



EXECUTIVE COMMITTEE VIRTUAL MEETING

Friday 21st July 2023; 2.00pm Samoan time

Via ZOOM

MINUTES

A. **WELCOME** – Su’a Hellene Wallwork – Chair PILON Executive Committee and Attorney General, Samoa

B. **PRESENT:**

- i. Rebecca Vonthethoff – Assistant Secretary, AGD, Australia
- ii. Linda Folaumoetu’i – Attorney General, Tonga
- iii. Jo Mildenhall – Senior Crown Law Officer – NZ
- iv. Loretta Teueli – Director, Legal Drafting, Nauru
- v. Jamie Crawford – Crown Counsel, Cook Islands
- vi. Sarah Kossatz – Program and Logistics Manager, Australia
- vii. Rosy Mario – Assistant Coordinator, PILON

Apologies:

- viii. Rachel Olutimayin – Director Public Prosecution, Solomon Islands
- ix. Sasae Walter – PILON Coordinator

C. **MATTERS FOR CONSIDERATION:**

i. **Confirmation of Minutes 10 March 2023**

Minutes confirmed, motion moved by Loretta Teueli of Nauru and seconded by Linda Folaumoetu’i of Tonga.

Approved - minutes of 10 March 2023.

ii. **PILON Strategic Priorities Survey**

Rosy Mario, PILON Secretariat, presented a report to EC Members on the outcomes of the PILON Strategic Priorities survey. EC Members noted, in accordance with Article 7, subsection 5(d), of the PILON Charter, one of the primary purposes of PILON Annual Meetings was to ‘agree on the PILON Strategic Plan to guide PILON priorities over the forthcoming period’.

EC Members noted that the survey was distributed to all PILON Member Countries and Territories on 11 June 2023 and the Secretariat received five responses from Fiji, Nauru, New Zealand, Tonga and Vanuatu.

EC Members noted that PILON members:

- 80% voted on a 3-year plan, and
- 100% voted to retain the current number of Working Groups plus the PLDC Committee.

EC Members noted that the areas of sexual and gender-based violence, corruption and cybercrime received the most votes with regard to PILON's strategic focus, with Members recommending that *building of skills and capability* be an element under each working group.

Strategic Plan – Next Steps

EC Members noted the next phase is the drafting of the new Strategic Plan, which will be drafted by the PILON Secretariat and based on Members' feedback from the survey.

EC Members noted that the Secretariat will circulate a draft of the proposed strategic plan ahead of the next EC meeting for discussion. The draft strategic plan will be an agenda item for discussion and endorsement at the upcoming 2023 PILON Annual Meeting.

Approved – *drafting of new PILON Strategic Plan based on Members' feedback from survey (motioned by Nauru and Australia).*

iii. PILON Travel Policy

Mapping of scenarios

The Chair referred members to the Attachment. The Chair advised EC Members that the amendments were necessary to the 2018 Travel Policy because it did not take into account nor address the risks associated with travel in a COVID-19 environment. The Chair advised that changes to the Travel Policy respond to those risks and were considered at Executive Committee meetings on 9 September 2022 and 10 March 2023.

Rebecca Vonthethoff, Australian Attorney-General's Department (AGD), spoke to the outcomes of the mapping exercise that was approved by EC Members at 10 March 2023 meeting. AGD mapped out four scenarios to clarify for members how participants are supported under the 2022 PILON Travel Policy which was tabled at the 2022 PILON Annual Meeting. The scenarios were mapped and are consistent with the definition of 'exceptional circumstances' as agreed by EC Members at the 9 September 2022 meeting.

Key messaging for participants is that obtaining travel insurance is strongly recommended; regardless of travelling to attend PILON events or others. Scenarios mapped include:

- Scenario 1: Prior to travelling
- Scenario 2: During Transit/layover
- Scenario 3: At the Destination
- Scenario 4: Participant is representing PILON at a non-PILON funded event

As a result of this exercise, AGD confirmed for EC Members that the 2022 Travel Policy remains broadly fit for purpose, and continues to meet the needs for PILON related travel ahead of the Annual Meeting in Nauru. AGD proposed to review the language within the policy and redraft it in plain English in 2024.

Chair thanked AGD for their work on the PILON Travel policy mapping scenarios. The Chair stated that *it is very clear and asked if PILON will make other necessary arrangements except for when it's a global outbreak*. Rosy confirmed that these can be managed on a case by case basis.

