



INDEPENDENT STATE OF PAPUA NEW GUINEA  
**OFFICE OF THE PUBLIC SOLICITOR**

**ANNUAL REPORT 2008**





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INDEPENDENT STATE OF PAPUA NEW GUINEA  
**OFFICE OF THE PUBLIC SOLICITOR**

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Date: 31 May 2009

His Excellency Grand Chief Sir Paulias Matane GCL GCMG KstJ CMG OBE  
Governor-General of Papua New Guinea  
Government House  
**PORT MORESBY**  
National Capital District

Your Excellency

**SUBJECT: 2008 ANNUAL REPORT**

Under Section 19\* of the Organic Law on Certain Constitutional Office-holders it is a requirement that an annual report on the operations of the Office of the Public Solicitor be forwarded to you for presentation to Parliament. This annual report should include the operations of the office with some recommendations as to improvements which are appropriate for the office.

Accordingly, I have the honour of forwarding to you for presentation to the National Parliament the annual report for the period 1 January 2008 to 31 December 2008.

FRAZER S. PITPIT  
**PUBLIC SOLICITOR**



\* Section 19 of the Organic Law on Certain Constitutional Office-holders states:

- (1) A constitutional office-holder shall, at least once during each period of 12 months and at such times as are fixed by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, give to the Head of State, for presentation to the National Parliament, a report on the work of his constitutional office, with such recommendations as to improvement as he thinks proper.
- (2) Nothing in Subsection 1 prevents a constitutional office-holder from making, on his own initiative or at the request of the National Parliament or of the National Executive Council, other reports of the work of his constitutional office.

# Executive summary by the Public Solicitor

The Office of the Public Solicitor was inaugurated in 1958 and accordingly, 2008 marked its 50th Anniversary.

The occasion was marked by a series of activities, including an open day, public awareness programs and a celebratory dinner attended by a number of former Public Solicitors.

As anticipated, 2008 also saw unprecedented change in the administration of the office, and the delivery of legal services to the people of Papua New Guinea.

The first step was taken in the long awaited budgetary independence from the Department of Justice and Attorney-General.

In January, the office historically commenced to write its own cheques. The office became responsible for its expenditure in respect of goods and services and in 2009 this will be extended to salaries and wages.

A restructure resulted in the number of officers employed increased to 101, almost exactly doubling the size of the office. This increase included a doubling of the number of lawyers, the introduction of a stand-alone corporate section and the inception of a legal aid desk project utilizing paralegal staff in regional centres.

For the first time in nearly a decade, steps were taken to open a new branch office, bringing the total number of provincial officers to eight. A full time solicitor, together with two support staff was located to Buka, with additional staff to follow in 2009 when the office is formally opened.

Legal Aid Desks were established in a number of provinces where there was otherwise no permanent presence of the office. These also will be officially opened in 2009, with further desks to follow. By 2010 it is intended that there will be either a full branch office or Legal Aid Desk in every province, to provide a far greater number of people with access to justice.

The office has received considerable Government support by way of increased recurrent budget allocation to permit these initiatives to take place. This has also permitted the recruitment of more lawyers, to strengthen the Civil Jurisdiction in particular, in an attempt to provide recourse to a far greater number of people.

The establishment of a Grade 5 Magistrates Court and Juvenile Justice Section will provide far greater functioning at a grass roots level and allow for the implementation of restorative justice programs. This section will become fully operational in 2009.

At the corporate level, the office has drafted a three year Corporate Plan, an Annual Plan for 2009, and continues to publish its annual reports.

Considerable emphasis has been placed on attendance to cross-cutting issues with the office participating in an Integrity Review and other activities relating to Fraud and Corruption. Gender imbalance has been addressed resulting in an almost equal number of male and female lawyers and support staff. Child exploitation and abuse, HIV/AIDS and sexual offences and their effects on victims, have all been the subject of considerable attention at induction and at training courses.

A broad range of activities were conducted under the development budget, including a review of the Public Solicitor's trust account, the renovation and improvement of office facilities in a number of offices, and continuing legal education and training.

The office is proud of what it has achieved over recent years, and indeed was awarded the Law and Justice Secretariat Award for outstanding Agency in the Sector in 2008.

Nevertheless, the ultimate proof of the success or otherwise of these initiatives will lie in the improved and increased representation of the people of PNG.

# Vision

*To ensure that all the people and minority groups in Papua New Guinea are aware of their rights and have access to quality legal services.*



# Mission

*To provide independent, accessible and quality legal assistance for socially and economically disadvantaged persons and minority groups.*

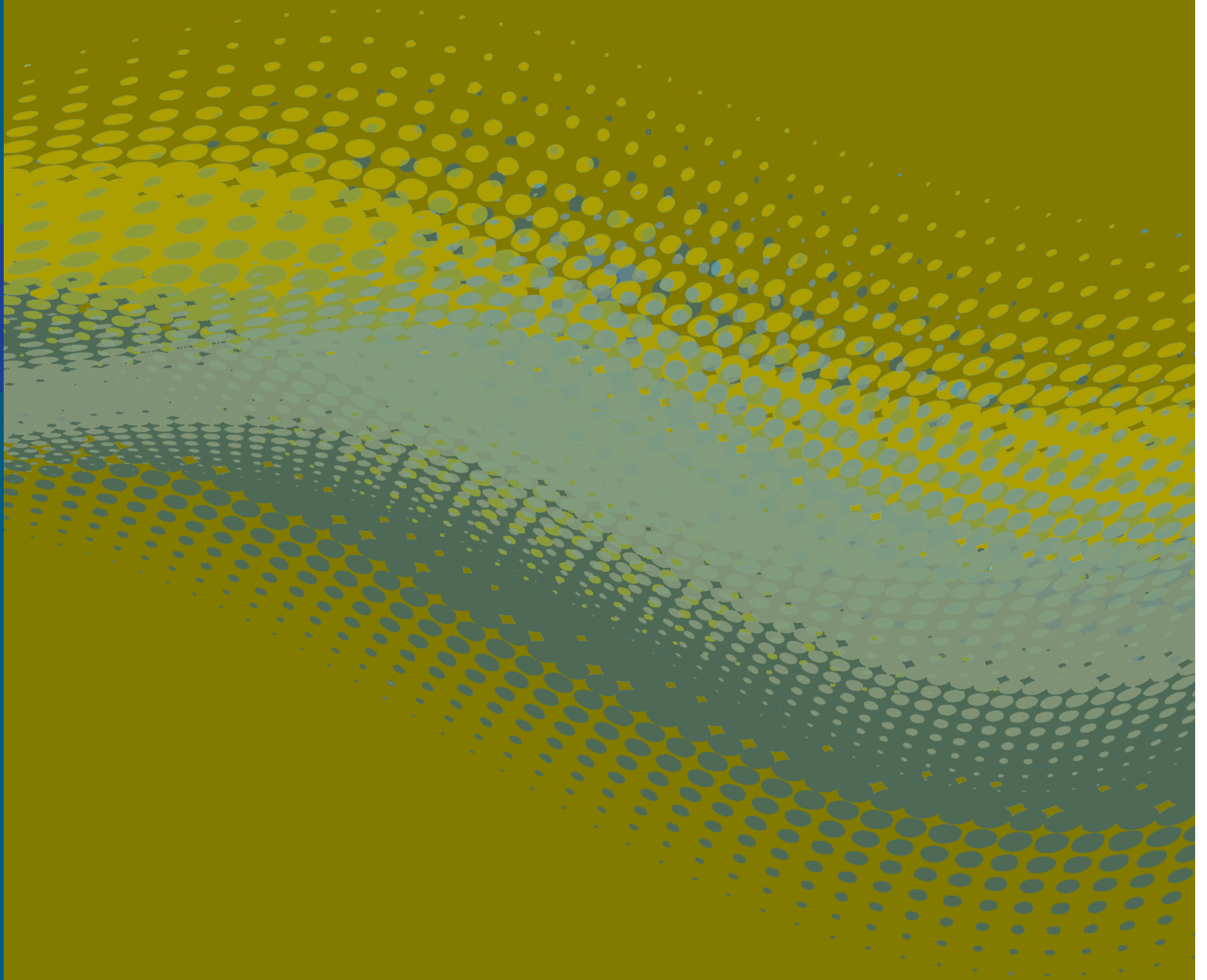


Until this year the Office of Public Solicitor shared a common Vision and Mission with the Department of Justice and Attorney-General. In 2008 the office developed its own Vision and Mission.

The Vision seeks to capture, in non-pretentious terms, the spirit of the *Constitution*. It is not simply individuals who need consideration, but also minority groups, women, children and persons subject to discrimination.

It is not sufficient merely to provide such services; those eligible must be made aware of their rights and the existence of the means of enforcing them. Independence, accessibility and quality services are sought to be provided in line with the Mission.

# Reports on Operations



# Criminal Law

## Criminal Law Division

The *Constitution* guarantees that any person charged with a serious criminal offence has the right to legal representation. In circumstances where a person cannot afford a private lawyer, or prefers to use the expertise of the office, then the Office of the Public Solicitor provides such representation.

Over the years, an increase in the number of cases and the number of crimes circuits, combined with a shortage of lawyers within the office, has meant that attending in criminal cases has been the major focus of the office.

There has been a significant increase in the number of private legal firms undertaking criminal law work. This has resulted in a decrease in some areas in the demand for lawyers to be conducting exclusively criminal law work and will ensure that greater activity can be maintained in other areas of legal assistance.

Including lawyers who are also responsible for Appeals, Juvenile Justice and Magistrates Courts, there are now ten lawyers in the Criminal Law Division of the office in Port Moresby alone. These lawyers attend to the Waigani and regional circuits and assist in branch circuits when required. In the branch offices the number of criminal lawyers varies according to the size of the office.

The low number of criminal appeals conducted by the office continues to be a matter of concern. A reluctance on the part of young lawyers, due to the fact that many of the new lawyers recruited in 2008 and some about the time of this report are young in experience to question senior Judges, and the slowness of lodging circuit reports, are contributing factors. Often recommendations for appeal are not received or applications considered until well after the time for lodging such appeals has expired. It is hoped that with the exposure in training through CLE and supervision, this will improve in the not too distant future.



## Juvenile Justice, Magistrates Courts and Grade 5 matters

In particular the Public Solicitor has identified the areas of Juvenile Justice, Magistrates Courts and Grade 5 matters as requiring special attention and has established a dedicated section within the Criminal Law Division for this purpose.

The need to try to keep young people out of the adopted criminal justice system, and in particular the penal system, is well recognized. Alternatives to imprisonment for young offenders are explored through the use of restorative justice practices.

It is likely that legislative amendment will mean that a larger number of criminal matters will be able to be heard in the Magistrates Grade 5 Courts. In recent years the office has been unable to attend to these courts, because of a lack of manpower and funding for court circuits.

Furthermore, the creation of this unit will enable the office to more readily attend to the needs of women, particularly in areas of domestic violence, as lawyers will be regularly attending at the Magistrates Courts.

The early intervention by office lawyers in criminal cases will also lead to an early identification of pleas of guilty and a reduction in the delays taken to bring matters to trial.

