



PACIFIC ISLANDS LAW OFFICERS' NETWORK (PILON)

PILON LEGISLATIVE DRAFTERS' STEERING COMMITTEE MEETING

MINUTES

Tuesday 23 April 2024

11.00am – 12.00noon Fiji time

1. **WELCOME, CHAIR:** – Glenys Andrews, Deputy Chief Law Draftsperson and Acting Chair PILON Legislative Drafters' Steering Committee.

2. **ATTENDANCE:**

PRESENT:

PILON Secretariat:

Rosarina Mario Assistant Coordinator, PILON Secretariat

PLDC Steering Committee members:

- i. Glenys Andrews Acting Chair and Deputy Chief Law Draftsperson
Office of the Attorney General, Fiji
- ii. Siovia Liu Acting Assistant Attorney General, Drafting Division, OAG Samoa
- iii. Ma'ata Toe'api Assistant Crown Counsel, Attorney-General's Office, Tonga
- iv. Leigh Talamaivao Parliamentary Counsel, New Zealand PCO
- v. Lucy Sargeson Director, AGD, Australia
- vi. Bri Heseltine Legal Officer, AGD, Australia

APOLOGIES:

PILON Secretariat:

Sasae Walter Coordinator, PILON Secretariat

PLDC Steering Committee members:

- i. Ropate Green Solicitor-General of Fiji
- ii. Su'a Hellene Wallwork Attorney General of Samoa
- iii. Loretta Teueli Director, Legislative Drafting, DJ&BC, Nauru
- iv. Cassie Nicholson Chief Parliamentary Counsel, New Zealand PCO
- v. Linda Folaumoetu'I Attorney General of Tonga
- vi. 'Akanesi Katoa Senior Crown Counsel and Head of the Legislative Drafting Division,
Attorney General's Office, Tonga
- vii. Dr Eric Kwa Department of Justice and Attorney General, PNG
- viii. Joe Junior Natuman A/g Parliamentary Counsel, Office of the Attorney General
and State Law Office, Vanuatu
- ix. Angelyne Dovo Parliamentary Counsel, Vanuatu (on leave returning in 2024)

3. MATTERS FOR CONSIDERATION/AGREEMENT:

a. Minutes of 26 March 2023 meeting

The PILON Secretariat is supporting the PILON Executive Committee to meet in Fiji from 6 to 7 May 2024. The PILON Secretariat has commenced the preparation of the PLDC Steering Committee minutes for 26 March 2024 and will circulate those draft minutes along with the draft minutes for today's meeting after the PILON Executive Committee meeting.

Action 1:

PILON Secretariat to prepare and circulate the minutes for the 26 March and 23 April 2024 meetings for the Steering Committee meeting on **Tuesday, 28 May 2024**.

b. Legislative Drafting Conference [PLDC Work Plan Action 1.1] – Chair's update

The Chair noted that the PLDC proposes to hold its first Drafters Conference in 2025 in accordance with PLDC Work Plan Action 1.2. The Conference will involve a considerable amount of planning and decisions on the PILON Budget which will need to be agreed by the PILON Executive Committee. The PILON Secretariat is developing a Concept Note with Australia to assist the Steering Committee to plan for the Conference.

The Chair moved that the PILON Secretariat's Concept Note be added to the Agenda for the next Steering Committee meeting. New Zealand (Talamaivao) seconded Fiji's motion.

Action 2:

PILON Secretariat to add the Concept Note for the PLDC Drafters Conference 2025 to the Steering Committee meeting Agenda for **Tuesday, 28 May 2024**.

c. Develop an Annual Circular on general drafting aspects and development in the Pacific [PLDC WORK PLAN ACTION 1.4] – Chair and PILON Secretariat item

The Chair noted that the PILON Secretariat has updated the template of the Circular which was considered at the last Steering Committee meeting to incorporate members' feedback, including a heading for contributions about legislating in local languages.

The First Edition of the Circular will feature Micronesian developments and the PILON Secretariat will seek input from as many legislative drafting offices as possible from the Republic of Nauru, the Republic of the Marshall Islands, the Federated States of Micronesia, Kiribati and Palau. The Circular also has headings for contributions from any Pacific island country and all news will be gratefully received. Next year in 2025, the Circular will feature either Melanesian or Polynesian countries and in 2026 the Circular will feature the remaining region.

The PILON Secretariat and Australia have compiled early input into the First Edition including Samoa's (Liu's) update on Samoan legislative developments which was posted to the PLDC's closed Facebook group in February 2024 and Samoa's (Su'a Wallwork's) article on the CALC Regional Conference in Sydney, which also appeared in the CALC newsletter, to extend those updates to a broader PLDC audience.

