



PAPUA NEW GUINEA

REPORT BY THE JUDGES

on the work of the National Judicial System

2021

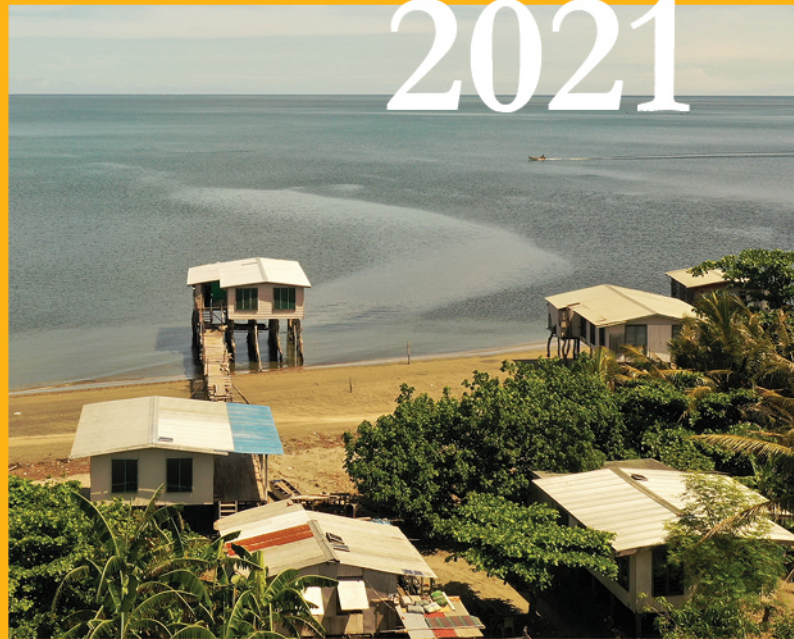


TABLE OF CONTENTS

Table of Contents	2-4
Table of Abbreviations	5
Executive Summary	6-7
Serving Judges in 2021	8-9
Supreme Court Profile	10
Supreme Court Clearance Rate	10
Supreme Court Average Disposition of Cases in 2021	11
Supreme Court Percentage of Appeals 2021	11
Supreme Court Average Duration of Cases	11
2021 Landmark Decisions	12-14
National Court Profile	15
National Courts Tracks – Judge Administrators	15
Judges Postings at Commencement of 2021	15
National Courts Registries	16
The National Court Clearance Rate 2021	17
National Court Performance by Court Locations 2021	18
2021 National Court Locations Performance Chart	19
National Court Pending Caseload by Court Locations in the Year 2021	20
Average Duration of Cases in the National Court	21
National Court Criminal Jurisdiction	22
Types of Offences in the National Court Criminal Track	22
National Court Civil Jurisdiction	23
Published Judgements	24
Introduction	24
Judgements	24
Summary of the Court Performance	27
Observation on the Court Caseload	27
National Court Legal Aid	28
Judicial Complaints Committee	28
Percentage of Complaints Received concerning Judicial Officer	28
Percentage of Complaints Received concerning Court Staff Member	28
Average Number of cases per Judicial Officer	28
Average Number of cases per Court Staff Member	28
Annual Reports published for Public	28
Court Services Information	28
Publication of Court Judgements	28

Mediation	29
The ADR Service	29
Introduction of Court Annexed ADR	29
Mediation Statistics-December 2021	29
ADR Rules 2020	30
Enactment of the Arbitration Bill 2020	31
Areas in Need of Improvement for Improved Court Performance	32
Impediments to Timely Disposition of Cases	32
21st Century Higher Court Structure	32
Judges Simultaneously serving two high courts	32
Inadequate Number of Judges	32
Case Backlog in both Courts	33
Under Resourced Constitutional Offices	33
Unexecuted Bench Warrants in Criminal Cases	33
Reserved Judgements	33
Underutilized Mediation Services	33
Commonwealth Magistrates and Judges Association Conference (CMJA)	34
Strategic Administration	35
Chief Justice Calendar	35
International Aspects	35
Partnership and Cooperation with Overseas Judiciaries and Institutions	35
Memorandum of Understanding (MOU)	35
Judicial Appointments in 2021	36
Re-Appointments	36
New Judges Appointments	36
Defence Force Judges	36
Overseas Judicial Appointments	36
Federal Court of Australia Judges who are present only for Supreme Court weeks	36
Court User Forum (CUF)	36
Office of the Registrar	37
Supreme Court Registry Division	37
National Court Registry Division	38
Integrated Criminal Case System Database (ICCSDB)	38
Integrated Electronic Case Management System (IECMS)	38
Case Docketing System Database (CDSDB)	38
PNG Sentencing Database	38
Alternate Dispute Resolution (ADR)	39
Court Reporting	39
Provincial Reports	39

Office of the Sheriff	40
Papua New Guinea Centre for Judicial Excellence	41
Papua New Guinea Centre for Judicial Excellence (PNGCJE)	41
PNGCJE 2021 Training Highlights	41
Training Programs for Judicial Officers	41
Training Program for Law and Justice Sector Agencies	43
Training Programs for Court Officers	44
Community Awareness Programs	45
Other PNGCJE Training Programs	46
Conclusion	46
Office of the Secretary	47
An Established E-Judiciary	47
An Improved Access of the Courts	47
An Improved Institutional Performance	48
Strengthen Law & Justice Sector Collaboration	49
Corporate Services	49
Finance Division	50
Court Buildings and Facilities	52-59

ABBREVIATIONS

ADR	Alternative Dispute Resolution
AJ	Acting Judge
CCA	Certificate in Court Administration
CDS	Case Docketing System
CDSDB	Case Docketing System Database
CJ	Chief Justice
CJE	Centre for Judicial Excellence
CMJA	Commonwealth Magistrate s' and Judges' Association
CRCE	China Railway Construction Engineering
CRO	Court Reporting Officer
CUF	Court User Forum
DCJ	Deputy Chief Justice
EFT	Electronic Fund Transfer
FCOT	Fraud and Corruption Track
FTR	For the Record
ICT	Information Communication and Technology
IECMS	Integrated Electronic Case Management System
IOM	International Organization for Migration
HR	Human Rights
ICCSDB	Integrated Criminal Case System Database
IMAAC	International Mediation and Arbitration Conference
IT	Information Technology
JSIMS	Judicial Services Integrated Management System
MOU	Memorandum of Understanding
MS	Magisterial Services
NCM	National Coordination Mechanism
NJSS	National Judicial Staff Service
NSW	New South Wales
NSWJC	New South Wales Judicial Commission
Pac LII	Pacific Islands Legal Information Institute
PFMA	Public Finance (Management) Act
PGAS	Papua New Guinea Accounting System
PJSI	Pacific Judicial Strengthening Initiative
PNG SD	Papua New Guinea Sentencing Database
RFI	Request for Information
SCA	Supreme Court Appeal
SCAPP	Supreme Court Applications
SCC (OS)	Supreme Court Constitutional Originating Summons
SCM	Supreme Court Motions
SCRA	Supreme Court Criminal Appeal
SCREF	Supreme Court References
SLOS	Social Law and Order Sector
SCREV (EP)	Supreme Court Review (Electronic Petition)
WNCC	Waigani National Court Complex

Executive Summary

I am pleased to present to the People of Papua New Guinea, the Report of the Judges 2021 (the Report). The judiciary has been conferred by the *Constitution* the judicial power of the People. It is a Constitutional requirement that judges report annually to the People through their duly elected representatives the work of the judiciary in the previous 12 months, that is for 2021. Constitution, s 187. “Reports by Judges” states:

- (1) *The Judges shall, at least once in each period of 12 months, at such times as are fixed by or under an Act of the Parliament or, subject to any such Act, by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, give to the Head of State, for presentation to the Parliament, a report on the work of the National Judicial System, with such recommendations as to improvement as they think proper.*
- (2) *Nothing in Subsection (1) prevents the Judges from making, on their own initiative or at the request of the Parliament or of the National Executive, other reports on any aspect of the work of the National Judicial System.*

In the Report information is provided to improve public trust and confidence in courts by increased transparency to the public of court performance data, analysis and knowledge. This is done through providing data on what is now commonly referred to as the 15 Cook Island Indicators. The 15 indicators are—1) clearance rate, 2) average duration of a case from filing to finalisation, 3) the percentage of appeal, 4) overturn rate on appeal, 5) percentage of case that are granted a fee waiver, 6) Percentage of case that are disposed through a circuit report, 7) percentage of cases where parties receive legal aid, 8) documented process for receiving and documenting a complaint that is publicly available, 9) percentage of report received against a judicial officer 10) Percentage of report received concerning a staff member, 11) Average number of cases per judicial officer, 12) average number of cases per court staff, 13) court report that is publicly available, 14) information on court services is publicly available, 15) court publishes judgement on the internet.

As was reported in 2020, the world was devastated by Covid 19. In 2021, the courts resumed as much as it could to normal court business. The recovery process, was however impeded by the unexpected loss of a number of our judges—Justice Nicholas Robert Pakek Kirriwom CMG, Justice Danajo Koeget, Justice Jim Wala Tamate and Justice Regina Sagu. This was an unprecedented loss of judges in a single year and it affected court services in which the judges served. We remember their distinguished services to the nation.

Justice William Neill also retired during the year, after reaching the retirement age. We record our appreciation to His Honour for his contribution to the country.

Through the Judicial Legal Services Commission, nine new acting judges were appointed in 2021, six of whom were women, to assist the judiciary meet its core functions and reduce the increasing case work load before judges. The nine acting justices were—Nerrie Eliakim, Tracey Ganai, Laura Wawun-Kuvi, Irene Ann Mugugia, Camillus Jacob Sambua, Emma Wur, Michael Thoke, Gertrude Tamade, and Gerhard Victor Linge. They bring a variety of experience from the public and private sector.

As was reported in 2020, a number of major projects were in progress, especially the new court building in Waigani. The Report presents an update of this important project of the Judiciary.

Statistics on case disposition come from two sources—CDSDB and IECMS. CDSDB covers Waigani and the rest of the country, while IECMS is at its infancy stage and operates in Waigani only, with plans to replace CDSDB throughout the country. At the end of 2020, 1,172 cases were carried forward in the Supreme Court, and 383 new cases were filed. At the end of 2021, 232 cases were completed, giving a clearance rate of 61.88%. It is a drop from the 95.74% clearance rate for 2020. Pending cases now in the Supreme Court sits at 1,318.

The National Court as the court of first instance and also the appeal court from the District Court, carries a larger number of cases, with 24,680 cases carried forward from the end of 2020. Throughout 2021, 5,624 cases were filed, and 5,236 cases completed. This gives a clearance rate of 93.10%, an improvement of 1% from 2020. However, the pending cases remain very high at 25,068.

Mediation is an option available to resolving disputes apart from the courts. If the Judges and the Courts increase use of mediation by an increased number of referrals to mediation, their case disposal would have correspondingly increased given that more than 60% of cases referred to mediation have been fully resolved. For the first time additional information is provided in the Report of the ADR Centre which manages mediation in the country.

One of the biggest challenge facing the judiciary is the large number of pending cases in the National Court. Appointing new judges will help address this concern.

The judiciary continues to maintain its presence in the provinces. Cases in each of the provinces where the National Court sits is reported here, indicating the caseload in the provinces.

The Papua New Guinea Centre for Judicial Education plays a significant role to improve the skill level of judges. The various training activities coordinated by the PNGCJE during 2021 are highlighted in the Report.

The *National Judicial Staff Service Act 1987* provides for the role of the National Judicial Staff Services, that is to provide“...legal, secretarial and clerical staff to enable the Courts to operate efficiently...”. One of the projects of the NJSS is the new Waigani court complex. Current status of the building will be provided as well as other workings of the NJSS.

The review framework of the 2018 -2022 Corporate Plan has been endorsed by the Judicial Council (JC). The Policy Planning Division, together with the Restructure Consultant will proceed with the Review workshop and regional consultation in 2022. This will form the basis to develop the new 2023 -2027 Corporate Plan for the National Judiciary Services.

The Report contains key achievements of the offices’ of Registrar and the Sheriff. Those two offices provide assistance to the Judiciary for the effective and efficient delivery of justice.

I commend the Report of the work of the Judiciary in 2021 to the people of Papua New Guinea.

Chief Sir Gibuma Gibbs Salika GCL KBE CSM OBE
Chief Justice of Papua New Guinea

Serving Judges in 2021

- 1 Chief Justice, Chief Sir Gibuma Gibbs Sailika GCL, KBE CSM, OBE
- 2 Deputy Chief Justice, Ambeng Kandakasi CBE
- 3 Justice Nicholas Robert Pakek Kirriwom CMG
- 4 Justice Les Gavara-Nanu CSM, OBE
- 5 Justice Ellenas Vitata Batari CSM, MBE
- 6 Justice Panuel Mogish CSM
- 7 Justice David Lionel Cannings CBE
- 8 Justice George Sulai Manuhu CSM
- 9 Justice Allen Kingsley David CMG
- 10 Justice Derek Richard Hartshorn ML
- 11 Justice Joseph Malinu Yagi CBE
- 12 Justice Colin Kenway Makail
- 13 Justice Ere Kariko CBE
- 14 Justice Jacinta Joan Murray
- 15 Justice Stephen James Leo Kassman
- 16 Justice Berna Joan Collier
- 17 Justice John Alexander Logan RFD
- 18 Justice Lawrence Kangwia ML
- 19 Justice Iova Sebea Geita
- 20 Justice Peter Toliken
- 21 Justice Sir Kina Bona KBE
- 22 Justice Hitelai Dorothy Polume-Kiele
- 23 Justice Frazer Sapulai Pitpit
- 24 Justice Kenneth Manarua Frank
- 25 Justice Robert Lee Lindsay
- 26 Justice William Neil
- 27 Justice Jeffery Leonard Shepherd
- 28 Justice Danajo Douglas Salee Koeget
- 29 Justice Ravunama Auka MPS
- 30 Justice Daniel Yale Liosi
- 31 Justice Thomas Anis
- 32 Justice Jim Wala Tamate
- 33 Justice Royale Thompson
- 34 Justice Teresa Anne Berrigan
- 35 Justice Oagile Bethuel Key Dingake
- 36 Justice Nicholas Miviri DPS
- 37 Justice John Richie Benaud Kaumi
- 38 Justice John Kamane Numapo
- 39 Justice Sinclair Peniel Gora
- 40 Justice Vergil Los Narokobi
- 41 Justice Regina Sagu
- 42 Justice Paulus Mapa Dowa
- 43 Acting Justice Elizabeth Nalaih Suelip
- 44 Acting Justice Paul Kima Tusais

- 45 Acting Justice Taunamo Micah Rei
- 46 Acting Justice Nerrie Pinau Eliakim
- 47 Acting Justice Camillus Jacob Sambua
- 48 Acting Justice Tracey Ganai
- 49 Acting Justice Laura Wawun-Kuvi
- 50 Acting Justice Gerhard Victor Linge
- 51 Acting Justice Michael Thoke
- 52 Acting Justice Irene Ann Mugugia
- 53 Acting Justice Gertrude Tamade
- 54 Acting Justice Emma Wurr

Supreme Court Profile

Supreme Court Profile

Judge Administrator for the Supreme Court is Chief Justice Sir Gibbs Salika, Waigani

Supreme Court Clearance Rate

The Supreme Court commenced the year 2021 with 1172 pending cases. In the same year 383 new cases were filed in the Supreme Court and 237 were completed which gives a clearance rate just above 62 per cent in the year 2021

Table 1.1 shows the clearance rate in the Supreme Court during a 6-year period.

Year	Total Cases Filed	Total Cases Finalised	Total Cases Pending	Clearance Rate as a %
2015			1033	
2016	380	434	979	114.21%
2017	485	525	939	108.25%
2018	495	519	915	104.85%
2019	466	228	1153	48.93%
2020	446	427	1172	95.74%
2021	383	237	1318	61.88%
Total:	2655	2370	1318	89.27%

Table 1.1 Showing Supreme Court Clearance rate

The average clearance rate in the Supreme Court is about 89 percent in the last 6 years. This means that the court will only be accumulating caseload if it continues to perform at this rate.

