



TE TANGO TUTARA O TE TURE MINISTRY OF JUSTICE



Photo: Ministry of Justice

CAPACITY ASSESSMENT REPORT March 2017

ACRONYMS

ADB	Asian Development Bank
BDM	Birth, Deaths and Marriages
CCDP	Capacity and Capability Development Plan
CIIC	Cook Islands Investment Corporation
CITTI	Cook Islands Tertiary Training Institute
CLO	Crown Law Office
DCD	Development Coordination Division
EROLT	Electronic Register of Land Titles
FMIS	Financial Management Information System
FSC	Financial Supervisory Commission
FTR	For The Record
HR	Human Resources
HRM	Human Resource Management
ICT	Information and Communication Technology
JP	Justice of the Peace
LAT	Leases Approval Tribunal
LROT	Land Register of Titles
MFEM	Ministry of Finance and Economic Management
MOJ	Ministry of Justice
MOH	Ministry of Health
OPM	Office of the Prime Minister
OPM-IT	Office of the Prime Minister – ICT Division
OPSC	Office of the Public Service Commissioner
PSC	Public Service Commissioner
POBOC	Payments made on behalf of the Crown
ROBOC	Revenue collected on behalf of the Crown
TA	Technical Assistance
TOR	Terms of Reference

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EXECUTIVE SUMMARY

The Ministry of Justice is responsible for the enforcement of law and the administration of justice. In delivering justice services, the importance of the constitutional independence of judicial decision making is preserved and maintained. The Registrar of the High Court together with the Chief Justice are responsible for the allocation and distribution of matters before the Court. The Secretary of Justice is appointed under the Public Service Act 2009 with the primary function of ensuring that there are sufficient financial and human resources to support an independent judiciary and maintain registries for land, survey, births, deaths, marriages, companies and incorporated societies.

This Report is a Capacity Assessment of the Ministry of Justice. The key objective of the assessment was to analyse problems that have hindered the Ministry's performance over the last decade. It involved analysing key areas of policy and legislative mandates, leadership and management, organisational culture and capability of staff and the agency and systems including finance and data management. This assessment is not an exhaustive analysis of the justice sector, but rather focuses on key areas for capacity development. Over three weeks the assessment team consulted widely with Ministry staff, stakeholders, lawyers, land agents, traditional leaders and those who simply wanted their views heard. There was evidence during the course of review that Ministry is under resourced and having difficulty delivering effective customer services. Therefore, access to justice and reliable registry information held by the Ministry is expensive, inaccurate and incomplete.

The assessment revealed that there are major financial and legal risks and liability to Government if land information, financial systems and administration issues including prison services are not improved and rectified. Maintaining the status quo and continuing along the path of 'business as usual' could have immeasurable consequences for this Government. The livelihoods of all Cook Islanders and businesses in the Cook Islands are dependent on the Ministry of Justice services being accountable, appropriate, inclusive and accessible to all. While the Ministry has made strides towards improving its services, it is evident that the risks highlighted above have received minimal attention and investment over many years.

The absence of a strategic plan has prevented the Ministry from planning and prioritising actions in the short, medium and long term with effective monitoring and evaluation at each stage. This report and the CCDP will go a long way to addressing some of these areas but will not replace the essential role a strategic plan plays in directing and managing human, financial and physical resources within an organisation.

The assessment also found previous and current administrations have been preoccupied with generating trading revenue to pay for operations rather than providing an effective and more focused leadership role to enable the Ministry to deliver provide effective services. Trading revenue should now become receipts collected on behalf of the Crown (ROBOC) dispensing of the need to account for revenue to meet operational costs.

The Ministry staff needed training in customer service delivery and range of areas. Transparent operational policies and procedures along with file management systems were urgently required to reduce inconsistent and delayed responses to queries. Poor communication within the Ministry and promotion of information on the Ministry website needed more attention. The workspace and environment was a major issue with staff working in a poorly ventilated building with overcrowding limited space for workspaces and storage of records. Most stakeholders rated the organisational culture below 4 on a scale of 1 (low) – 10 (high).

A proposed organisational structure addresses leadership issues raised during the review with stronger accountability for improving performance within the Ministry. It separates the Courts from Ministry operations, reinforcing this in the design of the main office. It combines probation and prison services under a Head of Corrections, recognising synergies with rehabilitation and reintegration services promoted by each division. It strengthens corporate services to facilitate improved financial systems. Current capacity was inadequate, however a shared financial services agreement with the Ministry of Finance and Economic Management allayed some of the risks in this area. A human resources function to support better human resource planning, training and performance for the entire Ministry is required. ICT will play a key role for scoping new IT platforms and administering current databases for the Ministry.

The most contentious issue identified during the review involved land information and filing of applications to the land court. Discussions regarding the land records and review of the various reports on land matters demonstrate that the issues that exist now have been ongoing for the last 20 years. Land reform is a major task that requires urgent attention from government. A 'backlog' in land court transcripts and corrections to the land titles registers has been exacerbated by increased applications for land matters before the court. Additional resources are required to ensure that the 'backlog' is remedied by June 2018. The survey division also requires additional resourcing and training of more surveyors along with new legislation to strengthen the professional standards of those working in the sector.

Two independent reports on the Prison service found that there is a culture where systems are not followed and management has failed to ensure that inmates' rights are being protected. Issues with insufficient operations budget for the prison requires urgent attention. The pre-occupation by Prison management on generating sufficient trading revenue to meet operational expenses requires a major management shift. Changing the focus of the prison to rehabilitation and training of inmates is needed.

There were certain divisions of the Ministry that required more support than others as core functions of the Ministry in administering justice were being compromised. There was more attention on non-core functions, such as generating more trading revenue from service provision. The Public Service Commissioner with the responsibility for allocating functions across the public sector needs to review non-core functions being managed by the Ministry to ensure an effective and well run public service. Inter-agency relationships and building partnerships must be forged wherever possible.

The assessment confirmed an additional investment of \$1,282,927 is required over the short term (two years), represented by personnel increases of \$752,927 and an increase to an Administered Fund of \$463,000 in the first year and \$67,000 for the second year. The changes in personnel reflect the new organisational structure and increased personnel for the Ministry to 81 staff. The Administered Fund increase is needed to address land information and transcript backlogs, cover costs for Judges and JPs, re-organise Prison revenue collection and operating costs and cover coronial hearing costs. There are additional costs for investments in ICT platforms required for the Ministry over the medium to long term, including costs associated with conducting a feasibility study on reforming the country's land tenure system. These costs were not estimated as part of this review, as the scope of work required needs to be determined and costed accordingly. The short term costs highlighted above will help reduce immediate legal risks to the Government and improve performance and service delivery by the Ministry.

The full list of 62 recommendations are provided below under key headings:

Service delivery (5)

- The Ministry must complete a Strategic Plan
- Public Service Commissioner to inform Cabinet of the findings of this assessment
- Secretary to confirm customer service training for all frontline staff
- An appointment system is established for land matters
- An urgent review of the Ministry's fees must be completed and implemented

Policy and legislative mandates (3)

- Ministry policies and procedures must be transparent and accessible by the public
- Ministry website is updated regularly
- Certain Acts need amendment, policy development and resourcing support to implementation

Leadership and management (2)

- Immediately review all job descriptions and have these evaluated
- Discuss with the Chief Justice areas that could be supported by individual Justices

Organisational culture and structure (6)

- Consult with Cook Islands Investment Corporation to assist with the redesign and renovation of the Ministry office and workspace areas.
- Confirm the new MoJ organisational structure with the Public Service Commissioner
- Advertise and confirm all Tier two management positions
- Advertise and employ staff into all positions of the new organisation structure
- Registrar to continue to report on Court Trends annually and make this public
- Establish a communications function with the Ministry

Capability of staff and agency – Courts (9)

- Advertise and employ a Bailiff for the Criminal Courts Division
- High Court Registrar to implement a file and case management system, and appointment system for Land Court staff
- Publish Court application outcomes and progress updates on the MoJ website
- Identify staff to train as stenographers and advertise stenographic services
- Land Court Deputy Registrar and Land Titles staff to prioritise pending or deferred land court cases
- Develop a partnership with the Ministry of Health for overseas pathologists to undertake coronial work in the Cook Islands
- Amend the Judicature Act to regulate Justices of the Peace authorised to sit in Court
- Implement employment contracts for Deputy Registrars on the outer islands
- Land Registration Board to prescribe a Code of Conduct for registered Land agents

Capability of staff and agency – Registries (4)

- Use only one BDM registry within Government
- Scope the transfer of the BDM registry function to another government ministry
- Scope and implement online marriage license applications and certificate issuance
- Implement online Company and Incorporated Society Registries

Capability of staff and agency – Land information and Survey (5)

- Land Titles Deputy Registrar implements a work programme to address the "backlog"
- The High Court Registrar confirms and informs parties when court orders are sealed
- Train, employ or contract stenographers to transcribe audio transcripts
- Implement recommendations from the Rongokea Report
- Purchase survey scanning equipment and invest in appropriate transport

Capability of staff and agency – Election Office function (1)

- Finalise amendments to the Electoral Act 2004

Capability of staff and agency – Probation (1)

- Identify a private interview area for Probation

Capability of staff and agency – Prisons (5)

- Advertise and employ a Manager for Corrections Services
- Confirm the operations budget allocation for Prison Services
- Training of two wardens to support inmates with mental health disorders
- New job descriptions are developed for all Correction Services staff and evaluated to take into account new working hours and arrangements
- General training provided for all Correction Services staff

Systems – Finances (5)

- Reconcile the Law Trust Account and Land Trust Account
- Identify and transfer staff from the Land Titles to the Finance Division
- Advertise for further short term contractors for the Land Titles Division
- Improve financial management systems within the Ministry
- Establish financial policies and procedures identified in the 2014 Audit Report

Systems – Trading Revenue (5)

- The Operations Budget for the Ministry (excluding Prisons) is paid monthly
- Continue implementing the Shared Services Agreement with MFEM
- Review all ROBOC charges of the Ministry to simplify implementation
- Confirm BDM, companies and Incorporated society fees are now a ROBOC
- Review all trading revenue to reflect actual service costs

Systems – Administered Fund (1)

- Confirm with MFEM an Administered Fund allocation for:
 - Legal Aid
 - Judges and JP costs
 - Coronial inquest reports
 - Land Court transcript and Land Titles backlog
 - Prison services operations budget

Systems – Information Management (5)

- Update the website and scope online sales e.g. marriage licences
- Scope, cost and implement an integrated land management platform (e.g. LINZ)
- Scope, cost and implement an integrated ICT platform linking all divisions to finance
- Link electoral database to BDM
- Scope the inclusion of the Ministry of Justice into the e-government programme

Systems – Human Resource support function (2)

- Confirm the delivery of a HR support function by the Corporate Services Division
- Review employee job descriptions and facilitate job evaluations for all jobs

Systems – Strategic Partnerships (3)

- OPSC to review non-core functions of the Ministry and scope options for redeployment
- MoJ to build relationships with Judges and development partners to support its work
- MoJ to maintain and build partnerships with organisations in similar jurisdictions

A Capacity and Capability Development Plan (CCDP) has been developed to implement the recommendations from this review, however the CCDP will only be successful with political will and strong leadership to lead the proposed changes and adequate resourcing over the short, medium and long term. There needs to be oversight from Central Agencies and all activities must be Cook Islands owned and led and build upon local strengths, sustainable practices and maximising synergies where they exist.

1. BACKGROUND OF THE ASSESSMENT

1.1 Description of the context in which the assessment was conducted

Te Tango Tutara o Te Ture, known as the Ministry of Justice (the Ministry) has a unique role within the structure of government. It has functions and responsibilities across both the judiciary and executive arms of government. The Ministry provides the administration and logistical support to the courts enabling an efficient and effective independent judiciary, upholding and enhancing respect for the rule of law and the principles of good governance.

The Ministry's executive functions and responsibilities includes the development and implementation of policies giving effect to government plans in regard to access to justice, a fundamental human right in any democratic society. This is reflected in Articles 64 and 65 of the Cook Islands Constitution.

The Ministry is required to have effective and efficient systems in place to maintain accurate and complete court records and registers that are accessible to the public. It plays a critical role in administering land, survey, births, deaths, marriages, companies, incorporated society and personal property security registers along with quality, accessible and affordable services.

A Secretary, who is appointed under the provisions of the Public Service Act 2009, heads the Ministry. In maintaining the independence of the courts, the Secretary is not involved in the allocation and distribution of matters before the Court. His primary function is to ensure that there are sufficient financial and human resources to support the Courts in maintaining as effective and independent judiciary.

The Cook Islands Constitution 1964 and Ministry Finance and Economic Management Act 1995-96 ensures government provides the necessary resources and support so that the right of any individual to access justice and information from registries is not adversely affected, or denied due to insufficient appropriations. It also ensures the ministry is accountable for appropriations approved by Parliament to achieve national law and order goals.

The Capacity Assessment and the subsequent Capacity and Capability Development Plan (CCDP) will involve the entire Ministry. In defining the primary clients for this assessment it is important to determine the Ministry's role as identified in the "Te Kaveinga Nui" National Sustainable Development Plan 2016 – 2020. Goal 16 identifies "Improving access to justice" with indicators that look at a number of variables which evaluate the accessibility and effectiveness of our justice system – median time to resolve criminal, civil and land cases as well as accessibility to Court and legal processes.

Therefore an important factor in this review is the assessing the judiciary, its key functions and roles. The Ministry of Justice Business Plan 2016-17 shows the Ministry is divided into six outputs but is silent with regard to the judiciary deliverables despite it drawing on the largest resources of the Ministry budget.

1.2 Judiciary

The Judiciary is the third arm of Government. Its key functions are to interpret and apply the laws passed by Parliament. It is independent of both Parliament and the Executive. The Judiciary is headed by the Chief Justice of the Cook Islands appointed in accordance with Article 49(3) and Article 52(a) of the Cook Islands Constitution (“the Constitution”). All other Judges of the Cook Islands are also appointed in accordance with the Constitution that sets out the requisite qualifications and appointment of Judges to the High Court and Appeal Court of the Cook Islands.

All Judges, including the Chief Justice, of the Court of Appeal and High Court of the Cook Islands are experienced New Zealand based judges that work part-time and attend to judicial matters in the Cook Islands. In the 2014-15 Annual Report Chief Justice Weston noted “that there is a full complement of judges for the High Court and Appeal court and the Cook Islands is fortunate to have judicial officers of the experience and caliber that we do.”

It has been a practice over the years that the Criminal and Civil Divisions of the High Court when presided over by a Judge of the High Court, have a combined session of two weeks duration. The norm is for criminal matters to be heard in the first week and civil matters in the second week.

As well as the Judges, Article 62 of the Constitution provides for the appointment of Justices of the Peace (JP). The Queens Representative, appoints JP’s, acting on advice from the Minister of Justice. They are usually lay-persons who have a good standing in the community. These JP’s sit as lay magistrates in the High Court either as a single JP or as three JP’s depending on the applicable jurisdiction as set out in sections 19 and 20 of the Judicature Act 1980-81. The exercise of those jurisdictions depends on the seriousness of the matter and the potential penalty or award set out by legislation. These persons are not legally trained but the Court, in conjunction with various external agencies, provides training for them by way of workshops and other courses. Some of these take place on Rarotonga and some training elsewhere such as New Zealand. It is an important aspect of any judicial system that all those who are engaged to deliver justice must have the appropriate knowledge of the law and the skills to apply it. The Pacific Judicial Development Programme (PJDP)¹ has provided training and up-skilling for the judicial and court officers over the past 5 years.

Like the Judges, Justices of the Peace perform a vital role in the delivery of justice in the Cook Islands. The Cook Islands are very fortunate to have such a group of dedicated and committed Cook Islanders, who are willing to see that justice is applied fairly.

Table 1: illustrates the activities carried out by the Judiciary and the approximate budget available over the last 5 years.

Table 1 – Judiciary Activity Summary and Budget 2011 - 2016

Fiscal years	No. Appeal Court Judges	No. High Court Judges	Judges Days on Island	Actual costs	Approx. Budget Judges ²	No. JP’s	Approx. Budget JP’s ³
2011-12	4	7	112	\$81,947		16	
2012-13	4	7	115	\$86,536	217,000	7	\$34,710
2013-14	5	6	129	\$106,000	177,000	7	\$30,850
2015-16	5	6	122	\$108,000	177,000	7	\$15,070

¹ New Zealand Government funded and managed by the Australian Federal Court

² The total budget allocated for judges has been difficult to assess given the different pockets of funding used.

