
SUPERIOR COURTS OF TONGA ANNUAL REPORT

1 JANUARY – 31 DECEMBER 2015

**COURT OF APPEAL
SUPREME COURT
LAND COURT**

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1. INTRODUCTION

This report is for the period commencing 1 January 2015 to 31 December 2015. It covers the work of the Superior Courts of Tonga namely the Court of Appeal, Supreme Court and the Land Court. The Magistrates Court produces its own report. It also covers the training and workshops offered by the Pacific Judicial Development Programme (PJDP) which continues to be a main source of training and resources for the judiciary.

2. STAFF OF THE SUPERIOR COURTS

Below is the list of the staff of the Superior Courts for this reporting year:

	TITLE/POSITION	NAME
1	Lord Chief Justice	Mr. Owen G. Paulsen
2	Judge	Mr. Charles B. Cato
3	Part-time Judge	Mr. Michael D. Scott
4	Registrar	Mr. Similoni Tu'akalau
5	Assistant Registrar	Ms. Fatima Fonua
6	Legal Officer	Mr. Viliami Folaumahina (commenced June 2015)
7	Personal Assistant to Chief Justice	Mrs. Nehusita Tu'uholoaki
8	Assistant Secretary (Daily-Paid)	Ms. Mina Pule (commenced September 2015)
9	Court Interpreter	Mrs. 'Elenoa Takataka
10	Assistant Court Interpreter	Mr. Viliami Fotu
11	Assistant Court Interpreter	Ms. June Ropati
12	Computer Operator Grade II	Mrs. Malia Taufua
13	Computer Operator Grade II	Mrs. Fololeni Vaiangina (commenced May 2015)
14	Computer Assistant	Mrs. Mele Kulikefu
15	Computer Assistant	Mr. 'Amipeliasi 'Ahokava (commenced January 2015)
16	Computer Assistant	Mrs. Melenaite Kaumavae (commenced May 2015)
17	Clerk Class II	Mrs. 'Ana Vainikolo
18	Clerk Class II	Ms. Sivoki Katoa
19	Clerk Class III	Ms. Salote Veikune
20	Clerk Class III	Mrs. Simulata 'Ofahengaue (commenced April 2015)
21	Official Translator (Daily-Paid)	Mr. Chen Touhuni (end August 2015)
22	Clerk Class III (Daily-Paid)	Ms. Sesilia Vunipola
23	Cleaner	Mr. Masungu Kafoa

2.1 COMMENCEMENT OF TENURE IN OFFICE

The reporting year began with welcoming Hon. Owen G. Paulsen as the new Lord Chief Justice of Tonga for a period of 5 years commencing from 5 January 2015. His Honour joins the judiciary of Tonga after serving as a litigation partner at the Cavell Leitch Law Firm in Christchurch, New Zealand.

Michael Dishington Scott also began his tenure in office as a part-time judge with three circuit visits to Tonga during this reporting year. His Honour visited for three four-week periods in February, July and November and predominantly dealt with land and civil cases that were assigned to him by the Lord Chief Justice.

2.2 PROMOTION

The following officers were promoted during this reporting period:

- Mrs. **'Elenoa Takataka** was promoted from the position of Assistant Court Interpreter to Court Interpreter with effect from 11th June 2015.
- Mrs. **Fololeni Vaiangina** was promoted from the position of Computer Assistant to the post of Computer Operator Grade II with effect from 22nd May 2015.
- Mrs. **'Ana Vainikolo** was promoted from the position of Clerk Class III to the post of Clerk Class II with effect from 22nd May 2015.
- Ms. **Sivoki Katoa** was promoted from the position of Vital Statistics Officer Grade III to the post of Clerk Class II with effect from 30th June 2015.

2.3 RESIGNATION

The following officers resigned during this reporting period:

- Mr. **Chen Touhuni** resigned from his position as Daily Paid Official Translator with effect from August 2015 after having successfully applied for a scholarship to pursue studies in Information System in China.

2.4 NEW RECRUITMENT

The following officers were recruited during the reporting period:

- Mr. **Viliami Folaumahina** joined the Supreme Court as a Legal Officer with effect from 24th June 2015.
- Ms. **Mina Pule**, a new scholarship graduate from China was appointed to the post of Daily Paid Assistant Secretary with effect from 8th September 2015.
- Mr. **'Amipeliasi 'Ahokava** joined the Supreme Court as a Daily Paid Clerk Class III and was later appointed to the post of Computer Assistant with effect from 10th July 2015.
- Mrs. **Melenaite Kaumavae** was appointed as a Computer Assistant with effect from 22nd May 2015.

2.5 TRANSFER

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

- Mrs. **Siutaisa Na'a Helu** was transferred to the Accounts Section of the Ministry of Justice with effect from 26th January 2015.
- Mr. **Sylvester Tevita Tu'iono** was also transferred to the Accounts Section of the Ministry of Justice with effect from 25th May 2015.

2.6 AVERAGE NUMBER OF CASES PER STAFF MEMBER

The number of court registry staff who are involved in a case from filing to finalization in this reporting period is 19. Hence the average number of cases per staff member of the Superior Courts in this reporting period was 43.

2.7 COMPLAINT HANDLING AND FEEDBACK

A new complaint procedure was put in place by the Chief Executive Officer with the approval of the Lord Chief Justice. This replaces the former procedure where a notice was placed on the notice board directing members of the public and court users to lodge their complaint via letter addressed to the Lord Chief Justice if the complaint is against a judicial officer or to the Registrar if the complaint is against a court officer. The new procedure provides members of the public and court users with a complaint form to complete and submit via a complaint box placed at the Registry counter.

During this reporting period, no complaint was received against a judicial officer and one complaint was received against a court officer. At the time of writing this report, the complaint is currently being dealt with by the Chief Executive Officer for appropriate action.

3. TRANSPARENCY AND COURT SERVICES INFORMATION

3.1 TONGA LAW REPORTS

The most recently compiled Tonga Law Reports are for the years 2012 and 2013 which are now available at the Ministry of Justice for purchase.

3.2 PACLII

During this reporting period, the Chief Justice re-implemented the Classification and Distribution of Judgments Policy. As such, the transfer of judgments to PacLII continues with monthly emails being sent to PacLII attaching reportable decisions identified by the judges.

There are 275 Court of Appeal decisions, 902 Supreme Court decisions and 93 Land Court decisions currently available on PacLII, including all reportable decisions of this reporting year. Annual reports are also available on PacLII, with the most recent report being the 2014 annual report.

3.3 ARCHIVES

All files which have been finalized are transferred to the archives room once 12 months has elapsed from the date of finalization. This procedure also applies to files that are dormant and disposed of¹ which are transferred for storage in the archives room.

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

However, as court files and registers are subject to damage, it is hoped that they will become digitized in due course to both increase the efficiency of court services and ensure that these records are properly maintained.

