Law Council
OF AUSTRALIA

Australia's response to the priorities of Pacific Island countries and the Pacific region

Foreign Affairs and Aid Subcommittee

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About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its Constituent Bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its Constituent Bodies: 16 Australian State and Territory law societies and bar associations, and Law Firms Australia. The Law Council's Constituent Bodies are:

- Australian Capital Territory Bar Association
- Law Society of the Australian Capital Territory
- New South Wales Bar Association
- Law Society of New South Wales
- Northern Territory Bar Association
- Law Society Northern Territory
- Bar Association of Queensland
- Queensland Law Society
- South Australian Bar Association
- Law Society of South Australia
- Tasmanian Bar
- Law Society of Tasmania
- The Victorian Bar Incorporated
- Law Institute of Victoria
- Western Australian Bar Association
- Law Society of Western Australia
- Law Firms Australia

Through this representation, the Law Council acts on behalf of more than 104,000 Australian lawyers.

The Law Council is governed by a Board of 23 Directors: one from each of the Constituent Bodies, and six elected Executive members. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President who normally serves a one-year term. The Board of Directors elects the Executive members.

The members of the Law Council Executive for 2024 are:

- Mr Greg McIntyre SC, President
- Ms Juliana Warner, President-elect
- Ms Tania Wolff, Treasurer
- Ms Elizabeth Carroll, Executive Member
- Ms Elizabeth Shearer, Executive Member
- Mr Lachlan Molesworth, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple. The Secretariat serves the Law Council nationally and is based in Canberra.

The Law Council's website is www.lawcouncil.au.

Acknowledgements

The Law Council of Australia is grateful to the Victorian Bar for its input into this submission.

Introduction

1. The Law Council is grateful for the opportunity to provide a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade (the **Committee**) as part of its inquiry into Australia's response to the priorities of Pacific Island countries and the Pacific region.

2. The Law Council emphasises that Pacific Island countries and local civil society organisations are best placed to advise on their key priorities—both domestically and within the region.

3. While Pacific Island countries are not a homogenous group, and do have diverse interests, there are common challenges and concerns that affect the entirety of the region. As noted in the *Boe Declaration on Regional Security,* 'climate change remains the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific.'[1] The Pacific Islands Forum's *2050 Strategy for the Blue Pacific* and the *2050 Strategy Implementation Plan 2023–2030* similarly outlines key concerns and aspirations for the region as collectively agreed by Pacific leaders.

4. This submission focuses on Pacific priorities in the legal and justice sector, noting that the rule of law and development are strongly interrelated and mutually reinforcing.[2]

5. The Law Council of Australia has for many years maintained an interest in promoting the development of legal professional bodies, the justice sector, and the rule of law in the Pacific region.

6. In addition to the activities the Law Council undertakes in its own right, it also acts as Secretariat of the South Pacific Lawyers' Association (**SPLA**), a regional organisation comprised of bar associations, law societies and lawyers' groups representing 17 jurisdictions in the Pacific region.[3] SPLA exists to support and strengthen law societies and bar associations in the Pacific region; represent the interests of South Pacific lawyers on regional issues concerning the rule of law, access to justice, and regional law and justice policy; promote effective and robust regulation of the legal profession in Pacific jurisdictions; and improve access to legal education for South Pacific lawyers.

7. Two of the Law Council's Constituent Bodies, the Victorian Bar and the Bar Association of Queensland, maintain specialist committees engaged in the delivery of training and support to the local legal professions and other justice institutions in the Pacific.[4] In some instances, these activities have been supported by the Australian Government. The Law Council understands a separate submission has been made to the Committee by the Bar Association of Queensland.

