

Talanoa

PILON
Pacific Islands Law Officers' Network

April 2019 Issue



Pacific Islands Law Officers' Network (PILON) - 37th Annual Meeting, Rarotonga, Cook Islands 9th-11th October 2018.

Mr David James, Solicitor General (former) and the Crown Law Office of the Cook Islands generously hosted senior law officials from 17 PILON Pacific Island countries and a number of regional observers in Rarotonga for the 37th PILON Annual Meeting from 8-11 October 2018.

The meeting was officially opened by the Prime Minister of the Cook Islands, the Honourable Mr Henry Puna as he welcomed delegates and emphasised the importance of the Blue Pacific, or *Te Moana Nui a Kiva*, that ties Pacific nations together just as PILON does for the region's senior law officers and provides them with a network to achieve a common goal of promoting and maintaining the rule of law in the Pacific.

The Cook Islands now assumes the position of the Chair of PILON for the next 12 months and



L-R: Mr Chris Moraitis, Secretary of Australian Attorney-General's Department, Ms Ernestine Rengiil, Attorney General, Palau, Mr Graham Leung, Secretary of Justice and Border Control, Nauru and Mr Johnson Asher, Assistant Attorney General, FSM

takes over the chairmanship from the former Attorney General of the Republic of the Marshall Islands, Filimon Manoni. PILON delegates thanked the Attorney General

and Staff of the RMI Attorney General's Office, in particular Johnnathen Kawakami, for their leadership over the past year. The PILON Secretariat would like to take the opportunity to welcome the **new PILON Chair**, Mr Stuart Baker, Solicitor General, Cook Islands and congratulate him on his recent appointment. On behalf of all PILON members, we look forward to working with you over 2019.



The Annual Meeting provided an outstanding networking opportunity for all delegates, with high attendance from a number of Pacific regional organisations finding ways of working together to help achieve PILON's vision of:

Working together across the Pacific to strengthen justice and the rule of law, and contribute to peaceful, safe, secure and prosperous Pacific communities.



L-R: Sasae Walter, PILON Secretariat, Dr Falai Riva Taafaki, Chief Prosecutor RMI, Ronald Talasasa, DPP, Solomon Islands, Alex Hermann, Crown Law, Cook Islands

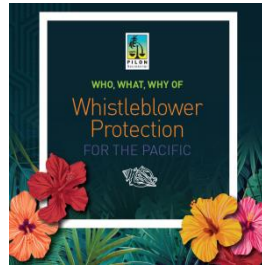
Importantly, PILON delegates took the opportunity to update and streamline the **PILON Charter** and Rules of Procedure and agreed upon a new **PILON Strategic Plan 2019-21**, with the agreed strategic priorities of **Sexual and**

Gender Based Violence (SGBV), Corruption and Cybercrime.

Reports from the Working Groups

On Monday, 7th October, all three Working Groups met to discuss what has been achieved for the year 2018 and to set out future work plans for the years ahead.

The **Environmental Crime and Corruption** Working Group presented a booklet that was produced during 2018 titled ***Who, What, Why of Whistleblower Protection for the Pacific***.



The booklet is designed to be read in conjunction with the 2017 **PILON Guiding Principles for Protecting Whistleblowers**. Mr **Graham Leung**, Chair informed members that the booklet also contained a **model internal whistleblowing policy** for agencies to consider individualising and contextualising so agencies could implement based on their needs. The Chair also thanked Janine McFarlane of AGD for all the work that she did to assist the Working Group and especially on the completion of the Whistleblower Booklet. Working Group members agreed that they would like to continue to focus on Corruption as a priority for the next three years.

The **Sexual and Gender Based Violence** Working Group presented draft **Model Provisions for amending Evidence Acts or Criminal Procedures Acts** to incorporate special measures for vulnerable witnesses to SGBV offences to support implementation, through statute, of the 2017 **PILON General Principles for Obtaining the Best Evidence from Vulnerable Witnesses to SGBV offences** which include a number of special measures to be considered to further support victims and other vulnerable witnesses throughout the trial process.

The Chair, **Lemalu Hermann Retzlaff** also informed members of the confirmed dates for the **PILON SGBV workshop** which has since taken place in Apia, Samoa, from the 25-27 March 2019.

The workshop provided an opportunity for member countries to gain an understanding of what special measures for vulnerable witnesses

are and why implementing these measures is essential in the provision of a fair trial and we are grateful for the support provided by the Pacific Community's **Regional Rights Resource Team** for their additional support. Further updates about the workshop will be included in the next Talanoa.

