



Office of the Attorney General

29 March 2019

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 2018.

The Report records the Office's key performance indicators during the financial year 1 July 2017- 30 June 2018, in accordance with its mandate and output structure.

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

Ma lou faaaloalo lava,

A handwritten signature in black ink, reading 'Tuilaepa Lufesoliai'.

Hon. Tuilaepa Lufesoliai Dr. Sailele Malielegaioi
Prime Minister/Minister Responsible for the Office of the Attorney General

Annual Report

1 July 2017 - 30 June 2018

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



FOREWORD

I am pleased to present the Annual Report for the Office of the Attorney General ('Office') for the financial year, 1 July 2017 to 30 June 2018.

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 Reforms achieved by the Office, in previous financial years, to separate criminal prosecutions were repealed, so reintegration of the two arms of the (former) National Prosecutions Office back into the Attorney General's Office took place while the Office and the new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.



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



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Attorney General's Note



Greetings and Talofa Lava!

As reported in 2017, it was a busy year due to the completion of many projects, the commencement of new ones, and the continuation of others.

The Financial Year 2017-2018, for which this report is based, was no different and the Office has taken great strides towards serving its mission as mandated under the Constitution of the Independent State of Samoa.

With the Office considered as a training ground for young lawyers, we continue to face a challenge unique to this Office in that it struggles to retain senior lawyers with at least four years of experience, but ultimately losing them to higher salaries in the public sector, or other Government Ministries or Corporations. However, as this report will attest, this has not stopped nor deterred the influx of legal work required, as per mandate, and we continue to strive to serve our calling and provide efficient and effective legal services to all of Government.

As with all years, the Legislative Drafting Division continues to be busy with an increasing demand for legislation drafting which included the passage of the Pacific Games Office Act 2018, Sex Offender's Registration Act 2017, and the National Health Services Amendment Act 2018 to name a few. In addition to the drafting of legislations, the Legislative Drafting Division also continues its advisory role to select parliamentary committees while ensuring the usual demands of government ministries for legislations to be finalized are met in a timely manner.

The Civil Litigation and Opinions Division also experienced an increase in litigation legal work undertaken on behalf of Government as well as advice required to be issued to various government bodies. Notwithstanding the loss of four (4) lawyers between November 2017 and March 2018, the Civil Litigation Division continued to faithfully represent Government in all civil proceedings while also serving various Commissions of Inquiry and Tribunals.

The Commercial and International Law Division continues its role in reviewing and drafting all Government contracts/deeds and other related legal documents both domestic and international. It further serves various Government Boards and Committees and it was noted that the number of incoming requests for the period under review greatly increased when compared to the previous financial year.

The two Criminal arms of the Attorney General, namely the Criminal Prosecutions: District Court Division and the Criminal Prosecutions: Supreme Court Division also saw a great increase in the number of cases referred by the Ministry of Police. Following the increase in the jurisdiction for District Court matters, being cases with a maximum penalty of 7 years, we are grateful for the continued support by the Ministry of Police through the provision of its Police Prosecutions Unit to assist with the increasing prosecutorial work.

The Corporate Services Division continues to provide exceptional support service to adequately deal with the demanding workload of the Office and continues to ensure support services are rendered in an efficient manner.

With the various challenges faced by this Office, we will continue to serve our country to the best of our abilities, and I commend the patriotism shown by the staff throughout the period under review. We further express our gratitude to the Ministry of Police and to PILON for its ongoing support. On that note, I am pleased to present the annual report for the financial year ending June 2018.

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 2017-2018, 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 2018 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.

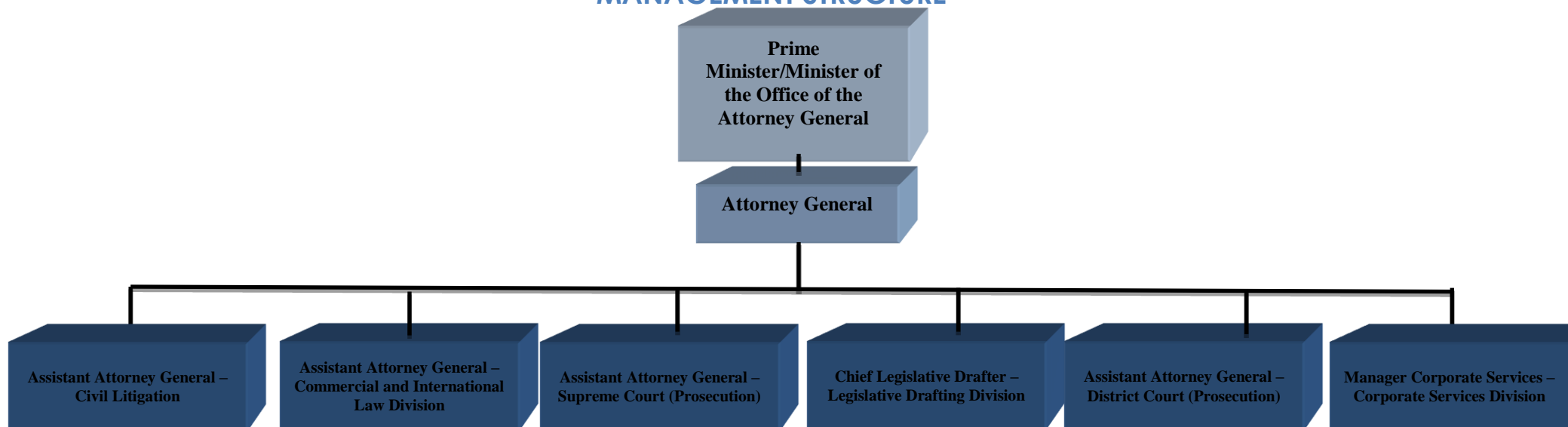
Previous financial years have been significant with a lot of challenges, and this year was no exception. While the repeal of the National Prosecutions Act only took effect in the last month of Financial Year 2018, the Attorney General assumed Acting Director responsibilities for the (former) National Prosecutions Office in October 2017, 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 in November 2019.