³ JP’s allowance is paid using the POBOC set aside for Judges

The Courts and Tribunals Division is responsible for the administration and the provision of logistical support to the courts and tribunals. It is responsible for maintaining the independence of the judiciary and enhancing respect for the rule of law. The division is headed by the Registrar of the High Court who is primarily responsible, in consultation with the Chief Justice, for the allocation and distribution of cases and matters before the courts. The Registrar of the High Court, is assisted by two deputy registrars, (Deputy Registrar Criminal and Civil and Deputy Registrar Land) on Rarotonga, and 11 Deputy Registrars on 10 Outer Islands. In essence there are only 13 staff servicing the Criminal, Civil, Land, Children's and Coroners Courts of the High Court and Court of Appeal on Rarotonga. There are seven Deputy Registrars on the outer islands as listed in Table 2, appointed for occasional sittings of the High Court and to perform other functions such as Birth, Deaths and Marriage (BDM) registrations on behalf of the Ministry. Table 2 shows Courts and Tribunals staff as at March 2017.

Table 2 – Appeal Court and High Court Staff as at March 2017

Gender	Years employed	Position Description
Female	10	Registrar of the High Courts
Male	4	Deputy Registrar-Civil & Criminal
Female	9	Snr Civil & Criminal Clerk
Male	6	Civil & Criminal Clerk
Female	6	Snr Court Stenographer
Male	6 mths	Court Stenographer
Female	5	Court Stenographer
Female	16	Court Stenographer
Female	8	Deputy Registrar-Land
Female	9	Snr Clerk (Land General)
Female	15	Snr Clerk (Alienation)
Female	10	Land Clerk (General)
Female	2	Land Clerk (General)
Female	8	Deputy Registrar-Pukapuka
Male	11 mths	Deputy Registrar-Penrhyn
Female	9	Deputy Registrar-Aitutaki
Female	4	Deputy Registrar-Manihiki
Male	2	Deputy Registrar-Atiu
Female	14	Deputy Registrar-Mangaia
Female	16	Deputy Registrar-Mauke

Of the total personnel budget in the Courts and Tribunal Division (\$385,500) 20 percent (\$92,000) is spent on salaries of full time Deputy Registrars in the Outer Islands. The Ministry Annual Report is silent on specific work carried out on each of these islands.

Privy Council

Article 59(2) of the Constitution of the Cook Islands provides a right of appeal to the Privy Council, which is the final Appellate Court for the Cook Islands located in London and presided over by Law Lords. There were two applications for leave to appeal to the Privy Council in 2015-16. In one of the cases, the Court of Appeal has granted conditional leave to the Appellant to appeal to the Privy Council while the other was discontinued on the notice of the Appellant.

Court of Appeal

The Court of Appeal of the Cook Islands is established by Article 56 of the Constitution as a superior court of record. It has jurisdiction to hear and determine appeals from a judgment of the High Court of the Cook Islands. It is the second highest court in the Cook Islands. The Court of Appeal is supported by the Registrar, Deputy Registrars of the High Court, and staff of the criminal, civil, and land divisions. The Court of Appeal is always scheduled to have two, one-week sessions each year which involves three Judges.

High Court

The High Court of the Cook Islands is established under Article 47 of the Constitution. It is divided into three main divisions namely; Criminal, Civil, and Land but also includes Children's and Coroners Courts. The High Court is the Cook Islands court of first instance, in a sense that all matters, whether criminal, civil, or land are commenced in this court. The Registrar, in consultation with the Chief Justice, allocates fixtures of matters to be dealt with by the Court. The Chief Justice in consultation with the Judges appoints a judge to preside over a session of the High Court. A session of the Court, subject to availability of funds, is normally for two weeks, five times per year. It is the practice to have the Criminal and Civil Divisions of the High Court share a session. The Chief Justice presides over criminal and civil cases. The Land Division of the High Court has its own sessions. The Chief Justice also exercises a review function for land cases under section 390A of the Cook Islands Act 1915. The cost of travel, per diem and accommodation expenses are reimbursed to each of the Judges in full by the Ministry. An Administered Fund (previously POBOC) is set aside in the Ministry's budget to cover the Judges⁴ sitting allowances of \$520 per day (Chief Justice \$531 per day). Accommodation, travel and incidental costs are paid from the Ministry's operating budget. The Ministry is fortunate that the New Zealand Ministry of Justice covers sitting allowances for sitting New Zealand judges of which there are currently four – this was previously paid by the Ministry.

The sitting allowance for JP's is a maximum of \$200 per day from the Ministry's Administered Fund. These allowances were previously paid from the Ministry's operating budget but is now paid from an Administered Fund for the 2016-17 financial year.

High court hearings by JP's include the following times:

- Criminal proceedings every Thursday (once a week)⁵
- Children's Court monthly on a Friday
- Civil proceedings monthly on a Friday
- Land hearings three times per year
- Trial by 3 JP's once monthly
- Single JP 2 or 3 times per week

Children's Court

The Children's Court was established as a Division of the High Court through the Prevention of Juvenile Crimes Act 1968. The Court deals with children between the ages of 10 – 17 years as children between the ages of 14-16 years are criminally liable. As a result of the increased number of young offenders the Ministry launched 'Te Koro Akaau' programme in 2015. A key element of the process was the introduction of the 'Uipaanga Kopu Tangata' (Meeting of the Family). A Memorandum of Understanding (MoU) was signed between the Ministry of Justice, Chief Justice, House of Ariki and Cook Islands Police in September 2015 to implement the programme. However funding restrictions have delayed full implementation of the family and community approach that supports resolving and reducing juvenile crime outside of the courts.

⁴ Judges that currently sit on the bench in NZ do not receive the sitting allowance and the savings are used to pay JP's.

⁵ Aitutaki Deputy Registrar is responsible for calling sessions every Thursday for three JP's who reside on the island.

Coroners Court

The Coroners Court is established by the Coroners Act 1979-80. The main objective of the Coroners Court is to establish through an inquest, the fact that a person has died, the identity of the person and when, where and how the death occurred. In some cases the Coroner may require a post mortem. The Coroners Court works closely with Police and Ministry of Health to determine "manner of death". The Ministry's 2015-16 Annual Report noted 29 deaths were reported to the Coroner during this period. The Table shows that 17 of the 29 deaths in 2016 were cases where the cause of death was known. Other deaths were either a result of accidents, drowning or suicide.

Table 3 Coroner Reports 2012 - 2016⁶

Year	No. of Coroner Reports issued	Known Cause of Death	Sudden Death
2012	41	25	16
2013	37	20	17
2014	16	8	8
2015	22	10	12
2016	29	17	12

Where a post mortem is required, the Ministry must secure the services of a qualified pathologist. These specialist services are not available in the Cook Islands and must be sourced internationally at specialist rates. A cost to carry out a mandated function that is uncertain for the Ministry to plan for.

Leases Approval Tribunal (LAT)

The LAT was established by Section 4 of the Leases Restrictions Act 1976. The main function of the Tribunal is to consider applications for approval of leases, assignment of leases and subleases. Table 4 illustrates the approximate number of cases heard in each of the Courts and by LAT.

Table 4: Approximate number of cases in Courts and Tribunals since 2012

	2012-13 ⁷	2013-14 ⁸	2014-15	2015-16
Privy Council				1
Appeal Court		12	14	2
Criminal Court	675	699	760	644
Civil Court	162	216	248	309
Land Court	1034	932	989	1092
Rarotonga		639	646	668
Aitutaki		269	304	373
Atiu		15	31	32
Mauke		9	6	19
Penrhyn			2	
Children's Court	85	25	37	19
Coroners Court	35	40	29	28
Leases Approval Tribunal	296	327	340	418
Commercial	49	91	53	75
Residential	247	236	287	343

⁶ Source: Ministry of Health Cook Islands

⁷ MoJ Annual Report 2013-14

⁸ MoJ Annual Report 2013-14

Other relevant areas under the Courts Division include:

Legal Aid

Section 9 of the Legal Aid Act 2004 establishes a legal aid scheme. The scheme applies to criminal and other proceedings set out in Section 9 of the Act. The legal aid fund is intended to meet the costs of defense counsel that can be claimed either prior or during the court sitting.

Law Practitioners

The Chief Justice of the High Court is responsible for admitting lawyers to the bar under the Law Practitioners Act 1993-94. The Chief Justice also receives complaints regarding the conduct of lawyers and justices of the peace, and disciplining them. A review of the Law Practitioners Act is underway with the intention of introducing a Code of Conduct for legal practitioners in the Cook Islands and strengthening the management of Trust account for monies held on behalf of clients.

Land Agents

The Land Agents Registration Board, was established by the Land Agents Registration Act 2009. The Board is chaired by the Solicitor General and is responsible for vetting and approving applications by persons to be registered as a Land Agent. There are currently four licensed land agents on Rarotonga. An employee of the Ministry serves as the Secretary for the Board, administering functions of the Board identified in the Act. These functions include receiving land agent registration applications, collecting registration fees, taking minutes for Board, and receiving complaints regarding Land Agents for presentation to the Board.

Stenographers

Stenographers have an important role in the operations of the High Court as they are responsible for providing to the court justices and persons appearing before the court the transcripts of the proceedings. These must be provided in a timely manner and all transcripts must be an accurate record of the proceedings. Any delays or errors in the transcripts can affect the expeditious determination of any case before the court. Two stenographers are employed to transcribe the recordings of proceedings in the High Court and timely availability of transcripts in the criminal and civil divisions, are easily met by the two stenographers. The problem is trying to meet the demands for verbatim transcripts in regard to proceedings in the Land Division of the High Court. The high number of applications before the Land Court makes it difficult for the stenographers to complete the transcripts on time. There is one full time stenographer dedicated to updating a backlog of land transcripts dating back to 2003, while the other three stenographers are available only after completing current criminal, civil and land court work.

Law Trust Account

The Criminal division of the High Court are also responsible for the management of the Law Trust Account. The Law Trust Account is a trust account set up to receive and pay out to beneficiaries any reparation or compensation ordered by the Court. Recording of reparation as ordered by the court is not easily tracked or reconciled by the Ministry.

During the 2014-15 period the amount of court costs collected was approximately 68% of the total court costs imposed. The increased number of court sittings, while providing access to the courts and ensuring the early determination of matters before the courts means the costs associated with access is also increasing. This has meant that current staff are unable to attend to collection of fines and enforcing orders. Further, those who are fined by the Courts are reluctant to pay their fines until served with a Warrant of Commitment. There is no bailiff currently employed to ensure that court costs, fines and reparation or compensation are continuously paid in compliance with Court orders.

Table 5 – Law Trust Account – Court orders imposed and collected 2012-2016

Year	Imposed	Collected	Success rate
2012-13	\$85,750	\$50,205	59%
2013-14	\$52,010	\$45,178	87%
2014-15	\$116,869	\$21,241	18%
2015-16	\$41,831	\$18,296	44%

The Ministry 2015-16 Annual Report highlighted the lack of resources to collect court imposed reparation costs during the reporting period. It was been difficult to determine the annual collections received by the Ministry from fees, court costs and reparations during this assessment.

1.3 Registry

The primary responsibility of the Registry division is to maintain registers for births, deaths and marriages (BDM), companies, incorporated societies and chattels with registered security interests from financial institutions. The division is also responsible for maintain the accuracy and completeness of the Electoral role, including annual publication of the role on behalf of the Secretary of Justice – referred to as the Chief Electoral Registrar in the Electoral Act 2004.

Table 6 –Registry Division Staff as at March 2017

Gender	Years employed	Position Description
Female	5 mths	Deputy Registrar-BDM & Company
Female	15	Snr Clerk Companies/Incorp
Female	21	Snr Clerk BDM
Female	5	BDM Clerk
Female	15	Company Clerk

The total personnel budget for the Registry Division is \$170,000.

The BDM section work activities for each of the Registers is provided in Table 7 shows the number of births, deaths and marriage certificates issued from 2012 to 2016 and Table 8 Companies and Incorporated Societies Register

Table 7 No. of Births, Deaths and Marriage Certificates issued from 2012

Year	Births	Deaths	Marriages	
	Total Issued	Total Issued	Total Issued	Visitors
2012-13	3,290	464	795	752
2013-14	3,335	480	740	670
2014-15	1,963	254	739	664
2015-16	2,611	431	644	565

The Ministry of Internal Affairs in New Zealand has signed an agreement with the Ministry in September 2016 to transfer, historical data of deaths and change of name records onto a digital platform. This information sharing has commenced.

Table 8 Number of Company and Incorporated Societies Registered

Year	Company Registrations		Incorporated Societies
	Renewed Reg.	New Reg.	New
2012-13	71	-	-
2013-14	88	869	-
2014-15	98	876	21
2015-16	92	797	17

The Ministry is currently engaged in a project, funded by the Asian Development Bank (ADB) to update companies, incorporated societies and chattels legislation, in order to introduce an online company register. It is expected that a new Companies Act, Incorporated Societies Act and Personal Property Securities Act will be passed during the 2016-17 year. This will enable work on an online registries to commence with support from the Government, ADB and the New Zealand Aid programme.

1.4 Land Information Division

The Land Information Division is responsible for the delivery and accuracy of information held on 34 Registers of Land Titles. The Land Trust division manages all leased land rentals on behalf of landowners. The Land Survey division manages all surveyed land maps in the Cook Islands.

Table 9 – Land Information and Survey Division Staff as at March 2017

Gender	Years employed	Position Description
Female	21	Deputy Registrar - Land Titles
Female	21	Snr Clerk Land Titles (LROT)
Female	15	Snr Clerk Land Trust
Female	11	Land Trust Clerk
Female	8 mths	Land Titles Clerk (LROT)
Female	8 mths	Land Titles Clerk (LROT)
Male	18 mths	Land Titles Clerk (LROT)
Female	4	Land Titles Clerk (LROT)
Male	1 month	Land Titles Clerk (LROT)
Male	19	Chief Surveyor
Female	19	CAD Manager
Male	7	Surveyor

The total annual personnel budget of \$190,000 is very small given the importance of this Division's role to the nation. Additional administered funds of \$55,000 was provided during the 2016-17 financial year to update and correct 34 Land Titles Registers. The review found 12 registers had been corrected from 2010-2016, leaving 22 registers to complete. The Land Titles division is responsible for management and updating of entries on an electronic register of land titles (EROLT). In 2000 the Ministry embarked on a project of transferring the data from the manual land registers onto the EROLT and there were mistakes, errors and omissions made by those charged with entering the information. Since late 2010, staff have managed to update and correct the information on 12 of the 34 EROLTs. During the 2016-17 year the Ministry changed its processes, making the Land Court Division responsible for the preparation and sealing of court orders before the files are transferred to the Land Titles Division for entry on the EROLT. Land Titles staff now focus on entering entries onto the EROLT and are relieved of preparing, signing and sealing court orders.

Land Trust

Section 492 of the Cook Islands Act 1915 provides that “unless in any case the Court otherwise directs, all proceeds derived from any alienation of Native land confirmed by the Court shall be paid into the land court. An important part of the Land Trust section is to determine the relative interests of individuals who are entitled as land owners to receive rental income. The relative interest will then determine the amount owing to the land owner. The Land Trust section also deal with unclaimed land trust monies that are transferred to the Crown after three years.

Land Survey

The Land Survey division is headed by the Chief Surveyor and supported by a Geographical Information System, a Cadastral Manager and Surveyor. Verification of land surveys is critical work that must be carried by the staff in this section. The three personnel in the land survey division are provided with approx. \$84,000 annually in salaries to ensure the survey records for Cook Islands are maintained correctly and updated. There is a need to link the land survey information with the EROLT so that it becomes a hub of information on land in the Cook Islands.

1.5 Probation

The primary function of the Probation Service is to assist the Criminal Court in determining the appropriate penalty for any person appearing for sentencing, and secondly to monitor compliance by probationers and parolees with their probation and parole terms and conditions as imposed by the Court. Essential to a functioning probation service is the requirement to meet people, interview families, interested persons, probationers and parolees. They also monitor the movement and association of probationers and parolees and having available transport is fundamental to the probation service.

