



THE INDEPENDENT STATE OF PAPUA NEW GUINEA

JUDGES ANNUAL REPORTS
for 2004 - 2007

PAPUA NEW GUINEA

ANNUAL REPORT

BY

THE JUDGES

2004-2007

REPORT TO THE HEAD OF STATE FOR THE PERIOD 1ST JANUARY 2004 TO 31 DECEMBER 2007 FOR PRESENTATION TO THE NATIONAL PARLIAMENT ON THE ACTIVITIES OF THE NATIONAL JUDICIAL SYSTEM, PURSUANT TO THE *CONSTITUTION*, SECTION 187.

JUDGES OF THE SUPREME COURT OF JUSTICE AND NATIONAL COURT OF JUSTICE DURING 2004-2007

THE HONOURABLE GRAND CHIEF SIR MARI KAPI, C.B.E., C.S.I.

THE HONOURABLE SIR SALAMO INJIA, Kt.

THE HONOURABLE SIR KUBULAN LOS, C.B.E., M.C.J.

THE HONOURABLE JUSTICE TIMOTHY ALEXANDER HINCHLIFFE, C.B.E.

THE HONOURABLE JUSTICE GIBUMA GIBBS SALIKA, OBE

THE HONOURABLE JUSTICE MOSES JEFFREY JALINA, OBE

THE HONOURABLE JUSTICE BERNARD BEREKIA SAKORA

THE HONOURABLE JUSTICE MARK SEVUA

THE HONOURABLE JUSTICE NICHOLAS KIRRIWOM

THE HONOURABLE JUSTICE LES GAVARA-NANU, OBE

THE HONOURABLE JUSTICE AMBENG KANDAKASI

THE HONOURABLE JUSTICE ELLENAS BATARI, MBE

THE HONOURABLE JUSTICE CATHERINE DAVANI

THE HONOURABLE JUSTICE PANUEL MOGISH

THE HONOURABLE JUSTICE SALATIEL LENALIA

THE HONOURABLE JUSTICE GREG LAY

THE HONOURABLE JUSTICE DAVID CANNINGS

THE HONOURABLE JUSTICE GEORGE SULAI MANUHU

THE HONOURABLE JUSTICE ALLEN DAVID

THE HONOURABLE JUSTICE SAO GABI

THE HONOURABLE JUSTICE DEREK HARTSHORN, ML

SENIOR COURT OFFICERS

REGISTRY

Registrar & Sheriff and Admiralty Marshall - Mr. Lohia L. Raka until August, 2006 and Mr. Ian Augerea

CORPORATE SERVICES

Secretary

Mr. Ronald Silovo

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1. INTRODUCTION

Section 187 of the **Constitution** requires the Judges to “give to the Head of State, for presentation to the Parliament, an (annual) report on the work of the National Judicial System, with such recommendations as to improvement as they think proper.” This is a joint report for the years 2004 to 2007 (reporting period).

In the reporting period the Judiciary, under the leadership of Chief Justice Sir Mari Kapi, experienced growth in judicial and non-judicial staff numbers and improved court case management. Existing Rules of Court were reviewed and new rules introduced to improve Court processes and procedures to achieve greater efficiency in Court case administration and dispensation of justice. Also for the first time the Judiciary introduced its Corporate Plan for the period 2006-2010 which clearly defined the Judiciary’s mission and set achievable targets and outcomes. The main activities in this period are covered in this report. However in the reporting period, the Judiciary experienced funding constraints and inadequate court facilities which are highlighted in the report.

2. STRUCTURE OF GOVERNMENT AND SEPARATION OF POWERS

Section 99 (2) of the *Constitution* provides the structure of Government as consisting of three arms - the National Parliament (Legislature), the National Executive Council and the National Judicial System. Section 99 (3) states that in principle the respective powers and functions of the three arms shall be kept separate from each other. Section 157 of the *Constitution* guarantees Independence of the National Judicial System.

3. COURT ADMINISTRATION

The Judiciary is a service institution. Its core function is to administer justice according to law. This is achieved by Judges hearing and deciding cases in the Supreme Court and the National Court. It is vital to have an efficient administrative system to support the Judges in performing their core function.

The Supreme Court and the National Court are jointly administered by the Chief Justice. However it is a collective one involving participation of all Judges. Section 169 (3) of the *Constitution* states “(T)he Chief Justice, **after consultation with the other Judges**, is responsible for the organization of the affairs and the administration of the business of the Supreme Court and the National Court.”

Consultation by the Chief Justice with other Judges occurs in many ways, the main one being consultation with all Judges collectively through series of Judges Consultation Meetings.

The Secretary of the National Judicial Staff Service is the head of the Judicial Staff Service established under the *National Judicial Staff Service Act* 1987. The Registrar of the Supreme Court and the National Court is the head of the Registry service of both Courts. He is appointed under the *Supreme Court Act* (Ch 37) and the *National Court Act* (Ch 38). The Secretary and the Registrar are responsible to the Chief Justice for the performance of their respective administrative functions. Ultimately, the Chief Justice is accountable to the government and the people of Papua New Guinea.

4. NUMBER OF JUDGES

Section 164 of the *Constitution* provides for the number of Judges to be determined under an Act of the Parliament. Section 2 of the *National Court (Number of Judges) Act (Chapter 404)* provides for the number of Judges to be determined by the *Head of State acting with the advice of the National Executive Council* considering a report from the Chief Justice. The number of judges does not include the Chief Justice, Deputy Chief Justice and Acting Judges.

The current policy was determined by the NEC in 1999 (*decision No.35/99 in meeting No.09/99 dated 26th February 1999*) which set the number of Judges at 23. In 2007, the total number of Judges serving on the bench was 20.

5. APPOINTMENT AND DEPARTURE OF JUDGES

In the reporting period the following Judges were reappointed:

- **Justice Bernard Sakora** reached the retiring age of 60 years on 19th November 2007. He had served on the bench for 16 years. The Judicial and Legal Services Commission (JLSC) extended his retiring age to the mandatory retiring age at 65 pursuant to s 7(2) of the *Organic Law on the Terms & Conditions of Employment of Judges* (O LTCEJ).
- **Justice Nicholas Kirriwom** completed his 10 year term on 6 May 2007. He was re-appointed for a further term of 10 years.