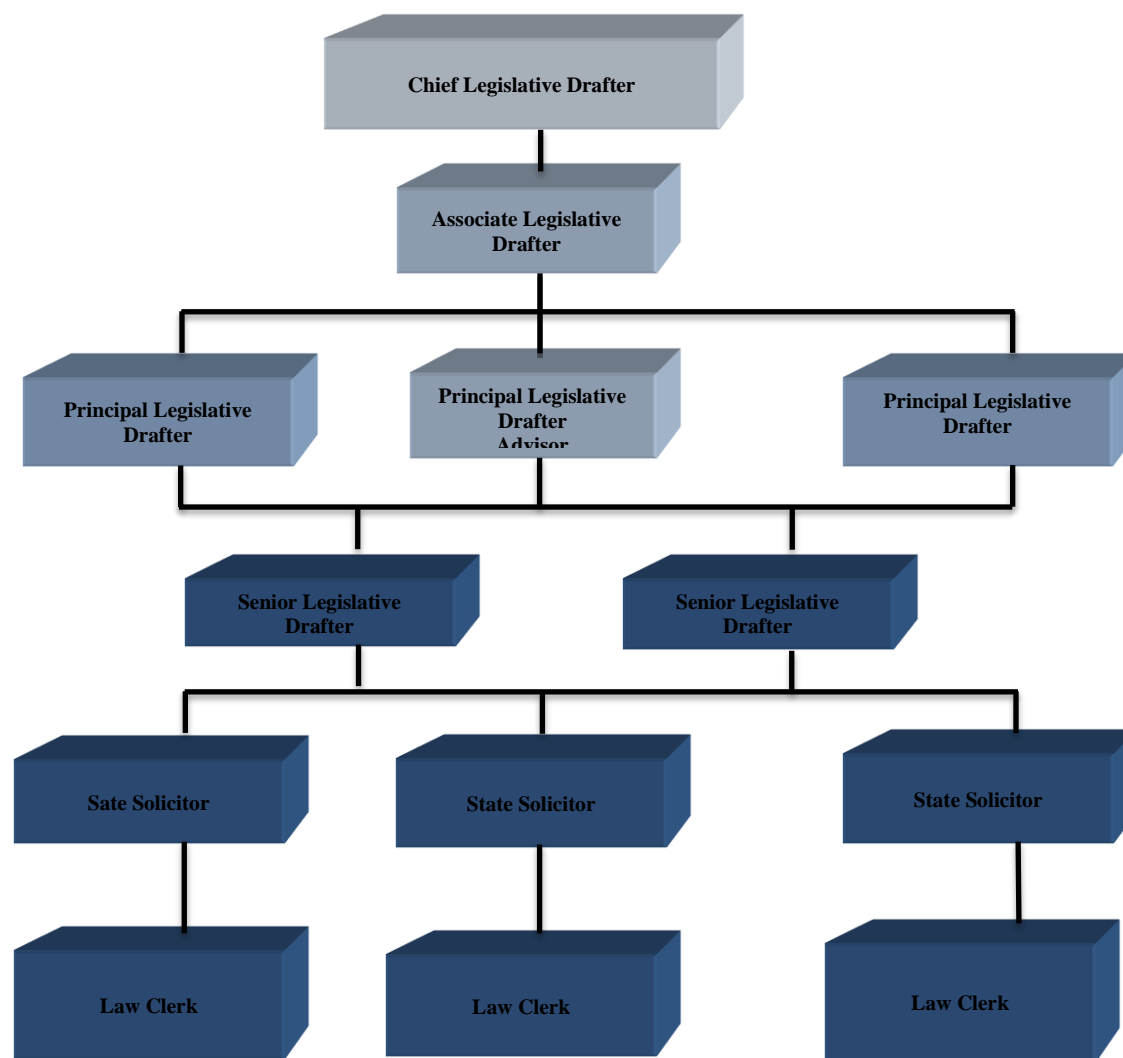


Organizational Structure

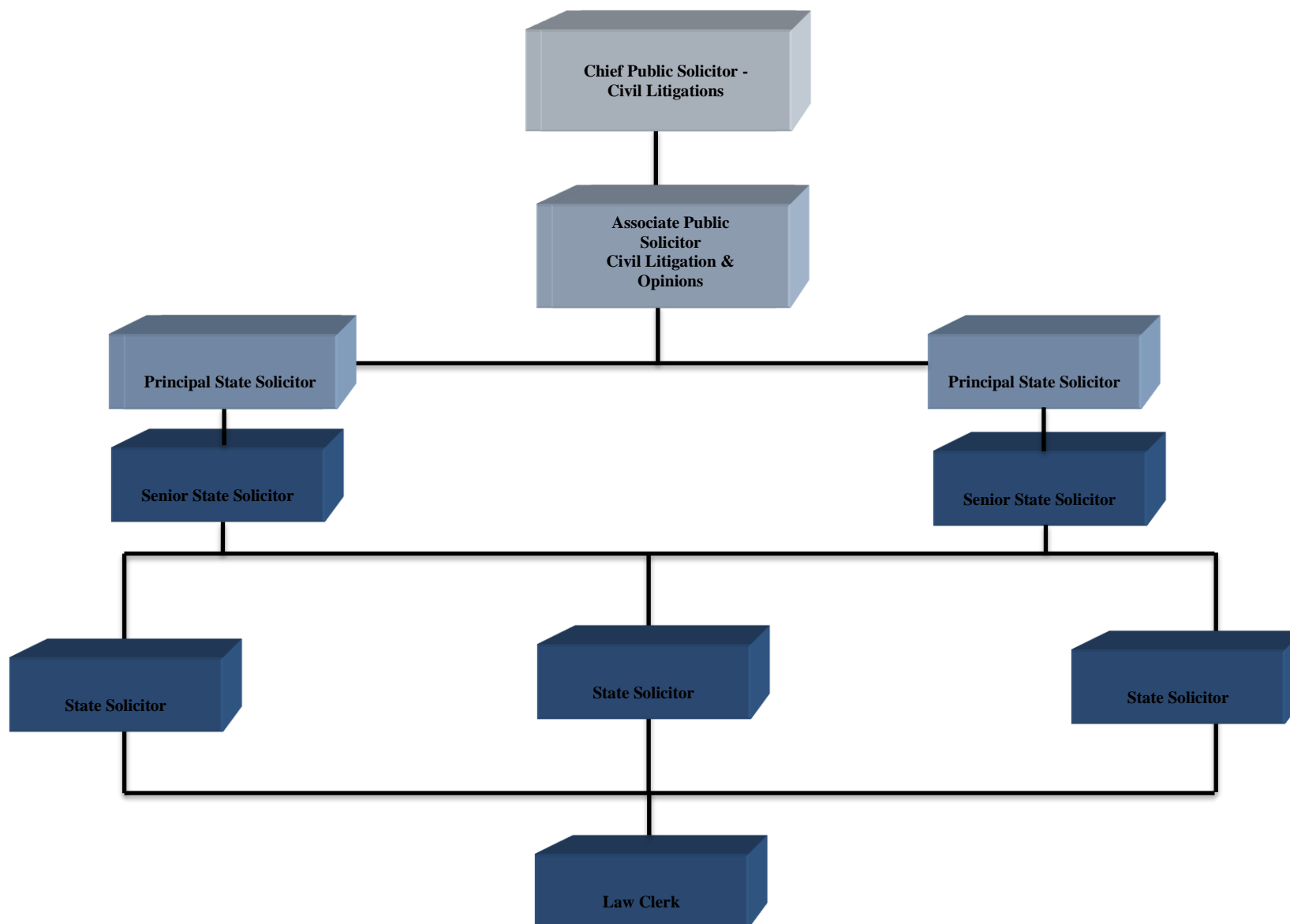
MANAGEMENT STRUCTURE



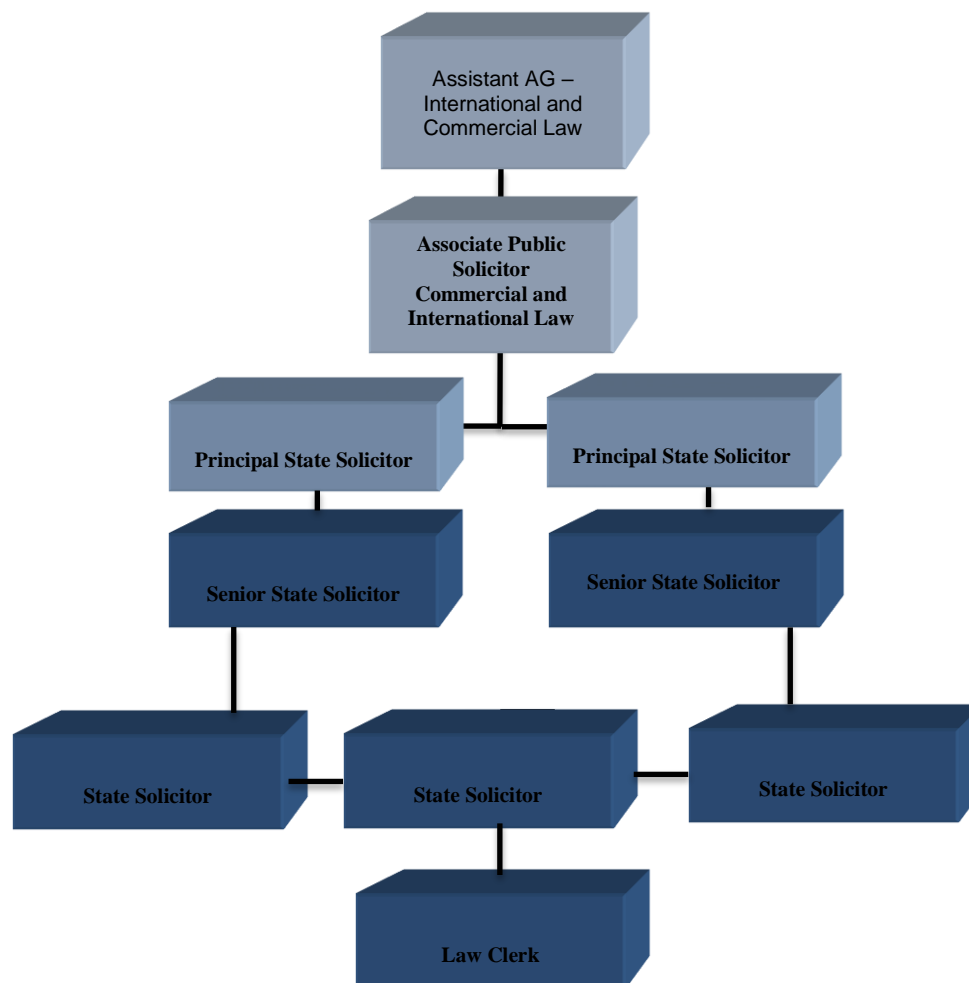
LEGISLATIVE DRAFTING DIVISION



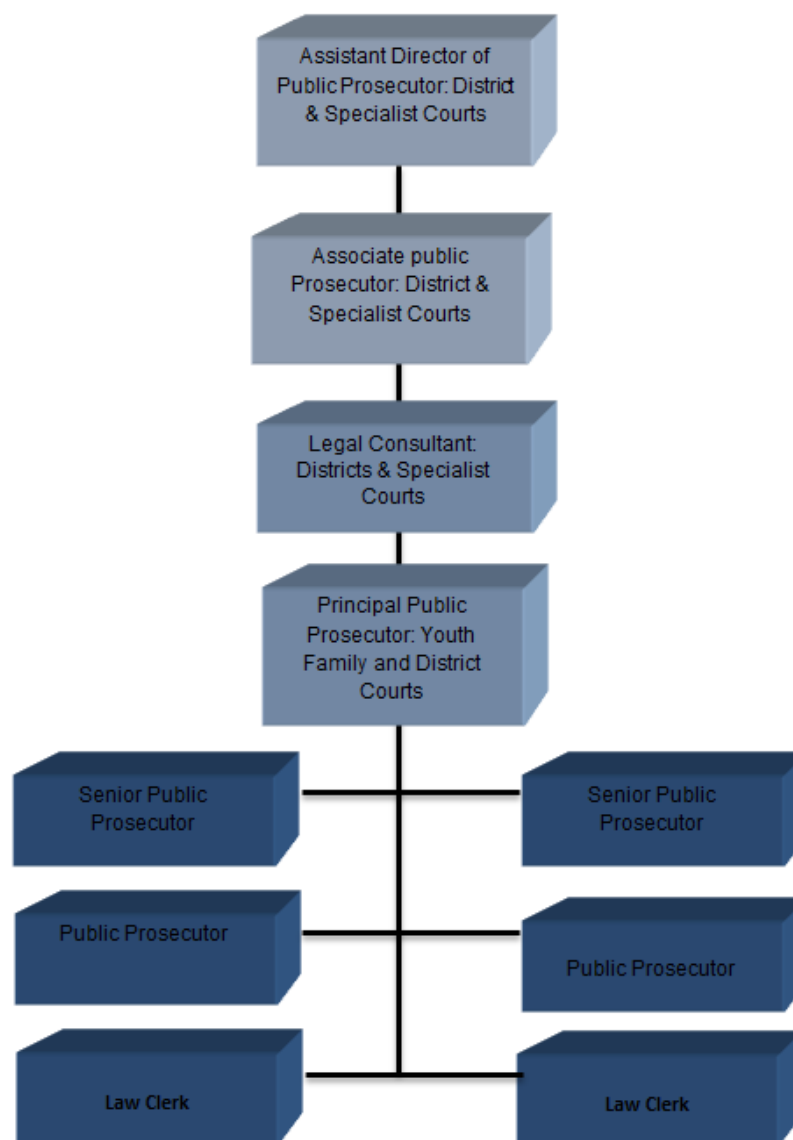
CIVIL LITIGATION AND OPINIONS DIVISION



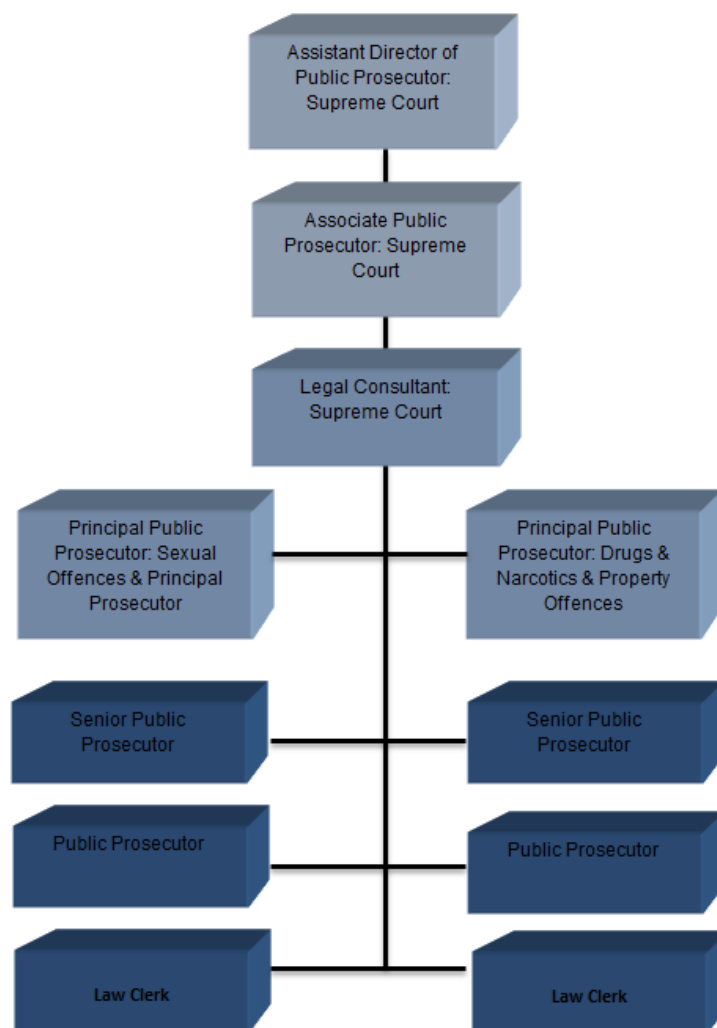
COMMERCIAL AND INTERNATIONAL LAW DIVISION



Criminal Prosecutions: District & Specialised Court



Criminal Prosecutions: Supreme Court





Legislative Drafting Division

A. OVERVIEW

The function of the Legislative Drafting Team is to draft legislation for Government Ministries and agencies and provide complex statutory interpretation advice. 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 (Base Year)	Estimated Actual Standard	Budget Standard	Traffic Light Progress Indicator	Output Manager's comments on progress towards achievement of the Target they have been funded to deliver, including what
Percentage of legislation & regulation expected to be finalised by June 2016.	80% (2010 - 2011)	70%	70%	Completed/ Achieved	For the period of July 2017 to June 2018, a total of 72 Bills and Regulations referred were issued with an AG's Certificate. Of the 72 finalised, 39 have passed and are now Acts of Parliament while 33 are with Cabinet for enactment process.
Percentage of subsidiary legislations finalised (Guidelines, Commencement date notices, Memos, Rule, Bylaws, Proclamations, Declarations, Warrants, Orders).	60%(2010 - 2011)	70%	70%	Completed/ Achieved	Subsidiary legislation have a much higher turnover for completion as they are usually smaller and less complex to prepare and finalise thus making it easier to achieve this KPI.
Percentage of advice on statutory interpretation.	70%(2010 - 2011)	80%	80%	Completed/ Achieved	All advice on statutory interpretation received has been completed as the requirement for completion is 3 days for less complex requests and 5 - 10 days for complex requests.
Number of consultations of draft Legislations. (%)	65% (2010 - 2011)	90%	90%	Completed/ Achieved	Consultation for all draft legislation referred for drafting have been completed.
Date by which laws are consolidated.	End of February (2010 - 2011)	End of December	End of January	Completed/ Achieved	2017 Consolidation was distributed in January 2018.
Percentage level of Non-Tax Revenue Collected	80% (2010 - 2011)	100%	100%	Completed/ Achieved	This target has been met.
Number of trainings conducted for drafting legislations & regulations.	3 (2014-2015)	5	5	Completed/ Achieved	This target has been exceeded. We have had a total of 10 trainings altogether for this financial year

B. **STRUCTURE:**

Current staff

The Legislative Drafting Team consists of:

No.	Name of officer	Position
1	Lemalu Hermann Retzlaff	Attorney General
2	Galumalemana Noumea L. Teueli	Chief Legislative Drafter – Assistant Attorney General
3	Leitu Moananu	Associate Legislative Drafter
4	Steffany Meredith	Principal Legislative Drafter
5	Siovia Liu	Principal Legislative Drafter
6	Jasmine Faleafaga	Principal Legislative Drafter
7	Kylie Wilson	Senior Legislative Drafter
8	Titilua Aiono	Senior Legislative Drafter
9	Jacek Tuala	State Solicitor
10	Ioata Tanielu	State Solicitor
11	Shalon Time	State Solicitor
12	Tacy Sasagi	Part Time – Law Clerk
13	Losa Kelekolio	Senior Legal Secretary

Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion	Dates of Promotion & Appointment
1	Victor Ale	Law Clerk (Appointed)	18 September 2017
2	Titilua Aiono	Senior State Solicitor (Promoted)	2 November 2017
3	Ioata Tanielu	State Solicitor (Appointed)	5 December 2017
4	Shalon Time	State Solicitor (Appointed)	26 February 2018

Resignations

The following employees resigned to take up other legal position in other Ministries whilst Victor was appointed to Law Clerk – Criminal Prosecution Division (District Court):

No.	Name of officer	Position	Date of resignation
1.	Lizatalei	Senior Legislative Drafter	29 September 2017
2	Victor Ale	Law Clerk	26 March 2018

Vacant Positions

The following positions are vacant:

- I. Law Clerks – 3

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

- The following Bills and Regulations were passed

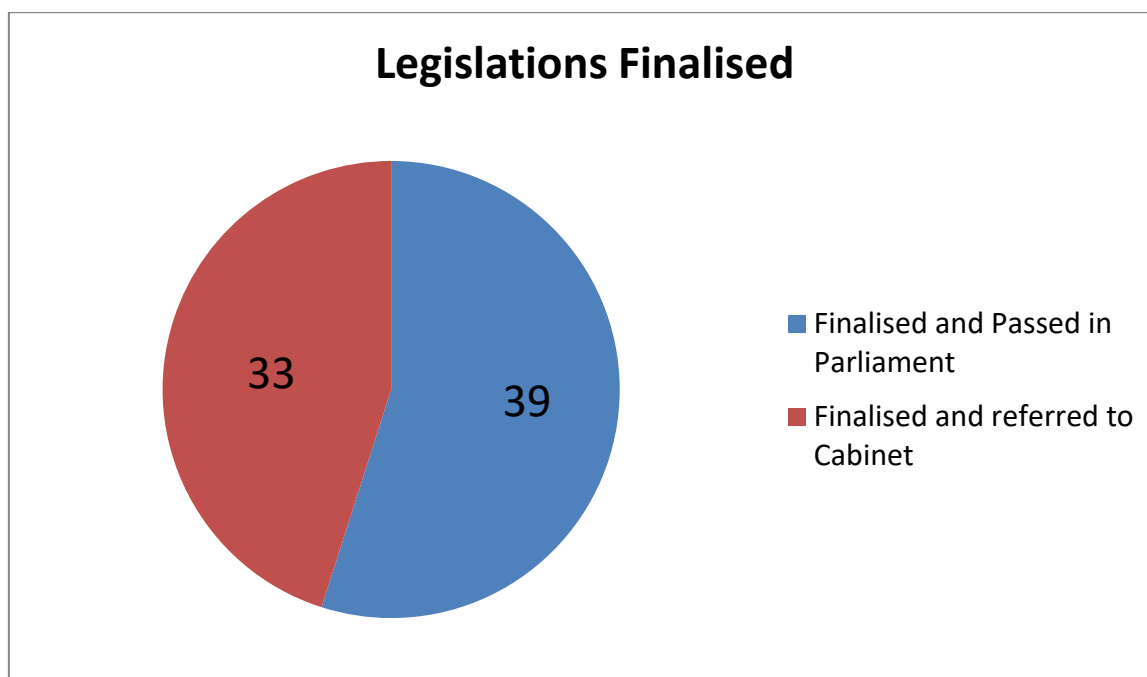
No.	Act	No.	Act
1.	<i>Trustee Companies Act</i>	2.	<i>Casino and Gambling Control Amendment Act</i>
3.	<i>Foundations Amendment Act</i>	4.	<i>Customs Tariff Amendment Act</i>
5.	<i>Immigration Amendment Act</i>	6.	<i>Pacific Games Office Act</i>
7.	<i>Crimes Amendment Act</i>	8.	<i>Fire and Emergency Services Amendment Act</i>
9.	<i>Asian Infrastructure Investment Bank Act</i>	10.	<i>Honours and Awards Amendment Act</i>
11	<i>Income Tax Amendment (No. 3) Act</i>	12	<i>Tax Information Exchange Amendment Act</i>
13	<i>Gaming Control Act</i>	14	<i>Excise Tax Rates Amendment (No. 2) Act</i>
15	<i>Sex Offenders Registration Act</i>	16	<i>National Health Service Amendment Act</i>
17	<i>Police Service Amendment Act</i>	18	<i>Supplementary Appropriation Act (no. 1)</i>
19	<i>Conventional Arms Act</i>	20	<i>Energy Efficiency Act</i>
21	<i>Film Production Act</i>	22	<i>Competition and Consumer (Fees Regulations 2018)</i>
23	<i>Food (Ava) Regulations 2018</i>	24	<i>Customs (Prohibited Import) Amendment Order (No. 1) 2018</i>
25	<i>Customs (Prohibited Import) Amendment Order (No. 2) 2018</i>	26	<i>Land Transport Authority (Licence Fees and Other Charges) Amendment Regulations 2018</i>
27	<i>Telecommunications Licence Fee Amendment Regulations 2018</i>	28	<i>Energy Efficiency (Approved Standards) Regulations 2018</i>
29	<i>Diplomatic Privileges and Immunities (Declared International Organisations) Amendment Order 2018</i>	30	<i>Radio Spectrum Regulations 2018</i>
31	<i>Passport Fees Regulations 2017</i>	32	<i>Radio Spectrum Rules 208</i>
33	<i>Citizenship Fees Regulations 2017</i>	34	<i>Permit Fees Regulations 2017</i>
35	<i>Marine Wildlife Protection Amendment Regulations</i>	36	<i>Prisons and Corrections Amendment Regulations 2017</i>

