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Preliminary

Solomon Islands Law Reform Commission

The Solomon Islands Law Reform Commission (Commission) is a statutory body established under the Law Reform Commission Act [Cap 15]. The Commission is headed by a Chairperson and four part-time Commissioners appointed by the Minister for Justice and Legal Affairs.

The Chairperson is Mr. Frank Bollen Paulsen.

The part-time Commissioners are:

Mr Gabriel Suri (resigned in October 2016)

Mr Waeta Ben Tabusasi C.S.I., S.I.M.

Rt Reverend Philemon Riti O.B.E., S.I.M.

Mrs Emmanuella Kauhue (term lapsed in June 2016)

Legal officers:

Philip Kanairara – Secretary

Chief Legal Officer - Vacant

Daniel A Suluia – Principal Legal Officer

Godfrey Male – Senior Legal Officer

Florence Dafanisi – Senior Legal Officer

Nelson Kumamusa Kere – Senior Legal Officer

Corina Ruvy Peni – Senior Legal Officer

Senior Legal Officer - Vacant

Other officers:

Matilda Dani Diake – Office Manageress (left to Office of the Auditor General in May 2016)

Scarlett Fai – Replaced Matilda Dani Diake (Office Manager)

Ellen Ramo – Clerical Assistance

Prisca Panga – Office Cleaner

The Commission is located at Kalala Haus, Honiara, Solomon Islands behind the High Court of Solomon Islands.

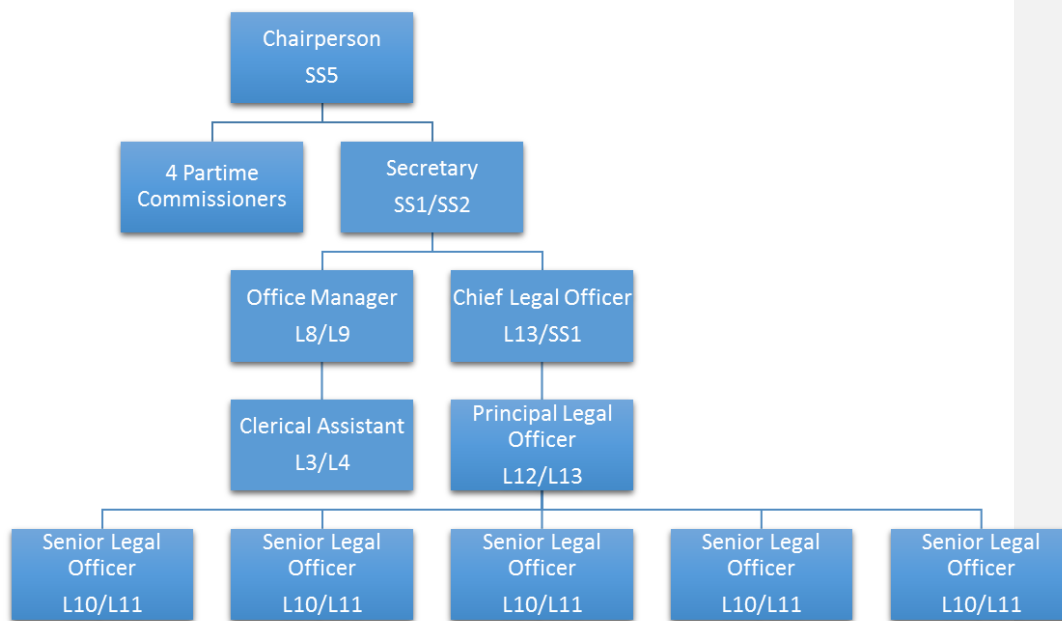
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Organisational Structure



Commissioners

Chairperson



Chairperson Frank Bollen Paulsen



Commissioner Gabriel Suri



Commissioner Waeta Ben
Tabusasi



Commissioner Rt Rev. Philemon Riti



Commissioner Emmanuella Kauhue

Solomon Islands Law Reform Commission Staff



Sitting from left to right: Corina Ruvy Peni, Florence Dafanisi, and Ellen Paru Ramo

Standing from left to right: Nelson K Kere, Scarlett Fai, Godfrey Male, Philip Kanairara, Daniel Suluia, and Frank Bollen Paulsen

Chapter 1: The Commission

1.1 Vision

“Solomon Islanders will have laws that are just, equitable, relevant, responsive, effective and equally accessible to all to ensure peace, good governance and sustainable development.”

1.2 Mission

“To review and make recommendations to the Government in relation to the reform of laws in keeping with the changing needs of Solomon Islands’ society.”

1.3 Values

In all our dealings, the Commission will strive to be guided by the following values:

- **Independence**

The Commission respects the independence it has been given and will ensure it fully meets the obligations, accountability and transparency as required.

- **Impartiality**

The Commission will adhere to the principles of impartiality and objectivity, in the exercise and performance of its powers and functions.

- **Ethical behaviour**

The Commission seeks to be professional, fair and act in the best interest of justice with dignity, integrity and honesty.

- **Cooperation**

The Commission will work in partnership with stakeholders to achieve effective and efficient justice sector service delivery.

- **Competence**

The Commission will ensure that it performs its duties in a competent manner to ensure it maintains the confidence that stakeholders will have towards it as a justice institution.

- **Equity**

The Commission will ensure fairness in its service delivery functions.

