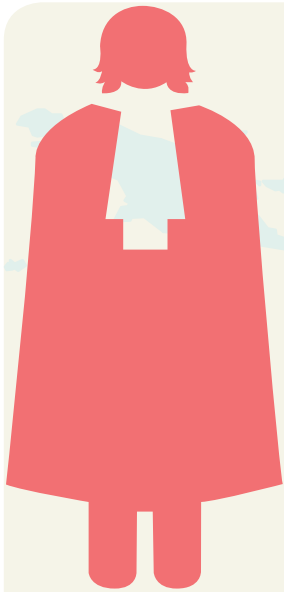




South Pacific
LAWYERS ASSOCIATION

new SPLASH

Issue 9



PAPUA
NEW
GUINEA

NAURU

SOLOMAN
ISLANDS

VANUATU

FIJI

TONGA

TU-
VALU

KIRIBATI

SAMOA

NIUE



COOK
ISLANDS

WOMEN IN LAW IN THE SOUTH PACIFIC

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SPLA Conference photos

Photos from the South Pacific Lawyers' Conference are available to view and download on the [SPLA Flickr page](#)



A word from...

Talofa lava and welcome to this ninth issue of *newSPLAsh*

As the first female President of the Samoa Law Society, which was set up in 1976, I am honoured to have been asked to provide a foreword to this special issue of *newSPLAsh* with a focus on Women in the Law.

In the Pacific region, the progress of women in the law is at an historical high. For example, according to the South Pacific Lawyers' Association '2011 Needs Evaluation Survey for South Pacific Lawyer Associations' about 58% of the total number of lawyers in Samoa were women and its judiciary at the time only had one female Judge. This number has improved since then with three women judges now on the Bench - one in the Supreme Court and two in the District Courts, thus accounting for 37% representation on the Bench.

Previous work and activities that aim to increase opportunities for women in the legal profession and support them to progress in their careers may already be bearing fruit in some Pacific island countries. In particular, Samoa.

At present, in addition to the increased numbers on the Bench, there are now more women lawyers than men. There are also a large number of women lawyers heading government ministries and corporations such as the Governor of the Central Bank of Samoa, the Executive Director of the Samoa Law Reform, and the Chief Executive Officer for the Public Service Commission. Perhaps this is not the same picture for the rest of the Pacific countries but it's a start with Samoa.

The focus on gender equality, not only in our profession but in all levels of government and the community, is a relatively recent priority area in many countries in the Pacific. However, it is one that we must continue to promote until women are more or less equally



*Mrs Mareva Betham-Annandale, President,
Samoa Law Society*

represented in all sectors, most importantly, in leadership roles.

I look forward to hearing about the advancement of women, not only in the law, but also in all other sectors of our communities.

Enjoy this special issue of *newSPLAsh*. ▀

The development of feminist jurisprudence in the Pacific

By Rodney Manihuazi Yahamani, Masters of Law Student,
University of Diponego, Semarang, Indonesia

It was very interesting to read Issue 6 of *newSPLAsh* magazine which focused on raising awareness of the plight of females in the Pacific Region. It emphasised gender inequality. Gender inequality is a long-debated issue in many countries and, in the Pacific, the issue is an uphill climb. It is a social issue, but, importantly, it is also a legal topic because law is a crucial site where the fight for women's inequality has been carried out. Critical legal theory, a movement that emerges from social theory, changes as civilisation continues to impact upon social behaviours and patterns. "Feminist jurisprudence" developed within critical legal theory because of the increased presence of women competing with men in education, government and business fields since the 19th century onwards and, with it, their call to be recognised and respected. Feminist jurisprudence has been concerned with gender and gendered conceptions of the world on law and vice versa. Gender equality and equity is only one of the social problems that concern women. Gender equality and equity-gender equality denotes women having the same opportunities in life as men, including the ability to participate in the public sphere. Gender equity denotes the equivalence in life outcomes for women and men, recognising their different needs and interests and requiring a redistribution of power and resources. The social issues about gender are diverse, including gender discrimination, gender division of labour, gender mainstreaming, gender needs, gender planning, gender relations, gender training and gender violence. Feminist jurisprudence has been a crucial factor in the advancement and development of these social feminist theories.

Some of the above gendered conceptions of the world are only a few of the major issues



affecting women in the South Pacific region who strive to defeat all odds and make an impact in the professional world of commerce, education, government and NGO institutions in our countries across the Pacific.

Traditionally, we are aware of women's legal issues that governments develop policies to help alleviate - issues such as abortion, rape, sexual harassment, domestic violence, pregnancy, employment discrimination, work and family issues, divorce, sexual orientation, child custody and pornography. Starting from these areas of law that were traditionally thought of as about women, feminist jurisprudence is now seeing gender issues being represented in topics like contracts and torts. In contracts law, for example, in certain countries, the authority to sign contracts have certain norms that subject a woman to her husband's authorisation. A usual instance is where a married woman can be incapable or prohibited from entering contractual obligations without her husband's consent. Similarly, a married woman who owns property under certain marital property


In response...