In 2008 four pilot regions were identified: Port Moresby, Lae, Madang and Goroka. Staff have been recruited and a number of planning sessions have taken place with the Chief Magistrate, Community Based Correction Officers, senior Court Registry Officers, UNICEF and other stakeholders.

Funding was obtained from the Law and Justice Sector Program to enable what was to be a 2009 activity to commence in 2008.

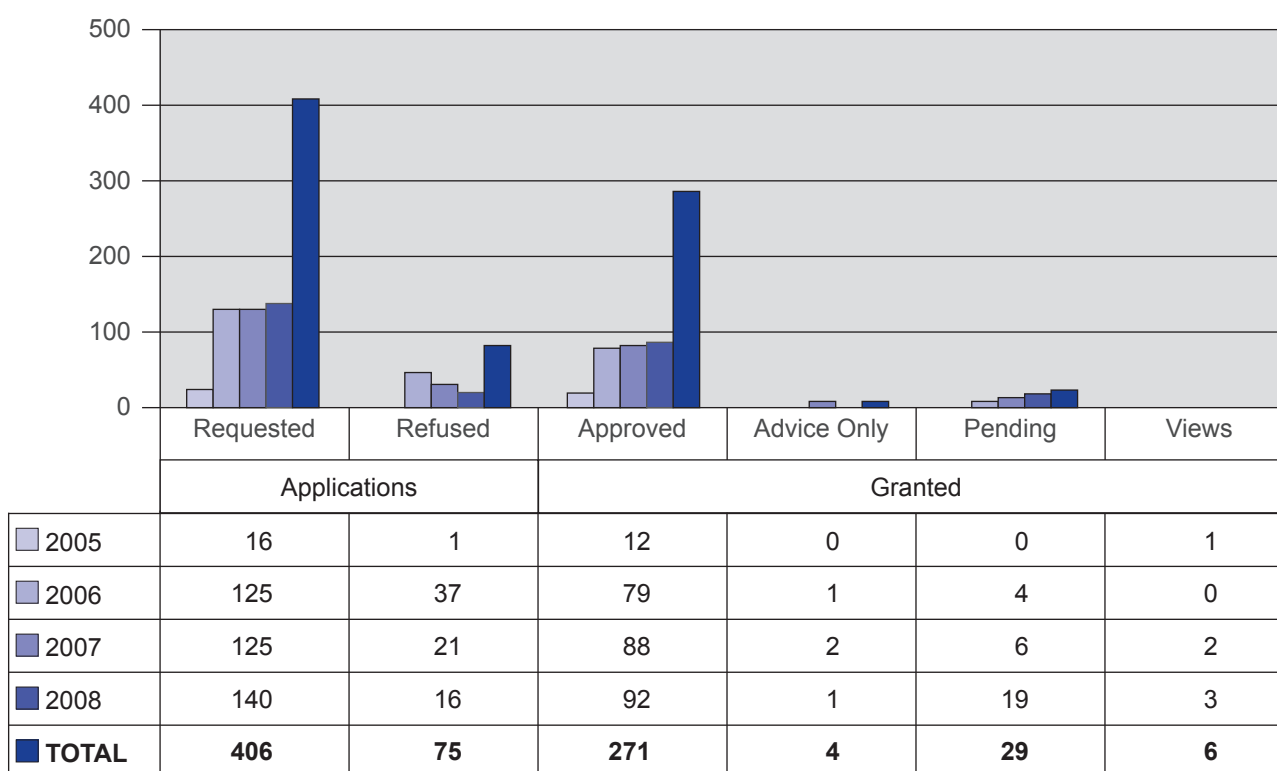
Two significant meetings, combining training and planning, took place with lawyers and other interested groups in Lae and Madang. These were attended by magistrates, lawyers, NGOs, CBC, correctional service, police, public prosecutors and church groups. A thorough understanding of the role of the section was obtained.

Although not due to officially commence operation until 2009, the section lawyers and officers in the pilot centres are already attending at police cells and juvenile centres on a regular basis. Representation in Juvenile Courts has commenced. It is too early in the operation of this initiative to have meaningful statistical data available, although this is now being collected.

The development of this section is likely to be one of the most significant steps in the office's endeavors to increase accessibility to legal services to the people of PNG and to reduce the delay in bringing about fair and just resolutions to criminal matters.

PS - LEGAL AID APPLICATIONS						
YEAR	Applications		Granted			
	Requested	Refused	Approved	Advice Only	Pending	Views
2005	16	1	12	0	0	1
2006	125	37	79	1	4	0
2007	125	21	88	2	6	2
2008	140	16	92	1	19	3
<b>TOTALS</b>	<b>406</b>	<b>75</b>	<b>271</b>	<b>4</b>	<b>29</b>	<b>6</b>

### PS - CRIME LEGAL AID APPLICATIONS



**Note:** Criminal law files are opened when deposition matters are received. Many of those cases are later undertaken by private law firms so caution must be exercised when using these statistics. It does not represent cases conducted by the office in some cases, substantial work is undertaken.

# Civil Law

## Civil Law Division

The increased focus on the Civil Law Division is one of the most profound changes that occurred in the office in 2008, following the 2007 restructure.

Over recent times, civil lawyers have frequently been called upon to undertake criminal circuits, owing to a lack of manpower in that division. That led to a lack of continuity and shortage of resources to properly pursue civil claims.

The recruitment of new lawyers to the division has meant that five additional lawyers (4 females) are now at the head office.

Additional lawyers have also been added to a number of branch offices. In the past, all civil law matters were being dealt with by lawyers in the head office. The additional lawyers in Madang, Lae, Kokopo and Goroka have meant that an increasing number of civil claims can be dealt with at branch level. This of course increases the client's access to information and facilitates and efficient disposition of cases. Certainly, the division has experienced uplift in morale with the enthusiasm shown by newly recruited lawyers.

In addition, the Public Solicitor has set aside funds for specific civil circuits to enable lawyers from head office to attend upon clients in the branches in order to obtain instructions and bring them up to date on the progress of their matters.

Attempts have been made to improve efficiency in the office putting lawyers on roster to attend at directions hearings and opening dialogue with Registrars of Courts and other agencies, including MVIL. These attempts have met with mixed responses.

## Legal Aid Desks and Public Awareness Section

Although dealt with in other sections of this report, the establishment of Legal Aid Desks and the activities of the Public Awareness Committee are already having a considerable impact upon the section.

Obviously, there is little point in having legal aid services available unless their existence is known to potential clients and those people are aware of their rights to make claims.

Since the public awareness activity commenced, the number of applications for assistance has increased dramatically.

The establishment of Legal Aid Desks will also bring to people in district and rural areas the opportunity to seek advice and redress. For many years, people in provinces where the Public Solicitor had no full time presence were able to be represented in criminal cases, but civil assistance was most irregular. Experience is already showing that where Legal Aid Desks are established, eg Bulolo, people who had previously not been able to pursue their rights are now making applications for assistance.

## Human Rights Section

The Public Solicitor has long been of the view that many, if not most, of the cases dealt with in the Office involve Human Rights, eg criminal cases invariably concern the liberty of the subject.

The Office has made a commitment to expanding its Human Rights services by allocating a team of three lawyers to this section.

To date, many of the claims that might be regarded by some as being Human Rights cases have been described otherwise within the office records management system. For example, a police shooting may be described as a tort, while on the other hand, a medical negligence claim against a public hospital may be described as a claim against the State.

Accordingly, and without proper definition, it is difficult to extract data which indicates the number of Human Rights cases currently being conducted within the Office.

These statistics are made more difficult to digest when one has regard to some of the most significant Human Rights cases; those involving unlawful eviction of settlers and Police burning down whole villages. Although often involving many hundreds of clients, the claims of each which must be individually addressed, these class actions are regarded as a single case for records purposes.

In Madang, a writ alleging unlawful eviction of 1080 clients was issued by the office in late 2008, and similar actions in the same centre (339 clients ) and Lae (39 clients) are currently pending.

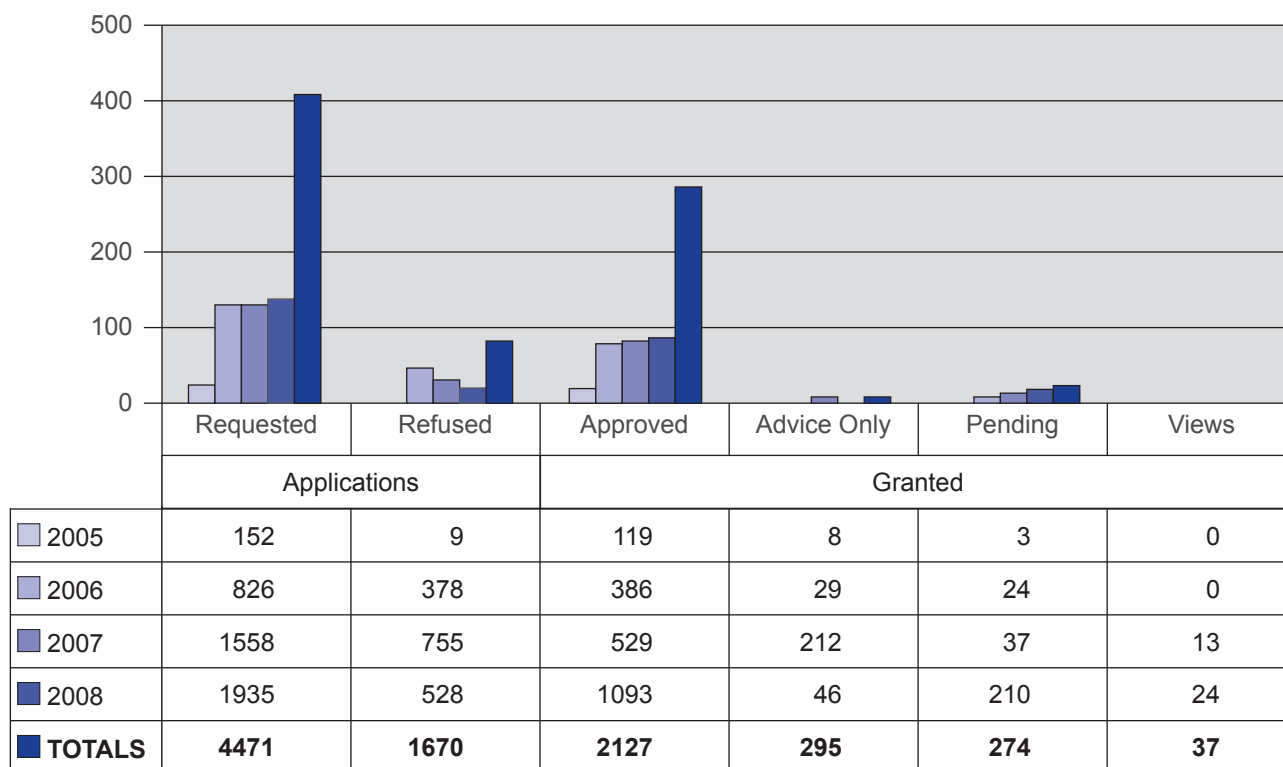
In 2008, the officer-in-charge of the Human Rights Section was actively involved in traveling to a number of centres as part of a scoping exercise to determine the development of a Human Rights Charter. Lawyers have also taken part in a UNHRC training workshop for lawyers.

