

2016 - 2017



ANNUAL REPORT

CONTACT: +685-28493

**ADDRESS: 1st Floor, Fiame Mata'afa
Mulinu'u II Building, Apia, Samoa**

EMAIL:

**commission@samoalawreform.gov.ws
WEBSITE: www.samoalawreform.gov.ws**



GOVERNMENT OF SAMOA

The Honorable Speaker
The Legislative Assembly of Samoa

In accordance with section 9 (2) of the *Law Reform Commission Act 2008*, I lay before you copies of the 8th Annual Report for the Samoa Law Reform Commission for the period of July 2016 to June 2017 for tabling before the Legislative Assembly of Samoa. This report documents activities implemented by the Commission within this period, in accordance with the Act.

Hon. Tuilaepa Dr. Sailele Mallelegaoi
PRIME MINISTER / MINISTER OF THE SAMOA LAW REFORM COMMISSION



GOVERNMENT OF SAMOA

Honourable Tuilaepa Fatialofa Lupesoliai Aiono Neioti Dr. Sailele Malielegaoi
PRIME MINISTER AND MINISTER FOR THE SAMOA LAW REFORM COMMISSION

In accordance with section 9 (2) of the *Law Reform Commission Act 2008*, I have the pleasure to present you with copies of the 8th Annual Report for the Samoa Law Reform Commission for the period of July 2016 - June 2017, for tabling before the Legislative Assembly of Samoa. This report documents activities implemented by the Commission within this period, in accordance with the Act.

Telei'ai Dr. Lalotoa Mulitalo
EXECUTIVE DIRECTOR

FOREWORD

As the Minister for the Samoa Law Reform Commission, it is my absolute pleasure to present the 8th Annual Report of the Samoa Law Reform Commission for the financial year commencing July 2016 – June 2017.

The Samoa Law Reform Commission has come a long way since its establishment in 2008 in reviewing, reforming and developing the law of Samoa. The results is reflected in updated laws which serve the needs of Samoa, based on research and analysis, submissions from the public and stakeholders and consultations with relevant persons, groups and public and carried out in a manner that promotes Samoan customs and traditions, enhances the social, cultural, economic and commercial development of Samoa.

The Public Consultations carried out by the Commission, is the perfect opportunity for Samoan citizens to participate in the development of laws of Samoa. I continue to encourage the Public, our people, to take an interest in the work of the Commission, make submissions and attend consultations held by the Commission to voice their views.

One of the highlights of this year was the completion of the Pule Matai Sa'o in which the Commission was tasked with seeking legislative and non-legislative measures to reduce the abuse of power by paramount chiefs otherwise known as "matai sa'o". This was a sensitive topic which required an immediate response to which the Commission rose to the challenge amicably. In addition was the successful launch of the Sex Offender Register Final Report and Draft Bill, the first Register of its kind for Samoa. The completion of the Alcohol Reform and the beginning of the review of the Drugs (Narcotics Act) has ensured another step forward in a secure and safer Samoa.

I would like to thank the Advisory Board, stakeholders and the Public for their contribution and assistance in the work of the Commission. I would also like to acknowledge the former Executive Director, the newly appointed Executive Director and the staff of the Commission for the good work and achievements for Financial Year 2016/2017. I am pleased to present this 8th Annual Report of the Commission.



Hon. Tuilaepa Dr. Sailele Malielegaoi

PRIME MINISTER/ MINISTER OF THE SAMOA LAW REFORM COMMISSION

EXECUTIVE DIRECTOR'S NOTE

As the Samoa Law reform Commission stepped into its 8th year since establishment in 2008, it continues to grow and learn from its environment on how it is accepted as an institution of the reform of Parliament enacted laws in Samoa's context. The FY2016/2017 has been a very challenging yet productive year for the Commission. Some significant developments in the work of the Commission include:

Final Reports into Bills

The Final Reports of the Commission developed in financial year 2015/16 later resulted in legislation, i.e. the *Coroners Act 2017* and the *Village Fono Amendment Act 2017*. These are significant achievements this Financial Year. In addition, the *Alcohol Control Bill 2016* and the *Sex Offenders Register Bill 2016* which were also developed during this time were tabled in 2017. In some years, some of the Commission's projects do not necessarily have to result in Bills, particularly if this is not a recommendation in the Commission's Final recommendations. This was a feature of certain Final Reports this financial year. Some Final Reports may report that amendments may be required to certain laws of Samoa. The relevant Ministry or government agent will then need to take action on any recommended revisions to their laws.

Project under significant (well attended) Public Consultations

The Commission successfully carried out Public Consultations for the Pule a le Matai Sa'o Project. This project assessed the abuses of powers of a *Matai Sa'o* of the family mainly in relation to matai titles and customary land which resulted in numerous disputes between family members and the family *Sa'o*. A total of four (4) public consultations were held in the main islands of Upolu and Savaii in October and November 2016. The Pule a le Matai Sa'o public consultations revealed a significant turnout by the public due to increased public awareness, as well as the assistance from the Ministry of Women, Community and Social Development (MWCSO) through Sui o Nuu and Sui Tamaitai o Nuu's meetings. A total number of 675 participants attended these consultations and this evidently was the biggest public turnout that the Commission has witnessed to date for one of its projects.

New Projects

With the pressing issues in relation to information sharing among Government Ministries and the public and the media, and also issues with the current Foreign Investment Act, the Commission initiated the review of two projects namely the Freedom of Information and Foreign Investment Act 2000 in March 2017. These new projects was approved by the Attorney General in May 2017.

This Financial Year ended with the review of these two new projects which is another milestone the Commission is envisaged to achieve in the new Financial Year 17/18.

Despite ongoing challenges such as the difficulty in obtaining current, accurate data and information, as well as the constant shortage of senior staff, the Commission carries out its mandated functions as best it can within the limited means it has to achieve its goals effectively. The Commission, like any other office continues to face challenges. But these are challenges unique to all small developing offices, and we continue believing this Office will soon be really recognised for the work it does. In good time, we hope this is sooner.

