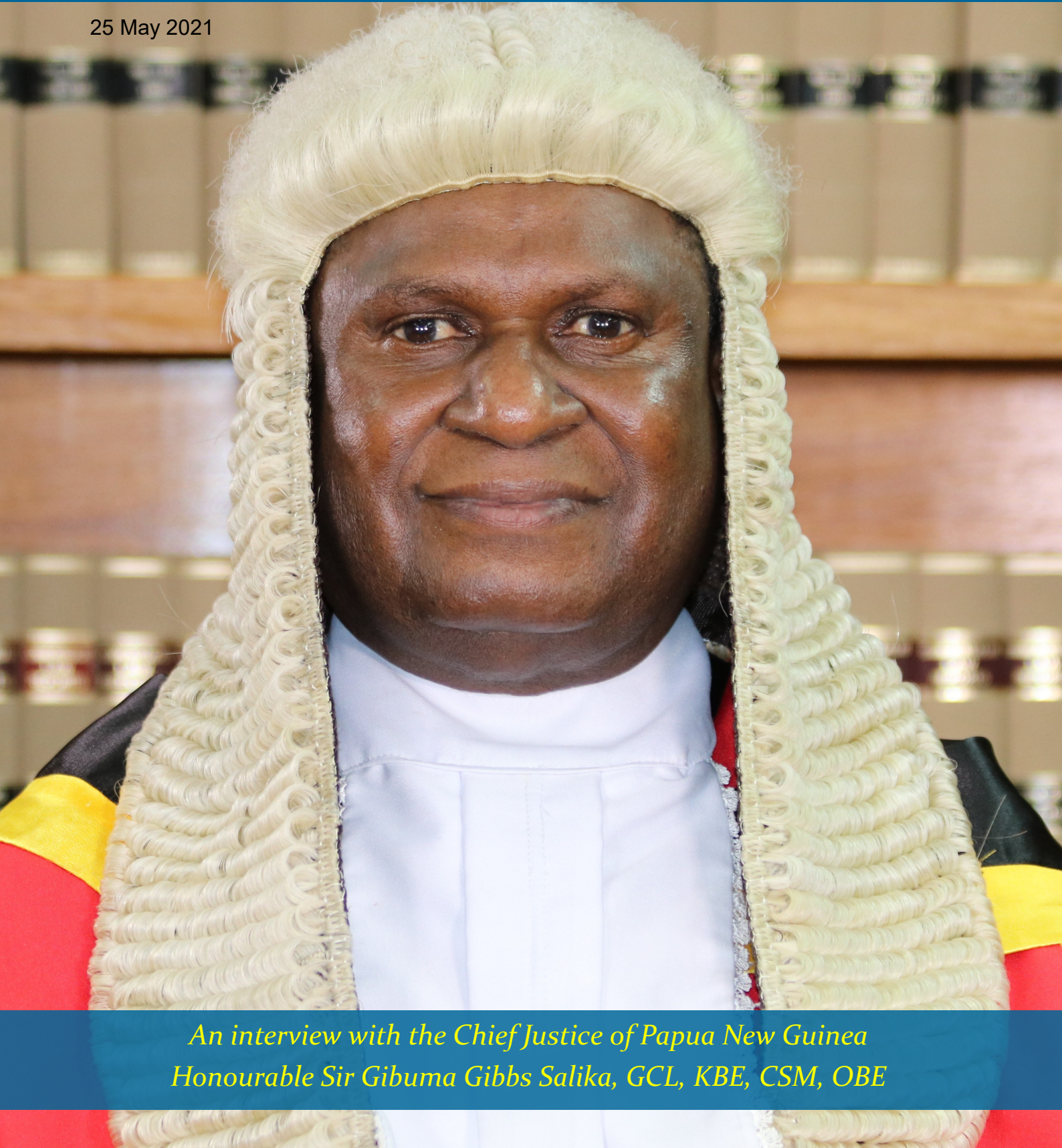


# PNGCJE Updates

## *Special Edition Newsletter 2021*

PAPUA NEW GUINEA CENTRE FOR JUDICIAL EXCELLENCE

25 May 2021



*An interview with the Chief Justice of Papua New Guinea  
Honourable Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE*

Special Edition. May 2021

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## ABBREVIATIONS

<b>ADR</b>	- Alternative Dispute Resolution
<b>AIJA</b>	- Australian Institute of Judicial Administration
<b>CBE</b>	- Commander of the Most Excellent Order of the British Empire
<b>CDS</b>	- Court Docketing System
<b>CJ</b>	- Chief Justice
<b>CJEI</b>	- Commonwealth Judicial Education Institute
<b>CM</b>	- Chief Magistrate
<b>CMJA</b>	- Commonwealth Magistrates and Judges Association
<b>CSM</b>	- Companion of the Order of the Star of Melanesia
<b>DCJ</b>	- Deputy Chief Justice
<b>DCM</b>	- Deputy Chief Magistrate
<b>DJAG</b>	- Department of Justice and Attorney General
<b>GCL</b>	- Grand Companion of the Order of Logohu
<b>ICCSDB</b>	- Integrated Criminal Case System Database
<b>IECMS</b>	- Integrated Electronic Case Management System
<b>IJS</b>	- Institute of Judicial Studies
<b>IMAAC</b>	- International Mediation and Arbitration Conference
<b>JICA</b>	- Japan International Cooperation Agency
<b>JP</b>	- Justice of the Peace
<b>JSS4D</b>	- Justice Services and Stability for Development
<b>KBE</b>	- Knight Commander of the Most Excellent Order of the British Empire
<b>LJSA</b>	- Law and Justice Sector Agencies
<b>LTI</b>	- Legal Training Institute
<b>MoU</b>	- Memorandum of Understanding
<b>NJCA</b>	- National Judicial College of Australia
<b>NJSS</b>	- National Judicial Staff Services
<b>OBE</b>	- Officer of the Most Excellent Order of the British Empire
<b>PICCJE</b>	- Pacific Island Countries Centre for Judicial Excellence
<b>PILAG</b>	- Pacific Institute of Leadership and Governance
<b>PJSI</b>	- Pacific Judicial Strengthening Initiative
<b>PNGCJE</b>	- Papua New Guinea Centre for Judicial Excellence
<b>PNGHRI</b>	- Papua New Guinea Human Resource Institute
<b>PNGMS</b>	- Papua New Guinea Magisterial Services
<b>TNA</b>	- Training Needs Assessment
<b>ToT</b>	- Training of Trainers
<b>UPNG</b>	- University of Papua New Guinea



## FOREWORD



The progress and development of the PNGCJE continues in a positive direction that focuses on improving access to Justice in Papua New Guinea. We are now settled in our new facilities in Port Moresby and with a team of 22 employees are capable of delivering structured and robust judicial education and training programs for our domestic stakeholders. We are also now able to extend many of our programs, webinars or workshops to Judiciaries in the Pacific Islands.

