

**Solomon Islands Law Reform Commission  
Annual Report 2010**

Honourable Commins Mewa  
Minister for Justice and Legal Affairs

In accordance with section 10(1) of the Law Reform Commission Act 1994 we are pleased to present to you the Law Reform Commission's Annual Report for 2010.

Commissioner Sarah Dyer

Commissioner Gabriel Suri

Commissioner Waeta Ben Tabusasi

Commissioner Philomen Riti

## Contents

<b>Comments from the Commission.....</b>	<b>4</b>
Corporate Overview.....	5
<b>Role and Function of the Law Reform Commission.....</b>	<b>5</b>
<b>Operational Structure and Staff.....</b>	<b>6</b>
Report on Operations.....	7
<b>LRC Corporate Plan.....</b>	<b>7</b>
<b>Review of the Penal Code and Criminal Procedure Code.....</b>	<b>9</b>
<b>Review of the law that applies to land below high water mark and low water mark.....</b>	<b>12</b>
<b>Other Community Engagement .....</b>	<b>13</b>
<b>Sectoral Development.....</b>	<b>14</b>
<b>Capacity Development.....</b>	<b>15</b>
Financial Report.....	18
Financial Statements.....	18
<b>Allocated Budget and Spending 2010.....</b>	<b>18</b>
<b>Breakdown of LRC Budget Votes 2010.....</b>	<b>19</b>

## **Comments from the Commission**

The Commission continued to operate in 2010 notwithstanding the absence of a full time Chairman.

The Commission met during the year and approved recommendations for reform of the corruption offences in the Penal Code.

Other achievements of the LRC include the completion of provincial consultation for the review of the Penal Code and Criminal Procedure Code, completion of a consultation paper on mental impairment, fitness to plead and criminal responsibility and consultation for the reference on the law that governs ownership and use of land below high water mark and low water mark.

The LRC has also been active in a number of productive partnerships and collaborative activities with other government and non-government bodies such as Law Week and dissemination activities conducted by the Ministry of Women, Children and Youth Affairs for the Family Health and Safety Survey.

Capacity development has also been important for the LRC, and one major activity during the year was a 3 week secondment at law reform agencies in other jurisdictions attended by all three of the legal officer.

## **Corporate Overview**

### **Role and Function of the Law Reform Commission**

The vision of the Solomon Islands Law Reform Commission (LRC) is law reform for peace, good governance and sustainable development.

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 LRC is a statutory body established under the Law Reform Commission Act 1994 (LRC Act). The LRC consists of a Chairman and four part time Commissioners, who are supported by a small team of legal and administrative staff.

The LRC's role is to review the laws of Solomon Islands, as directed by the Minister for Justice and Legal Affairs, to bring it into accord with current conditions, stamp out defects, simplify the law and assume new and more efficient methods for the administration of the law and the dispensation of justice.

The LRC consults widely to undertake its mandate with government, non government agencies and with people in the community. The LRC also gathers information not only within the local jurisdiction but also from relevant jurisdictions outside the Solomon Islands.

The LRC also has the power to provide advice and information to any Government department, institution, authority or organisation concerned with reform of the law with the approval of the Minister.

When the Commission convenes an inquiry for the purpose of effectively fulfilling its functions, it enjoys powers and authorities accorded to a commissioner under the Commission of Inquiry Act.

## ***References given to the LRC by Minister for Justice and Legal Affairs***

Reference	Year given
Section 5C of the Forest Resources and Timber Utilisation Act.	1995
Marriage and divorce law (including the Islanders' Marriage Act and the Pacific Islands Civil Marriages Order 1907).	1995
Building Code	1995
Review of the law relating to the treatment of mental patients	1995
Penal Code and Criminal Procedure Code	1995
Law of Treason (including Part VII of the Penal Code)	1995
Law of Sedition	1995
Law, including customary law, that applies to land below high water and low water mark	1995
Customs and Excise Act & penalty provisions in Customs and Excise Act (two references)	1995 & 1996
United Kingdom laws of general application in Solomon Island	1995
In 2008 the LRC decided to give priority to the review of the Penal Code and Criminal Procedure Code, and the review of the law that applies to land below high water mark and low water mark. The references on treason and sedition will be incorporated into the review of the Penal Code. Some other references are now obsolete due to review activity by other government agencies (for example, the review of the Customs and Excise Act). Other references such as marriage and divorce, and mental treatment law are still relevant.	