I wish to convey my sincere Faafetai and acknowledge the support of our Minister, the Prime Minister, Honourable Tuilaepa Sailele Malielegaoi. I also thank the Commission's Advisory Board members, stakeholders and partners that have contributed to the Commission's work through the provision of data and information, and by taking the time to make submissions and provide valuable input. To the staff of the Commission, mālo le tautua.



Tele'ai Dr. Lalotoa Mulitalo

EXECUTIVE DIRECTOR

About the Samoa Law Reform Commission

Since its establishment in 2008 under the Law Reform Commission Act 2008 (the Act), the Commission has strived to facilitate the review, reform and development of the laws of Samoa. It promotes Samoan customs and traditions, enhances social, economic, cultural and commercial development of Samoa and above all ensures the laws of Samoa are kept in a modern state which is contextualized to meet the needs of the Government and the Public.

The Commission researches and analyses areas of law considered in need of reform and make informed recommendation to the Prime Minister and Attorney General. In addition to research and analysis, the Commission more importantly consults with the Public about its Projects/work. Furthermore, the Commission advises the Government and various agencies regarding reviews of laws conducted by those agencies.

Advisory Board

To assist the Commission, the Advisory Board provides advice and platforms for discussion with stakeholders and the Public. The Advisory Board's Chairman is the Attorney General and the Board consists of Chief Executive Officers from specific Government Ministries, State Owned Enterprise as well as organizations from the Private Sector. The Board meets four times a year to discuss, review and provide advice/recommendations to the Commission on the Projects undertaken by the Commission.

- Attorney General; (Chairman)
- CEO of Ministry of Prime Minister and Cabinet;
- CEO of the Ministry of Justice and Courts Administration;
- CEO of the Ministry of Finance;
- CEO of the Ministry of Women, Community and Social Development;
- Commissioner of Police and Prisons;
- President of the Samoa Law Society or nominee;
- President of the Samoa Chamber of Commerce and Industry Inc or nominee;
- President of the National Council of Churches or nominee;
- President of the Public Service Association or nominee;
- President of SUNGO or nominee;
- President of the Medical Association or nominee;
- Matai from Upolu and Matai from Savaii.

Samoa Law Reform Commission

In FY2016/2017, the Commission was led by then Executive Director, Leota Theresa Potoi with 16 staff members. The Executive Director is the administrative head of the Commission and directs, supervises and oversees all Projects.

The Commission is divided into two Divisions; the Legal Division and the Corporate Services Unit.

The Legal Division

The Legal Division bears the brunt of the work carried out by the Commission. They are responsible for carrying out extensive research and in depth analysis relating to projects and develop reports with succinct recommendations for reform. The Legal Division also provides legal advice to Government regarding areas relating to past and/or current projects undertaken by the Commission or reforms undertaken by other bodies.

This division is managed by the Assistant Executive Director, Ulupale Fuimaono who supervises 8 Legal staff:

- 2 Executive Legal Officers;
- 2 Principal Legal Analysts;
- 2 Senior Legal Analysts; and
- 2 Legal Analysts

The Corporate Service Unit

The Corporate Service Unit provides finance, administration, human resource, and information technology support service to the Office of the Samoa Law Reform Commission. The CSU also assists with editing and translation of reports as well as assisting with planning and implementing Public Consultations for Projects.

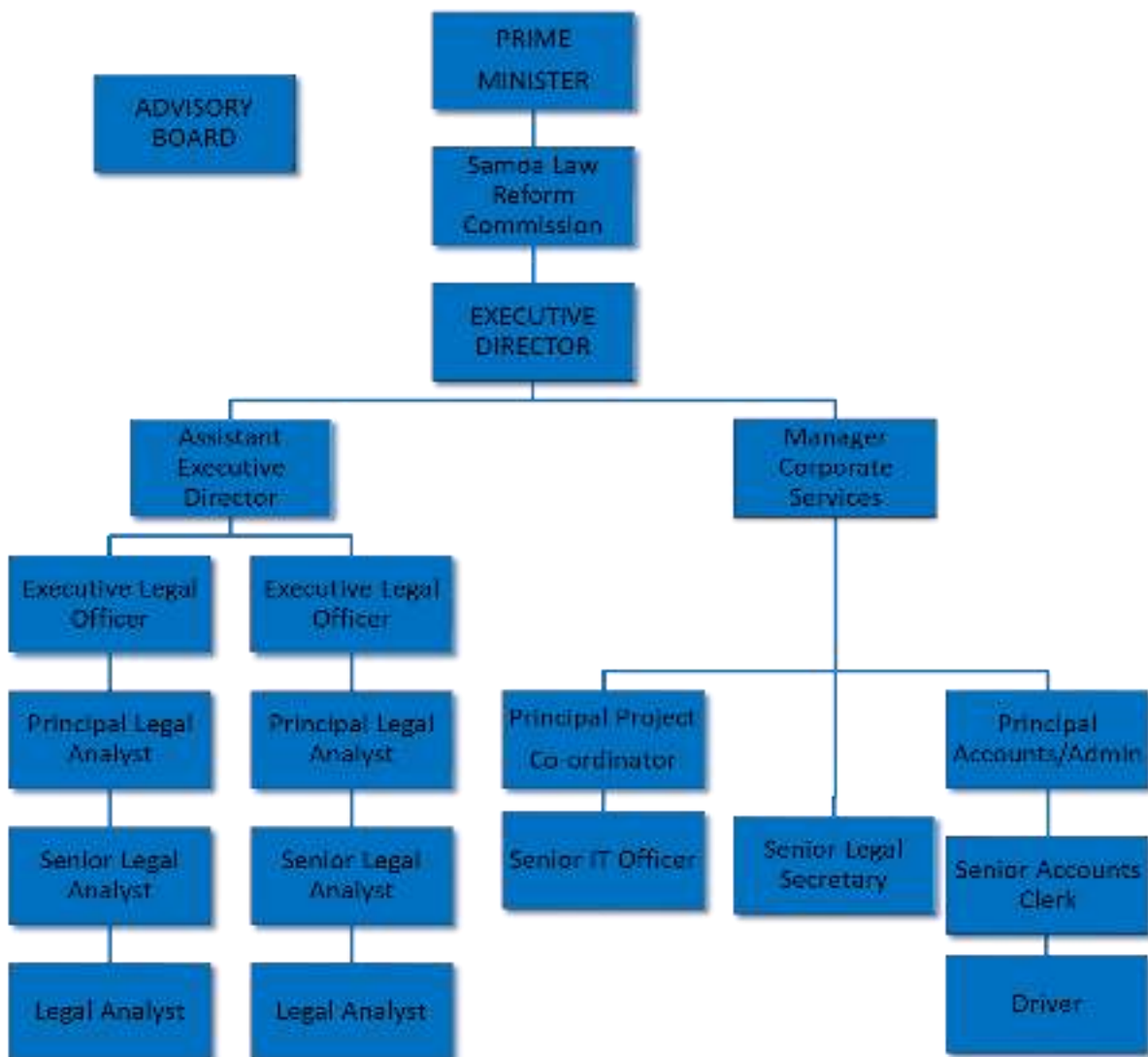
The Corporate Service Unit is supervised by Aogamalie Leopold Bureieta Lemuelu Leauga who supervises 6 staff members:

- Principal Legal Project Coordinator;

- Principal Accounts and Administration Officer;
- Senior Legal Secretary;
- Senior Accounts and Administration Clerk
- Driver

❖ *The Commission also hires part time employees from time to time to assist the staff and ensure the workflow is efficient and effective.*

Organizational Structure



The Law Reform Process

The Law Reform process is as follows;



Stage 1 – Reference received by the Samoa Law Reform Commission

The Commission receives a reference either from the Attorney-General and/or Prime Minister and/or Cabinet. The terms of the Reference set out the scope of the review. The Commission works within the parameters set by this framework, but may also advise on related issues not specifically identified in the Reference.

Stage 2 – Preliminary Research and Consultations

The Commission carries out preliminary research on all issues identified in the Reference to prepare an Issues Paper. In addition, the Commission conducts preliminary consultations with stakeholders including Ministries, Organizations and Private Organizations that are affected by the Project/ law review.

Stage 3 – Issues Paper/ Discussion Paper

The Commission prepares and publishes an Issues Paper, which highlights problems and includes a series of questions about the main issues under consideration. Sometimes options will be included in the Issues Paper and further submissions will be invited from affected individuals and groups. The Issues Paper is intended to stimulate discussion and to encourage interested persons to provide feedback.

Stage 4 – Public Consultation & Research and Analysis

The Commission identifies all groups and individuals that are affected by any change to the law. It invites consultation with the Public, Ministries, groups and individuals to hear their views about the law and how it could be improved or changed. Experts may also be consulted about a particular issue.

The consultations may take place in a central location to allow all members of the Public to attend or where the affected area or people are more remotely located; and where allowed by the office budget, the Commission may travel to these locations to ensure all areas of Samoa is covered.

As part of its consultation process, the Commission calls for submissions on the issues identified in the Issues Paper. All submissions are considered by the Commission.

Stage 5 - Final Report (with Recommendations)

The Commission prepares and publishes a Final Report following its extensive research and consultations. Final Reports include recommendations as to proposed reform and is submitted to the Prime Minister, Attorney General and Cabinet for approval before being passed to Parliament.

Stage 6 – Final Report submitted to Parliament

As the Final Report must be tabled in Parliament, it is translated into the Samoan language and edited. This final part of the process is often very time consuming and may extend the timeframe in which a project is completed, due to the inherent complexities of endeavoring to accurately translate nuance and meaning. Ultimately, Parliament decides whether there is to be any change to the law.

Law Reform Projects

The following is a summary of the Commission's Key Performance Indicators for the Financial Year July 2016 – June 2017

Key Performance Indicators FY2016/2017

1. Completion of Stage 1 (Preliminary Research and Preliminary Consultations) for the review of **Drugs (Narcotics Act)** by July 2017;
 - a) Preliminary Research and Preliminary Consultations with various stakeholders affected by the review/reform completed. The comments and views collected during the preliminary research and consultation used to develop the Discussion Paper (Stage 2).
2. Completion of Stage 2 (Discussion Paper/ Issues Paper) of the **Drugs (Narcotics Act)** by June 2017 and submitted to the Attorney General;
 - a) The Discussion Paper/ Issues Paper completed and submitted to the Attorney General before May 2017. Discussion Paper submitted to Cabinet on the 16 May 2017 and was approved on the 26 June 2017.
3. Completion of Stage 1 (Preliminary Research and Preliminary Consultations) by December 2016 for the **Pule a le Matai Sa'o**;
 - a) Preliminary Research and Consultations with various stakeholders affected by the Project conducted. The comments and views collected during the preliminary research and consultation used to develop the Discussion Paper (Stage 2).
4. Completion of Stage 2 (Discussion Paper/ Issues Paper) by June 2017 for the **Pule a le Matai Sa'o**;
 - a) Discussion Paper was completed and submitted to Cabinet on the 5th August 2016 and was approved on the 17 August 2016.
5. Completion of Stage 3 (Public Consultations) and Stage 4 (Submission of Final Report) for the **Civil Court Procedures and Rules** by December 2016 and submitted to Attorney General;

