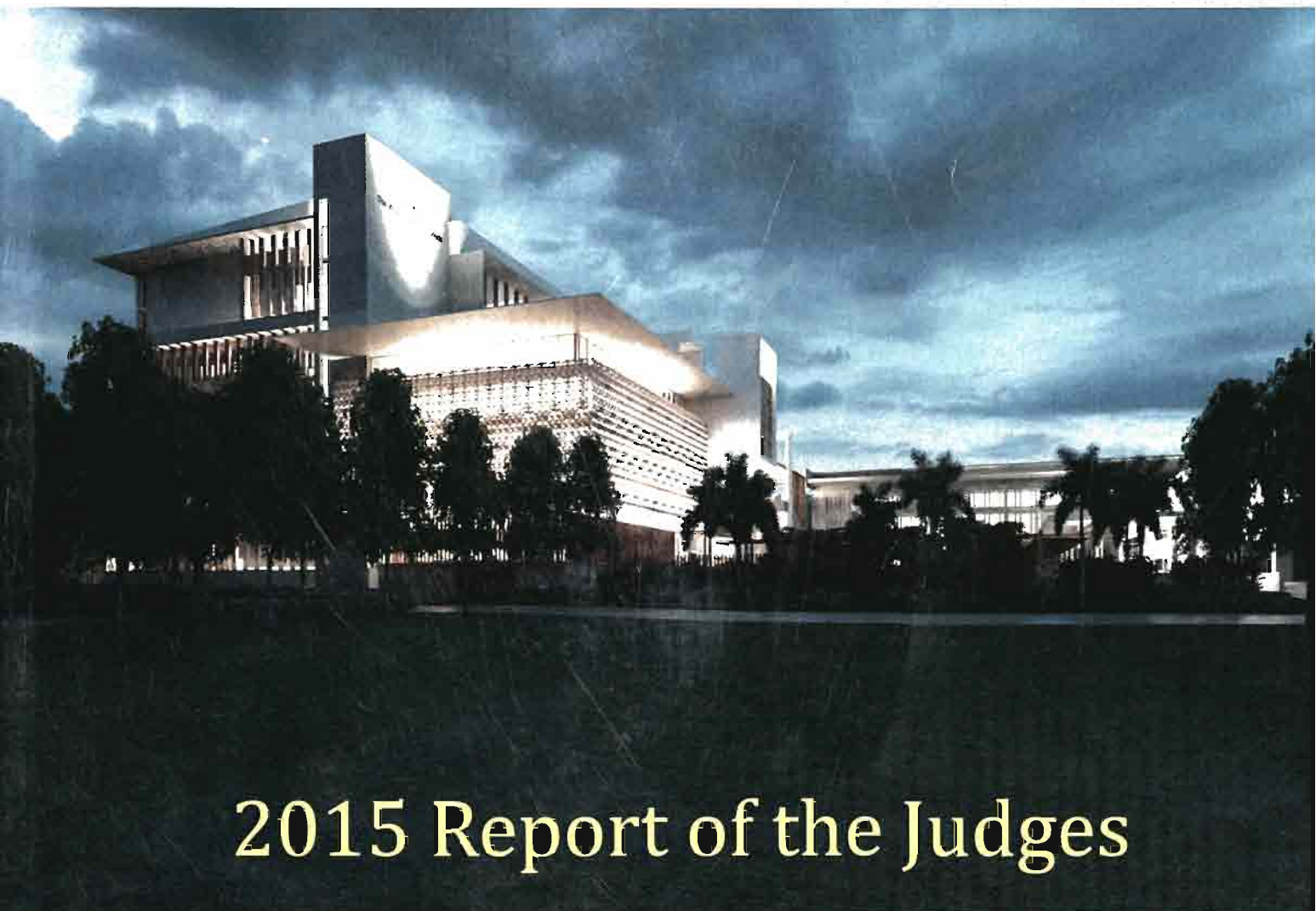




The Independent State of Papua New Guinea

Supreme Court & National Court



2015 Report of the Judges





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2015 Report of the Judges

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Cover Page

Artist impression of proposed Waigani Court Complex at night

Every person has the right to the full protection of the law: *Constitution Section 37(1)*

To provide equal access to an independent, fair and just Judicial Services to all people: The Judiciary's Mission Statement

EXECUTIVE SUMMARY

This report continues on from the 2014 report highlighting the Judiciary's performance. A priority area (in addition to the core business of speedy disposition of cases) for the Judiciary is improving the capture and reporting of statistics. As a result some carryover figures from 2014 have been changed slightly because of the "cleansing" process of data and its validation.

The ceiling of judges is 40 (excluding the Chief Justice and Deputy Chief Justice), the actual number of Judges in 2015 is 38. Of this number, 20 judges reside in the provinces providing services closer to where people live and the remainder reside in Port Moresby. The international accepted ratio of population to judge is 70,000:1. Based on this ratio Papua New Guinea should have about 114 judges.

The Judiciary's appropriation for this year was K149, 994,400. Expenditure for the year was K135, 871,437 or 91%. The main expenditure categories focussed on planned activities in major capacity building development projects particularly in the recruitment of judicial and non-judicial staff, court facility development and IT based case management and information management systems.

The Judiciary's total caseload for 2015 was 23,286. The Supreme Court's caseload was 1,459, of which 328 cases were filed in 2015. The disposal rate against the total caseload was 25%.

The National Court's total caseload for 2015 was 21,827 of which 6,112 cases were filed in 2015. During the year 5,089 cases were completed or 18.9%. The database lists more than 5,000 dormant cases and therefore 21,827 cases are pending at the end of 2015. Steps were taken in the reporting year to increase efforts to summarily dispose of dormant cases.

A large portion of the National Court criminal caseload still continues to be bench warrant cases. They continue to be a vexing problem for both the National Court and the Police Force. In 2015 discussions were held with key stakeholders to find ways to improve the disposition of criminal cases with emphasis on addressing the execution of bench warrants. Memorandums of Understanding were entered into by criminal justice sector agencies to develop an integrated electronic criminal case

tracking system database that will trace all criminal cases from point of arrest to sentencing.

There were 596 reserved decisions pending during the reporting year. Of these 145 reserved decisions were delivered and the carry over to 2016 is 451. This is an improvement on the previous year. Steps were taken by the Chief Justice with the judges concerned to expedite delivery of the reserved judgements and this will continue.

Human Rights enforcement applications increased significantly in 2015 by 18%. The carryover of cases from 2014 were 486 and 386 cases were filed. There were 166 cases completed in 2015 leaving 706 pending cases at the end of year. This increase in caseload requires additional resources.

In 2015 the total civil caseload was 16,285 and only a small fraction of these were referred to mediation by judges. The Judiciary continued to build its capacity by conducting Mediator's training in 2015 and continued to train and encourage judges to refer more cases to mediation.

The Courts depend on lawyers to move cases. In respect of criminal court circuits, the attendance in court of lawyers and witnesses is a major concern for the courts resulting in countless adjournments of trials. The office of the Public Prosecutor and Public Solicitor are under-resourced. The issues facing these offices need to be corrected if the courts are to continue to improve judicial services to a growing population.

The proposal to reform the Court structure in Papua New Guinea conforms to government plans for government service delivery in the 21st century. The proposed three tier court structure will improve the efficiency of the courts and enhance judicial services to an expanding population with an increasing awareness of their legal rights.

In that regard, it was reported in 2014 that a Judicial Complaints Committee had been established. This is operating and some public awareness of its existence has been undertaken.

The Judiciary's Capital Works Plan is continuing to be implemented and funded by development and recurrent funding. Maintenance of current facilities and construction and or renovation of existing buildings are ongoing.

Development and enhancement of court systems is being funded from recurrent funding. Some of the initiatives are; Criminal Sentencing Database, Case Docketing System, Integrated Criminal Case System Database, Records Scanning Project

Court Reporting Service, Finance and Human Resources Management Systems, Election Petition Database and the ICT Platform. The integration of these stand-alone databases is a future project in itself.

Introduction

The theme for this report follows on from the 2013 and 2014 reports, the main emphasis being statistical reporting on the Courts' performance of their core judicial functions.

The Judiciary's Mission is to provide equal access to independent, fair and just judicial services to all people. Its Vision is to administer and deliver a coherent judicial service that is based on justice, equality and fairness in an independent, efficient and effective manner to all people.

In this report, we continue from 2014 report to report on the Judiciary's performance in achieving its mission.

The first part of this Report presents a series of statistics which show the workload of the Courts, and how much of that workload was completed in 2015. Since the publication of the 2014 report the National Judicial Staff Service has continued to strengthen its ability to present statistical information on performance of the Courts by employing more experienced staff and implementing programs which analyse the data input on a daily basis to reduce the error/omission rate. The new staff has also spent a great deal of time "cleansing" the database to rid it of past errors and omissions. That exercise has resulted in some change to the figures at the end of 2014 which were rolled over to the commencement of 2015. This is an ongoing process and slight changes may be reflected in the 2015 figures at the beginning of 2016 as there are still a small number of matters remaining in the database with insufficient information attached to place them in an appropriate category. The change in the end of 2014 figures generally showed a slightly better performance in 2014 than was reported in the 2014 Report.

The Judges in 2015

Only Judges perform the judiciary's core function in judicial decision-making. There must be adequate number of judges available to discharge that function. The National Court (Number of Judges) places a ceiling on the number of judges at 40 (excluding the Chief Justice, Deputy Chief Justice and Acting Judges).

The number of Judges in 2015 is 38, of which 33 were full time and 5 Acting, leaving 10 vacancies in permanent judges to be filled. Thirty-eight judges serving a population of 8 million people puts the ratio at 224,000 per Judge. *A satisfactory*

ratio by internationally accepted standard is around 70,000 people per judge or 114 judges.

Of those 38 judges, 20 judges were in resident in the provinces in 14 court establishments outside of Waigani. This enabled the Judiciary to expand its services to the provinces thereby increasing people's access to justice: see **Appendix 1**.

Seven new Judges were appointed in 2015, of which 3 were permanent and 4 Acting. The permanent Judges are the Hon. Justice Hitelai Polume-Kiele, the Hon. Justice Frazer Pitpit and the Hon. Justice Kenneth Frank. The Acting Judges are the Hon Acting Justice Daniel Liosi, the Hon. Acting Judge Ravu Auka, the Hon. Justice Donajo Koeget and the Hon. Justice Thomas Anis.

Budget

The Judiciary's appropriation in the reporting year was K149, 994,400 of which K135, 871,437 or 91% was spent: see **Appendix 2**. As reflected by the expenditure, the Judiciary experienced high performance in the implementation of planned and budgeted activities in major capacity building development projects particularly in the recruitment of judicial and non-judicial staff, court facilities development and IT-based case management and information management systems.

The National Court

General

Cleansing of the database resulted in a slight reduction in the reporting of the number of cases filed in 2014 to 5537 (from 5402) and a significant increase in the number of cases finalised to 4180 (from 3320). For all figures see **Appendix 3**.

