



Federal
Court of
Australia

PACIFIC JUDICIAL DEVELOPMENT PROGRAMME

Judges and Court Development Needs Assessment Report

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Abbreviations and Acronyms

ADR	-	Alternative Dispute Resolution
C-FM	-	Case-flow Management
CO	-	Court Officer(s)
GCR	-	Transparency International's Global Corruption Report
JO	-	Judicial Officer(s)
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
MFAT	-	Government of New Zealand Ministry of Foreign Affairs and Trade
PEC	-	Programme Executive Committee
PEC	-	Programme Executive Committee
PIC	-	Pacific Island Countries
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
PJEP	-	Pacific Judicial Education Programme
RTT	-	Regional Training Team
the Assessment	-	Development Needs Assessment
the Court	-	Federal Court of Australia
the Court	-	Federal Court of Australia
the PJDP	-	Pacific Judicial Development Programme
the Workshops	-	The three Sub-regional Consultation Workshops
ToT	-	Training-of-Trainers
WGI	-	World Bank's World Governance Indicators

Executive Summary

E1.0 Introduction

This document reports on the findings of the Development Needs Assessment (the Assessment) to validate the proposed direction of the Pacific Judicial Development Programme (PJDP) Phase 2 which was launched by Chief Justice Sapolu in Apia, Samoa on Monday 23 August 2010.

The PJDP operates in 15 Pacific Island Countries, namely: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu (the region).

The Assessment was undertaken during August-September, and comprised four elements:

- i. Two surveys of court service providers and court users across the Pacific region.
- ii. Three sub-regional stakeholders workshops conducted in Polynesia (Apia), Melanesia (Port Vila) and Micronesia (Koror.)
- iii. Selected reference to available international data.
- iv. Expert appraisal by the program management team in consultation with local stakeholders.

This report presents in particular the findings of the two regional surveys. It should be read together with the companion report on the three sub-regional stakeholders' workshops, and the extracts of international data which are annexed to this report (see **Annex One**.)

The purpose of this and the companion report is to provide stakeholders with the data on the development needs of the courts and judicial service providers across the region for the purpose of informing and justifying the ongoing design and delivery of services in PJDP phase 2.

E2.0 Survey findings

The surveys provide PJDP with an unprecedented wealth of data on judicial and court development needs. These two surveys of judicial service providers and service users across the Pacific region are the first ever methodically-sound statistical surveys of stakeholders which provide the most detailed data of stakeholders' perceptions of the development needs in the history of the Pacific Judicial Education Programme (PJEP) and PJDP to this date.

This section highlights the most significant findings of these surveys for the consideration of stakeholders.

E2.1 Respondents

In all, a total of 80 responses were received to a 24-question survey of judicial service providers, being judges and court staff, focussing on the formal system including 'hybrid' actors such as lay (non-law trained) magistrates and justices of the peace, but not customary actors. In addition, a further 41 responses were received from court service users being lawyers, business, informed observers (academics and those formerly engaged with the provision of judicial services).

While relatively small in quantitative terms, the rate of response of law-trained judicial officers was 30% of the regional population, reflecting the size and dispersion of this population across the region.¹ 54%

¹ Total regional judicial office population is estimated at 553 (excluding customary courts), including a total of 200 law-trained judicial officers - source: National Coordinators, 2010.

of service providers were law-trained superior court judicial officers, and one third had between 6-10 years of experience. 56% of service users were lawyers. The make-up of respondents is described by occupation-type, location and level of experience, in the body of this report.

E2.2 Training

32.50% of service provider respondents hold a tertiary or post-graduate degree in law, with an additional 35% holding a degree in another discipline. Further, 58% of service provider respondents had received job-related training prior to becoming a judicial officer or court officer mainly in criminal law and procedure, civil law and procedure, land or customary law and procedure and professional skills. Half of this training (48.75%) was of more than 1 week in duration - 61.45% of which was of one month or more duration, mainly in a university or college. 81% of service provider respondents have received in-service training since becoming a judicial or court officer, mainly in professional skills (48.75%), judicial role and ethics (41.25%), criminal law and procedure (35%), court administration and case management (33.75%), and civil law and procedure (26.25%). Most of this training (65.58%) was provided equally by PJEP/PJDP and government. 93% of respondents rated this in-service training as quite useful or extremely useful.

E2.3 Occupational analysis

38.73% of all service provider respondents' time is *spent in court*, but this allocation varies significantly by occupation-type: lay-magistrates spend 61.67% of time in court, judicial officers 49.13%, court officers 22.37% across the region, though this varies by country. Respondents spend 26.33% of their time on *administrative tasks*, though this varies markedly by occupation-type: court officers spend 48.37%, judicial officers 18.74%, lay magistrates 3.67%.

Lay magistrates spend 18.11% of time *researching cases*, and judicial officers spend 18.09%. Respondents generally spend an average of 11.73% of their time on *professional development and other professional activities*, and a further 6.42% of time *consulting colleagues*.

E2.4 Nature of court caseloads

The caseloads of service-providing respondents varies from country to country, but overall is made up across the region as follows: criminal (34.46%), civil (26.44%), customary/land (23.53%), family (6.94%), other (4.65%) and business (3.98%).

E2.5 Development and training needs

(i) *Access to resources* - Judicial service provider respondents report that they have adequate access to written decisions of superior courts (86.30%), and access to statutes and regulations (79.73%). Judicial and court officers indicated that they had adequate access to materials on court practice and procedure (72.55%). Lay magistrates, however, indicated substantially lower accessibility to materials on court practice and procedure with only 50.00% of respondents noting that they had adequate access. Respondents also report having inadequate access to text books on law (47.95%) and professional support/guidance (45.21%).

(ii) *Nature of needs* - Significantly, there is a relatively high level of agreement between service providers and service users on the priorities of training needs. They rank the *nature* of these needs in the following order of importance: to acquire practical skills as judicial or court officers (75.66% and 80.16%), acquire information on law and court procedures (73.48% and 66.17%), improve understanding of professional role (67.43% and 60.82%), solve day-to-day problems in special cases (66.80% and

69.26%), keep up to date with new laws and development (59.24% and 59.72%), and improve professional responsibility and ethics (58.48% and 63.85%).

(iii) *Content of needs* - Additionally, they generally uniformly rank the *content* of these development and training needs in the following order of importance: professional skills (77.61% and 73.31%), court administration and case management (74.72% and 70.06%), criminal law and procedure (71.91% and 74.38%), civil law and procedure (68.03% and 63.66%), judicial role, ethic and conduct (64.28% and 67.91%), land/customary law (61.55% and 66.37%). Cross-cutting themes, family law and procedure and business/commercial law and procedure were ranked as least important. Significantly, when these responses on content of needs are disaggregated by respondents' roles, highest priority needs are: professional skills for judicial officers (85.71%); court administration and case management for court officers' (73.54%); and criminal law and procedure for lay magistrates (72.12%), respectively.

(iv) *Levels of needs* - Similarly, there is consistency in the responses of service providers and users on ranking the importance of the *levels* of development and training needs to be addressed: induction/pre-service (75.34% and 77.94%), update/in-service (71.43% and 70.14%), networking/experience-sharing (62.84% and 64.29%), and specialist (48.61% and 50.74%). Significantly, when responses are disaggregated by respondents' years of service, highest priorities are: induction / orientation for respondents from both '0-2' and '3-5' years' experience (81.25% and 77.78%); and update / refresher for respondents from both '6-10' and '11 +' years' experience (72.92% and 73.21%).

(v) *Preferred faculty* - Respondents ranked resource-persons in the following order of preference: respected judges (89.06%), other experts (59.38%) and university lecturers (55.38%).

(vi) *Format of activities* - Respondents ranked the format of activities in the following order of preference: participatory seminars/workshops (84.70%), on-the-job mentoring (70%), formal lectures (60.77%), and self-directed research/reading (40.48%).

E2.6 Assessment of court quality

Once again, there is general unanimity between service providers and court users in their perceptions of the quality of key aspects of the courts, defined in terms of the four thematic areas earlier endorsed by the PEC in PJDP Phase 1. These perceptions of the quality of the courts are as follows: access to justice (71.36% and 67.48%), leadership and good governance (70.89% and 73.98%), expertise and professionalism (67.59% and 69.92%), and systems and procedures (63.96% and 56.10%). These findings are significant in highlighting the uniform perceptions on the low quality of court systems and to a less extent of expertise and professionalism. Also of note is the disparity in perceptions between the two respondent groups regarding access to justice. Service providers assessed access most positively (71.36%), while service users assessed access to justice as the second lowest of the four quality of justice concepts (at 67.48%).

E2.7 Significance of these findings for setting programmatic priorities

The major significance of these findings is that they identify and describe with unprecedented detail the beneficiaries of PJDP, their professional development experiences, their perceptions of the utility and effectiveness of these experiences, and their priorities for ongoing development and training needs. This data is directly relevant and very valuable in setting the future direction, focus and content of PDJP Phase 2 activities. While these perceptions are just that - being subjective and perceptual - as a sample of court users from across the region they broadly align with the perceptions of other stakeholders. Importantly, there is an overarching correlation in the perceptions of service providers and users in most aspects of these surveys, which methodologically increased the reliability of this data and the validity of these findings.

At their essence, these empirical findings are very significant and timely in relaunching PJDP Phase 2 in highlighting *current priorities* in the programming of ongoing activities, which should be designed to:

1. Provide practical assistance to judicial and court officers in performing day-to-day duties, noting that 77.75% judicial officers' work-time is devoting to criminal, civil and land cases.
2. Focus on:
 - a. supporting judicial leadership, notably, ethical standards;
 - b. providing information on criminal and civil law and procedures;
 - c. promoting core professional skills of judging and judicial administration;
 - d. explaining the judicial function and role;
 - e. strengthening court administration, systems and procedures; and
 - f. developing the local capacity of judges and court officers through training-of-trainers (ToT), and the Regional Training Team (RTT).
3. Prioritise induction/pre-service training, and in-service updating and experience-sharing.
4. Concentrate on delivering interactive seminars and workshops.
5. Redress the shortage of statutes, regulations, and materials on court practice and procedure.

E3.0 A note on triangulation and validation of findings

In addition to the data generated by these surveys, the TNA methodology provided a limited opportunity and resources to validate these findings through independent triangulation of data. As already mentioned, this validation was undertaken in three ways: stakeholders' consultation workshops consisting of a cadre of 28 leaders in judicial and court development;² available international data, and expert appraisal. Most importantly, as is evident from the companion report, the stakeholders' workshops generally confirmed and illuminated these findings. The available international data, principally from the World Bank's World Governance Indicators (WGI) and Transparency International's Global Corruption Report (GCR) contextualise these findings with globally comparative data (attached in **Annex Three**.) From this data, it is possible to offer the following assessments:

- a. While there is considerable diversity in the WGI ratings across the region (Samoa relatively high; PNG relatively low), the 'rule of law' scores are generally in the moderate level of quality in global terms. The ratings are, however, comparable to nations with similar geographic constraints such as those found in the Caribbean.
- b. Judicial integrity is generally at moderate levels, and corruption is not a marked problem with ratings once again comparable with Caribbean island nations.

These measures are generally confirmed through expert appraisal of what is known and experienced by the programme management team working throughout the region.

E4.0 RECOMMENDATION

It follows from these globally comparative measures that the proposed focus on the next phase of PJDP providing practical assistance to judicial and court officers in performing day-to-day duties as outlined above as the most appropriate needs-based strategy for the ongoing programming of development and training activities.

² Participants included: six chief justices and one deputy chief justice; four Programme Executive Committee (PEC) representatives; 11 national coordinators; and nine Regional Training Team members and/or local educators.

1.0 Background

The Pacific Judicial Development Programme (PJDP) provides support to realising the vision of strengthening the region's judicial systems as a central pillar of good governance and the rule of law. The PJDP operates in 15 Pacific Island Countries, namely: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

Building on the experience of both the Pacific Judicial Education Programme (PJEP) and the PJDP Phase 1, the purpose of PJDP Phase 2 is to support Pacific Island Countries (PIC) to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. The Programme's focus extends beyond meeting the educational needs of judicial officers (both law trained and non-law trained) and court officers to include support for process and system improvement.

In July 2010, the Pacific Judicial Development Programme (PJDP) remobilised in PJDP Phase 2. This re-mobilisation started with, a six month inception period. The core focus of this inception phase was to re-engage with the Programme's partners across the region and to develop an 18 Month Plan to guide implementation for the remainder of PJDP Phase 2 involving validation of the proposed programmatic approach based on intensive stakeholder consultations.

To inform and legitimise the 18 Month Plan, a comprehensive development needs identification and prioritisation process was undertaken. Consultations for this Development Needs Assessment (the Assessment) were undertaken between 12 July and 10 September, 2010. This *Judges and Court Development Needs Assessment Report* presents the findings of this process.

2.0 Methodology Adopted for the Development Needs Assessment

The PJDP aimed to maximise participation, while undertaking a pragmatic approach to ensure that the Assessment was undertaken in a cost-effective and timely manner that took into consideration scheduling and budgetary considerations for PJDP Phase 2. Data collection focussed on the professional training needs of justice professionals and the organisational development needs of courts.

