



# Office of the Attorney General

A photograph of the Office of the Attorney General building, a modern structure with a white facade and large glass windows. The building is surrounded by greenery and a paved road. The text "Corporate Plan 2017-2020" is overlaid on the image.

Corporate Plan  
2017-2020

## MESSAGE FROM THE PRIME MINISTER'S OFFICE



It is my pleasure to present the third publicized Corporate Plan 2017 – 2020 for the Office of the Attorney General.

This new plan replaces the Office of the Attorney General's Corporate Plan 2012 – 2015. Results and achievements of the corporate plan up to 2015 have already been reported by the Office in its annual reports for the financial years 2011-2015. The need for a new Corporate Plan is

appropriate given the imminent end of the current corporate plan period as well as the latest or emerging developments involving the Office such as:

- (a) The transference of the Law and Justice Secretariat to be administered by the Ministry of Justice and Courts Administration.
- (b) The reintegration of the former National Prosecutions Office as two Criminal Law Divisions under the supervision of the Attorney General's Office;

The Office of the Attorney General still maintains its vital leading role in ensuring that our Government receives the best legal advice and services. This is why I believe that full support should be given by Government to the Office of the Attorney General so that it has the best lawyers and support staff, sufficient resources and an enabling working environment.

The Office of the Attorney General will continue to face challenges in the coming years given the nature of the work it deals with but I believe that it will overcome such challenges as it continues with its vision *"to ensure a safe and just society through the provision of quality and effective legal services"*.

Ia Manuia.

Tuilaepa Fatialofa Lupesoliai Dr. Sailele Malielegaoi

**PRIME MINISTER / MINISTER RESPONSIBLE FOR THE OFFICE OF THE ATTORNEYGENERAL**

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## MESSAGE FROM THE ATTORNEY GENERAL

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The vision that we had in the previous Corporate Plan is *“to ensure a safe and just society through the provision of quality and effective legal services”*.

I believe that such vision is still relevant and we have therefore retained it for this new Corporate Plan. It is that vision that has guided the AGO's work effectively in the past 3 years and will continue to do so in the coming 4 years. In this regard I wish to acknowledge and thank Tuatagaloa Aumua Ming Leung Wai, my predecessor and former Attorney General (2006-2015), as well as current and previous staff, whose collective vision and tireless efforts has meant the successful achievement to date of significant initiatives and developments not only for the Office but also for the Law and Justice Sector.

The new corporate plan will be from 2017-2020, in line with the new Strategy for the Development of Samoa (SDS) period of four (4) years, and the new Law and Justice Sector Plan four-year period. This plan will clearly set out the Ministry Vision, Mission and key strategic priorities that will be implemented in the next four years as well as how each Division will contribute to achieving them.

To achieve our objectives, we will continue to invest in human resources capacity development and Staff Retention. Training will be a critical part of that strategy to enhance staff capacity so that our office can provide quality and effective legal services. We will also ensure that our Office is well structured to support the achievement of its stated goals and objective through ongoing pursuit of higher standards of legal services, mutual respect, accountability and transparency.

I am confident that our Office will meet the demands of achieving our organisational goals and at the same time maintaining an enabling environment to enhance effective teamwork. I foresee another exciting 4 years for the Office of the Attorney General.

To God be all the Glory.

**ATTORNEY GENERAL**

## INTRODUCTION

The Office of the Attorney General presents its Corporate Plan for the next four years: 2017-2020. The plan is designed specifically to realize the direction pursued under the Law and Justice Sector Plan, the Strategy for the Development of Samoa (SDS) as well as the new global Sustainable Development Goals.

The Sustainable Development Goals has “Transforming our world” as its vision. Goal 16 particularly proposes to;

***“Promote just, peaceful and inclusive societies”***

The current Strategy for the Development of Samoa 2012-2016 has as its proposed vision:

***“Improved Quality of life for all”***

The Law and Justice Sector Plan 2012-2016 continues the vision of :

***“Justice for a safe and stable Samoa”***

The Law and Justice Sector Plan aims to improve services delivered by the agencies (both formal and traditional) involved in the Sector in a coordinated manner.

This new Corporate Plan is intended to set out a framework within which the Office of the Attorney General will be accountable in terms of the legal services provided to all Government Ministries, Corporations and Agencies who are our major clients, as well as other interested and relevant stakeholders.

Our Office is expected to continually deliver the key outcome of “*Quality and effective legal services*” that will be evident through the following key indicators.

- Government’s legal interests are advanced and protected
- Successful implementation of law reforms and the legislative program on an annual basis
- Successful implementation of the Law and Justice Sector Plan 2012-2016 and new forward agenda

Our drive to achieve the likely projections of our contribution to providing justice for a safe and stable Samoa will be challenging as we operate in a dynamic environment with a number of contributing factors beyond our reach and control. Nonetheless, we are positive to move forward with our corporate plan, knowing we have the support of our Government and our promising law and justice sector.



## MANDATE

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**The Attorney General is appointed under Article 41 of the Constitution of the Independent State of Samoa 1960. The Attorney General is the Principal Legal Adviser of the country in accordance with common law principles and civil suits involving Government.**

## OUR VISION

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

## OUR MISSION

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**“To serve the people of Samoa by upholding the Constitution and providing the highest quality legal services to Government”**

## VALUES AND PRINCIPLES

The office of the Attorney General adheres to the highest professional and ethical code of legal and professional responsibility to ensure the satisfaction of our clients through the provision of legal services that are accurate, concise, timely and practical.