3.4 RADIO ANNOUNCEMENTS

The superior courts have continued using the radio to announce case information to the public, with the announcement of all cases to be heard during circuit visits in this reporting period announced by radio.

3.5 TELEVISION PROGRAMS

Through the Ministry of Justice, the superior courts have used television programs aimed at educating the public on the functions of the courts. A representative of the superior courts has been present in several television programs providing simple information such as the location of the courts in Tonga, the requirements for filing different applications and the fees associated with each application.

3.6 WEBSITE

The Ministry of Justice has established a Website Committee to meet and consult about updating the existing website of the Ministry which includes the superior courts. Several meetings and consultations have been held over the reporting year to discuss the website upgrades required. It is anticipated that the website will be up and running at the commencement of the July 2016 – June 2017 financial year.

4. ROLL OF LAW PRACTITIONERS

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

Below is a table that summarizes the number of law practitioner's practising certificates that were renewed during this reporting period, together with the number of newly enrolled practitioners on the Roll of Law Practitioners.

Year	Certificates Issued	King Counsel	Senior Counsel	Fully Qualified	Locally Qualified
2015	83	1	8	58	16

There were 9 new law practitioners enrolled and listed on the Roll of Law Practitioners during this reporting period, of which 7 were fully qualified lawyers 2 were locally qualified lawyers.

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

5. JUSTICES OF THE PEACE

Following the appointment of Justices of the Peace in 2014, the Registrar visited all Justices of the Peace in Tongatapu and in the outer island at the beginning of this reporting year and a report on their performance was provided to the Lord Chief Justice in consideration of their re-appointment.

On 1 July 2015, the Lord Chief Justice re-appointed the following persons as Justices of the Peace for the period of 1 July 2015 to 30 June 2016:

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.	Viliani 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.	Sione Palu	Foa Island	Ha'apai
13.	Kisione Taulani	Nomuka	Ha'apai
14.	Me'ite Fukofuka	Nomuka	Ha'apai
15.	Sione Siotonu Fakahua	Pangai	Ha'apai
16.	Siosaia Hausia	'Ohonua	'Eua
17.	Sione Feingakau 'Iloa		Niuatoputapu
18.	'Aisea Ta'ofi		Niuatoputapu
19.	'Inoke Tuaimi'api	Petani	Niufo'ou

6. PACIFIC JUDICIAL DEVELOPMENT PROGRAM

The Pacific Judicial Development Program (PJDP) continues to be a major provider of training and capacity building initiatives for the Tongan judicial system. The Tongan judiciary is most grateful to the New Zealand and Australian governments for the continuing assistance provided through the PJDP.

6.1 LOCAL WORKSHOPS AND TRAININGS

During this reporting period, the PJDP hosted two local workshops which are as follows:

6.1.1 **Judicial Orientation Workshop:** A four day Judicial Orientation Workshop for Magistrates was held for the first time from 18th to 21st August 2015 at the Tungi Colonnade. The training was led by the Lord Chief Justice with the assistance of PJDP Judicial Orientation Training Adviser, Dr. Livingston Armytage and other faculty members which included the Acting Attorney General and Judges. All Magistrates, the Registrar of the Supreme Court and lawyers who were interested in pursuing a career in the judiciary participated in the workshop.

The goal of the orientation workshop was to deliver accessible and timely justice through:

- a) promoting 'judicial competence' of court actors; and
- b) developing a shared vision, understanding and collaboration for excellence in the delivery of justice.

Participants rated their overall satisfaction with the training at 94.74%².

6.1.2 **Training of Trainers Workshop:** In connection with the Judicial Orientation Workshop, a Training of Trainers workshop was held on 15th and 17th August 2015. All faculty members involved in the Judicial Orientation Workshop participated in the Training of Trainers Workshop, which was aimed towards increasing the capacity of Tongan courts to deliver local training.

The Judicial Orientation Workshop participants rated the effectiveness of the trainers and presentations at 96.49%³.

6.2 REGIONAL WORKSHOPS AND TRAININGS

The superior courts of Tonga also sent the following representatives to participate in regional workshops and trainings conducted by PJDP:

6.2.1 **Chief Justice's Leadership Workshop:** Lord Chief Justice Paulsen attended the Chief Justice's Leadership Workshop which was held at Apia, Samoa from 20th to 22nd April 2015.

6.2.2 **Training of Trainer Workshop:** Assistant Registrar Fatima Fonua attended this training which was held in Auckland, New Zealand from 9th to 20th February 2015. The aim of the

² Pacific Judicial and Development Program – Tongan Training of Trainers and Local Orientation Training Workshop Completion Report, Dr. Livingston Armytage (2 October 2015).

³ As above.

training was to provide participants with a training of trainer's program to equip them with the confidence and competence required to build capacity by training in their own country and/or region. The Assistant Registrar returned with a Certificate of Training Competence as a Regional Trainer, indicating that she possesses advanced training skills required to deliver training to others across the nation and in the region.

7. COURT OF APPEAL OF TONGA

There were two sessions of the Court of Appeal during this reporting period. Each session was held over a two week period, with the first session held from 23rd March 2015 to 2nd April 2015 and the second session held from 7th September 2015 to 18th September 2015.

The Registrar and Assistant Registrar of the Supreme Court continued provide administrative support to the Court of Appeal during both sessions in their roles as Registrars of the Court of Appeal.