Judicial Education provides the opportunity for Judges, Magistrates and Court Staff to share experiences, ideas and enhance knowledge, skills and awareness across various topics. More importantly, these interactions facilitate the transformative process of learning which assure that the Courts can more effectively and efficiently function within our society.

This Special Edition Newsletter allows our Chief Justice and Chairman of PNGCJE Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE, Board Members Deputy Chief Justice Ambeng Kandakasi, CBE, Registrar Mr. Ian Augera and NJSS Secretary Mr. Jack Kariko to share their insights on judicial education and the role that PNGCJE plays in helping to promote access to justice and building competency. Their collective experience as Members of the Board contribute greatly to the success of the PNGCJE. It is through their guidance and that of the entire Board that we have been able to achieve the milestones of being able to deliver programs for PNG and the Pacific.

Law is not abstract, and it is a set of rules established by human beings to regulate behavior between themselves (private law) and themselves and the state (public law). Law prevents the misuse or abuse of power. Judges interpret the law, apply the law and at times make the law through decisions that are made. The concept of Judicial Education contributes to this positively through ensuring that the appropriate pedagogy is employed to facilitate Judge-led workshops and professional development.

Judicial education is becoming more readily accepted as a necessary aspect in the life of Judiciaries around the Pacific and the world. I am grateful for the Faculty and Staff who work diligently to deliver the programs that are offered through the PNGCJE. As we expand our capacity and include more programs, we look forward to sharing with our Pacific Islands family and the world as the need arises.

**Mr John Carey, JP, PhD**

Executive Director

Papua New Guinea Centre for Judicial Excellence

## Editor's Note



Greetings!

I am pleased to present this Special Edition Newsletter to our esteemed readers. This issue presents reports of interviews with the Chief Justice of Papua New Guinea Sir Gibuma Gibbs Salika, the Deputy Chief Justice Ambeng Kandakasi, the National and Supreme Court Registrar Mr Ian Augerea and the National Judicial Staff Service Secretary Mr Jack Kariko. The interviews are specifically carried out to see from their respective perspectives on how far the Papua New Guinea Centre for Judicial Excellence (PNGCJE) has come, the Centre's contribution to the PNG Judiciary and its progress towards becoming the Pacific Island Countries Centre for Judicial Excellence (PICCJE).

This issue also presents photographs of PNGCJE's progressive infrastructural developments towards becoming a fully fledged judicial education institute.

We would like to sincerely thank the PNGCJE Executive Director Mr John Carey, the Deputy Executive Director Mr Sam Kaipu and the PNGCJE Management for their constant support towards the publication of this issue. We also thank our editorial team for a job well done.

We hope you will be greatly informed about the PNGCJE's work in contributing towards access to justice in Papua New Guinea.

Kind regards,

**Mr GIDEON KINDIWA**

*Editor*



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## An Interview with the Honourable Chief Justice Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE



**HON. CHIEF JUSTICE SIR GIBUMA GIBBS SALIKA,  
GCL, KBE, CSM, OBE**

Chairman of PNGCJE

*This is a write up of the Chief Justice's views in an interview with PNGCJE Research and Publications Manager Ms DEBBIE LAUDIWANA.*

*The interview took place on 16 March 2020, in the Chief Justice's Chambers at the Waigani Supreme and National Courts, Port Moresby.*

### SESSION

**What is your understanding of judicial education as according to your personal experience, previously as a lawyer, then as a judge and now in your current capacity as the Chief Justice of PNG?**

Judicial education is about keeping abreast with what the law is in relation to what we apply in the courtrooms daily. We as judges, must continuously read textbooks and decisions of the courts to educate and remind ourselves about the laws around the world especially in common law countries such as Australia, New Zealand, Canada, Singapore, Malaysia, India and the African Countries. More so in our neighboring countries as they have a lot of influence over what we do here in terms of case precedence. They have a persuasive effect on us, therefore, it is important that we undergo continuous training. This is precisely where the PNGCJE comes in. I was appointed Chairman of the PNGCJE Board and Justice Regina Sagu (Late) as the first Acting Executive Director when the PNGCJE was first formed.

We envisioned a judicial training facility in PNG where the need for training on the continuous update on laws is readily available, and programs such as the Judicial Orientation is available to new judges. We need to train new judges about the different practices of law. There are judges who come from a criminal practice background and those who come from civil practice background. We need to conduct trainings for these judges to equip them with new skills in handling these types of cases.

As a lawyer, I had legal education trainings all the time. I was a criminal lawyer and not a civil lawyer, but I taught myself through judicial education programs. This is where the PNGCJE can assist filling in those gaps where the judges are lacking.

In my capacity as the Chief Justice, it is my overall responsibility to ensure that all the judges can effectively deal with any type of matter that comes before the Supreme or National Courts, whether it be a civil or criminal matter. That is the highest level to have all the judges properly trained in administering justice. There are also other administrative staff who must undergo trainings conducted by the PNGCJE. Examples of such trainings include ethical conduct trainings, trial process trainings, judicial protocol workshops and other specific and tailored training courses.