The PILON Secretariat has liaised with Loretta Teueli, who has kindly agreed to provide a written interview based on questions developed by Sasae Walter.

The Chair moved that the Steering Committee approve the updated Circular template for the PILON Secretariat to distribute to all PLDC members calling for input **by Friday, 24 May 2024**. Samoa (Liu) seconded Fiji's motion.

Action 3:

PILON Secretariat to distribute the PLDC Circular template to all PLDC members calling for input for the First Edition **by Friday, 24 May 2024** (i.e. within approximately one month).

- d. Compile a list of consultant drafters with CVs and publish on Drafters' section of the PILON website [PLDC WORK PLAN ACTION 2.6] – Chair and PILON Secretariat item

The Chair referred the Steering Committee to a document prepared by the PILON Secretariat and Australia (see **Attachment A**) to guide the Steering Committee's consideration of the different information fields to include in a list of consultant legislative drafters with experience working with Pacific island countries as a step prior to its coordination.

The Chair guided a discussion of the questions in **Attachment A** (now marked up changes). The Steering Committee agreed to include the information fields set out in questions 1, 2, 5, 6 and 8:

- Q1. Name, role/title, address, email address, telephone number.
- Q2. Consent provided to the PILON Secretariat to appear on the list.
- Q5. Pacific island countries with whom the consultant has worked.
- Q6. Other countries with whom the consultant has worked.
- Q8. Contact details for referees (including contacts in Pacific island countries who have worked with the consultant).

On question 3 regarding 'Qualifications / accrediting body / date of accreditation / relevant professional memberships e.g. CALC and any mandatory minimum qualifications?', New Zealand (Talamaivao) and the Chair raised, and the Steering Committee agreed, that the list should specify an LLB as the minimum educational qualification for legislative drafting consultants.

New Zealand (Talamaivao) asked whether the list should extend to consultants with adjunct areas of expertise to legislative drafting given the range of skills involved in developing legislation. The Steering Committee agreed that the list should prompt consultants to identify any adjunct areas of expertise to legislative drafting to allow Pacific legislative drafting offices to make choices on the skills they might seek to procure in each case.

On question 4 regarding 'Years of experience e.g. less than 5 years / 5–10 years / 10–15 years / 15–20 years / 20 years plus?', New Zealand (Talamaivao) shared insights into the development of legislative drafting guidelines with the Cook Islands for the recruitment and quality of work of legislative drafting consultants, which adopted 7 years of working in legislative drafting offices as the minimum timeframe to produce a competent, consultant legislative drafter. That said, New Zealand also raised experiences of working with highly skilled consultants with less than 7 years of experience. Following discussion, the Steering Committee agreed that question 4 could remain as framed on the basis that it could be considered along with the other information supplied by the consultants on the list.

On question 7 regarding, 'Examples of Bills / Acts the consultant has worked on and their status (e.g. tabled / enacted / paused)?', the Steering Committee discussed the inherent value in gaining this information however the Chair also noted that legislative drafters are often bound by confidentiality not to disclose the Bills they are working on. This is particularly the case on Bills under development or before Parliament. The Steering Committee agreed to keep this information field but

acknowledged the constraints which might preclude a consultant from supplying such information. Again, the information would form part of a holistic picture for independent assessment.

On question 9, 'How often will we review *[the list]*? Who will initiate the review *[of the list]*?', the Steering Committee discussed that lists could fall out of date reducing their effectiveness as an information source. This led to a broader discussion on the guidance information which the Steering Committee considered should appear on the list to characterise it as an information source only, with individual legislative drafting offices in Pacific island countries to make their own enquiries and assessments of consultants for possible retention. The Steering Committee also agreed that the guidance note be revised to state that:

- consultants who appear on the list are not, and should not be taken to be, endorsed by the PLDC, the PLDC Steering Committee, PILON or the PILON Secretariat
- consultants who supply their information should include referees from Pacific island countries wherever possible to assist with the verification of their claims
- consultants who wish to appear on the list are responsible for ensuring their information remains accurate and current within a two-year timeframe
- the PILON Secretariat will send an annual email to the consultants on the list to prompt their review and update of their supplied information, and
- the PILON Secretariat will de-list consultants who do not update their information after a two year period to support the list's contemporaneous value.