37	<i>Conventional Arms Fees Regulations 2018</i>	38	<i>Maritime Zones Order 2017</i>
39	<i>Head of State (Salary and Allowance Regulations 2018</i>		

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

No.	Bill	No.	Bill
1.	<i>Constitution Amendment Bill (No. 2) 2018</i>	2.	<i>Tobacco Control Amendment Bill 2018</i>
3.	<i>Electoral Bill 2018</i>	4.	<i>Constitution Amendment Bill (No. 1) Bill 2018</i>
5	<i>Electoral Constituencies Bill 2018</i>	6	<i>Electoral Commission Bill 2018</i>
7	<i>Trustee Companies Bill</i>	8	<i>Foundations Amendment Bill</i>
9	<i>Immigration Amendment Bill</i>	10	<i>Crimes Amendment Bill</i>
11	<i>Asian Infrastructure Investment Bank Bill</i>	12	<i>Income Tax Amendment Bill</i>
13	<i>Gaming Control Bill</i>	14	<i>Sex Offenders Registry Bill 2017</i>
15	<i>Conventional Arms Bill</i>	16	<i>Police Service Amendment Bill</i>
17	<i>Film Production Bill</i>	18	<i>Energy Efficiency Bill</i>
19	<i>Supplementary Appropriation Bill</i>	20	<i>National Health Service Amendment Bill</i>
21	<i>Casino and Gambling Control Authority Amendment Bill</i>	22	<i>Customs Tariff Amendment Bill</i>
23	<i>Pacific Games Office Bill</i>	24	<i>Fire and Emergency Services Amendment Bill</i>
25	<i>Tax Information Exchange Amendment Bill</i>	26	<i>Excise Tax Rates Amendment Bill</i>
27	<i>Planning and Urban Management (Notification of Application) Regulations 2017</i>	28	<i>Radio Spectrum Rules 2018</i>
29	<i>Casino and Gambling Control Regulations 2017</i>	30	<i>Marine Wildlife Protection Amendment Regulations 2018</i>
31	<i>Accident Compensation Amendment Bill 2018</i>	32	<i>Head of State (Salary and Allowance) Regulations 2018</i>
33	<i>Prisons and Corrections Amendment Regulations (No. 2) 2017</i>		

			Budget Standard (%)	Completed (%)
	<u>Legislations</u>			
table 2.1	No. of legislations required to be finalized	72	70%	100%
	No. of legislations finalized	72		100%
	Outstanding	0		0%

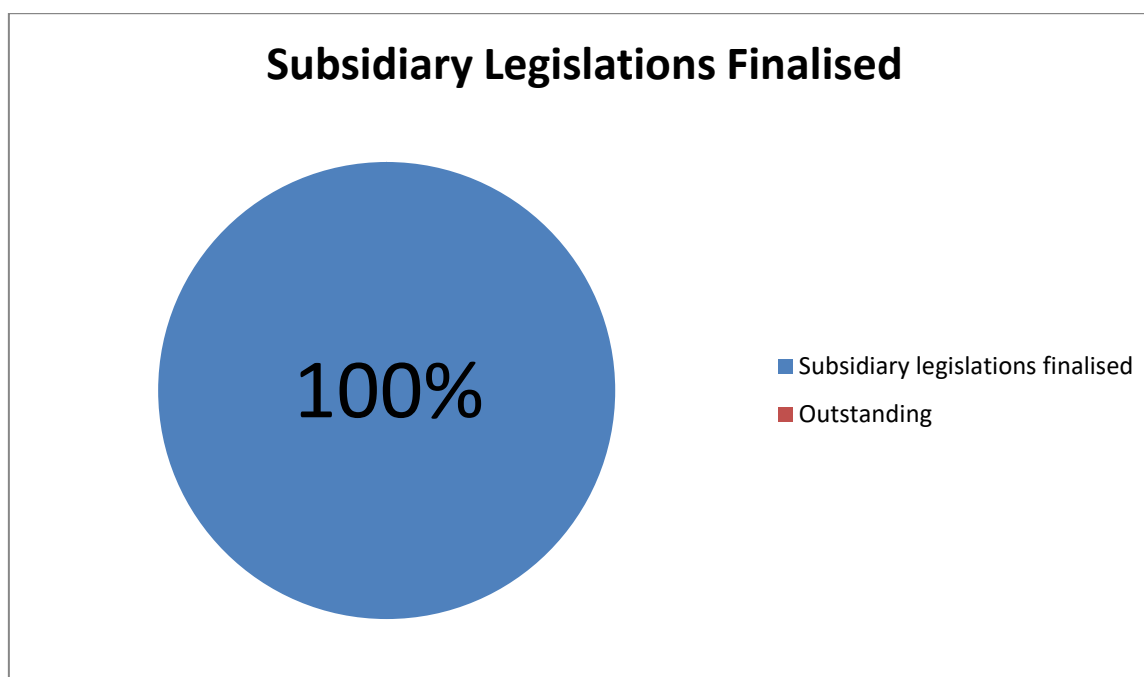


The following subsidiary legislation (regulations, notices, orders, etc) were made:

No.	Subsidiary legislation	No.	Subsidiary legislation
1	<i>Warrant of Appointment Chief Executive Officer – Competition and Consumer Board</i>	2.	<i>Warrant of Appointment Public Service Commission – CHAIRMAN</i>
3.	<i>Warrant of Appointment – Members Competition and Consumer Board</i>	4.	<i>Warrant Of Appointment Public Service Commission – Member</i>
5.	<i>Warrant of Appointment Chief Executive Officer – Land Transport Authority</i>	6.	<i>Warrant Of Appointment Human Rights Director – Prisons</i>
7.	<i>Warrant of Appointment General Manager – Accident Compensation Corporation</i>	8.	<i>Warrant Of Appointment Associate Minister – Minister Of Justice And Courts Administration</i>
9	<i>Warrant Of Appointment Land And Titles Court Judges</i>	10	<i>Warrant Of Appointment Associate Minister – Ministry For Revenue</i>

11	<i>Warrant Of Appointment Chief Executive Officer – Ministry Of Women Community And Social Development</i>	12	<i>Warrant Of Appointment Governor – Central Bank Samoa</i>
13	<i>Warrant Of Appointment Vice Chancellor – National University Samoa</i>	14	<i>Warrant Of Appointment Court Of Appeal Judge</i>
15	<i>Warrant Of Appointment Chief Executive Officer South Pacific Games</i>	16	<i>GENERAL PRICE ORDERS (NO. 1)</i>
17	<i>GENERAL PRICE ORDERS (NO. 2)</i>	18	<i>Customs (Prohibited Import) Amendment Order (No. 2) 2018</i>
19	<i>Customs (Prohibited Import) Amendment Order (No. 1) 2018</i>	20	<i>Diplomatic Privileges and Immunities (Declared International Organisations) Amendment Order 2018</i>
21	<i>Maritime Zones Order 2017</i>	22	<i>Prohibition Order on Honey Bees and Honey Products</i>
23	<i>Notice – Meeting of Parliament Deferral</i>	24	<i>Commencement Notice for Coroners Act 2017</i>
25	<i>Notice on Energy Using Products Brands or Models 2018</i>	26	<i>Samoa Police Service Amendment Regulations commencement notice</i>
27	<i>Oath of Council of Deputies - Lemamea</i>	28	<i>Oath of Council of Deputies – Tuiloma</i>
29	<i>MPMC: Ministerial Determination</i>	30	<i>Nomination of Commencement Date: Gaming Control Act 2017</i>
31	<i>Commencement Notice: Conventional Arms Act 2017</i>	32	<i>Commencement Notice: Water Schemes Act 2015</i>
33	<i>Safua Water Resources Management Bylaws 2018</i>	34	<i>Tapueleele Water Resources Management Bylaws 2018</i>
35	<i>Piu-Sapunaoa Water Resources Management Bylaws 2018</i>	36	<i>Declaration of Public Holiday 2018</i>
37	<i>Declaration of Disaster (Cyclone Gita) 2018</i>	38	<i>Declaration of Disaster – Extension (Cyclone Gita) 2018</i>
39	<i>Telecommunications (Licensing) Rules 2018</i>	40	<i>Telecommunications (Radio Equipment Technical Standards and Type Approval) Rules 2018</i>

	<u>Subsidiary legislations</u>	<u>No.</u>	Budget Standard (%)	Actual Completion (%)
table 2.2	No. of Subsidiary legislations referred	40		
	No. of Subsidiary legislations finalized	40	70%	100%
	Outstanding	0		0%



(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
2017 Meeting of the Pacific Legislative Drafter' Technical Forum	To strengthen professional networks and information sharing amongst Pacific legislative drafters as well as offer technical training in legislative drafting	23 rd -25 th August 2017, Nukualofa, Tonga	Galumalemana Loretta Teueli and Jasmine Faleafaga
2017 AGD Pacific Legal Policy Twinning Program	To enable participants to contribute to institutional strengthening and become role models for good policy development practices in the region.	16 th October- 15 th December 2017, Canberra, Australia	Kylie Wilson

Mutual Legal Assistance Preparatory Conference Towards a Multilateral Treaty for MLA and Extradition for domestic prosecution of most serious international crimes.	An expert meeting concerning legal assistance between states for the national prosecution and adjudication of international crimes such as genocide, crimes against humanity etc.	16 th -19 th October 2017, Doorn, Netherlands	Galumalemana Loretta Teueli and Gemma Nelson (CILD)
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National

Workshop/Training	Objective	Date & Place	Attendees
Commonwealth Broadband 2017 Pacific	Broadband for enhancing Pacific Lives	25 th -27 th July 2017	Lizatalei Hakai and Titilua Aiono
International Maritime Organisation Member State Audit Scheme (IMSAS) in 2018	Regional preparation by S.P.C. for Pacific Island Countries (P.I.C.) who have already been audited and for new P.I.C. members who just joined the audit scheme.	1 st -3 rd August 2017	Jasmine Faleafaga and Tacy Sasagi
Samoa Law Reform Commission (SLRC) Trainings	Divergent currents and law reform in the Pacific Islands	1 st September 2017	Lawyers of the Attorney General's Office and other government lawyers
Presentation Skills training	The training enhances thorough learning steps to take upon preparing, delivering and answering questions in different circumstances.	11 th -14 th September 2017	Titilua Aiono
The Samoa Law Reform Commission consultation on the Drugs (Narcotics Act 1967) Review	To inform the public of the Drugs Review project underway by the SLRC and to obtain feedback and comments in order to assist in the legislative reform of the Narcotics Act 1967	25 th September 2017	Kylie Wilson
Secretariat of the Pacific Regional Environmental Programme (SPREP): Environmental Compliance and Enforcement Training	Capacity-building training to prepare and train officers from various government offices whose duties include environmental law compliance and enforcement.	17 th -19 th October 2017	Victor Ale

Launching of MWCSA's Community and Development Sector Plan 2016-2021	To launch the plan framework as a vital planning tool for the Community Sector and priorities towards the development of the Community Sector Implementation Plan for the next 3 years	30 th October 2017	Tacy S. Sasagi
Samoa Law Reform Commission (SLRC) Consultation and Awareness on Fabrics of Laws Project	To inform the AGO of the Commission's recommendations and findings in relation to the laws administered by the Attorney General's Office	8 th February 2018.	Lawyers of the Attorney General's Office.
National Enforcement Workshop: Implementation of the Shark Sanctuary Provisions within the Marine Wildlife Protection Regulation 2018	To raise the awareness of Samoa's shark and ray sanctuary measures and to facilitate the implementation, enforcement and compliance of the measures at the national level.	27 th -28 th February 2018	Tacy S. Sasagi
Safety of Navigation (SON) Familiarization Workshop	Identifying navigation-al aids and to reinforce the need for navigational safety for all vessels when traversing on our waters nearer our shores	12 th March 2018	Kylie Wilson and Shalon Time

(III) Projects:

1. Annual consolidation of Acts

The annual consolidation of Acts for 2017 was done and completed before 31 January 2018. 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 DRAFTING PROJECTS

(i) *Sex Offender's Registration Act 2017*

The Sex Offender's Registration Act 2017 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 main objects of the Act 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 Act.

(ii) *Crimes Amendment Act 2017*

The Crimes Amendment Act 2017 amends the Crimes Act 2013 by introducing a new Part 9A for crimes against a person's reputation. The offence being introduced under this Part is "False statement causing harm to a person's reputation". The rationale for introducing the offence is to address harm done to a person's reputation by another person who publishes false information about that person.

This is similar to defamatory libel and although civil proceedings for defamation are available to the public, the reality is, not all Samoans have access to these proceedings as not all are able to afford legal services required for such proceedings.

It is therefore on that premise that this offence is introduced into the Crimes Act 2013 to allow any member of the public to have access to the criminal justice system in dealing with the harm suffered due to false information being published.

(iii) *Conventional Arms Act 2017*

The object of the Conventional Arms Act 2017 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 Act therefore ensures that the prevention and eradication of illicit trade and diversion of conventional arms is maintained.

(iv) *Trustees Companies Act 2017*

The objects of this Trustee Companies Act 2017 are:

- (a) to repeal the Trustee Companies Act 1988 which is out-dated, particularly with regard to the present regulatory standards and requirements;
- (b) to cover new standard on the regulation of trust and corporate service providers" ("the standard") in order for Samoa to comply with best standards;
- (c) to have appropriate exemption from licensing both for private trustee companies, and for professionals offering "trust business", to provide yet another legitimate solution for those who wish to use Samoa for their trusts to retain control of trust property;
- (d) will cover 3 separate types of licences for a Trust Company Service Provider ("TCSP"), namely –
 - (i) a TCSP Licence for financial services business (including trust business) generally;
 - (ii) a trust licence for trust business only; and
 - (iii) a Service Licence for all other financial services business, other than trust business,
- (e) the TCSP Licence enables a TCSP to apply for one composite licence so that it does not have to apply for one licence for trust business and another licence for all other financial services business;
- (f) to introduce managed trustee companies, which means that a TCSP, which is licensed in Samoa can apply for an appropriate licence for another TCSP to manage it. This enables an interested TCSP to start as a managed entity and then move on later to have its own licence when their business permits;

- (g) seeks to place less importance on the capitalisation of a TCSP (in order to attract business and provide for relative importance), which should still be both sensible and reasonable but thoroughly competitive, than with regard to the scope and level of its indemnity insurance, which should be wholly adequate having regard to the TCSP's business on-going and be kept under review by the Regulator.
- (v) *National Health Service Amendment Act 2018*
The National Health Service Amendment Act 2018 seeks to amend the National Health Service 2014 ("Principal Act") to put into effect the first phase of the merger of the National Health Service and the Ministry of Health and related purposes. The objectives of the Act are to amend the provisions of the Principal Act that establishes the composition of the Board, to create a Board that reflects the merger of the National Health Service ("NHS") and the Ministry of Health ("MOH") and to give Cabinet general authority to appoint any other member to the Board, to remove the ineligibility of a person employed by the NHS for appointment as a director of the Board and to give authority to the Board of Directors to appoint a secretary or co-secretaries from its members.
- (vi) *Pacific Games Office Act 2018*
The Act seeks to establish the Pacific Games Office who will be responsible for organising and management of the 2019 Pacific Games and provide for other matters incidental to the 2019 Pacific Games.
- (vii) *Money Laundering Prevention Amendment Act 2018*
The Money Laundering Prevention Amendment Act 2018 amends the Money Laundering Prevention Act 2007 with the objective to implement Samoa's obligations and adherence to anti-money laundering and countering terrorist financing international standards under Samoa's Mutual Evaluation Report 2015.
- (viii) *Income Tax Amendment Act 2018*
The Income Tax Amendment Act 2018 amends the Income Tax Act 2012 in order to:
- (a) allow sponsors a deduction to their assessable income for a tax year at 200% for sponsorship for the 2019 Pacific Games; and
 - (b) provide that monetary gifts received by religious ministers during funerals, weddings and other traditional, government or family occasion is not subject to income tax under the Act.

