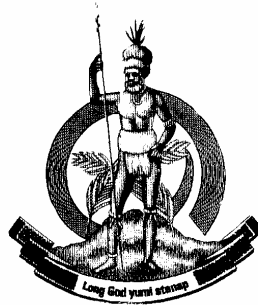


REPUBLIC OF VANUATU

COUNTRY REPORT



**26th PACIFIC ISLANDS LAW
OFFICERS NETWORK
(PILON)**

(Rarotonga, Cook Islands 5 – 10 December 2007)

Republic of Vanuatu

Contents

1. **Introduction**
2. **Government**
3. **State Law Office Unit Reports**
 - **Corporate Service Unit Report**
 - **Financial Intelligence Unit Report**
 - **Solicitor General's Unit Report**
 - **Parliamentary Counsel's Unit Report**
4. **Consolidation of Laws Report**
5. **Public Prosecutor's Office Report**
6. **Public Solicitor's Office Report**
7. **Legal Sector Reforms – Legal Sector Strengthening Project**

1. Introduction

The Vanuatu, 26th PILON Country Report will be a follow up of the Report to the 25th PILOM which was held in Tarawa, Kiribati from 9 to 12 February, 2007.

This report will again focus on the recent developments within the State Law Office units, namely the Corporate Service Unit, the Financial Intelligence Unit, the Solicitor General's Unit, the Parliamentary Counsel's Unit, and a Consolidation of Laws update report, and additionally Office reports from the offices of the Public Solicitor and Public Prosecutor.

The Vanuatu Country Report will also reflect on some recent developments and challenges from the offices of the Public Prosecutor and the Public Solicitor.

2. Government

The President of the National United Party (NUP), and Prime Minister, Honourable Ham Lini Vanuaroroa has enjoyed another year in power with his coalition partners since ousting former Prime Minister Rialuth Serge Vohor and his Union of Moderate Party led coalition in a Motion of No Confidence on 11 December 2004. The motion of no confidence as we discussed in our last country report came about as a result of differences in policy within the coalition faction with regards to the country's ties with Taiwan and China.

Since then the NUP led coalition has maintained its support for One China Policy and has enjoyed a close working relationship with the Chinese Government. Whilst Prime Minister Vanuaroroa's government seemed to have by passed the political friction which has caused much government instability in 2004, the task of leading a coalition government is again not proving any easier for the Prime Minister. Since 2004 the Prime Minister has survived three motions of no confidence in government, the fourth motion was tabled in December 2006 but was later withdrawn.

Nevertheless, the Country has enjoyed political and economic stability over the last three years with the Reserve Bank of Vanuatu reporting a growth Rate of 6% this year 2007. This will be seen as a boost for the NUP led coalition as the Country looks to the general elections to elect a new government in September 2008.

3. State Law Office Unit Reports

Corporate Services Unit

Over the last year the Corporate Services Unit of the State Law Office in collaboration with the Office of the Public Solicitor and the Public Prosecutor have collectively with the assistance of the Australian government funded Vanuatu Legal Strengthening project, embarked on joint corporate plan for the three offices. The Corporate plan aims to improve service delivery within the offices by the sharing of resources and in so doing, minimising costs incurred by each office.

With the Corporate plan now in place and the main objectives of the three offices outlined, each of the three offices is now tasked with drawing up its own business plan to achieve its objectives under the corporate plan and to collectively work to achieve the common goal of strengthening the Vanuatu Government's legal institution.

Currently the Unit is reviewing of the State Law Office Staff Manual with the need for a revised and improved manual in perspective. The unit plans to have the staff manual revised and in use within the next three years.

We reported in our last Country Report that the Government increased the much needed financial assistance to the State Law Office in 2005. This year we are pleased to report that there has been further improvement in financial resources with the State Law Office, the Public Solicitor's Office and the Public Prosecutor's Office. This came about by way of the Government increasing payroll for all lawyers and staff of the three offices with increase funds for operational costs.