1.4 Establishment and structure

The Law Reform Commission Act [Cap 15] established the Law Reform Commission (Commission). The Commission comprises of a Chairperson appointed for a term of 5 years and four part-time Commissioners appointed for a term of 4 years.

The Chairperson must be a lawyer and the four part-time Commissioners are persons who have knowledge and interest in:

- a) social welfare and religious affairs;
- b) criminal administration; or
- c) sociology, anthropology or Solomon Islands culture.

The Commission shall have a Secretary who is its Executive Officer.

1.5 Commission

| | |
|---|--|
| Chairperson | Frank Bollen Paulsen, Appointed 10 October 2014 |
| Mrs Emmanuella Kauhue | Term lapsed 28 June 2016 |
| Rt Reverend Philemon Riti O.B.E., S.I.M. | Reappointed 5 February 2013 |
| Mr Gabriel Suri | Resigned 18 October 2016 |
| Mr Waeta Ben Tabusasi C.S.I., S.I.M. | Reappointed 5 February 2013 |

1.6 Commission Staffing Profile

| <i>SIG Establishment Posts</i> | | | | | |
|---------------------------------------|--------------------------------|-------------|---------------|--------------|----------------------|
| Grade / Position | No of established Posts | Male | Female | Total | Vacant/filled |
| Chairperson SS5 | 1 | 1 | | 1 | Filled |
| Secretary SS1/SS2 | 1 | 1 | | 1 | Filled |
| Chief Legal Officer L13/SS1 | 1 | 0 | 0 | 1 | Vacant |

| | | | | | |
|--------------------------------|---|---|---|---|--------------------|
| Principal Legal Officer L12/13 | 1 | 1 | 0 | 1 | Filled |
| Office Manager L8/9 | 1 | 1 | | 1 | Filled |
| Clerical Assistant L3/4 | 1 | | 1 | 1 | Filled |
| Senior Legal Officer L10/11 | 5 | 2 | 2 | 4 | 4 filled, 1 vacant |
| <i>Non-Establish Posts</i> | | | | | |
| Gardener L2 | 1 | | | 1 | Vacant |
| Domestic Servant L2 | 1 | | 1 | 1 | Filled |
| Gardener L 2 | 1 | | | | Vacant |
| Office Cleaner L2 | 1 | | 1 | 1 | Filled |

1.6.1 Commission Staff

| | | |
|----------------------|-------------------------|---|
| Frank Bollen Paulsen | Chairperson | Commenced November 2014 |
| Philip Kanairara | Secretary | Commenced March 2009 as Senior Legal Officer, appointed Principal Legal Officer in 2012, appointed as Chief Legal Officer in 2014. Appointed as Secretary in 2016 |
| Daniel Suluia | Principal Legal Officer | Commenced August 2009, appointed as Principal Legal Officer in August 2016 |
| Godfrey Male | Senior Legal Officer | Commenced January 2015 |
| Florence Dafanisi | Senior Legal Officer | Commenced April 2016 |
| Corina Ruvy Peni | Senior Legal Officer | Commenced April 2016 |

| | | |
|--------------------|----------------------|---------------------------------------|
| Nelson K Kere | Senior Legal Officer | Commenced August 2016 |
| Matilda Dani Diake | Office Manageress | Commenced January 2008, left May 2016 |
| Scarlett Fai | Office Manager | Commenced August 2016 |
| Ellen Ramo | Clerical Assistant | Commenced July 2015 |
| Prisca Panga | Office Cleaner | Commenced September 2016 |

1.7 Technical/donor Assistance

1.7.1 Australian Volunteers for International Development (AVID)

Georgie McArthur, from Sydney, Australia, joined the Commission towards the end of June in 2015, as a legal volunteer under the Australian Volunteers for International Development (AVID) program. She was recalled by her employer, the New South Wales Government, in May 2016, two months before her one year term lapsed.

Georgie did excellent work during her 10 months with the Commission. She assisted the Commission with the provision of technical, policy and legal advice on anti-corruption, property offences, sorcery offence and personal harm offences. She also provided capacity building support for the officers of the Commission.



In the photo, Georgie McArthur, in white blouse, during a consultation meeting trip in Marovo, Western Province.

1.8 Annual Report

The Law Reform Commission Act requires that the Commission must prepare and submit to the Minister for Justice an annual report of its operation during the year. The Minister must lay before Parliament the annual report. However, it is very unfortunate that this has never been done in the past.

Below is a table showing the status of the Commission's annual reports that have been submitted to the Minister, in compliance with the reporting requirement as stipulated in the Law Reform Commission Act; for the years listed.

| Year | Minister responsible for Justice laid before Parliament |
|--------------------|--|
| 2009 Annual Report | No |
| 2010 Annual Report | No |
| 2011 Annual Report | No |
| 2012 Annual Report | No |
| 2013 Annual Report | No |
| 2014 Annual Report | No |
| 2015 Annual Report | No |

The Commission holds the view that the Law Reform Commission Act and convention allow the Minister to lay all the annual reports before Parliament at one time.

Chapter 2: Functions, powers and privileges

2.1 Functions

The role of the Commission is to review the existing laws of Solomon Islands, as directed by the Minister responsible for Justice (through terms of references), to bring them into harmony with current conditions, eliminate defects, simplify the law and assume new and more efficient methods for the administration of the law and the dispensation of justice.