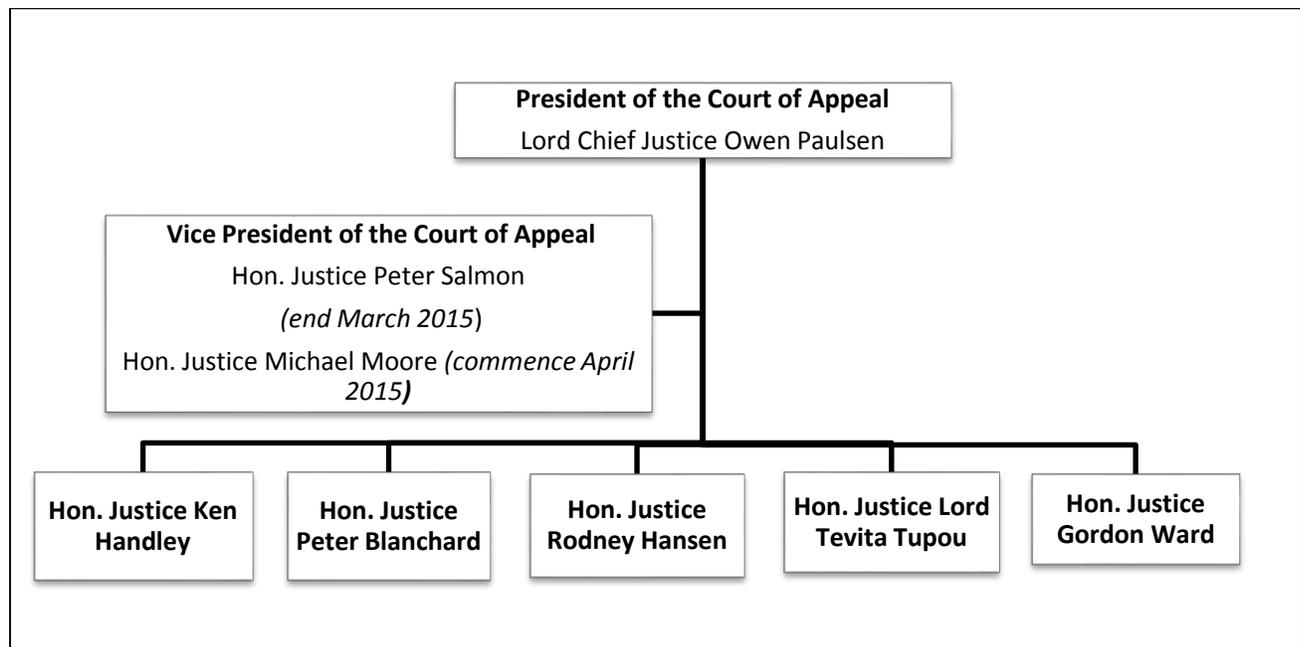
7.1 JUDICIAL OFFICERS

The Lord Chief Justice remained the President of the Court of the Appeal. Justice Peter Salmon served as Vice-President of the Court of Appeal until his retirement in March 2015, upon which Justice Michael Moore was appointed as the Vice-President with effect from April 2015.

For the first session of the Court of Appeal, the Vice-President Hon. Justice Peter Salmon together with Hon. Justice Michael Moore, 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 new 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.

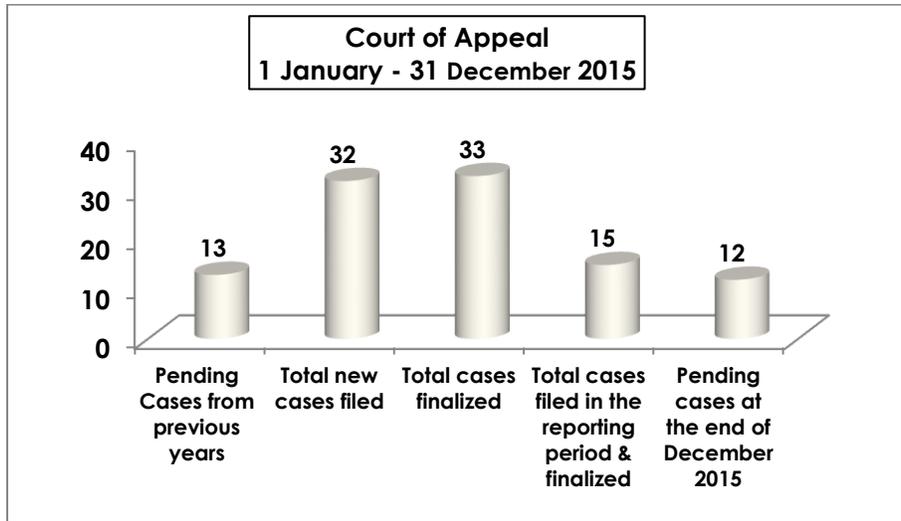
The average number of cases per Judicial Officer in this reporting period was 8.



7.2 CLEARANCE RATE

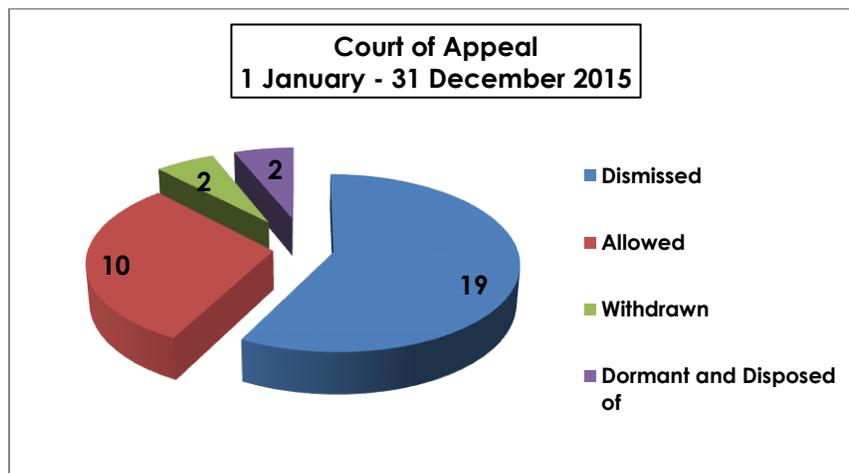
During this reporting period there were a total of 13 cases pending from previous years and 32 new cases were filed. A total of 33 cases were finalized during this reporting period leaving 12 cases pending, with a final clearance rate of 103%.

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



Three of the appeal cases filed and finalized in this reporting period relate to only one Supreme Court civil case. The appeals were made in relation to interlocutory orders regarding the appeal. The substantive appeal against the final judgment of the court was filed in 2016.

Of the 33 appeal cases dealt with during this reporting period, 19 cases were dismissed, 10 cases were allowed, 2 cases were dormant and disposed of⁴ and 2 cases were withdrawn.

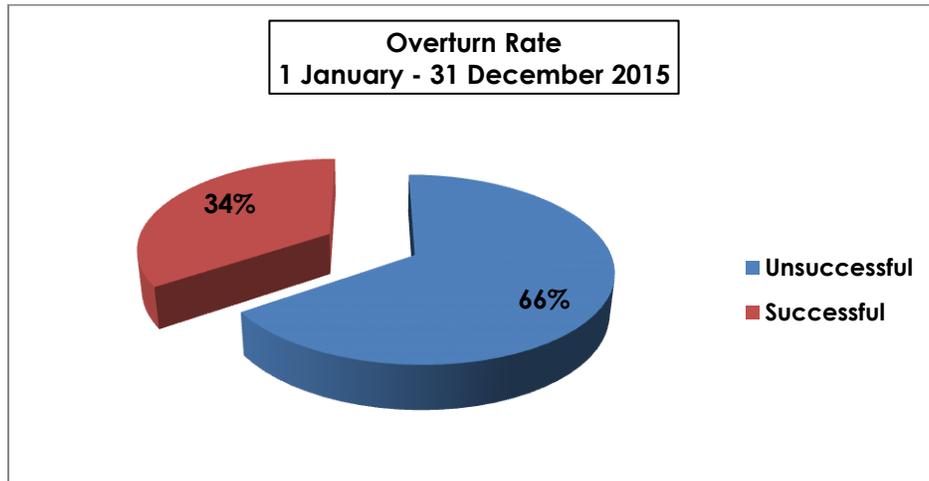


⁴ As in note 1

7.3 OVERTURN RATE

As indicated above, of the 33 appeal cases finalized in this reporting period, only 29 cases were heard as 2 were withdrawn and 2 were declared dormant and disposed of⁵. As such, in this reporting period 66% of those appeals were unsuccessful and 34% were successful.

