



GOVERNMENT OF SAMOA



ANNUAL REPORT #12 JULY 2020 - JUNE 2021

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GOVERNMENT OF SAMOA

The Honourable Speaker
The Legislative Assembly of Samoa

In accordance with Article 35 of the *Constitution of the Independent State of Samoa 1960* and section 9 (3) of the *Law Reform Commission Act 2008*, I lay before you copies of the 12th Annual Report for the Samoa Law Reform Commission for the period of July 2020 to June 2021 for tabling before the Legislative Assembly of Samoa. This report documents activities implemented by the Commission within this period, in accordance with the Act.

Honourable Matamua Seumanu Vasati Sili Pulufana
MINISTER FOR THE SAMOA LAW REFORM COMMISSION



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In accordance with section 9 (2) of the *Law Reform Commission Act 2008* and Article 35 of the *Constitution of the Independent State of Samoa 1960*, I have the pleasure to present you with copies of the 12th Annual Report for the Samoa Law Reform Commission for the period of July 2020 - June 2021, for tabling before the Legislative Assembly of Samoa. This report documents activities implemented by the Commission within this period, in accordance with the Act.

Tele'ai Dr. Lalotoa Mulitalo

EXECUTIVE DIRECTOR
SAMOA LAW REFORM COMMISSION

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FOREWORD - MINISTER FOR THE SAMOA LAW REFORM COMMISSION

I am pleased to present this 12th Annual Report of the activities, achievements and challenges of the Samoa Law Reform Commission (referred to as "the Commission" or "SLRC") for the Financial Year July 2020 – June 2021.

The law reform process involves the review, research and update of existing laws in a manner which allows broad community participation. This drives the promotion of justice, good governance and accountability. A high number of Samoa's laws are old and outdated, the SLRC performs the important function of ensuring that Samoa's laws are continually reviewed and updated taking into consideration current developments. In performing this role, the SLRC also ensures that the law reflects and maintains Samoa's custom and traditions.

The public consultations carried out by the Commission allow public participation in the development of laws of Samoa. This is an opportunity given to the public to voice their views on our laws. The public is encouraged to attend consultations held by the Commission from time to time to voice their views.

The review, reform and development of laws by the Commission contribute significantly to the priorities of Government. It results in updated laws which serve the needs of Samoa, based on research and analysis, submissions from the public, and public consultations with stakeholders, village communities and the public.

I am pleased to present the 12th Annual Report of the Samoa Law Reform Commission.



Honourable Matamua Seumanu Vasati Sili Pulufana
MINISTER FOR THE SAMOA LAW REFORM COMMISSION

EXECUTIVE DIRECTOR'S NOTE

As the 12th Financial Year closes for perhaps the most challenging, yet the most rewarding year for the Commission, I present this Report on the significant developments of the Commission's Projects being the Key Performance Indicators for this Financial Year 2020/2021. I would also like to take this time to report back on the Commission's work and its significant achievements specifically in relation to the most important Project the Commission has ever received a Terms of Reference on and delivered, the Fetuunai Muniao Project (FM Project).

Fetuunai Muniao - The 3 Acts

(Constitution Amendment Act 2020; Land and Titles Act 2020; Judicature Act 2020)

By way of background, the FM Project was initiated by Cabinet Directive FK (19) 31 dated 20 September 2019. FK (19) 31 directed the Office of the Attorney General (OAG), the Ministry of Justice and Courts Administration (MJCA) and the Commission to research and provide recommendations on a subsequently endorsed Terms of References which is as follows.

TOR 1 - To review and research the laws of Samoa on how customs and usages can be recognised and protected under the Constitution, within the ambits of the Constitution;
TOR 2 - To review and research the laws of Samoa on how the LTC can be an autonomous set up from the formal courts, within the ambits of the Constitution; and
TOR 3 - To make recommendations.

Following our last update in our last Annual Report for the FY 2019-2020 on the progress of the extensive work the Commission carried out alongside the Team of the 3 Offices, the aspirations and hopes for the passage of the 3 Bills that were resultant from this Project became a reality on 15 December 2020. At this last Parliament Sitting of 2020, the 3 Acts were passed and thus enacted by the Parliament of Samoa.

Following the enactment of the 3 Acts, the Commission were then tasked with reviewing and revising the three (3) Draft Supporting Legal Frameworks from the first working Drafts that were developed and referred from the OAG in 2019. By the end of February 2021, the Commission had completed its review and drafting tasks for the three (3) Supporting Legal Frameworks which were then submitted to the OAG and the MJCA respectively for their review.

The Samoa Law Reform Commission is blessed to have been part of this journey, from research to the enactment of the 3 Acts, and the development of the 3 supporting legal frameworks, in moving forward. We have been greatly humbled having had the esteemed privilege of having been a part of this special project, which has reinforced further the importance of our roots and *faasinomaga* as Samoans.

The SLRC continues to be thankful and would especially like to acknowledge the support of the former Minister of the SLRC, who was also the former Prime Minister, Honourable Tuilaepa Dr. Sailele Malielegaoi. The SLRC is also grateful for the support from the stakeholders and partners who have contributed to the SLRC's Work. To the staff of the SLRC, Faamanuia le Atua i galuega lelei uma.

We can only pray and trust the Lord that Samoa will continue to hold her head up high and be proud of its Government's initiatives to uphold the *customs and usages* of our beloved Samoa, the essence of the identity of OUR people!

Tatou faalagolago pea i le fesoasoani sili mai le Alii.



Teletai Dr. Lalotoa Multalo

EXECUTIVE DIRECTOR, SAMOA LAW REFORM COMMISSION

1. ORGANIZATIONAL STRUCTURE

1.1 OVERVIEW

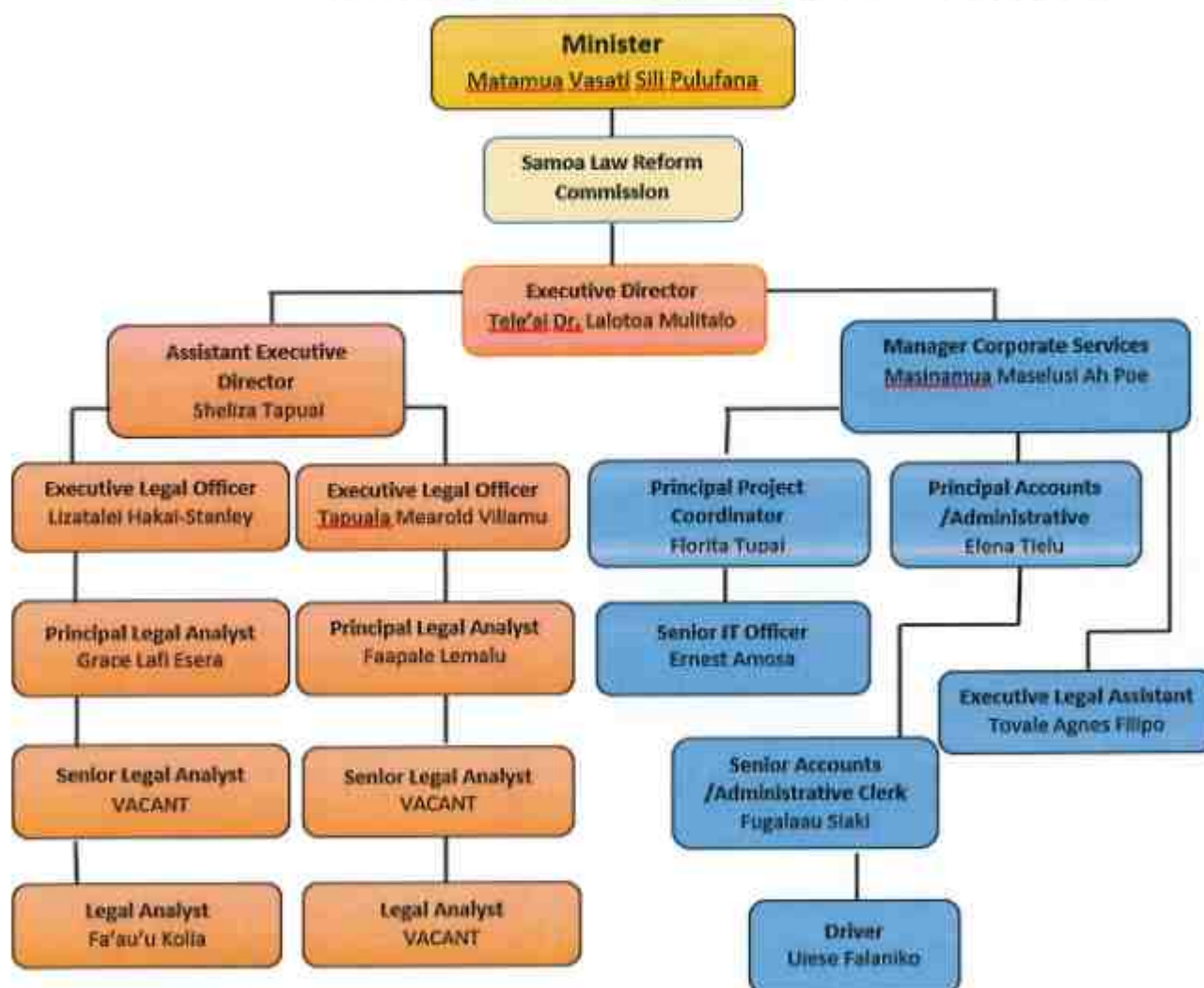
The Commission consists of an Executive Director, Tele'ai Dr. Lalotoa Mulitalo, as the administrative head of the Commission who supervises and directs its work.¹ There is only one (1) Output of the SLRC called 'Legal Research Analysis and Recommendation'. The office now has fourteen (14) permanent staff and three (3) contractual staff; a total of seventeen (17) positions inclusive of 3 vacant positions.

