

ANNUAL REPORT

JULY 2022 - JUNE 2023



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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 14th Annual Report for the Samoa Law Reform Commission for the period of July 2022 to June 2023 for tabling before the Legislative Assembly of Samoa. This report documents activities implemented by the Commission within this period, in accordance with the Act.

A handwritten signature in blue ink, appearing to read 'Matamua Seumanu Vasati Sili Pulufana'.

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



GOVERNMENT OF SAMOA

Honourable Matamua Seumanu Vasati Sili Pulufana

MINISTER FOR THE SAMOA LAW REFORM COMMISSION

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 14th Annual Report for the Samoa Law Reform Commission for the period of July 2022 - June 2023, for tabling before the Legislative Assembly of Samoa. This report documents activities implemented by the Commission within this period, in accordance with the Act.

Leauanae Sheliza Tapuai
ACTING EXECUTIVE DIRECTOR
SAMOA LAW REFORM COMMISSION

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MINISTER'S FOREWORD



The Samoa Law Reform Commission is an independent statutory agency for the review, reform and development of the laws of Samoa, in order to promote Samoan customs and traditions, enhancing the social, cultural, economic and commercial development of Samoa. In performing the Commission's roles and functions, it also ensures that the laws of Samoa are kept in a modern state which meets the needs of the government and the community, by providing evidence-based research to inform government decisions about the development, reform and harmonisation of Samoan laws and related processes.

The financial year 2022/23 was a successful and eventful year for Samoa Law Reform Commission. The Commission completed its Final Report for the Review of the Family Laws of Samoa, and endorsed by Cabinet in December 2022.

The other two full reviews that the Commission were able to progress enormously during the financial year include the Review of Traffic Laws of Samoa and the Review of Arms Ordinance 1960. The Discussion Paper for the Review of Traffic Laws of Samoa was approved by Cabinet for consultations on 19 April 2023 and then published on the office website immediately after. The stakeholders consultations and around the country public consultations for the Review of Traffic Laws of Samoa were completed in May/June 2023.

For the Review of Arms Ordinance 1960, the preliminary research and analysis was completed in December 2022 as planned and the development of the Discussion Paper was at its final stages by the end of the financial year.

Throughout the financial year, the Commission was also working towards the completion of additional six (6) Ad-Hoc References from government ministries and SOEs, together with other support services provided from time to time. The Commission commences each reference with a thorough and detailed preliminary research which culminates the responses provided to the requesting bodies.

The Commission places significant importance on public consultations as this is the door to public participation in the development of laws of Samoa. This is an opportunity given to the people to contribute to the law making process of the country. The public is encouraged to attend and participate in consultations held by the Commission from time to time to voice their opinions, views and concerns on laws being reviewed, to inform the Commission's recommendations for possible reforms.

I am very confident about the future of the Samoa Law Reform Commission and the ability to generate independent law reform of the very highest of quality that adds value in a real and enduring way to society, the economy and the commercial development of our country.

We said farewell to three staff members including the Executive Director and welcomed two new members to the team. I am very grateful for their support and their commitment to the Commission.

I would also like to expressly thank the Management and all the staff at the Commission for their enthusiasm, commitment, and ability to work productively in what are still challenging times.

As the Minister for the Samoa Law Reform Commission, I am delighted to present the 14th Annual Report for the Financial Year July 2022 – June 2023.

Ma le fa'aaloalo tele.

A handwritten signature in blue ink, appearing to read 'Matamua Seumanu Vasati Sili Pulufana', with a stylized circular flourish above the first few letters.

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

ACTING EXECUTIVE DIRECTOR'S STATEMENT



The Financial Year 2022/23 brought about challenges for the Commission to overcome, some lessons to be learned and achievements to be celebrated.

Despite a continued decline in the number of the Commission's Legal Staff, we chose to press through together to meet our set targets as best as we could. The Commission started the financial year with further consultations on the Review of the Family Laws of Samoa with other Government agencies and stakeholders, pursuant to the cabinet directive through FK (22) 30. By December 2022, the revised Final Report for this Review was approved by Cabinet and then submitted to the Office of the Clerk of the Legislative Assembly for tabling in parliament.

In the month of September 2022, the Commission farewell to the Executive Director, Afioga Telei'ai Dr. Lalotoa Mulitalo. Although it was a tough transition period for the Commission, we acknowledge the help of our Almighty God who has guided the journey of the Commission to this day.

The Commission hit the ground running coming into 2023, as our team set our eyes on meeting our set targets for the end of this financial year. Our priority was to complete our long anticipated Discussion Paper for the Review of Traffic Laws of Samoa (a project initiated about 4 years prior) in order to proceed to the next stages of this review.

I wish to acknowledge the collective efforts and commitment of our Team in this financial year, at the end of which we were able to:

- i. complete the further consultations with other government agencies and stakeholders on the Review of Family Laws of Samoa;
- ii. amend and re-submit the Final Report for the Review of Family Laws of Samoa to Cabinet and have it endorsed in December 2022;
- iii. launch the Final Report for the Review of the Family Laws of Samoa in January 2023 (and we were able to distribute copies of this Report (English and Samoan) to Sui o Nuu and Sui Tamaitai o Nuu in Upolu and Savaii in acknowledgement of their support during public consultations);
- iv. complete the Discussion Paper for the Review of the Traffic Laws of Samoa (endorsed by Cabinet in April 2023);
- v. complete a total of 4 consultations with key stakeholders for the Traffic Laws Review;
- vi. complete a total of 11 around the country public consultations for the Traffic Laws Review;
- vii. complete a total of 6 Ad-Hoc references from government ministries and agencies;
- viii. have our Annual Report 2021/22 approved by Cabinet in November 2022 and endorsed by Parliament in January 2023;
- ix. have our 4 Ministry Quarterly Reports (MQR) completed and submitted to PSC on time;
- x. complete two Official Six-Monthly Newsletters (The Reformer); and
- xi. complete our very first Samoan Language Training "Aoaoga mo Vaoggana o Fesootaiga" in our efforts to better communicate with our village communities.

This report provides some insights into our operational and financial performance, detailing the activities implemented by the Commission for the financial year 2022/23 and their progress.

The Commission acknowledges with appreciation the commitment and support extended by the Government of Samoa and Cabinet, in particular the Minister of the Samoa Law Reform Commission, Honourable Matamua Seumanu Vasati Sili Pulufana and the Associate Minister Fesola'i Apulu Tusiupu Tuigamala.

We are thankful to the people of Samoa in our village communities, all the Government Offices and Agencies, as well as our partners and stakeholders for their continuous support in our work. We will continue to strive to address each Terms of Reference to respond to and serve the needs of our people and Government. The Commission looks forward to your continued partnership and contribution in the reform of the laws of Samoa, the Samoan way!

The Commission wishes to acknowledge the crucial contribution and assistance of its Development Partners in its work, specifically to UNDP through its Samoa Spotlight Initiative Programme. Thank you for your continuous support which enabled us broader engagement with the public and our key stakeholders for the review of the Family Laws of Samoa.

The Commission notes with gratitude and appreciation, the collaborative effort and assistance from our Law and Justice Sector partners, ensuring the accessibility to the justice system is improved and harmonized with governance and integrity of the customary and formal justice system.

In presenting this report, I want to acknowledge and thank our Staff for their commitment to our ongoing work and in delivering high quality service at all times, despite the many challenges encountered along the way.

Overall, we are thankful to God for building unity and resilience within the Commission through the challenges He allowed us to go through. We are grateful to be able to look back and see highlights, successes and achievements that we can now celebrate. All glory to God!

Tatou te faalagolago pea i le Atua soifua e fesoasoani mai aua le lauliliuina o tulafono mo le lumanai manuia o Samoa.



Leauanae Sheliza Tapuai
ACTING EXECUTIVE DIRECTOR

1. INTRODUCTION

1.1 OVERVIEW

The Samoa Law Reform Commission (SLRC) operates under the leadership of an Executive Director (ED), the administrative head who supervises and directs the Commission's work.¹ The ED position was vacant since 13 September 2022, almost the whole financial year 2022/23. The Organizational Structure of the Commission sets out a team of fourteen (14) permanent staff and three (3) contractual staff; which makes up a total of seventeen (17) staff members. By the end of this financial year, there were six (6) vacant legal positions within the Commission including the ED, with only four (4) Lawyers remaining in the Commission to carry out the law reform projects. There is only one (1) Main Output of the SLRC called 'Legal Research Analysis and Recommendation'.

Within the current allocated budget, the SLRC seeks to maintain all these 17 staff members led by the Executive Director, 10 lawyers and 7 corporate support staff. The legal staff consists of eight (8) lawyers who are led by the Assistant Executive Director in carrying out the law review and law reform tasks.

The SLRC relies on Terms of References (TORs) received from the three (3) sources of TOR as legislated. Accordingly this then determines the extent to which the SLRC can meet its performance targets which 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. The SLRC may also initiate reform projects where necessary as a result of any current and ongoing review or any arising events.