The chart below shows caseload and the trend of cases filed against cases finalized over the six years period.

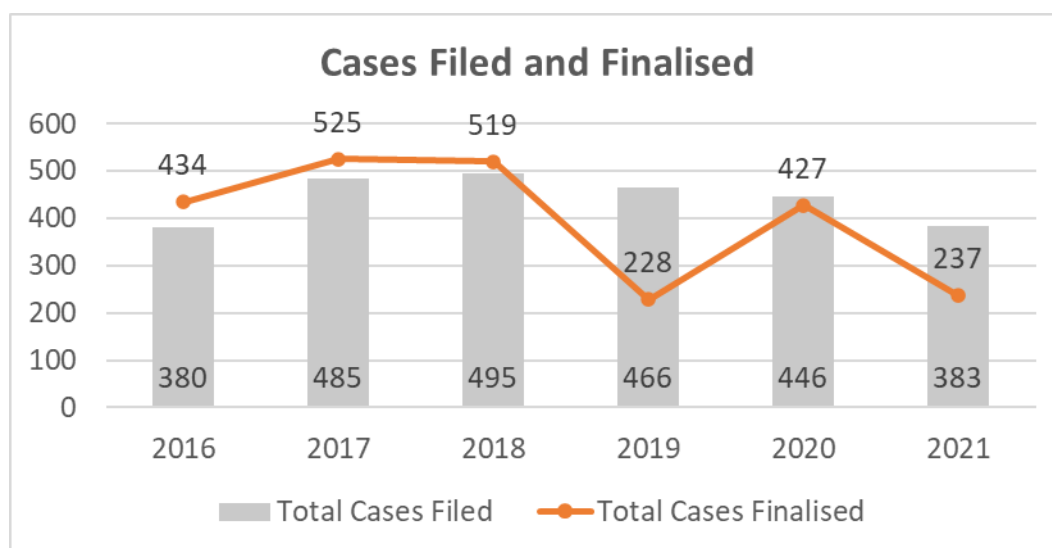


Chart 1.1 Showing Supreme Court Clearance rate over 6 year period

Supreme Court Disposition Rate of Cases in 2021

The table 1.2 reports on the cases completed in 2021 in the Supreme Court and the average number of days it took from filing to completion. On average it takes longer to dispose of Supreme Court Reference cases than it takes for others cases types.

Case Type	Cases Completed in 2021	Average Disposal Rate
SCAPP	4	891
SCRA	35	1325
SCREV	49	742
SCM	15	570
SCA	127	694
SCRev(EP)	3	469
SCREF	1	2166
SCC(OS)	2	152
TOTAL	236	876

Table 1.2 Disposal rate in the Supreme Court.

NB: [SCA = Civil Appeal; SCRA = Criminal Appeal; SCM = Motions; SCREF = Reference; SCRev (EP) = Election Petition Review]

It takes around 876 days (more than 2 years) to finalize a matter in the Supreme Court in the year 2021.

Supreme Court Percentage of Appeals in 2021

The following table shows the percentage of appeals filed in the Supreme Court in 2021.

Case filed year	Case Code	Total Case Filed	General Case filed	Percentage
2021	SCA	171	383	45%
2021	SCRA	46	383	12%
2021	SCM	62	383	16%
TOTAL		279	383	73%

73 percent of the cases filed in the Supreme Court in 2021 are made up of appeal cases. Of the total of 383 cases filed in the year 2021, 46 are criminal appeal cases which is 12 percent of total cases filed in the Supreme Court that same year.

Supreme Court Average Duration of Cases

The following tables is the age distribution of cases pending in the Supreme Court.

Age Range	Count
Less than One Year cases	149
One Year Old Cases	157
Two Years Old Cases	259
Three Years Old Cases	147
Four Years Old Cases	118
Five Years Old Cases	52
Greater than 5 Years old case	43
TOTAL	1012

Table 1.3 Age Distribution of Cases in the Supreme Court.

2021 Landmark Cases

A number of Supreme Court decisions deliberating on a broad spectrum of legal issues were decided in 2021. Those decisions which considered important aspect of the law are discussed below,

In the case of *Soakofa Trading Ltd v Bank of South Pacific Ltd* (2021) SC2068 the Supreme Court extended the considerations in *Oil Search Limited v. Mineral Resources Development Corporation Limited* (2010) [SC1022](#) for dismissal of a cause founded on a simple contract for being statute barred under the *Frauds and Limitation Act* 1986 to a cause of action under the tort of negligence. These considerations are: (a) identification of a cause of action; (b) identification of the date on which the cause of action accrued; and(c) categorisation of the cause of action.

Conlife v Jura Investment Ltd (2021) SC2069 dealt with an issue which often confronts many Papua New Guineans, that is whether a purported administrator of an estate had standing to commence legal action on behalf of the estate of the deceased. The Supreme Court held that the effect of s 44 (initial vesting in Public Curator) of the *Wills, Probate and Administration Act* is that no person including a duly appointed executor has standing to commence legal proceedings on behalf of a deceased estate unless and until there is a grant of probate. The property of the deceased estate is vested in the Public Curator but even that vesting does not give standing to the Public Curator to initiate legal proceedings.

Independent State of Papua New Guinea v Siune (2021) SC2070 is an important cases as it sets the parameters of the type of matters that may be considered in a proceeding initiated under s 57 of the *Constitution*. The State appealed against a decision of the National Court sitting as the human rights jurisdiction which ordered the early release on medical grounds of a prisoner serving his sentence. The prisoner had been convicted and was serving an effective sentence of 24 years for serious violent offences of murder, armed robbery, arson and deprivation of the liberty of the victims of his offences, committed in the company of others. Additionally, he had been convicted of possession of a dangerous drug whilst in prison. The court held amongst other matters that the power of the Court to make orders under s 57(3) of the *Constitution* which are necessary or appropriate to enforce compliance with a person's guaranteed rights and freedoms, is not an unlimited power, and is one which must be exercised lawfully and in accordance with judicial principles. Kandakasi DCJ went on to hold that he powers vested in the Courts by s 57 are in addition to and not in derogation of powers are therefore not superior to and or do not override the powers, functions and process provided for under the *Constitution* or an Act of Parliament, rules and regulations enacted and operating or functioning under a valid authorisation or empowerment by the *Constitution*. The Supreme Court further held that no power is given to a National Court judge, including a judge hearing an application pursuant to s 57 of the *Constitution*, to re-visit and change a decision on sentence.

Rai v Imbuni (2021) SC2080 highlights two key considerations in appeals against decisions made from judicial reviews in the National Court—firstly, the jurisdictional basis for the Supreme Court to entertain an objection to competency of an appeal from an order made by the National Court in judicial review proceedings is Order 7 rule 15 of the *Supreme Court Rules*, and secondly, the requirement in Order 10 rule 3(b)(ii) *Supreme Court Rules* for a certified copy of the order of the National Court appealed from to be annexed to the notice of motion on appeal in judicial review proceedings is mandatory. Failure to annex the certified copy of the order renders the notice of motion incompetent and is fatal to the appeal.

In *Application by Hon Belden Namah* (2021) SC2082 the Supreme Court reiterated the need to proceedings raising Constitutional questions to strictly comply with the rules. In dismissing the Application it upheld the two objections that: (1) the application failed to plead the facts out of which the request for interpretation of Constitutional Law provisions arose, as required by Order 4, Rules 1 and 3(d) and Form 1, paragraph 4 of the *Supreme Court Rules*; and (2) the application failed to plead whether a question of fact arises for determination by the Court, as required by

Essy v Bomal (2021) SC2085 established an important procedural point on giving notice to the State under the provisions of s 5 of the *Claims By and Against the State Act* 1996. On a two to one majority, the Supreme Court held that where a party gives notice, and discontinues proceedings, it cannot recommence proceedings without providing fresh notice under s 5 of the said Act.

Malawa v Pidi (2021) SC2086 made it clear that a Village Court's powers are limited to authorising, prohibiting or restraining the use or occupation of customary land pending a decision by the Local Land Court or the Provincial Land Court. It is a Local Land Court or, on appeal, the Provincial Land Court which has jurisdiction to determine ownership of customary land. The Village Court had no jurisdiction to determine the ownership of the customary land and the National Court has no jurisdiction over issues relating to disputes over ownership or interests in customary land.

Independent State of Papua New Guinea v Wingti (2021) SC2100 observed that there is no procedure in the *Supreme Court Act* or *Supreme Court Rules* for a party aggrieved by a stay order granted by a single Judge under s 19 of the *Supreme Court Act* to apply for the discharge of that order, and therefore must invoke the inherent jurisdiction of the Supreme Court under s 155 of the *Constitution*.

Application by Hon Belden Namah [2021] PGSC 39; SC2114 (21 May 2021) considered the Constitutionality of the passage of the budget. The facts were that on Monday 14 December 2020 there was a sitting of the Parliament in accordance with an order of the Supreme Court. On the same day the Leader of the Opposition presented to the Speaker, who is Chairman of the Private Business Committee (the body responsible for vetting motions of no confidence), a motion of no confidence in the Prime Minister. The Parliament sat for a short time on that day and adjourned to 16 December 2020. When the Parliament sat on 16 December 2020, it decided to change the membership of the Private Business Committee and then passed the 2021 National Budget and then adjourned to 20 April 2021. The Speaker had not convened any meeting of the Private Business Committee from the time of receipt of the notice of the motion on 14 December 2020 to the sitting of 16 December 2020, and did not inform the Parliament of the pending motion of no confidence in the Prime Minister. On 27 March 2021 the applicant applied under s 18(1) of the *Constitution* for various declarations (one of which was abandoned at the trial of the application) regarding those events, viz declarations that: the Parliament made an unreasonable decision to adjourn to 20 April 2021 for an unsubstantiated reason, which prevented the notice of motion of no confidence being moved on 16 December 2020; the Speaker breached ss 111 and 115 of the *Constitution* by depriving members of Parliament of their right to move the motion of no confidence, and to debate and vote on the motion of no confidence with complete freedom; and the Speaker breached s 115 of the *Constitution* by depriving Parliament of its conduct of the motion of no confidence by failing to take steps to clear the notice of motion of no confidence in time for Parliament to consider it on 16 December 2020. Section 111 (right to introduce bills etc) provides that any member of the Parliament is entitled to introduce into the Parliament, in accordance with the Standing Orders, any motion. Section 115 (parliamentary privileges etc) provides for freedom of speech, debate and proceeding in the Parliament. This was the trial of the application for those declarations. The Supreme Court held that: (1) The Parliament's decision to adjourn to 20 April 2021 was not unreasonable. The Parliament was under no obligation to provide any reasons for the adjournment, let alone substantiated reasons, for its decision on adjournment; (2) The Speaker was under an obligation to process the notice of motion in such a way that the motion was not frustrated or rendered nugatory. He did not breach that obligation and did not deprive any members of Parliament of their right to move the motion of no confidence or to debate and vote on it, as the motion remained alive and could be lawfully dealt with when the Parliament resumed on 20 April 2021; (3) Though the Speaker could have convened a meeting of the Private Business Committee so that it could vet the motion of no confidence, so that the motion could be before the Parliament on 16 December 2020, he was under no express or implied obligation to do so; (4) All relief sought by the applicant is refused.

Reference by the Attorney-General of Papua New Guinea and Principal Legal Adviser to the National Executive Council (2021) SC2112 determined that s83A(c) of the *Criminal Code* specifically provides that a “person employed in the Public Service” includes a person employed by a constitutional institution. The Electoral Commission is a constitutional institution created by s 126(1) of the *Constitution* and provided for under s 5 of the *Organic Law on National and Local-level Government Elections*. Accordingly, a person employed by the Electoral Commission is a person employed in the Public Service for the purpose of s 92 of the *Criminal Code*.

Independent State of Papua New Guinea v Tamate (2021) SC2132 deliberated on the ambit of an inquiry commenced under s 57(1) of the *Constitution*. The National Court, on its own initiative, commenced and conducted an inquiry under Section 57(1) of the *Constitution* for the protection and or enforcement of the human rights of several prisoners sentenced to death. The primary judge held that Section 57(1) conferred power on the National Court to commence proceeding on its own initiative and that he was not bound to follow the Supreme Court decision in *The State v. Transferees* (2015) SC1451 (the Transferees Case). That decision held a contrary view, which the primary judge held was obiter dicta and hence not binding on him. The inquiry established that there were fourteen prisoners who have been sentenced to death and were awaiting execution. Out of fourteen prisoners, five had no Supreme Court appeals or reviews pending and nine were awaiting completion of their Supreme Court appeals or reviews. The primary judge held that there were breaches of rights of prisoners under Sections 36, 37 and 41 of the *Constitution*. The primary judge also declared the National Executive Council (NEC) had failed to facilitate appointments of members of the Advisory Committee on the Power of Mercy (ACPM). Consequently, the primary judge, ordered firstly, the NEC to facilitate the appointment of such members and secondly, ordered a stay of execution of all death penalties. The appellant appeal raising three grounds of appeal claim the learned trial judge erred in; (1) initiating and conducting an inquiry contrary to s. 57 of the *Constitution*; (2) assuming jurisdiction against the decision in the Transferees Case by erroneously holding that decision was obiter dicta; and (3) finding breaches of the prisoner’s rights without any evidence and facts establishing any such breaches. The Supreme Court by majority overturned the decision of the National court and decided that whilst the Constitution provided the scope for an inquiry, it could not overturn a decision of a Criminal Court through an inquiry under s 57(1) of the *Constitution*.

National Court Profile

Deputy Chief Justice Kandakasi is the Judge Administrator of the National Court.

National Court Tracks—Judge Administrators

Crimes General	-	Justice Mogish, Waigani
Crimes (FCOT)	-	Justice Berrigan, Waigani
Civil General	-	Justice Kariko, Waigani
Election Petitions	-	Justice Yagi, Waigani
Appeals & Judicial Review	-	Justice Dingake, Waigani
Commercial	-	Justice Anis, Waigani
Human Rights	-	Justice Cannings, Waigani
State Claims	-	Justice Polume-Kiele, Waigani
Mediations & ADR	-	Deputy Chief Justice Kandakasi, Waigani
Leadership Tribunal	-	Justice Miviri, Waigani

Judges Postings at Commencement of 2021

Waigani	Lae	Kimbe
Salika CJ	Murray J	Batari J
Kandakasi DCJ	Pitpit J	Numapo J
Gavara-Nanu J	Dowa J	Kundiawa
Mogish J	Mt Hagen	Liosi J
Cannings J	Toliken J	
Manuhu J	Lindsay J	Alotau
David J	Sagu J	Bona J
Hartshorn J	Kokopo	Wewak
Makail J	Kassman J	Kirriwom J
Kariko J	Tusais AJ	Gora J
Collier J	Suelip AJ	Rei AJ
Logan J	Goroka	Buka
Polume-Kiele J	Yagi J	
Shepherd J	Neill J	Kavieng
	Gora J	
Anis J		Kangwia J
Tamate J	Madang	Tari
Dingake J	Geita J	Kaumi J
Thompson J	Narokobi J	Daru
Berrigan J	Wabag	Koeget J
Miviri J	Auka J	

**NATIONAL COURT
REGISTRIES**

Waigani	Popondetta
Lae	Daru
Kokopo	Vanimo
Mt Hagen	Kerema
Goroka	Minj
Wewak	Kainantu
Kimbe	Kwikila
Madang	Bereina
Alotau	Wapenamanda
Mendi	Bialla
Kundiawa	Arawa
Wabag	Lihir
Kavieng	Tabubil/Kiunga
Buka	Manus
Tari	

National Court Clearance Rate 2021

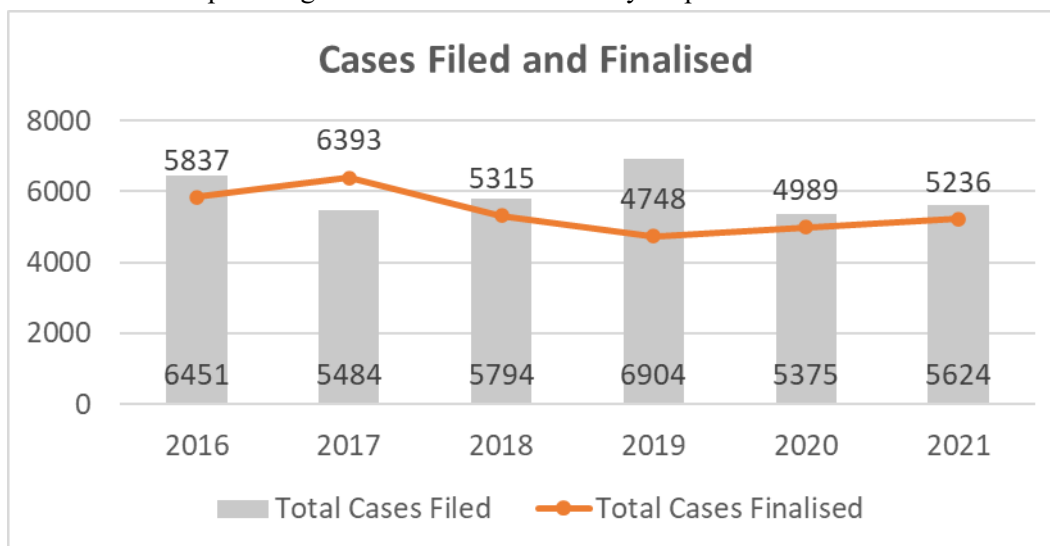
The National Court's clearance rate in the year 2021 stands at 93 percent. Like the Supreme Court, the National Court is accumulating cases with the average clearance rate 91 percent during the six-year period.