In the reporting period the following new appointments of Judges were made:

- **Justice Gregory Lay** was appointed on 7th July 2004. At the time of his appointment he was a private practitioner. On 18th August 2007 he reached the retirement age of 60. On 17 July 2004 his retirement age was extended to the mandatory retiring age at 65.
- **Justice David Cannings** was appointed on 30th July 2004 for a term of 3 years. At the time of his appointment he was counsel to the Ombudsman Commission. On 30th July 2007 he was reappointed for a further term of 3 years. He comes from Australia.
- **Justice Derek Hartshorn** was appointed on 12th February 2007. Prior to his appointment he was the Managing Partner of the firm of Blake Dawson Waldron Lawyers. He comes from the United Kingdom.

- **Justice George Manuhu** was appointed on 10th June 2005. Before his appointment he was an Acting Judge of the National Court for two years. Prior to joining the bench, he was Chief Magistrate.
- **Justice Allen David** was appointed an Acting Judge for a period of twelve months in 2004. Prior to his appointment, he was a private practitioner. On 10th June 2005 the JLSC confirmed his appointment as a Judge of the Supreme Court and National Court for a period of ten years.
- **Justice Sao Gabi** was appointed an Acting Judge on 10th June 2005 for a period of 12 months. Prior to his appointment he was a private practitioner. On 13th July 2005 he was appointed a Judge of the National Court and the Supreme Court for a period of ten years.

In the reporting period, the following judge passed away:

- The Hon. Justice Moses Jalina passed away on 17th December 2007. He was serving as the resident judge at Wabag. He served as a Judge for over 15 years.

In the reporting period, the following Judges retired:

- **Sir Kubulan Los** retired from the bench in April 2007 after almost 25 years of service on the bench. He is the second longest serving Judge after Chief Justice Sir Mari Kapi.

In the reporting period, the following Judge resigned:

- **Justice Don Sawong** was reappointed for a second term of 10 years in November 2005. In December 2005 he resigned after serving 12 years on the bench.

6. JUDGES PENSIONS

In the reporting period five retired judges were receiving pension under the *Judges Pension Act* 1997 (No. 5 of 1997). They are The Hon. Sir Arnold Amet, The Hon. Sir Robert Woods, The Hon. Sir Kubulan Los, The Hon. Warrick Andrew and The Hon. Maurice Sheehan.

7. SUPREME COURT

The *Constitution*, Section 160 establishes the Supreme Court. The *Supreme Court Act* (Chapter 37) further provides the powers and rules of practice and procedures for the Supreme Court. It is the highest court in Papua New Guinea and its decisions are final.

7.1 JURISDICTION OF THE SUPREME COURT

The jurisdiction or powers of the Supreme Court are as provided by the *Constitution*, s. 162 (2) or other statutory laws of Papua New Guinea. The main jurisdiction of the Supreme Court is to;

- Hear appeals from the decisions of the National Court;
- Review decisions of the National Court by virtue of Section 155(2) of the *Constitution*. (concerning matters of which the law does not allow for appeals to be made);
- Give an opinion or advice on whether a proposed law or a law already made by Parliament is constitutional (that is, complies with the Constitution);
- Develop Underlying Law;
- Enforce human rights as provided under the Constitution, and;

7.2 MEMBERSHIP OF THE SUPREME COURT

Judges of the National Court are also Judges of the Supreme Court. One, three, five or seven judges sitting together constitute a Supreme Court Bench. In appropriate circumstances, a single Judge may constitute a Supreme Court to hear and determine interlocutory and direction applications.

7.3 SUPREME COURT REGISTRY

The registry function of the Supreme Court is centralized at the Waigani Court House. All registry work, including legal document processing, case-flow management, listing of matters for hearing, registering court decisions/orders are managed from Waigani.

7.4 SITTINGS OF THE SUPREME COURT

The principal seat of the Supreme Court is at Waigani. Until June 1994 the Supreme Court had been sitting in Waigani only to deal with appeals. The Supreme Court now sits on a regular basis in Lae, Mt. Hagen, Kokopo and Wewak. It may also from time to time sit elsewhere in other Provincial centers. This depends on the volume of appeal cases generated by a particular province and the adequate court facilities in a provincial court house to accommodate the Supreme Court.

As much as the Supreme Court would like to travel on circuit to all the Provincial centers in the country, there are logistical and practical challenges that prevent the Supreme Court from sitting in all the Provincial towns. In many provinces Court facilities were inadequate to accommodate sittings of the Supreme Court. As part of its Infrastructure development program, the Judiciary is addressing this matter to ensure the Supreme Court is more readily accessible to the people of Papua New Guinea.

For statistics on appeal cases for the reporting period, see **Appendix “A” & “B”** (pages 22-23).

7.5 SEPARATION OF THE SUPREME COURT

The separation of the administration of the Supreme Court from the National Court as envisaged by the Constitutional Planning Committee (CPC) in its final report (see CPC Report, Ch. 8, paragraph. 8) and noted in the Government's *White Paper on Law and Justice* published in March 2007, is under study by the Judiciary.

A Judicial Committee comprising Judges and Magistrates is considering the proposal and a report is expected to be submitted to the Chief Justice and the Chief Magistrate in 2008. The Chief Justice will then present the Judiciary's report to the Government for its consideration.

8. NATIONAL COURT

The National Court of Justice is established by Section 163 of the *Constitution*. Further provisions concerning the National Court, which includes Rules of Practice and Procedures, are set out in the *National Court Act* (Chapter 38).

8.1 MEMBERSHIP OF THE NATIONAL COURT

Judges of the National Court are the Chief Justice, Deputy Chief Justice and other judges. Citizen judges are appointed for a 10-year period whilst non-citizen judges are appointed for a three-year term. Acting Judges are appointed for up to a 12-month period to help ease an unexpected workload or to temporarily occupy a vacancy or fill in during the absence of a Judge. One judge constitutes a National Court Bench.

