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1. INTRODUCTION

This report is for the period commencing 1 July 2013 to 31 December 2013. It covers the work of the Court of Appeal, Supreme Court and the Land Court. It also covers the trainings and workshops offered by the Pacific Judicial Development Programme (PJDP) whereby the Superior Courts send representatives to attend.

2. S1	2. STAFF OF THE SUPERIOR COURTS					
1	Lord Chief Justice/President of the Land Court/President of the Court of Appeal	Mr. Michael D. Scott				
2	Judge	Mr. Charles B. Cato				
3	Judge	Vacant				
4	Acting Chief Registrar	Mr. Frederick Tuita (retired December 2013)				
5	Acting Assistant Registrar	Mrs. Hortensie Ngalu (resigned September 2013)				
6	Acting Assistant Registrar	Miss Fatima Fonua (commence December 2013)				
7	Assistant Registrar	Mr. Reimen Hii, Australian Volunteer for International Development (AVID)				
8	Acting Personal Assistant to Chief Justice	Mrs. Nehusita Tu'uholoaki				
9	Assistant Court Interpreter	Miss. SaloteKoloamatangi (study leave)				
10	Assistant Court Interpreter	Mrs. 'Elenoa Takataka				
11	Assistant Court Interpreter	Mr. Viliami Fotu				
12	Computer Operator Grade II	Vacant				
13	Computer Assistant	Mrs. Fololeni Vaiangina				
14	Computer Assistant	Vacant				
15	Clerk Class III	Mrs. Mele Kulikefu				
16	Clerk Class III	Mrs. 'Ana Vainikolo				
17	Clerk Class III	Mr. Sylvester David Tu'iono				
18	Clerk Class III	Miss. Salote Veikune				
19	Clerk Class III (Daily Pay)	Miss. Caroline Palu				
20	Cleaner	Mr. Masungu Kafoa				

2.1 Retirement/ Resignation from Service

Acting Chief Registrar, Mr. Frederick Tuita retired from the Public Service with effect from December 2013 having worked for the Ministry for over 20 years.

Acting Assistant Registrar, Mrs. Hortenzie Ngalu resigned from the Public Service with effect from December 2013 to pursue an employment opportunity in the Legislative Assembly.

Miss Caroline Palu, Daily Paid Clerk Class III also resigned from the Public Service to pursue a Bachelor of Laws at the University of the South Pacific in 2014.

2.2 New Recruitment

Miss Fatima Fonua was transferred from the Office of the Registrar General to the position of Acting Assistant Registrar in December 2013.

2.3 Study Leave

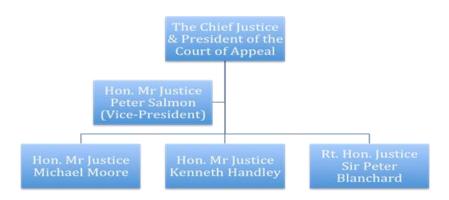
Miss Salote Koloamatangi remains on study leave completing her third year pursuing a Bachelor of Laws in the University of the South Pacific in Vanuatu on government scholarship.

2.4 Promotions

Mrs. Nehusita Tu'uholoaki was promoted from the post of Computer Operator Grade II to the permanent post of Personal Assistant to the Lord Chief Justice with effect from November 2013.

The average number of cases per staff member for the Supreme Court of Tonga in this reporting period was 68.3.

3. COURT OF APPEAL OF TONGA

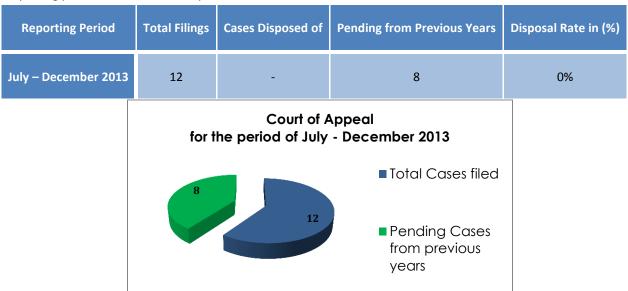


The Lord Chief Justice remains the President of the Court of the Appeal with Hon. Justice Salmon as Vice-President together with Hon. Justice Michael Moore, Hon. Justice Kenneth Handley and Rt. Hon Sir Peter Blanchard as Judges of the Court of Appeal.

During this reporting period there were a total of 12 cases filed and 8 cases that were pending from previous years. However, due to the continuous experience of great difficulties and delays caused by the limited number of supporting staff for the Court of Appeal, the Lord Chief Justice as President of the Court of Appeal cancelled the second session which was scheduled for October 2013.

