



## REPUBLIC OF VANUATU

### PUBLIC SOLICITOR (AMENDMENT) ACT NO. 9 OF 2011

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**Assent:** 09/03/2012  
**Commencement:** 28/05/2021

## **PUBLIC SOLICITOR (AMENDMENT) ACT NO. 9 OF 2011**

An Act to amend the Public Solicitor Act [CAP 177].

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Public Solicitor Act [CAP 177] is amended as set out in the Schedule.

### **2 Commencement**

This Act commences on the day on which it is published in the Gazette.

## SCHEDULE

### AMENDMENTS OF THE PUBLIC SOLICITOR ACT [CAP 177]

**1 After subsection 2(3)**

Insert

“(3A) The Public Solicitor is to be appointed for a term of 4 years and may be reappointed.”

**2 Subsection 2(4)**

Repeal the subsection, substitute

“(4) Subject to subsection (5), the Public Solicitor is to appoint all legal officers to the Office by a written contract of employment on such terms and conditions as determined by the Public Solicitor.”

**3 After subsection 2(4)**

Insert

“(5) A person must not be appointed to the Office as a legal officer unless he or she:

- (a) has a law degree from a recognized tertiary institution or similar qualification; and
- (b) has sufficient experience and ability to fulfil the role to which he or she is to be appointed.”

**4 At the end of paragraph 5(1)(b)**

Delete “.”, substitute “;or”

**5 After paragraph 5(1)(b)**

Insert

“(c) to any person in criminal matters involving serious offences.”

**6 After subsection 5(2)**

Insert

“(2A) A person will not be considered for legal assistance unless he or she:

- (a) is unemployed; or
- (b) is paid a minimum wage or receives a monthly salary of less than VT 100,000.”

**6A After section 5**

Insert

**“5A Entitlement to costs and disbursements**

- (1) The Public Solicitor may recover costs and disbursements of and incidental to all proceedings in a Court in such circumstances and such amount as the Court decides.
- (2) The Public Solicitor may recover costs and disbursements of and incidental to all proceedings in a Court as if it were an individual, whether or not it has paid or is liable to pay any such costs or disbursements.
- (3) Subject to subsection (4), costs awarded by a Court to the Public Solicitor must be calculated in accordance with the rates usually applied.
- (4) Costs awarded by a Court to the Public Solicitor on an indemnity basis must be calculated according to such rate as that Court thinks fair and reasonable having regard to the charges ordinarily payable by a client to a lawyer for the work done.
- (5) This section applies to:
  - (a) all proceedings that have been instituted in a Court before the commencement of this Act in which professional work has been performed on behalf of a client by the Public Solicitor, but in relation to which an order for the payment of costs and disbursements has not been made; and
  - (b) all proceedings instituted on or after the commencement of this Act.”

**7 After section 6**

Insert

**“6A Conflict of interest**

- (1) The Public Solicitor must refer a legal matter in which he or she has a conflict of interest in to a private legal practitioner.
- (2) Any legal matter referred to a private legal practitioner will be dealt with on a pro bono basis.”