



1996 Annual Report



by
The Judges


ANNUAL
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THE JUDGES



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PAPUA NEW GUINEA

ANNUAL REPORT

BY

THE JUDGES

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REPORT BY THE JUDGES TO THE HEAD OF STATE FOR THE YEAR ENDED 31 DECEMBER 1996 FOR PRESENTATION TO THE NATIONAL PARLIAMENT ON THE WORK OF THE NATIONAL JUDICIAL SYSTEM, PURSUANT TO *CONSTITUTION*, SECTION 187 AND THE *NATIONAL COURT Act* (CHAPTER 38) SECTION 6.

JUDGES OF THE SUPREME COURT OF PAPUA NEW GUINEA AND THE NATIONAL COURT OF JUSTICE DURING 1996

THE HONOURABLE SIR ARNOLD KARIBONE AMET, C.B.E., LL D.
Chief Justice of Papua New Guinea

THE HONOURABLE SIR MARI KAPI, C.B.E., C.S.I., LL M.
Deputy Chief Justice of Papua New Guinea

THE HONOURABLE JUSTICE ROBERT KYNERSLEY WOOD, C.B.E.

THE HONOURABLE SIR KUBULAN LOS, C.B.E., M.C.J.

THE HONOURABLE JUSTICE TIMOTHY ALEXANDER HINCHLIFFE, C.B.E.

THE HONOURABLE JUSTICE MAURICE JAMES SHEEHAN, P.M.

THE HONOURABLE JUSTICE GIBUMA GIBBS SALIKA

THE HONOURABLE JUSTICE MOSES JEFFREY JALINA

THE HONOURABLE JUSTICE TERESA ANNE DOHERTY

THE HONOURABLE JUSTICE WARWICK JOHN ANDREW, C.B.E.

THE HONOURABLE JUSTICE BERNARD BEREKIA SAKORA, LL M.

THE HONOURABLE JUSTICE MARK SEVUA

THE HONOURABLE JUSTICE SALAMO INJIA

THE HONOURABLE JUSTICE DON SAWONG, M.B.E.

THE HONOURABLE JUSTICE PAUL AKURAM

THE HONOURABLE JUSTICE MICAH PITPIT (ACTING)

THE HONOURABLE JUSTICE SALATIEL LENALIA (ACTING)

THE HONOURABLE JUSTICE COSMAS BIDAR (ACTING)

THE HONOURABLE JUSTICE SITION PASSINGAN (ACTING)

THE HONOURABLE JUSTICE ELENAS BATARI (ACTING)

SENIOR COURT OFFICIALS

Registry

Registrar - Supreme and National Courts	Mr Laurence Michael Newell ISO, LL B., F. Inst. L. Ex. AIMM
Sheriff - Supreme, National and District Courts	Mr Laurence Michael Newell ISO, LL B., F. Inst. L. Ex, AIMM
Admiralty Marshall	Mr Laurence Michael Newell ISO, LL B., F. Inst. L. Ex, AIMM
Deputy Registrar - Supreme Court	Mr Alois Kintau, LL B. Ms Christine Daingo, LL B.
Deputy Registrar - National Court	Ms Freda Talao, LL B.
Deputy Registrar - Lower Court	Mr Ian Augerea, LL B.
Assistant Registrar - Supreme Court	Ms Christine Daingo, LL B. (from March 1996) Mr Pius Tapil, LL B.
Assistant Registrar - National Court	Mrs Marie Miria
Assistant Registrar - Lower Court	Ms Aimo Opiang, LL B.
Assistant Registrar - Rabaul	Ms June Micka, LL B.
Assistant Registrar - Mount Hagen	Ms Imelda Buru, LL B.
Assistant Registrar - Goroka	Mr Philip Kaumba, LL B.
Assistant Registrar - Lae	Mr Samuel Ikiso, LL B.
Assistant Registrar - Madang	Mrs Margaret Lingas

