



# **PALJP Law and Justice Infrastructure Impact Evaluation**

## Final Report

SEPTEMBER 2013



access area attend before big **building cases** cbc cell centre children

clerk clients close community computers **court** cs district

dormitory engaged enough extension facilities female **files** fit flexibility funds given

government helped holding **house** improved infrastructure inmates

intended interviewed issue **judge** juvenile kokopo lack law lawyers

magistrate maintenance male men **mentioned** moment money months ms

**national** needs new number observation **officers**

open opp ops outside over pay **people** place **police** prison

problem process **provider** provincial public purpose

refurbishment registry reports **room** security seems

**service** small space staff station sub suggestion support

system toilet training **user** village waiting water women years

## PALJP Law and Justice Infrastructure Impact Evaluation Final Report

September 2013



# Executive summary

Since 1988, the Government of Australia (GoA) has been providing support to the Papua New Guinea (PNG) Law and Justice Sector. This support initially focused on assistance to the Royal Papua New Guinea Constabulary (RPNGC) and subsequently expanded to other sector agencies including Correctional Services and the Courts. The Law and Justice Sector Program (LJSP), which commenced in 2004, was an innovative program designed to address a range of needs across the Law and Justice Sector (LJS) and not just address one sector, as well as operate more closely with Government of PNG (GoPNG) systems. The most recent form of that support has been the PNG-Australia Law and Justice Partnership (PALJP). A significant component of the PALJP and LJSP programmes was investment in the refurbishment and construction of infrastructure such as courthouses, prison facilities, police stations, offices and staff accommodation. An important element of PALJP and future funding into the sector by both the Australian and PNG Governments is to understand the impact the investments in infrastructure have made to the improvement of law and justice services in PNG.

The particular focus of this Law and Justice Sector Infrastructure Impact Evaluation (LJS-LJS-IIE) was to provide an understanding of how the investments in infrastructure have impacted access to law and justice services and how this has *improved service delivery*, especially as it is experienced at the local facility level by staff providers and users. With this understanding and a documented evidence base, future investment decisions in infrastructure and other supporting programs can be made with maximum impact. The primary audience for this IIE, therefore, has been decision-makers in the GoA and GoPNG who are making choices on investments to maximise improvements in law and justice service delivery. The nature of the evaluation, however, has significant benefits for infrastructure designers and managers within National Law and Justice agencies who are responsible for delivering both infrastructure and law and justice services. By better understanding how infrastructure contributes to access and service delivery at the facility level, systems and approaches to improve services can be developed.

The evaluation implemented a convergent parallel design, integrating both quantitative and qualitative data collection techniques. Raw data was collected by visiting over 35 infrastructure sites across six regions of PNG (Autonomous Region of Bougainville, Eastern Highlands Province, East New Britain, Morobe, National Capital District, Western Highlands Province) over a two-month period. The monetary value of these sites represented approximately 27% of the infrastructure funding provided by the GoA through the two programs (LJSP/PALJP) during the period of 2004-2012<sup>1</sup>.

Data was collected both on the current condition of the infrastructure and how it was managed and maintained. Extensive interviews were conducted to gather the perspectives of staff that manage or provide services in a facility (Service Providers), as well as the people coming to use the facility (Service Users). Contract and informal project procurement files were reviewed to collect data and insights on the procurement of infrastructure. In addition, information was collected by a review of available documentation regarding the planning and procurement processes applied to construct the infrastructure. This raw data was supported by meetings and workshops with representatives of the Law and Justice National agencies, and other key stakeholders.

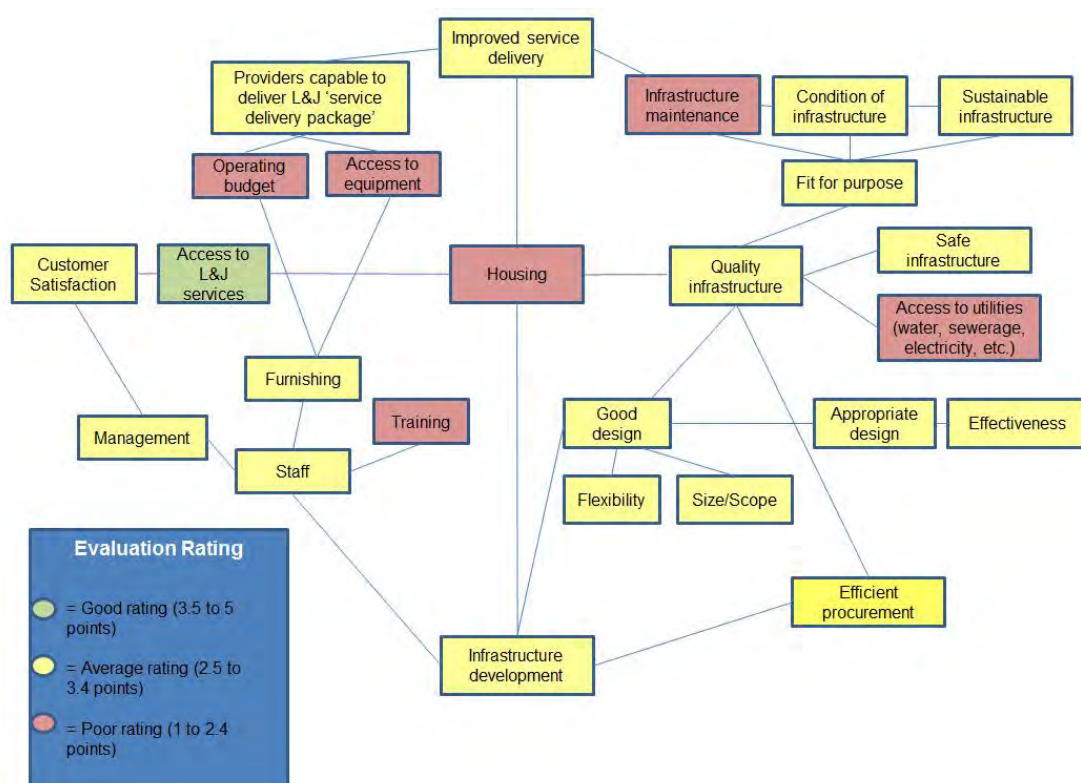
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<sup>1</sup> LJSP operated in the period 2004-2009, while PALJP operated from 2009 and will finish in 2014. Total estimated expenditure in LJSP from 2004-2006 was approximately AUD19m and focussed only on maintenance/refurbishment programs. Capital expenditure from 2007 to 2012 was AUD77m and included both refurbishment and new infrastructure. The estimated expenditure that was reviewed through the evaluation was AUD25-28m which equates to approximately 26-29% of total refurbishment and capital expenditure.



Following preliminary analysis of the different data sets, a group of rating scales were developed for a range of criteria identified as important for exploring the relationship between infrastructure, access to law and justice services and improved service delivery. The resulting data sets enabled the team to undertake an integrated analysis of the information. They also enabled a 'service delivery model' to be developed which highlighted different factors which interact and need to be in place to improve access to law and justice services and improved service delivery. A summary of the results of the analysis, including the 'service delivery model' are illustrated in Figure E-1.

Figure E-1: Summary of Data Analysis and the Service Delivery Model for the Law and Justice Sector



In-depth analysis of the data generated significant and useful information and insights, which can be summarised through the responses to the evaluation questions. Evidence that supports the findings of the evaluation is provided in the main report itself and in a series of detailed appendices. Table E1 summarises some of the key findings.

Table E1: Summary Responses to Evaluation Questions

Evaluation Parameters	Response
Sustainability - Legacy	<p><b><i>In what overall current condition is the infrastructure?</i></b></p> <p>Overall, the condition of the infrastructure was rated as adequate/acceptable, although in some cases it was poor.</p> <p>Service providers and users of the facilities indicated that the refurbishments/newly constructed facilities had led to an improvement in their experiences with the law and justice sector.</p> <p><i>Implication:</i> While the condition of the infrastructure could be improved further, investment in infrastructure had improved people's interactions with the law and justice sector. Further investment in infrastructure is necessary if law and justice services are to continue to improve.</p> <p><b><i>Is there an appropriate maintenance program in place or being implemented?</i></b></p> <p>Maintenance programs for infrastructure were poor to non-existent throughout the LJS. Budgets for maintenance programs were very low and also impacted the cleanliness of facilities.</p> <p><i>Implication:</i> Increase in maintenance budgets and implementation of maintenance programs would increase the sustainability of the building stock and help maintain improvements in service delivery.</p>
Impact	<p><b><i>What differences have the services provided – as a result of the infrastructure being in place – made to the lives of women, men, girls and boys in PNG?</i></b></p> <p>Forty per cent of people interviewed through this evaluation (of which 43 were women and 51 were men) indicated that infrastructure development had improved access to law and justice services. Both men and women agreed that there had been improvements and had similar views on the various factors which influenced service delivery. There was a greater improvement in access when new facilities had been built or the upgrades were extensive when compared to refurbishments.</p> <p>Infrastructure development increased interviewees' engagement with other law and justice agencies. Effective service delivery was dependent on effective contributions from multiple law and justice agencies.</p> <p>The contribution of infrastructure development to improved service delivery was constrained if basic services/supplies, furniture and equipment, staffing and management systems were inadequate.</p> <p>The perception of effective service delivery was impacted by timeliness and cost of the services. Proximity of users to infrastructure reduced their transport costs. Service providers were seen as a determining factor regarding quality of services delivered.</p> <p>Lack of housing, by reducing staff availability constrained access to services if not properly addressed. Appropriate housing provides incentives for qualified professionals to work in the public sector at lower wages compared to what they could earn in the private sector.</p> <p>Investment in the provision of family courts had encouraged women to access justice as they were seen as an important entry point for women.</p> <p>Family Support Desks and Family and Sexual Violence Units raised awareness with police and provided support to victims of family and sexual violence. This additional support through these centres supported the ability of courts to perform their functions.</p> <p>Specific provisions for the needs of children in law and justice facilities</p>

Evaluation Parameters	Response
	<p>was lacking, except in some prison and national court infrastructure. Segregation of juvenile in prisons and remand/holding cells was generally not provided (few exceptions), and created unsafe conditions for these young people.</p> <p>Provision of facilities for Person's with Disabilities (PWDs) was not considered important by those interviewed in the IIE.</p> <p><i>Implication:</i> While infrastructure development increased the ability of users to access law and justice services, <i>improved service delivery</i> is dependent on a wide range of factors. Infrastructure investment needs to be supported by other investments (basic services, furnishings, equipment, suitably trained staff, effective management, and adequate staff housing) to maximise its contribution.</p> <p>Strategies to address the needs of specific stakeholder groups need to be developed.</p> <p>There were three areas which could be considered to improve the access to law and justice services for women: (1) infrastructure design, (2) supporting women as front-line providers, and (3) gender awareness training for law and justice providers.</p>
Effectiveness and Appropriateness	<p><b><i>How appropriate is the infrastructure design in meeting the needs of the intended users (women, men, girls and boys)?</i></b></p> <p>Service providers were able to adapt to the limitations in a facility to deliver the service they were providing. They had many ideas of how the functionality of a facility could be changed to improve service delivery.</p> <p>There was limited consultation with service providers or users during the scoping phase of infrastructure development which resulted in limitations in infrastructure design, construction and operation.</p> <p>From the service provider and service user perspectives, there were significant health and safety gaps in the facilities and in the safety of people using them.</p> <p>Infrastructure is used for multiple purposes to maximise services when required and appropriate. Representatives of national agencies, including service providers, tend to prefer specific use facilities but are prepared to be flexible when required. For example, the National Courts and District Courts would prefer to have their own infrastructure, although at the moment they are sharing facilities. Similarly, Village Courts would prefer to have their own venue if it was possible.</p> <p>Flexibility of facilities was particularly important when infrastructure was limited.</p> <p><i>Implications:</i> Improved consultation and scoping of infrastructure would significantly improve the effectiveness/functionality of facilities.</p> <p>Scoping templates/checklists relevant to each agency would contribute to improved scoping and design of infrastructure.</p> <p>Improved safety of facilities needs to be addressed.</p> <p>Innovative ways of exploring the incorporation of furniture and fixtures into the design of facilities would increase the functionality of infrastructure (inbuilt bookshelves, benches).</p> <p>Land availability and land approvals will continue to be an issue for GoPNG.</p>



Evaluation Parameters	Response
Efficiency	<p><i>To what extent are the procurement processes for infrastructure maintenance and construction projects providing value for money? How could the procurement processes be refined to improve: a. Timeliness of construction, b. Quality of construction, and c. Value for Money (VfM)?</i></p> <p>There is a lack of coordinated and strategic planning against agreed criteria to maximise benefits. The priorities of all agencies are more likely to be addressed by systematic planning based on a balanced consolidation of agency-level gap analyses of needs.</p> <p>Delays in procurement due to GoPNG processes, including those related to tender board approvals and the budgeting cycle, significantly undermine VfM and timely access to new facilities. Ways of managing or avoiding such delays are discussed.</p> <p>The sample of files reviewed as part of the IIE suggests that the project management files held by the agencies were in many cases unsystematic and incomplete. The level of documentation and standard of administration were not an issue in the current setting, but would be inadequate in a more litigious environment.</p> <p>In general, designs prepared for L&amp;J infrastructure are appropriate given the purpose of the infrastructure and the budgets provided. For the main part, the quality of construction reflects the market in which the infrastructure is built; that is, the standard of the buildings is equivalent to other infrastructure built in the same area. This can be explained by the size, experience and competence of local construction contractors. Construction quality tends to decrease as the distance from major centres increases and access to competent contractors becomes more limited.</p> <p><i>Implications:</i> Improved strategic planning would facilitate improved service delivery by maximising the ability of all agencies to provide a service in a particular location. Systematic planning procedures and a set of criteria to establish and coordinate agency priorities would be beneficial.</p> <p>Use of GoA procurement and financial management systems for Australian ODA-funded infrastructure would minimise delays and fiscal risk while GoPNG continues to improve and strengthen its systems.</p> <p>Consistent application of CSTB standard documents and additional templates and checklists for PNG-funded projects would improve the standard of project management and contract administration.</p> <p>Improved quality assurance and quality control systems can contribute to improved infrastructure quality.</p>
Overall	<p><i>To what extent is investment in infrastructure contributing to improved service delivery and access to law and justice for women, men, girls, and boys of PNG?</i></p> <p>Increased access to services due to PALJP and LJSP funding of infrastructure was clearly evident and demonstrated both quantitatively and qualitatively. Improved service delivery, however, was much more tenuous as so many factors impact on the ability of service providers to deliver a service from a particular facility. While not statistically significant correlations of ratings comparing infrastructure condition, fit for purpose and effective service delivery indicated that service delivery achieved the lowest ratings. This appeared to be due to a lack of support for front line service delivery at the local level.</p> <p>The correlation analysis tended to suggest that 'new' infrastructure tended to provide improved service delivery compared to 'refurbished' infrastructure. This is not surprising as 'new' infrastructure has the</p>

Evaluation Parameters	Response
	<p>opportunity to address critical scope, design and flexibility issues. However, this analysis does need to be considered with caution due to the sample size as well as the fact that the data also shows that service delivery is contextual. There are examples of good service delivery regardless of the quality of the infrastructure.</p> <p>Investment in Family Courts, Family and Sexual Violence Desks and Units have all encouraged women to access the justice and helped to raise awareness of the importance of women accessing law and justice services.</p> <p>Infrastructure design (ie. segregation, privacy) does not consistently address the needs of women, girls, boys and juveniles.</p> <p>There are limited numbers of women working in the sector and it was identified during the fieldwork that women tend to feel more confident dealing with other women when accessing law and justice services.</p> <p>Provision of facilities which enable PWDs to access law and justice services are lacking.</p> <p><i>Implications:</i> Investment in infrastructure is contributing to increased access and improved service delivery of law and justice services, but needs to be supported by effective staffing, training, basic services, equipment and appropriate staff housing.</p> <p>Concerted efforts are required to address the needs of specific stakeholder groups within the LJS, including women, girls, boys and juveniles, as well as PWDs</p> <p>Encouragement of more women into the LJS would contribute to more women feeling confident accessing law and justice services.</p>

Following detailed analysis and development of preliminary findings, the evaluation team hosted two workshops in Port Moresby with key national agency representatives to validate the draft findings drawn from the fieldwork and to identify and develop the policy implications. A one-day workshop was also held in Bougainville to undertake similar activities, but for the ABG context.

These workshops enabled the evaluation team to confirm that their research findings reflected the understanding and concerns of the national agency representatives. As a result of the research and these discussions, there were three overall messages, which encapsulated the multi-faceted findings of the evaluation:

- 1) *The LJS-based planning for service delivery and infrastructure investment is critical to improving access and service delivery of law and justice services.* This is due to the fact that no one agency provides all law and justice services. Each LJS agency needs to deliver its services in coordination with other agencies. For example, courts are supported by DJAG, OPS, OPP and RPNGC and CS and these agencies need to work closely together if courts are to function effectively. If one agency does not have the appropriate infrastructure and support structure to deliver services effectively it impacts other services. Similarly, lack of consideration of appropriate housing for LJS officials limits the ability of an agency to deliver services. The very nature of the LJS means that effective coordination and planning is necessary to maximise access and service delivery. This became very clear during the fieldwork so mechanisms to improve this coordination are important for future improvements to LJS service delivery.
- 2) *Comprehensive engagement with users at the scoping stage is critical.* The evaluation identified numerous examples where the operation of a particular facility had not been properly scoped to take into account how the building would be used by both staff and service users. This involves thinking strategically about how a building will be used including seating for users, clear designation of front counters, separate access to court rooms for judges/magistrates, prisoners/remandees, victims, general public, and the special needs of women, boys, girls, and PWDs. Improper scoping translates into poor designs and ineffective operation of the facility. Examples of recent consultation mechanisms such as Court User Forums demonstrated the benefit of consultation. Additional mechanisms should be explored to increase the level of consultation in order to identify ways to improve access and the quality of service delivery.
- 3) *Whole of Life Asset Management, through well-planned and resourced asset maintenance is essential for achieving long term sustainable service delivery by maximising the life of building stock.* The evaluation findings indicated that maintenance in the LJS is limited to non-existent, as appropriate funds are not allocated. Without maintenance, buildings deteriorate to the point where they become unsafe and cannot support the relevant services. This impacts the long-term sustainability of LJS services. Instead of providing a small level of funding to maintain a facility, major capital expenditure is required to replace it. While agencies recognise the importance of maintenance, they are not given the financial support to implement an effective maintenance program. Identifying strategies to encourage maintenance is important for long term sustainability of the LJS and maximising the investment in current building stock.

Based on these key messages identified during the workshops and supported by the recommendations that have evolved in undertaking the fieldwork, a set of policy implications were developed for the each of the following categories:

- National Level Law and Justice Sector;
- Law and Justice Agencies;
- Autonomous Region of Bougainville;

- Service Delivery;
- Australian Government Support.

The policy implications were developed into a set of recommendations arising from this study that will contribute to increased access and improved service delivery across the law and justice sector through support to infrastructure.

#### ***National Level Law and Justice Sector (NCM, LJSWG, Department of National Planning and Monitoring)***

1. Focus future investment in infrastructure development on cross-sectoral benefits across agencies. Strengthen planning procedures to promote coordinated sector development. Consider the development of a sector-wide PID/PFD (PIP) submission – as suggested during the stakeholder workshop – to facilitate this approach.
2. Establish a process/mechanism for consultation and collaboration between agencies to facilitate coordinated planning of infrastructure in the Law and Justice Sector.
3. Establish a set of criteria for short-term strategic infrastructure development (five years) for the next phase of GoA funding based on GoPNG priorities and focusing on the needs of the law and justice sector as a whole. Include decision-making tools for determining whether refurbishment will upgrade a facility to an appropriate level or if investment in a new building is a more sustainable and effective approach.
4. Develop a practical approach to incorporate sectoral coordination and planning into day-to-day activities. Masterplans should be developed when establishing services in a new regional area or undertaking major upgrades. These would serve as coordinating documents; setting out how each agency will address local needs.
5. Promote consistent application of CSTB standard documents and additional templates and checklists for PNG-funded infrastructure in order to improve the standard of project management and contract administration.
6. Introduce adjustments to procurement procedures to streamline preparation and award of contracts. Two such refinements are suggested – a prequalification stage could be introduced and the legal review of tender documents could be scheduled earlier in the procurement cycle, before documents are put to the market.

#### ***Agency Level (including at Facility Level)***

7. Identify areas of common concern to the agencies, such as sub-registries, that encourages each agency to cooperate in developing coordinated responses to meet their collective needs. . The development of service delivery strategies for each agency would enable these issues to be identified and coordinated approaches developed to address them. They would also identify where each agency is dependent on the efforts of other agencies. Integration of Provincial Administrations and their role in delivering law and justice in their regions should also be included.
8. Implement scoping standards with minimum room sizes, spatial ratings, and other important scoping/design characteristics to ensure that the functionality is appropriate. However, scoping principles should be regarded as a template on which to overlay local considerations and adapt designs to enhance community relationships with infrastructure.
9. Implement scoping checklists to improve functionality and ensure a systematic, consistent approach across the particular agency is adopted. Ensure appropriate safety measures are identified in any infrastructure scoping guidance.
10. Continue to implement mechanisms to facilitate service provider/user input into infrastructure scoping and design to improve functionality. Court User Forums are an excellent example of obtaining user inputs regarding operation of the courts. Other forums should also be explored.
11. Explore options which incorporate fixtures and furniture into the design and construction contracts of buildings to reduce reliance on operational budgets and improve the functionality of law and justice infrastructure.

12. Emphasise consideration of the specific needs of women, juveniles, boys and girls and PWDs when considering infrastructure development such as privacy screens, appropriate safety barriers, segregation, more informal meeting rooms/court rooms, and ramps.
13. Consider allocating a percentage of housing to women officers to help address gender balance in the law and justice agencies.
14. With regard to improving service delivery to an appropriate level, introduce mechanisms that ensure basic services; equipment, staffing and housing arrangements are in place. Effective management systems also need to be implemented to maximise the value of investment in infrastructure. Training that focuses on providing low cost management solutions at facility level should be considered.
15. Implement quality assurance/quality control systems to encourage the improvement of the quality of infrastructure.
16. Strengthen agency capacity to prepare, tender and administer contracts. To this end:
  - a. Use of CSTB standard Request for Tender documents should be enforced wherever appropriate;
  - b. Develop a database of standard clauses to insert into contracts to cover quality assurance, health and safety, environmental care, site management, contract administration, inspection and test plans, etc.;
  - c. Establish contract-monitoring checklists to highlight all the items that need to be in place when setting up and managing a contract. The aim of this checklist is to assist agency staff in better maintaining all the necessary documentation that should be in a complete contract file;
  - d. Draft a suite of standard letters for use by agency staff and their agents in certifying payments, ordering variations, awarding extensions of time, suspending works and exercising other powers under the contract;
  - e. Offer a program of capacity building to the agencies to train their people in the use of standard documents, templates and checklists.
17. Provide equal opportunity support for women working in the different law and justice agencies, including the front-line and senior management positions.
18. Continue providing information/training on the importance of gender equality to law and justice providers in order to challenge gender-biased practices within service providers.
19. Integrate Whole of Life (WOL) asset management into all agency programs. For the GoA funded programs it will be critical that the relevant PNG agency demonstrates that they have the appropriate management system and funding in place to support WOL asset management. Where necessary, support for developing such systems should be provided.
20. Ensure WOL operational and maintenance funding forecasts – relating to new infrastructure – are provided by the donor (GoA) for acceptance by the GoPNG prior to an agreed infrastructure procurement commitment.
21. Address maintenance, which is a critical component of infrastructure management. GoPNG mechanisms need to demonstrate that agencies will receive adequate maintenance funding and operational support prior to an agreed infrastructure procurement commitment.
22. Consider the funding needed to maintain infrastructure. At the local institutional level, some form of operational account is required to devolve some level of responsibility for maintenance of facilities. Lack of local funding inhibits local infrastructure managers from undertaking even minor repairs or maintenance.



### **Government of the Autonomous Region of Bougainville**

23. Develop an overall planning strategy for law and justice infrastructure. This was identified as an important priority for ARB, and should include not only the LJS, but also consider broader planning issues such as road, water and sanitation infrastructure.
24. Strengthen procurement processes to provide greater consistency across infrastructure procurements. Development of tools to assist with this process was identified including the establishment of a checklist that would assist administrative staff to manage and monitor contract files.
25. Continue the emphasis on community consultation as part of the ABG infrastructure development program. Tools could be developed to assist those responsible for developing infrastructure to consult with both service providers and users.

### **Government of Australia**

26. Continue with ongoing funding from the GoA for the refurbishment and construction of infrastructure for the law and justice agencies, but with a strong emphasis on achieving the broader sector objectives and improved service delivery. GoA funded infrastructure should continue to be selected from the agency priorities and negotiated with the Law and Justice Working Group and NCM to confirm which projects will receive GoA support.
27. Establish a set of criteria – in conjunction with GoPNG – for short-term strategic infrastructure development (five years) for the next phase of GoA funding based on the priorities of GoPNG. These should focus on the needs of the law and justice sector as a whole. Include decision-making tools for determining whether refurbishment will upgrade a facility to an appropriate level or if investment in a new building is a more sustainable and effective approach. It is recommended in future that planning for GoA funded infrastructure should emphasise cross-sectoral benefits across agencies.
28. Maximise improved access and service delivery investment by GoA in infrastructure by continuing to provide this in conjunction with capacity building, training housing and other support mechanisms to actually delivery law and justice services.
29. Consider establishing a separate parallel procurement process for GoA funded infrastructure procurement to expedite the flow of funds throughout the budget cycle to the selected priority infrastructure. Given the inadequacies in the present procurement framework, the objectives of transparent and efficient procurement and value for money would likely be better achieved this way. The outcomes would mitigate fiscal risk until the *Independent Commission Against Corruption* is established and operating. This break in the nexus with the GoPNG budget cycle and long procurement times is necessary and appropriate for infrastructure project implementation cycles, which typically traverse financial years.
30. Design of GoA funded new infrastructure for the GoPNG LJS needs to comply with energy rating (Australian) guidelines and standards as well as pragmatic compliance to AusAID's policy for PWD.

The results of the evaluation provided useful insights into the relationships between infrastructure development, access to law and justice services, and improved service delivery. There are many positive examples of how infrastructure contributes to access and service delivery, but there are also indications that significant improvements can be made. Moving forward, it is important for all stakeholders involved in the law and justice sector in PNG to find innovative ways to fund and support infrastructure in this resource constrained environment.

# Disclaimers

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# Abbreviations

Abbreviation	Representation
ABG	Autonomous Bougainville Government
ADB	Asian Development Bank
ARoB	Autonomous Region of Bougainville
AusAID	Australian Agency for International Development
BPS	Bougainville Police Service
CAPs	Community Auxilliary Police
CBC	Community Based Corrections
CJC	Community Justice Centre
CPR	Commonwealth Procurement Rules
CSTB	Central Supply and Tender Board
CS	Correctional Services
CUF	Court User Forum
DNPM	Department of National Planning and Monitoring
DJAG	Department of Justice and Attorney General
DSP	Development Strategic Plan
FAST	Facilities & Asset Services Team
FF&E	Furniture, Fixtures (or Fittings) & Equipment
FfP	Fit for Purpose
FIDIC	Federation Internationale des Ingenieurs-Conseils
FMM	Financial Management Manual
GIS	Global Information System
GPS	Global Positioning System
GPM	Good Procurement Manual
GoA	Government of Australia
GoPNG	Government of PNG
IIE	Infrastructure Impact Evaluation
LJS	Law and Justice Sector

LJSP	Law and Justice Sector Program
LJS-IIE	Law and Justice Sector Infrastructure Impact Evaluation
LJSWG	Law and Justice Sector Working Group
MS	Magisterial Services
MTDP	Medium Term Development Plan
NCD	National Capital District
NCM	National Coordination Mechanism
NEC	National Executive Council
NJSS	National Judicial Staff Services
OC	Ombudsman Commission
OPP	Office of Public Prosecutor
OPS	Office of Public Solicitor
POM	Port Moresby
P4D	Partnership for Development
PALJP	Papua New Guinea- Australia Law and Justice Partnership
PFD	Project Formulation Document
PFMA	Public Finances (Management Act)
PID	Project Identification Document
PRG	Project Reference Group
PWD	Persons with Disabilities
RPNGC	Royal Papua New Guinea Constabulary
SSF	Sector Strategic Framework
VfM	Value for Money
WOL	Whole of Life



# Glossary

Terminology	Definition
Fit for Purpose (FfP)	A dictionary definition of fit for purpose is ' <u>something that is good enough to do the job it was designed to do</u> '. A more legal definition as applies to the construction industry is provided in the report in Section 3.5 and introduces concepts of legal compliance, functionality, completeness, durability, reliability and operability of a piece of infrastructure.
Law and Justice Services	The suite of services which are required to deliver law and justice in PNG including police, courts, correctional services, lawyers and other legal services, as well as other judicial services and administration.
Point of Delivery	The facility/location where an agency physically provides a service and interacts with members of the community seeking law and justice services.
Service Delivery Framework for Law and Justice Sector	A service delivery framework is a set of principles; standards and policies used by individual agencies that helps to coordinate the various law and justice agencies with the objective of offering consistent and user-friendly services to the people of PNG.
Service Providers	Staff of the LJS that are working in LJS facilities and delivering services to the community.
Service Users	Members of the community that are utilising law and justice services.
Value for Money <sup>2</sup> (VfM) <sup>2</sup>	Maximising the benefits that can be achieved from an investment.

**NOTE:** The above glossary provides pragmatic definitions of the selected terminology as was applied in this report. They are not intended to be formal descriptions of these terms.

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<sup>2</sup> A very simple definition has been included here, which captures the essence of the objective. A more detailed meaning of the term is provided in Section 4 of the Commonwealth Procurement Rules.



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# 1. Introduction

## 1.1 Background

The Papua New Guinea (PNG) Law and Justice Sector (LJS) consists of a western legal system that has been developed relatively recently, along with the approaches that PNG indigenous societies traditionally used to maintain order without centralised institutions. Furthermore, the task of providing a justice system attuned to PNG's pluralistic social environment – more than 800 languages among a population of over 7 million people – and across the country has been a difficult task. As a result, law and justice agencies are not always well represented in rural areas. Instead service delivery is largely limited to facilities that focus in urban areas. The development of Village Courts in urban and rural areas has started to address law and justice issues more broadly, but there remains considerable work to be done to provide law and justice services to the majority of the PNG population.

The Government of Australia (GoA) has been providing support to the PNG LJS for many years, with the most recent form being the PNG-Australia Law and Justice Partnership (PALJP 2009-2014). Its key attribute is that the support is flexible and responsive to the requirements of the Government of PNG (GoPNG). It is aimed at assisting GoPNG to achieve measurable progress against their policies and strategies and contribute to improved law and justice services. In addition, the LJS Program (LJSP 2004-2009), was design to facilitate collaboration with the PNG Government to ensure that program activities were driven by GoPNG priorities to be carried out prior to PALJP.

A significant component of the PALJP and LJSP programs was investment in a range of infrastructure such as courthouses, prison facilities, police stations, offices and officer/staff accommodation. These investments have resulted in both refurbishments of existing buildings and construction of new buildings. Since 2004, approximately PGK96 m has been expended by the Australian Government, with another PGK33 m (approximately) scheduled for appropriation in 2013 and through to April 2014. During the LJSP, budget for infrastructure was AUD19 m and focused on maintenance/refurbishment of infrastructure. Capital expenditure commenced with the PALJP and has amounted to AUD77 million up to 2012<sup>3</sup>. In addition, GoPNG has contributed significant levels of recurrent and development budget to infrastructure through the different agencies involved in the delivery of law and justice. The combination of these two funding sources represents a significant investment in law and justice infrastructure.

There are eight agencies involved in the delivery of the LJS in PNG, and each agency is responsible for the delivery and management of its own infrastructure. This includes the following agencies (listed in alphabetical order):

- Correctional Services (CS)
- Department of Justice and Attorney General (DJAG)
- Magistrate Services (MS)
- National Justice Service (NJS)

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<sup>3</sup> The LJSP operated in the period 2004-2009, while the PALJP operated from 2009 and will finish in 2014. Total estimated expenditure in LJSP from 2004-2006 was approximately AUD19 m and focused only on maintenance/refurbishment programs. Capital expenditure from 2007 to 2012 was AUD77 m and included both refurbishment and new infrastructure. The estimated expenditure that was reviewed through the evaluation was AUD25-28 m, which equates to approximately 26-29% of total refurbishment and capital expenditure.

- Office of Public Prosecution (OPP)
- Office of Public Solicitors (OPS)
- Ombudsman Commission (OC)
- Royal Papua New Guinea Constabulary (RPNGC)

The GoA has supported the development/refurbishment of infrastructure for eight of these agencies through their programs. Additionally, GoA has invested in infrastructure for the PNG Legal Training Institute, none of which was assessed during this evaluation.

