

**FOR MORE INFORMATION AND  
ASSISTANCE CONTACT THE FOLLOWING:-**

**HEADQUATERS, PORT MORESBY**

Public Solicitor  
Independent Office of the Public Solicitor  
2nd Level, Garden City Complex  
P. O. Box 5812  
BOROKO  
National Capital District

*Telephone : 3258866*  
*Facsimile : 3258445*

**LAE**

Public Solicitor's Office  
Huon Road  
P. O. Box 1184  
LAE  
Morobe Province

*Telephone : 4721092*  
*Facsimile : 4726707*

**GOROKA**

Public Solicitor's Office  
Gouna Centre Elizabeth Street  
P. O. Box 133  
GOROKA  
Eastern Highlands Province

*Telephone : 7321697*  
*Facsimile : 7321054*

**MT. HAGEN**

Public Solicitor's Office  
P. O. Box 575  
MT. HAGEN  
Western Highlands Province

*Telephone : 5421055*  
*Facsimile : 5423755*

**RABAUL**

Public Solicitor's Office  
Namanula Street  
P. O. Box 415  
RABAUL  
East New Britain Province

*Telephone : 9829629*  
*Facsimile : 9829614*

**WABAG**

Public Solicitor's Office  
P. O. Box 95  
WABAG  
Enga Province

*Telephone : 5471296*  
*Facsimile : 5471296*

**KIMBE**

Public Solicitor's Office  
C/-P. O. Box 52  
KIMBE  
West New Britain Province

*Telephone : 9834930*  
*Facsimile : 9834930*

**MADANG**

Public Solicitor's Office  
P. O. Box 147  
MADANG  
Madang Province

*Telephone : 852 1355*  
*Facsimile : 852 2002*



Independent State of Papua New Guinea

**Independent  
office of the  
Public Solicitor**

**Office Profile**

**2007**

*Providing Access to justice  
for impecunious persons in  
Papua New Guines*

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THE PUBLIC SOLICITOR**

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## Public Solicitor's Humble Beginning (1958 - 2007)

The Public Solicitor's Office in Papua New Guinea was established on 14th April 1958 within the then Department of Law. Before Independence, the Constitutional Planning Committee ("CPC") recommended the establishment of the Public Solicitor's Office as a constitutional office. That recommendation was given full effect and the Office of the Public Solicitor was established under Section 176 (1) of the *Constitution*.

## Public Solicitors since 1958 to 2007

### The Public Solicitor's since 1958 to 2007 are:-

1. Hon. Justice W. A Lalor (1958 - 1974)
2. Hon. Justice Noris H. Pratt (1974 - 1976)
3. Hon. Justice Warwick J. Andrew (1977)
4. Hon. Sir Mari Kapi CJ (1978 - 1979)
5. Hon. Sir Arnold Amet CJ (1980 - 1983)
6. Hon. Justice Nicholas Kirriwom (1983 - 1986)
7. Mr. Ere Kariko (1988 - 1993)
8. Hon. Justice Ellenas Batari (1993 - 1999)
9. Mr. Chronox Manek (2000 - 2001)
10. Mr. Frazer S. Pitpit (2001 - 2007)

### Independence of the Public Solicitor's Office

The Public Solicitor is independent from any direction or control from any person or authority, Section 176 (5) of the *Constitution*. The *Supreme Court Reference No. 1 of 1978* reinforces this proposition of law and also declared the Public Solicitor's Office as "an institution for the people of Papua New Guinea". The Public Solicitor's Office is indeed the biggest public legal firm in Papua New Guinea.

### Supreme Court References by the Public Solicitor

The Public Solicitor is entitled to make an application for Special References to the Supreme Court (Section 19 of the *Constitution*). An example of one such reference filed by the *Public Solicitor* then, was in the case of *SCR NO.1 OF 1986*, Re-

Vagrancy Act (chapter No. 268). In this case, the *Public Solicitor* filed a reference challenging the constitutionality of the Vagrancy Act, and the Supreme Court held the Act to be unconstitutional. The Public Solicitor is also empowered by the *Constitution* as a person having interest and legal standing to apply to the Supreme Court or the National Court to protect and enforce the constitutional rights and freedoms of individual persons or class of persons under Section 57 of the *Constitution*.

## Appointment, Removal and Accountability of the Public Solicitor

The Public Solicitor is appointed by the Judicial & Legal Services Commission ("JLSC"). The JLSC can also remove the Public Solicitor for misbehaviour, misconduct (leadership code) or for physical or mental infirmity. Furthermore as a Lawyer and as a Constitutional Office Holder, the Public Solicitor is also accountable to the scrutiny of the Ombudsman Commission and the Lawyers Statutory Committee.

The Public Solicitor is also accountable to the National Parliament through its Annual Reports. Copies of Public Solicitor's Annual Reports can be obtained from the Offices and contacts listed below.

### The functions of the Public Solicitor

Pursuant to Section 177 (2) of the *Constitution*, "the functions of the Public Solicitor are to 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) notwithstanding the provisions of Section 176(5) (establishment of offices) he shall provide legal aid, advice and assistance to any person when directed to do so by the Supreme Court or the National Court; and
- (c) in his discretion in any matter, whether of a criminal or civil nature provided that such assistance shall be-

(i) limited to advice and preparation of documents in any proceedings in respect of which an Act of the Parliament prohibits legal representation of any party to the proceedings; and

(ii) granted in accordance with an order of priorities relative to the resources of the Public Solicitor laid down by an Act of the Parliament."

In addition to the statutory responsibilities, the Public Solicitor must use its best endeavour and limited resources (funding and capacity) "to provide legal advice and assistance to impecunious persons in all fields of laws."

The Public Solicitor provides legal representation to almost all accused persons charged with an "indictable offence" in Papua New Guinea. The indictable offences are serious criminal cases that come before the Grade Five Courts, the National Courts and by way of appeal/review to the Supreme Court of Justice. The Public Solicitor also provides a wide range of legal assistance to civil matters as described above. In addition, and further to that the Public Solicitor provides legal aid to juveniles who come in conflict with the law.

All persons are protected by law and the equal part of this statement of law is that no person or entity (incorporated or not) is above the laws. The Public Solicitor plays a pivotal role in its endeavours to remove the perception that there are two sets of laws; one for the common people and the other for the rich and the affluent or powerful.

### Public Solicitor's Legal Aid Desks

The Public Solicitor seeks to give effect to the *Constitution* by progressively establishing Legal Aid Desks in the province and Districts throughout Papua New Guinea by 2015. The success of this program depends on the enhance strategic alliance and cost sharing arrangements between the three tier governments and the Public Solicitor through Memorandum Of Understandings ("MOU").

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