



Office of the Attorney General

23 October 2017

Hon Speaker of the House
Legislative Assembly
Mulinuu

In accordance with the Attorney General's Act 2013, I am delighted to submit herein the Annual Report of the Office of the Attorney General for the year ending 30 June 2017.

The Report records the Office's key performance results during the financial year 1 July 2016- 30 June 2017, 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 lo'u faaaloalo lava,

Honourable Tuilaepa Dr. Sailele Malielegaoi

PRIME MINISTER/

MINISTER RESPONSIBLE FOR THE OFFICE OF THE ATTORNEY GENERAL

Annual Report

1 July 2016 - 30 June 2017

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



I am pleased to present the Annual Report for the Office of the Attorney General ('Office') for the financial year, 1 July 2016 to 30 June 2017.

This report provides a brief background on the operations of the Office and its role as the Principal Legal Advisor to Government. It outlines the various projects that have been completed or are otherwise ongoing, landmark cases and legislation as well the challenges faced by each respective division within the Office.

Each year the Office faces many different challenges but this year was especially exceptional with a full change of guard in the management team. Reforms achieved by the Office, in previous financial years, to separate criminal prosecutions were repealed, so reintegration of the two arms of the (former) National Prosecutions Office back into the Attorney General's Office took place while the Office and the new management team had to ensure the normal functions continued, and legal services to the Government experienced no disruptions.

Despite a demanding year and resource constraints, the calling to serve ensured all legal services were at a high level at all times. It is therefore my privilege to commend the Attorney General, the management team, and most especially the staff for their tireless efforts in ensuring the Office continued to achieve results. Faafetai tele lava.

Soifua ma ia manuia.

Honourable Tuilaepa Dr. Sailele Malielegaoi

PRIME MINISTER/

MINISTER RESPONSIBLE FOR THE OFFICE OF THE ATTORNEY GENERAL



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Attorney General's Note



Greetings and Talofa Lava!

This has been a busy year whereby we have completed many projects, seen the commencement of new ones, and the continuation of current work.

As reported in 2016, the approval by Cabinet of the Assistant Attorney General – Commercial and International Law signaled the division of the Civil Division into two (2) Divisions: Civil Litigation and Opinions and Civil Commercial and International Team.

Following the passage by Parliament of the repeal of the National Prosecution Act, the criminal arm of the Attorney General was re-integrated in the Office of the Attorney General. The Criminal Team presently consists of two teams one headed by the Assistant Attorney General for Supreme Court matters; and the other by the Assistant Attorney General for District Court matters. We also re-formalized the work we do together with police prosecutors to enhance and return the District Court, Criminal team to its past levels of efficiency.

The Civil legal work continues to be one of the busiest team of the Office of the Attorney General due to the increasing civil litigation undertaken by our Office on behalf of the Government, timely provision of professional legal opinions and advice to Government Ministries and Agencies as well as reviewing and drafting all Government contracts/deeds and other related legal documents both domestic and international.

The Legislative Drafting Division has also been quite busy this year, from meeting drafting deadlines before dissolution of Parliament to the General Elections to the first meeting of the new Parliament and also due to the usual demands of government ministries for legislation to be drafted and finalized.

The Corporate Services Division continues to provide exceptional support service to adequately deal with the demanding workload of the Office and has conducted scheduled training for this year in relation to time management and leadership in the Office.

We will also continue to stand in full support of the police and prosecution services of our country where required. As Attorney General, I further express my gratitude to PILON for its ongoing support, as we welcomed their Secretarial into our Office to be based with us.

I am pleased to present this annual report for the financial year ending June 2017.

Thank you,

(Lemalu Hermann P. Retzlaff)

ATTORNEY GENERAL



Introduction

The Office of the Attorney General of Samoa, for the first 11 months of financial year 2016-2017, operated with 3 Core Legal Divisions: the Legislative Drafting Division, the Civil Litigation and Opinions Division and the Commercial and International Law Division, until early June 2017 which saw the passing of the Constitutional Amendment Act No.2 in Parliament, which effectively reintegrated the former National Prosecutions Office into the Office of the Attorney General, as two Criminal Divisions. This brought the total number of core divisions to five and the Corporate Services Division.

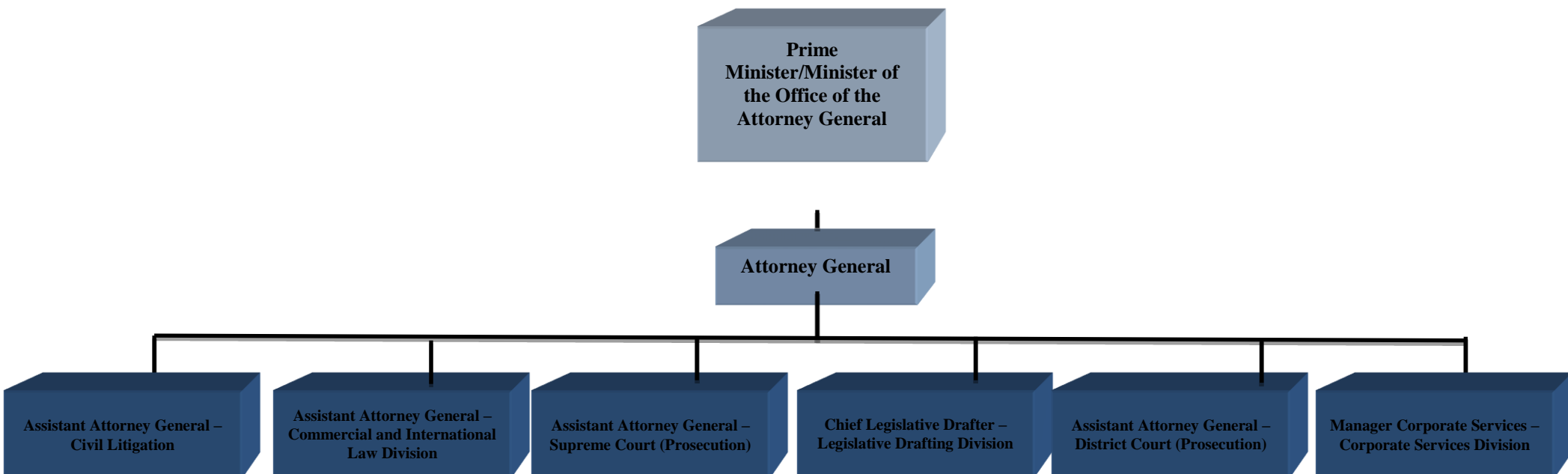
Previous financial years have been significant with a lot of challenges, and this year was no exception. While the repeal of the National Prosecutions Act only took effect in the last month of Financial Year 2017, the Attorney General assumed Acting Director responsibilities for the (former) National Prosecutions Office in October 2016, as approved by Cabinet while directed proceedings took place. Civil litigation matters referred to our office, requests for drafting services as well as contractual services and advice were continued to be in high demand.

Despite the challenges faced, our Office has made great strides in improving recruitment processes and upskilling staff to ensure quality legal services are provided to Government as a whole. We look forward to continued cooperation with our development partners to further train the legal and administrative minds of the AGO staff and to the hosting of the PILON Litigations workshop this coming November 2017.

