

ANNUAL REPORT 1 July 2021 – 30 June 2022

Office of the Attorney General



9 May 2023

Honourable Speaker of the House Legislative Assembly Mulinuu



In accordance with the Attorney General's Act 2013, I am pleased to submit the Annual Report of the Office of the Attorney General for the year ending 30 June 2022.

The Report records the Office's key performance results during the financial year 1 July 2021- 30 June 2022, 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' perusal and approval.

Ma le fa'aaloalo lava,

Fiame Naomi Mataafa

Prime Minister

Minister responsible for the Office of the Attorney General

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Attorney General's note



This financial year saw one of the historical transformations in the political history of Samoa. For the first time in 40 years, the public service was faced with a change of Government as a result of the General Elections. Coupled with the global impact of the COVID-19 pandemic and Samoa's first community cases, this was one of the most challenging years for Samoa and the Office of the Attorney General. The Office persisted through these challenges to carry out its Constitutional functions and I credit all the staff for their

commitment and willingness to go over and above what was expected of them.

I am pleased to provide a summary of the key achievements and challenges for the year in review, with details set out in Part 2 of the report.

i. Summary of Key Achievements

From the *Legislative Drafting Division*, a total of twelve (12) legislation were drafted, reviewed and finalised with the Attorney General's Certificate for submission to Cabinet for their approval. Of these 12, 7 were Bills and 5 were subsidiary legislation. These 7 Bills were introduced and tabled in Parliament with 5 Bills being passed. The other 2 Bills completed first and second reading and were referred to Parliament Committee for their usual scrutiny and vetting. The office also drafted and reviewed seven (7) subsidiary Regulations as requested by different Government Ministries and Offices. During this period, the team also provided advice to Cabinet on the issuance of 30 State of Emergency Orders and 13 Proclamations of Emergency by the Head of State.

Of more significant note, this team together with the Civil Litigation Division provided legal advice, assistance and support to the Office of the Clerk of the Legislative Assembly during the Parliamentary Inquiry into why there were different versions of the Land and Titles Act 2020 and the Constitutional Amendment Act 2020 from that which had been passed in Parliament in December 2020.

In the *Commercial and International Law Division*, three hundred and forty-eight (348) contracts and agreements were drafted, negotiated and reviewed for the engagement and procurement of goods and services to enable various functions and objectives of Government.

The *Civil Litigation Division* provided a hundred and seven (107) legal opinions/ advice on claims and legal proceedings brought against the various offices of the Government. These included Constitutional challenges relating to the appointment of

Judges in the Lands and Titles Court in proceedings filed in the Supreme Court by the President of the Lands and Titles Court against the Minister of Justice and the Attorney General.

The *Criminal Prosecution Division* functions is one of the significant and most compounded role of the office managing the District court and Supreme court cases. The office processed 1,169 criminal matters within the year under review. Eight hundred and fifty-seven (857) of these cases proceeded to court and were concluded with the remaining matters still pending.

In terms of support services, the *Corporate Services Division* continued to manage human resources, information technology, administrative and financial management processes and systems to support the core functions of the Office. Six (6) Legal staff were recruited in this period. The office also invested in new resources to upgrade our vehicles as well as the records and filing facilities. The office recorded \$1.4million in savings from the office outputs for this Financial Year.

ii. Summary of Challenges

The major challenge faced by the office is the shortage of lawyers. The approved organisation structure of the office consists of 55 Legal positions and 30 support staff. For this financial year, the office employed an average of 23 Legal officers. A significant number of lawyers resigned in the 2020/2021 Financial Year to take on roles within the private sector and in other Government offices. Currently there is a major gap in the market of new law graduates coming through to fill the vacancies within the Office.

The covid-19 impact continued to provide challenges, especially during the lockdown periods. Most of the staff were able to work remotely and still maintain a high standard of legal services provided to Government.

The border restrictions also impacted on the Office's ability to bring in a forensic pathologist for criminal cases that require this expert assessment. This caused serious delays to some of the criminal prosecution cases in the Supreme Court.

The court proceedings and associated matters from the General Elections in April 2021 continued into the 2021/2022 Financial Year.

iii. Looking Ahead

It is important that a thorough review of the Office organisational structure be carried out to see how it can be improved in order to provide the best legal services to Government. We will also be requesting Government to consider increasing the number of scholarships for law in the Government Scholarship schemes to meet the gap in the market. At the same time, it is crucial to ensure that the current staff are

properly taken care of and are able to take time for professional development training despite the busy workload.

I wish to acknowledge the generous support and ongoing collaboration from our key partners the Ministry of Police, Ministry of Justice and Courts Administration and Ministry of Finance as well as all other Government Ministries/Authorities.

Ma le fa'aaloalo lava

Su'a Hellene Wallwork

Attorney General

Office of the Attorney General

Overview of Functions and Objectives

The Attorney General's Act 2013 prescribes the functions and the Structure of the Office. The Office has 5 Legal Divisions and a Division for Corporate Services providing administrative and financial support services for the Office. In addition, the Office also accommodates the Pacific Island Law Officer's Network (PILON) Secretariat Office which is also supported by the Corporate Services Division in providing financial and administrative services.

i. Roles and Functions

The Office has the following statutory functions:

- (a) to manage and to assist in carrying out the constitutional, statutory and common law functions of the Attorney General;
- (b) to manage legal services to the Head of State, Prime Minister, Cabinet, Ministers, and Government and, subject to section 6(6) to other government agencies;
- (c) upon request, to provide legal assistance to the other arms of the State.

