

Law Reform Commission Annual Report 2009

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Chapter 1 Functions of the Department

Functions

The Solomon Islands Law Reform Commission (LRC) is a statutory body established under the Law Reform Commission Act 1994. The Commission is headed by a Chairman and four part-time Commissioners. Frank Ofagioro Kabui held the post of Chairman until July 2009 when he was nominated Governor-General. The four part-time Commissioners in 2009 were Waeta Ben Tabusasi, Sarah Dyer, Reverend Philemon Riti and Gabriel Suri.

The LRC's role is to review laws that are referred to it by the Minister for Justice and Legal Affairs and make recommendations to the Minister. The objective of review is to modernise and simplify laws, eliminate defects and recommend new and more efficient methods for the administration of justice. LRC functions also include making recommendations in relation to the restatement, codification, amendment or reform of traditional or customary laws and making recommendations in relation to the development of new approaches and new concepts of law in keeping with the changing needs of Solomon Islands society and individual members of that society.

The LRC has the power to consult widely, with the advice of the Minister for Justice and Legal Affairs provide advice and information to any Government department and other Government body concerned with proposals for reform of law, hold seminars and conferences on legal issues and undertake research and study programmes.

The vision of the LRC is to be a dynamic, impartial, independent and effective law reform commission that enables the law to be modified to reflect the aspirations of the people of Solomon Islands.

The mission of the LRC is to engage Solomon Islanders in the renewal of the law to ensure that it is relevant, responsive, effective, equally accessible to all and just.

The Minister for Justice and Legal Affairs has made the following references to the LRC (these references were given in 1994 and 1995):

- Section 5C of the Forest Resources and Timber Utilisation Act.
- Marriage and divorce law (including the Islanders Marriage Act and the Pacific Islands Civil Marriages Order 1907).
- Building Code.
- Mental Treatment Act.
- Penal Code and Criminal Procedure Code.
- Law of treason.
- Law of sedition.
- Law that applies to land below high water mark and low water mark.
- Customs and Excise Act.
- UK laws of general application in Solomon Islands.

In 2008 the LRC decided to give priority to the review of the Penal Code and Criminal Procedure Code and the law that applies to land below high water mark and low water mark. Some other references are now perhaps obsolete due to review activity in other areas of government (for example the review of the Customs and Excise Act). The references on treason and sedition have been incorporated into the review of the Penal Code. Other references such as the ones on marriage and divorce law, and mental treatment are still relevant.