## 1.2 Purpose of the Evaluation

Since 2009, an important element of the PALJP funding into the sector, for both the Australian and PNG Governments, has been the increase in the investments in infrastructure in order to improve both access as well as delivery of law and justice services for the people of PNG. There has also been significant investment by the GoPNG itself into infrastructure development, which has continued. The investment by GoPNG far outweighs the investment by GoA in LJS infrastructure. The particular focus of this Law and Justice Sector Infrastructure Impact Evaluation (LJS-IIE) was to provide an understanding of how the investments in law and justice infrastructure had increased access to law and justice services and impacted service delivery, especially as it was experienced at the local facility level by staff providers and users. With this understanding and a documented evidence base, future investment decisions in infrastructure and other supporting programs can be made with maximum impact. Therefore, the primary audience for this IIE was the decision-makers in the GoA and GoPNG. These are the people making decisions on investments to maximise improvements in law and justice service delivery. The nature of the evaluation, however, has significant benefits for agency policy makers and managers as well as infrastructure designers and managers within national law and justice agencies who are responsible for delivering both infrastructure and law and justice services.

Traditionally, the provision of infrastructure has been seen solely as an enabler. In other words, infrastructure is required in order to provide a service, but does not contribute more broadly to the quality of service/s provided. Through this evaluation, broader relationships between infrastructure and service delivery have been explored and documented, and linkages investigated to understand if and how infrastructure has contributed to improved access and service delivery,<sup>4</sup> and if so, how it has contributed and to what extent.

In order to explore these issues, this IIE was framed around the following evaluation question:

*‘To what extent is investment in infrastructure contributing to improved service delivery and access to law and justice for women, men, girls, and boys of PNG?’*

A series of sub-evaluation questions were also prepared and explored through this research study to complement the overall question. These are provided in the Study Design in **Appendix A**.

The purpose of this report is to outline the outcomes of the data analysis as they relate to answering the evaluation questions, in particular the extent to which infrastructure improved service delivery and access to law and justice.

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<sup>4</sup> Proportional linkages between the quality of infrastructure and the quality of service provision are demonstrated, for example, refer to causal relationships established in education services as described and referred to in ‘Challenges for Quality Primary Education in Papua New Guinea—A Case Study’, Ravinder Rena (March 2011).

### 1.3 Structure of the Evaluation Report

This report is divided into three key sections:

- *Section 2:* An introduction to service delivery and the analytical framework used to undertake the evaluation. This section provides an understanding of the complexity of service delivery and how the evaluation explored the role of infrastructure in an overall service delivery model. It also highlights how the data collected through this evaluation provided evidence to answer the evaluation questions. More details on the analytical framework, the approach to data collection and evaluation is available in the annexes and detail on the actual fieldwork, which was provided, in earlier reports.
- *Section 3:* An in-depth discussion on the responses to the Evaluation Questions and the evidence from the evaluation, which supported the findings. Additional supporting evidence and raw data is also available throughout the Appendixes. The detail provided in this section was important for illustrating the depth of understanding that was possible in undertaking a qualitative and quantitative analysis of the linkages of infrastructure to access to LJS and service delivery.
- *Section 4:* A discussion of the implications of evaluation findings for:
  - a. GoPNG and the LJS,
  - b. Individual law and justice agencies,
  - c. The Government of the Autonomous Region of Bougainville (ABG),
  - d. Service providers at a facility level, and
  - e. The Government of Australia.

The aim of the last section was to provide suggestions and recommendations for all key stakeholders to consider and integrate as appropriate into their approach to improving access and service delivery across the LJS.

## 2. Service Delivery and the Analytical Framework

### 2.1 Service Delivery

To structure the evaluation, a definition of service delivery, what it meant in the law and justice sector, and the role that infrastructure can play in the delivery of law and justice services for the general population was investigated. This was the essence of this LJS-IIE and enabled the entire set of evaluation questions to be considered within the overall framework of service delivery.

Defining a service delivery framework provided a useful starting point for exploring how infrastructure could contribute to improved service delivery and access to law and justice services. A brief search of the literature found numerous discussions on service delivery, but there were limited definitions, which captured the essence of a service delivery framework. The Government of British Columbia in Canada described a service delivery model as the way that a government organises itself to deliver services to support people. The following description below has been modified from a definition identified through a computer search to propose a service delivery framework definition for law and justice service delivery in PNG<sup>5</sup>:

*A service delivery framework is a set of principles, standards and policies used by individual agencies and that helps to coordinate the various Law and Justice Agencies with the objective of offering a consistent and user-friendly services to the people of PNG.*

This definition very quickly reflected the multi-faceted nature of what is required for service delivery beyond the facility or people required to deliver the services. It also emphasised the importance of providing a *consistent* public service.

For the LJS, there is a range of services to be provided:

- Support by the police to provide law and order and attend to alleged/actual crimes;
- Temporary lockup facilities for the police to hold detainees;
- Access to lawyers to defend or prosecute cases;
- Access to Registry Offices where cases can be reported and prepared for court;
- Access to appropriate levels of courts (Village, District, National, Supreme);
- Development of a strong judicial process;
- Correctional facilities for housing prisoners of all classifications;
- Rehabilitation and parole services to assist prisoners to reintegrate back into the community.

This is not an exhaustive list, but highlights the diversity of services to be provided across the LJS by PNG National Agencies.

Evaluating service delivery of law and justice services in PNG also poses some particular challenges as there are multiple agencies involved, each responsible for the delivery of a particular aspect of the law and justice continuum. A single agency is not responsible for the

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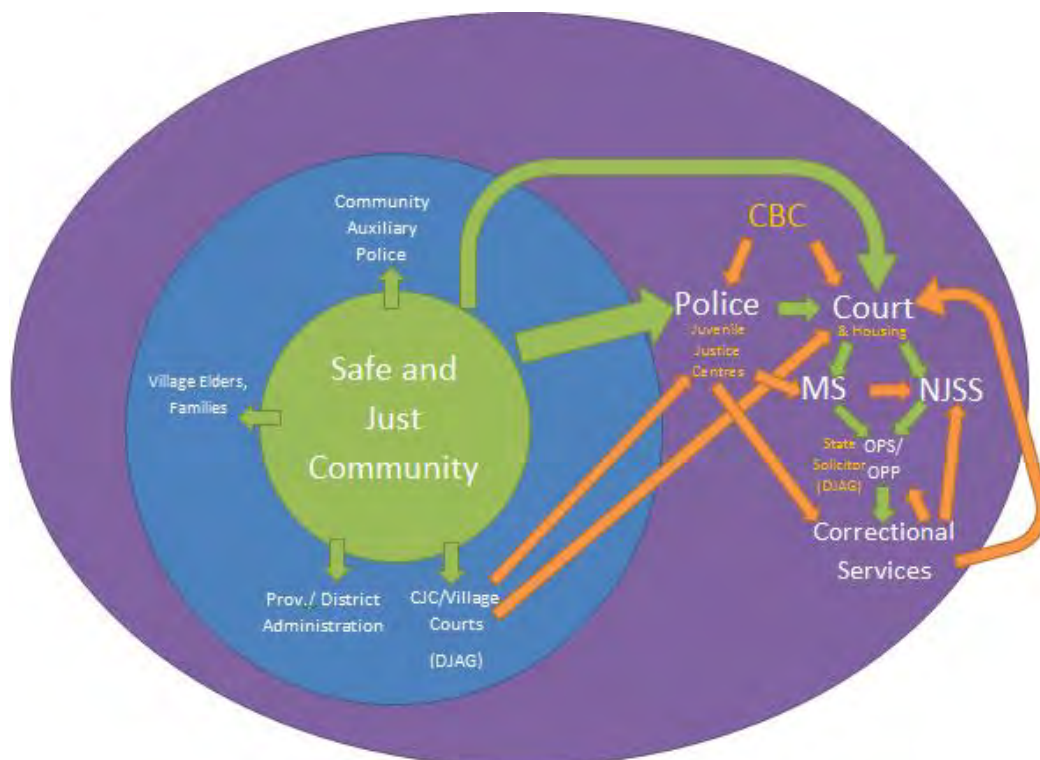
<sup>5</sup> [www.ask.com/wiki/service\\_delivery\\_framework](http://www.ask.com/wiki/service_delivery_framework)



quality of service delivery by other agencies, however, for the entire LJS to operate effectively, it would be logical to assume that the ability of each agency to work effectively at an individual level and to collaborate with other agencies performing other related law and justice functions, would be important. The corollary of this is that a more effective LJS service delivery requires a strategy that goes beyond a single agency. These assumptions were explored as part of this evaluation. The team was also conscious that the only people who experience the continuum of the whole sector are those people who get caught up in the system such as an offender who eventually ends up in a correctional institution. For the most part, stakeholders tend to have a perspective of the LJS based on a narrower set of experiences.

During the fieldwork, a representative diagram (Figure 2-1) was developed showing how the LJS agencies interact with each other in practice based on the discussions, which occurred during the LJS-IIE.<sup>6</sup> The diagram below illustrates the multitude of interactions that can occur within the sector, and as a result, the complexity of effective service delivery from a sectoral perspective. Many of these interactions follow the pathways expected in an effective judicial process, while others are a result of various constraints within the law and justice system in PNG. The objective of this diagram was not to illustrate all the interactions between the various law and justice agencies, nor evaluate the current processes, but rather to clearly illustrate that service delivery within the LJS in PNG is complex. It was important to recognise this in undertaking the LJS-IIE.

Figure 2-1: Interactions between Different Functions within the Law and Justice Sector



<sup>6</sup> This figure represents the various interactions that were identified during the fieldwork in the provinces visited. These interactions do not necessarily occur systematically throughout PNG, but do highlight how the system sometimes operates to work despite and within resource constraints.

## 2.2 The Role of Infrastructure in Service Delivery

An assumption made in undertaking the evaluation was that infrastructure was required in order to provide a service. It is pertinent to challenge this assumption and ask:

*Could these services be provided without infrastructure and if not, how does that asset contribute to service delivery?*

In considering the services shown in Figure 2-1, it would be very difficult to undertake most of these activities without some type of building. To use an obvious example, it would be difficult to keep a criminal or remandee detained if there was no structure available for detention. The Village Court is perhaps the one exception, as many Village Courts are held outdoors around a village tree, or other local landmark. However, as highlighted in this evaluation, many communities preferred the status, convenience and certainty of having access to a building that provided security and shelter from sun, rain and other natural elements. The buildings that house police stations, offices, courts, and prisons all provide an identifiable focal point for the services, as well as providing a place for service providers to work from, to file appropriate paperwork, while being accessible to service users. In other words, the infrastructure can contribute to service delivery in a variety of ways. The following are some examples of this:

- Provide easy and regular access to a service;
- Protection from the weather for both service provider and user;
- Provision of amenities (water, sanitation, electricity, cooling/heating);
- Protection of victims from offenders;
- Protection of judges and magistrates from remandees/criminals;
- Access to private areas for users to discuss sensitive issues;
- Access to library and filing systems to improve judicial processes;
- Safety and security of staff and users;
- Convenient locations for both staff and users;
- Positive working environments for staff;
- Creates an identifiable commitment by GoPNG to law and justice by having a physical structure and permanent presence.

Forty per cent of the people interviewed mentioned that the physical presence of a building was important for demonstrating the Government's commitment to law and justice at the community level. Therefore, it is not unrealistic to propose that access to law and justice and service delivery are improved with the provision of infrastructure.

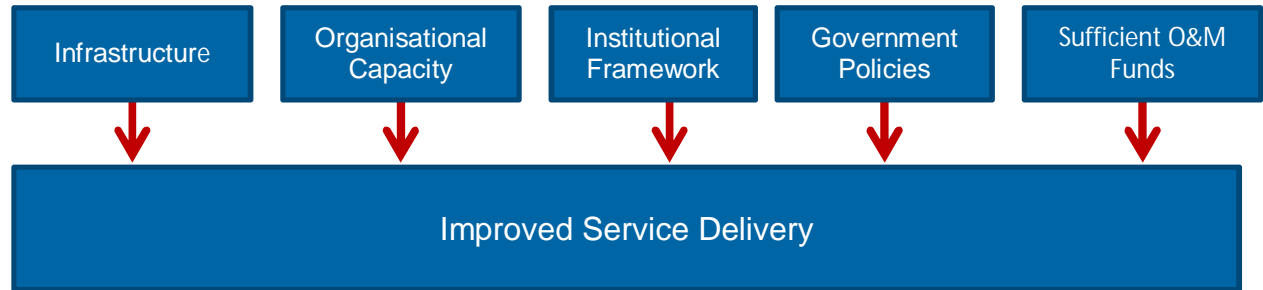
As presented in Section 2.1, infrastructure, however, is not the sole requirement for service delivery. The provision of law and justice services is an interaction between properly trained staff operating a facility, and the users requiring a service (Figure 2-2). It was this combination of elements for each infrastructure site that was explored in detail in this LJS-IIE, including how the planning, procurement, quality and functionality of the facility actually contributed to service delivery.

Figure 2-2: Elements of Service Delivery Explored in the Infrastructure Impact Evaluation



Finally, as highlighted by the definition of a ‘service delivery framework’, it was also important when undertaking the evaluation to recognise that there are many other factors that contribute to effective service delivery (Figure 2-3) such as effective government policies, strategies, regulations, and operating principles/guidelines. It also requires a strong institutional framework, an effective organisational management system with proper training programs for staff, and sufficient budgets for the facilities/buildings to be operated, maintained, and salaries to be paid. Therefore, while at the field level this evaluation focused on collecting data at the service provider/user level for each piece of infrastructure, the team needed to identify the broader context in which the services were being delivered. This was supported through meetings with National Agency representatives, and other stakeholders and consultants operating in the LJS. The Evaluation Team could not undertake this institutional and organisational analysis in a comprehensive manner, but it was able to explore many of the issues that influence infrastructure planning, management, and operations in order to put the evaluation results into an appropriate context.

Figure 2-3: Indicative Components of Overall Service Delivery



An Independent Progress Report <sup>7</sup> for the PALJP was prepared in March 2012, which highlighted many of the challenges faced not only by the PALJP, but also the GoPNG in delivering services effectively at the ‘point of delivery’<sup>8</sup>. Similarly, the LJS Affordability Study (2005)<sup>9</sup> also highlighted many influences that impacted service delivery (i.e. fuel, consumables). These works provided useful frameworks of the issues that influence infrastructure and service delivery. The Independent Progress Report also referred to the lack of evidence of tangible improvements in the delivery of law and justice services to the majority of the people in PNG, 87 per cent of whom do not reside in Port Moresby. Therefore, as a

<sup>7</sup> Armytage, L., J. Laki, and E. Scheye, PNG-Australia Law and Justice Partnership (PALJP), Independent Progress Report, AidWorks Initiative Number INI194, March 2012.

<sup>8</sup> The term point of delivery could be interpreted as the improvement of service delivery at a particular infrastructure site for a law and justice agency, or the delivery of a range of services at a particular locale ie provincial/district town.

<sup>9</sup> Sugden, C., Affordability Study, Law and Justice Sector Program, ACIL Australia Pty Ltd, 2005.

corollary, the results of this evaluation provided a strong evidence base for supporting many of the assertions provided in these reports.

The review also emphasised that even if access to law and justice had improved and many of the building blocks were in place for improving service delivery, including infrastructure, it did not necessarily translate into improved service delivery. In some cases, this may be due to political influences such as (From Independent Progress Report <sup>7</sup>):

*“Whether the GoPNG maintains consistently committed leadership of the institutions and agencies of the law and justice focused on service delivery<sup>7</sup>, and*

*Whether the GoPNG increases its allocations to law and justice services<sup>10</sup> as a proportion of its overall budget.”*

In summary, these previous documents are two examples which illustrated that improved service delivery in the LJS is a complex issue and with many influencing factors. The purpose of this evaluation was to review the role of infrastructure in improving service delivery in this complex and political environment (**Appendix A**).

### 2.3 Study Design, Data Collection and the Analytical Framework

The complexity of the ‘problem’ being posed meant the evaluation was undertaken in a systematic and multi-faceted manner. The Evaluation Team undertook a convergent parallel study design<sup>11</sup>, integrating both qualitative and quantitative data collection methods, followed by integrated data analysis to answer the overall evaluation question and the diverse set of sub-evaluation questions discussed in Section 3. More details on the rationale of the design are provided in **Appendix B**. **Appendix C** and **D** contain the approaches and strategies used to undertake the evaluation and the list of the infrastructure selected for review.

Raw data was collected for this evaluation by visiting over 35 infrastructure sites across six regions of PNG (Autonomous Region of Bougainville, Eastern Highlands Province, East New Britain, Morobe, National Capital District, Western Highlands Province) over a two-month period. The monetary value of these sites represents approximately 27% of the infrastructure funding provided by GoA through the two programs (LJSP/PALJP) in the period 2004 through to 2012.

Data was collected on the condition of the LJSP/PALJP infrastructure and how it was managed and maintained. An extensive photographic record was also created, and GPS coordinates of the location of each facility were collected. Extensive interviews were conducted to collect the perspectives of staff that manage or provide services in a facility, as well as the people coming to use the facility. A breakdown of the type of people interviewed by region is provided in Table A. The availability of data at specific sites was investigated and in most cases found to be either non-existent or very limited.

Other sources of data such as court cases completed at particular facilities or number of prisoners were collated where possible. Contract and informal project management files were reviewed to determine available data and insights on the procurement of infrastructure. In addition, information was collected by a review of available documentation regarding the

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<sup>10</sup> Papua New Guinea Vision 2050, National Strategic Taskforce, page 54. It is recognised that adequate budget allocations are required for RPNGC and the broader law and justice sector to combat law and order. It is not clear how these budgets will be met, as the ‘Public Investment Budget Strategy’ only indicates a 5% commitment to National Security, which as defined in Vision 2050 does not include police, correctional services and other law and justice agencies.

<sup>11</sup> Creswell, J. and Plano-Clark, V. (2011), *Designing and Conducting Mixed Methods Research*, 2<sup>nd</sup> Edition Sage, California, pp 77-81.

planning and procurement processes applied to construct the infrastructure. This raw data was supplemented by meetings and workshops with representatives of the law and justice National Agencies, as well as a review of a wide range of documents (**Appendix S**) which provided a broader understanding of how the LJS was operating, and how the Government of Australia component was contributing to law and justice in PNG.

**Table A: Interviews Undertaken by Social Team**

Location	Agencies Interviewed	Male	Female	Total	Type							No. interviews
					Providers	Users	Advisers	NGO	Churches	Prov/D A Admin	MP	
NCD	6	29	49	78	18	23	1	0	0	0	0	42
Morobe	3	15	50	65	10	4	0	2	2	0	0	18
EHP	5	21	12	33	5	9	2	1	0	2	1	20
WHP	2	9	6	15	4	9	0	0	0	0	0	13
ENB	5	23	24	47	12	19	0	0	0	2	0	33
ARoB	5	67	47	114	40	30	1	1	0	3	0	75
<b>Total</b>	<b>6 in total</b>	<b>164</b>	<b>188</b>	<b>352</b>	<b>89</b>	<b>94</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>201</b>

\*NOTE: Table A represents disaggregate data collected by the Social Research Team. The infrastructure consultant interviewed an additional 2-3 agency staff at each site to identify how the building was managed and operated. These results were not included in the social analysis. However, these interviews, while focused on the infrastructure, also provided another data set to validate certain aspects of the social research.

During the fieldwork, initial data analysis enabled infrastructure characteristics or issues, which impacted access to services or actual service to be identified. These were categorised into a set of key themes or criteria. The Evaluation Team identified these emerging themes by conducting daily analysis from all the observations, interviews and meetings undertaken and periodically sharing them with team members that were travelling separately to compare information and ideas.

Following the fieldwork, the first task undertaken was to consolidate and probe the data collected to ensure that all themes had been identified in the initial analysis of the data. For the social research these themes were converted to a set of codes<sup>12</sup> in order to process the information and establish a set of evaluation criteria that were used by the social research team<sup>13</sup>. In parallel, the infrastructure and procurement consultants also developed criteria, which reflected the issues to be explored from the perspective of the building itself and the planning, and procurement processes used to develop infrastructure.

In order to explore the relationship between infrastructure and service delivery, it was important to understand the overall infrastructure development process, and how that linked to effective management of that asset and the services it was required/expected to deliver. It was also important to link the data collected during the evaluation to the infrastructure development process and the evaluation questions. Development of this analytical framework commenced

<sup>12</sup> A total of 47 codes were used to analyse the data.

<sup>13</sup> An evaluation criterion was agreed that followed a 1 to 5 ranking scale when conducting the analysis of social and infrastructure data sets: (1) poor; (2) tolerable; (3) adequate; (4) very good; and (5) excellent.

with establishing a simple representation of the infrastructure development and operations process being evaluated and linking it to data collection. Using a simple 3-step model linking infrastructure development and operations to service delivery, an understanding of the factors influencing the infrastructure development process was developed (Figure 2-4).

Building on this initial analysis, a more complex model was constructed. This updated model included a set of 'horizontal slices' incorporating the factors that influenced the infrastructure development process. In addition, it incorporated a link to each of the data sets collected during the evaluation (Procurement, Infrastructure Quality, Functionality) and where the outcomes of data analysis contributed to answering the evaluation questions (i.e. efficiency, effectiveness and appropriateness, impact, sustainability/legacy). Figure 2-5 illustrates the framework that was developed as a result of the above process. **Appendix C** provides a more detailed explanation of the development of the analytical framework.

Using this framework, the hypothesis being tested in this evaluation was that the LJSP/PALJP investment in infrastructure had increased access to law and justice services and improved service delivery. It was also important to differentiate between access and consistent quality of service delivery, and explore how infrastructure contributed to these two different objectives. For example, increased access to law and justice services may not necessarily be linked to the quality of the infrastructure initially, as the construction of the building itself and provision of staff may have been sufficient to have increased access. However, it was envisaged that the quality of the building would influence the quality of the service. In other words, in order to get an improvement in the quality of the law and justice services and sustain that quality, it was important to have a building of sufficient quality and functionality. It is these issues that were explored throughout the data analysis to confirm if the hypothesis and these assumptions were correct. In doing so, the aim of the evaluation was to assist the GoPNG, GoA, LJS, and individual agencies understand how to enhance the planning, procurement, scoping, design and construction of its infrastructure to improve law and justice outcomes.



Figure 2-4: Influences on the Provision of Infrastructure for Service Delivery

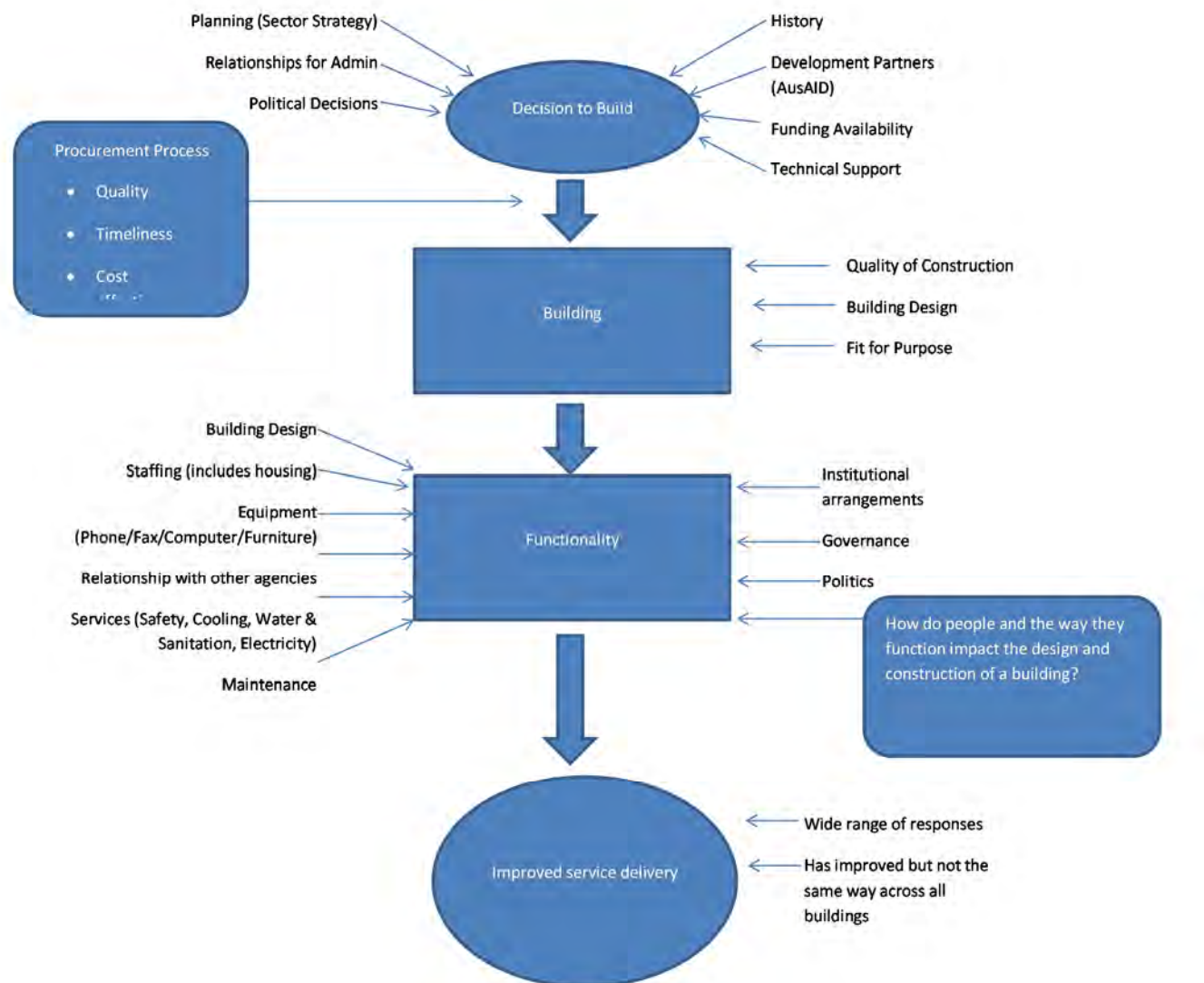
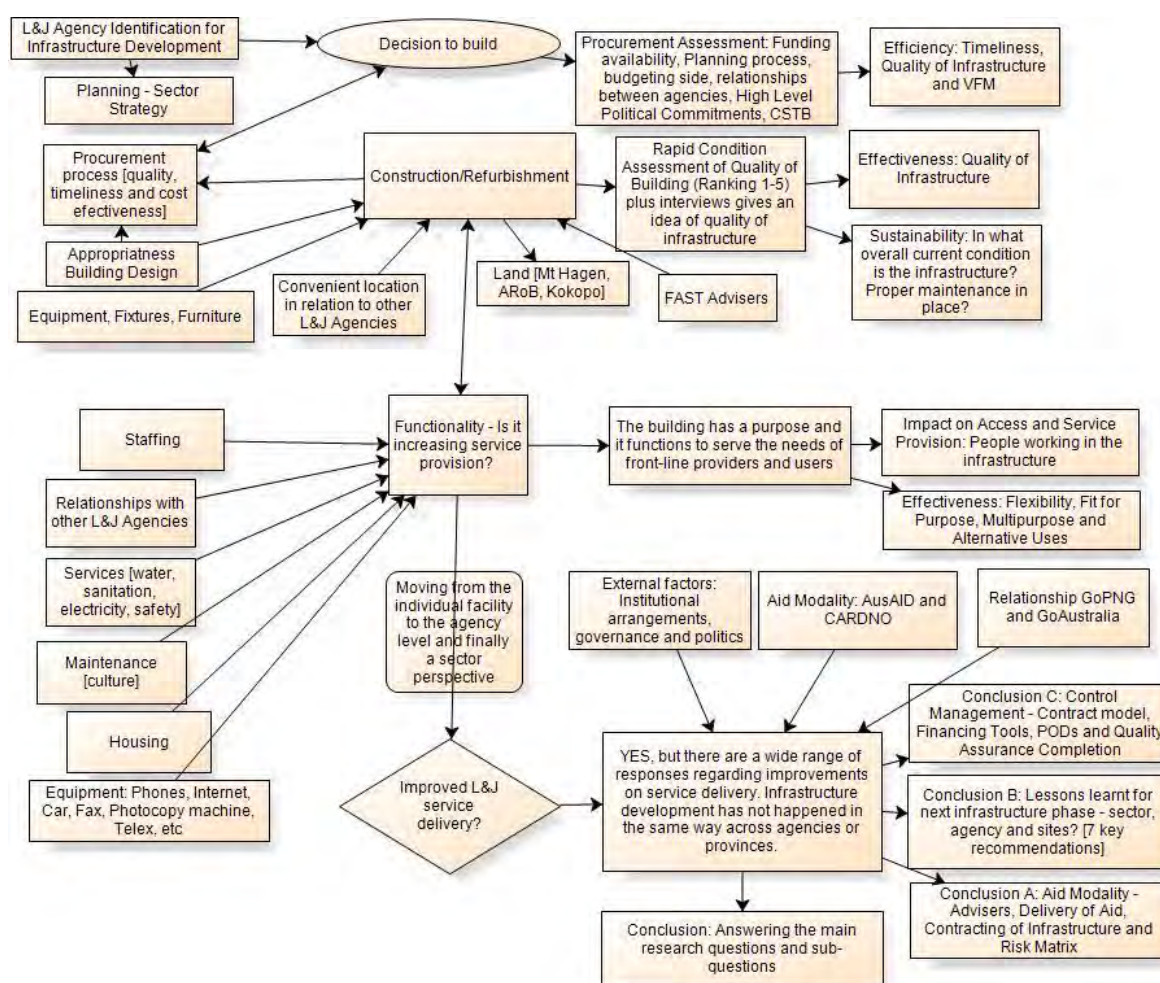




Figure 2-5: NVivo Representation of the Analytical Framework



## 2.4 Data Validity and Reliability

In undertaking any qualitative research it is important to recognise the limitations of the data collected and the measures that were taken to maximise the validity and reliability of the data. An outline of the data collection processes and data validity and reliability, as well as the techniques used to obtain honest, realistic and representative responses are provided in **Appendix C**.

Following the detailed analysis and identification of preliminary implications, the evaluation team hosted two workshops with key national agency representatives to validate the proposed findings and to identify the policy implications of the results. A one-day workshop was also held in Bougainville to undertake similar activities, but for the ABG context. Details of the results of these workshops are provided in **Appendix P**.

In analysing the data collected throughout the evaluation, it was important to understand the differing perspectives of the data sources. The social research team was collecting perspectives of front-line service providers and users on the quality of services provided and how the infrastructure facilitated this process. By the very nature of service delivery, these were often holistic perceptions – not only the elements of the infrastructure built or refurbished with the PALJP/LJSP funds, although specific views of these investments were gathered. This is an important distinction as the infrastructure consultant assessed condition and quality of the

PALJP/LJSP funded elements only and questioned facility managers (where available) on these specific elements – as well as undertaking an overall condition, serviceability and performance assessment of the associated infrastructure. These two complementary perspectives added to the depth of the information collected but were important to differentiate during data analysis.

## 2.5 Scope and Limitations

This LJS-IIE was focused on obtaining information related to access and service delivery at the point of delivery (facility level) and linking those experiences to the approaches and systems, which exist within the law and justice sector and within individual agencies.

The fieldwork that was conducted as a key component of the evaluation process focused on talking to locally based law and justice representatives, service providers and the users of particular facilities and was therefore, talking to people who were already using or were generally aware of the service being provided. The team did not conduct extensive surveys in villages/communities to determine if they were aware of various law and justice services and if they knew how to obtain them if they were required. The evaluation was limited; therefore, in how it measured 'access' to the views of people who were providing/using the service/s and how it/they had been improved by the new/refurbished infrastructure. Another important limitation is that most of the fieldwork was undertaken in urban areas despite the fact that 87 per cent of PNG population is rural-based.

It should also be stated that the interview strategy was opportunistic, and focused on who was available at different sites during the interview period. Again, the focus was on people that were using the facilities rather than seeking out the views of the general community or people who were not engaged in using the law and justice services. There was also no specific targeting of children or PWDs during surveying. The results of the evaluation were based on discussions with service providers and users and their views of the needs of children and PWDs. Targeted discussions with these groups were not practical during this study. It is envisaged that if such interviews had been possible there would be additional perspectives to add to the research.

It should also be noted that the evaluation reviewed a sample of the infrastructure that has been funded through the LJSP and PALJP mechanisms rather than an exhaustive review of all infrastructure delivered by those programmes. It also did not include infrastructure types from all regions throughout PNG, many of which may have particular characteristics for their region. In addition, the Social Research Team interviewed a sample of individuals and groups around the various facilities, generally over a 2-3 day period while the infrastructure consultant was focused on talking to infrastructure or facility managers to collect appropriate information. More detail on these sampling strategies is provided in **Appendix C**.

Finally, as has been emphasised at the beginning of this discussion, there are many contributing factors that make up effective service delivery and this evaluation focused on the contribution that infrastructure makes to law and justice services. While the research identified policies, strategies and plans that are in place within the LJS, it was not an exhaustive review of the appropriateness of these documents and systems. They were reviewed with the intention of understanding the context in which infrastructure development had occurred and highlighted where strengthening of these could improve future infrastructure development and facility management.