The Probation Service Division is currently headed by the Chief Probation Officer and supported by seven 97) Probation Officers, with two probation officers on the islands of Aitutaki and Atiu. On islands where there are no Probation Officers employed, the functions of the Probation Service are performed by the Deputy Registrar of the High Court on the island. The annual personnel budget for the Probation Division is \$170,000.

Table 9 Probation Staff as at March 2017

Gender	Years Employed	Position Description
Male	25	Chief Probation Officer
Female	9	Snr Probation Officer Evaluation
Male	7	Probation Officer Community
Male	8	Probation Officer – Atiu
Female	5	Probation Officer Evaluation
Male	6	Probation Officer Evaluation
Male	17	Probation Officer – Aitutaki
Male	21	Snr Probation Officer Community

The Division is divided into two sections, Report Preparation Section, and the Monitoring and Rehabilitation Section. The Report Preparation Section is primarily responsible for the preparation and provision of pre-sentence or pre-parole reports to the Courts or the Parole Board to assist the Court or Parole Board in determining the appropriate sentence or outcome for any person appearing for sentence before the Court or parole before the Parole Board. In preparing their pre-sentence reports the Report Preparation Section relies on the Police to provide the necessary background information relating to the offending. This section is also responsible for providing the Parole Board with a pre-parole report in regards to those persons that applied to the Parole Board to be paroled from prison.

The Monitoring and Compliance Section is responsible for ensuring that those placed on probation by the Court or released on probation or parole from Prison comply with their probation and parole condition. The court reporting section assists the probation officers when required. The number of persons on probation from 2012 to 2016 were:

Year	Probation
2012-13	76
2013-14	76
2014-15	75
2015-16	93

Additional work required by the probation staff is to record payments for court costs or fees as well as reparation costs as determined by the Criminal Court, banked in the Law Trust Account.

1.6 Prison

The Prison Service is primarily responsible for the management, security and rehabilitation of persons sentenced to custody inside the Arorangi Prison. There are currently 20 staff employed by the Prison Service which includes two female staff. The prison is headed by the Superintendent of Prisons. Security is of primary concern for the safety of inmates, prison officers and members of the public when visiting. Staff are required to be available 24/7 and currently staff presence is provided through three 8-hour shifts. Staff are also required for escorting inmates to the hospital or courthouse, and to accompany inmates on supervised work or work gang programmes. It is important that three staff are available for each shift, one of which must be female if there are female inmates. The annual personnel budget is \$388,500 with the majority of personnel being paid \$8 per hour.

Table 10 Prison Staff as at March 2016

Gender	Years employed	Position Description
Male	21	Superintendent
Male	19	First Officer Head of Security
Male	9	First Officer Train&Rehab
Female	9	Second Officer OC Female Qtrs
Male	6	Administration Officer
Male	8	Second Officer OC Male Qtrs
Male	17	Third Officer (2)
Male	5	Third Officer
Male	2	Third Officer
Male	8	Third Officer
Male	2	Third Officer
Male	4	Third Officer (2)
Male	2	Prison Officer 1
Female	3	Prison Officer 1
Male	9 months	Prison Officer 1
Female	2	Prison Officer ½
Male	9 months	Prison Officer 2
Male	2	Prison Officer 1
Male	6 months	Prison Officer 1
Male	New	Prison Officer

The 2015-16 Annual Report of the Ministry states that there is an increase of prisoners with mental problems which affects inmate care because the prison officers are not trained health professionals and have difficulty dealing with these problems. The Ministry of Health (MoH) regulations assigned the prison as an 'In-patient treatment centre' for patients with mental health disorders and is considered the safest place for inmates with mental health disorders to carry out their sentence. MoH staff provide prison staff training and support to manage inmates with mental health disorders and have an assigned medical officer to review and monitor inmates with these disorders.

Table 11 Total number of inmates from 2012 – 2016 by Gender

	Male	Female	Total	Monthly Average	
				Male	Female
2012-13	489	25	459	38	2
2013-14	441	11	473	11	1
2014-15	462	21	462	38	2
2015-16	434	35	524	35	3

In 2014-15 the Ministry Annual Report shows of the monthly admissions, the number of first time inmates (male 11, female 2) is higher than that of those returning to prison (male 7, female 1) representing 62% of the total number of new admissions. The largest number of persons in prison are from the 16 – 30 age group. In 2015-16 there was a total of 305 inmates in the 16 – 30 age group with 35 represented by females.

The prison is also responsible for the development of programmes and activities designed for the rehabilitation and reintegration of inmates back into the community. It is also responsible for the livestock and agricultural activities to the supplement food and operational costs of the prison. These programmes are developed with the help of government, non-government, church and civil society agencies. These include education programmes in literacy, numeracy, craft making, building and cooking.

Part of this programme is the implementation work scheme and work-gang scheme designed to assist the inmates gain skills and obtain funds for themselves and ease the financial burden on their families. It is also helps secure employment for the inmates after release from prison and re-integration back into the community. There is a supervised and unsupervised work scheme programme for low risk inmates. Under the work scheme programme an inmate is hired at a fixed rate of \$30 per day. This money is split 60/40 between the Ministry and the inmate. The inmate's share of 40% is paid into his/her bank account.

The work-gang programme is designed to assist the prison in meeting its obligations to provide wholesome meals for the inmates. Inmates not on the work scheme and require supervision are placed on this programme. Payment is usually in kind, in the form of meat, chicken or other requirements of the prison, which is then used to supplement food for all the inmates as well as receiving much needed equipment and tools for maintenance of the prison.

1.7 Corporate Services

The Corporate Division includes the Secretary of the Ministry and the staff responsible for the financial administration and management of the Ministry. The corporate section is headed by the Finance Manager and assisted by the Finance Officer and a receptionist/cashier. There is also a watchman/grounds man who maintains the grounds and is responsible for the security of the Ministry building. There is one staff member who works in the Information Technology section and is responsible for providing technical support to all Divisions of the Ministry in particular dealing with technological problems with both software and hardware equipment in the Ministry. There is limited scope to expand and make improvements in this area with only one staff member. The annual personnel budget for this Division is \$165,361.

Table 12 Total number of Corporate Services staff as at March 2017

Gender	Years employed	Position Description
Male	5	Secretary
Female	16	Finance Officer
Female	4	Receptionist/Cashier
Male	3	IT Support Officer
Male	4	Watch/Groundsman

Financial Management

The Ministry uses a cash receipting database to capture all revenue collected from various divisions, with the exception of the Land Trust account that maintains its own receipting and payments of land rental income. The database information is used to reconcile the ministry banking on a daily basis, which includes revenue collected by the prison. The finance division also prepares all payment vouchers for expenditure for all divisions except for Land Trust payments. Finance staff then record all this information on excel spreadsheets, used for management monitoring and reporting. The Ministry signed a shared services agreement with MFEM during the 2016-17 fiscal year, to share certain financial reporting requirements. MFEM is currently entering all financial transactions of the Ministry onto a financial system to produce monthly reporting for the Ministry, including bank, fixed assets, debtors and creditor reconciliation's.

The Ministry has had constant overspending over the last 4-5 years, an incomplete fixed asset register and the lack of reconciliation of the Land Trust and Law Trust accounts. The Ministry 2015-16 Annual Report identified that the Land Trust account collects almost \$2million and disburses over \$1million annually. The last audit of this account was completed in 2008 for the period ended 31 December 2003.

Information Communication Technology (ICT) Systems

The ICT systems of the Ministry are currently managed by one staff member. There are many databases within the Ministry and only the Criminal Courts, BDM and Cash receipting databases are integrated. Most databases are standalone. Little work has been done to ensure that the systems are able to be expanded to meet the growing demands of the Ministry. Staff members who established the databases have left the Ministry and failed to leave essential documentation to ensure that the systems can be managed correctly. In some cases staff have ceased using the databases and have gone back to manual systems or excel spreadsheets. Table 12 provides a list of Databases that are currently in use or have been in use by the Ministry with comments from the ICT Division.

Table 12 Ministry ICT Databases

	Currently Used (Yes/No)	No longer in use – provide date closed (Yes/No)	Comments
Criminal Courts (Access Database)	Yes		Lacks standard critical functions - replace with commercial solution. No documentation
Land Titles (Access Database)	Yes		Critical: complete overhaul. Lacks standard critical functions e.g. security, quality assurance, information sharing. DB contains inconsistent data. No procedures documentation
Land Trust (MySQL & Java)	Yes		No process management procedures documentation
BDM (Access Database)	Yes		Stable but future Microsoft upgrades would cause BDM to fail altogether. No management procedures documentation
MYOB	No	1/06/2016	Excel is used to process all income and expenses
Cash receipts (MySQL & Java): consists of 2 databases CKJUSTDB1	Transition	No documentation how to fix data 'replication' function	
CKJUSTDB2	Yes, used for receipts only & controlled manual access for staff reporting		Critical: complete overhaul. Short term option: MYOB. Long term: Treasury FMIS
Probation (Access Database)	Yes		Same as for Criminal division
Companies (MySQL & java):	No	No documentation to indicate what has happened to data	Excel is used to register and process companies.
ADMIN (Access DB) Administering logins, passwords, permissions	Yes		A hack solution, replace
ADMIN (MySQL DB) for administering logins, passwords, permissions	Yes		A hack solution, replace
Minute Books (Java): Controlled access for land information staff	Yes		Replace controlled access with standard solutions. No documentation
Courts FTR – for Court Stenographers	Yes		Centralise- share licensing costs with Parliament
Survey AutoCAD for plotting land maps	Yes		Centralise - share licensing costs with other agencies
Reference (Access Database)	Status unknown		Obsolete
Land Trust Database (is this different to the one above)	No (Access Database no documentation)	Access DB until 2016	Obsolete

2. PROBLEM

2.1 Definition and Scope of the Assessment

The Ministry has had performance issues over the last decade which have affected the running of the judiciary system, as documented in Annual Court Reports and more recently Ministry Annual Reports over the last four years. There has been a poor record of financial accountability and responsibility within the Ministry, incomplete court records and complaints regarding the cost of services and slow delivery – due to delays in processing times and costs. The absence of strategic measures to address its performance issues has cast a negative image of the ministry, reducing staff morale and public trust in its operations.

The legal fraternity has raised concerns with the Public Service Commissioner regarding the backlog of land court transcripts, which has been a long outstanding issue. A report⁹ commissioned by Chief Justice Weston and conducted by a 'Land Court Committee' into the operations of the Ministry in 2015, highlighted the need for urgent remedial action to be taken to improve the land court and land information performance, and public perception.

The key objective of the capacity assessment was to analyse problems that have hindered the Ministry's performance over the last decade. The assessment had two main activities.

Firstly the capacity assessment involved analysing key areas

- Policy and legislative mandates
- Service Delivery
- Leadership and management
- Organisational culture
- Capability of staff and the agency
- Systems (finances, human resources, ICT)
- Strategic partnerships

Secondly to develop a Capacity and Capability Development Plan (CCDP) to:

- Improve service delivery and support systems
- Strengthen policy and planning capacity
- Build a culture of accountability and performance excellence

The CCDP identifies:

- Strategies and key actions that recognise the potential for efficiencies to be achieved
- The costs for short-term actions
- The way forward for medium to long term actions to address staff skills and potential for effective deployment within the larger Organisational structure
- Ensure a smooth transition with minimum disruption to services

⁹ Report to the Chief Justice, Cook Islands High Court, [Land Court Committee, 30. 5 .16](#)

2.2 Conduct of the Assessment

The Capacity Assessment included consultations with 78 stakeholders over a three week period. A list of people consulted is provided at Annex 2.

A review of key reports and documents was carried out and included:

- Ministry of Justice Annual Reports 2012-16
- Public Service Commissioner's Performance Reviews 2012-16
- Cook Islands Audit Office Financial Audits and Special Reviews 2012-17
- Report from the Land Court Committee 2016
- Report on the Electronic Register of Land Titles 2010
- Ministry of Justice Working Manuals 2009
- Land Commission of Inquiry Report 1996
- Legislative Reviews
- Research on judiciary and corrections systems in similar jurisdictions

The methods used for consultation with key stakeholders varied and they included:

- Individual face to face and group interviews/discussions – including MOJ staff
- Phone interviews/discussions
- Email questions and responses

Due to time constraints it was difficult to have repeat sessions with various stakeholder in order to receive feedback on proposed recommendations however the team spoke with the senior management and staff of the Ministry at various times during the assessment.

2.3 Risks

The inherent risks, limitations and challenges for the review team included:

- Absence of a member of the review team due to other work commitments
- Time allocated for consultations and assessment
- The lack of information or analysis of existing information on the Ministry
- Delayed sharing of information limited any early analysis being carried out
- Staff being absent or not available for interviews

3. FINDINGS

The analysis of findings relates primarily to the requirement for the assessment to consider the capacity of the Ministry to deliver its mission, including the organisational structure required to implement the mission. The Ministry's mission is:

"To provide accurate, proficient and effective customer services through administering just and equal laws that continue to promote a safe, secure, stable and fair society, holding persons accountable for their actions, and to provide a more reliable, accessible and sustainable land information and administration system, working towards an electronic environment"

This assessment does not claim to be an exhaustive analysis within the justice sector, but rather it endeavours to focus on key areas for capacity development for inclusion in the CCDP. It is important to note that there has been very little detailed analysis of the work of the Ministry or the law and order sector, however there has been a marked improvement in the annual reporting in the past four years. Consultations during this assessment have confirmed the concerns of the legal fraternity and the public generally that the Ministry is having difficulty delivering effective customer services and therefore access to justice and reliable and affordable land information held by the Ministry is a major risk for Government.

The absence of a strategic plan has prevented the Ministry from planning and prioritising actions in the short, medium and long term including action plans and expected results for staged implementation, with effective monitoring and evaluation at each stage. The CCDP will go a long way to addressing some of these areas but will not replace the essential role a strategic plan plays in directing and managing human, financial and physical resources within an organisation.

An important initial assessment has revealed that there is a major financial and legal risk and liability to Government if land information, financial systems and administration issues especially within the prison, are not improved and rectified. Maintaining the status quo and continuing along the path of 'business as usual' could have immeasurable consequences for this Government and continues to put at risk the Cook Islands courts system reputation as the "shining beacon" in the Pacific. The livelihoods of all Cook Islanders and businesses in the Cook Islands are dependent on court services being accountable, appropriate, inclusive and accessible to all.

3.1 Service Delivery

This assessment revealed that service delivery by the Ministry was sub-standard and in some cases very poor. There was a strong sense that the Ministry staff needed training in customer service delivery especially in understanding their roles and ensuring the needs of legal personnel and land search clients were separated and managed appropriately. There needs to be better communication and file management systems as there are inconsistent and delayed responses to queries and sometimes responses could be immediate or never. Clearly there have been instances where files have gone missing as there was no process that outlines how court applications or files are followed up through a checking system. File and case management procedures are not well understood and this needs to be addressed as a matter of urgency. Consideration should be given to establishing an appointment system for land searches, legal enquiries and court applications. Appointments can be made by calling or visiting the Ministry – all appointments would be for 15-45 minute slots per client with either the land court or land information division. Requests could be made with specific personnel.

A common call by a number of stakeholders is that justice and information needs to be accessible and affordable for all. Clients have expectations of the services to be delivered by the Ministry staff but are unable to see the relationship with the services received and the high fees charged. The review confirmed, the cost to access land information and file land applications was very expensive, inhibiting access for those without the financial means to meet these costs. It also raised the rights for individuals to own property or not deprived of such, as provided in Article 64 of the Cook Islands Constitution.

The imposition of fees for services charged by the Ministry supports the government's cost recovery policy whereby trading revenue collected recovers the costs incurred for service delivery. This is discussed further in the systems section of the report.

A review of the current fee rates is urgently required with the view that the Ministry of Finance and Economic Management (MFEM) and the Budget Support Group consider a proposal for an increase in operational budget to offset any shortfall in trading revenue.

Recommendations:

- The Ministry must complete a Strategic Plan
- Public Service Commissioner to inform Cabinet of the findings of this assessment
- Secretary to confirm customer service training for all frontline staff
- An appointment system is established for land matters
- An urgent review of the Ministry's fees must be completed and implemented

3.2 Policy and Legislative Mandates

Two areas of policy are required for the Ministry to operate effectively. The first is strategic or high level policies that are related and consistent with the direction setting of the Government and the Ministry, and required to underpin priorities and planning. Operational Policy is the second area which is concerned with the day to day operations of the Ministry and will guide the management and monitoring of the functions of the Ministry.

