



# Pacific Judicial Development Programme Newsletter - *Issue 6*

## Welcoming Remarks

Welcome back!

We are very pleased to announce that PJDP has been granted a two-year extension to June, 2015 by the **Hon Murray McCully, Minister of Foreign Affairs and Trade**, New Zealand. This will enable us to extend and expand support to partner courts across the Pacific.

In addition, the Chief Justices of 14 Pacific Island Countries have endorsed the 24-month Extension Plan (1 July 2013 to 30 June 2015) developed by the Federal Court of Australia in March at their meeting in Auckland. This Plan addresses the overarching need for PJDP to refine its relevance as a regional assistance process by adopting a greater focus on improving the courts' ability to deliver services that promote the wellbeing of citizens and communities they serve. It will also create the opportunities and incentives to enable and support partner courts to more actively lead their own judicial development locally and regionally.

The PJDP Team are grateful to all our partners for your ongoing support and contributions. We have numerous activities planned in the coming months, and look forward to continuing our collaboration with you across the region.

*Dr. Livingston Armytage, PJDP Team Leader*



Chief Justices' Leadership Workshop - Honiara, Solomon Islands (November 2012)

First row (left to right): *CJ Carl Ingram; CJ Geoffrey Eames; CJ Sir Gordon Ward; CJ Sir John Muria; CJ Patu Sapolu; CJ Sir Albert Palmer; CJ Vincent Lunabek; CJ Martin Yinug; CJ Sir Salamo Injia.*

Back row (left to right): *Mr Lorenz Metzner; Justice Anthony Randerson; Justice John Mansfield; Senior Justice of the Peace John Kenning; Dr Livingston Armytage; Ms Hannah Clua-Saunders.*



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



## Opening Remarks to the Pacific Judicial Conference in Honiara by Chief Justice Sir Albert Palmer, Chief Justice of Solomon Islands

Held in coordination with the PJDP Chief Justices' Leadership Workshop in November 2012, the 20<sup>th</sup> Pacific Judicial Conference was held in Honiara. The following is an extract from the welcoming address of Chief Justice Sir Albert Palmer as host:

*Mi hapi tumas for welcomim iu falla long country blong me.*

*Thank you for coming from far and near, from the big and small islands, [...] bringing with you the riches of the culture of the rule of law in your own countries and islands, the diversity and uniqueness of your justice systems, processes and principles of good governance and judicial disposition, but most of all that love, passion and commitment for justice, the rule of law and sound democratic principles, which in the next couple of days should blend into a rich mix of ideas and concepts from which each of you will be able to receive something to help us in our common struggle and journey of improving, strengthening and maintaining the delivery of quality justice in your countries and which ultimately will improve the quality of life for our people. [...]*

*Allow me for a moment to travel back "memory lane", strewn with pebbles and boulders of pain and sorrow, which has now become an indelible part of the history of this nation and will continue to be written about for many years to come.*

*It was only ten years ago, that this nation was brought down to its knees, not by an invading army, but by an enemy from within. What were our strengths turned out to be our weaknesses; our diversity and our own people were our worst enemy. Having crippled ourselves, we couldn't save ourselves; we needed someone to help us.*

*By the Grace, love and mercy of God, six member countries, Australia, New Zealand, Papua New Guinea, Fiji, Tonga and Samoa, led by Australia and New Zealand, of the Pacific Islands Forum, on 24 July 2003, signed an agreement with the Government of Solomon Islands, to allow the deployment of police and military forces under the Regional Assistance Mission to Solomon Islands ("RAMSI"). This was a rescue mission with the caption "Helpem Friends".* (cont. page 3)



CJ Sir Albert Palmer -  
Chief Justice of Solomon Islands



Welcome Dancers for Chief Justice Delegates - Honiara, November 2012

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*That was the catalyst, the lifeline needed to turn the wheel around for the nation. Other countries later joined in to offer assistance in one form or another. We cannot thank you enough for helping us at our time of need. The memories remain clear, but not fresh as our people have had to learn what it means to forgive and to move on. The forgetting may take many more years, may be generations to come, for time does heal, but that has not prevented us from the rebuilding process and we are determined to forge ahead and make a success of it. We realise that the initiative and the desire for change and transformation must come from us.*

