



**Tango Tutara O Te Ture
(Ministry of Justice)
GOVERNMENT OF THE COOK ISLANDS
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www.justice.gov.ck**

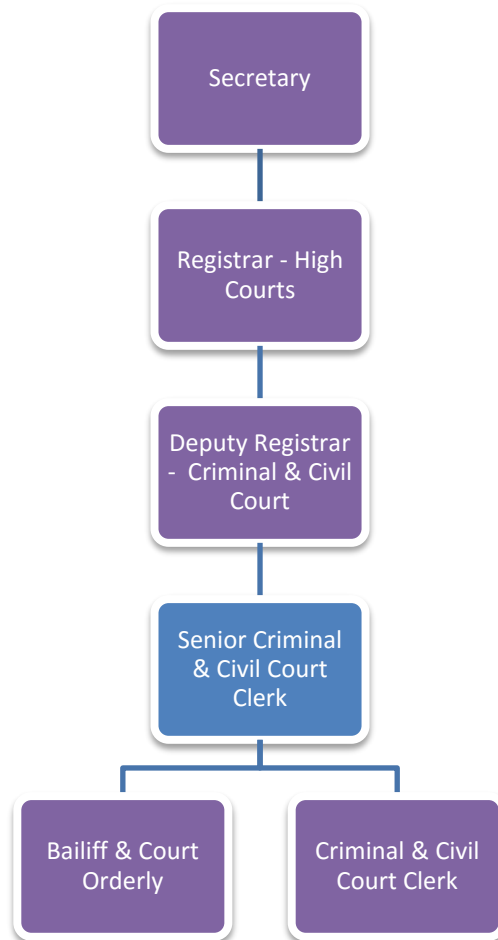
POSITION SUMMARY

Job Title:	Senior Criminal & Civil Court Clerk
Division:	High Courts
Responsible To:	Registrar – High Courts
Responsible For:	Two
Job Purpose:	<p>The role of the Senior Criminal & Civil Court Clerk is to deliver the management and administrative compliance of the criminal and civil division of the High Courts and related tribunals and boards within the Cook Islands legal framework and Ministry of Justice systems, polices, processes, and procedures. This is a senior technical role requiring specialized skills and knowledge in legislation and regulations, legal and court processes, police, probation, and prison processes, records management, compliance, and information systems, while ensuring accuracy, timely reporting, and efficient and effective administration.</p> <p>The position provides key services with considerable impact on law, order, and safety in the Cook Islands community. These services are integral to functions of the Judiciary in managing cases, court records, systems, security, and legal processes that directly impact the fabric of Cook Islands society.</p> <p>The position must work at a high level of competence in legal and compliance principles and technical requirements to deliver the provision of Ministry criminal and civil court related services to the public in an environment moving towards greater use of available technology.</p>
Job Classification:	Function: Technical and Service delivery Job band: H Jobwise Code: L5 – Team Leader
Date updated:	April 2019

AGENCY VISION

“For a **safe, secure, just** and **fair** society with a **trusted** land management and information and register systems”

ORGANISATIONAL STAFFING STRUCTURE



KEY RESULT AREAS (KRA'S)/OUTPUTS

KRAs for this position (maximum of 6)	Key Performance Indicators (use SMART principles)
<p>1. Criminal and Civil Court Administration</p> <ul style="list-style-type: none"> • Provide advice and input into the development, implementation, and updating of policies, procedures, and manuals relating to criminal and civil court, tribunal, or board matters. • Provide timely advice and information to Secretary and senior management when requested, and when there are changes in Ministry operations or applicable legislation, regulations, and government policy. • Using available technology, efficiently and effectively manage criminal and civil court records to ensure the criminal and civil court records are organized, updated, preserved, digitized, and compliant with legislation, regulations, and Ministry policies and procedures. • Efficiently and effectively manage, review, and facilitate criminal and civil applications, document filing, and processes, including verifying and authenticating information provided to support such applications filings, checking with current information on court records, ensuring compliance with legislation, regulation, procedures and practice notes (e.g. requirements for Adoption, dissolution of marriage, civil claims, criminal charges), 	<ul style="list-style-type: none"> • Ministry policies and procedures are updated and consistent with legislative and regulatory requirements, and best practices. • Accurate and timely advice and information is provided. • Criminal and civil court records are complete, have no errors, and all applicable documents have been scanned and no backlog. • Applications, filed documents, and processes are timely reviewed for legislative and regulatory compliance, and appropriately actioned. • Monitor compliance and ensure correct processes are adhered to.