Administration

Secretary - National Judicial Staff Services	Mr Laurence Michael Newell, ISO, LL B., F. Inst. L. Ex, AIMM.
Deputy Secretary - Finance and Administration	Mr Robin Guria
Assistant Secretary - Finance	Mr Humphrey John
Assistant Secretary - Personnel	Mr John Aiga
Assistant Secretary - Information Technology	Ms Konio Vai, DCCC
Principal Legal Officer	Mr Pius Kingal, LL B. Mr William Hagahuno, LL B. Mr Peter Yasbi, LL B. Mr Clivson Philip, LL B. Mr William Hagahuno, LL B.
Research Officer to Chief Justice	Mr Vagi Tashmaha Isaiah, B Arch. (from 11 December, 1996)
Legal Officer	
Building Manager	
Librarian	Mr Tom Dangiaba, B LIS.

INTRODUCTION

We present to Parliament our joint report for the year ending 31 December, 1996 on the work of the National Judicial System with recommendations as to such improvement as we think proper, pursuant to the *Constitution* Section 187 and the *National Court Act* (Chapter 38), Section 6.

JUDICIAL ADMINISTRATION

The Administration of the Supreme and the National Courts is vested by the *Constitution* in the Chief Justice. To assist the Chief Justice in the administration of the Supreme Court and the National Courts, the Judicial Administration Council was established.

The Council's function was to provide a venue at and through which legal and judicial issues relating to the work of all Courts within the National Judicial System may be raised and discussed with a view to improve the work of the courts.

The council has 13 members, consisting of the Chief Justice as Chairman, the Deputy Chief Justice, four senior judges, Chief Magistrate, Deputy Chief Magistrate, four senior magistrates and the Secretary/Registrar.

The council has no legislative basis or powers and functions at present. It is an administrative arrangement whereby it acts as an advisory body to the Chief Justice and Chief Magistrate.

JUDICIAL AND LEGAL SERVICES COMMISSION

Section 183 of the *Constitution* gives the authority to the Judicial and Legal Services Commission (JLSC) to appoint Judges of the National Court of Justice and the Supreme Court of Justice. During the currency of this report, the following appointments and re-appointments were made.

Appointment of Judges

- ❖ **Justice Woods** was re-appointed a Judge of the National and the Supreme Court from 15th October, 1996 to 31st December, 1997.
- ❖ **Justice Hinchliffe** was re-appointed on 15th October, 1996 to 31st December, 1997.
- ❖ **Justice Sheehan** was re-appointed a Judge on 15th October, 1996 to 31st December, 1997.
- ❖ **Justice Akuram** was appointed a Judge of the National and the Supreme Court for 10 years on 3rd July, 1996.

Appointment of Acting Judges

- ❖ **Justice Hinchliffe** was appointed an Acting Judge for 12 months from 12th January, 1996. On the 9th October, 1996 the JLSC revoked this appointment as an Acting Judge with effect from 15th October, 1996 when His Honour was appointed a Judge of the Supreme and National Courts (see above).
- ❖ **Justice Batari** was appointed an Acting Judge for 12 months from 3rd March, 1996
- ❖ **Justice Bidar** was appointed an Acting Judge for 12 months from 3rd March, 1996.
- ❖ **Justice Lenalia** was appointed an Acting Judge for 12 months from 3rd March, 1996.
- ❖ **Justice Passingan** was appointed an Acting Judge for 12 months from 3rd March, 1996.
- ❖ **Justice Woods** was appointed an Acting Judge for 12 months from 3rd March, 1996. On the 9th October, 1996 the JLSC revoked this appointment as an acting Judge with effect from 15th October, 1996 when His Honour was appointed a Judge of the Supreme and National Courts (see above).

- ❖ **Justice Sheehan** was appointed an Acting Judge for 12 months on 31st May, 1996. On the 9th October, 1996 the JLSC revoked this appointment as an Acting Judge with effect from 15th October, 1996 when His Honour was appointed a Judge of the Supreme and National Courts (see above).
- ❖ **Justice Pitpit** was appointed an Acting Judge for 12 months from 3rd July, 1996.
- ❖ **Justice Doherty** was appointed an Acting Judge for 12 months from 11th August, 1996.

