



REPORT JUDICIAL ORIENTATION FOR MAGISTRATES

23 – 26 February 2021, Gateway Hotel

Port Moresby, PNG



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Program Officer – Judicial
PngCJE

Date: 28 April 2021

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1.0 Introduction

This Report provides an overview of the Judicial Orientation for Magistrates conducted at the Gateway Hotel, Port Moresby between 23 and 26 February 2021. The program was designed to induct the newly appointed magistrates including those who had served for less than 5 years but have not undergone the orientation program.

Chief Justice Salika in his opening address told the magistrates that they were all appointed on merits. The workshop would impart knowledge and skills on how they conducted themselves both in and out of Court. The course would include civil and criminal practice and procedures. He said magistrates' role is to hear cases and make decisions within the framework of the law and based on the evidence that is presented before them. He reminded the magistrates that the decisions on the cases heard should not be delayed as is the case in the higher courts. He said Judges and magistrates' jobs are to promote access to justice, ensure that matters are heard quickly in an effective and efficient manner and in a cost-effective way.

The program was jointly funded by PNGCJE and the Magisterial Services. Certificates were presented to all participants at the end of the workshop.

2.0 Program Objectives

The purpose of the training was to equip the newly appointed magistrates with the appropriate knowledge, skills and attitudes they require to enable them to perform their roles with greater confidence on various aspects of both civil and criminal jurisdictions, practice and procedures, land court matters, decision making, courtroom and case management skills, and proper judicial ethical conduct.

The Objectives of the program were to -:

- 1) Develop judicial knowledge, skills, attitudes and know and understand what the role of a judicial officer involves and enable a smooth transition from the bar to the bench.
- 2) Understand the processes and approach to improving access to justice through systems and procedures in place for judicial officers, and
- 3) Develop effective techniques for courtroom and registry management.

3.0 Facilitator and Participants

A total of 23 magistrates participated in the orientation. Nine female magistrates and 14 male magistrates. Fifteen of the magistrates are based in the provincial centers and 8 are based in Port Moresby.

The facilitators from the higher Judiciary included Chief Justice Salika, Deputy Chief Justice Kandakasi (delivered his sessions online), Justice Numapo and Justice Shepherd. From the Magisterial Services, Chief Magistrate Pupaka and his two deputies, DCM Lands Mr M. Selefkariu and DCM Judicial Ms R. Koimo took the lead in the delivery of sessions. Senior Provincial Magistrates Mr Bruce Tasikul., Mr Pious Tapil, Ms Betty Jacobs and Principal Magistrate Ms Patricia Tivese were appointed as panel of presenters. A consultant, Mr Ron Flier presented the topic on Stress Management.

For full details regarding participants and facilitators refer to *Annex 1*

4.0 Program Content and Method of Delivery

The Agenda covered three thematic subjects – Judicial Life, Civil Practice and Procedure and Criminal Practice and Procedure. The topics range from Transition to the Bench, Judicial Independence, without fear or favor; Judicial Conduct and Ethics; Overview of Civil Process; Jurisdiction; Liability, Evidence – Affidavit or Oral; ADR Mediation; Case Management; Village Court appeals; Land Court Jurisdiction; Judgement Writing; Criminal Process including bail, elements of offence, plea, standard of proof, evidence and weight; Victims Rights (cross cuttings issues); Courtroom Control; Sentencing Principles; and Stress Management.

The method of delivery was mostly lecture followed by general discussions. There were no case studies and small group discussions with presentations. A role play was done in one of the sessions only.

The sessions were very interactive in general and the participants were fully engaged in discussions and raised a lot of questions on issues or doubts they had in the few years, months, or weeks of being on the bench. The Chief Magistrate reminded the participants to operate within their jurisdictions.

The Agenda is attached as *Annex 2*

5.0 Post-workshop Evaluation

At the conclusion of the program, workshop evaluation forms were distributed to the 23 magistrates/participants to rate their satisfaction regarding the quality and value of the Orientation and to self-rate their understanding on the topics presented. Only 21 participants submitted their completed evaluations.