8. The Law Council's submission outlines Pacific legal sector priorities, evaluates the Australian Government's response to those priorities, and provides an overview of

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[1] Pacific Islands Forum, *Boe Declaration on Regional Security* (5 September 2018) Article 1(i).
[2] Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, GA Res 67/1 UN Doc A/RES/67/1 (19 September 2012) para 7.
See also Margaret Satterthwaite, *Report of the Special Rapporteur on the independence of judges and lawyers*, UN Doc A/HRC/56/62 (9 April 2024) 12. The IBA Report on the Social and Economic Impact of the Legal Profession (2024) also demonstrates how the work of lawyers directly and indirectly impacts the lives of citizens around the world. The Report illustrates the correlation between respect for the rule of law, including the protection of human rights and adherence to international law, and economic growth and social welfare.
[3] American Samoa, Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Norfolk Island, Papua New Guinea, Samoa, Solomon Islands, Timor Leste, Tonga, Tuvalu and Vanuatu.
[4] The Bar Association of Queensland's South Pacific Region Legal Education Committee and the Victorian Bar's International Advocacy Training Committee.

existing people-to-people links and educational partnerships developed by the Law Council and its Constituent Bodies.

Pacific Priorities and Australia's Engagement in the Pacific

Pacific Priorities

9. Many Pacific Island national strategies and development plans refer specifically to priorities and aspirations for the legal and justice sector, and to strengthening governance and legislative frameworks.

10. For example, the Government of the Republic of Vanuatu's National Sustainable Development Plan 2016 to 2030, *Vanuatu 2030—The People's Plan* sets as a key goal: 'a society where the rule of law is consistently upheld and access to timely justice is available to everyone.'[5] Policy objectives to support this goal include to: ensure all people have timely and equitable access to independent, well-resourced justice institutions; establish and implement a National Anti-Corruption Framework; and strengthen the links between traditional and formal justice systems and the role of chiefs in maintaining peace and stability.

11. The Government of the Kingdom of Tonga's Strategic Development Framework 2015–2025 sets out as one of its National Outcomes 'a more inclusive, sustainable and responsive good-governance strengthening rule of law'.[6]

12. The Government of Samoa's Pathway for the Development of Samoa (FY2021/22—FY 2025/26) includes 'Security and Trusted Governance' as a Key Strategic Outcome. The Pathway acknowledges that 'a transparent and well-functioning legal system is a critically important foundation for the country's pursuit of the future it desires'.[7] The Pathway further notes:

> The Government will review and strengthen the legislative framework to maintain the integrity of law and order and ensure alignment with the Constitution. Specific emphasis will be placed on legislation pertaining to the roles of the three arms of government, anti-corruption, tax, and lands and titles. In addition, the Government will take measures to strengthen relevant systems and processes, including those that have a bearing on the quality of services delivered by key institutions. This will also ensure that legal services and advice are made available to any and all in the community. Improvements within the justice and courts systems will be prioritised, allowing for greater internal efficiencies, timely resolution of cases, and strict compliance with legislation. Furthermore, the implementation of relevant legislative reviews will facilitate greater coherency between customary and formal justice systems, enabling greater integrity and fairness of decisions.[8]

13. Legal professional associations play an important role in supporting the realisation of these policy objectives, including by monitoring the operation of the justice system, the implementation of legislation and the exercise of Executive power; providing input aimed at improving the quality of legislation and policy; advising on practical measures to improve the efficient operation of institutions and enhance access to justice; and participating in debate on matters of public interest.[9]

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[5] Government of the Republic of Vanuatu, *Vanuatu 2030 The People's Plan: National Sustainable Development Plan 2016-2030,* 12 <https://www.gov.vu/images/publications/Vanuatu2030-EN-FINAL-sf.pdf>.
[6] Government of Tonga, *Strategic Development Framework 2015-2025*, 58.
[7] Pathway for the Development of Samoa (FY2021/22 – FY 2025/26).
[8] Ibid 19.
[9] Carolyn Graydon, *PJSI: Situation Analysis of Pacific Lawyer Associations* (Report, May 2021) 12, 29.

Legal Sector Priorities in the Pacific

14. In addition to heeding the priorities articulated by national governments and in regional intergovernmental fora, the Law Council submits that the Australian Government should give appropriate consideration to the priorities of civil society organisations in the Pacific region.

15. Civil society organisations, including professional lawyers' associations, play a vital role in negotiating and shaping institutions in developing jurisdictions, and contribute to the ongoing processes of stable politics by representing a diversity of interests, participating in consultative policy processes and promoting the flow of information between government and the public.[10]

16. The Law Council, in its capacity as Secretariat of SPLA, frequently seeks the views of South Pacific legal professional associations regarding the needs and priorities of their association and the legal profession in their jurisdiction. It compiles this information in published reports,[11] facilitates discussion and information-sharing between legal professional associations and bar leaders, and supports the development of Pacific-led solutions to address identified needs and priorities.[12]

17. In recent years, the main priorities identified by Pacific legal professional associations include: improving the capacity of legal professional associations to undertake their statutory and non-statutory regulatory and representative functions; improving access to continuing legal education (**CLE**) and training opportunities in identified areas; and supporting the continued and sustainable operation of the Pacific Islands Legal Information Institute (**PacLII**).