There was an increase of new cases filed in 2015 to 6112 (from 5537 in 2014) or just over 10%. This follows the trend that the work of the Courts is always increasing.

With regard to the total caseload for all cases, the total caseload (pre-2015 cases plus new cases filed in 2015) as at the end of 2015 stood at 26, 916 of which 5,089 or 18.91% were completed. The completed cases in 2015 increased from 16.73% in 2014.

And see **Appendix 4** for a bar chart which shows the performance by broad Division of the Court's work, each division divided into total caseload, cases completed and cases pending at the end of 2015.

There is still work to be done on improving the accuracy of the database as there are still 704 cases in the total caseload, 84 cases in the cases completed and 620 cases in the cases pending at the end of 2015 which are unidentified as to whether they are common law division, criminal division or equity division.

At the end of 2015 there were 21,827 cases pending compared with 20,804 in 2014, an increase of 1023 or just under 5%: see **Appendix 5**.

The average number of days to taken to complete a criminal case from filing until disposal ranged from 177 days (5 months) at Minj to 2652 days (7 years) at Kerema. There are a number of factors at play which influence the number of days it takes to complete a case including the number of cases filed, the number of judges available and whether or not there is a resident Judge or the cases are attended to by a circuiting Judge.

Appendix 6 analyses the pending cases by region. In that table the percentage of the clearance rate is calculated on the total caseload in 2015 (pre-2015 cases carried over and new cases filed in 2015).

Dormant matters

Analysis of the database has shown that there are more than 5000 civil matters in which the originating document has been filed but there has been no other action on the file for more than two years. It is likely that they are ripe for summary determination. Steps were taken in the reporting year to increase efforts to summarily dispose of those cases.

Reserved decisions

In 2015, the data on reserved decisions for 2014 was revised as new information became available. Consequently, the new total reserved decisions increased to 308 in 2015 from 287 in 2014.

In 2015, the number of decisions reserved and pending decision were 596, ranging from 16 reserved in the years prior to 2004 (marked under "Year Unknown") to 288 reserved in 2015. The reserve decision figures for each year are shown in **Appendix 7**. Of the 596 reserved decisions, 145 decisions were delivered, the clearance rate being 24%. Reserved decisions were carried over to 2016 were 451.

There were policy guidelines in place to encourage or require judges to give a decision within 3 to 6 months of deferring decision and processes in place to monitor and track reserved judgments. Delayed judgments of reserved judgements remained a concern to the Judiciary's administration. The reasons for delays in delivering reserved judgments are both personal and institutional. Steps were taken

by the Chief Justice with the judges concerned to encourage or instruct judges expedite delivery of reserved judgments.

Jurisdictions of the National Court

The National Court's jurisdiction consists of two - Crimes and Civil. The civil jurisdiction consists of two divisions- Common Law Division (all general civil claims Courts) and the Equity Division (Special claims Courts). The Equity division consists of five special courts (Appeals & Judicial Review; Commercial, Election Petitions, Human Rights & ADR & Mediations). The Crimes Division also has a special Court track that deals with Fraud & Corruption cases.

See *Appendix 4* for caseload for the various Crimes and Civil divisions.

Civil Jurisdiction in General

Cleansing errors from the database and the consequent adjustment to the end of 2014 figures after publication of the 2014 Report resulted in an improvement (reduction) of 246 in the number of cases pending at the end of 2014.

Total caseload for the civil division in 2015 was 16,285, comprising 12,694 cases brought over from 2014 and 3591 cases filed in 2015.

3591 cases were filed in 2015 compared with 3232 in 2014, an increase of just over 11%.

3091 civil cases were finalised in 2015 compared with 2944 in 2014, an increase of 5%.

For a table of all cases brought forward from 2014, new cases filed, total caseload, cases completed in 2015 and cases pending at the end of 2015 (13,194), see **Appendix 8**.

Common Law Division

10,331 cases were brought forward from 2014, 2640 cases were filed in 2015, giving a total workload for 2015 of 12,971 cases of which 2374 were completed leaving 10,597 brought forward to 2016.

The clearance rate for the Common law Division remained at 18.3%.

Equity Division

Appeals & Judicial Review

This specialized court had a heavy workload. Its workload increased significantly over the years and particularly in 2015. Three judges were assigned to this track and sat full time (Gavara-Nanu J, Makail J & Nablu J).

The total workload cases pending from pre-2015 and new cases filed in 2015) was 1,751 of which 435 cases were completed: see **Appendix 9**.

The clearance rate for the Appeals & Judicial Review track was 25%.

Commercial

The Commercial List was presided over by one judge sitting full time and assisted by 2 other judges (Hartshorn J assisted by Kariko J & Sawong J) from time to time.

765 cases from previous years were carried over from 2014. 197 new matters were filed in 2015 giving a total of 962. The filing rate increased by 28% from the previous year.

As the filing rate increased and the disposal rate decreased the number of cases pending at the end of the year increased from 457 in 2014 to 543 in 2015. The table and bar chart at the end of **Appendix 10** demonstrates the position.

Election Petitions

This track managed Election Petitions arising from National Elections and also election related cases. Election Petitions are assigned case code reference "EP" and election related cases assigned case code reference "EP (OS)" or "EP (WS)".

Because an election petition has to be filed within 40 days of the return of the writ for the electorate, the first 12 months after an election are quite busy as a large number of petitions are filed. In the subsequent years the work rapidly declines and is complete once the Supreme Court deals with any reviews and the National Court deals with any rehearing following a successful review. In the table at appendix 20 "Total Workload" means total workload in 2015, i.e. the cases that were carried over from the previous years plus those that were filed during year.

Appendix 11 shows the total caseload for 2015, Cases completed and cases pending at the end of 2015 by type of matter and separately the number of matters filed dealt with and carried over into 2014 and 2015.

With regard to "EP" matters, 21 cases were brought over from 2014 and 2 new cases were filed in 2015, giving the total of 23 cases. 9 cases were completed and 14 cases carried over to 2016. The disposal rate therefore was 39%.

Human Rights

Human rights enforcement applications increased significantly in 2015. The Judge assigned to this track (Cannings J) was also resident in a province.

The total caseload for 2015 was 872 of which 486 were brought forward from previous years and 386 cases were filed in 2015, an increase by 18%. Of this, 166 cases were completed in 2015, leaving 706 pending cases by the end of the year. The disposal rate was therefore 19%. See **Appendix 12**.

The Judge assigned to this track was also resident in a province. The increasing workload required a full time Judge to administer the track or a second judge to assist the Judge Administrator.

Mediations

When Mediation was introduced in 2010 following an amendment made to the National Court Act in that same year, the Judiciary set the target for 60% of civil cases to be disposed off through mediation. Since 2010, the National Court was unable to achieve this set target. In 2015, the total civil workload in 2015 stood at 16,285 and only a small fraction of these cases were referred to mediation by judges. The reasons being two-fold: Judges were slow in referring cases for mediation and there were not enough accredited mediators.

From a total workload of 472 cases referred by Judges to mediation in 2015, 129 new cases were referred to mediation in 2015. A total of 307 cases were completed (93 of them in 2015). The disposal rate therefore was 30% of cases referred to mediation and 0.006% of total civil cases.

The bar chart at **Appendix 13** shows the performance by type of matter.

The Judiciary continued to build its capacity by running Mediators' training in 2015 and continued to train and encourage judges to refer more cases to mediation.

By the end of 2015, there were 116 Accredited Mediators, of which 99 of them were internal (local) and 17 external (international).

Leadership Tribunals

Leadership Tribunals are constituted and convened under the provisions of the Constitution and the *Organic Law on Duties and Responsibilities of Leadership*. They are not strictly part of the jurisdiction of the National Court, although providing National Court Judges to sit on them does take time away from time available for National Court matters and so they are reported on here. Because the Chief Justice is the appointing authority for Leadership tribunals, the National Court has taken responsibility for the running of Leadership Tribunals. Funding for tribunal members, staff, registry services and other facilities is catered for by the Judiciary.

In 2015, there were a total of 16 matters, of which 6 were pre-2014 cases, 4 for 2014 and 6 in 2015. By the end of 2015, 11 cases were completed and 5 pending carried over to 2016.

The figures and graphs are found at **Appendix 14**. Reports on individual cases are found at **Appendix 15**.

National Court Criminal Jurisdiction

Caseload

In our 2014 Annual Report, 504 cases completed in 2014 were not recorded as such so that the report noted a pending caseload at the end of 2014 was 8614 when the figure should have been 8110.

Total National Court criminal case load for 2015 was 10,631 cases of which 2,521 cases were new cases filed in 2015. 2521 new matters were filed in 2015 compared with 2305 in 2014, an increase of 216 cases or just under 9.4%.

The number of cases completed in 2015 at 1998 was significantly more than in 2014 at 1236.

The pending cases as at the end of 2015 was 8,633 whereas the pending cases brought over from 2014 was 8,110. There was an increase by 6.45% in the pending cases brought forward at the end of 2015 compared with cases brought forward to 2015 from 2014.

The table and bar chart at **Appendix 16** shows case load adjustments from 2014.

The breakup of criminal matters into their various types is found at **Appendix 17**.

Bail, Remand and Bench Warrants

A large portion of the National Court criminal caseload still continues to be bench warrant cases. Bench warrants continue to be a vexing problem for both the National Court and the Police Force. It was pleasing that there was a modest decrease in the total number of bench warrants outstanding at the end of 2015 at 5083 compared with 2014 at 5341.

The pie chart at **Annexure 18** demonstrates that by far the largest portion of unresolved criminal matters (almost 60%) is represented by accused persons at large who have not been brought to court by the Police in response to the bench warrants issued by the Court.

The discrepancy between the figure of 8389 in the pie chart and the total number of outstanding matters of 8633 is represented by 244 matters of unknown status to the database.

In 2015, discussions were held at the Law and Justice Sector (LJS) level to discuss and find ways to make improvements in the disposition of criminal cases, with emphasis on addressing execution of bench warrants. The discussions led to the signing of MOUs between all the LJS sector agency heads including the Police and the lower and higher Judiciaries. Implementation of the MOUs was in its early stages and we are unable to report on the progress made in 2015.

Amongst the MOUs signed was one signed between the Judiciary, the Magisterial Services, the Police Force and the Correctional Services in March 2017, to set up an integrated criminal case tracking system database that would trace all criminal cases from the point of arrest to sentencing.

Implementation of the MOUs was in its early stages and we are unable to report on the progress made in 2015.

Fraud & Corruption Case Specialized Court Track

In our 2014 report, we reported that a special court track was established to fast-track with criminal fraud and corruption cases. A number of high profile cases were dealt with by the National Court in 2015. The performance data for this track is not available to be reported in this report. The data and case reports will be included in the 2016 report.