The development of feminist jurisprudence in the Pacific (continued)

regimes must always obtain her husband's consent before being authorised to sign contracts establishing companies. A good example that can provide some light in this area is the *Phillipines Women in Development and Nation Building Act of 1992* that grants to contracts regardless of their marital status. In torts law issues, such as the "emotional harms" for instance, the negligent infliction of emotional distress that can permit mothers to recover for their emotional distress at witnessing the negligently caused deaths of their children are, in reality, cases about women's rights because they put pressure on the legal system to recognise and value the interests of women. Additionally, reproductive torts, products that have harmed women, e.g. oral contraceptives or the use of tort system to compensate survivors of rape and sexual assault. While criminal law results in the incarceration of a rapist, the survivor must resort to private law remedy to cover damages for her physical and emotional as well as her pecuniary losses. Since law regulates all the institutions in a society, feminist jurisprudence must take priority in legal education. Gender inequality needs to be emphasised to individuals who intend to become legal professionals and others who have received legal education so that assistance may be provided to the gender inequality problem through advocacy. Legal methodology involves the know-how to form the law and to use the law. Forming the law means the legal professional must know how to make and interpret the law. Using the law involves litigation and legal transactions. Without good training in legal methodology, legal education will not be properly utilised to alleviate gender inequality. Regrettably, gender inequality is often entrenched in judicial and administrative precedents; in rules; and is often enshrined in legislative enactments

and, in some countries, the constitution. As lawyers, we can advocate to remove barriers to gender equality. As long as these barriers remain, gender equality will only be an ideal much loved and talked about.

A classic example is the Papua New Guinea Defence Force, which has recently extended its recruitment to enlist women after 31 years of male domination in the Pacific. The once male-dominated Force now sees an influx of women at the other ranks through to officers. The Force has achieved a milestone. However, impediments to gender equality remain entrenched in defence policies. One major impediment is the policy for ensuring the successful integration of females into military life. The Force does not have pregnancy policies to administer maternity leave for pregnant female soldiers. Sexual harassment in the Force is a silent offence that happens and the lack of policies to deal with offenders makes it an offence that continues to recur. The PNG Defence Force employs two senior lawyers holding the ranks of major. As females, they have the onus of initiating policy changes to the Defence Force hierarchy to improve the problem of gender equality. Despite this initiative, much remains to be seen whether or not the Force hierarchy will be serious about the decision to achieve gender equality and embrace changes and support it at all levels for it to be successful.

Since feminist jurisprudence is a radical legal theory movement, there will often always be disagreements in how we can break out of our male-dominated culture in the Pacific and ensure equality in results in a gender neutral arena, whether it be education, government or business. As Pacific Island countries continue to develop, the question will still continue to follow us, How can women's situation best be bettered? 

Pacific women in the news

Samoa hosts first Gender Justice Conference

In February 2014, the inaugural Pacific Gender Justice Knowledge Exchange Conference was held in Apia, Samoa. The Conference gathered Samoa's women and men from the public, private and non-government sectors to share ideas on achieving gender equality, to exchange knowledge and to network. The event was supported by the Pacific Media Assistance Scheme (PACMAS), an Australian government funded media development initiative managed by the Australian Broadcasting Corporation.

Samoa's Minister of Justice and Courts Administration, the Honorable Fiame Naomi Mata'afa, the longest serving female Pacific island politician to promote gender equality through the exchange of innovative knowledge, presided over the Conference.

Key themes explored at the Conference included the gender dimension of climate change, climate finance and disaster risk mitigation; economic and political empowerment; gender responsive education; the girl child; energy and environmental sustainability; food and water security; gender justice and equality; gender responsive media; good governance; gender responsive health and wellness; human rights; intellectual property and traditional knowledge; science, technology, engineering, mathematics and innovation; society and culture; the rule of law; trade liberalisation; and Pacific Island women in business.

[Read more...](#)

Mock parliament to boost female political representation

Governments in the South Pacific have the fewest number of female representatives in the world. Only 4.7% of politicians are women in



Solomon Islands Parliament

Pacific Island Forum countries (excluding Australia and New Zealand).

To encourage more participation from women in political leadership roles, Tonga and the Solomon Islands held mock parliament training programs in February 2014.

In the last century in Tonga, only seven women have become parliamentarians. Tonga's sole current female MP was directly appointed by the Prime Minister rather than elected.

In the Solomon Islands, the four-day training program was attended by 35 women and covered parliamentary procedures, the Electoral Commission, good governance and parliamentary leadership, separation of powers (Executive, Judiciary and Legislature) and parliamentary committees.

The mock parliament is part of a regional program implemented by the UNDP, which has held similar programs in Kiribati and Papua New Guinea.

Fiji hosts leadership workshop for Pacific women

Twenty women from seven Pacific Island nations attended a workshop in February organised by the Asia Pacific Forum on

In brief...

Pacific women in the news *(continued)*

Women, Law and Development (APWLD) and Fiji Women's Rights Movement (FWRM) to address the low levels of participation by women in governance. The workshop attendees also shared approaches on transformative leadership that prioritise consensus building, accountability and solidarity.

The participants also discussed the need to promote gender equality and human rights across all portfolios of government. A roundtable was also held to discuss the post-2015 development agenda with representatives of the Pacific Island Forum and UN agencies.

Given the small numbers of elected women in the Pacific, the workshop participants decided to establish a regional Pacific caucus or network to support ongoing dialogue and solidarity.

CAPPB Update

South Pacific Legal Training Workshops

In a continuation of the first South Pacific legal training workshop held in Solomon Islands and the Cook Islands earlier in 2013, private and government lawyers from Samoa attended a three-day program to improve legal skills.

In a project facilitated by the Centre for Asia Pacific Pro Bono (CAPPB), a team of trainers from the Victorian Bar and DLA Piper delivered the three-day program that was tailored to the Samoan context.

The workshop held in Apia on 4-6 December 2013 attracted approximately 40 participants. Victorian barristers Ms Caroline Kirton SC and Mr Benjamin Lindner with DLA Piper Partner Ms Rachel Walsh and Senior Associate Ms Sophie Devitt delivered the program



CAPPB-facilitated project: Cook Islands legal skills training workshop, October 2013

covering legal analysis on the first day and negotiation and advocacy on the second and third days.

Participants reported they found the workshop very useful and are already identifying opportunities to implement some of the key skills from the program.

