



# PACIFIC JUDICIAL STRENGTHENING INITIATIVE

## Second Six-monthly Progress Report

*31 January 2018*



**FEDERAL COURT  
OF AUSTRALIA**



*PJSI is funded by the New Zealand Government and  
implemented by the Federal Court of Australia*

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## Abbreviations

ADD	-	Activity Design Document
CJ	-	Chief Justice
CJE	-	Centre for Judicial Excellence
DDE Committee	-	Human Rights Development, Delivery and Evaluation Committee
FCA	-	Federal Court of Australia
F2F	-	Face to Face
GFV	-	Gender & Family Violence
HR	-	Human Rights
ICT	-	Information and Communications Technology
IEC	-	Initiative Executive Committee
IFCE	-	International Framework for Court Excellence
JLC	-	Judicial Liaison Committee
LIF	-	Leadership Incentive Fund
LTO	-	Long-term Outcome
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
MTO	-	Medium-term Outcome
M&E	-	Monitoring and Evaluation
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
PJSI	-	Pacific Judicial Strengthening Initiative
PNG	-	Papua New Guinea
USP	-	University of the South Pacific



## Executive Summary

This report provides a summary of progress achieved during implementation of the Pacific Judicial Strengthening Initiative (PJSI) during the period 1 July, 2017 - 31 December, 2017. The report is submitted in satisfaction of Milestone 5 defined in the grant funding agreement between the New Zealand Ministry of Foreign Affairs and Trade (MFAT) and the Federal Court of Australia (FCA).

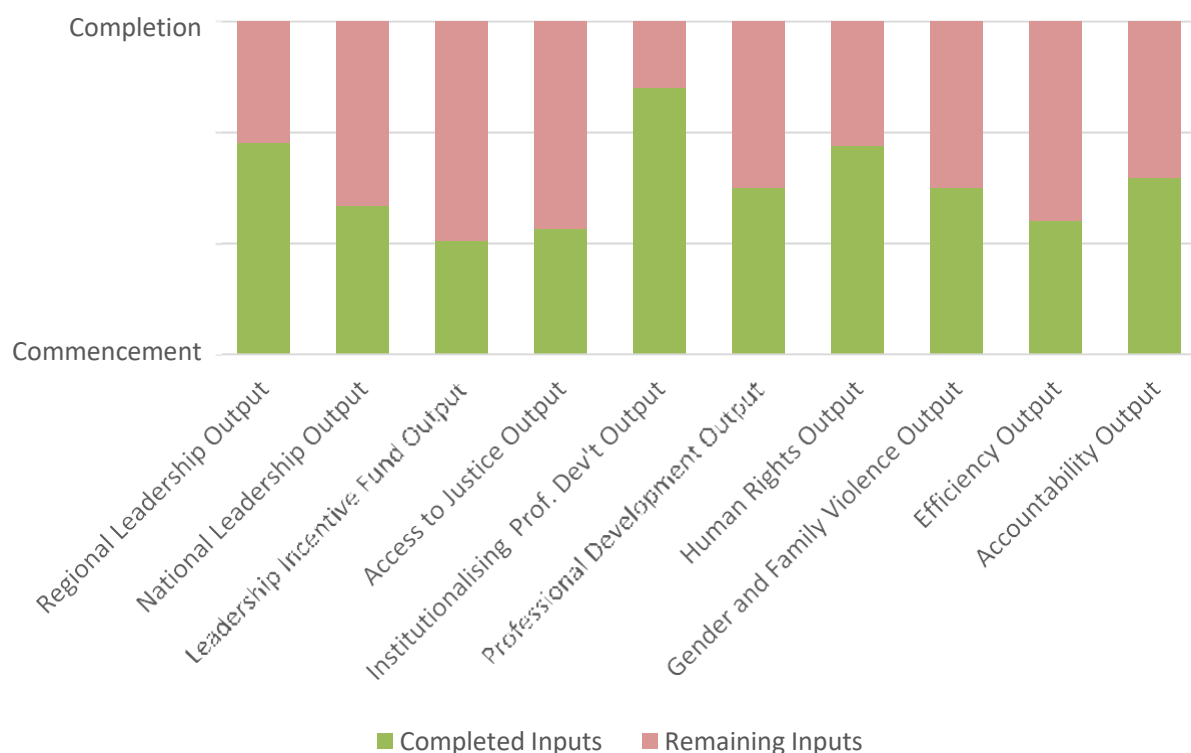
### Highlights

1. Successful delivery and completion of 8 activities<sup>1</sup>, across 6 of the Initiative's outputs on time and within budget;
2. Launch of the new Certificate of Justice program at the University of South Pacific (USP), with the prospect of over-subscription;
3. Launch of two new Toolkits: Human Rights and Gender and Family Violence; and
4. Approval of 6 Leadership Incentive Fund applications<sup>2</sup>, including 2 large applications.

### Summary of Progress

PJSI continues to successfully implement activities on schedule and within budget. During the period, 8 activities were delivered, with several others continuing to be planned, monitored and/or commenced.

PJSI has now reached the halfway mark in implementation of activities. A summary of progress against each output can be found below.



<sup>1</sup> 3<sup>rd</sup> Initiative Executive Committee Meeting (remote); Regional Judicial Leadership Workshop; Regional Lay Judicial Officer Orientation Course; Career Pathway: Local Visit #2; Local Orientation Visit to RMI; Accountability Visit to Palau; Gender & Family Violence Visit to Nauru; and Human Rights Visit to PNG.

<sup>2</sup> Vanuatu x2; Tonga; RMI; Kiribati (large); and PNG (large).



## 1. Activity Summary

The following activities were delivered and progress made during the reporting period. A full list of activities is located at **Annex A: 24-month Schedule of Activities**.

### Output 1: Regional Leadership

The *Third Initiative Executive Committee* (IEC) Meeting took place remotely on 28 September, 2017. The meeting was attended by all Committee Members, except for the Lay Judicial Officer Representative who is yet to be confirmed. Members received a report on progress; provided strategic direction, and outlined key resolutions. The Committee confirmed the appointment of Ms Tangianau Taoro as the new representative for Lay Judicial Officers, and approved the piloting of the Certificate and Diploma of Justice with the USP. The IEC will next meet in person on 19 April, 2018 in Auckland, New Zealand. A copy of the *Minutes and Approved Resolutions* approved by the Chair is located at **Annex B**.

### Output 2: National Leadership

The second **Local Project Management and Planning Visit** for Papua New Guinea is planned to be held in the first-half of 2018 by Project Management Adviser, Mr Lorenz Metzner. Given the nature and timing of Papua New Guinea's approved Leadership Incentive Fund application (ie. to develop a nation-wide Court Registry Manual and supply training to court staff) the scoping and timing for a project management and planning visit will be discussed with the Supreme and National Courts of Papua New Guinea and the Centre for Judicial Excellence to be scheduled for later in the first half of 2018.

The use of **remote delivery facilitation modalities** are continued to be trialled across the Initiatives activities. The recent 3<sup>rd</sup> IEC Meeting was successfully held remotely via a Skype call across six locations. The use of this communication platform served the purpose of the meeting well, while also generating cost and timing savings as no travel was required. The development and publication of the Human Rights Toolkit and the Gender & Family Violence Toolkit provides for a sustainable remote resource in the ongoing strengthening of national capacity to manage local judicial development activities. Furthermore, Accountability Adviser, Cate Sumner continues to provide remote engagement to all PICs in improving transparency through the collection, analysis and publishing of annual court performance data.

### Output 3: Leadership Incentive Fund (LIF)

During the reporting period, 6 LIF applications were received from 5 Pacific Island Countries (PICs). Six applications were approved, 3x large and 3x small.

**Kiribati:** A large grant was approved to deliver a **Lay Magistrates Training Workshop at Line Islands** from 6-19 December, 2017. This activity is co-funded with another donor, demonstrating local commitment to the initiative and the value of the LIF. The Workshop aimed to provide participants with substantive law, court procedures, and cross cutting issues training that will equip them to be confident and competent judicial officers and enable them to dispense justice within their own jurisdiction. The 8 day Workshop covered topics including: criminal and civil procedure, Evidence Act, Children, Young Person Family Welfare Act, Juvenile Justice Act, Money Lenders Act, Police Powers and Duties Act and Judicial Code of Conduct.

**Papua New Guinea:** A large grant was approved for the Supreme & National Courts of Papua New Guinea to develop a comprehensive **Registry Manual for the National Court (Trial Court)**. The Manual is a key priority of the Courts and will outline registry processes and procedures to inform registry officers (in the day-to-day management of court documents, case registration and file



movements) and court users (by way of creating awareness of processes and procedures to follow when accessing the court system). The Registry Manual is scheduled for publication in the second half of 2018, and is to be closely followed-up with extensive training across all four regions of PNG. The application is co-funded with the Supreme and National Courts of Papua New Guinea.

**Vanuatu:** A small grant was approved for the Vanuatu Judiciary to deliver ***Training for Island Court Lay Justices from the Malekula Island Court***. The 5-day Orientation Program was delivered in Malekula from 20-24 November, 2017. The Workshop aimed to increase confidence, understanding and competence of island court lay justices through improving their knowledge of island court processes and procedures, their jurisdiction, role and functions and skill to supply well-reasoned and structured decisions. A total of 19 participants attended the training (5 female; 14 male).

The Workshop discussed several topics including: judicial life; law and the courts; judicial management; and criminal hearing. The workshop equipped the participants with the knowledge and skill required to actively participate on the bench as Justices of the Malekula Island Court. All participants were appointed by the Head of State, His Excellency Pastor Moses Tallis, and have taken their Judicial Oath and Oath of Allegiance before the Chief Justice Hon. Vincent Lunabek. Each participant was also awarded a certificate for completion of the program. All participants are now ready to commence judicial duties as Island Court Justices in 2018. All participants acknowledged that they were either quite (37%) or extremely satisfied (63%) with the Workshop.

**Tonga:** received approval for a small grant to ***train mediators*** and create an environment for the use of mediation as the preferred means to resolve disputes, thereby improving the efficiency of the Courts and outcomes for litigants. The Supreme Court of Tonga is looking to deliver a 4-day training program, led by an experienced New Zealand Mediator, to 5/6 lawyers who have proven their commitment to providing and promoting mediation services to the Courts and the people of Tonga. The training is scheduled to occur in Nuku'alofa in the first quarter of 2018.

**Marshall Islands:** A small grant was approved for the ***Deputy Chief Clerk to attend the PJSI Regional Lay Judicial Officer Orientation Course*** in Honiara, Solomon Islands from 20-24 November, 2017. The goal of the LIF application was to increase the number of Judges by having pro tem judges (non-contract court officers) readily available to assist and handle cases at the District Court and the Traditional Rights Court levels. Detailed information on the Regional Lay Judicial Officer Orientation Course is supplied below under Output 5. The Deputy Chief Clerk is now competent to undertake the role of *pro tem* judge, if needed, to assist in avoiding further delay of cases.

#### Output 4: Access to Justice

Discussions and planning have begun with the Chief Justice of the Marshall Islands in preparation for the next Access to Justice local visit to be held in Majuro from 5-16 March, 2018.

#### Output 5: Professional Development

The ***Regional Lay Judicial Officer Orientation Course*** was conducted in Honiara, Solomon Islands between 20-24 November, 2017. The aim of the Course was to induct lay court actors, being mainly adjudicators plus some court administrators from across the region, in the fundamentals of judicial knowledge, skills and attitudes in order to perform their roles more competently. A total of 28 participants, 10 of whom were female (36%), from across 12 Pacific Island Countries (PICs) attended, with Palau and Tuvalu not currently employing any Lay Judicial Officers.

The activity specifically fostered progress in elevating the threshold of basic knowledge of lay court actors across the region. In terms of outcomes, this activity evidenced further encouraging progress both in elevating the threshold of basic knowledge of lay court actors across the region - documented above in a virtually *doubling* (+96%) of the aggregate knowledge of participants in fundamental aspects of law and justice. More specifically, participants' knowledge reveals relatively high levels of



pre-existing knowledge when compared to similar activities owing to the participation of some experienced trainers from Marshall Islands. Participants had generally stronger knowledge of judicial values (59%), criminal onus of proof (48%), and persons requiring special consideration (52%). At the conclusion of the Orientation Course, 93% of participants were satisfied with the training and, moreover, 95% reported that it was useful.

The Orientation Course was presented by a regional faculty of experienced judicial trainers, together with Justice (R) Sir Ron Young formerly Chief Judge of the NZ High Court, Justice (R) John Mansfield formerly of the Federal Court of Australia, with PJSI Technical Director, Dr Livingston Armytage. All 7 members of the faculty participated in a Training-of-Trainers Workshop that preceded the Orientation Course on 18-19 November, 2017. This intensive 1.5-day ToT provided the Faculty, most of whom are accredited trainers, with a 'refresher' of PJSI's Trainers' Toolkit. Day 1 focused on the theory of adult learning, while day 2 focused on preparation and delivery of their presentations, with peer-based feedback. This workshop continued to consolidate the building of capacity and confidence of the regional faculty courts to deliver their own judicial training in future. Local members of the faculty included Registrar Fatima Fonua from Tonga and Justice Leonard Maina from the Solomon Islands.