The **Cybercrime** Working Group Chair, **Aminiasi Kefu** informed members that the May 2018 Cybercrime workshop in Nuku'alofa, Tonga on **Combating online child abuse and cyber bullying in the Pacific** was very successful and he presented a booklet summarising the workshop in cartoon-style images to the meeting.



Mr Kefu advised that funding from

Australia, through the DFAT Cyber Cooperation Grant Program would be available for further Cybercrime Workshops in 2019 and 2020 and noted that the next **Cybercrime Regional Workshop** would be in Vanuatu in May 2019. The Chair also congratulated the WG and thanked Dr Marie Wynter of AGD for assisting in all the PILON Cybercrime workshop preparations.

Upcoming PILON events

3rd Annual Cybercrime Workshop

PILON Cybercrime Workshop will be held from the **27– 31 May 2019** in Port Vila, Vanuatu.

Nominations close 12 April!

PILON Executive Committee meeting

PILON Executive Committee meeting will be held from **29-30 April 2019**, Nadi, Fiji.

PILON Litigation Skills Programme

PILON Litigations Skills Program will be held from the **25 Nov-4 Dec 2019**, in Apia, Samoa.

Nominations close 2nd April 2019.

Update on the 2018 Pacific Policy Programs

In October 2018, the Australian Attorney-General's Department (AGD) facilitated the Pacific Legal Policy Champions Program, providing intensive training to 12 Pacific law and justice officers in Canberra. The program is run annually and aims to equip participants to contribute to institutional strengthening and



become role models and advocates for good legal policy development practices in their home countries and the region.

AGD uses a train-the-trainer approach to teach participants how to deliver AGD's Legal Policy Development course, enabling them to share their

Inoke Finau, Rose Kaybing,
Kyla Venokana, Melissa Ako

delivering
their

learnings by
the course to

colleagues on their return home. Participants met with a range of experts from across the Australian Government and academia to discuss pressing policy issues, including child abuse, modern slavery, cybercrime and family violence and the role of behavioral insights in public policy making.

AGD had twelve participants in the October 2018 Policy Champs Program (the largest and most diverse group to date!):



- Mr Aldric Hipa, Assistant Crown Counsel, Crown Law Office, Niue
- Mr Inoke Finau, Assistant Crown Counsel, Attorney-General's Office, Kingdom of Tonga
- Ms Rose Kaybing, Senior Legal Officer, Department of Police, Corrective Services and Justice, Autonomous Bougainville Government, Papua New Guinea
- Miss Margret Kensen, Office of the Government Chief Information Officer, Vanuatu
- Mr David Kiwai, Divisional Legal Officer, Southern Command, Police Legal Service, Papua New Guinea
- Ms Rosemary Maefiti-Soma, Principal Crown Counsel, Attorney General's Chambers, Solomon Islands
- Ms Amelia Rokotuivuna, Inspector/Legal Officer, Prosecution Branch, Fiji Police Force
- Mr Ravuanimasei Tagivakatini, Public Legal Defender's Officer, Department of Justice & Border Control, Republic of Nauru
- Ms Suliana Taukei, Legal Officer, Office of the Attorney-General, Fiji

- Mr Jacek Tuala, State Solicitor, Office of the Attorney General, Samoa
- Ms Kyla Venokana, Senior Legal Policy Officer, Ministry of Justice and Legal Affairs, Solomon Islands, and
- Mr Setariki Waqanitoga, Policy Advisor, Policy Unit, Ministry of Justice and Community Services, Vanuatu.

Following on from the Policy Champions Program, four officers remained with AGD for two months for the Pacific Legal Policy Twinning Program. This well-known program aims to build Pacific legal policy and law reform capabilities and kick start law reform projects. With the assistance of AGD staff and other subject matter experts from across Australian government and academia, each participant completed a legal policy project considered a priority for their country.

Ms Rose Kaybing from the Department of Police, Corrective Services and Justice, Autonomous Bougainville Government, Papua New Guinea, completed a preliminary policy paper as part of the **Shaping Bougainville Justice Project**, with a particular focus on the judicial system.

Ms Kyla Venokana from the Legal Policy Unit in the Solomon Islands completed drafting instructions and supporting materials for the codification of **bail law** for Solomon Islands.

Mr Inoke Finau, Assistant Crown Counsel from the Kingdom of Tonga completed a comprehensive review of Tonga's **Illicit Drug Control Act 2003**.

Ms Melissa Ako from the Attorney General's Office in Tuvalu (who completed the Policy Champions Program earlier in March 2018) completed drafting instructions for Tuvalu's **cybercrime** legislation. This built on her gap analysis of Tuvalu's legislation against the Council of Europe Convention on Cybercrime (Budapest Convention), completed with AGD assistance in early 2018.