## ***Operational Structure and Staff***

## ***Commission***

Chairman	vacant
Mrs Sarah Dyer	Reappointed 19 March 2009
Rt Reverend Philomen Riti O.B.E.	Reappointed 19 March 2009
Mr Gabriel Suri	Appointed 19 March 2009
Mr Waeta Ben Tabusasi C.S.I., S.I.M.	Appointed February 2009

Six Commission meetings were held in 2010. The Commissioners considered and approved the consultation paper on mental impairment, criminal responsibility and fitness to plead, and contributed to the development of recommendations for reform of corruption offences in the Penal Code.

## ***LRC Staffing Profile***

### *SIG Establishment Posts*

Grade Position	/ No establishe d Posts	Men	Women	Total	Vacant/filled
Chairman SS5	1	0		0	Vacant from July 2009
Executive Officer / Chief Legal Officer	1	0	0	0	Vacant
12/13					
Principal Legal Officer	1	0	0	0	Vacant
11/12					
Office Manager	1		1	1	
8/9					
Senior Legal Officer	4	2	1	3	One position vacant for whole year
9/10					

### *Other Positions*

Research Manager (adviser)	1	1	
Legal Research Officer (volunteer)	1	1	From July

## **LRC Staff**

Kathleen Kohata	Senior Legal Officer	
Philip Kanairara	Senior Legal Officer	Commenced March 2009
Daniel Suluia	Senior Legal Officer	Commenced August 2009
Matilda Dani Diake	Office Manager	
Hilda Ahikau	Clerical Assistant	Resigned 2010
Kate Halliday	Adviser/Research Manager	
Lauren Banning	Legal Researcher /Volunteer	Commenced June 2010

## **Report on Operations**

### **LRC Corporate Plan**

The Corporate Strategic Plan for the LRC for 2008 – 2010 sets the following key result areas, outcomes and strategies:

#### **Law reform**

Outcome: Modify laws to reflect the aspirations of the people of the Solomon Islands.

##### *Strategies*

- Invest in, and maintain good research resources.
- Develop and document LRC research methodology.
- Commence the review of the Penal Code.
- Undertake a review of section 5(c) of the Forest Resources and Timber Utilisation Act
- Commence the review of the reference dealing with land below high water and low water mark.

#### **Our Business**

Outcome: Efficient and effective administration procedure to support law reform process.

##### *Strategies*

- Enhance Commission management.
- Develop and maintain essential infrastructure to support the research work of the LRC.
- Implement a responsive and transparent financial management system.
- Enhance the provision of SIG budgetary support.
- Enhance the provision of donor support and funding.

- Ensure a Board of Commissioners that is involved, informed and proactive in governing and promoting the activities of the LRC.

## **Our Community**

Outcome: Develop the awareness and garner the view and aspirations to support law reform and education.

### *Strategies*

- Establish the role and reputation of the LRC in the community.
- Establish the role and reputation of the LRC within the government.
- Through the establishment of effective linkages engage with and obtain beneficial assistance from other LRCs in the region.
- Establish a RAMSI Alumni consultation scheme.

## **Our People**

Outcome: An environment in which the skills and knowledge of all staff are developed and valued.

### *Strategies*

- Develop and implement Human Resources Development (HRD) strategy.
- Enhance capacity to recruit and retain skilled staff.
- Develop capacity for the LRC to independently draft amendments and legislation.
- Enhance leadership and management capabilities.

## **Review of the Penal Code and Criminal Procedure Code**

The terms of reference require the LRC 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 1963 and 1964 and have not been significantly changed since then. The review is complex and large – the two Codes contain around 700 provisions. The review has been broken down into different projects covering the different phases of the review.