Appointments and Placements since last PILOM (February 2007)

- Alatoi Ishmael Kalsakau was appointed the New Attorney General as of 6 September 2007. A former State Counsel himself and a successful private Practitioner, Mr. Kalsakau, a member of the prominent Kalsakau family of Ifira, Efate, brings with him vast litigation experience and his appointment was widely welcome throughout the government sector. The position of the Attorney General has been vacant since 11 April 2006 when it was vacated by former Attorney General Sampson Endehipa who's contract had ended, and the much awaited appointment of a new Attorney General did not only bring a relief for the Government and the

State Law Office, but it also boosted the confidence and breath life to the Office that was without a head for over a year.

- Dudley Aru's contract as Solicitor General was renewed for another 2 years as of 11 September 2007 having already served two terms as Solicitor General since 2003.
- Appointment of Floyd Mera as Financial Analyst with the Financial Intelligence Unit as of 23 April 2007.
- Placement of PDLP student Florence Sam as of 22 October 2007 until 18 November 2007.
- Appointment of Louis George on 22 August 2007 on the French Consolidation project for the consolidation of the French Texts of the Laws of Vanuatu Consolidated Edition 2006.

Financial Intelligence Unit (FIU)

Vanuatu as a member of the Asia Pacific Group on Money Laundering went through its second round of mutual evaluation in February 2006. Vanuatu's evaluation report was then presented at a special plenary meeting in Jakarta, Indonesia on 16 November 2006 with responses from Vanuatu. Whilst the evaluation report showed progress since Vanuatu's first mutual evaluation in 2000, the government acknowledges with support from member countries that there is lack of resources to fully implement the objectives of the APG, and as such Vanuatu along with many others would need the financial support and training in enhancing its capacity to fight money laundering and terrorist financing in the region.

This year, the APG Annual Meeting was held from 23 to 27 July in Perth, Western Australia. The Vanuatu delegation was invited to make presentations on the progress made against the recommendations made for Vanuatu by the Mutual evaluation Team in the last mutual evaluation in February 2006. It was obvious from the Vanuatu report in Perth that little had been done due to the limited financial resources allocated or available to the FIU by the government to fully comply with the recommendations outlined in the mutual evaluation. This is something that the Vanuatu government has taken on board and is working to address in order to safeguard its Financial Institutions and the government and people of Vanuatu.

The Vanuatu government, through its Financial Intelligence Unit is a member of the following key institutions:

- The Asia Pacific Group on Money Laundering;
- The Egmont Group of Financial Intelligence Units worldwide

Vanuatu is also among 7 other Pacific Island countries who will be the first to benefit from an AusAID-funded regional project designed to upgrade their database systems in order to produce quality, and accurate reports to their respective governments, and between the region's FIUs.

The Country's Financial Intelligence Unit has so far, a good and cooperative working relationship with the Financial Institutions in the country established under the FTRA and other similar institutions in the Pacific region and around the world. This is essential in order to share information and to effectively combat Money Laundering and Financing of Terrorism.

The government's concern in this regard is necessary because the safeguarding of financial systems in a country is vital in the stability of any national government. We have been conscious of situations in other parts of the world where governments and nations become corrupt as a result of their corrupt financial systems, and the government through the FIU sees it a priority to guard this nation against such situations.

Whilst we are fully aware of our limited resources to support our domestic initiatives against financial crimes and other illegal activities, we have and will continue to work closely with our partners in the region and around the world to provide the necessary tools to support the operations of the Financial Intelligence Unit.

The government has also taken an active role in undertaking to fully consult with all stakeholders, in particular the financial institutions, when new legislation and amendments to existing legislation are drafted for consideration by Parliament. The government also expects the private sector to be genuine and constructive partners in the process.

The government has also indicated that the amendment of the FTRA, which has been withdrawn from Parliament twice, will be tabled at the next session of parliament before the end of the year, 2005, to ensure that Vanuatu maintains the integrity of our financial system and honours its international obligations under the Act.

There are important legislations that are currently in force in the country which complement the FTRA. These are:

- The Proceeds of Crime Act No. 13 of 2002
- Mutual Assistance in Criminal Matters Act No. 14 of 2002
- International Convention for the Suppression of Financing of Terrorism Act No. 3 of 2002

Solicitor General's Unit

The Solicitor General's Unit which is responsible for advising and representing the government in Court has had another busy year since September, 2005.

