

# **PAPUA NEW GUINEA (PNG) OFFICE OF THE PUBLIC SOLICITOR**

## **FINDINGS BRIEF REPORT**

The purpose of this trip on 21-27 September 2025 was to gain insights into the operations of the Papua New Guinea Public Solicitor's Office, understand its role in providing legal aid, and explore its services for individuals seeking justice. Similarly, it was a consultation with the OPS Vanuatu and OPS Papua New Guinea for the consideration of signing a bilateral agreement that will take place in November 2025 between the Public Solicitors.

### **Welcome**

The Public Solicitor Mr. Leslie Mamu and his staff members were very grateful to have Mr. Glenn Melten Talae (Office Manager) and Mr. Henzler Vira (Senior Solicitor) visiting the Public Solicitor Office in Papua New Guinea as the beginning of the discussion towards the MOU with the Pacific Legal Network.



### **Introduction to the Office:**

The Public Solicitor's Office was established as an independent constitutional office to provide free legal assistance to those unable to afford private legal representation. The visit included an overview of its history, starting from its establishment in 1958 as part of the Law Department to its current independent status. The Office of the Public Solicitor has approximately 20 branches and a sub-branch throughout PNG.



## **Understanding Services:**

Constitutional Mandate (The Constitution of Papua New Guinea)

S 177 (2). The function of the Public Solicitor is to provide Legal Aid, advice and assistance for persons in need of help by him.

Legal Aid in Criminal and Civil Cases

The office provides legal aid for criminal, civil, and family law matters. Legal Aid Application can be lodged at any of these branches. These branches are in the four regions, Southern, Momase, Highlands and New Guinea Islands. In line with that and to ensure there is order in there in Legal Aid process. There are case management officers for each region, whilst Waigani (Headquarter) has a dedicated officer due to the workload.

## **Public Solicitor's Act, 2021**

The Core function of the Public Solicitor is to provide legal aid, advise and assistance to persons in need of by him in criminal and civil matters as he sees fit and where the National Court and the Supreme directs him to do so.

1.1 the Public Solicitor Act 2021 empower the Public Solicitor to establish a committee to administer the Public Solicitors Legal Aid powers and functions.

1.2 In implementing the Public Solicitors Act 2021 particular provisions concerning the legal aid powers and functions, the Public Solicitor issues this Administrative Order.

**PUBLIC SOLICITOR'S ADMINISTRATIVE ORDER No 42 OF 2022 – LEGAL. AID ORDER**

1.3 Until such time when the Head of State makes a regulation pursuant to section 33 of the Public Solicitors Act 2021, this administrative order shall, for the time being stipulates necessary provisions to complement the Public Solicitors Act 2021.

"It is an Administrative Order intended to make provisions for the proceedings of a Legal Aid Committee and related purposes" PSAO No.42 of 2022 provides the following;

- Legal Aid Form
- Public Interest
- Legal Representation
- Lodgment of legal Aid Application Protocols
- Registration of Legal Aid Applications
- Refusal of Legal Aid applications
- Suspension of Legal Aid
- The committee
- Matters not provided for
- Reporting
- Review of the Order

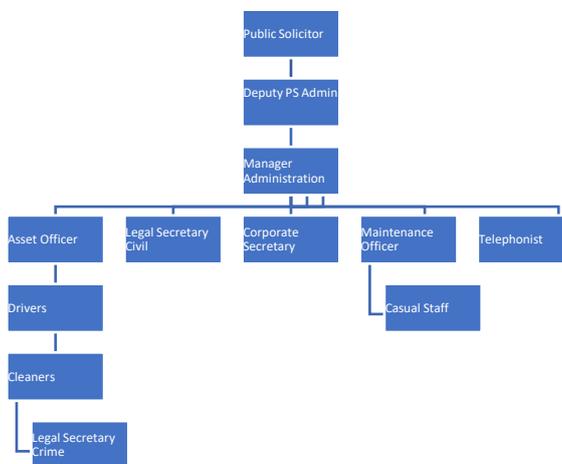
A website link of a brilliant citizen of Papua New Guinea, the Public Solicitor Mr. Leslie Mamu outlined roles the Office of the Public Solicitor as the public entity. The statement of the Public Solicitor will be our sources of information to assist reviewing the current the Vanuatu Public Solicitor’s Act.