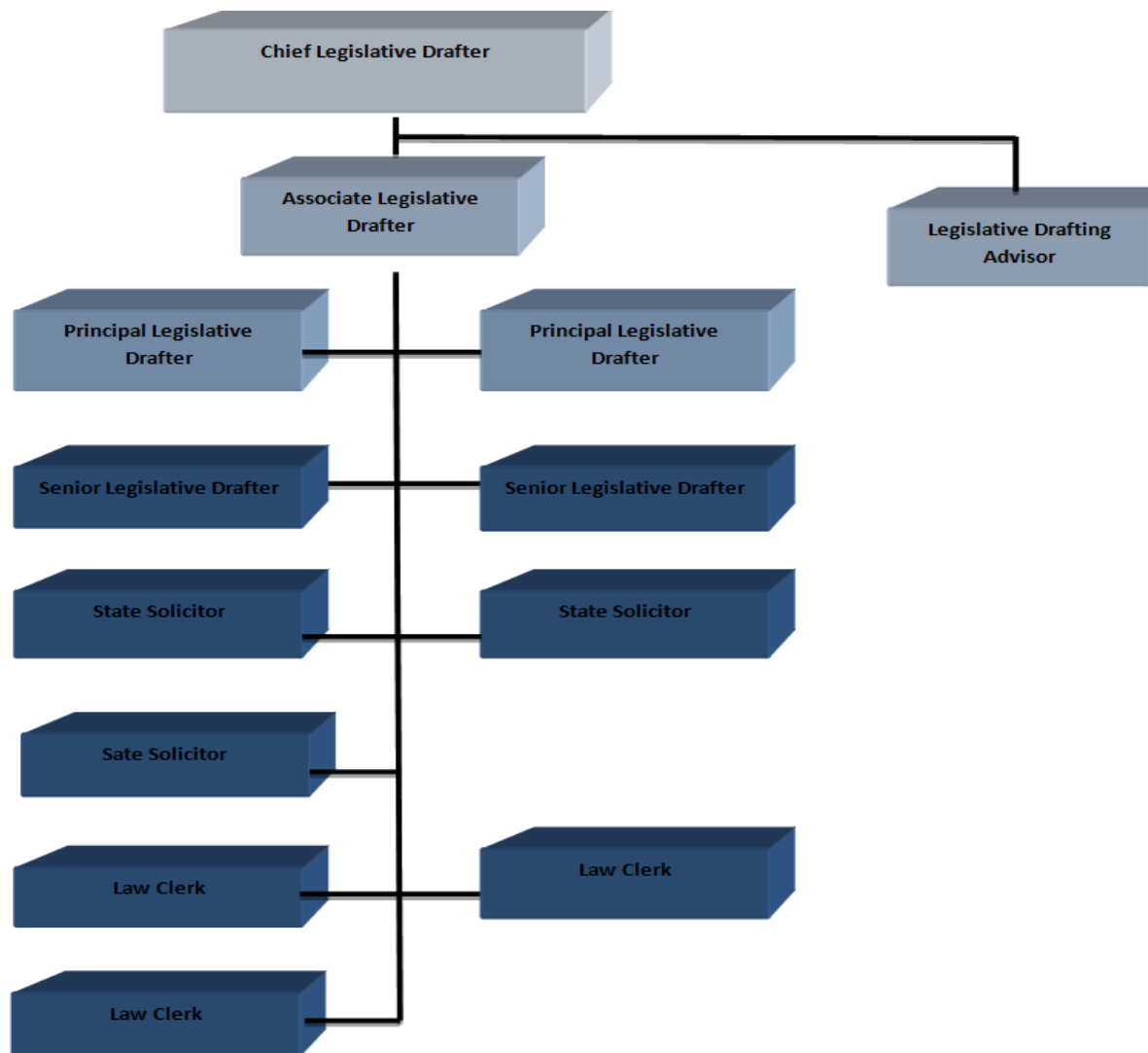


Organizational Structure

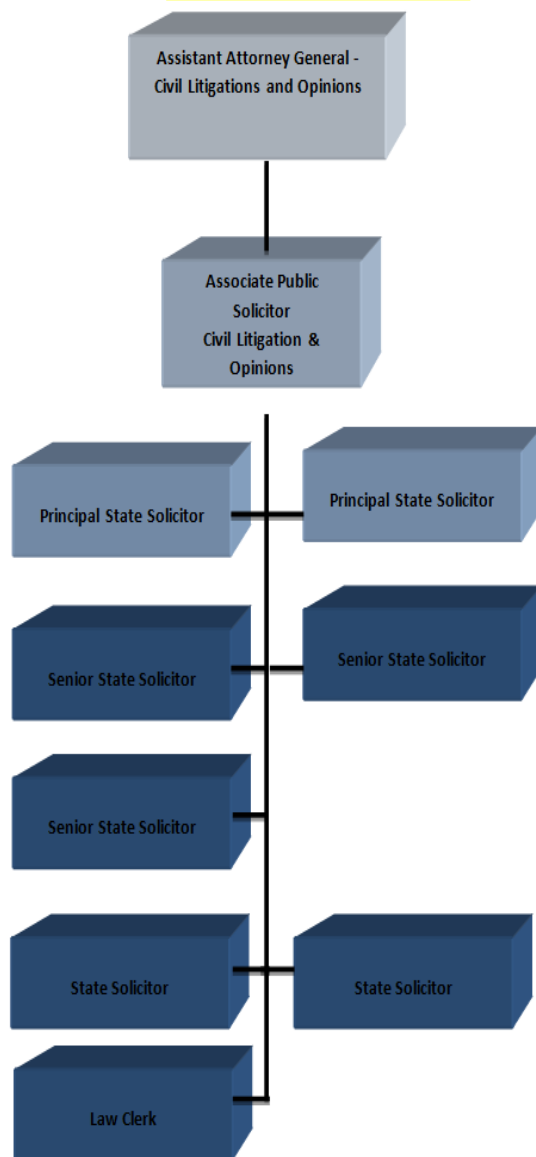
MANAGEMENT STRUCTURE



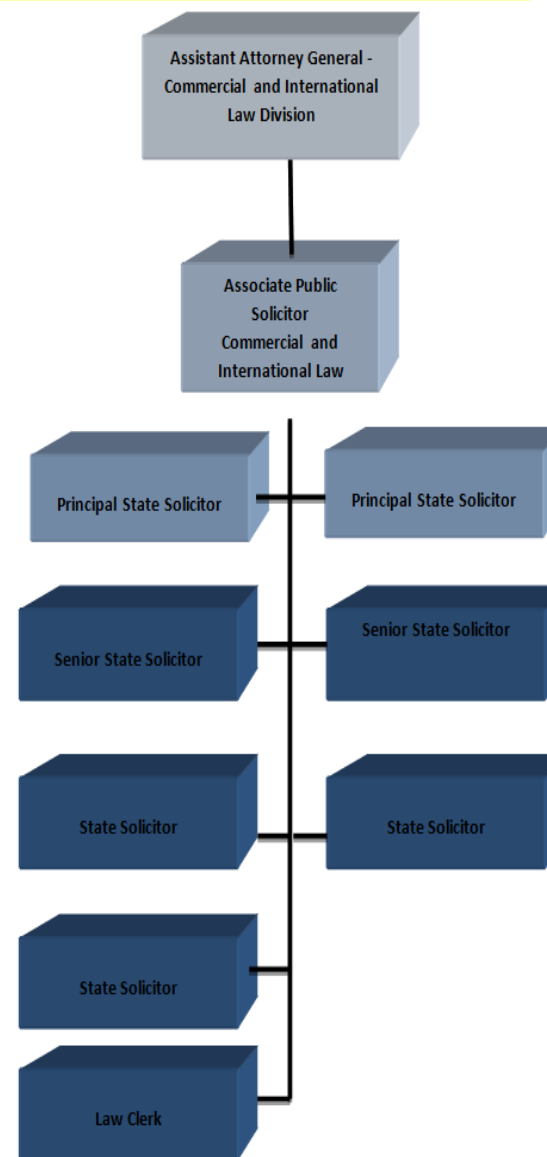
LEGISLATIVE DRAFTING DIVISION



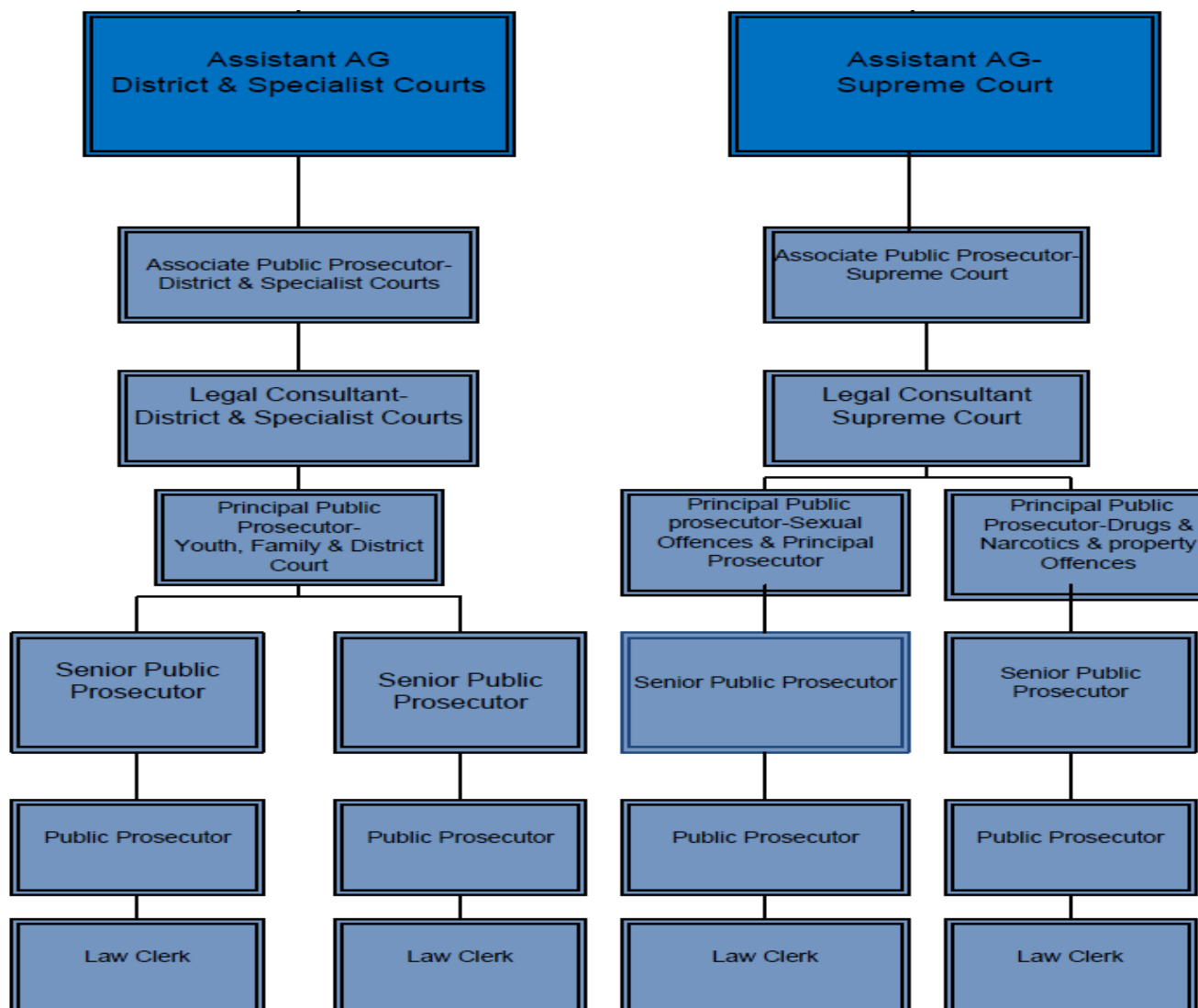
CIVIL LITIGATION DIVISION



COMMERCIAL AND INTERNATIONAL LAW DIVISION



CRIMINAL LAW DIVISIONS





Legislative Drafting Division

A. OVERVIEW

The function of the Legislative Drafting Team 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 authoritative laws of Samoa.

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

Achievement of Key Performance Indicators:

Performance Measure	Baseline Data Baseline (Base Year)	2015 - 2016 Estimated Actual Standard	2016 - 2017 Budget Standard	Traffic Light Progress Indicator	Output Manager's comments on achievement of the Targets they have been funded to deliver in FY16-17
Percentage of legislation & regulation expected to be finalised by June 2016.	80% (2010 - 2011)	70%	70%	Completed/ Achieved	All legislation and regulations requested of the office were completed within the required timeframes
Percentage of subsidiary legislations finalised (Guidelines, Commencement date notices, Memos, Rule, Bylaws,	60%(2010 - 2011)	70%	70%	Completed/ Achieved	100% of subsidiary legislation that were expected to be finalised by June 2017 were completed
Percentage of advice on statutory interpretation.	70%(2010 - 2011)	80%	80%	Completed/ Achieved	100% of advice on statutory interpretation were completed
Number of consultations of draft Legislations. (%)	65% (2010 - 2011)	90%	90%	Completed/ Achieved	100% was achieved as all the legislation requested were drafted and cleared.
Date by which laws are consolidated.	End of February (2010 - 2011)	End of December	End of December	Completed/ Achieved	Consolidation was completed by 31 January 2017. Distribution to all legal counsel and security storage (CBS vault & AGD Library) have all been completed accordingly
Percentage level of Non-Tax Revenue Collected	80% (2010 - 2011)	100%	100%	Completed/ Achieved	NTR collected exceeded targets by 232% due to the increase in drafting requests
Number of trainings conducted for drafting legislations & regulations.	NA	5	5	Completed/ Achieved	Conducted more than 5 trainings and remains an ongoing initiative

B. STRUCTURE:**Current staff**

The Drafting Division consists of the following:

item	Name of officer	Position
1.	Lemalu Herman P. Retzlaff	Attorney General
2.	Galumalemana Noumea L. Teueli	Chief Legislative Drafter/Assistant Attorney General
3.	Leitu Moananu	Associate Legislative Drafter
4.	Steffany Lisha Meredith	Principal Legislative Drafter
5.	Siovia Florina Liu	Principal Legislative Drafter
6.	Jasmine Faleafaga	Principal Legislative Drafter
7.	Lizatalei Hakai	Senior Legislative Drafter
8.	Kylie Wilson	Senior Legislative Drafter
9.	Titilua Aiono	State Solicitor
10.	Luaipou Ann Matalasi	State Solicitor
11.	Beau Jacek Tuala	State Solicitor
13.	Losa Kelekolio	Senior Legal Secretary, Legislative Drafting
14.	Tacy Sasagi	Part- time Law Clerk

The following staff were appointed and promoted:

item	Name of officer	Appointment and Promotion
1.	Steffany Meredith Hunt	[18.07.16] Legislative (Promotion) Principal Drafter
2.	Siovia Florina Liu	[18.07.16] Legislative (Promotion) – Principal Drafter
3.	Jasmine Faleafaga	[01.05.17] Legislative (Promotion) – Principal Drafter
4.	Lizatalei Hakai	[01.05.17] Legislative – Senior Drafter

		(Promotion)
5.	Kylie Wilson	[01.05.17]- Senior Legislative Drafter (Promotion)
6.	Luaipou Ann Matalasi	[01.05.17] – State Solicitor (Promotion)
7.	Beau Jacek Tuala	[01.05.17] – State Solicitor (Promotion)

The following staff resigned due to other personal commitments.

Item	Name of officer	Date of resignation
1.	Mearold Viliamu	13 April 2017

Vacancies – The following positions are vacant:

- Law Clerk (x3)

C. **ACHIEVEMENTS:**

(I) **Legislative Programme:**

- The following Bills were passed

No.	Act	No.	Act
1.	<i>Citizenship Amendment Act 2016</i>	2.	<i>Bankruptcy Amendment Act 2016</i>
3.	<i>Foundations Act 2016</i>	4.	<i>Trust Amendment Act 2016</i>
5.	<i>International Partnership and Limited Partnership Amendment Act 2016</i>	6.	<i>Supplementary Appropriation Act (No.1) 2017</i>
7.	<i>Police Service Amendment Act 2017</i>	8.	<i>Coroners Act 2017</i>
9.	<i>Village Fono Amendment Act 2017</i>	10.	<i>Police Powers Amendment Act 2017</i>
11	<i>Tax Information Exchange Amendment Act 2017</i>	12	<i>Stamp Duty Amendment Act 2017</i>
13	<i>Constitution Amendment (No.1) 2017</i>	14	<i>Constitution Amendment (No.2) 2017</i>
15	<i>Appropriation Act 2017/2018</i>	16	<i>Income Tax Amendment Act 2017</i>
17	<i>Excise Tax Rates Amendment Act 2017</i>	18	<i>Fees and Charges (Miscellaneous Amendments) Act 2017</i>
19	<i>Casino and Gambling Control Amendment Act 2017</i>	20	<i>Customs Tariff Amendment Act 2017</i>
21	<i>Public Service Amendment Act 2017</i>		

The following Bills were issued with Attorney General's ('AG') certificate to be processed in Cabinet for enactment process in Parliament:

No.	Bill	No.	Bill
1.	<i>Sex Offenders Registration Bill 2017</i>	2.	<i>Film Production (Tax Incentive) Bill 2017</i>
3.	<i>Energy Efficiency Bill 2017</i>	4.	<i>Honours and Awards Amendment Bill 2017</i>
5	<i>Conventional Arms Bill 2017</i>	6	<i>Fire and Emergency Services Amendment Bill 2017</i>
7	<i>Education Amendment Bill 2017</i>		

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

No.	Subsidiary legislation	No.	Subsidiary legislation
1	<i>Customs Tariff Modification Order 2016</i>	2.	<i>General Price Order (No.1) 2016</i>
3.	<i>Customs Prohibited Import Order 2016</i>	4.	<i>Telecommunication Consumer Protection Rules 2016</i>
5.	<i>Professional Engineers (Criteria and Qualifications) Determination 2018; and Fees Determination 2016</i>	6.	<i>Public Service Amendment Regulations 2016</i>
7.	<i>Radio Spectrum Rules</i>	8.	<i>Food (Ava Standard) Regulations 2016</i>
9	<i>Public Service Amendment Regulations 2016</i>	10	<i>Electricity Fees Regulations 2016</i>
11	<i>Water Resource Bylaws for Faleseela, Vailoa Palauli, Gasegase and Fuluasou.</i>	12	<i>Telecommunications License Fee Amendment Regulations 2016</i>
13	<i>Institute of Professional Engineers of Samoa Regulations 2016</i>	14	<i>Prisons (Weekend release) Regulations 2016</i>
15	<i>Prisons and Corrections Amendment Regulations 2016</i>	16	<i>Allied Health Profession Fees Notice 2017</i>
17	<i>Special Price Order (No.1) 2017</i>	18	<i>Personal Property Securities Regulations 2017</i>
19	<i>Police Service Amendment Regulations 2017</i>	20	<i>Prisons and Corrections Amendment Regulations 2017</i>

