



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

Third Six-Monthly Progress Report

31 January 2019



**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
CDS	-	Case Docking System
CJ	-	Chief Justice
CJE	-	Centre for Judicial Excellence
CMS	-	Court Management System
CTS	-	Cask Tracking System
FCA	-	Federal Court of Australia
FSM	-	Federated States of Micronesia
GFV	-	Gender & Family Violence
HR	-	Human Rights
ICT	-	Information and Communications Technology
IEC	-	Initiative Executive Committee
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
PacLII	-	Pacific Islands Legal Information Institute
PIC	-	Pacific Island Country
PJDP	-	Pacific Judicial Development Programme
PJSI	-	Pacific Judicial Strengthening Initiative
PNG	-	Papua New Guinea
RFI	-	Request for Information
RMI	-	Republic of Marshall Islands
USP	-	University of the South Pacific
VC	-	Video Conferencing



Executive Summary

This report provides a summary of the Pacific Judicial Strengthening Initiative's progress between 1 July 2018 - 31 December 2018. The report is submitted in satisfaction of Milestone 7 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 13 activities¹, across 7 of the Initiative's outputs on time and within budget;
2. University of South Pacific approved the introduction of the PJSI designed, two-year Diploma of Justice Program in Semester 2 of 2019;
3. Successful delivery of remote Webinar on Gender and Family Violence;
4. Launch of new Efficiency Toolkit; and
5. Approval of 11 small Leadership Incentive Fund applications².

Summary of Progress

PJSI continues to successfully implement activities on schedule and within budget. During the reporting period, 13 activities were delivered, with several other activities continuing to be planned, monitored and/or commenced. A summary of progress against each output can be found below.



¹ Career Gateway: Local Visit #3 to Vanuatu; ICT Support Visit #1 to Papua New Guinea; Accountability Visit #2 to Samoa; Local Project Management and Planning Visit #2 to Federated States of Micronesia; Gender & Family Violence Visit #2 to Vanuatu; Regional Judicial Leadership Workshop II in New Zealand; Access to Justice Visit #3 to Cook Islands; 5th Initiative Executive Committee Remote Meeting; Local Project Management and Planning Visit #3 to Papua New Guinea; ICT Support Visit #2 to Marshall Islands; Remote Webinar on Gender & Family Violence; Gender & Family Violence Visit #3 to Palau; and Regional Building Capacity to manage Court Data Workshop in Papua New Guinea.

² Kiribati x3; Samoa x2; Papua New Guinea x2; Federated States of Micronesia; Niue; Vanuatu; and Tonga.

1. Activity Summary

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

Output 1: Regional Leadership

The regional **Judicial Leadership Workshop II** was attended by 28 senior judicial and court officers from 13 PJSI partner courts. The workshop took place in Auckland, New Zealand from 19-21 September 2018. Facilitated by Federal Court of Australia Deputy Principal Registrar, Mr John Mathieson and PJSI Team Leader, Mr Lorenz Metzner the workshop aimed to:

- Share experience on what judicial leadership means in the Pacific;
- Know and understand key concepts of inspirational judicial/court leadership;
- Identify and develop strategies to address challenges in implementing leadership action plans; and
- Develop/refine Leadership Action Plans (developed in the first Leadership Workshop) that promote partner courts' defined vision and mission.

Two participants from each jurisdiction were nominated. One participant was to represent the judicial arm, the other the administrative arm of the courts. This combination of both judges and administrators was to ensure that all leadership, strategic, and managerial matters were considered when developing each courts' Leadership Action Plan. Leadership Action Plans developed at the Judicial Leadership Workshop in Tonga in September 2017 were discussed, progress reviewed and further developed.

"Loved seeing the support from facilitators as well as fellow participants in working together and helping each other up building a stronger judicial system in the Pacific..."

Participant's Feedback

The plans were developed by participants to specifically address their courts' priority needs, and included:

1. Video Link Court; and Development of a New Land Court Bench Book (Cook Islands)
2. Human Resource Improvement Plan (FSM)
3. Implementation of the Separation Decision (Kiribati)
4. Electronic Filing in Nauru (Nauru)
5. Increase Efficiency with All Court Functions (Niue)
6. ICT Plan - Information, Communication and Technology Plan (Palau)
7. Execution & Enforcement of Bench Warrants (PNG)
8. RMI Judiciary Radio Program and Meeting the Legal Needs of the Outer Islands (RMI)
9. Judicial Planning and Support Program (Samoa)
10. National Judiciary Autonomy (Solomon Islands)
11. Providing Quality Justice for the People of Tokelau (Tokelau)
12. Adoption of Legitimate Children (Tonga)
13. Fair, Just & Timely Disposition of Cases (Vanuatu).

Participants' rated their overall satisfaction across all aspects of the workshop at 96.30%. Participants valued the opportunity to: develop a better understanding of judicial and court leadership concepts; interact and learn from their peers; share stories, challenges, experiences, and solutions relevant to the Pacific context; and apply the knowledge they had gained on a reform that was strategically important to their court.

The *Fifth Initiative Executive Committee* (IEC) Meeting took place remotely on 15 October 2018. Members received a report on progress and budget; provided strategic direction, and outlined key resolutions. The Committee noted the positive response and indication of participation from Fiji in the PJSI, and agreed to extend an invitation to Chief Justice Gates to attend the Fifth Chief Justices' Leadership Forum in Koror in order to discuss the level of support the Fiji Judiciary may require. The Committee noted the delayed timing of the Mid-Term Review and looked forward to hearing the outcome at the Chief Justices' Leadership Forum. The IEC will next meet in person on 4 April 2019 in Koror, Palau.

Planning and arrangements have begun for the **Fourth Chief Justices' Leadership Forum** and **Sixth Initiative Executive Committee Meeting** to be held in Koror, Palau from 1-4 April 2019.

Output 2: National Leadership

The **Local Project Management and Planning Visit #2**: took place in Pohnpei (24-27 July, 2018) and Chuuk (31 July-3 August, 2018), Federated States of Micronesia (FSM). A large LIF grant was approved for the FSM Supreme Court to translate and train judicial and court officers from national, state and local courts across all four States on the PJSI Enabling Rights & Unrepresented Litigants Toolkit. Project Management Adviser, Mr Lorenz Metzner delivered the activity which aimed to strengthen FSM's capacity to lead and manage the LIF and other activities and to produce and show results.

The approach of presenting and building awareness of the National Supreme Court's LIF Project and Access to Justice Plan was seen as positive. Participants greatly valued the opportunity to develop a better understanding of: the innovative approach that the Court was developing to improve access to justice for marginalised individuals; participant's roles and responsibilities with regards to promoting improved access; and gaining practical assistance and knowledge in monitoring and evaluation. A total of 34 people participated in both workshops, with 50% being female. Participants' rated their satisfaction with the workshops at 87.69%.

Pre-/post-training survey's demonstrated an average increase in overall knowledge gained of 874%.

At the conclusion of the workshops, participants had developed comprehensive session plans for four topics to be used in the access to justice training, namely:

- 1. Court Structure, Roles and Responsibilities** - focussing on: Constitution; jurisdiction; independence; structure; court functions; and roles and responsibilities of judges and clerks.
- 2. Community Outreach on the New Domestic Violence Legislation** - focussing on: what are your rights (victims and defendants); who can help if you have a problem; and key local contacts to support victims.
- 3. Community Roles & Responsibilities with regards to Human Trafficking** - focussing on: Prevention; Protection; Prosecution; and Partnerships (the 4 P's).
- 4. Reporting Crimes** - focussing on: what matters should be reported; what process to follow when reporting; and how to overcome obstacles to reporting (culture, family, 'fear').

The **Local Project Management and Planning Visit #3**: was held in Port Moresby, Papua New Guinea (PNG) between 15-19 October 2018. At the request of the Supreme and National Courts of Papua New Guinea support was provided to the Centre for Judicial Excellence (CJE) to strengthen the CJE's capacity to manage ongoing judicial development activities and to demonstrate results. The

outcomes of the workshop and visit were to support the newly established CJE management team in leading, delivering, and monitoring its activities using established processes, methods, and tools.

The workshop was attended by all CJE staff - in total 10 participants, of which 50% were female. The workshop presented and facilitated discussions and practical exercises on: team roles and responsibilities; systems and processes that exist or are needed at the CJE; awareness and understanding of the nature of judicial development and education; and the need to focus on results and establish monitoring and evaluation processes to allow the organisation to understand, track, and demonstrate change or results over time. The workshop also undertook a targeted needs assessment for the key roles at the CJE, as summarised in **Annex B**.

As a result of the needs assessment, the Supreme & National Courts of Papua New Guinea requested assistance under the Career Pathway Project (Output 7) for a 4-spoked Train-the-Trainer Workshop for the CJE Team to be delivered.



The Centre for Judicial Excellence (CJE) Team and PJSI Team Leader, Lorenz Metzner in Port Moresby, Papua New Guinea, October 2018

The **Local Project Management and Planning Visit #4**: is currently being discussed and planned with the Vanuatu Judiciary for early February 2019.

The use of **remote delivery facilitation modalities** continue to be trialled across PJSIs activities. Most recently, PJSI facilitated its first Webinar utilising Webex software as the platform to connect, train and interact with five partner courts on the topic of Gender & Family Violence. Full details on the webinar are found in Output 6.

The recent 5th IEC Meeting was successfully held remotely via Chorus Call across eight 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.

Ongoing remote assistance across partner courts is being delivered through the analysis of court Annual Reports and development of the 2019 Court Trend Report.

Output 3: Leadership Incentive Fund (LIF)

During the reporting period, 11 small LIF applications were approved from 7 Pacific Island Countries. To date a total of:

- 28 applications have been approved and/or completed/undergoing implementation, with a number of additional applications being drafted.

See **Annex C** for a detailed list of all approved LIF applications to date.

Recent approved LIF applications include:

Samoa: at the invitation of Chief Justice Sapolu of Samoa, PJSI Information Communications and Technology (ICT) Adviser Mr Tony Lansdell delivered a presentation to the **Pacific Judicial Conference** titled “Development of Court Technologies in the Pacific – the challenges”.

While in Samoa, Mr Lansdell also conducted training and supported Judges and Court staff in the completion of its ICT Baseline Survey. Mr Lansdell also assisted Judge Talasa of the Family Violence Court, to update, cleanse and extract information from their Family Violence records. The Adviser also supported progress towards readying the Case Tracking System for the Alcohol and Drug Court, which will replace the extant spreadsheet methodology. The Adviser also supported Ms Loretta (Deputy Registrar of the Supreme Court) and Mr. Chris (IT Officer) reviewing the database system that is being planned for the Samoan Courts to handle primarily criminal matters, from a basic tracking perspective.

A summary of findings and recommendations were submitted for consideration to the Chief Justice.

