

CORPORATE PLAN 2018 -2021



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EXECUTIVE DIRECTORS NOTE

The Samoa Law Reform Commission presents its Corporate direction for the next 3 years: 2018 – 2021. The Corporate Plan is to realize directions pursued under the Strategy for the Development of Samoa 2016/2017-2019/2020, the Samoa Law and Justice Sector Plan 2016-2020, and mandated functions under the Law Reform Commission Act 2008.

The Commission continues to strengthen its internal policies, procedures and systems to ensure it carries out its functions efficiently and effectively, despite resource constraints. It also strives to make stakeholders and the Public aware of its work and encourages public input for effective laws.

Since its establishment in 2008, the Commission has had many achievements it can be proud of. However, it continues to face many challenges particularly in relation to obtaining research material and updated data to inform sound research and recommendations. Nonetheless, we are confident we can continue to address challenges with the unwavering support of the Government, and the passion and commitment of the Commission's vibrant staff led by the Honourable Tuilaepa Dr. Sailele Malielegaoi.



Telei'ai Dr. Lalotoa Mulitalo

EXECUTIVE DIRECTOR, SAMOA LAW REFORM COMMISSION

INTRODUCTION

The Plan provides Cabinet, Members of Parliament and external stakeholders with an overview of the Samoa Law Reform Commission's vision, mission and values as well as our key strategic priority areas.

This plan highlights the commitment of the Commission in promoting of the principles of good governance operationalized through the implementation of best practices to enhance service delivery with the ultimate goal of Improved Governance expected of all public sector offices.

OUR PURPOSE

OUR VISION

“To pioneer excellence in law reform that is relevant and responsive to the needs of Samoa”

OUR MISSION

“To facilitate law reform in Samoa by providing pragmatic recommendations based on high quality research, analysis and effective consultation”.

What we will do to achieve our Mission

Within the three year time period of this Plan, all employees will strive for efficiency and effective performance of their expected duties and responsibilities in accordance with our mandate, standards and policies.

In attaining “best practice” in what we do, our focus will be concentrated on improving our core business as highlighted in our vision.

We will pursue for excellence by monitoring and reviewing our performance and capitalize on partnerships with other law reform related offices and commissions, especially around the Pacific to develop model best practices fitting to our environment.

MANDATE

The Samoa Law Reform Commission legal mandate derives from:

- Constitution of the Independent State of Samoa 1960
- Law Reform Commission Act 2008

It also has responsibilities under the following:

- Public Service Commission Act 2004
- National Provident Fund Act 1972
- Labour and Employment Act 1972
- Accident Compensation Act 1989
- Public Finance Management Act 2001
- Law and Justice Sector Plan 2016-2020
- Strategy for the Development of Samoa 2016/17-2019/20

- Government Priorities (Cabinet Directives)
- Code of Conduct, Values and Principles of Employment

OUR VALUES

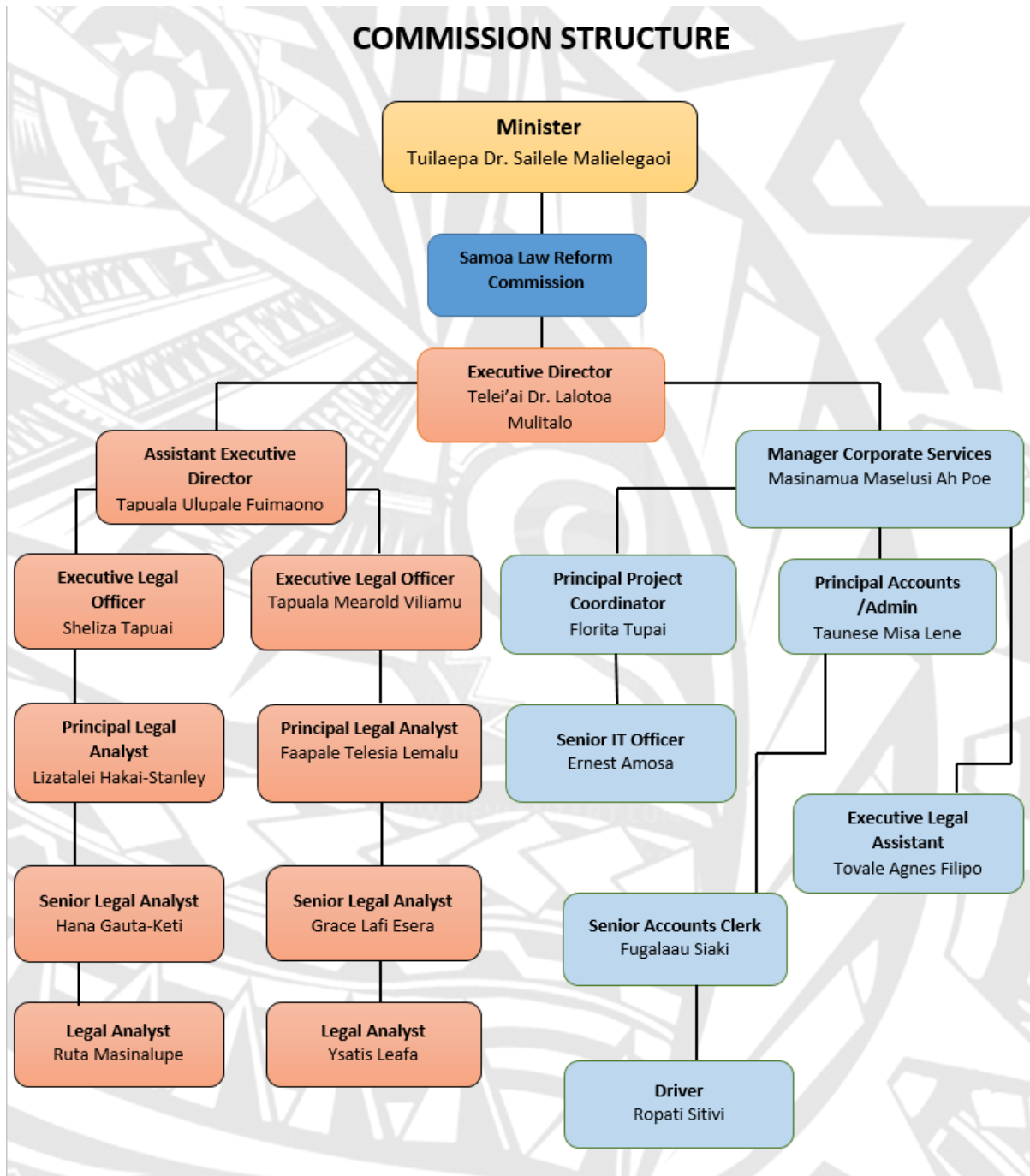
What is important to us?