Supreme Court

General

In the 2014 Report it was reported that 307 cases had been filed but database cleaning has revealed this was actually 323 cases. In 2014, 259 cases were reported as finalised but again on further database maintenance, this figure was actually 278. The adjusted figures appear in **Appendix 19**.

In 2015, the total caseload was 1,459 of which 328 new cases were filed in that year. 368 cases were completed in 2015 bringing the completion rate to 25.22% of the total caseload for 2015: see **Appendix 20**.

The table and chart at **Appendix 21** shows the breakup of the work in the Supreme Court between appeals, reviews and original jurisdiction.

Reserved Decisions

In 2015, the data on reserved decisions for 2014 was revised as new information became available. Consequently, the new total reserved decisions decreased from 101 in 2014 to 98 in 2015.

In 2015, the number of decisions reserved pending decision as at the end of 2015 was 191, ranging from 1 reserved in 2002 and 93 reserved in 2015. The reserve decision figures for each year are shown in **Appendix 22**. Increased efforts undertaken by the Judiciary's administration to encourage or instruct judges to expedite delayed judgments in 2015 payed off with resulted significant improvements in the delivery of reserved Supreme Court judgments. In 2015, 117 of 191 judgments reserved between 2002 and 2015 were delivered, producing a clearance rate at 61%.

OVERALL ASSESSMENT OF COURTS' PERFORMANCE IN 2015

The court performance statistics presented in the foregoing data shows that the caseload for the two courts continues to grow with increasing number of new cases filed in the year. For instance, in the National Court, in 2014, the increase was 16% (5,402 new cases filed of the total 21, 554, compared with 4,636 in 2013). In 2015, the increase was by 23% (6,112 new cases filed of the total 26,916).

A satisfactory disposal rate by international standards is over 50% of its total case load in any one year.

The case disposition rate is well below the new case intake for each year. Also low is the disposal rate from the total caseload. The case disposition rate against the total accumulated case load for the two Courts remains around 19 % for the National Court and 25% for the Supreme Court.

Discussions commenced in the reporting year amongst judges and court staff to find ways to improve on the Court's performance. Those discussions will continue in coming years until the root causes of the low case disposal output are identified and strategies developed and implemented to improve the Court's performance.

On preliminary indications, the contributing factors to low work output, are the following:

- 1. Number of judges:** The statutory ceiling on the number of judges and judges appointed is inadequate to meet the increasing caseload of both courts. The approved statutory ceiling of number of judges is 40. PNG has 38 judges serving two high courts. PNG's population is 8 million. Thirty-eight judges serving a population of 8 million people puts the ratio at 210,000 per Judge. A satisfactory ratio by international standard is 50,000 - 70,000 people per judge. For instance, the ratio of judges to the population in other neighbouring countries such as Australia and New Zealand is 50,000 people per judge. For instance, New Zealand with a population of 4.6 million people has 71 judges (Supreme Court-5, Court of Appeal-10 and High Court - 56) which put the ratio at 1 to 50,000. Applying the above international standard, the number of judges required in the future is 114. The Judiciary's ability to achieve its performance objectives continues to be hampered by the limited number of judges prescribed by statute. There is a need to increase the number of judges progressively between 80 - 100 judges in the next 10 years.
- 2. Judges' serving two high court judicial commissions simultaneously:** Judges' focus, concentration and continuity are adversely affected when

they spread their efforts between 2 courts. Slip-rule applications from final decisions of the Supreme Court are increasing by the year and adds to the caseload. There is a need to restructure the high court structure to separate the Supreme Court from the National Court and introduce an intermediate appeal court to take appeals from the National Court and allow the Supreme Court to maintain its Constitutional position as the "final court of appeal".

3. ***Inactive or dormant civil cases:*** About 50% of the caseload for both courts comprise inactive or dormant cases that parties have lost interest in pursuing. These cases go back many years to the early 1990s in respect of the Supreme Court and late 1980s in respect of the National Court. The Courts may have to intensify their efforts to invoke summary powers of the court to dispose of those cases summarily.
4. ***Outstanding Bench Warrants:*** In criminal cases, more than 60% of the pending cases for the National Court are Bench Warrant cases that remain un-executed by the police. Serious discussions may have to take place between the Courts, the Police and the Sheriff of PNG who is responsible for executing court processes to find ways to improve the execution of outstanding bench warrants.
5. ***Under-resourced Constitutional Offices of the Public Prosecutor, Public Solicitor and Solicitor General:*** The Courts depend on lawyers to move cases. In respect of criminal court circuits, the attendance in court of lawyers and witnesses is a major concern for the courts resulting in countless adjournments of trials. The office of the Public Prosecutor and Public Solicitor who handle most of the criminal cases are under-resourced by the government year in year out. The same may be said of civil cases involving the State as a party where the Solicitor General is involved. The Courts, the government and the Constitutional offices may have to discuss and find ways to improve on the requirements of these Constitutional offices to enable them to service the high Courts.
6. ***Pre-occupation with preliminary hearings:*** It appears the Courts are dragged into protracted preliminary hearings of a case that takes much time and expense that in the end the main case never gets completed. Parties tend to use preliminary applications to test the case and when favoured with interim relief, drag out the case. Preliminary pre-trial hearings take too long. The Courts may need to discuss and find ways to shorten preliminary hearings and get to hear and dispose of the substantive cases quickly.

7. ***Reserved judgments:*** Judges may need to enhance their skill themselves to deliver judgments promptly. Delivery of ex tempore judgments or short adjournments for decision is to be encouraged. Judicial education and training may be required.
8. ***Judge-time in Court:*** Although more time spent in Court may not necessarily increase case disposal rate, the Courts may discuss the amount of court sitting time.
9. ***Cases prematurely brought to Court by parties without exhausting alternative statutory or other avenues and remedies:*** Many cases are brought to court without first employing or exhausting other dispute resolution mechanisms. Cases that should not be and do not require judicial resolution are clogging up the Courts. Courts may discuss and find ways of assisting parties to take their disputes to those dispute resolution avenues and exhaust those avenues before filing or maintaining proceedings in Court.
10. ***Mediation:*** The Mediation services offered by the National Court are under-utilized. The parties and Courts need to increase their efforts to utilize the service by increasing the number of cases referred to mediation. The Courts, Mediators and Lawyers need to meaningfully discuss and encourage parties to utilize the out-annexed mediation services that the Courts offer.

COURT ADMINISTRATION

Restructure of the High Courts

The Executive Government has approved a restructure of the higher Courts. This will be the most important change to the higher Courts since Independence.

Judges of the National Court will only sit in the National Court, and not as now, also in the Supreme Court. The Judges of the Supreme Court will only sit in the Supreme Court. There will be a new Court of Appeal introduced between the National Court and the Supreme Court and the Judges of that Court will only sit in the Court of Appeal.

The proposed new high court structure will provide a two level appellate structure rather than the single level that applies now. The new structure is illustrated below.



Overview

The current higher court structure is based on the recommendations made by the Constitutional Planning Committee Report 1974 which was subsequently embodied in the Constitution. Under the pre-independence structure, the trial court (a single Judge court) was the Supreme Court, and the Full Court was, in essence, the intermediate appellate court. The highest appellate court was the High Court of Australia. The pre-independence higher court structure therefore provided an elaborate and effective two-tier appeal system. This structure provided a vigorous testing process of the decisions that were appealed to the appellate courts.

After independence, Papua New Guinea abolished appeals to the High Court of Australia and made the Full Court – renamed the Supreme Court – the highest and the final appellate court. The former Supreme Court was, in turn, renamed the National Court.

The end result was that there was no longer a two-tier appellate court structure. Instead there was only a single opportunity to appeal the decisions of the National Court. A further feature of the current structure is the constitution of the Supreme Court. When hearing appeals, the Supreme Court sits as a court of at least three Judges, with the senior-most Judge presiding. Currently all Judges (other than acting Judges) are appointed as Judges of the Supreme and the National Courts of Papua New Guinea. Judges divide their duties between the two Courts.

A higher Court structure in Papua New Guinea comprising the court of first instance (National Court) and the final appellate court (Supreme Court) without a mid-level appellate Court, constituted by the same Judges wearing two caps so to speak, administered jointly by a Chief Justice, is a unique higher court structure that finds no equivalence in the common law or Commonwealth jurisdictions. It is a misnomer for the law to say that the Supreme Court is the final Court of appeal when it is a first instance appeal Court from the National Court which is a trial Court or a Court of first instance.

The proposal to reform the Court structure in Papua New Guinea conforms to government plans for government service delivery in the 21st century. The government's White Paper on Law and Justice, the government's Medium Term Development Plan and the government's Vision 2050 all emphasize effective service delivery to people at all levels of the community - National, Provincial, District and Village levels. The Judiciary's Corporate Plan 2011-2015 also emphasizes increased access to judicial services by the people.

The new Court of Appeal will hear appeals and applications for judicial review from decisions of the National Court both criminal and civil. It will concentrate on identifying and correcting errors but will have no jurisdiction on Constitutional matters unless the Supreme Court requests an advisory opinion. The Court of Appeal will comprise benches of three Judges. Any appeal from an appellate decision of the National Court can only be heard and determined if an application was made for leave to appeal to the Court of Appeal and leave was granted by at least two Judges of the Court of Appeal.

The Court will operate in Waigani and on circuit in regional centres. The establishment of the Court of Appeal will greatly assist the management of appeals. It will also greatly reduce the volume of appeals which eventually reach the Supreme Court, enabling the Supreme Court to clarify significant questions of law and undertake its original jurisdiction, including constitutional references, in a timely manner to the benefit of all – Court users, the legal system, society, and the Judiciary.

There will be no change to the jurisdiction of the Supreme Court under provisions set out in the Constitution in Subdivision II.2.C (constitutional interpretation, Subdivision III.3.D (enforcement) and (c) Section 155 (the National Judicial System) except to allow for the Supreme Court to also review the judicial actions of the Court of Appeal. In its appellate jurisdiction, the Supreme Court would be able to review all the judicial acts of the Courts below, through an orderly appellate pathway. The Supreme Court will hear applications for constitutional interpretation, enforcement of the Constitution, appeals (with leave) from the Court of Appeal and reviews (with leave) from the Court of Appeal.

The National Court will continue to be the principal Court where major proceedings are commenced and, for many Court users will be the only Court involved in the resolution of disputes. The National Court will remain a court of unlimited jurisdiction and the principal trial court in all serious criminal offences and major civil actions. The two principal divisions; Crime and Civil, have recently undergone refinement to improve case management and disposition processes. The civil divisions are Common Law and Equity. Common Law division will handle all civil cases which do not come under special civil tracks which come under the Equity division. Special tracks include; Appeals, Administrative Law (Judicial Review), Commercial, Election Petitions, Mediation & Arbitration, Family Law, Human Rights, Fraud and Corruption, Military Law and Leadership Tribunals.

