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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 Ishmael Kako ( )

Mrs. Ruth Liloqula

Mr Reuben Tovutovu

Dr. Alpheaus Graham Zobule

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:

Scarlett Fai – 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.

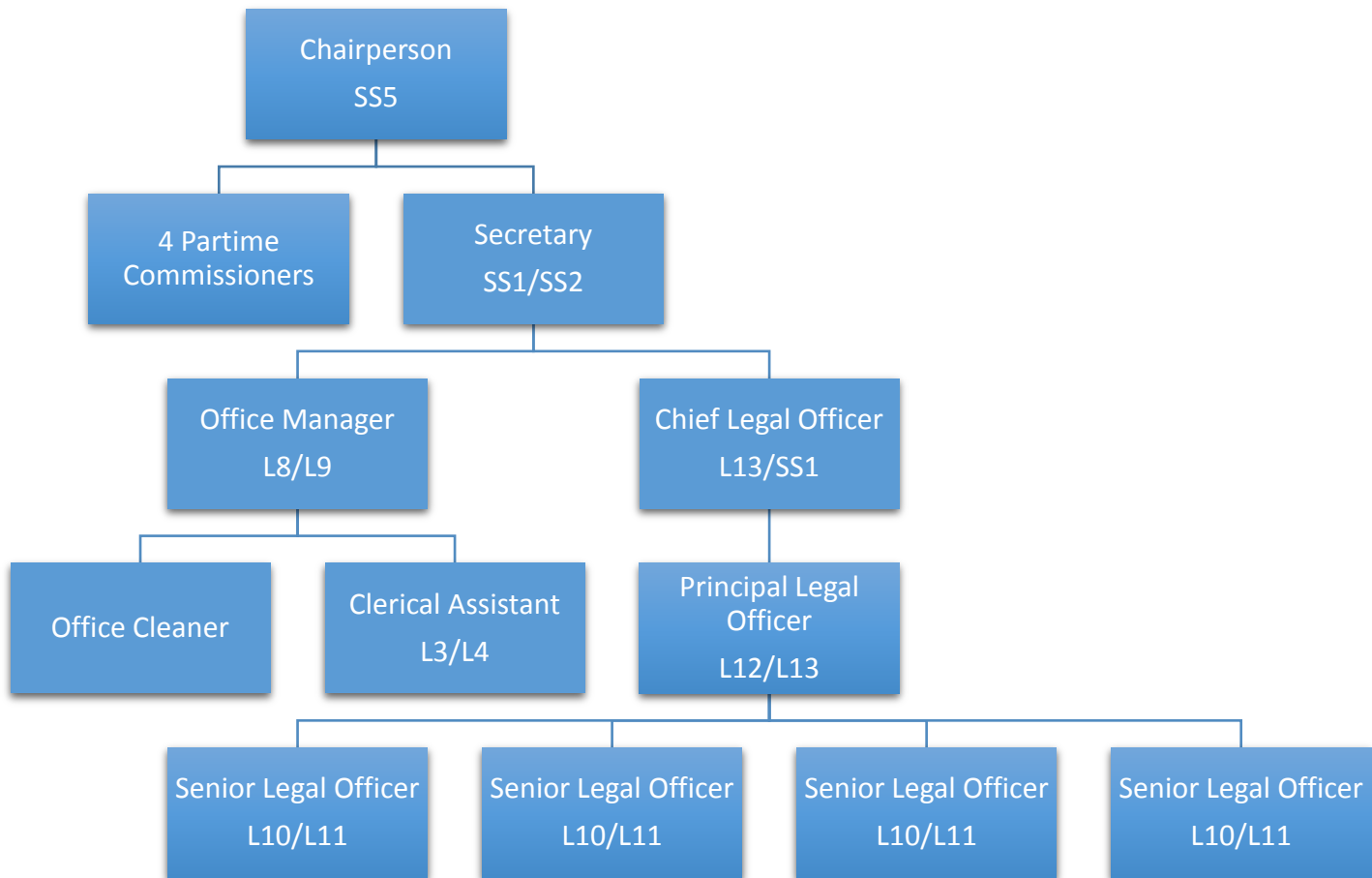
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## **Organisational Structure**