In the execution of our daily work, all staff shall be guided by these principles and values. We are committed to uphold the guiding principles of Good Governance, Accountability and Transparency. The values of the Samoa Law reform Commission provide the foundation for our code of conduct and guide the decisions and actions of all staff.

Integrity	<ul style="list-style-type: none"> • We are honest, act fairly, responsibly and in good faith. • We are accountable for our actions. • We respect confidential information. • We provide service to our people well through faithful service to the Government.
Impartiality	<ul style="list-style-type: none"> • We provide impartial advice, act without fear and favour and make decisions on their merits. • We are apolitical and treat everyone and other contacts equally and without bias.
Professionalism	<ul style="list-style-type: none"> • We are committed to the Commission's organisational goals and values and we act to enhance public awareness on our laws. • We are committed to continuous improvement.
Respect	<ul style="list-style-type: none"> • We are conscious of the rights and feelings of our colleagues and the people that we deal with, and we treat them all with courtesy and respect. • We respect the confidentiality of personal information.
Collaboration	<ul style="list-style-type: none"> • We recognize team work that will enable the Commission to increase its capacity to deliver quality service. • We foster supportive and productive partnership
Excellence	<ul style="list-style-type: none"> • We produce high quality, relevant and timely advice • We exhibit the highest standards in our interactions with clients and colleagues. • We undertake our work responsibilities to the very best of our abilities.

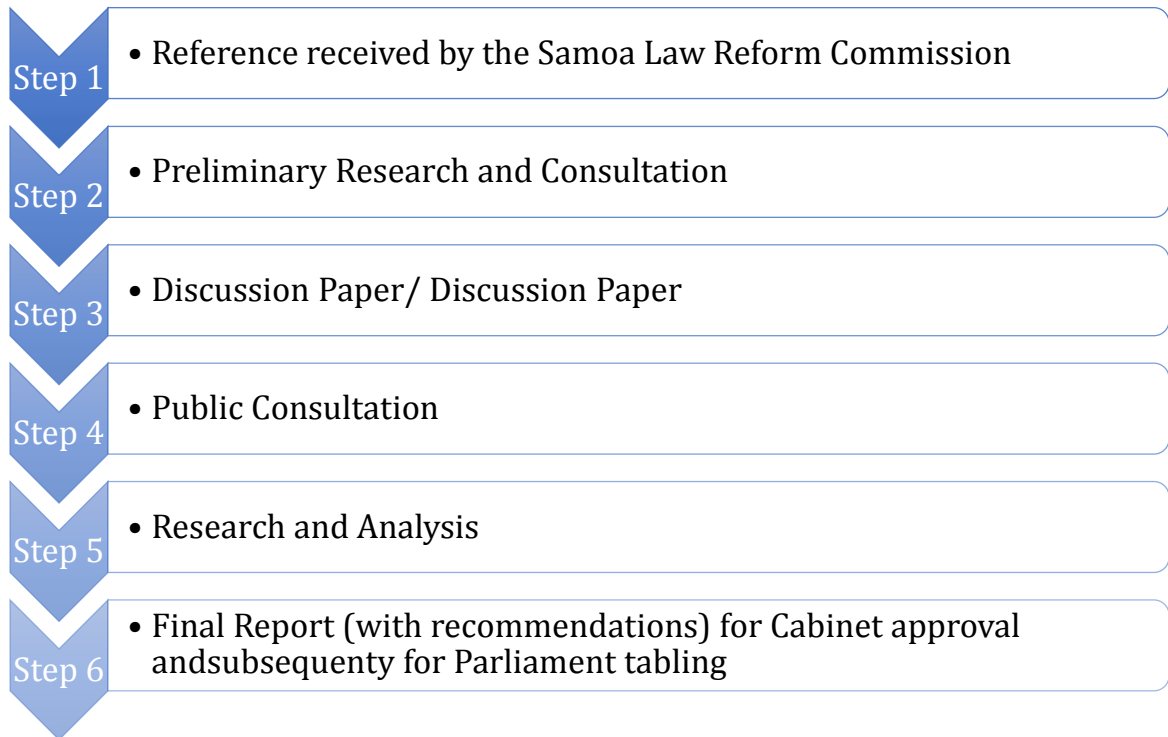
ORGANISATIONAL STRUCTURE

To ensure that the Vision and the strategies contained in this Plan are achieved, it is critical that the Commission reviews its human resources needs and align these with existing processes. This is to ensure that resources entrusted to the Commissions are being utilised in the most effective and efficient manner.



THE LAW REFORM PROCESS

- The Commission follows a 6 Step process:



STEP 1 – REFERENCE RECEIVED BY THE SAMOA LAW REFORM COMMISSION

- The Commission receives a Terms of the Reference (TOR) from either the Attorney-General and/or Prime Minister and/or Cabinet. The TOR sets out the scope of the law reform review. The Commission works within the parameters of the TOR, but may also advise on related issues not specifically identified in the Reference. The Commission may also initiate a TOR.
- Sometimes, though seldom, the Commission would receive Terms of Reference which would need to have two stages contemporaneously carried out due to circumstances for example, the urgency of a review. At times also, a Terms of Reference would be received and the Commission, upon research would advise that the existing laws do sufficiently respond to concerns raised in the Terms of Reference. This would put an end to this requested review. Furthermore, a Review may cease when the relevant Ministry advises they are undertaking their own internal Reviews. In all such scenarios, all advises and recommendations of the Commission are based on extensive legal and doctrinal research, and analysis of that research.



STEP 2 – PRELIMINARY RESEARCH AND CONSULTATIONS

- The Commission carries out preliminary research on all issues identified in the TOR to prepare a Discussion Paper. This involves legal and doctrinal, and social and cultural research where appropriate. In addition, the Commission carries out a cross jurisdictional comparative analysis with similar legal frameworks relevant to the review. At this stage also, the Commission may see it fit to conduct preliminary consultations with immediate stakeholders such as Government Ministries and agencies, the Private Sector as well as the public.