Divisional Functions;

- (i) 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, other government agencies;
- (ii) to defend civil proceedings against Government and, subject to section 6(6), other government agencies;
- (iii) to provide legal opinions to the Head of State, Prime Minister, Cabinet, Ministers and Government or, subject to section 6(6), government agencies;
- (iv) to institute and conduct criminal proceedings;
- (v) to provide legal opinions on criminal matters;
- (vi) to draft government legislation;
- (vii) to provide other drafting services;
- (viii) to provide legal opinions on legislation and legislative proposals;
- (ix) to negotiate, review and draft all Government contracts/deeds and other related legal documents both domestic and international to ensure that Government's interest is advanced and protected.
- (x) to provide professional legal opinions and advice specifically on contracts and agreements in a timely and efficient manner to Government Ministries and Agencies; and (xi)to carry out other functions assigned by the Attorney General or other prescribed functions.

ii. Key Activities

a. Government Legislation

Almost every Law initiated and approved by Cabinet is drafted, reviewed and cleared by the Attorney General through the Legislation Drafting Division after which the Attorney General's certificate is issued as verification that such Bills are proper in Form and Content before submission to be tabled in Parliament. There are some bills that are drafted by independent consultants and then provided to the Attorney General for review and further advice, if necessary.

Legislation Finalised with Attorney General's Certificate

- Tax Information Exchange Amendment Bill 2022.
- 2. Customs Amendment Bill 2022
- 3. Appropriation Bill 2022-2023 and second Supplementary Appropriation Bill 2021-2022
- 4. Fisheries Management Article 73 of the UNCLOS Compliance Regulations 2021
- 5. Appropriation Bill 2021- 2022
- 6. Electoral Amendment Bill No2 2021
- 7. Fisheries Management Fish Processing and Export Regulations 2021
- 8. Electoral Commissioner Electoral Forms Amendment Regulations 2021
- 9. Clearance of Ministerial Order Excluded Account
- 10. Business License Amendment Regulations 2021
- 11. Income Tax Amendment Bill 2021 Bill
- 12. Supplementary Appropriation Bill No1 2021- 2022 Warrant Authorized Payment Out of Public Funds

Bills introduced and tabled in Parliament

- 1. Labour and Employment Relations Amendment Bill 2022
- 2. Customs Amendment Bill 2022
- 3. Appropriation Bill 2022-2023
- 4. Appropriation Bill 2021-2022
- 5. Electoral Amendment Bill (No.2) 2022
- 6. Income Tax Amendment Bill 2021 "Bill"
- 7. Supplementary Appropriation Bill No 2 (2021-2021)

Regulations drafted

- 1. Fisheries Management (Article 73 of the UNCLOS Compliance) Regulations 2021.
- 2. Fisheries Management (Fish Processing Export) Regulations 2021.
- Electoral (Forms) Amendment Regulations 2021 Regulations.
- Business License Amendment Regulations 2021
- 5. Amendment to the Building (Fees and Changes) Regulation 2013.
- 6. Samoan Language Commission (Fees) Regulations 2022.
- 7. Amendment to the Tax Administration (Tax Invoice Monitoring System) Regulations 2020.

Other Subsidiary Legislation

- 1. 42 Warrants of Appointments ("Warrants") for new appointments
- 2. 13 Warrants continued appointments
- 3. 2 Warrants for cessation of appointments
- 4. 1 Warrant for suspension appointment
- 5. 5 Warrants for termination of employment
- 6. 10 Warrants for appointment of board members
- 7. 8 Warrants for the appointment of advisory board members
- 8. 2 Warrants for the Appointments for Commission of Inquiries

b. Commercial Contracts and Legal Agreements

The office provides legal opinions and advice on contracts, agreements, deeds and other related legal documents for domestic and international arrangements to ensure that Government's interest is advanced and protected in all its contractual dealings.

The office received a significant number of contracts from Ministries, Corporations and Authorities to draft, negotiate, review and finalise. There were three hundred and thirty-four (348) contracts cleared within the reporting period. These contracts are categorized as follows.

- i. Employment Contracts (65)
- ii. Consultancy Contracts (61)
- iii. Constructions Contracts (31)
- iv. Framework Contracts (25)
- v. Contracts for the Supply of services (80)
- vi. Contracts for the Supply and Purchase of goods (34)
- vii. Memorandum of Understanding (12)
- viii. Scholarship and Employment Bonds (2)
- ix. International Grant & Loan Agreements Funding (28)
- x. Deeds of Guarantee (2)
- xi. Leases (3)
- xii. Letters of agreement (5)

Evaluations and Related Meetings

There were hundred and five (105) evaluation meetings that the office attended to ensure the government procurement process of each government project is in compliance with the Government legal framework. The works tendered includes the development of the country such as road constructions, building constructions, insurance tender, consultancy services and all Procurement work for the Government.

Tenders Board Meetings

The Office is a member of the Tenders that sits biweekly for meetings. The Office attended 23 board meetings and 21 tender opening meetings within this financial year.