- a) Final Report has been developed together with the Civil Procedural Rules. The Final Report was submitted to the Attorney General, Judiciary and the Samoa Law Society in December 2016. The Commission is now reviewing the Civil Procedure Rules before submission to the Committee.
6. Completion of Stage 1 (Preliminary Research and Preliminary Consultations) and Stage 2 (Discussion Paper/ Issues Paper) by December 2016 for the review of the **Ministerial and Departmental Arrangement Act 2003**;
- a) Stage 1 and Stage 2 completed and submitted to Cabinet on the 25th April 2017 to which Cabinet approved the Discussion Paper on the 12 July 2017.
7. Completion of Stage 1 (Preliminary Research and Consultations) for the review of the **Property Law Act 1952** by June 2017 of;
- a) Mortgages; or
 - b) Leases; or
 - c) Other areas of the Property Law Act Review is to be completed (subject to the filling of all positions);
 - i. The project being a huge undertaking, it was divided into 4 parts.
 - ii. Preliminary research and Discussion Paper (Stage 1&2) for Part 1 and Part 2 completed and submitted to Cabinet on the 16 February 2017. Approved by Cabinet on 8 March 2017.
 - iii. Preliminary research and Discussion Paper (Stage 1&2) for Part 3 completed and submitted to Cabinet on the 19 June 2017.
 - iv. Preliminary Research and Discussion Paper (Stage 1 & 2) for Part 4 is currently in progress.

The following is a summary of the Commission's achievements for the Financial Year July 2016 – June 2017 that are separate from the Key Performance Indicators;

1. Pule a le Matai Sa'o

The Commission received a reference from the Prime Minister on 28 April 2015 to seek legislative measure to address concerns about the abuse of power by the Matai Sa'o

(normally over decisions relating to matai titles and customary land). Due to the sensitive nature of the project, there was a strong emphasis and urgency placed in the completion of the project as soon as possible.

- Cabinet approved the Discussion Paper on the 17 August 2016.
- Public Consultations were held on the 28 and 29th October 2016 for Savaii and 1st and 2nd November 2016 for Upolu.
- A Final Report was finalized and submitted to Cabinet which they approved on the 22 February 2017. Translation of the Final Report is underway and will be sent for printing and publishing once translation is complete.

2. Sex Offenders Register

After the completion of the work carried out by the drafter, the Sex Offenders Register Final Report along with the Sex Offenders Bill reflecting the Commission's recommendation was submitted to Parliament on the 2nd December 2016.

3. Alcohol Reform

The objective of the review of alcohol related laws in Samoa is to reduce the harm caused by alcohol abuse. Key issues include liquor licensing and enforcement; alcohol taxation and pricing; availability of cheap liquor; advertising and promotion of alcohol; age restrictions; and responsibilities of village councils and others.

- The Final Report along with a draft of the Alcohol Bill was submitted to Parliament on the 15 July 2017 and is now in its second reading.

4. Legislative Compliance for the Convention on the Elimination of Discrimination Against Women (CEDAW)

This review investigates the level of compliance of Samoa legislation with CEDAW and provides suggestions on how Samoa should meet its international obligations under this important convention.

- The Final Report was completed and submitted to Cabinet for its approval on the 9 August 2016.
- The Cabinet deliberated and approved the Final Report and the Commission's recommendations on the 17 August 2016.

- The Final Report was translated into Samoan and was submitted to Parliament for tabling on the 4 January 2017.

5. Ministerial and Departmental Arrangements Act 2003

The aim of this review is review the Ministerial and Departmental Arrangement Act 2003 governing the various Government Ministries and to recommend a uniform legislative framework for the setup of all government Ministries and public bodies. The Discussion Paper for the Ministerial and Departmental Arrangements Act 2003 was developed and submitted to Cabinet for approval in April 2017. Stakeholder consultations will be conducted accordingly once approval is received from Cabinet.

The following is a list of Projects undertaken by the Samoa Law Reform since its establishment in 2008:

LAW REFORM PROJECTS/ REFERENCES	STATUS
1. Crimes Ordinance 1961 Final Report	Tabled and passed by Parliament on the 5 April 2013 resulting in the Crimes Act 2013
2. International Date Line Final Report	Tabled and passed by Parliament.
3. Daylight Savings 2009 Final Report	Tabled and passed by Parliament
4. Coroners Ordinance 1959	Tabled and passed by Parliament on the 26 January 2017 resulting in the Coroners Act 2017
5. Village Fono Act 1990 (Freedom of Religion)	Tabled and passed by Parliament on the 27 January 2017 resulting in the Village Fono Amendment Act 2017
6. Commission of Inquiry 1964	Submitted to the Legislative Assembly
7. District Court Act 1969	Tabled and passed by Parliament on the 9 February 2016 resulting in the District Court Act 2016
8. National Heritage Board	Tabled and passed by Parliament on the 22 January 2015
9. Regulation of Media	Tabled and passed by Parliament on the 9 July 2015 resulting in the Media Council Act 2016
10. Prisons Act 1967	Tabled and passed by Parliament on the 5 June 2013 resulting in the Prisons and Corrections Act 2013
11. Care and Protection Legislation to protect children	Tabled in Parliament on the 20 January 2015
12. Judicature Ordinance 1961	Tabled in Parliament on the 20 January 2015.
13. Criminal Procedure Act 1972	Tabled and passed by Parliament on the 9 February 2016 resulting in the Criminal Procedure Act 2016

14. Law Practitioners Act 1976	Tabled and passed by Parliament on the 28 October 2014 resulting in the Lawyers and Legal Practice Act 2014
15. Sex Offenders Registry	Tabled in Parliament on the 20 December 2016
16. Traditional Knowledge and Expressions of Culture	Tabled in Parliament on 17 November 2015
17. Civil Procedure Rules (Magistrate & Supreme Court Rules)	Final Report to be tabled in Parliament once editing of translation and final review is complete.
18. Alcohol Reform	Tabled in Parliament on the 15 July 2016.
19. CEDAW Legislative Compliance Review	Submitted to Parliament for tabling on the 4 January 2017.
20. Ministerial and Departmental Arrangements Act 2003	Ongoing
21. Property Law Act 1952	Ongoing
22. Narcotics Act 1967	Ongoing
23. Pule a le Matai Sa’o	Final Report complete. To be submitted to Parliament when binding and publishing complete

