

VANUATU COURTS

COURT OF APPEAL
SUPREME COURT
MAGISTRATES COURT
ISLAND COURT

2020 – A Reflection

THE YEAR IN REVIEW

- As in previous years, 2020 has proven to be a challenging year for the courts, and despite COVID-19 pandemic and the effect of TC Harold in the northern region, plus filings were up from 2019, 3 of the 4 jurisdictions were able to achieve over 100% clearance rate - a great achievement in 2020.
- As a result, our pending case numbers have reduced in each jurisdiction, overall a reduction of 22% (as at end of 2019, total pending was 2988 cases, and as at end 2020 – total pending is now 2324 across the 4 jurisdictions).
- The effect and repercussions of COVID-19 has prevented the recruitment of 2 new judges of Supreme Court leaving the Supreme Court effectively down by two judicial officers for the entire 2020.
- Our ability to reflect on the performance of the courts on a monthly, quarterly and yearly basis is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, our 2020 performance analysis within the month of January is testament to the work of many.
- We have at our disposal more court performance indicators which allow us to assess the operation, impact and efficiency of our case management protocols.

CONTINUED

- We continue to use the key international indicator on Attendance Rate on a regular basis as a tool to assess effective management of cases, especially assessing the number of times a matter appears before the court before being finalized. This indicator provides an insight into the impact and cost to the parties e.g. more the attendance rate - more cost/more impact to the parties
- The Court of Appeal continues to provide by world standards such as timeliness and clearance rates, an excellent service to this country. Despite more cases being filed, the CoA still managed to finalize all of the cases – within an average of 4 months from filing.
- There has been a lesser percentage of Supreme Court cases being appealed - now running at approximately 7% - or 1 in 15 cases from the Supreme Court are appealed to the CoA. Out of all appeals, 45% were dismissed, 34% were withdrawn and 20% allowed.
- The commitment that the Supreme Court shows to the criminal workload has ensured the timeliness of cases to be finalized, the attendance rates, and the relatively low number of pending cases reflects a positive outcome for this work in 2020.

CONTINUED

- Additional judicial resources will be needed immediately to capitalize on the amazing job done by the Supreme Court in 2020 to maintain the momentum.
- The Supreme Court has managed to reduce the pending caseload from 1223 down to 806 cases, a reduction of 417 – a collective effort of 5 hardworking judges and the 2 Masters.
- With Civil cases, we are still seeing higher than desired Attendance Rates due to completion of many old cases which has direct impact and cost to the parties. Most of our current pending cases are under judicial management and we are working to ensure each case has a future listing date.
- The Enforcement matters in the Supreme Court has seen Attendance Rates similar to Civil but is still high, preferring to see the rates lower and will be looked at in the first part of the year.
- I am aware Reserved Judgments in the Supreme Court now stands at 23 and 14 of these cases are older than 90 days (since submissions etc. received) and will continue to be a focus for Judges in 2021.

CONTINUED

- From an Island Court perspective, while clearance rate was not 100%, resources allocated to the Island Court resulted in a positive turnaround in registration and finalization of case reflecting confidence building up in the Island Courts.
- Finally, with respect to the Magistrates Court, as mentioned earlier the Magistrate Court record a Clearance Rate of 102% in 2020, a positive increase from last year. Pending has decreased by 17% with additional cases closed from previous years.
- The productivity of disposal per Magistrate increased due to closing of old cases and diligent work in 2020.
- Workload in Luganville is equivalent to the load in Port Vila which warrants reconsideration of allocation of resources and I will be discussing this with the Magistracy in the coming weeks.
- Over the last 3 years, filing of PI and criminal are relatively consistent with Police/SPD/OPP filing cases in 2020.
- Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – for example the age, gender, as well as the orders and outcomes associated with the cases. The 2020 detailed analysis will appear on the website within the week.
- As I have been reminded – being in a position to open the Legal Year – and reflect on the year just gone, reflects the hard work of so many around the court, and for that – we have greater transparency about the performance of the courts, and insights into case management.

SUPREME COURT

Key Messages

- 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.

Overall

- Pending is now manageable amongst the judges but the age of some pending cases is still a concern
- Judicial output (productivity) – as calculated by disposals/full time Judicial Officer – has increased significantly to – approximately 124 cases per year per judge.
- Overall number of cases without a future listing has reduced from previous years
 - Over 48% are under ‘case management’ without a future listing, and a further 5% with no identifiable stage recorded
 - Only 47% of all pending cases have a future date (international benchmark is 80%)
- Reserved Judgments sits at 23, but over half of these are older than 3 months (international benchmark), with some outstanding for several years
- Civil cases have a high attendance rate (causing impact and cost to the community) and warrants further attention

MAGISTRATES COURT

Key Messages

- 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

Overall

- Pending case numbers (open cases) have reduced due to a solid Clearance Rate of 102%
- The Pending to Disposal Ratio (PDR) is solid at 0.4
- Judicial output has increased to an average of approximately 279 cases per Magistrate per year – a significant increase of over 21% from 2019
- Overall # of cases with a future listing has slightly increase to 37%, with 21% of cases with no further listing
 - Approximately over 41% are under 'case management'
- 2 cases have a Reserved Judgment
- An increase in criminal registration this year appears to have turned around with also a good increase in finalization – a very good outcome this year

ISLAND COURT

Key Messages

- 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

Overall

- The overall increase in filings is a positive sign for the usage/patronage of the Court.
- A good finalization of cases this year has resulted in the Pending workload slightly decreasing, gradually building back the confidence for the community to make use of the Island Court
- Overall # of cases with a future listing is 33% - a good effort (3% in 2019)
 - Pending cases under case management 63% and no further listing is 5%.
- The positive changes experienced in the Island Court reflects the island court gradually reviving back the confidence and trust that the community at large has had in the Island court

Summary against the main Court Performance Indicators - 2020

	Supreme Court	Magistrates Court	Island Court	Court of Appeal
Filing #s	Way up	Similar to 2019	Up on previous years	Up
Disposal #s	Way way up	Up on 2019	Up on previous year	Solid
Clearance Rate	UNBELIEVABLE	Just over 100%	Close to 100%	Just over 100%
Pending #s	Reduced greatly	Reduced well	Still too high	Under control
PDR	Very healthy at .7	Healthy at .4	Still too high at 1.7	Under control
Pending age/tail	Still some old ones	Still some old ones	Still some old ones	Under control
Pending stages	Still 33% without listing	Still 44% without listing	Almost 60% awaiting resources	Under control
Timeliness	Going up - WATCH	Overall less than 6m	Way too high for such a court	Excellent
Attendance Rate	Sneaking up - WATCH	Overall less than 3	Data to be investigated	Not applicable
Productivity	Improved	Improved	Not applicable	Not applicable
Reserved Judgments	Still some long outstanding ones	Under control	Not applicable	Under control

Key: - Excellent job done , - Is satisfaction, - is a concern, - not applicable

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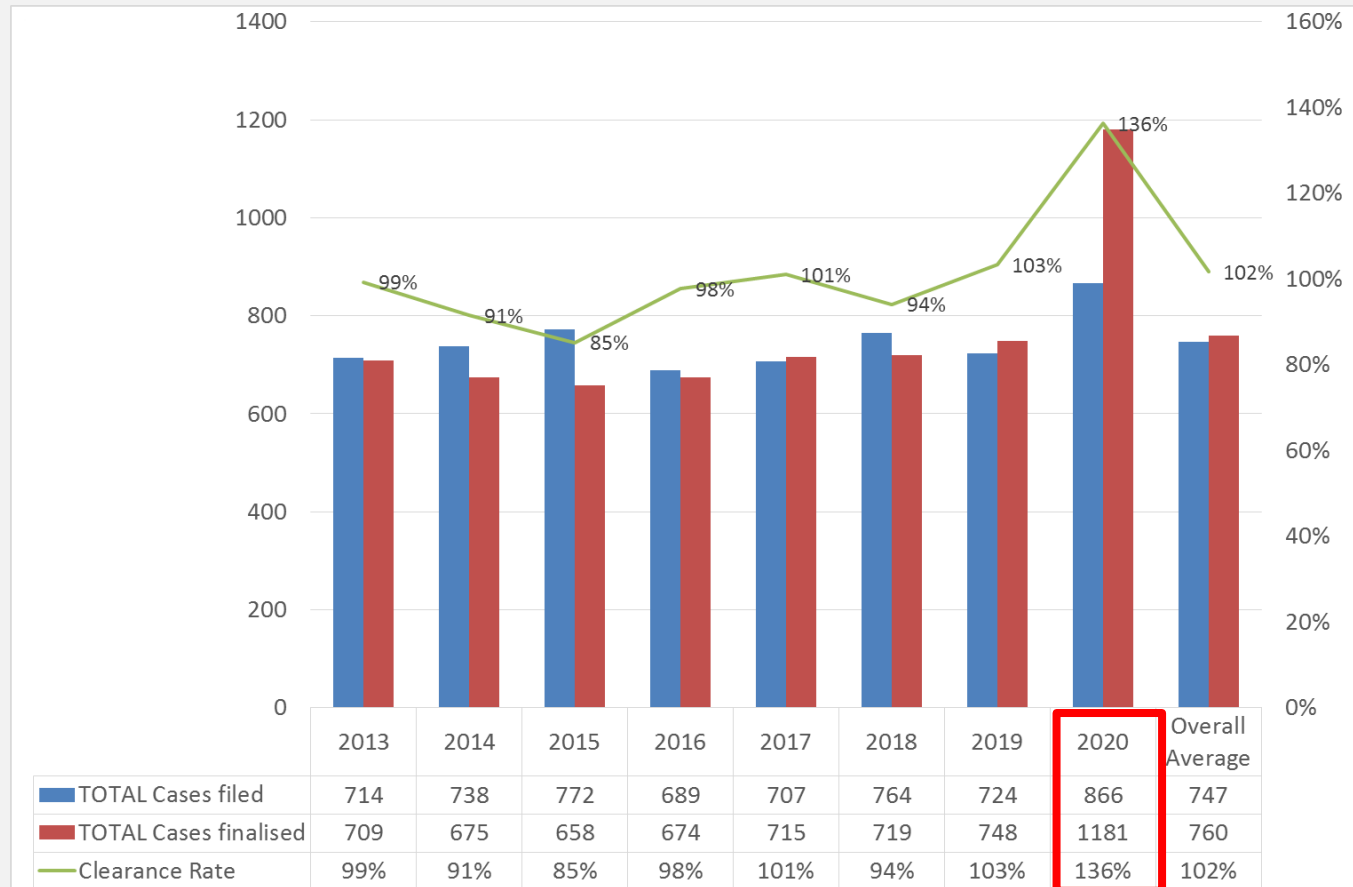
1. Case workload	Page 11
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I. CASE WORKLOAD

SUPREME COURT TOTAL WORKLOAD

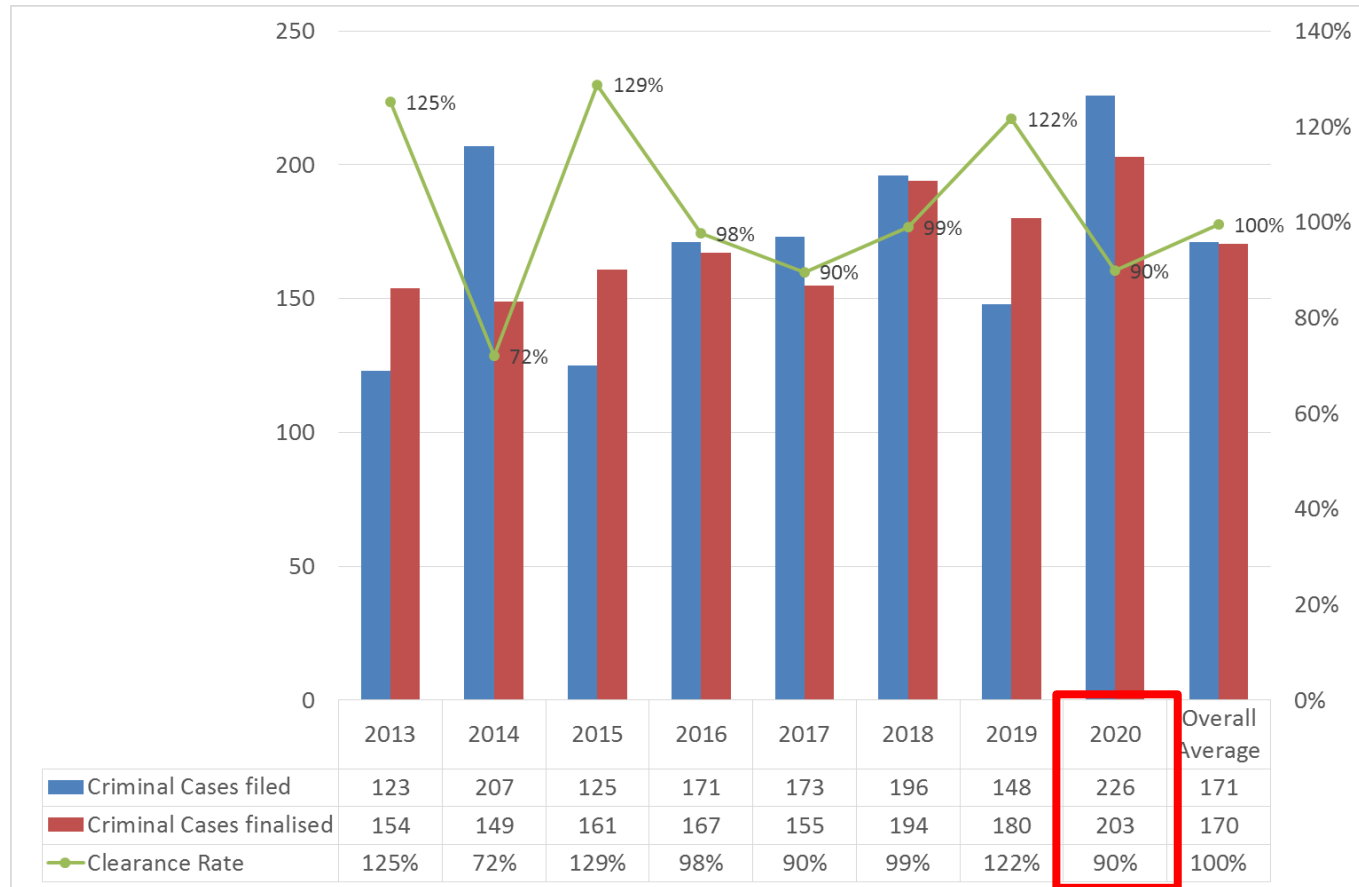
Cases being filed increased by 18% in 2020. Clearance rate has increased significantly to 136% from 103% in 2019.

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



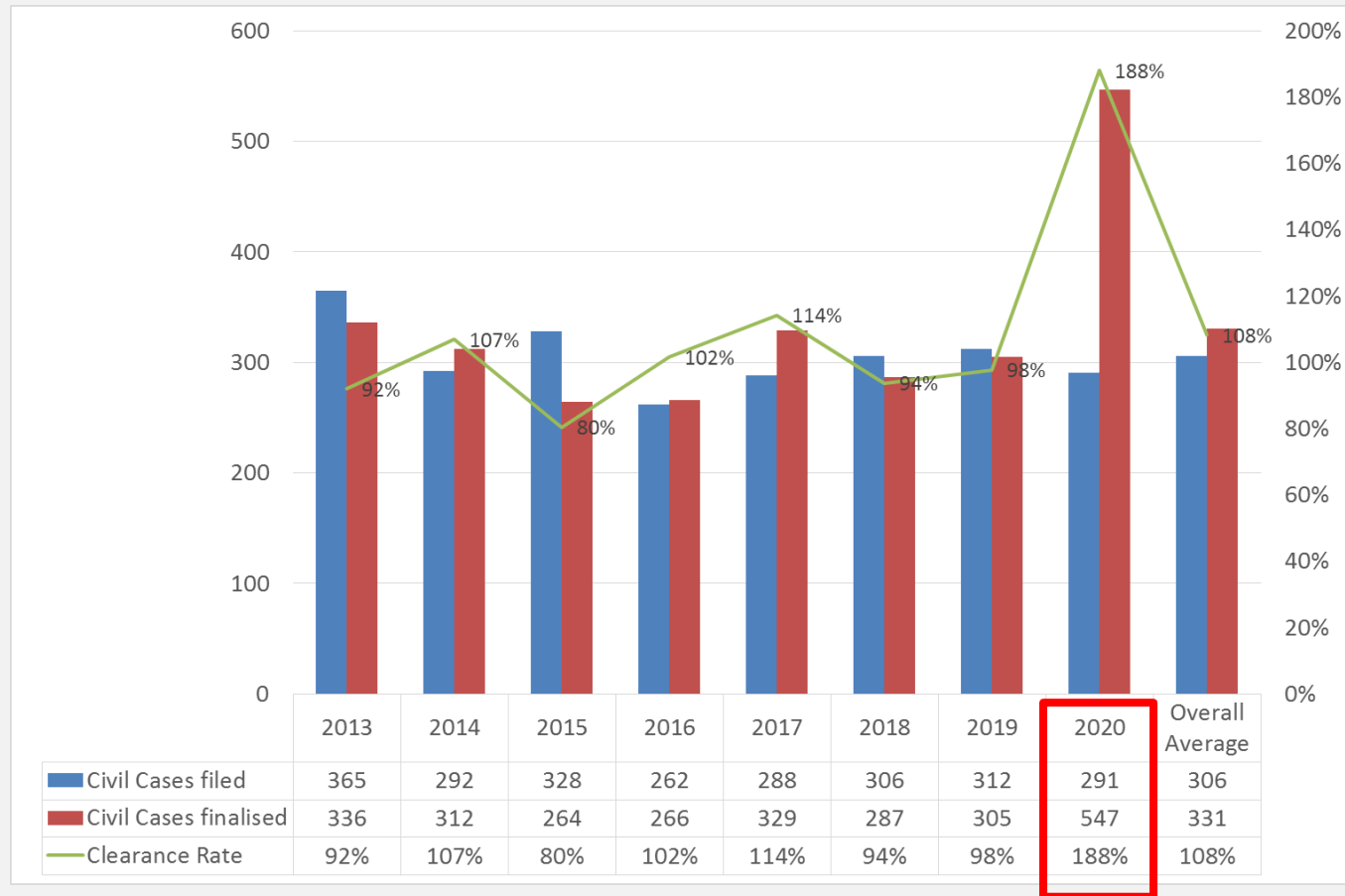
SUPREME COURT CRIMINAL WORKLOAD

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.