The Commission was also fortunate to engage 2 part timers in this Financial Year to assist the Commission with its work.

The organizational structure as shown below illustrates the organization of the SLRC staff positions.

1.2 STRUCTURE

SLRC ORGANIZATION STRUCTURE – FY 20/21



¹ Law Reform Commission Act 2008, section 10 (Executive Director) – (1) The Executive Director is the administrative head of the Commission and shall supervise and direct the work of the Commission.

1.3 MAIN OUTPUT

Under the one (1) main output of the Samoa Law Reform Commission (Legal Research Analysis and Recommendation), performance indicators and targets are provided for implementation. There are different activities identified and set in place to assist Commission in its efforts to provide effective and efficient services, which would overall contribute to the achievement of the Commission's strategic objectives. These activities are funded by appropriations.

The Legal Research Analysis and Recommendation team consists of seven (7) lawyers and is led by the Assistant Executive Director, Sheliza Tapual. At the date of this report, three (3) legal positions are vacant and are being advertised in the PSC Circular for replacements.

1.4 SUPPORT UNIT

The Corporate Service Unit is required to provide full support to the Legal Research Analysis and Recommendation output to ensure smooth and sound implementation of research and reform activities. The Corporate Service Unit is responsible for four key sections of the Office:

- i. Financial Management;
- ii. Human Resource Management;
- iii. Information Communication and Technology; and
- iv. General Administration of Public Relations, Reception and Transport arrangements.

The Corporate Service Unit is led by the Manager Corporate Service supervising six (6) permanent staff.

2. ROLE AND FUNCTIONS

The Samoa Law Reform Commission (Commission) was established in 2008 under the Law Reform Commission Act 2008. The Commission undertakes research and provides recommendations to reform the law on topics according to its mandate:

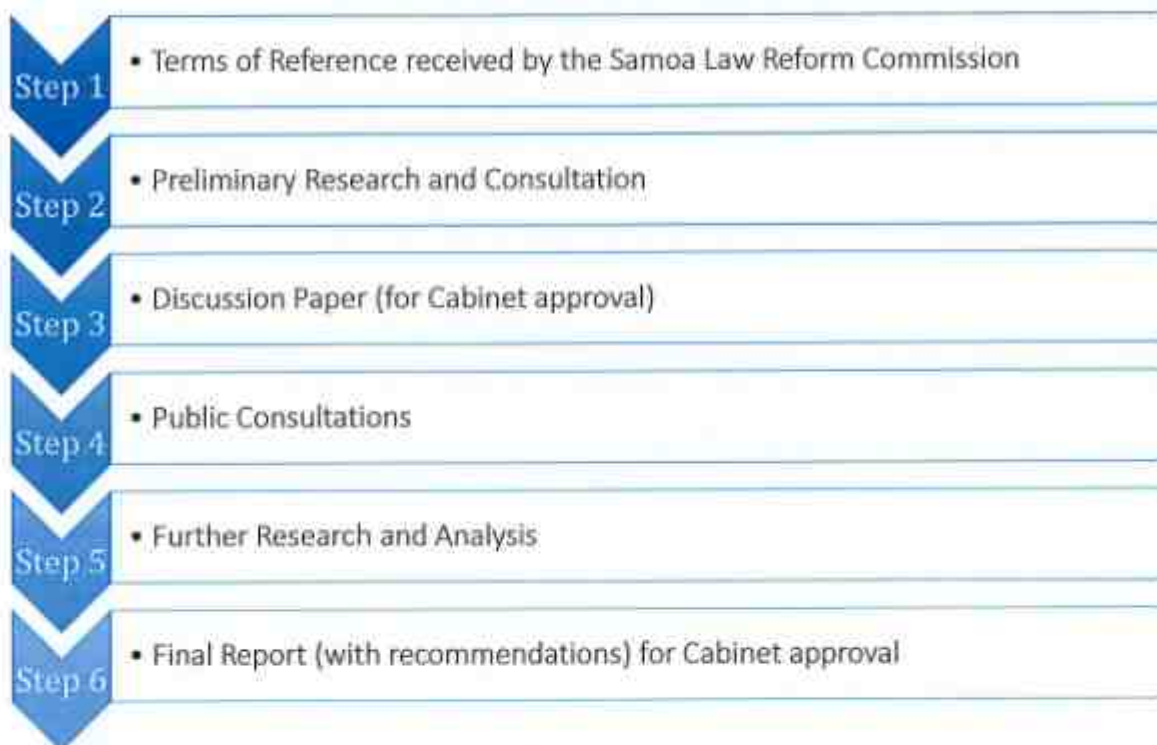
- To research and analyse areas of law considered to be in need of reform in accordance with a reference made to it by the Prime Minister, Cabinet or the Attorney General; or self-initiated by the Commission and endorsed by the Attorney General or the Prime Minister;
- To consult with and advise the public about its work;
- To provide reports providing its recommendations to the Prime Minister, Cabinet and the Attorney General; and arrange for the publication upon Cabinet approval;
- If recommended in its reports and where capacity allows, to draft new or amending laws or proposed legal framework for the approval of the Attorney General;
- To promote awareness of the laws of Samoa;
- To advise government Ministries and agencies on the manner or content of reviews of the law conducted by those Ministries and agencies.

The SLRC is responsible to Parliament through the Prime Minister, Cabinet and the Attorney General. At the conclusion of each inquiry, the SLRC provides a report to the Prime Minister, Cabinet and the Attorney General that includes evidence-based recommendations for reform. The SLRC makes recommendations that:

- to promote Samoan customs and traditions; and
- enhance the social, cultural, economic and commercial development of Samoa; and
- ensure that the laws of Samoa are kept in a modern state which meets the needs of the Government and the Community.

3. THE LAW REFORM PROCESS

The Samoa Law Reform Commission follows a 6 Step process on review and reform references:



4. REVIEWS BY THE COMMISSION IN FY 2020-2021

The Samoa Law Reform Commission reviewed laws under a total of eight (8) references. This number comprises of four (4) Ad-Hoc References, three (3) full Term of References and one (1) Special Project namely the Fetuunai Muniao. These include references received from previous financial years that have continued into this Financial Year. These References are listed and explained further below.

4.1 ONGOING REVIEWS BY THE COMMISSION IN FY2020/2021

Ad-Hoc RECEIVED & COMPLETED FY20/21	ONGOING REVIEWS FROM FY19/20	REVIEWS PLANNED FOR FY20/21	NEW MEASURES RECEIVED FY20/21	SPECIAL PROJECT
4	3	3	NIL	1
<i>(Refer to table in 4.2 below)</i>	Review of the Family Laws of Samoa	Review of the Family laws of Samoa		Fetuunai Muniao
	Review of the Traffic Laws of Samoa	Review of the Traffic Laws of Samoa		
	Review of the Arms Ordinance 1961	Review of the Arms Ordinance 1961		

4.2 AD-HOC COMPLETED FY2020-2021

The SLRC work spanned 4 Ad-hoc inquiries and all have been completed within the financial year.

No	DATE RECEIVED	AD-HOC REFERENCES	REPORT/ADVICE SUBMITTED TO	COMPLETED/ONGOING (DATES)	FURTHER ACTION REQUIRED
1	10/7/20	Aafiaga o le Faamavae mai le Palemene o se Sui Usufono	Hon. Prime Minister	Completed - 08/2020	No further action required
2	13/7/20	Lafoga mo Social Media	Hon. Prime Minister	01/9/20	No further action required
3	15/1/21	Review of Samoa Public Service and Remuneration Tribunal	PSC	1/2/21	No further action required
4	16/7/20	Anal Rape	Hon. Justice Vai Clarence Nelson	24/7/20	No further action required

4.3 REVIEWS PLANNED FOR 2020-2021

4.3.1 Review of the Family Laws of Samoa

DATE INQUIRY RECEIVED	DATE PRE-RESEARCH & AWARENESS SEMINARS COMPLETED	DATE DISCUSSION PAPER TO CABINET	DATE DISCUSSION PAPER APPROVED BY CABINET	PUBLIC CONSULTATIONS	SUBMISSIONS RECEIVED	DATE FINAL REPORT TO CABINET	DATE FINAL REPORT APPROVED BY CABINET	NUMBER OF RECORDS	DATE FINAL REPORT SUBMITTED TO OCLA FOR TABLING	DATE DISCUSSED BY THE PARLIAMENT COMMITTEE
02-Oct-18	Sept - Oct 2019 = 15 Awareness Seminars completed 6 Savaii, 7 Upolu, 2 Ministries & SOEs (1,138 recorded attendance) research completed in Dec 2019.	24-Dec-19	05 Feb 20 FK(20)4	Public Consultations completed - 7 Savaii in August 2020 Plan 14 Cons for Upolu					Further Progress depends on the completion of Public Consultations	

Following the progress from the last Annual Report 2019-2020, the Review of the Family Laws of Samoa is now at the stage of conducting public consultations or Stage 4 of the Law Reform Process. The Commission carried out its public consultations for Savaii from the 3 - 7 August 2020. Upolu Consultations were scheduled for the month of November 2020, however, given the strict public movement by the Government because of COVID19, the Commission's public consultations for Upolu were re-scheduled for May 2021. Unfortunately, the Commission's plans to complete its scheduled public consultations were again put on hold following the 2021 General Elections until all post-General Elections matters are settled and a new Government is formed. These public consultations for Upolu are re-scheduled for October 2021.

