



## **38<sup>th</sup> PILON ANNUAL MEETING 2019**

**Apia, Samoa**

### **OUTCOMES REPORT**

1. Members of the Pacific Islands Law Officers' Network (PILON) met at the Taumeasina Island Resort, Apia, Samoa for the 38<sup>th</sup> annual PILON meeting from 5-7<sup>th</sup> November 2019.
2. The opening prayer was led by Pastor Va'a Teueli.
3. Opening formalities began with a keynote address delivered by the Hon Tuilaepa Sailele Malielegaoi, Prime Minister of Samoa, emphasising to PILON Members the need for continued collaboration between Pacific Island countries to combat the increasing and progressive criminal activity in the region. He welcomed the efforts of the region's legal minds to protect Pacific citizens from criminal activities and encouraged delegates to continue efforts to join together to minimise the harm caused to Pacific societies by criminal activity.
4. The outgoing Chair, Mr Stuart Baker, Solicitor General of the Cook Islands, delivered an address to the meeting, thanking all those who support PILON and encouraging delegates to ensure that the knowledge gained from participating in PILON is shared with their colleagues on their return home.
5. The incoming Chair, Mr Lemalu Hermann Retzlaff, Attorney-General of Samoa welcomed PILON members to the meeting and to Samoa.

#### **PILON's Strategic Priorities**

##### *Cybercrime*

6. Members thanked Damian Rapira-Davies, Principal Adviser, Digital Safety, Te Tari Taiwhenua, NZ Department of Internal Affairs, and Rob Abrams, Trust and Safety Manager, Facebook, for their presentations on gathering electronic evidence from online platforms, particularly in emergency situations.
7. Members noted the report from Tonga as the Chair of the Cybercrime Working Group and thanked Tonga and the other Working Group members (Australia, Cook Islands, Fiji, New Zealand, Nauru, Solomon Islands and Vanuatu) for their achievements over the last year.
8. In particular, Members:
  - a) Noted the regional training workshop held in June 2019 in Vanuatu on *International Cooperation to Share Electronic Evidence to Combat Cybercrime* and received with appreciation the booklet capturing the learnings from 2019 cybercrime workshop;

- b) Noted the intention for the Cybercrime Working Group to hold a further regional cybercrime workshop in 2020 in Fiji, with the working group to finalise a theme by the end of the year;
- c) Noted the Working Group's current development of a regional handbook on mutual legal assistance with a focus on electronic evidence, to be presented at the 2020 cybercrime workshop;
- d) Thanked the Pacific Islands Chiefs of Police for enabling the attendance of 2 PILON delegates from Tonga and Vanuatu at the cyber investigations course run by PICP's Cyber Safety Pasifika, and reiterated a commitment to continued collaboration and engagement with Cyber Safety Pasifika on cybercrime matters; and
- e) Encouraged members to consider acceding to the Council of Europe's Convention on Cybercrime (Budapest Convention), noting that this is a regional priority action under the Boe Declaration.

### *Corruption*

- 9. Members thanked John Muria, Attorney General, Solomon Islands, Conchitta Tatireta, Secretary Leadership Commission, Kiribati, and Lavenia Rokovucago, Programme Officer, UNDP, for their panel discussion on a range of Pacific measures being taken to combat corruption.
- 10. Members noted the report from the Corruption Working Group and thanked the Chair Nauru and the other Working Group members (Australia, Cook Islands, Federated States of Micronesia, Palau, Republic of the Marshall Islands and Solomon Islands) for their work over the last year.
- 11. In particular, Members:
  - a) Noted the workshop held by the working group in September 2019 to develop a baseline understanding of regional experiences and challenges in prosecuting corruption; and
  - b) Received with appreciation the *Prosecuting Financial Crime* booklet.
- 12. Members noted the strategic work plan 2019-21 of the Corruption Working Group, including the Working Group's intention to hold training for prosecutors on prosecuting financial crime in 2020.

### *Sexual and Gender-Based Violence*

- 13. Members thanked Chris Moraitis, Secretary of the Australian Attorney-General's Department, and Judge Jane Farish, Judge of the New Zealand District Court for their presentations on the Australian Male Champions of Change Program and New Zealand's experience in using special measures to facilitate vulnerable witnesses giving evidence respectively.
- 14. Members noted the report from Samoa as the Chair of the Sexual and Gender-Based Violence (SGBV) Working Group and thanked Samoa and the other Working Group members (Australia, Cook Islands, Federated States of Micronesia, Kiribati, Nauru, Niue, New Zealand, Papua New Guinea, Republic of the Marshall Islands, Solomon Islands, Tonga, Tuvalu and Vanuatu) for their work over the last year.