The Minister for Justice in 1995 and 1996 directed the Commission to review 11 areas of law. The summary of the references are outlined in Chapter 3.

2.2 Powers

The Commission has power to:

- consult all parties that may be affected by any proposed change in the law. This extends from government entities to non-government organisations and members of the public;
- provide advice and information to any government department and any other government institution, authority, organisation, instrumentality or body concerned with proposals for the reform or amendment of any branch of the law but this is subject to the approval of the Minister;
- receive and consider any proposal for the reform of the law which may be referred to it;
- undertake research and study programmes to equip itself with materials to base its recommendations on law reform matters, particularly in the area of customary law;
- obtain relevant information from jurisdictions outside the Solomon Islands; and
- do all things necessary or convenient to be done for or in connection with the successful performance of its specified functions.

2.3 Privileges and protection

In addition to the performances of its functions and the exercise of its powers, the Commission enjoys the full protection of the law accorded to a commissioner under the Commission of Inquiry Act [Cap 5].

A copy of the Law Reform Commission Act [Cap 15] and a copy of the Law Reform Commission Regulations are attached to this report in Appendix 2.

Chapter 3: The Commission's Terms of References – summary

The Minister responsible for Justice has issued 11 terms of references (TOR) to the Commission. Below are briefs of the status of the references.

| Reference | Date given | Status of the reference |
|---|--------------------------|--|
| Land below high water mark Review | 1 st May 1995 | <p>The Commission has completed this reference in 2012. A copy of the report is attached as appendix 3.</p> <p>The Ministry of Justice is yet to work on its implementation. The Ministry of Justice placed the implementation of this Report as a secondary priority on its legislative projects since 2014.</p> |
| Penal Code and Criminal Procedure Code Review | 1 st May 1995 | <p>Ongoing – current.</p> <p>The Commission completed work on Corruption Offences in June 2011. Report sent to the Minister responsible for Justice in 2011. A copy of the report is attached as appendix 4. The DCCG has considered most of the recommendations and included them in the Anti-Corruption Bill 2016.</p> <p>Completed work on Sexual Offences in June 2013. Report handed over to the Minister responsible for Justice in June 2013. The Government through the Ministry of Justice has implemented this in the Penal Code (Amendment) (Sexual Offences) Act 2016.</p> <p>Completed work on the Mental Impairment Report in October 2013. Report containing recommendations for law reform handed over to the Minister in March 2014. A copy of the report is attached as appendix 5. The Ministry of Health and Medical Services is using this Report to progress the legislative reform on mental health.</p> <p>Work projects on other parts of the Penal Code are progressing. These included administration of justice, property offences, sorcery offence, homicide offences, personal harm offences, and public order offences.</p> |

| | | |
|--|-------------------------------|--|
| Law of treason Review | 30 th May 1995 | Work on this reference has begun under the review of the Public Order Offences, Penal Code and Criminal Procedure Code Reference. |
| Law of sedition Review | 30 th May 1995 | Work on this reference has begun under the review of the Public Order Offences, Penal Code and Criminal Procedure Code Reference. |
| Marriage and Divorce laws Review | 1 st May 1995 | Yet to commence. This is yet to commence because the Commission does not have the adequate staff and resources. Also the approach in writing detailed consultation papers for each subject under the review of the Penal Code and Criminal Procedure Code contributes to the delay in the commencement of this review. The Commission is looking at reviewing this approach. |
| Review in terms of Section 76 and Schedule 3 of the Constitution, the Acts of Parliament of the United Kingdom of general application and in force on 1st January, 1961. | 1 st May 1995 | The Commission is yet to commence work on this Reference. |
| Section 5C of the Forest Resources and Timber Utilisation Act (Cap.40) on the procedure for the acquisition of timber rights in Solomon Islands. | 1 st May 1995 | The Commission suspended this Reference in 2008 due to work carried out in the Ministry of Forestry. |
| Review of law relating to treatment of mentally impaired patients | 1 st May 1995 | The Commission suspended this Reference in 2008 due to work carried out in the Ministry of Health and Medical Services. |
| Law relating to building code and standard | 1 st May 1995 | The Commission suspended this Reference in 2008 due to work carried out in the Ministry of Infrastructure Development. |
| Review the penalty provisions in the Customs and Excise Act (Cap. 58). | 1 st May 1995 | The Commission suspended this Reference in 2008 due to work carried out in the Ministry of Commerce. |
| Review of the Customs & Excise Act (Cap.58). | 2 nd February 1996 | The Commission suspended this Reference in 2008 due to work carried out in the Ministry of Commerce. |

3.1 Implementation of the Commission's reports for law reforms

The Commission has completed and provided to the Solomon Islands Government through the Ministry of Justice and Legal Affairs three reports on the review of the Penal Code and Criminal Procedure Code Reference. The reports were on corruption, sexual offences and mental impairment. The Commission has also completed the Land below high water mark Reference and has given the law reform report on that reference to the Government. The Government through the Ministry of Justice and Legal Affairs has implemented this report by amending the Penal Code through the Penal Code (Amendment) (Sexual Offences) Act 2016.

The Government, through the Prime Minister's Office, has begun work on the Corruption Offences and produced the Anti-Corruption Bill 2016. This Bill went before the Bills and Legislation Committee in April 2016. A number of recommendations put forward by the Commission were included in the Bill.

