



EXECUTIVE COMMITTEE VIRTUAL MEETING

Friday 15 September 2023; 2.00pm Samoan time

Via ZOOM

MINUTES

A. WELCOME – Su’a Hellene Wallwork – Chair, PILON and 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. John Muria – Attorney General, Solomon Islands
- v. Sarah Kossatz – Program and Logistics Manager, Australia
- vi. Sasae Walter – PILON Coordinator
- vii. Rosy Mario – Assistant Coordinator, PILON

Apologies:

- viii. Loretta Teueli – Director, Legal Drafting, Nauru
- ix. Jamie Crawford – Crown Counsel, Cook Islands

C. MATTERS FOR CONSIDERATION:

i. Confirmation of Minutes 21 July 2023

Minutes confirmed, motion moved by Rebecca Vonthethoff of Australia and seconded by Jo Mildenhall of New Zealand.

Approved - minutes of 21 July 2023.

ii. Proposed PILON Executive Committee (EC) membership for 2024

As per Article 5.3 of the PILON Charter, ‘PILON may only appoint a member of the Executive Committee, by consensus, during an annual meeting, or in accordance with Article 7.14’.

The current membership of the PILON Executive Committee has been retained since 2019 due to the inability to meet in person as a result of COVID-19. Ahead of the 2023 PILON Annual Meeting, EC Members discussed whether the current membership was likely to change and proposed that current PILON EC Membership be retained.

Agreed – Samoa, Tonga, Australia, New Zealand, Solomon Islands (advised that the soon to be appointed DPP would represent the Solomon Islands on the PILON EC).

Nauru retains their membership on the PILON EC in accordance with subsection 4(b) of Article 5, 'The Executive Committee comprises: ...(b) the incoming Chair of PILON'.

Action – Cook Islands to advise EC Members whether they intend to retain their Membership on the EC.

iii. Proposed PILON Strategic Plan 2024-26

As per the minutes of the EC meeting dated 21 July 2023, EC Members approved the Secretariat drafting a new draft strategic plan based on feedback received via the PILON Strategic Priorities Survey that was distributed to PILON Member countries and territories in June 2023. Prior to this meeting, the Secretariat circulated a discussion paper and the proposed draft strategic plan for Members' consideration. The Secretariat asked Members a series of questions in relation to the proposed strategic plan:

1. Members were asked whether they felt that the scope of the draft Strategic Plan as outlined, is accurate.

Decision – Members agreed.

2. As senior law officers, Members were asked whether Chapter 3 outlines their views accurately regarding PILON's regional context.

Decision – Members agreed.

3. Members were asked whether PILON's vision remains fit for purpose and aligns with values identified by PIF leaders.

Decision – Members agreed.

4. Members were asked whether they felt that PILON's approach as a network, enables it to meet its objectives.

Decision – Members agreed.

5. Members were asked whether 'skills and capability' within the legal profession was a standalone objective or whether it should be incorporated under each Working Group (WG)/Committee.

Discussion: New Zealand advised that carriage of the Litigation Skills Training had shifted to another agency – Te Kura Kaiwhakawā, the Institute of Judicial Studies. New Zealand encourages PILON to engage in this training and the next course has been tentatively scheduled for March 2024.

Decision – Tonga, Samoa and Australia support New Zealand's proposal for PILON to remain engaged in the Litigation Skills training to be delivered by Te Kura Kaiwhakawā, the Institute of Judicial Studies.

Discussion: Tonga raised the reinvigoration of the Pacific Prosecutor's Association (PPA) and its upcoming conference. EC noted this. Solomon Islands raised the issue of high demand for legal drafters in the Solomon Islands. EC Members raised that there was a demand for legal drafters more broadly throughout the Pacific.

Action – Samoa, Chair of the PILON Legislators Drafters Committee (PLDC) advised that the PLDC has been reinvigorated and will reach out to the Solomon Islands to assist where appropriate.

6. Members were asked whether the PILON Secretariat's responsibilities (Annex 3 of the draft proposed strategic plan) was adequate to support PILON achieve its purpose and function.

Decision – Members agreed.

7. Members were asked whether the Terms of Reference for WGs and Committees (Annex 4 of the draft proposed strategic plan) would benefit from further clarification or refinement.

Decision – Members did not consider that there was need for further clarification or refinement.

Decision – Members agreed that the draft proposed Strategic Plan for 2024-26 be circulated to PILON Member countries and territories ahead of the 2023 Annual Meeting.

iv. Initial thoughts from EC Members regarding host countries/territories for 2024 PILON Annual Meeting

Section 12 of Article 7 of the PILON Charter, states 'Where possible, PILON should determine the member country which will host the next annual meeting during the annual meeting.'