*Our journey to recovery and restoration has not been easy, for virtually the whole structure of Government, its institutions, systems and processes needed assistance in one form or another. For me to enumerate them all would take some time and this is not the time for that. In any event, you have heard a lot already and I know some of you have kept abreast with events in this country through the media.*

*We have had our ups and downs for life is not a straight road, with its curves and bends, bumps and potholes. We have had our share of disasters both man made, like the riots in April 2006, when China Town and various offices were ransacked and razed to the ground, and natural disasters, like the earthquake and tsunami which occurred exactly one year later in April 2007. But the resilience of our people with the help of our neighbouring countries, have enabled us to bounce back quickly and continue with the long and arduous process of recovery and restoration.*

*That work of rebuilding and restoration would not have been possible without the great sacrifice and commitment of all stakeholders, the Police, the Director of Public Prosecutions Office, the Public Solicitor's Office, the Attorney-General's Chambers, the Law Reform Commission, the Magistracy, the Ministry of Justice and Legal Affairs and other Government Ministries, Australian Aid, New Zealand Aid, the Government of Papua New Guinea and other PIF countries, the Republic of China, various NGOs like the Save the Children and other Aid Donors like the World Bank, Judges and our own staff and the support of previous Governments including the current Government led by the Hon. Prime Minister, Gordon Darcy Lilo, and many others too numerous to mention.*

*The administration of justice and the process and systems of strengthening and enhancing the rule of law in this country have experienced a massive boost of assistance in funds, personnel and resources resulting in more efficient and effective court services in the Superior and lower courts.*

*We still have a long way to go and improvements to be done but at least the wheel of justice in this country has been grinding along at a much faster and wider pace than it used to be 10 years ago and many defendants, victims and litigants have had their day in court and being able to access the services that we provide.*

*I can go on but my task this morning is simple, to welcome you and so without further ado, I will stop here. I hope you will enjoy the Conference as much as your stay with us and find something of value to take back with you; God bless.*

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Chief Justices Trip:  
Honiara, Solomon Islands - November 2012

## Opening Remarks to the Chief Justices' Leadership Workshop in Auckland by Chief Justice Dame Sian Elias, Chief Justice of New Zealand and Tokelau

This workshop provided an opportunity for the PJDP's leadership to undertake participatory planning, coordination, monitoring and refinement of ongoing activities, as well as to guide and inform the development of the 24-month Extension Plan.

During the Auckland Chief Justices' Leadership Workshop, Chief Justice Dame Sian Elias, as host, welcomed the workshop delegates as follows:

*E nga mana, e nga reo, e nga rau rangatira. tena koutou katoa.*

*E te iwi kaenga, Ngati Whatua kei Orakei, tena koutou e whakataumai nei i a matau.*

*E nga manuhiri tuarangi. Nau mai ki tenei hui.*

*Nga tumuaki kaiwhakawa o te Moananui a kiwa. Nau mai, haere mai.*

*In the first language of these Pacific Islands, I welcome you to this city and to New Zealand.*

*All you who are leaders of the courts of our region, who have travelled far to be here, are very welcome. It is a particular pleasure for me that this gathering is in my home city of Auckland and that through it, I have the chance to catch up with so many friends.*

*Now of course I know that we are gathered here for important work, keeping our courts fit for purpose - to meet the needs of our own communities is essential work for any judicial leader. Which is why all of us take it so seriously and put so much effort into it.*



*CJ Dame Sian Elias -  
Chief Justice of New Zealand  
and Tokelau*

*Keeping the courts fit for the service they perform requires all of us to be willing to adapt and to question traditions. In our region, it also requires us to be confident in those traditions and to build on and conserve those that make our societies special.*

*One of the great Maori leaders of the 20th century in New Zealand, Sir Apirana Ngata, urged his people to learn and adapt to the new, to pick from the best the modern world has to offer but always to wear the heritage of their ancestors like a plume on their brows. Leadership of the judiciary strikes me as requiring the same capacity. We must embrace the best the world can deliver - because our societies and the people we serve deserve no less, but we must wear our own traditions openly and with pride, having the confidence to adapt their form while holding on to the values that endure and matter.*





