



GOVERNMENT OF SAMOA

**MINISTRY OF JUSTICE AND COURTS
ADMINISTRATION**

**REPORT FOR THE
FINANCIAL YEAR
2012-2013**



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

The Honourable Speaker of the House

Afioga Laaulialemalietoa Leuatea Polataivao Fosi

Legislative Assembly

MULINUU



Dear Sir,

**MINISTRY OF JUSTICE AND COURTS ADMINISTRATIONS' REPORT FOR THE
FINANCIAL YEAR 2012-2013**

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 2012 to June 2013 to be tabled before Parliament.

Submitted with respect,

A handwritten signature in blue ink, reading 'Fiame Naomi Mataafa'.

Fiame Naomi Mataafa
Honourable Minister

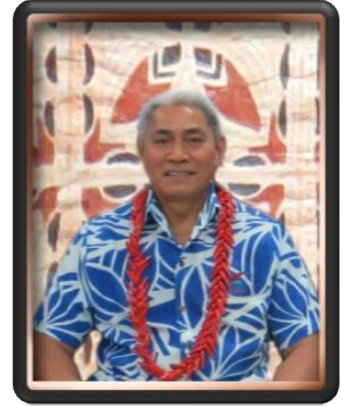
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MESSAGE FROM THE CHIEF EXECUTIVE

Greetings! Another year has passed and like any other of the previous ones we have overcome, we must thank our Heavenly Father because of his Grace and never ending Love that has brought us another safe landing.

The Ministry of Justice and Courts Administration Annual Report 2012-2013 provides an account of the Ministry's work throughout the Financial Year 2012-2013.



This report is subdivided into five categories namely;

1. Our Service to Society;
2. Statistics;
3. Our Projects implemented and;
4. The Summary of our Financial Report

It is a general belief that the closing of this financial year 2012-2013, brings forth new horizons. Whatever challenges and difficulties that we have faced in the past year, these will be taken on as lessons learnt as we continue into the new Financial Year ahead with the guidance of our Lord whom our country is founded upon.

I am grateful to the Lord for another year of service and I would like to convey my sincerest gratitude to the Honourable Chief Justice and members of the Judiciary, the Prime Minister, the Minister and Associate Minister of Justice, Cabinet members, Development partner agencies and all of the Ministry's stakeholders; for your continuous support for the Ministry. **Faafetai tele** to the Ministry's Executive, Management Team and staff for all of your hard work, support and commitment during the 2012 to 2013 Financial Year.


Masinalupe Tusipa Masinalupe
CHIEF EXECUTIVE OFFICER

SERVICE TO SOCIETY

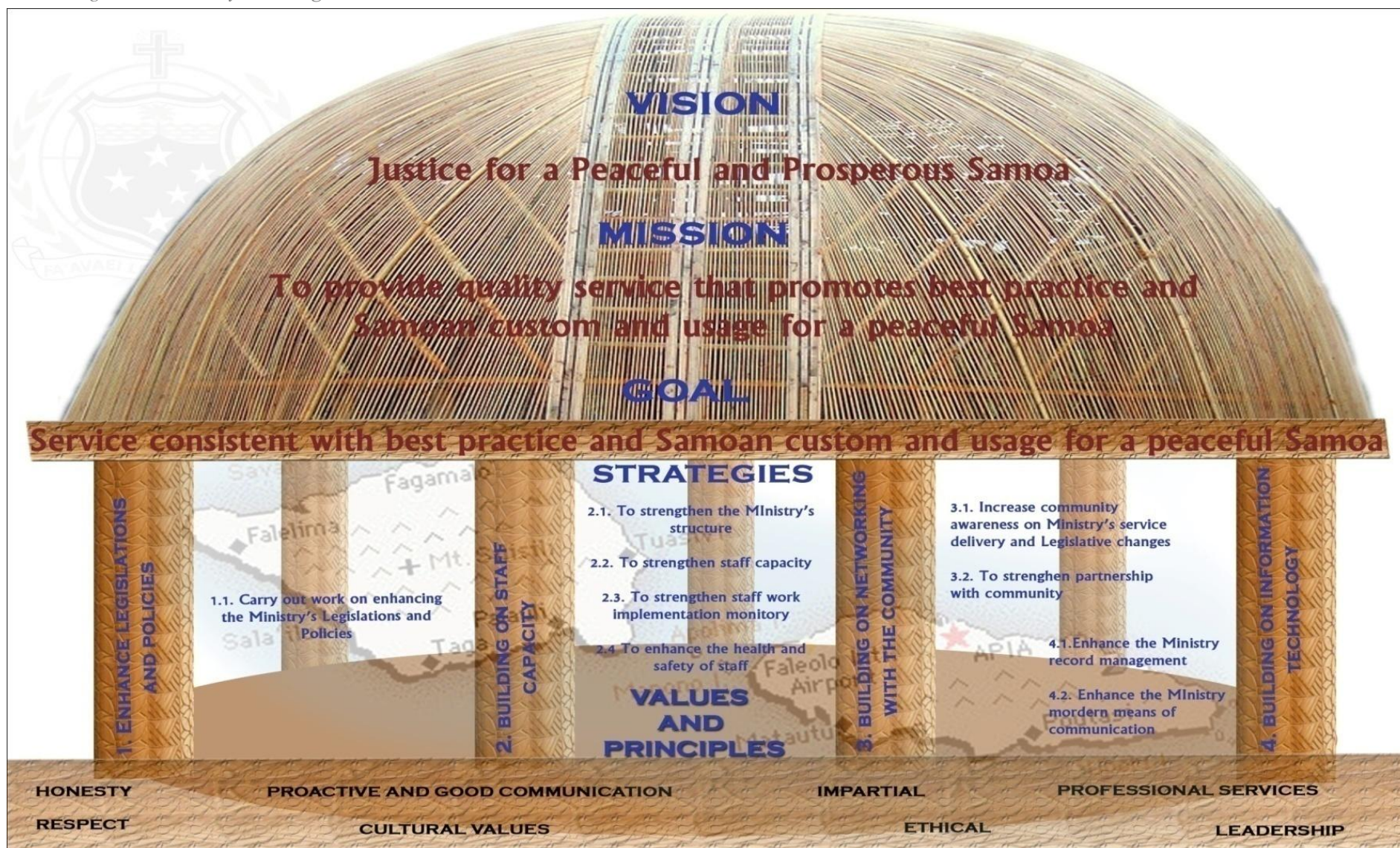
Our Performance Framework

The Ministry's Performance Framework outlines how the Ministry contributed to the development of Samoa as a whole.

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	Goal 1: Ensuring Community Safety through improved Crime Management and Preventions; Goal 2: Improving Access to Justice, Law and Legal Services Goal 3: Recognizing Customary-based Justice and to Harmonize with the formal Justice System Goal 5: Building Sector Capacity and Improving Service Coordination.
MJCA Corporate Plan 2012-2015	The <i>Diagram 1: Ministry's Strategies Direction</i> illustrates the Ministry's Vision, Mission and Goal for the next three years. Including the Strategies for pursuing the dream envisioned and the Values and Principles as a code of conduct for the Public Servants.
MJCA Annual Management Plan 2012-2013	
OUTPUTS	FUNCTIONS
Policy Advise to Minister and Judiciary	To provide accurate and sound policy advice to the Minister and the Judiciary on all matters within the responsibility of the Ministry.
Judiciary	To adjudicate cases brought before the Courts and promote the development and rule of Law.
Policy, Planning and Evaluation	To facilitate the development, implementation and evaluation of Ministry policies and plans to enhance decision-making, planning and policy development.
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 enforce Court decisions through the enforcement of Warrants. To deliver court summons and other correspondences of the Ministry. To assist in the processing of small claims.
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 to maintain order and stability in the community.

