

FOREWORD

It is my pleasure to present the second publicized Corporate Plan 2012 – 2015 for the Office of the Attorney General (“AGO”).

This new plan replaces the AGO’s Corporate Plan 2008 – 2011. The need for a new Corporate Plan is timely given the recent developments involving the AGO:

- (a) The separation of Samoa Law Reform Commission to be a stand-alone office from the AGO on 1st July 2011;
- (b) The addition of the Law and Justice Sector Secretariat to be a quasi-division of the AGO in 2009;
- (c) The shift of the AGO in December 2011 from Level 4 of the Fiaame Mataafa Faumuina Mulinu II Building, Eleele Fou to Level 6 of the Tui Atua Tupua Tamasese Efi Building, Savalalo; and
- (d) The proposed plans for the staff of the AGO to be no longer governed by the Public Service Commission in 2012.

The AGO plays a vital and lead role in ensuring that Government receives the best legal services in all areas, e.g. litigation, legal opinions, drafting laws, etc. This is why I believe that full support should be given by Government to the AGO so that it has the best lawyers, sufficient resources and an enabling working environment.

In the previous Corporate Plan, one of the aims of the AGO was to strengthen the Samoa Law Reform Commission so that it can be a separate agency in due course. This aim was achieved when the Samoa Law Reform Commission became independent on 1st July 2011 after spending almost 3 years as a quasi-division of the AGO.

The Law Justice Sector, with its integrated approach involving both formal and customary agencies, is progressing well with its projects. The establishment of its Secretariat in 2009 has played a vital role in this success. The Law and Justice Sector is working on a new Sector Plan to replace the current Plan of 2008-2012.

The AGO will continue to face challenges in the coming years given the nature of 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 Sailele Malielegaoi
**PRIME MINISTER / MINISTER RESPONSIBLE FOR THE OFFICE OF THE
ATTORNEYGENERAL**

MESSAGE FROM THE ATTORNEY GENERAL

I have been Attorney General for over 5 years now and I must say that it is the best and most rewarding job I have ever had. Aside from the interesting and challenging nature of the work and the support of the Prime Minister and especially my wife, it is really my ever loyal and supportive staff that I also owe so much to for my enjoyment of this job.

When I first became Attorney General, it was felt that the AGO needed a vision if it is to have direction and focus. That is why I am repeating this verse that was in the previous Corporate Plan:

"Where there is no vision, the people perish": Proverbs 29:18.

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 in the past 3 years and will continue to do so in the coming 3 years.

When I took over as Attorney General, the main focus at the time was to improve morale, retain senior staff and improve internal systems to lessen the turn-around time for opinions and cases. Much has been achieved but there is still a lot more to do. The separation from the Public Service Commission will certainly assist with staff retention. The donor funds administered by the Law and Justice Sector will be applied towards improving our internal systems because we have in the pipeline projects for a more robust records management systems and installation of a practice management software used by law firms.

As noted by the Honourable Prime Minister in his foreword to this Corporate Plan, so many major developments have taken place within the AGO. I believe that one major development is the separation of the staff of AGO from the governance and supervision of the Public Service Commission. Such a move will only result in strengthening the AGO in terms of attracting suitable lawyers and retaining senior lawyers. In addition, such separation will improve the AGO's independence whilst performing its many legal functions. But such a move will also come with challenges because all Human Resource issues will now be dealt with entirely by AGO. I am therefore thankful that the Secretary and newly appointed Chair of the Public Service Commission have agreed to provide support during the transitional phase of this separation. The mentoring project paid for by Aus Aid through the Law and Justice Sector has benefitted the Government lawyers, particularly those in the AGO as they were able to work with very senior and respected lawyers from both Australia and New Zealand. About 10 senior lawyers travelled to Samoa and worked with our lawyers on selected areas which ranged from civil litigation, opinion writing, conducting criminal appeals, etc. It is hoped that such project will continue if funding is available.

I foresee another exciting 3 years for the AGO. I believe that with the assistance of our Lord Jesus Christ, he will take the AGO from glory to glory as the AGO strives to serve our people through the provision of "quality and effective legal services".

To God be all the Glory.



Ming C. Leung Wai
ATTORNEY GENERAL

INTRODUCTION

The purpose of this Corporate Plan is:

"To clearly identify the core functions of the Office the guiding principles and objectives required to achieve these functions and the strategies which will be employed to do so."

