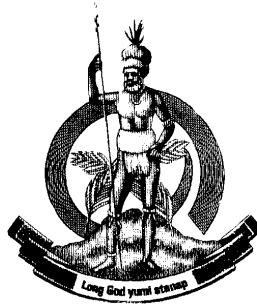


REPUBLIC OF VANUATU

COUNTRY REPORT



**28th PACIFIC ISLANDS LAW
OFFICERS NETWORK MEETING
(PILON)**

(Apia, Samoa, 12-16 December 2009)

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1. Introduction

In December 2008, we hosted the 27th Pacific Islands Law Officer's Network (PILON), during which we delivered a report on the progress and growth of our country's justice and legal sector.

This report is a follow up to the latter and will focus on the recent developments within the State Law Office units, namely the Solicitor General's Unit ("SGU"), Parliamentary Counsel's Unit ("PCU"), Financial Intelligence Unit ("FIU") and Corporate Services Unit ("CSU"). It will also deal with the progress of the Consolidation of Laws update report, brief reports from the offices of the Public Solicitor and Public Prosecutor and other information that may be of legal sound.

2. Government

The Prime Minister of Vanuatu is Honourable Edward Nipake Natapei, who was elected by the country's 52 Member Parliament on 22 September 2008. His election makes him Vanuatu's 12th Prime Minister since independence in 1980 and his second term in office. Since taking office his government has survived 2 motions of no confidence.

The Prime Minister's Vanua aku Pati led coalition government has survived a year and 2 months since taking control of the Executive after the National General Elections held on 9 September 2009. In his first year as Prime Minister, he was supported by a 7 party coalition and their independent affiliates. In total his government was enjoying a wavering majority of 37 Members of Parliament as opposed to the 15 Members of the Opposition Alliance Group.

However, on 17 November 2009 the Prime Minister reshuffled from the government the National United Party and the Vanuatu Republican Party and replaced them with the Opposition Alliance Group.

The President of Vanuatu is his Excellency Iolu Johnson Abil who was elected by Vanuatu's 58-member Electoral College on 2 September 2009. President Abil was elected on the Electoral College's third round of voting because previously no candidate had garnered the required two-thirds of the vote from the Electoral College. His election makes him Vanuatu's 8th President.

3. State Law Office Unit Reports

Corporate Services Unit

Previously the Corporate Services Unit or CSU of the State Law Office in collaboration with the CSU of the Office of the Public Solicitor and the Public Prosecutor have collectively with the assistance of the Australian government funded Vanuatu Legal Strengthening Project (the "VLSSP") embarked on a joint

corporate plan for the three offices. This corporate plan is to improve service delivery within the offices by the sharing of resources and in so doing, minimising costs incurred by each office.

Since its progression the corporate plan has outlined the main objectives of the three offices, in particular the need for the three offices to draw up their own business plan to achieve their objectives under the corporate plan and to collectively work to achieve the common goal of strengthening the Vanuatu Government's legal institution.

In light of the above, the CSU of the State Law Office is currently conducting special training sessions for State Law Office staff. The main focus being management and improvement of service delivery in the public legal sector. However, at times training may cover areas such as the use of Microsoft Office programs and outlook.

Also, the CSU with assistance from Advantage Business Management, a private consultancy firm, is conducting a Performance Management Review training to assist supervisors and staffs improve on their work as well as create a foundation in establishing a functioning performance appraisal structure within the office.

But most importantly, the assistance given by the office to staff who intend on pursuing further studies outside of Vanuatu. For instance, our Corporate Services Manager has just returned from after completing his studies at the University of the South Pacific, Fiji where he undertook his Masters Degree in Commerce.

At present there is also a Senior State Counsel who is pursuing a Masters Degree in Aviation Law at Murdoch University, Australia. In addition, the Attorney General has approved the Solicitor General and the Parliamentary Counsel to further pursue studies in 2010/2011 in order to obtain their Masters Degree.

There has also been major development in office corporate documents such as Induction Guide, Human Resource Policy, review of Business and Corporate Plan, procedure manual for all Units which we aim to complete by mid 2010.