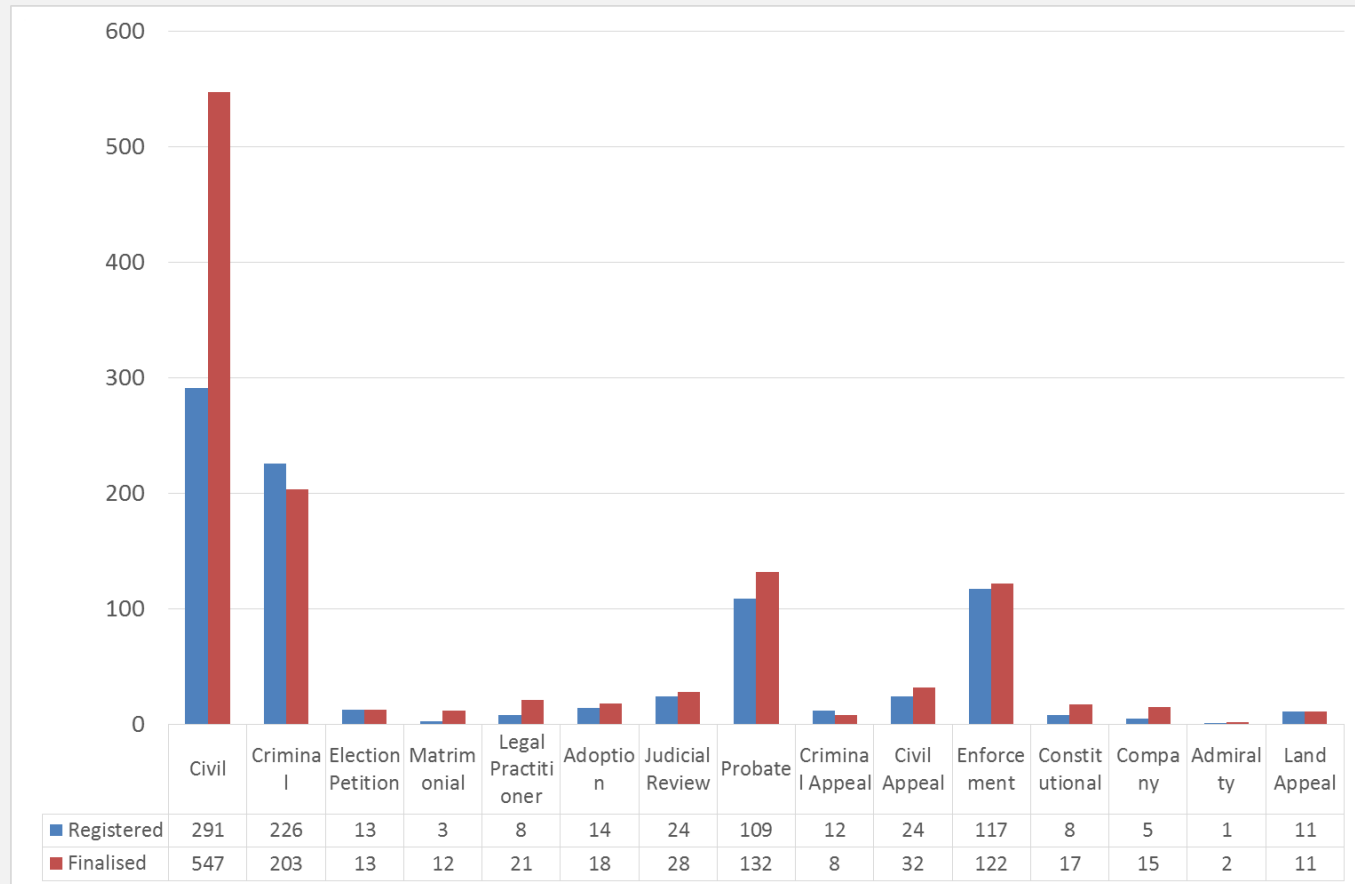
SUPREME COURT CIVIL WORKLOAD

Civil cases being filed has decreased from 312 in 2019 to 291 in 2020, but clearance rate made a significant increase of 188% in 2020 from 98% in 2019. The overall average for the last 8 years is 108% - a much improved position, thus decreasing pending to a more manageable position.



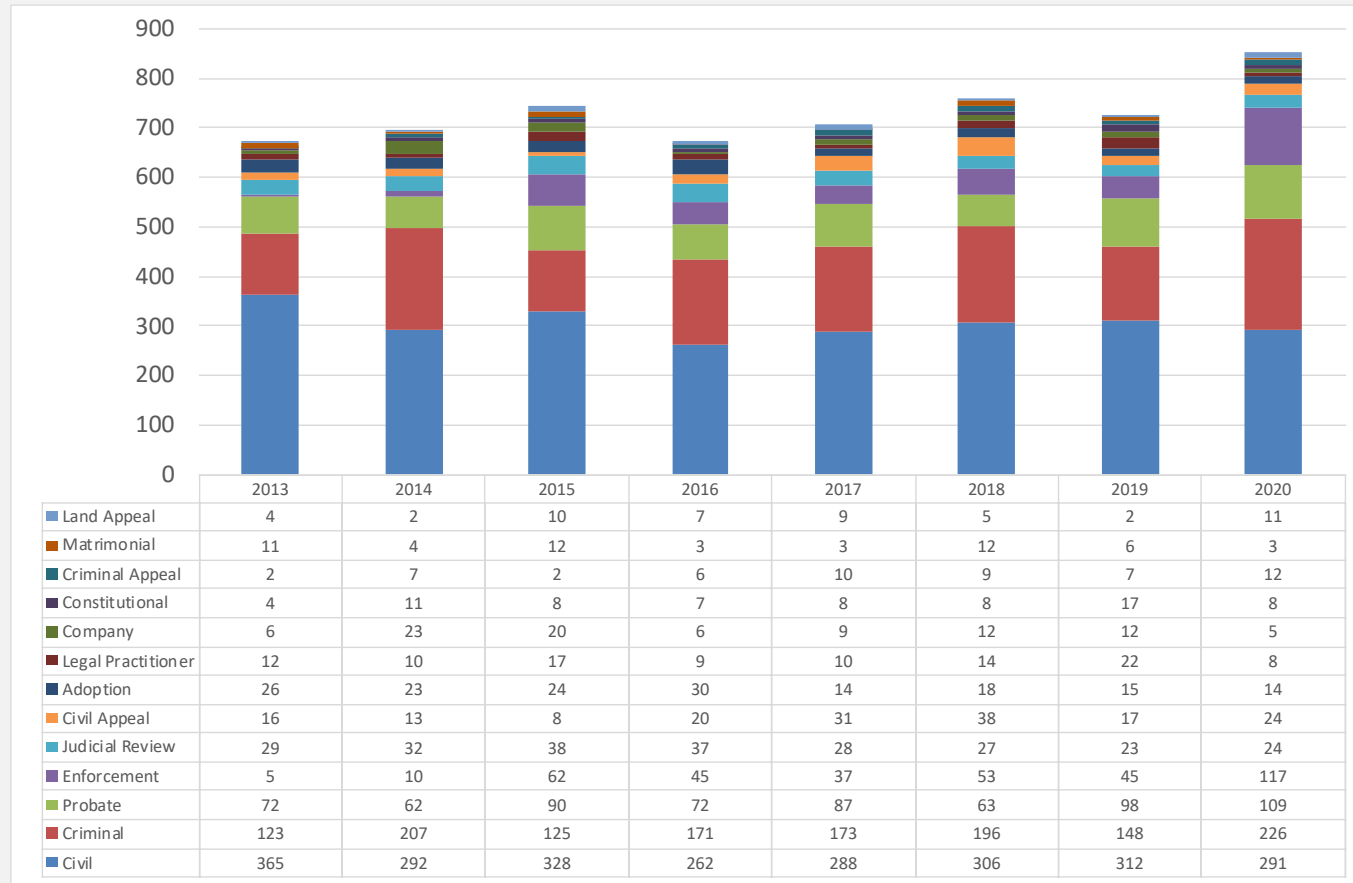
SUPREME COURT ALL CASE WORKLOAD 2020

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



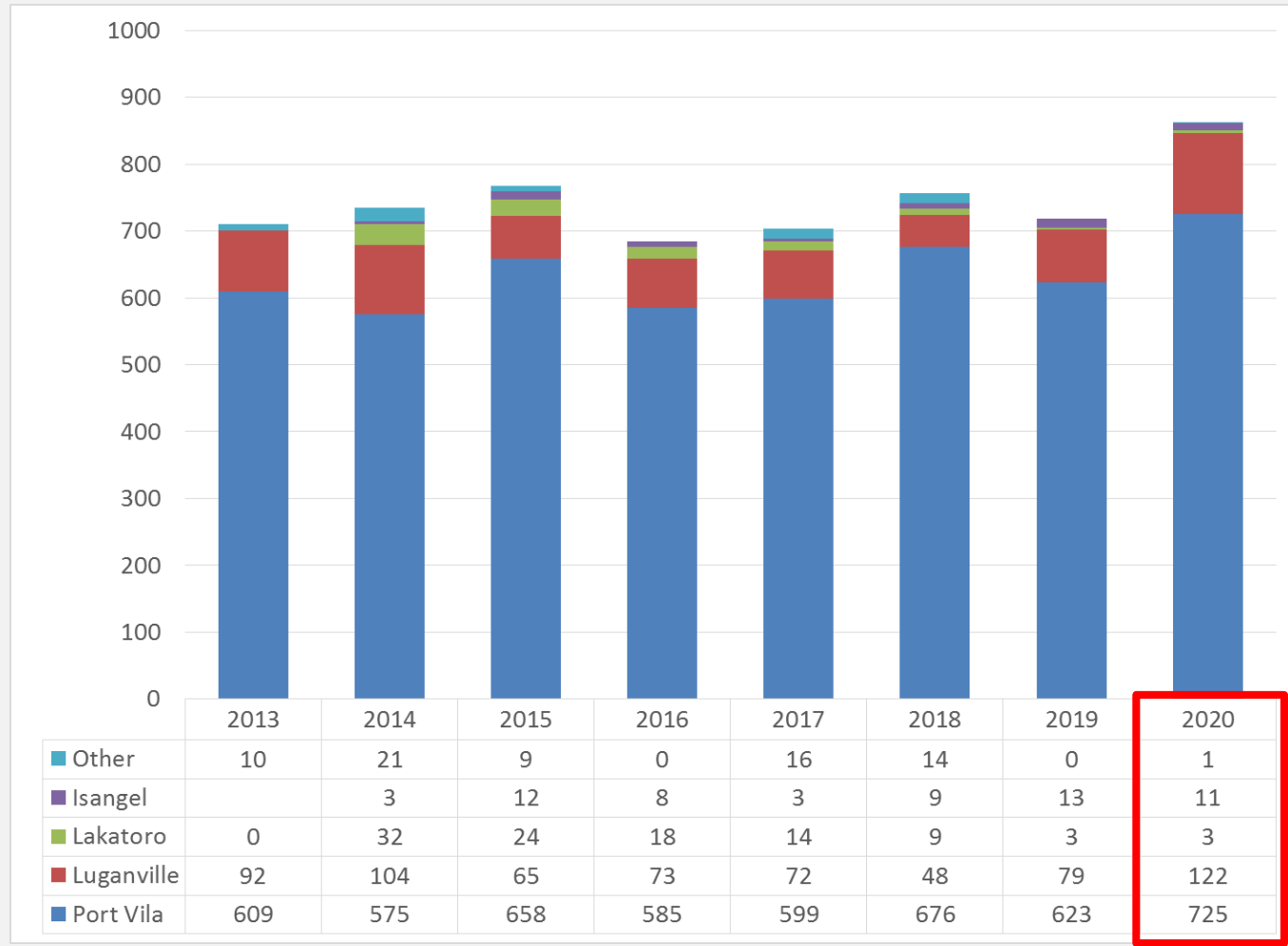
SUPREME COURT WORKLOAD TRENDS

Many of the smaller case types have been relatively consistent over the years



SUPREME COURT LOCATION WORKLOAD

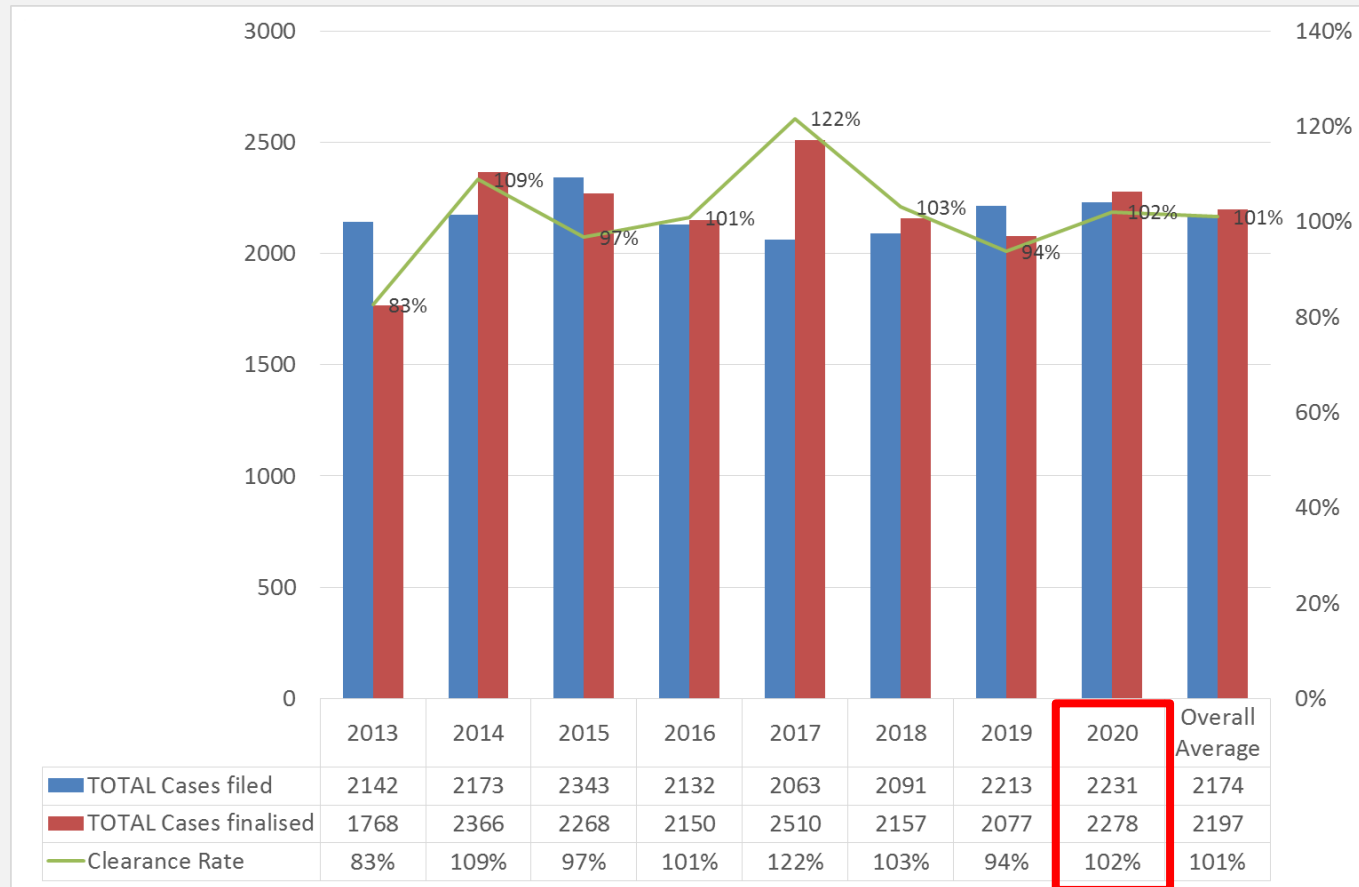
Case filings emanating from Lakatoro has decreased over the years – warrants investigation. Luganville filings continue to increase.