Due to the lack of a pool of Lawyers available to fill the vacant legal positions in the Legal Division of SLRC, the Commission submitted a proposed re-structure for the Legal Division to the Public Service Commission (PSC) in April 2023. The SLRC hopes that if the proposed re-structure is approved, there will be a great opportunity to attract senior lawyers currently working in Samoa to fill the legal vacancies within. The proposal will be discussed during the Phase 2 of the Public Service review led by the PSC.

1.2 MAIN OUTPUT - LEGAL DIVISION

The performance indicators and targets for the SLRC are provided under the one (1) main output of the SLRC (Legal Research Analysis and Recommendation) for their implementation. There are different activities identified and set in place to assist the Commission in its efforts to provide effective and efficient services, which would overall contribute to the achievement of the Commission's strategic direction and the following broad functions:



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.

- i. Research and analyse areas of law considered to be in need of reform;
- ii. Consult with and advise the public of the work of the Commission;
- iii. Provide reports providing its recommendations to the Prime Minister, Minister responsible for the Samoa Law Reform Commission², Cabinet and the Attorney General;
- iv. Promote awareness of the laws of Samoa;
- v. Provide advice to government agencies on reviews conducted; and
- vi. Annual reporting to Legislative Assembly.

These activities are funded by appropriations.

The Legal Division consists of eight (8) lawyers and is led by the Assistant Executive Director. At the date of this report, five (5) legal positions are vacant excluding the ED and are being advertised in the PSC Circular for recruitment.

1.3 SUPPORT OUTPUT – CORPORATE SERVICES DIVISION

The Corporate Services Division is required to provide full support to the Legal Division to ensure continuous, timely and effective implementation of research and reform of the laws of Samoa. The Corporate Services Division is responsible for five key areas of the Office:



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

The Corporate Services Division is led by the Manager supervising six (6) permanent staff.

2. ROLES AND FUNCTIONS

The Commission was established in 2008 under the Law Reform Commission Act 2008. The Commission undertakes research and provides recommendations on necessary reforms to the laws under review according to its mandate:

A. Commission's Core Functions:

- 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, Minister responsible for the Samoa Law

² As assigned by the Honourable Prime Minister pursuant to Article 35 (Assignment of responsibilities to Ministers) of the Constitution of the Independent State of Samoa 1960.

Reform Commission³, 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, Minister responsible for the Samoa Law Reform Commission⁴, Cabinet and the Attorney General; and arrange for the publication upon Cabinet approval;
- 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 agencies⁵; and
- Annual Reporting to Legislative Assembly.

B. Commission's Other Functions:

- 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;
- corporate support services; and participating in working groups, partnerships, committees or boards (led by other Ministries/Agencies)

The SLRC is responsible to the Parliament of Samoa through the Minister for the Samoa Law Reform Commission, pursuant to Article 35 of the Constitution of the Independent State of Samoa.

At the conclusion of each law reform project, the SLRC provides a final report with evidence-based recommendations for law reform to the Prime Minister, Cabinet and the Attorney General. This Final Report is then to be tabled before Parliament after Cabinet approval. Overall, the SLRC's role is to facilitate the review, reform and development of the laws of Samoa in order to:

- promote Samoan customs and traditions;
- 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.⁶

³ As assigned by the Honourable Prime Minister pursuant to Article 35 (Assignment of responsibilities to Ministers) of the Constitution of the Independent State of Samoa 1960.

⁴ As assigned by the Honourable Prime Minister pursuant to Article 35 (Assignment of responsibilities to Ministers) of the Constitution of the Independent State of Samoa 1960.

⁵ Law Reform Commission Act 2008, section 6 (Functions of the Commission).

⁶ Law Reform Commission Act 2008, section 4 (Purpose of the Act).

3. THE LAW REFORM PROCESS

The SLRC follows a 6 Steps process in the review and reform of laws referred as stated in Figure 1 below:

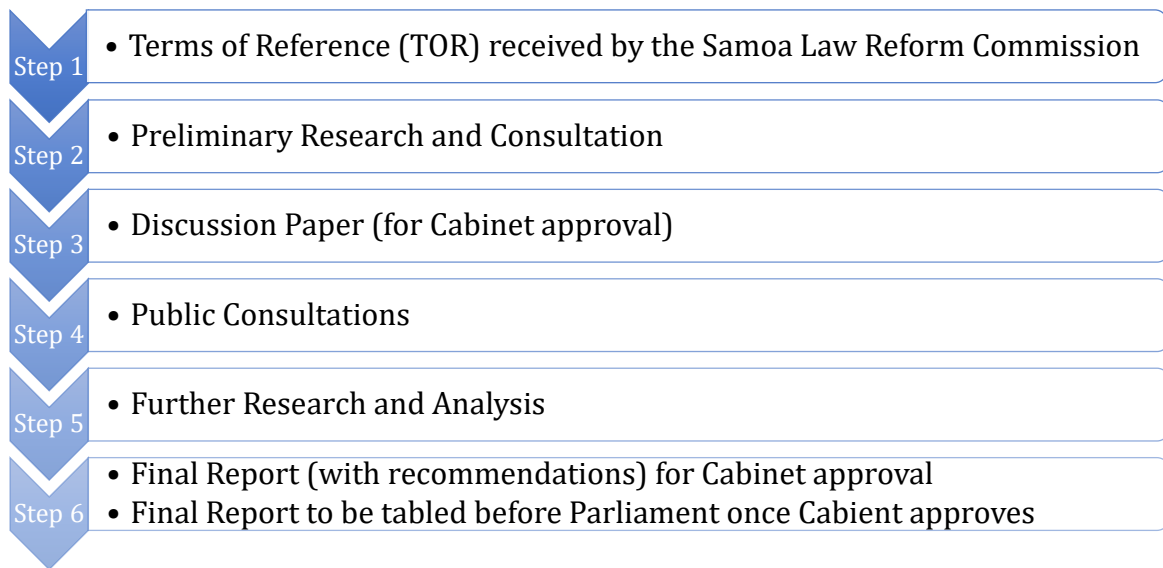


Figure 1: SLRC Law Reform Process

4. CONNECTING THE LAW REFORM WORK TO HIGH LEVEL PLANS

The delivery of roles and functions of the SLRC is directly linked to the Law and Justice Sector Plan (LJSP) outcomes, the Pathway for the Development of Samoa (PDS) strategic outcomes and priority areas, as well as the Sustainable Development Goals (SDG).

The work of the Law and Justice Sector (LJS) is derived from the two Sustainable Development Goals (SDGs) 5 and 16, together with the PDS Strategic Outcome 3 and the Key Priority Area 12.

The SLRC Corporate Plan (CP) stipulates three Key Outcomes that reflect the Core Functions of the Commission. The strategies and activities are detailed in the Commission’s Annual Management Plan (AMP).

The Commission believes if the implementation of law reviews stipulated in our AMPs and CP are done in an effective and efficient way, then the CP Key Outcomes will be achieved. If these CP Key Outcomes are achieved, then it will contribute greatly to improving Samoa’s access to a better justice system, which is the main focus at the sector level. In addition, it will also help in empowering Samoan legislation at the national level, as well as assisting in promoting peaceful and inclusive societies for sustainable development. Figure 2 below shows the connection in a nut shell.

