

A. THE MINISTRY OF JUSTICE

1. GENERAL



Hon. William Clive Edwards (LLB, OBE, SC)
Minister of Justice

This half yearly report records the operations and performance of the Ministry of Justice from 1 January, 2012 until 30th June, 2012.

1.1 Minister of Justice.

The Minister of Justice, Hon Clive Edwards was appointed to the post of Minister of Justice in September, 2011.

1.2 The Ministry of Justice

The Ministry of Justice is responsible for the provision of policy advice on all Justice sector matters including relevant legislative issues to the Prime Minister and Cabinet. It also provides support and administrative services to the Courts (Court of Appeal, Supreme Court, Land Court, Family Court and Magistrates' Court).

The Amendments to the Constitution in 2010 have removed the administration of the Courts to the Lord Chancellor's Office, but these arrangements are still in transition and are yet to be

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finalized, for the meantime the budget and the administrative staff of the courts remains with the Ministry of Justice.

The Ministry is responsible for the enforcement services for the Courts, by administering and managing the Bailiff Office and Probation Office.

The Ministry provides administrative and staff support services to the Lord Chief Justice in his role as Registrar General and to the Vital Statistics Office, as this the national civil registry office for the Kingdom of Tonga.

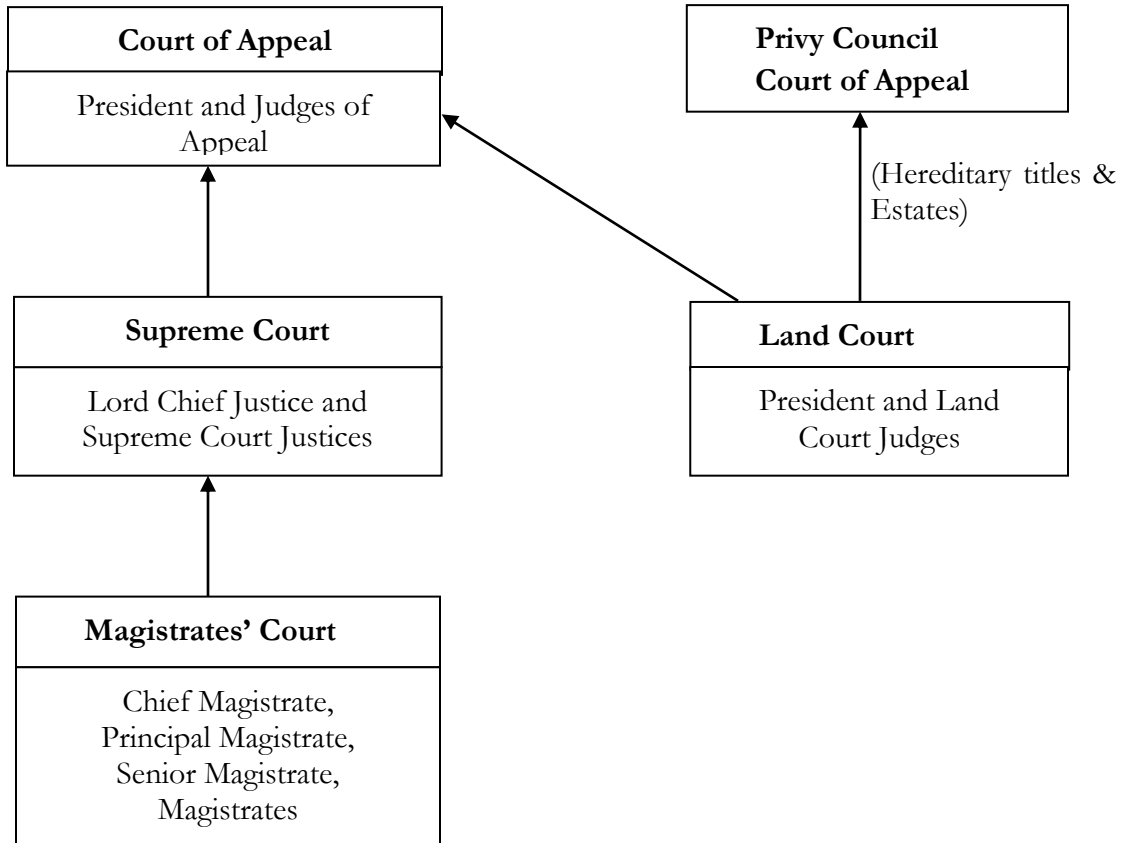
The Ministry provides support services, whenever required, to the established integrity institutions:

The Electoral Commission:- which is responsible for enforcing and implementing free and fair elections in the Kingdom;

The Anti-corruption Office – which is still in its establishment stage;

Public Relations Office (Ombudsman office) - which is responsible for investigating complaints from the public on government and public enterprise administrative issues.

B. STRUCTURE OF THE COURTS



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2. REPORT OF THE SUPREME COURT

2.1 Introduction

This report is for the months beginning 1st January 2012 to 30th June 2012. It covers the work of the Court of Appeal, the Supreme Court and the Land Court.

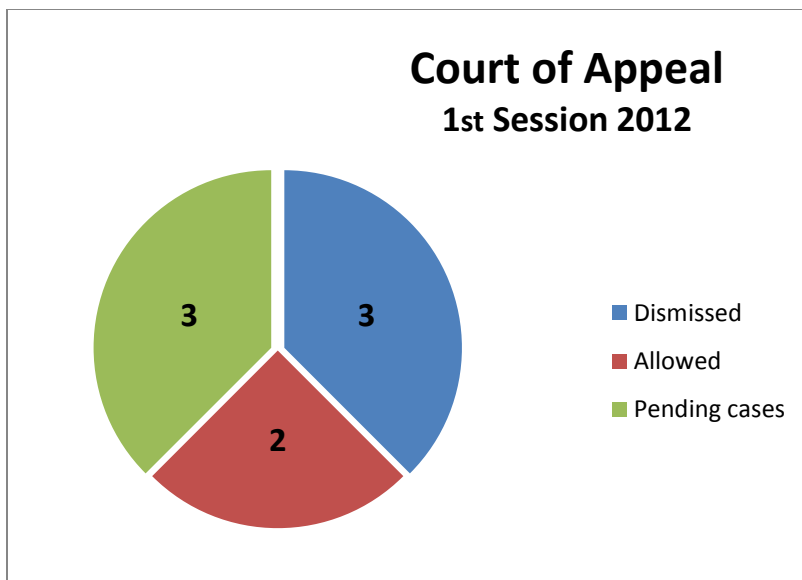
2.2 Court of Appeal of Tonga

The following table is a breakdown of the cases that were decided by the Court of Appeal in its first session for 2012 in April:

Table 2.2a

MONTH(S)	Total Filings	CASES DISPOSED OF	PENDING	DISPOSAL RATE IN (%)
April session	8	5	3	63%

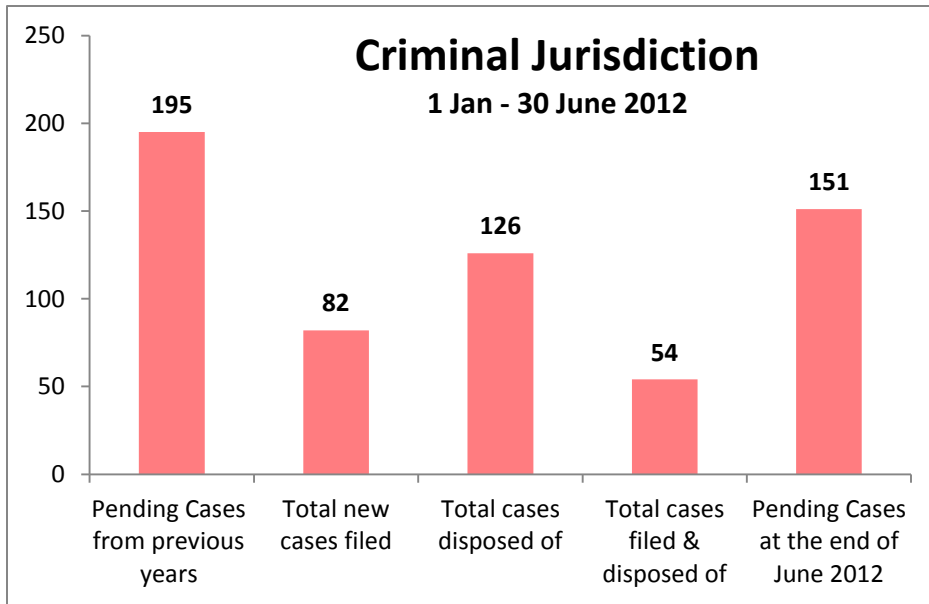
Figure 2.2a



2.3 Supreme Court

A summary of the work carried out by the Supreme Court of Tonga for the period January 1st to June 30th 2012 is as follows:

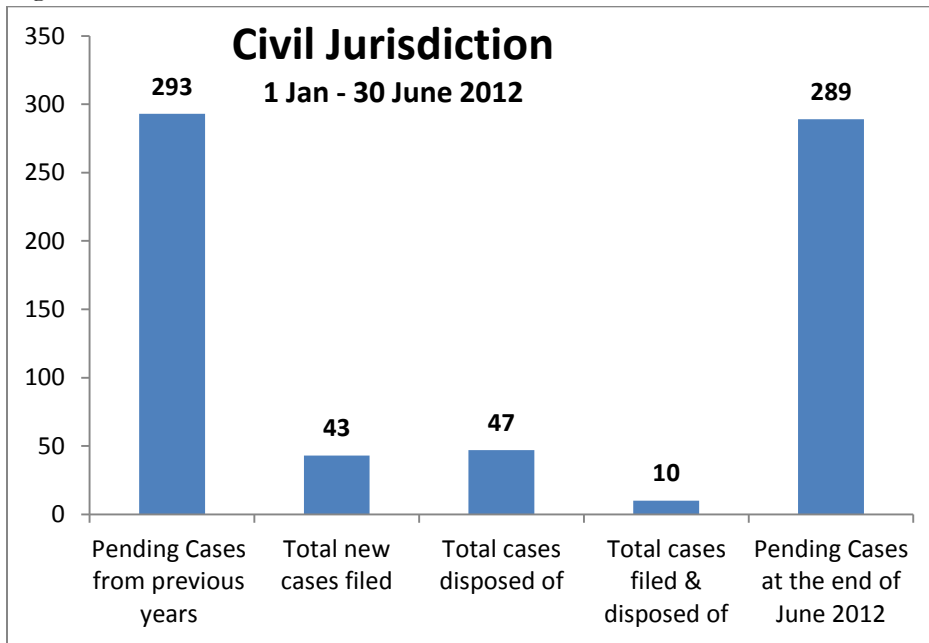
Figure 2.3a



From this figure, 195 were cases pending from previous years up to December 2011. There were 82 total criminal cases filed in the reporting months, 126 are the total cases that were disposed of in the reporting months and at the end of June 2012 there were 151 cases left pending for the period starting in July 2012 onward. The disposal rate of the reporting months was 45%.