Improving the capacity of Pacific legal professional associations

18. Self-governing and independent legal professional associations are fundamental to protecting and upholding the rule of law and the protection of human rights. They promote and defend the proper separation of legislative, executive and judicial powers, monitor the implementation of legislation and the exercise of executive power, and contribute to the development and operation of effective, accountable and transparent institutions.

19. Legal professional associations cooperate with governments to promote effective and equal access to justice. These activities promote economic and social stability, good governance and an effective justice system. In turn, economic and social stability and an effective justice system have the capacity to reduce the risk of military coups, undemocratic government and susceptibility to foreign influence, all of which remain significant potential issues across the region.

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[10] Adrian Leftwich, 'The political approach to law and justice sector', (Think piece prepared for the Office of Development Effectiveness, AusAID, 2022) 13-14 <https://www.dfat.gov.au/sites/default/files/leftwichthinkpiece.pdf>. See also, Office of Development Effectiveness, *Building on Local Strengths: Evaluation of Australian Law and Justice Assistance* (December 2012).

[11] See South Pacific Lawyers' Association 'Surveys and Reports' <https://www.southpacificlawyers.org/publications>.

[12] See for example, South Pacific Lawyers' Association, *Needs Evaluation Survey for South Pacific Lawyers' Associations* (October 2011) <https://www.southpacificlawyers.org/_files/ugd/31792c_3653e86840c94ea1aac8cab4a88f63cb.pdf>;

20. The importance of legal professional associations in the Pacific region was recognised in a Situation Analysis of Pacific Lawyer Associations produced by the Pacific Judicial Strengthening Initiative (**PJSI**) administered by the Federal Court of Australia:

> The first and foremost recommendation of this review is acceptance by governments and donors of the premise that having competent, independent and well-regulated legal professions in Pacific societies is not a 'nice to have' but rather, a public necessity and a public good.[13]

21. There are many examples of Pacific legal professional associations monitoring the separation of powers and the exercise of Executive power, contributing to law reform, and engaging in public debate.[14]

22. Many Pacific legal professional associations exercise regulatory functions, including upholding professional standards, complaints handling, investigations and discipline, and maintaining and improving standards of competence and learning.

23. As noted in SPLA's Report on Legal Professional Regulation:

> Professional ethics are influenced by the regulatory, professional and social infrastructure surrounding the legal profession. Generally, the greater the resources of legal profession regulators and peak professional bodies, the more effectively lawyers can be educated and trained to adhere to high standards of legal professional conduct.[15]

24. The Law Council notes that many legal professional associations in the South Pacific operate under challenging financial circumstances.[16] While there may be an expectation that these bodies should be financially independent, it is often the case that there are not enough private lawyers (particularly in smaller jurisdictions) to support the essential functions of associations. For most Pacific legal professional associations, annual memberships or practising certificate fees are their only source of income, and associations are constrained in the setting of fees by what legal practitioners can afford to pay.[17]

25. In this environment, it is not possible for legal professional associations in South Pacific jurisdictions to financially support all of the core professional and regulatory functions that are typically performed by a law society or bar association in larger, more developed jurisdictions.[18]

26. Further resourcing for Pacific legal professional associations is needed to support them to undertake their core professional and regulatory functions (including administration of practising certificates and resourcing complaints and professional disciplinary mechanisms), and enhance their ability to undertake other identified priority activities, which include:

    (a) organising continuing legal education and professional development opportunities (including coaching and mentoring schemes);

    (b) delivering legal aid or pro bono legal services;