The review confirmed that there were no policies for the Ministry that could be identified. There were no strategic policies found. The legal mandates required to be implemented by the Ministry had no operational policies for staff and stakeholders as a reference on how decisions were made. However, during the assessment, the review team was provided with a Land Manual, Criminal Procedures Manual and procedures followed by the Births, Deaths and Marriages Registries. The prison work scheme criteria and work gang programme details, and a draft financial policy were also provided. The ministry manuals and information provided should now be updated to meet current requirements, in a format that allows for ease of distribution to staff as well as stakeholders who wish to understand the procedures of the Ministry and Courts.

The Cook Islands Justice of the Peace (JP) Bench Book 2012 provided most of the procedures, rules and explanations surrounding the Judiciary in the Cook Islands. There were also practice notes issued by the Chief Justice that provided guidance on how the courts could operate effectively, such as the requirement for independent land valuations when a land rental reviews were being heard or set criteria for JP's to 'sit' on the bench.

The Ministry website is under-utilised and could provide more information than it currently does. There is no where in the Ministry that would suggest that a range of information can be found on the website. There is an opportunity to enhance the website with information on the Ministry's policies and procedures. This will help educate users to better understand the rule of law, as it is applied in the Cook Islands as well as learning from a 'frequently asked questions' section to be developed.

Legislative Review

A legislative review was completed and legislative amendments or new bills requiring attention were identified.

Amendments

- Judicature Act 1980-81 – JP jurisdiction
- Electoral Act 2004 – voter eligibility and defining bribery
- Law Practitioners Act 1980-81 - Code of conduct for legal practitioners
- Land Agents Registration Board Act – Code of conduct and jurisdiction
- Cook Islands Act 1915 - Land reform - 1996 Land Commission of Inquiry report
- Prisons Act 1967 and 1968 Regulations – adapted for the Cook Islands context
- Marriages Act 1976 - charge marriage celebrants
- Coroners Act – exempt inquests for the terminally ill with known causes of death

Policy development and resourcing

- Companies, Incorporated Societies, Personal Property Securities Bill - in progress
- Family Law Bill – in progress
- Survey – new bill and regulations for professional standards and practice

Recommendations:

- Ministry policies and procedures must be transparent and accessible by the public
- Ministry website is updated regularly
- Certain Acts need amendment, policy development and resourcing support to implementation

3.3 Leadership and management

The findings of the consultations suggest that leadership of the Ministry is an issue. There is a clear understanding by members of staff as to the direction and requirements of the Ministry however there appears to be minimal cohesion or direction that translates into combined action. The assessment has reviewed a number of documents that date back many years and the same issues that are being addressed in this assessment, that existed during previous reviews, have not progressed to successful completion. This may in part be due to resource constraints but there is some evidence that suggests that appropriate follow through by successive Secretaries of Justice has not occurred. The status quo and being satisfied with the existing operations has failed to move the Ministry into the 21st century claiming a lack of resources to implement technology changes and establish effective procedures and processes. The review found a lack of appreciation for the seriousness of the actions or inactions to client requests, or consequences for errors or failings within the Ministry. There were land court applications outstanding from 2007 with no consequence for inaction nor consequences for not addressing these failures.

The Chief Justice and High Court Judges are leadership models that are not fully utilised for their expertise and the support they can provide the Ministry. They have a wealth of experience that is not tapped into and expanding their role to include mentoring of the leadership team, including registrars and court staff could prove to be the requisite change required to boost morale and motivate staff to improve service delivery. Good leadership will translate into well managed and highly motivated staff working to their strengths, which is the key to improvements for the Ministry. Part of this will be the training of managers and successors in leadership and human resources management to strengthen the Ministry, invigorate the organisational culture as well as improve management accountabilities.

Recommendations:

- Immediately review and have all job descriptions evaluated
- Discuss with the Chief Justice areas that could be supported by individual Justices

3.4 Organisational culture and structure

Organisational culture relates to the physical surroundings and work environment as well as the internal structure and values of the Ministry. Staff discussions confirmed that workspace and environment is a major issue. The building is poorly ventilated and staff endure very hot working areas and poor organisation of workstations with limited space. Morale is low when the environment and workspace is very crowded with insufficient areas for files irrespective of desk space.

Discussions with regard to how the office space can better be utilised was held with senior staff and options considered included:

- Moving staff (BDM, Land and Survey sections) to the front of the building (currently occupied by the Chief Justice's (CJ) office and Secretary's Office)
- Increasing the area for public access to land or registry information services
- Relocating the CJ's office to the library which provides more secure and safer access to the Court rooms as opposed to walking through a public domain
- Renovating an unused small room next to the Courts into an area for Court staff
- Relocating the office spaces for the Secretary, ICT and Finance to the back of building
- and an area for public access to land or registry information searches
- Ensuring:
 - there is a separation of the Courts and Ministry operations
 - access to the Courts by the CJ, Judges or JPs are not through a public gallery
 - land or registry information areas were separated from Court and probation areas
 - the reception area became a 'help desk' for queries and setting appointments

How the ministry's organisational structure is perceived by others has been an important question that was asked of all those who were consulted. Views held were that the current system was inherited, staff morale is low and management systems reflect the 'old public service model' where there is inflexibility to change and to do things differently. The review found the Ministry is under-resourced and there are institutional problems. A culture of apathy and disorganisation is evident with delays to matters being addressed. Poor communication and understanding of the work carried out within divisions is apparent. On a scale of 1 (low) – 10 (high) most stakeholders rated the organisational culture below 4.

The findings of this assessment suggest that the capacity of agency could be strengthened by reviewing the organisational structure of the Ministry. Questions were asked as to whether the divisions provided the most effective use of resources, reflected their core mandates responsibilities, and whether existing staff could be utilised better in other areas.

A new organisational structure is proposed with the following considerations:

1. The separation of the Courts from the Ministry operations, the role of Chief Justice and an accountability role of the Registrar of the High Court to the Chief Justice.
2. The Secretary role in managing the Ministry operations - independent of the Courts.
3. Strengthening the probation and prison services through a focused Corrections division enabling sharing of resources and synergies in rehabilitation and reintegration services.
4. Employing a single manager to oversee the information services division of the Ministry. Combining the land, land trust and survey information with births, deaths, marriages, companies and incorporated society registers recognising these areas are the basis for an integrated electronic information system for the future.
5. Strengthened corporate services to facilitate improved financial systems and procedures, as well as a human resources function to support better workforce planning, training, performance and succession for the entire Ministry. ICT will play a key role for the entire Ministry.

The proposed organisational structure will involve:

- Fewer tier two managers reporting to the Secretary
- Re-focusing the roles and responsibilities of all tier two managers to manage job descriptions and staff performance, budgets and operations for their divisions.
- Improving management processes and procedures within each division
- Enable job sharing within divisions and job rotations across divisions to develop skill levels of all staff to understand all the work required of the Ministry

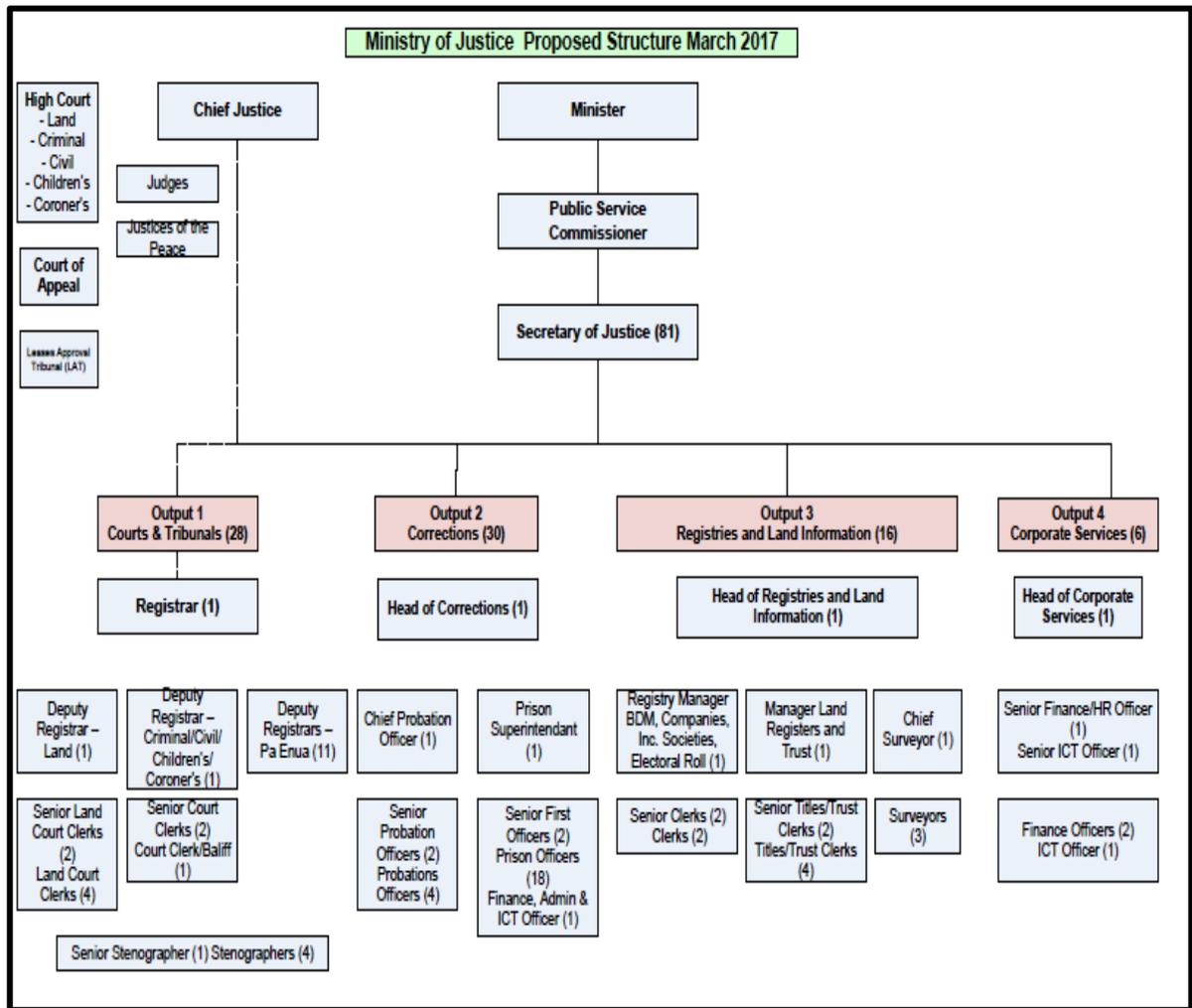
There is a need to strengthen the communications function to ensure that stakeholders are adequately informed on the progress and achievements of the Ministry. During the consultation staff within the Ministry engaged in open discussions around all aspects including the organisational structure, roles, responsibilities and work processes. There is an opportunity for continuing this discussion in order to strengthen the proposed divisions and to improve understanding of various jobs in the new organisational structure.

To measure the organisational and staff improvements a human resource focus will be a critical requirement for all managers. Managers need to support employee relationships as well as understand and manage staff development. Managers must develop and implement individual performance management agreements with staff and inform the Secretary of employment conditions and key issues relating to employment. Further improvements will be seen in annual performance reviews, reporting and employee engagement surveys.

Reporting of Court activity commenced in 2011 with the support of the Pacific Judicial Development Programme showing how judicial and court baseline data can be used to improve the administration of justice across the region. The final report in 2014 concluded that there have been significant improvements in the ability of the courts in the region to report on their performance each year to the public. It also endeavoured to increase transparency in relation to court performance with the court producing or contributing to an annual report that is publicly available. The findings of this assessment would recommend the strengthening of this reporting to be led by the Registrar of the High Court.

Recommendations:

- Consult with Cook Islands Investment Corporation to assist with the redesign and renovation of the Ministry office and workspace areas.
- Confirm the new MoJ organisational structure with the Public Service Commissioner
- Advertise and confirm all Tier two management positions
- Advertise and employ staff into all positions of the new organisation structure
- Registrar to continue to report on Court Trends annually and make this public
- Establish a communications function with the Ministry



3.5 Capability of staff and the agency

Consultations with Ministry staff suggest that there are process, capacity and ICT challenges. The physical environment is not conducive to productive work behaviours and is a major challenge - as a result work flows are hindered. The capacity of the staff and the agency to deliver on its mandate will be addressed within each of the divisions so that gaps and challenges can be addressed in the CCDP

3.5.1 Courts and Tribunals

Although the Court does not sit full time there are different sittings of the Court conducted every week which puts a heavy burden on the small number of Court staff who are employed to service the Judiciary. In most cases the consultations and reviews suggested that the Judiciary and Courts are very well run and the Court has a full complement of highly experienced New Zealand Judges for the Court of Appeal and High Court. The Ministry's 2014-15 Annual Report and other reports recognise that the Cook Islands are very fortunate to have judicial officers with very senior experience and caliber. The review noted how the remuneration of Judges has remained static for many years, despite the increase in court work and clearance of case backlogs in the criminal courts division. Moreover, the budget for judge's expenses including that for justices' of the peace (JPs) has not kept pace with actual costs of running the judiciary. It was noted that Judges were performing judiciary services in New Zealand, before and after their court sessions in the Cook Islands.

The former Chief Justice confirmed that the current performance of court staff would be equal to any staff in New Zealand courts and spoke very highly of the High Court Registrar and the senior criminal/civil courts clerk. The senior stenographer was noted as an excellent performer. Noting that stenographic work as a skilled occupation, the Ministry needs to provide adequate compensation and ongoing training to ensure there are replacements and adequate staff when required.

The High Court Judges involved with electoral petitions have all made recommendations to officials in relation to electoral reform referred to in the section on Electoral reform. There are significant flaws in the current law, which can and should be addressed. The extensive demands upon the Court to deal with the election petitions inevitably results in consequential delays in other Court sittings. Audio-visual hearings by way of Skype were held during the election petitions from the 2014 elections and it was a key success that the court intends to continue using wherever possible. The use of Skype enabled the Court to conduct hearings in the Outer Islands where, because of a lack of resources, would not otherwise have been able to do. This is critically important to the maintenance of the 'Rule of Law' in the outer islands.

Criminal and Civil Courts

The Criminal Division of the High Court has been able to manage cases with few delays over the past two years. The former Chief Justice noted the issues with trial by jury cases, which are available for many offences in the Cook Islands. However there were insufficient sitting times available to hear all cases when trial by jury is elected, which caused backlogs. The former Chief Justice added that trial by jury should be changed because in a small community like the Cook Islands where an independent jury is very difficult to form. A proposed recommendation is to have lay assessors or three JP's (Cook Islanders) sitting with a Judge to hear these cases.

The Criminal/Civil division staff are responsible for the collection and implementation of the court orders requiring court costs and fines to be paid. The current process for the application of Court fees, costs and reparation orders is uncoordinated with only approximately 60% being collected and paid into the Law Trust. The rule of law is being challenged in court orders are not being enforced which is the case with Police fines, and therefore this situation should be remedied immediately. Unfortunately the Ministry does not have sufficient staff that can be called on from other Divisions to serve the Warrant of Commitments therefore the employment of a bailiff within the Criminal Division is recommended to serve and enforce court orders. This will strengthen the collection of court costs and fees and ensure reparation costs as ordered by the court is paid.

Land Court

As raised in a number of discussions with stakeholders, there is an increase in matters being presented to the Courts in recent years. Pressures are particularly acute in the Land Division and, to a lesser extent, in the Criminal Division. The number of land applications dealt with is significant but there is an unacceptable backlog. While steps have been taken to organise extra sittings of the Land Court it is too early to tell what difference these are making. Consultations confirmed that the Land Court staff must prioritise their time that requires working on case management and ensuring applications to the court are correct and ready for court hearings. Most stakeholders, including the legal fraternity complained of delays in the Land Court and Land Information Divisions that were caused by poor administration, poor file and case management and information management. It was suggested that the Deputy Registrar's priorities must be to serve those who have filed applications in the court, ensuring these are checked and ready for the next sitting of the court. The High Court Registrar has confirmed that file management issues are being addressed with procedures being better outlined and explained to staff.

