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Government of Samoa
**OFFICE OF THE MINISTER OF JUSTICE AND COURTS
ADMINISTRATION**

The Honourable Speaker of the House
Afioga Leaupepe Toleafoa Faafisi
Legislative Assembly
TUANAIMATO



**MINISTRY OF JUSTICE AND COURTS ADMINISTRATION'S REPORT FOR THE
FINANCIAL YEAR 2014-2015**

In accordance with the Cabinet Directive F.K (02) 02, I submit the following Report on the operations of the Ministry of Justice and Courts Administration for the Financial Year July 2014 to June 2015 to be tabled before Parliament.

Submitted with respect,

A handwritten signature in black ink, appearing to read 'Faaolesa Katopau Ainuu'.

Faaolesa Katopau Ainuu
Honourable Minister of Justice and Courts Administration

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I. MESSAGE FROM THE CHIEF EXECUTIVE OFFICER



The Financial Year 2014/15 will remain a memorable year for the Ministry of Justice and Courts Administration (MJCA). In the best interest of both the Executive and Judiciary arms of the Government of Samoa, the Ministry undertook numerous reforms in our efforts to promote and enhance our capacity to deliver our mandated functions, roles and responsibilities. Nonetheless, like all other government departments, we also faced many challenges and achieved several milestones in our pursuit for excellence to effectively deliver our services.

Presented in this Report are the outcome of performance and the progress of existing work pursued and undertaken by the Ministry under the Ministry Corporate Plan, focusing on four key areas or themes. These areas were:

1. Enhance Legislations and Policies;
2. Building on Staff Capacity;
3. Building on Networking with the Community; and
4. Building on Information Technology.

All that has been achieved was not accomplished by one but rather achieved through the teamwork of many. I take this opportunity to acknowledge the tireless efforts and commitment of the MJCA Executive, Management and staff in partnership with our stakeholders, for making this year yet another successful year. Special mention is made for Masinalupe Tusipa Masinalupe, who is the former Chief Executive Officer. Afioga Masinalupe led and served our country diligently through this Ministry over many years and in this reported period.

I also wish to convey my sincerest gratitude to the Honourable Chief Justice Patu Taivaasu'e Falefatu Sapolu and members of the Judiciary, the Honourable Prime Minister, the former Minister of Justice, Honourable Fiame Naomi Mata'afa and Cabinet members, Development partner agencies, the community and all our stakeholders for their continuous support and guidance for this Ministry.

Glory be to God for His great love and guidance for all that has been done.

Ma le faaaloalo tele,



Papālii John Taimalelagi Afelē
Chief Executive Officer

II. OUR PERFORMANCE FRAMEWORK

Presented hereunder is the Performance Framework of the Ministry outlining the different outputs services carried out by the Ministry which is aligned to the Sector and the Government Plans.

Policy Documents	Performance Indicators
Strategy for the Development of Samoa 2012-2016	Key Outcome 8: Social Cohesion 8.1 A safe and Stable Samoa
Sector Goal(s) Law and Justice Sector Plan 2012-2015	<p>Goal 1: Ensuring Community Safety through improved Crime Management and Preventions;</p> <p>Goal 2: Improving Access to Justice, Law and Legal Services</p> <p>Goal 3: Recognizing Customary-based Justice and to Harmonize with the formal Justice System</p> <p>Goal 4: Promoting Integrity and Good Governance in formal and Customary processes and services</p> <p>Goal 5: Building Sector Capacity and Improving Service Coordination.</p>
MJCA Corporate Plan 2012-2015	
MJCA Annual Management Plan 2014-2015	
OUTPUTS	OBJECTIVES
Policy Advise to Minister, Judiciary and the Ministry	To provide appropriate policy advice to the Minister, Judiciary and the Ministry.
Judiciary	To adjudicate cases brought before the Courts and promote the development of Law.
Policy, Planning and Evaluation	To effectively and efficiently facilitate and monitor the development and implementation of Ministry Policies and Plans; The Ministry's Annual Training Program and Annual Awareness Program. To manage Court matters referred from the Supreme and District Courts for Mediation.
Probation and Parole	To provide quality information to the Courts and the Prison Parole Board and to effectively manage community based sentences.
Warrants and Bailiffs	To provide support services to enforce court decisions and court processes.
Maintenance and Affiliation	To administer and monitor maintenance for destitute persons, to prosecute affiliation matters and to undertake consultation in the promotion of social harmony.
Censorship Officer	To provide quality censoring services through accurate classification, effective enforcement and educational measures adherence to Samoan cultural values and religious beliefs for maintaining order and stability in the community.
Land and Titles	To provide support services to the Lands and Titles Court and the Public.
Criminal and Civil Courts	To provide support services to the Court of Appeal, Supreme Court, District Court and the Public.
Tuasivi Office	To provide support services to the District Court; Land & Titles Court; Mediation and Registration; Probation and Maintenance and Affiliation.

Lands and Titles Mediation and Matai Registration	Facilitate settlement of Land and Titles disputes through mediation, and maintain and update the Matai Register.
Information Management and Registry	To provide effective and efficient information management to the Judiciary, Ministry and Stakeholders.
Law & Justice Sector Secretariat	To provide support to Steering Committee and assistance to the involving Agencies as part of the Sector
Corporate Services Unit	To provide efficient support services for the successful implementation of the Office plans and activities.

III. MILESTONES

Presented below are milestones by the Ministry as per Goal of the Corporate Plan 2012 - 2015.

Goal 1: Enhance Legislations and Policies

This is one of the four major pillars that strategic policy making is focused on to ensure that the Ministry's Vision and Mission are achieved. Listed below are some of the achievements undertaken by MJCA in this Financial Year to maintain its course and direction.

A. Family Court

The Ministry of Justice and Courts Administration in collaboration with the Law Society came together for this event. The head of the District Court of New Zealand, the Honorable Jan-Marie Doogue and her delegation were invited to attend and present during this forum.

The main objective of this gathering was for participants to exchange opinions on family matters that are being brought to Court. The forum was conducted in two (2) days and it was attended by Justices of the Supreme Court as well as District Court Judges. The forum was funded for by the Samoa Judiciary, UN Women and the Samoa Law Society. Officers of the Family Courts in New Zealand and Samoa converged in discussion of views pertaining to family matters such as Family Protection Orders.

The main goal was for Courts in New Zealand and Samoa to continue to work collaboratively to better services needed for the Family Court in Samoa.

B. PEC (Pacific Executive Committee)-“Chief Justices’ Leadership Conference” 2015

Samoa's Judiciary together with the Ministry of Justice and Courts Administration for the first time hosted the Leadership Workshop for the Chief Justices in the Pacific. The program was held over five (5) days from Monday 20th – Friday 25th April with the first three (3) days for workshop leaving the last two (2) days for the Committee (PEC) to review reports on the progress of Pacific Judicial Development programs.

The conference was funded by the Pacific Judicial Development Program (PJDP) and one of its members, Livingston Armytage was the main facilitator at the workshop. The main objective of it was for the Judges to review their work and guidelines and to share their different experiences from their respective islands on common issues to be able to identify ways to improve service delivery as judges.

The committee (PEC) meeting was also for tabling progress reports on the different programs that were currently operating basically for financial purposes to ensure the programs are effective and relevant in assisting the Courts in the Pacific.

Goal 2: Building on Staff Capacity

Another one of the four pillars that prop strategic development is enhancing staff Capacity. It is no secret that the better equipped and better skilled our staff is, the more efficient they will become in carrying out their expected tasks.

A. Soalaupule Training 2014

This is the second time MJCA implemented the Soalaupule training specifically to develop mediation skills for mediators within the Ministry, especially for the Lands and Titles Court Division to facilitate disputes pertaining to customary lands and matai titles or disputes of any nature. Invitations were sent out to members of the Law and Justice Sector agencies to participate in this important training hosted/initiated by the MJCA.

Trainers for this training were; two from New Zealand – Selene Mize and Tim Clarke and the other four (4) locals included Tagaloa Donald Kerslake; Leaupepe Dr. Kasiano Leaupepe; Rev. Elder Tautiaga Senara; Rev. Uta Muaulu and also Tootooleaava Dr. Fanaafi Aiono Le Tagaloa.

There were 26 participants at the training with 25 from MJCA and one (1) from the Office of the Ombudsman. It was held over four (4) weeks and all 26 members completed the course and were presented with certificates at the end.

B. Management Training (M& E)

MJCA also facilitated a management training to strengthen the Monitoring and Evaluation Framework of the Ministry conducted by independent consultant Tauilili Alise Stunnenburg. The training took two (2) days with the aim to review the Ministry's plans and how the Ministry went about in achieving it. The training was actually a refresher and it provided time for the management to share their thoughts and ideas on how the Ministry's Monitoring and Evaluation Framework should be improved. The final day of the training was held at the Samoa Tradition Hotel which was attended by the Minister of Justice at the time, Honorable Fiamē Naomi Mataafa who initiated the training and shared her thoughts and experiences on the matter. She also spoke of how important the training was to initiate developments for the Ministry and its way forward.

C. MJCA Prioritises Health

MJCA is one of the leading Ministries that views health of staff as a priority. Every Monday, Wednesday and Friday, the staff of MJCA performs Jazz/Zumba similar to the routine initiated by the Ministry of Health. It was not easy in the beginning but because of the constant push and the support of the CEO and the constant reminder from the Ministry's Jazz Committee this program has been recognized as a success. Other than Jazz, there are physical activities that MJCA took part of for instance the MOH Soccer tournament where they became eventual champions, and also the Ministry of Police Cyber Volleyball tournament.

Goal 3: Building on Networking with the Community

Even if all the resources are made available for MJCA, it still requires a lot of interaction with the Samoan Community being its major stakeholder. This is why MJCA constantly refers to the public for their opinion on how to better improve the services that we offer from time to time and will in turn make the Ministry much more relevant to Samoa and its people.

A. UNSIDS

This was the highlight of Samoa as a host nation in 2014 and MJCA was given the task of decorating the Hockey Stadium that housed the United Nation Officials. It was also where the opening and closing ceremonies were held. Everyone had a part to play whether it was cleaning the venue, performing liaising duties, counter duties and double shifts at the office to cover those who were away executing adhoc duties, and it was remarkable how everyone worked as a team.

A special word of thanks was issued from the Prime Minister and the UNSIDS committee for MJCA's involvement in the global conference.

Goal 4: Building on Information Technology

It is our paramount interest that all Court Records are being kept secure and in good order, and the employment of modern technology and methods for easier access by the Judiciary and all our stakeholders to these records have driven our Ministry on this path. Such is the reason why MJCA have opted to take on two major projects in this spectrum of upgrading technology.

A. Digitization ‘Docsvault System

The Digitization Project launched its ‘Docsvault’ initiative in 2015 making it the first service of its kind in the South Pacific region to employ such technology. The aim of this project from the beginning is to have all the LTC files digitized (scanned and saved) not only to make access easier for the public but to also preserve hard files as they are vulnerable to hazardous events.

This project was funded by the Australian Government. The Launching ceremony was officially opened by the Prime Minister and his Cabinet members also attended to commemorate this great milestone for the Ministry of Justice and Courts Administration.

B. Recording Systems

Coinciding with the Docsvault was the launching of the newly installed Recording systems for all courts. It is a significant piece of equipment used in the court rooms to record court proceedings which will not only be beneficial for transcribing purposes but will in turn be of major benefit to the public or litigants.

IV. MINISTRY PERFORMANCE

This section reflects the work implemented by the different Divisions or Outputs of the Ministry in this Financial Year.

Output 3: Judiciary

The data presented in the table below is the amount of completed cases for Criminal and Civil Court and the Lands and Titles Court. The completed cases for Criminal and Civil Court are cases that have been decided by the Court through the different scheduling; mentions, sentencing and hearings. The Judiciary division report only the completed cases as per scheduled.