SUPREME COURT

The *Constitution*, Section 155 establishes the Supreme Court of Papua New Guinea. The *Supreme Court Act* (Chapter 37) further provides for the Supreme Courts powers and rules of practice and procedures. The Supreme Court is the highest court in Papua New Guinea and its decision is final. It is a court of record, meaning that it must keep a record of the proceedings done before it and give a written decision on these proceedings.

Membership

Full time Judges of the National Court are also Judges of the Supreme Court. This includes the Chief Justice and the Deputy Chief Justice. Three, five or seven judges sitting together constitute a Supreme Court Bench. In appropriate circumstances, a single judge may constitute a Supreme Court.

Jurisdiction

The jurisdiction or powers of the Supreme Court are as given by the *Constitution* or another statutory law of Papua New Guinea. The main jurisdiction of the Supreme Court is to:

- ❖ Hear appeals from decisions made by the National Court;
- ❖ Review decisions made by the National Court (concerning matters of which the law does not allow for appeals to be made);
- ❖ Give an opinion or advice on whether a proposed law or a law already made by Parliament is constitutional (that is, complies with the Constitution);
- ❖ Develop rules of the underlying law; and,
- ❖ Enforce human rights as provided under the Constitution.
- ❖ Review its own decisions in appropriate case.

Sitting

The principal seat of the Supreme Court is at Waigani. Until June, 1994 the Supreme Court had been sitting in Waigani only to deal with cases coming to the Supreme Court from all places where the National Court sat in Papua New Guinea. In June, 1994 for the first time, the Supreme Court sat outside of the National Capital District. Sitting outside of Waigani continued into 1996. The Supreme Court sitting in the regional centres is the result of the Chief Justice's intention to bring the formal courts closer to the ordinary people of this country.

Registry

The registry of the Supreme Court is at the Waigani Court House (Supreme Court Building). That is the place where cases for the Supreme Court are registered, dates for hearing are given and any other matters concerning the Supreme Court are handled.

For a Summary of cases dealt with by the Supreme Court in 1996 see Appendix "A".

NATIONAL COURT

The National Court of Justice is established by Section 155 of the *Constitution*. Further provisions concerning the National Court, which includes rules of practice and procedure are provided for by or under the *National Court Act* (Chapter 38).

Membership

Judges of the National Court are the Chief Justice, Deputy Chief Justice and full time as well as acting judges of the National Court. Full time citizen judges are appointed for a 10-year period, whilst full time non-citizen judges are appointed for a three-year term for which appointment may be renewed or extended. Acting Judges are appointed for up to a 12-month period, to help ease an unexpected workload or to temporarily occupy a vacancy or fill in during the absence of a judge. One judge constitutes a National Court.

Jurisdiction

The *Constitution* states that the National Court is a court of unlimited jurisdiction, meaning that the National Court has the power to hear any case unless the Constitution gives the power to hear a particular case to another court. The main jurisdictional areas dealt with by the National Court are:

- ❖ Tries indictable offences (serious offences under the Criminal Code);
- ❖ Tries major civil matters;
- ❖ Hears appeals from Local Court, District Court and the Commissioner of Inland Revenue;
- ❖ Enforces human rights under the Constitution;
- ❖ Interprets the Constitution and Organic Laws;
- ❖ Develops rules of the underlying law; and,
- ❖ Reviews administrative decisions or actions.

The major civil matters handled by the National Court include:

- ❖ Claims involving any amount however, as the District Court deals with amounts below K10,000.00, in practice the National Court only deals with claims exceeding K10,000.00 unless legislation says otherwise;
- ❖ Election Petitions (for National Parliament);
- ❖ Matrimonial matters (Adoption and Custody of children, Dissolution of marriage);
- ❖ Probate and Administration (Certificate to allow for distribution of a dead person's property);
- ❖ Company matters (winding up companies and other matters);
- ❖ Insolvency;
- ❖ Admiralty (Shipping and Cargo Claims);
- ❖ Lawyers Admission; and,
- ❖ Prerogative or other orders.

Tribunals, Commissions and Other Court Proceedings

In 1996 Judges sat on Election Petitions, Leadership Tribunals, Commissions of Inquiry in addition to regular sittings of the National Court and the Supreme Court.