The process was structured around a number of 'pillars' or core implementation themes that had been developed in PJDP Phase 1 and approved by the Programme Executive Committee (PEC.) Four substantive pillars were identified to guide implementation, namely:³

- *Access to justice* - to promote equitable, timely and affordable responses to community justice needs.
- *Governance* - directly supporting an environment conducive to good governance and application of the rule of law.
- *Development of processes and systems* - strengthening judicial independence along with efficient, effective and accountable judicial and court systems and processes.
- *Professional development* - strengthen local and regional capacity to deliver professional education and skills development to judicial and court officers.

³ An additional fifth pillar will also be retained, namely the management-focussed pillar of *programme management*.

These pillars were used as the framework around which the Assessment and related data collection was structured to promote continuity between PJDP Phase 1 and future activities under Phase 2.

The primary method for undertaking the Assessment as documented in this report was via a set of two development needs assessment surveys:

- i) **Judicial Service Providers** - judges and court staff, focussing on the formal system including 'hybrid' actors such as lay (non-law trained) magistrates and justices of the peace, but not customary actors.
- ii) **Service Users** - lawyers, business, informed observers (academics and those formerly engaged with the provision of judicial services.)

Further, a series of interviews and discussions were held with selected judicial and court officers, client group representatives, and informed observers in the region to provide informed feedback to the Assessment Team via a series of informal discussions and semi-structured interviews with key stakeholders in New Zealand, Australia and regionally (a list of those consulted is found in **Annex Four**.) In addition, high-level system performance and governance-related data has also been used to contextualise the findings of the development needs assessment surveys within the wider judicial development environment globally.

As an adjunct to these surveys and the interviews, three **Sub-regional Consultation Workshops** were also held with leaders in judicial and court development in the region (including: chief justices; PEC members; national coordinators; and regional/local educators.) The workshops were structured around three themes, namely: consolidating the development needs assessment; programme leadership capacity development; and programme development and activity design. The results of these workshops (documented in the *Activity Completion Report - Sub-regional Consultation Workshops*), combined with the empirical and interview-based data gathered in the Assessment, will form the foundation of the activity programming undertaken in the 18 Month Plan.

3.0 Development Needs Assessment Survey Structure

The **Judicial Service Providers'** survey consisted of 24 questions structured in five sections:

- Respondents' background.
- Training / Educational background.
- Role and tasks.
- Development and Training Needs.
- Assessment of the respondents' court.

The survey was distributed in all 14 active PJDP countries⁴ via each PIC National Coordinator. A total of 80 responses were received from 11 PICs (note: another 10 responses were received where no country of origin was identified.) Of these responses, 60 were from law-trained judicial officers from both the superior and subordinate courts, representing 30% of the total law-trained judicial population in these countries.⁵

⁴ Note: Fiji was not included in this assessment based on the PEC decision under Phase 1 not to actively engage with the PIC under PJDP.

⁵ Total regional judicial office population is estimated at 553 (excluding customary courts), including a total of 200 law-trained judicial officers - source: PJDP National Coordinators, 2010 (see **Annex Two**.)

Respondents' Nationality	Total Respondents	% of Total Respondents
Cook Islands	5	6.25%
Federated States of Micronesia	2	2.50%
Marshall Islands	9	11.25%
Nauru	1	1.25%
Niue	7	8.75%
Palau	7	8.75%
Papua New Guinea	16	20.00%
Samoa	17	21.25%
Solomon Islands	2	2.50%
Tonga	2	2.50%
Vanuatu	2	2.50%
Not Defined	10	12.50%
Total:	80	100.00%

The service users' survey consisted of 12 questions, mirroring the judicial service providers' survey, with the exception of the two sections focussing on: roles and tasks; and training / educational background. This survey was distributed in all 14 active PJDP countries as well as with selected 'informed observers' in New Zealand and Australia. A total of 41 responses were received broken down as follows:

Respondents' Nationality	Total Respondents	% of Total Respondents
Australia	1	2.44%
Cook Islands	1	2.44%
Fiji	1	2.44%
Kiribati	4	9.76%
Marshall Islands	2	4.88%
Nauru	1	2.44%
New Zealand	6	14.63%
Niue	7	17.07%
Palau	3	7.32%
Samoa	10	24.39%
Tonga	1	2.44%
Tuvalu	1	2.44%
Not Defined	3	7.32%
Total:	41	100.00%

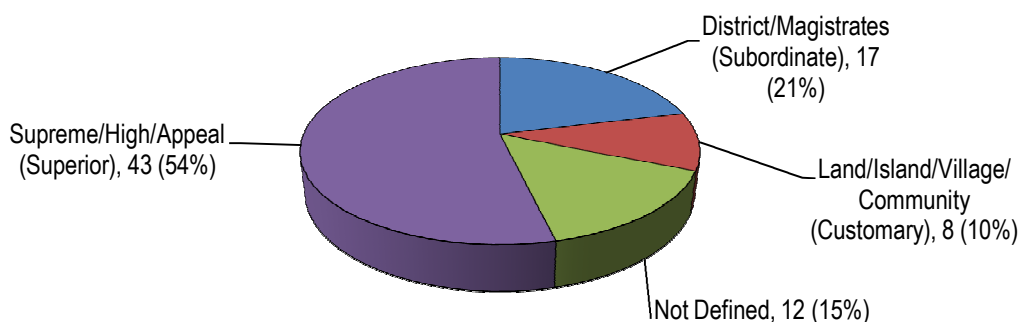
The survey instrument is attached in **Annex Five**.

4.0 Summary of Findings

The report contains five main sections based on the survey structure noted above. Further, each section will contain a brief summary where relevant connections will be drawn between the judicial service providers' data, responses received to the service users' survey, and interview feedback received.

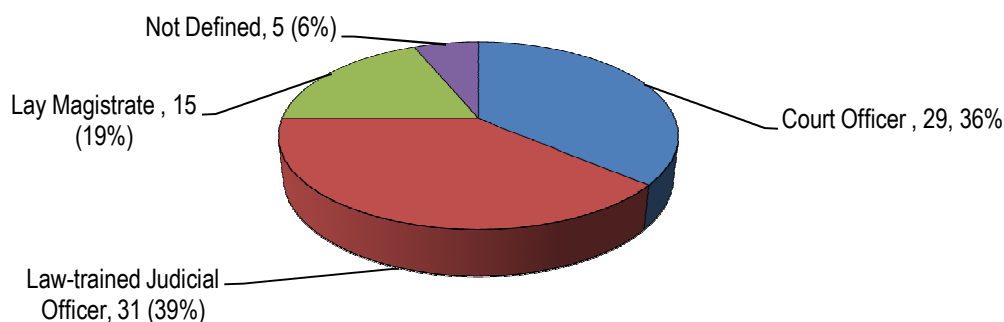
4.1 Respondents' background (Questions 1-5)

4.1.1 Institutional background of respondents (judicial service providers only)



4.1.2 Position / Occupation of respondents

Judicial Service Providers:



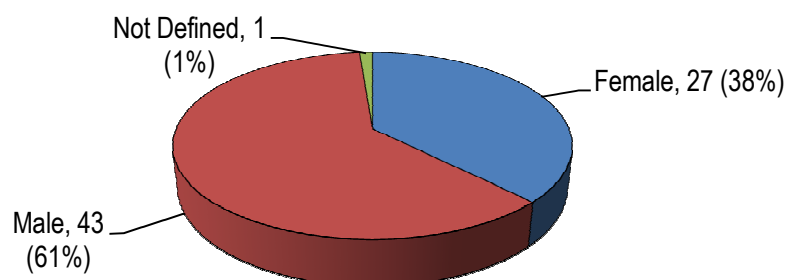
Service Users:

Occupation	Total Respondents	% of Total Respondents
Academic	1	2.44%
Community Representative or Member	1	2.44%
Court Officer (non-PJDP countries)	2	4.88%
Judicial Officer (non-PJDP countries)	2	4.88%
Lawyer	23	56.10%
Lay Magistrate	1	2.44%
Media	1	2.44%
NGO	1	2.44%
Other ⁶	9	21.95%
Total:	41	100.00%

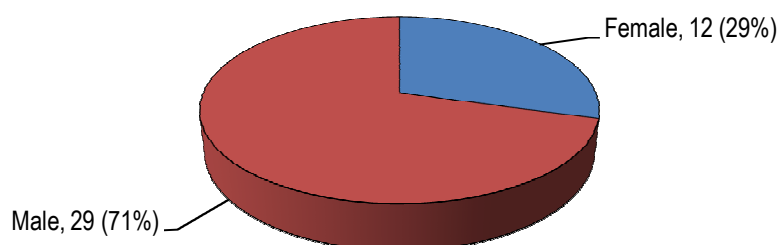
⁶ 'Other' included: Police officers; lay public defenders; former judicial officers; and not defined respondents.

4.1.3 Responses disaggregated by gender

Judicial Service Providers



Service Users



4.1.4 Years of service of respondents (judicial service providers only)

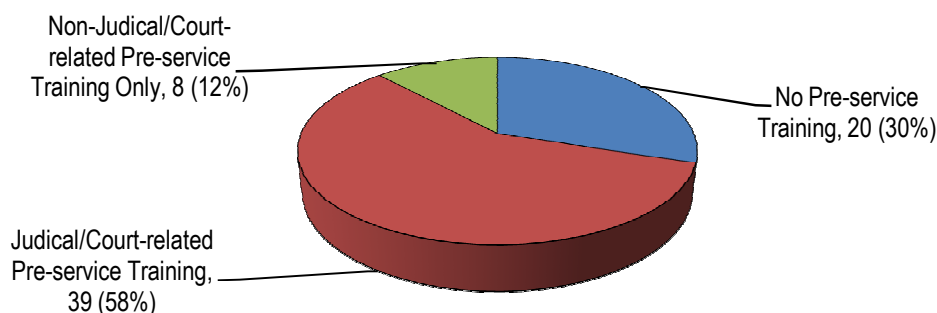
Yrs of Service	Total Respondents	% of Total
0 - 2 years	18	22.50%
11+ years	15	18.75%
3 - 5 years	11	13.75%
6 - 10 years	26	32.50%
Not Defined	10	12.50%
Total:	80	100.00%

4.2 Judicial and Court Officer's Training / Educational Background (judicial service providers only - Questions 6-13)

4.2.1 Respondent's Top Qualifications

Top Qualification	Total	% of Total
Degree in Law	19	23.75%
Postgraduate Degree in Law	7	8.75%
Degree in Other Discipline or Other Qualification	28	35.00%
School Certificate	13	16.25%
Not Defined	13	16.25%
Total:	80	100.00%

4.2.2 Job-related training received *before* becoming a judicial or court officer (pre-service)⁷



Of the 58% of respondents that had receiving *some form of pre-service training*, the nature of this training varied considerably, as is illustrated below:

Type of Pre-service Training Received	% of Respondents Receiving Pre-service Training ($\frac{_}{39}$) ⁸	% of Total Respondents ($\frac{_}{80}$) ⁵
Criminal Law and Procedure	58.97%	28.75%
Civil Law and Procedure	53.85%	26.25%
Family Law and Procedure	33.33%	16.25%
Business/Commercial Law and Procedure	33.33%	16.25%
Land and/or Customary Law and Procedure	46.15%	22.50%
Court Administration and Case Management	23.08%	11.25%
Professional Skills	56.41%	27.50%
Judicial Role and Ethics	28.21%	13.75%
Cross-cutting Themes	17.95%	8.75%

When the data relating to the 30% of respondents that had received *no pre-service training* is disaggregated by institution, it becomes apparent that members of superior courts have participated at a substantially lower rate in pre-service training than other judicial office groups, as illustrated below:

Disaggregation by Judicial Officer Role	Total Respondents	% of Total
District/Magistrates (Subordinate)	4	20.00%
Land/Island/Village/Community (Customary)	1	5.00%
Supreme/High/Appeal (Superior)	14	70.00%
Not Defined	1	5.00%
Total:	20	100.00%

⁷ Response rate: 67 / 80 (83.75%)

⁸ Total respondents were able to document multiple pre-service trainings, and hence the total number of pre-service trainings exceeds the total number of participants in percentage terms.

