

2009 Annual Report

NATIONAL JUDICIARY

1. Functions of the National Judiciary

The Judiciary preside in the Courts of Solomon Islands. The Judiciary is the third arm of Government, its Independence guaranteed by the Constitution. Its role is to uphold the Rule of Law by resolving disputes between citizens, the other arms of Government (the Legislature and the Executive) and in conducting criminal trials. The High Court has unlimited original civil and criminal jurisdiction and the Court of Appeal a more limited appellate jurisdiction governed by statute and established under Chapter VII, Part II of the National Constitution .

The Court of Appeal has a civil jurisdiction to hear appeals as of right or, in certain circumstances, with leave . It hears appeals from decisions of Judges of the High Court. In its criminal jurisdiction, the Court of Appeal hears appeals from decisions to convict or acquit at trial either as of right or by way of leave. It also has jurisdiction to hear appeals lodged by 'any party' on any ground (excluding severity of sentence) involving only a question of law.

The High Court has an unlimited original civil and criminal jurisdiction. It hears appeals from civil judgments, rulings, orders and decisions of Magistrates' Courts and quasi-judicial Tribunals. The Court also hears matters that have been granted special leave, appeals from the Customary Land Appeal Court and appeals as of right or cases stated in its criminal jurisdiction.

The establishment and functions of the Magistrates' Court are provided by the Magistrates' Court Amendment Act 2007. That Act provides for a single Magistrates' Court to be organized into administrative districts which operations are under the supervision of the Office of the Chief Magistrate. This is a court of limited summary jurisdiction and can deal with civil disputes to \$50,000 (or \$100,000 where the parties agree) and criminal matters where a maximum penalty of up to 5 years imprisonment can be imposed.

Local Courts, established under the Local Courts Act (Cap. 19), have jurisdiction to deal with minor criminal offences that are limited to not more than 6 months imprisonment or a fine of not more than \$200, civil disputes where not more than \$1000 is claimed in money and customary land disputes limited to any prescribed case under the Land and Titles Act regardless of the amount in dispute.

Established under Section 255 of the Land and Titles Act (Cap. 133), the Customary Land Appeal Courts are closely related to the Local Courts. Magistrates currently exercise the jurisdiction of this Court, sitting as a member and acting as the clerk to the Court. The Customary Land Appeal Court hears appeals from the Local Court on matters relating to customary land.

Provide Judicial Services	<ul style="list-style-type: none"> ▪ Ensure accessible and timely judicial and court services ▪ Deliver impartial, fair decision within a reasonable timeframe
Community Responsiveness	<ul style="list-style-type: none"> ▪ Ensure that public are aware of judicial and court services ▪ Contribute to forums to ensure access to justice is fair and just