Papua New Guinea: Human Rights Workshop Judges and Magistrates In November 2017, the first human rights themed workshops for jurists in PNG were conducted as a joint initiative of the PNG Centre for Judicial Excellence (CJE) and the PJSI for District Court Magistrates and for National (and Supreme) Court Judges. In July 2018 the PNG CJE requested a follow up human rights focused workshop series for National Court Judges and District Court Magistrates, aimed at building on the foundation established through the first human rights workshop series. The National Court and the Magistracy requested a more specialised focus to address gender and family violence. The CJE sought and received a Leadership Incentive Fund grant covering the input of the PJSI Human Rights Adviser.

The Design, Delivery and Evaluation Committee and the PJSI titled the workshop series ‘*Gender and Family Violence Issues as they Arise in the National and District Court of Papua New Guinea: A Workshop on Appropriate Responses*’. The objectives of the workshops were defined as follows:

- Explore Judges and Magistrates’ understandings of gender and family violence, its causes and how these are reflected in the processes and outcomes received by parties coming before the courts.
- Re-cap how PNG courts can identify standards and use international human rights norms and to identify domestic laws relevant to gender and family violence.
- Identify what good practice ‘looks like’ in providing responsive justice services to victims of gender and family violence and how courts can overcome barriers affecting victims.
- Explore issues of historical gender bias in justice responses to victims of gender and family violence and how to address these.
- Explore issues of perpetrator accountability including principles of sentencing in cases involving gender and family violence, including mitigating and aggravating factors.
- Deepen understanding of the wider leadership role of courts as an agent of social change in relation to gender and family violence.

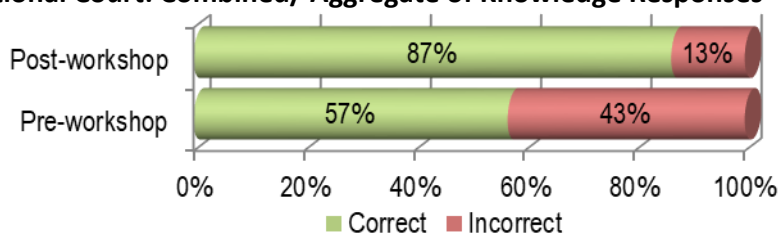
A total of 36 National Court Judges attended the Judges’ Workshop (7 women and 29 men) and a total of 35 Magistrates attended the Magistrates’ workshop (15 women and 20 men). All participants were provided with hardcopies of the PJSI Human Rights Toolkit, the Gender and Family Violence Toolkit, the Judicial Decision Making Toolkit and the Constitutional provisions and Human Rights Track rules.

The workshops also aimed to explicitly support a shift from ‘learning’ to ‘action’ modes and transference of knowledge from the workshop back to everyday work environments. Participants noted a number of key actions they propose to undertake in their roles, including: issuing Practice

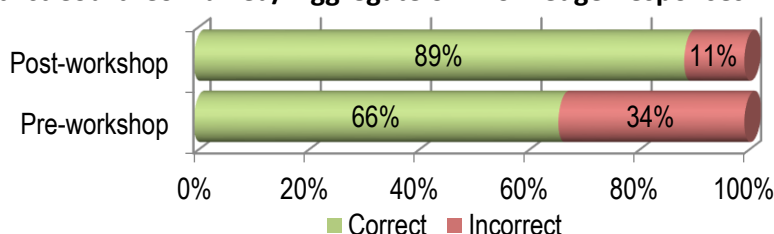
Directions to all Magistrates to take into account the international treaties and conventions when dealing with family and gender based violence; making the Court area user friendly for victims by putting up signage and allocating a Clerk to register and give priority to family and gender based cases.

The pre-post workshop surveys indicated:

National Court: Combined/ Aggregate of Knowledge Responses



District Court: Combined/ Aggregate of Knowledge Responses



Federated States of Micronesia: the Supreme Court of FSM submitted a small LIF application titled *“Implementation of Video Conferencing in the Courts”*. The goals of the project were to:

- establish operational guidelines for the use of Video Conferencing;
- physically setup and demonstrate the Video Conferencing in a ‘moot court’ like environment;
- generate awareness of Video Conferencing practicalities and challenges to court staff across various jurisdictions; and
- undertake knowledge transfer to FSM Supreme Court IT Officers.

ICT Adviser, Mr Tony Lansdell delivered a three-day workshop for approximately 20 court staff representing the FSM Supreme Court, Pohnpei State Court, Kosrae State Court and various local Pohnpei Municipal courts. All sessions were extremely interactive and helped ‘de-mystify’ the practical aspects of how a ‘VC Room’ would operate in real-time. The court staff unanimously agreed in principle to progress the use of video conferencing in proceedings that would be appropriate for such, and bring to attention of their judges the practical setup requirements needed for the smooth operation of a video conference hearing in court.

Participants also visited the Pohnpei State Supreme Court to setup and test a Video Conference session, and visited the local Kolonia Town Municipal Court to assess the setup requirements of a Video Conference hearing. In addition, Mr Lansdell discussed the Case/Court Management experiences in the Pacific, with specific reference to the situation across the various courts in FSM. This discussion generated much interest, including demonstrations of a basic Case Tracking System (CTS), a Court Management System (CMS), and an overview of the FSM Supreme Court’s document management system called On-Base.³ The Visit produced guidelines for the use of Video Conferencing (VC) within the Court, and established momentum to put its use in to practice. Chief

³ On-Base is worldwide product from Oregon USA and is referred to as an Enterprise Content Management (ECM) system.

Justice Yamase of the FSM Supreme Court has a very specific matter coming up in Kosrae, with expert witnesses from Hawaii, and this hearing will be the first full 'production' use of the VC setup.

Vanuatu: an LIF application was submitted and approved to support Chief Justice Lunabek's **attendance at the PJSI regional Building Capacity to Manage Court Data Workshop** held in Port Moresby, PNG from 26-30 November, 2018. Please see Output 6 below for detailed information about the regional workshop. The Chief Justice commented that although the Supreme Court of Vanuatu have been collecting data for some time there is difficulty in analysing the data for reporting purposes and performance improvements. In particular, the Chief Justice noted the importance of recording disaggregated data (ie. sex, age, disability) which is currently not captured within the current CMS. The Chief Justice notes the importance of data collection and has set two priorities for early 2019, including: finalising reserve judgments and setting a policy on time goals, with the assistance of the PJSI Time Goals Toolkit.

Output 4: Access to Justice

The **Access to Justice Local Visit #3** took place across the Cook Islands from 1-12 October 2018. The project comprised 1-week of consultations on remote islands, together with 1-week of consultations on Rarotonga and a 3-day workshop for both court users and service providers. The purpose of the project was to promote improved access to justice and enabling rights in the Cook Islands, through a process of community outreach and engagement. Access to Justice Adviser, Dr Livingston Armytage conducted community meetings on the capital island Aitutaki and three other islands, including: Atiu, Mangaia and Rarotonga. These consultations included around 75 people in ten meetings. Additionally, on week 2, consultations in a 3-day workshop including members of the public, judicial officers and court officers included another 19 people.

As may be expected, public perceptions in and satisfaction with the courts, and related justice service providers, is mixed.

Scorecard			
JOINT Perceptions of Courts			
		Court	Public
1	Independence	94.0	82.5
2	Honesty and integrity	95.6	81.3
3	Competence – knowledge of law & procedure	88.0	71.2
4	Fairness and recusal	91.6	72.3
5	Efficiency and delay	84.0	53.8
6	Access to justice and remedies	80.0	63.7

These findings, both from consultations and the workshop, have been timely and valuable in prompting court service providers participating in the 3-day workshop between 10-12 October to recognise that a number of significant barriers may impede access to justice, and that the following access to justice needs be addressed in order to promote fairness, including:

- **Public outreach** - Improved public outreach to increase awareness of the role and functions of the courts, and basic-level education on legal rights and responsibilities.

- **Training** - Training of JPs, registry staff and court officers on fundamental aspects of the justice system and court process including: treatment of unrepresented litigants, the core values of judicial conduct, natural justice and procedural fairness, key differences between criminal and civil procedure (burdens and standards of proof), and classes of people appearing before the courts who may be 'vulnerable' or suffer a 'disability' who may in the interests of fairness requiring appropriate support).

Participants' rated their **overall satisfaction** across all aspects of the workshop at **100%**.

The Visit was timely and valuable in providing a bridge between the courts and the communities they serve on the Cook Islands, Across which, it has been possible to communicate the perceptions of court (and non-court) users on the performance of the courts and related justice institutions (such as Ministry of Justice, probation, police and internal affairs including juvenile protection services). As a result of this project, it is reasonable to expect that there will be a number of significant *outcomes*, which will potentially include:

1. Increased public awareness and understanding of, and trust in, the courts
2. Formulation of a draft Court Guidance for Unrepresented Litigants
3. Formulation of a draft Access to Justice Action Plan, to be settled by the Registrar of the High Court under the direction of the Chief Justice.
4. Reinvigoration of juvenile protection initiatives, potentially including:
 - a. Community-based juvenile diversion program (Te Koro Akaau)
 - b. Juvenile Crime Protection Committees (JCPC) across the Cook Islands.



Court staff outside the Ministry of Justice, Cook Islands

Planning and discussions under way for the **Access to Justice Local Visit #4** in Vanuatu from 18-29 March 2019.

Output 5: Professional Development

The **Local Orientation Visit #4** in Tarawa, Kiribati has been re-scheduled to 17-25 January 2019. A two-day Train-the-Trainer and Preparatory Meeting will be delivered on 17-18 January to refresh the training faculty on the PJSI's Trainer's Toolkit; applying effective techniques of adult learning; and finalise the preparation and coordination of Magistrates Orientation Course. The Faculty include: Justice David Lambourne, Justice (R) Enoka Puni, Deputy Chief Registrar Abuera Uruaaba, Lay Magistrate Tabakitoa Temokou, Senior Registrar Arian Arintetaake, and Dr Livingston Armytage.

The 5-day Magistrates Orientation Course will promote the competence of newly-appointed Magistrates to perform their duties, and to promote excellence in the delivery of justice across Kiribati.



Justice (R) Enoka Puni presenting in Tarawa, Kiribati

The **Judicial Mentoring Toolkit** has been developed and drafted by Sir Ronald Young. The PJSI Team have sought expressions of interest from partner courts to pilot the Toolkit. The Supreme Court of the Federated States of Micronesia, the Republic of Marshall Islands Judiciary and Supreme Court of Vanuatu have expressed interest. Sir Ronald Young is in discussions with each Court to identify availability of the mentee and mentor Judge/s. At this stage, the pilot is like to be undertaken with the Supreme Court of Vanuatu in Quarter 1 of 2019.

Output 6: Localising Professional Capacity Building

On 1 November 2018, PJSI hosted its first **remote webinar** on the topic of Gender & Family Violence. The aim was: to trial and evaluate live webinar technology to geographically dispersed courts throughout the Pacific; and to promote and explain how the PJSI *Gender and Family Violence Toolkit* can be used by Pacific Island Courts.