STEP 3 – DISCUSSION PAPER

- The Commission prepares and publishes a Discussion Paper, which highlights problems and includes a series of questions about the main issues under consideration. Sometimes suggested options are included in the Discussion Paper and further submissions will be invited from relevant individuals and groups. The Discussion Paper is intended to provide a background to the review and the preliminary research/consultations findings to stimulate discussion and to encourage the public to provide feedback. The Commission submits the Discussion Paper for Cabinet approval.

STEP 4 – PUBLIC CONSULTATION

- Following Cabinet approval, the Commission invites consultations with the relevant stakeholders, Government Ministries and the private sector, interest groups, churches and church leaders, the public, and individuals, to seek views on the issues raised in the Discussion Paper and any potential reforms. Relevant experts may also be consulted about a particular issue.

Public consultations may take place in a central (accessible) location to allow for as many members of the Public to attend. Where the office budget allows, the Commission may travel to specific locations in the attempt for consultations to reach as far as possible and reaching as many areas possible. The Commission also publishes public notices on the availability of the Discussion Paper (with the Commission) for viewing and seeking public input on the reviews.

The Commission calls (via TV/Newspaper notices/website) for submissions on the issues identified in the Discussion Paper. Inputs may be emailed or submitted in writing to the Commission. All submissions are considered by the Commission.



STEP 5 – RESEARCH AND ANALYSIS

The Commission collects the submissions and transcribes the recorded submissions made at the consultations undertaken. Public views are then recorded into reportable form, for example under the questions or the themes under which the views were sought. Thematic features from submissions may be so overwhelming (in numbers) they must be highlighted under the themes they arise. Where the data and submissions now received require further research and review, the Commission undertakes such further research for a more comprehensive and informed analysis and well informed recommendations.

STEP 6 – FINAL REPORT (WITH RECOMMENDATIONS) FOR CABINET APPROVAL

The Commission prepares and publishes a Final Report following its extensive research and consultations. The Final Report sets out the whole background, the result of the research and consultations undertaken, and recommendations on any proposed reforms. The Final Report is submitted to the Prime Minister, Attorney General and Cabinet for approval before being referred to Parliament.

Given the limited office capacity, a translator is usually engaged for the translation of the Final Report from the English language to the Samoan language. The first translation of the Samoan version of the Final Report is first checked and edited by the Commission against the English version before both versions are referred to a printing service for the printing of 80 copies for Parliament. 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 confirming that the correct nuances and meanings in the English version is appropriately portrayed in the Samoan version.

For the first time since its establishment in 2008, due to the nature of the review project, the Commission trialed a 7th possible Step to the Law Reform process. The Review on the Fabric of the Laws of Samoa, in the informed opinion of the Commission, required Awareness Sessions after the Final Report was approved by Cabinet. The purpose of the Awareness Sessions was to go out again to the Government Ministries and agencies, the Judiciary and the public, to inform of the findings of this Review. It also provided an opportunity for the Commission to thank all stakeholders involved for their invaluable contribution.

OUR ACHIEVEMENTS

As a result of the review of the last Corporate Plan 2015 – 2018, the Samoa Law Reform is happy to highlight some of achievements:

A. FREEDOM OF INFORMATION

1. Discussion Paper (Step 2) submitted to the Attorney General by February 2018. Proposed by the Samoa Law Reform Commission (SLRC) and approved by Office of the Attorney General on 5 May 2017, this review examines existing ‘information exchange’ mechanisms in Samoa in the public sector. Initially, a Freedom of Information framework was explored but this option was re-assessed given Samoa’s available resources and priorities of Government. Consequently, the Terms of Reference (TOR) was narrowed down to focus on the following:
 - (i) to consider and assess issues on ‘exchange of information’ in Ministries and Corporations;
 - (ii) to consider laws and policies in place on exchange of information’ in Ministries and Corporations;
 - (iii) to consider similar laws and policies in other countries on exchange of information in Government; and
 - (iv) to provide suitable options for Samoa.
2. During the preliminary consultations, research and analysis, the Project was renamed to the ‘Exchange of Information Review’ to accurately reflect the revised Terms of Reference.
3. 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 informed the Discussion Paper (Step 2).
4. The Discussion Paper was developed and submitted to Cabinet, Cabinet approved this on the 30th May 2018.
5. Public Consultations (Step 3) conducted by July 2018. Completed on the 18th and 19th September 2018 due to competing priorities.
6. Final Report (Step 5) submitted to Attorney General by December 2018
7. Development of the Final Report completed.
8. The ‘Exchange of Information Review’ Final Report was endorsed by Cabinet on 6 March 2019. It will be discussed by the Parliamentary Committee (*Standing Orders, Electoral, Petitions and Offices of Parliament Committee*) with the Commission in attendance on Friday 9 August 2019.



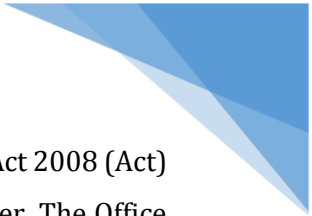
B. FOREIGN INVESTMENT LAW

Discussion Paper (Step 2) submitted to the Attorney General by July 2018.

1. This project is a self-initiated project under Section 6(a) of the Law Reform Commission Act 2008 and was approved by the Office of the Attorney General in May 2017. This review assesses laws relating to foreign investment in Samoa.
2. Preliminary consultations were held with the administrative Ministry, the Ministry of Commerce, Industry and Labour (MCIL) in January 2018. During the preliminary consultation, **MCIL advised that a Technical Assistance (TA) for investment laws was endorsed by Government.** It was then agreed that MCIL would conduct this review with the TA.
3. In the course of MCIL's review, the TA and MCIL officers consulted with the Commission, not as a stakeholder but as the Commission. The Commission's input was therefore limited to the laws of Samoa relevant to this review e.g. Immigration laws regarding work permits, and Revenue laws relating to business licences. The Commission also advised the TA and MCIL that the context of Samoa must be taken into account in this review, like every law review for Samoa. Samoa invests mainly on people and not in financial institutions or on individual property. The current systems in Samoa in place to support any revised legal framework (in MCIL and MOR) must be taken into account.
4. To avoid duplication, the Review is now with MCIL and is being carried out by the TA. MCIL will revert to the SLRC for any assistance required on this Review.
5. Public Consultations (Step 3) conducted by December 2018. Project with MCIL. Refer to "B1" above.
6. Final Report (Stage 4) submitted to Attorney General by October 2018. Project with MCIL. Refer to "B1" above.