<https://www.bing.com/videos/riverview/relatedvideo?&q=public+solicitor+png&&mid=5FBB7C12A874F506AA2C5FBB7C12A874F506AA2C&mmscn=mtsc&aps=19&FORM=VRDGAR>

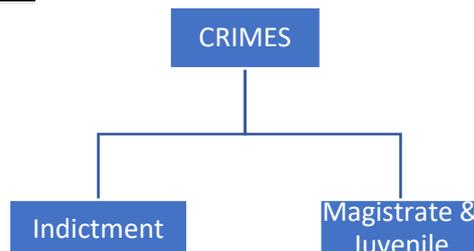
**The Organizational Structure for OPS Papua New Guinea**

The Office Administration section is one of the five sections under the Corporate Division. It currently has in place nine permanent and four casual staff, fifteen members in total and these are the specific for each officer. The main purpose of this section is to ensure that there is necessary and sufficient logistic support to facilitate and effectively deliver the Constitutional functions and responsibilities of the Office of the Public Solicitor.

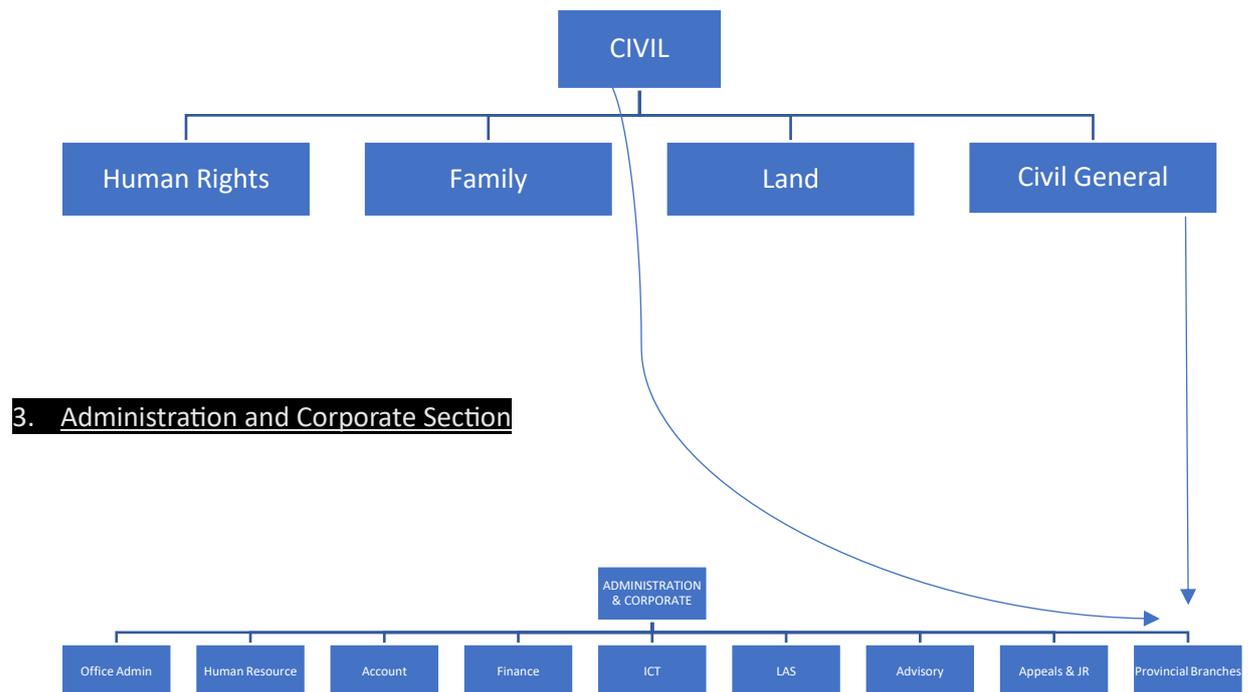


The OPS Papua New Guinea organizational structure is distinct into three sections that oversee by the Deputy Crime, Deputy Civil and the Deputy Administration.