(II) Workshops and training

The following international and national meetings, workshops, placements and trainings were attended by members of the Drafting Division:

International:

Workshop/Training	Objective	Date & Place	Attendees
MCCABE Centre for Law and Cancer Legal Intensive Program	To raise awareness on the effect of cancer and other non-communicable diseases (NCD) and to build capacity in the use of laws to prevent and control cancer and NCDs in the context of developing coherence between health, trade and investment laws, policies and sectors.	August 29-16 September 2016 Melbourne Australia	Leitu Moananu
Pacific Workshop on Non-communicable Diseases Trade and Sustainable Development	To build capacity in the use of law to prevent and control non-communicable diseases particularly in the context of developing coherence between health, trade and investment laws, policies and sectors within the Pacific.	22-23 September 2016 Lautoka Fiji	Leitu Moananu
Taxing Sugar-Sweetened Beverages Technical Workshop	To discuss methods and option on the taxing of sugar sweetened beverages (SSB). The aim of the Workshop was to address the growing number of deaths as a result of non-communicable diseases (NCD) which is attributed to the high consumption of SSB products.	22-23 September 2016 Manila Philippines	Galumalemana Noumea L. Teueli

National

Workshop/Training	Objective	Date & Place	Attendees
Samoa Law Society and Maori Law Society Joint Conference	To discuss, bring together and establish a more formal manner of networking, discussion and professional development between Maori and Samoan lawyers.	7- 9July 2016 Taumeasina Island Resort	Steffany Meredith Hunt, Siovia Florina Liu, Ann Matalasi, Cata Seiuli
Prisons and Corrections Act 2013 Presentation	To train new recruits by New Zealand Corrections and also in relation to the interpretation of the Prisons and Corrections Act 2013.	15 September 2016 Tafaigata Prison	Steffany Meredith Hunt, Titilua Aiono
Office of the Regulator Capacity Building Training	The purpose of the training was to provide an insight on two topics namely “Mobile for Social and Economic Development” and “Children and Mobile Technology”.	16-25 August 2016 Tanoa Tusitala	Mearold Viliamu, Kylie Wilson
Law Library Training	To train Secretaries and especially lawyers on how to use the Library effectively for their legal research.	5-7 October 2016 Central Bank of Samoa	Members of Office of the Attorney General
Pacific Immigration Directors Conference	To assist member countries in assessing their existing legislation and where appropriate in developing effective, modern legislation for immigration purposes that is in line with national strategy.	5-8 December 2016 Development Bank of Samoa	Siovia Florina Liu, Mearold Viliamu, Ann Matalasi
EU-GIZ Adapting to Climate Change and Sustain-able Energy (ACSE) Programme Technical Group Meeting	To discuss any challenges key implementing agencies are facing and review the existing Working	2 February 2017 Central Bank of Samoa	Mearold Viliamu

for the Energy Bill & Sustainable Bioenergy in Samoa Project	Plan for the Sustainable Bioenergy Project in Samoa.		
International Estate Planning Course	To further knowledge and understanding on different types of International Estate Planning available in Samoa such as Trusts, Companies, Special Purpose International Companies and especially Foundations, a new entity that has just been recently introduced in Samoa under the Foundations Act 2016.	Development Bank of Samoa 6-17 February 2017	Terina Sefo and Jacek Tuala
Prosecution Training	To refresh and further knowledge on basic skills of prosecutions.	Tofilau Eti Alesana Building, Mulinuu. 21 February 2017	Members of the Office of the Attorney General.
Drafting Division Beginners Training	To train juniors and refresh knowledge for the seniors on basic aspects and requirements of legislative drafting.	Conference Room, Office of the Attorney General 14 February 2017	Drafting Division
Pacific Disability Forum	To build a more inclusive and equitable Pacific for all persons with disabilities by providing opportunities and space for young persons with disabilities from Pacific Island countries and territories.	Tanoa Tusitala Hotel Conference Room 20-24 February 2017	Titilua Aiono, Tacy Sasagi
Personal Property Security Register System	To introduce the new online personal property register system established under the Personal Property Securities Act	ACB Building 27 February 2017	Jacek Tuala, Tacy Sasagi

	2013.		
Customary Land Advisory Committee Stakeholder Consultation	To provide update from public consultations in relation to the mortgage of customary leases and the development of the Committee strategic plan for the next 3 years.	MNRE Conference Room 21 February 2017	Jasmine Faleafaga, Ann Matalasi
Anti-Money Laundering and Counter Terrorist Financing Workshop	To discuss the progress made by Samoa to address the deficiencies identified in the Asia/Pacific Group on Money (“AGP”), Mutual Evaluation Report for Samoa 2015 on Anti-Money Laundering and Counter Terrorist Financing.	Central Bank of Samoa 2 May 2017	Kylie Wilson, Jacek Tuala
Drugs Reform (Narcotics Act 1967	To discuss the issues paper for the new project on drugs reform.	Conference Room, Office of the Attorney General. May 2017	Drafting Division
Pacific Island Law Officers Network Executive Meeting (PILON)	To discuss matters confirming the PILON Secretariat to remain in Samoa and also confirming the on-going work of the three working groups for the areas of Sexual Gender Based Violence, Environmental Crime and Cybercrime.	Office of the Attorney General. 15-16 June 2017	Attorney General, and members of the PILON Countries

(III) Projects:

1. Annual consolidation of Acts

The annual consolidation of Acts for 2016 was done and completed before 31 December 2016. The consolidated Acts were then distributed through compact disks (“CD”) to Ministries and other bodies and agencies. The normal security process was also followed whereby one CD is referred to the Australian Attorney General’s Department for safekeeping as well as the Central Bank vault storage.

D. SIGNIFICANT INITIATIVES PROJECTS

(I) Project Management Training

The Project Management Training was conducted by Leasomaletenari Solomona and Anita Poutoa of the Corporate Service Team from 17th-19th May 2017, at the AGO Conference Room. The training focused on project management essentials, initiating a project, planning a project, executing the project and closing of a project. The Attorney General, Lemalu Hermann P. Retzlaff awarded certificates to those who attended the training. Tacy Sasagi and Losa Kelekolio attended this training on behalf of the Legislative Drafting Division.

(II) PRESENTATION ON DRAFT INSTRUMENTS

Internal presentation and discussion of draft legislative instruments assigned to drafters are carried out monthly where a drafter will present to other lawyers within the Office a draft instrument they are working on. This provides an opportunity for each draft instrument to be heavily scrutinised by lawyers, testing whether the draft instrument is legally sound and practical. The exercise has been fruitful not only in informing the Office of draft laws intended to be passed whilst at the same time contributing to the improvement of draft instruments. This also teaches junior drafters lessons in improving draft laws as well as learn to justify a draft law assigned to them for drafting.

(III) CONSOLIDATION OF REGULATIONS PROJECT

This has been an ongoing project for the past 4 years which the team has undertaken as a project on top of the work it does on a daily basis. This project started within the team and when securing funding for it was unsuccessful, the team undertook the first phase which is a compilation of all Regulations made to date in preparation for consolidating them. The first phase was very challenging as it required typing of all regulations that do not have electronic copies and then verifying that all electronic copies are accurate. Phase 2 will be to begin consolidating all regulations. Phase 3 will be to revise the consolidation before Phase 4 is completed which is to finalise the Consolidation of Regulations.

As this is not a mandated project but rather an initiative for the Team, there is no deadline as it is extra work on top of daily work assigned to the Team. This project is therefore ongoing.

E. SIGNIFICANT LEGAL REFORMS

(I) Significant laws that have been passed

(i) *Foundations Act 2016*

The object of the Foundations Act 2016 is to create foundation as a legal entity to manage properties. This Act commence on the date of assent. The Act covers the following:

- a. creation, registration and establishment of a foundation;
- b. appointments and removal of members of the Council, a Supervisory Person and Guardian;
- c. duties and powers of the Court regarding a foundation;
- d. registration of overseas foundation in Samoa and vice-versa.

- e. revocation or variation of any power regarding a foundation and the variation of terms of Constitution of a foundation;
- f. winding-up of a foundation by its Council or an official liquidator appointed by the Court or the Registrar upon written request of the Council.

(ii) *Police Service Amendment Act 2017*

The Act seeks to amend the Police Service Act 2017 to allow the Head of State, on the advice of the Cabinet, to suspend or terminate the Commissioner or Assistant Commissioner under certain circumstances without the need to establish a Commission of Inquiry if it is clear and substantial there are grounds for suspension or removal. The Act inserts same provisions into the Prisons and Corrections Act 2013 and the National Prosecution Office Act 2015 for uniformity. These new changes are an exception to the general rule which is a Commission of Inquiry or Tribunal may still be held if there is a need to do so.

(iii) *Coroners Act 2017*

The Act repeals the Coroners Ordinance 1959 and provides a coronial system to investigate sudden or unexplained deaths or deaths in special circumstances through inquiries and inquests to help pre-vent deaths in circumstances similar to those deaths and for related purposes.

(iv) *Village Fono Amendment Act 2017*

The Act seeks to amend the Village Fono Act 1990 (Act). The object of the Act is to strengthen our culture to ensure stability in Samoa by strengthening the role of the Village Fono and to ensure that the exercises of the powers of the Village Fono are in accordance with the Constitution. The Act covers the following:

- a. the granting of a specific power to impose curfews and banishment;
- b. the inclusion of limited jurisdiction over those living in government, lease or freehold land located within village lands;
- c. the provision of specific power to Village Fono to make their own faiga faavae or iugafono and register them at the Ministry of Women, Community and Social Development in order for them to be recognized by the Court. However, the registration of faiga faavae or iugafono do not necessarily mean that they are consistent with the Constitution;
- d. the requirement to consult and obtain the approval of the Village Fono before any building or activity can be undertaken – e.g. a shop or a new church. If the Alii and Faipule decline the proposed activity or building, the decision can be appealed to the Land and Titles Court under section 11 of the Act.
- e. the requirement to consult and obtain the approval of the Village Fono before any building or activity can be under-taken. If the Alii and Faipule decline the proposed activity or building, the decision can be appealed to the Land and Titles Court.

(v) *Police Powers Amendment Act 2017*

The Act seeks to amend section 13 of the Police Powers Act 2007. It authorises the Minister responsible for the Samoa Police Service to approve a police officer to be armed under exceptional circumstances, in accordance with relevant police

internal orders or pre-scribed rules and after consultations with the Attorney General.

(vi) *Constitution Amendment (No.1) 2017*

This Act abolishes the National Prosecution Office (NPO) and repeals the NPO Act 2015. The prosecutorial powers that were with NPO is now back to the Attorney General's Office. The National Prosecution Office is now the criminal division under the supervision of the Attorney General's Office.

(vii) *Constitution Amendment (No.2) 2017*

The Constitution Amendment (No.2) Act 2017 amends the Constitution of the Independent State of Samoa 1960 by inserting in the body of the Constitution that Samoa is a Christian nation. This is to declare the dominance of Christianity in Samoa.

(viii) *Fees and Charges (Miscellaneous Amendments) Act 2017*

The Act seeks to amend various Acts of Parliament in relation to fees and charges and to give effect to a Cabinet Directive F.K.(14) 25 dated 16 July 2014. The main purpose of the Act is to ensure that all fees and charges for services rendered by Government Ministries, Government Agencies and public beneficial bodies and selected public trading bodies are to be prescribed by Regulations made by the Head of State, subject to the approval of the National Revenue Board.

(II) Significant law reforms in drafts

(i) *Sex Offenders Registration Bill 2017*

The Bill seeks to require offenders that commit sexual crimes to keep the police informed of their whereabouts, for the safety of the public and prevention of re-offending. The objects of the Bill are:

- (a) to set up a register of names (and other required details) of offenders of sexual crimes to be kept and regulated by the Samoa Police Service;
- (b) to prevent registered sex offenders from working in child-related employment;
- (c) to regulate movements of all sex offenders in Samoa that are released back into the community including those already in the community before the commencement of the Bill once passed.

(ii) *Energy Efficiency Bill 2017*

The objective of the Bill is to regulate the energy efficiency of energy using products and consumer information on those products and for related purposes.

(iii) *Conventional Arms Bill 2017*

The object of the Bill is to domesticate and implement the Arms Trade Treaty ("ATT") that was signed by Samoa in 2013. The ATT aims to regulate legal transport of conventional arms from country to country so that the transport of the same are not for the purpose of committing international crimes. The Bill therefore ensures that the prevention and eradication of illicit trade and diversion of conventional arms is maintained.

CHALLENGES

Recruit of lawyers

There has been improvement since the past year with recruitment of lawyers. All positions are now filled with the exception of the 3 entry level positions. The challenge to now address is attracting new graduates to apply to the vacant positions. It is however foreseen that by the next financial year, these positions would have been filled.

