

ANNUAL REPORT 2007



Office of the Public Solicitor
Papua New Guinea



ANNUAL REPORT 2007





INDEPENDENT STATE OF PAPUA NEW GUINEA
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Date: 11 November 2008

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

Dear Your Excellency

SUBJECT : 2007 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 the 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 2007 to 31 December 2007.

FRAZER S PITPIT

PUBLIC SOLICITOR



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Executive Summary by the Public Solicitor

Although 2008 marks the 50th anniversary of the opening of the Public Solicitor's Office, 2007, the 50th year of operation may prove to be the most significant year in its history.

For many years, Public Solicitors have been urging budgetary independence of the Office of the Public Solicitor from the Department of Justice and Attorney-General. This was supported in a report provided to the Department in late 2006. At about the same time, the then Minister for Justice tabled a White Paper in Parliament which advocated the semi-autonomy of this office.

The 2007 Budget made separate provision for the Public Solicitor's Office to become responsible for its own expenditure in relation to goods and services. The Department of Justice and Attorney-General still controls funding for salaries and wages, and still has control over the hiring, firing and discipline of officers; however it is understood that these functions may also be devolved to the Public Solicitor in 2009.

In addition, a major restructure of the office was approved by the Department of Personnel Management in late 2007. The new structure accommodates a staff ceiling of 101 – an increase from 51. Already six new lawyers have been engaged to fill existing vacancies, and up to another 16 are likely to be engaged in 2008. It is expected that as much as three quarters of these will be females, which will result in almost exactly the same number of male and female lawyers.

The staff increases will allow the office to provide legal services to the People of this country in areas where assistance was either inadequate or non-existent. The office will be able to increase its capacity in dealing with Civil cases as well as Human Rights cases. A separate area will be established to deal with Juvenile Justice and Grade 5 Magistrate Court matters, which will increase the use of alternatives to imprisonment and restorative justice.

Of great importance is the provision in the restructure for the establishment of Legal Aid Desks to provide inexpensive but efficient and effective legal services to the People in provinces where there are currently no offices of the Public Solicitor. This is a new and innovative approach embracing the policy set out

in the Minister's White Paper and follows from the success of the Legal Aid Extension Project piloted in Bulolo.

These changes together with other initiatives have been supported in the 2008 recurrent Budget, brought down in September 2007. Obviously, these additional as well as existing services need to be brought to the attention of the persons needing assistance.

In October the Minister for Justice and Attorney-General launched the Public Awareness Policy for the office. Already information pamphlets and desk calendars have been printed and circulated, and the policy contains a number of initiatives to be undertaken in 2008.

Major innovations were undertaken to the head office to provide better working facilities for the officers and an improved reception area for members of the public seeking legal aid. The refurbished office was opened by Chief Justice, Sir Mari Kapi, who himself is a former Public Solicitor.

Improvements were also done to several branch offices. A major effort was made to improve support for branch offices with each being visited at least twice by senior officers from the head office. This combined with branch head meetings and Continuing Legal Education training and seminars mean that communication with the branches was at a much more regular and effective level than previously.

A vigorous training and education program has been undertaken. Lawyers and support staff have been able to take part in a number of exercises designed to enhance their legal skills and to cover areas of ethics and personal development. Gender issues and HIV/AIDS awareness have also been incorporated into these programs.

Obviously doubling the size of the office and the acceptance of roles and responsibilities previously undertaken by the Department of Justice and Attorney-General will pose huge challenges for 2008. Nevertheless the office acknowledges that it has now been provided with the resources and many of the powers that it sought for so long, and welcomes the challenges. The ultimate beneficiaries will be the People of Papua New Guinea.

Introduction

2007 was the 50th year of the establishment of the Office of the Public Solicitor. The office has since been a division of the Department of Justice and later the Department of Justice and Attorney-General.

There have been many Public Solicitors that have held office over those 50 years. Many of those lawyers have since moved on to become prominent statesmen and women and have contributed significantly in their distinguished careers to the nation. Some of these Public Solicitors and lawyers that have served in this office are Sir Mari Kapi, who is now the Chief Justice of Papua New Guinea; Sir Arnold Amet, former Chief Justice and now the Governor of Madang; Deputy Chief Justice Sir Salamo Injia; Sir Kubulan Los, a former diplomat and a senior Judge; Justice Nicholas Kirriwom; Justice Elenas Batari, Justice Catherine Davani, Justice Mark Sevua, Justice George Manuhu and Justice Derek Hartshorne.

Vision and Mission

To deliver excellent legal and justice services to the State and the People of Papua New Guinea.



The Public Solicitor's Office continued to share this Vision and Mission with the Department of Justice and Attorney-General during 2007. This office will have its own Vision and Mission by 2009 when it presents its own corporate plan.

Reports on Operations

Semi autonomy

In 2007, there was some recognition given to the independent constitutional status of the office. Thus the 2008 Budget planners created a separate budget code for goods and services to be administered by the office. This will enable the office to undertake its own procurements without the need to refer every request for payment to the Department. Consequently increased efficiency is expected in areas such as circuit management, where travel and accommodation for legal officers will be able to be organized at short notice when the need arise. Similarly, the purchase of consumables for the head and branch offices will be able to be streamlined. The power to hire, fire and discipline officers, and responsibility for wages and salaries will remain with the Department. Spending under the Development Budget must still, at this stage, be directed through the Department. It is expected that further devolution of powers and responsibilities will occur in 2008 to be effective in 2009.

Staffing

At the beginning of 2007, the approved staff ceiling for the office was 51 – 31 lawyers and 20 support staff. Fifteen of the lawyer positions were for the head office and 16 were for the branch offices. As for the support staff, 9 were for Port Moresby and 11 for the branch offices. During 2007, 17 support staff held employment – 3 positions were vacant. There were 28 positions for lawyers and also 3 vacant positions. This means there was a total of six vacancies during the year and this increased to 9 vacancies as at 02.07.07. Thirteen new positions were also created during the year, bringing the staff ceiling to 64.