## ***Key achievements in 2010***

- LRC completed provincial consultation.
- Developed recommendations for reform of corruption offences in the Penal Code
- Completed a consultation paper on mental impairment, fitness to plead and criminal responsibility.

## ***Summary of Penal Code, Criminal Procedure Code phases and projects***

Penal Code Issues Paper	2008 released, contains analysis of all of the Penal Code (save for sentencing provisions), identifies issues for reform, asks questions to support consultation and submissions
Consultation	2009 & 2010 consultation held in all provinces as well as with specific stakeholder groups
<i>The following projects will use the results of consultation as well as more detailed research to develop recommendations for reform</i>	
Corruption offences	2010 recommendations for reform researched and developed
Sexual offences	2010 commenced work on recommendations for reform
Criminal responsibility, structure and application of Penal Code	
Personal harm offences	
Homicide	
Religion & marriage offences, criminal libel	
Public order offences	
Dishonesty and property offences	

### *The following projects specifically address the Criminal Procedure Code*

Mental impairment, fitness to plead and criminal responsibility	2010 consultation paper completed
Preliminary inquiries	
Criminal process	
Sentencing	2010 research & specific consultation conducted

\*The Criminal Procedure Code contains some provisions that regulate bail and the admission of evidence. The LRC review is not considering these provisions due to the passage of the Evidence Act 2009, and the work by the Ministry of Justice and Legal Affairs in relation to bail legislation.

## ***Consultation on Penal Code***

In 2010 the LRC continued to conduct consultation in the provinces of Solomon Islands on the review of the Penal Code. Community consultation on the Penal Code has given the LRC important information to use to develop recommendations for reform.

Issues regarding the relationship between the state justice system and traditional or non state justice systems and the role of chiefs in the state justice system are regularly raised in consultation meetings. This information is also

important for the review of the Penal Code and Criminal Procedure Code, particularly in relation to how sentencing might be reformed.

The LRC also participated in other meetings with Correctional Services and the RAMSI Law and Justice Program on parole initiatives and early release. These matters while not covered under the Penal Code and the Criminal Procedure Code are relevant to the issue of punishment, specifically imprisonment.

### ***Consultation on Penal Code held in 2010***

Place, date	Meetings held with
Makira Province 10 – 12 March	Provincial government executive members, provincial women's council and other women, community members, police
Kira Kira, Tawani	
Guadalcanal 17 March	Police and prison officers
Tetere	
Guadalcanal 16 June	Community members
Gorou/Tetere	
Honiara	National Advisory Committee for Children to finalise submission by the Committee on reform of the Penal Code

### **Corruption offences**

The corruption project addresses the criminal offences of official corruption, corrupt practices and abuse of office. It considers who should be subject to the offences in the Penal Code, and what kinds of activities should be covered by the criminal law.

The project drew on a wide range of research done on corruption in Solomon Islands including reports by the Auditor-General and Transparency International. While these reports suggest a high level of concern about corruption, and the need to address corruption through prosecutions for criminal activity, an examination of cases indicates that there have been a relatively low number of prosecutions, and few successful prosecutions.

The project considers reform of corruption offences in other jurisdictions including Australian jurisdictions that share the same kind of introduced criminal law as Solomon Islands (such as Queensland, Western Australia, Fiji and the United Kingdom). These jurisdictions have introduced important changes to their criminal law in this area.

The project also considers issues in relation to the investigation and prosecution of corruption offences, such as the ability of police to obtain access to documents and other financial records necessary for the investigation of offences such as official corruption. A further issue is the limited ability of public agencies, such as the Leadership Code Commission, Auditor-General,

Ombudsman and Inland Revenue to share information with police that is relevant to investigations for corruption offences.

The result of the project was 25 draft recommendations for reform of the Penal Code, and other areas of law, that were presented for the consideration of the LRC Commissioners in late 2010.

