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1. GENERAL

This Annual Report accounts for the operations and performance of the Ministry of Justice (MOJ/Ministry) from 1st January until 31st December, 2016.

1.1 MINISTER OF JUSTICE

Hon. Sione Vuna Fa'otusia, BA, Graduate Studies (IR), LLB, PLT (Practical Legal Training), was the Minister for Justice for the above time-span, was appointed to this Ministerial portfolio 16th December, 2014.

1.2 FUNCTIONS OF THE MINISTRY

- i. The Ministry is responsible for the provision of policy advice on all Justice Sector matters including relevant legislative issues to the Prime Minister and Cabinet. The Minister Chairs the Law Committee and the conduit between Parliament and Government on legislation created or proposed for amendment;
- ii. The Minister is also the “Chief Whip” for Government in the Legislative Assembly;
- iii. The Ministry provides all support services to the judiciary (Court of Appeal, Supreme Court, Magistrates’ Court) and court related functions (Probation and Bailiff divisions);
- iv. The Ministry maintains and operates the national system of civil registration for the people of Tonga (Registrar General’s Office).
- v. It also provides oversight of the independent bodies which: - enforce and implement free and fair elections (Electoral Commission); the Anti-Corruption Commission (which has not been set up as yet) and impartial intermediaries between the public and government, i.e. the Commissioner for Public Relations (Ombudsman’s Office). All these bodies operate independently from Government, but for certain administrative and budgetary matters are linked to the Ministry of Justice.

1.3 COMPOSITION OF THE MINISTRY

The MOJ consists of the Minister of Justice and his Chief Executive Officer, all staff (public servants) in the Minister’s Office, administration division, Registrar General’s Office, Supreme Court, Magistrates’ Court, Bailiff and Probation Division.

2. THE JUDICIARY AND THE OFFICE OF THE LORD CHANCELLOR

Since the amendments to the Constitution in 2010, the Ministry and the Executive Government and Parliament no longer have any contribution into matters relating to advertising, appointment, and financial contracts of members of the judiciary or the operations of the Judiciary. A full transition of administrative functions and human resource allocations (all administrative staff of the courts continue as Public Servants and remain under current legislation, the responsibility of the Chief Executive Officer) and financial matters relating to the operation of the courts have not been affected but continues to be with the Ministry, which holds the annual government budget for such matters. The Lord Chancellor’s Office, does not have a permanent office or staff as yet. Transition to the new Justice system as set up under the Constitutional Amendment of 2010 continues to be developed and progressed by the Minister of Justice, the Lord Chancellor and the Attorney General.

2.1 THE CONSTITUTIONAL AMENDMENTS RELATING TO THE JUDICIARY

“Judiciary” is defined under Clause 84 (2) of the Constitution of Tonga as:

The Judiciary of the Kingdom shall comprise –

- (a) The Lord President of the Court of Appeal and Judges of the Court of Appeal;
- (b) The Lord Chief Justice, who shall be the professional Head of the Judiciary, and Judges of the Supreme Court;
- (c) The Lord President of the Land Court and Judges of the Land Court; and
- (d) The Chief Magistrate and the Magistrates.

The creation of the position of Lord Chancellor under **Clause 83B** of the Constitution of Tonga (as amended) notes the role of the Lord Chancellor as follows:

“83B The Lord Chancellor

- (1) The King in Privy Council, after receiving advice from the Judicial Appointments and Discipline Panel, shall appoint a Lord Chancellor who shall have primary responsibility for:
 - (a) The administration of the courts;
 - (b) All matters related to the Judiciary and its independence;
 - (c) The maintenance of the rule of law; and
 - (d) Such related matters as are specified in this Constitution or any other Act.

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

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

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

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

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

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

“83C Judicial Appointments and Discipline Panel

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

- (a) The Lord Chancellor, who shall be the Chairman;
- (b) The Lord Chief Justice;
- (c) The Attorney General; and
- (d) The Law Lords, being such persons versed in the law as the King from time to time shall so appoint.

(2) The Judicial Appointments and Discipline Panel shall recommend to the King in Privy Council -

- (a) The appointment of eminently qualified persons to the Judiciary, and as Lord Chancellor and to any other office that the King requires;
- (b) The disciplining of members of the Judiciary;

- (c) The dismissal of members of the Judiciary for bad behaviour through gross misconduct or repeated breaches of the Code of Judicial Conduct;
- (d) The remuneration and terms of service of members of the Judiciary;
- (e) A Judicial Pensions Scheme;
- (f) A Code of Judicial Conduct; and
- (g) The appointment of assessors to the Panel of Land Court Assessors

3. THE MINISTRY'S PROGRAMME STRUCTURE

3.1 PROGRAM 1: Leadership, Policy Advice and Programme Administration

To provide quality policy advice to government on the creation, amendments and development of legislation. To provide administrative support services to all the courts in the Kingdom (Court of Appeal, Supreme Court, Magistrates' Courts), including court related services (Bailiff and Probation Division). To manage and administer the civil national registry for the Kingdom and to provide general administrative and oversight services to independent bodies and integrity organisations.

3.2 PROGRAM 2: Judicial Services

To provide staff and administrative services which promote the effective and timely adjudication of disputes and resolution of questions of law in Courts with appropriate jurisdiction.

3.3 PROGRAM 3: Enforcement Services

To provide court services which ensure the effective implementation of court operational procedures, and effective enforcement of Court judgments in all court decisions.

3.4 PROGRAM 4: Civil Registration

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

Table 3.a: The Ministry's Programme Structure with the Respective Sub-programmes and Activities

PROGRAMMES	SUB-PROGRAMMES	ACTIVITIES
1. Leadership, Policy Advice and Programme Administration	1.1. Office of the Minister	1.1.1. Minister's Expenses 1.1.2. Minister's Support Services

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	1.2 Office of the Chief Executive Officer	1.2.1 CEO's Expenses 1.2.2 CEO's Support Services
	1.3 Programme Administration	1.3.1 Administration Support Services 1.3.2 Accounts Services
	1.4 Law Reform	1.4.1 Law Reform Committee Services 1.4.2 Consolidation/ Revision of Laws of Tonga
2. Judicial Services	2.1 Judicial Services Management	2.1.1 Fees and Fines 2.1.2 Direction and Management
	2.2 Privy Council/ Court of Appeal	2.2.1 Appeal Court Judges
	2.3 Supreme Court/ Land Court	2.3.1 Supreme Court Support services 2.3.2 Court Circuits 2.3.3 Law Reports Production
	2.4 Magistrates' Court	2.4.1 Chief Magistrates' Support Services 2.4.2 Magistrates' Court Administrative Services 2.4.3 Magistrates' Court Circuits
3. Enforcement Services	3.1 Bailiff Services	3.1.1 Execution of Process
	3.2 Probation Services	3.2.1 Community Services Order
4. Civil Registration	4.1 Births, Deaths and Marriages	4.1.1 Fees and Charges 4.1.2 Registration Services 4.1.3 Vital Statistics Committee Support

4. ORGANIZATIONAL STRUCTURE

ORGANIZATIONAL STRUCTURE OF THE PUBLIC SERVANTS OF THE MINISTRY OF JUSTICE



5. ESTABLISHMENT

The Ministry's Establishment as of **1 January 2016 – 31 December 2016**

5.1 MINISTER'S OFFICE - Leadership, Legal and Policy Unit

1	Minister of Justice	Hon. Sione Vuna Fa'otusia	TTP
2	Chief Executive Officer	Mele Ikatonga Selisa Tupou Vaitohi	TTP
3	Chief Executive Officer	Susana Ma'ata Faletau	TTP
4	Deputy Secretary	Vaha'i Fefeka Foliaki	TTP
5	Legal Officer	Adi Talanaivini Mafi	TTP
6	Legal Officer	Tevita Fukofuka	TTP
7	Senior Assistant Secretary	Seniloli Kimbu 'Inoke	TTP
8	Personal Assistant (PA) to the Minister	Tungane Faumotu	TTP
9	VIP Driver/ Minister	'Epalahame Mafi Vatuvei	TTP

5.2 CORPORATE SERVICES (Accounts, Human Resources, IT and Support Services)

1	Deputy Secretary	'Akanete Ta'ai Lauti	TTP
2	Assistant Secretary	'Ana H. N. Kakau	TTP
3	Assistant Secretary	'Ana Laulaupea'alu	TTP

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ACCOUNTS UNIT

4	Senior Account Officer	Nai Tonga	TTP
5	Accounting Officer Diplomat	Sesika Afu	TTP
6	Clerk Class I	'Aloma Kauvaka	TTP
7	Computer Assistant	Katrina 'Ana Poloniati Tukuafu	TTP
8	Clerk Grade I	Siutaisa Na'a Helu	TTP
9	Clerk Grade III	Sylvester Tevita Tu'iono	TTP
10	Assistant Secretary	Haitelenisia Mataele	TTP

REGISTRY

11	Clerk Class III	Vacant	TTP
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IT DIVISION

12	System Analyst	Paula Palavilala Latapu	TTP
13	Senior Computer Programmer	Albert Cocker	TTP
14	System Administrator	Siosuia Folau	TTP
15	Computer Operator Grade III	Stella Ngahe Tonga	TTP

MAINTENANCES & DRIVERS

16	Supervisor of Transport	Ika Fa'aoa	TTP
17	Technical Officer	'Amanaki Taukei'aho	TTP
18	VIP Driver	Tevita Vehikite	TTP
19	Driver	Penisini Taufu	TTP
20	Driver	Tevita Funaki	TTP
21	Driver	Folauhola Paea	TTP
22	Housekeeper	Sela Kava Talalima	TTP
23	Cleaner	Masungu Kafoa	TTP

5.3 MAGISTRATES COURT

	MAGISTRATES		
1	Chief Magistrate	Sione Folau Lokotui	TTP
2	Principal Magistrate	Salesi Mafi (Magistrate with Enhanced Jurisdiction)	TTP
3	Principal Magistrate	Paula Tatafu	Vv

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4	Senior Magistrate	Frederick Tuita	TTP
5	Magistrate	Penisimani Ma'u	TTP
6	Magistrate	Manamo'ui Kaufusi	TTP
7	Magistrate	Petelo Soakimi	TTP
8	Senior Magistrate	Similoni Tu'akalau	TTP
	STAFFS		
9	Assistant Secretary	Sateki Afu	TTP
10	Clerk Class I	Makaletē Kaitapu	HP
11	Clerk Class II	Vika 'Osai	TTP
12	Computer Assistant	Satini Palanite Lulotu	TTP
13	Clerk Class II	Katalina Siena Vaoleti Hu'ahulu	Vv
14	Computer Assistant	Salote Lutua Kaufusi	TTP
15	Computer Operator Grade III	'Ilaisaane Fifita	TTP
16	Computer Assistant	'Ofakimuli Fotukava Hasiata	TTP
17	Computer Assistant	Neomai Lavaka	TTP
18	Clerk Class II	Pelenaise Manukeu	TTP
19	Clerk Class III	Seini 'Utoikamanu	Vv
20	Clerk Class III	Roseanna Sophia Lamipeti	Hp
21	Computer Operator Grade III	Uluilakepa Latu	'Eua
22	Computer Assistant	Melaia Fetuani	TTP
23	Computer Assistant	Malia Tonga	TTP
24	Caretaker	Sitalingi Fa'aoa	Vv
25	Caretaker	Makolani Lino Fe'ao	HP

5.4 SUPREME COURT

1	HON. JUDGES		TTP
	Lord Chief Justice, President of the Land Court, President of the Court of Appeal	Justice Owen G. Paulsen	
2	Puisne Judge	Justice Charles Cato	TTP
	STAFFS		
3	Assistant Registrar	Fatima Fonua	TTP
4	Legal Officer	Viliani Folaumahina	TTP
5	Personal Assistant to Lord Chief Justice	Nehusita Tu'uholoaki	TTP
6	Interpreter	Elenoa Takataka	TTP
7	Assistant Court Interpreter	June F. Ropati	TTP

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8	Assistant Court Interpreter	Viliani P. Fotu	TTP
9	Assistant Court Interpreter	'Amipeliasi 'Ahokava	TTP
10	Computer Operator Grade II	Malia Taufa	TTP
11	Computer Operator Grade II	Fololeni Hufanga Vaiangina	TTP
12	Computer Assistant	Melenaite Kaumavae	TTP
13	Computer Assistant	Mele Kulikefu	TTP
14	Clerk Grade II	'Ana Vainikolo	TTP
15	Clerk Grade II	Sivoki Katoa	TTP
16	Clerk Grade III	Salote Veikune	TTP
17	Assistant Court Interpreter	Vacant	TTP

5.5 VITAL STATISTICS (Registrar General's Office)

1	Deputy Secretary	Temaleti Manakovi A. Pahulu	TTP
2	Assistant Secretary	Taniela Takeifanga	TTP
3	Digital Archivist	Liniola Manu	TTP
4	Vital Statistics Officer	Kafo'atu Mafile'o	TTP
5	Computer Assistant	Meleane Nuku Katoa	TTP
6	Clerk Grade II	Lu'isa Paletu'a	TTP
7	Clerk Class III	Falemei Fusimalohi	TTP
8	Vital Statistic Clerk Grade III	Netatua Telefoni	TTP
9	Vital Statistic Clerk Grade III	Siutiti Funaki	TTP
10	Computer Assistant	Nicole Afeaki	TTP
11	Clerk Class III	Simulata 'Ofahengaue	TTP
12	Clerk Class III	Belinda Moala	TTP
13	Vital Statistics Clerk Grade III	Telesia Sangata 'Olie	TTP
14	Clerk Class III	'Asinate Tonga	TTP
15	Clerk Class III	Savieta Paea	TTP

5.6 BAILIFF UNIT

1	Chief Bailiff Officer	Paula Fe'aomoeata	TTP
2	Bailiff Officer Grade I	Mosese Manufekai	TTP
3	Bailiff Officer Grade II	Tau'ili'ili 'Ulupano	Vv
4	Bailiff Officer Grade II	Tevita 'Uluheua	TTP
5	Bailiff Officer Grade III	'Aisea Manumu'a	TTP
6	Bailiff Officer Grade III	Ngaluma'a Latu	TTP

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7	Bailiff Officer Grade III	Acheron Vesitalisi Hala'ufia	TTP
8	Bailiff Officer Grade IV	Loti Petelo	TTP

5.7 PROBATION SERVICES

1	Senior Probation Officer	Henele Telefoni	TTP
2	Probation Officer	Patelesio Pale	TTP
3	Probation Officer Grade I	Tito Kivalu	TTP
4	Probation Officer Grade III	Soane Hupeto Kaitapu	TTP

5.8 DAILY PAID/ CONTRACTED LABOURERS

Full Name	Post	Division	Location	Date of Appointment (Or Re/Appointment)
Kilisimasi , SEKOPE	Watchman	Corporate Services	Fasi moe Afi	May 11 th , 2010
'Ofila, TU'IPULOTU	Watchman	Corporate Services	Fasi moe Afi	November 9 th , 2010
Talaiasi, 'AHONIMA	Watchman	Corporate Services	Fasi moe Afi	April 29 th , 2014.
Sesilia, VUNIPOLA	Clerk Class III	Supreme Court	Nuku'alofa	February 24 th , 2014
'Aisea, VAVE	Clerk Class III	Vital Statistics/RGO	Fasi moe Afi	September 8 th , 2015
Salesi, TAMALE	Watchman	Corporate Services	Fasi moe Afi	January 31 st , 2011
Tiasa, TANGINOA	Driver	Corporate Services	Fasi moe Afi	June 22 nd , 2015
Po'uliva'ati, TAUFAETEAU	Receptionist	RGO	Fasi moe Afi	May 15 th , 2015
Mina, PULE	Assistant Secretary	Corporate Service	Fasi moe Afi	September 8 th , 2015
'Amelia, MANU	Clerk Class III	Vital Statistics	Fasi moe Afi	April 7 th , 2016
'Aunofo, 'AHOLELEI	Assistant Secretary	LLPU	Fasi moe Afi	March 22 nd , 2016
Salome, MOALA	Clerk Class III	Magistrate's Court	Nuku'alofa	January 26 th , 2016
Fakalelu, LOKOTUI	Clerk Class III	Magistrate's Court	Nuku'alofa	October 31 st , 2016
Meleane, TALIA	Clerk Class III	Magistrate's Court	Nuku'alofa	April 7 th , 2016
Po'alo'I, AFUHA'AMANGO	Clerk Class III	Magistrate's Court	Nuku'alofa	April 15 th , 2016
Kalolaine, PALU	Assistant Secretary	Supreme Court	Nuku'alofa	August 1 st , 2016
Kuonga, FULIVAI	Clerk Class III	Supreme Court	Nuku'alofa	May 16 th , 2016
Penelope, MAKA	Cleaner	Supreme Court	Nuku'alofa	March 7 th , 2016
Palu, TUPOU	Clerk Class III	IT Division	Fasi moe Afi	July 18 th , 2016
Mele, HUFANGA	Clerk Class III	Corporate Services	Fasi moe Afi	March 9 th , 2016
Samipeni, MAUMAU	Computer Operator G/ III	IT Division	Fasi moe Afi	April 12 th , 2016

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Tauafu 'Uha, HELU	Clerk Class III	Probation Unit	Fasi moe Afi	July 25 th , 2016
Tevita, SILATOLU	Clerk Class III	Bailiff Division	Fasi moe Afi	July 28 th , 2016
Henele, MINITI	Driver	Corporate Services	Fasi moe Afi	July 12 th , 2016
Duncan, TU'ITAKAU	Driver	Corporate Services	Fasi moe Afi	April 7 th , 2016
Lisiate, FAKALELU	Watchman	Corporate Services	Fasi moe Afi	March 7 th , 2016

6. STAFF MATTERS

6.1 NEW APPOINTMENTS

New appointments were made from 1 January – 31 December, 2016 and are as follows:

- **Savieti Paea** and **'Asinate Tonga**, daily paid Clerk Class III were appointed to the position of Clerk Class III (RGO) (Registry and Administration) on 15 January 2016.
- **Melaia Fetuani**, daily paid labourer, was appointed to the position of Computer Assistant, Magistrates' Court on 19 February, 2016.
- **Sangata Telesia 'Olie**, daily paid Clerk Class III was appointed to the position of Vital Statistics Clerk Class III on 26 February 2016.
- **'Ana Laulaupea'alu**, daily paid Assistant Secretary was appointed to the position of Assistant Secretary on 31 March 2016.
- **Taniela Takeifanga**, daily paid Assistant Secretary was appointed to the position of Assistant Secretary (RGO) on 15 April 2016.
- **Haitelenisia Mataele** was appointed to the position of Assistant Secretary/ Accounts Division on 2nd September, 2016.
- **Susana Ma'ata Faletau** was appointed as Chief Executive Officer for the Ministry of Justice with effect from 16th December 2016.

Appointment to the Judiciary

- **Similoni Tu'akalau**, Registrar of the Supreme Court was appointed to the position of Senior Magistrate effective on the 1st September, 2016 and for a period of five (5) years. He sworn the Oath of Allegiance and Official Oath before the Lord Chancellor (Mr. Harry Waalkens K.C.) and in the presence of Chief Police Magistrate Folau Lokotui on the 6th October, 2016.

6.2 RE-APPOINTMENTS

- There were no re-appointments within the reporting period.

6.3 PROMOTIONS

The following promotions were made within the reporting period.

- **Mele Kafo'atu Mafile'o**, Assistant Vital Statistics Officer was promoted to the position of Vital Statistics Officer; **Albert Cocker**, Computer Programmer was promoted to the position of Senior Computer Programmer; **'Aisea Manumu'a**, Bailiff Officer Grade III was promoted to the position of Bailiff Officer Grade II; **'Amipeliasi 'Ahokava**, Computer Assistant was promoted to the position of Assistant Court Interpreter; all on the same date as of 19 February, 2016.
- **Pelenaise Manukeu**, Clerk Class III was promoted to the position of Clerk Class II (Magistrates Court) on 18 March, 2016.
- **Nai Tonga**, Assistant Secretary was promoted to the position of Senior Accounting Officer on 31 March, 2016.
- **Katalina Hu'ahulu** and **Makalete Kaitapu**, Clerk Class II, promoted to two (2) positions of Clerk Class I in the Ministry on 31 March, 2016.