## Commissioners

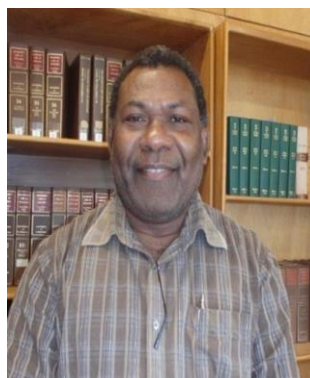
### Chairperson



Chairperson Frank Bollen Paulsen



Commissioner Ruth Liloqula



Commissioner Reuben Tovutovu



Commissioner Ishmael Kako



Commissioner Dr. Alpheaus  
Graham Zobule

## 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, missing Stephanie Cauchi

## **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

<b>Chairperson</b>	<b>Frank Bollen Paulsen, Appointed 10 October 2014</b>
<b>Mrs Ruth Liloqula</b>	Appointed 9 <sup>th</sup> March 2017
<b>Mr Ishmael Kako</b>	Appointed 9 <sup>th</sup> March 2017
<b>Mr Reuben Tovutovu</b>	Appointed 29 <sup>th</sup> May 2017
<b>Dr Alpheaus Graham Zobule</b>	Appointed 29 <sup>th</sup> May 2017

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## 1.6 Commission Staffing Profile

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

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

### 1.6.1 Commission Staff

<b>Frank Bollen Paulsen</b>	Chairperson	Commenced November 2014
<b>Philip Kanairara</b>	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.
<b>Daniel Suluia</b>	Principal Legal Officer	Commenced August 2009, appointed as Principal Legal Officer in August 2016.
<b>Godfrey Male</b>	Senior Legal Officer	Commenced January 2015
<b>Florence Dafanisi</b>	Senior Legal Officer	Commenced April 2016
<b>Corina Ruvy Peni</b>	Senior Legal Officer	Commenced April 2016

Nelson K Kere	Senior Legal Officer	Commenced August 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)

Stephanie Cauchi, from Melbourne, Australia, joined the Commission in February 2017, as a legal volunteer under the Australian Volunteers for International Development (AVID) program. She left the Commission towards the end of December 2017 after her one year term lapsed.

Stephanie did excellent work during her 11 months with the Commission. She assisted the Commission with the provision of technical, policy and legal advice on administration of justice project, property offences, and public order offences. She also assisted in the homicide offences and sorcery offence consultations. Furthermore, she provided capacity building support for the officers of the Commission.





In the photo, Stephanie receiving a gift from the Chairman of the Law Reform Commission during her farewell lunch with the Commission staff.

### 1.7.2 Donor Assistance

The Commission received funding support from the Australian Department of Trade (DFAT) for the completion of the homicide offences consultations.

## 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, this has not been done in the past.

Below is a table showing the status of the Commission's annual reports that have been laid before Parliament. In the photo above, Stephanie participating in the Homicide Offences Consultation in Malaita as Province

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
2016 Annual Report	No

The Commission is of the view 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 <sup>st</sup> 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 <sup>st</sup> 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. 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 <sup>st</sup> 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 <sup>th</sup> 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 <sup>st</sup> May 1995	Yet to commence. This is yet to commence because the Commission does not have the adequate staff and resources.
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 <sup>st</sup> 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 <sup>st</sup> 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 <sup>st</sup> 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 <sup>st</sup> 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 <sup>st</sup> 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 <sup>nd</sup> 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 the Sexual Offences report by amending the Penal Code through the Penal Code (Amendment) (Sexual Offences) Act 2016.

