

SAMOA CLIMATE RESILIENT TRANSPORT PROJECT (SCRTP)

TERMS OF REFERENCE for the Provision of Specialist Legislative Support to the Ministry of Works, Transport and Infrastructure for:

LAND TRANSPORT LEGISLATION AND FUNDING REVIEW

A. PROJECT BACKGROUND

The Independent State of Samoa (Samoa) is a small and remote Pacific Island Country (PIC) with a population of approximately 197,000 people. Samoa consists of the two large islands of Upolu and Savai'i, and eight smaller islands, and has a total land area of approximately 2,935 km. Like many PICs, Samoa is vulnerable to extreme weather events. The Pacific-Australia Climate Change Science and Adaptation Planning Program (PACCSAP) has suggested that the frequency and intensity of extreme weather and climate events, such as heavy rainfall, strong winds and storm surges is increasing, a trend projected to continue throughout the region.

In 2013, Cabinet approved a plan to strengthen the climate resilience and longevity of road assets throughout the country and is taking steps to strengthen the resilience of Samoa's economic assets to extreme climatic events. Building on this, in late 2017 the Government adopted the Vulnerability Assessment (VA) and Climate Resilient Road Strategy (CRRS) prepared under the Pilot Program for Climate Resilience of the Strategic Climate Fund financed Enhancing the Climate Resilience of the West Coast Road (CRWCR) project, which identified hazards and prioritized areas for investment in the transport sector. Recommendations of the VA and CRRS have been used to guide and prioritize investments under the Government of Samoa's (GoS) proposed Samoa Climate Resilient Transport Project (SCRTP). The SCRTP aims to enhance the climate resilience of Samoa's road network by taking a comprehensive approach that includes four components of support: 1. Improving sectoral and spatial planning tools; 2. investing in climate resilient infrastructure solutions; 3. strengthening the enabling environment; and 4. supporting post-disaster recovery. This consultancy – review of legislative and funding frameworks for land transport – falls under component 3 of SCRTP; a description of the component is provided below.

Component 3: Strengthening the Enabling Environment. This component of SCRTP will support institutional and regulatory reforms for road sector asset management and maintenance, including measures to strengthen local capacity, and to increase the sustainability of sector investments. In addition, this component will help to strengthen coordination among relevant institutions, will look at ways in which road sector management can be improved, and will address any emerging priority issues that can help support the Government in addressing climate change risks.

B. BACKGROUND ON LAND TRANSPORT GOVERNANCE AND FUNDING IN SAMOA

(i) Governance of the Land Transport Sector in Samoa

The GoS reform program has resulted in considerable change in the structure of the transport sector over the past 20 years.

In 1999, the GoS initiated a 9-year Infrastructure Asset Management Program to enhance the economic; environmental and social sustainability of transport and coastal infrastructure assets; and to manage those assets, natural resources, and disaster risks through an effective partnership with private sector stakeholders. As part of this program, the Ministry of Works (MOW) was formed in October 2002 through the realignment of the Public Works Department (PWD).

In May 2003, the Ministry of Works, Transport and Infrastructure (MWTI) was formed through the amalgamation of the recently established MOW and the Ministry of Transport (MOT) along with the transfer of some traffic functions from the Ministry of Police and Prisons (MOP).

Most recently, in 2007 the Land Transport Authority (LTA) was formed, which transferred the road use management, road operations management and road asset management functions of ~1,200km of national road (Class 1-3) from MWTI to the LTA. There are several reports which provide context to this evolution.

There is estimated to be a further 1,300km of local roads which are not maintained by LTA and require review of their current proportionate representation of the entire road network. After the reforms, MWTI no longer retained implementation duties and associated funding towards roads construction and maintenance, hence the impact of these local public roads and their status bears reference, in the overall review of the governance arrangements in land transport.

The reforms were informed by several studies listed in this Terms of Reference. There have also been reviews and studies of relevance since, also listed. The following extract is an indication of more recent findings relevant to the governance aspects of the review. However, this consultancy is expected to take all reference reports under consideration and undertake further consultations, in order to establish the way forward before providing appropriate legislative address.