**1. Crime Section**



**2. Civil Section**



### Trustee account

The Act provides for a trustee account. The PS will decide on how much money, a client has to pay depending on the award. If the amount is greater, the client may pay a greater percentage of Vatu to the account. When a judgment is issued on behalf of a client, the other party is expected to all money into the account, which can be withdrawn and given to the client.

### Legal Aid Committee (LAS)

The PNG OPS Act –

- i. provides a legal aid committee to assess and screen applicants,
- ii. provides for the committee to be established by an Act
- iii. A legal aid calendar was issued, where lawyers can see a client for a specific period from March to October each year. During where the aid is suspended from November to February is to enable lawyers to complete files before commencement of legal aid begins again. However, exception is given to urgent cases/applications example in family issues,
- iv. Requires all applications to come to the Headquarter for approval (this way it helps give the government how many cases were being dealt with),

- v. If an applicant's application is being refused by LAS, the applicant may appeal to the PS,
- vi. When a person's lodges an application for legal aid, it will take up to 4 weeks before the applicant is informed of the status of his application (that is because of the vast area of land and sometimes it may take weeks before all applicants application is received to be screen and a decision made,
- vii. If a person filling up a form does not disclose required documents, his/her application maybe refused, example a payslip, etc

### **Case management system (CMS)**

As there are legal Aid application are lodged daily in all 22 locations, a standard operating process/procedure is put in place through PSAO No.42.

- A notice is issued by the Public Solicitor advising of the Opening of the Legal Aid about the first week of March each year.
- Following that, a legal Aid Calendar is issued by the Chairman Legal Aid Committee.
- The calendar sets out dates of the different activities of the of the Legal Aid Lodgment process for each calendar month. These are; Lodgment, Dispatch, Determination and Decision:

### **Legal Aid Calendar**

- Lodgment → (First week)
- Dispatch → (Second week)
- Determination → (Third week)
- Decision → (Fourth week)

At the moment OPS has one month turnaround time for Legal Aid Applications. They strive to put in place systems and processes to improve this turnaround time.

### **Exception:**

For urgent cases like Protection Orders, Eviction Orders, Courts Orders – (express/fast lane) with turnaround time of one (1) to (24) hours

When files are closed –

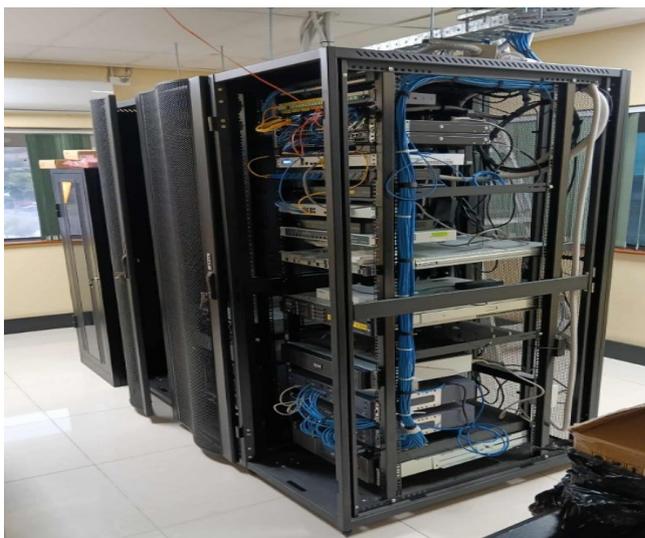
- i. They are kept in storage for 3 years,
- ii. After the 3 years have lapsed, the closed files are moved to the archives to be kept there for up to 10 years,

- iii. After 10 years, if the client no longer wishes to pursue the matter, a recommendation is made to the PS for the disposal of closed files,
- iv. PS will accompany team leader to inspect the files, and confirm the files are over 10 years old before it is burnt,
- v. When files are disposed, records are kept in the office in case the client comes in to check on his file,
- vi. All applications come in from all over the country by air and goes through the 4 weeks normal process before it is sent back to the solicitor to work on.