The Chair proposed a motion to pass AGD's proposal to redraft the 2022 Travel Policy in 2024 to be written in plain English.

Approved – *Nauru and Tonga motioned support for AGD's proposal.*

iv. 42nd PILON Annual Meeting preparation

Rosy advised EC Members on the various draft 2023 PILON Annual Meeting documents to be distributed to PILON Members.

Invitation letters:

EC Members noted, the invitation letters provide a brief summary outlining specific details of the PILON Annual Meeting, visa requirements to enter Nauru and when tasks are due.

There are three different letters to be sent to PILON Members in accordance with their membership status:

1. PILON Members (PILON-funded as per ODA eligibility)
2. PILON Members (self-funded)
3. PILON Observer members (self-funded)

Attachments to the invitation letter are:

- a. Attachment A – Registration Form and due 28 August 2023
- b. Attachment B - Draft agenda

c. Attachment C - Country Report (CR) template and due 29 September 2023

Powerpoint presentations (if any) are also due by this date.

EC Members noted that within the letter, under *Travel arrangements, visas and accommodation*, all participants are recommended to obtain their own travel insurance. PILON funds the travel arrangements for one senior law officer from each PILON Member Country excluding American Samoa, Australia, Cook Islands, New Zealand and Pitcairn Islands due to their non-ODA eligibility.

PILON does not fund representatives from Observer Member agencies nor additional representatives from PILON Member Countries and Territories.

On behalf of the PILON Secretariat, Rosy thanked Nauru for waiving the fees associated with obtaining a visa for the purposes of attending this year's PILON Annual Meeting.

Within the invitation letters, the Secretariat included information surrounding requirements from Nauru Airlines around the presentation of International COVID-19 Vaccination Certificates, which are to be presented to airport personnel alongside participants' passports.

Approved – no changes were proposed by EC Members to the draft invitation letters.

Registration form (Attachment A):

Rosy advised EC Members, that the attendance options have been updated to include 'In-person, Zoom or Telephone', which will assist with logistics planning. The Secretariat inserted a question around accessibility requirements – for example, if the participant requires a wheelchair.

The Secretariat amended the question around uniforms and for clarity and have adjusted this to read as 'Shirt/Blouse' and also included the sizes available for selection.

Lastly, the Secretariat added a request for consent to photograph participants during the Annual Meeting and its associated events.

Approved – no changes were proposed by EC Members to the draft registration form.

PILON Annual Meeting 2022 Agenda (Attachment B):

Rosy advised EC Members, that feedback from the 2019 Annual Meeting survey, suggested that Members felt that Observer Members should not have been allocated more time to speak than Members speaking to their Country Report presentations. As a result of this feedback, the Secretariat have reduced Observer Member presentations from 15 minutes to 10 minutes to align with Country Report presentation time; remaining at 10 minutes per PILON Member country/territory.

The 2019 feedback also suggested that each day of the Annual Meeting was too long and Members felt a sense of information overload. As a result, the Secretariat have reduced the number of speakers in each Working Group session; from two speakers to one guest speaker, in addition to the working group report to be presented by the Working Group Chair. The Working Group Chair reports have been reduced from 30 minutes to 20 minutes.

Rosy advised EC Members, that the proposed Opening Ceremony is scheduled for Tuesday 31 October. The proposed Closing Ceremony is scheduled for Thursday 2 November.

Approved – no changes were proposed by EC Members to the draft agenda (noting that the agenda will continue to be a working document until closer to the date of the Annual Meeting).

PILON Country Report template (Attachment C):

Rosy advised EC Members, that PILON Member Countries and Territories are asked to provide a written report summarising one key law and justice achievement relevant to one of PILON's current strategic priorities. Members have been allocated a 10-minute time slot to present on their country report.

The Secretariat have updated the list of PILON resources, events and activities so that Members may reference these in drafting their reports, and any other domestic developments in PILON's Strategic Priority areas.

Approved – no changes were proposed by EC Members to the draft Country report template.

D. OTHER MATTERS:

v. Updates from the Working Groups and PLDC

SGBV WG Update

Chair of the SGBV Working Group (WG) provided an update on the progress of the WG since the March EC meeting. The major task for the WG was developing the Regional Guidelines for Prosecutors and Witness Support Officers. It is intended to support vulnerable witnesses throughout the prosecution of sexual and gender-based violence offences. The WG relied on the work of a subcommittee convened under the SGBV WG as the Advisory Panel.

