

Judiciary of the Republic of Vanuatu



**Chambers of the Chief Justice
Supreme Court of the Republic of Vanuatu
PMB 9041
Port Vila
Efate
Republic of Vanuatu**

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REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

March 2021

Hon. Esmon Simon
Minister for Justice & Community Services
Ministry for Justice & Community Services
Government of Vanuatu
Port Vila
Efate

Dear Minister,

I have the pleasure in submitting in accordance with section 51 of the Judicial Services & Courts Act No. 54 of 2000, a report for the management and administrative affairs of the Judiciary during the year 2019 and the unaudited financial statements in respect of that financial year. The report includes information about the courts, their activities and workload.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Vincent LUNABEK".



Vincent LUNABEK
CHIEF JUSTICE

Introduction

Vision and Mission Statements

The vision statement of the Judiciary of Vanuatu is not radically different to similar statements of vision from other jurisdictions, insisting on fundamental notions like judicial independence, public trust and confidence and effectiveness and efficiency.

However, the vision statement is peculiarly extroverted in seeking to encompass the legal profession into a vision of mutually beneficial standard of expectations of quality, ethical, accessible and cost-effective legal service.

The mission statement is a statement of intent on how the Judiciary of Vanuatu will deliver on its vision and its overarching Constitutional mandate – the administration of justice according to law.

Vision Statement

"A JUDICIARY THAT IS INDEPENDENT, EFFECTIVE, EFFICIENT AND WORTHY OF PUBLIC TRUST AND CONFIDENCE, AND A LEGAL PROFESSION THAT PROVIDES QUALITY, ETHICAL, ACCESSIBLE AND COST-EFFECTIVE LEGAL SERVICE TO OUR PEOPLE AND IS WILLING AND ABLE TO ANSWER TO PUBLIC SERVICE."

Mission Statement

"TO DISPENSE JUSTICE SPEEDILY, FAIRLY, INDEPENDENTLY AND WITH IMPROVED QUALITY OF EXTERNAL INPUTS. TO IMPROVE ACCESS TO JUSTICE BY EFFECTIVE, EFFICIENT AND CONTINUOUS IMPROVEMENT OF JUDICIAL INSTITUTIONS. TO BE A JUDICIARY THAT CONDUCTS ITS BUSINESS WITH DIGNITY, INTEGRITY, ACCOUNTABILITY AND TRANSPARENCY."

Statement from Chief Justice

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

INTRODUCTORY REMARKS FROM CHIEF JUSTICE

The 2019 Annual Report presented in the same format as the previous year, covering major Court performance indicators accepted regionally and internationally.

The Report provides information on the courts, their achievements, challenges and performances in the year under review. The focus is on the management of the case load by the courts. The Report includes a deeper analysis of the nature of cases registered, those completed, and importantly, those pending disposal by the courts.

The objectives of Court Administration are equity, effectiveness and efficiency. The review analyses the ways in and the extent to which the courts in their endeavor to perform their roles in the delivery of service of justice to the people of the country despite the huge difficulties/ challenges encountered by the courts in respect to shortage of human resources, lack of court spaces, equipment / facilities, required processes in place and including budget constraints.

The court administration performances are evaluated by quantitative output indicators based on the registrations (filings), finalizations, pending case load and time taken between filing and finalization. Prior to 2009, the Court's Annual Reviews has focused solely on those performances indicators. This year's review continues the practice adopted in the past years Annual Report Reviews of Reporting on an expanded range of quantitative indicators. Those indicators indicate that the courts have been successful in achieving results despite the challenges referred to earlier.

There are also other qualitative indicators that assist in gaining an appreciation of the court's performances. This year's review again includes qualitative output indicators of access to Justice, including in the accessibility of the court and the responsiveness of the courts to the needs of users where ever they are in the country.

Further, despite the challenges which are really critical to the delivery of justice by the courts, the material contribution of the courts to the community is still unevaluated. This material contribution is reflected to the volume of decisions made. In 2020, the Court of

Appeal delivered 67 outcomes of cases, some of which were substantive judgments and were sent for publication on www.paclii.org and placed on the courts website.

The publication of these judgments provide valuable information to land, civil, criminal, commercial, administrative and constitutional jurisprudence. They also enable transparency and accountability in the courts' decision making despite the difficulties still encountered by the court administration and the Judicial Services.

Throughout the year, the Judges, registrars of the courts and courts support staff have administered the courts and the rule of law with a high degree of independence, impartiality, equity, effectiveness and efficiency.

The Honorable Justice Vincent Lunabek
Chief Justice

Administrative Management

Below is a brief on the management of the administrative affairs of the Judicial Service and the Vanuatu courts during the financial year.

Summary of significant issues and developments

Judges – extension

The continuous engagement in the assistance of the New Zealand judiciary in the form of a Judge of the District Court of New Zealand seconded to the Supreme Court of Vanuatu resulted in the extension of appointment of Justice Andre Wiltens for another term ending 2021.

Appointment of acting judges

The appointment of Justice Jeremy Doogue as Acting Judge of Supreme Court of Vanuatu, specifically to deal with 2 cases involving local members of bar; SC/Criminal Case No. 19/839 PP v Nigel Morrison & SC/Civil Case No.19/391 between Dane William Thornburgh v Vanuatu Law Counsel Disciplinary Committee.

Retirement and resignation

Retirement of Shirley George in September and Wilma Mammeline in November 2020 after both of them reaching the age of retirement.

Extension and transfer of Magistrates

Extension of appointment of Acting Chief Magistrate, Anna Laloyer for a further term of 6 months in November 2020.

Transfer of Magistrate Setariki Waqanitoga from Port Vila, Efate to Luganville, Santo in June of 2020.

Political highlights

The Constitutional Case No. 20/1517 which was filed by the Leader of the Parliamentary opposition and the entire members of opposition against the Speaker of Parliament for their 2 days suspension from Parliament, alleging the suspension was in breach of their constitutional right. The members of opposition group boycott the parliament alleging some members of parliament do not adhere to covid-19 restrictions therefore putting their health at risk. The Supreme Court dismiss their application and on appeal, the Court of Appeal allow their appeal concluding the 2 days suspension of the entire opposition members tantamount to government breaching Articles, 1, 2 and 4 of the constitution. The suspension has the effect of undermining the democracy of the Republic of Vanuatu. Further, the individual constitutional rights of each of the members of the Opposition were simultaneously breached.

Land cases

One Supreme Court Judges focused on land cases and completed 29 Land appeal cases.

Budget brief

Annual Accounts

Annual expenditure budget for 2020 increased by 19%

1. Annual budget was VT308,659,320
2. Payroll budget was VT202,593,336 representing 65 %
3. Operational budget was VT 106,065,984 representing 34 %

Year	Payroll Budget	Operational budget	Annual Budget
2013	102, 130,762	83, 774,984	185, 905,746
2014	104, 797,348	87, 362,327	192, 159,675
2015	113, 418,528	77, 907,141	191, 325,669
2016	116, 250,862	79, 934,017	196, 184,879
2017	169,801,967	76,282,614	246,084,581
2018	198,821,398	93,780,780	292,602,178
2019	200,805,126	105,354,194	306,159,320
2020	202,593,336	106,065,984	308, 659, 320

A detailed financial report is in Appendix iii at the end of this report.

Judiciary had difficulty with operational budget in 2018 which resulted in going for supplementary without success.

In terms of revenue, Judiciary accounts shows a total of VT23, 606,485 as at end of December 2020, a slight increase from 2019.

Years	Total revenue (Vatu)
2014	20, 036,636
2015	21, 277,539
2016	19, 880,325
2017	20, 597,785
2018	22, 315,980
2019	22, 645,230

2020	23,606,485
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Asset and Infrastructure

Under the key result area, focus was on maintenance of the court's assets. The Judiciary is in need of court facilities build purposely for the court. The Magistrate Court building was called off by the government as priority focus is shifted to the Supreme Court Hall of Justice.

(I) Supreme Court Hall of Justice

In 2019, the Vanuatu government shows its commitment towards the Supreme Court hall of Justice by allocating it financial contributions totaling 60% of the total cost of the building.

The Government further issued a COM paper detailing the concept of the Hall of Justice in November 2019. The building should contain 7 Court rooms, 9 Judges Chambers, 2 holding cells with funding supported by the Government of Australia and Government of New Zealand. In 22 September 2020 the government officially launched the ground breaking during which the Hon. Prime Minister reiterate that the Steering Committee should not wait but should start working toward the construction immediately, there was nothing else to wait for as we have all the materials available in Vanuatu. The Government is anticipated that construction work be commenced in early 2021.

The current temporary accommodation that the Court is using is becoming fast inadequate. The extension added is used by the court administration and making space for temporary court chambers. Extension of offices and recruitment of Human resource is becoming an issue as space is very limited to extension.

The Courtrooms and the retirement room rented at the Dumbed Hall complex is the bare minimum and the Port Vila Municipal embarked on a development project next to the court rooms which reduce access to the courtrooms and more and more the building has been degrading affecting the court functionality.

The Magistrate Court building was declared unsafe for use by the Public Works engineers in 2017. As a result Magistrate Court was relocated to the Equity Investment Building and a room at the Mall Building opposite the VNPF was turned into a court room for 6 Magistrates to use. The total annual rental of temporary court room and office is VT8, 600,000.

(II) Outer Island Court Buildings

The maintenance of Court building in the Islands is also a major issue as most buildings are deteriorating as there were limited funds.

Luganville, Santo Island

The Court Administration continues to rent the property in Luganville, to house the court center there. Demand on space has lessened somewhat when the resident judge there returned to Port Vila. However, the Magistrates court has strengthened its presence there with 2 magistrate resident in Luganville, and there workload warrant an additional Magistrate in Luganville in 2021.

The property is a two floor building that houses the Supreme Court, the Magistrates Court and the Island Court. One Assistant Sheriff is also accommodated in the building.

Isangel, Tanna Island

Tanna court was renovated in 2020 with funding support of VT 5,000,000 was allocated by the *Stretem Rod Blong Justice Project*. The refurbishment includes a ramp for wheel chair to the building and a bloc of new toilets for both male and female. The courts will be operating in the new building in early parts of 2021.

Morua, Tongoa Island

The Court house at Morua on Tongoa Island, accommodates the court registry, an Island Court Clerk office, a judicial officer's office and a courtroom. The design is the same as the court house at Isangel on Tanna Island.

The “*Rod Stretem Blong Justis*” project funded solar power units that have been installed in the courts’ outer island offices including Morua, Tongoa.

The roof of the building was partly damaged in 2015 TC pam, however in 2017 the damaged corrugated iron roof were replaced. The full building needs renovation to its structure and office spaces.

Saratamata, Ambae Island

The Ambae Island Court is operating on a small room at the head quarter of the Penama Provincial government on an annual rental fee of VT 360,000. It was temporarily closed due to the effect of Manaro Volcano. The Clerk has moved back to Saratamata in 2020 and the office has now resumed its normal business.

Sola, Bank Group of Islands

While the Court office at Sola, Banks islands enjoys a reliable and constant source of power from the Solar power unit that was installed there early 2012, however, in 2017 the unit was down most of the time and needed major overhaul to bring it back to operational. Now the Court is relying on a solar power that was installed later in 2017. The need for structural repair and renovation to the building is the same as the other court centers. Internal and public toilet facilities need to be provided in the court office building.

There is need for repair and maintenance of building and furniture of the court in this location as well.

Loltong, Pentecost Island

The Pentecost Island Court is accommodated in a building owned originally by the Penama Provincial government at Loltong. The Island Court Clerk station at Loltong was transferred to Epi Island Court in March of 2020 leaving Pentecost Island court Vacant in 2020. The process of recruiting a replacement is underway and will be done in early part of 2021

The Court administration keeps a fiberglass boat at Loltong for transportation so the court can access other coastal parts of the island of Pentecost. The boat was donated by the French government, through the French Embassy in Port Vila.

Lakatoro, Malekula Island

The court office at Lakatoro, Malekula is in a better condition than many other court offices around the country. There is constant centrally provided power. However, facilities available for the public court user is non-existent. There is need to build public toilet facilities and upgrade the staff facilities.

Telecommunication to and from this court office has now improved with internet connection, through the help of the E-government project.

Graig-cove, Ambrym Island

The court office on Ambrym was built concurrently with the one on Epi Island. It is a simple design of two office spaces, one for the judicial officer and the other for the clerk

or support staff. Then the rest of the building is an open-style courtroom not similar to the ones at Morua, Isangel, and Sola.

This office benefitted from the funding assistance from the **Stretem Rod Blong Jastis** project to acquire a solar panel and accessories to generate power for the office.

The condition of the two building has deteriorate to a stage where it needs immediate attention, in particularly the Ambrym Court building which has been recently declared unsafe for used. Court administration will have to find an alternative space for the Ambrym Island Court to operate in 2021.

Technology

Restrictions imposed by Covid-19 has promoted the use of Telephone and Video conferencing connection remotely. Through the support provided by the office of the Government Chief Information Officer [OGCIO], Courts were able to deliver justice remotely despite restriction imposed by Covid-19.

Court of appeal of Vanuatu conducted virtual hearing successfully from May 2020. Two overseas judges that composed the Court of Appeal connected in each session without difficulty.

Internet access has been and is a continuous challenge in the outer Provinces and a setback for the Case Management System which is centralized in Port Vila. Thus, staff in Port Vila are tasked to update by phone.

The Vanuatu parliament provided a budgetary proviso for acquiring telephone and video conferencing facilities to be connected to all main court centers across Vanuatu, all tender process have been completed in 2020 and installation of these equipment will take place in 2021.

Vanuatu Judiciary continue to use Webinar, Zoom and the True Conference as types of communication technology to tap in to regional and international meetings.

The desktop computers of the Judiciary across the country needs to be replaced since many of them are more than 5 years old.

Library

The Library exists to support and provide resources to meet the informational needs of Judicial Officers and staff of the Courts. The main collection is located at the Supreme Court in Port Vila and a smaller collection located in the Luganville, Santo.

The print collection of the library incorporating primary and secondary resources of the collection comprises of 2,600 + items.

An NPP was submitted in 2019 for the amount of VT2, 500,000 and was approved by the Budget Committee. The fund was appropriated for the purchase of specific titles for the Library. A committee was appointed specifically to select titles to be purchased by this NPP.

Donations: With the assistance of Justice White the Library has received 14 cartons of assorted textbooks from the Federal Court of Australia. These textbooks are important additions to the current collection.

Library collection use: The Library continues to receive clients daily. From daily observations, collection usage by users was newspapers, law textbooks, law reports. Borrowing records show that a total of 16 titles actually signed out by Judges/Staff. However, open access to the collection allows for users to walk into the library anytime to borrow materials, which at times may not be recorded when the Library staff is not available.

Daily observations show that there would be an average of 5 users using the library each day.

Services and facilities: Services and facilities provided by the Library includes photocopy, laminating, binding, coffee/tea making facilities, lounge set & conference table for users, Library research PC & Wi-Fi access in the Library and certain areas of the Court building.

The Library is also occasionally used to conduct mediation meetings by the Court Master.

Renovations and improvements: Towards the end of the year, renovations were done in the Library. This included removing the torn linoleum flooring and replacing it with ceramic tiles, replacing the full ceiling and replacing the fluorescent tubes with LED Light bulbs.

PacLII: Library staff is responsible for collecting and disseminating court decisions for publication. Decisions are sent to the Pacific Legal Institute commonly known as PacLII: <http://www.paclii.org/>. Decisions are also published on the courts official website: courts.gov.vu or judiciary.gov.vu. Judgements published are from the:

- Court of Appeal; civil and criminal appeal decisions
- Supreme Court; civil and criminal decisions
- Magistrate Court; civil and criminal decisions
- Island Court; land and chiefly title decisions

In 2020, 37 batches of judgments, containing 330 decisions were sent to PacLII for publication. These decisions were also published on the Court website.

Archives

The Supreme Court Archives holds court records material from 2000 – to date. Shipping containers have been utilized to hold court archive records. Older court records have been moved to the National Archives from preservation and storage.

Vehicles

The court has a fleet of 15 vehicles and in 2020, there was 2 replacement of vehicle being for Judges, the replacement of Chief Justice official car and a pack up vehicle to the Chief Justice car. There was also a new vehicle for Santo Court specifically to assist Judges when touring Santo. The Santo administration vehicle was also replaced.

Boats and accessories

There is one operating boat at Loltong, Pentecost Island. This was donated by the French Government. There is currently a 15hp outboard engine on the boat which is inadequate considering that the boat is about 7 meters long.

An aluminum boat which is located at Sola in the Banks group of islands has been relocated to the court office on Epi Island. A new engine and safety equipment and accessories will need to be purchased to make the boat sea worthy.

Epi Island is underlined by the need for a bigger and heavier boat for the Banks islands where the islands are scattered far and wide, and the high swells and rough seas is not uncommon in this part of the country.

A 500cc motorbike is located at the Court office on Ambrym.