Absence of Legislative Drafting Advisor

For the past 10 years, the Drafting Team has had the assistance of a Legislative Drafting Advisor to assist with the capacity building and mentoring drafters within the team. In 2006, there were only 2 drafters. By 2016 the organisational structure increased to 13 with only 3 vacancies. This not only speaks of the success in the Australian funded programme but particularly in the contribution made by the most recent Advisor who opted to stay for 5 years for a contract which is originally intended for 2 years. The extension of the length of time has helped in developing a team of drafters who are now manning the team. The challenge since the end of the Advisor's contract has been to carry on the workload without delays in deadlines. The workload has been slightly immense however, deadlines have still been met.

We take this opportunity to thank the Australian Government for this assistance as well as the all Drafting Advisors who have contributed to the development of Samoa's legislative drafters. We make particular mention of Mr. Rupeni Nawaqakuta who was with the team for 5 years.



Civil Litigation and Opinions Division

A. Overview:

In April 2017, the Civil Division of our Office was divided into two Divisions being the Civil Litigation and Opinions Division and the Civil Commercial and International Division.

This report will provide an overview of the work that has been done by the Civil Litigation and Opinions Division in the financial year noted above.

Overall the Civil Litigation and Opinions Division (the ‘Litigation and Opinions Division’) is responsible for meeting the following objective for the AGO:

To provide legal advice on legislation administered by Ministries and Corporations.

Duties and responsibilities include:

- Represent government bodies in civil claims before the Supreme, District and Appeal Courts as well as Tribunals to ensure all parts of Government act in accordance with the law;
- Participate in committees and working parties to ensure all legal requirements are satisfied;
- Review and draft all government contracts and deeds as well as other legal documents to ensure protection of government interests; and
- Participate on negotiations relating to any contracts, agreements, credit facilities and undertakings required of government.

Achievement of Budgetary Key Performance Indicators:

Performance Measure	Baseline Data	2015 - 2016	2016 - 2017	Traffic Light Progress Indicator	Output Manager's comments on achievement of the Targets they have been funded to deliver in FY16-17
	Baseline (Base Year)	Estimated Actual Standard	Budget Standard		
Percentage of Legal advice and Opinion provided within the required timeframe.	70% (2010 - 2011)	85%	85%	Completed/Achieved	Targets were achieved for the period under review
Percentage of civil claims and judicial review applications successfully defended or settled.	75% (2010 - 2011)	90%	90%	Completed/Achieved	90% of the civil claims and judicial review have been defended at court. Settlement is pending as court have yet to issue decision for some of the matters.
Number of trainings provided on Civil Litigation and commercial matters.	75 (2010 - 2011)	12	12	Completed/Achieved	The team conducted more than 12 trainings on Civil and Commercial matters. With the mentoring (Buddy System) and ongoing training in place, trainings are conducted every week by pairing junior and senior lawyers to work on assigned matters in addition to white board sessions for the team as a whole
Percentage of contracts and agreements drafted and/ or reviewed within the required time frame .	80% (2010 - 2011)	80%	80%	Completed/Achieved	more than 80% of contracts were drafted and reviewed by the team within required time frame.
Percentage of successful negotiation on contracts, agreements(including international agreements) which the Attorney General's Office participated in.	80%(2010 - 2011)	80%	80%	Completed/Achieved	Assisted line ministries with more than 80% of negotiations on local and international matters
Percentage level of Non-Tax Revenue Charged to Clients and earned from court cases.	80% (2010 - 2011)	90%	90%	Completed/Achieved	More than 90% of civil claims and judicial reviews were awarded/earned in favor of the Government. However, the low collection noted for the period is attributed to the challenge of tracking down debtors.

B. STRUCTURE

There are currently within the Litigation and Opinions Division, eight (8) legal staff, one (1) part time staff and one (1) support staff.

(I) Current staff

The Litigation and Opinions Division consists of the following:

No.	Name of officer	Position
1.	Lemalu Hermann P. Retzlaff	Attorney General
2.	Sefo J. Ainu'u	Assistant Attorney General-Civil /Chief Public Solicitor
3.	Monique Vaai-Matatia	Associate Public Solicitor
4.	Tafailagi Peniamina	Principal State Solicitor
5.	Ryan S. Masinalupe	Principal State Solicitor
6.	David Junior Fong	State Solicitor
7.	Alesana Tumua	State Solicitor
8.	Angeline Seiuli	State Solicitor
9.	Eleanor B. Fruean	Law Clerk
10.	Faithful T. Sofe	Part – time Law Clerk
11.	Gerry Matiasi	Senior Legal Secretary

(IV) Appointments and Promotions

The following staff were appointed and promoted within this year period:

No.	Name of officer	Appointment and Promotion
1.	Sefo J. Ainu'u	Assistant Attorney General-Civil /Chief Public Solicitor
2.	Tafailagi Peniamina	Principal State Solicitor (promotion)
3.	Monique Vaai-Matatia	Associate Public Solicitor (appointment)
4.	Alesana Tumua	State Solicitor (appointment)
5.	Faithful T. Sofe	Part – time Law Clerk (appointment)

(V) Resignations

The following staff resigned to take up other legal positions in other Ministries / Agencies / Public Bodies or due to personal circumstances:

No.	Name of officer	Position	Date of resignation
1.	Brigitta Fa'afiti-Lo Tam	Principal State Solicitor	24 February 2017
2.	Esekia J. Soloi	Senior State Solicitor	28 April 2017

(VI) Vacant Positions:

The following positions were vacant as of the end of the reporting period:

- (i) Senior State Solicitors – 2 (one(1) of the two position has been filled)

C. ACHIEVEMENTS

(I) GENERAL

Advice/Litigation

The Litigation and Opinions Division continues to provide Government Ministries, Corporations and Authorities advice when requested. Such advices range from statutory interpretation relating to various areas of law including land, environment, shipping, and various other specialized areas, contract interpretation, interpretation of legal instruments, and interpretation of foreign law to name a few.

The Litigation and Opinions Division also deals with all civil litigation matters thus far and advice on matters with potential litigious aspects to it. The Litigation and Opinions Division has been able to successfully settle and defend most of the cases against government.

Debt Collection

There is also an increase of revenue generated and due for legal work carried out by the Litigation and Opinions Division in relation to civil litigation work, advices and opinions. However there remain difficulties with the collection of these revenues and the Litigation and Opinions Division are looking at how to improve its collection of the said revenues.

(II) CASES

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

- (i) *Appeal Court Cases*

The following cases are the cases that were determined at the Court of Appeal during the period of this report.

The first case concerns an appeal by the Appellant against the Respondent of a judgment that was delivered in the Supreme Court on 3 August 2016 by his Honour the Chief Justice. The appeal challenged the Supreme Court's conclusion that the dispute between the parties was not justiciable in the Samoan courts and that even if it were, the Constitution of the Church permitted the dismissal in the particular circumstances and a proper procedure compliant with the principles of natural justice, had been followed. It was also alleged that the Chief Justice was motivated by actual bias in making his decision or that there was apparent bias. Our Office appeared as *amicus curiae* for this case because of the allegations of bias that were made against the Chief Justice.

The Appellant alleged that the Chief Justice had reason to be biased to the Church because his wife was indebted to it. In consideration of the facts of this case and what transpired during the hearing in the Supreme Court, the Court of Appeal held that the ground of appeal on bias failed. In relation to the other grounds of appeal, the appeal was allowed and it was declared that the removal of the Appellate was unlawful as his right to observance of natural justice was not honored.

The second matter concerns an appeal by the Appellant of a judgment by the Supreme Court to strike out a motion for judicial review by the Appellant in favour of the First Respondent. Our Office represented the First Respondent in this matter. The Court of Appeal in this matter agreed with the decision by the Supreme Court and struck out both the Motion for Judicial Review and Statement of Claim by the Appellant. This is on the grounds that the Supreme Court has jurisdiction to judicially reviewed decisions of the Land and Titles Court but only where there has been a breached of the Appellants right to a fair trial under Article 9 of the Constitution. The Court of Appeal held that this was not the case in this matter.

(ii) *Supreme Court Cases*

The following cases are some of the cases that were determined at the Supreme Court during the period of this report.

The first matter concerns a motion for declaratory orders, statement of claim and supporting affidavit filed by the Applicants against the Respondent. The statement of claim by the Applicants only advanced the claim of public misfeasance. In response to the claim and orders sought by the Applicants, our Office filed a motion to strike out the claim and a motion of opposition to the motion for declaratory orders.

The Court agreed with the strike out motion in relation to the claim on the basis that the Applicants failed to plead facts or grounds to support the claim of public misfeasance and the same was struck out.

In relation to the motion for declaratory orders, the Applicants seek orders that (1) sections 38 and 42 of the *Lands and Titles Act* 1981 ("the Act") do not allow a further window to object against the registration of matai titles once the 3 months' time limitation expires, (2) that Part V of the Act is the governing provision for matai titles and section 23 specifically caters for the procedure to follow to registration of matai titles or objections against the registration of matai titles, (3) that petitions

brought under section 30 is subject to express provision of the Act and as such petitions filed out of time objecting against the registration of the Applicant's matai title are subject to the express provisions of section 16 and section 23 of the Act, (4) that the petitions filed were outside of the 3 months limitation but accepted by the Registrar to have been filed under section 38 and section 42 of the Act, fall outside of the ordinary cases anticipated by the said sections and the same must be withdrawn or held invalid, and (5) that the Registrar implied powers under section 29 (1) (e) of the *Acts Interpretation Act 2015* to withdrawn acceptance of a matter approved for filing albeit wrong in law.

Our Office filed a notice of opposition to the motion for declaratory orders by the Applicants on the grounds that the three petitions are filed pursuant to sections 38, 42 and 43 of the Act and are not filed as objection pursuant to section 23 of the Act, that the Registrar does not have the authority to withdraw or discontinue a petition under sections 38, 42 and 43 and that the petitioner's right to be heard under Article 9 of the Constitution will be breached if the orders sought by the Applicant are granted.

The Supreme Court in dealing with this matter concluded that the right to institute proceedings or bring a petition must come from an express provision of the Act which express provision or provisions come from Part 3, Part 4 and Part 5 of the Act. Part 6 is administrative and procedure and do not create any right to bring a petition before the Land and Titles Court, that the petitions filed which is the subject of the application for declaratory orders to be filed pursuant to sections 38, 42 and 43 cannot be sustained and that the petitions filed are caught under section 23 and have been filed out of time pursuant to section 16.

The second matter concerned a Statement of Claim by the Plaintiffs against the First, Second and Third Defendants. The Statement of Claim claimed against the Defendants the sum of \$111,874.42 for losses incurred as a result of the Interim Order issued by the Registrar of the Second Defendant and a sum of \$150,000.00 for general damages, \$50,000.00 for exemplary damages and costs for the proceedings. The cause of action pleaded by the Plaintiffs is a breach of a condition of the lease.

In response to the Claim by the Plaintiffs, our Office on behalf of the Second and Third Defendants filed a motion to strike out. The said motion to strike out the claim by the Plaintiff was made on the grounds that the Plaintiffs failed to comply with the requirement under section 21 of the *Limitation Act 1975*, that the Registrar and the judges who signed the Interim Order issued in respect of this matter are protected by the doctrine of judicial immunity, that the claim by the Plaintiffs is defective in form and an abuse of process and that the claim by the Plaintiffs is also frivolous and/or vexatious. Before the hearing of the Strike Out Motion filed by our Office, the Plaintiffs filed a memorandum to discontinue proceedings against the Third Defendant and the same was granted by the Court.

In consideration of our motion to strike out the Claim by the Plaintiff the Supreme Court refused our application on the basis that the doctrine of judicial immunity does not apply to this case as (1) the Registrar was deprived from exercising the jurisdiction afforded to him under section 50 of the *Lands and Titles Act 1981* as the land in question was a subject of a lease between the Plaintiffs and the Third Respondents pursuant to the *Alienation of Customary Lands Act 1965*; and (2) that the issue of whether the claim by the Plaintiffs is defective, frivolous and vexation required the matter to be properly determined after hearing of evidence and further and full submissions.

The third matter concerns with motions by eight Applicants to set aside a judgement by formal proof given by the Supreme Court on 9 September 1996. In the above judgement of the Court, it was held that survey plans 4444L and 5561 and cadastral 13 are invalid as they are incorrect. The Court further held that such survey plans be corrected so that they be in accordance with the plan of parcel 52 dated 28 July 1936 and Plan Flur 4A. The First Applicant was represented our Office. In the application to set aside judgement filed by our Office on behalf of the First Applicant, we sought that the judgement of 1996 be set aside pursuant to rule 140 of the *Supreme Court (Civil Procedure) Rules* 1980. The application was further made in reliance on a decision by the Court of Appeal which set out the approach to be taken to a motion to set aside a regularly obtained judgement. This case held that to succeed in an application to set aside a regularly obtained judgement, the Applicant must establish that there is a substantial ground of defence, a reasonable justification for the delay and that the Plaintiff will not suffer irreparable harm if the judgement is set aside. Apart from the First Applicant, none of the other applicants was cited as a party to the 1996 judgement and as such none of those applicants appeared in the 1996 proceedings. The Supreme Court after considering our application to set aside as well as the applications by the other applicants ruled in our favour and ordered that the judgement by formal proof of 9 September 1996 is set aside.