ACTIVITY	CASES COMPLETED																			
CRIMINAL AND CIVIL COURTS	MULINUU	TUASIVI																		
1. <u>Court of Appeal</u> <ul style="list-style-type: none"> • Criminal Appeals; • Civil Appeals; 	6 5	All Court of Appeal Cases are held at the main Court Complex at Mulinuu																		
2. <u>Supreme Court</u> <ul style="list-style-type: none"> • Criminal Assessor Trials; • Criminal Judge Alone Trials; • Criminal cases for sentencing; • Criminal cases for mention; • Civil Cases for Hearing; • Civil Cases for mention; <u>Other matters</u> <ul style="list-style-type: none"> • Judicial Service Commission Meetings; • Parole Board Meetings; • Sports Dispute Tribunal; • Telecommunications Tribunal; • PUMA Tribunal; • Land Commission. 	29 183 592 43 163 847 3 5 0 0 0 1	All Supreme Court Cases are held at the main Court Complex at Mulinuu																		
3. <u>District Court</u> <ul style="list-style-type: none"> • Criminal Hearings; • Criminal Mentions; • Civil Hearings; • Civil Mentions. <u>Family Court</u> <ul style="list-style-type: none"> • Criminal Hearings • Criminal Mentions • Criminal Sentencing • Maintenance Cases for Hearing • Adoptions • Protection Orders • Divorce Orders <u>Coroner's Court</u> <ul style="list-style-type: none"> • Inquests scheduled 	252 202 61 1680 0 ¹ 43 199 147 401 63 54	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">83</td> </tr> <tr> <td></td> <td style="text-align: center;">121</td> </tr> <tr> <td></td> <td style="text-align: center;">13</td> </tr> <tr> <td></td> <td style="text-align: center;">114</td> </tr> <tr> <td></td> <td style="text-align: center;">20</td> </tr> <tr> <td></td> <td style="text-align: center;">39</td> </tr> <tr> <td></td> <td style="text-align: center;">46</td> </tr> <tr> <td></td> <td style="text-align: center;">33</td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <ul style="list-style-type: none"> • Applications are lodged at Mulinuu • 5 Applications prepared • No Orders </td> </tr> </table>		83		121		13		114		20		39		46		33	<ul style="list-style-type: none"> • Applications are lodged at Mulinuu • 5 Applications prepared • No Orders 	
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Youth Court	** 622	63
• Criminal Hearings.	36	03
• Criminal Mentions.	21	02
4. Faamasinoga Fesoasoani		
• Criminal Hearings.	36	10
• Criminal Mentions.	1736	647
• Civil Hearings.	10	02
• Civil Mentions	173	69
ACTIVITY	CASES COMPLETED	
LANDS AND TITLES COURT	MULINUU	TAUSIVI
5. Court of First Instance		
• Land Petitions	• 152 (454Petitions); 64completed;88 adjourned	• 86 (258Petitions); 42 completed 44adjourned
• Title Petitions	• 172 (478Petitions); 98 completed;74 adjourned	• 143 (318Petitions); 68completed 75adjourned
• Petitions against Community	• 17 (21Petitions); 8 completed;9 adjourned	• 18 (22Petitions); 7 completed 11 adjourned
6. Leave to Appeal Court		All Leave to Appeal Cases is held at the main Court Complex at Mulinuu.
• Land Petitions	• 75 (94 Petitions); 25granted; 22 declined; 16 adjourned	
• Title Petitions	• 93 (149Petitions); 37granted; 32 declined; 11 withdrawn; 5 Dismissed and 8 adjourned	
• Petitions against Community	• 33 (42Petitions); 10granted; 9 declined; 3 withdrawn; 4 Dismissed and 7 adjourned	
7. Lands and Title Court of Appeal		All Court of Appeal Cases is held at the main Court Complex at Mulinuu.
• Land Petitions	• 23 (26Petitions); 9granted; 11 declined; 1 withdrawn and 2adjourned	
• Title Petitions	• 41 (57Petitions); 20granted; 14 declined and 7adjourned	
• Petitions against Community	• 12 (14Petitions); 6granted; 5 declined and 1adjourned	

Below is the breakdown in percentage of why matters have been adjourned in this Financial Year:

- 26% - referred back to parties to meet;
- 24% - adjourned on application from parties;
- 10% - approval for lodgment of new petitions on same matter;
- 9% - non appearance by party or parties;
- 8% - Parties contesting bench;
- 6% - awaiting decision of Appeal Court on related matter;
- 8% - adjourned due to judiciary reasons (example: sick leave)
- 2% - awaiting decision from Land Commission;
- 2% - awaiting bestowal of influential Matai title;
- 1% - awaiting outcome from land survey;
- 1% - heirs to a contested title to be confirmed;
- 1% - application from parties for case to be called together with another related case;
- 1% - MJCA to conduct site visit;
- 1% - parties not ready for hearing.

Output 4: Policy, Planning & Evaluation

A. Policy, Planning & Evaluation

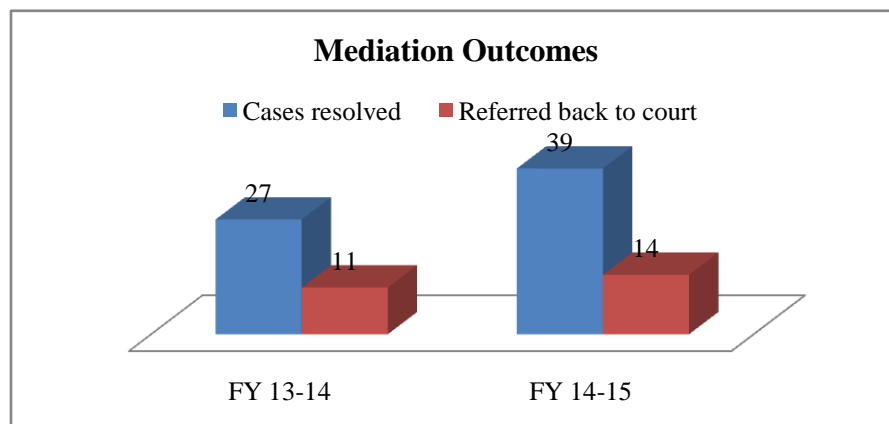
The work of the policy team was carried out accordingly to the activities set out in the Ministry Annual Management Plan for FY 14 – 15.

Plans in place: Corporate 2012 – 20015 (second year of the implementation)
Annual Management plan for Financial Year 2014 – 2015

Reports prepared: Six (6) monthly review report & 12 monthly review report
12 monthly reports compiled on monthly basis
Annual Report for the Financial Year 2013 – 2014 prepared and submitted for Cabinet and Parliament Sitting.

PPE team also prepares statistical analysis report for the Criminal Courts each year which is featured in the Census Report compiled by the Samoa Bureau of Statistics.

B. Court Annexed Mediation Unit



A total of 99 cases were referred by the court to undergo mediation for this financial year. 53 mediations took place while the rest are still pending due to the following reasons.

There are old referrals (excluding 99) carried forward from other financial years – these are matters where mediation has not been conducted. Concerns as to such delay in the progress of mediation:

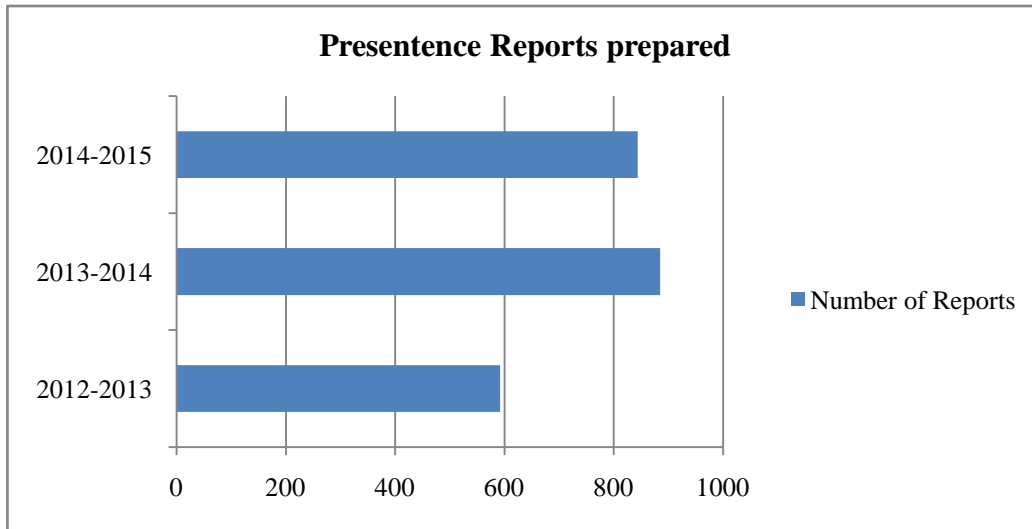
- Delay in response from counsel and parties as to the agreed mediator & dates for mediation
- Parties residing overseas making it difficult to commit to a date for mediation
- Counsel having difficulties contacting their own clients which causes delay of mediation
- Counsel advising that their clients/parties are trying to negotiate settlements on their own therefore mediation will have to wait
- Absence of CAMU staff can cause a slight delay in some mediation

According to the graph, the successful rate for mediations that were conducted for both financial years is 70% although there has is an increase in the number of referral for this financial year compared to the previous year. It's

an indication and confirmation that the courts value options outside of court for instance mediation and the importance of parties resolving their own issues on their own terms.

Output 5.1: Probation and Parole

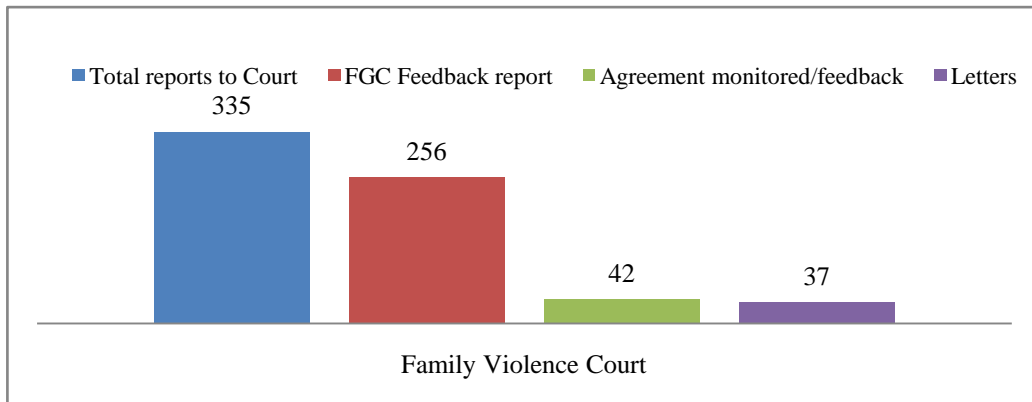
The Probation and Parole Service’s core function is to provide information to the Criminal Courts in the form of pre-sentence reports as well as pre release reports to the Parole Board, and also monitoring of those sentenced by the Courts to Community Based sentence including supervision, community work and parolees from Parole Board hearings. The addition of the Family Court contributed to the significant increase in the total number of reports compared to the last financial year.



There is a variation in the number of reports prepared which is entirely determined by the number of reports ordered by the Courts (Supreme, District and FF). This Section prepared **807** reports including letter. There were **682** pre-sentence reports and **78** supplementary reports which shows a slight decrease from the previous financial year. There were **47** letters to inform the sentencing judges on matters such as;

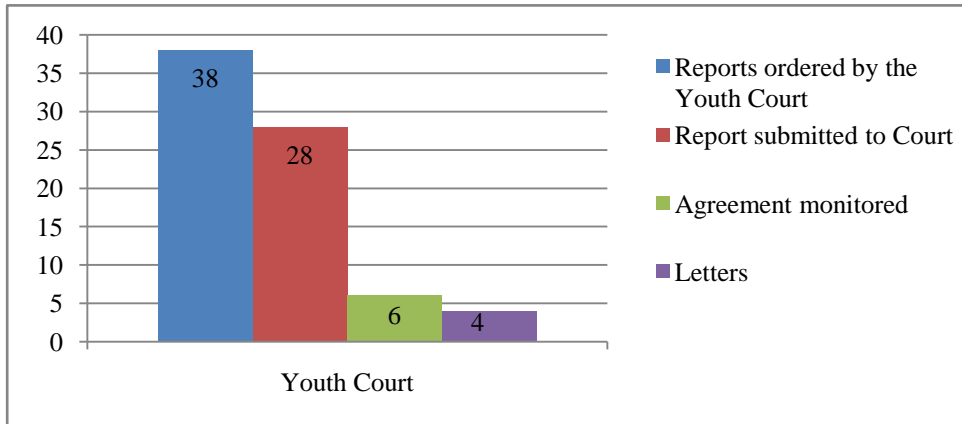
- Those who failed to turn up on appointed dates for interviewing towards a pre-sentence report;
- Those whom the Courts’ ordered a psychiatric assessment;
- Those whom the Courts required to confirm reconciliation, restitution payments and so forth.