We uphold the following values in delivering our legal services:



### FAIRNESS

- We provide Service that is free from Discrimination



### RESPECT

- We value others and their contribution to our Office



### CONFIDENTIALITY

- We value information



### ACCOUNTABILITY

- We take responsibility with our actions



### TRANSPARENCY

- Decisions and Actions are made in an open way



### EFFECTIVE & EFFICIENT

- Achieving highest Results is our focus

## ATTORNEY GENERAL'S LEGAL DUTIES AND RESPONSIBILITIES

The Attorney General's legal duties and responsibilities are as follows:

- i. Principal Legal Adviser to the Head of State, the Prime Minister and Cabinet;
- ii. Head Drafter of Legislation for Samoa
- iii. Head Civil Litigant for Government;
- iv. Final vet for all Contracts and Agreements of Government;
- vi. Common law protector of charitable trusts
- vii. Head Prosecutor of criminal offences in Samoa
- viii. Protector of the Judiciary

### OBJECTIVES

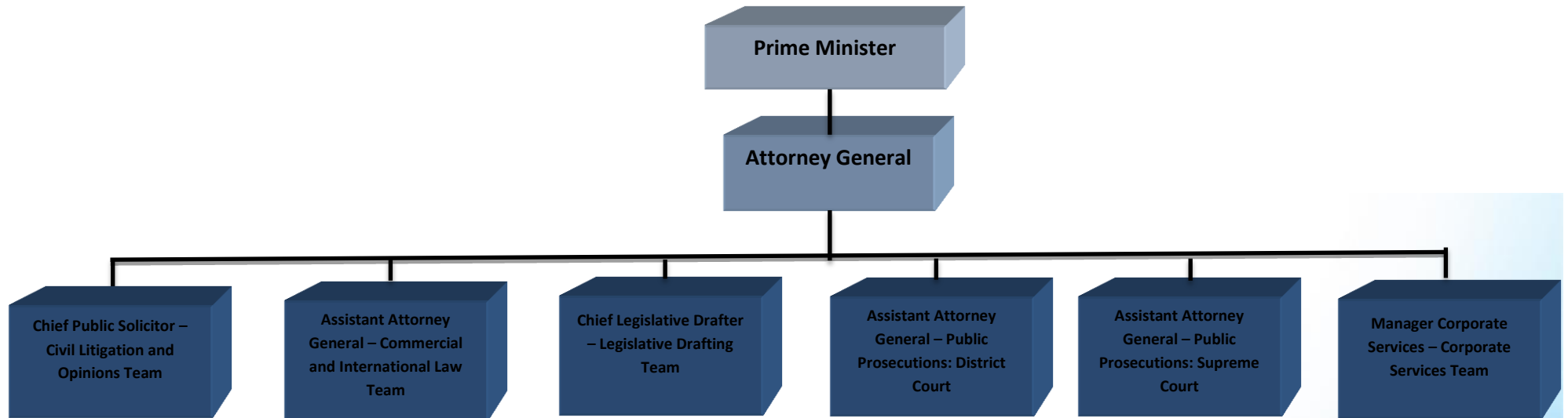
The Office of the Attorney General's objectives are as follows:



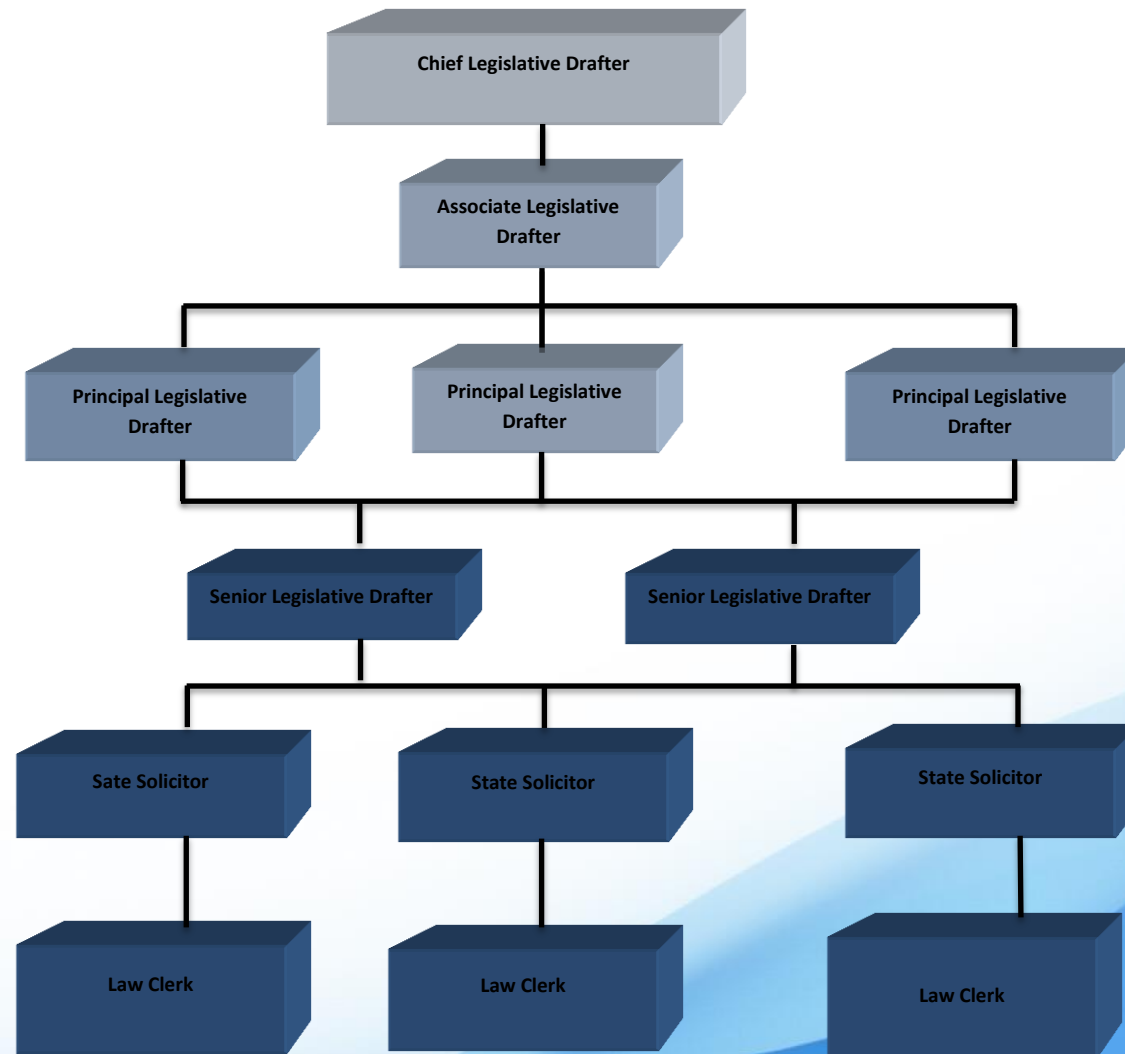


# Organisational Structure

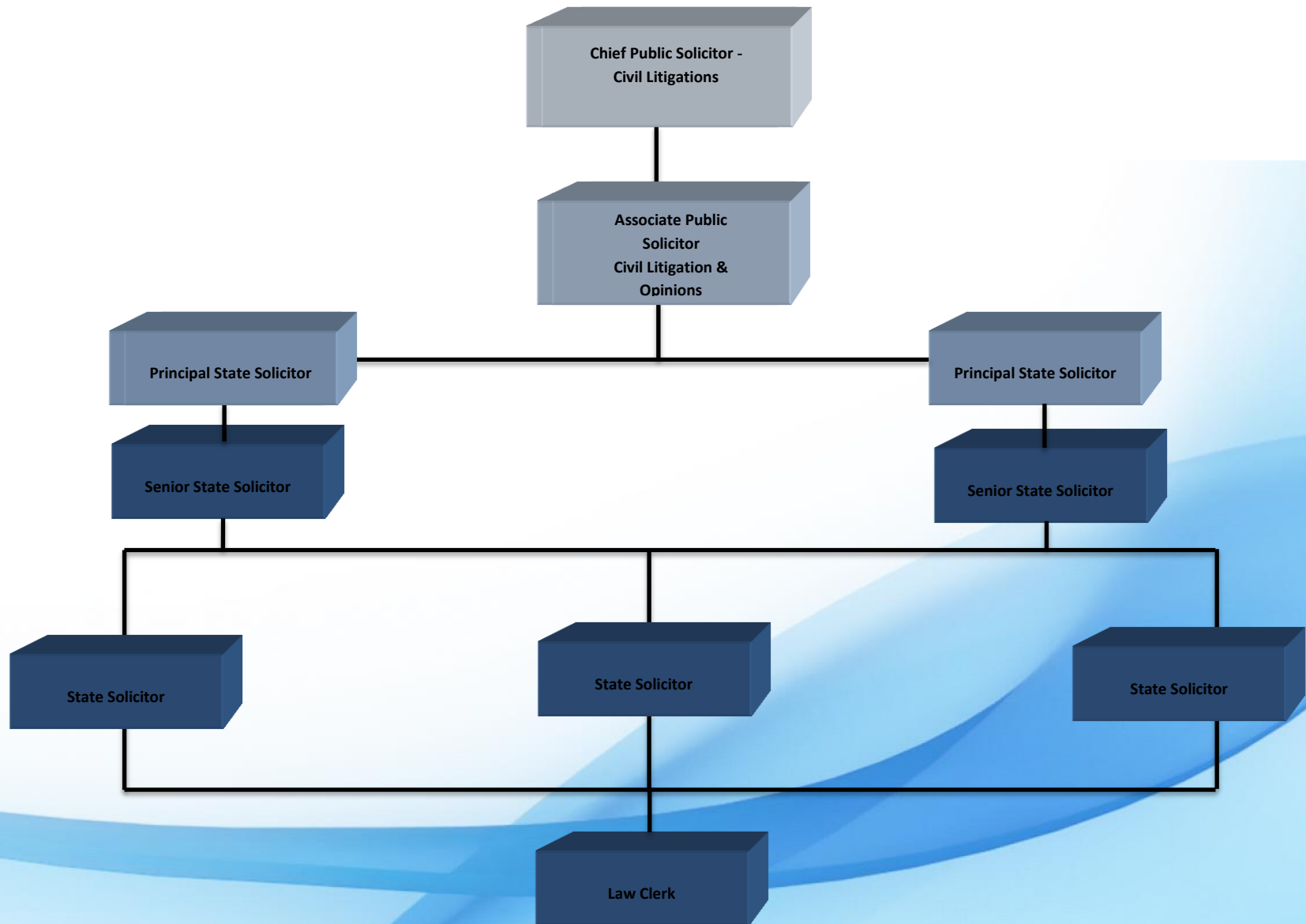
## MANAGEMENT STRUCTURE