As part of his plans for 2009-2010, the Public Solicitor wishes to establish a section to deal with persons living with HIV and AIDS.

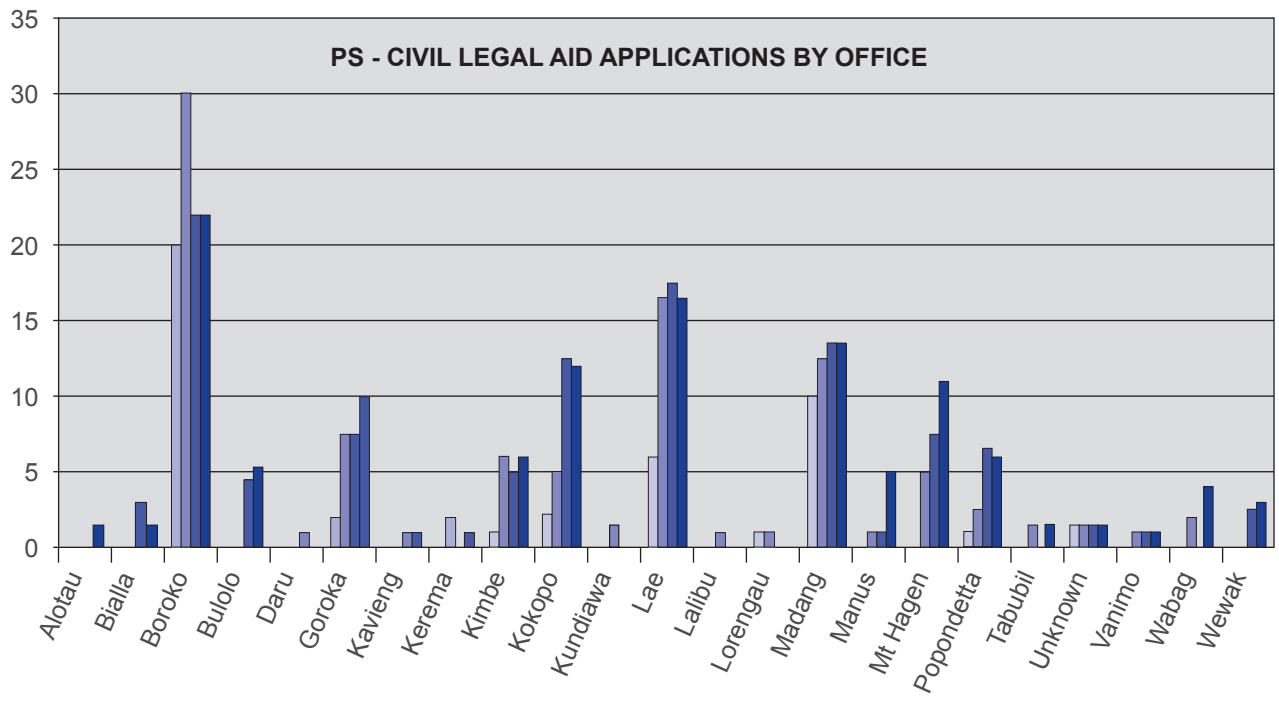
The office currently has one major test case of the *HIV AIDS Management and Prevention Act (HAMP Act)* pending, and anecdotally it seems that a number of other matters have been dealt with by lawyers throughout the country. No separate data has previously been kept to distinguish these claims from other claims for damages.

PS - CIVIL LEGAL AID APPLICATIONS						
YEAR	Applications		Granted			
	Requested	Refused	Approved	Advice Only	Pending	Views
2005	152	9	119	8	3	0
2006	826	378	386	29	24	0
2007	1558	755	529	212	37	13
2008	1935	528	1093	46	210	24
<b>TOTALS</b>	<b>4471</b>	<b>1670</b>	<b>2127</b>	<b>295</b>	<b>274</b>	<b>37</b>

PS - CIVIL LEGAL AID APPLICATIONS



PS - CIVIL - LEGAL AID APPLICATIONS BY OFFICE					
PLACE	2005	2006	2007	2008	TOTAL
Alotau	0	0	0	1	1
Bialla	0	0	3	1	4
Boroko	20	30	22	22	94
Bulolo	0	0	4	6	10
Daru	0	0	1	0	1
Goroka	2	7	7	10	26
Kavieng	0	0	1	1	2
Kerema	0	2	0	1	3
Kimbe	1	6	5	6	18
Kokopo	2	5	13	12	32
Kundiawa	0	2	0	0	2
Lae	6	16	18	16	56
Lalibu	0	1	0	0	1
Lorengau	1	1	0	0	2
Madang	10	13	14	14	51
Manus	0	1	1	5	7
Mt Hagen	0	5	7	11	23
Popondetta	10	3	7	6	17
Tabubil	0	2	0	2	4
Unknown	2	2	2	2	8
Vanimu	0	1	1	1	3
Wabag	0	2	0	4	6
Wewak	0	0	2	3	5
<b>TOTAL</b>	<b>45</b>	<b>99</b>	<b>108</b>	<b>124</b>	<b>376</b>



# Legal Services

## Delivery of legal services in rural and remote areas

The *Minister's White Paper on Law and Justice in Papua New Guinea (2007)* states that "Government cannot afford a large nationwide Office of the Public Solicitor so other innovative ways of providing legal representation to those who cannot afford private lawyers need to be explored".

The establishment of a network of Legal Aid Desks in those provinces where the Public Solicitor does not have a full time presence is his response to this challenge.

These Desks are manned by paralegals who are in turn supervised by experienced lawyers based in Port Moresby.

The paralegals are to be trained to assist in completing applications for legal aid, take instructions in new and existing criminal and civil matters, to provide basic advice and in some instances to assist in preparation of documentation. The Desks will also become a much needed base for lawyers attending these centres on circuit and the paralegals will be able to assist such lawyers to prepare matters, ensure the attendance of witnesses and keep clients and their families informed of the progress of their cases.

A team of four lawyers will ultimately be allocated to this section, with two already in place.

Funding from the Law and Justice Sector Program has enabled a full time consultant to be engaged for 2008 and 2009 to implement this initiative.

The pilot program at Bulolo has yielded a number of lessons which can be usefully adopted into this expanded operation.

The position at the end of 2008 is as follows:

**Bulolo.** This pilot project has met with much initial success and will continue to operate under the supervision of the Lae office. Some issues arose in relation to staffing this office and the position of paralegal is currently vacant, waiting re-advertising. In the meantime, lawyers from Lae will continue to attend on a regular basis and liaise with representatives of the Community Justice Centre.

**Manus.** A paralegal is in place and temporarily operating from the provincial administration building pending the erection of a temporary structure which is being negotiated with a number of Government agencies. A site has been identified, and needs to be prepared before the building can be relocated. This may cause some delay, however it is expected that the Desk can operate in the interim from alternative premises.

**Wewak.** A suitable paralegal has been recruited and premises obtained to enable work to commence in this centre. It is possible that, given plans of the National Court to locate a resident judge in that province, this office may become a full branch office in the not too distant future.

**Alotau.** Again, a suitable paralegal has been engaged, premises identified and fitted out. This Desk will commence operations at the beginning of 2009.

**Kainantu.** This centre was to have been part of the pilot project that included Bulolo, however difficulties were had in recruiting staff and thereafter a dispute arose in relation to the use of the Community Justice Centre in Kainantu. These difficulties have now been resolved and it is expected that once office furniture and the like have been obtained, this desk can open in May 2009.

**Kerema:** Once again, a suitable paralegal has been recruited and premises have been identified. Once a lease has been secured and the office has been equipped, this Desk will be able to commence operations. This is likely to take place in June 2009.



The Buka office, whilst being established as a toll branch office, and not a Legal Aid Desk, has been undertaken by the Legal aid Extension Program and funded through the Law and Justice Sector Program.

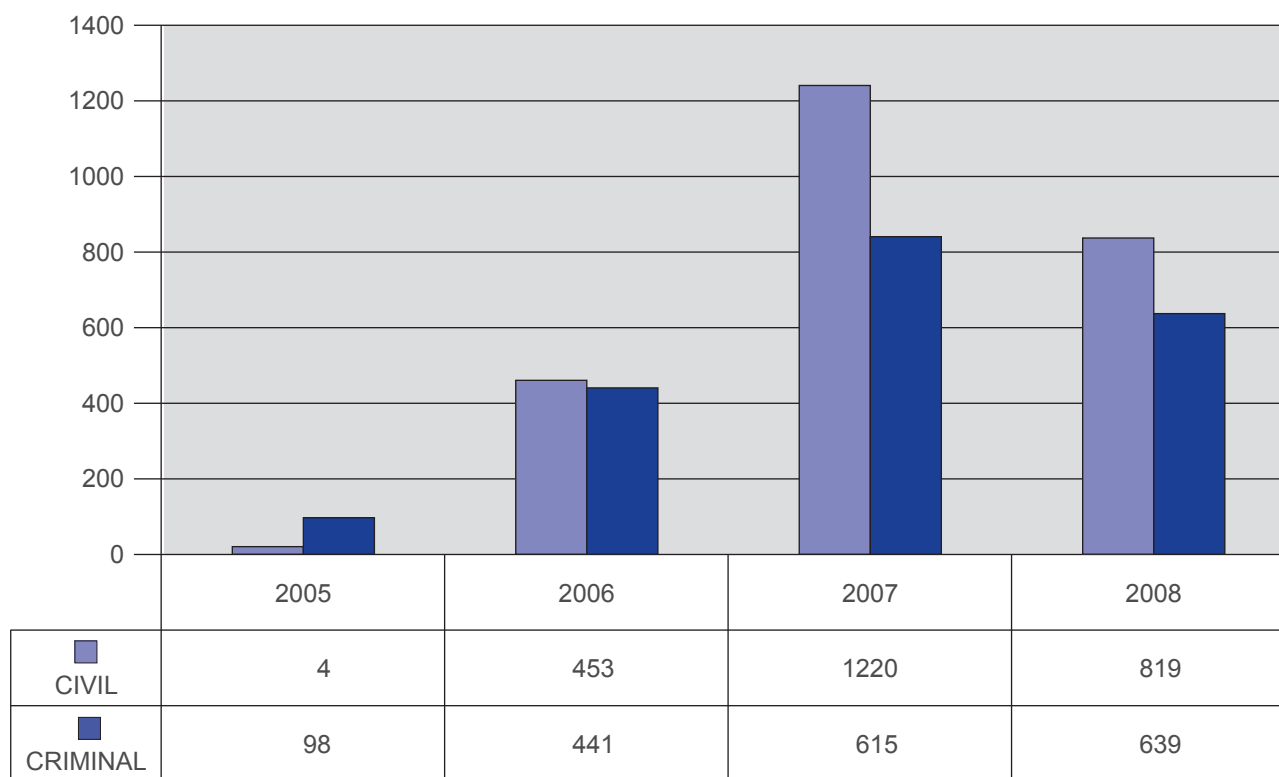
Plans for opening Desks in Popondetta and Daru are well under way and it is expected that all provinces will have either branch offices or Legal Aid Desks by the end of 2010.

Substantial training of paralegals is to be undertaken in early 2009, and great effort will be made to ensure that adequate systems, including email, are put in place to ensure efficient communication with head office.

