

# Attorney General's Office

Corporate Plan and Budget 2019/20 – 2021/22

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## List of Abbreviations

AG	Attorney General
AGO	Attorney General's Office
DPP	Director of Public Prosecutions
FY	Fiscal Year
KPI	Key Performance Indicator
GPA	Government Priority Agenda
MDA	Ministries, Departments and Agencies
TSDFI	Tonga Sustainable Development Framework
SDG	Sustainable Development Goal
SG	Solicitor General

## Foreword from the Attorney General



I am pleased to introduce the summary for the Corporate Plan and Budget for the Attorney General's Office for the years 2019/20-2021/22.

His Majesty's Government requires excellent legal services so it may perform its duties, functions and legal actions in accordance with the Constitution of Tonga and the laws of the Kingdom. The principles of good governance rely on there being in place independent and impartial legal advisors, prosecutors and legislative drafters.

The Attorney General's Office is the office which provides the Government's legal services, and together with the Judiciary and Tonga Police, have the ultimate responsibility of maintaining the rule of law in the Kingdom.

The Attorney General's Office is looking forward to address the Government Priority settings relevant to the Office for the financial years 2019/20-2021/22 with specific focus (SF) on the following Political Pillars: (1) Rule of Law (SF: Public Sector System Reform), (2) Leadership (SF: Public Sector System Reform), (3) Drugs (SF: Combat and address the impacts of Illicit Drugs) and, (4) Good Governance (SF: Public Sector System Reform).

The Attorney General's Office also intends on publishing this year the consolidated revised edition of the Tongan laws from 1988 to 2018. The consolidated legislation will be an invaluable asset for the Judiciary, law practitioners, academics, students and all Tongan citizens.

This Corporate Plan sets out the objectives and strategies for the Office for the next three financial years. It is consistent with the vision of the Government of the Kingdom of Tonga Strategic Development Framework II for:

***"A more progressive Tonga supporting a higher quality of life for all"***

I look forward to working with the Solicitor General and the staff of the Attorney General's Office in achieving the objectives and strategies set out in this Corporate Plan and contributing to the vision of the Government of the Kingdom of Tonga Strategic Development Framework II.

Since this will be my last year in Office, I wish the Solicitor General and his staff all the best in implementing this Corporate Plan, and also commend this plan to my successor as guidance for her first few years in office.

A handwritten signature in blue ink, appearing to read 'Asipeli 'Aminiasi Kefu'. The signature is fluid and cursive, written on a white background.

**'Asipeli 'Aminiasi Kefu  
Acting Attorney General**

## Message from the Solicitor General



The Attorney General's Office is pleased to present its Corporate Plan for the next three financial years, 2019/20 - 2021/22 as support for His Majesty's Government's long term Tonga Strategic Development Framework II, the Government Priority settings relevant to the Office for the financial years 2019/20-2021/22, and in accordance with section 18.1 of the *Public Service Policy Manual*.

This corporate plan is to set out areas where the Office intends to improve its performance for the enhanced delivery of our Office organisational outputs through the use of clear key performance indicators (KPIs). It is to ensure that legal services and related activities delivered by the Office to Government is efficient and effective. This plan also focuses on improvement and enhancing performance of the Office in an efficient, effective and affordable manner.

The Attorney General's Office is looking forward launching the final consolidated revised edition of the Tongan laws this year. The Office continues to advance in updating and publishing government gazettes, legislation, judgements and other related publications on its website. The objectives and strategies set out in this plan are subject to amendments. It sets the targets that the Office aims to achieve and the pathways to achieve it. However these objectives are flexible and can change due to sudden changes in policy, finance, personnel, and the introduction of new technology.

A handwritten signature in blue ink, appearing to read 'Sione'.

**Sione Finau Sisifa**  
Solicitor General

## 1. Attorney General's Office Corporate Plan Executive Summary

### 1.1. Mandate

#### Mandate

The Attorney General's Office is under the direction of the Attorney General, as First Law Officer of the Crown in accordance with the clause 31A of the *Constitution of Tonga*. The Attorney General is not a Cabinet Minister, nor a member of the Legislative Assembly or the Privy Council. However the Attorney General is a member of the Judicial Appointments and Discipline Panel, and is ranked at Ministerial level.

The Constitution provides the Attorney General with the powers to exercise complete discretion to exercise legal powers and duties, independently without any interference from any person or authority.<sup>1</sup> Hence the Attorney General's Office operates in accordance with the *Constitution of Tonga* and 36 Acts and regulations which establishes the Attorney General's Office's mandate and statutory roles.

Supporting this is the Attorney General's Office's vision which is to ensure that **"The Attorney General's Office is reliable for providing excellent legal services with professional integrity"**. This supports the national impact of the Tonga Strategic Development Framework II (TSDF II) which is to support **"A more progressive Tonga supporting higher quality of life for all"**.

#### Vision, Mission & Values

##### Vision

Attorney General's Office is reliable for providing excellent legal services with professional integrity.

##### Mission

To provide professional, independent and quality legal services to His Majesty's Government and to support and maintain the integrity of the Kingdom's judicial system.

##### Values

- Integrity, Professionalism, Independence, Quality
- Efficiency, Responsiveness, Timeliness
- Commitment, Dedication
- Teamwork, Harmony, Loyalty

### 1.2. Key Legislations, Policy Decisions & Conventions

#### Laws and Regulations relevant to Attorney General's Office

The Office's main mandate is provided by clause 31A of the Constitution. **Annex "A"** provides a full list of key legislation that establishes the statutory functions and duties of the Attorney General's Office.

In addition, work is in progress on Cabinet directives to:

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<sup>1</sup> Act of Constitution of Tonga, Clause 31A(2).

- (i) Amend the Act of Constitution of Tonga to establish the Office of the Director of Public Prosecutions. This amendment provides that the criminal prosecutions formerly vested in the Attorney General, will be vested with the Director of Public Prosecutions to ensure the impartiality and integrity of criminal prosecutions in the Kingdom. This proposed amendment was previously passed by the Legislative Assembly on 28 August 2014, as part of the Act of Constitution of Tonga (Amendment) Act 2014, but it did not receive Royal Assent. (Refer to King in Council Decision 2015).
- (ii) Cabinet approved the plans to publish the Revised Edition of Laws of Tonga as per Cabinet Decision No. 755 of 31 August 2018. The *Law Revision (Miscellaneous Amendments) Act 2018* was passed by the Legislative Assembly in 2018 and is now with His Majesty in Council awaiting Royal Assent. Once this Act receives Royal Assent, the Office will publish the Consolidated Laws this year, consolidating all the laws to 2018.

**Other legislative work in progress includes the following:**

- (i) Final consultations are currently being conducted by the Office on the draft Computer Crimes Bill 2019 and consequential amendments, with the target of submitting these to the next session of the Legislative Assembly.
- (ii) Continuous consultation is currently underway between the Office, Tonga Police and His Majesty's Armed Forces on amendments to the Arms and Ammunition Act and the Illicit Drugs Control Act to combat increasing illicit drugs problems here in Tonga. This is in line with Government Priority Agenda 1.1.3 (SF3: Combat and address the impacts of illicit drugs).
- (iii) The Office continues to support major law reforms in different MDAs. Amongst the major law reforms for this financial year that the Office assists with by providing public consultations and drafting services are:
  - Revenue Law Reforms –during the 2019 February- March session the Legislative Assembly passed a new Revenue Services Administration Act 2019 and consequential amendments to the Income Tax Act and the Consumption Tax Act.
  - Customs Law Reform – His Majesty's Cabinet Decision No. 90 of 1 February 2019 approved the submission of a new Customs Bill which will be tabled during the next Legislative Assembly session.
  - Employment Relations Law Reform – His Majesty's Cabinet Decision No. 113 of 6 February 2019 approved the submission of a Employment Relations Bill for discussions during the next Legislative Assembly session.

**International & Regional Memberships**

**Regional**

- Member of the Pacific Islands Law Officers' Network (Current Chair for the Pacific Islands Law Officers' Network Working Group on Cybercrime, and Member of the Pacific Island Law Officers' Network SGBV Working Group)
- Member of the Pacific Prosecutors Association.
- Current Chair for the Pacific Legislative Drafters' Forum.

**International**

- Member of the Asia-Pacific Group on Money Laundering (APGML);
- Member of the Council of Europe Protocol Drafting Working Group;
- Member of the International Association of Prosecutors (IAP);

- Member of Asset Recovery International Network – Asia Pacific (ARIN-AP); and
- Member of G7 24/7 Network Group;
- Member of Commonwealth Law Ministers Meeting, Commonwealth Senior Official Law Ministries Meeting; and Commonwealth Law Ministries of Small Commonwealth Jurisdictions.

### 1.3. Stakeholders

The Attorney General's Office is an Office committed to providing professional, independent and quality legal services to His Majesty's Government. The Office recognizes that improving its performance is important to ensure that the rule of law is observed in all Government decisions.