8.2.1 JURISDICTION OF THE NATIONAL COURT

Section 166 of *Constitution* provides the jurisdiction of the National Court. It is a court of unlimited jurisdiction. The main jurisdictional areas dealt with by the National Court are;

- Trials of indictable offences (serious crimes under the Criminal Code);
- Appeals from the District Court and the Commissioner of Inland Revenue;
- Enforcement of human rights under the Constitution;
- Development of Underlying Law; and;
- Review of administrative decisions or actions

Civil matters handled by the National Court include;

- Claims involving any amount, however as the District Court deals with amounts below K10,000.00, in practice the National Court only deals with claims exceeding K10,000.00, unless legislation stipulates otherwise;
- Election Petitions (For National Parliament- Local Level Government Elections are dealt with by the District Court);

- Matrimonial Matters (Adoption and Custody of Children, Dissolution of Marriage where a marriage is registered. The District Court also deals with custody and other matrimonial matters);
- Probate And Administration (To allow for distribution of a property of a person who has died where there is a will or a large sum of money involved – customary and smaller matters are dealt with administratively by other means);
- Company Matters (Winding up companies and other matters);
- Insolvency;
- Admiralty (Shipping and Cargo Claims);
- Lawyers Admission; and;
- Prerogative Orders.

8.3 SITTINGS OF THE NATIONAL COURT

The main National Court Registry is at Waigani Court House (Supreme Court Building). There are registries of the National Court in each Provincial centre where there is a resident Judge and an Assistant Registrar. The Registrar of the National Court oversees the Registry at Waigani with a Deputy Registrar.

It is also planned that registries will be established in each centre where circuits are conducted. This will make the Courts more accessible to the people. People will be able to file the cases in their provinces.

8.4 EXPANSION OF THE NATIONAL COURT TO THE PROVINCES

Expansion of the National Courts in the Provinces is an on-going exercise to bring Judicial services closer to the people. This is consistent with the Judiciary's 2006-2010 Corporate Plan of "making courts accessible to the people. Currently there are resident Judges based in Lae, Mt Hagen, Wabag, Goroka, Madang, Kimbe and Kokopo. It is planned that with the recruitment of additional judges, considerations will be given to other centers. However, one of the difficulties is lack of adequate funding to up-grade existing court houses to accommodate the National Court and the lack of alternative accommodation for the Judge and his/her staff in most of the Provincial centers.

Consideration is being given to locating resident Judges in Wewak, Mendi and Alotau and other centres depending on the case load.

The development of court facilities in the Provinces is an on-going program. A brief outline on the status of court facilities in the Provinces where the National Court is based or planned is as follows:

Waigani

Each year the necessity for re-housing of the Waigani Court becomes more pressing. Since the mid 1990s, the Judiciary has been working with the Government to develop a modern court

complex. Design for the new complex was completed in 2001 and is awaiting Government funding. The new complex is estimated to cost K120 million.

In the meantime adequate facilities are needed to accommodate up to 15 Judges at Waigani. The current court building has facilities for only 10 Judges. In 2006 a new semi-permanent court building was constructed to accommodate the civil division. It has three courtrooms and chamber facilities for three Judges. The project was completed in 2007 and is set to be opened for business in 2008.

Lae

There are three resident Judges in Lae. However, the court building is crowded and plans to re-locate to the old airport land did not eventuate. It is hoped that suitable site at the old airport land will be identified and allocated to re-locate the National Court.

In 2006 and 2007 there has been some minor maintenance and extension work to the Court house to cater for the needs of three judges including major fencing of the property.

Mt Hagen

Mt Hagen has facilities for three judges. In the reporting period there were two judges in Mt Hagen. In 2006 maintenance work was undertaken to the existing Registry funded by the Law and Justice Sector Program. This included maintenance to the cells, ablution block, Judges Chambers and the National Court Registry. The Court House requires further major renovation work including the perimeter fencing. Major maintenance works and the fencing will be carried out in 2008.

Mt Hagen has an official residence for the resident judge. In the reporting period, the building was condemned by the town building authority and was demolished. Plans are in place to rebuild the house.

Kokopo

Kokopo has two resident Judges. The National Court shares a temporary Court facility with the District Court.

In 2006 a new registry building was completed by the Law and Justice Sector Program to house both the National and District Court Registry.

Discussions were held with the Provincial Administration to relocate the current National Court facility to a permanent location. In 2007 the Provincial Administration allocated a site near the museum at Ralum. The State is yet to obtain title over the land. Design and documentations has been completed and funding will be provided by the Law and Justice Sector Program to construct the Court building.

Goroka

Eastern Highlands Province generates a large volume of civil and criminal cases. It has two provincial jails and a sizeable legal profession. Goroka has one resident judge. The judiciary plans to place a second judge. The current court location and facilities are inadequate to accommodate two judges. Plans are in place to expand the court facilities in the near future.

Madang

The National Court in Madang has been operating from a commercial building rented to NJSS. In 2006, the Madang Provincial Government and its administration made available land close to their administration. In 2007 a temporary National Court Building was constructed at the new site and opened for business. There are plans to build a one - stop Court Complex to accommodate the National Court and the District Courts to be funded through the Law and Justice Sector Program.

Kimbe

There is a resident Judge based in Kimbe. The Court House and Judge's residence have been renovated. The Judges residence was funded by NJSS, whilst the Court building's major rehabilitation works were funded by the Law and Justice Sector Program at an estimated cost of almost K5million. In 2007, the new-look Court house was officially opened.

Wabag

Wabag has one resident judge. Since the opening of the National Court in 2000, Enga is still without a provincial jail. All detainees and prisoners are kept at Baisu and transported to Wabag for Court appearances.

Wewak

Preliminary work for a new one-stop court complex in Wewak commenced in 2004. Funding for this project was made available through the Public Investment Program totalling K9.5million. In the reporting period, designing and civil work were completed. Construction work will commence in 2008 or 2009.

Alotau

The Judiciary plans to establish a National Court in Alotau. In 2006 NJSS held discussions with the provincial administration to identify land to build the court house.

Mendi

In 2007 the Judiciary initiated plans to set up a National Court base in Mendi. NJSS held discussions which were conducted with the Provincial Government to allocate houses for staff and construction of a Court house.

Kundiawa

The Judiciary maintains a National Court Registry in Kundiawa and has two registry staff. In 2006 the Judiciary carried out major renovations and extension to the Judges Chambers.

9. CASE MANAGEMENT: NATIONAL COURT

In order to improve case management and dispose of the backlog of both criminal and civil cases, the Judiciary initiated a review of case management systems and introduced new Court tracks and new Rules of Court.

In 2004, the Chief Justice placed Senior Judges in charge of the three main tracks in the Supreme Court and the National Court. Under this arrangement the Chief Justice was responsible for management of the Supreme Court, Justices Kubulan Los and Justice Panuel Mogish in charge of the Crimes Track and Deputy Chief Justice Salamo Injia was placed in charge of National Court (Civil).