6.4 RETURNING SCHOLARS

- **Sesilia 'Umukisia Vunipola**, Daily paid Clerk Class III and **'Ana Lutua Laulaupea'alu**, Assistant Secretary, were approved by the Secretary for Justice to attend the Postgraduate Diploma in Legal Practice (PDLP) Short Term Attachment at the University of the South Pacific, Suva, Fiji commenced on Monday 11 July to Friday 9 December, 2016 (22 weeks).

6.5 MINISTRY'S SCHOLARSHIP HOLDER - 2016

- The Ministry had no scholarship holder for the reporting year.

6.6 TRANSFERS

- **Stella Ngahe Tonga**, Computer Operator Grade III, was transferred and promoted to the position of Revenue Officer, Ministry of Revenue and Customs on 31 March 2016.

6.7 RE-LOCATION & RE-DESIGNATION OF POSTS

- There were no re-location and re-designation of posts during the reporting period.

6.8 RE-DEPLOYMENT

- **Paula Latapu**, System Analyst was transferred and promoted to the position of System Analyst of MEIDECC on 23 September 2016.
- **Salote Koloamatangi**, Assistant Legal Officer was re-deployed to the MAFFF with effect on 4 January, 2016.

6.9 EXIT FROM THE SERVICE THROUGH RETIREMENT, RESIGNATION, DISMISSAL AND MEDICAL GROUNDS

- **Sesilia Vunipola**, resigned from her position of Daily Paid Clerk Class III in June 2016 to pursue a Professional Diploma in Legal Practice on a government scholarship at the University of the South Pacific in Suva, Fiji.
- **Acheron Vestalis Hala'ufia**, Bailiff Officer Grade III resigned from the service with effect from 1 August 2016.
- **Hupeto Kaitapu**, Probation Officer Grade III, resigned from the service with effect from 29 July, 2016.
- **Mele Tupou Vaitohi**, the Chief Executive Officer & Secretary for Justice, resigned from the service with effect from 19 September, 2016.
- **Neomai Lavaka**, Computer Assistant resigned from the Public Service with effect from 28 October, 2016.
- **Magistrate Pita Soakimi**, resigned from the service with effect on 31 August, 2016.
- **Caroline Palu**, resigned from her position of Daily Paid Assistant Secretary in December 2016 to also pursue a Professional Diploma in Legal Practice on a government scholarship at the University of the South Pacific in Suva, Fiji.

6.10 OVERSEAS MEETINGS, CONFERENCES, WORKSHOPS & TRAININGS

The following officers attended various forums during the reporting period (1 January 2016 – 31 December 2016) on official duties.

Name	Post	Purpose	Date	Venue	Funded By
Pita Vuki	Supervisor of Elections	Pacific Islands Forum's Observer Mission to observe the 2016 Vanuatu General Election.	12 – 25 January	Vanuatu	Forum Secretariat

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		Pacific Regional Consultation on Women's Political Empowerment and Leadership	13 -15 September	Nadi, Fiji	All covered by the organizer
Temaleti Manakovi Pahulu	Deputy Secretary/ Registrar General's Office	Pacific Islands Regional Meeting on Civil Registration and Vital Statistics	22 – 25 February	Noumea, New Caledonia	UNICEF
Mele Tupou Vaitohi	Secretary for Justice/ Chief Executive Officer	To speak at the Integration and International Dispute Resolution in Small Island States Conference	19 -20 May	London, UK	Center for Small States, Queen Mary University of London
		As the Prime Minister's Fellow from Tonga to New Zealand	22 – 29 June	New Zealand	New Zealand Government
Hon. Sione Vuna Fa'otusia	Hon. Minister of Justice	To represent Tonga at the First World Humanitarian	23 – 24 May	Istanbul, Republic of Turkey	
'Akanete Ta'ai Lauti	Deputy Secretary – Corporate Services	Regional Consultation on Gender and the Law	6 – 10 June	Nadi, Fiji	Secretariat
Tevita Fukofuka	Legal Officer	Judicial Training Strategies on Cyber-crime and electronic evidence	11 – 13 April	Johannesburg, Africa	Council of Europe
		2016 Pacific Islands Leadership Program with Taiwan (PILP)	8 August – 27 October	Honolulu, Hawaii & Taipei, Taiwan	East-West Centre and the Institute of Diplomacy and International Affairs (IDIA) of the Ministry of Foreign Affairs, Taiwan.
Adi Talanaivini Mafi	Legal Officer	Council of Europe advanced judicial training on cybercrime and electronic evidence	31 August – 2 September	Colombo, Sri Lanka	Council of Europe

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		Closing of GLACY and launching of GLACY+	26 – 28 October	Bucharest, Romania	Council of Europe
		Cybercrime Convention Committee (T-CY) 16 th Plenary & Octopus Annual Conference on Cooperation against Cybercrime	14 – 15; 16 – 18 November	Council of Europe Offices, Strasbourg, France	Council of Europe
Tito Faupula Kivalu	Probation Officer	Responses and prevention of violence against Women and girls	11 – 19 August	Warwick Resort, Singatoka, Fiji	Fiji Women’s Crisis Centre (FWCC)
Paula Latapu	System Analyst/ IT Division	CyFy 2016: India Conference on Cyber Security and Internet Governance	28 – 30 September	New Delhi, India	Council of Europe
Lady Fatima Fonua	Assistant Registrar	First PJSI Initiative Executive Committee (IEC) Meeting	10 September	Port Moresby, Papua New Guinea	Federal Court of Australia
		PJSI Leadership workshop	23 – 24 February	Auckland, New Zealand	PJDP
Vaha’l Fefeka Foliaki	Deputy Secretary, Legal & Policy Unit	Annual meeting of the Pacific Islands Law Officers’ Network (PILON)	25 – 28 October	Pohnpei, Federal States of Micronesia	PILON

7. LEADERSHIP, LEGAL AND POLICY UNIT (LLPU)

7.1 CABINET SUBMISSIONS – POLICY & LEGISLATIVE PROPOSALS

The LLPU supporting staffs assisted the CEO (and the Acting CEOs) and finally the Hon. Minister, in drafting and preparing of the Ministry’s Cabinet Submissions as set out in the table below, including the relevant recommendations for policy and legislative amendments and the Cabinet Decisions (CD) whereby the Ministry’s recommendation were approved (or otherwise), and other relevant particulars.

POLICY PAPERS PRODUCED BY THE LEADERSHIP, LEGAL & POLICY UNIT (LLPU)

Subject Matters:

1. Proposed Amendments to the Nationality (Re-admission) Regulations 2007 (January 14th, 2016);
2. Amendment to the Police Act 2010 (14th January, 2016);

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3. Re: Launching the Process of developing a Cabinet Submission (4th February, 2016);
4. Request that Ministry of Justice's Bailiff Division take over the premises currently occupied by the Office of the Commissioner for Public Relations upon their relocation to a new office (12th February, 2016);
5. Termination of Lease No. 5103 – Tonga Communications Corporation at 'Atele (Ha'ateiho) (29th February, 2016);
6. Recommendations in the First Report of the Remuneration Authority in respect of the Magistrates (7th April, 2016);
7. Request that the Ministry of Police, Prisons and Fire Services use the remains of the Ha'apai Justice Building after Cyclone Ian to refurbish "Fale'one", Ha'apai Prison Premises (9th May, 2016);
8. Proposal for participation of Lord Chief Justice, Owen G. Paulsen in CMJA 2016 Conference "The Judiciary as Guarantors of the Rule of Law?" (10th May, 2016);
9. Civil Jury Trials (1st June 2016);
10. Returning and Assistant Returning Officers for the District and Town Officers Election, 2016 (24th June, 2016);
11. Proposed amendments to the Anti-Corruption Commissioner Act 2007 and the Commissioner for Public Relations Act 2001 (5th July, 2016);
12. The Use of the Referendum in National Politics (27th July, 2016);
13. Proposed amendments to the Public Service Act, section 13 (2) and section 20 (Candidacy for Legislative Assembly, town officer or district officer) (29th July, 2016);
14. Proposed Amendments to the Tonga Police Act 2010 (17th August, 2016);
15. Request to rescind CD No. 490 of 13th May 2016, and for Ministry of Justice to rebuild the remains of the Ha'apai Justice Building after Cyclone Ian and to protect and conserve the historic heritage of the building (24th August, 2016);
16. The use of Referendum in National Politics (15th September, 2016);
17. Review of the Pacific Games Organization Act 2013 (20th October, 2016);
18. Review of the legal provisions relating to CEOs under the Public Service Act 2002 (as amended) (20th October, 2016);
19. Review of the Constitution, Clause 8 (Freedom of Petition) (26th October, 2016);
20. Policy amendment to contract period of appointments for CEOs under the Public Service Act 2002 (as amended) (8th November, 2016);
21. Review of Government's Criminal Justice Policy (28th November, 2016).

7.2 ADMINISTRATIVE BRIEFINGS/ WORK CARRIED OUT BY LLPU SUPPORTING STAFF

- i. Briefings for the CEO and finally the Hon. Minister concerning certain matters:

In January – March, 2016:

- Views of the members of the Judiciary concerning the proposed alternate sentences of “boot camp” and “mandatory fines” to be imposed by Courts.
- Status of MOJ’s vehicle purchased from Super Cheap Company (that purportedly became bankrupt) but the vehicle turned out to be faulty & damaged – Super Cheap being in breach of sale & purchase agreement in 2015 with MOJ.
- Advice Minister concerning arguments for and against the removal of corroboration for sexual offences.
- Matters (raised in a workshop, facilitated by AGO & Medical Dental Practice Board) concerning proposed amendments to the *Medical and Dental Practice Act & Regulations* and related issues.
- Issues concerning the direct application of the Constitutional provision re: “Same law for all classes” in Tonga, as stipulated by clause 4 of the *Constitution*.
- what laws covering the issue of whose responsibility in the cutting down of trees & bushes that are encroaching onto the public roads – relevant laws identified: *Town Regulations Act, section 9*, and *Public Health Act, section 86*.
- issue as to whether or not the Attorney General had lawful powers (under the *Illicit Drugs Control Act, s 32*) to send some 200 kilos of cocaine drugs to be destroyed in Australia without a Court Order to that effect (i.e., concerning a reply letter to the Minister from the Acting Attorney General in relation to the cocaine drugs that were seized by Police from a yacht being aground in Vava’u in 2012).
- Concerns raised by lawyer Sione T. Fonua (with the Minister) about needs to amend the *Electoral Act 1989, etc.*
- Issues concerning proposed amendments to the *Public Service Act, section 20* (relating to the public servants’ candidacy for election to the Legislative Assembly), and then amendment to *section 13(2)* (relating to appointment of CEOs to be with *the approval of the relevant Minister*), etc.
- Policy advice & comments on the Lord Chief Justice’s paper of directions, titled “Guidance for Unrepresented Litigants” (i.e. for matters to be observed by MOJ staff concerning help they should provide to litigants who have no lawyers – unrepresented – in Court).

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- Preparing & drafting a draft Constitution for the MOJ's Social Committee – an initial draft Constitution was submitted to CEO & HOD meeting on 29/2/2016; then some amended drafts of that Constitution were submitted & endorsed by CEO and in HOD meetings in March & April 2016.

In April – June 2016:

- finalizing & amalgamating of Cabinet paper – re proposed amendments to the *Public Service Act, sections 13(2) & 20* – that culminated in approvals by CEO and Minister, in a Cabinet Submission dated 29 July 2016 and then in relevant Cabinet approval as per CD No. 907 of 26th August 2016.
- Briefing on CEO's directions & research results concerning the integration issues of Small Islands Development States.
- Briefings for CEO & Minister on research outcome concerning humanitarian issues shared among Pacific Islands countries (esp. on Natural Disasters & Climate Change) and what the Tonga Govt. had done to address those matters – these were briefings for Hon Minister before his travel to Turkey to attend the "World Humanitarian Summit" in Istanbul/Turkey.
- Points concerning the Director of Public Prosecutions (DPP) offices respectively in Vanuatu, PNG, Solomon Islands, and Fiji – as required by CEO for her preparations of Tonga Expert Panel Report to be submitted to Cabinet, etc.
- Researched & facilitated information concerning "royal assent" issues and the veto power of the King or Head of State.
- Briefing for Minister on the legal implications of a policy direction that would ensure the Minister of Police is duly consulted on matters relating to police investigations.

In July – September, 2016:

- Reached & briefing for Minister on issues concerning the legal implications of Transfer of a lease and Sublease.
- reports to Minister on matters of concern raised by Chinese Ambassador about a gun-robbery defendant, H. Lopeti, being released on bail by Court; investigation conducted including appearance in Court & noted the defendant's court cases, etc.;
- Drafted MOU between MOJ and Vava'u Governor's Office - to use their VIP vehicles for Sup Court Judges during their Court circuits to Vava'u.
- Researched & assisted CEO in drafting proposed amendments to the Tonga Police Act, sections 10, 14, 18, 20 and 26.

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- Brief for Minister requesting approval for advancements of Magistrate P. Ma'u's travel to Sri Lanka.
- Researched & wrote a brief for CEO on issues as to whether the Petroleum Act's provisions can be used by the Fire Services in taking legal actions against Gas suppliers in Touliki, etc.
- Brief for Minister on Legal Policy Development Course and Training on 6-7 Sept 2016 in which 'Aunofu participated.

In October – December, 2016:

- legal points under Australian relevant legislation concerning the appointment of the Australian Public Service Commissioner;
- update on the Electoral Law Review Report (on all election related legislation, including the Constitution, by legal consultant Mr L McGrath) and the relevant CD No. 1285 of 13th Nov 2015 in which Cabinet approved the Ministry's proposed amendments to the *District and Town Officers Act / District and Town Officers (Election) Regulations, etc.*;
- Minister's meeting papers for his participation in the Law Minister's meeting to be held in London;
- findings from legal research on referendum provisions in the Constitutions of different neighbouring countries;
- issues on a paper titled "Children in the Tongan Criminal Justice System – Calling for a more restorative approach" – matters to be taken up with the Judiciary;
- matters concerning Parliamentary resolutions;
- proposal by RRRT (from Suva, Fiji) on a "Access to Justice" project – ahead of a meeting with RRRT personnel that was held on 15/12/2016;
- applications (from LLPU staff, Vaha'i & Vini) for overseas travels to participate in meetings & legal trainings/workshops;
- issues concerning request by Bailiff officers to go to Vava'u for execution of a Court order & Distress Warrant in there;
- issues concerning a request of Seniloli (from USP, Fiji) to use the Ministry's Cabinet Submissions & related Cabinet Decisions in his dissertation project;
- update matters concerning Chinese/Cantonese translator for Court hearings;
- Proposed workshop conducted by LLPU for Magistrates – to be held during the Court vacation in December 2016, & request funding for the proposed workshop.

8. FINANCE

8.1 TOTAL BUDGET (expenditure and revenue collection)

8.1.1 Statement for Financial Year 2015/2016

The 2015/16 Financial Estimates was \$4,561,400.00 for expenditure. This was an increase in the Ministry's overall budget by 23.66% in comparison to FY2014/2015.

The total granted for Non Operational costs was \$2,957,700.00 (an increase of 11.44% from last year's FY 2014/2015).

The total granted for Operational costs was \$1,603,700.00 (an Increase of 54.99% from last year's FY 2014/2015).

The total of \$2,957,700.00 (65% of the annual budget) was for salary and salary related expenditure with 35% assigned as operational expenditure.

There was an increase in the projected forecast of \$900,000.00 which is 3% of revenue collection from last Financial Year 2014/2015.

8.1.2 Statement for Financial Year 2016/2017

The 2016/17 Financial Estimates was \$5,156,200.00 for expenditure. This was an increase in the Ministry's overall budget by 13.04% in comparison to FY2015/2016.

The total granted for Non Operational costs was \$3,188,600.00 (an increase of 7.80% from last year's FY 2015/2016).

The total granted for Operational costs was \$1,967,600.00 (an Increase of 22.69% from last year's FY 2015/2016).

The total of \$3,188,600.00 (62% of the annual budget) was for salary and salary related expenditure with 38% assigned as operational expenditure.

There was an increase in the projected forecast of \$1,050,000.00 revenue collection with 17% from last Financial Year 2015/2016.

8.2 STATEMENT FOR JANUARY – DECEMBER 2016

From January to June 2015 \$1,446,545.92 was used for salary and salary related expenditure and \$1,412,473.22 from July to December totaling \$2,859,019.14 for the year.

The Ministry used \$1,345,486.15 as expenditure from January to June 2016 and \$671,989.72 from July to

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December 2016 for a total of \$2,017,475.87 for the year.

Total revenue collected from January to June 2016 was \$542,283.40 which was more than the Ministry's target of \$460,269.00 for that period. \$536,893.99 was collected as revenue from July to December 2016 which was again more than the Ministry's target of \$488,023.00 for that period. Overall the Ministry collected revenue of \$1,079,177.39 in the year 2016 which was more than the Ministry's target of \$948,292.00.

The Ministry successfully collected the total revenue for the year 2016 and even collected more within the period. The Ministry of Finance has stated that it is difficult to predict the exact revenue collected from the Courts and the Registrar General's Office. Revenue depends on the number of cases, monetary sentences handed out by the Courts, and application fees. Court fees are reasonably priced in the public's interests and access to justice. The same can be said with the certificates issued by the Registrar General's Office. The court fees are inexpensive so that everyone can pay for their expenses. The same goes with the registration that have been released, for instance, the students need their birth certificates to register themselves for school.

For these reasons, the Ministry will not be surprised if the estimated total amount of Revenue is more than what is expected by the Ministry of Finance.

Revenue Collected from 1st January 2016 - 31st December 2016

i.	Selling Law Materials	\$11,463.13
ii	Court Fees	\$152,166.55
iii	Fines and charges	\$534,241.42
iv	Registration Fees	\$362,689.71
V	Marriage and Divorce Fees	\$18,616.58
Vi	Mediation Fees	-
	Total	1,079,177.39

The sources of income for the Ministry were collected from Court Fees, Court Charges that are levied by Judges/Magistrates and Registration Fees which includes birth registration fees, death registration fees, marriage registration fees, late registration fees, foreign birth registration fees, change of name fees and the like, which are issued by the Registrar General's Office.

