



Office of the Attorney General

12 December 2014

Hon Speaker of the House
Legislative Assembly
Mulino

In accordance with the Attorney General's Act 2013, I am pleased to submit herein the Annual Report of the Office of the Attorney General for the year ending 30 June 2014. The Report records the Office's key performance results during the financial year 1 July 2013-30 June 2014, in accordance with its mandate and output structure.

I request that the Report be tabled before the Legislative Assembly of Samoa in its next sitting, for Members' usual perusal.

Ma lou faaaloalo lava,

Hon Tuilaepa Atonio Lupesoliai Dr. Sailele Malielegaoi
Prime Minister/Minister Responsible for the Office of the Attorney General

Annual Report

1 July 2013-30 June 2014

To ensure a safe and just society through the provision of quality and effective legal services



Foreword

I am pleased to present the 3rd Annual Report for the Office of the Attorney General ('Office') for the financial year, 1 July 2013 to 30 June 2014.

As with earlier reports, this report summarizes the many activities carried out by the Office as well provides a background to the management and role of the Office (as Principal Legal Advisor to the Government), and various projects, landmark cases and legislation, involving the respective divisions within the Office. The report also notes some of the challenges that were faced by the Office, how they were dealt with and advocates practical recommendations for the future.

Though there have been many challenges relating to the management of resources, capacity of staff, and the numerous tasks undertaken, the Office continued to function through good will, tireless efforts and commitment by its staff. For this I wish to thank the Attorney General and his staff for their hard work and significant achievements this year.

Soifua ma ia manuia.

Tuilaepa Fatialofa Lupesoliai Aiono Neioti Dr. Sailele Malielegaoi
**PRIME MINISTER/ MINISTER RESPONSIBLE FOR THE
OFFICE OF THE ATTORNEY GENERAL**



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Attorney General's Note

This year has been no exception in terms of our Office being very busy due to increasing civil litigation undertaken by our Office on behalf of the Government, ongoing prosecution matters and court of appeal cases, significant legal reforms and new legal developments, ongoing projects for the law and justice sector, as well as continuing efforts by the support staff to strengthen our Office.

As we had done in previous years, we try as best we can to operate our Office as effectively and efficiently as possible (with the continued support in administration, human resource, finance, and information technology) as we strive to provide the highest quality legal services to the Government.

As Attorney General, I am pleased to present our Annual Report for the financial year, 1 July 2013 to 30 June 2014.

Ming C. Leung Wai
ATTORNEY GENERAL

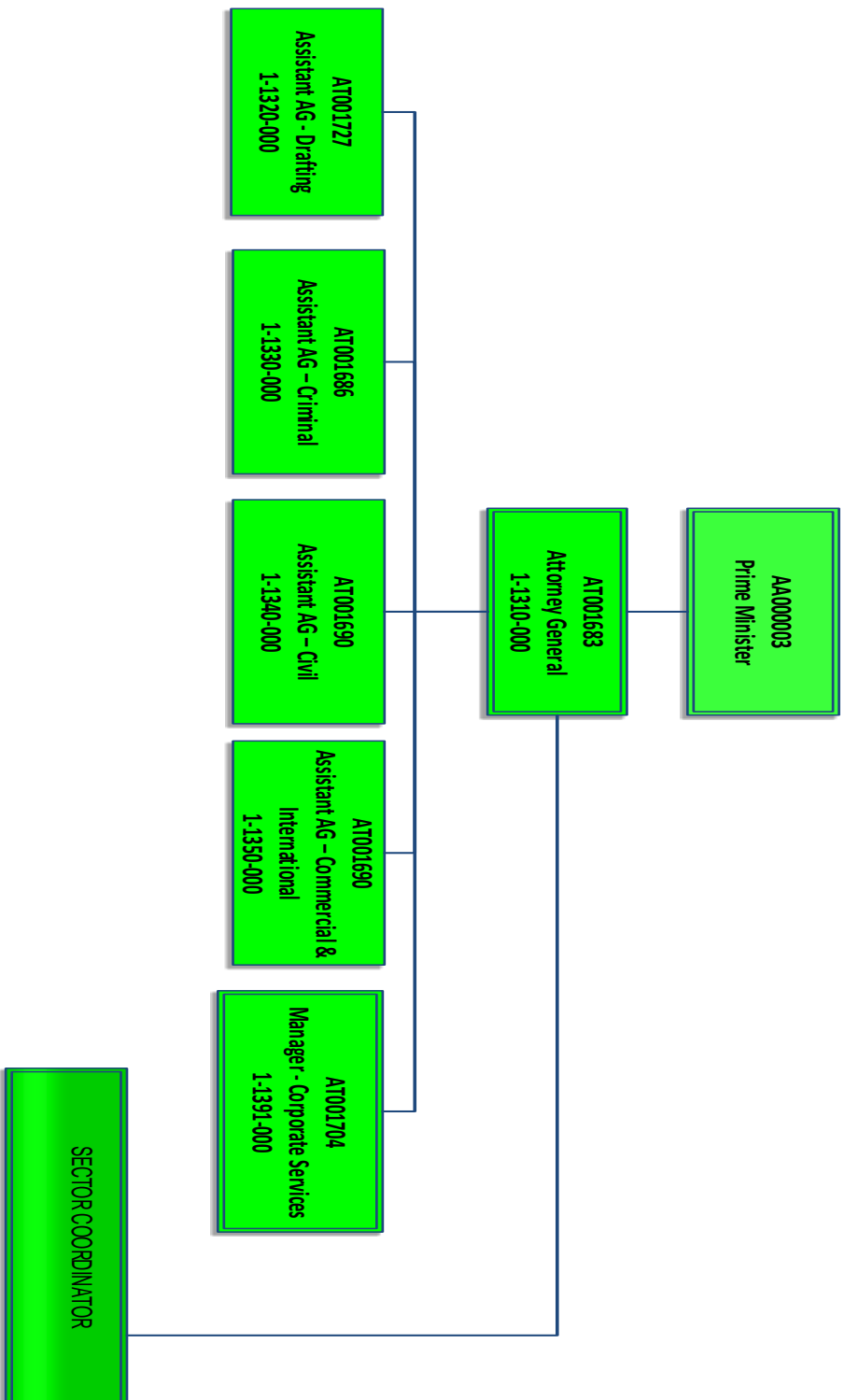


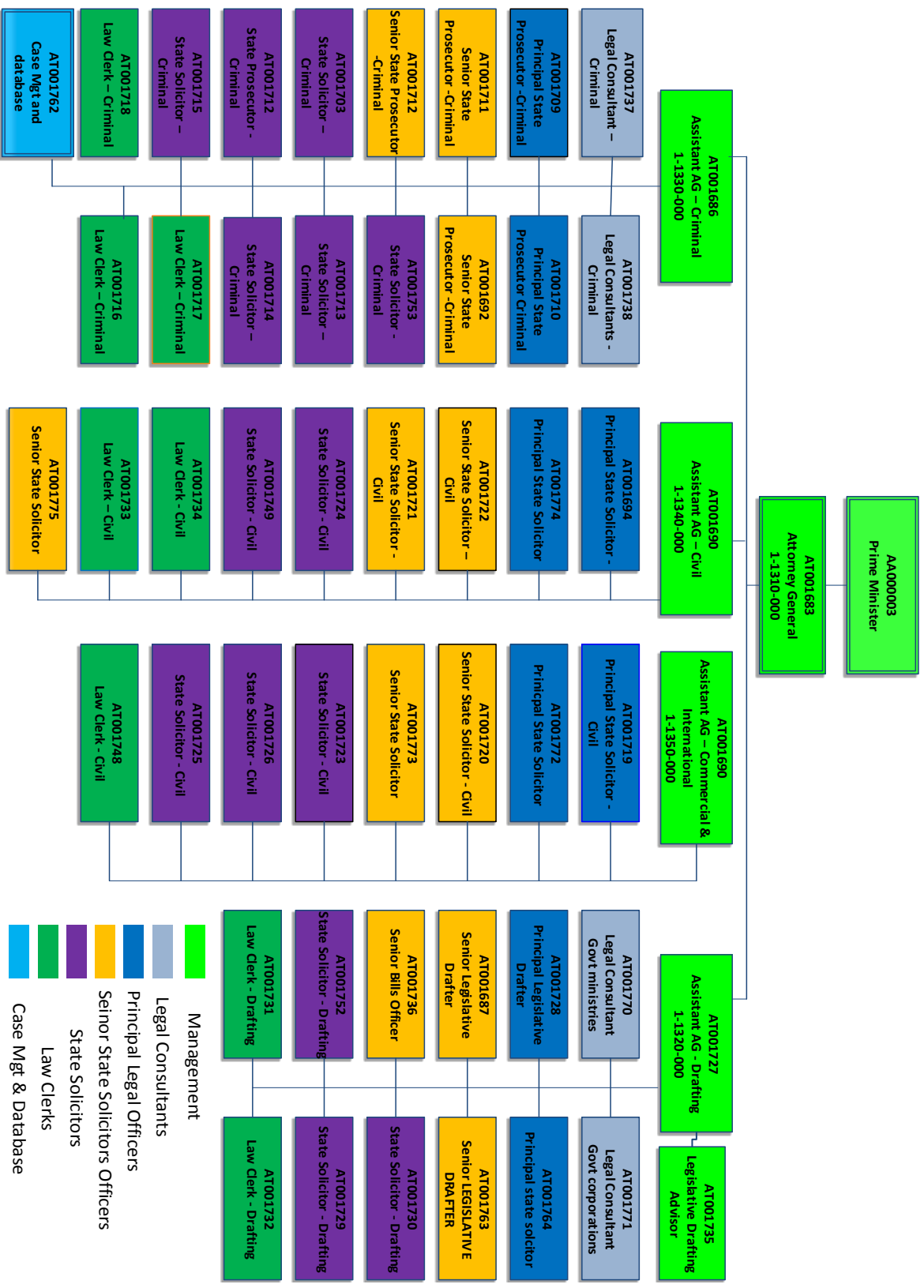
Introduction

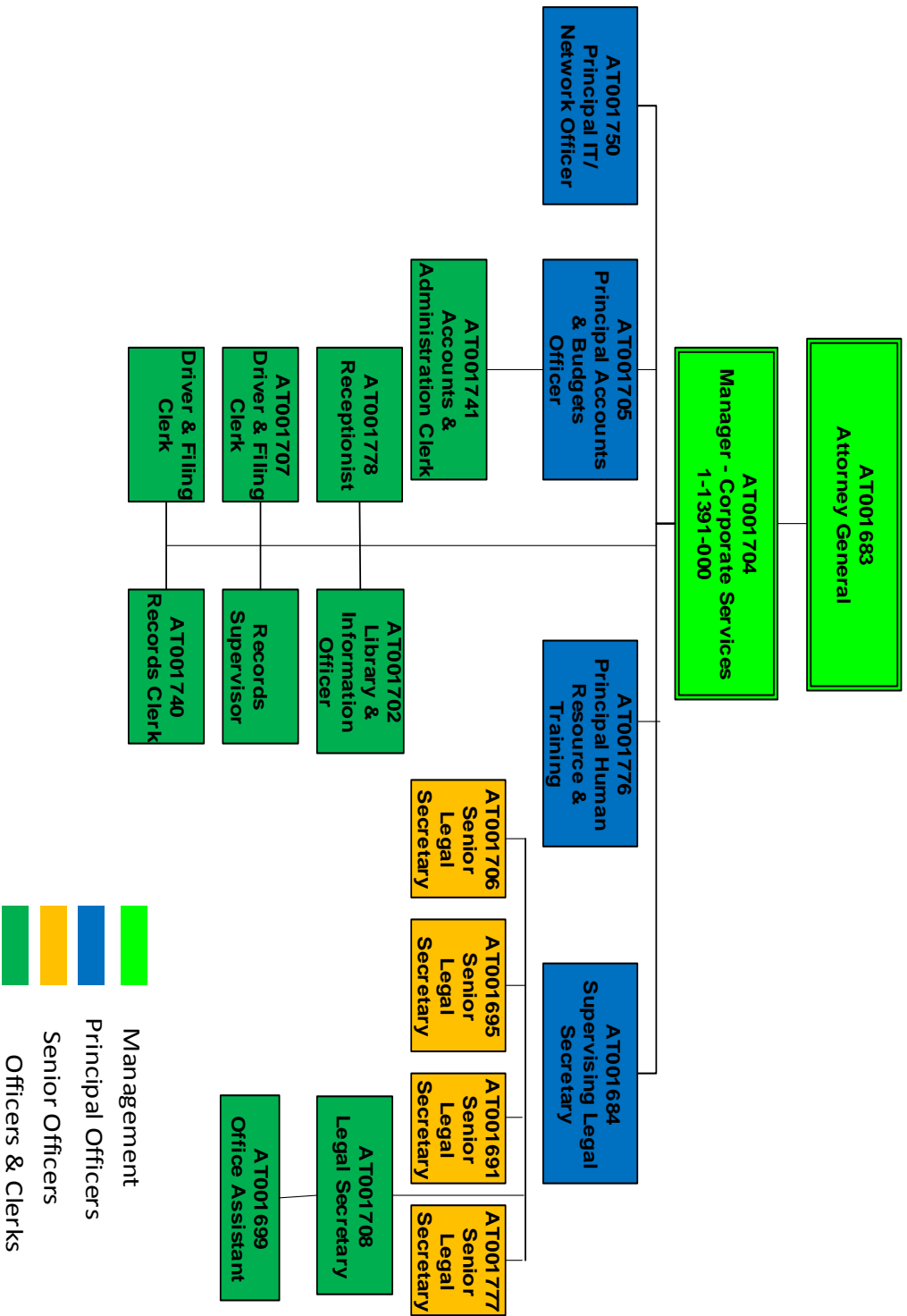
The Office of the Attorney General of Samoa is made up of 4 Divisions: the Legislative Drafting Division, the Civil Litigation and Opinions, Commercial and International Law Division, the Criminal Prosecution Division and the Corporate Services Division. The Office of the Attorney General remains at the forefront of the Law and Justice Sector Plan 2012-2016 with the Attorney General continuing as Chairman of the Sector Steering Committee. The Law and Justice Sector Secretariat, responsible for the coordination and monitoring of the implementation of the Law and Justice Sector Plan, changed its status towards the end of this year, from being a quasi-division of the Office of the Attorney General to being a division of the Ministry of Justice and Courts Administration.