4.2.3 Average duration of all pre-service training received by respondents

Average Duration	Total Respondents	% of Total
1 month+	24	30.00%
1-2 weeks	15	18.75%
2-3 days	9	11.25%
Not Defined	32	40.00%
Total:	80	100.00%

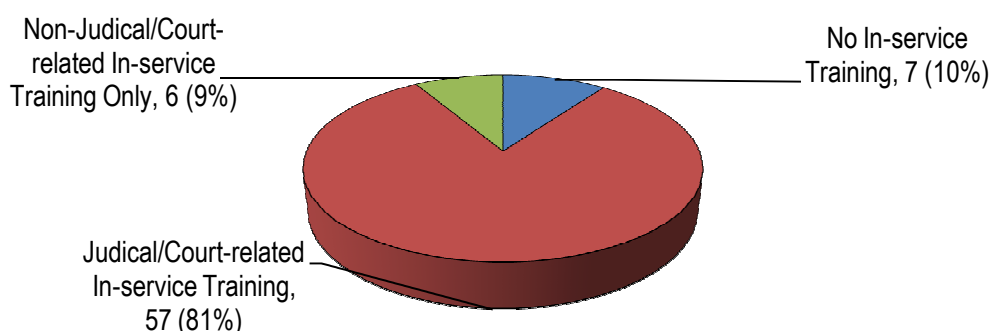
4.2.4 Principal training provider for pre-service training received by respondents

Principal Training Provider	Total Respondents	% of Total
PJDP / PJEP	8	10.00%
Government	10	12.50%
Other Donor-funded Activity	7	8.75%
University / College	25	31.25%
Not Defined	30	37.50%
Total:	80	100.00%

4.2.5 Respondent's perceived value of pre-service training received

Training Satisfaction	Total Respondents	% of Total
Extremely Useful	30	60.00%
Quite Useful	17	34.00%
Slightly Useful	3	6.00%
Not Useful	0	0.00%
Total:	50	100.00%

4.2.6 Job-related training received *after* becoming a judicial or court officer (in-service) ⁹



A substantially higher percentage of respondents (81%) received some form of *in-service training*, as opposed only 58% of respondents receiving *pre-service training*. The nature of in-service training received by respondents is illustrated on the following page:

⁹ Response rate: 67 / 80 (83.75%)

Type of In-service Training Received	% of Respondents Receiving Pre-service Training (<u>157</u>) ¹⁰	% of Total Respondents (<u>180</u>) ⁷
Criminal Law and Procedure	51.85%	35.00%
Civil Law and Procedure	38.89%	26.25%
Family Law and Procedure	16.67%	11.25%
Business/Commercial Law and Procedure	7.41%	5.00%
Land and/or Customary Law and Procedure	35.19%	23.75%
Court Administration and Case Management	50.00%	33.75%
Professional Skills	72.22%	48.75%
Judicial Role and Ethics	61.11%	41.25%
Cross-cutting Themes	35.19%	23.75%

When the data relating to the 10% of respondents that had received *no in-service training* is disaggregated by institution, it becomes apparent that members of superior courts again appear to have participated at a substantially lower rate in in-service training than other judicial office groups, as illustrated below

Disaggregation by Judicial Officer Role	Total Respondents
District/Magistrates (Subordinate)	2
Land/Island/Village/Community (Customary)	1
Supreme/High/Appeal (Superior)	4
Total:	7

4.2.7 Principal training provider for in-service training received by respondents

Principal Training Provider	Total Respondents	% of Total
PJDP / PJEP	20	32.79%
Government	20	32.79%
Other Donor-funded Activity	11	18.03%
University / College	10	16.39%
Total:	61	100.00%

4.2.8 Respondent's perceived value of in-service training received

Training Satisfaction	Total Respondents	% of Total
Extremely Useful	44	72.13%
Quite Useful	13	21.31%
Slightly Useful	4	6.56%
Not Useful	0	0.00%
Total:	61	100.00%

¹⁰ Total respondents were able to document multiple pre-service trainings, and hence the total number of pre-service trainings exceeds the total number of participants in percentage terms.

4.3 Judicial and Court Officer's Roles and Tasks (Questions 14 & 15)

4.3.1 Court caseloads in respondents' courts¹¹

Position / Country	% Criminal Cases	% Civil Cases	% Customary / Land Cases	% Family Cases	% Other Cases...	% Business Cases
Court Officers						
Cook Islands	51.67%	16.67%	21.67%	3.33%	3.33%	3.33%
Federated States of Micronesia	14.00%	85.00%	0.00%	0.00%	0.00%	1.00%
Niue	35.00%	5.00%	50.00%	0.00%	10.00%	0.00%
Palau	15.00%	0.00%	15.00%	2.50%	55.00% ¹²	12.50%
Papua New Guinea	52.80%	20.00%	1.20%	7.80%	17.30% ¹³	0.90%
Samoa	40.00%	40.00%	5.00%	5.00%	3.33%	6.67%
Vanuatu	30.00%	60.00%	5.00%	3.00%	0.00%	2.00%
Not Defined	23.33%	11.67%	60.00%	3.33%	0.00%	1.67%
Court Officers Total:	33.79%	25.00%	23.08%	3.39%	10.49%	4.26%
Judicial Officers						
Federated States of Micronesia	15.00%	60.00%	5.00%	0.00%	0.00%	20.00%
Marshall Islands	7.00%	5.00%	3.00%	47.00%	11.00%	27.00%
Nauru	50.00%	15.00%	20.00%	10.00%	0.00%	5.00%
Palau	22.00%	53.00%	13.00%	0.00%	12.00% ¹⁴	0.00%
Papua New Guinea	13.33%	36.67%	7.67%	34.00%	6.67%	1.67%
Samoa	48.33%	20.83%	19.00%	6.00%	2.50%	3.33%
Solomon Islands	30.00%	50.00%	10.00%	5.00%	0.00%	5.00%
Tonga	90.00%	10.00%	0.00%	0.00%	0.00%	0.00%
Vanuatu	15.00%	60.00%	5.00%	5.00%	5.00%	10.00%
Not Defined	33.33%	66.67%	0.00%	0.00%	0.00%	0.00%
Judicial Officers Total:	33.30%	34.65%	9.80%	12.60%	3.70%	5.95%

¹¹ Note: due to a large number of non-conforming responses, data in section 4.3.1 is based on 52 / 80 valid responses (a response rate of 65.00%)

¹² This high percentage response is as a result of 1 respondent documenting that 100.00% of their role focussed on procurement.

¹³ This high percentage response is as a result of 1 respondent documenting that 17.30% of their role focussed coroners, fisheries, traffic, village court appeals and local level government election petitions.

¹⁴ This high percentage response is as a result of 1 respondent documenting that 12.00% of their role focussed appellate work.

Position / Country	% Criminal Cases	% Civil Cases	% Customary / Land Cases	% Family Cases	% Other Cases...	% Business Cases
Lay Magistrates						
Cook Islands	72.50%	5.00%	15.00%	2.50%	2.50%	2.50%
Marshall Islands	52.50%	22.50%	25.00%	0.00%	0.00%	0.00%
Niue	46.67%	40.00%	13.33%	0.00%	0.00%	0.00%
Samoa	0.00%	0.00%	99.83%	0.00%	0.17%	0.00%
Not Defined	32.50%	22.50%	22.50%	16.50%	0.00%	6.00%
Lay Magistrates Total:	40.00%	18.93%	36.75%	2.71%	0.39%	1.21%
Position Not Defined						
Niue	18.00%	2.00%	80.00%	0.00%	0.00%	0.00%
Solomon Islands	40.00%	20.00%	20.00%	10.00%	5.00%	5.00%
Not Defined	1.00%	20.00%	67.00%	10.00%	0.00%	2.00%
Position Not Defined Total:	19.67%	14.00%	55.67%	6.67%	1.67%	2.33%
Total for the Region:	34.46%	26.44%	23.53%	6.94%	4.65%	3.98%

'Other Cases' were summarised as including:

- Appeals, collections on judgements (Palau);
- Coroners, fisheries, traffic, village court appeals, local level government election petitions, and interim protection orders (PNG);
- Constitutional, administrative law, and torts (Vanuatu); and
- Not Defined (Samoa; Solomon Islands; Tonga)

4.3.2 Time spent by respondents on work-related duties¹⁵

Position / Country	% Time spent in Court	% Time spent on Administrative Tasks	% Time spent on Research/ Preparation for Hearings	% Time spent on Other Professional Activities	% Time spent on Consulting with Colleagues	% Time spent on Professional Development
Court Officers						
Cook Islands	25.00%	40.00%	10.00%	5.00%	15.00%	5.00%
Federated States of Micronesia	5.00%	75.00%	0.00%	5.00%	5.00%	10.00%
Marshall Islands	55.00%	25.00%	0.00%	10.00%	0.00%	10.00%
Niue	20.00%	40.00%	10.00%	30.00% ¹⁶	0.00%	0.00%
Palau	18.00%	46.00%	29.00%	0.00%	6.00%	1.00%
Papua New Guinea	0.00%	55.00%	2.50%	22.50% ¹⁷	15.00%	5.00%
Samoa	40.00%	50.00%	5.00%	0.00%	5.00%	0.00%
Vanuatu	0.00%	99.00%	0.00%	0.00%	0.00%	1.00%
Not Defined	22.50%	47.50%	15.00%	0.00%	15.00%	0.00%
Court Officer Total:	22.37%	48.37%	12.11%	6.05%	7.89%	3.21%
Judicial Officer						
Federated States of Micronesia	25.00%	15.00%	20.00%	15.00% ¹⁸	5.00%	20.00%
Marshall Islands	25.00%	32.50%	22.50%	5.00%	10.00%	5.00%
Nauru	50.00%	30.00%	10.00%	4.50%	1.00%	4.50%
Niue	90.00%	0.00%	0.00%	10.00%	0.00%	0.00%
Palau	50.00%	10.00%	30.00%	5.00%	0.00%	5.00%
Papua New Guinea	50.00%	7.33%	23.33%	4.33%	10.00%	5.00%
Samoa	63.33%	6.67%	21.67%	5.00%	3.33%	0.00%
Solomon Islands	10.00%	60.00%	10.00%	5.00%	10.00%	5.00%
Tonga	10.00%	55.00%	7.50%	7.50%	15.00%	5.00%
Vanuatu	90.00%	5.00%	5.00%	0.00%	0.00%	0.00%

¹⁵ Note: due to a large number of non-conforming responses, data in section 4.3.2 is based on 55 / 80 valid responses (a response rate of 68.75%)

¹⁶ This high percentage response is as a result of 1 respondent documenting that 30.00% of their work focussed "Other duties assigned outside of judiciary but work related."

¹⁷ This high percentage response is as a result of 1 respondent documenting that 40.00% of their role focussed unspecified other work.

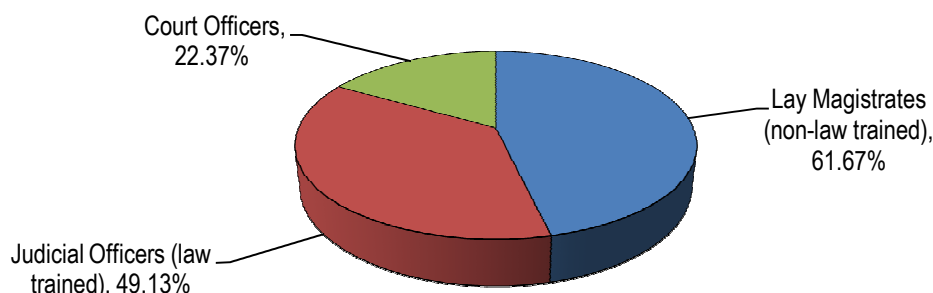
¹⁸ This high percentage response is as a result of 1 respondent documenting that 15.00% of their role focussed on updating the courts' legal information system website.

Position / Country	% Time spent in Court	% Time spent on Administrative Tasks	% Time spent on Research/ Preparation for Hearings	% Time spent on Other Professional Activities	% Time spent on Consulting with Colleagues	% Time spent on Professional Development
Not Defined	53.75%	18.50%	20.25%	3.00%	4.50%	0.00%
Judicial Officer Total:	49.13%	18.74%	18.09%	5.20%	5.83%	3.02%
Lay Magistrate						
Marshall Islands	90.00%	0.00%	10.00%	0.00%	0.00%	0.00%
Niue	60.00%	0.00%	40.00%	0.00%	0.00%	0.00%
Samoa	58.33%	2.67%	31.00%	2.00%	3.00%	3.00%
Not Defined	25.00%	12.50%	0.00%	50.00%	12.50%	0.00%
Lay Magistrate Total:	61.67%	3.67%	18.11%	11.78%	3.78%	1.00%
Position Not Defined						
Niue	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
Palau	0.00%	0.00%	95.00%	5.00%	0.00%	0.00%
Papua New Guinea	0.00%	25.00%	0.00%	25.00%	25.00%	25.00%
Solomon Islands	20.00%	40.00%	20.00%	10.00%	10.00%	0.00%
Position Not Defined Total:	5.00%	16.25%	28.75%	10.00%	8.75%	31.25%
Total for Region:	38.73%	26.33%	16.80%	6.92%	6.42%	4.81%

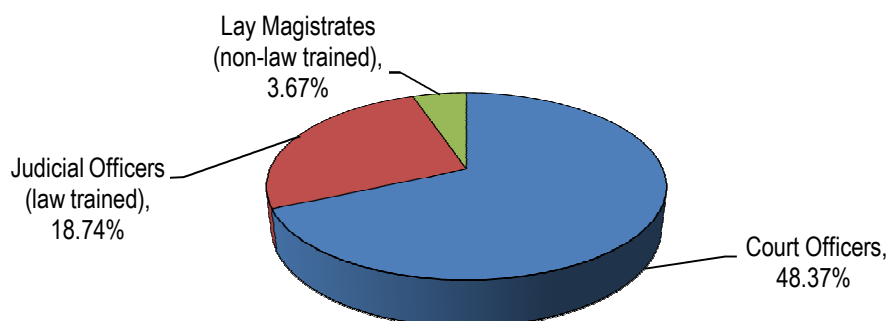
'Other Professional Activities' were summarised as including:

- Management of other trainers to develop capacity building for other legal professionals
- Law & Justice Sector Working group tasks
- Updating legal information system website
- Writing decisions
- Mediation
- Sharing information to enhance performance
- Undertaking Title searches at Registers court

From the data collected (see above tables), it is apparent that *time spent in court* varies considerably dependent on the respondent's role, as follows:



Conversely, time spent on *administrative tasks* again varies considerably in inverse proportion to time spend in court, as follows:



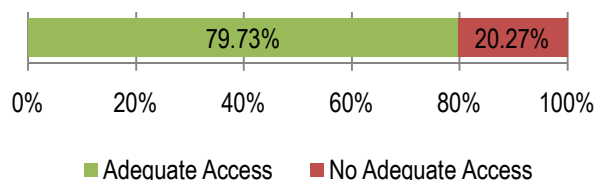
Percentages of time spend on other activities identified in the survey were broadly similar between the different roles.

