

Summary of management response

We acknowledge the JSS4D evaluation and its usefulness for our future engagement in the PNG law and justice sector. We also acknowledge it considers and analyses the program within the broader context of the history and dynamics of Australia's relationship with PNG's law and justice sector.

DFAT broadly accepts the findings and recommendations put forward in the evaluation report. We agree we need to refine the areas of focus as resources are spread too thinly at present. In incorporating these findings into our future programming, an important challenge will be to balance our interest in long-term planning and consistent support, with the need to remain responsive to PNG Government funding issues and reform priorities. DFAT will adopt recommendations as per the below with either an immediate timeframe, a more transitional approach and/or into the next phase of law and justice support.

In-line with recommendations, DFAT's next priority is to develop a design update to a second phase of the JSS4D Program. A key priority in developing the next phase of this program, and shaping other aspects of Australia's work in PNG law and justice, is to ensure coherence with the PNG-Australia policing partnership and institutional partnerships, including with the Australian Attorney-General's Department (PNG's Department of Justice and Attorney-General and the Office of the Public Prosecutor), Office of the Commonwealth Ombudsman; Home Affairs and AUSTRAC (SPEAR program) on Anti-Money Laundering and Counter-Terrorist Financing. Additional linkages exist between Pacific Women, Pacific Leadership and Governance Precinct, UNICEF, Churches Partnership Program, and decentralisation work.

This evaluation may have been more useful in informing this upcoming design process if it had included a more thorough discussion of policy issues and subsequently, more detailed recommendations to guide future activity. Nonetheless, the approaches and principles recommended by this report are important and will be a critical input to DFAT's future investments in law and justice in PNG.

Individual management response to the recommendations

Key recommendations below are classified using the following definitions:

[IMMEDIATE] – JSS4D 2018 to end 2019 program activity or management implementation

[TRANSITIONAL] – JSS4D lead preparation for the next phase; and

[FUTURE] – Possible direction for DFAT to consider in next phase.

Recommendation	Response	Explanation	Action plan	Timeframe
<p>Recommendation 1</p> <p><i>DFAT engages with the chair of NCM and the Director of the Law and Justice Sector Secretariat (LJSS) to seek to increase the opportunities for high-level law and justice sector policy dialogue and reviews of Australian support for the sector through regular participation at NCM meetings. [IMMEDIATE]</i></p>	Agree	Improving DFAT's opportunities to participate in strategic discussions with GoPNG counterparts regarding Australia's engagement in the law and justice sector is a high priority.	<p>DFAT proposes to raise this recommendation with NCM chair at the earliest opportunity. DFAT and JSS4D will increase dialogue with LJSS on upcoming NCM meetings.</p> <p>A priority action for inclusion in the design update for the next phase of the law and justice partnership</p>	<p>Immediate and ongoing</p> <p>Incorporated in Phase 2 design update.</p>

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<p>Recommendation 2</p> <p><i>JSS4D support for LJSS be increased specifically around analysis for NCM on implementing GoPNG policy priorities and increasing the effectiveness of sector and agency reporting on key outcomes. [TRANSITIONAL]</i></p>	Agree in part	Improving reporting and analysis for NCM is supported. The on-going sustainability of the LJSS and their capacity to provide analysis will depend on its structural position within the Government of PNG,	To be considered and incorporated in the future design update in collaboration with LJSS and PNG's Department of Justice and Attorney-General.	Incorporated in Phase 2 design update.

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		bureaucracy. This should be understood before it is considered for more substantial JSS4D support.		