The Ministry of Justice, Legal Policy Unit, is still to progress the implementation of this report. This is same for the Land below high water mark report.

Chapter 4: Activities

4.1 Commission's law reform process

The Commission does not have a strict law reform process but adopts processes that best suits an inquiry. As part of the Commission's mandate and research methods, it will publish consultation papers and reports based on careful and thorough research. In the course of research, particular attention will be given to legislation, case law, jurisprudence and academic writings. The Commission will also consider the laws of other jurisdictions, as well as proposals made by law reform bodies in other jurisdictions.

The Commission will also request submissions from members of the public who wish to make their point of view known on a particular reference. These submissions will be taken into account in the drafting of the final report on the subject, and any issues or concerns they raise will be addressed.

Consultation is central to the Commission's work. Consultation may take several forms. In the initial stages of research, the Commission will meet with professionals working in a particular area, and representatives of various interest groups.

Once the main issues are identified the Commission will prepare an Issues Paper or Consultation Paper which will be used as the basis for consultation with the people of the Solomon Islands. The Commission will consult in the provinces in a number of ways. First is, through the media (particularly SIBC radio broadcast) to reach people and stimulate discussion and ideas about law that is under review. And secondly, the staff from the Commission will visit the provinces and meet with people face to face to make people aware of law, laws under review and receive submissions from them.

Once the consultation process is completed the Commission will develop a series of recommendations on how the law should be modernised, amended, or repealed. These recommendations are developed by the Commission's lawyers. The recommendations then go before the Commissioners for their comments, approval and endorsement. The Final Report which contains the recommendations for law reform is then given to the Minister responsible for Justice. The Commission's review work in any project or reference comes to an end with the handing over of the report to the Minister. It is the Government's responsibility in particular the Ministry of Justice, Legal Policy Unit, to manage and coordinate the implementation of the recommendations in the report.

4.2 Commissioners meetings

The Commissioners had seven (7) meetings in 2016. The Commissioners approved the 2015 Annual Report.

4.3 Review of the Penal Code and Criminal Procedure Code Reference

This term of reference requires the Commission to enquire and report on reforms necessary to reflect the current needs of the people of Solomon Islands. The two Codes were introduced in Solomon Islands in 1961 and 1963 respectively with some amendments prior to independence and have not significantly changed since then. The review is complex and large – the two Codes contain 706 provisions.

The Commission commenced the review of this reference in 2008 and an Issues Paper was produced. The Issues Paper raised numerous issues and questions on the reform of the Penal Code. The Commission conducted general consultations on the Issues Paper in 2009 and 2010 in all provinces of Solomon Islands.

This review has been broken down into different projects on subjects. The projects that have been completed and handed over to the Government were:

- 1) Corruption Offences Report in June 2011;
- 2) Sexual Offences Report in June 2013; and
- 3) Mental Offences Report in March 2014.

Listed below are the projects under this review in 2016:

- 1) Administration of Justice;
- 2) Property Offences Project;
- 3) Sorcery Offences Project;
- 4) Personal Harm Offences Project;
- 5) Homicide Offences Project; and
- 6) Public Order Offences.

4.3.1 Key achievements in 2016 for this review

The key achievements for 2016 under this review were the launching of the Personal Harm Offences Consultation Paper, completion of consultations for the property offences, the completion of the sorcery offence consultation, commencement of some consultations for homicide offences, and compilation of a revised draft Report on the Administration of Justice.

4.3.1.1 Launching of the Personal Harm Offences Paper

The Personal Harm Offences Consultation Paper was launched on the 10th October 2016, at the Solomon Kitano Mendana Hotel, Mendana Avenue, Honiara. The launching indicates the consultation paper is ready for consultation with stakeholders. The Minister for Justice and Legal Affairs launched the Paper in the presence of invited stakeholders, including the media.

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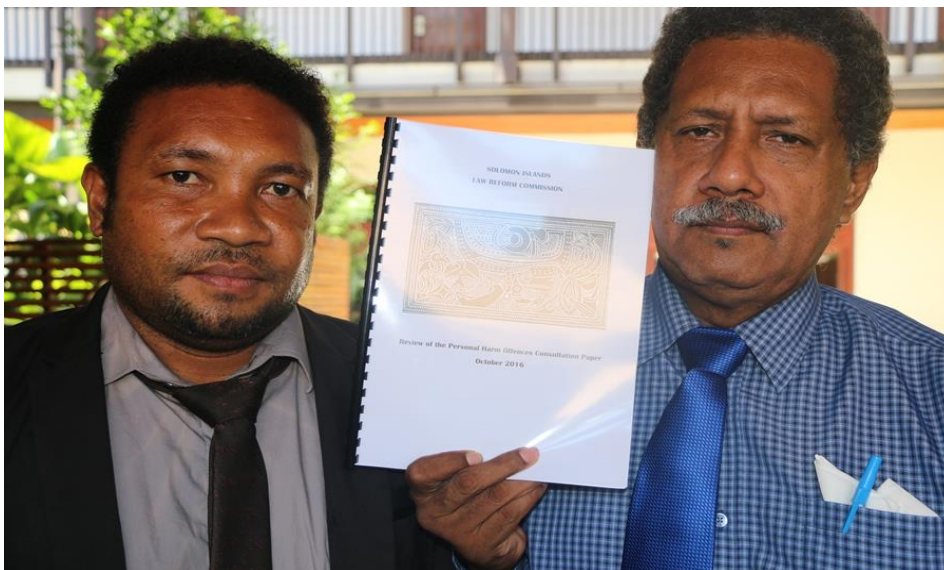


Figure 1 In the photo, Minister for Justice and Legal Affairs: Hon. William Bradford Marau & the Chairman of the Solomon Islands Law Reform Commission: Mr. Frank Bollen Paulsen, during the launching of the Personal Harm Offences Consultation Paper.