3.1 CLEARANCE RATE

The following table is a breakdown of the cases in the Court of Appeal. As there was no Court of Appeal during this reporting period, no cases were disposed of.



At the end of this report period, 20 cases were pending in the Court of Appeal.

4. SUPREME COURT OF TONGA

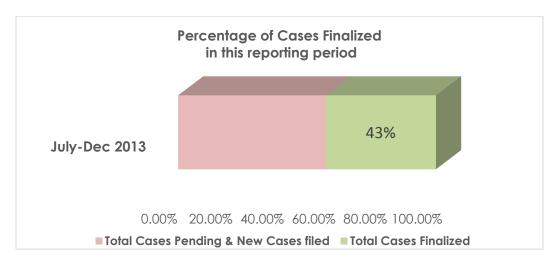
The Supreme Court is composed of the Hon. Lord Chief Justice Michael Scott, and the Hon. Justice Charles Cato. The Chief Justice continues to deal with the bulk of the civil, family, appellate and probate and administration matters, while the Hon. Justice Cato hears the majority of criminal matters. Both judges travel on circuit to the outer islands to hear all cases filed in those areas.

Despite the present workable arrangement, the court remains in desperate need of a third judicial officer to assist in the growing number of disputes filed in the superior courts. It is hoped that funding for a third judge will be found and an appointment may be made soon.

4.1 SUMMARY

A total of 956 cases were dealt with by the Supreme Court during this reporting period. These 956 cases include the pending cases from previous years and new cases filed during this reporting period. As there are only two Judicial Officers, the average number of cases per Judicial Officer in this reporting period was 478 cases.

A total of 413 cases were finalized during this period which is 43% of the total cases pending and new cases filed as shown below:



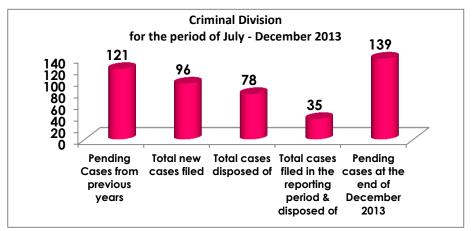
There are five Divisions of the Supreme Court and are as follows:

- 1) Criminal Division
- 2) Civil Division
- 3) Appellate Division
- 4) Family Division
- 5) Probate & Administration Division

A breakdown of the work carried out by these divisions of the Supreme Court is shown below:

4.2 CRIMINAL DIVISION

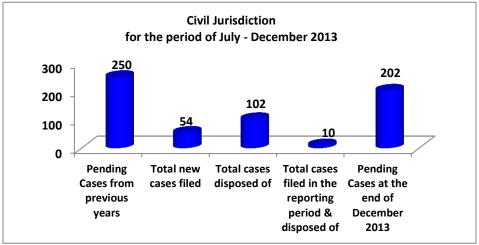
A summary of the work carried out by the Criminal Division of the Supreme Court of Tonga for the period of July to December 2013 is as follows:



During this reporting period, there were a total of 217 criminal cases altogether of which 121 cases are cases pending from previous years and 96 new cases filed. A total of 78 cases altogether were disposed of which 36 cases are cases that were filed and disposed of during the reporting period. This results in a clearance rate of 36%.

4.3 CIVIL DIVISION

A summary of the work carried out by the Civil Division of the Supreme Court of Tonga is shown on the graph as follows:



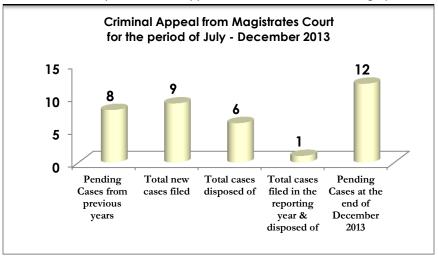
During the reporting period, there were a total of 304 civil cases in the Supreme Court of which 250 were pending cases from previous years. A total of 102 cases were disposed of either through which a decision was made or has been left dormant and disposed of leaving a total of 202 cases pending at the end of December 2013. This results in a clearance rate of 34% reducing the pending cases from 250 to 202 at the end of this reporting period.

- 5 -

¹ Pursuant to Practice Direction 2 of 2012 (Reclassification of Dormant Proceedings), cases in which no step had been taken in over 12 months during this reporting period were marked "Dormant – disposed of" and archived for storage pending eventual destruction in accordance with

4.4.1 CRIMINAL APPEALS

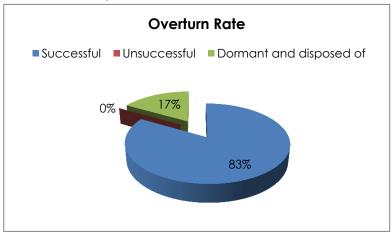
A summary of the work conducted by the Criminal Appellant Division is shown in the graph below:



During this reporting period, a total of 17 cases were dealt with by the Criminal Appellate Division of which 6 cases were disposed of. This results in a clearance rate of 35%.