Due to the importance of this review, the Commission proposed 14 public consultations with the anticipation to cover all the districts of Upolu to seek their views. The Commission is grateful to be able to plan multiple public consultations with funding assistance secured under the Spotlight Initiative. All the preparations for these proposed public consultations are completed including the consultations material, stationeries, venues and other confirmed logistics.

Legal Material researched during the progress of the Family Law Review.

No. of Case Laws Research (Samoa & Overseas jurisdiction)	Legislation (Samoa and overseas, incl Regulations & Practice Direction)	Legal Texts	Consultations Completed	International Conventions	MJCA Database
83	58	Books Publication = 5 Other legal publications (Articles / Research = 19	JUDICIARY = 6 PUBLIC = 16 PUBLIC SECTOR = 2	3	MJCA DATA OF 10 YEARS (Maintenance Matters)

4.3.2 Alienation of Freehold Land Act 1972 (AFLA)

DATE INQUIRY RECEIVED	DATE PRE-RESEARCH & AWARENESS SEMINARS COMPLETED	No further Action
16 May 2019 MNRE requested SLRC to review the AFLA 1972	June 2019 – February 2020 Preliminary research, consultations and analysis were carried out	No further action from LRC: A discussion Paper was developed, but as a result of further preliminary research, analysis and meetings with the relevant administrator of the Act, it was agreed that the concerns raised could be addressed through amendments to the relevant provisions of the Act. This proposed review therefore did not go through the full law reform process.
7 June 2019 AGO endorsed TOR proposed by SLRC (from May 2019)	March 2020 SLRC after further research advised MNRE that the review does not require a full law reform project, rather it can be addressed by amending the relevant law to respond to challenges raised by MNRE	

The review of the AFLA was initially to be a full review project following the 6 steps reforming process. However, following preliminary research, analysis and consultations with the relevant Ministry (MNRE), LRC advised that the review did not require a fully fledged law reform process. The concerns raised could be addressed by revising/amending the relevant law to respond to challenges raised by MNRE.

Work completed by the Commission:

6 July 2020

- SLRC provided to MNRE options of draft Bills and draft Regulations to address the concerns raised.

(a) Options of Draft Bill:

- Draft Alienation of Freehold Land Amendment Bill 2020; or
- Draft Terms of Sale of Freehold Land to Foreigners Bill 2020

(b) Draft Regulations:

- Terms of Sale of Freehold Land to Foreigners Regulations 2020

Legal Materials researched during the progress of the Alienation of Freehold Land Act 1972 Review

NO. OF CASE LAWS RESEARCH (SAMOAN AND OVERSEAS JURISDICTION)	LEGISLATION (SAMOAN AND OVERSEAS, INCL OF REGULATIONS & PRACTICE DIRECTION)	MEETING / CONSULTATIONS
8	13	3

4.3.3 Traffic Laws of Samoa

DATE INQUIRY RECEIVED	DATE PRE-RESEARCH & AWARENESS SEMINARS COMPLETED	DATE DISCUSSION PAPER TO CABINET	DATE DISCUSSION PAPER APPROVED BY CABINET	PUBLIC CONSULTATIONS	SUBMISSIONS RECEIVED	DATE FINAL REPORT TO CABINET	DATE FINAL REPORT APPROVED BY CABINET	NUMBER OF RECOMMENDATION	DATE FINAL REPORT SUBMITTED TO OCLA FOR TABLING	DATE DISCUSSED BY THE PARLIAMENT COMMITTEE	DATE DISCUSSED IN PARLIAMENT	REPORT RESULTED IN BILLS
01-Jul-19	Aug - Sept 2019	Ongoing	Pending submission to Cabinet									

This review was proposed by the Commission following an ad reference from the Honourable Prime Minister on possible reforms to increase penalties for drivers/bus drivers under Samoa's traffic laws. This reference was initiated as a result of an increase in the numbers of accidents involving buses in 2019. The Commission's legislative review brought to light that the traffic laws of Samoa were in dire need of collating, consolidating, reviewing, updating and reform. The Honourable Prime Minister was advised accordingly.

Upon the Commission's proposal, the Honorable Prime Minister approved a Terms of Reference on 29 July 2019 for the Commission to conduct a full review of the Traffic Laws of Samoa.

As per its law reform process, the Commission carried out preliminary research and consultations with the key Government Offices overseeing traffic matters in the country which includes the Ministry of Police, Land Transport Authority, Ministry of Works, Transport and Infrastructure, the Ministry of Justice and Courts Administration and Samoa Prisons and Corrections Services, in September 2019. Due to other urgent projects referred by the Cabinet involving the Commission, the development of the Discussion Paper after its preliminary consultations were put on hold.

The Commission is now finalizing its Discussion Paper for the Review of the Traffic Laws of Samoa. This will be submitted to Cabinet for their endorsement as per usual before the Commission carries out its public consultations. The Commission hopes to seek comments and submissions from the relevant stakeholders and the public on issues and questions raised in this Discussion Paper.

Materials Researched during the Preliminary Research Stage to Develop the Discussion Paper

No. of Case Laws Research	No. of Legal Text Research	Legal Jurisdiction	No. of Interviews
72	6	29	6

4.3.4 Arms Ordinance 1960

DATE INQUIRY RECEIVED	DATE PRE-RESEARCH & AWARENESS SEMINARS COMPLETED	DATE DISCUSSION PAPER TO CABINET	DATE DISCUSSION PAPER APPROVED BY CABINET	DATE PUBLIC PUBLIC/CONSULTATIONS RECEIVED	DATE FINAL REPORT TO CABINET	DATE FINAL REPORT APPROVED BY CABINET	NUMBER OF RECOMMENDATIONS	DATE FINAL REPORT SUBMITTED TO OCLA FOR TABLING	DATE DISCUSSED BY THE PARLIAMENT COMMITTEE	DATE DISCUSSED IN PARLIAMENT	REPORT RESULTED IN BILLS
04-Oct-19	Pre-research commence May 2020 and ongoing	Await completion of pre-research & awareness seminars									Further progress depends on DP Approval

On the 4th October 2019, the Ministry of Police (MOP) sought the Commission's assistance to review the Arms Ordinance 1960, a pre-independence legislation. The MOP noted deficiencies and loopholes in the implementation of this old law including its outdatedness, issues in the licenses control and weaknesses in controlling of arms.

This is in the current work plan of the Commission. Due to Government priorities needing urgent attention by the Commission, the Commission through letter dated 16 October 2019 informed the MOP that this project will be deferred to the latter half of 2020.

On the 30th June 2020 the Commission informed the MOP that preliminary research and analysis had commenced since May 2020 for this project. This Review is still at its preliminary research and analysis stage.

Materials Researched to Date for Review of Arms Ordinance

No. of Case Laws Research (Samoan and Overseas jurisdiction)	Legislation (Samoan and overseas, incl of Regulations & Practice Direction	Literature	Code Manual
34	18	9	5

4.4 SPECIAL PROJECT (FY20-21)

4.4.1 FETUUNAI MUNIAO

In September 2019 the Office of the Attorney General (OAG), the Commission, and the Ministry of Justice and Courts Administration (MJCA) (collectively referred to as the Fetuunai Muniao Team (FM Team) or the 3 Offices Team) were tasked by Cabinet as per Cabinet Directive FK (19) 31 dated 20 September 2019 to carry out research relating to communal rights. This directive refers back to the final recommendations in the Report of the Special Inquiry Committee (2016) on the Land and Titles Court.

Given the nature of this Special Project and the strict timeframes directed, the Commission directed its full attention towards the development and the completion of this special project. The Commission played a significant role in the legal research and analysis, in the drafting of the 3 Bills and in providing legal advice and explanation to assist the Special Parliament Committee (*refer to pg. 17*).