A summary is shown below:



7.4 PERCENTAGE OF APPEALS

There were 32 appeal cases filed in this reporting period resulting in the percentage of appeals from the Supreme and Land Courts to the Court of Appeal being 3%.

⁵ As in note 1

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 Lord Chief Justice deals 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 three times in this reporting period. The duration of each visit was four weeks. Lord Chief Justice Paulsen assigned 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.

8.1 SUMMARY

A total of 1349 cases were dealt with by the Supreme Court during this reporting period. These 1349 cases include the 598 pending cases from previous years and 751 new cases filed during this reporting period.

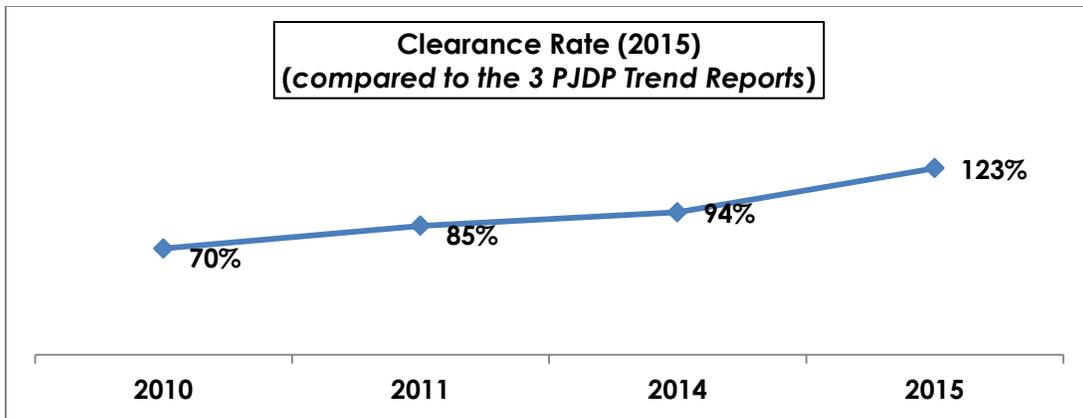
The average number of cases during this reporting period was 250.

8.2 CLEARANCE RATE

At the commencement of this reporting period, Lord Chief Justice Paulsen issued a direction for a review of all Supreme Court cases in the case management system, which is the main source of data collection for reporting purposes of the Supreme Court.

The review showed that approximately 300 cases that should have been finalized in the system but did not appear as finalized had appeared as pending cases in the previous reports of the superior courts over a number of years. As a result, there is a significant increase in the clearance rate for this reporting period with the details shown in this report.

A total of 926 cases were finalized during this period resulting in a clearance rate of 123% which is a continual improvement in the clearance rate of the Supreme Court compared to the three PJDP trend reports in 2010, 2011 and 2014 as shown below:



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***

The highest clearance rate of the Supreme Court in this reporting year is the Civil Division with a clearance rate of 221%. This occurs as a result of the review directed by the Lord Chief Justice which resulted in about 100 civil cases being finalized and an improvement in the clearance rate of this division.

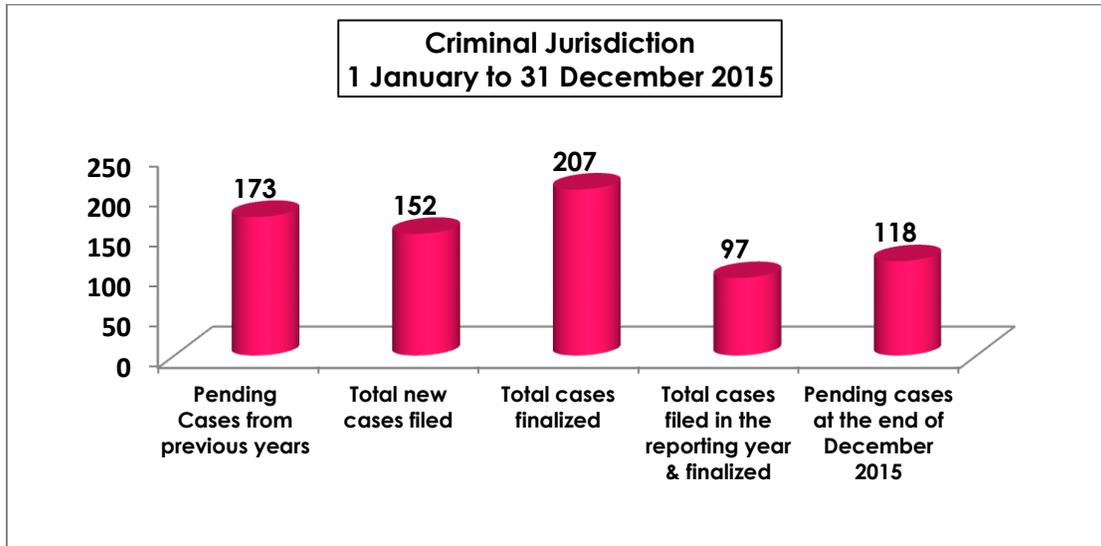
The lowest clearance rate continues to be the Wedlock section of the Family Division with a clearance rate of 90%. This is because the majority of the pending applications are awaiting the applicants to satisfy further requirements. At the same time, the case management officers continue to monitor these applications and declare them dormant and disposed of⁶ so that they are closed on the system.

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

⁶ As in note 1

8.3 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 the criminal division saw a decrease in the number of cases filed (152 criminal cases filed) in comparison to 2014 where 187 criminal cases were filed. There is also a substantive improvement in the number of cases finalized in this reporting period with only 118 cases pending at the end of this reporting period.

There were a total of 325 criminal cases before this division. Of those cases, 207 cases were finalized, including 97 cases that were filed and finalized during the reporting period.

The majority of the 118 pending criminal cases are warrants of arrest which have been issued by the courts over the years with no reports back from the police on the execution of these warrants. The Lord Chief Justice is currently working together with the Director of Public Prosecutions on the appropriate course to be taken regarding these warrants.