MAGISTRATES COURT TOTAL WORKLOAD

Cases filed were slightly up in 2020, and disposals were up in 2020, resulting in a Clearance Rate of over 100% - good improvement

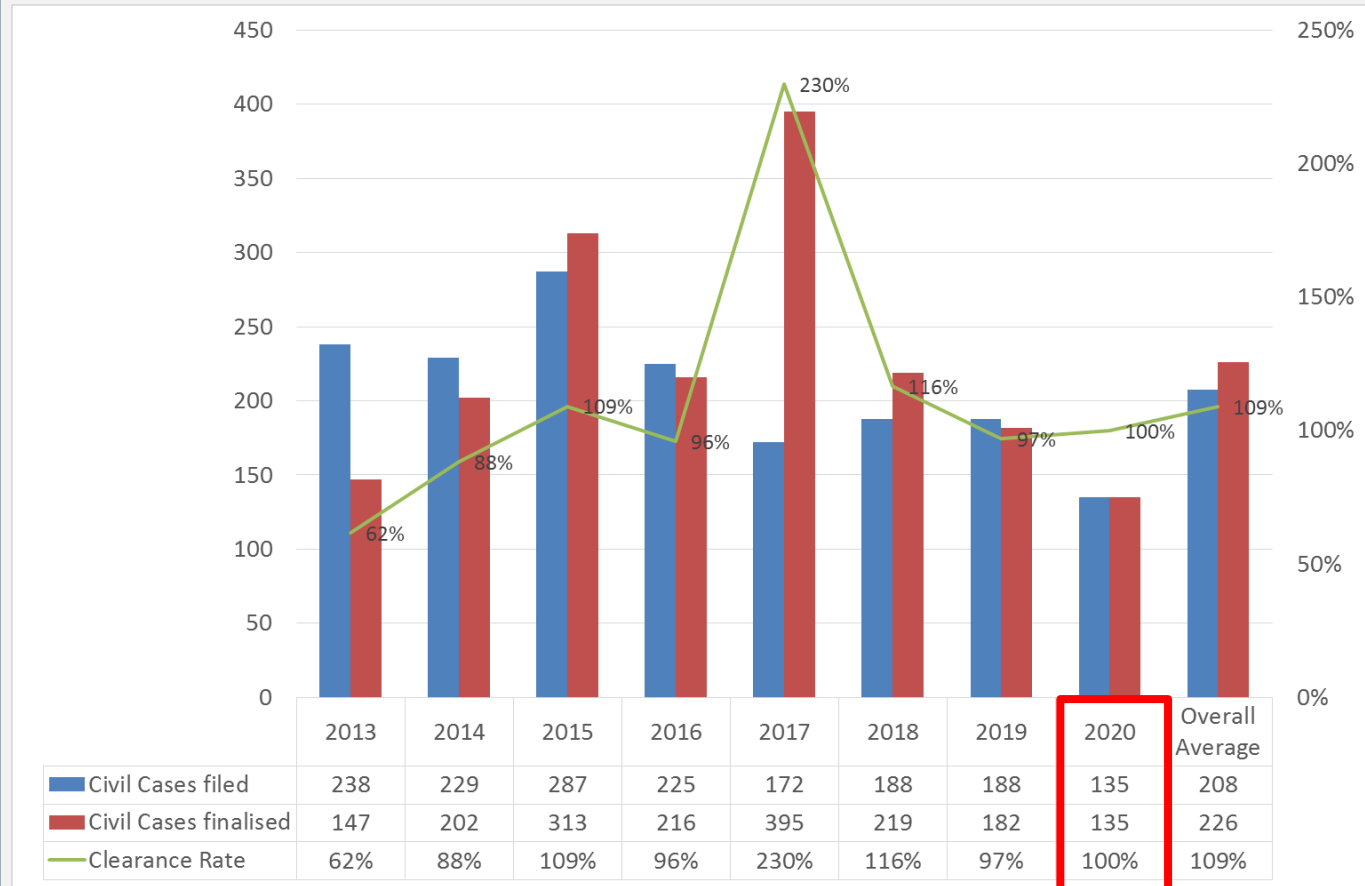
The overall average for the last 8 years is 101% - tracking well.



MAGISTRATES COURT CIVIL WORKLOAD

Civil workload has dropped since 2015, and the disposals since 2017 due to the case reduction activity undertaken in that year.

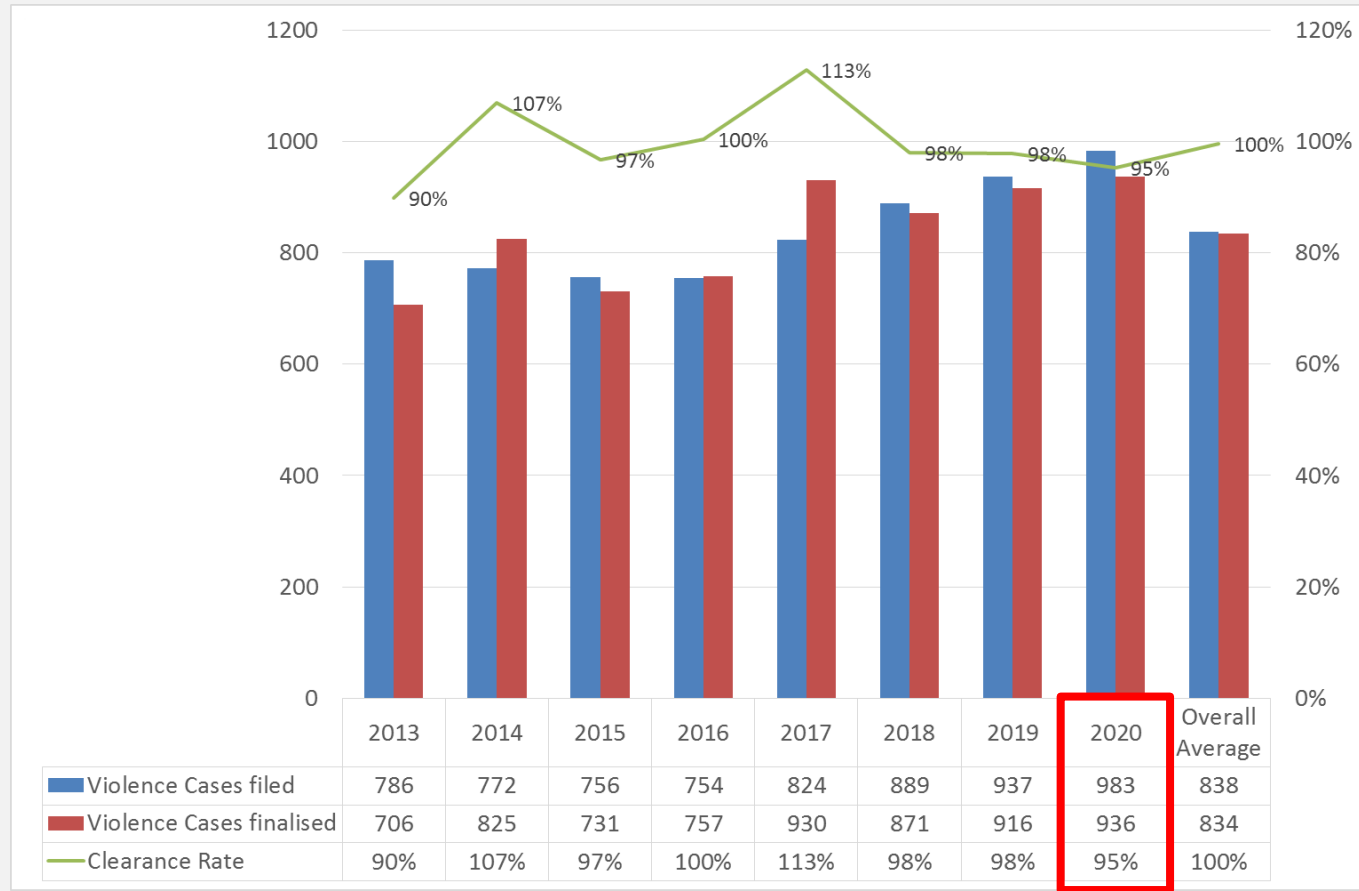
The overall average for the last 8 years is 109% - tracking well.



MAGISTRATES COURT DV WORKLOAD

Protection orders (non-criminal) are increasing quite markedly over the last 5 years, but disposals did not match the incoming work in 2020.

The overall average for the last 8 years is 100% - tracking OK.



MAGISTRATES COURT PI WORKLOAD

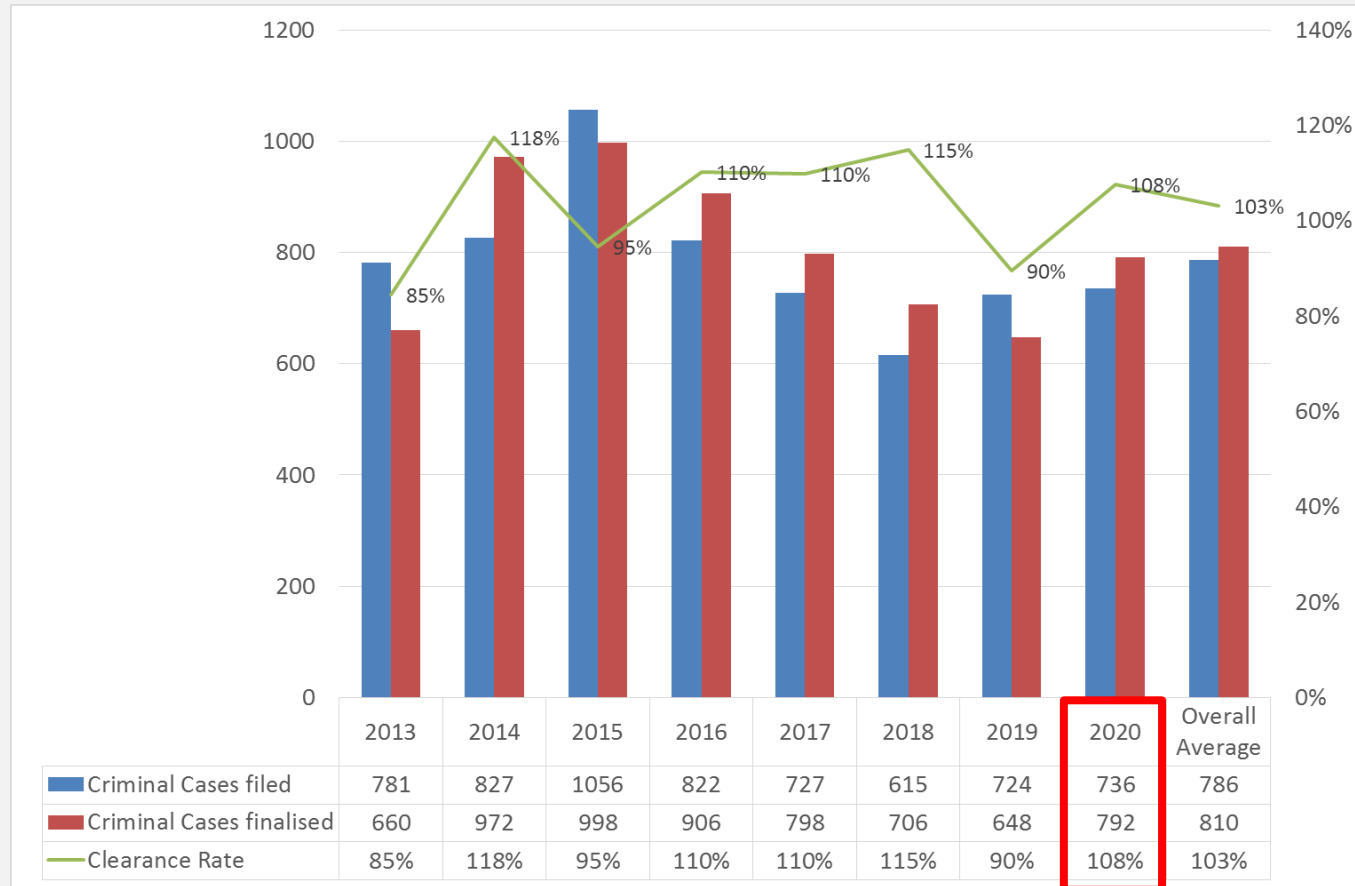
Since 2015, PI matters filed by the OPP have increased, and clearance rates has very much improved to 107% in 2020. Average clearance rate over the last 8 years is 96%, less than ideal.



MAGISTRATES COURT CRIMINAL WORKLOAD

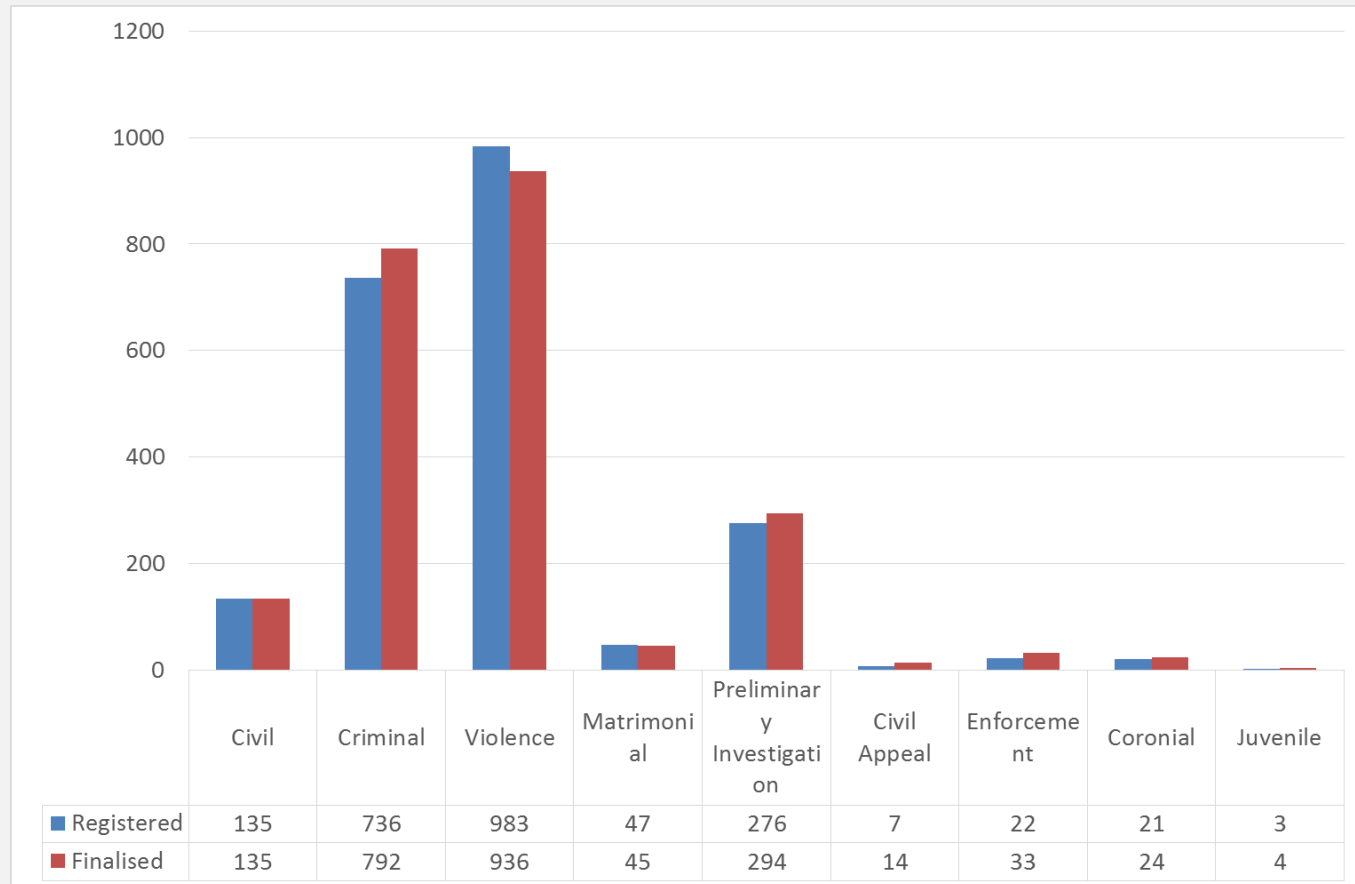
The filings emanating from VPF/SPD has increased steadily over the 3 years, after dropping substantially in previous couple of years. Clearance Rate has improved at 108%.

The overall average for the last 8 years is 103% - tracking well.



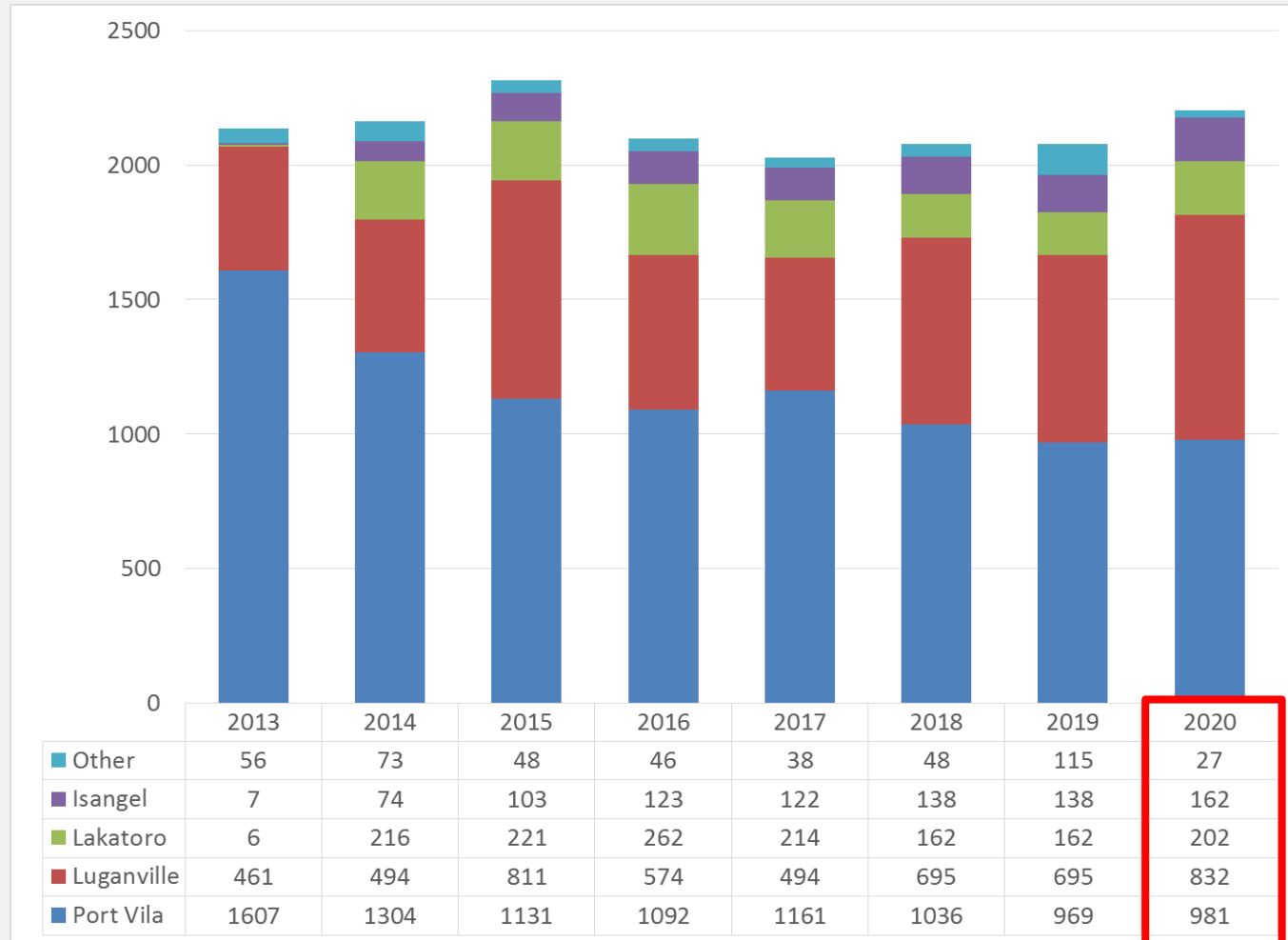
MAGISTRATES COURT ALL CASE WORKLOAD 2020

Violence (protection orders) continue to be the biggest case filing type in the MC.