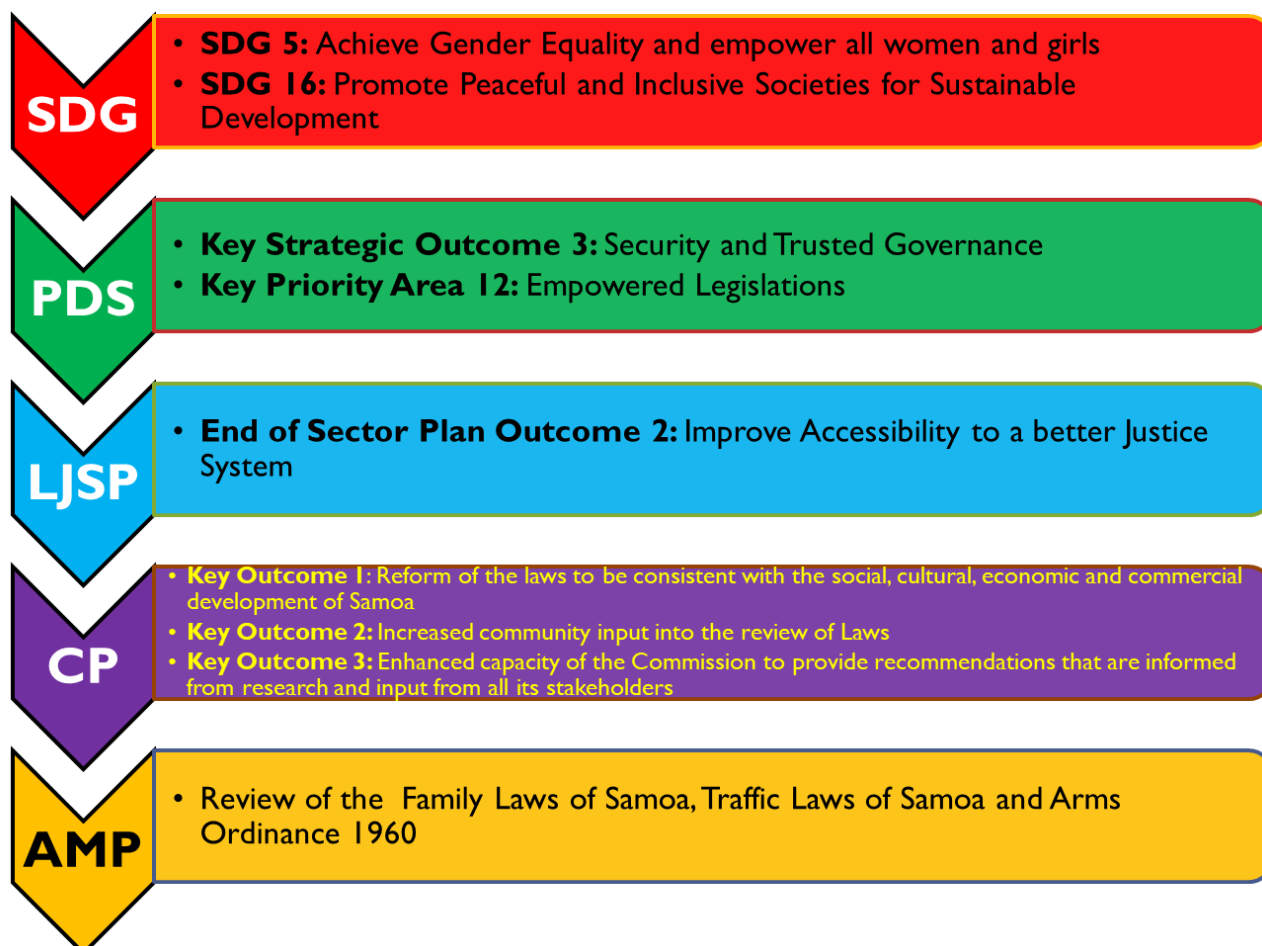


Figure 2: Linkages of SLRC work to high level plans

5. REVIEWS BY THE COMMISSION IN FY 2022/23

A total of 9 references were reviewed by the SLRC for the FY 2022/23. There were three (3) Terms of References for full review and six (6) Ad-Hoc References referred from government ministries and SOEs as shown in Table 1 below. These include references received from previous financial years that have continued into this Financial Year. These 9 References are detailed in the following sub-sections.

ONGOING REVIEWS FROM FY2021/22	REVIEWS PLANNED FOR FY2022/23	AD-HOC REFERRED FROM MINISTRIES AND SOES
3	3	6

Table 1: References received by the Commission

5.1 ONGOING REVIEWS BY THE COMMISSION IN FY 2022/23.

There were three (3) Ongoing Reviews conducted by the SLRC in this financial year as explained below:

5.1.1 REVIEW OF THE FAMILY LAWS OF SAMOA



The Commission completed its Final Report for the Review of the Family Laws of Samoa and submitted the same to Cabinet in July 2022 with a plan to proceed with the Review of the Traffic Laws next stages. However, on 17 August 2022, the Commission received the FK (22) 30 from Cabinet noting the Review of the Family Laws Final Report and instructing the Commission to carry out further

consultations with other Government agencies and stakeholders and to report back to Cabinet.

Due to the shortage of Legal Staff, the Commission put on hold the progress of the Traffic Laws Review and prioritized the implementation of the Cabinet Directive. The Commission also at the time had to revise its Targets for the Traffic Laws KPI in order to accommodate the Cabinet directive.

Pursuant to the said FK, further consultations were conducted with the following Government Agencies and stakeholders from 31 October – 13 December 2022:

- i. Samoa Bureau of Statistics (SBS);
- ii. Ministry of Health (MOH);
- iii. Ministry of Justice and Courts Administration (MJCA);
- iv. Scientific Research Organization of Samoa (SROS); and
- v. Members of the Judiciary - District Court Judges.



The revised Final Report for the Review of the Family Laws of Samoa was re-submitted to Cabinet on 15 December 2022. On 21 December 2022, the Commission received the Cabinet's approval of the Review of the Family Laws Revised Final Report (FK (22)49).

The Commission conducted a Final Wrap-up Consultation with

Key Stakeholders on the Review of the Family Laws of Samoa on 26 January 2023. It was also an opportunity to disseminate the Final Report (*in English and Samoan*) for this review to all Key Stakeholders who provided assistance in the administration of this Review.

This event was made possible through the funding assistance from the Samoa Spotlight Initiative Program by UNDP, a continuation of their assistance provided in the early stages (awareness and consultation) of this review (Review of the Family Laws of Samoa).

Copies of the Final Report were also distributed to all Sui o Nuu and Sui Tamaitai on 5 April 2023 for Upolu and on 6 April 2023 for Savaii, to acknowledge their great assistance during the consultation phase of the review.

5.1.2 REVIEW OF TRAFFIC LAWS OF SAMOA

As highlighted in the Commission’s Annual Report 2021-2022, the review of traffic laws of Samoa stemmed from a number of concerns around the increase of traffic related incidents over the years. A preliminary legislative review by the SLRC in 2019 highlighted the dire need for Samoa to review, reform and update all of Samoa’s scattered, overlapping, duplicated and outdated traffic laws.



On 19 April 2023, Cabinet approved the Commission’s Discussion Paper for the Review of Traffic Laws of Samoa, through FK(23)15. The Commission then met with its Key Stakeholders⁷ not only to gauge their views and perspectives on the traffic laws review, but also for logistic preparations for the public consultations. Prior to the Commission engaging in the public consultations phase, members of the Alamagoto EFKS Congregation was engaged pilot the consultation process as well as the data collection tools (questionnaires and focus group discussion questions). Table 2 below documents the schedule of stakeholders’ consultations together with the pilot program.

DATE	CONSULTATION	VENUE
11 May 2023	Pilot Program	Alamagoto EFKS Hall
22 May 2023	Land Transport Authority (LTA)	LTA Conference Room
	Ministry of Police, Prisons and Correctional Services (MOPPCS)	MOPPCS Conference Room
23 May 2023	Ministry of Works, Transport and Infrastructure (MWTI)	SLRC Conference Room
	Ministry of Justice and Courts Administration (MJCA)	MJCA Conference Room

Table 2: Stakeholders consultation schedule

⁷ **Key Stakeholders:** Ministry of Women, Community and Social Development; Land Transport Authority; Ministry of Police, Prisons and Correctional Services; Ministry of Works, Transport and Infrastructure; and the Ministry of Justice and Courts Administration.



The Commission conducted its public consultations between May – June 2023. The Public consultations for Upolu were held from 24 – 31 May 2023, whereas the public consultations for Savaii took place from 5 – 8 June 2023. An opportunity was also given to the public and any organization to provide written submissions to the Commission, to be submitted by 30 June 2023.

The Table 3 below records the schedule of public consultations for both Upolu and Savaii.



DATE	CONSULTATION	VENUE
24 May 2023	Public Consultation with Car Rentals Operators in Upolu	DBS Conference Room
25 May 2023	Public Consultation – Upolu	Maninoa Siumu, Methodist Hall
26 May 2023	Public Consultation – Upolu	Faleatiu Methodist Hall
29 May 2023	Public Consultation – Upolu	Saleapaga EFKS Hall
30 May 2023	Public Consultation – Upolu	TATTE Conference Center

31 May 2023	Public Consultation – Upolu	TATTE Conference Center
5 June 2023	Public Consultation - Savaii	Apita o Pisaga Hall
6 June 2023	Public Consultation - Savaii	Fagamalo EFKS Hall
7 June 2023	Public Consultation - Savaii	Sagone Methodist Hall
8 June 2023	Public Consultation with Car Rentals Operators in Savaii	MWCSD Conference room, Salelologa

Table 3: Schedule for Public Consultation in Upolu and Savaii

The compilation of findings from consultations and analysis (Stage 4 of the law reform process) commenced straight after the consultation phase. The Commission envisages that the compilation and the Final Report for this Review will be completed before the end of the next Financial Year 2023/24.

5.1.3 REVIEW OF ARMS ORDINANCE 1960

Due to the implementation of the Cabinet Directive for the Review of Family Laws of Samoa as mentioned earlier, the planned target and timeline for this Review was slightly delayed given the legal team’s capacity and to be hands on with the public and stakeholders consultations for the Review of Traffic Laws of Samoa Project.



Following the last update provided in the Annual Report 2021/22, the Commission further consulted the Ministry of Police, Prisons and Correctional Services in November 2022 as a refresher meeting to reconfirm the scope of this Review. The preliminary research and analysis

for this review was finalized and completed in December 2022 as planned.

At the end of June 2023, the Commission was at the final stages of its Discussion Paper. It is expected that when this Discussion Paper is submitted and endorsed by Cabinet in the beginning of the new financial year 2023/24, the Commission will move on to conduct its public consultations. These consultations will be an opportunity to explain Samoa’s current arms law and seek the public and the relevant stakeholders’ views and comments, which will guide the Commission’s recommendations on possible reforms to the Arms Ordinance 1960 in order to develop an updated and improved arms law, for the benefit of Samoa.