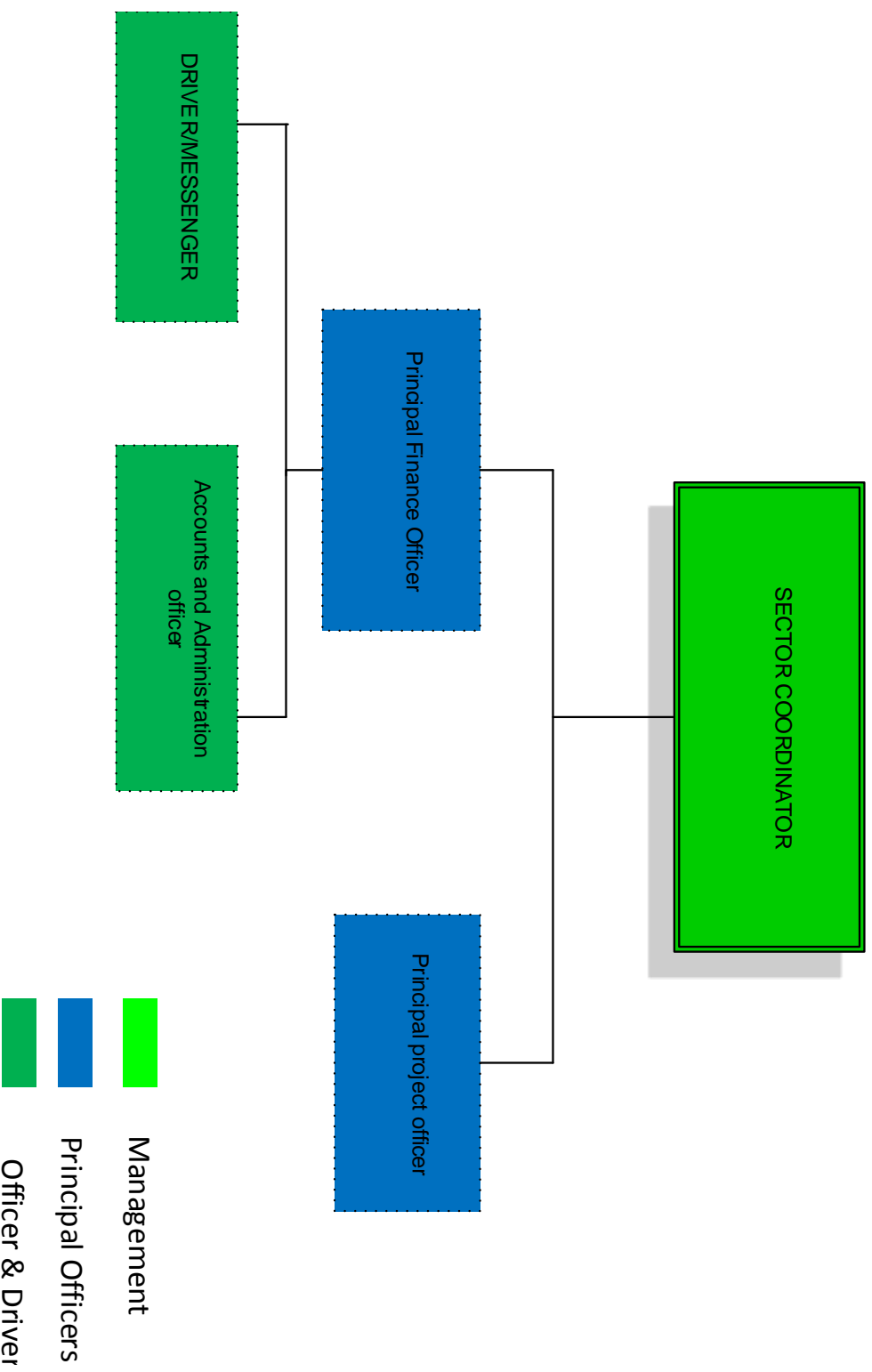
Like previous years, this year is no different with our involvement in numerous legal activities, including landmark litigation (in the Court of Appeal and Supreme Court), significant legal reform (e.g. Audit Act 2013, Alternative Dispute Resolution Amendment Act 2013, Family Court Act 2014 and Samoan Language Commission Act 2014 to name a few), the updated Legislative Drafters Handbook 2014, Civil Practice Policy, Report on the Commission of Inquiry into Tafaigata Prison, as well as improvements in finance management, human resource development and planning, information technology services, records management, secretarial work, and overall efficiency of support staff. Other initiatives undertaken by the Office and Law and Justice Sector include the launch of a Narcotics Laboratory (in partnership with the Scientific Research Organisation of Samoa), development of the new Information Technology Policy for our Office and Review of our Administration Manual, development and launch of our new Staff Performance Appraisal System and launching of the new office space for the Corporate Services Division. Our Office was again blessed this year to have received training (for both legal and administrative staff) through various mentoring and training programmes funded by our generous development partners.

Organisational Structure









Legislative Drafting Division

(A) OVERVIEW:

The function of the Drafting Division is to draft legislation for Government and other government agencies. The function entails translating the legislative policy approved by the client Ministry or agency into legislative provisions to ensure that legislation is drafted, in accordance with the Constitution and other laws of Samoa.

The drafting process also ensures that legislation is drafted in compliance with current drafting format and styles set out in the Legislative Drafting Manual and any directives given by the Attorney General.

(B) STRUCTURE:

(I) Current staff

The Drafting Division consists of the following:

No.	Name of officer	Position
1.	Tuatagaloa Aumua Ming C. Leung Wai	Attorney General
2.	Loretta Teueli	Assistant Attorney General
3.	Rupeni Nawaqakuta	Legislative Drafting Advisor
4.	Constance Tafua- Rivers	Legal Consultant, Government Corporations
5.	Leitu Moananu	State Solicitor
6.	Theodora Fipe Matalavea	State Solicitor
7.	Steffany Lisha Meredith	State Solicitor
8.	Siovia Florina Liu	Law Clerk
9.	Losa Kelekolio	Senior Legal Secretary, Legislative Drafting
10.	Titilua Aiono	Part- time Law Clerk
11.	Lizatalei Hakai	Part- time Law Clerk
12.	Alesana Tumua	Part- time Law Clerk
13.	Fuifui Ioane	Volunteer Law Clerk

(II) Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion
1.	Steffany Lisha Meredith	State Solicitor (promoted)
2.	Siovia Florina Liu	Law Clerk (appointed)
3.	Titilua Aiono	Part- time Law Clerk (appointed)
4.	Lizatalei Hakai	Part- time Law Clerk (appointed)
5.	Alesana Tumua	Part- time Law Clerk (appointed)
6.	Fuifui Ioane	Volunteer, Law Clerk (appointed)

(III) Resignations

The following staff resigned to take up other legal positions in other Ministries and agencies:

No.	Name of officer	Position	Date of resignation
1.	Salote Peteru	Principal Legislative Drafter	6 September 2013
2.	Fetogi Vaai	Principal Legislative Drafter	15 October 2013
3.	Sioa Sioa	State Solicitor	15 October 2013
4.	Martha Papali'i	State Solicitor	12 July 2013

(IV) Vacant Positions

The following positions are vacant:

- (i) Legal Consultant (Government Ministries) - 1 position,
- (ii) Principal Legislative Drafters - 2 positions,
- (iii) Senior Legislative Drafters - 2 positions
- (iv) Law Clerks - 2 positions.

(C) ACHIEVEMENTS:**(I) Legislative Programme:**

(i) The following Bills were passed

No.	Act	No.	Act
1.	<i>Alternative Dispute Resolution Amendment Act 2013</i>	2.	<i>Income Tax Amendment Act 2013</i>
3.	<i>Agriculture Store Corporation Act 2013</i>	4.	<i>Road Traffic Amendment Act 2013</i>
5.	<i>Audit Act 2013</i>	6.	<i>Police Service Amendment Act 2013</i>
7.	<i>Supplementary Appropriation Act (No.1) 2013/2014</i>	8.	<i>Constitution Amendment Act (No.2) 2014</i>
9.	<i>Central Bank of Samoa Amendment Act 2014</i>	10.	<i>National Payment System Act 2014</i>
11.	<i>Samoa Language Commission Act 2014</i>	12.	<i>Electric Power Corporation Amendment Act 2014</i>
13.	<i>Counter Terrorism Act 2014</i>	14.	<i>Trusts Act 2014</i>
15.	<i>International Companies Amendment Act 2014</i>	16.	<i>Apprenticeship Act 2014</i>
17.	<i>Lands, Surveys and Environment Amendment Act 2014</i>	18.	<i>Unit Titles Amendment Act 2014</i>
19.	<i>Telecommunications Amendment Act 2014</i>	20.	<i>Police Offence Amendment Act 2014</i>
21.	<i>Trade Commerce and Industry Amendment Act 2014</i>	22.	<i>National Health Service Act 2014</i>
23.	<i>Supplementary Appropriation Act (No.2) 2013/2014</i>	24.	<i>Appropriation Act 2014/2015</i>
25.	<i>Family Court Act 2014</i>		

(ii) The following Bills were issued with Attorney General's certificate to be approved by Cabinet for translation and enactment by Parliament:

No.	Bill	No.	Bill
1.	<i>Food Bill</i>	2.	<i>Lawyers and Legal Practice Bill</i>
3.	<i>Allied Healthcare Professions Bill</i>	4.	<i>Health Promotion Foundation Bill</i>
5.	<i>Medical Practitioners Amendment Bill</i>	6.	<i>National Kidney Foundation Bill</i>

7. <i>Scientific Research Organisation of Samoa Amendment Bill</i>	8. <i>Fair Trading Amendment Bill</i>
9. <i>Plumbers Bill</i>	10. <i>Slaughter and Meat Supply</i>
11. <i>Maritime Zone Amendment Bill</i>	12. <i>Tax Administration Amendment Bill</i>
13. <i>International Criminal Court Amendment Bill</i>	14. <i>Metrology Bill</i>
15. <i>Statistics Bill</i>	16. <i>Electoral Amendment Bill</i>
17. <i>Personal Property Securities Amendment Bill</i>	18. <i>Public Holidays Amendment Bill</i>
19. <i>Constitution Amendment Bill (No.2)</i>	20. <i>Lands, Surveys and Environment Amendment Bill</i>
21. <i>Land Titles Registration Amendment Bill</i>	22. <i>Customs Bill</i>

(iii) The following subsidiary legislation (regulations, notices, orders, etc) were made:

No.	Subsidiary legislation	No.	Subsidiary legislation
1	<i>Attorney General's Office Act 2013 Commencement Notice 2013</i>	2.	<i>Mediation Rules 2013</i>
3.	<i>Samoa Antiques (Samoa Fine Mats) Regulations 2013</i>	4.	<i>General Price Order (No.1) 2013</i>
5.	<i>Forestry Management Act 2013 Order for Fees</i>	6.	<i>Companies Regulations 2013</i>
7.	<i>Airport Authority (Fees, Charges and Levies) Regulations 2013</i>	8.	<i>Notice of Change in Tariff Per Unit of Electricity Order of the Regulator No.2013/ E10</i>
9.	<i>Casino and Gambling Control Act 2010 Notice of Commencement 2013</i>	10.	<i>General Price Order (No.4) 2013</i>
11.	<i>Public Bodies (Performance and Accountability) Amendment Regulations 2013</i>	12.	<i>Plastic Bag Prohibition on Importation Amendment Regulations 2013</i>
13.	<i>Water Licensing Regulations 2014</i>	14.	<i>General Price Order (No.1) 2014</i>
15.	<i>Ministerial Departmental Arrangement Order 2014</i>	16.	<i>Births, Deaths and Marriages Registration (Fees and Forms) Amendment Regulations 2014</i>
17.	<i>Tobacco Control Amendment</i>	18.	<i>Occupational Safety and Health</i>

*Regulations 2014**Regulations 2014*

(iv) The following subsidiary legislation were finalised with the Attorney General's Certificate (and are either pending Cabinet approval or in translation process with the Office of the Legislative Assembly):

No.	Subsidiary legislation	No.	Subsidiary legislation
1.	<i>Ozone Layer Protection Amendment Regulations</i>	2.	<i>Income Tax (Tax Credit Investment) Regulations</i>
3.	<i>Building (Fees and Charges) Regulations</i>	4.	<i>Civil Aviation Amendment Regulations</i>
5.	<i>Shipping Registration Amendment Regulations</i>	6.	<i>Business Licenses Amendment Regulations</i>
7.	<i>Seafarers Training Certification and Watch keeping Regulations</i>	8.	<i>Customs (Tourism and Development) Amendment Regulations</i>
9.	<i>Special Purpose International (Fees) Regulations</i>	10.	<i>Slaughter and Meat Supply Regulations</i>
11.	<i>Unit Titles Regulations</i>	12.	<i>Family Court Rules</i>
13.	<i>Order for Maritime Zones</i>	14.	<i>Tafitoala Water Resources By-laws</i>
15.	<i>Afega Fisheries By-laws</i>	16.	<i>Malaemalu Fisheries By-laws</i>
17.	<i>Lefagaoalii Fisheries By-laws</i>	18.	<i>Matautu Uta, Lefaga Fisheries By-laws</i>
19.	<i>Malae Faga Fisheries By-laws</i>	20.	<i>Fasito'o Tai Fisheries By-laws</i>
21.	<i>Safa'atoa Fisheries By-laws</i>	22.	<i>Salua Fisheries By-laws</i>
23.	<i>Samatau Fisheries By-laws</i>	24.	<i>Satafao Fisheries By-laws</i>
25.	<i>Safua Fisheries By-laws</i>		

(II) Projects:

(i) Annual consolidation of Acts

The annual consolidation of Acts for 2013 was done and completed before 31 December 2013. The consolidated Acts were then distributed through compact disks to Ministries and other bodies and agencies.

(ii) Review of the Legislation Drafting Handbook 2008

The review of the Legislative Drafting Handbook 2008, which begun in 2012, was completed in March 2014. It is now called the Legislative Drafting Manual, which has

been approved by the Honourable Prime Minister. Training has been conducted on it. The Manual will be published in book form once it is translated into Samoan.

(D) SIGNIFICANT LEGAL REFORMS

(I) Significant laws that have been passed

(i) *Alternative Dispute Resolution Amendment Act 2013*

The amendment Act establishes the Mediation Council providing for its functions to deal with, among other things, the accreditation of mediators in relation to court mediation. The Act further states that the parties are entitled to choose mediation as a form of settling disputes (mediation is not always pursuant to an order of the Court). The Act also empowers the Chief Justice to issue directives so that some proceedings may be referred to mediation process first before they are commenced in court. The Act authorizes the making of Rules relating to mediation.

(ii) *Audit Act 2013*

The Act further strengthens the functions and powers of the Auditor General, in particular for promoting the efficiency, accountability, effectiveness and transparency of public administration by strengthening supreme audit institutions. It contains the new functions of conducting performance audit, environmental audit and IT audit.

(iii) *Constitution Amendment (NO. 2) Act 2014*

The objective of the Constitution Amendment Act 2014 is to replace Articles 97 to 99 of the Constitution to deal with the appointment and functions of the Controller and Auditor General. The Audit Office will be independent from the Public Service Commission.

(iv) *National Payment System Act 2014*

The Act seeks to set up a National Payment System to regulate business entity that wants to facilitate transfer of funds and to authenticate, process, and reconcile transactions amongst the service providers in the system. It recognises electronic transfers and archives, provides for payment infrastructures, and requires financial institutions to provide payment accounts, instruments and services as well as regulating the methods of payment transfer process and the conduct of payment service. The Act ensures that transfer orders are final and will not be revoked subsequent to the transfers.

Counter Terrorism Act 2014

Counter Terrorism Act 2014 (“Act”) repeals and replaces the Prevention and Suppression of Terrorism Act 2002 to declare terrorist organisations. It

covers offences and penalties relating to unlawful seizure of aircraft, diplomatic agents, hostages, unlawful movement of nuclear materials, and terrorism-related activities such as terrorist bombing, terrorist financing, and nuclear terrorism.

The Act also provides for the management, forfeiture and restraining of suspected terrorist property. Furthermore, the Act makes provision relating to the prosecution and extradition of suspected foreign terrorists, and extra-territorial jurisdiction of Samoan courts.

(v) *Family Court Act 2014*

This Act establishes the Family Court as a Division of the District Court and provides for its jurisdiction to hear and determine all cases involving family matters. It also covers the administration of the Court.

(vi) *Trusts Act 2014*

The Trusts Act 2014 (“Act”) repeals and replaces the Trustee Act 1975 and the International Trusts Act 1988. The purpose of the Act is to modernize the existing laws relating to Samoan trusts, so as to enable our trust laws to be attractive and relevant to the international investor. It also regulates foreign trusts which may or may not be enforceable in Samoa. Furthermore, the Act makes provision for the powers of the Court when making determinations relating to trusts.

(vii) *Unit Titles Amendment Act 2014*

The main objective of the amendment Act is to state that the subdivision of plan of a unit estate is effective from the date of approval of the plan by the Chief Executive Officer instead of the deposit of the plan with the Registrar for registration under the Land Titles Registration Act 2008. It also removes references to supplementary record sheet as it will also be covered under the folio of registration of unit titles.

(viii) *Samoan Language Commission Act 2014*

The Act establishes the Samoan Language Commission and provides for its functions, duties and powers in relation to Samoan language. The Act emphasizes the vitality of the Samoan language. One of its objectives is to maintain and continue to develop Samoan language to ensure its retention and use for the future generation of Samoa.

(II) Significant law reforms in drafts

(i) *Lawyers and Legal Practice Bill*

The Bill will replace the Law Practitioners Act 1976 and provide the continuation of the Samoa Law Society and the Law Society Council. It also provides for permanent and temporary rolls of barristers and solicitors, the rules and practice of law through annual practicing certificates, including rules for solicitors' trust accounts and auditing, and disciplinary procedures.

(ii) *Allied Health Professions Bill*

The purpose of the Bill is to provide for registration of allied health professionals. For that purpose the Allied Health Profession Council will be established to carry out registration of allied health professionals, including disciplinary measures.

(iii) *Plumbers Bill*

The Bill seeks to regulate registration of plumbers. The registration will be undertaken by the Executive Committee of the Association. The Plumbers Association of Samoa incorporated under the Incorporated Societies Ordinance 1952 will continue under the Bill. The Bill also provides for eligibility for membership to the Association.

(iv) *Health Foundation Bill*

The establishment of the Samoa Health Promotion Foundation is one of the Government initiatives on health sector reforms. The purpose is to separate the 2 basic health service roles of preventative and curative roles. The Foundation is to carry out the preventative role while the Ministry of Health and NHS carries out the curative role. The Bill seeks to establish the Samoa Health Promotion Foundation, and provides for the Foundation's objectives, functions and powers.

(v) *Electoral Amendment Bill*

The Bill seeks to amend the Electoral Act 1963 to give effect to the recommendations in the 2012 Commission of Inquiry into Electoral Matters. The Act replaces the individual voters roll with two urban constituencies but to be restricted to the boundaries of Faleata and Vaimauga Territorial constituencies only instead of the whole country. The amendment includes the removal of the role of Plenum in certifying candidates, presentation of the o'o and momoli to be undertaken after the declaration of polls and general increases in penalties under the Act.

(vi) *Constitution Amendment Bill*

The Bill will:

- change the procedures for the appointment of the Head of State by the Legislative Assembly so that the names are not nominated by individual Members of Parliament but by the party in Government,
- change the procedures for the appointment of the Head of State so that the nomination of the party with majority seats is treated to be endorsed by the Legislative Assembly as Speaker or Deputy Speaker.
- implement the recommendations of the 2012 Commission of Inquiry into Electoral Matters to change the individual voters' constituency to two urban constituencies.
- establish the Office of the Ombudsman as a Constitutional Office.

(vii) *Maritime Zones Amendment Bill*

The Bill seeks to re-define “high and low water marks” demarcates the contiguous zone for the purposes of carrying out the powers and measures that can be taken within the contiguous zone. Similarly, the term “continental shelf” is also broadened to be in line with international standards.

(viii) *Metrology Bill*

The Bill seeks to repeal and replace the Measures Ordinance 1960 to revamp the national system of measurement for Samoa in accordance with international standards. It will provide standards for units of measurements, approval process of all types of weights and measures or measuring instruments used in trade.

(ix) *Customs Bill*

The Customs Bill 2014 (Bill) is significant as it aims to modernize the current Customs Act 1977 (to be repealed) by reproducing the current provisions in simplified and modern language. The Bill introduces new provisions that make Samoa's legislation consistent with Samoa's international obligations under international bodies such as the World Customs Organisation and the World Trade Organisation. These changes are also designed to enhance the capabilities of the Samoa Customs Service to effectively manage Samoa's borders.

(x) *Citizenship Investment Bill*

The Bill seeks to attract foreigners to invest in Samoa and in return to be eligible for citizenship through the citizenship by investment scheme. The Bill provides for areas that foreigners can invest in, such as, leasing and developing of government land, agro- processing, fisheries, tourism, information or communication technology etc. The Bill establishes a Citizenship Investment Committee to be responsible for granting of

applications for an investor to ensure that they comply with the conditions set out and that the investments are limited to the qualified investment areas.

(xi) *Competition and Consumer Bill*

The purpose of this Bill is to establish the Samoa Competition and Consumer Commission (“Commission”) to promote or seek to maintain market competition and to regulate anti-competitive conduct in the market. The Bill will not cover areas regulated by the Regulator, such as electricity and communication. The Bill will cover the competition rules and protection of customers under the Fair Trading Act however modernizes these rules to comply with international standards.

(xii) *Central Bank of Samoa Bill*

This Bill will repeal and replace the current Central Bank of Samoa Act 1984 (“Act”). Significantly, the Bill aims to modernise the provisions of the Act in order to strengthen the CBS mandate, governance and relations with the Government. The Bill will prescribe the objectives of the CBS in a hierarchical way to avoid conflicting policies. Further, the Bill will facilitate the reform put forth by the agreement between CBS and the Ministry of Finance (MOF) which includes the transfer of the official international reserves held by MOF to CBS. The Bill also deals with the strengthening of the institutional autonomy of CBS to ensure that the functions of CBS are expanded effectively.

(xiii) *Teacher’s Bill*

This Bill deals with the registration of teachers and provide for teachers’ professional standards aimed at raising the status of the teaching profession. A Teachers Council is to be established to carry out the registration of teachers. The Teachers Tribunal is to be established to hear and determine appeals from decisions of the Council and any breach of professional standards.

