



**FONO AOA O FAITULAFONO.
LEGISLATIVE ASSEMBLY OF SAMOA.**

**REPORT OF THE JUSTICE, POLICE AND
PRISONS, LAND AND TITLES COMMITTEE**

ON THE

P.P. 2014/2015 No. 11,

**Ministry of Justice, Courts and Administration
Annual Report 2011 - 2012**

(Presented to the Legislative Assembly)

RECOMMENDATION:

The Justice, Police & Prisons, Land & Titles Committee recommends that the Assembly take note of its Report.

1. RESOLUTION:

At the conclusion of its consideration the Committee resolved to recommend the Assembly:

To approve the P.P. 2014/2015 No. 11, Ministry of Justice, Courts and Administration Annual Report for the Financial Year 2011 – 2012.

2. RECOMMENDATION:

Based on its Findings the Committee recommends the Government to:-

- 1. Provide support for the continuation of the Digitization project, in order to cater in a timely manner request of the public.**
- 2. Continue the practice of having overseas Judges brought in for matters that require their intellect due to conflict of interest of some local Judges.**
- 3. Allocate sufficient funds through appropriations to the Ministry in order to provide and improve its vast services to the public.**

3. FINDINGS:

The Annual Report of the Ministry of Justice, Courts and Administration for the Financial Year 2011 – 2012, outlines some of its Future Programs and Work Achieved by the Ministry for the Financial Year under review.

3.1 VISION

Justice for a peaceful and prosperous Samoa

3.2 MISSION

To provide quality service that promotes best practice and Samoan custom and usage for a peaceful Samoa.

4. COMMITTEE CONSIDERATION.

The Ministry outlined its activities carried out for the financial year under review, as in accordance with its functions and roles. These services include consideration of complaints filed against the Ministry from the public due to a shortage of Judges. This is the purpose for the request to the Public Service Commission of which it approved

additional post for the Supreme Court and the District Court. In the month of August 2011, six Judges were sworn in for the Land and Titles Court. The Ministry has been trying to find ways to improve its services through this Division, in order to provide a full staff especially in providing judiciary services in order to expedite process for Land and Titles at Mulinuu and Tuasivi. The Ministry stated that these changes have assisted to improve judiciary services.

In October 2011, a retreat was conducted for Judges since its first retreat in 1992. The main purpose of this retreat was for the judiciary, to share on problems encountered and knowledge on ways that would help better their service provided to the public. The initial approach is to share experiences and knowledge required in order to carry out their duties. This program was funded by the Law and Justice Sector and the Government of Samoa.

The Committee noted that, outlined in this financial year under review are a total number of matters considered and sentenced by the Court. Within this total, included under the Supreme Court a new division that conduct Tribunal Hearings, however noted from these figures are an increase in criminal matters and civil matters. The Committee is concerned as to whether there is a sufficient number of Judges to adjudicate over these matters if compared to an increase of matters brought to court. The Ministry is of the opinion that the number of Judges is not adequate in accordance with the number of matters. As a result, if this continues as it is currently, there will be problem faced with services provided for the public.

The Committee also noted as the Ministry stated, Judges are still being brought in from overseas on a temporary basis for the Supreme Court. The Committee believes that, this is an important practice, given that there are matters that cannot be considered by a Samoan Judge due to conflict of interest, as well as having higher capacity and qualifications obtained overseas, it is helpful in considering judiciary matters especially for the Supreme Court. This practice is still carried out by the Ministry, and confirmation from the Ministry on discussions with the New Zealand Justice Office are complete in order to allow for a Judge to render his services in Samoa to the Supreme Court for a period of 12 months.