### **Mental Impairment, Criminal Responsibility and Fitness to Plead**

A consultation paper on mental impairment, criminal responsibility and fitness to plead was completed in 2010. Research for the paper highlighted some issues that may need to be addressed through law reform including:

- risk of lengthy and indefinite detention in prison of people with mental impairment who are accused of a criminal offence;
- limited rights of appeal from decisions regarding fitness to plead;
- lack of clarity in legislation regarding decision making;
- the need for specific court powers for assessments of people with a possible mental impairment;
- the scope and application of the defence of insanity; and
- the outcome of a successful defence of insanity.

The paper also identifies some options for reform to address these issues.

### **Sentencing**

The sentencing project focuses on punishment options in the Penal Code, the principles and objectives of sentencing, factors to be considered when determining sentence, the possibility for community based punishment options, and the interface between customary justice and the formal justice process.

The first stage of the project involved identifying the relevant law and reform issues. While the punishment options are contained in the Penal Code, some aspects of sentencing are covered by the Criminal Procedure Code, while other matters are covered by common law. One important issue for this project is whether, and to what extent, legislation should cover the matters currently addressed by the common law.

In 2010 the LRC conducted specific consultation on sentencing. The extensive community consultation carried out by the LRC on the Penal Code in 2009 and early 2010 also provides important information to the project, particularly regarding community expectations and views about how the courts punish people found guilty of criminal offences. The LRC has used this information, as well as research, to identify possible areas for reform in this area. This work will be published in the form of a consultation paper.

### ***Consultation on sentencing***

Place, date	Meetings held with
Honiara, 17 August 2010	Office of the Director of Public Prosecutions
Honiara, 20 August 2010	Commissioner of Correction Francis Haisoma and Correctional Services
Honiara, 23 August 2010	James Remobatu, Permanent Secretary Ministry of Justice and Legal Affairs
Honiara, 26 August 2010	Office of the Public Solicitor
Honiara, 10 September 2010	Commissioner of Police Peter Marshall, RSIP Executive and Police Prosecutions
Honiara, 8 December 2010	Chief Justice Sir Albert Palmer

### ***Sentencing for Sexual Offences***

This research project complements the projects to develop recommendations for reform of sexual offences, and sentencing. The research examines sentences given by courts for sexual offences (rape, defilement, indecent assault) between 2003 and 2010. It analyses the type and severity of sentence given by courts, and the factors that influence the determination of sentences.

### ***Review of the law that applies to land below high water mark and low water mark***

The terms of reference for this review require the LRC to report on the current legal position regarding ownership and control of this area, customary land tenure including rights of use, and the strengths and weaknesses of the current legal arrangements. The LRC must report to the Minister on changes to the law to reflect the true aspirations of the people of Solomon Islands.

Work on this reference started in March 2009. A Consultation Paper was released in October 2009 and some consultation was done in 2009.

### ***Key achievements in 2010***

- Significant consultation throughout Solomon Islands.
- The reference attracted a high number of walk in submissions.

## ***Consultation***

Place, date	Meetings held with
Makira Province 10 - 12 March Kira Kira, Tawani	Provincial government executive members, provincial women's council and other women, community members, police
Guadalcanal 17 March Tetere	Police and prison officers
Choiseul Province 24 March Taro	Participants from Pangoe (North Choiseul) to Sasamuga (South Choiseul) - community and women leaders
Isabel Province 26 May Buala	Participants from San George to Bolotei - community and women leaders
Guadalcanal 16 June Gorou/Tetere	Community members
Makira Province 15 July Kirkiraka	Participants, representatives from San Cristobal - community and women leaders
Temotu Province 18 - 20 August Lata	Provincial government executive members, provincial women's council and other women, community leaders, staff of the Lata Magistrate Court, Temotu Development Authority, and Radio Lata SIBC staff
Malaita Province 16 September Auki	Participants from West Fataleka to West Are-Are - community and women leaders

Consultation at Temotu, Taro and Buala was conducted in partnership with the Landowners' Advocacy and Legal Support Unit (LALSU) of the Public Solicitors' Office. In 2010 the LALSU ran workshops in many provinces which involved bringing participants to a central location. The workshops covered legal issues for landowners.