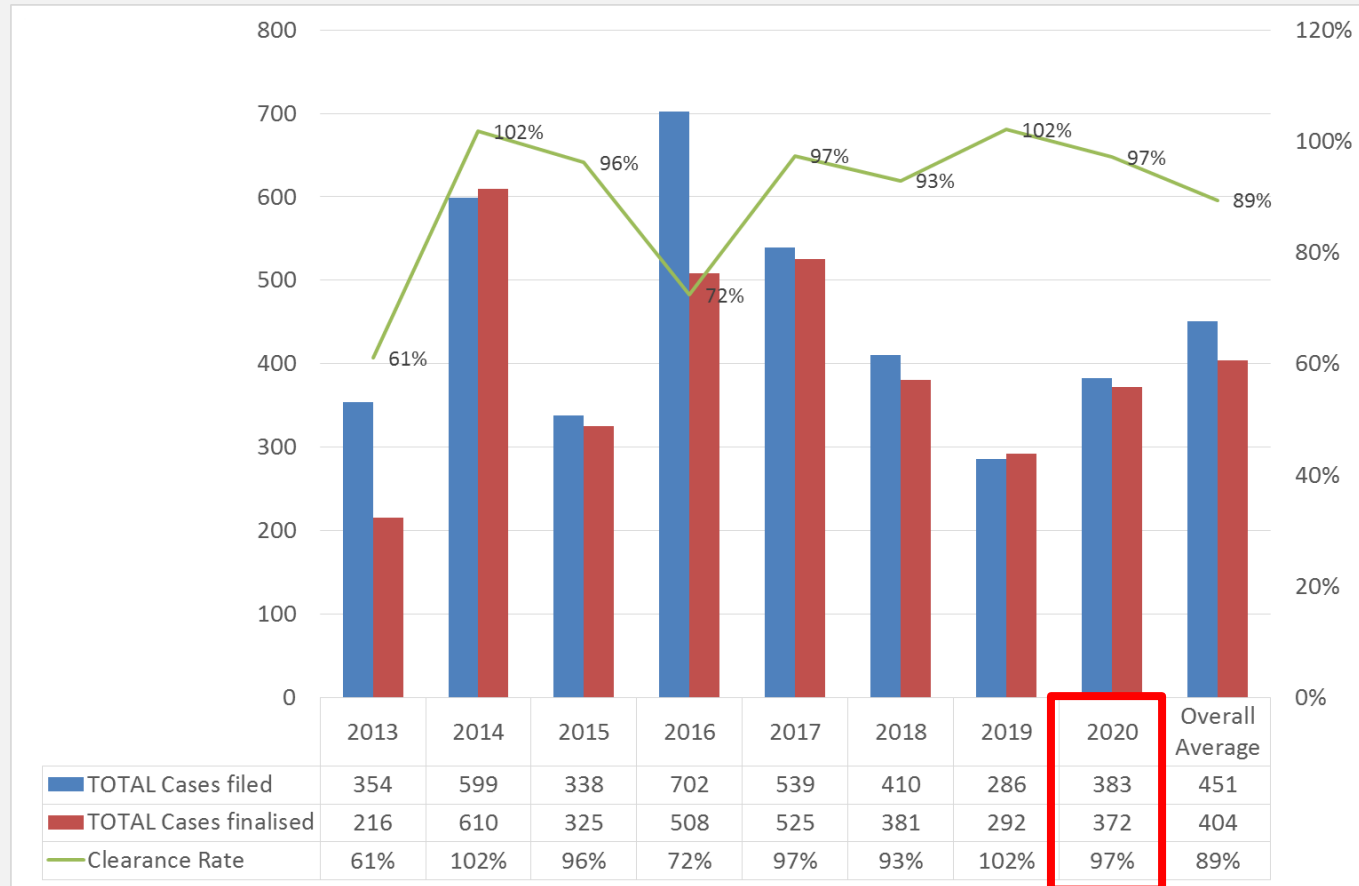
MAGISTRATES COURT LOCATION WORKLOAD

Ratio of filings between Luganville and Port Vila has shifted dramatically over the years, with Port Vila now less than 50% of the total MC workload. This need reconsideration of resource allocations of magistrates between Santo and Efate.



ISLAND COURT TOTAL WORKLOAD

Cases filed has improved by over 20% in 2020, disposals were also up from previous year, a positive improvement, slowly showing signs of confidence to the role and service of the Island Court to the communities.



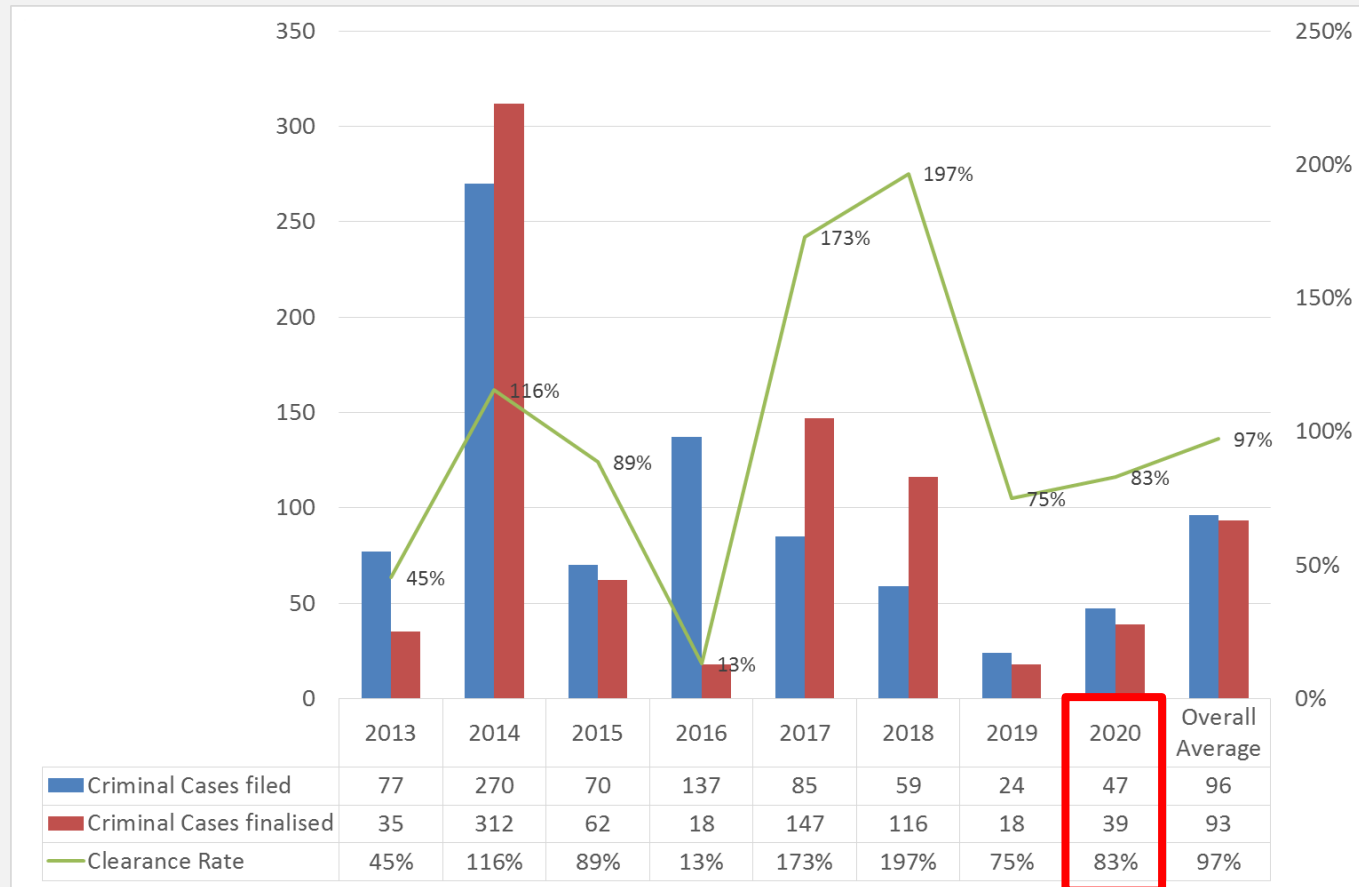
ISLAND COURT MAINTENANCE WORKLOAD

Maintenance matters have dropped considerably in the last 5 years – worthy of investigation. Clearance rates have an average of 93% over the last 8 years, less than ideal.



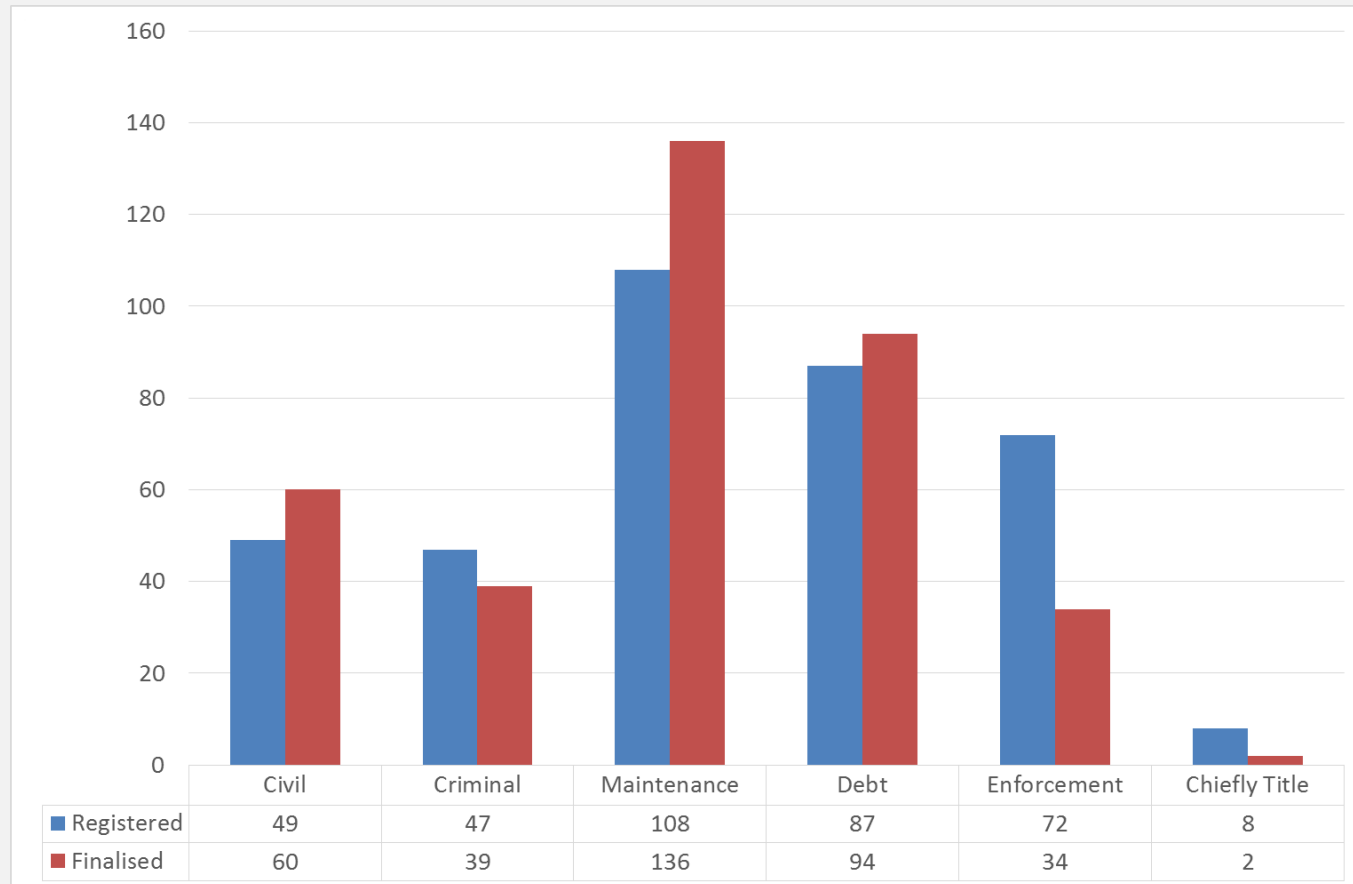
ISLAND COURT CRIMINAL WORKLOAD

Criminal cases filed is up on last year. Average clearance rate is 97%, below target.