The Office's key priority stakeholders are the Government Ministries, Departments and Agencies. As the principal Legal Advisor to Government, the Office provides legal advice to all Government Ministries, Departments and Agencies. The Office is also actively involved in public consultations with the general public upon requests from Government MDAs. In addition, to this the Office actively works with development partners, regional and international organisations in their provision of advice or technical assistance and training to Government MDAs.

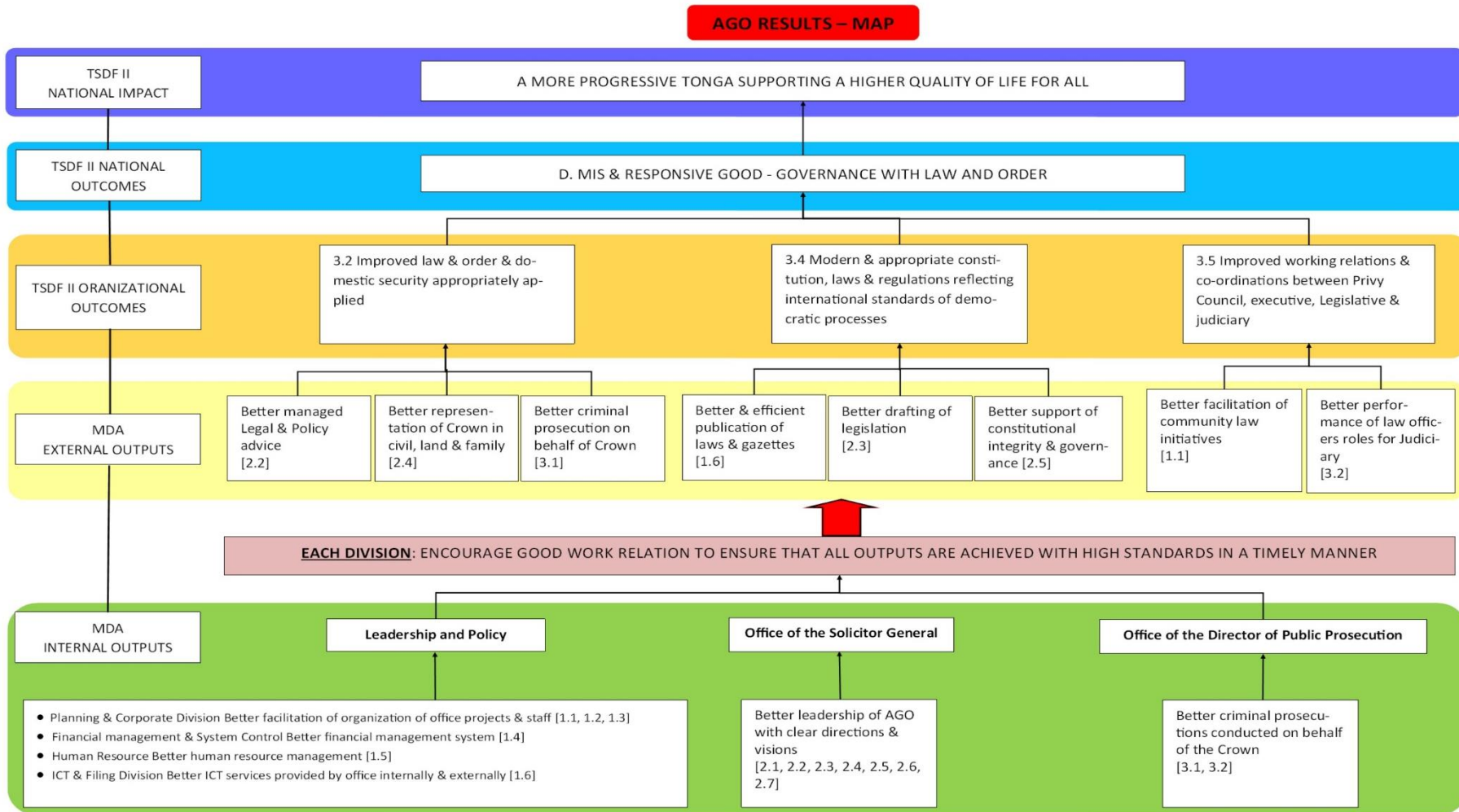
However it is important to note the Office is a relevant stakeholder when it involves consultations with non-government organisations in Tonga. The Office actively works with development partners, regional and international organisations when they provide technical assistance and training for non-government organisations.

#### Stakeholders by Relationship to the Attorney General's Office

No.	Stakeholder	Customer of AGO	Supplier to AGO	Partner with AGO	Oversight of AGO
1	His Majesty the King in Privy Council	✓	✓	✓	✓
2	Cabinet	✓	✓	✓	✓
3	Legislative Assembly	✓	✓	✓	✓
4	MDAs	✓	✓	✓	
5	Public Enterprises	✓	✓	✓	
6	Businesses	✓	✓		
7	NSA, CSO	✓	✓	✓	
8	General Public	✓	✓	✓	✓
9	Development Partners	✓	✓	✓	



1.4. Result Map



### AGO Results Map – Discussion

The Results Map reflects the Attorney General's Office organizational external and internal outputs and how it supports the TSDF II organisational outcomes, TSDF II national outcomes and ultimately supporting the TSDF II national impact. The AGO's outcomes are classified and delivered by three (3) main divisions. The three main divisions are as follows:

- (1) Leadership & Policy
- (2) Office of the Director of Public Prosecutions
- (3) Office of the Solicitor General

The Attorney General's Office is funded under one main program, the Public Legal Service Program. The Office then has three sub-programs, Leadership and Policy, the Office of the Solicitor General and the Office of the Director of Public Prosecutions (as shown above). Due to the multiple roles of the Leadership and Policy sub-program directed by the Solicitor General, it is clustered to 4 main divisions, Corporate Services Division, Legislative Drafting Division, Legal Advice and Civil Cases (including land and family matters). The Corporate Services Division is further clustered to four (4) sub-divisions, the Planning and Corporate Division, Financial and Systems Control Division, Human Resource & Filing Division and ICT Division.

Each program and division's outputs contributes to the delivery of AGO's TSDF II Organisational outcomes and supporting the TSDF II National Outcomes. This Corporate Plan will set out each division's internal and external outputs and its contribution for a more progressive Tonga supporting higher quality of life for all.

## 1.5. TSDFII/SDGs/Regional Frameworks

### 1.5.1. TSDFII/SDG Impacts and Outcomes Supported by Attorney General's Office Outputs

The Attorney General's Office is classified by TSDF II under the Political Pillar to support National Outcome D which is a more inclusive, sustainable and responsive good governance strengthening the rule of law. Under good governance, the Office is to be accountable, transparent, responsive, inclusive and participatory and follow the rule of law. Under the rule of law the Office is to ensure accountability of government under the law, clear and modern legal frameworks, enactment, administration and enforcement is inclusive, fair and efficient with easy access to justice.

The Office under the Political Pillar directly supports all the Sustainable Development Goals. **Table 1** illustrates the linkages of the SDGs to the Tonga National Outcomes and the Attorney General's Office mandates.

**Table 1: Linkage of the Sustainable Development Goals to the Tonga National Outcomes, and the Attorney General's Office <sup>2</sup>**

Goals	Sustainable Development Goals	Tonga National Outcomes (TSDFI)	Linkage to the Attorney General's Office Outputs
1	End poverty in all its forms everywhere	A, C, F	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists with the national implementation of appropriate social protection systems and measures for all to achieve substantial coverage of the poor and vulnerable.</i>
2	End hunger, achieve food security and improved nutrition and promote sustainable agriculture	A, B, F, E, G	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists with ensuring legislative frameworks are in place to build resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to economic, social and environmental shocks and disasters.</i>
3	Ensure healthy lives and promote wellbeing for all ages	C, F, G	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists with ensuring that sufficient legislative frameworks are in place to strengthen the prevention of substance abuse, including narcotic drug abuse and harmful use of alcohol.</i>
4	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all	C	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists with ensuring that sufficient legislative frameworks are in place to ensure equal access for all women and men to affordable education and to ensure that all learners acquire the knowledge and skills needed to promote sustainable development.</i>
5	Achieve gender equality and empower all women and girls	C, D, E, F	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists with ensuring that sufficient legislative frameworks are in place to include gender mainstreaming and inclusion.</i>
6	Ensure availability and sustainable management of water and sanitation for all	F, E, B	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists to strengthen sound policies and enforceable legislation for the promotion of gender equality and empowerment of all women and girls at all levels.</i>
7	Ensure access to affordable, reliable, sustainable and modern energy for all	E, F	<b>Output</b> 1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 & 3.2  <i>AGO assists with ensuring that legislative frameworks are in place to strengthen the participation of local communities in improving water and sanitation management.</i>

<sup>2</sup> Tonga Strategic Development Framework II 2015-2025 (May 2015) 98.