There will be a maximum of seven (7) permanent Judges in the Supreme Court, eleven (11) permanent Judges in the Court of Appeal and up to sixty (60) Judges in the National Court with provision for an additional three (3) Assistant Judges. A Judge in any particular Court cannot sit in any other Court nor can a Judge in a higher Court direct another Judge in a lower Court. A Judge could be 'promoted' to a higher Court if the Judicial and Legal Services Commission (JLSC) makes such an appointment based on merit, however the Judge would then only be able to sit in the Court to which he had been appointed. The increase in the number of Judges to the new maximum would not really be feasible without significant expansion of Court facilities and so the Court restructure is being planned to coincide with major infrastructural developments in NCD and in regional centres.

The rapidly changing socio-economic environment in Papua New Guinea together with increased awareness of legal rights has resulted in a substantial increase in the amount of litigation the higher Courts are having to deal with and there are a number of limiting factors with the existing Court structure that prevent the Courts from keeping up with this trend. Currently Judges of the National Court are also Judges in the Supreme Court and this means that they need to divide their time between the two Courts. Because Judges in the new structure will be permanent in the Court to which they are appointed they will be able to concentrate on cases

within that Court alone. There will also be a greater number of Judges overall and spread across nearly all provinces, as a result of infrastructural developments currently being implemented by the Judiciary.

When the new Waigani Court Complex is complete (by late 2018) there will be a much greater number of courtrooms in NCD and these will be dedicated to each of the three Courts. Apart from a ceremonial (or Banco) Court, the Supreme Court will have two Court Rooms, the Court of Appeal will have three Courtrooms and the National Court will have thirteen Courtrooms bringing the total number of available Courts to twenty, or double the number presently available. New Regional Court Complexes planned for construction over the next 3 to 5 years in Mount Hagen, Kokopo, Lae and Wewak will also significantly increase the Courtrooms available in regional centres.

Once the Constitutional amendments currently before Parliament have been enacted there will be a raft of additional legislation that needs to be enacted. This comprises at least the following:

1. Court of Appeal Bill
2. Supreme Court Act Amendment Bill
3. National Court Act Amendment Bill
4. Higher Courts Administration Bill
5. Criminal Procedures Bill
6. Organic Law on the Terms and Conditions of Employment of Judges Amendment Bill
7. Organic Law on the Judicial & Legal Services Commission Amendment Bill
8. Bail Act Amendment Bill
9. Sheriff Act Amendment Bill
10. Lawyers Act Amendment Bill

All other Acts making mention of the Supreme Court and the National Court to include mention of the Court of Appeal

All other Organic Laws making mention of the Supreme Court and the National Court to include mention of the Court of Appeal.

Judicial Complaints Process

In 2014 it was reported that a Judicial Complaints Committee had been established in order to deal efficiently and in a transparent manner with complaints received regarding the functions of the Court and its officers. 500 copies of a brochure explaining the work of the Committee have been distributed and this education process is reflected in the increased number of complaints received from members of the Public and Staff. The Committee continued its work in 2015, a summary which follows: see **Appendix 23**.

Capital Works

Major capital works mainly to do with Court facilities development continued to be a priority in 2015. With the provision of funding by the Government through development funding and recurrent funding, the Judiciary was able to continue with the implementation of its capital works plan which was formulated in 2010: see Appendix 24.

Court Funds

Appropriation by Parliament

Management and administration of the affairs of the Judiciary is a supportive function provided through the National Judicial Staff Service (NJSS). The Service is headed by the Secretary.

This function ensures equitable allocation and effective management of resources, including funding, manpower and Information Management. Through the office of the secretary NJSS, the services provided are Financial Management. Planning, Performance Monitoring and Review; Human Resource Management; Buildings and Properties; Security Services; Legal Services and Internal Audits.

The Judiciary is the third arm of the Government of Papua New Guinea: Section 99(2) of the Constitution. It is guaranteed constitutional independence in the preparation and presentation of its annual budget estimates to the Prime Minister: Sections 209 2A and 2B, Section 210 (3) and Section 225 of the Constitution.

The estimates are prepared in accordance with procedures as outlined in the Manual of Judicial Administration. The administration of the Judiciary is vested in the Chief Justice who after consultation with the other Judges, is responsible for the

organization of the affairs and administration of the business of the Supreme Court and the National Court: Section 169(3) of the Constitution. The Judges Finance Committee meets on a regular basis and comprises five Judges who recommended the 2015 Estimates to the Chief Justice.

In 2015 the Chief Justice's estimate was K160, 305,709 and K149, 994,000 was appropriated.

Expenditure

Judiciary expenditure was incurred in accordance with the appropriation as set out in the table in the Appendix 2. These figures are unaudited. The Auditor General's report will be submitted to the appropriate Parliamentary committee in due course.

The Chief Justice agreed to relinquish K80 million from the Capital expenditure appropriation of K190 million prior to the supplementary budget which was presented at the same time as the Government budget during the November budget session of Parliament.

Moving to the digital world

Criminal Sentencing Database

In the November 2014 report it was noted that a Criminal Sentencing database had been established with the assistance of the New South Wales Judicial Commission and which is continually updated with recent case reports by the staff of the National Judicial Staff Service.

Case Docketing System

The Central Database System which captures all of the data from which the Courts are able to provide statistical information on the performance of the Courts continues to be improved and updated.

A new database manager was employed early in 2015 and the existing staff restructured to make it more effective to monitor data input and investigation of irregular or defective data entry. A program was developed for daily monitoring of data entry, a monitoring model was developed together with a plan for investigation of past data anomalies.

National Criminal Process Improvement Project (NCPPI)

Under the oversight of the National Co-ordination Mechanism (NCM), a criminal case management within the Law and Justice Sector (LJS) was developed to take a co-ordinated approach to improvement of the law and justice sector agencies under the guidance of the NCM. The Chief Justice directed the establishment of the

National Criminal Process Improvement Project Working Committee. This Committee developed a memorandum of understanding which was signed by representatives of the sector agencies. This agreement approved the development of an Integrated Criminal Case System Database (ICCSDB). The NCM resolved to engage the New South Wales Judicial Commission to develop a pilot program. The objective of the program will be to track all criminal matters from the time of arrest to the time of conviction and sentence and service of term of imprisonment. A Secretariat was established with provincial support staff to implement the objectives of the memorandum of understanding.

Digitization of Court Records - Scanning Project

The Courts have also moved to digitise its paper records of case files and this major project to convert more than 40,000 files to digital form was carried on throughout 2015 with the assistance of 90 temporary staff throughout the country. In 2015, the Supreme Court records are approximately 90% complete and the National Court records approximately 50% complete.

Court Reporting Service

The Court Recording Service is now completely digital. Recording of proceedings in Court is captured digitally and stored in a database which is accessible to Judges by telephone to assist them in preparing their decisions. Documents tendered in court are also digitised and added to the database.

Finance and Human Resources Management Systems

Quality reviews of judicial financial management and human resource management systems were carried out in the reporting year resulting in a recommendation to implement an integrated Enterprise Resource Planning (ERP) system which will be tendered and introduced in 2016.

Election Petition Database

A publicly accessible database is maintained in respect of Election Petitions which enables members of the public, lawyers and petitioners to access the state of a particular petition at any stage.

Integration of Stand-alone Databases

All of these databases have been developed as stand-alone databases and it will be an important future project to integrate them on to the same platform so that they can seamlessly communicate with each other.

APPENDICES

Appendix 1 - Judges sitting in 2015 by seniority and location

No	Judges	Location
1	<i>Chief Justice</i> , Justice Sir Salamo Injia, Kt GCL	Port Moresby
2	<i>Deputy Chief Justice</i> , Justice Sir Gibuma Gibbs Salika, KBE CSM OBE	Port Moresby
3	Justice Sir Bernard Sakora, KBE CBE CSM	Port Moresby
4	Justice Nicholas Kirriwom CMG	Port Moresby
5	Justice Les Gavara-Nanu, OBE CSM	Port Moresby
6	Justice Ambeng Kandakasi CBE	Port Moresby
7	Justice Ellenas V Batari, MBE	Kimbe
8	Justice Salatiel Lenalia ML	Kokopo
9	Justice Panuel Mogish	Port Moresby
10	Justice Catherine Davani ML	Port Moresby
11	Justice David Cannings	Madang
12	Justice George Manuhu	Port Moresby
13	Justice Allen David	Mt Hagen
14	Justice Derek Hartshorn, ML	Port Moresby
15	Justice Joseph Yagi	Goroka
16	Justice Collin Makail	Port Moresby
17	Justice Ere Kariko, MBE	Port Moresby
18	Justice Don Sawong, MBE	Lae
19	Justice John Kawi	Buka/Port Moresby
20	Justice Stephen Kassman	Mendi
21	Justice Jacinta Murray	Lae
22	Justice Berna Joan Collier	Port Moresby
23	Justice John Alexander Logan, RFD	Port Moresby
24	Justice Goodwin Poole	Mt Hagen
25	Justice Iova Geita	Wewak
26	Justice Peter Toliken	Alotau
27	Justice Martin Ipang	Tari
28	Justice Lawrence Kangwia	Kavieng

29	Justice Sir Kina Bona KBE	Buka
30	Justice Terence Higgins AO	Kokopo
31	Justice Hitelai Polume-Kiele	Goroka
32	Justice Frazer Pitpit	Lae
33	Justice Kenneth Frank	Mt Hagen
34	Acting Justice Leka Nablu	Port Moresby
35	Acting Justice Danajo Koeget	Daru/Kerema
36	Acting Justice Ravunama Auka	Wabag
37	Acting Justice Daniel Liosi	Kundiawa
38	Acting Justice Thomas Anis	Kokopo

Appendix 2 – Expenditure

The following table sets out the expenditure incurred by the Judiciary by activity and showing the percentage of the total appropriation spent.