A Summary Statement of Expenditure relating to Operational Fund, as shown in the table below:-

MAJOR OPERATIONS DONE FROM JANUARY – DECEMBER, 2016

OPERATIONS	COST OF OPERATION	MONEY ALREADY PAID
Major Operation done from January – June 2016		
Install wall along the fence at Magistrate Court	\$12,319.00	\$12,319.00
Install 3 rooms at Vital Statistic Division	\$11,100.00	\$11,100.00
Digital Automatic sound and Recording system for Supreme Court	\$47,380.00	\$47,380.00

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Renew and Renovate Judges and Female Toilet at Supreme Court	\$25,500.00	\$25,500.00
New Toyota Hilux for Bailiff Division	\$79,041.00	\$79,041.00
Fingerprint Attendance Machine (8 Machine for Vava'u,Ha'apai,'Eua and Tongatapu)	\$12,522.44	\$12,522.44
Purchase of new computers (29 Computers)	\$53,490.00	\$53,490.00
Purchase of Laptop (6 Laptop)	\$13,440.00	\$13,440.00
Renew and Renovate roof of Bailiff Office beside Supreme Court	\$19,937.59	\$19,937.59
Build 2 carport for LCJ & Cato	\$14,198.97	\$14,198.97
Court of Appeal (March session 2016)	\$127,676.61	\$127,676.61
Supreme Court Circuit to VV and Ha'apai	\$10,004.00	\$10,004.00
Allowance for Residence Court of Appeal	\$25,215.00	\$25,215.00
JADP Meeting (Harry Waalken)	\$19,579.23	\$19,579.23
Purchase of Photocopy Machine for Vava'u and Magistrate (TT)	\$13,952.90	\$13,952.90
Print of Tonga Law Report (1998,2000,2004,2006,2008,2011)	\$9,539.79	\$9,539.79
Mowing and Cleaning of outside area at Fasi Office	\$9,600.00	\$9,600.00
Magistrate Court Circuit to 'Eua and Ha'apai	\$9,994.00	\$9,994.00
Install new Air condition at MOJ office	\$8,288.85	\$8,288.85
Justice Scott Accommodation and Airticket	\$7,736.00	\$7,736.00
Construct a partition at Vital Statistic Division	\$5,910.00	\$5,910.00
Coronation chairs for office use (30 TT, 20VV)	\$5,350.00	\$5,350.00
Fixed roof at Supreme Court	\$5,500.00	\$5,500.00
Chief Justice Paulsen salary	\$300,000.00	\$300,000.00
Donor Fund		
Justice Cato Salary	\$230,629.60	\$230,629.60
Part Time Judges – Justice Scott	\$28,500.00	\$28,500.00
TOTAL	\$1,106,404.98	\$1,106,404.98
Major Operation done from July – December, 2016		
Painting of Head Office (Fasi)	\$123,105.75	\$123,105.75
Air condition for Vava'u and RGO office (TT)	\$38,964.96	\$38,964.96
Purchase of Blank Birth, Death & Marriage Certificate (50,423 Birth,20,000 Death & Marriage)	\$48,591.87	\$48,591.87

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Return ticket and periderm Hon. Minister to London	\$24,959.00	\$24,959.00
Fixing of roof and leak gutter at Supreme Court Hallway	\$5,500.00	\$5,500.00
PA system for Vava'u Court	\$5,330.14	\$5,330.14
Honorarium fees for Justice of Peace	\$18,000.00	\$18,000.00
JADP Meeting (Harry Waalken)	\$9,555.74	\$9,555.74
Court of Appeal	\$120,647.00	\$120,647.00
Supreme Court Circuit to Vava'u	\$26,196.00	\$26,196.00
Magistrate Court circuit to 'Eua & Ha'apai	\$7,828.00	\$7,828.00
Allowance for Resident Court of Appeal	\$32,400.00	\$32,400.00
Security Services	\$7,038.00	\$7,038.00
Chief Justice Paulsen's salary	\$315,000.00	\$315,000.00
Donor Fund		
Justice Cato's salary	\$295,834.92	\$295,834.92
Part time Judge – justice Scott	\$30,000.00	30,000.00
TOTAL	1,108,951.38	1,108,951.38

The total granted for non-operational cost is not explained in detail here but it is clear that the allowances of positions operated in the Ministry was fully funded and were paid.

9. SUPERIOR COURTS OF TONGA

9.1 INTRODUCTION

This report is for the period commencing 1 January 2016 to 31 December 2016. It covers the work of the superior courts of Tonga namely the Court of Appeal, Land Court and Supreme Court. It also covers the work of the Magistrates Court and is the first combined report of all the courts of Tonga.

It also covers a report on the Pacific Judicial Strengthening Initiative (PJSI) as well as the Judicial Pacific Participation Fund (JPPF) who continues to fund training and mentoring opportunities to both the judicial and court officers of Tonga.

9.2 STAFF OF THE COURTS

Below is a list of the Judicial Officers and the supporting staff /court officers of the Courts of Tonga for this reporting year:

9.2.1 JUDICIAL OFFICERS

	TITLE/POSITION	NAME
1.	Lord Chief Justice and Lord President of the Court of Appeal and the Land Court	Mr. Owen G. Paulsen
2.	Vice President of the Court of Appeal	Mr. Michael Moore
3.	Judge of the Court of Appeal	Sir Peter Blanchard
4.	Judge of the Court of Appeal	Mr. Kenneth Handley
5.	Judge of the Court of Appeal	Mr. Rodney Hansen
6.	Resident Judge of the Court of Appeal	Lord Tevita Tupou
7.	Judge of the Supreme Court and Land Court	Mr. Charles B. Cato
8.	Part-time Judge of the Supreme Court and Land Court	Mr. Michael D. Scott
9.	Chief Magistrate	Mr. Sione F. Lokotui
10.	Principal Magistrate	Mr. Salesi Mafi
11.	Principal Magistrate	Mr. Paula P. Tatafu
12.	Senior Magistrate	Mr. Frederick Tuita
13.	Senior Magistrate	Mr. Similoni Tu'akalau
14.	Magistrate	Mr. Pita Soakimi
15.	Magistrate	Mr. Manamo'ui Kaufusi
16.	Magistrate	Mr. Penisimani Ma'u

9.2.2 END OF TENURE IN OFFICE

Mr. Pita Soakimi's tenure in office as a Magistrate of the Magistrate Court of Tonga came to an end on the 31st August, 2016. We thank Mr. Soakimi for his services to the Judiciary of Tonga and wish him well in all his future endeavours.

9.2.3 PROMOTION/NEW RECRUITMENT

Mr. Similoni Tu'akalau was promoted from the position of Registrar of the Supreme Court and joined the Magistrates Court as a Senior Magistrate with effect from 21 September 2016.

9.2.4 COURT OFFICERS/ SUPPORTING STAFF

The following are the permanent staff of the courts:

	TITLE/POSITION	NAME	COURT
1.	Acting Registrar	Ms. Fatima Fonua	Superior courts
2.	Legal Officer	Mr. Viliami Folaumahina	Superior courts
3.	Legal Officer	Mr. Tevita Fukofuka	Superior courts
4.	Assistant Secretary	Mr. Sateki Afu	Magistrates court
5.	Personal Assistant to the Lord Chief Justice	Mrs. Nehusita Tu'uholoaki	Superior courts
6.	Interpreter	Mrs. 'Elenoa Takataka	Superior courts
7.	Assistant Interpreter	Mr. Viliami Fotu	Superior courts
8.	Assistant Interpreter	Ms. June Ropati	Superior courts
9.	Assistant Interpreter	Mr. 'Amipeliasi 'Ahokava	Superior courts
10.	Computer Operator Grade II	Mrs. Malia Taufu	Superior courts
11.	Computer Operator Grade II	Mrs. Fololeni Vaiangina	Superior courts
12.	Computer Operator Grade II	Ms. Salote Kaufusi	Magistrates court
13.	Computer Operator Grade III	Mrs. 'Ilaisaane Fifita	Magistrates court
14.	Computer Operator Grade III	Mr. Sione 'Alohako	Magistrates court
15.	Computer Operator Grade III	Mrs. 'Ofa Hasiata	Magistrates court
16.	Computer Operator Grade III	Mr. Ului Latu	Magistrates court ('Eua)
17.	Computer Assistant	Mrs. Mele Kulikeyu	Superior courts
18.	Computer Assistant	Mrs. Satini Laulotu	Magistrates court
19.	Computer Assistant	Mrs. Melenaite Kaumavae	Superior courts
20.	Computer Assistant	Mrs. Malia Tonga	Magistrates court
21.	Computer Assistant	Mrs. Neo Lavaka	Magistrates court
22.	Computer Assistant	Ms. Melaia Fetuani	Magistrates court
23.	Clerk Class I	Mrs. Katalina Siena Hu'ahulu	Magistrates court (Vava'u)
24.	Clerk Class I	Ms. Makalete Kaitapu	Magistrates court (Ha'apai)
25.	Clerk Class II	Ms. Vika 'Osai	Magistrates court
26.	Clerk Class II	Mrs. 'Ana Vainikolo	Superior courts
27.	Clerk Class II	Ms. Sivoki Katoa	Superior courts
28.	Clerk Class III	Ms. Salote Veikune	Superior courts
29.	Clerk Class III	Ms. Pelenaise Manukeu	Magistrates court
30.	Clerk Class III	Mrs. Seini 'Utoikamanu Tutoe	Magistrate court (Vava'u)
31.	Clerk Class III	Ms. Roseanne Sophia Lamipeti	Magistrates court (Ha'apai)
32.	Cleaner	Mr. Masungu Kafoa	Superior courts

The following are daily paid staff of the courts:

	TITLE/POSITION	NAME	COURT
1.	Assistant Secretary	Ms. Mina Pule	Superior courts
2.	Assistant Secretary	Ms. Caroline Palu	Superior courts
3.	Clerk Class III	Mr. Kuonga Fulivai	Superior courts
4.	Clerk Class III	Ms. Salome Moala	Magistrates court
5.	Clerk Class III	Ms. Meleane Talia	Magistrates court
6.	Clerk Class III	Ms. Po'alo'i Afuha'amango	Magistrates court
7.	Clerk Class III	Mrs. Sela 'Otumuli	Magistrates court (Vava'u)
8.	Clerk Class III	Ms. Sesilia Vunipola	Superior courts
8.	Cleaner	Mrs. Penelope Maka	Superior courts

This reporting year saw a significant fluctuation in the staffing of the superior courts with internal transfers within the Ministry to cater for the limited number of staff in various divisions of the Ministry.

9.2.5 PROMOTION

The following officers were promoted during this reporting period:

- **Mr. 'Amipeliasi 'Ahokava** was promoted from the position of Computer Assistant to Assistant Interpreter with effect from February 2016.

9.2.6 RESIGNATION

The following officers resigned during this reporting period:

- **Ms. Sesilia Vunipola** resigned from her position of Daily Paid Clerk Class III in June 2016 to pursue a Professional Diploma in Legal Practice on a government scholarship at the University of the South Pacific in Suva, Fiji.
- **Ms. Caroline Palu** resigned from her position of Daily Paid Assistant Secretary in December 2016 to also pursue a Professional Diploma in Legal Practice on a government scholarship at the University of the South Pacific in Suva, Fiji.
- **Mrs. Neo Lavaka** resigned from her position as Computer Assistant on 28 October 2016.

9.2.7 NEW RECRUITMENT

The following officers were recruited during the reporting period:

- **Ms. Salome Moala** an LLB graduated from China joined the Magistrate Court as a daily paid labourer on 26 January 2016.
- **Ms. Meleane Talia** joined the Magistrate as a daily paid labourer assisting in the Traffic Fines Division on 7 April 2016.
- **Ms. Po'alo'i Afuha'amango** joined the Magistrate Court as a daily paid labourer assisting in the Traffic Fines Division on 15 April 2016.
- **Mr. Kuonga Fulivai**, joined the Supreme Court as a Daily Paid Clerk Class III with effect from May 2016.
- **Ms. Fakalelu Lokotui** joined the Magistrate Court as a daily paid labourer assisting in clerical duties of the Magistrate Court on 31 October 2016.

9.2.8 TRANSFER

During this reporting period, the following officers were transferred to other Divisions of the Ministry at the direction of the Chief Executive Officer:

- **Ms. Mina Pule** was transferred to the Corporate Division of the Ministry with effect from June 2016.

- **Mr. Masungu Kafoa** was transferred to the Head Office and Ms. Penelope Maka joined the superior courts as the new cleaner with effect from August 2016.
- **Mrs. Simulata 'Ofahengaue** was transferred from the Supreme Court to the Magistrates Court with effect from March 2016.

9.2.9 TERMINATION OF EMPLOYMENT

- **Mr. Sione 'Ahohako's** employment with the Ministry was terminated on 11 November 2016 when he was convicted and sentenced to a term of imprisonment by the Supreme Court.

9.2.10 VOLUNTEER

- **Ms. Emma Thorsen** also joined the Supreme Court as an AVID volunteer in the position of a Judge's Clerk for a term of 8 months from March through to November 2016. Ms. Thorsen carried out legal research that assisted with many judgments issued by the Supreme Court and Land Court. She also assisted in the development of new policies and templates that are currently in place and are used by the Supreme Court. Ms. Thorsen also developed a valuable Judge's Clerk handbook which outlines the duties of a Judge's Clerk and are currently used by the Legal Officers of the courts.

9.2.11 AVERAGE NUMBER OF CASES PER STAFF MEMBER

In the superior courts the number of court registry staff that is involved in a case from filing to finalization in this reporting period is 16. Hence the average number of cases per staff member of the Superior Courts in this reporting period was 56.

In the Magistrates courts the number of court registry staff that is involved in a case from filing to finalization in this reporting period is 21. Hence the average number of cases per staff member of the Magistrate Courts is 827.

9.2.12 COMPLAINT HANDLING AND FEEDBACK

During this reporting period, there were two complaints received against judicial officers of which were dealt with by the Judicial and Disciplinary Panel.

There were 0 complaints received against any court officer.

9.3 TRANSPARENCY AND COURT SERVICES INFORMATION

9.3.1 TONGA LAW REPORTS

The latest compiled Tonga Law Reports is 2015 which is now available at the Ministry of Justice for purchase.

9.3.2 PACLII

The transfer of judgments to PaCLII continues with monthly emails being sent to PaCLII attaching reportable decisions identified by the Judges.

Available on PaCLII are 279 Court of Appeal decisions on PaCLII with the latest decisions of this reporting year, 924 Supreme Court decisions and 105 Land Court decisions containing all reportable decisions of this reporting period. Annual reports are also available on PaCLII websites with the latest report of 2014.

The Magistrates Court has not recently uploaded any decisions to the PaCLII website but will try its best to contribute to the website.

9.3.3 ARCHIVES

All files which have been finalized are transferred to the archive after 12 months from its date of finalization. This also applies to files that are dormant and disposed of which having been declared dormant, are transferred for storage at the archives room.

However files as well as the registers have been subject to wear and tear hence the hope that they will become digitized in due course for the sustainability of those records and to ensure the efficient services provided by the Court.

9.3.4 RADIO ANNOUNCEMENTS

The courts have continued using the radio to announce cases mainly for circuit courts. In all the circuit visits held in this reporting year, the information was made available to the public via radio announcements.

The Magistrates Court anticipates requesting for a certain radio program for the Magistrate Court Division in the forthcoming year.

9.3.5 TELEVISION PROGRAMS

The courts through the Ministry of Justice have conducted television programs aimed at educating the public on the functions of the courts. A representative of the court have been present in several television programs providing simple information such as the location of the courts in Tonga, the requirements for all the different applications filed and the fees involved in each application.

9.3.6 WEBSITE

Meetings and consultations are still ongoing to develop the website of the Ministry of Justice where it is intended that all relevant information of the courts will be published and made available to the public through the internet.

9.4 ROLL OF LAW PRACTITIONERS

By virtue of the Law Practitioners Act, the Lord Chief Justice is to enroll a person on the Roll of Law Practitioners and the Registrar of the Supreme Court is to keep that Roll of Law Practitioners. Such certificates as may be issued by the Court are to be renewed annually.

Below is a table that summarizes the number of law practitioner's certificate that were renewed during this reporting period as well as the number of newly enrolled practitioners to the Roll of Law Practitioners.

Year	Certificates Issued	King Counsel	Senior Counsel	Fully Qualified	Locally Qualified
2016	83	1	8	60	14

There were 7 new law practitioners enrolled to the Roll of Law Practitioners during this reporting period and they were all fully qualified lawyers.

9.5 JUSTICES OF THE PEACE

Mr. Viliami Folaumahina conducted a visit during the reporting period to all the Justices of Peace in Tongatapu and in the outer islands to conduct trainings and provide reports on their performance to the Lord Chief Justice for the re-appointments.

On 1 July 2016, the Lord Chief Justice re-appointed the following persons as Justices of Peace for the period of 1 July 2016 to 30 June 2017:

No.	Name	District	Island
1.	'Amelia F. L. Helu	Fangaloto	Tongatapu
2.	'Ofa-Ki-Levuka Guttenbeil-Likiliki	Kolomotu'a	Tongatapu
3.	Siale (Salote) Afuhia Fukofuka	Ma'ufanga	Tongatapu
4.	Sioape Tu'iono	Nukuhetulu	Tongatapu
5.	Tevita Kaufana Fakatou	Tatakamotonga	Tongatapu
6.	Semisi Veatupu Tongia	Te'ekiu	Tongatapu
7.	Viliami Pasikala	Neiafu,	Vava'u
8.	Haniteli Fa'anunu	Hahake District	Vava'u
9.	Moleni Fe'aomoeata Taufa	Matamaka	Vava'u
10.	Mele Kafo'atu Taufateau	Neiafu	Vava'u
11.	Salesi Kauvaka	Neiafu	Vava'u
12.	Kisione Taulani	Nomuka	Ha'apai
13.	Me'ite Fukofuka	Nomuka	Ha'apai
14.	Sione Siotonu Fakahua	Pangai	Ha'apai

15.	Siosaia Hausia	'Ohonua	'Eua
16.	Sione Feingakau 'Iloa		Niuatoputapu
17.	'Aisea Ta'ofi		Niuatoputapu
18.	'Inoke Tuaimē'api	Petani	Niuafō'ou

9.6 PACIFIC JUDICIAL DEVELOPMENT PROGRAM (PJDP)/ PACIFIC JUDICIAL STRENGTHENING INITIATIVE

Following the completion of the Pacific Judicial Development Program, a consultation workshop was held to discuss the third phase of the program. The New Zealand Ministry of Foreign Affairs and Trade approved the third phase with the Federal Court of Australia continuing to run the program for five years.

The program is now called the Pacific Judicial Strengthening Initiative (PJSI) with its goal being to build fairer societies by supporting the courts in 14 Pacific Island Countries (PICs) to develop more accessible, just, efficient and responsive justice services.

The following workshops were held during this reporting period:

- a) **Activity Design – Key Stakeholders' Leadership & Planning Workshop:** Ms. Fatima Fonua attended this workshop in Auckland, New Zealand on 23-24 February 2016 on behalf of the Chief Justice. The objective of the workshop was to provide key stakeholders the opportunity to lead and participate in the PJSI design and planning process.
- b) **Chief Justice's Leadership Workshop:** Hon. Justice Cato attended this workshop in Port Moresby, Papua New Guinea on 7-9 September 2016 on behalf of the Chief Justice.
- c) **Initiative Executive Committee (IEC) Meeting:** The IEC is the governing body of PJSI and comprises a nominated Chief Justice from each of the three Pacific sub-regions, a representative each of the lay judiciary and court officers and a representative from MFAT. The Chief Justice of Tonga was nominated the Polynesian Chief Justice Representative and Ms. Fatima Fonua was appointed the court officers representative. The Committee meets to hear reports of the PJSIs progress and provide strategic direction to the Technical Director (Livingston Armytage) and Team Leader (Lorry Metzner). Its first meeting was held on 10 September 2016 at Port Moresby, Papua New Guinea and Ms. Fatima Fonua attended this meeting.

The IEC passed the activity plan to commence in 2017 with several training opportunities for both judicial and court officers of Tonga to attend and participate.

9.6.1 JUDICIAL PACIFIC PARTICIPATION FUND

Through the Judicial Pacific Participation Fund operated by the Institute of Judicial Studies of New Zealand and funded by the New Zealand Ministry of Foreign Affairs and Trade, the following judicial officer applied and attended the following trainings:

- a. **Evidence and Procedure Workshop:** Principal Magistrate Tatafu attended this workshop on 27-28 June 2016 at Auckland, New Zealand. The workshop was an opportunity to strengthen judicial skills in analysing evidential issues, applying the law to those issues and giving reasoned decisions.
- b. **Family Violence Seminar:** Principal Magistrate Tatafu attended this training on 5-6 September 2016 at Auckland, New Zealand. The aim of the seminar is to educate about best practice given the current understanding about what assists victim safety and prevents recurrence of the violence.

9.7 COURT OF APPEAL OF TONGA

During this reporting period, there were two sessions of the Court of Appeal. The first session was held for two (2) weeks commencing on 29 March to 8 April 2016. The second session was held also for two (2) weeks commencing on 5 September 2016 to 16 September 2016.