(E) SIGNIFICANT INITIATIVES PROJECTS

(I) Drafting Manual Handbook:

The Drafting Division completed its review of the 2008 Drafting Handbook in March 2014, which is now called Legislative Drafting Manual 2014 (Manual) made by the Attorney General under section 18 of the Attorney General’s Act 2013. The purpose of the review was to update the Legislative Drafting Handbook 2008, to cover new legislative drafting requirements and styles. The Manual has been approved by the Honourable Prime Minister and is currently being translated into the Samoan version by the Clerk of the Legislative Assembly.

The Drafting Division conducted two-day training on the 13 and 14 May 2014, inviting all Government Ministries and Agencies to discuss the content of the Manual to raise awareness regarding the changes. The training also includes training of policy officers of how to prepare Drafting Instructions to the Drafting Division on their legislative proposals.

(II) Legal Policy Training:

The Legal Policy Development training was conducted by Dr. Timothy Fadgen, a Fulbright-Clinton Fellow and April Howley from the Australian Attorney General's Office on 27 May 2014 in our Office Conference Room. This training was an initiative to enhance better development of Policy making in the Government.

The aim of the training is to take the participants through the process of policy making. The process includes a 7-step process such as research and data collection, identification of stakeholders for consultation, analysis of the problem, creating options, decision and evaluation and monitoring.

(F) ISSUES:

(I) *Capacity building*

The Legislative Drafting Division ("Division") currently consists of eleven (11) drafters. With the exception of the Senior Legal Secretary, 4 drafters are still completing their legal professional practice. There is a need to conduct training for the new members of the Division, however with a limited number of senior members to handle mentoring; it remains one of the areas that need to be considered.

(II) *Drafting instructions*

The quality of draft legislation depends on the quality and detail of the drafting instructions given by the client Ministry or agency to the Drafting Division or drafting consultant. Providing quality and detail drafting instructions depends on the experience of policy makers. Therefore policy makers need more training on how to develop policy and to provide proper and detail drafting instructions to the Drafting Division or consultant drafter.



Civil Division

(A) OVERVIEW

Overall the Civil Division is responsible for meeting the following objectives for the AGO:

- (I)** To provide professional legal opinions and advice in a timely and efficient manner to Government Ministries and Agencies;
- (II)** To negotiate, review and draft all Government contracts/deeds and other related legal documents both domestic and international to ensure that Government's interest is advanced and/or protected; and
- (III)** To supervise and conduct civil proceedings involving Government and provide legal support to or representation for Government in other formal enquiries.

(B) STRUCTURE

The Civil Division was expanded and divided into the Civil Litigation and Opinions Division and the Commercial Law and International Division as of July 2012. Not all positions in both Divisions have been filled but these are in the process of being filled. There are currently within the entire Civil Division, 11 legal staff, 1 part time, 1 volunteer and 2 support staff.

(I) Current staff

The Civil Division consists of the following:

No.	Name of officer	Position
1.	Tuatagaloa Aumua Ming C. Leung Wai	Attorney General
2.	Muriel Lui	Assistant Attorney General, Civil
3.	Kalameli Seuseu-Soo	Principal State Solicitor
4.	Loukinikini Vili	Principal State Solicitor
5.	Sine Lafaiailii-Koria	Principal State Solicitor
6.	Sefo Ainuu	Principal State solicitor
7.	Sosefina Faamausili	Senior State Solicitor
8.	Ane Iati	Senior State Solicitor
9.	Dominic Talouli	State Solicitor
10.	Esekia Solofa	State Solicitor
11.	Glory Fuimaono	Law Clerk
12.	Posesione Toma	Law Clerk
13.	Ryan Masinalupe Tusipa	Part time Law Clerk
14.	Toitua Suena-Mulipola	Senior Legal Secretary

15.	Fagalele Tualatamaalelagi	Senior Legal Secretary
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(III) Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion
1.	Sefo Ainuu	Principal State Solicitor (promoted)
2.	Dominic Talouli	State Solicitor (promoted)
3.	Esekia Solofa	State Solicitor (promoted)
4.	Glory Fuimaono	Law Clerk (appointed)
5.	Posesione Toma	Law Clerk (appointed)
6.	Ryan Masinalupe Tusipa	Part - time Law Clerk (appointed)

(IV) Resignations

The following staff resigned to take up other legal positions in other Ministries and agencies:

No.	Name of officer	Position	Date of resignation
1.	Avila Ah Leong	Senior State Solicitor	15 July 2013
2.	Ryan Zahari	Law Clerk	9 December 2013
3.	Monique Vaai	State Solicitor	10 January 2014
4.	Tiffany Nelson	Senior State Solicitor	20 January 2014
5.	Nicholas Mann	Principal State Solicitor	7 February 2014
6.	Liaina Mafaufau	State Solicitor	18 April 2014
7.	Elia Tulifau	Law Clerk	6 June 2014

(V) Vacant Positions:

The following positions are vacant:

- (i) Senior State Solicitors - 3 positions,
- (ii) State Solicitors - 3 positions
- (iii) Law Clerks - 1 position

(C) ACHIEVEMENTS**(I) General**

The normal business workload of the Civil Division continues to increase mainly in relation to reviewing and clearing out of contracts for each Ministries, Corporations and Authority. However despite the increasing workload the Civil Division has managed to clear out all of the contracts from each Ministries, Corporations and Authorities. The Civil Division also continues to provide legal advice to various Government agencies in relation to international treaties and agreements, land matters and contracts to name a few. The Civil Division has also been undertaking an increasing number of civil litigation on behalf of the Government.

The Civil Division has also been heavily involved in the Commission of Inquiry into mismanagement and misadministration of Tafaigata Prison and other related issues. The Civil Division also finalised its report to Cabinet regarding the Commission of Inquiry into the mismanagement and misadministration of Tafaigata Prison and other related issues in February 2014. Currently it is now involved in the continuation or extension of this COI specifically focusing on the performance of the Commissioner of Police and the Assistant Commissioner of Police in relation to their roles in the mismanagement and misadministration of Tafaigata Prisons amongst other allegations.

Further, the Civil Division has carriage on behalf of the Office, of the upcoming United Nations Small Islands Development States (UNSIDS) event in September 2014 as well as the Commonwealth Youth Games in 2015 (CYG 2015). Its workload has increased immensely since last year in preparation of these two events, mainly in relation to contracts and other legal documents received for drafting, reviewing and clearance as well as the preparation of advices.

There was also a notable increase in the collection of revenue for the office for civil work done by the division for the Office, in terms of legal costs from cases, legal opinions and advices.

Further the Civil Team managed to draft and finalise its Civil Practice Policy. This policy is a standard required for each individual involved in the provision of legal services within the Civil Division. It reflects and ensures compliance with the mandatory professional obligations imposed by regulators of Solicitors and legal practices, not only that it goes beyond compliance

and encapsulates the standards of excellence and the objectives required of the Office of the Attorney General's employees.

(II) Cases

These are some of the more significant cases handled by the Civil Division in the last year.

(i) *Court of Appeal*

There were two (2) Court of Appeal cases heard during this period.

The first appeal our office acted as Respondent for this appeal. The appeal was against the decision of the Supreme Court striking out the Appellant's application for judicial review. The Court of Appeal ruled that it did not have the jurisdiction to intervene with the decision of the Lands and Titles Court. Accordingly the appeal was dismissed.

The second appeal was in relation to an appeal against the decision of the Supreme Court dated 6 December 2013 in favor of Government; Chief Justice Sapolu dismissed MV PB Matua's application in the Supreme Court for Declaratory Orders. Our Office was the Respondent. The grounds for appeal focused primarily on, that the Shipping Act 1998 does not itself, provide a power vested in the Respondent and the Convention of the Safety of Life at the Sea ("SOLAS") does not provide such a power either even if SOLAS did provide such a power, SOLAS is an agreement between states which is not binding on private parties. To make its intent binding, the particular obligations assumed as between states would have to be translated into Samoan domestic law and that has not been done. The Court of Appeal dismissed the appeal on all grounds in favor of Government and the costs in the Supreme Court were resolved by a determination of the Chief Justice and also the Respondent will have costs of \$5,000 and usual disbursements, if necessary as fixed by the Registrar.

(ii) *Supreme Court Cases*

The first matter concerned an Applicant's seeks judicially reviews the decision of the Land Titles Court of Appeal. The Applicant says in his motion that the first Respondent breached his fair trial rights under article 9 of the Constitution in confirming the original decision and holding that and that first and second respondents and possibly the third and fourth respondents are the Pule of the title yet but they are not heirs of true title. He seeks that the decision of the Land and Titles Court of Appeal be quashed. The Court held in its decision delivered on 17 April 2014 that application concerning has no prospect of success. To allow it to proceed would be a misuse of the court process and it must be and is hereby struck out. All respondents except the fourth are entitled to cost as successful parties.

The second matter related to the appeal case stated above which concerned with a motion by the application seeking orders to declare as unlawful certain actions done by the respondent, in relation to its ship. The Applicant claimed that the respondent had no power under the provision of the Shipping Act 1998 to perform the acts which its officers purported to carry out in relation to the said vessel. The Court in its decision on 29 November 2013 held that the motion by the applicant for declaratory orders should be dismissed.

The third matter concerned with an application by the Applicant to judicially review the decision of the Land Titles Appellate Division. Our Strike Out Motion for the judicial review was no successful. However we were successful in the substantive hearing of the matter in which His Honour held that the application to set aside judgment of the Lands and Titles is refused.

The fourth matter relates to an action by the plaintiff for recovery of the land occupied by the defendant and her family as well as other people who had been allowed onto the land by the defendant. Our Office acted on behalf of the Plaintiff. The Court in its ruling held that the defendant and her children are ordered to vacate the disputed land within 3 months and to remove their house, other structures and crops which are on the land and all other people who are occupying the disputed land and have filed undertakings to vacate the land if the defendant is ordered to vacate.

(D) SIGNIFICANT INITIATIVES/PROJECTS

(I) Trainings/ Seminars

In 2010, the Attorney General's Office identified one of the challenges faced by the Civil Division was the lack of experienced legal staff. In an effort to address this issue, lawyers from Civil Division have attended and participated in a number of training and seminars and are stated as follows:

- i. Continue Legal Education Symposium which was hosted by Samoa Law Society on the 28 and 29 November 2013 with its objective of examining current affairs through a legal lens;
- ii. Legal Skills Training Workshop coordinated by DLA Piper team from Australia and the Centre for Asia-Pacific Pro-Bono on 4-6 of December 2013 and its seminar and workshop covers legal analysis, legal drafting, ethics, conflicts negotiation, mediation and trial advocacy;
- iii. Civil Practice Standard Training coordinated by Seniors members of Civil Division on 14 January 2014 which is to ensure that rules and procedures in the Civil Division are properly complied and adhere by members of the Civil Division;

- iv. Tax Training which were conducted by members of the Ministry for Revenue on 21 February 2014 and the training aimed at explaining when non-residents are subject to income tax and when they are to be registered for VAGST;
- v. Training on Legal Policy Development delivered by the International Legal Assistance Branch, Australian Attorney-General's Department under the Australian Government Pacific Police Development Program on 27 May 2014; and
- vi. Brookers Online Training which was conducted via satellite on 6 June 2014 and its main objective was to offer advance research skills by using online databases.
- vii. Ongoing legal trainings on contracts, legal advice writing and case file management within the civil team, conducted on a quarterly basis.

(II) Mentoring Program

The Mentoring Program provided an opportunity for the lawyers in our Division to observe and absorb techniques, practices and knowledge from the mentors.

The Civil Division was fortunate and privileged this year to have Peter Lithgow, from Australia, as a mentor for the third time and appreciates the mentoring program as a vital aspect of capacity building for the Civil Division, given that each year new lawyers are added to the Division.

While Mr. Lithgow was here he managed to conduct one on one training with individual lawyers of the civil team and other teams, by assisting in file reviews, advice reviews, clearance of legal research, providing second opinions on various files and assisting in Government mediation.

(III) Ongoing Trainings with DLA Piper

DLA Piper is one of the world's leading commercial firms, boasting some 4,200 lawyers across some 30 countries, and has a long-held reputation for firm pro-bono culture and best practice in corporate social responsibility. In December 2013, our Office together with DLA piper coordinated and arranged training for the benefit of lawyers in office. However an invitation was extended to the Law Society for members to attend the training. For this first training the topics discussed were essentially in trial advocacy including preparing and drafting opening and closing submissions in trial, and examinations in chief and cross examination. For the year 2014, our Office is continuing its collaboration with DLA Piper and also the Law Society for a second training which is expected to proceed on 23 and 24 of July. This training will specifically focuses on administrative law and how administrative decisions subject to review.