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[13] Carolyn Graydon, *Situation Analysis of Pacific Lawyer Associations* (May 2021) 33.
[14] See Fiji Village, 'It is inappropriate for a Minister to "lobby" the judiciary to impose stricter sentences - Fiji Law Society' (12 June 2022) <https://www.fijivillage.com/news/It-is-inappropriate-for-a-Minister-to-lobby-the-judiciary-to-impose-stricter-sentences---Fiji-Law-Society-8r4fx5/>, Law Council of Australia, 'Rule of law prevails in Samoa' (Media Release, 27 July 2021) <https://lawcouncil.au/media/media-statements/rule-of-law-prevails-in-samoa>. See also Carolyn Graydon '*Situation Analysis of Pacific Lawyer Associations* (May 2021) 29-30.
[15] South Pacific Lawyers' Association, *Legal Profession Regulation in the South Pacific* (September 2017) 13 <https://www.southpacificlawyers.org/_files/ugd/31792c_c1377089776e4e37a5ad803a04493bee.pdf>.
[16] Carolyn Graydon, *Situation Analysis of Pacific Lawyer Associations* (May 2021) 13-16.
[17] Ibid 15-16
[18] Ibid 20.

(c) expanding services for members, including offering collective professional indemnity insurance, superannuation schemes, and mental health and wellbeing services.

(d) contributing to policy or law reform efforts; and

(e) conducting public awareness raising about the role of lawyers and the legal system.[19]

Recommendations

- **The Australian Government should prioritise the provision of funding to support the development of, and strengthen, South Pacific legal professional associations.**
- **The Australian Government should identify opportunities to support regional coordination of capacity-strengthening efforts of national lawyer associations, including the activities of the South Pacific Lawyers' Association.**

Access to Continuing Legal Education

27. Continuing Legal Education (**CLE**) is an essential part of professional development for lawyers. It ensures that legal practitioners continue to maintain and improve their skills and knowledge of the law, and are equipped to meet their professional and ethical obligations.

28. It has been noted that CLE is especially critical in Pacific jurisdictions, which have a higher proportion of junior lawyers and sole practitioners who often operate in poorly resourced and volatile legal and regulatory environments.[20]

29. Despite this, CLE is not mandatory in most Pacific jurisdictions,[21] and Pacific lawyers face various barriers to accessing quality CLE training and materials, including the lack of local providers and trainers, the cost of attending (including travel costs), poor communications infrastructure, and the unavailability of online CLE resources, and the workloads of practitioners.[22]

30. Since its establishment, SPLA has conducted regular surveys and other consultations with its member organisations regarding CLE needs and priorities of South Pacific legal practitioners—including priority CLE topics and modes of delivery, as well as the barriers faced by South Pacific lawyers in accessing CLE. These consultations inform SPLA's delivery of and support for CLE initiatives in the region, and seek to ensure that such initiatives respond to the identified needs and priorities of South Pacific bar associations, law societies and lawyers' groups.

31. Pacific legal professional associations have regularly highlighted the need for CLE and training in the areas of advocacy, practice management, ethics and conflicts of interest, and alternative dispute resolution (**ADR**).[23]

[19] Ibid 26.
[20] Ibid 27.
[21] CLE is currently mandatory in Fiji, Tonga and Vanuatu.
[22] Identified in an internal 2019 survey of SPLA Member Organisations.
[23] South Pacific Lawyers' Association, *Submission to Pacific Islands Forum Secretariat Regional Policy Consultation* (25 February 2018) 10.

Recommendation

- **The Law Council encourages the Australian Government to allocate funding to support SPLA's existing initiatives to provide CLE opportunities for South Pacific lawyers in response to identified priorities.**

Supporting the operation of PacLII

32. The Pacific Island Legal Information Institute—known as PacLII—is a facility of the University of South Pacific that collects legal materials from 20 Pacific jurisdictions.

33. South Pacific law societies, bar associations and lawyers' groups that are member organisations of SPLA continue to express their unanimous support for the continuation of PacLII, and highlight the vital role of PacLII to facilitate the administration of and access to justice, underpin the delivery of legal services, support the development of Pacific jurisprudence, and promote transparency accountability and good governance.[24]

34. In many of the jurisdictions served by PacLII, it is the only source of legislation and legal precedent—and it is therefore relied on by governments, judiciaries, academics and students throughout the region. Many of the legal professional associations have noted the broader value of PacLII in providing free public access to legal materials in their communities.