The Advisory Panel travelled to Apia in March 2023 for a two-day workshop to resolve stakeholder feedback and finalise the Guidelines. The workshop was very successful with the Panel finalising the drafting of the Guidelines. It is reported that not only did this in-person event allow the Advisory Panel to collaborate efficiently, but it also strengthened the relationships between those members in our WG who were present.

Since April 2023, the Advisory Panel have been piloting the RG in some of their jurisdictions. The purpose of this has been to test the Guideline's effectiveness and identify any improvements to be made before their finalisation in September this year.

The Chair added that she looked forward to tabling the RG at the PILON Annual Meeting in Nauru, and sharing this resource which will provide a best practice guidance for prosecutors and witness support officers to support vulnerable witnesses across the Pacific.

The Chair informed members that the first WG meeting of the year was held on day 2 of the Advisory Panel workshop in Apia. In this hybrid meeting, the Advisory Panel presented the RG to the WG members who provided support and feedback on the document.

The second WG meeting was held on 12 May. This meeting discussed the most effective way to launch the RG, including tabling the Guidelines at the PILON Annual Meeting and an in-person implementation workshop next year. The next WG meeting will be early September where they will endorse the RG and further progress planning for the Implementation Workshop in early 2024.

Upon finalisation of the RG, the WG has finalised two reports on the use of special measures in legislation and practice across the Pacific. This is a longstanding project, and Chair thanked those whose jurisdictions have contributed to this research. These reports will be published in the near future, and hard copies will also be available at the PILON Annual Meeting.

Noted – EC Members noted the SGBV Working Group update.

Corruption WG Update

To be circulated to EC Members prior to next EC meeting.

Noted – EC Members noted that the Corruption Working Group update will be circulated ahead of the next EC meeting.

Cybercrime WG Update

Chair of the Cybercrime WG provided an update on the progress of the WG since the March EC meeting. A key outcome of each of the previously held Cybercrime Workshops was a booklet summarising the Workshop, including emerging post COVID-19 trends with helpful tools and legal policy responses to these trends. The Cybercrime WG are finalising the booklet that will parallel the 2022 Cybercrime Workshop held in Nadi, Fiji. The Workshop booklet will be made available online and published copies will be available at this years' PILON Annual Meeting.

The Chair informed EC Members that she has been invited to present at this Pacific Islands Chiefs of Police conference from 30-31 August 2023 in Australia. The topic to be presented is relates to PILON's work on cybercrime and child exploitation.

The Chair advised EC Members, that nominations to participate in the Cybercrime WGs popular online course titled 'Fundamentals of Digital Evidence', opened in late June 2023. In summary, the course introduces different types of evidence and their forensic value; how to acquire digital evidence, what are the forensic solutions, challenges, and most importantly, time and effort needed. The course is scheduled to start in late August, and once again the WG will run a parallel course for law enforcement officers to facilitate end-to-end discussions about the use of digital evidence in investigations and prosecutions. To support the class, the WG will provide a workbook and participants will work through a two-part Zoom case study and also view a live extraction session provided by AFP digital forensics experts.

The Chair thanked EC Members for their participant nominations.

The Chair advised EC Members, that the WG is also offering the intermediate level digital forensics course to participants who engaged in the fundamentals course held last year. These participants will also demonstrate a mentoring role to this years' fundamentals course participants.

Planning is still underway to produce a questionnaire for our Members seeking feedback on capacity building needs, including training priorities for cybercrime. EC Members may be consulted on this questionnaire as the WG begins to develop a clearer idea on scope and design.

The WG remains in discussion with the Pacific Islands Forum Secretariat to co-design an event. The appropriate date and format are still to be finalised at this point, but the WG will provide an update when this occurs.

Noted – EC Members noted the Cybercrime Working Group update.

PLDC Update

The Chair reported that this was her first report to the Executive Committee as the Chair of the PILON Legislative Drafters' Committee or 'PLDC' and its Steering Committee. The PLDC was inactive during the pandemic to allow Pacific legislative drafters to deliver high priority health and other legislation for governments.

The Chair advised that three PLDC Steering Committee meetings were held; 4 May, 9 and 16 June 2023, which focused on reinvigorating the PLDC and identifying achievable, priority activities for delivery under the PLDC Work Plan.

The PILON Secretariat will circulate the PLDC Terms of Reference, PLDC Work Plan 2021-2023 and List of PLDC Steering Committee Country Representatives to assist with this report.