(IV) Civil Practice Policy

As stated before, this policy is a standard required for each individual involved in the provision of legal services within the Civil Division. It reflects and ensures compliance with the mandatory professional obligations imposed by regulators of Solicitors and legal practices, not only that it goes beyond compliance and encapsulates the standards of excellence and the objectives required of the Office of the Attorney General's employee's.

Criminal Prosecutions Division

(A) OVERVIEW

The Criminal Prosecutions Division key responsibility is to supervise and conduct criminal prosecutions and appeals in a fair and just manner. The main function of this Division includes handling of all Supreme Court prosecutions, criminal appeals to the Court of Appeal and criminal appeals from the District Court. The Division also handles some District and Youth Court matters including prosecution against police officers and other complex matters. Government Ministries also refer some of their complex enquiries and cases to the Division on separate occasions. The criminal division also handles mutual legal assistance with other countries as well as proceeds of crime applications.

The Division is headed by the Assistant Attorney General for Criminal Prosecutions. The team consists of two legal consultants, one principal state solicitor, four state solicitors and three law clerks. This reporting year, two new law clerks have been employed into the team. Given the workload undertaken the Division continues to be one of the busiest divisions in the Attorney General's Office.

(B) STRUCTURE

(I) **Current staff**

The Criminal Division consists of the following:

	Name of officer	Position
1.	Tuatagaloa Aumua Ming C. Leung Wai	Attorney General
2.	Precious Chang	Assistant Attorney General, Criminal
3.	Rexona Titi	Legal Consultant
4.	Leone Sua-Mailo	Legal Consultant
5.	Fetuliai Lagaaia	Principal State Solicitor
6.	Ōfisa Tagaloa	State Solicitor
7.	Lucymaria Sio	State Solicitor
8.	Brigitta Faafiti Lo-Tam	State Solicitor
9.	Gemma Nelson	Law Clerk
10.	Lagafuaina Tavita	Law Clerk
11.	Taulesulu Matau	Law Clerk
12.	Ariota Finau Pilimai	Senior Legal Secretary
13.	Dora Schwenke	Database Management Officer

(II) Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion
1.	Leone Sua - Mailo	Legal Consultant (appointed)
2.	Fetuliai Lagaia	Principal State Solicitor (promoted)
3.	Lucymaria Sio	State Solicitor (promoted)
4.	Gemma Nelson	State Solicitor (promotion)
5.	Lagafuaina Tavita	Law Clerk (appointed)
6.	Taulesulu Matau	Law Clerk (appointed)

(III) Resignations

The following staff resigned to take up other legal positions in private law firms:

No.	Name of officer		Date of resignation
1.	Edelma Niumata	Senior State Prosecutor	8 January 2014
2.	Leinafoavemanu Taimalelagi	Principal State Prosecutor	26 January 2014

(IV) Vacant Positions

The following positions are vacant:

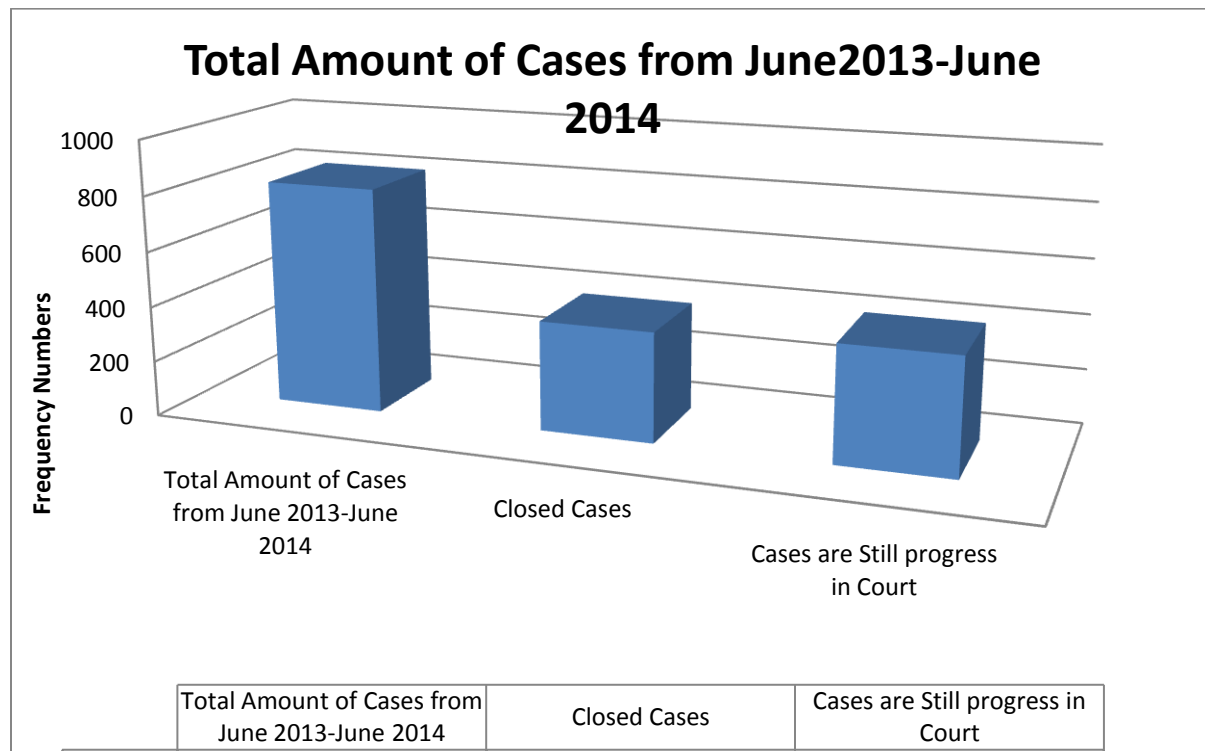
- (i) Principal State Prosecutor – 1 position,
- (ii) Senior State Solicitors - 2 positions,
- (iii) State Solicitors – 2 positions

26 ACHIEVEMENTS/SIGNIFICANT MATTERS IN CRIMINAL LAW

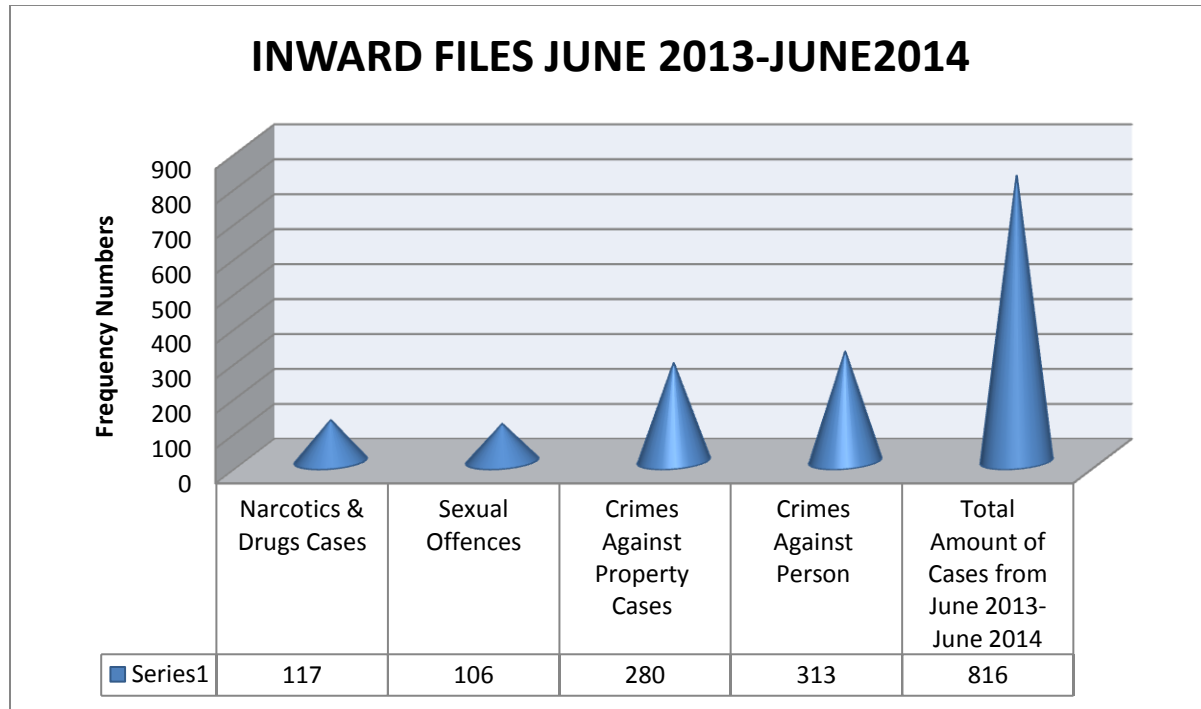
(I) Criminal File Statistics

As the following table and graph illustrates, a total count of 816 criminal files were registered in the Auafa Mau Database to have been referred to the Division from June 2013 to June 2014. Of the total count, 396 of the criminal files have been closed and 420 are still pending completion.

Total Amount of Cases from June 2013-June 2014	816
Closed Cases	396
Cases are Still in progress at Court	420
Total working Hours for closed cases only	7866.13
Total Estimated Cost for all cases for closed cases only	\$117,991,900



(Figure 1.1) Total amount of inward files



(Figure 1.2): Categorization of Inward Files

The majority of the inward files as displayed by Figure 1.2 are that of crimes against a person, while the least amount of files that are brought into the Division, are sexual offences. It must be noted however, that the total amount of inward files into the Division alone, is still a significant total.

(II) Proceeds of Crime

This reporting year has seen an increase in the proceeds of crime cases since the last reporting year which was from July 2012 to June 2013. In that period, eight applications were filed for proceeds of crime. This reporting year, a total of eighteen (18) proceeds of crime applications were made. Seven (7) of these cases have been successful, with the rest pending investigations and final decisions from the Court. The majority of the cases are in relation to drug offences, whereas the rest of the matters fall into applications for crimes against a person.

27 SIGNIFICANT LEGAL REFORMS

(I) Criminal Procedure Bill

The Criminal Procedure Bill has been approved by Cabinet and is now with Parliament. This was a combined effort between the Criminal Prosecutions Division and the Drafting Team.

Two more significant bills, namely the Evidence Bill and the Sentencing Bill are being processed and are ready to be submitted to Cabinet.

28 INITIATIVES/PROJECTS

(I) Mentoring Programme

Two senior prosecutors from the Division were sponsored by the Victoria Institute of Forensic Science to be attached to the Victorian Prosecution Offices as part of the Division's mentoring programme. One of these senior prosecutors has returned to the Division and has carried out training in the briefing of victims of sexual offences.

(II) Narcotics Laboratory

The Division worked in conjunction with the Scientific Research Organization of Samoa (SROS) in developing a narcotics laboratory in Samoa. During this reporting year, the narcotics laboratory has extended its services to the testing of hard drugs such as methamphetamine or 'ice'. New machinery has been obtained for the laboratory to assist scientists in their new mandate. Also during this reporting year, two scientists from SROS received sponsors through the Division's network to receive advanced training for drugs.

(III) National Risk Assessment

The Office of the Attorney General was the lead agency in Government in developing the first National Risk Assessment in relation to developing measures to combat money laundering and terrorist financing in Samoa. This reporting year, the Office of the Attorney General has taken on a supporting role in the development of the second National Risk Assessment as the Central Bank of Samoa has now taken on the lead role.

29 ISSUES

There are still a number of issues that the Division continues to face in our line of work.

(I) No Forensic Pathologist

The National Hospital has still yet to employ another permanent forensic pathologist since the passing away of Dr Rahman in 2010. In addressing this issue, overseas forensic pathologists have kindly volunteered their services through the Criminal Prosecution Division's network to carry out post mortem examinations for Police and to give evidence on complex homicide matters. The core expenses involved with these pathologists are in relation to their travel arrangements and accommodation.

(II) Capacity of Police

The Division works closely with the Police for all prosecution matters but the capacity and the ability of the Police to investigate cases and prepare files continues to be a key challenge within the Office. Trainings are an on-going process to combat this issue.