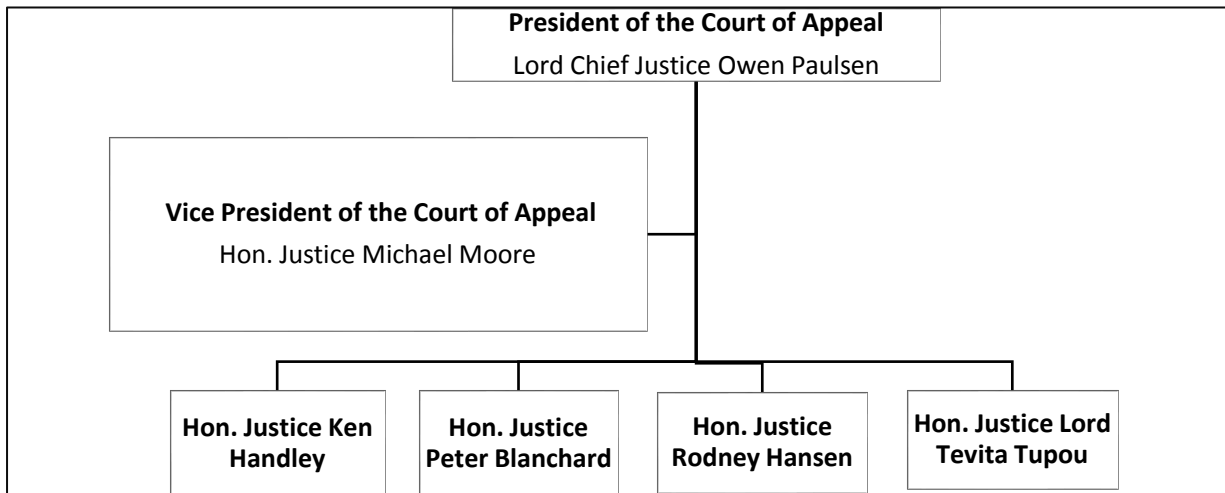
9.7.1 JUDICIAL OFFICERS

The Lord Chief Justice remains the President of the Court of the Appeal with Hon. Justice Michael Moore as Vice-President.

For the first session of the Court of Appeal, the Vice-President together with Hon. Justice Kenneth Handley, Rt Hon. Justice Sir Peter Blanchard and Hon. Justice Lord Tevita Tupou formed the members of the Court of Appeal.

For the second session of the Court of Appeal, the Vice President together with Rt Hon. Justice Sir Peter Blanchard, Hon. Justice Rodney Hansen and Hon. Justice Lord Tevita Tupou formed the members of the Court of Appeal.

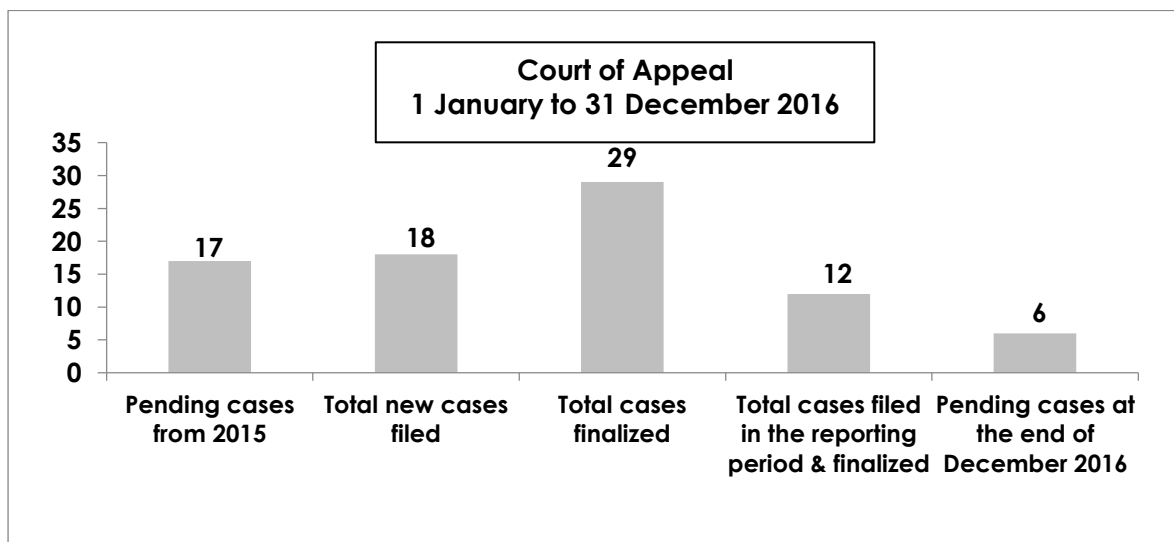
The average number of cases per Judicial Officers in this reporting period is 6.



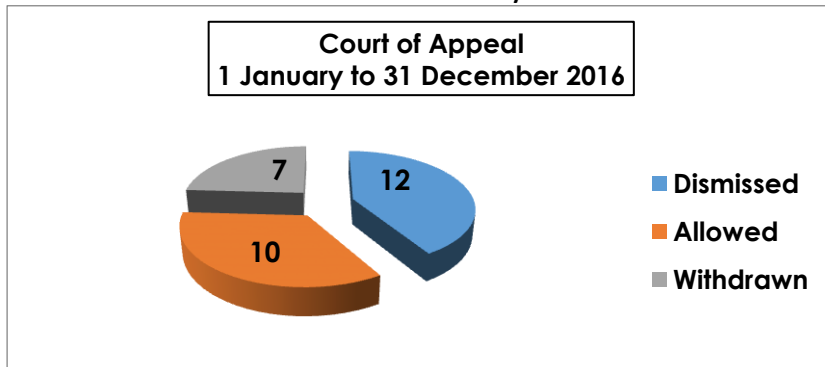
9.7.2 CLEARANCE RATE

There were 17 appeal cases pending from 2015 which is the correct figure and the figure previously reported in the last annual report was inaccurate. 18 new appeal cases were filed which brings the total number of appeals in this reporting period to 35 cases. A total of 29 cases were finalized in this reporting period leaving a total of 6 cases pending resulting in a clearance rate of 161%.

A summary of the work conducted by the Court of Appeal during this reporting period is shown on the graph below:



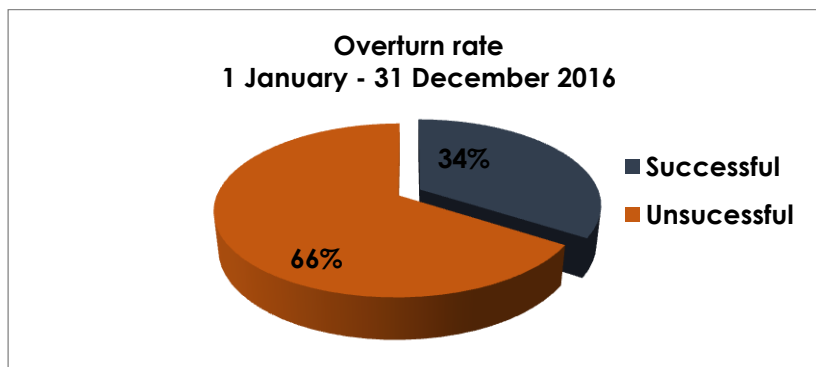
Of the 29 appeal cases dealt with in this reporting period, 12 cases were dismissed, 10 cases were allowed and 7 cases were withdrawn.



9.7.3 OVERTURN RATE

As indicated above, of the 29 appeal cases finalized in this reporting period, only 22 of those cases were heard as 7 appeal cases were withdrawn. In the 22 appeal cases heard, 10 were allowed and 12 were dismissed. In this reporting period, 34% of those appeals were successful and 66% were unsuccessful which shows a constant overturn rate in comparison to 2015.

A summary is shown below:



9.7.4 PERCENTAGE OF APPEALS

There were 18 appeal cases from the Supreme Court and the Land Court in this reporting year from a total of 896 cases finalized in both courts. Therefore the percentage of appeals from the Supreme and Land Courts to the Court of Appeal is 2%.

9.8 SUPREME COURT OF TONGA

The Supreme Court is composed of the Hon. Lord Chief Justice Owen Paulsen, Hon. Justice Charles Cato and part-time Judge, Hon. Justice Michael Dishington Scott. The Chief Justice continues to deal with the bulk of the civil, family, appellate and probate and administration matters, while the Hon. Justice Cato hears the majority of criminal matters.

Hon. Justice Scott visited twice during this reporting period. The duration of each visit was four weeks. The Chief Justice assigns the cases to be heard by Hon. Justice Scott during each visit.

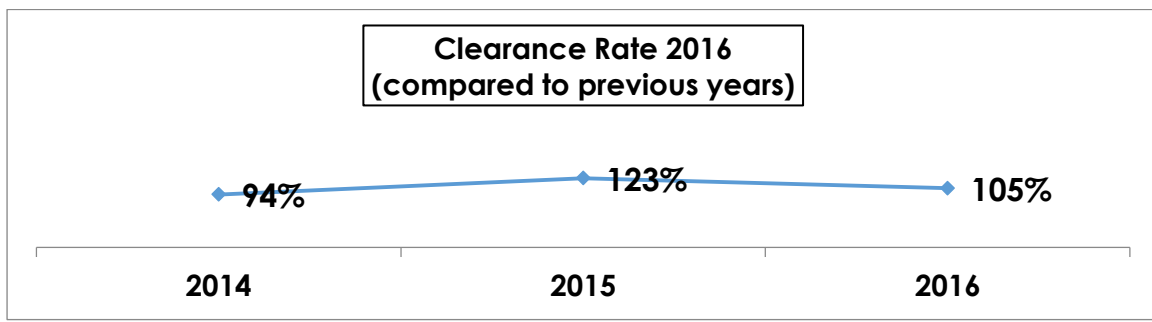
Judges also travel on circuit to the outer islands to hear all cases filed in those areas.

9.8.1 SUMMARY

A total of 1,271 cases were dealt with by the Supreme Court during this reporting period. These 1,271 cases include the 454 pending cases from previous years and 817 new cases filed during this reporting period. As there are only two permanent Judges and one part-time Judge, the average number of cases per Judicial Officer in this reporting period was 564.

9.8.2 CLEARANCE RATE

A total of 858 cases were finalized during this period resulting in a clearance rate of 105%. This indicates a clearance of backlog cases with a decrease in the number of cases pending at the end of the reporting period to 413 in comparison to the 454 cases pending from 2015.



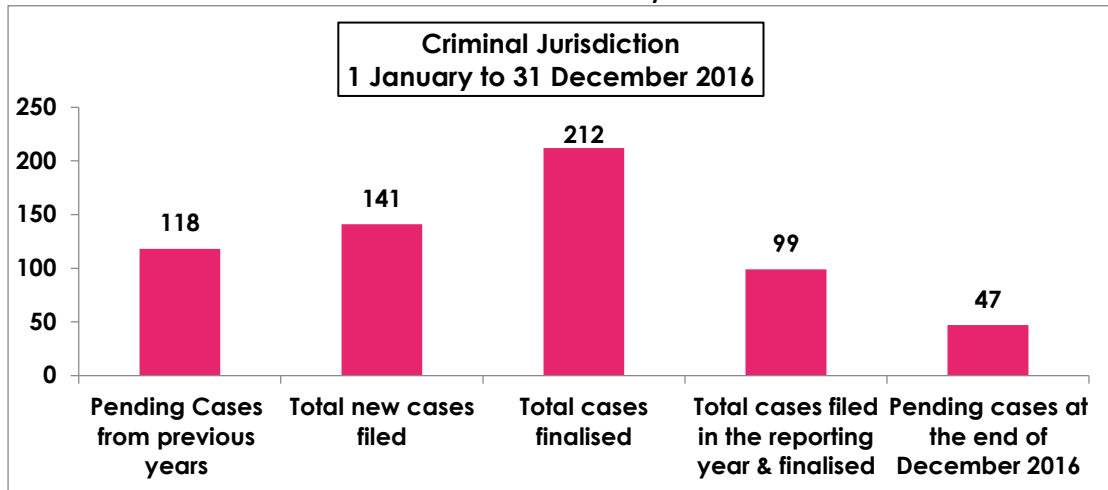
There are five main divisions of the Supreme Court in accordance to its jurisdiction which are as follows:

1. ***Criminal Division***
2. ***Civil Division***
3. ***Family Division***
4. ***Probate & Administration Division***
5. ***Appellate Division***

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

9.9 CRIMINAL DIVISION

A summary of the work carried out by the Criminal Division of the Supreme Court of Tonga for this reporting period is shown on the graph below:



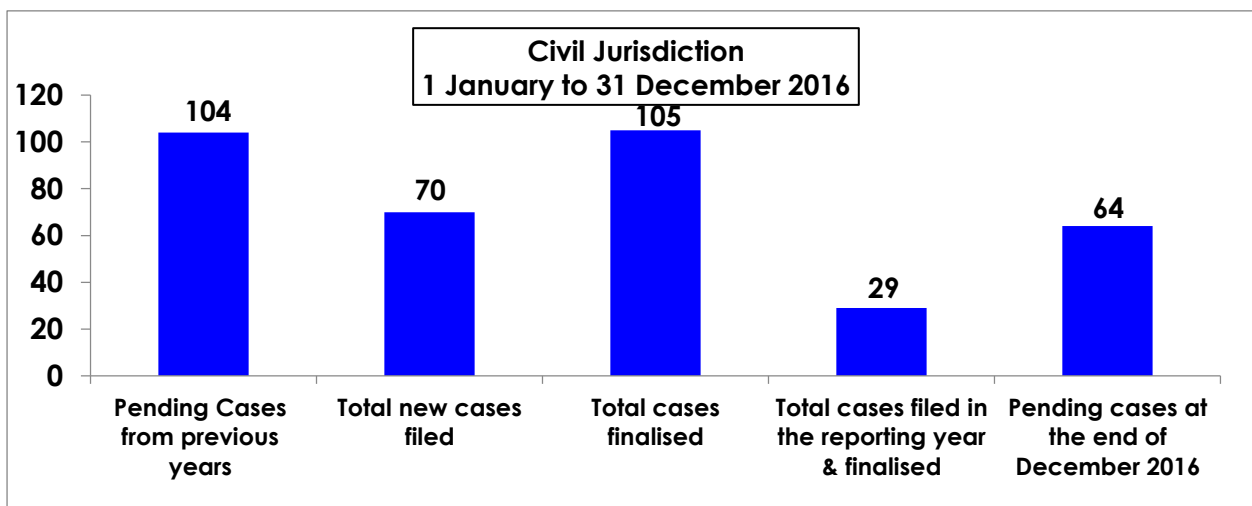
During this reporting period, there were a total of 259 criminal cases before this division. Of those cases, 212 cases were finalized of which 99 cases are cases that were filed and finalized during the reporting period. This results in a clearance rate of 150%. The average duration of a criminal case is 283 days.

9.9.1 PERCENTAGE OF CRIMINAL APPEALS

There were no appeals made from the criminal cases finalized in this reporting period resulting in 0% appeal rate of criminal cases.

9.10 CIVIL DIVISION

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



During the reporting period, there were a total of 174 civil cases before this division. Of those cases, 105 cases were finalized either through which a decision was made or has been left dormant and disposed of leaving a total of 64 cases pending at the end of December 2016.

This results in a clearance rate of 150%. The average duration of a civil case is 468 days which is an improvement in comparison to 2015 which was 484 days.

9.10.1 PERCENTAGE OF CIVIL APPEALS

Of the total 105 civil cases finalized in this reporting year, 12 civil cases were appealed resulting in a 2% appeal rate of a civil case.

9.11 FAMILY DIVISION

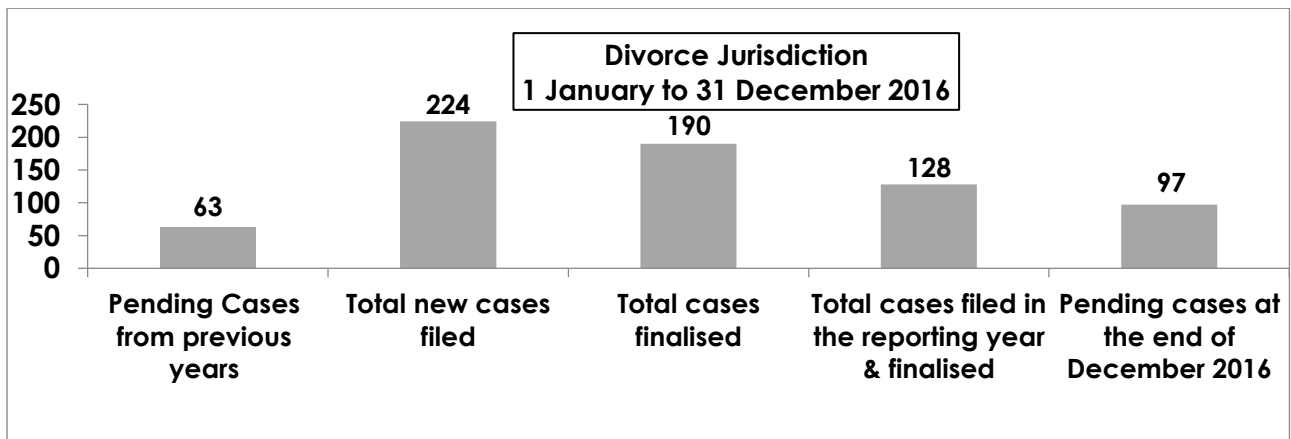
There are four main sections of the Family Division and are as follows:

- 1) *Divorce Section;*
- 2) *Adoption & Legal Guardianship Section;*
- 3) *Custody Section;*
- 4) *Wedlock Section.*

9.11.1 DIVORCE SECTION

There were a total of 287 cases before the Divorce Section of which 190 cases were finalized either through which a decision was made or was declared dormant and disposed of. This results in a clearance rate of 85%. At the end of December 2016, 97 cases were pending in the Divorce Section.

A summary is shown below:

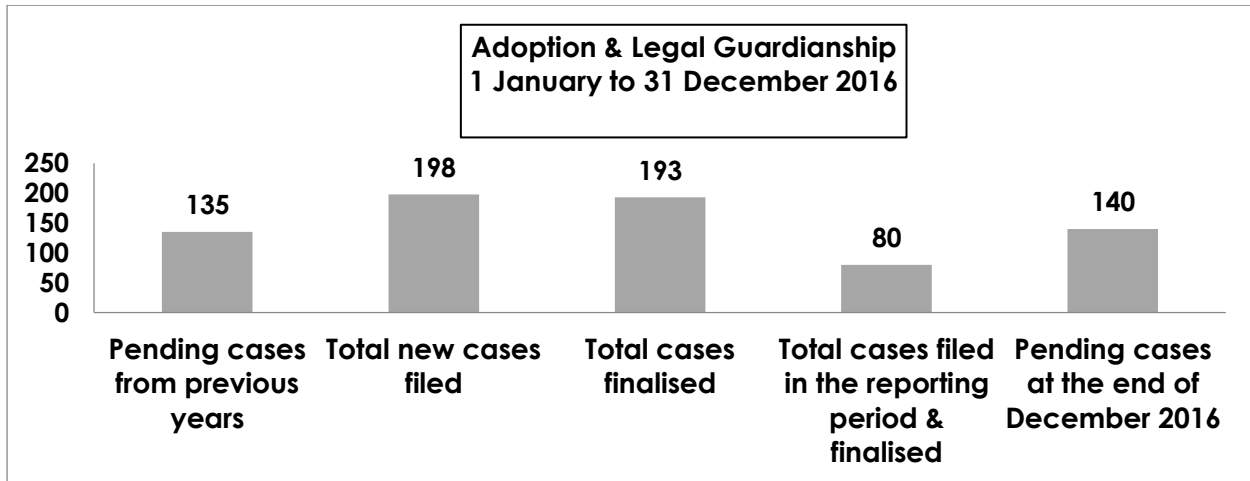


9.11.2 ADOPTION & LEGAL GUARDIANSHIP

During this reporting year, there were 333 applications for letters of adoption and legal guardianship orders in this section of the Family Division. 135 of those cases were the pending cases from previous years and 198 were the cases filed in the reporting year. 193 cases were finalized resulting in a clearance rate of 97%.

The majority of the pending cases are cases where the Court is still awaiting the report of the Guardian Ad Litem before it can make an informed decision.