C. REVIEW OF THE LAW REFORM COMMISSION ACT 2008 - October 2018

1. This year (2018) marks the 10th anniversary of the SLRC since its establishment in October 2008. To mark this milestone, the Samoa Law Reform Commission (SLRC) is reviewing its developments and the work of the Commission to date. On 16 March 2018,



a Terms of Reference (TOR) on the Review of the Law Reform Commission Act 2008 (Act) was approved by the Commission's Minister, the Honourable Prime Minister. The Office of the Attorney General (OAG) endorsed the same on 20 March 2018. The SLRC commenced work with the OAG as required by the directives under the Terms of Reference. The Terms of Reference are:

- a) To review the LRC Act 2008 to ensure it is kept in a modern state to suit the current context of Samoa.
- b) To research and review best practices of law reform processes that suit Samoa's context and have the same available in a Law Reform Project Handbook.
- c) To, together with OAG, provide recommendations on a suitable framework for a new updated legislation and a Law Reform Project Handbook.

2. Given the Terms of Reference, the research for this review was divided into 3 categories:

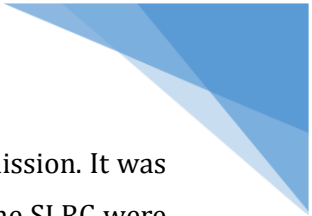
- (i) Where we are (history, current law, current status);
- (ii) Where we want to be (options given overseas jurisdictional analysis); and
- (iii) How do we get there? (including options for a revised framework)

3. **Where we are** – involves research on the history as the record shows, i.e. from 1997; and the early days and influences on the Commission's establishment; the current 2008 Act; the Law Reform Projects of the SLRC in the first 10 years; the statutory functions, composition, law reform process and the challenges faced by the same and how the SLRC responded to those; the budget and staff turnover.

4. **Where we want to be** – requires research on for example the available literature on law reform commissions of the Pacific Islands and other commonwealth countries, a jurisdictional comparative analysis of law reform commissions in the Pacific region and elsewhere in terms of LRCs' functions, composition and processes.

5. **How do we get there** – will be substantially informed by an analysis of both (a) and (b). A Law Reform Handbook setting out an updated 'law reform process' of the SLRC will also inform how we envisage to "get there". From this review, the SLRC and the OAG hope to provide a framework that will continue to improve the services of the SLRC, to ensure that the SLRC continues to strive towards meeting its mandate, i.e. for Samoa's laws to meet the needs of our country.


6. The provisions and matters regulated in the Review of the Law Reform Commission Act 2008 are Executive Decisions of Cabinet in all jurisdictions with such setups (Law Reform Commissions), e.g. the functions and powers of the Commission, appointment of the staff and all personnel involved in the work of the Law Reform Commission.

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7. On 16 January 2019, Cabinet endorsed the Discussions Paper of the Commission. It was agreed that the decisions for the matters regulating the establishment of the SLRC were Executive Decisions. After 10 years of establishment, amendments were made to the LRC Act to be in line with today's context, and to take account of international best practices.
 8. On 14 May 2019, the Draft LRC Amendment Bill was endorsed by the Office of the Attorney General, and on the 17 June 2019, Cabinet endorsed the same Draft Bill for tabling in Parliament.
 9. On 27 June 2019, the Law Reform Commission Amendment Act 2019 was passed by Parliament.

ACHIVEMENTS - SELF INITIATED AND AD HOC PROJECTS

A. FABRIC OF LAWS OF SAMOA

1. Given the need to understand the fabric of the existing laws in force in Samoa to allow for effective law reform reviews, in August 2017, the Samoa Law Reform Commission (SLRC) initiated the review of the Fabric of Laws of Samoa Project. This initiative was driven by the belief that an overall background knowledge of the fabric of laws of Samoa is necessary for effective law making. This effort is the first of its kind. It is envisaged (and hoped) it will not be the last and that it will be a periodical project, to allow Samoa continue to operate on current and updated laws. Such will provide benefits at national level, as it will inform the Judiciary in its duty of applying the laws, the Executive in policy making and the Parliament in its Constitutional law making function. Both an informed Government and public will result in meaningful, effective and better law making.
2. The approved Terms of Reference is as follows:
 - i) To identify the current fabric of laws (all 285 existing Acts of Parliament) of Samoa;
 - ii) To identify which Ministries, State Owned Enterprises (SOEs), or Constitutional Offices (COs) are responsible for which laws (legal authority); and
 - iii) To identify and confirm from Ministries/SOEs/COs any outdated laws under their administration and recommend removal, updating or replacing.
3. Having followed all the stages of the law reform process (Terms of Reference received; Preliminary research and consultations; Discussion Paper; Consultations; Analysis of Research and Consultation information; and Development of the Final Report for Cabinet,



the Final Report was approved by Cabinet on 18th January 2018. The Final Report was finally tabled in Parliament on Friday 5 October 2018. On 17 April 2019, the Commission was summonsed to respond and did respond to queries on the Final Report, from the Standing Orders, Electoral, Petitions, and Offices of Parliament Committee. The Final Report was endorsed by Parliament on 18 June 2019.

Fabric of Laws Miscellaneous Repeal Bill 2019

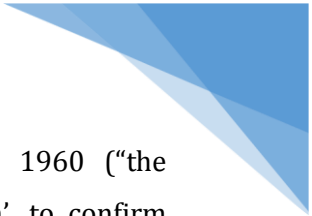
4. One of the significant findings of the Commission is that some 17 Acts/Ordinances of Samoa were found to be outdated and no longer applicable to the current environment of Samoa. The Commission developed a Draft Bill to reflect the recommendations on the repeal of those 17 laws. The Bill is named the **Fabric of Laws Miscellaneous Repeal Bill 2019**. The Office of the Attorney General endorsed this Bill on 12 June 2019 and Cabinet approved it on 3 July 2019. It is anticipated that this Bill will be tabled in Parliament at the October 2019 sitting of Parliament.