SIGNIFICANT INITIATIVES PROJECTS

(i) Introduction to Legislative Drafting

Galumalemana Noumea L. Teueli, Chief Legislative Drafter of the Attorney General's Office conducted trainings on to the basics or the introductions to legislative drafting. This training was conducted on the 1st February 2018 at the conference room of the Attorney General's Office. The training was opened to anyone in the office as well as the legal officers from government ministries.

(ii) *Legal Policy Development Training Course-*

Senior Legislative Drafter, Kylie Wilson conducted this four day training from the 10th to 16th April 2018 on Legal Policy. This training was part of the key deliverables Ms. Wilson was required to undertake following her return from a two month attachment with the Australian Attorney General's Department ("AGD"). The legal policy development course has been designed by the AGD to assist regional partner countries to build capacity in developing public policy proposals for government. The training was an overall success which ended with a certificate ceremony for all those who attended the four day training session.

(iii) *Legislative Drafting Trainings on Statutory Interpretation*

Teleiai Dr. Lalotoa Mulitalo, Executive Director of the Samoa Law Reform Commission conducted training on Statutory Interpretation upon request by the Legislative Drafting Team of the AGO as part of its continuing legal capacity building initiative. The training was attended by lawyers of the Attorney General's Office and in-house counsels.

(iv) *Legislative Drafting Training Team Training on Warrants*

Galumalemana Noumea L. Teueli, Chief Legislative Drafter of the Attorney General's Office conducted training on drafting warrants on the 8th April 2018. This training was mainly for the junior lawyers of the Legislative Drafting Division, introducing how warrants are made, the relevant laws involved in drafting of warrants and the drafting techniques for drafting warrants.

(v) *Other legal work*

One of the most notable achievements by the Drafting Team for this financial year is the continuation of assistance lent to other Teams within the Office. Drafters have contributed to the clearance and settlement of a significant number of contracts usually assigned to the Commercial and International Law Team. Members of the Drafting Team have also undertaken file review of criminal prosecution files usually assigned to the District and Supreme Court Prosecution Teams.

E. Value of Services

1. **From 1st July 2017 to 30 June 2018, it is estimated that the Team has worked a total of 10,317 hours to provide their mandated legal services to the Government of Samoa**

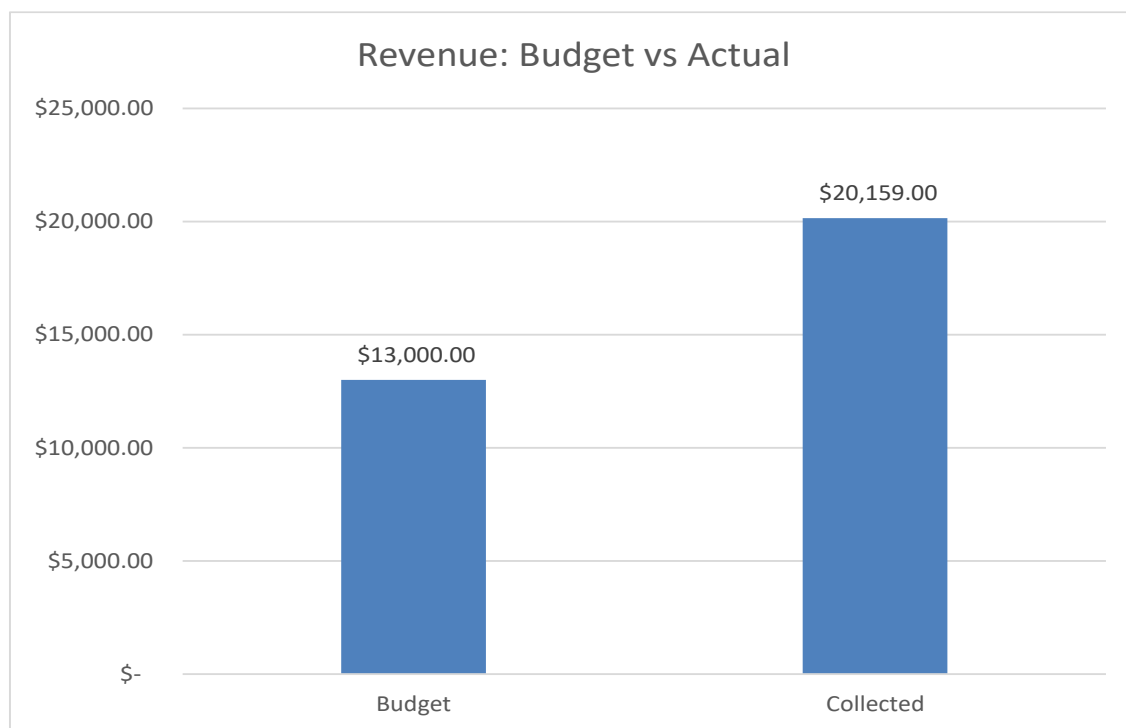
Days Worked	Total Hours	Value
1719.5	10317	\$ 2,417,250.00

NB: To calculate the value of services:

- (1) all public holidays and leave entitlements taken by each staff member has been deducted from "days worked";
- (2) a 6 hour work day has been used to calculate total hours [discounting the usual 8 hour work day]; and
- (3) this does not reflect any of the overtime hours worked by all staff members.

2. Non-Tax Revenue Collections

The Team was also able to exceed its annually mandated collections for the period under review as shown in the table below with collections of \$20,159.00 as compared to the expected collection of \$13,000.00 for FY 2017-2018



F. CHALLENGES

(i) *Lack of Policy Instructions*

This continues to be the challenge faced by the Drafting Team. As the responsible Team to draft legislation for Government and other agencies, it is very important that legislative drafters understand the policy background behind the proposed law. Without clear policy directions, legislative frameworks cannot be drafted efficiently.

(ii) *Increase number of Legislation to be drafted and passed under urgency*

There is an increase in the number of urgently drafted and passed legislation which is in addition to the allocated and prioritized drafting projects for the financial year. This challenge has posed the question of whether there is a need for the Clerk of the Legislative Assembly to set a legislative calendar for each financial year. This will ensure each Government agency plans towards the calendar as opposed to springing urgent requests for drafting to be completed for example within 2 days for Cabinet approval. The capacity of the Team has increased over the years; however, urgent requests pose as a challenge due to the need for thorough analysis and impacts of the instructions on existing law.



Civil Litigation and Opinions Division

A. Overview:

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;
- To institute, and conduct civil proceedings and other matters for the Government and subject to section 6(6) of the Attorney General's Act 2013 for other government agencies;
- To defend civil proceedings against Government and, subject to section 6(6) of the Act, other government agencies;
- To provide legal opinions to the Head of State, Prime Minister, Cabinet Ministers and Government or, subject to section 6(6) of the Attorney General's Act, 2013, government agencies;
- Participate in committees and working parties to ensure all legal requirements are satisfied;

Achievement of Budgetary Key Performance Indicators:

Performance Measure	Baseline Data	2016-2017	2017-2018	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
	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	All requests for legal advice and opinions were promptly addressed. 165 matters were referred to the team for advice and 181 responses (including follow-ups) were recorded for this period
Percentage of civil claims and judicial review applications successfully defended or settled.	75% (2010 - 2011)	90%	90%	Completed/Achieved	For the period under review, 76 civil claims and judicial review applications were received by the team. The Civil Team have recorded 138 matters to have been responded to. However, due to court scheduling and requested adjournments from our office or from the complainants, some of these matters have been settled while others are ongoing.
Number of trainings provided on Civil Litigation and commercial matters.	75 (2010 - 2011)	12	12	Completed/Achieved	The team continues with its weekly white board training sessions and Seniors also conduct specialized training through the buddy system (mentoring), or for the team as a whole on specific topics
Percentage level of Non-Tax Revenue Charged to Clients and earned from court cases.	80% (2010 - 2011)	90%	90%	Completed/Achieved	Targets were exceeded

B. STRUCTURE

There are currently within the Litigation and Opinions Division, nine (9) legal staff, two (2) 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 Retzlaff	Attorney General
2	Sefo Ainuu	Chief Public Solicitor – Assistant Attorney General
3	Monique Vaai	Associate Public Solicitor
4	Tafailagi Peniamina	Principal State Solicitor
5	David Fong	Principal State Solicitor
6	Faith T. Sofe	State Solicitor
7	Sala Sapolu Magraff	Law Clerk
8	Gerry Matiasi	Senior Legal Secretary

Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion	Date of Promotion
1	David J. Fong	Senior State Solicitor (Promoted)	18 August 2017
2	Faithful T. Sofe	Law Clerk (Promoted)	18 August 2017
3	Fathful T. Sofe	State Solicitor (Promoted)	28 February 2018
4	David J. Fong	Principal State Solicitor (Promoted)	13 June 2018
5	Sala Sapolu Magraff	Law Clerk (Appointment)	18 June 2018

Resignations

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

No.	Name of officer	Position	Date of resignation
1.	Eleanor Fruean	State Solicitor	2 November 2017
2	Alesana Tumua	State Solicitor	8 December 2017
3	Ryan Masinalupe	Principal State Solicitor	22 February 2018
4	Angeline Seiuli	State Solicitor	16 March 2018

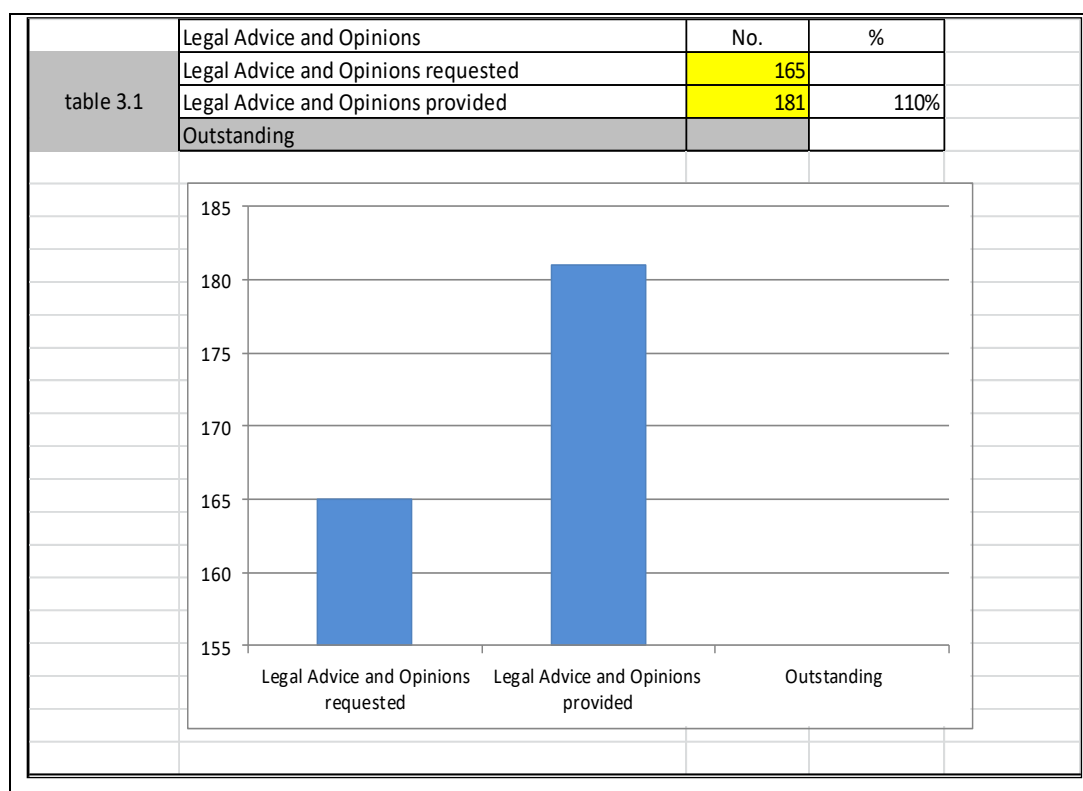
Vacant Positions

The following positions are vacant:

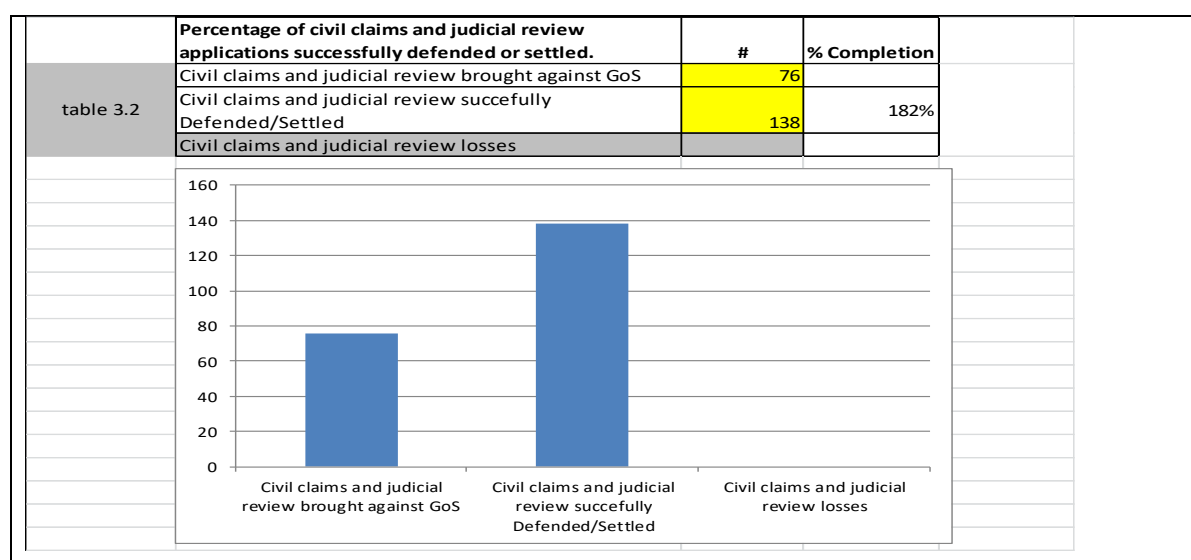
- Senior State Solicitors – 2
- State Solicitors – 2

C. ACHIEVEMENTS

- For the period under review, the Civil Team received a total of 165 requests for legal advice. However, with the Boards/Committees/Commissions that the team were instructed to act as counsel for, a total of 181 legal advices were recorded to have been issued in the period under review.
- The reason for this overlap between the requests for advice received and those issued is the fact that there are some advices that were issued by the team with having received a request for. Such advices include matters of concern that came to the knowledge of the Attorney General or the team itself that required a advice to the governmental entity involved.