Active Committees and bodies

1. The Chief Justice meets with the Judges of the Supreme Court on a weekly basis to discuss matters which he thinks fit for consultation and discussion.
2. The Chief Magistrate consults with the Chief Justice on matters relating to the operation of the Magistrates Court
3. A Training Committee established in 2016 by the blessing of the Chief Justice and meets quarterly and or when the need arises. Chaired by Justice Oliver Saksak – Supreme Court Judge, with members; Anna Laloyer – Acting Chief Magistrate, Robsen Lapsai – Senior Administrators for Island Courts and Wendy Raptigh – Judicial Development & Training Coordinator. Purpose: to driving the professional development of the judicial officers and capacity building skills for court personnel.
4. The Chief Registrar meets with the Accountant, the Sheriff, the Human Resource officer, the National Judicial Development & Training Coordinator, the Senior Administrator of Island Courts, the Librarian, and the Assistant Registrar of the Magistrates Court in Port Vila, on a regular basis for coordination of administrative efforts to implement policies and projects in the Judicial Management Improvement Plan endorsed by the Chief Justice, and for normal administration purposes.
5. A Library committee was established (2020) consisting of Joel Shemi - Chief Registrar,

Justice Gustaaf Andre Wiltens – Supreme Court Judge, Pauline Kalo – Supreme Court Librarian & Kathrine Abel Joseph – Finance Officer

Purpose: this is a specific one off Team to evaluate and make selections for specific book titles to be purchased by the approved NPP.

6. Establishment of court personnel disciplinary board, members appointed by the Judicial Service Commission; Chaired by Christina Thyna – Public Lawyer , Moses Peter – Senior Magistrate and a chief representative from the Malvatumauri.
7. Case Progression group is made up of Case Management System (CMS) users coming - together quarterly, to discuss identified common issues and the possible way forward for improvement to collection of complete, consistent and correct criminal data. The group is made up of; Tony Lonsdale as Technical Advisor for Lexis Nexis, Emma Scadeng – IT support staff from SRBJs, Courts: Joel Shemi & Wendy Raptigh including super users – Cynthia Thomas & Florina Toran, Police: Pako Noah, State Prosecution: Solomon Asang & Gloria Charley, Public Prosecutor: Noel Saul.

About the Courts

Court of Appeal

The Court of Appeal is the highest court of the land. It is composed of at least 2 or more Judges of the Supreme Court sitting together. 2020 was a challenging year for the Court of Appeal due to COVID – 19 pandemic restrictions preventing overseas judges from coming to the country to sit in COA sitting physically. However the restrictions encourage the use of remote connection of judges virtually and that works successfully for the sittings COA sittings in April, July and November session.

The Chief Justice of the Supreme Court is the President of the Court of Appeal and all the Judges of the Supreme Court are called upon by the Chief Justice to compose the Court of Appeal. Overseas judges who composed Court of Appeal of Vanuatu in 2020 included:

Justice Ronald Young – Retired Justice of the New Zealand High Court

Justice John William Hansen – Retired of the New Zealand High Court

Justice Bruce Robertson – Retired Judge of the Court of Appeal of New Zealand

Justice Raynor Asher – Retired Judge of the Court of Appeal of New Zealand

Justice John Von Doussa – Retired Justice of the Federal Court of Australia

John Mansfield – Justice of the Federal Court of Australia

Justice Richard Conway White – Retired Judge of Supreme Court of New South Wales

Supreme Court

The Supreme Court has unlimited jurisdiction to hear and determine civil and criminal proceedings. It has jurisdiction to hear questions concerning elections and similar matters; and it has jurisdiction to hear any grievances from citizens about emergency regulations made by the Council of Ministers. The Supreme Court has jurisdiction to hear civil and criminal appeals from a magistrate's court and to hear appeals from Island Courts as to ownership of customary land. Its decision in such cases is final.

The Supreme Court consists of the Chief Justice and Justices appointed on local terms and conditions. One Justice is seconded by the New Zealand District Court to the Supreme Court of Vanuatu for a period of 2 years. Different Judges of the New Zealand District Court have served on this scheme since 2004.

Case summary:

- SC filings increased from 733 to 866, an increase of 18% - versus a decrease of 4% from the previous year
- SC disposals increased significantly to 1181 to 709 from previous year – an increase of 66%
- Clearance rate record a significant increase of 136% up from 103% for the 2019 year
- Pending has decreased significantly from 1223 in 2019 to now 806 cases – a reduction of 34 %
- PDR has dropped to 0.7 from 1.7 – a big improvement
- There are still approximately 31% of cases older than 2 years that should be assessed
- Timeliness for completing Criminal cases declined from an average of 261 days to 191 days due to effectiveness in managing and completing of criminal cases – while Civil cases rose from 767 days to 822 days due to completing of very old pending cases.

Magistrates' Court

The Magistrates' Court has jurisdiction to hear cases where the amount claimed or the subject matter in dispute does not exceed VT1, 000, 000; disputes between landlord and tenant where the amount claimed does not exceed VT 2,000,000; and cases involving uncontested petitions for divorce or nullity of marriage.

In its criminal jurisdiction, the Magistrates' Court hears cases that concern any criminal proceedings for an offence for which the maximum penalty does not exceed 2 years imprisonment. It has jurisdiction to hear appeals from civil decisions from Island Courts, except decisions as to ownership of land, where appeal is to the Supreme Court.

The Magistrates' Court is specifically excluded from exercising jurisdiction in wardship, guardianship, interdiction, appointment of conseil judicare, adoption, civil status, succession, wills, bankruptcy, insolvency and liquidation.

Case summary

- MC filings increased slightly from 2213 cases to 2231 – a slight increase of 0.8%

- MC disposals has increased from 2077 to 2278 cases, a significant increase of 10% - a positive increase
- Clearance rate has improved to 102% - a good result, thus causing pending cases to drop
- Pending has dropped from 1062 to 882 cases – a significant decrease of 17%
- PDR steady at .4 – a very good position
- There are still approximately 15% of cases older than 2 years that should be assessed
- Timeliness for completing Criminal cases – has increase from 166 to 242 days – which is due mainly to closing some older cases

/Island Courts

The Island Court may only deal with civil matters in which the Defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries, such as customary land cases when the land is within their territorial boundaries.

In criminal matters, the court has jurisdiction to hear charges which their penalties does not exceed vt24, 000 as fine and not exceeding 6months of imprisonment.

In civil claims, the court hear cases in which the defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries with claims not exceeding VT 50,000; claims in contracts or tort where the amount claimed or the subject does not exceed VT 50,000 and claims for maintenance not limited in amount.

The Island Courts are specifically empowered to administer the customary law prevailing within their territorial jurisdiction so far as it is not in conflict with any written law and is not contrary to justice, morality and good order.

There are currently 10 operational Island Courts in the Republic. The Island Courts have full time clerks, appointed by the Chief Justice to administer the affairs of the Island Courts. There are about 99 lay justices appointed to decide small claims and minor criminal cases that are lodged in the Island Courts. The lay justices are members of the community.

The coming into force of the Customary Land Management Act has implications for the operations of the Island Court as they are mandated by law to act as the Island Court [land] Tribunal registrars to receive applications on review decisions of customary land ownership from the village level.

Case summary

- IC filings have increased - from 286 cases to 383 – a significant increase of 34% (versus a 43% decrease in 2019)

- IC disposals increased from 292 cases to 372, a good increase of 27% (versus a decrease of 52% in 2019)
- Clearance rate was close to 100% - seen a positive increase from 85% to 97% - the 6th year in a row less than 100% - but improving
- Pending has decreased accordingly from 670 to 614 cases – a positive decrease of 8%
- PDR has decreased accordingly and is now at 1.7 (2.7 in 2019) a good decline but not yet the ideal position – which is less than 0.5
- There are still approximately 67% of cases older than 2 years that should be assessed

Court results (Court workload)

Court of Appeal

CoA workload is consistent over the last 3 years, similarly to finalized cases which is consistent over the last 3 years. Of note is the decreasing % of 1st instance matters finalized that are appealed, now running approximately 7% of first instance matters finalized.

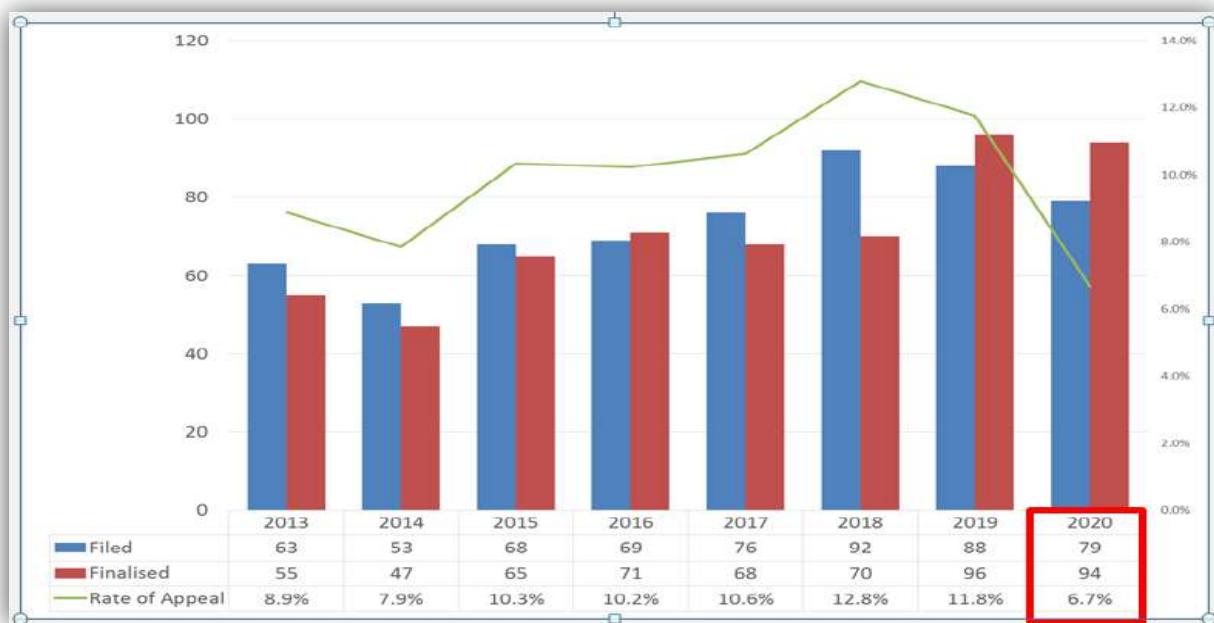


Figure 1: Court of Appeal – a trend of registration and completion of cases – 2013 to 2020

In Criminal Appeal matters, approximately 50/50 split between allowed and dismissed, whereas in Civil Appeals, only 30% of appeals are allowed

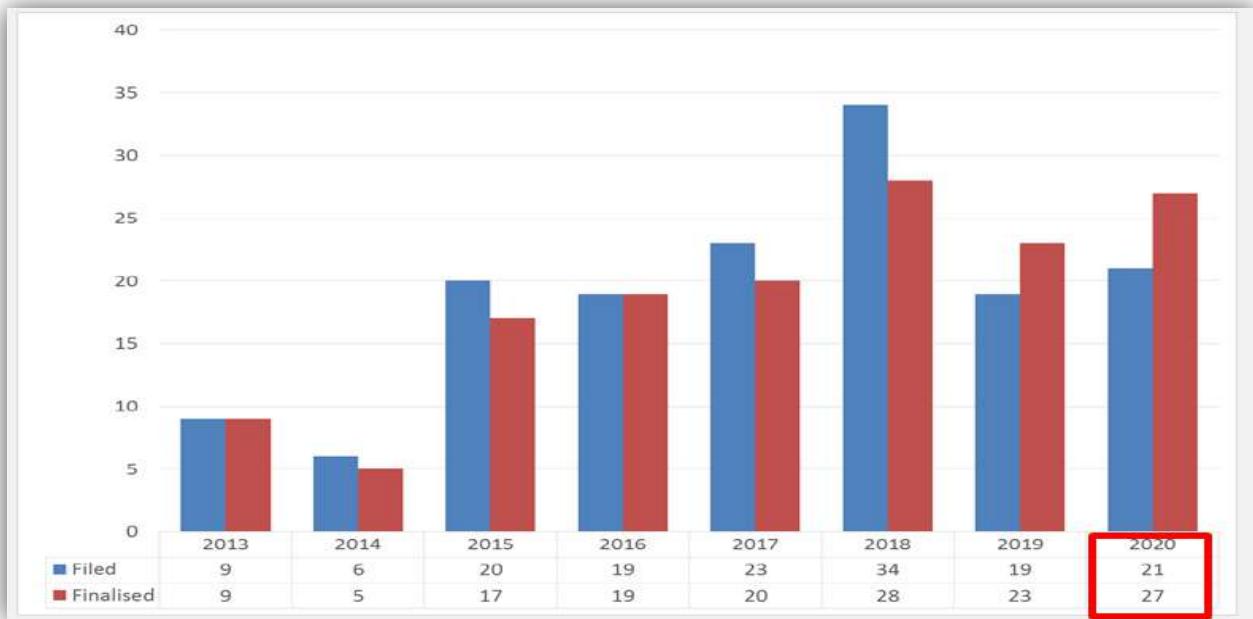


Figure 2: Court of Appeal final outcomes

Supreme Court

Cases being filed increased by 18% in 2020. Clearance rate has increased significantly to 136% from 103% in 2019.

The overall average for the last 7 years is 102% - achieving the target, resulting in a significant decrease in # of pending cases.



Figure 3: Case load – Filled/ finalized /clearance rate

While Criminal cases being filed by the OPP have dropped in 2019, clearance rate for the year achieved above the target 100% - at 120%. The overall average for the last 7 years is 101% - tracking well.



Figure 4: Trend of Supreme Court criminal workload

With Criminal cases being filed by the OPP increasing in 2020, the clearance rate for the year fell below the target 100% - at 90%. The overall average for the last 8 years is 100% - tracking well.



Figure 5: Trend of Supreme Court civil workload

Civil and criminal workload accounts for approximately 2/3rds of the Supreme Court filings.

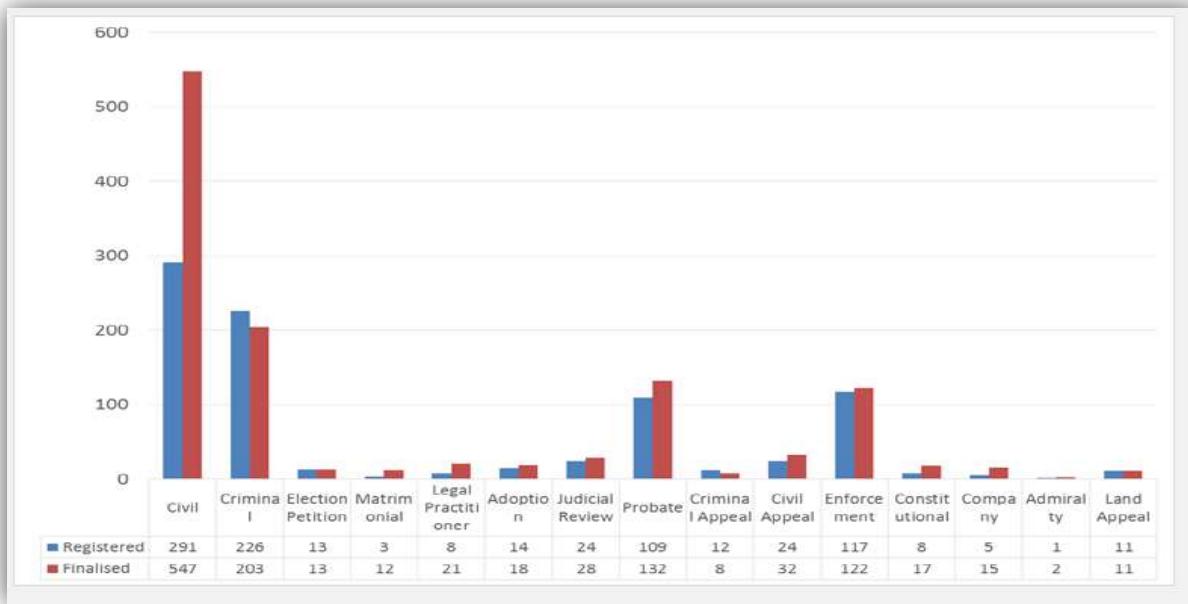


Figure 6: Supreme Court all workload

Magistrate Court

Cases filed were slightly up in 2020, and disposals were up in 2020, resulting in a Clearance Rate of over 100% - good improvement. The overall average for the last 8 years is 101% - tracking well.