## 3. Evaluation of the Data

### 3.1 An Overview of Data Integration

Following fieldwork, initial data analysis and development of the analytical framework, an approach was developed to consolidate the large amounts of data and provide a means to compare, interrogate and integrate the different data sets. All of the social research data was entered into a commercial software package known as NVivo, in order to use the qualitative analysis techniques in this software and provide a storehouse of social data collected through the evaluation. All of the infrastructure and procurement data has been integrated into the data sets presented below and also presented in a series of appendices.

The approach involved the quantification of qualitative data into a set of rating scales for each characteristic identified by the evaluation team as important for drawing out the relationship between infrastructure and improved access and service delivery. The raw data itself was used to support the development of these ratings to ensure that they were appropriate to the local context. Presenting the data in this format enabled any differences in opinions to be explored. For example, the providers and users of the infrastructure may have had a different perspective of quality of infrastructure than the professional infrastructure consultant. It also enabled detailed interrogation of the data to identify important messages.

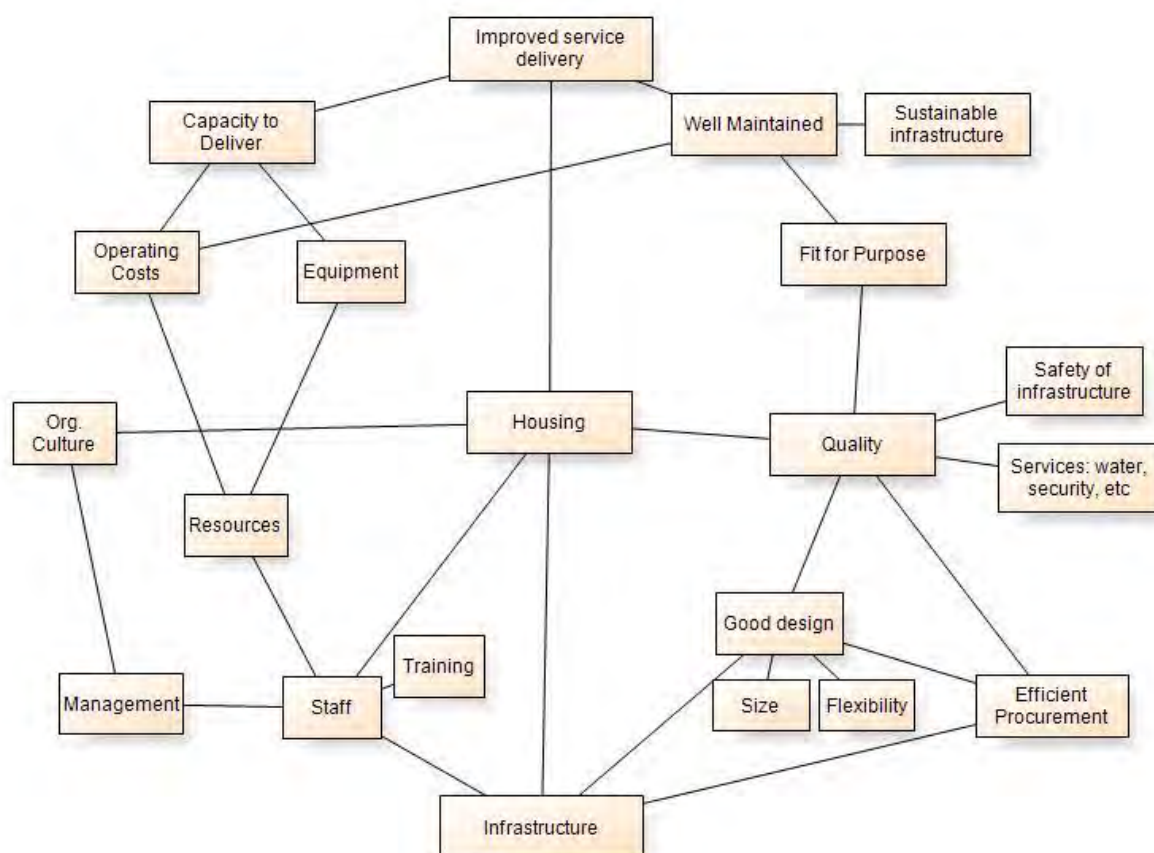
The results of the overall data consolidation and analysis process are presented in a range of ways to explore different aspects of the evaluation, including the following:

- Tables summarising infrastructure condition, functionality, fit for purpose, service provision and effectiveness (**Appendix F**);
- Descriptions and tables of planning and procurement processes (**Appendix M**);
- A set of graphs exploring the relationships between infrastructure and service delivery (**Appendix F**);
- Word maps illustrating the perceptions of people with respect to a particular word/theme (**Appendix G**);
- Maps illustrating the relative locations of law and justice infrastructure (**Appendix E**);
- A tree map illustrating the inter-relationships of infrastructure and service delivery (Figure 3-1).

All of this data and other supporting information is available in **Appendix F, G, H, I, J, K, L, N, M** with key extracts presented in the following discussion.

Analysis of the data collected throughout the study enabled a service delivery model to be developed linking the different aspects of infrastructure development, and the people and systems required to operate it through to service delivery. Figure 3-1 illustrates these inter-relationships. It was clear from the analysis that infrastructure was only one necessary contributor to service delivery as had been highlighted in Section 2. The evidence provided through the evaluation has enabled the team to highlight the different aspects of infrastructure that are important for maximising the level of service delivery. Other factors that contribute to improved service delivery are also discussed in order to provide the reader with an understanding of the multi-pronged approaches necessary to improve access to law and justice services and service delivery.

Figure 3-1: Service Delivery Model Illustrating the Links Between Infrastructure, Management and Staffing, and the Quality and Quantity of Service Delivery



### 3.2 Evaluation Questions

As noted previously, a series of evaluation questions (Figure 3-2) framed this Law and Justice Sector Infrastructure Impact Evaluation (LJS-IIE) and these are addressed in the following sections.

The sub-categories of questions presented in Figure 3-2 are addressed in reverse order so as to first understand the nature and quality of the infrastructure, followed by its functionality, impact, effectiveness and appropriateness, and finally the *efficiency* of the planning and procurement phases. As an evaluation is retrospective, it was decided that it would be more appropriate to establish an understanding of the infrastructure and how it operated prior to outlining the constraints and implications of the planning and procurement processes that established the infrastructure in the first place.

While the detailed results and analysis are featured in the Appendices, considerable detail is provided here in response to these questions in order to provide the reader with an understanding of the depth of the findings and support the recommendations going forward.

Figure 3-2: Evaluation Questions

EVALUATION QUESTIONS
<b>OVERALL:</b> <i>'To what extent is investment in infrastructure contributing to improved service delivery and access to law and justice for women, men, girls, and boys of PNG?'</i>
<b>EFFICIENCY - Procurement Processes</b>
<i>To what extent are the procurement processes for infrastructure maintenance and construction projects providing value for money? How could the procurement processes be refined to improve: a. Timeliness of construction and b. Quality of construction and c. Value for money?</i>
<b>EFFECTIVENESS AND APPROPRIATENESS - Infrastructure Use</b>
<i>How appropriate is the infrastructure design in meeting the needs of the intended users (women, men, girls and boys)?</i>
<i>Is the infrastructure located conveniently in relation to other Government &amp; NGO justice and related services?</i>
<i>To what extent was land properly acquired prior to construction?</i>
<i>To what extent is the infrastructure being used for its intended purpose?</i>
<i>For what else is the infrastructure being used?</i>
<i>How flexible has the facility design proven to be over time in meeting emerging justice sector, government and community needs? (Could the initial design have been more flexible to allow for emerging needs?)</i>
<b>IMPACT</b>
<i>What differences have the services provided as a result of the infrastructure being in place made to the lives of women, men, girls and boys? (To what extent was the service being provided prior to the construction/ refurbishment of the infrastructure?)</i>
<b>SUSTAINABILITY – LEGACY - Infrastructure Location and Condition</b>
<i>In what overall current condition is the infrastructure? (Considering time elapsed since construction/ refurbishment?)</i>
<i>Is there an appropriate maintenance program in place and being implemented?)</i>

### 3.3 Sustainability - Legacy

***In what overall current condition is the infrastructure? (Considering time elapsed since construction/ refurbishment)***

***Adequate - matching local standards and ranging from unacceptable to exceeding expectations***

***Is there an appropriate maintenance program in place and being implemented?)***

***No***



The ability of infrastructure to contribute consistently and sustainably over time to the provision of law and justice services is a function of appropriate design, material selection, built quality, asset management, and, ongoing care and maintenance of the building. If buildings are poorly built with inappropriate materials, and not maintained they will deteriorate much more quickly, and eventually be unsuitable for delivering services. Expensive, new infrastructure is then required to replace that building. There are many examples of this throughout PNG and the Pacific<sup>14</sup> regardless of sector. Ascertaining the sustainability of the infrastructure investments that have been made through the PALJP and LJSP was an important aspect of the evaluation.

*Maximising sustainability is more cost effective than always continuing to increase housing/infrastructure stock.*

### 3.3.1 Rapid Infrastructure Condition Assessments

'Rapid' infrastructure condition assessments of the current 'condition' of the LJSP/PALJP funded infrastructure were undertaken on 60 individual entities across PNG at 32 agency sites.

The following summarises some key observations on the overall condition of the infrastructure that resulted from the site visits:

- The structural design and construction methodology of law and justice facility infrastructure (the core structural elements) generally rated well;
- The architectural design generally incorporated appropriate detailing to minimise maintenance demand on the exterior building envelope (where applicable);
- Cladding materials (roof, internal and external walls, etc.) across the sample were typically appropriate with low maintenance needs;
- Law and justice infrastructure built quality has improved gradually over the period (approximately 2003 – 2013);
- Infrastructure did not meet energy rating standards stipulated by Australian standards implying that operational costs (overall) are likely to be higher;
- Certain elements of 'low' quality or inappropriate specification were repeatedly incorporated in the infrastructure resulting in increased maintenance demand and lower serviceable life – examples included door and window hardware, fans and toilet cisterns.

The results of the analysis are fully presented in **Appendix F**. As noted in Section 3.1 above, infrastructure elements were assessed, ('scored' or 'rated') using a numerical scale of 1 to 5 and taking into account (to the best of the team's knowledge) the time lapsed since the refurbishment or construction had been completed. While there were challenges with the data collection, this approach enabled the evaluation team to use professional judgement to develop a rating of a particular piece of infrastructure and collate these ratings to provide an overall perspective of the quality of assets in a particular region or agency or across a type of infrastructure (i.e. prison, housing, office).

Descriptive ratings were developed for numerical bands of 0 - 2.5, 2.5 - 3.5 and 3.5 - 5 respectively – as shown below in Figure 3-3. This is in response to the TORs, as well as to provide generic, meaningful descriptors of 'condition' that could be discussed and integrated with the social research data. For example, a score of 2.8 falls within the descriptive band of 'good' as does a score of 3.3.

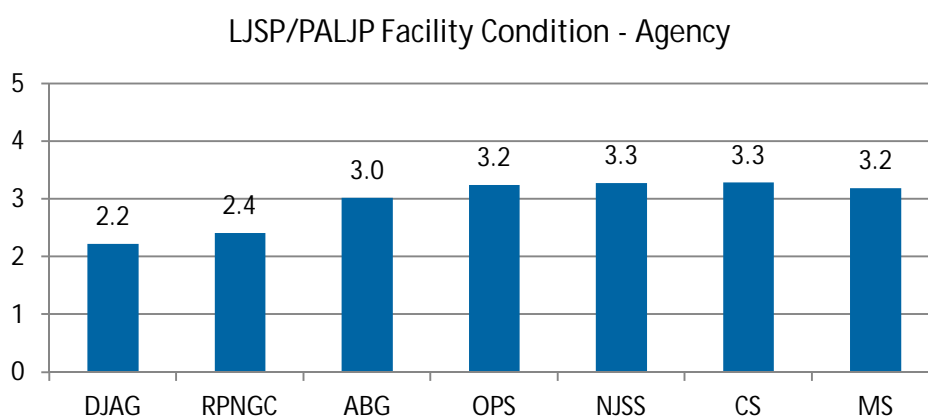
<sup>14</sup> Infrastructure Maintenance in the Pacific: Challenging the build-neglect-rebuild paradigm, Pacific Regional Infrastructure Facility (PRIF), Pacific Infrastructure Advisory Centre, 2013.

Figure 3-3: Descriptors of Rating Scales

Numerical Ratings = Descriptive Ranges				
1	2	3	4	5
	'Poor'	'Good'	'Very Good'	
	'Tolerable'	'Average'	'Excellent'	
	'Below Average'	'Acceptable'	'Above Average'	
	'Unacceptable'		'Exceeds Expectation'	

Figure 3-4 illustrates the condition assessments that were calculated for the infrastructure associated with each of the law and justice agencies included in this evaluation.

Figure 3-4: Rapid Condition Assessment of Infrastructure by Agency



The assessment of the 'condition' data aggregated by Agency indicated that, overall, the condition of the DJAG and RPNGC infrastructure supported under the program was 'poor' or 'unacceptable'. These investments appear to have been refurbishments to existing buildings and were completed to compensate for a lack of maintenance for many years. For the remaining agencies – the CS, MS, NJSS and OPS – the average overall condition assessments were all rated as 'acceptable' - in a range of 3.0 to 3.3.

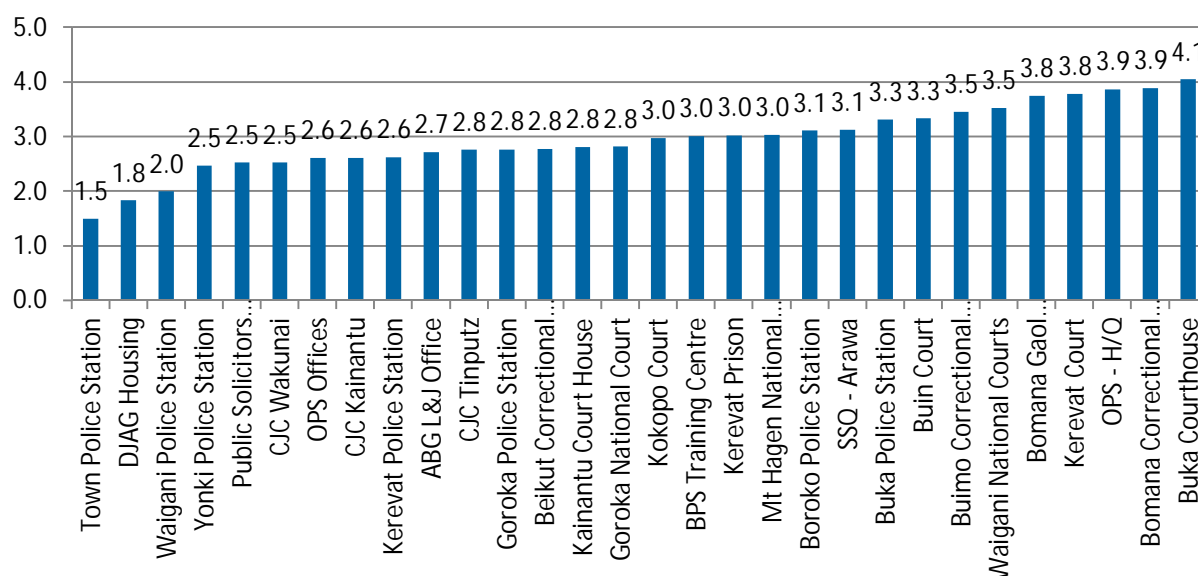
It was noted that the 'condition' of the infrastructure appeared to be a function of relative distance from the capital, with the exception of Bougainville and Lae. This would be expected when maturity of the local construction industry, ease of logistics for both construction and maintenance, and proximity or ease of monitoring are taken into account. As an example, the data showed that, on a regional basis, the condition of the LJSP/PALJP infrastructure was 'lowest' in EHP, and 'best' in the NCD with average ratings of 2.5 and 3.2 respectively (**Appendix F**). All individual buildings at the provincial/regional level were within the 'acceptable' range (between 2.5 and 3.5).

In reviewing the results (**Appendix F**) aggregated for 'Type of Infrastructure', the infrastructure survey data showed that Police Stations and Housing rated as 'poor' or borderline 'poor' overall, whereas National and District Courts and L&J office infrastructure rated best. Again, there was no specific type of infrastructure that exceeded 'acceptable' or 'good' condition overall.



The data was further segregated to show rapid condition assessments for individual facilities (in fact all individual infrastructure inputs were assessed as some of the facilities visited may have had between one and five separate infrastructure entities). As seen in Figure 3-5 below, the relative condition of facilities varied from an unacceptable rating of 1.5 (Town Police Station) to above average 4.1 (Buka National Court). This clearly demonstrated the wide range of infrastructure quality across the sector.

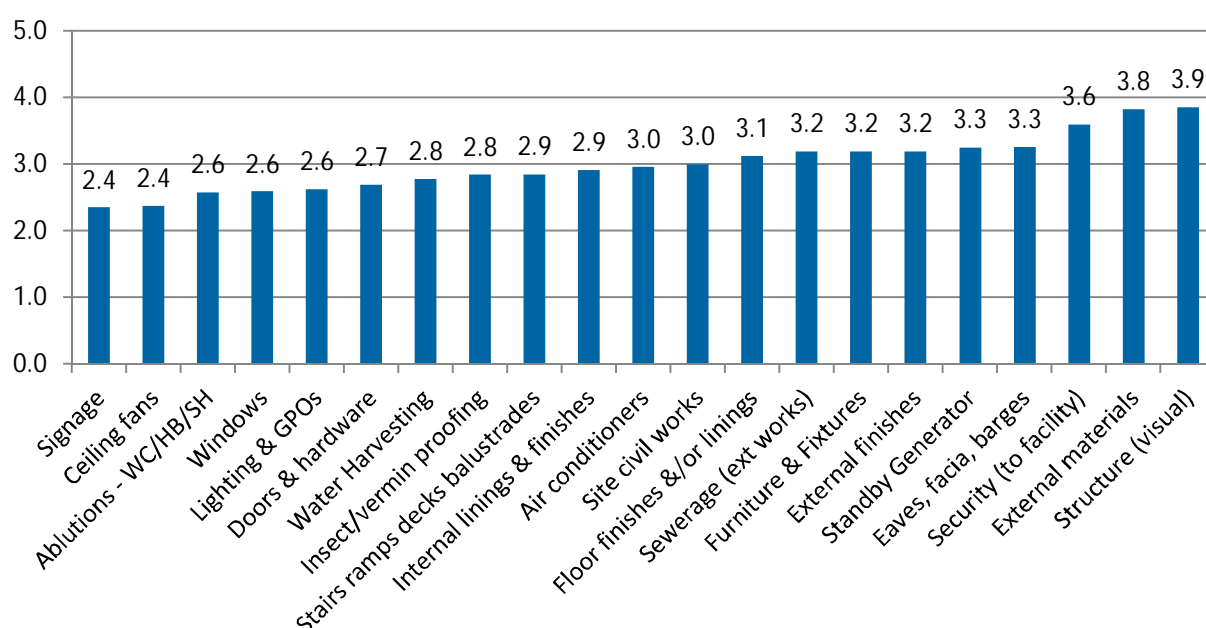
**Figure 3-5: Rapid Condition Assessment of Infrastructure – LJSP/PALJP Facilities**



Finally, in terms of a more specific assessment of selected elements of the buildings, the survey included an assessment of 21 separate infrastructure components (Figure 3-6). There were a number of components that were repeatedly assessed as 'poor'. Provision for disabled users and providers, signage, ceiling fans, ablutions and windows were all less than acceptable overall, and door and window hardware and insect/vermin proofing were all close to unacceptable. At the other end of the scale, provisions for security, the selection and use of appropriate external materials and structural elements all had very good ratings overall.

In summary, the data indicated that the average overall 'condition' of the facilities reviewed was 3.1 - very close to the mean value (3). This suggested that the condition of LJSP/PALJP infrastructure – overall – was similar to the associated regional or local standard. It also suggested that while there is significant room for improvement in the condition of facilities, users and providers would find the existing 'condition' generally acceptable and close to the local norm – an assumption that was confirmed by the social research data collected.

Figure 3-6: Factors Considered in Analysing the Condition of the Law and Justice Infrastructure – LJSP/PALJP Facility Elements



### 3.3.2 Staff and Users Perspectives of Infrastructure Quality

Parallel to the rapid condition assessment, the social research team investigated the views of service providers and users regarding building condition. A total of 176 people (86%, 83 women, 93 men) interviewed provided comments on the appropriateness of the building condition. Interviewees indicated that the new construction/refurbishment had led to an improvement in their experiences with the law and justice sector compared to what they had experienced before the investment. Analysis of the perspectives of service providers and users generated an 'adequate' rating (3.1) for the quality of construction of those facilities that were visited. This assessment was similar to the one given by the infrastructure specialist.

The social research, however, provided insights into how the interviewees viewed the places where they worked/received services and their ability to link the condition of the building with its functionality. They highlighted both positive and negative aspects of the facilities. Figure 3-7 provides examples of the type of comments made by providers and users of infrastructure facilities during the evaluation.

Figure 3-7: Good and Poor Aspects Regarding the Quality Infrastructure. Perceptions of Front-Line Providers and Users

Good aspects related to quality of infrastructure	Poor aspects related to the quality of infrastructure
Interviewees thought that the <b>Kainantu District Court</b> was built with high standards. It was seen as providing a good working atmosphere. Users appreciated that the holding cell was built close to the court.	Providers said that the <b>Kainantu District Court</b> sub-registry was not included in the new court construction. The court holding cell was not constructed with high standards and it was recently kicked open. The poor quality standards of the holding cells put the magistrate's life at risk.
Before renovations, the sub-registries of Mt. Hagen District Court and the National Court were located in the same room. After renovations the space was extended and a filing area for not-completed files was created. Nowadays, the <b>Mount Hagen National Court</b> sub-registry is considered to have been built to adequate standards.	The construction of new Judges Chambers at the <b>Mount Hagen National Court</b> was delayed due to problems with the contractor. The providers were not consulted and its design did not adequately consider security of legal personnel. Furthermore, the contractor tried to get away with not finishing the building.
<b>The BPS Training Unit</b> was seen by police trainees as an example of excellent quality construction as it provided adequate accommodation. It was given a 'very good' rating for the quality of infrastructure.	The <b>BPS Training Unit</b> was used as accommodation for police officers. It was constructed by a contractor that took years and did a very poor job. The quality of the construction was so bad that it had to be demolished and re-built.
The 100-men dormitory used for medium security male inmates in the <b>Buimo Correctional Institution</b> was considered good quality by inmates as it had a functional ablution block and good ventilation. Inmates said that adequate living conditions encouraged them to keep the facilities clean.	In contrast to their male counterparts, female inmates at the <b>Buimo Correctional Institution</b> thought that the refurbishment was insufficient as the dormitory cell was very small; had poor ventilation and a poor ablution block. It was also raised that although the prison had three water tanks, only one was functioning. As a result, they lacked sufficient water.

### 3.3.3 Maintenance

It is recognised that in order to maximise the lifecycle of a piece of infrastructure it is important to maintain it. Further, expenditure on maintenance lowers overall WOL infrastructure costs<sup>15</sup>. However, in PNG, the commitment to maintenance is minimal, and the results of the evaluation verified this fact.

Maintenance undertaken on surveyed L&J and LJSP/PALJP infrastructure was demonstrated as inadequate; in particular, maintenance support for the more remote provincial locations (excepting Bougainville) was demonstrated as being extremely low and non-responsive. Maintenance for residential accommodation was virtually nil (for all non NCD locations). No houses were assessed in NCD so the evaluation cannot comment on the situation in NCD.

Survey results illustrated that there were no routine maintenance service contracts in place, and most maintenance was reactive, and only occurred when it either completely undermined service provision or the working conditions of key personnel were considered unacceptable (as befitting the position). For example, the repair of an air-conditioning unit in a magistrates/judge's offices took priority over a broken fan in the main/general office. Repairs and/or maintenance response addressing OH&S is completely unacceptable. There was no demonstrated evidence provided/seen in any of the facilities assessed of Operations & Maintenance Manuals. There was also very little evidence of (timely) maintenance across the survey sample, and typically, no evidence of facility maintenance planning/plans existed, with only limited asset management systems operational at headquarter level.

<sup>15</sup> See 'Infrastructure Maintenance in the Pacific – Challenging the Build-Neglect-Rebuild Paradigm', Pacific Infrastructure Advisory Centre (PIAC) 2013.

Ongoing safety in the infrastructure was often not assured particularly in holding cells at police stations where UN standards <sup>16</sup> were often not close to being met).

*‘Three important convergent points are upheld in the policy and standards of most police departments in the world regarding treatment of detainees: a) police departments shall operate a safe and sanitary lockup facility in compliance with state and local codes and regulations; b) they shall care for detainees, being attentive to their security and medical needs; and c) they shall provide special care for juveniles, separate from adults and only in approved facilities’<sup>17</sup>.*

Factors contributing to inadequate maintenance of Pacific infrastructure are well documented and essentially revolve around the lack of budget/fiscal resources, lack of a maintenance culture, the low recognised importance of ‘maintenance’, the ‘build-neglect-rebuild’ paradigm<sup>18</sup> and lack of associated human resources – in particular management skills in planning, programming and undertaking maintenance.

Centralised control of the maintenance budget, independent Agency management and approval systems are seen as key constraints. Bougainville demonstrates that regional autonomy can lead to improved outcomes. Regional facility managers rarely have autonomy or access to an operational or even ‘petty cash’ account to address the most basic maintenance need/repairs. It is incredible that regional facility Agency managers (usually responsible for the facility’s service provision and performance of a considerable number of staff) typically have virtually nil operational accounts/cash at hand. It is recognised that historical ‘leakage’ at the provincial level has led to this common GoPNG situation however the lack of basic operational account is untenable to maintain/provide reliable service provision and a strong organisation culture. A small local account needs to be established for minor maintenance items (e.g. replacement of light globes etc.) controlled by adequate governance systems including monthly reconciliation, electronic fund transfers and annual audits.

The survey identified consistent dysfunctional maintenance system management by central (National) government. Limited resources and capacity at headquarters meant routine maintenance needs were generally postponed or cancelled having a major impact on the ongoing sustainability of the asset. Compounding this reality is the lack of donor provision of WOL costings illustrating/emphasising future liabilities to the GoPNG for any infrastructure provided by the GoA under its Programs.

Interviews with service providers confirmed that requesting maintenance funds was a lengthy and demoralising process, and, irrespective of the urgency of the need, timely responses from headquarters were rare. Facility managers noted the lack of ‘customer-service’ mentality at the agency level.

There is a demonstrated link between the lack of maintenance and lower provision or quality of service. Refer to Appendix F.3, Appendix G and also Appendix I. The survey data also suggests that ‘condition’ of a service’s supporting infrastructure may have more impact on improved service delivery than quality of ‘Fit for Purpose’ infrastructure. Therefore it is conceivable that the opportunity cost of the lack of maintenance may be significantly greater than the associated whole of life infrastructure asset and operational costs. Refer to Appendix I.

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<sup>16</sup> Universal Declaration of Human Rights of 1948, the United Nations Standard Minimum Rules for the Treatment of Prisoners of 1955; the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of 1984, and the United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment of 1988

<sup>17</sup> Standards for Monitoring Human Rights of People in Police Lockups, Charles Hounmenou, Ph.D. Jane Addams Center for Social Policy and Research, July 2010, p3

<sup>18</sup> Maintenance depends on the ‘availability of resources, capability of organisations managing infrastructure, and the incentives of staff’ - refer <http://www.scribd.com/doc/151228393/Infrastructure-Maintenance-in-the-Pacific-Summary-Paper> - Alejandrino-Yap, Dornan & McGovern, 2013

Breaches in Occupational Health and Safety (OH&S) are typically seen as the result of inadequate maintenance or operational circumstances. High priority OH&S needs were identified and rated under the 'Fit for Purpose' site survey assessments – see Appendix F.7. Overall rating of LJSP/PALJP infrastructure in terms of 'safe structure' was not possible however visible structural elements rated well (3.8 overall – lowest reading of 3; highest 5).<sup>19</sup> Whilst infrastructure OH&S assessments averaged 2.9 overall, repairs and/or maintenance responses from NCD head office to regional Agency facilities remain unacceptable.

Materials specified and used within the L&J, LJSP/PALJP infrastructure programs are generally seen to be appropriate and 'sustainable' however certain fixtures/fittings are consistently of a low standard or quality and therefore contribute to increased future liabilities to the recipient Agency. It is important that GoA funded projects incorporate high quality fixtures/fitting. Enhanced specification control and supervision are important QC mechanisms that need strengthening. Capitalising of future maintenance obligations provides increased sustainability.

Lack of transparency greatly affected how a facility operated.

*"Improvements should have been done a long time ago but then it depends on our bosses up there and the decision they make. Let's say, for example, if some money comes in for a purpose, they divert it to other things. That is why it takes too long for something to be completed" (Provider, 29 April 2013).*

Key stakeholders at a national level noted that the budget estimates, as assessed and submitted by individual agency facilities, were seen to be greatly reduced within the gazetted agency GoPNG annual budget. Maintenance budgets were extremely small anyway – much lower than industry standard for routine maintenance requirements (0.5% - 1.5% of capital cost). Further, annual maintenance budgets were rarely fully expended – necessary 'routine' maintenance was officially under-financed within the budget and then under-expended during each financial year. At the local facility level, there were examples of service providers questioning the transparency of allocation and use of maintenance funds.

In regard to GoPNG infrastructure assets, it is suggested that 0.5% of capital cost<sup>20</sup> as a 'routine' maintenance budget would be an affordable, appropriate rule-of-thumb benchmark for new L&J infrastructure. In general, this GoPNG funded recurrent budget allowance should provide an adequate minimal standard of care for the asset. It is recommended that this 'datum' be integrated as part of partnership agreements/commitments or annual budgeting guidelines. Under the partnership, new L&J infrastructure planned and prioritised by the GoPNG, as well as approved for funding by the GoA, should be supported by genuine commitment to this minimum benchmark under a formal binding instrument. Refer to the discussion in Appendix I.

No current overall assessment of the condition of LJS building infrastructure is available. Therefore an accurate estimate of the associated maintenance needs or budget is neither possible nor available. The outcomes of the very limited field survey undertaken for this assessment - combined with significant anecdotal evidence – strongly supports the common understanding that much of the L&J infrastructure is in need of significant 'deferred/periodic/cyclic' maintenance in addition to the annual 'routine' maintenance need.

The data suggests that, for particular and generic service support functions – such as administration office accommodation – the GoPNG consideration to lease commercial facilities

<sup>19</sup> Unsafe infrastructure in disaster events are historically shown to be predominately the consequence of inadequate maintenance – see also "Guide to Safer School Construction", World Bank, 2009, was developed from the earlier 'INEE Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (2004)'

<sup>20</sup> As a percentage of the building (only) cost. Minimally, maintenance funding should be at least 1% of the replacement value of the building, however, it is recognised that this is likely to be unaffordable and be unsupported by the GoPNG – even with adequate management resources, systems etc.

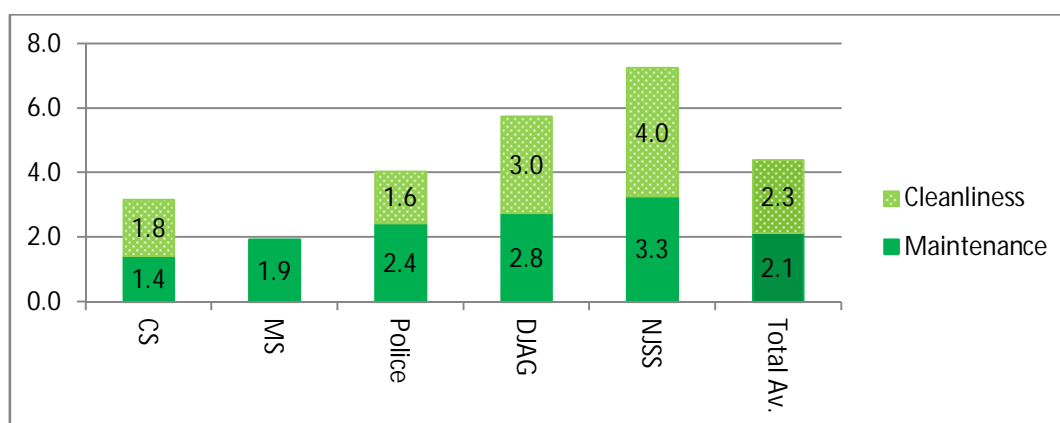
is an option that results in L&J service providers accommodated within higher quality, better maintained facilities which appears to translate into improved service provision – as is demonstrated by the NCD headquarters of the OPS.

The discussion above assesses the current situation. Options addressing the historical and ongoing maintenance dilemma within developing nations in the Pacific region are many and most fail. At the risk of adding another, the IIE Team suggests that a standalone Asset Management Facility (AMF) be considered – that a new entity within the LJS be created. This agency would be responsible for ongoing LJS asset management – across all agencies. Current facilities ‘branches’ of each agency (perhaps excepting CS) would be absorbed by the new entity.

This approach will not be cheap, or easy, but as this IIE has revealed, it is conceivable that the opportunity cost of the lack of maintenance may be significantly greater than the associated WOL infrastructure asset and operational costs. The ‘build-neglect-rebuild’ paradigm must be broken. Again, refer to the more detailed discussion in Appendix I.