Recent Legislative Reviews and Recommendations

The following recommendations were made in the Powell (2015) report:

1. The Land Transport Authority Act 2007 is not in need of major change. No problems with its scope and effect have been identified during the consultations.
2. There is merit in removing the provisions of Part VII (Road Safety Programmes) which relate to the Road Safety Committee to a MWTI law in due course. Currently it is established as a “part of the Ministry” under the Act which deals in all other respects with the LTA.
3. The usefulness of the *Ministry of Works Act 2002* is now limited, and the *Ministry of Transport Act 1978* is wholly out of date. New laws to clarify the full range of MWTI’s functions and powers are now justified.
4. The role in section 4(1)(a) of the *Ministry of Works Act 2002* for MWTI to “construct, maintain and manage the public assets to which this Act applies” is inconsistent with the functions of the LTA.
5. When new laws are developed and drafted to replace the *Ministry of Works Act 2002* and the *Ministry of Transport Act 1978* reference should be had to the Scoping Paper which identifies an appropriate scope and structure for such regulatory laws. Necessary modifications are necessary to ensure that effective sector oversight is provided for in relation to infrastructure and transport services.
6. The new laws should make appropriate references to issues related to climate change, adverse weather events and natural disasters, protection of the environment, promotion of energy efficiencies and the rights of the disabled.

In completing the deliverables, the Consultant should engage with stakeholders to ascertain their expectations and that of the new government in relation to the recommendations above and those made in the sector reform and strengthening study (*SMEC 2005*) and climate resilience/vulnerability assessment (*SMEC 2017*).

(ii) Land Transport Funding and Allocation

While the Land Transport Authority (LTA) was originally formed as a Public Trading Body (PTB), more than half of its average annual operating revenue came from government grants administered by the Ministry of Finance (MOF). In 2020 functions for licensing and registration of vehicles and drivers were moved from LTA back to the Ministry of Police and Prisons (MOP) and LTA was re-classified as a Public

Beneficial Body (PBB), with practically 100% of its operating expenses for the 2020/21 financial year from the government grant.

With a new government elected in May 2021, there are moves as this TOR is being drafted, for the licensing and registration functions for vehicles and drivers (and in turn the revenue collected), to be returned to LTA.

The Consultant will need to explore in detail the funding and management of all roads including local roads and the designation/classification process as the reality is the general expectation of the public and politicians' is that the whole road network (whether ~1200km of national roads or ~1300km of local roads) is the responsibility of LTA.

In 2018/19, LTA's operating expenditure was approximately ST\$42.9m. Income came from a government grant (\$26.7m), vehicle registrations (\$13.6m), driver licensing (\$1.9m) and parking fines and other miscellaneous income (\$0.7m).

The May 2020 fuel excise tax set on unleaded and diesel fuel is set at \$0.55/litre and \$0.54/litre plus VAGST (15%) respectively. This tax is collected by MOR as fuel is pumped to storage tanks at Sogi terminal. The land transport related revenue accounts for around half of the total pumped port volume with the remaining going to power generation, earth moving operations and the likes. The land transport revenue is based on volumes delivered through petrol stations. Figures obtained for 2015/16, show the pumped volumes for petrol and diesel were 34 and 16 million litres respectively, or a revenue of around ST\$20.3m. This is very close to the government grant that year but less than the ST\$26.7m grant in 2018/19. It is assumed the shortfall is funded via VAGST and domestic tax, but this is unclear in the accounts reviewed during the formation of this TOR. It will need further clarification in determining the flow of land transport revenue when formulating new legislation and regulations.

The policy and legislation to be developed by the Consultant will need to consider the roles of MWTI, MOR, MOF, and LTA in the collection of revenue and allocation to both national and local roads and targeted initiatives such as addressing safety in road construction, as appropriate. The Consultant will need to consider and promote discussion on potential changes to tariffs and the potential benefits of a consolidated land transport fund, however, the establishment of a dedicated fund or changing revenue collection responsibilities, is not within the scope of this assignment.