Restructure

In March 2007 an initiative was undertaken to seek a major restructure of the office. The proposed restructure was devised through thorough consultation with officers by a local consultant. A specialist consultant was then engaged through the Law and Justice Program to facilitate the passage of the proposal.

In August the restructure was approved by the Department of Personnel Management. Based on this, job descriptions were crafted and advertisements placed on vacant positions. Throughout October and November, nearly 200 interviews were conducted for lawyers and support staff in Port Moresby and branch offices. Recommendations were then submitted to the Department of Personnel Management before Christmas. It is hoped that offers for the positions will be made early in 2008. The efficiency and speed with which this development phase of the office has occurred is encouraging. The understanding and cooperation of the Department of Justice and Attorney-General and the Department of Personnel Management is greatly appreciated. Without their support and encouragement these processes could not have been undertaken as quickly.

The restructure will increase the staff ceiling for the office from 51 to 101. There are three major areas of development that the restructure has catered for. First, additional lawyers will be engaged to address the need to provide more effective services, particularly in the civil jurisdiction. Second, additional support staff will be engaged to attend to the responsibilities attendant upon the granting of semi autonomy and to make provision for future development in this regard. Third, a number of lawyers and a larger number of paralegals will be engaged to establish Legal Aid Desks in provinces and districts where there is currently no presence of the office. Paralegals in these centers will receive applications for legal aid, provide some advice and take instructions. They will be supervised by a team of senior lawyers, who will oversee and attend at these centers when required.

Funding

In 2007 the recurrent operation budget for the office was K3,581,500.00 which excluded wages and salaries administered by the DJAG. The figure for 2006 was K2,831,300.00.

The development budget for 2007 was K900,000.00 inclusive of adviser cost. A slightly smaller figure is to be available for 2008, and further applications for funding may be necessary to complete planned development projects.

Provincial development

The delivery of legal services in the provinces and rural areas is a matter of high priority to the Public Solicitor. The office has seven branch offices and it is hoped that a new branch office in Bougainville can be launched by late 2008.

Towards the end of 2006, a trial Legal Aid Extension Project was commenced in Bulolo, and 2007 has seen a very large number of people having access to legal advice who would otherwise have had no such access. This office is manned by a paralegal and supervised by lawyers from Lae branch office who attend on a regular basis.

Following the success of the Bulolo Legal Aid Extension Project, the Public Solicitor will open Legal Aid Desks in provinces where there are currently no services of the office available. Similar to Bulolo, these will be manned by paralegals under the supervision of a group of lawyers from the head office who will be dedicated to facilitating the Legal Aid Desks. It will be the duties of those lawyers to supervise the paralegals, to settle correspondence and documentation, and to attend at the locations as required for representation and specialized advice.

The paralegals will obtain instructions, complete legal aid application forms, provide initial advice where appropriate, interview and arrange for the attendance at court of witnesses and draft simple correspondence and documents. It is not envisaged that the paralegals will conduct court appearances or give detailed legal advice. Before being released to the provinces, paralegals will undergo extensive training on all aspects of their work including ethical standards which they must uphold to discharge their duties. They will also be required to undertake on-the-job training at the head office or at one of the branch offices before being appointed to take up the jobs as paralegals.

The Public Solicitor is also mindful of the fact that the lawyers and support staff at branch offices require similar facilities support to that provided to their colleagues at the head office. Renovations and improvements have been undertaken at offices in Kokopo, Goroka, and commenced at Mt Hagen. Offices in Madang and Kimbe are in the process of being relocated and improved security has been put in place in Lae.

Senior lawyers and advisers attended at each of the branches on at least two occasions in 2007 to support and advise on management practices. Two branch heads meetings were held in 2007. Also during the year lawyers and instruction clerks from branch offices attended Continuing Legal Education and training seminars in Port Moresby. Five of these training courses were conducted during the year. From these meetings substantial contact was maintained between the branch officers and officers at the head office inclusive of two more other meetings. In the past, many branch officers would be fortunate to see a representative from head office, other than circuit lawyers, once each year. The meetings and liaisons did a lot to strengthen the work culture of the office and brought about a vision and mission of working together to bring to our People the core functions of the office. It also enhanced the motivation of the staff to continue to work as a team.

Development Budget

The Law and Justice Sector Program funds one fulltime practice management adviser. In addition the program has funded a consultant to assist in the restructure of the office and another to assist in the development of the Legal Aid Extension Project and the Legal Aid Desk Project. The same consultant was also engaged to complete a number of tasks arising out of his report into budgetary separation.

Development projects included refurbishment of a number of offices, numerous training and CLE seminars, strengthening of management in branch offices and improvement of CMS and reporting systems.

Transport

In late 2006, coinciding with the opening of the Bulolo Trial Project, the Law and Justice Sector Secretariat presented the Lae branch office with a new vehicle. Without this transport, proper supervision at Bulolo would have been impossible. This vehicle has been maintained in good condition, and demonstrates the capacity within the office to care for such assets.

In the past, vehicles have been made available at other locations on a shared basis with other agencies. This has not been successful, as the lack of “ownership” has resulted in the vehicles not being properly cared for, and in the event of accident or breakdown, the failure of any one agency to accept responsibility for repairs and maintenance.

The Public Solicitor limits the hire of vehicles to a maximum of five days per month in each branch to enable lawyers to obtain instructions from clients in custody. This does not seem to be working efficiently, as there are still large numbers of remandees in prisons located well out of provincial centers who do not see lawyers until shortly before their trials. A more efficient way of dealing with this problem will be planned and implemented as the office moves towards full autonomy.

Over K120,000.00 was spent on the hire of vehicles in 2007.