Land and Titles	To provide support services to the Land and Titles Court of First instance, Leave to Appeal Court and Court of Appeal to sustain the efficiency of the administration of Justice.
Criminal and Civil Courts	To provide support to the Court of Appeal, Supreme Court and District Court to ensure efficiency in the administration of Justice.
Tuasivi Office	To provide quality support services to the District & FF Courts, Land & Titles Court for First Instance and Appeal Courts, Land & Titles Mediation, Probation Parole and Community Based
Lands and Titles Mediation and matai Registration	Facilitate settlement of Land and Titles disputes through mediation, and maintain and update the Matai Register.
Account	To provide quality financial support services to the Ministry and Judiciary to ensure effective and efficient monitoring of the utilization of the approved Annual Budget, as well as the management of Assets and Trust Accounts.
Human Resource	To provide good quality service to the Ministry and the public through effective and efficient management of human resource developments and related issues.
Information Technology	To provide full support to core functions through effective and efficient management of Information and Technology.
Building Management	To sustain a safe and healthy environment by keeping the Court House premises and compound clean, in good repair and structurally sound.
Information Management and Registration	To maintain good records management service for the Ministry and Judiciary by ensuring records security and ease of access at all times.

Diagram 1: Ministry's Strategic Direction



Judiciary

Swearing in of the new Land and Titles Court Judges



The Ministry has continuously labored to recognize the need for more judges for the land and titles Court. The swearing in of three new members to join the bench in their decision making marks this dedication. Pouniu Siaozi Hazelman, Auelua Apoilu Auelua, and Letufuga Tiumalu Ioakimo who had all served lengthy terms as public servants were the newly appointed judges. Reverend Elder Tavita Roma of the CCCS conducted the prayer service to mark the special occasion which was witnessed by members of the three arms of government as well as family and friends of the appointees.



Bench Book for Samoa's Judiciary:



One of the highlights in the past year is the launching of the Judiciary's "Bench Book". As mentioned in Chief Justice Sapolu's keynote address, the availability of this document is a step towards having a consistency in practice amongst his fellow judges in all courts.

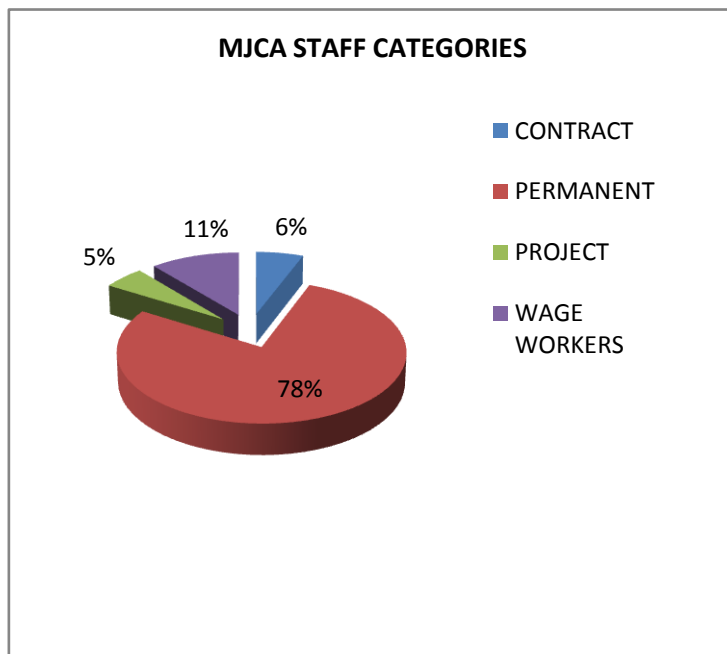


The book itself formalizes procedures to be taken when deliberating on a matter or delivering a decision. After all, it is a measure to ensure there is fairness and equality throughout the Courts in Samoa. Rev. Lotu Uele of the Vaiala parish led this ceremony in prayer.

Staff

The count of the Ministry Staff within this Financial Year 2012 -2013 totaled up to one hundred and fifty three (153). This total consisted of nine(9) Contract Officers including the Chief Executive Officer and eight (8) Assistant Chief Executive Officers. There were 120 Permanent Staff, eight (8) Term Employees (Digitization Project Staff) and seventeen (17) Wage Workers.

There has been an increase in the number of employees working in the Ministry since the last Financial Year 2011-2012. This growth totaled up to twenty three (23) additional personnel thus contributing a lot in the Ministry's daily Operation towards achieving its set goals for this Financial Year. Of the twenty five(25) newly created and approved positions granted for the Ministry in January 2012, sixteen (16) have been occupied with nine (9) more to be filled due to the unavailability of funds.



Initiatives for enhancement of service delivery:

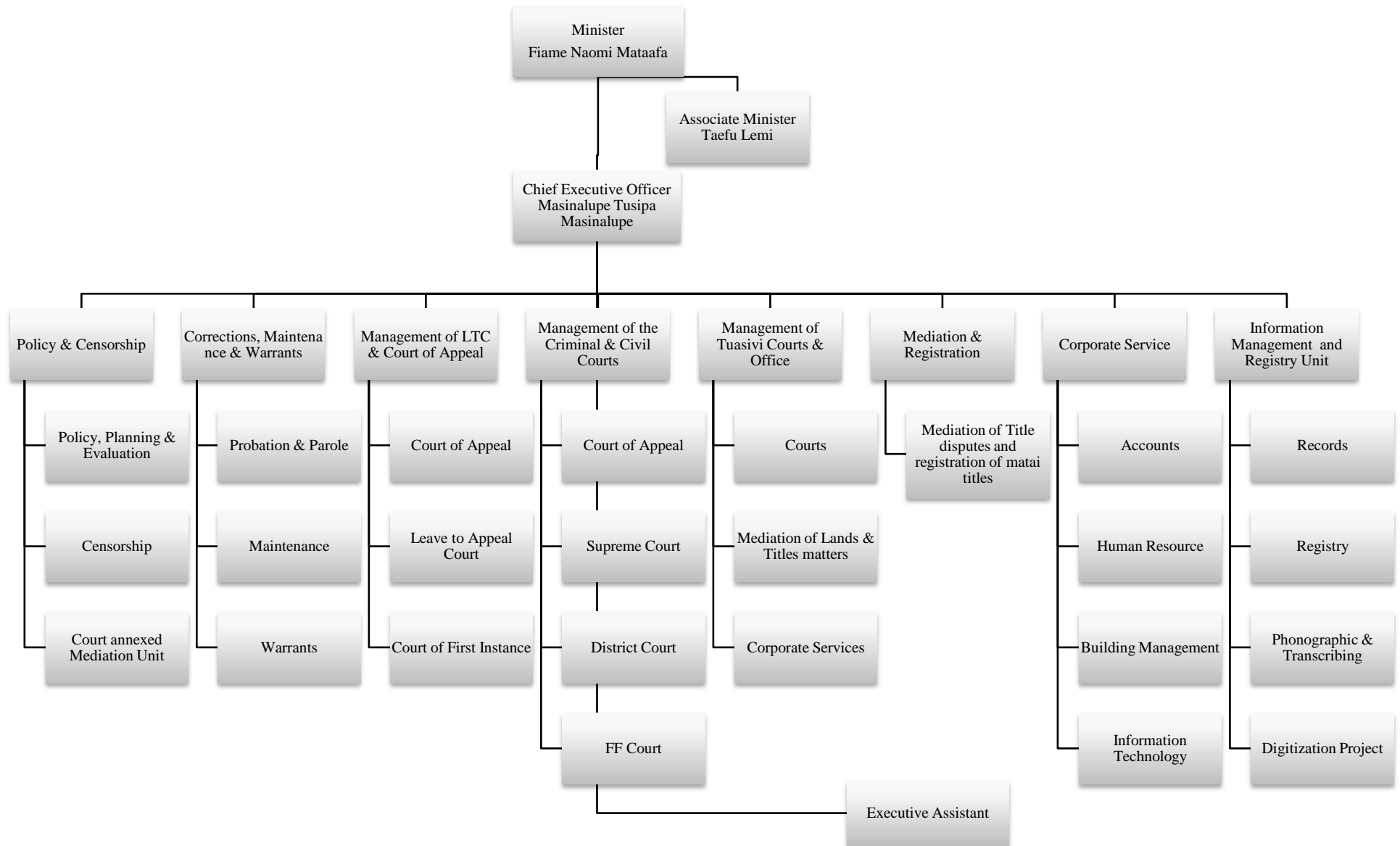
In this particular Financial Year, the Performance Management System (PMS) for the Ministry Staff is in place for managing Staff Performance. This ensures that the Ministry staff is working towards a Performance Plan and that Staff Performance is reviewed every six (6) months. It also helps the Ministry in recognizing good performance while addressing shortcomings which in the end will identify trainings needed for Staff so to improve performance.