The fourth matter is in relation to a Statement of Claim filed by the Plaintiff. In the Statement of Claim, the Plaintiff claims breach of Article 78 and Article 7 of the Constitution. The Plaintiff for each cause of action claims a declaration that the first Defendant's actions breached the Constitution, general damages for hurt and humiliation of \$1million tala and costs. Our Office represented both the First and Second Respondents. In response to the Statement of Claim by the Plaintiff, our Office filed a Strike Out Motion on behalf of both Defendants. The grounds for our Strike Out motion were that the proceedings against the First Defendant are barred by the doctrine of judicial immunity, that the Statement of Claim by the Plaintiff does not disclose a maintainable cause of action, that the Claim by the Plaintiff is an abuse of process and that the Second Defendant is wrongfully named as a party pursuant to the *Government Proceedings Act* 1974. The Strike Out Motion was filed pursuant to the Court's inherent jurisdiction and Rule 70 of the *Supreme Court (Civil Procedure) Rules* 1980. In determination of our Motion to Strike out the claims by the Plaintiff against both Defendants, the Supreme Court ruled that the doctrine of judicial immunity applies to the First Defendant as the remarks made against the Plaintiff which was the subject matter of the Claim were discharged during a case which was before the Court of Appeal and therefore the First Defendant was discharging his judicial duty. Furthermore, the Court held that the claim against the Second Defendant fails as under the law it is the wrong party to be named. Therefore, the whole Statement of Claim was struck out in its entirety and costs were then awarded to the Defendants.

The fifth matter concerns a Statement of Claim, Motion for Orders and Supporting Affidavit filed by the Applicants against the First, Second and Third Respondents. The motion by the Applicants in essence sought orders from the Supreme Court to confirm that the land which they reside on at Sogi belongs to them as per an oral gift that was made by former Government officials to their ancestors some 100 years ago. The Applicants further sought orders from the Court to confirm that the title of the land belongs to them pursuant to the said oral gift, and that the Respondents be ordered to stop the implementation of the Relocation Plan to vacate them from the said land. Our Office on behalf of all three Respondents filed a motion to strike out the motion and statement of claim by the Applicants on the grounds that the Second and Third Respondents were misjoinder pursuant to the *Supreme Court (Civil Procedures) Rules*, that the Applicants failed to particularise any tenable causes of actions against the Respondents, that some of the orders sought are unavailable to the Applicants pursuant to the *Government Proceedings Act* 1964 and that the claim was frivolous, vexation and had no prospect

of success. The Supreme Court after consideration of the facts and the applicable law, held that the Second and Third Respondents were misjoinder as alleged by our Office on behalf of the Respondents. However, the Court held that the claims by the Applicants against the First Respondents have merits and should therefore be a matter for further evidence and consideration at a substantive hearing.

D. SIGNIFICANT INITIATIVES/PROJECTS

(I) Trainings/ Seminars

The Litigation and Opinions Division continues to encourage its lawyers to attain experience through:

- i. Ongoing quarterly legal trainings on legal advice writing, case file management and civil litigation by senior members of the Litigation and Opinions Division;
- ii. Legal trainings during team retreats where every member of the Litigation and Opinions Division contributes by researching and presenting on a topic;
- iii. Legal Research training throughout the year period concentrating on developing skills on using online databases such as LexisNexis and Westlaw;
- iv. Various members of the Civil Division attending overseas workshops; and
- v. Lawyers of the Civil Division attending local legal workshops within the Office and others provided outside of the Office such as those provided by other Ministries, Corporations, Aid Donors or the by Samoa Law Society.

(II) Mentoring Program and Ongoing Trainings within the Litigation and Opinions Division

The Civil Division continues its Mentoring Program or Buddy System, which provides an opportunity for the lawyers in our Division to observe and absorb techniques, practices and knowledge from senior and experienced mentors. Furthermore to provide junior lawyers within the Litigation and Opinions Division a senior to approach regarding whatever area of law or other that concerns them.

Furthermore, the Litigation and Opinions Division together with members of the Commercial and International Division host White Board sessions every week. At these sessions, lawyers are encouraged to share issues that they face in the work that they do for the Office, and members are then given the opportunity to share ideas or views on how to deal with the said issues.

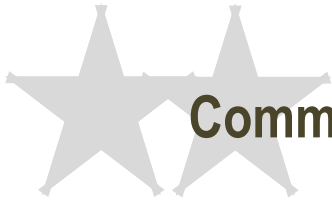
(III) Civil Practice Standards Manual

As briefly stated above, the Civil Practice Standards are required for each individual involved in the provision of legal services within the Litigation and Opinions Division. The Civil Practice Standards reflects and ensures compliance with the mandatory professional obligations imposed by regulators of Solicitors and legal practices. However importantly, the Civil Practice Standards goes beyond compliance and encapsulates the standards of excellence and objectives required of employees of this Office within the Litigation and Opinions Division.

The Litigation and Opinions Division is in the process of seeking the necessary approvals for its Litigation Policy. The said Policy will provide a guide for the lawyers of our Division on how to take carriage of civil proceeding matters that our Office undertake for and on behalf of Government.

E. CHALLENGES

- (I) The Litigation and Opinions Division continues to experience a high turnover rate which creates a shortage of experienced lawyers. With the separation of the Civil Division into the Litigation and Opinion Division and the Commercial and International Division means the number of lawyers to carry out litigation and opinion are fewer than before.
- (II) Furthermore the high turnover rate from previous financial years combined with the increase of workload has also added pressure on the Litigation and Opinions Division.



Commercial and International Law Division

A. OVERVIEW

The main objectives of the Commercial and International Law Division (“CILD”) are to:

- a) provide professional legal opinions and advice in a timely and efficient manner to Government Ministries and Agencies; and
- b) 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.

To meet these objectives, the CILD is responsible for the following:

- (a) For Government Procurement:
 - Clearing tender documents for Ministries and Government Corporations;
 - Representing the Office of the Attorney General (OAG) in Evaluation Committee meetings, convened for each procurement evaluation.
 - Contributing to Evaluation Reports submitted to Tenders Board
 - Representing the OAG at Tenders Board meetings held every week
 - Reviewing and providing clearance through a Certificate of Endorsement (COE) for each contract.
- (b) Negotiating, drafting, reviewing and issuing a COE for all other legal documents involving Government for example:
 - International Grant Agreements
 - Tax Information Exchange Agreements
 - Contracts of employment
 - Leases
 - Sponsorship Agreements
 - Scholarship and Employment Bonds
- (c) Reviewing and providing legal advice on international law, including:
 - Identification of legal obligations under international law and the legal implications of signing international agreements
 - the process for ratification and implementation or domestication of international law
 - the application of international law
- (d) Attending, participating and providing legal counsel at most Board, Committee and Taskforce meetings that require representation from the OAG.

B. STRUCTURE

The Civil Division was expanded and divided into the Civil Litigation and Opinions Division (“CLOD”) and the CILD as of July 2012 and both Divisions remained under the supervision of only one (1) Assistant Attorney General (“AAG”). In March 2017, the CILD was officially separated from the CLOD upon the appointment of its own AAG.

Not all positions in CILD have been filled but are in the process of being filled. There are currently within the entire CILD, six (6) legal staff, two (2) part-timers and one (1) support staff.

Although CILD only officially separated from CLOD in March 2017, this Annual Report covers the period from June 2016 to June 2017 regardless.

(i) **Current staff**

The CILD consists of the following:

No.	Name of Officer	Position
1	Lemalu Hermann P. Retzlaff	Attorney General
2	Constance Tafua-Rivers Lesa	Assistant Attorney General
3	Ane Iati	Associate Public Solicitor
4	Gemma Nelson	Principal State Solicitor
5	Rebecca L. Schuster	State Solicitor
6	Elizabeth Tagi	State Solicitor
7	Terina Sefo	State Solicitor
8	Miracle Fuiavailili	Part-time Law Clerk
9	Everett A. Sioa	Part-time Law Clerk
10	Anita Angela Poutoa	Senior Legal Secretary

(ii) **Appointments and Promotions**

The following staff were appointed and promoted within the period June 2016 – June 2017:

No.	Name of Officer	Appointment and Promotion
1	Constance Tafua-Rivers Lesa	Assistant Attorney General (appointed)
2	Ane Iati	Associate Public Solicitor (promoted)
3	Gemma Nelson	Principal State Solicitor (promoted)
4	Elizabeth Tagi	State Solicitor (appointed)
5	Terina Sefo	State Solicitor (appointed)
6	Miracle Fuiavailili	Part-time Law Clerk (appointed)
7	Everett A. Sioa	Part-time Law Clerk (appointed)
8	Anita Angela Poutoa	Senior Legal Secretary (appointed)

(iii) Resignations

The following staff resigned to take up other legal positions in other Ministries/Agencies/Public Bodies or due to personal circumstances within the period June 2016 – June 2017:

No.	Name of Officer	Position	Date of resignation
1	Glory Fuimaono	State Solicitor	22 August 2016
2	Faalau Lagaaia	Law Clerk	26 August 2016

(iv) Vacant Positions

The following positions are currently vacant:

- Principal State Solicitor – one (1) position
- Senior State Solicitor – two (2) positions
- Law Clerk – one (1) position

Most of these positions are expected to be filled before the end of the calendar year.

C. ACHIEVEMENTS

(i) Contracts

The CILD continues to receive an increasing number of contracts from Government Ministries, Corporations and Authorities to draft, review and clear. This has expanded to include drafting and review of tender documents submitted by Government Ministries and Corporations. In light of this, the CILD constantly works intensely to meet the demands for clearance of all contracts in accordance with its short timeframes.

It is estimated that the CILD completes a review of approximately forty (40) to fifty (50) contracts per month (inclusive of 1st, 2nd and where necessary even additional reviews of the same contract), the estimated total contracts issued with a Certificate of Endorsement for the period covered in this Report are four hundred and eighty (480).

(ii) Advices and International Law matters

The CILD provides Government Ministries, Corporations and Authorities with legal advice when requested. The legal advices range from statutory interpretations relating but not limited to areas such as land, environment, shipping, civil aviation, commercial, employment, foreign affairs and many other specialized areas. Other areas covered include contract interpretations of legal instruments and international laws to name a few. The CILD have drafted and provided approximately ten (10) to twenty (20) legal advices to Government Ministries, Corporations and Authorities per month, which gives rise to at least one hundred and twenty (120) legal advices in the period covered in this Report.

Some significant international law matters CILD have been engaged in are:

- Physical Legal Verification and attendance at PACER Plus signing ceremony
- Clearance of Tax Information Exchange Agreements
- Clearance of Air Service Agreements

- Preparation of Pacific Water and Wastewater Association Host Agreement
- Continued work on Delimitation of Maritime Boundaries

(iii) Evaluations

Despite the countless number of legal documents provided to CILD for drafting and/or reviewing and/or clearance, CILD always manages to attend all the Evaluation meetings when requested and scheduled by Government Ministries, Corporations and Authorities. In the period covered by this Report, the CILD has attended approximately four hundred and eighty (480) Evaluations (an estimate of 2 per day).

(iv) Board/Committee/Taskforce/Council Meetings & Other Meetings attended

Of the 57 Boards the OAG is expected to attend as a member, CILD is involved in the representation for 26 of those Boards. It is estimated that for the period covered in this Report CILD have attended approximately 150 meetings. The representative attending is usually responsible for addressing any legal issues that can be advised upon at the time or thereafter drafting written advice to be issued by the OAG.

D. SIGNIFICANT INITIATIVES AND PROJECTS

(i) Trainings/Seminars

The CILD continues to encourage its staff and especially the junior lawyers to attain experience through:

- (a) Ongoing weekly legal trainings on contracts, legal advice writing, case file management, legal research, taxes, implementation of Conventions, the procurement process and others as specified in **Annexure A** of this Report;
- (b) Legal training during team Capacity Building Retreats where every member of the CILD contributes by researching and presenting on a given topic;
- (c) overseas workshops and trainings which includes ratification and implementation of conventions, compliance with international instruments and other commercial matters provided in **Annexure B** of this Report; and
- (d) Various members of the CILD attending local workshops and/or trainings within the AGO and/or others provided by Government Ministries, Agencies and other international organisations on areas relating to procurement, lands, taxes and others provided in **Annexure C** of this Report.

(ii) Suggestion Book

Before separation of the Civil Teams a Suggestion Book was created to monitor and manage the changes made to Templates issued under the OAG Procurement and Contracts Templates Manual. This Suggestion Book is regularly used to record changes where review has deemed necessary in those circumstances.

It is expected that the Suggestion Book will be of significant use during review of the OAG Procurement Contracts Templates Manual to be conducted during the next financial year.

(iii) International Database

This is a new project still ongoing for the development of a database to record all matters relating to international law. This project started within the team as a way to manage and share information about international law conventions, advices that had been issued in relation to them and any necessary law enacted for the purposes of implementation.