B. REVIEW OF THE MINISTRY OF AGRICULTURE AND FISHERIES (MAF) LAWS DIRECTIVE

1. On the 29th November 2017, the Commission received a directive from the Prime Minister to carry out a review of MAF's laws. The directive required the Commission to review the laws of MAF to bring them up to date with the modern context of Samoa and in particular to include the power to prohibit the export of certain primary products of Samoa and to see that Samoa's laws are receptive of the principles contained in the International Fisheries Conventions.
2. The Commission, after comprehensive research provided an extensively researched and informed advice to the Minister of Agriculture and Fisheries on 9 January 2018. Upon further consultations with MAF, it was highlighted that MAF was also carrying out a review of MAF laws. Any further concerns raised by the Hon Minister would therefore be included in this MAF review. The Commission stands by for any further assistance or advice required by MAF.

C. INFANTS ORDINANCE 1960

1. In September 2017, the SLRC received a TOR from the Office of the Attorney General to review the Infants Ordinance 1960. The Terms of Reference is as follows:


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- (i) To conduct research and analysis of the Infants Ordinance 1960 (“the Ordinance”) in particular the provisions on ‘overseas adoption’, to confirm whether it conforms with existing international conventions, treaties, agreements and best practices in matters to do with local and overseas adoption; and
 - (ii) To provide recommendations for reform of the same to ensure that before overseas adoptions are granted, no other suitable arrangements can be accommodated for the infant here in Samoa.
 2. Under the same Terms of Reference, the Hon Prime Minister also raised a query on the Infants Ordinance 1960.
 3. Preliminary legal and doctrinal and international law research was undertaken. The Commission’s findings was that Samoa was in compliance with international conventions on inter-country adoptions. The query from the Prime Minister was also research and responded to. All these findings were presented in a collated and comprehensive advice to both to the Attorney General and the Hon Prime Minister on the 8th November 2017 and 17 November 2017 respectively.

D. IMMIGRATION ACT 2004 REVIEW

Led by the Ministry of Prime Minister and Cabinet (MPMC) through its Immigration Division (Immigration), the Review of the Immigration Act 2004 (Review) was conducted in 2 phases. A Review Team comprised of the Samoa Law Reform Commission, the Office of the Attorney General and Immigration assisted with Stakeholder Consultations for Phase 1 of this review that were held from 19 February to 23 February 2018. Following these consultations, the next phase (Phase 2) is to draft amending provisions based on legislative drafting instructions developed in Phase 1. The Technical Assistant engaged by the MPMC is now working on Phase 2 to completion.

E. REVIEW OF THE MINISTERIAL DEPARTMENTAL ARRANGEMENT ACT 2003

1. The Discussion Paper for this review was approved by Cabinet on the 12 July 2017 in FK(17) Fa’apitoa 07.
2. A Final Report with the Commission’s recommendations was developed and approved by the Hon Prime Minister on the 29 November 2017 and approved by Cabinet on the 10th January 2018. Cabinet has since referred the Final Report to a



Sub- Committee for further consideration. The Samoa Law Reform Commission stands by for any advice required on the MDAA Review.

F. REVIEW OF SAMOA'S CIVIL PROCEDURE RULES 1980 AND MAGISTRATE COURT RULES 1971

1. On 2nd and 5th March 2018, the Commission called a meeting and did meet with the Samoa Law Society (then) Council and the Legislative Drafting Division of the Office of the Attorney General (OAG) on the (i) Draft Supreme Court Rules (Civil Procedure); and (ii) Draft District Court Rules (Civil Procedure). Beforehand, the Commission reviewed the two sets of Civil Procedure Rules (Supreme and District) and thereafter called the above said parties to meet to take this review to completion. At the end of this financial year, the revised penultimate final two sets of Draft Rules were with the Office of the Attorney General for their Final review.
2. On 5 September 2018, the Attorney General submitted the Draft Rules to the (then) Honourable Chief Justice Tiava'asue Patu. On 20 June 2019, Acting Chief Justice sought for, and was provided the same 2 sets of Court Rules (Supreme Court and District Court).

OPERATING ENVIRONMENT

This Part examines the context within which the Commission operates. It identifies some of the key issues that exist (or are emerging) in the internal and external environment and suggest how these will or may impact on future strategies and resources of the Commission.

People

The Law Reform Process of the Commission (as noted above) has set the stage to build upon the procedural efficiency of the Commission and the Human resources that supports it. This is to ensure that the Commission is well equipped for sustainability in the delivery of quality output and be able to focus on meeting the ever increasing service demands. However, it also does not fail to recognize some key risks that may hinder the ability of the Commission to implement the planned strategies.

Challenges	Mitigation Measures
<p>1. Shift in Priorities and Resources Allocation: Change in priorities can lead to change in resources allocated for implementation of Plan based on Urgent referrals from the Minister and Cabinet.</p>	<ul style="list-style-type: none"> • The Commission must be in a position to automatically re-prioritise and re-divert resources upon receipt of a new TOR or ad hoc reference. • Continuous capacity building/training of legal staff to meet the professional capacity required; to respond to the level of complexity of legal research and legal analysis for a TOR received. • Setting realistic goals and still be able to anticipate risks and be able to respond immediately with measures to address them. • At times, due to unforeseen shift of priorities, Projects and activities have to be rolled over.
<p>2. Possible change in leadership: The contract period of CEO and Management is 3 years. A sudden change in leadership can also change strategic direction and is a high risk in completing the implementation of the Corporate Plan.</p>	<ul style="list-style-type: none"> • Strengthen and regular alignment of management plans and annual budget provisions with outcomes and goals of the Contract Officers to perform within the 3 year contracts. • Continuous capacity building/training of legal staff to meet the professional capacity required • Re-prioritising goals and targets to suit the environment from time to time.
<p>3. Workforce Shift and Migration Transfer and shift of workforce in between the Law offices and migration of skilled Lawyers personnel overseas will impact in losing in depth institutional knowledge.</p>	<ul style="list-style-type: none"> • Re-classification proposal to PSC and MoF to enforce retention mechanisms such as monetary incentives through elevation of Legal staff salaries to higher Salary Grade. • With a young legal staff, continuous capacity building/training of legal staff to build interest and professional capacity, and thus maintaining legal staff in the SLRC. Options for training at partner law reform commissions always an advantage, to maintain the interest of legal staff in law reform. • Ensure corporate knowledge and understanding are captured in policy and procedural manuals.
<p>4. Commitment and Ownership Lack of stakeholder commitments, and lack of leadership to drive the strategic direction of the Commission. Information ascertained from various stakeholders for the different projects carried out by the Commission are inconsistent and incomplete. The Commission has had to carry out time consuming research and analysis due to lack of basic baseline data.</p>	<ul style="list-style-type: none"> • Strengthen stakeholder involvement through effective consultation in the planning process, and in consultations proper. • Staff to be familiar with relevant legal and other databases in Samoa and overseas, for well-informed research. • SLRC staff to be familiar with how the 3 arms of Government work, the public sector and the private sector, NGO, churches etc. In other words, develop collegiality, friendship and strong networking with the public and private sector and the public at large. To encourage interest and being educated by the work of the Commission.