35. On 5 September 2023, the Law Council of Australia joined representatives of Pacific Island governments, courts and civil society organisations at a Summit in Port Vila, Vanuatu to discuss the future of PacLII and maintaining and enhancing the sustainability of free access to law in the Pacific.

36. Summit attendees unanimously adopted the Vanuatu Declaration, which recognised that free access to law is essential for the rule of law and access to justice, and acknowledged PacLII's critical role in the provision of access to Pacific law and as a fundamental part of the legal fabric of the Pacific region.

Recommendation

- **The Law Council encourages the Australian Government to maintain support for the operation of PacLII through the University of the South Pacific.**

Evaluating Australia's Response

37. The Australian Government's recognition that the rule of law and good governance serve as enablers of sustainable development, regional stability and economic growth is reflected through its provision of overseas development assistance (**ODA**) to the law and justice sector in Pacific Island countries.[25]

[24] South Pacific Lawyers' Association, 'South Pacific Lawyers' Association emphasises vital role of PacLII (Media Release, 15 February 2024) <https://www.southpacificlawyers.org/copy-of-2022-12-05-mr-paclii>. See also South Pacific Lawyers' Association Support for PacLII (Media Release, 5 December 2022) <https://www.southpacificlawyers.org/2022-12-5-spla-paclii>.

[25] In 2022-23, ODA towards legal and judicial development in the Pacific was $89,158,000. See, <https://www.dfat.gov.au/sites/default/files/australias-official-development-assistance-statistical-summary-2022-23.pdf>.

38. The Law Council also recognises the success of the Pacific Islands Law Officers' Network (**PILON**)—of which the Attorney-General's Department is a member—to strengthen policy and operational cooperation on law and justice issues, build capacity of member law and justice agencies, and share expertise.

39. Australian ODA directed towards the justice sector in the Pacific is generally focussed on supporting courts, government lawyers and enforcement agencies. In recent years, additional assistance and emphasis has been placed on policing partnerships between the Australian Federal Police and local police forces.[26]

40. While the Law Council does not suggest that this assistance is unnecessary, greater attention should be given to improving the capacity of legal professional associations and the private legal profession.

41. The PJSI has noted that 'lawyer associations remain the most neglected part of Pacific justice systems' despite their vital contribution to 'effective functioning of justice processes and access to justice'.[27]

42. The Law Council has previously encouraged the Australian Government, under the Government's new International Development Policy, to expand its partnerships with independent legal professional associations in the South Pacific region, and support their activities to improve access to justice, the delivery of quality legal services, good governance, and the development of effective, accountable and transparent justice institutions.[28]

Recommendation

- **The Law Council encourages the Australian Government to expand its partnerships with independent legal professional associations in the Pacific region.**

Strengthening People-to-People Links and Partnerships

43. Developing strong people-to-people links is a central aspect of the engagement between Australia's lawyers and their Pacific counterparts, whether through the delivery of training and CPD in Pacific jurisdictions or providing opportunities for Pacific lawyers in Australia.

44. The support given by a range of Australian government bodies, in particular the Department of Foreign Affairs and Trade, to the various programs delivered by the Law Council and its Constituent Bodies is vital to the ongoing delivery of these programs, as well as the maintenance and continued development of relationships and partnerships between Australia and Pacific Island nations.

[26] See for example, DFAT's proposed extension of the Vanuatu Australia Police and Justice Program (VAPJP), the PNG-Australia Policy Partnership, the ongoing Royal Solomon Islands Police Force- AFP Policing Partnership Program (RAPPP).
[27] Carolyn Graydon, *Situation Analysis of Pacific Lawyers Associations* (May 2021).
[28] Law Council of Australia, 'Submission in relation to Australia's New International Development Policy' (30 November 2022) <https://www.dfat.gov.au/sites/default/files/new-international-development-policysubmission-law-council-australia.pdf>. See also, Law Council of Australia, 2024-25 Pre Budget Submission.

Opportunities for Pacific Lawyers in Australia

Ross Ray QC Scholarship

45. Each year the Law Council of Australia and the Australian Bar Association collaborate to offer the Ross Ray QC Scholarship. The Scholarship supports up to two South Pacific lawyers to attend the Australian Bar Association's Essential Trial Advocacy Course which is held alternatively in Perth and Adelaide.

