

<b>Position Title</b>	Legislative Drafting and Reform Consultant
<b>Project Title</b>	Legislative Reform Support for the Transition to the Ministry of Family and Social Affairs (MFSA)
<b>Assignment</b>	Legislative Review, Refinement and Finalisation of draft Amendments to support the transition from Ministry of Women, Community and Social Development (MWCSO) to MFSA
<b>Duration / Term</b>	Up to 30 Days
<b>Location</b>	Home-based with in-country inputs
<b>Travel</b>	Local
<b>Implementing Agency</b>	Ministry of Family and Social Affairs (MFSA) <i>(Transitioning from Ministry of Women, Community and Social Development – MWCSO)</i>
<b>Reporting to</b>	Chief Executive Officer, (CEO) MWCSO Tautua Community Technical Lead  <b>Supported by:</b> - MWCSO leadership and policy teams - Relevant Government stakeholders
<b>Assignment Objective(s)</b>	To undertake a comprehensive review of the legislation administered by MWCSO, identify legislative amendments required to give effect to Government policy decisions, including changes arising from the establishment of the District Development Authorities (“DDA”) and any additional functions, powers and responsibilities of the Ministry under approved policy documents, and to prepare draft amendment legislation for consideration by the Attorney General.
<b>Pathway for Development of Samoa (PDS) 2021-2026 Linkages</b>	Key Strategic Outcome 1: Improved Social Development Key Priority Area 4: People Empowerment  Strengthened governance, social protection and inclusive development systems.
<b>Sector Linkages</b>	Community Sector Plan 2024/2025 – 2027/2028 Strengthened governance, coordination, and service delivery systems Improved protection, safeguarding, and inclusion outcomes for vulnerable groups

## 1. About the Tautua Program

The Tautua Program prioritises five interconnected pillars of human development: Education, Health, Gender, Disability, and Social Protection. Guided by the Government of Samoa, Tautua provides an opportunity to create transformative change in human development by addressing complex development needs through multi-sectoral, innovative approaches that identify and focus on the underlying issues. Simultaneously, Tautua intends to be able to respond to emergency, and short-term needs, build capacity, and through research, monitoring, and evaluation apply lessons learned and evidence-based decision-making to continuously improve delivery. The goal for Tautua is 'improved health, education, gender equality and social outcomes, and social harmony for all Samoans'.

Tautua has three end-of-investment outcomes (EOIOs):

**EOIO1:** Samoans, especially women and girls, youth, persons with disabilities, the vulnerable and those living in hardship, have more equitable access to health, education, disability and social protection services.

**EOIO2:** Samoans benefit from the delivery of more inclusive, gender-responsive and higher-quality health, education, community and social development, and social protection services in line with GoS priority areas.

**EOIO3:** Tautua is an effective partnership between the Governments of Samoa and Australia that supports Samoa's human development priorities and contributes positively to the bilateral relationship and delivers the specific EOIOs of each of the sub-programs.

## 2. Introduction

These Terms of Reference (TOR) set out the conditions governing the conduct of a technical assistance assignment under the Tautua Program.

The assignment focuses on supporting the Ministry of Women, Community and Social Development to refine and strengthen draft legislative amendments required to transition to the Ministry of Family and Social Affairs (MOFSA).

The assignment will ensure that the proposed amendments are legally sound, internally consistent, and aligned with Government reform priorities, and are prepared for submission to the Attorney General's Office (AGO).

Consultants should note that:

- They are expected to be fully conversant with the contents of these TOR and all associated obligations.
- This TOR forms part of the contract between the consultant(s) and Palladium International (on behalf of the Program).
- The objectives and outputs outlined in this TOR are non-negotiable unless otherwise agreed with the Team Leader and relevant Technical Lead.