A summary is shown on the graph below:



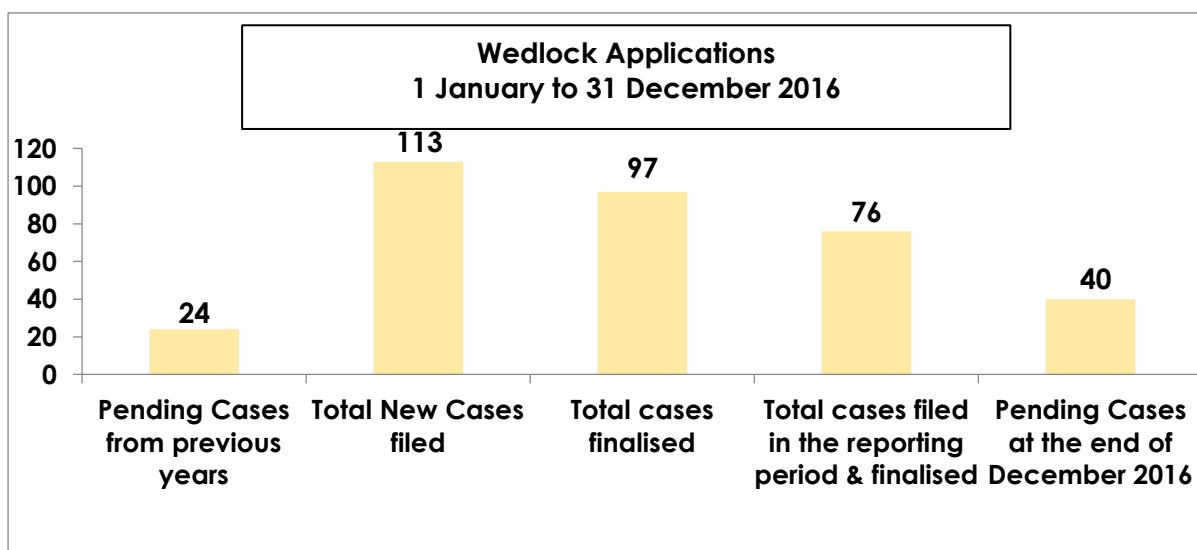
9.11.3 CUSTODY SECTION

During this reporting year, there were 3 new custody cases filed but have not been finalized simply because the parties have taken no further actions towards these cases. These cases are subject for reviewed in 2017 to be declared dormant and disposed of.

9.11.4 WEDLOCK SECTION

This is an application made under Regulation 6 of the Registrar General’s Births and Deaths Regulations 1972 which states that “a married woman may not register her child as illegitimate until a Supreme Court order to this effect has been made”. This application is mainly referred to as a “wedlock” application.

A summary of the work carried out in this section is shown below:

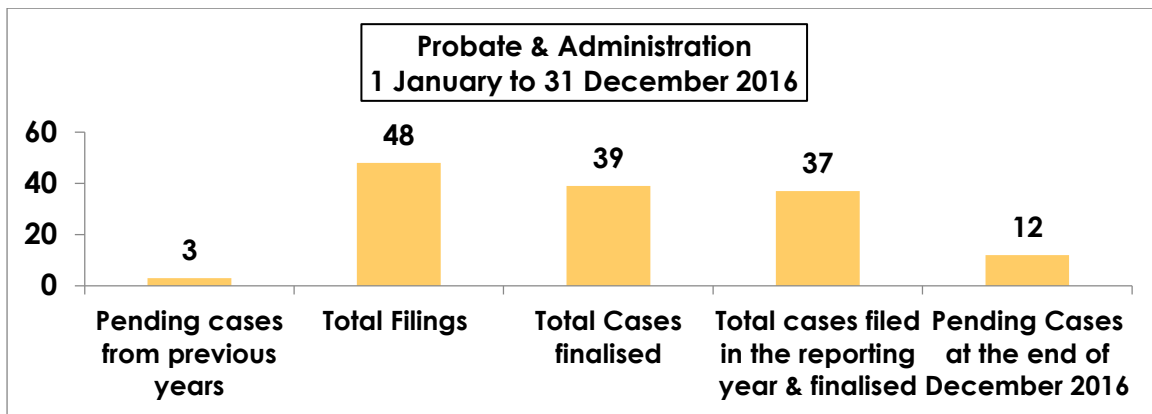


YEAR	Total new cases filed	Total cases finalised	Total Cases Pending	Clearance Rate
2016	113	97	40	86%

The majority of the pending applications are awaiting the applicant to comply with further requirements in accordance with practice directions of the Supreme Court.

9.12 PROBATE & ADMINISTRATION DIVISION

Applications for Probate and Letters of Administration increased during the reporting period with a total of 48 cases being filed in the reporting period and 39 cases were disposed of. At the end of this reporting period, only 12 cases were pending with the majority awaiting further requirements from the applicants.



YEAR	TOTAL PENDING FROM PREVIOUS YEARS	TOTAL FILINGS	CASES FINALISED	PENDING CASES	CLEARANCE RATE IN PERCENTAGE
2016	3	48	39	12	81%

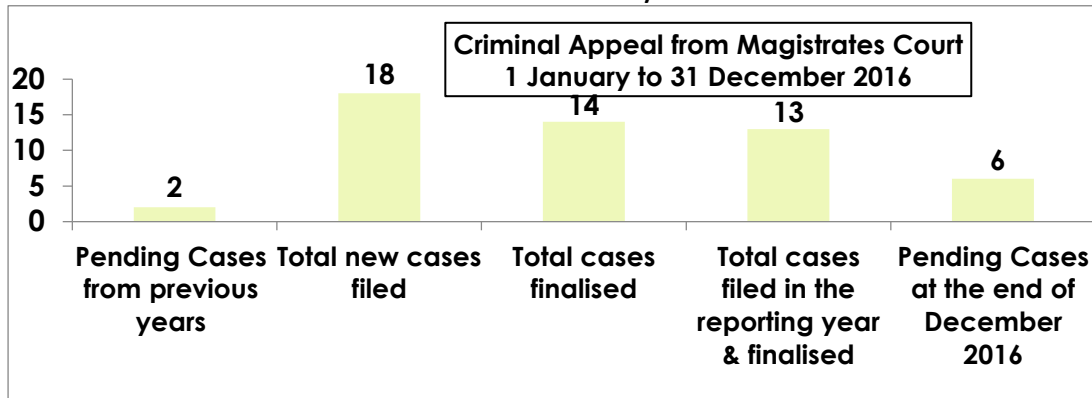
9.13 APPELLATE DIVISION

Appeals filed in this reporting period were predominantly from the Magistrates Court and other appeals from the Tribunals such as the Tonga Law Society Disciplinary Tribunal and the Tax Tribunal.

A break-down is shown below:

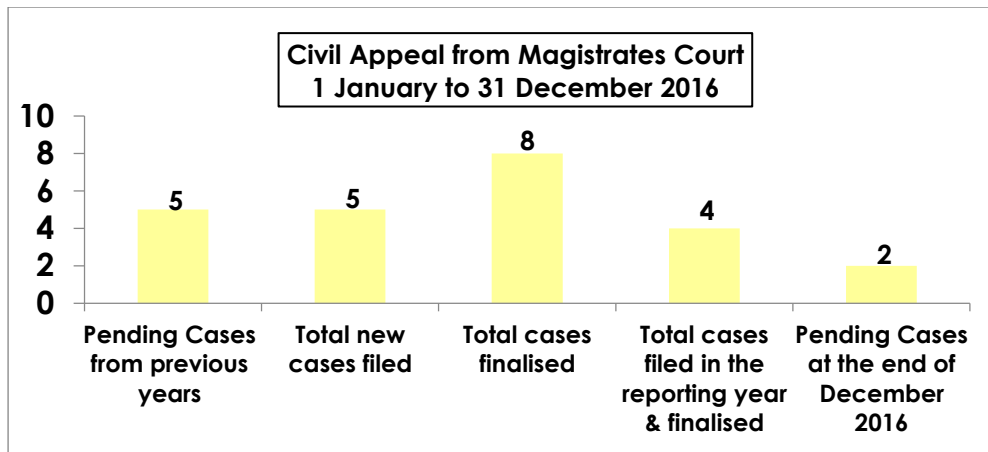
9.13.1 CRIMINAL APPEALS

There were a total of 18 criminal cases that were the subject of an appeal from the Magistrates Court to the Supreme Court in this reporting year whereby 14 appeal cases were finalized. This results in a clearance rate of 78%.



9.13.2 CIVIL APPEALS

There were a total of 5 civil appeal cases filed in this reporting period. 8 cases were finalized leaving only 2 cases pending at the end of December 2016. This results in a clearance rate of 160%.

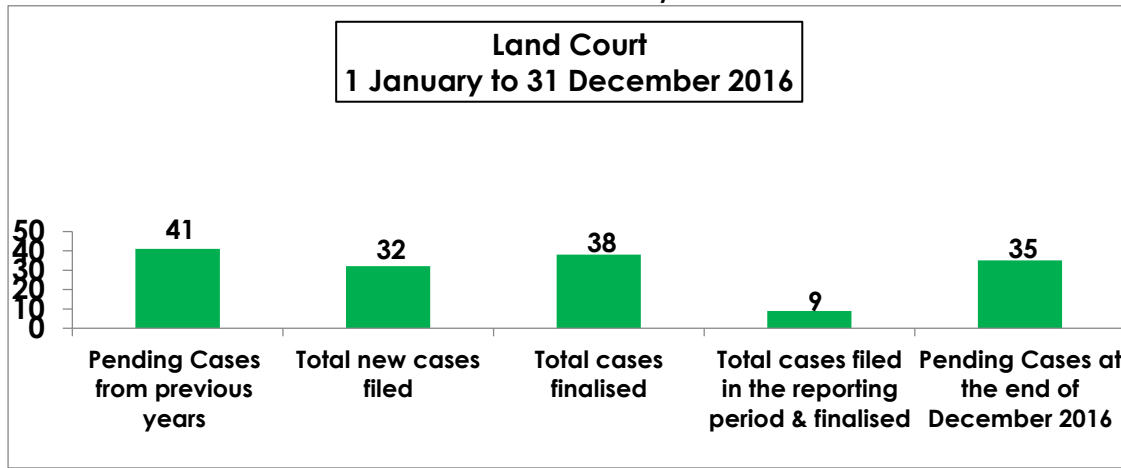


9.14 LAND COURT OF TONGA

The Lord Chief Justice is also the President of the Land Court and the Judges of the Supreme Court are also Judges of the Land Court. All the land cases in this reporting period were dealt with by the Judges and assisted where required by a Land Court Assessor under the Land Act.

During this reporting period, there were a total of 32 new cases filed and a total of 38 cases finalized.

This results in a clearance rate of 119%. The average duration of a land case is 564 days.



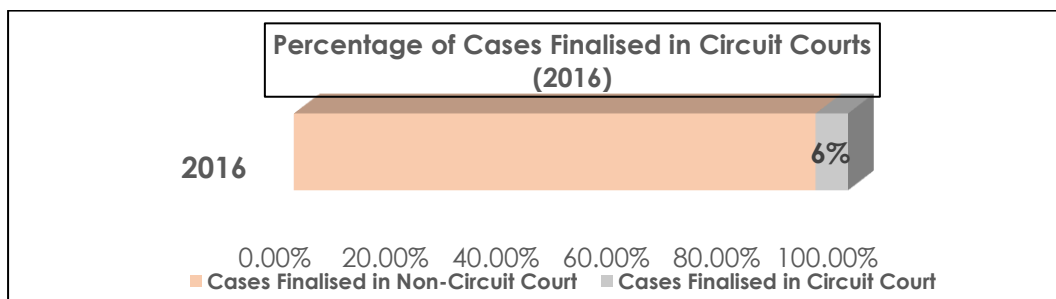
9.11.1 PERCENTAGE OF LAND APPEALS

Of the total 38 land cases finalized in this reporting period, a total of 4 land cases were appealed resulting in an 11% appeal rate of a land case.

9.15 SUPREME COURT AND LAND COURT ON CIRCUIT

During this reporting period, the court travelled on two circuits to Vava’u and one circuit to Ha’apai. Both visits to Vava’u lasted two weeks whereby 44 cases were finalized and 6 cases remain pending. The visit to Ha’apai was only for 3 days to deal only with 6 family matters that were all finalized in this circuit.

As a result about 50 cases of the total 849 cases finalized in this reporting period were finalized by the court through circuits which in effect means that the Supreme Court and Land Court continues to maintain a 6% of cases being finalized through circuit courts which is shown below:



9.16 MAGISTRATES COURT

The Magistrate Court of Tonga is composed of the Chief Magistrate Mr. Folau Lokotui, Principal Magistrate Mr. Salesi Mafi, Senior Magistrate Mr. Fredrick Tuita and Senior Magistrate Mr. Similoni Tu’akalau, and Magistrate Mr. Penisimani Ma’u, Magistrate Mr. Pita Soakimi and Magistrate Manamo’ui Kaufusi.

9.16.1 SUMMARY

January – December 2016 ANNUAL REPORT

A total of **17,378** cases were dealt with by the Magistrate Court during this reporting period. These **17,378** cases included **4,508** pending cases from previous years and **12,870** new cases filed during this reporting period. As there are 8 judicial officers in the Magistrate Court, the average number of cases per Judicial Officer is **2,172** cases.

A total of **13,428** cases were finalized during this period resulting in a clearance rate of **77%**.

9.16.2 CLEARANCE RATE

The clearance rate in this reporting period is **77%**.

9.16.3 DIVISIONS OF THE MAGISTRATES COURT

There are four main divisions of the Magistrate Court and are as follows:

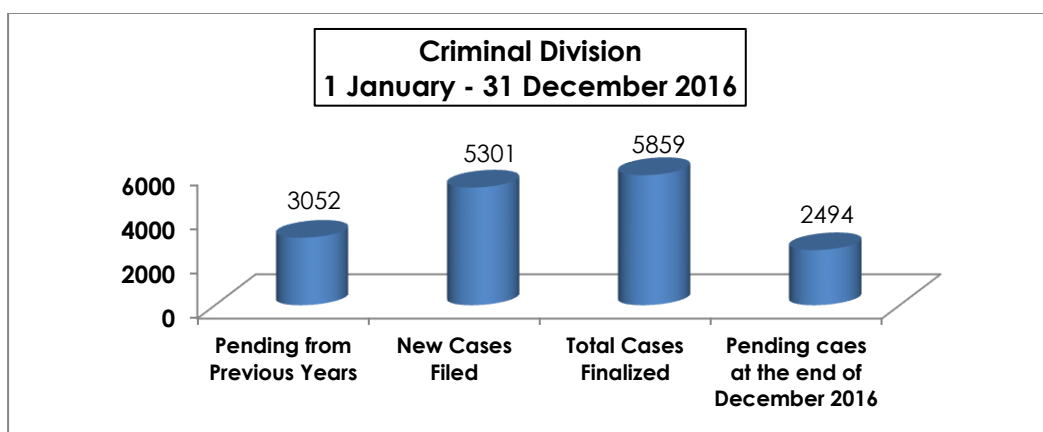
1. ***Criminal Division;***
2. ***Civil Division;***
3. ***Family Division;***
4. ***Infringement Fines Division.***

The highest clearance rate of the Magistrate Court was reported from the Infringement Fines Division, with a clearance rate of **87%**.

A breakdown of the work carried out by these divisions of the Magistrate Court is as follows:

9.16.3.1 CRIMINAL DIVISION

A summary of the work carried out by the Criminal Division of the Magistrate Court of Tonga for this reporting period is shown on the graph below:

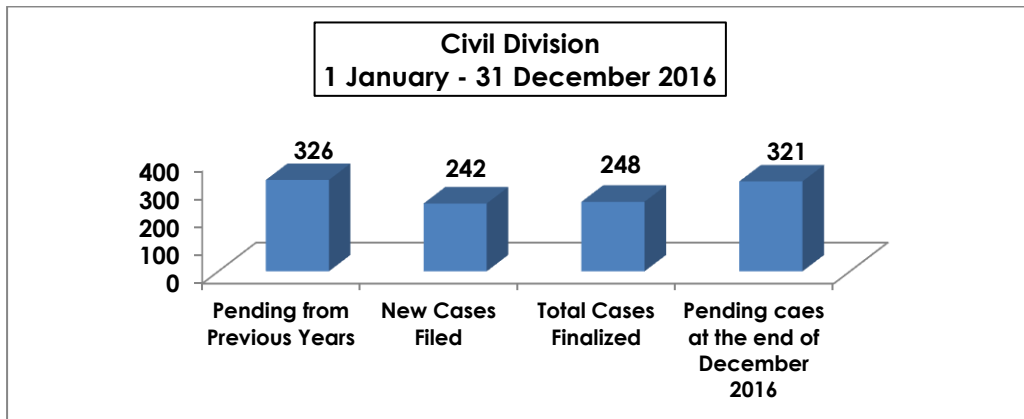


During this report period, a total of **8,713** criminal cases were dealt with by this division. Of those cases, **5,859** cases were finalized during the reporting period. This results in a clearance rate of **67%**.

Of the total **5,859** criminal cases finalized in this reporting year, a total of **18** criminal cases were appealed resulting in a **0.2%** appeal rate.

9.16.3.2 CIVIL DIVISION

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



During the reporting period, there were a total of **569** civil cases before this division. Of those cases, **248** cases were finalized either through which a decision was made or has been left dormant and disposed of leaving a total of **321** cases pending at the end of December 2014.

This results in a clearance rate of **43%**.

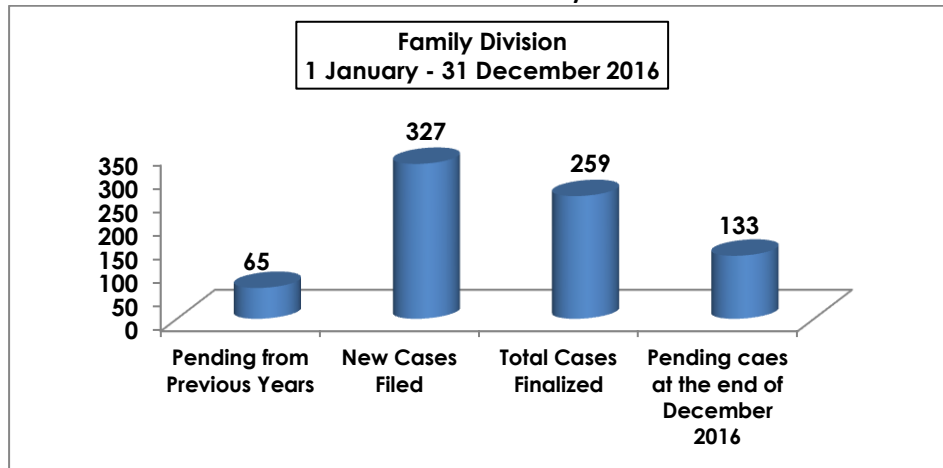
9.16.3.3 FAMILY DIVISION

The Family Protection Act 2013 established a new division within the Magistrate Court that specifically deals with the execution of the powers granted to the Magistrate by the Act.

Since July 2014, this division has mainly focused on cases dealing with orders in regards to the protection of family members from abuse and domestic violence.

In the reporting period, a total of **392** cases were put before the Family Division of which **259** cases were finalized. A total of **133** cases are pending after the reporting period. This results in a clearance rate of **66.07%**.

A summary is shown below:

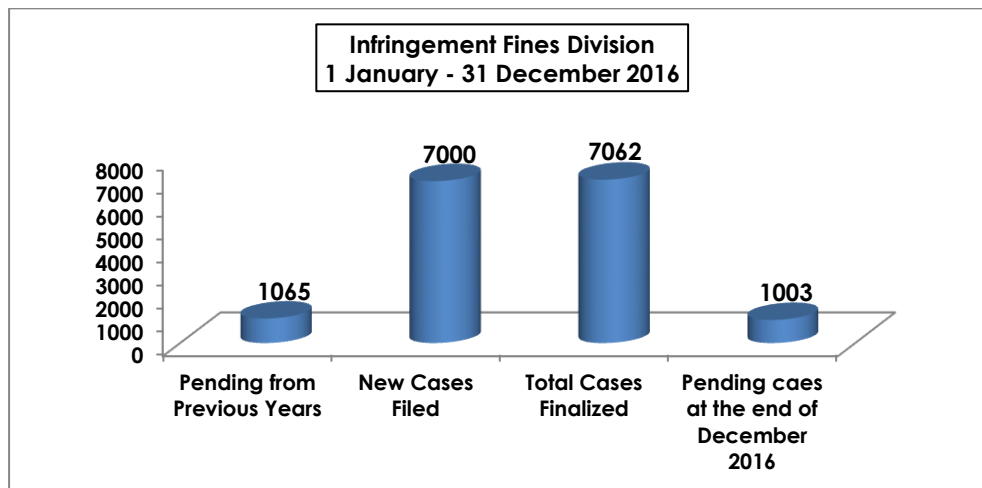


9.16.3.4 INFRINGEMENT FINES DIVISION

This division is primarily concerned with the receipt of payment of fines and infringement notices produced by the Police and other officers concerned. If payments are not made then they proceed to summons and eventually becomes a court case.

