



Pacific Judicial Development Programme Newsletter - *Issue 5*



Welcoming Remarks

Welcome back!

At the end of June, PJDP successfully completed all inputs under the 18-month Implementation Plan. We have now started implementing the 12-month Extension Plan that was approved at the fourth Programme Executive Committee (PEC) Meeting held in Apia, Samoa in April 2012. In addition, to scheduling activities with our partner courts, the first two activities have been completed the: Family Violence and Youth Justice Workshop, Koror, Palau; and Advanced-level Regional Training Team Curriculum Development and Project Management Workshop, Alotau, Papua New Guinea.

As always, the PJDP Team would like to thank all of our partners for their contributions and commitment to the Programme. We are anticipating another busy year ahead with many activities taking place and we look forward to continuing our collaboration with our colleagues across the region to ensure that all PJDP activities address each country's needs.

Dr. Livingston Armytage, *PJDP Team Leader*



Sunset at the Additional ToT Workshop, Rarotonga, Cook Islands - 27 February-9 March, 2012

End of 18-month Implementation Period

On 30 June, the PJDP completed the Phase 2 18 month Implementation Plan. In the period from January 2011 to June 2012, the Programme implemented all approved leadership, training, technical assistance and research projects, as well as seven additional technical and training activities.

A summary of the major achievements of this Phase can be found below:

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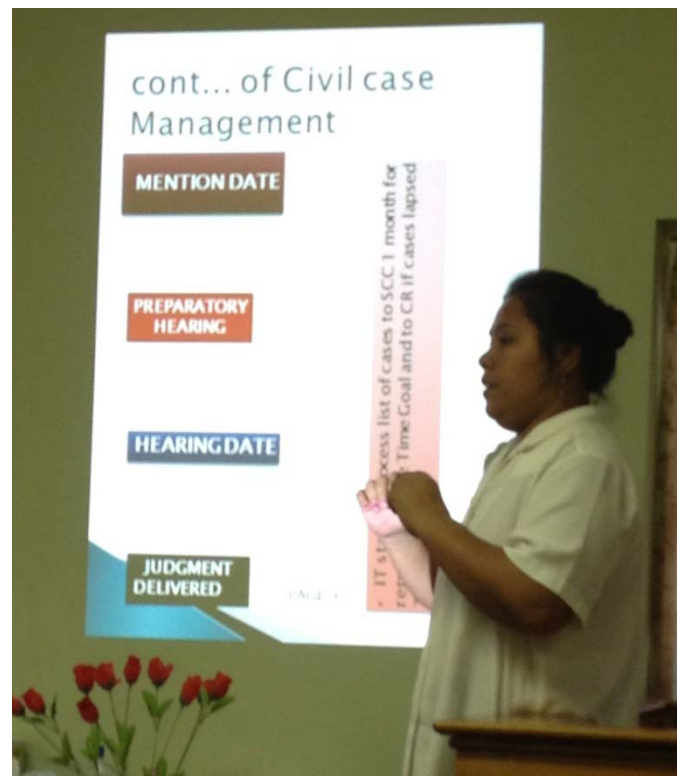
PJDP is implemented by the Federal Court of Australia with the support of New Zealand Ministry of Foreign Affairs and Trade



Summary of PJDP achievements during the 18-month Implementation Period

At the commencement of the 12-month Implementation Period, the PJDP sought to re-engage and restore momentum in implementation following a period where PJDP activities had been in hiatus. Regaining the confidence of the region's judicial leaders was achieved along with high levels of active engagement, cooperation and ownership among senior stakeholders throughout the period. In addition, key success areas where the PJDP provided support included:

1. *Judicial direction and leadership* - supported a forum for regional leadership and dialogue on judicial development at the level of Chief Justices, and devised a feasible future pathway for the improved sustainability, institutionalisation and funding of regional judicial development.
2. *Judicial partnerships* - created a strong working partnership between courts of the Pacific with the New Zealand and Australian judiciaries building and sharing expertise.
3. *Judicial transparency* - created the means to monitor and report on judicial performance, promoting transparency and accountability; strengthened public trust and confidence; and enabled the region's courts to track progress.
4. *Judicial integrity and accountability* - implemented the commitment of judicial leaders to improving standards by introducing codes of conduct.
5. *Judicial administration* - introduced an agreed approach to support national court / registry plans to improve judicial administration in PICs across the region.
6. *Access to justice* - developed an approach to integrate community justice needs into formal court reform to foster coherence, consistency and a greater opportunity for just outcomes for disputants.
7. *Regional/local trainers* - consolidated earlier training to accredit and mobilise the Regional Training Team (RTT) capable of assessing needs, designing and delivering training in all PICs.
8. *Core training products* - developed and piloted core training courseware, including judicial orientation, Pacific-focused Training-of-Trainers, and decision-making, among other activities.
9. *Capacity-building* - strengthening the capability to assess, plan, design, present, manage, monitor and evaluate programmes to develop judicial capacity in each PIC and across the region.
10. *Regional programme partnerships* - engaged with other Pacific regional activities such as: Pacific Prevention of Domestic Violence Program (PPDVP); PacLII; Regional Rights Resource Team (RRRT); and The World Bank's Justice for the Poor (J4P) Program, to disseminate information, develop links and establish partnerships.



Senior Court Clerk Temooa demonstrating new procedures developed during the recent visit to Kiribati of the Judicial Administration Adviser

Reports from the field - local PJDP activities

FAMILY VIOLENCE AND YOUTH JUSTICE WORKSHOP - PALAU: JULY, 2012

By Jelga Emiwo, Palau National Coordinator

The Palau Supreme Court through PJDP hosted a four-day workshop on Family Violence and Youth Justice from July 24-27 in Koror, Palau. Representatives from local government and non-governmental agencies shared data and perspectives from Palau, as well as engaged in discussions of trends seen across the Pacific. During the family violence portion of the conference, participants created a Memorandum of Understanding (MOU) addressing various principles.

The MOU notes that Palau's legislative body has before it a bill to address family and domestic violence, and it further states that it is: "...unclear when this proposed legislation will be prioritized and passed..." and that domestic violence "...is a significant issue which requires a cohesive and concerted response."

In the MOU, participants resolved "...to set out a clear pathway for the response to this violence and to acknowledge the intention of those entering into the memorandum, and to work according to an agreed protocol." The signatories "...accept that family/domestic violence is a significant issue in Palau, and adopt the declaration entered into by the Pacific Islands Chiefs of Police of twenty Pacific nations, including Palau, on October 11, 2007."



Round table discussion, Family Violence Workshop - Facilitated by Judge P. Boshier

The second half of the conference focused on youth justice, including: understanding brain development, successful practices in New Zealand, identification of solutions, and a discussion of action plans. At the conclusion of this portion of the conference, participants agreed upon a set of principles that could inform future legislation, including definitions of "juvenile" based on age, a desire to treat offending youths "consistent with custom and tradition," and guidelines concerning sentencing and rehabilitation of juveniles. The participants also executed an MOU that outlined specific responsibilities to improve coordination and services of agencies, including the Bureau of Public Safety, the Judiciary, and Attorney General's Office to provide greater access to diversionary programs and track progress of those efforts.



Panel discussion, Youth Justice Workshop.

Panel (from left to right): Judge C. Harding (standing); Ms. L. Mangham; Mr. A. Ngiraingas; Ms. P. Rengiil; Senior Judge H. Rudimch; Ms. L. Chin; Deputy Director Olegeriil; Mr. A. Marbou; and Ms. Victoria Roe (standing)

LEGAL PRACTITIONERS UNDERGO ADVOCACY TRAINING IN NAURU

By Peter Law, Nauru National Coordinator

The Nauru Judiciary recently conducted advocacy training for local legal practitioners with expert advice and experience from Australia. Barrister Ashley Halphen who is from Melbourne, Australia, comes with thirteen years' experience at the Victorian Bar. Mr Halphen arrived on the week of 18 June, 2012, and worked with Public Defender Knox Tolenoa and other legal practitioners involved in defence work.