We are grateful that the LALSU agreed for Philip Kanairara, the legal officer dealing with the foreshore reference, to participate in the workshops to raise awareness about the reference and at the same time do consultations.

## ***Walk-in submissions***

Walk-in submission refers to when members of the public who walk into the LRC office to give their submission orally, that is, tell their story on the reference. There were 21 walk-in submissions for this reference in 2010. The issues they touched on included ownership and uses of the land below high water mark, foreshores adjacent to registered land, activities on registered land which damages or pollutes the foreshores and reefs, extent of the land below high water mark, sale of seafronts, right to free passage, competing interests in the land, what body should deal with disputes happening on land below high water mark and commercial developments.

## ***Radio program***

There were two radio programs aired on SIBC on this reference for 2010. Each was a 15 minutes program aired on Wednesdays from 8pm. The first radio program was on the awareness of the reference while the second program was on some feedback received from the people about the reference during consultations. Generally, the radio programs that attracted the walk-in submissions.

## **Other Community Engagement**

### **Online**

The LRCs's website ([www.paclii.org/gateway/LRC/SILRC/index.shtml](http://www.paclii.org/gateway/LRC/SILRC/index.shtml)) is hosted by Paclii and can be easily found from the Paclii home page. All LRC publications can be found on the website (save for brochures).

### **Print**

The brochure for the Penal Code and Criminal Procedure Code was updated.

### **Radio**

The LRC continued to use radio programs broadcast on SIBC each Wednesday evening at 8pm as a way of raising awareness about our activities and areas of the law. In 2010 the LRC produced seven 15 minute radio programs that addressed:

- The reference on the law that applies to land below high water and low water mark (2 programs).
- The functions of the LRC; and an update on the LRC (2 programs).
- Corruption offences in the Penal Code.
- Mental impairment, criminal responsibility and fitness to plead.
- Sentencing.

Each program is pre-recorded and repeated a number of times over a period of time. The LRC has received positive feedback from stakeholders about our programs and feedback from rural areas indicates that the programs are listened to in the provinces. They have also attracted a number of 'walk in' submissions where people attend at our office at Kalala Haus to give their view in relation to the references we are working on.

## **Other Awareness and Education Activities**

In November the LRC gave a presentation on the role of the LRC, reform of sexual offences and sentencing for sexual offences at the Guadalcanal Province Training on Gender Based Violence.

### **Law Week**

The LRC actively participated in the committee which organised Law Week held in October 2010. During the week LRC had a stall at the ground adjacent to the

High Court to provide information to the public about our work. In addition a representative from the LRC assisted with the school speech event, the LRC provided sponsorship for prizes for this event and staff of the LRC took part in informal public question and answer sessions.

## **Partnerships and Collaboration**

- In April two legal officers from the LRC attended an evaluation workshop for the Landowners' Advocacy and Legal Support Unit operated by the Public Solicitors' Office.
- A legal officer from the LRC participated in dissemination activities conducted by the Ministry for Women, Youth and Children Affairs for the Family Health and Safety Survey. Meetings were held at Visale and CYP in Honiara with community members, and a radio program was broadcast.
- The LRC participated in a working group convened by the Regional Rights Resource Team (RRRT) on violence against women (VAW) legislation. The RRRT is coordinating a project to develop legislation that can address RRRT and the LRC is working closely with them because of the close relationship between VAW legislation and reform of the Penal Code and Criminal Procedure Code.
- During the year UNICEF held two meetings on the development of child protection legislation. Legal officers from the LRC attended both workshops. The development of child protection legislation also has a strong link to the Penal Code offences that address child abuse, including sexual and other kinds or deliberate or negligent harm of children.
- In June and November legal officers from the LRC presented information about corruption and law reform at two separate 'Major Investigation Management Workshops on Integrity Investigations' that were conducted by the Royal Solomon Islands Police Force Police Academy. The LRC was able to share information about the draft recommendations for reform of the corruption offences in the Penal Code, and it was an opportunity to gain a better understanding of some of the issues in relation to investigation of corruption offences.
- The LRC attended a Community Officer Conference convened by the Royal Solomon Island Poilce in October. The aim of the conference was to discuss how the concept might be developed for Solomon Islands.
- In July a representative from the LRC attended a workshop to advise on the future development of the RAMSI Peoples' Survey.
- In October two legal officers, Andrew Warnes and Melissa Kelly, from the Pacific Section of the Australian Attorney-General's Department visited the LRC officer to discuss future support and collaboration. At the meeting it was agreed that the LRC could benefit from support from the Pacific Section in the form of drafting of legislation based on LRC