The **Local Orientation Visit #1** was delivered in Majuro, Marshall Islands from 10-18 August, 2017. The objectives of the Workshop were to ensure judicial and court officers operate professionally with the competence (knowledge, skills and attitudes) to provide quality procedural and substantive justice. The 5-day Orientation Workshop provided lay members of the Community Courts from across the Marshall Islands with their first structured induction on the basic principles and practices of the judicial role. The training was presented by a faculty of 9 judicial and clerical officers from the Courts, together with Judge Jane Patrick from the Country Court of Victoria and Dr Livingston Armytage. There were a total of 26 participants, of whom 7 were female (27%), including faculty members who also participated in the training. At the conclusion of the Workshop, 94% of participants reported their satisfaction with the training and, moreover, 98% reported its usefulness. Significantly, there was a quite impressive knowledge gain of 396%.

The Orientation Workshop was preceded by an intensive 2-day Training-of-Trainers Workshop for faculty members. The faculty, most of whom were already accredited trainers, received a 'refresher' of PJSI's Judges' Orientation Toolkit and the Training-of-Trainers Toolkit; and were supported in the preparation and practice delivery of their presentations.

Discussions and planning have begun with the Chief Justice of Samoa in preparation for the **Local Orientation Visit #2** to be held in Apia from 9-18 May, 2018.

Detailed discussions and planning have begun with the Chief Justice of Solomon Islands in preparation for the **Local Orientation Visit #3** to be held in Honiara from 18-29 June, 2018.

A **Session Planning Toolkit** has been developed and utilised at the Regional Lay Judicial Officer Orientation Course. The Toolkit contains session plans, objectives, further reading and other resources to support facilitators of Orientation Courses in future. The Toolkit will be launched and available on the PJSI website in the first half of 2018.

#### Output 6: Localising Professional Capacity Building

PJSI is finalising preparations for the **Promoting Substantive Justice Thematic Training of Trainers Workshop** to be held in Port Vila, Vanuatu from 12-16 February, 2018. The aim of the Workshop is to build capacity of PIC courts to improve quality of substantive justice; familiarisation of the content of both the Human Rights Toolkit and the Gender & Family Violence Toolkit; re-familiarisation of the Enabling Rights & Pro-Se Litigants Toolkit and to plan and develop Justice Improvement Plans. The training will be co-facilitated by PJSI Technical Director, Dr Livingston Armytage; Human Rights Adviser, Dr Carolyn Graydon and Gender & Family Violence Advisers, Dr Abby McLeod and Mr Tevita Seruilumi.





The **Remote Delivery Expert**, Mr Joseph Sawyer from the National Judicial College was mobilised and is on schedule to develop and implement remote and/or blended delivery strategies and resources to support the implementation of PJSI training and other development support. A desk-based review of the PJDP Remote Delivery Concept Paper has been undertaken, with proposed advice being received on how to operationalise relevant aspects of the Paper for implementation under PJSI. Further guidance and direction will be sought at the 3<sup>rd</sup> Chief Justices' Leadership Forum in April, 2018.

### Output 7: Institutionalising Professional Development

Under the **Career Gateway Project**, PJSI continued to collaborate with the USP to design, develop and launch the introduction of a new Certificate of Justice. A pilot of the Certificate of Justice program will be conducted by the School of Law commencing in February 2018. A copy of the official launch of the Certificate of Justice can be found at **Annex B**. At the time of writing, it seems likely that the pilot course will be over-subscribed boding well for the relevance and utility of this initiative. Moreover, it is expected that this course will contribute sustainably to substantially raising the levels of competence of court actors across the region in the medium-term.

The Certificate is designed for: (a) lay adjudicators (for example: Village and Island Court Magistrates, Justices of the Peace and Land Commissioners) and (b) court administrators (for example: court clerks, registry staff and/or judges' associates), who will benefit from foundation-level legal training but cannot commit to the Bachelor of Laws program, or do not meet its entry requirements. The purpose of the Certificate is to raise the competence of new and existing lay court actors, whether adjudicators or administrators, by providing an introduction to the justice system, the role of courts and the function of law. The Certificate of Justice has been designed as a one-year part-time program which can be undertaken by someone who is working full-time in the justice sector. There are 4 courses available in 2018, including: Introduction to Law; Courts and their Processes; Criminal Law; and Civil Law. Subject to further demand, PJSI and USP will explore the feasibility of extending this 1-year Certificate into a 2-year Diploma that can provide a stairway for students to enter a Bachelor of Laws program.

The **Career Pathway Project** Local Visit #2 was undertaken to Port Moresby, Papua New Guinea from 4-8 December, 2017. Dr Livingston Armytage again worked closely with Chief Justice Sir Salamo Injia and the newly appointed Executive Director of the Centre for Judicial Excellence (CJE), John Carey. The visit was very timely to support John's induction in the role and functions of PNG CJE and to continue to explore prospects to build the capacity of PNG CJE as a regional provider of judicial training.

In order to continue to build the capacity-building process to PNG CJE as a prospective provider of judicial training, and subject to the direction of PJSI's stakeholders, it was agreed that the following next steps include:

- a) **Revise and develop PNG CJE's Business Plan: 2018-2022** - John Carey will refine the draft with assistance from Dr Armytage prior to circulation to Chief Justices for the next Leadership Meeting to be conducted in Auckland in April. John Carey will accompany Chief Justice Injia to this meeting.
- b) **Project management support** - PJSI's Team Leader, Lorenz Metzner will schedule a visit to PNG CJE prior to mid-2018 to provide managerial support.
- c) **Ongoing remote support** - PJSI will provide ongoing remote support to PNG CJE throughout 2018 if/as required.
- d) **PNG CJE will complete the outstanding 'red lines'** - specified and agreed in the Assessment & Transition Strategy dated 14 April 2017, specifically relating to:
  - **appointment of full staff for PNG CJE** - specifically, Deputy Director for PNG training, Publications and ICT Managers, together with support staff





- **confirmation of interim accommodation arrangements** for PNG CJE at PNG National Court
  - **confirmation in writing of GoPNG's funding of Years 1-3**
  - **PNG CJE develop and deliver an updated *domestic* training plan PNG in 2018**, develop program strategies for face-to-face (F2F), publications and ICT and successfully conduct a number of courses (of between 10-20 annually) as a demonstration of its ability to fulfill its *domestic* mandate and its capacity to perform as a judicial training provider at a satisfactory level of proficiency.
- e) **Stocktake** - In December 2018, PJSI will conduct a stocktake of the extent to which PNG CJE conforms to the above 'red lines' and its demonstrated capacity to provide judicial training at the domestic level as a necessary pre-condition to transitioning from domestic to *regional* provision of judicial training.

There is an opportunity for PJSI to review extending ongoing technical/managerial support by potentially providing one additional visit to Port Moresby to build the capacity of PNG CJE as a prospective regional provider of judicial training.

### Output 8: Human Rights

The **Human Rights Toolkit** was finalised, published and officially launched on 17 November, 2017. The Toolkit will be distributed to all Chief Justices, National Coordinators and their Court's library.

The **Human Rights Local Visit #1** was undertaken in Port Moresby, Papua New Guinea from 20 November - 1 December, 2017. The Human Rights Adviser, Dr Carolyn Graydon facilitated two workshops, one for District Court Magistrates (23-24 November 2017), and the other for National Court Judges (29 November-1 December). This joint initiative between PJSI and the PNG Centre for Judicial Excellence were the first court workshops to be held on the subject of human rights. The primary purpose was to highlight the relevance of human rights to the courts' work and to identify the roles and responsibilities of Judges and Magistrates to apply human rights across all areas of the courts' work. It was intended that these introductory workshops would generate discussion and recommendations enabling the identification of more specific needs, leading to more detailed, ongoing work planning of human rights related trainings, complemented by other human rights strengthening initiatives throughout the courts.

The Chief Justice appointed the Human Rights Development, Delivery and Evaluation Committee<sup>3</sup> (DDE Committee) chaired by Justice Cannings, to develop and organise the workshops. The DDE Committee and the PJSI Adviser worked together to involve other presenters and speakers in the proceedings, and to further fine-tune the agenda to ensure relevance and local contextualisation.

Six objectives across both workshops were identified as follows:

- Explore Magistrates'/Judges' understandings of the relevance of human rights standards to the work of courts and to their roles more specifically.
- Introduce the Human Rights Toolkit and demonstrate how it can be used in Magistrates'/Judges' daily work.
- Explore how PNG courts currently use the main international and national human rights standards/laws and how these could be enhanced.
- Develop awareness of court obligations to facilitate access to justice for all and identify barriers affecting specific groups and strategies for overcoming these.

<sup>3</sup> Chaired by Justice Cannings, and comprised also of Chief Magistrate Nerrie Eliakim, Mr Ian Augerea, (National Court Registrar), Ms Regina Sagu (Principal Magistrate), Ms Roslyn Gwaibo, (Deputy Secretary, Department of Justice & Attorney-General) and Mr David Gonol, (Assistant Registrar, National Court).



- Identify the 'difficult areas' for applying human rights and explore strategies for resolving conflicts between customary law/practices and human rights.
- Deepen understanding of the wider leadership role of courts as an agent of social change and how to engage communities in the courts' work.

A total of 40 participants at the District Court Workshop included the Chief Magistrate, two Deputy Chief Magistrates, five Principal Magistrates, 11 Senior Provincial Magistrates, 16 Magistrates and five Court Clerks. 44% of the participants were female and 56% male.

The National Court Workshop hosted 42 participants including the Chief Justice, Deputy Chief Justice and 37 other Judges and Acting Judges in the National Courts, the Registrar, two Deputy Registrars, and the Director and Executive Director of the PNG Centre for Judicial Excellence. 12% of the participants were female and 88% male.

There were several clear and actionable outcomes that were supported by the Courts' leadership, as a result of the Workshop/s:

- Commitment by the Chief Justice to introduce a 'blanket' waiver of all court filing fees for impecunious persons;
- Decision of the Chief Justice to call on each Judge Administrator of each of the National Court locations to conduct regular audits of the court facilities for human rights compliance, using a formalised check list;
- Commitment by the Chief Magistrate to ensure the preparation of a guidance note/practice direction for all Magistrates and Registrars regarding the age of criminal responsibility at the time of the offence (being 10 years, as per Juvenile Justice Act) and a reminder that Magistrates also need to be satisfied that a child aged 10-14 understands their wrongdoing in order for the court to have jurisdiction to proceed with the case;
- Commitment by the Chief Magistrate to conduct an audit of forms and processes used in the District Court with a view to simplifying them to increase public access to justice;
- Chief Justice and Chief Magistrate both reminding Judges/Magistrates to be specific in their orders and to fully utilise their powers regarding:
  - Protection measures for victims of violence or threatened with violence. Encouraged use of return dates to monitor effectiveness of the arrangements in place, return dates to check that Interim Protection Orders have been notified to respondents.
  - Orders made for prompt medical and psychiatric assessments to be conducted, directed to the Secretary for Health, required by a particular date, with return date noted to ensure that the report has been provided.
- Commitment by the National Court to develop a human rights 'app' and link to PacJII website containing information about human rights protected in the Constitution, and ready access to Form 124 and Form 125 from the Human Rights Rules which could be completed and filed online or printed out and sent in;
- Commitment by both the National and District Courts to create new fields in existing data systems to disaggregate relevant data; and
- Decision of the Chief Justice to allocate another dedicated judge to support dispensation of the National Court Human Rights case backlog.

The Human Rights DDE Committee will take further steps to implement and measure progress in relation to the commitments made by the court leadership to further strengthen the implementation of human rights on an ongoing basis.



Overall the workshops were very well received. 96% of Magistrates and 91% of Judges stated they were either 'quite' or 'extremely' satisfied with the workshop. This is a significant achievement, particularly as these were the first judicial workshops on human rights ever conducted in Papua New Guinea and a first for the PJSI.

Discussions and planning have commenced for **Local Visit #2** to be held in Tarawa, Kiribati from 23 April - 4 May, 2018.

### Output 9: Gender & Family Violence

The **Gender & Family Violence Toolkit** was finalised, published and officially launched on 17 November, 2017. The Toolkit will be distributed to all Chief Justices, National Coordinators and their Court's library.

The **Gender & Family Violence Local Visit #1** was undertaken in Yaren, Nauru from 19-26 November, 2017 by Dr Abby McLeod and Mr Tevita Seruilumi. The Chief Justice requested that the visit:

- familiarise participants with the gendered nature of domestic violence and the underlying cause of domestic violence (gender inequality, power and control);
- highlight key concepts in recently introduced child protection and domestic violence legislation; and,
- familiarise participants with key toolkit concepts, identify existing strengths and weaknesses in service provision and brainstorm basic ways forward.

The majority of the 33 participants (largely from within the justice sector and civil society) were actively involved in workshop activities, with 90% of participants reporting satisfaction with the workshop. There was a knowledge gain of 57%. The Advisers developed a 'Key Outcomes' document that summarised participant's feedback/perceptions on key strengths and weaknesses of the current services provided to victims of family violence (see **Annex C**). The document has been presented to the Chief Justice who has expressed interest in exploring ways to implement the recommendations.