Table 1: Extract Strengthening Financial Provision for Roads – Road User Cost Recovery (SMEC 2006)

Recommended Road Tariff Full Cost Recovery Partial Offset Scenarios¹			
Tariff Component	Description	Amount to be Funded by the Tariff	Tariff Instrument
A	Standard License Fees	6.1	Retain standard vehicle license fees
B	Land Transport Petroleum Excise Tax Offset (GOS Saving)	8.6	ADO Excise SAT0.20/lt ULP Excise SAT0.20/lt
C	Heavy Vehicle Charge	6.4	Light trucks SAT2,000 pa Buses SAT1,300 pa Heavy trucks SAT6,970 pa
D	Fuel Levy on ADO and ULP	11.1	ADO fuel levy SAT0.46/lt ULP fuel levy SAT0.17/lt

Previous Studies and Relevant Reference Reports

1. *PWD Institutional Reform and Asset Management System Services - Final Report*, SMEC 2003

2. *Transport and Infrastructure Sector Reform and Strengthening Services (TISRSS)*, SMEC 2005
 - Restructuring Strategy and Implementation Plan, Dec 2005
 - Strengthening Financial Provision for Roads – Road User Cost Recovery, Dec 2005
 - Land Transport Implementation Plan, May 2006
 - Strengthening Vehicle Registration and Licensing Completion Report, Aug 2006
 - TISRSS Completion Report, Apr 2007
3. *Review of Land Transport Sector*, Graham Powell, May 2015
 - Review of The Land Transport Sector: Comparison Report (Report No. 2)
 - Report on the Legislative Framework (Report No.3)
4. *Vulnerability Assessment of the Samoa Road Network (Section 4: Institutional and Policy Review)* SMEC, Jul 2017
5. *Land Transport Authority Renewals and Depreciation Funding Gap Assessment* DFAT, Aug 2018
6. *Comparative Review and Gap Analysis of Samoa's Laws and Regulations Related to Land Transport and Traffic*, Stantec NZ, March 2020
7. *Road Safety Management Capacity Assessment for Samoa*, GDSF, WBG, UKAID 2020

Key Legislation Supporting the Land Transport Sector

The table below presents a summary of the main legislative framework relevant to the Land Transport sector in Samoa.

Table 2: Summary of Main Land Transport Legislation

Legislative Act	Comments on the Act
Ministry of Transport Act 1978	This Act precedes the major reforms in the Transport Sector over the past 20 years and is wholly out of date. New laws to clarify the full range of MWTI's functions and powers are due and would amend or revoke this Act.
Ministry of Works Act 2002	This Act was created to legislate the role of MOW following the amalgamation of MOT and PWD. While still largely relevant to MWTI, it still acknowledges a role to “ <i>construct, maintain and manage the public assets to which this Act applies</i> ”, which is not consistent with the statutory roles assigned to the LTA under its Act.
Ministerial and Departmental Arrangements Act 2003	This Act is administered by the Ministry of the Prime Minister and provides for all Ministerial portfolios and Departmental arrangements. It confirms the need to deal with the former MOW and MOT under a reformed law and acknowledges the newly formed MWTI.
Land Transport Authority Act 2007	The LTA Act (2007) is relatively modern and comprehensively provides for all the functions and necessary powers for the Land Transport Authority to perform its many roles in the land transport sector. Section 19.1(e) identifies “levies on fuel” as a source of land transport funding and Fuel Excise and Fuel VAGST is currently collected by MOF/MOR into a consolidated domestic tax fund which in turn is used to fund LTA’s revenue shortfall each year. LTA do not directly collect levies on fuel.
Land Transport Authority (National Road Account) Regulations 2008	Establishment of the National Road Account with provisions for source, administration and allocation.
Road Traffic Ordinance 1960	While this ordinance has been amended over time, and specifically, a full redrafting as the <i>Road Traffic Amendment Act 2008</i> , the major legal components related to traffic laws are included in the <i>Road Traffic Regulations 1961</i> .
Road Traffic Regulations 2008 and Road Transport Reform Act 2008	This legislation provided for the transition and change of motor vehicles in Samoa from left hand drive to right hand drive and consequential change to driving on the left side of the road. It was administered by MWTI and empowered MPP with enforcement.
Other Legislation	<ul style="list-style-type: none"> ▪ Police Offences Ordinance 1961 ▪ Public Finance Management Act 2001 ▪ Public Bodies Act 2001 and 2005 Amendment ▪ Road Traffic (Payment of Fines) Act 2009 ▪ Land Transport Authority Regulations 2011 <ul style="list-style-type: none"> - Road and Reserve, - License Fees and Other Charges - Transitional Road Use - Authorized Inspectors and Officers • Miscellaneous (Ministerial Assignment) Amendment Act 2019

C. SCOPE OF SERVICES

The purpose of this consulting assignment is to provide advisory support and facilitation services to the GoS to improve the regulatory framework supporting land transport in Samoa.