The State Law Office through the Solicitor General's Unit has had some experience of defending cases that were filed in Court due to government decisions made without firstly seeking proper legal advice from the Office. Such incidents were proving costly for the government and in an attempt to prevent similar instances from happening again, the Solicitor General and Litigators took an initiative to conduct workshops with clients, namely the government departments who have the most cases appearing before the Courts.

The Unit has conducted two workshops since September 2005 firstly with the Department of Lands and secondly with the Vanuatu Police Force. The workshops were aimed at informing and educating officers in the department about the importance of getting instructions and getting legal advice before committing the government to carry out a decision. Furthermore, the litigators gave presentations on the general process of litigation, the important roles that the government plays in assisting the litigators to better defend the government in Court and more so, minimise costs.

The Unit was unable to conduct any workshops in 2006 because of the limited number of legal officers attached with the Unit and their commitment with litigation work. Nevertheless, the Unit still plans to conduct further workshops with other government departments whenever an available time is secured outside the Unit's busy schedule.

The feed back to these workshops was generally good and a lot of questions were asked by those attending the workshops which reflect upon some of the ignorance of the general client-lawyer relationship and proved the need for the Unit to conduct further workshops.

The Unit will also be looking at expanding these workshops to government centres in the outer islands, namely Luganville, on the

Island of Santo, and possibly Lakatoro on the Island of Malekula, and Isangel on Tanna.

The Unit hopes that these workshops will create a better awareness and establish a better working relationship between government officers and the litigators and hopefully will result in lesser matters filed against the government in the courts.

Summary of Cases

This report also intends to give a summary of some of the major cases that the government was involved in and the Court's ruling in these cases over the last year.

Andy Ayamiseba v The Attorney General and The Principal Immigration Officer Civil Appeal Case No. 13 of 2006.

The appellant in this case, Mr. Ayamiseba appealed against Orders made in the Supreme Court in Port Vila on 7 April 2006 when the Court refused to quash the removal order made against him by the Minister of Immigration on 9 February 2006.

The Minister deported the appellant under Section 17(A) of the Immigration Act [Cap.66] which talks about the removal of non citizens from Vanuatu. Section 17(A) is as follows;

- “17(A) 1. A person who is a non citizen may be removed by the Minister, by Order, from Vanuatu if in the opinion of the Minister, the person:-***
- (a) is involved in activities that are detrimental to national security, defence or public order; or***
 - (b) is a wanted person in a foreign country for any criminal offence he has committed in that foreign country.***
- 2. The Minister does not need to give notice for the removal of this person from Vanuatu.***
- 3. This section applies notwithstanding any other provision in this Act.”***

The Court in upholding the appeal pointed out that there were issues which the Minister failed to weigh before exercising his power to the detriment of the Appellant. More so, since the appellant knew nothing

about the possibility of the removal order, he could not raise these issues with the Minister who had to consider them and other relevant issues in deciding whether he needed to give notice to the Appellant.

The Court considered that there were particular facts and circumstances of the case which were essential and needed careful assessment by the Minister before taking action, and these were outlined as follows:

- This was a man who had been in the Republic of Vanuatu for lengthy periods of time over 20 years;
- He had at one time been the holder of a Vanuatu diplomatic passport; and as recently as November 2005 he had been specifically invited by the Immigration authorities to apply for residence;
- He was in a permanent relationship in the nature of a marriage and was the father of a child who was the citizen of Vanuatu. This means there has to be regard to the obligations, Vanuatu undertook when it became a signatory on 6 December 1992 to the Convention on the Rights of the Child;
- There has been recent evidence that in his political activities (and those with whom he was associated) there had been proper recognition of the rule of law in a democratic process. Applications had been made for a permit to demonstrate and when this was declined the proposed activity had not gone ahead;
- That there were serious issues as to whether this man was stateless and where he could go if deported; that all endeavours by the Appellant to influence politicians had been driven by his passionate commitment to the West Papuan Independence Movement.

The Court of Appeal held that section 17A does not “prohibit” or “prevent” the Minister from giving notice or affording to a non citizen the rights of natural justice, it merely empowers the Minister to decide whether he needs to in the particular case.