The Ministry will be instigating an initiative to address the back log issue. One day per week the Land Court and Registry (information) divisions will be closed to the public, commencing in April 2017. This will assist staff to prioritise queries better. It was difficult during this assessment to understand without further analysis, as to the actual number or type of cases and decisions being deferred as a result of the land court transcripts and titles backlog. It will be important over coming weeks to assess what makes up the backlog of cases and to prioritise the most urgent cases that have been deferred as a result of transcripts not being available or information that is not correct on the electronic land titles register. The Court Registrar could then prioritise the extra work of stenographers and the land titles division.

Coroners Court

Three new coroners were appointed from December 2016 - 2019¹⁰ which provides for a full complement for hearings on the bench. Consultations confirmed that the cost of an inquest or a pathologist report which may be ordered by the Coroner is very expensive and partnering with an overseas medical service provider has yet to be identified.

Leases Approval Tribunal

Stakeholder discussions suggest that the Leases Approval Tribunal (LAT) is no longer required and the work of the LAT is a duplication of applications that will also have to be heard in the High Court. Others suggested the role of LAT is required and should remain.

Justices of the Peace

The assessment found the current JP jurisdiction is not well established by way of legislation and recommended for the jurisdictions to be restructured. In the absence of an amendment to Judicature Act, Judges Practice Notes have been issued (1) to extend the rules for Court hearings in the outer islands, to be confirmed by the Registrar of the High Court and (2) concerning the role and authority of JP's who are authorised to sit in Court and exercise jurisdiction in the Court. Consultations confirmed that the JP jurisdiction in Rarotonga generally works well and most are pleased with the work of the JP's and their contribution. Extending their role to hearing uncontested succession orders has already commenced and is expected to continue. The current Chief Justice is seeking to extend the core group of JPs to sit as judicial officers, to ensure there is succession planning in place. Although JP's are a result of a political appointment, the consultations with JP's suggest they are only as good as the training and ongoing support that the judiciary provide.

Deputy Registrars on the Outer Islands

There are seven outer island Deputy Registrars that are each paid an annual salary. There is very little information that justifies maintaining this annual budget line of \$92,000 for the limited services provided by the Deputy Registrars. This includes representing the Courts, preparing cases for the JP or Justice, probation work, and registering births, deaths and marriages. Although this seems to be a large number of tasks there is little justification in the annual reporting by the Ministry that there are sufficient transactions for the allocation of this large budget line, when there are some staff on Rarotonga having to work a full 35-hour week to process more transactions and meet service demands.

It is recommend that this budget line is transferred to increase the personnel budget line for other Ministry employees and that current Deputy Registrars are placed on employment contracts (except for Aitutaki and Atiu), reflecting payment for transaction costs for services delivered on behalf of the Ministry. A proposed hourly rate of \$20 could be considered. The former Chief Justice indicated the success of "Skype" calls for court hearings in the outer islands and therefore this could be utilised further in the outer islands for actions requiring Ministry input.

¹⁰ Cabinet Minute (16) 0456 – November 2016

Land Agents

Many stakeholders confirmed the creation of Land Agents in 2009 who are able to act as advocates in land matters before the Courts, has resulted in significant growth in the amount of work before the Courts, yet no steps have been taken to increase the resources of the Court, nor the sittings of the Court, as a consequence. A major area that is cluttering the Land Division Court are the number of cases brought under section 390A of the Cook Islands Act 1915, where the jurisdiction to hear these cases is conferred upon the Chief Justice, who is required to set aside earlier land decisions vitiated by mistake or error. These can be very time-intensive but the nature of the jurisdiction leads, inevitably, to detailed (and lengthy) enquiry. Of concern for stakeholders from the legal fraternity is that the majority of these cases have been brought by Land Agents, who are poorly prepared, lack legal training, causing more harm than good and wasted time and resources.

The review found that Land Agents should be subject to a code of conduct and this issue could be resolved under section 3 of the Land Agents Registration Act 2009, which establishes a Land Agents Registration Board and section 31 that authorises the Board to make all such regulations as may be necessary for giving full effect to the provisions of this Act, which would include prescribing a Code of Conduct by which Land Agents shall be bound.

Recommendations:

- Advertise and employ a Bailiff for the Criminal Courts Division
- High Court Registrar to implement a file and case management system, and appointment system for Land Court staff
- Publish Court application outcomes and progress updates on the MoJ website
- Identify staff to train as stenographers and advertise stenographic services
- Land Court Deputy Registrar and Land Titles staff to prioritise pending or deferred land court cases
- Develop a partnership with the Ministry of Health for overseas pathologists to undertake coronial work in the Cook Islands
- Amend the Judicature Act to regulate Justices of the Peace authorised to sit in Court
- Implement employment contracts for Deputy Registrars on the outer islands
- Land Registration Board to prescribe a Code of Conduct for registered Land agents

3.5.2 Registries

The Ministry is responsible for the following critical registries that require careful procedural and technical changes if improvements to the systems are to be made. There are five registry's that include:

The Births and Deaths Registry is currently up to date and running well with registered records are from 1917 to current day. Information is recorded on an Access Database that has no management documentation in order for changes to be made to the database. The system is adequate but will require upgrading if the information is to be integrated with the electoral roll or the land information system. Important in the consideration of this data is how it is used and reported. The Statistics Division of MFEM also collects this data and at the same time checks this data with the Ministry of Health for accuracy and correctness. To assess the workflow capacity and requirements for staff, the Ministry annual report numbers were compared with the actual births and deaths recorded by the Statistics Division.

Year	Justice Registry Division		Statistics Division	
	Total Birth Cert. Issued	Total Death Cert. Issued	Total live Births	Total Deaths
2012-13	3290	464	259	104
2013-14	3335	480	256	115
2014-15	1963	254	204	113
2015-16	2611	431	205	102

The findings in the above table demonstrate that a large amount of work carried out by the BDM staff requires issuing of copies of birth and death certificates. Extra certificates issued requires a very reliable search engine in the database and ensuring that the historical information being provided is accurate. A total of 300 plus new transactions annually is entered in the database.

The Marriage Registry is increasing with over 90 percent of marriage licences issued annually for visitors. Marriages are part of the growing tourism industry and therefore one way of ensuring that this visitor market continues, is ensuring marriage licences become easier and more accessible for the tourists to apply for and receive. An online application that will go hand in hand with the current manual system initially might offer a more streamlined option for visitors wanting to get married in the Cook Islands. As well this could be carried out with the private sector who have an interest in this area. Ensuring the search engine of the current database is accurate and available is important especially for those seeking copies of marriage certificates.

Year	Marriages Licences		Marriage Certificates	
	Total Issued	Visitors	Local	Visitors
2012-13	795	752	64	830
2013-14	740	670	63	780
2014-15	739	664	57	689
2015-16	644	565	70	650

The total number of BDM transactions annually are approximately 1,500 and there are currently five staff members. Without a full analysis of workflows and other areas that some staff might be involved in, it would be premature to recommend that there might be room to redeploy staff to other areas of the Ministry or retrain staff. BDM statistics are also recorded by the Statistics Division of MFEM and in most cases these statistics are verified and checked to ensure they are accurate and correct. This cannot always be said with the statistics and database of the Ministry. Streamlining the information so that the data is entered once and can be used by various Ministry's for different purposes is very important.

The assessment found that more emphasis and focus was required within the land information division and access to the BDM database could be made available anywhere on a Government website. Moving BDM to a different government ministry could be considered as other jurisdictions include BDM functions in the Ministry of Internal Affairs. The Companies and Incorporated Society Registries in most jurisdictions are placed in a Ministry of Commerce. The Annual Report of the Ministry shows that there are 1051 active private domestic companies. Statistics provided by staff indicate that approximately 75 new companies are formed each year, which approximates the number of entities struck off the register. There are no public companies, corporation soles, flat-owning companies, insurance companies or bank companies, and all entity types mentioned in the 1955 Act.¹¹ Therefore the number of annual transactions is relatively small.

¹¹ The provisions governing these entities may not be needed in the Cook Islands.

An ADB project review and feasibility for the online company register suggests that considering all of the other issues that the Ministry faces it was noted that the online company registry might be difficult for the Ministry to give it the proper attention it deserves. This assessment found this to be the case as the Online Companies Registry for international companies and trust was implemented in 2011. The Ministry has not moved towards implementation since then, but work is underway by the ADB in reviewing and drafting three key pieces of legislation: Companies Bill, Incorporated Societies Bill and Personal Property Securities Bill.

Discussions with staff who are involved in maintaining the Company Registers state that they are awaiting the passing of legislation prior to implementing the online registry. Discussions with ADB staff confirmed ADB's intention to provide technical assistance to prepare a project implementation plan and training support to implement the online registry. Consideration should also be given to expanding an overall Government online company register to include incorporated societies.

Recommendations:

- Use only one BDM registry within Government
- Scope the transfer of the BDM registry function to another government ministry
- Scope and implement online marriage license applications and certificate issuance
- Implement online Company and Incorporated Society Registries

3.5.3 Land Information and Survey

Land was the single most issue that the majority of stakeholders wanted to discuss. The Cook Islands land system is unique and is a critical resource for most Cook Islanders. The former Chief Justice expressed that in many respects, the Land information (titles) division is under-resourced, adding that part of the problem is the need for land reform with Cook Islands solutions to inform changes to land laws passed by Parliament over the last century. Consequently, the workload of the Land Courts and Land information division have increased significantly in recent years.

There are other issues that were raised during the assessment which included delayed failure of the Deputy Registrar to seal court orders after decisions were given, in particular partition orders. Another issue, was poor access to records and people getting on land that they have no rights to due to mistakes on the Land Titles Register caused by a combination of human error, delays in sealing court orders and updating these changes on the Land Titles Register. Discussions regarding the land records and a review of reports on land matters, during this assessment, demonstrate that the issues that exist now have been ongoing for the last 20 plus years.

These issues are summarised as follows:

- Inaccurate and incorrect land information on the land titles registers
- Delays in land applications being filed before the court
- Backlog of Land Court Transcripts dating back to 2003
- Very high land application fees and charges to access land information
- Increased applications for s390A
- Procedures are not transparent or communicated in both Maori and English
- Insufficient dedicated and knowledgeable frontline customer service officers to assist customers with their queries
- The land tenure system needs review to consider various matters such as: modernising land laws, absentee land owners, adoption and feeding children, and occupation right to freehold etc.

The Scoping of the Electronic Land Registers of Titles (ELROT)¹² (“Rongokea Report”) states that the Ministry can only guarantee an estimated 60 percent accuracy rate on the electronic register. Out of the 34 Land Title Registers, only one third of the records were digitised, with 22 registers still to be digitised. During the consultations the errors and omissions found by the Rongokea report had been corrected and updated for 12 ELROT with the 22 remaining to be corrected and updated. During the consultations with Ministry Staff it was unclear what was meant by the ‘backlog’ within the Land Titles Division. Understanding what made up the backlog was very difficult and therefore to assess and quantify what might be necessary to alleviate the pressures of the ‘backlog’.

Land transcripts are also a major issue together with digitising the land title books. Prior to 2008 the audio system used makes it difficult to delineate clearly the different cases being heard before the Courts. Between 2003 and 2008 there was an estimated 450 audio tapes of court proceedings, 54 are incomplete, 151 have not been touched and all the tapes that have been transcribed need checking and editing. It has been recommended that the contested cases on these tapes should be transcribed. It is unclear from this assessment as to what has been done since the “Rongokea” report was completed in 2010.

Since 2008 the new For the Record (FTR) system has made transcribing much easier although there remains a major backlog because some cases have not been transcribed which means Court orders have not been sealed and will not appear on the Register of Land Titles. The analysis and findings of the Rongokea report showed that there was a lack of training for staff that were charged with working on the backlog because there were incorrect, double, and missing entries. The major reason for the transcription is to ensure that the judge and the parties to the case are aware of what was previously said in other cases regarding the land and why a particular decision was made. There are cases where the High Court Judge will not make an order until the transcripts are provided. It would appear that the Land Titles section requires a more structured work programme with a number of checks and balances in place to ensure that the information that is being entered on the Register of Land Titles is correct. To address the backlog in land court transcripts and prevent such backlogs in future, further financial support is required to train stenographers to work on these transcripts as well as exploring the option of sending the audio tapes to New Zealand for transcribing by a professional stenography company. The report recommended that all land court applications that are received are scanned on receipt and then the progress of the application is tracked on line. This would ensure that applications are not lost and the hard copy will still be available for the judges.

The Rongokea Report recommendations have been noted in this review and should be implemented as a matter of urgency especially when digitising the land information.

Survey

Discussions with the survey division indicate that this is a forgotten area that requires essential resources to undertake its work. The accuracy of land survey division was challenged in the High Court recently with a decision that the Survey department although at the time was in the Ministry of Infrastructure, was held liable for a landowner building his house on the wrong property. The Government has been found negligent for not checking and providing correct information. This case might be one of many and the risks of this occurring in the future are quite high. The Crown Law office is now appealing the decision. The current New Zealand survey legislation used is outdated. A new bill is required to modernise the profession and assign to the Chief Surveyor the role of registering surveyors to maintain survey records.

¹² Report by Lynnsay Rongokea, Commissioned by the Ministry of Justice

The Survey Division requires appropriate equipment such as a flatbed or cradle scanner to scan the fragile files and maps. Transport is required so that the surveyors are able to check the work of private surveyors, prior to land partitions being confirmed.

Recommendations:

- Land Titles Deputy Registrar implements a work programme to address the “backlog”
- The High Court Registrar confirms and informs parties when court orders are sealed
- Train, employ or contract stenographers to transcribe audio transcripts
- Implement recommendations from the Rongokea Report
- Purchase survey scanning equipment and invest in appropriate transport

3.5.4 Electoral Office Function

The Ministry is responsible for compiling and publishing an annual Electoral Roll. The Chief Statistician has the role of the Chief Electoral Officer, responsible for the day to day running of elections despite the mandate for the oversight of Electoral Act 2004 being assigned to the Secretary of the Ministry of Justice - as the Chief Registrar. The primary responsibilities of the electoral office are to maintain and publish a correct electoral roll and run general elections. Both responsibilities are being managed by the Chief Electoral Officer within the Statistics office, but discussions are required to determine whether updating the electoral roll should be returned to the Ministry of Justice – as mandated under the Act.

Recommendation:

- Finalise amendments to the Electoral Act 2004

3.5.5 Probation

The Probation Service is mandated through the Criminal Justice Act 1967 and the Prevention of Juvenile Crimes Act 1968. Probation service received positive comments during this assessment in terms of providing very good and timely Probation Reports. There are six probation officers on Rarotonga and one each on Atiu and Aitutaki. The Deputy Registrar deals with probation matters on each of the outer islands. The annual report provides some information that outlines the activities carried out by the probation service but there was little discussion during this assessment on the work of the probation service except that a vehicle is essential in order for staff to undertake probation work which includes:

- Managing offenders sentenced to terms of Probation Service such as community service
- Monitoring compliance with court orders, probation and parole conditions, through home visits and night patrols
- Managing juveniles placed under supervision and serving the Juvenile Crime Prevention Committee
- Meeting and interviewing people to inform the preparation of court and parole reports
- Delivering of summons for breach cases

Of concern for the division is that the current interview room that has no privacy as it is close to the photocopy machine used by staff and the probation service counter is shared with the survey division. The area cannot be closed off and staff around the interview room can hear whatever is being said and discussed. The service counter where probationers report for signing of their reporting card is also open to members of the public.

Recommendation:

- Identify a private interview area for Probation

3.5.6 Prisons

Discussions with the prison service staff and a former Secretary of Justice indicate that the current problems of staffing, resourcing and infrastructure have been ongoing issues since 2009. The last upgrade of the prison was in 2011 and findings of this assessment have identified further upgrades to the prison facilities are required. The upgrade should be based on United Nations (UN) minimum standards for the treatment of prisoners. These minimum standards also provide guidance to determine the changes that need to be made to the physical structure but most importantly the development of policies and procedures for the security and management of inmates.