Training and CLE

In 2007 extensive Continuing Legal Education and training was undertaken. Two major Continuing Legal Aid seminars were held in January and August. A seminar on Alternative Dispute Resolution and Restorative Justice was held in October, an instructions clerks seminar in November, and an initiation program for new lawyers in December.

The intention of the Program was not only to improve lawyers' skills, but also to enhance their personal development and provide an avenue where lawyers from all offices could mix with their colleagues and increase a culture of professionalism and teamwork.

Areas covered included new and emerging law and practice, such as amendments to the law relating to Confiscation of Assets and Proceeds of Crime, and the Evidence Act relating to sexual offences, the role of the expert witness and advocacy. Emphasis was also placed on professional development, with exercises in ethics being undertaken. Justice (ret) Maurice Sheehan and a representative of the Ombudsman's Commission spoke on corruption and the Barnett Report as it related to the Public Solicitor's Office. These forums also afforded a venue to introduce cross-cutting issues to the officers.

The Alternative Dispute Resolution/Restorative Justice Seminar was attended by nearly 30 lawyers and was most successful. Presentations were made by Br Pat Howley of the Divine Word University on Melanesian Mediation, Chief Magistrate Mr Numapo on ADR in District Courts, and the Principal Mediator from the Victoria Civil Appeals Tribunal on court annexed mediations in other jurisdictions.

Cross-cutting issues

The Public Solicitor recognizes that human rights, family and sexual violence, HIV/AIDS, gender and equal opportunity, fraud awareness and prevention are issues that impact directly to the work of the office.

Whilst the office does not have a separate section to fully deal with such issues, it has established a Public Awareness and Education Committee to bring to staff awareness and education on those issues.

Gender equity within the office is at par between male and female employees. We have three female principal legal officers who are responsible for certain jurisdictional areas while two female heads are in the support staff area. Three of the branch offices heads are female lawyers. Of the 16 new lawyers recruited and to be employed in 2008, 11 are females.

Monitoring and evaluation

A Monitoring and Evaluation Committee was established within the office to undertake this important function. A major evaluation of the Legal Aid Extension Program at Bulolo was undertaken and a brief review of the activities of the Karen Shepherd Committee. The visits to the branch offices provided a most useful means for monitoring branch performance, as did the regular review of files through the Case Management System. Following each training or CLE seminar, an evaluation form was completed by each participant.

Disciplinary matters

It is unfortunate to note that five major disciplinary matters required attention in 2007. These included charges against both lawyers, some of them senior lawyers, and staff. They mainly related to the acceptance of monies from clients or serious professional misconduct. In most cases, dismissal followed.

It has been noted that the number of disciplinary charges in the office exceeds that in other agencies. While such instances are to be regretted, it does show a determination by the Public Solicitor to eliminate corrupt or unprofessional behavior which may not be addressed as assiduously elsewhere.

There are still problems with the period of time involved in dealing with such matters, and it is hoped that in the not too distant future, some of the powers to deal with disciplinary matters are delegated to the Public Solicitor.

Public awareness and education

The office reached a major milestone in establishing the Public Awareness and Training Committee on 27 July 2007. The outputs from this Committee during the year are the publication of two pamphlets – Independence of the Office of the Public Solicitor and Legal Aid and Assistance including a postcard calendar for 2008 and the publication and launching of the Public Awareness and Education Strategy Booklet in November 2007 by the Attorney-General and Minister for Justice Dr Allan Marrat.

One of the main objectives of the Committee is to develop collaborative programs in conjunction with other formal and informal agencies to address and identify proper venues to deal with those issues. One of the objectives that the office is working on is the production of information pamphlets on the cross-cutting issues to be distributed to members of the public. Such pamphlets will be distributed through our branch offices, legal aid desks and at seminars, workshops and when our officers are traveling on court circuit work.

Positive Outputs

During 2007 the Public Solicitor's Office improved from the somewhat low base of 2006. Increases in funding and a more focused approach enabled a purposeful application of resources to the provision of legal services.

At the same time the office has commenced to look forward to improving the quality and range of services provided to the community.

Budget Separation

In September 2006, at the branch heads meeting in Kimbe, Mr Leo Tohichem presented his comprehensive Report on Budget Separation to a representative of the Secretary of the Department of Justice and Attorney-General. This 127 page report recommended that the office have a separate budget from the Department of Justice and Attorney-General. The Report sets out a program for the severance from the Department, previews enabling legislation and a restructure of the Public Solicitor's Office.

The implementation of these recommendations has commenced to facilitate the effective operation of the office. The restructure approved in 2007 by the Department of Personnel Management provided for increased manpower to maintain and be accountable for the operational budget component – this was a first step in the direction to become fully autonomous from the Department. The restructure caters for the administrative machinery to be set up to assume, eventually, all the financial responsibilities including budgeting and planning, expenditure control and accountability of funds.

Legal Aid Extension

In December 2006, Justice Manuhu formally opened the Legal Aid Extension Program at Bulolo. This initiative, conducted in conjunction with the Law and Justice Sector Secretariat and the Community Justice Liaison Unit, is designed to be a pilot program to bring Legal Aid Services in rural and remote areas. The project is manned by a paralegal supervised by the Lae office of the Public Solicitor. Lessons learnt from this project will assist in determining how and where other Legal Aid Desks will be established in the future.

Karen Shepherd Recommendations

The engagement of adviser in July 2006 has meant that the office can now begin to implement recommendations made by Ms Karen Shepherd in her report and, set out in the work plan, drafted by Professor Christopher Roper. In later part of 2006 and during 2007, many of the recommendations have already been addressed by –

- (1) development of a comprehensive Continuing Legal Education Program;
- (2) completion of the training and multi-purpose meeting room, renovation of library facilities and reception;
- (3) commencement of the Legal Aid Program;
- (4) launching of the Public Awareness and Education strategy and setting up an internal Committee on Public Awareness;
- (5) monitoring and evaluating needs of branch offices;
- (6) redesign of reporting systems and in particular individual officers to ensure each file in their office is regularly reviewed and reinvigorating the CMS system;

- (7) introduction of PACLII into the office to assist legal research; and
- (8) increased mentoring of lawyers and support staff;
- (9) conducting seminars in Alternative Dispute Resolution, Induction and Training for Instruction Clerks.

