

The Independent State of Papua New Guinea Public Solicitor's Office (PSO)

Public Solicitor's Role in Providing Legal Assistance



Mr. Frazer Pitpit

The Goal

- “To provide timely, available and accessible legal assistance for the public”.
- Public Solicitor (PS) is the defender and protector of rights and freedoms in the administration of justice and the development of the law.

Constitutional Framework

- The Constitution of PNG (section 154),
 - Establishes the National Justice Administration which consists of—
 - (a) the National Judicial System; and
 - (b) the Minister responsible for the National Justice Administration; and
 - (c) the Law Officers of Papua New Guinea.
 - (section 156),
 - The Law Officers include the Public Solicitor, Public Prosecutor & Legal Advisor to NEC.

- PSO is established by section 176,
- PS is independent from any direction or control from any person or authority, s176 (5).
The ***Supreme Court Reference No. 1 of 1978*** reinforces this proposition of law and also declared the PSO as “an institution for the people of PNG”. The PSO is indeed the biggest public legal firm in PNG.
- Section 177(2) provides for the functions of the PS;
provide legal aid, advice and assistance for persons in need of help by him, and in particular–

- (a) to provide legal assistance to a person in need of help by him who has been charged with an offence punishable by imprisonment for more than two years; and
(b) when directed to do so by the Supreme Court or the National Court; and
(c) in his discretion in criminal and civil matters for advice, preparation of documents or representation in court.
- In essence, the OPS has constitutional responsibility to provide legal assistance to persons entitled to legal aid; that is, those charged with offences that carry a carry of penalty of 2 years and above. OPS also provides civil legal assistance to eligible clients.

The PSO' Staff

- Staff ceiling – 101
- 57 Legal Officers & 44 Support Staff
- 10 Branches (Lae, Goroka, Madang, Mt Hagen, Kimbe, Wabag, Kokopo, Buka, Alotau and Wewak) and
- 7 Legal Aid desks (LADs) in (Kainantu, Kerema, Popondetta, Bulolo, Kavieng, Vanimo, Manus)

Legal Officers

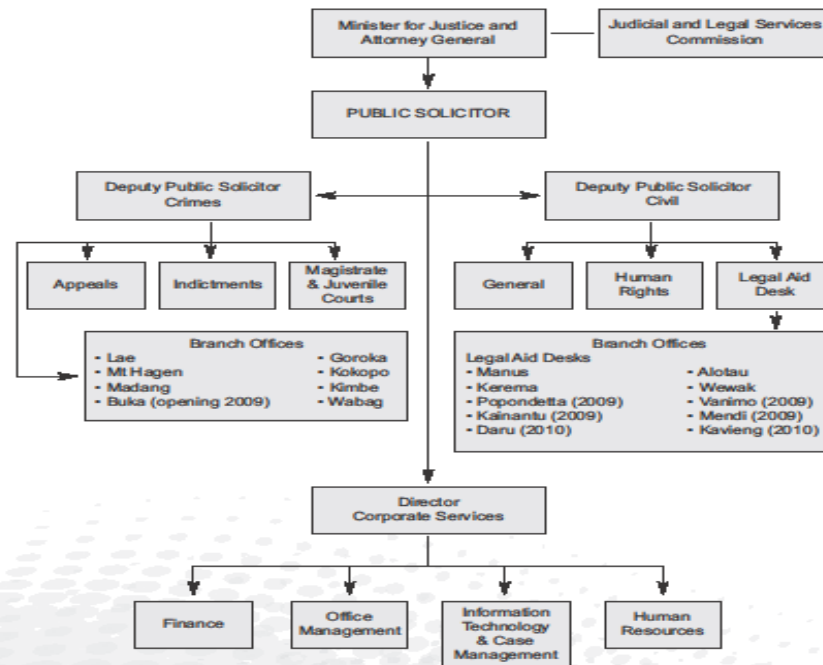
- The PS – Mr. Frazer Pitpit
- The Deputy PS (Crimes) & Deputy PS (Civil)
- 6 Principal Legal Officers (PLOs)
 - PLO Indictments,
 - PLO Magistrates & Juveniles Court,
 - PLO Appeals & Judicial Review,
 - PLO Legal Aid,
 - PLO Civil General, and
 - PLO Human Rights.

- 10 Solicitor in Charges (SICs). They administer the Branches.
- Senior Legal Officers (SLOs)
- Legal Officers (LOs)
- LADs are manned by Paralegals. They assist people with basic legal information, draft complaints & summons, take instructions and sent to Headquarter (Port Moresby) for consideration and grant of LA or otherwise.

Corporate/Support Staff

- Assist/support/ensures that the Legal Division continues with the provision of legal assistance to the people.
- Comprised of the:-
 - Corporate Services/Finance
 - Office Manageress
 - Human Resources
 - IT
 - Records

Organisation chart



LA Applications

- LA applications are considered based on the following:
 - Financial incapacity,
 - Arguable/meritorious case,
 - Prior legal representation,
 - Conflict of Interest situations, etc,...
- A Lawyer, on average has 50–60 active files.
- 15–20 files are closed every week.

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- 15 – 30 new LA Applications are received every week, on average, so in a month, 70 – 80 LA Applications are received.
- Takes a week or two for grant of LA or otherwise. Where approved, files allocated to lawyers to work on.
- Where LA refused, the applicant is advised accordingly.

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Case Management System (CMS)

- The Records Section through the CMS keeps the database of all LA files, active, closed, and pending.

Cases

- Crimes (summary, misdemeanours & indictable offences)
- Civil (includes torts, contracts, JR & Appeals, employment, motor vehicle accident claims, estate claims, matrimonial suits, workers comp claims, other stat claims, misc proceedings, etc,..)
- Family (petition for dissolution of statutory marriages, maintenance & custody, adoption, distribution of family estate after separation, divorce, etc,..)

The Courts

- Supreme Court of Justice

Section 155(2) – Constitution

- final court of appeal,
- has an inherent power to review all judicial acts of the National Court; and
- has such other jurisdiction and powers as are conferred on it by this Constitution or any other law.

- National Court of Justice

Section 155(3) – Constitution

- Has inherent power to review exercise of judicial authority. It is the trial court.

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- District Court

- Established by the District Courts Act (DCA).
- Constituted by Magistrates who sit mainly in provincial District Courts.
- No inherent authority. Only exercise statutory powers, (under *DCA, Land Disputes Settlement Act, the Coroners Act, the Deserted Wives and Children Act, the Inter-Group Fighting Act*, etc...)
- Civil claims not exceeding K10, 000.00,
- Criminal jurisdiction:-
 - indictable offences,
 - Indictable offences triable summarily, known as Schedule 2 Offences). Trials for these offences are conducted in the DC,
 - Summary offences,

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- Provincial/Local Land Court
 - OPS does not deal with land matters
- Village Court
 - OPS does not deal with these matters

Court Circuits

- Solicitors/Lawyers attend Circuits every month in all centres throughout PNG to and deal with our legal aid matters.

Awareness

- Community awareness on legal rights & responsibilities is conducted by lawyers in villages.
- Includes dissemination of pamphlets, brochures, etc....
- Active community participation/feedbacks.

CLE/Trainings

- In-house training/supervision of junior lawyers ongoing.
- Internal/External Workshops.
- CLEs are conducted for junior/new lawyers.

Funding

- Source – Annual Nat Budget from Nat Gov't.
- This year (2012) – K9m though we asked for K12m.
- Last year (2011) & backwards – K7m.