(III) Medical Evidence

The Division liaises with the National Hospital of Samoa to provide crucial documents such as medical reports in establishing evidence for prosecution matters. In the past reporting year, a number of issues have arisen, specifically with the capacity of doctors

to prepare detailed medical reports, to ascertain pivotal issues for the Division's cases. In relation to psychiatric reports, there is one mental health specialist in Samoa who handles these reports but he is not subject to a peer review, which can become an issue in the foreseeable future.

Mental Health is very much related to criminal law and the Courts are always ordering for mental health assessments. However, the public mental health section has capacity issues as well as limited specialty for what the Court is seeking.

We have learned that overseas jurisdictions provide for forensic psychiatrists to assist the Court. In certain cases, we have had to seek the services of overseas forensic psychiatrists due to complex areas of mental health defences that can affect or make an impact on the development of our criminal law.

(IV) Turnover and shortage of staff

The Criminal Division continues to experience a high turnover of staff members, creating a shortage of experienced Prosecutors to handle complex prosecution matters. Therefore, senior lawyers from other Divisions of the Attorney General's Office have had to step in to handle prosecutions when necessary.

Junior prosecutors receive training through first hand observation and whenever senior prosecutors are not at Court. The majority of Court work therefore falls to the very few senior prosecutors in the Division, and it remains a challenge for the Division to meet Court deadlines, targets and demands from the Ministry of Police and Government Ministries.



Corporate Services Division

(A) OVERVIEW

The key purpose of the division is to provide efficient and effective services in administration, human resource, finance, information technology, information management, policy and planning, and public relations in support of the Office's legal and strategic objectives

(B) STRUCTURE

The Corporate Services Division is led by the Manager Corporate Services and consists of six key parts or sections that include Policy and Planning, Finance Management, Human Resource Management and Development, Information and Communications Technology, Legal Secretariat, Information Management and General Administration Support (inclusive of Records, Archives and Library Services as well as Public Relations, Reception and Transport).

In November 2013 we submitted a proposal to Cabinet to endorse a new organizational structure which would expand the legal staff capacity of the Office (to help meet the growing demand for its legal services) as well as the ability of the Corporate Services Division in the areas of Finance, Human Resource Planning and Development, Information Technology and Transportation, to cater for the growing number of legal staff and their increased work load. The majority of new positions requested through Ministry of Finance were approved in our 2014/2015 budget.

Fortunately the Corporate Services Division continues to have the lowest staff turnover compared to the rest of the Office. This year though we said farewell to Tapaau Auva'a, our Office Receptionist who moved on to an administrative role with the National University of Samoa. Currently we are in the process of recruiting a replacement.

In what was an extremely sad and an unexpected turn of events in April, we bade farewell our dear colleague and friend Toalua Fausia, who suddenly passed away. Toalua was our beloved Office Driver.

On a bright note, this year we welcomed a new Manager Corporate Services, as well as two new Principal Officers in Human Resource Planning and Training and in Budget and Accounts. The new staff members brought in a fresh outlook to the Division and introduced a new and improved collaborative and innovative approach to the work of the Division. A marked improvement in intra and inter divisional collaboration as well as the application of a high professional and customer service standard have been key results of the new infusion of senior Corporate Services staff. The Division also benefited from having two students attached to our

Office as part of their courses from the Business and Office Management Schools of the National University of Samoa, who later successfully became employees of the Office.

(I) Current Staff

The Corporate Services Team consists of:

No.	Name of officer	Position
1.	Tuatagaloa Aumua Ming C. Leung Wai	Attorney General
2.	Manusamoa Christine Saaga	Manager Corporate Services
3.	Taumuli Saena-Papalii	Principal Legal Secretary
4.	Michael Malua Wulf	Principal Human Resource and Training Officer
5.	Pisila Tikeri	Principal Accounts and Budget Officer
6.	Uitiriai Uili	Principal Information and Communications Technology Officer
7.	Tepora Tutagalevao	Records Supervisor
8.	Leutu Leuluaialii	Library and Legal Information Officer
9.	Toitua Suena Mulipola	Senior Legal Secretary – Civil
10.	Fagalele Tualatamaalelagi	Senior Legal Secretary – Civil
11.	Losa Kelekolio	Senior Legal Secretary – Legislative Drafting
12.	Ariota Finau Pilimai	Senior Legal Secretary – Criminal
13.	Gerry Toafa	Legal Secretary
14.	Jason Iputi	Accounts Clerk
15.	Ruta Togiola	Records Clerk
16.	Paulo Leapai	Driver
17.	Faauga Faaletatau	Driver
18.	Evala Faitui	Part time Assistant Legal Secretary
19.	Kome Siatulau	Part time - Human Resource Clerk
20.	Naomi Faamanatu	Office Assistant

(II) Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion
1.	Pisila Tikeri	Principal Accounts & Budget Officer (appointed)
2.	Manusamoa Christine Saaga	Manager Corporate Services (appointed)
3.	Kome Siatulau	Part-time Human Resource Clerk (appointed)
4.	Evala Faitui	Part time Assistant Legal Secretary

(appointed)		
5.	Faaauuga Faaletatau	Driver (appointed)

(III) Resignations

The following staff resigned to take up positions in other Ministries and agencies:

No.	Name of officer	Position	Date of resignation
1.	Faith Iamafana	Receptionist	24 July 2013
2.	Toalua Fausia (Deceased)	Driver	4 April 2014
3.	Tapaau Auva'a	Receptionist	25 June 2014

(IV) Vacant Positions

The following position is vacant:

- (i) Receptionist

(C) ACHIEVEMENTS, HIGHLIGHTS, DUTIES AND RESPONSIBILITIES

(I) Records Management

Our key role is to keep the Office records and confidential information safely stored and ensure they are easily located when requested by the management and staff.

This year we restructured our personal filing system. We bought three filing cabinets to store Personal Files of all the staff and kept active files in the Records room and transferred closed files into the new Archives Room. Personal Files were also categorised by different Teams and also by Management Team. We now file by using the employee number. We also changed the Cover Sheet to record pertinent employee details and we also inserted dividers for easier search of information in each personal file. The Law and Justice Sector Secretariat Personnel files were also transferred to the Ministry of Justice and Court Administration where the staff are now located.

We now only store current files in our **Records Room** and all the team files are now centrally located and in order in this room. We have simplified the Case files index by sorting them from number 1 to 1000 and transferred them to our Archive's Room for safe storage. We created more space for each team for their closed files to be added.

Our long term dream was fulfilled with the official opening of our new **Archives Room** on 2nd July, 2014. We would like to acknowledge the tremendous support of the Ministry of Finance in securing funding for this project. In this room we safely and neatly store all of our closed files including case files, personal files, board files and correspondence files

We also improved the way we manage all **correspondence** that is received and generated by the Office. In line with universal records management best practice, the Records staff now play a central role in handling and keeping track of correspondence movements. This has helped improve mail registration and tracking efficiency and lessens the risk of lost or misplaced mail or correspondence.

We also attended some useful **training** arranged by the Ministry of Education, Sports and Culture on how to list and box closed files for archiving and about the process for transferring files to the National Archive. An Electronic Filing System was also shown to us and how we can save and search files on such system which seemed easy but the challenge is that the software is very expensive. We however gained good experience and new knowledge to build up our Computer skills.

(II) Secretariat and Administration

This year the Secretariat and Administration section continued its work as usual and ensured provision of the highest standard of service to support the Attorney General, the management and rest of our staff. Secretarial and administrative work is our essential function and we are pleased that we provided our best service to meet what is expected from us. We faced many challenges, nonetheless those challenges made us strong and encouraged us to work harder and to keep pushing and striving to achieve our best results.

In July 2013, Faith Iamafana, our initial Receptionist resigned for personal reasons and Tapaau Auvaa came on board to replace her in September 2013.

Our Corporate Services Team held an “Office Management” In-Country Training which was held from 5 to 9 August 2013 at the AGO Conference Room, and we all participated in it. The training was very useful for us to develop and refresh in all areas of our work. We are grateful for the assistance from the National University of Samoa in collaboration with AusAID and NZ Aid that made this training happen.

In the early morning of April 4 2014, devastating news emerged that our dear colleague and driver, Toalua Fausia passed away. Toalua was a huge asset to our team in our transportation and mail delivery services and we continue to miss him in our team fellowship.

On 30 May 2014, we all had a very interesting and productive Corporate Services Team Building Exercise at Manumea Hotel in Vailima. This dedicated time helped us to refocus on the key objectives of our team and the Office and to reinforce our team spirit and the importance of team work.

On 24 June 2014 we farewelled our colleague and Receptionist Tapaau Auvaa who was successful in gaining a position at the National University of Samoa in their Administration Section. Tapaau was a hardworking and devoted team player and we miss her during this busy time of the year. Our vacant Receptionist position is currently advertised. We are fortunate during this time of short staff to have Evalu Faitui , our part-timer to relieve the duties of the Receptionist until the position is filled. The Secretarial team is happy to further its work within the Office of the Attorney General through the Corporate Services Division.

(III) Information and Communications Technology

The Information and Communications Technology section is responsible for identifying the right technology and supporting environment required for the activities of the Office, and provides estimates of the costs associated with its deployments. This report presents some of the most significant work done by our ICT section this financial year.

Last year we were advised by the Audit Office to develop an Information Technology Policy. We are pleased to announce that since February this year, our Office has an approved IT Policy in place with new staff being familiarized with it. Another major achievement this year was that through persistent negotiations with our Internet Service Provider and others we were able to significantly bring down the cost of our internet usage and still increase our data usage plan. For our Office, this was one of the biggest problems we were facing because our usage kept going over our data limit and we had problems trying to justify it with the Audit Office.

As the number of our Office staff members grew and the demand on ICT services grew, we put through a recommendation to our Management for their consideration to add another IT officer to our section. Fortunately approval was given by our Management and the Ministry of Finance in the 2014/2015 budget. We are currently recruiting for this role.

Listed below, are some of the new/upgrade equipment we acquired this year.

- (i) Panasonic Video Conference IP Address base
- (ii) Panasonic Teleconference
- (iii) Watch Guard (upgrade)
- (iv) Patch Panel Cabinet
- (v) Cisco Network switch 24 Ports

(IV) Library Services

The Law Library is for the official use of the Attorney General's Office staff and approved outside parties for legal research purposes. The Legal Information Officer and Librarian is

responsible for providing library and research services for the Office and maintenance of the library and its collections.

Our key aims are:

- (i) Establish and implement library and information policies and procedures.
- (ii) Develop and manage convenient, accessible library and information services.
- (iii) Ensure efficient retrieval by users.
- (iv) Provide effective access to library collections and resources.
- (v) Maintain the organisation of library materials.
- (vi) Provide library services in response to the information needs of library users.

Our Library continues its twinning arrangement with the Attorney General's Department of Australia and we remain part of the Pacific Islands Law Library Community (PILLC). These partnerships aim to assist our respective libraries in the development and provision of our law library services, collections and our staff. The twinning arrangement has provided us legal texts and librarian assistance and training. The last PILLC workshop which was held in Samoa was very intense, timely and very relevant. The lessons we learnt and materials gained are what we most value because it is beneficial to our workplace particularly in overcoming challenges.

Thanks to the ongoing generosity of the Australian Government, our Library was fortunate to receive new metal shelves, ongoing support with providing and updating our law reports, new law texts books when requested, assistance with our legal research online for finding cases and other related issues as well as an opportunity in September of this year for our Librarian to participate in a short-term work placement in the Attorney General's Department in Australia.

External requests for our library research services, particularly from corporations and private law firms, have notably been on the rise. Partly for this reason, we aim to start charging fees in the new financial year for the first time in our provision of such services.

(V) Human Resources Management

(i) In House Trainings (Formal and Informal Induction and Refresher Trainings)

The Corporate Services Division is responsible for conducting Formal and Informal Induction Training for the new recruits of the Office of the Attorney General. This training is very important for our new staff before they commence employment, as it helps them to know and understand Office practices and principles and ensure that they become aware of their obligations as public servants.

(ii) *Samoa In Country Training (Office Management)*

The Office of the Attorney General hosted an Office Management Training with twenty (20) participating staff members of the Office of the Attorney General, Ministry of Justice, Courts and Administration and the Samoa Law Reform Commission. The Training took place over 5 consecutive days, from 5 to 9 August 2013, and was held at the Tui Atua Tupua Tamasese Efi Building in Sogi, in the Office of the Attorney General Conference Room on Level 6. The training was funded by AusAID, NZ Aid, and the Government of Samoa, via the Samoa In-Country Training Programme (the Oloamanu Professional Development Centre of the National University of Samoa) and the Office of the Attorney General.