This has provided an impetus for the office to accept the changes that are happening to become an independent constitutional institution. Continuing Legal Education and cross-cutting issues including other relevant training, for example in the proper use of computers and other legal aid material has been quite intensive during 2007. The office aims to increase these training activities in 2008.

Case Management System

The Case Management System (CMS) within the office has been revitalized. Over Christmas 2006, a team of casuals entered into the system nearly six thousand data entries to bring the system up to date. This will enable improved reporting, monitoring and evaluation of each officer's performance. Details of branch and individual workloads, work types including jurisdictions, delays and trends will be available to those charged with the tasks of reporting the office's activities and planning its future directions.

This particular tool is very important for the management of the office and to plan for further development and advancement of the office. The information sourced from the CMS is as good as that fed into it but if lawyers do not submit their reports, vital statistics are lost. This is an area that needs improvement so that information base can reflect the true picture of the performance of the office.

Staff Levels and Budgetary Allocations

The 2007 budget provided for substantial increases in operational costs. In particular the increase in additional lawyers will enable the office, (in addition to its constitutional obligation to defend persons charged with serious criminal matters), to enhance its capacity to deal with human rights cases, and assist women, disadvantaged workers and the poor in appropriate cases. The proviso to this is however the need for the Department to advertise, fill the positions and have successful applicants included in the payroll in a timely manner. The existing staff strength at 31 December 2007 is shown on the following pages.

Annual Reports

The 2005 and 2006 annual reports were published and presented to the Minister for Justice. These were the first such reports to be published in eight years. This, combined with the production of the 2007 annual plan, reflects an increased capacity within the office in respect of planning and reporting and an increased awareness of the importance of monitoring and evaluating the office's performance.

List of lawyers as at 31.12.07

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMMENCEMENT DATE
1	Boroko	Frazer S PitPit	M	Public Solicitor	29.11.84
2	Boroko	Darryl Sakumai	M	Deputy Public Solicitor (Crime)	12.12.94
3	Boroko	Paul Tusais	M	Deputy Public Solicitor (Civil)	11.12.89
4	Boroko	Isar Watta	F	PLO-Human Rights	16.01.96
5	Boroko	Pagelo Nanu	M	PLO - General	19.03.93
6	Boroko	Dinah Dademo	F	PLO - Legal Aids	07.07.00
7	Boroko	Maristella Painap	F	PLO - Magist & Junvile	12.11.02
8	Boroko	Luke Siminji	M	PLO - Appeals	19.12.94
9	Boroko	Suzanne Unumba	F	Senior Legal Officer	17.07.00
10	Boroko	Ea'va Geita	M	Senior Legal Officer	18.12.01
11	Boroko	Jeffrey Mesa	M	Senior Legal Officer	04.02.03
12	Boroko	David Gavera-Nanu Jr	M	Senior Legal Officer	01.01.02
13	Lae	Anna Raymond	F	Solicitor in Charge	30.06.98
14	Lae	Mwawesi Mwagawa	M	Senior Legal Officer	30.06.98
15	Lae	Renata Yayabu	F	Legal Officer	*
16	Lae	Wendy Dogura	F	Legal Officer	*
17	Mt Hagen	Peter Kumo	M	Solicitor in Charge	03.10.01
18	Mt Hagen	Michael Norum	M	Senior Legal Officer	03.02.03
19	Mt Hagen	Grace Appa	F	Legal officer	*
20	Kokopo	Salome Maliaki	F	Solicitor in Charge	27.12.01
21	Kokopo	Robert Bellie	M	Legal Officer	*
22	Madang	Anne Turi	F	Solicitor in Charge	08.11.01
23	Goroka	Michael Mumure	M	Senior Legal Officer	*
24	Goroka	Tiria Ohuma	F	Solicitor in Charge	09.10.01
25	Goroka	Vincent Agusava	M	Legal Officer	*
26	Buka	Philip Kaluwin	M	Senior Legal Officer	07.02.03
27	Wabag	Philip Kapi	M	Solicitor in Charge	03.02.03
28	Kimbe	Oakaiva Oiveka	M	Solicitor in Charge	26.02.91

List of support staff as at 31.12.07

No.	LOCATION	NAMES	GENDER	DESIGNATION	COMMENCEMENT DATE
1	Boroko	Tamati H Renagi	F	Casual – Office Manager	*
2	Boroko	Katherine Steven	F	Senior Legal Secretary	03.10.01
3	Boroko	Carol Noel	F	Information Management Officer	26.07.06
4	Boroko	Margaret Gabriel	F	Legal Secretary	26.07.06
5	Boroko	Freda Pait	F	Legal Secretary	03.10.01
6	Boroko	Melinda Laki	F	Telephonist	26.07.06
7	Boroko	Allan Gau	M	Casual – Driver	*
8	Boroko	Pokana Rollo	F	Manager – Admin	21.10.96
9	Boroko	Rea Hitolo	F	Finance Officer	13.12.76
10	Boroko	Robert Tauraki	M	Unattached	23.12.91
11	Boroko	Sue Mali	F	Casual – Cleaner	*
12	Boroko	Elizabeth Tipora	F	Legal Secretary	26.06.00
13	Lae	Rebecca Umabut	F	Unattached	26.11.01
14	Lae	Simon Tau	F	Instructions Officer	*
15	Lae	Geraldine Sau	F	Casual – Records Clerk	*
16	Lae	Jack Opi	F	Casual – Driver	*
17	Mt Hagen	Naomi Philips	F	Instruction Officer	03.10.01
18	Mt Hagen	Jenny Poka	F	Casual – Legal Secretary	*
19	Kokopo	Joshua Utul	M	Instruction Officer	03.10.01
20	Kokopo	Edwina Papua	F	Casual – Legal Secretary	*
21	Madang	Elta Pokanau	F	Legal Secretary	03.10.01
22	Goroka	Asiki Navahusovae	F	Instruction Officer	*
23	Goroka	Sussie Onzenga	F	Legal Secretary	04.01.89

* Those officers where no commencement date appears have been engaged on casual contracts until their appointments are finalized.