<b>PS - NEW CASES OPENED</b>		
<b>YEAR</b>	<b>CIVIL</b>	<b>CRIMINAL</b>
2004		801
2005		888
2006		717
2008		957

<b>PS - CLOSED CASES DURING YEAR</b>		
<b>YEAR</b>	<b>CIVIL</b>	<b>CRIMINAL</b>
2005	4	98
2006	453	441
2007	1220	615
2008	819	639

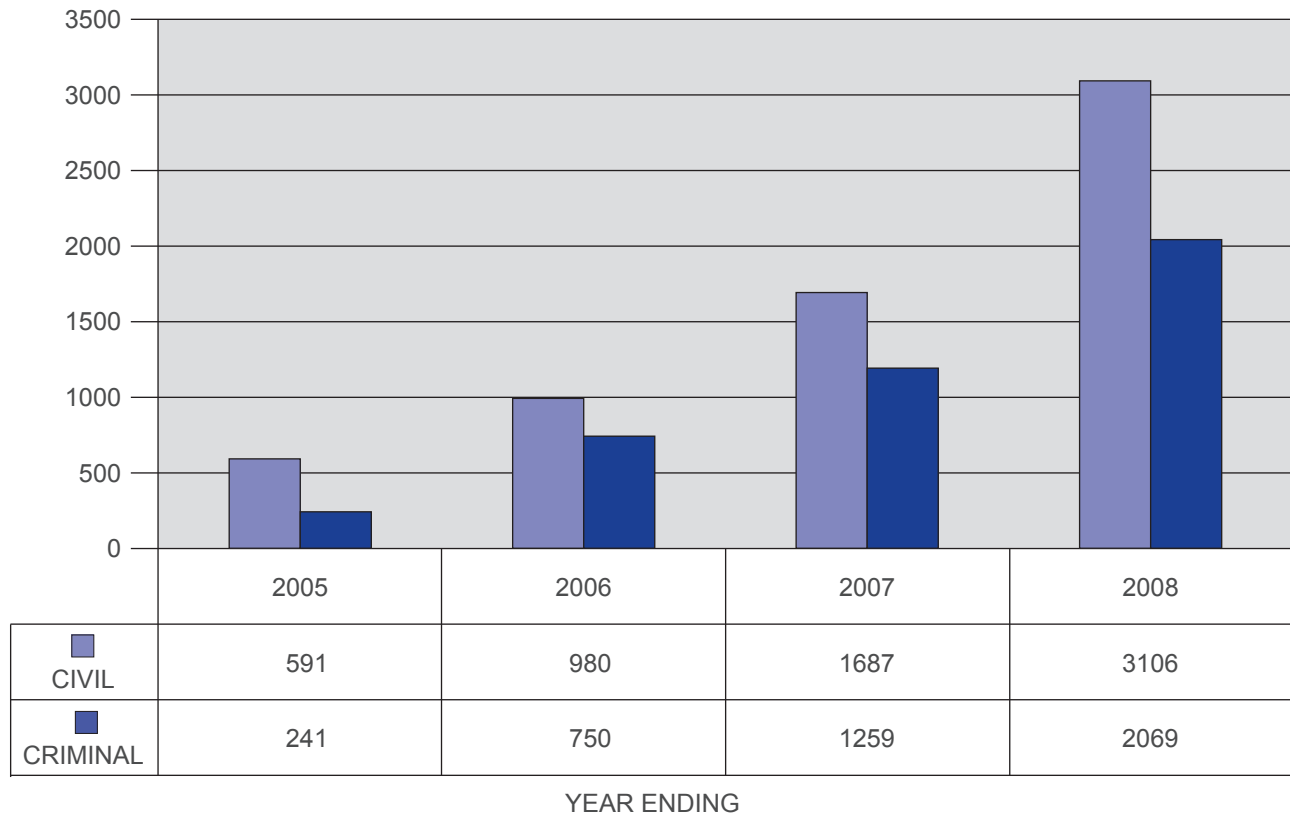
**PS - CLOSED CASES DURING YEAR**



YEAR ENDING

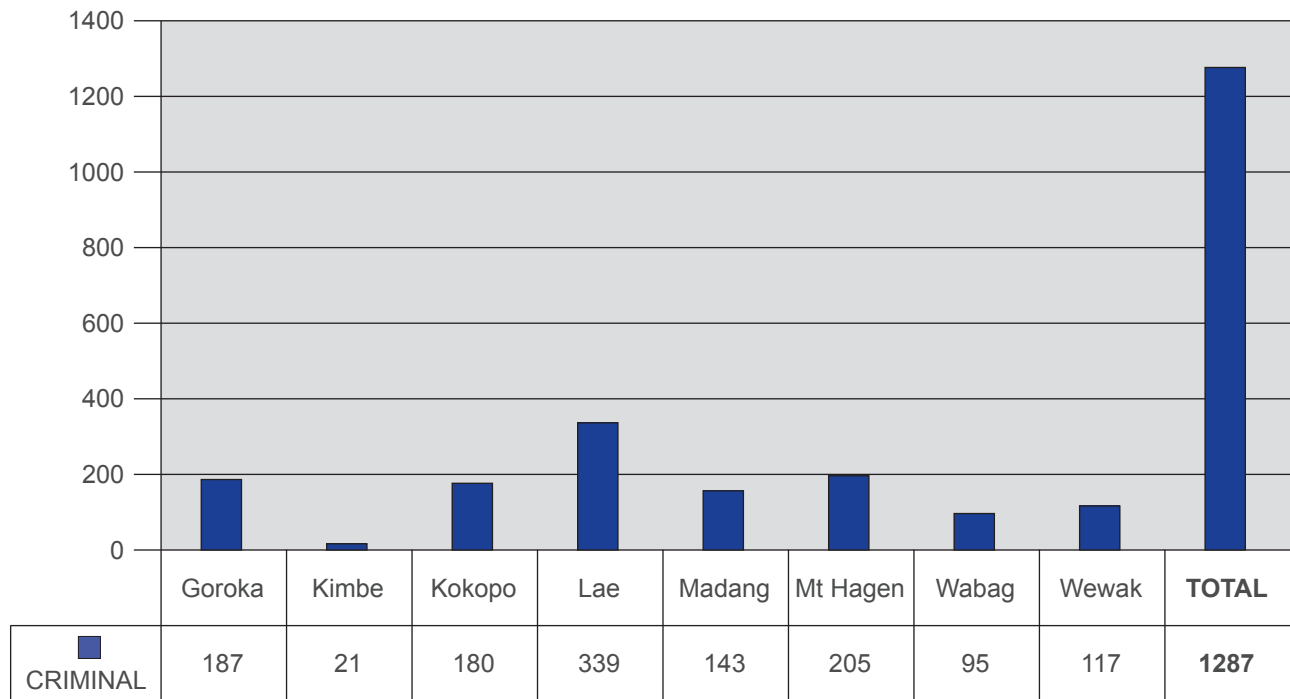
<b>PS - PENDING CASES AT YEAR END</b>		
<b>YEAR ENDING</b>	<b>CIVIL</b>	<b>CRIMINAL</b>
2005	591	241
2006	980	750
2007	1687	1259
2008	3106	2069

**PS - PENDING CASES AT YEAR ENDING**



<b>PS - PENDING FILES AS AT 14/2/2009</b>	
<b>BRANCH</b>	<b>CRIMINAL</b>
Goroka	187
Kimbe	21
Kokopo	180
Lae	339
Madang	143
Mt Hagen	205
Wabag	95
Wewak	117
<b>TOTAL</b>	<b>1287</b>

**PS - CRIMINAL - PENDING CASES AS AT 14/2/2009 BY BRANCH OFFICE**



# Corporate Services

## Corporate Services Division

The combined effects of the Minister's White Paper, the granting of financial independence from the Department of Justice (in respect of goods and services in 2008 and extending to salaries and wages in 2009), the 2007 restructure of the office, and the proposed devolution of powers in respect of personnel matters, have required the office to accept responsibility for almost all of its own corporate services.

It is anticipated that by the end of 2009, and with the passing of enabling legislation, the office will need to be in a position to be wholly independent in its financial and administrative functions.

Throughout 2008, the Office of the Public Solicitor recruited and trained staff and put in place systems and facilities to ensure that it has the capacity to properly provide itself with the full range of corporate services.

## Office Manager

This position was created in 2006 and funded by the Law and Justice Program. The Office Manager had the full ambit of liaising with the department in administrative matters and attending to internal office management of the head office and branch offices as required. These responsibilities included staff supervision, preparation of development budget PFDs, monitoring expenditure, representing the Public Solicitor on the working group and other planning and budgetary committees, and reporting and a number of levels.

The effective doubling of the size of the office has obviously led to an expansion of this role in many areas, however the recruitment of specialized personal into most management positions will hopefully result in a more efficient and equitable distribution of administrative responsibilities.

The establishment of the position of a Director of Corporate Services addresses the need to provide relief for the Public Solicitor and his deputies in respect of most of the non-legal matters relating to the operation of the head office and the branch offices. These include facilities, funding for circuits, transport, some planning and budgeting and reporting functions. This will enable the Public Solicitor and his deputies to focus more on major policy considerations and issues regarding legal services.

The office was unable to successfully recruit a suitable applicant for this position in 2008, so that most of these functions remained with the Office Manager.

Both positions were included in the 2007 restructure and provided for in the 2008 recurrent budget. Other support staff immediately responsible to the Office Manager include two secretaries, a telephonist and two drivers.

This section has historically been responsible for the development budget within the office and the Office Manager works closely with the activity managers to ensure that funding is available when activities are undertaken.

In 2008, development funding was made available for two projects: implementation of the Legal Aid Extension Project; and the Karen Shepherd Report. The former also included a small component for public awareness, nearly all funds allocated under the development budget were expended, and indeed on two occasions the office was able to successfully seek additional funding for further activities from funds unspent in other agencies. These included the early development of the Juvenile Justice and Magistrates Court initiative, the trust account review and improvements to facilities at head office to accommodate the Corporate Division. Towards the end of the year, a number of payments were not made through the process then in place despite the fact that funds were available. No proper explanation for this has been forthcoming. This will result in the likelihood that some payments may be needed to be met out of 2009 development or recurrent funds, which will place an unnecessary strain on those funds.

It is appropriate that the office be given the responsibility and facility to write its own development budget cheques in the same way that it will have responsibility for its own recurrent budget in 2008.

## Development budget

The development budget, comprised of funds from GoPNG and AusAID and conducted through the Law and Justice Program, serves to allow a number of developmental activities which are not funded under the recurrent budget. In 2009 the major areas covered include the development of Legal Aid Desks, public awareness and implementation of the Karen Shepherd Report. Improvements to facilities, support of branches and improving skills of lawyers and staff were undertaken.

The development budget was also able to provide additional funding late in 2008 which enabled a separate office for Corporate Services to be established at Boroko, a review of the trust account to be undertaken and the planned establishment of Magistrates Court and Juvenile Justice Services to be introduced earlier than anticipated.

There is considerable uncertainty in regard to the amount of funding available for 2009, which will cause difficulties in planning and implementation.