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<p>Recommendation 3</p> <p><i>DFAT's future support for Village Courts (VC) focuses on increasing sustainability by:</i></p> <p><i>a. capturing, sharing, and replicating the lessons from JSS4D activities;</i></p> <p><i>b. taking into account the recommendations of the planned 2019 JSS4D Village Court evaluation; and</i></p> <p><i>c. working with Department of Justice and the Attorney General (DJAG), the Village Courts and Land Mediation Secretariat (VCLMS), and sub-national governments to increase recurrent budget funding for the delivery of VC training and inspections and reducing the dependence on DFAT funding for service delivery at the sub-national level. [TRANSITIONAL]</i></p>	Agree in part	<p>Capturing and sharing lessons from the JSS4D contributions to Village Courts is agreed, as has been previous practice.</p> <p>DFAT will continue to advocate with counterparts to increase recurrent budget for delivering on-going training and inspections to Village Court Officials (VCO).</p>	<p>In consultation with the sector, DFAT has agreed support for :</p> <ul style="list-style-type: none"> - an evaluation of Village Courts in two (2) priority provinces and ARoB. - a case study on Morobe: Analysis of Village Court Inspections. <p>The outcomes will inform future program support to Village Courts.</p>	<p>Commence Quarter 1 2019</p> <p>Incorporated in Phase 2 design update.</p>

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<p>Recommendation 4</p> <p><i>DFAT's future support for land mediation focuses on increasing sustainability by:</i></p>	Agree	As for Village Courts above	DFAT, in consultation with the sector, has agreed support for an evaluation in two (2)	Quarter 1 to Quarter 4 2019

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<p>a. capturing, sharing and replicating the lessons from JSS4D activities; and</p> <p>b. working with DJAG, VCLMS, and sub-national governments to increase recurrent budget funding for the delivery of land mediation training and services and reducing the dependence on DFAT funding for service delivery at the sub-national level.</p> <p>[FUTURE]</p>			<p>priority provinces and ARoB.</p> <p>Outcomes will be considered and incorporated in the future design update.</p>	Incorporated in Phase 2 design update.

Recommendation	Response	Explanation	Action plan	Timeframe
<p>Recommendation 5</p> <p>Future support for juvenile justice, in close coordination with the United Nations Children’s Fund (UNICEF) program, to address awareness, rollout of diversion, alternatives to imprisonment, and other compliance processes. Interventions and support, including a limited infrastructure program, to focus where there is a reliable church or civil society partner and sector support. [FUTURE]</p>	Agree	<p>The JSS4D program will continue to undertake complementary work in the area of Juvenile Justice with DFAT direction and in close consultation with UNICEF, police and other stakeholders.</p> <p>DFAT agrees the importance of select infrastructure projects where it links with the juvenile justice work across the sector. This may be reflected through JSS4D or other juvenile justice investments.</p>	<p>JSS4D will recruit a Technical Adviser to work specifically on juvenile justice together with AFP Advisers and PNG Police to support the operationalisation of the RPNGC Juvenile Justice Directorate.</p> <p>Juvenile justice to be considered and incorporated in the future design update.</p>	<p>Quarter 1 2019/ongoing</p> <p>Incorporated in Phase 2 design update.</p>

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Recommendation 6	Agree in part	DFAT acknowledges that the long term vision of localising	Options to be considered and if	Incorporated in Phase 2

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<p><i>JSS4D prepares a proposal for endorsement by the Strategic Program Governance Meeting (SPGM) to recruit up to half a dozen local advisers to be trained and mentored by the current provincial advisers for at least six months, with a view to using them to expand JSS4D services to other provinces.</i> [IMMEDIATE]</p>		<p>advisor positions is valuable and that local volunteers are working well in Oro. However, we remain cautious with the sustainability aspects and the capacity of Provincial Administrations to establish and maintain positions within their structures to ensure the future sustainability of this model.</p>	<p>appropriate incorporated in the terms of reference for the JSS4D Phase 2 design update.</p>	<p>design update.</p>