Table 2.1 shows the number of cases files in the National Court nationwide and the cases completed in a period of 6 years.

Year	Total Cases Filed	Total Cases Finalised	Total Cases Pending	Clearance Rate as a %
2015			21954	
2016	6451	5837	22568	90.48%
2017	5484	6393	21659	116.58%
2018	5794	5315	22138	91.73%
2019	6904	4748	24294	68.77%
2020	5375	4989	24680	92.82%
2021	5624	5236	25068	93.10%
Total:	35632	32518	25068	91.26%

Table 2.1 Showing clearance rate in the National Court

The following chart is the pictorial representation of the above table and it shows the caseload and trend of cases files completed against cases filed in the six-year period.



National Court Performance by Court Location in the Year 2021

Table 2.2 shows the total number of National Court cases that were pending at the close of the year 2021 as well as the cases filed and completed within the same year.

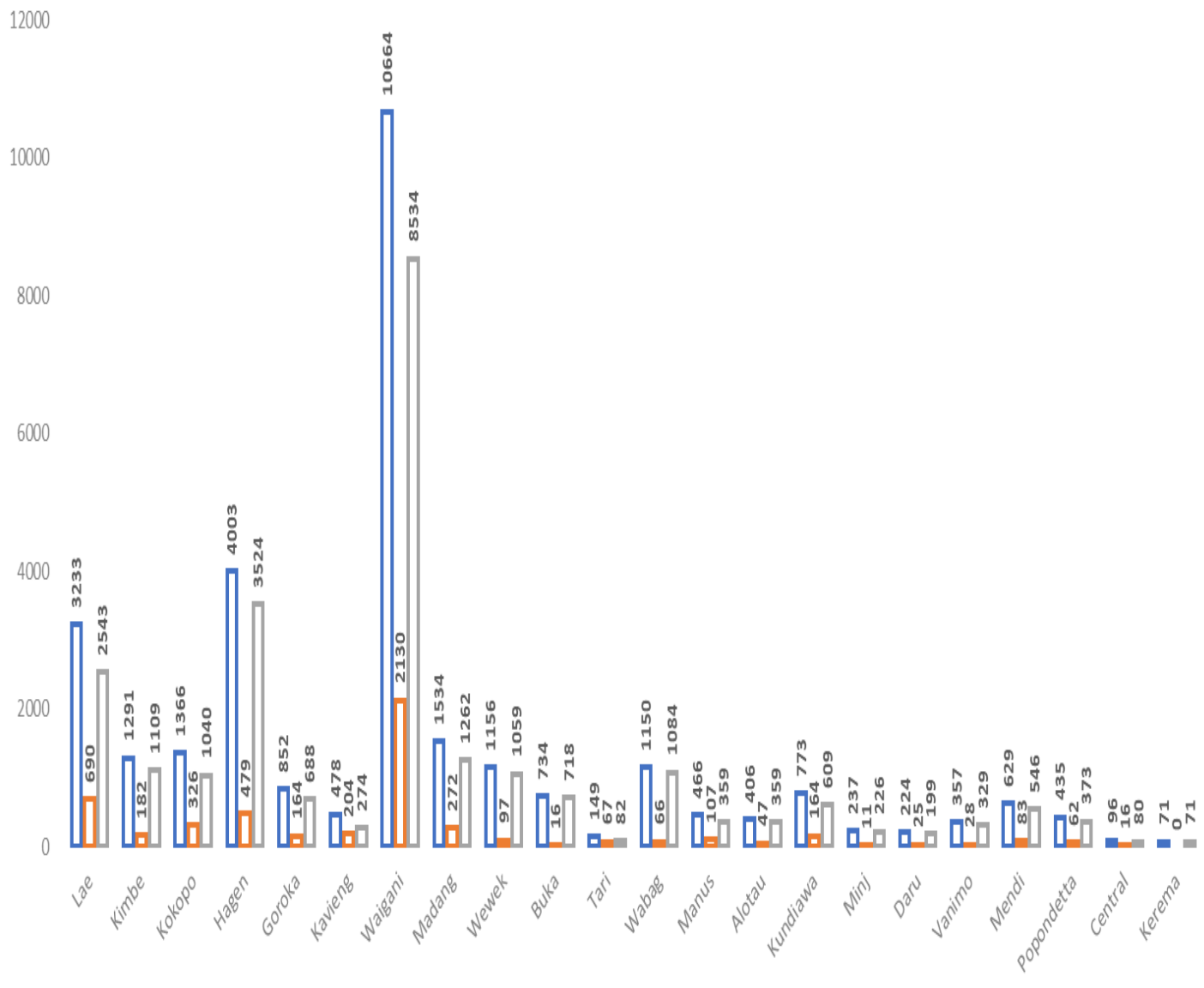
<i>Location Code</i>	<i>Location</i>	<i>Pending Cases Brought Forward to 2021</i>	<i>New Cases Filed in 2021</i>	<i>Total Workload in 2021</i>	<i>Total Cases Completed in 2021</i>	<i>Total Pending at the End of 2021</i>
<i>LAE</i>	Lae	2628	605	3233	690	2543
<i>KIM</i>	Kimbe	947	344	1291	182	1109
<i>KPO</i>	Kokopo	1058	308	1366	326	1040
<i>HGN</i>	Hagen	3518	485	4003	479	3524
<i>GKA</i>	Goroka	665	187	852	164	688
<i>KAV</i>	Kavieng	309	169	478	204	274
<i>WGN</i>	Waigani	8769	1895	10664	2130	8534
<i>MAD</i>	Madang	1077	457	1534	272	1262
<i>WWK</i>	Wewek	998	158	1156	97	1059
<i>BKA</i>	Buka	647	87	734	16	718
<i>TRI</i>	Tari	138	11	149	67	82
<i>WAB</i>	Wabag	896	254	1150	66	1084
<i>MAN</i>	Manus	282	184	466	107	359
<i>ALO</i>	Alotau	339	67	406	47	359
<i>KND</i>	Kundiawa	650	123	773	164	609
<i>MNJ</i>	Minj	207	30	237	11	226
<i>DRU</i>	Daru	169	55	224	25	199
<i>VAN</i>	Vanimo	302	55	357	28	329
<i>MDI</i>	Mendi	574	55	629	83	546
<i>POP</i>	Popondetta	358	77	435	62	373
<i>CEN</i>	Central	78	18	96	16	80
<i>KER</i>	Kerema	71	0	71	0	71
TOTAL		24680	5624	30304	5236	25068

Table 2.2 National Court Caseload in 2021

The pictorial representation of the table 2.2 above is shown the chart below:

2021 NATIONAL COURT PERFORMANCE CHART

■ Total Workload in 2021
 ■ Total Cases Completed in 2021
 ■ Total Pending at the End of 2021



National Court Pending Caseload by Court Locations in Year 2021

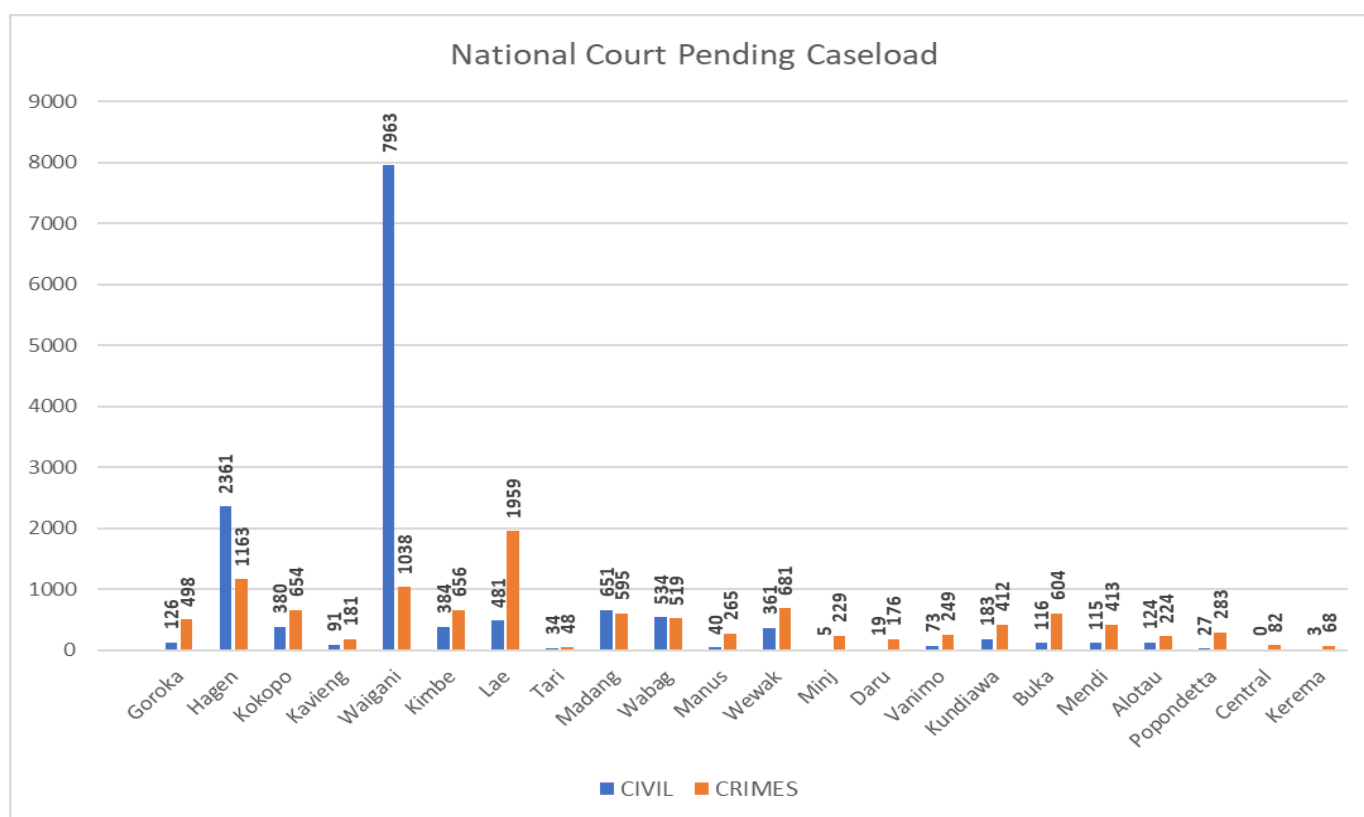
At the end of year 2021, the total number of cases pending in the National Court is 25,068. This includes both the civil and criminal cases.

The following table summarizes the caseloads in various locations in the country as of 31st December 2021. The criminal cases have further been categorized into remand, bail, bench warrants.

Location Code	Location	CIVIL	Crime Cases				CRIMES	TOTAL
			Re- mand	Ba il	Bench Warrants	Un- signed		
GKA	Goroka	126	96	73	328	1	498	624
HGN	Hagen	2361	72	45 3	635	3	1163	3524
KPO	Kokopo	380	302	12 9	217	6	654	1034
KAV	Kavieng	91	59	19	103	0	181	272
WGN	Waigani	7963	101	15 9	759	19	1038	9001
KIM	Kimbe	384	203	56	397	0	656	1040
LAE	Lae	481	258	28 3	1418	0	1959	2440
TRI	Tari	34	10	6	32	0	48	82
MAD	Madang	651	140	98	357	0	595	1246
WAB	Wabag	534	90	14 9	277	3	519	1053
MAN	Manus	40	172	36	57	0	265	305
WWK	Wewak	361	130	13 4	415	2	681	1042
MNJ	Minj	5	30	70	129	0	229	234
DRU	Daru	19	39	16	121	0	176	195
VAN	Vanimo	73	96	70	83	0	249	322
KND	Kundiawa	183	41	50	321	0	412	595
BKA	Buka	116	225	85	291	3	604	720
MDI	Mendi	115	216	10 9	86	2	413	528
ALO	Alotau	124	129	39	55	1	224	348
POP	Popondet- ta	27	52	80	151	0	283	310
CEN	Central	0	17	14	51	0	82	82
KER	Kerema	3	2	8	58	0	68	71
TOTAL		14071	2480	21 36	6341	40	10997	25068

Table 2.4 Showing total caseload for each National Court location at the end of year 2021

The following chart further shows the breakup of these pending caseload in the National Court.



Average Duration of Cases in the National Court

The number of days a case spends pending is calculated by the date the matter was first filed to the date when the report is produced which for this case, the end date is 31st December 2021.

Table 2.5 shows the age distribution of pending cases in the National Court as of 31st December 2021.

National Court Cases	
Age Range	Count
Less than One Year cases	4475
One Year Old Cases	3414
Two Years Old Cases	3471
Three Years Old Cases	2146
Four Years Old Cases	1408
Five Years Old Cases	1266
Greater than 5 Years old cases	8888
TOTAL	25068

Table 2.5 Including both Civil and Criminal cases in the National Court.

National Court Criminal Jurisdiction

At the end of year 2021, there were 10,997 criminal cases pending in the National Court. More than 50 percent of these criminal cases are bench warrant cases as shown in Table 2.4.

As shown in Table 2.6, around 50 percent of Criminal cases in the National Court are older than 3 years. This is because of the very old bench warrant cases still pending in the National Court.

Age Distribution of Criminal Cases in National Court	
Age Range	Count
Less than One Year cases	1729
One Year Old Cases	1073
Two Years Old Cases	903
Three Years Old Cases	753
Four Years Old Cases	549
Five Years Old Cases	630
Greater than 5 Years old case	5360
TOTAL	10997

Table 2.6 Age distribution of criminal cases in the National Court.

Types of Offences Committed in the National Court

While the Case Docketing System has the capacity to capture and report on the types of offences at the National Court, this feature has been added to CDS in year 2016 so CDS officers are currently working backward to input this information into CDS for criminal cases registered before year 2016.

National Court Civil Jurisdiction

By the end of year 2021, there were 14,071 civil cases pending in the National Court. The following table 2.7 looks at the civil cases completed in the National Court in the year 2021 and how long it took for each case to be finalized.