Contracts signing/Other Meetings

There were 32 contracts signing processes that the Commercial Division participated in providing legal advice and witnessing. This Division also attended 58 other committee meetings such as land board and other projects steering committee meetings including the Project Management Committee for SHC chancery Wellington Project. They also attended eight (8) workshops and trainings on zoom and webinar during working hours and after hours due to the time difference.

c. Civil Litigation

The Civil Litigation and Opinion Division issued 107 legal opinions and advice within the reported period. These legal opinions vary from adoption matters, investigations, damages sought for unlawful imprisonment, unfair termination of employees, personnel compensation

issues within government and all other different matters that arise from time to time which requires the Attorney General's legal opinion.

The legal opinions were provided for different matters pertaining to different Ministries as well as the following Government Corporation:

- i. Electric Power Corporation
- ii. Samoa Ports Authority
- iii. Fire Emergency Samoa Authority
- iv. Ministry of Public Enterprises
- v. Samoa Land Corporations
- vi. Ministry of Prime Minister and Cabinet
- vii. Ministry of Finance
- viii. Ministry of Justice Courts and Administration
- ix. Ministry of Police and Prisons
- x. Ministry of Natural Resources and Environment
- xi. Land Transport Authority
- xii. Office of the Regulator
- xiii. Office of the Electoral Commission
- xiv. Ministry of Works, Transport and Infrastructure
- xv. Ministry of Health
- xvi. Samoa Water Authority

The office noted an 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 resulted in a substantial workload and increased pressure to meet Court deadlines in regard to filing and serving responses, file reviews as well as constant dialogue with Ministries and or other public bodies affected. In addition, the General Elections in April 2021 resulted in protracted Court proceedings that carried on longer than ever before in any General Election in the history of Samoa.

There were 14 new Litigation cases received within this 12-month period. Some have been heard at court and some are partly heard while others have been settled.

d. Criminal Prosecution

The Prosecution team processed a total of 820 criminal matters within this reporting period in the *District Court*. These matters were mainly for criminal charges such as,

- a) Offences of sexual nature
- b) Causing injury to people
- c) Contempt of court
- d) Threatening and insulting words
- e) Armed with dangerous weapon
- f) Assault
- g) Trespass and any related crime against person

In this period, 673 cases were completed. A summary of the outcomes are as follows:

District Court Prosecution	No of cases
Convicted and imprisoned	33
Convicted with suspended sentence	167

Convicted and placed under probation and supervision	103
Convicted and fined	169
Convicted and discharged	33
Dismissed and withdrawn	96
Discharged without conviction but fined	43
Discharged without conviction	29
Total	673

The Prosecution team also processed a total of 349 cases within this reporting year in the Supreme Court. From the 349 crime files, 184 files were heard at court and received court decisions with the remaining 165 files currently ongoing and in progress.

These matters were mainly for criminal charges such as:

- a) Crimes against person
- b) Crimes against property
- c) Sexual offences
- d) Drugs and Narcotics.

Below is a summary of outcomes for the 184 Supreme Court cases completed;

Supreme Court Prosecution	No. of cases
Convicted and imprisoned	119
Convicted and placed under supervision and probation	53
Convicted and fined	3
Convicted with suspended sentence	2
Discharged without conviction	4
Withdrawn of the Mithdrawn en	Jen 3
Total	184

e. Corporate Services:

The office is very much dependent on the corporate support services and functions. During the year the office managed to recruit an additional 6 new qualified lawyers through the recruitment and selection process. The office also made several improvements in its records and filing, finance internal control mechanisms as well as some of the HR support systems. We also improved coordination and overall performance relating to customer service, budget support and accounts preparations and provision of monthly progress reports to the management team to aid with decision making.

The office also manages a Legal Library to safeguard all important legal documents and Legislations passed by the Parliament and all information papers for the Office use. This is a very useful facility for the Legal staff to find background information to assist with the review and processing of legal proceedings and advise with available resources such as the following:

- Collection of relevant Samoan text books
- Up-to-date collection of law reports

Consolidated laws of Samoa

The office also employs a strong Team of Legal secretaries, Database officers, an ICT Team as well as a HR, Finance and Administration Team all supporting the core functions.

Way Forward

With another challenging year ending, the office prepares itself for the future by learning from the lessons of the past.

The office highly recommends the reinstatement of the Legal profession in the Government scholarship priority list. This financial year has shown that there is a serious shortage of new law graduates in Samoa that can fill the vacancies. The Public Service Commission has not taken into consideration the impact on this Office when it approved over the years the establishment of several senior legal positions (with higher salary gradings) within most Government Offices.

The reported number of cases in Samoa (especially criminal matters) shows it is continually increasing. The positive outcome of the community awareness programs carried out by various Government offices and Non-Government Organizations has resulted in more and more cases being reported. It is in the interests of justice that the vacancies for lawyers at Office are filled as a matter of priority.

The Office will need to undertake a review of its organisational structure to establish more senior legal positions in order to retain the knowledge and expertise of its more experienced lawyers as well as to attract more experienced lawyers to the Office.

Statement of Receipts and Expenditure

The Office approved budget for the year in review was SAT5,330,033.00. It was spent on the resources needed for the operating of the Office and for the salaries of the staff. The total spending was \$3,833,618.00, which was 72% of the approved budget while 28% was remaining funds from vacant legal positions and below line items like the forensic pathologist and prosecution overseas witnesses due to travel restrictions during covid19 lockdown. The summary of spending per output is reflected in the statement of revenue and expenses below.