Recommendation	Response	Explanation	Action plan	Timeframe
<p>Recommendation 7</p> <p><i>JSS4D and/or AHC, in liaison with other FSV actors and drawing on international best practice and expertise in researching violence, should implement, with partners, a small set of tightly defined research studies to build evidence on:</i></p> <p><i>a. what works in addressing FSV in the PNG context and the roles that law and justice institutions play;</i></p> <p><i>b. how survivors felt about the services they received and satisfaction with the justice system; and</i></p> <p><i>c. key intervention points in the justice system on crime types, demographics of survivors, volume, and responsiveness of the system.</i> [TRANSITIONAL]</p>	<p>Agree</p>	<p>DFAT supports an evaluation of JSS4D contribution to strengthening referral pathways, including role of partners and results for users.</p>	<p>DFAT will direct JSS4D to conduct formative research on topic: "Snapshot of FSV case reporting – tracking of cases by analysis of police reports."</p>	<p>Quarter 4 2018 to Quarter 4 2019</p>

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<p>Recommendation 8</p> <p><i>JSS4D, in association with the AFP, applies additional advisory support, training and awareness to the RPNGC Sexual Offences Squad, OPP, Magisterial Services, and the National Court for investigation and prosecution of FSV cases arising through the Boroko Police Station. [TRANSITIONAL]</i></p>	Agree	DFAT acknowledges this is an important area for close collaboration.	To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update.	Incorporated in Phase 2 design update.

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<p>Recommendation 9</p> <p><i>A future JSS4D program develops, with the NCM, more rigorous criteria for the provision of Australian support to the area of legal services based around access to justice and service delivery. Key features of such support should include a rigorous analysis of sustainability, especially:</i></p> <p><i>a. the host agency's ability to staff and sustain the initiative;</i></p> <p><i>b. the recurrent budget contribution the agency can make; and</i></p> <p><i>c. the contribution it makes to access to justice and service delivery. [FUTURE]</i></p>	Agree	DFAT recognises the on-going fiscal challenges for GoPNG across all government agencies, but will continue to advocate for law and justice sector funding support through GoPNG systems.	<p>DFAT will begin dialogue/discussions with NCM to seek GoPNG agreement to a more rigorous set of criteria for JSS4D funding.</p> <p>To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update</p>	Incorporated in Phase 2 design update.

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<p>Recommendation 10</p> <p><i>Based upon an evaluation of the effectiveness of JSS4D-funded training, select professional development programs to continue</i></p>	Agree	DFAT acknowledges the need for tighter focus and refined training activities through the JSS4D Program.	DFAT will begin discussions with NCM to establish a set of criteria for professional	Immediate and incorporated in Phase 2 design update.

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<i>across the sector that are appropriately targeted to each individual's needs and capacity. [TRANSITIONAL]</i>			development opportunities, taking into account the other Australian funded options through the Pacific Governance Precinct and Australia Pacific Security College.	

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<p>Recommendation 11</p> <p><i>A future JSS4D program supports select policy development, improved regular reporting by agencies and the sector (including sector agency annual reports), and then analysis by the LJSS and the agencies of performance, based on key data sources. [FUTURE]</i></p>	Agree	Regular reporting and analysis by the sector is critical to ensuring progress. DFAT considers this recommendation a priority going into the next phase of the program.	To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	Incorporated in Phase 2 design update.

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<p>Recommendation 12</p> <p><i>Incorporation by DFAT of child protection issues in the design of a future iteration of the JSS4D program by DFAT will provide a holistic programmatic response to juvenile justice. [FUTURE]</i></p>	Agree	DFAT has agreed juvenile justice as a key component of sector investment. JSS4D activities are to work alongside investments with the AFP and UNICEF.	Specialist juvenile justice expertise has been engaged and will continue into 2019. Future options will be considered and incorporated in the terms of reference for	Incorporated in Phase 2 design update.