9.1 CRIMES TRACK

A new system for registered national data on pending criminal cases (other than Bench Warrant matters) was introduced. Court Circuit Lists for each Province were standardized and progressively updated. The cases posted on the list were in the order of dates of committal by the District Court and had all the necessary information including the accused's place of origin, police arresting officers' name and the name of the Police Station where the arresting officer was stationed.

This information made it easier for the Court and police to locate accused persons and thereby reduce the number of bail defaulters. After every circuit the list was updated. The information was then transferred to a national statistics database and updated regularly. The information was then used to assign Court circuits and resources. Priority was then given by Judges and Lawyers to deal with cases in the order in which cases were listed. This resulted in a reduction of the backlog of cases which had been outstanding for many years.

In the reporting period, a Waigani-model was developed which is to be extended to Provincial locations. The experiences learnt from this model will be translated into new pre-trial rules of practice and procedure in 2008.

For national statistics on pending bail and remand cases as at end of December 2007, see **Appendix "C"** (page 24). For statistics on bench warrant matters, see **Appendix "D"** (page 25).

9.2 CIVIL TRACK

In 2004 a decision was made by the Judges to review the civil case management process and introduce measures to improve prompt and qualitative disposition of backlog of civil cases and at the same time expeditiously dispose of new cases. A major initiative was the introduction of new civil court tracks including special courts to deal with particular types of cases which required specialized attention. Three new Civil Special Tracks, namely Listings (& ADR), Commercial and the Appeals & Review. These three new Tracks complement the existing two Civil Tracks namely, the Motions Track and the Civil (General) Trial Track.

Of the two specialized courts, the Appeals and Judicial Review Track commenced operations in September 2004 with Injia, DCJ presiding. The Listings (& ADR) Track commenced sittings in December 2004 with Kandakasi J presiding. The Commercial Track commenced operation in 2007. The Chief Justice assigned Justice Gregory Lay and Justice Derek Hartshorn to manage the Commercial List.

On 27th September 2005, the Judges approved the following Rules:

- a. *Listings Rules 2005*
- b. *Motions (Amendment) Rules 2005*
- c. *Appeals Rules 2005*
- d. *Judicial Review Amendment Rules 2005*
- e. *National Court (Commercial List) Rules 2005*

For statistics on civil cases in the National Court, see **Appendix “E”** (page 26).

9.3 Election Petitions

Pursuant to Section 135(b) of the *Constitution* and Section 206 of the *Organic Law on National and Local-Level Government Elections* (the Organic Law), the validity of an election or return is challenged by way of a petition. Both the *Constitution* (s.135) and the *Organic Law* (s.4) confer jurisdiction to the National Court as the Court to determine any dispute in relation to the validity of a return.

An election Petition Track was set up to manage petition cases under the management of Justice Mark Sevua. In 2002 the *Election Petition Rules 2002* was introduced. In the reporting period the Court dealt with remaining petitions filed after the 2002 general elections.

In the reporting period the general elections were held in 2007 under the limited preferential system. On 13th December 2007 the Judges amended the *Election Petition Rules 2002* to provide for additional rules to fast-track hearing of petitions. Amongst other new provisions introduced by amendment, a summary disposal procedure was introduced to dispose of petitions which were filed in breach of the Rules or for failure to comply with directions issued by the Court or for want of prosecution.

A total of 55 Election Petitions were filed in the National Court at Waigani after the 2007 general elections.

For statistics on 2002 and 2007 election petition cases before the National Court, see **Appendix “F.1 ”** (page 27-28).

In 2002 the judges promulgated the *Supreme Court Election Petition Review Rules* which regulated the filing of petition decision reviews in the Supreme Court. Thirty –one applications for review were filed in the Supreme Court. Some reviews were dealt with in the reporting period. For statistics, see **Appendix “F.2”** (page 28).

On 13th December 2007 the judges promulgated the *Supreme Court Election Petition Review Rules 2002 (as amended)*. Amongst other new provisions introduced by amendment, a summary disposal procedure was introduced to dispose of applications which were filed in breach of the Rules or for failure to comply with directions issued by the Court or for want of prosecution. Thirty-seven applications for review were filed in the Supreme Court. At the end of this period, 30 applications were dealt with and 7 remained pending. For statistics, see **Appendix “F.3”** (page 28).

9.4 Alternative Dispute Resolution - National Court

In the Judges Report for 2003, it reported that the Judiciary was examining Alternative Disputes Resolution (ADR) processes to encourage out of court settlement of disputes through mediation. It is anticipated that up to 60% of civil cases could be settled by mediation. Effective court-annexed mediation would also result in fast tracking the disposition of the high volume of civil case backlog.

In 2000, the Judges set up an ADR committee chaired by Justice Kandakasi comprising Judges and senior lawyers to study and make recommendations to the Judges for amending the *National Court Act* to provide for formal court-annexed mediation. The report was completed and presented to the Judges. The Chief Justice presented the Judiciary’s report to the Government in early 2007.

Also in 2007, through the support of the Law and Justice Sector Program, the Judiciary secured funding to build an ADR centre at Waigani in anticipation of Parliament enacting the proposed amendment.

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Also in 2007, through the support of the Law and Justice Sector Program, the Judiciary secured funding to build an ADR centre at Waigani in anticipation of Parliament enacting the proposed amendment.

10. COURT REPORTING SERVICES

Court Reporting Services plays an important role in supporting the Judiciary in the speedy disposition of cases. Through the work of the Court Reporting Officers, the courts are able to accurately record proceedings and provide transcripts within reasonable time.

With an increase in the number of Judges there is an increase in the number of cases dealt with, the current office facility at Waigani requires expansion to accommodate new staff and technical equipment. The Law and Justice Sector Program is expected to fund expansion work.

11. LIBRARY SERVICES

The Judiciary maintains a library at Waigani and libraries in provincial locations. A major project undertaken by the library is collaborating with the University of South Pacific to collate PNG laws and judgements and post them on the Paclii website. The project was completed in 2007. As a result published judgments are now accessible on the worldwide web.