The Ministry also confirmed that one of the problems that it faced in the year under review was the storage of transcripts and judiciary documents due to not having a hazard free environment. Not only in view of maintaining records over a long term period but also the risk of records being destroyed due to unforeseen disasters. This initialized the Digitization Project spearheaded by the Ministry, especially for the Land and Titles, funded by the Law and Justice Sector. This project included the employment of staff tasked with the digitization of records. There is a total of 50,000 files for the Land and Titles Court which includes both Mulinuu and Tuasivi. However, only 5,600 files have been digitized since the beginning of this project. This

includes restoration of damaged files and stored in this new software. The Ministry is determined that by the end of October 2014, this service will be provided for the public through the files that are in the database.

Improvement was also provided for the services rendered to the Court of Appeal. This service is normally provided once a year. However for this financial year this service was provided twice and a total of 21 appeals were considered by the Court (August 2011 and May 2012). From these 21 appeals, 8 were considered on the 22 – 26 August 2011 and 13 in 25 – 31 May 2012. Verdicts for these appeals have been compiled by the Ministry.

One of its Work Achieved in this financial year includes the amendment of the Land and Titles Act in order to reduce disputes from the public on Land and Titles. It has also legalized that talks of mediation be conducted first on any matter given to the Ministry before it is given referred to the Court. Furthermore it outlines years and qualifications for an individual to hold a matai title.

Other services that were achieved for this year, was the establishment and launching of the SamLII database this was a milestone achievement. The Ministry in partnership with the Law and Justice Sector were able to carry out this project in order to simplify access to Judgments by the Courts on any matter, especially on matters heard by the Supreme Court and the District Court. The Ministry was also determined to include judgments by the Land and Titles Court however this was not possible due to lack of funds.

The Ministry is also considering improving its services provided in Savaii to the standard in Upolu, this includes house and offices in Savaii which are damaged and the structure is unstable. Refurbishment was conducted on the Court House in Tuasivi for District Court and Land and Titles Court. In addition to the refurbishment, air conditions were installed and new bathrooms were constructed for the public.

With regards to finance, appropriated funds are not sufficient in order to carry out all its services required. However, the Ministry is grateful to the Government for funds that were appropriated for the financial year under review. Despite the need to carry out the majority of its activities the ministry were able to carry out some of its activities with the funds that were appropriated.

5. ASSISTANCE (S.O. 156):

Ministry of Justice and Courts Administration

Masinalupe Tusipa Masinalupe

-

Executive Director

Papalii John Taimalelagi	-	ACEO <i>Tuasivi Courts</i>
Tuiloma Lopez Williams	-	ACEO <i>Land and Titles Courts Division</i>
Soara Siamomua	-	ACEO <i>Human Resource</i>
Motunuu Teofilo	-	Principal <i>Probation & Parole</i>
Li'o Heinrich W Siesen	-	ACEO <i>Management of the Criminal and Civil Courts</i>

6. Standing Orders 173:

In accordance with the provisions of Standing Orders 173, it shall be the duty of the Committee:-

- (a) **To consider any bill, petition or other matter referred by the Assembly or pursuant to these Standing Orders; and such Estimates or review of ministerial performance as maybe referred by the Finance & Expenditure Committee.**
- (b) **To consider private bills;**
- (c) **To examine the policy, administration and expenditure of ministries and associated government organizations related to Official information, information privacy corrections, courts, legal services, justice, police, privacy, serious fraud, lands and titles.**

7. RESOLUTION:

At the conclusion of its consideration the Committee resolved to recommend the Assembly:

To approve the P.P. 2014/2015 No. 11, Ministry of Justice, Courts and Administration Annual Report for the Financial Year 2011 – 2012.

TUISA Tasi Patea
CHAIRPERSON

AFOAFOUVALE John Moors
DEPUTY CHAIRPERSON

LAFATELE Patrick Leiatualesa
MEMBER

TAPUAI Toese Ah Sam
MEMBER

PAPALII Lio F Taeu Masipau
MEMBER

LENATAI Victor Faafoi Tamapua
MEMBER

LEFAU Harry Schuster
MEMBER

Erosi Koria
COMMITTEE CLERK