The satisfaction rating across all aspects of the workshop was at 95% which reflects that all magistrates/ participants were ‘extremely satisfied’ and ‘quite satisfied’ with the training.

The responses on each element of the training were rated as follows:

- Achievement of workshop aims and objectives: 24% ‘fully achieved’ and 71% ‘substantially achieved’.

- Usefulness of information presented: 71% ‘extremely useful’ and 29% ‘quite useful’.
- Relevance and usefulness of materials provided by trainer: 57% ‘extremely relevant’ and 43% ‘quite relevant’;
- Presentation, participation and effectiveness of trainer: 43% ‘extremely effective’ and 57% ‘quite effective’.

33% of the participants were ‘much more confident’ and 67% rated themselves as ‘more confident’ in their role after completion of the training.

With the self-rated responses, 99% of magistrates had ‘excellent understanding’ and ‘strong understanding’ of Judicial Life including Role of Magistrates and Judicial Conduct and Ethics. 95% had ‘excellent understanding’ and ‘strong understanding’ of Civil Practice and Procedure. 95% had ‘excellent understanding’ had ‘strong understanding’ on Criminal Practice and Procedure.

Refer to Evaluation Responses attached as *Annex 3* and Evaluation form as *Annex 4*.

6.0 Lessons Learnt

The sessions were interactive as participants were willing to learn as much as possible from the senior and experienced presenters. However, there were lessons learnt which could be noted to make future planning, designing and implementation more efficient and effective.

There were daily changes made to the Agenda when Judge facilitators indicated their availability for respective sessions during the course of the week. The timings for the other sessions were slightly affected. This was due to the fact that the Orientation was scheduled during a Supreme Court (Full Court) Sitting. In future there must be close consultation with the Supreme Court Calendar to ensure that whilst we fully engage the Judges as facilitators, we try to ensure that we keep to the Agenda.

All sessions were basically through lecturing and general discussion. There was one role play but no case studies, small group discussions with presentations, or individual activities. More activities (individually/group), case studies, and role plays be included in the future presentations as this would reinforce the key points covered in the lecture thereby promoting active learning and a good grasp of the concepts.

7.0 Finance

The program was jointly funded by Magisterial Services and PngCJE. The activity budget estimate was K120, 000. 00. PNGCJE met the costs of accommodation for all Provincial magistrates and closing dinner totalling K76, 738. 00.

Refer to *Annex 5* for a copy of the Remittance Advice reflecting the payment.

8.0 Conclusion

The delivery of the Magistrates' Orientation program was a success given the high satisfaction rating of the entire workshop, the increase in confidence level of the magistrates in the performance of their roles as well as the achievements of the learning outcomes.

-End-

ANNEXURES

Annex 1 – Participants List



Magisterial Services

PNG CENTRE FOR JUDICIAL EDUCATION (PngCJE)