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8	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	A, E, C, F, G	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists with ensuring that legislative frameworks are in place to protect labour rights and promote safe and secure working environment for all workers.</i></p>
9	Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation	E, C, A, F, G	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists with devising and implementing policies to promote sustainable tourism that creates jobs and promotes local culture and products.</i></p>
10	Reduce inequality within and among countries	G, A, C, G	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists with supporting the adoption of policies, especially fiscal, wage and social protection policies to progressively achieve greater equality.</i></p>
11	Make cities and human settlements inclusive, safe, resilient and sustainable	B, D, E, C, F, G	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists with the strengthening of efforts to protect and safeguard Tonga's cultural and natural heritage.</i></p>
12	Ensure sustainable consumption and production patterns	A, F, G, C, E	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists by supporting policy makers to ensure that legislative frameworks are in place to provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older person and persons with disabilities.</i></p>
13	Take urgent action to combat climate change and its impacts	F, C	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists by supporting the promotion of public procurement practices that are sustainable in accordance with national policies and priorities.</i></p>
14	Conserve and sustainably use the oceans, seas and marine resources for sustainable development	F, E, D	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists by ensuring that legislative frameworks and efficient prosecutions are in place to regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans.</i></p> <p><i>AGO also assist by ensuring that legislative frameworks are in place to conserve coastal and marine communities.</i></p>
15	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss	F, D	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists by ensuring that legislative frameworks are in place to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods.</i></p>

16	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.	D	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO is in the forefront in promoting the rule of law at the national and international levels and ensuring equal access to justice for all.</i></p>
17	Strengthen the means of implementation and revitalize the global partnership for sustainable development	G, E, F, C, A	<p><b>Output</b>  <b>1.1,1.2,1.3,1.4,1.4,1.5,1.6,2.1,2.2,2.2,2.2,2.3,2.4,2.5,2.6,2.7,3.1 &amp; 3.2</b></p> <p><i>AGO assists by ensuring that succinct legislative frameworks are in place for the implementation of duty-free and quota-free market access consistent with the World Trade Organization decisions.</i></p>

### 1.5.2. GPA, Sector Plans, Regional & Community Development.

AGO supports all the Government Priority Agenda areas by providing excellent legal services with professional integrity. However AGO particularly supports the following relevant priorities:

Political Pillar:	
(i)	<p><b>Rule of Law (SF: Public Sector System Reform)</b>                      AGO supports Rule of Law by providing the following to improve delivery <u>functions</u>:</p> <ul style="list-style-type: none"> <li>▪ Establishment of a specific corporate division to adequately support the Office's delivery of its internal management outputs.</li> <li>▪ Establishment of the following divisions to ensure that the Office mandates are delivered efficiently and accurately: Criminal Prosecution Division, Civil and Land Litigation Division, Legislation and Policy Division, International Law Division.</li> <li>▪ Recruitment of more interpreters to translate legal documents.</li> <li>▪ Updated legal resources such as subscribing to Law Material Websites to assist with legal researches.</li> </ul>
(ii)	<p><b>Leadership (SF: Public Sector System Reform)</b>                      AGO supports Leadership by providing the following:</p> <ul style="list-style-type: none"> <li>▪ Subject to availability of funding, availing legal staff to pursue post graduate studies in either New Zealand or Australia.</li> <li>▪ Improve Corporate Services in regards to PMS, office morale, Corporate Planning and Budgeting, and accounts.</li> <li>▪ Capacity building for both support and legal staff.</li> <li>▪ Improved IT services.</li> </ul>
(iii)	<p><b>Drugs (SF: Combat and address the impacts of illicit drugs)</b>                      AGO supports combating and addressing the impacts of illicit drugs by providing the following:</p> <ul style="list-style-type: none"> <li>▪ Assist Tonga Police Drugs Task Force with legal advice on enforcement matters in relation combatting the impacts of illicit drugs.</li> <li>▪ Prosecute illicit drugs offenders in the Courts of Tonga.</li> </ul>
(iv)	<p><b>Good Governance (SF: Public Sector System Reform)</b></p>

<p>AGO supports Good Governance by providing the following:</p> <ul style="list-style-type: none"><li>▪ Legal advisor to Cabinet and Government and performing any other functions and duties required under law.</li><li>▪ Legal advice to the Government Procurement Committee (GPC).</li><li>▪ AGO takes the lead in reviewing and drafting anti-corruption related procedures and issues on national security.</li><li>▪ AGO continues to support the development of the performance management system (PMS) in the Office by fully implementing it to its staff.</li></ul>
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AGO external and internal outputs are in line with the Government Priority Agenda.

## 2. Office Overview

### 2.1. Office Outputs Grouped into Divisions/Sub-Programs and Programs

The Attorney General's Office has one main program (Public Legal Services) with three (3) sub-programs (Leadership and Policy, Office of the Solicitor General and Office of the Director of Public Prosecutions). The Leadership and Policy is under the direction of the Solicitor General and it overlooks the Corporate Division which is divided to four (4) sub-divisions Planning and Corporate Division, Financial Management & Systems Control, Human Resource & Filing Division and ICT. The Office of the Solicitor General is under the direction of the Solicitor General and it overlooks legal advice, legislative drafting and civil cases. The Office of the Director of Public Prosecutions is under the direction of the Director of Public Prosecutions and it overlooks all criminal proceedings on behalf of the Crown.

Program	Relevant program/sub-program	Relevant outputs(s)	Activities/ Strategies	Responsible Division
Public Legal Services	Sub-program 01 (Leadership and Policy)	[1.1] Better facilitation of community law initiatives promoting the rule of law and legal awareness.	<ol style="list-style-type: none"> <li>1. Plan &amp; facilitate the annual AGO Law Week Programme.</li> <li>2. Assist MDAs upon request with their public consultations &amp; awareness on draft Bills &amp; Regulations</li> </ol>	Planning & Corporate Oversight
		[1.2] Better formulated budgets and corporate plans with improved monitoring, management and reporting mechanisms on operation and progress.	<ol style="list-style-type: none"> <li>1. Plan &amp; develop a Corporate Plan for every financial year.</li> <li>2. Draft annual reports.</li> <li>3. Overlook PMS &amp; conduct PMS activities in the Office &amp; submit all PMS related reports.</li> </ol>	Planning & Corporate Oversight
		[1.3] Better operations and systems to be improved and monitored	Conduct continuous internal trainings for legal & support staff (e.g. fortnight presentations)	Planning & Corporate Oversight
		[1.4] Better financial management systems and control is in place and observed.	Prepare AGO budget to reflect the Corporate Plan	Financial Management and Systems Control division

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		[1.5] Better human resources management policies and processes.	Implement the PMS system.	Human Resources & Filing
		[1.6] Better ICT services provided by the Office internally and externally to meet the Office outcomes and support the TSDF II national outcomes.	<ol style="list-style-type: none"> <li>1. Update the Office criminal, civil, family, land &amp; public service tribunal case database.</li> <li>2. Update the Office website &amp; general database.</li> </ol>	ICT Division
	<b>Sub-program 02 (Office of the Solicitor General)</b>	[2.1] Better lead of AGO with clear directions and visions of labour between AG, SG and DPP	Initiate coordination with other Ministries to achieve alignment of policy, process and outcomes for whole of government objectives.	Office of the Solicitor General (Legal Advice)
		[2.2] Better managed legal and policy advice issued with clear directions to MDAs	Provide legal advice to relevant MDAs upon MDAs request	Office of the Solicitor General (Legal Advice)
		[2.3] Better drafting of legislation for Government to be submitted to the Legislative Assembly.	<ol style="list-style-type: none"> <li>1. Ensure that all Government Bills &amp; Regulations are drafted &amp; vetted in a timely manner.</li> <li>2. Prepare annual legislative programme of bills &amp; regulations to be submitted to the Legislative Assembly.</li> <li>3. Instruct &amp; oversee publication &amp; printing of all legislation &amp; regulations.</li> <li>4. Drafting &amp; translations of bills &amp; regulations.</li> <li>5. Provide secretariat to Cabinet's Law Committee.</li> </ol>	Legislative Drafting



	[2.4] Better representation of the Crown in civil, land and where appropriate family litigation.	Represent the Crown in all civil, land & family matters.	Civil Cases (including Land & Family cases)
	[2.5] Better support of constitutional integrity and governance	Provide legal advice on constitutional amendments & governance.	Office of the Solicitor General (Legal Advice)
	[2.6] Better support of legislative and statutory enforcement powers	Conduct meetings with Attorney General, Solicitor General & staff & relevant MDAs	Office of the Solicitor General (Legal Advice)
	[2.7] Better performance of statutory responsibilities established in committees and tribunals	Participate in statutory established committees and tribunals.	Office of the Solicitor General (Legal Advice)
<b>Sub-program 03 (Office of the Director of Public Prosecutions)</b>	[3.1] Better performance of law officers' roles for the Judiciary	Conduct criminal prosecutions on behalf of the Crown .	Office of the Director of Public Prosecutions
	[3.2] Better criminal prosecutions conducted on behalf of the Crown (His Majesty the King and the Community at large).	Prepare duty roster for Crown Counsels to appear in Court weekly.	Office of the Director of Public Prosecutions