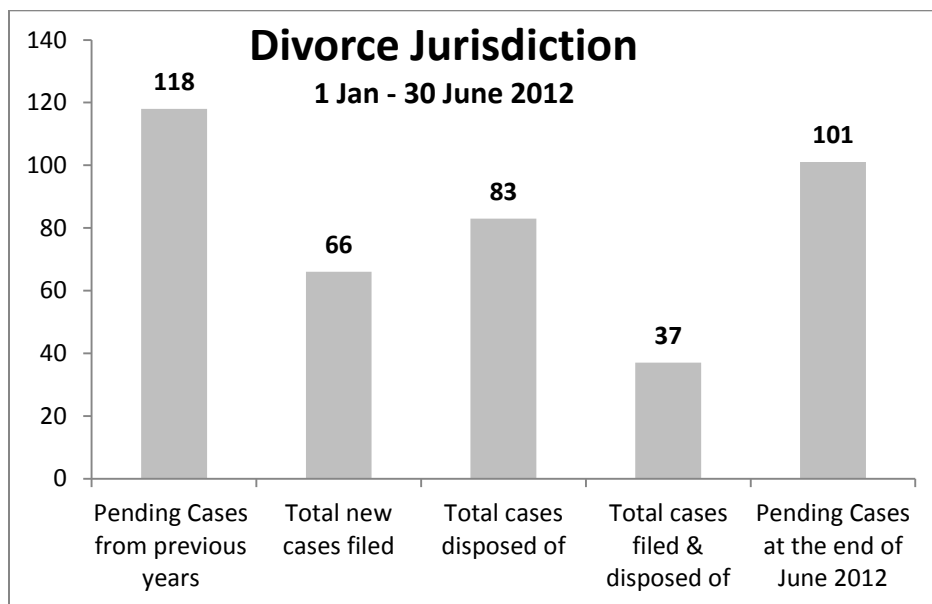
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Figure 2.3a



From this figure, 293 were cases pending from previous years up to December 2011. There were 43 total civil cases filed in the reporting months, 47 are the total cases that were disposed of in the reporting months and at the end of June 2012 there were 289 cases left pending for the period starting in July 2012 onward. The disposal rate of the reporting months were 14%.

Figure 2.3b

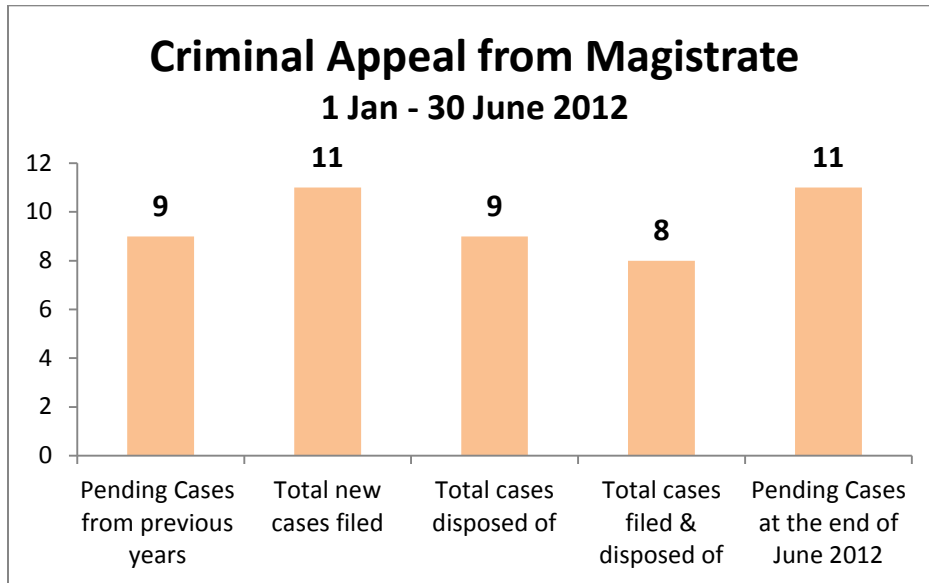


From this figure, 118 were cases pending from previous years up to December 2011. There were 66 total divorce cases filed in the reporting months, 83 are the total cases that were

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disposed of in the reporting months and at the end of June 2012 there were 101 cases left pending for the period starting in July 2012 onward. The disposal rate of the reporting months was 45%.

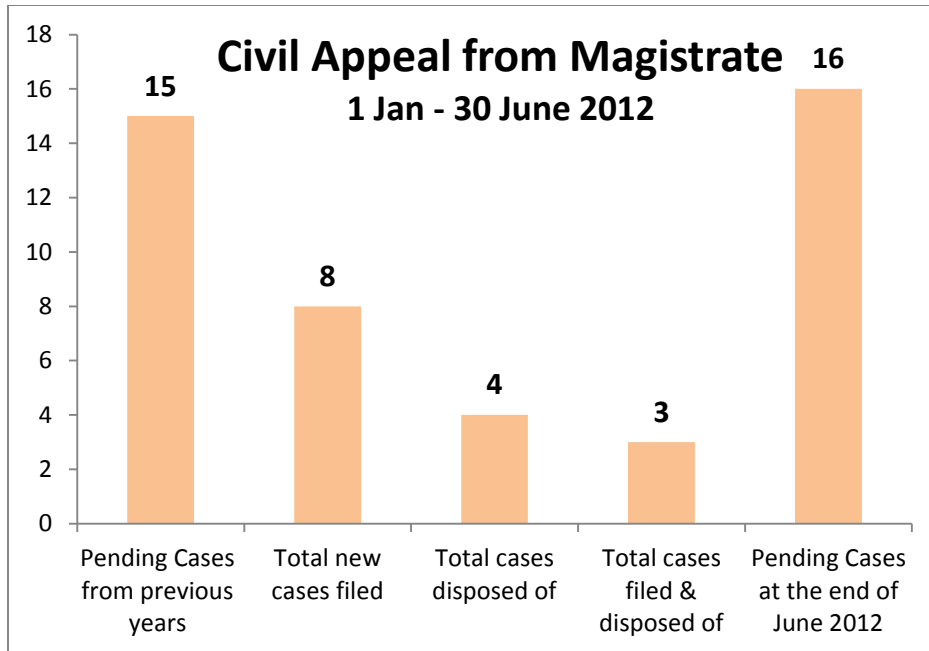
Figure 2.3c



From this figure, 9 were cases pending from previous years up to December 2011. There were 11 total criminal appeal cases filed in the reporting months, 9 are the total cases that were disposed of in the reporting months and at the end of June 2012 there were 11 cases left pending for the period starting in July 2012 onward. The disposal rate of the reporting months was 45%.

Figure 2.3d

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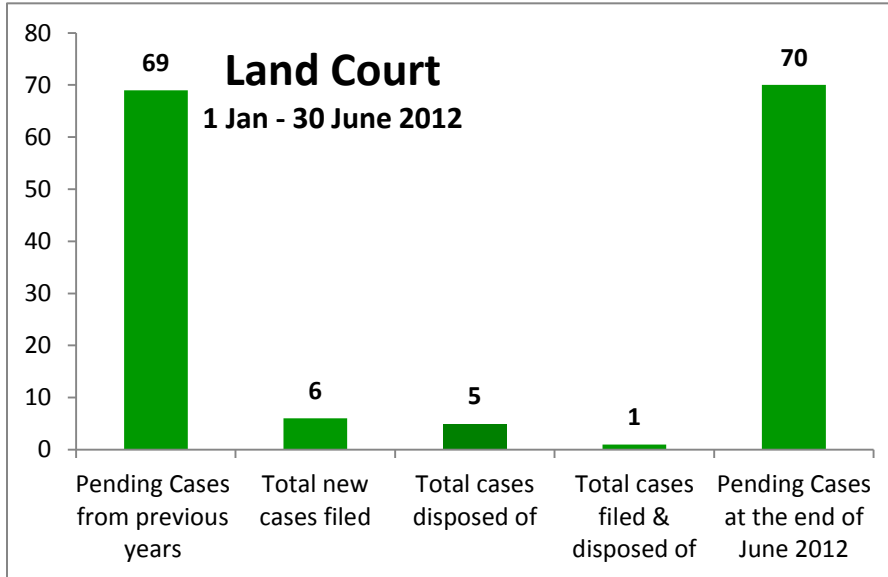
From this figure, 15 were cases pending from previous years up to December 2011. There were 8 total civil appeal cases filed in the reporting months, 4 are the total cases that were disposed of in the reporting months and at the end of June 2012 there were 16 cases left pending for the period starting in July 2012 onward. The disposal rate of the reporting months was 17%.

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2.4 Land Court

All Land matters from January to June 2012 were dealt with by the President of the Court, assisted, where required by the Land Act by one of the Land Court Assessors.

Figure 2.4a



From this figure, 69 were cases pending from previous years up to December 2011. There were 6 total Land cases filed in the reporting months, 5 are the total cases that were disposed of in the Land Court in the reporting months and at the end of June 2012 there were 16 cases left pending for the period starting in July 2012 onward. The disposal rate of the reporting months was 7%.

2.5 Probate & Administration

The applications for Probate and Letters of Administration increased during this period. Most of these cases were finalized during the same period.

Table 2.5.a Probate & Administration

YEAR	TOTAL FILINGS	CASES DISPOSED OF	PENDING CASES	DISPOSAL RATE IN PERCENTAGE
Jan – June 2012	14	10	4	71%

Table 2.5.b Legitimation

MONTH	TOTAL FILINGS	PENDING	DISPOSED OF	DISPOSAL RATE IN PERCENTAGE
Jan – June 2012	19	0	19	100%

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Table 2.5.c Adoption & Legal Guardianship

MONTH	TOTAL FILINGS	CASES DISPOSED OF	PENDING	DISPOSAL RATE IN PERCENTAGE
Jan – June 2012	63	19	44	30%

2.6 Registrar General's Office

From January to June there were more Registrar General applications filed than in the same period of the previous years. There were 385 applications all together that was filed in the reporting months until the end of June 2012, 325 cases have been dealt with and finalised and 60 cases remained pending.

Figure 2.6a

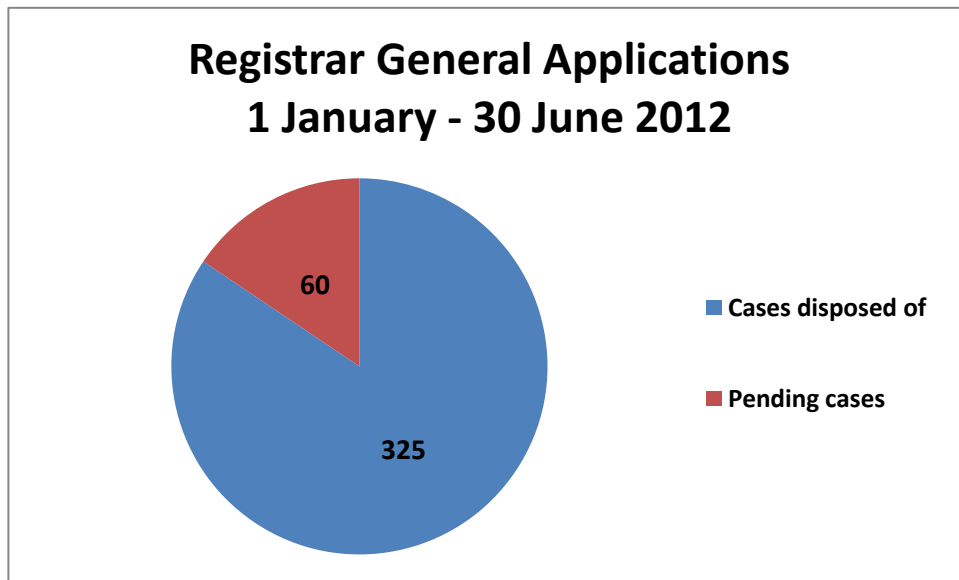


Table 2.6.a Lawyers Licenses issued for Jan-June 2012

MONTH(S)	No. of License issued	Senior Counsels	Fully Qualified	Locally Qualified	Unqualified
Jan – June	67	11	42	14	0

Table 2.6.b Nuku'alofa Marriage Statistics for Jan –June 2012

MONTH(S)	No. of License issued	No. of License revoked	No. of marriages returned for registration	No. of Marriage Licenses still with Church Ministers
Jan – June	412	2	364	48