The key objectives of the training were:

- To promote the development of efficient and effective office management practices within the Corporate Services work environment.
- To develop understanding of and skills in good office management and practices.
- To increase participants' awareness, knowledge, skills and confidence in:
 - Understanding the principles of good office management.
 - Identifying the principles of good customer service and be able to apply these with both internal and external customers.
 - Handling all types of correspondence – emails, letters, telephone and face to face.
 - Creating a suitable and efficient filing system.
 - Acquiring sufficient basic computer skills to manage email, file management, basic word processing and archiving.
- Understanding procedures for conducting meetings and recording minutes

The participating staff members were engaged in interactive brainstorming sessions and group work to:

- draw relevant information and experience from participants on their understanding and experience of effective and efficient office management.
- discuss the role of an effective office management practitioner based on both current and best practice office management principles and expectations, and contextualise to the participants' roles and their offices.

A key focus of the training was identifying practical applications for team leadership and its monitoring and reporting for participants, and within their own workplace.

The training was conducted by human resource and training and development specialist Kim Charteris-Wright, Director and Owner of Free Spirit Training and Development Limited, based in Dunedin and Michael Wulf, Principal Human Resource and Training Officer for the Office of the Attorney General, was the Co-Trainer. Participants received a certificate of completion at the end of the 5 day course.



(iii) Performance Appraisal System:

In January 2014 the Office of the Attorney General implemented its first Performance Appraisal System (PAS). The PAS is a mechanism by which we plan, develop, guide, evaluate and monitor staff performance. Its purpose is to facilitate the achievement of organisational goals, mission and the outcomes required of us by Government. The system enables the Divisional Managers to successfully manage their staff by setting expectations and then measuring those expectations, recognising success and dealing with poor performance.

The PAS can be viewed as the systematic process of:

Planning work and setting targets expected of employees to achieve

Monitoring performance and providing constructive feedback and coaching

Managing work behaviour to reflect Organisational Values and Behaviours

Developing the capacity of employees to perform

Rating performance accordingly

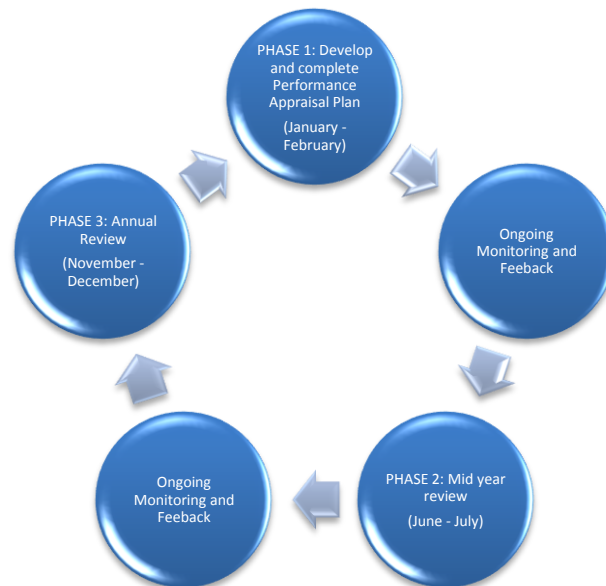
Identify and dealing with poor performance

Rewarding good performance

The objectives of the PAS are as follows:

1. To integrate organisational and individual planning to ensure work performed by employees meet Ministries' and Government's strategic goals,
2. Identify work behaviour that the Organisation expects from employees,
3. Successfully manage the performance of employees to ensure they have the capacity to achieve the expectations of the Ministry,
4. Strengthening communication and work relationship between managers and employees,
5. To provide a merit based system for recognising and rewarding high levels of performance, recognizing average performance and providing encouragement, and recognizing poor performance and discouraging and managing this.
6. To provide supporting documentation for personal and professional development, pay decisions, promotions, transfers and disciplinary actions.

The PAS implementation schedule and timeframe below:



(iv) *Team Building*

The Corporate Services Division conducted two team building activities for the financial year 2013-2014. The first team building training was held on 13 September 2013 at the Hideaway Resort in Falealili. The main objective was to build effective teamwork and to synchronize team members. Reviewing and updating of the Office Administration manual was also on the agenda

where each section of the Corporate Services division all contributed by proposing changes and recommendations.

The Second team building training was held and conducted on 30 May 2014 at the Manumea Hotel in Vailima. The aim of the team building training was to promote a successful working environment through teamwork, good leadership, effective communication and motivation. Furthermore, the program for the team building training included a Policy session. This policy training was focused primarily on policy formulation and implementation in a public sector organization and it was very productive by enhancing the knowledge and skills of the team. The Policy training was carried out by Dr. Timothy Fadgen who is a Program Manager for the Social Enterprise Program at the American Refugee Committee and a Fulbright-Clinton Fellow.



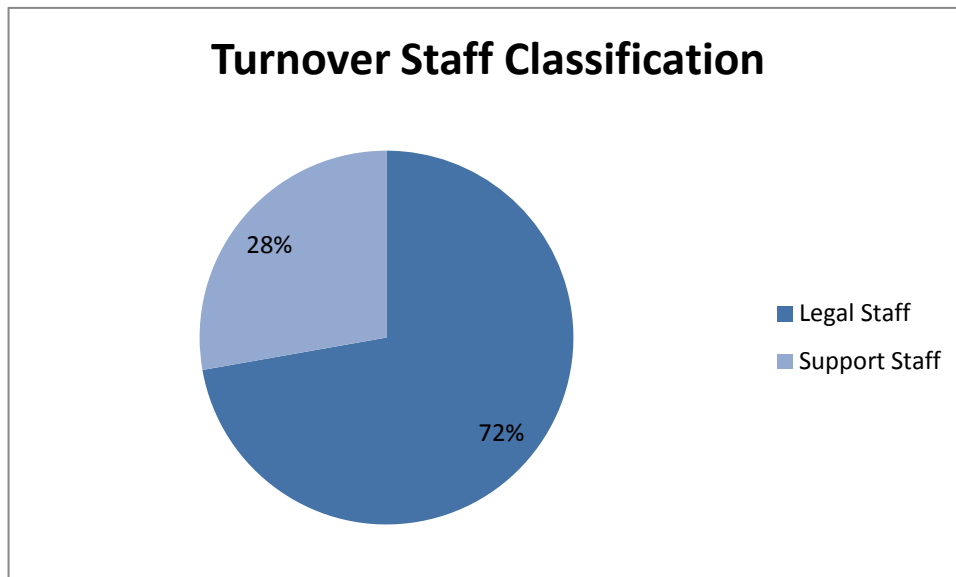
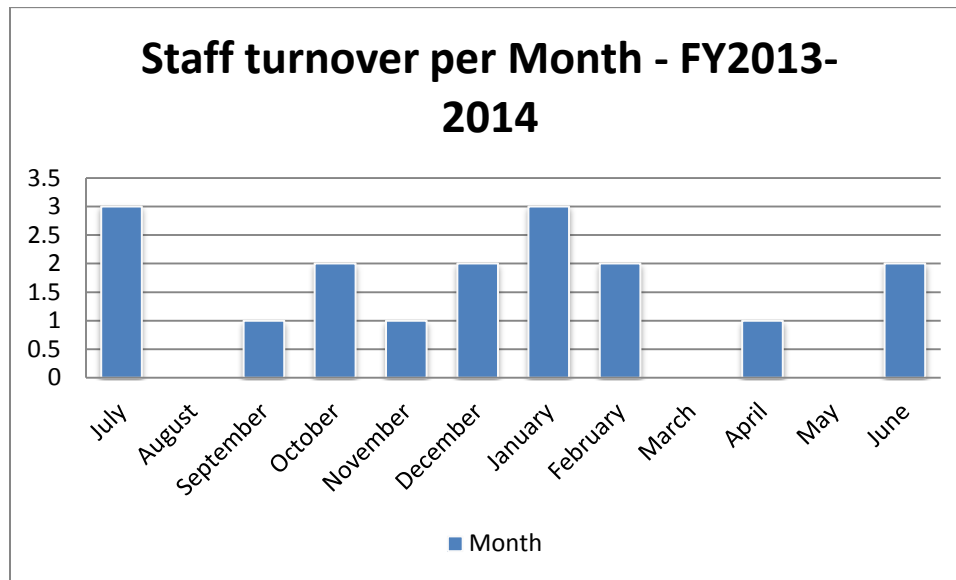
(v) *Human Resource Challenges*

I. Retaining Key Staff and High Turnover

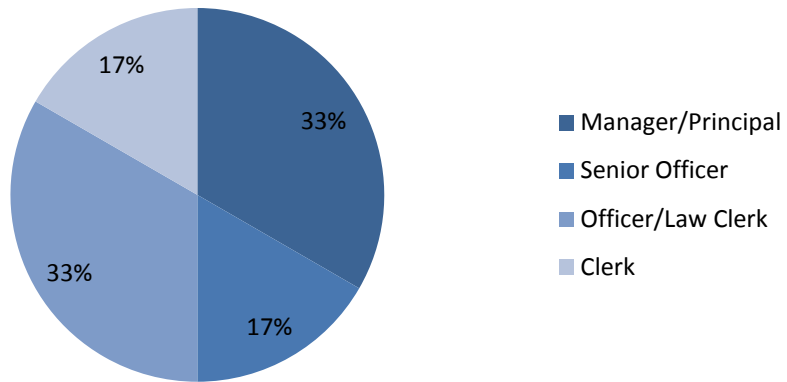
The Office of the Attorney General recorded a very high staff turnover rate of 30% in the financial year 2013-2014 with a total of 18 staff members leaving as voluntary (84%) and involuntary (16%) turnover. The key challenge is to be able to attract and retain experienced and knowledgeable lawyers and support staff in order to execute our Organizational objectives at the highest standard. Another challenge that arises from high staff turnover, is the increasing Office workload as new laws and legislation come into place and a growing occurrence of crime of greater complexity. Also, there have been increasing opportunities for the legal profession in other government ministries and corporations and in the private sector, all offering (or perceived to be offering) greater salaries and benefits. It remains an ongoing challenge for our Office to attract and retain the necessary staff (i.e. highly skilled and experienced) with our present organisational and salary structures which has now led us to focus on building strategies to overcome this rising issue.

Strategy Approach:

- Employee Exit Survey
- Organizational Restructuring and Revised Salary Scale

(vi) Staff Turnover Analysis:

Level of Staff with Highest Turnover



(VI) Financial Expenditure 1 July 2013 – 30 June 2014**STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY
AND EXPENDITURE BY OUTPUT****APPROPRIATION ACCOUNT***for the financial year ended 30 June 2014*

	2014	Estimate	(Over)/Under
	\$	\$	\$
ATTORNEY GENERAL'S OFFICE			
RECEIPTS			
Ordinary Receipts			
Other Revenues	2,301	0	
Fees & Other Charges	13,973	30,000	(2,301)
Other Receipts	16,274	30,000	16,027
			13,726
External Receipts	103,099	0	(103,099)
TOTAL RECEIPTS	119,373	30,000	(89,373)
PAYMENTS			
Outputs			
1. Legal Advice to Head of State, 0 Ministers and Ministries	405,945	411,563	5,618
2. Legislative Drafting 0	714,770	720,911	6,141
3. Criminal Prosecution 0	706,735	714,378	7,642
4. Civil Claims and Opinions 0	510,478	508,321	(2,157)
5. Commercial and International Law 0 Division	516,277	527,392	11,115
6. Sector Coordination Unit	223,756	259,770	36,014

0			
TOTAL Outputs	3,077,960	3,142,334	64,373
Transactions on Behalf of State			
Membership Fees & Grants			
Lexis Nexis	13,335	18,000	4,665
Brookers Online	16,592	18,000	1,409
	29,927	36,000	6,073
Government Policies / Initiatives			
Overseas Counsel's Opinions/Technical Assistance	8,541	20,000	11,459
Rents & Leases (TATTE Building)	286,464	286,464	0
Rents & Leases for Sector Coordination Unit (NPF Building)	32,784	78,870	46,086
	327,789	385,334	57,545
VAGST Output Tax	116,789	134,324	17,535
Total Transactions on Behalf of State	474,505	555,658	76,489
Government Development Projects			
Donor funded	1,294,154	0	(1,294,154)
TOTAL PAYMENTS - ATTORNEY GENERAL'S OFFICE	4,846,620	3,697,992	140,862
RECEIPTS OVER PAYMENTS	(4,727,247)	(3,667,992)	(230,235)

The approved estimate for the Office was \$3,697,992.00 inclusive of Personnel, Operating Budget, and Transactions on Behalf of the States.

