



Pacific Judicial
Integrity Program

Managing and Reporting on Fraud and Corruption Cases Online Course

Via Zoom 20 & 27 July, 3 & 10 August 2023



**FEDERAL COURT
OF AUSTRALIA**



Papua New Guinea
Centre for Judicial Excellence



Session 1: Course Introduction

Thursday 20 July 2023

Session 1 - Agenda



1. Welcome & Course Introduction (30 minutes)
2. Presentation on Ethics, Fraud & Corruption (30 minutes)
3. Discussion Questions (20-30 minutes)
4. Introduction to next week's session (5 minutes)
5. Session Wrap-Up (5 minutes)

Pacific Judicial Integrity Program



- Funded by the Australian Government
- Implemented in partnership between the Papua New Guinea Centre for Judicial Excellence & the Federal Court of Australia
- Working with 12 partner courts
- March 2022-April 2025



**FEDERAL COURT
OF AUSTRALIA**



Papua New Guinea
Centre for Judicial Excellence

Goal and Outcomes



- To support registrars and court officers to manage and report on fraud and corruption-related cases
- Specialist in-person and online training
- Mentoring, networking and resources

Website

URL: <https://www.fedcourt.gov.au/pjip>



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The Pacific Judicial Integrity Program (PJIP) launched in March of 2022 for three years. Funded by the [Australian Department of Foreign Affairs and Trade](#), it is being delivered in partnership by the [Federal Court of Australia](#) and [Papua New Guinea's Centre for Judicial Excellence \(PNGCJE\)](#). The Program collaborates with 12 Pacific Island partner nations: Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga and Vanuatu.

The program aims to strengthen partner courts response to corruption-related cases through a suite of specialist training, mentoring and other development activities. The Program also aims to promote efficiencies and effective case management and reporting of corruption-related cases.

Pacific Judicial Network Newsletter

Stay updated and receive quarterly communiques on fraud and corruption resources and upcoming events.

Required fields are marked with an asterisk (*).

Name .*

Email .*



Participants of PJIP's inaugural Judicial Officers' Fraud and Corruption Workshop in Papua New Guinea, December 2022

Website

URL: <https://www.fedcourt.gov.au/pjip>



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Court Officers Fraud and Corruption Online Course

The objective of this online specialist training course is to increase the knowledge and skills of Registrars and Court Officers who directly assist Judges to manage and report on fraud and corruption-related cases.

At the conclusion of this Online Course participating Registrars and Court Officers will be able to:

- Identify and apply ethical principles to practical examples that relate to the management of fraud and corruption-related cases;
- Identify and explain how fraud and corruption-related cases can be effectively managed;
- Identify the documents and evidence required for particular fraud and corruption-related cases
- Develop competency in case management of fraud and corruption-related cases;
- Identify and record important data regarding fraud and corruption related cases; and
- Share and exchange experiences.

Recognising that it is not always possible for Registrars and Court Officers to be available to attend in-person training, we developed an online training course enabling Registrars and Court Officers from across the region to learn remotely and at their own pace over four weeks. The course covers the following topics:

Website

URL: <https://www.fedcourt.gov.au/pjip>



Week 1: Ethics, Fraud and Corruption Related Offences

Part 1 - Introduction to the course outline, objectives, learning outcomes and an overview of the relevant resource pages on the PJIP website.

Part 2 - Presentation by Judicial Registrar of the Federal Court of Australia, Jo Wilson and Assistant Registrar of Crimes of the National Court of Papua New Guinea, Victoria Belo on *ethics and fraud/corruption* in the Pacific. The presentation discusses the following topics:

- Definitions of 'ethics' and 'integrity'
- Why are ethical standards important
- Federal Court of Australia Ethical Framework
- Federal Court of Australia Code of Conduct
- Code of Conduct covers professional conduct, conflicts of interest and use of court resources
- APS Values in Public Service Act 1999 (Cwlth)
- Ethical Decision Making
- The REFLECT Ethical Decision Making Model
- Fraud and Corruption related cases
- PNG Fraud and Corruption Track and Registry
- Types of offences under the Criminal Practice (Fraud & Corruption Related Offences) Rules 2013

