

TOOLKIT FOR PUBLIC INFORMATION PROJECTS - ADDITIONAL DOCUMENTATION

Available at: <http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>



TABLE OF CONTENTS

Annex 1: The Information Developed During The Piloting Exercise In Tuvalu.....	A-1
Tool 1: Leaflet: What Happens during a Court Hearing? (English Version)	A-2
Tool 2: Leaflet: The Lands Court (English Version)	A-3
Tool 3: Leaflet: The Island Court (English Version).....	A-4
Tool 4: Behaviour in Court (Tuvalu Version)	A-5
Tool 5: Behaviour in Court (English Version)	A-6
Tool 6: Encapsulated Labels.....	A-7
Tool 7: No Smoking & No Phones Sign	A-8
Tool 8: Codes of Judicial Conduct for Tuvalu (English Version)	A-9

ANNEX 1: THE INFORMATION DEVELOPED DURING THE PILOTING EXERCISE IN TUVALU

The Materials produced during the pilot and contained as examples in this document include:

- Leaflets A4 folded into 3
 - Tool 1: Leaflet: What happens in court? (English Version)
 - Tool 2: Leaflet The Island Court (English Version)
 - Tool 3: Leaflet The Lands Court (English Version)

Each of the above leaflets has been translated into the local language.

- For all 8 Atolls
 - Tool 4: Behaviour in Court - Encapsulated notice (Tuvaluan Version)
 - Tool 5: Behaviour in Court – Encapsulated notice (English Version)
 - Tool 6: Encapsulated labels for notice boards - " [Island Name] Court Notices"
 - Tool 7: No smoking - Encapsulated notice
 - Tool 8: CoJC encapsulated A2 posters (English Version)

These are reproduced on the following pages. (N.B. not necessarily to size)

Additional materials developed that do not appear in the following examples include:

- Notice boards or designated places for notices to be displayed
- Tuvaluan Crest – Encapsulated
- Special needs - Encapsulated notice

TOOL 1: LEAFLET: WHAT HAPPENS DURING A COURT HEARING? (ENGLISH VERSION)



Becoming a party to Court proceedings

You may become a party because someone else starts proceedings against you. It may be an individual who claims you have wronged them or it may be a public authority. For example:

- The police may allege you have committed a criminal offence.
- Kaupule may allege that you owe taxes or rates.
- The public health officials may allege that you are in breach of public health regulations.
- Someone may allege that you have taken part of their land.

Starting proceedings against someone else

You may become a party by starting proceedings yourself. To start proceedings you will need to identify the exact law upon which your claim is made. If you need help do that, the People's Lawyer can sometimes help. The law gives you rights; if you believe that someone has breached them you can ask the court to protect you from any further breaches and to punish the wrongdoer.

Your Rights

Your rights are set out in the Constitution of Tuvalu, the written law and in International Treaties which your government has joined on your behalf. You have many rights including:

- The right to life;
- Personal liberty;
- Personal security;
- Freedom of belief;
- Freedom of association;
- Freedom of assembly and expression;
- The protection of the law; and
- Protection for the privacy of your home and other property.

To find out more go to: <http://www.rrrt.org>

If you believe you need the court to protect your rights the People's Lawyer may be able to advise you.

If you are a party

If you are a party you must prepare for court by thinking about how you will tell your story to the Magistrate. The Magistrate's aim is to find the true facts of what happened so you must make sure that you can prove what you say with evidence.

Finding the facts - Evidence

The court may only consider evidence properly presented during the hearing of your case. The rules of evidence are complex but generally the court will take into account:

- The direct oral testimony of someone, a **witness**, who was there and saw what happened.
- Original documents
- In certain cases other evidence may be accepted.

Note: You can be a witness on your own behalf, but if there are other people who witnessed what happened you should ask them to come to court and say what they saw.



Do you need help to put your case?