<p>scheduling for court where necessary, and monitoring outcomes, status, and progression of such applications and documents.</p> <ul style="list-style-type: none"> • Ensure prescribed fees are paid and receipted, recorded, and trading revenue is collated and timely reported within policies and procedures. • Retrieve and prepare criminal and civil records for relevant public enquiries and Criminal and Civil Court hearings (including High Court, Court of Appeal, Children’s Court, Privy Council, Tribunals and Boards). • Monitor, manage and update relevant information systems and ensure data entered, and any related registries and lists, are verified and accurate, maintained and secure. • Review and verify Court orders relating to criminal and civil matters are accurate, sealed and witnessed where applicable, and compliant with legislation and regulations, and assist with drafting such orders where necessary. • Execute applicable Court orders relating to criminal and civil matters (e.g. warrants, summons, orders, decisions, and sentences, including reparation payments and injunctions) and ensure records are updated accordingly while ensuring data integrity. • Coordinate the issuance of required advertisements and notices, including reminder notices to applicants, lawyers, and agents, within legislative requirements, policy, procedures, and best practices. • Prepare and organize, and provide secretarial services and logistical support for tribunal and board meetings, when required. • Facilitate the provision of court transcripts. 	<ul style="list-style-type: none"> • Appropriate fees are collected, receipted, recorded, and reported. • Criminal and civil records are properly prepared to facilitate court hearings and public enquiries within agreed parameters. • Information systems data are accurate and kept up to date. • Court orders are reviewed, accurate and timely issued. • Records are accurately and timely updated to reflect Court orders received. • Appropriate advertisements and notices are provided. • Tribunal and board meetings are appropriately supported when required. • Requests for court transcripts are provided to the Stenographers and monitored until completion.
<p>2. Records and Courtroom Management</p> <ul style="list-style-type: none"> • Manage hard copy documents so they are timely and properly scanned, digitized, preserved, filed, and maintained according to Ministry policies and procedures. • Digital records are organized, internally accessible and searchable, and configured for public access in accordance with Ministry policy, procedures and set parameters. • Assists in formulating policy and procedure relating to physical and digital records management and courtroom management, processes, procedures, and protocol, in consultation with Secretary and Registrar – High Courts. • Undertake faxing, photocopying, scanning, printing, laminating, binding, filing, distribution and dissemination as required. • Coordinate with IT staff to ensure digital backups of division files and records are being done and are maintained. • Ensure management of records meets legislative and regulatory requirements, and 	<ul style="list-style-type: none"> • Physical records are organized, cared for, digitized, and properly stored. • Digital records are organized, backed up, secured, complete, and timely updated when necessary, and properly maintained to ensure referential integrity and prevent corruption and unauthorized access or duplication. • Policies and procedures relating to records management are properly implemented. • Tasks are completed within set parameters.

