

PUBLIC SOLICITOR'S OFFICE¹

1. Functions of the Division

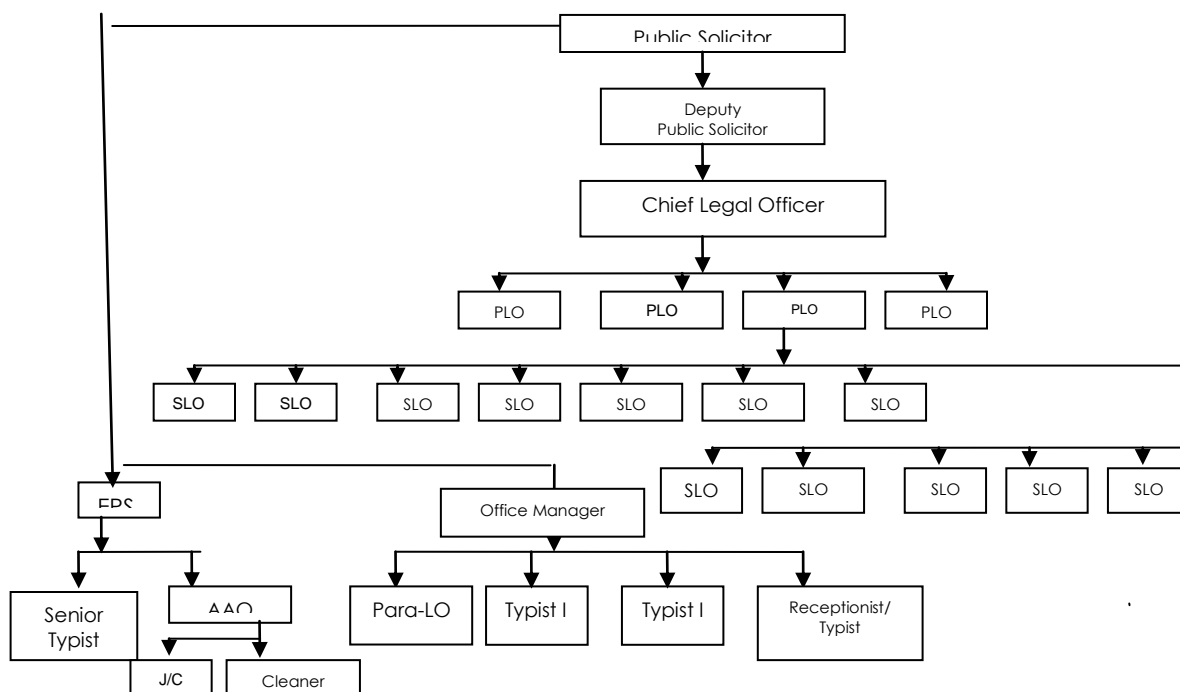
The Office of the Public Solicitor is required by Section 92 (4) of the Solomon Islands National Constitution to provide legal aid, advice and assistance to persons in need in such circumstances and subject to such conditions as may be prescribed by Parliament. The circumstances and conditions have been prescribed by Parliament under the Public Solicitor Act (Cap. 30)

The functions of the Office of the Public Solicitor in this regard are:-

Legal Aid to members of the Public	<ul style="list-style-type: none">▪ Provide legal aid, evidence and assistance to people in need or members of the Public in Court on Civil and criminal matters, land, family and other legal matters where advice and assistance is required▪ Provide legal aid through tours to Provincial Court Centres▪ Appeals to the Court of Appeal of Solomon Islands▪ Development of law and law reform through appeals and the challenge of administrative decision by way of the Ombudsman, Judicial Review and other litigation and representation and through submissions and appearances and lobbying for change.
Promotion and protection of Rights	<ul style="list-style-type: none">▪ Cases ensuring the protection of the freedom of the rights of individuals as guaranteed by the Constitution and applicable international law▪ Community education awareness to inform and educated public about their rights and their responsibilities as citizens.
Contribute to updating of the laws of the Solomon Islands.	<ul style="list-style-type: none">▪ Development of law and law reform through appeals and the challenge of administrative decision by way of the Ombudsman, Judicial Review and other litigation and representation and through submissions and appearances and lobbying for change
Maintain & develop Professional Standards and Capacity	<ul style="list-style-type: none">▪ Participation in Training Courses – to enhance officers' performances and confidence▪ Recruitment, training and capacity building of Solomon Islands lawyers to perform these activities.