46. As noted above, legal advocacy training is highly sought-after amongst members of the South Pacific legal profession. The number of scholarship applicants increases year on year, and selection is increasingly competitive.

Victorian Bar Readers' Course

47. In a recent speech delivered in Port Moresby, the Federal Attorney-General reflected on the importance of legal education in forming a foundation and connection between legal practitioners, citing his own experience with the Victorian Bar Readers' Course:

> It was 1987 when I undertook the Victorian Bar Readers' Course—an intensive training experience to prepare for becoming a barrister in my home state. During that course, I came to know a man from Papua New Guinea named Robert Guba Aisi. Over many years, young PNG lawyers have joined the Victorian Bar Readers' Course, and Robert was one of them. We got along well. Many years later in 2011, after I finished my career at the Victorian Bar and had entered the Australian Parliament, I was a junior Minister for Climate Change and in New York at the United Nations—and I happened to see Robert. He was then Papua New Guinea's Ambassador to the United Nations, and despite having not seen each other for over two decades, we recognised each other, and remembered how we had shared the Readers' Course together. It was wonderful to see the journey his legal career had taken him on, having also been Councillor of Papua New Guinea's Legal Training Institute prior to the Ambassador role. It struck me how beneficial it was for us to have connected all those years ago, and that training we both undertook no doubt assisted us in our careers.[29]

48. The Victorian Bar has noted that Robert Aisi was the first person from Papua New Guinea to enrol in the Victorian Bar Readers' Course. Since that time, Pacific nation readers have been regular participants in the Course, and many Pacific nation graduates now hold positions in their home countries in the judiciary, in government and in private practice firms.

49. Papua New Guinea practitioners who are alumni of the Victorian Bar Readers' Course maintain a network and ongoing connection, including through a dedicated WhatsApp group. Individual instructors from the Victorian Bar have also developed supportive mentoring relationships with trainees over the years.

50. Currently each year, up to two places are made available for overseas candidates in the Victorian Bar Reader's Course. Additional government funding for Pacific Island lawyers would reduce the barriers for Pacific candidates to participate in the Course.

Recommendation

- **The Australian government should consider providing funding to enable additional placements for Pacific Island lawyers to participate in in-demand legal training in Australia and reduce barriers to participation.**

[29] Mark Dreyfus, Strong and Prosperous Democracies: the Importance of the Rule of Law (Speech, Port Moresby, 18 June 2024).

Train the Trainer Program

51. This year the Victorian Bar will hold its inaugural 'Train the Trainer Program', which is designed to build capacity within the South Pacific legal profession in the field of advocacy training for court appearances.

52. Over the course of two weeks in July and August 2024, the Victorian Bar will host 20 delegates from Papua New Guinea (14 delegates), the Solomon Islands (2 delegates), Vanuatu (2 delegates), Fiji (1 delegate), and Tonga (1 delegate) in Melbourne.

53. The delegates will participate in a training intensive combined with observations of court advocacy in Victoria, as well as a shadowing and mentoring program with Victorian barristers.

54. The Program has been developed in partnership with the Papua New Guinea Centre for Judicial Excellence and the Pacific Centre for Judicial Excellence, and is funded by the Pacific Justice Sector Program.

55. As well as providing an opportunity for professional development and the exchange of experiences, it is envisaged that upon completion of the Program, the delegates will be able to conduct advocacy training for junior lawyers in their jurisdictions.

56. Delegates who complete the Program will be added to the Roll of accredited Pacific Nation Advocacy Trainers maintained by the Victorian Bar's International Advocacy Training Committee. Accredited trainers will then be called upon from year to year to assist with ongoing advanced advocacy training in their home jurisdictions.

Delivering CPD in the Pacific

Law Council of Australia

57. The Law Council has for many years supported the delivery of CPD training for South Pacific lawyers. This includes providing financial support towards the delivery of intensive commercial litigation workshops in the Cook Islands in December 2022, and (together with the Australian Bar Association) the Solomon Islands in September 2023.

58. The Law Council of Australia also worked closely with Fiji Law Society to deliver a virtual Annual Convention in 2021, and an Alternative Dispute Resolution Conference held in September 2022. The Law Council's support involved developing conference programmes, confirming speakers and providing technical support.