Like all public and private institutions the State Law Office also succumbs to setbacks that threaten to disrupt the service delivery provided by the office. This was apparent when the office saw the resignation of 3 senior lawyers and 1 paralegal at the beginning of the year and during the end of last year. Those who resigned were:

1. Dudley Aru, the former Solicitor General, who has set up his own private legal practice referred to as Aru & Co. Lawyers;
2. John Stephens, a former Assistant Senior State Counsel who has resigned to take up the lucrative position of Manager Legal, Vanuatu Financial Services Commission;

3. Frederick Sam Loughman, a former State Counsel who has resigned to take up the position of legal officer, Vanuatu Financial Services Commission; and
4. Seth David Saul, a former paralegal within the PCU who has who has resigned for personal reasons. Mr Saul has served the office for almost 2 decades.

Despite the resignations, the office has managed to recruit 2 new lawyers who are both working on contract for a 6 month period, of which may be renewed upon good performance. Also, with the assistance and funding from the VLSSP the office has enlisted 2 intern lawyers who are designated the SGU and the PCU respectively.

There is confirmation from the Ministerial Budget Committee to our proposal for the funding of 2 new positions which are Principal State Counsels to SGU and PCU and also the setting up an Advisory Unit within the office which will compose of 1 Senior State Counsel and 1 Assistant State Counsel reporting directly to AG. This Advisory Unit will deal with all advice that our clients request on a daily basis and will assist in reducing the heavy flow of work.

Finally, next year the State Law Office will also see a further increase to its annual budget. This improvement in financial resources is conducive in assisting the office conduct its administration, functions and obligations to its clients in a more effective, efficient and timely manner.

Financial Intelligence Unit (FIU)

As stated in our previous PILON reports, Vanuatu underwent its second mutual evaluation in 2006 which was conducted jointly by the Asia Pacific Group on Money Laundering (APG) and the Overseas Group of Banking Supervisors (OGBS). Since the approval and adoption of the mutual evaluation report later that year, the Financial Intelligence Unit had dedicated its resources towards the implementation of its ME recommendations.

Despite its scarcity in resource, the FIU has been able to implement most of the ME recommendations. Work still in progress includes certain legislative amendments to the *Financial Transaction Reporting Act* [Cap 268] (FTRA), the *Proceeds of Crime Act* [Cap 284] and the *Penal Code* [Cap 135]. These legislation amendments should be finalised and be tabled in the 2010 Parliament sessions.

Vanuatu through the Financial Intelligence Unit continues to maintain its affiliation to the two key international organisations:

- The Asia Pacific Group of Money Laundering
- The Egmont Group of Financial Intelligence Unit Worldwide

The Unit continues to conduct its operation as Vanuatu's national centre for receiving, analysing, assessing and disseminating information regarding potential money laundering and/or terrorist financing in Vanuatu.

As required by the FTRA, reporting entities must report financial information to the FIU. In the 2008 calendar year, reporting entities submitted 33 Suspicious Transaction Reports (STR); 1,965 Cash Transaction Reports (CTR); 16,650 International Funds Transfer Reports (IFTR) and 10 Border Currency Reports (BCR). Of the 33 STRs reported to the FIU, the Unit conducted its internal investigations and disseminated 3 intelligence reports to the local law enforcement agencies for further investigation.

Also, as permitted by the FTRA, the FIU had assisted local and international law enforcement agencies and similar organisations in their investigations. In 2008, the Unit assisted in 87 requests for assistance from international agencies and 37 requests from local agencies. Likewise, the FIU had initiated 24 requests for assistance to both local and international agencies in the same year.

Series of compliance workshops were held early this year with the local reporting entities such as the Law firms, Accounting firms, Insurance entities, Money Remitters and Exchangers, Casinos, Real Estates, Vehicle Dealerships, Company and Trust Service Providers and Credit Unions. These workshops were conducted as part of the FIU compliance program in enhancing these entities' awareness on their legal obligations under the FTRA. The workshops were funded by the Australian Government's Anti-Money Laundering Assistance Team with technical assistance provided by the Forum Secretariat's Pacific Anti-Money Laundering Program (PALP).