Leadership Tribunals – In 1996 about 4 months was time spent in the sitting and drafting of Reports for Leadership Tribunals.

Commissions of Inquiry – In 1996 there were a couple of months in which Commissions of Inquiry sat.

In 1996 six (6) Acting Judges were appointed to the National Court to enable the experienced Supreme and National Court Judges to deal with the Leadership Tribunals and Commissions of Inquiry.

Registry

The main National Court Registry is at Waigani Court House (Supreme Court Building). There are sub-registries of the National Court in each provincial centre where there is a resident Judge and an Assistant Registrar. The Registrar of the National Court oversees the registry at Waigani with a Deputy Registrar and Assistant Registrars overseeing the sub-registries.

For Matters before the National Court in 1996 see Appendix "B".

Sittings of the National Court

The National Court sits in all provincial centres and other major district centres. Where a judge is resident, the National Court is based there too. Where there is no resident judge, the National Court sits there when it makes its circuit to that area from Waigani or some other centres. Judges are resident in National Capital District, Lae, Mount Hagen, Goroka, Kavieng and Kimbe. It is the intention of the Judiciary to put in place a resident judge in all provincial centres, this exercise is continuing.

See Appendix "C" for listing of Judges' locations by Provinces in 1996.

Military Court

Section 172 of the *Constitution* establishes Other Courts within the National Judicial System framework. One of which is the Court constituted by a Judge of the National Court or a Magistrate Grade 4 of the District Court that can hear charges of offences or appeals under the *Defence Act* and the *Code of Military Conduct* under the *Defence Act*.

Election Petitions

A number of Election Petitions from previous elections up to 1992 had still not been concluded in 1996.

Leadership Tribunals

Leadership Tribunals take up a considerable amount of time for Judges and Magistrates. In 1996 four (4) months was devoted in total to Leadership Tribunals.

The following were the Judges and Magistrates that were involved in Leadership Tribunals in 1996:

Tribunal Members	Leader	Decision recommended	Other Outcome	Dates of Hearing
Justice Sheehan, Magistrates Bayam and Waninara	Timothy Bonga	Dismissal from Office	-	1996: February: 9, March: 11, 13, 14, 20 & 27 April: 1, 2, 29 & 30.
Justice Woods, Magistrates Seneka and Koronai	John Nilkare, MP	Dismissal from Office	-	1996: May: 31 & June: 11 to 14, 17, 25 & 27
Justice Doherty, Magistrates Oli and Vagi	Gabriel Dusava	-	Resigned from Office	Appointed October 1996 - No hearing
Justice Andrew, Magistrates Poloh and Tenge	Jeffrey Balakau, MP	Dismissal from Office	-	1996: November: 18, 19, 22, 25 to 27 December: 2 to 5, 9 & 11
Justice Sakora,	Paul Pora, MP	Part heard at the end		1996: February: 15 & 19

Magistrates and Manahu	Karapo	of 1996	March: 11 April: 15, 18, 19, 24, 29 May: 2, 3, 7, 9, 10, 14, 16, 21, 22, 27 to 31 November: 25 to 29 December: 9 & 10
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Note: The National Court sentenced Mr. Yaip Avini, MP to eight (8) years Imprisonment in November, 1996.

JUDICIAL COMMITTEES AND CONFERENCES

Court Restructure Committee

The Court Restructure Committee under the Chairmanship of The Honourable Justice Timothy Hinchliffe is currently looking at the restructure of the Supreme Court separate from the National Court and a number of other matters. This committee will report to the Judicial Administration Council with its findings and recommendations.

Continuing Judicial Education Committee

Continuing Judicial Education Committee (CJEC) headed by The Honourable Justice Sir Kubulan Los, deals with an essential part of the lives of the judicial officers, continuing discussion and updating of the skills of Judges and Magistrates. The CJEC has organised workshops for judges and magistrates as part of an on-going transfer of skills between judges and magistrates in Papua New Guinea and Overseas. As part of its programme, judges and magistrates have attended conferences overseas. It also arranges workshops in partnership with the National Institute of Continuing Legal Education (NICLE), a body consisting of judicial officers and lawyers. The Honourable Deputy Chief Justice Sir Mari Kapi is the Chairman of NICLE.