During this report period, there were a total of 7,000 new cases filed and 1,065 cases that were pending from previous years. A total of 7,062 cases were finalized during this reporting period.

This results in a clearance rate of 87%.



9.17 COURT CIRCUITS

During this reporting period, the court travelled on 12 circuits to Ha’apai and ‘Eua. The circuit dates are as follows:

EUA

1. **January 18 – 22/1/16** Magistrate Folau Lokotui, Salote Kaufusi as clerk, 55 cases were heard and 36 cases were finalised and 19 pending to next circuit;
2. **March 21 – 24/3/16** Magistrate Salesi Mafi, Satini Laulotu as clerk, 42 cases were heard including the 19 pending cases from previous circuit, 34 cases were finalised and 8 cases pending to the next circuit;
3. **May 9 – 13/5/16** Magistrate Folau Lokotui, Pelenaise Manukeu as clerk, 46 cases were heard including the 8 cases pending from previous circuit, 23 cases were finalized and 23 cases pending to the next circuit;
4. **July 18 – 22/7/16** Magistrate Salesi Mafi, 'Ofa Hasiata as clerk, 47 cases were heard including the 23 pending from previous circuit, 26 cases were finalised and 21 cases pending to the next circuit;
5. **September 19 – 23/9/16** Magistrate Manamo'ui Kaufusi, Satini Laulotu as clerk, 62 cases were heard including the 23 pending cases from previous circuit, 32 cases were finalised and 32 cases pending to the next circuit;
6. **November 21 – 25/11/16** Magistrate Salesi Mafi, Salote Kaufusi as clerk, 67 cases were heard including the 32 cases pending from previous circuit, 37 cases were finalised and 30 cases pending to the next circuit in the following year.

HA'APAI

1. **February 22 – 26/2/16** Magistrate Folau Lokotui. 51 cases were heard and 25 cases were finalized, 26 cases were left pending to the next court circuit;
2. **April 18 – 22/4/16** Magistrate Pita Soakimi. 31 cases altogether were heard, 11 cases were finalized and 20 cases left pending for the next court circuit;
3. **June 6 – 10/6/16** Magistrate Peni Ma'u. 30 cases were heard including 19 pending cases from the previous circuit. 25 were finalized with 5 cases pending to the next circuit.
4. **August 15 – 19/8/16** Magistrate Feleti Tuita. 29 cases were heard including 6 cases that were pending from the previous court circuit. 21 cases were finalized and 8 cases pending to the next court circuit.

5. **October 17 – 21/10/16** Magistrate Penisimani Ma'u. 49 cases were heard including the 8 cases pending from previous court circuit. 40 cases were finalized and 9 cases left pending for the next court circuit.
6. **December 5 – 9/12/16** Magistrate Feleti Tuita. 18 cases were heard including the 8 cases pending from previous court circuit. 10 cases were finalized and 8 pending to the following year 2018.

9.18 FEE WAIVER

Court fees are set by the *Court Fees (Amendment) Act 2010* and there is no express provision for waiver of fees. Nevertheless, the Lord Chief Justice may from time to time waive the court fee for indigent litigants.

9.19 CASES WHERE A PARTY RECEIVES LEGAL AID

Tonga still has no formal legal aid scheme although it is not uncommon for many court users to be represented by lawyers on a pro bono basis. The Legal Aid Bill has still not been tabled in the Law Programme and has been deferred since 2012.

11. BAILIFF UNIT

This is an annual report of the Bailiff Division for the 2016 reporting period. There are only two offices of this division, the main office in Tongatapu and a sub-office in Vava'u. The main office in Tongatapu also administers the bailiff duties for the island groups of Ha'apai, 'Eua and the two Niuas.

In this report, it will cover duties carried out by the respective offices of this division.

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

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

The main functions of this division are better reflected on the key performance indicators provided below, whereby it measure how the bailiff officers execute their various duties in relation to the needs of Ministry as well as the Government of Tonga.

KEY PERFORMANCE INDICATORS:-

- Over then 90% the Number of distress warrants (Magistrates Court) issued and successfully enforced against number pending.
- Over 90% the Number of writs of distress (Supreme Court) issued and successfully enforced against number of pending.
- 100% Number of writ of possession (Supreme Court) issued and successfully enforced.
- Total Number of Cases returned with no property to seize.
- Over 90% of the number of summonses issued and delivered within legal time frame.
- 100% Number of subpoena, judgment, and Juror issued and delivered within a legal time frame.
- Cost per document delivered.

The duties of the Bailiff Division would be outlined in the statistics below with which it mainly focus on the island groups of Tongatapu and Vava'u whereas there was no circuit to Ha'apai, 'Eua and the two

Niuas within the reporting period due to the fact that there was no order received for these island groups.

11.1 BAILIFF STATISTICS FOR TONGATAPU

11.1.1 WRITS AND DISTRESS WARRANTS RECEIVE FOR THE YEAR 2016.

The following tables reflect the writs and distress warrant that Bailiff Division has received and how they have dealt with it during the reporting period.

TABLE 1: RESULT OF THE WORK DONE REGARDING THE PENDING DISTRESS WARRANTS 2015

RESULT	TOTAL NUMBER OF WRIT OF DISTRESS	AMOUNT ORDERED
No. properties to seize	5	\$23,142.89
Return Court Expire	1	\$8,864.54
Settle	9	\$44,687.53
TOTAL	15	\$76,695.26

TABLE 2: TOTAL NUMBER OF WRITS AND WARRANTS RECEIVED

COURT ORDERED	MAGISTRATES COURT	SUPREME COURT
DISTRESS WARRANT	58	-
WRIT OF DISTRESS	-	12
AMOUNT	\$1,47,539.05	\$1,817,599.51

Table 2 indicates the number of distress warrant issued from the Magistrate Court which is a total of fifty eight (58) cases of \$147539.05 worth comparing to the number of Writ of Distress issued from the Supreme Court which is a total of twelve (12) cases of \$1817599.51 worth. The detail of the work done regarding these distress warrants and writs of distress is provided below.

TABLE 3: DETAIL OF THE WORK DONE REGARDING THE DISTRESS WARRANTS ISSUED FROM THE MAGISTRATE COURT.

RESULT	TOTAL NUMBER OF DISTRESS WARRANT	AMOUNT ORDERED
No. Property to be seized	20	\$81,671.18
Paid	21	\$14,079.14
Settle	9	\$17,769.33

Appeal	3	\$22,980.00
Transfer from Vava'u	1	\$726.40
Decease	-	-
Pending	4	\$10,313.00
Total	58	\$147,539.05

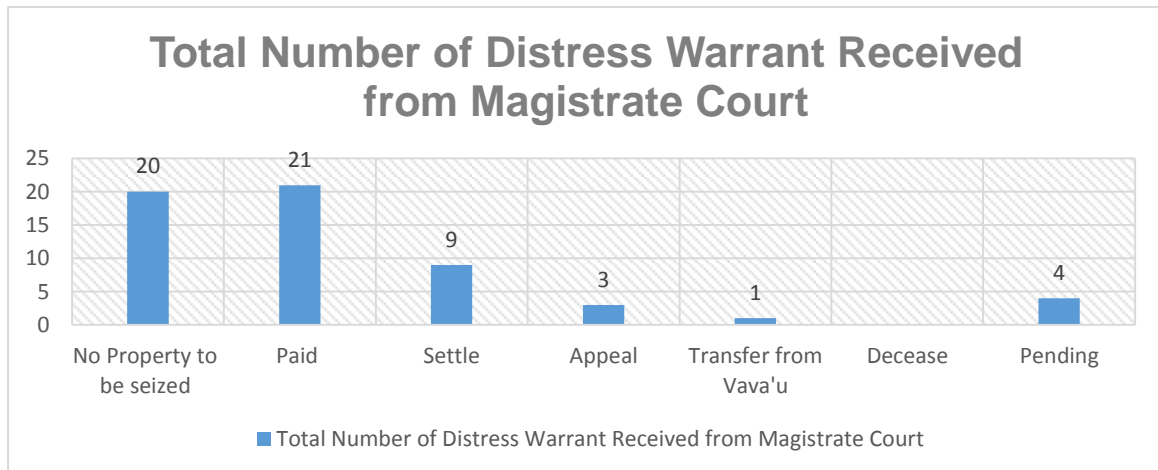
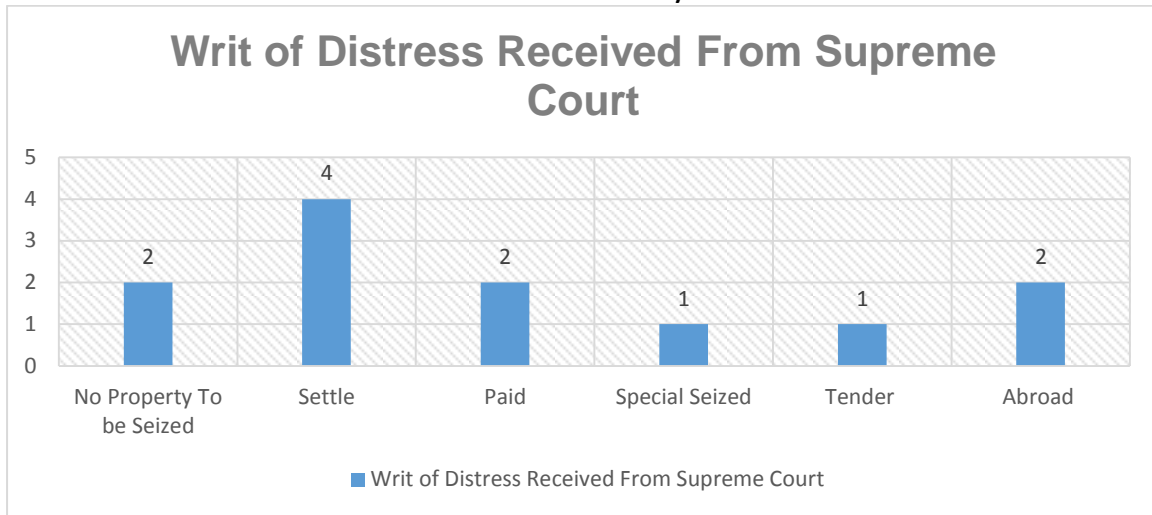


TABLE 4: DETAILS OF THE WORK DONE REGARDING THE WRIT OF DISTRESS ISSUED BY THE SUPREME COURT.

RESULT	TOTAL NUMBER OF WRITS OF DISTRESS	AMOUNT ORDERED
No. Property To be Seized	2	\$39,478.96
Settle	4	\$1,232,399.41
Paid	2	\$17,409.50
Special Seized	1	\$12,046.92
Tender	1	\$473,826.60 (receive \$310,000.00)
Abroad	2	\$42,458.12
TOTAL	12	\$1,817,599.51

From the table above there was one (1) writ of distress which was worth \$473826.60 but received only \$310000 after the tendering process.



11.2 SPOT FINE, TRAFFIC INFRINGEMENT AND BREATHALYSER SUMMONS ISSUED FROM MAGISTRATES COURT FOR 2016

TABLE 5: DETAIL OF THE WORK DONE TO SPOT FINES

DEFINITION	TOTAL NUMBER OF SUMMONS	PERCENTAGE
Number of summons delivered	492	48.4
Offenders overseas	217	21.3
Summons with fake names	222	21.9
Offenders in outer islands	42	4.1
Pending	43	4.2
TOTAL	1,017	100

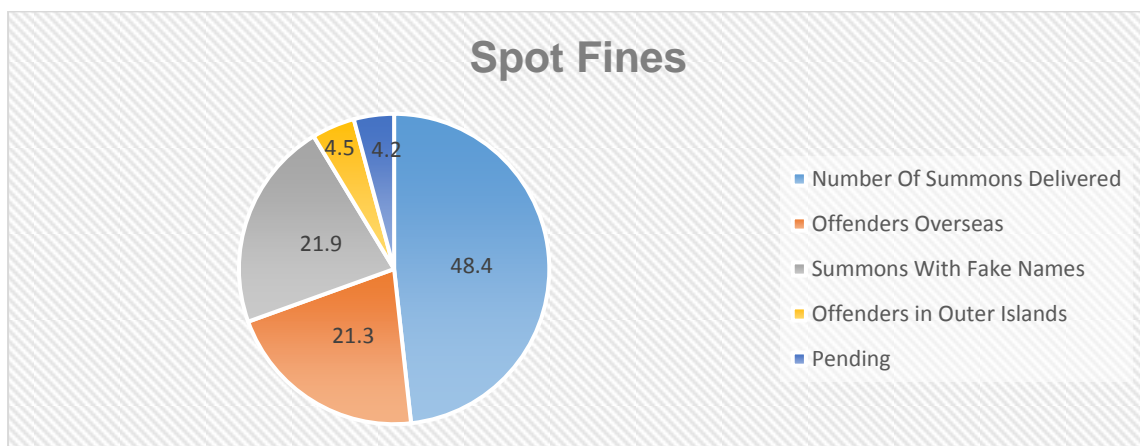


TABLE 6: DETAILS OF THE WORK DONE REGARDING THE BREATHLYSER SUMMONS

DEFINITION	TOTAL NUMBER OF SUMMONS	PERCENTAGE
Number of summon delivered	15	50

Summons with fake names	5	17
Outer Island	4	13
Pending	6	20
TOTAL	30	100

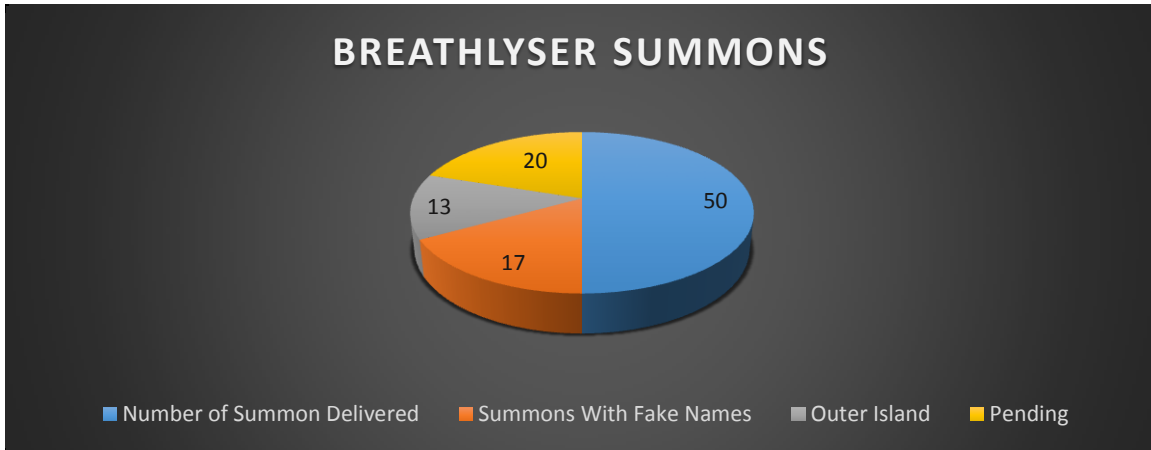


TABLE 7: DETAILS OF THE WORK DONE REGARDING THE TOBACCO SUMMONS

DEFINITION	TOTAL NUMBER OF SUMMONS	PERCENTAGE
Number of summon delivered	19	36.5
Summons with fake names	14	26.9
Outer Island	2	3.9
Abroad	2	3.9
Pending	15	28.8
TOTAL	52	100

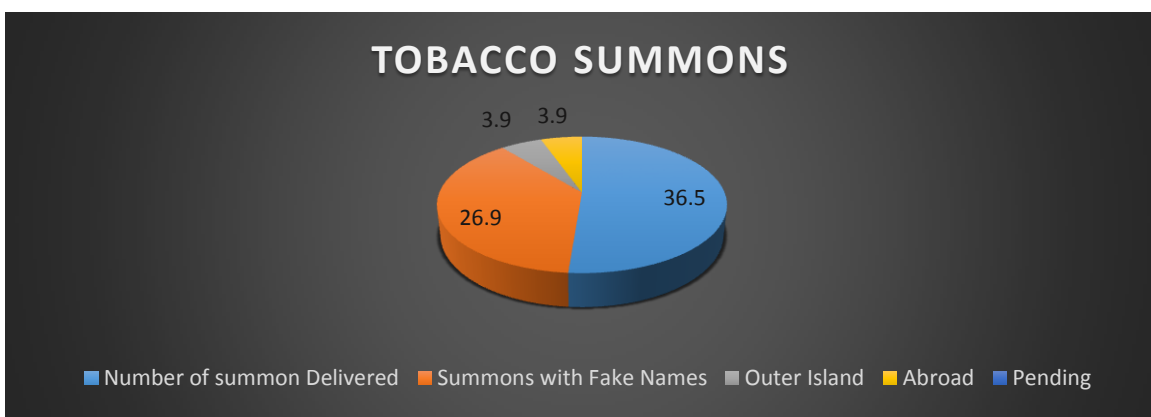


TABLE 8: DETAILS OF THE WORK DONE REGARDING THE TRAFFIC INFRINGEMENT SUMMONS

DEFINITION	TOTAL NUMBER OF SUMMONS
Number of summons served	3,050
Offenders overseas	828
Offender outer Island	235
Fake Name	729
Deceased	16
Pending	231
Total	5,089

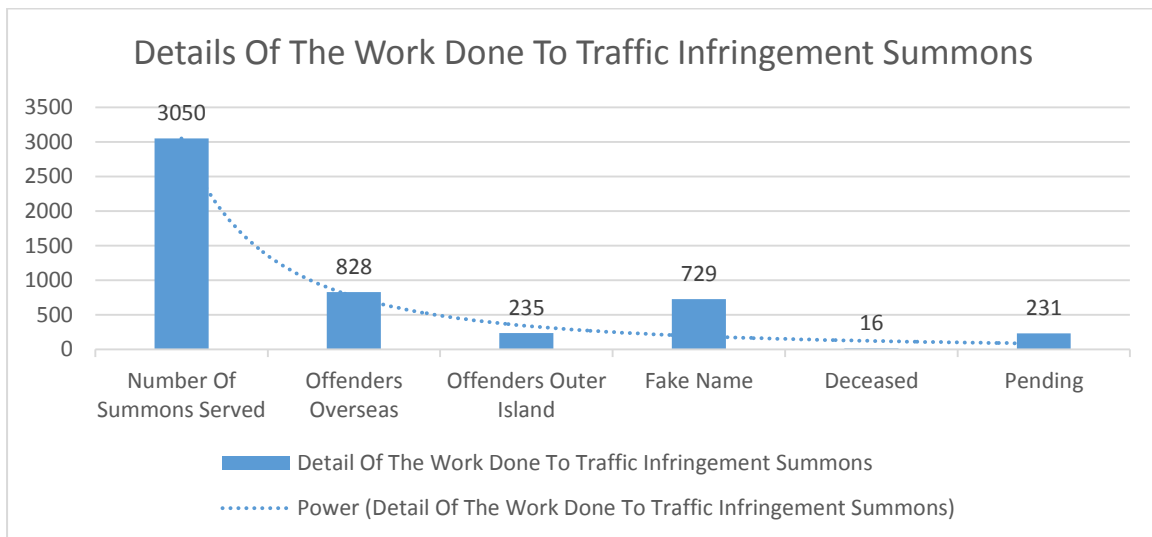


TABLE 9: DETAILS OF THE WORK DONE REGARDING THE PENDING TRAFFIC INFRINGEMENT SUMMONS FROM 2015

DEFINITION	TOTAL NUMBER OF SUMMONS
Number of summons served	316
Offenders overseas	72
Offender outer Island	40
Fake Name	58
Total	486

TABLE 10: DETAILS OF THE WORK DONE REGARDING THE PENDING SPOT FINES SUMMONS FROM 2015

DEFINITION	TOTAL NUMBER OF SUMMONS
Number of summons served	50

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Offenders overseas	14
Offender outer Island	16
Fake Name	20
Total	100

11.4 SUMMONS RECEIVED FROM THE SUPREME COURT AND MAGISTRATE COURTS

Bailiff Division is also responsible for serving summons particularly from Supreme Court. These include subpoenas for witnesses, summons for jurors together with the judgment and interpleader from Magistrate court. The statistics for the summons that has been received from the Supreme and Magistrates Courts are set out on Table 11 below:

TABLE 11: NUMBER OF SUMMONS RECEIVED

	SUBPOENA	JUDGMENT	JURROR
Delivered	275	434	117
Not Delivered	70	51	3
Pending		28	
Total		513	120

Table 11 above outlines the total number of various summonses received. The summonses that have not been served are those with which the subjects have either travelled to the outer islands or overseas.