4.3.1.2 Completion of Property Offences consultations

This project is on the review of the property offences such as stealing, burglary, robbery, unlawful use and other offences related to theft, fraud, forgery, extortion, currency offences, and property damages and arson.

The Commission has completed consultations for this project in 2016. Work on the Report for the property offences will commence in 2017.

4.3.1.3 Completion of Sorcery Offence consultations

This Project looks at the sorcery offence as in the Penal Code and seeks to determine whether the offence is relevant to sorcery issues in Solomon Islands. This project

focuses more on customary governance of sorcery, effects of sorcery, state governance of sorcery and will propose reform options if required.

The Commission has conducted the remaining consultations in Malaita, Renbel and Guadalcanal provinces and within Honiara in 2016. Work on the Report will commence in 2017.



Above in the photo, standing in blue shirt, Burns Creek Community, Chief John Seti Iromea, expressing his views on sorcery.



Above – holding the microphone, Guadalcanal Province leader and former Prime Minister Rt Hon. Ezekiel Alebua making his comments during the sorcery offence conference held at Monarch, Iron Bottom Sound Hotel in Honiara. Below was a consultation meeting held at Arabala Village, Central Kwara'ae, Malaita Province.





Above, Philip talking to the participants at Niubani Village, East Rennell, Renbel Province.

4.3.1.4 Commencement of homicide offences consultations

Homicide Offences Project is a review on the laws covering murder, manslaughter and other homicide offences such as suicide, infanticide and reckless or dangerous driving causing death. The project also covers review on the law on partial defences, such as provocation, excessive self-defence, diminished responsibility and the legal duty to cause death or do the act which causes death and the law on sentencing for homicide offences, specifically the mandatory life imprisonment for murder. It further covers the early release mechanisms under; the Parole Board and the Prerogative of Mercy Committee.

The Commission launched its Consultation Paper on homicide offences in March 2015 but no thorough consultations were conducted from that time due to funding and staffing constraints. Towards the end of 2016, two consultations were done. One conducted in Honiara with community, church, and youths/student representatives and the other with communities in West and East Guadalcanal Province.

Below in the photo – Nelson Kere talking to participants at a consultation held for community and church leaders and youths in Honiara.



4.3.1.5 Compilation on a revised draft report on Administration of Justice offences project

This Project covers the offence of perjury, false statements on oath and other statements, and inference with judicial proceedings. A targeted consultation was done in 2016 and a revised draft report was compiled. The next step is to take the draft report before the commissioners for their comments and endorsement.

4.3.2 Other projects

4.3.2.1 Public order offences

The public order offences project falls under the Commission's reference to review the Penal Code and the Criminal Procedure Code. The project covers the review of offences relating to public order and tranquillity; such as treason, unlawful assembly, riots, drunkenness and disorderly, criminal nuisance to name a few. These offences can be found under PARTS VII, VIII, IX and XVIII of the Penal Code of Solomon Islands.

The Commission is working on the Consultation Paper for this project. So far, chapters on offences such as treason, unlawful assembly, riot, drunk and disorderly in public places, drunk and incapable in public places and criminal nuisance have been done.

4.4 Professional or capacity Development

4.4.1 Table 1 shows the professional development activities for 2016

| Activity | Attended or undertaken by | Date/period | Provider | Funded by | Location |
|---|---|--|---|-----------|----------------------------------|
| Legal Policy Development Training | Nelson Kere, Florence Dafanisi, Ellen Ramo, Scarlett Fai & Corina Ruvy Peni | 22 nd – 23 rd September | Australian Attorney General (AGD) as facilitated by Law Reform Commission and Legal Policy Unit | SIG | MJLA Conference Room |
| Code of Conduct | Florence Dafanisi Corina Ruvy Peni | 12 th October | Institute of Public Administration and Management (IPAM) | LRC/SIG | MUCH, All Saints, Honiara |
| Australian Attorney General's Department (AGD) Twinning Program | Godfrey Male | 24 th October – 16 th December | AGD | AGD | Canberra, Australia |
| Coaching for Supervisors | Daniel Suluia, Scarlett Fai & Florence Dafanisi | 28 th – 29 th November | Solomon Islands Small Business Enterprise Centre (SISBEC) | DFAT | Hyundai Mall, Level 3, Suite 308 |
| Building a High Performing Team | Nelson Kere & Daniel Suluia | 29 th November | University of the South Pacific (USP) | LRC/SIG | USP SI Campus |
| Leadership & Empowerment Management | Florence Dafanisi & Scarlett Fai | 1 st December | USP | LRC/SIG | USP SI Campus |
| Time Management | Ellen Ramo & | 2 nd | USP | LRC/SIG | USP SI |

| | | | | | |
|--|------------------|----------|--|--|--------|
| | Corina Ruvy Peni | December | | | Campus |
|--|------------------|----------|--|--|--------|

4.4.2 Conference participation

4.4.2.1 Australasian Law Reform Agencies Conference

The Chairman, Frank B. Paulsen, and Daniel Suluia, attended the Australasian Law Reform Agencies Conference (ALRAC) which was held from 2 – 4 March 2016 at the Woodward Centre, Melbourne Law School, Melbourne, Australia. The ALRAC has been held biennially since the 1970s and attracts representatives from law reform agencies in the Asia Pacific region and beyond. The 2016 ALRAC was hosted by the Victorian Law Reform Commission.