The following Judges and Magistrates attended these workshops and conferences as part of its CJEC program.

- February, 1996 – Workshop on Pre-Trial Review, Listing and Status Conference.
- May, 1996 – Magistrate Vagi and other Magistrates attended the Judicial Orientation Course in Rorotua, New Zealand.
- 23rd – 30th August, 1996 – The Chief Justice attended the 11th Commonwealth Chief Justices' Conference in Vancouver, Canada.
- 24th – 25th September, 1996. CJEC Judicial Writing Workshop attended by 30 Senior Magistrates and Judges at Islander Travelodge. Justice Mahoney, the President of the New South Wales Court of Appeal and teaching staff from the Centre for Plain Legal Language at the University of Sydney gave presentations at this Workshop.
- 13th October, 1996. Justices Batari and Passingan attended the Second Australasian Judges Orientation Programme in Wollongong, Australia.
- 15th October, 1996. Justice Salika attended two courses in Nevada, USA: Effective Case Flow Management & Early Orientation for New Judges.
- 5th November, 1996. Chief Justice attended a Judicial Feasibility Study in Sydney, Australia.

National Institute of Continuing Legal Education

The Continuing Judicial Education Committee in partnership with National Institute of Continuing Legal Education (NICLE) under the Chairmanship of Deputy Chief Justice Honourable Sir Mari Kapi conducted the following workshop, which our judges also attended. This advocacy workshop was presented by the Supreme and National Court, NICLE and the members of the Victorian Bar and Bench Advocacy Training Team.

Advocacy Workshop organised by NICLE from 6th –7th August, 1996 at Islander Travelodge:

- 6th August / Seminar – Problems in the conduct and presentation of criminal trials, possible solutions, the role and functions of the advocate in the adversary system, evidence, case preparation, presentation and advocacy skills.
- 7th August / Workshop – interviewing witnesses. opening addresses, leading evidence in chief. cross-examination and closing addresses.

The Victorian Bar and Bench Advocacy Training Team which consists of Judges of the Supreme Court of Victoria, Queen’s Counsels and other Barristers (both at the Private Bar and employed by the Government) has over a number of years run a one week Advocacy Training Workshop for Trainees at the Legal Training Institute (LTI). This is jointly funded by the LTI and the Victorian Bar.

The opportunity was taken to have Lawyers who were in practice trained in the methods also taught to LTI Trainees and also involve the Judges from Papua New Guinea who assisted the Judges from Victoria in the training of Lawyers. It is hoped at some time in the future with the assistance of the Victorian Bar and Bench Advocacy Training Team to have a Papua New Guinea Bar and Bench Advocacy Training Team to take over this vital task from the Judges and Barristers from Victoria.

The Judges of the Supreme and National Courts congratulate the Judges of the Supreme Court of Victoria and the members of the Victorian Bar for their efforts over many years in training both trainees at the LTI and Lawyers in practice in the skills of advocacy, which is such an essential tool for the legal profession in Papua New Guinea.

Council of Law Reporting

The Honourable Deputy Chief Justice Sir Mari Kapi is the Chairman of the Council of Law Reporting. The Council of Law Reporting supervises the production of the Papua New Guinea Law Reports (PNGLR).

The 1963 edition of the PNGLR was printed and published for the Council of Law Reporting of the Territory of Papua and New Guinea by the Government Printing Office in Port Moresby. The 1964 edition of the PNGLR was printed and published for the Council of Law Reporting of the Territory of Papua and New Guinea by the Government Printing Office in Sydney, New South Wales.

From 1965 until 1991 all editions of the PNGLR were published by the Law Book Company in Australia for the Council of Law Reporting for Papua New Guinea.

The 1992 edition of the PNGLR was produced by the Faculty of Law at the University of Papua New Guinea (UPNG).