The Legal Team assisted the Special Parliamentary Committee throughout the public consultations stage (*see further at 4.4.2, pgs. 20-21*) and worked long and after hours to meet the timeframes of this special project.

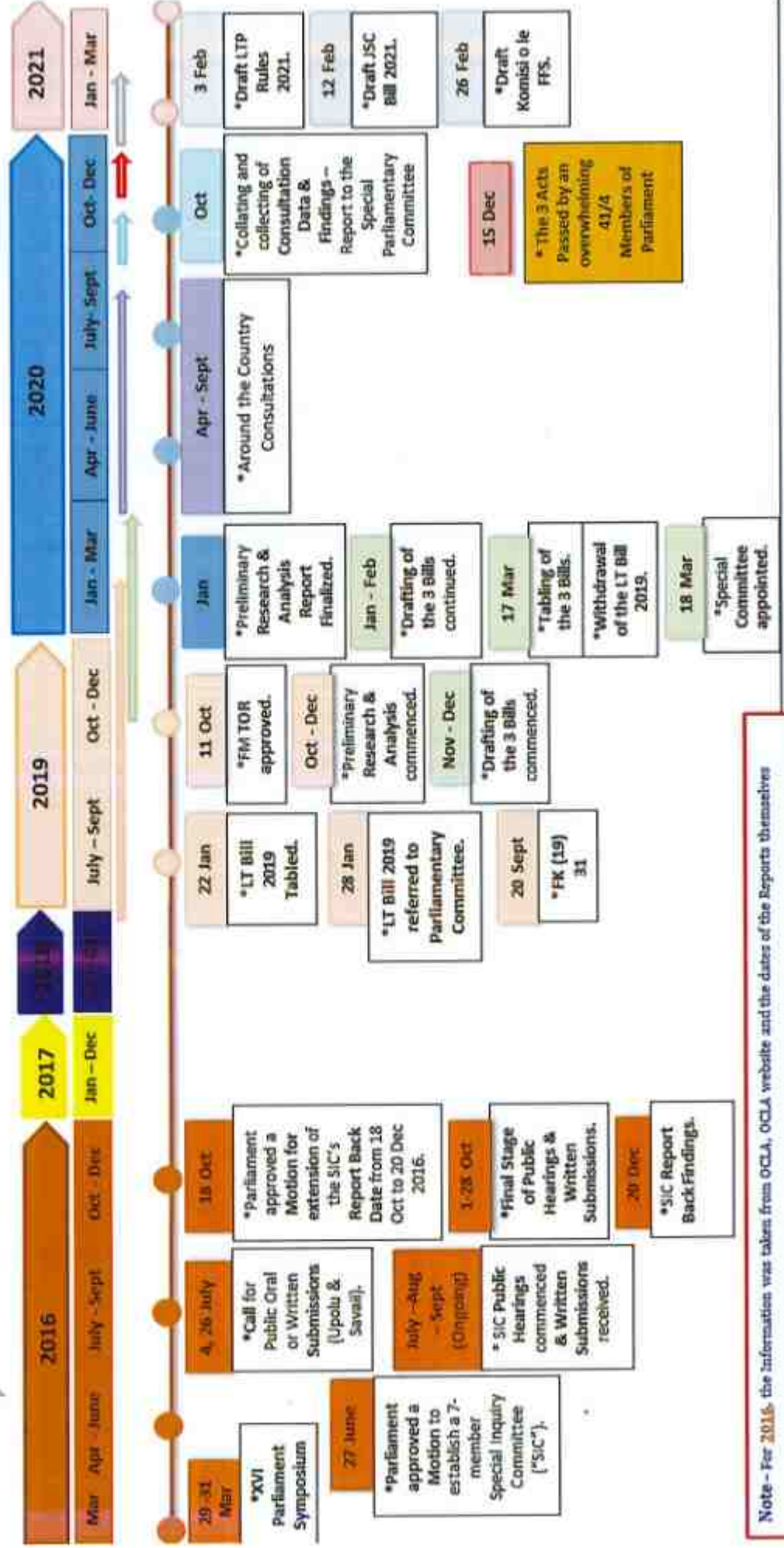
The Corporate Service Unit (CSU) staffs were continuously on stand-by to provide high quality administrative support needed by the FM Team. The Commission in support of this special project utilised both its human resources as well as finances to cover expenses including staff accommodations and meals, as well as sharing catering costs with the OAG, MJCA and OCLA. SLRC vehicles were also used to transport SLRC staff, MJCA and OAG staff in accompanying the Special Parliamentary Committee from time to time around both Upolu and Savaii.

The diagram below attempts to provide, at a glance, the work of the 3 Offices in the 18 months period from September 2019 to March 2021 to bring the Fetuunai Muniao Special Project to completion.

CHRONOLOGY OF FETUUNAI MUNIAO 2016 – 2019

Color Code:

-  Stage 1 – Preliminary Research Analysis and Reports (Sept 2019 – Jan 2020).
-  Stage 2 – Drafting of the 3 Bills (Nov – Mar 2020).
-  Stage 3 – Around the Country Consultations (Apr – Sept 2020).
-  Stage 4 – Collating and collecting of consultation Data & Findings (Oct 2020).
-  Stage 5 – The 3 Acts passed (Dec 2020).
-  Stage 6 – Supporting Legal Frameworks (Drafts) (Jan-Feb 2021).



Note - For 2016 the information was taken from OCLA, OCLA website and the dates of the Reports themselves

It is crucial to record the following groups who had significant impact on this Fetuunai Muniao Special Project.

(1) Special Parliament Committee

The Special Parliament Committee was appointed in March 2020 to review, scrutinize and carry out public consultations on the 3 Bills and to report back to the Legislative Assembly at the first appropriate Parliament sitting. This Committee consisted of 7 members listed below.

No.	Special Parliamentary Committee Members	Constituency
1.	Gatoloaifaana Amataga Alesana-Gidlow (<i>Chair</i>)	Faasaleleaga No. 1
2.	Namulauulu Leota Sami Leota (<i>Deputy Chair</i>)	Faasaleleaga No. 2
3.	Sulamanaia Fetaiai Tauilili Tuivasa (<i>member</i>)	Vaimauga East
4.	Faaulusau Rosa Duffy Stowers (<i>member</i>)	additional female MP elected pursuant to Article 44 (1A) of the Constitution, from Gagaifomauga No. 3
5.	Fuimaono Teo Samuelu Teo (<i>member</i>)	Falealili East
6.	Leaana Ronnie Posini (<i>member</i>)	Safata West
7.	Ili Setefano Taateo Tafili (<i>member</i>)	Aana Alofi No. 2

(2) Panel of Consultants

The Government also engaged a Panel of Consultants ("Consultants") to assist with the review of the Draft 3 Bills and to report back on their findings and recommendations on any required revisions to the 3 Bills (or any other affected law), to ascertain that the objectives of the 3 Bills are met and that they are legally sound for Samoa.

The Panel of Consultants comprised of the following senior lawyers:

No.	Panel of Consultants	
1.	Honourable Pātū Tiāva'asu'e Falefatu Sāpolu	• Former Chief Justice of Samoa from 1992 – 2019 (27 years)
2.	Luamanuvao Katalaina Sapolu	• Senior Lawyer, Samoa Law Society (from 1988) • 15 years of experience with the Commonwealth Secretariat, London UK • Barrister & Law Director for PL Strategy Consulting Limited
3.	Savalenoa Mareva Betham-Annandale	• Partner, Annandale & Betham Law Firm • Senior Lawyer, Samoa Law Society • Former President, Samoa Law Society

(3) Members of Parliament (passage of the 3 Bills)

On 15 December 2020, the 3 Bills were passed by an overwhelming majority of 41 to 4 Members of Parliament (MPs),

Of the 49 MPs with casting votes (excluding the Speaker of the House):

- 41 stood to vote **in support** of the Amendments.
- 4 stood to vote **against** the Amendments.
- 4 members were **absent** on the day.

These votes are listed in tables below. The MPs **in support** and those **against** the 3 Bills are listed in the order that their votes were counted.

(Source: Parliament Sitting 15 December 2020 3:45pm - <https://www.youtube.com/watch?v=g-MvbuY5H7Y>, at 2:06:30.)