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			the JSS4D Phase 2 design update	

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<p>Recommendation 13</p> <p><i>The program should suspend the development of any new service and budget charters and scale back the implementation of existing service and budget charters.</i> IMMEDIATE</p>	Agree	DFAT agrees with the recommendation and will suspend new service charters and scale back support for existing service charters. However, JSS4D and the sector are starting to see some improvements in the facilities where service and budget charters are operating, and so this will be a transitional approach.	Limited support for existing service charters, subject to NCM and lead agency commitment, may continue until the end of the current program.	Quarter 4 2019

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<p>Recommendation 14</p> <p><i>JSS4D should develop a policy paper for discussion between the NCM and DFAT on possible future programming for an anti-corruption component of the next iteration of JSS4D. The paper should cover actions to implement the recommendations of law and justice agency integrity reviews, measures to enhance citizen trust that corruption will be addressed through the criminal justice system, enhancing and building upon existing anti-fraud and anti-corruption investigative and prosecutorial training, the recommendations of the</i></p>	Agree	DFAT agrees to evaluate its current anti-corruption work, both within and external to JSS4D to identify what fits sensibly within the JSS4D program.	Evaluate existing work including an external-commissioned assessment of the history, development and results of the Ombudsman Commission Oversight Program and internal	<p>Quarter 4 2018</p> <p>Incorporated in design update.</p>

Financial Actions Task Force, and, to the extent possible, build upon and complement the current joint work and support provided through the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Australian Department of Home Affairs, the Bank of PNG, and DJAG. [TRANSITIONAL]

review (by JSS4D) of the Service Charters.

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<p>Recommendation 15</p> <p>Future support for law and justice in ARoB should continue to be based upon the ARoB police, Corrective Services, and Justice Development Plan and the ARoB Strategic Development Plan 2018–2022, as approved by the Bougainville Executive Council in February 2018. [FUTURE]</p>	Agree	DFAT agrees that any support delivered to ARoB should be in partnership with the ARoB government. This must be balanced with the priorities of the PNG Government in the lead up to the 2019 Bougainville referendum.	To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	Incorporated in Phase 2 design update.

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<p>Recommendation 16</p> <p>Future support should focus on helping ARoB address long-term resourcing for policing and broader law and justice services within the context of evolving governance arrangements under the constitution and subject to the outcomes of the referendum. [TRANSITIONAL]</p>	Agree	As above (Rec 15.)	To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	Incorporated in Phase 2 design update.

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<p>Recommendation 17</p> <p><i>Given the urgent need for a correctional facility in ARoB, GoPNG through NCM, the Autonomous Bougainville Government (ABG), and DFAT should engage on the potential for a future program to support ARoB's future plans for prisoner management.</i></p> <p>[TRANSITIONAL]</p>	Agree	DFAT acknowledges the need for corrections facilities in ARoB and through JSS4D, will support the AGB and GoPNG in their planning and select activities. However, DFAT notes previous challenges with regard to securing land and that ultimate responsibility for the establishment of facilities lies with the respective governments.	To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	Incorporated in Phase 2 design update.

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<p>Recommendation 18</p> <p><i>JSS4D to adopt, through the 2019 annual planning process, strategy testing with partners, or a similar approach, for each outcome, so as to update and clarify strategies and assumptions and reflect on implementation to date. Also, to further develop each of the outcomes and refine and adjust programming and ways of working in the 2019 Annual Plan.</i></p> <p>[IMMEDIATE]</p>	Agree	DFAT recognises the need for ongoing learning and adaptation within the JSS4D program. Together with the GoPNG through the NCM, DFAT will work to address their recommendation in the next phase of the program.	To be incorporated in the 2019 annual plan and considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	<p>Quarter 4 2018 to Quarter 4 2019</p> <p>Incorporated in Phase 2 design update.</p>

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<p>Recommendation 19</p> <p><i>JSS4D to conduct a deeper analysis of how gender, disabilities, and other aspects of identity intersect with shifting patterns of crimes (including sorcery) as well as with experiences of seeking justice, working for justice, or being subject to justice (whether formal or informal). This should take into account:</i></p> <p><i>a. the perspectives of both men and women;</i></p> <p><i>b. people living with different forms of disability; and</i></p> <p><i>c. those from different communities. IMMEDIATE</i></p>	Agree	DFAT agrees that this recommendation be taken on sensibly through the 2019 annual planning process, but that its takes a more considered, holistic approach for the second phase of the program.	To be incorporated in the 2019 annual plan and considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	Quarter 1 2019 to Quarter 4 2019