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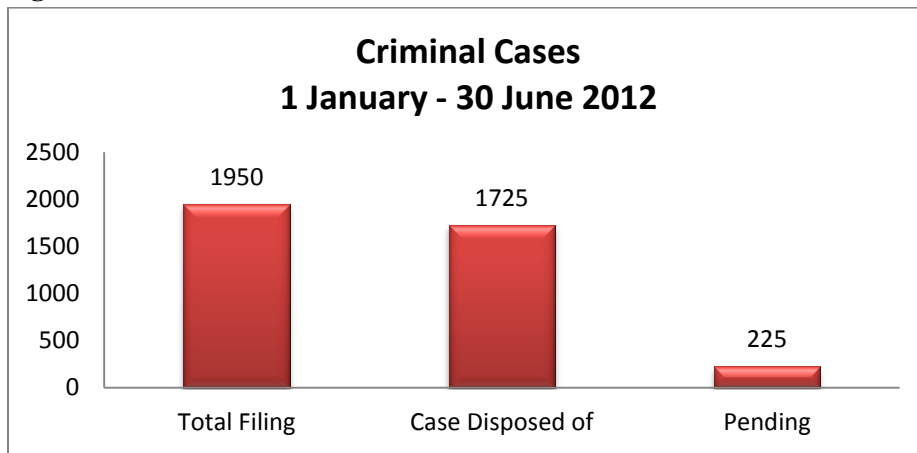
3. MAGISTRATES' COURT'S REPORT

3.1 Tongatapu Court's Report

Table 3.1a : Criminal Cases

CRIMINAL CASES FOR THE PERIOD 01 ST JANUARY - 30 TH JUNE, 2012			
a) No. of cases pending from 2011.	199		
b) Total No. of cases filed.	1751		
Total No of cases filed plus cases pending from 2011.	1950		
No. of cases disposed of	Withdrawn/Struck Out	530	
	Committed to Supreme Court	250	
	Acquitted	22	
	Convicted	923	
TOTAL	1725	Disposal rate	88%
No. of pending cases	225		

Figure 3.1a



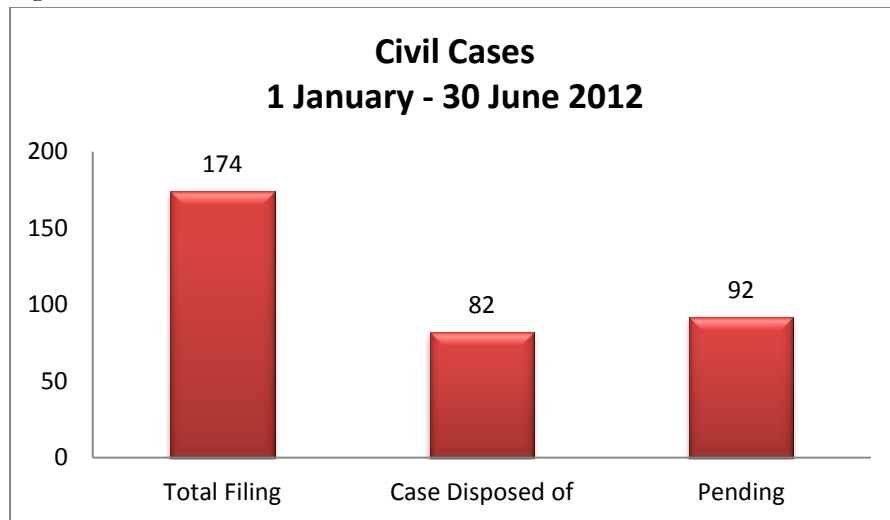
At the beginning of the year, 199 criminal cases were still pending from 2011. A total of 1751 cases were filed in the first half of the year, bringing the total number of criminal cases to 1950. Of these 1950 cases, 1725 cases were disposed of in the following manner; 530 cases were withdrawn or struck out, 250 cases were committed to the Supreme Court, 22 cases were acquitted and 923 cases were convicted, bringing the total percentage of disposed cases to 88%. Currently there are 225 pending criminal cases in the Magistrates Court.

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Table 3.1b : Civil Cases

CIVIL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012				
a) No. of cases pending from 2011.		68		
b) Total No. of cases filed.		106		
Total No of cases filed plus cases pending from 2011.		174		
No. of cases disposed of	Withdrawn/Struck Out	31		
	Committed to Supreme Court	1		
	Disposed of	50		
TOTAL		82	Disposal rate	47%
No. of pending cases		92		

Figure 3.1b



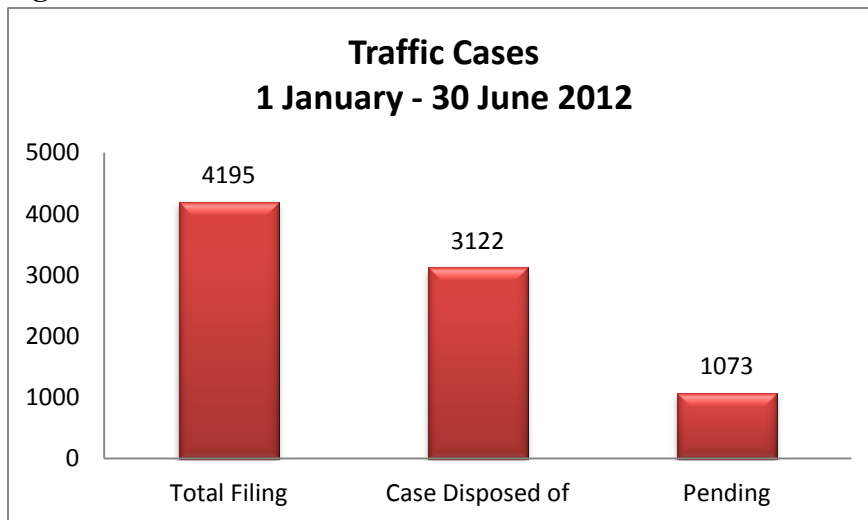
At the beginning of the year, 68 civil cases were still pending from 2011. A total of 106 cases were filed in the first half of the year bringing the number of cases to be dealt with to a total of 174. Of those 174 cases 82 cases (**47% of the total cases**) were disposed of i.e. 31 cases were withdrawn or struck out, 1 case was committed to the Supreme Court and 50 cases were disposed of. Currently there are 92 pending civil cases in the Magistrates Court.

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Table 3.1c: Traffic Cases

TRAFFIC CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012			
a) No. of cases pending from 2011.		680	
b) Total No. of cases filed.		3515	
Total No of cases filed plus cases pending from 2011.		4195	
No. of cases disposed of	Withdrawn/Struck Out	1797	
	Committed to Supreme Court	3	
	Acquitted	22	
	Convicted	1300	
TOTAL	3122	Disposal rate	74%
No. of pending cases		1073	

Figure 3.1c



At the beginning of the year there were 680 pending traffic cases from 2011. A total of 3515 cases were filed in the first half of the year bringing the total number of traffic cases for the first half of 2012 to 4195. Of these 4195 cases, 3121 cases were disposed of in the following manner; 1797 cases were withdrawn or struck out, 3 cases were committed to the Supreme Court, 21 cases were acquitted and 1300 cases were convicted, bringing the total percentage of disposed cases to 74%. Currently there are 1074 pending traffic cases in the Magistrates Court.

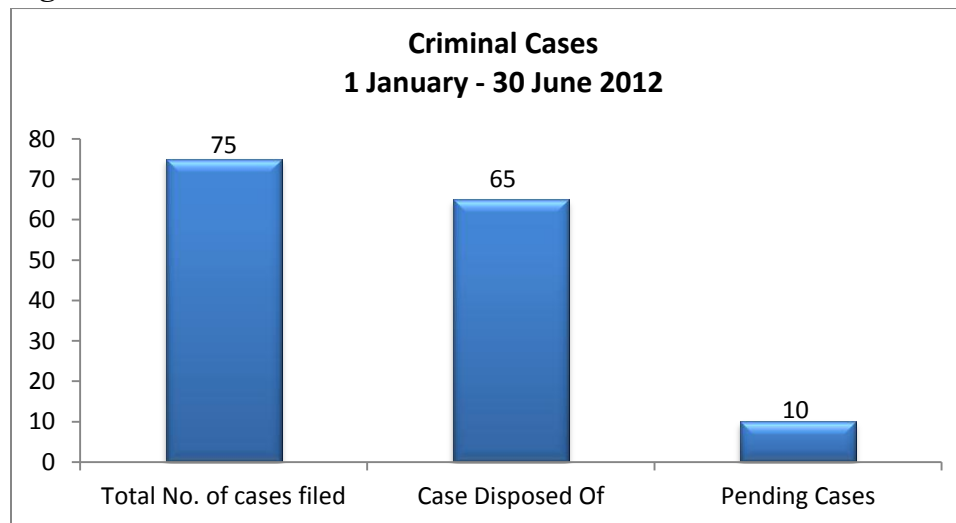
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3.2 Ha’apai Court’s Report

Table 3.2a : Criminal Cases

CRIMINAL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012			
a) No. of cases pending from 2011.	7		
b) Total No. of cases filed.	68		
Total No of cases filed plus cases pending from 2011.	75		
No. of cases disposed of	Withdrawn/Struck Out	9	
	Committed to Supreme Court	2	
	Acquitted		
	Convicted	54	
TOTAL	65	Disposal rate	87%
No. of pending cases	10		

Figure 3.2a



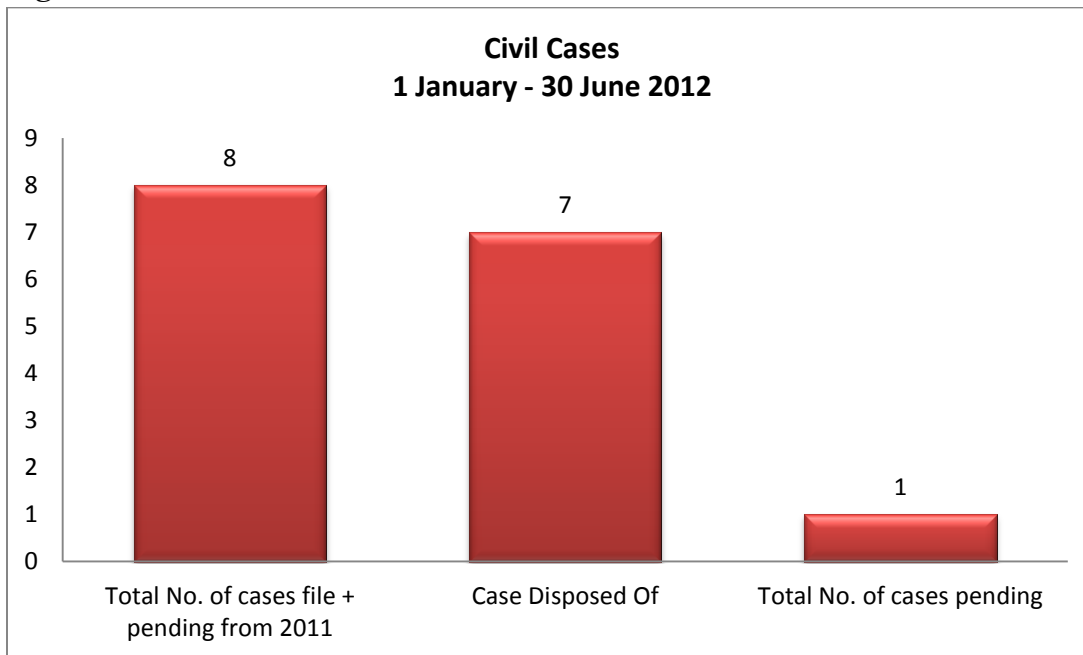
At the beginning of the year, seven (7) criminal cases were still pending from 2011. A total of 68 cases were filed in the first half of the year bringing the number of cases to be dealt with to a total of 75. Of those 75 cases 65 cases (**87% of the total cases**) were disposed of i.e. 9 cases were withdrawn or struck out, 2 cases were committed to the Supreme Court and 54 cases were convicted. Currently there are 10 pending criminal cases in the Magistrates Court.