Achievements

1. The development of a draft **Sex Offenders Register Bill** to reflect the Commission’s recommendations in its Final Report. In addition, the successful launch of the Sex Offenders Register Final Report and Bill helping to raise awareness with the community/Public;
2. Completion of the Alcohol Final Report as well as the draft **Alcohol Bill** reflecting the Commission’s recommendations. These have been submitted to Parliament for tabling.
3. Completion of the Final Report for the **Legislative Compliance for the Convention on the Elimination of Discrimination Against Women (CEDAW)** and its submission to Parliament for tabling.
4. Increase in **Public Sector, Private Sector and Public awareness of the Samoa Law Reform Commission**, its functions and Projects undertaken. This has been reflected in the increase in number of participants to Public Consultations as well as individuals approaching the Office to inquire and/or make submissions regarding Projects. In addition, there has been an increase in interest for employment with the Commission in particular the Legal Division.

5. The Commission has managed to operate at **near full staff capacity**. This has allowed for the completion of some of the projects as well as the development of other projects that have remained static due to shortage in staff.

Challenges

1. The Commission is still experiencing high turnover rate in Legal staff. Factors identified are the attractive remuneration packages provided by Private Sector and other Ministries/ Constitutional Authorities and progression in Legal careers e.g. promotion to higher positions.
2. The Commission's mandate prompts that it can receive a Reference from the Prime Minister, Attorney General and/or Cabinet at any given time. These References may be classified 'urgent' by Cabinet and the Commission is required to **set aside** current ongoing projects and scheduled timelines for those projects and work towards meeting the urgent TORs.

If the Reference is received in the middle of the Financial Year, the Commission is unable to request for more funding from Government. When the Commission can reallocate funds from existing accounts to accommodate an additional 'urgent' Project, **this cannot be reflected in the Commission's Key Performance Indicators**. These situations occur often and can be very exasperating for the Commission when 'urgent' Projects (e.g. Pule Matai Sa'o) are received in the middle of the Financial Year with instructions to be completed before the end of the very same Financial Year, yet the office resources and human resources spent cannot be reflected in the Key Performance Indicators nor documented "officially". This then does not accurately reflect the work of the Commission against the KPIs and the Commission is put in an unfortunate position, especially at the mercy of the Parliamentary Committees performing government 'oversight' duties (and anyone else? MOF?), when called upon to respond to the Commissions use of resources and performance in a given year.

3. Even with the increase in Public awareness, the Commission feels there is still more that can be done to increase Public Awareness so as to increase Public inclusion and participation in the process of Law Reform.
4. 'Public consultation' has been coined as the 'cornerstone' of law reform. It is the most significant stage in the law reform process upon which sound recommended reforms to law are based. It is also what makes 'law reform' services unique from other legal advises provided to government in developing 'suitable and relevant laws' for the country.

Unfortunately, each year Government reduces the Commission's (and other Ministries/ Organization) Budget. This has limited the number of Public Consultations the Commission can host as well as other workshops, stakeholder consultations and activities that is critical to law maintenance and attaining the Commission's Key Performance Indicators.

5. The limited Budget does not also assist with supplying the relevant internet and legal databases needed for speedy and sound legal research.

Staffing/ Human Resource

The Commission, since its establishment in 2008, has always faced the issue of shortage of staff in particular the Legal Division. This is caused by numerous factors such as;

1. Other Ministries/Organizations and the Private Sector provide a more lucrative remuneration package;
2. Slow career progression within the Commission;
3. Job satisfaction of the individual as most Projects undertaken by the Commission can take up to 2 years and more; and
4. Lack of understanding and awareness of the Commission functions and duties.

The Commission has prioritized Public awareness of the Samoa Law Reform Commission and its duties as well as recruitment and selection of qualified and experienced individuals. The change seen in interested individuals in particular for Legal positions has been immense. The Commission has been able to fill Legal positions when they become vacant at a reasonable rate.

Permanent positions and incumbents of these positions are as follows;

- The 2 Executive Legal Officer positions were established in 2015 and for FY2016/2017 were held by;
 - o Raka Numa Raula (resigned on the 5th December 2016)
 - o Mearold Viliamu (appointed on the 18th April 2017).

The other Executive Legal Officer position remained vacant throughout the duration of the FY2016/2017.

- The 2 Principal Legal Analyst positions are held by;
 - o Darius Shahtahmasebi (appointed in 25 may 2016)
 - o Tuitapuono Samantha Milford (promoted on the 26 January 2017)

- The 2 Senior Legal Analyst positions are held by:
 - o Faapale Telesia Lemalu (appointed on the 31 October 2016)
 - o Jasmine Faleafaga (resigned on the 2 September 2016)
 - o Charles Leicester Dean (promoted on the 18 April 2017)

- The 2 Legal Analyst positions are held by:
 - o Charles Leicester Dean (promoted to Senior Legal Analyst on the 18 April 2017)
 - o Grace Eugene Esera (appointed on the 3 October 2016)

The other Legal Analyst position remained vacant upon promotion of Charles Leicester Dean.

- o Principal Legal Project Coordinator held by Florita Tupai;
- o Principal Administration and Accounts held by Taunese Misa-Lene;
- o Senior ICT Officer held by Eleanor Fakaua;
- o Senior Legal Secretary held by Florida Asonai Isaraelu;
- o Senior Administration and Accounts Clerk held by Fugalaau Siaki;
- o Driver held by Sili Su'a.

We were also fortunate to be able to secure 2 volunteers from Scope Global/ AusAid (DFAT):

- o Carly Price (Legal Division volunteer); and
- o Irlene Mokaraka (CSU, ICT Unit volunteer)

The Commission would like to acknowledge and thank the Australian Government and Scope Global for its support and assistance to the work of the Commission through the Volunteer Program.