12. NATIONAL JUDICIAL STAFF SERVICES, FINANCE & ADMINISTRATION (NJSS)

The National Judicial Staff Service (NJSS) was established by the *National Judicial Staff Service Act 1987* (as amended) to provide personnel administration and management support to both the lower and higher Judiciary. The functions of the NJSS are provided for under the Act. The Secretary, NJSS is the Chief Executive Officer of NJSS. He is responsible to the Judicial Council for the management of NJSS. The Judicial Council is comprised of the Chief Justice (Chairman), a Judge nominated by the Chief Justice, the Deputy Chief Justice, Chief Magistrate and a Senior Magistrate nominated by the Chief Magistrate.

NJSS is responsible for administering the Judiciary's appropriation in consultation with the Chief Justice. It administers the following:

- the National Judicial Staff Service established under the *National Judicial Staff Service Act 1987*; and
- the salaries and allowances (financial and otherwise) of all persons appointed under the *Supreme Court Act 1975*, the *National Court Act 1975*; the *Magisterial Services Act* and the *Sheriff Act 1995*.

In the reporting period the Judicial Council approved the higher judiciary's staff restructure exercise which was later endorsed by the Department of Personnel Management in 2006. Its implementation is progressing well in 2007.

13. JUDICIARIES BUDGET ESTIMATES

The allocation of the Judiciary's funds through the Government's annual budget process is governed by Section 209 and 210 of the *Constitution*. The Judiciary is self-accounting.

Section 209 states:

“ 209. Parliamentary responsibility.

- (1) Notwithstanding anything in this Constitution, the raising and expenditure of finance by the National Government, including the imposition of taxation and the raising of loans, is subject to authorization and control by the Parliament, and shall be regulated by an Act of the Parliament.*
- (2) For each fiscal year, there shall be a National Budget comprising—*
 - (a) estimates of finance proposed to be raised and estimates of proposed expenditure by the National Government in respect of the fiscal year; and*
 - (b) separate appropriations for the service of that year in respect of -*
 - (i)...*
 - (ii)...*
 - (iii) the services of the Judiciary; and*
- (2A) For the purposes of this Subdivision*
 - (b) "the services of the Judiciary" include—*
 - (i) the salaries and allowances (financial and otherwise) of Judges of the Supreme and National Courts; and*
 - 1) the maintenance of the Supreme and National Courts; and*
 - 2) the National Judicial Staff Service established under the National Judicial Staff Service Act 1987; and*
 - 3) the salaries and allowances (financial and otherwise) of all persons appointed under the Supreme Court Act (Chapter 37), the National Court Act (Chapter 38) and the Sheriff Act (Chapter 55).*

(2B) For the purposes of subsection (2)(b)(i) and (iii), ...the Chief Justice ... shall, before 30th September each year, submit to the Prime Minister estimates of expenditure for the... services of the Judiciary ... in the following fiscal year.

(3) Before any Budget or appropriation is prepared for submission to the Parliament, the National Executive Council shall consult with any appropriate Permanent Parliamentary Committee, but this subsection does not confer any right or impose any duty of consultation after the initial stages of the preparation of the Budget or appropriation.”

Section 210 (3) of the *Constitution* states:

“Where, in the opinion of the Parliament, the proposed expenditure for... the services of the Judiciary is below the estimate submitted by the...Chief Justice...and is insufficient adequately to meet the requirements of that service, the Parliament may increase the expenditure to an amount not exceeding the original estimates submitted by... the Chief Justice, ...under Section 209(2B).”

Prior to 2003, the Judiciary (Supreme Court and National Court) and the Magisterial Services (District Courts) shared a single budget. In 2003, the Parliament made separate appropriations for the Judiciary and the Magisterial Services respectively. This arrangement continued in the reporting period.

Section 209 (2) & (2A) (b) of the *Constitution* refers to a single budget for the Judiciary which is appropriated by an Act of the Parliament. The Judiciary’s budget estimates is a single line budget in that it contains two components - recurrent budget & development budget. In 2002 the Judiciary’s single line budget was altered whereby the recurrent budget was separated from the development budget and the development budget was brought under the Law and Justice Sector Budget. This arrangement marked a departure from the constitutional arrangement for the Judiciary to formulate and submit its own development budget. This arrangement continued in the reporting period. It appears the executive Government is reviewing the Law and Justice Program funding arrangement. The Judiciary may also review the arrangement with the Law and Justice Sector Program to ensure that the Judiciary’s priorities for development projects are respected and funded and projects implemented without delay.

For the purpose of passing the budget, the Chief Justice submits the Judiciary’s estimates to the Prime Minister “*before 30th September each year*”: s 209 (2B). ***Pursuant to s 209 (2B) and s 210 (3) of the Constitution, the Judiciary’s budget estimate is not subject to reduction by the Executive Government except by the Parliament. When the executive***

government's proposed estimates is presented to the Parliament, and the proposed estimates for judiciary services is below the Chief Justice's estimates presented to the Prime Minister, the Parliament has the power under Constitution, Section 210(3), to rectify the discrepancy. The executive governments must inform the Parliament of its proposed budget estimates for the Judiciary and the Chief Justice's estimate and inform the Parliament of the proposed reduction in order for the Parliament to make an informed decision. The Parliament may increase the appropriation for the Judiciary up to the original estimate by the Chief Justice.

In the reporting period the Judiciary experienced mixed response from the Parliament in relation to the Chief Justice's estimates, as follows:

Item	2004	2005	2006	2007
Chief Justice's Estimate	K34,649,000	K30,883,000	K39,488,000	K38,812,000
Actual Appropriation	K27,375,000	K30,000,000	K36,912,000	K38,812,000

The discrepancies in the 2004, 2005 and 2006 between the Chief Justice's estimates of expenditure and amounts actually appropriated by the Parliament, is of great concern. In 2004 – 2006 the Parliament did not exercise its power under *Constitution*, Section 210 (3) and this significantly curtailed the Judiciary's capacity to discharge its constitutional function in this period.

Another area of concern is the delay in payment of monthly allocations by the Finance Department to the Judiciary experienced in this period. In many instances funds are not received on the first working day of each month but late in the month. This severely affected the performance of the Judiciary's functions in the month.

In relation to expenditure the funds were expended in line with the appropriation for each year. The Judiciary's accounts for each year are the subject of the Auditor General's report.

