



VICTORIAN BAR



"43 Years of Serving the Nation in Training Lawyers"

Legal Training Institute

National Capital District
Papua New Guinea

PAPUA NEW GUINEA AND AUSTRALIA: LAW AND JUSTICE PARTNERSHIP

LEGAL TRAINING INSTITUTE, PAPUA NEW GUINEA AND THE VICTORIAN BAR

INTENSIVE ADVOCACY SKILLS WORKSHOP
LEGAL TRAINING INSTITUTE CAMPUS, WAIGANI
PORT MORESBY, PAPUA NEW GUINEA
10-16 NOVEMBER, 2022

REPORT ON THE WORKSHOP AND ONGOING DEVELOPMENT 2022

THE PROGRAM

In November 2022 an Advocacy Training Team of 10 from the Victorian Bar, supported by the Australian Government in partnership with the Legal Training Institute (LTI) of Papua New Guinea, delivered a Program of Intensive Advocacy Skills to a cohort of 81 graduate law students who named themselves Team 81.

The LTI is established under the Post-graduate *Legal Training Act* 1972 to provide practical legal training as a precondition to admission to practise law in Papua New Guinea.

Support from the Australian Government was provided via the Australian High Commission, Department of Foreign Affairs and Trade and the Justice Services and Stability for Development Program (JSS4D). The JSS4D program is an AUD\$151 million – PGK413.4 million eight year program that supports the delivery of effective and inclusive justice services across PNG. The JSS4D program was extended in 2021 with AUD\$59 million – PGK160.4 million with priority to include addressing family and sexual violence and strengthening key justice mechanisms at the subnational level, such as Village Courts in priority locations¹.

Post-graduate training is delivered by the LTI under the auspices of the PNG Centre for Judicial Excellence prior to admission as lawyers of the Supreme and National Courts of PNG. Successful completion of the LTI course is a pre-requisite to admission to legal practice in Papua New Guinea².



The 2022 'Team 81' with LTI Deputy Director Angelyn Paranda and Members of the Victorian Bar Advocacy Training Team - Chris Maxwell AC (Former President of Victorian Court of Appeal), Murray McInnis, Tim Walker KC, Maya Rozner, Susan Gatford, Peter O'Farrell (Team Leader), Janine Gleeson, Samuel Burt, Nick Boyd-Caine and Michelle James (Education Manager Victorian Bar).

¹ <https://www.dfat.gov.au/publications/development/australias-support-law-and-justice-papua-new-guinea>

² *Lawyers Act* 1986, section 25. There are some exceptions.

The program delivered by the Victorian Bar team is a one-week component of the LTI course. It is focussed on skills training and techniques in courtroom advocacy. The program was delivered by means of case studies and moot court templates, with students required to undertake case concept analysis, preparation of roles, and performance in examination-in-chief, cross-examination, oral submissions and plea-making. Instruction techniques employed demonstration of skills and performance review as the chief teaching activities. In addition, tuition was given by lectures in legal advocacy skills and ethics.³

The program is tailored to PNG, with locally based factual scenarios explored, but is generally similar in form, content and teaching methodology to the advocacy training compulsorily undertaken by aspirants to the Victorian Bar.

This was the first time that the Program had been delivered since the onset of the COVID-19 Global Pandemic. Although the Workshop was delivered on-line during the pandemic, that format was a poor substitute for the value of in-person delivery.

The VicBar Team was hosted and greatly assisted by the leadership of Angelyn Paranda, the Acting Director of the PNG LTI together with her wonderful staff. Ms Paranda's organisation and leadership resulted in a seamless Program delivery.



Some of the LTI Students during a break

³ A copy of the full program can be accessed at - [Link to 2022 Program](#)

BACKGROUND

Australia's support for the rule of law and effective administration of justice in Papua New Guinea is delivered through various programs including the JSS4D, which supported the Victorian Bar training team. The Australian Government has supported PNG's law and justice sector since the 1980s.⁴

Likewise, the Victorian Bar has been involved since the mid-1980s in the support for law and the administration of justice in PNG via the teaching of courtroom advocacy and ethics. The first team that travelled to Port Moresby was led by the late Robert Kent QC.