5.2 AD-HOC REQUESTS REFERRED FROM GOVERNMENT BODIES IN FY 2022/23

There were six (6) Ad-Hoc references recorded to have been received by the SLRC from government bodies during this financial year. The brief details for each Ad-Hoc are provided below:

5.2.1 MAKING LAWS THAT ACCOMMODATE CUSTOMS AND TRADITIONS

- When the SLRC appeared before the Standing Orders, Electoral Petitions and Constitutional Offices Parliamentary Committee in July 2022, a member of the Committee put a question to the Commission for a response - *How do we make laws that accommodate customs and traditions when each village has their own tu ma agaifanua?*
- The Commission accordingly carried out research into existing **Literature** and drew from **relevant laws** (i.e Constitution of the Independent State of Samoa and the Electoral Act 2019) providing data to illustrate the continuous challenges of incorporating and reflecting Samoan *tu ma aganuu* in Parliament laws.
- In response to the question raised, Commission's research referred to other countries who have also attempted to recognize customs in their formal laws (e.g African states, the US, France, Canada etc.) – and it is not an easy feat at all. It will continue to face challenges. There will continue to be challenges in post-colonial sovereign countries with strong cultural values and principles, but it is not impassable, nor impossible. Samoa can continue to develop the best laws relevant and suitable for its people, as Samoa thinks necessary.
- In addition to its response to the above question, the Commission went further to provide clarifications as to the difference between the term 'Rules', '*Faiga Faavae (Iugafono)*' and 'By Laws' and the different contexts where these terms are to be applied to clarify some misunderstandings from various other meetings / discussions that the Commission has taken part in throughout its various law reform projects.
- The Commission's written response (with supporting research) was provided to the Parliament Committee in **July 2022**.

5.2.2 VALIDATION AND ANALYSIS OF NATIONAL CYBERCRIME LAWS IN SAMOA

- In a letter dated 11 July 2022, the MFAT sought the Commission's input and views on the 'Validation and Analysis of national cybercrime laws in Samoa' Report. To inform the Commission's responses, it carried out some research into the Copyright Act 1998, Crimes Act 2013 and the Evidence Act 2015 to confirm some matters raised in the Report. The Commission's responses were provided to MFAT under a letter of **26 July 2022**.

5.2.3 FURTHER RESEARCH ON THE DRAFT (SC AND DC) CIVIL PROCEDURE RULES

- At a meeting between the Honourable Chief Justice and the Commission in July 2022 on the status of the Draft Supreme Court and District Court Civil Procedure Rules (Court Rules) (*which resulted from the Commission's Review of the Civil Procedure Rules (CPR) Project*), the Commission was tasked to carry out research relating to 'Costs and Fees' and the possibility of incorporating the provisions of the Judgment Summonses Act (JSA) 1965 as part of the Draft Court Rules.
- The Commission carried out research and analysis into the current status quo of costs and fees in Samoa (in the Supreme Court (Civil Procedure) Rules 1980 and the District Act 2016); any costs and fees provisions in the Draft SC and DC Rules, and if not, to consider how they can be incorporated (if needed) in the Draft Rules. A comparative research and analysis on the court fees and costs in New Zealand was also carried out, to further clarify the

Commission's response in terms of the need to update costs and fees in a manner suitable to the context of Samoa.

- For the JSA 1965 matter, a comparative analysis was carried out between the provisions of the Judgment Summons legal framework (both legislation and Rules) against the Draft SC and DC Rules. In a letter dated **11 August 2022**, the Commission provided its completed research, analysis and responses to His Honour (through the Chief Executive Officer / Registrar of the Courts), in the form of bound copies, together with copies of the relevant legislation and authorities referred to and relied upon by the Commission.

5.2.4 COMMENTS ON THE DRAFT LAND AND TITLES AMENDMENT BILL 2022

- The Commission received an invitation for written comments from the MJCA on the Draft Land and Titles Amendment Bill 2022. The Commission's preliminary consideration of the Amendment Bill showed that the Bill was substantially to incorporate provisions on the appointment of Judges of the LTC and other related matters into the Land and Titles Act 2020.
- Given the Commission's involvement in the ground works of the Land and Titles Act 2020 and subsequent draft supplementary Bills, the Commission revisited its previous related researches and analysis for response. In its letter dated **17 November 2022**, the Commission provided its responses and comment on the Draft Land and Titles Amendment Bill 2022 for MJCA consideration.

5.2.5 STATE OF HUMAN RIGHTS REPORT 2023 ON 'CHILDREN'S RIGHTS IN SAMOA'

- The Commission received a letter from the Office of the Ombudsman/NHRI (dated 13 December 2022) seeking the Commission's responses to a Questionnaire on **Children's Rights** in Samoa. In formulating law - informed responses, the Commission carried out some further research and analysis into a number of relevant laws affecting children's rights in Samoa. The laws considered include the Constitution of the Independent State of Samoa, Education Act 2009, Young Offenders Act 2007, Infants Ordinance 1961, Family Safety Act 2013, Family Court Act 2014, Labour and Employment Relations Act 2013 to name a few.
- The Commission completed this ad-hoc research and provided its responses to the Office of the Ombudsman in a letter of **9 February 2023**.

5.2.6 DRAFT REPORT FOR THE CONVENTION ON ENFORCED DISAPPEARANCE

- In a letter dated 24 February 2023, the Ministry of Foreign Affairs and Trade (MFAT) sought input and comments from the Commission, on Samoa's Draft Report for the Convention on Enforced Disappearance (CED). As with any matter that the Commission provides comments on, prior legal research was carried out, particularly on matters relating to prior and current work of the Commission (where relevant).
- In preparing its comments on this important National Report, some of the laws considered in research and analysis include the Constitution of the Independent State of Samoa, the International Criminal Court Act 2007, Crimes Act 2013, Sentencing Act 2016, Criminal Procedure Act 2016 (amongst others).

- On **3 March 2023**, the Commission reverted the Draft Report to the MFAT with some proposed revisions and changes for MFAT's perusal and consideration, prior submission of Samoa's Report.

6 REPORT ON PERFORMANCE

6.1 ANNUAL PERFORMANCE STATEMENT FY 2022/23

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 2022/23 financial year and accurately presents SLRC performance in compliance with the said Act.

6.2 MINISTRY LEVEL OUTCOMES

The SLRC desired outcome:

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

In paving a way to reach the desired outcome, the Commission formulated four key outcomes as follows:

- i. Reform of the laws to be consistent with the social, cultural, economic and commercial development of Samoa;
- ii. Increased community input into the review of laws;
- iii. Enhanced capacity of the Commission to provide recommendations for law reform that are informed from comprehensive legal research and analysis, as well as input from all its stakeholders; and
- iv. Financial and human resource coordination responsibilities managed efficiently and improved responses to national disasters and emergencies.

These four Key Outcomes are accompanied by relevant strategies and activities which are detailed in the Commission's Corporate Plan as well as the Annual Management Plan.

The SLRC has nine (9) key performance indicators developed to implement in this financial year 2022/23 with the intention that they will contribute to the achievement of its desired outcome – initiating or responding to initiatives for the review and reform of Samoa's laws as necessary and required by inevitable and necessary developments in and from outside of Samoa. These initiatives (which if approved, subsequently become terms of references) set the direction and focus into areas of law in need of review and reform. In response to these initiatives, the SLRC begins with some in-depth preliminary research and analysis, before some stakeholder and community consultations that underpin recommendations for law reform.

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

In addition, 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.

6.3 APPROVED KEY PERFORMANCE INDICATORS (KPI) FOR FY 2022/23

Provided in Table 4 below are the results depicting the Commission's achievements in this reviewed financial year.