Accordingly, the Court held that it is quite wrong to say that the provision explicitly removes rights to prior notice to which a non-citizen might otherwise be entitled. It merely enables or empowers a Minister to decide whether he needs to give notice.

Furthermore, as a matter of statutory interpretation, the Court held that section 17A requires that the Minister must be of the opinion that the circumstances under either subsection (1) (a) or (b) exist and then separately under subsection (2) whether in the circumstances he needs to give notice.

This case was significant in many ways as this was not the first time the Government tried to deport someone without notice, or without taking into account essential elements that would determine whether or not the Minister can exercise his powers to the detriment of a person. Accordingly the case has established a clear precedent to direct the Government through the Minister in the right direction in future.

More significantly, this case is a landmark case as it is one of the few if not the only case which the Highest Court in Vanuatu actually considered the Convention on the Rights of a Child which Vanuatu became a signatory on 6 December 1992, and ruled accordingly that the Appellant being the father of a child who is a Vanuatu citizen was deported by the Minister without proper compliance with the statute and declared the deportation order a nullity.

Parliamentary Counsel's Unit

The Parliamentary Counsel's Unit has taken the initiative to organise and conduct two workshops with its clients each year educating clients of their roles and responsibilities in the legislative drafting process.

This helps clients to better understand and appreciate their roles and responsibilities and also the role of the legislative drafters.

There is a lack of legislative drafting capacity at the State Law Office at the moment. As mentioned, there is only the Parliamentary Counsel supported by three other State Counsels engaged in drafting legislation for the Government. The Unit recruited Mr. Avock Gorden, a recent USP Law graduate in September of 2006 to bring the number of drafters to three. Nevertheless, this does not bring the Unit to its full capacity to meet the demands of the work load.

This has proven to be a problem because each year the Government's legislative priority increases in number. The office needs to employ more legislative drafters but is restricted to do that because of budget constraints and spacing problems within the office.

A significant development in the area of legislative drafting for Vanuatu is the continued appointment of Ni Vanuatu to the position of

Parliamentary Counsel after years of having this position unfilled within the State Law Office.

Legislative Drafting is a fairly young area of law that is still developing in our Pacific Island jurisdictions in terms of local expertise. Indeed there is a need for more training to acquire skills necessary in this area of law.

Vanuatu was fortunate to have benefited from the assistance of the Australian Government through the Vanuatu Legal Sector Strengthening Project, whose technical advisors have over the last few years been able to transfer valuable knowledge and skills in this field of legislative drafting to the Parliamentary Counsel and two other drafters.

In July 2006, two State Counsels with the unit attended a legislative drafting workshop in Australia organised by the Office of the Attorney General in Canberra. The workshop dealt with basic legislative drafting techniques and the Unit is requesting that workshops for further technical training for senior drafters should also be conducted.

In our last Country Report the Parliamentary Counsel's Unit, through the Attorney General and the State Law Office of the Republic of Vanuatu, given the present circumstances of legislative drafting in the region, propose that the 24th PILOM meeting give regard to developing this area of law within the region.

Whilst PILOM has organised Litigation Skills Programme for litigators in the region in the past, it has not organised similar workshops for legislative drafters, and the Unit proposed that PILOM should organise a PILOM Legislative Drafters Skills Workshop for the legislative drafters in the region.

We would like to reiterate this point and seek PILOM's endorsement of the same.

Similarly the region through its different organisations like the Pacific Islands Secretariat should look at organising Conferences to be held for legislative drafters. This would be an opportunity for legislative drafters within the region to get together, know each other and share their knowledge in this field. It is also an opportunity for legislative drafters in the region to be updated on the recent developments in legislative drafting in the region and the world. Other jurisdictions like Australia do that for their legislative drafters.

This would be an important and positive step towards the development of legislative drafting in the region.

4. Consolidation of Laws Report

Vanuatu Laws require the consolidation of laws to be in both English and French, the two official languages in Vanuatu. The process of consolidation of the English text of Vanuatu laws has been completed with funding by the British Government. Over 236 Acts have been consolidated and approved by the Attorney General. The State Law Office in collaboration with the Ministry of Justice launched and brought into operation the English Texts of the Laws of Vanuatu, Consolidated Edition 2006 on 28 September 2007 making the English Texts now available for public use.