The Commission also hired Part Time employees both for the Legal Division and the Corporate Service Unit as follows:

- o Baniani Nia – Legal Division;
- o Theodora Faithful Sofe – Legal Division; and
- o Leotele Pelenato – Corporate Service Unit.

Capacity Building

The Commission has attended the following trainings and workshops:

Training Course Title	Training Provider	Duration	Location	Employee Name/s	Employee Designation
Organizational Review and Recruitment Selection Training	PSC	20-23/06/2016	PSC	Fugalaau Siaki Leotele Pelenato Bureieta Leauga	Senior Acc.Clerk Part Time Manager CSU
Public Administration Seminar	China	21/08/2016-17/09/2016	Yunnan Kunming – China	Taunese Misa	Principal Acc.and Admin.Officer
Customer Service	PSC	12-16/09/2016	PSC	Leotele Pelenato	Part Timer-Receptionist
Human Resource Management	PSC	14-18/11/2016	PSC	Florida Asonoi Israelu	Senior Legal Secretary
Induction	SLRC	16/11/2016	SLRC	Eleanor Fakaua Grace Esera Faapale Lemalu Faithful Sofe	Senior IT Legal Analyst Senior Legal Analyst Part-timer
Project Management	PSC	6-10/02/2017	PSC	Taunese Misa Lene	Principal Accounts and Administration Officer
Time Management	PSC	6-9/03/2017	PSC	Faapale Telesia Lemalu	Senior Legal Analyst
Tools for effective stakeholders engagement	PSC	24-28/04/2017	PSC	Tuitapuono S. Milford Bureieta Leauga	Principal Legal Analyst Manager CSU
PILON Cybercrime Workshop	PILON	23-25/05/ 2017	Nukualofa, Tonga	Ulupale Fuimaono	Assistant Executive Director
APTC Certificate IV in Leadership and Management	APTC	March – August 2017	APTC	Florita Tupai	Principal Legal Project Coordinator

The Commission rarely receives any trainings regarding law maintenance, both locally and overseas, due to the complexity and scarcity of trainings in this particular field. However, when trainings are available, in not only law reform but also areas covered by projects undertaken by the Commission, these tend to be given to other Ministries and the Office for the Attorney General.

This has not deterred the Commission as it continues to search for fully funded opportunities for capacity building for the staff through its partnerships with other law reform agencies across the Pacific Region and the world.

Financial Management

4610 - Legal Research Analysis and Recommendations					
Personnel					
703100 - Salaries	-	-	0%	410,548	410,548
703101 - Public Servants Salaries	375,805	375,805	0%	-	375,805
703300 - Employer Contribution	-	-	0%	48,457	48,457
703301 - NPF	29,283	29,283	0%	-	29,283
703302 - ACC	4,208	4,208	0%	-	4,208
703401 - Telephone Allowance	1,800	1,800	50%	3,600	1,800
705200 - End of Term Contracts	-	-	0%	32,354	32,354
705201 - Annual Leave	22,268	22,268	0%	-	22,268
705202 - Sick Leave	2,327	2,327	0%	-	2,327
705204 - Severance Payment	7,758	7,758	0%	-	7,758
705800 - Long Service Leave Benefits	-	-	0%	24,551	24,551
705801 - Long Service Leave Benefits	24,551	24,551	0%	-	24,551
707103 - Overnight Allowances	2,450	2,450	0%	-	2,450

707108 - Transport Allowance	-	-	0%	-	525
	525	525		-	
707109 - Higher Duty Allowance	15,130	15,130	100%	15,130	0
707201 - Board Allowance	5,250	5,250	66%	8,000	2,750
Total	\$490,306	\$490,306	90%	\$542,640	\$52,333
Operating					
722401 - Plant & Equipment - Repairs & Maintenance	-	-	0%	4,500	4,500
722501 - Motor Vehicles - Repairs & Maintenance	4,212	4,212	98%	4,295	83
722503 - Motor Vehicles - Fuel(Min to Min)	1,168	1,168	145%	803	365
722602 - Fittings - Consumables	8	8	0%	-	8
722701 - Office Equipment - Repairs & Maintenance	115	115	0%	-	115
722702 - Consumables/Peripherals	-	-	0%	133	133
725403 - Vehicle Hire	417	417	0%	-	417
725501 - Facility Hire	6,494	6,494	205%	3,170	3,324
725902 - Water Coolers - Rents & Leases	487	487	54%	906	419
728101 - Subscriptions to Publications	722	722	80%	900	178
728201 - Personnel Membership Fees & Subs.	4,000	4,000	46%	8,640	4,640
734102 - Vehicle Insurance	3,530	3,530	87%	4,060	530
734301 - Medical	120	120	0%	-	120
734302 - Legal	45,000	45,000	65%	68,852	23,852
734308 - Electrician	13,020	13,020	100%	13,020	-
735105 - Travel & Permit Visas	285	285	100%	285	-
740101 - DSA/Transit Allowances	9,551	9,551	309%	3,088	6,463
740102 - Incidental Allowances	1,160	1,160	58%	2,000	840
740104 - Clothing Allowances	2,000	2,000	93%	2,150	150
740201 - Accommodation	4,752	4,752	75%	6,300	1,548
740301 - Passports	10	10	2%	540	530
740302 - Permits & Visas	250	250	0%	-	250
740401 - Air Fares	10,115	10,115	225%	4,500	5,615
740402 - Taxi/Bus Fares	87	87	0%	-	87
740403 - Boat Fares	1,168	1,168	87%	1,350	182
746101 - Telephone	1,936	1,936	120%	1,612	324