JUDICIAL ORIENTATION FOR MAGISTRATES

23 TO 26 FEBRUARY 2021 – Gateway Hotel, Port Moresby, PNG

No.	Name	Designation	Gender	Location
1	Sandy Tiankin	District Court Magistrates	F	Pom
2	Jacinta Doa	District Court Magistrates	F	Pom
3	Seth Tanei	District Court Magistrates	M	Waigani
4	Paul Nii	District Court Magistrates	M	Waigani
5	Rebecca Kalepo	District Court Magistrates	F	Boroko
6	Maristella Painap	District Court Magistrates	F	Pom
7	Lisandra Kot	District Court Magistrates	F	Pom
8	Clivson Philip	District Court Magistrates	M	Pom
9	Newman Tipitape	District Court Magistrates	M	Kimbe
10	Marcus Nandape	District Court Magistrates	M	Kimbe
11	Jasper Amanu	District Court Magistrates	M	Kokopo
12	Orim Kivu	District Court Magistrates	M	Kokopo
13	Desmond Nilkare	District Court Magistrates	M	Buka
14	Rebecca Kwayaila	District Court Magistrates	F	Alotau
15	Edward Komia	District Court Magistrates	M	Tari
16	Mathew Maitang	District Court Magistrates	M	Wabag
17	Stanley Bino	District Court Magistrates	M	Porgera
18	Douglas Siminji	District Court Magistrates	M	Minj
19	Sathieshar Lane	District Court Magistrates	F	Mt Hagen
20	Barbara Gore	District Court Magistrates	F	Goroka
21	Mathilda Ijape	District Court Magistrates	F	Goroka
22	George Epur	District Court Magistrates	M	Madang
23	Isaac P Tjipet	District Court Magistrates	M	Lae
	Facilitators			
	Magistrates			
24	Mark Pupaka	Chief Magistrate	M	Pom
25	Rosemary Koimo	Deputy Chief Magistrate – Judicial	F	Pom
26	Mark Selefkarui	Deputy Chief Magistrate - Land	M	Pom
27	Betty Jacobs	SPM - Mt Hagen	F	Mt Hagen

28	Patricia Tivese	Principal Magistrate	F	Kavieng
29	Pious Tapil	SPM - Lae	M	Lae
30	Bruce Tasikul	SPM - Buka	M	Buka
31	Dessie Magaru	Principal Magistrate	F	Waigani
	Judges			
32	<i>Hon. Chief Sir Gibbs G Salika</i>	<i>Chief Justice</i>	M	Pom
33	<i>Hon. Ambeng Kandakasi</i>	<i>Deputy Chief Justice</i>	M	Pom
34	<i>Hon. Jeffery Shepherd</i>	<i>Judge of Supreme & National Courts</i>	M	Pom
35	<i>Hon. John Numapo</i>	<i>Judge of Supreme & National Courts</i>	M	Kimbe

Annex 2 – Agenda

Magistrates Judicial Orientation Program

23rd – 26th February 2021

Gateway Hotel, Port Moresby (*Amended 25 Feb 2021*)

Time	Tuesday 23 February	Wednesday 24 February	Thursday 25 February	Friday 26 February
	Judicial Life	Civil Practice and procedure	Civil Practice & Procedure contd	Criminal Practice & Procedure contd
8.30 - 9.00 am	Welcome/Opening Chief Justice Sir Gibbs Salika	Arrival & Registration	Arrival and Registration	Arrival and Registration
9.00 - 10.00	Role of a Magistrate Transition to the Bench, Judicial Independence, without fear or favour. <i>Facilitator: M. Pupaka, CM</i>	Village Court Appeals and Reviews <i>Facilitator: B Jacobs, SPM</i>	Victims' rights, Cross cutting issues, Human Rights; IPOs, FPA, JJA, LPA, HAMPA <i>Facilitator: Mark Pupaka, CM</i>	Sentencing Principles and party <i>Facilitator: M. Pupaka, CM</i>
10.00 – 10.30. Morning Tea				
10.30 - 12.00	Judicial Conduct & Ethics in/out of Court - Use of Social Media <i>Facilitator: Mark Pupaka, CM</i>	The Self Represented Litigant <i>Facilitator: Bruce Tasikul, SPM</i>	Courtroom Control <i>Facilitator: Ms Patricia Tivese, Principal Magistrate</i>	Sentencing Principles (<i>continuation</i>) <i>Facilitator: Salika, CJ</i>
	Overview of the Civil Process <i>Facilitator: Mr Mark Selefkaru, Deputy Chief Magistrate Lands</i>		Judgment Writing (Civil & Criminal) Structuring Decisions Communicating Decisions Extempore Decisions <i>Facilitator: Numapo, J</i>	
12.00-1.00. Lunch				

