



# Pacific Judicial Development Programme Newsletter - *Issue 7*

December 2013

## Welcoming Remarks

Welcome back! We have been very busy over the last few months with a number of activities already taking place under the new 24-month Extension Phase. Three Family Violence and Youth Justice activities have already been held - in Samoa, Tonga and Vanuatu - as well as the Chief Justices' and National Coordinators' Leadership Workshops, and a Court Annual Reporting Workshop hosted by the Federal Court in Brisbane.

Our six toolkits were successfully launched mid-2013. These toolkits aim to support PJDP partner courts to undertake their judicial and court development activities at the local level by providing information and practical guidance on what to do. These toolkits are designed to support change by promoting the local use, management, ownership and sustainability of judicial development in PICs across the region. By developing and making available these resources, PJDP aims to build local capacity to enable partner courts to address local needs and reduce reliance on external donor and adviser support as much as possible. The toolkits have been made available on-line for the use of partner courts.

As always, the Team thanks all of our partners for their contributions and commitment to the Programme; in particular the Cook Islands, Samoa, Tonga and Vanuatu for hosting the recent regional activities. We anticipate another busy few months 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.

With the season's greetings to all from PJDP!

Dr. Livingston Armytage, *PJDP Team Leader*



5<sup>th</sup> Chief Justices' Leadership Workshop – Federal Court of Australia, Brisbane

**Front Row [left to right]:** Chief Justice Eames, Chief Justice Weston, Chief Justice Sapolu, Chief Justice Allsop, Chief Justice Sir John Muria, Chief Justice Lunabek, Chief Justice Yinug, Chief Justice Sir Albert Palmer

**Back Row [left to right]:** Lord Chief Justice Michael Scott, Chief Justice Ingram, Deputy Chief Justice Salika, Chief Justice Sir Gordon Ward, Chief Judge Isaac, Chief Justice Ngiraklsong



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



## Chief Justices' Leadership Workshop & National Coordinator's - Federal Court of Australia, Brisbane: 20-25 October, 2013

*5<sup>th</sup> Chief Justices' Leadership Workshop (23-25 October):* 13 Chief Justices attended the workshop in Brisbane. The meeting provided an opportunity for the Team to engage with the heads of the various Pacific Island Courts to: provide an update about activities; discuss progress being made on regional and bi-lateral activities; provide opportunities for Chief Justices to supply oversight, direction and feedback on activities; and to provide a forum for leadership dialogue and networking on judicial development. Overall satisfaction with the workshop was rated at 85%. Feedback provided by the Chief Justices expressed that the meeting was useful in "gaining appreciation of mutual problems and various strategies being adopted to deal with the problems," particularly how some of these problems are being addressed by the various PJDP activities and the benefits that these activities are providing to the courts implementing them.



### Back Row [Left to Right]:

Chief Justice Weston, Chief Judge Isaac, Chief Justice Allsop, Registrar Soden, Deputy Chief Justice Salika, Chief Justice Ingram, Chief Justice Sir Albert Palmer

An additional, positive outcome was the distribution of the published 2012 trend report, which prompted the Chief Justices to also authorise a media release expressing the valuable contribution of the PJDP Court Annual Reporting activity to their courts. According to court performance data "Pacific Courts are more accountable and transparent in 11 of 15 key indicators including case management, cost and accessibility and handling complaints<sup>1</sup>."

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<sup>1</sup> Media release "Courts in the Pacific improve Public Access to Court Annual Reports." To read more go to [http://www.fedcourt.gov.au/\\_data/assets/word\\_doc/0006/23829/Media-Release-201013.docx](http://www.fedcourt.gov.au/_data/assets/word_doc/0006/23829/Media-Release-201013.docx)

**5<sup>th</sup> National Coordinator's Leadership Workshop (20-22 October):** 14 National Coordinators attended the workshop in Brisbane. The meeting was intended to provide an opportunity to confirm and coordinate PJDP activities on a regional and bi-lateral basis; to provide an overview of the progress of activities and toolkits; and to enable interaction, exchange and building capacity to continue leading judicial development nationally. Overall satisfaction with the workshop was rated at 92%<sup>2</sup> with the participants reporting that the "sharing of information and learning from the other National Coordinators," as well as, learning more about the toolkits and how they can be used in their courts added great value to the overall experience of the meetings.