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<p>Recommendation 20</p> <p><i>Future FSV and Gender Equity and Social Inclusion (GESI) support for the sector should focus on:</i></p> <p><i>a. activities that specifically address the gendered roots of crime and gendered barriers to achieving justice and well as other aspects relating to social inclusion;</i></p> <p><i>b. activities working with men to address gendered issues within the law and justice sector should have greater emphasis, including work with men within law and justice agencies and work with perpetrators around masculinities, particularly with juveniles, in order to break cycles of FSV; and</i></p> <p><i>c. employing a thematic approach managed as a cross-institution/agency sub-project, with support from other Australian-supported activities (AFP, OPP/Australian Attorney General's Department (AGD)). FUTURE</i></p>	Agree in part	DFAT agrees in part in that the recommendation draws out important issues to address FSVU. However, DFAT also recognises the capacity limitations on JSS4D, and will ensure consistency with findings from Recommendation 7a and well as ensuring complementarity with other Australian funded programs such as Pacific Women.	Options to be considered and incorporate in the terms of reference for the JSS4D Phase 2 design update	Incorporated in Phase 2 design update.

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<p>Recommendation 21</p> <p><i>The Contractor urgently informs DFAT on its proposal to resource MEL to fulfil its contractual functions, in particular the completion of a program of work to report on its achievements of the program's outcomes and Australia's contribution. [FUTURE]</i></p>	Agree	JSS4D has submitted its Monitoring, Evaluation and Reporting Plan to DFAT. The Program has also recruited a new M&E Manager (October 2018) who will oversee a program of evaluative work per the recommendation.	DFAT will continue to monitor the program MEL progress and resources.	Quarter 4 2018/ongoing

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<p>Recommendation 22</p> <p><i>DFAT and the Contractor:</i></p> <p><i>a. retain the 2018 and 2019 annual report;</i></p> <p><i>b. reintroduce quarterly reporting in lieu of the six-monthly reports, with a focus on outcome analysis rather than activity reporting; and</i></p> <p><i>c. use the monthly situation analysis reports (10 pages maximum) for activity reporting including a single page annex of key upcoming events. [IMMEDIATE]</i></p>	Agree	DFAT agrees to reduce and refine the reporting requirements and to reintroduce quarterly reports with a focus on outcome analysis based on specific themes per quarter.	DFAT will initiate discussions with the contractors for a contract amendment as per the recommendation.	Quarter 1 2019

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<p>Recommendation 23</p> <p><i>The Contractor ensures that the consolidation of adviser reports upwards into the M&E reporting process is the responsibility of the</i></p>	Agree	Demonstrating the value and impact of the program is important to DFAT. DFAT will work with the contractor to	Through the renewed focus on monitoring an evaluation, DFAT will work with JSS4D to ensure the	Quarter 4 2019

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<p><i>deputy team leaders as they have the inherent knowledge and understanding of the broader picture from which they can draw the 'story'. IMMEDIATE</i></p>		<p>develop the types of stories, both at a technical and strategic level, that are useful and necessary for program reporting. This will be included through the agreed MEL strategy.</p>	<p>strategy is implemented as a priority.</p>	

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<p>Recommendation 24</p> <p><i>The Contractor prioritises implementation of the now-agreed suite of qualitative research and evaluations that are achievable in the remaining timeframe, to inform the achievement of the IOs and to identify JSS4D contributions and lessons. This qualitative research should be structured in such a manner as to inform the next iteration of JSS4D. IMMEDIATE</i></p>	<p>Agree</p>	<p>As part of broader monitoring and evaluation recommendations, DFAT will agree with JSS4D the priority pieces and request JSS4D urgently commence.</p>	<p>Evaluations to begin in Quarter 4 2018 and continue throughout 2019. Outcomes to influence immediate programming decisions and inform phase 2 of the program.</p>	<p>Quarter 4 2018 to Quarter 4 2019</p>

