



The Independent State of Papua New Guinea

# **SUPREME AND NATIONAL COURTS OF JUSTICE**



**REPORT OF  
THE JUDGES 2018**



The Independent State of Papua New Guinea

**Supreme and National Courts Of Justice**

# **REPORT OF THE JUDGES 2018**

# TABLE OF CONTENTS

<b>Contents Pages</b>	2-3
<b>Executive Summary</b>	4
<b>Supreme Court</b>	<b>5</b>
Total Workload and Clearance Rate	5
<b>National Court</b>	<b>6</b>
General Caseload	7
Dormant Matters	8
Jurisdiction of the National Court	9
Civil Jurisdiction in General	9
Common Law Division	9
Equity Division	9
Appeals & Judicial Review	9
Commercial	9
Election Petition	10
Human Rights	10
Mediations	10
Leadership Tribunal	11
State Claims	11
Criminal Jurisdiction in General	12
Bail, Remand and Bench Warrants	13
Fraud & Corruption Specialized Track	13
<b>Overview of the Court Performance</b>	<b>14</b>
Inadequate Number of Judges	15
Judges' Serving two high courts Judicial Commission Simultaneously	15
Inactive or Dormant Pending Civil Cases	15
Outstanding Bench Warrants	15
Under Resourced Constitutional Offices	15
Pre-Occupation with Preliminary Hearings	16
Reserve Judgements	16
Underutilized Mediation Services by the National Court	16
Other Methods of Alternative Dispute Resolutions	16
<b>Administrative Functions</b>	<b>17</b>
Appropriation and Expenditure	17
Delays and shortfalls	17
Withholding of Salary and Allowance	17
Strategic Planning	17
Provincial Roll Out	18
<b>Information, Communication &amp; Technology In Courts</b>	<b>19</b>
Moving Into the Digital World	19
New ICT Systems & Equipment	19
New Case Management System	19

Central Integrated Information Management Platform	19
Audio Recordings	20
Criminal Case Management System (“ICCS”)	20
Judicial Services Integrated Management System (“JSIMS”)	20
PNG Sentencing Database (“PngSD”)	20
PNG Election Petition Database	20

## **Assisting Overseas Jurisdictions** 21

Partnership and Cooperation with Overseas Judiciaries	21
Appointment of PNG Judges on Overseas Courts	21
PNG Judiciary Should Assist Overseas Service Providers	21
Judicial Education & Learning In the Pacific	22
PNG Centre For Judicial Excellence	22
Pacific Centre for Judicial Excellence	22

## **Areas In Need of Improvement For Improved Court Performance** 23

The Areas Needing Attention	23
-----------------------------	----

## **Court Buildings and Facilities** 24

High Court—Construction & Upgrade	24
District Courts—Construction & Upgrade	24
Centre for Judicial Excellence Training Building	24
Central Province Bereina District Central Province	25
Morobe Province Buimo Court Facility	26
West New Britain Bialla Court Facility	27
East Sepik Province Wewak National Court Construction	28
Waigani Court Complex	29

## **Appendices**

Appendix 1: Judges List	30
Appendix 2: National Court General Caseload	31
Appendix 3: 2014 to 2018 National Court Clearance Rate	32
Appendix 4: Case Pending Year End	33
Appendix 5: Reserve Decisions at the End of 2018	34
Appendix 6: Fraud Case Code	35
Appendix 7: National Court Civil Performance	36
Appendix 8: Appeals & Judicial Review Caseload	37
Appendix 9: Election Petition Caseload	38
Appendix 10: Human Rights Caseload	39
Appendix 11: Mediation & ADR	40
Appendix 12: Leadership Tribunal Caseload	41
Appendix 13: State Claims Caseload	42
Appendix 14: Criminal Case Statistics by Location	43
Appendix 15: PngCJE Building Construction Progress	44

## Executive Summary

This report follows on from the 2017 Report. The report covers the performance of the Judiciary for 2018.

The first part of this Report presents a series of case statistics that show the workload of the Courts, and how much of that workload was completed in 2018. The rest of the report covers, rec-ommendations established from the achievements that require collective support in delivering core objectives of the Courts.

In 2018, the Judiciary witnessed the change of Judicial leadership. The term of Sir Salamo Injia's Chief Justiceship expired on 31st October 2018. Sir Gibuma Gibbs Salika who was the Deputy Chief Justice at the time was appointed the Chief Justice of Papua New Guinea. Sir Gibss Salika was first appointed as a Judge of the Supreme and National Court in 1989. At the time of his ap-ointment as the Chief Justice, Sir Gibbs Salika served the Judiciary as a Judge and the Deputy Chief Justice for 29 years.

During the reporting year, a total of 44 Judges sat in courts to deal with 28, 161 National Court cases and 1,449 Supreme Court cases. From the 44 Judges, a total of 5 acting Judges dealt only with the National Court cases. 39 of the Judges dealt with Supreme and National Court cases. *See Appendix 1*

The total National Court cases completed for the National court during the reporting year was 5,123 from the 28, 161 registered cases. A clearance rate of 30% of the case disposal was achieved. The total Supreme Court Cases completed for the Supreme Courts cases during the re-orting year was 480 from the 1, 449 registered cases. The total workload for the reporting year is the total of the new cases registered in the reporting year and the total number of pending cases brought forward from the previous reporting year.

National Judicial Staff Service continues to strengthen its ability to present statistical information on performance of the Courts by enhancing its capacity to counter and implementing programs that analyses effectively court case data information on a daily basis to reduce the error/omission rates. That ongoing exercise resulted in near accuracy of caseload registered in the Supreme and the National courts.

In year 2018, the population of Papua New Guinea was estimated at 8.6 million people. This gives a ratio a Judge alone will serve an estimated of 195, 500 people. By international Standards, it is a recommendation that 70, 000 people is required to be served by a Judge in which 123 Judges are required to the serve the population of Papua New Guinea. With the growing trend of newly registered cases and caseload yearly, the clearance rate emphasizes the need to increase the number of Judges to counter the trending issue.



# Supreme Court

## Total Workload and Clearance Rate

The clearance rate for 2018 caseload was 33.1% in which 480 cases were completed from a case load of 1449. A total of 969 cases were brought forward to 2019.

Out of the 33.1%, Supreme Court Appeals, Applications, Motions and Elections Petitions clearance rates were above 30%.

Total workload and clearance rate statistics are shown on the below table.

984 cases were brought forward in the Supreme Court from 2017 and 495 new cases were filed in 2018 giving a total caseload of 1449 for 2018.

### Supreme Court Caseload - Year 2018 compared to Year 2017

#### Supreme Court End of 2017

Pending Pre 2017 Case Brought Forward	New Cases Filed in 2017	Total Caseload in 2017	Cases Completed in 2017	Pending Cases Brought Forward to 2018	Clearance Rate
984	485	1,469	515	954	35.1%

#### Supreme Court End of 2018

Pending Pre 2018 Case Brought Forward	New Cases Filed in 2018	Total Caseload in 2018	Cases Completed in 2018	Pending Cases Brought Forward to 2019	Clearance Rate
954	495	1,449	480	969	33.1%

### Supreme Court Performance - End of 2018

Case Code	Pending Pre 2018 Case Brought Forward	New Cases Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
SCA	431	213	644	237	407	37%
SCAPP	29	13	42	19	23	45%
SCCOS	4	1	5	1	4	20%
SCM	84	35	119	57	62	48%
SCOS	0		0			0%
SCRA	165	75	240	41	199	17%
SCREF	7	5	12		12	0%
SCRES	1		1		1	0%
SCREV	229	108	337	88	249	26%
SCREV (EP)	4	45	49	37	12	76%
<b>Total</b>	<b>954</b>	<b>495</b>	<b>1449</b>	<b>480</b>	<b>969</b>	<b>33%</b>

## The National Court

The National Court's total caseload for 2018 was 28,161 of which 5749 cases were filed in 2018. During the year 5123 cases were completed. Therefore 23,038 cases were pending at the end of 2018. Statistics shows the number of cases with no updates for more than 2 years since their fil-ing is 268 in which 209 are of civil matters and 59 criminal cases respectively.

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 past years 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 elec-tronic criminal case tracking system database that is now been in the piloting stages.

There were 412 reserved decisions pending during the reporting year. Of these 268 reserved deci-sions were delivered and the carry over to 2019 is 144. 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.

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 adjourn-ments 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.

## General

Continuous progress in cleansing of the database resulted in a slight increase in the reporting of the number of cases filed in 2018 to 5749 (from 5492 in year 2017) and a total of 5123 cases completed at the end of year 2018. This follows the trend that the work of the Courts is always increasing: see *appendix 3*

And see *appendix 4* for a bar chart which shows the performance by the National Court's work, each division divided into total case filed, total case finalised and total clearance rate.

With regard to the total caseload for all cases, the total caseload (pre-2017 cases plus new cases filed in 2018) as at the end of 2018 stood at 23,038 of which 5,123 or 22% were completed.

There is still work to be done on improving the accuracy of the database as there are still 419 cases in the total caseload and 1045 cases in the cases completed. At the end of 2018 there were 23,038 cases pending compared with 22,412 in 2017, a slight decrease of 626 pending cases compared: 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.

In the table below the percentage of the clearance rate for year 2017 and year 2018. For the year 2017 the clearance rate was about 26.7% and for the reporting year the clearance rate was 22.9%. Refer below table for the details.

### National Court Caseload - Year 2018 compared to Year 2017

#### National Court End of 2017

Pending Pre 2017 Case Brought Forward	New Cases Filed in 2017	Total Caseload in 2017	Cases Completed in 2017	Pending Cases Brought Forward to 2018	Clearance Rate
23,088	5,492	28,580	6,168	22,412	26.7%

#### National Court End of 2018

Pending Pre 2018 Case Brought Forward	New Cases Filed in 2018	Total Caseload in 2018	Cases Completed in 2018	Pending Cases Brought Forward to 2019	Clearance Rate
22,412	5,749	28,161	5,123	23,038	22.9%



### ***Dormant matters***

Analysis of the database from the 2018 statistics has shown that there are 209 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 these cases.