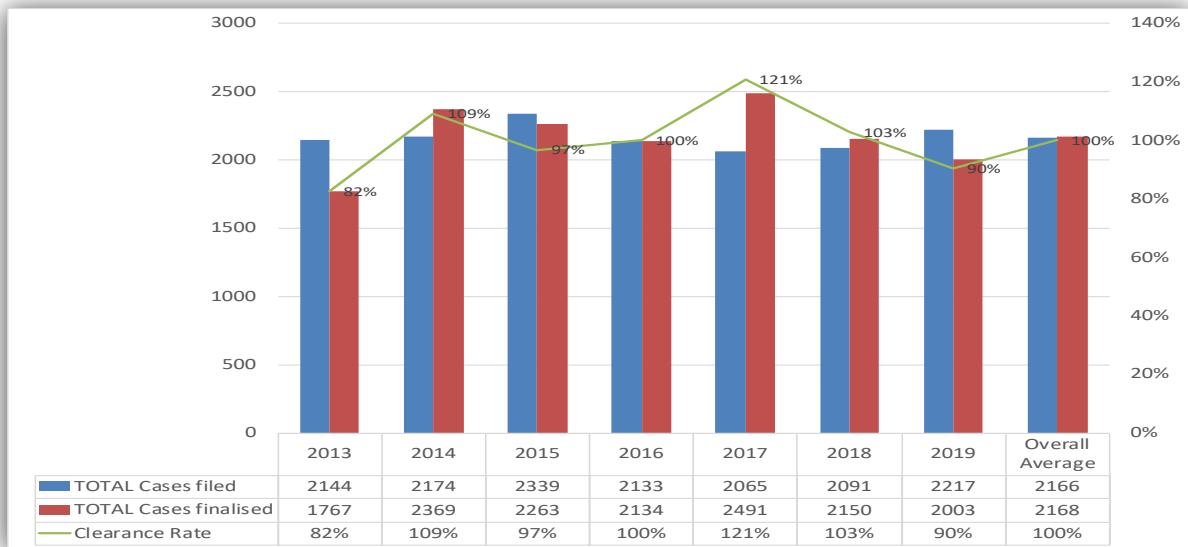


Figure 7: Magistrate Court Workload

Criminal cases make up the largest component of MC Pending workload. Violence (Domestic protection orders) is unusually high and will be investigated.

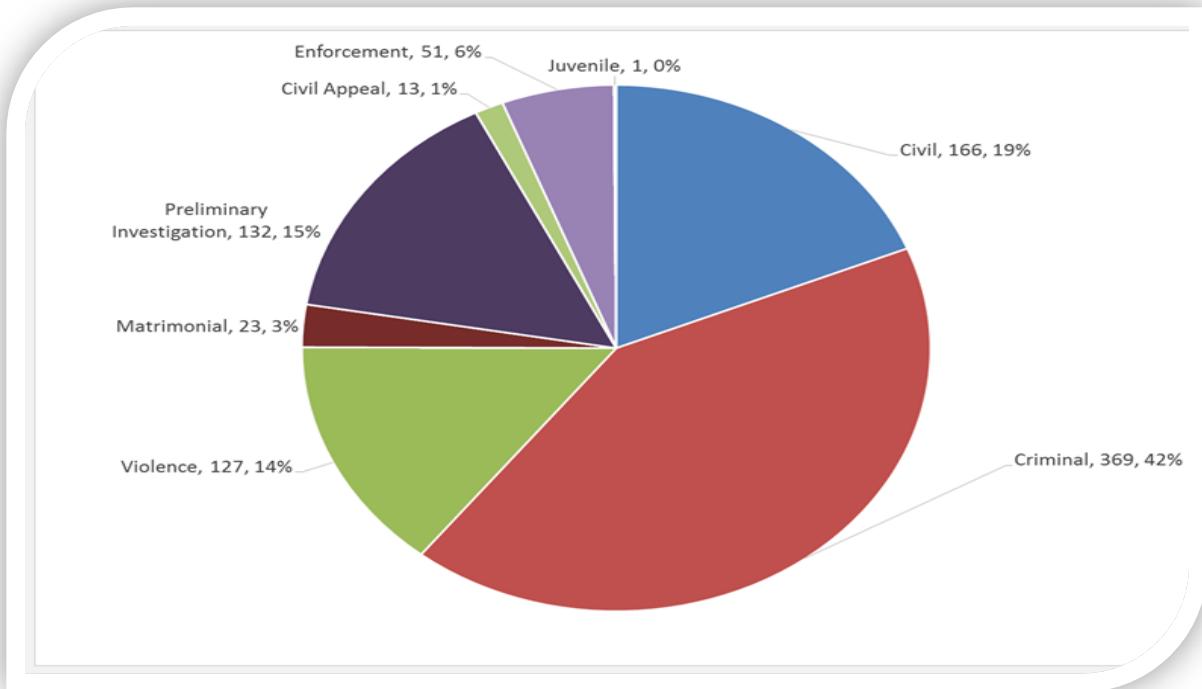


Figure 8: Magistrate Court pending by case type

Island court



Figure 9: Island Court Workload

The overall # of pending cases in the Island Court, and evenly spread across the major case types of the Court.

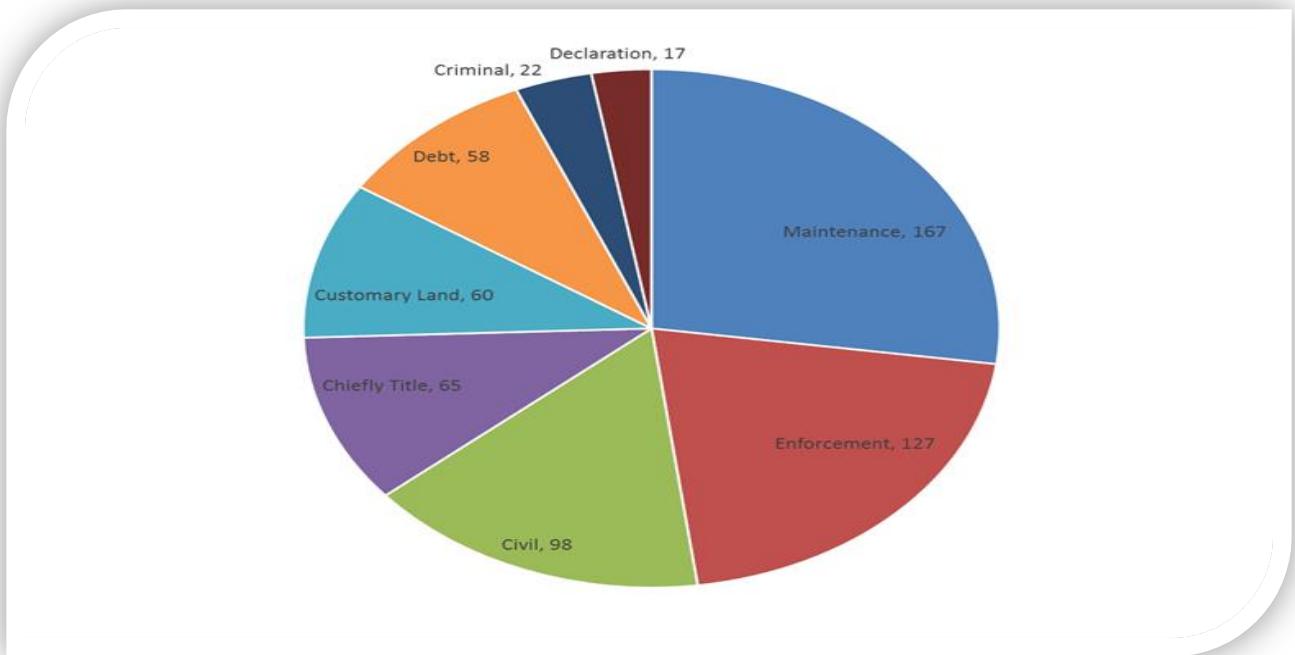


Figure 10; Island Court Pending by case type

Overall Clearance rate

Clearance Rate has improved positively in 2020 for all courts. Both the Supreme and Magistrates Court have been able to achieve an average Clearance Rate of over 100% over the last 8 years. If less than 100% - a court's pending workload naturally increases.

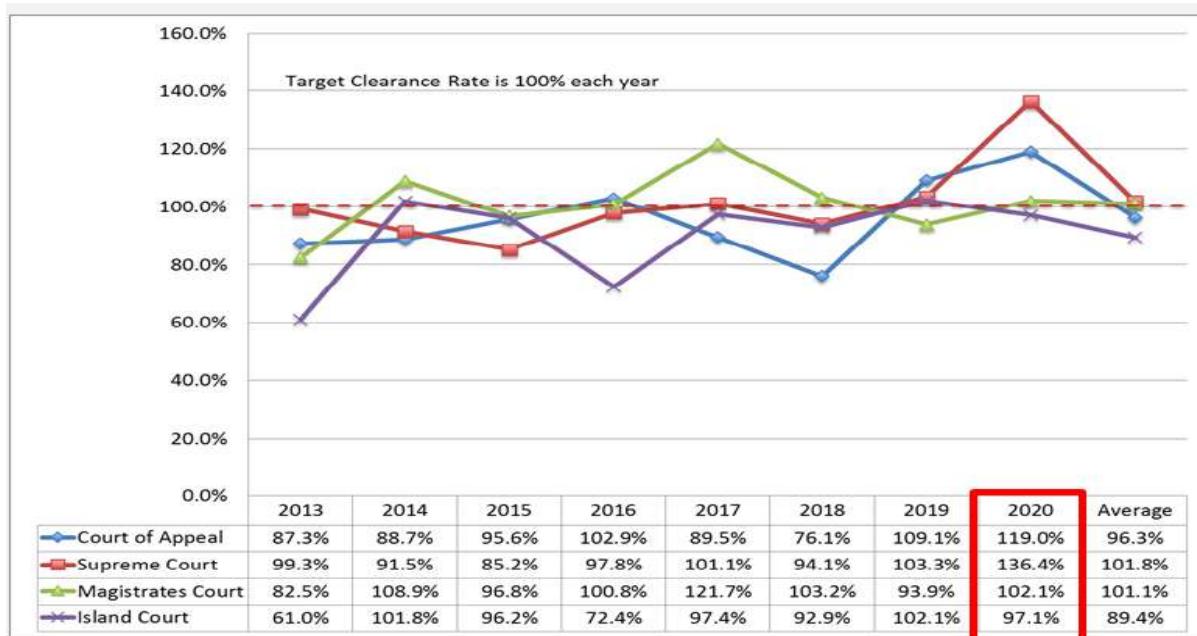


Figure 11: Clearance rate for 4 courts

Productivity

Despite restrictions imposed by COVID-19 on work of Judges and Magistrates and other factors including case complexity, case mix and attendance rates. Tracking this indicator is vital. The productivity of the both Judges and Magistrates is overwhelming positive this year

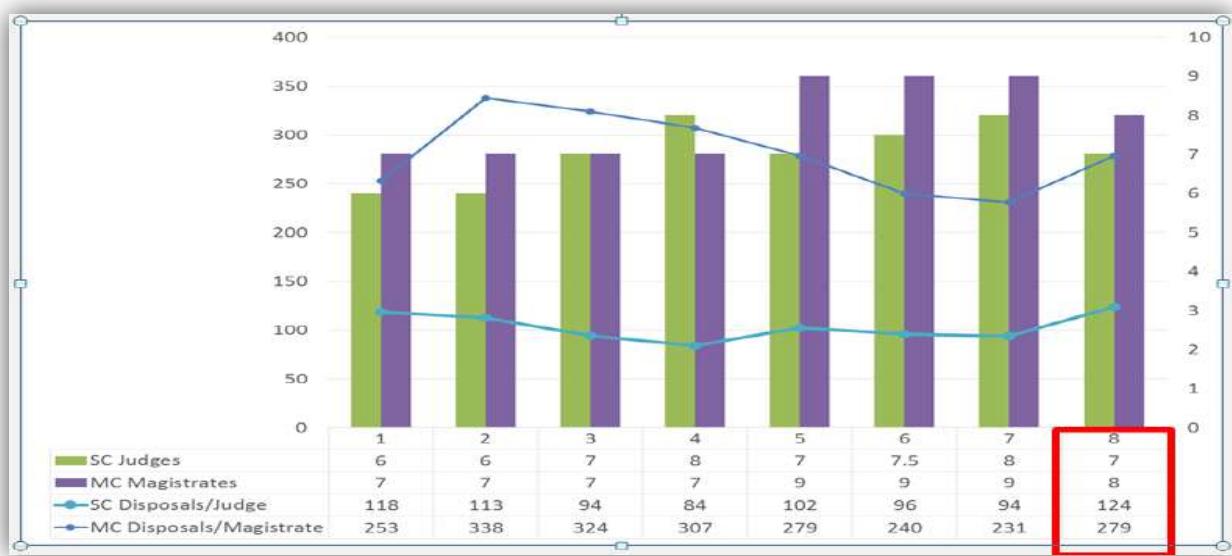


Figure 12: Productivity of Supreme Court and Magistrate court per judicial officer

Timeliness

Civil cases in the four Courts have increased over the last 2 years, with Supreme Court matters invariably take on average 3 years to dispose.

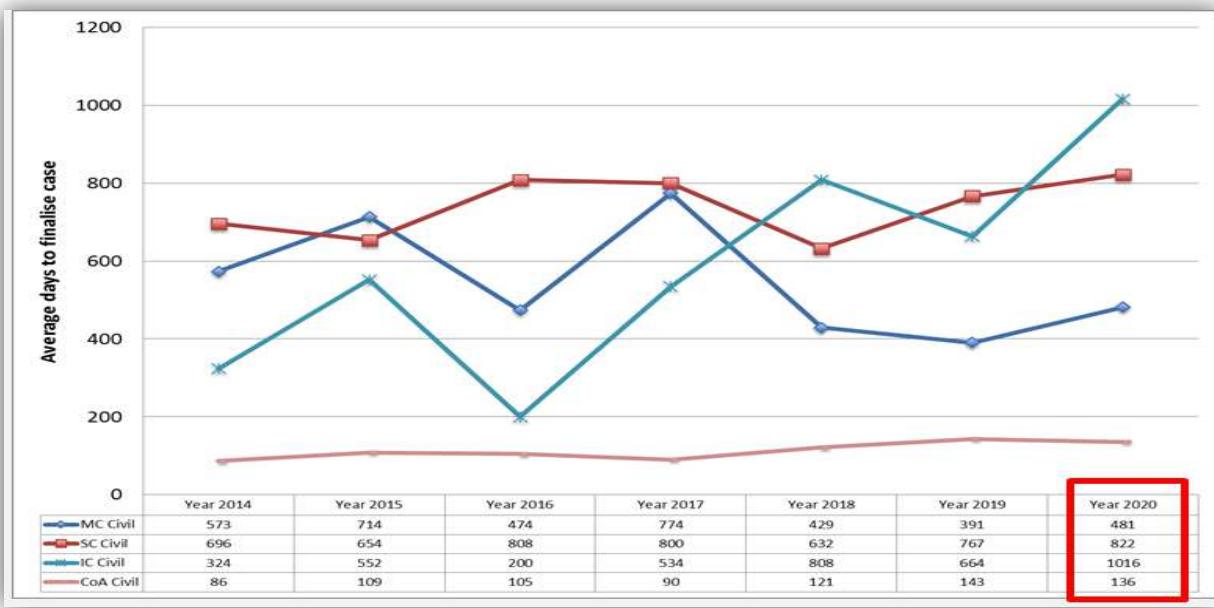


Figure 13: Disposal by days in 4 Courts for Civil

Reductions in timeliness to dispose of cases improved in the Magistrates, Supreme and Island courts.