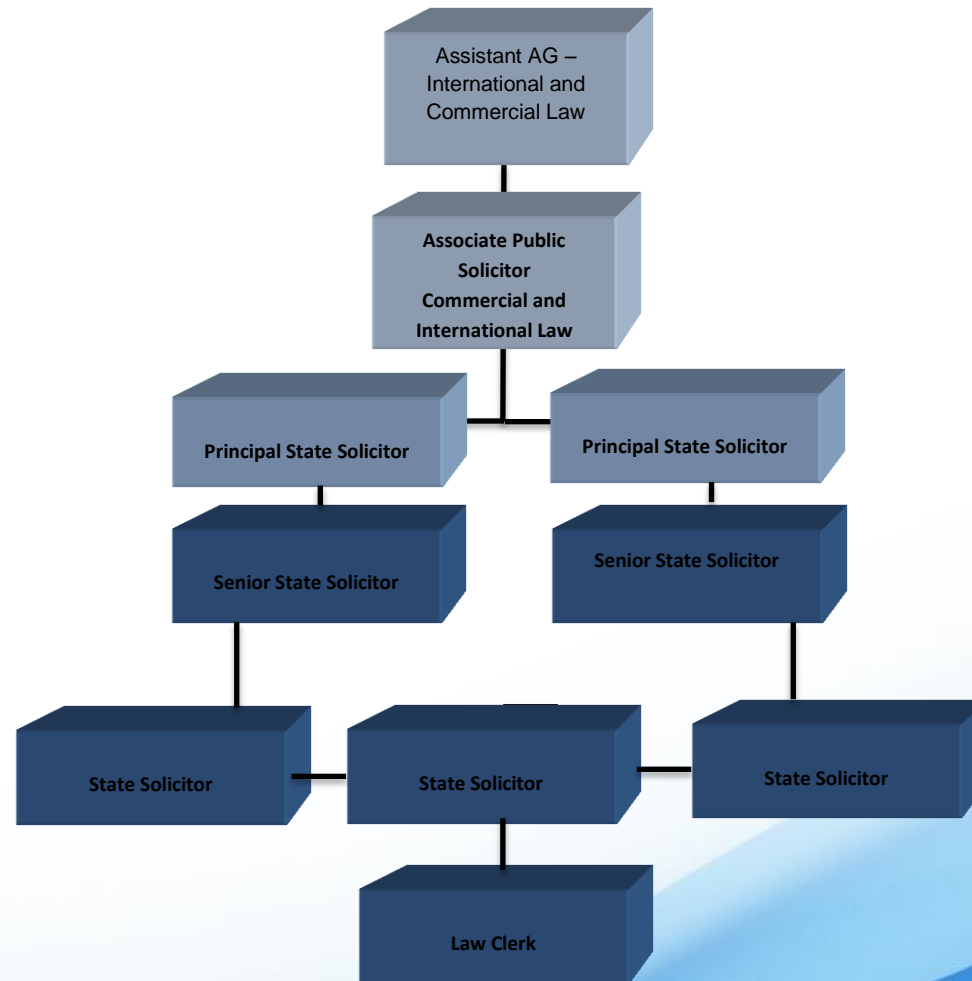
## LEGISLATIVE DRAFTING DIVISION



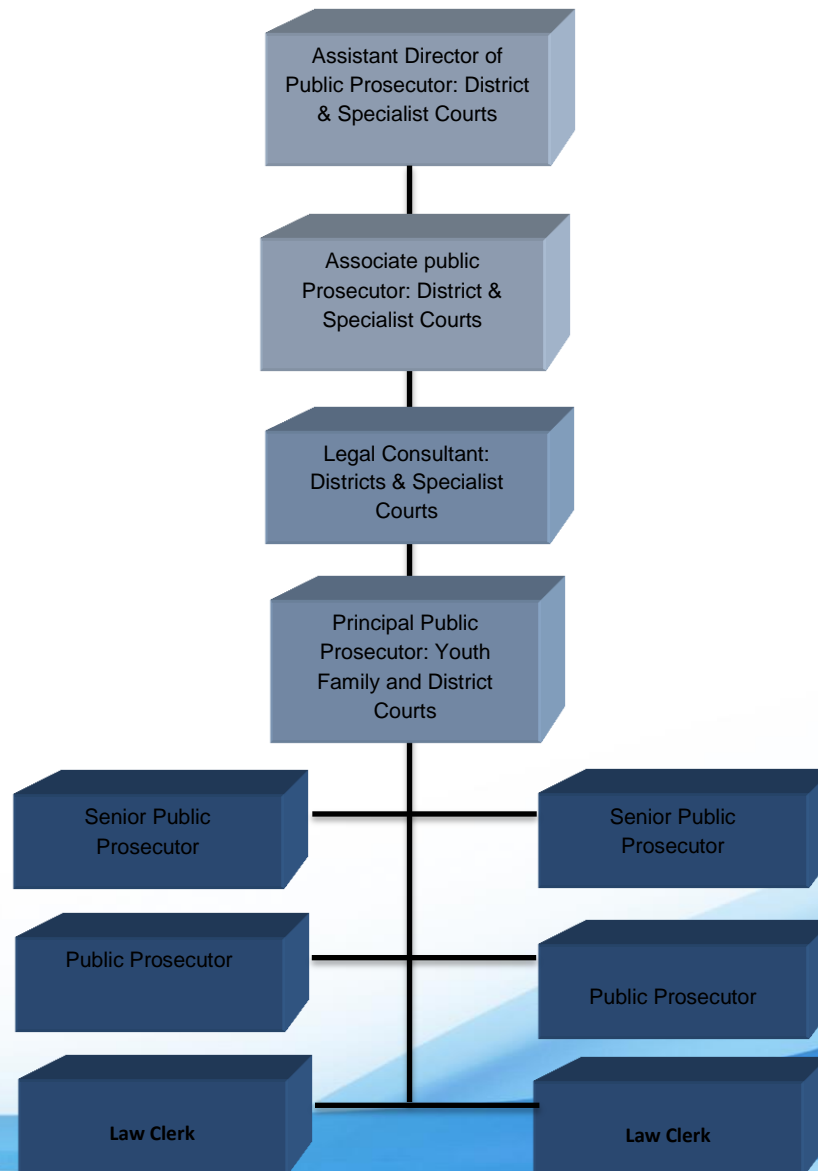
## CIVIL LITIGATION AND OPINIONS DIVISION