AGO Consultation with MDAs on Legislative Drafting Manual (June 2018)



Annual Legal Policy Training conducted by AGO to all MDA Policy Officers (June 2018)

## 2.2. Attorney General's Office Organizational Structure

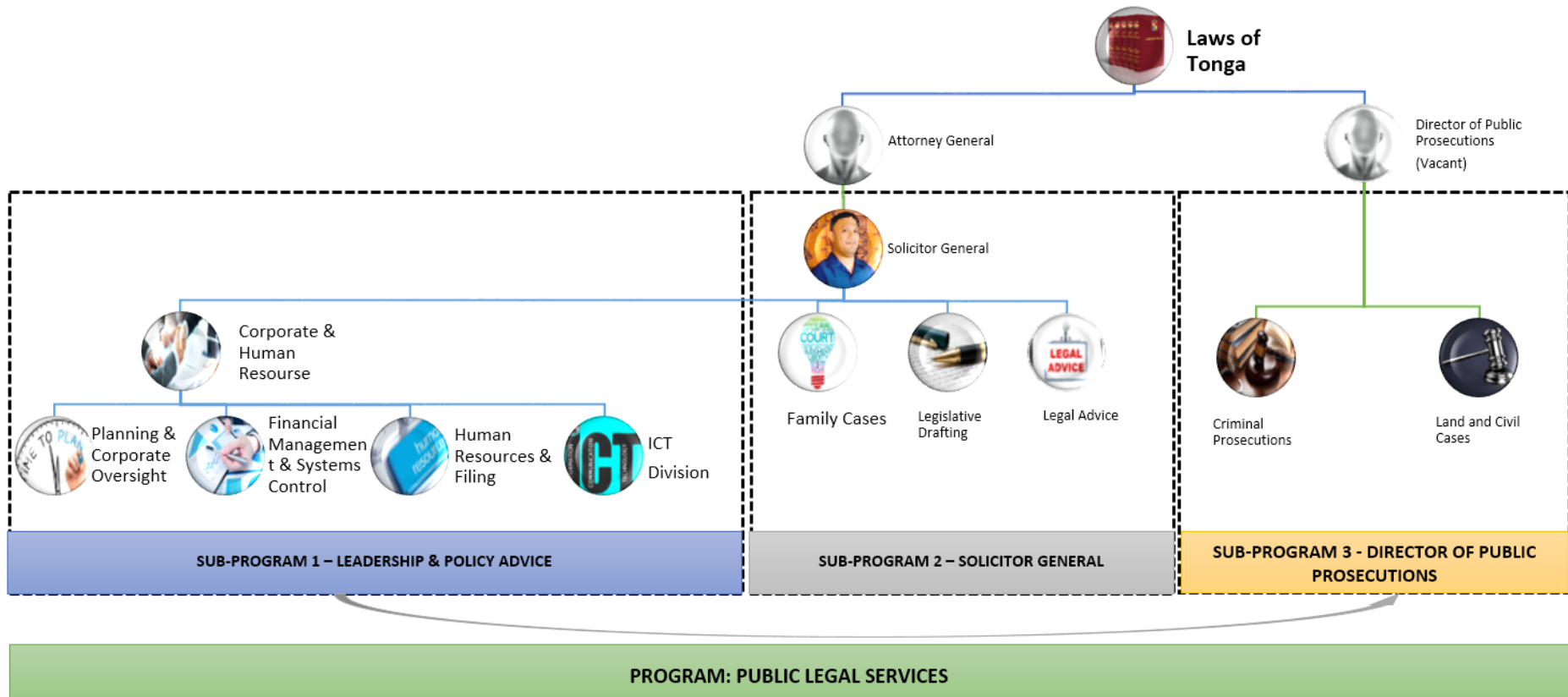


Figure 1- AGO Structure by functions and funding

Attorney General's Office Corporate Plan & Budget 2019/20-2021/22

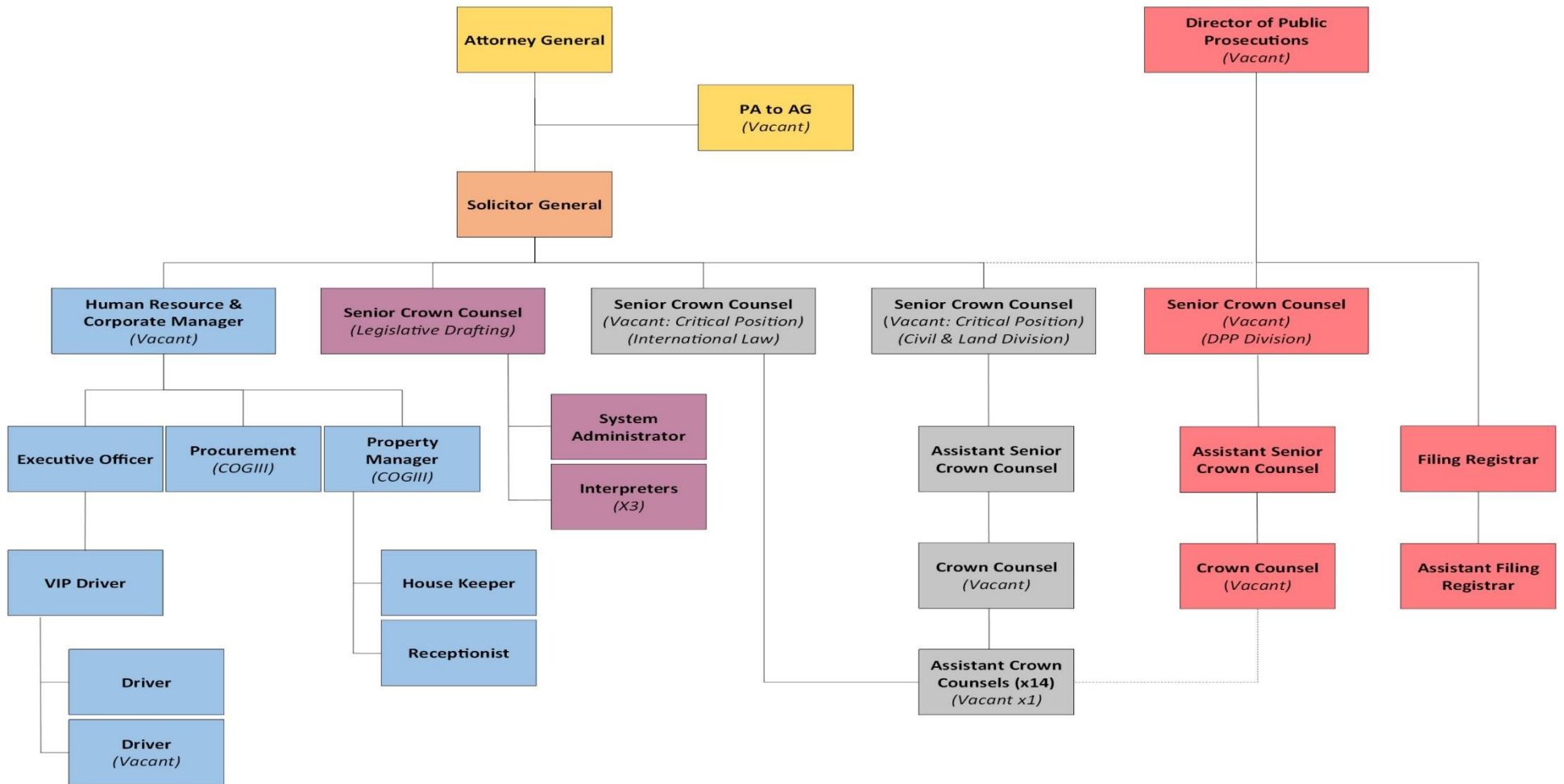


Figure 2 - AGO Organisational Structure (Specific)

### AGO Organisational Structure - Comments

The Attorney General provides the overall leadership to the Office. The Attorney General's position has been vacant since 2014 and the Director of Public Prosecutions position has been vacant since March 2019. The former Director of Public Prosecutions has been the Acting Attorney General since 2014. The Solicitor General overlooks the overall management of the Office which includes managing the corporate services, Family cases, legislative drafting and providing legal advice to relevant MDAs. The Director of Public Prosecutions is in charge of all criminal proceedings on behalf of the Crown, and was also managing all civil and land cases.

It is important to note that the Attorney General's Office is under one program the Public Legal Services where there are three sub-programs, Leadership & Policy Advice, Office of the Solicitor General and Office of the Director of Public Prosecutions. Each sub-program is now managed by the Solicitor General and the Director of Public Prosecutions who then report directly to the Attorney General.