The wardens consider the following as important areas for this assessment to consider:

- Support systems that ensure staff are valued and rewarded
- Not getting quality staff due to pay being offered
- No matter how long you work here you are still on the same salary
- For the last 10 years the pay structure has been the same
- All or most of the staff are currently on a basic salary
- Performance appraisals are not done because there is no ability to increase salaries

Two recent reports have recommended a review of the Prison Act 1967 and for the 1968 Regulations to be updated. However discussions held suggested that if there are to be changes to the Act, consideration should be given to ensuring that the any amendments should take into account the Cook Islands values and context, not simply reflect the New Zealand system. Discussions noted the difference in Cook Islands culture to New Zealand and Australia emphasising the need for policies and legislation to reflect Christian values and practices prevalent in Cook Island communities.

Two priority areas that the review team were asked to consider were firstly appropriate compensation for the wardens and secondly rehabilitation policies for inmates.

Ministry of Health Regulations have been changed declaring the prison as an inpatient treatment centre for patients with mental disorders. In the past, the prison was the default centre and the police cell was an alternate holding cell. However, prison staff have to be very vigilant and concerns raised are that the wardens are not trained to supervise these inmates. The medical assessments and treatment are the responsibility of the Ministry of Health and training of Prison staff is an urgent requirement especially now that there are currently four inmates that have mental health issues and require special care. A recent Cook Islands Audit Office report confirmed the request to strengthen the financial systems at the prison. Key findings suggest that prison labour released on work gang programmes in exchange for items received in kind and payments for hireage, were not recorded or receipted correctly by prison staff. The allegation is that prison staff facilitated the diversion of part of these monies from the Ministry revenue including inmates income derived from the work scheme programme that were not banked, short banked or banked into the wrong bank accounts. There is clearly a culture where systems are not followed and management has failed to ensure that inmates' rights are being protected. The report confirmed the abuse of inmate labour and misappropriation of revenue was possible with minimal oversight from the Ministry office.

The issues with insufficient operations budget for the prison has been discussed and requires urgent attention. This includes:

- Cost of prison meals
- Operation requirements for power
- Maintenance
- Consumables

A review of the true cost of running the prison must be established and ring-fenced in order for the prison to get to a point of self-sufficiency. It is unclear whether a cost benefit analysis would need to be undertaken to decide on the best options to provide meals for the inmates.

It will be important that focus of the prison is shifted to rehabilitation programmes for inmates in the short term, and concentrating on training and community service rather than the hiring of inmates for receiving 'in kind' donations of food and equipment. This will enable staff to ensure they understand the prison regulations and importance of quality management systems. The findings of the assessment conclude that changes are urgently required to support and strengthen the prison service. The critical areas to be addressed immediately are identified as:

- Probation and Prison services are combined under a semi-autonomous Corrections division
- New job descriptions are completed and evaluated for all probation and prison staff
- Advertise and appoint a Manager for Corrections to oversee the Corrections division with a reporting line to the Secretary and Public Service Commissioner
- Corrections Services has a monthly operating budget through an Administered Fund
- Income received by Corrections is paid to the Administered Fund managed by MFEM
- New staff working hours cater for minimum requirements of a 1:4 staff to inmate ratio
- Ministry of Health to train two prison wardens to care for inmates with mental illness

Recommendations:

- Advertise and employ a Manager for Corrections Services
- Confirm the operations budget allocation for Prison Services
- Training of two wardens to support inmates with mental health disorders
- New job descriptions are developed for all Correction Services staff and evaluated to take into account new working hours and arrangements
- General training provided for all Correction Services staff

3.6 Systems (finances, human resources and information management)

The Corporate Services Division of the Ministry oversees for the most part all the various systems for the Ministry. This includes financial, human resources, ICT and data management systems to ensure the Ministry operates efficiently and effectively. The Ministry systems and management of these systems is not clearly understood and this assessment has noted within each area of Corporate Services, issues with financial management, ICT and data management systems.

3.6.1. Financial Management

The finance systems of the Ministry include all financial areas however there two accounts that receive passing oversight by the finance officer which is the Land Trust and Law Trust accounts. Having these operated in other divisions of the Ministry is an issue and ensuring that these accounts are correctly accounted for and reconciled is an issue.

The collection of court ordered reparation costs and restitution payments to victims is recorded through the Law Trust account. The Criminal/Civil Courts division is responsible overseeing the execution of these court orders and the finance division records of payments received and paid. However, there is no reconciliation of the Law Trust account receipts to court costs imposed and still outstanding. Prison revenue is collected by prison staff according to the work scheme roster. A Special Review by the Cook Islands Audit Office in February 2017 found discrepancies in the recording of revenue from the work scheme programme and underpayments to inmates for work completed and crafts sold to external parties.

The lack of financial analysis into the costs of providing the Ministry's functions has resulted in significant under-resourcing in some areas such as the prison and the courts, offset by high fees imposed on some users of the Ministry's services. The under-resourcing of the Prison has been evident for years with a former Secretary of Justice highlighting this issue in 2009, leading to poor living conditions for inmates and a work gang programme to supplement basic food requirements for inmates and operational needs of the prison.

The under-resourcing of the courts has led to a backlog in Land Court transcripts and inaccurate land titles information, creating potential litigation against the Government for negligence. The current financial system of the Ministry is partially managed through a shared service agreement with MFEM:

- Preparing the annual budget and accounting of annual budget allocations
- Recording trading income or ROBOC
 - collection and receipting of fees for Birth, Deaths, Marriages, Company Incorporated Societies and Securities registers
 - collection and receipting of fees for land title searches and survey plans
 - collection and receipting of land rental fees which are deposited and then distributed to landowners from the Land Trust Account
 - collection and receipting of court order reparations and disbursement of restitution payments to victims of crime through the Law Trust Account

The finance division has two staff members and it is difficult to track the work of other staff that might be used to support the finance division. The finance division is stretched to the limit and requires an extra staff member to share the role of front office cashier, which has been frequently covered by staff from the Land Titles division. The example below demonstrates the number of revenue transactions that are captured by the system each month and additional to these are transactions that include:

- Preparing all payment vouchers
- Approving payments from for other divisions such as the Prison
- Preparing financial and management reports
- Checking and reconciling receipted revenue with daily banking

	Number of Receipt Transactions per month						
	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Revenue	844	1374	967	888	713	776	897
Average per day	34	55	39	36	29	31	36

BDM and Company staff automatically receipt revenue received from issuing of certificates or licenses. Two staff members in the Land Titles Division are responsible for maintaining the Land Trust account and the varied transactions of receiving rental income and distribution to landowners. The Criminal/Civil Courts staffs enforce orders to collect court fees and costs and the finance division are responsible for recording court costs as ROBOCs and reparation fees into the Law Trust Account. The findings also suggest that court ordered costs and fees difficult to collect and it is likely that a high proportion of outstanding costs may never be paid, but this was not verified during this assessment.

The Ministry Financial Audit Report as at 30 June 2014 highlighted a number of issues with regard to the accounting for revenue and number of dated receivables. The latest audit report for the Ministry recommends that management needs to strengthen its internal control procedures over all areas of income and expenditure. During 2016, the Secretary agreed to remove part of the financial management services, including compliance, analysis and reporting functions to MFEM, however the Secretary retains full responsibility and accountability for all spending by the Ministry and for ensuring compliance with the Government financial policies and procedures.

MFEM has the role of reconciling accounts payable and receivable, the operating bank account, ROBOCs, Fixed asset register and Administered Fund for the Ministry. MFEM also assists with preparing the Ministry Budget and preparing accounts for audit. This requires addressing issues highlighted in prior year audit reports. Both the Land and Law Trust Accounts have large numbers of transactions with the staff within the respective Divisions maintaining the accounts. The Ministry is facing recording and financial system challenges, which needs improvement over the next few months with the support of MFEM. There are high risks associated with these accounts that are not being reconciled by the Ministry. The assessment found that there were no written financial procedures although a draft procedural manual had commenced at the Prison. MFEM has confirmed that staff could be made available under the shared services agreement to support the implementation of better financial procedures and processes, until a new centralised financial management information system (FMIS) is implemented over the medium term.

A proposed budget for the Ministry has been assessed based on the previous two years budgets. The findings show there is no justification to reduce the overall Ministry budget. The proposed changes are to create a separate Prison Operations Budget under an Administered Fund, along with Judges and JPs Costs, Legal Aid, Coronial Inquests, and Land court transcripts and titles backlog.

Years	2015-16	2016-17	2017-18	2018-19
Trading Revenue	500,000	500,000	120,000	120,000
Courts & Tribunal Services	130,000	130,000		
Land Information	120,000	120,000	120,000	120,000
Registry Services	150,000	150,000		
Prison Services	100,000	100,000		
ROBOC	50,000	50,000	330,000	330,000
Court Fines	50,000	50,000	50,000	50,000
Courts & Tribunal Services			130,000	130,000
Registry Services			150,000	150,000
Total Revenue	550,000	550,000	450,000	450,000
Personnel costs	1,442,361	1,442,361	1,980,750	2,195,288
Administered Fund	217,000	337,000	800,000	530,000
Court Judges & JPs costs	177,000	177,000	300,000	300,000
Legal Aid	40,000.	40,000	40,000	40,000
Land Titles/Transcript backlog		120,000	270,000	
Coronial Inquests			50,000	50,000
Prison Operations			140,000	140,000
Operating Costs	399,371	399,371	200,000	200,000
Depreciation	118,047	118,047	120,000	120,000
Total Costs	2,176,779	2,296,779	3,100,750	3,045,288
Net Appropriation	1,626,779	1,746,779	2,650,750	2,595,288

Recommendations:

- Reconcile the Law Trust Account and Land Trust Account
- Identify and transfer staff from the Land Titles to the Finance Division
- Advertise for further short term contractors for the Land Titles Division
- Improve financial management systems within the Ministry
- Establish financial policies and procedures identified in the 2014 Audit Report

3.6.2 Trading Revenue

The Ministry in the past has relied on trading revenue for funding of its operations. In the 2015 reporting period the amount of court costs collected in the reporting period is approximately 68% of the total court cost imposed. The reason for the low collections is attributable to the lack of personnel (bailiff) to serve warrants of commitment and collect court costs and fines.

The assessment findings confirmed that the fees charged by the Ministry are high and a preliminary assessment indicated that the fees charged are more than the costs for provision in most instances. The justification provided by the Secretary is that the Ministry must collect trading revenue to offset operating costs (except for personnel costs) that are solely funded by the Ministry. In other words the Ministry does not receive an operational budget, and therefore derives trading revenue to cover operational expenses.

To alleviate the issue of focusing on trading revenue instead of the major focus of providing appropriate judicial, registry and prison rehabilitative services, findings of the review concluded that trading revenue be removed from the Ministry budget and recommended:

- The Ministry appropriation for operations (except Prison) must be allocated monthly
- Births, Deaths, Marriages, Companies and Incorporated society fees be treated as ROBOC, and therefore will not reduce the operations budget
- All court ordered costs (existing ROBOC) is extended to include all other court-related fees, without reducing the operations budget.
- All other income for Land Title Searches or filing of applications, photocopying and commission received from Land Trust will be considered trading revenue.
- To assist with the collection of fees an EFTPOS machine is installed at the Ministry.

Consideration should also be given to allow PDF files to be sent to land search clients via email and to allow USB sticks to be used instead of photocopying

Recommendations:

- The Operations Budget for the Ministry (excluding Prisons) is paid monthly
- Continue implementing the Shared Services Agreement with MFEM
- Review all ROBOC charges of the Ministry to simplify implementation
- Confirm BDM, companies and Incorporated society fees are now a ROBOC
- Review all trading revenue to reflect actual service costs

3.6.3 Administered Fund

The administered fund was formerly a POBOC, administered by MFEM. The review recommends the following allocations be paid from an Administered Fund from the 2017-18 financial year onwards:

Administered Fund	217,000	337,000	800,000
Court Judges & JPs costs	177,000	177,000	300,000
Legal Aid	40,000.	40,000	40,000
Land Titles/Transcript backlog		120,000	270,000
Coronial Hearings			50,000
Prison Services			140,000

Legal Aid

The Ministry's Legal Aid Policy identifying appointed practitioners and eligibility to apply for legal aid should be made public for key stakeholders to be aware of. The review found these funds have not been accessed during the 2016-17 fiscal year. Members of legal fraternity spoke of the difficulty in access these funds, to cover their costs for legal representation of persons brought before the Criminal Court.

Court Judges and JP costs

The Appeal and High Court Judges costs have previously been split between the Ministry operations and administered funds. It is recommended that this become one administered amount from July 2017. The table also includes the allowances for JP's who also benefit from savings as a result of Judges' fees being waived by those Judges who currently sit on the bench in New Zealand.

Airfares includes spouse	5,000	40 trips / year	100,000	
Accommodation	340	130 days	44,200	
Rental Cars	60	130 days	7,800	
Judges Fee	530	130 days	68,900	220,900
Contingency and emergency court cases				
Airfares	5,000	6 trips/ extra	15,000	
Accommodation	340	30 days	10,200	
Rental Cars	60	30 days	1,800	
Judges Fee	530	30 days	15,900	42,900
Total Administered Fund for Judges 2017-18				263,800
JP's Allowances at \$200 per day				35,000
Total Administered Fund Judges and JPs costs				298,800

Land court transcripts and Land titles register backlog

Budget support has been provided for two fiscal years at \$120,000 per annum until 30 June 2018 to update land titles and land court transcript backlogs. Six staff are employed to enter and check entries in the land titles registers and two stenographers have been employed to transcribe land court transcripts dating back to 2003.

A list of Land Titles Registers and audiotapes still to be transcribed and interviews justified the continuation and an increase in the administered fund. The following budget is proposed to have the outstanding 22 land registers updated, and 2004 to 2007 audio tapes transcribed and bound into minute books during the 2017-18 financial year.

Transcripts & Titles	Comments	2016-17	2017-18
Two Stenographers	Funded to June 2018	65,000	65,000
Land Titles staff	Funded to June 2018	55,000	55,000
Additional Administered Fund requirements:			
Stenographic services	Transcribing work to be carried out for the period 2003 – 2014.		50,000
Quality assurance	Extra Supervision for checking of records		30,000
Short term contracts	Senior typists that could provide extra focused time- of say \$15 per hour		60,000
4 Workstations	Computer to be linked to network and overseen by ICT team at OPM		6,000
4 Desks and chairs	For the workstations		4,000
Administered Fund Total		120,000	270,000

Coronial Hearings including the cost of a Pathologist

The Coroner has had a small number of cases over the past five years but in the event of a case the expected cost would exceed the Ministry of Health or Justice budgets.

Cost per coronial report	Airfares, Accommodation and fees \$25,000 per report	2 per year	\$50,000
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Prison Operations Budget

During the assessment two Reports (McDermott and Cook Islands Special Review Audit) were published and both reports highlighted issues with regard to management and resourcing of the Prison. These included, personnel issues, financial management, regulatory matters and major security issues. Each of the reports clearly demonstrated that the current operation of the prison is a matter of concern and the risks associated with continuing the same management and processes should not be an option. In reviewing what is happening in other jurisdictions and noting there are some synergies with combining Prisons and Probation. This allows for the continuation of the existing Organisational structure but employing a qualified and experienced Corrections Manager to oversee both divisions. It is also important that the Corrections Division has the opportunity to work independently from the Ministry with financial reporting directly to MFEM. The current financial systems were identified by audit as being flawed, so reducing this risk is critical to improving operations. The Corrections Division is new and therefore it is appropriate under the mandate of the Public Service Act the Commissioner should have an oversight role. The Corrections Division will have a direct reporting role to the Commissioner.

The Prisons operations budget is based on the existing budget with increases to better reflect costs to adequately provide appropriate minimum standards for the inmates. Income has also been changed to reflect that all inmates on the work schemes should be hired for at the minimum wage, which is currently \$6.25 per hour that would apply for regular users of the inmates or a higher casual rate of \$8 per hour for casual hirage. The standard contribution for the inmate is 40 percent with 60 percent of income generated to sustain operations of the prison. Advertising, for inmates available to work, will be undertaken by the Corporate Services of the Ministry. A contract will be drawn up between the parties and payment for services will made directly to MFEM. The distribution of inmate's income, will be provided by the prison administration, with direct credit payments to the bank accounts of inmates being made by MFEM.