Also, the Government, through the Prime Minister's Office, began work on the Corruption Offences and produced the Anti-Corruption Bill 2016. This Bill went before the Bills and Legislation Committee in April 2016.

The outstanding reports that the government is yet to begin any work on are the Mental Impairment Report and 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.

When it carries out a review of the law, the LRC can consult with provincial governments, government departments, institutions, civil society organisations, churches, women and youth groups, communities, and any member of the public. Through this consultation process, the LRC educates the community about legal issues arising from the laws under review. This allows members of the community, who may not otherwise have a voice in the development of law and government policy, to participate in an informed manner at their locality on government law reform agendas.

Law reform is a process of changing the law that requires public participation. This is to ensure that any law reform mirrors societal views and aspirations. Comments and submissions sent to the LRC will not be confidential unless requested that the information provided be kept confidential.

The LRC gathers information about reform of the law from a wide range of resources including prevalence of the issue related to the law in the country as gathered from the consultations and other resources and developments in other countries on the law under review. Any reform must also consider the Constitution of Solomon Islands and the international obligations of Solomon Islands, where appropriate. Customary law is also an important source of law to consider given the pluralist legal dimension in Solomon Islands.

The LRC produces reports containing recommendations on law reform as the end product of its reform process.

Recommendations for changes to the law are made by the Commission, consisting of the Chairperson and four part-time Commissioners, on the basis of research, consultations and submissions received by the LRC. The recommendations do not

affect the law until they are implemented by the Ministry of Justice and Legal Affairs together with other ministries where appropriate, into a Bill, and later passed the Bill in Parliament.

#### **4.2 Commissioners meetings**

The Commissioners had nine (9) meetings in 2017. The Commissioners approved the 2016 Annual Report and they also endorsed the Annual Work Plan for 2017. They also approved the Administration of Justice Report. The report should be handed over to the Minister in 2018.

#### **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 have not been 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.

In addition, detailed consultation papers were produced on homicide, property, personal harm, and sorcery, offences respectively.

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 2017:

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

#### 4.3.1 Key achievements in 2017 for this review

The key achievements for 2017 under this review were the completion of consultations for homicide offences, commencement of some consultations for Personal Harm offences, and the approval of the recommendations for the Administration of Justice Offences by the Commissioners.

##### 4.3.1.1 Completion of Homicide Offence consultations

This Project looks at the Homicide offence as in the Penal Code and seeks to determine whether the offence is relevant to homicide issues in Solomon Islands. The Homicide Offences Project consist of the following offences:

- Murder
- Manslaughter
- Other Homicide offences
  - Suicide
  - Infanticide
  - Reckless or dangerous driving causing death.

The two main offences are murder and manslaughter. These offences involve death of a person.

The consultations for the project are near to completion.

In the Photo above, Stephanie Cauchi (standing first on left at the back row) and Corina Peni (standing second left at the second row) with stakeholders in Munda, Western Province.







Photo above are participants at Arabala village consultation on homicide offences in Malaita Province



Photo above, Central Islands Premier Patrick Vasuni, second from right, looking at the Homicide offences consultation paper.

#### 4.3.1.2 Commencement of Personal Harm offences consultations

The personal harm offences project is on non-fatal offences or offences against a person. These offences involve an attack directed at another person which do not result in death of any person, but it causes emotional, psychological or physical harm or injuries to a person. The personal harm offences covered in this project includes:

1. Assault;
2. Poisoning;
3. Kidnapping and Abduction;
4. Criminal Reckless and Negligence;
5. Failure to Supply necessities;
6. Intimidation, Molestation and Stalking;
7. Negligent Act likely to spread infection of disease dangerous to life.

The Commission launched the consultation paper on personal harm offences in October 2016, at Mendana Hotel. The Commission has not conducted consultations from that time due to funding constraint. In 2017, the Commission, conducted three (3) consultations in Central Islands, Isabel and Makira, provinces. The remaining consultations will be carried out in 2018.