The social research team also explored service providers’ opinions with regards to maintenance. A total of 98 people commented (48%, 42 Women, 56 Men) on maintenance and gave it a below average rating (2.1). It was said that, with exception of National Courts, facilities lacked access to adequate maintenance funds (see Figure 3-8).

**Figure 3-8: Perceptions of Cleanliness and Maintenance Levels of Infrastructure**



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013. Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

Lack of maintenance funds also affected the level of cleanliness of facilities. On average, facilities visited were kept clean and ‘tolerable’ (Rating of 2.3). However, for Police holding cells the cleanliness was rated very poorly (rating of 1.6), followed by dormitories within correctional institutions (rating of 1.8). Interviewees indicated that poor levels of cleanliness were the result of two factors: (1) inadequate access to water or detergent due to lack of funds, and (2) a general lack of concern towards inmates or people staying in holding cells. Inmates within correctional institutions indicated that they tried to counteract these factors by taking shifts in cleaning the dormitories and ablution blocks with the little resources they had at their disposal.

“I tell the boys to take care of the facilities and keep it clean, not to throw wet clothes everywhere, but to put them in the right place... Sometimes I can clean the shower block myself.” (User, Corrections).



On the other hand, the NJSS was reported as having the highest levels of cleanliness with users indicating that people were respectful of the courts. NJSS providers also indicated that they had an operations budget that made it possible to have a full time cleaner looking after the premises.<sup>21</sup>

Despite limited maintenance budget, the cleanliness of facilities visited was considered borderline tolerable to unacceptable (2.3 rating). Government officers and the facility users often tried their best to keep some level of cleanliness despite a lack of support. Maintenance budgets for police stations and correctional institutions, however, would be required to provide adequate services.

The need for improvements in funding and implementing maintenance strategies is a key finding of the evaluation in order to maximise the sustainability of building stock. Interviewees also raised the need to increase the transparency with which these funds are allocated and appropriated, as well as the timeframe in which requests are addressed.

***Summary Response to the Evaluation Question – Sustainability:***

***In what overall current condition is the infrastructure?***

Overall the condition of the infrastructure was rated as adequate/acceptable, although in some cases it was poor. Service providers and users of the facilities indicated that the refurbishments/newly constructed facilities had led to an improvement in their experiences with the LJS.

*Implication:* While the condition of the infrastructure could be improved further, investment in infrastructure had improved people's interactions with the LJS. Further investment in infrastructure is important for continuing to increase law and justice services.

***Is there an appropriate maintenance program in place and being implemented?***

Maintenance programs for infrastructure were poor to non-existent throughout the LJS. Budgets for maintenance programs were very low and also impacted the cleanliness of facilities.

*Implication:* Increase in maintenance budgets and implementation of maintenance programs would increase the sustainability of the building stock and help maintain improvements in service delivery.

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<sup>21</sup> Those District Courts that shared premises with national courts benefitted from the NJSS maintenance funds. However, MS staff mentioned that this was insufficient and that they required their own funding to function effectively.



### 3.4 Impact of Infrastructure on Service Delivery

*What differences have the services provided as a result of the infrastructure being in place made to the lives of women, men, girls and boys? (To what extent was the service being provided prior to the construction/ refurbishment of the infrastructure?)*

*Increased access to law and justice services*

*Had limited impact on improving service delivery due to other constraints*

A critical question during this evaluation was whether infrastructure development had made a difference to the ability to access law and justice services and service delivery. The impact of the infrastructure on access to law and justice and improvement in service delivery was clearly articulated through many examples collected through the social research. However, it was found that many of the needs of end-users have not been addressed. Also, the impact of infrastructure development on service delivery has been diminished due to poor coordination among Law and Justice agencies. In addition, visible impact can be obtained by providing managerial training at the facility level by agencies in order to strengthen their service delivery capacities. The main findings with regards to access and quality of services delivered are highlighted in this section, with **Appendix G** providing additional details.

#### 3.4.1 Increased Access

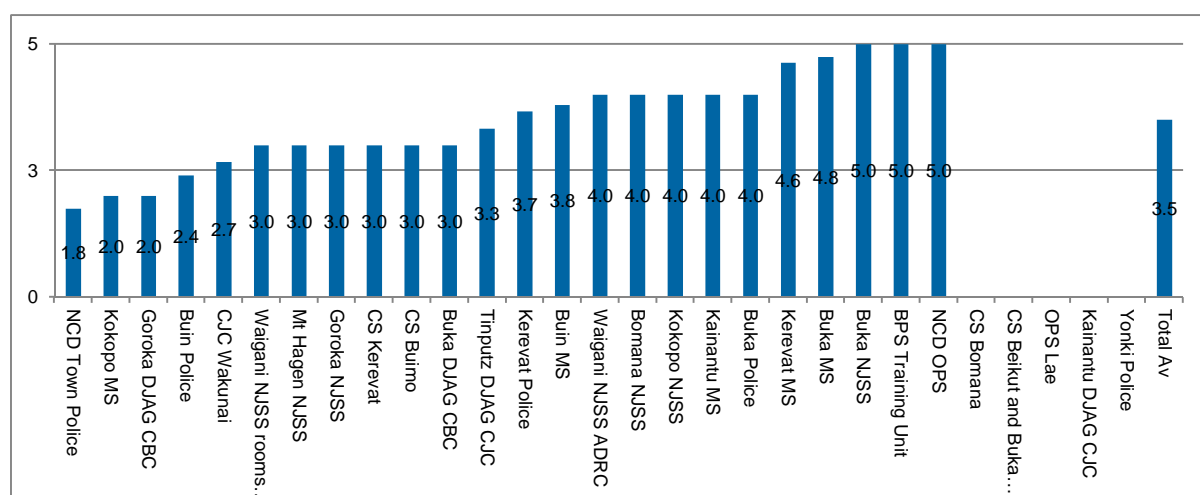
With regards to access, 40% of people interviewed (34 women, 48 men) said that infrastructure development (both construction and refurbishment) had improved access to law and justice services. Furthermore, access was rated highly by users and providers (3.5 rating). This rating is evidence of a common view among interviewees about the importance of infrastructure as an enabler for the provision of law and justice services. However, an examination of the data collected by individual facility found wide variations in perceptions among interviewees regarding the extent to which access to services had been improved. In Figure 3-9 below twelve facilities were rated high for access at 4.3 points (average out of a maximum of 5 points), while four facilities (NCD Town Police Station, Kokopo District Court, Goroka DJAG Community-Based Correction and Buin Police Station) were only rated as 2.0 (ave. ) with respect to access.

Two factors were identified to explain these variations in access to Law and Justice services. Firstly, interviewees reported more significant improvements in access at facilities where extensive improvements had been made and/or in cases where new facilities had been established. Secondly, users gave facilities higher access scores where infrastructure development was accompanied by an increase in the quantity of services provided by the facility. In contrast, facilities that failed to improve service delivery quality alongside infrastructure development were given lower overall ratings. Based on these comments, it is evident that investment in new infrastructure does contribute to increased access to law and justice services. The perception of this increased access, however, is influenced by the quality of service that users experience at the facility. In other words, if the quality of the services is not sufficient then the community does not feel that they have adequate access to law and justice.

In addition to the views of service providers and users, the evaluation team collected numerical data, which was available to provide an overview of the services being provided at each infrastructure location included in this evaluation (**Appendix O**). For example, CS tracked the overall number of prisoners in the system over the years, and this has largely remained constant for the past 10 years. The capacity of the prisons visited and the number of prisoners recently held in the correctional facilities visited are provided in **Appendix O** where those

facilities, which are overcrowded, are also identified. The NJSS also tracked the number of National Court cases completed by location (since 1990), but these figures did not tend to demonstrate any pattern with respect to increased access for the sites the team visited. This may be due to the number of cases requiring the National Court Services or the ability of circuit judges to visit sites. This level of analysis was not possible in this evaluation.

**Figure 3-9: Providers and Users' Perceptions of access Towards Law and Justice Services after PALJP Investment**



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013.  
Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

The MS on the other hand, tracked the number of court cases commenced, pending or completed for each of the District Court locations and these are now available on the MS website for the last 3 years. Table B shows that there had been significant increases in the number of completed cases<sup>22</sup> in district courts over the last three years, including those where there has been infrastructure investment by the GoA. The exception is the Kainantu District Court House, which did not mirror this trend and the MS was looking into what was occurring at this site. This example demonstrated that despite new, good quality infrastructure other influences impact access and quality of service delivery. Suggestions made to the team during interviews indicated that due to security concerns, the magistrate had difficulty hearing court cases in Kainantu.

**Table B: Increase in Overall Court Cases Completed From 2010 -2012.**

	Completed Cases			Completed (%)		
	2010	2011	2012	2010	2011	2012
Buin	50	103	122	73	65	54
Buka	238	491	804	34	60	55
Goroka	2100	2092	2511	75	77	61
Kainantu	361	228	346	57	45	41
Kerevat	19	81	500	45	41	65
Kavieng	1114	1313	1918	49	73	69
Kokopo	844	1503	1925	77	68	76
TOTAL for MS	28,510	35,158	37,281	72	75	76

<sup>22</sup> Infrastructure has facilitated these increases, but would not have been the sole reason for the increases. Availability of magistrates would also have been a factor.

The overall increase in District Court cases provided some additional quantitative support to the contribution that additional infrastructure can make to increasing access to law and justice services. Continued investment in new infrastructure will be one of a number of factors contributing to the ability of the MS to hear nearly 10,000 more cases over the last three years.

Despite this data being available it has provided limited insights regarding impacts on the quality of service delivery. The data does not provide any insights into the quality of the judgements being made and an in-depth analysis of all the contributing factors to increased case completion rates was not conducted. This would have required much more in-depth analysis and was beyond the scope of this evaluation.

The main message that can be drawn from this data is that the effort to increase the number of courthouses and circuits made by judges and magistrates has enabled greater case loads to be heard and completed around PNG. The specific contribution of infrastructure versus additional personnel to these increases was not possible to quantify, but by combining the quantitative data with the qualitative data, it is evident that infrastructure does contribute to increased access. There are some discussions in subsequent sections that illustrate the reduction in costs to users by having a district court constructed closer to their villages.

Usage data for other agencies was not available. Data held on-site at the facilities was minimal to non-existent. This is not unexpected since the law and justice agencies are all national agencies, and most available data would be collated centrally. Police incident records were kept in logbooks on-site, but service providers were hesitant to share this information. Other published sources of data<sup>23</sup> were reviewed during the evaluation, but it was not possible to draw specific site information from this data.

Considering both the quantitative and qualitative data sources, there is evidence that infrastructure development through PALJP/LJSP has increased access to Law and Justice services. It was observed that most of this infrastructure development had concentrated in urban areas and therefore, increased access in more urban areas. It was recognized, however, that the approach for rural areas was slightly different and required less of a focus on infrastructure. Village Courts provide access to specific levels of law and justice for rural areas, and while they can be conducted without infrastructure, the evaluation identified that users prefer to have a facility for Village Court proceedings wherever possible. There are programs within PALJP that are focused on the Village Courts and how to maximize the benefits that can be achieved by these Courts, but these were not reviewed as part of this evaluation. . Expansion of appropriate law and justice facilities in rural areas, as well as awareness raising of the availability of these services for rural populations, is an area that deserves important consideration for future investments, as well as continued efforts in urban areas.

### 3.4.2 Coordination Between Law and Justice Agencies During Service Delivery

Interviewees mentioned that law and justice services were perceived as involving a network of linked organisations providing a 'package' of services. An effective law and justice service delivery package is one that provides all the law and justice functions in a timely manner, and preferably within close proximity to each other so that it is easier for an individual or group in the community to obtain the various services.

A total of 65 interviewees (31%, 37 women, 48 men) stated that contact with one law and justice facility meant that they would have engagement with other law and justice agencies. Service providers reported being dependent on the services provided by other agencies in order to

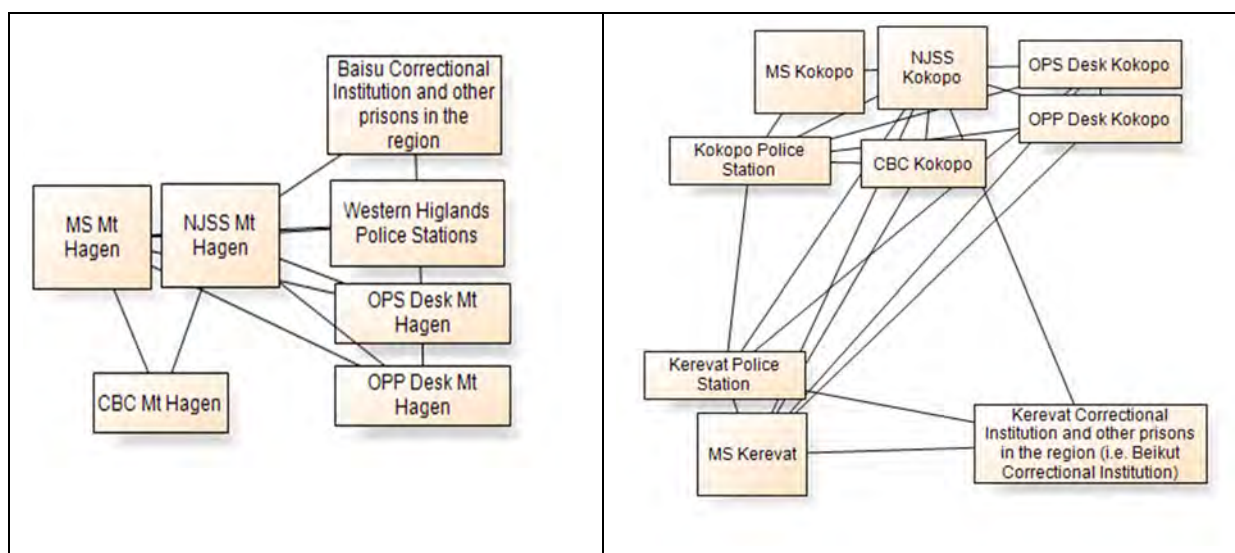
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<sup>23</sup> PNG Law and Justice Sector Secretariat, Annual Performance Report, 2011 and the PALJP FACT SHEETS 1-17 provided data from a range of sources.

support/enable their own work. Thus, coordination among law and justice agencies has a definitive impact on the quality of the services provided in individual facilities.

A key finding from this analysis was that despite the lack of a coherent law and justice strategy at the national level, in practice, both users and providers perceived law and justice services as inter-dependent. Illustrating this finding were the strong interconnections between agencies. Figure 3-10 ‘maps’ these linkages among different law and justice service providers in the Mount Hagen and Kerevat Districts.

**Figure 3-10: Service Delivery ‘Map’ of Linkages Between Law and Justice Agencies Operating at the Local Level**



Source: Content analysis of in-depth interviews collected by Social Team from April to May 2013.

Three key findings emerged from an analysis of the service delivery ‘maps’. Firstly, effective service delivery from a particular law and justice service provider was dependent upon effective contributions from other agencies. Secondly, interviewees perceived law and justice service providers as responsible for providing an integrated ‘package’ of related law and justice services. Thirdly, interviewees perceived the courts – village, district and higher – to be at the centre of the law and justice service provision ‘package’. This was because decisions made by courts were perceived to be a catalyst for future engagement with other related law and justice services.

When the issue of cross-agency linkage and partnership was explored in more depth the study found that institutional coordination between courts and other law and justice agencies at the local level was very weak – agencies operated in vertical silos providing services without any consideration of related law and justice services that users needed to access. This fragmentation from the supply perspective had a negative impact on different aspects of service delivery, such as service quality, efficiency and cost.

Linkages and coordination between agencies was less of a constraint for users when law and justice agencies were located in physical proximity of each other, as in the case of Mt. Hagen District. This was because providers communicated much more easily to solve urgent matters concerning individual users. However, the further law and justice agencies were from each other the more problematic it was for them to effectively provide a service delivery ‘package’ to users. An example of this was in the Kerevat District, where despite the establishment of a new district court, interviewees found that law and justice services were much less accessible as there were no public solicitors or public prosecutors based in the District. This resulted in delays during court hearings and a perception that the ‘service package’ was incomplete.

The implications of these findings for future sector investments are as follows:

- Build upon the linkages between courts at Village, District and National (High Court) levels in order to strengthen this institution as the central pillar of the Law and Justice Sector.
- Identify and address service provider 'gaps' among proximate law and justice service providers to enable users to access a package of law and justice services. As an example, if there is a district court but no public solicitor or a house for the magistrate or public solicitor, then the ability of the package of law and justice services to be provided in a timely manner will be limited. Similarly, if the sub-registry is not properly constructed and staffed then court proceedings will be delayed. Investments that address these service delivery gaps in a particular area will realise a higher return on investment than would be the case if investments were spread out over a wider geographic area.
- Focus future investments on 'strategic' infrastructure requirements that can build coordination among agencies to deliver a package of quality law and justice services at locations where users live and where demand for services is highest.

The following criteria were developed as suggestions for identifying these future strategic investments: (1) infrastructure development that benefits at least two agencies; (2) infrastructure development to address gaps in the service delivery 'package'; (3) infrastructure development that benefits highly populated areas; and, (4) Infrastructure development in areas with high levels of crime.

#### 3.4.3 Beyond Infrastructure Development: Minimum Requirements for Facilities to Operate Adequately

While increased access to law and justice services was found to be related to improved infrastructure development, the contribution of facilities to improved service delivery was much more complex. This study has found that effective service delivery at the facility level was influenced by a combination of factors such as:

- Availability of basic utilities/supplies such as electricity, fuel, internet and water and sanitation;
- Adequate staffing numbers;
- Availability of equipment such as telephones, faxes and photocopying machines; and
- Good management practices.

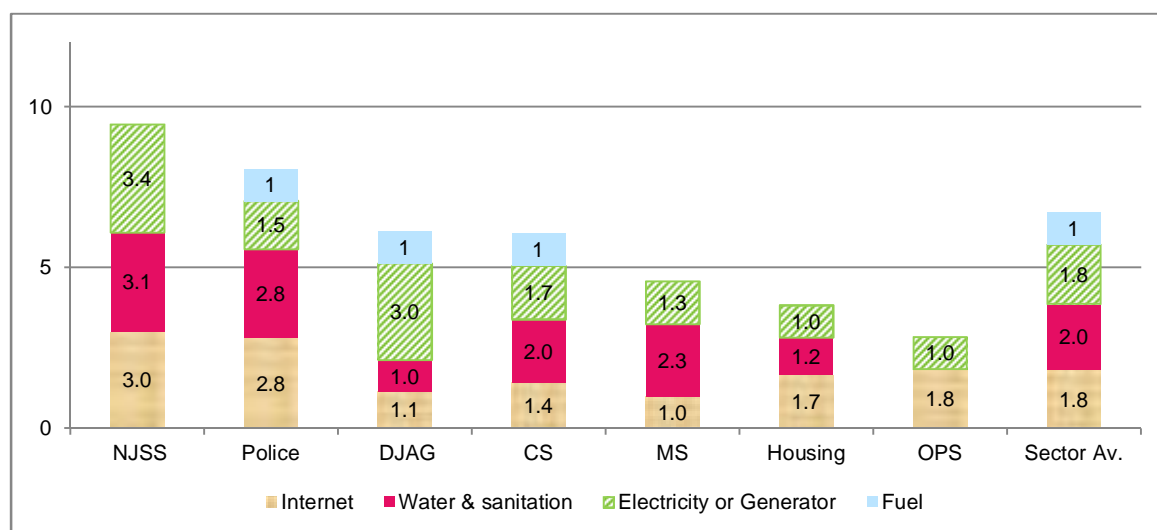
It was found that when these factors were inadequate or missing, then investments in infrastructure were limited in their ability to contribute to improved service delivery. The following discussion presents findings with regards to these factors and their impact on improved service delivery. To maximise the impact of infrastructure investment, these factors need to be addressed.

##### **Availability of basic services/supplies**

Seventeen facilities (50% of sites) visited during the evaluation had very limited access to basic services, such as electricity, fuel, water and sanitation, to ensure that the infrastructure was functional. Figure 3-11 shows data on access to basic services per agency. The NJSS seemed to be the only agency paying sufficient attention to ensure that basic utilities were in place to

enable the delivery of quality services. In contrast, the MS and OPS seem to be the two poorest performing agencies.

**Figure 3-11: Availability of Basic Utilities Within Facilities**



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013. Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

Limited access to electricity was seen as a problem across all agencies (with exception of the NJSS). This was despite the fact that many agencies had access to generators. When further enquires were made about the use of generators, providers indicated that they had not been properly installed, or maintained or that there was insufficient fuel.

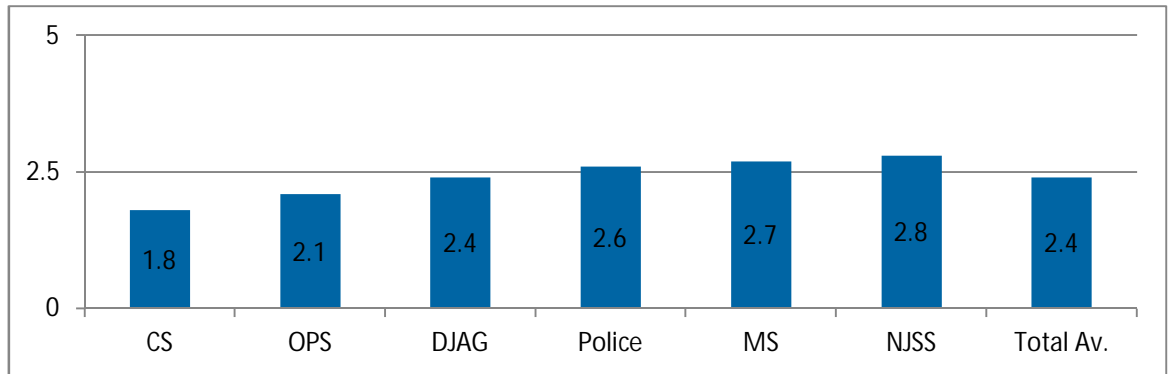
Lack of adequate fuel supply in the CS institutions, RPNGC police stations and DJAG was considered as one of the most significant barriers to service delivery as it rendered these offices ineffective. Staff members were not able to follow up on reports of criminal behaviour or transport prisoners/probationers. Facilities were also reported to have poor water and sanitation systems. In particular, poor sewerage was a commonly reported issue.

The lack of access to these basic services within the infrastructure facility clearly placed a major constraint on the ability to deliver quality services.

### Staffing Levels

Staffing levels was another issue of concern for the majority of providers interviewed (107 people, 52%, 41 women, 66 men). Interviewees stated that many facilities had inadequate numbers of staff (2.4 rating). Correctional Services, Office of the Public Solicitor and DJAG were the agencies where understaffing was most significant. In contrast, the Police, MS and NJSS were said to be closer to providing adequate levels of staffing (2.7 rating).

Figure 3-12: Perceptions of Providers with Regards to Staffing Levels



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013.

Two reasons were given for the below average staffing levels. Firstly, agencies were not able to recruit new staff because of the low salary levels offered. Secondly, the lack of housing was stated as a serious barrier for recruitment of new police, correctional officers and government lawyers<sup>24</sup>. Access to appropriate housing was seen as a positive incentive for qualified professionals to accept the lower salaries in the public sector compared to the private sector.

The lack of adequate staffing put a constraint on the personnel providing the services. Furthermore, providers mentioned that under-staffing had a profound influence on the timeliness of service delivery. Again, the ability of existing staff to provide effective service is also hindered by poor/lack of associated agency infrastructure.

#### Access to equipment

Service delivery also depended on the availability of necessary equipment such as computers, fax, telephones, photocopy machines and furniture. It was found that the majority of facilities visited did not have adequate levels of equipment.

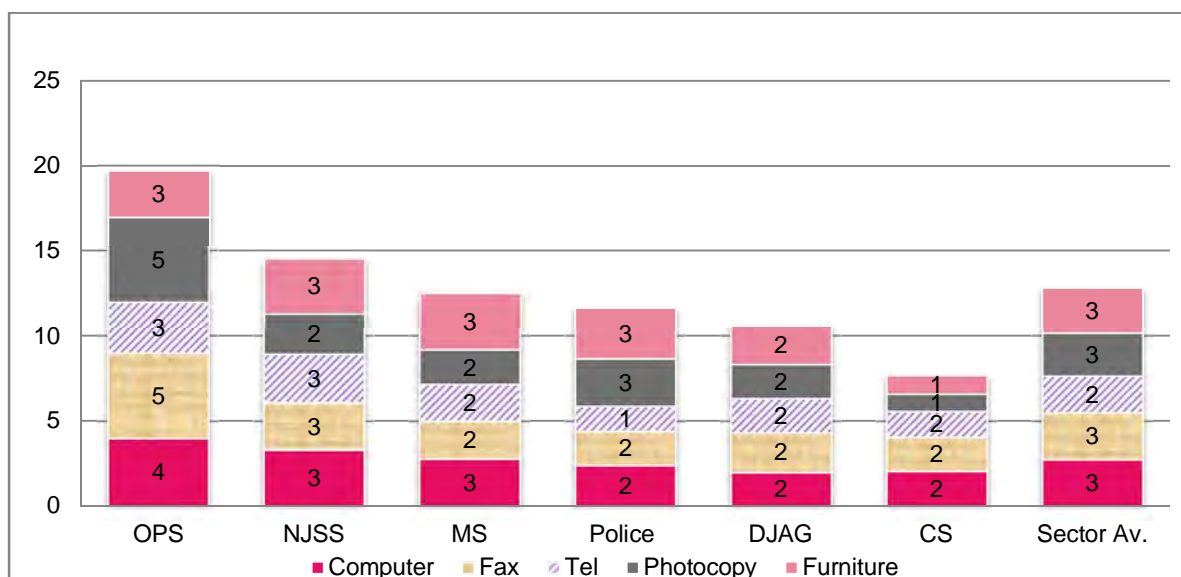
For example, all facilities visited had unreliable access to fixed-line telephones. As a result, officers had to use their personal mobile telephones to undertake work-related communication. There was also a lack of operational photocopying machines (lack of toner or access to paper). While all agencies, with the exception of Village Courts, had at least two computers, the computers were poorly serviced and had a limited role in the day-to-day operation of the facilities. Also, many officers stated that they were computer illiterate. As a result, with the exception of OPS and court staff, providers in other facilities said they preferred using a typewriter or writing by hand when filling reports.

*“When we did the job descriptions my recommendation was for these mediators to be given a pay package which would be the same as a mid-level lawyer so it would start at \$70,000 per annum. Currently the salary offered starts at \$24,000. No one but University graduates have applied... So we have not been able to fill in any of those 9 positions.” (NCD, 17 April 2013 – Provider).*

<sup>24</sup> This issue will be discussed in detail in section 3.4.2.



Figure 3-13: Perceptions of Providers Regarding Availability of Equipment in Facilities Visited



Source: Content analysis of in-depth interviews collected by Social Team from April to May 2013. Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

Based on the above graph, RPNGC, DJAG and CS were the worst off with regards to adequate equipment and furniture. Providers mentioned that the poor state of existing equipment at these facilities was due to a lack of petty cash or money available to run the office. Thus, if the equipment broke down, it was very likely that it would remain out of service for a long time. This finding showed that the lack of operational funds had a direct impact on service delivery as it meant that essential ancillary equipment – particularly electronic – had a limited operational lifespan.

In comparison, NJSS and OPS were found to have the highest levels of equipment.

### Management Requirement as a Tool to Improve Service Delivery

A key finding from this evaluation was that management skills are lacking both at the facility and agency level. Poor management skills were identified as a reason why there was poor access to basic utilities, lack of operational costs and lack of maintenance to equipment and infrastructure. This finding indicated that management training, with an emphasis on customer satisfaction, could significantly improve the delivery of services at the facility level. Supporting this view, a senior NJSS officer said:

*“The manager needs to know when to replace it [infrastructure], when to do a service, when to buy new equipment... If there are buildings up all over the country, we need to run a budget to sustain and maintain those buildings... What I am saying is this country has a tendency of letting things go to rot before they fix it. It is because of lack of managers. That kind of [management] skill needs to be installed in public servants” (NCD, 12 April 2013).*

This comment highlights the importance of good management practices combined with infrastructure development in order to provide quality services.

The fieldwork pointed to two examples of good management practices and how these had positively impacted service delivery at an agency level. These cases provided three key lessons for future management training. Firstly, they showed that management has to be linked to a performance indicator. Secondly, management training is most effective when done at the

facility level. Thirdly, management training can enhance law and justice service delivery when considered as part of a service delivery package that includes more than one agency. The two case studies are discussed as follows.

Case Study 1 shows an example of how data collection can lead to improvements in service delivery at the facility level. Building on this successful experience, future training could replicate the success of the case management system by guiding improvements on service delivery through the systematic pursuit of one key performance indicator per agency. When widely shared, this indicator can help senior officials visualise how the service delivery is progressing at the facility level. Case Study 2 shows the importance of establishing communication forums among different agencies at the service delivery level to find solutions to common problems. These two examples pointed to the need for future law and justice investments to emphasise management training and bottom-up coordination strategies as tools to improve the quality of services delivery and maximise the benefits of infrastructure support.

### Case Study 1: Case Management Systems as a Management Tool

#### **Management of case completion system for MS and NJSS**

PALJP support to NJSS and MS case-management systems is a successful example of how management training can lead to better performance in the court system. In both cases, the case management system was centred on a clear indicator of progress: number of cases completed over time. The implementation of the case-management system meant that headquarters focused on helping courts to address their computer and communication problems. The simplicity and facility-based approach of this system meant that magistrates and the sub-registry staff were able use it.

When referring to these managerial changes, a magistrate said:

*“Yes, [case management system] is online. So it is connected to our headquarters. If the [former] Chief Magistrate comes in the morning and wants to check the listing for Kokopo he just picks it up and he can look at my name in the Daily Diary and see how many cases I am doing today. And then in the afternoon if he wants to check how many cases I have completed that morning he can log on and just check.”  
(15 May 2003).*

This comment highlighted that usage of the case management system can increase accountability on how courts operate, while also establishing a communication

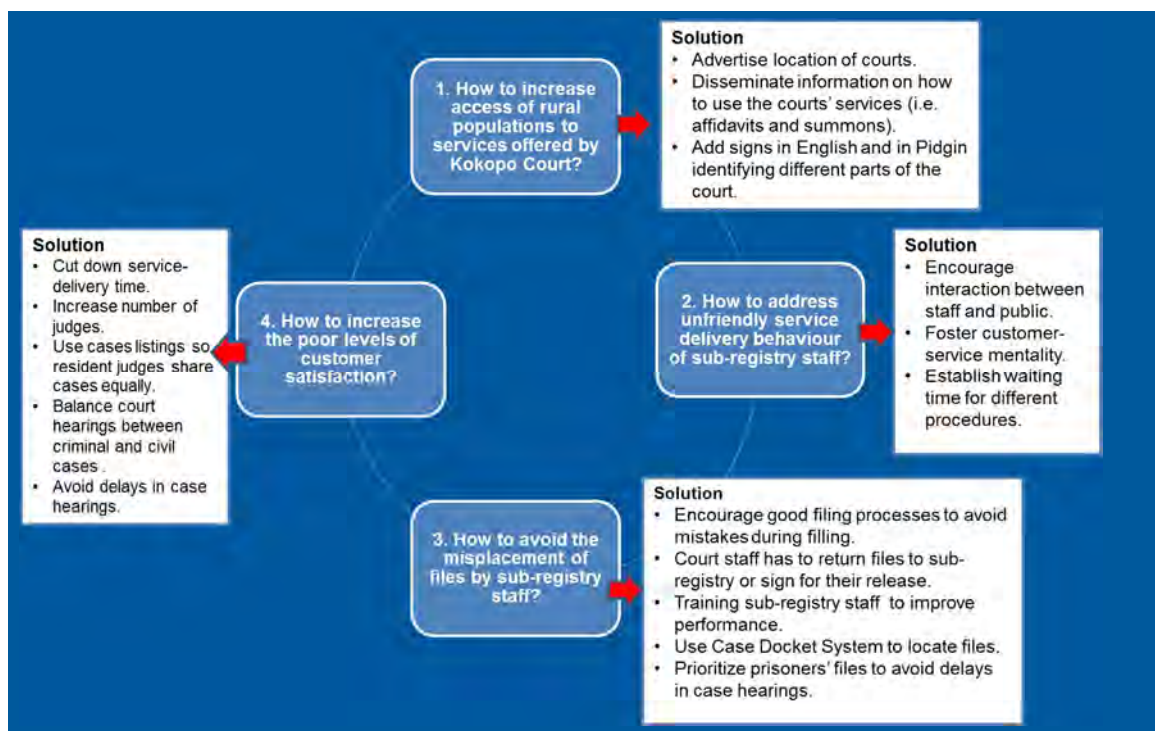
Case Study 2 refers to the Court User Forum in Kokopo, East New Britain. Initially, the Court User Forum was developed by NJSS as a management tool that allowed a wide variety of Law and Justice officers and users to come together and speak frankly about the problems faced by the higher courts when delivering services. The aim of this forum was to identify solutions to common problems observed when providing the Law and Justice service ‘package’. An analysis of the responses of the Court User Forum in Kokopo showed that information coming from the participants’ responses can also be used as a key management tool as it provides innovative and cost effective answers to service delivery problems created due to poor coordination between different agencies.