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<p>Recommendation 25</p> <p><i>DFAT ensures that the EoPOs and IOs in any future program are achievable and measurable to make it possible for the program to draw a line from the various activities under each outcome area and demonstrate impact and achievement toward IOs and EoPOs. FUTURE</i></p>	<p>Agree</p>	<p>DFAT agrees the current EoPOs are ambitious and will put an emphasis on achievable and measurable outcomes for the next phase of the program.</p>	<p>To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update</p>	<p>Incorporated in Phase 2 design update.</p>

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<p>Recommendation 26</p> <p><i>The Contractor ensures that adequate resourcing for M&E is available, in the form of surge support from head office and subcontracting arrangements with private suppliers, including joint arrangements with PNG-based and international companies. If fee-sharing is an issue in subcontracting, this should be discussed with DFAT. [IMMEDIATE]</i></p>	Agree	DFAT and JSS4D have agreed this recommendation requires ongoing attention. Discussions were held during the development of the monitoring, evaluation and report plan and an implementation strategy has been agreed with the Contractor	Evaluations are set to begin in Quarter 4 2018 with DFAT to continue monitoring resources and outputs.	Quarter 4 2018 to Quarter 4 2019

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<p>Recommendation 27</p> <p><i>Any future iterations of the MERP should ensure that the set of key evaluation questions is connected to a pipeline of evaluations, incorporating both program-level and performance questions. [FUTURE]</i></p>	Agree	As above, a monitoring, evaluation and reporting plan and implementation strategy has been agreed with the contractor, including the requirement for regular updates. Qualitative analysis will be critical to ongoing learning and informing future programming decisions.	To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update	Quarter 4 2019

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<p>Recommendation 28</p> <p><i>DFAT should immediately commence design work for a next JSS4D program phase based around access to justice forming a more</i></p>	Agree	Agree to begin planning for a subsequent phase of the existing investment with refined areas of focus. This will be part	DFAT has begun a thorough assessment of all Australia's investments in PNG's law and justice sector. This	2019 and incorporated in Phase

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<i>focused underlying ToC than JSS4D, using the current suite of activities and outcomes as the core structure. [IMMEDIATE]</i>		of planning for a more aligned suite of activities across the sector.	includes the second phase of the JSS4D program to ensure complementarity, value for money and effectiveness.	2 design update.

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<p>Recommendation 29</p> <p><i>In 2019, JSS4D:</i></p> <p><i>a. Supports LJSS to complete an economic analysis of financial support to the law and justice sector from all sources over the last 15 years, and likely requirements for the next five years. Such an analysis can provide background for the next phase and policy dialogue, and increase resource allocation effectiveness.</i></p> <p><i>b. Supports LJSS to develop an implementation plan for the Medium-Term Development Strategy 2018–2023 and advises DFAT on those aspects which are appropriate for Australian support.</i></p> <p>[TRANSITIONAL]</p>	Agree	<p>DFAT agrees will work with JSS4D and LJSS/GoPNG to determine the most appropriate action, but recognises this is an issue that requires PNG Government leadership. As with Recommendation 2, this may depend the LJSS position within the GoPNG bureaucracy which may impact on support.</p> <p>Although JSS4D support may be provided, an implementation strategy for the GoPNG's MTDPIII must be led and owned by GoPNG/LJSS.</p>	<p>Through JSS4D, DFAT will direct an economic analysis and select support to the development of a MTDPIII implementation strategy.</p> <p>To be considered and incorporated in the terms of reference for the JSS4D Phase 2 design update</p>	2019