This assignment will be managed by MWTI, with key inputs to be sought from the Land Transport Authority, Ministry of Police, Ministry of Finance and Ministry of Private Enterprises, with due consideration of their role in the governance and funding of transport infrastructure and maintaining the resilience of this infrastructure.

Of key concern, and the primary focus of the TA, are two major issues affecting land transport legislation, namely:

- 1) **Roles and functions** of MWTI and LTA relative to land transport need to be clearly defined and supported with an enabling legislative framework; and
- 2) **Revenue collection and allocations** to the land transport sector need to be clearly defined, including new revenue opportunities identified in recent studies.

During the LTA commissioned legislative review in 2015, the Attorney General (AG) expressed a view that new Acts should not be based on established Ministries (c.f. the dated MOT Act 1978 and MOW Act 2002). In their place, new laws should be drafted to provide for governance of infrastructure (both public and private), and with oversight of the transport sector generally.

The model which MWTI would like to be reflected in relation to land transport legislation is the same as in relation to air and sea transport. Its roles and functions are clearly defined in the Civil Aviation Act 1998 (together with Regulation and Rules) and the Shipping Act 1998 (with its regulations and codes). In contrast, the creation of the LTA via the associated Land Transport Authority Act 2007 and repeals of sections in the Ministry of Works Act 2002, leaving no legislative provisos allowing the MWTI to effectively carry out its role in sector policy and planning, oversight including road programme policy and monitoring, road project evaluation and road safety policy and strategic road safety management.

The TA will be completed in two stages:

- **Stage 1:** Consult with stakeholders and craft a position paper which outlines the recommended changes to legislation and have those recommendations endorsed.
- **Stage 2:** Draft the new legislation (Bills, Acts, Regulations, Amendments) and support the submission process (if required).

The assignment will be undertaken as a firm consultancy and will be carried out on a part-time basis in Samoa and remotely due Covid travel restrictions.

Stage 1 – Identify Land Transport Legislative Changes and Craft Position Paper

This TA will consider the findings of previous studies, in conjunction with stakeholder engagement sessions to craft overarching legislative change discussion documents (policy position papers) for Land Transport in Samoa.

In line with the two key focus areas, the first shall tackle the **revenue collection and allocation** components of legislation and will require input from a transport economist capable of assessing legislation, fiscal policy, and the financial operating environment. The *Land Transport Funding Position Paper* should clearly articulate, but not be limited to:

- Findings from a review of previous studies and stakeholder engagement sessions on how land transport infrastructure is funded, including both the national and local (non-LTA) road networks, and whether the current funding environment is optimal.
- Recommendation on the fiduciary roles of MOF, MPE and LTA in collecting revenue and allocating funds across the land transport sector. Inclusive of donor agency financing, taxation, fuel levies, fines, and charges. Consideration should be given to new revenue generating opportunities and this needs to be a key component of the position paper – or potentially a precursor to.
- Identify gaps in current legislation (Acts and Regulations) to deliver the above outcome and outline the changes required.

The second paper is to focus on the functions of the land transport network, requirements placed upon its users and the roles and responsibilities of government agencies in planning, developing, operating, and maintaining a safe, efficient, and effective national road system for Samoa. The *Land Transport Roles and Requirements Position Paper* should clearly articulate, but not be limited to:

- A review of previous studies, stakeholder engagement sessions and the outcome/direction set in the funding position paper.
- A review of the functions of government agencies in planning, developing, operating, and maintaining the road system for Samoa including establishing clarity on responsibilities for both the local and national road networks.
- Recommendation on the functions for MWTI as they pertain to the promotion of strategic planning and regulatory oversight of road infrastructure including safety, traffic, enforcement, and the likes. This should align with the legislative structure for civil aviation and maritime shipping.
- Recommendations on requirements of land transport network in providing a safe, efficient, and effective national road system and the requirements of network users. This will include improving current legislation as recommended in previous studies (referenced above) and as identified during stakeholder engagement and the consultants review process.
- Identify gaps in current legislation (Acts and Regulations) to deliver the above outcome and outline the changes required.

