

**OFFICE OF THE ATTORNEY GENERAL
CORPORATE PLAN**

July 2008 – December 2011

FOREWORD

As Minister for the Office of the Attorney General, it is a pleasure to present its first publicized Corporate Plan for the year 2008-2011

In the face of global economic changes, regional unrest and national developments, the Office of the Attorney General, in its role as the sole Principal Legal Advisor to Government, plays an important role in decision-making through the legal advice it provides. It is an even remarkable feat when the current Office is staffed by relatively young solicitors, prosecutors and drafters who have already been involved in high profile criminal and civil cases and in drafting groundbreaking legislation.

The Office of the Attorney General has been a strong advocate in fostering regional relationships not only between the Pacific but also with its New Zealand and Australian counterparts through conferences hosted locally, attendances at overseas workshops and meetings and secondment programmes not only to expose but also to continuously build the capability of its solicitors in handling complex matters.

This Corporate Plan, with its vision *"to ensure a safe and just society through the provision of quality and effective legal services"*, will steer the path forward for the Office of the Attorney General for the next three years including the further strengthening of the Office of the Law Reform Commission newly established late 2008.

Ia Manuia.

Tuilaepa Lupesoliai Sailele Malielegaoi

**PRIME MINISTER / MINISTER OF THE OFFICE OF THE ATTORNEY
GENERAL**

MESSAGE FROM THE ATTORNEY GENERAL

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

Any organization that lacks vision runs the risk of becoming stagnant and could actually according to the Bible, "perish". This Corporate Plan aims to set out the Vision of the Attorney General's Office to help guide it in carrying out its legal obligations and services to Government.

The Corporate Plan will also assist the new lawyers that have joined the Office understand the functions of the Office. The number of lawyers has increased in the last year from around 16 to over 30 (including 1 Australian Youth Ambassador), the highest since the establishment of the Office. Equally on the rise is the number of support staff. The need for more office space was kindly responded to by our Honourable Prime Minister and the CEO of the Ministry of the Prime Minister and Cabinet when more office space was made available.

There will be more lawyers joining the Office, especially with the number of new law graduates from the Law School in Vanuatu and addition of the Law Reform Commission. The aim is for the Law Reform Commission to be fully operational in by the first half of 2009. The East Wing on the Ground Floor of the Government Building now houses the Law Reform Commission, through the intervention of the Hon. Prime Minister.

It is hoped that the working environment provided for all employees of the Attorney General's Office is such that will enable everyone to reach his or her full potential whilst helping achieve the Office's objectives. In so doing, the hope is that Government will have the confidence that its principal legal adviser is looking out for its interests and that of the country.

Finally, I want to acknowledge our Lord Jesus Christ for without Him the positive changes within the office would not have been possible. I also want to acknowledge the support from our Honourable Prime Minister, families, those in Government and especially the staff of Attorney General's Office.

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 this Plan with additional internal consultation to identify the direction of the Office and the guiding principles towards the realization of long-term plans. This will also tie in with the implementation of the Ministry of Finance's Forward Estimates recently re-approved by Cabinet.

As this is the first publicized Corporate Plan for the Office, feedback from stakeholders is welcomed, although we foresee additional discussion in the near future if the goals in this Corporate Plan are to be achieved.

The Corporate Plan recognizes the environment and sector within which the Attorney General's Office operates and takes into account the Strategy for the Development of Samoa 2008-2012 and the proposed Law and Justice Sector Plan 2008-2012.

The Government last year recognized the agencies working in the area of Law and Justice as a specific sector, namely the Law and Justice Sector. This recognition by Government is reflected in the new Strategy for the Development of Samoa 2008-2012 which continues the vision of the SDS that preceded it, namely:

"Quality of life for all"

The Law and Justice Sector has a Steering Committee comprising of the Attorney General (Chair), Chief Executive Officer of the Ministry of Justice and Courts Administration, Commissioner of Police & Prisons, Ombudsman and Chief Executive Officer of the Ministry of Women, Community and Social Development supported by the Ministry of Finance and the Public Service Commission.