recommendations, as well as assistance with writing options paper for projects on criminal process and preliminary inquiries.

- In November a representative from the LRC attended the National Youth Summit.
- A legal officer attended a workshop on Climate Change Adaption presented by the Australian National University and the University of the South Pacific.
- The LRC supported 16 days of activism on violence against women in December by assisting with the development and production of a 30 minute radio program to celebrate World Human Rights Day. The radio program was a collaborative effort involving the LRC, MWYCA, DSE a local non government agencies, and the American Bar Association.
- LRC participated in a working team convened by the Community Based rehabilitation project in the Ministry of Health and Medical Services to develop a draft Disabilities Bill.

## **Sectoral Development**

### **Justice Sector Support Group**

The Justice Sector Support Group (JSG) was established at the end of 2009. The purpose of its establishment was to provide an avenue for the justice sector support staff, to discuss, analyze and address issues of greater importance and priority. This includes Human Resources, Finance, Information and Communication Technology, Planning and Social issues that are relevant to the sector. All office Manager and their assistants are members of this group.

Some of the outcomes of this group were, a two days Recruitment and Selection Process workshop and a series of Financial Workshops that covered, procurement process, budget process, standing imprests, and payroll system that was conducted in the first half of 2010.

The LRC through its administrative staff actively participated in all its meetings and planned activities throughout 2010. Our participation enhanced our skills and ability to carry out the day to day operations of the LRC.

### **Justice Sector Technical Operations Group**

Justice Sector Technical Operations Group or JSTOG was established in 2010. The purpose of this forum is to provide technical and operational support to the Justice Sector Consultative Committee (JSCC).

The sectoral responsibility of JSTOG includes; providing information for JSCC, translation of JSCC policies and other technical or operational duties assigned by JSCC.

The two major tasks that JSTOG intensively engaged with in 2010 were the development of reporting on the SIG - RAMSI Law and Justice Sector Partnership

Framework key performance indicators, and the Ministry of Justice and Legal Affairs Corporate Plan 2011 – 2013.

The LRC is privileged to be represented in this high level sectoral group by the Office Manager and other guest members like the Senior Legal officers and the Research Manager whenever their technical input is required.

### **Skills audit**

The LRC participated in a skills audit that was conducted by consultants engaged under the RAMSI Law and Justice Program for the Ministry of Justice and Legal Affairs. The outcomes of the exercise were the development of a clarified structure for the LRC, and new job descriptions for all positions. This has enhanced the capacity of the LRC to undertake its annual planning.

### **Capacity Development**

Individual and organisational capacity development is important for the LRC. At an everyday level legal officers are coached and supervised by the RAMSI adviser at the LRC who takes on the role of most senior legal officer. The training needs of all LRC staff are identified through activities such as the annual planning process, supervision meetings and weekly team meetings. More formal training is provided by a range of providers such as Solomon Islands Government and the RAMSI Law and Justice Program. All three senior legal officers undertook a three week secondment to either the Law Commission of New Zealand or the Australian Law Reform Commission.

One of the legal officers, Kathleen Kohata, gave a paper at the Legal Pluralism Conference held at the University of the South Pacific in late August. Participation at the Conference was funded by the University of the South Pacific and the RAMSI Law and Justice Program.

Legal officers and administration staff participated in different training and professional development activities over the year, as summarised in the table below.