¹ Compiled from Public Solicitor's Annual Report, dated March 2007

2. Staffing and Organisation



Staffing as at 31st December 2007

Grade	No of Positions		Total	Occupancy			Total Staff (Persons)
	Established posts	Non established		Male	Female	Vacant	
SS5	1	0	1	1	0	0	1
SS1	1	0	1	1	0	0	1
12/13	1	0	1	1	0	1	0
11/12	4	0	4	1	1	2	2
9/10	13	0	13	6	1	5	7
8/9	1	0	1	0	1	0	1
5/6	2	0	2	0	2	0	2
4/5	4	0	4	0	3	1	4
Sub-Total	27	0	27	10	8	9	18
	0	2	2	0	2	0	2
TOTAL	27	2	29	10	10	9	20

Staff Movements	
■	Mr Douglas Hou returning from the University of Auckland where he completed his Masters in Law. He has resumed his position as the Deputy Public Solicitor
■	Mr Wickly Faga left the PSO to take up a position at the Trade Disputes Panel
■	Miss Emma Garo left the PSO to take up an appointment as a 1 st Class Magistrate
■	Mrs Sophia Munamua left the High Court to take up an appointment at the PSO
■	Mrs Miriam Lidimani and Mr Aaron Mane were promoted to Principal Legal Officer
■	New positions were taken up Mr Albert Kabui, Mr Jacob Kinai, Mr Joseph Iroga & Mr Anderson Kesaka
■	The PSO hosted a number of students from the USP and hopes to directly recruit some of them
■	A number of advisors left the office upon completion of their contracts and were replaced by a number of newly arrived advisors
■	Recruitment rounds were conducted in early and late 2007 but met with disappointing results. A large number of critical posts therefore remain vacant

Overseas Travel

Attending Officer	Subject	Location	Funded By
Miriam Lidimani	CELCOR Environmental Law Conference	PNG	CELCOR
Emma Garo	Human Rights	Fiji	UNDP
Miriam Lidimani	Rule of Law Conference	Australia	Ausaid
Sophia Munamua	Human Rights	Fiji	UNDP
Rodgers Tovosia	CELCOR Environmental Law Conference	PNG	CELCOR

Training

Number/Description of attendees	Subject	Location	Funded By
All SIG lawyers	Advocacy Workshop	Honiara	RAMSILJP
All SIG lawyers	Civil Rules Workshops 1 & 2	Honiara	RAMSILJP
All SIG lawyers	Continuing Legal Education Workshops delivered locally	Honiara	In house

3. Report on Activities and Achievements

The year 2007 was fully active in relation to legal representation. On the administrative side it was a year of consolidation and attempted gradual improvement in both staff numbers, work processes and the purchase and upgrade of equipment and systems.

