MEMORANDUM OF UNDERSTANDING

BETWEEN

THE FEDERAL COURT OF AUSTRALIA,

THE FAMILY COURT OF AUSTRALIA,

AND

THE SUPREME COURT OF THE REPUBLIC

OF INDONESIA

ON

JUDICIAL COOPERATION
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GENERAL

The Federal Court of Australia, Family Court of Australia and the Supreme Court of The Republic of Indonesia, hereinafter referred to as the ‘Parties’:

- Recognising the relationship between the Parties as an important element in promoting and facilitating legal cooperation;

- Recognising the importance of legal and judicial cooperation for the strengthening of bilateral relations between the Parties as acknowledged through the signing of an inter-government Memorandum of Understanding on Legal Cooperation in Canberra on 25 October 2000 and the subsequent Memorandum of Understanding on Judicial Cooperation signed in Sydney on 18 March 2004;

- Desiring to continue taking practical steps to enhance each country’s understanding of the other country’s laws, legal systems and legal institutions, including approaches to legal education with a view to promoting mutual respect;

- Acknowledging that no parts of this Memorandum of Understanding are justiciable or intended to give rise to legal relations; and

- Pursuant to the prevailing laws and regulations in their respective countries.

HAVE AGREED ON THE FOLLOWING UNDERSTANDING:

ARTICLE 1
Objectives

Having regard to the strategic objectives of the Parties, the Parties will cooperate to conduct judicial technical cooperation programs for the development of their Courts, procedures, and understanding of other contemporary legal issues to the mutual benefit of both parties, with a view in particular to:

(a) Developing a firm foundation for future and ongoing relations between the parties;

(b) Promoting further understanding of each other’s laws and judicial cultures, common international legal standards, regional developments, and relevant emerging issues; and

(c) Enhancing the capacity of the Supreme Court of the Republic of Indonesia to fulfill its mandate in the newly democratized Indonesia.
ARTICLE 2
Forms of Judicial Cooperation

(1) The Parties will discuss and determine the forms of the judicial cooperation in accordance with existing procedures and the strategic priorities of the Parties, with particular emphasis upon:

(a) On-going technical assistance cooperation between judges, registrars and Court staff;

(b) Working meetings and roundtable discussions; and

(c) Exchange of materials and other legal resources.

(2) The Parties may at any time agree to vary and alter the possible forms of legal development cooperation identified within this Memorandum of Understanding.

ARTICLE 3
Content of Judicial Development Cooperation

(1) The Parties acknowledge that the priority areas for reform identified by the Judicial Reform Team at the Supreme Court are an important guide in determining the areas of assistance to be provided under this program to the MA and the jurisdictions under it.

(2) The current areas of assistance will be contained in Annexures to this Memorandum which will be updated and amended from time to time through agreements signed between all three Chief Justices or any two of the Chief Justices of the Federal Court of Australia, the Family Court of Australia and the Supreme Court. Current programmes supported under this Memorandum are contained in Annex 1.

ARTICLE 4
Management and Implementation Arrangements

(1) The Chief Justices of Federal Court of Australia, the Family Court of Australia and the Supreme Court of Indonesia will endeavour to meet at least annually to review progress in the implementation of assistance under this Memorandum of Understanding.
(2). The Parties acknowledge that implementation of the Program will take place in cooperation with the Judicial Reform Team at the Supreme Court, and in accordance with any donor coordination processes initiated by the Supreme Court.

(3). Prior to activities being implemented, the Parties will assist with the preparation of detailed activity designs including the development of activity objectives, workplans, and budgets.

(4). The Parties acknowledge that the implementation of activities may involve a combination of Australian and Indonesian expertise, noting in particular the close cooperation between the Supreme Court and Indonesian non-Government organisations in the reform process.

(5). Routine consultation for the purposes of implementation of the program, including the design processes referred to in sub-point (3) above, will take place between the:

(a) Judicial Reform Team at the Supreme Court, Jakarta;
(b) Federal Court of Australia, represented by the International Programs Office, Sydney;
(c) Family Court of Australia, represented by the Executive Advisor to the Chief Executive Officer, Canberra and
(d) Indonesia Australia Legal Development Facility, represented by the Team Leader, Jakarta and the Lead Adviser – Judicial Reform (until its conclusion in 2009 whereupon new arrangements will be notified).