<b>National Court - Number of matters dormant for more than 2 years since their filing</b>	
<b>Jurisdiction</b>	<b>Number of matters with no updates for more than 2 years since their filing</b>
<b>Civil</b>	<b>209</b>
<b>Criminal</b>	<b>59</b>
<b>Total</b>	<b>268</b>

### ***Reserved decisions***

In 2018, the new total reserved decisions increased to 476 in 2018 from 210 in 2017. The number of decisions reserved and pending decision were 463, ranging from 16 reserved in the years prior to 2004 (marked under "Year Unknown") to 210 reserved in 2017.

Of the 476 reserved decisions, 268 decisions were delivered in 2018, the clearance rate being 56%. Reserved decisions were carried over to 2018 were 144. The reserve decision figures for each year are shown in *Appendix 6*.

There are 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. Steps are 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 7* for 2018 caseload for this special court track.

### ***Civil Jurisdiction in General***

Total caseload for the civil division in 2018 was 16,176, comprising 12,633 cases brought over from 2017 and 3493 cases filed in 2018.

For a table of all cases brought forward from 2017, new cases filed, total caseload, cases completed in 2018 and cases pending at the end of 2018 (13,063), see *Appendix 8*

### ***Common Law Division***

9234 cases were brought forward from 2017, 2560 cases were filed in 2018, giving a total caseload for 2018 of 11,794 cases of which 1904 were completed leaving 9890 pending cases brought forward to 2019.

The total clearance rate as percentage of the new cases filed in year 2018 was at 74%.

### ***Equity Division***

#### ***Appeals & Judicial Review***

The total workload cases pending from pre-2018 and new cases filed in 2018) was 371 of which 351 cases were completed: see *Appendix 9*.

Three judges were assigned to this track and sat full time were Justice Gavara Nanu, Justice Colin Makail and Justice Leka Nablu.

The total clearance rate as percentage of the new cases filed in year 2018 was at 95%.

### ***Commercial***

The Commercial List was presided over by one judge sitting full time Hartshorn J.

755 cases from the previous year were brought forward to 2018. A total of 167 new cases were filed in 2018 giving a total of 922. The filing rate increased by 22% from the previous year and a total 625 cases pending were brought forward to 2019.

## ***Election Petitions***

The timely disposition of election petitions under the management of the Elections Petitions track has significantly improved since 2007. Seven inactive election petition cases were carried over from the 2007 general elections, were summarily dismissed in early 2018. The Judiciary did not carry over any petitions arising from the 2012 elections to the 2017 general elections and does not expect to carry over any election petitions arising from the 2017 elections over to the 2022 general elections.

**Appendix 10** shows the total caseload for 2018 for elections petition, cases completed and cases pending at the end of 2018.

With regard to "EP" matters, 91 cases were brought over from 2017 and 3 new cases were filed in 2018. 55 cases were completed and 39 cases carried over to 2019. 2 new EP (OS) cases were filed in 2018 that were completed at the end of 2018. Clearance rate as percentage of new case filed for the EP (OS) in 2018 was 100%

This special court track is assigned to Justice Colin Makail

## ***Human Rights***

The Human Rights court track has dealt with a record number of cases and developed case law in many new areas of procedural and substantive law. Timely disposition of cases and innovative decisions have also been a trademark of the Human Rights track.

This special court track is assigned to Justice David Cannings.

The total caseload for 2018 was 1107 of which 715 were brought forward from previous years and 392 cases were filed in 2018. Of this, 503 cases were completed in 2018, leaving 604 pending cases by the end of the year. See **Appendix 11**.

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 mediation and the ADR track has become popular amongst court Users. With more than 133 accredited Mediators and two-full time Judges assigned to the track, disposition of the civil cases through court-assisted out-of-Court Settlements through formal mediation has increased.

From a total assigned cases of 245 referred by Judges to mediation in 2018, 63 new cases were referred to mediation in 2018. 37 cases were completed in 2018. Total clearance rate of new cases assigned was 58.7%.

The bar chart at **Appendix 12** shows the performance by type of matter.

The Judiciary continues to train and encourage judges to refer more cases to mediation.

## ***Leadership Tribunals***

Leadership Tribunals are constituted and convened under the provisions of the Constitution and the *Organic Law on Duties and Responsibilities of Leadership*. Judiciary took full responsibility for the administration of Leadership Tribunals. A registry service was established to enable parties to file documents. The Judiciary's Recording Service was assigned to keep audio recordings and run typed transcripts for the tribunal and the parties.

In 2018, there were a total of 4 matters brought forward from 2017. No new cases were filed that year in which 3 cases were completed.

The figures and graphs are found at **Appendix 13**.

## ***State Claims***

The establishment of the *State Claims Court* has brought new focus to the conduct of claims involving the state as a party. Two Judges now sit full-time in Waigani. A shared database is being considered to share basic case data and reports with Court Users including the office of the Solicitor General.

A total of 4905 cases were brought forward from 2017 that increased the caseload to 5931: see ***appendix 14***



## ***Criminal Jurisdiction***

### ***Caseload***

Total National Court criminal caseload for 2018 was 11,985 cases of which 2,256 cases were new cases filed compared with 2362 in 2017, a decrease of 106 cases. The number of cases completed in 2018 at 2010.

The pending cases as at the end of 2018 was 9975 whereas the pending cases brought over from 2017 was 9729. A total of 17% of case clearance rate are reported for the previous and the reporting year.

The table below shows case load adjustments from 2017 to 2018.

<b>CRIMINAL CASELOAD COMPARED - 2017 and 2018</b>					
<b>Criminal - End of 2017</b>					
<b>Pending Pre 2017 Case Brought Forward</b>	<b>New Cases Filed in 2017</b>	<b>Total Caseload in 2017</b>	<b>Cases Completed in 2017</b>	<b>Pending Cases Brought Forward to 2018</b>	<b>Clearance Rate</b>
9,342	2,362	11,704	1,975	9,729	17%
<b>Criminal - End of 2018</b>					
<b>Pending Pre 2018 Case Brought Forward</b>	<b>New Cases Filed in 2018</b>	<b>Total Caseload in 2018</b>	<b>Cases Completed in 2018</b>	<b>Pending Cases Brought Forward to 2019</b>	<b>Clearance Rate</b>
9,729	2,256	11,985	2,010	9,975	17%

### ***Bail, Remand and Bench Warrants***

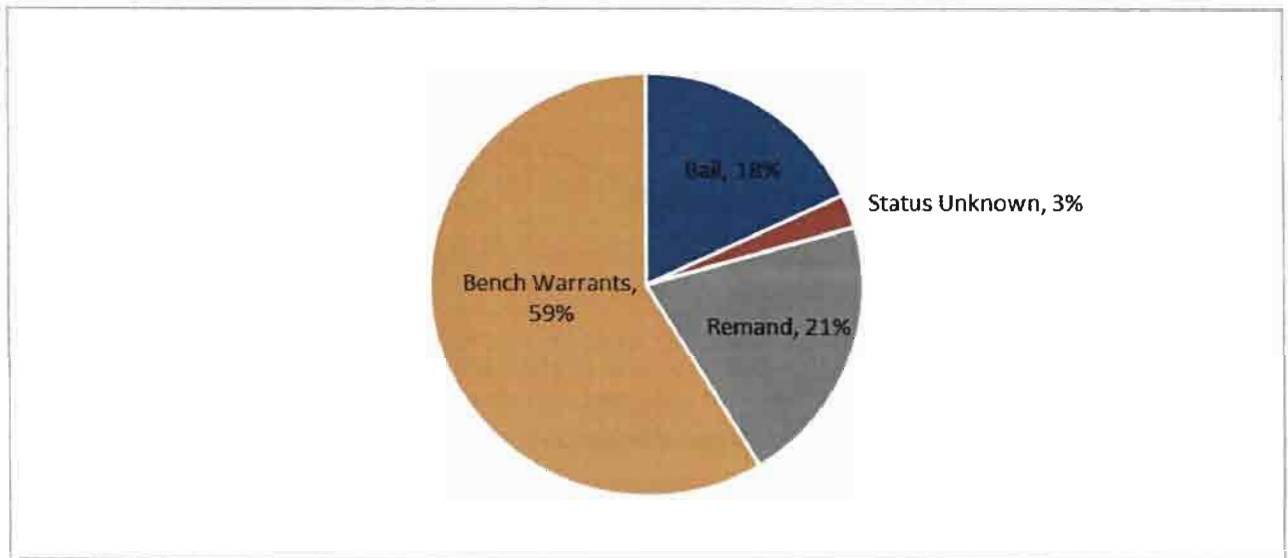
A large portion of the National Court criminal caseload still continues to be bench warrant cases. Bench warrants continue to be a vexing problem for both the National Court and the Police Force.

Statistics shows that there needs to be a combined effort by the Judges and the Police in bringing these accused persons to justice is having an effect.

A total of 1798 accused persons were on bail and 2067 imprisoned on remand as shown in the table and chart below.