In 1996 the Faculty of Law at the UPNG published the 1994 PNGLR for the Council of Law Reporting for Papua New Guinea.

FINANCE AND ADMINISTRATION

The funds of the Courts are appropriated separately in close consultation with the Prime Minister, s. 209 (2B) Constitution, by Parliament. They are managed by the National Judicial Staff Services (NJSS) under the control of the Chief Justice. The NJSS looks after the court buildings and institutional houses of the judiciary. Services such as provision of secretarial and clerical staff, library, research, legal, security, office vehicle and equipment are the responsibility of the NJSS.

The Salaries and Remuneration Commission determines the Judges' terms and conditions of employment.

Finance

The Chief Justice presents the Judiciary's Budget Estimates to the Prime Minister. Its estimate for 1996 was K21, 583, 000 but was appropriated K20, 203, 000. Although the appropriation was less than what had been estimated, the judiciary continued to function until the end of each financial year but at the expense of some plans and projects not being implemented to accommodate the shortfalls.

The monthly releases by the Department of Finance were on many occasions not made within reasonable time. At times, we were given our monthly allocation well into the month, sometimes as late as one week before the month was up. Because of the allocation of funds by the Finance Department, we at times had difficulty in meeting our commitments or even worse still, circuits were cancelled or delayed causing inconvenience to the public thereby denying them justice within reasonable time.

We have written to the Finance Department on a number of occasions, requesting the release of our funds on a quarterly basis rather than the current monthly releases so that we can effectively plan and carry out our constitutional duties and functions without having to face the problem of funds not coming on time. To date Finance Department has not responded to our requests or even acknowledged our letters. We would like the Finance Department to release our funds on a quarterly basis on the first working day of each quarter.

Court Staff

The National Judicial Staff Services (NJSS) employs the staff of the Courts at Waigani and throughout all the courthouses in the country. Personnel matters of judges and magistrates are handled, in accordance with instructions from the Chief Justice and Chief Magistrate by the NJSS. The Secretary of the NJSS is responsible for the employment and control of all staff of the Courts except Judges' personnel staff.

COURT BUILDING AND MAINTENANCE

Set out below is a Summary of the work in this area.

General Matters

Building and Maintenance of court houses throughout the country remains a major challenge, which has been an on-going concern or issue. Most of the court buildings are old and run down. In 1996 Officers of NJSS started work with the assistance of Frameworks Architects Propriety Limited of Goroka on a NJSS National Building Repair and Maintenance Survey. The Report prepared in 1996 for funding in 1997 covered all Highlands, Mamose and Southern Region Court Houses (except in Southern Highlands Province and a couple of southern region locations and in the Islands Region. The survey is expected to be completed in 1997. The

Executive Government provided no development budget for the judiciary's infrastructure and maintenance since Independence.

In 1996 following on our survey we were committed to carry out the construction and maintenance of the court buildings nation-wide. This will continue into the years to come. In 1996 our Maintenance Bill was over K4 Million.

In 1996 we were unable to even clear twenty percent of this work. If maintenance is not carried out, the buildings will further deteriorate unless a major funding increase is given, we can expect that the Maintenance Bill for work still to be done in 5 years time – 2001 will be in the region of K6 Million to K10 Million.

Daru Court House was opened in 1996. It was built at a cost of K375, 000 . Other major maintenance work was carried out in Popondetta and other provinces.

We are writing to the Governors of each province indicating to them what our plans are for the province with the hope that if they have any plans to assist, then we can work in partnership with them. We will also be writing to major developers in the provinces who are willing to assist us in building court houses.

Gazelle Restoration

Prior to the eruptions of Tarvuvur and Vulcan in 1994 negotiations were proceeding with the East New Britain Provincial Administration to erect a new Court House in Kokopo as it was proposed that the court building next to the Papua New Guinea Banking Corporation in Kokopo would need to be moved. Various sites were proposed including that of the old hospital at Butuwin. Whilst these discussions were taking place the eruptions took place and a temporary court house was built in 1994/95.