The French Texts of the Laws of Vanuatu, Consolidated Edition 2006 is still under consolidation process and is expected to be completed before the end of this year 2007. Consolidation of Laws is not an easy task and has proven to be quite a challenge especially with regard to maintaining the consistency of interpretation in both the English and French Texts. Nevertheless, with the assistance of the *Organisation Internationale de la Francophonie*, the *Agence Universitaire de la Francophonie* and the French Embassy, the French Consolidation project is now almost completed. The project in itself is on the good path to resume the use French in political and administrative settings. This project confirms the ambition of the Vanuatu government not to favour one language to the detriment of the other but on the contrary to give them equal standing.

5. Public Prosecutor's Office Report (PPO)

Latest Developments

The office has employed an additional Assistant Public Prosecutor since November 2006 and is expected to employ another Assistant Public Prosecutor this year.

We reported in the last PILOM, the problem of case backlogs and since last year 2006, the Office has recruited an additional officer to assist the Case Manager with filing of cases which helps reduce case backlogs and servicing of summons when required.

An Australian Advisor has also been assisting the Office since July 2006 through the ongoing Australian Government funded Vanuatu Legal Strengthening Program.

Downfalls and challenges

Shortage of legal officers

We reported in our last PILOM in 2005 that the office faces a problem of shortage of legal officers. This problem still exists with the Office even though there have been appointments of new legal officers within the last year. The problem has always been due to legal officers leaving the office for private practise which is lucrative in Vanuatu. On a positive note, the Vanuatu Government, through the Government Remuneration Tribunal has over the last year determined a new salary scale which has seen a dramatic increase of salary for all government lawyers.

Limited Finance

The PPO's annual budget has seen an improvement since the previous year with an increase in salary for all government legal officers, support staff and the Judiciary. However, Office budget for operational costs is the same as last year 2006, and with the increased case load both in the urban and outer island centres, this means that there has to be a selection of which cases had priority to be dealt with and the need to meet the costs of witnesses and PPO Officers' subsistence costs, including travelling and other operating expenses.

Case backlog & service of summons

It is essential that in all criminal matters, the witnesses and accused persons receive notice about the trial dates, and without a means to serve summons, this meant cases were adjourned to a next suitable date. The obvious result was a backlog of cases following several adjournments eventually leading to a direction by the PP to the Court and Police and general public that no new prosecutions would be registered. It created a situation of frustration from expectant families of victims who felt that there was nothing that could be done by the authorities to ensure justice was done, and also from accused persons who were uncertain when their case was dealt with. Bail applications were not objected to even though some involved serious matters as it was uncertain when Prosecution would commence with all persons being present.

Proper case recording

PPO has not been able to properly record all the cases that have been registered, mainly due to poor case control and overseeing. The case file manager for both Port Vila and Luganville Santo has just recently started

implementing a proper system to record all matters into the computer however given other responsibilities in the office, the availability to find time to carry out the recordings is an ongoing challenge. There also needs to be some short computer training with the PPO staff to enable them to carry out proper recordings to assist the case file managers.

Major Cases

Case of Interest

Public Prosecutor v Salendra Shen Shina & Sharon Kumar

Salendra Sen Shina, alleged to be responsible for masterminding the biggest fraud case in Vanuatu with his accomplice, Sharon Kumar, are believed to have defrauded the Vanuatu government of over VT 26 million (AUD \$ 295.454.52).

The two Fiji nationals have since evaded prosecutions by escaping to the Fiji Islands. This has resulted in the Attorney General of Vanuatu making a formal extradition Request on behalf of the Government of to the Government of the Fiji Islands to extradite it two nationals who are both charged with knowingly utter any such counterfeit or debased coin or bank contrary to section 142 (c) of the Vanuatu Penal Code.