You are entitled to have a representative in court, someone to help you put your case to the Magistrate. If your case is complicated or you think you will find it difficult to assemble your evidence and to speak in court you may pay a private lawyer to represent you or you may be entitled to help from the People's Lawyer. If you do not have a representative you may be permitted to have a friend to help you in court.

What will it be like in court?

The Clerk or Registrar will announce your case when the court is ready to begin the hearing. Make sure you are at court in plenty of time to be there when your case is called. You should also be ready to wait at court as sometimes the case before yours takes longer than was expected. The Judge or Magistrate must take time to hear the case properly. Please be patient as they will be prepared to take all the time they need when it comes to your case.

Listen carefully to everything that is said so that you understand the proceedings. You will be told when you may speak before the court so you should think carefully about everything that you want to say to the court when your turn comes. At the end of the hearing the court will give its decision together with the reasons for why it decided as it did.

Where to find out more

The law - you can find the written law of Tuvalu on line at: <http://tuvalu-legislation.tv>

Jurisdiction and powers - the jurisdiction and powers of the Island Court are set out in the Island Courts Act.

The Tuvalu Penal Code - sets out the law regarding what is a criminal offence.

The Laws of Tuvalu Act - sets out in detail the sources of Tuvaluan law.

Legal Advice - if you need help because you believe your rights have been disregarded you may get the advice of a private lawyer. The People's Lawyer may be able to advise you.

What happens during a Court hearing?

**Island Court
Lands Court
Senior Magistrate's Court
High Court**

During any court hearing the Judge's or Magistrate's role is to apply the law to the facts of the case. The law comes from the Constitution, the written law and in some cases, customary law

In court the Magistrate must treat all people equally and they must make sure that the hearing is fair. Both parties to the case will be given the opportunity to tell the court what happened and to say why they believe the decision should be in their favour.

In 2012, the Judges and Magistrates of Tuvalu adopted a Code of Judicial Conduct which set out how they will behave both in and out of court. You can find the full code at the court house, or on line at The Pacific Judicial Development Programme's web page at:

<http://www.fedcourt.gov.au/pjdp/materials-developed>

Produced by the Magistrates of Tuvalu with funding support from the Government of New Zealand and assistance from the Federal Court of Australia



TOOL 2: LEAFLET: THE LANDS COURT (ENGLISH VERSION)



The Lands Court

There are 6 Lands Court Magistrates.

The President of the Court presides over each hearing. The Court must determine the facts of the dispute by listening to evidence from the parties and witnesses, and by looking at any relevant register and the cadastral maps.

The Court may visit the land in dispute if it feels it needs to do so.

The sources of law

The law applied by the Lands Court is the written law in the Native Lands Act. In cases where that does not provide for the situation under consideration, the Court will have regard to the local customary law as set out in the Native Lands Code.

All hearings are open to the public. You are welcome to observe. If you choose to observe please be respectful of the Court and do nothing to disturb the conduct of business.

- You may not smoke in court.
- Mobile phones must be turned off.
- Please be quiet in the court.

Decisions and Appeals

The Magistrates record their decision and the reasons for it in the minute book. The decision is then read out in court.

If any party believes the decision is wrong in law or that the facts found were wrong they can appeal to the Lands Court Appeal Panel.

An appeal must be lodged within 3 weeks of the decision being given in court.

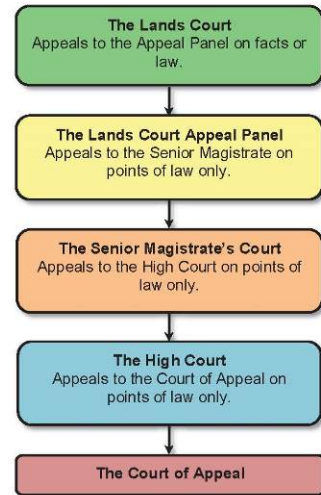
In some exceptional circumstances, late appeals may be permitted¹, but do not rely on this!