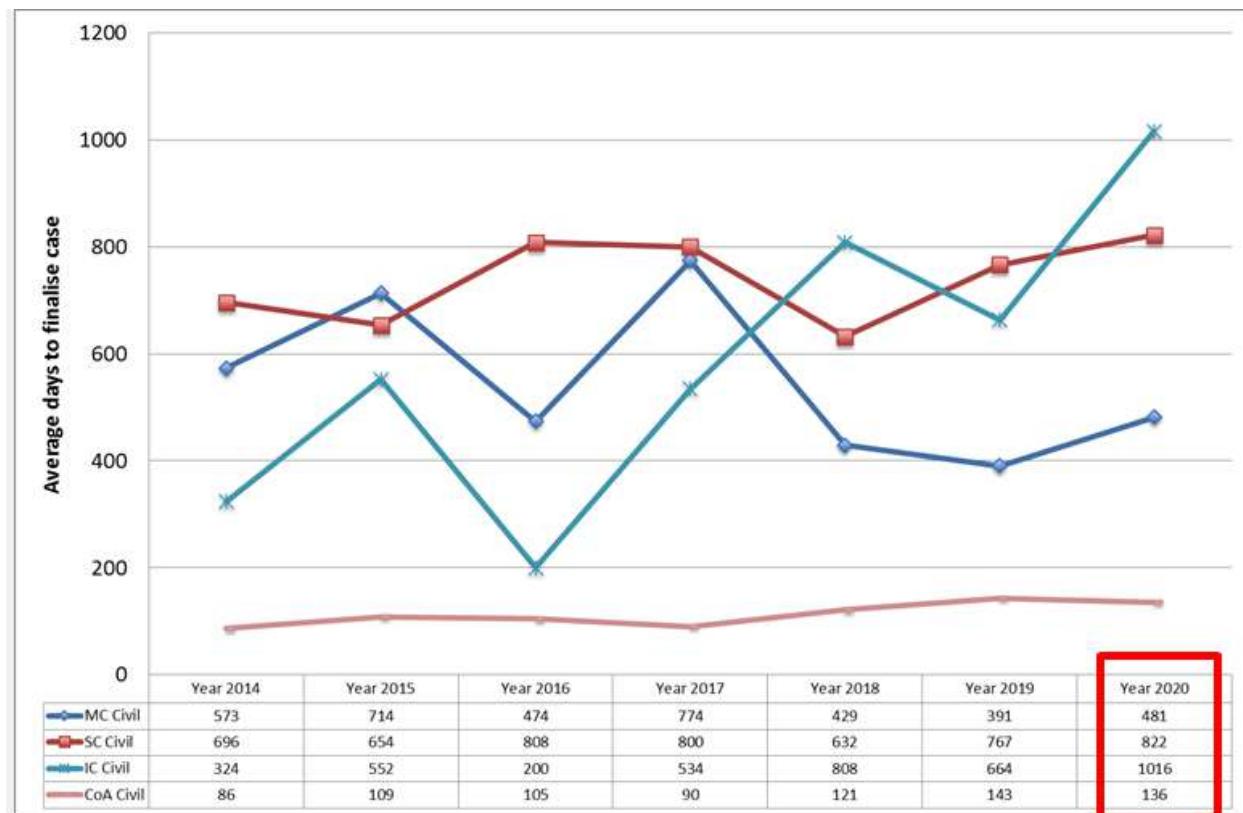


Figure 14: Disposal by days in 4 courts for criminal

Indicators

According to the 15 Cook Islands indicators agreed by the Chief Justices of the Pacific region as a starting point for reporting the court's work, below is how the courts in Vanuatu were tracking from 2013.

Clearance rate

(Refer to graphs shown on Figure 13 above).

- Court of Appeal, the clearance rate is 119 %
- Supreme Court clearance is 96.9%
- Magistrates Court clearance rate is 90.3%
- Island Courts rate is 85.7%

Average duration

Average duration of cases from filing to finalization

- Court of Appeal
 - Civil Appeal Cases – 136 days
 - Criminal Appeal Cases – 92 days
- Supreme Court
 - Civil Cases – 822 days
 - Criminal Cases – 191 days
- Magistrates Court
 - Civil Cases – 481 days
 - Criminal Cases – 242 days

The Percentage of Appeal.

The percentage of cases that goes on appeal in the Court of Appeal is calculated using the number of cases finalized in the Supreme Court and the number of appeals registered in the Court of Appeal as a percentage of the later. 1181 cases were finalized by the Supreme Court in 2020, and 88 cases were appealed to the Court of Appeal. This represents 7.5% of all cases finalized in the Supreme Court that were appealed.

- Overturn rate on appeal is 45 %

Fee waiver

Percentage of cases that are granted fee waiver

- 44.0 % (Family Violence cases filed in the Magistrate Court

Cases disposed on circuit

Percentage of cases disposed through a court circuit

- Supreme Court – 10 %
- Magistrate Court – 8 %

Complaints

The percentage of complaints received concerning a Judicial Officer

- 1%.

The percentage of complaints received concerning a court staff member

- Approximately 2 %.

Complaints received by Law Council Disciplinary Board

A total of 25 Complaints submitted and all dealt with by the Disciplinary Committee. Seen 28 % of these complaints were against one legal practitioner.

Offences ranging from, misuse of trust money, unethical and unprofessional behaviors, Practitioners acting as enforcement officers, Demand of upfront huge amount for legal fees without doing any work and use of contemptible language against Supreme court Judge.

The decisions rang from, imposing fines, suspension, and struck off from Legal Practitioner of Vanuatu legal practitioners.

Judicial resources

The average number of cases per judicial officer in the Supreme Court is 124 cases and in the Magistrates Court are 279

Staff resource

The average number of cases per member of the Supreme Court staff (secretaries) is 148 and for Magistrate Court staff is 200.

Court services

The Court produces an Annual Report each year, except 2015. And published on www.paclii.org and in the Court website; www.courts.gov.vu

Average age of pending case load

- Court of Appeal – 97 days
- Supreme Court – 823 days
- Magistrate Court – 369 days
- Island Court – 1,432 days

Juvenile/Children cases

- 3 cases

Violence cases

Violence against women/Children

983 cases were registered in the Magistrate Court in 2020 which represent a total of 44.0 % of the total workload in 2020.

Criminal outcomes

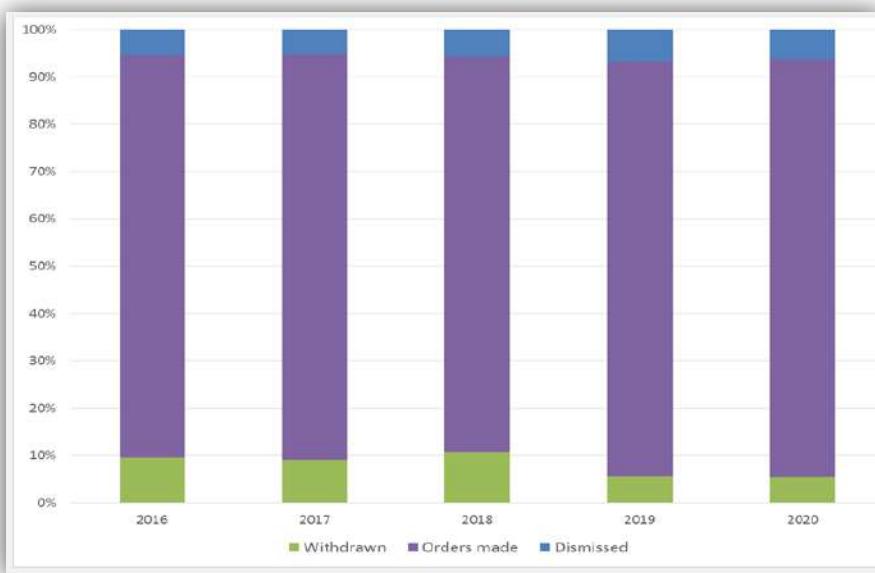


Figure 15: Outcomes brought before the Supreme Court

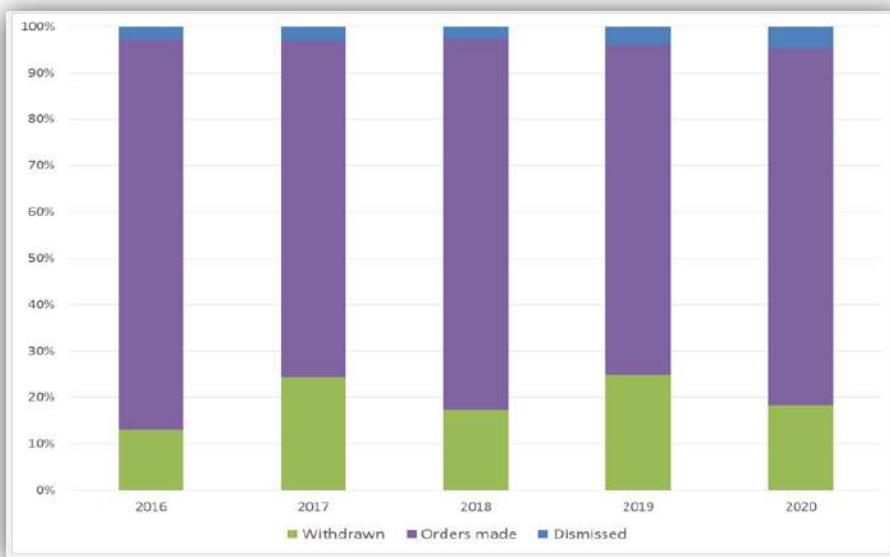


Figure 16: Outcomes brought before the Magistrate Court

Factors, events or trends influencing court results.

The Vanuatu Courts enjoy a good degree of independence from the executive branch of the Government. However, external and internal factors contributed to the results of the court operations and functions in 2020.

Challenges

- I. The service of summonses for criminal cases lodged in the Magistrates Court is also a source of impact on the Magistrates Court in managing cases.
- II. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters.
- III. Warrant issued by the Supreme Court and Magistrate Court for defendants in criminal cases were never executed due to inability of budget or resources by the Vanuatu Police. Some of these pending warrants were over 10 years old.
- IV. Covid- 19 bring in a lot of challenges including preventing of recruitment of 2 Supreme Court judges.

Human resources

- I. The process of appointment of 2 Judges of Supreme Court was being halt by the worsening situation of pandemic Covid-19 leaving the Supreme Court to function with 5 judges and 2 masters.
- II. The retirement of Shirley George, the Assistant Registrar of the Supreme Court in Santo Wilma Manmeline, the Filing Clerk of the Supreme Court allow for recruitment of new staff.
- III. The removal of Magistrate Stephen Kalo from the bench in Santo places more pressure to the Senior Magistracy in Santo which justify the transfer of Magistrate Setariki to Santo.

Expansion of Service to Outer Islands

The insufficiency of the annual budget leads to minimum level of operations in rural centres while the two main towns attract the most voluminous work and therefore the bigger share of the budget expenditure. The budget constraints limit the courts' ability to be innovative in their operations and functioning across Vanuatu.

Interaction with other agencies

- I. The Judiciary has enjoyed a healthy working and professional relationship with the Ministry of Justice & Social Welfare throughout the year. It has supported the Ministry of Justice Sector Strategy and is in continuous dialogue with the Ministry on carrying the Strategy forward.
- II. Further, the Judiciary has been the beneficiary of assistance offered through grant funding by *Stretem Rod Blong Jastis* under the Law and Justice Partnership under the auspice of the Ministry of Justice.

- III. The courts welcome the professional relationship it has with the Vanuatu Correctional Services Department, which comprises of the Probation office. The provision of support in the form of required reports have improved the quality of sentences in criminal cases.
- IV. The Vanuatu Police Force has been a major partner in the execution of court warrants around the country.
- V. The court's interaction with the non-government organizations has been very limited except for the continued cooperation with the UNICEF, and the Vanuatu Women's Crises Centre [VWC] who represents victims of Domestic Violence in their application to the Magistrates Court.
- VI. The Pacific Legal Information Institute [PacLII] who is accommodated by the University of the South Pacific Emalus campus in Port Vila, has been a strong partner in assisting the Supreme Court and the Court of Appeal judgments to be published online in a timely manner.

International interactions

- I. Vanuatu benefited hugely from its association with the *Pacific Judicial Development Program* [PJDP], a regional cooperation in Judicial Developments, funded by NZ Aid and managed by the Federal Court of Australia which has been revitalized under the name *Pacific Judicial Strengthening Initiative* [PJSI]. Ten different activities on capacity building for court staff and judicial officers were successfully accomplished under this fund in 2020.
- II. Vanuatu like other Asia and Pacific countries, participates in the Chief Justices of Asia and the Pacific Conferences, serving as a member in the *Law Association for Asia and the Pacific* (LAWASIA). Unfortunately, due to the global outbreak of COVID-19 and the consequential restrictions regarding large scale events and international travel, the 2020 conference to take place in Hong Kong was canceled.
- III. Commonwealth – Vanuatu like all other Pacific courts is a member to the '*Commonwealth Judges & Magistrates Association*'. Despite COVID-19, Vanuatu maintains strong ties through membership fees, thus benefits from Rule of Law Webinars and other Commonwealth Statements and judicial journal updates, all online.
- IV. Vanuatu benefits in 2020 from daily updates from *The National Judicial College*, Reno, Nevada, US; on available online seminars and online courses. Some judicial officers listened to the online free seminars.
- V. Vanuatu also has strong ties with the *Papua New Guinea Centre of Judicial Excellence* (PngCJE) and benefits from quarterly Newsletter and PngCJE Updates this year.
- VI. JPPF – Vanuatu has also benefited from the *Judicial Pacific Participation Fund*, a NZ Aid that financially support the participation of judicial officers to judicial professional and educational development. This year, unfortunately due to COVID-19, no judicial officers attended to overseas professional development, however fortunately the Fund has post-COVID-19 plans for 2021 and Vanuatu would surely benefit.

Implementation of the Management Improvement Plan

The Supreme Court is mandated by the *Judicial Services and Courts Act* to prepare a management improvement plan for each year (s.50) purposely for improving the efficiency and effectiveness of the operations of the Judicial Service and the Vanuatu Courts, and to report against it annually (s.51(f)) in the Annual Report.

The Management Improvement Plan 2020 has set out five priority action areas. These five priority action areas were to:

1. Maintain and strengthen judicial independence;
2. Refine case management systems and processes to endure fair and timely disposition of cases;
3. Develop professional judicial and court service delivery;
4. Ensure justice is accessible for all; and
5. Develop physical infrastructure/ assets to support effective service delivery.

The Plan highlights the intention to:

- Appoint sufficient judicial and staff resources to enable effective and adequate court services to be provided
- To provide ongoing professional development of judicial and court officers so that the court employees have greater capacity to fulfil their functions
- Develop a grass-roots approach for the courts' engagement with the community by undertaking consultation with court circuits.

Some highlights in 2020

- Development in the Island Court, saw newly appointed justices; for Ambrym/ Paama Island Court: 19 altogether; 5/19 are females and for Ambae/ Maewo Island Court: 20 altogether; 5/20 are females. The newly appointed guarantee improvement in case management, seeing Paama for the first time after the justices' appointments had a first island court sitting – an achievement.
- Supreme Court Judge's workshop on 'Analysing damages' was a success, ending with Judge Viran Trief compiling a "Methodology – Assessment of Damages for Personal Injuries", send to the Chief Justice's office.
- Certificate of Justice (COJ) Program for Malekula, saw 7 lay justices enrolled and 6 completed the program. Grades are yet to be released early 2021. Last year (2018 – 2019) COJ was piloted in Efate and in end of 2020, there has been big improvement in Efate Island Court on completion of cases; clerk commented 'there is confidence seen on the bench, decisions of minor cases are handed down straight, lesser adjournments seen for discussion purposes before delivery of decisions'.
- Island Court Clerk Training – for the first time, clerks were taught to draw up working plans (4th quarter), focusing on SMART indicators for implementation

purposes. Through M&E by Senior Administrator – some plans were successfully implemented and others roll-over to 2021.

- 1st Admin Retreat held this year, participants including corporate staff, and Admin heads. There were appreciation and constructive critics for all work achieved and plans were drawn for input into the 2021 Judicial Management Improvement Plan.
- 1st Secretarial Training – the Secretaries have for sometimes requesting that their capacity development be captured and included in the Annual Calendar of Events, and this year seen for the first time, a three day workshop. Prioritising re-emphasis on Values of the Institution (Judiciary) and norm reminders on internal administrative procedures.

Planned Activities summed in Graphs

There was a total of 45 activities planned for 2020 (details of activities are prepared in a separate document – The JMIP annual report, can be viewed upon request) and 69% were successfully implemented – graphed in Figure17.

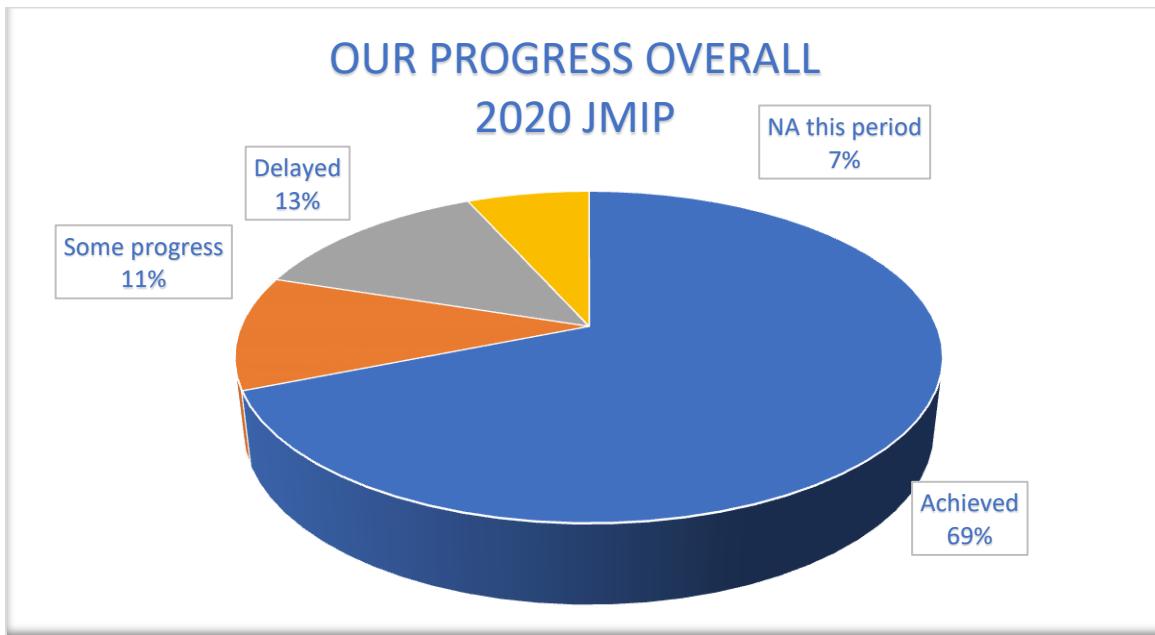


Figure 17: Overall Activities – Judicial Management Improvement Plan (JMIP) - 2020 (45 activities in total) shown in Percentage; 69% achieved, 11% in progress, 13% delayed, 7% not applicable this period.