The Victorian Bar has been running training in the South Pacific region for the past 25 years. In 2012, the Victorian Bar delivered a number of successful and highly regarded advocacy skills training workshops in the region, including training supported by the CAPPB to Government and Legal Officers at the request of the Office of the Solicitor-General, Papua New Guinea.

DLA Piper is a global law firm with over 4,200 lawyers located in more than 30 countries throughout the Americas, Asia-Pacific, Europe and the Middle East. DLA Piper has a team of highly qualified lawyers committed to providing pro bono.

Kiribati Law Society's inaugural CLE event

Assisting developing bars support the legal profession is an important part of building a stable justice sector.

As part of a CAPPB-facilitated project, fledgling peak legal body the Kiribati Law Society was able to conduct its first continuing legal education event on 3-6 February 2014.

Three trainers, provided by National Legal Aid, Australia, including Mr Richard Coates, former Director of Public Prosecutions for the Northern Territory of Australia, along with two NSW solicitors, Mr Timothy Smith and Mr Bill Gerogiannis, delivered the four-day workshop, focusing on ethics, advocacy and court etiquette. Around 30 legal professionals from government and private agencies took part in the training, which participants reported they found very useful.

Following the workshop, the trainers and attendees took part in the Kiribati Opening of the Legal Year ceremony on Tarawa Island.



CAPPB-facilitated project: Victorian Bar and DLA Piper trainers of the Samoa legal skills training workshop, December 2013

The CAPPB would like to thank the efforts of Louise Smith, Director, National Legal Aid Australia, Sister Bernadette Eberi, President, Kiribati Law Society and Andrea Hadaway, former People's Lawyer, Kiribati for initiating and organising the training. ▶

About the CAPPB

The Centre for Asia-Pacific Pro Bono (CAPPB) is housed within the Law Council of Australia Secretariat. In July 2011, the Law Council of Australia and the International Pro Bono Advisory Group secured funding from the Commonwealth Attorney-General's Department to establish a clearinghouse to coordinate requests for pro bono legal assistance from the Asia-Pacific region to Australia. The CAPPB seeks to match requests from the Asia-Pacific region for international pro bono legal assistance with Australian legal practitioners and law practices.

Please visit cappb.org for more information.



In depth...

Women in the Law Report

The South Pacific Lawyers' Association (SPLA) recognises the importance of equal opportunity in the law. The SPLA acknowledges that it has a key role in assisting local law associations to advocate for changes to laws which discriminate against women and to support initiatives to advance the status of women in member countries.

In 2011-2012, the SPLA conducted a survey to gather information about women in the legal profession in South Pacific Island countries. The Survey was developed by the SPLA

Women in Law Committee which was chaired by the Hon. Ms Eselealofa Apinelu, Attorney-General, Tuvalu, with support from the SPLA Secretariat. Its objectives were to compile demographic data on women in the legal profession in the South Pacific region and identify perceptions of discrimination against women lawyers.

The Survey identified the ratio of female to male graduates and the number of women in the legal profession in South Pacific Island

(continued on page 11)

Survey recommendations

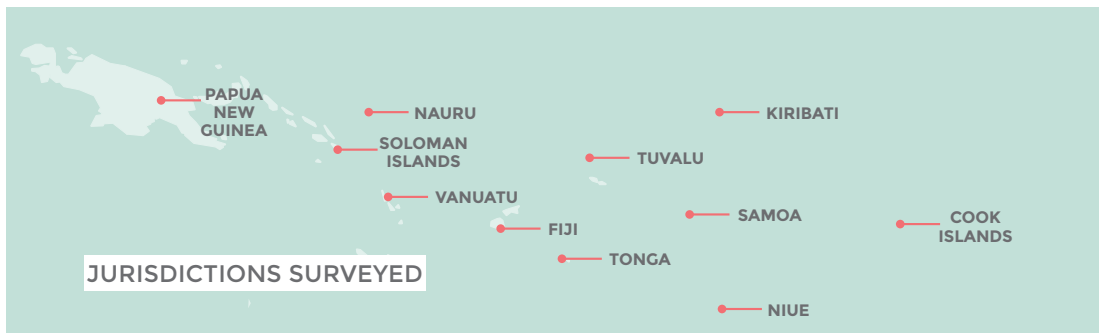
In addition to the findings in the infographic, the Women in Law Survey recommended that further research be undertaken to more clearly understand the position of women in the South Pacific legal profession. Future study should prioritise examination of possible inequities in pay and seek to identify specific cultural practices which create gender inequality and how such inequalities may impact on gender equality within the legal profession.

Perceptions of equal opportunity for employment are difficult to measure. Given equal or better graduation rates and the under-representation in the profession by women in most jurisdictions, it is apparent that female law graduates are failing to find employment within the legal profession in their origin jurisdiction, are finding employment in non-surveyed jurisdictions, or are not seeking/finding employment.

A comprehensive study examining wages of legal professionals across the private and public sectors is needed to accurately record wage equality in the legal profession. It would also be desirable to examine data on the post admission experience of women and men at different levels within the government and in-house sector to determine whether actual inequities exist in terms of experience and qualifications of female and male lawyers.

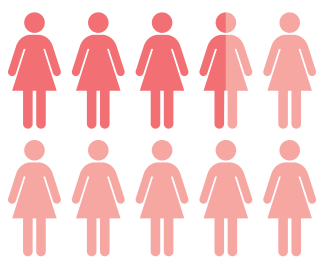
A literature review and further research should be undertaken to identify cultural practices which discriminate against women and how these practices may contribute to the representation of women in the legal profession.

Equality can only happen when women, particularly marginalised women, are empowered to lead policy and legal debates and articulate solutions. The law can be used as an instrument to realise justice, equality and human rights.