As shown in the figure below, the Court User Forum in Kokopo enabled simple and cost-effective approaches to emerge. As this is a new initiative, the implementation of these suggestions is yet to be tested. Although particular to East New Britain, the approaches

developed through these processes would be applicable to most of the provinces visited during the evaluation.

Most importantly, the Court User Forum points to the importance of similar bottom-up outcome-based coordination exercises that help manage the differing layers of service provision - across agencies and across national, provincial and facility level – in order to improve service delivery. It also showed that a response to the issues raised in the Court User Forum can considerably improve the quality of the services offered by the higher courts.

Figure 3-14: Case Study 2: Court User Forums as Management Tools



Source: Analysis of comments made during the Kokopo Court User Forum, 20 May 2013.

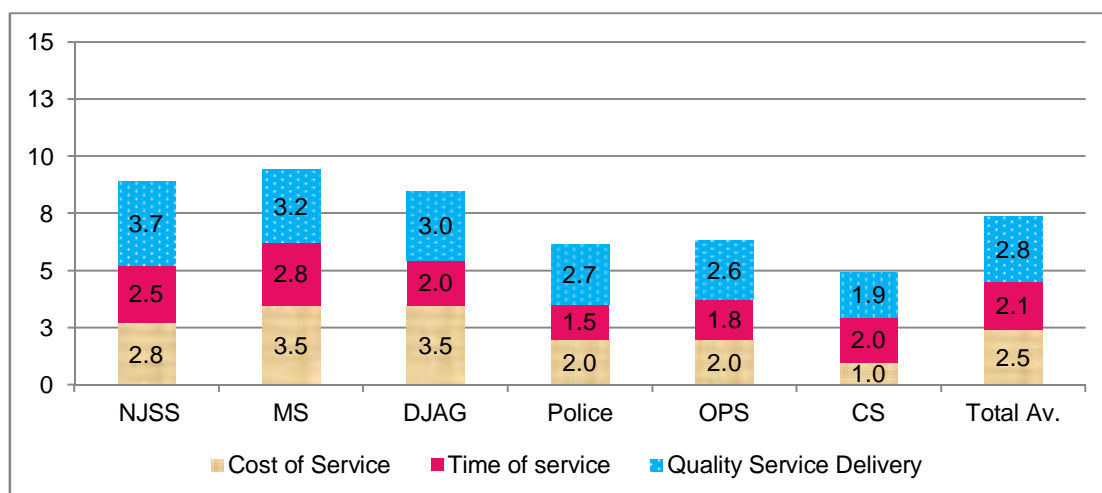
These two case studies point to the need for future law and justice investments to emphasise management training and bottom-up coordination strategies as tools to improve the quality of services delivery. Management training can significantly maximise the benefits of investment in infrastructure development. However, this training has to keep two simple guidelines in mind. First, training at the facility level has the potential to lead to better service delivery outcomes. Second, training has to strengthen coordination from the bottom-up – among the various facilities that effectively provide the services.

#### 3.4.4 Customer Satisfaction with respect to Service Delivery

Three proxy measures – cost, time and perceived quality – were used to assess customer satisfaction with respect to the law and justice service delivery. Based on Figure 3-15, the average customer satisfaction rating given by interviewees was only 2.4. However, there was a considerable range of perspectives across agencies: NJSS was rated as adequate (combined rating of 3.0) whereas CS was rated as poor (combined rating of 1.6). When questioned, it was stated that their perspectives were largely influenced by factors such as access to resources (staffing, equipment, and fuel) as well as management practices. The design of infrastructure

also contributed to these views. The following sub-sections present the findings with regard to these three elements linked to customer satisfaction of service delivery.

**Figure 3-15: Perceptions of Users and Providers on Time, Cost and Quality of Service**



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013.  
Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

### Timeliness of Service Delivery

The time required to deliver a service was identified as important among 65 interviewees (32%, 31 women, 34 men) when assessing the quality of services provided by law and justice facilities. On average, people interviewed assessed timeliness as below average (2.1 rating). Six reasons were given to explain the low rating:

- Poor communication between providers and users
- Users had to wait for indefinite periods when filing or requesting documents from the sub-registries or OPS
- There are many delays in apprehending suspects and issuing warrants and arrests from police stations
- File management and case hearings taking a long time
- It takes more than 3 years to dispose of legal cases
- It takes very long for remandees to have their cases heard or get parole reports.

It was said that service providers did not have a service delivery mentality. As a result, users ended up waiting for days with very little information on what was happening to their requests. Respondents also indicated that delays in one agency had a compounding effect on the timeliness of the law and justice service 'package'. A user said:

*"We get frustrated because they [the lawyers] postpone the time. Like they will say come at 1 o'clock and when we come they will say 'Oh come back at 2 pm' and so on... They do not stick with the appointed time... They [the lawyers] do not listen to us. They tell us that 'it is a free service so you guys do not complain... If you want to go, just go and find some other lawyer. If you want service just stay calm and wait for our time'... Just the costing bills, they do not follow what we make they make their own costing bills. The state lawyer and the public solicitor lawyer will decide on the cost. Sometimes it takes years to*

*follow up on our cases. It will take us up to 6 or 7 years or sometimes 14 to 15 years...This kind of response puts our moral down.” (NCD, OPS, 10 April 2013).*

When inquiring about the reasons for the delays in service provision, providers mentioned that this was mostly the result of inadequate transport systems (either due to insufficient number of vehicles or fuel). This was followed by poor management systems, such as lack of adequate filing processes and lack of functioning equipment to fill forms. This finding raises an important point: much bigger investments into staffing and infrastructure development are achieving less effective improvements as a result of poor management practices.

### **Cost of Service Delivery**

A total of 41 (20%, 22 women, 19 men) of the interviewees mentioned that poor management practices and long delays had an important impact on transport costs for users. They mentioned that that it was transport costs and not service fees, which made services expensive<sup>25</sup>. High transport costs were also related to the fact that there was insufficient infrastructure close enough to the people interviewed. When discussing the costs of transport a user said:

*“Most of us are living in the village and we spend money on transport to come here. Buka is very expensive. Right now it costs Kina 100 one way to come from South Bougainville to Buka... that is plus food.” (MS, Users, Buka 6 May 2013).*

These costs were reduced significantly for users when new infrastructure was constructed in the areas closer to their residence. New courts in Arawa, Buin, Bomana, Kainantu and Kerevat were said to have significantly decreased transport costs for users. Similarly, the Bomana and Kerevat correctional institutions were given as good examples of cutting transport costs for correctional institutions<sup>26</sup>.

To provide some indication of the type of cost savings that users experienced, the following was drawn from the interviews. Interviewees mentioned that the courthouse in Arawa and Buin saved them K200 in transport costs (Buin-Buka return and Arawa-Buka return). Once housing is available, MS staff will also reduce transport, per diems and accommodation costs for those involved in the court circuit. Other regions of PNG reported paying an average of K10-50 to travel to courts located within provincial capitals. Most of the court users live in rural areas and are dependent on subsistence agriculture; therefore, transport costs become an inhibitor for them to use the district and higher courts located in provincial capitals. Therefore, reduction in transport costs due to an increase in the number of courts located in rural districts has had a positive impact on access to courts' services. These examples are clear demonstrations of the positive impact that infrastructure development has on access to cost effective services.

*“The police also ask us for money to buy fuel for their vehicle and on most cases we pay for their fuel in order for them to attend to our problems.” (User, 21 May 2013).*

Corruption and informal payments were also mentioned as a source of service-related costs. Inmates mentioned that they had to make informal payments to government lawyers in order for them to follow up their cases or process their probation reports. Users also said that police

<sup>25</sup> Of all the sites visited, the Alternative Dispute Resolution Unit (NJSS Waigani) seems to be the only facility that charges a high cost for its services since it relies on Australian mediators (charging Kina 12,000 per day). As a result, services are mainly used by multinational corporations to settle disputes with communities living close to the sites where they operate.

<sup>26</sup> These savings are important as most correctional institutions lack sufficient vehicles and fuel to run their activities. Thus, proximity to a court leads to large-scale benefits.

officers expected them to cover fuel costs or used these costs as an excuse for not providing services.

Providers said that informal payments, despite being illegal, made it possible for agencies to continue providing services. These comments highlighted the importance of maintenance and running operation funds for the facility level as they impacted the quality, timing and cost of law and justice services. They also suggested that the time required to deliver a service at one facility had a compounding effect across other law and justice agencies. In this regard, training at the facility level can play a key role in three areas: (1) integrating common services; (2) enhancing cooperation among agencies from the bottom-up; and, (3) improving the quality of services across the L&J sector.

### **Perceived quality of services**

A total of 171 people (85%, 68 women, 78 men) interviewed commented on the perceived quality of service provision. Despite delays and the high cost of services required, it was said that the perceived quality of services offered was adequate (2.8 rating). When prompted, it was found that simple things – like providers listening to users' demands face-to-face resulted in an improvement in the perceived quality of service delivery. Providers also emphasised close contact with users as the key factor in service delivery. Exemplifying what good service delivery is, a Village Court magistrate said:

*"Firstly I greet them with a smile and then I talk to them in a manner that is more welcoming. I offer them a place to sit. I give them something to chew, specifically betel nut. You know, I do these [things] to calm them down because usually people who come to lay a complaint [in Village Court] are filled with grief and temper so in order to identify their problem you have to calm them down first ... before deciding on the next course of action to take." (DJAG, 4 May 2013).*

The hard work and commitment of staff to provide law and justice services was also said to make a difference in terms of the quality of service delivery. A user said:

*"Anyway we were standing outside like already tired. [after] a four-hour wait. There was a [police] woman. She came out and we talked to her but she was also going for a break...She stayed there [with us] until we went in. She also went in with us [inside the police station]... even though she was off duty. She tried her best and she stayed with us because without the uniform she was there which is good, I mean I was happy with her." (Buka, 27 April 2013).*

A number of lessons can be derived from the above discussion.

Firstly, it is important when designing infrastructure that it fosters interaction between users and providers. For example, counters at the sub-registry must be designed in such a way that they are user-friendly. Otherwise, poor design can play a detrimental effect on how users feel about the service they receive.

Secondly, facility-based personnel management training can help providers cut down on the cost and timeliness of services offered and remind providers that customer satisfaction is a top priority. Management training at the local level can also foster coordination among providers working in various law and justice agencies and maximise the impact of infrastructure development.

The following example collected during the evaluation demonstrates the benefits of supporting a facility with appropriate equipment, basic utilities, human resources, and maintenance budgets.



## Buka Police Training Unit – An example of Good Infrastructure, Equipment and Services

Up to July 2012, Buka did not have a Police Training facility. The building where the Training Unit was to be located was instead used as police barracks for 60 community auxiliary police officers. The families occupied the dormitories and the classrooms. Also, the building had not been maintained for a long time and it was in very poor conditions. Most of the equipment had been either destroyed or stolen. There was no cleaning or maintenance provided. There was no leadership to introduce required management structures.

A new Buka Police Commander, together with an advisor of the Law and Justice Division of the Bougainville Administration, was able to change the scenario. By working together, these two people were able to clean the building and undertake an in-depth refurbishment of the facility. New equipment was also brought and electricity and water were made available thanks to an operational fund available to the law and justice agencies of AROB. More recently a committee was put in place to help the manager make decisions to improve the Training Facility.

The Buka Police Training Facility is the only example where both PALJP and government funding has made it possible to provide adequate levels of services for training police officers. It is thanks to this collaboration that police officers are able to access a first-class IT lab, classrooms and dormitories.

### 3.4.5 Implications of Housing on Service Delivery

A key constraint linking infrastructure and service delivery is the lack of housing in the provincial/regional areas. Housing potentially has the highest impact on (regional) service provision. It is necessary to attract and keep qualified and experienced professionals – as good housing influences work mindset. Qualified professionals will often only accept government positions if housing is provided as part of the employment offer. The following are key issues, which were evident from the fieldwork undertaken during the evaluation.

Law and justice agencies were able to provide services if there was housing available for their essential staff or if the driving distances from housing were reasonable. If housing is not addressed, then expansion as a sector is limited. For example, there may be a resident judge/magistrate with sufficient housing, but if there is insufficient stock, then others such as OPP or OPS lawyers will not be available. Also, there was strong feedback indicating that poor housing resulted in poor work performance of police and correctional services officers as their basic needs were not being met. Thus, this housing gap needs to be addressed to bridge infrastructure development with the provision of quality law and justice services.

#### **EXAMPLES WHERE INADEQUATE HOUSING LIMITS SERVICE DELIVERY** (Visits in April/May, 2013).

1. Lack of housing for OPS and OPP in the Kerevat district delays the services provided by the district court.
2. Lack of adequate police barracks in Yonki demotivates police officers.
3. The OPP has been unable to recruit new lawyers because of a lack of housing.
4. The lack of sufficient housing in the Buimo Correctional Institution means that female wardens have to travel long distances to get to work.

**Appendix H** provides more detail on the implication of housing limitations on service delivery, but in summary consideration of the housing requirements must be an integral part of infrastructure development and service delivery in the LJS. There is no simple solution to the issue, as the approach will be location and situation specific. To ensure that services are delivered effectively, the staff and officials needed to provide the LJS service need to be safely and comfortably housed.



### 3.4.6 Impact of Infrastructure on Service Delivery for Women and Men: Findings from Gender Disaggregation Analysis

Following the main research question guiding this section, the evaluation team analysed the responses of in-depth interviews by separating them by gender<sup>27</sup>. This analysis consisted of three parts. The first part of the analysis focused on analysing responses to key themes in terms of the gender of respondents. It was found that although the interviews had carefully maintained gender balance (47% men and 53% women were interviewed) women were not as forthcoming in their opinions as men were. As Figure 3-16 shows, men were in a better position to answer questions regarding building design, quality of the construction, maintenance and perceptions regarding the increase of access. This was not surprising as in PNG the number of women in decision-making positions is much smaller than the number of men. Therefore, women might not have known or felt that their knowledge was adequate to provide answers on these themes. In contrast, women were much more concerned with security issues than men. Finally, when discussing customer satisfaction – cost, timeliness and quality of services delivered – and location of the facilities, men and women contributed with similar number of responses.

Table C: Responses to Main Themes Disaggregated by Gender

Themes	Female	Male
Staffing	41	66
Maintenance	42	56
Size	39	53
Appropriate Building Design	43	51
Quality Construction	32	50
Increased access	34	48
User safety	34	16
Staff safety	28	15
Quality of service	68	79
Timeliness of service	31	34
Cost of service	22	19
Location	17	16
Flexibility	10	9
<b>Total Av.</b>	<b>441</b>	<b>512</b>

Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013.

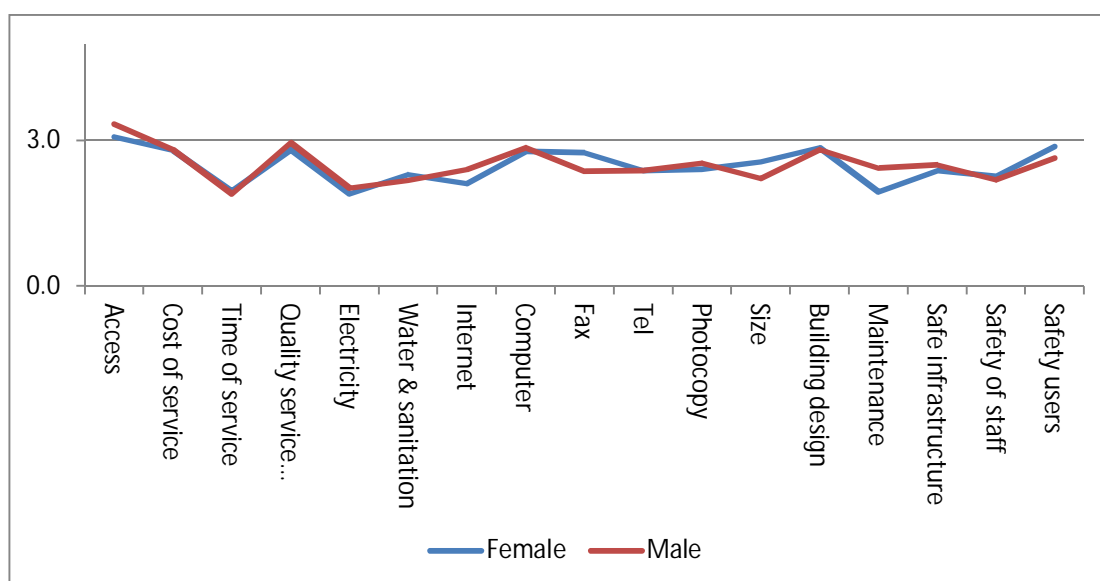
Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

The second part of the gender analysis focused on the content of the opinions expressed by women and men throughout all the interviews (201 interviews, 352 total individuals, Table A). It was found that men and women shared similar opinions. Figure 3-16 shows how these opinions almost mirror each other.

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<sup>27</sup> On the 19 April 2013, participants of the Q&A workshop agreed to focus in-depth interviews with women and men (excluding girls and boys) located in facilities visited by the Evaluation Team. For more information, see section 2.5 entitled 'Scope and Limitations'.

Figure 3-16: Perceptions of Women and Men Regarding Different Aspects of Service Delivery



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013.  
 Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

The third part of the gender analysis focused on looking at areas in which the PALJP had contributed to gender equality. The following areas were identified. First, women interviewed raised their concerns regarding existing infrastructure as they felt that more needed to be done to address the needs of women. Examples of gender-friendly infrastructure are sufficient holding cells for women and having safety measures within courts to keep anonymity of women when providing evidence. Second, women interviewed mentioned that there are not enough women in decision-making positions. Third, it was repeated by both women and men that more gender-awareness training needs to be available to service providers in order to increase access and quality of services offered to women. These three issues are discussed in detail in section 3.7.1 entitled 'Needs of Women'.

***Summary Response to Evaluation Question - Impact:***

***What differences have the services provided as a result of the infrastructure being in place made to the lives of women, men, girls and boys in PNG?***

Forty per cent of people interviewed (of which 43 were women and 51 were men) through this evaluation indicated that infrastructure development had improved access to law and justice services. Both men and women agreed that there had been improvements and had similar views on the various factors which influenced service delivery. There was a greater improvement in access when new facilities had been built or the upgrades were extensive when compared to refurbishments.

Infrastructure development increased interviewees' engagement with other law and justice agencies. Effective service delivery was dependent on effective contributions from multiple law and justice agencies.

The contribution of infrastructure development to improved service delivery was constrained if basic services/supplies, furniture and equipment, staffing and management systems were inadequate.

The perception of effective service delivery was impacted by timeliness and cost of the services. Proximity of users to infrastructure reduced their transport costs. Service providers were seen as a determining factor regarding quality of services delivered. The lack of housing reduced staff availability and so constrained access to services if not properly addressed. Appropriate housing provides incentives for qualified professionals to work in the public sector at lower wages compared to what they could earn in the private sector.

Investment in the provision of family courts had encouraged women to access justice as the family court was seen as an important entry point for women.

Family Support Desks and Family and Sexual Violence Units raised awareness with police and provided support to victims of family and sexual violence. This additional support through these centres supported the ability of courts to perform their functions.

The need for specific provisions for children in law and justice facilities was lacking, except in some prison and national court infrastructure.

Segregation of juvenile in prisons and remand/holding cells was generally not provided (few exceptions), and created unsafe conditions for these young people.

Provision of facilities for Person's with Disabilities (PWDs) was not considered important by those interviewed in the IIE.

***Implication:***

While infrastructure development increased the ability of users to access to law and justice services, *improved service delivery* is dependent on a wide range of factors. Infrastructure investment needs to be supported by other investments (basic services, furnishings, and equipment, suitably trained staff, effective management, and appropriate housing requirements) to maximise its contribution.

Strategies to address the needs of specific stakeholder groups need to be developed.

There were three areas to consider to improve the access of law and justice services for women: (1) infrastructure design, (2) supporting women as front-line providers, and (3) gender training for law and justice providers.

### 3.5 Effectiveness and Appropriateness – Infrastructure Use

#### ***How appropriate is the infrastructure design in meeting the needs of the intended users (women, men, girls and boys)?***

Scoping and design improvements would increase functionality and better address the needs of different users.

*Is the infrastructure located conveniently in relation to other government & NGO justice and related services?*

*To what extent was land properly acquired prior to construction?*

*To what extent is the infrastructure being used for its intended purpose?*

*For what else is the infrastructure being used?*

*How flexible has the facility design proven to be over time in meeting emerging justice sector, government and community needs? (Could the initial design have been more flexible to allow for emerging needs?)*

The effectiveness and appropriateness of the infrastructure relates to the ability of the infrastructure to support the service it was designed for, and in some cases in PNG, be sufficiently flexible to adapt to a range of law and justice needs. The following section explores a range of issues that arose throughout the evaluation related to the effectiveness and appropriateness of the infrastructure, including the issues raised in the above questions.

This section of the report introduces the concept of ‘fit for purpose’. This term has both a legal meaning, but is also used in general terms as well. If infrastructure is to be fit for purpose, it must possess the stated attributes and achieve the stated outcomes. It is not sufficient that a courthouse can function as a courthouse, or that people are happy with its layout. To be fit for purpose it will need to fulfil other intended or implied requirements that go to the heart of the purpose of the infrastructure such as:

- Compliance with applicable laws, agreements, codes and standards. Land rights should be resolved for the duration of the intended service life;
- Functionality – it can deliver the service intended of it;
- Completeness – it has all the facilities and utilities normally expected of such a structure;
- Durability (service life) – it will continue to deliver the services for the intended service period;
- Reliability – it doesn’t break down or become unserviceable more often than is normal for such infrastructure. By way of example – the building should not be situated on flood prone land;
- Operability (ease of operation), and maintainability (ease of maintenance) – the infrastructure can be operated and maintained with the usual resource inputs expected of such a facility.

While the evaluation did not necessitate the application of a fully legal interpretation of ‘fit for purpose’, it is the intent of this definition that will be applied throughout the discussions.

#### 3.5.1 Appropriateness of Design in Meeting Needs

A critical element in the process of infrastructure development is to effectively scope the building for its intended purpose and meet the needs of the stakeholders. The word ‘design’ and ‘scope’ were often used interchangeably when interviewing providers and users in the evaluation, but these are actually two separate aspects of the process. To use a simple example, if a building

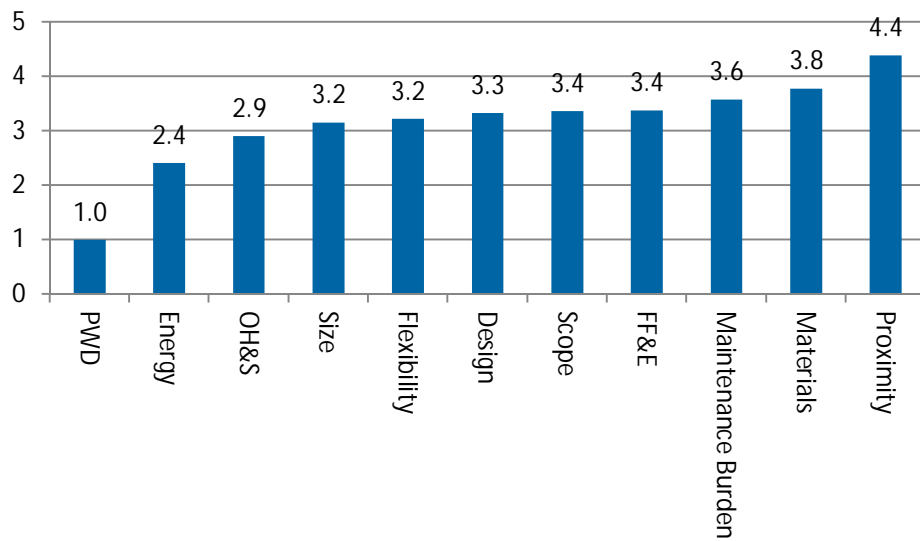
was scoped for four offices, then the design process would be directed to reflect this scoping. If ultimately the building was used for 8 people due to expansion of the services, the scoping would have been incorrect, even if the design was actually appropriate for the original intent. Design standards tend to specify minimum requirements for a building and do not tend to provide effective scoping tools. During discussions at the final project workshops, it was confirmed that scoping is not particularly well done, and tends to address current demands rather than planning for future requirements. The results of the social research supported these comments, as illustrated by the following points:

- Front-line service providers indicated that they had not been consulted for the design of the infrastructure. As a result, the LJS officers had to adapt to the infrastructure. For example, wardens from correctional institutions had to find areas within dormitories to use as office space, or clerks would talk to people outside the sub-registry, as the counter was too small to address more than two clients at once.
- Service users felt that their needs were not always considered in the design of the sites visited. For example, sitting arrangements, sheltered waiting areas, public toilets or drinking water were not provided in the sites visited.
- The design of the infrastructure not always suited the requirements of people working or using the piece of infrastructure.
- A recommendation was made that master templates for L&J agencies should consider this basic needs for users and service providers.

The infrastructure consultant rated the scoping of the infrastructure as 'average' (3.4) overall – ranging from 2 to 5. Refer to Appendix F – Infrastructure Data and Analysis – in particular F.7 to F.11 inclusive. A factor contributing to this higher than the mean rating is the fact that the infrastructure consultant conducted the assessment of scoping on the specific LJSP/PALJP infrastructure inputs. Therefore, if only part of the facility was constructed or refurbished through this funding mechanism, this was what was evaluated professionally. Development of this infrastructure received additional support through the scoping phase from experienced advisers. This is in contrast to the social research team, which inquired about both the LJSP/PALJP infrastructure and also how the entire facility operated. This sometimes created differing opinions, but could be explained by the differing lens through which the infrastructure was being evaluated.

Figure 3-17 illustrates the ratings for the range of factors considered in an evaluation of fit for purpose, including scoping. Refer to Appendix F. It is evident from this figure, that despite the scoping and design being 'adequate' to 'above average', there are remains various opportunities for improvement of law and justice infrastructure.

Figure 3-17: Infrastructure Ratings (LJSP/PALJP)- Components of Fit for Purpose



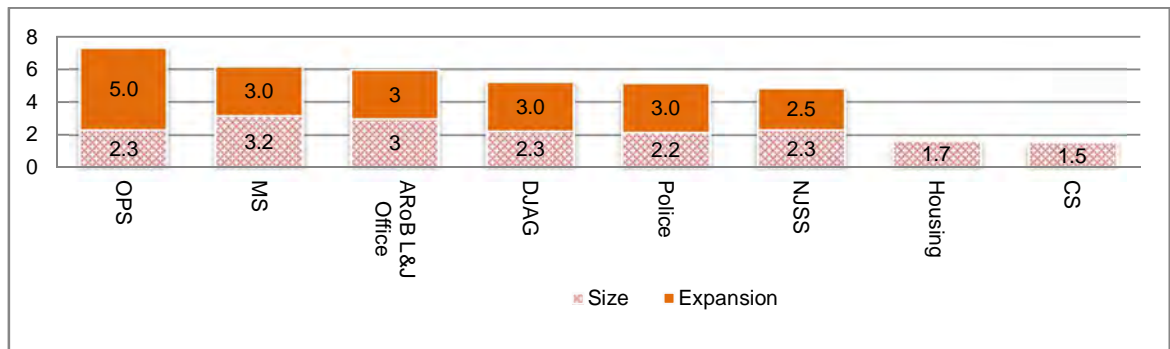
The data identifies three fit for purpose considerations that rated below the mean overall, namely, provisions within L&J infrastructure for: PWD, Energy and OH&S. A discussion regarding PWD is included in Section 3.7.1 and OH&S issues identified are discussed elsewhere in this report – specifically under Section 3.3.3. Energy refers to the assessed energy rating of the particular LJSP/PALJP structure. This includes consideration of the use of energy conscious design, energy efficient materials, detailing, insulation, windows etc. – important issues impacting the ongoing operational costs/burden, thermal & acoustic comfort of a facility.<sup>28</sup>

The survey data demonstrated that compliance with Australian guidelines and standards concerning the design and construction of energy efficient public buildings for the PNG LJS was lacking. The implications are that ongoing operational costs and liabilities for L&J infrastructure, i.e. the GoPNG, are higher, and therefore so are the corresponding greenhouse emissions. This aspect of GoA funded infrastructure needs to be addressed in future programs.

Size matters – an issue that was raised by 45% of the people interviewed (39 women, 53 men). In most cases, people rated the size as tolerable (2.3) – in contrast to the infrastructure consultant rating of 3.2 overall (ranging from 2 to 5). Influencing factors in the rating was the need to have larger areas for the public and expand existing infrastructure. Interviewees felt that even though an expansion of facilities was required; the existing infrastructure could adequately (3 ranking) address the most law and justice services. However, there were wide discrepancies on these two areas across agencies.

<sup>28</sup> This is an assessment of 'green building' ratings and subjective compliance to GoA minimum energy efficiency standards. GoA guidelines include ESD Design Guide – Office and Public Buildings as well as guidelines for particular infrastructure such as correctional institutions produced by stat departments. In Australia, commercial buildings produce 8.8% of the national greenhouse emissions. For further information refer to DEW (2001) Australia State of the Environment Report. The Department of the Environment and Water Resources: Canberra.

**Figure 3-18: Providers and Users' Perceptions of Size and Needs for Expansion of Facilities**



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013.  
 Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

Users in all of the courts visited mentioned that the lack of adequate filing in sub-registries was a serious concern. This concern was highlighted by citizens, government and private lawyers, police, correctional officers and NGOs. Clerks working in the sub-registry mentioned that, in part, the poor design of the sub-registry counters delayed service delivery. Similarly, very little thought went on how the sub-registry kept its files. These comments pointed to the fact that effective design (and management) of sub-registries could benefit a number of law and justice agencies and enable better service delivery. Legal files impact police, and the entire court system. Interviewees indicated that enhancements in this specific area would contribute significantly to improved service delivery.

During the evaluation, the infrastructure and procurement consultants investigated the processes of scoping, design and construction. Based on a range of discussions with agencies, PALJP FAST advisers and the facility managers themselves, it was identified that while some design templates exist (NJSS, CS, RPNCG), improvements could be achieved by having additional scoping parameters to ensure adequate design. In addition, it did not appear that design templates were used consistently. For the GoPNG to properly plan/scope new infrastructure, it would be useful to establish a set of scoping and design standards which incorporated core needs but enabled adaptation to local conditions; ensure culturally appropriate issues are included in the design.

The need for infrastructure was so high in the locations visited that people adapted to the type of existing infrastructure that has been built in order to provide services. As a result, storage rooms were converted into office space or tea rooms; toilet facilities were shared among different agencies; etc. Without the infrastructure there was either no service at all or very minimal services provided, so even poor quality infrastructure was contributing to an improvement in access to law and justice services.

Important findings of the study are that the scoping/design of the infrastructure were not always suited the requirements of people working or using the facility. As a result, a number of suggestions were derived from this finding:

- Design templates for law and justice agencies should include a checklist of items that make a piece of infrastructure user-friendly.
- Consultations with a select number of front-line providers can improve the appropriateness of the infrastructure during the scoping phase.



- More efforts are required in the future for realistic scoping in the construction of new facilities. Detailed scoping can foresee the need for expansion and incorporate it into the design of the facility.
- Scoping should also consider the needs of other law and justice agencies that may need to interact with the new facility. It should be seen as part of the 'sector strategy' in order to maximise the benefit of that infrastructure investment across the sector.

An example of an infrastructure investment that was effectively scoped is discussed in Figure 3-19 and as a result used successfully for a range of community justice related activities.

**Figure 3-19: Design of Community Justice Centres in Bougainville**

The Community Justice Centres (CJCs) were introduced as an effort of the Autonomous Government of Bougainville to facilitate greater community access to a variety of law and justice services. Because of this, the CJCs were designed as a physical space that welcomed different groups operating at the community level with the local level government, police, Village Courts as well as other court officers on circuits.

The CJCs have a conference room, ablution block and a kitchen that is managed by a committee that includes community members, such as the Council of Elders, and rented out to different organisations. The committee is also responsible for the maintenance of the facility. This model has worked well and as a result CJCs are in good conditions.

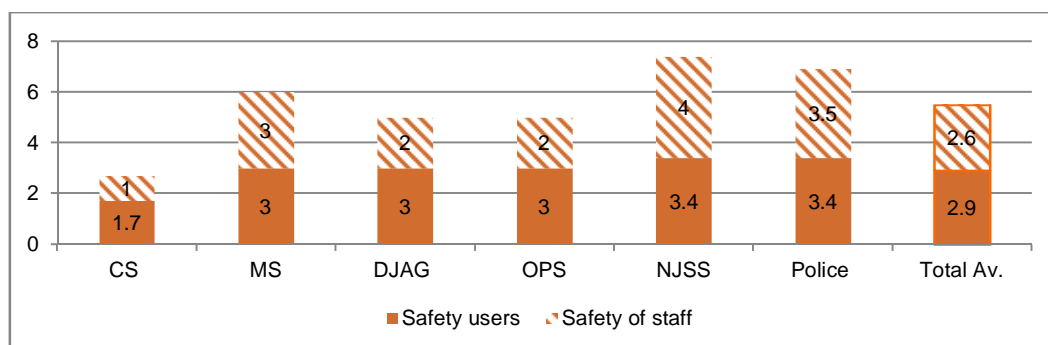
Nowadays, the CJCs successfully provide office space for land mediators, Village Court magistrates, women and sport groups in addition to police, local councillors and NGOs operating in the area. They are also used for court circuits. CJCs are an example of good design that considers users' needs in advance. It is also an example of a piece of infrastructure that has been carefully designed in order to facilitate service delivery: the design of the CJCs promoted interaction between community members, government and law and justice officers. This is what makes the design of CJCs so successful.