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Table 3.2b : Civil Cases

CIVIL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012			
a) No. of cases pending from 2011.		1	
b) Total No. of cases filed.		7	
Total No of cases filed plus cases pending from 2011.		8	
No. of cases disposed of	Withdrawn/Struck Out	2	
	Committed to Supreme Court		
	Disposed Of	5	
TOTAL		7	Disposal rate 88%
No. of pending cases		1	

Figure3. 2b



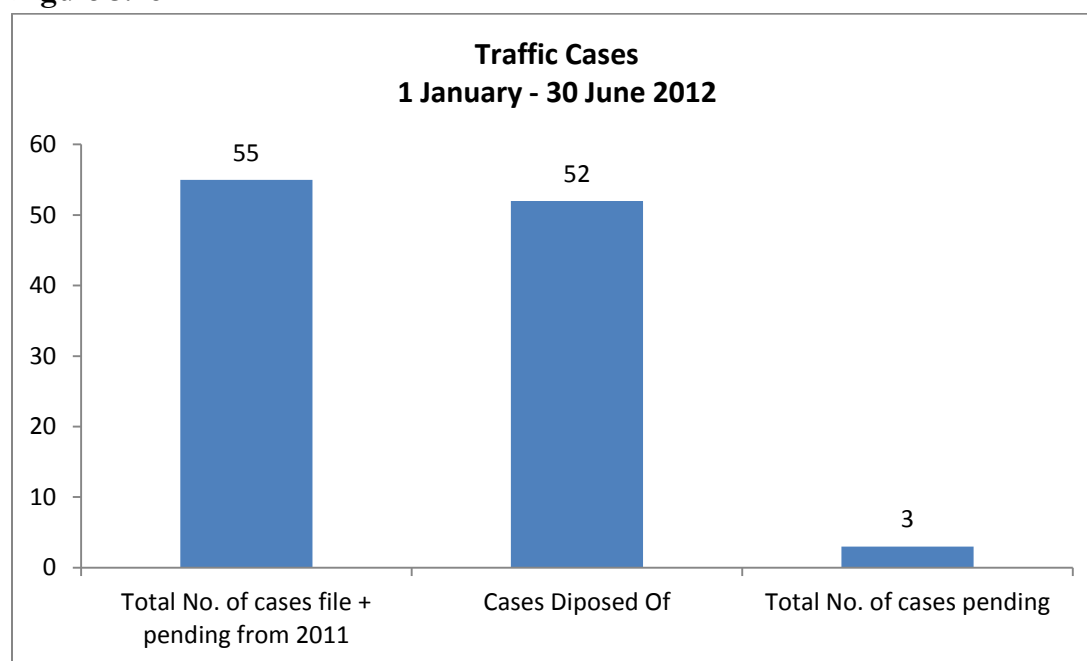
At the beginning of the year, 1 civil case was still pending from 2011. A total of 7 cases were filed in the first half of the year bringing the number of cases to be dealt with to a total of 8. Of those 8 cases 7 cases (**88% of the total cases**) were disposed of i.e. 2 cases were withdrawn or struck out and 5 cases were disposed of. Currently there is 1 pending civil case in the Magistrates Court.

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Table 3.2c : Traffic Cases

CRIMINAL CASES FOR THE PERIOD 01ST JANUARY – 30TH JUNE, 2012				
a) No. of cases pending from 2011.		3		
b) Total No. of cases filed.		52		
Total No of cases filed plus cases pending from 2011.		55		
No. of cases disposed of	Withdrawn/Struck Out	7		
	Committed to Supreme Court			
	Acquitted			
	Convicted	45		
TOTAL		52	Disposal rate	94.5%
No. of pending cases		3		

Figure 3.2c



At the beginning of the year, there were 3 traffic cases pending from 2011 and a total of 52 cases were filed, bringing the total to 55 cases. Of the 55 cases, 52 cases were disposed of i.e. 7 cases were either withdrawn or struck out and 45 cases were heard and convicted bringing the disposal rate to 94.5%.

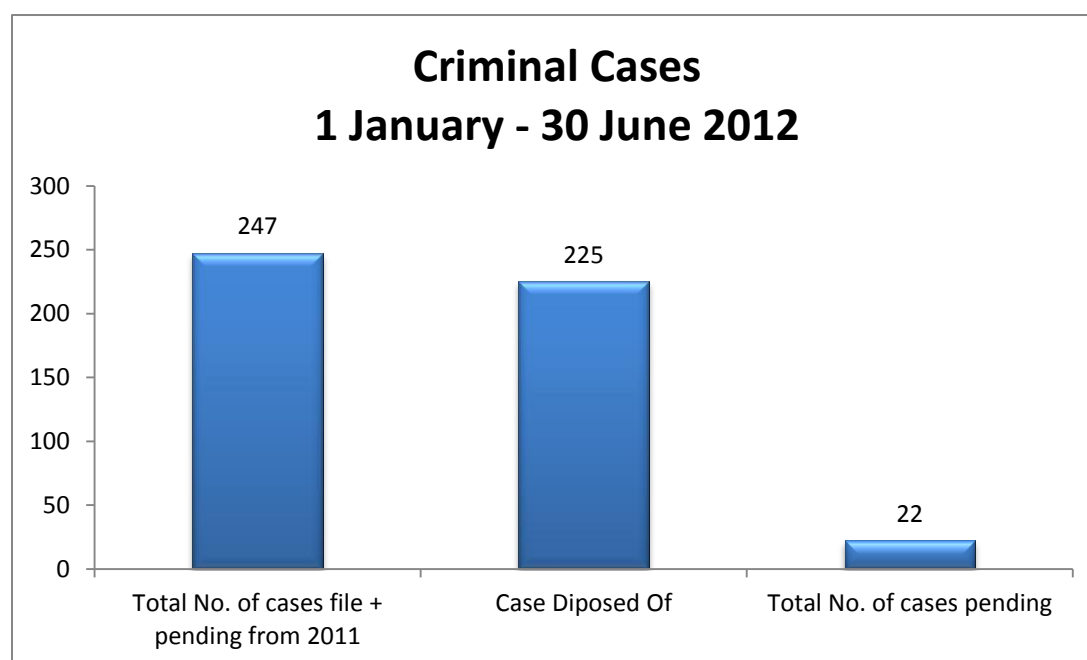
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3.3 Vava’u Court’s Report

Table 3.3a : Criminal Cases

CRIMINAL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012				
a) No. of cases pending from 2011.				
b) Total No. of cases filed.		247		
Total No of cases filed plus cases pending from 2011.		247		
No. of cases disposed of	Withdrawn/Struck Out	56		
	Committed to Supreme Court	15		
	Acquitted	16		
	Convicted	138		
TOTAL		225	Disposal rate	92%
No. of pending cases		22		

Figure 3.3a



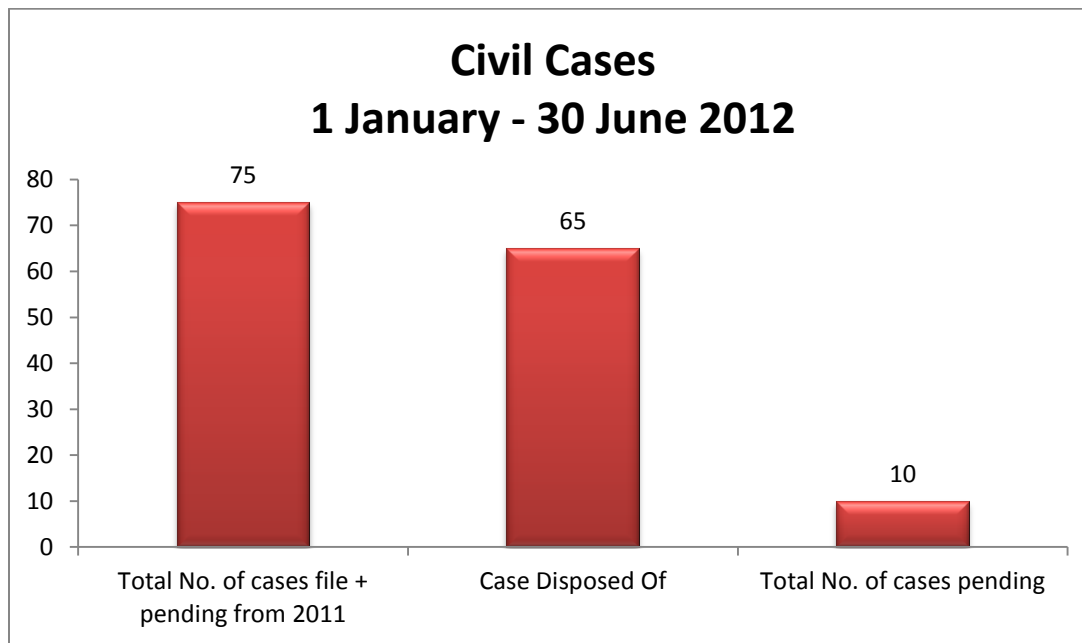
At the beginning of the year, no more criminal cases were still pending from 2011. A total of 247 cases were filed in the first half of the year. Of those 247 cases 225 cases (**92% of the total cases**) were disposed of i.e. 56 cases were withdrawn or struck out, 15 cases were committed to the Supreme Court, 16 cases were acquitted and 138 cases were convicted. Currently there are 22 pending criminal cases in the Magistrates Court.

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Table 3.3b : Civil Cases

CIVIL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012			
a) No. of cases pending from 2011.		3	
b) Total No. of cases filed.		20	
Total No of cases filed plus cases pending from 2011.		23	
No. of cases disposed of	Withdrawn/Struck Out	6	
	Committed to Supreme Court	1	
	Disposed Of	10	
TOTAL		17	Disposal rate 74%
No. of pending cases		6	

Figure 3.3b



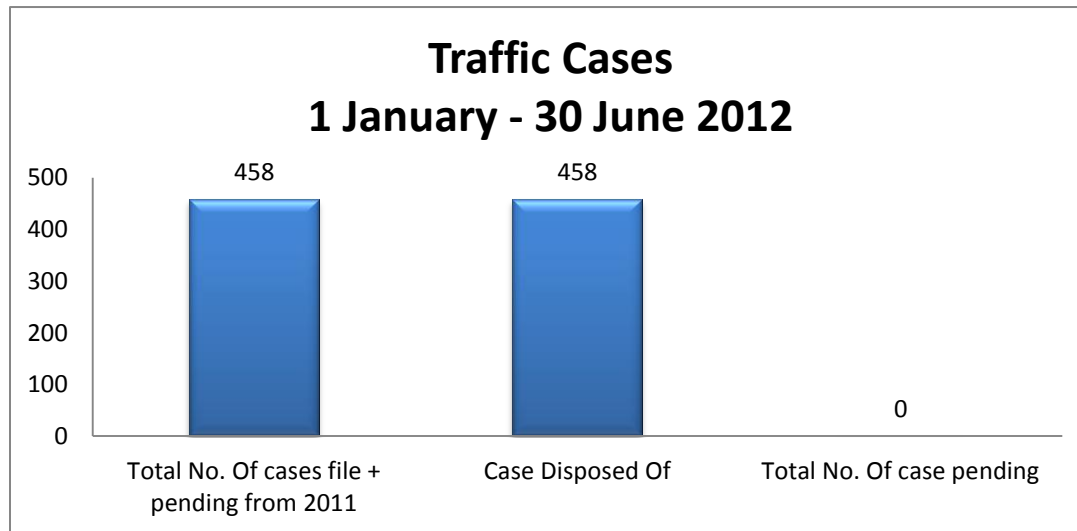
At the beginning of the year, 3 civil cases were still pending from 2011. A total of 20 cases were filed in the first half of the year bringing the number of cases to be dealt with to a total of 23. Of those 23 cases 17 cases (**74% of the total cases**) were disposed of i.e. 6 cases were withdrawn or struck out, 1 case where committed to the Supreme Court and 10 cases were disposed of. Currently there are 6 pending civil cases in the Magistrates Court.