Newly appointed Assistant Chief Executive Officers for MJCA

Four newly appointed Assistant Chief Executive Officers joined the Ministry's Executive Team namely:

- i) Leota Pelenato for the Information Management and Registry Division;
- ii) Faagutu Samuelu-Vaalotu for the Correction, Enforcement and Maintenance Division;
- iii) Rosita Nickel-Peresetene for the Policy, Planning and Evaluation/ Censorship Division and;
- iv) Leugamata Faletolu Lofipo for the Lands and Titles Mediation and Matai Registration Division

Organizational Structure



Information Technology

This year saw the continuation of the Ministry's Strategic Focus on Information Technology as one of the Strategies in its 2012-2015 Corporate Plan. The Ministry's Corporate Strategy Building on Information Technology is seen to be achieved through enhancing the Ministry's record management and its modern means of communication. The work implemented according to the work plan included the following:

- In accordance with the Ministry's Organizational Structure Restructuring Proposal endorsed in January 2012, the recruitment and selection of the IT Principal and Senior Officer has been implemented. The recruitment and selection of the Officer position will take place in the 2013-2014 Financial Year.
- To achieve the Ministry's goals for this area the allocation of resources was prioritized to meet the requirements of MJCA IT. The purchase of office desks, chairs, equipments and tools required was implemented.
- With the new staff on board a situational analysis of the MJCA IT structure was implemented. The Ministry's Management Team was informed accordingly of the IT needs hence the work plan devised for the IT unit was endorsed by Management.
- The development of the Ministry's ICT Policy was also in the pipeline during this period under review.

Building Management

As one of the main focus areas of MJCA's Corporate Plan 2012-2015; Strategy 2.4: To enhance the health and safety of the staff as well as the service users, it has been a vital area of concern for the Management to enhance and maintain not only a clean building but one that provides a healthy environment for the staff and service users. Hence, here are some of the achievements in the past financial year:

- There has been a significant expansion of the workforce to provide cleaning and security after a new structure was approved in January of 2012.
- A relatively significant amount of money had been budgeted for the same purpose of especially for the procurement of cleaning materials.
- A sophisticated work plan is also in place to ensure the smooth flow of work carried out by this team.

Policy, Planning and Evaluation

The new Corporate Plan which will dictate the work of the Ministry from 2012-2015 was launched in a ceremony held on the 26th February 2013. Members of Cabinet and Heads of other government Ministries and Bodies as well as the Judiciary attended this event.

Lay preacher of CCCS and also the Associate Minister for Justice, Hon. Taefu Lemi led the prayer service followed by the Justice Minister Hon. Fiame Naomi's keynote address. The Chief Executive Officer for MJCA Masinalupe Tusipa also addressed the attendants and elaborated on the importance of the available document by stating;

- That the Corporate Plan sets out the Ministry of Justice and Courts Administration overall vision, core strategic aims and key supporting activities for the three-year period from 2012-2015.
- The refurbished **Vision** – “Justice for a Peaceful and Prosperous Samoa”, and **Mission** - *To provide quality service that promotes best practice and Samoan custom and usage for a peaceful Samoa*”.
- An increasing participation of the community help to identify the appropriate path for service delivery for the Ministry; the need to facilitate widening access; increased demands for access to up to-date technology to management information and work efficiency.
- Despite facing many challenges over the period of this Corporate Plan, in a fast moving and ever-changing community and encountering difficult decisions. I am confident that this Plan provides a blue print for each of us, and our stakeholders, to engage with, to support and nurture and to actively participate in the justice system and the delivery of its services.

The Chief Executive Officer for MJCA also commended the following as means for the Plan's successful implementation;

- This cannot be done in isolation and therefore at the heart of this plan is an on-going commitment to partnership - both within the Ministry through participation by all staff and externally at the Sector and the National levels.
- Working together we can build on the Ministry's strengths, exploit opportunities for its benefit and strive to minimize risks and threats. Our core values and principles will guide our day-to-day work, personal standards and professionalism as we strive to achieve our vision.
- Anticipating the staff's participation in the implementation of this Plan and I invite you all to continue to work together to enhance our working environment, raise the standards of our services, observe our Samoan customs and traditions in our service in accordance with the law and the Ministry's policies; so as to ensure a justice system that is accessible, affordable and efficient for Samoa.



STATISTICS

Judiciary

PROJECTED VOLUME	CASES HEARD	CASES COMPLETED
<u>Court of Appeal</u>		
An approximate of 15-20 Appeal cases	16	12
<u>Supreme Court:</u>		
An approximate of 1,000 criminal cases;	589	394
An approximate of 600 civil cases;	749	281
An approximate of 100 assessor trials;	84	56
An approximate of: 3 Tribunal Hearings (Sports – 1, Telecommunication – 1, PUMA – 1	1	1
<u>District Court</u>		
<u>Mulinuu</u>		
An approximate of 5,000 criminal cases;	5,597	3,014
An approximate of 1,500 civil cases;	1,575	78
An approximate of 50 Youth Court cases;	536	90
An approximate of 150 Family Court cases;	301	95
An approximate of 70 cases for Coroners Court;	69	33
An approximate of 6 PSC Appeal Board cases ;	4	4
An approximate of 600 Adoption.	899	790
<u>Tuasivi</u>		
An approximate of 800 criminal cases;	696	345
An approximate of 90 civil cases.	75	56
<u>FF Court</u>		
<u>Mulinuu</u>		
An approximate of 3,000 criminal and traffic cases;	5,560	2,028
An approximate of 1,200 civil cases.	528	310
<u>Tuasivi</u>		
An approximate of 1,500 criminal cases;	1,088	574
An approximate of 120 civil cases.	58	30
<u>Land and Titles Court</u>		
<u>Mulinuu</u>		
An approximate of 370 cases for the Court of First Instance;	441	285
An approximate of 45 Leave to Appeal cases;	121	112
An approximate of 40 Court of Appeal cases.	41	37
<u>Tuasivi</u>		
An approximate of 350 cases for the Court of First Instance;	284	145
An approximate of 35 Leave to Appeal cases;	5	5
An approximate of 20 Court of Appeal cases	8	8

Court- Annex Mediation

2012-2013	Total matters referred from Court	Matters Mediated	Matters awaiting results
Family Matters	3	2	1
Civil Matters	15	8	7

The table depicts the actual number of cases referred to this unit for mediation in 2012-2013.

