

JUDICIAL OFFICERS' FRAUD AND CORRUPTION WORKSHOP

Apia, Samoa: 3-5 December 2024

Agenda

The Pacific Judicial Integrity Program (PJIP) aims to strengthen Partner Courts response to corruption-related cases, through the delivery of a specialist suite of contextual training and development activities. Activities aim to support judicial and court officers to preside over, manage and report on corruption-related cases in their own jurisdictions.

The *Judicial Officers' Fraud and Corruption Workshop* focuses on areas identified by the region as the most complex and challenging. The workshop will provide the opportunity for regional sharing of best practice, experience and resources that broadens the knowledge base and enhances avenues for judicial officers to further develop skills and lessons relevant for the context of their court.

The *Judicial Officers' Fraud and Corruption Workshop* will be held in Apia, Samoa at the Taumeasina Resort, Sina Room from 3-5 December 2024.

Objectives

This specialist training workshop has been informed and designed by Judicial Officers from across the region, with the purpose of building competence amongst colleagues to hear some of the most prevalent types of fraud and corruption-related cases in the region. The objectives of the workshop are for participating Judicial Officers to:

- Share, exchange and embed professional competence in generally applicable principles, standards and approaches;
- Understand, accurately interpret and apply domestic law and due process;
- Identify the elements of these offences and the evidence required to prove them;
- Detail the rationale for their decisions including appropriate criminal penalties; and
- Strengthen judicial identity and continue to build the region's professional network.

Participants

Two participants from each Partner Court have been invited to attend. To maximise the Workshop's usefulness and benefit, participants should have:

- Responsibility to hear fraud and corruption-related cases, however may not have the exposure to hearing these types of cases regularly;
- A strong commitment to fostering their expertise in fraud and corruption-related cases;
- A willingness to actively engage and participate in all aspects of the workshop; and
- The ability to communicate effectively in English - the workshop language.

Faculty

The faculty for this three-day *Judicial Officers' Fraud and Corruption Workshop* are:

- Honourable [REDACTED] of the Papua New Guinea Supreme and National Courts;
- Honourable [REDACTED] of the Federal Court of Australia;
- Honourable [REDACTED] of the Federal Court of Australia;
- His Honour [REDACTED] of the Queensland District Court; and
- His Honour [REDACTED], Samoa District Court.



Day 1: Tuesday 3 December

- 9:00am** **Welcome**
 Opening Prayer
 Opening Remarks
 Honourable [REDACTED]
 [REDACTED]
 Introductions
- 9:45am** **Judicial Ethics: Unconscious Bias in Judicial Decision Making**
 Summary presentation of a speech delivered by Honourable [REDACTED]
 [REDACTED]: *The Construct of Impartiality and Unconscious Bias*
 delivered by Helen Burrows.
- Judicial Ethics: Bias in Judicial Decision Making**
Hon. [REDACTED] of the Federal Court of Australia
- 10:30am* *Refreshments*
- 10:45am** **Judicial Ethics: Bias in Judicial Decision Making**
Hon. [REDACTED] of the Federal Court of Australia
- Nauru Declaration of Judicial Wellbeing**
Recorded presentation by Hon. [REDACTED]
- 11:45am** **Panel Discussion: Practical application of ethics**
His Honour [REDACTED], Samoa District Court
- 12:30pm* *Formal Photo*
12:45pm *Lunch*
- 1:45pm** **Fraud & Corruption-related law**
Hon. [REDACTED] of the Papua New Guinea Supreme & National Courts
 - Tips for analysing fraud related offences
 - Consider the more common offence types across the jurisdictions: Obtain by false
 pretence; Misappropriation/theft.
- 2:45pm* *Refreshments*
- 3:00pm** **Fraud & Corruption-related law**
Hon. [REDACTED] of the Papua New Guinea Supreme & National Courts
 - Consider the more common offence types across the jurisdictions: Forgery;
 Conspiracy to defraud; the defence of honest claim of right.
- 4:00pm** **Review and wrap-up**



Day 2: Wednesday 4 December

- 8:30am** **Fraud & Corruption-related law**
Hon. [REDACTED] of the Papua New Guinea Supreme & National Courts
- Meaning of bribery/official corruption
 - Abuse of office
- 9:30am** **Fraud & Corruption-related law**
Hon. [REDACTED] of the Federal Court of Australia
- Money laundering
- 10:30am* *Refreshments*
- 10:45am** **Case Management**
His Honour [REDACTED] of the Queensland District Court
- Pre-trial matters/checklist
 - Trial management
 - Multiple accused
 - Self-represented litigants
- 11:45am** **Evidence: Positive requirements for admissibility and concepts**
His Honour [REDACTED] of the Queensland District Court & Hon. [REDACTED] of the Federal Court of Australia
- The concept of admissibility
 - Relevance
 - Verification - provenance and authenticity
 - Particulars as an aid to determining relevance
 - What can “documents” include?
- 12:45pm* *Lunch*
- 1:45pm** **Evidence: Impediments to admissibility and use**
His Honour [REDACTED] of the Queensland District Court & Hon. [REDACTED] of the Federal Court of Australia
- Hearsay
 - Non-hearsay purpose and other restrictions on use
 - Exceptions to hearsay
 - Illegally or improperly obtained evidence
 - Other restrictions
- 2:45pm* *Refreshments*
- 3:00pm** **Evidence: Other features of evidence and its management**
His Honour [REDACTED] of the Queensland District Court & Hon. [REDACTED] of the Federal Court of Australia
- Management of evidence
 - Cross-admissibility of evidence
 - Co-conspirator’s rule
 - Evidence of character
 - Hostile witnesses
- 4:00pm** **Review and wrap-up**
- 6:30pm** **Formal Dinner at Tanoa Tusitala Hotel**



Day 3: Thursday 5 December

- 8:30am** **Sentencing: General Principles**
Hon. [REDACTED] of the Federal Court of Australia
- 9:30am** **Decision-Making**
*Hon. [REDACTED] of the Federal Court of Australia & Hon. [REDACTED]
[REDACTED] of the Federal Court of Australia*
- Process
 - Standard of proof
 - Judgment writing
- 10:30am** *Refreshments*
- 10:45am** **Case Scenario**
*Facilitated by Hon. [REDACTED] of the Papua New Guinea Supreme &
National Courts*
- 12:45pm** *Lunch*
- 1:45pm** **Case Scenario**
*Facilitated by Hon. [REDACTED] of the Papua New Guinea Supreme &
National Courts*
- 2:45pm** *Refreshments*
- 3:00pm** **Question and Answer**
*Facilitated by Hon. [REDACTED] of the Papua New Guinea Supreme &
National Courts and Hon. [REDACTED] of the Federal Court of Australia*
- 4:00pm** **Workshop closing**