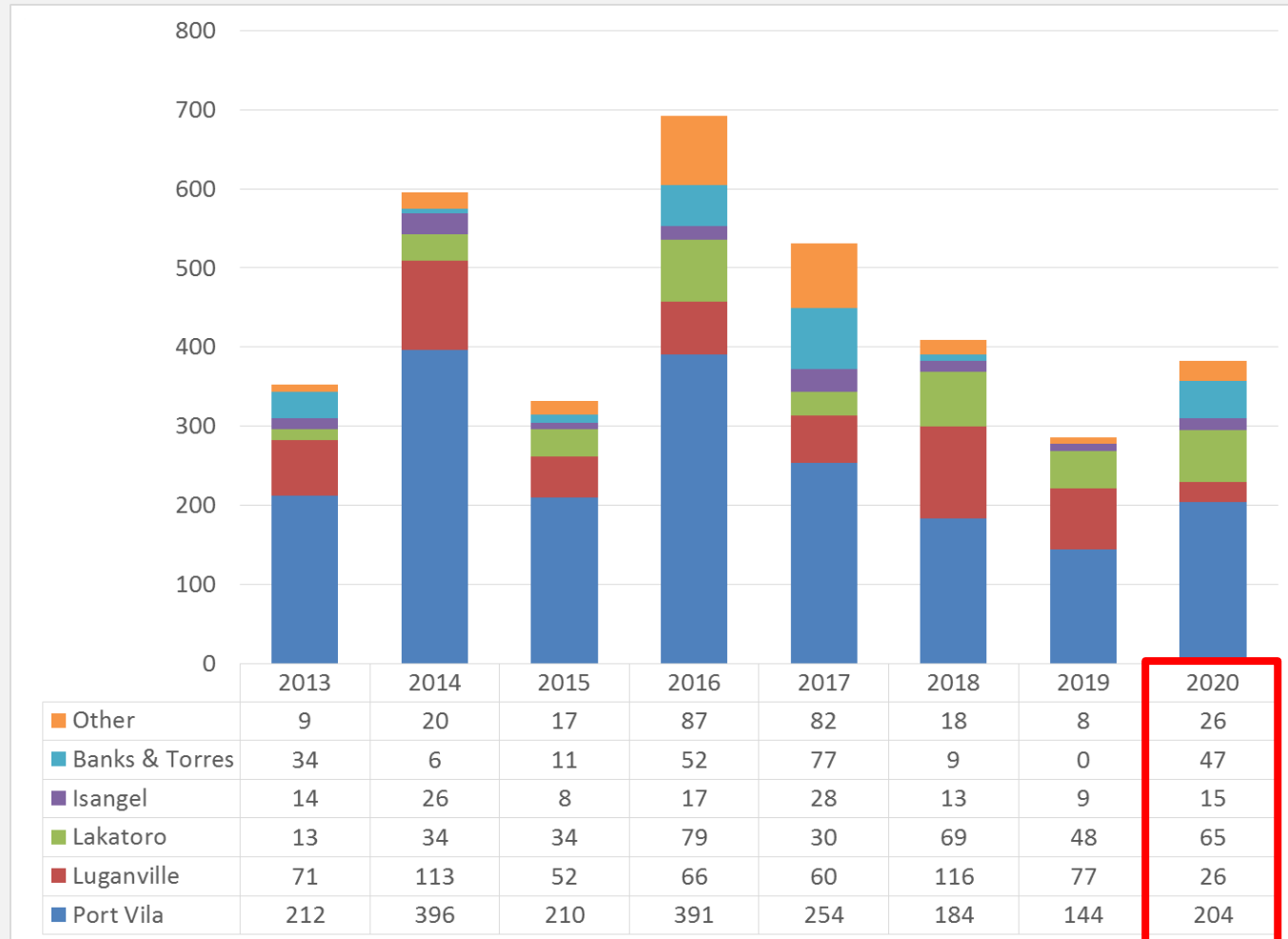
ISLAND COURT CASE WORKLOAD 2020

Maintenance matters is by far the biggest caseload on the Island Court



ISLAND COURT LOCATION WORKLOAD

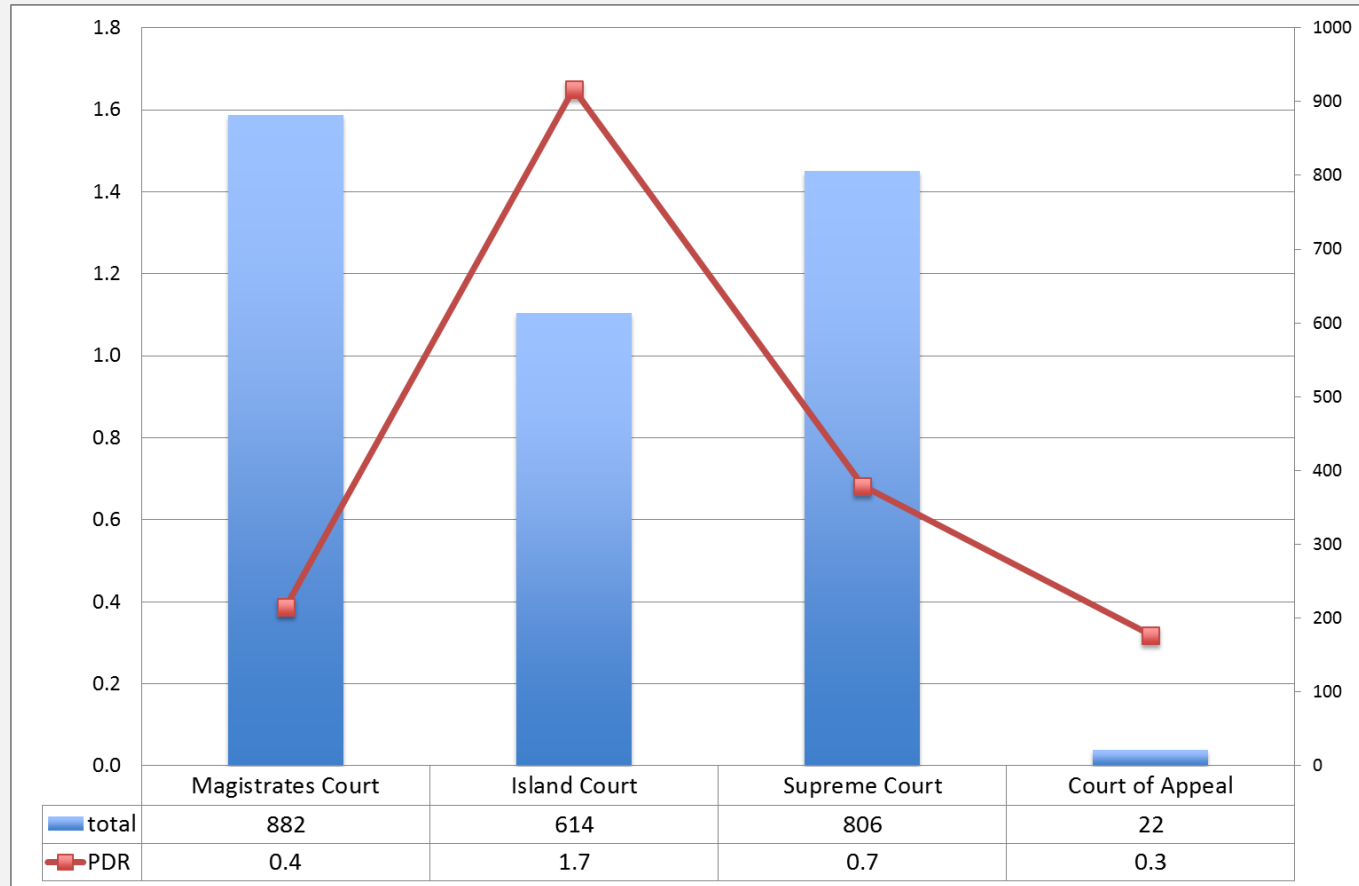
In 2020, Port Vila has seen an increase in cases being filed, along with most other locations.



2. PENDING CASES

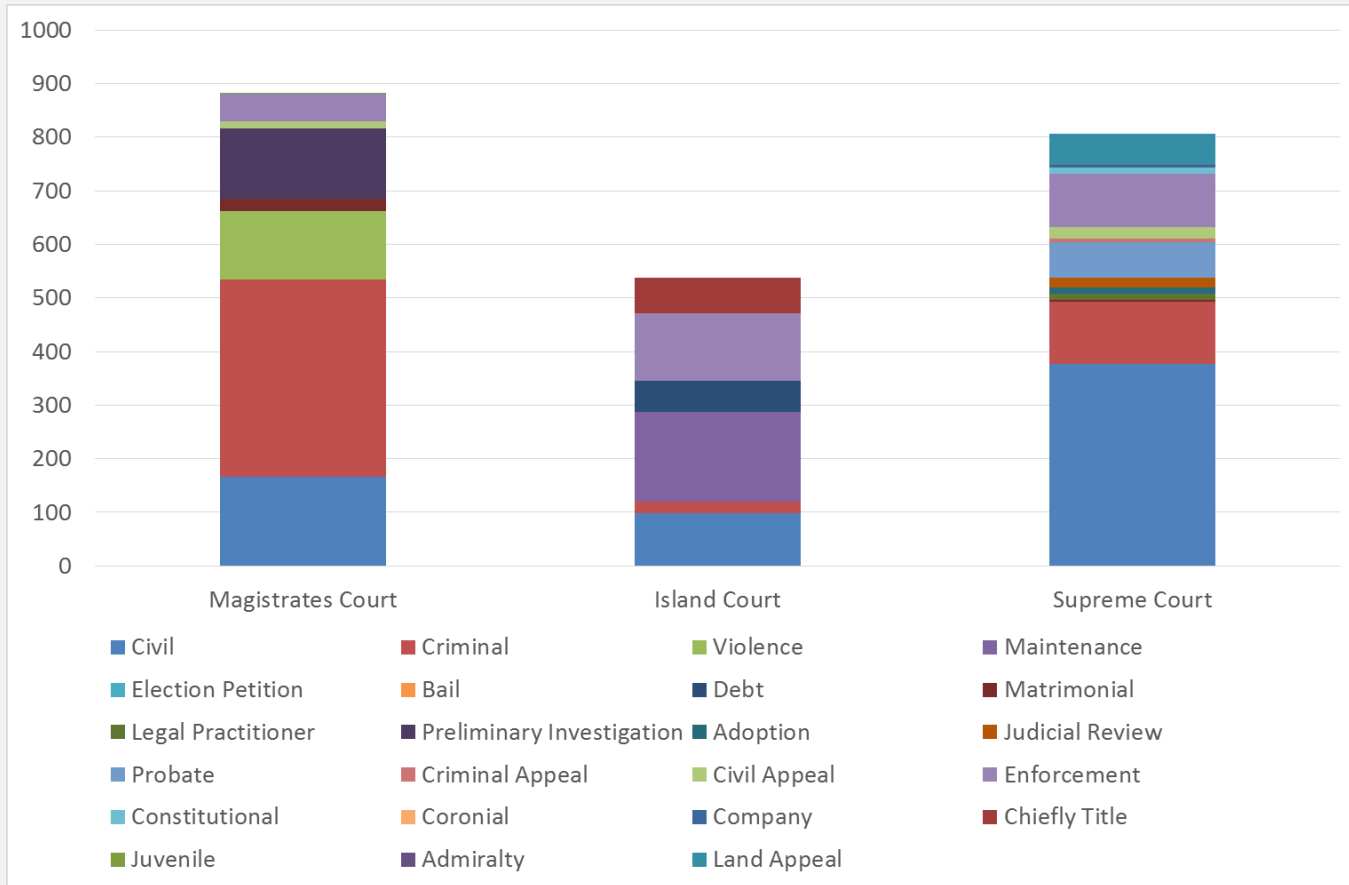
PENDING CASES BY COURT

Approximately 2,300 cases are now pending across the four jurisdictions, with just over 36% in the Supreme Court. Of concern is the high Pending to Disposal Ratio (PDR) in the Island Courts. The lower the PDR, the better - and ideally under 1.0 for the Supreme Court and .5 for the lower courts



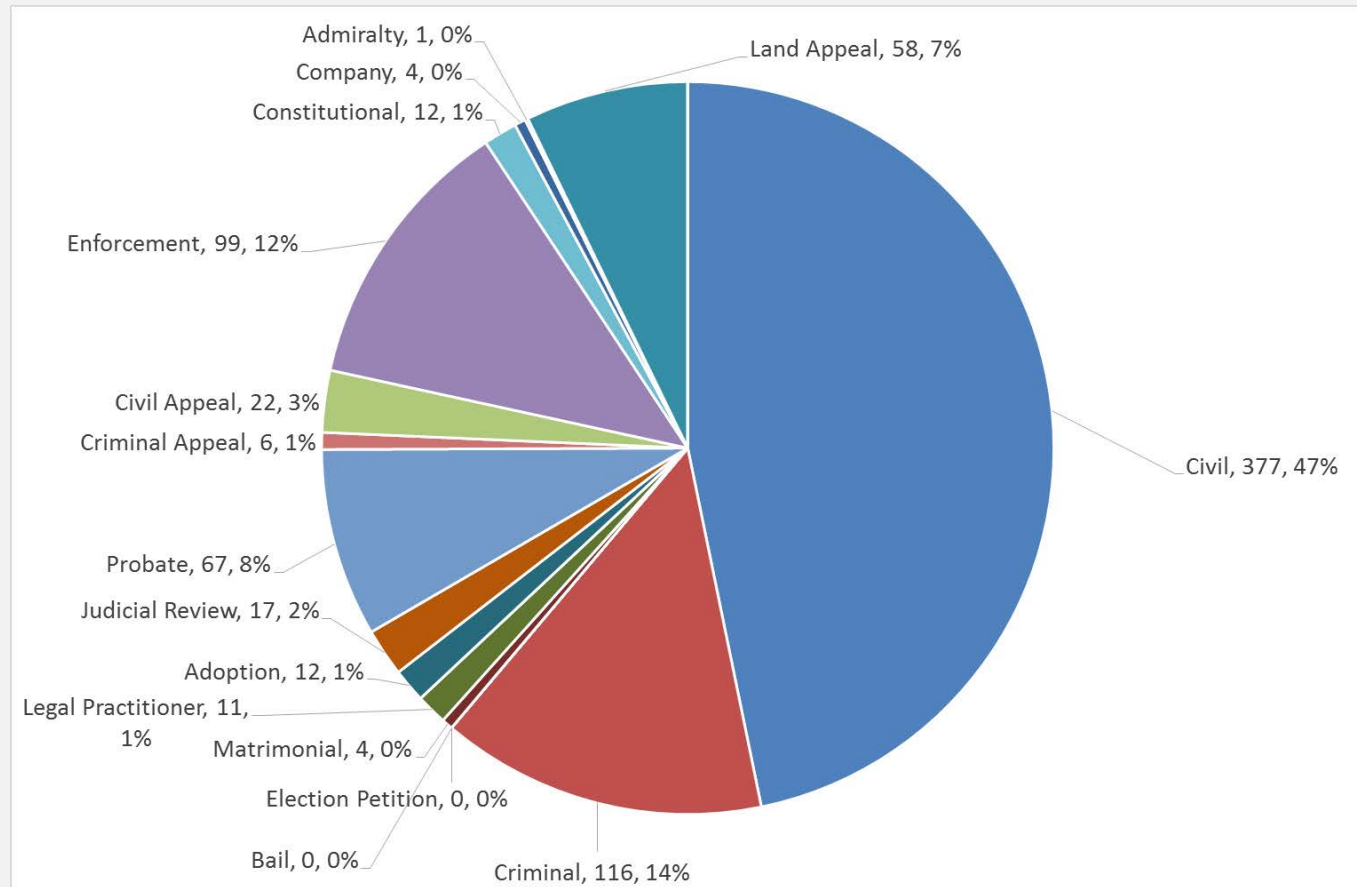
PENDING BY COURT BY CASE TYPE

Each court has its own mix of case type pending ratios as shown in detail in the following charts



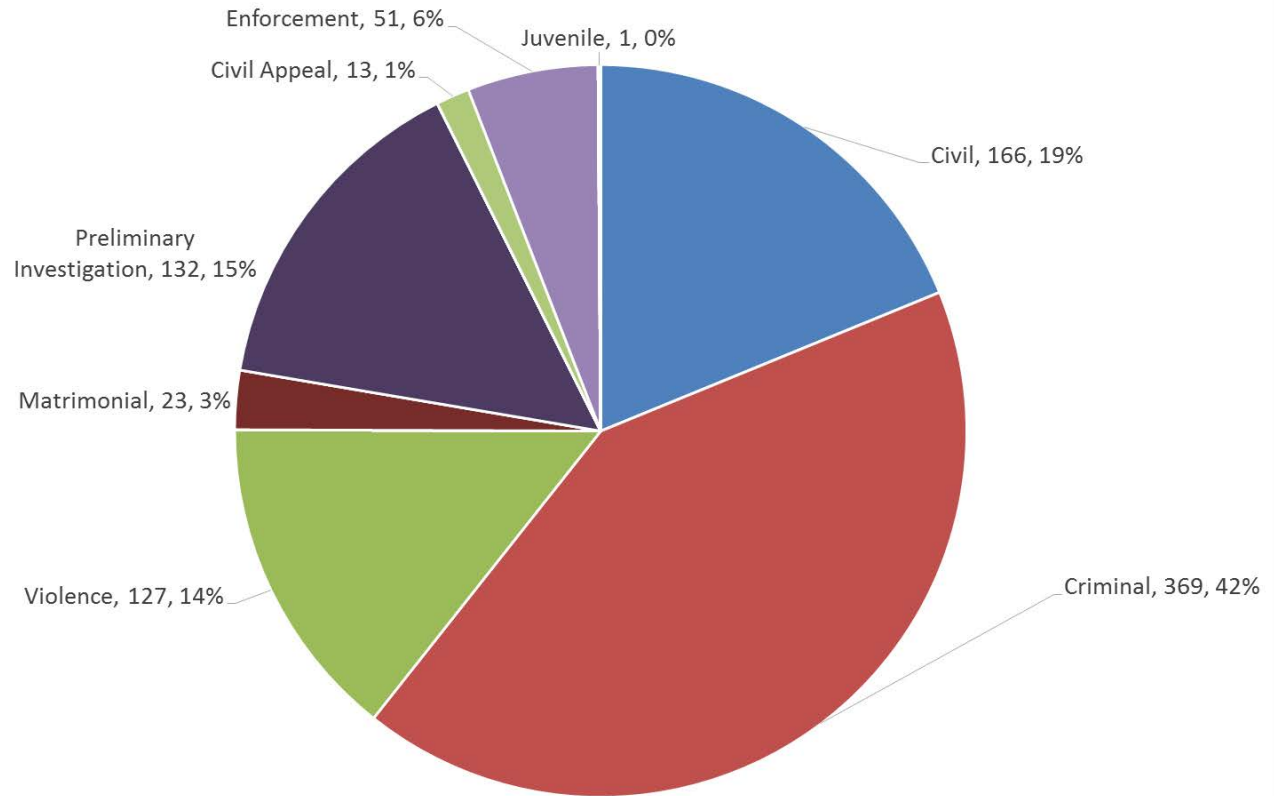
PENDING SUPREME COURT BY CASE TYPE

Clearly shows the significant % that Civil cases make-up of the Supreme Court workload. The Enforcement pending #s are higher than desired due to failure to close cases and will be investigated.