The Project fund is mainly for the Operation of the PILON Secretariat Office hosted by the Office and its planned project activities across the Pacific.

		2022	Original	Final	(Over)/Under	2021
		\$	\$	\$	\$	\$
RECEIPTS						
Ordinary Recei	ipts					
Oth	er Revenues					
	Fees & Other Charges	14,299	37,475	37,475	23,176	29,648
TOTAL RECEIPTS		14,299	37,475	37,475	23,176	29,648
PAYMENTS						
Outputs 1.0	Legal Advice to Head of State,					
1.0	Ministers and Government Ministries	348,784	399,571	399,571	50,787	360,216
2.0	Legislative Drafting	673,790	931,130	931,130	257,341	758,695
3.0	Criminal Prosecutions - District Court	546,030	780,753	780,753	234,723	673,232
4.0	Civil Litigation and Opinions	670,865	813,466	813,466	142,601	732,111
5.0	Commercial and International Law Division	512,401	838,628	838,628	326,227	578,131
6.0	Criminal Prosecutions - Supreme Court	492,700	889,979	889,979	397,279	694,516
Total Outputs		3,244,569	4,653,527	4,653,527	1,408,959	3,796,900
Transactions o	n Behalf of State					
Mei	mbership Fees & Grants					
	Lexis Nexis	33,250	33,250	33,250	(0)	33,250
	Brookers Online	21,000	21,000	21,000	0	21,000
	International Association of Prosecutors	1,500	1,500	1,500	0	1,500
_		55,750	55,750	55,750	(0)	55,750
Gov	ernment Policies / Initiatives Prosecution Overseas Witness budget	61,279	70,000	70,000	8,721	69,900
	Overseas Counsel's Opinions/Technical Assistance	18,302	50,000	50,000	31,698	49,905
	Pathologist	23,527	80,000	80,000	56,473	52,947
	Rents & Leases (TATTE Building)	315,664	315,664	315,664	0	315,664

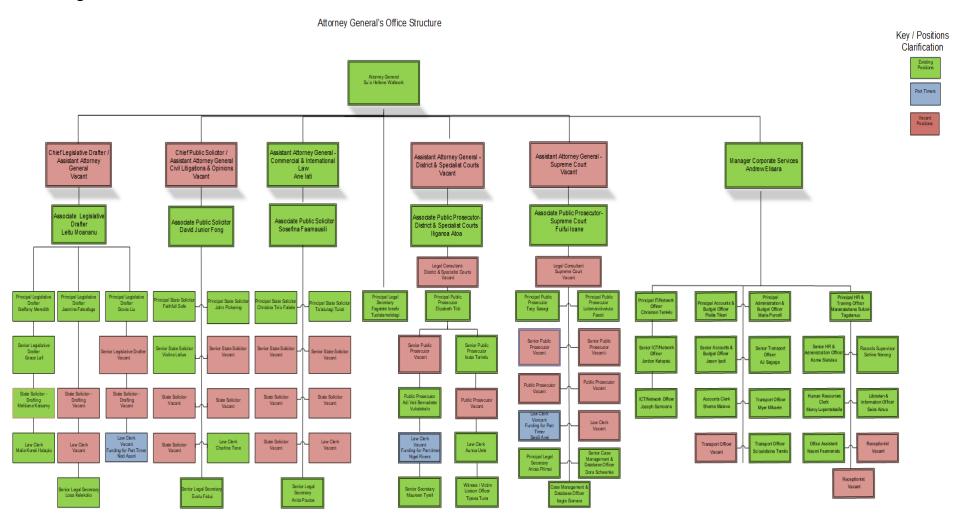
	418,772	515,664	515,664	96,892	488,417
VAGST Output Tax	114,528	142,567	142,567	28,039	116,692
Total Transactions on Behalf of State	589,050	713,981	713,981	124,931	660,859
TOTAL PAYMENTS - ATTORNEY GENERAL'S OFFICE	3,833,618	5,367,508	5,367,508	1,533,890	4,457,759
RECEIPTS OVER PAYMENTS					
	(3,819,319)	(5,330,033)	(5,330,033)	(1,510,714)	(4,428,111)
GOVERNMENT DEVELOPMENT PROJECTS					
	2022	Original Estimate	Receipts	Payments	Opening Balance
	\$	\$	\$	\$	\$
Grants - GDP	733,253	357,334		180,819	642 200
Pacific Prosecutors Conference (NZAid) Pacific Islands Laws Officers Network (PILON) Meetings (AusAID)	1,487,252	268,001	273,868	1,820	642,298 1,489,072
Support for Samoa to Review and Reform Cyber Security Cyber Crime Legislation (AusAid)	(12,865)	154,097	99	173,885	160,921
Pacific Island Law Officers 38th Network and Meeting (Arrangement for the provision of funding for support) (AusAid)	(71)	0	0	0	(71)
TOTAL GOVERNMENT DEVELOPMENT PROJECTS	2,207,569	779,432	273,967	356,524	2,292,221
FAY	AVAE I LE ATUA SI	AMOA			