Issues for 2008

Recruitment

Recruitment to fill in the positions that have been approved by the restructure and the increase in staff ceiling began late in 2007. It is anticipated that during 2008, most of the positions will eventually be filled. Positions that have become vacant as a result of promotions within the office or transfers, resignations and terminations will also be advertised during 2008.

Accessibility to legal aid

Preparations were made during the year to launch several legal aid desks in provinces that had no access to legal services provided by the Public Solicitor's Office. An MOU to be signed with Provincial Governments to help facilitate the legal aid desks was drafted and has been submitted to the Solicitor-General for ratification and approval. Once approval is received, the Public Solicitor will travel to the selected provinces to negotiate and execute the MOUs before setting up the legal aid desks. In 2008, the Public Solicitor aims to set up four legal aid desks in Manus, Wewak, Kiunga and Vanim. By 2015 all provinces should have an office from the Public Solicitor's Office.

Housing

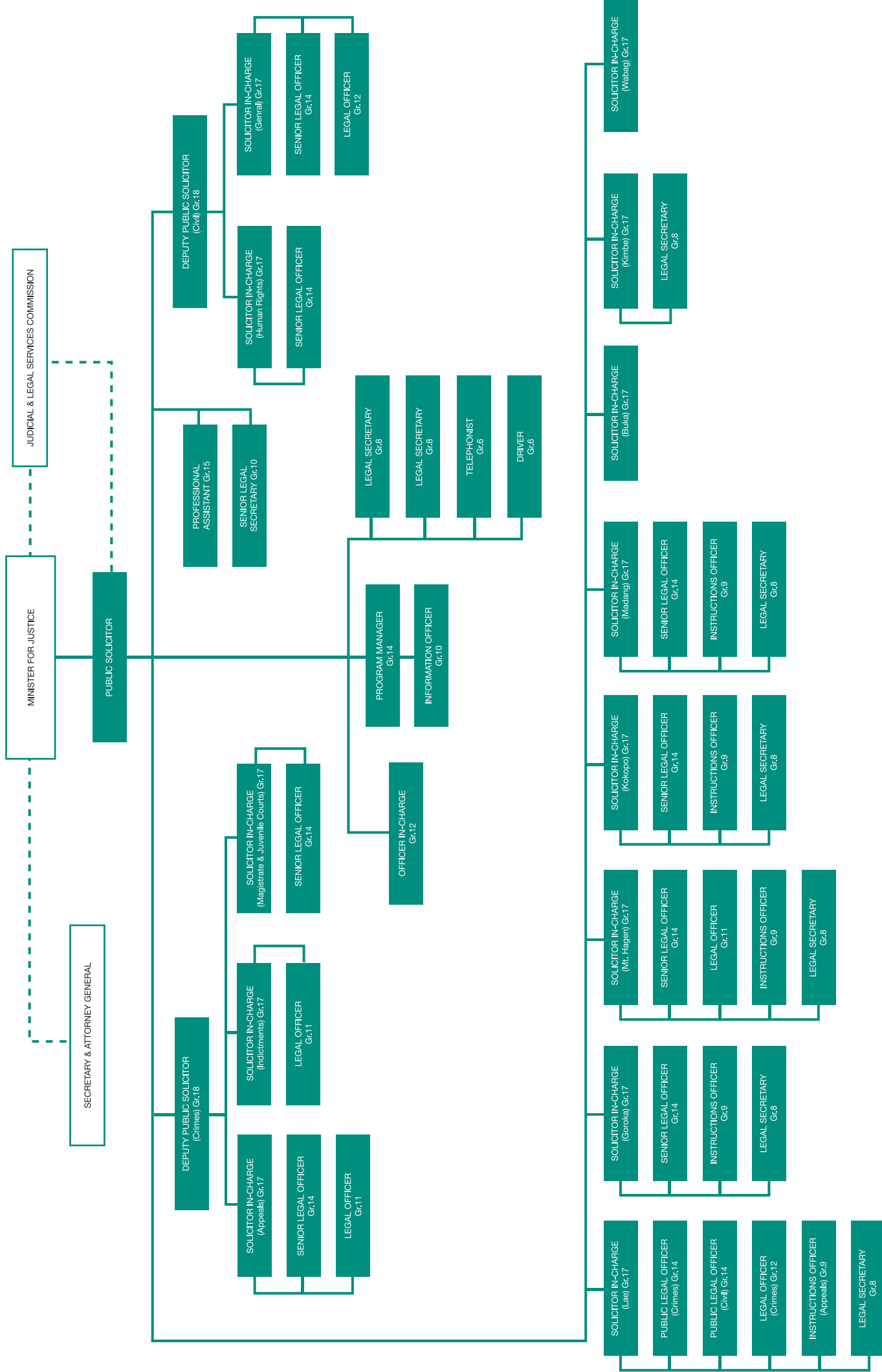
Housing is a major problem for all employees of the State. The officers employed by the Public Solicitor's Office are no exception. Two years ago, the LJSP did allocate some money for the issue of housing to be addressed but nothing has progressed. If housing is made a condition of employment, retention of officers would be guaranteed and future planning of the office will see fruition as time goes by. It is the major problem that detracts officers from being fully committed to their duties. Eventually officers leave the office when better conditions are offered elsewhere.