ARTICLE 5
Other Agencies

In addition to the agencies identified in Article 4, legal cooperation under this Memorandum of Understanding may include cooperation with, and between, other government agencies and non-government institutions.

ARTICLE 6
Funding

(1). The costs of cooperative activities will be funded as mutually determined by the parties involved in this Memorandum.
(2). All cooperative activities under this Memorandum will be subject to the availability of funds.

ARTICLE 7
Review and Amendment

(1). The operation and implementation of this Memorandum will be subject to periodic review at times arranged between the Parties.

(2). Any amendment agreed to by the Parties will be in writing and will form part of this Memorandum, and such amendment will come into effect on such a date as may be determined by the Parties.

ARTICLE 8
Commencement and Termination

(1). This Memorandum will come into effect on the date of its signing.

(2). This Memorandum may be terminated early by any Party by giving written notice to the other Parties, and such termination will take effect three calendar months after the date of written notice.

(3). The termination of this Memorandum will not prejudice the completion, in accordance with their terms, of any ongoing projects or activities under this Memorandum.

(4). The Memorandum will terminate five calendar years after the date of signing, upon which time it is anticipated that the Parties will revisit a succeeding agreement.
The undersigned, being duly authorised, have signed this Memorandum of Understanding.

Signed in triplicate at Melbourne on the 21\textsuperscript{st} day of July two thousand and eight in both English and Indonesian, both texts being equally authentic.

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<tr>
<td>The Hon Michael Black, AC</td>
<td>Prof Dr Bagir Manan SH, MCL</td>
<td>The Hon Diana Bryant</td>
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<td>Chief Justice</td>
<td>Ketua Mahkamah Agung RI</td>
<td>Chief Justice</td>
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CURRENT ACTIVITIES UNDER THE MOU

I  MA Case Backlog Reduction Program and Judicial Transparency
Objective: To eliminate the case backlog within 2 years by conducting an audit of cases within the MA and by working together to develop effective case management processes so that the backlog does not arise again in the future. This activity also aims to support the MA to implement practices and procedures that will enhance the public’s access to court decisions and other court information thereby promoting transparency in the administration of justice.

II  Financial Management Reform
Objective: To conduct working meetings with selected MA staff and staff from all jurisdictions to develop and argue for realistic budgets and to develop a transparent, accountable and consultative budgeting process for all jurisdictions managed by the MA including; and where necessary, supporting the development of administrative procedures in budget administration. This activity also aims to assist the MA in coordinating reform initiatives in the area of financial management.

III  Leadership and Change Management
Objective: To support selected members of the MA Judicial Reform Team to undertake a Leadership and Change Management Program so they possess the skills necessary to be strong leaders in implementing significant change with the Court, and to assist the MA to maintain and disseminate leadership and change management skills within the MA and broader court system. To develop jointly with the MA Leadership Training Centre a national court Leadership and Change Management Programme and support its effective delivery in regions across Indonesia.

IV  Support to the JRT Office
Objective: To communicate regularly with the Judicial Reform Team Office and assist it in its role of supporting the work of the Judicial Reform Team; providing donor coordination; and disseminating information on the implementation of the Blueprint on a regular basis.

V  Religious Courts: Strengthening Client Services
Objective: To assist the Religious Courts to strengthen its delivery of services to its clients. This includes the enhancement of case management systems and the implementation of administrative client service procedures to: (i) promote the provision of transparent and accountable services and (ii) provide optimal support for the management of the Religious Courts. This will cover strategic
ANNEX I

planning and reporting, including assisting the Religious Courts to obtain feedback from court users and the community.

VI  Religious Courts: Information Technology Systems

Objective: To assist the Religious Courts to support its client service delivery through IT systems that include (i) provision of on-line information to clients; and (ii) data collection to support case management and court strategic planning.