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Table 3.3c : Traffic Cases

TRAFFIC CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012			
a) No. of cases pending from 2011.			
b) Total No. of cases filed.		458	
Total No of cases filed plus cases pending from 2011.		458	
No. of cases disposed of	Withdrawn/Struck Out	125	
	Committed to Supreme Court		
	Acquitted	2	
	Convicted	331	
TOTAL	458	Disposal rate	100%
No. of pending cases	-		

Figure 3.3c



At the beginning of the year, there were no traffic cases pending from 2011 and a total of 458 cases were filed. Of the 458 cases, 458 cases were disposed of i.e. 125 cases were either withdrawn or struck out, 2 cases were acquitted and 331 cases were heard and convicted bringing the disposal rate to 100%.

Table 3.3a and table 3.3b indicated that the execution of Court cases within the Vavaú Court is not as effective as that of the neighbouring island, Haápai. In comparison, the average percentage of all cases that were disposed of within January – June, 2012 at the Vavaú Court was 92% for Criminal 74% for Civil. The Haápai 87% for criminal and 88% for civil cases. This is just a comparison in terms of percentage but in reality, the number of cases filed with each jurisdiction is incomparable since there are more cases filed in the Vavaú Court than at the Haápai Court.

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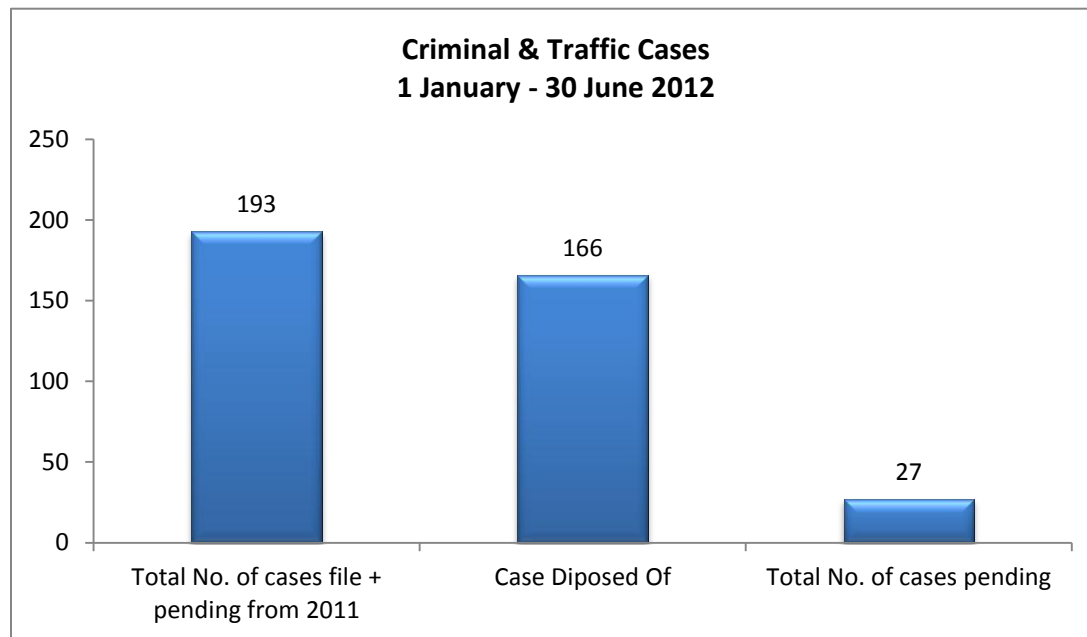
Table 3.3c indicates that the Vavaú Court addressed traffic cases as a priority, followed by criminal cases and civil cases. Traffic cases as indicated by both table 3 and graph 3 have a 100% disposal rate, criminal cases an average of 92%, and civil cases a disposal rate of 74%.

3.4 Éua Court's Report

Table 3.4a : Criminal / Traffic Cases

CRIMINAL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012				
c) No. of cases pending from 2011.		8		
d) Total No. of cases filed.		185		
Total No of cases filed plus cases pending from 2011.		193		
No. of cases disposed of	Withdrawn/Struck Out	14		
	Committed to Supreme Court	86		
	Acquitted	4		
	Convicted	62		
TOTAL		166	Disposal rate	86%
No. of pending cases		27		

Figure 3.4a



At the beginning of the year, there were 8 criminal and traffic cases pending from 2011. A total of 185 cases were filed in the first half of the year bringing the number of cases to be dealt with to a total of 193. Of those 193 cases 166 cases (**86% of the total cases**) were disposed of i.e. 14 cases were withdrawn or struck out, 86 cases were committed to the Supreme Court, 4 cases

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were acquitted and 62 cases were convicted. Currently there are 27 pending Criminal and Traffic cases in the Magistrates Court.

Table 3.4b : Civil Cases

CIVIL CASES FOR THE PERIOD 01 ST JANUARY – 30 TH JUNE, 2012			
c) No. of cases pending from 2011.		-	
d) Total No. of cases filed.		-	
Total No of cases filed plus cases pending from 2011.		-	
No. of cases disposed of	Withdrawn/Struck Out	-	
	Committed to Supreme Court	-	
	Disposed Of	-	
TOTAL	-	Disposal rate	-
No. of pending cases		-	

At the beginning of the year, there were no civil cases were pending from 2011, and no more civil cases filed in the first half of 2012.

3.5 Magistrates Annual Conference 2012

The Magistrates meet annually to discuss their duties, the new legislation and also to put forward ideas of amendments to the law.

The first concern was in regards to the unlawful detention of goods which is provided for in s60 of the Magistrates Court Act. It was suggested that this section should be amended so that the value of the good concerned is increased from \$1000 to \$10000 and for the imprisonment term of 1 year to be increased to 3 years.

In relation to Traffic cases there was a concern in relation to speeding and that the fines should be increased i.e. a fixed \$50 fine for speeding over the limit and an additional \$2 fine for each kilometer over 50km/hr limit in 50km/hr zone and additional \$3 for each km/hr over the 70km/hr limit in the 70km zone. Where vehicles are not registered a fine of \$50 should be imposed and a fine of \$30 for vehicles with no license plate. The penalty in s4(2) should also be raised from \$40 to \$100.

There was also a suggestion for the penalty in s4 of the *Order in Public Places Act* to be increased from \$250 to \$2500.

Another concern was in relation to s188 (2) of the Criminal Offences Act which defines the offence of **trespass**. The Magistrates suggested that the fine here should be increased to \$2000 and for the imprisonment term to be increased to 6 months.

Lastly it was noted that a previous decision by Shuster J, allowing accused persons to pay fines in instalments which added extra and additional burden on the court clerks.

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3.6 Court Circuits

3.6.a Magistrates' Court Circuits

During the period 1 January – 30 June, 2012 the following Court circuits were undertaken by the judiciary of the Tongatapu Magistrates' Courts.

2 'Eua Magistrates' Court Circuits from 20/2/2012 until 23/2/2012; and then on 21/4/2012;

2 Ha'apai Magistrates' Court Circuits from 6/3/2012 until 12/3/2012; and then on 7/5/2012 until 11/5/2012.

There were no Magistrates' Court Circuits to the Niuaus during the period of this annual report.

3.6.b Supreme Court Circuit

The Vava'u Supreme Court Circuit was undertaken from 28 May/2012 – 1/6/2012.

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4. VITAL STATISTICS OFFICE

REGISTRAR GENERAL BIRTHS 2012(JANUARY 2012- JUN 2012)							
A. TONGAN	TONGATAPU	HA'APAI	VAVA'U	'EUA	NIUATOPUTAPU	NIUAFO'OU	TOTAL
Total Registered	874	29	180				1083
(a) Legitimate	743	28	154				935
Male	462	13	70				545
Female	412	15	84				511
(b) Illegitimate	129	1	26				156
Total	874	29	180				1083
	TONGATAPU	HA'APAI	VAVA'U	'EUA	NIUATOPUTAPU	NIUAFO'OU	TOTAL
B. NON TONGAN							
Total Registered			4				
NB: The total number of Non Tongan births is excluded from the number of births in Tongatapu							
(a) Legitimate	6		1				7
Male	1		3				4
Female	6		NIL				6
(b) Illegitimate	1		NIL				1
Total	7		NIL				7
DEATHS 2012 (JANUARY—JUNE)							
A. TONGAN							
Total registered	103	10	23				136
Births Exceeded Deaths by	771	19	157				974
MARRIAGES 2012 (JANUARY- JUNE)							
A. TONGAN	396	10	70				476
Total registered	396	10	70				476

C. THE MINISTRY

5. THE MINISTRY'S PROGRAMME STRUCTURE

5.1 Programme 1 -Leadership,Policy Advice and Programme Administration

To provide quality policy advice to government on the development of legislation and to support the progress and development of all administrative services to the Justice Sector including the courts and court related functions, the Registrar General's Office, as well as independent bodies which :- enforce and implement free and fair elections (Electoral Commission), anti-corruption in Government (Anti-Corruption Office), impartial intermediaries between the public and government (Ombudsman's Office) – all of which ensure the creation and maintenance of good governance within the Kingdom as well as a better governance environment for the adoption of good governance, accountability, transparency and rule of law.

5.2 Programme 2 - Judicial Services

To support and promote the effective and timely adjudication of disputes and resolution of questions of law in Courts with appropriate jurisdiction.

5.3 Programme 3 - Enforcement Services

To contribute to the maintenance of law and order and to provide appropriate services for enforcement of Court decisions and sentences.

5.4 Programme 4 - Civil Registration

To promote and maintain the provision of accurate vital statistics records and archiving of births, deaths, marriages, changes of names, adoptions, etc. in the Kingdom.

5.5 THE FOLLOWING CHART INDICATES THE MINISTRY'S PROGRAMMES STRUCTURE WITH THE RESPECTIVE SUB-PROGRAMMES AND ACTIVITIES:

PROGRAMMES	SUB-PROGRAMMES	ACTIVITIES
1. Leadership, Policy Advice and Programme Administration	1.1. Office of the Minister	1.1.2. Minister's Expenses
		1.1.3. Minister's Support Services
		1.2.1. Secretary's Expenses
	1.2. Office of the Secretary	1.2.2. Secretary's Support Services
		1.3.1. Administration Support Services
	1.3 Programme Administration	1.3.2. Accounts Services