The following PJSI Advisers collaborated in order to design, facilitate and evaluate this webinar:

- Ms Margaret Barron: Lead Training Adviser
- Mr Lorenz Metzner: Team Leader
- Mr Joseph Sawyer: Remote Delivery Expert
- Dr Abby McLeod: Gender and Family Violence Adviser
- Mr Tevita Seruilumi: Gender and Family Violence Adviser

Expressions of interest to participate in the Webinar were emailed to all partner courts. Those individuals who expressed interest in participating were supplied with step-by-step instructions on how to download the Webex software to their computer/s. Each individual was contacted to resolve any technical difficulties downloading the software, and to provide further information detailing how to login to the webinar. The facilitation team participated in four practice sessions to test and familiarise themselves with the software.

A total of 13 participants (judicial and court staff) from 5 Pacific Island Countries actively participated in the Webinar. Despite detailed instructions having been sent to participants prior to the live webinar, a number of participants still experienced difficulties on the day and Remote Delivery Expert, Joseph Sawyer, assisted them to connect to audio so they could hear the webinar. One of the facilitators, Tevita Seruilumi was unable to join the live webinar due to poor Internet connection in remote Papua New Guinea. However, he was able to join by phone, facilitate part of the webinar, and his voice was clear and able to be heard by participants.

All webinar participants could see and hear other participants and were able to participate actively in the session. Webex software contains tools that encourage interaction, including a pointer tool, writing tool and a poll tool. The latter provided participants with the opportunity to respond and vote on a number of questions asked by the facilitators. This worked well and participants showed great confidence in using the pointing tool and as the webinar developed, more confidence using the other tools. Participants had access to a 'hand raising' tool, whereby they could indicate they wished to speak. This provided a useful resource for the facilitator to ask questions and for participants to respond by using this tool. The audio responses of the participants were very clear. Post survey results showed that in terms of confidence in using the Webex interactive tools, 74% of respondents felt either 'quite confident' or 'extremely confident' in using the tools.

Webex software has the ability to record a webinar, which allows the PJSI team to disseminate the recording across the region as a useful resource. The webinar recording is currently being edited and will be made available for downloading and viewing once completed.

As participants become familiar with the technology they will become more confident to use and participate more fully in the learning experience. This technology will never replace face-to-face delivery but it does provide a cost effective alternative. In terms of next steps, it is recommended that another webinar be held to further test this modality. This pilot webinar will provide further valuable data concerning which countries can easily participate in webinars, and provide information for developing solutions for those countries experiencing difficulties that prevent their participation. Should this further pilot webinar be similarly successful, PJSI will explore the option of developing further webinars with the support of the National Judicial College to complement face-to-face training, and to help build a culture of online learning within PJSI partner courts.

The regional ***Building Capacity in Managing Court Data Workshop*** was delivered in Port Moresby, Papua New Guinea from 26-30 November 2018 by PJSI Team Leader, Lorenz Metzner; Accountability Adviser, Cate Sumner; Efficiency Adviser, Jennifer Akers and ICT Adviser, Tony Lansdell. The workshop was attended by 35 participants. Of those participants, 21 were women (60%) and 14 were men (40%). The objectives of the Workshop was for participants to:

- Know and understand what data is needed to enable efficient management, performance monitoring and accountability;
- Understand the processes and approach to developing systems and procedures to collect integrate and manage quality data; and
- Develop a Court Data Management Plan to collect, analyse, and use data.



Participants at the regional Building Capacity in Managing Court Data Workshop, Port Moresby

Pre and post-training surveys,⁴ demonstrated ***average overall increase in knowledge gained*** of 141% was shown. Participants' rated their ***overall satisfaction*** with the workshops at 93.75%. Over 87.50% of participants rated themselves as 'More' or 'Much

⁴ 34 pre-surveys and 32 post-surveys were distributed and returned amounting to a response rate of 100%.

More' confident in managing their Court's data and reporting in the future. As such, the workshop achieved its outcome to develop better understanding of what data is best required to collect, analyse and use to increase efficiency, performance and accountability at their Court and how best to capture that data.

Reflecting on the outcomes of the training, a number of PJSI countries understood: (i) the importance of presenting trend tables in their Annual Report for the various Cook Island indicators to show court performance over time; (ii) how to use the tools developed under PJDP/ PJSI such as the Chart Creator; and (iii) the importance of implementing time goals as a priority. FSM, Samoa, Vanuatu committed to presenting trend data on certain court performance indicators in their next Annual Report. Each participant presented their Court's Improvement Plan, with the following anticipated outcomes: improved data capture and management, improved use of information technologies and increased use of performance management reports to improve efficiency and reduce delay.

Output 7: Institutionalising Professional Development

Under the **Career Gateway Project**, Dr Armytage undertook a visit to the University of South Pacific in Port Vila, Vanuatu from 2-6 July 2018. Several discussions were held with Dean of Law, Professor Eric Colvin regarding the design and development of a Diploma of Justice for launching in Semester 2 of 2019. The Diploma will include the following subjects:

- COJ05: Professionalism
- COJ06: Judicial Administration
- LW110: Law & Society

Since the visit, Professor Colvin has confirmed the USP Senate approval for the Diploma of Justice. The Certificate and now Diploma will create an educational staircase for all lay actors working the courts across the Pacific to enter a professional career track. Significantly, Chief Justice Muria of Kiribati has amended recruitment criteria for court officers that requires the completion of the Certificate.

Due to activity underspend an opportunity has been identified for PJSI to extend ongoing technical support to the University of South Pacific for an additional visit in 2019 to evaluate the pilot of the Certificate of Justice and support the development of subject matter for the Diploma of Justice. Discussions are underway in preparation for a visit to Port Vila from 20-24 May 2019.

The **Career Pathway Project** has similarly identified activity underspend to extend ongoing technical and managerial support through an additional visit to Port Moresby, Papua New Guinea from 4-8 March 2019. The visit will deliver a 4-spoked Train-the-Trainer Workshop (including needs assessment, design, delivery and evaluation) for the CJE Team.

Output 8: Human Rights

Discussions and planning have commenced for **Local Visit #3** to be held in Nuku'alofa, Tonga from 4-15 February 2019.

Output 9: Gender & Family Violence

The **Gender & Family Violence Local Visit #2** was undertaken in Port Vila, Vanuatu from 6-17 August 2018. At the request of the Chief Justice, the key focus of the visit was engagement with the Magistrates' Court, as it is in this court that the majority of family violence matters are dealt with. The workshop was attended by 18 participants from Efate and the islands provinces of Sanma, Tafea and Malampa. Of those participants, 9 were magistrates (4 men and 5 women), 1 was the Assistant

Registrar, and 8 were court secretaries (7 women and 1 man). There was a demonstrated **average overall increase in knowledge gained** of 60%. Participants' rated their **overall satisfaction** with the workshop at 91.13%, demonstrating that participants were very satisfied with the training.

The intent of the workshop was to:

- familiarise Magistrates and their staff with the gendered nature of domestic violence and the underlying cause of domestic violence (gender inequality, power and control); and,
- familiarise Magistrates and their staff with key tool kit concepts, identify existing strengths and weaknesses in service provision and brainstorm basic ways forward (to be recorded in a plan).

The inclusion of external speakers (from the *Stretem Rod Blong Jastis* program and the Vanuatu Women's Centre), as well as the use of a local film on family violence produced by *Wan Smol Bag*, was an effective way of acknowledging local expertise and exposing the group to knowledge from other important actors. In an email from the Senior Legal Officer from the Vanuatu Women's Centre, who presented to the group, it was acknowledged that the learning environment was highly participatory which she felt enabled her to make a more valuable contribution than she'd been able to make in other externally-funded programs, which were overly rigid and hierarchical. Further, both facilitators speak and understand Bislama, thus group discussion flowed easily as participants were not constrained by a need to speak English.

Draft Magistrates Court Family Violence Action Plans for Port Vila and the islands provinces were developed and presented to the Chief Justice. Participants identified a range of tangible improvements that could be made in order to increase both the accessibility and responsiveness of the Magistrates Courts to the victims of family violence, most notably including: issuing temporary protection orders ex-parte (rather than continuing the practice of attempting to hear defendant perspectives prior to issue); including review dates on all temporary protection orders; requiring proof of service of all orders; requesting the assistance of the VWC to undertake awareness raising with key stakeholders upon whom the Magistrates rely, particularly in rural areas (e.g. chiefs); and, ensuring victim safety needs are addressed in the forthcoming construction of new court premises. Chief Justice Lunabek is planning a public release of the Vanuatu Magistrates Court Family Violence Action Plans in the first quarter of this year.

The **Gender & Family Violence Local Visit #3** was delivered in Koror, Palau from 12-23 November 2018. Though the majority of family violence matters are dealt with by the Court of Common Pleas, at the request (and to the credit) of Senior Judge Rudimch, the workshop sought to engage a wide range of court stakeholders including: judicial officers and staff from the Palau Supreme Court, Court of Common Pleas and the Land Court; attorneys from the offices of the Attorney General and Public Defender, Koror State Government, Koror State Legislature, the Koror State Public Lands Authority and private legal practices; and, representatives of the National Congress and Ministry of Justice.

The purpose of the workshop was to:

- familiarise participants with the gendered nature of domestic violence and the underlying cause of domestic violence (gender inequality, power and control); and,
- familiarise participants with key tool kit concepts, identify existing strengths and weaknesses in service provision and brainstorm basic ways forward (to be recorded in a plan).

Prior to the workshop, meetings were held with the Minister for Community and Cultural Affairs (Minister Baklai Temengil-Chilton), the Attorney General (Ernestine Rengiil), Chief Justice Ngiraklsong, the Chief of the Division of Gender, Bureau of Aging, Disability and Gender, Ministry of Community and Cultural Affairs (Meked Besebes), the Directing Attorney of the Micronesian Legal Services Corporation (Ron Ledgerwood), an attorney from the Office of the Public Defender (Mosese

Waibuta), and a victim of family violence who wished to share her story (who would like to remain anonymous). A focus group with 5 women from civil society was also held, the intent of the meetings and focus group being to hear “outside voices” prior to the workshop so that they could inform the internal court planning process. Contact with the Australian Federal Police was also made so that an understanding of intersecting police/court issues (and support being provided) could be obtained.

Participants discussed difficult and culturally contested topics in an open and honest fashion. Many participants said that they had started to think about gender equality in a different way. As in Vanuatu, the combined participation of court and judicial staff worked well, and it was useful to have some break-out sessions during which the specific views and needs of each group could be discussed. This was a particularly fruitful approach to the identification of group-specific needs to be addressed in the court action plan, resulting in some tangible and achievable goals for both staff and judicial officers. Whilst a number of steps to improve court responses to the victims of family violence were identified, it appears that the greatest problem for the victims of family violence in Palau is not the legal system, but rather the absence of psychological support and shelter.

The Draft Palau Court Family Violence Action Plan 2018-20 been approved by Senior Judge Rudimch and submitted to the Chief Justice for approval. Key suggestions incorporated in the plan include: regularising court-community engagement; translating key written documents in to Palauan; future data gathering initiatives (access to justice assessment and court user survey); ongoing training and professional development; monthly peer debriefing for court staff, to promote wellbeing; quarterly sentencing reviews and publication of trial sentences and judgements on PacLII. The likelihood of plan implementation is assessed as high, noting Senior Judge Rudimch’s commitment to better addressing family violence in Palau.