2. Staffing and Organisation

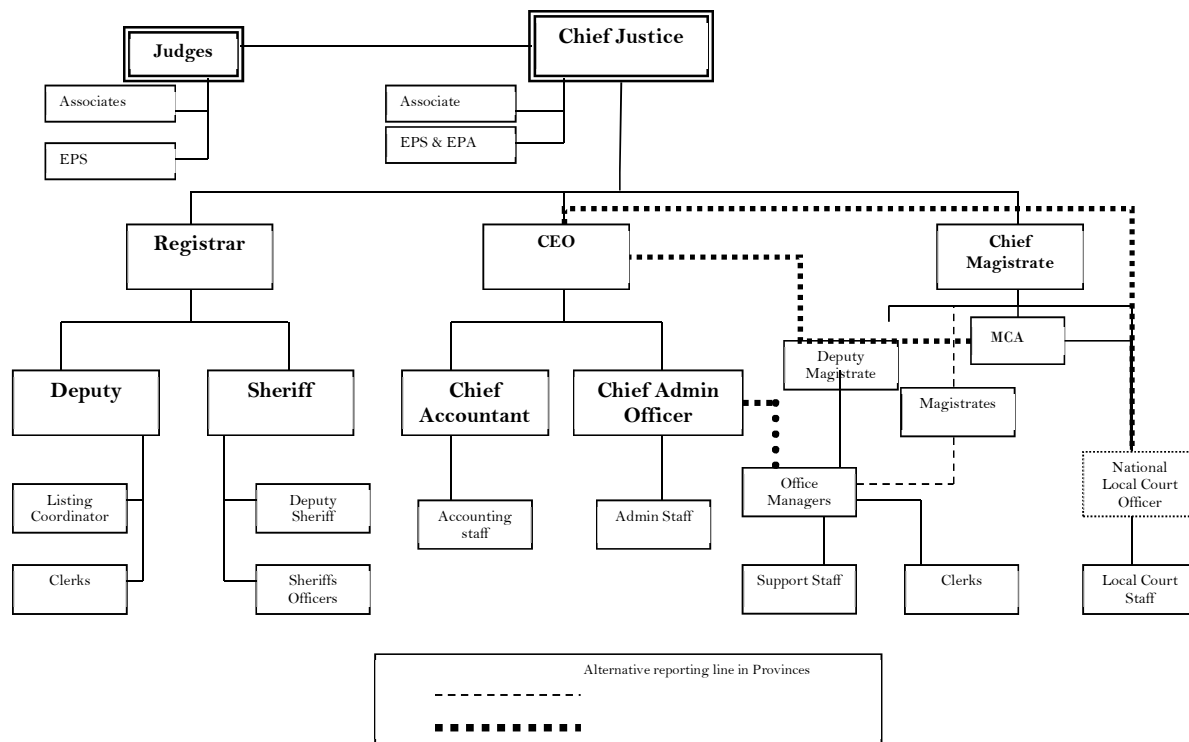
The Judiciary is organised under the leadership of the Chief Justice, who exercises a level of direct administrative control over all courts. The High Court is constituted by the Chief Justice and Puisne Judges. The Registrar of the High Court is responsible for the administration of case management in the High Court and Court of Appeal and statutory functions as set out in legislation. The posts of Deputy Registrar and Sheriff report to the Registrar and assist with the management of Registry and Sheriff's staff and office.

The Chief Magistrate is responsible to the Chief Justice for the efficient functioning and operation of the Magistrate Courts, Customary Land Appeal Courts and Local Courts. The Deputy Chief Magistrate reports to the Chief Magistrate and assists with the management of staff and office primarily for the Central Magistrates' Court in Honiara.

The Chief Executive Officer is responsible for managing support services, including human resources, finance, infrastructure, transcription, interpreting and library, for the National Judiciary and is responsible to the Chief Justice, Registrar and Chief Magistrate. The posts of Chief Accountant and Chief Administration Officer (Human Resource Manager) report to the CEO and assist with the management of staff and functions within support services.

The operations of the National Judiciary are co-ordinated by an Executive Management Team (EMT) comprising the Chief Justice, Registrar, Chief Magistrate, CEO, Deputy Registrar, Deputy Chief Magistrate and the Chief Accountant. Various sub-committees operate to assist the EMT.

Within the Magistrates' Court, the determination of policy and guidelines is vested in the Court Management Group (CMG), which meets monthly and comprises the Chief Magistrate (Chairperson), Deputy Chief Magistrate, a Principal Magistrate, Courts Administrator and the National Local Court Officer in addition to co-opt members as required. The CMG reports to the EMT through the Chief Magistrate.



Staffing as at 31st December 2009

Grade	No of Positions		Total	Occupancy			Total Staff (Persons)
	Established posts	Non established		Male	Female	Vacant	
SS5	7		7	6		1	6
SS2	3		3	3		1	2
SS1	2		2	2		0	2
12/13	9		9	3	1	5	4
11/12	1		1	0		1	0
10/11	8		8	3	1	4	4
9/10	15		15	6	2	7	8
8/9	11		11	2	9	0	11
7/8	11		11	4	5	2	9
6/7	19		19	9	4	6	13
5/6	16		16	4	10	2	14
4/5	26		26	6	1	19	7
3/4	5		5	2	2	1	4
2		44	44	7	12	25	19
TOTAL	133	44	177	57	48	73	103