Discussion Forum at the Chief Justices' Leadership Workshop: Auckland, New Zealand- March 2013

*Now these things are easy to say but sorting out what endures and what can be discarded and keeping abreast of the waves of reform and change in law and the delivery of justice - and working out what is valuable in the latest fashions in thinking - takes hard work and it takes imagination. The capacity for imagination is I think insufficiently appreciated in judging generally. It is an indispensable quality for any leader in any field – and imagination needs feeding.*

*That is why an opportunity like this meeting is so valuable. In exchanging experiences, in having the opportunity to lift our eyes from the everyday grind and think about what we do, rather than react, in thinking about differences as well as what we have in common, in these ways we stimulate the imagination so that we can think critically and respond creatively to the challenges we face and to recognise the challenges we have not seen.*

*All systematic learning and training opportunities are helpful. This session on judicial leadership provides a chance to reflect and learn from experts. Everyone here is a leader. There is no one touchstone for leadership, so we come many shapes and sizes. Everyone here has insights of value to impart and no one has nothing to learn.*

*Just as we expect that our courts must develop techniques of self-assessment, bench-marked against other jurisdictions. So we should I think, seize this opportunity as providing us with insights against which we can bench-mark our own performances as judicial leaders.*

*There is of course no single model of excellence. Perhaps there is a recipe which produces the basic product, but allows improvisation. I think there are three main ingredients. Two I have already mentioned: knowledge and imagination.*

*Knowledge is much more than technical expertise in judging (although in leading judges, I think being a good judge and providing an example is very important). The knowledge necessary also includes, as I have mentioned, knowing the societies we serve and it includes knowing the people we work with- those who work in the courts.*

*Imagination is the spur to the insight we need as judges and to change - and we need always to be prepared to change.*

*The third ingredient I would add to imagination and knowledge is ethical effort.*



Chief Justices visit to the New Zealand High Court:  
Auckland, New Zealand- March 2013



*I am not someone who thinks that leaders are born. I think it takes hard work – but hard work in an ethic of service. One of the best insights I ever had into what makes a leader was when I was counsel in a Waitangi Tribunal hearing about the Mohaka River. We were discussing the topic of rangatiratanga – a key concept in the Treaty of Waitangi and a continuing preoccupation in New Zealand society and law. We were in a little round meeting house Rongomauiwahine at Mohaka, on the East Coast of New Zealand which is a very remote spot. Bishop Manuhuia Bennett illustrated what a rangatira is by describing the training of young chiefly men in the service of their people. They had to be humble enough to perform the menial and unpleasant chores. “Will he take the parrot’s perch in his mouth?”*

*Chief Justices have many such chores. Unheroic, unglamorous. Attention to them, in an ethic of service, is indispensable if we they are to carry our people with us and have their consent in our leadership.*

*So I am glad to be here. I am thrilled to be able to welcome you to this meeting and I look forward to participating in it and learning from you.*

*No reira, tena koutou, tena koutou, kiora tatou katoa.*

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## MFAT Chief Executive Officer meets Chief Justices in Auckland

A key aspect of Chief Justices’ Leadership Workshop in Auckland was also the opportunity for Chief Justices to engage with Mr. John Allen, Chief Executive and Secretary of the New Zealand Ministry of Foreign Affairs and Trade. This interaction enabled Chief Justices to: express their appreciation to MFAT for the two-year extension of the Programme; present to Mr. Allen the value of, and benefits flowing from, the PJDP to the jurisdictions in the region; and note their support of the proposed 24-month Extension Plan.





## Programme Executive Committee Meetings

Two Programme Executive Committee meetings were held since our last newsletter.

The first meeting was held in conjunction with the leadership workshop in Honiara from 3-4 November, 2012. This meeting provided the Programme's policy setting group with a status update on all activities under the PJDP, as well as an opportunity to assess the Programme in light of the analytical appraisal of the PJDP's experience since July 2010. This assessment captured and consolidated the Federal Court's implementation experience in the nature of a 'lessons learned' report to promote continued sustainability of judicial development in the Pacific.