14. OTHER STATUTORY FUNCTIONS CONFERRED ON THE NATIONAL COURT.

14.1 THE SHERIFF OF PAPUA NEW GUINEA

The Sheriff of Papua New Guinea is appointed under the *Sheriff Act (Amalgamated) 1973*. He or she is responsible for carrying out a number of functions on behalf of the National Judicial System. The main functions of the Sheriff are;

- To execute such process as directed by the Court;

- To make a return to the Court of any process executed by them and also advising on how the process was executed;
- To receive and detain all persons committed to the custody of the Sheriff;
- To discharge persons in the custody of the Sheriff when directed to do so by the proper authority.

The role of the Sheriff also extends to Section 614 (Execution of Sentence of Death) of the *Criminal Code* (Chapter 262) where he shall be present at the execution and shall sign certain documents after execution has taken place.

Under the *Sheriffs Act*, the Sheriff is appointed by the Head of the State, acting upon advice. However, currently the Registrar of the Supreme Court and the National Court is the Sheriff by virtue of an instrument of appointment by the Governor General in 1973 by gazettal notice. In fact, the office of the Sheriff is separate from the office of the Registrar. In the reporting period, the activities of the office of the Sheriff have been funded out of the funds budgeted for the Registrar's office. In future the Judiciary will seek separate funding for the Sheriff's office.

14.2 LEADERSHIP TRIBUNALS

The Judiciary has provided Judges to chair Leadership Tribunals as required by constitutional laws. A separate budget for this constitutional function has been overlooked due to poor budget preparation by the Judiciary's management in the reporting period. Such arrangements have caused the Judiciary to curtail the performance of its core functions to make funds available for Leadership Tribunal activities. The Judiciary has been forced to seek additional supplementary budget support in 2004 to fund Leadership Tribunals.

The referral of leaders for prosecution before a Leadership Tribunal is increasing. Adequate budget provision under the recurrent budget is required to conduct Leadership Tribunals. In future, the Judiciary will be making a separate budget submission to fund Leadership Tribunals.

For Leadership Tribunals constituted in this period and status of cases, see **Appendix "G"** (page 29).

14.3 COMMISSION OF ENQUIRIES

The appointment of Judges to statutory tribunals and bodies in which the appointment of a Judge is not required by statute requires careful consideration. This is because Judge's performance of their judicial function is affected when Judges are taken from their work for administrative tribunal duties.

The Judiciary's official position is that the Chief Justice must be consulted before the appointment is made. The Chief Justice is to then consult Judges on the matter and advise the government, in writing, if the appointment should proceed. The Chief Justice is to decide whether or not to grant approval for release of Judges for such duties. If the Chief Justice approves the Judges' release, the Judge's service to that body is included as part of judicial service. For this reason, the Judge receives no additional benefits for his or her services to that

body. Leave of absence with pay is granted for the period of engagement. When the Judge is not engaged on duty with that body, the Judge is available to perform judicial functions.

The appointing authority, in particular the executive government, must be aware of this position so that in future cases, the government consults and seek approval of the release of a Judge in advance before any appointment is made.

In 2007 Justice Catherine Davani was appointed a member of the Commission of Enquiry to inquire into the Finance Department. Her Honor will continue in that role from time to time until the Commission completes its task.

APPENDIX "A"

SUPREME COURT

PART I: CIVIL APPEAL CASES 2004 -2007

Case Type	2004			2005				2006				2007			
	Registered	Dealtwith	Pending	Registered	Total Pending	Dealtwith	Pending	Registered	Total Pending	Dealtwith	Pending	Registered	Total Pending	Dealtwith	Pending
SCA	174	153	21	136	157	89	68	140	208	84	124	133	257	78	179
SCAPP	3	1	2	4	6	0	6	1	7	0	7	5	12	1	11
SCM	8	8	0	16	16	11	5	18	23	10	13	13	26	5	21
SCOS	5	3	2	1	3	1	2	5	7	2	5	3	8	2	6
SCREF	6	1	5	4	9	3	6	4	10	2	8	1	9	0	9
SCREV	15	12	3	6	9	4	5	7	12	1	11	6	17	3	14
Total	211	178	33	167	200	108	92	175	267	99	168	161	329	89	240

SCA – Supreme Court Civil Appeal
 SCAPP – Supreme Court Application
 SCM – Supreme Court Appeal by Motion
 SCOS – Supreme Court Originating Summons
 SCREF – Supreme Court Reference
 SCREV – Supreme Court Review (Election & Civil)

- The data report only captures information created during the reporting years
- It does not cover information created before January 1 2004 or created after December 31 2007
- Total Pending matters from 2005 to 2007 is a aggregate of matters pending from the prior year added onto matters registered in the year on record
- Pending matters per year is except for 2004 the sum total of pending matters less dealt with matters in the same year
- Pending result in each year is a progressive accumulation of matters carried on to subsequent years.
- Records of registered matters is fairly accurate
- Records of dealt with matters relies on accurate date input of closed file records
- The registry is working at improving this record. This data does not capture any case management information between filing and final disposition of all cases filed.

APPENDIX "B"

PART II : CRIMINAL APPEAL CASES

Case Type	2004			2005				2006				2007			
	Registered	Dealtwith	Pending	Registered	Total Pending	Dealtwith	Pending	Registered	Total Pending	Dealtwith	Pending	Registered	Total Pending	Dealtwith	Pending
SCAPP	8	4	4	2	6	1	5	6	11	3	8	3	11	2	9
SCRA	87	62	25	52	77	43	34	49	83	34	49	40	89	12	77
SCREV	44	33	11	45	56	31	25	38	63	23	40	39	79	26	53
Total	139	99	40	99	139	75	64	93	157	60	97	82	179	40	139

SCAPP – Supreme Court Application
 SCRA - Supreme Court Criminal Appeal
 SCREV - Supreme Court Criminal Review (Criminal)

- The data report only captures information created during the reporting years
- It does not cover information created before January 1 2004 or created after December 31 2007
- Total Pending matters from 2005 to 2007 is a aggregate of matters pending from the prior year added onto matters registered in the year on record
- Pending matters per year is except for 2004 the sum total of pending matters less dealt with matters in the same year
- Pending result in each year is a progressive accumulation of matters carried on to subsequent years.
- Records of registered matters is fairly accurate
- Records of dealt with matters relies on accurate date input of closed file records
- The registry is working at improving this record. This data does not capture any case management information between filing and final disposition of all cases filed.