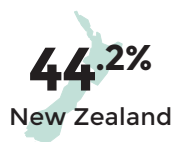
WOMEN IN LAW IN THE SOUTH PACIFIC

WOMEN IN THE LEGAL PROFESSION 2011-12

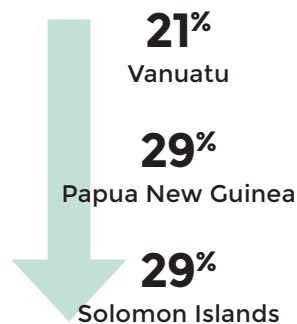


34%

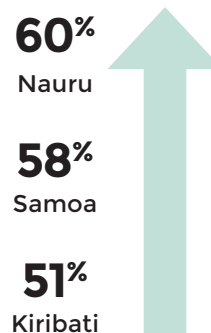
of the legal profession are female (39% excl. Papua New Guinea), compared with:



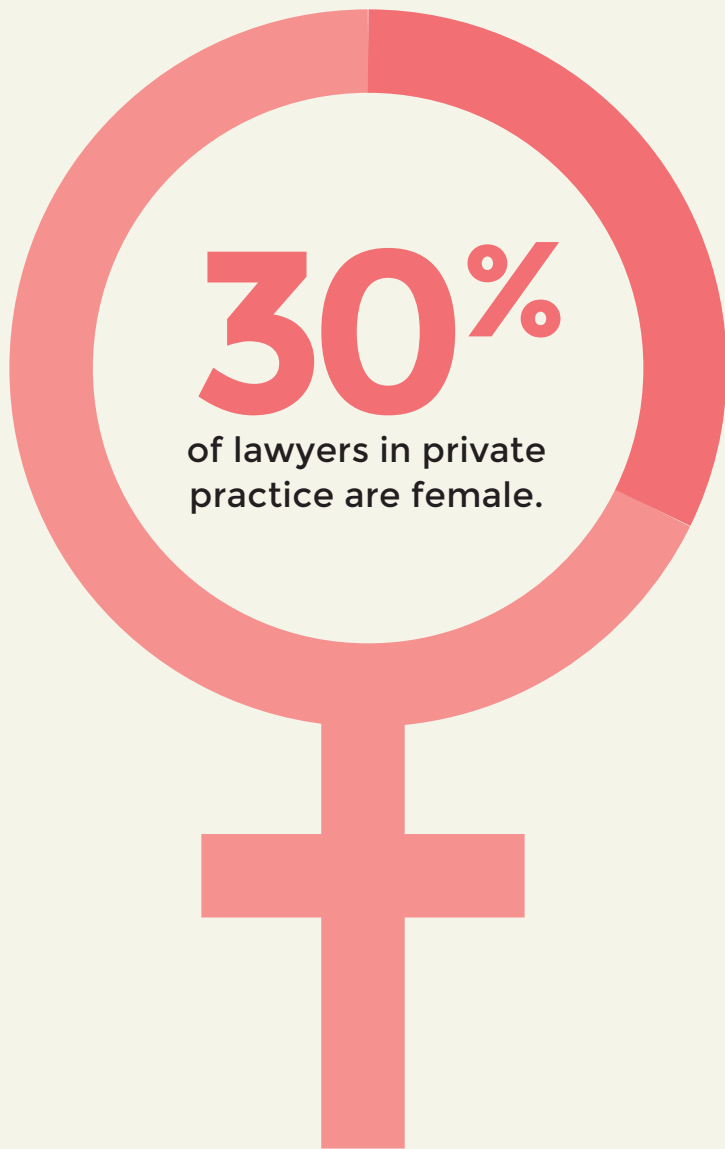
Jurisdictions with some of the **fewest** female lawyers:



Jurisdictions with the **highest** percentage of female lawyers:



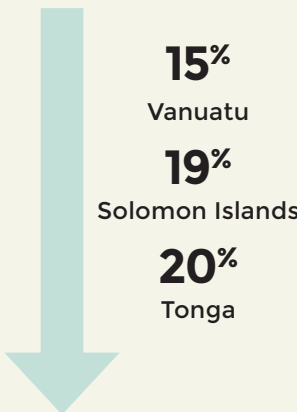
WOMEN IN PRIVATE PRACTICE



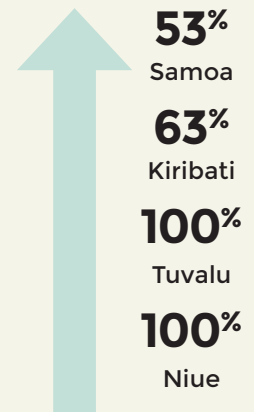
Excluding Papua New Guinea, women account for approximately **31%** of all lawyers in private practice, compared with:



Jurisdictions with the **smallest** percentage of female lawyers in private practice:



Jurisdictions with the **highest** percentage of female lawyers in private practice:



WOMEN IN GOVERNMENT / IN-HOUSE LEGAL ROLES



44% of all lawyers employed in Government / in-house roles, compared with:



Papua New Guinea and the Cook Islands are the only jurisdictions in which there are more women in private practice than in government / in-house positions. In all other respondent jurisdictions there are significantly more women employed in government / in-house practice than in private practice.

Excluding Papua New Guinea, women account for approximately **57%** of all lawyers employed in Government / in-house roles in respondent jurisdictions.

THE JUDICIARY

26 female judges and magistrates in the South Pacific.



7 of the 11 jurisdictions which responded to the survey have **one or no female judicial officers**.