4.4 Development and Training Needs Identification and Prioritisation (Questions 16-21)

4.4.1 Adequacy of respondents' access to professional resources (judicial service providers only)

Respondents' access to statutes and regulations:

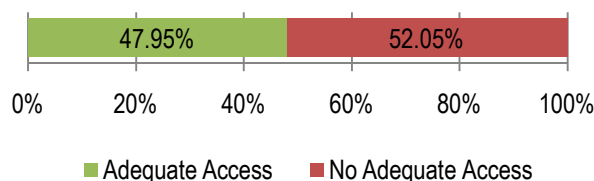
Aggregated data for all responses are based on a response rate of 74 / 80 (92.50%) with access rated as follows:



Response rates for each of the three categories of respondents (i.e. law trained judicial officers, lay magistrates, and court officers) were broadly similar, with variations in the accessibility of statutes and regulations being within 8.50% of the averaged figures documented above.

Respondents' access to texts books on law:

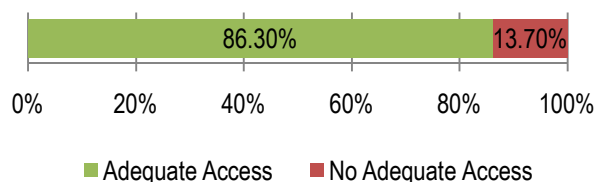
Data are based on a response rate of 73 / 80 (91.25%) with access rated as follows:



Response rates for each of the three categories of respondents were broadly similar, with variations in the accessibility of texts books on law being within 5.50% of the averaged figures documented above.

Respondents' access to written decisions of the Supreme/High Courts:

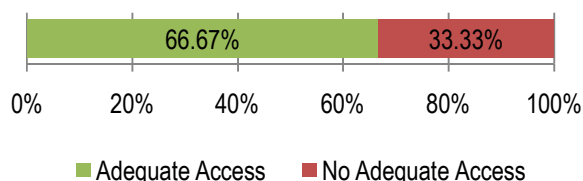
Data are based on a response rate of 73 / 80 (91.25%) with access rated as follows:



Response rates for each of the three categories of respondents were very similar, with variations in the accessibility of written decisions of the Supreme/High Courts being within 4.00% of the averaged figures documented above.

Respondents' access to materials on court practice and procedure:

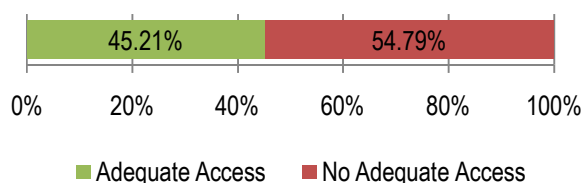
Data are based on a response rate of 72 / 80 (90.00%) with access rated as follows:



Response rates for two of the three categories of respondents (i.e. law trained judicial officers, and court officers) were broadly similar, with variations in the accessibility of materials on court practice and procedure being within 9.50% of the averaged figures documented above. Responses received from *lay magistrates*, however, indicated lower accessibility, with only 50.00% of respondents noting that they had adequate access to materials on court practice and procedure (as opposed to judicial and court officers' rate of 72.55%).

Respondents' access to professional support / guidance:

Data are based on a response rate of 73 / 80 (91.25%) with access rated as follows:

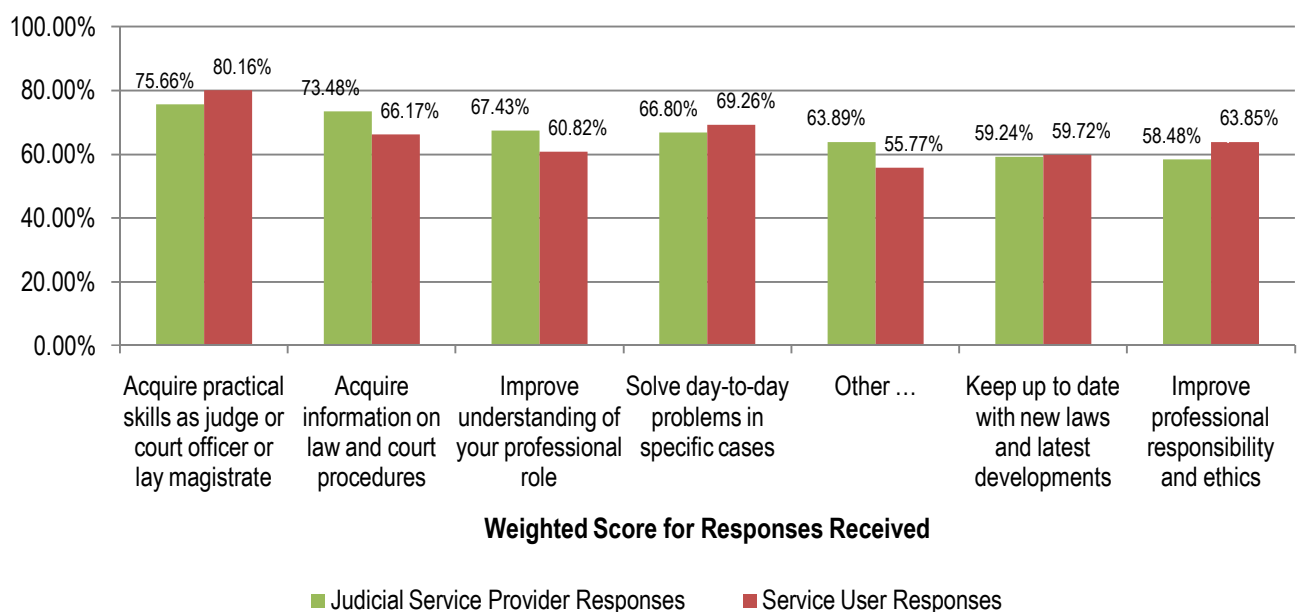


Response rates for each of the three categories of respondents were broadly similar, with variations

in the accessibility of professional support / guidance being within 9.50% of the averaged figures documented above.

4.4.2 Nature of development and training needs - prioritised in order of importance

Responses for both judicial service providers and service users' are combined below. From the analysis, it becomes apparent that there is quite a correlation between the nature of perceived development and training needs between the two respondent groups. Further, it is interesting to note that the highest priority for both respondent groups relates to the acquisition of practical skills by judicial and court officers - a priority that also reflects the outcomes of the recent sub-regional consultation workshops and detailed feedback received as part of the wider interviews and discussions undertaken.



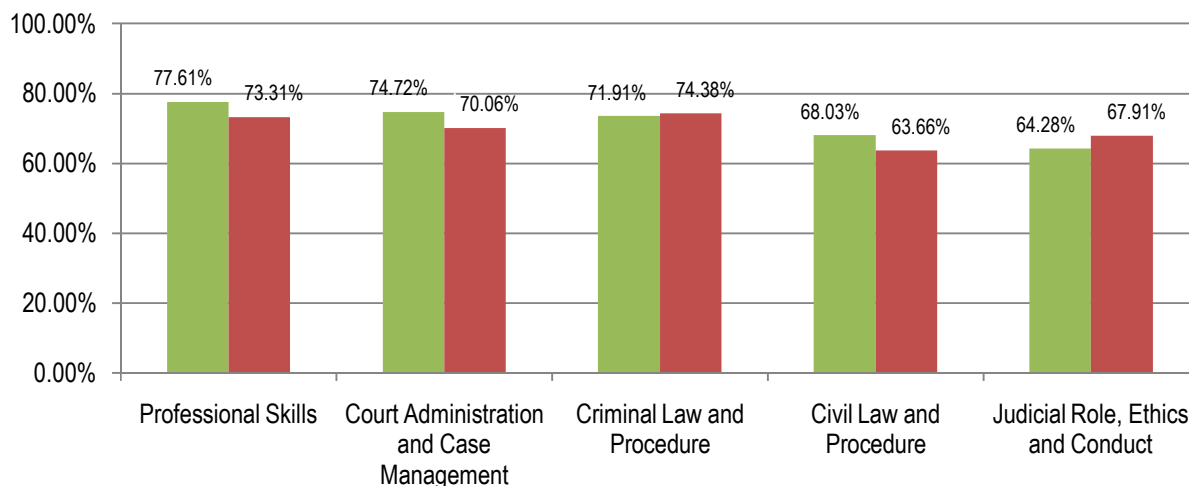
'Other...' priority development and training needs identified by judicial service provider respondents included:¹⁹

- *High-priority:* Basic legal studies/ courses/ training; decision writing; teaching and training others.
- *Mid-priority:* Judgement writing and conflict of interest; laws & policies on employment.
- *Lower-priority:* Acquire information on land laws including land tenure (Government, Customary, Freehold); evidence in decision making; peer dialogue with work/professional matters; and court administration, procurement, procedure; case by case for consistency, administrative & management skills.

4.4.3 Content of development and training needs - prioritised in order of importance

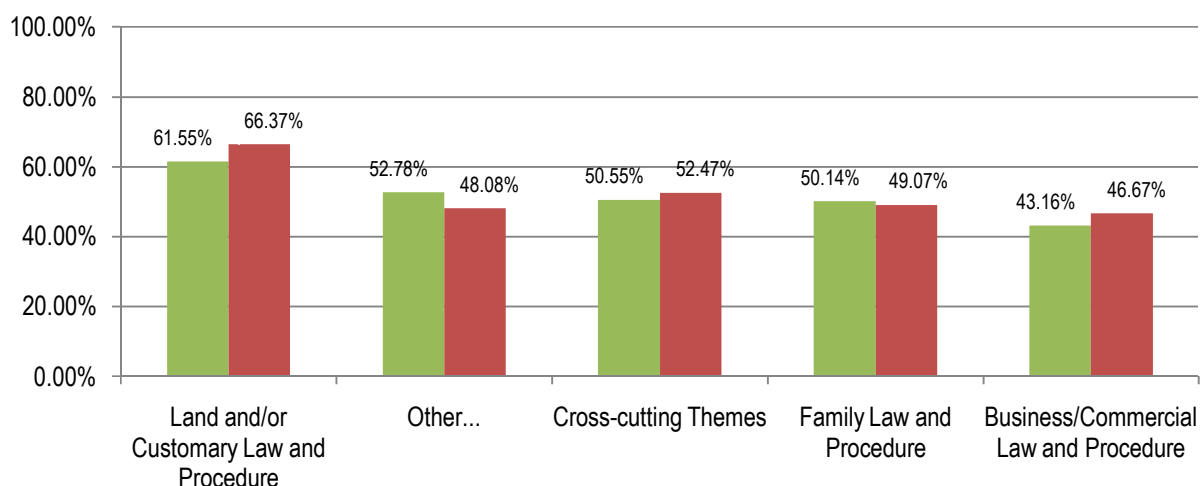
Responses for both judicial service providers and service users' are combined below. From the analysis, it again becomes apparent that there is a strong correlation between the two respondent groups regarding perceived *content* requirements for addressing development and training needs.

¹⁹ Note: based on a response rate of only 22 / 80 (30.63%)



Weighted Score for Responses Received - Highest Priority Areas 1-5

■ Judicial Service Provider Responses ■ Service User Responses



Weighted Score for Responses Received - Lowest Priority Areas 6-10

■ Judicial Service Provider Responses ■ Service User Responses

'Other' priority content needs identified by judicial service provider respondents included:²⁰

- *Higher-priorities:* Evidence; Training-of-Trainers; judicial administration, financial management (*court management*); alternative dispute resolution.
- *Mid-priorities:* Substantive legal areas (equity, taxation law and procedure, fisheries law and procedure, land law); ADR-mediation; sentencing and consistency; use of technology in court.
- *Lower-priorities:* Administrative & management skills; coronial inquests-witchcraft related, review of current land titles laws; research; restorative and traditional (informal) justice.