Family Violence Court

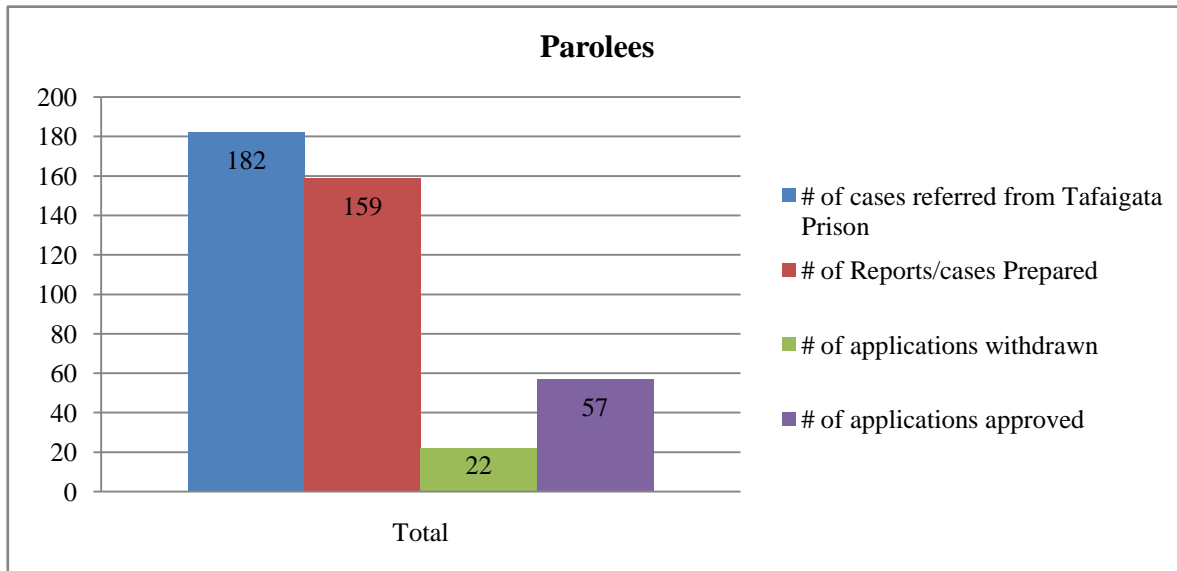


The total number of reports ordered by the **Family Violence Court** was **335**. From this number; 256 reports for FGC (Family Group Conference) that were facilitated by the Service and **42** feedback report on agreement monitored. 37 letters submitted represents those who did not want to appear for FGC which is out of the Section's control.

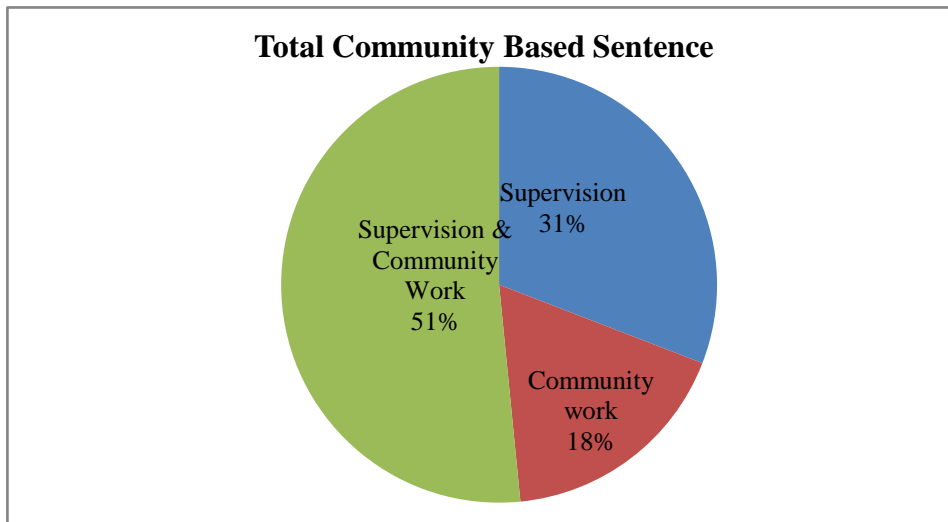
Youth Court



There were 7 pre-sentence meetings ordered by this court. There were 69 reports ordered by the court which includes; 22 full reports, 4 supplementary reports, 30 agreement reports and 4 letters. The letters submitted to the Youth Court were to inform the court of those who failed to turn up for dates scheduled for meetings.



The total number of inmates eligible to apply for parole in this financial year were **182** however; only **159** pre release reports were prepared. There were 14 letters prepared for various reasons including; inmates wanting to serve the full time of sentence, reoffended or involve in other matters which are processing in court. It appears that 57 applications were accepted which about 35% is of total application filed during this period. The fluctuation in the number of reports prepared for the Parole Board between each sitting depends entirely on the number of eligible applications submitted by the Prison Service. The Parole Board reserves the right to accept or decline any application given the severity of offences committed, any reconciliation been sought over between parties ability to respond to rehabilitation programs while in prison however, the safety of the community at large is always the first priority.



The total number of those sentenced by the Courts to Supervision & Community Work is **256**, with its breakdown of Supervision alone 95, Community work alone 45, dual sentence of Supervision & Community work 132 as illustrated in the table. There were 123 sentences completed within this financial year leaving 133 carried forward into the new financial year and 92 of that 133 (59%) have been serving their sentences under the supervision of Community Justice Supervisors and monitored by the Probation Service. This reflects the increasing number of cases been referred back to the community for rehabilitation and reintegration compared to the previous financial year of 45%. It also serves the purpose of the Community Justice Act 2008 in allowing the community to effectively work in collaboration with the Probation Service in the rehabilitation of offenders.

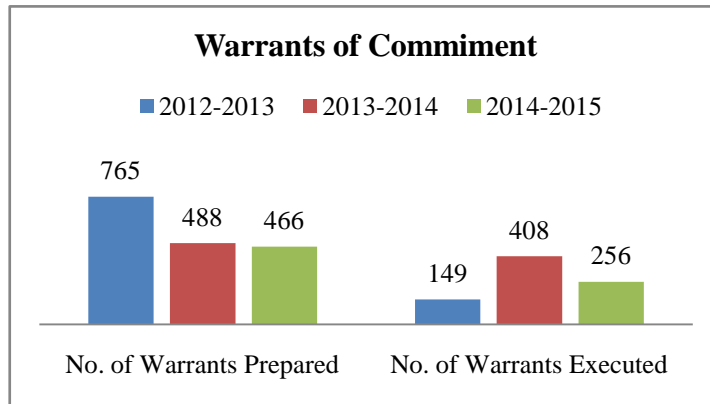
Rehabilitation Programs - Toe Tomanatu: The key objective of this initiative is to provide opportunities for those under probation and parole supervision so that they will be able to make the right decision under peer and/or family pressure which hopefully results in a crime free lifestyle.

Rehabilitation programs were included in the Probation Section's list of priorities as reflected in its annual budget. The number of those who were sentenced by the courts under Community Based Sentence has increased which also coincides with the range of programs been presented. A total of 74 sessions were carried out including a mixture of vocational, life skills, spiritual and counseling. Vocational and life skills programs including; elei printing, sawing, carving were carried out each Friday while Spiritual Counseling and other related programs such as drug and alcohol (Alcohol Anonymous AA) were schedule for Wednesdays.

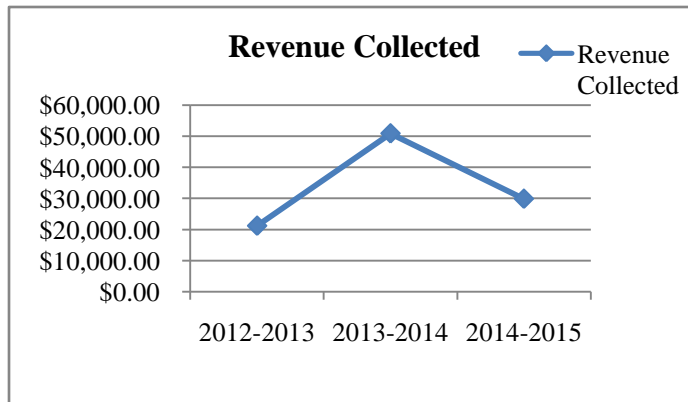
The MJCA was tasked with decorating and preparing the Hockey stadium for the Opening ceremony of the SIDS conference which was a good exposure not only for members of the MJCA but for probations and parolees to showcase their work of art to delegations from different island countries.

Output 5.2: Warrants and Bailiff

To enforce Court directed Decisions (Warrants of Commitment/Criminal)



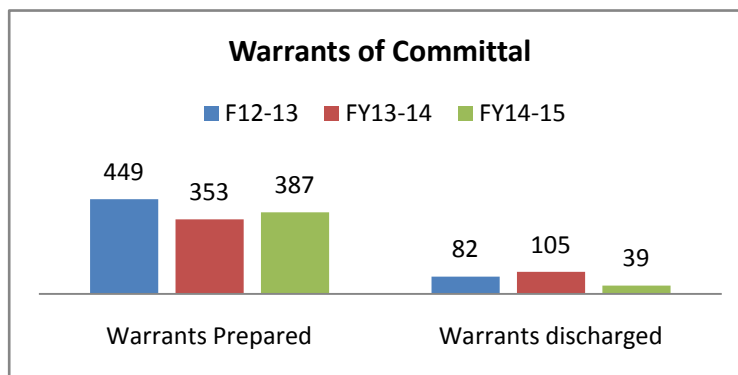
The Warrants of commitment are executed by the bailiff officer of the Court and a police officer on a defendant who has not complied with a Court order to pay a court fine within a certain period of time allowed by the Court.



The amount of 466 warrants of commitment from the Criminal and Civil Courts were prepared, 256 were executed totaling up to **\$29,923.00** revenue collected within the period under review.

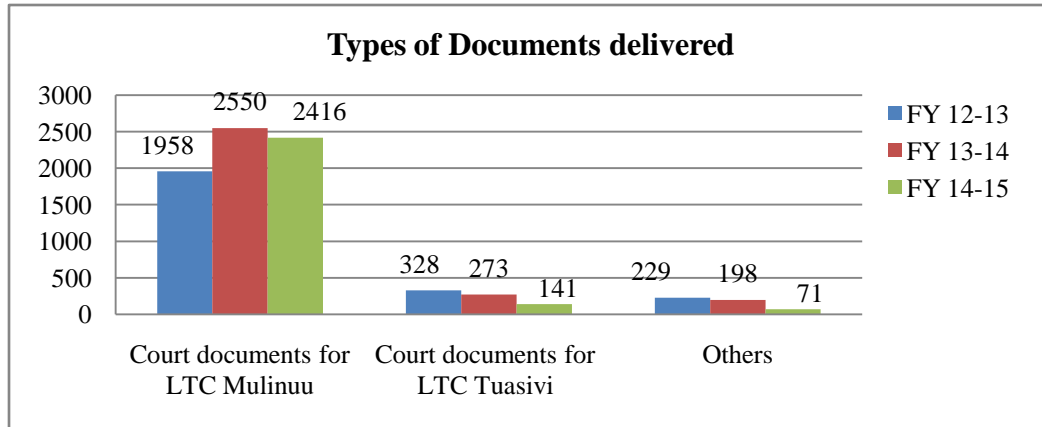
Although there is a drop in the percentage of Warrants executed (54%) as opposed to the percentage of non-executed Warrants (46%), when compared to Business operations over the previous financial years, the execution rate as per target for this financial year is high.