## COMMERCIAL AND INTERNATIONAL LAW DIVISION

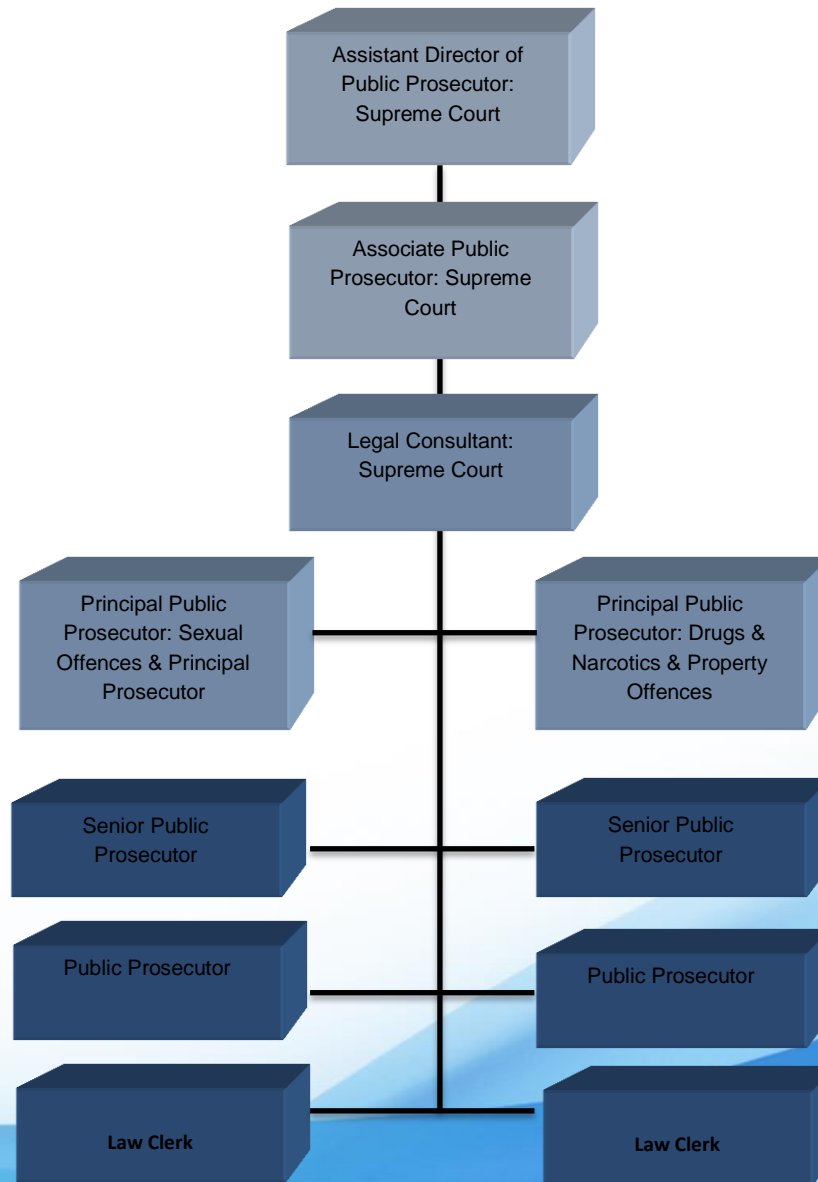


## Criminal Prosecutions: District & Specialised Court

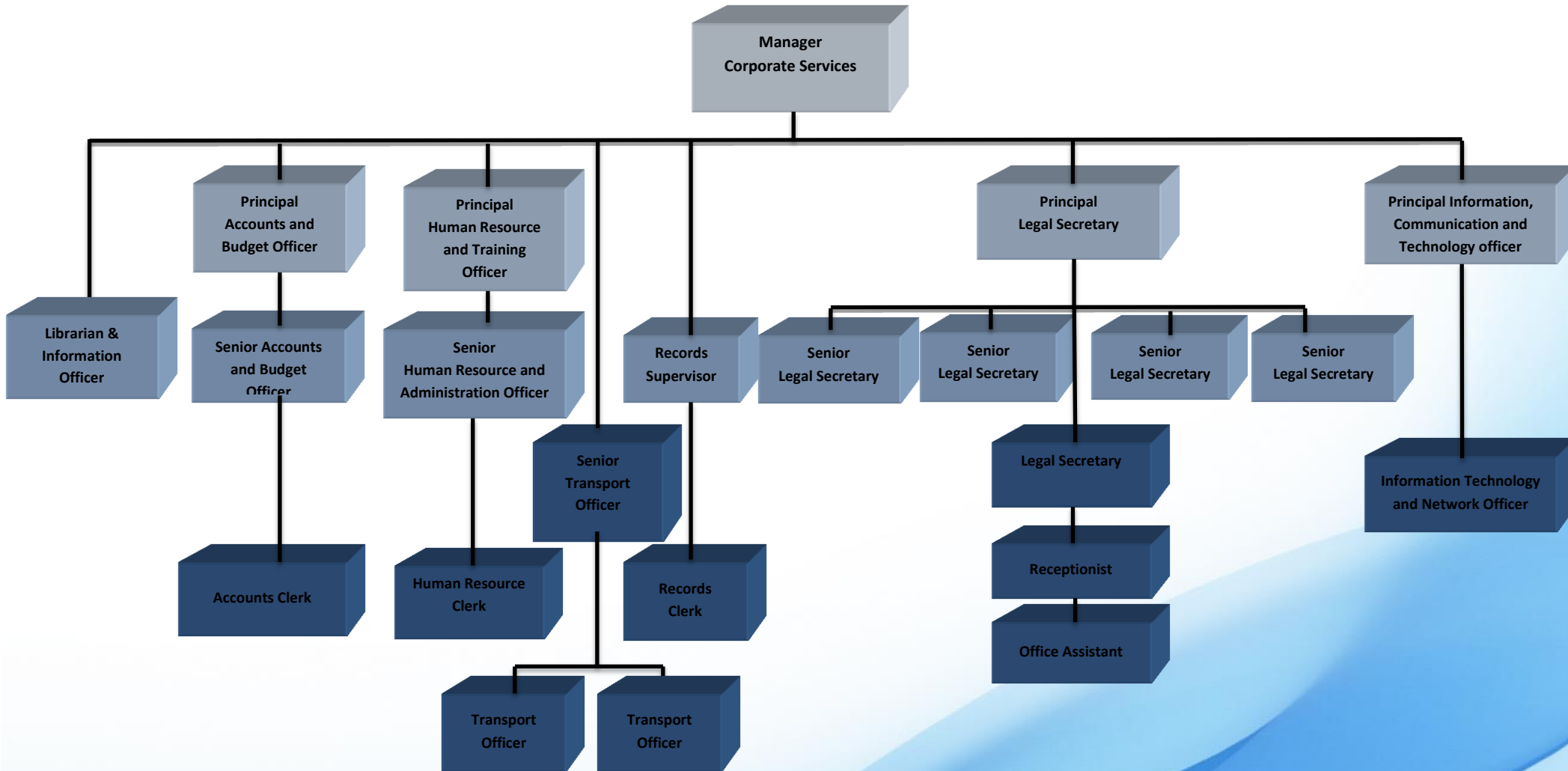




## Criminal Prosecutions: Supreme Court



## CORPORATE SERVICES DIVISION



# Implementation Matrix

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**Goal 1: To provide professional legal opinions and advice in a timely and efficient manner to Government Ministries and Agencies.**

STRATEGIES	PERFORMANCE INDICATORS	TIMEFRAME	DIVISIONAL RESPONSIBILITY
<b>Provide written and verbal legal advice</b> (a) pursuant to instructions from Government Ministries or Agencies; or (b) whenever it is appropriate to provide advice	The advice is: (a) legally sound, clear, concise and practical pertaining directly to the relevant issues; and (b) provided timely within: (i) one to three days for urgent and important matters; (ii) seven to fourteen days for non-urgent matters	Ongoing – Legal Advice are given on a daily basis	<b>Major</b> Civil Litigation and opinions, Commercial & International Law Team and Legislative Drafting Team  <b>Support</b> Corporate Services
<b>Represent Government in national and international meetings</b>	The representation is: (a) effective and in accordance with instructions from Government whilst taking into account the obligations required by international bodies or instruments; and (b) available at all meetings when required or where appropriate	Ongoing – Daily and Weekly meeting	<b>Major</b> Civil Litigation and opinions, Commercial & International Law Team, Legislative Drafting Team and Criminal Prosecutions Team  <b>Support</b> Corporate Services
<b>Participate in negotiations relating to any government interest, contract or dispute</b>	Government position is adequate protected and liability minimized	Ongoing – Daily and weekly basis	<b>Major</b> Civil Litigation and opinions Team; Commercial & International Law Team and Legislative Drafting Team  <b>Support</b> Corporate Services