Case Type	Cases Completed	Average Disposal Rate (in Days)
Originating Summons	889	1039
Will Probate Administration	170	320
Writ of Summons	1644	978
Human Rights	6	678
Civil Appeal	162	1517
Human Rights Originating Summons	20	161
Human Rights Application	174	448
Matrimonial Causes	27	728
Human Rights Writ of Summons	45	600
Human Rights Complaints	23	509
Election Petition	9	255
Miscellaneous Proceeding	68	854
Human Rights (Miscellaneous Proceeding)	9	1150
Lawyer Admission	31	122
Commercial	38	175
TOTAL	3315	636

Table 2.7

It takes an average of 636 days (around 2 years) to finalize a matter at the civil jurisdiction in the National Court.

Published Judgments

Introduction

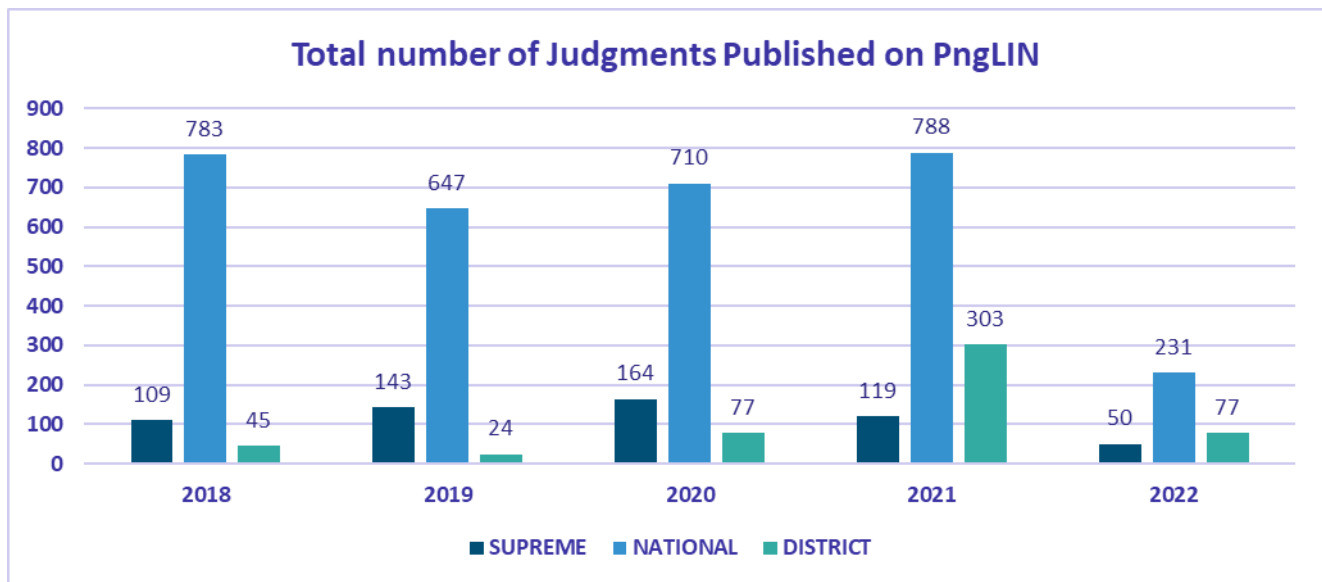
The PNG Sentencing Database (PNG SD) will now be transformed to PNG Legal Information Network (PngLIN) after the approval of the Chief Justice in June, 2021. Work is now in progress to consolidate all data in both PacLii and PngInLaw into one system, PngLIN. The PngLIN aims to be the one-stop-shop for all legal reference materials in PNG to be accessed by anyone interested in the law of PNG.

Judgments

Judgement published in the year 2021 depends on the number of judgments received from Judges, their Associates or Private Secretaries as well as from The Chief Judgement Editor's Office.

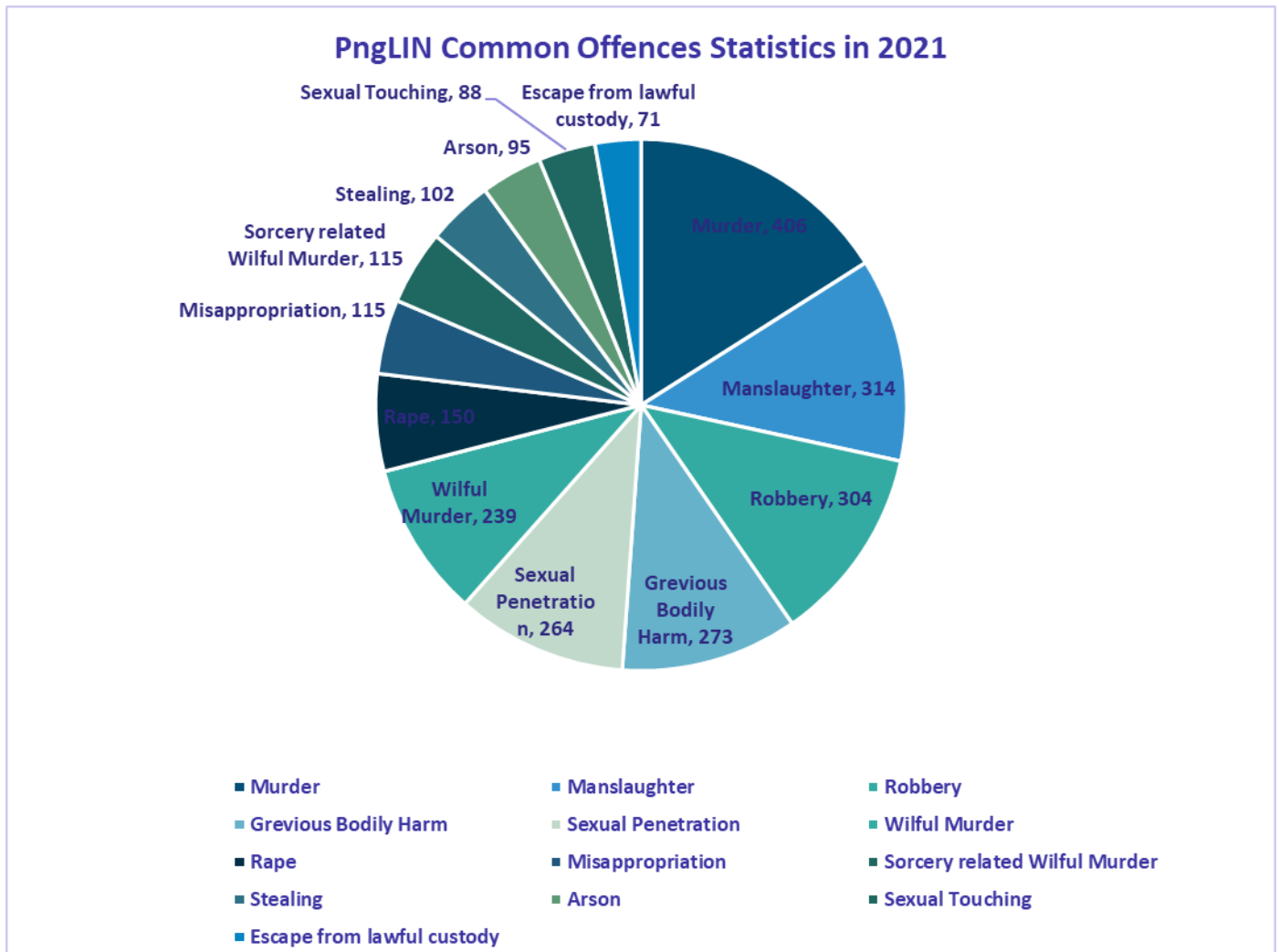
The Judgments are both Civil and Criminal Judgments received from Supreme, National and District Courts of PNG.

Below is a graph depicting the total number of judgements in each jurisdiction:



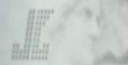
From the graph, one can see that the total number of Judgments delivered in 2021 is: 1,210 which includes both Civil and Criminal which are either numbered, un-numbered or oral/Extempore.

The common offences as per the PngLIN statistics for 2021 is shown in the pie chart below:



The graph shows that Murder is still leading from 2020 to 2021 while Manslaughter has taken the second place replacing Robbery from 2020's statistics. Greivous Bodily Harm still maintains its fourth position while Sexual Penetration is ranked fifth in year 2021 replacing Wilful Murder in year 2020. These are offences which are prosecuted at the National Court only. For District Court and Supreme Court Statistics, work is still in progress in capturing their respective offences prosecuted.

The statistics for a particular offence type, for instance, Wilful Murder, will show the total number of cases together with the type of penalty imposed by the Courts.



CRIMINAL CODE ACT 1974

s 299 — Wilful murder - Wilfully murdered (name person).

Sentences from 10/04/2003 to 24/03/2022

PNG National Court - as at Apr 2022

View

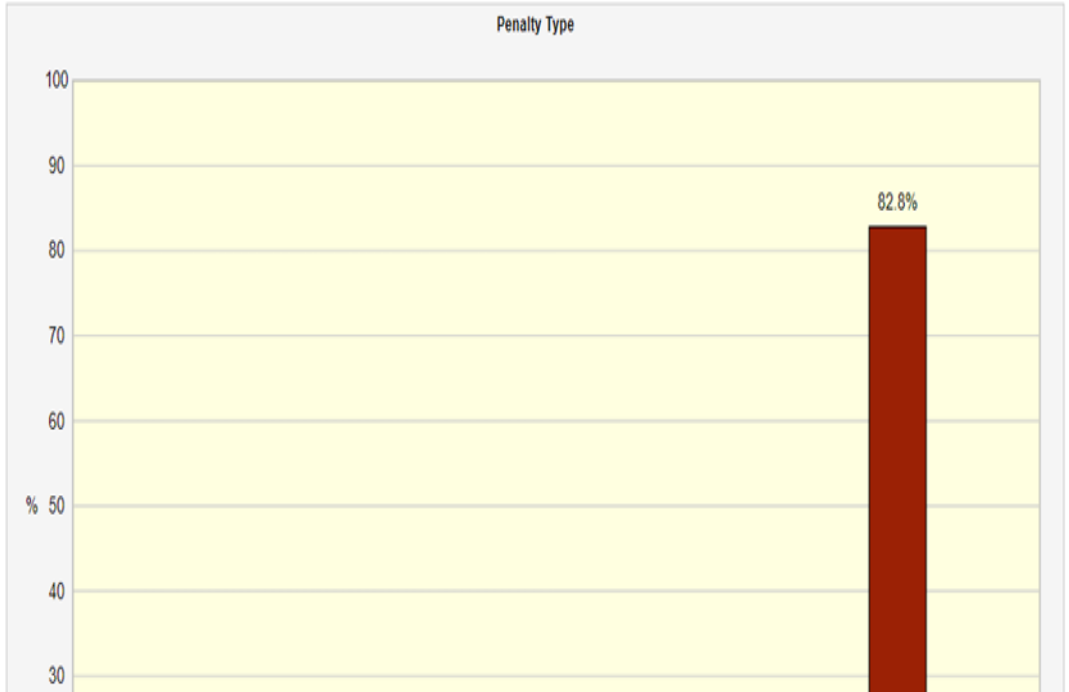
- PDF
- CSV
- Legislation
- Copy Link
- Email Link



- Column Chart
- Midpoint
- 80% Range
- Wall Chart
- Circular Chart

Case Characteristics

- Offender Type
- Offender Gender
- Age at Time of Offence
- Counts of Principal Offence
- Number of Other Offences
- Plea
- Criminal History
- Offender on Conditional Liberty at time of offence



Summary of the Court Performance

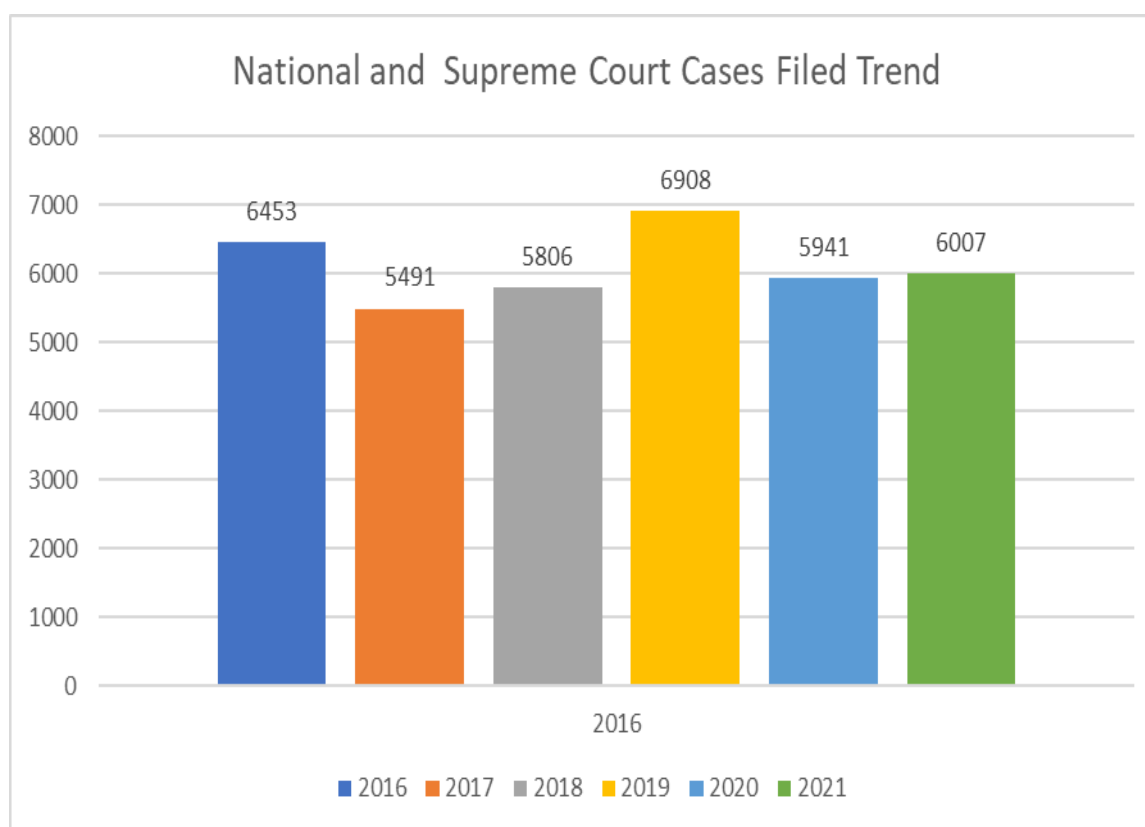
Observation on the Court Caseload

A total of 383 cases were filed in the Supreme Court. Of these, 237 cases were finalized during the reporting year. A clearance rate of 62% was achieved.

On the National Court side, 5624 cases were filed in year 2021 compared to 5428 cases filed in year 2020. A total difference of 196 increase in filing of new cases. An overall clearance rate of 93% was achieved during the reporting year.

The case disposition rate for the reporting year for the Supreme court is 62% and 93% for the National Court.

The slight increase in the number of cases being filed is probably an indication that the effects of the Pandemic is slowly dissipating.



National Courts—Legal Aid

In the reporting year, the Public Solicitor’s office continues to provide legal aid, but figures were not available at the time of the Report. PNG Legal Training Institute also provided legal aid but information was also not available at the time of the report.

Judicial Complaints Committee

The Judiciary Complaints Committee is a Committee created within the Judiciary and it is one of the many initiatives undertaken by the judiciary to ensure fair, transparent and efficient delivery of judicial services in Papua New Guinea.

The main function of the Committee is to receive, assess and investigate complaints from either internal or external lodged against the conducts of the employees of the judiciary (both judicial and non-judicial) and make recommendations to the appropriate authorities within the Judiciary for appropriate actions. The Committee is supported by a Secretariat who administers the day to day operations of the Judiciary Complaints Office and also executes the tasks assigned to them by the Committee.