	2017-18	Comment
Trading Revenue	100,000	Day rate @ minimum wage
Operating Expenses		
Communications	7,000	Monitor mobile usage
Repairs and Maintenance	10,000	Security/cell maintenance Bedding and cleaning products
Consumables	35,000	
Foodstuff	85,000	Daily cost of \$6/inmate (40)
Inmate training	5,000	Rehabilitation programmes
Inmate medical supplies	5,000	Health needs
Inmate 40% income	40,000	Work scheme programme
Transportation costs	12,000	Fuel and MV maintenance
Staff uniforms/training	10,000	Staff training support Power check and solar power
Electricity	31,000	
Total Operating Expenses	240,000	
Total Net Appropriation	140,000	

Recommendations:

Confirm with MFEM an Administered fund allocation for:

- Legal Aid
- Judges and JP costs
- Coronial inquest reports
- Land Court transcript and Land Titles backlog
- Prison services operations budget

3.7.4 Information Management

Information technology and data management are enablers in the Ministry and will be a core resource to ensure that access to reliable and accurate information is available online at lower costs of users of the information. There are currently six databases working independently in the Ministry and the current staff have limited capacity to make changes to the databases given that most have been developed with no procedures. Most will have a limited life therefore it is critical for the Ministry to invest in scoping e-platforms that are available for the courts, corrections, registries, land information and corporate services. The current land court judge has offered his services to assist in this area because there are e-land systems used in the New Zealand Maori land courts that could be scoped for use in the Cook Islands. An overall integrated financial system is required and further work will be required to ensure that the platform meets the requirements for the new FMIS system being introduced by MFEM. The number of hits on the various pages of the website demonstrates that there are a large number of users who go the Ministry website to search for information. There is useful information with regard to land searches and requirements for succession order and occupation rights as well. Regular updates are required including letting stakeholders know when and what has been changed. During the assessment the review team found the Ministry's website was not openly promoted as a medium for accessing information by most staff. Despite this, the website has very useful information and public knowledge of this website could reduce customer enquiries that are common at the Ministry front counter every day. The website could provide information regarding:

- Court sittings dates for Judges and JPs
- Court case deferrals and decisions
- Court procedures
- Various registries
- Land, Survey and Land Trust services
- Probation and Prison services
- Frequently asked questions and answers about the Ministry services and fees

An important development is for marriage licences could be applied for online when over 90 percent of licences are for visitors or tourists who travel to the Cook Islands to get married. The process of how this might move to an online process needs to be further developed however in the meantime an online application could be completed prior to arrival and completed manually on arrival.

Recommendations:

- Update the website and scope online sales e.g. marriage licences
- Scope, cost and implement an integrated land management platform (e.g. LINZ)
- Scope, cost and implement an integrated ICT platform linking all divisions to finance
- Link electoral database to BDM
- Scope the inclusion of the Ministry of Justice into the e-government programme

3.7.5 Human Resources

The earlier sections of this Report highlight the need to establish a human resources (HR) support within the corporate services division to improve human resource management and development, and an invigorated organisational culture. Assistance will be required to ensure managers can implement performance management within their respective divisions to reinforce professional standards and services, rewarding outstanding performance and innovation. This work needs to include:

- Planning for an appropriate workforce for the Ministry
- Recruiting skilled and motivated staff
- Understanding employment terms and conditions
- Providing induction training and other training to improve performance and skills
- Setting performance expectations and conducting appraisals
- Remuneration and rewards

The HR function will support managers, manage change, staff development and performance over a transitional period of restructuring certain divisions, re-writing job descriptions and implementing a performance management and service-driven culture.

Recommendations:

- Confirm the delivery of a HR support function by the Corporate Services Division
- Review employee job descriptions and facilitate job evaluations for all jobs

3.7.6 Strategic Partnerships

During the assessment it became clear that there are areas of the Ministry that require more support than others. It became evident that core functions of the Ministry “administering justice” were being compromised as a result of varied issues from areas which are not the core function of the Ministry. The Ministry should identify strategic partnerships with national and international organisations. These could be forged through the existing networks of Judges who are well grounded in many areas of the justice sector in New Zealand, including their links to international organisations. Mentoring by Justices of senior court staff is very important and having Justices stay for extra days for this to happen should be discussed with the Chief Justice.

Inter-agency relationship building and sharing of resources such as with the Statistics division and identifying where current functions could be better served has not been thought through enough. The opportunity to manage current functions better has been missed. The strategic view of ensuring that functions are appropriate for this Ministry and others better placed elsewhere will be a necessary change in future. The Public Service Commissioner must ensure inter-agency relationships and building partnerships are forged wherever possible. The sharing of resources including personnel and making hard decisions on allocating functions with resources, is essential for a well-run public service – an important indicator that the private sector is looking to measure the public service against. Building on the work of the Pacific Judicial Development Programme and the Australian Judiciary will be important in the future development of the Ministry. Reporting has improved significantly over the last four years as a result of this programme, although the quality of the databases used and data management must improve to maintain the accuracy and completeness of statistics.

Recommendations:

- OPSC to review non-core functions of the Ministry and scope options for redeployment
- MoJ to build relationships with Judges and development partners to support its work
- MoJ to maintain and build partnerships with organisations in similar jurisdictions

4. CAPACITY AND CAPABILITY DEVELOPMENT PLAN

The Capacity and Capability Development Plan (CCDP) will support MOJ develop its capacity to improve its performance and service delivery. Principles underpinning the CCDP is that it must be: Cook Islands owned and led, maximise synergies where that exist, be action and result orientated, sustainable and build upon local strengths, and implemented at an appropriate pace for the Cook Islands capacity given the limited number of personnel required to undertake multiple functions. The three CCDP strategies include: Improving service delivery and support systems; strengthening policy and planning capacity; and building a culture of accountability and performance excellence.

4.1 Strategy 1: Improving service delivery and support systems

Outcomes	Goals	Recommendations	Responsibilities
Better service delivery	<ul style="list-style-type: none"> Improved customer service delivery Improved leadership and management of the ministry staff and operations Better office design to support customer-centric service delivery and operational efficiency Continued transparent reporting of Ministry and Court activities 	<ul style="list-style-type: none"> The Ministry must complete a Strategic Plan Public Service Commissioner to inform Cabinet of the findings of this assessment Secretary to confirm customer service training for all frontline staff An appointment system is established for land matters An urgent review of the Ministry's fees is completed and implemented Immediately review and evaluate all job descriptions Discuss with the Chief Justice areas that could be supported by individual Justices Consult with Cook Islands Investment Corporation to assist with the redesign and renovation of the Ministry office and workspace areas. Confirm the new MoJ organisational structure with the Public Service Commissioner Advertise and confirm all Tier two management positions Advertise and employ staff into all positions of the new organisation structure Registrar to continue to report on Court Trends annually and make this public Establish a communications function with the Ministry 	<ul style="list-style-type: none"> MOJ PSC MOJ, CITTI MOJ MOJ, MFEM MOJ MOJ MOJ, CII MOJ, PSC MOJ MOJ MOJ MOJ

4.2 Strategy 2: Strengthening Policy and Planning capacity

The focus of this strategy is to strengthen legislation, policies and procedures administered by MoJ.

Outcomes	Goals	Recommendations	Responsibilities
Better policy direction, planning and delivery	<ul style="list-style-type: none"> To modernise legislation, policies and procedures 	<ul style="list-style-type: none"> Ministry policies and procedures must be transparent and accessible by the public Ministry website is updated regularly Certain Acts need amendment, policy development and resourcing support to implementation 	<ul style="list-style-type: none"> MOJ MOJ MOJ, Crown Law Office and relevant government agencies and development partners

4.3 Strategy 3: Building a culture of accountability and performance

The focus of this strategy is to ensure that the Ministry is able to operate as a cohesive group that translates plans into combined action. This requires strong leadership to lead a well-managed and highly motivated workforce to achieve the MoJ goals and outcomes.

Outcomes	Goals	Recommendations	Responsibilities
Improved performance and service delivery	<ul style="list-style-type: none"> Fully functioning judiciary 	<p>Courts (9)</p> <ul style="list-style-type: none"> Advertise and employ a Bailiff for the Criminal Courts Division High Court Registrar to implement a file and case management system, and appointment system for Land Court staff Publish Court application outcomes and progress updates on the MoJ website Identify staff to train as stenographers and advertise stenographic services Land Court Deputy Registrar and Land Titles staff to prioritise pending or deferred land court cases Develop a partnership with the Ministry of Health for overseas pathologists to undertake coronial work in the Cook Islands Amend the Judicature Act to regulate Justices of the Peace authorised to sit in 	<ul style="list-style-type: none"> MOJ MOJ MOJ MOJ MOJ MOJ, MOH MOJ, CLO

	<ul style="list-style-type: none"> • Modernised and streamlined Registry services • Accurate and updated Land and Survey information • Modernised electoral legislation • Professional probation services • Modernised and professional Correction services 	<p>Court</p> <ul style="list-style-type: none"> • Implement employment contracts for Deputy Registrars on the outer islands • Land Registration Board to prescribe a Code of Conduct for registered Land agents <p>Registries (4)</p> <ul style="list-style-type: none"> • Use only one BDM registry within Government • Scope the transfer of the BDM registry function to another government ministry • Scope and implement online marriage license applications and certificate issuance • Implement online Company and Incorporated Society Registries <p>Land information and Survey (5)</p> <ul style="list-style-type: none"> • Land Titles Deputy Registrar implements a work programme to address the “backlog” • The High Court Registrar confirms and informs parties when court orders are sealed • Train, employ or contract stenographers to transcribe audio transcripts • Implement recommendations from the Rongokea Report • Purchase survey scanning equipment and invest in appropriate transport <p>Election Office function (1)</p> <ul style="list-style-type: none"> • Finalise amendments to the Electoral Act 2004 <p>Probation (1)</p> <ul style="list-style-type: none"> • Identify a private interview area for Probation <p>Prisons (5)</p> <ul style="list-style-type: none"> • Advertise and employ a Manager for Corrections Services • Confirm the operations budget allocation for Prison Services • Training of two wardens to support inmates with mental health disorders • New job descriptions are developed for all Correction Services staff and evaluated to take into account new working hours and arrangements • General training provided for all Correction Services staff <p>Finance (5)</p> <ul style="list-style-type: none"> • Reconcile the Law Trust Account and Land Trust Account 	<ul style="list-style-type: none"> • MOJ, OPSC • MOJ, CLO • MOJ, MFEM • OPSC • MOJ, OPM-IT • MOJ, MFEM • MOJ • MOJ • MOJ • MOJ • MOJ, MFEM • MOJ, MFEM, CLO • MOJ, CIIC • MOJ • MOJ, MFEM • MOJ, MOH • MOJ • MOJ • MOJ, MFEM
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	<ul style="list-style-type: none"> • Effective financial systems • Effective allocation of resources and delivery of core functions • Modernised ICT platforms and access to courts, registry and land information • Improved staff engagement and performance • Focus on core functions and international best practices 	<ul style="list-style-type: none"> • Identify and transfer staff from the Land Titles to the Finance Division • Advertise for further short term contractors for the Land Titles Division • Improve financial management systems within the Ministry • Establish financial policies and procedures identified in the 2014 Audit Report <p>Trading Revenue (5)</p> <ul style="list-style-type: none"> • The Operations Budget for the Ministry (excluding Prisons) is paid monthly • Continue implementing the Shared Services Agreement with MFEM • Review all ROBOC charges of the Ministry to simplify implementation • Confirm BDM, companies and Incorporated society fees are now a ROBOC • Review all trading revenue to reflect actual service costs <p>Administered Fund (1)</p> <ul style="list-style-type: none"> • Confirm with MFEM an Administered Fund allocation for: <ul style="list-style-type: none"> ○ Legal Aid ○ Judges and JP costs ○ Coronial inquest reports ○ Land Court transcript and Land Titles backlog ○ Prison services operations budget <p>Information Management (5)</p> <ul style="list-style-type: none"> • Update the website and scope online sales e.g. marriage licences • Scope and cost an integrated land management platform (e.g. LINZ) • Scope and cost an integrated ICT platform linking all divisions to finance • Link electoral database to BDM • Scope the inclusion of the MoJ into the e-government programme <p>Human Resources (2)</p> <ul style="list-style-type: none"> • Confirm the delivery of a HR support function by the Corporate Services Division • Review employee job descriptions and facilitate job evaluations for all jobs <p>Strategic Partnerships (3)</p> <ul style="list-style-type: none"> • OPSC to review non-core functions of the Ministry for redeployment • MoJ to build relationships with Judges & development partners to support its work • MoJ to maintain and build partnerships with organisations in similar jurisdictions 	<ul style="list-style-type: none"> • MOJ • MOJ • MOJ • MOJ • MOJ, MFEM • MOJ, MFEM • MOJ, MFEM • MOJ, MFEM • MOJ • MOJ, MFEM • MOJ, OPM-IT • MOJ, OPM-IT • MoJ, OPM-IT • MOJ, OPM-IT • MOJ • MOJ • OPSC • MOJ • MOJ
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5. IMPLEMENTATION TIMELINE AND ESTIMATED COSTS

The CCDP is intended to cover a period of 3 years from 2017 – 2019. A number of factors affect the implementation of activities. These include the capacity within ICI, resourcing, and other competing priorities for the ministry. The annual budget round for the 1 July 2017 - 30 June 2018 closes in May, therefore only some of the resources will be allocated by the time this CCDP is adopted.

Recommendations	Inputs	Interim Apr- Jun 2017	2017 2018	2018 2020	2020+	Estimated Costs	
						Operational (On going)	Capital (One off)
Strategy 1: Improving Service delivery and support systems							
The Ministry must complete a Strategic Plan	Action						
Public Service Commissioner to inform Cabinet of the findings of this assessment	Action						
Secretary to confirm customer service training for all frontline staff	Confirm with CITTI						
An appointment system is established for land matters	Action						
An urgent review of the Ministry's fees is completed and implemented	Action with MFEM						
Immediately review all job descriptions and have these evaluated	Action						
Discuss with the Chief Justice areas that could be supported by individual Justices	Action						
Consult with Cook Islands Investment Corporation to assist with the redesign and renovation of the Ministry office and workspace areas	Action						
Advertise and confirm all Tier two management positions	Secure funds and action						
Advertise and employ staff into all positions of the new organisation structure							
Registrar to continue to report on Court Trends annually and make this public	Action						
Strategy 2: Strengthening policy and planning capacity							
Ministry policies and procedures must be transparent and accessible by the public	Action						
Ministry website is updated regularly	Action						
Certain Acts need amendment, policy development and resourcing support to implementation	Action with CLO						

Recommendations	Inputs	Interim Apr-Jun 2017	2017 2018	2018 2020	2020+	Estimated Costs	
						Operational (On going)	Capital or One off
Strategy 3: Building a culture of accountability and performance excellence							
Courts (9)							
<ul style="list-style-type: none"> Advertise and employ a Bailiff for the Criminal Courts Division High Court Registrar to implement a file and case management system, and appointment system for Land Court staff Publish Court application outcomes and progress updates on the MoJ website Identify staff to train as stenographers and advertise stenographic services Land Court Deputy Registrar and Land Titles staff to prioritise pending or deferred land court cases Develop a partnership with the Ministry of Health for overseas pathologists to undertake coronial work in the Cook Islands Amend the Judicature Act to regulate JPs authorised to sit in Court Implement employment contracts for Deputy Registrars on the outer islands Land Registration Board to prescribe a Code of Conduct for Land agent 	<ul style="list-style-type: none"> Secure funds and action Action Action Secure funds and action Action Scope & cost Action with CLO Action Action with CLO 						
Registries (4)							
Use only one BDM registry within Government	Review with MFEM						
Scope the transfer of the BDM registry function to another government ministry	OPSC review						
Scope and cost online marriage license applications and certificate issuance	Scope and cost with OPM-ICT unit						
Implement online Company and Incorporated Society Registries							

Recommendations	Inputs	Interim Apr- Jun 2017	2017 2018	2018 2020	2020+	Estimated Costs	
						Operational (On going)	Capital (One off)
Strategy 3: Building a culture of accountability and performance excellence							
Land information and Survey (5)							
Land Titles Deputy Registrar implements a work programme to address the “backlog”	Action						
The High Court Registrar confirms and informs parties when court orders are sealed	Action						
Train, employ or contract stenographers to transcribe audio transcripts	Secure funds and action						
Implement recommendations from the Rongokea Report	Action						
Purchase survey scanning equipment and invest in appropriate transport	Scope and secure funds						
Electoral Office function (1)							
Finalise amendments to the Electoral Act 2004	Action with CLO						
Probation (1)							
Identify a private interview area for Probation	Scope with CIIC						
Prisons (5)							
Advertise and employ a Manager for Corrections Services	Secure funds and action						
Confirm the operations budget allocation for Prison Services	Scope with MFEM						
Training of two wardens to support inmates with mental health disorders	Action with MoH						
New job descriptions are developed for all Correction Services staff and evaluated	Action						
General training provided for all Correction Services staff	Secure funds and training						