	2006	2007	2008
Budget	100,000.00	109,000.00	1,619,000.00

## Finance

In 2008 the office was granted financial autonomy from the Department of Justice to manage its own budget in respect of goods and services.

In January 2008 the office installed the PGAS accounting system and took the historic step of writing its own cheques for the first time. This is a step that successive Public Solicitors have been appealing for over the last three decades. The introduction of this facility has led to greater efficiency in the office and has facilitated the organization of travel to regional circuits and the purchase of necessary procurements, such as stationery.

This process has also enabled the office to gain experience and demonstrate the capacity required to control and administer its own expenditure in preparation for total budgetary independence in 2009 when responsibility for personnel emoluments will also pass.

The 2008 Finance Section consisted of an officer-in-charge (Finance), PGAS administrator, accountant (currently vacant) finance officer and an unattached clerk.

In addition to the major achievements set out above in relation to the installation of the PGAS system and the allocation of separate budget codes for the office, the section also successfully submitted quarterly budget performance reports, Finance staff attended training in a number of areas including budget preparation, the section assisted in the preparation and presentation of budget submissions, and in most instances managed to maintain the operations of the office within budget. (The notable exception to this has been a dramatic increase in the cost of telephone expenses since the widespread use of mobile phones came into place in the middle of 2008. Some of this increase is due a simple increase in the number of staff and the number of clients, some due to abuse by staff, but much is due to the fact that clients, who were previously un-contactable, now leave messages for lawyers to ring them back on their mobile phones. Whatever the case, the current level of telephone expenditure is unsustainable).

OFFICE OF THE PUBLIC SOLICITOR									
RECURRENT BUDGET EXPENDITURE FOR YEARS 2005, 2006, 2007 & 2008									
EXPENDITURE		2008		2007		2006		2005	
Code	Item	Budget (K)	Actual (K)	Budget (K)	Actual (K)	Budget (K)	Actual (K)	Budget (K)	Actual (K)
128	Routine Maintenance	60,000	35,508	12,000	5,000	5,000	5,000	5,000	5,000
135	Other Operational Expenses	68,000	105,464	20,000	23,000	25,000	25,000	20,000	20,000
136	Conferences & Seminars	0	0	0	0	0	0	15,000	14,260
141	Retirement Benefits, Pensions & Gratuities	232,500	0	221,100	274,000	274,000	274,000	274,000	274,000
142	Membership Fees & Contributions & Contributions (Brief Outs)	60,000	96,547	60,000	25,049	150,000	90,000	150,000	86,571
143	Imprest Accounts	60,000	96,547	60,000	25,049	150,000	90,000	150,000	86,571
221	Office Furniture & Equipment	60,000	55,616	18,200	0	0	0	0	0
222	Replacement Vehicles	0	70,300	0	0	0	0	0	0
223	Renovation & Improvements	0	0	0	0	0	0	0	0
224	Plant & Equipment Service	0	0	0	0	0	0	0	0
225	New Constructions	0	0	0	0	0	0	0	0
226	Substantive & Specific Maintenance	0	0	0	0	0	0	0	0
<b>GRAND TOTAL</b>		<b>480,500</b>	<b>363,435</b>	<b>331,300</b>	<b>327,049</b>	<b>454,000</b>	<b>394,000</b>	<b>464,00</b>	<b>399,831</b>

**Note:** '0' denotes that no funding was allocated

## Public solicitor trust account

This account is established under Section 15 of the *Public Finances (Management) Act*.

The purpose of the account is to hold monies in trust for clients who have been awarded damages in successful actions, monies which have been awarded as costs in such actions and contributions paid by clients pursuant to the *Public Solicitor (Charges) Act*. The trust deed permits the Public Solicitor to use the funds to which he is entitled for the purposes of development of the office.

The *Barnett Report into Corruption in Public Office* called upon the Public Solicitor to review the operation of this account. In 2008 Messrs Allen's Arthur Robinsons Lawyers, were engaged to conduct such a review. While certain recommendations were made and are being considered by the Public Solicitor the lawfulness and propriety of the current procedure was not called into question.

Another issue of concern is the audit of this account. Although the account has been audited on a regular basis, and no concern raised, the office has had considerable difficulty obtaining an audit certificate. This has led to embarrassment in dealings with the Law Society and has the potential to affect the issuing of the Public Solicitor's practicing certificate. Consideration must be given to seeking funding to have the account privately audited to expedite the audit of the account and ensure the Public Solicitor's compliance with the *Lawyers Act*.

Summary of receipts and payments for the year ending 31<sup>st</sup> December 2008.

		K
<b>Summary</b>	Balance as at 1 <sup>st</sup> January 2008	439,355.61
Add	Total receipt for the year	587,731.08
Less	Total payments for the year	471,477.34
	Balance as at 31 <sup>st</sup> December 2008	555,609.35



## Human Resources

The Human Resources Section was established under the restructure to accumulate and dissemble all appropriate staff information for the needs of the Department of Justice. With the impending evolution of powers in respect of discipline and recruitment, this section has been required to equip itself as a fully functional human resources section.

The section consists of an officer-in-charge (personnel), staff officer, batching officer, and assistant staff officer. Since the Department of Justice no longer supports the office in respect of training, it seems that there is a need for a training officer to be incorporated into this structure.

The major achievements of the section during 2008 included the inception of the concept payroll system into the office, the major role played in respect of the completion of the 2007 restructure in obtaining payroll numbers for new officers and the ongoing recruitment of staff.

## Gender

The recruitment of 17 new lawyers in late 2007 and early 2008 included 12 females, which resulted in the gender distribution in professional staff being almost exactly equal. The proportion of males and females in support staff positions is also well balanced, three of seven branch heads are female and five of ten section heads are female.

## Discipline

In 2008 the Public Solicitor brought no new disciplinary charges against officers, although he continues to maintain high expectations in respect of the conduct of his officers.

A number of charges are sought to be laid in respect of various matters, however a significant difficulty has arisen. The Department of Justice no longer regards itself as being responsible for disciplinary matters within the office, however power over such matters has not yet been devolved to the Public Solicitor. Until final devolution of disciplinary powers is conferred, a hiatus remains.

In addition to this, matters which had previously been the subject of charges have, in certain instances, not been properly prosecuted by the Department. Where notices of decision have not been served, long outstanding matters have been resurrected with the potential for former officers to be reinstated. This will have considerable impact of the budget of the office in circumstances where the Public Solicitor had no control over those proceedings.

This unfortunate situation must be addressed as a matter of priority in 2009.

## List of LAWYERS as at 31 December, 2008

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMM. DATE	REMARKS
1	POM	Frazer S PitPit	M	Public Solicitor	29.11.84	
2	POM	Oakaiva Oiveka	M	Deputy Public Solicitor (Crime)	25.02.91	
3	POM	Russel Uware	M	Deputy Public Solicitor (Civil)	19.12.94	
4	POM	Luke Siminji	M	SIC - Appeals	19.12.94	
5	POM	Jeffery Mesa	M	SIC - Indictment	03.02.03	
6	POM	Maristella Painap	F	SIC - Magist & Juv	01.11.00	
7	POM	Pagelo Nanu	M	SIC - General	15.03.93	
8	POM	Suzanne Unumba	F	SIC - Human Rights	17.07.00	
9	POM	Dinah Dademo	F	PLO - Legal Aid	05.07.00	
10	Mt Hagen	Peter Kumo	M	Solicitor In-Charge	17.05.93	
11	Kokopo	Salome Maliaki	F	Solicitor In-Charge	.1.11.00	
12	Goroka	Michael Mumure	M	Solicitor In-Charge	03.01.08	
13	Madang	Anne Turi	F	Solicitor In-Charge	01.11.00	
14	Wabag	Philip Kapi	M	Solicitor In-Charge	02.02.03	
15	Kimbe	Kari Doko	F	Solicitor In-Charge	01.11.08	
16	Buka	Philip Kaluwin	M	Solicitor In-Charge	17.02.03	
17	Lae	Anna Raymond	F	Solicitor in Charge	15.02.93	
18	POM	Grace Misina	F	Senior Legal Officer	03.01.08	
19	POM	Geita Ea'va Sotutu	M	Senior Legal Officer	01.11.00	
20	Lae	Mwawesi Mwangawa	M	Senior Legal Officer	24.05.99	
21	Mt Hagen	Michael Norum	M	Senior Legal Officer	03.02.03	based in POM
22	Goroka	Tiria Ohuma	F	Senior Legal Officer	01.11.00	
23	Madang	Agnes O Meten	F	Senior Legal Officer	03.01.08	
24	POM	Friedrich Kirriwom	M	Legal Officer	03.01.08	
25	POM	Lyhin Keene	F	Legal Officer	03.01.08	
26	POM	Caroline Elemi	F	Legal Officer	03.01.08	
27	Lae	Wilma Banake	F	Legal Officer	03.01.08	transferred to Lae
28	Lae	Renata Yayabu	F	Legal Officer	03.01.08	

## List of LAWYERS as at 31 December, 2008 (continued)

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMM. DATE	REMARKS
29	Lae	Wendy Dogura	F	Legal Officer	03.01.08	
30	Goroka	Evelyn Katu	F	Legal Officer	03.01.08	based in POM
31	Mt Hagen	Jacinta Y Doa	F	Legal Officer	01.03.09	
32	Kokopo	Robert Beli	M	Legal Officer	03.01.08	
33	Kokopo	Jan-Marie Ainui	F	Legal Officer	03.01.08	
34	Madang	Nicholas Los	M	Legal Officer	03.01.08	
35	Buka	Misil Yawip	M	Legal Officer	03.01.08	based in POM
36	POM	Emma Wurr	F	Legal Officer	03.01.08	
37	POM	Grace Peu	F	Legal Officer	03.01.08	
38	POM	Darius Wa'au	M	Legal Officer	03.01.08	
39	Lae	Alzaria Hombunaka	F	Legal Officer	03.01.08	
40	Goroka	Vincent Agusava	M	Legal Officer	03.01.08	
41	Mt Hagen	Grace Appa	F	Legal Officer	03.01.08	

## Support staff establishment

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMM. DATE	REMARKS
1	POM	Clement Kandapi	M	Professional Assist	02.05.08	
2	POM	Tamati H Renagi	F	Office Manageress	10.06.08	
3	POM	Bennie Daniel	M	OIC Finance	03.01.08	
4	POM	Selarn C Kaliya	M	Program Manager	03.01.08	
5	POM	Miriam Kove	F	Accountant	02.02.09	
6	POM	Dai Koiari	F	OIC Personnel	03.01.08	
7	POM	Katherine Steven	F	Senior Legal Secretary	03.10.01	
8	POM	Cathy Kombeng	F	PGA Administrator	03.01.08	
9	POM	John Lewis	M	Finance Officer	03.01.08	
10	POM	Leslie Heni	M	Staff Officer	03.01.08	