Below in the photo – Florence far left standing, blue blouse, talking to the community of Siarana Village, Central Province.







Above is a consultation held with the Tulagi Police in Central Province and below, participants singing before the consultation meeting held with Women and Youth representatives in Buala, Isabel Province.





Below in the photo – a consultation held with the Salio community in Maringe, Isabel Province

#### **4.3.1.3 Administration of Justice Offences project**

The Commissioners went through all the recommendations and approved the report. The final step was for the handing over of the report to the Minister for Justice and Legal Affairs which will be done in 2018.

#### **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 2017

Activity	Attended or undertaken by	Date/period	Provider	Funded by	Location
Coaching for Supervisors	Nelson Kere Godfrey Male Corina Ruvy Peni	20 – 21 <sup>st</sup> March	SISBEC	DFAT	National Archives
Presentation on Justice Information Management System (JIMS)	All LRC staff	March 28 <sup>th</sup> 2017	Solomon Islands Justice Program.	DFAT	MJLA Conference room
English Grammar	Godfrey Male	5 <sup>th</sup> – 28 <sup>th</sup> April	SICA	LRC	SICA
English Grammar	Philip Kanairara	1 <sup>st</sup> – 26 <sup>th</sup> May	SICA	LRC	SICA
Legal Policy Development training	Legal officers from PSO, AGC, ODPP and LRC	8 <sup>th</sup> -9 <sup>th</sup> May 2018	Godfrey Male	LRC	MJLA Conference room
Project Management	Nelson Kere	20 <sup>th</sup> – 22 <sup>nd</sup> June	USP	LRC	USP SI Campus
Continuing Legal Education	Legal officers from PSO, AGC, ODPP and LRC	19 <sup>th</sup> June	Philip Kanairara	LRC	MJLA Conference Room
Knowing your Public Service	Florence Dafanisi  Corina Ruvy Peni  Scarlett Fai  Nelson Kere	3 <sup>rd</sup> – 14 <sup>th</sup> July	Institute of Public Administration and Management (IPAM)	SIG	Bethel Conference room & All Saints, Honiara
Continuing Legal Education	Legal officers from PSO, AGC, ODPP and LRC	14 <sup>th</sup> July	Daniel Suluia	LRC	MJLA Conference Room



Teleconference with AGD	Godfrey Male	3 <sup>rd</sup> August	Australian Attorney General's Department	N/A	Chairman's office
Art of Report Writing	Florence Dafanisi Corina Ruvy Peni Scarlett Fai	4 <sup>th</sup> September	IPAM	SIG	Sol Plaza conference room
Continuing Legal Education	Legal officers from PSO, AGC, ODPP and LRC	4 <sup>th</sup> September	Stephanie Cauchi	LRC	MJLA Conference Room
Financial & Legislative Framework	Florence Dafanisi	6 <sup>th</sup> September 2017	IPAM	SIG	MJLA Conference Room
Budget & Financial Management	Florence Dafanisi	7 <sup>th</sup> – 8 <sup>th</sup> September 2017	IPAM	SIG	MJLA Conference Room
Legal Reasoning	Godfrey Male, Philip Kanairara, Daniel Suluia	14 <sup>th</sup> – 15 <sup>th</sup> September	DFAT	DFAT	CEMA Conference Room
Review of Solomon Islands Implementation of Chapters II & V of United Nations Convention Against Corruption	Frank Paulsen Godfrey Male Philip Kanairara	21 <sup>st</sup> – 23 <sup>rd</sup> September	UNODC	UNODC	Honiara Hotel
Effective Consultation	Florence Dafanisi Nelson Kere Corina Peni Godfrey Male Philip Kanairara Frank Paulsen	27 <sup>th</sup> September	Stephanie Cauchi	LRC	Chairman's Office