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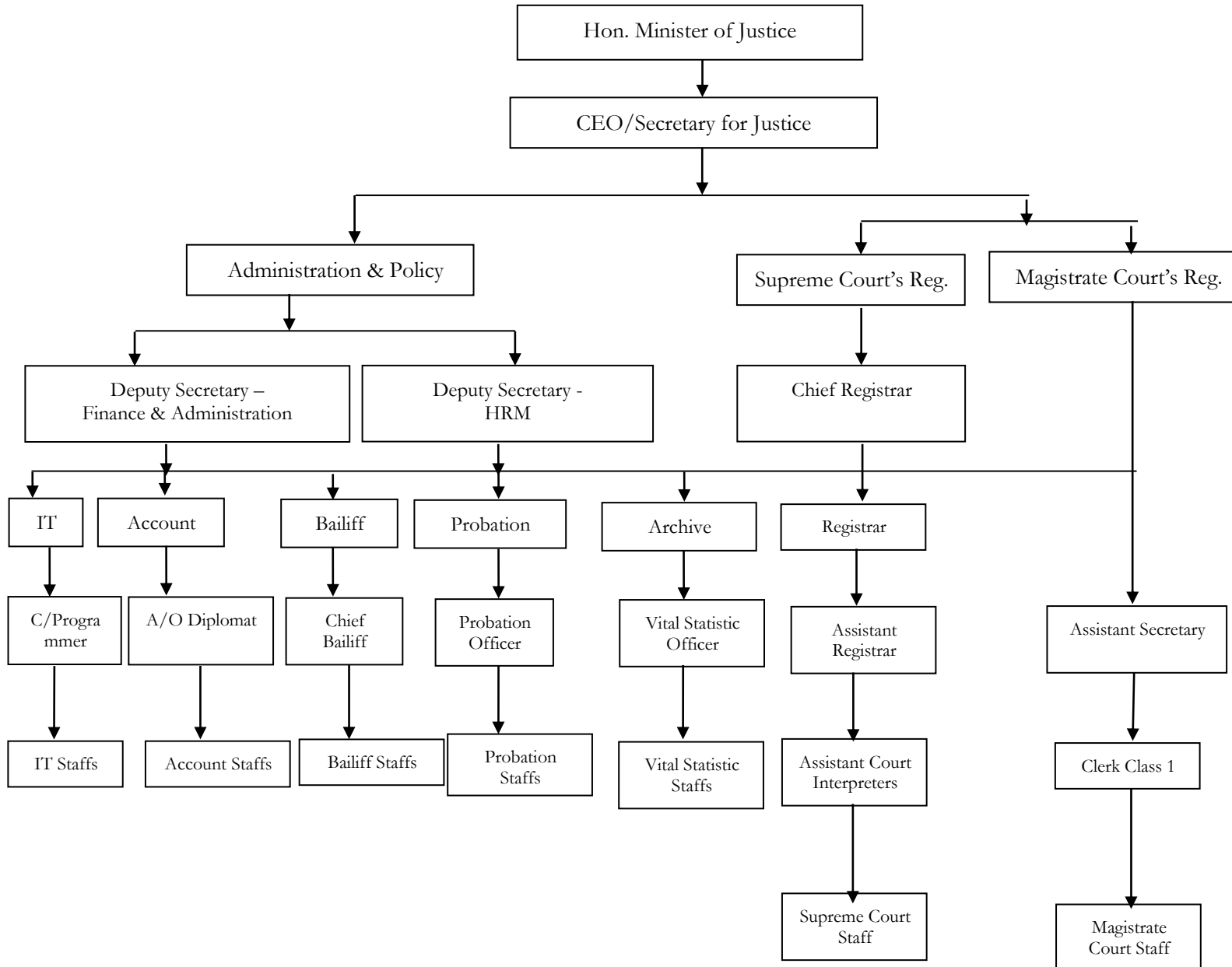
	1.4 Law Reform	1.4.1 Law Reform Committee Services 1.4.2 Consolidation / Revision of Laws of Tonga
2. Judicial Services	2.1 Judicial Services Management 2.2 Privy Council / Court of Appeal 2.3 Supreme Court / Land Court 2.4 Magistrates' Court	2.1.1 Fees and Fines 2.1.2 Direction and Management 2.2.1 Appeal Court Judges 2.3.1 Supreme Court Support services 2.3.2 Court Circuits 2.3.3 Law Reports Production 2.4.1 Chief Magistrates' Support services 2.4.2 Magistrates' Court Administrative services 2.4.3 Magistrates' Court Circuits
3. Enforcement Services	3.1 Bailiff Services 3.2 Probation Services	3.1.1 Execution of Process 3.2.1 Community Services Order
4. Civil Registration	4.1 Births, Deaths and Marriages	4.1.1 Fees and Charges 4.1.2 Registration Services 4.1.3 Vital Statistics Committee support

The Ministry's Strategic Plan 2008/9 – 2011/12

The Ministry continued with the revised Strategic Plan that it had drawn up in 2008 and which was due for conclusion at the end of the Financial Year 2011/12 (30th June, 2012) and which has been reported in previous Annual Reports.

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MINISTRY OF JUSTICE – ORGANISATIONAL STRUCTURE



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6. Establishment

The Ministry's Establishment as of 30 June, 2012 was as follows

6.1 Minister's Office

1	Minister of Justice	Hon. William Clive Edwards (1 st September, 2011)	TTP
2	Secretary for Justice	Miss Susana Faletau (2 April, 2012)	TTP
3	Legal Officer	Vacant	TTP
4	Personal Assistant to the Minister	Mrs. Halaevalu Siasau Helu	TTP

6.2 Finance, Administration, Human Resources & IT

1	Deputy Secretary	(ACTING D/S from 2 April, 2012) Mr. Folau Lokotui (Mr. Vatulele Tuputupu, suspended from the PS on September 2011)	TTP
2	Deputy Secretary	Mrs. Nunia Ikavuka Mone (Re-deployed to the Ministry of Finance) (ACTING D/S from June 2012 Ms. Jeanett Ve'a) (Temporary Re-deployment from Public Service Commission)	
3	Deputy Secretary (Created by a transfer of posts from MFA)	Vacant	TTP
4	Accounting Officer Diplomat	Mr. Nai Tonga	TTP
5	Computer Operator Grade II	Mrs. Holeva Makaafi	TTP
6	Clerk Grade I	Mrs. 'Aloma Kouvaka (transferred from Magistrates' Court)	TTP
7	Computer Assistant	Mrs Stella Ngahe Tonga	TTP
8	Clerk Grade III	Mrs. Neomai Lavaka	TTP
9	Clerk Grade III	Miss 'Ana Poloniati	TTP
10	IT DIVISION Computer Programmer	Mr. Paula Latapu	TTP
11	Computer Programmer	Mr. Albert Cocker	TTP
12	Computer Operator Grade 111	Mr. Viliami Fotu	TTP
13	DRIVERS Technical Officer	Mr. 'Amanaki Taukei'aho	TTP
14	V.I.P Driver	Mr. Sione Veamuni Faiva	TTP
15	V.I.P Driver	Mr. Heamasi 'Oto	TTP
16	V.I.P Driver	Mr. Tevita Vehikite	TTP
17	Driver	Mr. Ika Fa'aoa	TTP

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18	Driver	Ma'afu Sefokuli	TTP
19	Driver	Mr Penisini Taufu	TTP
20	Driver	Samiuela Toli	TTP

6.3 Magistrate Court

1	Chief Magistrate	Mr. Sione Folau Lokotui (temporarily transferred to HQ)	TTP
2	Principal Magistrate	Mr. Salesi Mafi (Acting/Chief Magistrate)	TTP
3	Principal Magistrate	Mr. Paula Tatafu	Vv
4	Senior Magistrate	Vacant	TTP
5	Magistrate	Mr. Vaha'I Foliaki (Study leave)	HP
6	Relieving Magistrate	Mr. Similoni Tu'akalau	TTP
7	Relieving Magistrate	Mr. Petelo Pita Soakimi	TTP
8	Relieving Magistrate	Mr. Masao Paasi	TTP
9	Assistant Secretary	Mr. Sateki Afu	TTP
10	Clerk Class 11	Mrs. Tulaki Toki	TTP
11	Clerk Class 11	Mrs. Ma'ukavaFifita	TTP
12	Clerk Class 11	Mr Salesi Hafoka	Vv
13	Clerk Class 11	Miss Makalete Kaitapu	HP
14	Clerk Class 111	Miss Paipule Fehoko	HP
15	Clerk Class 111	Mr. 'Isileli Kaumavae	TTP
16	Clerk Class 111	Mrs. Katalina Siena Hu'ahulu	Vv
17	Computer Assistant	Mrs. Salote Lutua	TTP
18	Computer Assistant	Mrs. 'Ilaisaane Fifita	TTP
19	Computer Assistant	Mrs. Malia K Taufu	TTP
20	Computer Assistant	Ms. 'Ofaki Muli Fotukava	TTP
21	Caretaker	Mr. Sitalingi Fa'aoa	Vv
22	Cleaner	Vacant	Vv
23	Caretaker	Mr.Makolani Lino Fe'ao	HP

6.4 Supreme Court

1	Chief Registrar	Mrs. Temaleti. M. Pahulu	TTP
2	Registrar	Mr. Frederick Tuita	TTP
3	Legal Officer	Vacant	TTP
4	Assistant Legal Officer	Miss Lady Fatima Fonua	TTP
5	Assistant Registrar	Mrs Hortensie Ngalu (Acting Assistant Registrar)	TTP
6	Personal Assistant to Chief Justice	Mrs. Nehusita Tu'uholoaki (Acting/Personal Assistant)	

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7	Assistant Court Interpreter	Mr. Faka'iloatonga Taumoefolau	TTP
8	Assistant Court Interpreter	Miss. Salote Koloamatangi	TTP
9	Assistant Court Interpreter	Mrs. Hortensie Ngalu	TTP
10	Assistant Court Interpreter	Ms. 'Elenoa Salt	TTP
12	Computer Operator Grade 11	Mrs. Nehusita Tu'uholoaki	TTP
13	Computer Operator Grade 11	Vacant	TTP
14	Computer Assistant	Miss. Tu'ilomoloma Lausi'i	TTP
15	Clerk Class 11	Miss. Niusolofoni Kei	TTP
16	Clerk Class 111	Mrs. 'Ana Vainikolo	TTP
17	Clerk Class 111	Mrs. Mele Kulikefu	TTP
18	Clerk Class 111	Miss Lu'isa Paletu'a	TTP
19	Computer Assistant	Miss. Fololeni N Hufanga	TTP
20	Cleaner	Mr. Masungu Kafoa	TTP

6.5 Archives

1	Vital Statistic Officer	Vacant	TTP
2	Assistant Vital Statistic Officer	Mrs. Kafo'atu Mafile'o	TTP
3	Computer Assistant	Mrs. Meleane Nuku	TTP
4	Clerk Class 3	Mrs. Me 'Aholelei	TTP
5	Vital Statistic Clerk Grade 111	Mrs. Sivoki Katoa	TTP
6	Vital Statistic Clerk Grade 111	Mrs. Siutiti Funaki	TTP
7	Vital Statistic Clerk Grade 111	Mrs. Netatua O Telefoni	TTP
8	Vital Statistic Clerk Grade 111	Mr. Nivaleti Paea	TTP

6.6 Bailiffs

1	Chief Bailiff Officer	Mr. Paula Fe'aomoeta	TTP
2	Bailiff Officer Grade 1	Mr. Mosese Manufekai	TTP
3	Bailiff Officer Grade 11	Mr. Tau'ili'ili 'Ulupano	Vv
4	Bailiff Officer Grade 11	Mr. Tevita 'Uluheua	TTP
5	Bailiff Officer Grade 111	Mr. 'Aisea Manumu'a	TTP
6	Bailiff Officer Grade 111	Mr. Ngaluma'a Latu	TTP
7	Bailiff Officer Grade 111	Mr. Liniola Manu	TTP

6.7 Probation Services

1	Probation Officer	Mr. Patelesio Pale	TTP
2	Assistant Probation Officer	Mr. Henele Telefoni (Study Leave)	TTP
3	Probation Officer Grade 1	Mr. Tito Kivalu	TTP
4	Probation Officer Grade 2	Vacant	TTP

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5	Probation Officer Grade 3	Mr. Soane Hupeto Kaitapu	TTP
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7. The Judiciary

The Judiciary is defined under Clause 84(2) of the Constitution as the Lord President of the Court of Appeal and Judges of the Court of Appeal; the Lord Chief Justice, who shall be the professional Head of the Judiciary, and Judges of the Supreme Court; The Lord President of the Land Court and Judges of the Land Court; and the Chief Magistrate and the Magistrates.

Clause 83B of the Constitution of Tonga (as amended) creates the position of the Lord Chancellor and his roles which is quoted herewith:

“83B The Lord Chancellor

(1) The King in Privy Council, after receiving advice from the Judicial Appointments and Discipline Panel, shall appoint a Lord Chancellor who shall have primary responsibility for –

- (a) the administration of the courts;
- (b) all matters related to the Judiciary and its independence;
- (c) the maintenance of the rule of law; and
- (d) such related matters as are specified in this Constitution or any other Act.

(2) The Lord Chancellor shall, unless otherwise provided by law, have complete discretion to exercise his functions, powers and duties, independently without any interference whatsoever from any person or authority.

(3) The Lord Chancellor may, with the consent of the King in Privy Council, make regulations for the following purposes –

- (a) to establish an age at which the Attorney General, a Judge, a Magistrate and the Lord Chancellor shall retire from office;
- (b) to regulate a judicial pension scheme;
- (c) to provide for administrative arrangements for and related to the Office of the Lord Chancellor.