The total number of matters referred to the Court Annexed Mediation Unit was 18; 3 of them were of a Family nature (2 matters have already been mediated) whilst 15 were from civil proceedings (8 matters have already been scheduled for mediation). Other matters are still in the processing line as tying down a suitable date for all parties involved as well as the prescribed mediator for each case. There is a steady increase in the number of cases referred to this Unit by the Courts for Mediation due to its effectiveness in minimizing their caseload for decision making but is also beneficial to the public as it is much more affordable.

Criminal and Civil Courts - Mulinuu

PROJECTED VOLUME	REPORT
<u>COURT OF APPEAL</u>	
An approximate of 15-20 Appeal cases scheduled	16
<u>SUPREME COURT</u>	
<i>Criminal Cases:</i>	
Average of 100 cases scheduled for Assessor trials;	84
Average of 1,000 cases scheduled for Judge Alone;	165
Average of 50 cases scheduled for fortnightly mentions;	589
Average of 20 cases scheduled for hearing per week.	379 ¹
<i>Civil Cases:</i>	
Average of 400-500 cases scheduled for hearing;	313
Average of 50 cases scheduled per fortnight for mentions;	749
Average of 50 requests facilitated per fortnight for preparation of Divorce Petitions.	29
<u>DISTRICT COURT</u>	
Average of 1,500 Criminal cases scheduled;	5,597
Average of 50 Youth Court cases scheduled;	536
Average of 1,500 Civil cases scheduled;	1,575
Average of 70 cases scheduled for the Coroners Court;	839
Average of 150 cases scheduled for the Family Court;	301
Average of 300 judgments entered in Civil Default cases	80
Average of 500 Adoption applications checked and endorsed for referral to the District Court Judge	899
<u>FAAMASINOVA FESOASOANI</u>	
Average of 3,000 Traffic and Criminal cases scheduled;	5,560
Average of 1,200 Civil cases scheduled.	528

¹ From the (379) cases heard, there were (27) applications granted for legal aid.

Lands and Titles Court - Mulinuu

Court of First Instance

The Court of First Instance is where the fresh Land and Title matters proceed to, upon no mutual agreement between parties through the mediation process.

Number of Petitions advertised in the Savali		
	2011-2012	2012-2013
Land Petitions	315	312
Title Petitions	289	240
Petitions against community (Banishment)	50	34
Total	654	586
Number of cases heard in Court		
	2011-2012	2012-2013
Number of cases disposed of in Court	275 (878 Petitions)	285 (622 Petitions)
Number of Adjourned cases	153 (351 Talosaga)	156 (329 Petitions)
Total	428 (1229 Petitions)	441 (951 Petitions)

A total number of 441 cases were fixed for the Court of First Instance this year, with a 3% increase compared to the total number of cases fixed last year. From this total number of fixtures 65% of cases were decided on (decisions made) whereas 35% of cases were adjourned; currently most of the cases have been deliberated with decisions made compared to 2011-2012. Almost all of the cases adjourned this year were due to personal obligations of parties as mentioned in the above data. A small number of cases were adjourned due to parties' objection of Deputy Presidents/Judges presiding over a particular case.

Total Number of Cases adjourned on following grounds:					
Court accepted parties' applications for adjournment (medical conditions, family obligations, employment constraints)	127	Pending appeal case(s)	6	Court orders Land Survey	3
Court grants adjournment for those that have received summons but makes no appearance in Court	18	Deputy President(s)/Judges refused from presiding due to parties' objection.	2		

Research and Report Writing Section

The total number of reports prepared for the Court this year is five hundred and sixty five 565. Aside from reports prepared for the Court, a total of thirty seven 37 reports were prepared for the President according to directives; and sixty eight 68 reports were prepared for the Registrar according to the Registrar's directive.

Leave to Appeal

A total of one hundred and eighty six 186 cases were filed² within this financial year. There is a slight increase by 3% in the number of cases filed this Financial Year than the previous one. A total of one hundred and twenty one 121 cases (148 petitions) were fixed for hearing³ in the Leave to Appeal Court. All the cases were heard by the Court hence the following outcomes: 54 cases (60 Petitions) were rejected; 39 cases (58 Petitions) were granted; 14 cases (14 Petitions) were withdrawn; 5 cases (5 Petitions) were dismissed and 9 cases (11 Petitions) were adjourned. There is a noticeable decrease by 19% in the number of cases fixed for this Financial Year when compared to the number of cases fixed in the previous year namely one hundred and fifty (150). The appeal fixtures are solely up to the discretion of the President.

Total Number of cases pending to be heard in the Leave to Appeal Court

Year	2000	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Total	1	3	4	2	11	26	29	19	41	68	135	145	136

² New appeal cases filed this year

³ Inclusive in this number are the cases that were filed in the previous years.

The data stated here is the number of cases pending to be heard in the Leave to Appeal Court that has been filed each year.

Court of Appeal

During the period under review 41 cases (52 petitions) were fixed and heard in the Court of Appeal. As a result decisions were made for 37 cases (40 petitions) and 4 cases (12 petitions) were adjourned due to the President's conflict of interest.

Total Number of pending cases to be heard in the Court of Appeal

Year	1992	1998	1999	2002	2003	2004	2005	2006	2007	2009	2010	2012
Total	1	2	4	3	1	1	4	1	12	2	8	1

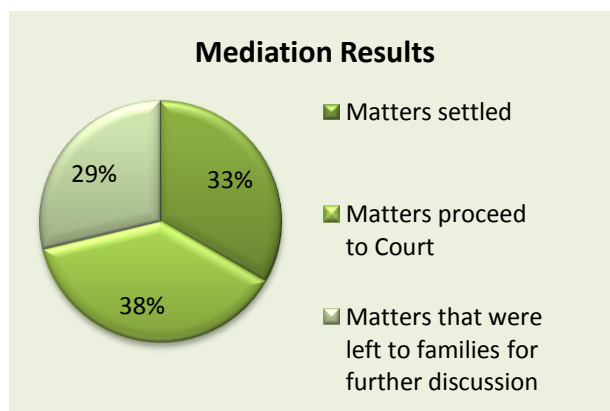
The data stated above are cases pending to be heard in the Court of Appeal. These appeals are subject to the availability of the President of the Land and Titles Court, as well as Judges of the Supreme Court. In some cases the President is not able to preside over due to connections to some of the parties (conflict of interest).

Mediation and Registration

There were 5,790 registered complaints pertaining to Lands and Titles received at our Division in 2012-2013. Out of the total, 3,023 were land issues (2,865 for Upolu & 158 for Savaii), and 2,767 of Title disputes (1,977 for Upolu & 790 for Savaii). This is an increase by 17% in the number of matters received this year compared to 4,781 in 2011-2012. The figures indicate an increase in the number of the public requiring the Ministry's services with regards to matters pertaining Lands and Titles. A total of 654 petitions were filed for the Court; 313 in regards to Customary Land (298 for Upolu & 15 for Savaii) and 341 with regards to Matai Titles (313 for Upolu & 28 for Savaii). A decrease by 15% in the number of petitions filed for 2012-2013 when compared to 766 petitions in 2011-2012.