Source: Interview with Ephram Eminoni. Buka 24 July 2013.

### 3.5.2 Design Concerns: Safety of Service Providers and Users

Another aspect of effective and appropriate infrastructure that was explored during the evaluation was the safety of providers and users. A total of 21% of interviewees (34 women, 16 men) raised the issue of staff safety, and 25% raised the issue of the safety of the user. On average, interviewees rated their safety as tolerable (Rating = 2.8). They indicated that this was an improvement from earlier periods. So while, there was room for improvement in the safety of both staff and users, it was found that the investment in infrastructure had improved their feeling of safety.

**Figure 3-20: Perceptions of Users and Service Providers on Their Safety Within Visited Facilities**



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013. Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

Correctional Services (CS) ranked low with respect to both the safety of users and staff. The most common reason given by CS officers regarding this concern over their safety was the lack of consideration for people working in the facilities during the design of facilities. These oversights put prison wardens at risk. Other concerns with safety of service providers were linked to lack of fencing around office building and lack of appropriate transport provided, especially for those law and justice officers dealing with criminal matters<sup>29</sup>. Lawyers and magistrates in high-crime zones complained that lack of a vehicle and fuel meant that they had to use public transport and felt they were putting their life at risk. For example, a court officer said:

*“Another issue concerns the safety of our magistrates. If a magistrate rules in favour of one party and the other party is not satisfied with a decision made today, tomorrow that magistrate’s life might be at risk.” (User, 30 April 2013).*

Service users mentioned that lack of adequate facilities, such as dormitories that separated remandees from prosecuted inmates or holding cells that separated women from men, was an issue of concern. For example, not all correctional institutions had dormitories for juveniles. This tended to rate low on security. A correctional officer mentioned a case where security of a young inmate had been compromised due to lack of adequate facilities:

*“The judge hands down his decision he usually asks the defendant if he or she has something to say, so when he asked the juvenile mentioned something about being sexually abused while being at Bihute on remand. He was there for 9 months, so the judge took note of that and he made some very good and strong remarks that day at the courtroom, about having a remand centre at Bihute. Currently there are only adults... there is nothing for the juveniles there.” (Goroka 29 April 2013).*

Women interviewed also mentioned that they feared for their lives when they had to spend the night in the police station as they felt at the mercy of police officers, who tended to be male. This perception highlights the importance of building design when refurbishing/constructing facilities located in areas of high crime incidence or for those agencies that deal with criminal matters.

Safety of staff and users across the law and justice sector was a concern expressed at the national agency level as well. It was discussed during the data validation workshop as a key area of concern for the sector.

### 3.5.3 Location of Infrastructure

The discussion on impact highlighted the most significant aspect of effectively locating infrastructure – the ability of one LJS agency needing to interact with another agency. For example, the police and district court must work closely together when a remandee is being charged, the OPS/OPP need to liaise closely with different levels within the court system, and DJAG needs to provide court officials to support the judicial system.

Location was not a key issue mentioned during the interviews (only 16% of interviews, 17 women, 16 men). This is likely because the majority of facilities visited were located in urban areas, mainly provincial capitals, where all law and justice are well represented. In locations such as Mount Hagen and Bougainville, the various law and justice agencies operated in close proximity to each other and as a result could deal with issues promptly.

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<sup>29</sup> A public solicitor mentioned that the fence around their office was broken. The fact that the OPS had not repaired it was a constant source of stress for lawyers working there as they dealt with criminal matters and feared repercussions from other parties (Late 22 April 2013)

The importance of the proximity among different law and justice agencies became evident in rural areas such as Kerevat and Kainantu districts, where new district courts were built despite the absence of office space for the public solicitor or public prosecutor. The absence of these agencies noticeably delayed the court proceedings and created tensions among the officers of different agencies.

Despite the low response level during interviews, the location/proximity of LJS infrastructure was an issue of interest within NCD. There were a range of options being explored by the law and justice sector which recognise this need for agencies to be in close proximity to each other, while also highlighting that there needs to be some level of separation among different agencies in the sector to demonstrate impartiality. One example, being explored is the one-stop-shop provincial justice centre where all the key agencies are hosted in the same building. There are differing views of whether this is appropriate, as it doesn't necessarily provide the separation that some agencies prefer. It was also commented that placing a representative of an agency in one location isolates them from their administrative support and managerial responsibilities.

While there are a number of approaches that could be taken it is important that key agencies, especially in a regional setting, are in close proximity to each other. The informal legal precincts that have developed in most regional centres and were visited during the evaluation highlight the benefits of agencies being in close proximity to each other. This is important for both service providers and users.

#### 3.5.4 Land Acquisition

Land is a sensitive issue throughout PNG, as a significant portion of the land remains traditional land. For this to be used for law and justice infrastructure, significant land mediation processes need to be put in place. For the infrastructure visited throughout this evaluation, land issues were mentioned in the following places.

A senior officer mentioned that the NJSS court expansion was limited to the availability of land. This comment was supported during interviews made with senior court officers in eastern and western provinces. In Goroka, a lack of land has meant a delay in the court expansion. In Mount Hagen, a lack of land was said to have made it impossible for the court to provide housing for the judges.

Land issues had also affected the construction of the Beikut prison. Prison wardens mentioned landowners had delayed the construction of the prison since they thought they were going to be given construction jobs. Since this was not always the case, they had simply stopped the constructor to complete the work. The problems with landowners continue to such an extent that CS officers working in Beikut mentioned they feared for their safety.

The Office of the Public Prosecutor mentioned that land scarcity had meant that their office was not able to secure land for housing. This was a very serious concern for them as most of the lawyers working here could not afford paying for rent and ended up living in insecure accommodation.

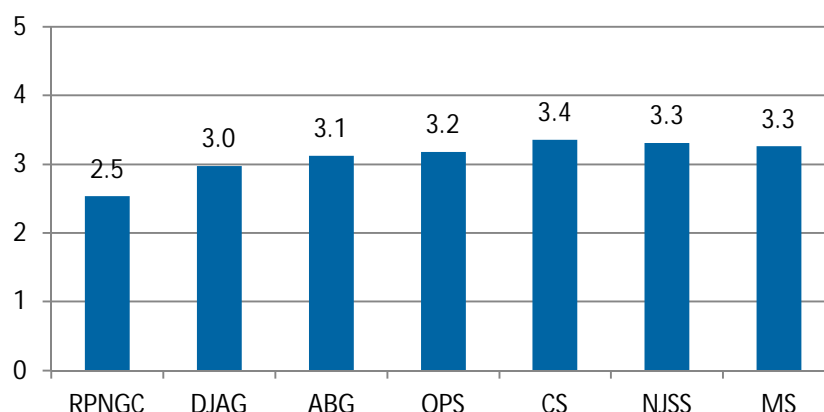
There were also examples of delays in the funding and procurement process further impacting the construction of law and justice facilities. It was mentioned in Kokopo and Mount Hagen that court expansion had been further delayed because it had taken so long for the funding to arrive. When the funding was finally available, the land plot had been reassigned to another agency and the search for land to construct the new facility needed to recommence.

Using the examples above, it is envisaged that land issues will continue to be an issue for increased infrastructure development in the LJS. This is an issue that only the GoPNG and the sector can deal with on a case-by-case basis.

### 3.5.5 Intended Purpose of Infrastructure

An evaluation of the infrastructure's intended purpose was undertaken from two different perspectives. An average rating was calculated based on the various criteria identified in Section 3.5.1 to assess how the infrastructure of the law and justice agencies met the overall 'fit for purpose' criteria. The results are illustrated in Figure 3-21. This figure indicates that the infrastructure within the law and justice sector is adequate in meeting its intended purpose. As described above, however, there are many elements, which constitute the fit for purpose evaluation that, if improved, could contribute to a significant improvement in the functionality of the building and the ability of staff to improve service delivery.

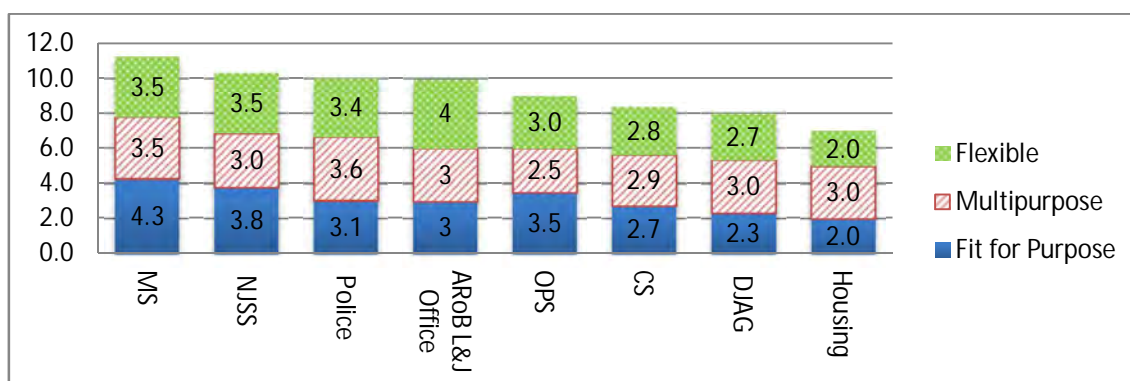
Figure 3-21: Agency LJSP/PALJP Infrastructure – Fit for Purpose



The other fit for purpose evaluation was undertaken through the social research, and utilises a more commonplace definition of the term. This part of the evaluation assessed how well the service providers could operate in a building and how easily users could access facilities. Figure 3-22 summarises the views of providers and users dealing with different agencies in the infrastructure included in the evaluation of the user friendliness of a building (practical fit for purpose) as well as other aspects of effectiveness in the PNG context such as its ability to be multi-purpose and be flexible to respond to changing needs.

From these results it is clear that the infrastructure provided for various agencies is appropriate for the needs of the providers and users, although the range is considerable. The MS and NJSS were seen to be meeting the demands of the law and justice sector, whereas the CS and DJAG would benefit from considerable improvement. Housing infrastructure did not rate highly in the sample of sites visited during this evaluation.

Figure 3-22: Effectiveness: Flexibility, Multipurpose and User Friendliness of the Facilities Visited



Source: Content analysis of in-depth interviews collected by the Social Team from April to May 2013. Note: Agency rating is the result of the average of all ratings done for facilities visited. Absence of value indicates that no response was given in this area.

### 3.5.6 Other Infrastructure Uses and Flexibility of Design

In a country such as PNG, where there are huge demands for additional infrastructure, the ability of one particular asset to be used for multiple purposes can be important. This is obviously dependent on the type of infrastructure being considered. For example, a family court or juvenile court needs to be less formal, less public and more intimate than a national/district courtroom and, if provided, can also be used for minor court proceedings, mediations, other judicial services, community support or community development activities. In the case of CJs, the focus was on letting the communities determine their own law and justice approach which included facilitating (non L&J) community development, social (e.g. sport clubs activities (Wakunai CJC) and/or commercial (e.g. weddings – Tinputz CJC) activities. This broader approach to law and justice meant the CJC buildings were used in variety of ways. For example, communities supported keeping youth involved and focused on sport to reduce the likelihood of them being misdirected to crime. The validity of these arguments was beyond the scope of this report. In these instances, the need for the infrastructure to be flexible was important. However, in the case of prisons or holding cells in police stations and courts, this is not appropriate.

Only 9 per cent of people interviewed (10 women, 9 men) commented on the flexibility of the sites visited. In addition to this information, the social research teams also collected rating on flexibility during the observations taken around the sites. Together this data indicated that the flexibility of the infrastructure was a response to the lack of sufficient buildings in the law and justice sector.

In the majority of the cases the infrastructure fulfils several functions in order to accommodate the needs of other agencies. For example, all MS and NJSS courts visited shared a building (with exception of the NCD). Similarly, police facilities played several functions. An example of this is in Yonki, where the police grounds were also used by the Village Court. In Tinputz and Wakunai CJs in Bougainville, the buildings were used for a series of community justice activities, but were also used for village and district courts when required. The use of these buildings is so popular that the Village Court officials would now like to have another building in order to be able to regularly hold their Village Courts.

While agencies are prepared to be flexible to accommodate existing limitations in the quality and quantity of infrastructure and be able to deliver and continue to expand services, most people mentioned the urgent need to expand existing infrastructure.

**Table D: Flexibility of Infrastructure in Bougainville**

Agency	Flexibility of site
BPS Training Unit	"It was supposed to be just for the police, now they want the training centre to service the law and justice sector, and the administration have said that they want the training centre to also start providing to the administration." (key informant).
Police	"People are coming here to report their cases because they now know that the police are here...People really appreciate the presence of the police and the police station so now they come in to hold their village court mediations here at the police station because it's safe. We have allocated to them the Community Hall so they are able to come together to do their mediations there for problems within their community. So it's uh...the smaller more simple offences we leave to the mediators to sort out so the outcome is a win-win situation or something similar and that's part of our partnership and I appreciate that and as I've said mediators and the village court have been doing a lot for our country and our government." (Provider).

Agency	Flexibility of site
ABG	<p>In Tinputz, various stakeholders regularly use the CJC and the building is booked in advance five days a week. The stakeholders are the police, FODE students, welfare officers, the Village Court and NGOs such as Care and World Vision. They all use the same facility. In some instances, the national court also uses the building for court hearings. As a result, there are clashes with the bookings and some stakeholders cannot use it. This has happened to Village Court officers several times. A similar situation happens in Wakunai, where the police has taken the CJC as their office. In these instances, despite the building being flexible to address the needs of the government and the community; there is also a danger of losing the initial purpose for which the infrastructure was developed.</p>

***Summary Response to Evaluation Question - Effectiveness and Appropriateness: How appropriate is the infrastructure design in meeting the needs of the intended users (women, men, girls and boys)?***

Service providers could adapt the facility they were using to deliver the service they were supposed to be delivering, despite it having limitations. In other words they were able to make do with what they had. Based on their experience they had significant input on how the functionality of facilities could be improved.

It was identified that there was limited consultation with service providers or users in scoping infrastructure, and future infrastructure would benefit from improved consultation with those people that actually use the facilities.

From the service provider user perspective there were significant gaps in the ability of facilities to ensure the safety of people using it.

Infrastructure is used for multiple purposes to maximise services when required and appropriate. The preference of law and justice agencies and service providers is to have facilities with a single function for the national court, district court and village court.

Flexibility of facilities was particularly important when infrastructure was limited.

***Implication:***

Enhanced consultation and scoping of infrastructure would significantly improve the effectiveness/functionality of facilities.

Scoping templates/checklists relevant to each agency would contribute to improved scoping and design of infrastructure.

Improved safety of facilities needs to be addressed.

Innovative ways of exploring the incorporation of furniture and fixtures into design would increase the functionality of infrastructure.

Land availability and land approvals will continue to be an issue in PNG.

### 3.6 Efficiency

*To what extent are the procurement processes for infrastructure maintenance and construction projects providing value for money? How could the procurement processes be refined to improve: a. Timeliness of construction and b. Quality of construction and c. Value for money?*

*Refinements would improve timeliness, construction quality, and Value for Money (VfM).*

An analysis of the efficiency of the planning and procurement processes was undertaken as part of this evaluation to identify any constraints in the those processes that hinder infrastructure development, limit quality control and contribute to resource wastage in the systems (time and money).

#### 3.6.1 Planning and Budgeting

As the planning of law and justice infrastructure in PNG does not lend itself to an economic approach based on allocative efficiency, the focus instead is on the way the sector's needs were anticipated and met.

Planning and budgeting for the law and justice infrastructure generally involved the processes outlined in the Figure 3-23. The objectives of the LJS-IIE were to examine whether the planning and budgeting processes:

- Were systematic and orderly
- Achieved proper coordination between Law and Justice agencies
- Generated an optimal investment pipeline of defined and funded projects ready for implementation
- Provided a reliable pool of funds to meet payment obligations on committed contracts.

The formal infrastructure development framework follows a logical top-down / bottom-up planning process in which priorities are set by the Sector Strategic Framework (SSF) and the Medium Term Development Plan (MTDP). While the GoPNG Vision 2050 and the Development Strategic Plan (DTP) establish the overall framework for developing PNG, the MTDP sets the framework for planning and preparing projects to meet the law and justice agencies' particular needs. The Department of National Planning and Monitoring (DNPM) and National Coordinating Mechanism (NCM) are responsible for formulating the strategic plans and setting priorities that respond in an optimal manner to the needs of the agencies given the prevailing budgetary constraints. The functions of entities with responsibility for overseeing the optimal infrastructure development in the sector are outlined in **Appendix J**.



Figure 3-23: Infrastructure Planning

The Good Procurement Manual (GPM) requires the preparation of annual procurement plans “to encourage agencies to adopt a long term and strategic view of their procurement activities”. This is to be submitted to the CSTB on 28 February each year but it is understood that the requirement is not practiced or enforced.

The planning process effectively commences with each agency preparing a list of the projects it needs to meet their service delivery requirements. These are outlined in Project Identification Documents (PIDs). It is not clear, however, whether the agencies’ infrastructure priority lists are prepared in response to a systematic analysis of needs – a formal gap analysis process.

Common practice until 2013 has been that the PIDs are discussed by the inter-agency Law & Justice Sector Working Group (LJSWG) and after some screening, the shortlisted projects are considered further by the relevant agency and Project Formulation Documents (PFDs) are prepared in which the project concepts are described in more detail. After evaluation of the PFDs by the National Coordinating Mechanism (NCM), a final list of projects for funding in the upcoming budgetary year is published.

The senior management team of the Implementation Service Provider (ISP), in consultation with AusAID, has been actively involved in the development of the PIDs and PFDs and in the LJSWG / NCM screening processes.

Though logical, there is evidence of problems in the application of these procedures:

(i) Coordination between agencies

One area of concern has been a lack of coordination between the agencies in the selection of projects. Infrastructure planning is driven primarily at the agency level by agency priorities. Cooperation between agencies is often missing in filtering projects between the PID and PFD stages of development, with insufficient direction being provided by the NCM, the Department of National Planning and Monitoring (DNPM) and other bodies responsible for overseeing investment in the sector. Though there is some cohesion at the LJSWG level, each agency is left to develop its own plans without an effective mechanism for integrating them with those of the other interdependent agencies in developing optimal sector priorities. At present, the NJSS sets the pace with well-prepared planning proposals; by necessity, other agencies appear to follow their lead, leaving open the possibility that their own priorities are subordinated in the process.



While there are examples of prioritised planning as a result of need (i.e. Kerevat Court), there are also examples of strong political influences that impact final infrastructure approvals such as Beikut Prison. There needs to be an increased focus on resolving common problems such as ineffective registries or remand facilities that interfere with the ability of a number of agencies to deliver effective services.

Evidence of suboptimal infrastructure spending can be found in:

- A lack of evenness in the quality and sufficiency of infrastructure of the different agencies. This can be seen in the poor quality of some RPNGC facilities and in the overcrowding of prison facilities.
- Inadequate supporting of infrastructure in many locations. Examples include insufficient housing and makeshift facilities for Public Prosecutor and Public Solicitor at court facilities.
- An imbalance between new and refurbished infrastructure, and between capital works and maintenance.
- Allocation of funds at provincial and district levels do not always reflect prioritised service delivery needs.

There does not appear to be a methodical process in which agency-level gap analyses are consolidated into an analysis of gaps at sector level, leading to a coordinated evaluation of infrastructure priorities and an implementation program based on available funds.

AusAID, by not providing a formal framework for setting priorities in the infrastructure it funds, may well be contributing to this agency-driven approach. This issue could be given closer attention at the program design phase. The contrary case could also be put – that an optimal apportioning of the sector's funds, no matter the source or whether they are part of a development budget or recurrent budget, would require a unified planning approach based on broad agreement on development criteria. Development criteria might include<sup>30</sup>:

- A focus on regional centres;
- A focus on crime hotspots (higher demand for services) priority based on crime survey findings;
- A focus on least developed provinces from an LJS service delivery perspective;
- The National Court Expansion Program and infrastructure for the courts' ancillary services;
- Focus on the LNG corridor.

To improve coordination, it has been suggested that a consultative group could be established to review L&J infrastructure planning and project priorities before the preparation of the PIDs and PFDs. Such a group could provide useful input to AusAID, including activity and cost schedules, to assist in framing the sector development budget each year to better target the particular themes AusAID is looking to support through its program. The objective would be to set aside the agency-driven approach and inject in its place a sector perspective into the shortlisting of projects.

#### *(ii) Budget processes*

Another area of concern is budgeting. AusAID funds are managed under the development budget while the GoPNG funds are provided through a recurrent budget. Development budgets

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<sup>30</sup> PNG Law & Justice Sector – Sector Facilities Development Policy, draft Sept. 2011.

are framed by reference to the SSF, MTDP and other justice policies and strategic plans at the national agency level and provincial level.

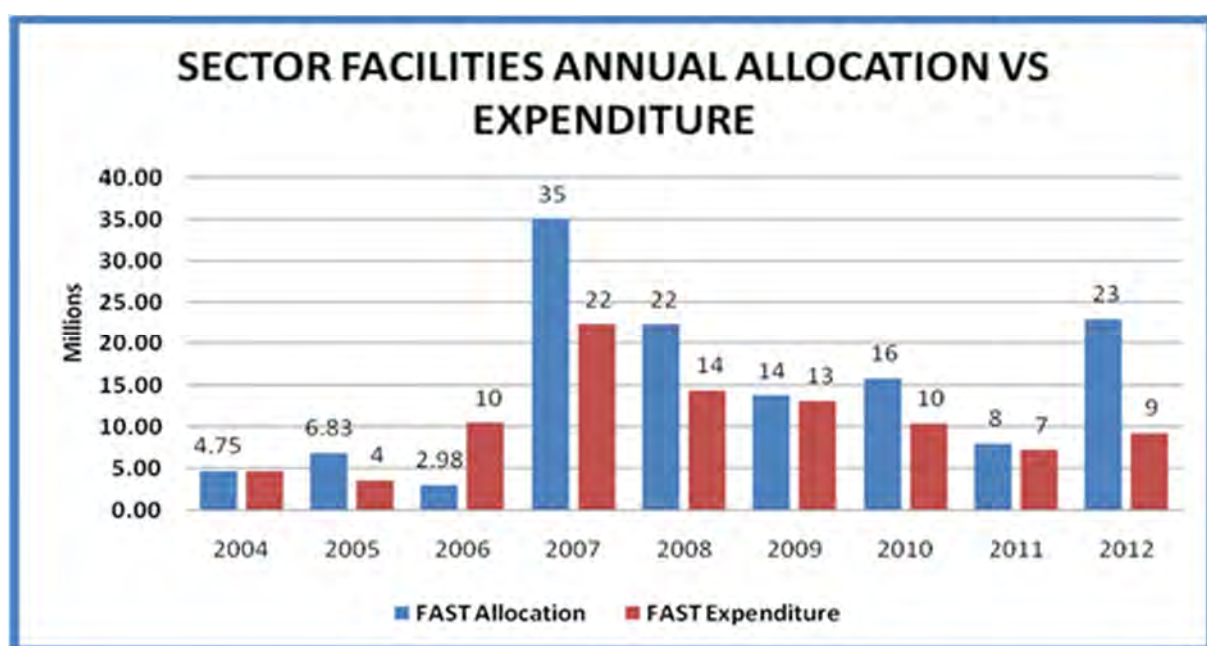
LJS agencies have considerable independence in setting their budgets. For instance, the NJSS, MS and OC are funded under a single line item in the recurrent budget, with expenditure constraints imposed only for some personnel items. Expenditure by the RPNGC, CS and DJAG is controlled more tightly through a number of additional line items. Even within a line item, the agencies can exercise considerable discretion if the allocation of funds is undertaken by activity and region. Funding under the development budget is primarily provided by donor agencies for sector programs that also allow significant autonomy in the deployment of funds within a budget year.

The budgeting processes show a logical progression but there is a widespread view that they are cumbersome. The budget cycle commences with the preparation of PIDs and works through the LJSWG, PFD and NCM stages, culminating in the tabling in November of the annual budget for the following year. Cashflow forecasts are then developed for the annual development budget and recurrent budget and in the process funds are often reallocated or cut. This may require a reprioritising of infrastructure spending. These processes absorb time and as a result, little happens in the period between December and the end of February.

These delays in approving the revised budget hold back procurement and construction activity, which does not start again in earnest until after March 2013. Priority for scarce funds during this period is given to ongoing projects at the expense of new projects. Even so, there are often insufficient funds to meet contract payments.

These delays reduce the time available in the year to spend the funds allocated in the budget and this can result in underspending. The spend rate against the budget allocation on LJSP / PALJP infrastructure has varied considerably from one year to the next. There are years where the underspend is significant and causes deferral of projects and delays in the infrastructure program (Figure 3-24). (It is to be noted that the budget cycle is not the sole cause of underspending. Contributing factors include procurement delays, construction delays, land title issues and lack of agency resources).

Figure 3-24: Allocation Versus Expenditure on the GoA Infrastructure Investment from 2004-2012 (LJSP and PALJP)<sup>31</sup>



<sup>31</sup> From the *Law and Justice Sector Development Funding Review Paper*, July 2013.

Budgeted funds that are not disbursed in time may be rolled over into the next, in which case the effect is to delay particular projects, but this is not assured and unspent money that is not rolled over will be lost, resulting in a deferral of the L&J infrastructure program.

It is understood that options for improving the budgeting system are under discussion, including enhancements in financial management, better monitoring and stronger cooperation between central and line agencies.

*(iii) Sustainability of the infrastructure program*

The primary aim of the infrastructure program is to add new infrastructure and refurbish old facilities according to need. Each year sees an increase in the inventory of assets that the agencies have to maintain. This is driven by the growing demand for law and justice in PNG but little consideration seems to be given to the limited capacity of the agencies to provide for their growing maintenance responsibilities. Coordination is needed between capital expenditure and recurrent expenditure to ensure a balance in the funding of new buildings and the maintenance of existing buildings.

*(iv) Capacity of agencies in setting and monitoring budgets*

An issue raised by individuals in consultations and alluded to in law and justice documents is that of capacity of agency staff to set and monitor budgets. The current capacity development initiatives of the GoPNG and the GoA play an essential part in promoting a better understanding of GoPNG budgetary processes and it is important that such efforts are sustained to continue the development of agency staff engaged in the budget processes. Inter-agency training programs would also contribute to a common appreciation of the budgetary pressures that each agency is under.

### 3.6.2 Procurement Processes

After projects are identified, their PFDs approved and budgets allocated, the next step in the project cycle is procurement, which sees realisation of the project concepts, as developed by the agencies and described in the PFDs. It is important that the budgeting and procurement processes are properly aligned, and it is understood that a three-year LJS infrastructure rolling plan is under consideration so that funds for projects are appropriated by the time the projects are ready to tender.

An efficient procurement process will result in the delivery of quality infrastructure in a timely and cost effective manner. Putting into effect the intentions of planners involves:

- Accurate specification of the functional designs and quality requirements of the infrastructure.
- Obtaining and maintaining competitive prices by drafting tight and balanced contracts, using best practice tendering procedures and providing close supervision of the works.
- Selecting and supervising competent contractors for their construction.

An inefficient process will impact service delivery through:

- Delays in completion causing deferrals in the commencement of services;
- Cost overruns absorbing additional budget, reducing funds for other buildings; and
- Poor specification or construction, resulting in the delivery of substandard infrastructure.

The importance of efficient procurement can be seen more clearly from the long delays and additional costs caused by misadventures and disputes on projects in PNG and elsewhere. With set budgets and fixed resources, any money, time or management effort expended by the PALJP and agencies in remedying procurement problems represents opportunities foregone in developing additional infrastructure.

In this context, the aim of the procurement review was not to rigorously audit individual contracts, but to look more generally at a broad sample of the contracts awarded for the infrastructure to gauge the efficiency of the procurement process and, more particularly, to determine the extent to which the following were achieved:

- Compliance with GoPNG's laws and regulations;
- Competitive price;
- Enforceable schedule;
- Quality standards; and
- Value for money, being procurement of works, goods and services in a manner that meets identified infrastructure needs at lowest total cost.

### 3.6.3 Compliance with Applicable Laws and Procedures

The L&J infrastructure that forms the subject of the review was procured during the period from 2004 to 2012. During this period a number of changes were made to the procurement framework in both PNG and Australia. Defining the laws, regulations and guidelines in force at a given date for a given contract is difficult but the more important changes in policy and law over the period from 2004 have been considered.

International best procurement practice is embodied in the procurement procedures of the International Financing Institutions (IFIs) and in documents such as the WTO's agreement on Government Procurement (GPA). However, Article IV of the WTO GPA acknowledges that local conditions must also be considered in adapting international best practice for a particular country.

Procurement for AusAID-funded LJS projects must comply with applicable legal requirements of two countries, PNG and Australia. The principal documents setting out procurement framework procedures for the L&J infrastructure are summarised in Table E.

Table E: Procurement Framework for GoA Funded Services and Works

<b>GoPNG:</b>	<p><b>Public Finance (Management) Act, 2003 (PFMA)</b> – refer Part VII. The PFMA is the principal piece of legislation setting out the procurement requirements in PNG. Section 39 of PFMA states that procurement is to be in accordance with the Act, Financial Instructions and Ministerial Rules. The PFMA establishes the CSTB as the authority to control and regulate procurement of works and services. Financial instructions and rules issued by the Minister pursuant to the PFMA are binding. Recent amendments to the Act raising thresholds are not considered in the review as they were not in force when the infrastructure under review was procured.</p>
	<p><b>Financial Management Manual (FMM)</b> is a part of Financial Instruction 1/2005, issued under the PFMA, and therefore has the force of law. Procedures for major procurements are contained in Volume 1:</p> <ul style="list-style-type: none"> <li>• Part 11 - Procurement – Framework and Principles</li> <li>• Part 12 - Minor Procurement</li> <li>• Part 13 - Major Procurements</li> <li>• Part 14 - Supply and Tenders Boards – Operation and Accountability</li> </ul>
	<p><b>Good Procurement Manual (GPM)</b>, issued by the CSTB. This document provides ‘good practice’ guidance but its advice is not always consistent with the PFMA and FMM. This raises questions about the legal status of the GPM. The case can be argued either way:</p> <ul style="list-style-type: none"> <li>• The Minister, who has the authority under Section 39 of the PFMA to make Rules ‘<i>not inconsistent with the Act or the Financial Instructions</i>’, has endorsed the document which includes a statement that the GPM is binding;</li> <li>• On the other hand, in the only case law on the subject, <i>Mountain Catering v. Punangi (2011)</i>, the judge, as an aside (obiter), concluded that the GPM is a guideline.</li> </ul> <p>Clarification by Office of State Solicitor is needed to provide greater certainty on this point.</p>
<b>Australian Government</b>	<p><b>Commonwealth Procurement Guidelines (CPGs) / Commonwealth Procurement Rules (CPRs):</b> Several versions of the CPGs were in force over the interval covered by the IIE review. They were replaced in 2012 by the CPRs. The CPGs/CPRs are issued under Regulation 7 of the <i>Australian Financial Management and Accountability Regulations 1997</i> and set out the policy framework to guide agencies of the Australian Government in the procurements they make, including those funded by Australian Overseas Development Assistance (ODA). The interaction of the CPGs/CPRs and the GoPNG procedures is discussed below.</p>
<b>International Financing Institutions and professional bodies</b>	<p>The World Bank Group and the ADB publish detailed procurement procedures that are not binding on AusAID-funded contracts in PNG, but their procedures and documents have wide recognition as benchmarks of good procurement practice.</p> <p>For more than 40 years, the model standard form contracts published by the Fédération Internationale des Ingénieurs-Conseils (FIDIC) have also been a point of reference for the international building and construction industry.</p>



Figure 3-25: Procurement Processes

The CPGs were replaced in 2012 by the CPRs and therefore the CPGs governed during the procurement of the infrastructure reviewed under the IIE. The CPGs contained exemptions for ODA-funded contracts and were not mandatory. GoA policy, in accordance with the *Paris Declaration on Aid Effectiveness* (2006), was to abide by the GoPNG procedures<sup>32</sup>. Thus, inconsistencies between the provisions of the GoPNG procedures and the CPGs were resolved in favour of the GoPNG procedures. Conflicts also occur between the GPM and the PFMA/FMM and they are resolved in favour of the PFMA/FMM.