- Civil claims and judicial review applications successfully defended or settled. In the financial year under review, exceeded targets due to matters that rolled over from the previous financial year. These matters were either adjourned, referred for mediation or settlement discussions and are now complete.



D. SIGNIFICANT LITIGATION/PROJECTS

The Civil Team over the last financial period note a marked increase in the number of civil claims against the Government, as well as motions for judicial review of decisions of the Lands and Titles Court. This has resulted in a significantly heavier workload and increased pressure to meet Court deadlines in regards to filing and serving responses, file reviews as well as constant dialogue with Ministries and/or other public bodies affected.

The last financial year saw two sittings of the Court of Appeal. Of particular significance are three cases handled by the Civil Team. The first is the case of *Savea Sano Malifa v Lands and Titles Court*. The decision in this particular case reinforced the principle that the Lands and Titles Court has ‘exclusive jurisdiction’ in all matters concerning customary lands and titles in Samoa. This is particularly important given the number of cases that are being filed in the Supreme Court by Applicants seeking to judicially review the decisions of the Lands and Titles Court. Whilst ‘exclusive jurisdiction’ applies to the Lands and Titles Court the jurisdiction itself, the case of *Tapusalaia Lautogie v Lands and Titles Appellate Court and Ors* also speaks to the importance of a person’s constitutional rights. The Court of Appeal upheld the Supreme Court decision where his Honour Justice Nelson held that the Applicant was denied the right to a fair trial as enshrined in our Constitution. These cases speak to the developing jurisprudence in Samoa and continue to guide our approach as well as create thought provoking discussions within the Civil Team. Following the case of *Tapusalaia*, the Civil Team is in discussion with the Ministry of Justice and Court Administration regarding guidelines for LTC Judges faced with the same circumstances as those in *Tapusalaia*.

In terms of the Supreme Court, a number of cases have been filed, heard, are part heard and/or have been settled. Some of significance have are noted herein. The case of *Nanai Liu Tokuma v Samoa Land Corporation and Ors* is a case where the plaintiffs sought declaratory orders to the effect that Government land at Sogi belonged to their family. The Supreme Court dismissed the plaintiffs claim on the premise that the majority of the evidence relied upon by the plaintiffs was hearsay – furthermore, fell short of proving their case on a balance of probabilities. The dismissal of this case sets precedence in terms of the strength of evidence needed should a person claim against Government (or any other Defendant in similar

circumstances). This case was handled by Principal State Solicitors as part of their capacity building, but also demonstrate the capabilities within the Civil Team.

Another case of *Iuni Sapolu v District Court Judge Talasa Saaga* was filed against her Honour with the plaintiff alleging breaches of the Constitution and bias on the part of the Honourable District Judge in her (the Judge's) decision against the plaintiff. Our Office filed a Motion to Strike Out which was successful, the Supreme Court holding that judicial immunity applies to this case and such an action cannot be upheld. This case has been appealed and is scheduled for hearing in the Court of Appeal sitting in October 2018.

The case of *Iuni Sapolu* resulted in the review of the *District Court Act 2016* to remove section 64 of the legislation that allows suit against District Court Judges on the grounds of excess or without jurisdiction. Her Honour Tuatagaloa J presiding stated that the said section is not consistent with the case law on judicial immunity.

As the number of cases increased, so too the nature of 'unique' hearings, such as in the case of *Silafaga Tupito v Attorney General* (on behalf of the Ministry of Police). In this case, counsel for the Plaintiff was formerly a prosecutor and potentially privy to information that gives the appearance of a conflict of interest. The Supreme Court held that plaintiff's counsel, although was a prosecutor at the time and may have had access to information; she was too far removed from the case to create a possibility of conflict. This particular case and raising these arguments are particularly important where former Government lawyers are now filing proceedings against Government.

In the case of *Filipaina & ors v. Ministry of Prisons and Correction Services & Ors*, where the Applicant is a prisoner who, with one other prisoner, sought declaratory orders to declare their incarceration in the Apia Police Prison as illegal and unconstitutional and sought orders for their transferal to the Tafaigata Prison. The Applicant is in prison for life after being found guilty of murder and his co Applicant is serving time for possession of firearms. Both Applicants were moved to the Apia Police Station for security reasons. Our Office, through our Team, filed to strike out the application however was unsuccessful. His Honour Nelson J presiding held that the allegations had merits deserving a substantive hearing. The hearing is set for early next year.

The case of *Fetuiai Tai Saunia v National Health Service* is a case alleging medical negligence against the National Health Service and sought damages of \$370,000.00. The plaintiff is the husband of the deceased and no longer resides in Samoa. Our team filed a Motion for Security for Costs. This Motion if successful orders the plaintiff to pay a secured amount into the law trust, or some form security before the case proceeds to full hearing. The motion was premised on the plaintiff not being in Samoa as well the strength of the defence. Such Motions are filed as a pre-emptive measure and as a means to protect against wasting Government resources. The Motion for Security for Costs was successful.

Of the number of cases filed against the Ministry of Police in the last financial year, two have had hearings to have them struck out. They are the case of *Alofitai Hansell v Attorney General* (for and on behalf of the Ministry of Police) as well as *Sheba Meyer v Attorney General* (for and on behalf of the Ministry of Police), respectively. Both cases had similar causes of action such as false imprisonment, breach of constitutional rights and negligence. The hearings to

have both matters struck out were partially successful. The honourable Judges in each respective case struck out some causes of action, and wrote in their decisions the importance of clear pleadings by plaintiffs bringing causes of action against Government. The plaintiff's counsels in both proceedings were also ordered to refile amended Statements of Claim to particularise and specify facts and causes of action with more clarity.

Lastly, the case of *Mareta Tiavaasu'e v Attorney General* (for and on behalf of the Ministry of Police) was successfully settled by our Team in the last financial year saving the Government a considerable amount money. The Plaintiff sued damages allegedly suffered from what the plaintiff says were actions amounting to false imprisonment.

The number of cases that have proceeded to hearing, mediation, judicial settlement conference and appeal has been challenging for the Civil Team. However, we have endeavored to work as efficiently as possible. We have put our duty to the Court first and have been driven to do the best we can in serving the people of Samoa in protecting Government interests in Court and in our other works. The cases mentioned herein are only a snapshot of the input and workload of our team the last financial year.

- **'Cold Case' Committee**

The Cold Cases refer to matters that have fallen off the list either because they have (1) been adjourned sine dine, or (2) their hearing has been completed but have yet to receive decisions, or (3) for any other reasons.

At present ten (10) cases have been adjourned sine dine and remain on the standby list awaiting a hearing date to be scheduled by the Registrar.

Hearings have been completed for four (4) matters and written decisions are currently pending for these matters.

There are six (6) idle matters or long standing cases, some dating as far back as eight (8) years that have fallen off the list for one reason or another.

For convenience, a detailed breakdown of the cold cases is attached as **Annexure 1** to this report.

- **Debt Recovery**

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.

The Litigation and Opinions Division has undertaken a review of the debt recovery matters and the law regarding this area and a plan has now been devised for the recovery of the debts. The Corporate Services Division have also rendered its assistance and we are aiming to collect all or most of the debts owing before the end of the current financial year.

- **Assistance with Criminal Prosecution**

Due to shortage in prosecutors and the increase in criminal matters lawyers from the Civil Litigation team took up criminal cases. This offered an opportunity for lawyers in the Civil Litigation Team to gain Court experience and to assist the Criminal Prosecution teams with their cases.

- **Samoa Sports Tribunal – Amateur Boxing Dispute**

The Office of the Attorney General, through the Civil Litigation Division, assisted the Sports Tribunal established under section 12 of the Samoa Dispute Resolution Act 2008. The dispute arose from amateur boxing. In May 2018, the Tribunal gave its decision on the dispute.

- **Commission of Inquiry in the Proposed Health Merger**

Our Office, through our team and with a State Solicitor from the Legislative Drafting Division was counsel assisting for the above inquiry from May to June 2018. The inquiry was directed by Cabinet to consider the proposed organizational structure of the merged entity and also consider issues raised by the nurses concerning the said structure. The Commission issued its report to Cabinet and was approved by Cabinet in August 2018.

E. VALUE OF SERVICES

1. From 1st July 2017 to 30 June 2018, it is estimated that the Division has worked a total of 9,966 hours to provide their mandated legal services to the Government of Samoa.

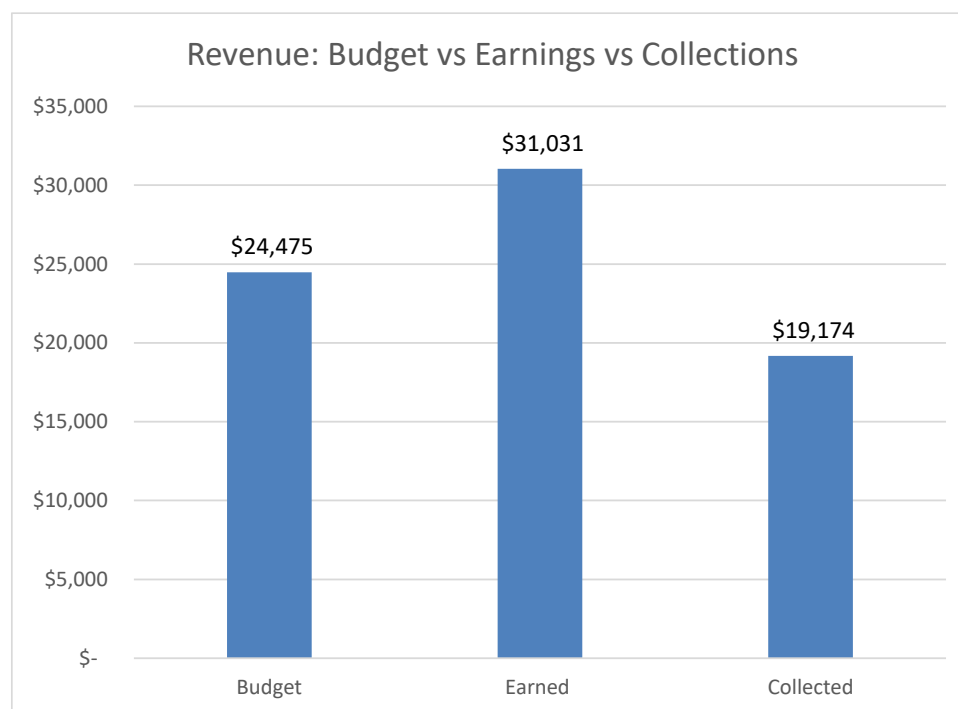
Days Worked	Total Hours	TOTAL VALUE
1,661	9,966	\$ 2,126,475.00

NB: To calculate the value of services:

- (1) all public holidays and leave entitlements taken by each staff member has been deducted from “days worked”;
- (2) a 6 hour work day has been used to calculate total hours [discounting the usual 8 hour work day]; and
- (3) this does not reflect any of the overtime hours worked by all staff members.

2. Non-Tax Revenue Collections

The Division was also able to exceed its annually mandated earnings for the period under review as shown in the table below, earning a total of \$31,031 as compared to the expected collection of \$24,475.00 for FY 2017-2018. Actual Collections however amounted to \$19,174 and reflects the difficulty in tracking down debtors.



TRAINING

International

Workshop/Training	Objective	Date & Place	Attendees
Pacific Islands Roundtable on IHL	To create for the first time, a forum for regional discussions about this body of law, which continues to be a relevance to Pacific nations with recent or historic experiences of armed conflict, or whose nationals work in armed conflict situations.	24-25 October 2017, Nadi, Fiji	Tafailagi Peninamina

National

Workshop/Training	Objective	Date & Place	Attendees
PILON Advocacy and ILON Litigation Skills Programme	To build capacity of Participants to be better advocates and to teach skills required to better present cases.	2 November - 9 November 2017, Apia, Samoa	Monique Vaai Matatia Tafailagi Peniamina Ryan Masinalupe David J. Fong

F. CHALLENGES**1. *High Turn Over***

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 for carry out the litigation and opinion are fewer than before.

Furthermore the high turnover rate combined with the increase of workload has also added pressure on the Litigation and Opinions Division.

2. *Training and Capacity Building*

The Litigation and Opinions Division has very few training opportunities due to the nature of their work, which is mainly court and litigation work. Also, any form of training would be limited to advocacy and litigation skills training. The Team has minimal involvement in other areas of the law where training is abundant. With these training opportunities, which other teams use to incentivize their staff, it lessens the ability of the team to retain its lawyers especially considering the increase in the work load.



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.

Achievement of Budgetary Key Performance Indicators:

Performance Measure	Baseline (Base Year)	Estimated Actual Standard	Budget Standard	Traffic Light Progress	Output Manager's comments on progress towards achievement of the Target
Percentage of contracts and agreements drafted and/ or reviewed within the required time frame .	80% (2010 - 2011)	80%	80%	Completed / Achieved	95% of contracts and agreements were drafted and/or reviewed within the required time frames. Minimal delays were due to queries that needed to be cleared from both our Office and responsible line ministries.
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	All contracts, agreements (100%) that required negotiations and clearance from the Attorney General's Office were conducted
Number of Committees it participates in and supports.	70 (2010 - 2011)	New KPI	80	Completed / Achieved	Of the estimated 60 Boards/ Committees that the Attorney General's Office is a member, 50% are attended to by members of the CILD
Percentage of legal advice on contracts and other Legal and international documents submitted by other parties for examination by the Attorney General's Office within the required time frame.	90 (2010 - 2011)	New KPI	80%	Completed / Achieved	Out of 348 requests for legal advice received, the Division has provided 335 legal advice. Only a few matters remain outstanding due to the need for queries to be addressed. However this is in progress. Overall, this is an achievement of 96% for the period under review.

B. STRUCTURE

There are currently six (6) legal staff, two (2) part time- Law Clerk staff and one (1) support staff within the Commercial and International Law Division (“CILD”).