Mediated Matters and Outcomes:

A total of 814 mediation sessions were conducted this year. An increase in 38% compared to 501 meetings conducted in 2011-2012. Out of 814 mediation sessions, 81% were on Customary Land disputes and 19% on Matai Titles. The 38% increase (313) reflects the compliance with the Land & Titles Amendment Act 2012, whereby disputing parties must mediate their disputes before proceeding to Court.



Reports prepared	
Mediations	690
Visitations/Surveys	65
Registrar	57
President	5
Registered Matai Titles	43
	860
Written Correspondence	
Mediations	1,502
Visitations/Surveys	133
President/Registrar	472
MNRE for leased land	7
Liquor Board	81
MoPP	74
	2,269

Of all matters that were mediated, 33% were resolved, 38% proceeded to Court and 29% of these matters were withdrawn or referred back to families/villages for resolutions in accordance to our customs and tradition.

A total of 860 reports were prepared. The number include reports for mediation sessions, site visits, surveys, matai registration as well as reports required by the President or the Registrar in regards to public applications on Customary Land and Matai Title matters.

A total of 2,269 notification letters were prepared and delivered this year to inform the public of the President or the Registrar's opinion in regards to petitions. An increase of 70% of notification letters prepared and delivered this year compared to 2011-2012. This is an indication in the increasing

number of people coming to the office seeking assistance regarding Land and Title matters. Apart from the Divisions usual business, the Ministry continues its collaborative partnership with stakeholders such as the Ministry of Natural Resources and Environment, Ministry of Police and Prison as well as the Liquor Board in the execution of their work.

Probation and Parole

The Probation service is the judiciary's right hand in providing professional advice through pre sentence report on offenders who committed criminal and general matters. As mentioned in previous annual reports, the probation service had two key activities, first; preparation of pre sentence reports to court and pre release reports to the Parole Board, second; proper administering and managing of Courts sentences and parolees including those who are eligible under community based sentence.

Reports Prepared 2010-2013		
2010-2011	2011-2012	2012-2013
618	701	592

The total number of reports prepared for this year is 592; this includes pre-sentence and supplementary reports which are 15% less compared to last year. The total number of 592 reports includes 539 Full Reports⁴ and 53 Supplementary Reports⁵ which appear to have declined due to the increase in the number of cases that has been sentenced during court mention.

Parole Report: There were 150 pre release reports prepared for this financial year (overall rates of 13% on four sittings (20) were accepted. It appears that the number of inmates eligible for parole consideration has increased however; the number of successful applicants has declined. On that note, only the Parole Board has the authority to accept or decline any application after its thorough deliberation.

Managing of Court Sentences:

Probation	23
Community work	58
Probation & Community work (dual sentence)	78
Parole	38
Total	197

The table illustrates different types of Court sentences that are managed by the Probation section. An overall total of 197 offenders were managed by the Probation section; 59% are placed under the Community Justice Supervisors while 41% is being managed from the Office at Mulinuu.

Rehabilitation Program – Toe Tomanatu: The purpose of the program is reflected on its title '*Toe Tomanatu* or Stop and Think', an opportunity for participants to accept its placement so that they are ready to move forward. The program comprises a blend of vocational and life skills program along with professional group and individual counseling to hopefully make participants realize the impact of their offending on others and at the same time create an opportunity for them to learn new skills, so that they would be able to utilize their time wisely and minimize the chance of reoffending. There were twenty four sessions conducted in this financial year which included; elei printing, designing different patterns on stencils, mixing paints, sewing, carving, counseling sessions and enhancement of cultural values which included their partaking in ava ceremonies. This is a stepping stone to a positive direction where they will hopefully have a sense of pride in themselves and at the same time, consider others.



⁴ Full Reports – It is an initial or complete report on an offender.

⁵ Supplementary Reports – subsequent report on an offender on additional information regarding any changes in offender's circumstances.

Warrants and Bailiff

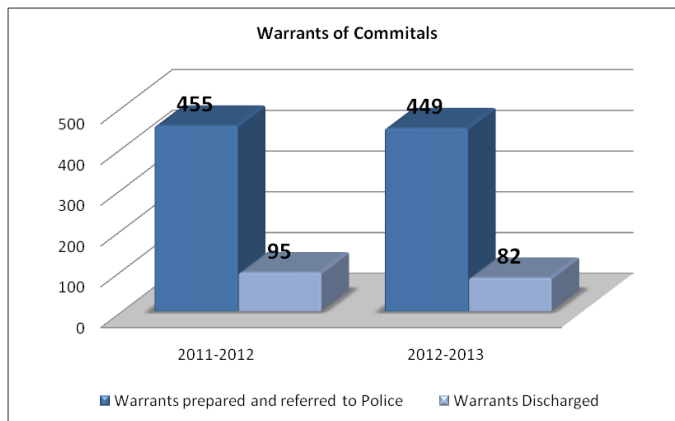
Enforce Court directed decisions (Warrants of Commitment)⁶

Revenue collected FY2012-2013		
2010-2011	2011-2012	2012-2013
\$50,682.00	\$7,444.00	\$21,257.00

The total number of warrants prepared was 765; from this number only 149 were executed. The total amount of revenue collected from the 149 warrants executed was \$21,257.00.

Manage of Committal 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 449. From this number 82 were discharged as per requests of the plaintiffs only if the debt has been paid in full or arrangements have been made between the Judgment creditor and the Judgment debtor regarding payment of debt. There's a slight decrease by 3% of warrants prepared and referred to police for execution compared to FY2011-2012.



Management and Servicing of Court processes

	LTC Mulinuu	LTC Tuasivi
Court documents	1625	31
Summons	1167	265
Urgent matters	166	32
Maintenance		
Reminders	92	
Summons	59	
Assessors		
Summons	78	

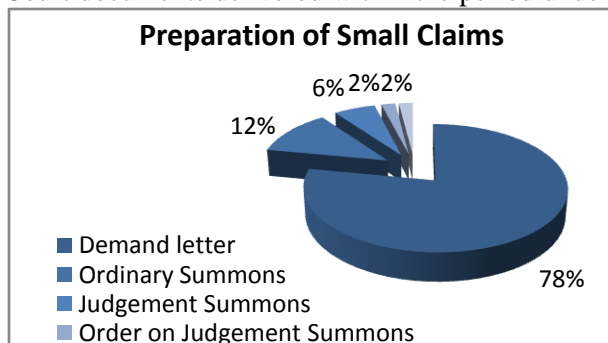
One of the main activities of the Warrants section is to ensure that all Court documents are delivered according to guidelines of receiving and delivering of Court documents. The total number of Court documents delivered within the period under review is 3,317. Court documents delivered for the LTC Mulinuu Court were 2,792; from this number 166 matters were delivered urgently. From the Tuasivi Court, 296 were delivered as matters that are called at Tuasivi also have parties residing in Upolu, 32 were urgently

delivered. For matters regarding maintenance& affiliation, 152 reminders and summons were delivered to the respondents.