No.	Members of Parliament IN SUPPORT of the passage of the 3 Bills	Constituency of Members of Parliament
1.	Hon. Tuilaepa Dr. Sailele Malielegaoi	Lepā
2.	Hon. Tuitama Talalelei Tuitama	Aana Alofi No. 1 East
3.	Hon. Lautafi Fio Selafi Purcell	Satupaitea
4.	Hon. Salā Fata Pinati	Gagaemauga No. 1
5.	Hon. Papaliitele Niko Lee	Urban East
6.	Hon. Lopao Natanielu Mua	Vaisigano No. 1
7.	Hon. Faimalotoa Kika Stowers	Gagaifomauga No. 1
8.	Hon. Tialavea Tionisio Hunt	Vaa o Fonoti
9.	Hon. Sili Epa Tuioti	Faasaleleaga No. 1 East
10.	Hon. Loau Solamalemalo Keneti Sio	Sagaga le Falefa
11.	Hon. Faolesa Katopau Ainuu	Vaimauga Sisifo No. 2
12.	Hon. Afamasaga Lepulai Rico Tupai	Aana Alofi No.3
13.	Faaulusau Rosa Duffy-Stowers	Gagaifomauga No. 3
14.	Afoa Amituanai Faleulu Maui	Palauli Sisifo
15.	Tapulesatele Mauteni Esera	Vaisigano No. 2
16.	Nonu Lose Niumata	Safata East
17.	Hon. Gatoloaifaana Amataga Alesana-Gidlow	Faasaleleaga No. 1
18.	Tafua Maluelue Tafua	Aleipata Itupa i Lalo
19.	Hon. Lauofo Fonotoe Nuafesili Pierre Lauofo	Anoamaa West
20.	Hon. Faumuina Tiatia Liuga	Palauli le Falefa
21.	Peseta Vaifou Tevaga	Faasaleleaga No. 4
22.	Taefu Lemi Taefu	Falelatai & Samatau
23.	Tuifaasisina Leleisiuao Palemene	Palauli East
24.	Salaus John Ah Ching	Faleata East
25.	Amituanai Fagaivalu Kenrick Samu	Aleipata Itupa i Luga
26.	Seiuli Ueligitone Seiuli	Sagaga le Usoga
27.	Faasootauloa Pati Taulapapa	Gagaemauga No. 2
28.	Lenatai Victor Tamapua	Vaimauga Sisifo No. 1
29.	Mulipola Leiataua Laki	Aiga i le Tai
30.	Alaiasa Moefaauo Moananu	Anoamaa East
31.	Sooalo Umi Feo Mene	Gagaifomauga No. 2
32.	Lealalepule Rimoni Aiafi	Faleata i Sisifo
33.	Namulauulu Sami Leota	Faasaleleaga No. 2
34.	Ili Setefano Taateo Tafili	Aana Alofi No. 2
35.	Faalogo Iosefa Sopi	Siumu
36.	Sulamanaia Tauilili Tuivasa	Vaimauga East
37.	Fuimaono Te'o Samuelu Te'o	Falealili East
38.	Leaana Ronnie Posini	Safata West
39.	Aumua Isaia Lameko	Falealili West
40.	Tolefoa Ken Vaafusuaga Poutoa	Lefaga & Faleaseela
41.	Nafaitoa Talaimanu Ketu	Gagaemauga No. 3

No.	Members of Parliament AGAINST the passage of the 3 Bills	Constituency of Members of Parliament
1.	Fiame Naomi Mataafa	Lotofaga
2.	Olo Fiti Afoa Vaai	Salega East
3.	Laauli Leuatea Schmidt	Gagaifomauga No. 3
4.	Faumuina Asi Pauli Wayne Fong	Urban West

No.	Absentees at 15 December 2020 sitting	Constituency of Members of Parliament
1.	Hon. A'eau Peniamina	Falealupo
2.	Ali'imalemanu Alofa Tuuau	Alataua West
3.	Tofa Foleni Lio Tama Galu	Faasaleleaga No. 3
4.	Toomata Aki Tuipea	Salega West

Achievements of the Fetuunai Muniao Special Project

We highlight the Commission's significant achievements working with the 3 Offices Team on the Fetuunai Muniao Project below:

No.	Date	Accomplishment(2)
	19 September 2019	TOR received, Preliminary research commence
1.	3 rd March 2020	A Research Report was submitted to Cabinet (in response to TOR 1, TOR 2 and TOR 3 developed in response to Cabinet's Directive)
2.	17 March 2020	3 Draft Bills: (i) The Constitution Amendment Bill 2020; (ii) The Land and Titles Bill 2020; and (iii) The Judicature Bill 2020. tabled in Parliament for 1 st and 2 nd Reading
3.	April - September 2020	The Special Parliament Committee's public consultations around the country (Savaii & Upolu) on the 3 Bills (with assistance from the 3 Offices Team)
4.	23 November 2020	2 Government Reports the development of which was led by the SLRC. These Reports assisted the Special Committee in its Report back to Parliament on the Public Consultations on the 3 Bills.
5.	15 December 2020	The 3 Acts passed: (i) Constitution Amendment Act 2020 (ii) Land and Titles Act 2020 (iii) Judicature Act 2020

This special project has been beneficial to the Commission's team of young lawyers in their professional and contextual capacity building in conducting high level doctrinal, socio-legal, cultural, Constitutional law and customary law research and analysis as well as gaining experience from working alongside Members of Parliament, the Office of the Clerk of the Legislative Assembly, the Ministry of Justice and Courts Administration, the Office of the Attorney General, private and public stakeholders and our villages around Samoa.

The most important takeaway for the Commission (both the Legal and Corporate Teams) from this special project is that it has instilled further in the Commission staff how important it is to ensure our values and principles as Samoans are continued to be practiced and nurtured, and the need to hold on to *our customs and usages, OUR IDENTITY!*

4.4.2 AD-HOC WORK UNDER THE SPECIAL PROJECT (as referred from pg.15)

In addition, the Commission (together with the Office of the Attorney General and the Ministry of Justice and Courts Administration) played a significant role in the public consultations carried out by the Special Parliament Committee (appointed by Parliament to consult on and review the 3 Bills resulting from the Fetuunai Muniao Project). These Bills were the:

- (i) Constitution Amendment Bill 2020;
- (ii) Land and Titles Bill 2020; and
- (iii) Judicature Bill 2020.

During these public consultations, the villages raised a number of commonly raised and questioned issues for clarification by the Special Parliament Committee. The 3 Offices assisted the Committee by providing on-the-spot assistance by giving verbal advice or clarifications. For other matters where the 3 Offices had time after consultations or on the way to venues of consultations, material were put together and handed to the Committee as guidance and assistance to respond to questions and issues raised. The most common areas of interest for the people are listed in table below. These may not include every single matter asked during consultations.

AD-HOC LISTED:

The 3 offices provided on-the-spot legal research, advice and assistance to the Committee to clarify areas and issues most commonly asked about by the villages and individuals who appeared before the Committee.

No.	<u>List of matters for which legal research, advice and assistance were provided</u>
1.	Recognition of Samoan customs and usage in the Constitution - what does this mean?
2.	Will the recognition of Samoan customs and usage in the Constitution result in a breach of fundamental rights?
3.	Jurisdiction of the Supreme Court compared to Land and Titles Court under the new proposed structure
4.	Clarifications of the Judicial Review <ul style="list-style-type: none"> (i) Current process of judicial review of LTC matters by the SC (ii) Brief summary of judicial review case laws
5.	Comparative analysis of the 3 Bills: <ul style="list-style-type: none"> (i) Constitution of the Independent State of Samoa 1960 & Constitution Amendment Bill 2020 (ii) Land and Titles Act 1981 & Land and Titles Bill 2020 (iii) Judicature Ordinance 1961 & Judicature Act 2020
6.	Comparative analysis of sections 8, 9, 10, & 11 of the LTA 1981 compared to their equivalent in: <ul style="list-style-type: none"> • Land and Titles Bill 2020

	<ul style="list-style-type: none"> • Native Land & Titles Protection Ordinance 1934 • Samoa Land and Titles Commission Order 1920
7.	Research and summary of the history of the Land and Titles Court (since 1920)
8.	Research into the Constitutional Convention discussions and debates of the relevant provisions and vision of putting customs into the Constitution
9.	Summary of the relevant recommendations from the 2016 COI on the LTC
10.	Clarifications on the proposed composition of the Land and Titles Court of Appeal and Review
11.	<p>Clarifications and explanation of <u>Articles of the Constitution</u>:</p> <ul style="list-style-type: none"> (i) Article 74 – establishment of subordinate courts (LTC established by an Act) (ii) Article 102– No alienation of customary land (in response to questions on LTRA 1965 – now renamed as the Leasing and Licensing of Customary Land Act 1965) (iii) Article 104 – Land below high-water mark (iv) Article 112 – which language (text) prevails – whether Samoan or English?
12.	<p>Clarifications of <u>provisions in the LTB 2020</u></p> <ul style="list-style-type: none"> (i) Matai sa'o (limited to 5 matai sa'o) linked to COI 2016 (ii) Survey, sketch plans provisions (iii) Eligibility to hold matai title (iv) Involvement / engagement of lawyers in land and titles matters before LTC (v) Bestowment of title (saofa'i) (vi) Publication period – 3 or 6 months? (vii) President's certificate (to re-open old matters) – special leave to appeal a matter already decided on before

5 REPORT ON PERFORMANCE

5.1 ANNUAL PERFORMANCE STATEMENT FY20-21

As the accountable authority of the Commission, we present the annual performance statement as part of the annual report, which has been prepared for Part XIV of the Public Finance Performance Act 2001 for the 2020-2021 financial year and accurately presents SLRC performance in compliance with the said Act.