Further Appeals

Further appeals lie with the Senior Magistrate; and from the Senior Magistrate to the High Court; and then to the Court of Appeal.

These appeals can only be made when there is a dispute as to how the law applies to the facts of the case.

¹ See The Native Lands Act §25



Court Fees

You will have to pay court fees if you commence an action or if you lodge an appeal.

You can find out more about fees from the Office of the Lands Director or from the Clerk to the Lands Court.

"I...do swear that while serving as a member of the Lands Court, I will do right to all manner of people after the laws and usage of Tuvalu without fear or favour, affection or ill-will.

So help me God."

Where to find out more

The law - the Native Lands Act and the Tuvaluan Lands Code, are available from the Office of the Lands Director or on line at: <http://tuvalu-legislation.tv>

Title, leases and adoption - you may inspect the registers of land, leases and adoption at the Lands Court Office.

The Cadastral Maps are all available at the Office of the Lands Director.

Wills - you can inspect a copy of the will of any deceased person at the Lands Court Office.

Advice on Procedure - the Clerk to the Lands Court can advise you on matters of procedure but **NOT** on the merits of your case.

Legal Advice - if you need help because you believe your rights to land has been disregarded, you may get the advice of a private lawyer. The People's Lawyer may be able to advise you.

The Lands Court

The Lands Court has jurisdiction over native land and related matters which may affect the title to land or the right to use land.

The Court maintains the written Lands Register which records the title of land. The Court also maintains registers of leases of land, wills and adoptions.

The Land Court adjudicates:

- In disputes over the title or right to possession of land.
- Disputes over boundaries.
- Disputes over the rights to land associated with adoption.

The Lands Court also:

- Approves and records native leases.
- Records and deals with native wills.
- It receives applications for adoption, and records adoptions and associated transfers of land.

Produced by the Magistrates of Tuvalu with funding support from the Government of New Zealand and assistance from the Federal Court of Australia



TOOL 3: LEAFLET: THE ISLAND COURT (ENGLISH VERSION)



The Island Court at work

There are 5 Island Court Magistrates.

The court normally sits twice a month. Sitting dates will be posted on the court notice board.

The President of the court presides over each hearing, sitting with the Vice President and one other member of the court.

During a hearing the court determines the facts by listening to evidence from the parties and witnesses. It reaches its decision by applying the law to the facts it has found.

The sources of law

The law applied by the Island Court is found in the Constitution, the laws made by parliament and the common law. Customary law can be applied but only if it is not inconsistent with the written law. **The Laws of the Tuvalu Act** sets out in detail what laws apply.

Decisions and Appeals

The Magistrates record their decision and the reasons for it in the minute book. The decision is then read out in court.

The Island Court is supervised by the Senior Magistrate who keeps its decisions under review.

The rules relating to appeals from the Island Court to the Senior Magistrate are set out in the **Island Courts Act**. They are too complicated to set out here, but in general there is a right of appeal to the Senior Magistrate.

Further appeals may be permitted from the Senior Magistrate to the High Court, and from there to the Court of Appeal.

Where to find the court

It is the duty of the Kaupule to provide a court house or somewhere for the court to sit.

The Kaupule also provides an office for the Clerk to the Court, it is often in the Kaupule building.

The Clerk to the Court can advise you on the court procedures but **NOT** on the merits of your case. The Clerk is responsible for setting the dates of sittings and publishing the list of cases to be heard.

All hearings are open to the public. You are welcome to observe. If you choose to observe please be respectful of the court and do nothing to disturb the conduct of business.

- You may not smoke in court.
- Mobile phones must be turned off.
- Please be quiet in the court.



Court Fees

You will have to pay court fees if you commence a civil action or if you lodge an appeal in a civil case.

You can find out more about fees from the Clerk to the Island Court.