This research was undertaken with a view to informing future research into gender equality in the law in the South Pacific region. The SPLA Women in Law Survey Report recommends further research to comprehensively examine possible inequities in pay and seeks to identify specific cultural practices which create gender inequality and how such inequalities may impact on gender equality within the legal profession.

The SPLA recognises the importance of gender equality and equal opportunity in the law. The SPLA believes that the legal profession has a key role to play in advocating for changes to laws which discriminate or disable women and in supporting initiatives to advance the status of women in member countries.



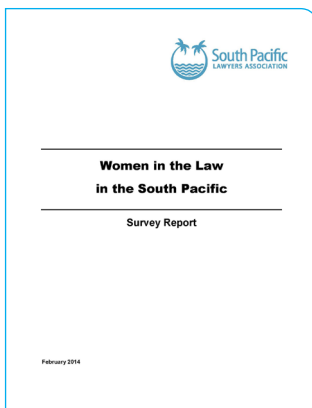
Women in the Law Report (continued)

(continued from page 9)

countries, whether they were in private practice, employed by the government or corporate sector, members of law association councils, and judicial officers.

The Survey also identified perceptions regarding equal opportunities for women to study law and gain employment; whether there is equal pay; and whether there are any cultural practices that may act as barriers towards equality in the legal profession.

Available at www.southpacificlawyers.org:



Download the [SPLA Women in Law Survey Report](#).

2014 Pacific Legal Profession Survey

The 2014 Pacific Legal Profession Survey is currently in development by the SPLA Secretariat and Executive with results expected to be released later in early 2015.

The Survey will implement some of the recommendations of the Women in Law Report and will incorporate questions directed to develop a clearer understanding of equal opportunity in the legal profession in the South Pacific region.

For more information, please contact info@southpacificlawyers.org.



Download the [SPLA Women in Law factsheet](#).

In depth...

From the experts at the SPLA Conference

The inaugural South Pacific Lawyers' Conference held in Port Vila Vanuatu on 14-15 November 2013 attracted a number of eminent speakers from across the region. Here's a taste of some of the thoughtful addresses made at the region's largest legal education conference...

External regulation in motion – a snapshot

Presented by Nilesh Bilimoria, Assistant Lecturer, University of the South Pacific, Fiji

The need within the South Pacific region for an effective and robust regulatory model for processing and investigating complaints, and on finding of unsatisfactory or unprofessional misconduct and disciplining legal practitioners, cannot be overemphasised. In 2011, with the official launch of the South Pacific Lawyers Association (SPLA), the peak legal professional institution for the region, member law societies and bar associations congregated to reach out, to rewrite the rulebook for raising the bar for the legal profession in the region.

In the session for the Regulation and Discipline of the Legal Profession, at the inaugural South Pacific Lawyers' Conference held in Port Vila–Vanuatu on 14-15 November 2013, I considered the available regulatory models for the legal profession, with particular focus on Fiji's external disciplinary model, interchangeably referred in some text as fully independent regulatory model or independent regulator. The research methodology for my preliminary study utilised mixed methods. Except for Fiji, none of the other member countries' disciplinary model in the region was analysed, which formed a limitation of my study. During this session, representatives from Vanuatu, Papua New Guinea and Solomon Islands also described the regulatory framework and existing disciplinary processes

of their respective professional associations. The overall impression that became noticeable in relation to the disciplinary response to breaches by practitioners in these respective jurisdictions, in my view, can best be expressed as low confidence, an expression commonly used in climate change reports.


My preliminary study relied on a number of professional disciplinary proceedings presided by the Commissioner of the Independent Legal Services Commission (ILSC) under the external disciplinary model in Fiji since 2009. I further considered the range of Orders made against practitioners in Fiji for unsatisfactory professional conduct and professional misconduct. With the promulgation of the Legal Practitioners Decree 2009 (LPD), section 84 establishes the ILSC, that takes carriage of disciplining legal practitioners when found in breach of the provisions of the LPD or any other written law such as the Trust Accounts Act, High Court Rules to name a few. The external regulation of the profession in Fiji, takes queue from the New South Wales framework for regulating lawyers and enforcing professional ethical standards.

[Read the full paper here...](#)

Sentencing – Does one size fit all?

Presented by Sir Bruce Robertson, Justice of the Vanuatu Court of Appeal

The age old conundrum of whether one size fits all raises its head in this arena as well as so many others. For me the answer is a resounding 'no'; there is no universal fit, but at the same time, a fundamental requirement is consistency in approach. Those of us in the law should never forget that people sitting in prisons spend great periods of time brooding



over whether they have been fairly treated by the system. Too often they don't compare like with like, but we have an obligation to ensure that, as a matter of principle, we are treating people in a consistent way.

Some simple issues which require attention in any sentencing exercise.

The starting point must always be the charge which has been laid and which was either admitted or proved. This is of fundamental importance because the factors which make up the elements of the offence do not become additional aggravating factors but must be calmly weighed and considered.

Secondly, one has to assess the degree of culpability which is involved. Compare for example a person with a couple of tabs of heroin, who hands one to his mate at a party and a major criminal who has heroin worth millions of dollars which he distributes for enormous profit internationally. Each of those people will be guilty of peddling a class A drug, but just looking at the facts demonstrates how different their degree of culpability will be. There must therefore be a sensible and realistic assessment of what actually occurred and the factual circumstances within which it took place.

Before determining the starting point of a sentence, all who are involved must check to ensure that mandatory considerations do not apply. There are, in many of our legal systems, requirements for terms of imprisonment to be imposed in certain serious matters or for minimum penalties to have application and these cannot be ignored as part of the overall exercise. Equally there may be guide line judgements which are binding.

