

Pacific Judicial Strengthening Initiative Newsletter

Issue 3 | August 2018

WELCOMING REMARKS

In this Issue of the Pacific Judicial Strengthening Initiative (PJSI) newsletter we reflect on 2017 and highlight achievements made thus far in 2018. Two regional workshops and 5 local activities delivered across 6 Pacific Island countries brought us to the end of 2017 and past the halfway point of the Initiative's implementation period! 2018 picked up right where 2017 left off - the first half of the year has been extremely eventful with 2 regional workshops and 4 local activities delivered across 6 Pacific Island countries! PJSI would also like to welcome new members to the team, who you can find out more about below.



- *Dr Livingston Armytage*

NEW CERTIFICATE OF JUSTICE

PJSI collaborated with the [University of South Pacific's School of Law](#) which proudly launched a new Certificate of Justice in February 2018.

The purpose of this Certificate is to raise the competence levels of new and existing lay court actors, by providing an induction to the justice system, the role of courts and the function of law.

Specifically designed for lay adjudicators (Village and Island Court Magistrates, Justices of the Peace and Land Commissioners); and court administrators (court clerks, registry staff and/or judges' associates), the Certificate enables professionals to gain a stronger understanding of the Pacific justice system.

On completion of this Certificate, a student will gain the ability to:

- Describe the role of the courts within the legal system and constitutional framework;
- Describe principles of justice, including fair trial, within the context of Pacific courts;
- Discuss how the principles of professionalism and ethics affect the work of Pacific courts;
- Explain basic principles of criminal and civil law and procedure; and
- Use legal reasoning to decide simple disputes in criminal and civil law and procedure.

REDUCED DELAYS IN PALAU SUPREME COURT



Efficiency Workshop, Palau

PJSI Efficiency Adviser, Jennifer Ackers visited Palau in June 2017 and August 2018 to lead an efficiency assessment; deliver efficiency training to 33 staff of the Palau Supreme Court; and in August 2018 undertake a follow-up assessment of progress. Jennifer spent time analysing the Supreme Court's systems and processes in order to provide tailored training on how to improve and implement efficiency plans. The workshop was successful in reducing delay and increasing efficiency by creating new monitoring and reporting tools for continual improvement.

The workshop resulted in the development of **17 Time Goals** for all case types across all jurisdictions (excepting the Court of Appeal), development of an **Efficiency Improvement Plan** as well as enhanced tools for **improved communication** between Judges and staff. A follow-up visit was undertaken in August 2018 which reviewed progress and provided an updated Improvement Plan.



Palau Supreme Court Workshop Participants

"...thank you very much for a fantastic workshop. I really learned a lot from it and am truly grateful that you came and worked with us on improving our efficiency."

- Court Clerk, Palau

CHIEF JUSTICES' MEET IN AUCKLAND

3rd Chief Justices' Leadership Forum and 4th IEC, Auckland

From the 16-18 April this year, the Honourable Chief Justice Dame Sian Elias of New Zealand, as represented by Justice Helen Winkelmann hosted a high-level Forum of Chief Justices in Auckland. The Forum was attended by



3rd Chief Justices' Leadership Forum Attendees

13 Chief Justices or their representatives.

The fourth IEC was held on 19 April and attendees reviewed PJSI progress, provided feedback and direction.

Noting the positive progress of the USP Certificate of Justice, plans were also laid for future initiatives.



Greetings from the Lay Judicial Orientation Course

Halo olketa!

My name is Metolooa Silou POILAPA (Meto). I am a current Justice of Efate Island Court, the main Island where Port Vila, the Capital city of Vanuatu is situated. This was the first time I participated in a PJSI course.

I really enjoyed the Orientation Course and have learnt so much from the professional facilitators and exchange of experiences from other colleagues. As a regional course, its emphasis on the development of generic judicial knowledge, abilities, skills, and attitudes, rather than jurisdiction-specific law and procedures was very beneficial, as it was not something I had ever thought about.