This statement of basic principles, intent, roles, and responsibilities would be an important prelude to the legislative reforms which have been identified as being necessary to provide effective governance for the land transport sector and related infrastructure.

The consultant will be required to draft and seek endorsement of recommendations in the position papers. This stage will include, but not be limited to, the following activities:

- a) Review guidance provided in the Legislative Drafting Handbook (approved by the Attorney General, July 2008).
- b) Consult with relevant stakeholders and conduct engagement sessions/workshops.
- c) Review all relevant reports, policies, laws, regulations, rules and other regulatory instruments pertaining to land transport in the Independent State of Samoa.
- d) Review revenue collection across the land transport sector including fees and charges collected by LTA and fuel excise taxes collected by MOR and the legislative and regulatory frameworks supporting their enforcement in the Independent State of Samoa. Also consider applicability of the regulations to accommodate isolation of land transport related components of property taxes and the future potential to introduce additional road user charges (e.g. a heavy vehicle road use charge).
- e) Review the ownership and accounting practices for land transport infrastructure and align with those in the wider transport sector, namely: Samoa Airport Authority (SAA), Samoa Shipping Corporation (SSC) and Samoa Port Authority (SAA).

- f) Summarise the intended roles and functions of MOF, MPE, MWTI and LTA in managing maintenance of the local and national road network, administering revenue and delivering an effective land transport system.
- g) Liaise with the AG's Office to determine the format and extent of any new or amended legislation.
- h) Identify legislative gaps and ambiguities in intended agency responsibilities regarding land transport in the Independent State of Samoa. This will mostly pertain to outdated laws and regulations covering MWTI's role and the role of LTA in its receipt of an annual government grant to cover operating expenditure.
- i) Draft the Land Transport Position Papers to seek agreement on key concepts and components of new legislation.
- j) Facilitate further workshop(s) with key leadership from the four governing bodies and seek endorsement on the recommendations (roles and responsibilities).
- k) Finalise clear, endorsed recommendations in a consolidated land transport legislative review position statement from which new legislation can be drafted. This position statement will form the foundation of the draft Bill in Stage 2.
- l) Develop implementation plan for Stage 2.

Stage 2 – Draft New Legislation and Supporting Regulations

The consultant will be required to work closely with the AG's Office to determine the format and extent of any new or amended legislation and draft the required content as directed by the AG's office and based on the outcome of Stage 1 of this assignment and previous studies.