The lessons identified fall into two major themes, namely the overarching need for PJDP to:

- a) refine its continuing relevance by adopting a tighter focus on addressing specific problems to improve courts' capacity, systems and procedures to deliver services that contribute improvements to the wellbeing of citizens and communities they serve locally and across the region; and
- b) create the opportunities and incentives to enable and support partner courts to more actively lead their own development locally and regionally.

The second Programme Executive Committee Meeting was recently held in Auckland (17-19 March, 2013). This meeting principally focused on the review and approval of the draft 24-month Extension Plan developed by the Federal Court of Australia for the period 1 July 2013 to 30 June 2015.

The Committee endorsed the majority of recommendations of the Chief Justices' and National Coordinators' Leadership workshops held immediately prior to this meeting, and approved in principle the Extension Plan, its components, projects and activities. A brief summary of the Extension Plan and proposed areas of activity are provided below.



5<sup>th</sup> PJDP Phase 2 PEC Meeting: Honiara, Solomon Islands - November 2012

Left to right: Mr James Mc Govern; Ms Ranmali Fernando; Ms Anna Pasikale; Senior JP John Kenning; CJ Vincent Lunabek; CJ Patu Sapolu; CJ Sir John Muria; Dr Livingston Armytage; Mr Lorenz Metzner

## Reports from the field

### *Capacity Building Training of Trainers Workshop - Auckland, New Zealand (25 February - 8 March, 2013)*

This 10-day intensive certification-level workshop continued the capacity building approach to training-of-trainers developed by the PJDP. The training, attended by 14 judicial and court officers, aimed to equip participants to be confident and

competent trainers, and to enable them to build capacity within their own country and/or region.



#### Participants and Facilitators of the Training-of-Trainers Workshop

Front Row (left to right): *Mrs Lena Porte; Ms Ma'Cherie Mani; and Ms. Sala Tapu*

Seated Row (left to right): *Ms Myonnie Samani; Ms. Lepeka Amato; Ms Margaret Barron; Mr Enoka Puni; and Ms. Krystle Praestiin*

Middle Row (left to right): *Mr Daniel Rescue Jr.; Ms Teanneki Nemta; Mr Telesoni Teata; Mr Kautai Ruaporo; Associate Judge Ablos Paul; and Principal Magistrate Stephen Oli*

Back Row (left to right): *Justice Stephen Kassman; Mr Joel Shemi; Justice Rimoni Vaelua; and Justice Clarence Nelson*

The workshop was facilitated by Ms Margaret Barron and Mr Enoka Puni with the support of two previously certified Regional Training Team members: Principal Magistrate Stephen Oli from Papua New Guinea; and Ms. Allison Sengebau, Deputy Clerk from Palau. In addition a guest presentation was made by Mr Cam Ronald, Programme Manager of the Pacific Prevention of Domestic Violence Programme (PPDVP). This valuable presentation gave participants an insight into the significance of domestic violence in the Pacific and the ways in which this issue can be addressed more effectively.

The team's depth of experience - both as trainers and as former participants - allowed it to provide strong technical instruction as well as encouragement and guidance in learning the techniques and skills of being a strong and effective trainer.

Participants expressed a high-level of overall satisfaction with this training. By the end of the workshop, almost all had achieved a significant and identifiable increase in their knowledge and skill as trainers. Of the 14 participants, 3 were certified as Regional Trainers, and 8 participants were certified as National Trainers.

#### ***Regional Lay Judicial and Court Officer Orientation Course - Port Vila, Vanuatu (3-7 December, 2012)***

This was the second time the PJDP's regional Orientation Course was held. The course promoted judicial competence by assisting newly-appointed judicial and court officers to perform their duties, and to promote excellence in the delivery of justice in their courts.