Following completion of the visit, positive feedback was received from both the Chief Justice and Resident Magistrate. The Resident Magistrate informed PJSI that there had been: "*...an upsurge in the awareness and cases...*" and that "*...it is clear that the Police Officers who attended the workshop are making use of what they learnt.*"

Additionally, the Resident Magistrate indicated that the Court was planning to prepare 'standing operating procedures' for the Registry relating to the 2017 Domestic Violence and Family Protection Act, and that a recommendation will be made to the Chief Justice for a practice direction regarding the Act to address the need for relevant procedures. PJSI will continue to liaise with the Chief Justice on these matters and will provide remote assistance when requested.

Discussion and planning has commenced for **Local Visit #2** in Port Vila, Vanuatu in August, 2018.

### Output 10: Efficiency

The **Information and Communications Technology Concept Paper** was presented and approved at the 3<sup>rd</sup> Initiative Executive Committee Meeting in September, 2017. The Concept Paper identifies and discusses a range of court-focussed ICT technologies, hardware options, and technology-related considerations. The information is useful to inform PJSI's partner courts of what technologies exist to assist them in their work; assess their ICT-related needs; and consider the implications of developing ICT capacity in their respective jurisdictions.

To build on and apply the Concept Paper to PJSI partner courts, PJSI has recruited an Adviser to develop an **ICT Scoping Paper**. The Scoping Paper will assist PJSI partner courts with high-level guidance; strategic options about existing ICTs that enable courts to deliver more efficient, accessible, and timely justice services from applicable and appropriate jurisdictions around the world; together

with recommendations on practical and appropriate next steps for courts to consider over the next 3-4 years in order to be more ICT-focussed and capable. A draft ICT Scoping Paper will be presented for comment at the upcoming 3<sup>rd</sup> Chief Justices' Leadership Forum in April 2018.

**Efficiency Local Visit #2** is scheduled to be held in Niue from 11-22 June, 2018. Discussions and planning for this visit will begin in early 2018.

### Output 11: Accountability

The **Local Visit #1** was undertaken in Koror, Palau from 21-25 August, 2017. In discussion with the Chief Justice of Palau the visit aimed to review the accountability and transparency of the Palau Judiciary and review data on juvenile, family law and Family Protection Act cases to draw some findings on how these cases are handled by the Palau Judiciary. During the 5-day technical assistance visit, Ms Cate Sumner worked with a range of court staff and administrators to utilise the new chart creator tools to present more detailed data in the Annual Report for 2016. She worked with the Senior Judge in the Court of Common Pleas to draft and publish two Press Releases on the Palau Judiciary website. The press releases covered the following topics: Palau Judiciary and Juvenile Cases 2010-2016; and Palau Judiciary Reviews Family Protection Act cases 2014-2016. The visit identified reasons behind the delay in the publication of the 2016 Annual Report for the Palau Judiciary and a more collegiate approach was agreed for the early drafting of the 2017 Annual Report.

The Accountability Adviser continues to provide remote assistance to ensure that PICs have the tools and capacity to collect gender and GFV-disaggregated data in collaboration with the GFV Advisers. In the second half of 2017, the chart creator tool was adapted in order to allow PJSI jurisdictions to collect and present sex disaggregated data in relation to: family law and family violence cases and juvenile cases. These tools were discussed with the GFV and HR Advisers prior to their in-country visits. These new chart creator tools (see **Annex D**) were trialled with the Palau Judiciary as discussed above.

The Chart Creator now enables PICs to collect and report on the following various data: clearance rates; average duration of a case; percentage of appeals; overturn rate on Appeal; percentage of cases that are Granted a Court Fee Waiver; percentage of Cases disposed through a Circuit Court; percentage of cases where a Party receives Legal Aid; percentage of complaints received concerning a Judicial Officer; percentage of complaints received concerning a Court Staff Member; average number of cases per Judicial Officer; average number of cases per member of Court Staff; number of divorce cases filed; number of child support cases filed; number of family cases filed; number of child custody cases filed; Family Protection Act Criminal charges; and civil domestic abuse restraining order. A snapshot of the capacity of PICs to present sex, age and disability disaggregated data, as at April 2017 is at **Annex E**.

Ongoing remote assistance with several PJSI jurisdictions continue to promote capacity and methodologies to conduct court user perception surveys. Discussions are currently being held with Samoa on possible approaches to undertaking a court user survey in 2018.

In line with the approved Activity Design Document an **International Framework of Court Excellence** (IFCE) Expert, Megan O'Brien was recruited to support the improvement of transparency in partner courts. Over recent years, a number of partner courts have adopted the IFCE. Under the PJSI predecessor PJDP, all participating courts adopted the Cook Islands Indicators. These Indicators comprise 15 uniform performance measures on which PJSI courts report annually. A complete list of these indicators can be found within the Court Annual Reporting Toolkit. The activity aims to provide strategic advice and technical support to link and harmonise the above Indicators with the IFCE. A **Court Performance Measurement Strategy Paper**, including strategic advice on the IFCE or preferred alternative performance framework will be presented at the Chief Justices' Leadership Forum in April, 2018 for comment.

## Monitoring & Evaluation

### Regional Court User Perceptions

During the first half of 2017 an analysis of perceptions about the status of justice and justice services was conducted across PICs. Data informing the analysis was derived from 198 court users who participated in 16 in-PIC Focus Group Discussions, analysis of local versus externally-led activities and the World Bank's World Governance Indicators. It was complimented by a review of the PJSI Needs Assessment, Pacific Judicial Development Programme (PJDP) Completion, Progress and Court Performance Trend Reports, Pacific justice studies.<sup>i</sup>

The baseline status of the indicators against the Goal, Long-Term Outcomes (LTO year 5) and Medium-Term Outcomes (MTO year 4) along with their target increases is provided below:

Objective		Indicator	Baseline	Target
<b>Goal</b>	Building Fairer Societies through more accessible, just, efficient & responsive court services	Public <b>trust and confidence</b> in the courts	<b>28%</b> of court users have trust & confidence in the courts	<b>10%</b> increase in public trust & confidence
<b>LTO 1</b>	Judicial leaders lead & manage change locally	The quantum of <b>locally-led</b> versus externally-led change	<b>18%</b> of change is driven locally	<b>15%</b> increase in locally-driven change
<b>LTO 2</b>	Court services are more accessible, just, efficient & responsive	The extent to which court users are <b>satisfied</b> with the courts	<b>25%</b> of people are satisfied with the courts	<b>10%</b> increase in court users' satisfaction with the courts
<b>MTO 2</b>	Court services are more accessible, just, efficient & fair	How <b>knowledgeable &amp; confident</b> people are to assert legal rights	<b>22%</b> of people have sufficient knowledge of, and confidence to assert their legal rights	<b>10%</b> increase in knowledge of & confidence to assert legal rights
		How <b>professional</b> PIC courts are	<b>32.5%</b> of court users consider that judicial/court officers act professionally	<b>15%</b> increase in professionalism among trained judicial & court officers
		How <b>responsive, just, fair &amp; reasonable</b> PIC courts are	<b>27%</b> of court users consider courts to be responsive, just, fair & reasonable	<b>10%</b> improvement in perceptions of courts being responsive, just, fair & reasonable
		How <b>efficiently</b> cases are disposed of	<b>18%</b> of court users consider cases to be disposed of efficiently	<b>12.5%</b> reduction in delay & case backlogs

More specifically, the findings of Focus Group Discussions with PIC court users demonstrate divergent levels of confidence among the key areas PJSI is working to address. Confidence levels are shown as low (red), medium (orange) or high (high) in the table below.

PIC / Question	Knowledge	Confidence	Professionalism	Satisfaction	Trust	Accessibility	Just	Efficient	Responsive
Vanuatu	Low	Low	Low	Low	Low	Low	Low	Low	Low
Samoa	Low	Low	Low	Low	Low	Low	Low	Low	Low
Solomon Is	Low	Low	Low	Low	Low	Low	Low	Low	Low
Tokelau	Low	Low	Low	Low	Low	Low	Low	Low	Low
FSM	Low	Low	Low	Low	Low	Low	Low	Low	Low
Niue	Low	Low	Low	Low	Low	Low	Low	Low	Low
Palau	Low	Low	Moderate	Low	Low	Moderate	Low	Low	Low
Tonga	Low	Low	Low	Low	Low	Low	Low	Low	Low

As PJSI completed its baseline analysis in July 2017, insufficient time has passed in order to conduct meaningful further analysis of court users' perceptions.

### National Court User Perceptions

As can be seen in the table below, 3 PJSI jurisdictions have conducted court user perception surveys: Palau, Papua New Guinea and the Republic of the Marshall Islands. Discussions are underway with Samoa on possible approaches to undertaking a court user survey in 2018.

Country	2011	2012	2013	2014	2015	2016	2017
RMI		✓		✓		✓	
Palau	✓	✓	✓	✓			
PNG <sup>4</sup>	✓						

**Palau:** The Palauan judiciary has undertaken 4 court user surveys from 2011-2014 and the results for the last 2 surveys are included in their Annual Reports available on the Palau Judiciary website.

In August 2017, a Survey on Family Law and Family Protection Act cases was drafted and a methodology for its implementation discussed in collaboration with the Senior Judge of the Court of Common Pleas.

A review of the Family Protection Act cases from 2014-2016 was undertaken and shows that women initiate 8 out of 10 domestic violence restraining order cases and 7 out of 10 family law cases. If the survey is undertaken, women and men who have filed family law or family protection cases and/or been a victim/ survivor in a Family Protection Act criminal matter would be interviewed with the aim of improving both access to the courts and the quality of service received by court clients. The survey aims to learn from parties' recent experience with the Palau justice system with a focus on family law matters and violence against women and children. The survey would be voluntary and undertaken on a confidential basis.

Discussions are continuing with the Palauan judiciary about the best way to undertake a survey of this nature given limited court personnel to assist with its implementation.

<sup>4</sup> The PNG court user perception survey asked lawyers and clients for their views on the quality and impact of mediation services conducted in the National Court of PNG during May-December 2011.





**Republic of the Marshall Islands:** The judiciary undertakes court user surveys every 2 years. The 2016 Annual Report of the RMI Judiciary states that:

*Over two weeks from August 15 to 26, 2016, the Judiciary conducted an access and fairness survey at both the Majuro Courthouse and the Ebeye Courthouse. The Majuro Courthouse had 43 survey participants, and the Ebeye Courthouse had 18. The survey results are attached as Appendix 3.*

*We were pleased to learn that, as in past years, court users rate the Judiciary high on both access and fairness. For example, in response to the questionnaire prompt "I was able to get my court business done in a reasonable amount of time," 97.67% of Majuro respondents said yes. In response to the questionnaire prompt "Court staff paid attention to my needs," 97.62% of the Majuro respondents said yes. In response to the questionnaire prompt "I was treated with 7 courtesy and respect," 100% of the Majuro respondents said yes. The results in Ebeye were similar.*

*Generally, court users gave the Judiciary high marks in timeliness, safety and security, responsiveness to information requests, respect, clear signs, fair and reasonable outcomes, equality of treatment, and clarity in delivery of services. However, the Ebeye responses indicate that the Ebeye Courthouse should be expanded and should include a waiting area for customers. Initial steps have been taken to address this issue. A blue print for a new Ebeye Courthouse (including office space for the Attorney General and Public Defender) has been provided by the Ministry of Public Works. On March 28, 2017 the Judiciary's management team and Majuro District Court judges met with two of the Kwajalein senators to review the blue print and discuss land and funding for the project.*

**PNG:** The court user perception survey asked lawyers and clients for their views on the quality and impact of mediation services conducted in the National Court of PNG during May-December 2011. A summary of results is included in the [2011 PJDP Court Baseline Report](#).

### **Local capacity to monitor & evaluate**

Following the Project Management workshop conducted by PJSI in Vanuatu in February 2017, PJSI received 14 applications for grants from the LIF. Two applications were withdrawn, and four will be considered in later funding rounds. The remainder have been approved. PJSI supported all five submitting PICs to develop the applications including the monitoring and evaluation frameworks. Using previous applications submitted by PICs for PJSI (and previously, PJDP) grant funding as a benchmark, it is evident that capacity to design activities including capacity to monitor and evaluate them is increasing. PICs understand the importance of monitoring and evaluating local activities and have grasped the fundamental requirements of doing so. Ongoing support will though be provided to all interested PICs enabling them to further develop capacity to design and administer evaluative tools and to analyse results in order to report on outcomes and impacts over time.

### **Reach<sup>5</sup>**

Across all capacity building-related activities delivered during the reporting period, PJSI reached 276 participants, 104 of whom (or 37.68%) were female.

Activity	Judicial Officers	Court Officers	Other Roles	Total No. of Participants
Local Orientation Visit #1	5	4	17	26

<sup>5</sup> Reach refers directly to the total number of activities delivered in the reporting period, audience size and audience makeup; and indirectly to groups who receive flow-on benefit.