<p>best practices, and maintained in a manner to facilitate quick and easy reporting and appropriate access.</p> <ul style="list-style-type: none"> • Prior to court hearings, organize the courtroom, calibrate and check audio recording system is operational, ensure appropriate courtroom security and access (e.g. public, media, police, etc.), and Judge(s) and Justice(s) of the Peace have accurate and complete information available relating to cases being heard. • Manage courtroom sessions to ensure court protocol and processes are adhered to, court applications are efficiently and effectively managed, requested translation services are available, audio recording equipment is functional, and Judges and Justices of the Peace are supported and secure before, during, and after court hearings. • Ministry records and information systems are accurately and timely updated after court hearings, tribunals, and board meetings to reflect the status and disposition of cases. • Assist in ensuring members of the Jury are safeguarded and assisted in their Jury duties, including accompanying them outside the courtroom if required. • Where safety and security circumstances require it, assist in custody matters. • Coordinate with appropriate persons so that record storage and courtroom areas are kept clean, healthy, tidy, safe, secure, organized and clear of clutter, within Ministry policy and procedures. 	<ul style="list-style-type: none"> • Digital records are actively being backed up, and backups are maintained. • Records management meets requirements and best practices. • Any backlog in records management is timely reported to senior management and properly dealt with, and any indexing completed. • Courtroom and audio equipment are prepared prior to court. • Members of the Judiciary are safeguarded when performing judicial functions. • Courtroom processes and protocols are followed and organized. • Translation services are available when requested within set parameters. • Members of the Jury secured during their Jury duties. • Persons ordered into custody are kept in custody until release or transfer of custody is properly made. • Record storage and courtroom areas are tidy, secure, and regularly cleaned in a manner to maximize efficiency and effectiveness of court and tribunal hearings, and coordinated with the Janitor or HR & Asset Manager.
<p>3. High Courts Division and Pa Enea</p> <ul style="list-style-type: none"> • Assist with and resolves general queries relating to services provided by the High Courts division, and facilitate accurate and timely responses. • Assists with formulating, coordinating, and fulfilling divisional tasks and processes as needed within legislation, regulation, and policy. • Provides training of divisional staff, outer island staff, and other relevant persons on matters relating to criminal and civil court, tribunal, and board matters. • Provide support and advice to, and collect data from, Pa Enea staff on matters relating to criminal and civil court, tribunal, and board 	<ul style="list-style-type: none"> • General enquiries relating to the High Courts division are resolved. • Tasks are timely completed within set parameters. • Regular training is provided, and appropriate persons are trained on relevant matters. • Pa Enea staff are provided accurate and timely advice and support, and appropriate data is obtained.

<p>matters, and facilitate processing of applications, court filings and the provision of information where appropriate.</p> <ul style="list-style-type: none"> • Inform and consult with Secretary, HR & Asset Manager, and relevant senior manager in relation to any management issue. • Support the Secretary and senior management in resolving conflicts related to work related issues. • Under the direction of the Registrar – High Courts, support the management of staff in the High Courts division in accordance with Ministry plans and policies, applicable PSC policies, and approved performance management plans and agreements. • Implement the Ministry performance management plan, training and development plan, business plan, strategic plan, disaster risk management plan, and communications plan. • Take on responsibilities of divisional staff in their absence or vacancy where required. 	<ul style="list-style-type: none"> • Secretary, HR & Asset Manager, and relevant senior management are provided with accurate and relevant information and management support to resolve work related issues. • All High Courts staff are aware of applicable PSC and Ministry policies. • All High Courts staff have current performance management agreements. • Court, tribunal, and board related duties are met and managed during staff absence or vacancy, and High Courts division is supported.
<p>4. Reporting, Compliance, and Collections</p> <ul style="list-style-type: none"> • Review and verify submitted applications and other documents for compliance with legislative and regulatory requirements and processes. • Compile and submit regular accurate reports on criminal and civil court, tribunal, and board applications, including the number and type of cases, court status and outcomes, and related revenue, fines, fees, ordered payments and any other relevant information. • Assist in the development and implementation of appropriate policies and procedures, and ensure compliance with legislation and regulations. • Appropriately alert relevant senior management to discrepancies, errors, and concerns, and assists in resolving. • Provide reports to Secretary and senior management regularly and as requested. • Collect daily information and statistical data for periodic reports and ministry use. • Assist in developing case fixture lists for court scheduling and appropriate distribution or publication. • Where necessary, assist using peaceable means, and within Ministry policies, procedures, legislation and regulations, to collect fines, costs, reparations and other moneys ordered by the Court, and timely receipt collected funds and properly record and document actions taken, and status and progress made. 	<ul style="list-style-type: none"> • Documents are timely reviewed to determine compliance and actioned in accordance with policies, procedures, and legislative requirements. • Reports are accurate, timely, and submitted at least monthly, and within set parameters. • Appropriate policies and procedures are in place, regularly updated, and complied with. • Timely reporting of discrepancies, errors, and concerns. • Requested reports are accurate and timely provided. • Statistical data is collected, accurate, complete, and collated for reports. • The court fixtures are timely and properly compiled and distributed/ published, with copies sent to lawyers and land agents. • Collection efforts are documented and payments are progressed and receipted.
<p>5. Customer Service and Risk Management</p> <ul style="list-style-type: none"> • Where necessary, safeguard against health, safety, and security risks and hazards to the 	<ul style="list-style-type: none"> • All incidents relating to health, safety, and security are resolved,