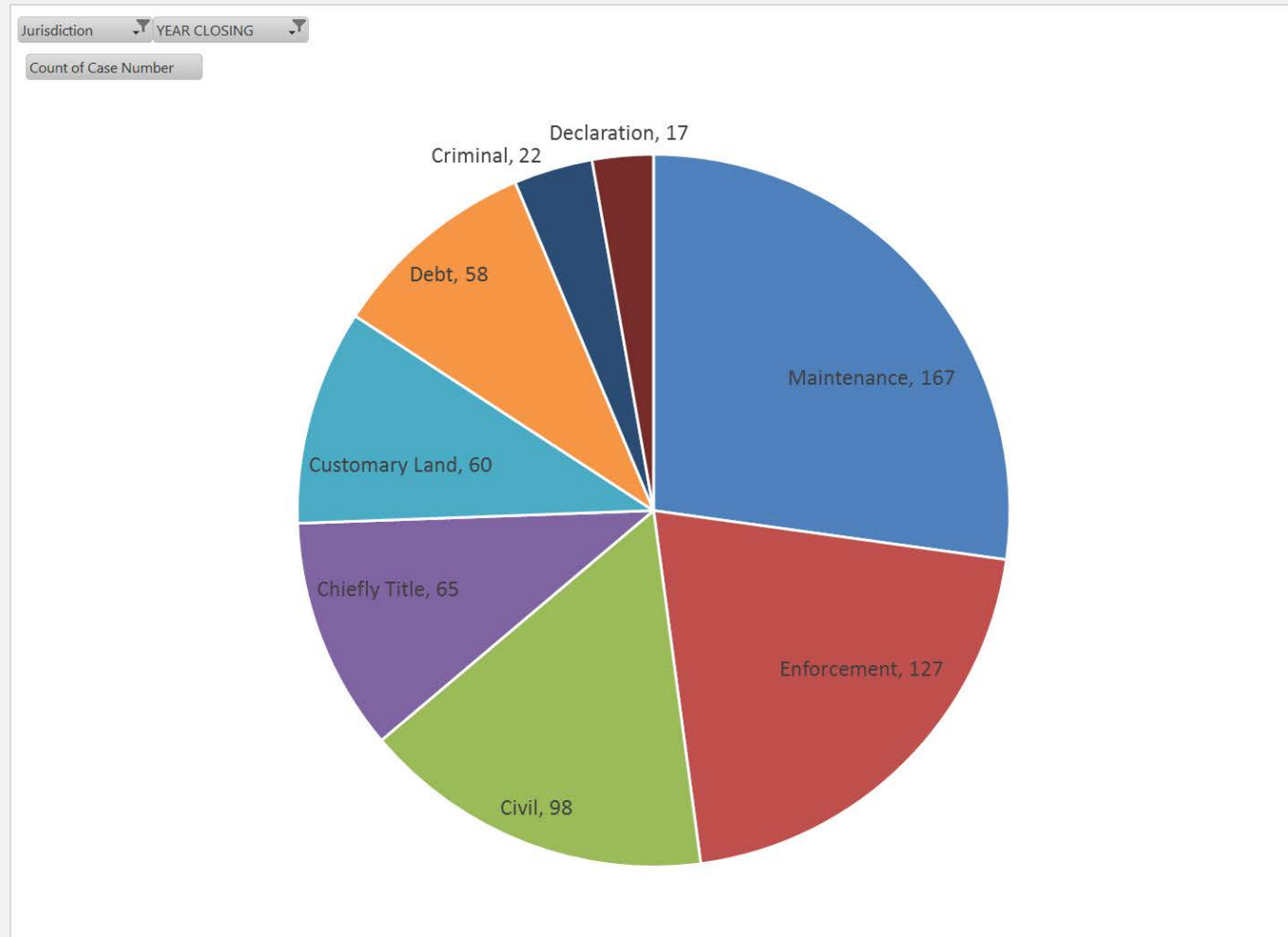
PENDING MAGISTRATES COURT BY CASE TYPE

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



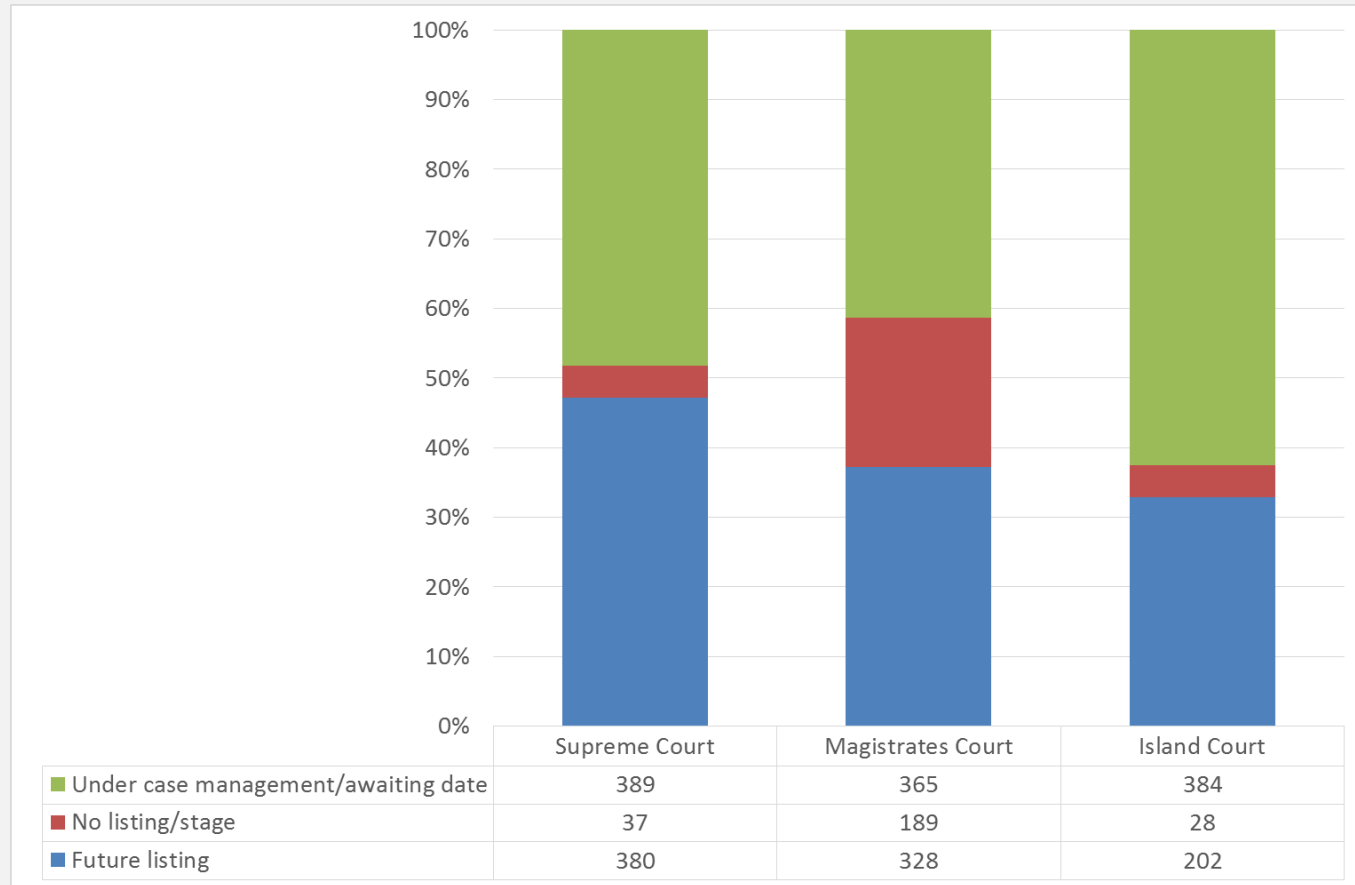
PENDING ISLAND COURT BY CASE TYPE

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



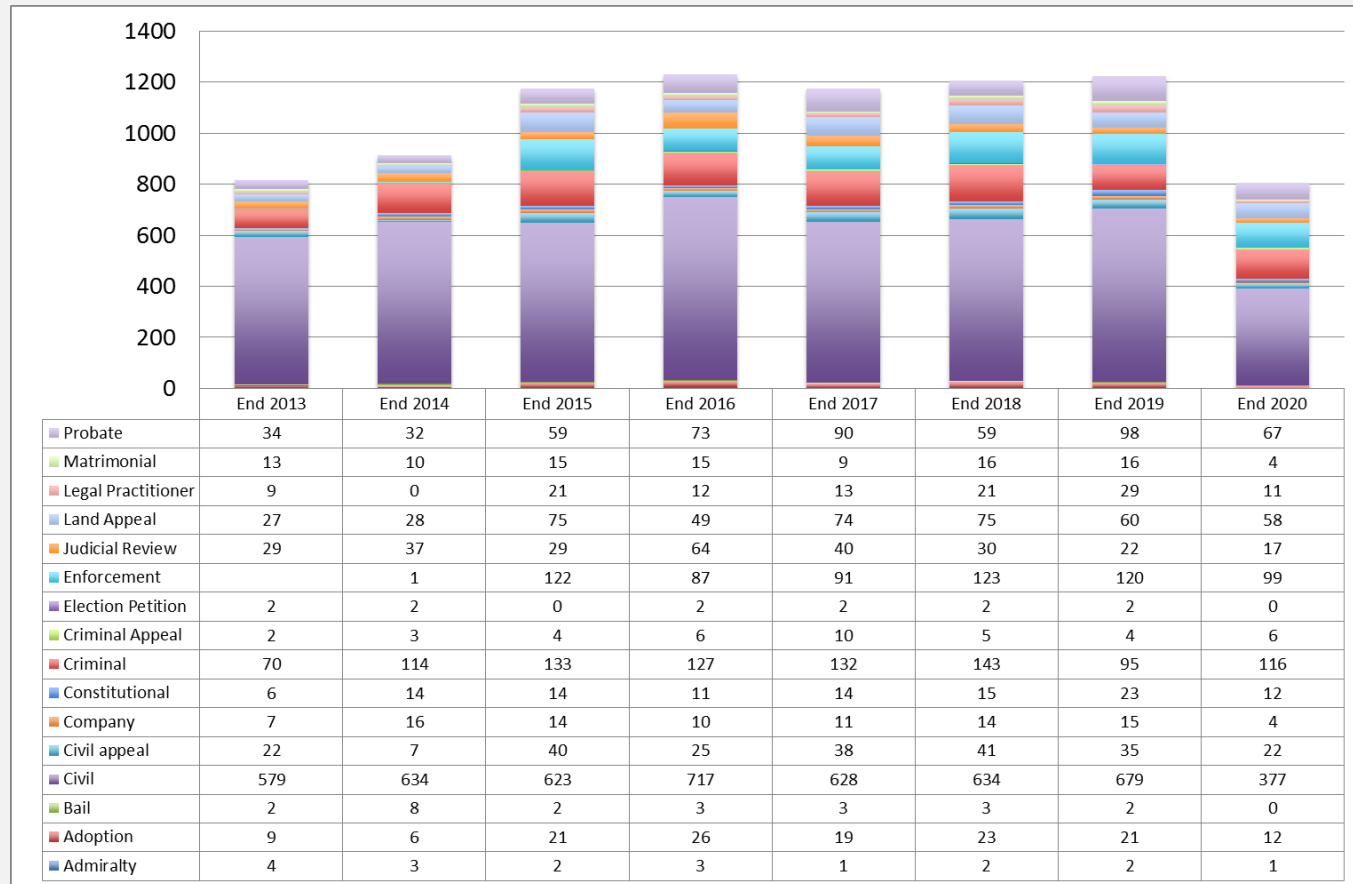
PENDING BY COURT BY LISTED OR NOT LISTED

Cases with a future listing (shaded blue) should typically be approximately 80% of the pending case load. Each court has a significant challenge to address this low % of cases without future listings. The impact on the parties cannot be underestimated by this low % of listed matters.



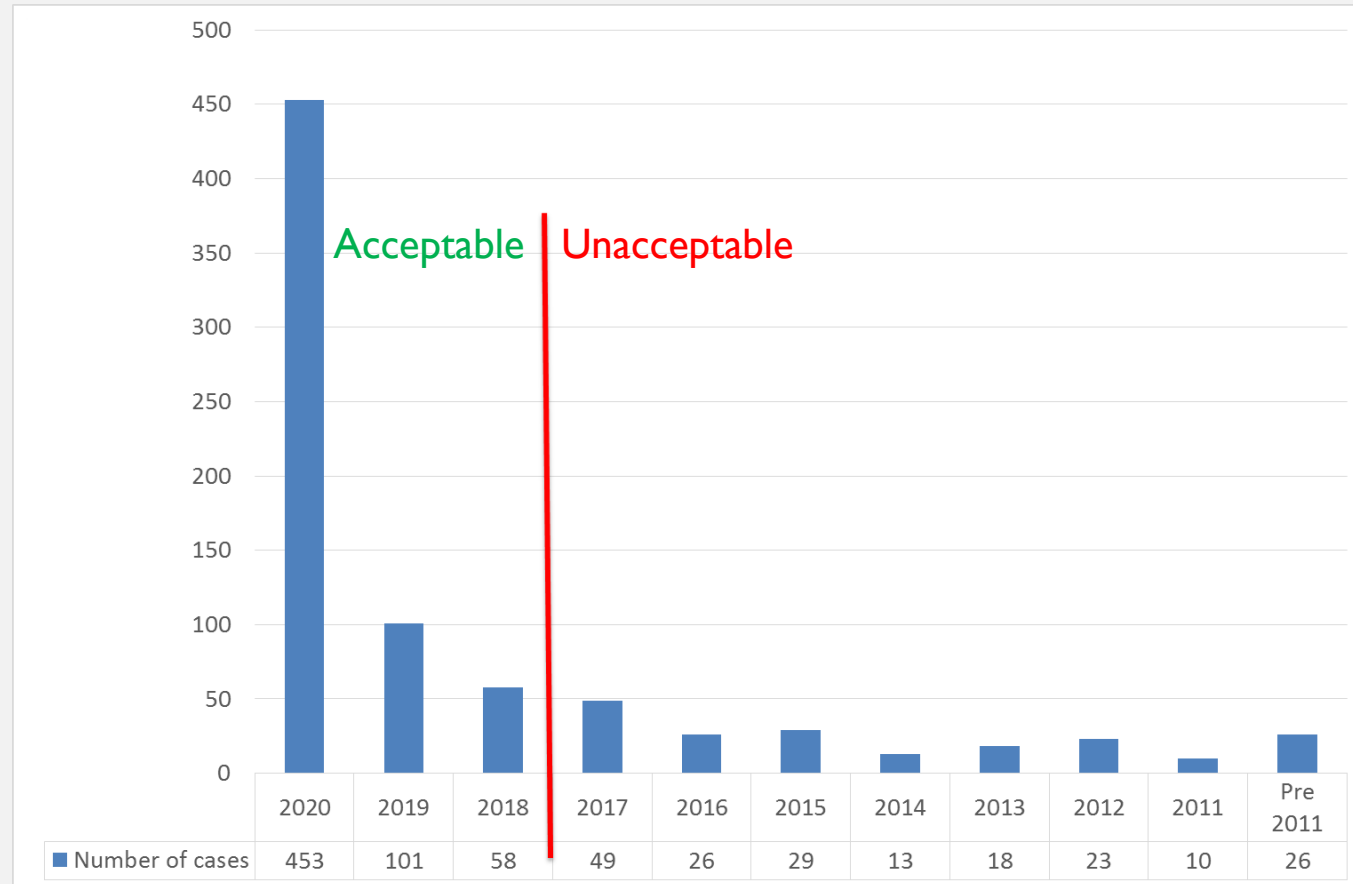
PENDING TREND SUPREME COURT

Clearly shows the decline in pending cases in 2020 due to very high clearance rate in 2020 resulting in an acceptable pending number.



PENDING AGE SUPREME COURT

Approximately 31% of cases are older than 2 years (2018 and earlier), equating to 252 cases. Further work on addressing these specific old cases needs to be undertaken.

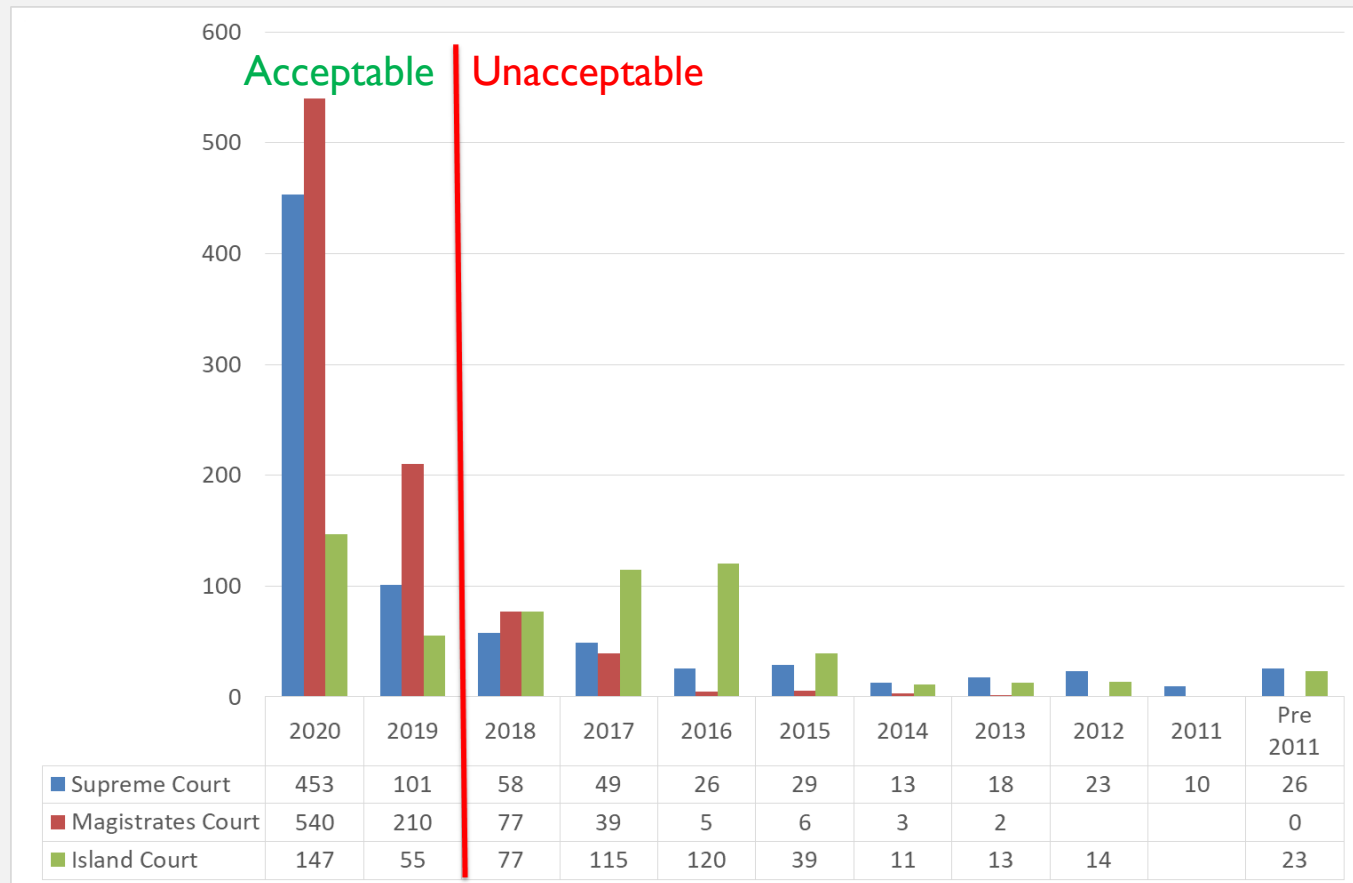


PENDING AGE MAGISTRATES & ISLAND COURTS

Approximately 67% of cases are older than 2 years (2018 and earlier) for Island Court, reallocation of resource need to be reconsider to support IC to deal with these cases which equating to 412 cases.