[Read the full paper here...](#)

Rights and procedures of admission in South Pacific countries

By Ms Pauline Mogish, Director, Papua New Guinea Legal Training Institute (PNG LTI)

Presented by David Lambu, Deputy Director, PNG LTI

The rights of persons to be admitted as lawyers (barristers and or solicitors) in South Pacific countries is regulated by their respective legislations which slightly vary from country to country, though most countries in the South Pacific including Papua New Guinea share a common law jurisdiction because of their affiliation with the British Empire.

Most countries in the South Pacific have their own set of legislative provisions regulating the qualifications and the rights of persons to be admitted as lawyers.

This paper outlines the legislative provisions of a number of different jurisdictions to show how a person can be admitted as a lawyer in these countries.

This information on one's right to admission as a lawyer in each of the countries of the South Pacific is vital for those people who want to practice law in this region.

This paper is directed to those who might have had little or no understanding of how a person can be admitted as a lawyer in South Pacific countries to practice law either individually or collectively to build just, fair and stable societies by upholding the rule of law.

Countries covered in this paper are: Papua New Guinea, Fiji, Vanuatu, Samoa, Solomon Islands, Cook Islands, Tonga, Kiribati and Nauru.

[Read the full paper here... ▶](#)

In the spotlight...

Inaugural SPLA Conference addresses legal challenges in paradise



Port Vila provided beautiful weather for the inaugural South Pacific Lawyers' Conference held on 14 and 15 November 2013. Approximately 140 judges, lawyers, academics and other legal professionals from 12 Pacific countries gathered for the Conference "Legal challenges in paradise – equipping modern South Pacific lawyers to build a just, fair and stable society." The two-day program provided an opportunity for delegates to participate in sessions led by legal experts

from around the region in key areas of legal profession regulation and practice.

The Conference was the largest legal education conference for Pacific Island lawyers ever held in the region and was the first regional continuing education conference for lawyers since the Fiji Law Society hosted the 'South Pacific Law Conference' in parallel with its 2008 Annual Convention. The Conference was proudly co-hosted by the South Pacific Lawyers' Association (SPLA) and the Vanuatu Law Society.

Ethics and practice-focused program

The Conference program was divided into two streams focusing on legal regulation and ethics and legal practice. The program was brought together by an Organising Committee which comprised: Mr Ross Ray QC, Chair, SPLA; Mr Rodney Kingmele, Past-President, Solomon Islands Bar Association (SIBA); Justice John Mansfield, Vanuatu Court of Appeal; Professor Eric Colvin, Dean, University of the South Pacific (USP) School of Law; Mr Bill Bani, President, Vanuatu Law Society (VLS); and Mr John Tougon, Treasurer, VLS.

The Opening Plenary session featured a keynote address from the Chief Justice of Vanuatu, the Hon. Vincent Lunabek, opening prayer and commentary by the Rt Hon. Sethy Regenvanu and presentations by Mr Richard Naidu, Executive member, SPLA and Mr Bill Bani, President, VLS.

The Chief Justice spoke on the importance of continuing legal education in the improvement of legal practice and legal services in Vanuatu and throughout the Pacific region. The keynote address and other presentations each emphasised the importance for lawyers



Minister for Justice and then Acting Prime Minister the Hon. Ralph Regenvanu

to understand their duties and obligations as lawyers, particularly in providing access to justice for the most disadvantaged members of their community.

A highlight of the Conference was the session entitled “Law reform – Land issues and hierarchy of courts.” The Acting Prime Minister the Hon. Ralph Regenvanu and Professor Emeritus Don Paterson led the session and provided a detailed overview of challenges for land law reform in the region and, specifically, in Vanuatu. Mr Donald Marahare, President, SIBA provided an overview of issues in the Solomon Islands and noted the challenges going forward for the Solomon Islands in protecting customary rights and interests in land.

Mr Laki Niu, President, Tonga Law Society, gave an engaging presentation on land law and associated issues arising from Tonga’s Constitution.

In the legal regulation stream, a key highlight was the ‘Building a Law Society’ session which was led by Dr Philip Tahmindjis, Director, International Bar Association’s Human Rights Institute. This session, chaired by Ms Margery

Nicoll, Vice-Chair of the IBA’s Bar Issues Commission, included panellists Ms Leanne Topfer, Treasurer, Law Council of Australia, Mr Raymond Schuster, Past-President, Samoa Law Society and Mr Jonathan Krebb, Law Society of New Zealand. The session drew on international and regional examples to identify common issues faced by legal professions in developing peak professional bodies including issues such as: professional standards and regulation, membership, providing value to members, revenue and governance. The audience included Presidents and Executive members from peak professional bodies from 10 Pacific island countries.

Other eminent speakers at the Conference included Justices Robertson KNZM and Mansfield, Vanuatu Court of Appeal; Justice Pallaras, Solomon Islands Court of Appeal; the Chief Magistrate of Vanuatu, the Hon. Stephen Felix; and leading academics and practitioners from around the region.

Response and outlook

Valuable feedback was received from delegates regarding the format and content of the Conference. Delegates greatly valued the

In the spotlight...

SPLA Conference 2013 (continued)

opportunity to connect with colleagues from around the region to share experiences.

Ms Esther Deborah, Executive Officer at the USP's School of Law, said, "Meeting and networking with the other regional lawyers was such a great and rewarding experience for us, especially young lawyers of the region. I got to meet ni-Vanuatu lawyers that I never meet on a day-to-day basis here in Vila! It was a wonderful program...including the engaging speaker, Mr Richard Naidu!"



Vanuatu's Chief Justice Lunabek spoke at the Opening plenary session.



The excitement and enthusiasm built from bringing together so many knowledgeable and remarkable people for what was a simulating program have led to strong support for holding a second Conference in 2015. Discussions are currently underway to confirm a host country.