5.2 MINISTRY LEVEL OUTCOME

The SLRC desired outcome:

“Amended and new Legislation consistent with social, cultural, economic and commercial development of Samoa”

The SLRC has eight (8) key performance indicators to achieve its desired outcome – conducting preliminary inquiries into aspect of Samoan law and related processes for the purpose of law reform. It is through the preliminary inquiries process that the SLRC undertakes rigorous research, analysis and community consultations that underpin recommendations for law reform.

5.3 ENVIRONMENT

The Commission strives to pioneer excellence in law reform that is relevant and responsive to the needs of Samoa.

Within the current allocated budget, the SLRC seeks to maintain 17 permanent staff led by the Executive Director, 10 lawyers and 7 corporate support staff. The legal staff of 8 lawyers led by the Assistant Executive Director has the capacity to work on review tasks. The SLRC is reliant on Government for referrals and accordingly the extent to which the SLRC can meet its performance targets is influenced from year to year by the number of references referred to the SLRC, the prescribed timeframes for these references, the number of lawyers for professional capacity, and the resources made available to conduct them.

In light of this, the SLRC will continue to work closely with the Attorney General's Office and the Law and Justice Sectorial stakeholders to ensure appropriate lead time for planning and sharing resources when new references are referred to the SLRC.

5.4 APPROVED PERFORMANCE FRAMEWORK FY 2020/2021

Provided in Table 5.4.1 are results depicting the Commissions achievements.

TABLE 5.4.1 RESULTS AGAINST KPI PERFORMANCE FY 2020 - 2021

Performance Measure	2020-2021 target	2020-2021 actual	
1. Ad-hoc References/Projects referred from the Honourable Prime Minister, the Attorney General and Cabinet: - Research & provide advise/recommendation	(3) 100%	Achieved	<ul style="list-style-type: none"> - 2 x Ad-hoc requests received by the Commission from the Hon. Prime Minister in relation to: <ul style="list-style-type: none"> i. Aafiaga o le Faamavae mai le Palemene o se sui usufono; and ii. Lafoga mo Social Media (Tax). - 1 x Ad-hoc request received by the Commission from Hon. Justice Vui Clarence Nelson in relation to: <ul style="list-style-type: none"> i. Anal Rape. <p>100% completed</p>
2. Ad-hoc request refer from Government, Ministries & SOE's: - research & provide advise/recommendation	(3) 100%	30% Achieved	<ul style="list-style-type: none"> - 1 Ad-hoc request referred from PSC in relation to the Review of Samoa Public Service and Remuneration Tribunal. Received on the 15/01/21 and advice sent to PSC on the 1/02/21. <p>100% completed</p>
3. Ad-hoc initiated by the Executive Director for Review & Research to Formulate advice/recommendation to Government in line with existing laws.	100%	Not achieved	

<p>4. REVIEW OF THE FAMILY LAWS OF SAMOA STAGE 3 <i>Continue from FY2019-2020</i> 6 Core Family Law Acts: 1. Infants Ordinance 1961 2. Marriage Ordinance 1961 3. Divorce and Matrimonial Causes Ordinance 1961 4. Maintenance and Affiliation Act 1967 5. Family Safety Act 2013 6. Family Court Act 2014</p>	<p>Oct 2018</p>	<p>50% Achieved</p> <ol style="list-style-type: none"> 12 Public Consultations. 5 Savaii 7 Upolu <i>Aug - Dec</i> Compilation of Consultation Findings & Further Research. <i>Jan-Jun</i> 	<ol style="list-style-type: none"> 6 x Public Consultations were completed for Savaii in August 2020. Upolu Consultations are yet to be conducted because of reasons beyond the Commission's control as stated in 5.5 below. The compilation of consultation findings from Savaii consultations in August has been completed. Once Upolu consultations complete, consultation findings will be compiled with Savaii consultation findings to inform further research and analysis.
<p>5. Review of Alienation of Freehold land Act 1972 To carry out comprehensive review of Alienation of Freehold land Act 1972 to inform recommendations to Cabinet for an Amendment Bill.</p>	<p>May 2019</p>	<p>100% Achieved</p> <ol style="list-style-type: none"> Research & Submit Discussion paper to Cabinet <i>Jan - Mar</i> 5 Stakeholders Consultation to inform recommendations in Final Report to Cabinet <i>Apr - July</i> Translate/Print/Bind 100 copies and submit to OCLA for tabling in Parliament <i>Aug - Nov</i> 	<p>Preliminary Research completed by the Commission and advice was submitted to MNRE in March 2020 that a full review was not required to address the concerns raised. Rather amendments to the relevant law would suffice.</p> <p>On 6 July 2020:</p> <ul style="list-style-type: none"> SLRC provided to MNRE options of draft Bills and draft Regulations to address the concerns raised. <p>(a) Options of Draft Bill:</p> <ol style="list-style-type: none"> Draft Alienation of Freehold Land Amendment Bill 2020; or Draft Terms of Sale of Freehold Land to Foreigners Bill 2020 <p>(b) Draft Regulations:</p> <ol style="list-style-type: none"> Terms of Sale of Freehold Land to Foreigners Regulations 2020 <p>* No further action required of the SLRC</p>
<p>6. Review of Traffic Laws:- Full review of the Traffic Laws of Samoa to inform recommendations to Cabinet based on the following laws: 1. Road Traffic Ordinance 1960 (including Regulations, Orders, Rules) 2. Road Traffic (payment of Fines) Act 2009. (including Regulations, Orders, Rules) 3. Road Transport</p>	<p>Aug 2019</p>	<p>20% Progress research</p> <ol style="list-style-type: none"> Compilation of Pre Research Finding Submit Discussion Paper to Cabinet <i>Apr - Aug</i> 10 Consultations (7 Ministries, 3 Public) <i>Oct - Dec</i> Formulate Final 	<p>Further action by LRC depends on submission of Discussion Paper to Cabinet for approval.</p>

Reform Act 2008 (including Regulations, Orders, Rules) 4. Land Transport Authority Act 2007 (including regulations, orders, Rules) 5. Ministry of transport Act 1978 (including regulations, Orders, Rules)		Report and submit to Cabinet <i>Jan - June</i>	
7. Review of Arms Ordinance 1960. Carry out research to inform recommendations to update Arms Ordinance.	Oct 2019	20% Progress on Research 1. Compile findings on Preliminary research, Submit Discussion Paper to Cabinet <i>Aug - Feb</i> 2. Consult with Ministries to formulate recommendations and Final Report to Cabinet <i>Mar - Jun</i>	Further action by LRC depends on submission of Discussion Paper to Cabinet for approval.
8. SPECIAL PROJECT : "Fetuunai Muniao" Customs in the Constitution & Land and Titles Court Review (CCLTC/Legal Pluralism): <i>The objective is to review and make recommendation on:</i> 1. Acknowledgement of Communal Rights in Law. 2. Autonomy of the Land & Titles Court.	Sept 2019	100% (Submit Recommendation to Cabinet based on 2 Main Objectives)	<ul style="list-style-type: none"> - 20/9/19 TOR received by the Commission from Cabinet - 3/3/20 - A Research Report submitted to Cabinet - 17/3/20 3 Draft Bills namely the Constitutional Amendment Bill 2020, Land & Titles Bill 2020, and the Judicature Bill 2020 submitted for tabling in Parliament. - May-Sept/2020 The FM Team assisted the Parliament Committee in carrying out public consultations on the 3 Bills - 23/11/20 2 Government's reports "Suaga o le Vaatele" finalised and sent to Parliament's Committee - 15/12/20 Parliament passed the 3 Acts - 100% Completed

5.5 CHALLENGES IN COMPLETING THE COMMISSION'S KEY PERFORMANCE INDICATORS - FY 2020 - 2021

FY20/21 was a very challenging year for the Commission in terms of implementation of planned activities to achieve performance indicators approved in FY2020/2021 appropriations.

In the wake of the COVID19 global pandemic in early March 2020, major consultations of core review on Family Laws were deferred because of the State of Emergency Orders that put restrictions to the public movements. In early 2020, the Commission directed all its resources and human resources to

work on a directive from Cabinet for the Fetuunai Muniao project. The project has provided the Commission with strict timelines to initiate research alongside the Attorney General's Office and the Ministry of Justice and Courts Administration. Due to competing priorities at this stage, the Commission re-adjusted its initial plans and reallocated financial and human resources in ensuring that research activities for Fetuunai Muniao meets the set timelines. As a result, approved Performance Indicators for FY20/21 were deferred to be implemented in the 4th quarter of FY20/21.

Plans for Family Law public consultations scheduled for May 2021 in Upolu were ready for implementation, however, the political climate resulting from the aftermath of the National Election in April 2021 became one of the barriers for the Commission to continue its scheduled public consultations for Upolu.

Again, the Commission was tasked to review its planned activities and needed to further defer its other activities to be implemented in the next Financial Year.