Judiciary Recurrent Appropriation and Expenditure 2015 Fiscal Year			
Activity	Appropriation	Total Expend.	% Spent vs Approp.
Judges		9,362,789	
Supreme Court Division		327,414	
National Court Division		3,571,959	
Court Reporting Division		1,880,156	
Library & Archives Division		733,458	
Human Resources Division		59,071,389	
Admin & Finance Division		8,190,395	
Information & Technology		3,869,818	
Building & Property Division		7,655,052	
Security Division		709,848	
Leadership Tribunal		851,362	
Alternative Dispute Resolution		1,741,509	
Sheriff Execution Division		666,559	
NJSS Appeals Tribunal		194,595	
Election Petitions		297,998	
Commercial Track		-	
Human Rights Track		-	
Centre for Judicial Excellence		3,036,905	

Office of the Chief Justice	6,099,570	
Internal Audit	736,974	
Court Room Services	236,166	
Goroka Imprest	738,388	
Mount Hagen Imprest	1,385,233	
Kimbe Imprest	1,951,824	
Kokopo Imprest	1,899,402	
Lae Imprest	3,853,040	
Madang Imprest	1,131,351	
Wabag Imprest	839,462	
Mendi Imprest	986,636	
Kundiawa Imprest	1,226,375	
Alotau Imprest	1,811,372	
Wewak Imprest	1,499,833	
Buka Imprest	1,174,817	
Kavieng Imprest	1,015,880	
Tari Imprest	1,243,266	
Pacific Judicial Conference	347,921	
Infrastructure Development	5,532,721	
	149,994,400	135,871,435 91%

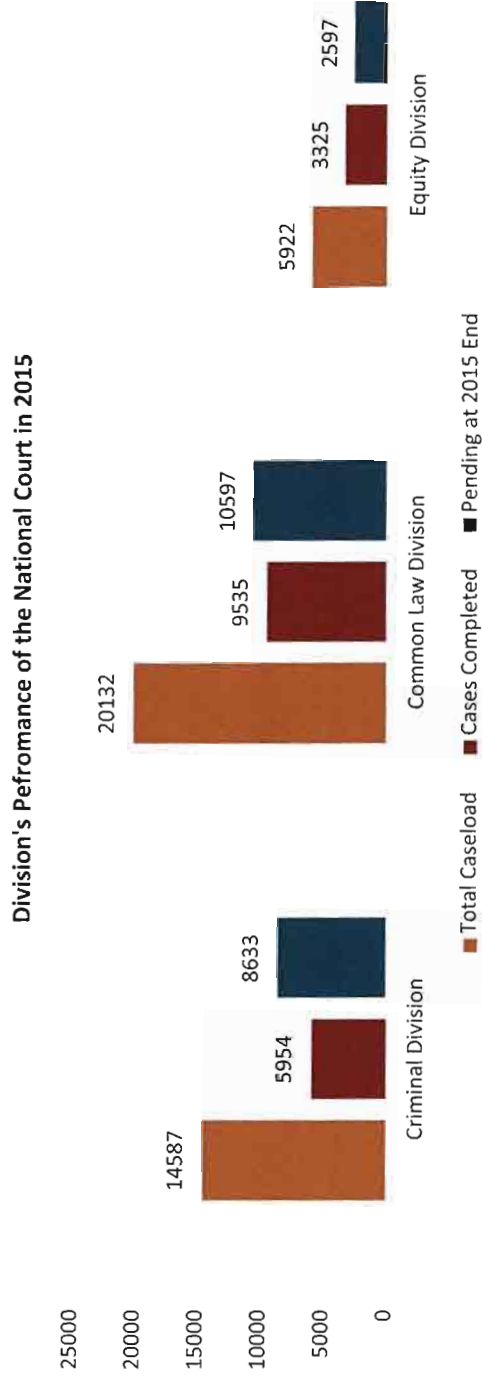
Appendix 3 – National Court 2014 Compared to 2015

National Court - End of 2014					
	2014 Report	Error Adjustment	2014 Adjust figures	End of 2015	
Total Case Filed	5402	135	5537	6112	
Total Case Finalized	3320	860	4180	5089	
Pending	21554	-750	20804	21827	

National Court - End of 2014					
Pending Pre 2014 Case Brought Forward	New Cases Filed in 2015	Total Caseload in 2014	Case Completed in 2014	Pending Cases Brought Forward to 2015	Clearance Rate as a % of total Caseload
19447	5537	24984	4180	20804	16.73%

National Court - End of 2015					
Pending Pre 2015 Case Brought Forward	New Cases Filed in 2015	Total Caseload in 2015	Case Completed in 2015	Pending Cases Brought Forward to 2016	Clearance Rate as a % of total Caseload
20804	6112	26916	5089	21827	18.91%

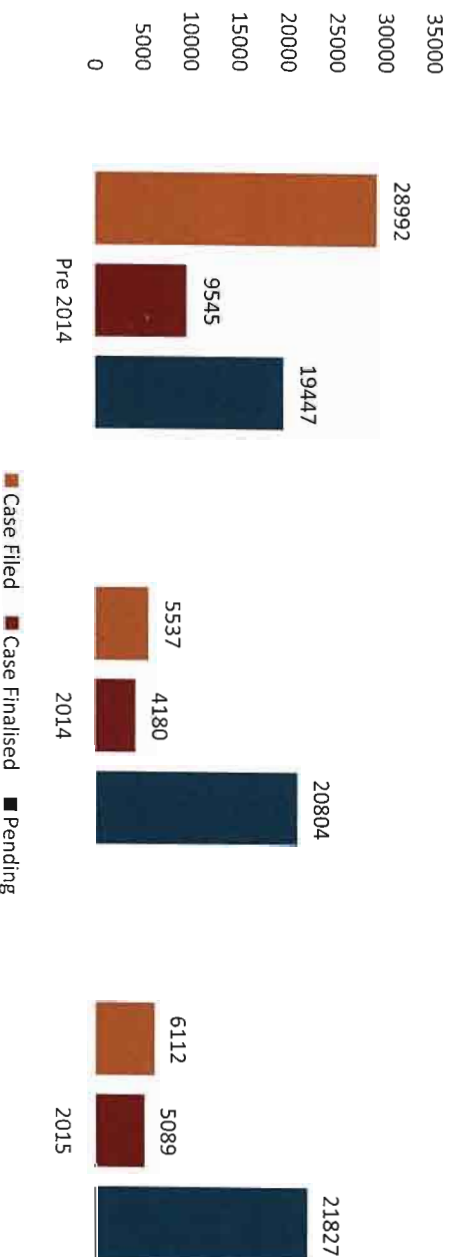
Appendix 4 – National Court Performance by Division



Appendix 5 – National Court Case Pending at Year's End

National Court - End of 2015					
Pending Pre 2015 Case Brought Forward	New Cases Filed in 2015	Total Caseload in 2015	Case Completed in 2015	Pending Cases Brought Forward to 2016	Clearance Rate as a % of total Caseload
20804	6112	26916	5089	21827	18.91%

2015 National Court: Case Filed, Finalised & Pending



Appendix 6 – National Court Performance by Location

Location Code	Pending Pre 2015 Case Brought Forward	New Cases Filed in 2015	Total Caseload in 2015	Case Completed in 2015	Pending Cases Brought Forward to 2016	Clearance Rate as a % of total case load
ALO	214	208	422	79	343	18.7%
BKA	334	122	456	61	395	13.4%
CEN	48	14	62	4	58	6.5%
DRU	159	35	194	50	144	25.8%
GKA	946	232	1178	130	1048	11.0%
HGN	2769	375	3144	397	2747	12.6%
KAV	364	112	476	193	283	40.5%
KER	84	17	101	13	88	12.9%
KIM	860	194	1054	265	789	25.1%
KND	544	106	650	71	579	10.9%
KPO	656	392	1048	271	777	25.9%
LAE	3410	656	4066	1149	2917	28.3%
MAD	1435	590	2025	661	1364	32.6%
MAN	109	53	162	36	126	22.2%
MDI	372	178	550	66	484	12.0%
MNJ	4	36	40	18	22	45.0%
POP	257	44	301	31	270	10.3%
TRI	65	56	121	41	80	33.9%
VAN	104	42	146	28	118	19.2%
WAB	516	211	727	52	675	7.2%
WGN	7081	2205	9286	1408	7878	15.2%
WWK	473	234	707	65	642	9.2%
Total	20804	6112	26916	5089	21827	18.9%

Appendix 7 – National Court Reserve Decisions

Year Case Heard & Decision Reserved	Total Number of Reserved Decision as at the end of 2014	Decision Reserved in 2015	Total Number of Reserved Decision in 2015	Decision Delivered in 2015	Decision Pending as at the end of 2015
2015	-	288	288	73	215
2014	119	-	119	41	78
2013	61	-	61	20	41
2012	22	-	22	4	18
2011	26	-	26	1	25
2010	29	-	29	2	27
2009	16	-	16	0	16
2008	4	-	4	0	4
2007	3	-	3	1	2
2006	3	-	3	0	3
2005	8	-	8	0	8
2004	1	-	1	0	1
YEAR UNKNOW/N	16	-	16	3	13
TOTAL	308	288	596	145	451

Appendix 8 – National Court Civil Performance

Civil Case Code	Division	Pending Pre 2015 Case Brought Forward	New Case Filed in 2015	Total Caseload in 2015	Case Completed in 2015	Total Cases Pending at end 2015	Clearance Rate as % of total case load
CIA	Common law	736	154	890	250	640	28.1%
CR(APP)	Crimes	186	47	233	76	157	32.6%
EP	Equity	21	2	23	9	14	39.1%
EP (OS)	Equity	0	0	0	0	0	0.0%
HR	Equity	14	0	14	0	14	0.0%
HR (MP)	Equity	3	22	25	1	24	4.0%
HR (OS)	Equity	12	13	25	4	21	16.0%
HR (WS)	Equity	49	27	76	5	71	6.6%
HRA	Equity	208	284	492	126	366	25.6%
HRC	Equity	73	27	100	20	80	20.0%
HROI	Equity	6	2	8	2	6	25.0%
LA	Common law	3	129	132	113	19	85.6%
LT	Equity	4	6	10	5	5	50.0%
MC	Common law	151	29	180	25	155	13.9%
MP	Common law	388	42	430	52	378	12.1%
OS	Common law	2803	841	3644	752	2892	20.6%
OS (JR)	Equity						
OS (COMIM)	Equity						
WPA	Common law	214	128	342	92	250	26.9%
WPA (COMIM)	Equity						
WS	Common law	7823	1838	9661	1559	8102	16.1%
WS (COMIM)	Equity						
Total		12694	3591	16285	3091	13194	18.98%