(i) Current staff

The Commercial and International Law Team consist of:

No.	Name of officer	Position
1	Lemalu Hermann Retzlaff	Attorney General
2	Constance Tafua Rivers – Lesa	Assistant Attorney General – Commercial & International Law
3	Ane Iati	Associate Public Solicitor
4	Gemma Nelson	Principal State Solicitor
5	Elizabeth Tagi	Principal State Solicitor
6	Miracle Fuiavailili	State Solicitor
7	Everett Sioa	State Solicitor

8	Pualele Craig	State Solicitor
9	Fuamata Sialaoa	Part Time – Law Clerk
10	Anita Poutoa	Senior Legal Secretary

Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion	Dates of Promotion & Appointment
1	Fuamata Sialaoa	Part Time – Law Clerk (Appointed)	25 September 2017
3	Miracle Fuiavailili	State Solicitor (Promoted)	6 November 2017
4	Everett Sioa	Law Clerk (Promoted)	6 November 2017
6	Elizabeth Tagi	Senior State Solicitor (Promoted)	22 January 2018
7	Everett Sioa	State Solicitor (Promoted)	22 January 2018
8	Pualele Craig	State Solicitor (Appointed)	27 February 2018
9	Elizabeth Tagi	Principal State Solicitor (Promoted)	29 March 2018

Resignations

The following staff resigned to take up another legal position in other Ministry / Private Sector:

No.	Name of officer	Position	Date of resignation
1.	Rebecca Schuster	Senior State Solicitor	12 January 2018
2	Terina Sefo	Senior State Solicitor	16 March 2018

Vacancies

The following positions are vacant:

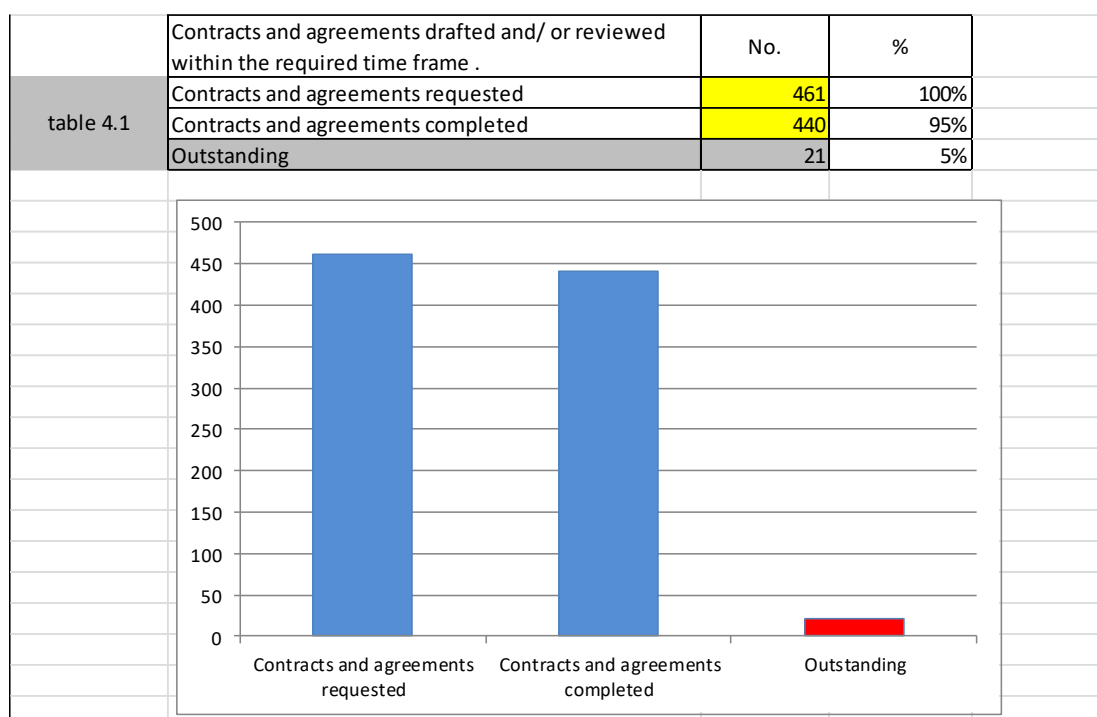
- Senior State Solicitors – 2
- Law Clerk – 1

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

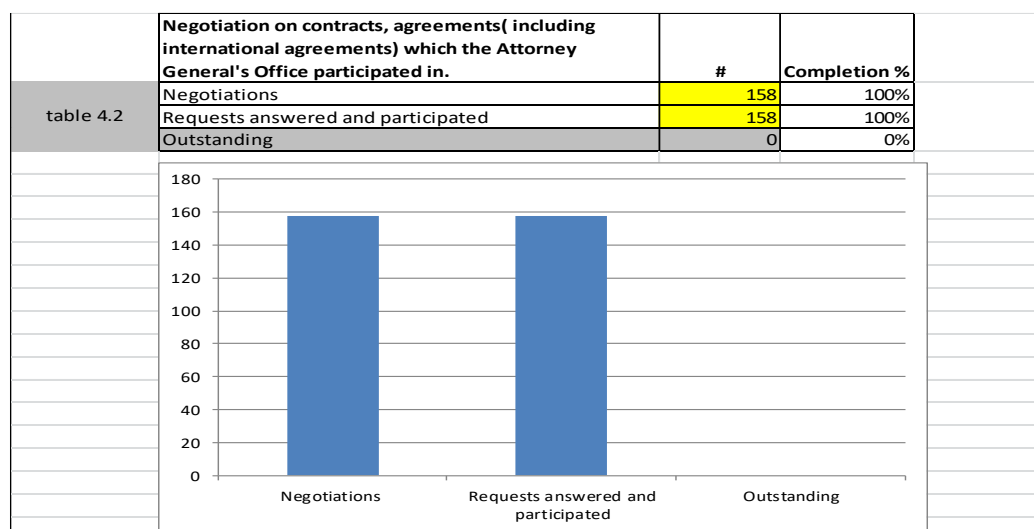
C. ACHIEVEMENTS

(i) **Contracts**

For the financial year 2017-2018, the CILD were required to draft and review 461 contract and agreements Government Ministries, Corporations and Authorities. As shown in the table and graph below, only 21 of contracts were outstanding at the reporting period and this was mainly due to some of these contracts/agreements being referred to CILD in the month of June (end of reporting period) and there were issues/queries that needed to be cleared with line ministries and corporations before they can be executed.



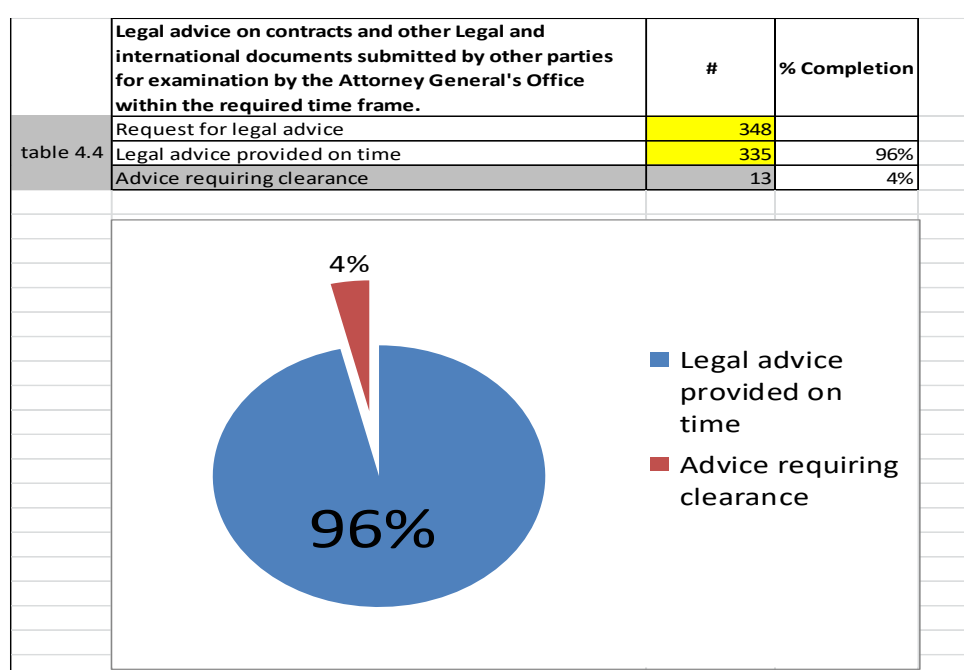
Of the 440 contracts that were cleared for execution, 158 required 1st, 2nd and/or additional reviews and negotiations before a certificate of endorsement was issued.



(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 Endeavors to clear all requests for legal advice in a timely manner and were able to issue 96% of legal advice for the various matters requested.



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

- Conducting Legislative Compliance Review's ("LCR") to reflect Samoa's legal compliance in accordance with an International Convention, Treaty or Agreement;
- Provision of legal advice on Samoa's status to sign, ratify or accede to an International Convention, Treaty or Agreement;
- Review of Tax Information Exchange Agreements between Samoa and other countries and Tax Information Requests from other countries;
- Review of Grant Agreements;
- Mutual Legal Assistance/ Extradition Requests.

(iii) Evaluations

The Office of the Attorney General is a permanent member on the Evaluation Committee required by the Government Treasury Instructions to evaluate and assess all Tenders for Government Ministries and Corporations or Authorities. As such, all six (6) Solicitors of the CILD attend Evaluations on a regular and frequent basis. As there is a high public interest in the process, the

Evaluations are usually completed within a week or two from the date the Tenders are opened at the Tenders Board (“TB”).

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

Of the 60 Boards and Committees the OAG is expected to attend as a member, 50% is represented by the CILD (or 30 Boards and Committees). It is estimated that for the period covered in this Report CILD have attended approximately 160 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 cleared and issued by the OAG.

D. SIGNIFICANT INITIATIVES AND PROJECTS:

Within the period covered (July 2017- June 2018), the CILD’s Initiatives and Projects are as follows:

(i) Procurement- Templates Project:

This Project involves the review of all Government Procurement Templates (Tender Documents and Contract Templates). Our Division is working in collaboration with the Ministry of Finance, Procurement Division and a Consultant hired by the Ministry in the review of all Templates. It is expected that the Templates will be finalised by the end of the year after which it will be launched and published.

(ii) CILD Manual (“Manual”) Project:

The CILD currently shares the Civil Practice Standards (“CPS”) with the Civil Litigation Division. The Manual aims to outline the specific areas of our work and provides guidance for new legal staff joining our Division regarding CILD’s everyday work. The following are the areas that the Manual intends to cover:

- (a) Procurement & Contract Clearance;
- (b) Contract Advice
- (c) International Law
- (d) Rules for the Conduct of Government Legal Business and In-House Counsel

The review of the Manual is in progress and this work is carried out wholly by CILD members.

(iii) Conventions Database (“Database”)

To assist with the workload, CILD has in place a Conventions Database which records all International Conventions, Treaties, Agreements, etc that Samoa is a party. The Database also contains international legal advices and researches on International matters handled by our Office. The Database is one of the useful tools in the management of our everyday work within the Office and this is regularly updated by the Division members.

(iv) Supervision Checklists

Within the period, our Division has managed to complete the compilation of our Supervision Checklists. The Checklists are for (i) Meetings and (ii) Contract Review Supervision. The Checklists are found to be very useful in the everyday management of our Division’s work.

E. VALUE OF SERVICES

From 1st July 2017 to 30 June 2018, it is estimated that the Division has worked a total of 8,001 hours to provide their mandated legal services to the Government of Samoa.

Days Worked	Total Hours	TOTAL VALUE
1333.5	8001	\$ 1,776,225.00

NB: To calculate the value of services:

- (1) all public holidays and leave entitlements taken by each staff member has been deducted from “days worked”;
- (2) a 6 hour work day has been used to calculate total hours [discounting the usual 8 hour work day]; and
- (3) this does not reflect any of the overtime hours worked by all staff members.

F. CHALLENGES

The CILD continues to receive a high number of Contracts and other legal documents for preparation and review each day. On top of this, the six (6) Solicitors within CILD are involved every day in Evaluation of Tenders, Meetings (Boards and Committees) and Negotiations where required. As such with this cycle, we will sometimes go past the timeframe required for the completion of the work. Despite this, the CILD continues to ensure that the work is provided within the agreed timeframes and to the highest quality of service expected of the Office.



Criminal Prosecutions Division – District Court

A. OVERVIEW

The overall Criminal Prosecutions Division key responsibility is to supervise and conduct criminal prosecutions and appeals in a fair and just manner.

The main function of the District 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, as well as cases under the FF (Faamasino Fesoasoani) Court. 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.

This division also handles mutual legal assistance with other countries as well as proceeds of crime applications in respect of cases under District Court.

Achievement of Key Performance Indicators:

	Baseline Data	2016-2017	2017-2018		
Performance Measure	Baseline (Base Year)	Estimated Actual Standard	Budget Standard	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
Number of prosecutions conducted and supervised in the District Court, Youth Court and Family Court	120(2015-2016)	120	120	Completed / Achieved	All prosecution matters were attended to by the Office with the assistance of the Police prosecutors.
Number of advice for criminal prosecutions on Youth Court, Family Court and District Court cases	300(2015-2016)	300	300	Completed / Achieved	Advice on all criminal matters for the District Court were addressed
Percentage of closed files	60%(2015-2016)	60%	60%	Completed / Achieved	

B. STRUCTURE

(i) **Current staff**

The District Criminal Division consists of the following:

	Name of officer	Position
1.	Lemalu Hermann Retzlaff	Attorney General
2.	Silupevaelei Rexona Titi	Assistant Attorney General Public Prosecutor – District Court
3.	Iliganoa Atoa	Principal Public Prosecutor – District Court
4.	Vaisala Afoa	Senior Public Prosecutor – District Court
5.	Elizabeth Tiitii	Law Clerk
6.	Nigel Rivers	Part-time Law Clerk
7.	Maria Matautia	Part-time Law Clerk
8.	Sergeant Richard Ah Ching	Senior Police Prosecutor
9.	Sergeant Khamtan Stanley	Senior Police Prosecutor
10.	Sergeant Kenneth Komiti	Senior Police Prosecutor
11.	Constable Tenari Vaai	Police Prosecutor
12.	Constable Uios	Police Prosecutor
13.	Constable Tu Ieni	Police Prosecutor

Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion	Dates of Promotion & Appointment
1	Iliganoa Atoa	Principal Public Prosecutor (Promoted)	31 January 2018
2	Vaisala Afoa	Vaisala Afoa (Promoted)	21 February 2018
3	Victor Ale	Law Clerk (Appointed)	29 March 2018
4	Nigel Rivers	Part Time – Law Clerk (Appointed)	5 June 2018

Resignations

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

No.	Name of officer	Position	Date of resignation
1	Victor Ale	Law Clerk	16 April 2018