The State Law Office is currently in close contact with Mr. Pita Koroi Bulamainavalu, legal officer of the Office of the Director of Public Prosecutions of Fiji (DPP) in following the progress of the case. The Vanuatu government is appreciative of the manner in which the relevant authorities in Fiji have accepted and progress the request so far. and we hope that this good working relationship will continue and that this network between law officers especially within the government legal institutions will not only strengthen ties within the legal sector between the governments of Fiji and Vanuatu and all other pacific Island nations for that matter, but also to work as a barrier against trans-national crimes that may destabilise the financial institutions of pacific Island nations and create instability within each respective governments.

Public Prosecutor v Peter Clerance Foster

International conman Peter Foster wanted in Fiji and few other countries for fraud charges escaped authorities in Fiji and arrived in Vanuatu around 16 January 2007. Mr. Foster is in custody awaiting hearing in the Port Vila Magistrate's Court for entering Vanuatu illegally which carries a fine of up to VT200,000 (AuD \$1800]. Vanuatu was not able to send Mr. Foster to stand trial in Fiji as there is no extradition treaties with Fiji.

Public Prosecutor v David Vere

This case was prosecuted in the Supreme Court of Vanuatu and was appealed to the Court of Appeal. The case involved anal penetration and the legal issue surrounding the case is whether sexual intercourse does include anal penetration. Vanuatu has no legal definition of sexual intercourse under the current laws. As such, the Court of Appeal in its decision concluded that sexual intercourse does not include anal penetration.

The case is one that goes to show the need for amendment of Vanuatu laws. Since then, an amendment was made and passed by Parliament in 2006 to define and involve anal penetration as an act of sexual intercourse.

Sexual offences

Majority of Supreme Court matters dealt with relate to these types of offences and most of the defendants are young and unemployed, and close family members including parents and grandparents. Most of the victims are of young age mostly between 13 to 16 years. There have been a few gang rape matters.

Most of the these matters have led to custodial sentences, however there is the ongoing pressure on PPO by families of both defendants and victims to withdraw matters following customary settlements, which is often resolved following meetings with the legal officers.

Drug offences

PPO recently has been prosecuting drug offences mainly involving cultivation and possession, leading to suspended sentences and custodial sentences.

There is however sometimes the difficulty to impose what may otherwise be a suitable sentence as there is often poor analysis by the police, and there is often the need to re-emphasise the importance of proper recording and analysis of the drugs.

There is a noticeable increase of drug related cases and as from the beginning of this year just under ten matters have been dealt with, which is a big increase to previous years when on average of under five were dealt with annually.

6. Public Solicitor's Office Report

Latest Developments

At present the Office has recruited two new legal Officers who have just completed their Professional Diploma in Legal Practice at the Institute of Justice and Applied Legal Services in Suva Fiji, namely Bertha Pakoasongi and Henzler Vira in addition to the three legal officers already working with the Public Solicitor in Luganville and Port Vila. The new recruits have been working with the Office since 14 August 2006. The officers are currently working on a six month contract and subject to their performance, should be made permanent staff at the end of their contract. The Office hopes to recruit another legal officer this year to assist the legal officer based in Luganville, Santo.

Research and Library Facilities

The Public Solicitor's Office has no library. Researches have had to be done using the USP Law library. This assistance is further enhanced with a twinning scheme arranged with the DPP of New South Wales' library.

Headquarters

In our last Country Report, we reported that the Public Solicitor has always been based in Port Vila, even though it was earlier realised that there is a need to expand the services to ensure its availability to the wider community. We are pleased to report that since August 2006 the Office has opened a sub-office in the Northern Town of Luganville, which is fully operated by Chris Tavoia, a full time lawyer permanently based in Santo for the Northern Region of the Archipelago. Mr. Tavoia is assisted at the sub-office by a receptionist, a secretary, and a driver/messenger.

Office Data Base of Cases

It is also the Public Solicitor's wish to set up a data base to assist in the tracking of cases the Office is handling. The need has arisen due to public awareness of the Office's services and the increase in the number of clients and cases reaching the Office as against the small number of personnel available to keep track by manual monitoring.

So with the establishment of the IT Section of Government this is now being realized.