### **3. Host Ministry/Agency**

Ministry of Women, Community and Social Development – MWCSO

Principal Counterpart: Loau Donina Va'a, CEO MWCSO

### **4. Background and Context/Rationale**

The Government of Samoa is progressing the transition of the Ministry of Women, Community and Social Development (MWCSO) into the Ministry of Family and Social Affairs (MFSA) as part of broader Government reform and strengthening of Samoa's family and social development systems.

This transition reflects the increasing complexity of social development challenges across Samoa and the growing need for stronger:

- Safeguarding and protection systems
- Prevention and early intervention approaches
- Social protection systems
- Gender equality and social inclusion (GEDSI)
- Disability inclusion
- Community coordination
- Integrated, people-centred service delivery systems

As part of this reform process, the Ministry has developed draft amendments to the Ministry of Women Affairs Act 1990 to support:

- The transition to MFSA
- Strengthening of family and social development functions
- Safeguarding and prevention responsibilities
- Disability inclusion and GEDSI commitments
- Children, youth, and family wellbeing priorities
- Whole-of-government coordination
- Strengthened governance and advisory mechanisms

While substantial progress has already been made in developing the draft amendments, further technical support is required to refine the legislative package to ensure legal clarity, consistency, and alignment with Government reform priorities.

MWCSO therefore seeks to engage a Drafter – Legislative Reform Consultant to support the review, refinement and finalisation of the draft amendment package for submission to the Attorney General's Office (AGO).

## 5. Scope of Services

### Stage 1: Legislative Review and Policy Analysis

The Consultant shall:

- a. Review all current legislation administered by MWCSD;
- b. Review all relevant Cabinet decisions, policy documents, operational frameworks and institutional reforms affecting the Ministry, including those arising from the establishment of the DDA.
- c. Identify provisions requiring amendment, repeal, replacement or insertion to give effect to approved Government policy and institutional arrangements;
- d. Prepare a legislative review report identifying all proposed amendments and policy rationale supporting each amendment.

### Stage 2 – Stakeholder Consultation

Following completion of the legislative review, the consultant shall:

- a. Conduct consultations with the Ministry and relevant stakeholders on the proposed legislative amendments;
- b. Prepare and submit a consultation report setting out stakeholder views, issues raised and recommendations;
- c. Refine the proposed legislative amendments based on consultation outcomes and Ministry directions.

### Stage 3- Preparation of First Draft Amendment Bill

Upon completion of consultations, the consultant shall:

- a. Prepare a first draft Amendment Bill and any consequential amendments identified through the review process;
- b. Provide explanatory notes and drafting instructions identifying the purpose and effect of each proposed amendment;
- c. Submit the first draft Amendment Bill to the Ministry for consideration and review.

### Stage 4 – Revision Following Ministry Consultation

Following review by the Ministry, the consultant shall:

- a. Attend meetings and consultations with the Ministry regarding first draft;
- b. Incorporate comments, directions and policy decisions provided by the Ministry;
- c. Prepare a second draft Amendment Bill reflecting the agreed amendments.
- d. In this second draft, the consultant should at that stage have the savings and transitional provisions clearly outlined in the second draft.

## Stage 5 – Submission to the Attorney General

Following the completion of the Ministry consultation process, the consultant shall submit to the Office of the Attorney General:

- a. The second draft Amendment Bill;
- b. A Comprehensive consultation report;
- c. Copies of all relevant policy documents, Cabinet decisions and supporting materials relied upon in preparing the draft legislation;
- d. A schedule identifying amendments made between drafts and the reasons for those amendments.

## Stage 6 – Attorney General Review and Finalisation

The consultant shall:

- a. Attend meetings with the Office of the Attorney General as required;
- b. Consider and address all comments, amendments, directions and recommendations made by the Attorney General;
- c. Revise and resubmit draft legislation as required;
- d. Continue the review and revision process until the Attorney General is satisfied that the draft legislation is suitable for certification and progress through Government legislative process.