746201 - Internet, Broadband & Email	1,130	1,130	23%	4,929	3,799
746302 - Freight	-	-	0%	270	270
746303 - Handling	-	-	0%	450	450
746304 - Wharfage	-	-	0%	450	450
746401 - Postage	80	80	89%	90	10
746402 - Courier	-	-	0%	180	180
750103 - Registration fees	6,166	6,166	0%	-	6,166
752101 - Medical Consumable Supplies	209	209	46%	450	241
755101 - Other Fuel	-	-	0%	270	270
758101 - Stationery	2,549	2,549	66%	3,850	1,301
758102 - Bulk Paper Supplies	1,018	1,018	597%	170	848
758103 - Printers/Photocopiers Supplies	4,704	4,704	0%	-	4,704
758201 - Advertisements(Media)	12,201	12,201	271%	4,500	7,701
758300 - Printing & Publications	-	-	0%	13,500	13,500
758301 - Printing & Publications	6,049	6,049	179%	3,374	2,675
761101 - Catering & Refreshments	11,068	11,068	175%	6,310	4,758
761102 - Tea Supplies	1,071	1,071	0%	-	1,071
761103 - Beverage & Water	1,503	1,503	0%	-	1,503
764101 - General Supplies	2,131	2,131	158%	1,350	781
764102 - General Services	185	185	0%	-	185
764103 - Specific Services/Occasion	28	28	0%	-	28
770101 - Accountable Advances - Clearing Account	7,850	7,850	0%	-	7,850
773101 - Petty Cash	-	-	0%	449	449
Total	\$168,551	\$168,551	98%	\$171,697	\$3,146
Capital					
787101 - Furniture & Fittings	23,888	23,888	100%	23,888	0
788101 - Computers	4,409	4,409	100%	4,409	-
788103 - Printers	1,390	1,390	100%	1,390	-
788106 - Devices	2,371	2,371	100%	2,371	-
788107 - Others	2,608	2,608	100%	2,608	-
Total	\$34,665	\$34,665	100%	\$34,665	\$0
Overhead					

791100 - Cost Allocation	-	-	0%	353,795	353,795
791101 - Cost Allocation	338,843	338,843	0%	-	338,843
Total	\$338,843	\$338,843	96%	\$353,795	\$14,952
Grand Total	\$1,032,365	\$1,032,365	94%	\$1,102,797	\$70,432
4691 - Central Service Unit					
Personnel					
703100 - Salaries	-	-	0%	254,596	254,596
703101 - Public Servants Salaries	246,626	246,626	0%	-	246,626
703103 - Leave	323	323	0%	-	323
703300 - Employer Contribution	-	-	0%	21,420	21,420
703301 - NPF	19,436	19,436	0%	-	19,436
703302 - ACC	2,789	2,789	0%	-	2,789
705801 - Long Service Leave Benefits	-	-	0%	-	-
707103 - Overnight Allowances	1,050	1,050	(100%)	1,050	2,100
707108 - Transport Allowance	-	-	0%	6,000	6,000
707109 - Higher Duty Allowance	6,064	6,064	100%	6,064	0
Total	\$274,189	\$274,189	95%	\$289,130	\$14,941
Operating					
722501 - Motor Vehicles - Repairs & Maintenance	3,585	3,585	266%	1,350	2,235
722502 - Motor Vehicles - Spare Parts	1,713	1,713	95%	1,800	87
722503 - Motor Vehicles - Fuel(Min to Min)	6,538	6,538	65%	10,000	3,462
722602 - Fittings - Consumables	6	6	0%	-	6
722701 - Office Equipment - Repairs & Maintenance	4,522	4,522	251%	1,800	2,722
722702 - Consumables/Peripherals	83	83	1%	6,325	6,242
725501 - Facility Hire	132	132	0%	-	132
725902 - Water Coolers - Rents & Leases	3,054	3,054	226%	1,350	1,704
734102 - Vehicle Insurance	-	-	0%	5,572	5,572
734201 - Fees & Registrations	730	730	37%	1,998	1,268
734202 - Licences	3,503	3,503	130%	2,700	803
734302 - Legal	18	18	0%	-	18
734308 - Electrician	11,100	11,100	123%	9,000	2,100
734402 - Fees	23	23	0%	-	23

740302 - Permits & Visas	50	50	0%	-	50
740402 - Taxi/Bus Fares	302	302	0%	-	302
740403 - Boat Fares	120	120	0%	-	120
746101 - Telephone	4,194	4,194	78%	5,400	1,206
746103 - Cellphones	30	30	0%	-	30
746201 - Internet, Broadband & Email	9,852	9,852	109%	9,000	852
746401 - Postage	1	1	0%	-	1
752101 - Medical Consumable Supplies	78	78	0%	-	78
758101 - Stationery	1,967	1,967	73%	2,700	733
758102 - Bulk Paper Supplies	720	720	0%	-	720
758103 - Printers/Photocopiers Supplies	6,937	6,937	0%	-	6,937
761101 - Catering & Refreshments	434	434	0%	-	434
761102 - Tea Supplies	1,774	1,774	0%	-	1,774
761103 - Beverage & Water	24	24	0%	-	24
764101 - General Supplies	2,655	2,655	66%	4,050	1,395
764102 - General Services	510	510	0%	-	510
773100 - Petty Cash	-	-	0%	1,620	1,620
Total	\$64,655	\$64,655	100%	\$64,665	\$10
Capital					
Total	\$-	\$-	0%	\$-	\$-
Overhead					
791100 - Cost Allocation	-	-	0%	-353,795	353,795
791101 - Cost Allocation	338,843	338,843	0%	-	338,843
Total	\$338,843	\$338,843	96%	\$353,795	\$14,952
Grand Total	\$-	\$-	0%	\$-0	\$0
Total Expenditure	\$1,032,365	\$1,032,365	94%	\$1,102,797	\$70,431

The above table is a summary of all accounts for the Commission and its expenditure. Some of the accounts have been “over utilized” with the Commission exceeding the amounts allocated for certain accounts. Some of the accounts are;