## Support staff establishment (continued)

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMM. DATE	REMARKS
11	POM	Margaret Gabriel	F	Instruction Officer	26.07.06	
12	POM	Carol Noel	F	Information Officer	26.07.06	
13	Kainantu	Benjamin Kezoka	M	Paralegal	24.11.08	
14	Wewak	Anton Jeliga	M	Paralegal	24.11.08	
15	Alotau	Lloyds Franklin	M	Paralegal	03.11.08	
16	Manus	Walter Poloat	M	Paralegal	17.12.07	
17	Popondetta	Rose Saia	F	Paralegal		
18	Kerema	Paul Sarufa	M	Paralegal	24.11.08	based in POM
19	POM	Mary Homoka	F	Edits/Batch Officer	01.12.87	
20	Lae	Simon Tau	M	Instruction Officer	07.05.07	
21	Goroka	Asiki Navahusovae	M	Instruction Officer	04.09.01	
22	Mt Hagen	Naomi Philip	F	Instruction Officer	03.10.01	
23	Kokopo	Waisale Tivuka	M	Instruction Officer	30.06.08	
24	Madang	Elta Pokanau	F	Instruction Officer	03.10.01	
25	Kimbe	Josephine Kaona	F	Instruction Officer	16.02.09	based in POM
26	Buka	Jenny Nawes	F	Instruction Officer	16.02.09	
27	Wabag	Veronica John	F	Instruction Officer	21.12.01	
28	POM	Goro Noho	F	Assistant Staff Officer	12.02.06	
29	POM	Nancy Mirio	F	Legal Secretary	10.06.08	
30	POM	Freda Pait	F	Legal Secretary	03.10.01	
31	Mt Hagen	Elizabeth Tipora	F	Legal Secretary	26.06.00	
32	Kokopo	Niiba Marat Koro	F	Legal Secretary	28.05.08	
33	Buka	Regina Lotivi	F	Legal Secretary	02.05.08	
34	Goroka	Dorcas Karapen	F	Legal Secretary	29.01.09	
35	Kimbe	Angeline Sauke	F	Legal Secretary	02.02.09	
36	Madang	Sussie Kaipa	F	Legal Secretary	26.01.09	
37	Lae	Killie Lui	F	Legal Secretary	01.04.09	transferred to Lae
38	Wabag	Georgina Kalo	F	Legal Secretary	10.06.08	

## Support staff establishment (continued)

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMM. DATE	REMARKS
39	POM	Melinda Laki	F	Telephonist	26.07.06	
40	POM	Allan Gau	M	Driver	10.06.08	
41	POM	Tommy Billy	M	Driver	10.06.08	
42	Lae	Jack Opi	M	Driver	10.06.08	
43	Goroka	Baro Wotane	M	Driver	10.06.08	
44	Mt Hagen	Philip Aliape	M	Driver	10.06.08	
45	Madang	Malau Yob	M	Driver	12.01.09	
46	Kokopo	Silas P Todaka	M	Driver	10.06.08	
47	Buka	Soi Mirou	M	Driver	02.05.08	

## Information technology services

In 2008 a Program Manager was recruited to undertake the functions of overseeing the records and Case Management System (CMS). These functions rapidly evolved into responsibility for the offices entire communications and information technology systems. The section is supported by an information officer, however further support is required in this area.

The major highlights in this section in 2008 include the installation of an upgraded telephone system in head office, the installation of email facilities in Kokopo, Lae and Goroka, the updating and replacement of computers at a number of locations, the upgrading of printing and photocopying facilities at head office and some branches.

This section is also responsible for the compilation and maintenance of an assistant register, and a substantial part of that task was undertaken in 2008.

All branches were visited, and the IT needs assessed. 2009 poses substantial challenges in relation to the section, particularly with the introduction of Legal Aid Desks throughout the country.

Although email facilities have been introduced into some provincial offices, they are currently being under-utilised and further training must be put in place to ensure the efficient use of this facility.

## Monitoring and evaluation, reporting case management system

The IT Section is responsible for the maintenance and upkeep of the Case Management System. This has presented some difficulty in 2008, not the least being the departure of the LJSP Adviser who had been supporting staff in this area, and the lack of a replacement. This is to be rectified in 2009. There have been some problems with the system, which have resulted in a lack in confidence in the data being produced (eg completed cases not being removed from active file lists) however this is being addressed.

The only means of providing a true record of the work in progress will be to undertake a manual stock take to compare with the data in the system, and this task is to be undertaken in 2009.

Since the section is responsible for the provision of data to management in respect of case flow, workloads and reports, it is essential that these systems operate efficiently.

In the meantime, the information officer continues to maintain meticulous manual registers.

In the past, the office has been the collection point for branch and circuit reports. These continue to be received in a somewhat sporadic manner and continued effort must be made to ensure regular reporting by branches and officers at all levels.

The office has produced high quality annual reports in 2005, 2006 and 2007. This report will be presented to the Governor-General in early 2009 and tabled in Parliament.

In 2007 a committee was established to monitor and evaluate a number of the office activities. The members of that committee have been heavily involved in the restructure of the office and the establishment of new sections. The committee has not been active in 2008.

## Library and research facilities

The renovations to the head office considerably improved the library and included electronic research facilities, however a shortage of office space has meant that during 2008 the library has usually been used to accommodate lawyers. Further renovations to the office, to be completed by the end of 2008, will address that issue.

It is hoped that the extension of email and internet facilities to the branches will allow all officers access to pacLII and other research facilities.

## Facilities, infrastructure and housing

- Mt Hagen office was renovated in 2008 and provision made for improved reception facilities, staff safety and increased office space.
- Substantial renovations were undertaken in 2008 to head office to house the corporate section and create offices for new lawyers.
- Kimbe office has relocated with the view to renovating new premises.
- Wabag office is to be relocated and expanded in early 2009.
- Buka office is being opened and premises are currently being renovated for conversion to offices. A residence for lawyers is to be built in 2009.
- A number of Legal Aid Desks are being opened and equipped.
- Premises at Mt Hagen are being purchased for officers' residence.
- Domestic premises in Kokopo were renovated in 2008.
- The housing policy is being revisited and reviewed.

# Public Issues

## Public awareness and cross-cutting issues

The increase in the number of Legal Aid Desks and branch offices and the increased number of lawyers engaged has substantially affected the capacity of the office to deliver legal services throughout Papua New Guinea.

This is to little purpose, however, if those who are in need of assistance are not aware of their rights, or how to access the means to enforce them.

It is also believed that increased awareness in the community of individual's rights and responsibilities serves to enhance law and order, in particular in relation to cross-cutting issues such as family violence, discrimination against persons living with HIV/Aids and fraud and corruption.

The office launched its *Public Awareness Strategy* in November 2007, and in 2008 sought to implement that strategy through a number of activities.

The committee charged with this responsibility was active throughout the year and met regularly.

The 50th anniversary of the opening of the office provided a useful platform to launch a number of initiatives.

In July 2008, an open day was held at the Sir John Guise Stadium and was attended by more than 1,000 people. The open day, which was itself opened by the Minister for Justice and Attorney-General, was supported by a number of agencies, including CIS, Magisterial Services, JAG and the Ombudsman Commission, who all conducted information booths. The event was covered on NBC radio, and panel discussion was broadcast. The day received substantial media coverage.

The opportunity was also taken to launch a further four information pamphlets detailing citizens' rights and services provided by the office. These, and promotional posters, will be distributed throughout the country.

The section received modest funding of K40,000.00 for its activities. These were fully expended, largely on this event and associated printing and advertising expenses.

Other activities included:

- An information session conducted at Divine Word University in October.
- Reprinting of further information pamphlets and posters.
- Attending and participating with information booths at Goroka Show and Goroka Coffee Festival.
- Participating in the LJSS Exhibition at UPNG in March.
- Participation in radio programs hosted by NBC.
- Participation in LJSS court exhibitions.

An amount of K50,000.00 has been allocated under the 2009 development budget, however these funds are directed to the LJSS Media Unit, which removes from the office direct control over this activity.

## Cross-cutting issues

The Office of the Public Solicitor has attempted to address cross-cutting issues, such as fraud and corruption, HIV and AIDS and gender and family violence on levels.

The first is to actively pursue policies and practices within the office and the second is to, where appropriate, increase public awareness and action in these areas. This includes increasing access to representation for people affected by these issues.

## Fraud and corruption

The Public Solicitor recognises the insidious nature of fraud and corruption, particularly within the public sector and has taken substantial steps to address this issue.

The most significant step taken was participation in an initiative by the Fraud and Corruption AMT to implement recommendations of the *Barnett Report* insofar as an *Integrity Review* being conducted within the office.

Deloitte accountants were engaged to conduct reviews in four agencies, of which the Office of the Public Solicitor were first. This was done throughout November and December 2008. The office provided complete cooperation.

While the final report will not be delivered until early 2009, the indication at the end of 2008 is that a comprehensive review and control plan will be delivered.

While most practices and procedures within the office are properly followed, there is generally a lack of documentation setting out these policies and procedures. It is suggested that there is also a lack of ownership of the oversight of these issues, and that a person should be appointed to 'champion' the implementation of the review.

It is likely that this implementation will involve substantial development and recurrent cost. This will relate largely to the production of a number of manuals and training of key personnel. Support will be sought under the 2010 development and recurrent budgets for these activities.

Other recommendations of the Barnett Report which have been addressed are:

- Review of the Public Solicitor's trust account by Allens Arthur Robinson, Lawyers.
- Commencement of an Office Manual. This activity has, however been deferred pending the outcome of the Deloitte Integrity Review, since it has been indicated that this will be the subject of recommendations.

The office has also been active in addressing fraud and corruption internally and externally by –

- Inviting Transparency International to address lawyers at its Continuing Legal Education Conference.
- Including fraud and corruption as a topic at the Office Introduction Program for new lawyers and staff in June.
- Participation in the Walk Against Corruption.



## HIV and AIDS

In 2008 the office continued to implement awareness programs within the office for lawyers and support staff.

In particular, the topic was included in the Office Introduction Program for new employees.

There is a growing recognition in the office that more can be done to assist persons living with HIV/AIDS by providing legal representation.

The office currently has the conduct of one of the few cases to be brought on behalf of a person alleging discrimination, and other matters are understood to have been handled by lawyers, although no separate data has been kept.

In 2009, the Public Solicitor wishes to establish a section to deal with cross-cutting issues, and in particular this issue.

It is intended to increase the capacity within the office to deal with such cases by involving lawyers in training and communication with other interested organisations.

It is hoped that this section, to be incorporated into the Human Rights Section, can be operational in 2010. This will require support under the development and recurrent budgets.

## Family violence and gender

The establishment of the Magistrates Court and Juvenile Justice Section is intended to have the affect of assisting persons in need in this area.

The Chief Magistrate will, in early 2009, launch a practice direction dealing with *Interim Non Molestation Orders*, and for the first time in many years the office will have a presence at the Magistrates Court to assist women in need of making such applications.

- Gender and family violence have been included in the Office Introduction Program for all new staff.
- Gender equality in terms of staff ratios within the office are at a level of which the Public Solicitor takes pride.
- At the CLE seminar, Dr Miriam O'Connor addressed the lawyers on the medical aspects of sexual offences and rape victim trauma.
- International experts from CASES Australia came to PNG to address lawyers on child abuse.

# Karen Shepherd recommendations

## Implementation of the Karen Shepherd report and organisational development

The 2005 report of Ms Karen Shepherd, Consultant, identified nearly 100 operational and managerial activities that required attention within the office. Other activities flow from the restructure of the office and the need to develop and improve skills of lawyers and administrative staff and to implement new systems, structures and strategies for the effective functioning of the office and the delivery of legal services. Many of these have been addressed, many are being addressed on an ongoing basis and others are to be addressed in 2010.