Victorian Bar

59. The Victorian Bar has regularly delivered advocacy training courses in Papua New Guinea, the Solomon Islands, Vanuatu and Tonga for a number of years. On occasion, the Victorian Bar has also provided advocacy training in Fiji.

60. By partnering with local practitioners in delivering advocacy training programs, the Victorian Bar seeks to ensure that its efforts are guided by local needs and custom. This model also embeds advocacy coaching expertise in local practitioners.

Papua New Guinea

61. In Papua New Guinea, the Victorian Bar provides an extended offering that has developed over recent years to encompass criminal and civil advocacy training for law students and government lawyers, as well as a forum for the exchange of expertise between members of the judiciary.

62. In 2022, the Victorian Bar delivered an intensive advocacy program to 81 graduate law students in partnership with the Legal Training Institute (**LTI**) of Papua New Guinea.

63. In 2023, the Victorian Bar provided advocacy training to graduate law students through the LTI, advanced advocacy training to government lawyers in partnership with lawyers at the Office of the Solicitor-General, and conducted a judicial forum (led by the Hon. Christopher Maxwell AC, the Hon. Peter Riordan KC and Judicial Registrar Roslyn Avis).

64. The June 2023 envoy to Papua New Guinea was the largest cohort of trainers and students involved in the Program convened by the Victorian Bar, with 14 trainers and 190 participants across the three streams.

65. The Victorian Bar's course delivery in Papua New Guinea is coordinated through the connections that its International Advocacy Training Committee has established with the LTI, the Papua New Guinea Centre for Judicial Excellence and members of the Papua New Guinea Law Society including individuals who are alumni of the Victorian Bar Readers' Course.

66. The Victorian Bar's work in Papua New Guinea has been funded and supported by the Australian Government through the Australian High Commission, DFAT and the Justice Services and Stability for Development (**JSS4D**) Program.

67. The Victorian Bar intends to further expand its work in the Pacific region.

Solomon Islands

68. In 2023, the Victorian Bar delivered a criminal and civil trial advocacy course in the High Court of the Solomon Islands in Honiara, in partnership with local senior practitioners, including the then-Deputy Director of Public Prosecution, Andrew Kelesi, and a sitting judge of the High Court, Justice Howard Lawry.

69. This course was funded by the Australian Solomon Islands Justice Program, and was available to lawyers from government-funded institutions including the Office of Public Prosecution, the Public Solicitor's Office, the Attorney-General's Chambers and police prosecutors.

70. The Victorian Bar is currently working towards the delivery of further advocacy training program in late 2024 focusing on family violence litigation.

Vanuatu

71. In Vanuatu, the Victorian Bar has primarily delivered courses to government and publicly-funded lawyers.

72. In late 2022, the Victorian Bar delivered an intensive advocacy program to lawyers from the Office of the Public Prosecutor, the Public Solicitor's Office and the State Law Office, with staff from the Vanuatu Women's Centre and the Law Reform Commission also in attendance.

73. In early 2024, the Victorian Bar delivered an appellate advocacy course to 30–40 lawyers from the Office of the Public Prosecutor, the Public Solicitor's Office, the Women's Law Service, the State Law Office and the Ombudsman's Office.

74. These courses were held at the University of the South Pacific campus in Port Vila or in local hotels where necessary, and were facilitated by funding from the Vanuatu Australia Policing and Justice Program.

Tonga

75. In 2021, the Victorian Bar conducted a series of online CPD seminars for Tonga's legal profession. Unfortunately, due to the tragic volcanic eruption and tsunami in early

2022 and ensuing internet issues, the Victorian Bar was unable to deliver further seminars in 2022 and 2023.

76. The Bar is working on returning to in-person delivery of training courses in Tonga in 2024, with its efforts coordinated and helmed by a current member of the Victorian Bar's International Advocacy Training Committee and former Lord Chief Justice of Tonga, the Hon. Michael Whitten KC, drawing on his extensive connections with local practitioners in Tonga.

Recommendation

- **The Law Council encourages the Australian Government to support the activities of the Law Council of Australia, the Australian Bar Association and their Constituent Bodies to enhance the delivery of legal education and continuing professional development training to Pacific Island lawyers.**