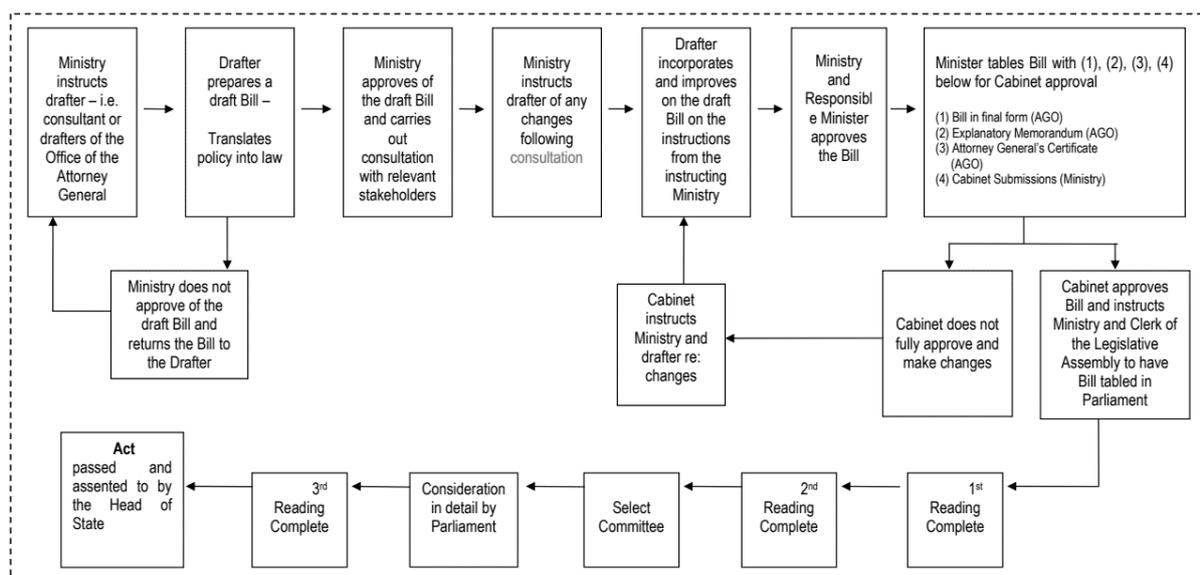


Figure 3: Legislative Process for Drafting Acts – Legislative Drafting Handbook (OAG 2008)

The new legislative framework may result in revocation of out of date Acts (e.g. Ministry of Transport Act 1978) and the creation of one or two new Acts (e.g. Land Transport Act). As such, a draft Bill, or Bills, will need to be presented to Cabinet. This stage will include, but not be limited to, the following activities:

- a) Develop a draft “Land Transport Bill” or appropriately named alternative(s) incorporating the principles agreed in the policy position statement and prepared in Stage 1 of this assignment.
- b) Draft amendment bill to revise existing legislation to support the new Act(s) as required, and prepared revised regulations as may be required to support the draft Bill.
- c) Draft any supporting Regulations as may be required pursuant to the new Bill.
- d) Present the Bill and draft regulations to key stakeholders and amend as required to facilitate support required for enactment/promulgation.

- e) Provide on-call technical support to key stakeholders as the draft Bill and draft amendment Bill are presented to and considered by the Legislative Assembly.

Stage 3 – Implementation of the New Legislation (*NOT IN CURRENT SCOPE*)

There may be a potential follow-on activity to assist the GoS with the implementation of the new land transport laws and policies. These potential activities would likely be associated with:

- a) **Improving enforcement** - which might be through the training of LTA staff, improved policing through targeted police enforcement exercises, and public campaigns on compliance.
- b) **Functional readiness** - prepare for the new regulatory framework by working with the respective Ministries to rewrite and impacted job roles and responsibilities, organisational hierarchies and so on. This would help minimise the risk of respective Ministries being left in limbo while new legislation is passed and put into action. It would allow them to make meaningful progress in the interim and be ready for new legislation when it is passed.

D. OUTPUTS / DELIVERABLES

The consultant will be required to deliver the following outputs / deliverables:

	OUTPUT	CONTENT	TIMING	Wk.
0.1	Inception Report	Feedback from initial consultations and investigations, documentation review, proposed changes to workplan / methodology etc.	2 weeks after commencement	2
0.2	Progress reports	Monthly progress reports (2-page maximum).	2 weeks after month end	
Stage 1 – Propose changes to land transport legislation				
1.1	Draft Revenue Position Paper	Submit position paper for discussion on the findings from preliminary stakeholder engagement and a review of all previous reports	6 weeks after commencement	6
1.2	Draft Roles and Requirements Position Paper	Submit position paper for discussion on the findings from preliminary stakeholder engagement and a review of all previous reports	10 weeks after commencement	10
1.3	Draft Legislative Review Policy Position Statement	Final position statement outlining key principles of new legislative framework from 1.1 and 1.2	4 weeks after acceptance of 1.2	14
1.4	Ratification Workshop	Workshop to present and seek agreement on Policy Position Statement from all key agencies	2 weeks after submission of 1.3	16
1.5	Final Policy Position Statement		4 weeks after acceptance of 1.4	20
Stage 2 – Draft Bill(s), Amendment Bill(s), and Supporting Regulations				
2.1	Draft new bill(s) and amendments bill(s)	Draft new Land Transport Bill along with associated amendment bills for current acts as required	8 weeks after submission of 1.5	28