An updated Guideline for the reporting entities was launched and distributed to the reporting entities early this year. The Guideline served as guiding notes for reporting entities' reference in implementing and complying with the FTRA obligation. This Guideline was reviewed by the PALP.

Further, in April the Unit commenced its comprehensive on-site examination on the reporting entities and has so far conducted 3 on-sites. The on-site examination is to ensure the reporting entities are in compliance with the FTRA and have in place adequate procedures and policies in identifying, monitoring and reporting any potential instances of money laundering, terrorist financing and/or other serious financial crimes.

A public annual report for 2008 was launched in mid 2009 as part of the FIU's responsibility of providing feedback to the reporting entities and its stakeholders. This publication will be maintained on an annual basis.

The FIU is committed in implementing all its recommendations under the mutual evaluation report and carrying out its operation in ensuring Vanuatu's financial

system is not abused by money launderers and terrorism financiers. It is committed in sharing information with local Law Enforcement agencies and international agencies which will lead to the detection, investigation and prosecution of money laundering and terrorist financing offences in Vanuatu and abroad.

Solicitor General's Unit

The Solicitor General's function under the *State Law Office Act* [Cap 242] is to conduct civil proceedings as directed by the Attorney General.

The Solicitor General is Mrs Viran Molisa Trief who was appointed earlier this year she is also head of the SGU and is responsible for leading and managing a team of State Counsels who provide advice and litigation services to the Government of Vanuatu. However, the Solicitor General and all State Counsels within the SGU still report directly to the Attorney General.

The following positions report directly to the Solicitor General.

- Principal State Counsel (litigation)
- Senior State Counsel (litigation)
- State Counsels (litigation)
- Paralegal (litigation)
- Manager (litigation)

The position of Solicitor General is subject to the obligations of the Leadership Code Act 2000.

The key responsibility for the Solicitor General is to manage the litigation practice of the State Law Office. The position holder represents the Government of Vanuatu in high-level legal proceedings before courts or tribunals and attends to requests from other Governments concerning mutual assistance applications and extradition orders.

The Solicitor General works closely with Attorney General in the provision of high-level legal advice to the Government concerning sensitive matters such as national security and advice to the Council of Ministers.

From time to time the Solicitor General, as requested by the Attorney General, will be required to provide legal assistance to the Financial Intelligence Unit (FIU).

The position holder regularly provides advice and guidance to the Attorney General, paralegal and state counsels on routine and complex legal issues and to the Manager (litigation) on administrative issues affecting the section. Regular meetings are held for the staff to discuss various issues related to the efficiency of the unit.

The Solicitor General regularly reviews the caseload of the section and ensures that all legal staff manages their individual caseloads appropriately and to deadlines set by the court and SLO service delivery standards. These include areas such as the follow-up of the recovery of costs awarded to the office and the filing of critical documents in court.

Case statistics as at 30 September 2009

YEAR	TOTAL REGISTERED	TOTAL CLOSED	TOTAL ONGOING
1994-1999	529	516	6
2000	59	54	5
2001	79	60	15
2002	94	77	15
2003	76	53	22
2004	86	50	35
2005	127	48	79
2006	120	45	76
2007	136	30	107
2008	140	31	109
2009	92	4	88
TOTAL	1538	968	557

As of September 2009, we have registered 92 new cases:

- 37% are proceedings related to land such as claim for rectification of the land lease register or claim for cancellation of a lease title because it was registered either through fraud or mistake or both fraud and mistake.
- 30% are matters related to employment issues such as claim for unjustified dismissal hence seeking employment entitlements and damages.
- 33% are matters related to different issues such as claim for unlawful arrest, claim for compensation, judicial review applications, constitutional applications, election petitions and so forth.

This year we have closed 4 of the 2009 cases:

- 2 are matters that were struck out in our favour;
- 1 was an appeal matter that was dismissed in favour of the other parties; and
- 1 was a matter that we were not a party to.

From October to December we have 20 ongoing cases listed for Hearing, 7 ongoing cases listed for Trial, and 7 ongoing cases listed for Pre-trial conference.

Our record shows that the Government financial contingency for the 88 ongoing matters for this year stands at VT 2,084,881,354 (loss) and VT 4,054,860 (gain).