The Steering Committee approved in October 2007 the draft Law and Justice Sector Plan 2008 – 2012 that was prepared with the assistance of consultant, Mr Livingston Armytage and funded by AusAID. In a nutshell the Plan aims to improve services delivered by the agencies (both formal and traditional) involved in the Sector in a coordinated manner. The vision of the Sector is:

"Justice for a safe and stable Samoa"

The 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 all Government contracts/deeds and other related legal documents 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;
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 law reform is properly and independently carried out in relation to legislation that requires reform and areas or issues that need legislative intervention or governance.

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, Audit & 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.	Major Civil Division (Civil Claims & Opinions section) and Legislative Drafting Division Support Corporate Services
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 adequately protected and liability minimized	

OBJECTIVE 2

To review and draft all Government contracts/deeds and other related legal documents to ensure that Government's interest is advanced and/or protected.

Outputs:

- *Government's legal documents drafted to highest standards and Government's interests are advanced and/or protected*
- *Improved file management and review systems*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
Draft, review and/or negotiate contracts or legal documents involving Government	<p>The Government contracts and legal documents 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 (Government Contracts & Procurement section)</p> <p>Support</p> <p>Corporate Services</p>

<p>Provide legal support to procurement activities and processes of Government</p>	<p>For all the Tenders Board meetings:</p> <ul style="list-style-type: none"> (a) there is representation through the Attorney General or senior nominee; (b) concise and practical legal advice is provided to issues to the Board <p>For procurement issues involving Government:</p> <ul style="list-style-type: none"> (a) there is ready and practical legal advice available; and (b) such advice is tendered within: <ul style="list-style-type: none"> (i) one to three days for urgent and important matters; (ii) seven to fourteen days for any other matter. 	
<p>Give legal advice to issues arising from contracts</p>	<p>The advice is:</p> <ul style="list-style-type: none"> (a) clear, concise and practical pertaining directly to the relevant issues; and (b) provided timely within: <ul style="list-style-type: none"> (i) one to three days for urgent and important matters; (ii) seven to fourteen days for non-urgent matters. 	

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
Ensure high quality representation for Government in all relevant civil and tribunal proceedings by: (a) conducting extensive research; (b) involving clients where clients are well informed and instructions are sought and obtained; (c) using experienced solicitors to be lead counsel or counsel assisting	Government interests are adequately recognized and protected by: (a) obtaining the best outcome for Government from the proceedings; and (b) minimizing Government liability	Major Civil Division Support Corporate Services

<p>Provide professional assistance to referring Government Ministries and Agencies</p>	<p>Government Ministries and Agencies understand their legal responsibilities and are able to communicate easily with the Attorney General's Office.</p> <p>In-house solicitors are properly utilized and legally supported and supervised by the Attorney General's Office</p>	
<p>Ensure high quality legal support to or representation for Government for formal enquiries by:</p> <ul style="list-style-type: none"> (d) conducting extensive research; (e) ensuring process is fair and just; (f) using experienced solicitors to be lead counsel or counsel assisting; 	<p>The process and conduct of formal enquiries are fair and in accordance with applicable legal principles.</p> <p>Government interests are adequately recognized and protected by:</p> <ul style="list-style-type: none"> (a) obtaining the best outcome for Government from the enquiries; and (b) minimizing Government liability 	

OBJECTIVE 4

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

Outputs:

- *A credible and effective justice system*
- *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
Maintain the high standard of criminal prosecutions and appeals by ensuring that: (a) there is adequate preparation for all cases; (b) prosecutors are capable and well-trained; (c) proper support is provided to Police investigators.	Conviction rate above 90% i.e, guilty pleas or verdict	Major Criminal Prosecutions Division Support Corporate Services
Supervise where appropriate prosecutions in the District Court by other Ministries and provide trainings to officers conducting the prosecutions	Conviction rate above 90%	

<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>Conviction rate above 90%</p> <p>Police prosecutors and law enforcement personnel are well trained</p>	
<p>Provide within the Prosecution section an environment that allows for the independent exercise of prosecutorial discretion</p>	<p>A Prosecution Manual is completed by the end of 2009</p>	
<p>Provide professional assistance to referring agencies</p>	<p>Provide professional and 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:

- *Legislation is properly drafted and legally sound*
- *Improved understanding of the Constitution and the Acts Interpretation Act*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
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	Legislation passed is legally sound and consistent with the Constitution	Major Legislative Drafting Division Support Corporate Services
Provide written and verbal legal advice on legislation (c) pursuant to instructions from Government Ministries and Agencies; or (d) 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>Ensure effective legal advice and support is afforded to Parliament in relation to Bills</p>	<p>The Attorney or Parliamentary Counsel attends all Parliamentary sittings</p> <p>The Attorney General's Office appears before Parliament Select Committee</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>Provide legal support to projects which have legal component(s) by drafting TOR sitting on evaluation panel, and reviewing drafts provided.</p>	<p style="text-align: center;">10</p> <p>Projects are successfully completed, especially the legal component(s) in accordance with the terms of the project</p>	
<p>Adequate representation and advice is given where appropriate at consultations (both within Government and private) on a Bill/Regulation where required by a Government Ministry or Agency</p>	<p>Attendance at all consultations where appropriate</p>	

OBJECTIVE 6

To ensure that law reform is properly and independently carried out in relation to legislation that requires reform and areas or issues that need legislative intervention or governance.

Outputs:

- *Law Reform is orderly and effective in Samoa*
- *Public is well-informed of and consulted on law reform*
- *Draft laws provided for areas or issues that require legislative intervention or governance*

STRATEGY	PERFORMANCE INDICATORS	DIVISIONAL RESPONSIBILITY
Identify laws that require reform and draft legislation that are legally sound.	Draft legislation updating current laws are referred to the Attorney General or Cabinet: (a) 4 drafts in 2009 (b) 6 drafts in 2010. Law Reform is in accordance with the Government's policies	Major Law Reform Commission Support Corporate Services
Identify areas or issues that require legislative intervention or governance and accordingly draft legislation	Draft legislation that are legally sound are drafted and referred to the Attorney General or Cabinet as follows: (a) 2 draft legislation in 2009; (b) 4 draft legislation in 2010.	
Law reform is independently carried out in accordance with clear procedures and processes	Reports of the Law Reform Commission are based on independent assessments Procedures and process of law reform are approved by the Law Reform Commission Advisory Board by the end of 2009	

<p>Ensure that:</p> <ul style="list-style-type: none">- thorough research is carried out;- reports and draft laws are prepared by competent persons- there is extensive consultation	<p>Reports and draft laws produced are endorsed by the Attorney General, Cabinet and the Law Reform Commission Advisory Board</p> <p>Draft laws are passed into law by Parliament</p>	
--	---	--

SUPPORT IN ACHIEVING THE OBJECTIVES

To adhere to all human resource policies and financial requirements as set out by governing agencies (Ministry of Finance, Audit & 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 <i>Annual Report, Service Charter and Capability Plan are completed by the end of 2008</i>	
Provide support services to facilitate operations of the Office	Effective and efficient system of operation in place, approved by Audit	

ORGANIZATIONAL STRUCTURE

The Financial Year 2007/2008 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.

There are four legal divisions (Legislative Drafting, Criminal Prosecutions, Civil Division (Civil Claims & Opinions and Government Contracts & Procurement sections) and the Law Reform Commission) and one support division (Corporate Services) working together to achieve results and performance measures laid out for the Office.

Staff from the legal divisions have 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 recent addition of a Corporate Services Manager and an additional five members in the past 12 months to the support staff has seen the capability of the support division strengthened and enhanced to better aid the provision of professional legal services in an orderly and efficient manner. As well, this has meant non-legal issues such as Human Resource Coordination functions and Ministry of Finance and Audit Office requirements have been centralized to the Corporate Services Division

The year 2008 sees many new initiatives carried out including: senior members of the Criminal Prosecutions team being seconded on a rotational basis to New Zealand law firms in the aim of promoting and strengthening criminal prosecution capacity within the office; addition of a number of law graduates; strengthening solicitor capability through targeted training and proper mentoring and the establishment of the Law Reform Commission within the Office of the Attorney General.

Office of the Attorney General

ORGANIZATIONAL STRUCTURE