The Judiciary Complaints Procedure Brochure explains thoroughly the establishment of the Committee, the types of complaints to lodge, the correct way of lodging complaints and sets out the internal investigation procedures on how to investigate complaints made against Court staff. The procedure enables the complaints to be investigated in a transparent, fair, effective and efficient manner without compromising established disciplinary procedures.

Percentage of Complaints Received Concerning a Judicial Officer

During the reporting year, 11 complaints were registered against a judge. Out of the 6,007 Supreme Court and National Court cases filed, the percentage of complaints as against number of cases was 0.18%.

Percentage of Complaints Received Concerning a Court Staff Member

Twenty four complaints were registered against a court staff member. Out of the 6,007 Supreme Court and National Court cases filed, the percentage of complaints as against number of cases was –0.4%.

Average number of cases per Judicial officer

The number of judicial officers in 2021 was 54. A total of 26,386 Supreme Court and National Court matters pending. The average number of cases per Judicial Officers was 489 in 2021.

Average number of cases per court staff member

The number of court staff in 2021 was 1,106. The average number of cases per court staff members was 23.86 in 2021.

Annual Reports Published for Public

All annual judges’ reports will be accessible through National Judiciary website on this link www.pngjudiciary.gov.pg

Court Services Information

The PNG Judiciary website provides a significant amount of information on its services. Of particular interest is the page on Interpreting Services including sign interpretation. Interpreting services is part of the National Court Registry. We provide and facilitate Interpreting services to all National and Supreme Court sitting throughout the Papua New Guinea, without cost. Our services are in the following language areas: Tok Pisin, Hiri Motu and tok ples (upon request by the parties and directed by the Court). We facilitate in providing interpreters for sign language upon request by the client.

Publication of Judgements

The Court publishes judgements on the internet (through PacLII and the PNG Sentencing Database). Please refer to the earlier part of the Report for specific details.

Mediation

There is a specific committee of the judges dedicated to mediation, known as the ADR Committee. It is comprised of:

Chairman: Deputy Chief Justice Ambeng Kandakasi, CBE;

Members: Justice Jeffery Shepherd;

Justice Iova Geita;

Professor John Luluaki –School of Law UPNG;

Mr. Derek Wood - Senior Partner Ashurst PNG;

Mr. Andrew Kwimberi - Full Time Mediator;

Mark Pupaka – Chief Magistrate;

Mark Selefkariu - Deputy Chief Magistrate (Lands);

Samson Tatakali – A/Deputy Chief Magistrate (Judicial & Admin);

Tauvasa Tanuvasa – Solicitor General

Executive Officer: Jean Kila-Kalamo – ADR Assistant Registrar

The ADR Service

The ADR Service is the administrative support unit for the ADR Track of the National Court located at ADR Centre at public entrance to National Court, Waigani NCD. The ADR staff comprises of Assistant Registrar and various court staff who interfaces between Court/Judges, parties, lawyers and mediators involved in Court-annexed mediations and co-ordinate mediations throughout whole of PNG, not just Waigani.

Introduction of Court Annexed ADR

Court Annexed ADR in particular Mediation was introduced to assist the Court better manage and dispose of cases at the National Court and help reduce the Court's backlog of cases. Resolution by the Judges is to dispose of the 60% of the backlog of cases through mediation.

Mediators Statistics – December 2021

The ADR Committee in consultation with the PngCJE has organized and conducted several Basic Mediation Skills Training (BMST) for the Judges, Magistrates, Lawyers, other professionals including the National Court staff. This training has produced a good number of provisionally accredited mediators (PAMs). The ADR Committee and the ADR Service have been able to progress some of them to full accreditation.

From 2017 to 2021, there were no BMSTs held due to the long list of PAMs that need to be assisted to participate in co-mediation and progress them to full accreditation and also due to COVID 19.

In 2010, mediators target was set to come up with 200 mediators in 10 years. As at December 2021, there were 139 PNG accredited mediators (45 fully accredited & 94 provisional accredited).

The table below shows the breakup of both full and provisional accredited mediators:

45 Fully Accredited Mediators (FAMs):	15 Internal 7 Judges 8 Magistrates
10 Private/Full Time Mediators (Locals)	
20 External (Overseas)	
94 Provisionally Accredited Mediators (PAMs) 9 Judges 32 Magistrates 53 Lawyers & Others	
139 Total Number of PNG Accredited Mediators	

The ADR Service is unable to accurately report on the total number of cases referred to Mediation since ADR was established or came into operations. This is because the CDS did not have the field/option at the beginning of CDS to capture the mediation cases that were removed as per court orders/direction. The field/option has been recently created solving this issue.

ADR Rules 2020

The ADR Committee has been working on a new set of Rules to replace the current Rules. A number of drafts have been made and the final draft has been arrived at, at the ADR Committee's working meeting in Koitaki from 25th to 26th July 2020. The Judges at their Legislation meeting 16th April 2022 approved the ADR Rules 2022. The final version of the ADR Rules 2022 will be available after the formatting and publishing of the commencement date in the National Gazette has occurred, hopefully in July 2022 .

Enactment of the Arbitration Bill 2020

The Arbitration Technical Working Committee comprises of members from the PNG Judiciary; Department of Justice & Attorney General (DJAG); Department of Foreign Affairs & Trade (DFAT); Department of National Planning & Monitoring; Department of Treasury; Investment Promotion Authority (IPA); Asian Development Bank (ADB). The Committee is chaired by the Deputy Chief Justice.

The Committee has achieved the following major activities:

Draft Policy Paper on Proposed PNG's Accession to the United Nations Convention on the Recognition and Enforcement of Awards 1958 and implementation through International Arbitration Law Reform to NEC on 4th April 2018

PNG National Executive Council (Cabinet) approved the policy paper approving PNG's accession to the New York Convention and authorizing implementation through a new legislation based on the UNCITRAL Model Law in November 2018 (NEC Decision No. 305/2018)

PNG's Accession to the New York Convention on International Arbitration – 17 July 2019.

Implementing PNG Arbitration Bill 2019 in compliance with PNG's accession to New York Convention on 17 July 2019. The ATWC in conjunction with the Office of the State Solicitor and the First Legislative Counsel distributed the draft Bill to other Government departments and agencies and to private sector interest groups, including members of the PNG Law Society and the various Chambers of Commerce, by way of consultation and input from them. The public consultations on the PNG Draft Arbitration Bill were held on these dates at the following locations:

November 6 2019 – Mt Hagen
November 8 2019 – Port Moresby
November 20 2019 – Lae
November 22 2019 – Kokopo

The draft Arbitration bill was further amended as a result of the commentaries and feedback from the public consultations. The latest version of the Arbitration Bill 2020 as at 16 March 2020 is now awaiting for a Certificate of Necessity to be issued by the State Solicitor which will then be referred by the Minister of Justice to the NEC for approval and for tabling at the Parliament through the First Legislative Counsel.

Areas in Need of Improvement For Improved Court Performance

Impediments to Timely Disposition of Cases.

Areas impeding the court's effective and efficient performance in 2020 were reported in that year's report. What is reported here are the same areas, with an updated report highlighting whether there has been much change in the status.

The areas needing attention are:

1. 21st Century Higher Court Structure
2. Judges simultaneously serving two High Courts
3. Inadequate number of Judges
4. Case backlog in both Courts
5. Unexecuted Bench Warrants in criminal cases
6. Reserve judgments
7. Judge-time in Court
8. Lack of cohesion in the development of case law and local jurisprudence
9. Statutory and administrative remedies not exhausted before using the Court as a last resort
10. National Court's mediation services under-utilized by the parties
11. Under-resourced Constitutional offices of the Public Prosecutor, Public Solicitor and Solicitor-General
12. E-Courts or Electronic Courts for the Judicial System in Papua New Guinea

21st Century Higher Court Structure

The plan is to create a three tier court system by legislative reform—composed of the National Court, Appeal Court and the Supreme Court to reflect a court structure that is in keeping with the 21st century. The reform is intended to achieve quality of justice to the people through an appeal process heard by judges who only sit in one tier of the court. Although there was no legislative action in 2021, in the meantime, the objective is being achieved administratively by allocating specific judges to sit in the Supreme Court.

Judges simultaneously serving two High Courts

In order to reduce backlog matters in the Supreme and the National Courts, it is imperative that the Judges concentrate on a Three Tier Court structured system (21st Century Courts). Judges focus and continuity are adversely affected when they spread efforts between the 2 courts. Judiciary in its capacity to achieve its performance objectives continue to be hampered by the Judges simultaneously serving in 2 high courts.

Inadequate number of Judges

As was reported previously, the statutory ceiling on the number of Judges does not allow the courts to reduce the case backlogs in both the Supreme and the National Courts. With the growing population estimated at 8.9 million people, a ratio of a judge alone serving an estimated 217, 00 people demonstrates the need to address this issue as a matter of priority. The seriousness of the issue is also highlighted by the growing number of cases being filed and the total caseload carried forward every year. The need to increase the number of judges is self-evident.

Case backlog in both Courts

In the reporting year, a total of 1318 Supreme Court cases and a total of 24,680 National Court (Criminal and Civil) pending matters were brought forward to 2021. The urgency of dealing with backlog is being fully felt by the Judiciary. Computerising the court process and investing in physical infrastructure are some ongoing measures to address this problem.

Under Resourced Constitutional Offices

Courts do not operate in a vacuum. Lack of resources available to the Public Prosecutor, the Public Solicitor and the Solicitor General will impact on the ability of the courts to go on circuits. Without the lawyer's cooperation, cases progression to finality in a timely manner will be affected.

Unexecuted Bench Warrants in criminal cases

In the reporting year statistics showed a total of 6078 outstanding bench warrants were brought forward to year 2021. This is an area where dialogue between the courts, the Police and other relevant public stakeholders and court users will assist to reduce this large number.

Reserved Judgements

Throughout 2021, cases in both the National Court and Supreme Court are being monitored closely to encourage judges to give priority to timely delivery of reserved decisions. In order to improve on disposition of the reserve decisions, delivery of ex-tempore and short adjournments for decision is being encouraged.

Underutilized mediation services

Mediation is an option available to resolving disputes apart from the courts. The position reported in 2020 remains the same in 2021. Mediation has the potential to assist the Judges and the Courts to substantially increase their case disposal if an increasing number of Judges refer an increased number of cases to mediation. For the few cases referred more than 60% have been fully resolved. This means no appeals or reviews saving a trial Judge and Courts time and that of appellate Judges and Courts. Parties and courts need to utilize this service by increasing the number of cases referred to Mediation. Judges are being encouraged to refer matters for mediation to assist deal with the backlog of cases.

Commonwealth Magistrates and Judges Association Conference (CMJA)

The annual Commonwealth Magistrates and Judges Association Conference which PNG hosted last year, did not occur in 2020 nor in 2021 due to the Pandemic.

The CMJA Conference is held annually to:

- promote better understanding amongst judicial officers from all parts of the Commonwealth of judicial independence issues, and to explore approaches to those issues in different Commonwealth countries;
- promote greater awareness amongst the magistrates and judges of the Commonwealth, of international treaties and law relating to the development and access to justice, and to consider the practical application of that body of law; and
- enhance networking within the Commonwealth Magistrates' and Judges' Association on judicial developments

Strategic Administration

Chief Justice Calendar

The judicial strength depends on the budgetary support we get in implementing our objectives and how much is paid to the judiciary every calendar month.

We are optimistic that going electronic will help us increase our case disposition rate and reduce our backlogs and promote access to justice all at the same time. This will enhance the maintenance of the Rule of Law and Good Governance.

The Calendar is a guide and strict adherence to it depends on budgetary and other unforeseen factors as to whether a circuit will be mounted or not. Lawyers are a big part of the success of a Court Calendar. Their availability is dependent largely on budget support as well.

The Calendar has information on judicial administration, Judges postings, Court Registries and Sub-registries in the provinces.

International Aspects

Due to the Covid-19 Pandemic there was no international engagement.

Partnership and cooperation with overseas Judiciaries and institutions:

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. The following are the existing MOUs previously reported on.

Memorandum of Understanding (MOU)

- MOUs now exist with the Federal Court of Australia for technical cooperation and appointment of Federal Court Judges to the PNG Courts
- MOU with the Supreme Court of Queensland for technical cooperation and exchange of personnel
- MOU with the Solomon Islands Judiciary for technical cooperation and appointment of PNG Judges to the High Courts of Solomon Islands
- MOU with the Judiciary of Nauru for technical cooperation and appointment of a PNG Judge to the newly established Court of Appeal in Nauru
- MOU with the Judicial Commission of New South Wales for technical assistance in developing the PNG Sentencing Database
- MOU with the Judicial Commission of New South Wales for ICCSD development
- MOU with the Sheriff's Office in Sydney for support services for the PNG Sheriff's Office
- 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
- 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.

The Judiciary as a member of the common law jurisdiction has the obligation to enhance the rule of law.

Judicial Appointments in 2021

Re-Appointments

- Hon. Justice Paulus Mapa Dowa was confirmed as a judge of the National and Supreme Court for ten years after his term as an acting judge.

New Judges Appointments

- Nine new acting judges were appointed in 2021 for a 12 month period—Acting Judge Nerrie Eliakim, Acting Judge Tracey Ganai, Acting Judge Laura Wawun-Kuvi, Acting Judge Irene Ann Mugigia, Acting Judge Camillus Jacob Sambua, Acting Judge Emma Wur, Acting Judge Michael Thoke, Acting Judge Gertrude Tamade, and Acting Judge Gerhard Victor Linge.

Defence Force Judges

- Justice Panuel Mogish, Waigani
- Justice Allen K David, Waigani

Overseas Judicial Appointments

- Justice Gavara-Nanu, Waigani - Court of Appeal—Solomon Islands
- Justice Kirriwom, Wewak - Court of Appeal—Nauru

Federal Court of Australia Judges who are present only for Supreme Court week

- Justice Berna Collier
- Justice John Logan, RFD

Court User Forum (CUF)

The PNGCJE has conducted various public awareness especially in Port Moresby on the roles and functions of the courts.

There is also a weekly section in the *Post-Courier* dedicated to reporting on activities of the court.

Office of the Registrar

The *Constitution* states that the Supreme Court and National Court are “Superior Court of Records” The dispensation of justice is based on Court records, whether it be documentary, audio or visual recordings and electronic information. The quality of justice that is administered is dependant on a number of factors, one of which is an effective Court information management system. The court registries determine how the Court processes and proceedings are to be captured, recorded and processed to be made available to Judges and Court users for effective decision making.

This is a report of activities, achievements and non-achievements by the Registry in the year 2021. This is also part of the 2018 to 2019 planned activities under the organisations 5-year Corporate Plan Other areas covered are Provincial and administrative activities initiated by the registry and progressed during the same period.

Supreme Court Registry Division

A Supreme Court Registry Charter has been drafted and is now in use. The aim is to provide efficient and timely customer services to internal and external clients.

First jail visit commenced in June, conducting awareness on the Supreme Court Appeals to Prisoners. Prior to the visits training was done to prepare officers for the visit. Two Supreme Court Registry Officers Travelled to Kimbe and Kokopo in preparations for Kokopo Sittings at the end of June. Another jail visit was made in August to Mt Hagen, Goroka, Kundiawa and Mendi. Two Supreme Court Registry Officers travelled to Mt. Hagen in preparations for the Mt. Hagen Sittings at the end of September 2021.

Supreme Court Sittings were held in Kopoko in June from 26 to 30 June 2021. Two officers from Wai-gani travelled.

Supreme Court Sittings were held in Mt. Hagen in September from 27th to 01st October 2021. Two Supreme Court Officers travelled there to prepare the circuits.

It has been observed that there is a need for more refreshment training on IECMS database to all Supreme Court Registry Officers.

Currently the Registry is in the process of reviewing the process workflow and the process map to address the issue of appropriate terms used and the workflow in the current practice and in accordance with the Rules.