Where to find out more

The law - you can find the written law of Tuvalu on line at: <http://tuvalu-legislation.tv>

Jurisdiction and powers - the jurisdiction and powers of the Island court are set out in the Island Courts Act.

The Tuvalu Penal Code - sets out the law regarding what is a criminal offence.

The Laws of Tuvalu Act - sets out in detail the sources of Tuvaluan law.

Legal Advice - if you need help because you believe your rights have been disregarded, you may get the advice of a private lawyer. The People's Lawyer may be able to advise you.

The Island Court

The Island Court has jurisdiction over a wide range of minor criminal and civil matters arising in the island to which the court belongs.

The Island Court hears and determines prosecutions by the police in relation to a range of criminal matters. The Court's jurisdiction is set out in the **Island Courts Act**; it is limited to cases where the maximum punishment is a fine of \$250 or 6 months imprisonment.

The Island Court also hears prosecutions in respect of alleged breaches of Kaupule by-laws.

The Island Court has civil jurisdiction in respect of claims for debt or damages where the value is no more than \$250.

The court also hears applications in:

- Matrimonial proceedings
- Maintenance
- Custody

"I swear by Almighty God that I will well and truly serve Our Sovereign Lady Queen Elizabeth, her Heirs and Successors, as a Judicial Officer and I will do right to all manner of people after the laws and usages of Tuvalu, without fear or favour, affection or ill will.

So help me God."

Produced by the Magistrates of Tuvalu with funding support from the Government of New Zealand and assistance from the Federal Court of Australia



TOOL 4: BEHAVIOUR IN COURT (TUVALU VERSION)

Uiga fai iloto ite Fono

Tino katoa loto ite fono e tau o galue fakatasi kote fono ke fai fakalei kae se fapito/ fakakesekese.

A famasino ka tautali ki fakatononuga loto ite code of conduct, niisi tino e aofia iloto ite fono e fakamoemoe ke fakaasi ne latou te ava kite fono kae se fai ne latou ne mea e pokotia ei te seai se fakakesekesega mote fai fakalei ote fono.

A famasino ka:

- Fai ne latou te fono kiluga l te tulafono mo tulafono ki luga l faiga o fono;
- Seai se fai papito/ fakakesekesega
- Ka tuku ne latou ki tino katoa ite fono te avaa
- Sukesuke ne latou a fakamaoniga kola e mai kite fono
- Fai olotou ikuga l te tulafono

E se tau mo faamasino a kaukau io me fakamasino ne ia se keisi tela e isi sena aia iei.

Te Kilaki ote fono

Te Kilaki ote fono ka;

- Tautua ne ia a famasino.
- Fakapula ne ia ate keisi ma kamata.
- Fakamau ne ia a ikuga a famasino.
- E puipui kae fautua ne ia te fanofano lei ote fono.
- Tuku ne ia a information ki luga l taimi e fai ei a fono mo keisi kola ka tu kit e fono.

Ka fai koe e aofia pela ite fono pela mese tino tu kite fono io mese molimau

E tau mo koe o:

- E tau koe o maina l tulaga o faifaiga fono mote toka o koe o fai sau fakamatalaga.
- E tau koe o toka koi tua o kamata te fono.
- Tau koe o pei fakalei o gatu mote avaa.
- Fakatoumuaga ne koe te famasino pela Tou Malu.
- Tautali ki sose fakatonuga e tuku atu ne te famasino io meko te kilaki.
- Koe tau fua o faipati mafai ko tuku atu te avanoaga ke faipati koe.
- Koe e tau o tali ne koe a fesili kite mea tonu.
- E tau mo koe o onosai malie ke oko ki tou avanoaga o faipati. E tapu e fakalavelave ne koe te saa tino tela e fupati (fakamatala). E tapu koe e faipati mafia a faamasino e faipati e tapu e fakalavelavegina.

Tino fakalogologo

A fono tulafono katoa loa e tala ki sose tino ke falalogologo kae ko koe e tapu io me se talia ke fakalavelave ne koe te faiga fono.

