Palau maintains a high level of involvement in international organisations. This shared priority of the Legislative and Executive branches leads to the relatively smooth implementation of treaty obligations. As a matter of drafting style, implementing legislation is not standardised.</p>	<ul style="list-style-type: none"> <li>Palauan government agencies work to make legislation accessible to the public, but there is room for improvement.</li> <li>The Senate legal counsel's office maintains a public website, <a href="http://www.palaulegal.org">www.palaulegal.org</a>, which contains most national statutory and constitutional law.</li> <li>There is also a searchable CD, available for purchase, containing Palau's statutory and case law.</li> <li>Palauans pay relatively close attention to legal developments as they occur. Many legislative debates are televised live and re-broadcasted later, and major legislation is covered thoroughly in the two local newspapers.</li> </ul>
7. Papua New Guinea	<p><b>Office of Legislative Counsel</b></p> <ul style="list-style-type: none"> <li>5 drafters consisting First Legislative Counsel, two Second Legislative Counsels,</li> </ul>	<p><b>Legislative drafting manual</b></p> <ul style="list-style-type: none"> <li>In 2016, the Office of Legislative Counsel embarked on developing its first ever office manual on legislative drafting. The office is yet to complete this project. Consultation was carried out with the other entities involved in the legislative process in</li> </ul>	<p><b>In-house mentoring</b></p> <ul style="list-style-type: none"> <li>The Office places significant value on senior mentors, particularly since three senior draftsmen have recently retired from the office. Former First Legislative Counsel (over 25 years of experience) has remained as Commissioner for Revised Laws. He continues to provide mentoring and technical</li> </ul>	<ul style="list-style-type: none"> <li>Increasing number of treaties and conventions that PNG has become party to, the latest being in August 2016 when Parliament enacted the Paris</li> </ul>	<ul style="list-style-type: none"> <li>The Commissioner of Revised Laws is in charge of updating all laws. The Commissioner is still in the process of sourcing funding to recruit additional lawyers and support staff to carry out revision of laws and updating and</li> </ul>

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	<p>one Assistant Legislative Counsel, and the Commissioner of Revised Laws.</p> <ul style="list-style-type: none"> <li>• Three Assistance Legislative Counsel positions are vacant.</li> <li>• Continued reliance on technical assistance for major tasks.</li> </ul>	<p>terms of their roles in the process. All entities have given feedback except for the National Parliament and the National Executive Council. Counsels in charge of the manual are still working on completing the manual. This includes the compliance checklist.</p> <ul style="list-style-type: none"> <li>• Meantime, the Office uses simple drafting guidelines for educating policy officials in government entities on the legislative process and the requirements expected of policy makers.</li> <li>• Continued challenge of receiving draft Bills, Regulations and NEC decisions as drafting instructions.</li> <li>• The Office ensures all laws across all levels of government are consistent and are in harmony with each other.</li> <li>• Support is needed to achieve projects in a timely manner.</li> </ul>	<p>advice and vets draft Bills and Regulations. He has an unrestricted practicing certificate and operates as a consultant in Legislative Drafting. However, it is difficult to retain his services on a long term basis.</p> <ul style="list-style-type: none"> <li>• In early 2017, the Chief Secretary to Government and the First Legislative Counsel drafted a Terms of Reference to engage a qualified consultant from Australia to mentor counsels but this is yet to be effected.</li> </ul> <p><b>Capacity development</b></p> <ul style="list-style-type: none"> <li>• In-house trainings are informal, in terms of “<b>YOU LEARN BY DOING</b>”. The learning process happens throughout vetting of drafts by the Commissioner or the First Legislative Counsel. While Counsels draft Bills, Regulations and Statutory Instruments in all areas of law, Counsels are not specialised in a particular area of law.</li> <li>• Lack of other training or refresher course opportunities due to inadequate or very little funding support from the Department over the years.</li> <li>• In early August, the Office began exploring the option of renewing the contract or alternatively request for assistance to facilitate its needs.</li> <li>• In 2014, a legal officer did the PDL course.</li> <li>• Early 2017, another counsel travelled to India for a one month Parliamentary course with funding from the Indian embassy in Papua New Guinea.