1.00 – 2.00pm	Jurisdiction: Disclosure of a Cause of Action in Law. Common Causes, Torts and Contract. Claims and Counter Claims <i>Facilitator: Mr Pious Tapil, SPM, Lae</i>	Land Court Jurisdiction Overview of Process Facilitator: Mr Mark Selefkariu, Deputy Chief Magistrate Lands	ADR Mediation <i>Facilitator: Kandakasi, DCJ</i>	Stress Management <i>Facilitator: Mr Ron Filer</i>
2.00-3.00	Liability, Evidence, Issues: affidavit or oral the best evidence Expert Evidence <i>Facilitator: Ms Patricia Tivese, Principal Magistrate</i>	Overview of the Criminal Process Bail Process Jurisdiction: Category of Cases What constitutes a criminal case? Elements of offence Plea, Standard of Proof, Evidence & Weight Verdict & Judgment Assessing Credibility Facilitator: Salika, CJ	Judgment Writing (Civil & Criminal) Structuring Decisions Communicating Decisions Extempore Decisions <i>Facilitator: Salika, CJ (continued from Numapo J's presentation)</i>	Mediation ADR (continuation) <i>Facilitator: Shepherd J</i>
3.00 – 3.30. Afternoon Tea				
3.30 – 4.30pm	Group Discussion Facilitator: Panel of Senior Magistrates	Committal Process Facilitator: Mark Pupaka, CM	Group Discussion Facilitators: Panel of Senior Magistrates	ADR Case Management <i>The dos and don'ts</i> <i>Facilitator: Kandakasi, DCJ</i> Closing

Annex 3 – Post-workshop Evaluation Responses



Papua New Guinea Centre for Judicial Excellence (PngCJE)



JUDICIAL ORIENTATION FOR MAGISTRATES – 23 TO 26 FEBRUARY 2021

EVALUATION RESPONSES FROM THE PARTICIPANTS

Please rate your satisfaction regarding the quality and value to you of the Judicial Orientation by ticking ONE square per question only:

Question 1: Having completed the Magistrates' Orientation, how confident do you feel in your role?

Response	Value
Less Confident	
Same Confidence	
More Confident	14 (67%)
Much More Confident	7 (33%)

Question 2: Were the aims of the training clear, and were they achieved?

Response	Value
Not Achieved	
Reasonably Achieved	1 (5%)
Substantially Achieved	15 (71%)
Fully Achieved	5 (24%)

Question 3: Was the information presented practical and useful?

Response	Value
Not Useful	
Limited Usefulness	
Quite Useful	6 (29%)
Extremely Useful	15 (71%)

Question 4: Were the materials provided by the trainers relevant to the training and useful?

Response	Value
Not Relevant	
Limited Relevance	
Quite Relevant	9 (43%)
Extremely Relevant	12 (57%)

Question 5: Did you find that the trainer and the presentation was effective and allowed for adequate participation, discussion, practical presentations, and interaction?

Response	Value
Not Effective	
Limited Effectiveness	
Quite Effective	12 (57%)
Extremely Effective	9 (43%)

Question 6: Overall, were you satisfied with the training?

Response	Value
Not Satisfied	
Reasonably Satisfied	1 (5%)
Quite Satisfied	7 (33%)
Extremely Satisfied	13 (62%)

Please rate your level of knowledge and skills after the Magistrates' Orientation regarding the following matters by ticking ONE square per question only:

Question 7: Understanding on Judicial life including Role of Magistrate and Judicial Conduct and Ethics.

Response	Value
No Understanding	
Good Understanding	
Strong Understanding	10 (47%)
Excellent Understanding	11 (52%)

Question 8: Understanding on Civil Practice and Procedure including the Civil Process.

Response	Value
No Understanding	
Good Understanding	1 (5%)
Strong Understanding	17 (81%)
Excellent Understanding	3 (14%)

Question 9: Understanding on Criminal Practice and Procedure including Overview of the Criminal Process.

Response	Value
No Understanding	
Good Understanding	1 (5%)
Strong Understanding	11 (52%)
Excellent Understanding	9 (43%)

Question 10: Briefly describe the most useful experience(s) of the Orientation.