In the year two officers were added to assist in receiving new SC Appeals filled through IECMS.

It was also observed that there is a need to conduct one on one refresher training on CDS.

CDS documents are scanned and uploaded and is maintained and monitored daily.

Four Supreme Court officers from the civil and criminal tracks have undergone the eight weeks Certificate in Court Administration training and have graduated with Certificates. Pathways have been created for those graduating to take up further training in law, either at the Diploma or Degree level at the University of Papua New Guinea. This is to ensure that the staff are appropriately skilled to support the work of the court.

Supreme Court Election Petitions took place during the Court vacation period (December 2021 to January 2022) in preparation for the General Election in 2022.

There was also an in-house programme on the Supreme Court Criminal process during the Court vacation period (December 2021 to January 2022) to equip officers on the process and procedures in the Criminal process.

National Court Registry Division

National Court activities covers the various database being used and report from the provinces.

The Integrated Criminal Case System Database (ICCSDB)

As was reported in 2020, 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 Law and Justice Sector (LJS) wide initiative of the National Coordination Mechanism (a meeting of heads of LJS, 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.

ICCSDB is a modern technology based tracking system that can track a criminal case as it makes its journey through the criminal justice process. ICCSD is ready to be rolled out across the country, but some challenges in 2020 remain, which include:

- Lack of trained and dedicated manpower in all other agencies;
- Lack of resources in all other agencies;
- Lack of IT resources in all other agencies; and
- Lack of cooperation from all other agencies.

Integrated Electronic Case Management System (IECMS)

Whilst the ICCSD is focused on the criminal track the IECMS focuses on the civil track and will replace paper-based case records and the Case Docketing System Database (CDSDB). A report of its history can be found in the 2019 Report of the Judges at <<https://www.pngjudiciary.gov.pg/court-library/publications>>.

For the benefit of those who may not be familiar with IECMS, details of the software in the 2020 report is repeated here. The IECMS has the capability to electronically file cases, automate judicial processes, view hearing schedules and check the availability of judges. It can also allocate new cases to judges based on various criteria, support information exchange among stakeholders, generate forms and certificates from predefined templates, monitor case activities with an interactive data visualization toolkit, track cases across the justice institutions (law enforcement, courts, corrections) and ensure the security and confidentiality of sensitive legal data.

The main challenge reported in 2020 still remain, that is for IECMS to be rolled out to all provinces. To do so requires adequate connectivity and training of judges and staff. This is an ongoing project.

Case Docketing System Database (CDSDB)

The CDSDB is the main database for the administration and management of Supreme and National Court case records. From the database cases can be tracked from initial filing to disposition. Records of documents can be searched and accessed. The current statistical information is generated from CDSDB and IECMS. The challenge is to have interface between the two in the interim so that timely and accurate data can be generated seamlessly as a one stop shop.

PNG Sentencing Database (PNGSD)

The PNG Sentencing Database (PNGSD) is a web-based system contains sentencing data for various criminal cases imposed by the Supreme and the National Courts. The database provides the Judges with statistics, similar cases and other reference materials to assist with their decision making. Judicial Commission and adopted by the Papua New Guinea Courts. Hence, it is a joint project of the Supreme and National Court of Papua New Guinea and the Judicial Commission of New South Wales and was recently adopted from a court case management system used in New South Wales.

In early June 2021, it was envisaged that the PNGSD will be transformed into Papua New Guinea Legal Information Network (PngLIN).

The objective of PngLIN is to replace PacLii and PngInLaw into one comprehensive and informative system as a legal research tool that will benefit the courts, the Law and Justice Sector Agencies, the legal fraternity and the general public who are interested in Papua New Guinea law. This will mean that PngIn will have information on legislation, cases and it will also have government gazettal notices uploaded.

Alternative Dispute Resolution (ADR)

This report should be read in conjunction with the report from the ADR Committee, which is also contained in this report.

The Registrar of the Supreme and National Courts maintains a list of Accredited Mediators in line with Section 7 B (6) of the *National Court Act* (Ch.348) which is publicly available upon request. The number of provisionally and fully accredited mediators is presented separately.

The Registry faces some challenges in mediation which are listed hereunder:

- Insufficient cases for mediation
- Unavailability of mediators (full & provisional)
- Lawyers/parties delaying
- Parties inability to meet mediation costs
- Inadequate mediation rooms
- Lack of mediation process knowledge by registry staff at provincial locations
- Assistant Registrar and the Civil Registry officer handling civil matters need to attend training on mediation processes.

Court Reporting

The National and Supreme Court are superior courts of record. Recording of all court proceedings are done through a system called FTR.

The court recording officers have to be appropriately trained and skilled on various aspects of courtroom monitoring, preparation of transcripts, work ethics, English grammar, and vocabulary etc.

Transcription production workload and revenue generated from sale of Court audio and transcripts in 2021 was K65,738.50.

Submissions have been made to upgrade all the recording machines throughout the country.

Provincial Reports

The following is a brief summary of the achievements and challenges of some of the provinces that the National court sits in, either through a judge circuiting or having a permanent judge stationed there.

Kerema National Court has not had a circuit since 2019. With the appointment of new judges, a judge will commence circuit to the province. Popondetta faces connectivity issues, and is circuited with a judge from Waigani. In 2021, Deputy Chief Justice went for circuit to Popondetta. East Sepik has three resident judges, Justice Kenneth Franck and Acting Justices Rei and Thoke. Madang has two resident judges, Justices Geita and Narokobi. The main issue it faces there is the need for more space for registry staff. Autonomous Region of Bougainville has a resident judge. One of the main issue it faces is the constant power outage. Although there is a standby generator, the noise affects the recording. Manus is visited by judges from Madang. Its main issue is unreliable internet connection. Kimbe has two resident judges, Justices Batari and Numapo, From Kimbe, judges go on circuit to other districts in the province. Goroka now has two resident judges, after Acting Justice Mugigia joined Justice Gora in June 2021. Chimbu has one resident judge, Justice Liosi and across in Western Highlands Province, Justice Toliken, the Judge Administrator is supported by Justices Lindsay, Kaumi and Acting Judge Nerrie Eliakim. Hela and Southern Highlands Province are circuited from Mt Hagen in Western Highlands Province.

Office of the Sheriff

The *Sheriff Act* governs the operation of Sheriff Office. On 17 April 1975, the Registrar of the National Court was appointed and gazette as the Sheriff, thereby determining that the same person holds the two offices (Sheriff and Registrar) concurrently. The Sheriff is appointed by the Head of the State and both he and his officers are responsible for enforcing Judicial Orders.

In 2021 there was a total of 246 pending matters registered with Sheriff database:

- 114 Writs were active;
- 132 Writs have expired;
- 17 Matters for auction;
- Total Judgment debt to be collected was K41,648,146.56.

Notable achievements during 2021 were that:

- Total of 12 matters were settled ;
- Total of four (4) evictions were done under joint operation with the police and Sheriff security;
- Two enforcement teams were set for regular execution of court orders;
- 2021 auction team set to carry out public auction on seized items and properties..
- The Sheriff Operational Manual has been developed and is awaiting final editing & publication.

One of our challenges is to have a sheriff officer in Law to enforce orders considering that Law is the second largest city in Papua New Guinea and needs to have a permanent sheriff officer stationed there.

Papua New Guinea Centre for Judicial Excellence

Papua New Guinea Centre for Judicial Excellence (PNGCJE)

The PNGCJE's primary function is to design and deliver continual Judicial Education and training aimed at improving the competency and professionalism of Judges, Magistrates, Court Officers and Officers from the Law and Justice Sector agencies involved in the Court processes.

Key objectives that guide the core function of the PNGCJE are:

- to be the leader in the Pacific in ensuring judicial excellence and development through the provision of high-quality training programs;
- foster an awareness of good judicial administration and of developments in legal and social and community issues;
- promote maintenance of the Rule of Law and good governance; and
- promote greater access to justice;

PNGCJE 2021 Training Highlights

In 2021 fifty six (56) training workshops and seminars were delivered to more than eight hundred (800) training recipients. These training sessions were facilitated through face-to-face mode and online learning. Attendees included Judicial officers in the country and Pacific region, Court officers of the District Courts, National Courts, LJS agencies, and Village Court officials. Apart from these trainings, Community Awareness programs were conducted in rural communities around the Central and Gulf provinces of Papua New Guinea to educate communities regarding issues relating to Gender Equity and Social Inclusion (GESI), Access to Justice, Constitutional Rights and Fundamentals of Justice.

The majority of the training/awareness activities were designed and delivered by PNGCJE's faculty of trainers and supported by the Centre's key stakeholders including the Pacific Judicial Strengthening Initiative (PJSI).

Highlighted below are a few of the training programs successfully conducted in 2021 by PNGCJE.

a) Training Programs for Judicial Officers

Judicial Orientation workshops

The PNGCJE conducted two (2) Judicial Orientation Workshops in 2021. The initial training session was delivered to twenty three (23) newly appointed magistrates on February 23 through to 26 February 2021. The second orientation training was conducted in early November 2021 for the ten (10) new Acting Judges. The new judges included Justices Taunamo M. Rei, Nerrie P. Eliakim, Tracy Ganaii, Laura Wawun-Kuvi, Irene A. Mugugia, Camillus J. Sambua, Emma Wurr, Michael C. Thoke, Getrude Tamade, and Gerhard V. Linge.

The purpose of the orientation training was to equip the newly appointed Judicial officers with appropriate knowledge and skills required to perform in their roles as it pertains to both aspects

of the Civil and Criminal jurisdictions, practice and procedures, decision making, case management, and judicial ethics.

The orientation program was facilitated by Chief Justice Sir Gibuma Gibbs Salika, Deputy Chief Justice Ambeng Kandakasi, Justice David Cannings, Justice Colin Makail, Justice Jefferey Shephard, Justice Teresa Berrigan, Justice Nicholas Miviri and PNGCJE Deputy Executive Director, Mr. Sam Kaipu.



Figure 1: Newly appointed Acting Judges and facilitators of the Judge’s Orientation workshop. Cy-

bercrime and Electronic Evidence (8 -9 June 2021)

The Cybercrime and Electronic Evidence workshop was conducted for Judges in collaboration with the Council of Europe and the Department of Justice and Attorney General. Judge Hania Helweh from Lebanon and Mr. Pedro Verdelho from Portugal were the main presenters engaged by the Council of Europe to deliver the online seminar.

Topics covered included Internet Basics for Judges and Prosecutors, Core Concepts of Electronic Evidence, the Budapest Convention, Cybercrime Legislation (National Legislation) – Comparative Analysis with Budapest Convention. In addition, discussions were held on conducting cybercrime and e-evidence investigation in PNG.

Online seminars for Judicial Officers

Due to the continued threat of the Covid-19 pandemic, 2021 saw an increase in the number of webinars for judges, magistrates, and lawyers. A total of thirteen (13) interactive virtual seminars on a wide range of legal topics were presented by national and international judicial education experts and professionals. The topics covered were as follows:

<p><i>Cybercrime Legislation and Criminal Justice Capacities;</i> <i>Artificial Intelligence;</i> <i>Economic Duress;</i> <i>Habeas Corpus;</i> <i>Judicial Ethics;</i> <i>Rule of Law, Protection of the Law, and Role of Lawyers;</i></p>	<p><i>Customary Law</i> <i>Anti-money Laundering;</i> <i>Principle of Quantum Meruit;</i> <i>Disease Patterns in PNG;</i> <i>Conducting Voir Dire Hearing;</i> <i>Cybercrime Legislation and Criminal Justice Capacities;</i> <i>Cybercrime and Electronic Evidence;</i></p>
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b) Training Programs for Law and Justice Sector Agencies

Cybercrime Legislation and Criminal Justice Capacities (10 - 11 June 2021)

The Cybercrime program was administered online and conducted in collaboration with the PNGCJE, the Council of Europe and the Department of Justice and Attorney General.

The webinar was facilitated by international experts invited by the Council of Europe and included:

Judge Hania Helweh (Lebanon);
Mr. Pedro Verdelho (Portugal); and
Ms. Catalina Stroe (Romania).

Also assisting in the facilitation of the program were Detectives Lison Salle and Peter Gaso from the Royal PNG Constabulary who facilitated sessions on how Cybercrime investigations are conducted in PNG.

Figure 2: LJS officers attending the Cybercrime Legislation training via Zoom.



PNG Sentencing Database (13 October 2021)

The objective of the PNG Sentencing Database workshop was to receive feedback from the users of the database system regarding how to enhance the current features of the PNGSD website. The PNG Sentencing Database System is an online source of case laws, legislations, sentencing statistics, court reference, appeals and other legal information. The system is used to maintain consistent sentencing case data for the Courts, ensuring that there is uniformity in the penalty handed to offenders by Judges and Magistrates and to provide a better research avenue for anyone involved in the Court system.

The workshop was also aimed at informing participants of the proposed transformation of the PNGSD into PNG Legal Information Network (PNGLIN), which will be a central location for all court reference materials, legal documents, judgments and legislations for Judicial officers, Lawyers, officers of the Law and Justice Sector agencies.

c) Training Programs for Court Officers

Financial Literacy (February – November 2021)

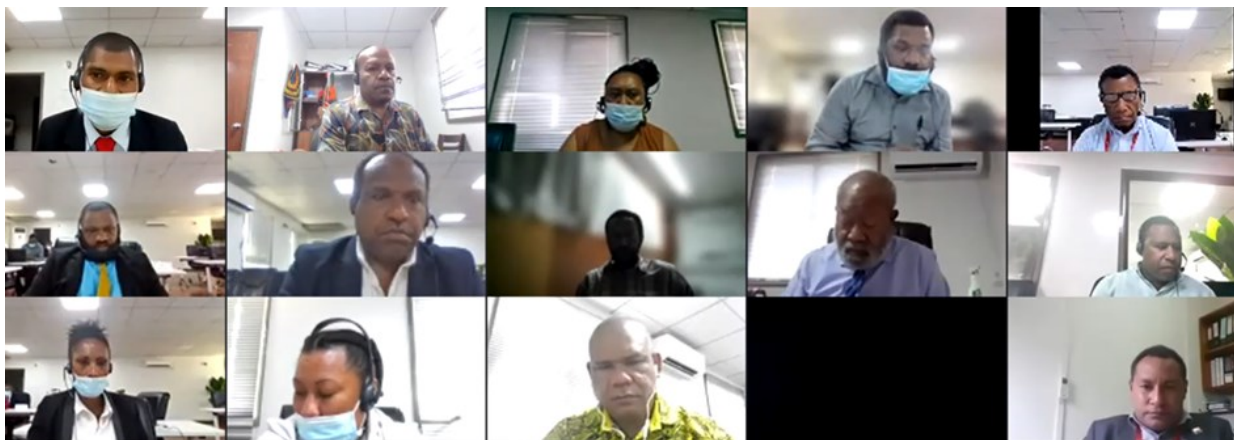
One of the key training activities conducted by the PNGCJE for Court staff was the Financial Literacy course. Approximately three hundred (300) members of staff from the provincial District and National Court houses attended a series of Financial Literacy trainings conducted between February and November 2021.

The Financial Literacy Training was developed to assist Court officers gain basic knowledge on financial management and entrepreneurship and acquire strategies for effectively managing personal financial resources. Testimonies from officers and NJSS HRD records on staff loans with financial lenders were utilized in the design and delivery of this training these training sessions.

Training of Trainers (ToT) (May and September 2021)

The PNGCJE conducted two (2) online Training of Trainers programs in 2021. The week-long intensive training was aimed at building participants’ knowledge and skills in designing and delivering structured training programs and learning experiences for their participants. Key topics presented during the training included the Judicial Training Cycle, Adult Learning Styles, Curriculum Development, Training Modes and Modalities, Presentation Techniques, Communication Skills, and Effective Time Management. Twenty six (26) senior NJSS officers were awarded ToT certificates at the end of the program.