</li> <li>• The Second Legislative Counsel attended the 2017 Biennial CALC Conference in Melbourne and Sydney.</li> <li>• August 2017, counsel attend and participate in the 2017 Drafters Forum in Tonga.</li> <li>• All trainings and conferences are dependent on outside sponsorship funding.</li> <li>• The office has explored overseas secondment opportunities, including with the Canberra Office of Parliamentary Counsel. The first and Second Legislative counsels have attended work attachments via the Australian AGD Twinning programme.</li> <li>• Increased awareness for government lawyers especially at Provincial and Local Government levels for job rotations in order to assist in drafting work. This arrangement sees good exposure not only for OLC but also for others lawyers who lack drafting skills. This rotation will be on a counter funding basis and cost sharing.</li> </ul>	<p>Agreement. Most common practice is to attach the instrument as a schedule in the Principal Act or Regulation.</p> <ul style="list-style-type: none"> <li>• The AG’s Department is responsible for signing treaties and conventions on behalf of government (Parties to the contract). OLC has advised of the need for time to look at the instruments in order to attach it correctly into the Principal Legislation and to understand the legislative implications involved. This practice has seen instructing agencies giving last minute instructions thus leaving counsels little time to properly vet.</li> <li>• OLC assists the AG’s Department on legal advice on treaties/conventions, despite not being engaged in open forums for adopting treaties and conventions.</li> </ul>	<p>consolidating all laws.</p> <p><b>Website</b></p> <ul style="list-style-type: none"> <li>• An official website is yet to be developed. The IT team is working on this. More resources are needed to support this. Submissions have been made to various donor agencies such as the UNDP.</li> <li>• Continuing challenge with lack of information technology support systems (infrastructure) for storing laws electronically, making laws accessible to the public, and for legislative drafting tools such as the enact system. This is crucial for ensuring access to laws by the people of Papua New Guinea.</li> </ul>
8. Pitcairn Islands	<p><b>AG’s Office</b></p> <ul style="list-style-type: none"> <li>• Both the AG and Assistance AG (only two staff members of the office) are directly involved in legislative drafting.</li> <li>• Currently does not source external drafting service.</li> </ul>	<ul style="list-style-type: none"> <li>• Pitcairn has been a member of PILON since 2012. The 2017 Drafters’ Forum meeting is it’s the first for Pitcairn to attend.</li> <li>• No official drafting guide in place for Pitcairn. Comparative guides (most commonly NZ) utilised to assist with compliance with legislative drafting best practices.</li> <li>• Currently detailed drafting instructions are often developed in conjunction with AG’s office through direct consultation with community and other</li> </ul>	<ul style="list-style-type: none"> <li>• The role of AG was created in 2010 under the Pitcairn Constitution. At that time the former legal adviser became the AG by operation of law. In approximately 2014, the office of Assistant AG was added, to help with capacity, in particular with legislative drafting.</li> <li>• In addition, recent training offered to members of the Island Council has included training that assists with legislative drafting capacity. This includes training in human rights requirements; and specific professional development for relevant offices in particular areas, for example in Marine</li> </ul>	<ul style="list-style-type: none"> <li>• UK responsible for international treaty obligations for Pitcairn.</li> <li>• Currently provide legislative compliance reviews and drafting and implementation plans and proposals to extend treaties, reviewed by UK officials.</li> </ul>	<ul style="list-style-type: none"> <li>• Annual law revisions carried out and published under authority of AG’s office.</li> <li>• Pitcairn Laws website regularly maintained (new laws published typically within 1 month of passing).</li> <li>• Free access to all current legislation via website; and subscription service.</li> <li>• Free access to court decisions via website.</li> </ul>

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		<p>stakeholders.</p> <ul style="list-style-type: none"> <li>• Simplified guidance regarding legislative process created (2014) for Island Council to assist with and improve quality of proposals for legislation.</li> <li>• Further “Desk Manuals” proposed to assist with clarity of legislative proposals.</li> </ul>	<p>Management, to assist with policy development (and drafting instructions) in that area.</p> <ul style="list-style-type: none"> <li>• Funding made available for attendance at annual Drafters’ Forum and training.</li> <li>• No in-house training currently provided.</li> <li>• No current participation in regional mentoring programmes.</li> </ul>		<ul style="list-style-type: none"> <li>• No current access to historic versions of laws.</li> </ul>