The workshop was attended by 49 participants, although not all attended the entire workshop. Of those participants, 23 were women (47%) and 26 were men (53%). There was a demonstrated **average overall increase in knowledge gain** of 212%. Most significantly, participants evidenced a greatly increased understanding of gender inequality as the underlying cause of family violence, which is fundamental to the way in which they view (and ultimately respond to) both victims and perpetrators. Participants’ rated their **overall satisfaction** with the workshop at 89.74%, demonstrating that participants were very satisfied with the training.

The **Gender & Family Violence Local Visit #4** is scheduled for 7-11 January 2019 in Pohnpei and 14-18 January 2019 in Kosrae, Federated States of Micronesia.

Discussions and planning have commenced for **Local Visit #5** in Apia, Samoa from 11-22 March 2019.

Output 10: Efficiency

Local Visit #2 has been re-scheduled to 18-26 January 2019 in Yaren, Nauru. The overall purpose of the visit is to support the court in identifying strategies to enable the management and disposal of cases in a way that is just, timely, efficient and fair, in the local contexts of staffing and resources. The aim of the input is to help your court achieve some or all, of the following outcomes:

- Consistently meet obligations to conduct a fair trial in a reasonable time;
- Mitigate against injustice that may be caused by delay;
- Allocate and use resources more cost effectively;
- Define consistent processes and procedures that assure procedural justice;
- Ensure immediate and continuous control of its cases;
- Use performance reports to help manage the caseload and allocate resources; and
- Strengthen public trust and confidence in the court.

Outputs will include an Efficiency Self-assessment and Improvement Plan jointly developed with court counterparts to help the courts set goals and sustainably address identified areas for improvement.

Local Visit #3 to Atafu, Tokelau is under discussion for March 2019, subject to available sailing schedule and appropriate vessel health and safety regulations.

Local Visit #4 has been re-allocated to Papua New Guinea and is under discussion to occur in May 2019. A draft input plan is being developed for discussion with Chief Justice Salika.

From July 23-24 2018, **Information Communications and Technology** Adviser Tony Lansdell travelled to Port Moresby, Papua New Guinea to consult with (then) Chief Justice Injia and his information/technology team. The visit goals were to improve reporting on court performance to judges, the legislature (in annual reports) and court stakeholders by:

- Assessing what information is captured today in the Case Docketing System (CDS);
- What reporting is produced/available today; and
- Identifying future requirements for CDS – reporting and functionality.

The visit aims to assist the Court to be able to better understand its own performance, and the demographics of those it serves.

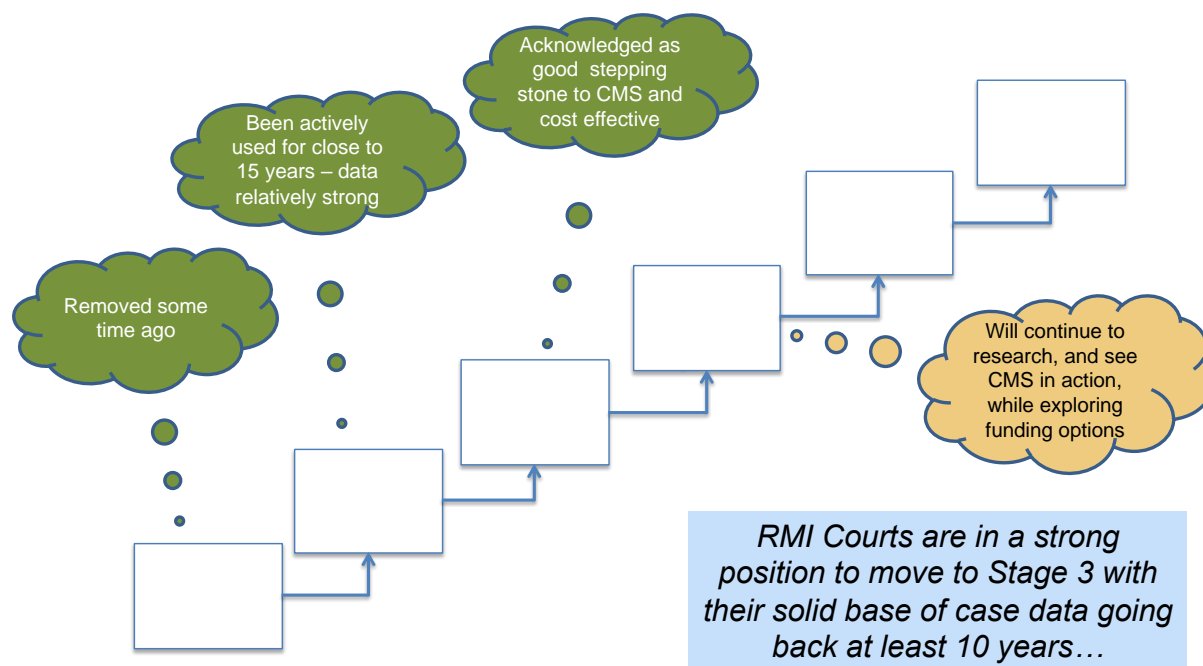
Access to the CDS (the Supreme and National Court's case management system) was also provided and this allowed the Adviser to stocktake data collected about the key elements of a case management system. The visit provided the Chief Justice with some immediate opportunities to discuss with the developer/support person for CDS to enhance the functionality and data capture until such time as the new case management system is introduced into the Supreme and National Courts.

Local ICT Visit #2 was undertaken in Majuro, Marshall Islands from 16-19 October 2018. The visit aims were to assist the Marshall Islands Judiciary across three main areas, including:

- Data quality in the existing case records stored in MS Excel;
- Case Management System (CMS) direction – including option to move towards an intermediary step – namely, a Case Tracking System (CTS); and
- Overall understanding of the challenges and considerations in moving forward.

ICT Adviser, Tony Lansdell worked with Chief Justice Ingram and his team to: review previous Request for Information (RFI); case spreadsheets; CTS versus CMS differences; data quality; and ICT Readiness. In addition, sessions were held with court judges/staff present in Majuro, and specific discussions on next steps. By the end of the week, progress was achieved across all areas, particularly on the spreadsheets where a lot of hands-on work was carried out by all, including with CJ Ingram, and a way forward with CTS/CMS has been developed.

The diagram below represents the current thinking for the RMI Courts moving forward:



As agreed with Chief Justices', a regional **ICT Baseline Survey** was distributed to all Chief Justices and National Coordinators. Detailed feedback from 11 of PJSI's 14 partner courts have now been received, and the ICT Adviser, Mr Tony Lansdell is analysing the results both regionally and bilaterally.

Output 11: Accountability

The **Local Visit #2** was undertaken in Apia, Samoa from 23-27 July 2018. At the invitation of the Chief Justice and Judge Talasa, Judge of the Family Court and Family Violence Court, Accountability Adviser, Cate Sumner assisted the Samoa Judiciary to collect, analyse and present information to internal and external stakeholders concerning the work of the Family Court and the Family Violence Court. Both courts commenced operation in August 2013. As a result of the visit, Judge Talasa and Cate Sumner are drafting the *Samoa Family Violence Court and Family Court Trend Report 2013-2018*, to be distributed in 2019.

Ongoing remote assistance is being undertaken across all partner courts in the collection, analysis and developing of Court Annual Reports. The Accountability Adviser, Cate Sumner is currently analysing PJSI partner courts latest annual reports to compile the **2019 Court Trend Report** to be delivered to Chief Justices at the Chief Justices' Leadership Forum in April 2019.

International Performance Framework Expert, Megan O'Brien has been working remotely with Chief Justice Paulsen of Tonga to support the development of the Supreme Court of Tonga's Strategic Plan. She is drafting the implementation plan for data collection, planning, monitoring, evaluation and reporting on court performance, with the aim to finalise the Strategic Plan in 2019.

Monitoring & Evaluation

Further to the baseline study completed in mid-2017, PJSI has continually monitored and evaluated all its activities. In the M&E plan developed at the commencement of PJSI it was agreed with stakeholders that Kirkpatrick's Evaluation Model would be the paradigm against which the quality and effectiveness of PJSI's interventions will be assessed. The Model posits four levels of assessment comprising:

1. *Reaction*: participants' satisfaction;
2. *Learning gain*: achieved during training or related inputs;
3. *Behavioural change*: subsequent changes in participants' behaviour and institutional performance; and
4. *Results or impact*: effect of those changes on beneficiaries (ie court users).

PJSI's Advisers have collected information on reaction (Level 1), learning and related change (Level 2), using standard templates that assist analysis and enable comparisons. The templates include what was done during the reporting period and why the approach/input was chosen; who was involved (delivering and receiving); where and when input/s took place; satisfaction with the input/s and the extent to which they achieved desired short-term learning outcomes. The results of these assessments is included in the narrative about activities above.

PJSI's delivery is now sufficiently mature to commence assessment of the extent to which behavioural change (Level 3) is evident and linked to PJSI's various projects.

An assessment of Level 4 results/impact cannot yet occur as the PJSI is still operating. As Level 4 changes relate to beneficiaries – court users – sufficient time following PJSI's interventions must pass, allowing their effects to impact their behaviour, which in turn, may be felt by court users.

Between now and when the PJSI contract expires in May 2019, PJSI will continue to collect Level 1, 2 and 3 data. The table below provides the indicators and baseline position PJSI will report progress on and against.

Outcome	Indicator	Baseline
1.1.1 Improved capacity of <i>judicial leadership</i> to assess needs, plan, own and lead judicial development locally.	Extent to which change is driven locally ⁵	On average, 18% of change is driven locally
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 & marginalised people have knowledge of & confidence to assert their legal rights.
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 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].

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 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

The intention of this evaluative approach is to explore change in the five domains (themes) PJSI focuses on, plus an open-ended domain to capture other changes identified by respondents. Respondents will be asked to consider changes relative to:

1. The leadership of change locally;
2. Understanding of and confidence among court users to pursue their legal rights;
3. Quality of court service delivery;
4. Fairness of court decisions;
5. Case disposition rates; and
6. Any other changes (enabling respondents to supplement or replace behaviours).

PJSI is in the process of deploying a semi-structured interview process⁶ incorporating a modified 'Most Significant Change' technique (MSC). The MSC comprises the collection of qualitative data about behavioural changes as perceived by respondents, to which PJSI contributed. This data comprises responses to questions about changes in individual behaviour and 'stories' from PJSI activity participants.⁷ It will also provide a basis for learning and improvement for participants and the PJSI team. The data will be triangulated with available quantitative data, to report against all outcomes, indicators and targets to key stakeholders including the region's Chief Justices and MFAT.

The table below contains indicative behavioural changes related to the successful achievements of each outcome.

⁶ The interviewer follows the questionnaire but also follows trajectories in the conversation that may stray from the guide when he or she feels this is appropriate, so as to enrich, localise and clarify.

⁷ Instructive stories will be included in the report, either as case studies in the body of the report, or in an annex. Any story will be included with the agreement of the storyteller.