Judicial Development & Training

A committee was established by the Chief Justice in 2016 purposely to identify and discuss Training needs, approve Training design for appropriate programs, and identify possible facilitators. It also addresses the issues of identifying relevant officers' attendance to capacity building opportunities and staff queries of in-service continuous education.

In 2020, Training/ capacity building specifically, has 24 planned activities (details is prepared in a separate document – The Training Annual report and can be viewed upon request), some activities captured in the Improvement plan above, some in the *Annual Calendar of Events* and others were conducted by our external partners requesting the court participation for example, the PJSI and the Ministry of Justice.

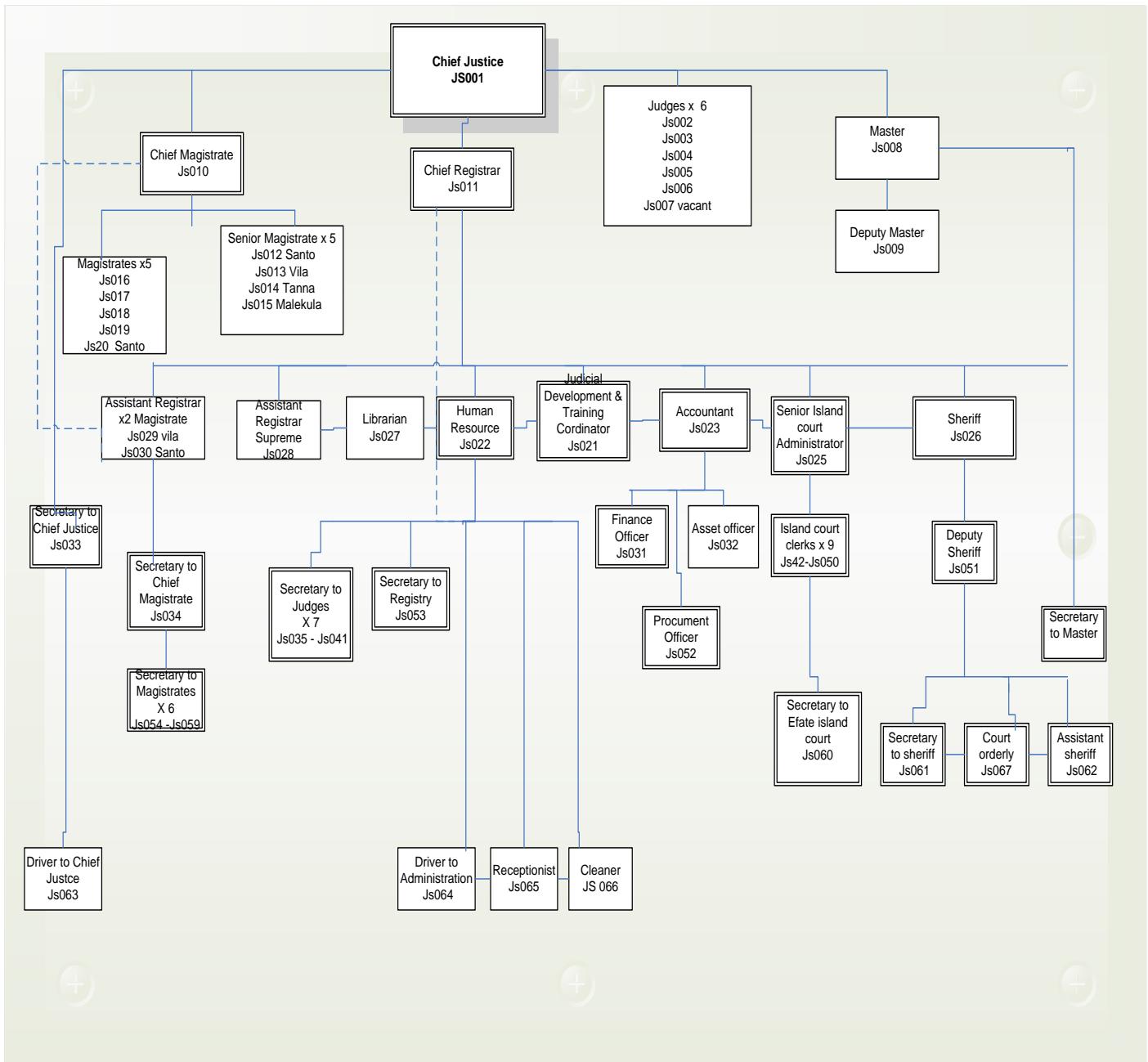
Out of the 24 activities, we managed to implement 21 and 3 are still ongoing – mostly ongoing follow up with PJSI. Shown percentage in Figure 18.



Figure 18: Overall Training Activities, 24 altogether, 21 successfully carried out and 3 is on-going to 2021.

Appendices

i. Organizational Chart

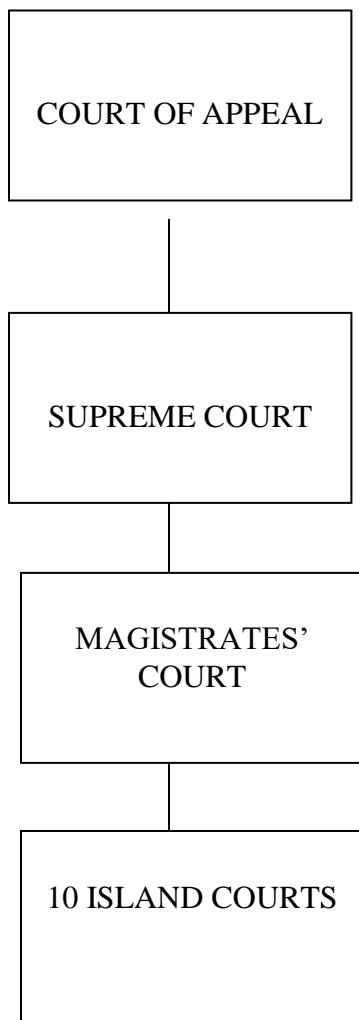


ii. List of all court personnel

#	Employee Name	Position Title	Employment Date
1	Lunabek Vincent	Chief Justice	1/06/1996
2	Saksak Oliver	Judge	6/05/1997
3	Wiltens Gustaff Adolf	Judge	26/03/2018
4	Aru Dudley	Judge	31/05/2011
5	Viran Molisa	Judge	15/07/2019
6	Vacant	Judge	
7	Vacant	Judge	
8	Cybelle Cenac Laiianise	Master	1/10/2015
9	Aurelie Tamseul	Deputy Master	11/01/2018
10	Shemi Joel	Chief Registrar	3/05/1999
11	Anna Laloyer	Chief Magistrate	1/04/1999
12	Hannaline Nalau	Senior Magistrate	5/02/1991
13	Beverly Kanas A.	Senior Magistrate	14/08/2013
14	Peter Moses	Senior Magistrate	26/01/2011
15	Jessica Palo	Magistrate	7/11/2016
16	Florence Sam	Magistrate	6/06/2014
17	Trevor Naieu	Magistrate	6/06/2014
18	Kibeon Nimbwen	Magistrate	6/06/2014
19	Setariki Waqanitoka	Magistrate	15/07/2019
20	Vacant	Magistrate	
21	Aurelie Litoung	Assistant Registrar	19/03/2014
22	Florina Tabi Siganbo	Assistant Registrar	25/04/2005
23	Rachel Lettis Jeffery	Assistant Registrar	02/01/2021
24	Alice Smith Hinge	Human Resource officer	27/04/2020
25	Vacant	Accountant	
26	Kathrine Abel Joseph	Finance Officer	23/02/2009
27	Alick Marango Willie	Asset Officer	4/06/2020
28	Mathias Iona	Procurement Officer	22/05/2014
29	Silou Metoloa Poilapa	Sheriff	3/06/2019
30	Morrison Selwyn	Deputy Sheriff	25/05/2015
31	Lui Melenarave	Assistant Sheriff	23/05/2016
32	Vacant	Court Orderly	
33	Pakoa Celina	Secretary to Sheriff's office	16/02/2015
34	Pauline Kalo	Librarian	20/11/2006
35	Vacant	Administrative Assistant to CJ	
36	Gloria Kalotiti	Receptionist	9/01/2012
37	Evelyn Sawia	Secretary	1/02/1996

#	Employee Name	Position Title	Employment Date
38	Cynthia Thomas	Secretary	1/02/1996
39	Anita Vinabit	Secretary	3/11/1999
40	Shalika Marcel	Secretary	8/09/2014
41	Vanessa Donald	Secretary	2/02/2013
42	Naomi Hinge	Secretary	19/02/2007
43	Ethel Sablan	Secretary	27/07/2009
44	Josepha Teguebu	Secretary	9/04/2018
45	Vacant	Secretary	
46	Veronique Teitoka	Secretary	16/04/1998
47	Florina Ephraim	secretary	30/04/2012
48	Vacant	Secretary	
49	Sidonie Lunabek	Secretary	5/06/2017
50	Rodrice Molonturala	Secretary	7/12/2006
51	Anita Meltek Simon	Secretary	11/11/1995
52	Gloria Bob	Secretary	4/09/2014
53	Evelyn Kaltapau	Secretary	25/04/2005
54	Robson Labsai	Senior Administrator of all Island Courts	10/05/2010
55	Kikina Maltape	Secretary	2/09/2010
56	Alida Tchivi	Clerk	12/08/2013
57	Lessy Anthony	Clerk	2/05/2013
58	Blandine Tepi	Clerk	2/01/1985
59	Nailyn Abel	Clerk	14/05/2015
60	George Patrick	Clerk	2/10/2006
61	Collyne Tete	Clerk	3/03/2010
62	Jacob Malasa	Clerk	30/04/2012
63	Enuma Basil	Clerk	3/03/2010
64	Aru Dimas	Clerk	9/03/2010
65	Vacant	Clerk	
66	Roderick Mathias	Filing Clerk	18/01/2021
67	Wovan Jimmy	Driver-CJ	24/09/2012
68	Kutty Jean Noel	Driver-Admin	20/11/2006
69	Narita Meltecoin	Cleaner-Port Vila	21/10.2019
70	Monique Paul	Cleaner-Santo	2/10/2017
71	Wendy W. Raptigh	National Judicial Dev/Training Coordinator	11/04/2016

iii. Court Chart



iv. Financial Statement

SUPREME COURT OF THE REPUBLIC OF VANUATU

PMB 041, Port Vila,
Republic of Vanuatu
Tel: (678) 224 20
Fax: (678) 226 92



Sac Postal Privé 041, Port
Vila
République de Vanuatu
Tel: (678) 224 20
Fax: (678) 226 92

17 March 2021

Mr. Caleb Sandy
Auditor General,
The Auditor General Office
Port Vila
Vanuatu,

Re: Annual Financial Statement for the Accounts of the Judiciary.

Dear Auditor General,

I am pleased to submit to your office the annual accounts for the Judiciary for 2020.

These statements have been compiled in accordance with Section 51 of the Judicial Services and the Courts Act of 2000.

**Hon. Vincent Lunabek
CHIEF JUSTICE**

Consolidated Financial Statements for the Judiciary for 2020

The Financial Statement is broken down into 3 sections. Section 1 is the expenditure and revenue report detailing the expenditure and revenue of the Judiciary in 2020 by chart of account. Section 2 highlights the commitments, contingencies and leave balances for all employees. Section 3 is the asset register of the Judiciary.

Section 1 – Expenditure and Revenue Report

This report is produced by the VG Dept financial report using the Ministry of Finance FMIS system.

Section 2 – Commitments, contingencies and Leave Balances

This report is produced by the Accounts and Human Resource Officer of the Supreme Court.

Section 3 – Asset Register of the Judiciary

This report is produced by the Asset Officer reported from the Records of LPOs.

Statement of Representation

FINANCIAL STATEMENTS FOR THE YEAR ENDED 2020

STATEMENT OF REPRESENTATION FOR JUDICIARY SERVICES

We have reviewed the Statement of Financial Performance and the Statement of Appropriations for the institution for the year ended 31st December 2020 and provided the required schedules as outlined in Financial Circular 7 of 2009. We verify that:

1. The Statement of Financial Performance and Statement of Appropriations fairly reflect the **Judiciary Services** affairs financial activities for the period 1st January – 31st December 2020;
2. All LPOs were verified as being valid as at 31st December 2020 and any duplicate, invalid or erroneous LPOs have been cancelled;
3. All Standing and Accountable imprests due before 31st December 2020 have been retired and fully accounted for;
4. The asset register has been updated to the best of our ability and includes all known assets with a value of more than Vt100, 000 as at 31st December 2020;
5. Employee leave transactions has been updated and the list of outstanding annual leave balances provided are valid and complete.
6. All known commitments, contingent liabilities and contingent assets have been identified and information submitted;
7. All adjustment journals have been made and passed onto the Department of Finance for approval.

Signed

Joel Shemi
Registrar of the Supreme Court
17 March 2021

Katherine Abel
Finance Officer
17 March 2021

Budget Overview

The Judiciary budget has one Program – The Administration of Justice.

The program is uplifted from the Constitutional mandate contained in Article 4 (Constitution) which provides that:

“The administration of justice is vested in the Judiciary, who are subject only to the constitution and the law. The function of the judiciary is to resolve proceeding according to law. If there is no rule of law applicable to a matter before it, a court shall determine the matter according to substantial justice and wherever possible in conformity with custom.”

The main objectives of the Judiciary are encapsulated in its mission statement:

“To dispense justice speedily, fairly, independently and with improved quality of external inputs; to improve access to justice by effective, efficient and continuous improvement of judicial institutions; to be a judiciary that conducts its business with dignity, integrity, accountability and transparency”.

The judiciary budget is built to reflect the hierarchy of courts as well as the corporate structure and the registry structure of the court administration.

The judiciary budget is to provide adequate budget for the functioning of the courts, as well as the administrative mechanism which support it. There are two sides of the same coin – the judicial functions of the courts, and the support provided by the court administration. All of these are for the objective to “administer justice.”

There are different activities and their objectives under the main program:

CIAA: Corporate services

This activity is for the organization and management of the corporate structure and function to provide the institutional support to the courts in their dispensation of justice to all peoples.

This activity not only ensures operational support, but is also concerned with strategic planning and execution of those plans. It is internally focused, but also with an appreciation of national and international linkages.

Current units in the corporate structure include:

1. Finance and Accounts
2. Human Resource Management
3. Training and Development
4. Enforcement
5. Island Court Administration
6. Library and Archives services

CIAB: Court of Appeal

The Court of Appeal of Vanuatu is the final court of the land. The sole objective of this activity is to bring finality to all cases registered in its registry in a timely manner.

The way that the Court of Appeal of Vanuatu is programmed is to ensure that Notices of Appeals filled in the Court of Appeal registry must not delay. The Court of Appeal of Vanuatu meets 4 times a year. The total of 4 sitting in a year helps Vanuatu's position at a standard where there are no backlogs of cases. It takes less than 6 month for an

appeal to be dealt with, from the time of its registration to when a final decision is made. The Judicial Service Commission in its statutory order No.1 of 2019 supplement the order made on 20 March 2008 concerning the Court of Appeal Sitting Allowances. (I) Overseas or Visiting or retired Judges sitting in the Court of Appeal of Vanuatu shall be entitled to 81,000 Vatu per day sitting allowance while on Court of Appeal Duties. The Local Judges payment number of days also increases to 14 days. The increased was called professional fees which include preparation, reading & search, sitting, writing judgements and giving out judgments.

CIAC: Supreme Courts

The objective of this activity is to deal with all cases registered in the Supreme Court registries justly and effectively.

The Supreme Court of Vanuatu is a superior court of records with unlimited jurisdiction. The Supreme Court hears civil cases, criminal cases, constitutional cases, judicial review type cases which are important in Public Law Matters in its original jurisdiction, including in its supervisory role. It has also an inherent power to apply the law to all the cases registered in its registry.

The Supreme Court has also other statutory functions such as elections disputes and others.

The Supreme Court has also an appellate jurisdiction to hear all appeals from the Masters of the Supreme Court, all appeals from the Magistrates Courts and all pending Land appeal cases from the Island Courts.

There are currently 5 Judges and 2 Masters of the Supreme Court of Vanuatu. Amongst these Judges, there is one international Judge and a Master that are serving under contracts.

CIAD: Magistrate Courts

The objective of this activity is to list, hear and deliver summary judgment in cases registered in its registries throughout the country.

Permanent registries are established at Port Vila, Isangel, Lakatoro and Luganville.