Appendix 1

Workforce Statistics

i. Organisation Structure



Staff List as of 30 June 2022

Name	Position	Commencement Date
Su'a Hellene Wallwork	Attorney General	03 Sept 2021
Ane lati	Assistant Attorney General CILD	23 Aug 2011
Andrew Elisara	Manager Corporate Services Division	16 May 2016
David Junior Fong	Associate Public Solicitor	11 Oct 2016
Sosefina Faamausili	Associate Public Solicitor	13 Aug 2019
Fuifui Ioane	Associate Public Prosecutor	12 Jan 2015
Iliganoa Atoa	Associate Public Prosecutor	31 Mar 2016
Leitu Moananu	Associate Legislative Drafter	13 Sept 2013
Faithful Theodora Sofe	Principal State Solicitor	15 Aug 2017
John Samson Pickering	Principal State Solicitor	29 Jun 2020
Taaitulagi Tuioti	Principal State Solicitor	21 Feb 2022
Christina Te'o Faitele	Principal State Solicitor	17 Sept 2018
Tacy Sasagi	Principal Public Prosecutor	25 July 2018
Lolomaivitiveiuto Faasii	Principal Public Prosecutor	12 July 2016
Elizabeth Roslyn Tiitii	Principal Public Prosecutor	21 Mar 2016
Steffany Meredith	Principal Legislative Drafter	27 Aug 2013
Siovia Florina Liu	Principal Legislative Drafter	23 Aug 2013
Jasmine Polaine Faleafaga	Principal Legislative Drafter	06 Sept 2016
Fagalele Tualatamalelagi	Principal Legal Secretary AG	03 Dec 2012
Ariota Pilimai	Part-time Principal Legal Secretary CPD	07 Apr 1989
Pisila Tikeri	Principal Accounts & Budget Officer	23 May 2013
Chrismon Tanielu	Principal ICT & Communication Officer	02 Apr 2020
Maria Purcell	Principal Administration Officer	25 Jul 2016
Maranatahana S Tagatanuu // //	Principal HR & Training Officer	/ 03 June 2020 /
Violina Tailua Leilua	Senior State Solicitor	20 Aug 2018
Ioata Tanielu	Senior Public Prosecutor	05 Dec 2017
Grace Viivale Eugene Lafi	Senior Legislative Drafter	21 Mar 2022
Evalu Faitui	Senior Legal Secretary CLOD	12 Jan 2015
Anita Angela Poutoa	Senior Legal Secretary CILD	07 Nov 2016
Maureen Tyrell	Senior Legal Secretary CPD	11 Mar 2015
Dora Schwenke	Senior C/M & Database Officer	01 Dec 2011
Losa Kelekolio	Senior Legal Secretary LDD	16 Aug 2009
Jason Iputi	Senior Accounts & Budget Officer	26 Mar 2012
Jordon Katopau	Senior ICT/Network & Communications Officer	11 Dec 2017
Kome Siatulau	Senior HR & Administration Officer	01 Dec 2014
Aunoa Uele	Public Prosecutor	25 Apr 2022
Adi Veti Bernadette Vukalokalo	Public Prosecutor	13 Oct 2020
Melitiana Kaisamy	State Solicitor	19 Apr 2022
Elizabeth Charlina Tone	Law Clerk	30 May 2022
Malia Koleti Halapio	Law Clerk	19 Apr 2022
Ned Asani	Part-time Law Clerk	30 Aug 2021
Sesili Avei	Part-time Law Clerk	22 Nov 2017
Nigel Rivers	Part-time Law Clerk	06 Jun 2018
Tipesa Cathy Tuna	Witness Liaison Officer CPD	01 Apr 2019
Itagia Sianava	C/M Database Officer CPD	04 Jan 2019
Sehine Nerong	Records Supervisor	11 Dec 2017

Seira Ah Fook Ainuu	Library & Information Officer	19 July 2017
Joseph Samoana	ICT/Communications Officer	05 Aug 2019
AJ Sagaga	Senior Transport Officer	13 Sept 2021
Lematalasirocyan Mercy lakopo	HR & Administration Clerk	06 Feb 2019
Shema Maiava	Accounts Clerk	07 Aug 2017
Naomi Faamanatu	Office Assistant/Receptionist	10 Jun 2013
Myer Mikaele	Transport Officer	11 Apr 2022
Sooalofaina Tamilo	Transport Officer	16 May 2022

Vacant positions as of 30 June 2022

Position	Vacant Date	Vacancy length – 30/06/22
Assistant Attorney General LDD	18 November 2021	7 months
Assistant Attorney General CLOD	23 May 2022	1 month
Assistant Attorney General CPD SC	28 September 2020	1 year & 9 months
Assistant Attorney General CPD DC	20 September 2021	9 months
Legal Consultant CPD SC	16 June 2022	14 days
Legal Consultant CPD DC	01 February 2021	1 year & 4 months
Senior State Solicitor CILD	16 October 2020	1 year & 8 months
Senior State Solicitor CILD	17 February 2021	1 year & 4 months
Senior Public Prosecutor CPD SC	07 February 2022	4 months
Senior Public Prosecutor CPD SC	07 February 2022	4 months
Senior Public Prosecutor CPD DC	13 September 2019	2 years & 9 months
Senior Legislative Drafter	14 February 2022	4 months
State Solicitor CLOD	03 November 2020	1 year & 7 months
State Solicitor CLOD	05 February 2021	1 year & 4 months
State Solicitor CILD	05 July 2019	2 years & 11 months
State Solicitor CILD	03 February 2021	1 year & 4 months
State Solicitor CILD	17 November 2021	7 months
Public Prosecutor CPD SC	22 January 2021	5 months
Public Prosecutor CPD DC	27 September 2021	9 months
State Solicitor LDD	10 November 2020	1 year & 7 months
State Solicitor LDD	26 November 2020	1 year & 7 months
Law Clerk CILD	29 October 2020	1 year & 8 months
Law Clerk CPD SC	08 August 2018	3 years & 10 months
Law Clerk CPD DC	16 April 2018	4 years & 2 months
Law Clerk LDD	02 May 2019	3 years & 1 month
Records Clerk	19 March 2021	1 year & 3 months
Transport Officer	21 March 2022	3 months
Receptionist	17 September 2021	9 months
Receptionist	09 November 2021	7 months