The Workshop is intensive, both in terms of content and the effort required from all of those who contribute to and participate in the program. The preparation that is required is extensive and the teaching days are long and arduous for teachers and students.

The Victorian Bar Advocacy Training Team is comprised of volunteers. Self-employed barristers are not paid to deliver the Program – they volunteer in the spirit of giving back to the profession.

⁴ *Australia's support to law and justice in Papua New Guinea*, PNGAus Partnership, June 2021. Link - [Click link to view](#)

THE VICTORIAN BAR READERS COURSE

The Victorian Bar's Readers' Course is a world-class legal practice skills course with a focus on oral and written advocacy together with teaching on ethics, forensic skills, how to run a sole practice, marketing and analytical skills, practice building and development⁵.

The Victorian Bar offers two places to overseas candidates in the Readers' Course commencing in September each year. The course is eight weeks in duration and usually commences in the last week of August⁶.

Additional Government and private sponsorship and funding for PNG candidates would reduce the barriers for PNG candidates to be able to participate in the Readers' Course should they be offered a place in the course.

The Victorian Bar's Readers' Course has taught numerous PNG practitioners courtroom techniques, written skills, ethics and conduct of legal practice as an advocate, assessed as a precondition to signing the Roll of Counsel, in addition to the multiple advocacy skills programs delivered in PNG by the Bar's International Advocacy Training Committee.

Upon successful completion of the course, Overseas Readers are invited to sign the Roll of Overseas Practitioners. The first person from PNG to do was Robert Aisi in 1987. Mr Aisi obtained a Bachelor of Laws from the University of Papua New Guinea in 1979 before being admitted to practice. He served a number of roles, including as a Councillor of the PNG LTI and went on to become the PNG Ambassador to the United Nations in New York and the founding partner of a major legal firm in PNG. Since that time PNG nationals have been regular participants in the Victorian Bar Readers' Course.

During the delivery of the 2022 Intensive Advocacy Skills Workshop, a Whatsapp Group called PNG VicBar Alumni was created. Many of the people that have signed the Roll of Overseas Practitioners from PNG have already joined the Group. It is hoped that this group will provide a regular point of connection between PNG and the Victorian Bar.

Also, during the delivery of the 2022 Intensive Advocacy Skills Workshop, members of the PNG VicBar Alumni were invited to:

- Present on a Panel of PNG Representatives/LTI Graduates who have completed the Victorian Bar Readers' Course;
- Teach alongside the Victorian Bar Advocacy Coaches as the Alumni are familiar with the teaching method.

Such connections present significant opportunities for the ongoing future development and delivery of the Workshop and offer potential for other joint initiatives in Advocacy Training and Continuing Professional Development for the PNG Legal Profession.

⁵ [More about the Victorian Bar Readers' Course](#)

⁶ More detail can be found in the Guide for Overseas Applicants to the Victorian Bar Readers' Course.

RELATIONSHIPS

The spirit of the relationship between Papua New Guinea and Australia as nations is captured in the Program.

The Victorian Bar and the PNG LTI have a strong and lasting relationship that was reinvigorated through the first in-person delivery of the Workshop since the onset of the COVID-19 Pandemic.

The LTI hosted an event during the November Workshop which included guests from:

- The Judiciary of both PNG and Australia
- The LTI Council and Staff
- The PNG Centre for Judicial Excellence
- The Australian High Commission
- DFAT
- JSS4D
- PNG Victorian Bar Alumni
- the PGN Legal Association

This event provided an excellent opportunity for a range of discussions and the building of relationships amongst the key supporters of the Program.

Relationships were also created through kind invitations from:

- The PNG Chief Justice
- The PNG Solicitor General
- The PNG Parliament

with on-site engagements and tours of the new PNG Supreme Court precinct under construction, the Office of the Solicitor General and of Parliament House.



