

## Evaluation of Law and Justice Infrastructure Impact Evaluation

### MANAGEMENT RESPONSE

#### Initiative Summary

<b>Initiative Name</b>	<b>PNG-Australia Law and Justice Partnership</b>		
AidWorks initiative number	INI194		
Commencement date	April 2009	Completion Date	June 2014
Total Australian \$	\$150 million		
Total other \$			
Delivery organisation(s)	DFAT and Implementation Service Provider (Cardno Emerging Markets Pty Ltd)		
Implementing partner(s)	Government of PNG Law and Justice agencies (led by the National Coordinating Mechanism) and Provincial Administrations		
Country/Region	Papua New Guinea		
Primary sector	Law and Justice		
Initiative objective/s	<p>The goal of PALJP is to support the PNG law and justice agencies to achieve measurable progress against the goals identified in the Law and Justice Sector Strategic Framework:</p> <ol style="list-style-type: none"> <li>1) Improved policing, security, safety and crime prevention;</li> <li>2) Increased access to justice and just results;</li> <li>3) Improved reconciliation, reintegration and deterrence;</li> <li>4) Improved accountability and reduced corruption; and</li> <li>5) Improved ability to delivery law and justice services.</li> </ol>		

#### Evaluation Summary

**Evaluation Objective:** A significant component of the PNG-Australia Law and Justice Partnership (PALJP) and its predecessor, the Law and Justice Sector Program (LJSP), has been investment in the refurbishment and construction of infrastructure such as courthouses, prison facilities, police stations, offices and staff accommodation. The focus of this impact evaluation was to provide an understanding of how these investments in infrastructure have impacted *access* to law and justice services for citizens in PNG, and how these investments in infrastructure have *improved service delivery*, especially as it is experienced at the local facility level by staff providers and users.

Traditionally, the provision of infrastructure has been seen solely as an enabler, rather than contributing more broadly to the quality of service provided. Through this evaluation broader relationships between infrastructure and service delivery were explored and documented using a range of qualitative and quantitative data sets.

With this understanding and a documented evidence base, future investment decisions in infrastructure in the law and justice sector can be made to maximise impact. The primary audience for this evaluation is therefore decision-makers in the Government of Australia and Government of PNG who are making investment choices to maximise improvements in the delivery of law and justice services.

**Evaluation Completion Date:** September 2013

**Evaluation Team:** A.J Baker (Team Leader), GHD

## DFAT's response to the evaluation report

The evaluation is considered of high quality. Through its mixed methods data collection process, the evaluation report provided answers for how and why PALJP infrastructure development funding and interventions have worked to increase access and improve law and justice service delivery process.

Between 2009 and 2014, through PALJP, Australia has invested approximately \$28 million (PGK61 million) in a range of law and justice infrastructure. This represents 52 per cent of the total Australian direct financial contribution to the law and justice sector's development budget over this period (\$53.9 million). From this support, around \$11 million (PGK24m) has been spent on housing for law and justice personnel, including police; almost \$9 million (PGK19.5m) has supported the construction of new, or expansion and improvement of nine court facilities, around \$3.5 million (PGK7.5m) has targeted upgrading correctional facilities, and almost \$4.5 million (PGK10m) on other infrastructure including police stations and community justice facilities.

In addition, the Government of PNG has contributed recurrent and development budget to infrastructure predominantly through to the Royal PNG Constabulary, Correctional Services and the National Judiciary. Provincial administrations also contributed to capital and recurrent costs of infrastructure (the extent of this support has not been quantified).

It is important that future Australian and PNG Government investments in infrastructure for the sector are guided by the assessment of how effective these past investments have been, and how investments in infrastructure can be effectively targeted to maximise their impact on delivery of security and justice for men and women, boys and girls.