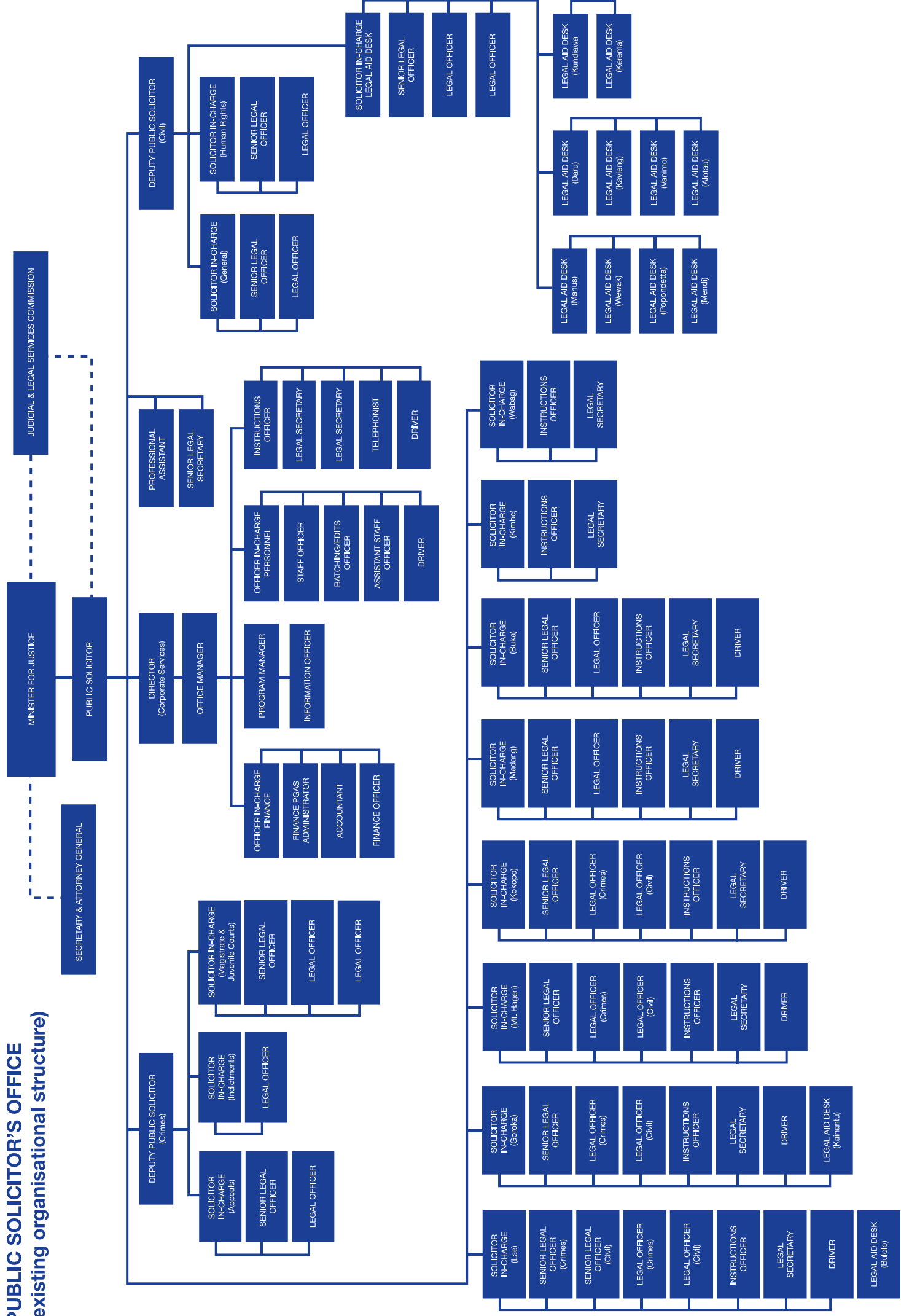
The activity is treated as a separate key result area within the Office Annual Plan. The development budget in 2008 met the cost of a long term adviser, and provided a budget of K210,000.00 for other activities. Additional funding was sought late in the year from unutilised funds in other agencies. The budget was all but fully expended.

There is considerable uncertainty surrounding the 2009 development budget and it is problematic the extent to which the activities set out in the 2009 Annual Plan can be implemented.

Activities for 2008 included:

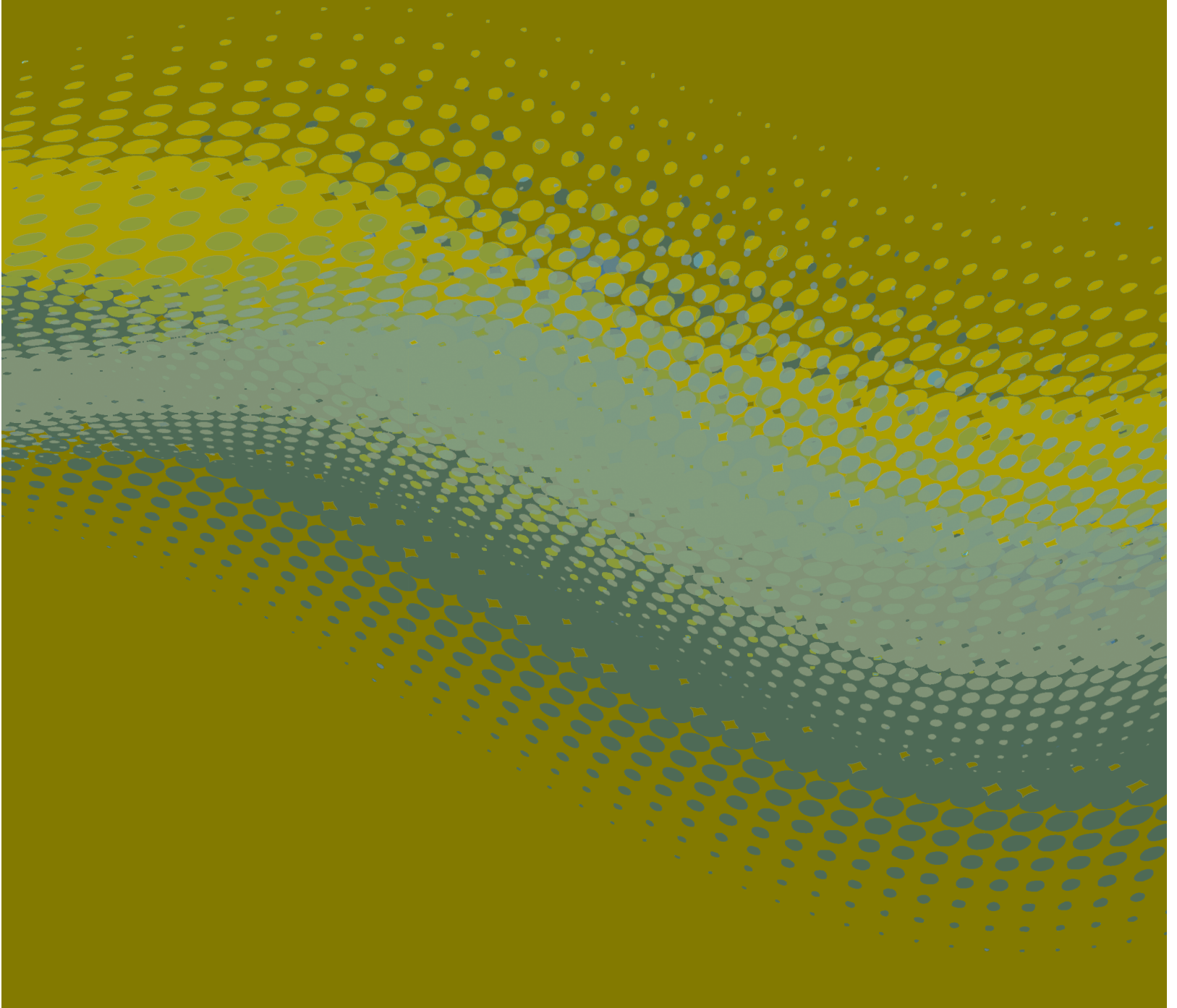
- Experienced trainers from the Leo Cussen Institute of Continuing Legal Education were engaged to present a workshop on Drafting of Pleadings and Assessment of Damages. This had an immediate impact on lawyers who were having difficulty in issuing complex writs.
- A comprehensive Continuing Legal Education seminar in January, covering a range of topics including cross-cutting Issues.
- An Office Introduction Program was designed and presented as a prelude to formal induction for all new lawyers and staff. Again this included cross-cutting issues.
- An Instructions Taking seminar was designed and presented to assist lawyers and instructions clerks in more effective means of obtaining information from clients.
- Visits were conducted to all branches on at least two occasions for the purpose of monitoring and evaluation, and to provide support for branch heads.
- *The 2007 Annual Report* was published and more effective reporting formats for branch heads and lawyers were examined.
- Facilities at head office, Mt Hagen, Buka Wabag and Kimbe were reviewed and plans for renovations drawn up. In most cases work has been completed in 2008.
- Support has been provided to all other activity managers in development projects.
- Independent lawyers were briefed to review the Public Solicitor's trust account.

# PUBLIC SOLICITOR'S OFFICE (existing organisational structure)





# Branch Reports



## Lae

Solicitor-in-Charge

### **Ms Anna Raymond**

Lae continues to be the largest and most productive of the branch offices.

The number of lawyers increased from 4 in 2007, to 6 in 2008, although the officer-in-charge was absent on study leave for most of the year.

Initiatives have been put in place which have seen a substantial increase in service delivery. These include the implementation of a router for lawyers to attend Buimo Correctional Service twice weekly, the police cells once each week and Bulolo Legal Aid Desk for two days each fortnight.

This is only possible by virtue of the fact that a vehicle was presented to the office by the Law and Justice Sector Program in 2007.

Although there have been some difficulties in engaging a suitable paralegal, the office continues to operate the Legal Aid Desk at Bulolo, thereby bringing legal services to the people of this isolated area.

Daily attendance sheets are revealing details that have not been previously conveyed in circuit and case reports. For example, they show that the instructions clerks and lawyers when not in court are seeing, on average, 10 or 11 clients each day. This system will be continued to monitor the actual level of service being provided to the public.

The office hosted a workshop for stakeholders in Juvenile Justice in late 2008 and is part of a pilot program involving Juvenile Justice and Grade 5 Magistrates Court cases.

Officers are actively involved in other initiatives including –

- Law and Order Working Committee
- Juvenile Justice Committee
- Morobe Province HIV/Aids Committee
- Women and Children Support Centre
- Media Liaison – LJSS
- Catholic Diocesan Centre Justice and Peace Desks

## BRANCH REPORTS

In 2008 the office submitted 626 applications for assistance of which 176 were granted with many others pending.

At the beginning of 2008 there were 299 criminal matters pending in Lae, Bulolo and Finschaffien.

Criminal Files 2008		
Branch	64	39
Lae	9	11
Bulolo	11	3
Civil Files 2008		
Opened		
Lae	28	
Bulolo	29	



## Mt Hagen

Solicitor-in-Charge

**Mr Peter Kumo**

Renovations to the Mt Hagen office were completed in 2008, and recruitment of additional staff undertaken.