The First Phase has involved the determination of the form for the database to take and how it can be made accessible and user friendly. Factors that were taken into consideration included division by subject matter, what to be included etc. The Second Phase comprised of data collection. For example, any relevant law (Diplomatic Privileges and Immunities Act 1978), international law (Vienna Convention on Diplomatic Relations), advices (on application of privileges and immunities), agreements (UN Host Agreement).

At this stage, the Database has been created and data is still being collected under relevant headings for ease of use by the Office.

As this is not a mandated project but rather an initiative for the Team, there is no deadline as it is extra work on top of daily work assigned to the Team. This project is therefore ongoing.

(iv) World Bank (“WB”) Mission in Samoa Portfolio Review 2017

This Mission was hosted by the Ministry of Finance (“MOF”) for one (1) week commencing from the 17th – 21st July 2017. The training covers the review of individual WB projects such as SACEP, PREP, ECR, ICT, SAIP, WCR and ERAP. Relevant Ministries and Agencies who are implementing these Projects attended to give updates on issues raised by the WB regarding the implementation and status of these Projects. Fortunately, the CILD attended each sessions on behalf of the AGO to observe and give legal advice and presentation (where required) on the areas of contract management, procurement, financing agreement and to clarify on other issues raised by Ministries and Agencies regarding delays in review of legal documents and such.

(v) Performance Plans and Appraisals

Performance Management is a crucial part of continuing to monitor how efficient CILD staff have been in the conduct of their work. The performance management system consists of three (3) parts. Part A deals with the various requirements the members of the CILD must attain, Part B pertains to ethical standards that must also be attained and Part C relates to the learning and development plans required.

During the beginning of the year, members of CILD meet with their supervisor and sign a performance plan identifying the learning and professional development goals for the year. Around the mid-year period, a mid-year review is conducted to evaluate whether members learning and development goals are being met. Towards the end of the year, a full performance appraisal is conducted whereby members of the CILD and the AAG review and comment on the performance appraisal form. Thereafter a Solicitor is assessed and marked accordingly. This gives the chance for

both the assessed and the assessor to weigh in on whether they think the right mark has been awarded and/or whether it is a fair determination and reflection of their work.

It is of significance to note that specific Performance Plans were developed for all positions within CILD at the beginning of the year, taking into account the official separation of CILD from COLD and how this now affects each Solicitor's responsibilities and targets.

So far this calendar year, the CILD has completed its performance plan and mid-year review.

(vi) Monthly Reports ("MR")

The CILD together with CLOD continues to prepare/compose monthly reports on the basis of all correspondence sent out from the Civil Division. The correspondences cover litigation, advices and contracts, trainings/meetings, projects and debt recovery. The purpose is to provide quarterly update to the Prime Minister on the status of all legal services provided by AGO and to keep track of the works previously done by the Civil Division for ease of reference.

E. CHALLENGES

The CILD experiences the following challenges:

- (a) an ever increasing workload due to the:
 - i. growing number of contracts and other legal documents being negotiated or entered into by Government;
 - ii. Ministry of Finance requirement for all contracts to have a certificate of endorsement from the Office of the Attorney General before any payment can be processed for a contract
 - iii. increased awareness of the Treasury Instructions, Procurement Process and the Rules for the Conduct of Government Legal Business as more Ministries retain Legal Counsel;
- (b) high staff turnover:
 - i. Due to increased number of higher paying legal positions created outside of the OAG.
 - ii. Limited progression to more Senior positions within the Office.
 - iii. Impediments or delays in the process of awarding increments.
 - iv. Impression of less overseas training opportunities or exposure.
 - v. Lack of creative benefits to promote longer service
- (c) Short staffed – since separation from CLOD, CILD have strived to meet the demanding workload despite having only (aside from the ACEO) 5 permanent legal staff members. On more than one occasion, CILD has benefitted from the support provided by other Divisions through the availability of their officers to carry out commercial or international law matters.
- (d) Limited technical assistance – there has been limited opportunity to initiate and retain technical assistance for any areas of interest or necessity. E.g. procurement training, international law training.



Criminal Prosecutions Division – District Court

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 District Court prosecutions, criminal appeals to the Supreme Court and criminal appeals from the other lower Courts to the District Court. The District Court itself is divided into specialized Courts namely, Family, Youth, Traffic, Inquests and General. Therefore, the Criminal District division of our office handles a variety of Prosecutions under the specialized Courts, and also prosecution against police officers and criminal matters. The Division also handles prosecution from Government Ministries as they all fall under the jurisdiction of the District Court. Government Ministries 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 – District & Specialized Courts working alongside the Assistant Attorney General for Criminal Prosecutions – Supreme Court. The team currently consists of one legal consultant, one senior public prosecutor, one state public prosecutor, two law clerks, and one part-timer. It is intended that four posts will be filled before December of this year, and these posts are – Associate Public Prosecutor, Principal Public Prosecutor, Senior Public Prosecutor, and State Public Prosecutor. Given the workload undertaken the Division continues to be one of the busiest divisions in the Attorney General's Office and there is plan for more recruitment in the near future. But as of now, the office has engaged the assistance of the Commissioner of Police attaching Police prosecutors with some years of experience, to assist with the prosecution.

Even though the District work is now specialized, but all Lawyers in the whole Criminal Division (Supreme & District) conduct a wide range of work in both Supreme and District to ensure that all lawyers are exposed and gain experience in both jurisdictions.

Achievement of Key Performance Indicators:

Performance Measure	2015 - 2016	2016 - 2017	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
	Estimated Actual Standard	Budget Standard		
Number of prosecutions conducted and supervised in the District Court, Youth Court and Family Court	120	120	Completed/Achieved	All prosecution matters with completed investigations were conducted and supervised in court. While some files have been closed, others matters are ongoing while some are still pending a final decision from court
Number of advice for criminal prosecutions on Youth Court, Family Court and District Court cases	300	300	Completed/Achieved	All requests for Legal advice were provided for the 3 courts
Percentage of closed files	n/a	60%	Completed/Achieved	Target achieved.

B. STRUCTURE**(I) Current staff**

The Criminal Division consists of the following:

	Name of officer	Position
1.	Lemalu Hermann P. Retzlaff	Attorney General
2.	Rexona Titi	Assistant Attorney General - District
3.	Ōfisa Tagaloa	Legal Consultant - District
4.	Iliganoa Atoa	Senior Public Prosecutor - District
5.	Vaisala Afoa	Public Prosecutor - District
6.	Elizabeth Tiitii	Law Clerk - District
7.	Lealofi Mamaia	Law Clerk - District
8.	Ioata Tanielu	Part time Law Clerk - District
9.	Sergeant Richard Ah Ching	Police Prosecutor- District
10.	Sergeant Khamtan Stanley	Police Prosecutor- District
11.	Sergeant Kenneth Komiti	Police Prosecutor- District
12.	Sergeant Solomona Natia	Police Prosecutor- District
12.	Constable Tenari Vaai	Police Prosecutor- District
14.	Constable Uios	Police Prosecutor- District
15.	Constable Tu Ieni	Police Prosecutor- District

(II) Vacant Positions - District

The following positions are vacant:

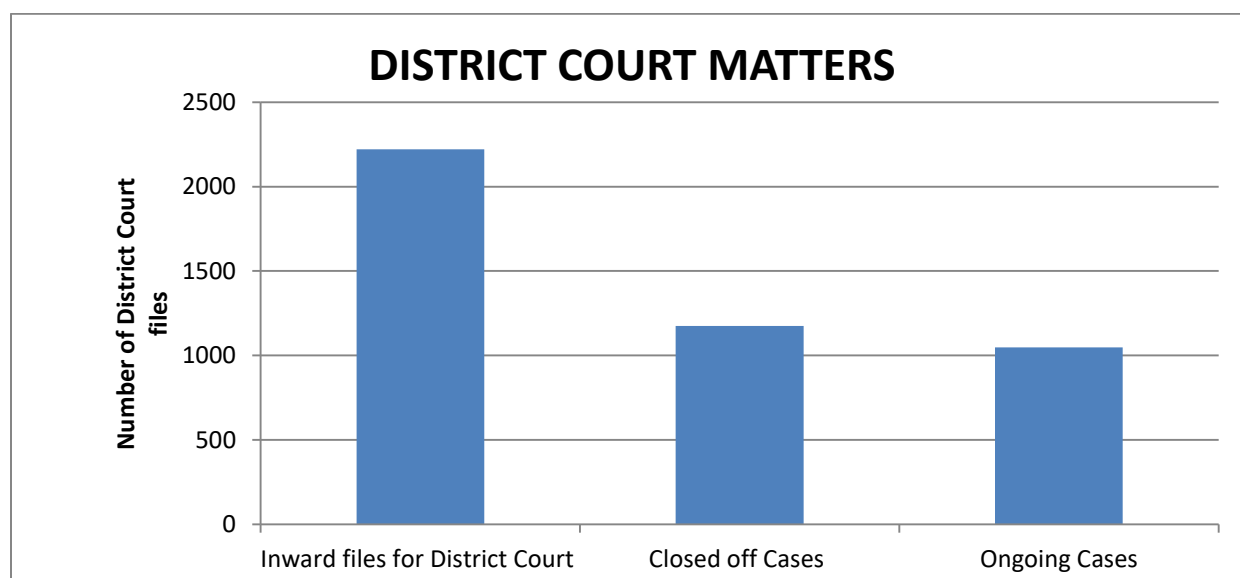
- (i) Associate Public Prosecutor – 1 positions
- (ii) Principal State Prosecutor – 1 positions
- (iii) Senior State Solicitors - 1 positions
- (iv) State Solicitors – 2 positions

C. ACHEIVEMENTS/SIGNIFICANT MATTERS IN DISTRICT CRIMINAL FILES

(I) Criminal File Statistics - DISTRICT

As the following table and graph illustrates, a total count of two thousand, two hundred and twenty one (2,221) criminal files were registered in the Auafa Mau Database to have been referred to the Division from July 2016 to June 2017. Of the total count, 1,174 of the criminal files have been closed and 1,047 are still pending completion.

Total Amount of Cases from July 2016-June 2017	2,221
Closed Cases	<i>1,174</i>
Cases are Still in progress at Court	<i>1,047</i>
Total Estimated value for closed cases only	<i>\$1,373,750</i>



D. ISSUES

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

(I) 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.

(II) Turnover and shortage of staff

Since the jurisdiction in District Court has increased to 7 years and no longer 5 years, the need for lawyers to prosecute in the District is now great. As noted above, only 3 lawyers in the District can do serious matters in the District Court, while our fellow police prosecutors only have the capacity to handle minor matters and cases with no substantial legal issues.

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.



Criminal Prosecutions Division – Supreme Court

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 Supreme Court and criminal appeals to the Court of Appeal. With the enactment of the Crimes Act 2013 and the recent amendments to the District Court Act which had increased the jurisdiction of the District Court to handle matters with 7 years jurisdiction, it had resulted in many matters being referred to District Court for prosecution. Such offences include Intentional Damage, Actual Bodily Harm and Grievous Bodily Harm under section 118(2) of the Crimes Act 2013 to name a few. Albeit this change, it had not reduced the number of prosecution in the Supreme Court because more and more matters are reported and referred to our team for prosecution and coupled with the increase in the number of judges that had ascended to Supreme Court had also contributed to this.

The Division is headed by the Assistant Attorney General for Criminal Prosecutions –Supreme Court. The team currently consists of one legal consultant, one senior public prosecutor, one state public prosecutor, two law clerks. The matters which are prosecuted in the Supreme Court range from offences such as Murder, Rape, Manslaughter, Motor Manslaughter property offences to name a few. An average of 3 assessor trials will be determined on a weekly basis with such cases being heard between the period of two days up to 2 weeks depending on the complexity of the matter. On a weekly basis, matters that will be called in Supreme for hearing vary between 5 to 9 cases which does not include matters called for sentencing, bail applications, applications for costs and other preliminary applications and hearings.

The current situation for the Supreme Court division is that there are only 5 lawyers including the Assistant Attorney General who are able to conduct hearings on their own without supervision. Of these lawyers, only 3 are able to conduct assessor trials. The other lawyers in the team assists with administrative work not only in preparation for the trials but also for sentencing and other pre or post trial applications.