Management of Commitments/ Civil issued



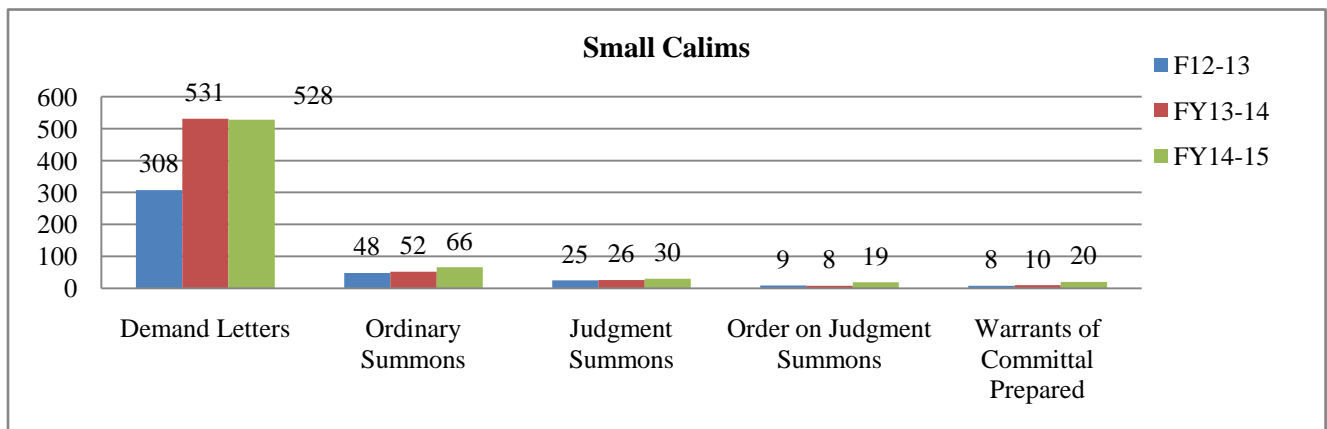
Warrant of committals refers to the warrants that are prepared upon the requests of the plaintiffs and are referred to the Police for execution. Warrants prepared and referred to Police totaled up to **387**; from this number **39** were discharged for this financial year as per plaintiff's request due to debt owed paid in full.

Managing and Serving of Court processes.



Ensuring that the Court documents are delivered accordingly with guidelines is a priority area for the Warrants Section. There were 2628 court documents delivered within this Financial Year. Others represent the mails for Maintenance and the Criminal Court (Summons for Assessors) Most letters were given directly to parties.

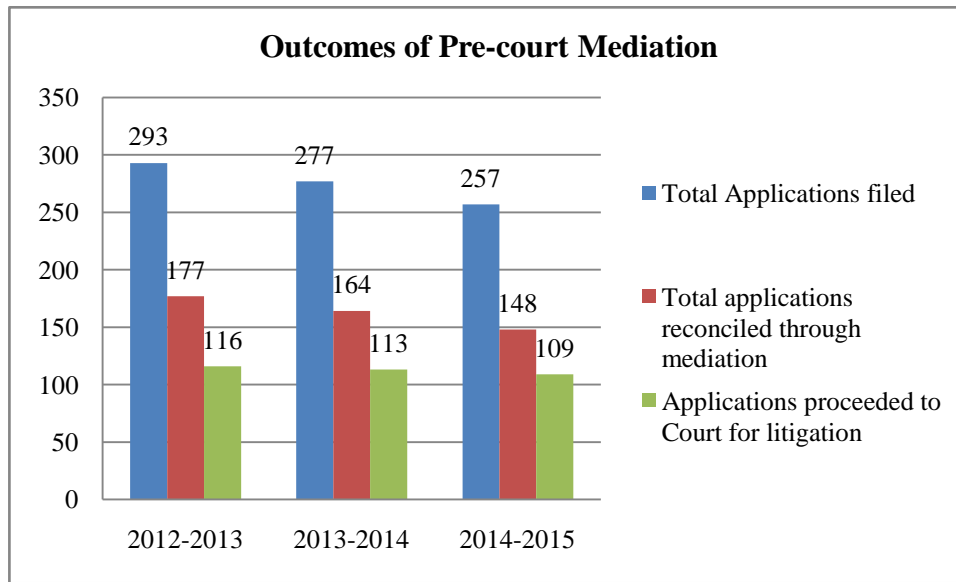
Processing civil claims less than \$7,000.00



The preparation of small claims that are less than \$7,000.00 is another service provided by the warrants section under authorization from CEO/Registrar. This particular service is made available to the plaintiffs who cannot afford a lawyer to represent him/her before the Court. There are no fees charged for preparation of documents and resources used except for a filing fee depending on the amount of the claim.

A total of **528** demand letters were prepared, **66** statement of claims and summons were also prepared for first mention in court, **30** Judgment summons were provided for court orders; **19** court order on Judgment summons were prepared as the Judgment Debtor made no appearance in court and; **20** applied for a warrant of committal due to judgment debtors noncompliance with court order. Only 13% of demand letters proceeded to court after been given 14 days to make full repayment of amount owed. It's an indication that most judgment debtors and creditors are willing to settle matter outside of court to save time.

Output 5.3: Maintenance and Affiliation Section



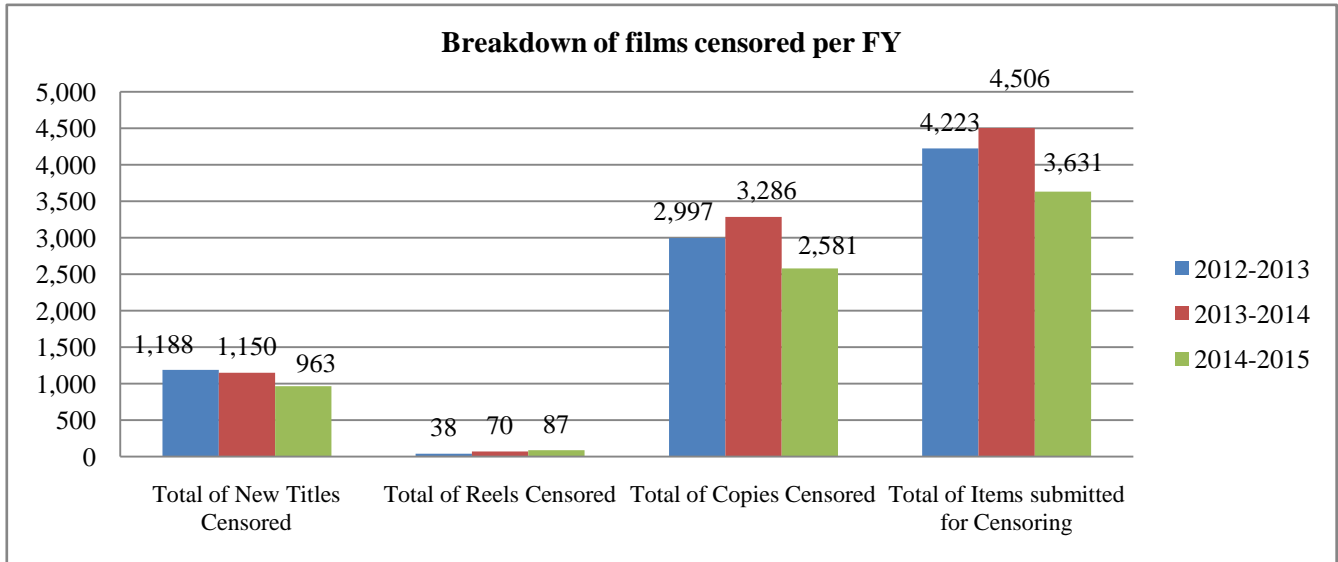
Maintenance and Affiliation Section services Applications for affiliation, custody and maintenance of the children filed by separated parents or destitute persons.

The overall number of new applications filed within this Financial Year is 257. These mediations resulted in; **148** resolved and withdrawn and **109** proceeded to court for litigation. Although only a slight increase in matters resolved through pre-court mediation conducted by the Maintenance team, it still indicates a worthy intervention of the Maintenance team in addressing family disputes thus reducing time and expense from proceeding to court.

Protection Orders is an additional service provided by the Maintenance team for the public who seek assistance in preparing application and affidavit in support under the new Family Violence Act 2013.

Output 6: Censorship Office

The Censorship staff is tasked with the provision of quality censoring services through accurate classification, effective enforcement and educational measures adherence to Samoan Cultural values and Religious beliefs, for maintaining order and stability in the community.



There is a drop in the total number of movies censored for this financial compared to the previous years. According to the Censor staff, it is an issue faced by the movie lenders whereby people prefer free downloading than purchasing movies from the shops so therefore they are currently working on how to address it.

There were 6 of video lenders/shops and 12 Exhibitors/TV stations that were monitored by the Censorship office throughout this financial year which correlates to the amount of business licensed paid (\$11,500.00). There were 2 new Exhibitors that were registered this financial year, the Moana TV and TL Films. The total revenue collected by the Censorship office for this financial year is \$52,514.85.

Note: Registration fee for Exhibitors and video/dvd lenders = \$1000; Annual license fee for video lenders = \$400 and; annual license fee for Exhibitors = \$500.

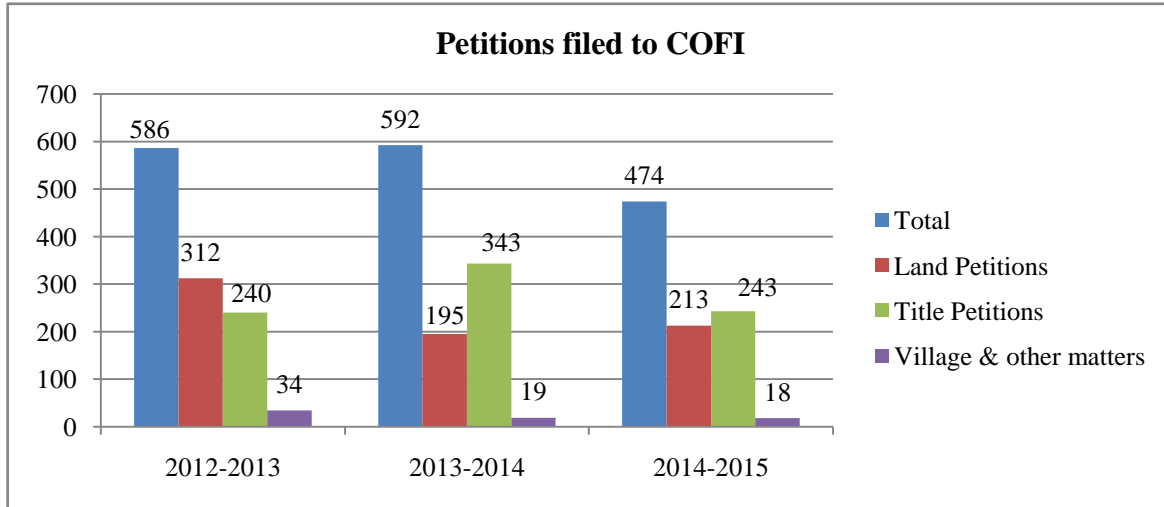
2014 - 2015						
Ratings	G	PG 13	R 16	R 18	R 21	Rejected
Total	271	982	1003	1028	284	63

The table shows the classification of the total number of movies censored within the reviewed period. The data shows that most of the movies censored are young adult movies rated from 16 – 18.

Output 7: Land and Titles Court Division

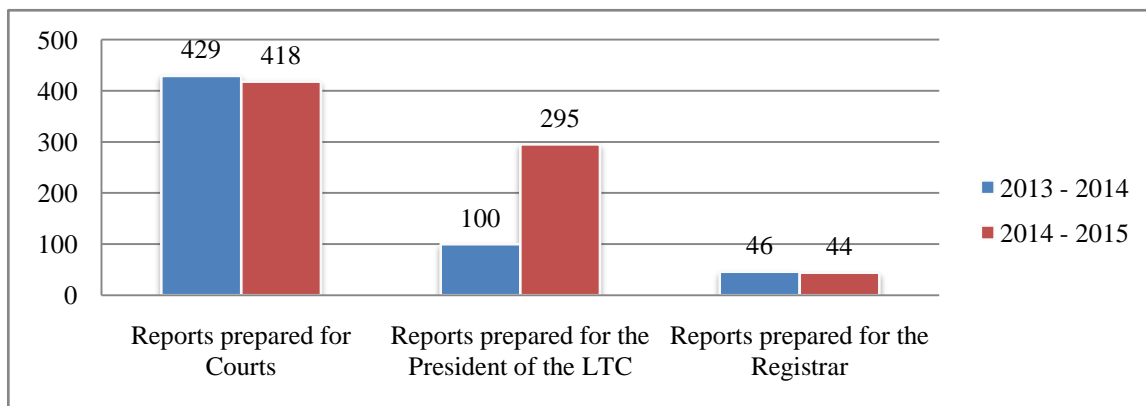
Court of First Instance

The Court of First Instance is where fresh Land and Title matters proceed to when no mutual agreement was reached between parties during the mediation process. The core function of this Division is to administer the scheduling cases for the Lands and Titles Court.



A total of 561 Petitions were filed during the period under review, 474 Petitions were advertised in the Savali. 74 were not advertised as subject to section 46 of the Lands and Titles Act or withdrawn. There were 13 petitions received in the last month of the FY under review but will be advertised in next Financial Year.