**Bail, Remand and Bench Warrants - End of 2017**

Year	Bail	Remand	Bench Warrants	Status Unknown	Total
2018	1,798	2,067	5,855	255	9,975



The number of crimes by location is contained in the table “National Court Criminal case statistics by location (bench warrant, bail and remand)”: see ***appendix 15***

### ***Fraud & Corruption Specialized Court Track***

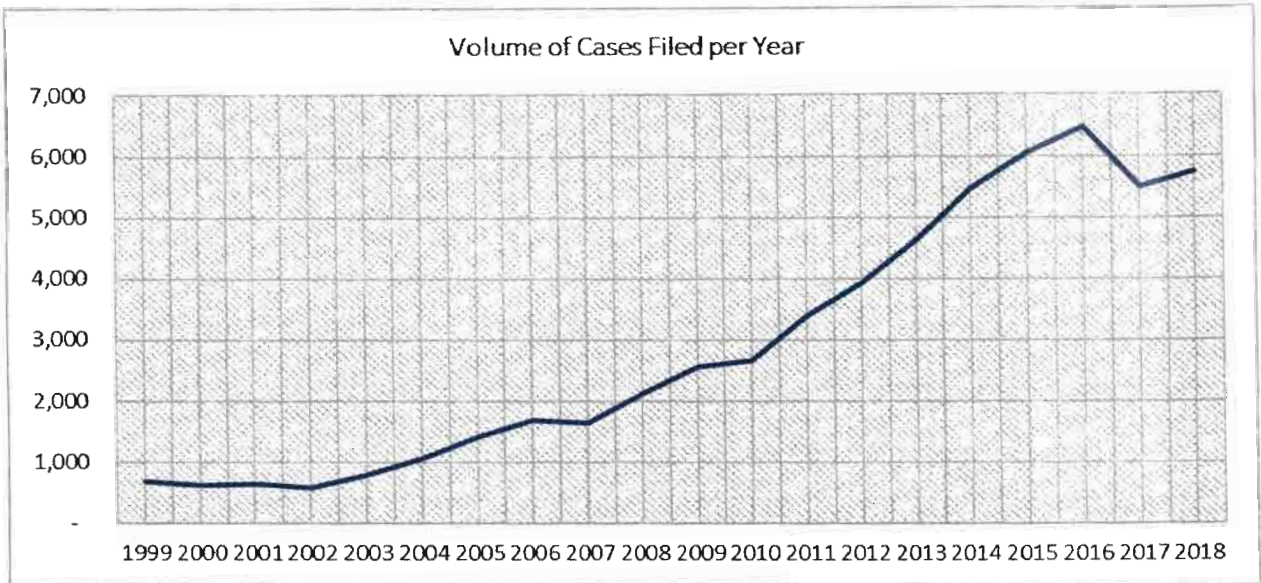
Fraud and Corruption track has been effective in the timely disposition of a record number of fraud cases with a new sense of focus and urgency, Case law on fraud and corruption continues to evolve.

The pending cases brought forward to 2018 was 840 in which 463 new cases were filed and 203 cases were completed. A clearance rate of 44% is calculated from the case completed by new cases filed in 2018; see ***appendix 7*** for Fraud and Corruption matters and status at the end of 2018.

## Overview of the Court Performance

The court performance statistics presented in the foregoing data shows that the caseload for the two courts continues to grow with increasing numbers of new cases filed in the year. For instance, in the National Court, in 2017, the increase was 24% (5492 new cases filed of the total 23,088 caseload brought forward from 2016), In 2018, the increase was by 26% (5749 new cases filed of the total of 22,412 brought forward from 2017).

The volume of cases filed per year keeps on increasing although there was downward trend in 2017 for the National Court shown by the chart below.



A satisfactorily disposal rate by international standards is over 50% of its total caseload in 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 caseload for the two courts remains around 23% for the National Courts and around 50% for the Supreme Court.

Discussion amongst Judges and court staff to find solutions to improve on the courts performance commenced in the reporting year. Those discussions will continue in coming years until the root causes of the low disposal rates are established with strategies to be developed and implemented to improve the Court's performance.

On preliminary indications, the contributing factors to low workout put are the following;

**Inadequate number of Judges:**

The statutory ceiling on the number of Judges and Judges appointed is inadequate to meet the increasing caseload of both courts and the need to increase the number of Judges. This concern has been reported in the previous reports. Judiciary in its capacity to achieve its performance objectives continues to be hampered by the limited number of Judges prescribed by the statute.

**Judges' serving two high courts Judicial Commission simultaneously:**

Judges' focus, concentration and continuity are adversely affected when they spread their efforts between the 2 courts. It was disappointing that the government's attempts to achieve passage of the necessary constitutional amendment was not successful in year 2016. It is hoped that this most important and significant restructure for the future of the courts is achieved in year 2019. This will add 6 weeks of sitting time a year to each of the National Court Judges calendar as they will no longer be required to sit in the Supreme Court.

**Inactive or Dormant Pending Civil Cases:**

Number of matters with no updates for more than 2 years since their filing in the reporting year is around 50% for the both courts comprise inactive or dormant matters that parties have lost interest in pursuing. As the Case Docketing System Database tracks each document filed, a report can be generated identifying the cases where no document is filed subsequent to the originating document. A program of regular summary disposal hearings will continue in 2019.

**Outstanding Bench Warrants:**

In the reporting year statistics showed that 59% of criminal cases were Bench Warrants. Criminal cases unexecuted by police. Serious discussions may have to take place between the Courts, the Police and the Sheriff of Papua New Guinea who is responsible for executing court processes to find ways to improve the execution of outstanding bench warrants.

**Under Resourced Constitutional offices of the Public Prosecutor, Public Solicitor and the Solicitor General:**

It is evident and practical, the Public Prosecutor and the Public Solicitor reported to the Courts that their court circuit operations were hindered by lack of funds. The Solicitor General continues to face shortage of lawyers to defend/prosecute claims involving the state. The Courts depend on the lawyers to move cases. In 2017 the court introduced a State Matters Track. State matters are grouped together to and heard on specific days, which cut down on the state lawyers travel time and increases the likelihood that there will be a state lawyer at court at the appropriate time to attend to multiple matters. This only relates to civil matters in Solicitor General and the state solicitor for matters listed at Waigani. It does not assist the other officers mentioned above which required additional resources to meet the expanding presence of the court in the provinces.



**Pre-Occupation with Preliminary Hearings:**

The courts are dragged into lengthened preliminary hearings of a case that takes much time and expense that in the end the main case never gets completed. Preliminary pre trials take too long. Parties tend to use preliminary applications to test the case and when favoured with interim relief, drag out the case. Efficient management of Judicial time maybe recommended so that Judges spend as much time as possible sitting in court hearing cases would also improve output. To effectively implement solutions to counter for the protracted pre-trial hearings, automatic reminders maybe required to be incorporated into the Case Docketing System to remind Judges to hear and dispose off subsequent cases quickly.

**Reserved Judgements:**

Judges may need to enhance their skill themselves to deliver judgement promptly. Delivery of ex tempore judgements or short adjournments for decision is to be encouraged. Judicial education and training maybe required. The Judges will need to continue to give priority to disposing of reserved decisions before conducting hearings of new cases.

**Underutilized mediation services offered by the National Court:**

The Mediation services offered by the National Court are underutilized. The parties and courts need to increase the number of cases referred to mediation. The courts, mediators and lawyers need to meaningfully discuss and encourage parties to utilize the court-annexed mediation services that the courts offer. The court may be driven to this dominant approach if parties and lawyers do not show more enthusiasm for this modern effective method of dispute resolution. The target is to have 200 fully accredited Mediators before the Court will consider whether to introduce compulsory mediation.

**Other methods of Alternative Dispute Resolutions:**

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. In addition to resolution of cases through formal mediation, in the recent years the Judiciary increased its efforts to encourage Judges to guide Lawyers and Litigants to enter into out of court settlement negotiations and settlement.

# Administrative Functions

## Budget and Funding

### Appropriation and Expenditure

The total 2018 Budget Estimate submitted by Chief Justice consisting of both the recurrent and developmental was K571.7million. This consist of K199.2 million for recurrent and K382.5million for developmental. However the Judiciary was appropriated under the Appropriation (*Judiciary Services 2018*) Act provided a grant to the Judiciary amounting to K205, 079,242. Of this K110million was for recurrent operations and K95million for capital expenditure including Waigani Court Complex for the sum of K80million.

### Delays and shortfalls

Whilst the Judiciary's Appropriation is a grant to the Judiciary annually, the Department of Finance and Treasury controls the release of the funds to the Judiciary on the monthly basis. Sometimes we do not get the monthly funding until the end of the month or some two or three months down the line. Whilst we appreciate the cash follow issues, we are also concern that sometimes its affects our contractual obligations to service providers, court sittings or circuits due to no funds, thus creating unnecessary delay and cost to our people. We request that we must be given our monthly allocation at the beginning of each month.

### Withholding of Salary and Allowance

Prior to 2017, we have been receiving all our funds monthly including salary and allowances component. At the end of each month we have been reimbursing the Department of Finance, the monthly salary bill. Unfortunately in 2018, the Department of Finance withheld our salary and allowances component. This is creating unnecessary delays and creating hardship particularly in settlement of entitlements under the terms and conditions of employment as we are been subjected to the unnecessary and unlawful scrutiny of Department of Personnel Management. This has affected many of our staff who resigned, retired or retrenched unable to be paid out their entitlements and some are still waiting to be settled for over 14 months. We request that all our funds to be released to the Judiciary as was the case before 2018.

### Strategic Planning

The Judiciary's strategic planning for Judicial service delivery must be aligned with the Government's national policy and strategic framework. The judiciary's corporate planning and implementation has been guided by the Government's "White paper on law and justice sector in Papua New Guinea 2007". The judiciary has given priority to developing its capacity to provide easy access of judicial services to the people at all levels of the community and partnering with other LJS agencies to build "a just, safe and secure society".

The courts main planning documents focused on efficient service delivery are its Corporate Plan 2018 to 2022, its business plan for the Judicial Excellence 2018 to 2022 and the Annual Court Circuit Calendars.

**See Appendix 2** for the Judiciary's Budget Appropriations for 2018.

## **Provincial Roll Out**

Easy access to justice by the people is a key mission of the Courts. In 1992, the Judiciary developed its provincial roll out plan to place a National Court registry in every province and place resident Judges in every province and an adequate number of Judges in major centers. By 2008, there were six resident-Judge bases outside of Waigani (Lae, Mt Hagen, Kokopo, Goroka, Wabag and Kimbe) each of which were supported by a National Court registry. By 2018, a registry had been opened in every province that enabled people to file court cases in those provinces.

Also by 2018, resident judges were placed in seven additional provinces (Wewak, Alotau, Kavieng, Buka, Kundiawa, Mendi and Tari). That brought the number of provinces with resident Judges to 15 (including NCD) of the 22 provinces.

