



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

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

**ON THE**

**P.P. 2014/2015 No. 92,**

**Samoa Law Reform Commission  
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:**

The Committee resolved to recommend the Assembly:

**To approve the P.P. 2014/2015 No. 92, Samoa Law Reform Commission Annual Report 2012 – 2013.**

**2. RECOMMENDATION:**

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

- 1. Provide additional funding for the Commission in order to increase its services provided to the nation. That a review on the importance of the functions carried out by the Commission in order to conduct its consultation programmes with the general public and sectors of the community.**

**3. PREAMBLE:**

The Justice, Police & Prisons and Land & Titles Committee is constituted pursuant to provision of Standing Orders 173.

**MEMBERS****APPOINTED**

|                                      |   |                    |            |
|--------------------------------------|---|--------------------|------------|
| Tofa TUISA Tasi Patea                | - | Chairperson        | 30/05/2011 |
| Afioga AFOAFOUVALE John Moors        | - | Deputy Chairperson | 30/05/2011 |
| Afioga LAFATELE Patrick Leiataualesa | - | Member             | 30/05/2011 |
| Tofa LENATAI Victor Faafoi Tamapua   | - | Member             | 30/05/2011 |
| Susuga PAPALII Lio F. Taeu Masipau   | - | Member             | 30/05/2011 |
| Tofa LEFAU Harry Schuster            | - | Member             | 30/05/2011 |
| Tofa TAPUAI Toese Ah Sam             | - | Member             | 30/05/2011 |

**4. STANDING ORDER 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.**

**PAPER CONSIDERED:**

**P.P. 2014/2015 No. 92, Samoa Law Reform Commission Annual Report 2012 – 2013.**

**5. FINDINGS:**

The Samoa Law Reform Annual Report 2012 – 2013 outlines some of the Future Programmes and Work Achieved by the Commission for the Financial Year under review.

**6.1 VISION**

**A highly professional organisation to drive and influence changes through the review and reform of the laws of Samoa.**

**6.2 MISSION**

**To assist in keeping the laws up to date and relevant to the needs of Samoan society**

**6. COMMITTEE CONSIDERATION.**

The Samoa Law Reform Commission Annual Report 2012 – 2013 outlines its current status regarding its performance for the period under consideration in accordance with its mandatory functions in the Law Reform Commission Act 2008.

The Commission stated that, as their usual process with references given by the Prime Minister, Cabinet or the Attorney General, they are still able to carry out its consultations with specific sectors that are in line with concerned subject matters up till when the Commission prepares its report for Parliaments consideration. The Commission was able to complete some of its projects or references which included the review of the Media Regulation and the District Court Act 1969; examine the feasibility and appropriateness of setting up a National Heritage Board; and review legislation for the care and protection of children in light of Samoa's obligations under the Convention on the Rights of a Child.

The Commission stated that the Public Service Commission approved 2 new positions for this financial year under review, therefore totaling the staff count to 14. Included in this annual report is the current structure of the Commission. There are only two

divisions that the Commission is divided into; Legal Services Division and Corporate Services Division and it clearly outlines role carried out by each division. The Commission also stated that it was able to receive assistance from 3 Volunteers within this year, so as to carry some of its roles. The initial purpose for this assistance is to further develop capacity of its staff regarding reform of laws with overseas lawyers.

The Committee noted that other achievements by the Commission include staff trainings and capacity building programs. As mentioned by the Commission, it was only established in 2008 as part of the Attorney General Office but only become independent in 2011. Since it is still a newly established Corporation of the Government it intends to continue building capacity of its staff. The Commission and the management noted that is able to gain assistance from its overseas counterparts including the New Zealand Law Commission, the Australian Law Reform Commission, the British Columbia Law Institute and others. The Committee also noted that aside from assistance in various areas from overseas countries, some of the Commission's staff was able to attend programmes for the primary purpose in capacity building for specific areas to further develop the Commission.

The Committee showed concern with regards to consultations to the general public carried out by the Commission and queried whether the Commission is able to carry out consultations with all sectors, communities and businesses. However, the Commission stated that due to financial constraints they are not able to carry out consultations to all concerned sectors, communities and businesses. Despite this constraint, the Commission is still determined to perform its duties in response to the requests of the Government especially the nation.

The Committee noted the Samoa Law Reform Commission should have submitted its Annual Report along with its Financial Statements that has been audited for the period under review. So that, the Committee are able to consider in detail the Commission's financial spending against appropriations approved by the Parliament.

The Commission stated that the Auditor General's Office is currently auditing its finances for the period under review. Partial Financial Statements cannot be included in its Annual Report for Parliament's consideration, for until its finances have fully been audited only than is it possible to submit them together with its Annual Report. But, in order to comply with provisions of the Act for submitting Annual Reports to the Legislative Assembly, this is the reasoning for including its Financial Statements.

The Committee was concerned that given the importance of the Commissions functions in contributing to the Government should be allocated additional funding in order to carry out its functions. The Committee believes that most villages do not fully understand a majority of current laws except for their Sui o Nuu. For its is the view of the Committee with regards to this area, that the Commission has to set out a

clear plan so that the nation is aware of the importance of the roles carried out by the Commission especially on various laws that are reviews and under reform for the betterment of Samoan citizens. The Committee recommends that the Government consider the importance of the work done by the Commission in order to carry out its programs for the general public.

**7. ASSISTANCE (S.O. 156):**  
**Samoa Law Reform Commission.**

|                     |   |                            |
|---------------------|---|----------------------------|
| Leota Theresa Potoi | - | Executive Director         |
| Pale Fuimaono       | - | Assistant Director         |
| Malaea A Feterika   | - | Manager Corporate Services |

**8. 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.**

**9. RESOLUTION:**

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

**To approve the P.P. 2014/2015 No. 92, Samoa Law Reform Commission Annual Report 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**