The evaluation used an innovative methodology that combined data analysis and extensive interviews with stakeholders. The evaluation looked at 34 sites across 6 provinces, where Australian-funded infrastructure investments had been made. Data was collected both on the current condition of the infrastructure, how it was managed and maintained and a sample of procurement files were reviewed. Extensive interviews were conducted to gather the perspectives of staff that manage or provide services in a facility, as well as the people coming to use the facility. It included both qualitative and quantitative assessments and interviews with 354 people as well as observation of each facility's use.

In summary the outcomes of the evaluation are:

- Investment in new and refurbished infrastructure has resulted in increased access to services for users – and that this impact is greater where new facilities have been constructed.
- The impact of the infrastructure investment on improving service delivery was found to be much more tenuous, as multiple factors impact on the ability of service providers to deliver a service. Appropriate and functional infrastructure needs to be accompanied by basic services, furnishings and equipment, suitably trained and supported staff, effective management and adequate staff housing to ensure the law and justice service delivered is of consistently high quality and meets the needs of service users.
- Coordinated law and justice sector-based planning for service delivery and infrastructure is critical to maximise access to and delivery of law and justice services.
- Concerted effort is required to address the needs of specific user groups (children, women, judges, prisoners, families, people with disabilities, victims of crime). More attention is needed on scoping and design to meet the needs of both the staff and the users.
- Inadequate maintenance negatively affects both service delivery and the lifespan of facilities. Designs need to take a whole of life asset management approach to maximise the life of building stock. The Government of PNG needs to invest in ongoing maintenance.
- Housing and land continued to be a major constraint to adequate staffing in provinces.
- Women will more often approach law and justice service providers and police in particular, if the staff are also women.
- PNG Government procurement systems have led to inefficient 'workarounds' aimed at avoiding Central Supply and Tenders Board processes. When Central Supply and Tenders Board processes couldn't be avoided, long delays or failure to deliver has often resulted.

- Improved quality assurance and quality control systems are required to improve contract and project management.

DFAT welcomes the findings and recommendations of the PALJP Law and Justice Infrastructure Impact Evaluation. The policy recommendations arising from the evaluation are practical and will primarily be implemented by the Australian Government in future assistance to the sector. Support for infrastructure in the future will be guided by strategic assessments of the biggest impact on improved security and justice. Investments will be chosen based on criteria, agreed with the Government of PNG, which will prioritise demonstrated sector coordination, user consultation (including women, juveniles, and people living with disabilities), evidence of whole-of-life asset management and maintenance plans and a link to a service need.

While the evaluation focused on Australian funded infrastructure in the law and justice sector in PNG, the comprehensive final report contains a wealth of information that builds on the literature about infrastructure investment more broadly in the Pacific, particularly in relation to the need for greater investment in front end design and ongoing maintenance. DFAT will disseminate the results through the PNG program as well as DFAT aid programs more broadly. DFAT encourage the Government of PNG, law and justice sector coordination mechanisms, as well as individual agencies and facilities to consider and implement the specific recommendations arising from the evaluation and will work with Government partners to facilitate this where necessary.

### **DFAT's response to the recommendations for the Government of PNG National Level Law and Justice Sector, Law and Justice Agencies, and the Government of the Autonomous Region of Bougainville (ARB).**

The evaluation provides six recommendations for the national level law and justice sector coordination mechanisms, 16 recommendations for law and justice agencies, and three recommendations for the Government of the Autonomous Region of Bougainville. DFAT support all of these recommendations.

DFAT encourages the law and justice agencies, through existing coordination mechanisms National Coordination Mechanism (NCM), to analyse and implement the recommendations provided in the infrastructure evaluation. We commit to working with GoPNG to support the implementation of these recommendations through support for future infrastructure investments.

We particularly encourage agencies to increasingly cooperate in developing coordinated responses to identified needs; to implement scoping checklists to improve functionality, which consider the specific needs of women, boys and girls, and people living with disabilities; and to continue to implement mechanisms to facilitate user input into the scoping and design of facilities. We are supportive of agencies taking proactive measures to promote opportunities for women working in different law and justice agencies, in front line and senior management positions, including through allocating a percentage of housing to women officers. The integration of Whole of Life asset management and adequate maintenance funding and plans will be critical pre-requisites for Australian Government support.