**Since its establishment in 2010, the PNGCJE has been conducting and facilitating judicial training activities, conferences and events related to judicial education in the country and is now transitioning into PICCJE to provide its service to the wider Pacific region. What is your view towards the level of service delivered by the PNGCJE?**

At its establishment in 2010, I was nominated chairman of the PNGCJE. I was then the Deputy Chief Justice. The Late Justice Regina Sagu was nominated Acting Executive Director. We were given financial assistance from the Commonwealth Judicial Education Institute (CJEI) in Canada and the Australian Institute of Judicial Administration (AIJA) to establish PNGCJE. The Centre was responsible for conducting and facilitating judicial education programs and has improved over the years.

Today, a variety of training programs are conducted by PNGCJE and it is transitioning into the Pacific Island Countries Centre for Judicial Excellence (PICCJE). I was the main advocate for PICCJE to be established here in PNG. The Chief Justices from other Pacific countries will attest to this fact.

Until the recruitment of the current Executive Director Mr John Carey, the level of planning for training needed improvement. In the last few years, I will say that we have grown from strength to strength. Since the construction of the new PNGCJE office and the creation and recruitment of the staff establishment, the level of service delivered by PNGCJE has increased in quantity and quality.

**In your address during the Ceremonial Sitting of your appointment as Chief Justice in 2018, you mentioned that the judiciary has a huge backlog of cases that need to be dealt with and that the Judiciary will do everything it can to cut down on the backlog. You have made similar sentiments both in last year and this year's Legal Year opening ceremonies. How do you see PNGCJE, in particular, playing a role in reducing this backlog of cases and reserved judgements or decisions?**

Yes, the PNGCJE has a role in reducing the backlog and reserved decisions. For instance, if there are 1000 cases filed this year, by the end of this year all these 1000 cases should be



completed. However, if these cases are carried into the next year, they form backlog of cases and this is not going to be healthy for the Judiciary.

Reserved decisions are decisions that have been put on hold for a long time by the judges. One reason why decisions are delayed is because it may not be within a judge's immediate expertise and require extensive hours of research, which judges do not have a lot of time to do.

One aspect that the PNGCJE can do to assist judges deal with these issues is through continuous judicial ethical trainings. It is vital that judges are constantly reminded that they have a duty to deliver their decisions quickly because "justice delayed is justice denied".

The PNGCJE has an important part to play in supporting the judges through training. With the transition of PNGCJE into PICCJE, the Centre now has another huge responsibility in delivering its services to the other Pacific Island jurisdictions.

### **Have the training topics conducted by PNGCJE contributed to addressing these issues?**

The trainings are contributing to an extent in relation to substantive law. The experiences of judges is another extent. The experience and expertise of a judge is very important. The longer you serve as a judge, the better you will become in dealing with your cases.

The PNGCJE has facilitated Judgement Writing workshops that have contributed to addressing the issue of backlog and reserved judgements. Professor Jim Raymond was invited to conduct a judgement writing course for judges and magistrates in 2019. This program and the other training programs on judicial ethics and judicial orientation were of great assistance to the judges. The PNGCJE has equally contributed to the performance of the judges in the country.

Another training that was conducted to assist judges was the Case Docketing System (CDS) workshop by the PNGCJE and IT experts. The advancement of technology has become vital in assisting our work and the PNGCJE has been instrumental in conducting these types of trainings for judges and court staff.

One thing we need to do is to conduct Training Needs Assessments (TNAs) every two to three years. The TNAs will identify areas that need training and PNGCJE can tailor courses around those areas. The trainings should be driven by the TNAs and should be consistent with what the judges need so that their work and the court's performance is efficient and consistent.

Training on procedural law is just as important as substantive law. Substantive law is like contract law which is what is contained in textbooks. Procedural law includes the National Court Rules and the Supreme Court Rules that guide the court process. The PNGCJE's responsibility is to find out from the judges whether they need training on substantive or procedural law.

### **As the Chief Justice of PNG and the Chairman to the PNGCJE Board of Directors, can you give a brief outline of your role, support, and commitment towards PNGCJE and judicial education?**

I am happy to be the Chair, because I am in a capacity to make decisions immediately. It is better that the Chief Justice remains as Chairman so that decisions can be made instantly. So, I am committed to support and provide decisions relating to judicial education and the work of not only the PNGCJE but PICCJE and other Pacific island countries who are involved in the MoU.

### **What are your views on PNGCJE's future, especially on its transition into the Pacific Island Countries Centre for Judicial Excellence (PICCJE)?**

In other countries, judicial education institutions are created by

law. The PNGCJE is not created by law but under the auspices of a Memorandum of Understanding (MoU), similar to the New Zealand model operating by way of MoU between partners.

Currently, the PNGCJE receives funding directly from the Judiciary's budget. The Centre is given K4 to K5 million each year to operate.

PNGCJE has been growing progressively and I would like to see it rise up to a level where it can fully cater for trainings internally, instead of bringing in professionals from outside to design and facilitate trainings. Capacity is one aspect that we need to develop from where it is now. The Centre has a dedicated workforce of program officers and I would like to see more trainings tailored to the needs of judges, magistrates, lawyers and court staff. I look forward to seeing PNGCJE having its own facilitators running courses as in the setting of colleges and universities.

### **Do you have any other comments?**

The PNGCJE and PICCJE will expand over time. Is the current PNGCJE training room space enough or is there a need for an extension of the building? We will now house two separate institutions with two different sets of staff once the PICCJE is established. Staff from the National Judicial Staff Service (NJSS) in Port Moresby will soon move into the new court complex and there will be more vacant spaces. This will provide PNGCJE the office space it requires to cater for expansion.



**Chief Justice Sir Gibuma Gibbs Salika leading the march during the 2018 Legal Year Opening in Port Moresby.**

*Photo courtesy of POST COURIER.*



**Chief Justice Sir Gibuma Gibbs Salika speaking during the Judges and the Media Seminar conducted by PNGCJE in Port Moresby on January 2020.**

*Picture by GIDEON KINDIWA*

## An Interview with the Honorable Deputy Chief Justice Ambeng Kandakasi, CBE



**HON. DEPUTY CHIEF JUSTICE AMBENG KANDAKASI, CBE**

Board Member—PNGCJE

*This is a write up of the Deputy Chief Justice's response in an interview with PNGCJE Updates Editor Mr GIDEON KINDIWA.*

*The interview took place on 16 March 2020, in the Deputy Chief Justice's Chambers at the Waigani Supreme and National Courts, Port Moresby.*

### SESSION

**What is your understanding of judicial education as according to your personal experience, previously as a lawyer, then as a judge and now in your current capacity as the Deputy Chief Justice of PNG?**

As a lawyer, most of the legal training I took part in was academic. While studying at the University of Papua New Guinea (UPNG) I was involved in what we call the LEAP, which stands for the Legal Education and Assistance Program, where the final and third year students go out during their vacation to provide legal awareness and some limited appearance with leave of the district courts in their respective provinces.