The Office of Solicitor General



Tour of the new PNG Supreme Court precinct under construction

A WIDER PURPOSE

Australia and Papua New Guinea share a broadly similar institutional framework, both enjoying a common law constitutional framework of government⁷, with separation of legislative, executive and judicial powers. Common law inventions such as judicial review of executive action are shared, as are sources of the unwritten general law, with substantive law such as tort law, contract and equity of similar or identical content.

Papua New Guinea, has a Constitution⁸ that expressly provides for the protection of substantive civil and political rights, and a burgeoning jurisdiction in judicial review of administrative action based on these rights. In addition to the written law as stipulated in the Constitution, other sources of law include the Common law and Customary Law⁹. The function of legal advocacy therefore has a very wide reach at the community level.

The development of constitutional principles in this jurisdiction is an important means to uphold the rule of law and administration of justice in PNG, as well as serving the wider purpose of effective and stable constitutional government.

It is no organisational accident that the LTI operates under the auspices of the PNG Centre for Judicial Excellence. It might be thought axiomatic that the quality of legal advocacy is a significant contributing factor in judicial decision-making and the exercise of judicial power.

Women in particular face many difficulties in PNG where domestic violence and patriarchal cultural practices are widespread. Two out of 118 elected parliamentarians in PNG are women. The near equal gender mix in the LTI student cohort was therefore encouraging.

The return to face to face delivery allowed VicBar to provide the students, and in particular the women students, with encouragement and strategies for empowerment and developing confidence in their abilities in the presence of their peers.

It was exciting to see the confidence of the students grow. The VicBar members conducted the Workshop in a way that demonstrated leadership in respectful relationships between students and coaches of both genders and which sought to illustrate the importance of respect and diversity in the law.

⁷ Writing extra-judicially, Justice John Basten, *Human Rights and the Rule of Law*, The 2008 Sir Ninian Stephen Lecture, University of Newcastle.

⁸ [Link to PNG Constitution](#)

⁹ Section 9 of the Constitution, for the Common and Customary Law - as stipulated in section 3(1) of the *Underlying Law Act 2000*.

<https://unimelb.libguides.com/png#:~:text=Papua%20New%20Guinea%20has%20a,the%20Underlying%20Law%20Act%202000>

STUDENT PROGRESS & PROGRAM EVALUATION

At a general level, evaluation of the program's effectiveness depends upon evaluation of individual student performance and improvement. The program deploys basic quantitative metrics for student assessment, but the substance and performance attributes are assessed qualitatively and graded throughout the program.

Students are given several opportunities to perform individually in front of two moot judges in a practical, performance-based workshop environment. In 2022, each student was provided with four separate individual performance opportunities, including evidence-in-chief, cross-examination, closing submissions and the making of a plea.



Students during the Individual Performances and teaching sessions

At the completion of each student performance, the student is provided with a review by the Advocacy Trainers.

The Review Process is characterised by:

- Preparation before the workshop, including the analysis of the case materials & development of a case theory.

- Assessment of the students' performance and the selection of a topic for review.
- The selection of only one topic for review, based on substance, that will assist the student to improve.

The 'six steps to an effective review' are:

1. Identify the topic.
2. Repeat what the pupil did.
3. Explain why it should be done differently.
4. Describe how it can be done differently.
5. Demonstrate how it can be done differently.
6. Deconstruct the demonstration¹⁰.

The performance of each student is monitored and recorded on a daily basis over the course of the week¹¹.

Over the course of the 2022 Workshop, almost without exception, all students demonstrated:

- A high level of preparation;
- understanding and development of Case Concepts;
- An understanding of the key techniques that were taught;
- A willingness to attempt new methods of advocacy;
- Continual improvement with each successive performance.

Using both metrics, each of the members of the Vicbar Advocacy Coaching Team observed a significant improvement in the overall level of student competence in advocacy over the course of the week.