SLRC performance against KPIs for FY 2022 /23

Key Performance Indicators (KPIs)	Target	Achievement Status	2022-2023 Progress Against KPIs	Next Step/Way Forward
<p>1. Review of the Traffic Laws of Samoa</p> <ul style="list-style-type: none"> Date by which the consultations and compilation of findings for the Full review of the Traffic Laws of Samoa are completed <p>Traffic Laws include:</p> <ul style="list-style-type: none"> Road Traffic Ordinance 1960 (including Regulations, Orders, Rules) Road Traffic (payment of Fines) Act 2009 (including Regulations, Orders, Rules) Road Transport Reform Act 2008 (including Regulations, Orders, Rules) 	<ul style="list-style-type: none"> Public & Stakeholder Consultations completed by December 2022 Compilation of consultation findings/analysis & further research completed by June 2023 <p>i. REVISED TARGETS:</p> <ul style="list-style-type: none"> Discussion Paper submitted to Cabinet by December 2022 Public and stakeholders consultations conducted by June 2023 	<p>Completed / Achieved</p>	<p>The Commission Revised the Targets for this KPI when received the FK (22) 30 in August 2022, instructing the Commission to carry out further consultations on the Review of Family Laws Final Report with other Government Agencies and Stakeholders and to report back to Cabinet.</p> <p>The Revised Targets were both completed in the last six months of the Financial Year 2022/23.</p> <p>Implementing the Cabinet Directive - FK(22) 30:</p> <p>The Public and Stakeholders Consultations for the Review of Traffic Laws of Samoa did not take place as originally planned for the first six months of the financial year due to the following reasons:</p> <ol style="list-style-type: none"> The Commission completed its Final Report for the Review of the Family Laws of Samoa and submitted the same to Cabinet in July 2022 with a plan to proceed with the Review of the Traffic Laws next stages. However, on 17 August 2022, the Commission received the FK (22) 30 from Cabinet noting the Review of the Family Laws Final Report and instructing the Commission to carry out further consultations with other Government agencies and stakeholders and to report back to Cabinet. Due to the shortage of Legal Staff, the Commission put on hold the progress of the Traffic Laws Review and prioritized the implementation of the Cabinet Directive. The Commission also at the time had to revise its Targets for this first KPI as reflected under the "Targets Column". Pursuant to the said FK, further consultations were conducted with Government Agencies and stakeholders (Samoa Bureau of Statistics (SBS), Ministry of Health 	<p>The Commission is currently working on analysis and compilation of findings, envisaging the final review report to be completed before the end of the next financial year 2023/24.</p>

(MOH), Ministry of Justice and Courts Administration (MJCA), Scientific Research Organization of Samoa (SROS), and Members of the Judiciary - District Court Judges) from 31 October to 13 December 2022.

4. The REVISED Final Report for the Review of the Family Laws of Samoa was re-submitted to Cabinet on 15 December 2022.
5. On 21 December 2022, the Commission received the Cabinet's approval of the Review of the Family Laws Final Report (FK (22)49)
6. The Final Wrap-up Consultation with Key Stakeholders on the Review of the Family Laws of Samoa was held on 26 January 2023. It was also an opportunity to disseminate the Final Report for this review to all Key Stakeholders who provided assistance in the administration of this review.
7. Copies of the Final Report were also distributed to all Sui o Nuu and Sui Tamaitai on 5 April 2023 for Upolu and on 6 April 2023 for Savaii, to acknowledge their great assistance during the consultation phase of the review.

Continuation of the Review of Traffic Laws of Samoa:

- a. The Discussion Paper was finalized and submitted to Cabinet through the Hon. Minister of the Samoa Law Reform Commission on 14 April 2023. The Cabinet Decision (FK(23) 15) was received on 19 April 2023, then the Commission moved ahead with the next phase/stage of the Law Reform Process, which is the Public and Stakeholders Consultations.
- b. The Public and Stakeholders consultations were started on 22 May 2023 and completed on 8 June 2023.
- c. The compilation of findings and analysis was commenced soon after the consultation phase, and the Commission is envisaged that the compilation and the Final Report for this review will be completed before the end of the next Financial Year 2023/24.

<p>2. REVIEW OF THE ARMS ORDINANCE 1960</p> <ul style="list-style-type: none"> • Date by which the preliminary research findings to inform recommendations to update Arms Ordinance 1960 completed • Date by which the discussion paper is developed and submitted to Cabinet for approval 	<ul style="list-style-type: none"> ➤ Preliminary research completed by December 2022 ➤ Discussion Paper to be submitted to Cabinet by June 2023 	Partially Completed/Achieved	<p>The Commission re-commenced this Review in June 2022 and therefore re-commenced its preliminary research and consultations.</p> <p>A refresher meeting with the Ministry of Police, Prisons and Corrections Services was carried out on 17 November 2022. The Preliminary Research was finalized and completed in December 2022 and the development of the Discussion Paper (DP) commenced straight after the preliminary research was finalized.</p> <p>The development of the DP was completed in June 2023. The Team is working on finalizing the document which will be submitted to Cabinet in the first Quarter of the new Financial Year (July/September 2023).</p>	<p>The SLRC is envisaging the completion of the public and stakeholders' consultations in the first half of the new financial year 2023/24 once the Discussion Paper is approved by Cabinet.</p> <p>Also targeting the completion of the compilation of consultation findings in the second half of the new financial year 2023/24, based on the number of the existing Legal Team.</p>
<p>3. AD-HOCs</p> <ul style="list-style-type: none"> • Percentage of AD-HOC projects completed with analysis/recommendations/advice submitted in a timely manner (3 anticipated projects). 	<p>(3)100%</p>	Completed / Achieved	<p>There were SIX (6) AD-HOC research and reviews conducted and completed in this Financial Year 2022/23:</p> <ul style="list-style-type: none"> (i) Making laws that accommodate customs and traditions when each village has its own tu ma agaifanua (Standing Orders, Electoral Petitions and Constitutional Offices Parliamentary Committee): <ul style="list-style-type: none"> - The Commission's response (with supporting research) was completed and provided to the Parliament Committee in July 2022 (Further details in Sub-section 4.3.1) (ii) Validation of Mapping and Analysis of National Cybercrime Laws in Samoa (MFAT): <ul style="list-style-type: none"> - The Commission's response was provided to MFAT under a letter of 26 July 2022 (Further details in Sub-section 4.3.2). (iii) Further Research on the Draft Civil Procedure Rules (CPR) (Honourable CJ): 	<p>There are no further actions required for all the six Ad-Hoc references completed in this financial year, unless a relevant ministry / agency will be requested for further actions to be considered by SLRC.</p>

			<ul style="list-style-type: none"> - In a letter dated 11 August 2022, the Commission provided its completed research, analysis, and responses to His Honourable Chief Justice (through the Chief Executive Officer / Registrar of the Courts), in the form of bound copies, together with copies of the relevant legislation and authorities referred to and relied upon by the Commission (Further details in Sub-section 4.3.3). <p>(iv) Comments on the Draft Land and Titles Amendment Bill 2022 (MJCA):</p> <ul style="list-style-type: none"> - In a letter dated 17 November 2022, the Commission provided its response and comment on the Draft Land and Titles Amendment Bill 2022 (Further details in Sub-section 4.3.4) <p>(v) State of Human Rights Report 2023 (Questionnaire) 'Children's rights in Samoa' (Ombudsman/NHRI):</p> <ul style="list-style-type: none"> - The Commission completed this AD-HOC research and provided its responses to the Office of the Ombudsman in a letter of 9 February 2023 (Further details in Sub-section 4.3.5) <p>(vi) Draft Report for the Convention on Enforced Disappearance (CED) (MFAT):</p> <ul style="list-style-type: none"> - On 3 March 2023, the Commission reverted the Draft Report to the MFAT with some proposed revisions and changes for their perusal and finalization, prior to submission of Samoa's Report (Further details in Sub-section 4.3.6). 	
<p>4. AWARENESS OF THE WORK OF THE SLRC</p> <ul style="list-style-type: none"> • Date by which the biannual newsletters are to be finalised and 	<ul style="list-style-type: none"> ➤ Newsletter for the first six months of FY to be issued by January 2023 ➤ Newsletter for the last six months of FY 	<p>Completed / Achieved</p>	<p>The Commission's Newsletter for the first six months (July-December 2022) of the Financial Year was completed and disseminated to stakeholders and the public through the Commission Website, Facebook page, and emails in January 2023.</p> <p>The Commission's Newsletter for the last six months (January - June</p>	<p>This is an ongoing work conducted by the Commission but currently looking at other possible avenues to be used for awareness purposes.</p>

<p>issued to raise awareness of the work of the SLRC.</p>	<p>to be issued by July 2023</p>		<p>2023) of the Financial Year was completed and disseminated to stakeholders and the public through the Commission's website, Facebook page, and emails in July 2023.</p>	
<p>5. Number of Ministry Quarterly Reports (MQR) submitted to PSC on time</p>	<p>Four (4)</p> <ul style="list-style-type: none"> ➤ MQR4 for FY 2021/22 submitted to PSC by July 2022 ➤ MQR1 for FY 2022/23 submitted to PSC by October 2022 ➤ MQR2 for FY 2022/23 submitted to PSC by January 2023 ➤ MQR3 for FY 2022/23 submitted to PSC by April 2023 	<p>Completed / Achieved</p>	<p>All four (4) Ministry Quarterly Reports were completed and submitted to PSC on time.</p> <ul style="list-style-type: none"> • MQR4 (April - June 2022) for the Financial Year 2021/22 was submitted to PSC through email on 25 July 2022 • MQR1 (July - September 2022) for the Financial Year 2022/23 was submitted to PSC through email on 14 October 2022 • MQR2 (October - December 2022) for the Financial Year 2022/23 was submitted to PSC through email on 23 January 2023 • MQR3 (January - March 2023) for the Financial Year 2022/23 was submitted to PSC through email on 21 April 2023 	<p>This is an ongoing work conducted by the Commission on a quarterly basis.</p> <p>There is additional information required by the Public Service Commission and they will be included in the MQRs for the new financial year.</p>
<p>6. Date by which the SLRC Annual Report 2021 - 2022 completed and submitted to Cabinet for approval and then to Parliament afterwards.</p>	<p>October 2022</p>	<p>Completed / Achieved</p>	<p>The SLRC Annual Report 2021/22 was completed and submitted to Cabinet through Hon. Minister of Samoa Law Reform Commission on 3 November 2022</p> <p>The Cabinet Decision (FK(22)44) was received by the Commission on 23 November 2022</p> <p>The Annual Report 2021/22 was submitted to Parliament on 14 December 2022</p>	<p>This is also another standard work conducted by the Commission on an annual basis</p>