Local Accountability Visit #1	13	25	13	51
Regional Judicial Leadership Workshop	9	5	0	14
Local Gender & Family Violence Visit #1	0	3	30	33
Regional Lay Judicial Officer Orientation Course	22	6	0	28
Local Human Rights Visit #1	75	10	0	85
Career Pathway: Local Visit #2	1	0	1	2
LIF activity: Vanuatu Orientation of Island Court Justices	19	0	0	19
LIF activity: Kiribati Lay Magistrates Training Workshop at Line Islands	17	0	0	17
LIF activity: Deputy Chief Clerk attendance at Regional Lay Judicial Officer Orientation Course	0	1	0	1
<b>TOTAL</b>				<b>276</b>

In addition, **New Zealand and Australian Judicial Officers** were actively involved in the planning, preparation and delivery of PJSI activities. During the reporting period, one Judicial Officer and Court Officer provided pro bono technical and facilitation support; and two retired Judicial Officers provided technical and facilitation assistance. Unfortunately an additional New Zealand Judicial Officer was unable to participate at the last minute due to medical issues.

## 2. Attributing Success

The success of recent activities is attributed to several factors:

- Deep engagement and ownership in, and oversight of regional and local activities by judicial leaders which has fostered heightened levels of committed involvement by other court actors.
- Ongoing capacity building and project management support to PICs designing and delivering activities locally.
- PJSIs focus on key rights-based issues impacting a broad base of court users, and welcome uptake of those issues by court actors locally.
- Enabling through the LIF, attention on issues critical to local development agendas.
- Focusing and capitalising on achievable local 'wins' which are manageable but also scalable and adaptable to other PICs.

## 3. Primary Changes

As the baseline position was reported in July 2017, it is premature to measure change systematically. However, a number of measurable changes have occurred, the most notable of which comprise:

- The completion, approval and commencement of the pilot of the Certificate of Justice through USP - providing access to accredited legal education to court actors among all PICs.
- Ongoing institutional strengthening within PNGs CJE - progressing towards it being a capable regional provider of in-service training for judicial and court officers across the Pacific.
- Commitment by the judicial leadership in PNG to:
  - a blanket fee waiver for all indigent court users;
  - assess compliance with human rights norms among all PNG courts;
  - prevent premature criminal liability among juveniles; and
  - better protect complainants in cases involving violence.



## 4. Risks and Opportunities

The risks identified in the Activity Design Document (ADD) have been reviewed. They remain valid and current. Ongoing monitoring will identify and report on any emerging risks and opportunities.

## 5. Refinements to PJSI Contracting or Approach

**PJSI Leadership changes:** the 3<sup>rd</sup> IEC Meeting confirmed the appointment of Ms Tangianau Taoro (Cook Islands, Senior Justice of the Peace) as the new lay-judiciary representative on the Initiative Executive Committee.

## 6. Capacity Improvements

Knowledge fundamental to the judicial function almost doubled as a result of the Lay Judicial Officer Regional Orientation Course (96%) and the Local Orientation Course in RMI (396%). This provides a strong baseline against which to measure downstream behavioural change in 2018.

Capacity to better respond to gender and family violence cases was built through the activity that took place in Nauru. Knowledge gain was assessed as being 57% as a result of the workshop.

Improvement in knowledge of the relevance and application of human rights to the court's work was established through the District Court Magistrates Workshop and the National Court Judges Workshop in Papua New Guinea. Knowledge gain was assessed as being 51% and 25% respectively.

## 7. Human Rights and Gender

Human rights and gender are integrated throughout PJSI's design; processes and systems; and activity delivery. In particular, the Human Rights Toolkit and Gender & Family Violence Toolkit focus exclusively on issues to promote the treatment of related issues to improve gendered and human rights outcomes for people who use PIC courts. The Toolkits have been published and will be distributed to all Partner Courts. Electronic versions of the Toolkits are available on the [PJSI website](#).

## 8. Sustainability

Sustainability is an integral feature of PJSI's design, with a number of its projects focused on strengthening institutional and individual capacity to design and deliver future development activities with less reliance on external actors to do so.

All activities delivered demonstrated sustainability in that they:

Built local capacity to design and manage projects	Lay Magistrates Training Workshop at Line Islands, Kiribati
	Registry Manual for the National Court, PNG
	Training for Island Court Lay Justices from the Malekula Island Court, Vanuatu
	Local Orientation Training, Marshall Islands
Institutionalise progressive development of judicial competence regionally	Certificate of Justice: Career Gateway Project
	Centre for Judicial Excellence PNG: Career Pathway Project
Addressed nuanced and priority local need hysterical?	Lay Magistrates Training Workshop at Line Islands, Kiribati
	Registry Manual for the National Court, PNG
	Training for Island Court Lay Justices from the Malekula Island Court, Vanuatu
	Local Orientation Training, Marshall Islands

	Human Rights Training, PNG
	Gender & Family Violence Training, Nauru
Fostered local capacity to deliver substantive activities	Lay Magistrates Training Workshop at Line Islands, Kiribati
	Registry Manual for the National Court, PNG
	Training for Island Court Lay Justices from the Malekula Island Court, Vanuatu
	Regional Lay Judicial Officer Orientation Course
	Local Orientation Training, Marshall Islands
Generated materials for future reference locally and regionally	Lay Magistrates Training Workshop at Line Islands, Kiribati
	Registry Manual for the National Court, PNG
	Training for Island Court Lay Justices from the Malekula Island Court, Vanuatu
	Regional Lay Judicial Officer Orientation Course
	Local Orientation Training, Marshall Islands
	Human Rights Toolkit
Measurably built competence to perform functionary duties	Gender & Family Violence Toolkit
	Lay Magistrates Training Workshop at Line Islands, Kiribati
	Training for Island Court Lay Justices from the Malekula Island Court, Vanuatu
	Regional Lay Judicial Officer Orientation Course
	Local Orientation Training, Marshall Islands
Developed and embedded systems/processes increasing efficiency, consistency and adherence to law	Human Rights Training, PNG
	Gender & Family Violence Training, Nauru
	Registry Manual for the National Court, PNG
Built consensus, capacity and tools to collect disaggregated case data	Human Rights Training, PNG
	Accountability Visit, Palau

With the intention of further strengthening sustainability further activities related to many of the aforementioned will occur during the remainder of the PJSI. PJSI will also analyse the sustainability of competence gains over time.

## 9. Initiative Management

**Judicial Liaison Committee:** a remote meeting of the JLC committee was held on 25 July, 2017 with all members in attendance. The PJSI team provided an activity summary progress report; there was discussion surrounding upcoming activities. The next JLC committee meeting is scheduled to be held in the first quarter of 2018.

**Extension phase:** PJSI notes that we are half way through the 3-year implementation stage (June 2016-June 2019). To allow sufficient time for planning (if the extension is granted) of the subsequent 2 years we would need to actively commence planning in January 2019. If approved, we anticipate presenting an activity plan from July 2019--June 2021 for approval at the 6<sup>th</sup> IEC Meeting in April, 2019. The PJSI team welcome further discussion with MFAT to ensure a smooth transition of activities and clear communications with our partner Courts (should the extension be granted). We anticipate that discussions at the upcoming 4<sup>th</sup> Initiative Executive Committee Meeting in April 2018 will advise whether a Transition and Exit Strategy is required for submission as part of Milestone 6.



**Milestone Deliverables:** All agreed milestones were submitted on or before the date agreed:

Milestone Report	Due	Submitted
M. 1: Signed Arrangement between Recipient and MFAT. Submission of a claim.	30 June, 2016	✓
M. 2: Inception Period Completion Report, including Leadership Incentive Fund Guidelines, updated 24-month plan, and costed workplan	31 August, 2016	✓
M. 3: Summary of progress report for the period date of signing the GFA to 31 January 2017 covering: outputs delivered to date; actual expenditure and income compared with that in the costed workplan, including comment on significant variances, balance of funds on hand as at 31 December 2016	15 February, 2017	✓
M.4: Annual Progress Report for the period July 2016 to June 2017 including: revised costed workplan, 24-month rolling plan, updated activity results framework and a claim.	31 July, 2017	✓
M.5: Six-monthly Progress Report, including FCA's National and regional court user perception report and costed workplan.	31 January, 2018	✓

**Recruitment:** During the reporting period a number of additional Advisers were internally recruited. Advisers were contracted for the following positions: International Framework and Court Excellence Expert; Remote Delivery Expert; Information and Communications Technology Scoping Paper Development Adviser; and 2 Regional Lay Judicial Officer Orientation Expert Trainers (retired Judicial Officers from both New Zealand and Australian Courts).

**Expenditure Summary:** Commercial-in-confidence.

A number of key areas of underspend have been identified with regards to regional and national leadership activities, as well as savings on some of the large regional activities/professional development and remaining contingency amounts. To actively manage our expenditure and maximise service deliver to the region, PJSI propose to reallocate this underspend and seek IEC approval to deliver the following activities:

- an additional regional Judicial Leadership Workshop (building on the outcomes of the regional Judicial Leadership Workshop in Tonga in held in September 2017);
- cover the costs of the IEC approved ICT Scoping Paper (Samoa IEC Meeting Resolution #2); and
- development of a mentoring judicial and court toolkit.

Further details will be developed and presented to the Chief Justice's and IEC for approval in April, 2018.

#### **Annual Audit Report:**

The [Federal Court of Australia's Annual Report 2016-2017](#) was released on 20 September, 2017 and is the Court's 28<sup>th</sup> Annual Report. The 2016-2017 Annual Report includes the independent auditor's report, confirming the financial accounts of the Federal Court of Australia are compliant (see **Annex I** for the independent auditor's report).



The Federal Court of Australia's Annual Report 2016-2017 includes reference to funding received from New Zealand Ministry of Foreign Affairs and Trade in relation to the PJSI. The report states:

*"Rendering of services includes the provision of services to other agencies in both Australia and overseas. This includes \$1.499m received from New Zealand Ministry of Foreign Affairs and Trade (MFAT). Total cash received from MFAT during the financial year relating to current and future reporting periods totalled \$3.143m."*

**Counterpart communication:** The following communication with counterparts has taken place:

- **Newsletter:** the second PJSI newsletter was distributed to all partner courts and counterparts on 27 July respectively. A copy is available <http://www.fedcourt.gov.au/pjsi/news>. The third edition will be released in early 2018.
- **Newsflash:** the following newsflash communications were distributed to all partner courts and counterparts:
  - Launch of two new Toolkits: Human Rights Toolkit and Gender & Family Violence Toolkit (17 November, 2017)
  - Launch of Certificate of Justice (4 December, 2017)
- **Website Statistics:** The [PJSI website](#) provides access to key documentation, as well as background and progress information on the Initiative. Between July-December 2017 the PJSI website recorded a total of 1,871 'page views'.<sup>6</sup>

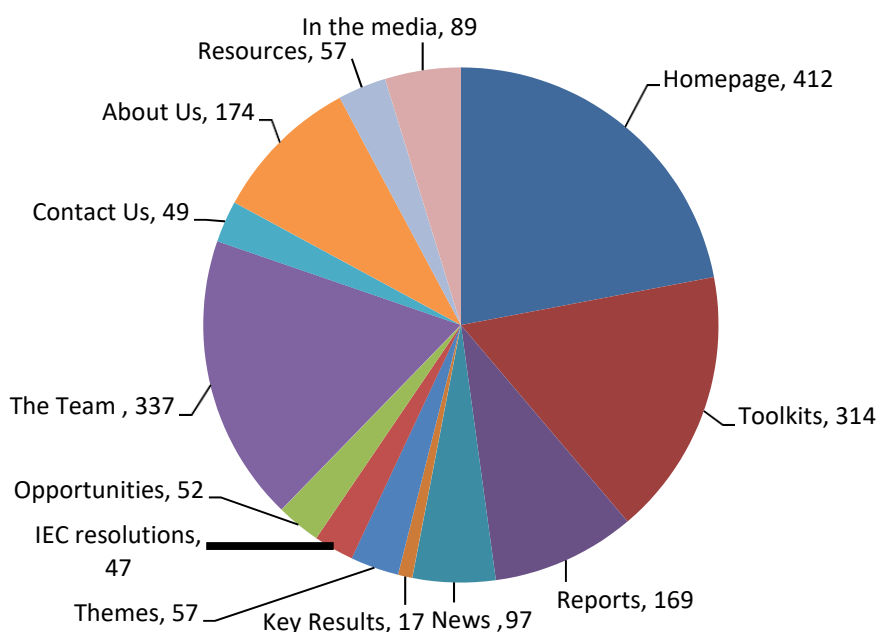


Figure 1: Breakdown of total page views

## 10. Conclusion

The PJSI has reached the half way mark of the implementation schedule. All activities are well underway to being completed. Extensive preparations have been made across a number of activities in preparation for the scheduled activities in 2018. The PJSI Team is grateful for the direction and support of the region's leadership in directing and guiding these activities. Without this high-level support, it would not be possible for the PJSI Team to implement the Initiative.

<sup>6</sup> Note: the 'Total Page Views' statistic counts multiple visit to the one page by the same user.