Mr Halphen stated that he was delighted to be in Nauru and have the opportunity to work with local practitioners. He said; *"Advocacy is the art of persuasion. Like any art, developing skill is a lifelong experience. Only with commitment, courage and diligence comes a level of mastery."*

His advice and guidance in the areas of court preparation and the conduct of cases has been invaluable to the local practitioners. Mr Halphen also conducted an advocacy workshop on the 23 July with the participation of 15 people including members of the Nauru Police Force. Mr Halphen also ran a practical training session or moot court prior to his departure. "It's very important that we do the advocacy workshop and moot court. The way information is presented by counsel in court is very important for the Court's decision-making." Mr Halphen said.

Earlier in June (5-13 June) another advocacy training session was conducted that included the development of civil and criminal procedures manuals. Mr Guillaume Bailin who is an Associate to the Chief Judge of Victoria was accompanied by Mr Ben Franklin who is a researcher for the Chief Justice. Together they developed relevant procedures and manuals suitable for Nauru.



Participants (from left to right): Jacomina Tebouwa (Assistant Clerk of Court); Annette Cook (Chief Probation Officer); Elvani Teimitsi (Clerk of Court); Lena Porte (nee Batsiua - Clerk of Court); Irene Quadina (Assistant Clerk of Court); John Daigon Julius (Deputy Registrar); Guillaume Bailin (Associate to Chief Judge Rozenes of the Victorian County Court and training facilitator); Raellytta Daao (Librarian); Avenissa Demingauwe (Executive Secretary); Cynthia Dekarube (Reliever).

This was Mr Bailin's third trip to Nauru for training purposes supported by PJDP. During his latest trip he developed the 'Drop Box' for use by the judiciary which allows practitioners and staff to access the Court lists, judgements, decisions, rulings and Orders made by the Court. He also developed a Civil Procedure and Criminal Procedure Manual for Nauru which makes references to procedures and legislation.

The visit and training by Mr Bailin, Mr Franklin and Mr Halphen was the third advocacy training funded under the Pacific Judicial Development Programme (PJDP). The Chief Justice His Honour Geoffrey Eames QC and Registrar of the Supreme Court Peter Law obtained funding under the PJDP Responsive Fund.

'FOR THE RECORD' TRAINING, POHNPEI, FEDERATED STATES OF MICRONESIA

By Kapilly Capelle, FSM National Coordinator

The FSM Supreme Court conducted "For The Record" (FTR) training in Kolonia, Pohnpei from 5-7 June, 2012. FTR Recording Systems is a digital recording machine that allows audios that are recorded in court proceedings to be digitally stored/archived into computer file servers. With this new system, browsing and accessing of audios is much easier.

Instructor for the training was Mr. Mark D'Arcy of FTR Company, who has extensive knowledge and experience on the FTR recording systems. The training was coordinate by Chief Clerk Kohsak Keller and Director of Administration Mr. Kapilly Capelle of the FSM Supreme Court.

Participants included Assistant clerks of Court from FSM Supreme Court, Pohnpei Supreme Court, Chuuk State Supreme Court, and Yap State Court. As part of the FSM Supreme Court's effort in working with other Courts in neighbouring countries, an invitation was extended to their friends, the Republic of the Marshall Islands, to participate. Ms. Hemina Jack-Nysta and Mr. Travis Joe, both Assistant Clerks of Court from the Marshall Islands High Court, attended the training. During the three days participants were trained on using the FTR ReportDeck 2. This is the version of FTR Recording Machines that is currently used by most of the jurisdiction in the FSM and RMI. The participants were also exposed to the new FTR recorders currently released into the market, especially the FTR Touch.



M. D'Arcy (Presenter); K.M. Keller (Facilitator); G. Rungun; A. Soichy; S. Albert; J. Wichap; H. Narruhn; L. Pongliyab; J. Giley; K. Dereas; T.J. Joe; H. Jack-Nysta; L.A. Daniel; J. Carl; C. Welson; S. Helgen; R. Smith; M. Sue.

The training was funded by the PJDP Responsive Fund. The Supreme Court and the participants of the training were fortunate to have Mr. Mark D'Arcy, who traveled all the way from Australia, to be a presenter in the training on the FTR recording systems.