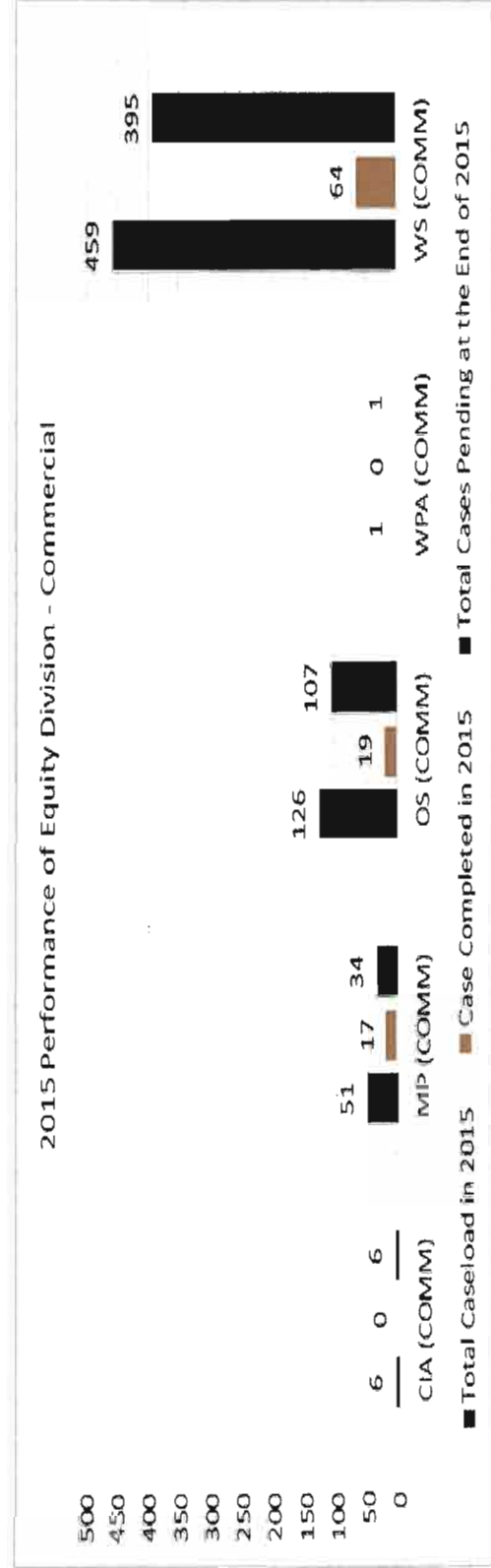
CIA - Civil Appeals; CR(APP) - Criminal Appeals from the District Court lodged in the National Court; EP - Election Petitions; EP (OS) - Election Petitions Originating Summons; HR - Human Rights; HR (MP) - Human Rights Motions and Petitions; HR (OS) - Human Rights Originating Summons; HR (WS) - Human Rights Writ of Summons; HRA - Human Rights Application; HRC - Human Rights Complaints; HROI - Human Rights Initiative; LA - Lawyers Admission; LT - Leadership Tribunal Proceedings; WS - Writ of Summons; OS - Originating Summons; MP - Motions and Petitions; MC - Matrimonial Causes; WPA - Wills Probate and Administration.

Appendix 9 Appeals and Judicial Review

Civil Case Code	Pending Pre 2015 Case Brought Forward	New Case Filed In 2015	Total Caseload in 2015	Case Completed in 2015	Total Cases Pending at the End of 2015	Clearance Rate as % of total case load
CIA	655	139	794	209	585	26.32
CR_APP	186	47	233	76	157	32.62
OS	537	173	710	147	563	20.70
Total	1378	359	1737	432	1305	24.87

Appendix 10 Commercial Track

Civil Case Code	Pending Pre 2015 Case Brought Forward	New Case Filed In 2015	Total Caseload in 2015	Case Completed in 2015	Total Cases Pending at the End of 2015	Clearance Rate as % of total case load
CIA (COMM)	6	0	6	0	6	0.00
MP (COMM)	34	17	51	17	34	33.33
OS (COMM)	94	32	126	19	107	15.08
WPA (COMM)	0	1	1	0	1	0.00
WS (COMM)	312	147	459	64	395	13.94
Total	446	197	643	100	543	15.55



Appendix 11 - Election Petitions

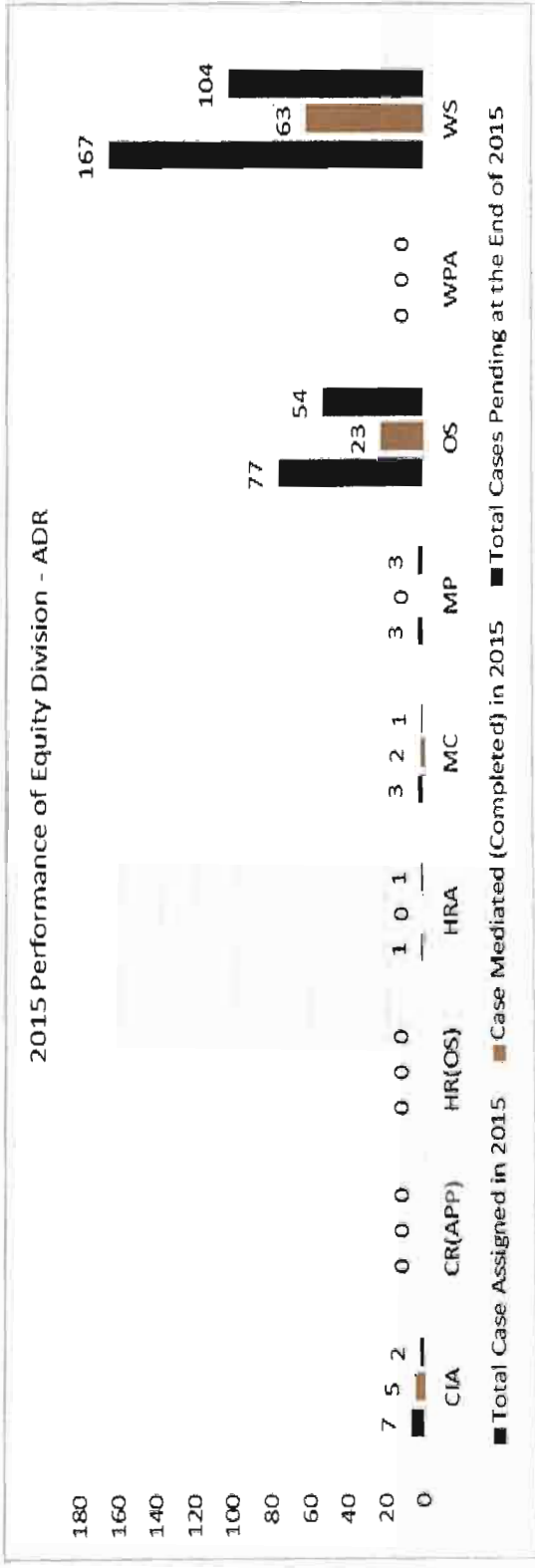
Civil Case Code	Pending Pre 2015 Case Brought Forward	New Case Filed In 2015	Total Caseload in 2015	Case Completed in 2015	Pending at the End of 2015	Total Cases at the End of 2015	Clearance Rate as % of Total case load
EP	21	2	23	9	14	14	39.13
EP (OS)	14	0	14	2	12	12	14.29
EP (WS)	1	0	1	0	1	1	0.00
Total	36	2	38	11	27	27	28.95

Appendix 12 Human Rights

Civil Case Code	Pending Pre 2015 Case Brought Forward	New Case Filed In 2015	Total Caseload in 2015	Case Completed in 2015	Pending at the End of 2015	Total Cases at the End of 2015	Clearance Rate as % of Total case load
HR	14	0	14	0	14	14	0.00
HR (MP)	24	22	46	1	45	45	2.17
HR (OS)	30	19	49	8	41	41	16.33
HR (WS)	131	32	163	9	154	154	5.52
HRA	208	284	492	126	366	366	25.61
HRC	73	27	100	20	80	80	20.00
HROI	6	2	8	2	6	6	25.00
Total	486	386	872	166	706	706	19.04

Appendix 13: Mediations

Civil Case Code	Pending Pre 2015 Case Brought Forward	New Case Assigned in 2015	Total Cases Assigned in 2015	Case Mediated (Completed) in 2015	Total Cases Pending at the End of 2015
CIA	4	3	7	5	2
CR (APP)	0	0	0	0	0
HR (OS)	0	0	0	0	0
HRA	1	0	1	0	1
MC	1	2	3	2	1
MP	0	3	3	0	3
OS	43	34	77	23	54
WPA	0	0	0	0	0
WS	80	87	167	63	104
Total	129	129	258	93	165



Appendix 14 - Equity Division- Leadership Tribunals

Civil Case Code	Pending Pre 2015 Case Brought Forward	New Case Assigned in 2015	Total Cases Assigned in 2015	Case Mediated (Completed) in 2015	Total Cases Pending at the End of 2015	Clearance Rate as % of total case load
LT	4	6	10	5	5	50

Appendix 15: Leadership Tribunals Case Report

Office of the Chief Justice - LEADERSHIP TRIBUNALS REPORT FOR 2015						
No	CASE FILE REF	LEADER	LEADERSHIP TRIBUNAL	DECISION	JUDICIAL REVIEW	FINAL STATUS
1	LT 2 of 2010	Hon Patrick Pruiatch, MP for Aitape-Lumi	Salika J, Peter Toliken SPM & Nerrie Eliakim SPM (appointed 6/1/10)	Inquiry stayed by National Court order following Judicial Review application Tribunal did not commence inquiry. Inquiry stayed by National Court order following Judicial Review application	Judicial review in both National Court & Supreme Court completed. Leader filed fresh case in the National Court, which is pending hearing and determination. Supreme Court continued stay pending determination of fresh case	Awaiting hearing and determination of Originating Summons No. 34 of 2010. Hearing delayed by appeals from interlocutory rulings.
2	LT 4 of 2014	Hon Peter O'Neill, MP for Ialibu-Pangia	The Right Hon Sir Peter Blanchard KNZMPC, The Hon John Doussa AO AC & The Hon Salatiel Lenalia ML (appointed 27/11/14)	Tribunal did not commence inquiry	Stayed by National Court before tribunal commenced inquiry, following judicial review. Constitutional questions regarding request by Public Prosecutor raised referred to the Supreme Court for interpretation	Awaiting hearing of Constitutional reference
3	LT3 of 2015	Vela Konivaro, Clerk of Parliament	The Hon Justice Derek Hartshorn, Ignatius Kurei SPM & Rossie Johnson PM (appointed 23/1/15)	Tribunal commenced inquiry. Found leader guilty on 4 of 12 counts. Undergoing hearing on submissions on penalty	No review filed.	Submissions on penalty and penalty pending
4	LT 6 of 2015	The Hon Belden Namah MP for Vanimo-Green	The Hon Justice Goodwin Poole, Mark Selefkaru SPM & Ernest Vilmont SPM (appointed 9/10/15)	Tribunal commenced but stayed by Court order. Leader filed judicial review in the National Court, which	Leader filed judicial review in the National Court, which referred certain Constitutional questions to	Awaiting hearing of Constitutional reference by the Supreme Court

				referred certain Constitutional questions to the Supreme Court and stayed the tribunal proceedings.	the Supreme Court and stayed the tribunal proceedings.	
5	LT No. 2 of 2014	The Hon Romny Knight MP, member for Mannus Open	The Hon Justice Salatiel Lenalia, Ignatius Kurei SPM & Rossie Johnson SPM (appointed 14/10/14)	Commenced and completed inquiry in 2015. Leader found guilty and recommended for dismissal.	Leader filed judicial review, which stayed the tribunal decision, pending the review. Preliminary hearings continued in 2015 before the National Court	Review awaiting allocation of hearing date and hearing
6	LT No. 3 of 2014	The Hon Boka Kondra MP, member for North Fly	The Hon Justice Salatiel Lenalia, Ignatius Kurei SPM & Rossie Johnson SPM (appointed 20/11/14)	Tribunal commenced inquiry and completed in 2015. Leader found guilty on 6 allegations and recommended dismissal	Leader filed judicial review in the National Court, which dismissed the review. Leader appealed the decision to the Supreme Court.	Appeal awaiting hearing and decision by the Supreme Court
7	LT 2 of 2015	The Hon Frances Awesa MP, for Imbogu	The Hon Justice Goodwin Poole, Mark Selekariu SPM & Ernest Vilmont SPM (appointed 5/5/15)	Tribunal commenced and completed its inquiry. Leader not found guilty on two allegations referred	NIL	Completed
8	LT No.3 of 2015	The Hon. Delilah Gore MP, for Sohe	The Hon Justice Goodwin Poole, Mark Selekariu SPM & Ernest Vilmont SPM (appointed 9/10/15)	Tribunal commenced and completed inquiry. Leader found guilty on two allegations and recommended suspension from duties without pay for short period	Leader filed for judicial review, which was heard and dismissed. Leader served penalty.	Completed
9	LT No. 4 of 2015	The Hon. James Lagea MP, for Kagua Erave	The Hon Justice Goodwin Poole, Mark Selekariu SPM & Ernest Vilmont SPM (appointed 5/10/15)	Tribunal commenced inquiry. Leader pleaded guilty and was found guilty and recommended for suspension from duties	NIL	Completed