However, once the pending amendment to the Constitution of Tonga is enacted and the Office of the Director of Public Prosecutions is established. The Office of the Director of Public Prosecutions will be a separate Office from the Attorney General's Office, but still sharing Corporate Services.

This separation is to ensure independence of the Office of the Director of Public Prosecutions from the Attorney General's Office, especially in when the Office of the Director of Public Prosecutions will prosecute clients of the Attorney General's Office or staff of the Attorney General's Office.

The Director of Public Prosecutions will report activities to the Attorney General, but the Director of Public Prosecutions will not be under the direction of the Attorney General. Hence the Director of Public Prosecutions will be an equal of the Attorney General. The organisational structure also introduces new critical positions that the Office hopes to establish in the next financial year.

## 2.3. Summary of the Attorney General's Office Planned Major Reforms

No.	Key Reforms	Detailed Activities
<b>Sub-program 1: Leadership and Policy</b>		
<i>Planning &amp; Corporate Oversight, Financial Management &amp; Systems Control, Human Resources &amp; Filing and ICT Division</i>		
1	Increased in Salaries of staff vote	<ul style="list-style-type: none"> <li>▪ Increased salaries vote to cater for the establishment of the following divisions in the Office:                             <ul style="list-style-type: none"> <li>○ Corporate Division to be directed by the Human Resources &amp; Corporate Manager who is to be recruited in the current financial year. This is in correspondence with GPA 1.1.1.2.1 (SF 1: Public Sector System Reform).</li> <li>○ Establishment of two critical Senior Crown Counsel positions to direct the Civil &amp; Land Litigation Division and the International Law Division which have been identified as critical as per GPA 1.1.1.2.2 (SF 1: Public Sector System Reform).</li> <li>○ Increase the number of Interpreters in the Office to address the limited number of translators to translate bills, regulations and legal documents. This is in correspondence to GPA 1.1.1.2.3 (SF 1: Public Sector System Reform).</li> </ul> </li> </ul>
2	Increased overtime vote for AGO staff	<ul style="list-style-type: none"> <li>▪ Due to the volume of work, the time dedicated for the work to be done, and the need for legal work to be carried out, and completed in a timely manner, there is a need for staff to work overtime and be paid accordingly.</li> </ul>
3	Increased overseas travel vote	<ul style="list-style-type: none"> <li>▪ Due to ad hoc directions from Cabinet or for either to Attorney General, Solicitor General and Crown counsel from the AGO to represent Government in regional and international meetings, there is a need for abundant financial support to implement those ad hoc directions.</li> </ul>
4	Increase in consultation fees vote due to the need for second expert legal opinions required by the AGO	<ul style="list-style-type: none"> <li>▪ From time to time pursuant to directions by the Attorney General in pursuance of his legal role, legal consultants are required to provide second expert legal opinions to support legal advice issued from the AGO.</li> </ul>
5	Outstanding claims from pending civil claims against the Government to be paid from the Government Liability Vote	<ul style="list-style-type: none"> <li>▪ Civil and Land claims against the Crown to be resolved and settled from the Government Liability Vote (Busby Kautoke, Semisi Tapueluelu, Tomifa Paea and others, Lord Sevele and others etc).</li> </ul>
6	New Vehicles	<ul style="list-style-type: none"> <li>▪ Procurement of new vehicles for the new Attorney General and new Director of Public Prosecutions in the new FY2019/20.</li> <li>▪ Procurement of a new vehicle for the Office for conducting home visits, searching for witnesses and delivering documents to relevant MDAs and stakeholders.</li> </ul>
7	Training opportunities	<ul style="list-style-type: none"> <li>▪ Increase training votes to cater for PMS trainings &amp; other related trainings in response to GPA 1.1.1.2.3 (SF 1: Public Sector System Reform).</li> </ul>

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		<ul style="list-style-type: none"> <li>▪ Increase training votes for the Office to assist with conducting capacity building trainings to strengthen Tonga Police capacity to combat and address the impacts of illicit drugs, this is in correspondence to GPA 1.1.3 Drugs (SF 3: Combat and address the impacts of illicit drugs).</li> <li>▪ There is also a need to invest in training internally and externally of support staff. This increase in the training funds is to support those training opportunities. For instance such training will include handouts and refreshments.</li> </ul>
<b>8</b>	Legal Resources for the Office	Increase vote to order up to date legal resources, as the Principal Legal Advisor to Government, our Office needs to get the most up to date legal resources. This is in correspondence to GPA 1.1.2.4.

**Sub-program 2 : Office of the Solicitor General**

***Conduct legal advice, legislative drafting ,civil cases (family & land included)***

<b>1</b>	Increased in Salaries of Solicitor General's staff vote	<ul style="list-style-type: none"> <li>▪ Increased salaries vote to cater for the establishment of the following divisions in the Office: <ul style="list-style-type: none"> <li>○ Establishment of two critical Senior Crown Counsel positions to direct the Civil &amp; Land Litigation Division and the International Law Division which have been identified as critical as per GPA 1.1.1.2.2 (SF 1: Public Sector System Reform).</li> <li>○ Increase the number of Interpreters in the Office to address the limited number of translators to translate bills, regulations and legal documents. This is in correspondence to GPA 1.1.1.2.3 (SF 1: Public Sector System Reform).</li> </ul> </li> </ul>
<b>2</b>	Increased overtime vote for Solicitor General staff	<ul style="list-style-type: none"> <li>▪ Due to the volume of work, the time dedicated for the work to be done, and the need for legal work to be carried out, and completed in a timely manner, there is a need for Solicitor General's staff to work overtime and be paid accordingly.</li> </ul>
<b>3</b>	Increase access to updated legal resources by staff of the Office of the Solicitor General (online and offline)	<ul style="list-style-type: none"> <li>▪ Ensure that all legal staff and interpreters of the Office of the Solicitor General to have access to relevant online search engines.</li> <li>▪ Ensure that the Office purchase updated legal textbooks for the legal staff's use.</li> <li>▪ Ensure the Office subscribes to international legal databases (e.g. LexisNexis).</li> </ul>
<b>4</b>	Increased training and conference vote due to much needed continued legal education for legal staff of the Solicitor General's Office	<ul style="list-style-type: none"> <li>▪ The Office invites other public lawyers to participate in the lawyers' fortnight in-house presentations. This increase in vote is to cater for the printing of materials for the lawyers and refreshments.</li> <li>▪ Continue to send Crown Counsels for post-graduate studies.</li> <li>▪ Fund and facilitate continued legal education training for Tonga Lawyer's conference (December 2019).</li> </ul>

Sub-program 3: Office of the Director of Public Prosecutions		
<i>Conduct criminal cases</i>		
1	Increased in Salaries of Director of Public Prosecution staff vote	<ul style="list-style-type: none"> <li>With the completion of recruitments to the vacant positions in the past financial year, the salaries of the recruited staff of the Director of Public Prosecution's Office are factored into this activity.</li> </ul>
2	Increased overtime vote for Director of Public Prosecution staff	<ul style="list-style-type: none"> <li>Due to the volume of work, the time dedicated for the work to be done, and the need for legal work to be carried out, and completed in a timely manner, there is a need for Director of Public Prosecution's staff to work overtime and be paid accordingly.</li> </ul>
3	Providing training support to the Tonga Police	<ul style="list-style-type: none"> <li>Office of the Director of Public Prosecutions hosts training for Criminal Procedures for Tonga Police and other relevant trainings for the Tonga Police officers when required. This is to improve the work relationship between the Office and the Tonga Police.</li> </ul>

## 2.4 Reasons for Major Changes in Recurrent Budget Allocations

The major change in the AGO's recurrent budget allocation for the FY 2019/20 comprise of the funding for new proposals and identified critical gaps to address the performance gaps of the Office. The new proposals includes but not limited to the following:

- 1) Establishment of two Senior Crown Counsel (deputy level) positions to overlook Civil & Land Litigation and the International Law in correspondence to GPA 1.1.1.2.2 (Rule of Law : SF1: Public Sector System Reform).

To date the Office only has one Senior Crown Counsel Position, however as a result of the increasing office mandates & roles, there is a critical need to establish two new Senior Crown Counsels (deputy level positions) to ensure the efficient delivery of the Office's Criminal Prosecutions, Civil and Land Matters and International mandates.

- 2) Assist Tonga Police Drugs Task Force with legal advice on enforcement matters in relation combatting the impacts of illicit drugs.
- 3) Prosecute illicit drugs offenders in the Courts of Tonga.
- 4) Establishment of a specific corporate division to adequately support the Office's delivery of its internal management outputs.

The Office to date has never had a specific Corporate Division, however in response to the Office's commitment to the PMS & other Human Resource requirements from the Office of the Public Service Commission, there is a need for the Office to establish a Corporate Division to assist in overlooking these issues.

