



**FONO AOAQ FAITULAFONO.  
LEGISLATIVE ASSEMBLY OF SAMOA.**

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

**ON THE**

**P.P. 2014/2015 No. 123,**

**Ministry of Justice, Courts and Administration  
Annual Report 2012 - 2013**

**(Presented to the Legislative Assembly)**

**1. 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. 123, Ministry of Justice, Courts and Administration Annual Report for the Financial Year 2012 – 2013.**

**2. RECOMMENDATION:**

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

- 1. Consider relevant policies for the appointment of a qualified Judge from the Supreme Court and the District Court as an Assistant President, to review any appeals to the Land and Titles Court. This will accelerate the review of matters that are yet to be assessed, and to provide timely response to queries of the general public.**
- 2. Increase appropriations provided to the Ministry in order to assist financial for its current prioritized work.**

**3. FINDINGS:**

The Ministry of Justice, Courts and Administration Annual Report for the Financial Year 2012 – 2013, 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 Annual Report 2012 – 2013 of the Ministry of Justice, Courts and Administration, outlines its achievements for this year which includes the development of its Corporate Plan in order to organize its work to be carried out for the next five years. The initial purpose is to improve partnership between the Ministry and the general public and to comply with policies that guide the work conducted by

the Ministry. It also includes the need to extend further assistance to the public, strategic focus on modern technology for the maintenance of judicial records and to perform its duties in a timely manner.

The Ministry stated that over the previous years, shortage of staff was a problem. However, the Committee noted that for the financial year 2012 -2013 the Public Service Commission had approved funds to assist the Ministry, this allowed the Ministry to employ additional staff in order to improve its services provided.

The Ministry stated that in addition to the growth in its staff, three new Judges were appointed. The Committee noted, this has increased the number of Judges for the Land and Titles Court to nineteen (19). The Ministry believes that this number will continue to increase in the near future if there sufficient Funds Appropriated. This is one of the strategies that will assist in accelerating the review of matters given to the Courts and this strategy will be reviewed again in the future.

Another major problem that is known to the Ministry and continues to be problem is the recording of proceedings being heard by the Courts especially the Land and Titles Court. Most of the time the Ministry receive complaints from the public due to incorrect information received. However, the Ministry was able to seek assistance to mitigate this problem, and stated there is a plan set out to complete funding and installation of appropriate programs to record proceedings in all 12 Court rooms. The Committee noted acknowledgement by the Ministry and the Government of its recommendation to store its records on machines for the public.

The Ministry also stated that the Corporate Services and the Information Management Services were one Division, however the Ministry reshuffled this Division, so reflect the importance of the work carried out by the Information Management Services Division for the Courts. With this action being carried out the Division was appointed its own Assistant Chief Executive Officer for the main purpose of overseeing work and performance of the Division in delivering its services to the public for the Ministry.

With regards to funds outlined in the annual report, the Ministry is of the opinion that the finances appropriated to the Ministry was sufficient for the work carried out for this financial year. According to the Report the Ministry was allocated \$9,308,934.00 for the financial year 2012 - 2013. The Committee noted that this is an increase of 9% compared to the financial year 2011 – 2012. The Ministry stated that the reason for this increase is due to the establishment of the Information Management and Registry Unit which includes the Records, Phonographic & Transcribing, and Registry. In addition, the appointment of three new Judges for the Land and Titles Court and New Zealand Judge appointed for the Supreme Court.

Under Transactions on Behalf of the Government the Committee noted that there was an increase of 14.7% allocated for this output if compared to the previous financial year 2011 – 2012. Since the establishment of this Division, two projects were funded by the Government these funds are separate from the usual funds allocated for payment of Lawyers, payment of Ministers office including collections of Revenue (VAGST) from each Division. The Ministry also refurbished the Chief Justice residence at Lelata which included installation of septic tanks for the restrooms.

Overall cost recoveries projections have dropped by 3.35% from the previous financial year. The Ministry stated that the decrease is due to censoring services given that the majority of the public are able to access films through internet and other technologies.

The Committee queried the Ministry regarding funds allocated for the Legal Aid project. As noted that the allocated funds of \$250,000.00 still remains the same since the foundation of the project. The Ministry in response stated that at the time that the funds allocated are not adequate in order to cater for the purpose for which this project was established. The Ministry also noted that there is still a vast number of the public that this service could be provided for however due to this problem this service cannot be provided. The Ministry also stated that a proposal was handed for an increase to funds however this was not approved. The Ministry will however continue to propose for additional funds in order to improve in its services provided to public under the project. The Committee is of the opinion that the Government should consider providing additional funds for the project, given that there is a need for it from the public as stated by the Ministry.

The Ministry also stated that a majority of matters brought before the Land and Titles Court and directed as matters of appeal to the Court of Appeal this is due to matters that have been settled in the Land and Titles Court are appealed by parties. This is one of the current problems faced by the Courts due to an increase in matters being appealed and causes a delay in matters considered by the Courts. This is the reason for public complaints, due to a delay in proceedings by the Land and Titles Courts as well as reviewing appeals. The Committee recommends that the Government consider appointing an Assistant President for the Land and Titles Court, whom are eligible to be appointed as a District Court Judge or a Supreme Court Judge.

## 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>
Li'o Heinrich W Siesen	-	ACEO <i>Management of the Criminal and Civil Courts</i>
Motunuu Teofilo	-	Principal <i>Probation &amp; Parole</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. 123, Ministry of Justice, Courts and Administration Annual Report for the Financial Year 2012 – 2013.**

**TUISA Tasi Patea**  
**CHAIRPERSON**

**AFOAFOUVALE John Moors**  
**DEPUTY CHAIRPERSON**

**LAFATELE Patrick Leiatuaalesa**  
**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**