The overwhelming majority of the students, and particularly the female students, exhibited a high level of enthusiasm, preparation and determination to improve their skills which was rewarded throughout the week.

It was noticeable that the group that both excelled and improved the most was the female student cohort (the student group was made of up approximately 50% male and 50% female students).

¹⁰ With thanks to the Australian Advocacy Institute, see the *Handbook for Advocacy Instructors (Edition for the Victorian Bar)*, (2019), *Second Edition* compiled by Prof. the Hon George Hampel AM KC for further information.

¹¹ [Link to sample Assessment Matrix](#)

THE RUBY-ANNE LAUFA BEST FEMALE ADVOCATE AWARD

Ruby-Anne Laufa was a participant in the 2015 Victorian Bar PNG LTI Civil and Criminal Advocacy Workshop.

Ruby-Anne was earmarked for an outstanding career in the legal profession – a former Miss South Pacific PNG, she was a budding lawyer, leader, entrepreneur and passionate advocate for victims of gender-based violence.

The Ruby-Anne Laufa Best Female Advocate Award is presented at the graduation ceremony for the LTI following the completion of the Victorian Bar PNG LTI Intensive Advocacy Skills Workshop. Ruby-Anne's father, Maurice Laufa, has presented the award in previous years.

The Award was named in honour of his daughter, the late Ruby-Anne Laufa, who died tragically in 2017, the victim of domestic violence.

Many of the teaching team from the Victorian Bar had taught Ruby-Anne and knew her well.



Ruby-Anne Laufa 13.02.1992 - 11.02.2017

PNG AND AUSTRALIA LAW AND JUSTICE PARTNERSHIP - TESTIMONIALS

The Victorian Bar Advocacy Training Program is a significant part of the overall partnership between Australia and Papua New Guinea in support for law and justice in PNG.

The students' enthusiasm and warm embrace of both the course and its objectives, even for those not presently intending to be court room lawyers, reflects an ongoing demand for training of this kind, and the course continues to demonstrate its very significant contribution to the profession as a whole in PNG.

There is also an invaluable connection, both at an individual and institutional level, between the PNG legal profession and the Victorian Bar, which is likely to foster other initiatives and opportunities.

There is strong support in Papua New Guinea for this initiative. The following testimonials have been received.



Angelyn Paranda, Acting Director PNG LTI

“LTI and the legal fraternity here in Papua New Guinea are highly appreciative of the Victorian Bar’s continuous contribution in the strengthening of PNG’s Law & Justice Sector since the 1980’s through its training of our future lawyers. Our close association has remained steadfast ever since.

LTI, being the only practical legal training institute in PNG, does not take its responsibility to “adequately train our lawyers” lightly. It is incumbent on us to provide the best possible practical legal training to our trainees before they enter the workforce upon their admission to the bar.

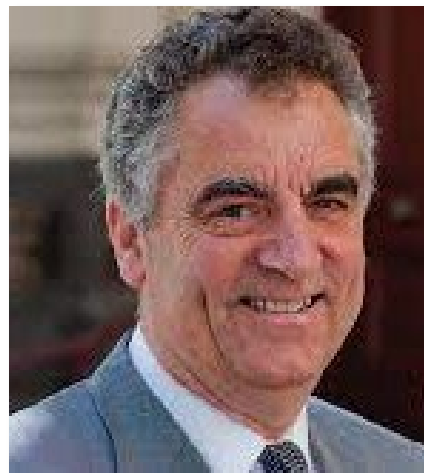
On admission, the trainees must be able to appropriately assist the courts in the administration of justice and at the same time represent their clients to the best of their abilities.

For that reason, the Victorian Bar’s involvement in our annual Intensive Civil & Criminal Advocacy Workshop is highly valued.