- Questions and answers and discussion sessions.
- Chief Justice's own experience – lawyer, Judge and CJ – transition period.
- Stress management and the practice and procedural aspects covered by the Chief Justice and other instructors.
- Criminal Practice and Procedure as well as ADR.
- Listening to experiences shared by Chief Justice and Chief Magistrate.
- Knowing Court craft, understanding Principles of Sentencing and Role of Magistrates.
- Understanding the basic role of magistrates to be confident and in control of their court rooms.
- All that I need to know sitting on the bench are covered. I am grateful for that and also learning from CJ and Justice Numapo on their career path is very inspiring.
- Mediation, standard of proof evidence and weight. Liability evidence – Affidavit or Oral. Village Court Appeals Judgment Writing and Sentencing. Thank you Chief and DCJ for the wealth of experience shared.
- Having judges to come in and giving their experience as judiciary officers, esp the CJ.
- I understood the practice and practical aspect of any role better after interactions with senior magistrates and from their knowledge/ experience shared.
- Understanding the ADR and JDR process.
- The fact that lawyers now magistrates think know it all. Their attitude did change doing the training.
- Role play on mediation by Justice Shephard and 2 PNGCJE officers. *(note: correction it was AR for ADR and Associate to Shephard J)*
- Useful experiences shared by Chief Magistrate on Sentencing and Committal Courts etc including the Chief Magistrate (Justice).
- The ADR concept discussions; Courtroom control; & Case management.
- Judgment writing process which I have not done before.
- Having the Chief Justice, Numapo J and Shephard J having to talk to us about certain Court craft.
- ADR & Mediation; Land Court
- Discussions/ Presentations.
- Hearing Chief Justice's practical experiences shared and his advises, etc.. (overwhelming)

Question 11: Briefly describe the least useful experience(s) of the Orientation.

- All sessions were useful.
- irrelevant discussions.
- Most of the topics covered were relevant except for the matters for discussions that emphasize more on the National Court then the District Court.
- Nil
- Every discussion were useful. There is no least useful experience. I wish you could extend some time for the Stress Management. That is the most important thing we just let it pass without giving more time for it.
- The presentation on Land cases needs more explanation and clarification.
- Civil practice and procedure where no discussion on the relevant case laws, current precedents.
- None. Everything useful to me.

- Probably the Stress Management part of it. I enjoyed it but would have appreciated it more time was given to the instructor.
- From a civil background, I really appreciated the criminal practice & procedure shared by the facilitators.
- Judgement writing and its relevance on growth of local jurisprudence.
- All programs were useful to the new magistrates.
- Give the materials to participants in advance to read and familiarize before session for greater learning impact.
- None
- Presentations not backed by compiled and written supporting documents.
- Substantive law part which am ready familiar with.
- Giving less time to Magistrates to visit children/ errands etc.
- None
- Cost of proceedings in Criminal matters.

Question 12: Do you wish to offer any comments or suggestions for improvements for this orientation?

- More real case discussion sessions to be incorporated also role plays.
- no comments.
- More discussions on Magistrates jurisdiction and the laws that magistrates will be dealing with in various areas/ jurisdictions in law.
- Nil
- I wish there would be a full session given to Stress Management.
- More presentation on the aspect of conducting a civil and criminal trial.
- Obviously there needs to be more CLE for Magistrates on a regular basis.
- Stress management is important – we need to allocate enough time for that.
- Thought the air condition was low thus got a bit hot.
- To be time conscious & finish each training on time.
- Give the program (agenda/ content) a day before the start of the orientation.
- Refresher course for serving magistrates of a similar kind as worth while and value for many.
- Just that we need to manage our timings, otherwise it benefited us all, especially new magistrates.
- More role plays on the mediation with group assessments & peer reviews.
- Emphasise the Development of Local Jurisprudence especially Customary Laws & Their usages in relevant Jurisdiction in Land, Family, Civil Jurisdiction & Criminal Jurisdiction; Write more Judgements in Land Court, Family Court regarding issues like Divorce, Custody, Marriage; Venue for Orientation (change); District Court Act/ other Pre colonial laws must be reviewed & amended – discuss how law should be applied in the circumstances where this arises.
- Allow for new members to share experiences as part of the program in one session.
- Case studies on every topic.
- Group presentations or group exercises allows new magistrates to learn to talk or to do presentations in such settings.
- Advise participants well in advance by making sure invites are given out early.
- Case management.
- More discussions should be made on practical experience. Also for procedural law aspect.