## **Annexures**

- Annex A - 24-month Schedule of Activities
- Annex B - Third (Remote) IEC Meeting - Minutes and Approved Resolutions
- Annex C - Launch of Certificate of Justice
- Annex D - Gender & Family Violence Nauru Visit Key Outcomes
- Annex E - Chart Creator
- Annex F - Snapshot of PIC capacity to present disaggregated data
- Annex G - Results Diagram & Framework
- Annex H - Expenditure Summary (to 31 December, 2017)
- Annex I - Costed Workplan
- Annex J - Federal Court of Australia Annual Report 2016-2017 Auditor's Report Extract



## Annex A: 24-month Schedule of Activities

### Pacific Judicial Strengthening Initiative

#### Activity Schedule - Chronological Order

as at 22 December, 2017

Activity	Location	Tentative Timing	Output
<b>2016</b>			
1 <sup>st</sup> Chief Justices' Leadership Forum	PNG	7-9 Sep, 2016	Regional Leadership Output
1 <sup>st</sup> Initiative Executive Committee Meeting	PNG	10 Sep, 2016	Regional Leadership Output
Career Pathway: Local Visit #1	PNG	31 Oct-4 Nov 2016	Institutionalising Prof. Dev't Output
<b>2017</b>			
Career Gateway: Local Visit #1	Vanuatu	30 Jan-3 Feb 2017	Institutionalising Prof. Dev't Output
Project Management and Evaluation Workshop	Vanuatu	20-24 Feb, 2017	National Leadership Output
M&E Visit #1	Vanuatu	20-24 Feb, 2017	Accountability Output
Local Project Management and Planning Visit #1	Tokelau	29 Apr-14 May, 2017	National Leadership Output
2 <sup>nd</sup> Chief Justices' Leadership Forum	Samoa	3-5 Apr, 2017	Regional Leadership Output
2 <sup>nd</sup> Initiative Executive Committee Meeting	Samoa	6 Apr, 2017	Regional Leadership Output
Piloting of HR resource / toolkit	Solomon Islands	24 Apr-5 May, 2017	Human Rights Output
Local Visit #1	FSM	15-26 May, 2017	Access to Justice Output
Career Gateway: Local Visit #2	Vanuatu	4-9 June, 2017	Institutionalising Prof. Dev't Output
Regional Certificate level Training of Trainers Workshop	Cook Islands	12-23 Jun, 2017	Prof. Development Output
Piloting of GFV resource / toolkit	Tonga	12-23 June, 2017	G&FV Output
Local Visit #1	Palau	12-23 Jun, 2017	Efficiency Output
M&E Visit #2	Niue	19 June,	Accountability Output





		2017	
Local Orientation Visit #1	Marshall Islands	9-19 Aug, 2017	Prof. Development Output
Accountability Visit #1	Palau	21-25 August, 2017	Accountability Output
Leadership Workshop	Tonga	5-7 Sep, 2017	Regional Leadership Output
3 <sup>rd</sup> Initiative Executive Committee Meeting (Remote)	Remote (2pm Honiara; 3pm Majuro & Wellington; 4pm Nuku'alofa; 1pm Sydney time)	28 Sep, 2017	Regional Leadership Output
Local Visit #1	Nauru	19-26 Nov, 2017	G&FV Output
Regional Lay Judicial Officer Orientation Workshop	Solomon Is.	Pre-workshop TOT (18-19 Nov) 20-24 Nov, 2017	Prof. Development Output
Local Visit #1	PNG	20 Nov-1 Dec, 2017	Human Rights Output
Career Pathway: Local Visit #2	PNG	4-8 Dec, 2017	Institutionalising Prof. Dev't Output
<b>2018</b>			
Substantive / Capacity Development Training-of-Trainers Workshop (Topic: A2J, GFV & HR)	Vanuatu	12-16 Feb, 2018	Localising Prof. Capacity Output
Local Visit #2	Marshall Islands	5-16 Mar, 2018	Access to Justice Output
3 <sup>rd</sup> Chief Justices' Leadership Forum	Auckland	16-18 Apr, 2018	Regional Leadership Output
4 <sup>th</sup> Initiative Executive Committee Meeting	Auckland	19-20 Apr, 2018	Regional Leadership Output
Local Visit #2	Kiribati	23 Apr-4 May, 2018	Human Rights Output
Local Orientation Visit #2	Samoa	9-18 May, 2018	Prof. Development Output
Local Visit #2	Niue	11-22 Jun, 2018	Efficiency Output
Local Orientation Visit #3	Solomon Islands	20-29 June, 2018	Prof. Development Output



Local Visit #3	Vanuatu	6-17 Aug, 2018	G&FV Output
Local Visit #3	Tokelau	13-24 Aug, 2018	Efficiency Output
Local Orientation Visit #4	Kiribati	12-21 Sept, 2018	Prof. Development Output
5 <sup>th</sup> Initiative Executive Committee Meeting	Remote (TBC)	Sep, 2018	Regional Leadership Output
Local Visit #3	Cook Islands	1-12 Oct, 2018	Access to Justice Output
Substantive / Capacity Development ToT Workshop (Topic: <i>Efficiency &amp; IFCE</i> TBC)	PNG	26-30 Nov, 2018	Localising Prof. Capacity Output
Local Visit #2	Cook Islands	2018 (TBC)	G&FV Output
Career Gateway: Local Visit #3	Vanuatu (TBC)	TBC	Institutionalising Prof. Dev't Output
M&E Visit #3	TBC	TBC	Accountability Output
Accountability Visit #2	TBC	TBC	Accountability Output
<b>2019</b>			
Local Visit #4	Nauru	4-15 Feb, 2019	Efficiency Output
Local Visit #3	Tonga	4-15 Feb, 2019	Human Rights Output
Regional Training Workshop (Topic: <i>Decision-Making</i> , TBC)	Solomon Is.	Pre-w'shop TOT (18-19 Feb, 2019) 20-22 Feb, 2019	Prof. Development Output
Local Visit #4	Tuvalu	11-22 Mar, 2019	G&FV Output
4 <sup>th</sup> Chief Justices' Leadership Forum	Palau	1-3 Apr, 2019	Regional Leadership Output
6 <sup>th</sup> Initiative Executive Committee Meeting	Palau	4-5 Apr, 2019	Regional Leadership Output
Local Visit #5	Palau	April, 2019 (TBC)	G&FV Output
Local Visit #4	Vanuatu	29 April-10 May, 2019	Access to Justice Output
Local Project Management and Planning Visit Large LIF #2	TBC	TBC	National Leadership Output
Local Project Management and Planning Visit Large LIF #3	TBC	TBC	National Leadership Output



Local Project Management and Planning Visit Large LIF #4	TBC	TBC	National Leadership Output
Local Project Management and Planning Visit Large LIF #5	TBC	TBC	National Leadership Output

**Leadership Incentive Fund Activities:**

Activity	Deadline
LIF Applications available for all PICs (depending on availability of funds - assessed on a 'first-in-first served' basis)	Round 4: Closed 30 September, 2017 Round 5: 1 February-31 March, 2018

**Remote activities:**

Activity	Location	Tentative Timing	Output
<b>2016-2017</b>			
Remote Delivery Facilitation #1	Remote/ Regional	Sept 2016- May 2017	National Leadership Output
Mentoring / resource sharing with local trainers	Remote/ Regional	Sept 2016- May 2017	Localising Prof. Capacity Output
<b>2017-2018</b>			
Remote Delivery Facilitation #2	Remote/Regional	Jun 2017- May 2018	National Leadership Output
Mentoring / resource sharing with local trainers	Remote/Regional	Jun 2017- May 2018	Localising Prof. Capacity Output
<b>2018-2019</b>			
Remote Delivery Facilitation #3	Remote/Regional	Jun 2018- May 2019	National Leadership Output
Mentoring / resource sharing with local trainers	Remote/Regional	Jun 2018- May 2019	Localising Prof. Capacity Output
ICT Scoping Paper	Remote/Regional	TBC	Efficiency Output
<b>Ongoing</b>			
Collection, analysis & publication of court performance data	Remote	Ongoing	Accountability Output
Expand collection of data	Remote	Ongoing	Accountability Output
Court User Perception Surveys	Remote	Ongoing	Accountability Output
Data Management: collection, collation, analysis & reporting (IFCE)	Remote	Dec 2017- April 2019	Accountability Output



## **Annex B: Third (Remote) IEC Meeting - Minutes and Approved Resolutions**

Submitted to MFAT separately



**Annex C: Launch of Certificate of Justice**

# ***NEWSFLASH***

## **Launch of the Certificate of Justice**



**The University of the South Pacific & Pacific Judicial Strengthening Initiative**

## **Certificate of Justice**

The University of the South Pacific is delighted to announce the introduction of a new **Certificate of Justice**, which will be launched by the School of Law starting in **February 2018**.

This Certificate is specially designed for: (a) **lay adjudicators** (for example: Village and Island Court Magistrates, Justices of the Peace and Land Commissioners) and (b) **court administrators** (for example: court clerks, registry staff and/or judges' associates), who will benefit from foundation-level legal training but cannot commit to the Bachelor of Laws (LLB) program or do not meet its entry requirements.

The purpose of this Certificate is to raise the competence of new and existing lay court actors, whether adjudicators or administrators, by providing an introduction to the justice system, the role of courts and the function of law.

On completion of this Certificate students will be able 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.

This Certificate has been designed in collaboration with the Pacific Judicial Strengthening Initiative (PJSI). It is a sub-degree level program which is set to Level IV of the Fiji Qualifications Framework.

**Program description**

The Certificate of Justice has been designed as a one-year part-time program which can be undertaken by someone who is working full-time in the justice sector. It will require approximately 11 hours of study each week.

There are 4 courses in this Certificate:



**COJ01: Introduction to Law**

This course introduces participants to the various kinds of laws that exist in USP member countries, and how they are made, applied and enforced in these countries. The course starts by considering principles of justice and professionalism for court actors. It provides a historical introduction to the development of laws in USP member countries then moves to examine the laws of the State. The course concludes by considering the rules of custom that exist in countries of the region and how they relate to the laws of the State.

**COJ02: Courts and their Processes**

This course provides an overview of different types of actions and procedures that may be found in Pacific courts. It then focuses in more detail on civil courts and procedure and criminal courts and procedure. The section on civil courts in this course is designed to offer a basic introduction to the composition, jurisdiction and operation of civil courts. The section on criminal courts in this course is designed to offer a basic introduction to the composition, jurisdiction and operation of criminal courts.

**COJ03: Criminal Law**

This course is designed to offer a basic introduction to criminal liability and sentences. It covers the elements of some important offences and defences, the ways in which a person may commit an offence, the range of sentence options, and the principles and process of sentencing.

**COJ04: Civil Law**

This course increases students understanding of the law of contracts and the law of torts. Students are also introduced to legal principles relating to remedies in contracts and torts and reasoning processes for determining disputes in contracts and torts.

COJ01 and COJ02 are prerequisites for undertaking COJ03 and COJ04.

Subject to assessing demand, USP will explore with PJSI the feasibility of extending this 1-year Certificate into a 2-year Diploma that can provide a stairway for students to enter a LLB program.

**Calendar**

The program for the 2018 online cohort will be taught in USP's regular semesters.

*Semester 1 2018*

Teaching: 5 February-23 March; 2 April-18 May

Exams: 4-15 June

*Semester 2 2018*

Teaching: 9 July-24 August; 3 September-19 October

Exams: 29 October - 9 November.

COJ01 and COJ02 will be taught in Semester 1; COJ03 and COJ04 will be taught in Semester 2.

**Course delivery and assessment**

The Certificate will be offered online to a selected cohort from the jurisdictions of the Pacific region. It will use USP's online learning management system: Moodle. Each course will have a website where the course coordinator posts news, study topics, readings, activities and assignments, and where students will have the opportunity to interact with the coordinator and each other. Examinations for each course will be sat at students' local USP campus.

If there are sufficient applications (30+) from one jurisdiction, the School of Law may offer a program geared to the law of that jurisdiction, using a blended delivery model with online content supplemented by some intensive face-to-face teaching in the jurisdiction.

Assessment will be: 50% coursework; 50% final examination.

**Tuition fees**

Students will enrol at their local USP campus and pay a fee specific to that campus in the local currency.



Per course, 2018 fees are: FJ\$535; NZ\$510; AU\$440; US\$330; Tala920; Paánga450; VT31,850.

Per total Certificate, 2018 fees are: FJ\$2,140; NZ\$2,040; AU\$1,760; US\$990; Tala3,680; Pa'anga1,800; VT127,400.

### **Financial assistance**

Courts or students should make their own inquiries about eligibility for financial assistance from their Chief Justice or sources such as their country's scholarship program.

### **Entry requirements and applications**

Completion of Form 4/Year 10 plus a minimum of 2 years relevant work experience. Applications must be supported by a written recommendation from the Chief Justice or Registrar of the relevant Pacific Island Country. This recommendation must certify that the applicant has adequate levels of English expression to undertake a course in English.

Note that numbers in each cohort will be restricted. Selection criteria for the online cohort will allow as many jurisdictions as possible to participate.

Please manually complete an *Application for Admission (Undergraduate)* form, which can be obtained at <https://www.usp.ac.fj/index.php?id=5449> or from your local USP campus. Return the form to the campus or send it to [fane.rai@usp.ac.fj](mailto:fane.rai@usp.ac.fj) on or before **Friday 19 January, 2018**. Online registration will not be available.