Short-Term Outcome	Associated Project Outputs	Behavioural Change required to consider successful achievement of Outcome
Improved capacity of judicial leadership to assess needs, plan, own and lead judicial development locally	Chief Justices trained in leadership & associated tools provided.	Regional leaders demonstrating more active leadership and guidance of regional and local activities.
	National judicial leaders trained in leadership & change management & associated tools provided.	Individuals within PICs are planning, designing, and/or delivering better quality activities than before.
	Local activities conducted through training & funding provided.	Individuals within PICs are designing/delivering activities locally who were not before.
Marginalised & vulnerable groups better able to <i>access justice</i> in and through courts	PIC courts committed to improving access to justice, people trained & relevant tools provided.	Guidance Note adapted, translated and circulated.
		Action Plans written and actioned.
		Outcome of select actions.
PICs operate with a higher level of <i>professionalism</i>	Judicial / Court Officers trained in priority areas of knowledge skill & attitude.	Participants demonstrate improved: 1) Competence: knowledge of key law/procedure; 2) Professionalism: appropriate attitude, values & treatment of people; & 3) Efficiency: organisation/management of court proceedings/cases
	PICs trained and equipped with resources to address needs locally.	PICs are using the resources to design and deliver local activities.
	A modality to institutionalise cost-effective / sustainable in-region training.	Interest in & uptake of the USP Certificate of Justice.
		Viability of PNGs Centre for Judicial Excellence.
PICs exhibit more responsive & just behaviour & treatment that is fair & reasonable (<i>substantive justice</i>)	PIC courts committed, trained & equipped with tools to deliver justice aligning with human rights.	PICs using the Human Rights Toolkit.
		Court human rights action plans are written and actioned.
	PICs committed, trained & equipped with tools to better respond to gender & family violence	PICs are using Gender & Family Violence Toolkit.
		Court family violence action plans are written and actioned.
Cases are disposed of more efficiently (<i>procedural justice</i>)	PIC courts trained & equipped with the tools & capacity to improve efficiency in the administration of justice.	More PICs are establishing time goals.
		Tools/processes are being deployed administer justice more efficiently.
	Court performance monitored, evaluated & reported on to improve accountability.	PICs are collecting and reporting more performance data.
		PICs are acting on performance data.



The aforementioned behaviours are derived from the theory of change that suggests the types of behaviours required to be demonstrated in order to lead to the Medium-Term Outcomes (measurable in year 4). They are indicative and may be challenged, supplemented or replaced with other behaviours described by respondents during interview.

Where data is not provided through the MSC technique about a particular outcome, further investigation about any related change will be conducted. It is noted that some PICs continue to lack the systems and capacity to collect key quantitative data related to all PJSIs indicators. PJSI will include reference to the existence or lack of data by PIC.

Each PJSI Adviser has selected no less than five respondents per **project**, with whom they have collaborated on their inputs to interview. Interviews with those respondents are being conducted in-person where possible, or remotely. The selection of respondents has been made on the basis of their:

- a. direct involvement/participation in and knowledge of the domain-related activities;
- b. position and responsibility relative to the related outcome/s; and
- c. capacity to clearly articulate their experience, perceived benefits and changes, both personally and having observed others.

Interviewers are asking a set of pre-defined/consistent questions enabling the collation of responses across all PJSI projects. Responses will be considered by each Adviser to:

1. connect them to relevant PJSI interventions;
2. ground them in discussion about both political will and capacity in each PIC; and
3. analyse the divergent rates of change that may be anticipated from different PICs given the capacity of local actors.

Following this assessment, each Adviser is submitting a brief report. The reports will be collated and the MSCs articulated, ranked and considered in light of PJSIs short-term outcomes. The analysis will be supplied in the final report submitted to MFAT in satisfaction of the final Milestone of the current contract with the Federal Court of Australia.

Local capacity to monitor & evaluate

PJSI has received and approved 28 LIF applications. Eleven applications were received and approved during the reporting period.

Since the last periodic report, where PJSI was required to support the development/drafting of all LIF applications, PJSI has not been required to support the drafting of several applications in the past six months. This demonstrates a measurable increase in the capacity of PICs to conceive of, develop, plan and cost local activities. PJSIs support has been required to develop and implement M&E frameworks, but there is a discernible increase in understanding of its requirements, and the use of robust data to monitor and evaluate activities.

Reach⁸

Across all **capacity building-related activities** delivered during the reporting period, PJSI reached 337 participants, 153 of whom (45.40%) were female. Please see **Annex D** for a detailed breakdown of participation against activity.

In addition, **New Zealand and Australian Judicial Officers** were actively involved in the planning and preparation of upcoming PJSI activities. During the reporting period, two retired Judicial Officers were contracted to provide technical and facilitation assistance to the upcoming Lay Judicial Officer Decision Making Workshop scheduled from 20-22 February 2019.

Linkages – the PJSI team coordinated and worked with a number of regional partners, including: University of South Pacific, Papua New Guinea Centre for Judicial Excellence, New Zealand Judicial Pacific Participation Fund and Australian Federal Police.

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 & Capacity Improvements

Without wishing to pre-empt the outcomes of the aforementioned evaluative strategy (most significant change technique) being deployed by PJSI, there are a number of evident changes and improvements, including:

- The completion, approval and piloting 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. An additional risk has been identified:

⁸ 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.

- **Completion of contracting documentation for the extension phase**, potentially causing a delay and impact on the continuity of implementation. As some changes to clauses in the Grand Funding Agreement have occurred since signing in 2016, the Federal Court of Australia's contracts team will require a detailed review of the extension phase contract documentation which may take some time. As a result, it would be valuable to receive the draft contract documentation as soon as possible. It is noted that initial selected refinements have already been passed on to the Federal Court of Australia for review and comment.

5. Refinements to PJSI Contracting or Approach

Contracting: As advised by Deputy Secretary, New Zealand MFAT, Mr Jonathan Kings on 26 October 2018, PJSI have been granted the option to extend PJSI services for a further two years (to June 2021). The Federal Court of Australia look forward to receiving the extension to the Grant Funding Agreement shortly to ensure smooth transition into the extension phase.

6. Human Rights and Gender

Human rights and gender are integrated throughout PJSI's design; processes and systems; and activity delivery. In this reporting period, PJSI's notable achievements in tackling these issues include:

- the preparation and delivery of PJSI's first remote webinar on the topic of Gender & Family Violence, as reported on above. The webinar aimed to promote and explain how the PJSI *Gender and Family Violence Toolkit* can be used by Pacific Island Courts. 70% of respondents believed the information presented was practical and useful in identifying and addressing gender and family violence issues.
- the completion of two Gender and Family Violence Visits to Vanuatu and Palau, with a further two visits scheduled for implementation in Federated States of Micronesia (January 2019) and Samoa (March 2019).
- the preparation and delivery of the Second Human Rights Workshop Series: Court responses to Gender and Family Violence in Port Moresby, Papua New Guinea in November 2018, as reported above. Funded under the PJSI LIF and in conjunction with the PNG Centre for Judicial Excellence. Average knowledge increases of 59% of National Court Judges; and 36% of Magistrates was noted. Magistrates started the workshop with significantly higher levels of knowledge than the Judges especially in relation to victim-centred approaches to gender and family violence.
- facilitating ongoing discussions with the Vanuatu Women's Centre to partner with the Vanuatu Magistrates Court to support the launch and implementation of the Magistrates Court Family Violence Action Plan. In particular, supporting two key initiatives, namely: a targeted Train-the-Trainer Workshop for Senior Magistrates; and awareness training delivered to Senior Magistrates and Chiefs.

7. 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.



The projects completed in this reporting period demonstrated sustainability in that they:

Sustainability outcome	Project
Building local capacity to design and manage projects	Registry Manual for the National Court, PNG
	Project Management and Planning Visit, FSM
	Project Management and Planning Visit, PNG
Institutionalising the progressive development of regional judicial competence	Certificate of Justice: Career Gateway Project
	Centre for Judicial Excellence PNG : Career Pathway Project
Addressing nuanced and priority local needs	Registry Manual for the National Court, PNG
	Human Rights Training, PNG
	Gender & Family Violence Training, Vanuatu
	Gender & Family Violence Training, Palau
	Access to Justice Training, Cook Islands
	Project Management and Planning Visit, FSM
	Project Management and Planning Visit, PNG
	Building Capacity in Managing Court Data Workshop, Regional
	Gender & Family Violence Webinar, Regional
	Certificate of Justice: Semester 2, Kiribati
	Implementation of Video Conferencing in the Courts, FSM
Fostering local capacity to deliver substantive activities	Registry Manual for the National Court, PNG
	Project Management and Planning Visit, FSM
	Project Management and Planning Visit, PNG
	Building Capacity in Managing Court Data Workshop, Regional
	Gender & Family Violence Webinar, Regional
Generating materials for future reference (both locally and regionally)	Registry Manual for the National Court, PNG
	Implementation of Video Conferencing in the Courts, FSM
	Efficiency Toolkit
	Judicial Mentoring Toolkit
Building competence to perform functionary duties	Human Rights Training, PNG
	Gender & Family Violence Training, Vanuatu
	Gender & Family Violence Training, Palau
	Project Management and Planning Visit, FSM
	Project Management and Planning Visit, PNG
	Judicial Leadership Workshop #2, Regional
	Building Capacity in Managing Court Data Workshop, Regional
	Gender & Family Violence Webinar, Regional
	Certificate of Justice: Semester 2, Kiribati
Developing and embedding systems to increase efficiency, consistency and adherence to the law	Registry Manual for the National Court, PNG
	Human Rights Training, PNG
	Building Capacity in Managing Court Data Workshop, Regional

Building consensus, capacity and tools to collect disaggregated case data	Accountability Visit, Samoa
	Building Capacity in Managing Court Data Workshop, Regional

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.

8. Initiative Management

Judicial Liaison Committee (JLC): a remote meeting of the JLC committee was held on 3 July, 2018, chaired by Justice Winkelmann. PJSI Technical Director, Dr Livingston Armytage provided an update on PJSI's progress to-date and the involvement of New Zealand and Australian Judicial Officers in the preparation and delivery of PJSI activities. Future JLC meetings will only be held if there are issues that members wish to discuss pursuant to periodic reports made to the Committee in writing.

Mid-Term Review: an independent mid-term review team was contracted in December 2018 to assess the overall coherence and impact of the PJSI, including assessing results achieved and making recommendations to inform future direction. The evaluation will be used by MFAT to make changes to PJSI to improve its delivery of the activity goal and outcomes for the final two years of the activity. The PJSI team supplied numerous reports and participated in an initial briefing with the independent review team. Findings from the mid-term review will be made available in March 2019 and presented at the 4th Chief Justices' Leadership Forum.

Extension Phase: as advised by Deputy Secretary, New Zealand MFAT, Mr Jonathan Kings on 26 October 2018, PJSI have been granted the option to extend PJSI services for a further two years (to June 2021). The Federal Court of Australia look forward to receiving the extension to the Grant Funding Agreement shortly to ensure smooth transition into the extension phase.