### **Capacity development activities**

Activity	Attended by	Date	Provider	Location
Continuing Legal Education on Preliminary Inquiries	Two legal officers	February	Public Solicitors' Office	Honiara
Workshop on implementation of the Rome Statute	One legal officer	March	International Red Cross	Honiara
Workshop on policy, law reform and climate change	2 legal officers	February	Landowners' Advocacy and Legal Support Unit (PSO)	Honiara
Capacity Building Workshop	2 legal officers, 1 administration officer	March	RAMSI Law and Justice Program	Honiara
Recruitment and Selection Workshop	2 administration officers	March	Ministry of Public Service, RAMSI Law and Justice Program	Honiara
Procurement Workshop	1 administration officer	March	Ministry of Justice and Legal Affairs	Honiara
Workshop on Budget Proposals	1 administration officer	May	IPAM	Honiara
Making a Difference	1 administration officer		RAMSI	Honiara
CLE identification evidence	- 3 legal officers		Public Solicitor's Office	Honiara
Public Service Induction	2 administration officers, 1 legal officer		IPAM	Honiara
Public Service Code of Conduct Training				Honiara
PacLII training	4 legal officers		PacLII	Honiara
Microsoft Word, Microsoft Excel skills	2 legal officers			Honiara

Media Skills	2 legal officers	November	Solomon Islands Media Assistance Scheme	Honiara
--------------	------------------	----------	---	---------

### **Legal Officer Secondment to New Zealand and Australia**

The three legal officers from the LRC took part in a three week secondment to law reform commissions in other jurisdictions from 22 September to 8 October.

Philip Kanairara went to the Law Commission in Wellington, New Zealand, while Kathleen Kohata and Daniel Suluia went to the Australian Law Reform Commission in Sydney Australia.

The costs of the secondment were met by the RAMSI Law and Justice program.

One of the key objectives of the secondment was to give the legal officers an opportunity to learn about how law reform agencies in other countries undertake their mandate. Another objective was to nurture ongoing relationships between the LRC and law reform agencies in the region.

Philip gained an understanding of different strategies for undertaking law reform inquiries, and of special institutions established in New Zealand to address grievances regarding Maori customary land rights.

While working at the Australian Law Reform Commission Kathleen gained insights into the management of the ALRC and how the ALRC conducts inquiries and develops recommendations. By visiting other agencies she also developed an understanding of the way parole operates in New South Wales, and alternative sentencing options.

Daniel Suluia gained an understanding of how to approach research for the purpose of law reform, different kinds of resources for research and the importance of clear writing for LRC publications. He also benefited from exposure to different work settings, procedures and culture.

### **Post Graduate Diploma in Legislative Drafting**

Philip Kanairara was offered a place in the Professional Diploma in Legislative Drafting (PDLD) programme at the University of the South Pacific (USP) and was awarded a Commonwealth of Learning Scholarship, in March 2010, to fund the programme. The programme commenced on April 5<sup>th</sup> 2010 and was taught by distance learning mode over 30 weeks and a 2 day compulsory workshop in Suva, Fiji, on November 4<sup>th</sup> and 5<sup>th</sup> of 2010.

Philip successfully completed the academic requirements for the programme.

The PDLD is a post-graduate diploma programme on legislative drafting designed for novice as well seasoned drafters to acquire knowledge in the art and science of legislative drafting. It aims to introduce to students in a progressive manner to the legislative process.

## **Legal and Culture Conference**

Kathleen Kohata, a legal officer at the LRC, presented a paper at this conference held in Port Vila, Vanuatu from 31 August to 2 September 2010. Hosted by the University of the South Pacific, the conference focused on developing meaningful legal pluralism in the Pacific and beyond and involved presentations from participants from Australia, New Zealand, East Timor, Solomon Islands, Vanuatu, Fiji, Samoa, and PNG. Presentations covered topics such as corruption, mining, intellectual property, climate change and responses to climate change, traditional justice systems, land, criminal justice and criminal justice responses, international law and the role of aid donors as well as family law.