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 this year:

Guy Bernard v Government of Vanuatu & Ors; VUSC Civil Case 199 of 2007

Facts

The Claimant was a contract employee of the Vanuatu Maritime Authority, a statutory body created by the *Vanuatu Maritime Authority Act* [Cap 253]. This Act was repealed by a further Act of Parliament referred to as the *Vanuatu Maritime Authority (Repeal Act)* No 22 of 2007, on 31st December, 2007.

Given the repeal of the above Act, the Claimant's contract ceased and as such he has brought an action against the Government of Vanuatu and the Attorney General, First and Second Defendants, with respect to arrears of salary he claims is owed to him by the Vanuatu Maritime Authority (VMA). A preliminary hearing was held to deal solely with the issue of whether the Defendants can be held liable for any debt of the VMA. A hearing was held on 11th June, 2009.

Decision

On arriving at a decision the Supreme Court effectively ruled that the government "cannot be held liable for the debts of the Vanuatu Maritime Authority" after its Act was repealed by parliament towards the end of 2007.

Supreme Court judge Nevin Dawson stated that: as a "matter of statutory interpretation" the repealed VMA Act, which governed the operation of the VMA, clearly separates the running of the government-owned entity from the government.

"The intent of the legislation (VMA Act) is clear. The Act created the VMA so that it could operate and fulfil certain functions without the government having to be involved in its day-to-day operational decisions. The Act proscribes the areas of responsibility within which the VMA and the Commissioner may act and allows the VMA to get on with its daily business. It also allowed the VMA to operate, enter into contracts and hire staff without recourse to any governmental body for any form of consent or oversight. Therefore it cannot be said that the government is responsible for the decisions of the VMA in areas where the VMA has sole and independent authority to act."

Previously the Court had referred to an organisation such as the VMA as an arm of the government, however, the judge in his decision clearly stated that, that is a word that has been used as a matter of convenience but has no legal definition. It is quite clear from the Act that the VMA was not a government department and the employment of persons by the VMA was not covered by the Public Service Act and the Public Service Commission.”

Guy Bernard v Government of Vanuatu & Ors; Civil Appeal Case 17 of 2009

Subsequent to the above Supreme Court Decision the Claimant appealed the decision to the Court of Appeal. The sole issue for determination by the Court of Appeal was the same as that which confronted the Supreme Court Judge, namely: whether the Government is liable for any debts of the VMA.

Decision

In reaching a decision the Court of Appeal referred to the Supreme Court judgment which held that the VMA was established so that it could fulfil certain functions without the Government having to be involved in its day to day activities. Accordingly, it could not be said that the Government was responsible for decisions of the VMA in areas where the VMA had sole and independent authority to act.

On the question of, was the VMA a Government agency, the Court of Appeal came up with the following decision.

Justice Dawson observed that the VMA was a Government agency, as defined in the Public Finance Economic Management Act (“PFEM Act”). “The Solicitor General did not take issue with that observation during the hearing of the appeal or in her written submissions. That is not surprising because the definition of “Government Agency” in Section 2 (1) of the PFEM Act is extraordinarily broad. It includes: “(d) a corporation (whether established by statute or otherwise)...that:

(i) is substantially owned or controlled by the Government; (ii) has a significant financial interdependence with the State by virtue of an allocation in an Appropriation Act; or (iii) has significant use or control of public money”.

“It is to be noted that those 3 categories are disjunctive. Thus, it needs only to be shown that a corporation established by a statute is owned or controlled by Government for it to come within the definition.”

“It is clear that the VMA was a corporation (as the VMA Act said it was “a body corporate”) and that it was established by a statute. It seems clear that it was owned by the Government and even clearer that it was controlled by the Government, given that all of its members were appointed by the Minister,” the Court of Appeal stated.

“It also seems that the VMA had, by virtue of Section 21 of the VMA Act, financial interdependence with the State by virtue of an allocation in an Appropriation Act. In effect, we were told that, even after the repeal of the VMA Act, appropriations were made by the VMA by Parliament.”

“The Solicitor General suggested that these were not appropriations to the VMA itself, but rather appropriations to the Ministry of Finance for the purpose of authorizing the Ministry to make a grant to VMA. It is not necessary for us to resolve that for the purpose of this appeal.”