The data, as illustrated in the above tables, once again identifies the highest priority need for both respondent groups as professional skills development. The need to focus on practical aspects of

²⁰ Note: based on a response rate of only 18 / 80 (22.50%)

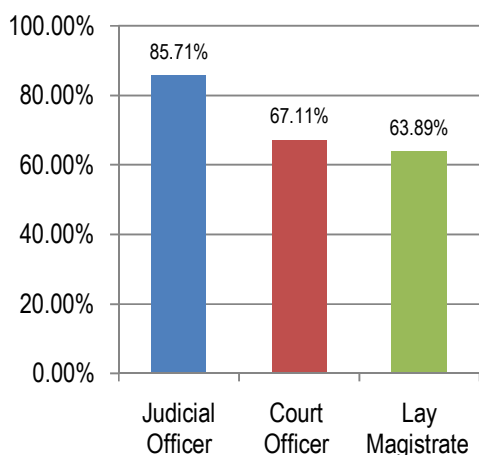
competency was also supported in the wider interviews and discussions undertaken, as illustrated by the comment of one experienced observer that:

"I would advocate the basics [...]"

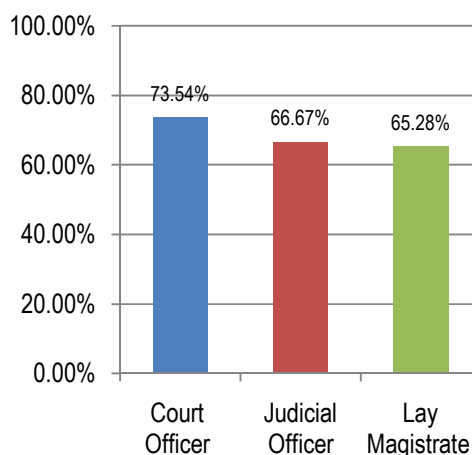
- (i) *What is a Judge. What do we do. How do we do it. How do I manage my court. How do I manage my list of work.*
- (ii) *Decision making. Decision research. Decision delivery. Decision writing.*
- (iii) *What is evidence. What is not evidence. Decisions about evidence.*
- (iv) *My Summary Court process. My High Court process. My Family Court process. My registry. Our lawyers. Our prisons."*

Further analysis undertaken on the top five priorities illustrates that there is often significant variation in the perceived importance of each development/training topic between the three categories of judicial service providers surveyed (i.e. law trained judicial officers, lay magistrates, and court officers.) This disaggregated data highlights that the highest priority *content* needs are: professional skills for judicial officers (Priority One); court administration and case management for court officers' (Priority Two); and criminal law and procedure for lay magistrates (Priority Three.)

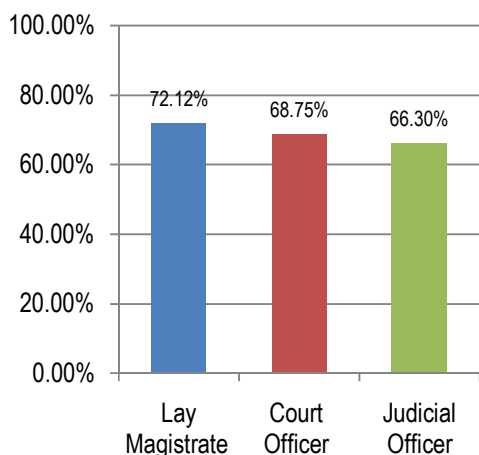
Priority One - Professional skills



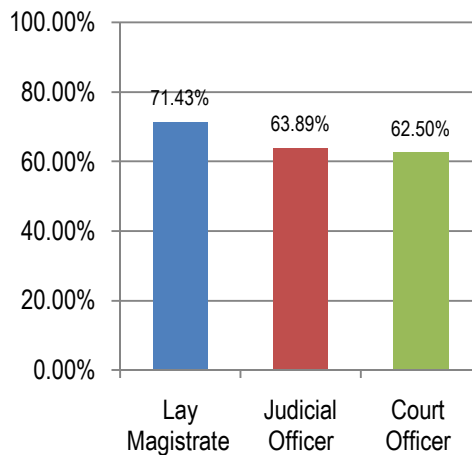
Priority Two - Court administration and case management



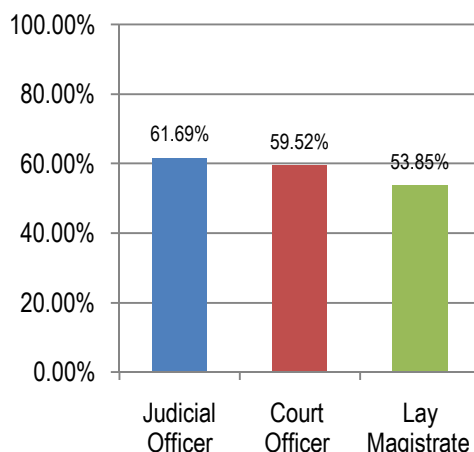
Priority Three - Criminal law and procedure



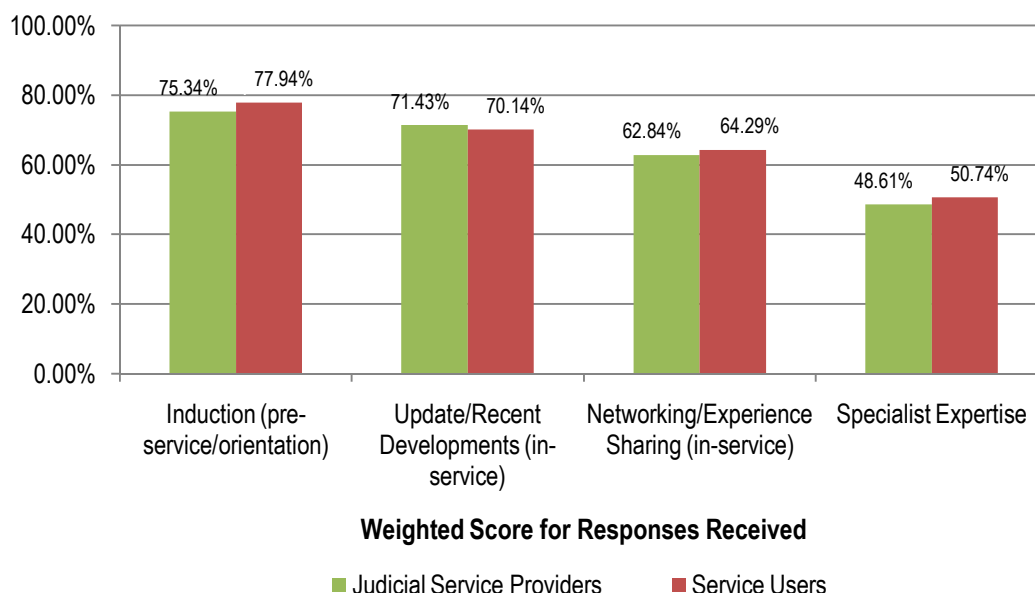
Priority Four - Civil law and procedure



Priority Five - Judicial role, ethics and conduct



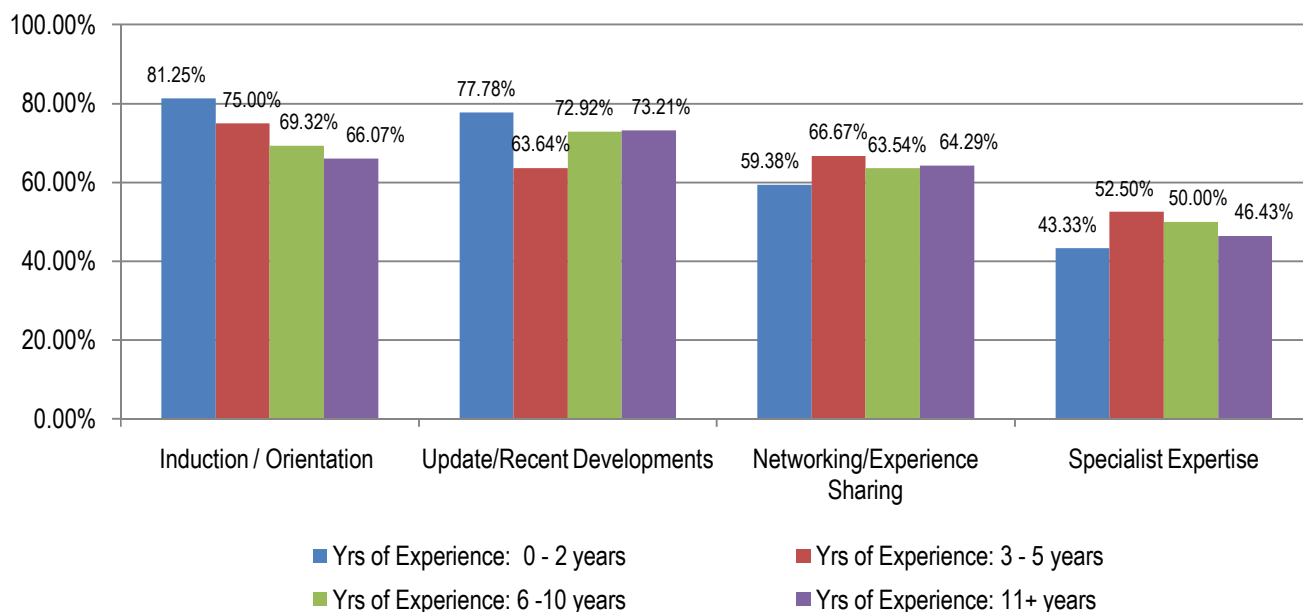
4.4.4 Level of training prioritised in order of importance



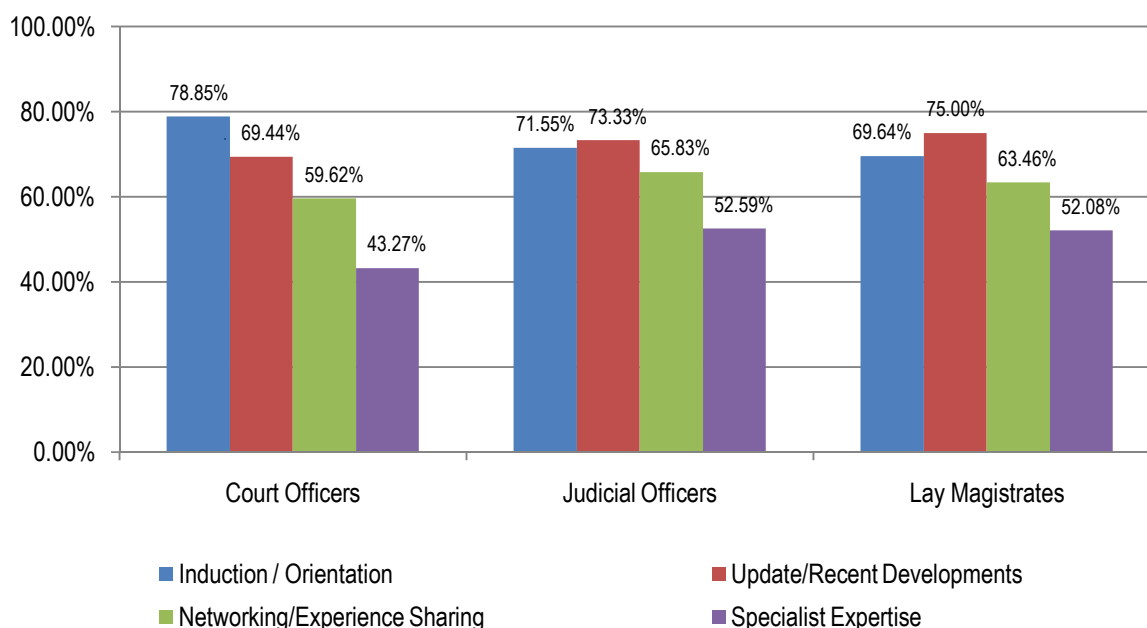
The prioritisation of both induction and refresher in-service training also reflects the priority areas for support identified in the sub-regional consultation workshops. This prioritisation of orientation as stakeholders' programmatic priority is further supported in the feedback received in the Sub-regional Consultation Workshops and as part of the wider interviews and discussions undertaken. However, as might be expected, the data shows (see the additional analysis below) that the perceived importance of induction / orientation training reduces with respondents' years of service.