2.2	Draft New Regulations	Draft new regulations required to support the bill(s).	10 weeks after submission of 1.5	30
2.3	Legislative Workshop(s)	Workshop(s) to present and seek agreement on draft bills and regulations from all key agencies	3 weeks after submission of 2.2	33
2.4	Support Submission to and review by the Legislative Assembly	As needed technical support during submission process.	To be aligned with Legislative Assembly schedule	

E. SELECTION CRITERIA

Covid-19 travel restrictions prevents consultants from traveling to Samoa at this time. When these restrictions will ease is not currently known. As the consulting assignment requires engagement with government Ministries, officials and other stakeholders in Samoa, the firm will need to consider as part of their proposal how this will be addressed. This could include the identification of a Samoa based individual consultant to fill one or a number of the identified positions or to partner with a locally based firm. The firm will also need to nominate one of the positions to fill the role of Team Leader:

Policy Advisor

- i. Master of Laws, Economics, Engineering or comparable qualification from a recognized tertiary institute.
- ii. Minimum 10 years' experience in institutional reform, development of regulations, policy, ordinance in the government sector.
- iii. Demonstrated knowledge of Samoa's public sector, judicial system and legal processes as well as legislative system and/or legislative drafting rules and conventions is desirable.
- iv. Current knowledge of international best-practice around legislative frameworks governing land transport, ideally in the Pacific Region.
- v. Demonstrated strong communication skills and persuasiveness in presenting, negotiating and resolving highly complex issues, both orally and in writing.
- vi. Ability to deal sensitively in multi-cultural environments and build effective working relations with the client and colleagues. Experience in Small Island Developing States (SIDS) and/or the Pacific region would be an advantage.
- vii. Fluency in written and verbal English is essential.

Transport Economist / Financial Management Expert

- i. Bachelor of Economics or comparable qualification from a recognized tertiary institute.
- ii. Minimum 10 years' experience in government accounting and establishing legislative frameworks for government revenue streams.
- iii. Current knowledge of international best-practice around funding frameworks for land transport, ideally in the Pacific Region.
- iv. Demonstrated knowledge of Samoa's accounting and financial regulations is desirable.
- v. Demonstrated strong communication skills and persuasiveness in presenting, negotiating, and resolving highly complex issues, both orally and in writing.
- vi. Ability to deal sensitively in multi-cultural environments and build effective working relations with the client and colleagues. Experience in Small Island Developing States (SIDS) and/or the Pacific region would be an advantage.
- vii. Fluency in written and verbal English is essential.

Legal Advisor

- i. Bachelor of Laws or comparable qualification from a recognized tertiary institute.
- ii. Minimum 15 years' experience in legislative drafting, development of regulations, policy, ordinance in the government sector.
- iii. Current knowledge of international best-practice around legislative frameworks governing land transport, ideally in the Pacific Region. Particularly as they pertain to land transport governance, and fiduciary responsibilities, enforcement and enacting new fees and charges.
- iv. Demonstrated knowledge of Samoa's legal processes and judicial system is desirable.
- v. Demonstrated strong communication skills and persuasiveness in presenting, negotiating and resolving highly complex issues, both orally and in writing.
- vi. Ability to deal sensitively in multi-cultural environments and build effective working relations with the client and colleagues. Experience in Small Island Developing States (SIDS) and/or the Pacific region would be an advantage.
- vii. Fluency in written and verbal English is essential.

F. LEVEL OF EFFORT & DURATION

The assignment is expected to require an input of 6 person-months over a period of no more than 8 months (Stage 1 and 2).

G. TIMELINE

The Consultant should anticipate a reasonable degree of challenge to new legislation and to changes in current legislation. It is the Consultant's responsibility to help government navigate these challenges and reach a consensus on the way forward. Both the timing and the level of effort budgeted above are to accommodate this facilitative role. Flexibility in the Consultant's availability will be required around Task 2.4 of the assignment, to work around the schedule of the Legislative Assembly's consideration of the bill(s). The Consultant's ultimate success in delivery will be determined by the level of agreement reached and the support garnered for implementation of the Bill(s) and adoption of the Acts (and associated amendments and regulations).