Mr Vira during a presentation of the process of registration of a case file.



The Public Solicitor in Papua New Guinea has his own server and archive room that accommodate all physical and digital legal and administrative matters.



The Public Solicitor in Papua New Guinea has beautiful library with all new books such as the Australian Digest, Criminal procedures and sentencing, Australian Law Reports, Commonwealth Law Reports, Text Books and more.



### **Administration Orders**

As per the Article 177 (6) of the Constitution of PNG, it states, *“An Act of the Parliament may confer, or may provide for the conferring of, additional functions, not inconsistent with the performance of the functions conferred by Subsections (1) and (2), on the Public Prosecutor or the Public Solicitor”.*

Whilst that is not included in the Vanuatu Constitution, it is included in the current PSO Vanuatu Act section 8 (1) which states, *“The Minister on the advice of the Judicial Service Commission may make regulations generally for the better carrying out of the objects of this Act and for the internal organisation of the office of the Public Solicitor.”*

But then in my view, the JSC and the Minister are controlling the functions of the PS, and most likely may affect its operation if the JSC or minister refuses to make regulations for OPS.

Either the PS invoke Section 8 (1) of the OPS Vanuatu Act, or that section 8 (1) of the OPS Vanuatu Act is amended or repeal to give power to the PS to make regulations.

Most important regulations for OPS Vanuatu are;

- a. Disciplinary regulation and steps to be taken
- b. LAS
- c. CMS
- d. Administrative powers of PS, Principal Solicitors and office managers,
- e. Monthly/court circuits/ awareness reports to be produced and steps to be taken if officer not performing,
- f. Assets,
- g. Financial regulations

### **Independency**

Section 35 of the OPS PNG Act provides for independency in its performance. The Vanuatu OPS Act fail to mentioned that, however there is a real need to do so if the PS wants to regulate its own affairs.

## **Immunity**

This applies if an officer has done his/her job in the performance of his/her duty and maybe immune from any class of action. All officers are also refrain from doing private legal work whilst engaging in their official duties.

## **Acknowledgement**

A word of acknowledgement to the following people Acting Public Solicitor Ms Jane Tari and the Technical Advisor Philip Smith for allowing the team to travel to Papua New Guinea. Secondly, we thanked Public Solicitor Mr. Leslie Mamu and his team for the arrangement and Mrs. Belinda Soutter at the APLJ-PNG for facilitating the trip to Papua New Guinea. Lastly, we thanked the Vanuatu-Australia Policing Justice Program for his longstanding partnership strengthening policing, justice and community services and providing financial assistance in this travelling.

## **Conclusion**

The Office of the Public Solicitor in Papua New Guinea is willing to assist the Office of the Public Solicitor in Vanuatu. Therefore, there is a draft memorandum of understanding (MOU) that needs to discuss and get into final draft for signing agreement between the Vanuatu, Acting Public Solicitor Ms Jane Tari and the Papua New Guinea, Public Solicitor Mr. Leslie Mamu before end of this year 2025.

## **Recommendation**

It is our recommendation that the PSO Act be amended and include provisions for;

1. Independency of the Office,
2. Creation of a trustee account,
3. Administration Order in place,
4. Creation of LAS,
5. Immunity,
6. CMS and Server,
7. Review OPS Organizational Structure,
8. The PS to make its own regulations,
9. MOU with Pacific Legal Network.

End