The theme of the 2016 conference was 'Law reform – survival and growth'. It considered the important role of law reform agencies in modernizing the law, and discussed different models and approaches to law reform and to agency structures.

The conference was attended by representatives of law reform agencies from the States in Australia, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Hong Kong, Kenya and Mauritius.

The Chairman, Frank B. Paulsen, presented a paper on the work of the Solomon Islands Law Reform Commission (SILRC) and the challenges it faces, as a small law reform agency, in carrying out its mandate in Solomon Islands.

The SIG provided the funds for the officers to attend the conference.

4.4.2.2 35th Pacific Islands Law Officers Network (PILON)

Philip Kanairara attended the 35th Pacific Islands Law Officers Network (PILON) Meeting in Pohnpei, Federated States Of Micronesia from 26 – 28 October 2016. The Conference was hosted by the Department of Justice of the Federated States of Micronesia (DJFSM).

The PILON is a Network or association of senior law officers of the Pacific Region. Article 1 of the PILON Charter defined a senior law officer as a person who is responsible at the highest level of the public service of a member country for:

- a) Providing or settling legal advice to government;
- b) Drafting or administering legislation in the law and justice sector; or
- c) Taking legal proceedings on behalf of the government or state.

The PILON Charter in article 2 sets the purpose of PILON as to:

- a) Provide a network for senior law officers in the Pacific to identify and discuss key regional law and justice issues;
- b) Facilitate dialogue and cooperation between member countries on regional approaches to law and justice issues;
- c) Engage with regional and international organisations to address legal issues;
- d) Develop regionally supported law and justice policies for consideration by appropriate decision making bodies; and
- e) Develop connections with other Law officer networks.

Solomon Islands is among the founding members of PILON.

PILON has three strategic priorities. They are:

- Priority 1: Environmental Crime and Corruption;
- Priority 2: Sexual and Gender Based Violence;
- Priority 3: Cybercrime

Most of the discussions were centred on the three priorities, especial to legislative reforms.



Above in the photo, members and observers who attended the meeting.

The Solomon Islands Government provided the funding support for Mr. Kanairara to attend this Meeting.

4.4.2.3 Pacific constitutions Research Network Conference

Philip Kanairara attended the Pacific Constitutions Research Network Conference (PCRNC) from 23rd – 25th November 2016. The Conference was held at Emalus Campus, USP Law School, Port Vila, Vanuatu.

The objectives of the first conference of the Pacific Constitutions Research Network are:

- to revitalize discussions about the constitutional foundations of Pacific countries amongst USP scholars;
- to encourage collaborative writing partnerships amongst established and emerging scholars on constitutional and governance issues in the Pacific, with USP positioned as a hub for this collaboration;
- to encourage the production of policy-research outputs, in a form suitable to member countries (ie policy briefs, technical papers et cet) on current constitutional reform activities being undertaken in USP member countries, as driven by Pacific Island Policy makers/constitutional reformers;
- to consider whether an association/centre for promoting Pacific constitutional studies is needed or would duplicate other existing networks. If other networks are available, to consider how to promote participation of USP scholars in these other networks.

Mr. Kanairara presented a paper at the Conference titled '[t]he legislature encroaching into the executive function, a challenge to the operation of separation of powers doctrine in Solomon Islands.'

The USP funded airfare and accommodation and Solomon Islands Government provided the subsistence allowance (per diem) for Mr. Kanairara to attend the Conference.

4.4.2.4 Solomon Islands Women's Rights Action Movement Forum

Philip Kanairara was invited to do a presentation on sorcery offence at the Forum held at St Alban's Parish Hall. The Forum was organised by SI Women's Rights Action Movement for civil society organisations.

Mr. Kanairara did a 30 minutes presentation on sorcery offence and later was involved in a group discussions about the offence of sorcery and women in Solomon Islands.

4.4.3 AGD Twinning Program

Godfrey was offered placement to participate in the Australia Attorney General Department's (AGD) Twinning Program for a period of two months in Canberra in 2016. The program commenced from 24 October and ended on 16 December. This invaluable program was designed by the AGD and is fully funded by the Australian Government and people.

The Twinning program aims at equipping legal or public officers within the South Pacific region who play a part in the development of public policy in their respective government departments. The program seeks to enhance the capacity of public officers in the development of public policy and to enable them to advise their governments on how to

resolve or mitigate particular issues by participating in the public policy process to address such concerns.

The main training undertaken during the Twinning program is public policy development. The key features of this training are highlighted in 4.4.4 below. Participants are expected to return and conduct training on the course in their home countries.