Appendix 2

Summary Performance Indicators

KEY PERFORMANCE INDICATORS	BUDGET STANDARD 2021-2022	ACTUALS 2021-2022	PROGRESS INDICATOR	Comments
Minister's satisfaction with quality of legal services	95%	95%	Completed	All instructions received from PM for legal advices via telephone, email, in person and written were

	1		1	addressed and issued
				accordingly.
Minister's satisfaction with the timeliness of legal advice	95%	95%	Completed	Office prioritizes the Minister and all instructions received we ensure to deliver in time, there are verbal and in person legal advice when there's an urgent matter and the Minister calls anytime the AG will just leave and attend to the instruction straight away.
Legal advice provided to Head of State, Cabinet Ministers, constitutional officers and other government agencies.	100%	100%	Completed	Office ensures all legal advice provided for the HOD, Cabinet Ministers, the Speaker of the House is provided on time via telephone, in person and written advices but they mainly wanted to see the AG in person and advice accordingly to the Law of the country.
Efficient and timely provision of all services required for the PILON secretariat	100%	100%	Completed	All meetings of the PILON chaired by AG is attended to, and arrangement of the zoom hosted by PILON is like arrangement of PO for ticket of the participants, meetings chaired by AG, zoom arranged and host by AGO online etc.
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Percentage of legislation & regulation expected to be finalized by June 2022.	70%	100%	Completed	The Office targets to complete 5 Bills and 10 regulations per annum, which was achieved despite other priority tasks like the 3Bills.
Percentage of subsidiary legislations finalised (Guidelines, Commencement date notices, Memos, Rule, Bylaws, Proclamations, Declarations, Warrants, Orders).	70%	100%	Completed	Memos, proclamations, warrants and orders are the main responsibility of the Office and all FK received to action the proclamations, warrants etc. were issued and completed.
Percentage of advice on statutory interpretation.	80%	100%	Completed	153 advices requested by the Ministries and government, specifically for statutory interpretation which was issued by the Office.
Number of consultations of draft Legislations. (%)	90%	0%	Incomplete	The Parliament and Committee has the control

	ı	1	1	
Date by which laws are consolidated.	End of January 23	December 2022	Completed	of these consultations and the Office only act on them once instruction is received from Parliament or government. The office does its best to complete this task despite the understaff and priority tasks in place like reviewing and COI for the
				3bills, however we are excited that all laws of 2022 has been consolidated and completed by 23 Dec 2022.
Percentage level of Non- Tax Revenue Collected	100%	12%	Incomplete	The Office drafted the bills and regulations mainly to Ministries like MOF appropriation bills, OEC, Customs and Revenue etc. which these are free of charges. Even though the Office didn't achieve the revenue targeted, the Office still carried the load of work for Ministries and government.
Number of trainings conducted for drafting legislations & regulations.	ftsee	Stor	Completed	Drafting legislations and regulations are done one on one or by partners which the n=junior partner up with the senior drafter and train them accordingly.
Percentage of contracts and agreements drafted and/ or reviewed within the required time frame.	80%	100%	Completed	There were 348 contracts received and all were cleared within the time frame.
Percentage of successful negotiation on contracts, agreements (including international agreements) which the Attorney General's Office participated in.	80%	100%	Completed	The Office was involved in negotiations with the MOF and world bank.
Number of Committees CILD participates in and supports.	80	102	Completed	The number of committees the Office participated in the last FY

	T		1	woo 102
				was 102.
Percentage of legal advice on contracts and other Legal and international documents submitted by other parties for examination by the AGO within the required time frames.	80%	100%	Completed	There were two legal opinions issued on contracts requested by the Office clients.
Percentage of Legal advice and Opinion provided within the required timeframe.	85%	100%	Completed	Office issued 107 legal advices and opinions which is 100% of what was received within the FY 2022.
Percentage of civil claims and judicial review applications successfully defended or settled.	90%	60%	Incomplete	From 48 cases debated at court 15 were successfully defended and settled, 10 were costs awarded against the Office and 23 is yet to reach a decision. Despite the short staffed the Office does its best to ensure we
	4	//		can accommodate all law
Number of trainings provided on Civil Litigation and commercial matters.	12 f the	FA'AVAE I LE ATUA S	Incomplete	suit against government. The team does a one-on-one training on the job for civil litigation matters, there are also trainings and meetings conducted by the other trainers like database providers for one or two solicitors as the challenge remains of short staff and the team cannot attend training as we prioritize court hearing and prosecution matters.
Percentage level of Non- Tax Revenue Charged to Clients and earned from court cases.	90%	52%	Incomplete	Office achieved 52% of revenue targeted from two court costs while other matters are ongoing and yet to complete.
Number of prosecutions conducted and supervised in the District Court, Youth Court and Family Court	120	673	Completed	The office received the total of 1029 files for district court which 673 were supervised and already heard at court and court decisions were issued accordingly.
Number of advices for criminal prosecutions on				All criminal prosecutions