<p>7. Performance Plans (PPs) and Appraisals for FY 22/23 for all staff completed and approved by Executive Director on time</p>	<ul style="list-style-type: none"> ➤ 9 Individual Performance Plans for FY 2022/23 completed by July 2022 ➤ 2 Contract Officers Performance Plans for FY 2022/23 completed and submitted to PSC by July 2022 ➤ 9 Individual Performance 6 months Appraisals completed by January 2023 	<p>Completed / Achieved</p>	<p>There were Nine (9) Individual Performance Plans for permanent staff completed and endorsed by relevant Immediate Supervisors in July 2022</p> <p>Two Contract Performance Appraisals for FY 2021/22 and two Contract Performance Plans for FY 2022/23 were completed and submitted to PSC in July 2022</p> <p>All nine (9) Performance Appraisals for the first six months of the FY 2022/23 were completed in January 2023</p>	<p>This KPI is also an ongoing work conducted by the Commission and reviewed on a six monthly basis.</p>
<p>8. Project management relevant activities coordinated and completed on time</p> <ul style="list-style-type: none"> • Law reform projects updates • Website updated and awareness programs coordinated accordingly 	<p>Ongoing</p>	<p>Completed / Achieved</p>	<p>Updates on law reform projects are published on website and Ongoing updates were prepared and provided by the Project Coordination Unit to the Management upon requests</p>	<p>This is an ongoing work by the Commission</p>
<p>9. Audit Reports meet expected standards for financial management</p>	<p>Ongoing</p>	<p>Completed / Achieved</p>	<p>All reports and documentation required by the Audit Teams during this financial year from time to time were prepared and provided by the Commission upon request.</p>	<p>This is an ongoing assistance provided by the Commission on every time an Audit is in progress</p>

Table 4: Progress of SLRC KPIs for FY 2022/23

6.4 OTHER ACHIEVEMENTS AND COMMITMENTS IN FY 2022/23

6.4.1 ADMISSION TO THE BAR

Hope Nattaley Crichton and Faauu Kolia, the two SLRC Legal Analysts were admitted to the Bar and entered into the Roll of Barristers and Solicitors of the Supreme Court of Samoa on 30 August 2022.

Congratulations once again to the two Junior Lawyers of the Commission for another milestone achieved. God bless you both and may His wisdom guide you both with your future endeavours and the challenges awaiting along the way.



6.4.2 SLRC GOLDEN AWARD

The year 2022 ended on a high note for our SLRC family, when the SLRC was awarded the ‘Excellence in Public Sector Engagement’ award, and certified by the Public Service Commission as an Ambassador of the Samoa Public Sector Engagement Project 2022.

The award was presented during the International Anti-corruption Day on 9 December 2022. The Commission would like to dedicate this award to all our partners for your support and also to the staff of the Commission for all the hard work. *‘Aua lava nei ia te i tatou, a ia foi le viiga i le Tamā o i le Lagi!*



6.4.3 PUBLIC SERVICE DAY

The Commission participated in the Public Service (PS) march on 30 September 2022 to commemorate the service of all public servants in the country. Following the march and the official *lotu* ceremony in front of the FMFII Building was the booth display where our reports and awareness brochures were made available for the public’s information.

To further celebrate the PS Day, the Commission held an ‘In-House Corner’s Contest’, where each staff member was asked to demonstrate the linkage between their respective work to the PS Day Theme, “Spirit of Service”. The SLRC staff members decorated their corners with different scriptures from the bible, lights, drawings, charts, and each were given an opportunity to explain their decorations and set up in relation to the PS Day Theme – *Spirit of Service*.



6.4.4 MALU I FALE CAMPAIGN

The Commission participated in the Malu i Fale National Campaign led by the Ministry of Women, Community and Social Development (MWCSO) on the 28 November 2022. This campaign was a collective approach to raise awareness and officially launched the 'Malu i Fale Campaign' for the purpose of raising awareness to stop violence against women and girls.



7. OPPORTUNITIES

1. The Commission's core function is to carry out research and analysis into laws and recommend reforms. Access to legal search engines and other useful databases is therefore crucial to inform effective and relevant law reform recommendations. In addressing the ongoing challenge of limited access to legal search engines (such as Lexis Nexis and Westlaw), the Commission is very fortunate to consult with the Head of VLex Global Markets. VLex is an online Legal Research platform that provides the largest collection of legal and regulatory information. Accessing such online research database can offer the Commission a variety of legal information which can greatly broaden and improve the Commission's legal research and analysis. The negotiation is an opportunity to establish networking for going forward and a chance to access their website if funding allows.
2. A recurring challenge noted by the Commission from past financial years is the high number of turnover staff, particularly in the Legal Division, and lack of a pool of lawyers available to fill these vacant positions in the Legal Division. The Commission saw this long standing challenge as an opportunity to consider and propose a re-structure of its Legal Division as it sees fit for the Commission now. This proposal should be considered in the Phase 2 Review of the whole Public Service. The SLRC hopes that if the proposed re-structure is approved, there will be a great opportunity to attract senior lawyers with experience and passion for law reform in Samoa.
3. The 6 step Law Reform process is completed upon the Final Report being tabled before Parliament. One of the challenges faced by the Commission is that the Commission is not mandated to take forward a Final Report (with its recommendations) with the relevant instructing ministries / agencies after Parliament passes the same. Although the Commission has the mandate to review, research and analyse laws and other findings to inform law reform recommendations, the implementation of these recommendations and reforms lies with the relevant instructing ministries or agencies, along with their own work priorities and plans. In efforts to improve this, the Commission re-assessed its current collaborations with relevant partner, in order to work together better, to ensure that the Commission's law reform recommendations are not only well informed by independent research and consultations, but also consider what is practical for implementing partner once the final report is approved by Cabinet and passed by Parliament.

8. HUMAN RESOURCE MANAGEMENT

The SLRC employs the Team of Lawyers and a supportive Corporate Staff. This enables the delivery of planned strategies and activities as outlined and stipulated in the Law and Justice Sector Plan 2020 – 2025 as well as the SLRC Corporate Plan 2022 – 2025, together with the SLRC Annual Management Plan 2022-23.

The Recruitment and Selection (R&S) process for permanent staff is led by the Corporate Services Division whereas the R&S for contract staff is administered by the Public Service Commission. This is governed by the Principles set out in the Public Service Act 2004 and the Recruitment and Selection Handbook of the Samoa Public Service 2005. The following 3 principles are enforced by the SLRC in the selection of corporate permanent staff members:

- Merit-based selection;
- Advertisement of all vacant positions is open to anyone; and
- Gender balanced panel for interviews including an independent member from outside of the Commission.

8.1 STAFF MOVEMENT

8.1.1 RESIGNATIONS

Contract Officer:

(i) Teleia'i Dr. Lalotoa Mulitalo



Afioga Telei'ai Dr. Lalotoa Mulitalo was the third Executive Director for the Samoa Law Reform Commission. She was first appointed to lead the Commission under a 3 year term contract which commenced on 19 June 2017. In July 2020, she was re-appointed for another 3 years.

Telei'ai in her years (5) with the Commission contributed immensely into the review, reform and development of the laws of Samoa through multiple law reviews initiated in the Commission. She was a leader who was generous in imparting her wealth of knowledge into the professional and personal development of the staff of the Commission, both in the Legal Division and Corporate Services Division. In September 2022, Telei'ai officially farewelled the Commission, as she embarked to pursue other long anticipated interests in law beyond Samoa.

Permanent Staff:

(i) Uiese Falaniko



Mr. Falaniko was employed in the Commission under the Corporate Services Division at the Driver's position, on 22 February 2021. A very keen and helpful staff member, who is always eager to learn new working policies and processes. The Driver's position is required to, not only provide the transport service for the staff, but also provide office assistance and act as a customer service officer at the front desk. Uiese has worked tremendously with us for nearly 2 years, until the 11 November 2022 when he officially resigned from his duties as a Driver.

(ii) **Faauu Kolia**



Ms. Kolia joined the Commission's Legal Division on the 19 April 2021, as a Legal Analyst. She was a graduate from the University of the South Pacific. She was part of the Commission's team for almost two (2) years, and in those years, she learned, assisted and contributed in various law reform projects researches, analysis and discussions. Ms. Kolia resigned from her post on the 13 February 2023, after successfully securing a higher post in another government Office.

8.1.2 NEW APPOINTMENTS

(i) **Philia Leleimalefaga**



The Principal Accounts and Administration Officer position under the Corporate Services Division, was occupied by Ms. Leleimalefaga on 5 September 2022, about four (4) months after the resignation of Ms. Elena Tielu (former occupant of position), Ms. Leleimalefaga was formerly employed at the Office of the Electoral Commission and has been in the Public Service for more than 10 years. Her wealth of experience as a Public Servant contributed enormously in achieving the divisional targets as well as the Commission's planned goals and strategies.