Godfrey Male attended this two months twining in 2016. During the programme, he was able to meet with some prominent Stakeholders in the Law and Justice Sector relevant to his project in Canberra. He had a meeting with the Chief Justice of the Australian Capital Territory, the President and staff of the Australian Human Rights Commission; staff of the ACT, Director of Public Prosecution, staff of the ACT Law Reform Commission and staff within AGD.



Above, twining participants and some members of the AGD Staff in Canberra.

Below, Associate Professor Miranda of ANU with twining participants and some members of the AGD.



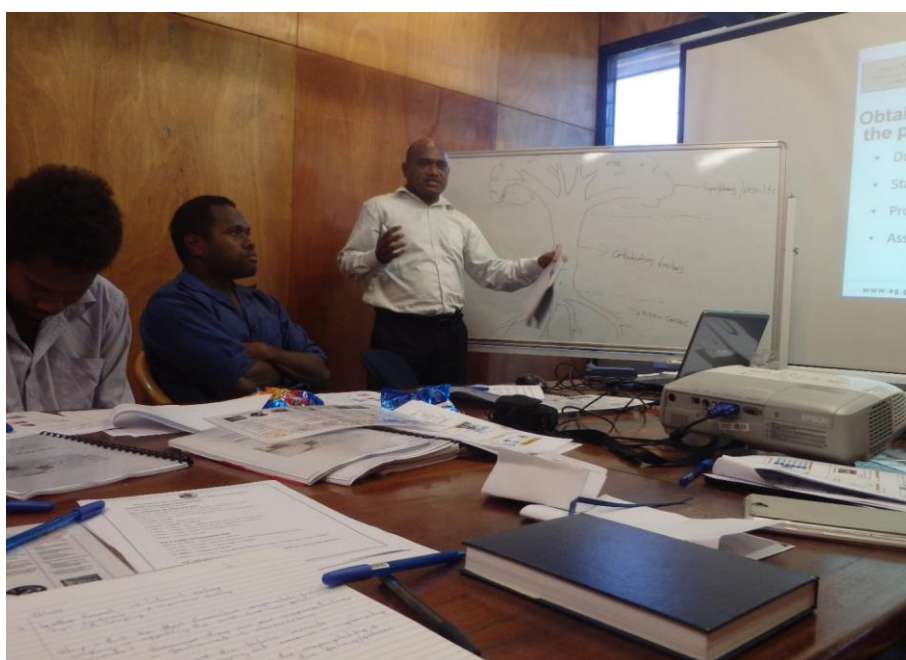
4.4.4 Legal Policy Development Course

The program is on legal policy development. The course uses a framework with the acronym OUTCOME. The OUTCOME represents the seven steps to legal policy development set for this course. The seven steps are:

1. Obtain information to clarify the problem;
2. Uncover and understand stakeholders;
3. Think ahead and plan;
4. Create options;
5. Outreach to stakeholders and decision makers (policy decision is made);
6. Make it happen; and
7. Evaluate and monitor.

The target group for this course is pacific public officers who are involved in policy development.

Daniel, upon his return from the training, conducted the course for officers in the MJLA.



In the photo above, Daniel lecturing to the participants of the Course in Honiara, Solomon Islands.



The photo above, participants were busy with the final activity for the course.

In the photo below, participants with their certificates.



4.5 Sectoral Development

4.6 Other Community Engagement

4.6.1 Online

The Commission did not utilise its website to upload its media releases and other work related materials due to internet access issue.

4.6.2 Print

4.6.3 Radio

The Commission continued to use radio programs to broadcast on Solomon Islands National Broadcasting Corporation (SIBC) on Wednesday evenings at 8pm as a way of raising awareness about our activities and areas of the law that are subject of law reform work. In 2016 the Commission produced four, 15-minutes radio programs. The programs were on:

- Personal harm offences - 1 radio programs;
- Homicide offences – 1 radio programs; and
- Public Order offences – 2 radio programs.

Each program is pre-recorded and repeated a number of times for listeners' coverage purposes.

4.6.4 The Commission's partnership and Collaboration

- Participated in a meeting on Enforcement and Compliance of Environmental Laws organised by the Solomon Islands Environment Law Association (SIELA).
- Participated at the Australasian Law Reform Agencies Conference (ALRAC) hosted by the Victorian Law Reform Commission, at Melbourne Law School, Melbourne, Australia.
- Assisted tertiary students (Solomon Islands National University and University of South Pacific) with their research.
- Provides and administers Commissioner of Oaths services for the public.
- Attended to meetings requested by researchers from non-government organisations and educational institutions.
- Participated in legal policy teleconferences facilitated by the Australian Attorney General's Department (AGD).

- Attended for the first time, as an observer, the Pacific Islands Law Officers Network (PILON) meeting, held at Pohnpei, the Federated States of Micronesia.
- Invited to the National Women's Forum Conference for a day to make a presentation on the Sorcery offence Project.
- Participated in meetings with the Ministry of Health and Medical Services on mainstreaming Disability Framework on the Convention on persons living with Disability.
- Attended and participated in meetings leading to the World Anti-Corruption Day. Also, took part in the walk against corruption on the World Anti-Corruption Day.
- Participated in the Pacific Constitutions network conference.
- Met with the Media Association of Solomon Islands (MASI) Adviser on how the media can actively participate in LRC programs.
- Part of the Facilitating team of a consultation workshop on disability mainstreaming which involves stakeholders from Government Ministries and other government bodies, private sectors and NGOs.
-
- Attended the Local Court training for local court clerks which focused on how to give proper advice to local chiefs or good service delivery to the public.
- A member of the Alternative Dispute Resolution Steering Committee.
- Participated at the Draft Federal Constitution review workshop organised for the Solomon Islands Bar Association (SIBA).
- Participated in the AGD 2 months twinning program in Australia.
- Invited to the Handover and welcome ceremony for the new police Commissioner.
- Attended the Solomon Islands National Advisory Committee on CEDAW meetings.
- Corroborated with the Solomon Islands Indigenous Peoples' Human Rights Advocacy Association (SIIPHRAA).