<b>9. Republic of the Marshall Islands</b>	<p><b>AG’s Office</b></p> <ul style="list-style-type: none"> <li>• No dedicated officer in the AGO. Drafting work is shared amongst all legal officers.</li> <li>• Continued reliance on technical assistance for major tasks.</li> </ul> <p><b>Office of Legislative Counsel</b></p> <ul style="list-style-type: none"> <li>• One Legislative Counsel in the Office of the Legislative Counsel of the Nitijela. Currently vacant</li> </ul>	<ul style="list-style-type: none"> <li>• There is continuing lack of a cohesive approach to legislative drafting. Such a cohesive approach would minimise the passage of bad laws that have good intention. A cohesive approach refers to a systematic way of formulating legislation from the very beginning, including Drafting Instructions that include comprehensive analysis and research. Lack of a cohesive approach can result in bad law.</li> <li>• An example of a bad law with good intention is the seatbelt law of the RMI, which requires seatbelts for the driver and front passenger (including a mother holding her infant baby), but does not address similar safety requirements for an infant child. A cohesive approach to legislative drafting would’ve provided for both the safety of the mother and the child.</li> </ul>	<p><b>Retention</b></p> <ul style="list-style-type: none"> <li>• Lack of a mentorship system or a passing off of knowledge, which weakens capacity building efforts in this area. This is a current challenge as RMI’s long-time Legislative Counsel has resigned and gone into private practice. This has left no one to continue the work, and therefore a huge gap in the delivery of drafting services, although services of private attorneys or the civil division of the AG’s Office is used.</li> <li>• There is an urgent need to fill the vacant Legislative Counsel post, a need that could have been dealt with if there was a mentorship programme in place already.</li> <li>• RMI realised ongoing challenges to capacity building is retention of experienced staff, who usually move on to another ministry or agency with a more competitive package.</li> </ul> <p><b>Addressing challenges</b></p> <ul style="list-style-type: none"> <li>• Usual challenges can be overcome with increased capacity building, regional networking and sharing of knowledge, active engagement of policy makers to the goals of legal drafting in the region, public education, civil society engagement, and so forth.</li> </ul>		<p><b>Nitijela website</b></p> <ul style="list-style-type: none"> <li>• The recently established Nitijela website <a href="http://www.rmiparliament.org">www.rmiparliament.org</a> gives public access to bills being considered by the Nitijela, existing legislation, amendments, repealed legislation, and other general and useful information.</li> <li>• In addition to the public website, live coverage of parliament debates are beamed out to the nation, including live coverage on the radio.</li> <li>• Recognised need to improve education and active engagement of civil society throughout the legislative development process. Consider exploring a strategy to increase public engagement in the development of laws.</li> </ul>
<b>10. Samoa</b>	<p><b>Legislative Drafting Division, Office of the Attorney-General</b></p> <ul style="list-style-type: none"> <li>• 11 drafters, including the AG.</li> <li>• Headed by the Chief Legislative Drafter.</li> <li>• One part-time assistant.</li> <li>• 3 vacancies for law clerks.</li> <li>• Continued reliance on technical assistance for major tasks.</li> </ul>	<p><b>Awareness of Drafting Manual and Directives</b></p> <ul style="list-style-type: none"> <li>• Despite there being a drafting manual and directives, there is continued challenges with Government Ministries and Corporations having little awareness on drafting requirements and processes.</li> <li>• The Legislative Drafting Division recognises the need for more awareness raising, but balanced with the heavy work load and high demands faced by the Division.</li> <li>• As to awareness that now exists, feedback received whether formally or deduced from daily work is that the manual is really complicated and not necessarily client or instructor friendly. These incidents are already being noted for the review of the Manual or possibly a separate Manual for clients.