Continuing Legal Education	Legal officers from PSO, AGC, ODPP and LRC	28 <sup>th</sup> September	Godfrey Male	LRC	MJLA Conference Room
Continuing Legal Education	Legal officers from PSO, AGC, ODPP and LRC	31 <sup>st</sup> October	Florence Dafanisi	LRC	MJLA Conference Room
Coaching for Supervisors	Philip Kanairara Frank Paulsen	28 <sup>th</sup> – 29 <sup>th</sup> November	Solomon Islands Small Business Enterprise Centre (SISBEC)	DFAT	National Archives

#### 4.4.2 Conference participation

##### 4.4.2.1 38<sup>th</sup> Pacific Islands Law Officers Network (PILON)

Frank Bollen Paulsen (Chairperson) attended the 36<sup>th</sup> Pacific Islands Law Officers Network (PILON) Meeting in Majuro, Marshall Islands from 18 – 20 October 2017.

It was attended by all the member countries, including Australia and New Zealand. Solomon Islands were represented at the Meeting by the DPP, Mr Ronald Bei Talasasa Jr. as Head of the Solomon Islands Delegation, and the Chairman of the Law Reform Commission, Mr Frank Paulsen, as a member. The Attorney General, Mr James Apaniai, was not able to attend due to prior work commitments.

The Commission was invited to attend the Meeting for the first time in 2016, but only as an observer, and was represented by the Secretary to the Commission, Mr Philip Kanairara. In 2017 the Law Reform Commission was invited to participate, for the first time, as a full-fledged member of the Network.

#### The PILON

The Pacific Islands Law Officers' Network (PILON) is an association of senior Law Officers and is established and governed by a Charter. The Charter defines "senior law officers" to mean:

"...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 purpose of PILON, as articulated in Article 2 of its Charter, is 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

The PILON, has a Secretariat that coordinates its work, it is responsible for progressing the PILON work plans and assists with the Annual Meeting. The Secretariat is based in Samoa, it has been there since 2011

The PILON currently has three main priority areas that it focuses on progressing regional responses to and these are Cybercrime, sexual and gender based violence, and environmental crime and corruption. The meeting was a success as the members managed to finalise the draft principles in those three priority areas, including:-

- a. the endorsement of *General Principles for obtaining the Best Evidence from vulnerable Witnesses to sexual and Gender Based Violence*;
- b. the endorsement of *Guiding Principles for Protecting Whistle Blowers and Encouraging Protected Disclosures*; and
- c. a successful workshop on cybercrime hosted by the Kingdom of Tonga



Above in the photo, members who attended the meeting.



A picture taken during the conference. Standing on the left is the DPP, Mr. Ronald Bei Talasasa and standing on the right is the Chairman, Mr. Frank Bollen Paulsen.

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

#### ***4.4.2.2 Pacific constitutions Research Network Conference (PCNRN)***

Philip Kanairara presented a paper at the PCRN Conference in Vanuatu, 4-6 December on 'Ensuring accountability – the Leadership Code Commission in Solomon Islands. It is a conference that allows participants to discuss issues affecting pacific constitutions.

The paper covers roles and responsibilities of the Leadership Code Commission (LCC), misconduct in office practices, sanctions by the LCC and the High Court, challenges faced by the LCC and finally, the paper offers possible ways forward. Among the ways forward is law reform that would ensure the LCC to be a robust organisation that can able to deal effectively with leader's misconduct in office.

#### ***4.4.3 AGD Twining Program***

#### ***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.

Following his participation in the Australian Attorney-General's Department (AGD) Pacific Legal Policy Twinning Program in 2016 in Canberra, Australia, Legal Policy Twin from the Solomon Islands, Godfrey Male, conducted a successful two-day training on the Pacific Legal Policy Development Course in May, 2017.

Godfrey also did an article on the highlights of the workshop and submitted it to the Australian Attorney-General's Department, which was later published in the PILON Newsletter.

In the photo below Godfrey lecturing to the participants on the Course in Honiara, Solomon Islands.



In the photo below, participants were busy doing one of the activities of the course



In the photo below, participants with their certificates.