<p>public, the proper order of court proceedings and Ministry services, and mitigate and report all incidents.</p> <ul style="list-style-type: none"> • Efficiently and effectively manages, responds to, and resolves local and international enquiries by phone, email, or over the counter, relating to criminal and civil court, tribunal, or board information, applications and court processes and their outcomes, and any other relevant matters. • Ensure Ministry data and information, including customer and financial information, are kept secure. • Provide timely advice to senior management regarding matters that may impact the operation of Ministry services. • Assist in the organizing, coordination, and logistical support of all Ministry led and staff related events and activities. • Support the implementation of Ministry Plans, policies, and procedures endorsed by the Secretary. • Where appropriate, educate and inform customers of services and processes, and facilitate appropriate access to information. 	<p>documented, and reported to the Secretary and relevant senior management.</p> <ul style="list-style-type: none"> • Enquiries are professionally managed with accurate and appropriate advice, and complaints and resolutions. • Timely respond to enquiries (including phone and email) within set parameters. • No breaches in data and information security. • Advice to senior management is accurate, timely, and appropriately communicated. • Ministry led and staff related events and activities are timely organized within set parameters. • Ministry plans, policies, and procedures are supported, and a performance management agreement is in place. • Customer Satisfaction. • Performance management agreement targets are met.
<p>6. Systems Development</p> <ul style="list-style-type: none"> • Assist in the development, implementation, and improvement of IT systems that improve efficiency, effectiveness, reporting, management and accessibility to Ministry services (e.g. online payment methods; case management system; online accessibility to land information) related to the High Courts division. • Assist in community outreach programs, initiatives, and events relating to High Courts division. • Undertake any project or task assigned that is reasonably expected to support the Ministry. 	<ul style="list-style-type: none"> • IT solutions are identified, and implemented where approved by the Secretary and where resources are available. • Community outreach programs, initiatives, and events are appropriately supported. • Projects and tasks are completed within agreed parameters.

WORK COMPLEXITY

<p><i>Indicate most challenging problem solving duties typically undertaken (3-4 examples):</i></p>	
<p>1</p>	<p>Time Management: Efficiently and effectively prioritizing and multitasking in order to timely respond to daily enquiries by email, phone, and over the counter, while ensuring proper prescribed fees are paid, applications and their determination are verified and compliant with legal requirements and court orders, records are properly managed, customers are efficiently educated on legal requirements, courtroom duties are properly performed, reports are timely submitted, and resolution of complex issues are progressed.</p>

2	Counselling customers and managing their criminal and civil concerns, and assisting with advice on Ministry and Court processes.
3	Assisting with the enforcement of Court orders and seeking collections of Court fines, fees, and Court ordered third party payments (e.g. reparation payments ordered by Court to victims) directly from persons with overdue payments in an environment with no official address system.
4	Assisting with research that necessitates the enquiry into several old and disparate legacy systems that retain errors and omissions, and physical records that may be incomplete due to lost documents or documents damaged by the old courthouse fire.
5	Enforcing courtroom protocols and ensuring the safety of members of the Judiciary, Ministry staff, and the public in criminal court matters, in a manner consistent with applicable Ministry processes, procedures, legislation and regulations.
6	Ensuring court documentation and records are in order, warrants are properly signed, sealed, and enforced, and reparation and other third party assisted payments ordered by the Court are facilitated.