Planning and Financial Management

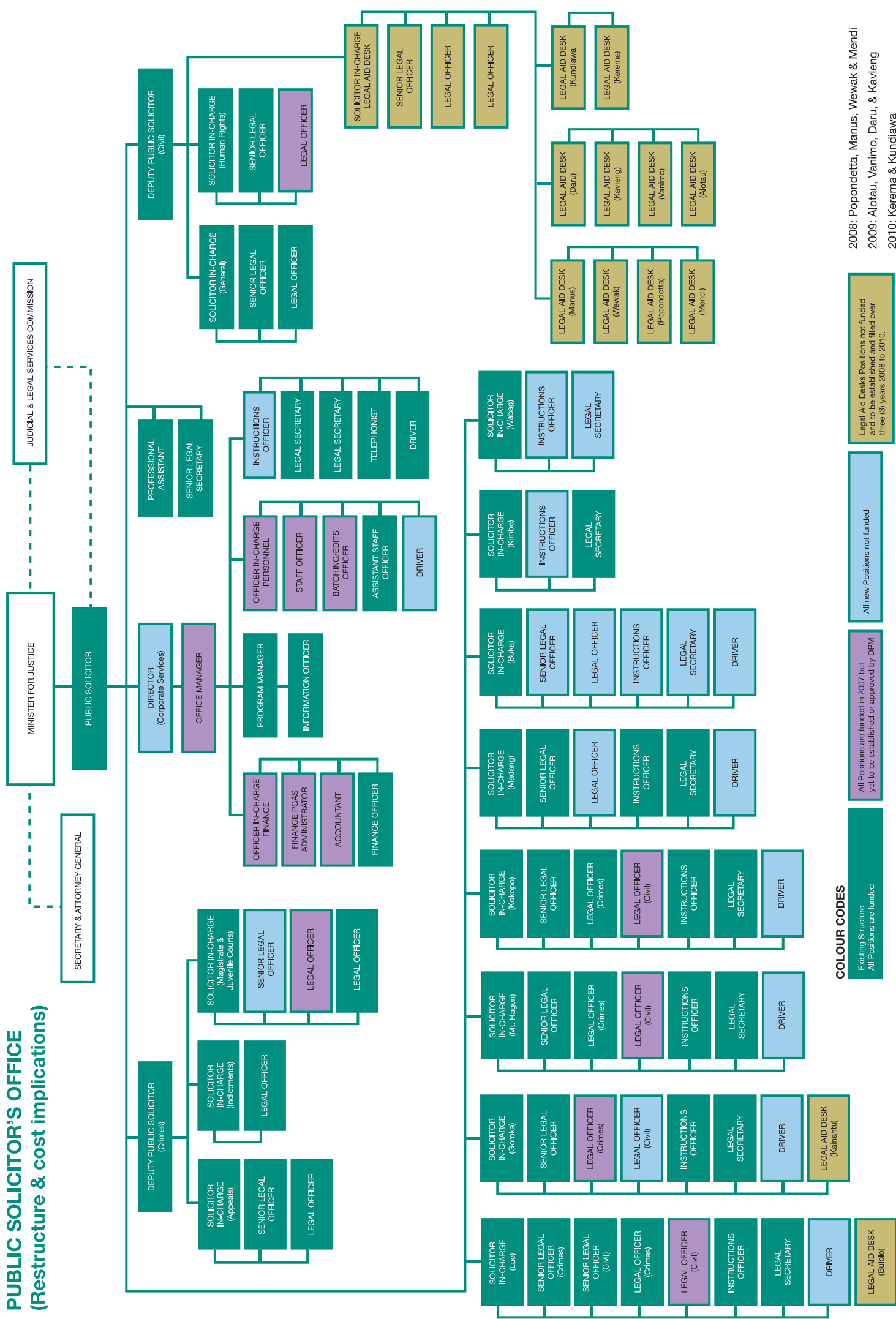
With semi-autonomy will come additional responsibilities. In January 2008 the office must deliver the capacity to handle its own procurement of goods and services and establish an efficient cheque writing facility under the PGAS System.

The office must take additional responsibility for the development of its 2009 annual plan and its 2009 Recurrent and Development budgets.

PUBLIC SOLICITOR'S OFFICE
(existing organizational structure)



PUBLIC SOLICITOR'S OFFICE (Restructure & cost implications)



COLOUR CODES

Existing Structure
All Positions are funded

All Positions are funded in 2007 but yet to be established or approved by DPM

All new Positions not funded

Legal Aid Desks Positions not funded and to be established and filled over three (3) years 2008 to 2010.

2008: Popondetta, Manus, Wewak & Mendi
2009: Alotau, Vanimo, Daru, & Kavieng
2010: Kerema & Kundiawa

Branch Reports

Lae

Solicitor-in-Charge

Ms Anna Raymond

The office is still manned by a Solicitor-in-Charge, two senior legal officers, a legal officer, an instructions clerk, a legal secretary, a records clerk (casual) and a driver. Lae is the second largest city in the country and is centrally located for people from all parts of the country to converge there during their travels by land, sea and air. As a result of this great diversity of people, crime problems are increasing. With the Public Solicitor now taking on more civil cases, there will obviously be a great increase in the need for services that the office provides. Therefore it is inevitable that it must have a higher number of lawyers and support staff than the other branch offices. In view of this, a new legal officer position was identified for the office in the restructure and the person will be recruited in 2008.

With the automation of the office, it is anticipated that this will yield an increase in the number of cases and legal aid applications being dealt with and processed.

Lae will also directly assist with the Bulolo Legal Aid Desk and the Grade 5 Magistrates and Juvenile Courts matters. These are new areas that the Public Solicitor wants sustained assistance to be provided.