Advanced-level Regional Training Team (RTT) Curriculum Development and Project Management Workshop: 17-21 September, 2012 - Alotau, Papua New Guinea

The Advanced-level Regional Training Team (RTT) Curriculum Development and Project Management Workshop was attended by eighteen RTT members from ten PJDP partner courts. A team-teaching methodology was adopted, and each participant either led or co-facilitated a workshop session, as well as being actively involved in the sessions run by their fellow participants. The aims of the 5-day programme was to build upon earlier "Training-of-Trainers" certification-level training and to refresh and extend the knowledge and presentation skills of the selected RTT members. By the end of the workshop these objectives were successfully achieved, with participants acknowledging increased confidence as trainers

after having completed the training. As a result of the workshop all RTT trainers considered themselves better equipped with the knowledge, skills, approach and resources necessary to competently assess needs, design, present, manage and evaluate training programmes that will build capacity in their own country and/or region.



Back row, left to right: Chief Magistrate Mr Stephen Felix (Vanuatu); Mr. Darren Tohovaka (Niue); Justice Nicholas Kirriwom (PNG); Honourable Judge Dennis Yamase (Pohnpei, FSM); Mr. Lorenz Metzner (Australia); Dr. Livingston Armytage (Australia); Ms. Krystle Praestiin (Australia); Deputy Chief Justice Gibbs Salika (PNG); Mr. Tongia Keke (PNG); Chief Magistrate Mr. Leonard Maina (Solomon Islands).

Front row: Iotabu Tauedea (PNG); Mrs. Tangi Taoro (Cook Islands); Mr. Kapilly Capelle (Pohnpei, FSM); President Tagaloa D.C. Kerslake (Samoa); Senior Magistrate Mr. Afele Kitiana (Tuvalu); Ms. Salote Koloamatangi (Tonga); Principal Magistrate Mr. Stephen Oli (PNG); Chief Justice Sir Albert Palmer (Solomon Islands); Mr. Makea Tinirau Tupa (Cook Islands).

Front row: Mr. Edwin Amblus (Vanuatu); Ms. Regina Sagu (PNG); Ms. Allison Sengebau (Palau); Ms. Margaret Barron (Australia).

Schedule of activities - PJDP 12-month Extension Plan

While some activities have been held, below is a summary of the remaining regional activities to the end of June 2013:

- *Chief Justices' Leadership Workshop* - Honiara, Solomon Islands, 3-4 November 2012
- *Fifth PJDP Phase 2 PEC Meeting* - Honiara, Solomon Islands, 4-5 November 2012
- *Lay Orientation Training Workshop* - Port Vila, Vanuatu, 3-7 December, 2012
- *Capacity Building Training-of-Trainers Workshop* - Auckland, New Zealand, 25 February-8 March, 2013
- *National Coordinators' Leadership Workshop* - Auckland, New Zealand, 10-13 March, 2013
- *Chief Justices' Leadership Workshop* - Auckland, New Zealand, 13-16 March, 2013
- *Sixth PJDP Phase 2 PEC Meeting* - Auckland, New Zealand, 17-19 March, 2013
- *Lay Decision-Making Training Workshop* - Rarotonga, Cook Islands, 6-10 May, 2013

PJDP Website

The PJDP website is now also available through the Federal Court of Australia - <http://www.fedcourt.gov.au/pjdp>. While we continue to maintain the PJDP pages on PacLII - <http://www.paclii.org/pjdp/>, the new site however will allow the PJDP team to maintain the content and update it more regularly. We plan to include as much PJDP documentation on the website as possible, including the final 2011 Court Baseline Report that many of you will have received in hardcopy.

Comments and feedback

We welcome and appreciate comments from everyone involved in the PJDP. If you have any feedback please contact the:

- Project Officer, Ms. Krystle Praestiin at:
krystle.praestiin@fedcourt.gov.au.

Tel: (+ 61-2) 9230 8906

Fax: (+ 61-2) 9223 1906

Contributions to the Newsletter

We would greatly appreciate National Coordinators and RTT members sending us brief articles for possible inclusion in future editions of our newsletter.

We ask that you email us up to 250 words and two or three photos of an activity that has been supported by PJDP.

*Advanced-level Regional Training Team (RTT) Curriculum Development and Project Management Workshop:
Alotau, Papua New Guinea (17-21 September, 2012)*