In civil matters, the Magistrate court has jurisdiction to hear and determine in a summary way civil proceedings as provided for by the Magistrates court (Civil Jurisdiction) Act [Cap.130] and any other relevant legislations.

In criminal matters, subject to the provisions of any other Act or Law, the Magistrates court has jurisdiction to hear and determine in a summary way criminal proceedings for an offence for which the maximum punishment does not exceed imprisonment for 2 years.

The objective of this activity is to hear and give out decision on all cases heard in the Magistrates court around the country. Also to expand the operations of the Magistrates court to all parts of the country.

CIAE: Island Courts

The objective of this activity is to be an effective dispute resolution that response to the needs of the island communities which they serve. As part of the objective of this activity a Supervising Magistrate has been appointed for supervision of island courts operation and enforce decisions of the Island Courts.

Island Courts are located within the island community they serve and enable the local “justices” to participate in a dispute resolution system sanctioned by the law. The island

court is the first level of law courts, and it offers the perfect opportunity for the formal system to dovetail into the intricacies of the customary law and its application.

CIAF: Land Courts

The objective of this activity is to deal with customary land matter pending in the Island Court jurisdiction.

So far in 2019 a budget was allocated to deal with pending Land Cases.

CIAG: Enforcement

The main objective of this activities is to ensure execution of warrant issued by the courts. The other objective is to ensure effective, efficient and timely service of court documents.

Here are some important achievements and challenges faced by the Sheriff during 2020 fiscal year.

1. Service of summons.

Process originating from the Supreme Court, the Magistrate Court and the Island Court is lodged with the Sheriff for service by relevant Offices. It is important to ensure that it is served as soon as practicable.

Before service of notice, information is completed by the Officer accepting the process;

- The name and address of party/parties to be served.

All process issued from Courts must be served personally unless otherwise directed by the Court. These motions have hearing dates and the notice is required to be served personally not less than 2 days before date of hearing.

After servicing the court documents, the Sheriff must provide a proof of service for court documents to the Officer in charge.

Where a Sheriff is unable to serve a document he/she shall make out a notice of non-service in duplicate and return the summons together with the notices of non-service to the officer in charge.

Service of document may not be serve on Saturday, Sunday and public holidays or the day before or after Christmas day.

2. Arrest Warrant

The Sheriff is required to arrest persons and convey them to goal or present them before Judge. Positive identification of a person to be arrested is essential, and if the Sheriff is in any doubt, instructions should be sought from the Registrar's office and to obtain a clear instruction. And it's preferable that the Sheriff and his Deputy or the Police attend on arrest matters.

3. Execution

Enforcement Warrants issued out the Supreme Court, Magistrate Court and Island Court are directed to the Sheriff for execution.

Priority on Supreme Court execution is determined by the time and date the process is with the Sheriff. This can be very important if there are a number of judgment creditors seeking to recover from the same judgment debtor.

After the end of each execution done by the Sheriff, he/she must provide a written report to the office of the Registrar, and Officer in charge.

CIAH: Judicial Development & Training

The objectives of this activity is to plan, execute, monitor, evaluate and report on judicial development and training sessions, programs and initiatives that are within the ambit of the institution as operational plans of the judiciary within the financial year.

CIAI: Case Management

The objective is to ensure the smooth operations of the Information Technology infrastructure, hardware and connectivity so that the Court Management System (CMS) which was recently acquired through the assistance of the "*Stretem Rod Blong Jastis*" project is maintained and enhanced.

Section 1 – Expenditure and Revenue Report

The Budget execution and management

During the financial year, Judiciary had to manage its budget expenses to a standard which need to expand its services to the archipelago especially the outer islands that need to access the services of Justice.

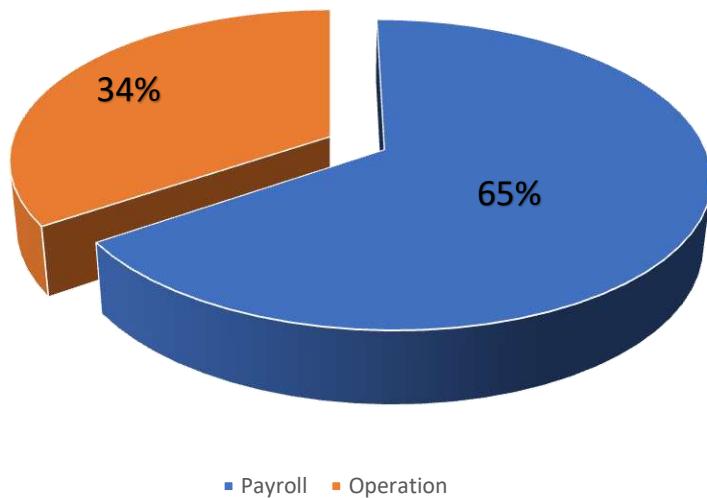
The operation budget of the judiciary did not reflect the reality of all activities such as the annual calendar of events, all judicial officer entitlements, the day to day running of all courts registries around the country and bills.

Table showing approved annual budget for Judiciary 2020 Financial year.

Year	Payroll Budget	Operations budget	Annual Budget
2020	202,593,336	106,065,984	308,659,320

This pie chart shows the percentage in payroll compare to the operation budget.

2020 Annual Budget- Payroll VS Operation



Statement of Appropriation

The Judiciary annual budget approved ceiling by Parliament for 2020 was a total of 295,028,990 Vatu. The administration also applies for NPP to assist with its priority activities. The total approved NPP is 13,630,330 vatu.

Judiciary function throughout the 2020 financial year with the total budget of 308,659,320 Vatu.

There was also an additional budget of 15,482,387 Vatu that was approved by parliament through a supplementary application towards the purchasing of telephone and video conferencing equipment and accessories. This was a one-off budget that was approved for the purpose been raised.

This sums the total budget in 2020 was 324,141,707 Vatu.

Payroll situation

Account	Description	Actual Expenses	Total	Budget	Under/(Over)
	Personnel Expenses				
8AAA	Acting Allowances	2,504,375	2,504,375	-	(2,504,375)
8AAB	Responsibility Allowance	1,924,020	1,924,020	360,000	(1,564,020)
8AAF	Family Allowance	1,884,620	1,884,620	2,208,000	323,380
8AAG	Gratuities Allowances	7,183,335	7,183,335	9,567,176	2,383,841

8AAH	Housing Allowances	20,191,001	20,191,001	14,640,000	(5,551,001)
8AAO	Other Allowances	122,200	122,200	-	(122,000)
8AAP	Home Island Passage Allowances	570,044	570,044	620,000	49,956
8ASP	Provident Fund	5,419,005	5,419,005	6,837,160	1,418,155
8AWC	Contract Wages	182,970	182,970	-	(182,570)
8AWL	Leave expense	9,280,492	9,280,492	-	(9,280,492)
8AWP	Permanent Wages	144,081,777	144,081,777	168,361,000	24,279,223
PAYR	Payroll expenses	-	-	-1,966,369	(1,966,369)
	Personnel Expenses	193,343,839	193,343,839	200,626,967	7,283,128

The budget allocated for payroll total of 200,626,967 Vatu. The Payroll expenses above shows that payroll was under spend with a total of 193,343,839 Vatu. The remaining unspent payroll was 7,283,128 Vatu.

Below are reasons which contribute to the under spend of payroll budget.

1. There are positions that are vacant that still needs to be filled. These positions include Supreme Court Judges, Magistrates and supporting staffs.
2. Gratuities for two vacant Supreme Court Judges.
3. Superannuation for the vacant positions.

The following account shows some important variations.

1. Acting Allowance- the Acting allowance not always includes in the budget for the reason that there is no idea of who will be resigning or on leave that will allow an officer to act on his or her position. Budget expend on this account when the need arises.
2. Responsibility Allowance- In the year 2020, Chief Justice through the Judicial Service Commission appointed some Magistrates to become Supervising Magistrates for different Island Courts of the Republic of Vanuatu. These appointments also involved budget especially with the responsibility allowances which was not budgeted for in 2020 budget. There are also other responsibility allowances that were paid to the Supreme Court Secretaries for job done under Court of Appeal, a separate jurisdiction.
3. Housing Allowance- Judges Housing Allowance was budgeted under operation cost center 1422 CNT. Each year, Virement application was done to vire funds from operation to payroll to cater for Judges Housing Allowance. In the year 2020, there are two vacant positions for Supreme Court Judges which allows the payroll budget under 1422 not expend on permanent wage instead expend on housing allowance. In addition, we have not budgeted for Housing allowance for a senior magistrate who have been transferred back to Port Vila.

No budget also for housing the Tanna Magistrate and her secretary for the reason that they are residing in government houses.

- Leave Expenses- Two Judges whose leaves were paid in installments on the year 2019 and remaining balance were brought forward to the year 2020 and completely paid out.

Two retired staff whose Leave entitlements were also paid in the year 2020, with the available funds from payroll.

Despite the over spend in some Personal emoluments, the overall payroll expenses was within the Judiciary Annual Budget and managed.

Operation situation

Account	Description	Actual	Total	Budget	Under(Over)
8CAB	Subsistence Allowances	3,622,715	3,622,715	6,811,410	3,188,695
8CAF	Food Allowance	2,530	2,530		(2,530)
8CAS	Sitting Allowances	25,434,600	25,434,600	25,728,000	293,400
8CBI	International Accommodation	50,875	50,875	837,500	786,625
8CBL	Local Accommodation	2,082,432	2,082,432	5,430,184	3,347,752
8CEM	Software Maintenance Fees	-	-	800,000	800,000
8CET	Other Fees	2,313,931	2,313,931	2,550,000	236,069
8CFV	Vehicles Fuel	1,781,818	1,781,818	1,722,908	(58,910)
8CGM	Mail Carriage Freight	50,000	50,000	-	(50,000)
8CGR	Transport - Freight	1,068,450	1,068,450	407,167	(661,283)
8CHI	International Medical Treatment	1,473,420	1,473,420	-	(1,473,420)
8CHL	Local Medical Treatment	79,137	79,137	35,000	(44,137)
8CIE	Equipment Hire	523,521	523,521	200,000	(323,521)
8CIF	Facilities Hire	1,010,890	1,010,890	230,000	(780,890)
8CIV	Vehicles Hire	163,961	163,961	436,736	272,775
8CJO	Office Cleaning	1,147,910	1,147,910	603,280	(544,630)
8CKD	Advertising Communications	280,869	280,869	90,000	(190,869)
8CKL	Translation Communications	4,284,509	4,284,509	1,140,000	(3,144,509)
8CKP	Postage - Communications	6,079	6,079	20,000	13,921
8CKR	Printing - Communications	1,613,654	1,613,654	939,180	(674,474)
8CKS	Stationery Communications	1,431,148	1,431,148	777,640	(653,508)
8CKT	Telephone / Fax Communications	1,964,926	1,964,926	1,941,154	(23,772)
8CMG	General - Materials	46,074	46,074	-	(46,074)
8CMO	Office - Materials	74,668	74,668	20,000	(54,668)

8CNO	Office Rental	19,733,612	19,733,612	9,802,680	(9,930,932)
8CNT	Other Rental	(3,999,714)	(3,999,714)	18,074,395	22,074,109
8COD	Research & Development	416,033	416,033	1,500,000	1,083,967
8COF	Refunds	520,533	520,533	635,288	114,755
8COI	Incidentals	218,955	218,955	50,000	(168,955)
8COP	Official Entertainment	2,371,579	2,371,579	1,383,739	(987,840)
8COS	Insurance	-	-	30,000	30,000
8COU	Uniforms	76,694		-	(76,694)
8CRB	Buildings Repairs & Maintenance	3,966,399	3,966,399	644,810	(3,321,589)
8CRE	Equipment Repairs & Maintenance	403,385	403,385	250,000	(153,385)
8CRH	Houses Repairs & Maintenance	-	-	-	-
8CRM	Maintenance Contract	964,414	964,414	-	(964,414)
8CRV	Vehicles Repairs & Maintenance	1,938,294	1,938,294	2,010,000	71,706
8CSR	Rations Supplies	8,226	8,226	-	(8,226)
8CTI	International Travel	996,890	996,890	3,608,410	2,611,520
8CTL	Local Travel	4,792,584	4,792,584	3,544,808	(1,247,776)
8CUC	Gas - Cooking Utilities	284,787	284,787	676,800	392,013
8CUE	Electricity Utilities	6,780,628	6,780,628	5,651,875	(1,128,753)
8CUL	Lighting Utilities	1,015,759	1,015,759	206,000	(809,759)
8CUW	Water Utilities	542,958	542,958	735,674	192,716
8CZV	Value Added Tax	10,136,761	10,136,761	1,063,655	(9,073,106)
8EBR	Buildings Renovation	130,435	130,435	-	(130435)
8EEA	Equipment - Additional General	13,183,911	13,183,911	400,000	(12,783,911)
8EEC	Equipment - Computer	1,088,873	1,088,873	448,984	(639,889)
8EEH	Equipment – Heavy Equipment	25,778	25,778	-	(25,778)
8EEP	Equipment - Photocopiers	66,074	66,074	-	(66,074)
8EER	Equipment - Replacement General	-	-	-	-
8EFO	Furniture - Office Furniture	1,066,697	1,066,697	223,707	(842,990)
8EVR	Vehicle - Replacement	5,739,131	5,739,131	4,400,000	(1,339,131)
8FCB	Bank Charges	2,521	2,521	5,000	2,479
OVER	Overhead expenses	-	-	17,448,756	17,448,756
	Operating Expenses	122,980,314	122,980,314	123,514,740	534,426

Operation expenditures shows that the administration has spent within the budget approved by the parliament.

Figures shown explain that operation budget has not been used up or spend. The remaining budget of VT 534,426 was from an NPP of acquisition of Library books which was not been fully expended from the 2020 year ended.

There are specific Cost Centres that Accounts made some exercise to allocate funds to be used for court operations and personal emoluments.

There are Variance in each of the activities however, only the major variances will be discussed.

The budget allocated to each chart of accounts when entering the budget is often underestimated and sometimes unforeseen activities forces administration to spend knowing clearly that the budget was not allocated for that purpose.

- A. International Medical treatment shows that no funds have been allocated to this account. This activity is not an activity that requires funds to be expend out from monthly. Judicial Officers are entitle to local and international medical treatment, however, not all went under medical treatment. Funds were expend from court cost centers to pay out approved Medical receipts that were brought forward.
- B. Hiring of equipment, facilities and vehicles – Court activities does not only station in Port Vila. When court tours to outer islands to hear pending cases, we have to hire equipment, facilities and vehicles to execute the intended court tour.
- C. Office cleaning- There are four court premises that were required to be cleaned monthly. Expenses also reflect office cleaning utensils especially when the outbreak of Corona Virus (COVID-19) that requires for hygiene to be practice.
- D. Translation cost was very high in the year 2020, in particular the Criminal case of PP v Sekdah Somon and Others that involved accuses from Bangladesh and requires a court translator for almost 6 months trial which associated with a high cost for court translator.
- E. Printing - Budget allocated to printing of court files and documents indicate that more budget be allocate to this account for the reason that more and more cases are filed every day and need more civil and criminal folders to be printed.
- F. Stationaries- The main office items that keep offices function.
- G. Office Rental- There are 3 separate office rentals that Judiciary is committed to pay annually. Magistrate Court office and court hearing room, Supreme Court hearing rooms at Dumbea and Santo court office.
- H. Official entertainment- These are expenses for caterings, refreshments, lunch in all courts and other social activities.
- I. Building repairs and maintenance- Renovations have been done in the Supreme Court Library, Fencing at the Efate Island Court, Replacing louvers with sliding windows at the Supreme Court offices. Renovation also done on Tanna Magistrate Court Official residence, Santo Court room, and other renovations that are recorded under asset section of this report.
- J. Maintenance Contract- There are 3 sharper Image's photocopy machines that were maintain annually by Sharper Image Technicians. There is also an existing contract with Lexis Nexis to maintain court management system and maintenance fee is paid annually.
- K. Local Travel- the expenses are from court tours especially land and air transport.
- L. Electricity Utilities- monthly expenses for electricity and water bill is to cover for essential services of water and electricity.
- M. Lighting Utilities- Covid-19 caused court rooms in Dumbea to be upgraded especially with the lightings and its accessories in order for courts to operate with

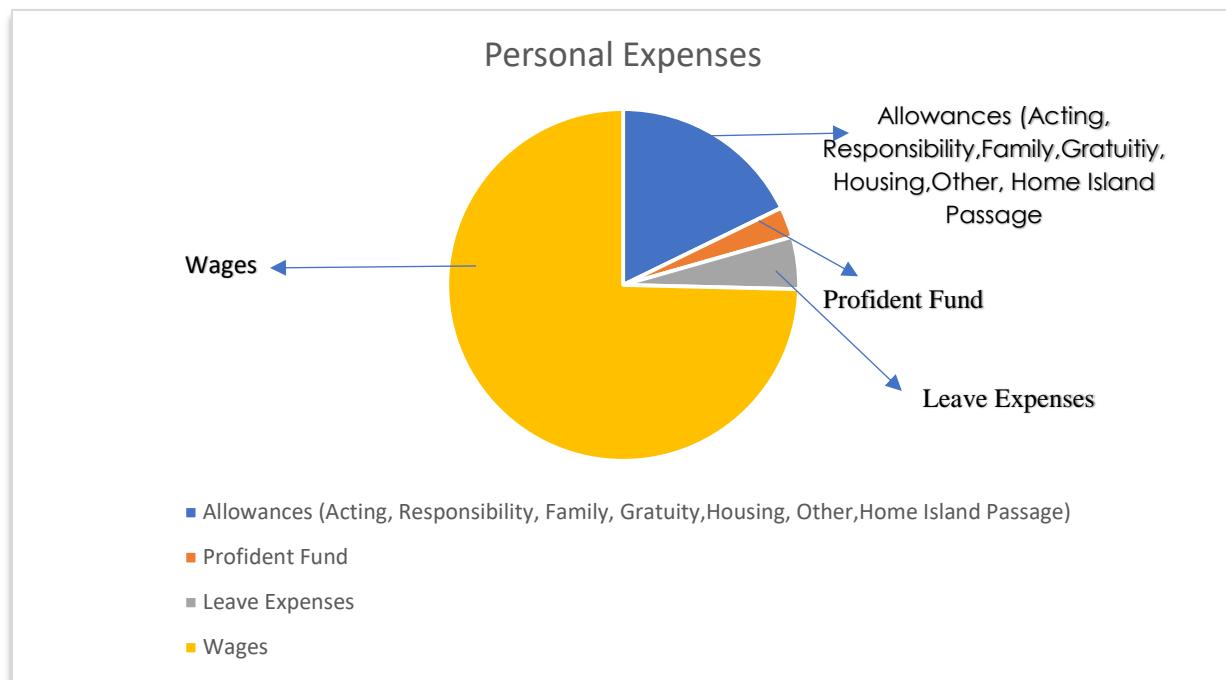
international judges via video and telephone conferencing. Florescent tubes were replaced with LED bulbs in the Supreme Court Registry.