10	LT No. 5 of 2015	The Hon. John Hickey MP for Bogia	The Hon Justice Goodwin Poole, Mark Selekariu SPM & Ernest Vilmont SPM (appointed 5/6/15)	Tribunal commenced inquiry. Tribunal found him guilty on one count and recommended suspension	Leader file for judicial review but application was refused	Completed
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Appendix 16– National Court Criminal Caseload in 2014

Criminal - End of 2014				
	2014 Report	Error Adjustment	2014 Adjust figures	End of 2015
Total Case Filed	2311	-6	2305	2521
Total Case Finalized	872	364	1236	1998
Pending	8614	-504	8110	8633

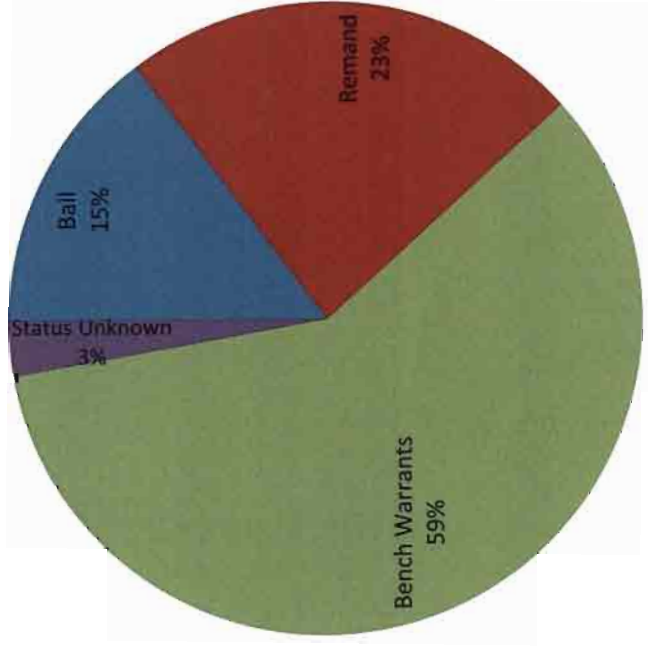
Criminal - End of 2014					
	New Cases Filed in 2014	Total Caseload in 2014	Case Completed in 2014	Pending Cases Brought Forward to 2015	Clearance Rate as a % of total Caseload
Pending Pre 2014 Case Brought Forward	7041	2305	9346	1236	13.22%

Appendix 17- Criminal Caseload in 2015

Criminal - End of 2015					
	New Cases Filed in 2015	Total Caseload in 2015	Case Completed in 2015	Pending Cases Brought Forward to 2016	Clearance Rate as a % of total Caseload
Pending Pre 2015 Case Brought Forward	8110	2521	10631	1998	18.79%

Appendix- 18 - Bail, Remand and Bench Warrants

Broad Division of Crime Statistics at Year's End					
Year	Bail	Remand	Bench Warrants	Status Unknown	Total
2015	1271	2035	5083	244	8633



Appendix 19 – Supreme Court 2014 (adjusted figures)

Supreme Court - End of 2014						
Pending Pre 2014 Case Brought Forward	New Cases Filed in 2014	Total Caseload in 2014	Case Completed in 2014	Pending Cases Brought Forward to 2015	Clearance Rate as a % of total Caseload	
1086	323	1409	278	1131	19.73%	

Appendix 20 – Supreme Court 2015

Supreme Court - End of 2015						
Pending Pre 2015 Case Brought Forward	New Cases Filed in 2015	Total Caseload in 2015	Case Completed in 2015	Pending Cases Brought Forward to 2016	Clearance Rate as a % of total Caseload	
1131	328	1459	368	1091	25.22%	

Appendix 21 Supreme Court Performance

Case Code	Pending Pre 2015 Case Brought Forward	New Case Assigned in 2015	Total Cases Assigned in 2015	Case Mediated (Completed) in 2015	Total Cases Pending at the End of 2015	Clearance Rate as % of total case load
SCA	547	167	714	145	569	20.3%
SCAPP	52	18	70	25	45	35.7%
SCC(OS)	5	0	5	0	5	0.0%
SCM	96	42	138	27	111	19.6%
SCOS	2	0	2	0	2	0.0%
SCRA	212	29	241	86	155	35.7%
SCREF	14	4	18	8	10	44.4%
SCRES	0	0	0	0	0	
SCREV	182	62	244	60	184	24.6%
SCREV(EP)	21	6	27	17	10	63.0%
Total	1131	328	1459	368	1091	25.22%

Appendix 22 - Supreme Court Reserved Decision in 2015

Year Case Heard & Decision Reserved	Total Number of Reserved Decision as at the end of 2014	Decision Reserved in 2015	Total Number of Reserved Decision in 2015	Decision Delivered in 2015	Decision Pending as at the end of 2015
2015	-	93	93	54	39
2014	51	-	51	33	18
2013	15	-	15	10	5
2012	3	-	3	3	0
2011	16	-	16	12	4
2010	2	-	2	2	0
2009	0	-	0	0	0
2008	1	-	1	0	1
2007	3	-	3	0	3
2006	0	-	0	0	0
2005	3	-	3	2	1
2004	2	-	2	0	2
2003	1	-	1	0	1
2002	1	-	1	1	0
TOTAL	98	93	191	117	74

APPENDIX 23

NATIONAL JUDICIARY SERVICES- JUDICIAL COMPLAINTS PROCESS - REPORT FOR 2014-2015										
Year	Total Complaints	Staff Category	Complaint type	Number of Complaints	Investigated or Not investigated	Allowed or dismissed by JCC Secretariat	Allowed or dismissed by JCC	Dismissed or allowed by Disciplinary Authority (Chief Justice, Secretary, NJSS, Registrar)	Final outcome by Internal Disciplinary Authority (Chief Justice, Secretary, NJSS, Registrar)	Outcome by referred External Disciplinary authority (eg, JLS, Police, OC or NEC)
2014	16	JUDICIAL (10)	Delayed judgment	8	All investigated	Submitted to JCC	Allowed 3. Dismissed 3 as decisions were already delivered	Allowed 3 by Chief Justice. Judges concerned required to give decisions within fixed time frame. Judges concerned delivered decisions		
			Mal-administration of justice	1	investigated	Allowed by Secretariat. Submitted to JCC	Dismissed by JCC because complaint concerned a court decision			
			Misplacement of court files	1	Not investigated	Not investigated	Dismissed by JCC Secretariat because file was located			
		NON-JUDICIAL (6)	Delay in setting down case	2	All investigated	All allowed and Submitted to JCC	All Dismissed because cases were set down for hearing by Judge			
			Abuse of position	1	Investigated	Submitted to JCC	Dismissed by JCC			
			Malpractice in asset disposal	2	Both investigated	Submitted to JCC	Both dismissed by JCC			

			Biased recruitment	1					
2015	22	JUDICIAL (12)	Delayed judgments	8	3 investigated 1 investigated	3 submitted to JCC. 1 allowed	3 dismissed because judgments delivered whilst matter was before the JCC 1 allowed but before referral was sent to the Chief Justice, decision was delivered, so referral was withdrawn and complaint was dismissed		
					2 investigations pending location of court file and update on CDS database	4 Still under investigation	1 submitted to JCC pending before JCC (?)		
					2 not investigated as complaints not adequately particularised	2 dismissed by JCC Secretariat			
			Court decision	2	2 not investigated as complaints concerned court decisions	2 dismissed by JCC Secretariat			
			Against judge personally	2	1 investigated	Allowed by JCC Secretariat and submitted to JCC	Dismissed by JCC		
					1 investigations				

NON-JUDICIAL (10)	Delay in setting down case	2	pending further information	Allowed and submitted to JCC	Dismissed by JCC as dates were already set								
	Abuse of position	3	1 investigated 2 investigated	Submitted to JCC 2 submitted to JCC	Dismissed by JCC 2 remitted to Secretariat for further information. Pending further information								
	Unethical conduct	2	Both not investigated	Both dismissed by JCC because complaint withdrawn by complainant (because complaint not adequately particularised)									
	Unauthorised change of pay grade	1	Not investigated	Dismissed by JCC Secretariat because complaint to be resolved through normal administrative process									
	Others	2	1 not investigated	1 Dismissed by JCC Secretariat because complaint was not adequately particularised									

APPENDIX 24

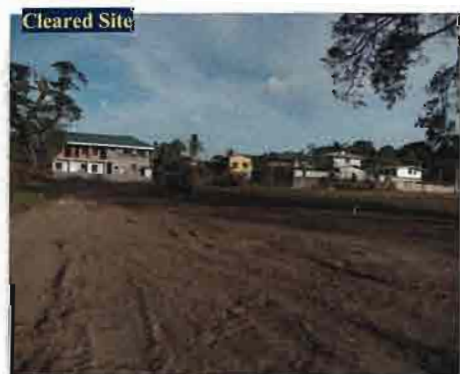
JUDICIARY'S CAPITAL WORKS PROGRAM

Waigani National Court Complex The preliminary work on the concept and design of the WNCC between 2008 and 2015 has been extensively discussed in previous reports; and funding has been provided through successive appropriations 2013-2015. Construction work was tendered in mid-2015. A decision on the award of the construction contract is expected to be made in 2016. With early works which commenced in 2015 expected to be completed by mid 2016, construction is expected to commence in October 2016 and be completed by 2018.



Proposed Kokopo Court Complex The current one stop court complex is a temporary facility that is jammed with demountable buildings. It was first built in Kokopo after the volcanic eruption in 1994 destroyed the Court building at Rabaul. The Feasibility Study, Concept and Design works were tendered and awarded to Pacific Architects for K1.8 million in 2013. The contract was not signed until September 2014. The design works are nearing completion and expected to be completed by end of 2016.