When these responses are disaggregated by respondents' years of service, highest priorities are: induction / orientation for respondents from both '0-2' and '3-5' years' experience (81.25% and 77.78%); and update / refresher for respondents from both '6-10' and '11 +' years' experience (72.92% and 73.21%), as illustrated below:

Level of training prioritised by respondents' years of service (judicial service providers only) -



Level of training prioritised by respondents' role (judicial service providers only) -

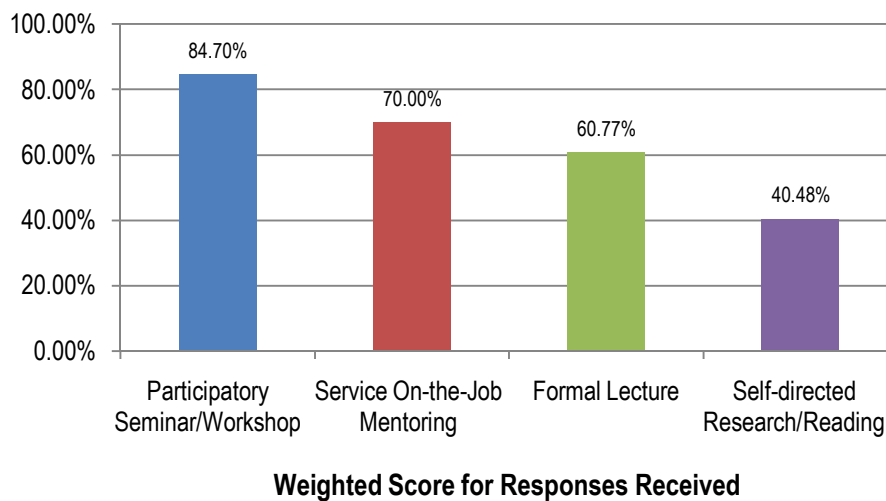


4.4.5 Type of resource persons for training prioritised in order of usefulness (judicial service providers only)

Respondents' views on the best resource persons for training were ranked as follows:

- Respected Judges: 89.06%.
- Other Experts: 59.38%.
- University Teachers/Lecturers: 55.38%.

4.4.6 Format of development and training activities prioritised in order of preference (judicial service providers only)



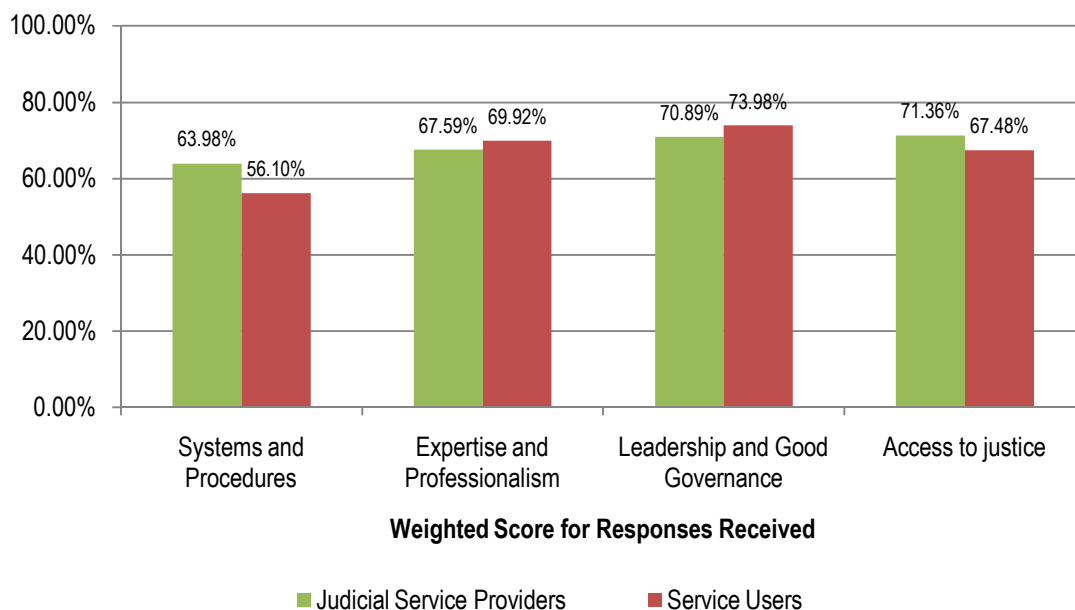
Note: there is no obvious explanation for this finding on the low rating of self-directed research/reading being inconsistent with the high levels of appreciation for benchbooks reported on elsewhere in this assessment.

4.5 Assessment of the Respondents' Court (Questions 22-24)

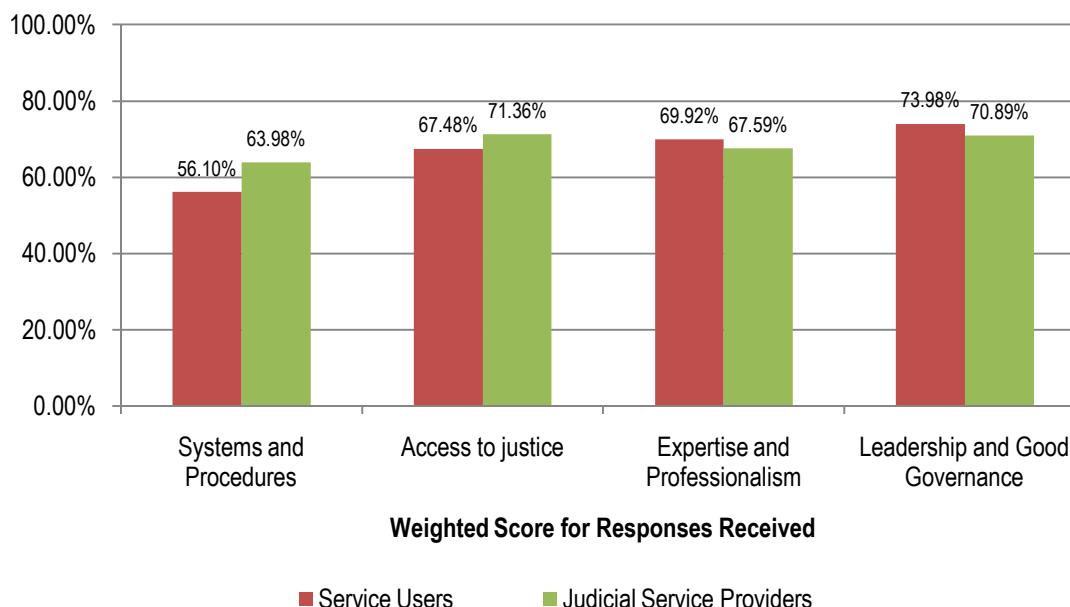
4.5.1 Respondent's assessment of the quality of justice in their courts

The summary below, illustrates the perceived quality of justice by judicial service providers' and service users' in their respective jurisdictions. There is quite a strong correlation between service providers' and service users' perceptions.

Responses ordered by judicial service provider rankings:



Responses ordered by service user rankings:



The lowest ranked concept - that where there is the perception of the biggest impediment to quality of justice - relates to the concept of 'systems and procedures'. Not only was this concept assessed least favourably by both respondent groups, it also evidences the biggest difference in perceptions between the two groups (at 7.88%). This concept relates directly to the interface between service providers and users and may, in part, be seen as an indicator of the quality service provision by courts. This data relating to systems and procedures is even more significant as court users' assessment their courts is almost 25% lower than their highest ranked concept of 'leadership and good governance'.

Furthermore, the data also highlights a significant difference in the perceived quality in access to justice. Judicial service providers assessed a most positively (at 71.36%) of the four identified quality of justice concepts. In contrast, service users assessed access to justice as the second lowest of the four quality of justice concepts (at 67.48%).

4.5.2 Other comments or 'recurring themes' based on respondents' qualitative feedback

Professional Development-focussed Comments:

- Managing the courtroom (attorneys, litigants, problem personalities, etc).
- Leadership and management training.
- Further training-of-trainers to develop local training capacity.
- Repeated comments on the need for further training (at least once or twice a year).
- Specific references to:
 - refresher training and updates (particularly for lay/part-time JO, for example on decision making; and
 - orientation for newly appointed magistrates and attachments (principles of uniform sentencing, decision making, practical skills, etc).
- Development of judicial officers must go together with development of court officers for maximum benefit.
- Confirmation whether PJDP will continue or end abruptly.

Culture-related Comments:

- Training often needs to be in the local language.
- There needs to be an appreciation that many are lay people acquiring skills 'on the job'.
- Overseas trainers are needed, but local trainers are also necessary to ensure that cultural and traditional matters are also addressed.

Systems and Processes-focussed Comments:

- Some form of computerised case management system would be valuable.
- Development of an efficient system and procedure and timely disposal of cases.
- Need for dispute resolution outside the formal system.

Resource-focussed Comments (beyond the scope of PJDP to address):

- Additional library/internet resources, infrastructure and computer/laptop funding, court recording equipment, general court resources; access international conferences.
- Increases in the number of judicial/court staff.
- Appropriate legislation.
- Update of texts, materials, and publications.
- Quality-of-justice issues stem from the lack of adequate counsel, particularly on outer islands.

Annexes

Annex One - Activity Completion Report: Sub-regional Consultation Workshops (Polynesia, Melanesia, and Micronesia) Extract

For the report text including annexes, see Milestone 3 Report (submitted: 30 September, 2010.)

ACR1.0 Summary of Sub-regional Consultation Workshops

The Pacific Judicial Development Programme (PJDP) Sub-regional Consultation Workshops were held as part of the inception phase (July to December 2010) defined in the head contract between the Ministry of Foreign Affairs and Trade (MFAT) New Zealand, and the Federal Court of Australia (the Court). The workshops were facilitated by Mr Livingston Armytage (Team Leader/Judicial Specialist) and Mr Lorenz Metzner (International Programmes Manager) and were supported by the International Programmes Unit of the Court.

This series of three interactive Sub-regional Consultation Workshops (the workshops) was developed to re-engage with PJDP partners, and to promote judicial leadership and court ownership of the PJDP re-launch and the related planning processes. One workshop was held in each sub-region; as follows:

- Polynesia - Apia, Samoa: 23-27 August, 2010.
- Melanesia - Port Vila, Vanuatu: 30 August-3 September, 2010.
- Micronesia - Koror, Palau: 6-10 September, 2010.

The objectives of each workshop were to:

- launch PJDP Phase 2 and resume engagement with PJDP leadership and key counterparts;
- consolidate regional leadership in the management of judicial and court development by interacting closely with chief justices, national coordinators, and regional/local educators; and
- commence a participatory planning and needs prioritisation process for PJDP implementation.

To achieve these objectives, the workshop activities focussed on three themes, namely: consolidating the development needs assessment; programme leadership capacity development; and programme development and activity design. The programme upon which the workshops were based is found in **Annex One** of the full report.

The initial programme developed was modified over the course of the workshops to respond to the existing capacity of the participants as leaders in judicial and court development, and as trainers. A significant number of participants were certified trainers or had received some level of training-of-trainers training under the earlier phase of PJDP. Consequently, the two afternoon sessions on the second day of each workshop were re-structured to incorporate four participant-led presentations/discussions. Further, as part of practical workshop exercises, the majority of participants had an opportunity to present or report to plenary. This strategy was developed to: maximise the interactive nature of the workshops; and strengthen participants' training capacity by providing an opportunity to present in a workshop environment and to receive constructive feedback on their presentations from their peers.

A total of 28 participants attended the workshops including representatives from each participating PJDP Pacific Island Country (PIC) except Fiji and Tokelau.²¹ This constituted a representative leadership

²¹ The involvement of Fiji as an active PJDP PIC for future Phase 2 activities may need to be revisited in the upcoming PEC meeting in Guam scheduled for November 2010. Tokelau's confirmed representative to the Polynesia Sub-regional Consultation Workshop was unable to participate at late notice due to other commitments.

group from the PJDP's key counterparts, with a total of: six chief justices and one deputy chief justice; four Programme Executive Committee (PEC) representatives; 11 national coordinators; and nine Regional Training Team members and/or local educators, attending the workshops. It is also positive to note that 9 of the 28 participants (just over 32%) were female, indicating a strong representation of women in the leadership of development and training activities in the region. A detailed breakdown of all workshop participants is found in **Annex Two** of the full report.

ACR2.0 Principal Results

The principal outcomes of these sub-regional workshops were the launch of the PJDP Phase 2, and the identification of areas of activity for the implementation phase (January 2011- June 2012.) In particular, the workshops enabled re-engagement with key counterparts and detailed consultations on: the effectiveness of earlier activities; the identification of development needs; and the prioritisation of identified needs in line with strategic priorities. In addition, the workshops enabled the leadership in judicial and court development in the region to actively participate in programme management and commence a participatory curriculum and activity planning process.

Key results from each of the sub-regional workshops were the identification of prioritised programming criteria; and beneficiaries' prioritised needs. These are summarised as follows.

1. Prioritised programming criteria - identified in brainstorming sessions and prioritised in discussions for the purposes of measuring the success of future PJDP activities. Ranked and aggregated programming criteria are as follows:

Highest Priority Criteria

- Sustainability
- Results / Impact / Change
- Effectiveness

Lower Priority Criteria

- Usefulness
- Relevance
- Cost-effective use of resources
- Fairness
- Feasibility, efficiency
- Ownership

2. Beneficiaries' prioritised needs - focussed on:

i) Judicial and management skills

- **Training-of-Trainers (ToT)**
 - Complete, extend, replenish regional/local training capacity (curricula, delivery, publications etc)
 - Consolidate and mobilise RTT
- **Orientation - Judicial:** principles of fair trial
 - Role of judge - attitudes + values
 - Introduction to key judicial skills
 - Time and other management skills.
- **Orientation - Court Officers:**
 - Role - attitudes and values.
 - Time, decision making, and other key management skills.