</li> </ul>	<p><b>Trainings</b></p> <ul style="list-style-type: none"> <li>• Beginners Training on basic legislative drafting skills</li> <li>• Draft instrument presentations and discussion by responsible drafters on draft instruments assigned. This technical training is a new initiative in which informative presentations on draft legislation are presented to members of the AGO. This has proven rewarding as it is a first test of the practicality of the draft instrument as it provides an opportunity for other lawyers to critique the draft instrument before it is finalised.</li> <li>• 2 annual trainings for Samoan advocacy.</li> <li>• Awareness trainings with other divisions as to the impact of case law on drafting as well as court procedures (Prosecution Training).</li> <li>• Monthly in-office trainings on legislative drafting topics where in-house counsel in Government ministries are all invited to attend.</li> <li>• Regional Technical Development - Two (2) drafters are undertaking the PDL programme;</li> <li>• International Trainings – Drafters also been part of the Twinning &amp; Policy Champions Programme with Australian AGD.</li> <li>• Continuous on the job mentoring through Chief Legislative Drafter and other senior drafters on a daily basis.</li> </ul>	<ul style="list-style-type: none"> <li>• The Samoa Drafting Division took part in reviewing the model legislation for the Pacific to implement the Arms Trade Treaty, hosted by NZ MFAT in 2014. Samoa has since tabled the Convention Arms Bill to implement the ATT and is now before Parliament due for one more reading before it is passed.</li> <li>• The Drafting Division also took part in the development of revised model provisions on Counter Terrorism and Transnational Organised Crime to implement updated provisions for international agreements dealing with Counter Terrorism and Transnational Crime. This was hosted by the NZ MFAT and PIFS. Samoa is now in the process of confirming the</li> </ul>	<p><b>Annual Consolidation Project</b></p> <ul style="list-style-type: none"> <li>• The annual consolidation of Acts for 2016 was done and completed before 31 December 2016. The consolidated Acts were then distributed in CDs to Ministries and other bodies and agencies. This project is an indication of there being improvement in public access to laws as set out in <i>Goal 5.1</i> of the Regional Action Plan. A slight change will be implemented in 2017 where the consolidation will be completed and distributed in January 2018. This is to accommodate for the last Parliamentary session in December 2017.</li> <li>• The Drafting Division, on its own initiative and without funding, commenced a Consolidation of Regulations Project. Phase 1 of the 3 Phases has been completed. The overall goal is to further improve access to laws with ease as Regulations provide details of all principal legislation passed to date.</li> </ul>

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			<p><b>Retention</b></p> <ul style="list-style-type: none"> <li>The AGO has implemented the increase in salary incentive which has so far worked in retaining the current senior lawyers. However this is not sustainable. The other solution now being developed is a succession work plan that ensures within certain time frames each drafter is exposed to a range of work qualifying for different levels within the Division. The goal is to ensure there are no gaps left behind by senior drafters when they leave. Rather than promotion based on years of experience, evaluations will now be competency based.</li> </ul>	<p>policy objective of this matter before the commencement of drafting required for applying the model provisions.</p> <ul style="list-style-type: none"> <li>Samoa has recently finalised the Child Care and Protection Bill 2017, which is a first holistic approach to developing implementing legislation for the Convention on the Rights of the Child.</li> <li>Since the 2015 Drafters' Forum, which consisted a training on developing legislation compliant with the UN CRPD, Samoa has made progress towards legislative implementation of the Convention. The National Compliance Review is complete and the policy is currently being settled before the commencement of drafting of legislation required to implement the CRPD.</li> </ul>	<ul style="list-style-type: none"> <li>Copies of legislation are available on PacLii as well as on <a href="http://www.palemene.ws">www.palemene.ws</a>.</li> </ul>