Vacant Positions

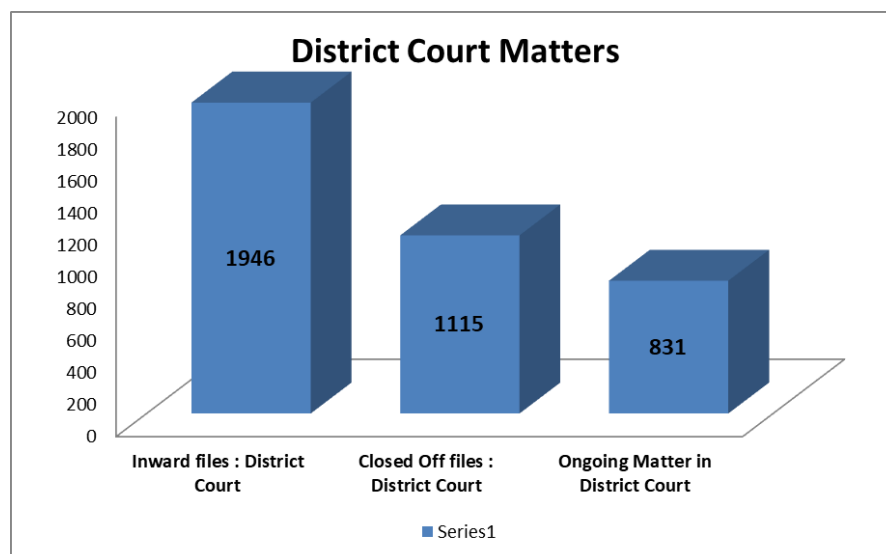
The following positions are vacant:

- Associate Public Prosecutor – 1
- Legal Consultant – 1
- Senior Public Prosecutor – 1
- Public Prosecutor – 2
- Law Clerk – 1

C. ACHIEVEMENTS: MATTERS IN DISTRICT CRIMINAL FILES

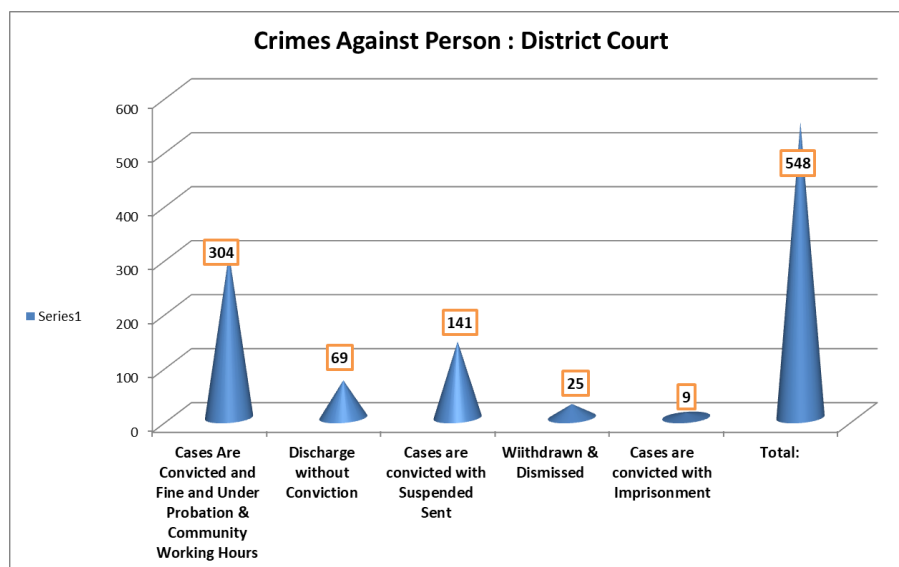
(I) Criminal File Statistics

As the following graph illustrates, a total count of one thousand, nine hundred and forty-six (1,946) criminal files were registered in the Auafa Mau Database to have been referred to the Division from July 2017 to June 2018. Of the total count, 1,115 of the criminal files have been closed and 831 are still pending completion.



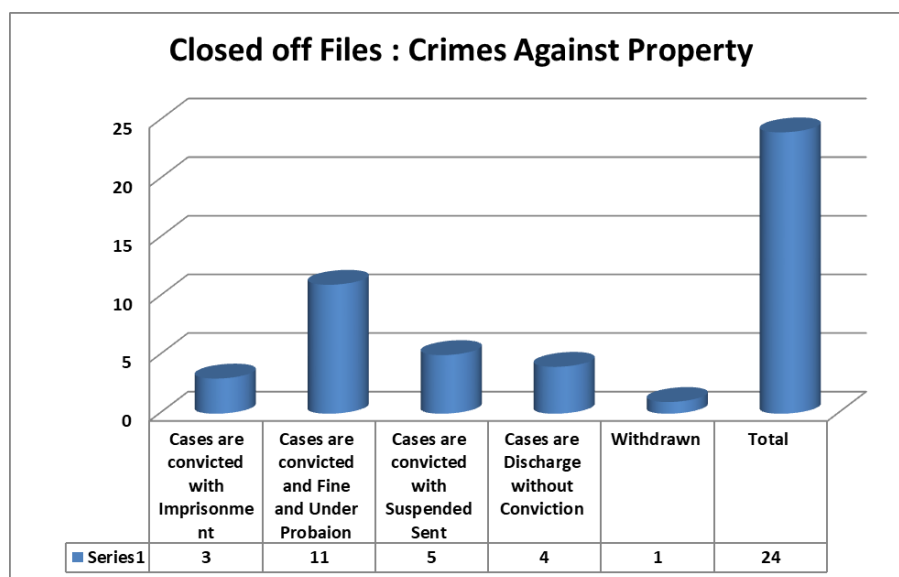
(II) Crimes Against Person

The following graph illustrates offences against persons which includes offences of sexual nature, causing injuries to people, contempt of court, trespass, and any offence where a person's personal being is violated or offended.



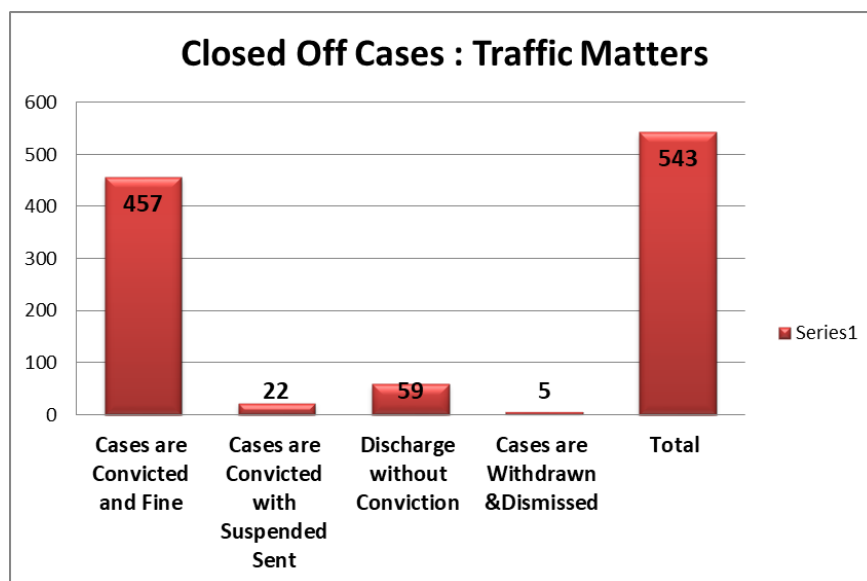
(III) Crimes Against Property

The following graph illustrates offences against properties which includes offences of intentional damage, theft, and any offence where a person's properties are unlawfully affected.



(IV) Traffic Cases

The following graph illustrates traffic offences which include offences of negligent driving causing deaths or injuries, driving under the influence of alcohol, and any other related traffic case.



D. SIGNIFICANT ACHIEVEMENTS

The team handled some significant cases during this period. Some of these are –

- Appeal to the Supreme Court of 3 cases to be exact. All three appeals are appeals against decisions of the Court to discharge without conviction for serious offences;
- There have been more appeals filed and these are pending in the Supreme Court;
- Undertaking reviews and providing advice on cases involving personnel in significant government positions. There were about 5 of these cases;
- Undertaking reviews and providing advice on cases involving our police officers. There were at least 12 cases of this sort.

The above work can only be undertaken by a senior lawyer.

The team is also continuously having on going informal trainings on a weekly or fortnightly basis, depending on the time available from Court appearances.

E. VALUE OF SERVICES:

From 1st July 2017 to 30 June 2018, it is estimated that the Division has worked a total of **5781.35** hours to provide their mandated legal services to the Government of Samoa.

The estimation of the value of work is based on an hourly rate of \$175.

Total Amount of Cases		<i>1,946</i>
from July 2017-June 2018		
Closed Cases		<i>1,115</i>
Cases are Still in progress at Court		<i>831</i>
Total Estimated value for closed cases only		<i>\$1,011,736.25</i>

F. CHALLENGES

The District team is currently facing many challenges arising from the various changes which have occurred with our Courts. Since the increase of the jurisdiction of the District Court, the number of cases has also increased as well as the complexity of legal issues that come with it.

There is also an increase in appeal matters to the Supreme Court handled by the team. All these changes have made apparent the great need for senior legal personnel within the team.

As portrayed from the number of the team above, the team is still recruiting, with the hope that we can recruit and retain legal staff for long periods of time.



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 from the District Court to the Supreme Court and criminal appeals to the Court of Appeal.

The Division is headed by the Assistant Attorney General for Criminal Prosecutions –Supreme Court. The team currently consists of one Associate Public Prosecutor, one Principal Public Prosecutor, one Senior Prosecutor (On study leave), two state public prosecutors, one law clerk and two part timers. The matters which are prosecuted in the Supreme Court range from offences such as Murder, Rape, Manslaughter, Motor Manslaughter, Theft as a Servant and other 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 a 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 4 to 6 cases which does not include matters called for sentencing, bail applications, applications to leave the jurisdiction, applications to vacate guilty pleas, applications for costs and other preliminary applications and hearings. On a weekly basis, we have criminal mentions on Mondays whereby matters referred from police are called for first mentions and other matters will be called either to reset a new date of hearing or sentencing, to hear an application or to have the matter called following a warrant of arrest being executed. An average of 15 to 20 news files are received from police on a weekly basis for various offences. On an annual basis, the Court of Appeal would sit twice a year and the team would have an average of 2 to 5 Appeals per sitting.

The current situation for the Supreme Court division is that there are only 3 lawyers including the Assistant Attorney General who are able to conduct hearings on their own without supervision. Of these lawyers, only 2 are able to conduct assessor trials. The senior prosecutor is on study leave for a whole year. The two state prosecutors have only just recently been admitted for two months now and thus are not able to appear and conduct any hearings. Our current law clerk has been with our team for two weeks and together with our two part timers assist 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	Baseline Data	2016-2017	2017-2018	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
	Baseline (Base Year)	Estimated Actual Standard	Budget Standard		
Number of prosecutions completed in the Supreme Court	400(2015-2016)	400	400	Completed/Achieved	All Prosecution matters were attended to by the Office
Number of criminal prosecution advices provided on Supreme matters	800(2015-2016)	800	800	Completed/Achieved	Advice on Criminal matters for the Supreme Court were provided on time
Percentage of closed files	60%(2015-2016)	60%	60%	Completed/Achieved	

B. STRUCTURE**Current staff**

The Criminal Prosecutions – Supreme Court Team consist of:

No.	Name of officer	Position
1	Lemalu Hermann Retzlaff	Attorney General
2	Magele Leone S. Mailo	Assistant Attorney General Public Prosecutor – Supreme Court
3	Lucymaria Sio	Legal Consultant – Supreme Court
4	Fuifui Ioane	Principal Public Prosecutor – Supreme Court
5	Ann Matalasi	Senior Public Prosecutor – Supreme Court
6	Quentin Sauaga	Law Clerk
7	Lolomaiitiveiuto Faasii	Law Clerk

Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion	Dates of Promotion & Appointment
1	Sesili Avei	Part Time – Law Clerk (Appointed)	22 November 2017
2	Sevefaiga Manu	Part Time – Law Clerk (Appointed)	22 November 2017
3	Ann Matalasi	Senior Public Prosecutor (Appointment)	22 November 2017
4	Lealofi Mamaia	Public Prosecutor – Supreme Court	23 November 2017

Resignations

The following staff resigned to take up another legal position in other Government Ministries:

No.	Name of officer	Position	Date of resignation
1.	Lealofi Mamaia	Public Prosecutor	21 June 2018

Vacancies Positions

The following positions are vacant:

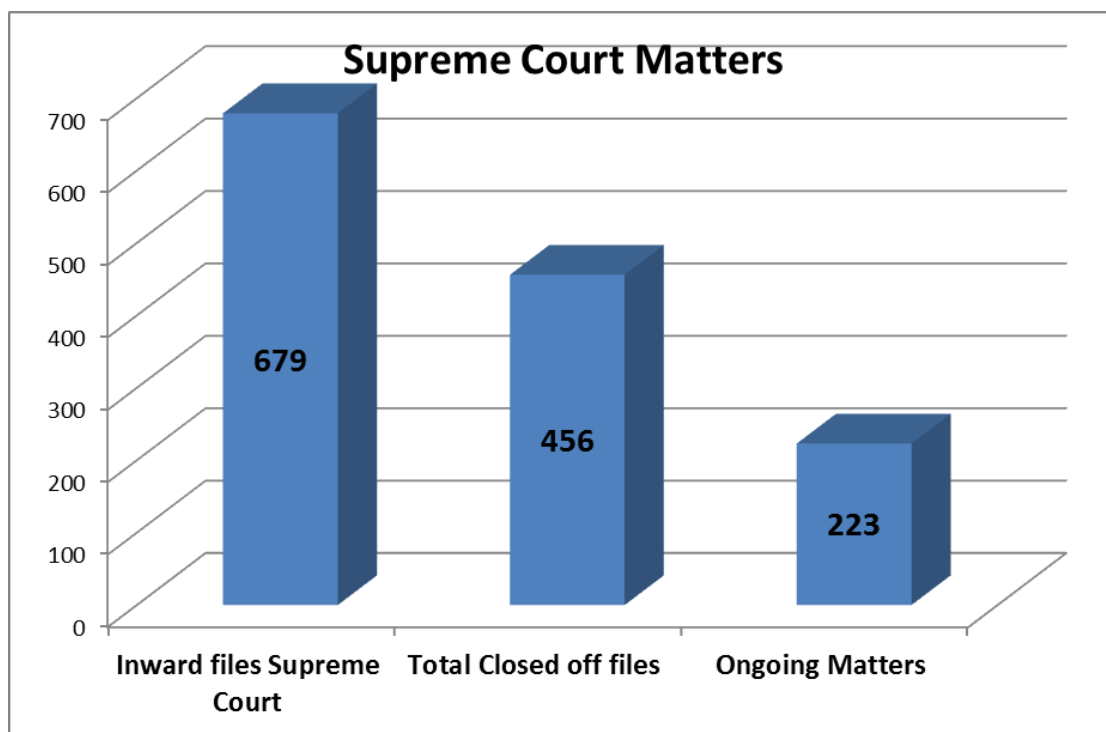
- Associate Public Prosecutor – 1
- Principal Public Prosecutor – 1
- Senior Public Prosecutor – 1
- Public Prosecutor – 2

C. ACHEIVEMENTS: MATTERS IN SUPREME COURT

(V) Criminal File Statistics – SUPREME COURT

As the following table and graph illustrates, a total count of 679 criminal files were registered in the Auafa Mau Database to have been referred to the Division from July 2017 to June 2018. Of the total count, 456 of the criminal files have been closed and 223 are still pending completion. The files that are pending

Inward files Supreme Court	679
Total Closed off files	456
Ongoing Matters	223
Total Working Hours and Estimate Cost for Supreme Court Matters	8599
Estimated Cost for Supreme Court Matters	\$ 1,504,851.25



D. VALUE OF SERVICES

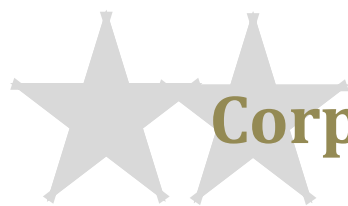
From 1st July 2017 to 30 June 2018, it is estimated that the Division has worked a total of 8599 hours to provide their mandated legal services to the Government of Samoa.