A plan for the Kokopo Commercial Business Centre and Ralum Civic Centre was put together for the Gazelle Restoration Authority (GRA) in 1996. The Ralum Civic Centre design included a new court house for Kokopo to replace the temporary buildings erected within the Kokopo Commercial Business Centre. Following on from the Report, a letter was sent to the GRA in 1996 requesting the inclusion of the construction of the new court house in Kokopo, the relocation of the temporary buildings at Kokopo to Rabaul, Palmalmal and Kerevat, and the construction of residences for Judges, Magistrates and Senior court staff in Kokopo in the World Bank funded Project.

Bougainville Restoration

In 1996 the only court house used in Bougainville was the Buka Court House. There was no indication of funding for upgrading of Buka Court House or restoration of other Court Services elsewhere in Bougainville.

Waigani Court Complex

In the Judges Annual Report for 1994 it was reported that a tender for Architectural Design for a new Waigani Court Complex was called. In 1995 the design consultancy was awarded as a joint project to Frameworks Architects Propriety Limited of Goroka and Cox Richardson of Australia.

Work on Stages I, II and III of the Design of the complex is to be completed by 1997.

The projection for the number of Courtrooms required in the National Capital in 2002 is 30 court rooms, in 2010 this is projected to be 40 courtrooms.

At present in the National Capital some Magistrates hear cases in their offices, as there are insufficient courtrooms. In Waigani due to shortage of office space, some courtrooms are

occupied by court staff. The NJSS rents a warehouse at Gordons for additional office and storage space.

Court Reporting

The Court Reporting Project begun in 1995 for the recording of trials in the courts and transcribing of these recordings. This project progressed well into 1997. In 1996 courtrooms 4, 5, 6 and 7 were installed fully with the recording system. It is proposed that this be extended to Mount Hagen, Lae, Goroka and Madang in 1997.

To provide members of the National Parliament with a better understanding of the role of the Court Reporting Service, transcripts are normally produced after an appeal is lodged against a National Court decision. In 1996 not all National Court sittings in Waigani and at other places in Papua New Guinea were recorded and a number of transcripts were still produced using Judges' Notebooks. In addition some Supreme Court hearings were also recorded but these were rarely needed to be transcribed.

However, in addition to providing transcripts one or two months after a hearing (for Appeals from the National Court) daily (or next day) transcripts were provided for all the Leadership Tribunals and for one other Inquiry which did not require Judges or Magistrates. Additional to this, the court reporting service produced transcripts for a number of Conferences and Workshops in 1996.

To provide some information on numbers of transcript pages that were produced on a daily basis. For the Porgera Gold Mine Inquiry – which sat from the 14th October, 1996 to 3th November, 1996 – 1 499 transcript pages at four (4) copies a day were produced on a daily basis. The members of this inquiry panel were mining experts and no Judges or Magistrates were involved. The NJSS court reporting section did recording for this Inquiry at the Port Moresby Travelodge.

It is not possible to produce daily transcripts and also keep up to date with transcripts where Appeals are lodged with the Supreme Court against the National Court due to a shortage of space, the number of staff and a range of related issues.

There is no pool of trained transcript typists in Papua New Guinea who have experience in producing the highly complex transcripts required for court proceedings. To cover basic experience either as a Monitor (recording in Court) or as a transcript Typist a minimum of six (6) months is needed to get up to a reasonable speed. However, for five (5) or more years after that transcript Typists and Monitors will still be upgrading their skill levels.

Each courtroom has a different acoustic situation, this means that volumes for individual microphones are different in each courtroom and at the different locations in each courtroom. In addition Lawyers or Witnesses may have different voice levels which again means a constant attention to the volume whilst it is being recorded. The Monitor is also noting the time each person starts and stops talking and the tape counter number and name of that person.

Transcripts do not necessarily contain correct English – they contain the actual words said, whether grammatically correct or incorrect. In addition if a Latin or legal French phrase or a medical or other scientific term is used, then this must be transcribed exactly. Therefore transcript typists need many years experience before they can be able to produce accurate transcripts.