Figure 3: NJSS staff participating in the ToT program using the Zoom online platform.



d) Community Awareness Programs

The PNGCJE worked in partnership with the Pacific Judicial Strengthening Initiative (PJSI) to conduct two community awareness programs in the Central and Gulf provinces and the National Capital District. The first program conducted was the Access to Justice awareness for communities followed by the Fundamentals of Justice program for Village Court Officials, Peace Officers, and other Lay-Judicial Officers in the communities.



Figure 3: Vabukori villagers listening to a presentation on Access to Justice.

Table 1: Outline of the Community Awareness programs conducted in 2021.

Community Awareness/Training Program		Date
1	Access to Justice – Koki Village, Central	22 July
2	Access to Justice – Tatana Village, Central	30 July
3	Access to Justice – Bisiatabu Village, Central	5 August
4	Access to Justice – Vabukori Village, Central	11 August
5	Access to Justice – Tubusereia Village, Central	18 August
6	Access to Justice – Pacific Adventist University, NCD	28 August
7	Fundamentals of Justice – Gaire & Gabagaba Villages, Central	2 October
8	Fundamentals of Justice – Hula Village, Central	13 October
9	Fundamentals of Justice – Kwikila & Kupiano Communities, Central	14 -15 October
10	Fundamentals of Justice – Marshall Lagoon Communities, Central	17 – 22 October
11	Fundamentals of Justice – June Valley, Central	21 October
12	Fundamentals of Justice – Sogeri, Central	24 – 26 October
13	Fundamentals of Justice – Kerema, Gulf	27 – 29 October
14	Fundamentals of Justice – Wanigela, Central	2 November

e) Other PNGCJE Training Programs

Other training programs conducted for the key stakeholders of the Judiciary included a comprehensive list of subject areas ranging from Communication Skills to training on Information Technology. Below is a summary of the other key training activities conducted by PNGCJE in 2021 for each of the stakeholder groups.

Table 2: Other training programs conducted in 2021.

Training Program	Date	Recipients	
1	Communications Seminar	22 February	Court Officers
2	Judicial Orientation for Magistrates	23 - 26 February	Magistrates
3	Zoom Training	3 June	Village Court Secretariat
4	Prioritizing Tasks	15 June	Court Officers
5	Gender Equity and Social Inclusion Awareness	29 June	General Public
6	How to use Outlook—Webinar	29 June	Court Officers
7	Customer Service	30 - 31 July	Court Officers
8	Customer Service	11 - 12 August	Court Officers
9	Management Skills for Administrative Professionals	17 November	Court Officers
10	Productivity Seminar	22 - 23 November	Court Officers
11	Zoom Training	25 November	Court Officers
12	Human Rights	14 - 15 December	Court Officers

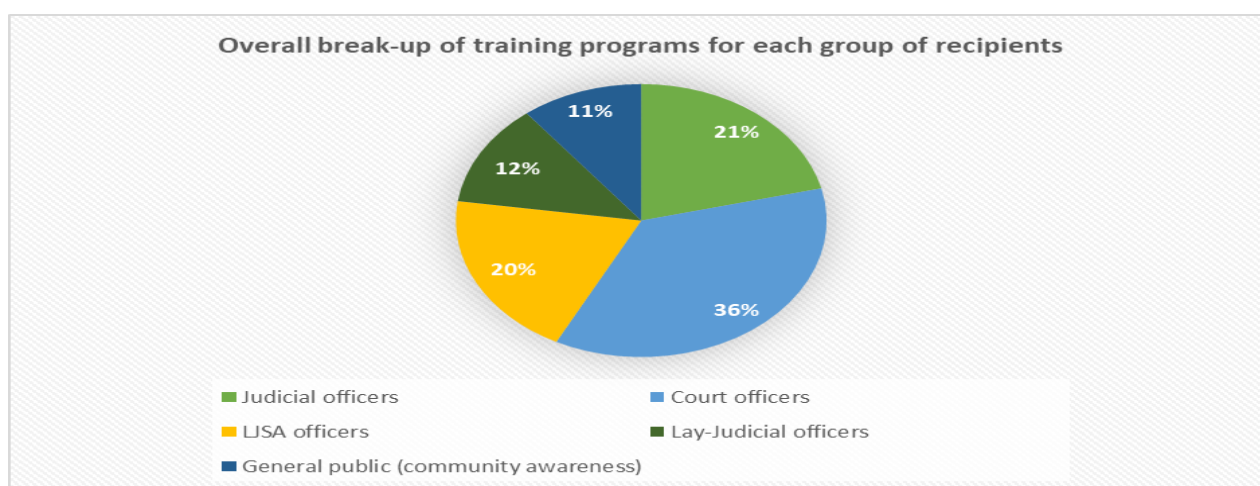


Figure 4: Percentage of programs conducted for each group of training recipients.

Conclusion

The total of fifty six (56) training programs were delivered in 2021, compared to sixteen (16) in 2020. This is a clear indication of improvement in PNGCJE’s performance in delivering continual professional Judicial Education and training programs for its stakeholders.

Office of the Secretary

The Office of the Secretary under the National Judicial Staff Service (NJSS) is established by the *National Judicial Staff Services Act 1987* to provide staff and administrative support to the National Judiciary Services. The Corporate Services is also guided by the 2018 -2022 Corporate Plan of the National & Supreme Court and is translated into the Annual Plan to implement annually. The Corporate Plan contains nine (9) Key Result Areas for the National Judiciary Services and its Stakeholders, the Law & Justice Sector (LJS) Agencies.

There are four outcome areas or priority areas of the Secretary which are:

- An established E-Judiciary
- An Improved access of the Courts
- An Improved Institutional Performance
- Support the Law and Justice Sector Programs and Initiatives

These four outcome areas are aligned to the higher government plans and the Chief Justice Priorities. Below we will look at the performance highlights of the four outcome areas and the Corporate Services in 2021. Included in this report under Corporate Services Finance Division is the Financial Report for 2021, budgeted vs. Actual Expenditure.

A AN ESTABLISHED E-JUDICIARY

Satellite Project

The Satellite Project is now complete with all dishes operational. The Judiciary is experiencing the benefits of improved and reliable connectivity enabling smooth operation of judicial systems and databases. The Integration of the NJSS Network to Satellite is completed for the following provinces, Lae, Madang, Vanimo and Lorengau.

Judicial Service Information Management System (JSIMS)

The Judicial Service Information Management System (JSIMS) Financial Module is now complete which captures all requisitions, automated approvals, and automated remittance advice.

Support the Case Management Systems Such As IECMS, ICCSD

The Information Technology Division (ITD) continues to provide technical and infrastructural support towards the implementation of the Judicial Case Management Systems and Databases.

B AN IMPROVED ACCESS OF THE COURTS

Waigani National Court Complex Project, National Capital District

The Waigani National Court Complex Project overall construction is approximately 79% completed. The project is two years behind schedule due to limited funding from the GoPNG. The balance of 2021 appropriated funds and supplementary budget were received in the fourth quarter. Stage 1 of the Court Complex is approximately 93 % completed. That is the Administration Wing- Building C, D & G). The funding received will see the completion of Stage 1 of the Court Complex (Administration Wing) and transition into the new building. Stage 2 (Building B & others) is approximately 75% completed. Issues identified by the WNCC Project team include project funding delays, Covid 19, sourcing of local timber and joinery, and shortage of foreign exchange.

Wewak Court Complex Project, East Sepik Province

The Wewak Court Complex project is approximately 96% completed. The project is progressing well and is expected to be completed in April of 2022. All materials required for the finishing works have been procured. Issues encountered by the Wewak Court Complex Project team include architectural changes, structural changes, revised construction drawings and Covid 19.

Bialla Court Complex Project, West New Britain Province

The Bialla Court Complex project is approximately 78% completed. This includes the main structure, roofing, and plumbing.

Completion of Walume Court House, Imbonggu, Southern Highlands Province



C AN IMPROVED INSTITUTIONAL PERFORMANCE

Organizational Restructure

The top management structure of the organizational restructure has been approved by the Judicial Council (JC).

Establish A Systematic Policy, Planning, Monitoring and Reporting Mechanism

Under the Office of the Secretary, this process has been established and is functional. The Policy Planning Division through the Office of the Secretary published the 2021 Annual Plan for Corporate Services and the 2020 Annual Performance Report. Three (3) Quarterly Review workshops were conducted for Quarter 1, Quarter 2, and Quarter 4. Quarterly Reports are compiled and submitted to the Office of the Secretary at the beginning of each quarter. The 2021 Annual Performance Report for the Corporate Services has been completed and submitted to the Office of the Secretary. For the first time, the Finance Division has been able to provide Financials for the Financial Year 2021 with the actual expenditure against budgeted estimates.

Review Of the Corporate Plan 2018 -2022

The review framework of the 2018 -2022 Corporate Plan has been endorsed by the Judicial Council (JC). The Policy Planning Division, together with the Restructure Consultant will proceed with the Review workshop and regional consultation in 2022. This will form the basis to develop the new 2023 -2027 Corporate Plan for the National Judiciary Services.

NJSS Home Ownership Scheme

The Civil works design for the Tokarara Home Ownership Scheme Development is completed and forwarded to NCDC for approval. The issues encountered include squatters delaying the civil works commencement.

D STRENGTHEN LAW AND JUSTICE SECTOR COLLABORATION

National Coordination Mechanism (NCM) Participation

The Secretary NJSS continues to strengthen and maintain dialogue with the National Coordination Mechanism. The Secretary attends monthly NCM meetings with the other Law and Justice Sector Agency Heads however this has been disrupted due to Covid 19.

Tari Judicial and Legal Services Housing Project, Hela Province

The Tari Law and Justice Sector (LJS) Housing Project is approximately 85% completed. This project is funded by the Hela Provincial Administration (HPA) and managed by the National Judicial Staff Services. From the eight (8) houses, four (4) houses by Contractor 1 are completed and four (4) houses by Contractor 2 are yet to be completed. The project has stalled due to Hela Provincial Administration not able to provide project funding on time. The project partners need to meet to discuss the possibilities of completing the project on time.



Judge House completed and awaiting service connections and furniture



One of the four houses completed by contractor 1

E CORPORATE SERVICES

The Secretary is the head of the Corporate Services and oversees the management of the Corporate Services. Besides Secretary's four priority areas, divisions within the Corporate Services also have their planned activities in the 2021 Annual Plan to implement. The Corporate Services strive to ensure that effective and efficient administrative support services is provided to the Judges to enable them to deliver timely judicial services to the people. Below are some of the performance highlights or achievements by the Corporate Service Divisions in 2021.

Human Resources

The Human Resource Division's mandate is to ensure administrative functions of the organization complies with relevant laws and policies, conduct and coordinate organization recruitment, staff training and development, cross-cutting issues affecting staff, payroll and staff record keeping and employee relations. In the year 2021, approximately 600 correspondences were registered and dealt with. This includes claims and follow-ups conducted via counter, hand delivered and by email.

The JSIMS Human Resource Information System is a component of the Judicial Services Information Management System (JSIMS). Phase 1- Data Collection of this activity is completed with License for the HR Module purchase. Phase 2- Data Validation is in progress. Progress is lagging due to focus being on completing and testing the Finance Module of the JSIMS.

The Gender Equity and Social Inclusion (GESI) Policy was completed and submitted to the Judicial Council. The outcome was to conduct a wider consultation of the policy and present to the Judicial Council for approval and endorsement. There are other outstanding policies within HR that need to be reviewed such as the NJS Equal Employment Opportunity (EEO) Policy and HIV Policy. This will be done in collaboration with the Policy and Planning Division.

Legal Services

The Legal Division reports directly to the Secretary National Judicial Staff Services. Its mandate is to provide legal advice, investigate disciplinary matters and represent the National Judicial Staff Services (NJSS) in Court for all legal matters for and against the NJSS and the Judiciary. The type of Litigation Matters that the Legal Services deals with are NJSS Matters, Sheriff Matters, Contempt Matters, Wills & Probate Administration (WPA) Matters, Registrar's Matters and Supreme Court Matters. In 2021, two litigation matters, and nine Wills and Probate Matters were completed. The Wills and Probate Administration is a court process conducted for the deceased Judges or staff by which a Will is proved valid or invalid.

New disciplinary matters are dealt with in a timely manner and are on track. In 2021, seven disciplinary matters were referred to the Judicial Council for dismissal. Two matters were referred for revisit and process. The Legal Services is understaffed with lawyers to take carriage of litigation matters. Ten (10) litigation matters are briefed out to external law firms to take carriage of.

Internal Audit Division

The Internal Audit Division's mandate is to ensure there is good governance, accountability, transparency and compliance in all administration and financial management of the National Judicial Staff Services. In 2021, five (5) audit activities were completed. From the five, three were conducted on the areas which take up bigger chunk of the Judiciary's Budget Appropriation.

The HR and Payroll Audit was conducted in the first quarter with report and recommendations furnished to the Secretary. The purpose of this audit review exercise is to ensure there are genuine employees on the NJSS Structure and ascertain the existence of salaries and wages to employees. The Infrastructure Audit Review was also conducted and completed in the first quarter. This audit review exercise is an assessment of the infrastructure project process to ensure there is compliance with standard procedures. The Financial Large Expenditures review was also completed with six Operational Accounts and fourteen (14) Imprest Accounts audit. The Internal Audit Division maintains its independence and confidentiality in its reports which are submitted to the Secretary.

NJSS Special NPC Secretariat

This Division is responsible for the tendering and procurement of all NJSS Project within its threshold. In 2021, the National Executive Council (NEC) approved the amendments to the National Procurement Act (NPA) for the increasing of threshold of Special NPC Committees from one million kina (K1m) to five million kina (K5m). Projects for the establishment of National Courts in Daru, Manus, Popondetta, Vanimo, Minj and Central Province can now be tendered through the NJSS Special NPC Board.

Judges Support Services

The Judges Support Service roles and function is to provide administrative support to the Judges. In 2021, position for pension judges were created on the Alesco Payroll System. This used to be an issue in the previous years where pension judges were not recognized on the payroll system and classed as unattached positions. This has been resolved now with the creation of pension judges' positions.

As part of Chief Justice priorities to reduce the backlog of cases, acting judges' appointments were done. The acting appointments of judges was also crucial to cover vacancies created by the death of a good number of judges in the year 2021. Twelve (12) new positions were created for acting Judges with the approval of the Secretary, NJSS.

In 2021, the Protocol Unit participated as a conference organizing committee for the National Fisheries Authority (NFA) conference which was conducted on the 1st to 5th November which selected local judges attended. The Unit also facilitates Judges International Engagements. This includes planning and preparatory work for the Chief Justice and his delegates to participate in the Commonwealth Law Conference held in the Bahamans on the 4th to 9th September 2021. Chief Justice and his delegates attended the conference and returned to PNG safely amidst Covid 19 debacles.