## **4.5 Sectoral Development**

### **4.5.1 Secondment to the Legal Policy Unit, Ministry of Justice and Legal Affairs**

- Secondment with Legal Policy Unit (MJLA). The aim was to expose the officers to the latter parts of law reform and legal policy development during the transition from recommendations to legal policy to drafting to legislative change.
- During the three months period, Nelson was required to work with the Legal Policy Unit. Nelson did some work on the Legal Profession Bill (LPB), the Dual Citizenship Bill (DCB), and the Youth Justice Bill (YJB). Some reading was done on the LPB, a presentation was submitted to Parliamentary Committee on the DCB, and a number of consultations were carried out with stakeholders in the Western Province and some in Honiara regarding the Youth Justice Bill (YJB).

## **4.6 Other Community Engagement**

### **4.6.1 Online**

The Commission has liaised with Novus Ltd, to revive its website.

### **4.6.2 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 2017 the Commission produced six, 15-minutes radio programs. The programs were on:

- Personal harm offences - 4 radio programs;
- Homicide offences – 2 radio programs; and

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

#### 4.6.3 The Commission's partnership and Collaboration

- A member of the Alternative Dispute Resolution Steering Committee. The LRC was part of the Steering Committee which the DCCG established to oversee the implementation of the government's policy on alternative dispute resolutions. Other members of the Committee are from the MJLA Headquarter Office, Office of the Prime Minister and Cabinet, the High Court, the Magistrate Court, the Attorney General's Office, and the Trade Dispute Panel.
- Participated in a meeting on Enforcement and Compliance of Environmental Laws organised by the Solomon Islands Environment Law Association (SIELA).
- Assisted tertiary students (Solomon Islands National University and University of South Pacific) with their law questions.
- Provides and administers Commissioner of Oaths services for the public.
- Invited by the Woodford International School to give a presentation on corruption in the Solomon Islands which focused on corruption conducts, the impacts of corruption on development, and measures to reduce corruption.
- Participated in legal policy teleconferences facilitated by the Australian Attorney General's Department (AGD).
- Attended the Pacific Islands Law Officers Network (PILON) meeting as a full-fledged Member of the network, held at Majuro, Republic of Marshall Islands (RMI).
- Participated in UNCAC country review on Solomon Islands implementation on Chapter II and Chapter V of the Convention.
- Attended and participated in Anti-Corruption Bill 2017 meeting with Caucus. Also, took part in the walk against corruption on the World Anti-Corruption Day.
- Participated in the Pacific Constitutions network conference.



- Attended and participated in SIBA Submission to the Constitutional Review Committee meeting facilitated by the Solomon Islands Constitutional Review Committee.
- Attended and participated in the National Gender Equality and Women's Development Policy National Stakeholders Taskforce Workshop.

#### 4.6.4.1 Partnership Engagements

The Commission was invited by the Woodford International School to give a presentation on corruption in Solomon Islands. Philip and Stephanie responded to the invitation. The presentation focused on corruption conducts, the impacts of corruption on development, and measures to reduce corruption.

The pictures below, left standing, was Stephanie Cauchi speaking and on the right was Philip Kanairara talking about corruption to the students.



### 4.7 Administrative Achievement

One of the administrative achievements of the Commission was the appointment of the four newly part-time commissioners with improved allowances.

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.

- Approved Re-levelling of the Secretary, Chief Legal Officer and the Office Manager.
- Approved re-naming and re-levelling of the Clerical Assistant to the Assistant Office Manager.

## **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 on 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 the 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.

### **4.8.4 Human Resource**

The Commission had made consultations with the Ministry of Public Service (MPS) for re-levelling and upgrading in 2017. Those positions were approved but without funds. The unavailability of funds for those positions could hinder the performance of officers and could result in high employee turnover. 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 facing 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. 2017 Financial Information;
2. Law Reform Commission Act and Regulations;
3. Land Below High Water Mark