APPENDIX "C"

NATIONAL COURT

CRIMINAL STATISTICS

PENDING Bail (B) & Remand (R) Matters (as at 14th December 2007)

CIRCUIT AREA:		WGN	ALT		POP		KRM		DARU		LAE	GKA		KUN		HGN		MDU		WBG		MAD		WWK		VAN		MNS		KAV		KMB		KPO		BUKA					
CIRCUIT DATE:		14/12/07	14/12/07		14/12/07		14/12/07		14/12/07		14/12/07	14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07		14/12/07							
Year	B	R	TOTAL B&R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R	B	R						
1988	0	0	0																																						
1989	0	0	0																																						
1990	0	0	0																																						
1991	0	0	0																																						
1992	0	0	0																																						
1993	0	0	0																																						
1994	0	0	0																																						
1995	0	1	1																																						
1996	0	0	0																																						
1997	0	0	0																																						
1998	2	2	4							1				1																											
1999	2	7	9							1	1		1			2							1											2	1						
2000	0	9	9			1					1			2									1		2										2						
2001	2	2	4			1					2	1																													
2002	2	10	12	1						2			1	1		1								2											1						
2003	27	7	34	2								3			6	5	1					3		1			3						3	2	1	1	3				
2004	41	20	61	4				1				2		1		8	3	4		1	2	2				3							5	1	2	1	7	6	7	1	
2005	231	71	302	17	4		5	14	3	1	1		4	8	2	3	8	10	7	8	3	6	7	12	1	29	1	26	2	1		2		14	8	26	2	29	13	25	
2006	329	252	581	37	33	7	10	14	5	2		3	7	50	60	11	31	16	1	13	4	6	7	15	3	37	22	28	10	2	1	12		16	34	19	3	21	16	20	5
Total	636	381	1017	61	39	7	15	29	10	3	1	8	17	61	65	14	43	40	13	30	9	13	16	32	4	67	27	54	20	3	2	15	0	35	45	50	8	58	41	56	6
2007	366	361	727	40	37	9	18	13	4	4	1	4	3	34	74	16	28	10	5	12	23	20	23	9	6	46	19	29	18	5	2	3	1	26	30	24	9	37	26	25	34
Grand Total	1002	742	1744	40	37	9	18	13	4	4	1	4	3	34	74	16	28	10	5	12	23	20	23	9	6	46	19	29	18	5	2	3	1	26	30	24	9	37	26	25	34
			Total	101	76	16	33	42	14	7	2	12	20	95	139	30	71	50	18	42	32	33	39	41	10	113	46	83	38	8	4	18	1	61	75	74	17	95	67	81	40
			TOTAL B&R:	177	49	56	9	32	234	101	68	74	72	51	159	121	12	19	136	91	162	121																			

Amended: 28/03/2008
Issued:

- This data covers information generated between 1988 and 2007 only
- It does not cover information before January 1st 1988 or December 31st 2007
- It covers all locations where the National Court resides or circuits
- Data only shows matters that were pending as Bail or Remand. It does not show completed matters.
- Pre 2005 pending cases have special circumstances which delay the disposition, e.g. bench warrants pending or psychiatric reports for some cases.

APPENDIX "D"

CRIMINAL STATISTICS

Bench Warrant (BW) Matters

CIRCUIT AREA:	WGN	ALT	POP	KRM	DARU	LAE	GKA	KUN	HGN	MDU	WBG	MAD	WWK	VAN	MNS	LIH	KAV	KMB	KPO	BUKA	
CIRCUIT DATE:	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	31/12/09	
YEAR	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW	BW
1988	40	0	1	0	0	8	0	0	0	0	0	4	7	0	0	0	0	0	0	0	0
1989	20	1	6	0	0	34	0	0	0	4	0	3	5	6	0	0	0	0	1	0	0
1990	4	0	3	0	0	12	0	0	7	5	0	5	10	1	0	0	0	1	3	0	0
1991	15	0	2	1	0	15	0	0	15	1	0	8	9	5	0	0	0	1	6	0	0
1992	25	0	3	0	0	35	3	0	18	5	0	17	7	0	0	0	1	0	2	0	0
1993	11	0	1	0	1	12	1	0	13	8	0	11	8	4	0	0	0	1	4	0	0
1994	31	1	5	2	0	6	1	1	1	17	0	6	14	2	0	0	3	5	1	0	0
1995	22	0	5	2	5	20	1	6	19	16	0	10	8	8	0	0	0	6	2	0	0
1996	21	3	5	6	6	31	4	17	20	15	1	0	9	4	0	0	0	2	0	4	0
1997	6	0	4	4	9	51	2	24	13	7	8	4	21	1	0	0	1	7	7	2	0
1998	25	0	5	6	3	47	14	27	24	4	8	34	10	1	4	1	4	17	13	3	0
1999	38	0	4	7	9	69	15	16	35	13	6	13	25	4	2	0	4	44	18	2	0
2000	51	0	7	7	0	93	10	17	36	4	9	23	14	1	3	0	2	20	14	5	0
2001	22	2	8	2	1	33	21	13	24	0	9	13	32	0	1	1	0	27	18	1	0
2002	22	1	0	0	0	41	13	14	27	4	18	34	14	2	1	0	1	14	12	19	0
2003	18	1	2	0	0	31	16	14	22	7	4	29	3	2	1	2	0	32	18	0	0
2004	20	1	10	0	0	18	6	14	68	3	5	9	9	5	2	0	2	7	16	19	0
2005	20	3	13	9	6	27	22	17	37	25	13	19	19	4	4	3	1	18	16	26	0
2006	25	6	20	0	9	37	13	30	37	8	14	30	29	0	3	3	7	16	9	19	0
2007	12	10	10	0	4	28	5	13	34	15	15	21	22	9	2	0	9	18	17	35	0
TOTAL	448	29	114	46	53	648	147	223	450	161	110	293	275	59	23	10	35	236	177	135	0

Grand Total of Bench Warrants (BW) = 3,672

- **Data shows total number of bench warrants issued by the court since 1988 and which remained pending up to the end of 2007. It does not show number of bench warrants executed in the period.**

APPENDIX "E"