6. CHALLENGES

1. The most critical important aspect of law review is carrying out research i.e. legal, doctrinal, literature social, philosophical etc. Legal search engines such as Lexis Nexis, NZlii and Austlii are vital for informed law reform. Subscription to these legal research engines is needed for access. The challenge is affordability. The Commission's research is limited without access to these useful databases.
2. There was a substantial turnover rate of resigning staff noted in FY2020-2021 financial year. Attractive high remuneration offered from other Ministries and Private sector is the main factor for staff resignation. Also, the legal work in SLRC, research, analyzing, consultations, requires a particular kind of passion for the development of the legal sector in any society. Attracting lawyers to fill these vacant positions continues to be a challenge to the Commission, - as there are no longer graduate lawyers available as no scholarship is offered for LLB studies, especially the requirement of experience qualified technical staff. The three (3) vacant positions in this financial year have been advertised on numerous times without success in attracting interested lawyers to initiate the recruitment process for replacements. The Commission continue to seek suitable qualified and experienced staff members for the Office.
3. The data and research information collected from review to reform activities already completed by the Commission are very important. The Commission considers that the development of a database to save and store these information for ease of access in the future review is much needed. This is the challenge for the Commission - designing and developing a Management Database that aligns with specific needs of the Commission.

7. HUMAN RESOURCE MANAGEMENT

7.1 STAFF MOVEMENT

7.1.1 Resignations

- a. Mr. Ropati Sitivi was recruited as a Driver on the 12 September 2017. Ropati resigned from the Commission on the 30th October 2020 to take up another job with higher remuneration within the Public Service.
- b. Hana Gauta - Ketu served the Commission for 3 years since she was recruited as a Senior Legal Analyst on the 28th May 2018. However, she resigned from the Commission to pursue other opportunities in the private sector.

7.1.2 New Appointments

- a. Ms. Faau'u Kolia was recruited to fill in the Legal Analyst Position on 19 April 2021.
- b. Promotion of Ms. Grace Lafi Esera to the position of Principal Legal Analyst. Ms. Grace is not new to the Commission; she previously held the Senior Legal Analyst and the Legal Analyst positions since joining the Commission in October 2016.
- c. Promotion of Ms. Lizatalei Hakai Stanley to the position of Executive Legal Office on 21 September 2020. Ms Lizatalei has previously held the Principal Legal Officer at time of promotion.
- d. Appointment of Uiese Falaniko as the Office Driver on 22nd February 2021.

7.1.3 Internship

- The SLRC occasionally hosts interns from Universities around the Pacific Region and abroad. The internship trains studies from those Institutions who hope to join the legal profession. More importantly, this allows the Commission to build working relationships/ networks with these Institutions.
- This Financial Year 20/21, the Commission was unable to host interns from overseas Universities because of the current restrictions to borders due to COVID19. The Commission is very keen in welcoming more interns in the years to come when the global pandemic ceases and borders are open again.

7.1.4 Part Timers

- Due to the difficulty the Commission had in recruiting staff, the Commission sought other avenues to benefit also new graduates without employment. One such programme that has been quite successful is engaging part timers which was previously done by the Commission.
- In this Financial Year 20/21, the Commission was able to secure 2 part time positions approved by the Public Service Commission. The following are the part timers who both commenced work for the Commission on the 12th April 2021:
 - i. Christina Waganui; and
 - ii. Noelapomaiikalani Alatise.
- Both these females are university graduates and are currently employed by the Commission for 3 months. They undertake research under the supervision of the Legal Research Division.

8. TRAINING AND CAPACITY BUILDING

The Commission has attended the following trainings and workshops.

8.1 LEGAL

TRAINING/ COURSE TITLE	PROVIDER	DATE	LOCATION	SLRC EMPLOYEE
Legal Counsel in-house training on 3 Draft Bills – 1) Constitutional Amendment Bill 2020 2) Land & Titles Bill 2020 3)Judicature Ordinance 2020	Office of the Attorney General & the Samoa Law Reform Commission – Savalenoa Mareva Annandale & Teleiai Dr. Lalotoa Mulitalo	28/9/2020	Office of the Attorney General Conference Room	ED & Legal Staff
Digital Conference	Ministry of Communication, Information & Technology	17/11/2020 - 19/11/2020	Sheraton Hotel Conference Room	Lizatalei Hakai Stanley & Grace Lafi
Becoming Agents of Change	Office of the Attorney General for ALL Government Lawyers	28/1 - 29/1/2021	Sheraton Hotel Conference Room	All Legal Staff & Ernest Amosa
Government Samoa Senior Executive Training and Development Programme	Public Service Commission	February - August 2021	Online	Sheliza Tapuai, Tapuala Merold Villiamu & Lizatalei Hakai
Recordkeeping Awareness & Archives Transfer Process Training Workshop	Ministry of Education, Sports & Culture	10/3 - 11/3/2021	MESC Conference Room	Grace Lafi
Indigenous and Pacific Research Methodologies	Telei'ai Dr. Lalotoa Mulitalo	24/3/2021	SLRC Conference Room	SLRC All Staff
Legislative Drafting Course	London Virtual Training	June – July 2021	Virtual training	Faapa'le Lemalu & Grace Lafi

8.2 CORPORATE UNIT

TRAINING/ COURSE TITLE	PROVIDER	DATE	LOCATION	SLRC EMPLOYEE
Finance One Training	Ministry of Finance	26/11/2020	Ministry of Finance Conference Room	Masinamua Maselusi Ah Poe
PSC Refresher Sessions - People One System	Public Service Commission	10/02/2021	SLRC Conference Room	Masinamua Maselusi Ah Poe, Elena Tielu & Fugalaau Siaki
Customer Service in the Public Sector Training	Public Service Commission	25/5/2021 – 28/5/2021	Samoa Shipping Services Conference Room	Faau'u Kolia
Government Samoa Senior Executive Training and Development Programme	Public Service Commission	02/2021 – 08/ 2021	PSC Conference Room	Masinamua Maselusi Ah Poe & Elena Tielu
Finance Administration	Public Service Commission	14/6/2021 – 17/6/2021	PSC Conference Room	Tovale Filipo
Recruitment & Selection/ Performance Management System Training	Public Service Commission	21/6/2021 – 24/6/2021	PSC Conference Room	Elena Tielu
Mediators Training	Public Service Commission	23/6/2021 – 25/6/2021	PSC Conference Room	Masinamua Maselusi Ah Poe & Florita Tupai

9. FINANCIAL AND ACCOUNTS

The approved estimate for the Commission for FY20/21 was \$1,445,678, appropriated for Personnel, Operating Expenditure and Transactions on Behalf of the States. The approved estimate was later reduced to \$1,434,937, a reduction by \$10,741 as a result of re-allocation of travel activities during supplementary budget discussions.

The overall spending of the approved estimate for FY2020/2021 was within the approved budget but not fully utilized due to the impact of SOE orders thus delayed implementation of public consultations of ongoing review projects.

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT APPROPRIATION ACCOUNT for the financial year ended 30 June 2021					
	Actual 2021	Original Estimate	Final Estimate	(Over)/Under	Actual 2020
SAMOA LAW REFORM COMMISSION					
PAYMENTS					
Output:					
Personnel	508,495	661,389	627,368	118,873	614,779
Operating expenses	92,026	128,249	151,529	59,503	56,751
Capital					52,555
Overheads	384,383	400,521	400,521	16,138	378,368
Total Outputs	984,904	1,190,159	1,179,418	194,514	1,102,453
Transactions on Behalf of State					
Community Consultation		30,000	30,000	30,000	
Rent and Lease (Government Building)	167,900	167,900	167,900	-	167,900
VAGST Output Tax	14,908	57,619	57,619	42,711	50,350
	182,808	255,519	255,519	72,711	218,250
TOTAL PAYMENTS-LAW REFORM	1,167,712	1,445,678	1,434,937	267,225	1,320,703
GRANTS -GDP					
	2020 Receipts	Original Estimate	Receipts	Payments	Opening Balance
Technical Assistance Sisters for Change (Family Law Seminars and Consultations)	90,130	-	-	58,260	31,870
	90,130	-	-	58,260	31,870

**GOVERNMENT OF SAMOA
LAW REFORM COMMISSION
EXPENDITURE REPORT
FOR PERIOD ENDING 30-June-2021**

OUTPUTS PROVIDED BY MINISTRY	ACTUALS	COMMITMENT	YTD + COM	UTL %	BUDGET	FUNDS REMAIN.
4610 - Legal Research Analysis and Recommendations						
<i>Personnel</i>						
703100 - Salaries	-	-	-	0%	568,672	568,672
703101 - Public Servants Salaries	455,917	-	455,917	0%	-	455,917
703300 - Employer Contribution	-	-	-	0%	54,317	54,317
703301 - NPF	41,267	-	41,267	0%	-	41,267
703302 - ACC	4,585	-	4,585	0%	-	4,585
703401 - Telephone Allowance	3,600	-	3,600	100%	3,600	-
707103 - Local Travelling Allowance	2,345	-	2,345	0%	-	2,345
707109 - Higher Duty Allowance	780	-	780	100%	780	-
TOTAL	508,495	-	508,495	81%	627,368	118,874