**Front Row [Left to Right]:** Acting Deputy Chief Magistrate Gauli, Principal Magistrate Mafi, Senior Magistrate Kitiona, Chief Magistrate Maina, Deputy Chief Justice Salika, Justice Nelson, Ms Taoro

**Back Row [Left to Right]:** Ms Praestiin, Ms Ehmann, Mr Julius, Ms Kabua, Ms Inabo, Dr Armytage, Ms Kuresa, Mr Amblus, Ms Mate (Kiribati); Mr Capelle



**5<sup>th</sup> Chief Justices' Leadership Workshop - Court Tour**

**First Photo [Left to Right]:** Chief Justice Lunabek, Justice May, Deputy Chief Justice Salika, Chief Justice Sapolu

**Second Photo [Left to Right]:** Lord Chief Justice Michael Scott, Justice Logan, Chief Justice Sir Gordon Ward

<sup>2</sup> Based on a response rate of 92.85%

## PJDP Postcard - Court Annual Reporting Workshop - Brisbane



### Greetings from the Court Annual Reporting Workshop!

*Ingrid and I are representing the High Court of the Republic of Marshall Islands and the Supreme and National Courts of Papua New Guinea together with 6 other Pacific Island Country courts to discuss issues relating to Court Annual Reporting. The workshop here in Brisbane is from 16-18 October, and the other countries participating are: the Federated States of Micronesia, Niue, Palau, Tonga, Tokelau, and Vanuatu.*



*For some courts producing an Annual Reporting has been on the agenda for some time now, whilst for other courts it is a new idea. Each of us have come to the workshop because we see the value that Annual Reporting will add to the work of our courts and for some of the countries present Annual Reporting was nominated by their courts' as a priority area at the Auckland Leadership Meetings in March 2013.*

*The aim of the workshop was to teach us about the purpose and importance of Annual Reporting as well as to get us started in pulling together information and producing reports for ourselves.*

*One particular area the Ingrid and I found interesting was learning about the role of Annual Reports to inform the Parliament and the public about what is done in our courts and as a key reference point for internal management and planning.*

*We all formed a great appreciation for the role of Annual Reports and the importance of collecting and putting together accurate and relevant information. We are leaving the workshop with much enthusiasm and energy to work on our respective Annual Reports.*

*We are eternally grateful to the workshop facilitators - Cate Sumner and Leisha Lister for what they have taught us and we look forward to producing our Annual Reports in the near future.*

*Best Regards,*

*Deputy Chief Justice Gibbs Salika & Ms. Ingrid Kabua, Chief Clerk of Courts*

## Family Violence and Youth Justice Activities – Vanuatu, Tonga & Samoa

Over the last few months three Family Violence and Youth Justice Activities have taken place. The first was a follow-up visit in Vanuatu. Since the initial workshop in February, Vanuatu has adopted some practical changes in its approach to family violence and youth justice matters. Some examples include: distinguishing young offenders and separating their cases from adult ones; formulating guidelines for handling juvenile cases; as well as agreeing that young offenders' cases are assigned a separate day in court from other cases.

The second activity took place in Tonga, coinciding with the passing of Tonga's Family Protection Act 2013, providing an opportunity for interagency discussion about the new legislation. The workshop was formally opened by Lord Chief Justice Michael Scott in the presence of High Commissioners of New Zealand and Australia. Joining the faculty were Mr Cam Ronald from the Pacific Prevention of Domestic Violence Program (PPDVP) and Ms Beth Nelson, a New Zealand expert on adoption, as well as a number of local presenters.

The third activity was in Samoa. This workshop was designed to provide training and resources to assist the Samoan Judiciary to appropriately interpret and apply the recently enacted Family Safety Act 2013, establish specialised Family Violence Courts and discuss the diversionary practices and the programmes available to juveniles under the Young Offenders Act 2007.

Additional Family Violence and Youth Justice workshops are due to be held in 2014 to assist participating PICs to respond more competently to Family Violence and Youth Justice issues.



From left:  
Principal Magistrate Stephen Felix, Magistrate Peter Moses, Chief Registrar John Obed Alilee and Judge Peter Boshier at the follow-up consultations in Port Vila Vanuatu

Presenters and participants at the conclusion of the workshop in Nuku'alofa, Tonga





**Above:** Presenters and participants at the workshop in Apia, Samoa. **Top row presenters:** Chief Justice Patu Sapulu, Ms Lope Ginnen (Brainwave Trust), Senior Sergeant Craig Kitto (Pacific Prevention of Domestic Violence Programme, PPDVP), and Justice Vaepule Va'ai

## Reports from the field - local PJDP activities

### VANUATU'S RESPONSIVE FUND ACTIVITY - CONSULTATION FORUM: 23 -24 MAY, 2013

A Consultation Forum towards Island Court Justice was held in Vanuatu between 23 -24 May. The aim of the Forum was to share and consult with relevant stakeholders about the draft content of the Island Court Manual so it could be edited, finalised and presented to the Chief Justice for approval. The Forum was attended by a committee of lay judicial officers.