Summons for Assessors: A total of 78 summonses were delivered for the Criminal and Civil Courts on assessors to attend Court sitting in order to assist the presiding Judge with a Court ruling on cases of major offences such as murder and rape. There is an increase by 3% in the number of Court documents delivered within the period under review when compared to FY 2011-2012

Process small civil claim 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 only upon authorization by CEO/Registrar. This particular service is provided to plaintiffs who cannot afford a lawyer to represent him/her in Court. There are no fees charged for the preparation of documents and resources used except for a filing fee depending on the amount of the claim. A total of 308 demand letters were prepared, 48 statement of



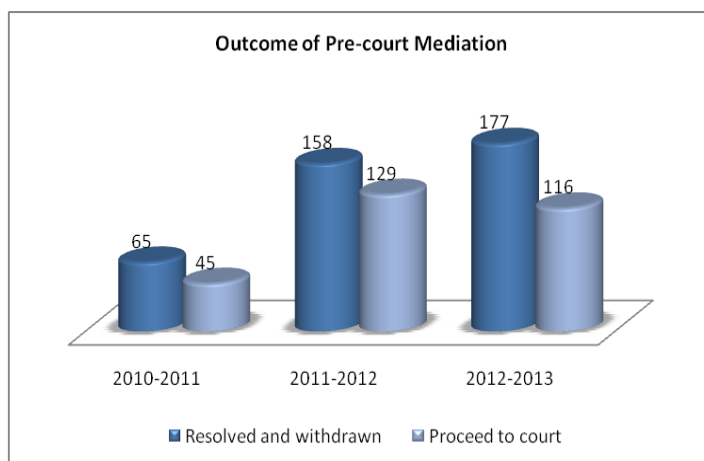
⁶ Warrants of Commitment – warrants that are executed by the bailiff officer of the Court and Police on non complying defendants.

claims and summons were also prepared for first mentioned in Court, 25 Judgment summons were provided for Court order, 9 Court order on Judgment summons were prepared as the Judgment debtors made no appearance in Court and 8 applied for a Warrant of committal due to judgment debtors non compliance with Court Order. There is a slight decrease in the number of Ordinary Summons and Judgment Summons prepared when compared to FY2011-2012 which means that most Judgment debtors and creditors have settled their matters after demand letters were being served before referral to Court for a decision.

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 are 293; hence the total cases that were mediated. Solutions to these mediated cases are clearly shown by the graph. A total of 177 cases were resolved and withdrawn whereas 116 cases proceeded to court due to unresolved issues. It is again evident in this year's statistics the increasing percentage of matters settled through pre-court mediation conducted by the maintenance team. This is an indication of the exceptional intervention by the maintenance team in addressing family disputes thus reducing time and expense from proceeding to court.

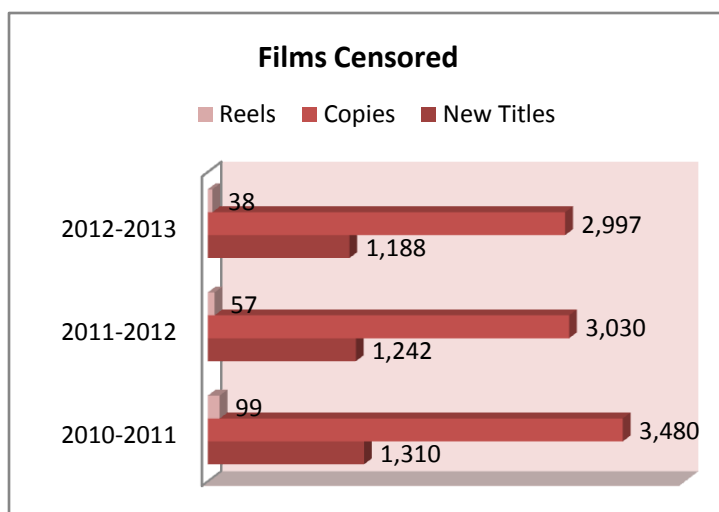


The prohibition orders prepared in regards to prohibiting the responding party from leaving Samoa without official notice was noted to increase by 44% (28) when compared to the previous year.

Prohibition Orders prepared	
2010-2011	47
2011-2012	18
2012-2013	46

Censorship Office

A total of **1,188** New Titles were brought in for censoring for this financial year. There were **2,997** copies which show a decrease compare to the number of copies scheduled for the whole year: **6,000**. This reduction is caused by the increase in the number of video shops closed down (as it was mentioned in the last annual report) due to a lot of people downloading films from the internet rather than renting films from the existing video shops. As a result of this, a decrease in revenue collected by the Censorship office (*from 2011-2012: \$48,119.25 to 2012-2013: \$45,651*).



One of the contributing factors that caused the decrease in the number of reels as well as the number of new titles submitted for this financial year, is the devastation effect left by Cyclone Evans. Apollo Cinemas and some video shops were damaged, and eventually closed whilst others took some renovations. Apollo Cinemas alone took half a year, and now only one cinema is operating, with the other two closed. Despite challenges faced by these businesses due to the unforeseen damage caused by Cyclone Evan, they were determined to restore the damage so

that services to the public could be again, attained.

The table show the ratings issued by the Censorship office of the films submitted for censoring.

2012-2013						
Rating	G	PG 13	R16	R18	R21	Rejected
Total	168	235	354	310	107	36

Information Management and Registration

Records Management

About 8,017 Lands and Titles Court files were repaired, maintained and made ready for digitization. From this total 7,180 files had the contents rearranged and sorted accordingly in the order of dates when matter occurred. The manual and electronic file index was also updated during the period under review.

A total of 16 Miscellaneous Registers (books) were updated and entered into Electronic Database within this Financial Year. About 8,906 LTC files and approximately 356 civil and criminal files were searched upon requests by officers for serving the Judiciary, Registrar and the public. All these files were safely returned by the Staff hence returned to their original location in the records strong room.

About 4,276 Lands and Titles Court correspondence; 1,794 Civil and Criminal Court correspondences and 2,763 general correspondences were received, registered and distributed within this financial year.

Secretarial and Phonographic Services

During the period under review the support staff recorded about 408 Land and Titles Court of First Instance proceedings. 91% (373) of these Court proceedings recorded were transcribed. For the Leave to Appeal Court about 97 cases heard were recorded and 97 % (94) were completely transcribed. In the Appeal Court 31 Cases heard were recorded and 30 proceedings were completely transcribed.

Civil and Criminal Court Registry

About 977 Adoption applications checked and registered within this period. There were 106 Divorce cases registered and granted within the period in review. About 2,026 other miscellaneous cases received, checked and registered within the period in review.

Digitization of Lands & Titles Court Records

About 14,148 Lands and Titles Court files successfully scanned and stored into the Doscvault System. The Digitization Project is moving progressively. The eight project workstations are all working well together with the 3 reliable Back-up servers.



Celebrating the Digitization Project's
2nd Anniversary



The Digitization Project Team

Tuasivi Office

District Court

	Criminal Cases		Civil Cases	
Financial Year	2011-2012	2012-2013	2011-2012	2012-2013
Total number of charges	2044	1504	37	75
Charges sentenced	516	445	26	56
Charges adjourned	1528	1059	11	19

Ever since the new Crimes Act 2013 was passed, there has been a noticeable drop in the number of cases proceeding to the District Court at Tuasivi. Most of the crimes that were deliberated in the District Court now have had their maximum penalties raised to fall within the jurisdiction of the Supreme Court. Examples of such crimes are that of Actual Bodily Harm and Burglary.

Another obvious reason for the major decrease in the number of cases processed for this financial year is due to the fact that there was no Court sitting for the month of November when all the judges had their annual retreat, nor was there a sitting in the month of December as a consequence of Cyclone Evan.

Faamasinoga Fesoasoani

There has been an increase in the number of cases dealt with by the Faamasinoga Fesoasoani as compared to the previous financial year. The number for civil matters however maintain at a comparable amount to that of the previous year.