The Steering Committee considered the secondary matter of the process to coordinate the list and agreed that the PILON Secretariat will use a web landing page and list builder on the Mailchimp platform (see **Attachments B and C**). The process would involve the PILON Secretariat emailing a link to nominated consultants inviting them to supply information and consent to appear on the list with the onus on consultants to populate and maintain the currency of their information. The guidance information specifying a two year sunset for de-listing would also communicate the responsibility of each listed consultant to maintain their information rather than the PILON Secretariat.

The Steering Committee discussed whether the list should avoid including any criteria which might inadvertently suggest the list adopted a ranking system or otherwise sought to confer benefits on certain consultants. The Steering Committee agreed that the guidance information would sufficiently dispel any such concerns, including by explicitly stating that the onus on the supply of information would fall to the consultants who have given their consent to appear on the list and that there was no endorsement of those appearing on the list.

The Chair tasked the PILON Secretariat to update the content to incorporate the Steering Committee's meeting input and bring the item back to the next meeting.

Action 3:

Secretariat to:

- 3.1 Update the content prepared to support the development of a **List of consultants with experience working with legislative drafting offices in Pacific island countries** to incorporate Steering Committee meeting input.

- e. Sharing of information and raising awareness on social media [PLDC WORK PLAN ACTION 1.3] Chair item

The Chair noted that the next countries on the PLDC Implementation Plan 2024-26 to provide short updates for the PILON Secretariat to post on Facebook are Nauru (for March), Fiji (for April), Vanuatu (for May) and New Zealand (for June). The Chair called on countries to contribute their updates and news on legislative drafting developments, with information sharing being an important part of our connections. The Chair also noted that as with Samoa's update in February, the PILON Secretariat would include the supplied updates in the Circular as well as posting the news in the closed Facebook group.

4. Other Matters

The Chair referred the Steering Committee to PLDC Work Plan Action 1.2, which involves exploring and facilitating networking opportunities with other drafting bodies, in particular the Commonwealth Association of Legislative Counsel (CALC).

The Chair noted that the PILON Secretariat had circulated an email to all PLDC members on 17 April 2024 to forward the CALC Secretary's email with information regarding a vacant position for one voluntary position of Australasian/Pacific Regional Representative on the CALC Council. The Chair asked that interested parties refer to that email for further information.

5. Next meeting date

The next meeting is scheduled for **11:00am-12noon Fijian time, Tuesday, 28 May 2024.**

6. Close of meeting: 12.00pm Fijian time

FIRST DRAFT FOR INPUT – Information on consultant legislative drafters to include on Pacific Regional list

GUIDANCE NOTE

Once compiled, the list of consultant legislative drafters will serve as an information source only. Individual Pacific island countries will make their own enquiries and assessments of consultants for retention. The consultants who are ultimately included in this list will not be, and are not to be considered as, endorsed by the PLDC or the PILON Secretariat.

To support the goal of improving the quality of externally-sourced legislative drafting services retained by Pacific island countries, **Action 2.6 of the PLDC Work Plan 2024-2026 involves the compilation of ‘a list of consultant drafters (with CVs) for publication on the closed Drafters’ Section of the PILON website’.**

The PILON Secretariat invites input from the PLDC Steering Committee on the appropriate information to obtain on consultant legislative drafters for discussion at the next PLDC Steering Committee meeting on **Tuesday, 23 April 2024** to guide the future compilation of such a list.

Once the PLDC Steering Committee has agreed on the information fields, the PILON Secretariat will create a template and circulate it to seek nominations for consultant legislative drafters who have worked in or for legislative drafting offices in Pacific island countries for possible inclusion in a Regional list. The PILON Secretariat will contact each nominated consultant to seek their consent to be included on the list and to ask each drafter to review and update the supplied information for the Secretariat to add to the PLDC’s consolidated list.

UPDATED VERSION AT ATTACHMENT B

INFORMATION FOR ONLINE FORM FOR COMPLETION BY NOMINATED CONSULTANTS – UPDATED VERSION AT ATTACHMENT C (SEPARATE PDF DOCUMENT)

Question 1: What information fields should we include on consultant legislative drafters for the Regional list?