(4) The Lord Chancellor shall be a person who is qualified to be a Judge of the Supreme Court and he shall, subject to any contractual arrangements, hold office during good behaviour.

(5) The King in Privy Council, after receiving advice from the Judicial Appointments and Discipline Panel, shall determine the terms of appointment of the Lord Chancellor, and shall have the power to dismiss him.”

Furthermore, under Clause 83C is the establishment of the Judicial Appointments and Discipline Panel (JADP) with their functions which is quoted as follows:

“83C Judicial Appointments and Discipline Panel

(1) There is hereby established, as a Committee of the Privy Council, a Judicial Appointments and Discipline Panel comprising –

- (a) the Lord Chancellor, who shall be the Chairman;
- (b) the Lord Chief Justice;
- (c) the Attorney General; and

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- (d) the Law Lords, being such persons versed in the law as the King from time to time shall so appoint.
- (2) The Judicial Appointments and Discipline Panel shall recommend to the King in Privy Council –
 - (a) the appointment of eminently qualified persons to the Judiciary, and as Lord Chancellor and to any other office that the King requires;
 - (b) the disciplining of members of the Judiciary;
 - (c) the dismissal of members of the Judiciary for bad behaviour through gross misconduct or repeated breaches of the Code of Judicial Conduct;
 - (d) the remuneration and terms of service of members of the Judiciary;
 - (e) a Judicial Pensions Scheme;
 - (f) a Code of Judicial Conduct; and
- (g) the appointment of assessors to the Panel of Land Court Assessors.”

The Ministry no longer has any input into matters relating to the advertising, appointment, financial contracts of members of the judiciary or the operations of the Judiciary. A full transition of administrative functions and human resource allocations (all administrative staff of the courts continue as Public Servants and remain the responsibility of the Chief Executive Officer) and financial matters relating to the operation of the courts, has not been affected but continues to be with Ministry, which holds the annual government budget since the Lord Chancellor’s Office, does not have an established budget as yet. Transition to the new Justice system continues to be developed and progressed by the Minister of Justice, the Lord Chancellor and the Attorney General.

During the period 01 January to 30 June, 2012, the Ministry was informed by the Lord Privy Seal of Privy Council Decisions which made the following changes/appointments to the Judiciary of Tonga.

7.1 Court of Appeal

Hon Justice Burchett retired from the Tongan bench on 27 April, 2012, after 20 years of judicial service to the Kingdom of Tonga;

7.2 Supreme Court

Hon Justice Robert Shuster’s contract as a Judge of the Supreme Court and Land Court was completed on 7 May, 2012, after 4 years of service in the Kingdom.

Hon Justice Charles Cato was appointed as a Judge of the Supreme Court and Land Court on 8th April, 2012 for a period of 5 years.

7.3 Magistrates’ Court

Magistrate Sione ‘Etika was dismissed from office on 1st February, 2012.

Relieving Magistrate Similoni Tuakalau was appointed as a substantive Magistrate on 8th May, 2012

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8. Staff Matters

Staff report for the period from 01 January to 30 June, 2012.

8.1 Staffing

In January 2012, the Ministry had 76 active positions to which 15 positions were at the senior level and the rest of the 61 positions were at the junior level. Of these 76 positions, four (4) were vacant.

The 15 senior positions include the position of the Minister which is a political appointment and the incumbent is the Hon. William Clive Edwards.

The Chief Executive Officer for Justice is Susana Faletau. Susana Faletau was appointed as the permanent CEO for Justice effective as from 02 April, 2012. The Ministry has five positions at the Deputy level - one at the Electoral Commission, one at the Supreme Court and the other three Deputy Secretary/Human Resources, Deputy Secretary/Administration and one which was created in October 2011 by the transfer of a Deputy Secretary post from the Ministry of Foreign Affairs located at the main office.

However, two of the Deputy Secretary post holders at the main office have both been moved out of the Ministry, one on redeployment to another Ministry and the other on suspension from the public service. There are approximately 80% of Ministry staff at the junior level.

8.1.a New Appointments at the Ministry of Justice

Three new appointments were made within the period from 01 January to 30 June, 2012 and are as follows:

- Susana Faletau was appointed the permanent Chief Executive Officer for Justice with effect from 02 April, 2012.
- Katrina 'Anaseini Poloniati was appointed as Clerk Class III with effect from 01 June, 2012.
- Seini 'Utoikamanu was appointed as Clerk Class III as from 18 April, 2012.

8.1.b Returning Scholar

Lady Fatima Fonua, Assistant Legal Officer resumed her duties with the Ministry on 25 June, 2012 after successfully completing her Professional Diploma in Legal Practice (PDLP) from the University of the South Pacific on 27 June, 2012. Ms. Fonua was approved to take study leave with pay for six months with effect from 09 January, 2012.

There are 2 scholarship holders of the Ministry of Justice Miss Adi Talanaivini Mafi, a law student and Miss Florence Fineanganofa, a student in BA – for office administration.

8.1.c Promotions

The following promotions were made within the period reported:

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- Ms. Rose Kautoke, Legal Officer was promoted and transferred to the post of Assistant Crown Counsel at the Crown Law Department with effect from 10 February, 2012.
- Mrs 'Elenoa Salt Takataka Official Translator at the Supreme Court was promoted to Assistant Court Interpreter at the Ministry with effect from 01 June, 2012.

8.1.d Transfers

Ms. Rose Kautoke, Legal Officer at the Ministry was promoted and transferred to Crown Law as an Assistant Crown Counsel as from 10 February, 2012.

Mr. Samiuela Toli, Driver of the Ministry was laterally transferred as Driver to the Crown Law Department with effect from 10 February, 2012.

8.1.e Redeployment

Due to staff shortages at the Human Resource Division of the Ministry, the Public Service Commission agreed to temporarily redeploy Senior Assistant Secretary, Ms. Jeanett Ve'a from their Office to undertake relevant duties as from 25 June, 2012.

The Chief Magistrate Folau Lokotui remained off the bench and at Head Office in the post of Acting/Deputy Secretary/Administration and Finance.

8.1.f Further studies

The Ministry currently has one scholar on study leave, Mr. Heneli Telefoni, Assistant Probation Officer, undertaking a Diploma in Arts in Social and Community Work at the University of the South Pacific. It is anticipated that the officer will complete this course by the end of 2012. Spouse of the scholar, who is also a staff member of the Ministry, Mrs. Netatua Telefoni, Vital Statistics Officer Grade III, is accompanying her husband on special leave without pay.

8.1.g Suspension

Mr. Vatulele Tuputupu, Deputy Secretary of the Ministry is currently on suspension without pay since 12 September, 2011 for misusing a government vehicle pending a final decision of the Public Service Commission.

8.1.h Exit from the service through retirement, resignation, dismissal and medical grounds.

Magistrate Sione Etika was dismissed from office on 1 February 2012.

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8.2 Overseas Conferences, Workshops and Trainings

8.2a Mrs Manakovi Pahulu, Chief Registrar of the Supreme Court attended a national Coordination Leadership Workshop funded by the Pacific Judicial Development Programme in Apia, Samoa from 25 March – 28 March, 2012. She also attended an Executive Committee Meeting of the Pacific Judicial Development Programme in Apia, Samoa from 1 April to 3 April, 2012.

8.2b Mr Feleti Tuita, Registrar of the Supreme Court attended a workshop on Commercial Case Management, funded by AusAid, in Australia from 28 May to 30 May, 2012.

8.2c Magistrate Paula Tatafu, attended a Mediation Workshop as part of a judicial building programme, funded by AusAid, in Australia from 4 June – 6 June, 2012.

8.2d Mrs Hortensie Ngalu, Acting Assistant Registrar and Assistant Court Interpreter, Supreme Court also attended the said Mediation Workshop in Australia with Magistrate Tatafu and her participation was funded by AusAid.

8.2.e Austraining International

Ministry submitted a request for the provision of an Assistant Registrar of Courts (for the Supreme Court) and also a Software Lead Developer for the IT Division. [Austraining offers a diverse range of opportunities for skilled Australians and partner organisations to become involved in international volunteering. Volunteers work with local counterparts in developing countries to reduce poverty and build capacity. Their programmes are inclusive and flexible and their in-country support and post assignment engagement are key to ongoing success, having managed more than 4000 volunteer placements internationally since 2001].

8.2.f Technical Assistance from the Commonwealth Secretariat for the Registrar General's Office.

The project was suspended awaiting the recruitment of a suitable consultant for the role of expert archivist and records management, which had been advertised for over 1 year, but with no appropriate applicants, with the requisite skills set having been identified. In January, 2012, 3 qualified applicants were forwarded by the Commonwealth Secretariat and the Ministry identified the most suitable applicant as Ms Fiona Bolt, A Records Management Coordinator, Documentalist and Periodal Librarian, who was currently employed by Amnesty International. After recruiting the said applicant for the project, the date for commencement of the digitization of vital records in the Kingdom was set for July 2012.

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9. Finance

The 2011/12 Financial Estimates was \$2,699,000.00 for expenditure and a forecast of revenue collection set at \$700,000.00 (for one Financial Year). The total of \$2,200,603.00, (82% of the budget) was for salary and salary related expenditure with 18% assigned as operational expenditure.

The total revenue collection for January 12 – June 12 was \$378993.10. (NB That the target revenue of TOP\$700,000 is set for 30 June, 2012 (end of the Financial Government Year). This indicates that the Ministry has achieved collection of more than half the revenue which was forecast for the Financial year within the first 6 months of the FY.

Table 9.1

Details of the revenue collection for periods 01st January 2012 to 30th June 2012.

i.	Sales of Legal documents	\$2975.00
Ii	Court fees	\$62038.21
Iii	Fines and charges	\$180561.02
Iv	Registration fees	\$118446.60
V	Marriage and divorce	\$14972.27
	Total	\$378993.10

The sources of income for the Ministry are from Court Fees, Court Charges and Court Fines that are levied by the Judges and Magistrates on cases presented before them in Court plus fees for Registration applications submitted to the Supreme Court as part of the Lord Chief Justice's role as "Registrar General of the Kingdom" under the Registration of Births, Deaths and Marriages Act. Registration fees are revenue collected from issuance of copies of birth, death and marriage certificates at the Vital Statistic's Office.

Prison Advisory Committee

The Prison Advisory Committee appointed new members under Cabinet Decision No. 759 of 28 August, 2011. The new members are as follows:

C. Mag - S.F.Lokotui

C. Medical Officer - Dr. M. 'Ake

Former Prison Chaplain Samisoni Tuiaki

No visits were undertaken during Jan – June 2012.

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10. BAILIFF REPORT

This is the bi-annual report of the Bailiff Division for the period from **01 January to 30 June, 2012**. There are only two offices of the division, one operating in Tongatapu and one in Vava'u. The main office is in Tongatapu which also administers the bailiff duties for Ha'apai, 'Eua and the two Niuas.

In this report, duties carried out by the main division in Tongatapu and the division in Vava'u are covered.

Functions of the Bailiff Division are provided for in the Bailiffs Act 2000 (The Act), Section 7 (1) which reads:

- (a) to execute writs, warrants and orders of a Court;
- (b) to serve summonses and other documents or process required to be served by the Rules of any Court;
- (c) to attend any Court when required to do so;
- (d) to perform any other functions required by a Court, or under any other law;
- (e) to ensure the safe keeping of all copies of any document required by the Court to be executed, served or used for any function required by the Court;
- (f) to ensure the safe keeping of all money, goods, chattels or proceeds which are required to be in the custody of the Bailiffs in the performance of their duties and functions until disposed of as ordered by the Court.

10.1 TONGATAPU

10.1. PENDING WRITS AND WARRANTS OF DISTRESS FROM 2011

At the beginning of 2012, there were 10 "writs and warrants of distress" cases pending from 2011 in Tongatapu. The debt amounts totalled TOP\$403,005.23. Summarized in Table 1 below are details of work carried out in 2012 on pending cases from 2011.