The paper presented by Kathleen highlighted some of the factors that contribute to complex legal plurality in Solomon Islands, the tensions which emerge in law and society as a result of this, and the role a law reform agency can play in minimising these frictions and enabling more harmonised development of law. As part of its mandate the LRC must consider customary law and the traditional legal systems when it undertakes references.

The theme of the conference highlighted the importance of gaining greater understanding on legal pluralism as it operates in the Solomon Islands as well as the Pacific.

## **Volunteer Legal Research Officer**

In July a volunteer from Australia joined the office as a Legal Research Officer. Lauren Banning had previously worked in the Solomon Islands and was interested in supporting the work of LRC. She is supported by the Volunteers for International Development from Australia (ViDA) program and will be with LRC for 12 months.

She is undertaking in-depth research on sexual offences sentencing to identify sentencing trends, the court process with these types of crimes and what sentencing guidelines, if any, exist.

She is also working on the police powers and sexual offences projects in the review of the Penal Code and Criminal Procedure Code, as well as developing a new office manual that will provide greater support and clarification for legal and administration officers. This document is based on office consultation and development and will be mostly electronic allowing for continuous updates.

## **Anti-Trafficking Legal Specialist**

In September the LRC, at the request of the Ministry of Justice and Legal Affairs and the Ministry for Commerce, provided office space for an Anti-Trafficking Legal Specialist from the United States. Natasha Johnson is an American attorney and educator sponsored by the American Bar Association (ABA). Natasha's project is the first for the ABA in the Pacific and her original appointment of six months will likely be expanded to nine months.

She offered information and training to local stakeholders, to assist organizations with capacity building and gaining access to legal information. In November

2010 she coordinated an awareness raising workshop on Human Trafficking in the Solomon Islands and a follow up movie screening in December 2010 that were cumulatively attended by approximately 70 people.

# **Financial Report**

## **Financial Statements**

The Commission's financial statements are presented as three tables. The first two tables give an overall picture of the allocated budget and actual spending. The final table gives a detailed breakdown of the allocated budget lines for 2010.

### **Allocated Budget and Spending 2010**

Budget Performance 2010

2010	Revenue		Expenditure	
Budget Performance	Final Budget (\$)	Actual (\$)	Final Budget (\$)	Actual (\$)
	N/A	N/A	1,313,137	562,311

Composition of Expenditure 2010

2009	Personnel Costs		Operating Costs		Total Expenditure	
Expenditure Composition	Final Budget	Actual	Final Budget	Actual	Final Budget	Actual
	585,302	308,652	727,835	253,659	1,313,137	562,311

## Breakdown of LRC Budget Votes 2010

0159 Law Reform Commission					
Code	Item	Vote	Virement	Adjusted Budget	Actual
	Payroll				
1000	Statutory Salary			130,000	0
1001	Housing Allowance			0	
1004	Other Allowances			0	
1005	NPF (7.5%)			9,750	0
					184,92
1010	Civil Service Salaries			317,673	0
1011	Housing Allowance			12,008	7,876
1014	Other Allowances			48,034	74,174
1015	NPF (7.5%)			28,757	20,220
1020	Wages			28,497	16,779
1021	Housing Allowance			5,205	2,590
1023	Overtime			0	462
1024	Other Allowances			2,600	1,000
1025	NPF (7.5%)			2,778	631
1148	Clothing Allowance				
	Personnel Costs			585,302	308,652
2010	Office Expenses			77,208	65,173
2017	Printing			39,789	22,162
2018	Publicity and Promotions			43,486	35,875
2050	Fuel			3,647	250
2051	Freight – Surface			2,929	0
2070	Staff Travel & Transport(Local)			23,497	4,240
2071	Tours & Travel			166,704	49,202
2092	Overseas travel Public servants			40,755	10,930
2152	Maintenance of Office Equipment			10,010	3,800
2191	Capital Expenditure -Office Eq			46,547	16,657

4001	Training			67,185	7,063
4030	Conferences & Seminars			197,102	31,384
6028	Commissioners Allowance			8,976	6,923
	Operating Costs			727,835	253,659
	Grand total			1,313,137	562,311