## 6. Key Deliverables

The Legislative Refinement & Transition Support Consultant will deliver the following outputs:

S/N	Deliverables	Content (Refer to Scope of works for more details)	Approval
1	Legislative Review and Policy Analysis Report with Rationale.	Confirm scope, methodology, timelines, and engagement approach  Review current legislation, relevant Cabinet decisions and identify provisions requiring amendment.	Endorsed by CEO and Tautua
2	Stakeholder Consultation Report	Conduct consultations with Ministry and relevant stakeholders. Report focus on stakeholder views, issues raised and recommendations. Refined proposed legislative amendments based on consultations.	Endorsed by CEO and Tautua

S/N	Deliverables	Content (Refer to Scope of works for more details)	Approval
3	First Draft Amendment Bill	Include consequential amendments identified through review, explanatory notes and drafting instructions.	Endorsed by CEO and Tautua
4	Prepare Second Draft Amendment Bill	Incorporate comments, directions and policy decisions by the Ministry with savings and transitional provisions clearly stated.	Endorsed by CEO and Tautua
5	Submission to Attorney General Office	Updated Second Draft Amendment Bill, updated Consultation Report, supporting documents schedule of amendments made between drafts and reasoning.	Approved by CEO and Tautua – Submitted to AGO
6	Finalisation of Legislation and Certification	Incorporate all comments, amendments, directions and recommendations made by Attorney General Office	Approved by CEO and Tautua AGO Endorsed

## 7. Communications and Reporting

Principal Counterpart(s):

The Consultant will report to the Chief Executive Officer (CEO) MWCSO, as the Principal Government Counterpart.

The Consultant will also work closely with:

- MWCSO leadership and policy teams
- Attorney General's Office (AGO)
- Relevant Government stakeholders

The Consultant will maintain regular communication with relevant Tautua Program personnel, including the Technical Lead, to ensure alignment with program requirements and expectations.

Reports and Deliverables:

Key deliverables including the revised legislative amendment package, drafting notes, and final handover documentation will be submitted to MWCSO and Tautua review and endorsement.

The Consultant is expected to maintain close and regular communication with both the Principal Counterpart and Tautua Program staff throughout the assignment to ensure timely feedback, coordination and quality assurance.

## **8. Resourcing**

MWCSD will provide access to all existing draft legislative materials and facilitate engagement with relevant internal teams and Government counterparts.

## **9. Selection Criteria (Qualifications and Experience)**

### **Work Experience**

Proven experience in legislative drafting, legal review or legal advisory services, including support to the development, amendment or refinement of legislation, regulations or governance frameworks. Experience working with Government agencies on public sector reform, institutional transition or legal frameworks is highly desirable.

### **Qualifications**

A relevant legal qualification is required (Bachelor of Laws), with a postgraduate qualification (Master's degree) in Law, Public Policy, Governance or a related discipline highly desirable. Admission to practise law in a recognised jurisdiction is an advantage.

### **Technical Expertise**

Demonstrated expertise in legislative drafting and legal review, interpretation of statutory frameworks, governance and institutional arrangements, and identification of legal consistency and consequential amendments. A sound understanding of public sector legal frameworks and reform processes, including safeguarding, GEDSI and disability inclusion in legislative contexts, is required.

### **Strategic, Analytical and Advisory Skills**

Strong ability to analyse complex legal and institutional issues and translate policy intent into clear, coherent and implementable legislative provisions, providing practical and context-appropriate legal advice within tight timeframes.

### **Stakeholder Engagement and Knowledge Transfer**

Proven ability to work collaboratively with government officials, legal counterparts (including the Attorney General's Office) and technical teams, and to clearly explain legal concepts and drafting approaches to non-legal stakeholders.

### **Communication, Interpersonal Skills and Performance Under Pressure**

Excellent written and verbal communication skills, including strong legal drafting capability, with the ability to explain complex legal issues clearly to diverse audiences. Demonstrated interpersonal and

intercultural skills and the ability to deliver high-quality outputs under pressure within short, intensive timelines.