- N. Value added tax are expenses from all items purchase which VAT is inclusive.
- O. Equipment Expenses are from purchasing computers, video screens, telephone lines, Printers. The expenses also reflects the purchase of Telephone and video conferencing and accessories that went through the tender process in the 4th quarter of the year 2020.
- P. Office Furniture- Furniture's were purchased to be used in different court offices.
- Q. Vehicle Replacement- 3 court vehicles have been replaced in December 2020. Two vehicles were send to Santo Court office and one to be used by a Judge in Port Vila Supreme Court.

Expense summary report – Personal and Operating expenses

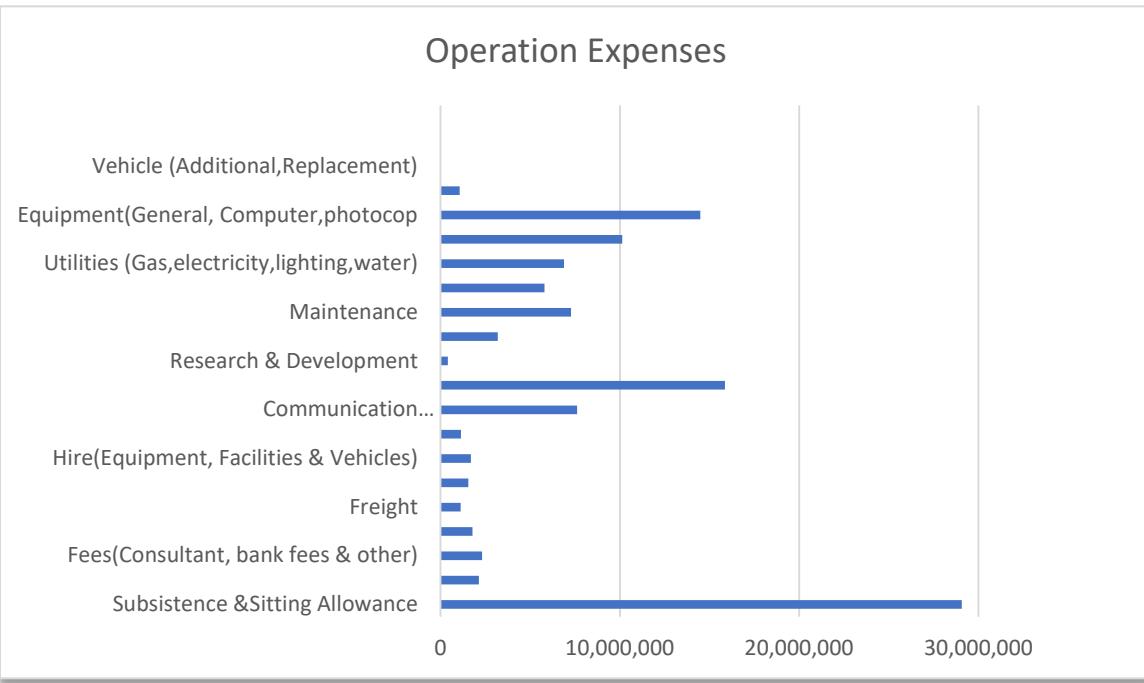
The table showing a summary table and a pie chart for personnel expenses.

Description	Actual
Allowances(Acting, Responsibility, Family, Gratuity, Housing, Other, Home island passage)	34,379,595
Provident fund	5,419,005
Leave expense	9,280,492
Wages	144,264,747



The table showing a summary and graph for operation expenses.

Description	Actual
Subsistence & Sitting allowance	29,057,315
Accommodation(Local & International)	2,133,307
Fees(Consultant, bank fees & other)	2,316,452
Fuel	1,781,818
Freight	1,118,450
Medical treatment & medicines suppliers	1,552,557
Hire(Equipment, facilities & vehicles)	1,698,372
Office cleaning	1,147,910
Communication(Advert.,transl,postage,printing,stationery&telephone/fax)	7,616,259
Material & rental	15,854,640
Research & Development	416,033
Other(Refunds, incidentals, official Entertainment , insurance, uniforms)	3,198,517
Maintenance(building, equipment, maintenance contract, vehicles)	7,272,492
Travel(Local & International)	5,789,474
Utilities(Gas, electricity, lighting, water)	6,878,336
Value added Tax	10,136,761
Equipment(General, computer, photocopiers, replacement)	14,495,071
Furniture (Office & Other)	1,066,697
Vehicle(Additional, replacement)	5,739,131



VIREMENT

In 2020 Financial year Judiciary make 2 virement applications to vire funds for the following reasons below.

First Virement application- This virement was execute on the month of March 2020. We vire funds in the payroll budget of the specified cost centers of the Judiciary for the following reasons below.

1. Responsibility Allowance for newly appointed supervising magistrate for island courts which was not budgeted for in 2020 annual budget.
2. Housing Allowance. Please note we have not budgeted for housing allowance for Senior Magistrate who resides in Tanna and secretary for Tanna Magistrate Court because they are occupying government house. A senior Magistrate was recently transferred to Port Vila and is now currently receiving housing allowance. A Junior Magistrate transfer to Tanna and accommodated in a private rental because the government house needs repair. The secretary in Tanna also rents out because of the bad condition of the current building.
Thus, additional funds needed to vire to the specific cost centers because we have not budgeted for in 2020 budget in those specific Magistrate Court cost centres.
3. Child Allowance-The Junior Magistrate transferred to Tanna Magistrate Court is currently receiving child allowance but we have not budgeted for child allowance under cost centre been transferred to.
4. There was also an error during 2020 budget preparation where, Housing allowance for Master have not been transferred out in 1422 CIAC OVER. This virement would transfer funds for housing allowance to 1429 CIAC which master is paid under.

5. Housing for Judicial Officers are loaded in operation under cost centre 1422 CIAC. Since Housing is a payroll account, we always make this exercise to vire funds to payroll to reimburse what have been expended.

Second Virement application- This virement was executed in September 2020 to cater for:

1. Pay out invoices for the Bangladesh Court Interpreter in the Supreme Court.
2. Pay out Medical refund for Master of the Supreme Court.
3. Correct Payroll overspent cost centres.

The Advance release

There was a total of seven cost centers that advanced release was done on them namely, 1402-Finance/Accounts, 1403- Asset, 1404-Information Technology, 1410-Court of Appeal, 1421-Principal Registry, 1428-Regional Conference and 1492-Case Management.

Below are reasons why we have advance funds on these cost centers.

- A. **1402 Finance & Accounts**-Rental of office and Court Room (Port Vila Magistrate Court) funds have been loaded in period 12. Advance to period 2 to pay out annual rental amount of 8,331,000 Vatu.
 - i. Magistrate Court Office; 5,825,400 Vatu
 - ii. Magistrate Court Room; 2,505,600 Vatu
- B. **1403 Asset**- An amount of 4,400,000 Vatu was loaded in period 12 of 2020. There are two advanced release done on this cost centre.
 - i. Renovates Magistrate's official Residence released on period 5 2020; 732,080 Vatu
 - ii. Services of Court Vehicles released on 8 2020; 455,490 Vatu
- C. **1404 Information Technology**- Advance funds from period 4, 5, 6 and 7 to pay out part of outstanding invoices for Bangladesh Interpreter; 595,528 Vatu
- D. **1410 Court of Appeal**- The approved NPP total of 11,130,330 vatu was loaded in period 12 of 2020. There are two advance release done on this cost centre.
 - i. Funds to cater for 3rd Session on July 2020; 5,996,212 Vatu
 - ii. Funds to cater for 4th Session on November 2020- 6,022,750 Vatu
- E. **1421 Principal Registry**- Advance funds load in period 12 to pay for Santo Court Office and dumbea 2020 rental amount of 9,466,080 Vatu.
 - i. **Dumbea Rental**; 7,994,400 Vatu
 - ii. **Santo Court Office**; 1,471,680 Vatu
- F. **1428 Regional Conference**- since COVID-19 have caused boarders to closed, it have been approved to utilized funds budgeted for international conferences on local tours. Advance funds loaded in period 12 to cater for Supreme Court tours; 1,280,480 Vatu.

G. 1492 Case Management- An advanced release was done on period 10 to pay out annual maintenance fee for Lexis Nexis.

H. December release on all cost centres for Judiciary- Finance only release December warrant on request provided by different ministries and departments. Judiciary also make the exercise to request funds. There are major activities that administration expend these funds on are stated below.

- i. Purchase 3 Vehicles – 6,600,000 vatu
- ii. Replace Louvers with Sliding Windows- 829,570 vatu
- iii. Fencing at Efate Island Court- 950,000 vatu
- iv. Library Renovations-778,950 vatu
- v. Car Park Shelter – 154,500 vatu
- vi. Paint RV 40 & RV3- 524,690 vatu

Journal

Journals were done according to the nature of Court activities.

- Department to department-Payment of 2020 court vehicles road worthiness.
- Department to department-official gazette annual subscription
- Retire standing imprest-credit the standing imprest account.
- Department to department - Pay water bills for outer courts.
- Department to department- Pay electricity for outer courts.

The Supplementary Fund

A Supplementary application was lodge on the month of May 2020 for a total of 22,857,372 Vatu towards Ambrym Island Court office renovation and purchase of Telephone and Video Conferencing Equipment and Accessories.

Out of the total amount submitted, only 15,482, 387 Vatu was approved to Purchase Telephone and Video Conferencing Equipment and Accessories.

Since the value is more than 10 million, the process went through the Central Tender Board to finalize the processes of the contractor which allow the process of payment to begin. Funds have been secured at the end of December 2020. The Supplier Computer World is in the process of ordering and shipment of the equipment that will arrive to enable the installation to begin.

New Policy Proposals

There are two approved Judiciary's New Policy Proposals (NPPs) for the year 2020 total of VT 13,630,330.

Code	Description	Funder	MBC Budget
20B114	Additional to Court of Appeal	Recurrent	11,130,330
20E114	Library Books Acquisition	Recurrent	2,500,000

		Total	13,630,330
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- a. Additional to Court of Appeal – The statutory order No.1 of 2019 was executed well with the additional funds requested assisted Court of Appeal activities.
- b. Library Books Acquisition- Vatu of 2,175,327 was expended out of VT 2,500,000 to purchase Library books. The process begins with judicial officers providing book titles to the Librarian and was approved by Chief Justice. The Librarian sourced international sources to meet the request. Process of payment went through the procurement process before Finance Department made the payment.

The revenue collection

All revenue were collected through Court Fees, Fines and enforcements.

In Port Vila the collection was made electronically at the main Registry and also some invoices were paid at Finance Department Central Cashier.

Outer Islands, Clerks and Secretaries also collect fees and deposit at FSB or NBV under Vanuatu Government Account Number.

There are few challenges that were faced with revenue collection in the outer Island Courts, however, Revenue report extracted for the transactions between 1 January 2020 and 31 December 2020 shows that Judiciary revenue collection was well collected. 2020 Revenue Budget targeted was a total of VT 23,660,135. Amount collected was a total of VT 23,606,485. Family Protection Orders was high in stats but are free of cost in the courts.

The last five years seen the increased revenue varied from 19 to 23 million vatu. The table below shows the Yearly revenue collected and the trends chart from 2016 to 2020.

Years	Total Revenue (Vatu)
2016	19,880,825
2017	20,597,785
2018	22,315,980
2019	22,645,230
2020	23,606,485



Section 2 – Commitments, contingencies and Leave Balances

Human Resource

To provide statistical information on the workforce and an update to the Management of the Judiciary services regarding trends and achievements in the workforce profile of the Judiciaries Human resources, in the last 12 months period; 01st January 2020 -31st December 2020.

1) Current Human Resources

	FTE	Contract	Vacant
Judges	4	1	2
Master & Deputy Master	2		
Magistrates	9		1
Judicial Support & Administration.	41	2	4
Enforcement	3	-	2

(NB: FTE- Full Time Employee)

2) Recruitment

There are five new recruitments in 2020.

- a. Human Resource Officer

- b. Cleaner
- c. Deputy Sheriff
- d. Assistant Registrar – Supreme Court (Santo)
- e. Assistant Registrar – Magistrate Court (Santo)

The above recruited officers only one has received permanent appointment (Human Resource Officer) except for cleaner, the two Assistant Registrar & Deputy Sheriff still serving six Months' Probation.

1) Redundancy/ Separation

Table below shows that there are two officers retired on retirement age, two removed/ terminated by JSC - total of four staffs.

Retirement Age	Retire on Medical Grounds	Resignation	Removal from JSC/ Termination
2	0	0	2

4. Leaves Records

A) Outstanding Leaves Update by Judiciary

At around May 2019, a team of senior management staff within the court administration were delegated to pull out all the court officers' personal files and update leaves taken by an officer. This was done after an audit report in 2019 identify inconsistencies in leave records in the HRMS system with records in individual files and weakness in leave management.

Our management team identifies the following as contribution factors to inconsistencies.

- HRMIS record 15 days leave per annum whereas Judiciary staffs are entitle to 21 days leave per annum.
- Judges are entitle to 42 days leave per annum while HRMIS recorded 21 days leave per annum.
- HRMIS does not captured the long serving staff served over 20 years.
- HRMIS does not include names of every staff
- Record of leave prior to burning down of the court building could not be easily retrieve, leaving the administration to rely on limited records.

With the Leave up-date report provided in 2019 for Judiciary, the newly hired HRO in May & June 2020 perform cross checking of leave files for all current staff & Judicial Officers.

Below is a summary of leave records that was updated and still pending with the FMIS team at Finance Department to OVERRIDE in the HRMIS.