The remaining seven provinces (Central, Gulf, Western, Northern, Jiwaka, Sandaun and Manus) will receive their resident Judges in place by 2022. In the meantime, these provinces are serviced on circuit by Judges who are either specifically assigned (Daru and Kerema are assigned to Justice Donajo Koeget and Central is assigned to Justice Panuel Mogish) or visited on circuit by judges based in neighboring provinces (Jiwaka is assigned to Mt Hagen-based Judges, Vanimo and Manus are assigned to Wewak based Judges, whilst Northern Province is shared by all Judges).

With respect to Districts within Provinces, the National Court is in the process of identifying a number of major Districts that the National Court will build shared facilities with District Courts in the next two years. These are Bialla, Kwikila, Bereina, Wapenamanda, Bulolo, Finshafen, Arawa, Kainantu, Bogia, Namatanai, Pogera, Esa'ala, Lousia, Aitape and Maprik.

# Information, Communication and Technology in Courts

## Moving into the Digital World

Judiciaries in the Common Law world, though very much traditional, have embraced modern technology towards the turn of the 21st century. A modern ICT-based Court information and case management system has become a critical and important tool for protecting court records, processing court information, improving court access and improving court efficiency.

### **New ICT System and Equipment:**

The ICT system obviously works well with regular upgrades of the ICT system and equipment to keep pace with changes in technology. The PNG Judiciary has a modern ICT system developed in 2012 and refined over time. Judges and Court staff are equipped with the latest computers with internet access and access to modern database systems developed or being developed by the Judiciary.

The use of IT equipment is monitored and upgraded. For instance, computers are due for overhaul or replacement after three years of use.

### **New Case Management System:**

The traditional registry-based court case management system that is grounded in the adversarial system of justice has been proven to be unsuitable for managing an increased caseload and increasing complexity in these times and a new modern case management system is needed.

The traditional registry-based court case management system that is grounded in the adversarial system of justice has been proven to be unsuitable for case flow management in modern times. A new modern case management system is needed.

Judge-based case management system under which a case is assigned to a judge to manage during the life of the case (from filing to disposition). The Judge controls the case list and the registry facilitates it. The current system called Case Docketing System (CDS) was introduced in 2012. CDS is modern, technology-based and a database that supports CDS (CDSDB). The CDSDB captures and generates case information and tracks each case as it makes its journey in the Courts.

### **Central Integrated information management platform:**

The Judiciary runs five advanced stand-alone databases that support the work of the Courts that need to be integrated under a single platform. Those stand-alone databases are the CDSDB, IC-CSD, PngEPD, PngSD and JSIMS. The Judiciary is now working on developing a central information system that will integrate the stand-alone databases into a single platform, to be put in place by 2020. The Judiciary has secured partnerships with two major IT companies to develop the platform. Recently, the Central Supplies and Tenders Board (CSTB) awarded a contract to an international ICT company, Synergy, to develop a world-class integrated electronic information and case management system (IECMS). This interesting integrated electronic case management currently is at its pilot stage.



### **Audio Recordings:**

New Digital Recording Using Advanced System (FTR System) It is a measure of judicial independence for the Courts to run their own Court recording services.

The PNG Judiciary runs its own court recordings. A new system, known as FTR system, which is among the most advanced modern recording system available, was installed between 2012 and 2016. The new system has significantly improved speed, quality and security of audio recordings, and speedy delivery of transcripts. All Courts throughout the country use digital recordings. The FTR system is run by highly skilled Court reporting officers who are specially trained and skilled in-house by the Judiciary's own Centre for Judicial Excellence. Digital recordings can now be accessed by Judges in their chambers using their computers. By 2022, the Court reporting service may achieve full staff capacity and be in a position to provide running transcripts.

### **Integrated Criminal Case Management System ("ICCSD")**

Integrated Criminal Case Management System Database ("ICCSD") In criminal case management, a collective approach among key players in the criminal justice system in collecting, processing and sharing case information is necessary to address impediments in the criminal justice process. ICCSD is a LJS sector-wide initiative of the National Coordination Mechanism (a meeting of heads of Law and Justice agencies including the Courts) involving the Police, the District Courts, the National Courts, Supreme Court, Correctional Services and Community-Based Corrections of the Department of Justice and Attorney General (DJAG).

ICCSD may be the first modern technology-based tracking system in the region, including Australia and New Zealand, that is LJS sector-wide, that can track a criminal case as it makes its journey through the criminal justice process: from the point of arrest by the Police, disposition by the Courts and processing offenders in the Corrective Institutions and Community-based Corrections. The National Court is providing the leadership for this project with technical assistance from the Judicial Commission of New South Wales (JudComNSW). The project is being piloted in Port Moresby, Lae and Wewak. The pilot project will be completed in 2020 and replicated in the remaining provinces. By 2022, the Judiciary will have completed the ICCSD project and will be able to generate full reports for the government and its stakeholders, commencing with indictable cases.

### **Judicial Services Integrated Management System ("JSIMS"):**

JSIMS is a new database set up in 2017 to run an electronic management system for HR and Finance divisions within NJSS. This follows a physical staff verification biodata exercise commissioned by the Chief Justice after receiving complaints by staff over inaccurate HR and Finance records and delays in processing requests and reports. The database is undergoing development. HR and Finance records and processes are set to be computerized by 2019.

### **PNG Sentencing Database (PngSD):**

This website contains sentencing data for various criminal cases imposed by the National Court and Supreme Court. It was developed in 2015 with technical support from the Judicial Commission of New South Wales, Australia.

### **PNG Election Petition Database :**

This website, established in 2007, contains case reports for Election Petition cases before the Courts. The database was introduced in 2002.

## **ASSISTING OVERSEAS JURISDICTIONS**

### **Partnership and cooperation with overseas Judiciaries and institutions:**

#### **MOUs:**

Since 2009, the PNG Judiciary has developed strong partnerships with a number of overseas jurisdictions and institutions to share expertise and channel assistance. Amongst the different forms of engagement with overseas bodies, the PNG Judiciary has successfully introduced an MOU scheme.

MOUs now exist with the Federal Court of Australia for technical cooperation and appointment of Federal Court Judges to the PNG Courts; an MOU with the Supreme Court of Queensland for technical cooperation and exchange of personnel; an MOU with the Solomon Islands Judiciary for technical cooperation and appointment of PNG Judges to the High Courts of Solomon Islands, an MOU with the Judiciary of Nauru for technical cooperation and appointment of a PNG Judge to the newly established Court of Appeal in Nauru; an MOU with the Judicial Commission of New South Wales for technical assistance in developing the PNG Sentencing Database and for developing ICCSD; an MOU with the Judicial Commission of New South Wales for ICCSD development; an MOU with the Sheriff's Office in Sydney for support services for the PNG Sheriff's Office; an MOU with the University of South Pacific, Vanuatu Campus School of Law, to run PACLII and for technical cooperation in judgment writing, editing and publication; and an MOU with the University of Queensland (for legal research support for Judges). Discussions are underway for PNG to enter into an MOU with Samoa (for judicial assistance from PNG, including the appointment of PNG Judges to the Court of Appeal of Samoa) and Kiribati.

#### **Appointments of PNG Judges on overseas Courts:**

International recognition of the PNG Judiciary's domestic efforts is a measure of its growth and maturity.

In early 2018, on invitation by the government of Solomon Islands, Justice Les Gavara-Nanu was appointed a Judge of the Solomon Islands Court of Appeal, which is the highest Court of that country. There are ongoing discussions for a second PNG Judge to sit in the High Court (trial Court)

#### **The PNG Judiciary should assist overseas service providers that provide valuable services and need assistance:**

The Pacific Legal Information website run by the University of South Pacific Law School based in Vanuatu is heavily used by PNG Courts, lawyers and the public. It is funded by AUSAID. Funding support was called for when AUSAID terminated funding. No other Pacific jurisdiction (apart from Vanuatu) has come to the aid of PACLII, which has been seeking funding assistance from Pacific jurisdictions for several years. Under an MOU signed between PNG Judiciary and PACLII in 2017, the PNG Judiciary undertook to provide funding support. DJAG undertook to co-fund. The PNG Government is contributing K600,000 per annum, of which PNG Judiciary is contributing K500,000 and DJAG contributing K100,000.

### **Judicial Education and Learning in the Pacific:**

An “independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice”: Part IV of The Commonwealth Latimer House Principles of Government (2003); Harare Commonwealth Declaration (1991). Adherence to this principle demands excellence in all areas of performance by judicial officers and Court staff engaged in the provision of judicial services. The professional development of judicial officers and Court support staff through structured judicial development programs, delivered by judicial officers themselves, is essential to achieving judicial excellence.

### **PNG Centre for Judicial Excellence:**

In 2010, the PNG Judiciary decided to approach judicial education on an LJS sector-wide basis, by setting up the PNG Centre for Judicial Excellence (PngCJE) under a MOU signed between the Chief Justice, Chief Magistrate and Secretary for Justice. Under the MOU, PngCJE would deliver structured education programs for Judges, Magistrates, Village Court officials and officers of other LJS agencies such as the police, CIS, Community Based-Corrections, and lawyers who were involved in the Court process. The training activities were to be overseen by a Board, chaired by the Chief Justice and managed by a Secretariat headed by the Executive Director. The MOU has been implemented since 2010.

### **Pacific Centre for Judicial Excellence:**

Since 2000, Australia and New Zealand have been providing ad hoc education and training programs across the Pacific under successive programs under the titles Pacific Judicial Education Program (PJEP), Pacific Judicial Development Program and more recently Pacific Judicial Strengthening Initiative (PJSI). The PNG Judiciary is a participant in the program, having played a role in its establishment. The program started with a small facility in Suva, Fiji, in the early 2000s but closed after a short period of operation. Since then, PJEP/PJDP/PJSI has not had a permanent home. Over the years, the Australian Government through AUSAID and the New Zealand Government, through NZAID, have been signaling the discontinuance of the program by 2020.