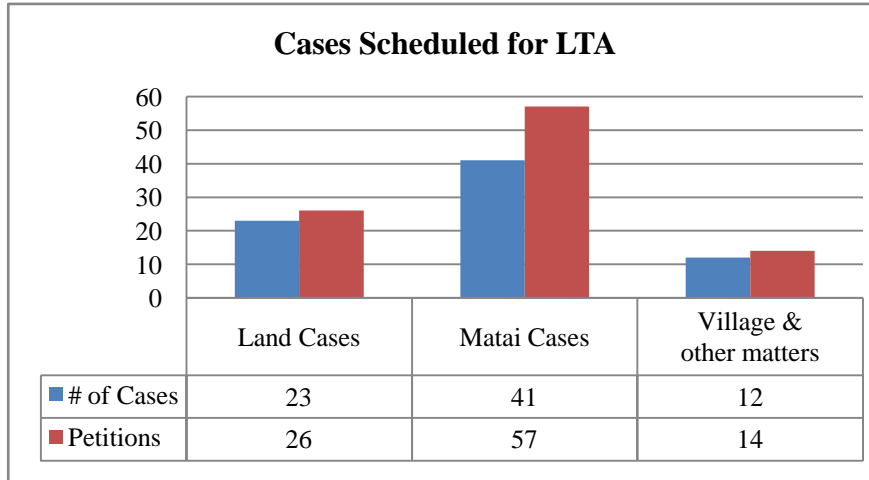
Research and Report Writing Section



The total number of reports prepared for the President had almost doubled in number during the period under review when compared to the last Financial Year. These reports are submitted to the President following an enquiry from any litigant regarding a matter that has already been dealt with in Court.

The number of Reports prepared for the Registrar and the Courts remain the same. Reports to the Registrar are to assist in his decision making over any matter that has been queried by any member of the public.

Leave to Appeal



The appeal fixtures are solely up to the discretion of the President. The Leave to appeal Court dealt with a total of 76 cases (97 petitions) scheduled for this financial year.

Court of Appeal

A total of 158 cases were scheduled for the Court of Appeal during the period under review.

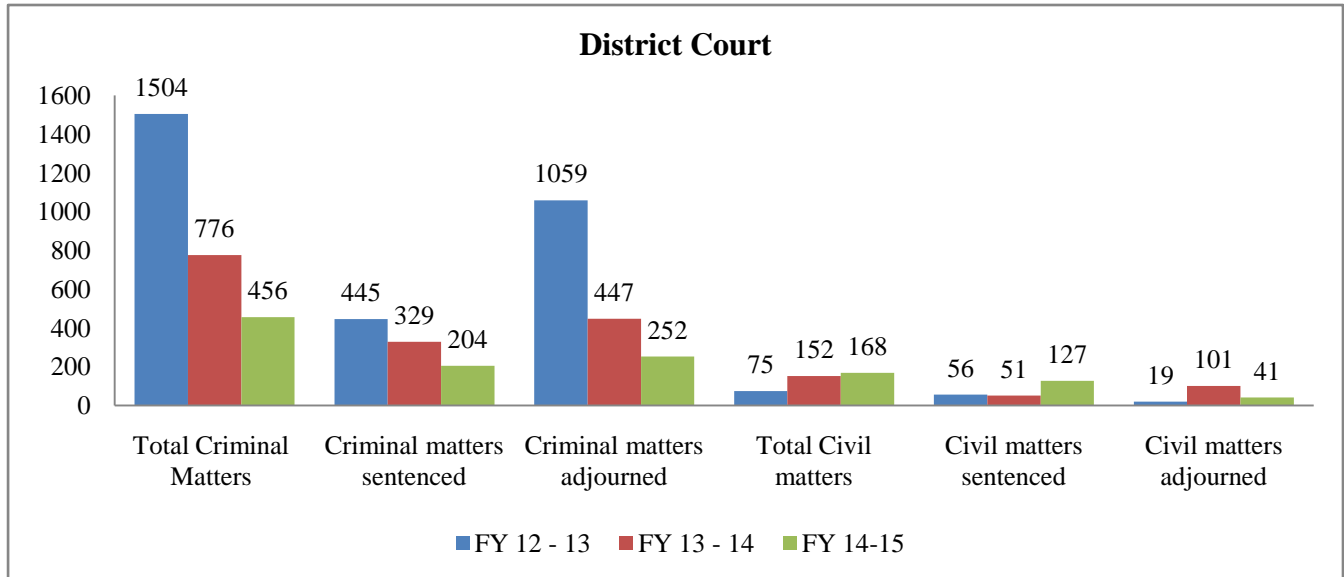
Output 8: Criminal and Civil Courts

The Criminal and Civil Court Division is set to provide the support services to the Court of Appeal, Supreme Court, District Court and the public on matters pertaining to the Criminal and Civil Court. One of their main support services is to schedule court hearing dates for the mentioned courts hence the data presented in the table hereunder. Cases completed for the scheduled cases are reported in Output 3 Judiciary.

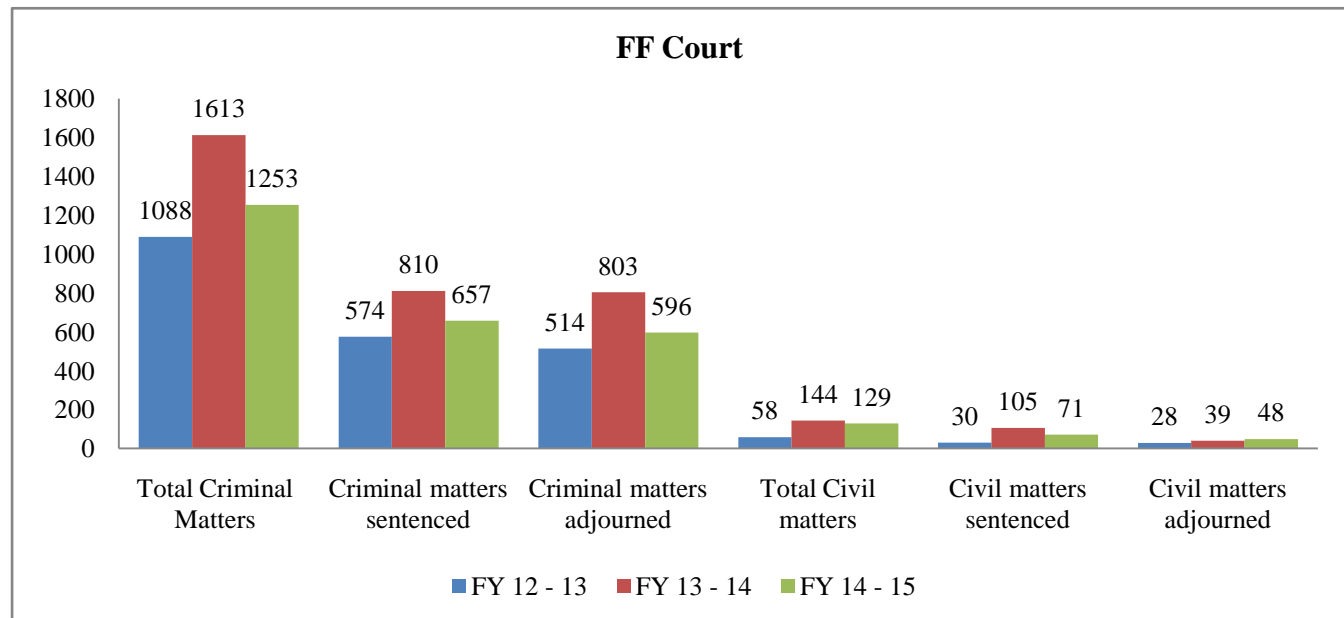
	Activity	Report
1. Court of Appeal	• Criminal Cases scheduled;	6
	• Civil Cases scheduled;	5
2. Supreme Court	<u>Criminal Matters:</u>	
	• Scheduled for Mention;	1087
	• Scheduled for Hearing;	364 (309 Judge Alone, 55 Assessor Trials)
	• Scheduled for Sentencing;	1137
	<u>Civil Matters:</u>	
	• Scheduled for Mention;	849
	• Scheduled for Hearing;	118
	• Judicial Service Commission meetings serviced;	3
	• Parole Board Meetings held;	5
	• Land Commission meetings held;	3
3. District Court	<u>Criminal Matters</u>	
	• Scheduled for Mention;	1296
	• Scheduled for Hearing;	285
	• Scheduled for Sentencing;	700
	<u>Civil Matters</u>	
	• Scheduled for Mention;	1456
	• Scheduled for Hearing;	30
	• Public Service Board of Appeal meetings held;	30
	• Judgments entered for civil default cases.	127
	3.1 Family Court	<u>Criminal Matters</u>
• Scheduled for Mention;		850
• Scheduled for Hearing;		156
• Scheduled for Sentencing;		395
• Maintenance cases scheduled for Hearing;		443 (409 cases for mention, 24 cases for hearing)
• Protection Orders scheduled;		91
• Adoptions scheduled;		131 Scheduled; 127 signed
• Divorce petitions scheduled.		59
• Divorce petitions prepared pursuant to section 7G - Divorce and Matrimonial Amendment Act 2010	65	
3.2 Coroners Court	• Inquests scheduled	2277 Scheduled; 45 completed
3.3 Youth Court	• Criminal cases scheduled for Mentions;	99
	• Criminal cases scheduled for Hearing;	19
	• Criminal cases scheduled for Sentencing;	48
4. FF Court	<u>Criminal Matters</u>	
	• 2900 cases scheduled;	3897
	• 400 cases scheduled for Hearing	311
	<u>Civil Matters</u>	
	• 500 cases scheduled for Mention;	610
	• 10 cases scheduled for Hearing;	6

Output 9: Tuasivi Office

Tuasivi Office is basically the only existing branch of the MJCA located in the big island of Savaii. Therefore provides all the MJCA services that are available at the main office in Mulinu'u to cater for people in Savaii. In addition definition for each service remains the same.

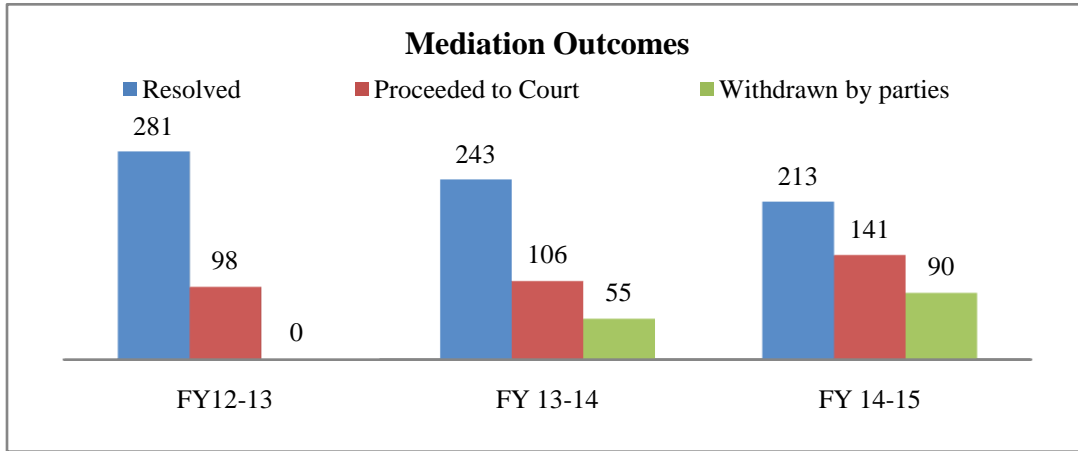


The graph indicates the effectiveness of the Crimes Act on the District Court and also explains why there is a huge decrease of about 50% in the number of cases heard in the District Court as most of them have fallen to the jurisdiction of the Supreme Court.