Unfortunately one lawyer was not able to take up his position, and that remains vacant. Accordingly there are now vacancies for two lawyers at the office, and this is reflected in the output.

The recruitment of a driver to the office has been welcomed, since there is substantial demand for transport to Wabag, Mendi and other areas serviced by the office. At present, uneconomical hire cars are being used.

The Public Solicitor is in the process of purchasing a house property, which, when renovated, will afford accommodation to lawyers and staff, and assist in recruitment.

The office was also involved in hosting the opening of the Legal Year in 2008, attended by the acting Chief Justice.

Office performance generally improved somewhat in 2008, with improved recording and reporting after difficult times in preceding years.

It is expected that once the office is fully staffed, that the level of productivity will increase substantially.





## Madang

Solicitor-in-Charge

**Ms Annie Turi**

The Madang office had, for some time, been operating with one full time lawyer and two support staff.

In 2008, two additional lawyers and another support staff member were recruited and immediate increase in office output was achieved. This will become even more apparent in 2009 and beyond.

In particular, the addition of a civil lawyer will have a significant impact upon those clients who had been required to rely upon lawyers at Head office to attend to their matters.

During the year, the office attended to 33 National Court matters, including 6 trials (in which 5 acquittals were recorded). There were 4 part heard matters and 3 nolle prosequis entered.

At the end of the year, there were 70 criminal matters pending in Madang and 122 pending in Wewak.

The office has become actively involved in Grade 5 matters in the Magistrates Court and attended to 9 such matters in 2008. This is expected to increase in 2009.

Lawyers also represented clients in 14 Bail committals and 51 bail applications.

There were 197 pending civil matters at the end of 2008 involving over 1600 clients. This includes a major class action resulting from an illegal eviction.

Thirty civil cases were completed during the year.

In addition, the office hosted a successful forum for lawyers and others involved in Juvenile Justice and hosted a public awareness forum at the Divine word University in front of a capacity audience.

The office completed relocation to new premises which allow for the expanded services offered to the public.



## Goroka

Solicitor-in-Charge

**Mr Michael Mumure**

In 2008 the Goroka office underwent considerable change.

A new officer-in-charge took up his position in August 2008, an additional lawyer was recruited to attend to civil matters and another support staff member was engaged. There is also provision for recruitment of another lawyer however there is insufficient space to accommodate that lawyer in the current premises.

Alternative premises should be located.

The benefits of that expansion will be seen in the future, and it is expected that the office output will substantially increase from 2007 and early 2008 when the office was manned by one lawyer, an instructions clerk and a secretary.

In 2008 35 applications for legal aid were made, of which 22 were granted, 67 criminal files were opened of which 20 were completed and 16 new civil files were opened.

The office services remandees housed at Bihute and Bundaira, which is two hours drive from Goroka.

It had been hoped that a second phase of the Legal aid Extension Pilot program would be opened in Kainantu in 2008. Difficulties with occupation of the Community Justice Centre and recruitment of staff, combined with a lack of personnel in Goroka to supervise, resulted in this project being deferred.

It is expected that the Kainantu Legal Aid Desk will be opened in May 2009.

In order to properly supervise Kainantu, and attend to remandee clients, it is important that consideration be given to the purchase of a vehicle for the office. Unless this occurs, then the lawyers will continue to provide less than proper service to clients.



## Kokopo

Solicitor-in-Charge

**Ms Salome Maliaki**

The staff complement at Kokopo office was substantially overhauled in 2008, which gives promise for increased service delivery in years to come.

The total allocated staff is now an officer-in-charge, 2 lawyers, instructions clerk, secretary and driver. One of these lawyers has been located in Kimbe assisting in that office throughout the year. There have been ongoing issues with some staff attendance which need to be addressed, but the arrival of a new lawyer and instruction clerk have greatly improved efficiency in the office.

Unfortunately, the increase in staff has resulted in extreme overcrowding. Alternative office premises will need to be located in 2009 to ensure the efficient operation of staff and comfort of clients.

The residential premises allocated to the officer-in-charge were renovated, thereby removing the substantial cost of living in Lode accommodation. The office undertook a total of 42 criminal cases in the National Court in 2008 involving 58 accused. This resulted in 31 convictions and 27 acquittals.

There were 51 new committal notices received during this time.

The number of criminal cases being undertaken by private lawyers continues to grow, and the output of the office in this area appears to be reducing. This is almost solely due to the difficulty that the office experiences in properly attending to clients in remote Kerevat prison. The provision of a vehicle to obtain instructions is regarded as a high priority.

The office has also assumed the responsibility for National Court circuits in Kavieng, Manus and until recently, Buka. The number of criminal cases completed in New Ireland was 52, and in Manus, nine making a total of 117 in the New Guinea Islands.

At the beginning of 2008 there were 102 civil files relating to clients of the office.



By the end of the year this had risen to 267, 228 of which were being handled in the Kokopo office.

It is apparent that there is an increasing need for advice and representation in the civil jurisdiction in the province.



## BRANCH REPORTS

### Kimbe

Solicitor-in-Charge

**Mr Kari Doko**

The long serving officer-in-charge was promoted to a senior position in Port Moresby, and unfortunately his designated replacement was unable to take up his position. A permanent replacement took up the position in October 2008.

A second lawyer has been working in Kimbe office to ensure that clients' needs were met, and a secretary was engaged.

The office was relocated to the former temporary court house, however planned renovations did not take place owing to tenancy issues.

It will be necessary for the office to relocate again in 2009, and it is hoped that the conditions under which staff and lawyers currently labour, will improve greatly.

### Criminal cases in the national court

At the end of 2008	Total Listed cases	Matters being handled by PS
<i>Bail and Remand Matters</i>		
<b>Kimbe</b>	154	85
<b>Bialla</b>	123	7
<i>Bench Warrants</i>		
<b>Kimbe</b>	199	195
<b>Bialla</b>	27	26
<b>Reviews</b>	33	31

During 2008 the Office appeared in 38 criminal trials or pleas in the National Court

## Civil Cases

In 2008 the following 23 National Court civil cases were being actively conducted in the office, with another 25 matters being dormant or awaiting instructions.

In addition, office records are now being kept for attendances upon clients for assistance and advice in Magistrates Court, adultery, family law and other matters requiring advice.

From May until December 2008, 84 such matters were attended to by lawyers in the office.



## BRANCH REPORTS

### Wabag

Solicitor-in-Charge

**Mr Philip Kapi**

The Wabag office was established in August 2000, and since that time has operated as one man office out of a single room in the court complex.

In 2008 secretary and instructions clerks were recruited, which rendered the existing facilities inadequate.

Alternative premises have been secured and are being fitted out. These will provide for reception, four offices and a conference room and storage facilities. This will provide a far better environment for both staff and clients, and will support the expansion of the office and the delivery of a wider range of services to clients.

In 2008 the output of the office was restricted by the sad passing of the resident Judge and delays in finding a permanent replacement. There were no criminal circuits in four months and another lasted one week. The current officer-in-charge took up the position in late March 2008 and was frequently called upon to undertake circuits outside the Enga Province.

Another major difficulty facing the office is lack of access to remand clients. Most are held in custody in Mt Hagen, and it is usually when they are brought to court that proper instructions can be obtained.

There is a great need for the office to be equipped with a motor vehicle to enable instructions to be obtained from clients in these remote locations.

The Public Solicitor acknowledges the support of the Provincial Administration which has provided the court and office facility and residential premises for the lawyer.

In addition, the Enga Provincial Government has provided an amount of K5,000.00 each year to support the office operations. In 2008, all but K81.50 was expended on a laptop computer and printer, maintenance and repairs, stationery, travel, and an amount for the office Christmas party.



## Buka

Solicitor-in-Charge

**Mr Philip Kaluwin**

Buka, in the Autonomous Region of Bougainville will be the first new branch office to be established since Wabag, nearly a decade ago.

A full time solicitor was posted to Buka in May 2008 and is supported by 2 staff.

The office currently operates from the new court house however a nearby residential property has been refitted for office purposes. Office equipment has been purchased and is awaiting delivery.

A new house is to be erected in the new year to provide accommodation for another lawyer.

An instructions clerk has been recruited and is gaining experience in Mt Hagen.

It is expected that a formal opening of the office will take place towards the middle of 2009, by which time the full complement of two lawyers and three support staff will be in place.

The challenges facing the new office are substantial. Not least is the fact that there is presently no adequate jail facility. This has resulted in large numbers of remandees being released on 'leave' and who return to isolated villages. As a result many are not aware of the listing of their matters and bench warrants issue.

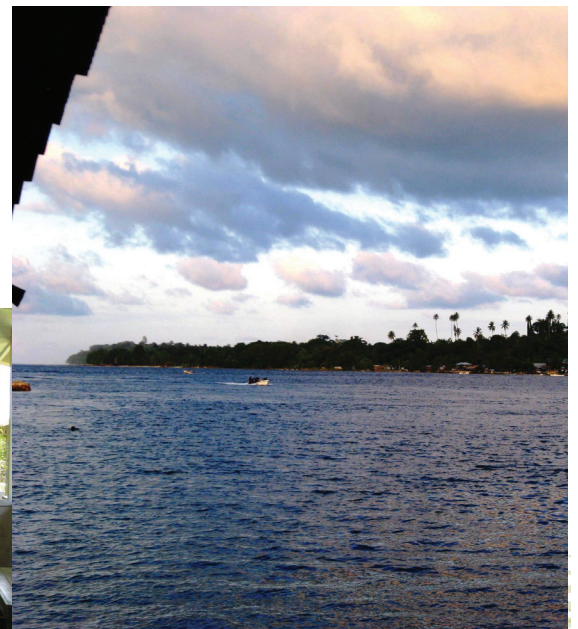
There is also a great need for support for victims of human rights abuse that occurred during the conflict, however, the period of time that has already passed is likely to pose difficulties in this regard. It is expected that the number of civil applications for aid will increase rapidly once the office is formally opened.

The introduction of a Grade 5 Magistrate to the region is welcomed. This will result in more matters being able to be dealt with in a speedier and more efficient manner than remanding accused for lengthy periods pending National court circuits.



Although some files were destroyed when the old court house was burnt down, and some Buka files have been opened as Madang files in the past, office records show that at the end of 2008 the following matters had been completed.

<b>National Court</b>	<b>36 matters</b>
<b>Grade 5 Mag Court</b>	<b>2</b>
<b>District Court Civil</b>	<b>8</b>
<b>Advice</b>	<b>79</b>
<b>Active files at 31/12</b>	<b>156</b>
<b>Bench warrants</b>	<b>263</b>



## Challenges for 2010

- Drafting and assisting in the passage of enabling legislation to complete full autonomy of the office.
- Undertaking the responsibilities of administering full control of recurrent budget.
- Opening of Legal Aid Desks and Buka office.
- Addressing major issues surrounding housing and transport.
- Implementing Grade 5 Magistrates Court and Juvenile Justice strategies.
- Maintaining levels of professionalism in the office through ongoing training and mentoring.
- Improve facilities at branch offices.
- Completing recruitment under the 2007 restructure.
- Establishment of imprest account for development funds.