When lawyers graduate from UPNG, they go to the Legal Training Institute (LTI). I have been part of the Legal Training Council, as the Chief Justice's nominee, since the former Chief Justice Sir Mari Kapi's term. I continued to serve in that position up to this day.

Most of the young lawyers that come out from LTI do not know much about practice. All they have is the theoretical component, but as they say, "practice makes perfect". Instead of having an essay in your submissions you would want to write a submission that is seven pages. What's the trick around that? Or instead of writing a hundred pages pleading, you trim it down to seven pages. What's the trick? Those skills come with practice. So, it's important for those who have the experience to pass on their skills and knowledge to the

upcoming ones so that the cycle of lawyers and lawyering and the system of justice continues with competence.

Formal training and classroom based education is one aspect, the other is mentoring – working with young and upcoming people and seeing them through. I was then a lawyer with Young and Williams. I was mentored by the then partners in the firm, the late Greg Leah and Royale Thompson, who now joined us as a Judge. I feel privileged to have worked under some of the best practitioners and learnt the skills of pleading properly, arguing a case properly, researching properly and to think on my toes. Judges will ask you all sorts of questions. Do not be distracted, but ready with an answer and think broad and wide around what the case is. Those things come with practical tips, which is a form of training. We do have the structured training such as what the PNGCJE is delivering, but there are informal ones that also add substantial value to young professionals.

We have backlog and reserved judgement problems and have been trying hard to enable judges to do "ex-tempore" judgement deliveries. Writing takes a certain skill, time and effort. Through appropriate training, we feel we can be able to pass on the skills of ex tempore judgement.

I have come to a point where I'm no longer reserving on motions matters, or even shorter assessments of damages or trials. I can hear and deliver judgement on the spot. These are skills that need to be passed on to those who are not yet in the field. That is why I have always been involved with training and I am a member of the PNGCJE board.

I feel that it is my commitment and duty to pass on whatever limited knowledge and skill I have in the dissemination of legal education and training. My involvement in education and training has been broad as far as the Pacific and parts of Asia as well.

**How does regular and continuous judicial education foster development for judicial officers and other stakeholders involved in the court system in maintaining court efficiency?**

The Chief Justice Sir Gibuma Gibbs Salika has stated in the Legal Year Opening (2020) that we have about 25,000 cases pending. The Supreme Court Reserved Judgement list consists of about 89 cases, and because of conceded efforts it is reduced to about 30. In the National Court, we published the list the second time now and it is showing about 400 reserved decisions. What does that tell of our system's efficiency? I think it gives us a negative picture. So, there is a lot of training that needs to be done.

I highlighted the need for judges to distinguish between a need to reserve on a case that requires conceded judgement after considering the submissions on law and come to a judgement that will be useful for posterity and precedential purposes.

Matters such as applications for amendment of pleadings, entry of default judgement or set aside of default judgements are supposed to be straight forward matters. In a criminal case when someone is applying for no-case submission, it does not need to be reserved for longer periods, which some judges have done.

That shows that training in our field should be lot more practical with hands-on case specific programs developed and delivered to judges and the judiciary.

It is a total combination of individual judges being efficient in their management of their pending lists, the trial list and the reserved judgements list. I think our system will become the most efficient with these types of training.

At present, because of the backlogs, I cannot say we are 100 per cent efficient, nor can I say that we're at the bottom end. I would say that we are approximately above 50 per cent. We need to get to a point where we are about 80 to 90 per cent efficient.

There will be human and system factors that affect our work,



but if we can get to a point of 80 to 90 per cent efficiency, we would have met our objective. The only tools to get us there are the appropriately packaged trainings. Without training, we cannot be efficient. Changes do occur, technology does bring about changes. Our system in PNG is now going into the Integrated Electronic Case Management System (IECMS) so a lot of training is required.

**Since its establishment in 2010, the PNGCJE has been conducting and facilitating judicial training activities, conferences and events related to judicial education in the country and is now transitioning to PICCJE to provide its service to the wider Pacific region. What is your view towards the level of service delivered by the PNGCJE?**

Our aim now should be on delivering 50 per cent or more. But it is good practice as we have started from scratches. The hiring of new employees is a testimony of the system developing to a full fledged institute. I have every hope that we will be able to package and deliver as many trainings as we can.

Also, PNGCJE's role is not yet fully understood and utilized by the lawyers. The moment they come to realize that this is the specialized training wing for those key stakeholders, then I think PNGCJE would be very busy in delivering training.

At present, we have been utilizing judges more than other professionals trainers. As we transition into PICCJE we have to upscale the teaching faculty as well as support staff and be able to come up with exciting programs.

We are not the only judicial education institution in the world as there are so many out there and we need to be competitive. To be competitive we need to have excellent programs. Programs that are crosscutting, current and relevant to judges, magistrates, lawyers and the court staff. The PNGCJE needs to provide more training targeting the lawyers. When lawyers perform better, the judges will become better in their area of work. It is like a cause-and-effect kind of relationship.

However, this is not to say we are not ready. We have demonstrated our ability to organize and deliver international trainings and conferences such as the International Mediation and Arbitration Conference (IMAAC) and the Commonwealth Magistrates and Judges Association Conference (CMJA) in 2019, which saw participants from all over the world attending. The participants spoke highly of us and gave positive feedbacks, most of which were directed towards our program content. The content of all the programs was highly commended by experts who had attended. These are experts with established publications attached to their names. The current president for CMJA stated that he has attended so many CMJA conferences but Papua New Guinea's experience will last forever. He said it will be hard to see who is going to beat that record.