With the achievements made with PngCJE, in 2016, a forum of Chief Justices of the Pacific (including Australia and New Zealand) approved the PNG Judiciary’s bid to transform PngCJE in to the Pacific Centre for Judicial Excellence (PicCJE). By 2020, PicCJE would succeed the PJSI. The initiative was supported by the PJSI. Work is underway to implement the decision of regional Chief Justices.

Training is delivered by PngCJE’s own Faculty of Trainers, comprising Judges, Magistrates and senior Court staff. Members of the Faculty of Trainers are certified adult judicial educators, having received their training under programs run by the PngCJE, PJSI and the Commonwealth Judicial Education Institute (CJEI) based in Halifax, Canada. The number of qualified trainers reached 43 in 2018.

Facilities development is progressing well. The temporary Courts and NJSS facilities built to accommodate staff and functions situated at the back of the new Waigani Court Complex under construction are earmarked to become the permanent home of the PngCJE–PicCJE.

## Area in Need of Improvement For Improved Court Performance

**There are certain impediments that stand in the way of maximizing case disposition output that need to be addressed:**

These impediments were identified in the Annual Report to Parliament for the years 2015, 2016 and 2017, and will be repeated in the 2018 report. The Judiciary feels it can raise Court performance if these impediments are addressed.

**The areas needing attention are:**

1. Implementation of the Three-Tier Court Structure,
2. Judges simultaneously serving two High Courts;
3. Low number of Judges;
4. Average Court performance;
5. Case backlog in both Courts;
6. Unexecuted Bench Warrants in criminal cases;
7. Courts' preoccupation with preliminary hearings;
8. Delayed judgments;
9. Judge-time in Court;
10. Lack of cohesion in the development of case law and local jurisprudence;
11. Statutory and administrative remedies not exhausted before using the Court as a last resort;
12. National Court's mediation services under-utilized by the parties; and
13. Under-resourced Constitutional offices of the Public Prosecutor, Public Solicitor and Solicitor-General.
14. Implementation of the Integrated Electronic Case Management System Database (IECMS) for the Law and Justice Sectors.

# Court Buildings and Facilities

## High Court – Construction and upgrade

The Constitution requires the judicial function to be performed in a designated building – inside the Courtroom or in a Judge’s chamber, both situated within a Court building: Constitution, s 162(4), s 166 (5).

National Court and Supreme Court: The lack of Court buildings or dilapidated Court buildings (described as “eye-sore” and “fire hazard” buildings) that were built in pre-Independence times have marred the Judiciary physical landscape and continues to bring disrespect of the Courts that occupy them. Many of these buildings are shared with the District Courts. The government’s efforts to rehabilitate these buildings, or build new Court buildings has, for the most part, remained dismal.

In 2009, the Judiciary undertook its own Court infrastructure development, which received government support. The Judiciary has developed its own capacity to initiate and manage Court building projects. A building committee chaired by a senior Judge performs oversees these projects.

In 2014, an inter-departmental NJSS Tenders Board established by the national Department of Finance, chaired by the same Judge who also chairs the Judiciary’s Building Committee, ran tenders for projects valued at up to K3 million (later reduced to K1 million).

The result is that the Judiciary has developed an ambitious capital works program in the last eight years and made significant gains. That has enabled the Judiciary to expand its services to the Provinces, place resident Judges in 14 Provinces outside Port Moresby and increase Court circuits to Provinces that are not serviced by Resident Judges.

## District Courts – Construction and upgrade

The District Courts inherited colonial buildings built before Independence that are in dire need of repairs. The Judiciary shares most of these buildings with the District Court. The Judiciary and the Magisterial Services have joined forces to upgrade these facilities and commence constructing of new one-stop court complexes throughout the country.

### Centre for Judicial Excellence Training Building:

Proposed new center for Judicial Excellence purposely for training and conference. This development also includes office space for PCJE staff. Site located within Waigani National Court.

Project reignited by the Hon Chief Justice. Site Works, compaction and retaining walls completed. With additional finishing touches, Concrete Driveway, Drainage, water and sewer lines completed. See **Appendix 16**

All Site works 95% completed, Site Works - Lower Main Stone Retaining Wall 100% completed. (Refer images. Upper Wall 90% completion), Site Compaction of Parking Area, Concreted walls and Building Pad progressing. 100% Finishing touches to above

The contractor took awhile to complete the works. Major issues encountered were rock foundations that caused a major issue as it was not anticipated due to the non testing of the soil. The Contractor was kind enough not to claim for a variation even though it was warranted. The contractor being a new comer to the Judiciary did not want to make a bad impression for the variation costs.

The work output is excellent. The last few claims will be settled now



## Central Provincial Projects - Bereina District Central Province:

Partial demolition and major refurbishment of existing Bereina District Police Administration Office Building.

Proposed refurbished building to accommodate same functions of existing building. Extension of 2m to cater for internal stairs. Building materials to be sought from salvaged building materials stocked in 21 containers on site.

### Police Office Before Renovation Works



### Police Office After Renovation Works



## Morobe Province Projects - BUIMO PRISON NATIONAL COURT FACILITY

The Project has been awarded to Hausman Building Solutions Ltd of Lae. The contractor was engaged purely for their project work that being of a "Turn Key" nature, which would see them supply the design of the building with adjustments from the NJSS IPO, then build to specifications and on completion hand over keys. Included in this contract are approved building board and physical planning approved drawings, "as built" if possible.

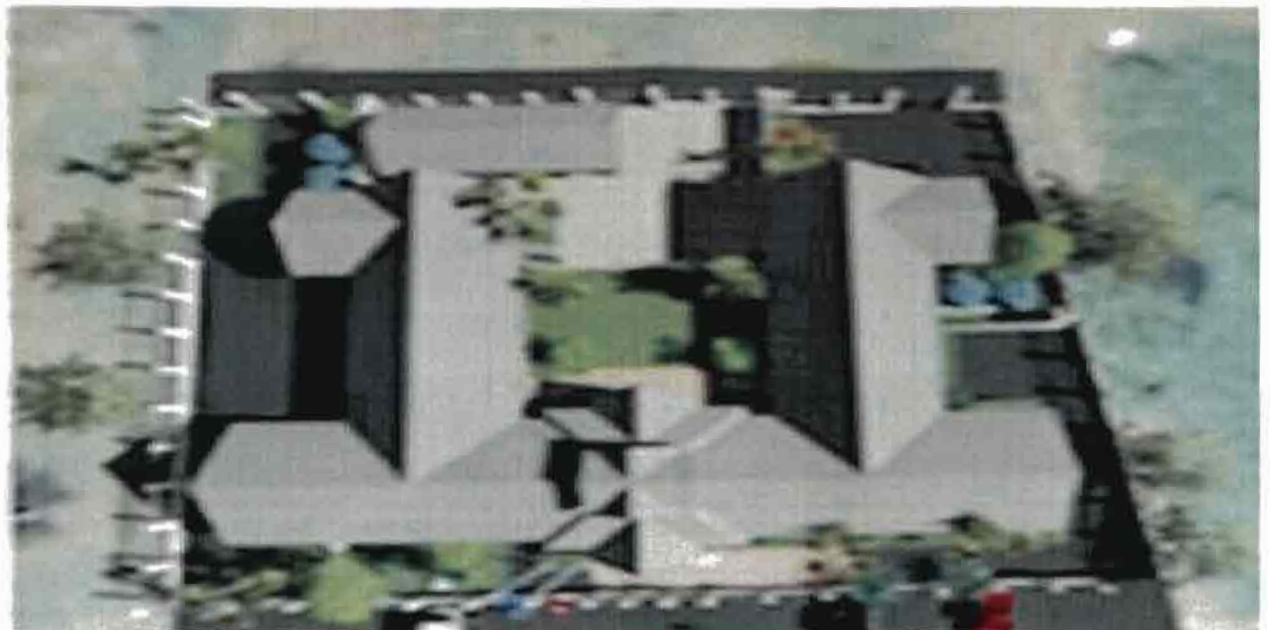
### Buimo Prison National Court Facility Complete Construction



## West New Britain - BIALLA COURT FACILITY

The proposed court house will accommodate the functions of both lower (MS) & higher courts (NJSS). Functions include Court Rooms, Registry Offices, Chambers for Judges and Magistrates and officers for support administration functions (sheriff, IT, library and & Archives etc.), cell block and guard house. Also consist of civil works (carparks, driveways, remandees drop-off zone etc.)