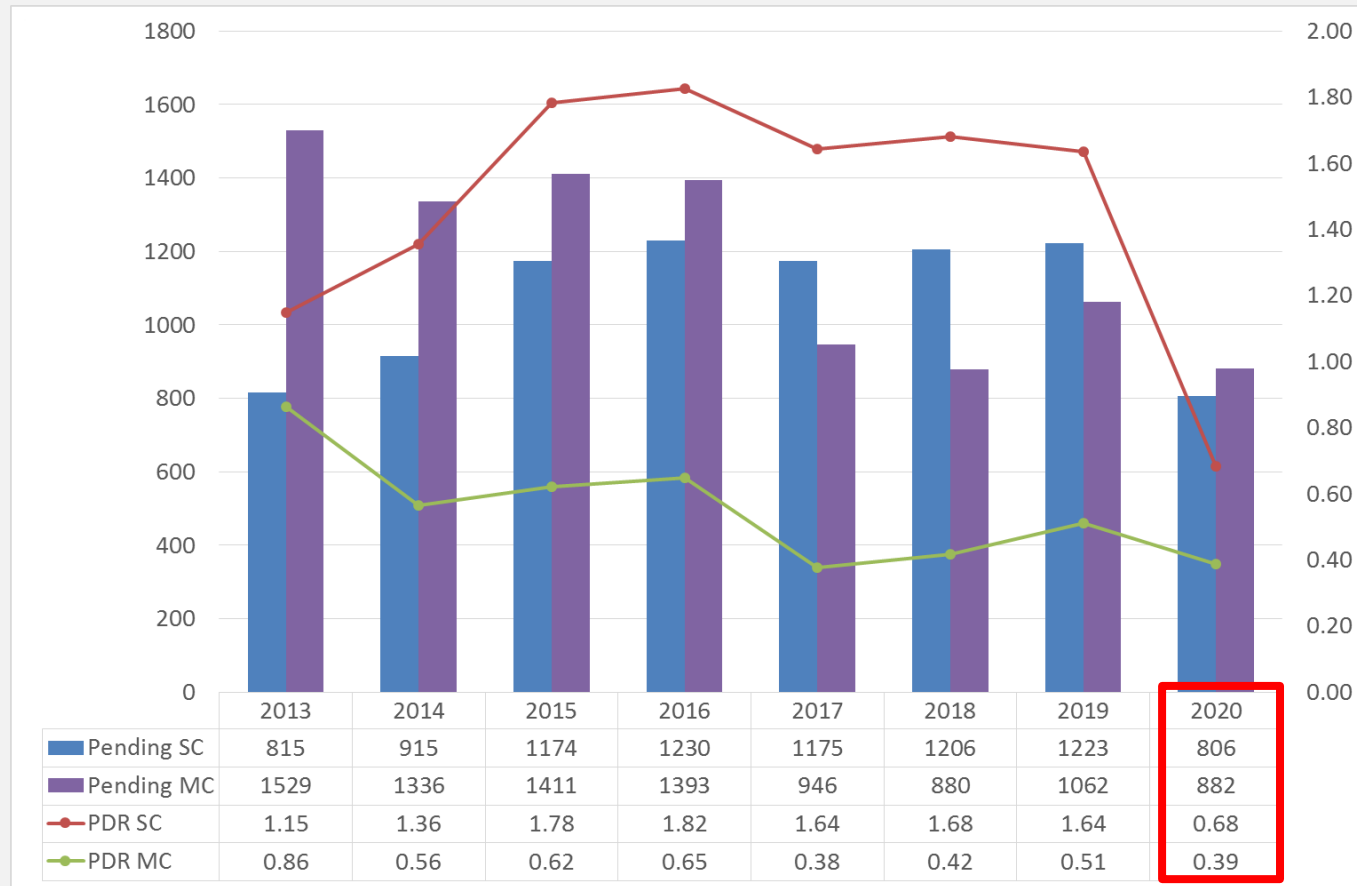
A further 15% of cases are older than 2 years for MC, work equating to 132.

Resource need to be consolidated to addressing these specific old cases.



PENDING TRENDS AND PDR

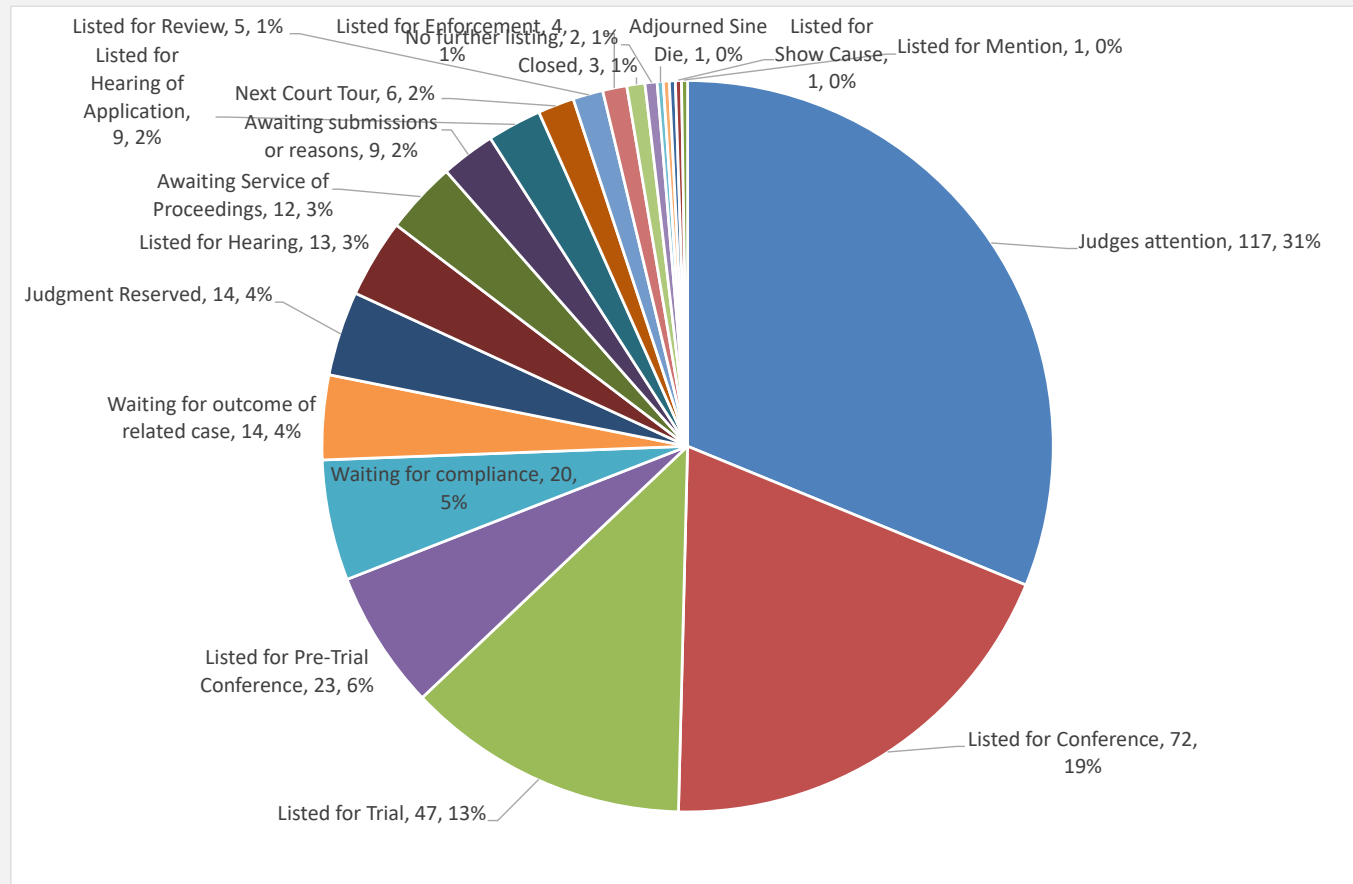
The lower the PDR (Pending to Disposal Ratio) – the better. Supreme Court has seen a significant decrease of its PDR to approximately 0.7 which equates to less than 1 year worth of outstanding cases



PENDING STAGE SUPREME COURT CIVIL

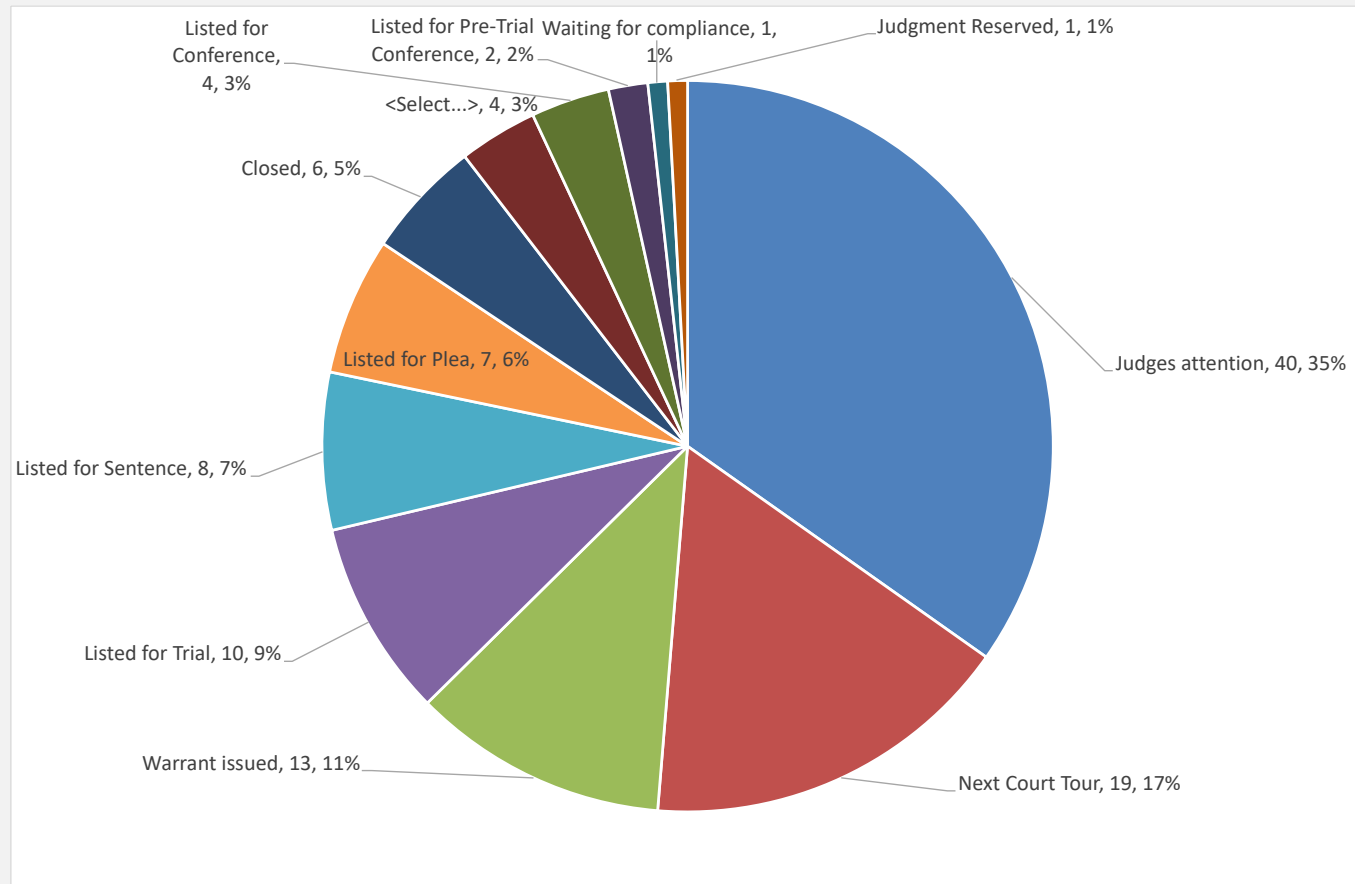
A very low % of the overall civil pending caseload is listed/ready for trial/hearing— at 45%. (benchmark is 80%)

Emphasis needed to ensure cases can be listed and prepared quickly for trial



PENDING STAGE SUPREME COURT CRIMINAL

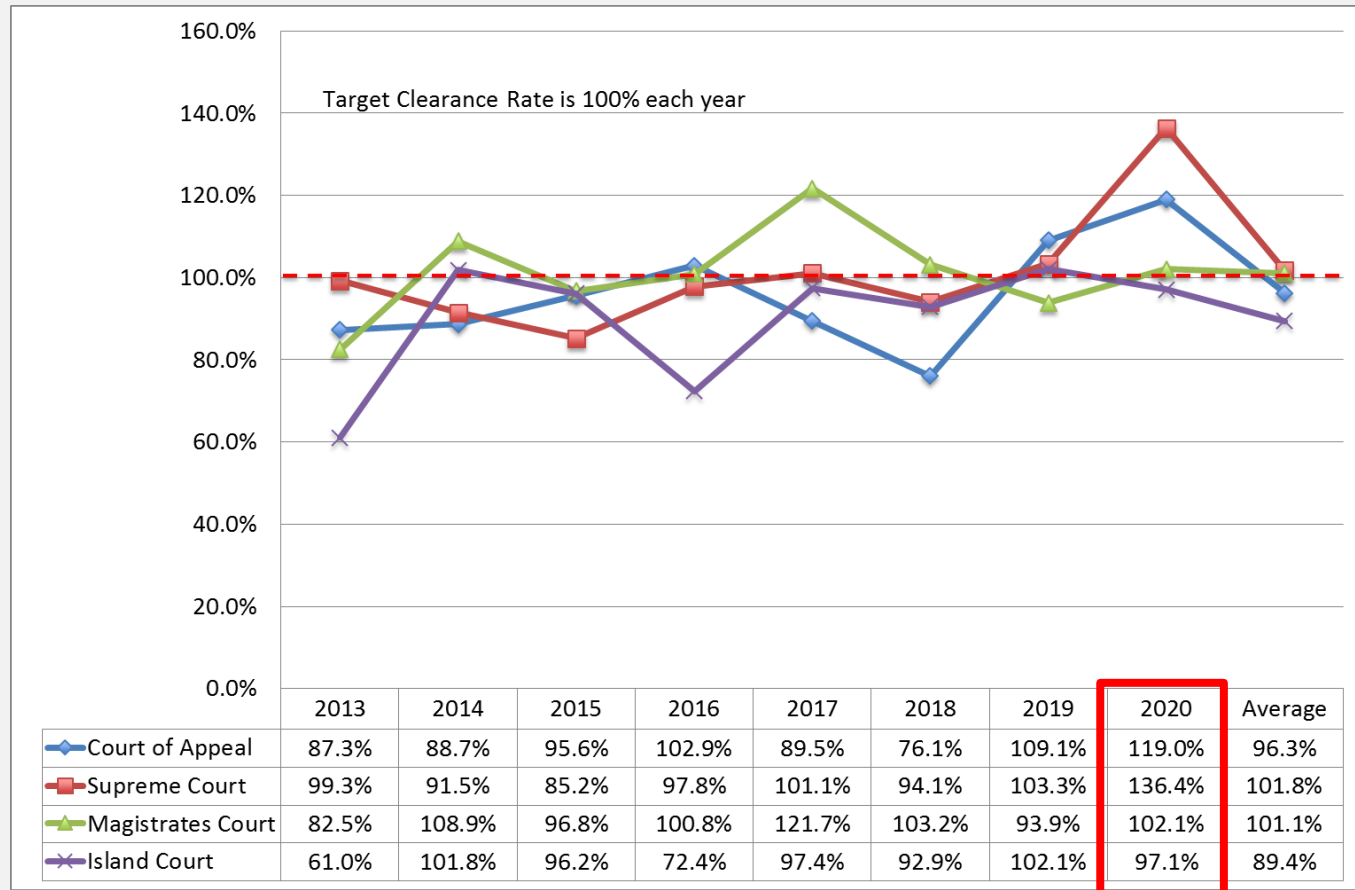
Almost 40% of the criminal pending matters have no valid stage (<Select...>) or Judges attention – needs investigation



3. CLEARANCE RATES

CLEARANCE RATE TRENDS

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.



4. JUDICIAL PRODUCTIVITY

DISPOSAL RATES PER JUDGE & MAGISTRATE

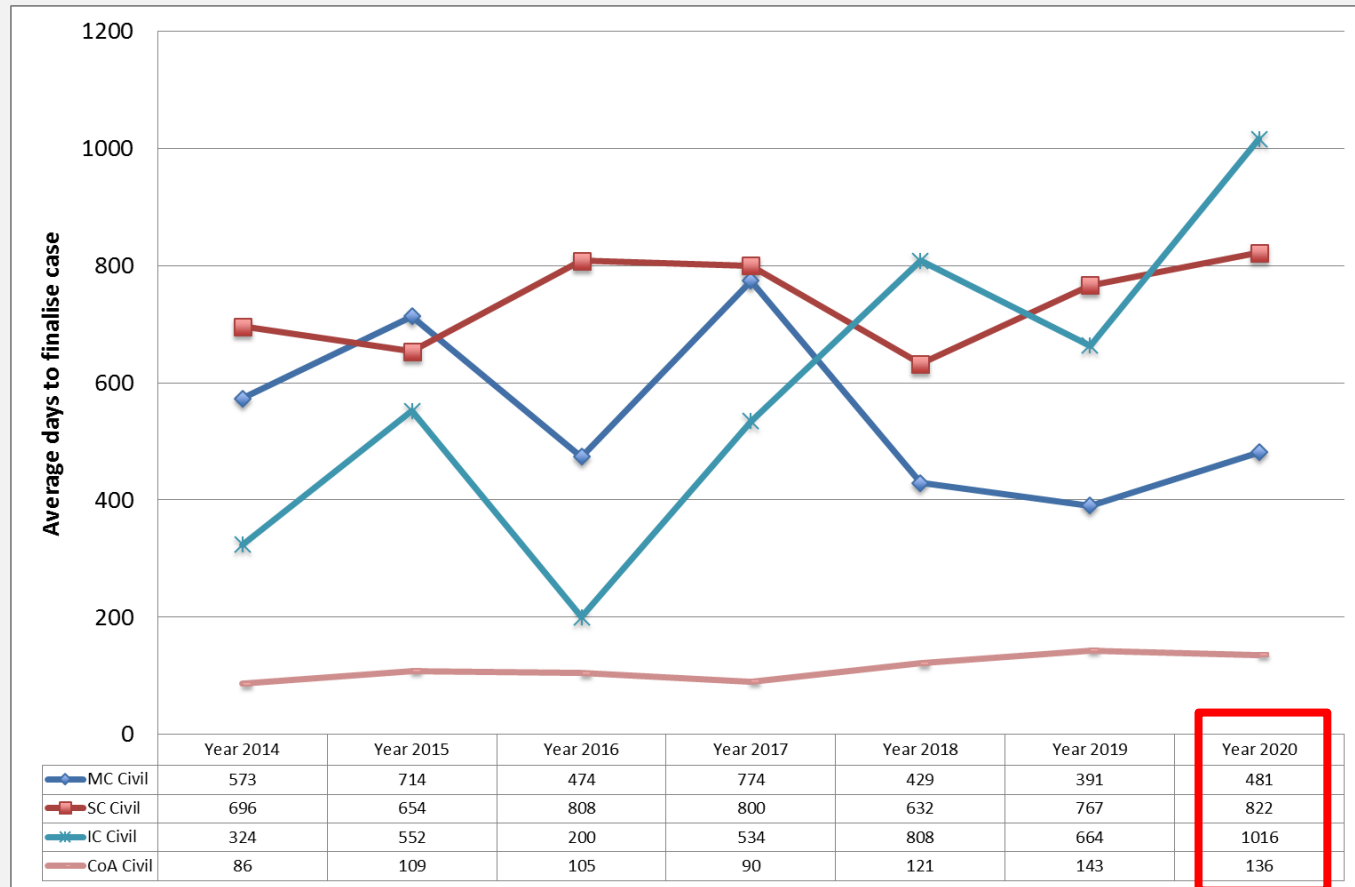
Despite restrictions imposed by COVID-19 on work of Judges and Magistrates and other factors including case complexity, case mix and attendance rates, tracking this indicator is vital. The productivity of the both Judges and Magistrates is overwhelming positive this year.