This Corporate Plan is a result of dedicated effort and commitment by staff driven towards a common goal to be achieved for the next three years. The first annual Office retreat at Lalomanu, Aleipata was the inception point of the previous Corporate Plan with additional internal consultation to identify the direction of the Office and the guiding principles towards the realization of long-term plans.

This new Corporate Plan recognizes the environment and sector within which the Attorney General's Office operates and will try to take into account the Strategy for the Development of Samoa 2013-2018 and Law and Justice Sector Plan 2013-2018 that are currently being drafted.

The new Strategy for the Development of Samoa 2008-2012 has this as its proposed vision:

"Improved Quality of life for all"

And Law and Justice Sector Plan continues the vision it started with which is:

"Justice for a safe and stable Samoa"

In a nutshell 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. The Sector is now into its second of year of its implementation phase. The total value of projects it is responsible for is around ST\$2 million tala.

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 as our major clients, as well as other interested stakeholders.

The core objectives of the Attorney General's Office and strategies in achieving the same are outlined in the pages that follow.

MANDATE

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 is responsible for criminal prosecutions and civil suits involving Government.

VISION

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

MISSION

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

VALUES & PRINCIPLES

ETHICAL STATEMENT

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.

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. Responsible for all civil proceedings involving Government;
- iii. Responsible for criminal proceedings;
- iv. Protector of the Judiciary;
- v. Drafting legislation;
- vi. Common law protector of charitable trusts.

OBJECTIVES

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

1. To provide professional legal opinions and advice in a timely and efficient manner to Government Ministries and Agencies;
2. 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;
3. To supervise and conduct civil proceedings involving Government and provide legal support to or representation for Government in other formal enquiries especially in the area of Human Rights;
4. To supervise and conduct criminal prosecutions and appeals in a fair and just manner;
5. To draft legislation for, and provide legal advice on legislation administered by Government Ministries and Agencies as instructed from time to time; and
6. To ensure that Samoa Law and Justice Sector Secretariat carries out its role in supporting the work of the Samoa Law and Justice Sector’s commitment to promote good governance and Justice for a safe and stable Samoa.

In attempting to attain the above objectives, the Office of the Attorney General strives to adhere to all human resource policies and financial requirements as set out by the relevant governing agencies (Ministry of Finance, Samoa Audit Office & the Public Service Commission).

OBJECTIVE 1

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

Outputs:

- *Sound, timely and practical legal advice*
- *Government’s interests advanced and/or protected*
- *High standard of government representation on national & international level*

STRATEGIES	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
Provide written and verbal legal advice (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	<p>Major</p> <p>Civil Division (Civil Litigation & Opinions section) and Legislative Drafting Division</p> <p>Support</p> <p>Corporate Services</p>
Represent Government in national and international meetings	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	
Participate in negotiations relating to any government interest, contract or dispute	Government position is adequate protected and liability minimized	

OBJECTIVE 2

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;

Outputs:

- *Government’s commercial legal documents drafted to highest standards and Government’s interests are advanced and/or protected*
- *Provide advice in relation to national and international matters*
- *Improved file management and review systems*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
Draft, review and/or negotiate commercial legal documents involving Government	<p>The Government contracts, commercial and other legal documents (both national and international) are:</p> <p>(a) drafted, reviewed or negotiated based on sound and practical advice taking into account client’s instructions;</p> <p>(b) the Contracts and legal documents are legally enforceable and protect Government interest;</p> <p>(c) timely drafted, reviewed or negotiated within:</p> <p>(i) three to five days for urgent and important contracts;</p> <p>(ii) fourteen to twenty one days for complicated contracts;</p> <p>(iii) seven to fourteen days for any other contracts different from the preceding sub-paragraphs (i) and (ii).</p>	<p>Major</p> <p>Civil Division (Commercial and International Relations Division)</p> <p>Support</p> <p>Corporate Services</p>
Provide legal support to procurement activities and processes of Government both national and international	<p>For all the Tenders Board meetings:</p> <p>(a) there is representation through the Attorney General or senior nominee;</p> <p>(b) concise and practical legal advice is provided to issues to the Board</p> <p>For procurement issues involving</p>	