<p style="text-align: center;">The High Court & Court of Appeal</p> <p>2007 saw a further increase in the number of cases being heard by the High Court and Court of Appeal and the Public Solicitor's Office was able to fully service these Courts. There were two Court of Appeal sittings in the legal year 2007. There were considerable number of tension and non-tension trials and a significant number of appeals which assisted in the process of the system of Justice. There were novel legal issues to be considered and decided and issues such as amnesty, police interviews with suspects, the common law defence of necessity and bail.</p> <p style="text-align: center;">Touring-reaching the Provinces</p> <p>A full touring schedule of both the Magistrates and High Court came about in 2007. The Gizo office remained vacant and was serviced on a rotational basis and when the High Court sat there although this is difficult to maintain with High Court commitments in Honiara. Since the middle of the year Auki was only serviced with Magistrates' Court tours. With the departure of the Silent One the PSO like all other justice agencies will face significant challenges in supporting the touring schedules.</p> <p style="text-align: center;">Supporting the Justice Sector</p> <p>The Office of the Public Solicitor attends meetings for the listing of High Court cases and the Justice Sector Coordination Committee.</p> <p style="text-align: center;">Services to the Public</p> <p>The Office of the Public Solicitor is involved on a day to day basis with bail applications, appeals and other pre-trial</p>	<p style="text-align: center;">Activity Data and Trends</p> <p style="text-align: center;">High Court Trials</p> <ul style="list-style-type: none"> ▪ A number of matters are settled by a plea to lesser charges. ▪ Trials run anywhere between three days and nine months. <p style="text-align: center;">Magistrates Court</p> <p>The duty lawyer system was formally implemented and now functions to ensure that all accused in the Magistrate's Court who require legal representation have access to a duty lawyer from the PSO.</p> <p>No statistics are available to give any quantitative analysis of work done by the PSO in the Magistrates' Court.</p> <p>Work consisted of pleas, trials, pre-trial and bail applications as well as being involved in the Courts' civil</p> <p style="text-align: center;">Domestic Violence and Family Law</p> <ul style="list-style-type: none"> ▪ A protocol has been established with the Family Support Centre to assist clients obtain violence protection orders and maintenance payments ▪ This area of practice is extremely busy <p style="text-align: center;">Office</p> <p>A civil legal clinic is held each Wednesday. At these clinics some 30 to 40 people seek advice and assistance. Not all of these results in a file being opened</p> <p>A criminal legal clinic held Thursday afternoons. Between 5 and 10 people seek advice, assistance and representation at these clinics.</p>
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<p>matters in the High Court when it sits in its criminal jurisdiction.</p> <p>No statistics are available as yet but it is estimated that the Office represents somewhere in the region of 98% of persons who come before the High Court in Criminal matters.</p> <p>The Office has a civil practice and is therefore involved in High Court Civil Litigation including family law, divorce, adoption, custody and access.</p> <p>It is hoped that in 2008 exact statistics can be given in respect of the number of bail applications, appeals and other applications in the criminal jurisdiction of the Court</p>	
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The Office of the Public Solicitor actively participates in sector planning and coordination and also in professional development and capacity building. In 2007 some of these activities included;-

Training -Staff attended conferences & courses in Papua New Guinea, Australia and Fiji and all SIG lawyers attended workshops in Honiara.

Support and Finance -The Solomon Islands Government has provided the budget for the running of the office (stationary. utilities. fuel and telephones) as well as computer equipment whilst RAMSI has met the cost of the rent on the building, additional IT equipment and extensive renovations to the offices to cater for expansion of its personnel. The 2008 budget has not yet been released by SIG but it will face significant pressure given the loss of The Silent One. A supplementary budget was made available to purchase office equipment for the Auki and Gizo offices.

The highlights for the 2007 year are listed in the table that follows.

Highlights

Provision of access to legal services through legal clinic and representation in Court to a substantial number of people

Maintaining high volume of criminal cases in Magistrates' Court

Court of Appeal sessions saw the completion of a considerable number of cases and the formulation of important points of law

A number of trials were completed in the High Court with the development of law in a number of areas..

Ensuring adequate provision for advice at police station

Obtaining access to prisoners and ensuring prisoners' rights were pressed as a priority

Gizo and Auki offices being manned frequently

Civil section established to ensure access to justice for all and not over-emphasising criminal representation

Recruitment of additional lawyers for the office

Increased capacity within the office to represent people

Dealing with large volume of persons charged with serious crimes including those attracting media attention

Servicing Magistrates' Court tours and reaching out to the provinces

File Database improvements planned

Office equipment improved

Magistrates' Court tours carried out and lawyers from office able to accompany the Magistrate and deal with large volume of cases

Considerable number of appeals and bail applications lodged in High Court

Significant number of murder trials conducted by the office both in Honiara and in the Provinces

Lawyers in court on daily basis

Good rapport as between local lawyers and expatriate staff

Listing of a substantial number of matters in the High Court for 2008

Meeting Government policy requirements

5 Financial Information-PSO

2007 Budget Performance and Composition of Expenditure	Final Expenditure Budget (\$)	Actual Expenditure (\$)	Variance	Comment
Personnel Costs				
Operating Costs				
Totals				

2007 Donor Support to PSO		
Donor	Purpose	Amount(\$)
RAMSI LJP		

5. Conclusion

The Office of the Public Solicitor has expanded considerably in the past year and further work is needed to consolidate and absorb the increased numbers of staff and therefore the increased number of clients that the office represents. Further work needs to be done to formalise work practices and the production of reports but the office has formalised several systems including a daily duty lawyer presence at the Magistrate's Court with gains to the justice system, clients and the office.