The Chair informed members that to reinvigorate the PLDC, it needed an active PLDC Steering Committee composed of current country representatives following vacancies and to convene a series of meetings to deliver Work Plan activities.

Prior to the Steering Committee meetings, the PILON Secretariat completed two activities:

- (1) Established the PLDC's social media presence by creating a private Facebook Group for Pacific legislative drafters and commenced posting to promote everyday networking, sharing of information and raising awareness on issues and opportunities for Pacific legislative drafters (PLDC Work Plan Action 1.3).
- (2) Created a PLDC dedicated members' zone on the PILON website to share legislative drafting information and tools (PLDC Work Plan Action 2.2).

The Steering Committee commenced a stocktake of legislative drafting resources across PILON member countries. (*PLDC Work Plan Action 2.1*)

- During May and June 2023, the PILON Secretariat coordinated a stocktake of PILON member countries' legislative drafting resources, whether complete or in progress. The Secretariat received responses from PNG, Samoa, Australia, Fiji and Nauru.
- Over time and with permission, the Secretariat will publish resources on the PLDC members' zone on the PILON website.
- The Steering Committee agreed to maintain the stocktake as a standing agenda item where the PILON Secretariat will periodically follow up with PILON member countries.

The Steering Committee explored networking opportunities with the Commonwealth Association of Legislative Counsel (CALC) and carried out an EOI process across PILON member country legislative drafting offices to achieve a PLDC delegation to attend the CALC Regional Conference in Sydney, 2-4 August 2023 (PLDC Work Plan Action 1.2)

- The Chair of the PLDC, is intending to lead a delegation of five legislative drafters from Samoa (two), Fiji, Nauru and Tonga to take part in the Conference.
- The CALC Conference host, the New South Wales Parliamentary Counsel Office, will waive the Conference registration fees for all legislative drafters who registered from Pacific Island countries and supported two of our PLDC delegates.
- The Chair thanked the Australian Steering Committee representatives in helping the PLDC forge valuable relationships. The Chair also thanked the New Zealand Parliamentary Counsel Office for supporting two PLDC delegates.

The Chair confirmed the PLDC Work Plan will come to an end at the end of this year. The PLDC have commenced discussions with the Steering Committee about the next Work Plan, which the Chair will share at the PILON Annual Meeting.

Noted – EC Members noted the PLDC update.

vi. Updates from the PILON Secretariat

Report on PILON Activities 2022-2023

To be circulated to EC Members prior to next EC meeting.

Noted – EC Members noted that the report on PILON Activities 2022-2023 will be circulated ahead of the next EC meeting.

PILON Financial Reports 2022-2023

Rosy advised EC Members, that expenses incurred totalled to less than was budgeted in the Secretariat Operations budget. This was due to no expenses required over this financial period for the PILON website and no Secretariat travel required under the PILON EC Committee nor the SGBV Working Group.

For the PILON Activities budget, there were expenses incurred for activities under each Working Group. This included an in-person SGBV Advisory Panel meeting in Apia, Samoa to finalise the Regional Guidelines on Special Measures to support witnesses in SGBV cases. Funds were also expensed to support the Chair of the Corruption Working Group to attend the Financial Crime, Money Laundering and Criminal Asset Confiscation Training and the 2022 Cybercrime Workshop in Apia, Samoa.

Noted – EC Members noted the 2022-2023 PILON financial reports.

PILON Financial Budget 2023-2024

Rosy advised EC Members, that regarding the PILON Secretariat Operations Budget, the Government of Samoa has approved a Cost-of-Living Allowance (COLA) salary adjustment for civil servants which the PILON Secretariat falls under. From July 2023, the salary amounts for the Secretariat have increased to align with the Cost-of-Living Allowance assessment which has been reflected in the forecasted Secretariat operations budget.

The Secretariat have decreased the insurance costings that cover professional indemnity and travel insurance costs for travel from WST 15,000.00 to WST 12,000.00 given the 2022/23 invoices came to a total of WST 11,200.00.

Lastly, the 2023/24 PILON Activities budget reflects costs associated with activities proposed by each of the PILON Working Groups and PLDC Committee. Anticipated costs for the 2023 Annual

Meeting are expected to be slightly higher this year compared to previous years, given that Nauru's currency is the Australian dollar.

Noted – EC Members noted the 2023-2024 PILON financial budgets.

The Chair thanked EC Members for their time in attending the meeting and looks forward to seeing everyone in Nauru.

**vii. Proposed date for next Executive Committee Meeting –
15 September 2023**

MEETING ENDS.