### **Further information**

For further information, please contact Professor Eric Colvin: [eric.colvin@usp.ac.fj](mailto:eric.colvin@usp.ac.fj).

PJSI is funded by the New Zealand Government and  
implemented by the Federal Court of Australia





## Annex D: Gender and Family Violence Nauru Visit Key Outcomes

### Pacific Judicial Strengthening Initiative Gender and Family Violence Workshop Key Outcomes

#### Background

At the request of the Chief Justice, from November 21-23, Mr Tevita Seruilumi and Dr Abby McLeod of the Pacific Judicial Strengthening Initiative (PJSI) conducted a three day workshop in Nauru on gender and family violence. While PJSI workshops are primarily intended for the benefit of Pacific Islands' court personnel, the PJSI was grateful for the opportunity to work with a cross-section of Nauru stakeholders, including not only representatives of the court, but also of the Department of Women's Affairs (DWA), police, correctional services and the community.

The workshop had three primary objectives, namely to:

- ❑ familiarise participants with the underlying causes of family violence by enhancing their knowledge of gender inequality, power and control;
- ❑ provide a basic understanding of key components of recently introduced child protection (the *Child Protection and Welfare Act 2016*) (CPWA) and domestic violence (the *Domestic Violence and Family Protection Act 2017*) (DVFPFA) legislation, to open discussion about the provision of services to the victims of family violence; and,
- ❑ familiarise participants with key components of the PJSI Gender and Family Violence Toolkit and engage them in a discussion about improvements that might be made to existing services, building upon an analysis of current strengths and weaknesses.

Thirty-three participants engaged in lively and productive discussion throughout the workshop. Significant discussion was had about:

- ❑ the value of learning from the implementation experiences (of domestic violence legislation) of other Pacific Islands countries;
- ❑ the danger of placing more importance on the protection of children than the protection women when implementing the CPWA and DVFPFA;
- ❑ the lack of arrests and prosecution;
- ❑ the need to understand the gendered nature of domestic violence, as well as the cycle of violence, and hence the differences between domestic violence and stranger assault;
- ❑ the potential for misuse of legislation by perpetrators;
- ❑ the need to avoid confusing increased reporting with increased domestic violence (as a result of legislation);
- ❑ the tendency to blame victims for withdrawing cases, without understanding why they do so and without training responders on what to do when victims attempt to do so;
- ❑ the importance of ongoing government support and political will to implement (including by funding) legislation;
- ❑ the importance of implementing legislation before hastily considering amendments; and,
- the importance of providing services that are collaborative, victim-focussed, preventative and hold perpetrators accountable.

Participants expressed a high degree of overall satisfaction with the experience. Analysis of post-workshop surveys demonstrated increased knowledge and understanding, with participants noting that they particularly valued: learning about the difference between sex and gender; developing an understanding of how to prevent and respond to domestic violence; increasing their knowledge of

the role of courts in preventing and responding to domestic violence; and, obtaining insights in to what different agencies are doing (and plan to do) in response to domestic violence in Nauru. Having learnt about and discussed good practice in the provision of services to the victims of family violence, workshop participants broke in to groups (courts and correctional services; community; department of women's affairs; police) to discuss strengths and weaknesses in existing service provision, with a view to identifying areas for improvement. Below is a summary of key findings.

### ***Providing services to the victims of family violence: Current strengths and weakness***

#### ***Current strengths***

Participants identified a range of strengths and expressed pride at some of the very positive work that Nauru is doing. Participants believe that key strengths include:

- ☐ Victims are assisted to navigate the formal justice system by the victim support unit. This promotes psychological safety by helping them to understand the process and it makes them feel supported. It also increases their understanding of the options available to them.
- ☐ The safe house is well utilised and gives victims respite.
- ☐ There is anecdotal evidence that police are responding more appropriately to domestic violence victims by taking their claims seriously and not judging them. They are following up after reports. They are also collecting good data.
- ☐ Male champions (noting that this is only a strength if participants undergo stringent background checks to ensure that they are not perpetrators of domestic violence)
- There is increased quality inter-agency collaboration. People know who focal points are and there are set protocols and procedures when collaboration is required.
- ☐ There is anecdotal evidence that victims are being treated sensitively during examinations by health services providers.
- ☐ The issuing of various orders is working well, including Maintenance Orders, IPOs and AVOs.
- ☐ All legal forms (excluding Child Protection and Welfare Act forms, which are yet to be drafted) are available online, as is legislation (though GIO, RONLAW and PACLII), which promotes accessibility.
- ☐ Interpreters are available.
- ☐ Victims and perpetrators are separated while waiting for court.
- ☐ Closed court is held and a screen is used in cases where the victim does not want to see the offender.
- ☐ Court attendees are physically protected by escorts.

#### ***Current weaknesses***

Participants identified a range of current weaknesses, which if addressed, would improve the provision of services to the victims of family violence, including:

- ☐ The need for increased community awareness about: the underlying causes of domestic violence; the importance of reporting domestic violence and how to do it; and, where and how to access services, including victim support services provided by the Department of Women. There is also a need for education specifically for perpetrators.
- Customer service, particularly through the police hotline, needs to be improved so that victims feel more comfortable and supported. There is no place for "attitude" on the emergency line.
- The safe house is currently unable to accommodate boy children over the age of 12, which potentially puts them (and mothers who won't stay there without their boy children) at risk.



- ❑ District nurses and other health practitioners need more training on how to handle DV victims, including on confidentiality. *The need for health practitioner training was also raised during consultations, most notably training on how to write reports for court.*
- ❑ There is no privacy at the hospital for victims seeking examination (everybody can hear them discussing the case).
- ❑ There is a need to consider the particular vulnerabilities of the elderly, both in terms of their abuse but also in terms of their access to the courts and other services.
- ❑ There was some desire amongst participants to review fines and imprisonment to further deter domestic violence, noting discrepancies between penalties imposed under the DVFPA and the CPWA. *Participants were informed that changes to legislative provisions should only be considered after significant experience implementing the DVFPA has been gained.*
- ❑ Court and other facilities (including the safe house) are not disability friendly, nor are interpreters available for people with visual and hearing impairments.
- ❑ There is a need for more counsellors and ongoing training of existing counsellors.
- ❑ There is an absence of services to support people with mental health problems.
- ❑ There is a need for increased access to transport to service notices and subpoenas.
- ❑ There is a need for increased clerical staff at the court, and regular training for those staff.
- ❑ There is limited appropriate equipment to transcribe court recordings.
- ❑ Court records are not well stored or managed.
- ❑ There is a need for a coroner and increased correctional officers, including for increased prison security.
- ❑ Contempt of court cases (ex parte) need to be followed up.
- ❑ Court delays.
- ❑ Fee waivers for family law cases (including divorce and maintenance orders) are not routinely available to women facing financial hardship.

### **Concluding thoughts**

Noting that the recently formed Family Protection Coordination Committee is required by legislation to develop a national action plan on the prevention of domestic violence, it is hoped that the above list of strengths and weaknesses in existing service provision is useful as an initial summary of stakeholder perceptions. Whilst a number of current weaknesses will require financial commitments to improve the provision of services to the victims of family violence, many of the weaknesses identified by participants can be addressed with minimal resources. It is worth highlighting that while training in many areas is clearly required, training is never the end point of an improvement process, with workplace practices that reward and enforce good practice (e.g. respecting confidentiality, processing cases in a timely fashion, speaking to clients in a sensitive manner) being required in order to improve the services that are provided to victims.

Mention was made of a potential One Stop Shop, to provide consolidated services to the victims of family violence. Given the small geographic size of Nauru, this may be an achievable means of providing an accessible service to all members of the community, with savings to be made by co-locating services in a single facility. Lessons from other countries suggest that one stop shops work best when all relevant service providers - including police, health, courts, NGOs - fully support and embrace the concept. Creation of such a facility would enable Nauru to consider a number of good practices prior to implementation, including but not limited to: confidentiality agreements for all employees; standardized data collection by all participating agencies/organizations; and, consistent training of all staff in victim-sensitive service provision.

We wish Nauru all the best with its continued efforts to address family violence. Mr Tevita Seruilumi and Dr Abby McLeod - 25 November 2017



## **Annex E: Chart Creator**

Submitted to MFAT separately



## Annex F: Snapshot of PIC capacity to present disaggregated data

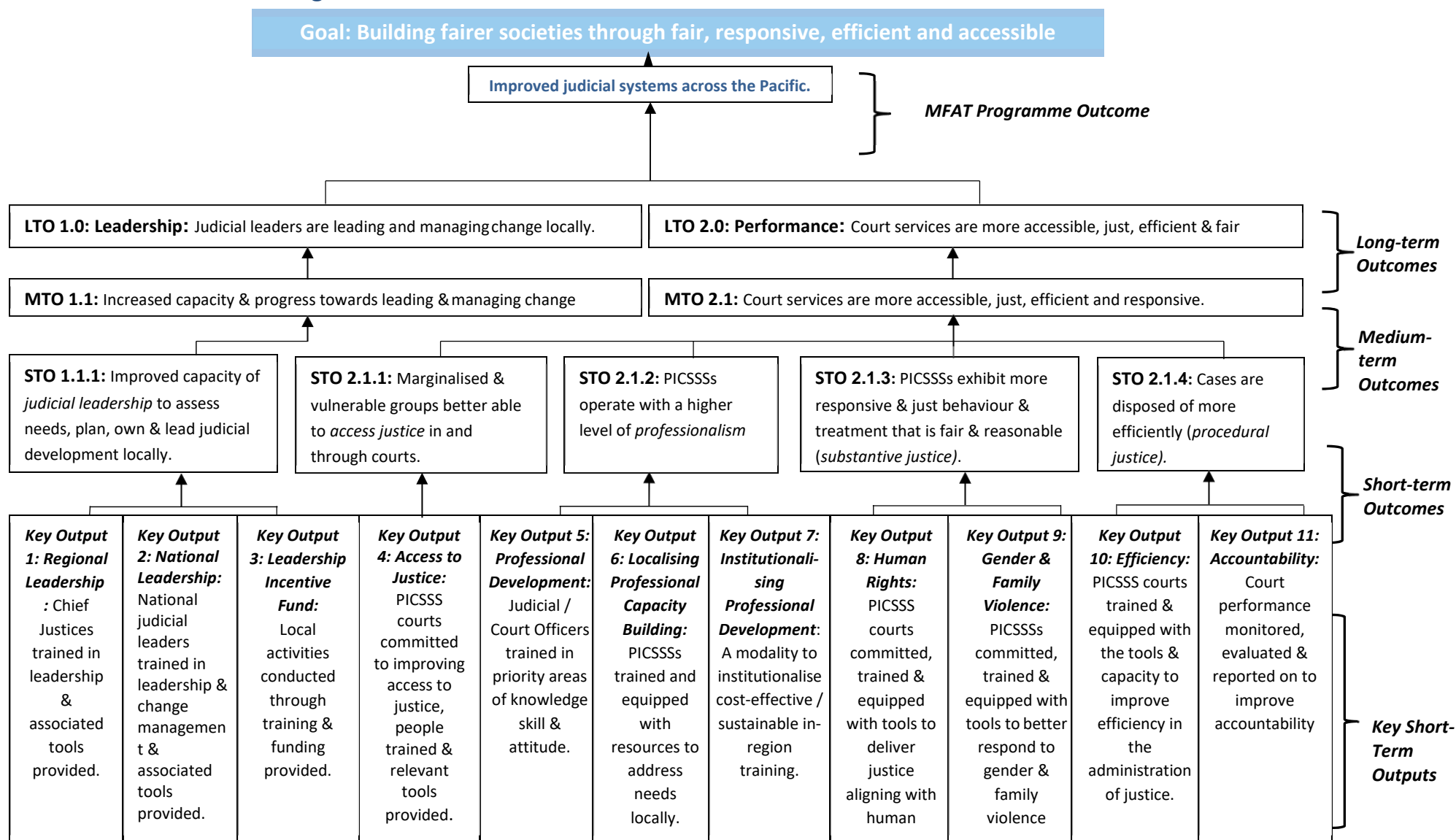
	Sex Disaggregated Data	Juvenile Disaggregated Data	Disability Disaggregated Data
Cook Islands	Some sex disaggregated data.	Data in Annual Report does not cover all children under the age of 18 years.	No disability disaggregated data.
Federated States of Micronesia	No sex disaggregated data in the Annual Report.	The State Courts Of Pohnpei, Chuuk and Yap presented case data disaggregated to show juvenile cases.	No disability disaggregated data in the Annual Report.
Kiribati	The 2012-2014 Annual Report contains details of the number of High Court criminal cases involving violence against women and girls (pages 34 and 117) and Magistrates Court cases involving women (page 45 with details in the Annexures).	The 2012-2014 Annual Report contains details of the number of cases involving children from 2012-2013 (page 45).	No disability disaggregated data in the 2015 Annual Report.
Nauru	No sex disaggregated data presented to the public as there is no Annual Report.	There is no case data disaggregated to show all cases involving children under the age of 18 presented to the public as there is no Annual Report.	No disability disaggregated data presented to the public as there is no Annual Report.
Niue	There is no sex data disaggregated as the 2014/2015 Annual Report does not contain criminal or civil cases but only refers to land cases.	There is no data disaggregated to show all cases involving children under the age of 18 as the Annual Report does not contain criminal or civil cases but only refers to Land cases.	No disability disaggregated data in the 2014/2015 Annual Report for the Land Division of the High Court.
Palau	No sex disaggregated data in the 2015 Annual Report.	The Palau judiciary presented case data disaggregated to show juvenile cases heard in the Supreme Court and Court of Common Pleas (2015 Annual Report p14 and 17).	No disability disaggregated data in the 2015 Annual Report.
PNG (National and Supreme Courts)	No sex disaggregated data in the Annual Report.	There is no case data disaggregated to show all cases involving children under the age of 18 years in the Annual Report.	No disability disaggregated data.