- 5) Recruitment of more interpreters to translate legal documents.

The Office continues to struggle to recruit and maintain interpreters in the Office. There is an increasing demand for interpreters to translate Bills, Regulations and other legal documents.

- 6) Updated legal resources such as subscribing to legal websites to assist with legal research

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In order to improve the Office productivity and quality in delivering legal service to Government, the Office needs up to date legal resources (both online materials and legal text books).

- 7) Funding internal and external trainings for legal and support staff.
- 8) Procurement of legal experts to provide second expert legal opinions required by the AGO.
- 9) Hosting of regional/ international meetings with agendas that support the AGO's organizational outcomes.
- 10) Settlement of outstanding claims from pending civil claims against the Government to be paid from the Government Liability Vote.



### 3. Ministry Budget and Staffing

Table 2: AGO Budget by Recurrent, Development and item (cash & in-kind – millions)

Budget	2017-18	2018-19	2019-20	2020-21	2021-22
Established Staff (10xx)	1.20	1.54	1.67	1.67	1.67
Unestablished Staff (11xx)	.04	.03	.03	.03	.03
Travel and Communication(12xx)	.16	.17	.16	.16	.16
Maintenance & Operations(13xx)	.06	.05	.06	.06	.06
Purchase of goods Services(14xx)	1.53	1.36	1.66	1.66	1.66
Assets(20xx)	.02	.10	.04	.04	.04
Total Ministry Recurrent Expenditure (\$ M)	3.01	3.25	3.62	3.62	3.62

**Notes:**

1. Established and Unestablished staff is all expenditures under CAT 10 and 11.
2. Ministry Operational Costs is for Program 1, all expenditures under CATs 12, 13, 14.
3. Assets is expenditures under CAT 20.
4. DPP services is Expenditures under CAT 14.

Table 3: Attorney General's Office Total Staff by Key Category

Category	2017-18	2018-19	2019-20	2020-21	2021-22
Established Staff					
Executive Officer(level 0-2)	3	5	7	7	7
Professional Staff(level 3-9)	15	21	21	21	21
Other Staff(level 9A-14A)	11	13	13	13	13
Total Established Staff	29	39	41	41	41
Unestablished Staff	2	3	3	3	3
Total Staff	31	42	44	44	44
Total Recurrent Costs (\$ m)	1.10	1.16	1.25	1.25	1.25

**Notes:**

1. These based on the recurrent ministry costs(excluding the services on behalf of government)
2. For the year 2016/17 to 2020/21, the staff numbers also include vacant position for which fund was provided in the 2016/17 to 2020/21 estimates.

## 4. Program 1: Public Legal Services

The Attorney General's Office operates under one (1) program the Public Legal Services with three sub-programs (Leadership and Policy Advice, Office of the Solicitor General and Office of the Director of Public Prosecution) which facilitates the Office's external and internal outputs supporting the TSDF II National and Organisational outcomes.

The sub-programs and their relevant programs are discussed below.

### 4.1. Sub-program 1: Leadership and Policy Advice

#### Total Staff by Key Category Sub-Program 1 (\$M)

Description	2017-18	2018-19	2019-20	2020-21	2021-22
Total-Recurrent ( \$ m )	.43	.41	.41	.41	.41
Executive Staff	2	2	2	2	2
Professional Staff	2	3	3	3	3
Other Staff	10	10	10	10	10
Total Established Staff	14	15	15	15	15
Unestablished Staff	1	1	1	1	1
Total Staff	15	16	16	16	16

#### Change in Program from Last Corporate Plan and Budget

Change from last CP&B	Ongoing	Minor change	Major Change	New

#### Reasons for changes

- Recruitment of new staff
- New positions for the program
- Law Consolidation project publication

#### Division(s)/Subprograms Responsible

The Leadership and Policy Advice is under the direction of the Solicitor General. This sub-program provides legal advice, management and budget for the Office as well as active engagement with relevant stakeholders. The budget provision for the leadership and policy advice is to cover the salary, benefits and other related costs related to the Solicitor General's role and his support staff.

Due to the limited staff in the Attorney General's Office, this sub-program is divided into four (4) sub-divisions in order to effectively meet the Office's external and internal outputs. It's important to note that these divisions do not stand on its own separate sub-program like other Ministries. The staff in this division is shared by the Office of the Solicitor General and the Office of the Director of Public Prosecutions. The Solicitor General overlooks these sub-divisions. It is as follows:

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- (1) Planning and Corporate oversight (internal)
- (2) Financial Management and Systems Control
- (3) Human Resource & Filing Division
- (4) ICT

The limited staff provides a rationale for the need to recruit more staff to vacant positions in the office, increase overtime vote for AGO staff and overseas travel. The limited experienced legal staff also results in the need to increase consultation fees for the need of second expert legal opinions and to settle outstanding claims from pending civil claims against the Government to be paid from the Government Liability Vote.

**Outputs**

Sub-division 1 – Planning and Corporate Oversight							
Output 1.1 : Better facilitation of community law initiatives promoting the rule of law and legal awareness						SDG/TSDF II	
<ul style="list-style-type: none"> <li>• Support the Attorney Generals in facilitating community law initiatives such as the annual law week.</li> <li>• Assist Government MDAs in public consultations and awareness programs on draft Bills and Regulations.</li> </ul>							
Activity	KPIs	2018/19 (baseline)	2019/20	2020/21	2021/22	TARGETS #	INDICATORS #
(1) Plan & facilitate the annual AGO Law Week Programme	<ol style="list-style-type: none"> <li>1. Timely submission of Law Week activities for approval to the Solicitor General.</li> <li>2. Timely submission of the Law Week budget to the Solicitor General for approval.</li> <li>3. Approved work plan for annual law week.</li> <li>4. Results of feedback forms after the Law Week programs</li> </ol>	1	1	1	1	16.3	16.3.2
(2) Assist MDAs upon request with their public consultations and awareness on draft Bills & Regulations	<ol style="list-style-type: none"> <li>1. Timely responses to MDA requests for public consultations.</li> <li>2. Minutes of public consultations &amp; awareness programs.</li> <li>3. Results of the feedback forms after the public consultations.</li> </ol>	15	15	15	15	16.3	16.3.2
Output 1.2: Better formulated budgets and corporate plan with improved monitoring, management and reporting mechanisms on operation and progress.						SDG/TSDF	
<ul style="list-style-type: none"> <li>• Develop a revised Corporate Plan and Budget every financial year.</li> <li>• Develop an annual staff performance plan, staff recruitment and staffing list.</li> </ul>							
(1) Plan and develop a Corporate Plan for every financial year	<ol style="list-style-type: none"> <li>1. Corporate Plan draft is in line with the requirements of the Prime Minister's Office Planning Division.</li> <li>2. Corporate Plan is submitted in a timely manner to the Prime Minister's Office &amp; the Ministry of Finance.</li> <li>3. Timely approval of all plans.</li> </ol>	1	1	1	1	16.3	16.3.2

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	<ol style="list-style-type: none"> <li>4. Percentage of CP/AMP clearly linked to TSDFI.</li> <li>5. Percentage of Implementation of Corporate Plan.</li> <li>6. 80% AGO Outputs achieved on targets.</li> </ol>							
(2) Draft annual reports	<ol style="list-style-type: none"> <li>1. Draft and submit annual report in accordance with the <i>Public Service Act 2002</i>.</li> <li>2. Timely submission &amp; translation of Annual Report.</li> </ol>	1	1	1	1	16.3	16.3.2	
(3) Overlook PMS & conduct PMS activities in the Office & submit all PMS related reports.	<ol style="list-style-type: none"> <li>1. Timely submission of PMS Quarterly reports.</li> <li>2. Timely submission of PMS/IIP.</li> <li>3. Conduct 4 PMS related trainings in the Office every financial year (1 training every quarter).</li> <li>4. Attend all related PMS Sub-Committees and report back to the Solicitor General.</li> <li>5. Respond to PSC/PMS team in a timely manner &amp; respond to all PMS activities.</li> </ol>	4	4	4	4	16.3	16.3.2	
<b>Output 1.3: Better operations and systems to be improved and monitored</b> <ul style="list-style-type: none"> <li>• <i>Provide professional and administrative support staff to be mentored to create a performance culture which reflects high level or team work, harmony and collaboration to build organisational capability</i></li> </ul>							<b>SDG/TSDF</b>	
Conduct continuous internal trainings for legal & support staff (e.g. Fortnight presentations for legal staff)	<ol style="list-style-type: none"> <li>1. Weekly presentation rosters</li> <li>2. Timely participation in presentations</li> <li>3. Results of the feedback forms after the fortnight presentations.</li> </ol>	12	24	24	24	16.3	16.3.2	
<b>Sub-Division 2: Financial Management and Systems Control</b>								
<b>Output 1.4: Better financial management systems and control is in place and observed</b> <ul style="list-style-type: none"> <li>▪ <i>Provide effective financial management systems and controls are in place and observed, expenditure remains within budget parameters and maximize the use of government resources and avoid wastage at all times.</i></li> </ul>							<b>SDG/TSDF</b>	
Prepare AGO budget to reflect the Corporate Plan	<ol style="list-style-type: none"> <li>1. Approved AGO Budget.</li> <li>2. Budget outcomes linked directly to TSDFI relevant objectives.</li> <li>3. Percentage of actual spending against cash flow forecast.</li> <li>4. Percentage of Audit compliance.</li> <li>5. 100% timeliness and accuracy of quarterly</li> </ol>	100%	100%	100%	100%	16.3	16.3.2	