The approved estimates allocated for the Office were utilized for the resources required and needed in order to carry out the duties and responsibilities to meet the Office's vision, which is "To serve the people of Samoa by upholding the Constitution and provide the highest quality legal services to Government"

The statement of Receipts and Expenditure by Outputs reflect the activities and funds spent to achieve the organization's mission. Although the indicated spending is more than the revenue

collected, the appropriation account approved for our Office remained within pro-rata. More so, the Office provided and continues to provide its legal services for free to the Government.

The Office also purchased new assets like furniture, office equipment and photocopier machines for its daily work and for the furnishing of our new Archive Room and new office space for the Corporate Services Division. The Assets purchased totaled \$232,206.00.

ASSETS PURCHASED IN FINANCIAL YEAR 2013/2014.

<i>ASSETS</i>	<i>COSTS</i>
Computers	\$57,358.00
Devices	\$14,595.00
Furniture & Fittings	\$128,321.00
Photocopiers	\$23,596.00
Printers	\$4771.00
Other Office Equipment	\$3565.00
TOTAL	\$232,206.00

Law and Justice Sector

(A) OVERVIEW

Since the last Annual Report, the Samoa Law and Justice Sector (SLJS) continues to be comprised of the following Government Ministries and Offices and non-Government Representatives, namely, the Office of the Attorney General, the Ministry of Police and Prisons, Ministry of Justice and Courts Administration, the Office of the Ombudsman, the Ministry of Women, Community and Social Development, Samoa Law Reform Commission, the Public Service Commission, Ministry of Finance, Samoa Law Society, Samoa Umbrella for NGOs, Samoa Council of Churches, Matai Representative, Representative of Sui o Nu'u and a Representative of Sui Tamaitai o Nu'u. The Steering Committee (chaired by the Attorney General) also continues to be comprised of the Chief Executive Officers and representatives of all agencies mentioned above including representatives of central agencies: the Ministry of Finance and the Public Service Commission.

The Secretariat remains the sector coordination unit which consists of a Sector Coordinator, a Principal Projects Officer, a Principal Finance Officer, an Accounts and Administration Officer and an Office Assistant/Driver. The major change in the past twelve months, with regard to the structure of the Secretariat, is the recruitment of a new Sector Coordinator following the resignation of the former Coordinator after the completion of her 3 year contract. The successor of the Sector Coordinator position is the former Principal Finance Officer, Roni Fereti. The Principal Finance Officer position is currently vacant.

In early February 2014, the Secretariat was relocated from the NPF Building in Apia to the Ministry of Justice and Courts Administration Building in Mulinu'u.

(B) STRUCTURE

(I) **Current Staff**

The Law and Justice Sector Secretariat Team consists of:

No.	Name of officer	Position
1.	Tuatagaloa Aumua Ming C. Leung Wai	Attorney General and Sector Chairman
2.	Roni Fereti	Sector Coordinator
3.	Olive Kaio	Principal Project Officer
4.	Tatupu Saena	Accounts and Administration Officer
5.	Iakopo Sila	Driver

(II) **Appointments and Promotions**

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion
1.	Olive Kaio	Principal Project Officer (appointed)
2.	Iakopo Sila	Driver (appointed)
3.	Roni Fereti	Sector Coordinator (promotion)

(III) Resignations

The following staff resigned to take up positions in other Ministries and agencies:

No.	Name of officer	Position	Date of resignation
1.	Dr Fanaafi Le Tagaloa	Sector Coordinator	6 December 2013

(IV) Vacant Positions

The following positions are vacant:

- (i) Principal Accounts Officer

(C) ACHIEVEMENTS

(I) Projects

The 2013/2014 Annual Report mostly covers the ongoing activities outlined in the current Sector Plan.

Some of the Sector's projects that were launched within the first Financial Year (2012/2013) of the current Sector Plan 2012-2016 continued to be sustained within the past twelve months and have mostly progressed towards second and/or third phases. Some of these ongoing projects include the Digitization of Lands and Titles Court Records, the Sector's Centralized Database (AUAFAMAU), the Separation of Prison Services from Police Functions, the Mentoring of Government Lawyers, the Samoa Returnees Charitable Trust, the Neighbourhood Watch Project, Establishment of a Crime Prevention Taskforce, the Soalaupule Mediation Course, support for a Samoa Victim Support Officer at the Courts, and Vehicles for Prison Services, just to name a few.

In July 2013, a key sector achievement was realised when the Narcotics Testing Laboratory was completed and opened at the Scientific Research Organisation of Samoa (SROS) premises at Nafanua; followed by its second phase which was the successful completion of training undertaken by SROS Scientists in New Zealand in September and October, 2013. The Soalaupule

(Samoan Mediation Course) was another successful milestone for the sector after it trained 21 participants from the Ministry of Justice and other Sector Agencies in September 2013. In December 2013, the National Human Rights Institute was launched as a unit of the Ombudsman's Office and extends the mandate of the Office of the Ombudsman to cover human rights concerns.

(D) SIGNIFICANT INITIATIVES/PROJECTS

To enhance better communication between the Sector and the community, an inaugural Open Day was held in September 2013 at the Tui Atua Tupua Tamasese Efi Building at Sogi. The campaign was a success as it helped to solicit feedback from the public with regards to Law and Justice Issues in the Community. As part of the sector's awareness campaign, the Open Day featured all the Sector Agencies, which all came together to exhibit their respective services as part of the Samoa Law and Justice Sector.

The development of the Samoa Crimes Prevention Strategy has been another initiative led and organised by the Sector as a stepping stone to further address the increasing crime rate.

In January 2014, a Sector Implementation Plan Taskforce was assigned to develop an Implementation Plan that will serve as a guide in executing the Sector's remaining activities outlined in the current Sector Plan (2012-2016) as well as identify remaining costs for possible financing by Government and any interested Development Partners.

(E) SIGNIFICANT ISSUES AND SUGGESTIONS TO ADDRESS ISSUES

The main issues the Sector faces and is endeavoring to address under its new Sector Plan for 2012-2016 concerns: monitoring and evaluation; fully working with confidence and running with the Sector Wide Approach; questions of sustainability; and forward planning in place of ad hoc and piece meal reactionary decisions. For this part of the Sector's work to progress, training and awareness on Monitoring and Evaluation issues and processes is being carried out by the Secretariat to complement planning and budgeting processes, first within the Sector and then for individual Sector Agencies themselves. The new Sector Plan unlike the first includes a Monitoring and Evaluation Framework and guidelines for reporting on project activities as well as an estimate of the cost to implement indicated projects under the Sector's five Goals: Community Safety; Access to Justice; Harmonizing Formal and Customary Systems of Justice; Integrity and Good Governance; and the fifth which was added with the 2012-2016 Sector Plan- Capacity Building.

ATTACHMENT A:**LIST OF OFFICIAL TRIPS ATTENDED FROM 1 JULY 2013 – 30 JUNE 2014**

Name of Meeting	Date of Meeting	Who attended
32nd Pacific Islands Law Officers Network Meeting (PILON)	5- 6 November 2013, Nukualofa, Tonga	Tuatagaloa Aumua Ming Leung Wai and Constance Tafua Rivers
11th Technical Workshop on assisting Pacific Island Countries with Maritime Boundary Delimitation	25-29 November 2013, Sydney, Australia	Constance Tafua- Rivers
Arms Trade Treaty: Pacific Model Legislation Workshop	2-4 December 2013, Auckland, New Zealand	Loretta Teueli
International Course on Law and Legal Protection in Natural Disasters	3-7 December 2013, Sanremo, Italy	Constance Tafua- Rivers
4th Pacific Legislative Drafters' Technical Pacific Islands Forum	9-11 April 2014, Suva, Fiji	Loretta Teueli and Rupeni Nawaqakuta
Legislative Drafting Regional Seminar	23- 27 June 2014, Auckland, New Zealand	Steffany Lisha Meredith
Institute of Advanced Legal Studies Legislative Drafting Course	9 June – 4 July 2014, London, England	Leitu Moananu
APG Pacific Assessor Training and National Risk Assessment Workshop	26-29 January 2014, Auckland, New Zealand	Precious Chang
13th Asian Pacific Annual meeting on Crimes and Court	22-24 January 2014, Bangkok	Muriel Lui
Cyber & Emerging Technology Workshop	23-27 June 2014, Sydney, Australia	Fetuliai Lagaia
WTO-PIFS Australia Trade Facilitation Needs Assessments & Implementations Workshop	12-17 May 2014, Suva, Fiji	Sine Lafaialii

**& Seminar on Prospective
Benefits of Membership in
the APTA.**

ATTACHMENT B:**LIST OF OFFICIAL NATIONAL TRAININGS/WORKSHOPS ATTENDED FROM 1 JULY 2013 – 30****JUNE 2014**

Name of Meeting			Date of Meeting	Who attended
Plain Language Drafting Training			18 July 2013, AGO Conference Room	AGO Legal staff
Pacific Agreement on Closer Economic Relations (PACER) and World Trade Workshop			22- 26 July 2013, Development Bank of Samoa Conference Room	Theodora Matalavea
Youth Parliamentary Programme			6-7 July 2013, Office of the Clerk of Legislative Assembly, Mulinu'u	Leitu Moananu
Office Management Skills			5-9 August 2013, AGO Conference Room	Corporate Services staff
Induction trainings for new law clerks			26 August 2013, Attorney General's Office Conference Room.	Attorney General's Office Law Clerks
Joint Platform for Disaster Risk Management and Climate Change Workshop			29 October 2013, Apia	Constance Tafua-Rivers
Transformational Leadership Development Programme			November 2013, Leauvaa	Manusamoa Christine Saaga
International Health Regulation Workshop			4- 6 November 2013, Apia	Siovia Florina Liu and Titilua Aiono
Family Violence Court and Youth Justice Workshop			8-11 October 2013, Apia	Constance Tafua- Rivers and Theodora Fipe Matalavea
Professional Diploma in Legislative Drafting			April- November 2013, Apia- Fiji	Leitu Moananu and Theodora Fipe Matalavea
Tax Laws Training			21 February 2014, AGO conference room	AGO Legal staff
Australasian Law Reform Agencies Conference			28-30 May 2014, Apia	AGO Legal staff
Alcohol and other drugs Treatment Court Workshop (AODT)			31 March- 4 April, Apia	Leitu Moananu and Siovia Florina Liu.
Conflict Management			5-9 May 2014, Apia	Manusamoa Christine Saaga
Policy Development Training			27 May 2014	AGO staff

Ethics Talk	1 April 2014, AGO Conference Room	AGO Legal Staff members.
Samoa Convention to eliminate all forms of Discrimination against Women Training (CEDAW)	16-18 June 2014, Apia	Theodora Fipe Matalavea
Hostile Witness Training	27 June 2014, AGO Conference Room	AGO Legal staff
HUAWEI (SNHB)	15/07/2013-27/10/2013, CSL/MCIT	Uitiriai Uili Kapeteni
Watch Guard(Firewall)	18 – 24 October 2013, CSL	Uitiriai Uili Kapeteni
Records Task Force In-Country Training	27 March 2014, MESC	Tepora Tutagalevao and Ruta Togiola
Records Task Force In-Country Training	25 May 2014, MESC	Tepora Tutagalevao and Ruta Togiola
Records Task Force In-Country Training	9 June 2014, MESC	Tepora Tutagalevao and Ruta Togiola
New Treasury Instructions Workshop	27-31 January 2014, DBS building	Manusamoa Christine Saaga, Pisila Tikeri, Michael Wulf, Uiti Uili, Taumuli Saena Papalii, Jason Iputi and Kome Siatulaua
Non Tax Revenue Workshop hosted by MOF (Budget Division)	7 February 2014, CBS Building	Manusamoa Christine Saaga, Loretta Teueli, Loukinikini Vili, Pisila Tikeri and Michael Wulf
MOF Budget Refresher Workshop	25 March 2014, CBS Building	Manusamoa Christine Saaga, Pisila Tikeri, Michael Wulf, Jason Iputi and Kome Siatulaua
Policy Research Development and Analysis Training Hosted by PSC	26-30 May 2014, PSC Training Room	Manusamoa Christine Saaga, Michael Wulf and Taumuli Saena Papalii