I would like to express my appreciation to PJSI for the successful initiative and now I realise why the name has been changed from PJDP to PJSI. I must mention this because I also learned from this course that two of our neighbouring Pacific Island Countries (PICs) did not participate, simply because they do not have Lay Judicial Officers. Even some of the countries that participated have limited resources and their performance strength under their jurisdictions are quite limited. This signals the importance of PIC neighbours to assist each other to strengthen judicial identity and develop a regional professional resource network to engage others to participate in any future regional workshops, including building the capacity of local judicial officers.

Upon successful completion and receiving of the certificate, I felt strengthened. I will apply these new skills to improve on my weaknesses and to perform effectively, independently and efficiently to the best of my ability with more confidence in delivering quality justice. I do hope that this programme assistance will continuously engage us in all Pacific countries and wish all the best to the PJSI staff for their committed future endeavours. Tank yu tumas!

Metolooa Silou POILAPA

Justice, Efate Island Court, Port Vila, Vanuatu



FIRST EVER COURT WORKSHOPS ON HUMAN RIGHTS IN PAPUA NEW GUINEA



Local Human Rights Visit, Papua New Guinea

PJSI Human Rights Adviser, Dr Carolyn Graydon, lead two workshops in Port Moresby November 2017. A total of **82 participants attended** the workshops, one for the District Court Magistrates, and the other for National Court Judges. As the first ever court workshop on human rights held in PNG, these workshops provided an introduction to

human rights to complement other human rights-strengthening initiatives throughout the courts.

Participants learnt about the applicability of human rights to court practices, the roles and responsibilities of magistrates and judges in administering justice, and how international human rights treaties interact with domestic legal systems.

The workshops also identified barriers affecting access to justice, as well as difficult areas for applying human rights. This raised awareness of current court practices in PNG, and explored strategies for overcoming issues in court practice and resolving conflicts between customary law practices and human rights.

CHIEF JUSTICE PAULSEN ON JUDICIAL LEADERSHIP

LEADERSHIP WORKSHOP, TONGA

A three day PJSI leadership workshop was held in Nuku'alofa, Tonga. Senior Judiciary Staff and Court Officers from all around the Pacific attended the workshop. The workshop explored the meaning of judicial leadership in the South Pacific and globally. There was a particular emphasis to consider the drivers of change that are facing the courts of the South Pacific and the impact that these may have on the core values and operations of those courts. The workshop also discussed leadership approaches and tools to guide the judiciary successfully through turbulent times.

Attendees had the pleasure of hearing Chief Justice Paulsen from Tonga speak about reasons why judicial leadership demands restraint. It was a thought provoking speech that provided insight into his first three years as a Chief Justice.

"I have come to believe that judicial leadership differs from other forms of leadership such a leadership in politics or business. There is one aspect of judicial leadership that particularly resonates with me that I wish to mention. I consider it goes to the

core of what it means to be a leader as a Judge or Judicial officer.

If I was to state this aspect as a broad principle it would be this: 'judicial leadership demands restraint'.

The principal role of a judge is to try cases and dispense justice as between parties to litigation. Whilst we all live in countries which accept the principle of Parliamentary sovereignty it is the Judges that interpret and develop the law. Sir Peter Gross, a Lord Justice of Appeal of England and Wales, recently said in his Gresham College Lecture that:

'There is little or no area of our law that is not the product of judicial decision making. The Courts weave out of individual disputes, precedent, statute and where appropriate decisions and developments from other jurisdictions, a system law that is capable of adapting to the needs of a changing society.'

I am sure that what can be said for the position in England and Wales applies equally in the countries that we come from.

Judges then play a central role, and indeed often

lead the way, developing and refining the law. They shape the communities that they serve. That is to my mind a solemn responsibility. It is the responsibility to sometimes make bold and creative decisions but more importantly to make decisions with restraint; to strike a balance so as not to change society in any fundamental way but to reflect the needs, beliefs and conditions of society as it evolves.

Judicial restraint in my view engenders respect and belief in the rule of law and one cannot overestimate the importance of the rule of law to the maintenance of order in society. It is often said that the judiciary is the guarantor of the rule of law. As such it plays a crucial domestic role. If people do not believe that they can come to the Courts and receive a fair and independent hearing from impartial Judges they will look for other less suitable means to resolve their grievances."