Youth Court, Family Court and District Court cases	300	310	Completed	files closed off, advices were addressed and sorted before the proceedings of court matters and closed off of files.
Percentage of closed files	60%	38%	Incomplete	The Office has completed 673 files which were processed and heard at court and we've closed off 310 of them.
Number of prosecutions completed in the Supreme Court	400	349	Incomplete	Even though the number is below as per target, the Office received 349 files for this particular year itself for the supreme court and does not include the cases from previous years which are currently on going. Hence out of 349 files received, 184 files were prosecuted like murder, manslaughter etc. which were heard at court and prosecuted accordingly.
Number of criminal prosecution advices provided on Supreme matters	800	184 ATUA S	Incomplete	184 criminal files were prosecuted and all advices were addressed accordingly.
Percentage of closed files	60%	53%	Incomplete	53% of received files were closed off and heard at the court, while the other 47% are files which are currently in progress and in process of hearing at the court.

Appendix 3

Summary State of Emergency Orders

2021	Effective Period		On this Date:
	(Proclamation & SOE Order Nos.)		
	SOE01 : Proclamation on 2 nd July	Approved by Minister of Finance (SET)	12 July 2021
Jul	2021;	Signed by Head of State	
	SOE Order 52 on 30 th June 2021;	Certified by Controller & Auditor General	
	SOE02: Proclamation on 2 nd July	Approved by Minister of Finance (SET)	
	2021;	Signed by Head of State	19 July 2021
	SOE Order 52 on 30 th June 2021;	Certified by Controller & Auditor General	

	SOE03: Proclamation on 2 nd July	Approved by Minister of Finance (MAAM)	
	2021;	Signed by Head of State	27 July 2021
	SOE Order 52 on 30 th June 2021;	Certify by Controller & Auditor General	27 July 2021
	SOE04: Proclamation on 2 nd July	Approved by Minister of Finance (MAAM)	
Aug	2021;	Signed by Head of State	10 Aug 2021
7106	Proclamation on 31st July 2021;	Certify by Controller & Auditor General	10 / 106 2021
	SOE Order 52 on 30 th June 2021;	certify by controller & Additor General	
	SOE Order 53 on 31st July 2021;		
	SOE05: Proclamation on 2 nd July	Approved by Minister of Finance (MAAM)	
	2021;	Signed by Head of State	13 Aug 2021
	Proclamation on 31st July 2021;	Certify by Controller & Auditor General	13 Aug 2021
	SOE Order 52 on 30 th June 2021;	Certify by Controller & Additor General	
	SOE Order 52 on 30 Julie 2021, SOE Order 53 on 31st July 2021;		
	SOE Order 33 on 31 July 2021,	Approved by Adjoints of Figures (NAAAAA)	
	1	Approved by Minister of Finance (MAAM)	24 4 2021
	2021;	Signed by Head of State	24 Aug 2021
	Proclamation on 31 st July 2021;	Certify by Controller & Auditor General	
	SOE Order 52 on 30 th June 2021;		
	SOE Order 53 on 31st July 2021;	And and the Adia internal Figure (Adada)	
	SOE07: Proclamation on 2 nd July	Approved by Minister of Finance (MAAM)	20.4 2024
	2021;	Signed by Head of State	28 Aug 2021
	Proclamation on 31st July 2021;	Certify by Controller & Auditor General	
	SOE Order 52 on 30 th June 2021;		
	SOE Order 53 on 31 st July 2021;	(55)	
	SOE08: Proclamation on 2 nd July	Approved by Minister of Finance (MAAM)	07.6 + 2024
Sept	2021;	Signed by Head of State	07 Sept 2021
	Proclamation on 31st July 2021;	Certify by Controller & Auditor General	
	Proclamation on 27 th Aug 2021;		
	SOE Order 52 on 30 th June 2021;		
	SOE Order 53 on 31 st July 2021;	FA'AVAE I LE ATUA SAMOA	
	SOE Order 54 on 27 th Aug 2021;	Annual Landinista (F) (MCCCC)	
	SOE09: Proclamation on 2 nd July	Approved by Minister of Finance (MAAM)	10 Comt 2024
	2021;	Signed by Head of State	10 Sept 2021
	Proclamation on 31st July 2021;	Certify by Controller & Auditor General	
	Proclamation on 27 th Aug 2021;		
	SOE Order 52 on 30 th June 2021;		
	SOE Order 53 on 31 st July 2021;		
	SOE Order 54 on 27 th Aug 2021;		
	SOE10: Proclamation on 2 nd July	Annual by Adiabatic (55)	
	2021;	Approved by Minister of Finance (MAAM)	6 1 2024
	Proclamation on 31st July 2021;	Signed by Head of State	Sept 2021
	Proclamation on 27 th Aug 2021;	Certify by Controller & Auditor General	
	SOE Order 52 on 30 th June 2021;		
	SOE Order 53 on 31 st July 2021;		
	SOE Order 54 on 27 th Aug 2021;		

Appendix 4

Explanatory Memorandum (EM) for Bills.