Members were asked to reflect on the Secretariat's list of past PILON Annual Meeting host countries and territories. Eleven out of 19 Member countries and territories have hosted the Annual Meeting since 2010, which will have included each Executive Committee Member's home country by the end of 2023.

American Samoa, Fiji, Niue, Palau, Pitcairn Islands, Tokelau, Tuvalu and Vanuatu are yet to host.

Discussion – Members were asked whether they would be open to hosting again, in the event that none of the above mentioned members offer to host. The Secretariat and Tonga recalled that in 2019, Vanuatu had offered to host and in 2022, FSM had also offered to host.

Decision – Members agreed to confirm whether Vanuatu is willing to host the 2024 PILON Annual Meeting.

D. OTHER MATTERS:

v. Updates from the WGs and PLDC

SGBV WG Update

Chair of the SGBV WG provided an update on the progress of the WG since the July EC meeting. The WG has finalised the text of the Regional Guidelines for Prosecutors and Witness Support Officers which provide a practical guide to support vulnerable witnesses throughout the prosecution of SGBV cases and has been a focus for the past 2 years. The WG has since sent the Regional Guidelines to the printers and will present the published Regional Guidelines at the Annual Meeting. In the meantime, the Advisory Panel continues to pilot the Regional Guidelines resulting in a number of success stories.

The WG has an ambitious forward workplan for 2024, which will see the WG promote the Regional Guidelines and support PILON Members to implement them in their jurisdiction. A workshop, currently slated for March 2024, will provide practical training to officers including prosecutors, police, witness support officer and others who perform witness support functions, on how to use the Regional Guidelines in their daily roles. The WG will provide ongoing support to PILON members throughout the year as they implement their country/territory specific action plans. The WG intends to partner with police to ensure best practices for supporting vulnerable witnesses are embedded throughout the justice system.

Noted – EC Members noted the SGBV WG update.

Corruption WG Update

To be circulated to EC Members outside of session.

Noted – EC Members noted that the Corruption WG update will be circulated out of session.

Cybercrime WG Update

Chair of the Cybercrime WG provided an update on the progress of the WG since the July EC meeting. The Chair of the WG presented on behalf of PILON at the Pacific Islands Chiefs of Police (PICP) conference, held on the Gold Coast in Australia from 30–31 August 2023. The conference theme was ‘Cybercrime: Countering Child Exploitation’. The WG Chair shared PILON’s perspective on this topic, particularly regarding the current state of Members’ collective legislative frameworks and outlined the WGs recent work to foster discussions about related implementation challenges across the law and justice system. PILON’s

presentation was well-received and was an important opportunity for the Chair of the Cybercrime WG, to hear insights on the evolving threat and landscape for child exploitation, which is one of the key crime types. Cook Islands will be representing the WG at the upcoming P4C conference in Suva, Fiji, from 2–4 October 2023.

The WG's 2023 courses on the 'Fundamentals of Digital Forensics' commenced in August 2023, which include 2 parallel courses, one for lawyers and judges and another for law enforcement. The WG welcomes 25 officers across these courses and thanks EC Members for their nominations. PILON will also sponsor two people who successfully completed the Fundamentals course in 2022 to undertake the intermediate level course. The WG will facilitate three virtual meetings over the next month and will include a mobile data extraction session provided by Australian Federal Police digital forensics experts, and two case study sessions featuring the New Zealand Department of Internal Affairs and Commonwealth Director of Public Prosecutions. The Chair advised that the 2022 Cybercrime Workshop booklet has been finalised and advised that it will be uploaded to the PILON website as part of PILON's digital library of resources and hard copies will be available at the 2023 PILON Annual Meeting and also distributed to Workshop attendees.

The WG 2024 work plan proposes to develop some online digital guidance materials for upload to the PILON website to be available for all members. The current proposal is to develop one or two videos on key recommendations for working effectively with digital evidence. Another proposal is to develop a PILON handbook to guide members on the development and implementation of cybercrime legislation. The WG will also consider outcomes from the recent PICP conference any how these can be reflected in the WGs future activities.

Noted – EC Members noted the Cybercrime WG update.