Presentations

Readings

- [Discussion Questions](#)
- [Action Plan Template](#)
- [Integrity in the Australian Public Service](#)
- [Australian Public Service Values and Code of Conduct](#)
- [Public Service Act 1999 \(Cth\)](#)

Additional resources

- [Australian Government, DFAT, Ethics, Integrity and Professional Standards Policy Manual, Chapter 3, Values and Codes of Conduct](#)
- [Australian Government, DFAT, Ethics, Integrity and Professional Standards Policy Manual, Chapter 4, Conduct, Ethics and Fraud Training](#)

Using Zoom – The Basics



This button mutes your audio, so that no one can hear you

This button allows you to choose to display your webcam, or not

This button lists all of the participants in the Zoom meeting

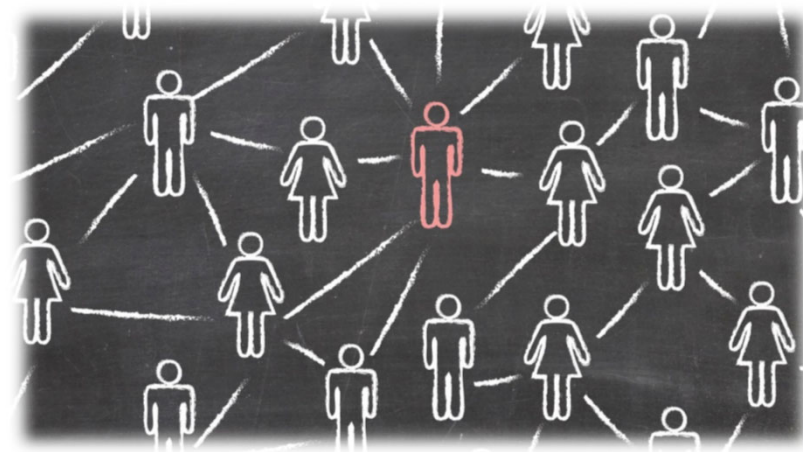
This button allows you to text chat with all the participants

This button allows you to share your phone or computer screen with the other participants

Introductions



- Please introduce yourself and what court you are from?
- Is there a particular question that you would like answered regarding a court officer's role with respect to managing and reporting on fraud and corruption related cases from this online course?
- Introduction of the course presenters



Objective of the Online Course



The objective of this online specialist training course is to increase the knowledge and skills of registrars, judicial associates and court officers who directly assist Judges to manage and report on fraud and corruption-related cases.



Outcomes of the Online Course



At the conclusion of this online course participating Court Officers will be able to:

- identify and apply ethical principles to practical examples that relate to the management of fraud and corruption-related cases;
- identify and explain how fraud and corruption-related cases can be effectively managed;
- identify the documents and evidence required for particular fraud and corruption-related cases;
- develop competency in case management of fraud and corruption-related cases;
- identify and record important data regarding fraud and corruption-related cases; and
- share and exchange experiences.

Online Course



- Live online sessions each Thursday afternoon for 2 hours for 4 weeks on Zoom
- First session **Thursday 20 July 2023**
- You will be emailed a link and instructions to access the weekly online sessions
- The course will focus on two (Fraud and Bribery) of the five identified most prevalent fraud and corruption-related case types/categories heard across the Pacific.



Online Session Topics



Session

Topic & Facilitator

Session 1: *Thursday 20 July*

Ethics & Fraud/Corruption

Victoria Belo & Jo Wilson

Session 2: *Thursday 27 July*

Bribery

Alicia Ditton

Session 3: *Thursday 3 August*

Procedural Steps & Documents

Victoria Belo & Jodie Burns

Session 4: *Thursday 10 August*

Case Management Systems

Shemi Joel & Tony Lansdell



Managing and Reporting on Fraud and Corruption Cases Online Course

Session 1: Ethics, Fraud & Corruption

Presenters: Assistant Registrar Victoria Belo, National Court of PNG
Judicial Registrar Jo Wilson, Federal Court of Australia

Ethics - Important Definitions



- qualities that describe a common understanding of the proper way to behave
- include such qualities as respect and trustworthiness
- are the principles that guide our behaviour



Important Definitions



Integrity:

Alignment between ethical standards and our actions.