Future and ongoing Incentives

- Recruit More Assistant Legal Officers
- Change Salary Structures;
- Revive Duty Solicitor with Court House;
- Create More Opportunities For Junior Lawyers Such As:
 - In House Training;
 - Workshops & Seminars;
 - Over Seas Placements & Training

7. Legal Sector Reforms – Vanuatu Legal Sector Strengthening Project (VLSSP)

The Vanuatu government legal sector has continued to benefit from the Australian Agency for International Development (AusAID) funded project which was established in May, 2000 to promote good governance. The project which is purposely aimed at enhancing the capacity of the three government legal offices, namely the State Law Office, the Public Solicitor's Office, and the Public Prosecutor's Office, has been working well and has proven quite successful over the last four years.

The VLSSP support to date has focussed on the management of office operations, professional development of staff, establishment and maintenance of administrative systems, development of relationships with other relevant agencies, review of the legislative framework affecting the legal sector and assessment of efficiency gains from co-locating offices and sharing resources.

So far the VLSSP has provided significant benefits to the three Public Legal Offices through:

- improvement in legal practice, litigation management and drafting;
- improvement in administrative systems;
- improvement in the professional status of the working environment;
- increased capacity of legal staff to progress casework and court appearances;
- establishment of the Community Legal Clinic; and
- increased institutional linkages with relevant Australian organisations for on-going information and advice.

In September of 2006, Frederick Loughman, a State Counsel with the Solicitor General's Unit went on a three month attachment with the Crown Solicitors Office of New South Wales on a placement programme funded under the VLSSP. Two other officers funded under the VLSSP on similar training are Jacob Kausiama, a legal Officer with the Public Solicitor's Office, and Florence William, a State Counsel with the State Law Office who attended the Bar Readers Course in Melbourne in October 2006. The placement and the Bar Readers programme is an ongoing programme for the three government legal offices and this year 2007 saw quite a few officers from the three offices undertaking either Bar Readers or Placement in Australia. The names of the Officers and their position in respect of the offices they come from who attended placement/ Bar Readers in 2007 is as follows;

- Tom Loughman- Assistant Legal Officer, Public Solicitor's Office, Bar Readers, Melbourne Australia, March 2007.
- Lent Tevi- Assistant Public Prosecutor, Public Prosecutor's Office, Placement, Office of the Director of Public Prosecutions of NSW, NSW, Sydney, Australia, August 2007.
- Jack Philip Semeno- Corporate Service Manager, State Law Office, Placement, Attorney General's Department of NSW, Crown Solicitor's Office of NSW, Parliamentary Counsel's Office of NSW, NSW, Sydney Australia.
- Jason Pakoasongi- State Counsel (Drafting), State Law Office, Placement, Parliamentary Counsel's Office, NSW, Sydney, Australia.
- Seth David Saul- Paralegal (Drafting), State Law Office, Placement, Parliamentary Counsel's Office; NSW, Sydney, Australia.

Depending on each of the three government legal office's workload, there should be available rooms for one or two legal officers to attend either placement or Bar Readers each year.

All Lawyers who attended the Bar Readers Course and placement commented on a valuable learning experience and made good use of the opportunity to enhance their knowledge and skills.

Currently, there are three Australian Legal advisers funded under the programme who have been attached with the three Offices of the Public Solicitor, Public Prosecutor, and the State Law Office. Two of the legal advisers attached with the State Law Office and

the Public Prosecutor's Office are on a two year contract and have been with each respective Office since July 2006. The advisor with the Public Solicitor's Office has been working with the Office since 2003.

The Drafting Unit in the State Law Office is also being assisted at the moment by Michael Wright, a specialized legal drafter and consultant from Australia who is based in New Zealand. Mr. Wright makes in-country visits every month for 5 (five) days and assists and advises on the drafting of the more technical bills. However, there is continued liaison with Mr. Wright via email when he is not in the country. The Legal Sector Strengthening Project in funding such an arrangement also hopes to create an environment that would allow for the transfer and development of drafting skills of the young Drafters in the Drafting Unit of the State Law Office.

Having said this, this Vanuatu report would like to acknowledge both the Governments of Australia and New Zealand who have continued to provide aid in support of Legal training and education in Vanuatu and through out the region. We hope that with our good working relationship, Vanuatu and others in the region will continue to grow from strength to strength towards establishing a strong government legal sector.

End of Report