Phone: 852 1355
Facsimile: 852 2002

Madang

Solicitor-in-Charge

Ms Annie Turi

A new lawyer has been added to the staff at Madang under the restructure so in 2008, the staff will be increased to an Officer-in-Charge, two lawyers, Instructions Clerk, Secretary and Driver.

This compliment will be adequate to deal with expected growth within the office.

The office is in the process of relocating to new premises above the National Housing Commission which are spacious, but require some renovations.



Goroka

Solicitor-in-Charge

Mr Tiria Ohuma

The Solicitor-in-Charge resigned in October 2006 to stand for elections to Parliament, and during 2007 the office was undermanned. One solicitor, together with Instructions Clerk and Secretary worked hard to operate the office effectively with help from circuit lawyers from head office.

This lack of personnel combined with lack of housing resulted in the proposed opening of a Legal Aid Extension Program in Kainantu being delayed.

Under the proposed restructure, not only will a new SIC be recruited, but another lawyer and a driver added to the staff.

Consideration will need to be given in obtaining new office accommodation in due course, for, despite recent improvements, there may be a need for additional space to be provided.



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Mt Hagen

Solicitor-in-Charge

Mr Peter Kumo

After a number of difficult years the Mt Hagen office achieved a stability in 2007 which augurs well for the future.

The office is nominally manned by the Solicitor-in-Charge, two legal officers, an instructions clerk and a legal secretary. During the year, the Solicitor-in-Charge, a legal officer and the instructions clerk were removed. Mr Kumo was appointed Solicitor-in-Charge and for their efforts, Ms Naomi Philips was presented with the Law and Justice Sector award for the most valuable employee in the office.

Under the proposed restructure, another legal officer and a driver will be added to the staff.

In 2007 extensive renovations were undertaken to what were substandard facilities and already considerable improvement in the efficiency and output of the office can be observed.

The office also assumes responsibility for the Mendi circuit.



Wabag

Solicitor-in-Charge

Mr Philip Kapi

The Solicitor-in-Charge of Wabag was replaced and Mr Philip Kapi was appointed acting SIC. The position will be advertised and appointment made subsequently. At that time, an Instructions Clerk and Secretary will join the office to create a sustainable legal service provider to the people of Enga. The increase of two additional positions is in accordance with the 2007 approved restructure which we anticipate the positions to be filled by 2008.

This will require the relocation of the office from its current location, which is a single office at the Court House.

The volume of criminal and civil trials coming before the court in 2008 continued to be comparatively low so increased emphasis will be placed on the office acting in Grade 5 Magistrates and Juvenile Court matters.



Kokopo

Solicitor-in-Charge

Ms Salome Maliaki

The year 2007 was a year of establishing a firm foundation for the Kokopo branch office after not having a Solicitor-in-Charge for two years.

The new Officer-in-Charge, Ms Salome Maliaki transferred from Lae branch office to join the legal officer and instructions clerk in the office. The office was renovated and this included new furniture, curtains and two new air conditioning units made possible through the Development Budget. The office also received three new computers and an additional printer.

Kokopo National Court has the longest criminal list in the country with cases dating back to 1996, but by the middle of the year that had been reduced. By the end of 2007, criminal cases were at a manageable level similar to that of Lae and Waigani.

Legal aid awareness was done indirectly by displaying pamphlets within the office which had shown a dramatic increase in the provision of legal advice and the processing of more legal aid applications. These applications increased dramatically, far more than previous years.

The inclusion of a temporary legal secretary greatly assisted the office during the year.

Under the proposed restructure the office will have one additional lawyer, a full time legal secretary and a driver.



Kimbe

Solicitor-in-Charge

Mr Oakaiva Oiveka

This has been a one man office since its opening back in the early 90s. The present Officer-in-Charge has held that position for ten (10) years. It is likely that he will return to head office in 2008 and a new appointment be made.

In 2007, the office was moved from its original single office location at the Provincial Government headquarters, to the building used as a temporary court while the new court house was built. These offices will require substantial alteration to be made suitable. The major restructure will see the addition of an Instruction Clerk and a Secretary.