Ko tena uiga:

- Koe tau o ulu ki loto io me ulu ki tua kae se logoa.
- E tau koe o fakaasi ate ava kite fono l ou uiga fai mo ou gatu e pei.
- Mobiles e tau o tamate katoa kae e seai ne pukega (record) o mea e fai ite fono.

TOOL 5: BEHAVIOUR IN COURT (ENGLISH VERSION)

Behaviour in court

Everyone in court must cooperate to ensure that the court proceedings are conducted fairly and efficiently.

The magistrates will follow the principles set out in their code of conduct, other people attending court are expected to show respect for the court and to do nothing which might interfere with the fair and efficient conduct of court business.

The magistrates will:

- Conduct hearings according to the law and the rules of procedure; and
- be fair and impartial; and
- treat everyone appearing in court with courtesy and respect; and
- find facts from the evidence produced in court; and
- make their decision by applying the law to the facts.

The magistrates will not favour any party over another or hear any case in which they have a personal interest.

The Court Clerk

The Court Clerk will:

- support the magistrates as necessary; and
- announce the start of cases; and
- record the decision of the magistrates; and
- give guidance as to the correct procedures; and
- provide information about the timing of court sittings and the listing of matters before the courts.

If you are taking part in proceedings as a Party or a Witness

You should:

- make sure you understand the procedures and what is required of you be ready to play your part; and
- be punctual; and
- dress with respect for the court; and
- address the magistrates as Your Honour; and
- follow any instructions given by the magistrates or the court clerk; and
- speak only when invited to do so by the court; and
- be honest and clear when you answer questions; and
- you must be patient and await your turn to speak. Do not interrupt others just because you disagree with what they are saying, Do not speak when other parties or the magistrates are speaking, never interrupt.

Observers

All court proceedings are open to the public you are welcome to observe proceedings in court but you must do nothing which might disturb the conduct of business.

That means:

- You should enter and leave the court quietly and be silent whilst in court.
- Your dress and manner should show respect for the court.
- Phones should be switched off in court; you are not allowed to record or photograph proceedings.

TOOL 6: ENCAPSULATED LABELS

<u>Funafuti Island Court</u>		<u>Funafuti Lands Court</u>	
Sala Livi Tapu	President	Semeli Manase	President
Tonuu Taani	Vice President	Ioasa Tilaima	Vice President
Leupena Maimoaga	Member	Mesako Usufono	Member
Timo Viliamu	Member	Niu Alefaio	Member
Iosefa Elisala	Member	Peniata Tui	Member
		Vailima Iosefa	Member
Clerk to the Court - Michael Latasi		Clerk to the Court - Faataemani Opetai	

Te fesoasoani ote Fono

Mo koulua kola ese katoatoa te mafai ke aofia kite fono, ke fakailoa fakavave kite failautusi ote fono ke mafai o fakatoka se auala e fakafaigofie iei tou oko mai.

The Court can help

If you have special needs please make sure that you tell the Clerk of the Court as soon as possible. The court will do what it can to help you take a full part in the hearing.

TOOL 7: NO SMOKING & NO PHONES SIGN



**Fakamolemole
se uaa.**

TOOL 8: CODES OF JUDICIAL CONDUCT FOR TUVALU (ENGLISH VERSION)

Code of Judicial Conduct for Tuvalu



This code is issued for guidance of magistrates and to inform the people of Tuvalu as to the role of the magistrates. It should be read and interpreted in conjunction with the Leadership Code Act 2006.

The magistrate's primary duty is to administer justice by applying the law. This is reflected in the oath in which the magistrate swears:

"I swear by Almighty God that I will well and truly serve Our Sovereign Lady Queen Elizabeth, her Heirs and Successors, as a Judicial Officer and I will do right to all manner of people after the laws and usages of Tuvalu, without fear or favour, affection or ill will. So help me God."

