



Pacific Judicial Development Programme Newsletter - *Issue 4*

Welcoming Remarks



Chief Justices' Leadership Workshop: Port Vila, Vanuatu (October 2011)

First row (left to right): Chief Justice Sir John Muria; Chief Justice Geoffrey Eames; Chief Justice Sir Albert Palmer; Chief Justice Vincent Lunabek; Chief Justice Patu Sapolu; Lord Chief Justice Michael Scott; Chief Justice Arthur Ngiraklsong; Chief Justice Martin Yinug.

Second row (left to right): Hannah Clua-Saunders; James McGovern; Dr Linn Hammergren; Deputy Chief Justice Gibbs Salika; Dr Livingston Armytage; Jennifer Ehmann; Cate Sumner; Kerin Pillans; Matthew Zurstrassen; Lorenz Metzner.

Welcome back!

The PJDP has had a busy few months with the successful completion of several activities. Since October 2011, we have eight activities have taken place in Cook Islands, Kiribati, Solomon Islands, Marshall Islands, Tonga, Vanuatu and Papua New Guinea.

In addition a number of regional activities have taken place including Programme Executive Committee (PEC) Meetings; a Chief Justices' Leadership Workshop and a National Coordinators' Leadership Workshop. Several training workshops have also taken place including: a Trainer-of-Trainers Certification Workshop in Auckland, New Zealand; a Capacity Building Trainer-of-Trainers Workshop in Rarotonga, Cook Islands and two Decision Making Workshops in Apia, Samoa.

We are pleased to report that has MFAT approved a 12-month extension for PJDP starting July 1, 2012. The Management Team in partnership with the National Coordinators' Working Group developed a draft 12-month Extension Plan, and this will be presented to the region's judicial leadership for discussion, refinement and ratification at the upcoming leadership workshops in late-March / early-April 2012.

As always, the PJDP Team thanks all of our partners for their contributions and commitment to the Programme. We anticipate another busy year ahead with many activities taking place and we look forward to continuing to work closely with our partner courts to ensure that all PJDP responds to each country's needs.

Dr. Livingston Armytage, *PJDP Team Leader*

*PJDP is implemented by the Federal Court of Australia
with the support of New Zealand MFAT.*



What we have done since October 2011

Regional Activities:

Third PJDP Phase 2 Programme Executive Committee Meeting - Port Vila, Vanuatu (15-17 October):

The third PEC Meeting was convened to provide an opportunity for the Programme's steering committee to discuss current issues, evaluate the overall progress of the Programme and provide feedback to the PJDP Team to reassess its strategic direction.

The Committee endorsed the recommendations of the Chief Justices' and National Coordinators' Leadership workshops, in particular with regards to the future direction of PJDP, namely:

"The ongoing emphasis of the PJDP should be to continue to provide a regional network for discussions of problems and models, capacity building in strategic planning, and the development of pilot activities as models for the other PICs to apply. They further noted that this emphasis should promote the sustainability of the Programme, flexibility and inclusiveness, and should also retain the Responsive Fund mechanism."

First PJDP Phase 2 Chief Justices' Leadership Workshop - Port Vila, Vanuatu (18-20 October): The Chief Justices' Leadership Workshop was attended by 9 Chief Justices which was a great turnout for the first Chief Justices meeting under PJDP Phase 2. Participants articulated high levels of interest in providing policy-level guidance, recommendations and leadership to the PJDP. The workshop's key objectives were substantially met with respondents giving an average rating of 77.78% for the practical value and usefulness of the workshop in judicial and court development. The next Chief Justices' Leadership Workshop is planned for March 2012.



Pacific Island Chief Justices and Deputy Chief Justice attending a Welcoming Ceremony at the Vanuatu Supreme Court

Right to left: Deputy Chief Justice Gibbs Salika; Chief Justice Arthur Ngiraklsong; Chief Justice Patu Sapolu; Chief Justice Geoffrey Eames; Chief Justice Sir John Muria; Chief Justice Martin Yinug; Chief Justice Sir Albert Palmer; Lord Chief Justice Michael Scott; Chief Justice Vincent Lunabek.

Extract of Opening Remarks to Chief Justices' Leadership Workshop in Vanuatu by Right Honourable Vincent Lunabek, Chief Justice of Vanuatu

"The Judiciaries of the Pacific region share a common history of diversity. Depending on which part of the Pacific one looks, there will be differences in systems, processes and approaches. Regionalism is not exclusive to judicial circles only as our respective governments adopt a regional approach in issues common to the region, ranging from economics to challenges of climate change."