The Covid-19 Pandemic in 2020-2021 posed great challenges globally and LTI was no exception. For the first time, the Victorian Bar Intensive Advocacy Skills training was delivered entirely remotely via video-link during the pandemic period. We are grateful that despite the challenges the State of Victoria was facing during the pandemic, the Victorian Bar still delivered its training for LTI despite slight I.T issues. What the trainees in 2020 and 2021 missed out on was the direct face-to-face mentorship which was previously a component of the workshop. It was unfortunate but it could not be helped.

We are very pleased that we reverted to the face-to-face delivery mode this year. The trainees' exposure to the kind of intensive advocacy skills training and direct mentoring provided by the VicBar outside of the classroom setting is immeasurable. There is obvious advocacy skills development of each trainee within the 5-day workshop with the VicBar. The changes in the trainees can be literally seen, heard and felt.

There is no denying that the Victorian Bar's contribution in Advocacy Skills training enhances the value of LTI's practical legal training program and we wish for this to continue."



Chris Maxwell AC – former President of the Victorian Court of Appeal

"As a newcomer to the program, I was inspired by seeing how much the students improved as the days went by. That the training delivered such obvious benefits is a tribute to the skill and commitment of the Vic Bar trainers and also to the enthusiasm of the students and their eagerness to learn. The pre-eminence of the female students highlighted the contribution which this program can make to the empowerment of women in PNG."



Maya Rozner, Member of the Victorian Bar who has been a member of the Victorian Bar Advocacy Training Team to PNG since 2015

"I have travelled with the Victorian Bar to Port Moresby to deliver the Intensive Advocacy Skills Workshop since 2015 as part of the Law and Justice Partnership between the Australian Government, the Victorian Bar and the Legal Training Institute in Port Moresby. The Victorian Bar advocacy teaching method is designed to challenge students and get them on their feet in front of their peers as much as possible. Without exception, each student involved in the Workshops shows great improvement in their advocacy skills and their confidence. In particular it has been wonderful to watch the female students confidence improve when performing in front of their male peers. The Victorian Bar also provides mentorship and role modelling of respectful relationships between men and women and advocates of all levels of experience. There is no doubt that the workshops provide an important opportunity for students to better understand and perform the role of an advocate and to prepare them for legal practice."



Professor John Carey, Executive Director of the PNG Centre for Judicial Excellence

"The Advocacy Workshop facilitated by the Victorian Bar provides significant value to developing the future lawyers of Papua New Guinea. Its relevance to ensuring that the skills training that assists in preparing the students of the Legal Training Institute (LTI) to be great advocates before the courts cannot

be overstated. The substance of what is being taught is practical and the results of this type of training will be seen in the years ahead in the quality of the legal profession in Papua New Guinea. It is this type of training that begins the process of ensuring that the next generation of lawyers have the requisite foundational skills to build upon with the following steps being real world practice and continuing professional development to enhance knowledge, skills and awareness in legal practice.”



Anthony Rodan-Paru, PNG Practitioner, LTI Graduate and completed the 2022 Victorian Bar Readers' Course

“The Victorian Bar has been at the forefront of Papua New Guinea’s development of the legal profession. The week-long workshop offered by the VicBar continues to deliver a high standard of advocacy training that is second to none in PNG. Trainees are given the opportunity to learn from some of the best barristers and advocates. The training offered, lessons learnt, mentorship and friendships forged go a long way in building professional confidence and enhancing the rule of law. On a personal level, the introductory training offered by the VicBar in 2014 whilst undergoing post training at the LTI has broadened my interest and passion in legal advocacy and some of the skills learnt then have set the foundation for my career as a solicitor advocate appearing on behalf of client. Most recently, I was fortunate to have been offered a place in the September 2022 Victorian Bar Readers Course, this time being able to take my training to an advanced level. The skills and lessons I learnt over the course of 8 weeks have proven beneficial. Confidence levels and preparation techniques have certainly improved and forensic decision making heightened. These skills I have attained will be applied and shared not only for the benefit of the court and my client, but for opposing counsel and the profession as a whole.”

CONTACT DETAILS AND FURTHER INFORMATION

Contact Michelle James, Education Manager of the Victorian Bar for more information.

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