1. Independence

Judicial independence is essential to the rule of law and the fair conduct of trials. A magistrate should therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

- 1.1 A magistrate must not be actively involved in government or politics. This is why the Islands Court Act says a member of the Kaupule may not be a magistrate.
- 1.2 Magistrates are also members of the community and may properly take their part as members of the Falekaupule, where they may vote on policy and in the election of members of the Kaupule.
- 1.3 In deciding cases a magistrate must make his or her decisions according to the law and the evidence and without fear or influence from the Kaupule, central government, anyone or anything outside the proper process of the court.

2. Impartiality

Impartiality in both the decision and the decision making process is essential to the proper discharge of judicial duties.

- 2.1 Particular aspects of conduct relating to impartiality are explained below. In considering these it should be borne in mind that a balance must be struck between the need to remain impartial and the need to be, and be seen to be, a part of the community; both are important aspects of the judicial role. In deciding cases the law requires magistrates to evaluate the credibility of evidence, and in some cases, to decide what is reasonable. Such decisions require knowledge of local mannerisms and customs. Where a court takes local custom or tradition into account, it must say so in open court.
- 2.2 A magistrate must be impartial.
- 2.3 A magistrate must also appear to be impartial, which means that a reasonable and fair minded member of the community knowing all the circumstances would believe that the magistrate is impartial.
- 2.4 In any case where there might be a reasonable doubt about a magistrate's impartiality he or she should recuse him or her self and let another magistrate hear the case.
- 2.5 A magistrate should not sit in any case involving a person with whom the magistrate has a close relationship, and should not sit in any case involving the magistrate's:
 - a. immediate family (i.e. parent, spouse, brother or sister, child including an adopted or step child.);
 - b. close friend; or
 - c. workmate.This guideline applies whatever the capacity in which the person is involved; whether the person is a defendant, victim, witness, complainant or party to a civil case.
- 2.6 A magistrate should not sit on a case where he or his family might benefit from the outcome. This applies whether the interest is direct or indirect and includes:
 - a. a financial interest;
 - b. an interest in land; or
 - c. an interest in other property
- 2.7 In a land case a magistrate ought not to decide a case concerning land which belongs to a Kaitasi of which he or she is a member.
- 2.8 A magistrate should not sit on any case where he or she has or may appear to have preconceived or pronounced views relating to:
 - a. issues;
 - b. witnesses; or
 - c. parties.
- 2.9 A magistrate should strive to avoid making any assumptions and should make a decision based only on the evidence.
- 2.10 If the Island Magistrates believe their impartiality would be compromised because of the high social standing of the individual concerned it may be appropriate to refer a case to the Senior Magistrate, e.g. a case involving the Pule ote Fenua, Pule ote Kaupule, the pastor or his wife.
- 2.11 A magistrate should not recuse him or herself merely because he or she knows a person involved in the case. In a small community it is inevitable that the magistrates will know the people.

NOTE: Tuvalu is a small country and the island jurisdictions are very small. If magistrates were to disqualify themselves in every case where they know one or other participant, the hearing of minor matters might be considerably delayed. Undue delay can, in itself, constitute a denial of justice. Therefore, the interest of justice requires that magistrates are careful not to disqualify themselves too readily. Inevitably magistrates will hear cases where they know something of the parties. In every case it should be clear to all observers that the trial is conducted fairly and only on the evidence. The magistrates should explain their decision clearly giving their full reasoning. The reasons should leave no doubt that the decision was based on the law as applied only to those facts established by evidence in open court.

It is for the magistrates to make it clear from the way they conduct themselves, that when they are sitting a magistrates they will always be impartial.

3. Integrity

Through all his or her public and private life a magistrate should demonstrate soundness of moral character through consistency of action and values, honesty and truthfulness.