Design and planning for the 2-year extension (July 2019-June 2021) has commenced. Findings from the mid-term review will be incorporated into the extension design, before presenting and seeking approval of the region's Chief Justices at the 4th Chief Justices' Leadership Forum in April 2019.

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	✓
M.6: Annual Progress Report, including costed workplan and expenditure forecast.	31 July, 2018	✓
M.7: Six-monthly Progress Report, including FCA's annual audit report and costed workplan.	31 January, 2019	✓

Recruitment: there was no required recruitment during the reporting period.

Expenditure Summary: Commercial – in confidence

Annual Audit Report:

The [Federal Court of Australia's Annual Report 2017-2018](#) was released on 5 September 2018 and is the Court's 29th Annual Report. The 2017-2018 Annual Report includes the independent auditor's report, confirming the financial accounts of the Federal Court of Australia are compliant (see **Annex H** for the independent auditor's report).

The Federal Court of Australia's Annual Report 2017-2018 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 \$1.3m received from New Zealand Ministry of Foreign Affairs and Trade (MFAT)."

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

- **Newsletter:** the third PJSI newsletter was distributed to all partner courts and counterparts on 20 August 2018. A copy is available here: <http://www.fedcourt.gov.au/pjsi/news>.
- **Newsflash:** a newsflash with regards to re-offering the Certificate of Justice and introducing a two-year Diploma of Justice Program in Semester 2 of 2019 was circulated on 15 November and again on 9 December. Information on the Legal Research Foundation Conference (31 January and 1 February 2019) was circulated to all PJSI Chief Justices.

Website Statistics: The [PJSI website](#) provides access to key documentation, as well as background and progress information on the Initiative. Between July-December 2018, the PJSI website recorded a total of 2,125 'page views'.⁹

⁹ Note: the 'Total Page Views' statistic counts multiple visit to the one page by the same user.

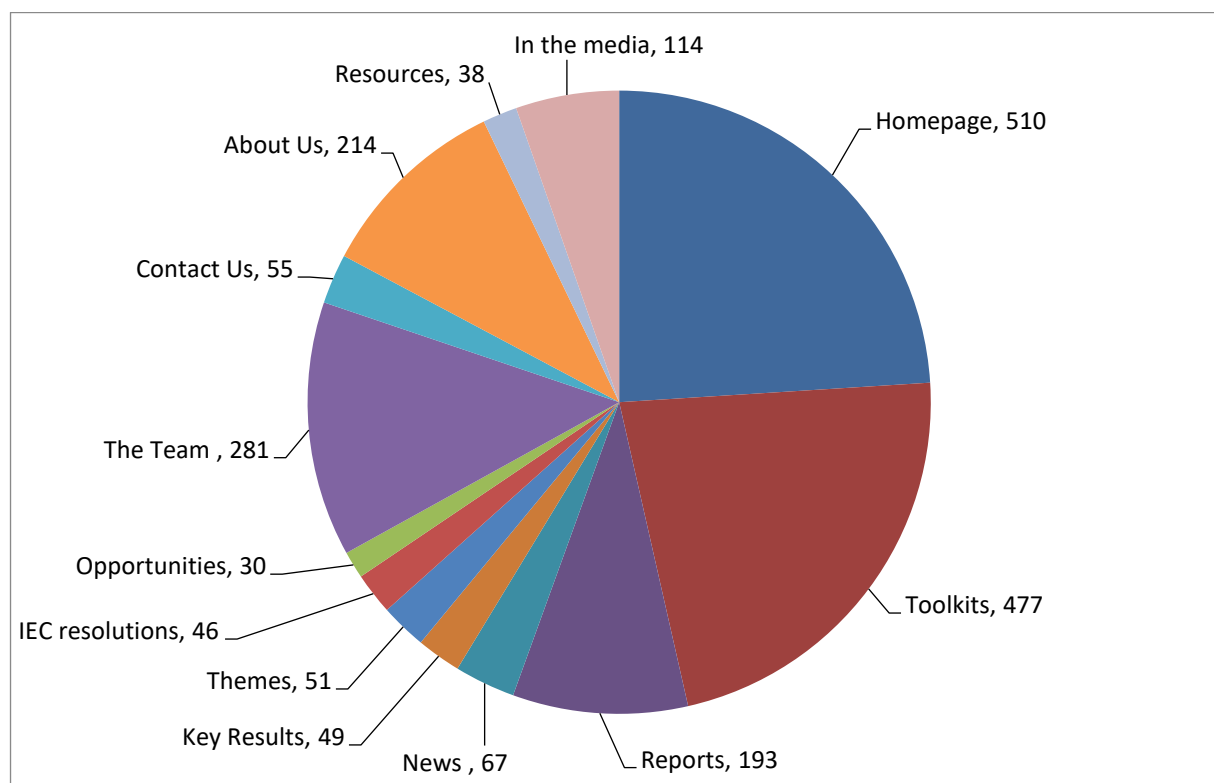


Figure 1: Breakdown of total page views

9. Conclusion

As PJSI approaches its third year of implementation we have now achieved 69 completed activities (averaging 2.46 activities a month). Extensive planning and preparations have been made to ensure the smooth delivery of several activities scheduled in early 2019. Initial design and planning for the two-year extension has begun.

The PJSI Team is grateful for the direction and support of the region's leadership in advising and guiding these activities. Without this high-level support, it would not be possible for the PJSI Team to implement the Initiative. The PJSI Team wishes to also thank NZ MFAT for their ongoing support of the PJSI.

Annexures

- Annex A - 24-month Schedule of Activities
- Annex B - Local Project Management and Planning Visit 2: PNG
- Annex C - Approved Leadership Incentive Fund Activities to date
- Annex D - PJSI reach across capacity-building activities
- Annex E - Results Diagram & Framework
- Annex F - Costed Workplan - Expenditure Projection Summary (as at 31 December 2018)
- Annex G - Costed Workplan - Actual Expenditure Summary (as at 31 December 2018)
- Annex H - Federal Court of Australia Annual Report 2017-2018 Auditor's Report Extract



Annex A: 24-month Schedule of Activities

Pacific Judicial Strengthening Initiative Activity Schedule - Chronological Order *as at 24 December, 2018*

Activity	Location	Tentative Timing	Output
2016			
1 st Chief Justices' Leadership Forum	PNG	7-9 Sep, 2016	Regional Leadership Output
1 st 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
2017			
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 nd Chief Justices' Leadership Forum	Samoa	3-5 Apr, 2017	Regional Leadership Output
2 nd 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	12-22 Jun, 2017	Efficiency Output



M&E Visit #2	Niue	19 June, 2017	Accountability Output
Local Orientation Visit #1	Marshall Islands	9-18 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 rd 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
2018			
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 rd Chief Justices' Leadership Forum	Auckland	16-18 Apr, 2018	Regional Leadership Output
4 th Initiative Executive Committee Meeting	Auckland	19 Apr, 2018	Regional Leadership Output
Local Orientation Visit #2	Samoa	9-18 May, 2018	Prof. Development Output
Local Visit #2	Kiribati	4-15 June, 2018	Human Rights Output
Local Orientation Visit #3	Solomon Islands	20-29 June, 2018	Prof. Development Output

Career Gateway: Local Visit #3	Vanuatu	2-6 July, 2018	Institutionalising Prof. Dev't Output
ICT Support #1	PNG	23-24 July, 2018	Efficiency Output
Accountability Visit #2	Samoa	23-27 July, 2018	Accountability Output
Local Project Management and Planning Visit Large LIF #2	FSM	23 Jul-3 Aug, 2018	National Leadership Output
Local Visit #2	Vanuatu	6-17 Aug, 2018	G&FV Output
Judicial Leadership Workshop #2	Auckland	19-21 Sept, 2018	Regional Leadership Output
Local Visit #3	Cook Islands	1-12 Oct, 2018	Access to Justice Output
5th Initiative Executive Committee Meeting	Remote	15 Oct, 2018	Regional Leadership Output
Local Project Management and Planning Visit Large LIF #3	PNG	15-19 Oct, 2018	National Leadership Output
ICT Support #2	Marshall Islands	16-19 Oct, 2018	Efficiency Output
Gender & Family Violence Webinar	Remote	1 Nov, 2018	Localising Prof. Capacity Output
Local Visit #3	Palau	12-23 Nov, 2018	G&FV Output
Substantive / Capacity Development ToT Workshop (Topic: Data management)	PNG	26-30 Nov, 2018	Localising Prof. Capacity Output
2019			
Local Visit #4	FSM	7-18 Jan, 2019	G&FV Output
Local Orientation Visit #4	Kiribati	17-25 Jan, 2019	Prof. Development Output
Local Visit #2	Nauru	18-26 Jan, 2019	Efficiency Output
Local Visit #3	Tonga	4-15 Feb, 2019	Human Rights Output
Local Project Management and Planning Visit Large LIF #4	Vanuatu	4-15 Feb, 2019	National Leadership Output
Regional Training Workshop (Topic: Decision-Making)	Solomon Is.	Pre-workshop TOT (18-19 Feb, 2019)	Prof. Development Output

		20-22 Feb, 2019	
Career Pathway: Local Visit #3	PNG	4-8 Mar, 2019	Institutionalising Prof. Dev't Output
Local Visit #5	Samoa	11-22 Mar, 2019	G&FV Output
Local Visit #4	Vanuatu	18-29 Mar, 2019	Access to Justice Output
Local Visit #4	Tokelau	Mar, 2019 (TBC)	Efficiency Output
4 th Chief Justices' Leadership Forum	Palau	1-3 Apr, 2019	Regional Leadership Output
6 th Initiative Executive Committee Meeting	Palau	4 Apr, 2019	Regional Leadership Output
M&E Visit #3	Palau	Apr, 2019 (TBC)	Accountability Output
Career Gateway: Local Visit #4	Vanuatu	20-24 May, 2019	Institutionalising Prof. Dev't Output
Local Visit #3	PNG	May, 2019 (TBC)	Efficiency Output
Pilot Mentoring Toolkit	TBC	TBC	Prof. Development Output
Local Project Management and Planning Visit Large LIF #5	TBC	TBC	National Leadership Output

Leadership Incentive Fund Activities:

Activity	Deadline
<i>LIF Applications available for all PICs (depending on availability of funds – assessed on a 'first-in-first served' basis)</i>	<i>Open</i>

Remote activities:

Activity	Location	Tentative Timing	Output
2016-2017			
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
2017-2018			
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
2018-2019			
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
Mentoring Toolkit	Remote / Regional	June – Dec, 2018	Prof. Development Output
ICT Scoping Paper & Survey	Remote / Regional	Jan–Nov, 2018	Efficiency Output
Ongoing			
Collection, analysis & publication of court performance 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: Local Project Management and Planning Visit: PNG

The **Local Project Management and Planning Visit #3**: was held in Port Moresby, Papua New Guinea (PNG) between 15-19 October 2018.