OVERTURN RATE ON APPEAL

In this reporting period, 83% of the total cases disposed of were successful with 0% being unsuccessful and 17% are cases that were dormant and disposed of 2 .

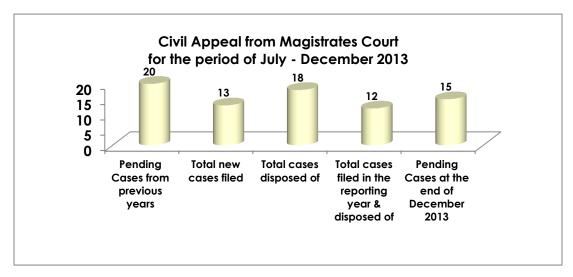


established procedures. These files are not struck out, and may be reactivated upon application. An audit is to be carried out at the end of each reporting period, to ensure matters are not simply lost in the system.

² Refer to Footnote 1

4.4.2 CIVIL APPEALS

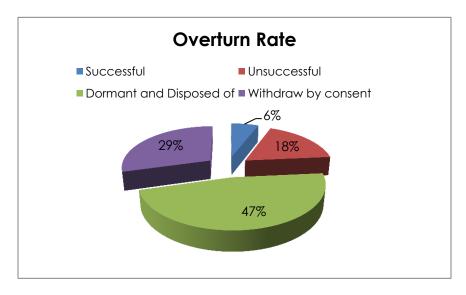
A summary of the work conducted by the Civil Appellate Division during this reporting period is shown on the graph below:



There were 33 civil appeal cases dealt with by the Civil Appellate Division during this reporting period were 18 cases were disposed of resulting in a clearance rate of 55%.

OVERTURN RATE ON APPEAL

In this reporting period, the majority of the cases were dormant and disposed of³ with 29% being withdrawn by consent. A summary is shown below:



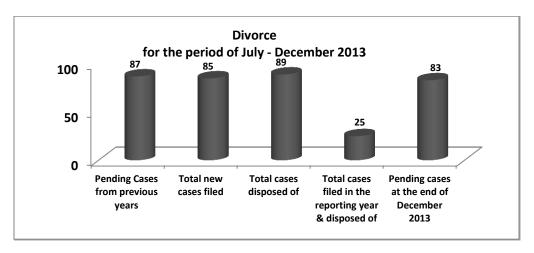
³ Refer to Footnote 1

4.5 FAMILY DIVISION

4.5.1 Divorce Division

In the Divorce Division of the Supreme Court of Tonga, there were a total of 87 cases pending and 85 new divorces cases filed in the reporting period, with a total of 89 cases disposed of. This results in a clearance rate of 52%.

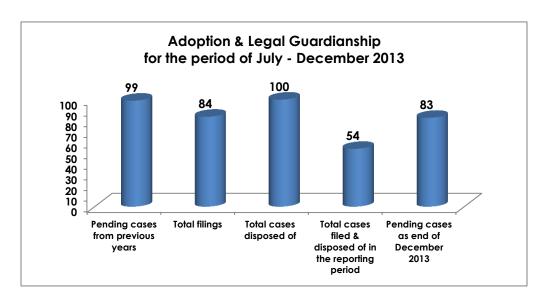
A summary is shown below:



4.5.2 Adoption & Legal Guardianship Division

During this reporting period, there were 99 cases that were pending from previous years and 84 new cases were filed. 100 cases were disposed of either which through a decision was made or has been left dormant and disposed of resulting in a clearance of rate of 55%. The majority of the pending cases are because the Court is still awaiting the report of the *Guardian Ad Litem* before it can make an informed decision.

A summary is shown in the graph below:

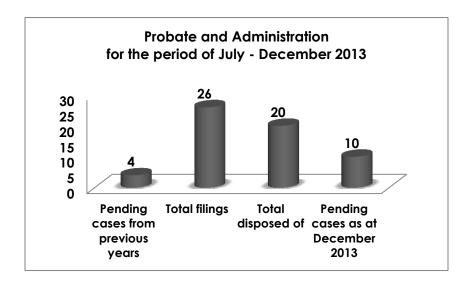


⁴ Refer to footnote 1

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4.6 PROBATE AND ADMINISTRATION