In response to feedback, over the coming months the SPLA Executive will consider ways to build on the success of the Conference in promoting continuing legal education regionally and to develop further opportunities for lawyers to participate in conferences and workshops to improve their legal skills.

The South Pacific Lawyers' Conference 2013 was supported by the Law Council of Australia, the International Bar Association, the New Zealand Law Society, and the USP, and was sponsored by the Vanuatu Ministry of Justice and Community Services, the New Zealand Aid Programme's Pacific Island Fund, the Australian Aid Commission, DLA Piper, Thomson Reuters New Zealand, South Pacific Administration & Funds Services, the Law Institute of Victoria and Transparency Vanuatu – Advocacy and Legal Advice Centre.

Mr Richard Naidu, SPLA Executive representative, Fiji Law Society, proved to be an enlightened and entertaining master of ceremonies.



Mr Laki Niu, President, Tonga Law Society, on the panel for the "Law reform - land issues and the hierarchy of courts" session.



Former Deputy PM Mr Sethy Regenvanu gave the opening prayer

Below: SPLA Member representatives at the Closing Night Dinner, (L-R) Mr Niu, Mr Naidu, Mr Bill Bani, President, Vanuatu Law Society, Mr Raymond Schuster, Past President, and Mrs MAREVA Betham-Annandale, President, Samoa Law Society, Sir Kina Bona, President, PNG Law Society, Ms Catherine Evans, President, Cook Islands Law Society, Ms Leanne Topfer, Treasurer, Law Council of Australia, Mr Sione Fa'otusia, Vice-President, Tonga Law Society and Mr John Tougon, Treasurer, Vanuatu Law Society.



In the spotlight...SPLA Conference 2013 (continued)



L-R: Justice Stephen Pallaras QC, Solomon Islands Court of Appeal, Mrs Anastasia Pallaras and Sir Bruce Robertson, Vanuatu Court of Appeal

SPLA Conference Organising Committee: (L-R) Mr Tougon, Justice John Mansfield, Vanuatu Court of Appeal, Mr Bani, Mr David Naylor, SPLA Secretariat, Ms Karuna Gurung, SPLA Secretariat and Professor Eric Colvin, University of South Pacific School of Law



L-R: Ms Volau Puamau, P&N Lawyers, Fiji, Mr Isala T. Isala, Isala Law, Tuvalu, and Ms Tabissa Harrison, Vanuatu Ministry of Justice and Welfare Services

Meet the new SPLA Executive

At the SPLA Annual General Meeting held recently during the inaugural SPLA Conference in Vanuatu, SPLA members elected a new Executive team to guide and direct the SPLA's work over 2014-2015.



Ross Ray QC (Chair), Representative, Law Council of Australia

Ross Ray is a leading national practitioner in the field of Occupational Health & Safety (OHS). He has represented major companies in

relation to crane, bridge and structure failure, and a number of companies (including the first company) charged with manslaughter arising from a workplace death. Ross has also advised the government in relation to legislation in OHS.

He represented the companies charged after the Coode Island fire, and international, shipping and petroleum companies charged with environmental and OHS breaches. Ross has appeared in many significant coronial inquiries including deaths in custody, the Grand Prix death at Albert Park, the ATV Coronial Enquiries, and many other significant industrial and medical incidents. He also appeared at the Ambulance Royal Commission and the Victorian Bushfire Royal Commission. Ross has practised in common law and crime and appeared in many significant criminal trials, particularly murder trials.

Ross is briefed in the class action arising out of the Black Saturday bushfires in Victoria.

Ross was Chairman of the Victorian Bar and President of the Law Council of Australia. He is a former Chairman of the Victorian Bar's Legal Education and Training Committee and the Readers Course Committee.

After meeting a number of South Pacific participants at the Victorian Bar's Readers Course, Ross first became actively involved in the region through delivering advocacy training in Papua New Guinea in the early 1990s with fellow barristers from the Victorian Bar. Having had a keen interest in the South Pacific, he attended the IBA's 2002 Bar Leaders Conference in Fiji and the 2007 South Pacific Forum, which led to the steering committee and, eventually, the establishment of the South Pacific Lawyers Association, which was officially launched in July 2011.

Ross is on the Board of PACLI and was re-elected as Chair of the SPLA Executive at the AGM held during the inaugural South Pacific Lawyers' Conference in Port Vila, Vanuatu in November 2013.

Mr Richard Naidu, Representative, Fiji Law Society

Richard gained degrees in Commerce and Law from the University of Auckland, New Zealand in 1987 and 1989. He was admitted to the High Court of New Zealand in 1989 and the High Court of Fiji in 1995. A former journalist in Fiji and New



In profile...

Meet the new SPLA Executive (continued)

Zealand, he practised in two major law firms in New Zealand between 1989 and 1995, when he returned to Fiji. Richard is now involved primarily in commercial and advisory work for clients in Fiji's aviation, finance, information technology, media, telecommunications and tourism sectors. His areas of practice include administrative, taxation, trade practices, telecommunications, e-commerce law and intellectual property.

Richard was formerly involved over many years in advice and submissions to government on policy and regulation in the areas of tourism, taxation and telecommunications. He takes a keen interest in the regulation of foreign investment in Fiji.

Richard is an occasional presenter and commentator on legal, media and other public issues in Fiji. He is a board member of the Fiji Red Cross Society and has previously served on the boards of Transparency International and Habitat for Humanity. He is the honorary solicitor for the Fiji Association of Sports and National Olympic Committee (FASANOC).

Richard is a mediator accredited by the Australian Centre for Dispute Assessment & Resolution.

Richard is a member of the Policy Committee of the Bar Issues Commission of the IBA.