	Position	Employee ID	Employee Name	Employment Date	Annual Salary	Leave Bal
1	Asset Officer	1101868	Alick Willie Marango	4/06/2020	1,058,000	50.5
2	Cleaner	1065953	Monique Boe	2/10/2017	625,100	54.5
3	Cleaner	1076314	Narita Meltecoin	21/10/2019	1,001,300	6.5
4	Procurement Officer	1080937	Iona Mathias	22/05/2014	1,001,300	110.75
5	Judicial Development & Training Coordinator	741843	Wendy Raptigh	11/04/2016	3,135,600	55.5
6	Receptionist	743690	Gloria Kalotiti	9/01/2012	1,029,600	54.75
7	Human Resource officer	1064487	Alice Smith Hinge	27/04/2020	2,042,700	12
8	Driver	1030961	Jimmy Wovan	24/09/2012	1,058,000	85.25
9	Driver	425777	Jean Noel Kutty	20/11/2006	1,094,600	-1.25
10	Finance Officer	1066364	Kathrine Abel Joseph	23/02/2009	1,755,200	73
11	Library Officer	741413	Pauline Kalo	20/11/2006	2,106,500	2.75
12	Chief Registrar	706028	Joel Shemi	3/05/1999	4,206,700	342.25
13	Filing Clerk	118141	Wilma Mammelin	3/10/2006	1,029,600	-29.75
14	Assistant Registrar	118059	Shirley George	7/04/1990	1,755,200	219
15	Island Court Clerk	1072647	Alida Tchivi	12/08/2013	1,345,000	30.5
15	Island Court Clerk	1084169	Anthony Lessy	2/05/2013	1,345,000	128.25
16	Island Court Clerk	1069727	Patrick George	2/10/2006	1,345,000	25.5
17	Island Court Clerk	1079026	Nailyn Abel	14/05/2015	1,345,000	66.25
19	Island Court Clerk	1074771	Enuma Basil	3/03/2010	1,345,000	65.75
20	Island Court Clerk	1077952	Dimas Aru	9/03/2010	1,345,000	149.75
21	Island Court Clerk	1083480	Joel Jacob	30/04/2012	1,345,000	73
22	Secretary	1069788	Christina Shedrach	2/09/2010	1,058,000	99.75
23	Island Court Clerk	1063923	Collyne Tete	3/03/2010	1,291,200	82.75
24	Island Court Clerk	149054	Blandine Tepi	2/01/1985	1,345,000	526
25	Island Court Senior Administrator	1078396	Robson Lapsai	10/05/2010	1,974,600	41.25
26	Acting Chief Magistrate	231373	Anna Laloyer	1/04/1999	4,206,700	287
27	Senior Magistrate	505404	Beverly Kanas Joshua	14/08/2013	3,408,300	67.25
28	Senior Magistrate	428342	Hannaline Nalau Ilo	5/02/1991	3,408,300	376
29	Senior Magistrate	636209	Peter Moses	26/01/2011	3,408,300	11.25
30	Magistrate	1076127	Florence Sam	6/06/2014	3,029,600	36.25
31	Magistrate	1076457	Jessica Palo	7/11/2016	3,029,600	23.75
32	Magistrate	1085051	Nimbwen Kibeon Harrison	6/06/2014	3,029,600	43
33	Magistrate	1088705	Trevor Naieu	6/06/2014	3,029,600	27.5
34	Magistrate	1070329	Setariki Waiqanitoka	15/07/2019	3,029,600	29.75
35	Chief Justice	430397	Vincent Lunabek	1/06/1996	9,493,600	830
36	Judge	328849	Dudley Aru	31/05/2011	7,151,500	384
37	Judge	9999978	Gus Andree Wiltens	26/03/2018	7,151,500	86
38	Judge	194654	Viran Molisa Trief	15/07/2019	7,151,500	24.75
39	Judge	153601	Oliver A Saksak	6/05/1997	7,151,500	444
40	Master	9999989	Cybelle Cenac Dantes	1/10/2015	5,000,400	130.5
41	Deputy Master	1077584	Aurelie Tamseul	11/01/2018	3,408,300	21
42	Secretary	1066466	Celina Pakoa	16/02/2015	1,001,300	48.5
43	Assistant Sheriff	1070348	Lui Love Melenarave	23/05/2016	1,345,000	58.25

44	Sheriff	430710	Metoloa Silou Poilapa	3/06/2019	1,915,000	28
45	Deputy Sheriff	1065228	Morrison Selwyn	25/05/2015	1,345,000	64.5
46	Secretary	1084085	Anata Batsari	19/10/2016	1,001,300	49.5
47	Secretary	411710	Anita Vinabit	3/11/1999	1,434,600	151.25
48	Secretary	1100800	Josepha Teguebu	9/04/2018	1,001,300	16
49	Secretary	1082268	Shalika Marcel	8/09/2014	1,386,800	83.25
50	Secretary	1078057	Vanessa Donald	2/02/2013	1,029,600	66
51	Secretary	806927	Evelyne Kaltapau	25/04/2005	1,243,400	168.5
52	Secretary	7827755	Naomi Hinge	19/02/2007	1,243,400	67
53	Secretary	1075034	Ethel Sablan	27/07/2009	1,195,500	77.75
54	Secretary	442848	Cynthia Thomas	1/02/1996	1,345,000	250.5
55	Secretary	552810	Evelyne Sawia	1/02/1996	1,614,000	246.5
56	Secretary	129882	Anita Isabelle Meltek	11/11/1995	1,126,500	345
57	Secretary	1065584	Aurelie Litoung	19/03/2014	1,001,300	31
58	Secretary	1085134	Sidonie Lunabek	5/06/2017	1,001,300	23.5
59	Secretary	553776	Gloria Bob	4/09/2014	1,001,300	72.25
60	Secretary	10700115	Rodrice Mulonturala	7/12/2006	1,291,200	9.5
61	Secretary	639393	Veronique Teitoka	16/04/1998	1,386,800	162
62	Assistant Registrar	726596	Florina Toran	25/04/2005	1,434,600	36.5
63	Secretary	1083514	Florina Ephraim	30/04/2012	1,001,300	87
64	Library Relief Officer	1113837	Christopher Spooner	21/09/2020	625,100	5

B. Override of accurate leave records

The leave record provided was updated to December 2020. It was then send on 8th December 2020 to Finance FMIS team.

There were several attempts made for FMIS officer and Director of Finance during the year 2020 to have the record rectified in the system to reflect the reality. In November 2020, there was positive respond to meet and discuss this subject with Deputy Finance Director and the FMIS team face to face.

Judiciary now awaits the confirmation from FMIS for the up-loading and approval for over-ride.

5. Staff welfares

Most of the Staff employment status are permanent, receiving all entitlements. Salaries are paid every fortnight for the last 12 months,

6. Office Hours

Most staff attend work by 7.30am to 8am; otherwise good commitment and task are completed at the end of the day.

Some Judicial support staff does work overtime, which each head is responsible do grant days off, if working on weekends or public Holidays.

7. Discipline

In the year 2020, there was one staff that was given option to either resign or go through the disciplinary board for allegations made against him. After the disciplinary board decision, JSC resolved in terminating the officer.

8. Record Keeping

Individual staff have own personnel files and is daily updated by the HRO. The HRO and the Chief Registrar are accessible to these files.

9. Staff Manual

Judiciary Staff Manuel is in draft and will be finalized in 2021 including Human Resource Policy.

Statement of Commitments & Contingencies

The major commitments were made up of two localize positions of which one is a Judge Position and one Master position that served under the Supreme Court of Vanuatu. These two localize positions are expatriates and were paid on local terms and conditions.

In addition to that there are annual contracts for maintenance of photocopy machines with service providers that Judiciary is committed to.

The Judiciary also has commitments in rental agreements for court offices and court hearing rooms mainly Dumbea rental, Santo Court Office rental, Magistrate Court Office and Hearing room rental.

The list of all the commitments and contingencies is separately compiled and can be assessable if need be as part.

Section 3 – Asset Register of the Judiciary

The Asset Register

100% of the assets have been used to help achieve the vision and the mission of the Judiciary.

Every major asset is given an asset code and “tagged” with a bar-code sticker. This enables the Judiciary to keep track of all its assets, which in turn should help the Registry, better manage the maintenance and replacements.

Below is a short asset financial report summary for the year 2020 that were updated manually.

It is shattered to their perspective areas with their financial statement.

ASSET SUMMARY 2020

BUILDINGS RENOVATION	VEHICLE REPAIRS/MANTENANCE	NEW ASSETS	TOTAL (VT)
4,666,044	8,373,724	2,173,778	15,213,546

Building Renovations:

Building renovations summary are renovations done within the year 2020 and thus includes the Courts premises and few Official Residence. This also includes building accessories attach to the buildings. Breakdown are listed below:

Vehicle Repairs and Maintenance

These are the summary of all courts vehicles that undergo repairs and maintenance within the year 2020 and also includes the replacement of three (3) Court Vehicles

New Assets

These summary includes the purchase of new Computer sets, office Equipment's, office furniture and fittings and office Tools.

See below is the breakdown of all summaries categories.

Building Renovations:

Asset	Location	Details	Contractor	Amount
Ambae Island Court	Ambae	Solar Lights	PCS Limited	9,995
Malekula Court	Lakatoro	1st pmnt, re paint/repair office furniture	Joses Urenlingi	50,000
Supreme Court	Port Vila	change hand basin tap	JB Plumbing	36,600
Malekula Court	Lakatoro	last pmnt, re paint/repair office furniture	Joses Urenlingi	62,940
Supreme Court	Port Vila	install water tap	Shem Construction	15,000
Santo Court	Santo	materials for repair santo court	Santo hardware	70,520
Tanna Court	Tanna	materials for repair Tanna court	Leon Hardware	68,330
Tanna Mag Res	Tanna	door	Wilco Hardware	21,160
Supreme Court	Port Vila	fix and repair toilet	JB Plumbing	66,580
Santo Court	Santo	materials for renovation	Santo hardware	47,770
Tanna Mag Res	Tanna	1st pmnt masonry, wiring,plumping, joinery	Semeone Noar	110,000
Dumbea Court	Port Vila	install stand mic	Shem Construction	30,000
Tanna Mag Res	Tanna	building materials for renovation	Bill Iapson Store	

				267,945
Tanna Mag Res	Tanna	building materials for renovation	Tanna Hardware	26,370
Supreme Court	Port Vila	sign board at entrance	Design Impax	41,450
Malekula Court	Lakatoro	install handbasin	John William Bulesulu	39,000
Santo Court	Santo	labor for santo renovation	George Palmer	25,000
Tanna Mag Res	Tanna	2nd masonry,wiring,plumping,joiney pmnt	Semeone Noar	110,000
Malekula Court	Lakatoro	toilet set	Wilco Hardware	12,964
Malekula Court	Lakatoro	pilar tap for sink	Leon Hardware	7,300
Supreme Court	Port Vila	entrance set handle	Wilco Hardware	4,285
HR office	Port Vila	louvre frame	Wilco Hardware	4,838
library	Port Vila	metal bookshelve for archive storage	Guang Yuan Industries	400,000
Supreme Court	Port Vila	entrance set handle	Wilco Hardware	4,285
Malekula Court	Lakatoro	water tank 1100L	Pacific Polytanks Ltd	41,000
Tongoa Court	Tongoa	water tank 1100L	Pacific Polytanks Ltd	41,000
Malekula Court	Lakatoro	materials to install toilet	Lakatoro Consumer Coop	12,360
Malekula Court	Lakatoro	toilet set	Denilson Store	28,000
Supreme Court	Port Vila	replace and install sunlight bulbs and switches	Vate Electrics	264,990
Tanna Mag Res	Tanna	materials for reapir toilet	Wilco Hardware	33,342
Supreme Court	Port Vila	replacement of louvres to sliding glass	Vanuatu Glass and Aluminium	829,570
CJ Residence	Port Vila	building of car park shelter	BS Construction	154,500
EIC	Port Vila	fencing	Shem Construction	950,000
library	Port Vila	renovation, tiles and ceiling	BS Construction	778,950

Vehicle Repairs and Maintenance

Asset	Location	Details	Contractor	Amount
RV 623	Santo	Battery bolt	Asco Motor Santo	15,500
RV 9	Port Vila	2 new tyre	Vanuatu Tyre Wholesale	28,405
RV 623	Santo	Service	Asco Motor Santo	67,800

Rv 9	Port Vila	Service	Bodiam	35,850
RV 3	Port Vila	Service	TechAuto Service	58,935
RV 28	Port Vila	Service	Bodiam	24,385
RV 3	Port Vila	check battery, remove/replace wiper blades	TechAuto Service	30,405
RV 11	Port Vila	1 spare wheel	Vanuatu Tyre Wholesale	14,500
RV 9	Port Vila	1st pmnt, service	Bodiam	25,035
RV 9	Port Vila	service	Bodiam	35,755
RV 3	Port Vila	replace drive belt alternator	TechAuto Service	17,710
RV 9	Port Vila	last pmnt service invoice 23803	Bodiam	39,620
RV 37	Port Vila	2 tyre	Punjas Vanuatu	15,600
RV 3	Port Vila	battery replacement and attend brake down	TechAuto Service	89,110
RV 3	Port Vila	replace bulb	TechAuto Service	15,985
RV 623	Santo	2 new tyres	John Lum and Associates	39,200
RV 27	Port Vila	repair assy power window	Carpenter Motors Vanuatu	6,600
RV 27	Port Vila	fix window swtich rear right and front right	Carpenter Motors Vanuatu	4,430
RV 26	Port Vila	change radiator fan and service	Bodiam	128,400
RV 27	Port Vila	replace power switch drivers side	Carpenter Motors Vanuatu	21,230
RV 28	Port Vila	2 new wheel	Punjas Vanuatu	22,000
RV 29	Port Vila	2 new wheel	Carpenter Motors Vanuatu	14,494
RV 27	Port Vila	seat cover	Wen Ke repair Shop	15,000
RV 40	Port Vila	number plate and remove china aid sticker	Top Sign	9,205
RV 11	Port Vila	service	Bodiam	22,965
RV 29	Port Vila	check and change battery	Bodiam	31,720
RV 10	Port Vila	check and change battery	Bodiam	28,200
RV 37	Port Vila	Service	Bodiam	21,560
RV 10	Port Vila	Service	Bodiam	25,720
RV 3	Port Vila	repaint new Nissan Terra	AutoPro Vanuatu	229,690
RV 28	Port Vila	Service	Bodiam	58,800
RV 13	Port Vila	Service	Bodiam	

				44,975
RV 8	Port Vila	Service	Bodiam	51,055
RV 38	Port Vila	Service	Bodiam	30,300
RV 29	Port Vila	Service	Bodiam	30,315
RV 27	Port Vila	Service	Bodiam	61,870
RV 623	Santo	Service	Bodiam	34,800
RV 13	Port Vila	Replace vehicle w/ trade value 1,500,000	Prestige Motors Limited	1,700,000
RV 3	Port Vila	replace vehicle w/ trade value 1,200,000	Prestige Motors Limited	2,000,000
RV 623	Santo	replace vehicle w/ trade value 1,000,000	Carpenter Motors Vanuatu	2,900,000
RV 40	Port Vila	repaint	AutoPro Vanuatu	295,000
	Port Vila	cleaning materials for crt vehicles	AutoPro Vanuatu	17,560
RV 28	Port Vila	seat cover	AutoPro Vanuatu	14,040

New Assets

Asset	Location	Details	Contractor / Supplier	Amount
filing cabinet	J. Aru	4 drawer filing cabinet	Microtech	29,645
Chair	M. Kibeon	1 executive chair	Sharper Image	39,875
Laptop	Santo Court	1 laptop Asus X507UA 15.6'	Computer World	114,989
PC	Rodrice	1 pc	Computer World	130,060
PC	Dimas A	1 PC, 1 desktop monitor	Computer World	151,482
fullset PC	M. Registry Santo	1 PC, 1 desktop monitor	Computer World	146,985
Printer	Ambrym Court	1 printer/copy machine	Computer World	21,995
Chair	Santo	1 chair, Supreme court Santo	Sharper Image	42,175
filing cabinet	Masters chamber	4 drawer filing cabinet	Microtech	29,645
PC	Malekula Court	1 PC for magistrate Malekula	Computer World	133,487
execucion tools	Sheriff's office	hammer,vest,gloves,machete,coverall,bar wrecking	Wilco Harware	24,555
Printer	EPI Court	1 photo copy Machine	Computer World	26,995
Printer	Tongoa Court	1 photo copy Machine	Computer World	26,996
Chair	Supreme	5 chairs for Florina E, Iona, Sidonie,	Leon	106,200

	Court	Rodrice, Anita V	Hardware	
fullset PC	M. Beveleigh K	1 PC, 1 desktop monitor	Computer World	127,989
TV screen	J. Wiltens	samsung 40' TV screen for J. Wiltens Courtroom	Computer World	47,895
filing cabinet	EIC	4 drawer filing cabinet	Leon Hardware	24,910
execuction tools	Sheriff's office	boots and coverall	Wilco Harware	49,300
fullset PC	Deputy Sheriff	1 PC, 1 desktop monitor	Computer World	149,485
Chair	Supreme Court	8 office chairs	Wilco Harware	68,000
Chair	Deputy Master	1 secretary chair	Leon Hardware	34,000
fullset PC	A/Registrar, Santo	1 PC, 1 desktop monitor	Computer World	149,485
PC	J. Wiltens	1 PC, 1 desktop monitor	Computer World	127,490
PC	Florina T	1 PC	Computer World	127,490
bookshelves/table	CJ office	1 book shelve, 2 table	TIVA Timber	242,650

Conclusion

Judiciary executed with its approved budget a lot of its activities planned for year 2020.

There were challenges faced especially when Covid-19 outbreak in the first quarter of 2020 that leads to change some focus of the court planned activities.

However, despite that, Administration is satisfied that all budget advance release requested was executed, Virement applications were executed, Supplementary application executed, Journals were executed and processed, a healthy collection of revenue, accountable imprest and standing imprest were used for their purposes and were retired before the 2020 financial year ended, outstanding bills were paid out, and Assets recorded. Commitment and Liabilities were paid out.

Apart from the operation activities, Personal Emoluments were also updated in terms of leave records & staff welfares. The office hours were also maintain by Court officials.

The administration arrived at the end of the fiscal year without any deficit concerning the annual budget.

The year ended extremely satisfactory and peacefully.