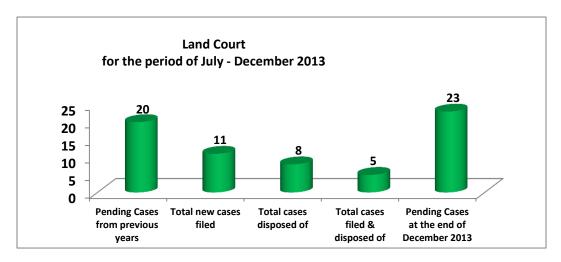
Applications for Probate and Letters of Administration increased during the reporting period with a total of 26 cases being filed in the reporting period and 20 cases were disposed of. At the end of this reporting period, only 10 cases were pending with the majority awaiting further requirements from the applicants. This results in a clearance rate of 67%. A summary is shown below:



5. LAND COURT

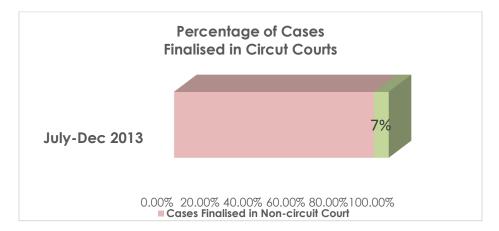
The Lord Chief Justice is also the President of the Land Court and deals predominantly with the land cases in this reporting period and is assisted at times by a Land Assessor appointed in accordance with the *Land Act*.

During this reporting period, there were 31 cases in the Land Court. 8 cases were disposed of during this reporting period leaving 23 cases pending resulting in a clearance rate of 26%.



6. COURT ON CIRCUIT

During this reporting period, the court travelled on two circuits – one to Vava'u and one to 'Eua. A summary of the cases that were finalized by court circuit is as follows:

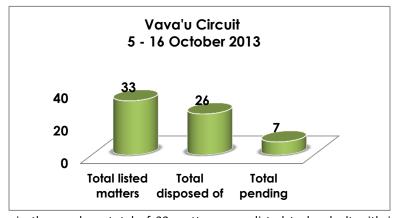


As shown in the graph, 7% of the finalized cases during this reporting period were finalized in circuit courts. A breakdown of the work conducted during the circuits is as follows:

6.1 VAVA'U CIRCUIT

The second Vava'u circuit was held on 5-19 October 2013. Hon. Justice Cato, Assistant Registrar Reimen Hii together with two court clerks and one Interpreter attended this circuit. However due to a last minute plea bargain the two weeks murder trial did not proceed as planned though the team remained until 16 October 2013 to process the pending adoption, guardianship and divorce matters.

A summary of the work in the circuit is produced below:



As shown in the graphs a total of 33 matters were listed to be dealt with in this circuit were 26 cases were disposed of resulting in a clearance rate of 79%.

The table below is a breakdown of the various case types:

Case Types	Listed Matters	Disposed of	Pending
Criminal	1	1	-
Family – Divorce	16	16	-
Family – Adoption &	15	8	7
Guardianship			

The pending adoption and guardianship applications were adjourned to the next Vava'u Circuit as the applications were filed late and the *guardian ad litem* reports for these cases have not yet been completed.

6.2 'EUA

The 'Eua Circuit was held on 30 August – 5 September 2013. Lord Chief Justice Scott, Assistant Registrar Reimen Hii together with two Interpreters and one Court Clerk attended this circuit. There were three cases before the Court, 2 criminal cases and 1 adoption application.

A summary is shown on the table below:

Case Types	Listed Matters	Disposed of	Pending
Criminal	2	2	-
Family – Adoption &	1	1	-
Guardianship			

7. PACIFIC JUDICIAL DEVELOPMENT PROGRAMME (PJDP)

During the reporting period, several trainings and workshops were offered by the Pacific Judicial Development Programme (PJDP) and were attended by the following officers:

- 1. **Fifth Chief Justice's Leardership Workshop** The Lord Chief Justice, Michael Dishington Scott together with other Chief Justices from the region attended this workshop which was held at the Federal Court of Australia in Brisbane, Australia on 23 25 October 2013.
- Fifth National Coordinators Workshop Principal Magistrate Salesi Mafi as the National Coordinator of Tonga attended this workshop which was held at the Federal Court of Australia in Brisbane, Australia on 20 – 22 October 2013.
- 3. Court Annual Reporting Workshop Computer Assistant Mrs. Fololeni Hufanga as the officer in charge of producing data and graphs for the Superior Court's Annual Report attended this workshop on 16 18 October 2013. The workshop was held at Brisbane, Australia and facilitated by Ms. Cate Sumner and Ms. Leisha Lister. The aim of the workshop was to teach the participants about the importance of Annual Reporting and to get them started on collating information and data and producing them in presentable graphs and explanatory notes.
- 4. **Regional Training Team Advanced Workshop** Principal Magistrate Salesi Mafi attended this workshop on 25 to 29 November 2013 which was held at Koror, Palau.