In my humble view, the central issue for many, if not most of the Pacific Judiciaries is sustainability of the outcomes of the

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Pacific Judicial Development Program [PJDP]. The Leadership role of the Chief Justices in the region is paramount to the sustainability of the outcomes of the PJDP. The Leadership role of the Chief Justices at the national level and the regional level is crucial to the progressive development of the judiciaries of the region[...] There is no doubt in my mind that a regional approach to judicial leadership is imperative when faced with challenges. However, the crucial question is the balance between regionalism and national leadership. What are the challenges and needs that are best addressed by the national initiatives and which will be best suited for a regional approach? How will a regional body or program help with sustaining the outputs of a national institution? These are questions, I believe, that will require Chief Justices to provide leadership that discerns the needs of their judiciaries clearly and articulate the substance and approach of the necessary responses."

Second PJDP Phase 2 National Coordinators' Leadership Workshop - Port Vila, Vanuatu (12-14 October): This additional Workshop was held in response to requests from National Coordinators for additional opportunities interact. 14 National Coordinators attended. The Workshop enabled participants to coordinate PJDP activities on a regional and bi-lateral basis, foster familiarisation with projects and advisers, and encourage the exchange of experiences to build judicial development capacities nationally. The key objectives of the workshop were accomplished with respondents giving an average rating of 81.54% for relevance, 87.31% for effectiveness and 92.86% for overall satisfaction. The next Leadership Workshop is planned for March 2012.

Decision Making Training - Apia, Samoa (21-23 November; and 28-30 November): Two 3-day decision making training Workshops were held: one for lay (non law-trained); and one for law-trained Judicial and Court Officers. The Workshops were conducted by Prof. James Raymond and six members of the RTT as a joint faculty. 32 participants attended. Feedback indicates that participants considered that the training significantly increased their knowledge, skills and ability to write judgments clearly, with the combined satisfaction rating for the workshops at 86.74%.



Chief Justice Sapolu and Lay Decision Making Workshop Participants at a dinner hosted by the Chief Justice

Left to right: Judge Vaaelua Rimoni Vaaelua; Judge Luamanuvae Paleso'o Asera; James McGovern; Afele Kitona; Associate Judge Ronald Rdechor; Mr Davis Vurusu; Chief Justice Benjamin Rodriguez; Chief Justice Patu Sapolu; Leonard Maina; Lorenz Metzner; Prof James Raymond; Deputy President Faamausili Solo Brown; Judge Moses Peter Tangi Taoro; Mrs Sala Tapu; Commissioner Tifaole Ioane; Tyran Capelle; Teauama Ioteba Commissioner Togiavalu Pihigia; Judge Dennis Yamase; Ms Elvani Teimitsi, Mr Leonard Mesmin; Judge Tuitoga Ualesi Poe

Extract of Welcoming Remarks to Regional Lay Judicial & Court Officers Decision Making Workshop in Apia, Samoa by Right Honourable Patu F.M. Sapolu, Chief Justice of Samoa

" This is the first time that a Decision Making Workshop for Lay Judicial and Court Officers has been held under Phase 2 of the Pacific Judicial Development Programme and the first at a regional level. [...] The objectives of this Workshop are to develop writing and reasoning skills in preparing Court judgments and to develop the teaching expertise of regional judicial trainers in providing judicial education.

Simplicity, clarity, and conciseness should, in my opinion, be the goals of good legal writing. This is often something that is not easy to achieve particularly in judgment writing.

This Decision Making Workshop will be an opportunity for newly appointed judicial officers to gain new skills in decision making and judgment writing. It will also provide experienced judicial officers with a kind of 'refresher course' and provide them a useful opportunity to analyze how they have been making decisions, and provides ideas on how to refine their decision making and judgment writing skills and techniques."

Second and Third Training-of-Trainers (ToT) Workshop: A 5 day Advanced ToT workshop was held in Auckland, New Zealand in early December 2011. 13 participants completed the course and received a Certificate of Training Competence. The training was positively received with an average satisfaction rating at just under 88%. In addition, a 10-day Capacity Building ToT Workshop was recently completed in Rarotonga, Cook Islands. This is the first full programme under the PJDP's new ToT approach designed specifically to respond to local Pacific conditions and to maximise the potential to build training capacity. Participants were eligible to receive certification as either National or Regional trainers, with a total of 5 participants being certified as Regional Trainers.



Participants of the Cook Islands Capacity Building Trainer-of-Trainer Workshop

Top row (left to right): Commissioner Togiavalu Pihigia; Sister Bernadette Eberi; Makea Tupa; Carmen Temata; Latu Kuresa; Justice Rapi Vaai; John Kenning; Reverend Thierry Tapu; Prime Minister Honourable Henry Puna.