Chief Justice Paulsen and New Zealand High Commissioner Sarah Walsh delivering opening remarks

NEW TOOLKITS!

PJSI is delighted to announce six new additions to our Toolkit Resources!

The [Human Rights Toolkit](#) provides partner courts with an over-arching perspective on how human rights principles can link together across multiple aspects of courts' work. The [Gender and Family Violence Toolkit](#) provides practical approaches to assist partner courts in assessing how accessible and responsive their court services are to victims of violence.

The [Judicial Orientation Session Planning Toolkit](#) assists faculty members to prepare their sessions as part of the PJSI's Judicial Orientation activities.

The recent 2018 update to the [Annual Court Reporting Toolkit](#) provides practical approaches to reporting and drafting annual reports.

Coming Soon!

An **Efficiency Toolkit** that assists courts to increase their ability to efficiently manage the disposal of cases in a way that is justice, timely and fair.

A **Judicial Mentoring Toolkit** is currently being developed.

The Toolkits can be found and downloaded on the PJSI website at: <http://www.fedcourt.gov.au/pjsi/resources/toolkits>

PJSI SPENDS MARCH IN THE MARSHALL ISLANDS!



Access to Justice Visit

The Honourable Chief Justice Carl Ingram and PJSI hosted a local Access to Justice Workshop in Majuro, Marshall Islands. The Workshop was attended by **50 members** of the community including **prosecutors, defenders and members of the bar** together with the **judges and court staff** from the High, District and Traditional Rights Courts

of the Marshall Islands. The aim of the workshop was to provide outreach and an opportunity for the community to supply feedback to address unmet needs to improve the quality of the justice administered by the courts. The workshop provided a valuable forum to exchange experience and assess public satisfaction with access to justice and court services.



A community meeting in Mejjatto

WELCOME TO THE TEAM!

Ms. Megan O'Brien

Megan is our **International Performance Framework Expert** - responsible for extending data collection, collation, analysis and reporting, and harmonising new internationally recognised performance measurement approaches with the established Cook Island Indicator Framework. With over 15 years of experience nationally and internationally she is a valuable asset to the team.



Mr. Joseph R. Sawyer

Joseph joins us as a **Remote Delivery Expert** - responsible for developing and implementing remote and/or blended delivery strategies and resources to support the implementation of PJSI activities. As a celebrated author and educator, Joseph has provided training on methods of online education and training on technological infrastructure in courtrooms.

Mr. Tony Lansdell

Information and Communications Technology (ICT) Adviser, Tony, is responsible for the development of an ICT Scoping Paper to provide PJSI partner courts with guidance and options relating to existing ICT, and with recommendations on practical 'next steps' for developing ICT capacity. Tony brings over 23 years' experience with courts in Australia, the Pacific, SE Asia, Africa and central Asia to his role in the team.



GENERAL INFORMATION

Upcoming Activities

A number of upcoming activities are scheduled, including:

- *Gender & Family Violence Visit: Vanuatu, 6-17 August*
- *Local Orientation Visit: Kiribati, 12-21 Sept*
- *5th Initiative Executive Committee Meeting: 27 Sept (Remote)*
- *Efficiency Output Visit: Niue, 5 - 16 Nov*
- *Judicial Leadership Workshop II: Auckland, 19-21 Sept*
- *Building Capacity in Managing Court Data Workshop: PNG, 26-30 Nov*
- *Gender & Family Violence Visit: Palau, 12-23 Nov*

Leadership Incentive Fund (LIF)

The LIF aims to support the achievement of national courts objectives. The seventh round of LIF applications for *PJSI Partner Courts* is open from 1 August – 30 September, 2018. Please email your applications to:

nicole.cherry@fedcourt.gov.au

Comments and Feedback

We welcome and appreciate comments or contributions from everyone involved in the PJSI. If you have any feedback or require further information please contact our PJSI team on: pjsi@fedcourt.gov.au

For a complete list of upcoming PJSI activities and locations, please visit our website: <http://www.fedcourt.gov.au/pjsi>