AGD intends to run both the Policy Champions and Twinning programs again in 2019. Applications for both programs are expected to open in May/June 2019. Keep an eye on the AGD website (www.ag.gov.au), the PILON website and right here in upcoming Talanoa issues for more information!



News from the PILON Secretariat

We welcome our new Assistant Coordinator Rosarino Fogatia (Rosy) to the PILON Secretariat. Rosy comes to the Secretariat with a wealth of experience in Programme Management, Administration, Human Resources and Finance. Rosy is an asset to the PILON Secretariat and looks forward to meeting you all at the upcoming PILON workshops and meetings and of course speaking with you during teleconferences throughout the course of the year. We have asked Rosy to answer some fun questions for us so that our PILON family can get to know her better.



Questions and Answers with Rosy!

1. Where did you grow up and where do you live now?

A: Grew up from the most friendly and beautiful island of Fiji and now settling down at the most romantic island of Samoa.

2. If you could live anywhere in the world, where would it be?

A: Not too keen on where I live but as long as there is happiness and peace then I am all good.

3. What motivates you to work hard?

A: I don't see it as hard work, I see it as making myself into who I want to be and because I love what I do and I am good at what I do I would always aim for professionalism and excellency.

4. What would you do if you won the lottery?

A: Remain anonymous....hahahaha...it would be a blessing.

5. How many children do you have?

A: I have five beautiful children.

6. What is your favourite colour?

A: Black, after my husband passed away.

7. Do you collect anything?

A: Yes, I love to collect unique sea shells.

New PILON Chair

A big congratulations to Mr Stuart Baker, the new Solicitor General of the Cook Islands and our new PILON Chair!

Mr Stuart Baker was sworn in as the new Solicitor-General of the Cook Islands on Wednesday 5th December 2018.

Mr Baker emigrated from the United Kingdom to New Zealand in August 2017 with his Kiwi wife and young daughters. He started working in the Cook Islands Crown Law Office in August 2018 as a Senior Crown Counsel.



Stuart Baker at his swearing in Ceremony as Solicitor General, Cook Islands

Prior to leaving the UK, Mr Baker had been a practising barrister in England and Wales for over twenty (20) years. He was called to the Bar of England and Wales in October 1995. Initially he spent twelve (12) years working as a self-employed barrister from common law chambers in Birmingham, and he specialised in criminal law after a couple of years. He was then employed for 8 years as a Senior Crown Advocate in the Counter Terrorism Division of the Crown Prosecution Service based at their London headquarters. In this role he prosecuted a wide range of terrorist trials.

For the two years before he left the UK he was employed by an international law firm in their London office working in their White Collar Crime team.

After arriving in New Zealand he completed the NZ Law and Practice Exams and was admitted as a barrister and solicitor of the High Court of New Zealand in September 2018 and barrister and solicitor of the High Court of the Cook Islands a few days later.

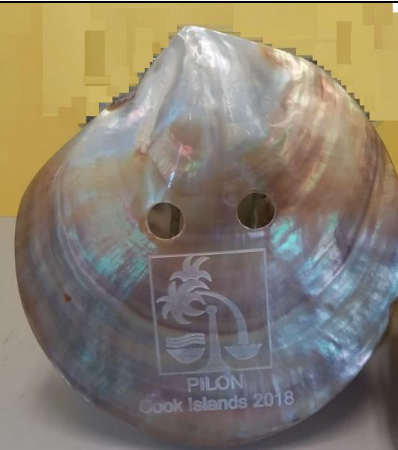


Cook Islands Crown Law Office Staff 2018

Update on movements within the Pacific

Many of you know Philip Kanairara from the Solomon Island's Law Reform Commission. Philip is currently studying a Masters of Law and Development at the University of Melbourne. We wish Philip all the best with his studies.

CULTURE CORNER – COOK ISLANDS



This shell is a native of the islands and the south pacific and thrives in the clear, unpolluted waters of the lagoons of Manihiki & Penrh y, located north of the Cook Islands.



Statue of Tangaroa, the Polynesian Sea-God. In the Cook Islands, Tangaroa is the God of the sea and fertility. In Māori mythology, Tangaroa is one of the great Gods, the god of the sea.

Some Photos of the PILON Annual Meeting in the Cook Islands, October 2019.



Lto R; Janine McFarlane, Anne Glacie, Leigh Talamaivao, Jr Talamaivao, Graham Leung, Karen Moore, Chris Moraitis, Aminiasiketu, Sasae Walter, Esther George.