The Manual is a long-term capacity building investment for the judiciary of Vanuatu. It will be used as a tool for training of clerks and lay justices of the Island Courts in the handling of disputes, many of whom have not received any prior training for the positions they hold.

They all look forward to being involved in the remaining stages of the project, such as translating the Manual into the national languages Bislama and French before printing and distributing it. It will be of immense benefit to the judiciary as a whole and to the Island Court Justices and Clerks and other Court users.

**Left to right: [Front row]** Edwin Amblus, Jimmy Tapasei (Island Court Justice) Christina Shedrak (Island Court secretary).

**[Back row]** Shemi Joel (Senior Administrator of the Island Court), Oliver Saksak (Judge of the Supreme Court), Anthony Lessy (Island Court Clerk), Colline Tete (Island Court Clerk) and Salote Kaimacuata (Child Specialist UNICEF).



## Lay Decision Making Workshop - Cook Islands: May, 2013

Professor James Raymond, a legal writing expert from the United States of America, along with The Hon. Justice Neil McKerracher of the Federal Court of Australia, facilitated a decision making workshop for lay judicial and court officers in Rarotonga, Cook Islands in May 2013. The first two days, May 6-7, focused on training the Regional Training Team (RTT) on developing skills as writing teachers, who in turn utilised these skills by co-facilitating sessions as group leaders on 7-10 May.

The second workshop, comprised participants from 11 Pacific Island Countries participating in presentations, group discussions and writing assignments to develop writing and reasoning skills, and subject matter and pedagogical expertise among the regional trainers. The workshops were well received by all participants who reported that the content and materials were both relevant and useful and that it was successful in building analytical and writing skills. Guest speakers included the Prime Minister of the Cook Islands, The Hon. Henry Puna, who was a part of the official welcome ceremony, as well as Chief Registrar, Ms Claudine Anguna-Henry, and Secretary of Justice, Mr Tingika Elikana. The New Zealand High Commissioner, His Excellency John Carter made closing remarks along with The Hon. Justice Neil McKerracher who officially closed the workshop.



Above: Participants at the Lay Decision Making Workshop

## Schedule of activities to June 2014

Below is a brief summary of the Regional activities scheduled up until June 2015:

- *Advanced Curriculum Development and Programme Management Workshop* - Koror, Palau, 25-29 November, 2013
- *Lay Decision-making workshop* - Port Vila, Vanuatu, 5-7 February, 2014
- *Law - trained Decision-making workshop* - Port Vila, Vanuatu, 10-12 February, 2014
- *6<sup>th</sup> Chief Justices' Leadership workshop* - Auckland, New Zealand, 6-8 March, 2014
- *8<sup>th</sup> Programme Executive Committee meeting* - Auckland, New Zealand, 13-15 March, 2014
- *Regional Lay Judicial Officer Orientation* - Honiara, Solomon Islands, 7-12 July, 2014
- *6<sup>th</sup> National Coordinators' Leadership workshop* - Rarotonga, Cook Islands 20-23, October, 2014
- *9<sup>th</sup> Programme Executive Committee meeting* - Rarotonga, Cook Islands 23-25, October, 2014
- *Regional Capacity Building Training-of-Trainers workshop* - Auckland, New Zealand 9-20, February, 2015
- *7<sup>th</sup> Chief Justices' Leadership workshop* - Apia, Samoa, 20-22 April, 2015
- *10<sup>th</sup> Programme Executive Meeting* - Apia, Samoa 23-25 April, 2015

## PJDP Website

The PJDP website is available both through the: Federal Court of Australia - <http://www.fedcourt.gov.au/pjdp>; PacLII - <http://www.paclii.org/pjdp/>.

In June PJDP launched six toolkits namely: Access to Justice; Annual Court Reporting; Time Standards; Codes of Judicial Conduct; National Judicial Development Committees; and Family Violence and Youth Justice Workshops. The toolkits are available at <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>.

Also available on the PJDP website is the recently published 2012 Court Trend Report (available at: <http://www.fedcourt.gov.au/pjdp/materials-developed/system-and-processes/PJDP-court-trend-report.docx>). The release has been distributed to all partner courts as well as with a media release being approved by Chief Justices which was released to selected Pacific, Australian, and New Zealand media outlets.

MFAT has also just recently released a feature article on the PJDP programme "*Strengthening justice across the Pacific*". If you are interested in reading this article please visit the following website: <http://www.aid.govt.nz/media-and-publications/development-stories/october-2013/strengthening-justice-across-pacific>

## Comments and feedback

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

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## Contributions to the PJDP 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. Or you may even want to write us a 'postcard' like the one you see on page 2.