	<p>Government:</p> <p>(a) there is ready and practical legal advice available; and</p> <p>(b) such advice is tendered within:</p> <p>(i) one to three days for urgent and important matters;</p> <p>(ii) seven to fourteen days for any other matter.</p>	
<p>Give legal advice no issues arising from commercial and national / international matters</p>	<p>The advice is:</p> <p>(a) clear, concise and practical pertaining directly to the relevant issues; and</p> <p>(b) provided timely within:</p> <p>(i) one to three days for urgent and important matters;</p> <p>(ii) seven to fourteen days for non-urgent matters.</p>	<p><i>Support</i></p> <p><i>Corporate Services</i></p>

OBJECTIVE 3

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

Outputs:

- *Government interests are successfully litigated*
- *Government Ministries & Agencies operate in sound legal environment*
- *Better relationship with in-house solicitors*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
<p>Ensure high quality representation for Government in all relevant civil and tribunal proceedings especially in relation to Human Rights by:</p> <p>(a) conducting extensive research;</p> <p>(b) involving clients where clients are well informed and instructions are sought and obtained;</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>Major</p> <p>Civil Division – Civil Litigation and Opinions</p> <p>Support</p> <p>Corporate Services</p>

OFFICE OF THE ATTORNEY GENERAL
Corporate Plan

(c) using experienced solicitors to be lead counsel or counsel assisting		
Provide professional assistance to referring Government Ministries and Agencies	Government Ministries and Agencies understand their legal responsibilities and are able to communicate easily with the Attorney General's Office. In-house solicitors are properly utilized and legally supported and supervised by the Attorney General's Office	Support Corporate Services
Ensure high quality legal support to our representation for Government for formal enquiries by: (d) conducting extensive research; (e) ensuring process is fair and just; (f) using experienced solicitors to be lead counsel or counsel assisting;	The process and conduct of formal enquiries are fair and in accordance with applicable legal principles. Government interests are adequately recognized and protected by: (a) obtaining the best outcome for Government from the enquiries; and (b) minimizing Government liability	Support Corporate Services

OBJECTIVE 4

To supervise and conduct criminal prosecutions and appeals in a fair and just manner.

Outputs:

- *A credible and effective justice system taking into account the overall interest of the community*
- *Strong inter-departmental working relationship*
- *High level of turnover in terms of disposal of cases and success rate*
- *Effective participation in law enforcement*
- *Prosecution Manual to be formulated*
- *Effective input in criminal law reform*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
<p>Maintain the high standard of criminal prosecutions and appeals by ensuring that:</p> <ul style="list-style-type: none"> (a) there is adequate preparation for all cases; (b) prosecutors are capable and well-trained; (c) proper support is provided to Police investigators. 	<p>There is a case to answer for over 90% of the prosecution cases that proceed.</p>	<p>Major</p> <p>Criminal Prosecutions Division</p> <p>Support</p> <p>Corporate Services</p>
<p>Supervise where appropriate prosecutions in the District Court by other Ministries and provide trainings to officers conducting the prosecutions;</p>	<p>Provide effective and practical supervision as well as training</p>	
<p>Conduct training on criminal matters for Police and law enforcement personnel of other ministries and agencies and improve communication with such officers;</p> <p>Liaise effectively at all levels with agencies with law enforcement roles such as Police, Customs and Justice;</p> <p>Provide useful, timely and accurate reports on prosecution work and performance;</p>	<p>Provide effective and practical supervision as well as training</p> <p>Good working relationship</p>	<p>Support</p> <p>Corporate Services</p>
<p>Provide within the Prosecution section an environment that allows for the independent exercise of prosecutorial discretion;</p>	<p>Confident prosecutors</p>	<p>Support</p> <p>Corporate Services</p>
<p>Provide professional</p>	<p>Provide professional and</p>	

<p>assistance to referring agencies;</p>	<p>timely advice to investigators;</p> <p>Having regard to, Identify and cooperate with referring agencies enforcement strategies;</p> <p>Assist with training of investigators</p> <p>Liaise effectively with referring agencies at regional and international levels;</p>	
--	---	--

OBJECTIVE 5

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

Outputs:

- *Draft Bills are properly drafted and legally sound*
- *Draft Regulations are properly drafted and legally sound*
- *Other pieces of Subsidiary Legislation (Guidelines, Commencement Notices, Rules, By-laws, Proclamations, Declarations, Warrants) are properly drafted*
- *Advice on Statutory Interpretations*
- *Attend public consultations on draft legislation*
- *Attend select committees hearings on draft Bills after second reading in Parliament*
- *Attend Board meetings and other meetings as representative of the Attorney General*
- *Participate in Institutional Strengthening Projects (ISP) with a large legislative reform component*
- *Consolidation of laws*
- *Improved understanding of the Constitution and the Acts Interpretation Act*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
<p>Ensure legislation drafted and reviewed: (a) reflect instructions submitted by sponsoring Government Ministries/Agencies; and (b) are consistent with the Constitution and other legislation; and (c) comply with Legislative Drafting Handbook</p>	<p>Legislation passed is legally sound and consistent with the Constitution</p>	<p>Major</p> <p>Legislative Drafting Division</p> <p>Support</p> <p>Corporate Services</p>

OFFICE OF THE ATTORNEY GENERAL
Corporate Plan

<p>Provide written and verbal legal advice on legislation (d) pursuant to instructions from Government Ministries and Agencies; or (e) whenever it is appropriate to provide advice.</p>	<p>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.</p>	<p>Major Legislative Drafting Division</p> <p>Support Corporate Services</p>
<p>Ensure effective legal advice and support is afforded to Parliament in relation to Bills</p>	<p>The Attorney General or Parliamentary Counsel attends all Parliamentary sittings; The Attorney General's Office appears before Parliament Select Committee;</p>	<p>Major Legislative Drafting Division</p> <p>Support Corporate Services</p>
<p>Prepare orders, notices, warrants and other legal instruments in accordance with instructions and within the authority of primary legislation;</p>	<p>Orders, notices, warrants etc. are in compliance with policy instructions and empowering legislation;</p>	<p>Major Legislative Drafting Division</p> <p>Support Corporate Services</p>
<p>Provide legal support to Institutional Strengthening Projects (ISP) which have legal component(s) by drafting TOR sitting on evaluation panel, and reviewing drafts provided;</p>	<p>Projects are successfully completed, especially the legal component(s) in accordance with the terms of the project;</p>	<p>Major Legislative Drafting Division</p> <p>Support Corporate Services</p>
<p>Adequate representation</p>	<p>Attendance at all</p>	<p>Major</p>

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.	consultations where appropriate.	Legislative Drafting Division Support Corporate Services
Consolidate the Laws of Samoa	Complete annually the consolidation of laws in accordance with the required timeframes	Major Legislative Drafting Division Support Corporate Services

OBJECTIVE 6

To ensure that Samoa Law and Justice Sector Secretariat carries out its role in supporting the work of the Samoa Law and Justice Sector's commitment to promote Good Governance and Justice for a Safe and Stable Samoa.

Outputs:

- *Community Safety*
- *Access to Justice*
- *Harmonisation of Community and Customary Based Justice with Formal Systems*
- *Integrity and Good Governance*
- *Capacity Building*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
Ensure community safety through improved crime management and prevention	<ul style="list-style-type: none"> • Crime management and prevention activities developed and implemented • Community policing programs and seminars developed and conducted • Improved collation of disaggregated crimes statistics 	Sector Agencies <ul style="list-style-type: none"> • Attorney General Office • Ministry of Police and Prisons • Ministry of Justice and Courts Administration • Ombudsman Office • Samoa Law Reform Commission • Ministry of Women, Community and Social Development
Improve access to justice, law and legal services	<ul style="list-style-type: none"> • Legislative review/reform 	
Recognise customary based justice and harmonise with formal	<ul style="list-style-type: none"> • Awareness seminars developed and conducted 	

justice system	<ul style="list-style-type: none"> Promote customary based justice in formal justice system processes 	<p>Central Agencies</p> <ul style="list-style-type: none"> Ministry of Finance Public Service Commission <p>Community Representatives</p> <ul style="list-style-type: none"> SUNGO Samoa Council of Churches <i>Matai</i> Representative Sui o Nuu Representative Sui Tamaitai o Nuu Representative
Promote integrity and good governance in formal and customary processes and services	<ul style="list-style-type: none"> Integrity and good governance workshops developed and conducted 	
Build sector agency capacity and improve service coordination	<ul style="list-style-type: none"> Increase legal services available to the public Develop digital legal information records system 	