**Goal 2: To draft legislation for, and provide legal advice on legislation administered by Government Ministries and Agencies as instructed from time to time.**

STRATEGY	PERFORMANCE INDICATORS		DIVISIONAL RESPONSIBILITY
<p><b>Ensure legislation drafted and reviewed:</b></p> <p><b>(a) reflect instructions submitted by sponsoring Government Ministries/Agencies; and</b></p> <p><b>(b) are consistent with the Constitution and other legislation; and</b></p> <p><b>(c) comply with Legislative Drafting Handbook</b></p>	<p>Legislation passed is legally sound and consistent with the Constitution</p>	<p>Ongoing – Daily basis</p>	<p><b>Major</b></p> <p>Legislative Drafting Team</p> <p><b>Support</b></p> <p>Corporate Services</p>
<p><b>Provide written and verbal legal advice on legislation</b></p> <p><b>(d) pursuant to instructions from Government Ministries and Agencies; or</b></p> <p><b>(e) whenever it is appropriate to provide advice.</b></p>	<p>The advice is:</p> <p>(a) legally sound, clear, concise and practical pertaining directly to the relevant issues</p>	<p>Ongoing - provided timely within:</p> <ul style="list-style-type: none"> <li>one to three days for urgent and important matters;</li> <li>Seven to fourteen days for non-urgent matters.</li> </ul>	<p><b>Major</b></p> <p>Legislative Drafting Team</p> <p><b>Support</b></p> <p>Corporate Services</p>
<p><b>Ensure effective legal advice and support is afforded to Parliament in relation to Bills</b></p>	<p>The Attorney General or Chief Legislative Drafter attends all:</p> <p>(a) Parliamentary briefings;</p> <p>(b) Parliamentary sittings;</p> <p>(c) Parliamentary Committee hearings</p>	<p>Ongoing – in accordance with Parliamentary yearly calendar</p>	<p><b>Major</b></p> <p>Legislative Drafting Team</p> <p><b>Support</b></p> <p>Corporate Services</p>