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	budget outputs performance reports 6. Percentage of target budget performance being met 7. Percentage of procurement compliance 8. \$ budget overrun 9. Development budget 100% utilized 10. 90% reconciliation of HR payroll database 11. Number of proposals approved 12. Number of TAs						
<b>Sub-division 3: Human Resource</b>							
<b>Output 1.5: Better Human Resources Management policies and processes</b>						<b>SDG/TSDf</b>	
<ul style="list-style-type: none"> <li>Provide appropriate human resources management policies and processes that will increase organizational and individual capability are in place, and employees are provided with reasonable opportunities for personal and professional development.</li> </ul>							
<b>Implement the PMS system</b>	1. 100% implementation of PMS in accordance with the Public Service requirements. 2. 100% implementation, monitoring & evaluation & reporting schedule 3. Percentage of staff understanding the PMS process 4. Number of non-monetary incentives for staff 5. Number of performance incentives identified	100%	100%	100%	100%	16.3	16.3.2
<b>Sub-division 4 – ICT Division &amp; Filing</b>							
<b>Output 1.6: Better ICT services provided by the Office internally and externally to meet the Office outcomes and support the TSDf II national outcomes.</b>						<b>SDG/TSDf</b>	
<ul style="list-style-type: none"> <li>Daily update of all AGO databases to ensure that all work on files are updated.</li> <li>Provide quality ICT services to the Attorney General's Office operations.</li> </ul>							
<b>(1) Update the Office Criminal, Civil, Family, Land and Public Service Tribunal Case database</b>	1. Daily update of database on Criminal, Civil, Lands and Public Service Tribunal Case Files. 2. Daily update of database on Family Law Cases Files 3. Daily update of database on court judgements and rulings and public service tribunal rulings 4. Daily update of database on legal advise 5. Daily update of database on overseas	Daily	Daily	Daily	Daily	16.3	16.3.2

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	official duty trip reports 6. Daily update of database on in-house law presentations 7. Daily update of database on office policy manuals 8. Daily update of database on staff administration matters such as leave entitlements						
(2) Update the Office website & general database	1. Daily update of website ( <a href="http://www.ago.gov.to">www.ago.gov.to</a> ) 2. Secure and modern network/IT infrastructure in place 3. Classification of posts database updated 4. Percentage of updated database system 5. Percentage of updated laws on website 6. Percentage of satisfaction with ICT services	Daily	Daily	Daily	Daily	16.3	16.3.2

#### 4.2. Sub-program 2: Office of the Solicitor General

##### Total Staff by Key Category (\$M)

Description	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Total-Recurrent ( \$ m )	.66	.65	.73	.73	.73
Executive Staff	1	1	3	3	3
Professional Staff	14	17	17	17	17
Other Staff	3	3	3	3	3
Total Established Staff	18	21	23	23	23
Unestablished Staff	1	1	1	1	1
Total Staff	19	22	24	24	24

##### Change in Program from Last Corporate Plan and Budget

Change from last CP&B	Ongoing	Minor change	Major Change	New
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- Increase salaries vote for the establishment of two critical senior positions.
- Increase funding overtime budget for staff

- Increase training funding for legal staff for continued legal education and capacity building. This also includes providing trainings for the Tonga Police to combat the increasing drugs problems here in Tonga.

### Division(s)/Subprograms Responsible

The Office of the Solicitor General provides strategic management oversight and direction. It is responsible to:

- To provide professional, independent and quality legal services to His Majesty's Government, and to support and maintain the integrity of the rule of law in the Kingdom.
- Drafting legislation for Government to be submitted to the Legislative Assembly.
- Representing the Crown in civil, land and where appropriate, family litigation.
- Performing law officers' roles for the Judiciary.
- Supporting Constitutional integrity and governance.
- Ensuring legislative and statutory enforcement powers.
- Performing responsibilities in an independent and transparent manner.
- Ensuring performances of Solicitor General responsibilities in statutory established committees and tribunals.

### Outputs

Output 2.1: Better lead of AGO with clear directions and visions of labour between AG, SG and DPP						SDG/TSDf	
<ul style="list-style-type: none"> <li>• Ensure the operation of the Office is aligned with Government's TSDf II and outcome objectives.</li> <li>• Effectively demonstrate an effective approach to whole of Government policy coordination, monitor policy implementation and evaluate outcomes on a regular basis.</li> </ul>							
Activity:	KPIs	2018/19 (baseline)	2019/20	2020/21	2021/22	TARGETS #	INDICATORS #
Initiate coordination with other Ministries to achieve alignment of policy, process and outcomes for whole of Government objectives	<ol style="list-style-type: none"> <li>1. Percentage of Cabinet decisions implemented in a timely manner.</li> <li>2. Weekly meetings of Attorney General, Solicitor General, Senior Crown Counsels and Crown Counsels.</li> <li>3. Monthly meetings with the Attorney General, Crown Counsels and support staff.</li> <li>4. Number of radio and television programs.</li> </ol>	80%	80%	80%	80%	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2

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	5. Number of public consultations.						
<b>Output 2.2: Better managed legal and policy advice issued with clear directions to MDAs</b> <ul style="list-style-type: none"> <li>Support and implement directions of the Attorney General on provision of timely advice to His Majesty's Cabinet, Chief Executive Officers of Government Ministries, Departments and Agencies on Government Policies, interpretation and application of the Laws of Tonga and law reform.</li> <li>Establish and agree communication arrangements with the Attorney General and regularly updated on office work and strategic/policy matters.</li> </ul>						SDG/TSDf	
Provide legal advice to relevant MDAs upon MDAs request	<ol style="list-style-type: none"> <li>Legal and policy advice provided in a timely manner.</li> <li>Initiate meetings with government MDAs or request for further instructions if required for the purpose of advice.</li> </ol>	138	140	140	140	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
<b>Output 2.3: Better drafting of legislation for Government to be submitted to the Legislative Assembly.</b> <ul style="list-style-type: none"> <li>Support and implement directions of the Attorney General in implementing Cabinet Decisions on legislation, regulations and law reform.</li> <li>Liaise with Government MDAs on obtaining instructions on drafting legislation and law reform.</li> <li>Drafting and translations of bills and regulations.</li> <li>Assist Government MDAs in public consultations and awareness programs on bills and regulations.</li> <li>Provide secretariat to Cabinet's Law Committee.</li> <li>Prepare annual legislative program of bills and regulations to be submitted to the Legislative Assembly on bills and regulations submitted.</li> <li>Liaise and advice King in Council on bills passed by the Legislative Assembly submitted for Royal Assent.</li> <li>Instruct and oversee publication and printing of all legislation and regulations.</li> </ul>						SDG/TSDf	
(1) Ensure that all Government Bills and Regulations are drafted & vetted in a timely manner	<ol style="list-style-type: none"> <li>Percentage of Cabinet Decisions on legislation, regulations and law reform implemented on time.</li> <li>Percentage of initiation of coordination with other Ministries to achieve on obtaining instructions for drafting legislation and law reform.</li> </ol>	80%	80%	80%	80%	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
(2) Prepare annual legislative	1. Number of legislation passed by the Legislative Assembly	Acts- 7 Regulations- 5 Rules – 5	Acts- 15 Regulations-15 Rules- 5	Acts- 15 Regulations-15 Rules- 5	Acts- 15 Regulations-15 Rules- 5	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c,	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2,



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programme of bills and regulations to be submitted to the Legislative Assembly	2. Number of subsidiary legislation passed by Cabinet					6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
(3) Instruct and oversee publication and printing of all legislation and regulations.	Percentage of timeliness of publication of legislation and subsidiary legislation on website	100%	100%	100%	100%	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3,4.4,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
(4) Drafting and translations of bills and regulations.	Percentage of accuracy in translation of legislation and subsidiary legislation	100%	100%	100%	100%	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3,4.4,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
(5) Provide secretariat to Cabinet's Law Committee.	1. Timely publication of legislation and subsidiary legislation. 2. Number of public consultations the Office was involved in with relevant MDAs. 3. Efficient preparation of law committee papers 4. Regular sub-translation committee meeting 5. Number of cabinet submissions 6. Number of gazettes 7. Number of submissions to the Legislative Assembly 8. Percentage of accuracy in the revised consolidated laws of Tonga.	11	20	20	20	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3,4.4,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
<b>Output 2.4: Better representation of the Crown in civil, land and where appropriate, family litigation</b>						<b>SDG/TSDF</b>	
<ul style="list-style-type: none"> <li>▪ Support and implement directions of the Attorney General in representing the Crown in civil, land litigation.</li> <li>▪ Liaise and obtain instructions from Government MDAs in respect of civil and land litigation.</li> <li>▪ Prepare and draft Statement of Defence or Statement of Claim to be filed in the Courts.</li> </ul>							