Achievement of Key Performance Indicators:

Performance Measure	2015 - 2016	2016 - 2017	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what corrective actions are being taken
	Estimated Actual Standard	Budget Standard		
Number of prosecutions completed in the Supreme Court	400	400	Completed/Achieved	Most prosecution matters that were due for completion within the period under review were closed off. Only a few matters are awaiting appeal
Number of criminal prosecution advices provided on Supreme matters	800	800	Completed/Achieved	All advices sought from the office were provided
Percentage of closed files	n/a	60%	Completed/Achieved	

B. STRUCTURE**Current staff**

The Criminal Division consists of the following:

	Name of officer	Position
1.	Lemalu Hermann P. Retzlaff	Attorney General
2.	Leone Sua-Mailo	Assistant Attorney General - Supreme
3.	Lucymaria Sio	Legal Consultant - Supreme
4.	Fuifui Ioane	Senior Public Prosecutor
5.	Quentin Sauaga	Law Clerk
6.	Vei Faasii	Law Clerk

Vacant Positions - District

The following positions are vacant:

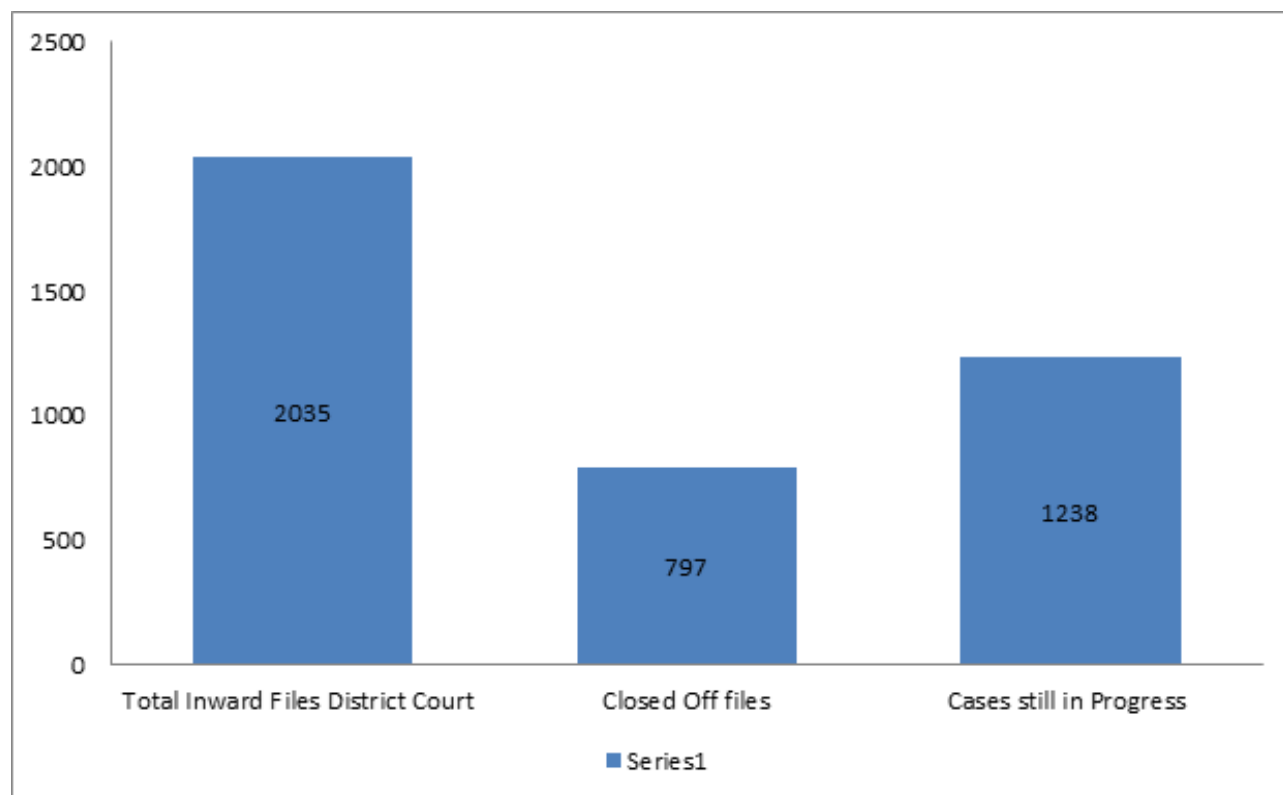
- (v) Associate Public Prosecutor – 1 position
- (vi) Principal State Prosecutor – 1 position
- (vii) Senior State Solicitors - 1 positions
- (viii) State Solicitors – 2 positions

C. ACHEIVEMENTS/SIGNIFICANT MATTERS IN SUPREME COURT

(II) Criminal File Statistics – SUPREME COURT

As the following table and graph illustrates, a total count of 667 criminal files were registered in the Auafa Mau Database to have been referred to the Division from July 2016 to June 2017. Of the total count, 425 of the criminal files have been closed and 242 are still pending completion.

Total Amount of Cases	667
from July 2016-June 2017	
Closed Cases	425
Cases are Still in progress at Court	242
Total Estimated Value for closed cases only	\$1,220,450



D. ISSUES

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

(III) Gap in Experience

The years of experience of the prosecutors in the team vary. There is a 6 year gap in experience between the Assistant Attorney General and the Legal Consultants who currently conduct trials in the Supreme Court. As such, with the limited experience, they have only just recently been attending cases of serious nature and thus have less than 1 year experience in conducting trials which carry maximum penalties of life imprisonment. As such, it is only the Assistant Attorney General that is able to carry out prosecutions for Murder, Manslaughter and Motor Manslaughter cases as these are grave offences.

The other prosecutor conducting minor offences has been in the office for a little over 3 years but her experience in conducting trials has only been for a period a little over a year. As for the other lawyers in the team, they have not yet been admitted to court and thus have no court experience and are not able to attend court.

With the increase in number of judges with various practices, experiences and preferences, it is a real and constant struggle for us to accommodate the various judges and also prepare the matters in advance to ensure prosecution at its highest standard.

The variation in the experience possessed by each prosecutor makes it a real struggle for the files to be allocated because each case varies and depending and the prosecutors allocated for each matter depends on the seriousness of the charge and the complexity of the matter.

(IV) Lack of training

Whilst it is imperative that all lawyers are continually trained and be able to upkeep with the changes in the law and practices, it is a notable regret that none of the lawyers in this office have been trained or are receiving training. Whilst training is obtained from first hand observation of those in senior position, most often lawyers are unable to attend court to observe because they have to either attend to other matters in court or are required to remain back at the office to attend to pressing matters that require attention.

Ideally, there should be two lawyers representing the prosecution with one lawyer as lead counsel and the other as a junior who does the preparatory work as well observe the lead counsel. However, since August 2016, this has not been possible because of the severe shortage of staff.

(V) Turnover and shortage of staff

Given the high volume of matters before the Supreme Court and the increase in number of judges presiding on a daily basis, the need for more prosecutors to be retained is imminent.

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. The only issue with this current arrangement is whether these

lawyers will be able to remain in the team to ensure continuity or whether they in time will have to revert back to the divisions which they are currently being paid from.

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.

The high turnover of staff not only to private practice but also to other government Ministries is due to the following reasons:

- (i.) Lawyers are not able to take on their annual leave or sick leave entitlements at its entirety because of their cases;
- (ii.) Lawyers are not paid overtime nor will it be prudent to fill in time in lieu as these are never usually taken just like annual leave;
- (iii.) Better pay offered by private practice and government Ministries at a far less stressful and demanding environment



Corporate Services Division

A. OVERVIEW

The Corporate Services continues to strive for excellence in the provision of efficient and effective services in administration, records management, information technology, policy and planning, human resources and finance to ensure the Office's legal and strategic objectives are achieved.

B. STRUCTURE

The Corporate Services Division is led by the Manager Corporate Services and consists of six key 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).

i. **Current Staff**

The Corporate Services Team consists of:

No.	Name of officer	Position
1	Lemalu Hermann Retzlaff	Attorney General
2	Andrew Elisara	Manager Corporate Services
3	Pisila Tikeri	Principal Accounts and Budget Officer
4	Uitiriai Uili Kapeteni	Principal Information and Communications Technology Officer
5	Leasomaletenari Kolone-Solomona	Principal Human Resource and Training Officer
6	Fagalele Tualatamalelagi	Principal Legal Secretary – Attorney General
7	Losa Kelekolio	Senior Legal Secretary– Legislative Drafting
8	Gerry Toafa Matiasi	Legal Secretary
9	Jason Iputi	Senior Accounts and Budget Officer
10	Muriel Schuster	Senior Human Resource & Administration Officer
11	Foinijancey Fesolai	Records Supervisor
12	Fa'au'uga Faaletatau	Senior Transport Officer
13	Marcus Ofoia	ICT & Network Officer
14	Ruta Togiola	Records Clerk
15	Kome Siatulau	Human Resource Clerk
16	Evala Faitui	Receptionist
17	Naomi Faamanatu	Office Assistant
18	Paulo Leapai	Transport Officer
19	Rene Lam	Transport Officer

ii. Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion
1	Ierome Siupolu	Transport Officer (Appointment)
2.	Anita Poutoa	Senior Legal Secretary (Appointment)
3.	Chrismon Tanielu	Senior ICT & Network Officer (Promotion)

iii. Resignations

The following staff resigned to undertake careers in other Government Ministries:

No.	Name of officer	Position	Date of resignation
1.	Leutu Leuluaialii	Library Information Officer	1/07/2016
2.	Bryan Patea	Accounts Officer	8/05/2017

C. ACHIEVEMENTS, HIGHLIGHTS, DUTIES AND RESPONSIBILITIES

(I) Records Management

The Records Team continues to monitor the implementation of the Records Management Manual and Procedures that were implemented in the previous financial year and strives to provide continuous efficient service for the Office as a whole.

(II) Secretariat and Administration

The Secretariat section continues to provide efficient support services to the management and the office as a whole. We were able to identify minor gaps in the filing systems currently used by each division and that used in the Records. It is now an ongoing initiative to work closely with the Records Section to standardize and ensure uniformity of files for ease of reference and use. The Secretariat section has also managed to ensure all cabinet submissions required were prepared and submitted on time.

(III) Information and Communications Technology

Our Information and Communication Technology section successfully set up and migrated the domain for the (former) National Prosecutions Office including active directory, email server, domain name systems (DNS) and firewall (watch guard). In addition, when the Constitutional Amendment to repeal the National Prosecution Act was made effective in the last month of the financial year, the I.T were able to successfully migrate all the services alluded to above back into the Office of the Attorney General. Furthermore, backup systems were successfully put in place to ensure the office as a whole were able to operate normally regardless of any system failures to the primary systems.

(IV) Transport Services

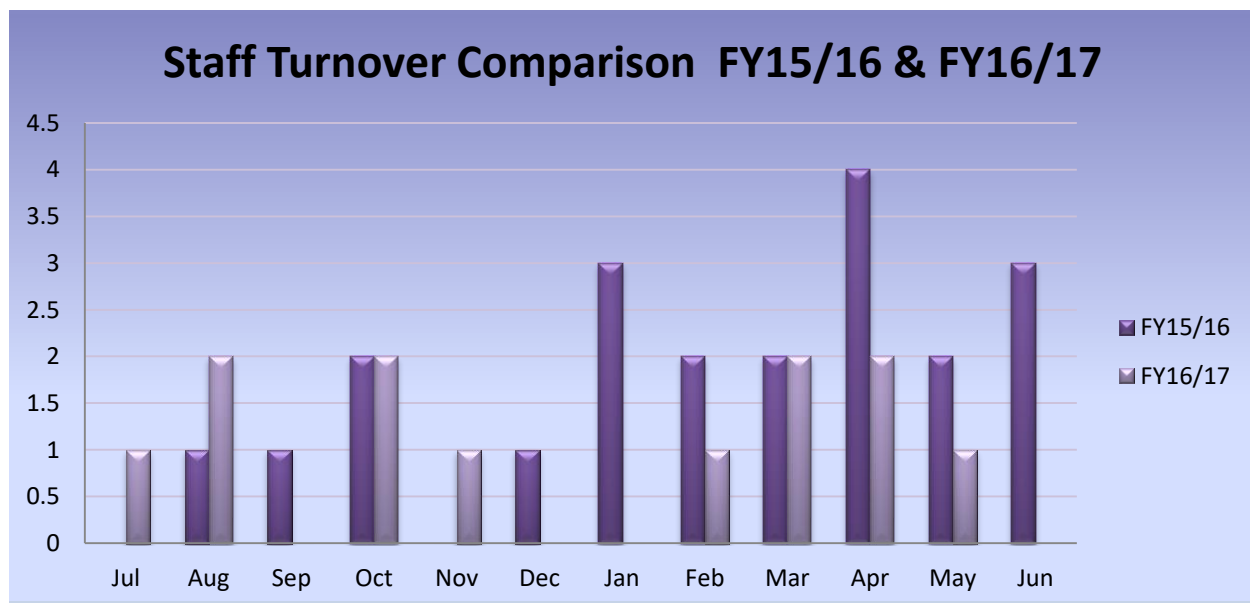
The Transport team was able to successfully provide efficient services to the office as a whole. The use of Skyeye tracking system enabled the Senior Transport Officer to assign additional tasks to drivers who were already on the road based on their location.