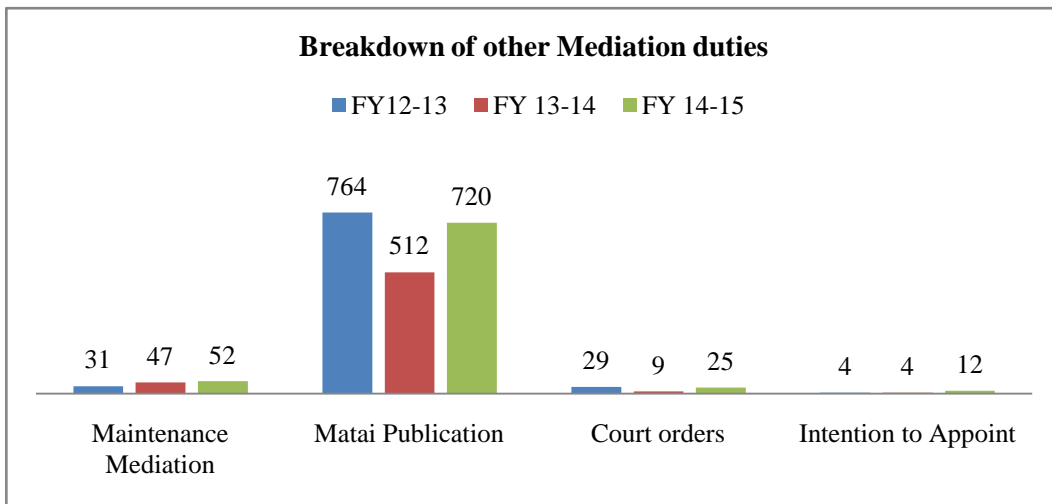


It's noticeable that cases heard in FF Court had decreased for both criminal and civil for this financial year compared to the previous years.

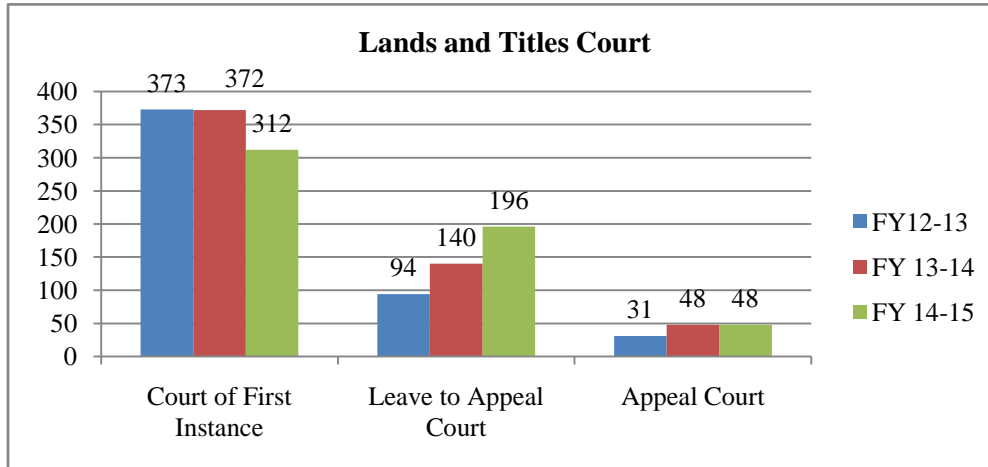
Mediation



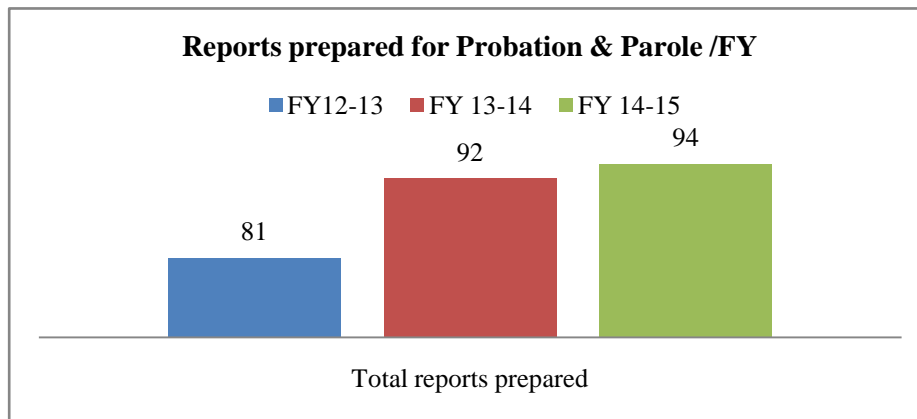
Mediation does serve its purpose as an alternative for resolving disputes, and it is evident in the data provided. There were 444 mediations done for this financial year 14-15; 48% of mediations conducted were resolved, 32% unsuccessful and were referred back to court, and 20% are matters withdrawn by parties.



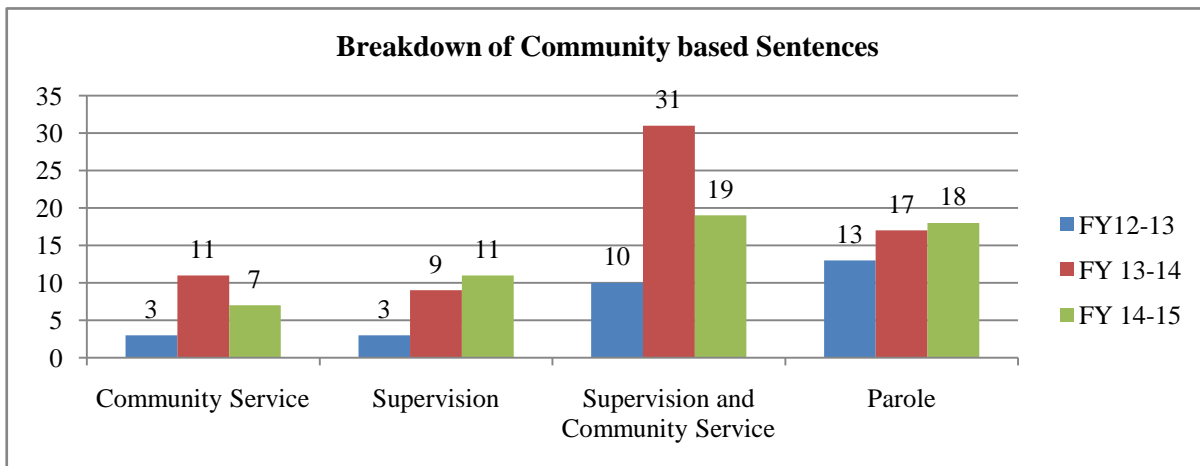
The number of mediation for Maintenance has slightly increased over the years. As for new Matai publication, the number fluctuates which entirely depend on the number of matai forms received by the office to be published. Court orders refer to the Interim orders issued by either the President or the Registrar on a LTC matter. Intention to Appoint has highly increased for the current financial year compare to the previous financial years.



The graph here indicates that for Lands and Titles Court, most matters are solved at the Court of First Instance. Apparently matters are increasing in the Leave to Appeal Court throughout the 3 financial years.

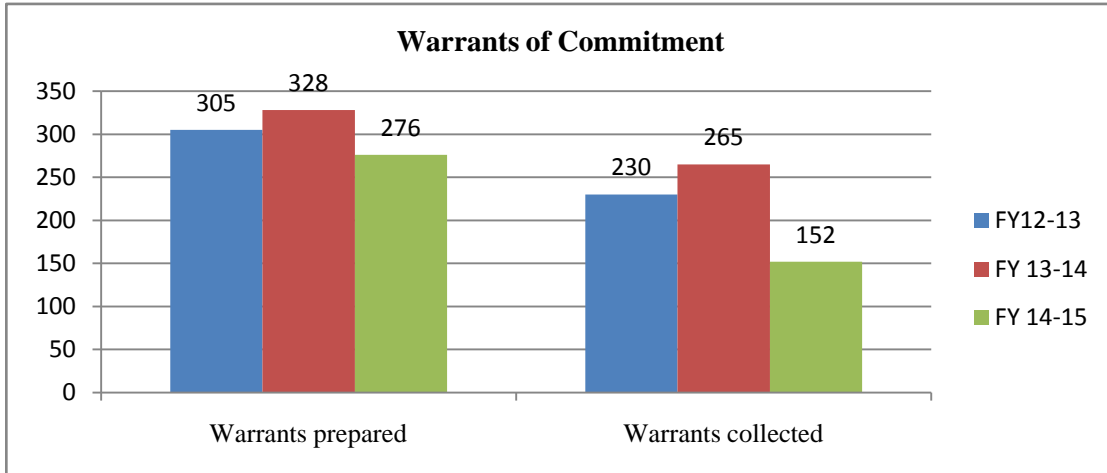


The graph shows the total number of reports prepared through the three financial years. These reports include Presentence and supplementary reports for the courts and Pre-release reports for the Parole board meeting that is conducted quarterly.

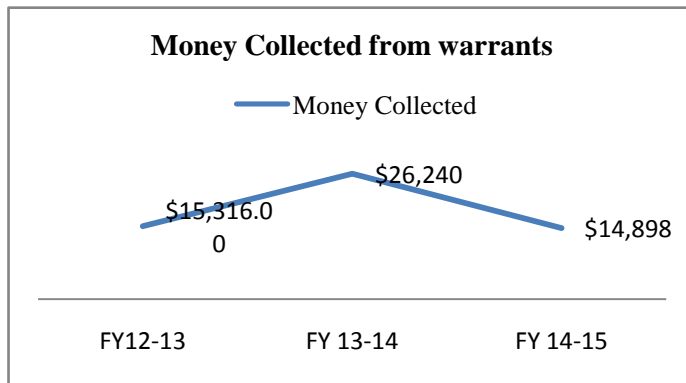


The total number of sentences monitored in FY 12-13 is 29; FY 13-14 is 68 and; for the current financial (FY 14-15) is 55. The graph shows the breakdown into the different types of sentences.

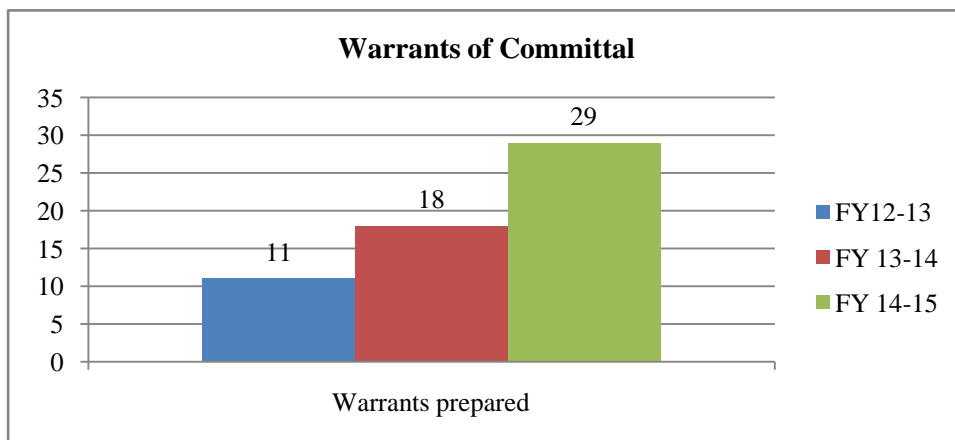
Warrants and Bailiff



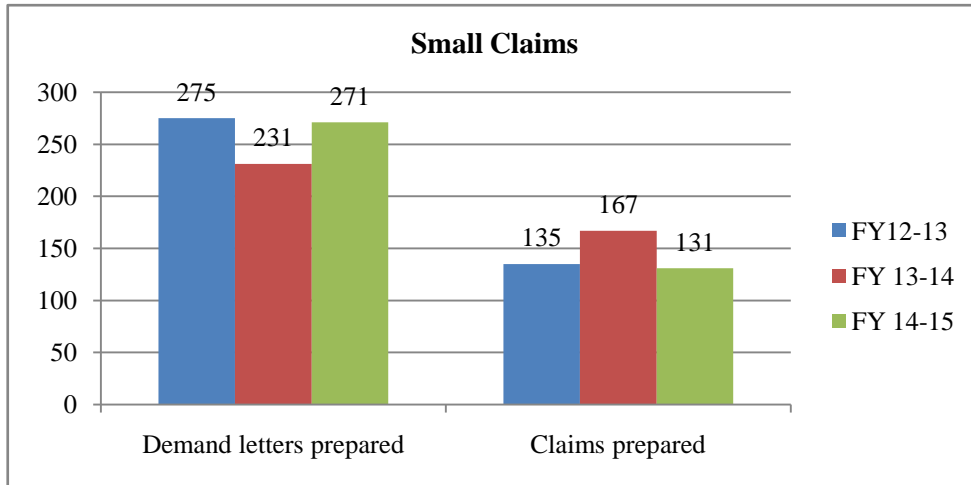
The graph shows the total number of warrants prepared and the number that was executed for the three financials. Trends for warrants prepared and warrants collected have decreased.