The workshop undertook a targeted needs assessment for the key roles at the CJE, with key needs areas or themes including:

- General computer literacy, in particular on MS Excel.
- Monitoring and Evaluation (M&E) and focussing CJE activities on achieving change.
- Time management.
- Support in undertaking a Training Needs Analysis (TNA).¹⁰
- Legal research skills.
- Exposure to opportunities to develop a better understanding of undertaking participant's respective roles in the CJE.¹¹

Participants rated their satisfaction with the workshops at 90.00%. Participants indicated that the structure, content and format of the workshop worked well, and considerations include:

- The approach of presenting and building awareness of the need to focus on results and how to show change (through M&E) was seen by most participants in formal and informal feedback as a key area of future activity for the CJE. 'Next Steps' with respect to the CJE developing a 'results focus' and effective M&E were discussed and summarised in the workshop as follows:
 - a. Develop vision, mission (and potentially goals & values) for the CJE that align with the Judiciary's strategic planning.
 - b. Develop a CJE Results Frameworks or M&E Framework.
 - c. Establish an internal CJE *Monitoring & Evaluation Committee* to guide the institution's M&E activities.
 - d. Develop the CJE's internal capacity to undertake and support M&E.
 - e. Develop a CJE *Monitoring & Evaluation Policy* that identifies and documents: strategies; reporting requirements; checklists; and tools/templates to enable the CJE to undertake effective M&E.
- For future workshops, selection of participants for ToT workshops might be refined (potentially along the lines of roles/responsibilities) to better target support and focus activity aims¹².

¹⁰ PJSI will be conducting a one-week Training-of-Trainers Workshop for CJE Staff that will include needs assessment as one of the four areas to be focussed on.

¹¹ Note: some placements are planned, and PJSI will support one Program Officer to develop their capacity by co-implementing an upcoming PJSI Regional Workshop in Papua New Guinea.

¹² Under the PJSI Career Pathway Project a 4-spoked (needs assessment, design, delivery and evaluation) Train the Trainer Workshop is scheduled from 4-8 March, 2019.

Annex C: Approved Leadership Incentive Fund Activities to date

LIF Application Title	Small / Large Application	Date
1. Federated States of Micronesia: Judicial Conference	Small	Feb 2017
2. Tokelau: Enhanced capacity building of Tokelau Judiciary	Large	Nov 2017-Mar 2018
3. Samoa: Workshop on law of evidence and criminal sentencing	Small	Mar 2017
4. Marshall Islands: Attendance at PJSI Regional Certificate Level Training of Trainers Workshop (Item Note)	Small	Jun 2017
5. Marshall Islands: Attendance at PJSI Regional Certificate Level Training of Trainers Workshop (Ronna Helkena)	Small	Jun 2017
6. Vanuatu: Orientation of Island Court Justices	Small	Nov 2017
7. Papua New Guinea: Registry Manual	Large	Dec 2017 -
8. Tonga: Mediation Skills Training	Small	Mar 2018
9. Kiribati: Lay Magistrates Training Workshop at Line Islands	Large	Dec 2017
10. Marshall Islands: Attendance at PJSI Regional Lay Judicial Officer Orientation Course (Travis Joe)	Small	Nov 2017
11. Cook Islands: Attendance at PJSI Substantive Justice ToT Workshop (France Apera)	Small	Feb 2018
12. Marshall Islands: Attendance at PJSI Substantive Justice ToT Workshop (Hainrick Moore)	Small	Feb 2018
13. Marshall Islands: Attendance at PJSI Substantive Justice ToT Workshop (Item Note)	Small	Feb 2018
14. Vanuatu: Certificate of Justice Semester 1	Small	Feb-Jun 2018
15. Palau: Efficiency Follow-Up Visit & Video Conferencing	Large	Jul-Aug 2018
16. Federated States of Micronesia: Translation and Training of PJSI Enabling Rights and Unrepresented Litigants Toolkit	Large	Jun 2018 -
17. Vanuatu: Judicial Case Management	Small	Oct 2018
18. Kiribati: Semester 2 – Certificate of Justice Course 1	Small	Jul-Sept 2018

19. Kiribati: Semester 2 – Certificate of Justice Course 2	Small	Jul-Sept 2018
20. Samoa: ICT Presentation at the Pacific Judicial Conference	Small	Sept 2018
21. Federated States of Micronesia: Implementation of Video Conferencing in the Courts	Small	Oct 2018
22. Kiribati: Judiciary Awareness on the Leadership Change Plan	Small	Oct 2018
23. Papua New Guinea: Human Rights Workshop for Judges	Small	Nov 2018
24. Papua New Guinea: Human Rights Workshop for Magistrates	Small	Nov 2018
25. Vanuatu: Additional Participant Attendance at PJSI regional Building Capacity to Manage Court Data Workshop	Small	Nov 2018
26. Tonga: Attendance at Legal Research Foundation Conference	Small	Jan-Feb 2019
27. Samoa: Attendance at Legal Research Foundation Conference	Small	Jan-Feb 2019

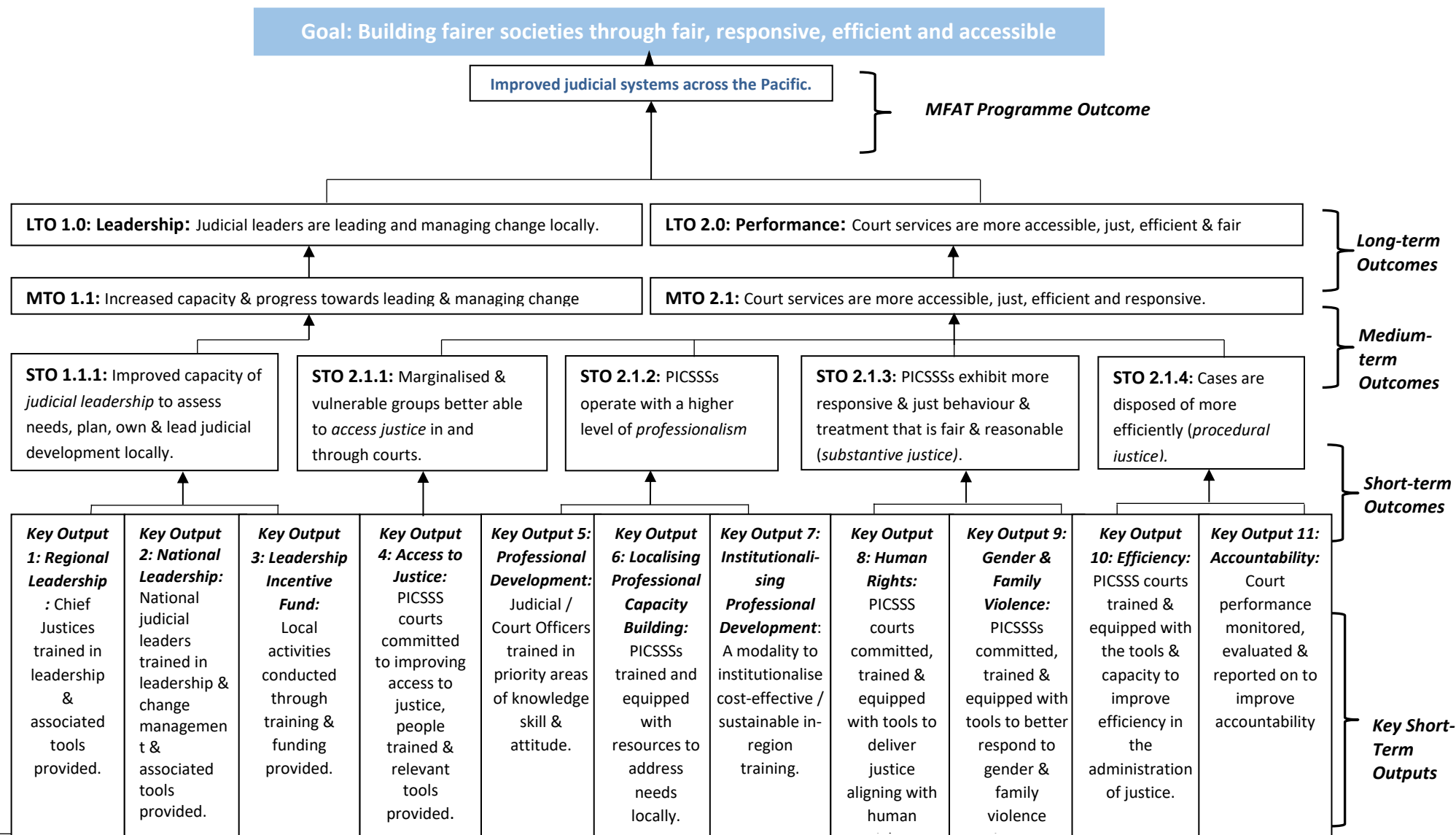
Annex D: PJSI reach across capacity-building activities

Activity	Judicial Officers	Court Officers	Other Roles	Total No. of Participants
2016/2017				
1 st Chief Justices' Leadership Forum	12	-	-	12
Regional Project Management & Evaluation Workshop	1	17	-	18
Local Project Management & Planning Visit #1	4	1	-	5
2 nd Chief Justices' Leadership Forum	12	1	-	13
Piloting of Human Rights Toolkit Visit	15	15	9	39
Access to Justice Local Visit #1	23	36	-	59
Regional Certificate-level Training-of-Trainers Workshop	4	15	2	21
Piloting of Gender & Family Violence Toolkit	10	6	13	29
Efficiency Local Visit #1	11	22	-	33
LIF Activity: FSM Judicial Conference	24	37	19	80
LIF Activity: Samoa Sentencing Workshop	9	-	-	9
2017/2018				
Orientation Local Visit #1 (incl. Pre-ToT Workshop)	5	4	17	26
Accountability Local Visit #1	13	25	13	51
Regional Judicial Leadership Workshop	9	5	0	14
Gender & Family Violence Local Visit #1	0	3	30	33
Regional Lay Judicial Officer Orientation Workshop (incl. Pre-ToT Workshop)	22	6	0	28
Human Rights Local Visit #1	75	10	0	85
Career Pathway: Local Visit #2	1	0	1	2

Regional Promoting Substantive Justice Thematic Training of Trainers Workshop	9	13	0	22
Access to Justice Local Visit #2	7	7	0	14
3 rd Chief Justices' Leadership Forum	12	1	1	14
Orientation Local Visit #2	12	0	6	18
Human Rights Local Visit #2	10	41	0	51
Orientation Local Visit #3	14	0	0	14
LIF Activity: Tokelau Enhanced Capacity Building of the Judiciary	14	3	0	17
LIF Activity: Vanuatu Orientation of Island Court Justices	19	0	0	19
LIF Activity: Tonga Mediation Skills Training	0	0	6	6
LIF Activity: Kiribati Lay Magistrates Training Workshop at Line Islands	20	0	0	20
LIF Activity: Vanuatu Certificate of Justice Semester 1	8	0	0	8
2018/2019				
ICT Support #1	1	4	0	5
Accountability Visit #2	2	0	6	8
Local Project Management and Planning Visit #2	0	0	31	31
GFV Local Visit #2	9	9	0	18
Judicial Leadership Workshop #2	17	11	0	28
A2J Local Visit #3	0	6	13	19
Local Project Management and Planning Visit #3	0	0	10	10
ICT Support #2	2	3	0	5
Gender & Family Violence Webinar	6	14	0	20
GFV Local Visit #3	25	16	8	49

Substantive / Capacity Development TOT Workshop (<i>Data Management</i>)	3	32	0	35
LIF Activity: Kiribati Certificate of Justice: Semester 2	2	11	5	18
LIF Activity: PNG Human Rights Workshops	71	0	0	71
LIF Activity: FSM Implementation of Video Conferencing in the Courts	0	19	0	19
LIF Activity: Vanuatu Attendance at Regional Development Workshop (<i>Data Management</i>)	1	0	0	1
TOTAL (July – December 2018)				337

Annex E: Results Diagram and Framework



Aim ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
Goal	Building fairer societies through more accessible, just, efficient and responsive court services.	% of public trust and confidence in partner courts ¹⁴	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. ¹⁵	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 ¹⁶	On average, 18% of change is driven locally	15% increase in locally driven change ¹⁷	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	25% of court users are satisfied with the courts /	10% increase in court users' satisfaction	To be measured on completion of the 5-year initiative	Court user perception survey conducted by

¹³ The term 'Aim' is provided by MFAT, but refers to 'Outcomes' as defined in the Results Diagram.