SUPPORT IN ACHIEVING THE OBJECTIVES

To adhere to all human resource policies and financial requirements as set out by governing agencies (Ministry of Finance, Samoa Audit Office & the Public Service Commission):

Outputs:

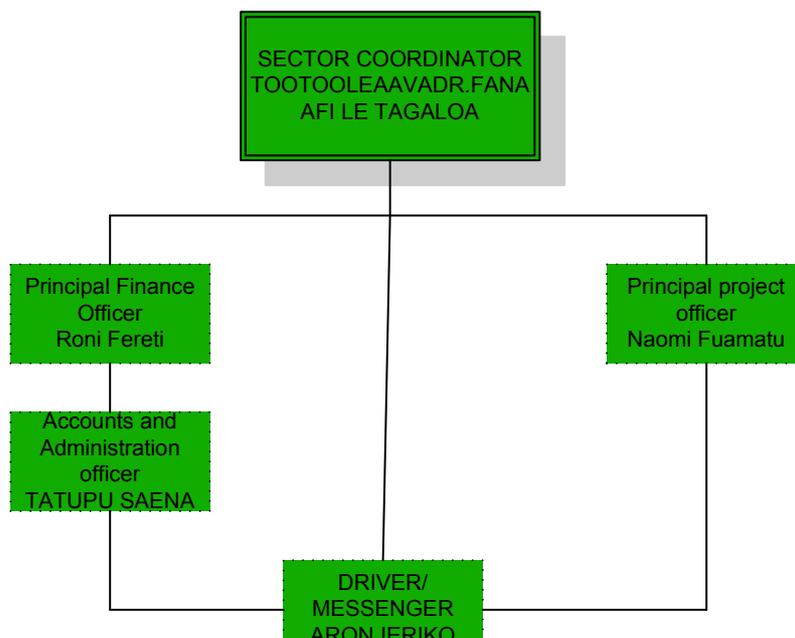
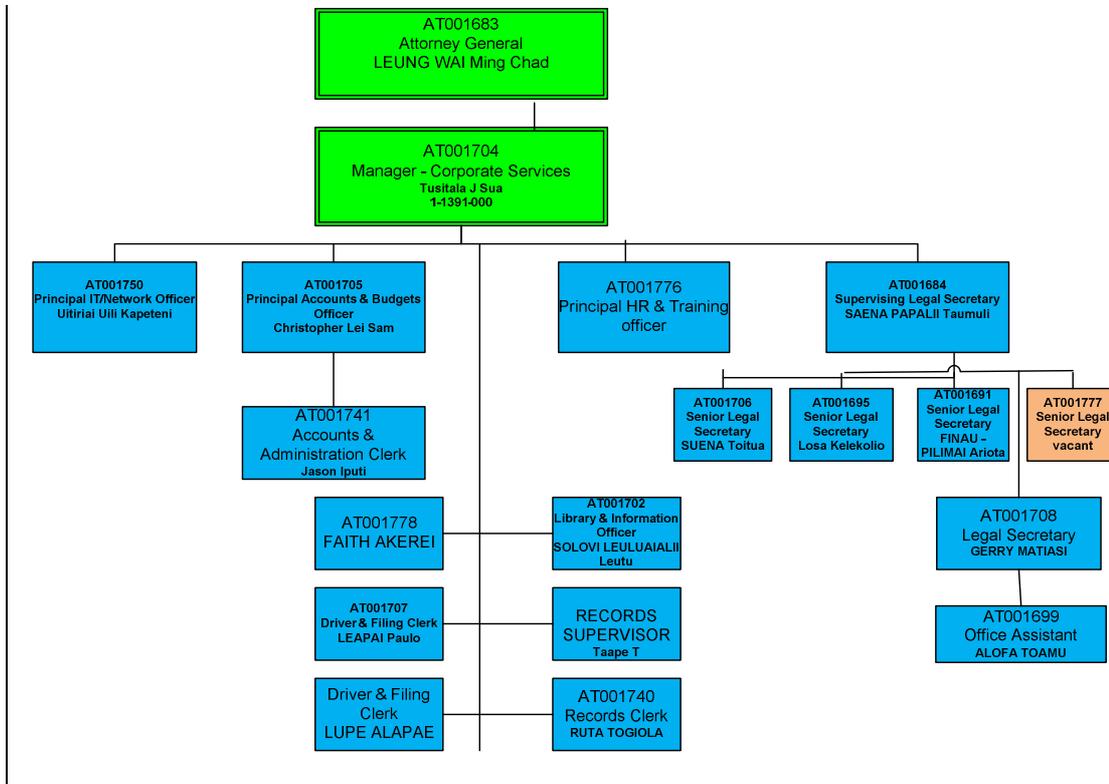
- *Annual Report, Service Charter and Capability Plan prepared*
- *Effective Budget*
- *Financial Reports*
- *Improved internal system and work processes*