Overseas Travel

Attending Officer	Subject	Location	Funded By
Chief Justice	Asia Pacific Judicial Reform Forum	Singapore	SIG
Justice Mwanosalua	The Supreme and Federal Court Judges Forum	Hobart, Tasmania	AUSAID and SIG
Chief Justice & Mr Maina	Regional Mediation Forum	Brisbane, Australia	Federal Court of Australia and SIG
Chief Justice and Justice Faulkona	Proceeds of Crime and Money Laundering Workshop for Judges	Brisbane, Australia	Anti -Money Laundering Assistance Team and SIG
Justice Faulkona & Justice Mwanosalua	16 th Commonwealth Law Conference	Hong Kong	SIG
Chief Justice	Bulk Interviews for Advisers	Brisbane, Australia	GRM International
Chief Justice and Justice Faulkona	18 th Pacific Region Judicial Conference	Pape'ete, Tahiti	SIG
Ms. Emma Garo	15 th Triennial Conference CMJA	Turks and Caicos Island, Caribbean	UNICEF
Chief Justice	4 th International Conference – Organization for Judicial Training	Sydney, Australia	Australian Overseas Aid Authority and SIG
Chief Justice	13 th Conference of the Chief Justices of Asia and the Pacific Region	Ho Chi Minh City, Vietnam	SIG
Mr Maina	Senior Provincial Magistrate Annual Conference	Lae, PNG	SIG/PNG

Training

Number/Description of attendees	Subject	Location	Funded By
All Magistrates and Court Clerks	Juvenile Justice Training	Honiara	UNICEF
All Magistrates	Mediation Awareness Workshop	Honiara	SIG
Judges and Magistrates	Evidence Act training	Honiara	

3. Report on Activities and Achievements

Corporate and Strategy

In 2009 the National Judiciary continued its implementation of the Corporate Plan for 2008 -2014. The Corporate Plan identified key result areas and, together with a comprehensive Work plan, provided a road-map for the Judiciary's strategic development and future planning. The National Judiciary Executive Management Team, established in 2008 to spearhead the progress of the Judiciary, drive positive change and identify and implement development opportunities, continues to meet on a regular basis, chaired

by the Chief Justice. Also this year the National Judiciary Self Administration Committee was established. A number of other objectives were achieved in relation to the Corporate Plan.

Court of Appeal

In 2009, the Court of Appeal sat twice, once in March and once in July for a total of 19 sitting days. In March it heard a total of 20 matters, ten civil and ten criminal matters. 17 cases were disposed of, 2 cases were adjourned to the next sitting of the Court of Appeal and 1 matter was adjourned generally. In the July sitting, a total of 9 cases were listed and disposed of, those being 5 civil and 4 criminal matters.

As at 31 December 2009 there were 10 matters outstanding, all of which were outstanding by request of the parties and not through decisions of the Court.

High Court

A total of 49 criminal matters were committed to the High Court in 2009 and 18 trials were finalized, this includes some matters committed prior to 2009.

The High Court received 11 appeals from the Magistrates' Court and disposed of 4 appeals. In addition, 10 bail applications were made to the Court and 11 were granted, including a bail lodged towards the final few days of 2008.

At the end of the 2009 legal year, the Court had finalized a total of 33 tension-related trials since these were commenced in 2005.

In addition to its criminal workload, the Court received 493 lodgements during 2009, with 423 of these being civil claims. During which the court finalized 151 cases, some of which include matters lodged prior to 2009 although this does not include the default judgments entered that did not require court hearing.

There were no high court circuits undertaken in 2009.

National Judiciary remand times

As at 31 December 2009, the medium remand time for a person to be on remand pending a criminal trial was 3.4 months. The average time was 5.7 months. This represented an increase in the average time from a little over 4 months in the 2008 financial year.

Magistrates Court

The table below sets out the total number of lodgements by type filed with the Magistrate Courts, Local Courts and CLAC.

Total Criminal lodgements	2290
Total Civil lodgements	512
Total Local Court (Land) lodgements	138
Total CLAC (Appeal) lodgements	54

The tables below set out the number of cases lodged and finalized by District

Central Magistrates' Court

Item	Magistrates' Court			Local Court			CLAC
	Criminal	Civil	Family	Land	Criminal	Civil	
Reported	1402	295	63	13	nil	nil	11

Cases heard	*	285	22		-	-	-
Pending cases	*	10	41	13	-	-	11
Warrant of Arrest	*	-	-	-	-	-	-

Note: In 2009 the Criminal Database was corrupted. Statistics for the items marked "*" were excluded due to integrity of data.