F FINANCE DIVISION

National Judicial Staff Services -2021 Expenditure (Budget vs. Actual)

	Budget	Actual	Variance	YTD Budget	YTD Actual	TYD Variance
PERSONNEL EMOLUMENTS	3,908,600.12	15,117,286.15	-11,208,686.03	3,908,600.12	15,117,286.15	-11,208,686.03
GOODS AND SERVICES						
Total Travel and Subsistence -Domestic	5,493,749.80	15,970,370.61	-10,476,620.61	5,493,749.80	15,970,370.61	-10,476,620.61
Total Travel and Subsistence-International	0.00	748,145.68	-748,145.68	0.00	748,145.68	-748,145.68
Total Office Material and Supplies	2,002,570.08	4,832,345.08	-2,829,775.00	2,002,570.08	4,382,345.08	-2,829,775.00
Total Operational Materials and Supplies	764,999.96	601,798.11	163,201.85	764,999.96	601,798.11	163,201.85
Total Motor Vehicle Expenses	1,038,500.28	2,654,090.19	-1,615,589.91	1,038,500.28	2,654,090.19	-1,615,589.91
Total Consultancy Fees	10,320,880.08	9,145,911.38	1,174,968.70	10,320,880.08	9,145,911.38	1,174,968.70
Total Other Operational Expenses	6,237,212.93	-1,489,012.73	4,748,200.20	6,237,212.93	-1,489,012.73	4,748,200.20
Total Training	1,021,192.53	1,972,328.43	2,993,520.96	1,021,192.53	1,972,328.43	2,993,520.96
Goods and Services - TOTAL	27,362,421.36	41,211,066.31	-13,848,644.95	27,362,421.36	41,211,066.31	-13,848,644.95
UTILITIES, RENTAL AND PROPERTY COSTS						
Total Utilities	9,473,199.96	7,608,630.47	1,864,569.49	9,473,199.96	7,608,630.47	1,864,569.49
Total Rentals of Property	1,092,000.00	746,086.36	345,913.64	1,092,000.00	746,086.36	345,913.64
Total Routine Maintenance	3,218,000.28	3,966,767.08	-748,766.80	3,218,000.28	3,966,767.08	-748,766.80
Total Cleaning	967,892.04	1,203,595.76	-235,703.72	967,892.04	1,203,595.76	-235,703.72
Utilities, Rental and Property Costs -TOTAL	14,751,092.24	13,525,079.67	1,226,012.57	14,751,092.24	13,525,079.67	1,226,012.57
CURRENT TRANSFERS						
Grants and Transfers to Public Authorities	34,006,599.96	200,000.00	33,806,599.96	34,006,599.96	200,000.00	33,806,599.96
Current Transfers-TOTAL	34,006,599.96	200,000.00	33,806,599.96	34,006,599.96	200,000.00	33,806,599.96
CAPITAL EXPENDITURE (CAPEX)						
CAPEX-Land, Buildings and Structures	0.00	139,022.88	-139,022.88	0.00	139,022.88	-139,022.88
CAPEX-Office Equipment, Furniture and Fixtures	2,774,199.80	644,403.57	2,129,796.23	2,774,199.80	644,403.57	2,129,796.23
CAPEX-Information and Communication Technology	3,152,007.92	2,354,819.81	797,188.11	3,152,007.92	2,354,819.81	797,188.11
CAPEX-Plant, Equipment and Machinery	624,344.04	312,286.90	312,057.14	624,344.04	312,286.90	312,057.14
CAPEX-Motor Vehicles	1,166,000.04	2,609,512.41	-1,443,512.37	1,166,000.04	2,609,512.41	-1,443,512.37
Capital Works Projects						
CAPEX-Feasibility Studies and Project Preparation	1,676,400.00	128,486.02	1,547,913.98	1,676,400.00	128,486.02	1,547,913.98
CAPEX-Substantial/Specific Maintenance	760,000.08	290,084.23	469,915.85	760,000.08	290,084.23	469,915.85
CAPEX-Construction, Renovation, and Improvements	5,985,000.00	1,429,756.00	4,555,244.00	5,985,000.00	1,429,756.00	4,555,244.00
Information Technology Projects						
CAPEX-IECMS	0.00	18,702.73	-18,702.73	0.00	18,702.73	-18,702.73
Capital Expenditure-TOTAL	16,137,951.88	7,927,074.55	8,210,877.33	16,137,951.88	7,927,074.55	8,210,877.33
NJSS TOTAL	96,166,665.56	77,980,506.68	18,186,158.88	96,166,665.56	77,980,506.68	18,186,158.88

Court Buildings and Facilities

WAIGANI COURT COMPLEX – NATIONAL HEADQUARTERS (TRUST ACCOUNT)

Total Budget: K690m

**Contract Amount:
K469,891,622.00**

Total Spent End Q3: K343,238,026 (73%)

Balance: K126,653,596

**Design Consultancies:
Peddle & Harvey PTY LTD – 6.95% of contract
sum –
K47,616,419**

**Paid: K43,243,008
Balance K4,373,411**

**CPS 0.4 % of
Original contract sum K4,326,300.00**

Paid K3,3385,810 (Variation included)



WNCC-Aerial

- Project construction is approximately 75% completed on site. This includes both Stage 1 and Stage 2 of the main construction contract assessed together.
- Management of consultant and contractor agreements are ongoing.
- The 2021 GoPNG budget appropriated PGK70.0 million in project funds. As at end of Quarter 3, 2021, the Judiciary had received only PGK30.2 million out of the appropriated PGK70.0 million in project funds.
- The PNG Government has confirmed the release of K130m into WNCC account by 16/12/2021 to complete the entire project.
- The contractor has been operating mostly in 'good faith'.
- Currently under-funded and the Main construction contract phase is 18 months behind program due to lack of project funding.
- The WNCC Project had been split into two stages to reflect the funding amounts granted through the 2020 and 2021 GoPNG budget.
- Stage 1 – The (Registry) Administration Building and the Arrivals Wing has a target completion date of early Quarter 2, 2022, subject to funding.
- Stage 2 – the remainder of the project, including the main Courts Building, has a target date for completion at end of Quarter 4, 2022, subject to the timing of future funding tranches.
- All design consultants fall under the management of Peddle Harvey PTY LTD includes; MGF Project Managers LTD & Aurecon Building Services & Meinhardt, Peddle Thorpe Architects (PNG) and Local Building Service Engineers (Stock & Partners & I.F. Neheje).



WNCC-Aerial View

Oro – Popondetta Courthouse Development – On-going. Budget—K3.5m



Popondetta Court building—artist impres-

- Priority project for 2020 whereby facilities are upgraded/new construction to fully accommodate a resident Judge.
- Mali Architectural Design & Drafting (MADD) completed full documentation November 2020. Tendered through Oro Provincial NPC however withdrawn due to discrepancies in the tender process.
- Project to be awarded re-tendered through NJSS ,t66dftg bhpv3SNPC in 2022.
- Early Works Package 1 (Site Perimeter Fencing) completed in January 2021.

Western Province new court complex, artists impression of interior and exterior, budget K8.5m.



- Proposed site Section 01, Allotment 39, 49-51 identified for the construction of new court complex for Western Province.
- Concept plans completed awaiting CJ approval to proceed with detailed documentation.
- Liaison with Western Provincial Administration for counter funding. Construction to commence once funding is confirmed.



Sandaun – Vanimo Courthouse Extension Works – On proposal, Budget: K0.5m (Extension Works)

- Work will include for extension of the existing National Court Registry to cater for additional staff recruited, new staff toilet ,store house and guard house.
- The Court Buildings unsafe due to termite infestation as highlighted in an independent report produced by the Building Division of the Provincial Works Department thus there is a need to construct a new Provincial Court Facility.
- Possible allocation of a prime land for the Judge Residence at the intersection hill
- Provincial Lands Surveyors to subdivide the land and issue CAO to NJSS
- NJS IPO to do proposal and draft MOU and execute through Office of the Secretary NJSS pending further negotiations for a New National Court Complex in 2022.

Manus – Manus Courthouse – On proposal , budget K3m



- P A meeting was held in between the Secretary NJSS and the Manus Provincial Administration last year and the Manus Provincial government confirmed a new site to be allocated for the construction of a new National Court Registry. ie, opposite the current Provincial Administration building.
- CAO lodged by Manus Provincial Administration with National Land Department.
- Deferred due to funding.
- Construction scheduled for 2023.

Jiwaka - Jiwaka Courthouse – On proposal , budget K5m



- Joint Site visit (NJSS, MS & Provincial Admin) was conducted on the 30/04/2021
- Land has been identified at Kurumul opposite Jiwaka Headquarters for a new township. A portion of land identified as on site by Honourable Governor Mr. William Tongamp as ‘Justice Park’ will accommodate the Law & Justice Sector. Site clearance and grubbing has commenced. Land expected to made available for development in 2023.
- It is adamant that a sub-registry facility be constructed in Minj (existing court site) to accommodate Minj staff who are currently operating out of Mt. Hagen.
- Jiwaka Provincial Administration has allocated 2 portions of land in Minj Town as identified in letter dated 15/09/2021 which are Section 4, lot 2 and Section 5 lot 2.
- Sites inspection dates to be confirmed by Chairman CBFC.

Jiwaka - Banz Courthouse – On-going, contract K3m



- The North Waghi DDA through its Chairman and Member Dr Fabian Pok at the request of the then SPM Jiwaka Ms Josephine Kilage funded the construction of a Court facility to house the National and District Courts in Banz.
- Contractor has mobilized in March 2020.
- The NJSS IPO-derived design NJSS Design of Courthouse Standards and Typology.
- Project is managed and funded by North Waghi DDA as a turn-key project.
- Completed Dec 2021 awaiting official opening in 2022.

**Southern Highlands – New Provincial Court House
– On-going, contract , K5m.**



- The SHP Provincial Government have entered into a K5m contract with Gs5 Limited to construct a new a Court House at existing court-house site (burnt down by arsonists).
- Contractor has mobilized in March 2020.
- Construction about 65% completed. The project is currently stalled due to funding issues.
- Project is managed and funded by Southern Highlands Provincial Administration.
- Expected to be completed Dec 2022.
- Building to be furnished by NJSS.
- NJS IPO to provide oversight on a timely basis for compliance and QA purposes.

East Sepik - Wewak Sub-Regional Court – On-going, contract of K19m, with K17m paid.



- Current Project Status 85% completed and progressing .
- Outstanding works are external works (civil and site fencing), Joinery and Finishes (Painting).
- Project Completion Date is set for end of Dec 2022.
- Project Managed by Architectural Alliances
- Measures have now been put in place to manage the works according to the new revised work program and a subsequent cash flow forecast established.

East New Britain – Kokopo Court Complex – On-going, budget K76m



Kokopo Regional Court Complex – Ariel and Interior 3D View

- Design Documentation Completed in 2018 however Project has been stalled due to no funding.
- Final design presented by design consultation via video conference. Design accepted by all stakeholders.
- Further liaison with appropriate stakeholders to secure funding for this significant project.

Western Highlands - Mt Hagen Regional Court Complex – On proposal , budget of K120m,

- WHP Provincial Government funded turn-key project
- This Project is on hold pending a new land allocation and funds based on an MOU in between the NJSS and the WHP.
- WHP will finance the construction and handover to the Judiciary.
- MOU was signed in 2014 and to date, no significant progress made.
- Land has not been allocated for this purpose as yet.
- There needs to be further consultation with the Western Highlands Provincial Administration and the NJSS and in order for a possible review of the MOU.

Eastern Highlands – Goroka Court House Refurbishment Works – On going Budget: K120m



- Completed twin court houses (four court rooms) for District Court opened in July.
- Renovated District Court House for National Court support functions.
- Existing Registry in dire need of upgrading works. Works to commence in 2022.
- Approval obtained EHP PA for usage of their carpark hence extension work has now commenced by Hausman Building Solutions.

New Ireland – Namatanai Sub-Registry– On proposal, budget K2.5m

- Chairman CBFC and delegation visited site in September and met with Honourable Walter Schnaubelt.
- Project to be funded NDDA with initial commitment of K0.5m.
- Additional funding to be sought to commence construction in 2022.

West New Britain – Bialla Sub Registry Court House – On-going, Contract – K8.17m, Contract Amount Paid: K5.36m, Direct Payment to Suppliers: K0.536m. Balance: K2.24m



- PNG Brothers Construction awarded Contract for K8.3m.
- Material procurement in progress as ‘big ticket items’ are being purchased and shipped over to Kimbe.
- A sum of K570,192.22 inclusive of GST was paid by NJSS directly to suppliers for various large component of materials. This amount is being treated as an advance payment and will be deducted from payments due to PBCL.
- Roof framing completed and installation of roof sheeting, electrical works and finishes underway.
- Expected to be completed July 2022.

Bialla Court House – Front Entry Lobby

Enga - Wapenamanda Sub-Registry – On proposal, contract K6.7m



- Contract awarded by CSTB in 2016 to a local company to contract value of K6.67m.
- No or minimum works done after payment of 30% of contract value for mobilization.
- NJSS has engaged a legal law firm to liaise on behalf of NJS for the termination of contract through State Solicitors Office. NJSS legal advice on this matter to further.
- Secretary & NJSIPO are liaising with State Solicitors Office and external law firm (Chesterfield Lawyers) for the Termination of Contract.
- Letter of Termination of contract has been sent to National Procurement Commission.
- Hon. Member for Wapenamanda has shown interest in pursuing project by securing funding of project through donor agencies.

Lae – Finchhafen Sub-Registry – On-going Contract: K6.67m

- Tender Awarded by the National Procurement Commission to Nuigini Building Contractors Limited for K3.2m for Construction of the New National Court Registry.
- Contractor yet to mobilize on site as we await the Ground Breaking Ceremony. A convenient date is yet to be decided by the Chief Justice.
- This project is based on an MOU signed in between the NJSS and the Finschhafen District Development Authority to build a new National Court Sub Registry.
- As per the MOU, a total of K5m was to be made available to the NJSS to construct a National Court Sub Registry and associated facilities, 5 x new staff houses and general maintenance to be carried out the existing District Court Building.
- Funds totalling K3.5m was advanced to the NJSS in late 2019 for this Project.

Milne Bay– Losuia District Court House – On-going



- Kirriwina-Goodenough District Development Authority project counter funding commitment of K0.5m
- MOU in June 2020 with first payment of K0.2m to NJS, balance to paid in next trench.
- Ready for construction once full funding is made available.

NCD – Central Storage Facility Works – On Proposal, budget, K2m.

- Urgent requirement need for storage facility. Project initiated through the BOS Committee.
- Concepts and detailing to be done awaiting funding for next year to construct.
- Project schedule for 2022. (Construction)

NCD – Senior Executive Residence Staff Quarters (CJ Residence) – Completed , budget of K0.5m



- Construction of all rooms and amenities have been completed with necessary services connected to the main sources.
- All rooms have been furnished with white and brown goods.
- All except window curtains are yet to be installed by Paradise Interiors.
- Expected to be completed by 17th December 2021.

NCD – Home Ownership Scheme (Waigani) – On going , budget of K10m.

- Project managed by the Office of the Secretary.
- Land acquisition process completed.
- Land titles obtain for 87 allotments and transferred to NJSS.
- Land purchased at Tokara and legal processes under for squatter eviction.
- Civil Designs awaiting approval at the NCDC Engineering branch.

WESTERN - Daru Judge’s Residence – On going, budget, K1m



- Project will be tendered through selective tendering and awarded to New Century Construction Limited at a total cost of K0.49m
- New land identified for Judge’s residence (Section 10, Lot 4 & 5) whilst proposed new court to be built on former Judge’s residence site (Section 01-Lot 39,49-51)
- Executive Modular Kit Home (design complied with NJSS requirements) been shipped in from China.
- PNGDF have relocated off-site. Work commenced December 2021.
- About 25% complete and expected to be completed February 2022.
- PNGDF (temporary accommodated on proposed site) to be relocated to new site to allow for construction to commence.

**HELA – Staff Residence – On going-
Budget: K10m, Funded by Hela PA**

- The original contracts are for Construction of 1 x new Judge Residence and 7 x staff houses. They are about 90% completion but is now delayed for a year due to funds not released by the Hela Provincial Government.
- Project Funded and managed by Hela Provincial Administration. NJS Infrastructure office is providing oversight for compliance and quality assurance.
- Total current contracts are worth about K6m however only K4m was released in 2019.
- NJSS Management to meet with Hela PA to discuss status of project and judiciary's plans for the province going forward.

**Southern Highlands Province – Mendi
Judge's Residence, budget K2m**



- Construction works for the Judge's residence has being contracted to NBC Limited at a total contract value of K4.75m.
- The contractor mobilized on site in October 2019 and construction commenced on 01st November 2019.
- Project funded and managed by Southern Highland Provincial Administration.
- Project completed.
- Building to be furnished by NJSS. Quotes currently on hold awaiting appointment of resident judge.