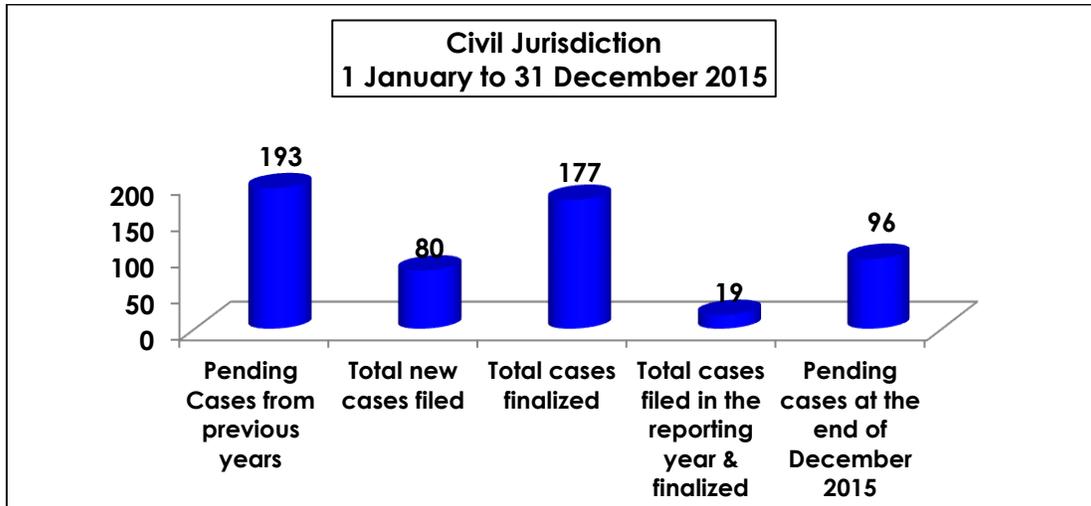
This results in a clearance rate of 136% which is a significant improvement from the 82% in 2014. The average duration of a criminal case is 285 days.

8.3.1 PERCENTAGE OF CRIMINAL APPEALS

There were no appeals from the 207 criminal cases finalized in this reporting year resulting in a 0% appeal rate of criminal cases.

8.4 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 273 civil cases before this division. Of those cases, 177 cases were finalized either by way of a decision being made or being declared dormant and disposed of,⁷ leaving a total of 96 cases pending at the end of December 2015.

This resulted in another significant improvement in the clearance rate for the civil division to 221%.

The average duration of a civil case is 484 days.

8.4.1 PERCENTAGE OF CIVIL APPEALS

Of the total 177 civil cases finalized in this reporting year, 6 civil cases were appealed resulting in a 3% appeal rate of civil cases.

⁷ As in note 1

8.5 FAMILY DIVISION

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

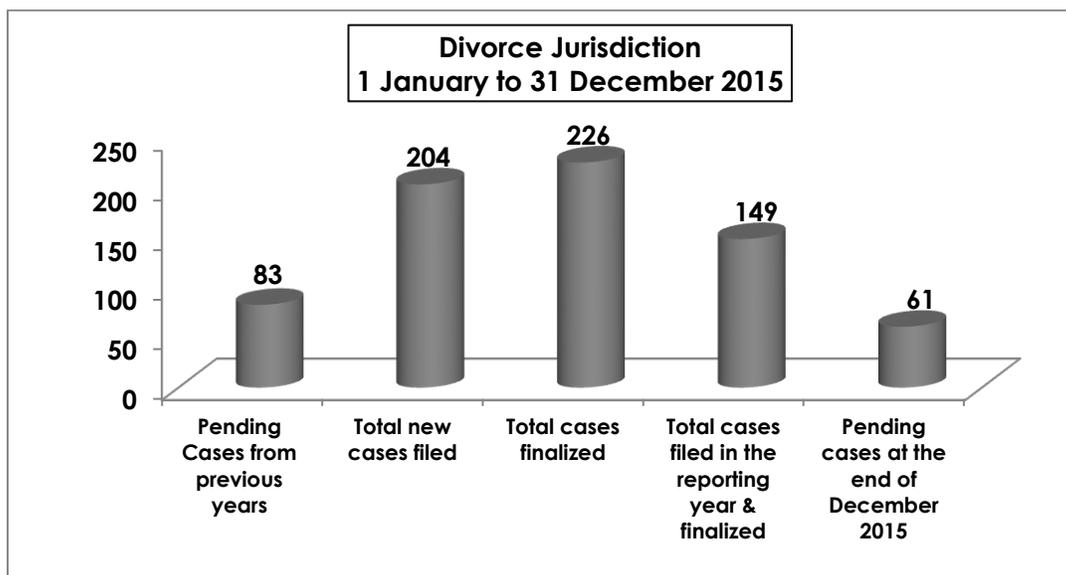
- 1) ***Divorce Section;***
- 2) ***Adoption & Legal Guardianship Section;***
- 3) ***Custody Section;***
- 4) ***Wedlock Section.***

8.5.1 DIVORCE SECTION

There were a total of 287 cases before the Divorce Section of which 226 cases were finalized by way of decision or being dormant and disposed of⁸. This results in a clearance rate of 111%. At the end of December 2015, only 61 cases were pending in the Divorce Section.

There were no appeals filed in relation to any of the finalized cases of the Divorce Section in this reporting period.

A summary is shown below:



8.5.2 ADOPTION & LEGAL GUARDIANSHIP SECTION

Applications for Letters of Adoption and Legal Guardianship orders are filed in the Family Division of the Supreme Court. Applications are made in accordance with the *Maintenance of Illegitimate Children Act [CAP 30]* and *The Guardianship Act 2003* complying with the requirements of *Practice Direction 3 of 1992*. Once an application is in order, it is forwarded to a Judge of the Supreme Court who will appoint

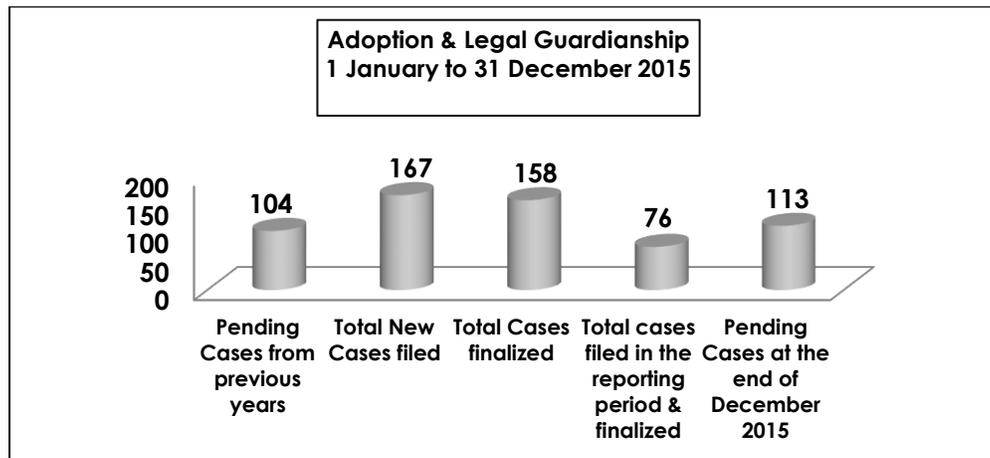
⁸ As in note 1

the Solicitor General as *guardian ad litem* to prepare a report regarding the application before the court can make an informed decision about the application.