11.4.1 MONTHLY COLLECTION

Table 12 below indicates the amount of money paid directly to the Bailiff Division by Debtors together with the money received from auction with which have been paid out to respective creditors.

TABLE 12: MONTHLY COLLECTION ON THE YEAR 2016.

MONTH	AMOUNT
January	\$2,161.00
February	
March	\$1,499.00
April	
May	\$3,549.00
June	\$684.00

July	\$983.00
August	\$766.00
September	\$310,503.00
October	\$2,161.14
November	\$1,480.00
December	\$343.00
TOTAL	\$324,079.00

11.5 BAILIFF STATISTICS FOR VAVA’U

Tables below tend to outline the work executed by the Bailiff sub-office in Vava’u island group for the reporting period.

TABLE 13: TOTAL NUMBER OF DISTRESS WARRANT ISSUED FROM MAGISTRATE COURT

COURT	NUMBER OF DISTRESS WARRANT	NUMBER WRIT OF DISTRESS	AMOUNT
SUPREME		Nil	
MAGISTRATE	30	-	\$76,405.33

TABLE 14: RESULT OF EXECUTION OF DISTRESS WARRANT

RESULT	NUMBER DISTRESS WARRANT	AMOUNT ORDERD
No Property to be seized.	3	\$9,234.00
Fully Paid	7	\$7,825.40
Transfer to Tongatapu	5	\$8,315.00
Settle	1	\$6,206.00
Cancelled directed by Court	14	\$44,824.93
TOTAL	30	\$76,405.33

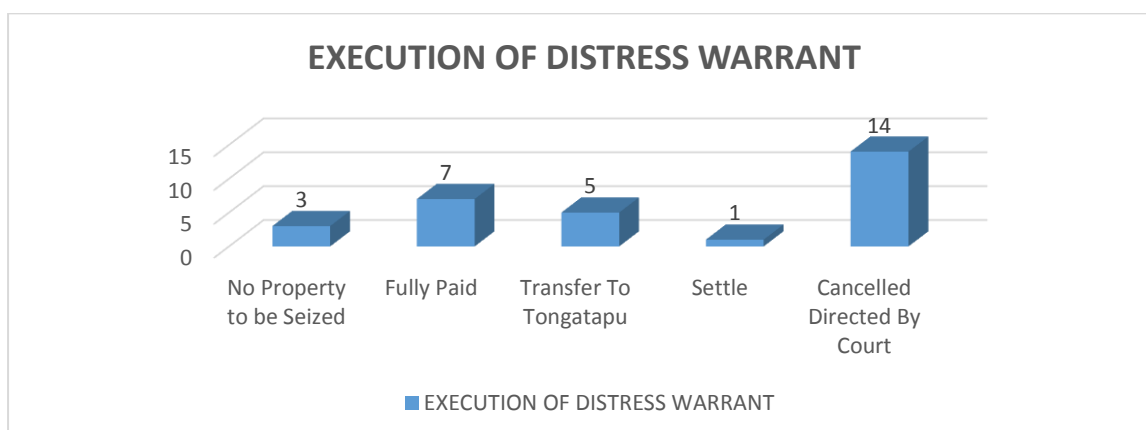


TABLE 15: TOTAL NUMBER OF TRAFFIC SUMMONS SERVED

DEFINITION	TOTAL NUMBER OF SUMMONS
Number of summons delivered	62
Offenders overseas	33
Fake Name	-
Total	95

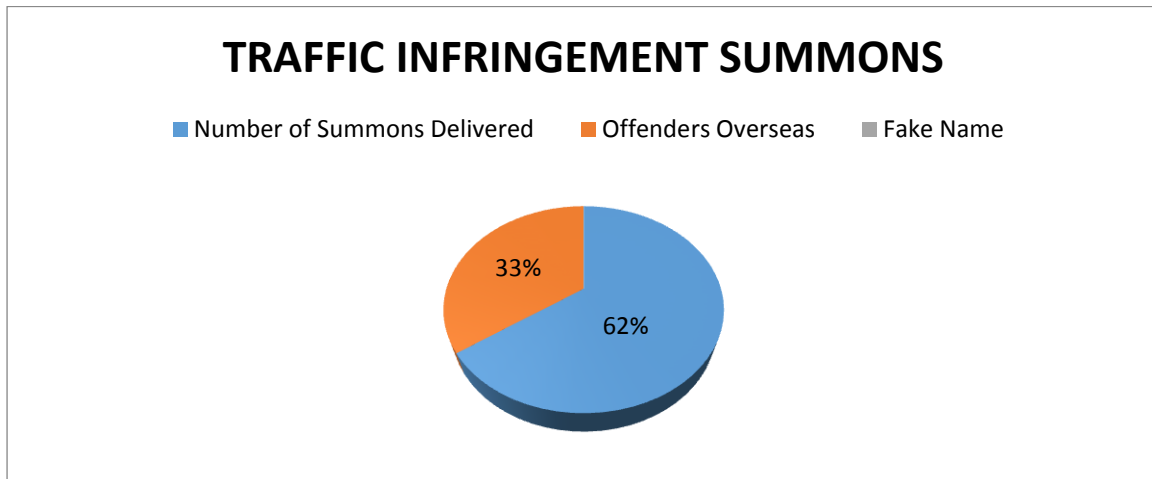


Table 16 below shows the amount of money paid to the Bailiff sub-office by the Debtors with which it was paid out to the respective creditors.

TABLE 16: MONTHLY COLLECTION ON THE YEAR 2016 IN VAVA’U.

MONTH	AMOUNT
January	
February	
March	
April	\$2,133.00
May	\$3,173.00
June	
July	
August	\$525.00
September	
October	
November	
December	\$1,994.40
TOTAL	\$7,825.40

11.6 CHALLENGES FACED BY THE BAILIFF OFFICERS DURING THE REPORTING PERIOD

1. *Searching for offenders /debtors:*

This is the major problem faced by the bailiff officers both at the main office and the sub-office while executing their duties specifically the delivering of traffic summons to the offenders. Given the situation, it was reported that there were increasing number of offenders providing fake names on the traffic infringement. This makes it hard for the officers to locate the offenders accordingly. The main cause of this is that the offenders do not provide their real identity as they fail to provide any identification Card such as driving license or passport to the police when they actually caught on spot. The Bailiff Officers also faced the same problem when delivering the distress warrants as some of the debtors do not permanently resides in one particular area and as a result it was very difficult to locate them.

2. *Lack of coordination with other law & Order sectors*

The Bailiff Division has also faced setbacks when dealing with cases that include other law and order stakeholders such as the Police force due to lack of coordination, inconsistencies in their respective governing laws and recent developments.

11.7 SUGGEST SOLUTION

- The Ministry of Police to consider amending their traffic legislations and regulations to include a provision that state that it's a mandatory requirement for drivers to have their driving licences on board while driving.

- Formalise working relations with the Ministry of Police to ensure that both Ministries will work well and be more effective in executing their duties especially in the execution of court orders (writ of distress & distress warrants) and ensuring the provision of factual information when noting down names of offenders on traffic infringement. On that note, a working relationship with the Ministry of Infrastructure should also be institutionalised so that it will assist the Bailiff Division when handling traffic infringement cases by providing the documentations for ownership of vehicles to assist the bailiff officer in identifying the offenders and their locations and to also identify the offenders who has not paid their traffic fines.

However, despite these anomalies, the Bailiff Division was able to perform their duties and functions as expected.

12. PROBATION UNIT

12.1 PHILOSOPHY, VALUES, BELIEFS & PRINCIPLES

We believe:

- i. every offender has the capacity to change and grow if given the opportunity, support, goodwill and understanding;
- ii. officers need to be developed and supported to be competent and innovative individually and as a member of a team;
- iii. a culture of continual learning and work improvement is necessary if probation is to remain viable;
- iv. Mutually beneficial partnership can and will garner support for and wider acceptance of community sanctions from the community and criminal justice agencies.

12.2 ROLES

The fundamental role of the Probation Services is to serve the Courts and the Public by:

- i. Providing the Courts (Magistrate/Supreme) with advice and information on offenders (Social Enquiry Report/Pre-sentencing Report) to assist in the final preparation of making its decisions.
- ii. Implementing community sentences passed by the Courts – supervision community workers in the community.
- iii. Working with offenders or ex-offenders who have emotional, behavioural or psychological problems through-based orders with maximum participation of their families and the community so they may be reintegrated into mainstream society as socially responsible and law abiding individuals.

12.3 STAFFS

The Probation Service consists of 4 Officers: (1) Senior Probation Officer, (2) Probation Officer, (1) Probation Officer Grade III.

12.4 PROBATION SERVICES

For reporting purposes and within the time-frame of the reporting period, the table below details the various probation related work that the Unit has executed.

Probation Services Statistics 1 January 2016 – 31 December, 2016.

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTAL
Criminal Cases Referred	Supreme Court	4	5	23	3	1	5	13	3	9	3	10	1	80
	Magistrate Court	2	0	1	2	5	4	3	6	2	5	2	0	32
112														
Interview	In-Office Interview	0	4	9	8	4	25	7	18	12	6	6	2	101
	Out-Office Interview	0	6	0	2	1	0	0	2	0	2	4	1	18
119														
PSR Reports Completed	Supreme Court	1	1	8	6	3	17	5	12	7	0	3	10	73
	Magistrate Court	0	2	1	2	1	8	1	6	3	3	3	1	31
104														
Court Attendance	Supreme Court	1	1	8	6	3	17	5	12	7	0	3	10	73
	Magistrate Court	0	2	1	2	1	8	1	6	3	3	3	1	31
104														
Home/Community Visits		2	12	2	4	4	4	5	2	2	5	7	10	59
Probationers Reporting		12	8	5	7	8	3	2	3	4	1	4	2	59
New Probation Orders		2	0	1	0	0	0	0	0	0	0	0	0	3
c/f existing Probation Orders		16	18	18	19	19	19	19	17	14	13	10	8	8 C/F
Complete Probation Orders		0	0	0	0	0	0	2	3	1	3	2	0	11
Failure Probation Order		0	0	0	0	0	0	0	0	0	0	0	0	0
Net Probation Orders		18	18	19	19	19	19	17	14	13	10	8	8	
Community Work Supervision		41	59	139	138	84	86	143	159	122	129	89	109	1,298
New Community Work Supervision Order	Supreme Court	0	7	8	3	9	4	1	4	1	2	1	2	42
	Magistrate Court	7	12	31	14	6	9	3	3	2	7	2	5	101
143 total CSW Order														
c/f existing Community Work Supervision Order		32	35	40	70	68	59	61	56	47	47	35	29	13
13 C/F														
Complete Community Work Supervision Order	Supreme Court	0	2	0	3	9	4	3	5	0	2	1	2	31
	Magistrate Court	3	6	2	14	6	7	2	7	3	10	8	11	79
110														
Failure Community Work Supervision Order	Supreme Court	1	2	0	0	1	0	0	1	0	4	0	0	9
	Magistrate Court	0	4	7	2	8	0	4	3	0	5	0	10	43
52														
Net Community Work Supervision Order		35	40	70	68	59	61	56	47	47	35	29	13	

12.5 REFERRALS

According to the statistics on criminal cases, the Supreme and Magistrates' Court consigned a total of 112 new criminal referrals as from January – December 2016 to the Probation Service; with 104 completed Pre-Sentence Reports (PSR).

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The following table details the combined statistics (Magistrate and Supreme Court) of the various types of offences committed by the consigned referrals.

Offences per referral 1 January – 31 December, 2016

OFFENCES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Conspiracy to commit theft													0
Conspiracy to commit housebreaking													0
Abetment to housebreaking													0
Abetment to theft	1							1					2
Housebreaking & theft	3	1	2	2	2	1	3		1	3	1		19
Robbery									2				2
Common assault		1	2			1	2	1		2	1		10
Indecent assault	1		1			1	1				3		7
Indecent assault on a child		1			1								2
Incest										1			1
Sodomy					1								1
Extortion													0
Carnal knowledge of a person under the age of 15	1												1
Attempted rape	1		1				2						4
Found by night								1	1				2
Rape		1	1						1		2		5
Damage to vehicle	1				2								3
Conspiracy to cause serious damage to a vehicle			9				3						12
Damage to property										1			1
Rioters damaging building								3					3
Riotous assembly			9				3						12
Disorderly behavior													0
Possession of illicit drugs		1	3					2	1		2		9
Cultivation of illicit drugs			2	1				1					4
Possession of arm without a licence			1	1							1		3
Possession of ammunition without a licence			2										2
Carrying an arm without a licence													0
Possession of stolen property													0
Receiving of stolen property													0
Fraudulent conversion						1							1
Falsification of accounts													0
Embezzlement	1		1			1	1		2				6
Forgery					1	1			1				3
Knowingly dealing with forged documents					1	1			1				3
Obtaining a passport by making a false declaration									1				1
Altering counterfeit currency	1		1										2
Obtaining by false pretence													0
Manslaughter							2						2
Reckless driving causing death				1									1
Driving without licence													0
Intimidation													0
Arson										2			2
Trespassing													0
Bodily harm											1	1	2
Causing grievous bodily harm			2				1	1			2		6
Causing minimal bodily harm		1	1										2
Obstructing a police officer										1			1
Domestic violence			1							1			2
Procuring of females by threat			1										1
	10	6	40	5	8	7	18	10	11	11	13	1	139

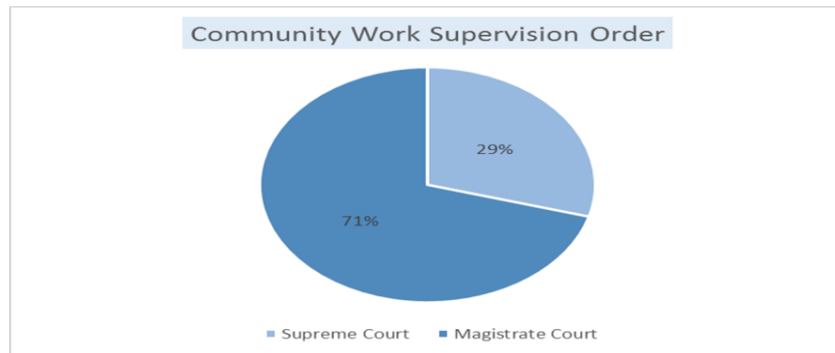
The most occurring offence for the 2016 period was housebreaking and theft charges which accounted for 13.6% (19 out of 139) of the total criminal cases referred; most cases referred were from the Magistrate Court (10 out of 139). Riotous assembly and conspiracy to cause serious damage to a vehicle ranked second with 8.6% (12 out of 139) and in third place was common assault accounting for 7% (10 out of 139). The remaining 70.8% comprises of common offences such as robbery, indecent assault, possession of illicit drugs, conspiracy to commit theft and others.

12.6 RECORDS DURING THE PERIOD

Youngest Offender - 16 years old
 Oldest offender - 52 years old

12.7 COMMUNITY WORK SUPERVISION ORDERS

The Probation Unit have dealt with a total of 143 new community work supervision orders during the reported year. More than a quarter of the orders (42 out of 143) were referred from the Supreme Court but majority (101 out of 143) were from the Magistrate Court.



Only 76% (110 out of 143) of the community work supervision orders were satisfactorily completed. There is concern however, for the remaining 26% of community work supervision orders that were breached; its continuing occurrence has been constant throughout the years.

12.8 COMMUNITY WORK SUPERVISION

A total of 1,298 community work supervisions were managed by the Probation Division for the 1st January to 31st December 2016 reporting period. The number of community work supervision has continued to rise over the years.

12.9 ACKNOWLEDGEMENT

The Probation Division would like to express its gratitude to its staff for their effort in supervising majority of the Community Work Supervision Orders throughout the stated period. We also wish to thank Town Officers and Non-government organizations for their Contribution to the supervision of those directed to be supervised in their various home communities. The sequence of courses offered by the Salvation Army Drug and Alcohol Awareness Clinic was also of valuable help to those of great need. Other Organisations acknowledged include the Centre for Women Children Crisis Centre, Centre for Women and Children and special gratitude for the kind contribution of rubbish bags and hand gloves by Waste Management towards the carrying out of community work, has greatly assisted the Division.

The Division anticipates the establishment of offices in the outer islands of Ha'apai and Vava'u but more importantly, future training and study opportunities for its untrained staff; both crucial to the efficient and effective execution and achievement of its roles and functions.

Finally, this has been a good year for the Probation Division, with amicable working relationship with the Courts, Ministry of Police and other agencies.

13. INFORMATION TECHNOLOGY DIVISION (IT)

13.1 INTRODUCTION

This is the annual report of the Ministry's IT (Information Technology) Division commencing from 1st January 2016 – 31st December 2016.

The role of this division is to assist with the operation of the other divisions to perform well and in line with the National Outcome:

National Outcome D: good-governance strengthening rule of law

A more inclusive, sustainable and responsive good-governance strengthening rule of law

National Outcome G: external interests and sovereignty

A more inclusive, sustainable and consistent advancement of our external interests, security and sovereignty

13.2 STAFFS OF THE IT DIVISION

	POSITION	NAME
1	Senior Computer Programme	Albert Cocker
2	System Administrator	Siosua Folau
3	Daily Paid	Palu Tupou
4	Daily Paid	Samipeni Maumau

13.3 REDEPLOYMENT

- Paula Latapu was re-deployed to work part-time at MEIDECC in February 2016. He was transferred permanently there in October to his new position.

13.4 POSITIONS THAT IS YET TO BE ADVERTISED

- Two (2) of our staffs were transferred and re-deployed in another Ministry. Stella Ngahe Tonga was transferred to her new position at Ministry of Revenue as a Revenue Officer. Paula Latapu also was transferred to MEIDECC towards the end of the year; both of their positions have not been advertised.

13.5 PROMOTION

- Albert Cocker was promoted from Computer Programmer to Senior Computer Programmer effective on 9th February, 2016.

13.6 FUNCTIONS

a. MOJCMS: - Additional Features to the program

- i. Upgrade program to formulate a schedule of future occasion or function
- ii. Staff will be alert on the CMS alert page on files with a set date for action but no action had been carried out.
- iii. Decisions that will be needed to scan and save can be accessed/ opened electronically

b. MOJRS: Additional Features to the program

- i. Upgrade processes for registering foreign death
- ii. Upgrade in detailing information on staff actions on records as well on images of birth certificate and registering.

C. MINISTRY'S TIME MACHINE

- i. Install time machines in 5 different divisions here in Tongatapu
- ii. Install 3 time machines for each of the 3 outer islands

d. NEW WINDOW SERVER 2012

- i. Install Window Server 2012
- ii. Operate Secondary Server DNS
- iii. Undertake action to merge Window Server 2003 Domain together with Window Server 2012

e. OTHER FUNCTIONS

- i. Install hardware to protect computer hardware at Vava'u
- ii. Accommodate needs on any numbers regarding both of the Ministry's programs
- iii. Amending of any wrong inputs of record to both of the programs
- iv. Fixing of broken computers are done by the division.

f. TRAININGS

- i. Special training for staffs on using of procedures set for similar approaches of every policy
- ii. Special Training on punching in time using the time machine
- iii. Special Training for Vava'u and Ha'apai staff on how utilizing computer hardware.

13.7 NUMBER OF COMPUTERS PER DIVISION

Divisions	Number of computers
Supreme Court	18
Magistrates Court	16 desktop, 3 laptops
Information Technology Division (IT)	4 desktops, 2 laptops
Bailiff Division	3
Probation Unit	4
Accounts/ Administration/ LLPU	13
RGO/Statistic/Digitization	16
Minister's Office	2
CEO's office	1
Server room	3 Servers, 3 Desktops

Number of computers per staff/ (Number of Staffs in the Ministry – Drivers of the Ministry)

$$82 / (111 - 10) = 81.19\%$$

14. REGISTRAR GENERAL'S OFFICE

14.0 ESTABLISHMENT

The Registrar General's Office (RGO) was re-established under the Births, Deaths and Marriages Registration (Amendment) Act 2012. The new office is independent of the Court and comes directly under the Ministry of Justice with the Hon. Minister acting as the Registrar General (RG). Towards the end of 2014 the General Election in November saw the Minister for Justice and the Acting Registrar General, Hon. William Clive Edwards being replaced by the newly elected Minister of Justice, Hon. Sione Vuna Fa'otusia who was also appointed as the substantive Registrar General.