### Project Site and the 3D Artist Impression Images





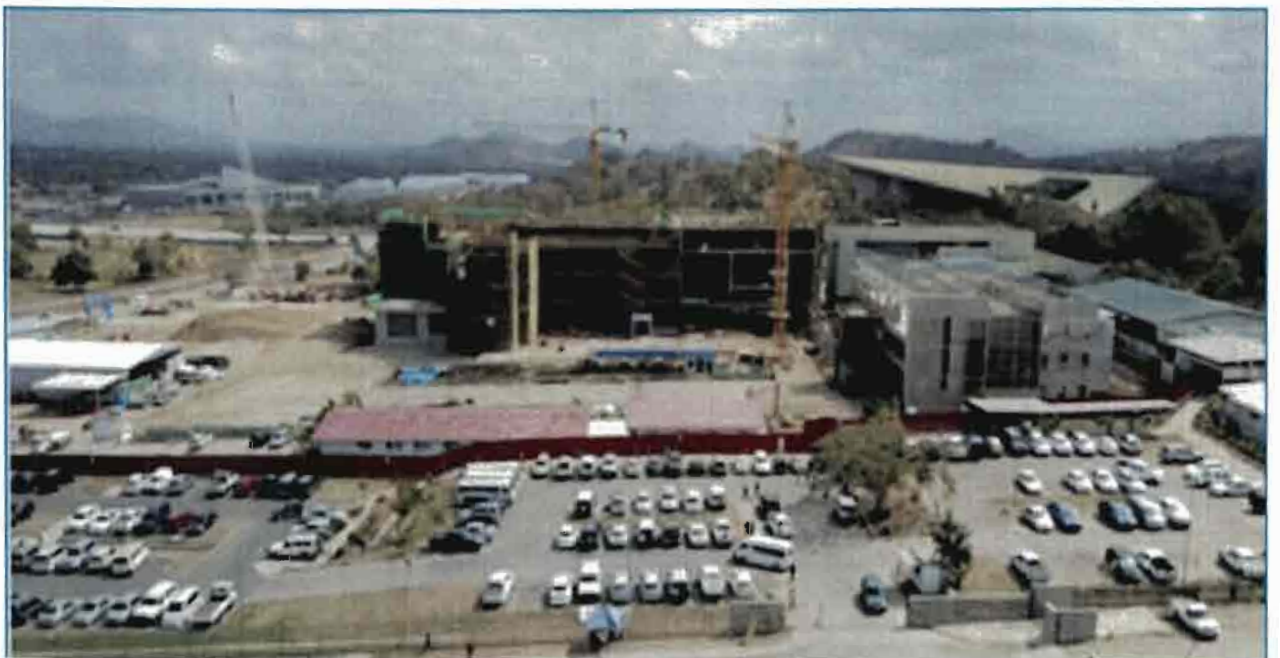
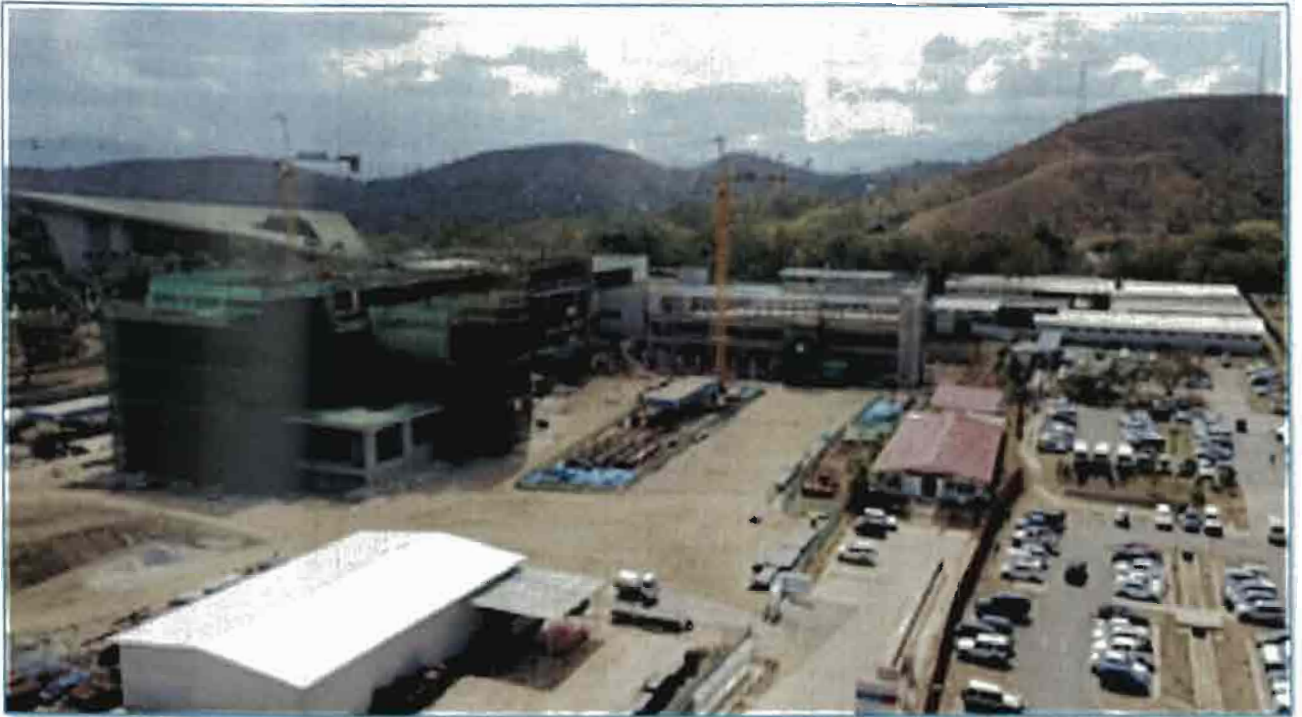
## East Sepik Province Projects - WEWAK NATIONAL COURT CONSTRUCTION

Current progress to date as assessed and as discussed with the Contractor is that the project overall is now 2 months behind schedule.



## Waigani Court Complex

The Main Construction contract is the majority of the WNCC Redevelopment project. The project supports the key priorities of developing a facility of national significance suitable for accommodating the proposed Judicial structure of the courts into three jurisdictions of the National Courts, Court of Appeal and the Supreme Court. The facility will provide an additional 14 court-rooms, 31 new Judges Chambers, new registries and supporting court services and an administration wing to house the new Registries





## Appendix 1

No	Judge	Citizen/ Non-Citizen	Resident Location	Court Tracks Provincial Courts
1	Chief Justice Sir Salamo Injla (31st October 2018 as CJ)	Citizen	Waigani	Supreme Court
2	Deputy Chief Justice Sir Gibbs Salika (1 November 2018 as CJ)	Citizen	Waigani	National Court Fraud Court
3	Justice Les-Gavera Nanu	Citizen	Waigani	National Court Appeals & Judicial Review
4	Justice Nicholas Kiriwom	Citizen	Wewak (Vanimo & Manus)	Wewak National Court
5	Justice Ambeng Kandakasi (1 November as DCJ)	Citizen	Waigani	Common Law, Civil, ADR & Mediation
6	Justice Ellenas Batari	Citizen	Kimbe	Kimbe National Court
7	Justice Panuel Mogish	Citizen	Waigani	National Criminal Track Administrator (and Central)
8	Justice David Cannings	Non-Citizen (Australia)	Madang	Human Rights
9	Justice George Manuhu	Citizen	Waigani	National Court Crimes
10	Justice Allen David	Citizen	Waigani	Common Law, Civil
11	Justice Derek Hartson	Non-Citizen (UK)	Waigani	Commercial, Civil
12	Justice Joseph Yagi	Citizen	Goroka	Goroka National Court
13	Justice Ere Kariko	Citizen	Waigani	Common Law, Civil
14	Justice Collin Makail	Citizen	Waigani	Election Petitions
15	Justice Stephen Kassman	Citizen/Non-Citizen PNG/Australia)	Mendi	Mendi National Court
16	Justice Jacinta Murray	Citizen	Lae	Lae National Court
17	Justice Berna Collier	Non-Citizen (Australia)	Federal Court, Bris- bane	Supreme Court
18	Justice John Logan	Non-Citizen (Australia)	Federal Court, Bris- bane	Supreme Court
19	Justice Lawrence Kangwia	Citizen	Kavieng	Kavieng National Court
20	Justice Iova Geita	Citizen	Wewak (Vanimo & Manus)	Wewak National Court
21	Justice Peter Tolken	Citizen	Alotau	Alotau National Court
22	Justice Terrance Higgins	Non-Citizen (Australia)	Kokopo	Kokopo National Court
23	Justice Sir Kina Bona	Citizen	Buka, ABG	Buka, ABG National Court
24	Justice Kenneth Frank	Citizen	Mt. Hagen	Mt. Hagen National Court
25	Justice Robert Lindsay	Citizen	Mt. Hagen	Mt. Hagen National Court
26	Justice Frazer Pitpit	Citizen	Lae	Lae National Court
27	Justice Hitelal Polum-Kiele	Citizen	Waigani	State Claims Court
28	Justice Leka Nablu	Citizen	Waigani	Appeals & Judicial Review
29	Justice William Neil	Non-Citizen (Australia)	Goroka	Goroka National Court
30	Justice Terry Foulds	Non-Citizen (Australia)	Mt. Hagen	Mt. Hagen National Court
31	Justice Ravu Auka	Citizen	Wabag	Wabag National Court
32	Justice Daniel Liosi	Citizen	Kundiawa	Kundiawa National Court
33	Justice Thomas Anis	Citizen	Kokopo	Kokopo National Court
34	Justice Donajo Koeget	Citizen	Waigani (Daru & Kerema)	Waigani (Daru & Kerema)
35	Justice Jeffery Sherpherd	Non-Citizen (New Zealand)	Waigani	ADR & Mediations
36	Justice Oagile Dingake	Non-Citizen (Botswana)	Waigani	State Claims Court
37	Justice Jim Wala Tamate	Citizen	Waigani	Human Rights
38	Justice Royale Thompson	Non-Citizen (Australia)	Waigani	Commercial, Civil (New Appointment)
39	Justice Theresa Berrigan	Non-Citizen (Australia)	Waigani	Tari (New Appointment)
40	Acting Justice Nicholas Miviri	Citizen	Kimbe	Kimbe National Court
41	Acting Justice John Numapo	Citizen	Lae	Lae National Court
42	Acting Justice John Kaumi	Citizen	Lae	Lae National Court
43	Acting Justice David Susane	Citizen	Kokopo	Kokopo National Court
44	Acting Justice Sinclair Gora	Citizen	Wewak	Wewak National Court

## Appendix 2

### National Court End of 2017 - Error Adjustment

	2017 Report	Error Adjustment	2017 Adjust figures
<b>Total Case Filed</b>	5,540	-48	5,492
<b>Total Case Finalised</b>	6,080	88	6,168
<b>Pending</b>	22,838	-426	22,412

### National Court End of 2017

Pending Pre 2017 Case Brought Forward	New Cases Field in 2017	Total Caseload in 2017	Cases Completed in 2017	Pending Cases Brought Forward to 2018	Clearance Rate
23,088	5,492	28,580	6,168	22,412	26.7%