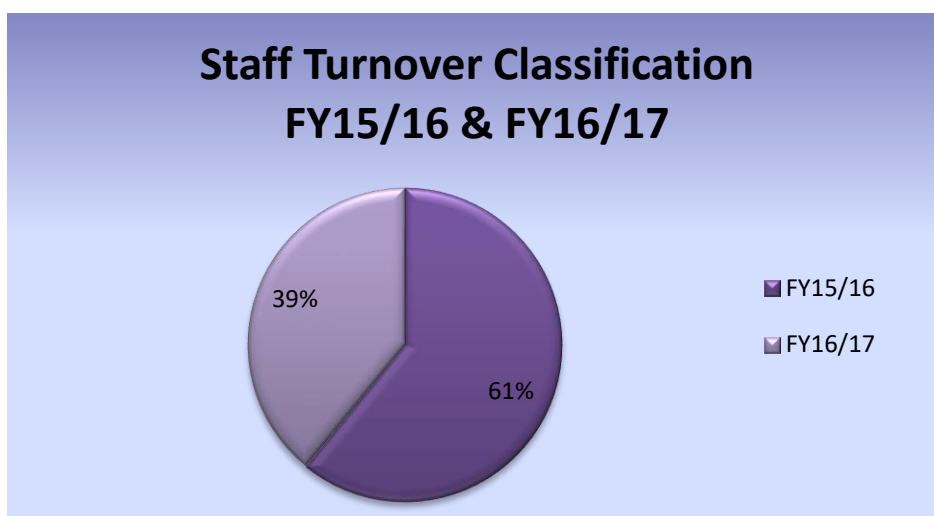
(V) Human Resource Section

The Human Resources Section continued to provide support services for the (former) National Prosecution Office, as they did not have HR personnel, when they established independence and operated from a different location. The challenges we faced this year was ensuring NPO Human Resource matters were handled effectively without overstepping any boundaries as both offices (AGO & NPO) were deemed independent of each other. However, the HR section was able to provide timely advice and support in line with existing policies and practice.

Staff Turnover

At the end of this Financial Year, twelve (12) employees had resigned from their post which is a decrease of 42% when compared to the previous Financial Year of 15/16.





Both graphs reflect the staff that resigned within this Financial Year. The pie graph of staff turnover classification represents a decrease in % of staff resigned for the current FY compared to 61% of the previous FY. However, it is to be noted the decrease in resignations for the period under review does not reflect the gaps from the large number of resignations in the previous FY for which the Office is pursuing to address.

	FY15/16	FY16/17
Legal Staff	14	9
Corporate Services	7	4

Trainings for Financial Year 2016-2017

Name of Training	Participant	Location of Training	Date
LOCAL			
Consultation Workshop for the Development of OEC Strategic Plan 2016 - 2021	Leitu Moananu - Drafting Terina Sefo	Ministry of Health, Conference Room	10 – 16 July 2016
Samoa in country training S827 public sector project management.	Ane Iati	PSC	7-11 March 2016
SIFA training of Private Wealth Management at DBS Conference Room Level 6 DBS Building	Rebecca Schuster/Constance Tafua Rivers	SIFA	2-13 May 2016
Climate Change Negotiations Training	Gemma Nelson	MFAT	6-9 June 2016
Mobile for Social-Economic Development	Bryan Patea, Mearold Viliamu	Tanoa Tusitala Hotel	22 -24/08/16

	Uiti Kapeteni	Tanoa Tusitala Hotel	25/08/16
Invitation to participate to the National Gender & Protection in Humanitarian Action Training.	Elizabeth Tagi	Tooa Salamasina Hall	14-16 Sept 2016
Pacific Capacity – Building workshop for the Implementation of the Arms Trade Treaty.	Rebecca Schuster	Tanoa Hotel Conference Room	13-15 Sept 2016
ADB/MOF workshop on tax issues	Rebecca Schuster/Elizabeth Tagi	MOF	21-22 September 2016
PROJECT MANAGEMENT TRAINING	Leaso Solomona Anita Poutoa	PSC	3 – 7 APR 2017
Anti-Money Laundering and Countering the Financing or Terrorism (AML/CTF) Training, 03-04 May 2017, Apia, Samoa	Terina Sefo	Central Bank of Samoa, APIA	3-4 May 2017
Money Laundering and Countering the Financing or Terrorism	Ane Iati	CBS	May
National Workshop on WTO Notifications Requirements	Gemma Nelson/Elizabeth Tagi	MFAT	16-19 May 2017
Name of Training	Participant	Location of Training	Date
INTERNATIONAL			
32nd Session of the Human Rights Council and Induction course for SIDS/LDCs delegates	Ane Iati – Civil Division	Geneva	8 June – 1 July 2016
SPC – 15th Pacific Islands Maritime Boundaries Development Working Session	Constance Tafua Rivers – Civil Division	Australia	11 – 21 July 2016
11th Southeast and Northeast Asia Training Session on International Humanitarian Law	Esekia Soloi – Civil Division	Hiroshima, Japan	11 – 15 July 2016
Pacific Legal Policy Champions Training Program	Mearold Viliamu	Canberra Australia	20-31 March 2017

Legal Reasoning	Mearold Viliamu	Canberra Australia	3-4 April 2017
Following the money in Trafficking in Person Case	Tafailagi Peniamina	Bali Indonesia	23-24 May 2017
Aoaoga Faaauau mo atunuu o le Pasefika e faatatau I le mataupu 76 o le feagaiga a malo afaatasi I le tulafono o le sami ma le atinaeina o ogasami faatagaina	Constance T Rivers	Sydney Australia	22-26 May 2017
22nd Rhodes Academy of Oceans Law and Policy	Gemma Nelson	Greece	2-22 July 2017

Attachment B: Summary of major regional meetings attended

Workshop/Training	Objective	Date & Place	Attendees
EU-GIZ Adapting to Climate Change and Sustainable Energy (ACSE) Programme Technical Group Meeting for the Energy Bill & Sustainable Bioenergy in Samoa Project	To discuss any challenges key implementing agencies are facing and review the existing Working Plan for the Sustainable Bioenergy Project in Samoa.	2 February 2017 Central Bank of Samoa	Mearold Viliamu
International Estate Planning Course	To further knowledge and understanding on different types of International Estate Planning available in Samoa such as Trusts, Companies, Special Purpose International Companies and especially Foundations, a new entity that has just been recently introduced in Samoa under the Foundations Act 2016.	Development Bank of Samoa 6-17 February 2017	Terina Sefo and Jacek Tuala
Prosecution Training	To refresh and further knowledge on basic skills of prosecutions.	Tofilau Eti Alesana Building, Mulinu. 21 February 2017	Members of the Office of the Attorney General.
Drafting Division Beginners Training	To train juniors and refresh knowledge for the seniors on basic aspects and requirements of legislative drafting.	Conference Room, Office of the Attorney General 14 February 2017	Drafting Division

Pacific Disability Forum	To build a more inclusive and equitable Pacific for all persons with disabilities by providing opportunities and space for young persons with disabilities from Pacific Island countries and territories.	Tanoa Tusitala Hotel Conference Room 20-24 February 2017	Titilua Aiono, Tacy Sasagi
Personal Property Security Register System	To introduce the new online personal property register system established under the Personal Property Securities Act 2013.	ACB Building 27 February 2017	Jacek Tuala, Tacy Sasagi
Customary Land Advisory Committee Stakeholder Consultation	To provide update from public consultations in relation to the mortgage of customary leases and the development of the Committee strategic plan for the next 3 years.	MNRE Conference Room 21 February 2017	Jasmine Faleafaga, Ann Matalasi
Anti-Money Laundering and Counter Terrorist Financing Workshop	To discuss the progress made by Samoa to address the deficiencies identified in the Asia/Pacific Group on Money ("APG"), Mutual Evaluation Report for Samoa 2015 on Anti-Money Laundering and Counter Terrorist Financing.	Central Bank of Samoa 2 May 2017	Kylie Wilson, Jacek Tuala
Drugs Reform (Narcotics Act 1967)	To discuss the issues paper for the new project on drugs reform.	Conference Room, Office of the Attorney General. May 2017	Drafting Division
Pacific Island Law Officers Network Executive Meeting (PILON)	To discuss matters confirming the PILON Secretariat to remain in Samoa and also confirming the on-going work of the three working groups for the areas of Sexual Gender Based Violence, Environmental Crime and Cybercrime.	Office of the Attorney General. 15-16 June 2017	Attorney General, and members of the PILON Countries
International Maritime Organisation Member State Audit Scheme (IMSAS) Workshop by SPC	Regional preparations by SPC for auditing Pacific Island Countries who already joined the audit scheme and new member	Conference Room, Ministry of Works, Transport and Infrastructure 1 August 2017	Jasmine Faleafaga, Tacy Sasagi

	countries.		
Consultation on Family Safety Research (29 June 2017) and launching of the Family Safety Report	Discussion on the presentation of statistics and findings on issues regarding family safety in Samoa. Also the launching of the Family Safety	Ministry of Women Community and Social Development 29 June 2017; 14 July 2017	Tacy Sasagi

(VI) Finance and Accounts

The approved estimate for the Office was \$3,025,296.00 which consists of Personnel, Operating Budget and Transactions on Behalf of the States. In comparison to the 2016 Budget which was 4,079,236.00 it has been decreased as the criminal division was transfer to establish a new department.

The approved estimate allocated for the Office was utilized to cater for the resources required & compulsory in order to carry out the duties and responsibilities to meet the Office's vision and its key performance indicators as a legal advisor to the Government of Samoa.

The statement of Receipts and Expenditure by Outputs reflect the accomplishments and fund spent to achieve the organization's mission and its key performance indicators. Although, the staff are limited as mainly senior legal positions were vacant, the office tries its best to deliver the expected outcome of its budget indicators using resources available.

The main challenge that the office face within every financial year is try to attract or maintain senior legal staff within the office unfortunately the salaries of legal consultants within other Government Ministries and public bodies are too high compared to our principal level kick off rate. Hence, approved budget for personnel was unutilized in full as there were vacant positions within the office.

Portion of the unspent personnel which we categorized as Savings were utilized to purchase office furniture and few equipment like Laptops, laminators, air-condition units and fans for the advancement of the office and assistance with its development.

The Revenue estimated to collect within 16/17 which the office achieved was mainly from bills drafted and finalized within a particular timeframe. The office estimated the revenue based on its work plan for bills, regulations, litigations and legal advices however, along the financial year there were additional bills which the office managed to complete on time for Corporations and Public Bodies as services rendered to all Ministries are free of charge.

The overall spending of the approved estimate allocated to the office for 2016/2017 was within the approved budget but not fully utilized as per factors mentioned above.

Below is the statement for the Office for FY16/17.

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY					
AND EXPENDITURE BY OUTPUT					
APPROPRIATION ACCOUNT					
<i>for the financial year ended 30 June 2017</i>					
	2017	Original Estimate	Final Estimate	(Over)/Under	2016
	\$	\$	\$	\$	\$
ATTORNEY GENERAL'S OFFICE					
RECEIPTS					
Ordinary Receipts					
Other Revenues					
Fees & Other Charges	40,627	34,475	34,475	(6,152)	33,259
TOTAL RECEIPTS	40,627	34,475	34,475	(6,152)	33,259
PAYMENTS					
Outputs					
1.0 Legal Advice to Head of State, Ministers and	297,343	307,768	307,768	10,426	424,560
2.0 Legislative Drafting	946,062	985,190	985,190	39,127	745,256
3.0 Criminal Prosecution	0	0	0	0	1,140,674
4.0 Civil Claims and Opinions	1,180,384	1,285,166	1,285,166	104,782	1,089,837
Total Outputs	2,423,789	2,578,124	2,578,124	154,335	3,400,328
Transactions on Behalf of State					
Membership Fees & Grants					
Lexis Nexis	13,424	18,000	18,000	4,576	12,215
Brookers Online	0	0	0	0	20,032
International Association of Prosecutors	0	0	0	0	1,344
	13,424	18,000	18,000	4,576	33,592
Government Policies / Initiatives					
Overseas Counsel's Opinions/Technical Assistance	18,978	20,000	20,000	1,022	11,474
Pathologist	0	0	0	0	62,363
Drafter Forum	0	0	0	0	32,731
PILON Litigation Skills	0	0	0	0	29,347
Rents & Leases (TATTE Building)	315,664	315,664	315,664	0	315,664
Establishment National Prosecution Office	(46)	0	0	46	33,530
	334,596	335,664	335,664	1,068	485,108
VAGST Output Tax	101,277	93,508	93,508	(7,769)	160,209
Total Transactions on Behalf of State	449,297	447,172	447,172	(2,125)	678,909
TOTAL PAYMENTS - ATTORNEY GENERAL'S OFFICE	2,873,086	3,025,296	3,025,296	152,210	4,079,236
RECEIPTS OVER PAYMENTS	(2,832,460)	(2,990,821)	(2,990,821)	(158,362)	(4,045,977)
GOVERNMENT DEVELOPMENT PROJECTS					
	2017	Original Estimate	Receipts	Payments	Opening Balance
	\$	\$	\$	\$	\$
Grants - GDP					
Pacific Prosecutors Conference (NZAid)	(70,432)	0	(188,501)	182,024	(64,009)
Pacific Islands Laws Officers Network (PILON) Meetings (AusAID)	(260,287)	0	(618,418)	499,054	(140,923)
	(330,719)	0	(806,919)	681,078	(204,932)
TOTAL GOVERNMENT DEVELOPMENT PROJECTS	(330,719)	0	(806,919)	681,078	(204,932)