Bottom row (left to right): Hasinta Tabelual; Deputy Chief Magistrate Iova Geita; Justice Grace Leban; Chief Justice Sir Albert Palmer; Salote Koloamatangi; Sa'aga Teafa; Sister Bernadette Eberi; Margaret Barron; Makea Tupa; Enoke Puni.

In-country Activities - Responsive Fund:

The PJDP is supporting priority in-country activities in 12 of the 14 partner courts who applied for funding. The following activities have been approved:

- **Cook Islands** - development of an additional chapter on Decision Making and Judgment Writing: in coordination with the Benchbook Review and Development Project, a new chapter has been drafted by the PJDP's Decision Making Trainer, Prof. Jim Raymond. It is hoped that this document can also be used as a resource in all PICs benchbooks.
- **Federated States of Micronesia** - training on court recording equipment: training will be held in June for court staff from all states and the national court on the use and maintenance of 'For the Record' court recording equipment and to deal with problems as they occur. This will allow the recording system to be fully utilised for the first time since installation.
- **Kiribati** - launch of and training on the Code of Judicial Conduct (CoJC): the CoJC, developed earlier in Phase 2, was formally launched by the Chief Justice and training was held in December for 108 of Kiribati's 140 judicial officers. It was great to see that this important event also received the support of other donors - collegial interaction nationally directly contributes to strengthening both judicial competence and identity.

- **Marshall Islands - Preparation of annual court accounts, development of and training on financial management procedures:** A local consultant was hired to develop procedures and to train court staff on how to prepare the High Court's year-end accounts using the preparation of this year's accounts as a practical example. The Activity also included the development and documentation of court financial management processes so that a resource is available to court officers undertaking these activities in the future.
- **Marshall Islands - Training Court Bailiffs:** A local consultant was hired to develop the capacity of Bailiffs to undertake key aspects of their role. Both training and a resource manual focused on developing skills relating to: facility/personal security; court and jury management; reporting; and work-place professionalism
- **Nauru - Advocacy Training for Legal Practitioners:** was delivered in late October by two pro bono barristers from Melbourne, to improve the quality and capacity of practising advocates. Skills development focussed on included how to: analyse a case; build cross examination; sum up; present evidence effectively; and make submissions in mitigation.
- **Nauru - Training for legal practitioners and Registry Systems Development and Training:** The Associate to the Chief Judge of the County Court in Victoria visited Nauru in March to establish and document court processes designed to improve efficiencies and reliability. A positive aspect of this activity, which it is hoped will lead to greater sustainability, is that the Associate along with a researcher will return to Nauru to assess progress, embed the new processes provide further training and support to court staff.
- **Niue - Registry Development Attachment/Planning:** Two registry officials from the High Court spent two weeks attached to the Maori Land Court in Rotorua, New Zealand, with the aim of assisting the High Court to make improvements to its case file management practices and procedures. As part of the activity an assessment of current systems was undertaken, and a report on recommended improvements presented to the Chief Justice following the attachment.
- **Papua New Guinea - Training for Court Interpreters:** The training for 15 interpreters was co-funded with the PNG Centre for Judicial Excellence and held in early February. The training was led by a PJDP-trained Regional Training Team (RTT) member, and supported by two other judicial officers and a linguist. The activity focussed on: appropriate language terminologies; the use of appropriate gender and humans rights terms; and a refresher of interpreting skills.
- **Solomon Islands - Decision-Making Training:** A PJDP-trained RTT member from the Solomon Islands will lead the local team of trainers to train judicial and court officers in using a well-established method for decision making and writing well-



*CoJC Project:
Undertaking Island
Court Training*



reasoned judgments in criminal, civil and customary land cases. The structure and content of the workshop has been informed by the earlier Decision-making Training held under the PJDP by Prof. James Raymond, which the RTT member attended, with the content of the training in Solomon Islands now being adapted to the local conditions.

- **Tokelau - Training for Law Commissioners, Police and Court Officers:** The Law Commissioners' workshop was held in August and focused on confirmed Commissioners' role and interaction with others in the court. The workshops for Police and Court Officers, focusing on each group's role in the administration of justice in Tokelau, is scheduled to take place in June.

- **Tonga - Training for Court Officers:** The training was held in mid-March and focused on updating staff on changes in policies and internal procedures that have recently been introduced.
- **Tonga - Training for Court Interpreters:** This workshop was held in February for 9 court interpreters with the aim of improving their capacity to translate court proceedings and documents. Key outcomes were the development of a 'Glossary for Interpreters', and the translation of the Judicial Code of Conduct.
- **Tonga - Training for Land Court Assessors:** 5 of Tonga's 7 Land Court Assessors attended the workshop. The training successfully developed the understanding of participants about their role, functions and the standards of performance that they need to maintain when assisting a judge with explanations or advice on a matters of Tongan custom or usage.