AUTHORITY

Authority levels expressed in terms of routine expenditure, granting loans, and recruiting and dismissing staff. *(Explain the authority if any)*

Financial	None
Staff	Two
Contractual	None

FUNCTIONAL RELATIONSHIPS

The requirement for human relations skills in dealing with other personnel and external contacts. *(List the external and internal types of functional relationships)*

Internal	Nature of Contact	External	Nature of Contact
Secretary of Justice	Light: Providing advice on any activities that may impact on the operations of the High Courts division during the absence of the senior management in the division.	Service Providers	Medium: System support and development input for online platform(s).
Registrar – High Courts, Deputy Registrar – Criminal & Civil Court, Senior Criminal & Civil Court Clerk, Bailiff & Court Orderly	Heavy: Coordinates tasks, projects, and courtroom and service counter administration, prepares and delivers reports, facilitates court filings and proper witnessing, sealing, and any official endorsements, and seeks and provides advice on complex issues. Where necessary, assumes responsibilities of Criminal & Civil Court Clerk or Bailiff & Court Orderly in his/her absence.	Lawyers Plaintiffs, defendants, Inmates, probationers	Routine: Manages relationships, and exchanges information to facilitate appropriate responses to enquiries and compliance with court orders, and the registration of instruments, deed documents, and mortgages. Facilitates security payments to the law trust. Routine: Facilitates court applications and document filing, enforces court warrants, summons, orders, decisions, and sentences, including reparation payments. Coordinates assistance with custody matters.

Deputy Registrar – Land Court, Senior Land Court Clerk, Land Court Clerk(s)	Medium: Assist with general and complex queries, tasks, courtroom and service counter administration, and logistical support when requested.	Ministry of Corrective Services, Police	Routine: Manages relationships, and exchange of information to facilitate offender management systems and processes. Executes court warrants, summons, orders, decisions, and sentences, and facilitates court filing and reports.
Stenographers	Heavy: Manages courtroom audio recording and exchanges information to facilitate timely production and availability of court hearing transcripts.	Other Government Ministries and Agencies	Routine: Manages relationships, reviews and provides information to facilitate other Ministries and Agencies functions and services (e.g. travel ban lists at airport). Assist with government and government facilitated enquiries.
Judges and Justices of the Peace	Heavy: Provide information requested by Judiciary, executes relevant court orders, provides logistical support, and ensures court protocol, efficiency, order and security.	Banks	Medium: Manages relationships, and ensures compliance with Ministry investment and banking policies and interfaces with banking institutions, and information sharing to facilitate payments and reporting.
Corporate Services staff	Medium: Provides and obtains information and support relating to finance, IT, and HR matters.	Media	Medium: Reviews and advertises required notices.
Finance Manager	Medium: Seeks advice on complex financial issues, assists with coordinating collection initiatives, assists with financial reconciliations, reports and audits, and where necessary obtains approval on trust distributions.	Jury Members	Routine: Manages Jury process, prepares Jury summons, coordinates Jury selection process and Jury trials, and facilitates Jury compensation and security.
Janitor	Medium: Assists in the proper cleaning, maintenance, and security of record storage and courtroom areas.	General public	Routine: Manages and responds to enquiries, facilitates research of Ministry criminal and civil records, provides advice, training, and community outreach, ensures payment of prescribed fees, manages criminal and civil court application processes and facilitates OIA requests.
Pa Enea offices	Medium/Heavy: Provides information, advice, support, and training to Pa Enea staff related to court, tribunal, and board responsibilities.		

All Ministry staff	Medium: Provides information and assists with logistical support and the facilitation of Ministry services. Promotes staff cohesion.		
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QUALIFICATIONS

Level of education required to perform the functions of the position. This combines formal and informal levels of training and education.

Essential: (least qualification to be competent)	Desirable: (other qualifications for job)
<ul style="list-style-type: none"> A bachelor's degree in law, criminal justice, information systems, political science, pacific island studies, conflict resolution, or management. 	<ul style="list-style-type: none"> Post-graduate qualifications in law, criminal justice, information systems, political science, pacific island studies, conflict resolution, or management.

EXPERIENCE

The length of practical experience and nature of specialist, operational, business support or managerial familiarity required. This experience is in addition to formal education.