I think we have demonstrated that we have a natural ability to entertain guests and visitors, and we have been able to build on that. The organizational thinking and planning behind the PNGCJE, plus the support from our Government has enabled us to package and deliver those programs. We have no issue securing the next conference—the Asia Pacific Mediation Forum.

I already have someone from Spain saying that, "Once you are ready let us know and we will advertise the conference for you and bring as many as we can." So, that shows the ability of PNGCJE in meeting international standards and attracting international participants.

The Pacific would be privileged to work with PNGCJE through the PICCJE program to bring in participants from all over the world.

We are also doing the Satellite Program, through which we would be able to provide online training programs for courts in the region. PNG's internet connectivity would be fixed by this satellite program. We need to explore the option of creating links for the smaller Pacific Island countries, so that they can receive satellite connection just as we are and attend programs via online

learning modes. As time is of great importance, online learning is something we are developing.

I think PICCJE is well positioned based on local experience. We have a couple of faculty members who have attended the Commonwealth Judicial Educators Training in Halifax, and have some of the best training programs ready to be packaged and delivered. I have no reason to doubt that we will do well through PICCJE.

**Mediation has been part of Papua New Guinea's culture for generations. The mediation concept was introduced into the PNG judiciary in 2009 as Alternative Dispute Resolution (ADR) system which, you have played a major role in its development as the ADR Chairman.**

**Can you talk about the importance of mediation in a country like PNG?**

This is something close to my heart so I will get right to it. Before I joined the PNG Judiciary in 2000 as a judge, we were seriously concerned with delays. Delays in cases being listed, motions being adjourned, decisions being adjourned, etc. So, some lawyers got together and said, "What can we do to help our clients and ourselves?" A flyer was sent around by the PNG Centre for Dispute Resolution (PNGCDR) and they asked us as to what processes we were interested in. I raised a hand for mediation, without knowing a single thing about mediation. Mediation is culturally present in PNG, but the kind of mediation practiced around the world and formalized into many jurisdictions including the PNG Judiciary is slightly different from our traditional one.

Traditionally, if two people had a dispute, they would usually go to someone they trust and believe can hear both sides and help solve the dispute. It is usually an elder in the village.

I took part in a mediation in Yangoru (in East Sepik Province) and I knew nothing about their culture. It was a dispute about land rights to a piece of land upon which a police barracks was built. Someone walked in and shouted, "King kam nau!" (the King has



**Deputy Chief Justice Ambeng Kandakasi reading taking an oath during his swearing in on 20 December 2020.**

*Photo courtesy of POST COURIER.*

come). This was my first time to hear this in a mediation. I had a lot of questions, but kept them to myself. The process went on and I identified the leaders and sent them off to make decisions on land rights and distribution. They reached an agreement on how the compensation money was to be distributed. The person who was initially the defendant in court was tasked to announce the agreement, but he gave a totally different report—a self-serving report. So, the person who was identified as "King" went in and said, "I gave you all a chance to speak and you did not talk properly. This is what is going to happen," and he was so fair in his decision. He spoke on how to share the payments and even



included other members of the community, who were not landowners. In the end, he told the community members, "If you have the power to challenge me speak," and no one spoke.

So, in this kind of mediation, people are given the opportunity to find the solution for themselves, and if they cannot, then a leader possessed with custom and the interest of everyone would step in and decide for everyone. Whereas, in the mediation process that we practice formally, the mediator has no power to decide.

When I came in as a judge and was appointed Chairman of the ADR by the then Chief Justice Sir Arnold Amet, I had no training on mediation but I learnt on the job and trained myself. I also received some formal training. This comes back to education. If you love to learn and fully put your heart, mind and soul into it,

list, reduce the backlog, and increase the use of mediation. I believe a lot of judicial education on efficient case management, expedited disposal, ex-tempore judgement and other related trainings would greatly assist. It all comes down to judicial leadership and the role that PNGCJE would play. I would like to see more trainings carried out, not only packaged for the PNG Judiciary but to share with the rest of the Pacific Island countries. Some of the judiciaries in the Pacific are under-resourced and we need to reach out and bring them along, so that we are all on the same page.

ADR is a major way of resolving cases and can be allowed to be played in our case disposition, but sadly, not many judges are using mediation.



**Deputy Chief Justice Ambeng Kandakasi with police officers walking through warring tribes to stop a tribal fight in Laiagam, Enga Province in 2018. Photo courtesy of POST COURIER**

you will surely achieve it.

When Sir Salamo Injia was appointed Chief Justice he was very proactive—as we saw the amendments to the National Court Act that allow judges to order for mediation at any stage of the proceedings, and the promulgation of the ADR Rules.

Our ADR Rules are world class. Most other jurisdictions do not have exhaustive and well set out ADR Rules like the PNG Judiciary, which includes Mediator Conduct Rules, Process Rules, Enforcement, and everything else built into it. It was an important milestone that we created with the then leadership which provided the foundation. So, for PNG, a lot of people appreciate the value of mediation, especially those who deal with cases relating to the natural resource sector and land issues.

In nation building, mediation is the way to go. Especially, where we have landowners living in the cities and the majority of the people back in the rural areas. We do not know whether or not someone is a genuine landowner. It is really important for the Government, the developers and the Judiciary to see that we take the service back to the people and mediation is the way to do that. Many people have thanked the Judiciary for bringing the system back and for them to be heard. Most landowners back in the villages were not even aware that they have proceedings going on in the courts. Mediation has enabled them to directly deal with cases regarding their land rights and has saved them from being defrauded.

Unlike other jurisdictions, in PNG, a judgement has been published listing the kind of questions that are suitable for litigation and anything that is not on the list is for mediation. It is one of the first in any jurisdiction where a judiciary clearly identified what cases are not suitable for mediation, leaving the rest for mediation.