15. In particular, Members:

- a) Received in appreciation the booklet of the *General Principles for obtaining the best evidence from vulnerable witnesses in sexual and gender-based violence matters*.
- b) Noted the regional workshop convened by the Working Group in collaboration with the Regional Resources Rights Team, held in March 2019 in Samoa, on *Quality Evidence without Re-Victimisation: Promoting Special Measures for Vulnerable SGBV Complainants*, attended by police, prosecutors and judicial officers from across the region;
- c) Endorsed the *Model Provisions for amending Evidence or Criminal Procedures Acts to incorporate special measures for vulnerable witnesses to sexual and gender based violence offences*;
- d) Thanked the Working Group for the overview of law and practice in the Pacific on the use of special measures for vulnerable witnesses, as well as the individual country profiles;
- e) Noted that the Working Group intends to hold regional training in August 2020 to further explore the policy behind the Model Provisions, with a view to preparing Explanatory Material for the Provisions.

#### **Regional initiatives and updates from Observer Members**

##### *Pacific Islands Forum Secretariat (PIFS) Update*

16. Members:

- a) Thanked PIFS for its report and update on the outcomes of the Pacific Islands Forum in Tuvalu in August 2019;
- b) Noted the Kainaki II Declaration and the Boe Declaration Action Plan, with its six Strategic Focus Areas endorsed by Leaders, to which PILON's strategic priorities are already well aligned;
- c) Noted PILON's role as a key body for supporting rule of law in the region, and as an observer member of the Forum Officials Sub-Committee on Regional Security; and
- d) Committed to working closely with PIFS on the implementation of the Boe Declaration, and in particular, liaising closely on PIFS' proposed workshop on the Council of Europe's Convention on Cybercrime, to avoid duplication of efforts.

##### *Pacific Legislative Drafters' Technical Forum*

17. Members:

- a) Reiterated the importance of continuing to support the ongoing development of Pacific legislative drafting capacity;
- b) Agreed that PILON form a Committee to support and coordinate the Pacific Legislative Drafters' Technical Forum, and drive the future evolution of the Forum, including strengthening its networking function;
- c) Agreed that the Committee will be chaired by Samoa, with other members initially being Australia, Fiji, Nauru, Vanuatu and New Zealand;

- d) Noted that the PILON website will continue to provide an important avenue for members to share legislative drafting resources, such as legislative drafting guidelines and templates, and that the Secretariat will update this resource.

*Pacific Islands Chiefs of Police (PICP) and illicit drugs*

18. Members:

- a) Thanked the Pacific Islands Chiefs of Police (PICP) Secretariat for the update on PICP's current priorities;
- b) Thanked the Australian Attorney-General's Department for attending the PICP 2019 annual meeting to present the *Review of criminalisation of methamphetamine in the Pacific*, undertaken in 2017 by PILON, at the request of PICP;
- c) Noted that illicit drugs continues to be identified by the Pacific Island Chiefs of Police as the biggest transnational crime threat to Pacific Island countries;
- d) Agreed that, to address the threat of illicit drugs, it is essential that countries have comprehensive illicit drug laws to enable law enforcement action;
- e) Encouraged PILON members to discuss with the Chiefs of Police in their respective countries whether they need to jointly progress illicit drugs law reform; and
- f) Request that the PILON Secretariat engage with UNODC to investigate what technical assistance might be available to assist PILON members in developing more comprehensive laws on illicit drugs.

*Australian National University - Australia Pacific Security College*

19. Members:

- a) Thanked the Australian National University for the update provided on the Australia Pacific Security College; and
- b) Noted the support the College can provide to develop Pacific-led strategic security and leadership training to Pacific security agencies.

*United Nations Pacific Anti-Corruption Program (UNPRAC)*

20. Members:

- a) Thanked UNPRAC for its update on anti-corruption activities within the region; and
- b) Noted the assistance available for implementing the United Nations Convention Against Corruption.

*Pacific Immigration Development Community (PIDC)*

- 21. Members thanked the PIDC for their update on the PIDC Immigration Legislation Modernisation program and the PIDC Model Standard Operating Procedures project and noted the importance of the involvement of the Attorney General's Offices in any country level review of immigration legislation.

*Pacific Transnational Crime Coordination Centre (PTCCC)*

22. Members thanked PTCCC for its update on their information sharing activities and summary of the Pacific Transnational Crime Network Strategic Forecast for 2019-2020.