<b>Prepare orders, notices, warrants and other legal instruments in accordance with instructions and within the authority of primary legislation;</b>	Orders, notices, warrants etc. are in compliance with policy instructions and empowering legislation;	Ongoing	<b>Major</b>  Legislative Drafting Team  Support  Corporate Services
<b>Adequate representation and advice is given where appropriate at consultations (both within Government and private) on a Bill/Regulation where required by a Government Ministry or Agency.</b>	Attendance at all consultations where appropriate.	Ongoing – weekly basis	<b>Major</b>  Legislative Drafting Team  Support  Corporate Services
<b>Consolidate the Laws of Samoa</b>	Complete annually the consolidation of laws in accordance with the required timeframes	Complete by December of every year and distribute by end of January annually	<b>Major</b>  Legislative Drafting Team  Support  Corporate Services



**Goal 3: To supervise and conduct civil proceedings involving Government and provide legal support to or representation for Government in other formal enquiries.**

STRATEGY	PERFORMANCE INDICATORS	TIMEFRAME	DIVISIONAL RESPONSIBILITY
<p><b>Ensure high quality representation for Government in all relevant civil and tribunal proceedings especially in relation to Human Rights by:</b></p> <p>(a) conducting extensive research;</p> <p>(b) involving clients where clients are well informed and instructions are sought and obtained;</p> <p>(c) using experienced solicitors to be lead counsel or counsel assisting</p>	<p>Government interests are adequately recognized and protected by:</p> <p>(a) obtaining the best outcome for Government from the proceedings; and</p> <p>(b) minimizing Government liability</p>	<p>Ongoing – Daily basis</p>	<p><b>Major</b></p> <p>Civil Litigation and opinions, Commercial &amp; International Law Team</p> <p><b>Support</b></p> <p>Corporate Services</p>
<p><b>Provide professional assistance to referring Government Ministries and Agencies</b></p>	<p>Government Ministries and Agencies understand their legal responsibilities and are able to communicate easily with the Attorney General's Office.</p> <p>In-house solicitors are properly utilized and legally supported and supervised by the Attorney General's Office</p>	<p>Ongoing – In-House Council meeting held once a month</p>	<p><b>Major</b></p> <p>Civil Litigation and opinions, Commercial &amp; International Law Team</p> <p><b>Support</b></p> <p>Corporate Services</p>

<p><b>Ensure high quality legal support to our representation for Government for formal enquiries by:</b></p> <ul style="list-style-type: none"> <li>(d) conducting extensive research;</li> <li>(e) ensuring process is fair and just;</li> <li>(f) using experienced solicitors to be lead counsel or counsel assisting;</li> </ul>	<p>The process and conduct of formal enquiries are fair and in accordance with applicable legal principles.</p> <p>Government interests are adequately recognized and protected by:</p> <ul style="list-style-type: none"> <li>(a) obtaining the best outcome for Government from the enquiries; and</li> <li>(b) minimizing Government liability</li> </ul>	<p>Ongoing – Daily basis</p>	<p><b>Major</b></p> <p>Civil Litigation and opinions, Commercial &amp; International Law Team</p> <p><b>Support</b></p> <p>Corporate Services</p>
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**Goal 4: To review and draft commercial and other related legal documents as well as advising on national and international legal matters to ensure that Government's interest is advanced and/or protected;**

STRATEGY	PERFORMANCE INDICATORS	TIMEFRAME	DIVISIONAL RESPONSIBILITY
<p><b>Draft, review and/or negotiate commercial legal documents involving Government</b></p>	<p>The Government contracts, commercial and other legal documents (both national and international) are:</p> <ul style="list-style-type: none"> <li>(a) drafted, reviewed or negotiated based on sound and practical advice taking into account client's instructions;</li> <li>(b) the Contracts and legal documents are legally enforceable and protect Government interest.</li> </ul>	<p>Ongoing - timely drafted, reviewed or negotiated within:</p> <ul style="list-style-type: none"> <li>• three to five days for urgent and important contracts;</li> <li>• fourteen to twenty one days for complicated contracts;</li> <li>• seven to fourteen days for any other contracts</li> </ul>	<p><b>Major</b></p> <p>Civil Litigation and opinions, Commercial &amp; International Law Team</p> <p><b>Support</b></p> <p>Corporate Services</p>

<p><b>Provide legal support to procurement activities and processes of Government both national and international</b></p>	<p>For all the Tenders Board meetings:</p> <ul style="list-style-type: none"> <li>(a) there is representation through the Attorney General or senior nominee;</li> <li>(b) concise and practical legal advice is provided to issues to the Board</li> </ul> <p>For procurement issues involving Government:</p> <ul style="list-style-type: none"> <li>(a) there is ready and practical legal advice available</li> </ul>	<p>Ongoing - such advice is tendered within:</p> <ul style="list-style-type: none"> <li>• one to three days for urgent and important matters;</li> </ul> <p>seven to fourteen days for any other matter.</p>	<p><b>Major</b></p> <p>Civil Litigation and opinions, Commercial &amp; International Law Team</p> <p><b>Support</b></p> <p>Corporate Services</p>
<p><b>Give legal advice no issues arising from commercial and national / international matters</b></p>	<p>The advice is:</p> <ul style="list-style-type: none"> <li>(a) clear, concise and practical pertaining directly to the relevant issues</li> </ul> <p>provided timely within:</p> <ul style="list-style-type: none"> <li>(i) one to three days for urgent and important matters;</li> <li>(ii) seven to fourteen days for non-urgent matters.</li> </ul>	<p>Ongoing - provided timely within:</p> <ul style="list-style-type: none"> <li>• one to three days for urgent and important matters;</li> <li>• Seven to fourteen days for non-urgent matters.</li> </ul>	<p><b>Major</b></p> <p>Civil Litigation, Commercial &amp; International Law Team</p> <p><b>Support</b></p> <p>Corporate Services</p>