Facilitators and Participants at the Training for Court Interpreters, Tonga

Left to right: *Linida Manu; Hortensie Ngaalu; Ana K. Tupou; Manakovi Pahulu; Salote Koloamatangi; Jennifer Ehmann; Salote Veikune; Vaillami Fotu*

- **Tuvalu - Training on the CoJC and Decision-Making:** the local PJDP-trained RTT member will conduct this training in April across 8 islands for both magistrates in both the Island and Lands Courts. A one day training programme was held in each island and focused on: the importance of the new CoJC and how this should guide how participants conduct themselves; and how to make a decision and structure a judgment clearly and concisely.
- **Vanuatu - Judicial Training:** The training for Magistrates will focus on: ethics; land law; customary law and property law. The training supported ongoing judicial development in Vanuatu which is a key priority for the court in providing quality justice services.

In-country Activities - PJDP Adviser Facilitated:

Cook Islands Benchbook Review and Development Project: The Benchbook Editor, Mr. Chris Roper worked closely with the local writing team to revise the Benchbook to ensure it is an accurate and comprehensive guide for judicial officers. The local writing team comprised: Senior Resident JP, Mr. John Kenning; Former Registrar, Mr. Nooapii Tearea; Senior JP, Ms. Tangi Taoro; and with the support of a number of other JPs and court staff. The Bench Book has now also been published and user training completed.

Customary Dispute Resolution (CDR) Research Project: Based on in-country consultation and research the final report and recommendations for harmonisation customary and formal justice mechanisms in the region is complete and has been endorsed by the PEC, the region's Chief Justices and National Coordinators.

Judicial Administration Diagnostic Project: Based on in-country consultations and research judicial administration plans have been developed with, and approved by counterparts in the Solomon Islands, Tonga, and Vanuatu. Our adviser, Ms. Jennifer Ehmann, has also developed recommendations relating to a regional approach to registry systems and processes development in the future which was endorsed by the PEC, the region's Chief Justices and National Coordinators.

Judicial Monitoring and Evaluation Project: Our adviser, Ms. Cate Sumner, collaborated with counterparts from 11 of the 14 Pacific Island countries participating in the PJDP to compile information on judicial performance and consultation with judges and court support staff. Final consultations with Tokelauan counterpart will be held in June. The Interim Baseline Data Report and Regional Performance Framework have been completed and endorsed by the PEC, the region's Chief Justices and National Coordinators.

Institutionalisation of PJDP: Since finalising paper detailing options for institutionalising judicial development in the region, Dr. Linn Hammergren has developed an additional paper about the sustainability of judicial development in the region. This paper has been endorsed by the PEC, the region's Chief Justices and National Coordinators.

New technical advisers and experts



Since our last newsletter, the **Bench Book Editor for the Revision of the Cook Islands Benchbook** has been appointed. Mr Christopher Roper has been involved in practical legal training and judicial education for over 35 years. He is a solicitor of the Supreme Court of NSW and a barrister and solicitor of the Supreme Court of Victoria. Chris lead a weeklong series of round table discussions in the Cook Islands with local justices and other stakeholders in mid-February to ensure the new benchbook reflects current practice and is as useful as possible. He has contributed to several development projects in the Pacific as well as designed and delivered judicial education projects in Australia, Cambodia, the Solomon Islands and East Timor. Mr Roper has held several leadership positions in the legal arena namely Director of the Leo Cussen Institute in Melbourne, the College of Law in Sydney, the Centre for Legal Education and Secretary of the Judicial Conference of Australia. In 1999, Christopher Roper was made a Member of the Order of Australia for his services to continuing legal education.

What we are doing to June 2012

A number of activities will take place over the coming months. All partner judiciaries that have not yet submitted an application to the Responsive Fund, we urge you to do so as soon as possible to enable your priority activities to be delivered and completed before the end of April this year.

Key activities that remain to be completed include:

- Finalisation and contracting related to the Extension Plan for the 12-month extension from 1 July 2012-30 June 2013;
- An additional Capacity Building Training-of-Trainers Workshop - Auckland, New Zealand (4-15 June);
- Finalisation of all active Responsive Fund Activities; and
- Completion reporting and financial acquittals for the 18-month implementation period.

Comments and feedback

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

- International Programmes Manager, Mr. Lorenz Metzner at: lorenz.metzner@fedcourt.gov.au; or
- Project Coordinator, Ms. Hannah Clua-Saunders at: hannah.clua-saunders@fedcourt.gov.au.

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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.