4.6.4.1 Partnership Engagements

Partnership with SIIPHRAA photo below.



4.7 Administrative Achievement

The Secretary and the Principal Legal Officer positions were filled. Appointments were made for the replacement of the Office Manager and two senior legal officers. Also an Office Cleaner was appointed for the Commission, for the first time.

Other achievements of the Commission include:

- Capacity building trainings for staff members.
- Long Term Training Plan – where officers will have the chance to do further studies.

4.8 Challenges

4.8.1 Slow and non-implementation of Commission's report

A challenge faced by the Commission is the slow or non-implementation of its reports by the Government, Legal Policy Unit (LPU), of the Ministry of Justice and

Legal Affairs (MJLA). This is a real challenge because the work of the Commission for law reform has not been taken to a level that will achieve changes to the law. This signals a bad message to the people of Solomon Islands and the public at large who have given their time and have participated in law reform projects. Participation of the society and public confidence in law reform programmes are crucial elements of law reform. Law reform reports should be implemented. Law should be a mirror of the society. Law must change to reflect the changing needs of an ever fast changing society. Laws are not set in stone, for that reason, it must keep up with the changes that are happening in society; through law reform process. This is to ensure that laws are developed and enacted for the good of the Government and the people of Solomon Islands.

Also the Government allocates substantial funding to the Commission's operation annually; hence it is only appropriate that the reports are implemented.

4.8.2 Non laying of Commission's Annual Report in Parliament

The Law Reform Commission Act [Cap 15] requires that the Minister responsible for Justice and Legal Affairs must lay before Parliament the Commission's annual reports. This has never been done in the past as shown under 1.8.

4.8.3 Budget

The Commission made three budget bids for 2017 in 2016. The bids were on human resources, training and development, and consultation and awareness. All the bids were rejected. This means most of the activities for 2017; especially provincial consultations will be halted due to funding constraints.

The Commission expects better and great funding support from the Government in the future. This will ensure that its work programs are not disturbed by limited funds that are allocated each year.

4.8.4 Human Resource

The Commission made human resource bids for new positions and upgrading of positions in 2016. All the bid positions for those positions were not approved. This is an impediment to the Commission's effort to strengthen and improve the capacity of its staff. The Commission needs appropriately skilled officers with fair remunerations in order for it to effectively discharge its statutory duties and responsibilities as required by the Law Reform Commission Act [Cap 15].

4.8.5 Staff retention

Staff retention is a long and outstanding issue that the Commission has been grappling with over the years. Since its full operation in 2008, the Commission has lost 9 legal staff, an average of one staff leaving per year. The details of the staffing retention issue includes: two officers served the Commission for 5 years, one officer served for 3 years, five officers served for 2 years and one officer just served the Commission for 3 months. This is one of the challenges that continues to have a negative impact on the work of the Commission. The departure of the officers from the Commission always has the tendency to stunt the progress of implementation of its projects especially when officers leading the projects leave.

The challenge of staff retention is connected to the poor terms and conditions for government lawyers.

4.9 Future directions

- Strengthen the Commission. This is to ensure that Commission has the administrative and professional capacity to perform its work as expected. This will involve reviewing of the Commission's current structure. This will require amendments to the Law Reform Commission Act [Cap 15]. This will also mean budget bids and acceptable levels of financial assistance are approved and given. This is to ensure that the Commission is transformed to a vibrant Office that will be able to deal with all law reform matters. Also, this will give the Commission the mandate to engage special Commissioners who are specialised in a specific area of law to assist the Commission on a particular term of reference (TOR).
- Professional development (relevant training) of staff to equip officers with the necessary knowledge and skills to enable them to competently carry out law reform work (legal policy development).
- The Commission to have adequate and experienced human resources.
- The Commission to have adequate office space and facilities in order to carry out its work.
- The officers of the Commission are properly and adequately remunerated.
- Participation of the society and public confidence in law reform programmes are crucial elements of law reform. Law reform reports must be implemented. Law should be a mirror of the society. Law must change to reflect the needs of the changing times and conditions.
- To have the Commission as the central governmental law reform filtering agency; where all law reform programs are coordinated; and monitored.

- The Commission to make an audit of all the laws of Solomon Islands to determine which laws need to be reviewed.
- The priority areas would be the review of religious laws, economic laws and social laws and any other reforms in the law that the ruling government aspires to do.
- The Commission aspires to ensure that Solomon Islands have laws that better protect the Government and its people, and also to ensure that the Rule of Law is maintained at all times.

4.10 Appendices

1. 2016 Financial Information;
2. Law Reform Commission Act and Regulations;
3. Land below high water mark Report;
4. Corruption Offences Report; and
5. Mental Impairment Report.