	Criminal Cases	Civil Cases
Total number of charges	1088 cases	58 cases
Charges sentenced	574 cases	30 cases
Charges adjourned	514 cases	28 cases

Land and Titles Court of First Instance

There were 284 cases consisting 449 petitions that were scheduled for this financial year. From the 284, 145 cases have been decided upon whilst 139 were adjourned. There has been a decrease by ten cases from the previous year of all cases scheduled whilst more matters have been adjourned this financial year for usual reasons as stated in previous annual reports. A total of 225 reports were prepared to assist the court in their decision except for cases that had been adjourned at the outset by the Registrar or the President.

Cases Scheduled: 284 (449 petitions)		
	2011-2012	2012-2013
Cases completed	174	145
Cases adjourned	120	139
Reports prepared for Court:- 225		

Mediation meetings

379 Mediations pertaining to Land and Titles cases

325 Reports prepared for Mediation cases

- Cases resolved
- Cases proceeding to Court
- Mediation of matters pertaining to Maintenance & Affiliation
- ***Matai Title Receipts received***
- ***Court Orders (President & Registrar) prepared***
- ***Pulefaamau & Intention to Appoint cases prepared and advertised***

2011-2012	2012-2013
291	281
47	98
18	31
596	764
8	29
16	4

There is still a noticeable increase in the number of cases mediated this year compared to that of the previous year. There is still a noticeable increase in the number of cases settled or resolved as opposed to the number of cases proceeding to Court.

Probation and Parole

Report Writing	2012-2013	Monitoring of Court directed sentences	2012-2013
Pre-sentence Reports	69	Community Service	3
Supplementary Reports	0	Supervision	3
Pre-release Reports	12	Supervision & Community Service	10
Total	81	Parole	13
		Total	29

Warrants and Bailiff

Warrant of Commitment:	2012-2013	Small Civil Claims:	2012-2013
Warrants prepared	305	Advice Letters	275
Warrants executed	230	Claims prepared	135
Money collected	\$15,316.00	Mail Delivery:	2012-2013
Warrant of Committal:	2012-2013	Notifications for appeal cases	78
Warrants prepared	11	Court Summons	1,673
Warrants executed	0	Mediation notifications	869
Discharge	0	Interim Orders	50
		Registrar/President Correspondences	461

REPORT ON PROJECTS

Digitization of Lands and Titles Records

In relation to the Samoa Law and Justice Sector plan:

Goal 2: Access to Justice

Strategy 2.1: Improves access to justice, law and legal services

In relation/correspondence to the Ministry of Justice, Courts and Administration's Corporate Plan

Strategy 4: Build on Information Technology

Sub-Strategy 4.1: Enhance the Ministry's record management

Expected Outcomes of Activities:

1. Lands and Titles Court Records are safely kept;
2. Records are easily retrieved;
3. Efficiency in the implementation of work;
4. Minimal complaints on files not being found

Report:

We have now arrived at the second anniversary of the Digitization Project for Lands and Titles Court Records. A long-term project to digitize all the records relate to the Land and Titles Court since started in the colonial time.

The main aim of the project is to preserve the information that is within the Land and Titles Court at both Mulinuu (Upolu) and Tuasivi (Savaii) registries. So far, 14,148 files have been scanned, amounting to 683,156 pages. The project team has also repaired over 4,500 files to date. These records have historical value to the people of Samoa, containing a wealth of information about family genealogy, confirmation of matai title holders and ownership of customary land.

The project commenced on 4 July 2011 and is being run by the Ministry of Justice and Courts Administration in collaboration with the Samoa Law and Justice Sector as a main financial provider.

Following the installation of scanners, the project team was trained to use the Docsvault System, a software used to create an electronic records database. The scanning process began in December 2011. By June 2012, 5,659 files were scanned. As at December 2012, 10,003 files had been digitized. The team was also involved in repairing and maintenance of files since many of the records are fragile and in danger of becoming unreadable; print is fading due to the quality and deterioration of ink and paper from age as well as from insect infestation. Some of the recent documents are in good condition but are also becoming fragile with usage and passage of time.

This project is a means to enhance public access through viewing court documents in a more efficient and cheaper mechanism and making the Land and Titles Operations more efficient.

SamLII

<p>In relation to the Samoa Law and Justice Sector plan: Goal 2: Access to Justice Strategy 2.1: Improve access to justice, law and legal services</p>
<p>In relation/correspondence to the Ministry of Justice, Courts and Administration's Corporate Plan Strategy 4: Build on Information Technology Sub-Strategy 4.1: Enhance the Ministry's record management</p>
<p>Expected Outcomes of Activities:</p> <ol style="list-style-type: none"> 1. Phase one of the project has been implemented; 2. The compilation and digitization of court decision records has been implemented; 3. Access to the internet has enabled further/easy access to the Laws of Samoa successfully implemented
<p>Report</p> <p>After the launching of the SamLII Project last year in June 2012, the work that was required to mobilize SamLII in Samoa was implemented soon after. The project's working group was required to work towards improving the record keeping of information and synchronizing the important use of specific numbering of information when updating onto SamLII. Consistent monitoring is inevitable to ensure that appropriate measures should be considered before uploading judgments on SamLII.</p> <p>It is expected that access to information will be efficient and less costly once the SamLII is mobilized in Samoa.</p>

Recording for Court Rooms in Mulinuu and Tuasivi

<p>In relation to the Samoa Law and Justice Sector plan: Goal 2: Access to Justice Strategy 2.1: Improve access to justice, law and legal services</p>
<p>In relation/correspondence to the Ministry of Justice, Courts and Administration's Corporate Plan Strategy 4: Build on Information Technology Sub-Strategy 4.1: Enhance the Ministry's record management</p>
<p>Expected Outcomes of Activities:</p> <p>Enhanced Recording of Court proceedings recorded and completed</p>
<p>Report</p> <p>The Court has and continues to record its proceedings. A more updated form of recording machine is being procured through aid funding from the Law and Justice Sector aimed at improving this service. Evident in the proposal for funding was for recording machines for all twelve Court Rooms for Supreme, District and Lands and Titles Court at the Court Complex at Mulinuu and one for Tuasivi.</p>

MJCA hosts contingent from New Zealand's Justice Department

A travelling contingent of four from the New Zealand Justice Department arrived on the 17th June 2013 at MJCA headquarters for a weeklong visit. This is part of the continual partnership between the two counterparts and the visit was identified as a means of exchanging ideas between the two on how to better their services



rendered for their respective stakeholders. High on the agenda for the visit was the focus on the progress of the recently formed Digitization Unit which is of mutual interest. Other issue of interest was the development of “Auafa-Mau Project” which is being funded by the Samoa Law and Justice Sector. The visitors were also given glimpses of; the SamLII Project which is a

website designed for uploading Court Decisions from Samoa; the upgraded Recording machines and the Digitization Project and

New Zealand's Observation Feedback during their visit

The Ministry of Justice representatives from New Zealand were very impressed with the knowledgeable insight the Ministry of Justice and Courts Administration had in terms of their proposed projects and the determination there was in achieving this goal. The dream of achieving an E-government system that would make work delivery fast and efficient. The four representatives concluded with a few contributing ideas to help the projects



developers and management with the on-going process of the Taufalemau Database project and these ideas the Ministry found helpful and were grateful for the assistance provided which ended their visit on a promising note.