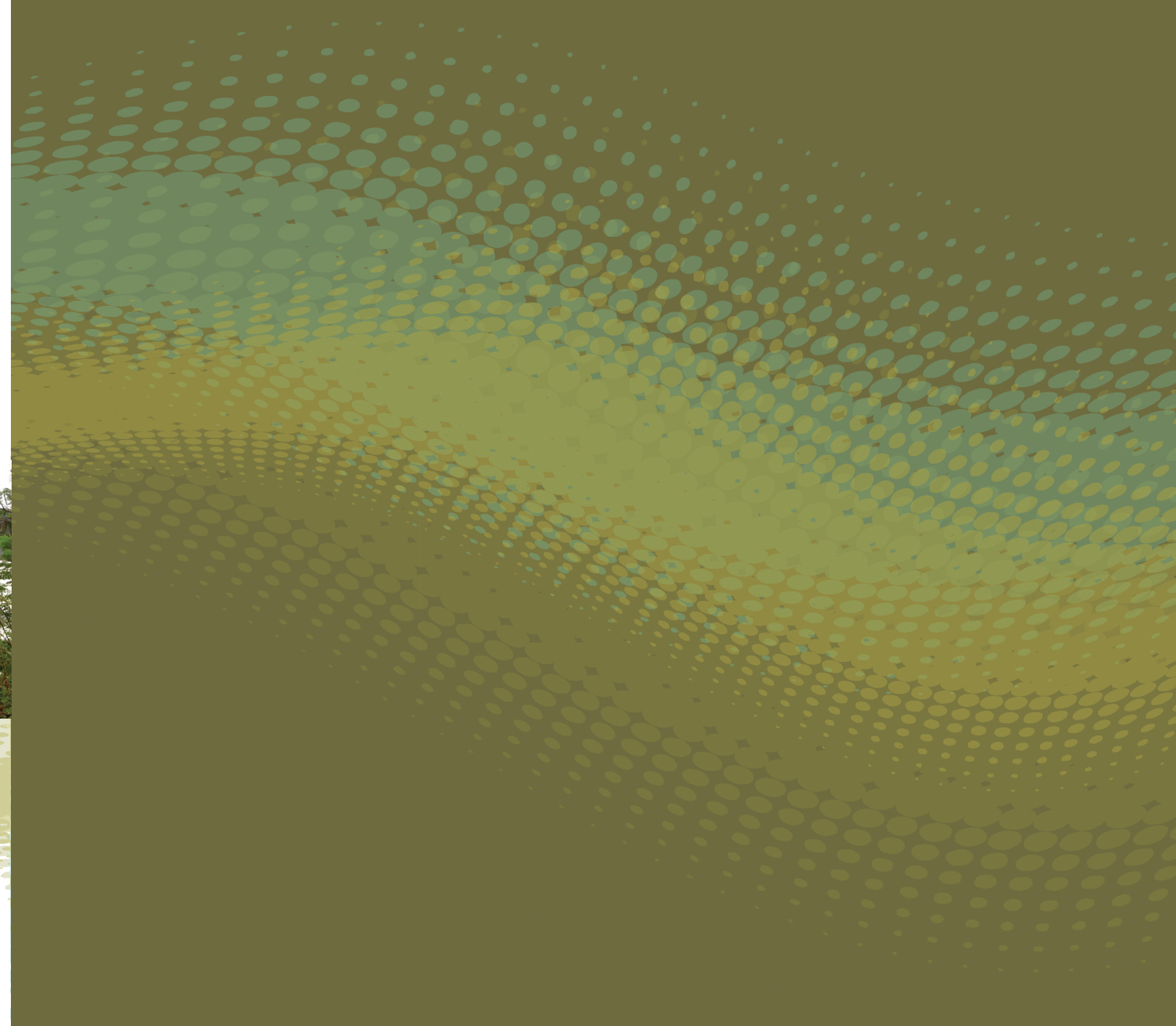
With changed offices and personnel, the Kimbe office will take on a completely new face in 2008 and will be well positioned to improve service delivery to the people of West New Britain.

During 2007 the Kimbe office attended to 68 criminal cases.



FINANCIAL SUMMARY

2007



Recurrent Budget

ITEM	EXPENDITURE	BUDGET (K)	ACTUAL (K)
111	Salaries & allowances	2,131,700	1,411,048
112	Wages	0	28,000
113	Overtime	8,000	8,000
114	Leave fares	110,500	111,860
116	Education benefits – contract officers	0	0
121	Travel & subsistence	800,000	825,435
122	Utilities	62,000	152,260
123	Office materials & supplies	45,000	19,773
124	Operational materials & supplies	6,000	2,980
125	Transport & fuel	45,000	26,018
126	Consultancy fees	0	0
127	Rental of properties	42,000	35,000
128	Routine maintenance expenses	12,000	5,000
135	Other operational expenses	20,000	23,000
136	Conferences & seminars	0	0
141	Retirement benefits, pensions & gratuities	221,100	274,00
142	Membership fees & contributions	60,000	25,049
221	Office furniture & equipment	18,200	0
222	Replacement vehicle	0	0
223	Renovation & improvements	0	0
224	Plant & equipment service	0	0
225	New constructions	0	0
226	Substantive & specific maintenance	0	0
Total		3,581,500	1,456,706

Development Budget

In 2007 funds made available under the Development Budget were used to implement many of the recommendations made under the Karen Shepherd Report and to initiate the Legal Aid Extension Project in Bulolo.

Funding under the in 2006 was K900,000.00 and this was increased to K1,091,000.00 in 2007 which was nearly expended. An amount of K1,019,000.00 was allocated for 2008 and this amount is unlikely to be sufficient for all activities currently planned and additional funding may be sought.

Development Budget Trend

Since 2006 Development Budget allocation to the Public Solicitor's Office steadily increased.

2006	2007	2008
K 900,000.00	K 1,091,000.00	K 1,019,000.00
Variance	17.5%	– 7.06%

Public Solicitor Trust Account

This trust account is established under the authority of Section 15 of the *Public Finances (Management) Act*. The purpose of the account is to hold monies in trust for clients whom the Public Solicitor successfully represents in civil litigation and who are awarded damages. Legal costs awarded to the Public Solicitor are also held in this trust account including minimal fees charged by the Public Solicitor pursuant to the *Public Solicitor (Charges) Act*. The Public Solicitor has discretion to use some of this money for the purposes of further development of the office.

As at 31 December 2007, the actual balance was K439,355.61. This represents a net decrease from previous year by K24,541.30.

STATISTICS

Total number of cases

YEAR	CRIMES	CIVIL
2007	950	1127
2006	924	935
2005	808	663
2004	732	—

Branch cases disposed during 2007

BRANCH	CRIMES	CIVIL
Mt Hagen	62	7
Buka	54	0
Goroka	60	45
Wabag	1	0
Madang	33	80
Lae	52	168
Kimbe	70*	10
Kokopo	53	134
Total	385	444

The above statistics are based on material currently to hand may contain some inaccuracies. Some cases on hand may in fact be completed. It is expected that the reporting systems will be able to provide more accurate data in 2009.

* The figures for Kimbe are reconstructed from court lists.



Public Solicitors Office, NCD, reception area, inside office and outside entrance after renovations in 2007.



Public Solicitors Office, N.C.D., conference room prior to renovations in 2007.

Conference room after renovations.



Public Solicitors Office, N.C.D., library prior to renovations in 2007.

Sir Mari Kapi, opening the new library.

The new library after renovations.



The new library after renovations.

Contact details for the
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