In this reporting year, there were 271 applications. One hundred and four of those applications were the pending cases from previous years and 167 were the applications filed in the reporting year. One hundred and fifty-eight applications were finalized resulting in a clearance rate of 95%.

The majority of the pending cases are cases where the Court is either awaiting the report of the *guardian ad litem* or the satisfaction of further requirements by the applicants before it can make a decision regarding the application. Applications that are still awaiting further requirements to be fulfilled by the applicants will be declared dormant and disposed of⁹ if no further steps are taken after 12 months from the last action date.

A summary is shown on the graph below:



8.5.3 CUSTODY SECTION

During this reporting year the court had no pending custody cases from previous years and 1 new custody case filed. This case was finalized in this reporting period resulting in a clearance rate of 100%.

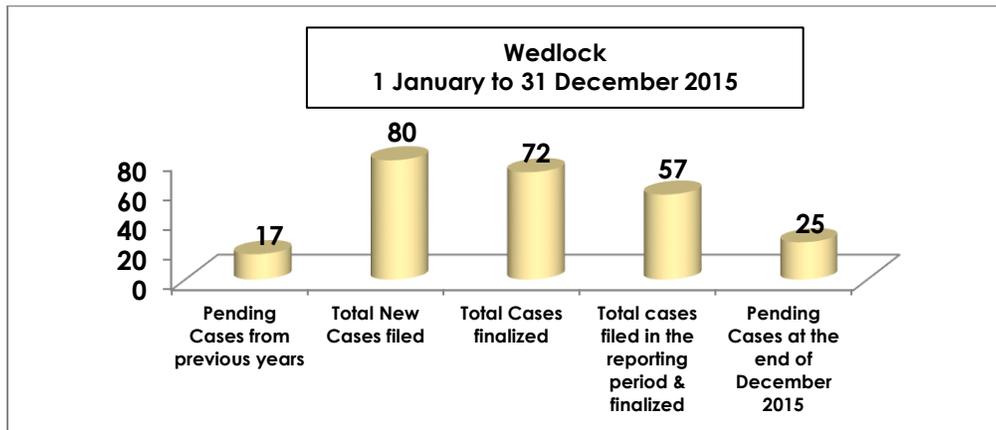
8.5.4 WEDLOCK SECTION

Wedlock applications are 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. Practice Directions 3 of 2007 and 1 of 2014 outline the requirements for a wedlock application.

⁹ As in note 1

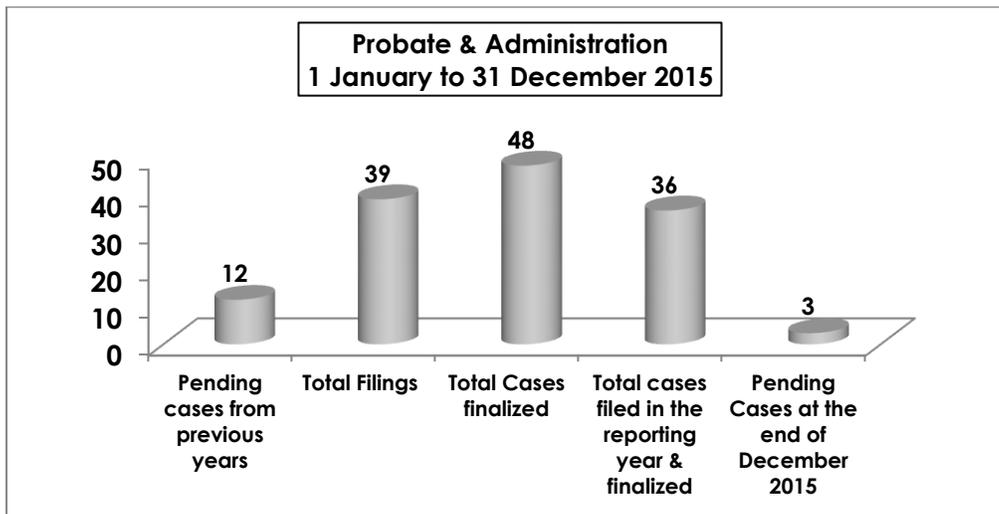
In this reporting year, there were a total 80 new applications filed and 17 applications pending from previous years. 72 applications were finalized resulting in a clearance rate of 90%. There are 25 applications pending at the end of this reporting period which still require the applicants to meet further requirements.

A summary is shown on the graph below.



8.6 PROBATE & ADMINISTRATION DIVISION

Applications for Probate and Letters of Administration increased during the reporting period with a total of 39 cases filed in the reporting period and 48 cases disposed of. At the end of this reporting period, only 3 cases were pending with the majority awaiting the fulfillment of further requirements by the applicants.



YEAR	TOTAL PENDING FROM PREVIOUS YEARS	TOTAL FILINGS	CASES FINALIZED	PENDING CASES	CLEARANCE RATE IN PERCENTAGE
2015	12	39	48	3	123%

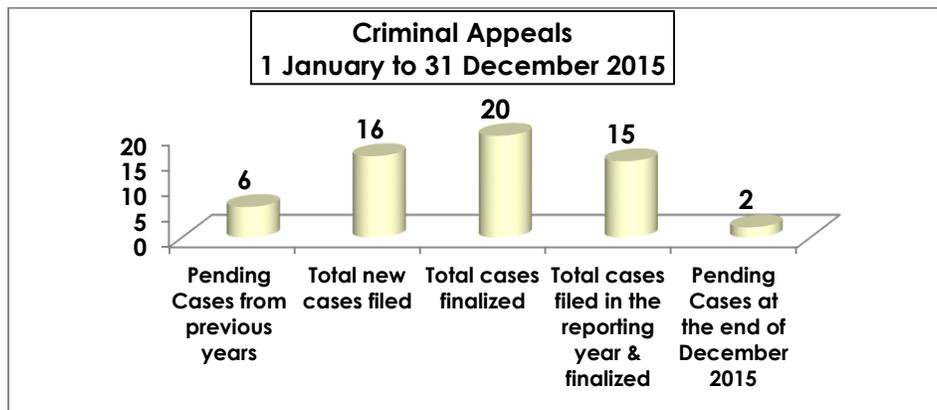
8.7 APPELLATE DIVISION

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 breakdown of the appeals filed for each division of the Supreme Court is shown below:

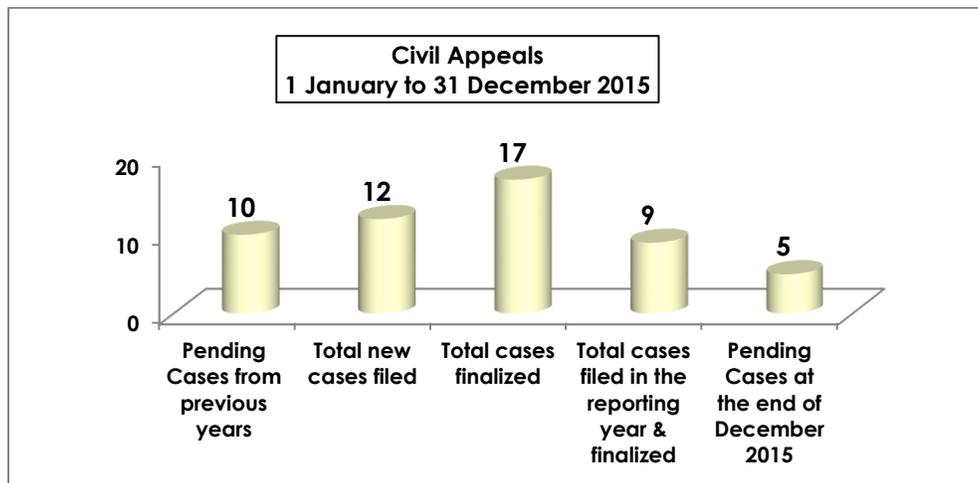
8.7.1 CRIMINAL APPEALS

There were a total of 16 criminal cases that were the subject of an appeal from the Magistrates Court to the Supreme Court in this reporting year, with 20 appeal cases finalized. This results in a clearance rate of 124%.



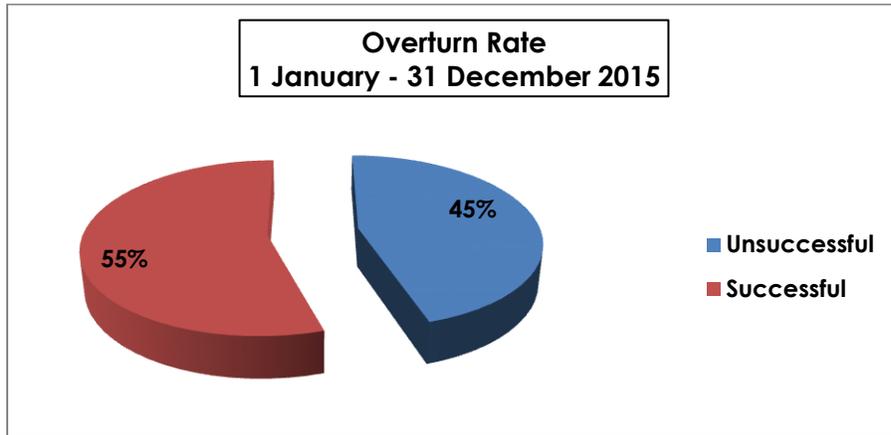
8.7.2 CIVIL APPEALS

There were a total of 12 civil appeal cases filed in this reporting period. One appeal case was an appeal from a decision of the Tonga Law Society Disciplinary Committee which was finalized in this reporting period. 17 cases were finalized leaving only 5 cases pending at the end of December 2015. This results in a clearance rate of 125%.



8.7.3 OVERTURN RATE

Of the 37 appeals cases finalized in this reporting period, 31 cases were heard and 6 cases were withdrawn and settled. Of the 31 cases heard, 55% of the appeals filed with the Supreme Court were successful and only 45% were unsuccessful.

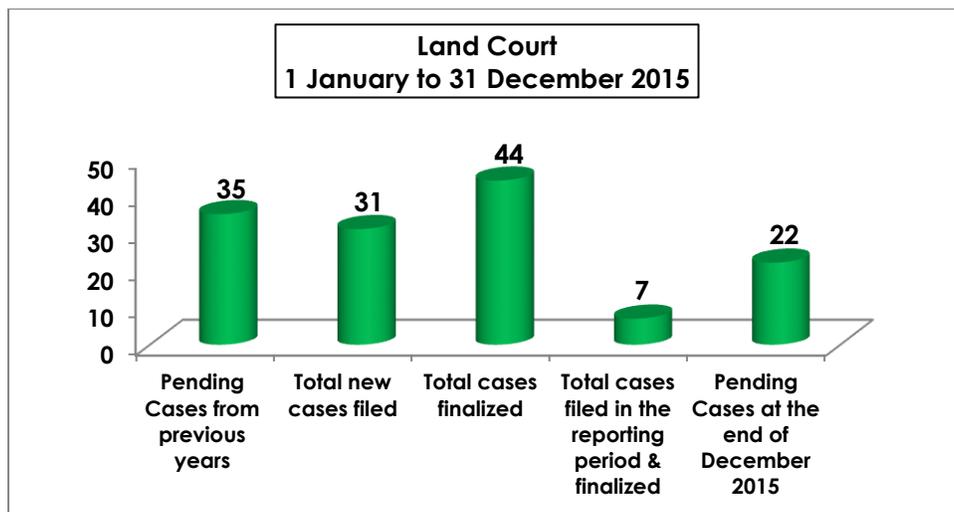


9. LAND COURT OF TONGA

The Lord Chief Justice is also the President of the Land Court and the Supreme Court judges 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 appointed under the *Land Act*.

During this reporting period, there were a total of 31 new cases filed and a total of 44 cases finalized, including 1 case finalized during a circuit court sitting in this reporting period.

This results in a clearance rate of 142%. The average duration of a land case is 102 days.



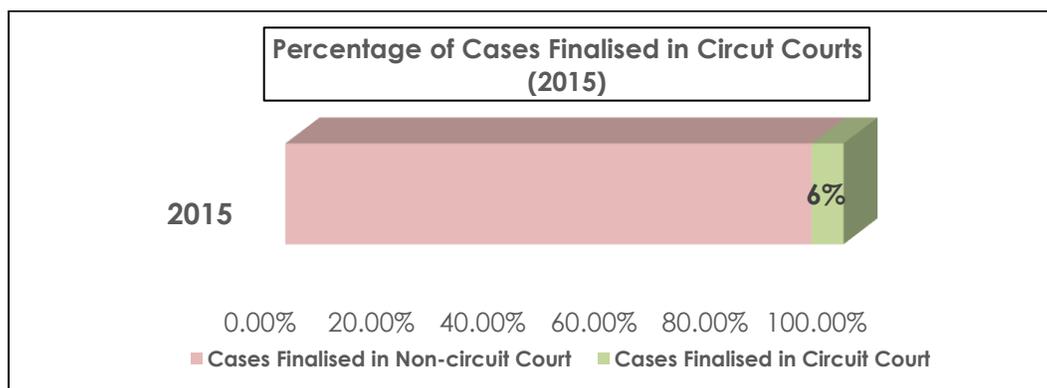
9.1 PERCENTAGE OF LAND APPEALS

Of the 48 land cases finalized in this reporting period, a total of 4 land cases were appealed resulting in an 18% appeal rate of a land case.