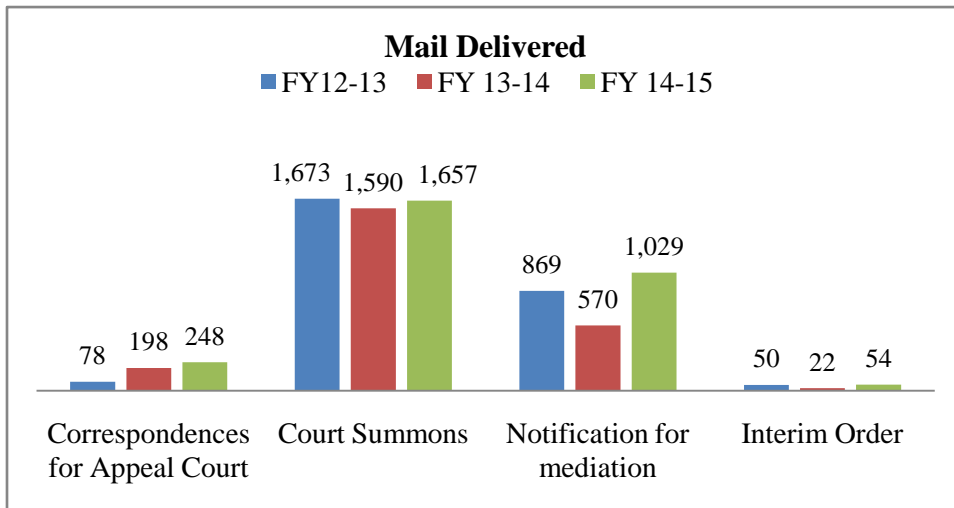
The graph shows the total number of money collected for each of the three financial years. The total money collected is determined by the number of Warrants of commitment collected or executed as shown in the above graph.



The graph shows the increase trend for warrants of committal prepared throughout the years. Warrants of committal are prepared for; non-compliance of fathers in paying maintenance for their children and; defendants in paying debts owed.

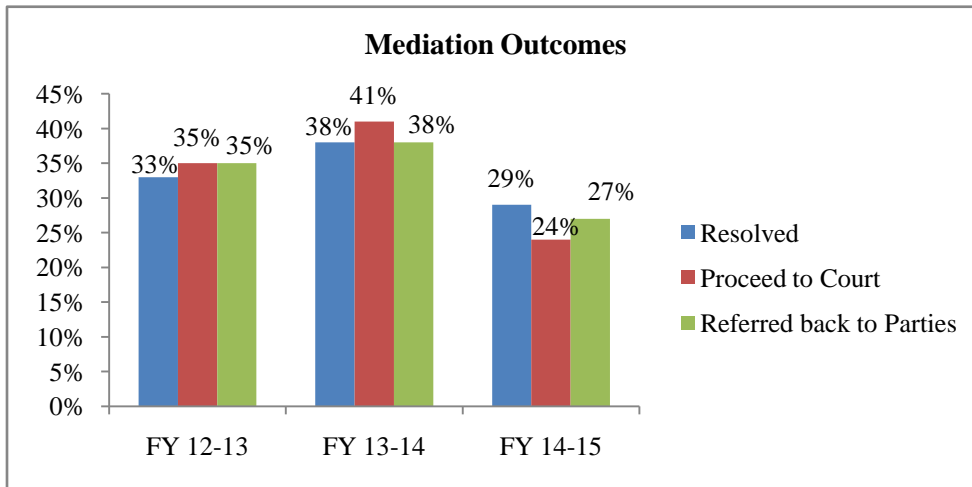


The small claims graph shows the number of claims lodged to the office (where the demand letters are prepared) and the number of claims that proceeded to court.

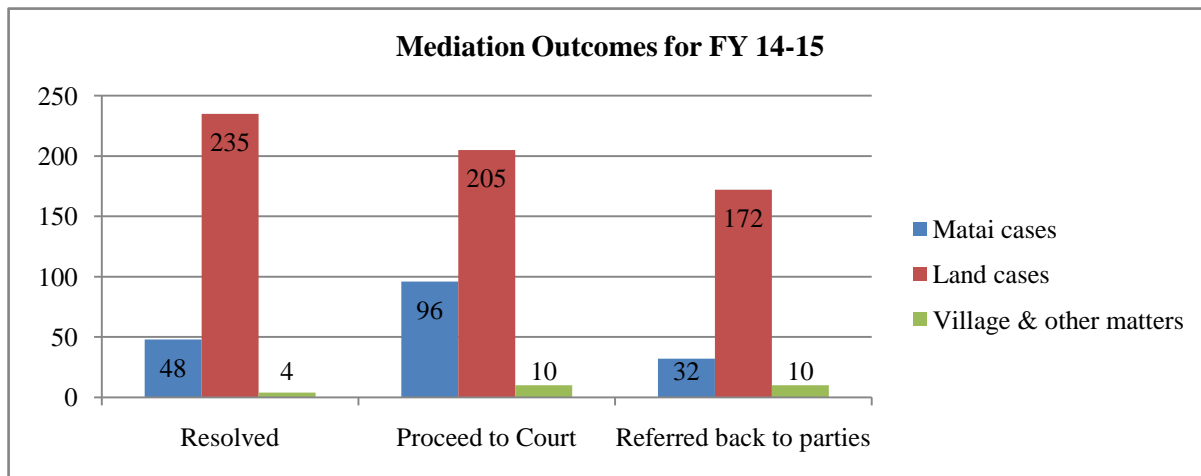


The graph shows the total, mails that were delivered by the Tuasivi Office for the three financial years. All trends have increased.

Output 10: Land and Titles Mediation and Matai Registration



In servicing the public demands, during the period under review the Ministry facilitated a total of **9,091** cases for community members seeking assistance on matters pertaining to Customary Land and Matai Titles. From this number **4,357** were about Customary Land matters and **4,734** were Matai Title matters.



During the period under review there were **815** mediations implemented. This number has increased by 40 when compared to the previous Financial Year. Of all matters that were mediated, 35% were resolved, 38% proceeded to Court and 27% matters were withdrawn or referred back to families/villages for resolutions in accordance to our customs and tradition.

Reports prepared	12-13	13 - 14	14 – 15
Mediation	690	745	787
Visitations	55	35	43
Surveys	10	4	8
Registrar	57	54	37
President	5	16	25
Registered Matai Titles	43	104	474
Total	860	958	1,374
Written Correspondences			
Mediations	1,502	1,408	1,404
Visitations / Surveys	133	109	97
President / Registrar	472	414	377
MNRE for leased lands	7	32	53
Liquor Board	81	59	252
Ministry of Police	74	37	84
Total	2,269	2,059	2,267

Implementation of Site Visits and Surveys:

In reviewing the Sites for further clarification of matters/issues referred to the Ministry, during the period under review a total of 43 Site visits and 8 Surveys were implemented.

Preparation of Interim Orders:

A total of **53** Interim Orders were prepared during the period being reviewed. This number has decreased by 13 when compared to the last Financial Year.

Petitions prepared for the Court:

During the period under review a total of **559** petitions were prepared for Court. From the total number of Petitions prepared 94% (524) were for Upolu and 6% (35) were for Savaii. Entail in these petitions are matters pertaining to Land 249 (45%); Matai 302 (54%) and Village issues 8 (1%).

Management of the Matai Registration:

During the period under review a total of **2646** new Matai Titles were published in the Savali; 60% (1592) were for Upolu and 40% (1054) were for Savaii. A Total of 2629 Matai Titles were officially registered; 57% (1492) were for Upolu and 43% (1137) were for Savaii.

Output 11: Information Management and Registration

Records Section

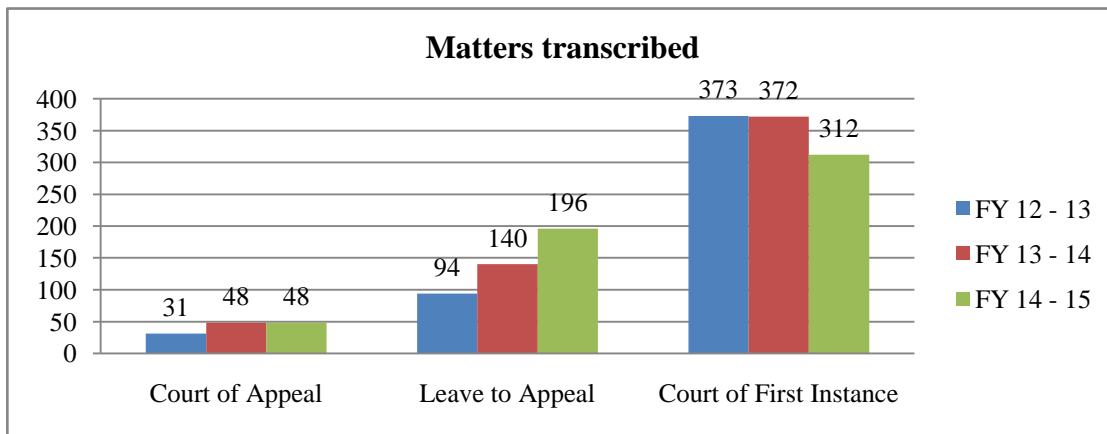
There were 7,209 files that have been scanned and saved on the Docsvault System in this financial which contributed to the overall number of 26,888 files that have already been scanned and saved since the commencement of the Digitization project in 2011.

There were 3,801 files that have been repaired due to torn pages and needed fixing. This task was carried out by Records and Digitization staff. There were 3,589 files searched and located for the Lands and Title Courts, requests from the public and MJCA staff. There were 609 files searched and located for the Criminal and Civil Courts.

Managing Correspondences

The overall number of correspondences that was managed by this team for this financial year is **3,673**. These correspondences include; Filing of Court Proceedings; General letters and faxes; Title registration forms and Court Fines. All correspondences for matters pertaining to Land and Title Court as well as Criminal and Civil courts were forwarded accordingly to their intended recipients.

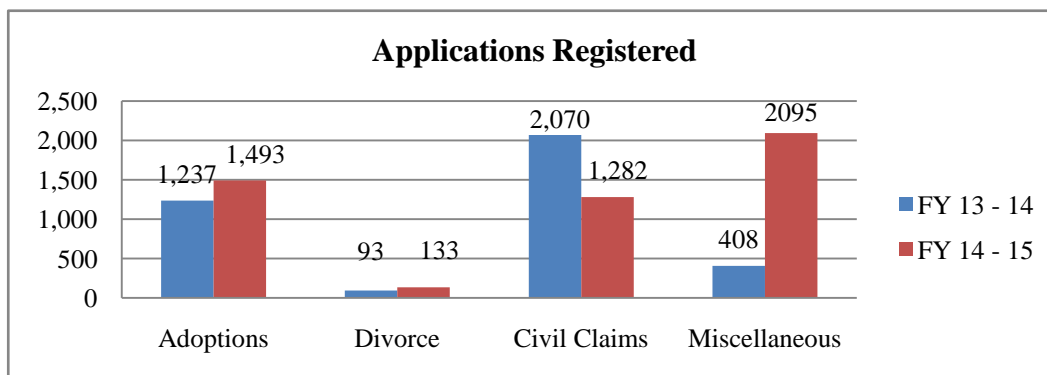
Phonographic and Transcribing



This section deals with recording of court proceedings and typing transcripts.

The data presented shows the total number of matters that recorded and transcribed from each court in this financial year. There is no obvious change in the number of transcripts typed throughout this financial year compared to the previous years.

Section Court Registry



The court registry section is the entry point for all applications from counsels and companies to MJCA. Applications such as Adoption, Divorce, Civil Claims and Miscellaneous are checked and registered before they are filed for whatever purpose of application.

Output 12: Law and Justice Secretariat

The Office of the Law and Justice Secretariat has recently become a division of the Ministry, mainly deals with the Planning, Budgeting, Monitoring and Evaluation of Sector programs and activities set out in the Law and Justice Sector Plan 2012-2016.