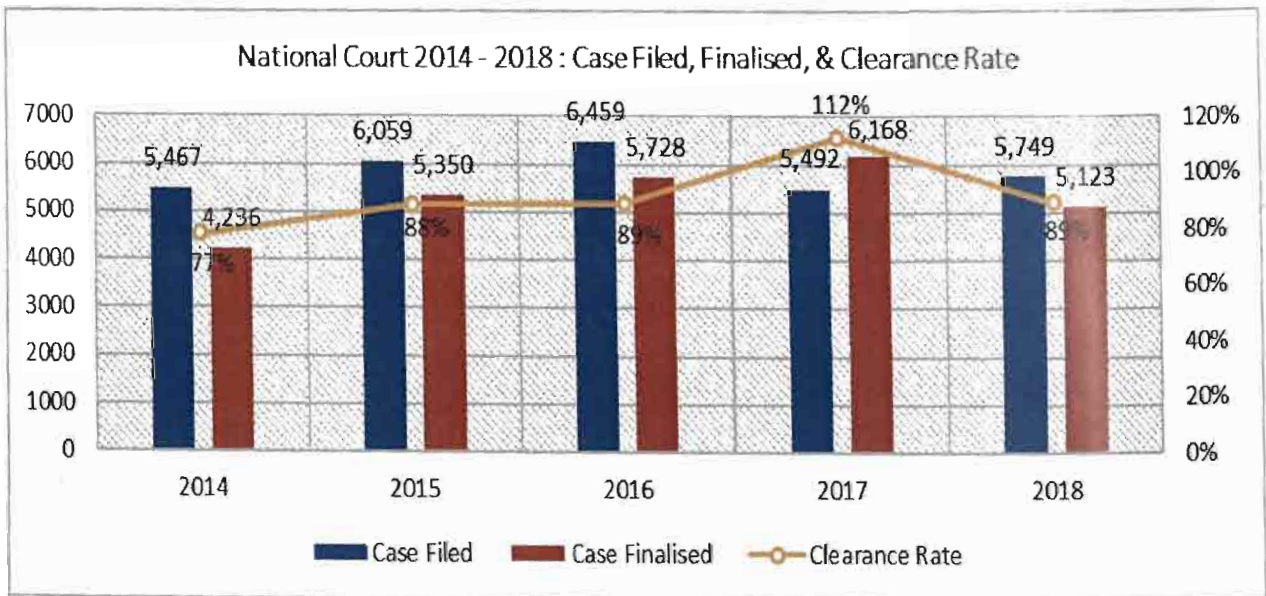
### National Court End of 2018

Pending Pre 2018 Case Brought Forward	New Cases Field in 2018	Total Caseload in 2018	Cases Completed in 2018	Pending Cases Brought Forward to 2019	Clearance Rate
22,412	5,749	28,161	5,123	23,038	22.9%

### Appendix 3

#### National Court - End of Year 2014 - 2018

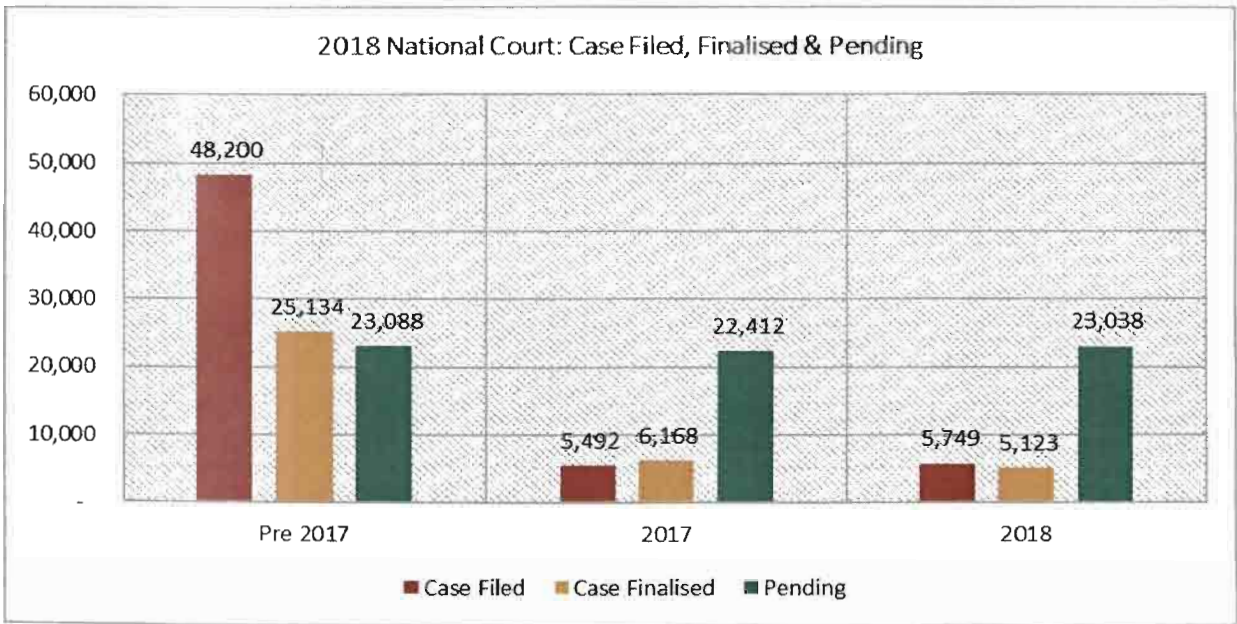
End of Year	Case Filed	Case Finalised	Pending	Clearance Rate
2013			20,417	
2014	5,467	4,236	21,648	77%
2015	6,059	5,350	22,357	88%
2016	6,459	5,728	23,088	89%
2017	5,492	6,168	22,412	112%
2018	5,749	5,123	23,038	89%
<b>Total</b>	<b>29,226</b>	<b>26,605</b>	<b>23,038</b>	<b>91%</b>



## Appendix 4

### National Court - End of 2018

End of Year	Case Filed	Case Finalised	Pending
Pre 2017	48,200	25,134	23,088
2017	5,492	6,168	22,412
2018	5,749	5,123	23,038
<b>Total</b>	<b>59,441</b>	<b>36,425</b>	<b>23,038</b>





## Appendix 5

### National Court - Reserve Decisions at the End of 2018

Case Hearing Year & Decision Reserved	Total Number of Reserved Decision as at the end of 2017	Decision Reserved in 2018	Total Number of Reserved Decision in 2018	Decision Delivered in 2018	Decision Pending as at the end of 2018
2018		412	412	268	144
2017	210		210	116	94
2016	131		131	33	98
2015	51		51	3	48
2014	22		22		22
2013	10		10	1	9
2012	4		4		4
2011	18		18	1	17
2010	10		10		10
2009	6		6	2	4
2008					
2007					
2006	1		1		1
2005	4		4	1	3
2004					
Year Unknown	9		9		9
<b>Total</b>	<b>476</b>	<b>412</b>	<b>888</b>	<b>425</b>	<b>463</b>



## Appendix 6

### Criminal - FCOT at the End of 2018

Fraud Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
CR (FC)	812	436	1,248	183	1,065	15%
CR (AP)(FC)	14	26	40	19	21	48%
OS (POC)(FC)	14	1	15	1	14	7%
<b>Total</b>	<b>840</b>	<b>463</b>	<b>1,303</b>	<b>203</b>	<b>1,100</b>	<b>16%</b>

## Appendix 7

### National Court - Civil Performance at the End of 2018

Civil Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
CIA	586	122	708	148	560	21%
CR (APP)	111	23	134	19	115	14%
CR (APP) (FC)	2		2		2	0%
EP	63				10	84%
EP (OS)	27				27	7%
EP (WS)	1	1	2		2	0%
HR	8				5	38%
HR (MP)	41				39	24%
HR (OS)	26				25	57%
HR (WS)	189				153	35%
HRA	429	284	713	354	359	50%
HRC	18				21	43%
HROI	4				2	50%
LA	34				40	63%
LT	4				1	75%
MC	129				145	13%
MP	338				344	12%
OS	2,970	978	3,948	770	3,178	20%
WPA	246	122	368	105	263	29%
WS	7,457				7,772	15%
<b>Total</b>	<b>12,683</b>				<b>13,063</b>	<b>19%</b>

## Appendix 8

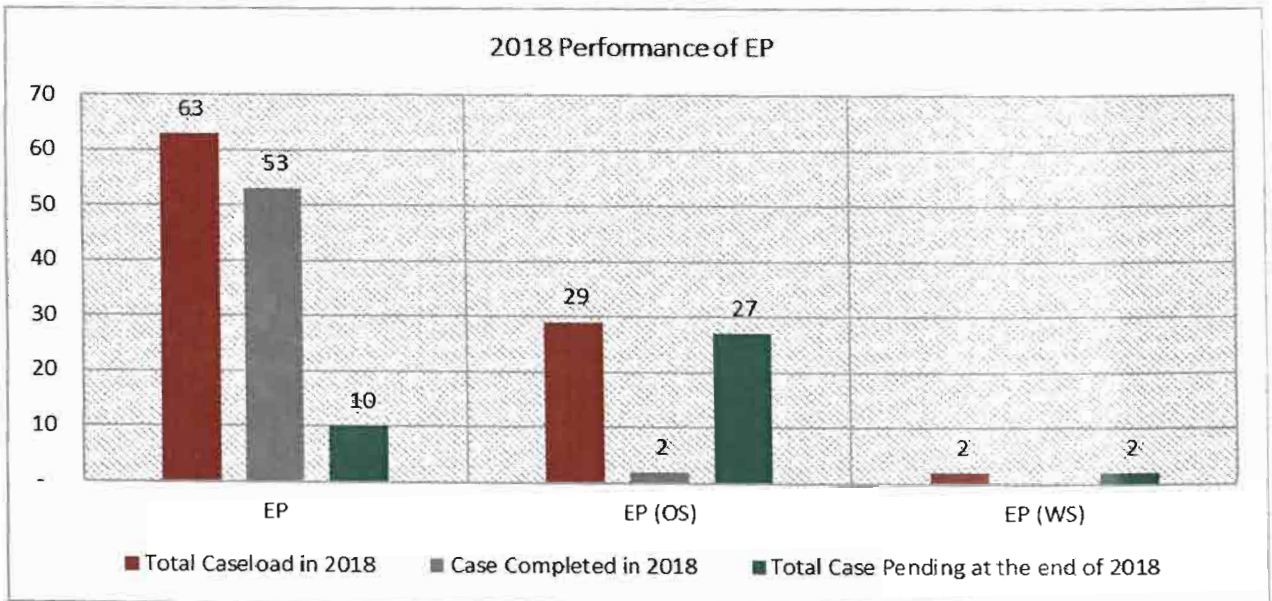
### National Court - APP & JR at the End of 2018