Chapter 2 Organisation and Staffing

Law Reform Commission 2009 Organization Structure

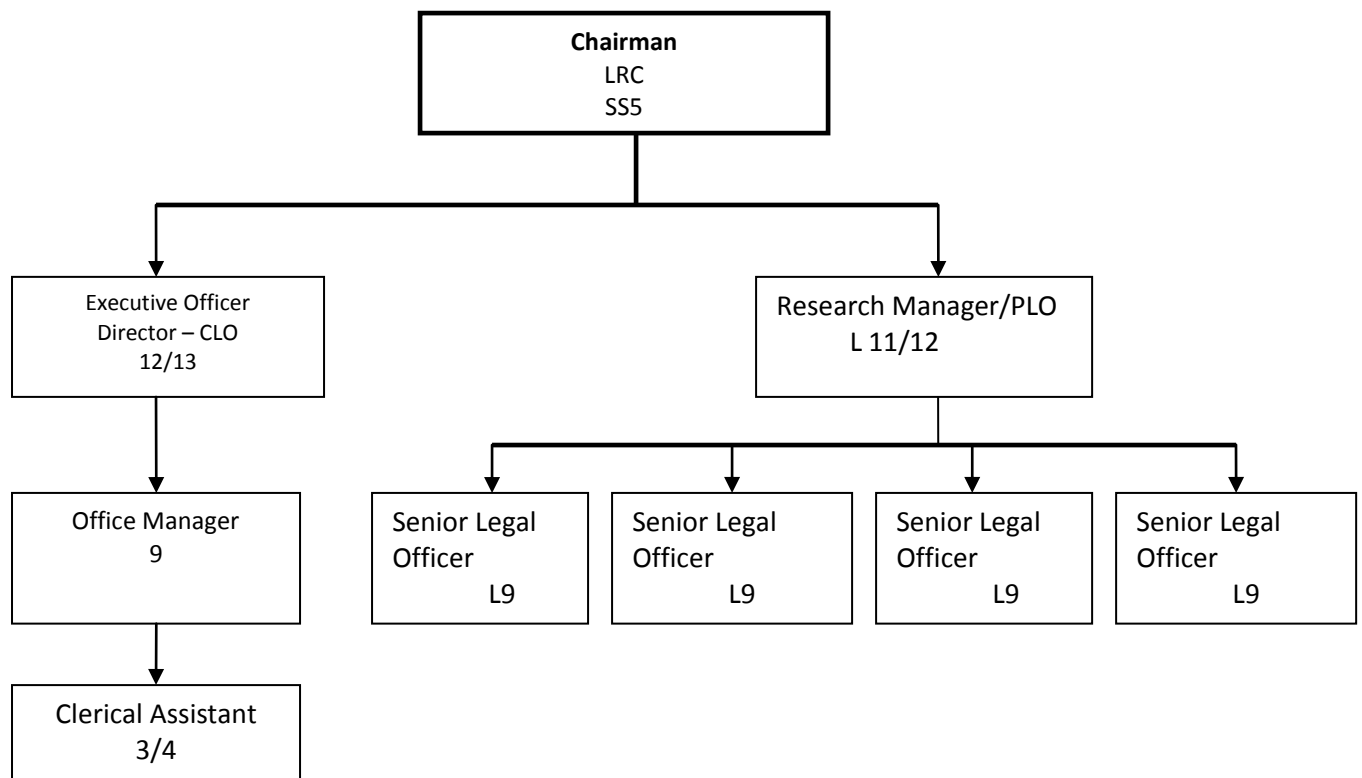


Figure 1. Law Reform Commission Organization structure for 2009.

Note that at the end of 2008, another Senior Legal officer's post was successfully approved by the ministry of Public Service. This makes the established post for senior legal officers to four as seen in the structure. However, due to the freeze in recruitment in early 2009, the newly established post for Senior Legal officer never fill till now.

Establishment

Table 1. Summary of staffing position as at 31st December 2009

Division/Section	Established posts (number)	Filled posts			Vacant Posts (number)	Non Established posts(number)
		Male (Number)	Female (Number)	Total (number)		
LRC	1				1	
LRC	1				1	
LRC	1		1	1	0	
LRC	4	2	1	3	1	
LRC	1		1	1	0	
LRC	1		1	1	0	
LRC					1	1
LRC					1	1
Total	9	2	4	6	5	2

Table 2. Staffing by Grade as at 31 December 2009

Grade	Established posts (number)	Filled posts			Vacant Posts (number)	Non Established posts(number)
		Male (Number)	Female (Number)	Total (number)		
SS5	1				1	
12/13	1				1	
11/12	1		1	1	0	
9/10	4	2	1	3	1	
8/9	1		1	1	0	
3/4	1		1	1	0	
2					1	1
2					1	1
Total	9	2	4	6	5	2

Staff Movement

The Law Reform Commission Chief Executive officer's post has been vacant since the departure of an Advisor, Anna Guthleben in November 2008.

Since July 2009 the chairman's post was vacant when Frank Ofagioro Kabui was elected the New Governor General of Solomon Islands.

In February 2009, a senior legal officer Mr Michael Pitakaka was resigned. This post was vacant until a newly graduate lawyer, Mr Daniel Suluia join the commission in August 2009.

Training

Both legal officers and administration staffs attended different trainings that were relevant to their work as summarized in the table below.

Table 3. Summary of trainings that LRC officers had been attending during year 2009.

Name of Activity	Duration	Training Provider	Location
Customary land Ownership and Sustainable Development	27 -30 Jan	Public Solicitors Office /Environmental Defenders Office(NSW)	Honiara
Capacity building workshop for women in Government	11 Feb	RAMSI MOG	Honiara
Australian Volunteer Workshop	11 Feb		Honiara
Making a Difference Workshop	18-20 Feb	RAMSI MOG	Honiara
Women's Mentoring Workshop Phase 1	11-13 Mar	RAMSI MOG / MWYCA	Honiara
Commonwealth Law Conference	5-9 April	Recurrent	Hong Kong
Regional consultation on Violence Against Women Legislation	19-25 April	RRRT	Fiji
Women's Mentoring Workshop Phase 2	25-27 Apr	RAMSI MOG	Honiara
Gender Issues Training Workshop	20-23 Jul	RRRT/SILRC	Honiara
Regional Training on Advancing Legislative Change on Violence Against Women	17-22 Aug	RRRT	Nadi
Consultation workshop on the Pacific Handbooks on the Human rights Treaty implementation	11 Nov	Ministry of Foreign Affairs	Fiji

Overseas travel

There are four overseas trips happening during the year. Details of the trips are summarized in the table below.