NATIONAL COURT

CIVIL CASE STATISTICS FOR 2004 to 2007

Case Code	2004			2005				2006				2007			
	Registered	Completed	Pending	Registered	Total Pending	Completed	Pending	Registered	Total Pending	Completed	Pending	Registered	Total Pending	Completed	Pending
CIA	327	83	244	285	529	67	462	231	693	43	650	199	849	24	825
MC	31	10	21	34	55	3	52	26	78	5	73	24	97		97
MP	84	47	37	96	133	46	87	123	210	34	176	66	242	9	233
OS	800	160	640	797	1437	181	1256	926	2182	201	1981	757	2738	116	2622
WPA	50	1	49	54	103		103	48	151		151	36	187		187
WS	1753	522	1231	1860	3091	482	2609	1842	4451	434	4017	1469	5486	155	5331
Grand Total	3045	823	2222	3126	5348	779	4569	3196	7765	717	7048	2551	9599	304	9295

CIA – Civil Appeal

MC – Matrimonial Causes

MP – Miscellaneous Proceedings

OS – Originating Summons

WPA – Wills, Probate & Admissions

WS – Writ of Summons

- The data report only captures information created during the reporting years
- It does not cover information created before January 1 2004 or created after December 31 2007
- Total Pending matters from 2005 to 2007 is a aggregate of matters pending from the prior year added onto matters registered in the year on record
- Pending matters per year is except for 2004 the sum total of pending matters less dealt with matters in the same year
- Pending result in each year is a progressive accumulation of matters carried on to subsequent years.
- Records of registered matters is fairly accurate
- Records of dealt with matters relies on accurate date input of closed file records
- The registry is working at improving this record. This data does not capture any case management information between filing and final disposition of all cases filed.

APPENDIX “ F. 1 ”

ELECTION PETITION REPORT (as at 23 February 2010)

1.	<u>2007 General Elections</u>		
	Total Petitions filed	:	55
	Withdrawn	:	17
	Dismissed	:	32
	Upheld & Recount ordered	:	<u>3</u>
	Sub-total	:	<u>52</u>
	Pending	:	3
2.	<u>2005 By-Election</u>		
	Total By-Election Petition filed	:	1 – Dismissed
3.	<u>2005 ABG General Elections</u>		
	Total Petition filed	:	1 – Withdrawn
4.	<u>2004 By-Elections</u>		
	Total By-Election Petitions filed	:	5
	Withdrawn	:	2
	Dismissed	:	2
	Pending	:	1
5.	<u>2003 Supplementary Elections (Southern Highlands Province)</u>		
	Total Supplementary Election Petitions filed	:	8
	Withdrawn	:	1
	Discontinued	:	3
	Dismissed	:	4

Pending	:	NIL
6. <u>2002 General elections</u>		
Total Petitions filed	:	85
Dismissed	:	46
Discontinued	:	1
Withdrawn	:	34
Upheld	:	3
Pending	:	1
Total:	:	85

APPENDIX " F. 2 "

SUPREME COURT

2002 ELECTION PETITION REVIEWS

Decision Details	Filed	Dismissed	Withdrawn	Upheld	Dealt –with	Pending
Total	31	10	5	7	9	0

APPENDIX " F.3"

SUPREME COURT

2007 ELECTION PETITION REVIEWS

Decision Details	Filed	Dismissed	Withdrawn	Upheld	Dealt with	Pending
Total	37	7	4	7	12	7

APPENDIX “ G”

LEADERSHIP TRIBUNALS

2004

Date	Case No	Leader	Panel	Decision
April 2004	LT 1 of 2004	The Hon. Michael Nali	Justice Elenas Batari SM Nialyn Kiteiap SM Thomas Vogusang	Leader found guilty and dismissed from office. Penalty reduced to fine by National Court on review.
November 2004	LT 2 of 2004	The Hon.Peter Yama <i>Sumkar Open (Usino Bundi)</i>	Justice Timothy Hinchliffe SM Frank Manue SM Patrick Monoluk	Leader found guilty and dismissed from office. Penalty reduced to fine on review by National Court.
December 2004	LT 3 of 2004	Raho Hitolo <i>Ombudsman Commissioner</i>	Justice Ambeng Kandakasi Justice Cathy Davani Justice Salatiel Lenalia	Referral Withdrawn

2006

Date	Case No	Leader	Panel	Decision
March	LT1 OF 2006	The Hon.Charles Benjamin <i>Manus Open</i>	Justice Sao Gabi SM Jeremiah Singomat SM Jimmy Tapat	Leader found guilty and dismissed from office
May	LT 2 OF 2006	Dr Puka Temu <i>Abau Open</i>	Justice George Manuhu SM Betty Kup SM Jack August	Leader found guilty and fined
May	LT 3 OF 2006	The Hon.Andrew Baing <i>Markham Open</i>	Justice Allan David SM Mark Selefkaru SM Vincent Linge	Leader found guilty and dismissed
June	LT 4 OF 2006	The Hon.Peter Ipatas <i>Enga Regional</i>	Justice Panuel Mogish SM Danny Wakikura SM Sasa Ikung	Leader found guilty and fined
September	LT 5 OF 2006	The Hon.Gabriel Kapris <i>Maprik Open</i>	Justice Sir Kubulan Los PM Orim Karapo SM Noreen Kanasa	Leader found guilty and fined
September	LT 6 OF 2006	The Hon.Arthur Somare <i>Angoram Open</i>	Justice Sir Kubulan Los PM Orim Karapo SM Noreen Kanasa	Referral pending before tribunal. Awaiting outcome of Judicial Review in National Court
September	LT 7 OF 2006	The Hon.Chris Haiveta <i>Gulf Regional</i>	Justice Timothy Hinchliffe SM Mark Pupaka SM Steve Abisai	Leader found guilty and dismissed from office

September	LT 8 OF 2006	The Hon.Moi Avei <i>Kairuku Hiri</i>	Justice Timothy Hinchliffe SM Mark Pupaka SM Steve Abisai	Leader found guilty and dismissed from office
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2007

Date	Case No	Leader	Panel	Decision
February	LT 1 OF 2007	The Hon.Melchior Pep <i>Dei Open</i>	Justice Nicholas Kirriwom SM Regget Marum SM Felix Terra	Leader pleaded guilty to 3 counts of misconduct in office, and fined
February	LT 2 OF 2007	The Hon.John Muingnepe <i>Bulolo Open</i>	Justice Mose Jalina SM S Lavutul SM Jeffery Ketenga	Leader found guilty and dismissed from office.