FINANCIAL REPORT

SUMMARY

Outputs Delivered by Ministry

Funds appropriated for the Ministry outputs in conjunction with the Transactions on Behalf of the States were \$9,308,934, an increase of approximately 9% from the financial year 2011-2012. This increase derives from the establishment of a new output putting together operations of Records, Transcribing and Phonographic and Registry section with the Digitization Project. This created an ACEO position to look after the division and other additional roles within for efficient services to the public. Other positions were also approved as part of the Restructuring Proposal. The Judiciary also appointed a new Supreme Court Judge from New Zealand to assist with the rising court trials and three (3) new Samoan Judges to serve the Land & Titles Court.

Transactions on Behalf of the State

There were only two (2) projects approved funding under this category aside from the normal estimations for legal aid, leasing of Government building for Minister's office and VAGST Output tax. The Ministry was pounded with increasing costs for pumping out wastes so funds were approved to build a Sewage Disposal system to save costs and for health reasons as well. Funds were also approved for renovations of the Chief Justice's residence at Lelata. These projects are one-off allocations.

Cost Recoveries

Overall, cost recoveries projections have dropped by 3.35% from the financial year 2011-2012. The collection of outstanding warrants, censoring services and management of Tuasivi courts have contributed to this drop. Most judgments are now ordered by the Court to be paid forthwith preventing any fees and fines to be collected as outstanding warrants, which it was realistic to reduce the projection by 37%. Censoring services dropped their estimates by 14%. This stems from most video stores closing and more people opting to free downloading. Tuasivi reduced its estimates by 9% because most Land and Title matters have been resolved through mediation.

The Ministry continues to closely monitor its budget every year in order to execute all its normal operations and projects aligned for every financial year.

Output Number	Description of Outputs Delivered by Ministry	2009-10	2010-11	2011-12	2012-13
1	Policy advice to the responsible Minister				
	Personnel:	181,242	157,244	157,197	182,347
	Operating Expense:	59,002	54,834	53,002	56,172
	Capital Costs:	-	-	-	-
	Overheads:	76,541	85,858	89,364	80,081
	Total estimated appropriation Required:	316,785	297,936	299,563	318,600
2	Ministerial Support				
	Personnel:	79,067	85,094	94,714	94,714
	Operating Expense:	100,645	145,113	142,423	128,262
	Capital Costs:	-	-	31,167	-
	Overheads:	76,541	85,858	89,364	80,081
	Total estimated appropriation Required:	256,253	316,065	357,668	303,057
3	Judiciary				
	Personnel:	1,615,600	1,667,168	1,767,954	1,750,266
	Operating Expense:	625,363	626,722	779,448	840,881
	Capital Costs:	-	181,261	85,250	27,333
	Overheads:	133,946	150,252	156,387	140,141
	Total estimated appropriation Required:	2,374,909	2,625,403	2,789,039	2,758,621
4	Policy, Planning & Evaluation				
	Personnel:	176,015	186,677	186,536	263,846
	Operating Expense:	31,911	31,186	39,643	44,783
	Capital Costs:	-	-	-	500
	Overheads:	76,541	85,858	89,364	80,081
	Total estimated appropriation Required:	284,467	303,721	315,543	389,210
5.1	Management of Probation and Parole				
	Personnel:	278,459	304,821	282,279	322,417
	Operating Expense:	127,899	113,099	96,003	95,696
	Capital Costs:	-	-	-	1,700
	Overheads:	76,541	85,858	89,364	80,081
	Total estimated appropriation Required:	482,899	503,778	467,646	499,894
5.2	Warrants				
	Personnel:	230,020	228,259	228,060	241,235
	Operating Expense:	44,246	44,016	43,347	43,337
	Capital Costs:	-	-	-	-
	Overheads:	66,973	75,126	78,193	70,071
	Total estimated appropriation Required:	341,239	347,401	349,600	354,643
5.3	Maintenance & Affiliation				
	Personnel:	102,641	112,728	112,570	141,723
	Operating Expense:	16,070	16,558	20,190	20,556
	Capital Costs:	-	-	-	1,200
	Overheads:	66,973	75,126	78,193	70,071
	Total estimated appropriation Required:	185,684	204,412	210,953	233,550
6	Censoring Services				
	Personnel:	129,236	141,111	130,610	117,572
	Operating Expense:	13,447	13,439	11,664	12,944
	Capital Costs:	-	-	-	-
	Overheads:	66,973	75,126	78,193	70,071
	Total estimated appropriation Required:	209,656	229,676	220,467	200,587
7	Management of Land & Titles Court and Court of Appeal				
	Personnel:	492,636	531,481	541,176	518,722
	Operating Expense:	148,601	135,819	130,999	128,649
	Capital Costs:	-	10,360	-	-
	Overheads:	66,973	75,126	78,193	70,071

	Total estimated appropriation Required:	708,210	752,786	750,368	717,442
8	Management of Criminal & Civil Courts				
	Personnel:	602,596	647,521	632,253	729,035
	Operating Expense:	60,283	57,483	61,120	69,920
	Capital Costs:	-	-	13,000	14,000
	Overheads:	95,676	107,323	111,705	80,081
	Total estimated appropriation Required:	758,555	812,327	818,078	893,036
9	Management of Tuasivi Courts				
	Personnel:	386,768	488,697	487,062	481,987
	Operating Expense:	119,681	123,561	123,131	136,567
	Capital Costs:	-	5,180	-	750
	Overheads:	86,108	96,590	100,534	90,091
	Total estimated appropriation Required:	592,557	714,028	710,727	709,395
10	Mediation and Land Registration				
	Personnel:	247,684	303,546	281,933	375,777
	Operating Expense:	82,871	62,635	53,135	36,371
	Capital Costs:	-	-	-	-
	Overheads:	66,973	75,126	78,193	70,071
	Total estimated appropriation Required:	397,528	441,307	413,261	482,219
	Sub- Total Sub-Outputs Delivered by the Ministry	6,908,742	7,548,840	7,702,915	
11	Information Management and Registry				
	Personnel:				409,724
	Operating Expense:				28,803
	Capital Costs:				
	Overheads:				20,020
	Total estimated appropriation Required:				458,547
	Sub- Total Sub-Outputs Delivered by the Ministry	6,908,742	7,548,840	7,702,915	
	Transactions on behalf of the state				
	Government Policies/Initiatives				
	Legal Aid	200,000	250,000	250,000	250,000
	Renovations of CJ's Residence	-	-	50,000	250,000
	Renovations of the Tuasivi Office	-	-	150,000	-
	Fencing of new MJCA Building	-	50,000	-	-
	Building Car Park for the Judges	-	-	50,000	-
	Renovations to Septic tanks at MJCA Building	-	-	-	
	Rents & Lease (Government Building)	43,776	43,776	43,776	43,776
	VAGST Output Tax	273,848	301,108	319,347	301,359
	Total transactions on behalf of the State	517,624	644,884	863,123	990,135
	TOTAL MINISTRY OF JUSTICE AND COURTS ADMINISTRATION EXPENDITURE ESTIMATES	7,426,366	8,193,724	8,566,038	9,308,934
	COST RECOVERIES				
	Management of Warrants & Bailiff Services	120,000	110,074	80,074	50,074
	Censoring Services	85,000	85,000	70,000	60,000
	Management of Land & Titles Court & Court of Appeal	200,000	215,467	235,000	245,000
	Management of Civil & Criminal Courts	185,000	195,000	235,000	249,999
	Management of Tuasivi Courts	120,000	126,000	110,000	100,500
		(710,000)	(731,541)	(568,074)	(705,573)