<p><b>11. Solomon Islands</b></p>	<p><b>Drafting Division, AG's Chambers</b></p> <ul style="list-style-type: none"> <li>4 drafters, headed by the Legal Draftsperson.</li> <li>Continued reliance on technical assistance for major tasks.</li> </ul>	<ul style="list-style-type: none"> <li>Completed a drafting manual.</li> <li>Semi-automated electronic template for formatting Bills and Regulations.</li> <li>Instrument checklist.</li> <li>Electronic filing, file registers &amp; central allocation of work.</li> <li>A guideline for instructing officers in the process of developing a Bill.</li> <li>CLE and hands-on training on drafting techniques using plain language.</li> <li>AG issued directions regarding the engagement of consultant drafters.</li> <li></li> </ul> <p>Recommend:</p> <ul style="list-style-type: none"> <li>Welcomed materials from other countries for improving the quality of drafting instructions.</li> </ul>	<ul style="list-style-type: none"> <li>Eight AGC lawyers completed PDDL. Only 2 in drafting division. Two in 2016 were sponsored by Commonwealth Secretariat. Four in 2017, of which three are sponsored by the Commonwealth Secretariat.</li> <li>Four lawyers attended a 2 days' Legal Policy Development Training, 2017.</li> <li>First time for a drafter to attend a CALC conference - 2017 Biennial Conference in Melbourne.</li> <li>First time for a drafter to do LLM studies in International Maritime Law in Malta.</li> <li>In 2017, first time lawyer from litigation swapped to drafting.</li> <li>Australian Gov't Solicitor training programme for AGC lawyers on legal reasoning and advice writing.</li> <li>CLE done fortnightly. CLE materials kept in common shared drive.</li> </ul> <p>Recommend:</p> <ul style="list-style-type: none"> <li>Mentoring of junior drafters by senior drafters.</li> <li>Major challenge is external and poor policy development skills in Ministries. Suggest if regional bodies could assist in providing policy development trainings.</li> <li>Secondment programme include 2 seconded to the Commonwealth Office of Parliamentary Counsel in Australia. This was very beneficial and useful.</li> <li>In 2017, AG emphasised the need for capacity training for AGC</li> </ul>	<ul style="list-style-type: none"> <li>Currently there is limited regional support for implementation of treaty obligations.</li> </ul> <p>Recommend:</p> <ul style="list-style-type: none"> <li>Need for regional collaboration to create guidelines for legislative implementation.</li> <li>Inter-departmental collaboration needed at local level for implementation.</li> <li>PIFS to compile a regional best practices guide and share to PILON/PIF websites for country access.</li> </ul>	<ul style="list-style-type: none"> <li>2017 Consolidation project (Its digitalisation, formatting &amp; consolidation) led by Lenore Hamilton, former Director of PacLII. Still ongoing. Will be published on PacLii soon. Funded by DFAT.</li> <li>Laws are sent to PacLii as they are made. Solomon Islands strongly supports as an extremely useful tool and source of law at the regional level.</li> <li>Legislation Index on PacLii is updated every time a law is passed. This is the best way to work out the current state of law.</li> </ul> <p>Recommend:</p> <ul style="list-style-type: none"> <li>Radio programmes awareness on the schedule of bills before Parliament.</li> <li>More can be done with creating social platforms for sharing information, synergising local efforts amongst Government ministries for improving drafting quality, as well as regional contribution of useful ideas</li> </ul>

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			lawyers. PIF/DFAT/regional bodies to directly inform AG of training/mentoring opportunities.		through regional templates and meeting forums.
<b>12. Tonga</b>	<b>AG's Office</b> <ul style="list-style-type: none"> <li>No specific formal team within the AG's Office. However, drafting work is shared between the Acting AG, the Solicitor General and legal staff responsible for specific legal policy and legislative drafting.</li> <li>Continued reliance on technical assistance for major tasks.</li> </ul>	<ul style="list-style-type: none"> <li>Tonga is finalising its legislative drafting manual, which is developed in 2016 with assistance from the Forum Secretariat. The manual to guide the legislative drafting process.</li> <li>Tonga heavily relies on external legislative drafting consultants.</li> </ul>	<ul style="list-style-type: none"> <li>7 AGO Legal staff have completed the PDL D programme.</li> <li>2 AGO Legal staff currently enrolled in PDL D programme this year.</li> <li>Support from the Legal Policy Twinning Project (AGD, Australia).</li> </ul>	<ul style="list-style-type: none"> <li>Tonga new drafting guide should provide process to national legislation to implement treaty obligations.</li> <li>Coordination with other MDAs on policy commitments to treaty obligations (continuous challenge).</li> <li>Tonga heavily relies on international organisations for sponsorship.</li> </ul>	<ul style="list-style-type: none"> <li>Acts &amp; Regulations accessible online on <a href="https://crownlaw.gov.to/">https://crownlaw.gov.to/</a>.</li> <li>English and Tongan versions both accessible.</li> <li>Notification send through social media &amp; email.</li> <li>Tonga to launch the consolidated laws of Tonga online on first week of November during the 10<sup>th</sup> anniversary of Law Week.</li> </ul>