Total Working Hours and		8599
Estimate Cost for Supreme Court Matters		
Estimated Cost for	\$ 1,504,851.25	
Supreme Court Matters		

E. CHALLENGES

The issues that we currently face with our team are :

1. Retention of staff members – this is an ongoing issue that we have faced over the years and it continues to be a persistent issue. The fast turn over of lawyers to private practice and more so to government ministries continues to mar our work as often, we invest time in training these lawyers, only to lose them after 1 or 2 years in the office. The nature of the work is demanding and stressful and thus, it is often the case that lawyers often leave for higher salary work that is less taxing.
2. Lack of Experienced prosecutors – Other than the Assistant Attorney General, only 1 prosecutor is able to conduct assessor trials and 1 prosecutor is able to conduct hearings unsupervised. As such, a prosecutor would conduct between 2 to 3 hearings and also appear for sentencing, bail applications and other preliminary hearings and applications. The complicated nature of some hearings require lawyers with in-depth knowledge of the law as well as the prosecutorial skills to ensure the matters are properly presented in court.



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	Maria Purcell	Principal Administration Officer
7	Fagalele Tualatamaalelagi	Principal Legal Secretary – Attorney General
8	Ariota Finau Pilimai	Principal Legal Secretary – Supreme Court
9	Losa Kelekolio	Senior Legal Secretary– Legislative Drafting
10	Gerry Toafa Matiasi	Senior Legal Secretary- Civil Litigation & Opinions
11	Anita Poutoa	Senior Legal Secretary- Commercial & International Law
12	Maureen Tyrell	Senior Legal Secretary – District Court
13	Jason Iputi	Senior Accounts and Budget Officer
14	Kome Siatulau	Senior Human Resource & Administration Officer
15	Chrismon Tanielu	Senior ICT & Network Officer
16	Jordon Katopau	ICT & Network Officer
17	Dora Sshwenke	Senior Case Management & Database Officer
18	Seira Ainu'u	Library & Information Officer

19	Sehine Nerong	Records Supervisor
20	Shema Maiava	Accounts Clerk
21	Paulo Leapai	Senior Transport Officer
22	Maima Sa	Witness and Liaison Officer
23	Jayluncenn Ziegler	Human Resource Clerk
24	Akisa Wilson	Case Management & Database Officer
25	Rosalie Liu Kuey	Records Clerk
26	Evala Faitui	Receptionist
27	Naomi Faamanatu	Office Assistant
28	Ierome Siupolu	Transport Officer
29	Kalaka Mamona	Transport Officer
30	Aukuso Pulaa	Transport Officer

Appointments and Promotions

The following staff were appointed and promoted:

No.	Name of officer	Appointment and Promotion	Dates of Promotion & Appointment
1	Shema Maiava	Account Clerk (Appointed)	7 August 2017
2.	Kome Siatulau	Senior Human Resource & Administration Officer (Promoted)	15 November 2017
3.	Jordon Katopau	ICT & Network Officer (Appointed)	11 December 2017
4.	Sehine Nerong	Records Supervisor (Appointed)	11 December 2017
5.	Rosalie Liu Keuy	Records Clerk (Appointed)	12 December 2017
6.	Paulo Leapai	Senior Transport Officer (Promoted)	13 December 2017
7.	Aukuso Pulaa	Transport Officer (Appointed)	7 February 2018
8.	Jayluncenn Ziegler	Human Resource Clerk (Appointed)	7 March 2018
9.	Kalaka Mamona	Transport Officer (Appointed)	3 April 2018

Resignations

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

No.	Name of officer	Position	Date of resignation
1.	Marcus Ofoia	Senior ICT & Network Officer	8 August 2017
2.	Foinijancey Fesolai	Records Supervisor	29 September 2017
3.	Muriel Schuster	Senior Human Resource & Administration Officer	6 October 2017

4.	Ruta Togiola	Records Clerk	20 October 2017
5.	Faaauuga Faaletatau	Senior Transport Officer	1 December 2017
6.	Cathrine Brown	Receptionist	29 December 2017
7.	Rene Lam	Transport Officer	2 February 2018
8.	Aukuso Pulaa	Transport Officer	4 May 2018

Vacant Positions

The following positions are vacant:

- Receptionist – 1
- Transport Officer – 1

C. ACHIEVEMENTS, HIGHLIGHTS, DUTIES AND RESPONSIBILITIES

(I) Records Management, Secretariat and Administration

The Records Management together with the Secretariat and Administration Teams were able to complete the file revisit project which saw the elimination of duplicate files and therefore freed up space for filing of new and current documents.

(II) Library Services

The Office of the Attorney General's Library is a Special Library. It was set up for the use of the Attorney General's Office Staff, outside law firms, government ministries and students who are studying law.

For the period under review, about 90% of the Collection has been manually catalogued and entered into an Excel Spreadsheet which is on the Public Server for office staff access. Electronic copies of old Acts and Regulations is now available on the Library link. The manual operation of library services was satisfactory: positive feedback from clients verbally, walk in clients and online enquiries.

(III) Information and Communications Technology

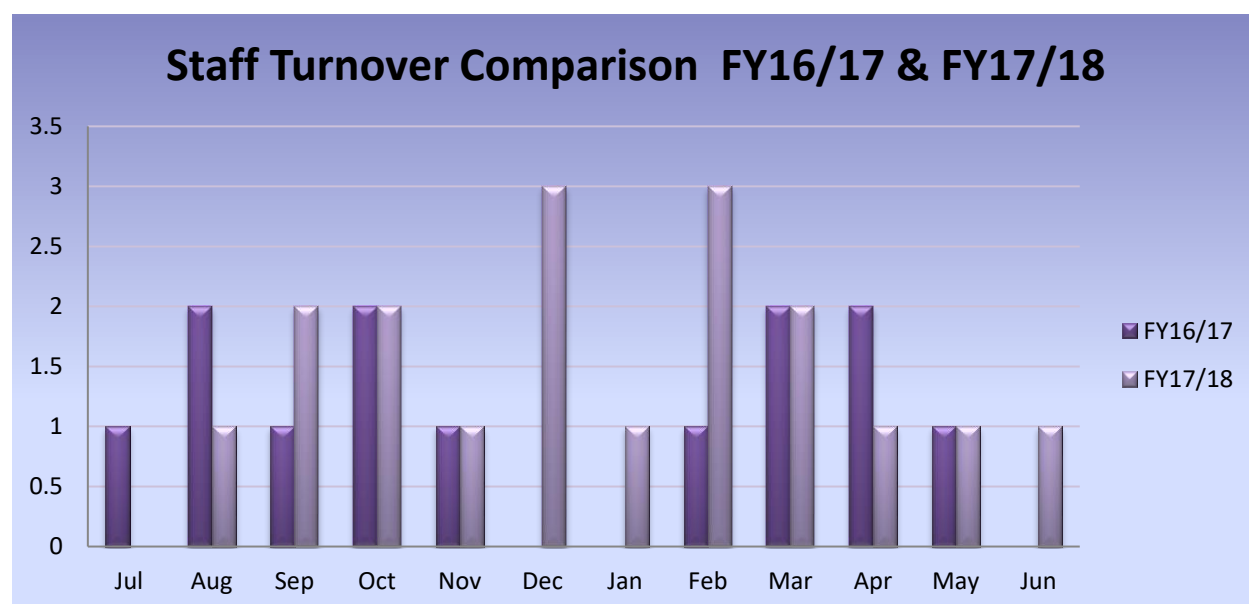
The Information and Communication Technology section recruited Jordon Katopau in the beginning of the year 2018 as information technology officer to support the criminal team with their IT needs. Mr Chrismon Tanielu attended a 5 months training in Japan through JICA and is now developing a new website with the new found skills from the training he attended in Japan. ICT section continues update and upgrade our infrastructure in cyber security wise to ensure we are well protected from any cyber-attack.

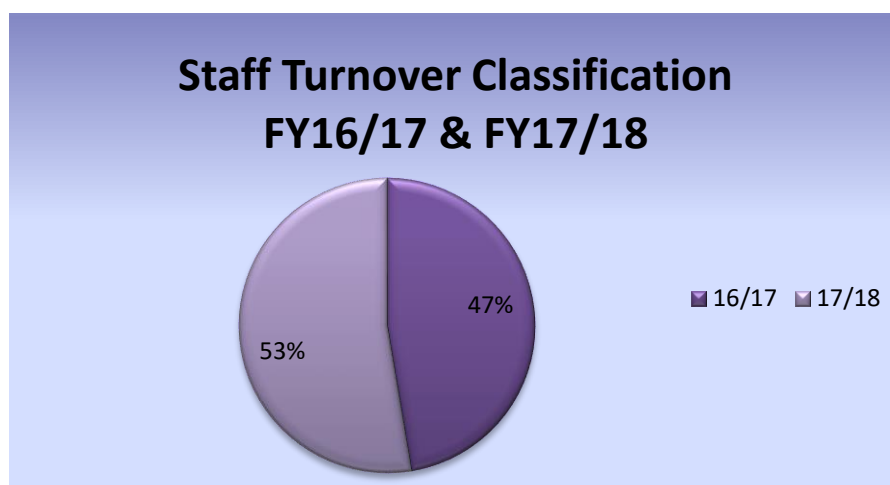
(IV) Human Resource Section

Despite having a decrease in staff turnover the previous financial year there was still a continued increase of staff leaving that followed. It was mostly competitive offers from other ministries and to further enhance careers for the officers leaving the Attorney General's Office. However the human resources section continued to provide the support services especially in the areas of recruitment and selection to ensure that vacated positions were filled in as soon as practicable. Furthermore, noting the dissolution of the National Prosecution Office the current financial year, human resources section continued to ensure that the best supporting services for this transition was maintained.

Staff Turnover

At the end of this Financial Year, eighteen (18) employees had resigned from their post which is an increase of 5% when compared to the previous Financial Year of 16/17.





Both graphs reflect the staff that resigned within this Financial Year. The pie graph of staff turnover classification represents a higher portion of 53% of staff resigned for the current FY compared to 47% of the previous FY. It is to be noted that the increase 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 still pursuing to address.

	16/17	17/18
Legal Staff	9	10
Corporate Services Division	4	8

(V) Finance and Accounts

The approved estimate for the Office was \$4,537,162.00 inclusive of 1,404,964 which was allocated for criminal prosecution division. The overall appropriation contains Personnel, Operating Budget and Transactions on Behalf of the States.

The approved estimate allocated for the Office was utilized to cater for the resources which were vital & essential for the duties and responsibilities to meet the Office's vision and its key performance indicators as a legal advisor and prosecution office for the Government of Samoa.

The statement of Receipts and Expenditure by Outputs reflect the undertakings and fund spent to accomplish the office's mission and its key performance indicators. Although, the staff is limited and resources are scarce as mainly there's always a high turnover however, the offices' efforts in delivering the best services is always the priority in achieving the expected outcome and indicators utilizing the available resources.

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.

The portion of the unspent personnel budget which the office categorized as Savings were utilized to purchase office furniture and few equipment like Laptops, laminators, air-condition, photocopiers for the advancement of the office operation on a daily basis.

The Revenue estimated to collect within 17/18 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 2017/2018 was within the approved budget but not fully utilized as per factors mentioned above.

Below is the statement for the Office for FY17/18.

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY										
AND EXPENDITURE BY OUTPUT										
APPROPRIATION ACCOUNT										
for the financial year ended 30 June 2018										
				2018	Original Estimate	Final Estimate	(Over)/Under	2017		
ATTORNEY GENERAL'S OFFICE						\$	\$	\$	\$	
RECEIPTS										
Ordinary Receipts										
	Other Revenues									
		Fees & Other Charges				39,333	37,475	37,475	(1,858)	40,627
TOTAL RECEIPTS						39,333	37,475	37,475	(1,858)	40,627
PAYMENTS										
Outputs										
	1.0	Legal Advice to Head of State, Ministers and				440,266	432,585	452,585	12,319	297,343
	2.0	Legislative Drafting				814,000	816,645	816,645	2,645	946,062
	3.0	Civil Litigations and Opinions				696,221	704,677	704,677	8,456	1,180,384
	4.0	Commercial and International Law Division				675,953	699,348	699,348	23,395	0
	5.0	Public Prosecution- District Courts				496,794	598,421	598,421	101,627	565,939
	6.0	Public Prosecutions- Supreme Courts				603,163	681,149	661,149	57,986	585,016
Total Outputs						3,726,397	3,932,825	3,932,825	206,428	3,574,744
Transactions on Behalf of State										
	Membership Fees & Grants									
		Lexis Nexis				12,372	18,000	18,000	5,628	13,424
		Brookers Online				21,000	21,000	21,000	0	20,032
		International Association of Prosecutors				1,296	1,500	1,500	204	1,344
						34,668	40,500	40,500	5,832	34,800
	Government Policies / Initiatives									
	Overseas Counsel's Opinions/Technical Assistance					46,376	50,000	50,000	3,624	11,474
	Pathologist					69,931	80,000	80,000	10,069	62,363
	Rents & Leases (TATTE Building)					315,664	315,664	315,664	0	315,664
						431,971	445,664	445,664	13,693	389,501
	VAGST Output Tax					148,999	118,173	118,173	(30,826)	160,209
Total Transactions on Behalf of State						615,638	604,337	604,337	(11,301)	584,510
TOTAL PAYMENTS - ATTORNEY GENERAL'S OFFICE						4,342,035	4,537,162	4,537,162	195,127	4,159,254
RECEIPTS OVER PAYMENTS						(4,302,702)	(4,499,687)	(4,499,687)	193,269	(4,118,627)
GOVERNMENT DEVELOPMENT PROJECTS										
				2018	Original Estim	Receipts		Payments		Opening Balance
				\$	\$	\$		\$		\$
Grants - GDP										
Pacific Prosecutors Conference (NZ & Aus Aid)						448,704	0	(573,168)	194,897	70,432
Pacific Islands Laws Officers Network (PILON) Meetings (AusAID)						738,995	0	(853,681)	560,145	445,459
				1,187,699	0	(1,426,849)		755,042		515,891
TOTAL GOVERNMENT DEVELOPMENT PROJECTS						1,187,699	0	(1,426,849)	755,042	515,891