Civil Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
CIA	586	122	708	148	560	21%
CR (APP)	111	23	134	19	115	14%
CR (APP)(FC)	2		2		2	0%
MP	-		-			0%
OS	690	226	916	184	732	20%
WS	1		1		1	0%
<b>Total</b>	<b>1,390</b>	<b>371</b>	<b>1,761</b>	<b>351</b>	<b>1,410</b>	<b>20%</b>

## Appendix 9

### National Court - EP Track at the End of 2018

Civil Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
EP	63		63	53	10	84%
EP (OS)	27	2	29	2	27	7%
EP (WS)	1	1	2		2	0%
<b>Total</b>	<b>91</b>	<b>3</b>	<b>94</b>	<b>55</b>	<b>39</b>	<b>60%</b>

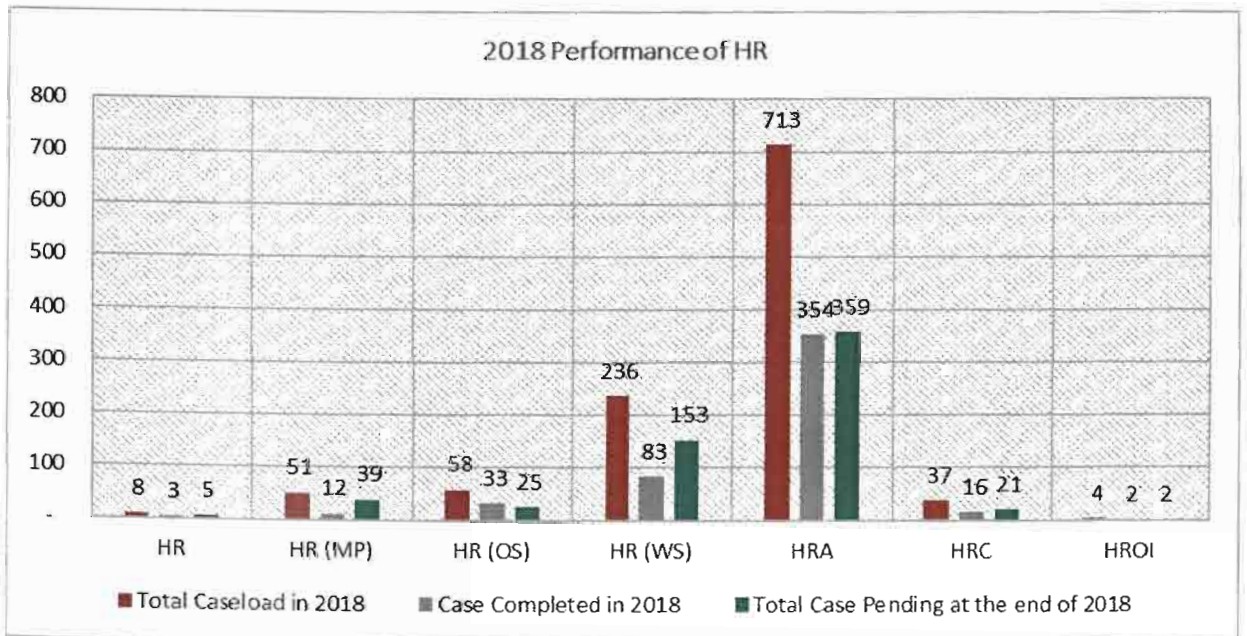




## Appendix 10

### National Court - HR at the End of 2018

Civil Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
HR	8		8	3	5	38%
HR (MP)	41	10	51	12	39	24%
HR (OS)	26	32	58	33	25	57%
HR (WS)	189	47	236	83	153	35%
HRA	429	284	713	354	359	50%
HRC	18	19	37	16	21	43%
HROI	4		4	2	2	50%
<b>Total</b>	<b>715</b>	<b>392</b>	<b>1,107</b>	<b>503</b>	<b>604</b>	<b>45%</b>



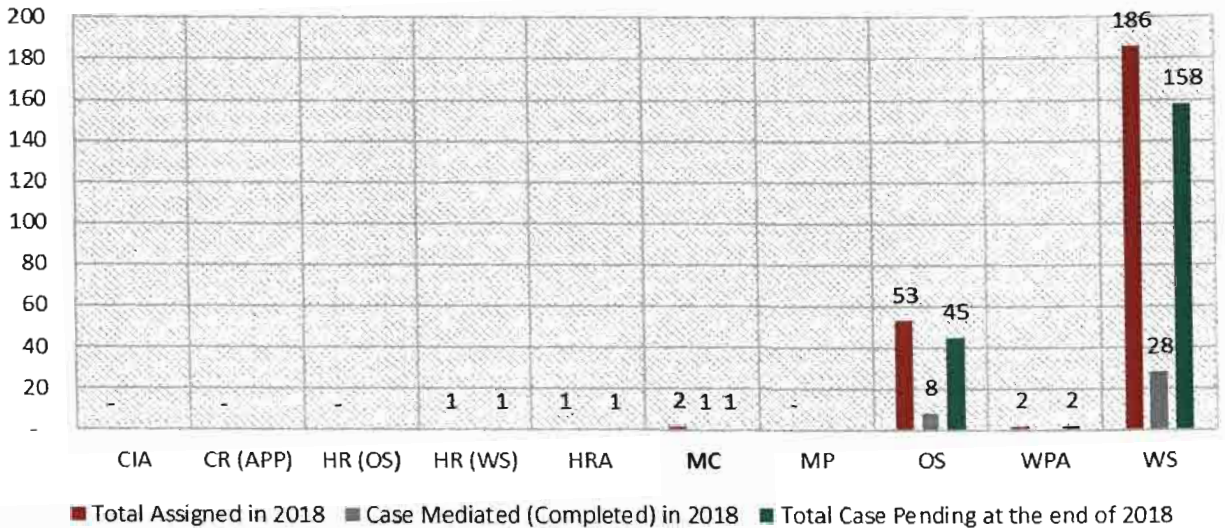


## Appendix 11

### National Court - ADR at the End of 2018

Civil Case Code	Pending Pre 2018 Case Brought Forward	New Case Assigned in 2018	Total Assigned in 2018	Case Mediated (Completed) in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
CIA	-	-	-	-	-	0%
CR (APP)	-	-	-	-	-	0%
HR (OS)	-	-	-	-	-	0%
HR (WS)	1	-	1	-	1	0%
HRA	1	-	1	-	1	0%
MC	1	1	2	1	1	100%
MP	-	-	-	-	-	0%
OS	47	6	53	8	45	17%
WPA	1	1	2	-	2	0%
WS	131	55	186	28	158	21%
<b>Total</b>	<b>182</b>	<b>63</b>	<b>245</b>	<b>37</b>	<b>208</b>	<b>20.3%</b>

2018 Performance of ADR



## Appendix 12

### National Court - LT at the End of 2018

Civil Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
LT	4		4	3	1	75%
Total	4	0	4	3	1	75%

### Appendix 13

#### State Claims at the End of 2018

Case Code	Pending Pre 2018 Case Brought Forward	New Case Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
	133	10	143	28	115	21%
	62		62	53	9	85%
(OS)	16	2	18	2	16	13%
	3		3		3	0%
(MP)	19	9	28	6	22	32%
(OS)	14	13	27	13	14	93%
(WS)	83	27	110	22	88	27%
A	261	142	403	217	186	83%
C	14	12	26	12	14	86%
DI	3		3	2	1	67%
	-		-			0%
	5		5		5	0%
	196	4	200	50	150	26%
	1,290	447	1,737	310	1,427	24%
A	31		31	3	28	10%
	2,775	360	3,135	350	2,785	13%
<b>Total</b>	<b>4,905</b>	<b>1,026</b>	<b>5,931</b>	<b>1,068</b>	<b>4,863</b>	<b>22%</b>



## Appendix 14

### Criminal Locations - End of 2018

Location Code	Pending Pre 2018 Case Brought Forward	New Cases Filed in 2018	Total Caseload in 2018	Case Completed in 2018	Total Case Pending at the end of 2018	Clearance Rate as % of New Case Filed
ALO	222	89	311	101	210	32%
BKA	416	101	517	80	437	15%
CEN	70	17	87	15	72	17%
DRU	141	51	192	40	152	21%
GKA	526	108	634	104	530	16%
HGN	850	163	1,013	26	987	3%
KAV	265	54	319	104	215	33%
KER	64	4	68	5	63	7%
KIM	611	137	748	186	562	25%
KND	439	88	527	48	479	9%
KPO	512	169	681	116	565	17%
LAE	1,874	327	2,201	430	1,771	20%
MAD	574	130	704	176	528	25%
MAN	140	60	200	40	160	20%
MDI	468	41	509	3	506	1%
MNJ	136	136	272	5	267	2%
POP	200	38	238	32	206	13%
TRI	74		74	3	71	4%
VAN	129	78	207	34	173	16%
WAB	386	48	434	89	345	21%
WGN	1,070	294	1,364	286	1,078	21%
WWK	562	123	685	87	598	12.7%
<b>Total</b>	<b>9,729</b>	<b>2,256</b>	<b>11,985</b>	<b>2,010</b>	<b>9,975</b>	<b>16.8%</b>

Appendix 15

Pacific Centre for Judicial Excellence (PCJE), Stage 1/3 & 2/3 – Waigani, NCD