<p>5. Limited Access to Court Decision Case Law Court decisions are not always available when needed during the course of our research, and a time consuming costly task to physically follow up on these decisions.</p>	<ul style="list-style-type: none"> We anticipate this will improve in the future once the Ministry of Justice and Court Online Databases can be accessed online. In addition, if the Judges have the capacity (time-wise) to write their decisions and have them uploaded online.
<p>6. No Access to Online Legal Search Engines No access to international Online legal search engines – e.g. Lexis Nexis This online database is very useful for SLRC research and analysis.</p>	<ul style="list-style-type: none"> Pushing for financial support from MoF to allow a budget provision to pay for access subscription for the Commission to access lexis Nexis Legal Search Engine. Other legal databases are just as helpful and critical for informed law reform e.g. nzlii and austlii.
<p>7. Limited Available Training Opportunities Training and capacity building opportunities for this unique field of the legal profession, law reform, is very hard to come by.</p>	<ul style="list-style-type: none"> Keep seeking for legal research and legal training from PSC The Office of the Attorney General and the Ministry of Foreign Affairs and Trade are requested to consider referring relevant legal training and legal research training to the SLRC.

PARLIAMENTARY SUMMONS

- Due to the nature of its work, the Commission has been summoned by Parliamentary Committees to comment on Bills that are derived from the Commission’s Final Reports and also on Bills the Commission had no part in developing. For the latter Bills, the Commission is required to analyse the Draft Bill against legislative drafting principles and styles; and where needed, carry out research on related laws. This is to equip the Commission with responses in contemplation of Parliamentary Committee queries on those Draft Bills.
- The Commission’s submissions are mostly delivered verbally in front of the Committees. In some cases, a Parliamentary Committee would request a written response following a session with the Commission, and the Commission has provided the same as sought. The following is a summary of Parliamentary summons for Financial Year 2017/2018.

BILLS FROM THE COMMISSION’S FINAL REPORT

1. 15 August 2017 - Sex Offenders Register Bill 2017 – This Bill is to implement the Register for Sex Offenders in Samoa and related purposes.

BILLS NOT RESULTING FROM THE COMMISSION'S FINAL REPORT

2. 8 August 2017 - Conventional Arms Bill 2017 – This Bill is to implement the Arms Trade Treaty and related purposes.
3. 15 September 2017 - Energy Efficiency Bill 2017 - This Bill is to regulate energy efficiency of energy using products and consumer information on those products, and for related purposes.
4. 11 October 2017 – Police Service Amendment Bill 2017 – This Bill amends the Police Services Act 2009 (Principal Act) and other related purposes.
5. 16 April 2018 - Alienation of Customary Land Amendment Bill 2017 - This Bill provides for amendments to the Alienation of Customary Land Act 1965 with the objectives of:
 - a. Strengthening the provisions relating to leasing and licensing of customary land; and
 - b. Facilitating the mortgaging of leases over customary land.
6. 1 August 2019 - Road Traffic Amendment Bill 2019. To prohibit car racing and drag racing in Samoa.

OBJECTIVES AND STRATEGIES 2018-2021

Legal Division

Strategic Objective	Activity	Performance Measure	Responsible	Time Frame
1.1 Receive Terms of Reference from Attorney General, Government, and Government Ministries To recommend programmes for reform of the laws of Samoa (s6(a) LRC Act 2008)	<ul style="list-style-type: none"> • To be informed with current and emerging national and international issues through research, Public and private sector networks, Court judgements, and participation in working groups/ committees/ task forces. • To identify outdated legislation in need of reform. • To liaise with the Attorney General about possible programmes and priorities of Government. 	At least 1 self-initiated project for reform per financial year resulting in a reference. Number of References inclusive of Ad Hoc received by SLRC	Legal Division.	

<p>2.1</p> <p>To conduct preliminary research and analyse areas of law considered to be in need of reform and to report recommendations for reform to the Prime Minister and Cabinet (s6(b) LRC Act 2008)</p>	<ul style="list-style-type: none"> • Comprehensive research and analysis of areas of law necessary for the development of Issues Papers, Discussion Papers and Final Reports. • Preliminary consultations with key stakeholders for the purpose of developing Issues Papers/ Discussion Papers. This may include distributing questionnaires, surveys, or arranging secondments to relevant departments to obtain relevant information. • Timely preparation of consultation plans and strategies to ensure effective consultations. 	<p>Number of Law Programmes for research</p> <p>Number of references cited which is relevant to each programme research.</p> <p>Number of Issues Papers, discussion paper submitted to Attorney General and Prime Minister and approved by Cabinet.</p>	<p>Lead Legal division</p> <p>Support Corporate Services Unit</p>	
<p>3.1</p> <p>To effectively consult on references with respective parties (s6(d) LRC Act 2008)</p>	<ul style="list-style-type: none"> • Comprehensive research and analysis of areas of law for the purpose of public consultations. • Timely preparation of consultation plans and strategies to best achieve maximum public awareness and preparedness for consultation appropriate to each reference. • Timely notification of consultation to relevant Government Ministries, relevant Private Sector organisations, Advisory Board members, and other representative groups who can disseminate information amongst their members. • Raise awareness of consultations through the SLRC website, social media, and relevant networks. • Targeting focus groups, where appropriate. • Work collaboratively with relevant Government ministries/ agencies in facilitating consultations, where appropriate. 	<p>Number of Preliminary Consultation Held</p> <p>Number of Public Consultation Held</p> <p>Number of Seminars Held</p> <p>Number of Stakeholders and Public participating in consultations and Seminars</p>	<p>Lead Legal division</p> <p>Support Corporate Services Unit</p>	
<p>4.1</p>	<ul style="list-style-type: none"> • Collaborate consultation viewpoints results and 	<p>From 2.1 & 3.1-Number of Issue Paper/ Discussion</p>	<p>Lead</p>	