- **Judicial decision-making**
 - Reasoning
 - Judgment-writing
 - Criminal sentencing - principles/procedures
- **Case-flow management - delay reduction**
 - Elements of effective case management systems
 - Interaction between JOs and COs in case management.
 - Judicial IT systems.

ii) Judgeship and leadership

- Judicial leadership
- Interaction between judicial leadership and court
- Codes of judicial conduct

iii) Substantive training

- ADR and mediation
- Substantive, jurisdiction-specific training activities - from Responsive Fund
- Regional activities delivered regionally/locally (TBA.)

A breakdown of the prioritised programming criteria and beneficiaries' prioritised needs from each workshop are found in **Annex Three** of the full report.

Additionally, discussions were held to clarify and validate the approach adopted by the Court in developing its tender submission to MFAT prior to selection. Consideration was given to the:

- '5 pillars' (namely - Access to Justice, Governance, Systems and Procedures, Professional Development, and Programme Management) as a strategic framework underpinning proposed activities under PJDP Phase 2;
- Court's approach to operationalising the Regional Training Team concept, and the proposed reliance on this team as a key mechanism for the delivering of future PJDP services;
- pivotal role that the National Coordinators have in liaising between the PJDP Team and their respective national judiciaries; and
- Court's intention to conceptualise strategic options for judicial and court development in the region in the medium-/longer-term as part of implementation activities.

Participants validated the Court's approach and confirmed their support for the above points.

ACR3.0 Sub-regional Consultation Workshop Evaluations

At the end of each workshop, a brief evaluation to assess its quality and value, as well as participant satisfaction was undertaken. This assessment included a combination of quantitative and qualitative responses. The average rating for all three workshops²² shows that participants assessed their overall (mean) satisfaction at just over 88% - an extremely positive outcome for this initial engagement under the PJDP. Satisfaction regarding individual elements of the three workshops was rated as follows:²³

- Usefulness for discussing *future directions* of the PJDP - 96.42%
- Practical usefulness for identifying *needs and possible activity programming* - 84.94%

²² Based on a participant response rate of 100%.

²³ A summary of quantitative responses broken down by workshop is found in *Annex Four* of the full report.

- Effectiveness of *facilitation* (adequate *participation, discussion, and interaction*) - 88.12%
- *Overall Satisfaction* - 83.95%

Qualitative feedback was also provided by participants as part of the evaluations. Participants indicated that overall they were very satisfied with the PJDP Sub-regional Consultation Workshops. Feedback received has been summarised below to highlight 'recurring themes' that emerged in written and verbal responses received, including:

- That there were significant concerns surrounding the future of PJDP; specifically participants sought assurance that the PJDP was sustainable and that the programme would not cease to operate as had previously occurred.
- Concerns over the short lead-time prior to the workshops, and related issues regarding logistical arrangements. Participants requested that more notice be given to allow suitable arrangements to attend future workshops to be made, and that administrative processes are streamlined.
- The desire to ensure the recommendations resulting from the workshops were actioned as a priority, with one participant noting that: "*There should be no delay in implementing these activities...*".
- The interactive and participatory methodology adopted for the workshop should be continued in future interactions, and that discussions, sharing of experiences and the exchange of ideas was a highly valuable outcome of the workshops.
- The effectiveness of a sub-regional focus in selected activities (such as the three workshops) as this enabled smaller groups to be created, based on broadly similar socio-cultural backgrounds.

The PJDP Team acknowledges this feedback and recognises the importance of progressively addressing the concerns noted above, in particular those relating to the:

- *Future of the PJDP* - with the PJDP Team proposing to include a scoping or similar activity as part of the 18 Month Plan to conceptualise strategic options for judicial and court development in the region in the medium-/longer-term.
- *Short lead-times* - with programming in the 18 Month Plan to take into consideration the need to allow for adequate lead-times prior to the commencement of activities.
- *Streamlining of logistical arrangements* - with the PJDP Team to develop strategies to strengthen and simplify the provision of logistics both remotely and in-country for activities.

ACR4.0Conclusion

The PJDP Team expresses its appreciation and gratitude for the positive support that was given to the three Sub-regional Consultation Workshops by the PEC, chief justices, national coordinators and other counterparts from all active PJDP countries. Interest and participation in the workshops was strong, despite compressed lead-times. Further, the generous support of the host judiciaries (in Samoa, Vanuatu, and Palau) has been vital to the ability of the PJDP Team to organise and implement these activities.

The concrete results and positive feedback received from the workshops provide a strong basis for the upcoming activity programming as part of the 18 Month Plan. They also provide a firm grounding to further develop partnerships to collaboratively implement future PJDP activities which will lead to the success of PJDP Phase 2.

Annex Two - Breakdown of Judicial and Court Population by PJDP Country²⁴

Country	Court / Level	Total No. of JOs	Total No. of COs
Cook Islands	Superior Court	4	
	Subordinate Courts		
	Lay JO/Courts	35	
		39	0
FSM	Superior Court	4	1
	Subordinate Courts	13	4
	Lay JO/Courts	80	1
		97	6
Kiribati	Superior Court	1	14
	Subordinate Courts		
	Lay JO/Courts	134	31
		135	45
Marshall Islands	Superior Court	3	
	Subordinate Courts	3	7
	Lay JO/Courts	33	
		39	7
Nauru	Superior Court	2	
	Subordinate Courts	2	9
	Lay JO/Courts	10	
		14	9
Niue	Superior Court	4	1
	Subordinate Courts	2	2
	Lay JO/Courts	3	4
		9	7
Palau	Superior Court	8	2
	Subordinate Courts	1	50
	Lay JO/Courts	7	7
		16	59
Papua New Guinea	Superior Court	22	200
	Subordinate Courts	89	400
	Lay JO/Courts		
		111	600
Samoa	Superior Court	4	19
	Subordinate Courts	2	7
	Lay JO/Courts	14	25
		20	51
Solomon Islands	Superior Court	5	15
	Subordinate Courts	9	31
	Lay JO/Courts		
		14	46
Tokelau	Superior Court		
	Subordinate Courts		52
	Lay JO/Courts	6	
		6	52

²⁴ Source: PJDP National Coordinators, 2010 and PJDP Phase 1 Base-line data.

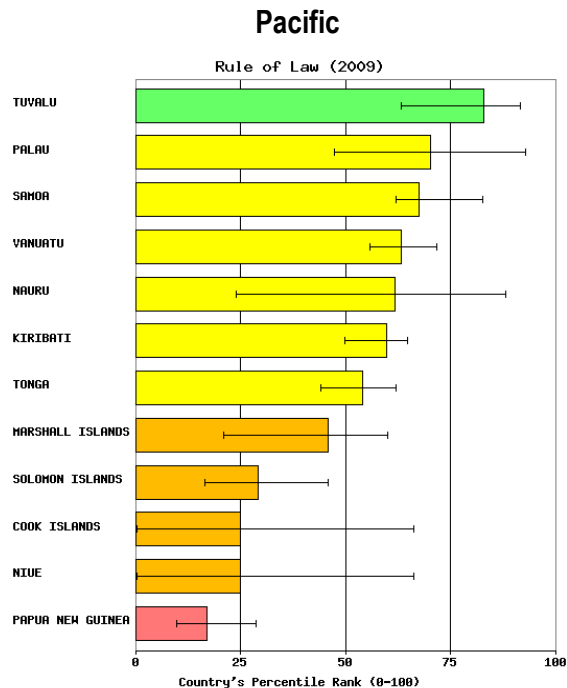
Note: some figures are based on estimates and will be progressively updated over the course of the Programme.

Country	Court / Level	Total No. of JOs	Total No. of COs
Tonga	Superior Court		
	Subordinate Courts	10	29
	Lay JO/Courts		
		10	29
Tuvalu	Superior Court		
	Subordinate Courts	2	8
	Lay JO/Courts	20	
		22	8
Vanuatu	Superior Court	4	38
	Subordinate Courts	6	
	Lay JO/Courts	11	
		21	38
Total: Law-trained JOs:		200	
Total: Lay JOs:		353	
Total:		553.00	957.00

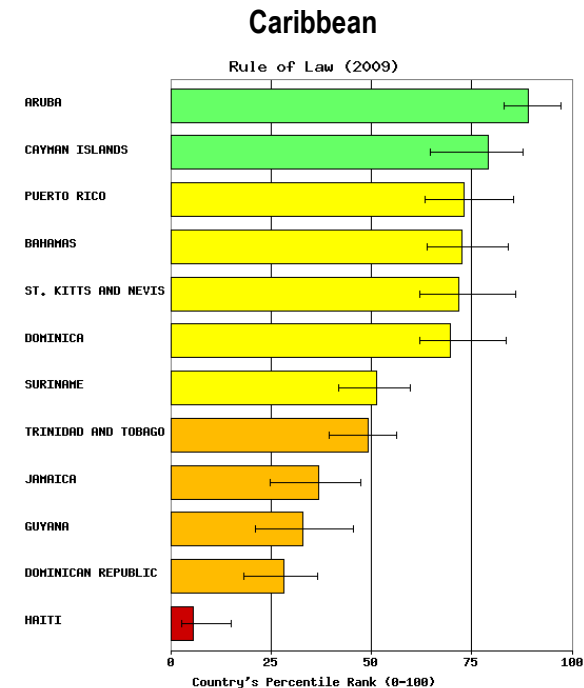
Annex Three - Global Comparative Data

World Bank's World Governance Indicators:²⁵

Rule of Law - capturing perceptions of the extent to which *agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.*



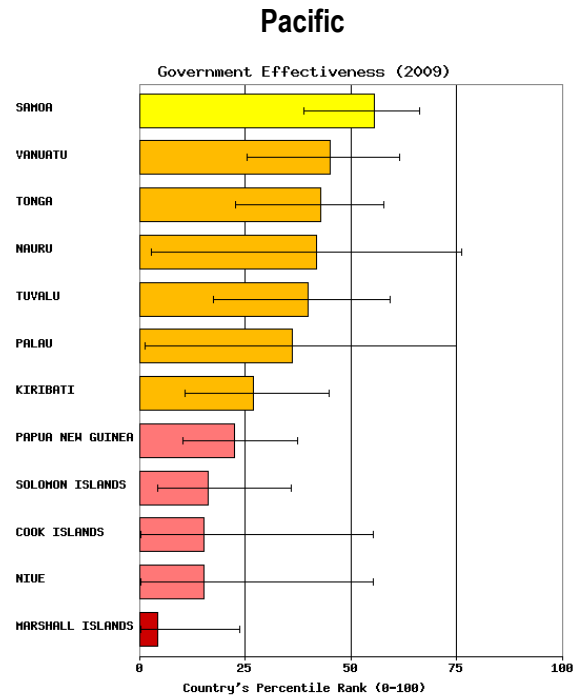
Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues
Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.



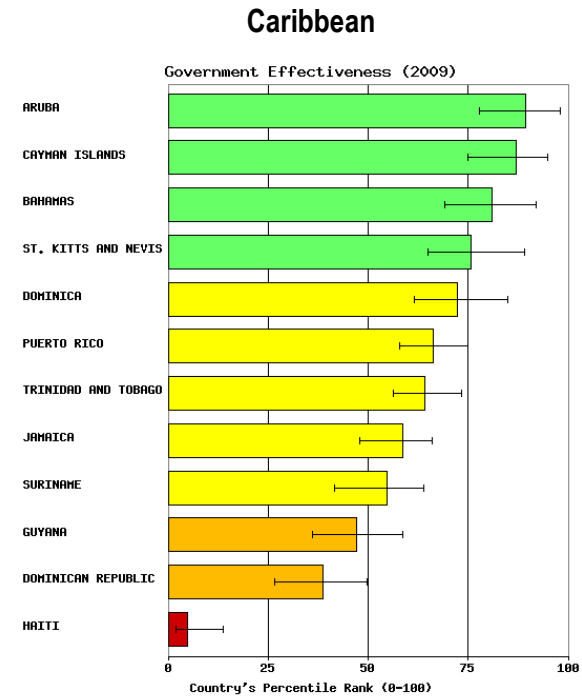
Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues
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²⁵ Note: Fiji not included as currently not an active PJDP country; and Federated States of Micronesia and Tokelau not included as no information on the WBGI website, http://info.worldbank.org/governance/wgi/mc_countries.asp

Government Effectiveness - capturing perceptions of the quality of public services, the quality of the civil service and the *degree of its independence from political pressures*, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.



Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues
Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The WGI do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources.