The Court of Appeal Judges added that they considered that it is likely that the VMA could be said to have had significant use of public money, given that its revenue was entirely sourced from appropriations made by Parliament or grants from the Government. In summary, they see no basis on which they could differ from the observation made by the primary Judge that the VMA was a Government Agency as defined in the PFEM Act.

The findings led the Court of Appeal to the question on whether the Government was liable for the debts of a Government agency?

The Court of Appeal found that the term “State” is defined in Section 2(1) of the PFEM Act as follows: “State” means the State in right of the Government of Vanuatu and includes every ministry, ministerial office and Government agency.”

“The effect of that definition is that a finding that a body is a Government agency is also a finding that it is “the State” for the purposes of the PFEM Act,”

The question that then arises is, “Whether the Government is liable for the debts owed by the State?”

That question is answered by Section 57 of the PFEM Act. Section 57 (1) says the Government is not liable to contribute toward the payment of debts or liabilities of the State, but that subsection is expressly made subject to Section 57 (2). Section 57 (2) specifies that Section 57 (1) does not apply in relation to, among others, “any sum the State is liable to pay to any creditor of the State.” As the term “State” is defined to include a Government agency, that provision can effectively be read as providing that the Government is liable for “any sum a Government agency is liable to pay to any creditor of the Government agency,” the Court of Appeal stated.”

Accordingly, the Court of Appeal accepted that the funding arrangements in place after 2002 did make the VMA more akin to a Government department. But this would not have led to the conclusion that it was “the State” if it were not for the express provisions of the PFEM Act as it stood at the relevant time.

For this reason the Court of Appeal concluded that “at the relevant time, the VMA was a Government Agency for the purposes of the PFEM Act, and that the Government is therefore liable for its debts under Section 57 of the PFEM Act.

J v Public Service Commission & Ors; Civil Case 216 of 2005

In this case the Claimant is suing the Public Service Commission for wrongful dismissal.

(After hearing concluded and before written judgement was delivered the Claimant died, therefore the Judge made an order pursuant to rule 3.9 of the Civil Procedure Rules No 49 of 2002 to permanently suppress the name of the Claimant, as such he is referred to by the initial "J").

Facts

The Claimant was a Senior Lands Officer within the Department of Lands, Survey and Records of the Republic of Vanuatu. The facts which there are little or no dispute are that while he was in the employ of the government he received the sum of a VT 100,000 from a member of the public. Money which he did not deny receiving.

The person who gave him the money raised a complaint that after he was paid the said sum, he did not prepare their said lease documents for registration. They also assert that he did not provide them with a copy of the receipt. For this reason he was terminated for serious misconduct by the Public Service Commission ("PSC").

The Claimant alleges that his actions do not constitute serious misconduct that would warrant summary dismissal by the PSC.

Decision

The major issue in the hearing is what is serious misconduct?

The judge accepted the submission by counsel for the Defendant that legislation does not define "serious misconduct." There has been no judicial consideration of the issue in Vanuatu. However, the term is well-understood in the context of employment law within Commonwealth jurisdictions.

He further accepted the definition highlighted in the case of *Johnson v Marshal* [1906] AC 415 where the House of Lords said:

"What amounts to serious misconduct in any given case is a question of fact to be determined by the judge of first instance on the facts of that case; and the function of the Court of Appeal and this House is confined to deciding the question of the law whether there was any evidence to sustain this finding".

The judge was of the view that the receipt of money by a public officer from a member of the public without accounting for it does amount and constitute serious misconduct. The decision of the PSC to summarily dismiss him was not unjustifiable rather it was proper and within the legal parameters of the *Public Service Act* [Cap 246] and *Employment Act* [160].

Parliamentary Counsel's Unit

The Parliamentary Counsel's Unit (PCU) comprises of the Parliamentary Counsel, 3 State Counsels and 2 support staff. The Parliamentary Counsel is Mrs Angelyne Saul and her unit responsible for drafting all of the Government's legislation priorities each year.

In addition the Unit produces orders, instruments regulations, contracts and advice to Government and its respective branches.