TABLE 10.1a: EXECUTION OF THE PENDING WRITS OF DISTRESS FROM 2011

RESULT	TOTAL NUMBER OF WRIT OF DISTRESS	AMOUNT ORDERED
NO GOODS FOUND (insufficient goods)	5	\$82,364.74
SPECIAL SEIZURE	2	\$33,445.91
SETTLE	1	\$15,699.71
PENDING	2	\$271,494.87
TOTAL	10	\$403,005.23

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As shown in Table 1 above, there were eight (8) cases that have been dealt with whilst two cases are still pending due to officers not being able to locate the debtors as apparently the debtors do not permanently reside in one location.

10.2 PENDING DISTRESS WARRANTS FROM 2011

At the beginning of 2012, there were five (5) “distress warrants” cases pending from 2011 in Tongatapu. Summarized in Table 2 below are details of work carried out in 2012 to cases pending from 2011.

TABLE 10.2a: RESULTS OF EXECUTION OF THE PENDING DISTRESS WARRANT FROM 2011

RESULT	TOTAL NUMBER OF DISTRESS WARRANT	AMOUNT ORDERED
NO GOODS FOUND	2	\$10787.50
SETTLE	1	\$1482.00
PENDING	2	\$24598.55
TOTAL	5	\$36868.05

Table 10.2a reflects the number of pending cases the Division was able to clear. Again, there were two cases remaining as pending due to officers not being able to locate the debtors in the address given on the distress warrants.

10.3 WRITS AND WARRANTS OF DISTRESS 1 JANUARY – 30 JUNE 2012

The following tables reflect the writs and warrants of distress that the Bailiff Division has received and how they have dealt with all them.

TABLE 10.3a : TOTAL NUMBER OF WRITS AND WARRANTS RECEIVED

COURT	MAGISTRATES	SUPREME
DISTRESS WARRANT	22	
WRIT OF DISTRESS		11
AMOUNT	\$90096.94	\$476730.01

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The statistics of the execution of the writs and warrants of distress in Table 3 are summarized below in the following tables.

TABLE 10.3b: RESULTS OF EXECUTION OF DISTRESS WARRANT

RESULT	TOTAL NUMBER OF DISTRESS WARRANT	AMOUNT ORDERED
No Goods Found	6	\$26335.11
Paid	4	\$3374.00
Settle	3	\$4156.45
Special Seized	5	\$37707.57
Abroad	3	\$7620.81
Pending	1	\$10843.00
Total	22	\$90036.94

TABLE 10.3c: RESULT OF EXECUTION OF THE WRITS OF DISTRESS

RESULT	TOTAL NUMBER OF WRITS OF DISTRESS	AMOUNT ORDERED
No Goods Found	3	\$65859.91
Settle	2	\$38715.00
Special Seized	4	\$242363.51
Abroad	1	\$100806.99
Pending	1	\$28984.60
TOTAL	11	\$476730.01

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10.4 WRITS OF POSSESSION

In addition to executing and enforcing court orders, there were eight (8) writs of possession received and all were executed by the Bailiff Division. The execution of such writs involves the special seizure of all goods inside the house where 14 days is given to the occupant to vacate the premises. The possessions of these premises are now under the control of the Bank (Judgment Creditor).

10.5 SPOT FINES AND BREATHALYZER SUMMONS

This Division is responsible for serving spot fines and breathalyzer summons issued by the Magistrate Court. The following tables show the statistics for these tickets.

TABLE 10.5a : SPOT FINES

	TOTAL NUMBER OF TICKETS
Number of tickets delivered	81
Offenders overseas	41
Offenders in outer islands	7
Tickets with fake names	18
TOTAL	147

TABLE 10.5b: COURT SUMMONS ISSUED FOR FAILURE OF BREATHLYSER TEST

	TOTAL NUMBER OF SUMMONSES ISSUED
Number of summons delivered	5
Offenders overseas	1
Summons with fake names	4
Offenders in outer islands	1
Total	11

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10.6 Summons Received from the Supreme Court

The Bailiff Division is also responsible for serving summons issued by the Supreme Court. These include subpoenas for witnesses to appear for trial, summons for jurors and others. The statistics of the work done to these summons are shown below:

TABLE 10.6: NUMBER OF SUMMONS RECEIVED

	SUBPOENA	JUDGMENT	JUROR	NOTICE FOR INTERPLEADER HEARING
Delivered	179	79	96	32
Not delivered	59	17	5	3
Total	238	96	101	35

Table 10.6a shows the action taken on the total number of summonses issued. The summonses that have not been delivered are those that are issued to a person who has apparently moved to the outer islands or migrated overseas.

10.6a MONTHLY COLLECTION

**TABLE 10.6a: MONTHLY COLLECTION ON 1ST OF JANUARY TO 30 JUNE, 2012
IN TONGATAPU**

This table indicates the amount paid in to the Bailiff Division by Debtors and these monies are then paid out to the respective creditors.

Table 10.6b

MONTH	AMOUNT
January	
February	
March	
April	
May	\$4929.00
June	\$378.00
TOTAL	\$5307.00

Refer to table 10.3b ,the total amount of distress warrants paid is valued at \$3374 and should be equal to the total amount of monthly collections provided in table 10.6b – which is totalled at \$5307.00. There is a difference of \$1933.00. This difference is due to a debtor who migrated to Australia and which incident, was reported in the 2011 Annual Report. However, during this period of the current report, the said debtor returned to Tonga and

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paid the amount of \$1933.00. This amount was then added to the total stated in table 10.3b above and is now reflected in the total of \$5307 shown in table 10.6b.

10.7 VAVA’U

10.7a PENDINGS WRITS AND WARRANTS OF DISTRESS FROM 2011

TABLE 10.7a: AMOUNT RECEIVED FROM EXECUTION OF PENDING WRITS AND WARRANTS FROM 2011

COURT	SUPREME COURT	Magistrate
No. WRIT OF DISRESS	NIL	
No. DISTRESS WARRANT		1
AMOUNT RECEIVED	NIL	\$443.00

TABLE 10.7b: RESULT OF EXECUTION OF THE PENDING DISTRESS WARRANT

RESULT	DISTRESS WARRANTS.	AMOUNT ORDERED
No goods found	1	\$443.00
TOTAL	1	\$443.00

10.8 WRITS AND WARRANTS OF DISTRESS 1 JANUARY – 30 JUNE 2012

TABLE 10.8a: TOTAL NUMBER OF DISTRESS WARRANT AND WRIT OF DISTRESS RECEIVED

COURT	NUMBER OF DISTRESS WARRANT	NUMBER WRIT OF DISTRESS	AMOUNT
SUPREME		1	\$7179.50
MAGISTRATE	3		\$16075.63

TABLE 10.8b: RESULT OF EXECUTION OF WRIT OF DISTRESS

RESULT	NUMBER OF WRIT DISTRESS	AMOUNT
--------	-------------------------	--------

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No goods Found	1	\$7179.50
TOTAL	1	\$7179.50

TABLE 10.8c: RESULT OF EXECUTION OF DISTRESS WARRANT

RESULT	NUMBER DISTRESS WARRANT	AMOUNT
No Goods Found	1	\$6696.10
Transfer to Tongatapu	1	\$1885.00
Pending	1	\$7494.53
Total	3	\$16075.63

In carrying out the above duties, the Division faced the following problems:

10.9 Searching for Debtors:

As the writs or warrants of distress only provide the name and residence of the debtor/s, it is usually the case that the debtor/s lies to the officer that they are not the debtor/s. People also lie to officers when asked if they know the debtor/s. Sometimes the debtors have already migrated to outer islands or overseas. This is the reason there are pending cases as shown in the statistics above.

10.10 Storage Room

The Storage Room currently used to keep the seized goods and chattels is in a bad condition. There are broken windows and roof leaks which means that when it rains, the goods are easily damaged. The officers have to continually check on the goods and chattels every week.

However, despite this, the Bailiff Division has still been able to perform their duties and functions vested by the Act.

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11 PROBATION REPORT

11.1 Staff

- a) The year 2012 started off with 2 officers only on duty in the Division, a Probation Officer, and a Probation Officer Grade III.
- b) At the beginning of the year the Probation Officer Grade I, Tito Kivalu, commenced his 11 days special leave with pay as from Tuesday 3rd to Friday 13th January, 2012.

11.2 Training

An ongoing process of training for the rest of the Probation Officers is very much needed for carrying out the future tasks of the Probation Services. Such training would bring more skills and upgrade the current scheme of the services to a more proactive and effective manner in the supervision and rehabilitation of offenders.

One of the staff is due to complete his Diploma in Social Work this year through the Scholarship that has been allocated by the Scholarship Committee of the Ministry of Education, Women's Affairs & Culture in 2010 in the areas requested by the Ministry of Justice in Social Work and it is sponsored by the New Zealand Government.

11.3 CASES REFERRED FROM THE SUPREME AND MAGISTRATE COURTS

	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Criminal Cases Referred	13	11	13	10	06	03	56
Pre-sentence reports completed	5	18	09	16	07	02	57
Court Attendance	03	18	13	13	06	06	59
Home/Comm. Visits	NIL						NIL
Probationers Reporting	11	12	09	05	01	02	40
In-Office interview	04	6	8	12	04	01	35
Out-Office Interview	3	05	05	0	0	01	14
Community	115	110	129	129	97	75	655

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Work supervision							
New Probation Orders	0	0	0	0	0	2	2
Carry forward existing Probation Orders	NIL						NIL
Complete Probation Orders	0	0	1	1	0	0	2
Net Probation Orders	NIL						NIL
New Community Work Order	3	11	5	5	5	6	35
c/f existing Community Work Orders	154	143	138	127	106	95	87c/f
Complete Community Orders	12	5	13	4	3	8	45
Net Community Work Orders	143	138	127	106	95	87	
Failure Community Work Order	2	11	3	22	13	6	57
Failure Probation Order	NIL						NIL

From January - June 2012 a total of 56 new criminal referrals were referred to the Division. Statistically, 100% of the total reports were successfully completed for that period and the only criminal referral from December 2011 (1 case) was also completed.

The highest numbers of offenders referred to the division were for housebreaking and theft charges which amounted to 70% of the total criminal cases referred. Assault occasioning Bodily Harm increased to 2nd place in criminal statistics throughout the reported period, Indecent Assault also increased in relation to past years' statistical reports. Most of the indecent assaults were carried out on minors (children under the age of 12). Manslaughter, Possession of Arms and Ammunition without a license, Embezzlement, Forgery, Fraud and Obtaining Money by false pretences were also referred to the service.

11.4 Records during the period

1. Youngest offender - 10 years old
2. Oldest offender - 58 years old

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11.5 Percentages in categories

Offenders at the ages under 14 years of age = 2.4% of total offenders referred as at the end of June.

Ages between 14 – 30 = 31.55% of the total offenders as at the end of June

Ages between 31 – over = 23. 41% of the total offenders as at the end of June.

11.6 Community Service Orders

There were a total of 35 new community service orders which were handled by the Division during the year as from January – June 2012. Eighty percent (80%) of the orders were referred from the Supreme Court and only 20% from the Magistrate Courts.

11.7 Community Service Workers Supervision

There were a total of 655 of community supervisions that were handled by the Probation Division for period from January – June, 2012.

11.8 Performance Measures

We measure the success of the Probation Services by rates of successful completion of courts orders such as (community services order) by offenders and the failure or re-offending of the offenders. For the reported period, it shows a tremendous increase in the number of breaching or failing and re-offending of offenders (recidivism).

11.9 Current Project

Work is currently underway to develop a pamphlet which explains the Probation Services functions and duties to the public. It is understood that lack of public awareness as to the functions of the Service hinders the efficiency of our services and therefore it is hoped that this project will help inform the referred offender to understand the reason he is referred to us and the important role our services play in the criminal justice system.