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Transparency International's Global Corruption Report - Corruption Perceptions Index 2009:²⁶

Pacific

Rank	Country/Territory	CPI 2009 Score	Surveys Used ²⁷	Confidence Range ²⁸
56	Samoa	4.5	3	3.3 - 5.3
95	Vanuatu	3.2	3	2.3 - 4.7
99	Tonga	3	3	2.6 - 3.3
111	Solomon Islands	2.8	3	2.3 - 3.3
111	Kiribati	2.8	3	2.3 - 3.3
154	Papua New Guinea	2.1	5	1.7 - 2.5

Caribbean

Rank	Country/Territory	CPI 2009 Score	Surveys Used	Confidence Range
34	Dominica	5.9	3	4.9 - 6.7
35	Puerto Rico	5.8	4	5.2 - 6.3
75	Suriname	3.7	3	3.0 - 4.7
79	Trinidad and Tobago	3.6	4	3.0 - 4.3
99	Jamaica	3	5	2.8 - 3.3
99	Dominican Republic	3	5	2.9 - 3.2
126	Guyana	2.6	4	2.5 - 2.7
168	Haiti	1.8	3	1.4 - 2.3

²⁶ Note: Fiji not included as currently not an active PJDP country; and Cook Islands; Federated States of Micronesia; Marshall Islands; Nauru; Niue; Palau; Tokelau; Tuvalu not included as no information on the Transparency International CPI website, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

²⁷ The CPI is based on 13 independent surveys. However, not all surveys include all countries. The surveys used column indicates how many surveys were relied upon to determine the score for that country.

²⁸ The confidence range indicates the reliability of the CPI scores and tells us that allowing for a margin of error, we can be 90% confident that the true score for this country lies within this range.

Annex Four - List of People / Organisations with Whom Discussions were Held

Judiciary:

Regionally:

- Chief Justice Patu Sapolu - Supreme Court of Samoa
- Chief Justice Lunabek - Supreme Court of Vanuatu
- Chief Justice Arthur Ngiraklsong - Supreme Court of Palau
- Tagaloa Donald Kerslake, President, Land & Titles Court, Samoa
- Justice Vui Clarence Nelson - Supreme Court of Samoa
- Associate Justice Kathleen Salii - Supreme Court of Palau
- Mr. Ming C. Leung Wai, Attorney General, Samoa
- Chief Registrar Manakovi Pahulu - Chief Registrar Supreme Court of Tonga
- John Obed Alilee - Chief Registrar of the Supreme Court of Vanuatu
- Francis Llecholch - Deputy Administrative Director Supreme Court of Palau

New Zealand:

- Justice Susan Glazebrook - Court of Appeal of New Zealand
- Judge Peter Boshier - Principal Family Court Judge of New Zealand
- Richard Moss - Director Institute of Judicial Studies
- Kieron McCarron - Judicial Administrator to the Chief Justice of New Zealand
- Judge Christopher Tuohy - District Court Judge

Australia:

- Chief Justice Spigelman - Supreme Court of New South Wales
- Justice Bennett - Federal Court of Australia, Chair of the International Development Committee (IDC)
- Warwick Soden - Principal Registrar/CEO of the Federal Court of Australia, Member of the IDC
- Justice Marshall, Victorian Registry - Federal Court of Australia, Member of the IDC
- Justice Barker - Federal Court of Australia
- Justice Bromberg - Federal Court of Australia
- Justice Perram - Federal Court of Australia
- Justice Reeves - Federal Court of Australia
- John Mathieson - Federal Court of Australia, Deputy Registrar
- Patricia Christie - Federal Court of Australia, District Registrar
- Katrina Bochner - Federal Court of Australia, Deputy District Registrar
- Chief Judge Blanch - District Court of New South Wales
- Judge Graeme Henson - Chief Magistrate of the Local Court of New South Wales
- Ernie Schmatt - Chief Executive, Judicial Commission of New South Wales

Additional Meetings:

Regionally:

- Lenore Hamilton - Director PaCLII
- Katherina Serrano - Lecturer USP Law School

New Zealand:

- Crown Law Office of New Zealand - Crown Counsel
- Law Commission of New Zealand - President and two Commissioners
- Pacific Judicial Development Expert (Enoka Puni)
- Victoria University: including - Dean, Professor, Associate Professor and Lecturers from the Faculty of Law, and Associate Professor from School of Government

Australia:

- Commonwealth Attorney Generals Department - International Legal Assistance Unit and Pacific Section (including PILON)
- National Judicial College of Australia - Director and Deputy Director

Donors:

New Zealand Ministry of Foreign Affairs and Trade:

- Craig Hawke - Director, Pacific Group
- Matthew Dalzell - Deputy Director, Pacific Group
- Ranmali Fernando - Development Programme Manager, Law & Justice/Security
- Leonard Chan - Development Programme Manager - Vanuatu, Pacific Group
- Cameron Cowan - Institutional Strengthening Adviser
- Matt Howell - Development Programme Manager - Solomon Islands, Pacific Group
- Elena Procuta - Development Programme Manager - Samoa, Pacific Group
- Mike Sansom - Development Programme Manager - Papua New Guinea, Pacific Group

- Peter Zwart - NZAID Manager, GoNZ MFAT Samoa
- Ms. Christine Saaga - Development Programme Coordinator, GoNZ MFAT Samoa
- John Claasen - Manager NZAID, GoNZ MFAT Port Vila

AusAID:

- Kirsten Bishop - Director, Law and Justice
- Corinne Tarnawsky - Law and Justice Focal Point, Pacific Branch

Annex Five - Development Needs Survey - Instrument Used

Note: the service users' survey was based on the questionnaire for judicial service providers', however it consisted of only 12 questions in three sections, namely: respondents' background; development and training needs; and assessment of the respondents' court.

JUDICIAL AND COURT DEVELOPMENT NEEDS

The Programme Executive Committee of the Pacific Judicial Development Programme (PJDP) comprises the Chief Justices of Pacific Island Countries, and represents the Chief Justices of the Pacific Judicial Conference. This Committee is directing a new phase of the PJDP which includes conducting a regional judicial and court development needs assessment.

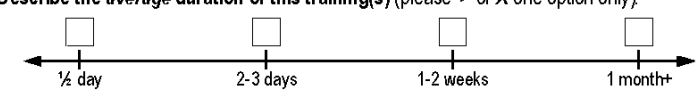
This *confidential* survey will identify the development needs of judicial officers, court managers and administration officers and magistrates (both those with and without formal legal training) across the region so that the programme can then address those needs.

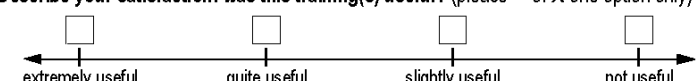
PART A - YOUR BACKGROUND

1. **What level is your court?** (please ✓ or X one option only):
 - Supreme/High/Appeal (superior)
 - District/Magistrates (subordinate)
 - Land/Island/Village/Community (customary)
2. **In which country is your court located?**
3. **Are you a** (please ✓ or X one option only):
 - Judicial Officer
 - Court Officer
 - Lay Magistrate
4. **Are you a** (please ✓ or X one option only):
 - Female
 - Male
5. **How many years have you served in this role?** (please ✓ or X one option only):
 - 0 - 2 years
 - 3 - 5 years
 - 6 - 10 years
 - 11+ years

PART B - YOUR TRAINING

6. **What is your top qualification?** (please ✓ or X one option only):
 - School certificate
 - Degree in law
 - Degree in other discipline (specify) ...
 - Postgraduate degree in law
 - Other qualification (specify) ...
7. **Identify what professional training you received before becoming a judicial officer, court officer or lay magistrate** (please ✓ or X each relevant option):
 - None
 - Criminal law and procedure
 - Civil law and procedure
 - Family law and procedure
 - Business/commercial law and procedure
 - Land and/or customary law and procedure
 - Court administration and case management
 - Professional skills (e.g. Decision making, dispute resolution, legal research, judgment writing, office administration, computer)
 - Judicial role and ethics
 - Human rights, gender equality and other cross-cutting themes
 - Other (please specify):
8. **Describe the average duration of this training(s)** (please ✓ or X one option only):


9. **Identify the principal training provider** (please ✓ or X one option only):
 - University / College
 - Government
 - PJDP / PJEP
 - Other Donor-funded Activity
10. **Describe your satisfaction: was this training(s) useful?** (please ✓ or X one option only)



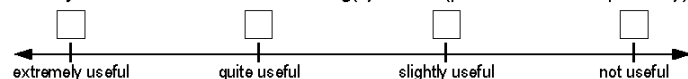
11. Identify what professional training you received after becoming a judicial officer, court officer or lay magistrate (please ✓ or X each relevant option):

- None
- Criminal law and procedure
- Civil law and procedure
- Family law and procedure
- Business/commercial law and procedure
- Land and/or customary law and procedure
- Court administration and case management
- Professional skills (e.g. Decision making, dispute resolution, legal research, judgment writing, office administration, computer)
- Judicial role and ethics
- Human rights, gender equality and other cross-cutting themes
- Other (please specify):

12. Identify the principal training provider (please ✓ or X one option only):

- University / College
- Government
- PJDP / PJEP
- Other Donor-funded Activity

13. Describe your satisfaction: was this training(s) useful? (please ✓ or X one option only)



14. Describe the cases in your court (please insert percentages to a total of 100):

• Criminal:	.....	%
• Civil:	.....	%
• Family:	.....	%
• Business:	.....	%
• Land/customary:	.....	%
• Other (please specify):	.....	%
Total:		100 %

PART C - YOUR ROLE AND TASKS

15. How do you spend your working time on average during the past month (please insert percentages to a total of 100):

• In court as judicial officer, court officer or lay magistrate:	.....	%
• Researching the law or preparing for hearings:	.....	%
• Consulting with professional colleagues:	.....	%
• Undertaking administrative tasks:	.....	%
• Undertaking professional development (please specify below):	.....	%
• Undertaking other professional activities (please specify below):	.....	%
Total Activities:		100 %

PART D - YOUR NEEDS

16. Do you think you have adequate access to the following professional resources? (please ✓ or X in either column of every line):

	Yes	No
• Statutes and regulations	<input type="checkbox"/>	<input type="checkbox"/>
• Texts books on law	<input type="checkbox"/>	<input type="checkbox"/>
• Written decisions of the Supreme/High Courts	<input type="checkbox"/>	<input type="checkbox"/>
• Materials on court practice + procedure	<input type="checkbox"/>	<input type="checkbox"/>
• Professional support/guidance	<input type="checkbox"/>	<input type="checkbox"/>

17. Rank the nature of your needs for training and development by order of importance (please insert one number in each box, from 1 "most important" to 7 "least important". Note: use each number only once):

- Acquire information on law and court procedures
- Acquire practical skills as judge or court officer or lay magistrate
- Improve understanding of your professional role
- Solve day-to-day problems in specific cases
- Keep up to date with new laws and latest developments
- Improve professional responsibility and ethics
- Other (please describe):

18. Rank the *content* for training and development by order of importance (please insert one number in each box, from 1 "most important" to 12 "least important". Note: use each number only once):

- Criminal law and procedure
- Civil law and procedure
- Family law and procedure
- Business/commercial law and procedure
- Land and/or customary law and procedure
- Court administration and case management
- Professional skills (e.g. decision-making, legal research, judgment writing)
- Judicial role, ethics and conduct
- Human rights, gender equality and/or other cross-cutting themes,
- Other (please describe, if needed): _____
- Other (please describe, if needed): _____
- Other (please describe, if needed): _____

19. Rank the *level* of training and development by order of importance (please insert one number in each box, from 1 "most important" to 4 "least important". Note: use each number only once):

- Induction (pre-service)
- Update/recent developments (in-service)
- Networking/experience sharing (in-service)
- Specialist expertise (eg forensic pathology, complex accounting ...)

20. Rank the *usefulness* of the following presenters/writers for training (please insert one number in each box, from 1 "most useful" to 3 "least useful". Note: use each number only once):

- Respected judges
- University teachers
- Other experts

21. Rank your preferred format for training and development (please insert one number in each box, from 1 "most preferred" to 4 "least preferred". Note: use each number only once):

- Formal lecture
- Participatory seminar/workshop
- On-the-job mentoring
- Self-directed research/reading

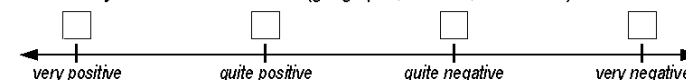
PART E - YOUR COURT

22. Do you need any other support or resources to perform your duties (if so, describe):

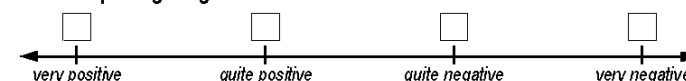
23. Assess the quality of justice in your court(s) in terms of:

(please ✓ or X one option only per line)

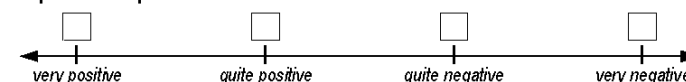
• Access to justice - lack of barriers (geographic, financial, cultural etc):



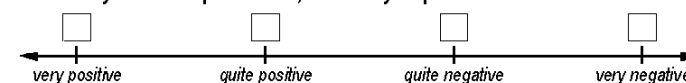
• Leadership and good governance:



• Expertise and professionalism:



• Efficient systems and procedures, and timely disposal of cases:



24. Any other comments about training and development:

Thank you for your responses, which will contribute to the new Programme!