<b>13. Tuvalu</b>	<b>Office of the AG</b> <ul style="list-style-type: none"> <li>No specific team within the AG's Office. Drafting work is shared amongst the five Crown Counsels of the OAG (3 Crown Counsels and 2 Senior Crown Counsels).</li> <li>Continued reliance on technical assistance for major tasks.</li> </ul>	<ul style="list-style-type: none"> <li>No specific legislative drafting manual.</li> <li>In 2010, the OAG established an Internal Guidelines for Preparation of Legislation, which consist a 10 steps guide for drafting legislation.</li> <li>For a new bill that has been drafted through external assistance, the bill is vetted by the OAG together with assistance of a technical expertise. Bills are vetted by Crown Counsel with the endorsement of the Acting AG. No Checklist or Instruction Form. However the Cabinet paper is the guiding tool when drafting a legislation for line ministries.</li> <li>Two Crown Counsel have undertaken the Policy Champions Training and also delivered in country training together with Australian AGD.</li> <li>Need legislative drafting programmes that have templates for legislation and subsidiary legislation. CLE is necessary for using drafting programmes.</li> <li>Regarding improving the quality of legislative drafting services sourced externally, Tuvalu undertakes a Memorandum of Agreement when recruiting consultants. The method of payment is made in instalments as per deliverables of work.</li> </ul>	<ul style="list-style-type: none"> <li>Despite capacity constraints, Counsels undertake minor drafting tasks. Crown Counsels are under the supervision of the Senior Crown Counsel and the Acting AG when drafting amendment(s) to a legislation.</li> <li>On 24 August 2017, the Public Service Commission appointed four new Crown Counsels to OAG and therefore with an increase of legal personnel, the office should be restructured to have separate divisions for drafting, civil and criminal responsibilities.</li> <li>Financial constraints preventing in-country trainings.</li> <li>Lack of political support.</li> <li>There is opportunity for a short term training in India on English Proficiency and Legal Drafting. But this has not been utilised.</li> <li>Network sharing.</li> <li>Secondment was recently disallowed by Government.</li> <li>2 Counsels have completed the PDL D. Tuvalu is encouraging more Counsels to undertake the PDL D.</li> <li>Budgetary constraints preventing engagement of an expert drafter to deliver in country training. However, Crown Counsels work closely with and learn from legislative drafting consultants.</li> <li>Network sharing with AGD on experiences and knowledge on legislation.</li> <li>OAG also undertaking rotation of legal personnel with the People Lawyer's Office.</li> </ul>	<ul style="list-style-type: none"> <li>Tuvalu's country reports for the CRPD, CRC, and the UPR are due in 2017. These present increased demand to draft laws. This demand is problematic without policy development or gap analysis of laws.</li> <li>Currently developing legislative compliance review against the CRPD.</li> </ul>	<b>Tuvalu Legislation Website</b> <ul style="list-style-type: none"> <li>Website <a href="http://www.tuvalu-legislation.tv">www.tuvalu-legislation.tv</a> enables easy and free access.</li> <li>Uploading of new legislation is done yearly after each Parliament sitting when new legislation is passed by Parliament and assented by the Governor General.</li> <li>However, due to capacity constraints, the office has not be able to update the website in the past two years. However, with new recruitments of four crown counsels, we will be able to manage the website and ensure to be updated yearly.</li> <li>Hard copies are available upon request from OAG, Government Notice Board, or Parliament Office.</li> <li>Due to the poor internet connection in Tuvalu, Government has an intranet portal where all line Ministries have access to the laws of Tuvalu. This portal is under the control of the Department of Human Resource Management with the assistance of the OAG.</li> <li>All Explanatory Memorandum are available in Tuvaluan and English and radio broadcasted 12 days before Parliament.</li> <li>There are also awareness programmes and consultation to outer islands as required by the Parliamentary Rules of Procedure or upon specific requests by each outer island</li> </ul>