The Commission is pleased to welcome Ms. Leleimalefaga and look forward to working with her.

(ii) **Malota Vili.**



Mr. Vili moved from the Private Sector into the Public Sector, as a Driver for the Commission on 25 January 2023. He is now the occupant of the position that was filled by Uiese Falaniko, who resigned in November 2022. Mr. Vili performed his duties really well in the Corporate Services Division as a Driver and Office Assistant.

The Commission is pleased to welcome Mr. Vili and look forward to working with him.

8.1.3 PROMOTION

(i) **Hope Nattaley Crichton**



Ms. Hope Crichton was first recruited as a Legal Analyst under the Legal Division on 29 November 2021.

Since joining the SLRC's Legal Team, Ms. Crichton has demonstrated a high level of competency and commitment, reflected through the quality of the work she produces under any given instructions. She strives for excellence in the performance of her duties, and she is not afraid to take initiative and challenge herself in law reform work allocated. On 3 April 2023, Ms. Hope was promoted to the Senior Legal Analyst position. Malo le finau.

8.1.4 SLRC EXISTING WORKFORCE COMPOSITION

STAFF	TOTAL NO.	FEMALES	MALES	SALARY GRADING
Contract Staffs	2	1	1	ACEO – CEO
Executive Legal Officers	2	1	1	L17
Principal Officers	2	2	-	A16
Senior Legal Analysts	1	1	-	L14
Senior Officers	2	1	1	A12/A13
Officers & others	2	1	1	A3-A7
TOTAL (existing staff only)	11	7	4	
Number of Vacant Positions				
Executive Director	1	-	-	ACEO-CEO
Principal Legal Officers	2	-	-	L16
Senior Legal Analyst	1	-	-	L14
Legal Analysts	2	-	-	L10/L11
TOTAL (including vacancies)	17	-	-	

Table 5: SLRC Current Workforce Composition

9 TRAINING AND CAPACITY BUILDING

The Commission has attended the following trainings and workshops during this financial year 2022/23.

9.1 LEGAL DIVISION

TRAINING/ COURSE TITLE	PROVIDER	DATE	LOCATION	SLRC EMPLOYEE
Public Consultations of the Final Draft Bill of the National Digital Identity System in Samoa	Samoa Bureau of Statistics	1 Day (19 July 2022)	Taumeasina Island Resort Conference Room	Lizatalei Hakai-Stanley
Inaugural Pacific Regional Law Enforcement Conference 2022 - Disrupting Crime in the Pacific: Strengthening a Network to Defeat a Network	Australia Pacific Security College	4 Days (1 – 4 August 2022)	Denarau, Fiji	Telei'ai Dr. Lalotoa Mulitalo

International Labour Standards Reports	Ministry of Commerce, Industry and Labour	1 Day (19 October 2022)	MCIL Conference Room	Hope Crichton
Accredited Mediators	Samoa Law Society	2 Days (6 – 7 March 2023)	Tanoa Hotel Conference Room	All Legal Division Staff
Accredited Mediators	Samoa Law Society	1 Days (26 April 2023)	CBS Conference Room	All Legal Division Staff
Accredited Mediators	Samoa Law Society	1 Day (30 May 2023)	CBS Conference Room	All Legal Division Staff
A'oa'oga mo le Vaogagana o Feso'otaiga (Samoan Training)	Oloamanu Center - National University of Samoa – Centre for Samoan Studies	4 Weeks (3 April 2023 – 8 May 2023), two sessions a week (12.30pm – 3.30pm)	SLRC Conference Room	All Legal Division staff
Consultation on the Review of the Community Sector Plan and Rapid Assessment of the District Development (Project Management Unit)	Ministry of Women, Community & Social Development	1 Day (16 June 2023)	SLRC Conference Room	Tapuala Mearold Viliamu

Table 6: Trainings and Workshops attended by the Legal Division

9.2 CORPORATE SERVICES DIVISION

TRAINING/ COURSE TITLE	PROVIDER	DATE	LOCATION	SLRC EMPLOYEE
Report Writing in the Public Sector Training	Public Service Commission	4 Days (6 - 9 September 2022)	PSC Conference Room	Tovale Filipo
Online Capacity Building sessions for Human Resource Focal Points	Public Service Commission & HELSINKI	2 Days (7 & 29 September 2022)	SLRC Conference Room	Leaumoana Salima, Philia Leleimalefaga, Fugalaau Siaki
Cybersecurity – Data Privacy and Protection Training	Ministry of Communication, Information & Technology	3 Days (24 – 26 October 2022)	TATTE Conference Room	Ernest Aмосa
Building Effective Leadership in the Public Service Training	Public Service Commission	4 Days (25 – 28 October 2022)	Samoa Shipping Corporation Conference Room	Tovale Filipo
Technical Training as part of the Cyber SMART SAMOA WEEK Campaign	Ministry of Communication, Information & Technology	4 Days (1 – 4 November 2022)	TATTE Conference Room	Ernest Aмосa
Samoa's Digital Transformation Strategy 2022 – 2030 Consultation Workshop	Ministry of Communication, Information & Technology	2 Days (13 – 14 December 2022)	Taumeasina Island Resort Conference Room	Ernest Aмосa

Government of Samoa Communication Liaison Officer's Network	Ministry of the Prime Minister & Cabinet	1 Day (28 February 2023)	TATTE Conference Room	Florita Tupai
A'oa'oga mo le Vaogagana o Fesootaiga (Samoan Training)	Oloamanu Center - National University of Samoa – Center for Samoan Studies	4 Weeks (3 April 2023 – 8 May 2023), two sessions a week (12.30pm – 3.30pm)	SLRC Conference Room	Corporate Services Staff
Special Human Resource Coordinators (HRC) Forum	Public Service Commission	1 Day (20 April 2023)	DBS Conference Room	Florita Tupai, Fugalaau Siaki
Statistics Forum 2023	Samoa Bureau of Statistics	1 Day (20 April 2023)	Tanoa Hotel Conference Room	Phillia Leleimalefaga
Child Sensitive Social Protection Workshop	Ministry of Women, Community & Social Development	3 Days (20 – 22 June 2023)	Taumeasina Resort Conference Room	Tovale Filipo

Table 7: Trainings and Workshops attended by the Corporate Services Division

9.3 IN-HOUSE TRAINING SESSIONS

TRAINING/ COURSE TITLE	TRAINER	DATE	LOCATION	SLRC EMPLOYEE
Working Conditions & Entitlements	Philia Leleimalefaga	1 Day (3 November 2022)	SLRC Conference Room	All Staff
Revitalisation of the Pacific Leaders Gender Equality Declaration	Lizatalei Hakai-Stanley	1 Day (10 November 2022)	SLRC Conference Room	All Staff
Preparation of International Labour Standards Reports	Hope Nattaley Crichton	1 Day (10 November 2022)	SLRC Conference Room	All Staff
Report Writing in the Public Sector Training	Tovale Filipo	1 Day (25 November 2022)	SLRC Conference Room	All Staff
Performance Management System	Fugalaau Siaki	1 Day (25 November 2022)	SLRC Conference Room	All Staff

Table 8: In-House Training Sessions

10 FINANCIAL AND ACCOUNTS

10.1 LOCAL BUDGET

The approved estimate for the Commission for FY2022/23 was \$1,410,985 appropriated for Personnel, Operating Expenditure and Transactions on Behalf of the States.

The overall spending of the approved estimate for FY2022/23 was within the approved budget but not fully utilized due to unfilled six (6) Legal Positions inclusive of Executive Director, two Principal Legal Analysts, one Senior Legal Analyst, and two Legal Analysts. In addition, there were also unutilized legal training provisions as there were no trainings available by Legal Profession or Technicians during this financial year, as well as no overseas official travel opportunities for the staff in this fiscal year.