### Goal 5: To supervise and conduct criminal prosecutions and appeals in a fair and just manner.

STRATEGY	PERFORMANCE INDICATORS	Timeframe	DIVISIONAL RESPONSIBILITY
<p><b>Maintain the high standard of criminal prosecutions and appeals by ensuring that:</b></p> <ul style="list-style-type: none"> <li>(a) there is adequate preparation for all cases;</li> <li>(b) prosecutors are capable and well-trained;</li> <li>(c) proper support is provided to Police investigators.</li> </ul>	All prosecution cases where there is a <b>case to answer</b> , to be prosecuted	<i>Ongoing</i>	<p><b>Major</b></p> <p>District Court and Supreme Court Prosecution Teams</p> <p><b>Support</b></p> <p>Corporate Services</p>
<p><b>Supervise where appropriate prosecutions in the District Court by other Ministries and provide trainings to officers conducting the prosecutions;</b></p>	Provide effective and practical supervision as well as training	<i>Ongoing – Daily Basis</i>	
<p><b>Conduct training on criminal matters for Police and law enforcement personnel of other ministries and agencies and improve communication with such officers;</b></p> <p><b>Liaise effectively at all levels with agencies with law enforcement roles such as Police, Customs and Justice;</b></p>	<p>Provide effective and practical supervision as well as training</p> <p>Good working relationship</p>	<i>Ongoing – Daily Basis</i>	<p><b>Major</b></p> <p>District Court and Supreme Court Prosecution Teams</p> <p><b>Support</b></p> <p>Corporate Services</p>

Provide useful, timely and accurate reports on prosecution work and performance;			
Provide within the Prosecution section an environment that allows for the independent exercise of prosecutorial discretion;	Confident prosecutors	Ongoing	<b>Major</b> District Court and Supreme Court Prosecution Teams  <b>Support</b> Corporate Services
Provide professional assistance to referring agencies;	Provide professional and timely advice to investigators;  Having regard to, Identify and cooperate with referring agencies enforcement strategies;  Assist with training of investigators  Liaise effectively with referring agencies at regional and international levels;	Ongoing	

**Goal 6: To ensure excellence in Human Resources development, practices and provision of support services in finance, ICT, policy and planning, legal secretariat, information management services, transportation and public relations for enhanced performance.**

STRATEGY	PERFORMANCE INDICATORS	TIMEFRAME	DIVISIONAL RESPONSIBILITY
Ensure budget is sufficient to fund objectives in Corporate Plan;	Resources are available for the implementation of the Corporate Plan, approved by the Ministry of Finance;	First round forward estimates budget due to MOF in December Second round Forward estimates due to MOF in May	<b>Major</b> Corporate Services Team
Internal Financial Management	Prepare and verify processing of all transactions <ul style="list-style-type: none"> <li>- Purchase Order approved and printed</li> <li>- Invoice processed and cleared for submission to Ministry of Finance</li> </ul> Prepare Management budget reports.	Within one (1) working day No more than three (3) working days upon receipt of correct & valid invoice from supplier  Monthly	<b>Major</b> Corporate Services Team
Human resource Management & Development	Conduct a comprehensive corporate review of the organisational structure <ul style="list-style-type: none"> <li>- Review of the organisational structure completed and recommendations forwarded to cabinet for approval.</li> </ul> Conduct workforce planning and identification of key strategic competency gaps. <ul style="list-style-type: none"> <li>- Workforce plan reviewed and implemented</li> </ul>	Financial year 2016-2017          Financial year 2016-2017	<b>Major</b> Corporate Services Team



	<p>Refine existing individual performance management and evaluation</p> <ul style="list-style-type: none"> <li>- Individual performance monitoring and feedback systems developed and implemented</li> <li>- Individual performance agreements developed and implemented</li> </ul> <p>Develop Succession planning guidelines for all position.</p>	<p>Annual &amp; Ongoing</p> <p>Financial year 2016-2017</p>	<p><b>Major</b></p> <p>Corporate Services Team</p>
<b>Records and Archive Management</b>	<p>Adopt and use the Code of Best Practice and the Common Administration policies</p> <ul style="list-style-type: none"> <li>- Implement Code of Best practice</li> </ul>	Ongoing.	
<b>IT Services &amp; Support &amp; Advice</b>	<p>Adopt ICT systems and services to meet requirements of the Office and provide effective ICT advice to Management.</p> <ul style="list-style-type: none"> <li>- Implement User login service for all staff</li> <li>- Develop new Office Website to be user friendly and base in house.</li> </ul>	Ongoing	
<b>Legal Secretariat and Office Administration</b>	<p>Quality administrative services to core legal teams</p> <p>Timely and accurate cabinet submissions and correspondences handling.</p> <p>Friendly, helpful and accurate reception.</p>	Ongoing	

<b>Policy and Planning</b>	Up to date policies, records, guidelines etc.	Ongoing	<b>Major</b> All Divisions
<b>Legal Library Services</b>	Up to date, well stocked law library with latest and relevant legal and research publications and resources.	Ongoing	<b>Major</b> Corporate Services Team
<b>Transportation Services</b>	Timely and responsive transport services Adheres to office/treasury vehicle use policy regulations.	Ongoing	<b>Major</b> Corporate Services Team (all other Divisions)