OUTPUTS PROVIDED BY MINISTRY	ACTUALS	COMMITMENT	YTD + COM	UTL %	BUDGET	FUNDS REMAIN
Operating						
722601 - Repairs & Maintenance	-	-	-	0%	2,500	2,500
722701 - Repairs & Maintenance- Office Equipment	-	-	-	0%	2,500	2,500
722702 - Consumables/Peripherals	692	-	692	0%	-	692
723103 - Other	1,191	-	1,191	0%	-	1,191
725401 - Financing Lease	13,365	-	13,365	50%	26,729	13,364
725501 - Facility Hire	-	-	-	0%	6,600	6,600
728101 - Subscriptions to Publications	722	-	722	80%	900	178
728201 - Personnel Membership Fees & Subs.	3,600	-	3,600	36%	10,000	6,400
734202 - Licences	275	-	275	0%	-	275
734307 - Technician	2,940	-	2,940	15%	20,000	17,060
734309 - Other	8,323	-	8,323	0%	-	8,323
740201 - Accommodation	2,620	-	2,620	37%	7,000	4,380
740202 - Meals	1,390	-	1,390	40%	3,500	2,109
740301 - Passports	-	-	-	0%	0	0
740302 - Permits & Visas	-	-	-	0%	0	0
740403 - Boat Fares	1,068	-	1,068	69%	1,550	482
746401 - Postage	87	-	87	97%	90	3
746402 - Courier	-	-	-	0%	180	180
750103 - Registration fees	34,121	-	34,121	100%	34,021	100
752101 - Medical Consumable Supplies	-	-	-	0%	450	450
758101 - Stationery	1,766	-	1,766	65%	2,700	934
758102 - Bulk Paper Supplies	1,027	-	1,027	51%	2,000	973
758103 - Printers/Photocopiers Supplies	2,752	-	2,752	0%	-	2,752
758201 - Advertisements(Media)	1,043	-	1,043	8%	13,460	12,417
758300 - Printing & Publications	-	-	-	0%	10,000	10,000
758301 - Printing & Publications	426	-	426	0%	-	426
758302 - Printing & Publication(Min to Min)	8,769	-	8,769	0%	-	8,769
761101 - Catering & Refreshments	5,375	-	5,375	90%	6,000	625
764101 - General Supplies	452	-	452	33%	1,350	898
779401 - Bank Fees & Charges	20	-	20	0%	-	20
TOTAL	92,026	-	92,026	61%	151,529	59,504
Sub Total	600,520	-	600,520	77%	778,898	178,377
4691 - Central Service Unit						
Personnel						
703100 - Salaries	-	-	-	0%	275,961	275,961
703101 - Public Servants Salaries	275,259	-	275,259	0%	-	275,259
703103 - Leave	193	-	193	0%	-	193
703300 - Employer Contribution	-	-	-	0%	25,811	25,811
703301 - NPF	25,076	-	25,076	0%	-	25,076
703302 - ACC	2,786	-	2,786	0%	-	2,786
705500 - Resignation Benefits	-	-	-	0%	211	211
705501 - Annual Leave	211	-	211	0%	-	211
707103 - Local Travelling Allowance	900	-	900	86%	1,050	150
707108 - Transport Allowance	-	-	-	0%	4,437	4,437
707109 - Higher Duty Allowance	4,998	-	4,998	99%	5,071	73
TOTAL	309,424	-	309,424	99%	312,541	3,117

OUTPUTS PROVIDED BY MINISTRY	ACTUALS	COMMITMENT	YTD + COM	UTL %	BUDGET	FUNDS REMAIN
Operating						
722401 - Plant & Equipment - Repairs & Maintenance	1,145	-	1,145	0%	-	1,145
722402 - Spare Parts/Consumables	260	-	260	0%	-	260
722501 - Repairs & Maintenance	1,177	-	1,177	39%	3,000	1,823
722502 - Spare Parts	4,549	-	4,549	227%	2,000	2,549
722503 - Fuel (Min to Min)	4,037	-	4,037	40%	10,000	5,963
722505 - Vehicle Fluids	124	-	124	0%	-	124
722701 - Repairs & Maintenance- Office Equipment	155	-	155	9%	1,800	1,645
722702 - Consumables/Peripherals	3,818	-	3,818	76%	5,000	1,182
725902 - Water Coolers - Rents & Leases	1,359	-	1,359	68%	2,000	641
734102 - Vehicle Insurance	5,719	-	5,719	77%	7,390	1,671
734201 - Fees & Registrations	657	-	657	44%	1,500	843
734202 - Licences	3,312	-	3,312	69%	4,790	1,478
734402 - Fees	29	-	29	0%	-	29
740402 - Taxi/Bus Fares	88	-	88	0%	-	88
740403 - Boat Fares	156	-	156	0%	-	156
746101 - Telephone	3,664	-	3,664	68%	5,400	1,736
746103 - Cellphones	50	-	50	0%	-	50
746201 - Internet, Broadband & Email	16,474	-	16,474	81%	20,400	3,926
752101 - Medical Consumable Supplies	-	-	-	0%	150	150
758101 - Stationery	2,438	-	2,438	90%	2,700	262
758102 - Bulk Paper Supplies	1,209	-	1,209	121%	1,000	209
758103 - Printers/Photocopiers Supplies	9,970	-	9,970	111%	9,000	970
758201 - Advertisements(Media)	-	-	-	0%	3,000	3,000
758300 - Printing & Publications	-	-	-	0%	5,000	5,000
758301 - Printing & Publications	10	-	10	0%	-	10
758302 - Printing & Publication(Min to Min)	4,110	-	4,110	0%	-	4,110
761101 - Catering & Refreshments	240	-	240	0%	-	240
761102 - Tea Supplies	3,684	-	3,684	184%	2,000	1,684
764101 - General Supplies	5,011	-	5,011	371%	1,350	3,661
764102 - General Services	1,405	-	1,405	0%	-	1,405
764403 - Safety and Working Gears	109	-	109	0%	-	109
773100 - Petty Cash	-	-	-	0%	500	500
TOTAL	74,959	-	74,959	85%	87,980	13,021
Sub Total	384,383	-	384,383	96%	400,521	16,138
TOTAL	984,903	-	984,903	-	1,175,419	194,516
TRANSACTION ON BEHALF OF THE STATE						
G01 - Government Building	167,900	-	167,900	100%	167,900	0
Q01 - VAGST Output Tax	14,908	-	14,908	26%	57,619	42,711
U19 - Community Consultations	-	-	-	0%	30,000	30,000
TOTAL	182,808	-	182,808	72%	255,519	72,711
TOTAL	1,167,711	-	1,167,711	81%	1,434,938	267,227
GENERAL LEDGER SUMMARY						
Output Provided by Ministry	984,903	-	984,903	84%	1,179,419	194,516
Transaction on Behalf of the State	182,808	-	182,808	72%	255,519	72,711
TOTAL	1,167,711	-	1,167,711	81%	1,434,938	267,227
SUMMARY BY BUDGET CATEGORY						
Operating	166,985	-	166,985	70%	239,509	72,524
Personnel - Legal Research & Analysis	508,495	-	508,495	81%	627,368	118,873
Personnel - Corporate Service Unit	309,424	-	309,424	99%	312,541	3,117
TOTAL	984,904	-	984,904	84%	1,179,418	194,514

9.1 FINANCIAL ASSISTANCE (GRANT)

9.1.1 Sisters for Change

The Commission was fortunate to receive financial assistance from a non-profit organization namely Sisters for Change based in London to fund part of the events of its major review of six core Family Laws of Samoa. The funds were received on 28 June 2019 in the Central Bank Designated Account to the amount of 74,875 Great Britain Pound (GBP) translated to \$249,517 Samoan Tala. At the end of FY2020/2021, about 87% of funds received have been utilized for the Family Law Review. Significantly, this assistance funded Family Laws Public Awareness Seminars held in Upolu and Savaii.

9.1.2 UNDP Spotlight Initiative

Project Description: The Spotlight Initiative in Samoa builds on existing Government commitments to ending domestic and intimate partner violence and cultural institutions in Samoa that support ending violence against women and girls. The programme will contextualise international best practice in preventing and responding to violence and learning from emerging practices in determining what works in Samoa.

The Samoa Law Reform Commission comes under Pillar 1 (Laws and Policies) of the programme with the focus on legislative review and reform of the six family laws in Samoa to ensure coherence and to address any gaps relevant to DV/IPV.

Through the Ministry of Finance, an agreement was signed on 14 April 2020 by the Minister of Finance for the Commission to implement two main activities.

1. Participatory review of DV/IPV gaps to policies and legal instruments relevant to DV/IPV stakeholder agreement on key priorities to act upon.
2. Develop nation-wide advocacy, communication strategy and plans to raise awareness on reform proposal (in line with DV/IPV) and advocate with village councils to recognise DV/IPV laws in line with village laws and legislations.

Total funds allocated to LRC under the Spotlight Programme to carry out the above activities is USD\$76,350. The Commission plans utilize the allocated funds to carry out Family Law Public Consultation activities in the last quarter of FY2021-2022, October – November 2021.