## DFAT's response to the specific recommendations for the Government of Australia (GoA)

Recommendation	Response	Actions	Responsibility
<p><b>Recommendation one (26):</b> 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.</p>	Agree	Continuing support for infrastructure construction and refurbishment will be an important part of ongoing Australian assistance for the sector. Infrastructure investments will be closely aligned with enhancing national agencies' ability to improve access to, and the delivery of, services at the provincial and local level.	Counsellor Law and Justice in conjunction with the Implementation Service Provider
<p><b>Recommendation two (27):</b> 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.</p>	Agree	<p>We will develop, in conjunction with GoPNG, a set of criteria for future infrastructure assistance. This criteria will promote:</p> <ul style="list-style-type: none"> <li>• analysis of law and justice needs across the sector in particular locations;</li> <li>• analysis of service providers already present in chosen locations;</li> <li>• analysis on how the proposed build or refurbishment will improve service delivery; and</li> <li>• coordinated sector planning of at least two agencies.</li> </ul> <p>This criteria will include the need for enhanced design requirements to ensure improved decision making and cross sectoral engagement. Some of the design requirements are:</p> <ul style="list-style-type: none"> <li>• an evaluation of Whole-of-Life costs assessment and maintenance budgets. This will inform whether refurbishment or new investment is most appropriate;</li> <li>• evidence of coordinated sector planning in relation to the particular facility and location, including consultation with at least two agencies;</li> <li>• evidence that the planned infrastructure investment is accompanied by agency plans demonstrating that the accompanying basic services, equipment, staffing and housing arrangements are in place;</li> <li>• the utilisation of scoping checklists which focus on improved functionality;</li> <li>• a requirement that consultation with service providers and users (including, where appropriate, women, juveniles, boys and girls, and people living with disabilities) feeds into scoping and design documents; and</li> <li>• Compliance, where appropriate, with the relevant PNG safety standards</li> <li>• Consultation of energy rating guidelines is recommended in design phase.</li> </ul>	Counsellor Law and Justice with support from infrastructure specialists in the Implementation Service Provider

Recommendation	Response	Actions	Responsibility
<p><b>Recommendation three (28):</b> 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 deliver law and justice services.</p>	Agree	<p>Future assistance to the sector, support will include a range of approaches including targeted capacity building of national agencies and governance bodies at the national and provincial level, competency-based training for law and justice sector personnel, and support for goods and services. Decisions regarding support for infrastructure will include an assessment of where this support can be strategically combined with other GoA or GoPNG support to maximise the impact on service delivery for users.</p>	<p>Counsellor Law and Justice with input from other Australian Government Agencies.</p>
<p><b>Recommendation four (29):</b> 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 <i>Independent Commission Against Corruption</i> 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.</p>	Noted, to consider in consultation with GoPNG	<p>Future investment will closely examine the risks and options available to ensure effective procurement options for Australian funds. One options may include parallel procurement processes for high value infrastructure procurement.</p>	<p>Counsellor Law and Justice in consultation with GoPNG.</p>
<p><b>Recommendation five (30):</b> Design of GoA funded new infrastructure for the GoPNG law and justice sector needs to comply with energy rating (Australian) guidelines and standards as well as pragmatic compliance to DFAT's policy for people living with disabilities (PWD).</p>	Partially Agree	<p>Where appropriate for the PNG context, energy rating guidelines will be consulted in the design phase of new GoA funded-infrastructure. Guidelines for applying the Australian Aid program's policy for disability inclusion, <i>Development for All: Towards a disability-inclusive Australian aid program 2009–2014</i>, to infrastructure investments in the law and justice sector will be developed and implemented sensibly and progressively in future investments.</p>	<p>Counsellor Law and Justice</p>