Recommendations	Inputs	Interim Apr- Jun 2017	2017 2018	2018 2020	2020+	Estimated Costs	
						Operational (On going)	Capital or One off
Strategy 3: Building a culture of accountability and performance excellence							
Finance (5)							
Reconcile the Law Trust Account and Land Trust Account	Action						
Identify and transfer staff from the Land Titles to the Finance Division	Action						
Advertise for further short term contractors for the Land Titles Division	Action						
Improve financial management systems within the Ministry	Action						
Establish financial policies and procedures identified in the 2014 Audit Report	Action						
Trading Revenue (5)							
The Operations Budget for the Ministry (excluding Prisons) is paid monthly	Action						
Continue implementing the Shared Services Agreement with MFEM	Action with MFEM support						
Review all ROBOC charges of the Ministry to simplify implementation							
Confirm BDM, companies and Incorporated society fees are now a ROBOC							
Review all trading revenue to reflect actual service costs							
Administered Fund (1)							
Confirm with MFEM an Administered Fund allocation for: Legal Aid, Judges and JP costs, Coronial inquest reports, Land Court transcript and Land Titles backlog and the Prison services operations budget	Action with MFEM					463,000 67,000	
Information Management (5)							
Update the website and scope online sales e.g. marriage licences	Action						
Scope and cost an integrated land management platform (e.g. LINZ)	Action with OPM support						
Scope and cost an integrated ICT platform linking all divisions to finance							
Link electoral database to BDM							
Scope the inclusion of the MOJ into the e-government programme							
Human Resource support function (2)							
Confirm the delivery of a HR support function by Corporate Services Division	Action						
Review employee job descriptions and facilitate job evaluations for all jobs	Action					538,389	214,538
Strategic Partnerships (3)							
PSC to review non-core functions of MOJ and scope options for redeployment	Action						
MoJ to build relationships with Judges and development partners to support its work	Action						
MoJ to maintain and build partnerships with organisations in similar jurisdictions	Action						

6. MONITORING AND EVALUATION OF THE CCDP

The CCDP will only be successful if it is itself effectively implemented and managed. The mechanisms to drive the management of the CCDP should be aligned to existing management, planning, monitoring, evaluation and reporting systems of MOJ. Finally the approach needs to be results-focused implying a need for key senior managers to ‘champion’ the CCDP and play highly responsible roles in ensuring that action does occur. Risk management is a very important issue if the CCDP is to be implemented successfully. There are a number of risks the most important is that the continuation of the status quo will put the Government at financial and reputational risk.

The following table sets out a risk profile with risk mitigation strategies.

Key: 1=Low; 4=High.

Risk	Likelihood	Impact	Controls or Mitigation	Residual Risk Significant?
Political				
Changes by Cabinet	2	4	Work with Minister to ensure that roles and functions are clearly understood	Yes
Financial				
Reduction in projected revenue	2	4	Ensure that there is sufficient budget to meet the objectives of the business plan which will require ongoing consultation with the Minister and well-developed partnership with stakeholders	Yes
Legal/Statutory				
Amendments to various Acts have been identified	2	2	Crown Law to be fully informed on the need for the various amendments and the new Acts	No
New Acts such as Survey requires developing				
Organisational and Management Systems				
Negative reaction to the proposed organisational structure	2	2	Ensure effective communication and consultation	Yes
Unrealistic or inaccurate staff expectations of the new systems	2	1	Communicate expectations through group discussions and consultation	Yes

Risk	Likelihood	Impact	Controls or Mitigation	Residual Risk Significant?
New Tier Two Management staff				
Unplanned resource requirements	3	4	Conduct thorough cost benefit analyses for all new initiatives	Yes
Unavailability of key individuals	4	4	Securing well skilled personnel is problematic, but careful planning will mitigate this risk	Yes
Operational (risks related to executing the plan)				
The Plan fails to be “championed”	2	4	Commitment from the top is essential and requires constant monitoring	Yes
Deadlines not met	4	4	Commitment of all staff to the CCDP plan through careful preparatory work to ensure staff “buy-in” and commitment is essential. Careful and systematic monitoring of progress, and proactive action when things go wrong, are also needed.	Yes
Implementation of the planning phase not successful	3	4	Allocation of individual responsibility needs to be clear, and regular monitoring of progress is essential. Adaptation of plans in the light of experience in the field, flexibility, and communication of changes made are important.	Yes
Failure of knowledge transfer (training)	2	2	Retraining may be required if this risk eventuates. Monitoring of the effectiveness of training, and prompt feedback are essential.	Yes
Failure of the overall plan	1	4	Prior consultation and commitment to the plan will reduce the risk	Yes
ICT risks				
New ICT systems are not scoped, funded and implemented	2	3	TOR and funds to new integrated ICT platforms are essential for improving efficiency and maintaining the accuracy of information and ensuring better access for users	Yes
Existing ICT systems failure	2	2	All data held on databases used by the Ministry is backed up on the central ICT platform	Yes
Risks to the CCDP				
Design of the CCDP is unrealistic	1	2	Redesign CCDP so that objectives are achievable	Yes
“Champions” are not able to take up the challenge to implement the plan effectively	2	4	Continue to monitor the work load of those assigned to CCDP implementation.	Yes

7. ANNEXES

Annex 1 Terms of Reference

1. Background

- The Ministry of Justice has had performance issues over the past decade. The running of the judiciary system has been documented in annual Court Reports, and more recently the Annual Reports (last 3 years) prepared by the Ministry. However the Ministry's improved reporting has been clouded by overspending, incomplete court records and complaints regarding service delivery – due to delays in processing times and costs.
- The Ministry's performance has been publicly criticised for a number of years. The absence of strategic measures to address performance issues has casted a negative image of the Cook Islands public service, reducing staff morale and public trust in the operations of government.
- The legal fraternity has raised concerns with the Public Service Commissioner regarding the backlog of land court transcripts, which has been a long outstanding issue. A report conducted by the Cook Islands Law Society into the operations of the ministry in 2016, highlights the need for urgent remedial action to be taken to improve the ministry's performance and public perception of this crucial ministry.

2. The Deliverables

The review team is expected to produce:

- A capacity assessment of the Ministry that analyses problems that have hindered the ministry's performance over the last decade.
- A Capacity Development Plan that provides strategies to address the problems identified. The plan will identify:
 - Strategies and key actions for each of the key area
 - The costs for short term actions
 - The way forward for medium to long term actions
- A summary of the most urgent capacity development requirements that could be implemented over the short to medium term commencing during 2017/18.

3. Proposed Work Programme

3.1 The Capacity Assessment will involve analysing:

- Policy and legislative mandates
- Leadership and management
- Employment related matters
- Organisational culture
- Capability of staff and the agency
- Systems (finances, data management and human resources)
- Inter-agency relationships

3.2 The Capacity Development Plan:

The Capacity Development Plan will elaborate on strategies and actions to address issues highlighted in the Capacity Assessment and improve the Ministry's performance in a sustainable manner. **Strategies must**

- Improve service delivery and support systems for the ministry to deliver required judicial services and other legislative mandates
- Strengthen policy, planning, research and reporting within the ministry
- Integrate and consolidate operations both within and outside the ministry

- Build a culture of accountability and performance excellence within the ministry – this requires strengthening to develop an organisational culture that will underpin and drive achievement of the goals in the ministry Strategic Plan
- Engage with all key stakeholders within the wider community and Justice sector

4 Methodology

The methodology for this review will include:

- Literature review – performance, audit and other relevant reports and reviews
- Interviews with key stakeholders
- Research on judicial reviews and systems in ‘similar’ jurisdictions

The review team will comprise:

- Government officials from OPSC, Ministry of Finance and the Ministry of Justice
- Local TA engaged – Pacific Consultants Ltd

The process should:

- Recognise the potential for efficiencies to be achieved
- Ensure staff skills and potential are identified and effectively deployed within the larger organisation structure
- Ensure a smooth transition with a minimum of disruption to activities

5 Timeframe

The review is expected to take 2 – 3 weeks.

Annex 2 Stakeholder Consultation List

	NAME	POSITION	ORGANISATION
1	Elizabeth Ponga	Land Advocate	
2	Martha Henry	Lawyer	Henry Law PC
3	Heinz Matysik	Lawyer	Little & Matysik PC
4	Mathew Scrowcraft	Lawyer	Little & Matysik PC
5	Ben Marshall	Lawyer	Little & Matysik PC
6	Wilkie Rasmussen	Lawyer	Rasmussen PC
7	Lindsay Rongokea	Land Advocate	
8	Tina Browne	Lawyer	Browne & Harvey PC
9	Pua Hunter	ICT Manager	Office of the Prime Minister
10	Moe Taruia	ICT Manager	Ministry of Justice
11	Henry Heather	Prison Superintendent	Ministry of Justice
12	Teariki Purua	First Officer	Ministry of Justice
13	Tutai Kopa	Prison Officer	Ministry of Justice
14	Teokotai Joseph	Chief Probation Officer	Ministry of Justice
15	Nooapii Tearea	Deputy Registrar-Criminal/Civil	Ministry of Justice
16	Claudine Anguna	Registrar	Ministry of Justice
17	Kopu Matua- Atuatika	Deputy Registrar-Land	Ministry of Justice
18	Tutai Matenga	Deputy Registrar-Land Titles	Ministry of Justice
19	Tereapii Charlie	Chief Surveyor	Ministry of Justice
20	Tere Carr	Land Agent	
21	Travis Moore	Land Agent	
22	Ngaoa Rongonui	Land Agent	
23	Allen Parker	Director of Audit	Audit Office
24	Russell Hynd	Treasury Operations Manager	MFEM – Treasury
25	Peerui Tepuretu	Shared Services Manager	MFEM – Treasury
26	Michelle Aisake	Development Programme Manager	MFEM – DCD
27	Enua Pakitoa	Senior Statistics Officer	MFEM – Statistics
28	Tanga Morris	Senior Statistics Officer	MFEM – Statistics
29	Elizabeth Iro	Secretary	Ministry of Health
30	Dr Yinyin May	Chief Medical Officer	Ministry of Health
31	Amelia Borofsky	Clinical Psychologist	Ministry of Health
32	Valentino Wichman	Policy & Planning Manager	Ministry of Health
33	Dr Rangiau Fariu	Medical Officer	Ministry of Health
34	Ana Paniani	Mental Health Nurse	Ministry of Health
35	Tim Arnold	Lawyer	
36	Brandon Pokoina	Land Titles Clerk (LROT)	Ministry of Justice
37	Rouruina Nooapii	Snr Clerk Land Trust	Ministry of Justice
38	Grace Chynoweth	Land Titles Clerk (LROT)	Ministry of Justice
39	Therese Tutai	Snr Civil & Criminal Clerk	Ministry of Justice
40	Kautai Tiakana Ruaporo	Civil & Criminal Clerk	Ministry of Justice
41	Maara Tetava	Police Commissioner	Police

42	Aka Matapo	Superintendent	Police
43	Fairoa Tararo	Prosecutor/Sergeant	Police
44	Joseph Mayhew	First Secretary	NZ High Comm.
45	Henry Heather	Superintendent	Prison Services
46	Teariki Purua	First Officer Head of Security	Prison Services
47	Teokotai Kopa	Second Officer Train & Rehab	Prison Services
48	Iona Taiki	Former Prison Officer	Prison Services
49	Teina Bishop	Inmate	
50	Nooapii Tearea	Company Clerk	Ministry of Justice
51	Rimmel Poila	Deputy Registrar-BDM/Company	Ministry of Justice
52	Vasie Poila	Property Manager	CIIC
53	Ruth Areai	Senior Companies Clerk	Ministry of Justice
54	Angelique Elisaia	Snr Probation Officer	Ministry of Justice
55	Tuaine Manavaroa Jnr	Probation Officer	Ministry of Justice
56	Paul Allsworth	President	Koutu Nui
57	Maria Henderson	Turi Mataiapo	Koutu Nui
58	Tupe Short	Tairi Mataiapo	Koutu Nui
59	Travel Tou	Kaumaiti Nui-Tou Ariki	House of Ariki
60	Puna Rakanui	Clerk	House of Ariki
61	Tokerau Munro	Kaumaiti Iti-Tinomana Ariki	House of Ariki
62	Sylvanna Puia	Lady in Waiting- Tinomana Ariki	House of Ariki
63	Gina Williams	Justice of the Peace	Ministry of Justice
64	Mata John	Land Consultant	
65	Hugh Williams	Chief Justice	Ministry of Justice
66	Tingika Elikana	Secretary	Ministry of Justice
67	Ruanne Thomas	Receptionist/Cashier	Ministry of Justice
68	Mark Short	Lawyer Former Secretary of Justice	Mark Short PC
69	Catherine Evans	Deputy Solicitor General	Crown Law Office
70	David James	Solicitor General	Crown Law Office
71	Louise Wittwer	Financial Services Commissioner	FSC
72	Tom Weston	Former Chief Justice 2010-16	High Court of the Cook Islands
73	Lavinia Tama	DCD Manager	MFEM – DCD
74	Edward Parker	Development Prog. Manager	MFEM - DCD
75	Vanessa Jenner	ADB Liaison Officer	MFEM - DCD
76	Taggy Tangimetua	Government Statistician	MFEM - Statistics
77	William Framhein	Director	Mervin Communications
78	Tauraa Exham Heather	Land Advocate	

Annex 3 Consultation Questions

Policy and legislative mandates

1. What are the policies and legislative mandates that you believe you are required to follow in the performance of your work?
2. Are these policies and legislative mandates adequate?
3. Are there policy or legislative areas that could be improved?

Organisational culture

4. Provide a short description of your job and the workflow?
5. What is your workload?
6. What are the working tools of your daily job?
7. How would you describe the current organizational structure of the MoJ?
8. What are the strengths and weaknesses of the current structure?

Reporting, monitoring and evaluation

9. What do you understand your role to be and to whom do you report?
10. What is your professional background, experience, years with the MoJ?
11. Has your job ever been monitored and evaluated?
12. Are you responsible for any reporting by the MoJ and do you know if your Job is included in the annual reporting undertaken by MoJ

Capability of Staff and the agency (Finances, ICT and human resources)

13. What is required to support the requirements of your job?
14. What other things are required to make your job easier or improve the way that your job is done?
15. What needs do you see in the area of ongoing training?

Leadership and Management

16. Is there adequate management of your area and the separate workflow areas?
17. Is there further leadership or management required to improve workflow?

Institutional and system capacity – Gaps

18. If you had the possibility and the power to implement any change in the MoJ – What would you change and how?

Annex 4 Literature Review

Legislation and Acts

- Births Deaths Registration Act 1973
- Cook Islands Act 1915
- Coroners Act 1979-1980
- Criminal Procedures Act 1980
- Digital Registers Act 2011
- Electoral Act 2004
- Land Agents Registration 2009
- Law Practitioners Act 1993-94
- Marriage Act 1973
- Prisons Act 1967
- Prisons Regulations 1968

Ministry of Justice Documents and Reports

- Ministry Annual Reports 2012-2016
- Pacific Judicial Development Programme Court Trend Report, June 2015
- Report to the Chief Justice Cook Islands High Court, Land Court Committee
- Report on the Electronic Land Register of Titles, December 2010
- Practice Note 2016: Justices of the Peace Sitting in the High Court
- Practice Note 2015: Land Valuations
- Land Division Manual 2009
- Justice of the Peace's Bench Manual
- Criminal Procedures Manual 2009
- Prisons Draft Financial Manual
- Code of Conduct Ministry of Justice Manual 2008

Others

- Cook Islands Audit Office Special Reviews, February 2017
- McDermott and Matapo Incident Report, March 2107
- Commission of Inquiry into Land Report 1997, Parliament Paper No. 52
- UN Minimum Standards on the Treatment of Prisoners
- Report to the Central Agencies Committee on Justice, February 2017