1. Name, role/title, address, email address, telephone number? Include
2. Consent provided to the PILON Secretariat to appear on the list? Include
3. Qualifications (minimum LLB) / accrediting body / year of accreditation / relevant professional memberships e.g. CALC? ~~Do we want to include any mandatory minimum qualifications here (this has been previously raised)?~~ Include
4. Years of experience e.g. less than 5 years / 5–10 years / 10–15 years / 15–20 years / 20 years plus? Include
5. Pacific island countries with whom the consultant has worked and year of project? Include
6. Other countries with whom the consultant has worked? Include
7. Areas of expertise (if possible, please include ~~Ex~~ examples of Bills / Acts you have worked on the consultant has worked on and their status (e.g. tabled / enacted / repealed / paused)? Include
8. Contact details for referees (~~including contacts~~ in Pacific island countries with whom you have worked ~~with the consultant~~)? Include

~~9. How often will we review? Who will initiate the review?~~

~~In addition, are there any criteria we should avoid so readers don't think we have ranked or preferred any legislative drafters who will ultimately appear on this list?~~

Question 2: How should we identify and approach legislative drafters for inclusion in the list?

1. PILON Secretariat to email PLDC email distribution list and ask Pacific island legislative drafters to nominate consultant drafters? Agreed
2. PILON Secretariat to contact nominated drafters to seek their consent? Agreed
3. PILON Secretariat to contact CALC and/or the Commonwealth Secretariat to seek contact details for PILON Secretariat to contact drafters to seek their consent? Agreed

Question 3: How can we make it easy to build a list and support accuracy and currency?

1. Can we use technology e.g. free Mailchimp list builder? PLDC list of consultant legislative drafters (mailchi.mp) Agreed to the use of technology – the PILON Secretariat and Australia will update the following content to reflect the Steering Committee's discussion on 23 April 2024



PACIFIC ISLANDS LAW OFFICERS' NETWORK
LEGISLATIVE DRAFTERS' COMMITTEE

List of legislative drafting consultants who work with Pacific island countries



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Call for nominations

The Pacific Islands Law Officers' Network (PILON) Secretariat seeks nominations from legislative drafters working in or for legislative drafting offices in Pacific island countries for **legislative drafting consultants and consultants with adjunct skills** for possible inclusion in a list of legislative drafting consultants who work with Pacific island countries.

The list is an action item under the PILON Legislative Drafters' Committee (PLDC) Work Plan 2024-26 to support the goal of improving the quality of externally-sourced legislative drafting services retained by Pacific island countries.

To nominate a consultant for possible inclusion in the list, please email the PILON Secretariat at pilon@pilonsec.org with your name, title and agency and the consultant's name and email address. On receipt of your nomination, the PILON Secretariat will email the consultant to advise of your nomination and invite them to complete the online form on this webpage with their information and consent to be listed.

Unsolicited requests from consultants will not be considered without a nominee from a Pacific island country.

Important information

The list includes consultant legislative drafters and those with adjunct fields of assistance in recognition of the different types of expertise involved in the development of legislation.

The list is an information source only. Pacific island countries are to make their own enquiries and assessment of consultants for possible retention. The consultants on the list are not ranked and are not, and are not to be considered as, endorsed by the PLDC, the PLDC Steering Committee, PILON or the PILON Secretariat.

The list will be published on the closed PLDC members' zone of the PILON website.

Maintaining the list

- Listed consultants are ultimately responsible for ensuring the accuracy and currency of the information they supply.
- Wherever possible, consultants should include referees from Pacific island countries to assist with the verification of claims.
- Once a year, the PILON Secretariat will email the consultants on the list to prompt them to review their information and to either update it or confirm it as current.
- Consultants who do not reply within a two year period of being listed will be delisted.

Attention nominated consultants: Click here and complete this form to appear on the PLDC List of Legislative Drafting Consultants

For any enquiries, please contact the PILON Secretariat: PILON – Pacific Islands Law Officers' Network – Working together across the Pacific to strengthen justice and the rule of law, and contribute to peaceful, safe, secure and prosperous Pacific communities (pilonsec.org)

Attachment C – Updated form content – EDITS MADE POST MEETING TO INCORPORATE STEERING COMMITTEE MEETING INPUT



**PACIFIC ISLANDS LAW OFFICERS' NETWORK
LEGISLATIVE DRAFTERS' COMMITTEE**

Nominated legislative drafting consultants, please complete all of the following information fields to appear in the PLDC list of legislative drafting consultants who work with Pacific island countries.

First name

Last name

Email address

Address

Street Address

Address Line 2

City

State/Prov/Region

Postal/Zip

Samoa (Independent)

Phone number with country code

Title/role

Key skills/expertise

Relevant professional memberships e.g. CALC

Qualifications (min LLB for drafting)

Accrediting body and year of award

Experience <5y OR 5-10y OR 10-15y OR 15y+

Pacific countries you have worked with and year

Other countries you have worked with and year

Bills/Acts you have worked on (if possible)

Pacific island nominator name and email address

Pacific island referees (name and email address)

Consent to appear on PLDC consultants list

. Yes