The Parliamentary Counsel in Vanuatu assumes the role of the Attorney General as advisor in waiting during sessions of Parliament and for this purpose the Parliamentary Counsel occupies the office provided by Parliament to the Attorney General at each meeting of Parliament.

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.

The PCU also encounters many difficulties in their area of work; hence, we outline several for your consideration:

- The lack of legislative drafting capacity at the State Law Office at the moment;
- Bills that are drafted by outside consultants without the knowledge and approval of the State Law Office, which if passed, may not be appropriate for the country given the circumstances;
- The late receipt of drafting instructions to our office for a particular Bill. Receipt of late drafting instructions result in the drafters working under pressure to be able to meet deadlines for a Parliament Session; and
- Government officials attempting to speed enactment of legislation or an amendment to certain legislation without providing clear policy direction.

In light of the above, there is also the logic that Legislative Drafting is a fairly young area of law that is still developing in our Pacific Island jurisdictions in terms of local expertise. For this reason 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.

We have in our previous 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, proposed that the PILON meeting give regard to developing this area of law within the region.

Whilst PILON 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 PILON should organise a PILON Legislative Drafters Skills Workshop for the legislative drafters in the region.

We will again reiterate this point and seek PILON'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. We are proud to state that Vanuatu is the first and only Pacific Island Country that has completed the consolidation of its laws in both languages.

The process of consolidation of the English text of Vanuatu laws was completed with funding by the British Government. While the French Government provided funding for the completion of the French consolidation. In all, over 236 Acts have been consolidated in both English and French and launched in 2007 and 2009 respectively.

5. Public Prosecutor's Office Report (PPO)

Latest Developments

The office is headed by the Public Prosecutor, Ms Kayleen Tavoia and she is assisted by 4 Assistant Public Prosecutors and an Intern whose position is funded by the Australian fund VLSSP. In the next year the office is expected to employ another Assistant Public Prosecutor.

We reported in the last PILON, the problem of case backlogs and that last year

the PPO recruited an additional officer to assist the Case Manager with the filing of cases attempting to reduce case backlog and the serving of summons when required. The addition of one has lightened the weight but to say that it has reduced the backlog would be an understatement.

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

Downfalls and challenges

Shortage of legal officers

We reported in our last PILON in 2008 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.

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 expected to increase in the new year, 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 have priority 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 would be dealt with. Bail applications were not objected to even though some involved serious matters as it was uncertain when the Prosecution would commence with all persons being present.

Proper case recording

PPO has not been able to properly register all the cases that have been registered, mainly due to poor case control and oversight. 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 registration to assist the case file managers.

6. Public Solicitor's Office (PSO) Report

Latest Developments

The Public Solicitor's Office is headed by Mr Jacob Kausiama, the Acting Public Solicitor; this is because the Public Solicitor, Hilary Toa has taken a 6 month leave of absence to accompany his wife to Washington DC, USA where she is currently undertaking a 2 year secondment at the World Bank.

Nonetheless, it is business as usual at the PSO and with the recent addition of an intern whose position is funded by the VLSSP; the PSO now comprises the Acting Public Solicitor, a Senior Legal Officer, 4 Assistant Legal Officers and an intern.

From the above officers, there is a Senior Legal Officer and an Assistant Legal Officer who occupy the PSO office on Luganville, Santo Island. Their presence assists the needy in the northern part of the Vanuatu group of islands in receiving much needed legal advice and representation.

Research and Library Facilities

The Public Solicitor's Office has no library. Researches have to use the USP Law 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.

With the PSO already having an office in Santo island, there are plans to open 2 more offices, one on Malekula Island and one on Tanna Island. But budget constraints hinder this development from progressing. Hopefully, Parliament and the Ministerial Budget Committee will recognise the importance of setting up these two offices and provide for its budget in the New Year.

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.

This year the following lawyers attended the Victorian Bar Readers Course:

Public Prosecutors Office

Eric Molbaleh
Vivianne Laumae

Public Solicitors Office

Henzler Vira

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 advisors attached with the State Law Office and the Public Prosecutor's Office are on a two year contract subject to renewal 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 2008.

Conclusion

Having said this, on behalf of the Government of Vanuatu we would like to acknowledge the support of 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.