- ***End*** -

Annex 4 – Post-workshop Evaluation Form



Papua New Guinea Centre for Judicial Excellence (PngCJE)



Magisterial Services

JUDICIAL ORIENTATION FOR MAGISTRATES : 23– 26 FEBRUARY 2021

EVALUATION QUESTIONNAIRE

Please rate your satisfaction regarding the quality and value to you of the Magistrates' Orientation by ticking ONE square per question only:

Question 1: Having completed the Magistrates' Orientation, how confident do you feel in your role?

Less Confident

Same Confidence

More Confident

Much More Confident

Question 2: Were the aims of the training clear, and were they achieved?

Not Achieved

Reasonably Achieved

Substantially Achieved

Fully Achieved

Question 3: Was the information presented practical and useful to you?

Not Useful

Limited Usefulness

Quite Useful

Extremely Useful

Question 4: Were the materials provided by the trainers relevant to the training and useful?

Not Relevant

Limited Relevance

Quite Relevant

Extremely Relevant

Question 5: Did you find that the trainer and the presentation was effective and allowed for adequate participation, discussion, practical presentations, and interaction?

Not Effective

Limited Effectiveness

Quite Effective

Extremely Effective

Question 6: Overall, were you satisfied with the training?

Not Satisfied

Reasonably Satisfied

Quite Satisfied

Extremely Satisfied

Please rate your level of knowledge after the Magistrates' Orientation regarding the following matters by ticking ONE square per question only:

Question 7: Understanding on Judicial Life including Role of Magistrate, Judicial Conduct & Ethics, etc.

No Understanding

Good Understanding

Strong Understanding

Excellent Understanding

Question 8: Understanding on Civil Practice and Procedure including Overview of the Civil Process.

No Understanding

Good Understanding

Strong Understanding

Excellent Understanding

Question 9: Understanding on Criminal Practice and Procedure including Overview of the Criminal Process.

No Understanding

Good Understanding

Strong Understanding

Excellent Understanding


Question 10: Briefly describe the *most* useful experience(s) of the Orientation.

Question 11: Briefly describe the *least* useful experience(s) of the Orientation.

Question 12: Do you wish to offer any other comments or suggestions for improvements for this Orientation?

Thank you for your time and assistance with completing this form!

Annex 5 – Remittance Advice


Papua New Guinea

NATIONAL JUDICIAL STAFF SERVICE
Finance Division

P.O. Box 7018
BOROKO
National Capital District

Telephone: 311 2710
Facsimile: 323 1081
Email: Hangaali@pngjudiciary.gov.pg

REMITTANCE ADVICE

25th November, 2020

Gateway Hotel
P.O. Box 1213
BOROKO
NCD

Date	Reference	Description	Amount
25.11.20	Pro-Fama	Accommodation and farewell dinner for Magisterial Orientation training	76,738.00
		Bank Reference (EFT) # 00384461 NJSS Creditor: 25/11/2020	
		Payment Amount PGK:	76,738.00

The Total Amount has been transferred direct to your bank Account

Bank Name: Westpac
BSB No: 038004
Account No: 0413469201
Amount: K 76,738.00
Date: 25/11/2020

National Judicial Staff Services, P.O. box 7018, BOROKO, NCD. Email: accounts@pngjudiciary.gov.pg

Annex 6 – Photos during the Judicial Orientation for Magistrates



Chief Justice Salika with the Opening Remarks



Chief Magistrate Pupaka welcoming all magistrates/ participants



Justice Shepherd with Associate Numa Kila and A/Assistant Registrar ADR Ms Jean Kila during a role play on ADR session.



Kandakasi DCJ with online presentation on the topic ADR/Mediation .



Mr John Carey presenting a Certificate to Magistrate Seth Tanei