Essential: (least number of years to be competent)	Desirable: (target number of years you are looking for)
9 – 10 years of work experience in legal, criminal justice, compliance, clerical, office management, pacific island studies, conflict resolution, or similar role.	10 – 12 years of work experience in legal, criminal justice, compliance, clerical, office management, pacific island studies, conflict resolution, or similar role.

KEY SKILLS /ATTRIBUTES/JOB SPECIFIC COMPETENCIES

Level of ability required for the job	
Expert	<ul style="list-style-type: none"> Understands Ministry of Justice policies and procedures, role and functions, and committed to public service. Excellent attention to detail and customer service. Communicates with clarity and vision, actively listens to others and responds with respect. Takes ownership and acknowledges important outcomes of decisions. Knowledge of Cook Islands court protocol, processes, and procedures. Understands the workings of government. Ability to negotiate and solve problems quickly. Highly developed written and oral communication skills, preferably both English and Maori. Knowledge of the Cook Islands Act 1915 relating to court, Part IV of the Constitution, Judicature Act 1980-81, Code of Civil Procedure of the High Court Act 1981, Criminal Justice Act 1967, Criminal Procedure Act 1980-81, Prevention of Juvenile Crime Act 1968, Money Laundering Prevention Act 2000, Victims of Offences Act 1999, Family Protection and Support Act 2017, Crimes Act 1969, Evidence Act 1968, Juries Act 1968, Prisons Act 1967, Justices of the Peace Act 2017, and any related amendments, legislation, and regulations. Models high level of accuracy, professionalism, and dedication to high performance and ethical behaviour.

Advanced	<ul style="list-style-type: none"> • Ability to work in harmony with conflicting perspectives and diverse activities in a large organization. • Ability to prioritize and multitask, and work both independently and cooperatively. • Knowledge of bench book and manuals relevant to court operation. • Knowledge of processes and procedures relating to administration of land and titles registry, and survey. • Familiarity with legislation enabling all services provided through the Ministry of Justice. • Knowledge of Ministry of Justice prescribed fees, and court processes involving payments to and from the Ministry. • Proven ability in collating factual information and producing reports. • Knowledge of the Cook Islands culture, language, protocol and history for engagement, including safe appropriate communication. • Knowledge of security policies and protocols.
Working	<ul style="list-style-type: none"> • Knowledge of Law Practitioners Act 1993-94, Crown Law Office Act 1980, Small Claims Act 1986, Small Claims Tribunal Act 2008, Coroners Act 1979-80, Criminal Records Act 1991, Extradition Act 2003, Proceeds of Crime Act 2003, Fugitive Offenders Act 1969, Police Act 1981, Legal Aid Act 2004, Declaratory Judgements Act 1994, Harassment Act 2017, Defamation Act 1993, and any related amendments, legislation, and regulations. • Knowledge of Microsoft Office suite (Word, Excel, Powerpoint). • Knowledge of Microsoft Windows operating system interface and basic IT troubleshooting. • Average computer typing speed of at least 36 words per minute. • Knowledge of scanning and preserving legal documents for archiving. • Knowledge of case management software, record management, online platforms facilitating case management, and online payment processes. • Ability to think on one's feet and has a sound sense of judgement. • Ability to handle confidential and sensitive information. • Recognises the boundaries between politics, governance and management and acts accordingly. • Knowledge of conflict resolution. • Adapts and responds flexibly to changing circumstances.
Awareness	<ul style="list-style-type: none"> • Knowledge of the Official Information Act 2008. • Knowledge of First Aid, CPR, and fire safety is an advantage. • Knowledge and skill in self-defence and self-defence weapons is an advantage. • Knowledge of banking services and processes of Cook Islands licensed domestic banks and international payment methods. • Understands and exemplifies Ministry and public service values. • Knowledge of policy and guideline development and implementation. • Applies understanding of the unique and special nature of the Cook Islands to decisions and actions.

CHANGE TO JOB DESCRIPTION

Changes to the Job description may be made from time to time in response to the changing nature of the Agency work environment - including technological or statutory changes.

Approved:

HoM/Manager

Date

Employee

Date