**How do you see PNGCJE, as a judicial education and training division, playing a part in supporting the development of the ADR system?**

Our current Chief Justice Sir Gibuma Gibbs Salika is very much committed to developing the ADR system. He has mentioned three things in his maiden speech – solve the reserved judgements

**As the Deputy Chief Justice of PNG and a member of the PNGCJE Board of Directors, can you give a brief outline of your role, support and commitment towards PNGCJE and judicial education?**

I have always had this commitment to education right from the beginning. I was committed to legal education as a lawyer and a teaching fellow at the University of Papua New Guinea, and now in judicial education as a judge. I have been passionate and supportive of continuous judicial training and development. As a member of the PNGCJE Board of Directors, I am playing my part in helping to shape the focus of PNGCJE. I will continue on that role and keep on supporting PNGCJE until I retire from office.

**What are your views on PNGCJE's future, especially on its transition to the Pacific Island Countries Centre for Judicial Excellence (PICCJE)?**

There are two things to consider. One is money and the other is human resource. We need increased funding and proper staffing for PNGCJE and PICCJE including program officers, content developers, teaching faculty and IT and support staff.

We also need judicial leadership that is committed to the objectives of the institution. The judicial leadership that will provide the conduit for the institution to grow. I see no difficulty with the current leadership, and I challenge the PNGCJE staff to think big, think broad and do more. For instance, the Melanesian Law Journal used to be a publication by UPNG, but has not been published for a while. The PNGCJE should consider taking it up as a project. This would become a resource for lawyers and judges in PNG and the Pacific.

I see exciting times ahead. Get ready to work hard, expand and reach our neighboring jurisdictions in our work towards increasing access to justice for everyone.

## An Interview with the Supreme and National Court Registrar Mr Ian Augerea



**Mr. IAN AUGEREA**

Registrar—National and Supreme Courts of Papua New Guinea

Board Member—PNGCJE

*This is a write up of the Registrar's response in an interview with PNGCJE Updates writer Mr GIDEON KINDIWA.*

*The interview took place on 7 October 2020, in the Registrar's office at the Waigani Supreme and National Courts, Port Moresby.*

### SESSION

**As the Registrar and a member of the PNGCJE Board, can you describe the commitment of the Courts' leadership towards judicial education and its development in PNG?**

The court has been committed to training for a very long time. As is evident with PNGCJE, which has been running for close to ten years now, and that shows the commitment of the courts towards training. In every annual budget or planning, the aspect of training and the development of PNGCJE is there. So, I would say the courts are fully committed towards the development of PNGCJE.

**How best can you describe the need for judicial education and training for Judicial Officers and Court Staff in the PNG Judiciary?**

The education and training that we get from universities and colleges are not enough to sustain us in an institution like this. The work that we do requires continuous training. What type of training, and how do we get the target audience? In the judiciary, there are four different groups of people that we need to train. The judges, the senior management, middle management and the lower level staff. I

am not seeing many trainings carried out for the lower level staff. If you want to run a professional organization whereby all members of the organization respond to the vision and aspiration of the organization, you need to distribute the trainings. You need to focus at the bottom all the way to the top, because a judge cannot fully perform his or her duties effectively without all the necessary support from the court staff. The cleaner, the plumber, the grounds man, the court attendants, the court interpreter, the court reporter, the registry clerk and every other support staff has an input in the judge's performance.

Most of our trainings have been focused at the top, which is not wrong, but we should also focus at the bottom. For instance, we have been running the Certificate in Court Administration (CCA) training for about three years now and most of the officers we have been training were senior and middle managers. But how can they go and communicate properly with their junior officers at that level? We need to bring the junior officers up as well. The PNGCJE has got a mandate of about thirty one programs per year, which is limited. The NJSS Training Division should always work in consultation with the PNGCJE and be guided by the PNGCJE.

We do not need to go out and get experts to come and train us as we have around 30 to 40 staff members who have received Training of Trainers (ToT) certificates. The skills gained from the ToT workshops should now be fully utilized to train the lower ranking staff.

We also need to expand a bit on the kind of training that we are delivering. It is my vision that this government organization should be the best in the country. Yes, we can be the best if we have the best judges, but what about the rest of the staff members down the line? We should have the best registry clerks, plumbers, gardeners, cleaners, etc. when planning trainings, we should look at every single individual in the organization. For instance, our security guards should all know standard protocol and procedure in the organization.

**PNGCJE was established to address those needs and facilitate continuous judicial education and training in the country. As the Registrar, how best can you describe the positive impacts of continuous training and judicial education for the court staff?**

The various training programs facilitated by PNGCJE since its establishment has changed the work attitude of our staff and created positive impacts in our work environment. For example, under the leadership of the former Chief Justice Sir Salamo Injia, we signed a MoU with the Federal Court of Australia and the Queensland Supreme Court. Under the MoU, about 80 Registry staff members from around the country were sent to Australia. These staff went and did work attachment with the courts in Australia. After their attachment, they returned and resumed their roles but this time with an enlightened perspective. Their mindsets completely changed. PNGCJE also contributed to several training programs that helped shape registry staff.

Those were the officers who undertook one of the most extensive tasks in the history of this court where they scanned and electronically recorded all the cases in PNG dating back to 1948. We moved from manual hard copies to electronic copies. That was when the Case Docketing System (CDS) was created, advancing further to the Integrated Criminal Case System Database (ICCSDB) and the Integrated Electronic Case Management System (IECMS).

These tasks were accomplished due to the focused and practical training and improvement of skills. PNGCJE should plan and deliver focused trainings to staff so that they can directly



impart what they have learned in their work. Ten years since the establishment of PNGCJE, the organization has changed for the better and this should continue.

### Can you briefly talk about the importance of improving access to justice?

We all know that without justice, there will be no harmony in the society. Access to justice is fundamental and no one has the right to deny anyone from accessing it. One contributing factor to some people being denied access to justice is in governance and all forms of rules and regulations.

### How challenging has it been to transform the Registry to embrace technology?

It has been very challenging. Firstly, because we are moving from manual to electronic. Secondly, we are moving with people who have no idea about electronics. We must get skills from outside to come and change this place.