#### 3.6.4 Procurement Processes

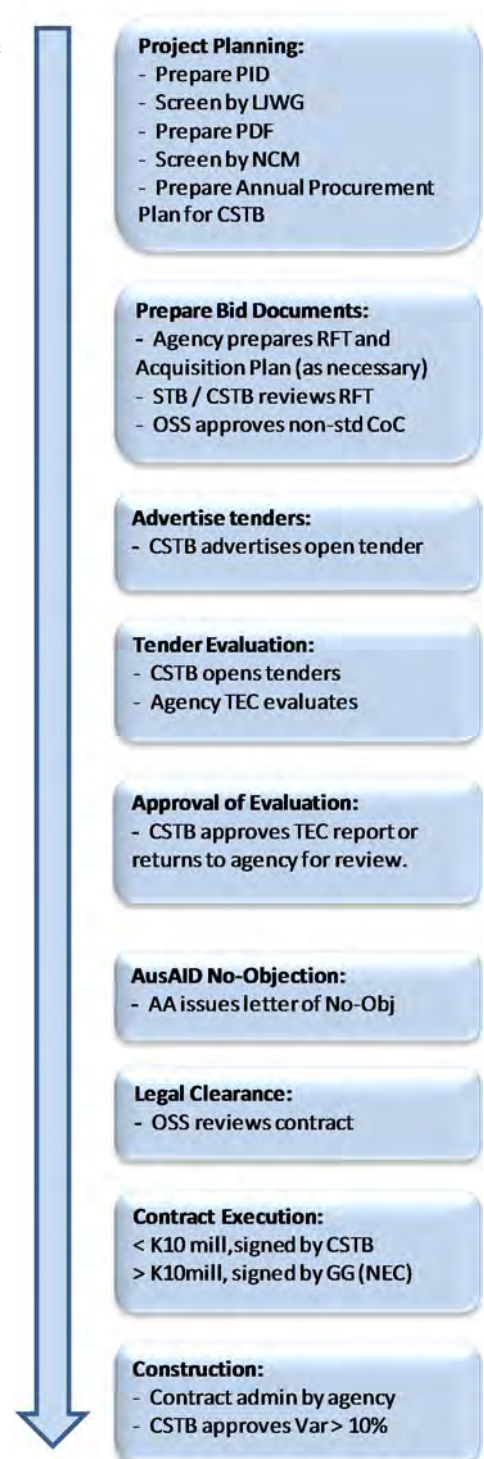
The GoPNG procurement processes follow a logical progression generally in keeping with good practice principles (refer Figure 3-25).

Under the GoPNG procedures, contracts with a value greater than K500,000 require an Authority to Pre-commit (APC) from the Department of Finance. The APC must accompany the bidding documents when they are submitted to the relevant Supply Tender Board (STB) for review. In the Transport Sector, where a contract is to be funded in whole or part by the GoA, an AusAID Letter of No-Objection is also required to ensure funds are available. This has not been the case to date in the LJS, but would be a recommended practice going forward.

The agencies are responsible for preparing designs, obtaining cost estimates on which the APCs are initially based, and drafting the RFT documentation, including the specifications and drawings. The CSTB then reviews the RFT, advertises the tender and conducts the public tender opening. The focus then shifts back to the agencies who evaluate tenders, prepare the tender evaluation reports and submit them to the STB for approval within three weeks of tender opening and at least eight days before the STB meeting at which the tender recommendation is to be considered. The CSTB meetings are scheduled fortnightly. Following approval of the tender recommendation, the State Solicitor reviews the conformed contract before it is executed.

#### 3.6.5 Review of Contract Files

A sample of procurement and informal project management files were reviewed to understand how efficiently procurement procedures were applied in translating the PFDs into physical infrastructure.



<sup>32</sup> The introduction in 2012 of the CPRs introduced some changes - refer **Appendix K**. It is understood that ODA procurements are no longer exempt from the mandatory provisions in Division 1 of the CPRs and these therefore prevail where the CPRs and GoPNG procedures conflict.



The review was undertaken to understand how the procurement procedures were applied in practice and whether the outcomes represented value for money. The methodology for evaluating the procurement processes and the results of the review are presented in **Appendix M**. The focus of the review included:

- Compliance with procurement laws and guidelines;
- Quality of contract documentation;
- Quality of administration and supervision;
- Outcomes in terms of time, cost, quality.

The principal sources of information were:

- Official procurement files held by the relevant agencies;
- Informal project management working files maintained by PALJP;
- Interviews and discussions with participants.

The agencies participating in the review included the Police, Correctional Services, Magisterial Services, National Judicial Staff Services, Public Solicitor and Autonomous Bougainville Government. Cooperation was generally good but in many cases files could not be located or were not available for other reasons. The quality of the files held by the agencies varied markedly; the files held by some agencies were orderly, while those maintained by others were incomplete and unsystematic.

The informal working files maintained by the PALJP provided a more reliable record of events. They were generally easier to access, more consistent in their organisation and generally more complete. For this reason, they were the principal source of information for the review.

Of the contracts reviewed, procurement in most cases proceeded smoothly with large cost blowouts or time overruns being confined to only a few contracts. Delays in tendering and construction are, however, more common. The sampled contracts were for the most part small and the contractors have been provincial or national.

There are few examples in the correspondence of acrimonious exchanges with service providers, and no major unsolicited claims. Differences between the agencies and the CSTB surface from time to time.

The evaluation of procurement efficiency employed a multi-criteria methodology in which performance was assessed against stated criteria and a collective score calculated by applying weights to the criteria representing their relative importance. Performance of each contract under each criterion was given a score between 1 (poor) and 5 (excellent). The weighted average overall score of all sampled contracts scored was 2.8, indicating a satisfactory execution (refer **Appendix M**).

### 3.6.6 Procurement Issues

In the course of reviewing procurement procedures and practices, some issues that impinged on the speed and effectiveness with which the GoA funds were disbursed and applied to the development of the selected infrastructure was hindered by a number of factors:

- The procedures for procurement of law and justice infrastructure included defects and departures from good practice. There were also inconsistencies between the GOPNG procedures and those of the GoA as set forth in the Commonwealth Procurement Guidelines (CPG) and its successor document, the Commonwealth Procurement Rules (CPR).

- The problems of the GoPNG procurement procedures were compounded by weaknesses in the bureaucracies responsible for overseeing their implementation. Bottlenecks include:

- Obtaining the Authority to pre-commit (APC) from the Department of Finance;
- Obtaining STB approval of tender recommendations; and
- Obtaining clearance from the State Solicitor.

Of particular concern, were the times taken to approve tender recommendations that had been inordinately long and prevented timely award of contracts. The roles of the CSTB and the State Solicitor are discussed in **Appendix L**.

- The packaging of contracts sometimes involves small lots for no evident reason other than the objective of keeping the value below the public tendering threshold of K300,000<sup>33</sup> to sidestep CSTB approval and avoid associated delays. Tendering in small lots may be justified if the local contracting industry lacks the capacity to undertake larger contracts, but, otherwise, economies of scale are lost and interface risks are introduced.
- The standard of tender documentation is mixed – a reflection perhaps of the limited capacity and resources of the agencies. The use of standard documentation is an effective way of improving the quality and streamlining procurement. The CSTB maintains standard Request For Tender (RFT) documents and its Good Procurement Manual also contains pro forma reports but their use by the agencies in drafting and administering contracts is not enforced.
- Current GoPNG procedures did not permit pre-qualification of bidders. The advantages of pre-qualification outweigh the disadvantages, a position accepted by institutions such as the World Bank and Asian Development Bank. For instance, pre-qualification:
  - Provides an early indication of market interest, allowing feedback into the drafting of the tender documents (e.g. risk allocations)
  - Alerts potential bidders to the project requirements and provides them with time to prepare for the solicitation of proposals (e.g. by forming joint ventures)
  - Encourages reputable contractors by limiting the field and eliminating erratic and inexperienced bidders. However, limiting the field can also increase the danger of collusion and act as a barrier to new market entrants
  - The elimination of inexperienced and unqualified bidders spares the parties the effort of preparing and evaluating uncompetitive tenders.
- The legal review of contract documents by the State Solicitor is not conducted until after tenders have been submitted and evaluated, by which time it is difficult to introduce corrections without jeopardising price and other terms. It is more usual and more logical to bring forward the review so that the tender documents have legal sign-off before going to market (refer **Appendix L**).
- Institutional capacity is a wider problem. The procurement departments of the agencies generally lack the staff and the staff lack the experience, qualifications and support to conduct their duties effectively. Public sector staff is poorly paid and the agencies have difficulty attracting and retaining competent, well-trained staff that can secure better paid jobs in the private sector. Poor pay leaves staff vulnerable to corruption. It is also administratively difficult to bring people in under contract to temporarily fill gaps in skills and resources.

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<sup>33</sup> The 300k PGK threshold was increased to 500k during early 2013.

- In most cases delays and cost overruns on L&J infrastructure can be traced to design issues, construction problems or external interventions and not to the procurement processes or contract documentation. (Cost increases and time extensions are generally attributable to variations, not claims). While there was every indication that a satisfactory standard of supervision is provided by the agencies, its agents and the team of FAST advisors, documentation examined suggested that the administration of contracts could be improved. Procurements are more difficult to administer, monitor and control (and review) if the project management and contract files are not systematic and complete.
- The evidence from the informal project management files suggests that the contracting environment is benign and as long as it remains so, good supervision will be more important than good administration; however, as the industry develops, contractors are likely to become more aggressive and litigious. Without marked improvement in contract administration, the agencies will be vulnerable to such developments. The CSTB standard RFT and report templates will assist in elevating standards. In addition, standard letters, checklists, diary formats, etc. can help to instil good habits.
- For about half the contracts, a high number of variations were ordered. This may indicate poor scoping, lack of detail in the design or changes of mind during construction. It is evidence of a lack of control and can result in cost overruns. Works ordered as variations are also priced in the absence of competitive pressure and as a general rule would have cost less if they had been part of the original scope. It is also evidence of a need for stronger project controls.
- Anecdotal evidence across several sectors suggests that corruption is a significant problem. The contract files lack the completeness to follow money trails, and, besides, time did not permit an attempt, but PNG's ranking of 150 out of 176 countries in Transparency International's Corruption Perceptions Index 2012 lends support to the anecdotes.

Analysis conducted during the evaluation indicated that current funding mechanisms and procurement processes hinder infrastructure development. The procurement procedures by and large follow recognised international good practice and there is every indication that the standard of construction supervision provided by the agencies is good, but weaknesses in contract documentation and administration were evident, and the role of Supply and Tenders Boards is a weak link in the procurement chain. Although many of the contract services were procured effectively and the works completed smoothly, some contracts encountered problems. Table F lists several examples emerging from the documentation that illustrate some typical issues.

At the heart of the agencies' procurement issues is their lack of experience and in-house expertise. The problem is well understood – AusAID is working with the GoPNG to improve resourcing and skills through the PALJP program, by financing embedded long-term advisors and engaging professionals to assist on a project-by-project basis.

Other initiatives discussed in this section could also contribute to an improvement in the management of projects and administration of contracts. These include:

- More systematic project identification are required using a methodical approach based on the consolidation of agency-level gap analyses to provide a coordinated and systematic ranking of project priorities at the sector level. AusAID, in its program design, could contribute to this objective.

Table F: Examples of Constraints in the Procurement Processes

Site	Issues
Kerevat Court Complex	The recommendation from the Tender Evaluation Committee was rejected by the CSTB for reasons that were not clear, resulting in a delay and lack of transparency in contract award.
Beikut Correctional Institution	The building industry on Bougainville is small but the use of outside builders would risk unrest. Works therefore had to be packaged in small lots and, even then, only a couple of contractors had the track record to bid seriously for the specialist institutional works.
Kokopo Court House	Problems were encountered in planning and staging the judge's chambers, new registry building and courthouse conversion. Significant scope changes were made during the tender and construction phases. Delays in approving, awarding and completing the Stage 2 works.
NJSS Dispute Resolution Building	Long delays were experienced in the approval of the Tender Evaluation Committee recommendation; the CSTB initially awarded the contract to one contractor but this was rescinded and the award went to another. Scope of work changed during the tender period.

- Closer adherence to procurement procedures and more disciplined use of standard documentation, including procurement checklists, model contracts and pro forma letters is needed. The proper use of standard documents should be promoted by a program of training.
- Adjustments in procurement procedures to streamline the preparation and award of contracts suggested. Two such refinements – a prequalification stage could be introduced and the legal review of tender documents could be scheduled earlier in the procurement cycle, before documents are put to the market.
- Circumvention of bottlenecks in the GoPNG procurement processes by bringing the tendering, awarding and administering contracts for Australian ODA-funded infrastructure under the CPRs could be achieved. This would involve:
  - An ISP being engaged to manage the procurement on behalf of AusAID with its scope of services being specified in their contract with AusAID;
  - Management and accounting of expenditures by the ISP in compliance with the CPRs and the GoA financial management and procurement regulations;
  - Secondment of staff from the agency for whom the infrastructure is being developed. The seconded staff would work as part of the ISP's project management team and would facilitate effective communications between agency and ISP in bringing the concepts outlined in the Project Formulation Documents into being. The secondments would also serve as a capacity building exercise by exposing agency staff to professional standards in the formation and administration of contracts.

***Summary Response to Evaluation Question – Efficiency:***

***To what extent are the procurement processes for infrastructure maintenance and construction projects providing value for money? How could the procurement processes be refined to improve: a. Timeliness of construction and b. Quality of construction and c. Value for money?***

- There is a lack of coordinated and strategic planning against agreed criteria to maximise benefits. The priorities of all agencies are more likely to be addressed by systematic planning based on a balanced consolidation of agency-level gap analyses of needs.
- Delays in procurement due to GoPNG's processes, including those related to tender board approvals and the budgeting cycle, significantly undermine VfM and timely access to new facilities. Ways of managing or avoiding such delays are discussed.
- The sample of files reviewed as part of the IIE suggests that the project management files held by the agencies were often unsystematic and incomplete. The level of documentation and standard of administration was not pragmatic in the current setting, but would be inadequate in a more litigious environment.
- In general, designs prepared for L&J infrastructure are appropriate given the purpose of the infrastructure and the budgets provided. The quality of construction for the main reflects the market in which the infrastructure is built; that is, the standard of the buildings is equivalent to other infrastructure built in the same area. This can be explained by the size, experience and competence of local construction contractors. Construction quality tends to decrease as the distance from major centres increases and access to competent contractors becomes more limited.

***Implications:***

- Improved strategic planning would facilitate improved service delivery by maximising the ability of all agencies to provide a service in a particular location. Systematic planning procedures and a set of criteria to establish and coordinate agency priorities would be beneficial.
- Use of GoA's procurement and financial management systems for Australian ODA-funded infrastructure would minimise delays and fiscal risk while the GoPNG continues to improve and strengthen its systems.
- Consistent application of standard documents and additional templates and checklists from the CSTB for PNG-funded activities would improve the standard of project management and contract administration.
- Improved quality assurance and quality control systems can contribute to improved infrastructure quality.

### 3.7 Overall Evaluation Question

***'To what extent is investment in infrastructure contributing to improved service delivery and access to law and justice for women, men, girls, and boys of PNG?***

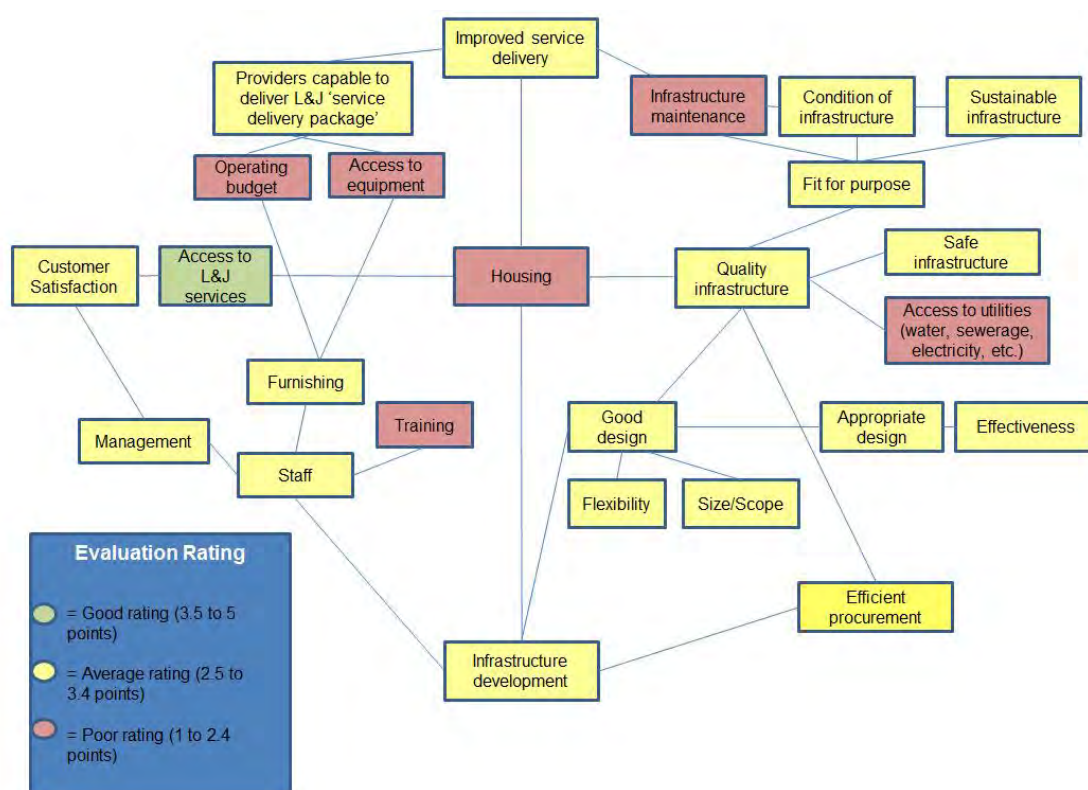
This evaluation presents considerable evidence on the value of investment in infrastructure and the contribution that it makes to improved access to law and justice in PNG. This came out clearly in the analysis, with front-line service providers and users confirming the importance of the infrastructure in accessing the services – the costs associated with travel had been reduced by facilities closer to home, and their experiences of the LJS had improved. Improved service delivery, however, was much more tenuous as there are many factors that impact on the ability of service providers to deliver a service from a particular facility.

Infrastructure investments can improve service delivery by improving a number of key processes and attributes directly associated with infrastructure development:

- Maximising functionality through effective scoping and design, and incorporating the perspectives of service providers/users;
- Selection of appropriate materials for construction and implementation of maintenance programs to maximise sustainability;
- Locating infrastructure to support the roles of multiple LJS agencies;
- Using the infrastructure for multiple purposes if appropriate;
- Ensuring facilities have appropriate basic services, equipment and consumables;
- Ensure sufficient housing is provided to support service delivery;
- Minimising time and costs associated with procurement processes;
- Providing facility-based management training to help front-line providers to increase infrastructure and equipment maintenance as well as to focus on customer satisfaction;
- Planning of infrastructure to maximise benefits to the sector. Appropriate planning of future demands/needs.

The implications of the evidence developed for assessing service delivery was important in achieving a balance between infrastructure development, support services (utilities, furniture, equipment, fuel, consumables), organisational support/capacity building of front-line service providers at the facility level, and effective management systems. Figure 3-26 summarises the ratings of the different factors that were identified during the evaluation in order to link effective infrastructure development with improved service delivery. While this is fundamental for delivering any service, the evidence provides a sound basis for effective service delivery in the LJS. The key is to find innovative ways to fund and support quality infrastructure and supporting staff needs in a resource-constrained environment.

Figure 3-26: Summary of the Service Delivery Model with the Ratings Developed through the Evaluation



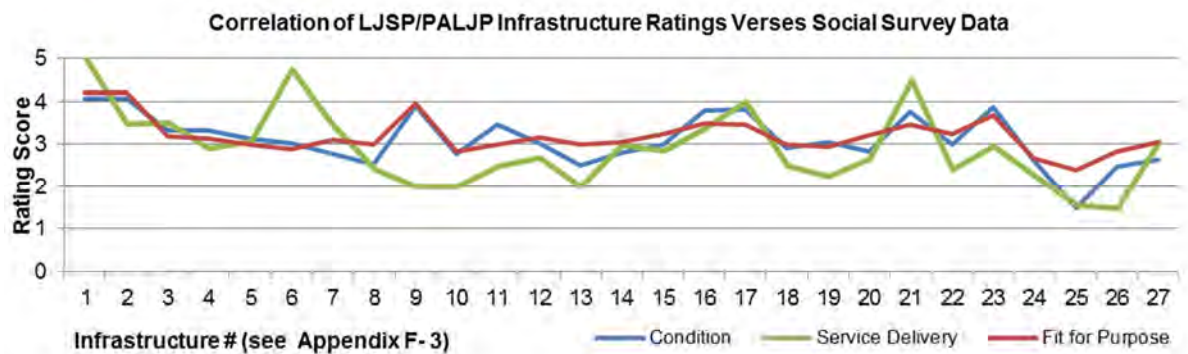
Using the aggregated data collected through the fieldwork, a series of comparisons were generated to illustrate the interactions between the different pieces of infrastructure investment, its condition, fit for purpose ratings, and how this related to effective service delivery (Figure 3-27). It is seen that service delivery generally had the lowest ratings. Based on the results of the social research, one explanation for this result is a lack of support to front line service delivery at the local level and all the influencing factors that need to be in place to ensure effective or even adequate service delivery. This requires commitment from all stakeholders to ensure this occurs. Therefore, the investments in infrastructure through the PALJP/LJSP generated limited improvements in service delivery due to constraints across the law and justice system.

While the infrastructure reviewed during this evaluation was not statistically significant, correlations comparing the condition, fit for purpose and effectiveness ratings for service delivery produced some interesting observations. Refer to Appendix F – Infrastructure Data and Analysis, in particular F.1 to F.3, where it is shown that correlations are positive, however modest and not definitive nor conclusive.



**Figure 3-27: Correlation of LJSP/PALJP Infrastructure & Service Delivery**

*NOTE: The graph tracks the overall ratings for condition, service delivery and fit for purpose for different infrastructure facilities.*



The data (Appendix F.1) supports the assumption that 'new' infrastructure (within the sample population) is in overall better 'condition' (3.2 to 3.0), is more 'fit for purpose' (3.3 to 3.0) and provides better 'service delivery' (3.0 to 2.8) than 'refurbished' infrastructure.

In general the condition of the building had an impact on the quality of service delivery, noting that condition ratings undertaken at this time must be seen in the context of the time evolved, maintenance support and care to date. Similarly, the fit for purpose rating of a piece of infrastructure tended to track closely to service delivery. The correlation analysis (Appendix F.1) suggests that 'condition' of infrastructure has a stronger relationship (0.60) in providing better 'service delivery' than does 'fit for purpose' (0.50).

The correlation analysis (Appendix F.3) also suggests that the better condition of new infrastructure delivered under the LJSP/PALJP provides better service delivery as compared to current condition of the programs and refurbished infrastructure (0.61 and 0.58 respectively). However, the very small variance and limited sample size also implies that no meaningful conclusion may be drawn. In fact, the correlation analysis shows that service delivery may be independent of rating of both infrastructure FfP or condition (Figure 3-26). The social data and this infrastructure survey supports the understanding (as evidenced in the isolated peaks and troughs within the graph) that quality HR resources could/can provide quality service delivery irrespective of the rated quality or condition of associated infrastructure – or visa versa. This is anecdotally known, however the correlation of proportional relationship between quality infrastructure and quality service delivery is not – the above data demonstrates a moderate positive relationship.

This analysis (Appendix F.3) further suggests that fit for purpose and new infrastructure provides improved service delivery as compared to FfP refurbished infrastructure (0.55 and 0.49 respectively). This somewhat larger differentiation supports anecdotal and social survey data which concludes that new infrastructure has more opportunity to address critical scope, design and flexibility issues thereby impacting service delivery outcomes more positively.

As noted previously, no current overall assessment of the condition of LJS building infrastructure is available. Therefore, any potential overview of a rational assessment option of 'refurbishment' of existing stock, in lieu of provision of new infrastructure, is not possible at this time. The survey data suggests that new infrastructure may provide improved service delivery outcomes but it also shows that the quality of service delivery is contextual – there are

demonstrated examples of good service deliveries irrespective of whether the infrastructure was an outcome of refurbishment or new.

### 3.7.1 Issues with Specific User Groups

Finally, in assessing the impact of infrastructure investments on providers/users of the law and justice sector, it was important to recognise that the needs of all users are not identical. For examples, the needs of women, children, juveniles and those with disabilities are different to those of adult men. Improvements to services for these individual groups were explored throughout the evaluation.

The evaluation identified these specific needs where appropriate, and where possible sought the inputs of these groups in order to identify if the sector was facilitating access for all users. As would be expected it was difficult, and not necessarily appropriate to interview boys and girls, but the issues of boys and girls were identified by talking to providers and users. Similarly, the nature of the opportunistic sampling over a short period of time made it difficult to interview PWD, but again their issues were discussed with available interviewees.

#### *Needs of Women*

PNG is a country with wide gender disparities<sup>34</sup>. In order to counteract this trend, the activities of the PALJP have had a particular focus on promoting gender equity and addressing the problems of violence against women, including domestic violence. This has resulted in training for different law and justice agencies on the importance of gender equality. The Independent Progress Report<sup>7</sup> undertaken by Armytage *et al.* (2012) mentioned that the advancement of women's rights in the law and justice sector was among PALJP's most impressive achievements. Three outcomes of the program exemplify these achievements. Firstly, PALJP supported the establishment of twelve Family and Sexual Violence(FSV) Desks and Units around PNG. With ongoing support, many of the FSV Desks are being upgraded to Units<sup>35</sup>. The evaluation team visited three of these Family and Sexual Violence Units that have been established in NCD, Kokopo and Mount Hagen. These units raise awareness within the police and provide support to victims of family and sexual violence. Second, PALJP has also supported the development of a Family Protection Bill to help courts issue protection orders for women and children who are subject to violence at home. Third, the PALJP assisted Magisterial Services to develop the Interim Protection Orders (IPOs) to assist victims and the police to prevent future acts of violence within at risk households.

This evaluation found that PALJP had made two significant contributions to gender equality by encouraging women to seek justice. First, PALJP increased investment in the provision of family courts, which was mentioned to be an important entry point for women seeking justice. Second, in Buka and Lae it was found that Family Support Desks as well as the operation of Family and Sexual Violence Units supported the work done by courts. Because of these positive outcomes, the evaluation team considers that more has to be done in police stations and courthouses to increase the number of women accessing justice.

Across the different regions visited, Bougainville was found to be the most 'gender-friendly' in terms of service provision as women needs were mentioned to be prioritised by providers working in the various Law and Justice agencies. Officers working in higher, district and Village Courts as well as land mediation, police stations, police training centre and Beikut Correctional Facility raised the importance of women having access to Law and Justice services. Non-governmental organisations (NGOs) ratified these comments, saying that although not perfect, there had been a significant improvement in how law and justice agencies regarded the needs

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<sup>34</sup> In 2011, PNG was ranked at the bottom of the United Nations Gender Inequality Index (140 out of 146 countries) (PALJP Gender Fact Sheet 2012:1).

<sup>35</sup> The Family Protection Act was promulgated in September 2013, making family and sexual violence illegal.

of women. The gender-focus has meant that NGOs can better provide counselling and information for female victims. A NGO worker said:

*"We knew that it was very difficult for women to access justice because they did not understand the processes and how to go about it. That is, where we started [working on gender]... so far [our work] has been assisting women to access justice... Women are now being assisted with court papers, court orders, IPOs and statements. And supporting them in court... Women are scared to go to court so they need the moral support to be there... Encourage them to go and bring their case to the courts, to be heard by the court." (Buka, 14 May 2013).*

Despite these important gains, the evaluation team observed three areas where continuous support is required. These areas include: (1) infrastructure design; (2) supporting women as front-line service providers; and, (3) gender training for Law and Justice service providers.

#### *Infrastructure design that supports gender needs*

The first area for improvement is to emphasise consideration of the specific needs of women in the provision of infrastructure development. There are a limited number of prison dormitories solely for women and in most police stations there was insufficient room in the holding cells to keep the women separate from the men so other arrangements needed to be made<sup>36</sup>. In the court system, women's needs are sometimes accommodated, for example by being shielded (both physically and visually) from their perpetrators. However, these protection measures are not applied consistently. Another example is the lack of women accessing government housing. This is an area that deserves consideration as allocating a percentage of housing to women officers could help address gender balance in the law and justice agencies.

#### *Women as front-line service providers*

The second area for improvement is to support equal opportunities for women working in the different law and justice agencies, including the front-line and senior management positions. Interviewees mentioned that having women in senior management positions made a difference in the quality of services offered to women users. An example of this was having a woman as a magistrate in Kerevat District.

Women users mentioned the importance of having female service providers. However, women providers were seen as the minority. For example, of the four police stations that the social team visited only two had a Family and Sexual Violence Unit. Of these two, only one had women working there. A user said:

*"Most times when I come and see that there are only male police, I sometimes ask to see the female police to listen to my problem. They usually say we do not have enough female police officers in here... why I am saying this is because female police officers will deal more appropriately with women with problems like me." (NCD, 17 April 2013).*

Similar comments were made by women visiting the OPS, who mentioned that having access to a female lawyer made a big difference to how they perceived the quality of the services offered.

#### *Gender training for front-line providers across Law and Justice agencies*

The third area for improvement is to continue providing information/training on the importance of gender equality to law and justice providers. This issue was raised by female court and police

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<sup>36</sup> Female inmates in two facilities visited mentioned that their dormitories were so close together to male inmates that they were often threatened and abused by male inmates. This is an example, where gender considerations have not been taken into account. The lack of design considerations were mostly encountered because the facility had been built prior to independence. Despite the poor design, the social team considered that more could be done by correctional officers to protect the integrity of female inmates.

users as they felt that law and justice providers did not always take seriously the issues presented by women. A woman in Lae recounted how the Village Court, the police and the district magistrate, as well as the lawyers from the Public Prosecutors' office had not given any attention to her case of family violence. Her comment highlighted that many providers within the LJS continue to perceive domestic violence as acceptable rather than something to be seriously addressed. This attitude is translated into poor support to women users, for example when filing forms or when visiting law and justice agencies.

Women users mentioned that in many instances the court system did not take them seriously. When reporting cases of family or sexual violence, women users were advised by law and justice providers to ask their relatives to request compensation or negotiate a settlement with perpetrators outside the court system. In Goroka, a well-known NGO working on addressing sexual violence supported this statement saying that:

*"I am not very happy with the decisions made by the Village Courts. A lot of times they tend to entertain the perpetrators wishes... the perpetrator is quite happy with what he is doing and I feel this is an injustice to our women. The Village Court should not have the power to attend to or take on domestic violence [issues]... They should take it away from their domain and put it into the district court domain.... The district court should be the one dealing with such cases. Similarly, police... they do not help very much. The family sexual violence unit at the police station, we get very good help from them, but our problem is, I think, the staffing there is inadequate. There are only two police women who attend to our cases. And also the other thing that we also need to address is the law enforcement officer's mindset that domestic violence and family sexual issues are minor issues in their minds... so they say you can deal with it outside of court or use the village systems or cultural systems or traditional systems to sort it out. I think this is not good. We need to use the law. The law enforcement officer's mindset needs to be changed." (Goroka, 28 April 2013).*

As the NGO worker said, law and justice service providers, as PNG society in general, remain tolerant towards sexual violence than what the law prescribes. In an effort to eradicate unfair gender practices, DJAG and the Village Court Secretariat have followed a two-pronged approach. They are addressing Village Courts magistrates' leniency towards domestic and sexual violence by providing training focusing on changing behaviours towards gender-biased practices. They have also increased the number of women magistrates and land-mediators, in an effort to change local perceptions regarding gender issues. Applying these approaches across the sector could lead to significant improvements in terms of gender equality.

### **Boys, Girls and Juveniles**

Except in some prison and national court infrastructure, the need for specific provisions for children were typically not considered nor provided. Notably, within the feedback received from both the social and infrastructure surveys, the relevance of special consideration for girls, boys, and juveniles within infrastructure was generally questioned by users and providers. The need for provisions for children at the workplace (i.e. the dependents of users and providers not 'clients') may not be perceived as important compared to the situation in countries such as Australia. A likely reason for this perception is that the 'wantok' system provides stronger social support than western societies and so the need for workplace environments to accommodate for either short or long term care of juvenile dependents appears less. Examples of provisions for the children of client/customers were not seen at all – and users apparently do not consider this as a concern. However, as PNG citizens become more aware of their rights, it is expected that these views will change within the general population. Current public perception also does

not alleviate the responsibility of the agencies themselves to provide services, which facilitate access to all.

However, segregation of juvenile clients in prisons and remand/holding cells is crucial. It was observed that juvenile segregation within the sample police station holding cells was generally not provided – noting that the survey sample included no new police station holding cell infrastructure provided under the LJSP/PALJP. It was seen (in Buka for example) that juveniles

**Juvenile Court Inclusion:**

*The survey included eleven court facilities overall (including the three CJCJs) of which it was seen that only two (NCD and Buka) provided adequate juvenile facilities and Kokopo to a limited degree ('Family' court). Without exception, service providers in the remaining sample population noted the need for an additional 'smaller' courtroom for juvenile and mediation purposes.*

*Of the new court facilities specifically provided by the LJSP/PALJP (Buka, Kerevat, Kainantu, Buin and the three CJCJs) only Buka included juvenile litigation facilities although it should be noted that the 'Hall' room within the CJCJs is appropriate for juvenile and mediation (as well as Village Court, other non legal purposes, etc).*

are kept in holding cells with adult remandees of unknown status (could be murderers) and/or convicted adult offenders of all classifications (minimum up to maximum security).