10. COURT ON CIRCUIT

During this reporting period the court travelled on two circuits to Vava'u and one circuit to Ha'apai. A special circuit was also held in Vava'u for an election petition trial.

A summary of the cases that were finalized by court circuit is as follows:



As shown in the graph, 6% of all Supreme Court cases, including 25% of finalized cases in the family section, were heard and finalized by the Supreme Court at circuit court sittings. The details are shown below:

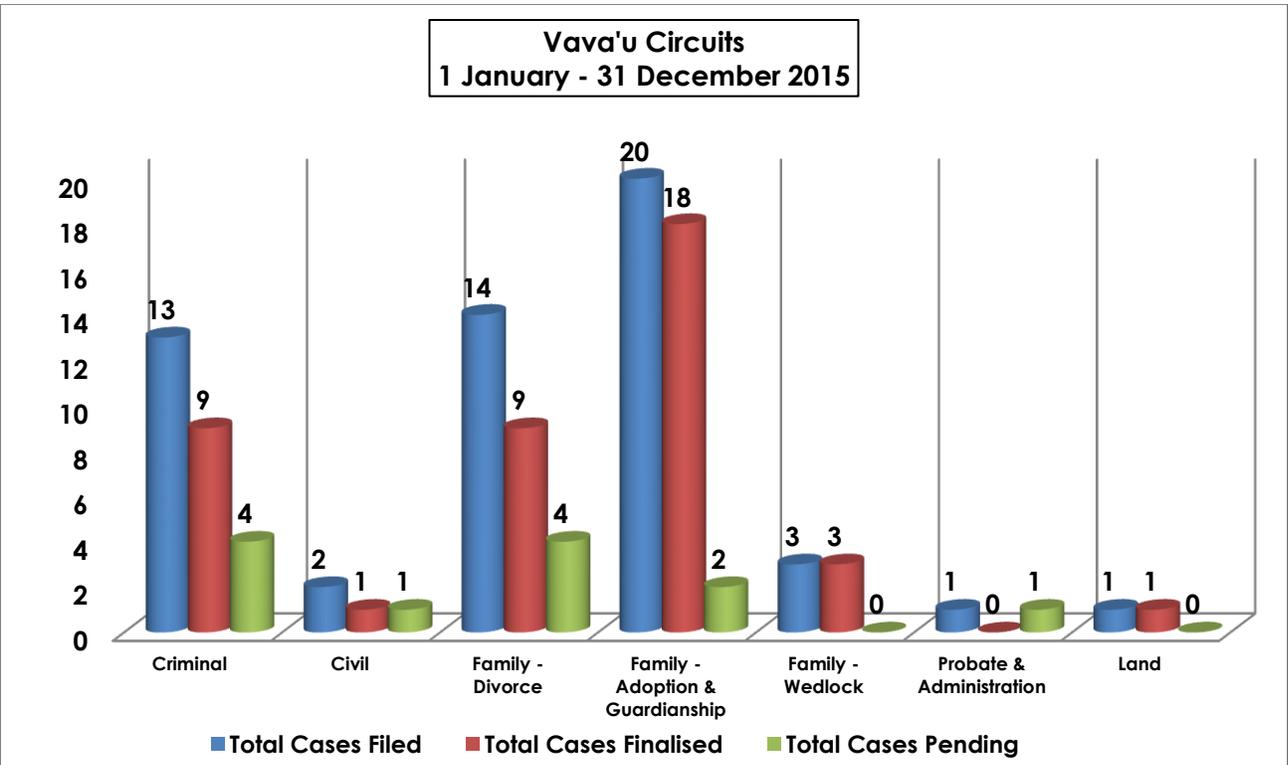
10.1 VAVA'U CIRCUIT

The first circuit to Vava'u was held on 13 April 2015 for one day only as there was no trial.

The second circuit was held for two weeks from 5 October to 17 October 2015 during which the court heard two trials and dealt with several family applications and petitions.

The special circuit was held for three weeks from 16 November to 11 December 2015 when the court conducted an election petition trial.

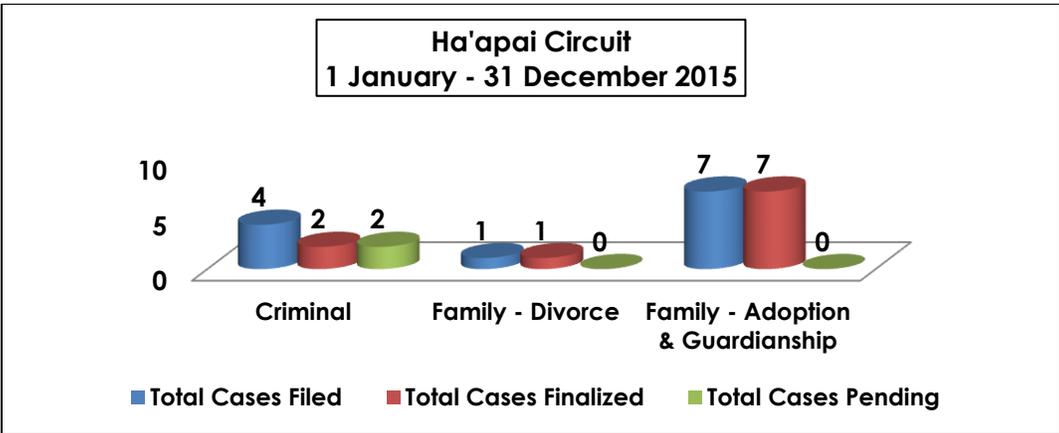
A summary of the cases dealt with by the court during the circuits to Vava'u is shown below:



In summary, a total of 54 matters were filed during the Vava'u Circuits of which 41 cases were finalized resulting in a clearance rate of 85%.

10.2 HA'APAI CIRCUIT

The court travelled on circuit to Ha'apai for two weeks from 4th May to 15th May 2015 for the first time in almost five years. A summary of the cases dealt with by the court during this circuit is shown below:



The 2 criminal cases pending from the Ha'apai circuit were adjourned to be dealt with in Tongatapu and both cases were finalized in this reporting year.

11. 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.

12. CASES WHERE A PARTY RECEIVES LEGAL AID

As stated in our annual report of 2012-2013, Tonga does not have a formal legal aid scheme although it is not uncommon for many court users to be represented by lawyers on a pro bono basis. At the time of writing this report, the Bill to introduce a legal aid scheme in Tonga has not been tabled in the Law Programme, having been deferred since 2012.