In 1992 when Sir Arnold Amet was the Chief Justice, we received assistance from Dean Anderson and Mark Warren in Australia to start the first electronic recording of court proceedings. We then wanted a similar system in the Registry as well, so they helped set up a system. Unfortunately, it was not a case management system but a recording of information system which was used from 1992 to 2012.

During Sir Salamo Injia's term as Chief Justice, we started negotiations with the New South Wales Judicial Commission to look at the criminal database. Sir Injia gave directions to review the system because it was inaccurate. The Japan International Cooperation Agency (JICA) was then commissioned to help us create the Case Docketing System (CDS). To create the CDS, all case files in every registry in the country dating back to 1948 was scanned and registered on the system. Later, we realized that it was not a case management system. So, we had talks with NSW Judicial Commission again and created the ICCSD.

In 2018, Synergy was commissioned to create IECMS. The system's development was completed just when COVID-19 hit the world. Since the start of its operation in May 2020, there are more than 900 cases registered.

### What has been the most rewarding aspect of the transformation of the organizational culture that you have led over the past years?

The Judiciary has now transformed into one of the biggest government organizations in the country. We have more than 40 judges with the potential to increase to 60. At the top of the organization sits the best lawyers of the country. There is a very high standard that is expected to be maintained by the Judiciary. This standard should not only be maintained by the judges, but by every single employee of this organization. To maintain a high standard and nurture a positive organizational culture we must, firstly, do a restructure of the organization and properly align it to the vision of the organization. Secondly, we must reorganize our culture. The basic way to do that is through training. This is where the role of PNGCJE and NJSS HR Training is very important.



**National and Supreme Court Registrar Mr Ian Augerea delivering a speech during the IECMS Training for Registry Officers on 30 October 2020.**

Picture by GIDEON KINDIWA



**National and Supreme Court Registrar Mr Ian Augerea speaking during the opening of a new Covid-19 Emergency Response Clinic at the Waigani Supreme and National Court complex. Standing next to him is the Chief Justice Sir Gibuma Gibbs Salika.**

Picture by GIDEON KINDIWA



## An Interview with the National Judicial Staff Service Secretary Mr Jack Kariko



**Mr JACK KARIKO**

Secretary

National Judicial Staff Service (NJSS)

*This is a write up of the Secretary's response in an interview with PngCJE Updates Editor Mr GIDEON KINDIWA.*

*The interview took place on 11 August 2020, in the Registrar's office at the Waigani Supreme and National Courts, Port Moresby.*

### SESSION

**As the Secretary for the NJSS and a member of the PNGCJE Board, can you describe the commitment of the NJSS leadership towards judicial education and its development in PNG?**

It is obvious that the leadership is very committed to judicial education and its development in PNG. It is something that goes back to the time of the former Chief Justice, Sir Salamo Injia. The former Chief Justice was very passionate about judicial education. As for myself, I joined the NJSS in 2014, after having worked with the Department of Justice and Attorney General (DJAG). When I was with the DJAG, the issue of judicial education was spoken about a lot. It was until Sir Salamo Injia took the issue and really drove it forward.

I sat at the board of PNGCJE when I was with the DJAG. When I was appointed Secretary for NJSS, I came to clearly see the

passion that the former Chief Justice Sir Salamo Injia, our current Chief Justice Sir Gibuma Gibbs Salika, the Deputy Chief Justice Ambeng Kandakasi, the Registrar Mr Ian Augerea and other members of the bench have about judicial education.

The level of passion and commitment the former Chief Justice had has permeated through to our current judicial leadership and management. I can confidently say that the leadership has the full commitment towards judicial education in the country.

**How best can you describe the need for continuous Judicial Education for Judicial Officers and Court Staff in the PNG Judiciary?**

The Judiciary is the independent arm of the Government. This is due to the core functions of the judges as interpreters of the law. Judges would not be able to perform their duties if it were not for the support staff (court staff), such as the associates, secretaries, finance officers, etc.

As the Secretary, my duty is to make sure all our staff in the NJSS perform their duties with competence for the judges to execute their duties efficiently. I believe providing continuous training and support for the judges as well as for the support staff is very important. As much as judges need judicial education, the court staff and every other member of the Judiciary needs support to undergo specific trainings to build their capacity and competency.

My utmost focus is on our staff. They need to be equipped with skills to do their duties with diligence and responsibility. These skills should enable them to provide an effective support service for the judges to execute the independent function of the Judiciary and continue delivering justice to our people.

**Some of the trainings that PNGCJE is conducting is non-judicial and focuses on other areas of work. Do you have any comments on that?**

Yes, we are expecting unprecedented changes with the recent infrastructure developments. At the same time, other changes such as developments in judicial education and training should become a norm where our staff must become accustomed to. With the new state-of-the-art court building coming up, our staff must also be up-skilled and up-to-date with the changes. For instance, our attitude and presentation towards court users at the registries. Everything we do must be at the highest standards that reflect the judiciary. Those standards would come about through education and training of our staff. Also, some of the systems that we are trying to implement are relatively new and we need to be trained to use those systems. With the new building in place, we will be doing almost everything electronically and this means up-skilling our staff on how to use these electronic platforms and systems through non-judicial trainings.

So, one thing that pleases me the most is that PNGCJE is not confined to purely judicial education, but recognizes the need for training both the judicial officers and the support staff. I am grateful that the Executive Director Mr John Carey and the PNGCJE staff can see that and are acting to cater for all our training needs.

**What are some positive results you have seen from PNGCJE since your appointment as NJSS Secretary in 2014?**

Since I came onboard, and from when PNGCJE was formed, I have seen great improvement in how the NJSS staff go about

doing their work. I think it comes back to our managers and senior staff. They have recognized the need to train their staff members and this really impacted the working environment. Having shifted from the Executive Government to the Judiciary, I noticed some issues with staff competency when I first joined, but I am thankful that the former Chief Justice, the current Chief Justice, the judicial management and the Registrar were able to see the importance of training our staff in general.

There has been so much improvement over the years, but there still needs to be more improvement especially in terms of targeted training. I see that we need to conduct proper Training Needs Assessments (TNAs) and target specific staff and specific areas of need. I see a lot of room for improvement and we still have a long way to go in terms of curriculum development, training needs assessments and other areas of research and training but I know PNGCJE is recently established and will still get there in time.