STRATEGY	PERFORMANCE INDICATORS	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;	Major Corporate Services
Adhere to all Human Resource processes and procedures;	Processes and procedures as set out by governing regulations are followed, approved by Public Service Commission; Annual Report, Service Charter and Capability Plan are completed by the end of 2012	
Provide support services to facilitate operations of the Office;	Effective and efficient system of operation in place, approved by Audit.	

ORGANIZATIONAL STRUCTURE



OFFICE OF THE ATTORNEY GENERAL
Corporate Plan



The Financial Year 2011/2012 saw the approval by the Public Service Commission of the current organizational structure of the Office of the Attorney General; with all proposed positions duly budgeted for.

Note: The Office of the Attorney General has a Management Team consisting of the Attorney General, four (4) Assistant Attorney General's, a Parliamentary Counsel, Manager-Corporate Services and the Law and Justice Sector Coordinator. The Management team is responsible for the managing, planning, facilitation and coordination of the Office of the Attorney General's activities and operation.

The current organisational structure reflects an increase in the number of personnel (professional & support) staff for the new Financial Year 2012/2013. An additional 13 new positions have been approved by the Public Service Commission

The divisional responsibilities are summarized below:

Divisions and their Broad Responsibilities:

1. Legal Advice to Head of State, Ministers and Government Ministries

- Principal legal adviser for Ministers, Cabinet, Ministries, Corporations, Legislative Assembly and other public bodies
- Represent the Government at official, public and international meetings, consultations, and functions.
- Advice on International Issues which have legal implications, conventions and undertakings.

2. Legislative Drafting

- Draft all Government Legislation, (Bills & Regulations)
- Conduct Annual Consolidation of Laws
- Prepare other subsidiary legislation (guidelines, proclamation, orders, warrants and other legal instruments pursuant to Acts or Regulation)

3. Criminal Prosecutions

- Conduct all Prosecutions in the Supreme Court
- Supervision of prosecution in the District Court, advice on criminal matters, prosecution trainings for staff, police and other Ministries

4. Civil Litigation and Opinions

- Represent Government in Civil Proceedings
- To provide legal advice regarding interpretation of legislation and legal obligations
- Coordinate and participate in Committees and working parties to ensure all legal requirements are satisfied

5. Commercial and International Law

- Handle commercial and other related legal documents

Corporate Plan

- Deal with Regional and International legal matters
- International Human Rights

6. Corporate Services

- Provide support services (financial, HR, administration, records, logistics) for AG
- Coordinate Office Manuals and Policies
- Advise staff on devolved functions

7. Sāmoa Law & Justice Sector Secretariat

- Community Safety
- Access to Justice
- Melding Community and Customary Based Justice with Formal Systems
- Integrity and Good Governance
- Capacity Building

There are four legal divisions (Legislative Drafting, Criminal Prosecutions, Commercial and International matters as well as the Civil Litigation and Opinions)vision), one quasi-legal division (Samoa Law and Justice Sector Secretariat) and one support division (Corporate Services). All these Divisions (including the Samoa Law and Justice Sector Secretariat) work together to achieve the results and performance measures outlined above.

There are plans in the pipeline for the three legal divisions to be headed by Deputy Attorney Generals. Below them will be Assistant Attorney Generals. The Civil Division will have two sections comprising of:

- (a) Civil Litigation, Opinions and Human Rights; and
- (b) Commercial and International Relations.

The future of the Samoa Law and Justice Sector Secretariat as part of the AGO is uncertain at this stage.

Staff from the legal divisions has been fortunate to attend international meetings and conferences in the past year; and continuing local training programmes funded by donor agencies have benefited the solicitors in their work.

The Corporate Services Division will need to be strengthened since it will also be handling all Human Resource matters following the separation from the Public Service Commission.