Malaita Magistrates' Court

Item	Magistrates' Court		Local Court			CLAC
	Criminal	Civil	Land	Criminal	Civil	
Reported	173	18	25	nil	4	6
Cases heard	75	3	4	-	-	-
Pending cases	67	15	21	-	4	6
Warrant of Arrest	31	-	-	-	-	-

Western Magistrates' Court

Item	Magistrates' Court		Local Court			CLAC
	Criminal	Civil	Land	Criminal	Civil	
Reported	510	95	Nil	nil	nil	9
Cases heard	294	28	-	-	-	-
Pending cases	216	67	-	-	-	9
Warrant of Arrest	44	-	-	-	-	-

Eastern (Inner) Magistrates' Court

Item	Magistrates' Court		Local Court			CLAC
	Criminal	Civil	Land	Criminal	Civil	
Reported	115	40	98	-	58	28
Cases heard	73	17	nil	-	-	-
Pending cases	42	23	98	-	58	-
Warrant of Arrest	8	-	-	-	-	-

Eastern (Outer) Magistrates' Court

Item	Magistrates' Court		Local Court			CLAC
	Criminal	Civil	Land	Criminal	Civil	
Reported	90	1	1	nil	nil	-

Cases heard	34	-	-	-	-	-
Pending cases	57	1	1	-	-	-
Warrant of Arrest	*	-	-	-	-	-

Note: In 2009 the Criminal Database was corrupted. Statistics for the items marked "*" were excluded due to integrity of data.

Further information regarding the Central Magistrates' Court, Local courts, Customary Land Appeal Courts and Provincial Justice will be tabled when available.

Inquest/Coronial Matters

The jurisdiction on this matter is set out in the Death and Fires Inquiries Act. Magistrates have the power to inquire into reportable deaths and fires. In addition; Magistrates undertake the primary investigation into those deaths where the circumstances appear to be suspicious.

The purpose of the inquest jurisdiction is to learn from the circumstances surrounding deaths, fires with a view to reducing the likelihood of these arising again in the future.

Information on the number of deaths referred by the Police for an inquest will be provided when available.

Sectoral Coordination

The National Judiciary attends the Justice Sector Consultative Committee (JSCC) which performs a high-level coordination and policy function within the sector across both criminal and civil law issues. The Chief Justice is the Chairman of this Committee, and the Registrar Chief Magistrate and CEO are members.

The CEO also attends Ministry of Justice and Legal Affairs Executive Management Group.

Highlights for the 2009 year were:

- Support for the sheriff's office by way of a short term advisor
- Work plans produced for the Magistrates Court
- Court of Appeal sittings were successful
- The ICT working group was established and the Terms of Reference approved by the EMT
- Records management training was provided to 5 administrative staff
- The National Judiciary Executive Management Team continued to meet and provide a forum for decision making for the National judiciary
- The national Judiciary Self Administration Committee was established

4. Financial Information- National Judiciary

2009 Budget Performance and Composition of Expenditure	Final Expenditure Budget (\$)	Actual Expenditure (\$)	Variance	Comment
Personnel Costs	6,867,509			
Operating Costs	7,467,556	5,128,158.79	+2,339,397.21	

Totals	14,335,065
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5. Conclusion

Part of the National Judiciary's mission statement is to make justice accessible to all. During 2009, the National Judiciary continued to make progress in establishing such a system of justice.

There were some difficulties in relation to Court circuits, which had to be cancelled for various reasons. However, a strong commitment to circuits by the High Court and Magistrates' Court during 2009 has resulted in a plan to ensure circuits take place being adopted.

It is acknowledged the administration of justice and the maintenance of the rule of law will get even more challenging in 2010, given the rapidly increasing population of the Solomon Islands and the difficult financial times predicted. The National judiciary remains dedicated to rising to this challenge, strengthening its resources and its capacity to respond to the increasing demand for its services.