The Secretariat's business as usual work is to;

- Coordinate Sector Review & Awareness Programs
- Organize scheduled meetings
- Prepare and issue quarterly newsletters to update Sector Agencies on the current events
- Prepare project updates and Quarterly Financial reports on the progress of LJS Projects
- Prepare monthly and six monthly financial reports to the Ministry
- Prepare annual budget for the Secretariat
- Prepare six monthly reports to Cabinet and Donor

Throughout this financial year, the Secretariat was able to conduct one (1) Mid-term review and host the following meetings:

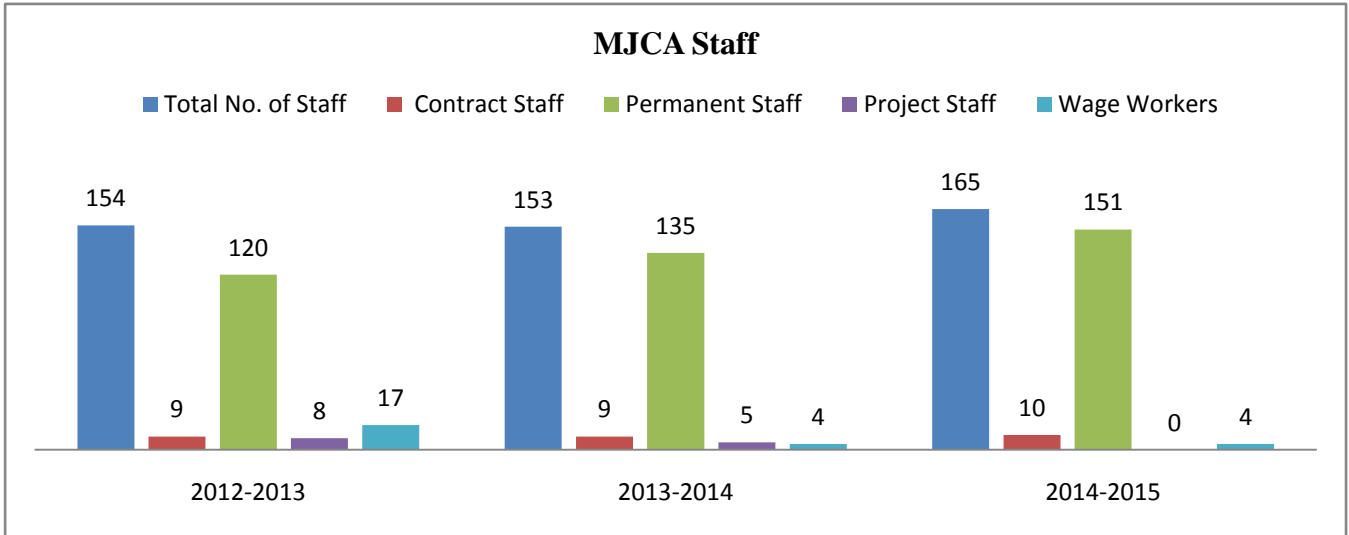
- **11** - Steering Committee meetings chaired by the Attorney General of the AG's Office
- **1** – Sub-committee for the for the AUAFA MAU Project
- **10** – Taskforce meetings
- **9** – Crime Prevention Policy Working group meeting

The implementation of the Secretariat's role in monitoring the existing and ongoing project for the Law and Justice Sector Agencies were carried out accordingly. Although there were unavailable funding from DFAT and other financial supporting Aids to extend the development of new initiating projects by mid-financial year 2014/2015, it did not stop the Secretariat in monitoring and reporting of its ongoing and existing projects, some of which were funded and forecast under the Government budget. These projects are:

- SAMLii Project;
- Digitization of Lands and Titles Court Records; and
- Recording of Court Rooms in Mulinnu and Tuasivi
- Development of the National Crime Prevention Strategy
- Establishment of a Community Law Centre
- Development of a Crime Statistics Database (Auafa Mau)

Corporate Service

A. Human Resource Management



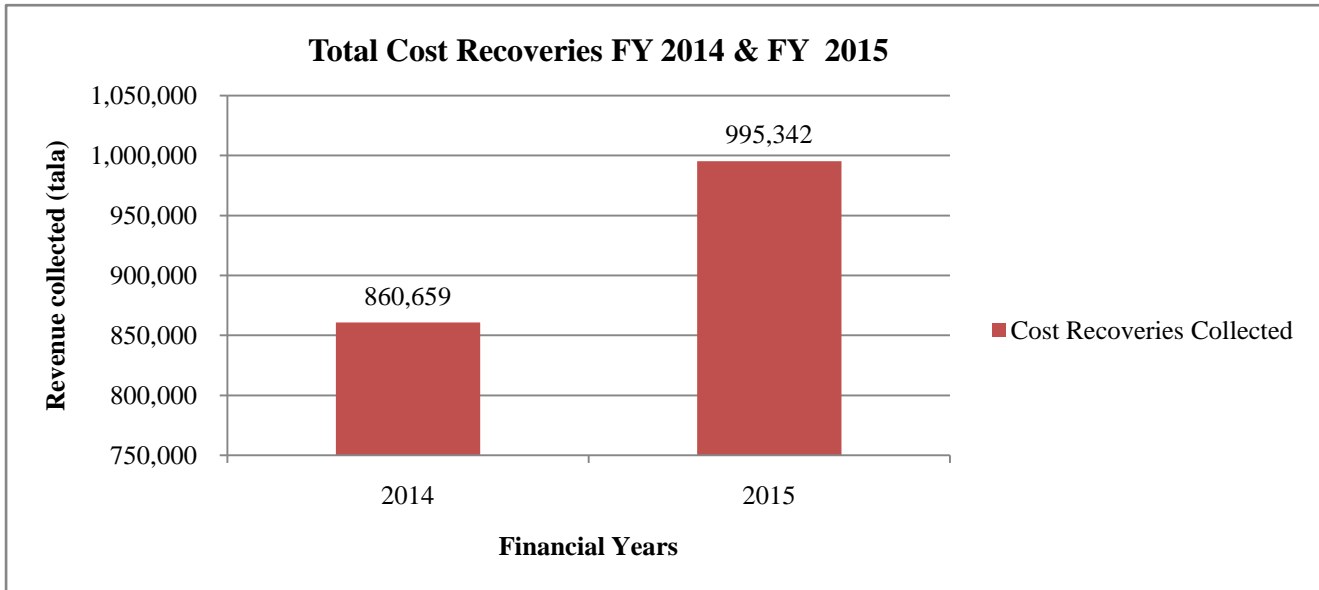
With the above stated figures, there has been an increase in the number of Permanent Staff due to the approved transfer of wage workers staff status to permanent which took place in July and October this year.

V. Financial Report

STATEMENT OF MINISTRY RECEIPTS BY REPORTING CATEGORY AND EXPENDITURE BY OUTPUT					
APPROPRIATION ACCOUNT					
<i>for the financial year ended 30 June 2015</i>					
		2015	Estimate	(Over)/Under	2014
JUSTICE & COURTS ADMINISTRATION					
RECEIPTS					
Ordinary Receipts					
Other Receipts		995,342	955,211	(40,131)	860,659
TOTAL RECEIPTS		995,342	955,211	(40,131)	860,659
PAYMENTS					
Outputs					
1.	Policy Advice to the Responsible Minister	410,101	415,374	5,273	306,433
2.	Ministerial Support	364,443	363,254	(1,188)	373,183
3.	Judiciary	3,001,031	2,961,335	(39,696)	2,736,560
4.	Research, Policy & Planning	402,218	405,827	3,610	368,566
5.	Correction, Enforcement & Maintenance Services				
5.1	Management of Probation & Parole Services	521,843	526,959	5,116	495,463
5.2	Management of Warrants & Bailiff Services	378,875	380,078	1,204	354,804
5.3	Management and Maintenance of Affiliation Services	278,307	281,196	2,889	237,900
		1,179,024	1,188,233	9,209	1,088,166
6.	Censoring Services	253,181	257,241	4,060	213,607
7.	Management of Lands & Titles Court & Court of Appeal	793,004	795,766	2,762	795,544
8.	Management and Servicing of Criminal and Civil Courts	929,785	935,394	5,608	845,409
9.	Management & Servicing of Tuasivi Court	826,349	841,381	15,032	733,852
10	Mediation and Registration	542,631	551,747	9,117	486,998
11	Information Management and Registry	715,687	735,090	19,403	427,104
12	Law and Justice Secretariat	322,389	328,208	5,819	0
	Total Outputs	9,739,842	9,778,851	39,009	8,375,422
Transactions on Behalf of State					
Government Policies / Initiatives					
	Legal Aid	249,072	250,000	928	249,915
	Renovation of Tuasivi Building	0	0	0	91,472
	Office Back Up Server	0	0	0	23,739
	Reimbursement of funds to Civil Trust	0	95,000	95,000	0
		249,072	345,000	95,928	365,126
	Rents & Leases (Government Building)	35,568	35,568	0	43,776
	VAGST Output Tax	318,699	383,530	64,831	333,227
	Total Transactions on Behalf of State	603,339	764,098	160,759	742,129
TOTAL PAYMENTS - JUSTICE & COURTS ADMINISTRATION		10,343,181	10,542,949	199,769	9,117,551
RECEIPTS OVER PAYMENTS		(9,347,839)	(9,587,738)	(239,900)	(8,256,892)
GOVERNMENT DEVELOPMENT PROJECTS					
External Receipts					
	Grants - GDP	18,199	0	(18,199)	57,250
Payments					
	Donor funded	19,590	0	(19,590)	24,859
RECEIPTS OVER PAYMENTS		(1,391)	0	1,391	32,391

COST RECOVERIES.

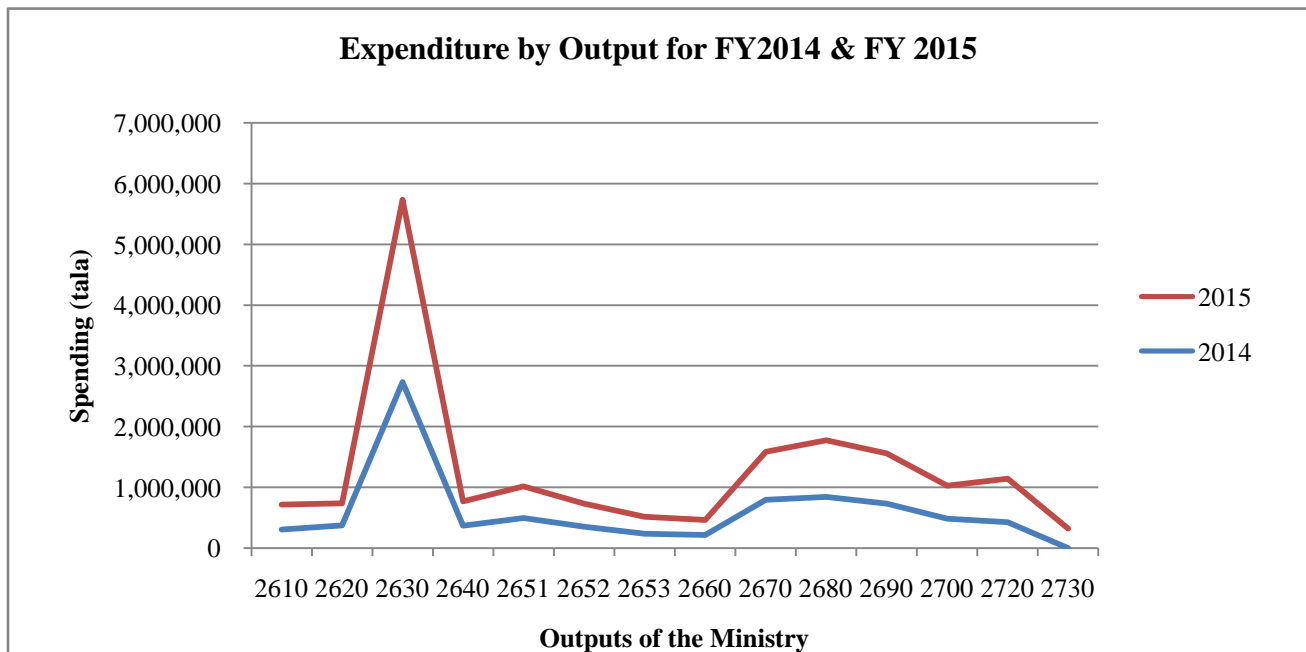
The collection of cost recoveries for FY2015 exceeded that of FY2014 due to an increase in fees effective August 2015. This increase was validated in the majority of outputs collecting for the Ministry with the exception of the Censoring services. This is due to the changes to be amended from the Film Control Act.



OPERATING

Most operating funds were under-utilized by the end of the FY but in comparison to the spending of the FY2014, the actual percentage was higher. The Judiciary and the Ministerial output spent more than what was approved to accommodate the demanding operational needs of the courts.

The changing of EPC meters pumped the consumption on a monthly basis and it was apparent across all outputs.



TRANSACTION ON BEHALF OF THE STATE

The reimbursement from the Civil Trust Account was the only additional item aside from the usual commitments of the preceding financial year, which is a drop of 23% in terms of spending.

There were also more projects approved in the FY 2014 than FY 2015.