<p>To further research based on viewpoints resulting from Objective 2.2 & 3.1 above</p>	<p>conduct further research and ensuring they are all sufficiently analysed for the Commission's Issues Papers and Final Reports.</p>	<p>Papers approved by Cabinet to conduct further research.</p> <p>Number of relevant references cited to further research.</p> <ul style="list-style-type: none"> - Case Laws - Other relevant Acts, Regulations etc - Legal text books - Jurisdiction Legal Comparative analysis - Lexis Nexis (secondary source) 	<p>Legal division</p> <p>Support Corporate Services Unit</p>	
<p>5.1 To provide an advisory role to Government Ministries or agencies on reviews carried out by those Ministries or agencies (s6(c) LRC Act 2008)</p>	<ul style="list-style-type: none"> • Actively engage with Ministries to be informed about ongoing reviews and reviews in the pipeline that may be referred to, or relevant to work of the Commission. • Raise profile and awareness of the Commission's work and law reform process among Government Ministries or agencies. • Attend relevant workshops, conferences, or trainings • Establishing effective working relationships with relevant Government or agencies, and working collaboratively. 	<p>Number of Government Ministries/Agencies that request SLRC for advice to facilitate their own reviews</p> <p>Percentage of man hours that SLRC spent on research, citation of references and analysis in providing recommendation</p> <p>Number of request cases that SLRC responded to</p>	<p>Lead Legal division</p> <p>Support Corporate Services Unit</p>	
<p>6.1 Submission of Completed Final Report to Cabinet for Approval</p>	<ul style="list-style-type: none"> • Final Report in English submitted to Minister for Cabinet discussion and Final approval • Translate report to Samoan Language 	<p>Number of Final reports approved by Cabinet</p> <p>Number of English version Final reports translated in Samoan</p>	<p>Lead Legal division</p> <p>Support Corporate Services Unit</p>	
<p>7.1 Submission of Approved Final Report for Parliamentary Debate.</p>	<ul style="list-style-type: none"> • Final Reports reflect relevant recommendation to Draft Bill if necessary • To submit Hard Copies in both English and Samoan version to OCLA for tabling in Parliament 	<p>Number of Final reports approved by Cabinet and signed off by Minister submitted for tabling in Parliament</p>	<p>Lead Legal division</p> <p>Support Corporate Services Unit</p>	

8.1 Timelines of Reports	<ul style="list-style-type: none"> Improve reporting capability of legal staff by improving implementation program plans 	100% delivery of Final reports on specified time frame	Lead Legal division Support Corporate Services Unit	
9.1 To raise Awareness and advise the public about the work of the Commission (s6(d) LRC Act 2008)	<ul style="list-style-type: none"> Notify relevant Government Ministries and agencies who can disseminate information amongst members or networks about the work of the Commission. Raise awareness through media and other means of informing the public and stakeholders about laws under review including presenting at public forums, workshops, or conferences. Develop general presentation template available to staff for a consistent high standard presentation or message about the Commission and its work. 	<p>Increased public interest and understanding about the work of the Commission, evidenced by attendance numbers at consultations and written submissions received meeting or exceeding target numbers.</p> <p>Invitations to present on work of the Commission at workshops, forums, conferences received and accepted.</p> <p>Involvement in intergovernmental committees/working groups on law reform projects</p> <p>Media mentions about Commission's work.</p> <p>Increased visits to website and social network.</p>	Lead Legal division Support Corporate Services Unit	

Corporate Service Unit

Strategy Objective	Activity	Performance Measure	Responsible	
10.1 Provide Professional advice to Executive Director and Consult with Legal Division in providing full support and advice during implementation of Law Review activities.	<ul style="list-style-type: none"> Provide effective and efficient Human Resource Management and Financial advice in compliance with governing policies. Consult Legal Division on Review activities program 	<p>Executive Director is well informed on Human Resources management, Financial Management, transportation and utilization and safeguarding Government resources</p> <p>Facilitate implementation of Law reform Projects in providing relevant financial and budgetary advice.</p>	Corporate Services Unit	

		<p>Ministry of Finance and PSC guidelines and relevant legislation maintained</p> <p>Timely preparation of budget proposal for management discussion and timely submission to MOF.</p>		
<p>11.1 Implement Human Resource Development through building capacity of staff, enhancing leadership and management capabilities</p>	<ul style="list-style-type: none"> • Ensure internal policies, reliable systems and processes are in place. • Continuous support of professional development and capacity building for staff. • Compulsory regular internal trainings – for technical matters relevant to each division, but also on the Commission’s policies, processes, time management, etc. • Staff encouraged to seek and engage in available opportunities for professional development; • Staff to represent the Executive Director and the Commission as appropriate on various committees and task forces. 	<p>Staff well informed on policies and processes and policies consistently applied.</p> <p>At least 5 internal trainings for staff carried out per year.</p> <p>Each staff member to attend at least one external training/ workshop/ conference/ course per year when the opportunity arises</p>	Corporate Services Unit	
<p>12.1 Sound financial performance and management</p>	<ul style="list-style-type: none"> • Corporate Services staff to attend relevant Human Resources and/or Finance trainings. • Ensure policies for monitoring of resources and strengthening of internal controls, and reliable systems and processes are in place. • Regular internal trainings carried out on Human Resources and Financial policies and processes. • Regular reports by Corporate Services to Management. • Development and submission of accurate financial reports 	<p>Financial reports are accurate.</p> <p>Financial reports are submitted within required time frame</p> <p>Reduction in errors in the application of human resource and Finance policies</p>	Corporate Services Unit	

	as required to Ministry of Finance.			
13.1 Adhere to all human resource polices and financial requirements as set out by governing agencies (MOF, Audit, PSC)	<ul style="list-style-type: none"> • Ensure reliable systems and processes are in place where possible. • Regular internal trainings carried out on policies and processes. • Regular reports by Corporate Services to Management. 	<p>Less than 5 reported Human Resources breaches of policy or complaints.</p> <p>No more than 2 finance discrepancies per financial year.</p> <p>Annual Report submitted within specified timeframe each financial year.</p> <p>Enhance ICT security and confidentiality of information.</p>	Corporate Services Unit	

PERFORMANCE MEASURES

The Samoa Law Reform Commission has decided to update its Key Performance Indicators to better reflect the SLRC's contribution to Government and the Samoan Community overall.