When integrity is compromised, it undermines confidence in our ability to do the right thing.



Understanding ethics



Ethical standards are our integrity guide to how we act and make decisions.

When we act with integrity, the community can trust that we are working to a standard that is ethical, fair and appropriate.

By understanding our obligations, we minimise the potential for risks to our integrity, and contribute to a strong and positive culture that promotes trust in us by the community.



Federal Court of Australia - Ethical Framework



The ethical obligations that apply to all Federal Court employees arise from:

1. Australian Public Service (APS) Code of Conduct
2. APS Values
3. APS Employment Principles



FCA Ethical Framework



The *Code of Conduct* covers issues such as:

1. Professional conduct
2. Conflicts of interest
3. Use of court resources



1. Professional Conduct



Includes:

- Acting honestly
- Acting with care and due diligence
- Complying with the law
- Complying with lawful and reasonable directions of supervisors
- Maintaining confidentiality



2. Conflicts of interest

Includes both *real* and *perceived* conflicts of interest, including:

- taking reasonable steps to avoid any conflict of interest (real or apparent) in connection with our duties; and
- disclosing details of any material personal interest as soon as we become aware of it, so that the risks can be managed.





3. Use of court resources

All employees must:

- use court resources in a proper manner and for a proper purpose.
- must not provide false or misleading information in response to official requests for information.
- must not improperly use inside information or the employee's power or authority to:
 - obtain a benefit or advantage for themselves or someone else; or
 - cause detriment to either the court or another person.



Ethical Frameworks



The ***APS Values*** set out in Public Service Act 1999. Provide court officers with markers on what the highest standard or integrity looks like:

1. Impartial - apolitical
2. Committed to service - we are professional, objective, innovative and efficient, and work collaboratively to achieve the best results for our community.
3. Accountable - open and accountable to the community under the law.
4. Respect - We respect all people and cultures, including their rights and their heritage.
5. Ethical - We demonstrate leadership, are trustworthy, and act with integrity, in all that we do.



Ethical Frameworks

The ***APS Employment Principles*** provide that the workplaces of the court:

- are flexible, safe and rewarding, where communication, consultation, cooperation and input from employees on matters that affect their workplaces is valued
- are free from discrimination, patronage and favouritism Respect
- recognise the diversity of our community and foster diversity in the workplace

Ethical decision making



At times we will be faced with difficult ethical decisions. Exercising good judgment and navigating complex issues is a key part of our roles in the justice system.

The 'REFLECT' model can help us to unpack integrity issues and provide a roadmap for ethical reasoning



REFLECT Model

Roadmap for ethical decision making

REcognise a potential issue or problem

Find relevant information

Linger at the 'fork in the road'

Evaluate the options

Come to a decision

Take time to reflect



Fraud & Corruption Cases



We will consider how court officers deal with fraud and corruption related offences



PNG Fraud & Corruption Track



- National Court Registry under the Criminal Division is divided into two tracks, the General Crimes track and the **Fraud & Corruption track**.
- Special track created by Criminal (Fraud & Corruption Related Offences) Rules 2013



Purpose of PNG Fraud & Corruption Track



- to facilitate a quick, fair and efficient disposition of Fraud and Corruption cases under a special track.
- to distinguish Fraud Offences as opposed to other Criminal offences and can be dealt with separately
- Who manages this Track?