Republic of the Marshall Islands	Some sex disaggregated data in criminal cases. None in civil cases.	Juvenile disaggregated data in Annual Report refers to children under 18 years of age.	No disability disaggregated data.
Samoa	No sex disaggregated data in the Annual Report.	There is no data disaggregated to show all cases involving children under the age of 18.	No disability disaggregated data.
Solomon Islands	No sex disaggregated data presented to the public as there is no Annual Report.	There is no case data disaggregated to show all cases involving children under the age of 18 presented to the public as there is no Annual Report.	No disability disaggregated data presented to the public as there is no Annual Report.
Tokelau	Some sex disaggregated data presenting sex of offenders in criminal cases.	Juvenile disaggregated data in 2014/ 2015 Annual Report refers to children 16 years and under.	No disability disaggregated data in the 2014/ 2015 Annual Report.
Tonga	No sex disaggregated data in the draft 2016 Annual Report.	There is no case data disaggregated to show all cases involving children under the age of 18 years in the draft 2016 Annual Report.	No disability disaggregated data.
Tuvalu	No sex disaggregated data presented to the public as there is no Annual Report.	There is no case data disaggregated to show all cases involving children under the age of 18 presented to the public as there is no Annual Report.	No disability disaggregated data presented to the public as there is no Annual Report.
Vanuatu	No sex disaggregated data in the 2014 Annual Report.	There is no case data disaggregated to show all cases involving children under the age of 18 years in the draft 2014 Annual Report.	No disability disaggregated data.



## Annex G: Results Diagram and Framework





Aim <sup>7</sup>		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
Goal	Building fairer societies through more accessible, just, efficient and responsive court services.	% of public trust and confidence in partner courts <sup>8</sup>	27.5% of court users have trust/confidence in PIC courts.	10% increase in public trust and confidence	To be measured on completion of the 5-year initiative	Court user perception survey conducted by partner courts, supported by FCA.
		Improvement in rankings in World Bank's Governance Indicators (Rule of Law & Voice and Accountability)	Spans from <i>moderate</i> (Tuvalu, Palau and Vanuatu) to <i>low</i> in the other PIC. <sup>9</sup>	Improvement in overall score	To be measured on completion of the 5-year initiative	WGI Annual Reports.
Long-term outcome (YR5)	1: Judicial leaders are leading and managing change locally	The extent to which change is driven locally <sup>10</sup>	On average, 18% of change is driven locally	15% increase in locally driven change <sup>11</sup>	To be measured on completion of the 5-year initiative	PICs & MEA assessment against defined measures.
	2: Court services are more accessible, just, efficient and responsive.	% of court users who are satisfied with courts or consider them accessible, just, efficient and	25% of court users are satisfied with the courts / consider	10% increase in court users' satisfaction	To be measured on completion of the 5-year initiative	Court user perception survey conducted by partner courts in

<sup>7</sup> The term 'Aim' is provided by MFAT, but refers to 'Outcomes' as defined in the Results Diagram.

<sup>8</sup> MFAT's strategic Results Framework Indicators – Law and Justice, supplementary indicator.

<sup>9</sup> See Annex A for a table of latest rankings from 2015 and the concepts measured.

<sup>10</sup> Indicative measures include; existence and active operation of National Judicial Development Committees (however named), existence and active implementation of local strategic development plans (however named), number of local trainers and the extent to which they are encouraged/able to conduct training, number of local training/development activities conducted, number of locally inspired/led changes implemented, capacity to assess needs, design, implement, monitor and evaluate local activities. Success is measured by internal assessment of the following 5 OECD-DAC: 1) Did the project address the identified need? [relevance & effectiveness] 2) Did it demonstrably achieve its stated objective/s and (overtime) deliver its intended result/s? [impact] 2) Was it delivered on time and within budget? [efficiency] 3) Will the outcomes and results live on over time? [sustainability].

<sup>11</sup> As above.



Aim <sup>7</sup>		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
Medium-term outcome (YR3-4)		responsive	courts to be adequately responsive, just, fair and reasonably.			concert with FCA
		Number of people trained/supported to strengthen PICs courts <sup>12</sup>	No people have been trained by PJSI	1,139 people trained / supported, 30% of whom are women (YR5: 153, YR4: 203, YR3: 271,YR2: 276, YR1: 236)	To be measured on completion of the 5-year initiative	Collated figures from all PJSI and local training / advisory activities.
	1.1 Increased capacity & progress towards leading / managing change locally	Extent to which change is driven locally <sup>13</sup>	On average, 18% of change is driven locally	15% increase in locally driven change <sup>14</sup>	To be measured at the end of year 4	PICs & MEA assessment against defined measures.
	2.1 Court services are more accessible, just, efficient and responsive	Extent to which court users consider that PIC courts exhibit responsive and just behaviour and	19% of vulnerable and marginalised people have	10% increase in understanding / confidence <sup>15</sup>	To be measured at the end of year 4	Court user perception survey conducted by partner courts in

<sup>12</sup> MFAT's Strategic Results Framework Indicators – Law and Justice, indicator 8.1D. This data will comprise in-person days, the number of people successfully completing the training both provided by PJSI and locally by partner courts (where the latter data is available), gender-disaggregating and distinguishing the types of court actors (eg judicial and court officers). The figures will be presented as a percentage of total population. This also addresses MFAT Strategic Results Framework Indicators – supplementary indicators.

<sup>13</sup> Indicative measures include; the existence and active operation of National Judicial Development Committees (however named), the existence and active implementation of local strategic development plans (however named), number of local trainers and the extent to which they are encouraged/able to conduct training, the number of local training/development activities conducted, the number of locally inspired/led changes underway, implemented and embedded, capacity to assess needs, design, implement, monitor and evaluate local activities. Success is measured by internal assessment of the following 5 OECD-DAC: 1) Did the project address the identified need? [relevance] 2) Did it demonstrably achieve its stated objective/s [effectiveness] and overtime, deliver its intended result/s? [impact] 2) Was it delivered on time and within budget? [efficiency] 3) Will the outcomes and results live on over time? [sustainability].

<sup>14</sup> Ibid.

<sup>15</sup> Ibid, refer to Table 3.



Aim <sup>7</sup>		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
		treat people fairly and reasonably.	knowledge of & confidence to assert their legal rights.			concert with FCA
			32.5% of court users consider PIC courts to be professional.	15% increase in excellent service <sup>16</sup>	To be measured at the end of year 4	Self-assessment against action plans <sup>17</sup>
			27% of court users consider courts to be adequately responsive, just, fair and reasonably.	15% improvement in delivering fairer results	To be measured at the end of year 4	Court user perception survey conducted by partner courts in concert with FCA
		Number of backlogged / delayed cases in partner courts ( <i>procedural justice</i> )	82% of court users consider there to be unreasonable case delays	12.5% decrease in case backlog and delay <sup>18</sup>	To be measured at the end of year 4	PICs case management records
Short-term outcomes (YR1-2)	1.1.1 Improved capacity of <i>judicial leadership</i> to	Extent to which change is driven locally <sup>19</sup>	On average, 18% of change is	5% increase in locally driven	It is premature to re-assess the response of	PICs & MEA assessment against

<sup>16</sup> Ibid.<sup>17</sup> Action plans will be developed during all training activities and used to assess incremental improvement over time.<sup>18</sup> Ibid.<sup>19</sup> Indicative measures include; the existence and active operation of National Judicial Development Committees (however named), the existence and active implementation of local strategic development plans (however named), number of local trainers and the extent to which they are encouraged/able to conduct training, the number of local training/development activities conducted, the number of locally inspired/led changes underway, implemented and embedded, capacity to assess needs, design, implement, monitor and evaluate local activities. Success is measured by internal assessment of the following 5 OECD-DAC: 1) Did the project address the identified need? [relevance] 2) Did it demonstrably

Aim <sup>7</sup>	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
assess needs, plan, own and lead judicial development locally.		driven locally	changes.	court users given the baseline was completed in July 2017.	defined measures.
2.1.1 Marginalised and vulnerable groups better able to <i>access justice</i> in and through courts.	The extent to which the needy understand, and are confident to exercise their rights.	19% of vulnerable and marginalised people have knowledge of & confidence to assert their legal rights.	5% increase in understanding / confidence	It is premature to re-assess the response of court users given the baseline was completed in July 2017.	Court User perception survey
2.1.2 Partner courts operate with a higher level of <i>professionalism</i>	Extent to which officers deliver excellent service	32.5% of court users consider PIC courts to be professional.	5% increase in professionalism	It is premature to re-assess the response of court users given the baseline was completed in July 2017.	Post-training satisfaction/learning surveys (completed by pax/TA) & learning application surveys completed 6 & 12 months after the training (completed by pax/CJ/Registrar or nominee).
2.1.3 Partner courts exhibit more responsive & just behaviour & treatment that is fair & reasonable ( <i>substantive justice</i> ).	Extent to which courts deliver fair results	27% of court users consider courts to be adequately responsive, just, fair and	5% improvement in delivering fairer results	It is premature to re-assess the response of court users given the baseline was completed in July 2017.	PICs/TA documented assessment of relevant reforms

achieve its stated objective/s [effectiveness] and overtime, deliver its intended result/s? [impact] 2) Was it delivered on time and within budget? [efficiency] 3) Will the outcomes and results live on over time? [sustainability].



Aim <sup>7</sup>	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source	
		reasonably.				
	2.1.4 Cases are disposed of more efficiently ( <i>procedural justice</i> ).	Number of backlogged / delayed cases backlog in partner courts	82% of court users consider there to be unreasonable case delays	N/A (no activities planned for the first two years)	One activity has been undertaken in this thematic area at present.	PICs case management records
Outputs	1 Regional Leadership - Chief Justices trained in leadership & associated tools provided.	The number of: <ul style="list-style-type: none"><li>• people trained / supported in leadership</li><li>• people satisfied with training / support</li><li>• inter-courts links established</li></ul>	N/A	<ul style="list-style-type: none"><li>• 2 x regional activities in years 1-4 and 1 x regional activity in year 5 each attended by 14 pax (=14 pax)</li><li>• 80% satisfaction rating</li><li>• 5 inter-court links established</li></ul>	<ul style="list-style-type: none"><li>• 2 regional activities conducted in 2016 &amp; 2017 each attended by an average of 12.5 pax</li><li>• 92.24% mean satisfaction rating</li><li>• Bilateral and multilateral inter-court linkages established<sup>20</sup></li></ul>	FCA/TA reports
	2 - National Leadership - National judicial leaders trained in leadership & change management & associated tools provided.	The number of: <ul style="list-style-type: none"><li>• people trained / supported in change management</li><li>• people satisfied with</li></ul>	NA	<ul style="list-style-type: none"><li>• 1 x regional activity attended by 14 pax (= 14 pax)</li></ul>	<ul style="list-style-type: none"><li>• 1 regional activity conducted attended by 14 pax</li><li>• 1 local activity conducted</li></ul>	FCA/TA reports & PICs reports

<sup>20</sup> Links: 1) across all PICs established with the New Zealand judiciary through the JLC and the involvement of individual judges in specific activities; and 2) Between the apex courts in PNG and the Solomon Islands to promote mutual support.