Likewise the specific needs of juvenile clients and/or witnesses within legal proceedings were generally not included within LJSP/PALJP infrastructure. Juvenile/children's court infrastructure is typically not addressed. There is a demonstrated need for smaller court rooms attached or associated with the 'main' (conventional) courtroom. For example, with respect to judicial proceedings for juveniles, the public needs to be excluded. The main difference (as compared to 'adult' court proceeding) is the approach of the legal professionals within a more private, functionally intimate environment. From a subjective aesthetic consideration ideally the building/room should have

less institutional feel, a less intimidating impression. Issues such as these require inclusion into scope/design standards and checklists.

**People with Disabilities (PWD)**

Public infrastructure is required to provide for safe and dignified access and use by persons with disabilities<sup>37</sup> – such infrastructure elements, as ablutions, access, lighting etc. are required to be considered and included<sup>38</sup>.

Even more prevalent than with special infrastructure considerations for children, PWD-inclusive infrastructure was not considered important with users and providers. Therefore it is likely that stakeholder inputs into the scoping activities of L&J infrastructure excluded consideration of PWD. This attitude was reflected within the design and construction of most public L&J infrastructure under the programs – indeed it is reflected in most PNG public infrastructure.

Provisions for PWD was observed to typically not be provided, or if provided (in only 5% of assessed sites – two out of 34 sites), are non-conforming. In the survey, it was observed that no infrastructure fully complied with AusAID's policy or PNG/Australian building standards regarding PWD provisions. Consideration of PWD within provincial LJSP/PALJP infrastructure appears to be universally excluded/not considered.

Wheelchair access was very limited (5%) and there were no examples seen at all of conforming PWD ablution facilities. Lighting for the visually impaired may be acceptable in certain facilities but if so was not by design.

<sup>37</sup> There is argument that 'deemed to comply' provision (i.e. partially compliant provision) for PWD be considered in regional or provincial locations – the full compliance to, for example, Australian Standards, may be considered not appropriate in locations wherein all other infrastructure does not allow for PWD.

<sup>38</sup> Note that provision for PWD within housing accommodation is not applicable to the housing surveyed – if so required it would be included on a case-by-case basis and falls outside the considerations of this infrastructure review.

## Summary

The above discussion highlights that the LJS in PNG is starting to address the different needs of all stakeholders that may need access to law and justice services in PNG, but there significant challenges remain. The infrastructure investments that were investigated through this evaluation have contributed to addressing some of these specific users (women, juveniles), but there has been no progress on improving access for PWD.

### ***Summary Response to Overall Evaluation Question: To what extent is investment in infrastructure contributing to improved service delivery and access to law and justice for women, men, girls, boys of PNG?***

Increased access to services due to PALJP and LJSP funding of infrastructure was clearly evident and demonstrated both quantitatively and qualitatively. Improved service delivery, however, was much more tenuous as so many factors impact on the ability of service providers to deliver a service from a particular facility. While not statistically significant correlations of ratings comparing infrastructure condition, fit for purpose and effective service delivery indicated that service delivery achieved the lowest ratings. This appeared to be due to a lack of support for front line service delivery at the local level.

The correlation analysis tended to suggest that 'new' infrastructure tended to provide improved service delivery versus 'refurbished' infrastructure. This is not surprising as 'new' infrastructure has the opportunity to address critical scope, design and flexibility issues. However, this analysis does need to be considered with caution due to the sample size as well as the fact that the data also shows that service delivery is contextual. There are examples of good service delivery regardless of the quality of the infrastructure.

Investment in Family Courts, Family and Sexual Violence Desks and Units have all encouraged women to access the justice and helped to raise awareness of the importance of women accessing law and justice services.

Infrastructure design (ie. segregation, privacy) does not consistently address the needs of women, girls, boys and juveniles.

There are limited numbers of women working in the sector and it was identified during the fieldwork that women tend to feel more confident dealing with other women when accessing law and justice services.

Provision of facilities which enable Persons with Disabilities to access law and justice services are lacking.

#### ***Implications:***

Investment in infrastructure is contributing to increased access and improved service delivery of law and justice services, but needs to be supported by effective staffing, training, basic services and equipment and adequate housing.

Concerted efforts are required to address the needs of specific stakeholder groups within the Law and Justice Sector, including women, girls, boys and juveniles, as well as PWDs

Encouragement of more women into the LJS would contribute to more women feeling confident accessing law and justice services.



## 4. Implications of the Infrastructure Evaluation

The previous discussion addressed a broad range of issues with respect to existing infrastructure and service delivery and highlighted that effective infrastructure development can contribute to increased access and improved service delivery. However, it was also emphasised that the selected infrastructure and service delivery in PNG was poor to adequate with significant opportunities for improvement. This was confirmed during the data validation workshop, by the national agency representatives.

Interviewees mentioned that despite limited improvements in the service provision of facilities visited, the LJS as a whole faced many delays that decreased the access to law and justice services. This point was further elaborated during the Court User Forums, where it was pointed out that there were areas of blockage that affected several agencies at the same time. For example, poor file management by the sub-registries had a domino effect on the services provided by state lawyers, correctional institutions and community-based correction services. These 'blockages' were not being approached as a common problem across the sector.

However, there are many signs of improvements and new initiatives underway that will contribute to improvements:

1. Quality of infrastructure is slowly improving (refer Appendix F.10);
2. Leadership from NJSS has helped during provincial discussions on how to improve coordination among different Law and Justice agencies;
3. Infrastructure managers and PALJP advisers are working with local architects to improve scoping;
4. Data collection systems with management applications have shown to improve service delivery.

These are just a few examples of improvements within the LJS and these initiatives need to be supported and continued. The aim of this evaluation was to understand the impact of the PALJP investments in infrastructure and based on these insights draw lessons that can be used to further improve service delivery. By understanding the factors influencing infrastructure functionality and service delivery, future programming can respond to these influences. For the PNG Government the lessons can be integrated into their agency strategies, planning and operational strategies, and for the Australian Government this translates to designing and targeting investments appropriately that support PNG priorities.

The aim of the following section of this report is to highlight where the results of the evaluation can be used within different levels of the PNG Law and Justice Sector. The implication of the evaluation findings are discussed with respect to the following:

- National Level Law and Justice Sector;
- Law and Justice Agencies;
- Autonomous Region of Bougainville;
- Service Delivery;
- Australian Government Support.

The aim of these discussions is to provide some useful ideas for the LJS to utilise and build strategies to improve their infrastructure and their service delivery activities.



#### 4.1.1 Implications for National Law and Justice Sector

The evaluation highlighted a number of issues related to improving infrastructure development and the contribution it makes to service delivery that are best addressed at the National Sectoral level. There are coordinating mechanisms in place such as the National Coordinating Mechanism, and the Law and Justice Working Group, however the outcomes that can be achieved by these type of coordinating bodies can be strengthened in some areas based on the results of the evaluation. During the Policy Workshop (18 July, 2013) held as part of this evaluation with key agency representatives, suggestions for ideas that could be pursued at the sectoral level are summarised in inserted box. These suggestions and other issues supported by the evaluation form the basis of the following discussion. Details regarding the Policy Workshop and the Data Validation Workshop are provided in **Appendix P**.

**LAW AND JUSTICE SECTOR  
IMPLICATIONS FROM GROUP  
DISCUSSIONS DURING THE POLICY  
WORKSHOP (18 July, 2013)**

1. Need for a Sector Masterplan for Infrastructure
2. A Sector PID/PFD (PIP) submission
3. Consultative steps amongst agencies in planning infrastructure
4. Strategic Infrastructure Checklist
5. Procurement issues addressed
  - Scope
  - Refurbishment/New Build
  - Cost Estimates
  - CSTB

The evidence collected during the evaluation indicated that service delivery was impacted if all the relevant agencies were not operating effectively at a particular location. In other words, the law and justice sector does practically operate as a sector and if it is to operate most effectively, infrastructure needs to be planned and constructed to meet the sectoral needs. Therefore, planning of infrastructure and service delivery should be completed in such a way that it responds to the practices which occur at the local service delivery level.

To date this sectoral approach to infrastructure planning has not occurred and while it is recognised as important, the incentives have not been in place to drive it. A Sectoral Facilities Policy has been approved by NCM, but this has not triggered progress with effective sector wide planning.

As all agencies are faced with the problem of how to deliver better services, one approach to reinforce a 'sector approach' is to identify common problematic areas where several agencies need to work together. Identification and provision of facility-based training can lead to an increase in the cooperation among a number of agencies. For example, the sub-registries were identified as a key focal point for many agencies, as the need for police reports, court reports and proceedings were all held within these sub-registries (from social research data). This would provide one focal point for facilitating sectoral coordination, in addition to having more strategically planned infrastructure.

The evaluation team has proposed a couple of interim strategies to initiate sectoral approaches on a smaller scale. One proposed strategy is to develop a set of criteria for infrastructure development, which encourages cross-agency cooperation when constructing new infrastructure. Ultimately, these criteria could be developed into a sectoral masterplan for infrastructure, but interim steps may make the transition more practical. For example, criteria could include population density, crime hot spots, housing, and benefits at least two law and justice agencies.

The review of the planning and procurement processes also highlighted numerous challenges within the existing GoPNG planning and procurement systems. To improve the funding of

infrastructure development projects in the law and justice sector implementation a different approach would better meet the GoA's value for money objective and their need for planned projections, but also provide more timely provision of infrastructure for the GoPNG. The following are some suggestions:

- Until the bottlenecks in the GoPNG procurement system are resolved, establish a parallel mechanism to support infrastructure procurement with GoA funding to expedite the flow of funds to the selected priority infrastructure. This would mitigate fiscal risk and assist in breaking the nexus with the Government budget cycle resulting in a more efficient management of funds.
- The infrastructure supported by the GoA should be selected according to priorities laid down by the GoPNG law and justice agencies, but also support the themes of AusAID focus areas in PNG.
- There should be greater cross-sectoral coordination in the selection of infrastructure based on PNG's Medium Term Development Plan 2011-2015.
- Procurement procedures and the institutions that administer them should be strengthened by:
  - Conducting a formal review of the role of the STBs in GoPNG procurement to isolate causes of delays in approvals and conflicts with Tender Evaluation Committees;
  - Bringing forward the legal clearance of tender documentation by the State Solicitor to obtain before tendering;
  - Allowing pre-qualification of bidders.
- The quality of the tender documents prepared by the agencies should be improved by mandating the use of CSTB's standard documents. The quality of contract administration should be improved by enforcing the use of the model reports provided as annexes to the Good Procurement Manual. CSTB should also provide the agencies with standard contract clauses covering quality assurance, health and safety, environmental care, site management, contract administration, inspection and test plans, etc. Pro forma letters and documents could also be developed for issuing extensions of time, ordering variations, approving invoices, minuting site meetings, etc.
- The procurement capacity of GoPNG agencies should be strengthened. Training of agency procurement staff may improve matters but before this can happen, an assessment should be undertaken to determine the staffing levels and current capabilities of agency staff to provide a basis for designing an effective program. The training should cover the use of standard documents.

**MEDIUM TERM DEVELOPMENT PLAN  
2011-2015 – KEY FACILITY POLICY  
STATEMENT**

*“Early emphasis will be given to rehabilitating much of the sectors infrastructure that has been poorly maintained. Central agencies then need to coordinate their resource allocation to ensure that infrastructure remains in good condition. To economise on the cost of new construction and of maintenance, new infrastructure of different law and justice agencies will be co-located wherever this lowers the overall cost or improves the effectiveness of service delivery.”*

All of the above suggestions impact the ability of the law and justice sector as a whole to deliver its objectives and services, and as a result need to be addressed with a sectoral approach.

#### 4.1.2 Implications for National Level Agencies

There are a number of initiatives that the national agencies could benefit from if integrated into their individual agencies.

A key issue that was identified both through the evaluation fieldwork as well as during workshop discussions was the need to improve the scoping of infrastructure within each agency. As each agency has to provide different types of infrastructure, they are in the best position to develop a set of scoping criteria for each type of infrastructure (courts, police stations, etc.). These scoping criteria checklists would operate in addition to design standards that address the minimum design requirements of a building type, but do not necessarily address all the elements of the functionality of a piece of infrastructure. The evaluation highlighted the importance of proper scoping to achieve improved functionality and therefore better service delivery.

Another significant issue that needs to be addressed at the agency level is housing as the housing requirements of each agency differ. While prison wardens and policemen/women are housed in barracks close to their workplace, staff from other agencies such as judges, magistrates, lawyers are housed via a range of mechanisms – agency housing, rented accommodation. While the agencies own some of this infrastructure a significant component of housing of these law and justice agencies are coordinated through the National Housing Commission. As each agency establishes infrastructure in new areas, it is critical that housing be a consideration in their planning, since limited housing will automatically limit service delivery. Housing strategies for each agency followed by investment in housing is critical elements of each agency expansion plans.

One concern that arose both during the evaluation and during the final evaluation workshops that relates to both of the above issues is safety and security of staff. Safety of facility users is also important. In the LJS where by definition there are staff (judges/magistrates) making decisions that certain parties will not like, such as victims and perpetrators, there are a multitude of situations where staff and users could be at risk. Maintaining the security of service providers and facility users is an important responsibility of all agencies to maximise the safety and security of service providers and users. Tools to assist agencies to integrate and improve security measures into

#### **AGENCY IMPLICATIONS FROM GROUP DISCUSSIONS DURING THE POLICY WORKSHOP**

1. *Need to address the security of staff and users in all the different agencies (victims versus perpetrators, separation of ablutions, parking, design scoping, location (convenience versus separation, remandees access to courts).*
2. Housing is a major issue; not necessarily a *condition* of employment. Explore the rent/own/buy relationships. Rent responsibilities of Department of Finance.
3. Need to *explore* arrangements with Provincial Governments for support of facilities; including housing. Support integrated expansion to provinces which is currently driven by NJSS.
4. Need for Asset Management Policy, *management* system, asset register.
5. Agencies need a National Policy that *encourages* Sector Facilities Policy/Strategy i.e. investment principles.
6. Explore the option of developing a Law and *Justice* Service Delivery Strategy.

#### *Procurement*

7. Build procurement skills in the places that do *more* construction (NJSS, MS, CS, RPNGC).
8. Rules aren't *always* followed, so approaches to promote adherence to the existing procedures need to be developed.

infrastructure development were considered important.

Each law and justice agency has a large stock of infrastructure that needs to be managed and maintained. While this is recognised, the evaluation has confirmed that maintenance across the agencies is poor due to limited funds. Development of mechanisms to enable agencies to have access to sufficient maintenance funds is critical going forward in order to maximise the life cycle of the infrastructure stock. Implementation of Whole of Asset Management approaches within each agency will continue to remain critical.

#### 4.1.3 Implications for the Government of the Autonomous Region of Bougainville (ARoB)

The Autonomous Region of Bougainville provided some interesting insights into how the LJS can operate effectively if agencies are working cooperatively together and support each other in the delivery of their respective services. A very strong message that came from discussions with a number of key stakeholders was the willingness to communicate, cooperate and work together to resolve issues across the LJS. Perhaps due to the challenges and limited resources they got used to operating with during the crisis and post-crisis periods, local teams have learned to maximise what they can do. While the ratings of infrastructure conditionality and service delivery were slightly above the average ratings across the LJS, local law and justice stakeholders also recognised that there were additional initiatives that needed to be put in place to improve law and justice service delivery.

Similar to the broader LJS, stakeholders felt that they still required a basic planning strategy, broken down into phases that could be implemented when time and money were available. They felt that current activities were still too reactive and more strategic thinking and identification of their overall needs was required. This included consideration of big picture issues of roads, water and sanitation, etc. and how law and justice infrastructure planning needed to be integrated with these broader infrastructure challenges for Bougainville.

Another potential area of improvement was to strengthen their procurement processes and forms in order to be more consistent. They also identified that tools, which assisted the administrative assistant to manage and monitor the files, would be extremely helpful so that infrastructure managers could be supported effectively in delivering their role. Different infrastructure development models are being explored such as being project managers rather than being involved in the detailed contract management aspects of infrastructure construction but for the moment, the role of quality control and quality administration remains with the LJS staff. As the contracting market continues to grow and get more sophisticated, it is important that the ABG systems continue to improve to match these changing situations. As contracts continue to get larger it was considered important that supporting documentation be accurate and complete. These scenarios may be a few years down the track, but having clearly documented procurement processes will assist infrastructure managers understand what has been constructed, and if changes are needed to particular infrastructure to respond to changing demands, clear documentation will be available on existing infrastructure.

##### ***Discussion from Bougainville Workshop, 24 July 2013)***

###### ***WHAT DO YOU DO WELL?***

- *Work across functions*
- *Talk to each other and regularly communicate to resolve issues collectively*
- *Regular meetings*
- *Respect and support each other*
- *Excellent relationships - cooperation*
- *ABG has had some autonomy over its priorities*
- *Flexibility of approach*
- *Local funds provided a mechanism to support local activities in a timely manner.*

Another point that was emphasised during discussions in Bougainville was the importance of continued and improved community consultation. The 2 CJsCs that were funded through PALJP were good examples of community consultation and confirmation of community needs resulted in infrastructure that is well used for many different initiatives. Community consultation, wherever appropriate, was identified as a key strategy going forward in order to openly respect the interests of local users. Tools to use during community consultation to facilitate service provider and user perspectives on their infrastructure and service delivery needs were identified as a need.

#### 4.1.4 Implications for Improving Service Delivery

Service delivery essentially occurs at the local level at particular infrastructure sites in the regions, although as a part of national agencies, there is centralised support. There are many issues that need to be addressed at the local level with approaches that suit the local conditions. The Policy Workshop held during the evaluation identified many initiatives that can be explored to improve service delivery at the front line and these are highlighted in the accompanying insert.

One suggestion raised at the Workshop, but was also supported with the research on the location of different agencies, was that localised service delivery strategies which integrated the services of the different law and justice agencies would be a valuable contribution to improved service delivery. By planning the timing and location of different services at the local level, the quality of service delivery could be improved. There were some useful examples in Bougainville, Goroka and East New Britain, where agencies working cooperatively together and where infrastructure was in close proximity to each other, enabled more services to be delivered. While local service delivery strategies do not guarantee cooperation, they would encourage agencies to consider the role of other agencies in supporting their services.

Another complexity that has emerged in 2013 is the additional funding that will be directed to Provincial and District Administrators for law and justice activities. This will

#### ***SERVICE DELIVERY IMPLICATIONS FROM GROUP DISCUSSIONS DURING THE POLICY WORKSHOP***

1. Design Standards/Parameters (separation of function/traffic/ security/public; essential functional areas/rooms; security/protection of vulnerable persons);
2. Minimum standard scope (Agency applicable) – Design standard parameters (above); checklist (audit process); FFE; Ongoing learning/lessons learned;
3. Flexibility of Infrastructure – based on standard and scope above; ensure site is adequate (allows future growth); Buildings are based on ‘modular approach’.
4. Develop Sector Service Delivery Strategy:
  - a. Strategy not planned on infrastructure but on service need
  - b. Sector wide ‘shared’ services model
  - c. Service delivery based on ‘place’ (where is the greatest need; focus on several key locations)
  - d. In line ‘facilities’ management to be more contract management and not project management. Outsource project management.
  - e. Key strategic indicators (3-4) that drive planning i.e. population density.
  - f. Agency infrastructure/asset management to be assessed/outsourced/shared based on need/capacity
  - g. Registries to be combined. Harmonised rules. customer focus.

mean that cooperation at the local level is even more important to maximise the benefits of the different funding sources.

Development of these localised strategies could draw on work being undertaken at the sectoral and agency level such as planning using strategic indicators (population, crime rates), and ensuring that the scoping and design of infrastructure incorporates at least minimum standards as well as the needs of local providers/users and any local cultural perspectives. If the region also needs to be flexible for a period of time while additional infrastructure is put in place this can all be planned for and documented. The need to share services can also be explored.

Thus the potential for establishing an overarching infrastructure management facility/mechanism within the Sector needs to be explored.

In addition to the actual scoping, design and construction of the infrastructure, staff training, operational requirements such as fuel/equipment and ongoing maintenance needs can also be confirmed to meet the broader needs of service delivery. Local maintenance plans are essential for maximising the life cycle of a particular building and while overall guidance can be standardised, each building its own requirements.

#### 4.1.5 Implications for the Government of Australia (GoA)

Through the Partnership for Development (P4D), as well as the specific programming of the LJSP /PALJP, the GoA has been committed to supporting GoPNG priorities for investment in the LJS. It remains paramount that the GoPNG drives the priorities of the sector and that AusAID programming works within these priorities. The challenge is how to practically support PNG priorities within the constraints of the Australian Government funding system.

With GoPNG funding to infrastructure far exceeded the GoA support to infrastructure within the LJS, it is appropriate that the GoA select targeted investments from within the GoPNG priorities that enable them to meet their own internal objectives. This balance needs to be achieved both financially and programmatically.

Within the AusAID program, service delivery, especially in the regional areas, has been identified as a key priority based on the PALJP design<sup>39</sup> as well as recommendations provided by the Independent Progress Report (March 2012), which re-emphasised this priority. Therefore, in order for GoA funding to support this priority programming needs to reflect the requirements of service delivery. In the case of infrastructure development, this must be effectively scoped, designed, constructed, and maintained as well as be well supported by well trained staff, operating budgets, and appropriate fixtures, furniture and equipment (FFE). In order for AusAID funding to meet these objectives, innovative ways of encouraging all of these components to be in place need to be explored.

A very important factor in the ability of GoA funding to meet both the objectives of PNG as well as the GoA, is for AusAID to maintain a positive, ongoing relationship with their GoPNG counterparts and to work closely with the contractor and GoPNG in a collaborative/interactive fashion (i.e. the importance of the ongoing active involvement of AusAID with GoPNG and the perception of their interest in the program).

In order for the GoA to be able to manage and appropriate its funding programs effectively, and be able to report to the Australian parliament/public in a timely fashion, it is proposed that infrastructure funding may need to operate in parallel to the GoPNG budget cycle, which creates long delays in the procurement process. As indicated, GoPNG priorities must drive the selection of the infrastructure selection, but once decisions have been made, processes would be expedited more efficiently if the funds did not have to go through the PNG budget cycle. The

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<sup>39</sup> PALJP Program Design Document, May 2008

GoPNG is working on the efficiency of its budgeting cycle but until this is streamlined so that it occurs with minimal disruption to operations on the ground, it is best to operate independently.

#### 4.1.6 Key Messages from Workshops

These workshops enabled the evaluation team to confirm that their research findings reflected the understanding and concerns of the national agency representatives. As a result of the research and these discussions, there were three overall messages, which encapsulated the multi-faceted findings of the evaluation:

- 1) *LJS based planning for service delivery and infrastructure investment is critical for improving access and service delivery of law and justice services.* This is a result of the fact that no one agency provides all law and justice services. Each LJS agency needs to deliver its services in coordination with other agencies, i.e. courts are supported by the DJAG, OPS, OPP and RPNGC and CS need to work closely together. If one agency does not have the appropriate infrastructure and support structure to deliver services effectively it impacts other services. Similarly, a lack of consideration of appropriate housing for LJS officials limits the ability of an agency to deliver services. The very nature of the LJS means that effective coordination and planning is necessary to maximise access and service delivery. This came out very clearly during the fieldwork so mechanisms to improve this coordination are important for future improvements to LJS service delivery.
- 2) *Comprehensive consultation with users at the scoping stage is critical:* The Evaluation identified numerous examples where the operation of a particular facility had not been properly scoped to take account how the building would be used by both staff and service users. This involves thinking strategically about how a building will be used, i.e. seating for users, clear designation of front counters, separate access to court rooms for judges/magistrates, prisoners/remandees, victims, general public, and the special needs of women, boys, girls, and PWDs. Improper scoping translates into poor designs and ineffective operation of the facility. Examples of recent consultation mechanisms such as Court User Forums demonstrated the benefit of consultation. Additional mechanisms should be explored to increase the level of consultation in order to identify ways to improve access and the quality of service delivery.
- 3) *Whole of Life Asset Management, through well-planned and resourced asset maintenance is essential for achieving long term sustainable service delivery by maximising the life of building stock.* The evaluation findings indicated that maintenance in the LJS is limited to non-existent, as appropriate funds are not allocated. Without maintenance, buildings deteriorate to the point where they become unsafe and cannot support the relevant services. This impacts the long-term sustainability of LJS services. Instead of providing a small level of funding to maintain a facility, major capital expenditure is required to replace it. While agencies recognise the importance of maintenance they are not supported financially in their ability to implement an effective maintenance program. Identifying strategies to encourage maintenance is important for long term sustainability of the LJS and maximising the investment in current building stock.

## 4.2 Recommendations

The results of the evaluation provide useful insights into the relationships between infrastructure development, access to law and justice services, and improved service delivery. There are many positive examples of how infrastructure contributes to access and service delivery, but there are also significant improvements that can be made. Moving forward, it is important for all stakeholders involved in the law and justice sector in PNG to find innovative ways to fund and support infrastructure in this resource constrained environment.



Following is a set of recommendations arising from this study that, if implemented, will contribute to increased access and improved service delivery across the LJS through support to infrastructure.

***National Level Law and Justice Sector (NCM, LJSWG, Department of National Planning and Monitoring)***

- 1) Focus future investment in infrastructure development on cross-sectoral benefits across agencies. Strengthen planning procedures to promote coordinated sector development. Consider the development of a sector-wide PID/PFD (PIP) submission – as suggested during the stakeholder workshop – to facilitate this approach.
- 2) Establish a process/mechanism for consultation and collaboration between agencies to facilitate coordinated planning of infrastructure in the Law and Justice Sector.
- 3) Establish a set of criteria for short-term strategic infrastructure development (five years) for the next phase of GoA funding based on GoPNG priorities and focusing on the needs of the law and justice sector as a whole. Include decision-making tools for determining whether refurbishment will upgrade a facility to an appropriate level or if investment in a new building is a more sustainable and effective approach.
- 4) Develop a practical approach to incorporate sectoral coordination and planning into day-to-day activities. Masterplans should be developed when establishing services in a new regional area or undertaking major upgrades. These would serve as coordinating documents; setting out how each agency will address local needs.
- 5) Promote consistent application of CSTB standard documents and additional templates and checklists for PNG-funded infrastructure in order to improve the standard of project management and contract administration.
- 6) Introduce adjustments to procurement procedures to streamline preparation and award of contracts. Two such refinements are suggested – a prequalification stage could be introduced and the legal review of tender documents could be scheduled earlier in the procurement cycle, before documents are put to the market.

***Agency Level (including at Facility Level)***

- 7) Identify areas of common concern to the agencies, such as sub-registries, that encourages each agency to cooperate in developing coordinated responses to meet their collective needs. . The development of service delivery strategies for each agency would enable these issues to be identified and coordinated approaches developed to address them. They would also identify where each agency is dependent on the efforts of other agencies. Integration of Provincial Administrations and their role in delivering law and justice in their regions should also be included.
- 8) Implement scoping standards with minimum room sizes, spatial ratings, and other important scoping/design characteristics to ensure that the functionality is appropriate. However, scoping principles should be regarded as a template on which to overlay local considerations and adapt designs to enhance community relationships with infrastructure.
- 9) Implement scoping checklists to improve functionality and ensure a systematic, consistent approach across the particular agency is adopted. Ensure appropriate safety measures are identified in any infrastructure scoping guidance.
- 10) Continue to implement mechanisms to facilitate service provider/user input into infrastructure scoping and design to improve functionality. Court User Forums are an excellent example of obtaining user inputs regarding operation of the courts. Other forums should also be explored.
- 11) Explore options which incorporate fixtures and furniture into the design and construction contracts of buildings to reduce reliance on operational budgets and improve the functionality of law and justice infrastructure.
- 12) Emphasise consideration of the specific needs of women, juveniles, boys and girls and PWDs when considering infrastructure development such as privacy screens, appropriate safety barriers, segregation, more informal meeting rooms/court rooms, and ramps.

- 13) Consider allocating a percentage of housing to women officers to help address gender balance in the law and justice agencies.
- 14) With regard to improving service delivery to an appropriate level, introduce mechanisms that ensure basic services; equipment, staffing and housing arrangements are in place. Effective management systems also need to be implemented to maximise the value of investment in infrastructure. Training that focuses on providing low cost management solutions at facility level should be considered.
- 15) Implement quality assurance/quality control systems to encourage the improvement of the quality of infrastructure.
- 16) Strengthen agency capacity to prepare, tender and administer contracts. To this end:
  - a. Use of CSTB standard Request for Tender documents should be enforced wherever appropriate;
  - b. Develop a database of standard clauses to insert into contracts to cover quality assurance, health and safety, environmental care, site management, contract administration, inspection and test plans, etc.;
  - c. Establish contract-monitoring checklists to highlight all the items that need to be in place when setting up and managing a contract. The aim of this checklist is to assist agency staff in better maintaining all the necessary documentation that should be in a complete contract file;
  - d. Draft a suite of standard letters for use by agency staff and their agents in certifying payments, ordering variations, awarding extensions of time, suspending works and exercising other powers under the contract;
  - e. Offer a program of capacity building to the agencies to train their people in the use of standard documents, templates and checklists.
- 17) Provide equal opportunity support for women working in the different law and justice agencies, including the front-line and senior management positions.
- 18) Continue providing information/training on the importance of gender equality to law and justice providers in order to challenge gender-biased practices within service providers.
- 19) Integrate Whole of Life (WOL) asset management into all agency programs. For the GoA funded programs it will be critical that the relevant PNG agency demonstrates that they have the appropriate management system and funding in place to support WOL asset management. Where necessary, support for developing such systems should be provided.
- 20) Ensure WOL operational and maintenance funding forecasts – relating to new infrastructure – are provided by the donor (GoA) for acceptance by the GoPNG prior to an agreed infrastructure procurement commitment.
- 21) Address maintenance, which is a critical component of infrastructure management. GoPNG mechanisms need to demonstrate that agencies will receive adequate maintenance funding and operational support prior to an agreed infrastructure procurement commitment.
- 22) Consider the funding needed to maintain infrastructure. At the local institutional level, some form of operational account is required to devolve some level of responsibility for maintenance of facilities. Lack of local funding inhibits local infrastructure managers from undertaking even minor repairs or maintenance.

### **Government of the Autonomous Region of Bougainville**

- 23) Develop an overall planning strategy for law and justice infrastructure. This was identified as an important priority for ARB, and should include not only the LJS, but also consider broader planning issues such as road, water and sanitation infrastructure.
- 24) Strengthen procurement processes to provide greater consistency across infrastructure procurements. Development of tools to assist with this process was identified including the establishment of a checklist that would assist administrative staff to manage and monitor contract files.
- 25) Continue the emphasis on community consultation as part of the ABG infrastructure development program. Tools could be developed to assist those responsible for developing infrastructure to consult with both service providers and users.

### **Australian Government**

- 26) Continue with ongoing funding from the GoA for the refurbishment and construction of infrastructure for the law and justice agencies, but with a strong emphasis on achieving the broader sector objectives and improved service delivery. GoA funded infrastructure should continue to be selected from the agency priorities and negotiated with the Law and Justice Working Group and NCM to confirm which projects will receive GoA support.
- 27) Establish a set of criteria – in conjunction with GoPNG – for short-term strategic infrastructure development (five years) for the next phase of GoA funding based on the priorities of GoPNG. These should focus on the needs of the law and justice sector as a whole. Include decision-making tools for determining whether refurbishment will upgrade a facility to an appropriate level or if investment in a new building is a more sustainable and effective approach. It is recommended in future that planning for GoA funded infrastructure should emphasise cross-sectoral benefits across agencies.
- 28) Maximise improved access and service delivery investment by GoA in infrastructure by continuing to provide this in conjunction with capacity building, training housing and other support mechanisms to actually delivery law and justice services.
- 29) Consider establishing a separate parallel procurement process for GoA funded infrastructure procurement to expedite the flow of funds throughout the budget cycle to the selected priority infrastructure. Given the inadequacies in the present procurement framework, the objectives of transparent and efficient procurement and value for money would likely be better achieved this way. The outcomes would mitigate fiscal risk until the *Independent Commission Against Corruption* is established and operating. This break in the nexus with the GoPNG budget cycle and long procurement times is necessary and appropriate for infrastructure project implementation cycles, which typically traverse financial years.
- 30) Design of GoA funded new infrastructure for the GoPNG LJS needs to comply with energy rating (Australian) guidelines and standards as well as pragmatic compliance to AusAID's policy for PWD.

The evaluation team suggests that these recommendations are reviewed by the various stakeholders in the PNG LJS and identifies opportunities for integrating these recommendations into their forward planning and infrastructure development in order to continue to improve law and justice services provided to the people of PNG.

The team would like to thank all stakeholders who supported this evaluation. Without the active participation of the GoPNG, GoA, representatives from the National Law and Justice Agencies, as well as the service providers and users at each facility, this work would not have produced the rich outcomes that it has been able to provide. Thank you.