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14. Vanuatu	<b>Parliamentary Counsel's Unit (PCU) of the State Law Office (SLO)</b> <ul style="list-style-type: none"> <li>10 staff consisting the Parliamentary Counsel, five legislative drafters, and two support staff (Paralegal and Gazettal Officer).</li> </ul>	<b>Golden rules enforced for legislative drafting</b> <ul style="list-style-type: none"> <li>No provisos in drafting.</li> <li>No cut and paste exercise in the processing of drafting. All drafting has to be original drafting based on drafting instructions provided by officials.</li> <li>To ensure compliance with the full drafting process to ensure provisions drafted give effect to the policy of a Bill.</li> <li>A model law is scrutinised and redrafted to suit Vanuatu.</li> <li>Officials are required to prepare policy papers for Vanuatu's legislation even if there is a model law provided.</li> </ul> <b>Developments</b> <ul style="list-style-type: none"> <li>Parliamentary Counsel currently revising the SLO Drafting Manual. SLO flow chart shows the drafting process. PCU workshops with Government Departments and Ministries.</li> <li>Drafting templates in macros.</li> <li>For consultant drafters, SLO strictly enforces requirements for AG approval and for consultants to have at least 7 years' experience in legislative drafting.</li> </ul>	<b>Legislative drafting process workshops</b> <ul style="list-style-type: none"> <li>In 2016 the PCU held 5 Legislative Drafting Process Workshops. Two workshops were held at the request of the Telecommunication and Radio Communication Regulator and Ministry of Justice. The PCU invited Government officials for the other workshops.</li> <li>So far in 2017, the PCU held a workshop with officials from the Ministry and Department of Health. In these workshops, the PCU educated officials on the drafting process, discussion of the meaning and purpose of legislation and subsidiary legislation, and ran exercises with officials on developing comprehensive policy.</li> <li>Also upon request from Government Departments and Ministries, workshops explained the laws they administered.</li> </ul> <b>Capacity building</b> <ul style="list-style-type: none"> <li>The Unit was established with less than three legislative drafters from 1998 - 2001. Today the Parliamentary Counsel's Unit consists of the Parliamentary Counsel and five legislative drafters and two support staff, the Paralegal and the Gazettal Officer. Legislative drafters prepare legislation using Plain English style of drafting which results in legislation of the highest quality are prepared for the Vanuatu Government.</li> <li>The PCU has not been assisted by a drafting consultant or technical advisor since 2004.</li> <li>A system in place for legislative drafters to work in pairs. This encourages group discussions, team work and expansion of skills.</li> <li>SLO legal officers studying the PDL D programme and other regional courses with the financial assistance of Strettem Rod Justice Programme.</li> <li>PCU delivers frequent in house training with legislative drafters on technical drafting issues.</li> </ul>	<b>Technical issues</b> <ul style="list-style-type: none"> <li>Vanuatu is currently undergoing legislative reform to meet the international recommendations for anti-money laundering and counter-terrorist financing. The Parliamentary Counsel and the legislative drafters as a team started the work on 31 Bills and later due to the work load on non FATF bills and the technicality of the FATF Bills, SLO engaged Michael Wright from Australia to assist with the drafting of the bills and Anagha Joshi, an AML/CTF expert, to assist with drafting instructions.</li> <li>This has resulted in the passing of 13 Bills in the 2017 First Ordinary Session of Parliament. The remaining 18 FATF Bills are currently in the process of being finalised and to be tabled in the Second Ordinary Session.</li> </ul>	<b>Legislation Index and Statutory Orders Index</b> <ul style="list-style-type: none"> <li>The Unit has updated a legislation index of Acts to cater for the Acts that recently passed by Parliament. The Statutory Orders Index has been updated on subsidiary legislation. Both indexes allow quick and easy access to all Acts and Regulations, and Amendments made to Acts or Regulations.</li> <li>All laws are accessible on the PacLii website.</li> </ul> <b>Access to laws</b> <ul style="list-style-type: none"> <li>The PCU provides copies of all Acts that have been passed by Parliament and also copies of subsidiary legislation, to the public, Government Ministries and Departments and statutory bodies, on request. The office charges a fee for the copies it provides.</li> <li>In 2016, there were 50 subscribers to the official gazette. A total of 93 official gazettes were published by the SLO in 2016 and were distributed to both subscribers and to government Departments and Ministries whenever the gazettes are released.</li> </ul> <b>Other</b> <ul style="list-style-type: none"> <li>Appointment of an English consolidator within the SLO.</li> <li>Subscription fee for copy of legislation and subsidiary legislation in the Gazette.</li> <li>SLO's continuous support to PacLii and PacLii free service online.</li> </ul>