In launching this Corporate Plan 2018-2021, SLRC will measure its success through the following key performance indicators:

- 1 Self-initiated reform proposed by the Commission
- The number of reference received by SLRC
- The number of references cited during Preliminary research and initial consultations
- The number of discussion papers and the number of reports to Government on ongoing review and new referrals (ad hoc) from Government, Attorney General and Other Ministries.
- The number of citation or references to SLRC consultation documents, reports and recommendations in parliament committee debates and other interested parties.
- The number of submission received and the number of consultation held for each inquiry.
- The percentage of inquiries completed on time in accordance with terms of reference from the Government of Attorney General
- The number of Final Reports with recommendations submitted for Cabinet Approval
- The number of completed and translated reports based on terms of reference received submitted to OCLA to be table in Parliament
- The number of presentation and speaking engagements of SLRC staff, news letter and other publication
- Engagement of broader community through the work of SLRC in numbers attend, and visitors to the website and awareness of law through media outlet.
- Number of legal trainings and CSU training
- The percentage of Financial and other reports to be completed on time in accordance with policies from regulating agencies.
- Forward Estimates to be completed on time.
- Review of Corporate Plans

Legal Output: -Program Performance Measure Derived from Strategic Objectives:

Strategic Objective	Performance Indicator		2018 – 19 Plan Target	2019 – 20 Plan Target	2020-21 Plan Target	2021- 22 Plan Target
1.1	1.	1 Self-initiated reform	1	1	2	2
	2.	Number of Terms of Reference received by SLRC - Terms of Reference(project) - Ad hoc	3 8	3 9	3 10	3 10
2.1	3.	Number of references for Preliminary research	12	13	15	15
	4	Number of references cited relevant to each programme - Case Laws - Legal text books (including papers, online publication, articles) - Jurisdiction Legal Comparative analysis - Lexis Nexis (secondary source)	97	115	105	105
			84	91	84	84
			45	60	45	45
5.	Number of Discussion Papers and Issue Papers submitted to Attorney General and Prime minister and approved by Cabinet	5	5	10	10	
3.1	6	Number of Preliminary Consultations Held (as required under Objective 2.1)	6	32	20	20
	7	Number of Public Consultation held	28	12	30	30
	8	Number of Seminars held	0	14	14	14
	9.	Number of Stakeholders and Public participating on consultations and seminars	1500	4460	1500	1500
4.1	10	From 2.1 & 3.1-Number of Issue Paper/ Discussion Papers approved by Cabinet to conduct further research.	1	4	10	10
	11.	Number of relevant references cited to further research. - Case Laws - Legal text books(including papers, online publications, articles) - Jurisdiction Legal Comparative analysis - Lexis Nexis(secondary source)	40	27	40	40
			30	23	30	30
			15	23	15	15
0			35	25	25	

5.1	12.	Number of Government Ministries/Agencies that request SLRC for advise to facilitate their own reviews	4	5	5	5
	13.	Percentage of man hours that SLRC spent on research, citation of references and analysis in providing recommendation	10%	10%	10%	10%
	14.	Number of request cases that SLRC responded by submitting respective recommendations	4	5	5	5
6.1	15.	Number of Final reports approved by Cabinet	5	4	5	5
		Number of English version Final reports translated in Samoan	5	4	5	5
7.1	16.	Number of Final Report submitted to OCLA to be table in Parliament	5	2	5	5
8.1	17.	Percentage of Completed Reports submitted on time		100%	100%	100%

Support Service: - Performance Measure in Support of Strategic Objective:

		Performance Indicator	2018 – 19 Target	2019 – 20 Target	2020-21 Target	2021- 22 Target
9.1.	18	Presentation articles and speaking engagements				
		- Visitors to website	500	2000	2000	2000
		- law awareness programs/TV/Social Media/Mobile Platform	10	20	20	20
		- Number of Stakeholders/Public participated in surveys	1000	1000	1000	1000
		- Number of Legal training initiated by SLRC	10	10	10	10
		- Number of response to SLRC through Justice Sector Outreach Program.	120	130	130	130
10.1	19	Ministry of Finance guidelines and relevant legislations are maintained	100%	100%	100%	100%
		Timely preparation of indicative provision for implementation of consultation activities	100%	100%	100%	100%

11.1.	20	Staff well informed on policies and processes and policies consistently applied.	100%	100%	100%	100%
		At least 5 internal trainings for staff carried out per year.	5	5	5	5
		Each staff member to attend at least one external training/ workshop/ conference/ course per year when opportunity arises	6	6	6	6
12.1	21	Financial reports are accurate. Financial reports are submitted within required time frame Reduction in errors in the application of human resource and Finance policies	100%	100%	100%	100%
13.1	22.	Less than 5 reported Human Resources breaches of policy or complaints.	5%	5%	5%	5%
		No more than 2 finance discrepancies per financial year.	2%	2%	2%	2%
		Annual Report submitted within specified timeframe each financial year.	Oct 18	Oct 2019	Oct 2020	Oct 2021
		Enhance ICT security and confidentiality of information.	100%	100%	100%	100%

Ad-hoc

	Performance Indicator	2018 – 19 Target	2019 – 20 Target	2020-21 Target	2021- 22 Target
1.	Number of reference received written/oral	8	9	10	10
2.	Research/ pre consultation /citation of reference	24	75	75	75
	<ul style="list-style-type: none"> - Case Laws - Legal text books - Legal Comparative analysis - Lexis Nexis(secondary source) 				
3.	Analyse	100%	100%	100%	100%
4.	Recommendation and advice.	8	9	10	10
5.	Draft Bill				