- 3.1 By conducting themselves with integrity magistrates will sustain and enhance public confidence in the Judiciary.
- 3.2 A magistrate must be honest in his public and private life so that people will know that the magistrate can be trusted.
- 3.3 A magistrate must be true to the judicial oath.

4. Propriety

A magistrate must avoid impropriety and the appearance of impropriety in all his or her activities, public and private.

- 4.1 A magistrate's conduct should not be such as to bring the judicial office into disrepute or to offend against those standards expected of a proper member of the community within which he or she lives and works. By their behaviour individually and collectively magistrates should teach people to respect the court and the rule of law.
- 4.2 Whatever a magistrate does he must do properly, according to the law and with respect for the customs and traditions of the people.
- 4.3 It is improper for magistrates to use their judicial office to obtain any favour or advancement and magistrates must avoid any conduct which might give the appearance of so doing.
- 4.4 A magistrate should avoid any relationship which may put him or her in such a position as to be, or appear to be, subject to the influence of others. To this end, Magistrates should especially avoid developing, or appearing to develop, close social relationships with the prosecuting authorities and those individuals who represent parties in court.

Gifts

- 4.5 If there is any possibility that the giving of a gift is an attempt or might appear to be an attempt to gain favour, a magistrate must not accept.
- 4.6 A magistrate does not accept any gift, benefit or advantage whatsoever that might influence the conduct of his official duties or which might give the appearance of so doing.
(N.B. Specific guidance regarding traditional gifts can be found in The Leadership Act)

Confidential Information

- 4.7 A magistrate should not discuss or disclose any confidential matters learnt of by reason of his or her office. The deliberations of magistrates in reaching their decisions are confidential. It is proper for magistrates to discuss with other magistrates issues arising during the conduct of cases in the interest of developing good practice. A magistrate must never seek the opinion of any person, even another magistrate, other than those hearing the case in question as to the appropriate decision.

5. Equality

A magistrate should ensure that every one is treated with respect and courtesy and with equality according to the law.

- 5.1 It is the duty of the magistrates to ensure that every court hearing is fair. This means that everyone participating in court proceedings must be treated:
 - a. equally, no matter high or low;
 - b. with respect and courtesy; and
 - c. without prejudice or hatred.AND that parties to a case must be:
 - d. given the same voice in order to put their case to the court;
 - e. present during proceedings to hear the case against them and the evidence submitted in support of that case;
 - f. given an opportunity to answer anything said against them; and
 - g. given the opportunity to put their own evidence before the court.
- 5.2 The court must recognise and uphold all those rights given by law to individuals.

6. Competence and Diligence

A magistrate must engage in training and preparation so as to be competent in performing his or her duties. He or she should also be diligent in the performance of judicial duties.

- 6.1 The Island Magistrates are created by statute (the Island Courts Act and the Native Lands Act) and the powers of magistrates are limited by statute. Magistrates must take care not to exceed the authority given to them.
- 6.2 A magistrate should read and use the materials provided for his or her guidance, such as the benchbook and the laws of Tuvalu.
- 6.3 A magistrate should participate in such training as is available.
- 6.4 Court hearings should be conducted at scheduled and published times and should commence punctually.
- 6.5 Decisions should be given in reasonable time and full reasons should be given identifying the relevant law and the evidence relied upon.
- 6.6 The magistrates should ensure that the court makes and keeps an adequate written record of the decision and the reasons therefor.

Cases of doubt

In any case where a magistrate is uncertain as to how these principles apply to the particular circumstances, he or she may seek guidance from the Senior Magistrate or the head of the judiciary, the Chief Justice. If there is not time to do so, he or she should err on the side of caution; the question may nevertheless be referred to the Chief Justice for the future.



Produced by the Magistrates of Tuvalu with funding support from the Government of New Zealand and the assistance of the Federal Court of Australia.



Pacific Judicial Development Programme

TOOLKIT FOR PUBLIC INFORMATION PROJECTS