¹⁴ MFAT's strategic Results Framework Indicators – Law and Justice, supplementary indicator.

¹⁵ See Annex A for a table of latest rankings from 2015 and the concepts measured.

¹⁶ 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].

¹⁷ As above.



Aim ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
Medium-term outcome (YR3-4)		accessible, just, efficient and responsive	consider courts to be adequately responsive, just, fair and reasonably.			partner courts in concert with FCA
		Number of people trained/supported to strengthen PICs courts ¹⁸	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 ¹⁹	On average, 18% of change is driven locally	15% increase in locally driven change ²⁰	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 treat	19% of vulnerable and marginalised people have knowledge of &	10% increase in understanding / confidence ²¹	To be measured at the end of year 4	Court user perception survey conducted by

¹⁸ 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.

¹⁹ 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].

²⁰ Ibid.

²¹ Ibid, refer to Table 3.



Aim ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
		people fairly and reasonably.	confidence to assert their legal rights.			partner courts in concert with FCA
			32.5% of court users consider PIC courts to be professional.	15% increase in excellent service ²²	To be measured at the end of year 4	Self-assessment against action plans ²³
			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 ²⁴	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 assess needs, plan, own	Extent to which change is driven locally ²⁵	On average, 18% of change is driven locally	5% increase in locally driven changes.	It is premature to re-assess the response of court users given	PICs & MEA assessment against defined measures.

²² Ibid.

²³ Action plans will be developed during all training activities and used to assess incremental improvement over time.

²⁴ Ibid.

²⁵ 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



Aim ¹³	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
and lead judicial development locally.				the baseline was completed in July 2017.	
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 &	Extent to which courts deliver fair results	27% of court users consider courts to be adequately responsive,	5% improvement in delivering fairer results	It is premature to re-assess the response of court users given the baseline was	PICs/TA documented assessment of relevant reforms

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].



Aim ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
	reasonable (<i>substantive justice</i>).		just, fair and reasonably.		completed in July 2017.	
	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"> • people trained / supported in leadership • people satisfied with training / support • inter-courts links established 	N/A	<ul style="list-style-type: none"> • 2 x regional activities in years 1-4 and 1 x regional activity in year 5 each attended by 14 pax (=14 pax) • 80% satisfaction rating • 5 inter-court links established 	<ul style="list-style-type: none"> • 3 regional activities conducted from 2016 to 2018 each attended by an average of 12.67 pax • 92.24% mean satisfaction rating • 2 regional activities conducted for senior leaders from the judiciary and court administration attended by 42 pax • 92.2% mean satisfaction rating • Bilateral and multilateral inter- 	FCA/TA reports

Aim ¹³	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
				court linkages established ²⁶	
2 - National Leadership - National judicial leaders trained in leadership & change management & associated tools provided.	The number of: <ul style="list-style-type: none"> people trained / supported in change management people satisfied with the training / support 	NA	<ul style="list-style-type: none"> 1 x regional activity attended by 14 pax (= 14 pax) 8 x local activities each training / supporting x 10 pax (=80pax) 5 x remote activities each training / supporting x 5 pax (=5 pax) 80% mean satisfaction rating 	<ul style="list-style-type: none"> 1 regional activity conducted attended by 14 pax 3 local activities conducted attended by 46 pax 93.68% mean satisfaction rating 	FCA/TA reports & PICs reports
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"> Equitable portion of 35 grants provided over 5 years All activities implemented 	<ul style="list-style-type: none"> 27 LIF applications have been approved. 14 activities have been delivered, the remainder are in the process of being implemented / planned. 	FCA records & PICs grant reports

²⁶ 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 ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
					<ul style="list-style-type: none"> 94% of the available LIF budget has been allocated. 	
	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"> people trained / supported people satisfied with training / support local resources developed and used/delivered 	NA	<ul style="list-style-type: none"> 1 x regional activity attended by 14 pax (=14 pax) 4 x local activities each training / supporting x 10 pax (=40 pax) 80% mean satisfaction rating 	<ul style="list-style-type: none"> 3 local activities have been conducted supporting 128 pax 94.81% mean satisfaction rating 	FCA/TA reports & PICs reports
	5 - Professional Development - Judicial / Court Officers trained in priority areas of knowledge skill & attitude.	Number of: <ul style="list-style-type: none"> people trained people satisfied with training local resources developed and used/delivered 	NA	<ul style="list-style-type: none"> 5 x regional activity attended by 14 pax (=70 pax) 4 x local activities each training / supporting x 10 pax (=40 pax) 80% mean satisfaction rating 	<ul style="list-style-type: none"> 1 regional activity has been conducted for 28 pax. 3 local activities have been conducted for 58 pax 93.22% mean satisfaction rating Judicial Orientation Session Planning Toolkit published Resources developed, disseminated & used 	FCA/TA reports



Aim ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
	6 - Localising Professional Capacity Building - PICs judicial / court officers trained to address needs locally.	Number of: <ul style="list-style-type: none"> people trained / supported people satisfied with training / support local resources developed and used/delivered 	NA	<ul style="list-style-type: none"> 3 x regional activity attended by 14 pax (=42 pax) 5 x remote activities each training / supporting x 5 pax (=25 pax) 80% mean satisfaction rating 	<ul style="list-style-type: none"> 3 regional activities have been conducted for 75 pax 1 remote webinar delivered for 20 pax 89.46% mean satisfaction rating Resources developed, disseminated & used 	FCA/TA reports & PICs activity reports
	7 - Institutionalising Professional Development - A modality to institutionalise cost-effective / sustainable in-region training.	<ul style="list-style-type: none"> Options paper completed Inter-agency linkages established / operating 	NA	<ul style="list-style-type: none"> 2 x regional activities supporting x 10 pax (=20 pax) 80% mean satisfaction rating 	<ul style="list-style-type: none"> Options paper completed Inter-agency linkages explored but not required 5 local consultation activities conducted (satisfaction ratings NA) 	Options paper & FCA/TA reports
	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"> people trained / supported people satisfied with training / support local resources developed and used/delivered 	NA	<ul style="list-style-type: none"> 2 x regional activity attended by 14 pax (=28 pax) 4 x local activities each training / supporting x 10 pax (=40 pax) 	<ul style="list-style-type: none"> 3 regional activities attended by 47 pax 3 local activities conducted for 175 pax 	FCA/TA reports & PICs activity reports



Aim ¹³	Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
	<ul style="list-style-type: none"> • NGO/CBO linkages established 		<ul style="list-style-type: none"> • 80% mean satisfaction rating 	<ul style="list-style-type: none"> • 92.5% mean satisfaction rating • Human Rights Toolkit published • NGO/CBO linkages established in both PICs 	
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"> • people trained / supported • people satisfied with training / support • local resources developed and used/delivered • NGO/CBO linkages established 	NA	<ul style="list-style-type: none"> • 2 x regional activity attended by 14 pax (=28 pax) • 5 x local activities each training / supporting x 10 pax (=50 pax) • 80% mean satisfaction rating 	<ul style="list-style-type: none"> • 3 regional activities attended by 47 pax • 4 local activities conducted for 129 pax • 92.4% mean satisfaction rating • Gender & Family Violence Toolkit published • NGO/CBO linkages established in both PICs 	FCA/TA reports & PICs activity reports
10 - Efficiency - PICs courts equipped with the tools and capacity to improve efficiency in the administration of justice.	<ul style="list-style-type: none"> • New toolkit developed • Number of people trained to implement the toolkit • Number of PICs implementing new policies, standards, 	NA	<ul style="list-style-type: none"> • 5 x local activities each training / supporting x 10 pax (=50 pax) • 80% mean satisfaction rating 	<ul style="list-style-type: none"> • 3 local activity conducted for 43 pax • 86.25% mean satisfaction rating • Efficiency Toolkit published 	FCA/TA reports & PICs activity reports



Aim ¹³		Indicators	Baseline (Jul 2017)	Target	Progress (Dec 2018)	Methodology & Data Source
		systems, processes to improve administration			<ul style="list-style-type: none"> New policies etc developed & being implemented 	
	11 - Accountability - Court performance monitored, evaluated & reported on to improve accountability.	Number of PICs: <ul style="list-style-type: none"> routinely producing annual reports developing systems / methodologies to expand data collection collecting IFCE, gender & GFV compliant disaggregated data 	NA	<ul style="list-style-type: none"> 5 x regional activity attended by 14 pax (=70 pax) 5 x local activities each training / supporting x 10 pax (=50 pax) 15 days remote, training/supporting x 5 pax (=5 pax) 80% mean satisfaction rating 	<ul style="list-style-type: none"> 4 regional activities attended by 33 pax 2 local activities conducted for 59 pax Policies & systems developed & being implemented to expand data collection including disaggregated gender/GFV data 	FCA/TA reports & PICs activity reports

Annex F: Costed Workplan - Expenditure Projection Summary (as at 31 December 2018)

Commercial-in-confidence, supplied to MFAT separately.





Annex G: Costed Workplan - Actual Expenditure Summary (as at 31 December 2018)

Commercial-in-confidence, supplied to MFAT separately.

Annex H: Federal Court of Australia Annual Report 2017-2018 Auditor's Report Extract

Independent Auditor's Report

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 2018:

- comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- present fairly the financial position of the Federal Court of Australia as at 30 June 2018 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 2018 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* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. 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, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

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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



Colin Bienne
Senior Director

Delegate of the Auditor-General

Canberra
5 September 2018

Statement by the Accountable Authority and Chief Financial Officer

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 2018 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.....
Mr Warwick Soden OAM
Chief Executive Officer/Principal Registrar
5th September 2018


Signed.....
Ms Kathryn Hunter
Chief Finance Officer
5th September 2018