Early works commenced in July 2015 with site clearance and fencing work. A contract worth K299,750 was awarded to Paveks Limited. Works were completed in November 2015.



Proposed Mount Hagen Court Complex Construction of the proposed regional Court Complex in Mount Hagen is expected to commence in 2017 from funding amounting to US\$30 million allocated to the Western Highlands Provincial Government from a line of credit from the EXIM Bank of India and agreed to between GoPNG and the Government of India in March 2016. The contract for the Design and Project Management of the temporary and new court house has been tendered and is currently in assessment and negotiations through the WHP Tenders Board. Once a Project Manager is engaged, various procurement strategies for the construction of these projects will be investigated and proposed to the WHPG for action. An additional **K10 million** is required to cover the cost of relocating the Mount Hagen Court house during the construction phase because the site of the proposed development is where the existing Court house is situated.



Proposed Lae Court Complex A new Regional High Court Building is planned. Planning and design for this new complex will be undertaken in 2016-2017 and construction in 2017. NJS has assigned K3 million to cover scoping, design, and early works. Land situated on the old air strip was allocated by the Lands Department. Design and construction was held up due to PNG Land Board awarding land to private interests however this has been settled and NJSS has obtained a CAO to develop the land. Early Works 1 have been completed including site clearance and fencing. Early Works 2 involves the construction of demountable buildings on the new proposed court site to cater for some NJSS functions which cannot be accommodated on the existing court house site. These functions include Sheriff, Security and Archives. Documentation is underway for works to commence in November 2016.



Proposed Wewak Court Complex In 2004 the government allocated K9 million to build a new one stop court complex for Wewak after the existing District Courthouse on Wewak Hill was burned down. Of this amount K5 million was transferred by Finance Department to NJS. A Site on Kreer Heights was allocated and civil works was undertaken by NJS which cost K2 million. Construction was tendered and contract awarded to a local company. A dispute over the award of the contract ended up in the Courts which stalled the construction. Following conclusion of the litigation in 2014, NJS has revived the project and undergoing re-tender. The construction contract is expected to be awarded in October/November 2016 and construction occurring thereafter. NJS is holding K3.7 million from the previous grant made in 2004. The project requires another K15.5 million funding in 2017.



Proposed Bialla Court House Bialla will be developed as a sub-registry. Construction of a one stop court complex is planned for Bialla. The Provincial Administration has allocated and transferred to NJSS K600, 000 to part-fund the facility. These funds can be expended on scoping, designing and early works. Actual construction is estimated at K7 million. Design documentation is underway with construction to commence in 2017.



Proposed Wapenamanda Court House in Wapenamanda the District Court has been accommodated in Council chambers since Independence. In 2013, the Council terminated this arrangement. The Magistrate is living in Wapenamanda and travelling to Wabag to sit daily. A new One Stop Court Complex to accommodate the District Court and National Court and Sub-Registry is required.

In 2014, the District Administration allocated land for a new one stop court complex and staff accommodation. Scoping and design for the new court complex has been completed and tendered in August 2015. The project will cost K6 million to be funded by NJS. Construction is to commence in late 2016 and be completed in 2018.

Artist's Impression



Land cleared for construction



Proposed Lorengau Court House A new District Court complex was designed and constructed in 2004 by PALJP but this was done without consulting the higher Judiciary. Facilities currently upgraded to accommodate a separate National Court at a cost of K180, 000 as an interim measure. Manus is one of the three provinces the Judiciary will place a resident Judge in 2016-2017. The old unused Court building at the back is adequate to meet National Court requirements. With the concurrence of MS, NJSS will take over the building and demolish and construct a new Court building to accommodate the National Court. Design scoping is underway. Project will cost K6m million. Project is to be tendered in 2016 and construction completed by 2017.

**Artist's Impression of new building
Site Plan incl. District Court**

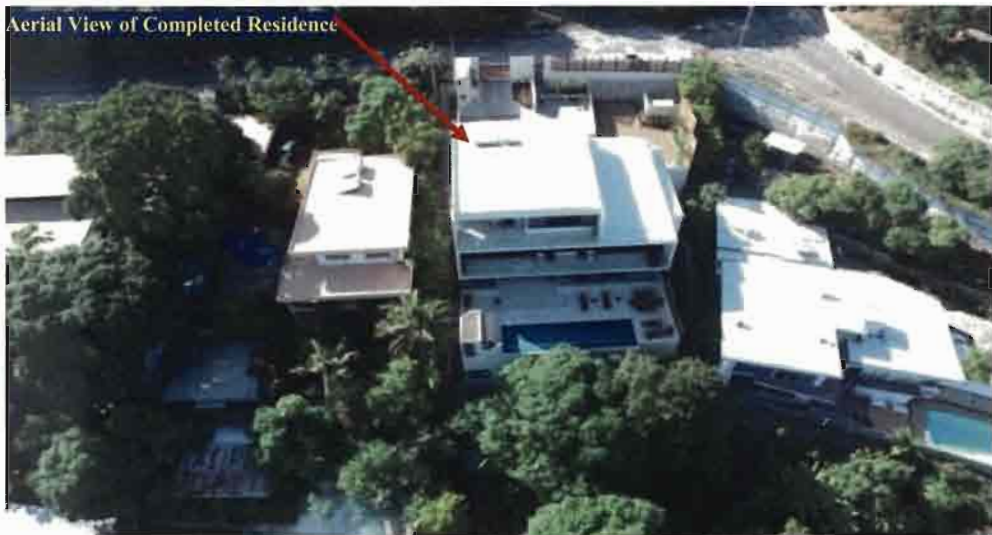


Old District Court building to be demolished

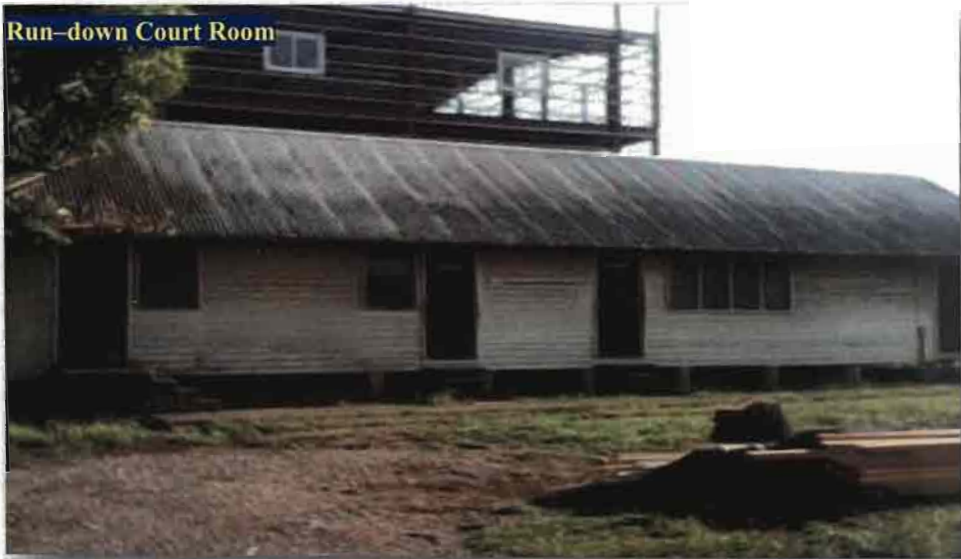


COMPLETED AND ONGOING CAPITAL WORKS 2015

Senior Executive Residence Touaguba Hill NCD The new official residence of the Chief Justice is located at Davetari Drive, Touaguba Hill. Construction costs is K8, 000,000. A local Contractor was awarded the contract with a construction period of 12 months. Construction commenced in 2013 and exceeded the period with construction continuing into 2014. Whilst the main structure of the building was completed, the local contractor was unable to complete the building. Berkeley Construction PNG, an overseas contractor, was engaged to complete the building. The building is an iconic structure with state of the art facilities. It has 3 levels with living quarters for staff situated at the basement. The residence will be occupied in 2016.



Upgrade of District Court Lae NJS undertook to fund the cost of upgrading the District Court side of the shared facility Court house building (stage 3 Works) in order to bring it to a standard equivalent to the National Court which was renovated in 2015. The contract is valued at K993, 816. Works are expected to be completed in late 2016.



Upgrade of Court Facilities Goroka A second Court room has now been constructed adjacent to the second judge's chamber at a cost of K450, 000. A concept study is to be commissioned at a cost of K200, 000 for a sub-Regional court complex proposed to be built on land made available by the EHP Provincial Administration.



Refurbishment and Upgrade of Madang National Court Prior to 2007 the National Court rented private business premises in CBD Madang. A separate National Court building was constructed at Yomba in 2007. Extension and refurbishment works costing K1.8 million was spread over three years between 2013 and 2015. Phase 1 & 2 were completed in early 2015. Phase 3 costing K947, 000 and including a new Mediation room is about 80% complete and is expected to be completed in October 2016.



Kavieng Court Complex

Complex A new one stop court complex commenced in 2013. The total project cost was K6 million. PALJP (AusAID/DFAT) met 30% of the construction costs. The Judiciary assumed funding of the balance (c.K4 million). The Project is expected to be completed by end of 2016.



Mendi Judge's Residence In 2015, the provincial administration announced construction of a Judge's house however land is yet to be secured for its construction.



Pangia Court House A new one stop court facility has been built by the District Administration in Pangia.



Tari Court House The existing National Court building was built by Chevron in 2006. However the National Court Technical staff was not involved in its construction. It had limited facilities that did not meet National Court requirements. With the appointment of a resident Judge in June 2014, there was a need to carry out extension work and renovate the building to align to the requirements of the National Court. The NJS Specialized Tenders Board approved the renovation and construction and a contract was awarded for K1.37 million. Work commenced in August 2015 and is expected to be complete in November 2016.



Wabag Court House The Wabag Court building was funded by the provincial administration in 1999. The building is owned by the Wabag LLG and leased by the Enga Provincial Government for the Judiciary's use. Since the building was occupied by the National Court in 1999, no maintenance work has been carried out by the building's owner and the building is in a rundown state requiring urgent maintenance work. The Judiciary may consider using its own funds to carry out much needed repair.



Losuia District Court House Kiriwina Trobriand islands After visiting the Trobriand Islands on circuit, the Chief Justice agreed to make available K500, 000 as NJS contribution to rebuild the Losuia District Court House with an additional amount of K500, 000 being contributed by the Kiriwina Goodenough District Support Improvement Program.



Sub Registries Kwikila - Kwikila District Court facility was upgraded to bring it up to sub-registry level for the National Court in 2014.

Scoping work for **Bereina District Court** is being done to accommodate National Court sittings and a sub-registry. The existing District Court facility is run down and small. Work was approved in 2015 at a cost of K500, 000 and is yet to be carried out.

-The End -