Aim <sup>7</sup>	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
	the training / support		<ul style="list-style-type: none"> <li>8 x local activities each training / supporting x 10 pax (=80pax)</li> <li>5 x remote activities each training / supporting x 5 pax (=5 pax)</li> <li>80% mean satisfaction rating</li> </ul>	attended by 5 pax <ul style="list-style-type: none"> <li>96.88% mean satisfaction rating</li> </ul>	
3 - Leadership Incentive Fund -Local activities conducted through training & funding provided.	The number of grants awarded and activities implemented	NA	<ul style="list-style-type: none"> <li>Equitable portion of 35 grants provided over 5 years</li> <li>All activities implemented</li> </ul>	<ul style="list-style-type: none"> <li>15 LIF applications have been received, 11 of which have been approved.</li> <li>8 activities have been implemented, the remainder are in the process of being implemented / planned.</li> </ul>	FCA records & PICs grant reports
4 - Access to Justice - PICs courts committed to improving access to justice, people trained & relevant tools provided.	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> <li>local resources developed and</li> </ul>	NA	<ul style="list-style-type: none"> <li>1 x regional activity attended by 14 pax (=14 pax)</li> <li>4 x local activities each training /</li> </ul>	<ul style="list-style-type: none"> <li>1 local activity has been conducted supporting 59 pax</li> <li>90% mean satisfaction rating</li> </ul>	FCA/TA reports & PICs reports





Aim <sup>7</sup>	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
	used/delivered		supporting x 10 pax (=40 pax) • 80% mean satisfaction rating		
5 - Professional Development - Judicial / Court Officers trained in priority areas of knowledge skill & attitude.	Number of: • people trained • people satisfied with training • local resources developed and used/delivered	NA	<ul style="list-style-type: none"> <li>• 5 x regional activity attended by 14 pax (=70 pax)</li> <li>• 4 x local activities each training / supporting x 10 pax (=40 pax)</li> <li>• 80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>• 1 regional activity has been conducted for 28 pax.</li> <li>• 1 local activity has been conducted for 26 pax</li> <li>• 92.39% mean satisfaction rating</li> <li>• Resources developed, disseminated &amp; used</li> </ul>	FCA/TA reports
6 - Localising Professional Capacity Building - PICs judicial / court officers trained to address needs locally.	Number of: • people trained / supported • people satisfied with training / support • local resources developed and used/delivered	NA	<ul style="list-style-type: none"> <li>• 3 x regional activity attended by 14 pax (=42 pax)</li> <li>• 5 x remote activities each training / supporting x 5 pax (=25 pax)</li> <li>• 80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>• 1 regional activity has been conducted for 18 pax</li> <li>• 84.44% mean satisfaction rating</li> <li>• Resources developed (Session Planning Toolkit), disseminated &amp; used</li> </ul>	FCA/TA reports & PICs activity reports
7 - Institutionalising Professional Development	• Options paper completed	NA	• 2 x regional activities	• Options paper completed	Options paper & FCA/TA reports



Aim <sup>7</sup>	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
– A modality to institutionalise cost-effective / sustainable in-region training.	<ul style="list-style-type: none"> <li>Inter-agency linkages established / operating</li> </ul>		<ul style="list-style-type: none"> <li>supporting x 10 pax (=20 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>Inter-agency linkages explored but not required</li> <li>4 local consultation activities conducted (satisfaction ratings NA)</li> </ul>	
8 - Human Rights - PICs courts committed, trained & equipped with tools to deliver justice aligning with human rights.	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> <li>local resources developed and used/delivered</li> <li>NGO/CBO linkages established</li> </ul>	NA	<ul style="list-style-type: none"> <li>2 x regional activity attended by 14 pax (=28 pax)</li> <li>4 x local activities each training / supporting x 10 pax (=40 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>2 local activities conducted for 124 pax</li> <li>92.22% mean satisfaction rating</li> <li>Human Rights Toolkit published</li> <li>NGO/CBO linkages established in both PICs</li> </ul>	FCA/TA reports & PICs activity reports
9 - Gender & Family Violence - PICs courts committed, trained & equipped with tools to better respond to gender & family violence issues.	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> <li>local resources developed and used/delivered</li> <li>NGO/CBO linkages established</li> </ul>	NA	<ul style="list-style-type: none"> <li>2 x regional activity attended by 14 pax (=28 pax)</li> <li>5 x local activities each training / supporting x 10 pax (=50 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>2 local activities conducted for 62 pax</li> <li>93.06% mean satisfaction rating</li> <li>Gender &amp; Family Violence Toolkit published</li> <li>NGO/CBO linkages established in both PICs</li> </ul>	FCA/TA reports & PICs activity reports



Aim <sup>7</sup>		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2017)	Methodology & Data Source
	10 - Efficiency - PICs courts equipped with the tools and capacity to improve efficiency in the administration of justice.	<ul style="list-style-type: none"> <li>New toolkit developed</li> <li>Number of people trained to implement the toolkit</li> <li>Number of PICs implementing new policies, standards, systems, processes to improve administration</li> </ul>	NA	<ul style="list-style-type: none"> <li>5 x local activities each training / supporting x 10 pax (=50 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>1 local activity conducted for 33 pax</li> <li>86.25% mean satisfaction rating</li> <li>New policies etc developed &amp; being implemented</li> </ul>	FCA/TA reports & PICs activity reports
	11 - Accountability - Court performance monitored, evaluated & reported on to improve accountability.	Number of PICs: <ul style="list-style-type: none"> <li>routinely producing annual reports</li> <li>developing systems / methodologies to expand data collection</li> <li>collecting IFCE, gender &amp; GFV compliant disaggregated data</li> </ul>	NA	<ul style="list-style-type: none"> <li>5 x regional activity attended by 14 pax (=70 pax)</li> <li>5 x local activities each training / supporting x 10 pax (=50 pax)</li> <li>15 days remote, training/supporting x 5 pax (=5 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>1 local activities conducted for 51 pax</li> <li>Policies &amp; systems developed &amp; being implemented to expand data collection including disaggregated gender/GFV data</li> </ul>	FCA/TA reports & PICs activity reports



## Analysis of Progress against Outputs

Output / Aim	Indicator	Target	Analysis
1 Regional Leadership - Chief Justices trained in leadership & associated tools provided.	The number of: <ul style="list-style-type: none"> <li>people trained / supported in leadership</li> <li>people satisfied with training / support</li> <li>inter-courts links established</li> </ul>	<ul style="list-style-type: none"> <li>2 x regional activities in years 1-4 and 1 x regional activity in year 5 each attended by 14 pax (=14 pax)</li> <li>80% satisfaction rating</li> <li>5 inter-court links established</li> </ul>	<ul style="list-style-type: none"> <li>12 PICs were represented at the first Chief Justices' Leadership Forum.</li> <li>92% were satisfied with the meeting</li> <li>No inter-court links were established.</li> </ul>
2 - National Leadership - National judicial leaders trained in leadership & change management & associated tools provided.	The number of: <ul style="list-style-type: none"> <li>people trained / supported in change management</li> <li>people satisfied with the training / support</li> </ul>	<ul style="list-style-type: none"> <li>1 x regional activity attended by 14 pax (= 14 pax)</li> <li>8 x local activities each training / supporting x 10 pax (=80pax)</li> <li>5 x remote activities each training / supporting x 5 pax (=5 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>No activities conducted.</li> <li>Planning and preparations for the Project Management and Evaluation Workshop are underway.</li> </ul>
3 - Leadership Incentive Fund - Local activities conducted through training & funding provided.	The number of grants awarded and activities implemented	<ul style="list-style-type: none"> <li>Equitable portion of 35 grants provided over 5 years</li> <li>All activities implemented</li> </ul>	<ul style="list-style-type: none"> <li>Fund launched, 2 applications received. 1 approved, 1 being review.</li> </ul>
4 - Access to Justice - PICs courts committed to improving access to justice, people trained & relevant tools provided.	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> <li>local resources developed and used/delivered</li> </ul>	<ul style="list-style-type: none"> <li>1 x regional activity attended by 14 pax (=14 pax)</li> <li>4 x local activities each training / supporting x 10 pax (=40 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>No activities conducted.</li> </ul>
5 - Professional Development - Judicial / Court Officers trained in priority areas of knowledge skill & attitude.	Number of: <ul style="list-style-type: none"> <li>people trained</li> <li>people satisfied with training</li> <li>local resources developed and used/delivered</li> </ul>	<ul style="list-style-type: none"> <li>5 x regional activity attended by 14 pax (=70 pax)</li> <li>4 x local activities each training / supporting x 10 pax (=40 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>No activities conducted.</li> </ul>
6 - Localising Professional Capacity Building - PICs judicial / court officers trained to address	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> </ul>	<ul style="list-style-type: none"> <li>3 x regional activity attended by 14 pax (=42 pax)</li> <li>5 x remote activities each training /</li> </ul>	<ul style="list-style-type: none"> <li>No activities conducted.</li> </ul>



Output / Aim	Indicator	Target	Analysis
needs locally.	<ul style="list-style-type: none"> <li>local resources developed and used/delivered</li> </ul>	<ul style="list-style-type: none"> <li>supporting x 5 pax (=25 pax)</li> <li>80% mean satisfaction rating</li> </ul>	
7 - Institutionalising Professional Development - A modality to institutionalise cost-effective / sustainable in-region training.	<ul style="list-style-type: none"> <li>Options paper completed</li> <li>Inter-agency linkages established / operating</li> </ul>	<ul style="list-style-type: none"> <li>2 x regional activities supporting x 10 pax (=20 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>Preliminary assessments of Career Gateway and Pathway components completed.</li> </ul>
8 - Human Rights - PICs courts committed, trained & equipped with tools to deliver justice aligning with human rights.	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> <li>local resources developed and used/delivered</li> <li>NGO/CBO linkages established</li> </ul>	<ul style="list-style-type: none"> <li>2 x regional activity attended by 14 pax (=28 pax)</li> <li>4 x local activities each training / supporting x 10 pax (=40 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>Strategy approved and Toolkit drafting commenced.</li> </ul>
9 - Gender & Family Violence - PICs courts committed, trained & equipped with tools to better respond to gender & family violence issues.	Number of: <ul style="list-style-type: none"> <li>people trained / supported</li> <li>people satisfied with training / support</li> <li>local resources developed and used/delivered</li> <li>NGO/CBO linkages established</li> </ul>	<ul style="list-style-type: none"> <li>2 x regional activity attended by 14 pax (=28 pax)</li> <li>5 x local activities each training / supporting x 10 pax (=50 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>Strategy approved and Toolkit drafting commenced.</li> </ul>
10 - Efficiency - PICs courts equipped with the tools and capacity to improve efficiency in the administration of justice.	<ul style="list-style-type: none"> <li>New toolkit developed</li> <li>Number of people trained to implement the toolkit</li> <li>Number of PICs implementing new policies, standards, systems, processes to improve administration</li> </ul>	<ul style="list-style-type: none"> <li>5 x local activities each training / supporting x 10 pax (=50 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>No activities conducted.</li> </ul>
11 - Accountability - Court performance monitored, evaluated & reported on to improve accountability.	Number of PICs: <ul style="list-style-type: none"> <li>routinely producing annual reports</li> <li>developing systems / methodologies to expand data collection</li> <li>collecting IFCE, gender &amp; GFV compliant disaggregated data</li> </ul>	<ul style="list-style-type: none"> <li>5 x regional activity attended by 14 pax (=70 pax)</li> <li>5 x local activities each training / supporting x 10 pax (=50 pax)</li> <li>15 days remote, training/supporting x 5 pax (=5 pax)</li> <li>80% mean satisfaction rating</li> </ul>	<ul style="list-style-type: none"> <li>Strategy approved and work commenced.</li> <li>M&amp;E Plan developed and implemented across PJSI systems/processes, localisation to commence during PM&amp;E workshop.</li> </ul>



## **Annex H: Expenditure Summary (to 31 December, 2017)**

Commercial-in-confidence, supplied to MFAT separately.



## **Annex I: Costed Workplan**

Commercial-in-confidence, supplied to MFAT separately.





## Annex J: Federal Court of Australia Annual Report 2016-2017 Auditor's Report Extract



### INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

#### Opinion

In my opinion, the financial statements of the Federal Court of Australia for the year ended 30 June 2017:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Federal Court of Australia as at 30 June 2017 and its financial performance and cash flows for the year then ended.

The financial statements of the Federal Court of Australia, which I have audited, comprise the following statements as at 30 June 2017 and for the year then ended:

- Statement by the Chief Executive Officer and Chief Finance Officer of the Federal Court of Australia;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to the financial statements, comprising a summary of significant accounting policies and other explanatory information.

#### Basis for Opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Federal Court of Australia in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* to the extent that they are not in conflict with the *Auditor-General Act 1997* (the Code). I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Accountable Authority's Responsibility for the Financial Statements

As the Accountable Authority of the Federal Court of Australia the Chief Executive Officer is responsible under the *Public Governance, Performance and Accountability Act 2013* for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under that Act. The Chief Executive Officer is also responsible for such internal control as the Chief Executive Officer determines is necessary to enable the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.



In preparing the financial statements, the Chief Executive Officer is responsible for assessing the Federal Court of Australia's ability to continue as a going concern, taking into account whether the entity's operations will cease as a result of an administrative restructure or for any other reason. The Chief Executive Officer is also responsible for disclosing matters related to going concern as applicable and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

#### **Auditor's Responsibilities for the Audit of the Financial Statements**

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office

A handwritten signature in black ink that reads "Colin Bienke".

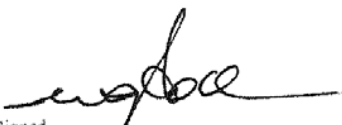

Colin Bienke  
Senior Director

Delegate of the Auditor-General

Canberra

1 September 2017

## Federal Court of Australia

Statement by the Chief Executive Officer and Chief Finance Officer of the Federal Court of Australia	
In our opinion, the attached financial statements for the period ended 30 June 2017 comply with subsection 42(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act	
In our opinion, at the date of this statement, there are reasonable grounds to believe that the Federal Court of Australia will be able to pay its debts as and when they fall due.	
	
Signed.....	Signed.....
Mr Warwick Soden OAM	Ms Kathryn Hunter
Chief Executive Officer/Principal Registrar	Chief Finance Officer
1 September 2017	1 September 2017