1. Income Tax Amendment Bill 2021.

The Bill seeks to make amendments to the Income Tax Act 2012 ("Act"). The object of the Bill is, to remove all provisions that pertains to the imposition of tax and on a minister religion, to remove all

obligations that were imposed on a minister of religion following the imposition of the salary and wages income tax, and to include the income derived by a minister of religion as an exempt income.

2. Customs Amendment Bill 2022.

The Bill seeks to make amendment to the Customs Act 2014 and the object of the Bill is to provide that duty exemptions may be granted for approved goods imported into Samoa in respect of a qualifying project, and to ensure the legality of the Investment Committee to grant duty exemption for imported goods into Samoa in respect of a qualifying project.

3. Appropriation Bill 2021-2022

The Bill provides the Appropriation 2021/2022 for the Financial Year ending 30th June 2022, where it provides for the grant and appropriation of \$700,213,021 from the Treasury Fund for the outputs and sub outputs to be delivered by individual Ministries and Departments, or outputs to be delivered by third parties or transactions on behalf of the State, provides for the grant and appropriation of \$554,258 from the Public Trustee Account for the use of the Public Trust Office, and provides for the grant and appropriation of \$21,006,391 out of the Treasury Funds for Unforeseen Expenditure.

4. Appropriation Bill 2022-2023

The bill provides the Appropriation 2022/2023 for the Financial Year ending 30th June 2023, the commencement date, the grant and appropriation of the national budget from Treasury Fund for the outputs and sub-outputs to be delivered by individual Ministries and Departments, or outputs to be delivered by the third parties or transactions on behalf of the State. provides for the grant and appropriation of \$522,043.00 from the Public Trustee Account for the use of the Public Trust Office, and provides for the grant and appropriation of \$21,809,477 out of the Treasury Funds for Unforeseen Expenditure.

5. Electoral Amendment Bill (No 2) 2021

The Bill seeks to amend the Electoral Act 2019 ("principal Act"). The overall objective of the Bill is to reflect the necessary changes required to address certain issues arising from recent Court decisions regarding eligibility for candidacy and to provide clarity for the administration required for elections and By-elections.

6. Supplementary Appropriation Bill (No.1) 2021/2022

The Bill contains the First Supplementary Appropriation for the Financial Year 2021/2022 ending 30th June 2022.

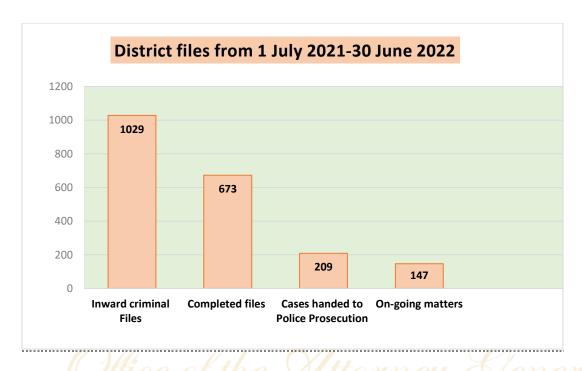
7. Labour and Employment Relations Amendment Bill 2022

The Bill seeks to amend the Labour and Employment Relations Act 2013 ("principal Act"). The objects of the Bill are to amend the Labour and Employment Relations Act 2013 to improve consistency with ratifies International Labour Organization (ILO) conventions, clarify the role of labour inspectors, improve processes for resolving employment grievances and complains and to provide for a process regarding the termination of employment.

Appendix 5

The District Court Files are summarized below.

District Court files from 1 July 2021-30 June 2022	
Inward criminal Files	1029
Completed files	673
Cases handed to Police Prosecution	209
On-going matters	147

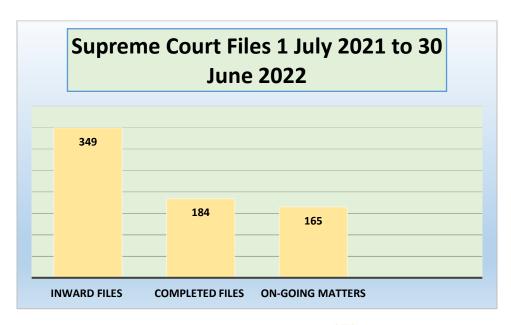


The office has completed and prosecuted 673 criminal files within District Court, while 147 are still on going. The table below summarizes the outcome and court decisions for the 673 files that were prosecuted.

District Court Outcomes	No of cases
Convicted with Imprisonment term	31
Convicted and Fined	169
Convicted and Suspended Sentence	167
Convicted and Placed under Probation and Supervision	103
Convicted and discharged	42
Discharge without conviction and fined	115
Discharged without conviction	22
Withdrawn and dismissed	24

The Supreme Court files that the Office received to prosecute are as follows:

Inward files	349
Completed	184
Files in progress and ongoing	165



From the 349 files received,184 of those files were processed and heard at the Supreme Court and have been completed. They are categorized below.

Crimes Against Person	41
Crimes Against Property	81
Sexual Offence	49
Drugs and Narcotic	13
Total	184

Below is a summary of outcomes for the 184 Supreme Court cases completed;

Supreme Court Outcomes	No. of cases
Convicted and imprisoned	119
Convicted and placed under supervision and probation	53
Convicted and fined	3
Convicted with suspended sentence	2
Discharged without conviction	4
Withdrawn	3



Office of the Attorney General