Table 4. Overseas travel for 2009

Name of Activity	Dates	Sponsor	Location
Commonwealth Law Conference	5-9 April	Recurrent	Hongkong
Regional consultation on Violence Against Women Legislation	19-25 April	Regional Rights Resource Team (RRRT)	Fiji
Regional Training on Advancing Legislative Change on Violence Against Women	17 – 21 August 2009	Regional Rights Resource Team (RRRT) and Secretariat of the Pacific Community (SPC)	Nadi, Fiji
Consultation meeting on the Pacific Handbook on the Human Rights Treaty Implementation	11 – 13 November 2009	UNDP Pacific Centre	Nadi, Fiji

Chapter 3 Activities and Achievements

Key activities and achievements

- Consultation on the Penal Code throughout Solomon Islands;
- Research and release of a consultation paper on the law that applies to land below high water and low water mark.

Penal Code and Criminal Procedure Code reference

Consultation on Penal Code

Consultation on the Penal Code was conducted in Western Province, Malaita, Central Province, Choiseul, Temotu, Renbel, Guadalcanal and Isabel. During these consultation visits the LRC spoke with members of Provincial Governments, church leaders, Women's Provincial Councils and other women leaders, police officers and members of the community. Information gained from these visits will be used to develop draft recommendations for reform of the Penal Code. While the immediate purpose of this consultation was review of the Penal Code, it also provided an opportunity for people to generally express their views about the criminal justice system, and its relationship to traditional law and custom.

Focussed consultation in Honiara on the Penal Code:

- A four day workshop on law reform and violence against women conducted by LRC in collaboration with the Regional Rights Resource Team, UNIFEM and the Ministry for Women, Children and Youth Affairs.
- A workshop at the Mothers' Union Conference held in Honiara.
- A workshop with Royal Solomon Islands Police.
- A workshop with the National Advisory Committee for Children.
- Informal meetings with staff of the Public Solicitor's Office.

Research on Penal Code and Criminal Procedure Code

The LRC progressed research on mental impairment/fitness to plead and sentencing.

Reference on law that applies to land below high water and low water mark

The LRC researched and released a consultation paper for the reference on law that applies to land below high water and low water mark. Consultation for this reference was conducted in Central Province, Choiseul and Renbel.

Awareness and education

- The LRC published two brochures: one for the Penal Code and Criminal Procedure Code reference, the other for the reference on the law that applies to beaches, foreshores, land below high water and low water mark.
- A series of six factsheets on different aspects of the Penal Code (murder, rape, sexual offences against children, children and criminal law, corruption and domestic violence) were developed and published in the Solomon Star and Island

Sun over a six week period. These factsheets are also available on the LRC website and are used in workshops and consultation meetings.

- The LRC also used the website PF Net to raise awareness about the review of the Penal Code.
- Five 15 minute radio programs were recorded and broadcast on SIBC on different aspects of the Penal Code.
- LRC staff participated in Parliament Open Day, a RAMSI outreach to Western Province and Children's Day Celebrations in Honiara.
- The LRC gave a presentation on human rights and law reform at a conference of health workers held in Honiara.
- The LRC maintains a website where all publications (save for the pamphlets) are available: www.paclii.org/gateway/LRC/SILRC/index.shtml.

Partnerships and Collaboration

The LRC was an active participant on the Anti-Corruption Taskforce. This included contributions on legal issues to reports by the Taskforce, and attendance at workshops conducted by the Taskforce in Honiara.

LRC legal staff participated in the Solomon Islands Support Committee for Socio-Cultural Research on Gender Based Violence and Child Abuse. The LRC actively supported and contributed to the development of the National Policy to Eliminate Violence Against Women.

The LRC is a member of the National Advisory Committee for Children (NACC). This included participation in workshops conducted by the NACC subcommittee on child protection.

The LRC conducted consultation on Guadalcanal and in Central Province for its current references in collaboration with the Inclusive Communities Program of the Church of Melanesia.

Two students from the USP Professional Diploma in Legal Practice course did their placement at the LRC.

A legal officer participated in the Disabilities Working Group on legislation convened by Community Based Rehabilitation in the Ministry of Health.

Commission Meetings

Four meetings of the Commission were held. The Commissioners contributed to and approved the consultation paper for the reference on the land below high water and low water mark.

Chapter 4 Financial Information

Allocated Budget and spending 2009

Table 5 Overall picture of the allocated budget and Actual

Division Section	Revenue		Expenditure	
Budget Performance	Final Budget (\$)	Actual (\$)	Final Budget (\$)	Actual (\$)
	N/A	N/A	1,685,781	760,087

Table 6. Composition of Expenditure 2009

Division/s ection	Personal Cost		Operationg costs		Total Expenditure	
	Final Budget	Actual	Final Budget	Actual	Final Budget	Actual
	716,303	337,367	969,478	422,720	1,685,781	760,087

Note:

Actual for 2009 is a bit lower than the final budget. This is due to the delays experienced in obtaining funds for the commission's activities. For example, funds for preliminary consultations on Penal Code that was happening last year. This resulted in trips being postponed or cancelled eventually.