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<ul style="list-style-type: none"> <li>▪ <i>Appear as Counsel for the Crown in the Courts in civil and land litigation.</i></li> <li>▪ <i>Support and implement direction of the Attorney General should there a need to appeal to or defend the outcome of civil and land cases in the Court of Appeal</i></li> <li>▪ <i>Advice Government MDAs on the outcome of litigation</i></li> <li>▪ <i>Act as Guardian Ad Litem in family law cases, and report to and appear in the Supreme Court.</i></li> </ul>								
<b>Represent the Crown in all civil, land &amp; family matters</b>	1. Percentage of Cabinet Decisions on instructions to act for Government implemented on time.						1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
	2. Timely initiation of meetings with Government MDAs or request for instructions for the purpose of representing the Crown in Civil and land litigation.	Civil- 2 Land -18 Family – LGO(46) LOA (49) Custody (1)	Civil- 5 Land -20 Family – LGO(50) LOA (50) Custody (5)	Civil- 5 Land -20 Family – LGO(50) LOA (50) Custody (5)	Civil- 5 Land -20 Family – LGO(50) LOA (50) Custody (5)			
	3. Timely filing of statements of claim or defence.							
	4. Percentage of thorough legal research and preparation for hearing in the Courts.							
	5. Number of civil/land and family cases.							
<b>Output 2.5: Better support of constitutional integrity and governance</b>							<b>SDG/TSDf</b>	
<ul style="list-style-type: none"> <li>▪ <i>Support and implement directions of the Attorney General in provision of advice to His Majesty's Cabinet, Government MDAs in support of Constitutional integrity and governance.</i></li> </ul>								
<b>Provide legal advice on constitutional amendments &amp; governance.</b>	1. Percentage of Cabinet Decisions implemented on time.						1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
	2. Legal advice to be provided in a timely manner.							
	3. Initiate meetings with Government MDAs or request for further instructions if required for the purpose of advice.	4	10	10	10			
<b>Output 2.6: Better support of legislative and statutory enforcement powers</b>							<b>SDG/TSDf</b>	
<ul style="list-style-type: none"> <li>▪ <i>Support and implement directions of the Attorney General in the enforcement the Attorney General's legislative and statutory enforcement power.</i></li> </ul>								

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Conduct meetings with Attorney General, Solicitor General and staff & relevant MDAs (if necessary)	1. Weekly meetings with the Attorney General, Senior Crown Counsel and Crown Counsels. 2. Regular consultation and coordination with other Government MDAs required.	Weekly	Weekly	Weekly	Weekly	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2
<b>Output 2.7 Better performance of statutory responsibilities established in committees and tribunal</b>						<b>SDG/TSDf</b>	
<ul style="list-style-type: none"> <li>Performing of Solicitor General Responsibilities in statutory established Committees and Tribunals.</li> </ul>							
Participate in statutory established committees and tribunals	1. Tribunal submission filed in a timely manner. 2. Thorough preparation for Committee meetings, and Tribunal Hearings. 3. Tribunal Cases are disposed of effectively.	4	10	10	10	1.3,1.5,3.5,3.7, 4.3,4.4, 5.1,5.6, 5.c, 6.b, 8.8,8.9, 10.4,10.7,11.2,11.4, 11.7, 12.5,12.7,13.2,14.4,15.8, 16.3,16.a,16.5,17.18	1.3.1, 1.5.1,3.5.2,3.7.1, 4.3.,4.4.,5.1.1,5.6.2, 5.c.1,6.b.1,8.8.2,8.9.2,1 0.4.1,10.b.1,11.2.1,11.4. 1,11.7.2,12.5.1,12.7.1,1 3.2.1,14.4.1,15.8.1,16.3. 1,16.a.1,16.5.1,17.18.2

### 4.3. Sub-program 3: Office of the Director of Public Prosecutions

#### Total Staff by Key Category Sub-Program 2

Description	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Total-Recurrent ( \$ m )	.01	.08	.13	.13	.13
Executive Staff		2	2	2	2
Professional Staff		1	1	1	1
Other Staff					
Total Established Staff	Nil	3	3	3	3
Unestablished Staff	1	1	1	1	1
Total Staff	1	4	4	4	4

#### Change in Program from Last Corporate Plan and Budget

Change from last CP&B	Ongoing	Minor change	Major Change	New
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- Recruiting of new positions

### Division(s)/Subprograms Responsible

The Director of Public Prosecutions directs the Office of the Director of Public Prosecutions. The Director of Public Prosecutions is responsible for all criminal litigation and shares the responsibility of representing the Crown in all litigation matters including civil and land matters with the Solicitor General.

The above roles of the DPP is conducted with the support of the ICT and Filing Division in ensuring efficient case management and the reduction in backlog of cases in the Tongan Courts. This program works closely with the Tonga Police and the Courts (Magistrates Court, Supreme Court, Land Court, Court of Appeal).

### Outputs

Output 3.1: Better criminal prosecutions conducted on behalf of the Crown (His Majesty the King and the Community at large)					SDG/TSDf		
Activity:	KPIs	2018/19 (baseline)	2019/20	2020/21	2021/22	TARGETS #	INDICATORS #
(1) Conduct criminal prosecutions representing the Crown	1. Number of criminal prosecutions in the Supreme Court (including pending and appeals) 2. Percentage of accuracy in preparation of briefs, record keeping and consultation 3. Percentage of efficiency in delivery of submission in Tonga 4. Minimize delay in court cases 5. Minimize backlog in court cases 6. Effective delivery of case to a favourable outcome	146	150	150	150	16.1, 16.2,16.3, 16.5,16.a	16.1.1,16.3.2, 16.2.3,16.5.1, 16.a.1
Output 3.2: Better performance of responsibilities in an independent and transparent manner					SDG/TSDf		
<ul style="list-style-type: none"> <li>Support and implement directions of the Attorney General in performing legal powers and duties in an independent and transparent manner in accordance with Clause 31A (2) of the Constitution.</li> </ul>							
Prepare duty roster for Crown Counsels to appear in Court weekly	1. Weekly duty roster. 2. Weekly case list 3. Timely compliance with duty roster.	100%	100%	100%	100%	16.1, 16.2,16.3,	16.1.1,16.3.2, 16.2.3,16.5.1,

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	4. Timely distribution of case lists, judgements, decisions and court orders.					16.5,16.a	16.a.1
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## Annex A: Documents contributing to the Attorney General's Office Mandates

The mandates, statutory functions and duties of the Attorney General is established by the following key legislation:

Legislation	
<ol style="list-style-type: none"> <li>1. Act of Constitution of Tonga;</li> <li>2. Anti-Corruption Act;</li> <li>3. Consumer Protection Act;</li> <li>4. Charitable Trusts Act;</li> <li>5. Court of Appeal Act;</li> <li>6. Copra Act;</li> <li>7. Crown Proceedings Act;</li> <li>8. Ombudsman's Office Act;</li> <li>9. Defamation Act;</li> <li>10. Divorce Act;</li> <li>11. Electoral Act;</li> <li>12. Extradition 'Act;</li> <li>13. Fisheries Management Act;</li> <li>14. Foreign Evidence Act;</li> <li>15. Guardianship Act;</li> <li>16. Intoxicating Liquor Act;</li> <li>17. Immigration Act;</li> </ol>	<ol style="list-style-type: none"> <li>18. Legitimacy Act;</li> <li>19. Law Practitioner Act;</li> <li>20. Public Finance Management Act;</li> <li>21. Public Enterprises Act;</li> <li>22. Pharmacy Act;</li> <li>23. Supreme Court Act;</li> <li>24. Tobacco Control Act;</li> <li>25. Money Laundering and Proceeds of Crime Act;</li> <li>26. Medical and Dental Practice Act;</li> <li>27. Maintenance of Illegitimate Children Act;</li> <li>28. Magistrate's Court Act;</li> <li>29. Mental Health Act;</li> <li>30. Mutual Assistance in Criminal Matters Act;</li> <li>31. Nurses Act;</li> <li>32. Retirement Fund Board Act;</li> <li>33. Tonga Law Commission Act;</li> <li>34. Counter Terrorism and Transnational Organized Crimes Act</li> <li>35. Wharves Act</li> <li>36. Family Protection Act</li> </ol>
National Policies	
<ol style="list-style-type: none"> <li>1. Tonga Strategic Development Framework II</li> <li>2. Government Priority Agenda</li> </ol>	