*Pacific Fusion Centre*

23. Members thanked the Australian Department of Foreign Affairs and Trade for its update on the establishment of the Pacific Fusion Centre.

*Asia- Pacific Group on Money Laundering (APG)*

24. Members:

- a) Thanked the APG for its update on ongoing technical assistance to the region in implementing the anti-money laundering standards set by the Financial Action Taskforce, and
- b) Noted that the model provisions on targeted financial sanctions on proliferation and counter terrorism financing have been finalised.

*Pacific Prosecutors' Association*

25. Members:

- a) Thanked the PPA for its update on plans to review the governance, membership and business plan for the PPA; and
- b) Welcomed ongoing collaboration between PPA and PILON, including the joint training on prosecuting financial crime proposed to be held in Vanuatu in 2020.

*South Pacific Regional Environment Program (SPREP)*

26. Members thanked SPREP for its update on work, in particular to strengthen Pacific resilience to climate change and implement Leaders' vision for reducing marine pollution in the region.

*NZ Te Patui Program*

27. Members thanked the New Zealand Ministry of Primary Industries for its update on the Te Patuitanga Ahumoana a Kiwa (Te Patui) Program, to build capacity in fisheries compliance, enforcement and prosecutions.

*International Union for Conservation of Nature (IUCN)*

28. Members thanked the IUCN for its update on its Oceania Environmental Law Programme and the upcoming Oceania Environmental Law Conference in 2020.

*Pacific Islands Maritime Law Association (PIMLA)*

29. Members thanked PIMLA's Samoa Chapter for its presentation on efforts to reinvigorate PIMLA as a regional organisation, to focus on the development and implementation of effective maritime shipping and safety laws.

### *PILON Litigation Skills Program*

30. Members thanked New Zealand for the ongoing support provided through the PILON Litigation Skills Programme, noted the improvements in litigation skills in the region since its inception and encouraged continuing participation.

### *Pacific Legal Policy Capacity Development*

31. Members:

- a) Thanked the Australian Attorney-General's Department for the ongoing support provided through the Legal Policy Twinning Program and Legal Policy Champions Program to build PILON members' capacity to develop legal policy;
- b) Noted the current development of the *Pacific toolkit: from policy to legislation* and request for feedback on the draft toolkit.

### *LexisNexis*

32. Members thanked LexisNexis for their update on products and services that LexisNexis can provide to Pacific Island countries to support upholding the rule of law, by ensuring that laws and cases are accessible and up to date consolidated versions of legislation is readily available.

### *Pacific Islands Legal Information Institute (PACLII)*

33. Members thanked the University of the South Pacific for its update on PACLII and noted the renewed request for funding contributions from members, to assist in securing PACLII's continuation.

### **Country reports**

34. Members welcomed the country reports provided by PILON members on recent developments and issues of interest in their jurisdictions, particularly those relating to PILON's strategic priorities.

### **Secretariat and Governance matters**

#### *PILON Secretariat*

35. Members:

- a) Thanked the Secretariat for its report on activities during 2019;
- b) Endorsed the Secretariat's 2020 work plan;
- c) Noted the 2018-19 PILON Activities Budget Financial Report and the 2018-19 Secretariat Operational Budget Financial Report;
- d) Noted the 2019-20 PILON Activities Budget and the 2019-20 Secretariat Operational Budget;
- e) Thanked the Secretariat for its outstanding work in supporting members over the past year and in particular the heavy demands of supporting a large number of face to face meetings and teleconferences throughout the year;

- f) Thanked Australia, NZ and staff of the Office of the Attorney General in Samoa for their ongoing support for PILON; and
- g) Urged the Secretariat to prioritise the upgrade of the PILON website in early 2020.

*Applications for membership*

36. Members accepted Tokelau's application to join PILON and warmly welcomed Tokelau as the 19<sup>th</sup> country member of PILON.

**Planning for 2020**

37. Members:

- a) Welcomed and accepted the offer of Nauru to host the 39<sup>th</sup> PILON Annual Meeting in 2020;
- b) Agreed that the Executive Committee will consist of Samoa (Chair), Nauru (incoming Chair), Cook Islands (immediate past Chair), Australia, New Zealand, Solomon Islands and the Kingdom of Tonga;
- c) Noted that American Samoa has joined the SGBV, Corruption and Cybercrime working groups and Papua New Guinea has joined the Corruption and Cybercrime working groups; and
- d) Thanked Samoa for hosting the 2019 annual meeting and their very generous hospitality.