Mrs Mareva Betham-Annandale, President, Samoa Law Society

Mareva is a senior partner at Schuster Betham-Annandale, a private law firm in Apia, Samoa. She was elected the President of the Samoa Law Society in September 2013 and is also the current Vice-President of the Accredited Mediators of Samoa Association. In her capacity as the President

of the Samoa Law Society, Mareva also sits on the Steering Committee of the Law and Justice Sector of Samoa. As the Vice President of the Accredited Mediators of Samoa Association, Mareva sits on the Mediation Council and the Accreditation Board for the Samoa Court annexed mediation.

Mareva was a pioneering graduate of a Bachelor of Laws from the University of the South Pacific Law School in Fiji and Vanuatu (1997) and was admitted to the bar in Fiji in 1998 and to the bar in Samoa in 2007 upon her return to Samoa. Mareva also has a Bachelor of Arts from the University of Central Queensland.

Mareva is a barrister and solicitor of the Supreme Court of Samoa and is an accredited mediator.

Her previous roles have included Assistant Chief Executive Officer – Legal Policy, Ministry of Justice and Courts Administration, Principal State Solicitor, Office of the Attorney-General and Senior Policy Adviser, Ministry of Pacific Islands Affairs, New Zealand.



**Mr John Marshall
QC, Representative,
Law Society of New
Zealand**

John is a barrister, practising in Wellington. He has had extensive experience as a litigation lawyer over the last 45 years, and now has a broad practice covering arbitrations,

mediations, inquiries, civil litigation and advisory work. He is also Chief Commissioner of the Transport Accident Investigation Commission and Chair of the Wellington College Foundation.

John was President of the New Zealand Law Society from 2007 to 2010, and in that role participated in the meeting which established the South Pacific Lawyers' Association in 2007. He is committed to ensuring that all lawyers in the South Pacific have the opportunity to achieve their potential, and are able, through experience and training, to provide excellent advice and representation for their clients.

when officially launched in 2011.

Sister Bernadette graduated with a Bachelor of Law degree from the University of South Pacific in 2004 and a Diploma in Legal Practice in 2005.

Her first legal role was the Assistant Peoples' Lawyer at the Office of the Peoples' Lawyer Office from 2007 – 2009. Sister Eberi then transferred to the High Court Administration in 2009 to present. Currently, she is the acting Chief Registrar of the High Court.

Sister Bernadette with other founding members of the Kiribati Law Society has great passion for the development of the Kiribati Law Society for the benefit of the lawyers in Kiribati and effective service to the public.

She was appointed Commissioner of the High Court in 2014 and a National Judicial Training Co-ordinator.

**Mr Bill Bani, President,
Vanuatu Law Society**

Bill has been the President of the Vanuatu Law Society since 2009 after he was instrumental in formalising the Society by spearheading the legislation of the Vanuatu Law Society Act to come into operation.

A graduate from the University of Papua New Guinea in 1993, Bill has been a private legal practitioner since 1999. He began his legal career at Juris Ozol's & Associates on September 1994 until November 1996 when he joined the Attorney General's Office. After three years at the Attorney General's Office, Bill began his own firm, Bani Law.



**Sister Bernadette
Eberi, President,
Kiribati Law
Society**

Sister Bernadette Eberi was elected the President of the Kiribati Law Society in October 2013 succeeding the late Michael Takabwebwe, who was one of the founding members

of the South Pacific Lawyers' Association

Meet the new SPLA Executive (continued)

In 2002, he was appointed Chairman of the Vanuatu Financial Services Commission, a post he continues to fulfil today. Bill is also the current Chairman of the Vanuatu Government Taskforce dealing with the Capital Investment Immigration Plan (CIIP).

Ms Katalaini Ziru, Executive Representative Solomon Islands Bar Association



Katalaini Ziru is the current Vice President of the Solomon Islands Bar Association. She also currently serves as the Chief Legal Officer,

responsible for the Legal Policy Unit at the Solomon Islands' Ministry of Justice and Legal Affairs. Prior to that, she served as Senior Crown Counsel (Litigation) in the Solomon Islands' Attorney General's Chambers and as Legal Officer at the Fiji Law Reform Commission.

Katalaini is a graduate of the University of the South Pacific with a Bachelor of Law degree and Professional Diplomas in Legal Practice and Legislative Drafting.

Katalaini has had extensive experience in legal policy development, civil litigation and legislative drafting and has acted in a professional capacity for governments and statutory entities on the same. She is passionate about the development of Pacific jurisprudence and has a keen interest in the professional development of new graduates/young lawyers.

Katalaini also serves as a Council Member of the International Bar Association and LAWASIA.

Upcoming events

▶ 4th Meeting of the Pacific Legislative Drafters' Technical Forum

9-11 April 2014

Pacific Islands Forum Secretariat (PIFS), Suva, Fiji

www.pilon.sec

▶ Commonwealth Law Ministers' Meeting 2014

5-9 May 2014

Gaborone, Botswana

▶ 5th LAWASIA Family Law and Children's Rights Conference

3-5 July 2014

Sapporo, Japan

lawasia.asn.au/FamilyLaw2014



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The South Pacific Lawyers' Association was established in 2007 by the International Bar Association in partnership with the Law Council of Australia and the New Zealand Law Society. The South Pacific Lawyers' Association exists to assist developing law societies and bar associations in the South Pacific and to promote the interests of the legal profession in the South Pacific. Please visit www.southpacificlawyers.org for more information. *newSPLash* is produced on behalf of the South Pacific Lawyers' Association by the Law Council of Australia. For all enquiries, or to submit articles to *newSPLash*, please contact Karuna Gurung, phone +61 2 6246 3715 or email karuna.gurung@lawcouncil.asn.au.