

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

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    PS[Public Solicitor] --> DPS[Deputy Public Solicitor]
    DPS --> CLO[Chief Legal Officer]
    CLO --> PLO1[PLO]
    CLO --> PLO2[PLO]
    CLO --> PLO3[PLO]
    CLO --> PLO4[PLO]
    PLO1 --> SLO1[SLO]
    PLO1 --> SLO2[SLO]
    PLO2 --> SLO3[SLO]
    PLO2 --> SLO4[SLO]
    PLO3 --> SLO5[SLO]
    PLO3 --> SLO6[SLO]
    PLO4 --> SLO7[SLO]
    PLO4 --> SLO8[SLO]
    PLO4 --> SLO9[SLO]
    PLO4 --> SLO10[SLO]
    PLO4 --> SLO11[SLO]
    PS --> CDC[CDC]
    CDC --> ST[Senior Typist]
    CDC --> AAC[AAC]
    AAC --> JC[J/C]
    AAC --> CL[Cleaner]
    CLO --> OM[Office Manager]
    OM --> ParaLO[Para-LO]
    OM --> T1[Typist I]
    OM --> T2[Typist I]
    OM --> RT[Receptionist/Typist]
  
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Staff Movements

- Mr Douglas Hou was appointed to the post of Public Solicitor
- Mr Jacob Kinai took a leave of absence to be seconded to the EU funded Land Owners Advocacy and Legal Support Unit, upon Miss Constance Hemmer's resignation to take up an educational opportunity in Taiwan.
- Mr Aaron Mane was promoted to Chief Legal Officer
- Mr George Gray, Mr Stanley Aupai, Mr Hubert Fugui, Mr Nigel Galo, Mr Wayne Ghemu, Mr Michael Holara, Mr Benham Ifuto'o, Mr Solomon Kalu, and Mrs Martha Manaka were appointed to the post of Senior Legal Officer following the completion of their studies.
- Mr Peter Herehura was appointed to the post of Office Manager.
- Mr Brian Hiele transferred from Honiara to the Gizo Office
- Mr Edwin Saramo transferred from Honiara to the Auki Office
- Miss Elaine Johnston took up a position as a volunteer adviser to the Land Owners Advocacy and Legal Support Unit
- 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. There are a total of 6 advisors currently in the PSO although this will drop to 5 in 2010.

Overseas Travel

Attending Officer	Subject	Location	Funded By
Miss Harriet Siapu	Placement at Legal Aid Queensland	Brisbane, Australia	RAMSILJP & SIG
Mr Anderson Kesaka	Placement at Legal Aid Queensland	Brisbane, Australia	RAMSILJP & SIG
Mr Jacob Kinai	Placement at Environmental Defender's Office, New South Wales and study of land law in the Pacific at ANU, Canberra	Sydney and Canberra, Australia	Environmental Defender's Office NSW and SIG
Mr Douglas Hou	Placement at Legal Aid Queensland	Brisbane, Australia	RAMSILJP & SIG
Rodgers Tovosia	Family and Domestic Violence study	Suva, Fiji	UNDP & SIG

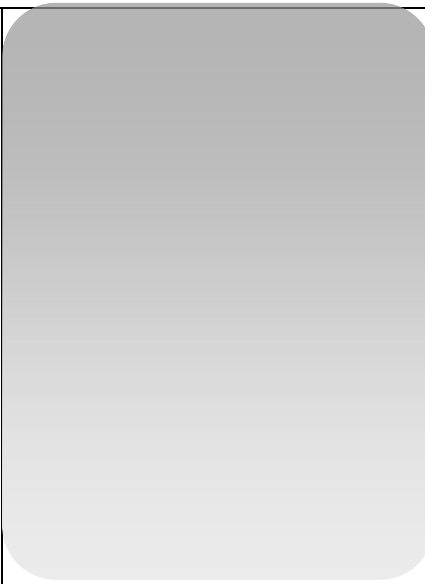
Training

Number/Description of attendees	Subject	Location	Funded By
All SIG lawyers	Customary Land Use Workshop	Honiara	European Union
All SIG lawyers	Evidence Act Workshop	Honiara	RAMSILJP
All SIG lawyers	Bi-weekly continuing Legal Education Workshops delivered locally	Honiara	In house
All SIG lawyers	Legal Policy Drafting and REDD schemes	Honiara	Environmental Defender's office, NSW
All junior lawyers	Weekly training and mentoring sessions on criminal practice		
All staff	PSO conference	Savo Island	RAMSILJP & SIG