Participants and Facilitators of the Workshop

Front Row (left to right): *Mr Jacky Manu; Mrs Hortensie Tu'inukuafe; Ms Liliokalani Laufoli; and Mrs Georgina Keenan-Williams.*

Second Row (left to right): *Mr Jacob Joel; Associate Justice Grace Leban; Mr Sateki Afu; Associate Justice Anson; Ms Jacomina Tebouwa; Mr Andrew Wilson; Mrs Florina Ephraim; Ms Tangi Taoro; Mr John D.P Julius; Associate Justice Kabua; and Mr John Alilee.*

Middle Row (left to right): *Justice Peter Gray; Deputy Chief Justice Salika; Mr Kautai Ruaporo; Associate Justice Nickontro Johnny; Ms Temoa Maritino; Mrs Katarina Ratietia; Judge Nua Su'a; Mr Enoka Puni.*

Back row (left to right): *Ms Krystle Praestiin; Mr Togiavalu Pihigia; Judge Peter Boshier; Judge Levi Fiaaluae; Judge Setu; Dr Livingston Armytage; Mr Michael Boki; Mr Dayson Boso; Associate Justice Aisek; and Judge Mulipola.*

The course design was refined to incorporate the experience gained in holding the first training in Papua New Guinea in 2011. One key modification was that participants were only lay (non-law trained) judicial and court officers. This enabled the specific needs of this key group of PJDP counterparts to be addressed in more detail.

The objectives of the training were to: enable sharing and exchanges among facilitators and participants to strengthen judicial identity and develop a regional professional resource network to; develop knowledge, skills and attitudes; develop

effective techniques of courtroom control; and promote familiarisation of the basic principles and practice of procedural fairness in criminal and civil proceedings, along with the special interests of parties coming to court including juveniles, victims of crimes including sexual and gender-based violence, people with disabilities and those with language barriers.

The workshop was facilitated by a core faculty of experts / judicial officers from Australia, New Zealand, Papua New Guinea, Vanuatu and Cook Islands. Once again the training team did a superb job!

### ***Land Case Management Workshop - Vanuatu***

*By Edwin Amblus, National Coordinator (Vanuatu)*

A Land Case Management Workshop was organized by the Judiciary of Vanuatu and was attended by all current serving magistrates (8 participants) and Island Court Clerks (9 participants) being the officers involved with land matters at the island court level. The workshop was designed purposely to carry out a land disposal project as per the Vanuatu Judiciary's improvement Plan for 2012-2015. Records and statistics show that there are an estimated 82 pending land cases dating back to 1983 sitting under the shelves of the Island courts. Experience shows that presiding magistrates and court clerks have not practically been consistent in dealing with land matters contributing to the very big delay of land matters.

This workshop forms part of the implementation process of key areas for improvement identified in the recent Court and Registry assessment Report presented by Ms Jennifer Ehmann (PJDP Advisor). Topics covered in this workshop included the practical steps in managing land matters, financial submissions for land costing, land jurisdiction, succession in custom and customary law. The workshop was co-funded by the Vanuatu Judiciary and PJDP under its responsive fund.



Participants of the Land Case Management Workshop

From left to right: Mr Jacky Alfred Manu; Mr Jacob Joel; Mrs Florina Ephraim

As National Coordinator for Vanuatu, I feel that the outcome of this workshop was hugely beneficial and productive to the Judiciary. Administrative and judicial responsibilities are better understood given presence of both clerks and Magistrates combined in this special workshop. This is the first of its kind where both Judicial officers and clerks discussed management issues to increase their level of performance and competence in dealing with land matters. A week after the training special warrants have been issued for three magistrates to deal with land matters on a full time basis. There is a very positive outcome from this workshop. Out of the 82 cases, 15 land cases have now been disposed. It is anticipated that by the end of 2015 there would be no pending land cases.

## Summary of PJDP 24-month Extension Plan: 1 July 2013 to 30 June 2014

Further to ongoing consultations with the regional leadership, key counterparts were able to participate, plan, coordinate, monitor and refine proposed PJDP activities prior to the Programme Executive Committee Meeting approving the Plan.

Under the Plan approved in principal in the meetings in Auckland in March 2013, the PJDP will continue to contribute to strengthening the region's judiciaries as a central pillar of good governance and the rule of law in its 14 partner courts for another two years. This Plan continues to consolidate PJDP's transition from its origins as a regional training project for judges and a capacity-building programme for courts, to a programme better informed by current local research to focus on improved service delivery and on beneficiaries' actual needs in a more integrated way.