For me, as the head of the Corporate Service, I would say that the PNGCJE's work has been beneficial for our staff in the NJSS as I have seen improvement in their work performance, and I am thankful for that. I know we can do a lot better in the years to come.

#### Would you suggest a specific area of work you think needs more improvement?

Well, I believe one area that stands out would be our public relations skills amongst ourselves as well as our clients. For instance, our staff at Finance, Human Resource (HR) and IT divisions. These three offices deal with staff almost every day. For instance, staff who have issues or questions regarding their leave or remuneration would go to HR. Someone having complications with his or her computer would go to the IT office to seek help. Our Registry staff deal with clients and court users every other day, but how about people skills or public relations skills within our own office environments?

Better communication skills, customer service and professional courtesy skills are paramount in maintaining a healthy working environment. I believe these are very important areas that need more training and improvement.

#### How important is the organizational culture in the ability of the court to deliver improved access to justice?

Personally, I think almost 80 percent of our staff have been with the organization since it started. A few others joined recently, like myself. One thing I realized is that, the longer an employee stays with an organization, the more comfortable he or she gets. There is a tendency that the longer serving employees think that they are indispensable. For me, it is about changing that culture. The culture that stops us from being open to change. We need to be open to new ideas and new ways of doing things and be able to unlearn and learn new things. There is a sense of entitlement for those who served longer, and this sometimes prevents growth and new development of ideas from taking place. We need to educate and remind our staff that changes take place over time and they need to be ready to understand, accept and appreciate new ways of doing things. I think this is very important in maintaining a vibrant organization that will efficiently deliver improved access to justice.

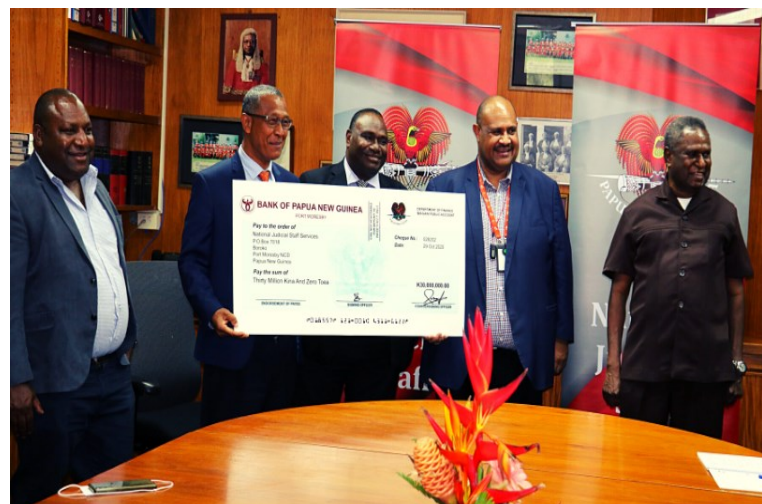
#### Do you have any further comments you would like to make?

Yes. I would like to appreciate and pay tribute to the PNGCJE Executive Director Mr John Carey, Deputy Executive Director Mr Sam Kaipu, and the PNGCJE team. You all are doing a wonderful job and I am thankful for that. There is still a lot of work to be done in transitioning to a regional centre, but I am certain the PNGCJE has a promising future ahead.



From left: NJSS Secretary Mr Jack Kariko, Chief Magistrate Mr Mark Pupaka, Registrar Mr Ian Augerea, Deputy Chief Justice Ambeng Kandakasi, Prime Minister Mr James Marape, Chief Justice Sir Gibuma Gibbs Salika, Police Commissioner David Manning and Ombudsman Mr Richard Pagen, during the launching of the Judiciary Satellite Network in 2020.

Photo courtesy of PNG Buzz.



Treasury Minister Mr Ian Ling-Stucky (second from left) with Minister for Justice and Attorney General (then) Mr Davis Steven (third from left) presenting a cheque of K30 million on behalf of the Government to Chief Justice Sir Gibuma Gibbs Salika (right) and NJSS Secretary Mr Jack Kariko (second from right) to support the construction of the new court complex in Waigani.

Photo courtesy of Loop PNG



## Progressive Developments in PNGCJE

### The New PNGCJE Office and Training Room Building (Exterior) - The Transformation





## Progressive Developments in PNGCE

The New PNGCJE Office and Training Room Building — The Exterior







## Justice

There can be no justice  
If we sit idly by  
There can be no hope of change  
If people do not try

This is not a task for one group  
It affects both black and white  
The same is true in policy  
On the left and on the right

We must grow beyond labels  
We all must stand as one  
This is a time of challenge  
And much work must be done

I know we can be better  
We all must rise above  
If we are to find true justice  
First we must find love

*- Robert Longley*



## Progressive Developments in PNGCE

### The New PNGCJE Office and Training Room Building — The Interior





## Progressive Developments in PNGCE

### The New PNGCJE Office and Training Room Building — The Interior







# PNGCJE Updates

Special Edition Newsletter

PAPUA NEW GUINEA CENTRE FOR JUDICIAL EXCELLENCE

## About Us

The PNGCJE was established in 2010 under a Memorandum of Understanding entered into between the Chief Justice of the Supreme and National Courts, the Chief Magistrate and the Secretary for the Department of Justice and Attorney General. The Centre is primarily responsible for the delivery of professional continuing judicial trainings and development activities for Judges, Magistrates, Court Staff and other officers of the Law and Justice Sector Agencies in PNG as well as other Pacific Island Countries.

## Key Objectives for the Establishment of PNGCJE

- Promote Judicial Excellence;
- Promote professional development and training; and
- Foster an awareness of judicial administration, developments in the law and social and community issues.

## Our Core Values

The core values that underpin the professional development activities of PNGCJE are:

- Excellence in the professional integrity and competence of Judicial Officers and Court Staff;
- Excellence in dispensation of justice by the courts according to international best practices;
- High level of competency, skills and experiences of Judicial Officers and Court Staff;
- Maintenance of democracy, good governance and the Rule of Law by the Judiciary.

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