- a) Motor vehicle fuel (722503): Due to the increase in Projects undertaken by the Commission, there has been an increase in movement of staff to attend Stakeholder Consultations, Public Consultations, workshops, meetings etc.
- b) Facility Hire (725501): The Pule a le Matai Sao project was a huge undertaking for the Commission. The project topic was delicate as it involved our Samoan culture and traditions. The awareness and interest in the topic was nationwide with the Commission receiving a lot of submissions and comments. The Commission wanted to capitalize on this nationwide interest in the project and decided to hold 4 days of Public Consultation to ensure that everyone with a vested interest in the project had their say. The Commission expected a huge turnout hence the 4 day Public Consultations, 2 days (2 venues) for Upolu and 2 for Savaii.
- c) Advertisements/Media (758201): A crucial part of law maintenance/reform is Public and Stakeholder input through their opinions and views submitted either verbally during Public Consultations or through written submissions. To be able to have a successful and rewarding Consultation, the Public and those involved must have full awareness and understanding of the Project and its parameters as well as the Samoa Law Reform Commission itself. The Commission advertises in many forms of media; TV, Radio, Newspaper, websites, social media and by word of mouth before every Public Consultation to ensure maximum Public participation. Advertisements on TV and Newspapers are expensive as evident in the expenditure report above and the Commission utilized above the allocated funds however the Commission feels this is money well spent given the importance of Public Consultation to law reform and assisting the Commission to achieve its Key Performance Indicators and goals.
- d) Printing and Publication (758301): The Commission has to print and bind both the Issues Paper for Cabinet as well as the Final Report for Parliament. The sizes of these report vary depending on the Project. Some Issues Paper for other Projects may coincide with Final Reports of other Projects resulting in an increase on publications resulting in an increase in the costs and expenditure for this account.
- e) Catering and Refreshments (761101): The Ministry of Finance has placed a cap on Catering and Refreshments at \$6,000.00 per Financial Year. For the past 2 years the Commission has requested leniency in this area as this account is not only uses for refreshments for the Commission but also the Advisory Board meetings but most important the Public Consultations. The Public Consultations in most cases take up the majority of the day and the participants need nourishment to fuel thought and body. The Public Consultation numbers fluctuate dependent on the turnout however with Projects

such as the Pule a le Matai Sa’o, the turnout expected was high. This coupled with catering for the Advisory Board meetings and the Office activities (Selection Panel for Interview refreshments) lead to the over utilization of this account.

A summary/ statement for the Samoa Law Reform Commission for Financial Year 2016/2017 ending 3 July 2017 is as follows;

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT							
<i>for the financial year ended 30 June 2017</i>							
			2017	Original Estimate	Final Estimate	(Over)/Under	2016
			\$	\$	\$	\$	\$
LAW REFORM COMMISSION							
PAYMENTS							
Outputs							
1.0	Legal Research Analysis and Recommendations		1,029,172	1,102,797	1,102,797	73,625	843,581
Total Outputs			1,029,172	1,102,797	1,102,797	73,625	843,581
Transactions on Behalf of State							
	Rent and Lease (Government Building)		167,900	167,900	167,900	0	167,900
	VAGST Output Tax		47,928	48,583	48,583	655	41,496
Total Transactions on Behalf of State			215,828	216,483	216,483	655	209,396
TOTAL PAYMENTS -LAW REFORM			1,245,000	1,319,280	1,319,280	74,280	1,052,977
RECEIPTS OVER PAYMENTS			(1,245,000)	(1,319,280)	(1,319,280)	(74,280)	(1,052,977)

Donor Funding

The Commission was very fortunate to receive funding from the United Nations Children's Fund (UNICEF). The Commission requested for \$75,000.00 for activities pertaining to the Sex Offenders Register as follows:

1. Hiring of a Drafter and Translator for the development and formulation of the Sex Offenders Register Legislation based on the Commission's recommendations in its Final Report on Sex Offenders Register.
2. A relevant and contextualized Sex Offenders Register encompassing Public and stakeholder views and opinions. In addition, being able to develop a Sex Offenders Bill that addressed the SLRC recommendations in its Final Report but also addressed issues raised by stakeholders and the Public especially certain aspects of the register including but not limited to seriousness of the sex offence, duration to be registered.
3. To raise and increase Public awareness and general knowledge of the Samoa Law Reform Commission's Final Report regarding the Sex Offenders Register and the Sex Offenders Register Bill. This included raising awareness internally with new staff members and more importantly raising the Public's awareness so that all would understand and realize the importance of a Sex Offenders Register for a safe and secure community.

The Commission was able to utilize the entire funding that resulted in the following;

1. A draft Sex Offenders Register Bill was developed and submitted together with the Commission's Final Report to Parliament in December 2016 for tabling.
2. The successful Launch of the Sex Offenders Register Final Report and Bill was held on the 14 June 2017 at the TATTE Conference Center and included Judges, Ministers, Associate Ministers, CEOs and ACEOs of Ministries, nominated schools and the Public. Copies of the Final Report were printed and bound and was made available to the guests of the Launch.
3. A workshop was held for the staff to inform new staff members. During this workshop, the staff was able to plan the Sex Offenders Register Final Report Launch as well as other strategies to raise awareness for not only the Sex Offenders Register project but the Samoa Law Reform Commission Office.

4. An episode of the TV1 program “Ete Silafia” was dedicated to the Samoa Law Reform Commission. It outlined background information, the Commission’s Organizational Structure, Divisions, functions of the Law Reform Commission and the Projects currently undertaken.
5. TV advertisement was recorded and aired raising Public Awareness for the Commission and its functions and more importantly Projects undertaken.
6. Newspaper spots were purchased for advertisements regarding the Commission and the Launch of the Sex Offenders Register Final Report.

We would like to take this opportunity to acknowledge and express our sincere gratitude to UNICEF. The above accomplishments could not have been made possible without the funding from UNICEF particularly for such an important area such as Child Protection. We thank UNICEF for the significant work it has carried out in the field of Child Protection and for its support and inclusion of our Office in its advocacy work for a safer and secure Samoa.