14.1 COMPOSITION AND FUNCTIONS

The RGO comprises of the Central Registry on Tongatapu and the five sub-registries in each of the 5 island districts of Vava'u, Ha'apai, 'Eua, Niuatoputapu and Niufo'ou. In Tongatapu, there were 3 full-time (Deputy Secretary RGO – Temaleti M.A.Pahulu, Senior Assistant Secretary – Seniloli 'Inoke, Assistant Secretary – Taniela Takeifanga) sub-registrars with 2 appointed from within the Ministry/Court to support them when the need arises. During 2016 sub-registrar, Seniloli 'Inoke was then assigned to another the HR and Corporate Division. Therefore there was a need to create new sub-registrars from the Registrar General's Division namely Taniela Takeifanga other another Division of the Ministry was appointed namely Tevita Tai Fukotuka (Legal Officer - Leadership and Legal Policy Division).

The emergence of 3 units within the RGO (Tongatapu) slowly started in 2015. These were:

- i. General Administration, Training & RG Applications: (staffed by 3 sub-registrars, 1 Gr.3 clerk, 1 computer assistant, 2 Gr.2 clerk,)
- ii. Vital Statistics: (staffed by an Assistant Vital Statistics Officer, 3 Vital Statistics clerks, 1 computer assistant, 1 daily paid clerk)
- iii. Archive & Digitization: (staffed by an Archivist, 2 daily paid and 1 Gr.3 clerk, 1 computer assistant)

This began to re-define roles and responsibilities as RGO became more integrated in its functioning. It is expected that RGO will continue to develop into an office which provides effective registry service at all times, better manage its resources, and with strategic initiative for its staff development.

In the outer-islands the function of the sub-registrar was vested in the resident Magistrate, Governor or Government Representative as the case may be. Their appointed substitutes acted in their absence and their respective clerks act as support staff for each sub-registry as before.

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The core function the RGO is governed by the Births, Deaths and Marriages Act and other related statutes, rules and regulations. Civil Registration and Vital Statistics (CRVS) is important not only to individuals and to Society but is fundamental to Development, Accountability and Good Governance.

The RGO is responsible for registration of all births, deaths and marriages (vital events) occurring in the Kingdom through its sub-registries and also births and deaths of Tonga nationals which occurred abroad at the Central Registry in Tongatapu. It also provides for other services which are set out in the Tables 1.3a and 1.4a below.

As a data collecting agency for Government it is RGOs function to work closely together with other Ministries and Departments and also local Non-Government Organizations. Cooperation and dialogue with Key Stakeholders like the Churches in Tonga increased as we strived to review initiatives developed over the years to improve operations and practices. (These entail on-going activities which will be elaborated upon in later sections).

14.2 REGISTRAR GENERAL APPLICATION (RG APP)

The statistics presented in Table 1 below states the overall summary of cases (for all districts) that were filed during the reporting period. “New” RG APP specifically refers to those applications filed from 05th of January 2016 to 21st of December 2016.

Table 1: Applications Filed from 01st of January 2016 – 31st of December 2016

No. Of New RG Apps	No. of new RG Apps Granted	No. Of new RG apps Refused/Declined	No. Of RG Apps pending	Transferred to Supreme Court	Average Rate of Disposal For New RG Apps
1277	1156	7	113	1	9 out of 10

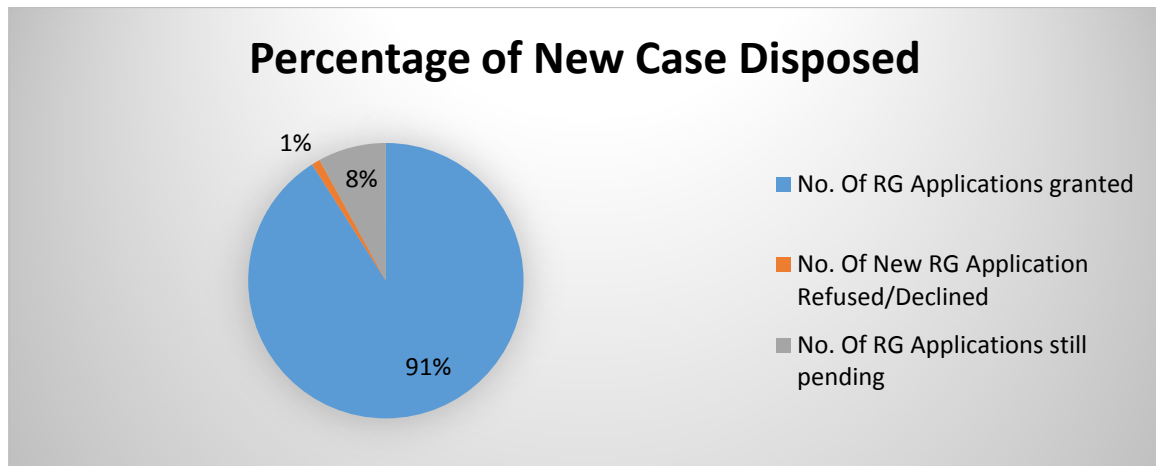
Figure 1.2a below demonstrates the number of new cases disposed as against the number of new RG App filed between 05th of January 2016 –21th of December 2016.

These “pending” cases – are actually cases where clients have taken no further action to complete their applications or submit further evidence required for progress of matter. The total pending numbers include accumulated pending cases from previous years. This will keep rolling over until a Call-Over is conducted to strike them out or policy is put in place to automatically close inactive files after a set period.

The high rate of disposal for RG applications (91% approved/granted) and the (1 % refused/declined) make up the total RG files now being finalized and closed. The remaining 8 % of pending new cases reflect substandard and incomplete applications or abandoned actions. A step had already been taken by providing a Requirement List for each and every type of application but problems appear to persist. In addition to striking out cases (age of files to be assessed and firm policy approved) there must be focus on new procedural efficiencies and improvements to eradicate future “pending” cases in the system.

The time goals for issuing of BDM certificates (from request to receipt of document) and verification of records (from request to receipt of confirmation letter) remain high although there have been delays due to power outages and server system failures but these are rare. The processing of application for marriage licenses is satisfactory but needs to be improved to minimize waiting time for people accompanying nuptial couples tend to over-crowd the office at peak times on Tuesdays and Thursdays.

Figure1.2a



14.3 VARIOUS RGO APPLICATIONS

RG applications become necessary when there are failures to register vital events or there is a need to amend errors on existing records. There are also applications for special licenses to marry in addition to ordinary marriage licenses required. Registering births and deaths from abroad must be by way of application. Application for Certificates of Name Registration whether to formally change one’s name or officially recognize alias/es are processed as applications. The different types of RG applications are listed in Table 1.3a.

RG Applications are dealt with at the Central Registry although they may be filed at any sub-registry in the outer islands. Initial effort was made to expedite transfer of applications from outer-island by using electronic means in the reporting year but there was little success. The main challenge was in communication and unreliability of inter-net connections. Reverting to old method of sending files by air or by sea meant delays in finalizing applications. The problem was compounded by the decision-making sub-registrar not having the opportunity to visit the sub-registries and dispose matters in the various districts as had previously been the case. The problem of sub-registries feeling isolated and the risk of standards being neglected in those districts would only increase if it is not addressed immediately.

The unit responsible consisted of the Temaleti M.A.Pahulu – Deputy Secretary RGO, Taniela Takeifang, Assistant Secretary (sub-registrar), Seniloli ‘Inoke – Senior, Assistant Secretary (sub –registrar), clerks Lu’isa Tu’imoala , Belinda Moala, Savieti Paea, Computer Assistant – Nicole ‘Afeaki. Tasks such as search and verification of records in the system and responding to general queries formed substantial part of the work

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of this unit in 2016. There were also other undertaking such as indexing of closed RG files and records but these not reflected in the tables below.

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APPLICATIONS		Granted	Pending	Withdraw/ Closed/ Declined	Transferred to Supreme Court	TOTAL
1. LATE –	Birth	245	25	2(W) 1(C)	-	273
	Death	51	1	-	-	52
	Marriage	12	5	-	-	17
2. FOREIGN- (Occurring abroad)	Birth	360	16	1 (W)	1	378
	Death	34	1	-	-	35
3. Certificate of Name Registration-	AKA	68	12	-	-	80
	Name change	121	22	2 (W)	-	145
4. Registration of birth within 9 month of divorce decree		1	-	-	-	1
5. Legitimation		46	9	-	-	55
6. Insert Father's name		29	3	-	-	32
7. Special License for marriage		44	-	-	-	44
8. Amend Birth ,Death, Marriages		38	14	-	-	52
9. Use copy of Death Certificate to register death		33	3	-	-	36
10. Missing Particulars on BDM		6	-	1 (C)	-	7
11. Use copy of Birth Certificate for marriage		9	-	-	-	9
12. Use copy of Divorce Decree for Marriage		15	-	-	-	15
13. Use copy of B/cert, M/cert & passport for registration of foreign birth		20	1	-	-	21
14. Transfer Non- Tongan to Tongan		3	-	-	-	3
15. Cancellation of Marriage & Birth Registration		3	1	-	-	4
16. Use Passport for Marriage		8	-	-	-	8

17. Use copy D/cert to register Foreign Death		1	-	-	-	1
18. Use copy of D/cert for marriage		5	-	-	-	5
19. Additional of Surname on M/cert		2	-	-	-	2
20. Additional of Surname to B/cert		2	-	-	-	2
TOTAL		1156	113	7	1	1277
Inwards	143					
Outwards	108					

Table 1.3a shows the RG applications lodged under specific categories and explanation or comments will be made where appropriate.

14.3.1 Comments and Explanations

1. Late Registration of Birth, Death and Marriages

Late registration of births appears relatively high but it must be noted that applications received include those pertaining to births from any year prior to 2016 and is not a figure confined to 2016 births. Registration of deaths is accepted to be low compared to births and consultation with Key Stakeholders has been held as to how we may capture all deaths in all districts of the Kingdom. Several recommendations were made from more public advocacy to reviewing legislation to providing incentives for bereaved families. This process is still on-going. It is of concern that lack of improvement would perpetuate inaccuracies in our data.

Late registration of marriages is usually due to Church Ministers forgetting to return marriage certificates and marriage license for registration. Despite training programmes being conducted regularly a small number would still fail to act as required. However, the overall problem has been reduced and some of the numbers reflected in Table 1.3a relate to previous years rather than just 2016. A more effective monitoring system was implanted using computerized records and reconciliation of those records in 2016 to keep track of marriages that has not been registered. Further, there needs to be some responsibility placed on Churches to ensure their Ministers comply with the requirements of the Law. Persecutions will imply if they fail to meet what is required by the law.

2. Registration of Tongan Births Occurring Abroad

Registration of births that have occurred abroad continued to rise in the reporting year. A single application in this regard may contain more than one birth so that the actual persons registered are higher than the

number of applications stated. There are still families who wish to register the death of their loved ones in Tonga although strict requirements in the past for land transfer and probate matters no longer applies.

3. Application for Name Registration

In 2016 the RGO received an ever increasing number of applications in this category. The Change of Name Regulations 2011 enabled individuals to change not only their family name but their forenames as well, similar to Change of Name by deed poll occurring overseas. This afforded those registered with one name and grew up being called a different name (not an uncommon practice in Tonga) assistance to confirm their identities. The original birth registration is not amended in any way but the holder by the Certificate of Name Registration is shown to have changed his/her name officially. For aliases, these will be formally recognized through Certificate of Name Registration but nothing is added to original birth certificate. In the reporting period there were issues identified with regard to inadequate cross-referencing of records from the new Certificate of Name Registration to original birth record which will need to be addressed soon to remove any risk of records being misused.

4. Application for Amendments of particulars on Birth, Death and Marriages

Normally addition or amendment to a person's birth or death record cannot be exercised once the holder passes away. Again naming practices in Tonga means a person may have used a name other than his/her registered name throughout his/her life and his widow and children would face difficulty in linking his registered identity to those on bank accounts etc for the purpose of applying for probate. In exceptional cases an alias may be added to the endorsement column of the Death Certificate.

With population mobility there is an increasing number of cases where those who have moved overseas encounter problems over either date of birth or some other particular they claim is erroneously recorded on their birth or marriage certificate or death certificate of parents or siblings. This involves more of work than usual as searching through archived takes time. The digitization of records has in some measure reduced searching time in most applications which is a positive outcome from work done in that area.

5. Application for Missing Particulars on Birth, Death and Marriage Certificates

There are still a number of applications submitted to fill in missing particulars on BDM Certificates although this mainly concerns birth registration. These are mainly due to loss or deterioration of records in the past. It is expected this will be on-going for some years yet but with time it will start to decrease. The computerization of records has removed this particular problem for recent records but there is a different and huge challenge now with accuracy of inputted information not being checked. The integrity of our records must be maintained and central to that is the issue of accuracy.

6. Application to insert Father's name into Birth Certificate

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There have been a few increases in the number of applications submitted to insert Father's name on Birth Certificates of illegitimate born children compared to past years. Most cases relate to movement of father at time of birth, especially to overseas country, or previous family obstacle being removed or delayed acknowledgement of his involvement.

7. Application to waive requirements to produce original documents.

The use of photocopied documents as evidence in any of the processes at RGO was previously not allowed. The incidences where leaves are being sought to use photocopied documents have increased and this is reflected in the tables. Concern over this issue has been raised and discussed at RGO and in the National Civil Registration and Vital Statistics Committee (NCRVS). Part of the problem stems from policy decision in another Minister and part lies in a more relaxed attitude to requirements. A timely review will be useful in maintaining standards and clarity.

14.4 VITAL STATISTICS REGISTRATION

For reporting purposes, the Vital Statistics section of the RGOs, which records, maintains, updates and issues true copies of birth, death and marriage certificates for the Kingdom from 01st of January, 2016 – 31st of December, 2016.

Table 1.4a: Vital Statistics 01st of January - 31st December 2016

REGISTRAR GENERAL BIRTHS (1st January - December 2016)							
A. TONGAN	TONGATAPU	HA'APAI	VAVA'U	'EUA	NIUATOPUTAPU	NIUAFO'OU	TOTAL
Total Registered	1914	89	312	41	0	0	2356
(a) Legitimate	1582		265	32			
(b) Illegitimate	332		47	9			
(c) By Order	0		0	0			
(d) Foreign birth	497		0	0			
Male	328		0	0			
Female	169		0	0			
B. NON TONGAN	TONGATAPU	HA'APAI	VAVA'U	'EUA	NIUATOPUTAPU	NIUAFO'OU	TOTAL
Total Registered	13	0	0	0	0	0	0
(a) Legitimate	9						
(b) Illegitimate	4						

Male	8
Female	5

NB: The total number of Non Tongan births is excluded from the number of births in Tongatapu

REGISTRAR GENERAL'S DEATHS (01st January – 31st December 2016)

A. TONGAN	TONGATAPU	HA'APAI	VAVA'U	'EUA	NIUATOPUTAPU	NIUAFO'OU	TOTAL
Total registered	352	68	97	17	1	5	565
Births Exceeded Deaths by	1562	244	246	24	0	0	2029

MARRIAGES (01st January – December 2016)

A. TONGAN	TONGATAPU	HA'APAI	VAVA'U	'EUA	NIUATOPUTAPU	NIUAFO'OU	TOTAL
Marriage License Issued	809	27	77	15	3	0	977
Total Number of Marriage being registered	802	27	77	15	0	0	970
Total Number of Marriage not being registered	7	0	0	0	0	0	7

Table 1.4a gives an overall picture of the volume of life events recorded in the reporting year as well as the distribution of these records amongst the 6 districts of Tonga.

The Vital Statistics Officer, Kafo'atu Mafile'o and her team (Meleane Katoa, Me, Po'uliva'ati Taufateau, Telesia 'Olie, Netatua Telefoni and Falemei Fangalahi) have throughout 2016 maintained a highly satisfactory time standards for serving customers. However, there are still issues with accuracy of computerized records storage that have been identified in 2016 with plans to resolve these being drawn up by this unit together with the IT and Administration Divisions of the Ministry.

14.5 NATIONAL CIVIL REGISTRY FOR VITAL STATISTICS COMMITTEE (NCRVS)

The work of the re-constituted and Cabinet endorsed National Civil Registration and Vital Statistics Committee continued with the same vision. This is primarily to enhance data collection capacity of its members and to move towards more effective information sharing amongst its members. Although the latter was an on-going cooperation which had been in place for years there has never been any direct accessing of data systems or plans to facilitate such activity. In 2016, the membership of the NCRVS Committee included relevant Ministries and Departments who uses the Civil Registry and Vital Statistics data such as the Lord Privy Seal's Office, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of

Education and the Ministry of Police though they've remained an observer. This is for these Ministries and Departments to understand how data are being collected, well updated and ensuring its accurateness.

The Civil Registry Vital Statistics Committee is important because it enables the line Ministries and Departments who uses these vital statistics to provide the documentary evidence and permanent record for people to establish their legal identity and prove civil status and family relationships, protects and uphold variety of social, economic, cultural, political and human rights, facilitates access to essential services such as health care, education and social protection, enables political participation, property ownership, recourse to justice, formal employment, inheritance and the use of banking and financial services, offers the basis for identity documents such as passport and National ID and reduces the risk of statelessness, child marriage and human trafficking.

14.6 DIGITIZATION PROJECT FUNDED BY COMMONWEALTH SECRETARIAT (RGO)

The Digitization Project is headed by Liniola Manu, Digital Archivist/ Librarian and was assisted by, Siutiti Funaki, Clerk Class III, 'Aisea Vave Daily Paid Computer Assistant and, 'Asinate Tonga Computer Assistant.

However, there were working schedules practically designed to be completed within a set timeframe throughout 2016. In July, 2016, there were tasks set out to be completed by the Digitization staffs and this was successfully accomplished. The Digitization project reports were made and distributed to the Head of Divisions but specifically the IT Division and the RGO to monitor project and staff performance. These reports included the number of images linked by each staff member with times, image was linked by staff member and time and checked by staff and time with status of checking field, number of total images linked, number of birth or death or marriage images linked, number of records each image is attached to, number of records with images attached and the number of images with comments and which staff member recorded the comments. The Digitization staffs were able to display record check status during linking process with which it was visible on the record information screen.

However, it should be noted that some of the scheduled modules set out in the working timeframe were not be able to be accomplished due to tangling working related issues of understaffing, lack of skillful IT persons, limited financial and technical support and other minor issues. As of that, only more than 50% of the duplicate records were able to be located and deleted, the Digitization project would be grateful if more time would be given to track and verify the duplicating records. The linking of records of each individual lifetime events (linking of Birth, Marriage and Death Certificates) and linking of records of family members (linking the records of parents, children and siblings) were unable to be conducted due to limited financial and technical support.

14.7 IN-HOUSE TRAININGS FOR REGISTRAR GENERAL'S OFFICE

The training of Church ministers registered to solemnize marriages was continued in a number of in-takes throughout 2016. Newly approved church ministers were de-briefed on their respective duties. With close collaboration with the Ministry of Internal Affairs, the government representatives and town officers were given times from their quarterly meetings and trainings to attend in-house training conducted by the Deputy Secretary, RGO, with the assistance of Mr. Taniela Takeifanga, Assitant Secretary, Registrar General's Office , Miss Lu'isa Tu'imoala Clerk Class III and Mr Liniola Manu Digital Archivist/ Librarian on their respective roles as Sub-registrars of the outer island registries. During 2016 the Deputy Registrar RGO and the Assistant Secretary were invited to give seminars and trainings to Town and District Officers on their responsibilities to submit reports on births and deaths as required by Law and the importance of evidence they provide in various Registrar General Applications. Closer cooperation within the NCRVS Committee facilitated the success of this exercises. Outer island travels were being arranged by the Internal Affairs for trainings with new District and Town Officers.