PLDC Update

Chair of the PLDC provided an update on the progress of the Committee since the July EC meeting. The Chair led a delegation of legislative drafters from Samoa, Nauru, Tonga and Fiji to represent PILON at the CALC Conference in Sydney, from 2–4 August 2023. The conference provided a valuable opportunity for the PLDC delegation to hear from eminent guest speakers on topics spanning legislative instructing, drafting and interpretation. The event helped strengthen new and existing relationships with the Australian Office of Parliamentary Counsel, New Zealand Parliamentary Counsel Office (NZ PCO), New South Wales Parliamentary Counsel's Office (NSW PCO), CALC representatives more broadly and of course AGD. The theme of the conference was *New frontiers: challenges and opportunities for drafting offices* and offered

drafters the opportunity to reflect on how our offices and drafting practices have evolved over recent years and the importance of collaborating and sharing information to meet shared challenges. Conference speakers shared insights from multiple viewpoints – from those who seek legislative change, to the instructors and drafters who seek to give effect to that change in the form of written language, to the parliamentarians who debate, refine and decide on that work and to the judges who go on to interpret the ultimate legislative text. On behalf of the PLDC, the Chair acknowledged Annette O’Callaghan and Gillian Markham at the NSW PCO for their tireless efforts in facilitating the conference and to NSW PCO and the NZ PCO for their financial support and the AGD for hosting the delegation.

Noted – EC Members noted the PLDC update.

Australia acknowledged and thanked the Chairs for the dedication and hard work in support of PILON.

vi. Update from Nauru regarding planning for the 2023 PILON Annual Meeting

Decision – EC Members request a written update from Nauru to be circulated to EC Members outside of session and prior to next EC meeting.

Action – Nauru to provide written update to EC Members prior to next EC meeting (30 October 2023).

vii. Updates from PILON Secretariat

Registrations received for the attendance at the 2023 PILON Annual Meeting

Sasae advised EC Members, that at the time of this meeting, registration forms have received from 15 out of 19 PILON Member countries and territories not including Nauru as Nauru is hosting. In alphabetical order, these are American Samoa (online), Australia, Fiji, New Zealand, FSM, Kiribati, Niue, Palau, PNG, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. Two Members have advised that they are unable to attend and include Pitcairn Islands and Republic of Marshall Islands and one Member is yet to respond being Cook Islands. 11 PILON Observer Members have confirmed attendance either in-person or online including Pacific Islands Forum Secretariat (PIFS), Pacific Islands Chiefs of Police, Asia Pacific Group on Money Laundering, Transparency International, Pacific Fusion Centre, Pacific Security College, International Committee of the Red Cross, International Federation of the Red Cross and Red Crescent Societies, Pacific International Maritime Law Association, Council of Europe and South Pacific Lawyers’ Association.

Updates to the 2023 PILON Annual Meeting Agenda

Sasae advised EC Members, that Secretariat updates the PILON Annual Meeting agenda on a regular basis to reflect receipt of member registration forms.

Report on Country Reports received for the 2023 PILON Annual Meeting

Sasae advised EC Members, that at the time of this meeting, no country reports have been received but advised the EC that these are not due until Friday 29 September 2023.

Noted – EC Members noted the updates provided by the PILON Secretariat.

viii. PIFS Transnational Organised Crime Disruption Strategy

Sasae advised EC Members, that PILON as a Regional Law Enforcement and Legal Secretariat under the PIFS framework, observes the PIFS FOC-Subcommittee meeting on Regional Security (FSRS). PIFS has tasked PILON with a number of items for completion within the PIFS Transnational Organised Crime Disruption Strategy (Strategy) which is proposed to be adopted by PIF Leaders later this year. PILON is slated to complete the following tasks (Strategy, pages 29 and 31), at sections:

- 3.1(c) *Enhance the capacity of enforcement agencies to investigate and prosecute transnational crime*
- 3.3(a) *Undertake a review of regional TNOC legislations and identify gaps that Members can strengthen in their national legislations, and*
- 3.3(c) *Develop model legislative provisions for specific TNOC in line with latest international requirements for Members to consider in the review of national legislations.*

Sasae advised EC Members, that PILON was not consulted regarding these commitments nor did PILON agree to fulfil these tasks and the Secretariat first raised concerns regarding this in November 2022. The Secretariat had indicated to PIFS that PILON would be interested in the opportunity to contribute to Pacific attempts to address TNOC, however, the scope of what was being proposed was, and remains, too big and too broad for PILON to take on. From this, we sought further clarification from PIFS to help narrow down the scope of work but the Secretariat received no response. Sasae advised EC Members, that PILON does not have the resources nor funding to commit to these very significant additional tasks. Sasae presented two options for EC's consideration.

Decision – Secretariat to draft a letter to PIFS from the Chair of PILON, requesting consultations with PIFS on significantly narrowing the scope of the work allocated to PILON or scoping it so that PILON considers a review of laws once countries have undertaken their own assessments.

Agreed – Samoa, the Solomon Islands and Tonga supported this decision.

- ix. **Date for next Executive Committee Meeting – 30 October 2023, day prior to the 2023 PILON Annual Meeting in Nauru.**

MEETING ENDS.