Fraud & Corruption Track Registry



- The Committal Courts (District Courts) commits an accused to National Court to stand trial
- Clerk of the Committal Court forwards the Notice of Committal, the Information and other relevant documents to the Fraud and Corruption Track Registry



Fraud & Corruption Track Registry



After receipt of documents clerks will register the matters under either CR (FC) No of year for normal fraud and corruption cases, for special applications under OS (FC) No of (year) and appeals and reviews from the District Court will be registered as CR (APP) (FC) No of (year)



Fraud & Corruption Track Registry



After registering the case it is listed before judge for mention, direction and other listings until the matter goes for trial & the Court makes a decision on the verdict and later sentence if the person is found guilty.



Types of offences under the Criminal Practice (Corruption Related Offences) Rules 2013



Include:

- (a) offences under the Criminal Code or under any other law involving theft, fraud, dishonesty and misappropriation of property and including fraud and corruption
- (b) offences listed in the Schedule of the Rule
- (c) applications under the Proceeds of Crime Act 2005 or the Mutual Assistance in Criminal Matters Act 2005.



Fraud offence types under the Schedule



Refer to the Schedule in the Criminal Practice (Fraud & Corruption Related Offences) Rules 2013. The sections referred to beside the offence types are sections of the Criminal Code Act.

- A. Offences against the executive and legislative power (ss 57, 59, 61 & 62)
- B. Disclosing official secrets (ss 84,85 and 86)
- C. Corruption and abuse of office (ss 87 – 97C)
- D. Secret Commission (ss 97G – 97 N)
- E. Corrupt and Improper Practice at elections (ss 99 – 102, 104 – 106 and 108 – 116)
- F. Selling and trafficking in offices (ss 117)
- G. Offences relating to the Administration of Justice (119 – 136)
- H. Obstructing officers of courts (ss 143)
- I. Offences relating to currency (ss 146 – 162)
- J. Offences relating to posts and telegraphs (ss 169 – 189 and 91 &92)
- K. Miscellaneous offences against public authority (ss 195 – 197)
- L. Offences against public health (ss 237 – 240)
- M. Miscellaneous offences (ss 241 – 242)
- N. Offences against liberty (ss 356 – 357)
- O. Offences relating to parental rights and duties(ss 361)
- P. Stealing and similar offences (ss 372 – 419)
- Q. Forgery and like offences: personation (ss 462 – 491)
- R. Offences connected with trade and breach of contract Fraudulent debtors & offences relating to falsification of companies registers, etc (ss 493 – 507)

Fraud & Corruption in PNG



- court deals with perpetrators
- it cannot go out to find out who is doing these illegal activities
- court needs the help of police to carry out their work diligently to investigate and bring in evidence to hold those responsible liable.
- onus is also on citizens to help our country by reporting such illegal practices to the police so that the perpetrators are arrested brought to Court and are dealt with according to law.



Discussion Questions



- Is your court bound by a Code of Conduct?
 - If yes, identify one obligation that it imposes upon you as a court officer.
 - If not bound by a Code of Conduct, what other rules apply to impose obligations on you as a court officer to act ethically?
- The REFLECT is a model for ethical decision making. What are the advantages of using a model such as this when confronted with an ethical issue?
- Does your court have a specific track for fraud and corruption related cases (like PNG)? What are the advantages for both the court and court users in having a dedicated track for these cases?

Action Plan



- Throughout the duration of the Online Course we will be discussing ideas and suggestions that may be of interest to your Court.
- An Action Plan template has been emailed to you.
- Over the next week, please meet with your colleagues and consider any key ethic or fraud/corruption actions that you may wish to consider implementing in your Court.

Next Week: Session 2 - Bribery



- Thursday 27 July 2023
- **12-2pm (GMT+10:00)**
- Use same Zoom link
- You will be emailed a scenario on bribery. Please come ready to discuss this scenario
- Presenter: Judicial Registrar, Alicia Ditton



Due to varying locations, **local time zones for Session 2** are as follows:

Thursday 27 July, 2023	
11:00am	Palau
12:00pm	Australia Papua New Guinea
1:00pm	Federated States of Micronesia Solomon Islands Vanuatu
2:00pm	Fiji Kiribati Nauru Republic of Marshall Islands
3:00pm	Tonga Samoa Tokelau



See you next week!