GOVERNMENT OF SAMOA
SAMOA LAW REFORM COMMISSION
EXPENDITURE REPORT FOR PERIOD ENDING 30 JUNE 2023
(Non-Audited Financial Report)

OUTPUTS PROVIDED BY MINISTRY	ACTUALS	COMMI TMENT S	YTD + COM	UTL %	BUDGET	FUNDS REMAIN .
4610 - Policy Advice to the Responsible Minister and the Board						
Personnel						
703100 - Salaries	-	-	-	0%	495,905	495,905
703101 - Public Servants Salaries	290,896	-	290,896	0%	-	290,896
703300 - Employer Contribution	-	-	-	0%	63,918	63,918
703301 - NPF	32,129	-	32,129	0%	-	32,129
703302 - ACC	3,213	-	3,213	0%	-	3,213
703401 - Telephone Allowance	1,800	-	1,800	50%	3,600	1,800
705204 - Severance Payment	12,679	-	12,679	100%	12,680	1
707103 - Local Travelling Allowance	400	-	400	0%	-	400
707109 - Higher Duty Allowance	21,067	-	21,067	84%	25,023	3,956
TOTAL	362,183	-	362,183	60%	601,126	238,943
Operating						
722501 - Repairs & Maintenance	2,230	-	2,230	0%	-	2,230
722601 - Repairs & Maintenance	-	-	-	0%	2,500	2,500
722602 - Consumables- Fittings	6,504	-	6,504	90%	7,229	725
722701 - Repairs & Maintenance- Office Equipment	-	-	-	0%	2,500	2,500
722702 - Consumables/Peripherals	116	-	116	0%	-	116
725501 - Facility Hire	8,261	-	8,261	250%	3,300	4,961
728101 - Subscriptions to Publications	693	-	693	0%	-	693
728201 - Personnel Membership Fees & Subs.	5,636	-	5,636	56%	10,000	4,364
734202 - Licenses	43	-	43	0%	-	43
734302 - Legal	-	-	-	0%	20,000	20,000
734307 - Technician	5,217	-	5,217	26%	20,000	14,783
740102 - Incidental Allowances	300	-	300	17%	1,800	1,500

740104 - Clothing Allowances	1,000	-	1,000	56%	1,800	800
740111 - Transit Allowance	-	-	-	0%	1,800	1,800
740201 - Accommodation	4,364	-	4,364	62%	7,000	2,636
740202 - Meals	3,497	-	3,497	100%	3,500	3
740301 - Passports	-	-	-	0%	340	340
740302 - Permits & Visas	-	-	-	0%	500	500
740401 - Air Fares	-	-	-	0%	4,500	4,500
740403 - Boat Fares	1,890	-	1,890	122%	1,550	340
746401 - Postage	-	-	-	0%	90	90
746402 - Courier	-	-	-	0%	180	180
752101 - Medical Consumable Supplies	384	-	384	85%	450	66
758101 - Stationery	4,497	-	4,497	333%	1,350	3,147
758102 - Bulk Paper Supplies	1,737	-	1,737	87%	2,000	263
758103 - Printers/Photocopiers Supplies	-	-	-	0%	2,234	2,234
758201 - Advertisements(Media)	9,261	-	9,261	138%	6,730	2,531
758301 - Printing & Publications	4,000	-	4,000	40%	10,000	6,000
758302 - Printing & Publication(Min to Min)	8,913	-	8,913	0%	-	8,913
761101 - Catering & Refreshments	27,354	-	27,354	456%	6,000	21,354
761103 - Beverage & Water	542	-	542	0%	-	542
764101 - General Supplies	1,271	-	1,271	94%	1,350	79
764102 - General Services	2,930	-	2,930	0%	-	2,930
768202 - Meaalofa mo le Failotu	800	-	800	0%	-	800
TOTAL	101,442	-	101,442	85%	118,703	17,260
Capital						
784101 - Buildings	16,000	-	16,000	100%	16,000	-
787101 - Furniture & Fittings	11,739	-	11,739	100%	11,740	1
788208 - UPS	9,955	-	9,955	97%	10,216	261
TOTAL	37,694	-	37,694	99%	37,956	262
Sub Total	501,319	-	501,319	66%	757,784	256,465
4691 - Central Service Unit						
Personnel						
703100 - Salaries	-	-	-	0%	279,699	279,699
703101 - Public Servants Salaries	269,109	-	269,109	0%	-	269,109
703300 - Employer Contribution	-	-	-	0%	30,864	30,864
703301 - NPF	29,339	-	29,339	0%	-	29,339
703302 - ACC	2,934	-	2,934	0%	-	2,934
705800 - Long Service Leave Benefits	-	-	-	0%	13,762	13,762
705801 - Long Service Leave Benefits	13,762	-	13,762	0%	-	13,762
707103 - Local Travelling Allowance	550	-	550	0%	-	550
707108 - Transport Allowance	-	-	-	0%	2,000	2,000
707109 - Higher Duty Allowance	7,552	-	7,552	197%	3,842	3,710
TOTAL	323,246	-	323,246	98%	330,167	6,921
Operating						
722501 - Repairs & Maintenance	2,460	-	2,460	82%	3,000	540
722502 - Spare Parts	2,176	-	2,176	109%	2,000	176
722503 - Fuel (Min to Min)	9,990	-	9,990	100%	10,000	10
722505 - Vehicle Fluids	603	-	603	0%	-	603

722701 - Repairs & Maintenance- Office Equipment	216	-	216	12%	1,800	1,584
722702 - Consumables/Peripherals	-	-	-	0%	2,238	2,238
725902 - Water Coolers - Rents & Leases	2,193	-	2,193	110%	2,000	193
728102 - Subscriptions to internet Services	522	-	522	0%	-	522
734102 - Vehicle Insurance	5,719	-	5,719	77%	7,390	1,671
734201 - Fees & Registrations	1,037	-	1,037	69%	1,500	463
734202 - Licenses	4,678	-	4,678	98%	4,790	112
740402 - Taxi/Bus Fares	27	-	27	0%	-	27
746101 - Telephone	4,229	-	4,229	78%	5,400	1,171
746201 - Internet, Broadband & Email	17,278	-	17,278	112%	15,400	1,878
752101 - Medical Consumable Supplies	128	-	128	85%	150	22
758101 - Stationery	1,312	-	1,312	97%	1,350	38
758102 - Bulk Paper Supplies	-	-	-	0%	1,000	1,000
758103 - Printers/Photocopiers Supplies	6,811	-	6,811	76%	9,000	2,189
758201 - Advertisements(Media)	-	-	-	0%	-	-
758301 - Printing & Publications	-	-	-	0%	-	-
761102 - Tea Supplies	2,159	-	2,159	108%	2,000	159
764101 - General Supplies	3,113	-	3,113	231%	1,350	1,763
764102 - General Services	415	-	415	0%	-	415
773101 - Petty Cash	-	-	-	0%	500	500
TOTAL	65,066	-	65,066	92%	70,868	5,802
Capital						
TOTAL	-	-	-	0%	-	-
Sub Total	388,312	-	388,312	97%	401,035	12,723
OUTPUTS PROVIDED BY THIRD PARTIES						
TOTAL	-	-	-	0%	-	-
TRANSACTION ON BEHALF OF THE STATE						
G01 - Government Building	167,900	-	167,900	100%	167,900	0
Q01 - VAGST Output Tax	36,000	-	36,000	66%	54,266	18,266
U19 - Community Consultations	24,637	-	24,637	82%	30,000	5,363
TOTAL	228,537	-	228,537	91%	252,166	23,629
UNFORESEEN EXPENDITURE						
TOTAL	-	-	-	0%	-	-
NON-TAXATION REVENUES						
TOTAL	-	-	-	0%	-	-
REVENUES TO THE STATE						
TOTAL	-	-	-	0%	-	-
GENERAL LEDGER SUMMARY						
Output Provided by Ministry	889,631	-	889,631	77%	1,158,819	269,188
Transaction on Behalf of the State	228,537	-	228,537	91%	252,166	23,629
TOTAL	1,118,168	-	1,118,168	79%	1,410,985	292,817
SUMMARY BY BUDGET CATEGORY						
CAPITAL - Capital	37,694	-	37,694	99%	37,956	262
OPERATING - Operating	166,508	-	166,508	88%	189,571	23,063
PERSONNEL - Personnel	685,430	-	685,430	74%	931,293	245,863
TOTAL	889,631	-	889,631	77%	1,158,819	269,188

Table 9: Expenditure report for period ending 30 June 2023

10.2 FINANCIAL ASSISTANCE (GRANT)

10.2.1 UNDP SAMOA SPOTLIGHT INITIATIVE PROGRAMME

The support from the Spotlight Initiative Programme in Samoa for SLRC was officially completed in December 2022. However, upon receiving the cabinet directive (FK (22) 30), instructing the Commission to carry out further consultations with other government agencies and stakeholders and to report back to Cabinet. Through a request from SLRC, the UNDP approved the extension of their funding assistance, to accommodate the implementation of the cabinet directive. This extension was to utilize the remaining funds on the final and additional activities for finalization of the Final Report for the Review of the Family Laws of Samoa. These activities include the additional consultations with the key stakeholders, the wrap up consultation and dissemination of the final report, as well as an advocacy program on the Final Report of the Review of Family Laws of Samoa.

The Spotlight Initiative Program 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 contextualises international best practices 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 Domestic Violence and Intimate Partner Violence.

The Commission is always thankful for the continuous support from UNDP through the financial assistance under the Samoa Spotlight Initiative Programme. We convey our sincere appreciation for the further opportunity given to us to utilize the remaining funds to complete the additional activities of the review of family laws of Samoa as per cabinet directive.

10.2.2 SISTERS FOR CHANGE

The SLRC funding assistance from the Sisters For Change was for the purpose of the Review of the Family Laws and it was officially completed and closed in 2021. By this time, the SLRC had a remaining balance of ST\$35,202.83 from this fund, which remained under the SLRC account at the Ministry of Finance.

The Commission is grateful that this funding remained available for our law review and reform project purposes.

This remaining fund was utilized and provided a great assistance in funding the around the country public and stakeholders consultation for the Review of the Traffic Laws of Samoa.

11 SLRC ORGANIZATION STRUCTURE

