

PREFACE

This book is part of a trilogy examining the criminal law of Pacific Island jurisdictions: *Criminal Law of Fiji* (2017, LexisNexis), *Criminal Law of Vanuatu* (2022), and *Criminal Law of Solomon Islands, Kiribati and Tuvalu* (2022). Because of the small size of the jurisdictions, only the Fiji text could be a viable enterprise for a commercial publisher. The texts of the trilogy fall within the classical, interpretive tradition of legal writing. They seek to provide a concise analysis of the elements of the major offences and defences and to examine key issues in criminal procedure and sentencing. They also seek to explain regional law in light of the general principles of criminal law in the common law world and to identify matters requiring legal reform. Although they do not offer comprehensive studies of the criminal law of the jurisdictions covered, their coverage is broader than is often found in texts on criminal law. Texts which were fully comprehensive would need several volumes.

The trilogy has been designed primarily as a set of texts for students taking Criminal Law as part of a LLB course. The texts grew out of the experience of teaching Criminal Law at The University of the South Pacific for the last ten years. It is, however, hoped that they will have broader appeal to the legal communities of the Pacific Islands, stimulating critical discourse about the shape and direction of their criminal law systems. My objective has been not only to analyse and explain their criminal law but also to help improve it.

The selection and arrangement of topics largely follows that of a book on the criminal law of Queensland and Western Australia with which I have been associated for many years. Its current incarnation is: E. Colvin, J. McKechnie, E. Greene, *Criminal Law of Queensland and Western Australia: Cases and Commentary* (9ed 2021, LexisNexis). I have reproduced some passages from it in this book. I am grateful to LexisNexis for permission to reproduce these passages as well as passages from the Fiji text. I am also grateful to my collaborators in the Australian book, not only for their direct contributions but also for the intellectual stimulus they have provided over the years.

Small island jurisdictions generate limited bodies of appellate case law. My focus has therefore been on the wording of the legislative provisions rather than on judicial exegesis. For the interpretation of statutory provisions, I have often drawn on Australian case authorities where local authorities are lacking. In contrast to the paucity of case authority which is sometimes encountered in the Pacific, Australia can often present a plethora of authority from its various jurisdictions. I have tended to use examples from Queensland, since this is the jurisdiction with which I am most familiar.

There are many potential pitfalls in making trying to make sense of the law of multiple jurisdictions. In preparing these texts, I have benefitted greatly from the experience and insight of Justices Edwin Goldsbrough and Gustavus Andree Wiltens of the Vanuatu

Supreme Court. Justice Goldsbrough, who is also President of the Solomon Islands Court of Appeal, read and provided valuable feedback on the present text. Justice Andree Wiltens made significant contributions to the chapters on procedure and sentencing in the Vanuatu text. I have also learned much from current and former colleagues and students at USP. Remaining errors are my responsibility.

This text covers the criminal statutes of three separate jurisdictions. These statutes have many similarities but section numbers can differ. In order to keep the references reasonably readable, I have adopted the following abbreviations: SI for Solomon Islands; Ki for Kiribati; Tu for Tuvalu. When the numbers for sections is the same, the reference is in the form 'SI/Ki/Tu s x'. When the numbers differ, the reference is in the form 'SI s x; Ki s y; Tu s z'.

I have endeavoured to state the law as of 31 May 2022.

Eric Colvin
Professor Emeritus, Bond University
Adjunct Professor, The University of the South Pacific
School of Law and Social Sciences
Emalus Campus
Vanuatu