The Programme will deliver its support through its 4 existing technical components, in 12 projects and a total of 72 activities. This represents a substantial increase in activity productivity of more than 24% over the current period without any compromise of quality due to the development of a series of substantive toolkits.

The proposed projects and activities are as follows:

### COMPONENT 1 - ACCESS TO JUSTICE (4 Projects totalling 9 Activities)

- 1.1 **Access to Justice Project** (formerly Customary Dispute Resolution): Toolkit implementation via Responsive Fund.
- 1.2 **Family Violence and Youth Justice Project:** Toolkit implementation in Cook Islands, Nauru, Niue, Samoa, and Tonga. In addition, in-country monitoring visits to Palau and Vanuatu.
- 1.3 **Public Information Project:** Toolkit pilot / implementation in Tuvalu.
- 1.4 **Enabling Rights Project:** Toolkit pilot / implementation in Nauru.

### COMPONENT 2 - GOVERNANCE (4 Projects totalling 28 Activities)

- 2.1 **Code of Judicial Conduct Project:** development of Complaints Handling Toolkit.
- 2.2 **Regional Governance and Leadership Meetings:** 9 regional leadership meetings. First round of meetings to be held in Brisbane 20-25 October, 2013.
- 2.3 **National Judicial Development Committee Project:** Toolkit implementation in Tuvalu.
- 2.4 **Responsive Fund:** 14 partner courts making a combined total of at least 17 applications.



### COMPONENT 3 - SYSTEMS AND PROCESSES (2 Projects totalling 27 Activities)

- 3.1 Judicial Administration Project:** Time Standards Toolkit implementation in Federated States of Micronesia, Marshall Islands, Samoa, and Solomon Islands. Delay Reduction Toolkit implementation in Kiribati and Vanuatu. In addition, remote facilitation of a regional IT Administrators' Network.
- 3.2 Court Annual Reporting Project** (formerly Performance Monitoring and Evaluation): Toolkit implementation including an extended focus on court user surveys in Federated States of Micronesia, Niue, Palau, Papua New Guinea, Tonga, and Vanuatu. In addition ongoing court performance data collection, analysis and trend reporting with all 14 partner courts.



Extension planning discussions at the National Coordinators' Leadership Workshop: Auckland, New Zealand - March 2013

### COMPONENT 4 - PROFESSIONAL DEVELOPMENT (2 Projects totalling 8 Activities)

- 4.1 Regional Training Capacity Project:** 1 regional Certification ToT Workshop; 1 regional Advanced Regional Training Team Workshop; and remote facilitation of a Regional Training Team Mentoring Network.
- 4.2 Core Judicial Development Project:** 1 regional lay Judicial Officer Orientation Workshop; Local Orientation Training Toolkit pilot / implementation in Tokelau; and 2 regional Decision Making Workshops; and Local Decision Making Toolkit pilot / implementation in Marshall Islands.

Initial scheduling was undertaken as part of the recent leadership meetings in March. Once this indicative scheduling has been refined, it is planned that a detailed 'Schedule of Activities' will be posted on the PJDP websites.

## Schedule of activities to June 2013

While initial planning for the 24-month extension period will commence in coming months, final activities under the current 12-month Extension Plan will be completed prior to 30 June, 2013. One major regional activity still remains to be

implemented: the *Lay Decision-Making Training Workshop*. This workshop is currently being held in Rarotonga, Cook Islands (6-10 May, 2013). In addition, a number of locally managed Responsive Fund-supported activities will also be completed in Cook Islands, Federated States of Micronesia, Republic of Marshall Islands, Vanuatu and Nauru.

## PJDP Website

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

We plan to include as much PJDP documentation on the website as possible. Prior to the end of June, we plan to upload the: piloted and finalised toolkits for - Access to Justice Plans, Annual Court Reporting; Time Standards; Codes of Judicial Conduct; National Judicial Development Committees; and Family Violence and Youth Justice workshops; as well as the 24-month Extension Plan and Schedule of Activities once these have been finalised and contracted.

## 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:  
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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.