3. Report on Activities and Achievements

The year 2009 was fully active in relation to legal representation and the training of the large number of graduate lawyers who were recruited to the office. On the administrative side it was a year of significant gains as after many years of attempts the post of Office Manager was filled. Full time services were extended to the provinces for the first time in many years as the Gizo and Auki offices were re-opened.

<p style="text-align: center;">The High Court & Court of Appeal</p> <p>2009 saw a reduction in the number of cases being heard by the High Court and Court of Appeal. The Public Solicitor's Office was able to fully service these Courts. There were two Court of Appeal sittings in the legal year 2009. There were a number of tension and non-tension trials and a significant number of appeals which assisted in the process of the system of Justice.</p> <p style="text-align: center;">Touring-reaching the Provinces</p> <p>Both the Gizo and Auki offices were re-opened after many years as legal officers were transferred there on a full time basis.</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 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,</p>	<p style="text-align: center;">Activity Data and Trends</p> <div style="background-color: #f0f0f0; padding: 10px; border-radius: 5px; margin-bottom: 10px;"> <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. </div> <div style="background-color: #f0f0f0; padding: 10px; border-radius: 5px; margin-bottom: 10px;"> <p style="text-align: center;">Magistrates Court</p> <p>The duty lawyer system continued to function and serves those who require legal representation have access to a duty lawyer from the PSO on a full time basis in Auki, Gizo and Honiara.</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> </div> <div style="background-color: #f0f0f0; padding: 10px; border-radius: 5px;"> <p style="text-align: center;">Domestic Violence and Family Law</p> <p>The PSO remains active in providing services to persons who require protection orders from domestic and intimate perpetrator violence. The PSO also provided services in relation to maintenance for children and divorce.</p> </div>
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<p>adoption, custody and access.</p> <p>It is hoped that in 2010 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 2010 some of these activities included;-

Training -Staff attended conferences & courses in 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 and the rent on the building whilst RAMSILJP assists with particular activities, especially with training and organisational and capacity development. The EU and the Environmental Defenders Office NSW assist with equipment, travel and training to our LALS Unit.

The highlights for the 2009 year are listed in the table that follows.

Highlights

Appointment of first indigenous Public Solicitor

Holding a staff conference to assist with planning and capacity development amongst staff

Establishment of management group meetings

Placement of volunteer with LALSU and commencement of programme to review sentences of prisoners serving life sentences

Transfer of a number of leadership responsibilities from expatriate advisers to SIG staff including the post of Public Solicitor, leader of Magistrate's Court team, leader of Civil team and office manager

CLE programme maintained

Pairing of advisers and junior staff in a significant number of trials, bail applications and appeals

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

Additional staff to the establishment to commence 2010 including 1 additional CLO post and 2 additional SLO posts

Funds obtained for placements to best practice workplaces in Sydney and Brisbane

Funds obtained for development of PSO database

Establishment of EU funded Land Owners Advocacy and Legal Support Unit

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 the law in a number of areas.

Ensuring adequate provision for advice at police stations

Gizo and Auki offices opened on a full time basis

Recruitment of a substantial number of additional lawyers for the office and recruitment of an office manager.

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

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

The constraints for the 2009 year are listed in the table that follows.

Constraints

Recruitment was difficult, time consuming and the delays in appointments has adversely affected morale in the PSO

Promotions were difficult, time consuming and the delays in effecting promotions have adversely affected morale in the PSO

Housing for new recruits is an issue that is seriously impacting performance and morale in the PSO

Replenishment of imprest account is time consuming and the delay in replenishing the account degrades performance

The freeze on the purchase of replacement computers may lead to a computer shortage in 2010

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