Development of a Judicial Information System

In 1996 we were considering whether we should purchase the South Australian Judicial Information System. This is a system that will allow us to introduce a fully complete Court

Database of cases. The only limitation is that as the system was designed for use in South Australia and will require expensive and extensive modification to our own needs. As this may cost as much as A\$1 Million (Australian) to set up, we are also considering whether to develop our own database system using our own staff, or with assistance from Auscript

In preparation for the installation of a Local Area Network (LAN), the wiring of the cables commenced in late 1996 and it is expected to continue over into 1997.

CONCLUSION

This is our report for the work of the National Judicial System in 1996. We have done our best to administer justice efficiently within our limits. We are continuously trying to improve on the manner and extent to which we perform our constitutional duties to the people of Papua New Guinea. We will continue to try to improve in 1997 and beyond.

APPENDICES

APPENDIX "A" - *Summary of Matters before the Supreme Court dealt with in 1996.*

APPENDIX "B" - *Summary of Matters before the National Court dealt with in 1996.*

APPENDIX "C" - *Listing of Judges' locations by Provinces.*

APPENDIX "A" - Summary of Matters before the Supreme Court dealt with in 1996.

Supreme Court Civil Appeal Statistics

Year	Total Appeal Registered	Dealt with matters 1996	Total Dealt with	Total Pending
1996	95	14	94	01
Total	95	14	94	01

Supreme Court Civil Reviws Statistics

Year	Total Appeals Registered	Dealt with matters 1996	Total Dealt with	Total Pending
1996	14	04	14	1
Total	14	04	14	1

Supreme Court Civil Motions Statistics

Year	Total Appeals Registered	Dealthwith matters 1996	Total Dealt with	Total Pending
1996	17	04	07	10
Total	17	04	07	1

Supreme Court Civil Applications Statistics

Year	Total Appeals Registered	Dealtwith matters 1996	Total Dealt with	Total Pending
1996	12	08	11	01
Total	12	08	11	01

Supreme Court Criminal Appeal Statistics

Year	Registered	Dealt with	Discontinued/Withdrawn	Pending
1996	098	88	010	-
Total	98	88	10	-

Break-up Pending Supreme Court Criminal Appeals Statistics

No.	Categories	1996	Total
1.	Awaiting 'CR' file & Certificated Transcript.	-	-
2.	Awaiting 'CR' file only	-	-
3.	Awaiting Certified Transcript only	-	-
4.	A/Books being compiled	-	-
5.	Awaiting Directions Hearing	-	-
6.	A/Books awaiting certification	-	-
7.	A/Books to be filed by private lawyers	-	-
8.	Ready for listing	-	-
9.	Stood over to next SC Sitting	-	-
10.	Reserved for Decision/Judgement	-	-
	Total Pending		

Supreme Court Criminal Review Statistics

Year	Registered	Dealth-With	Cancelled/Withdrawn	Pending
1996	34	29	02	03
Total	34	29	02	03

Supreme Court Break-up of Pending Criminal Reviews Statistics

No	Categories	1996	Total
1.	Awaiting CR file & Certified Transcript		
2.	Awaiting CR file only		
3.	Awaiting Certified Transcript only		
4.	Appeal books under compilation		
5.	Awaiting Directions Hearing	01	
6.	Appeal Books awaiting Certification		
7.	Appeal Books to be filed by Private lawyers		
8.	Ready for listing/hearing	02	
9.	Anjourned/Stood over to next Supreme Court sittings		
10.	Reserved for Decision/Judgement.		
	Total Pending	03	03

APPENDIX "B" - Summary of Matters before the National Court dealt with in 1996.**National Court Criminal Statistics 1996**

Total Pending start of 1996	Total cases registered in 1996	BW	Bail	Remand	Dealt with	Total pending at the end of 1996
2037	1526	1272	305	398	1142	2421

National Court Civil Statistics 1996

Item	Pending in 1995	Total registered in 1996	1996 Registered matters total dealt with	1996 Registered matters total pending	Other years dealt with in 1996	All matters Pending in 1996
Civil Appeal	873	283	12	271	38	1106
Criminal Appeal	74	55	6	49	19	104
Wills & Probate		17				
Writ of	2716	1271	126	898	168	3693