5. TIMELINESS

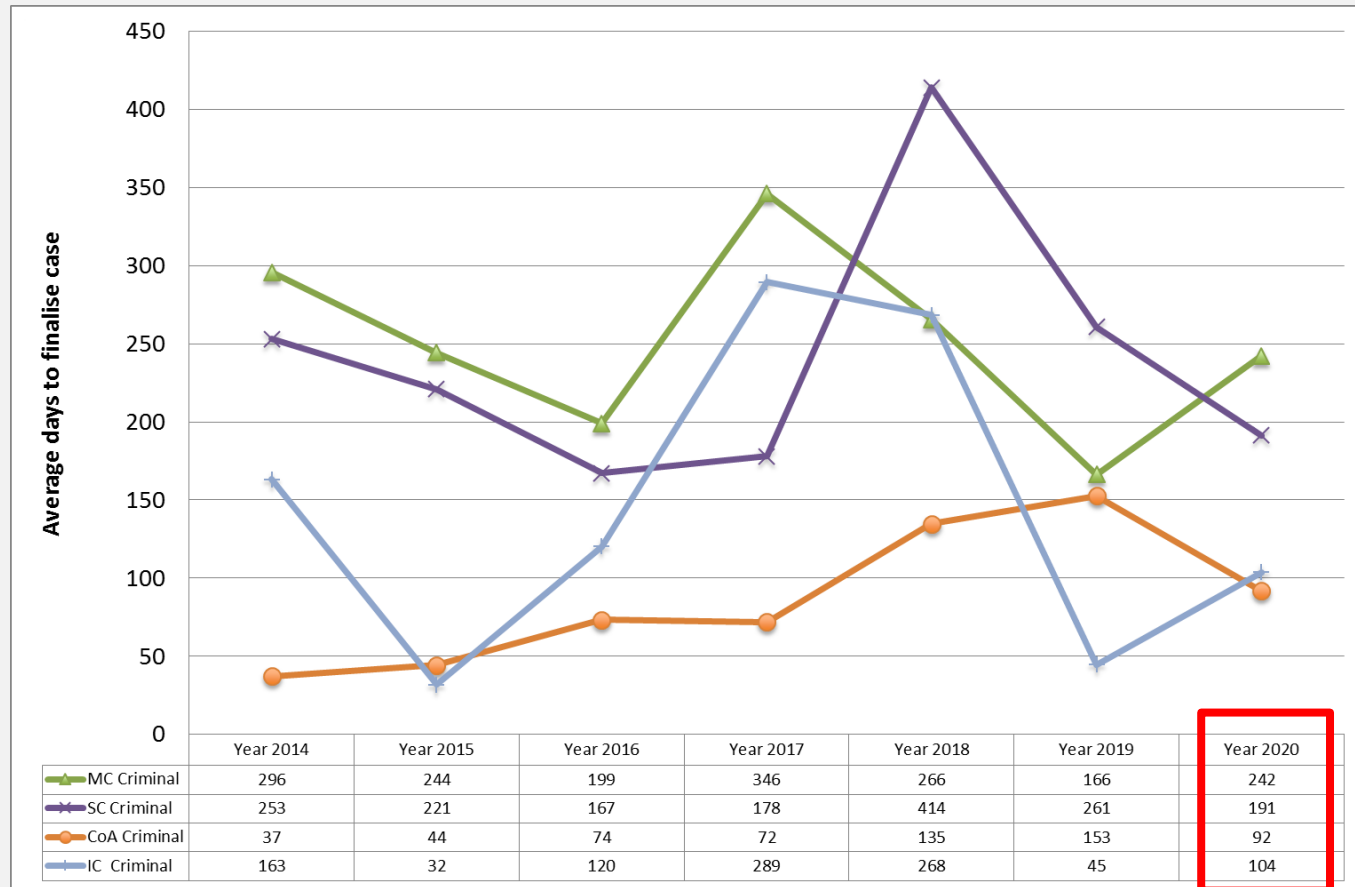
TIMELINESS DISPOSED CIVIL CASES

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.



TIMELINESS DISPOSED CRIMINAL CASES

Increases in timeliness to dispose of cases has declined in the Magistrates and Island courts – possibly due to closing of old cases in 2020

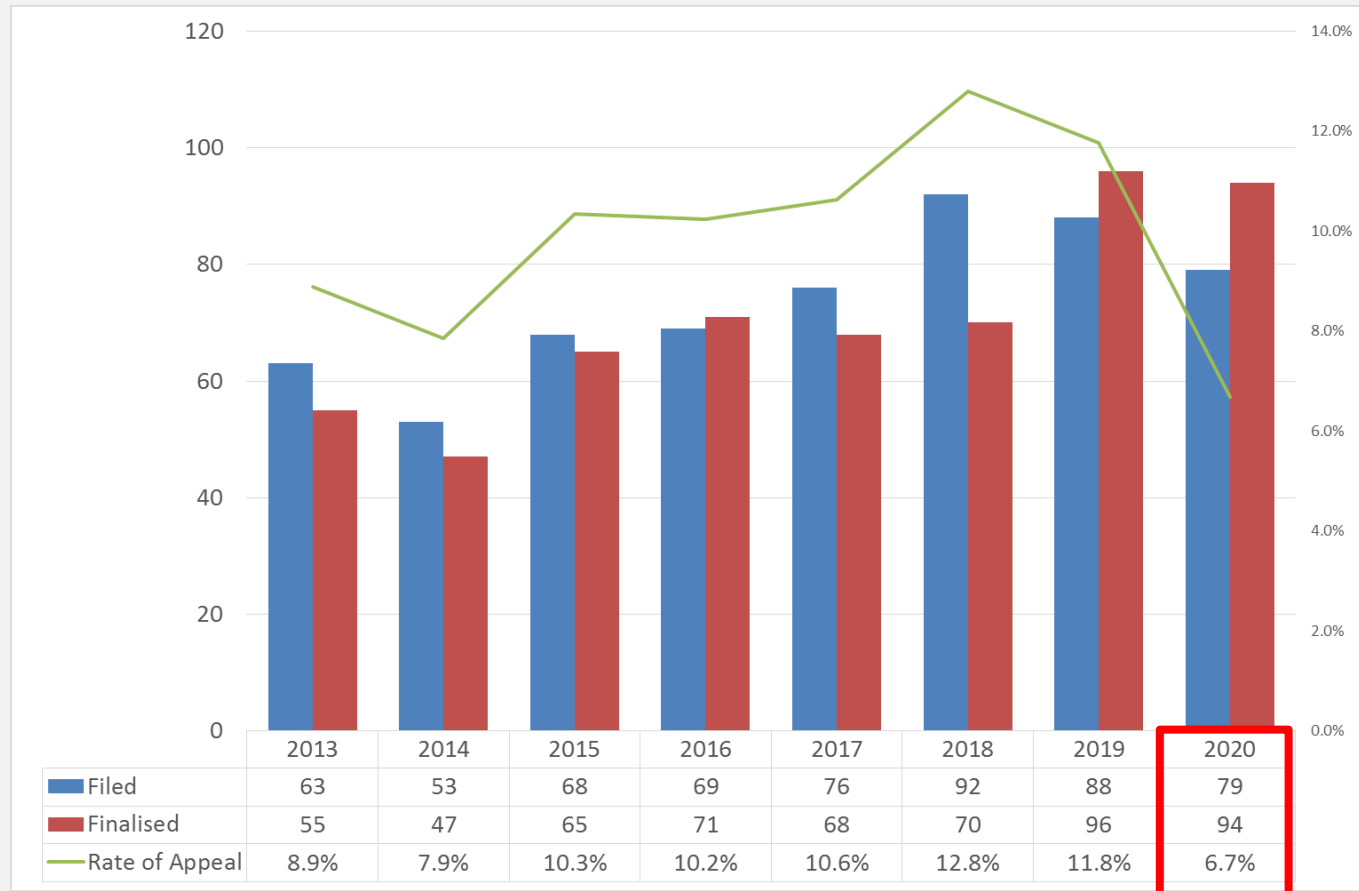


6. COURT OF APPEAL

COURT OF APPEAL WORKLOAD TRENDS

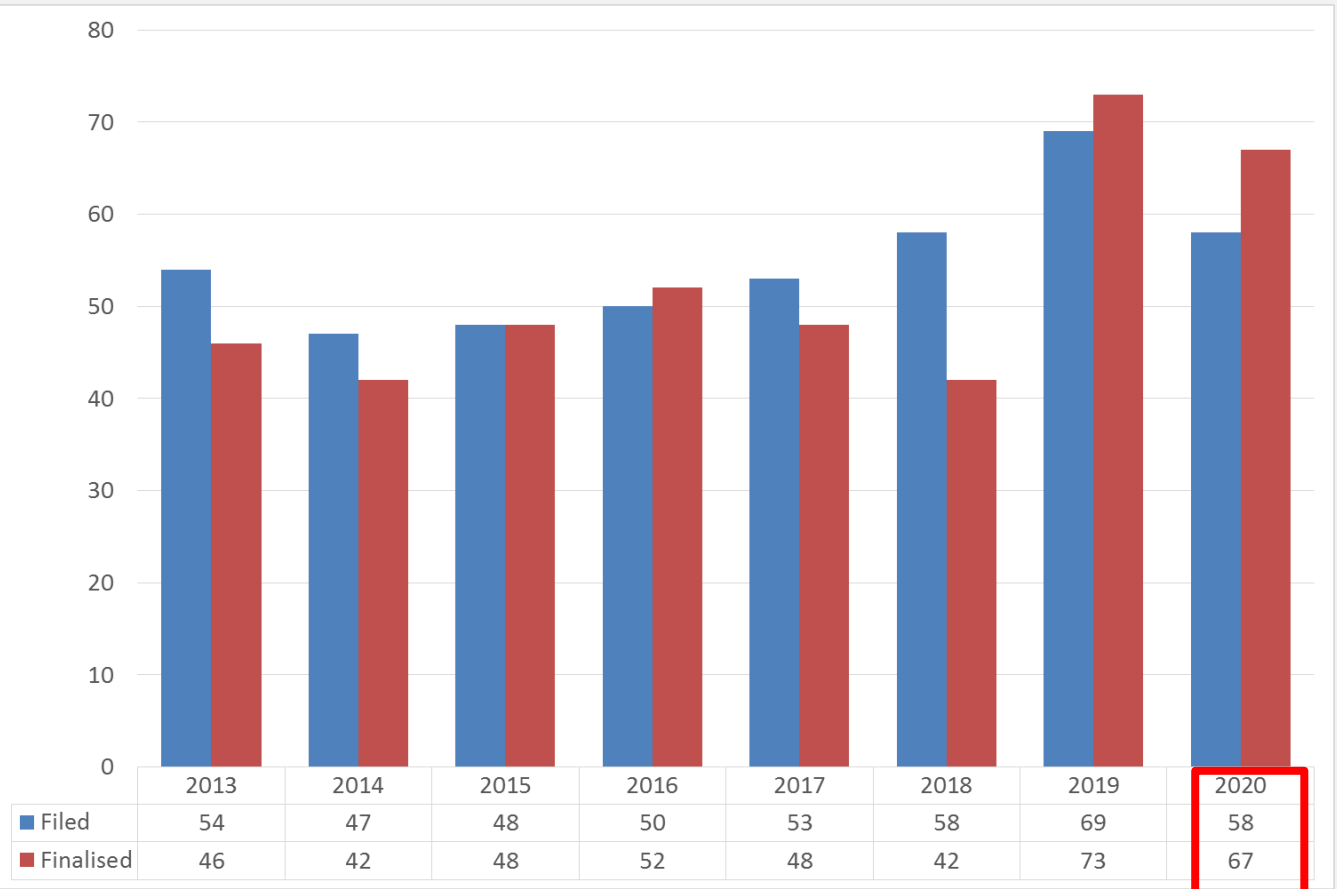
CoA workload is consistent over the last 3 years, similarly to finalized cases which is consistent over the last 3 years.

Of note is the decreasing % of 1st instance matters finalized that are appealed, now running approximately 7% of first instance matters finalized



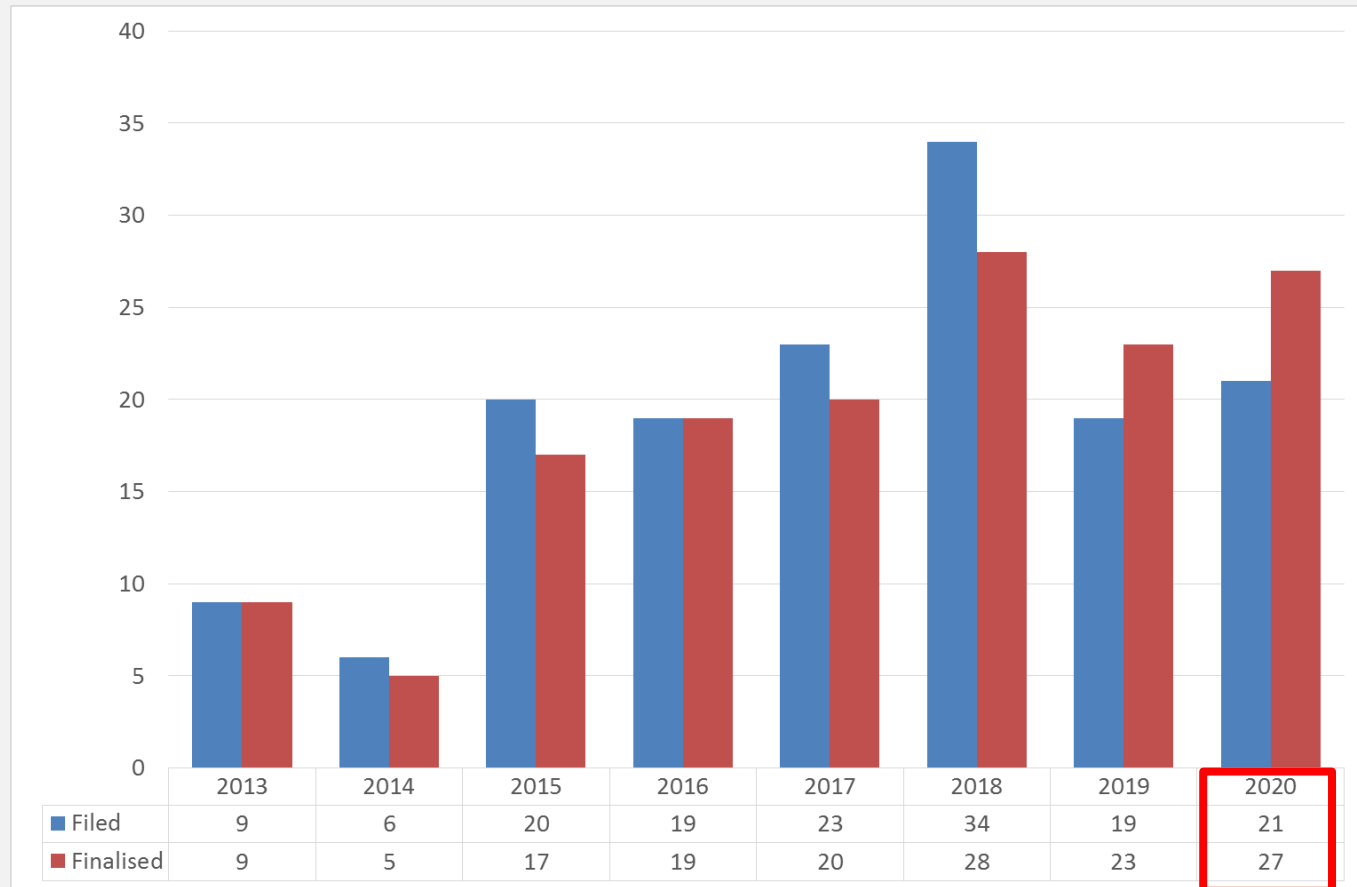
COURT OF APPEAL CIVIL

Civil Appeals workload in 2020 is consistent over the last 3 years, and 9 matters were finalized from previous year



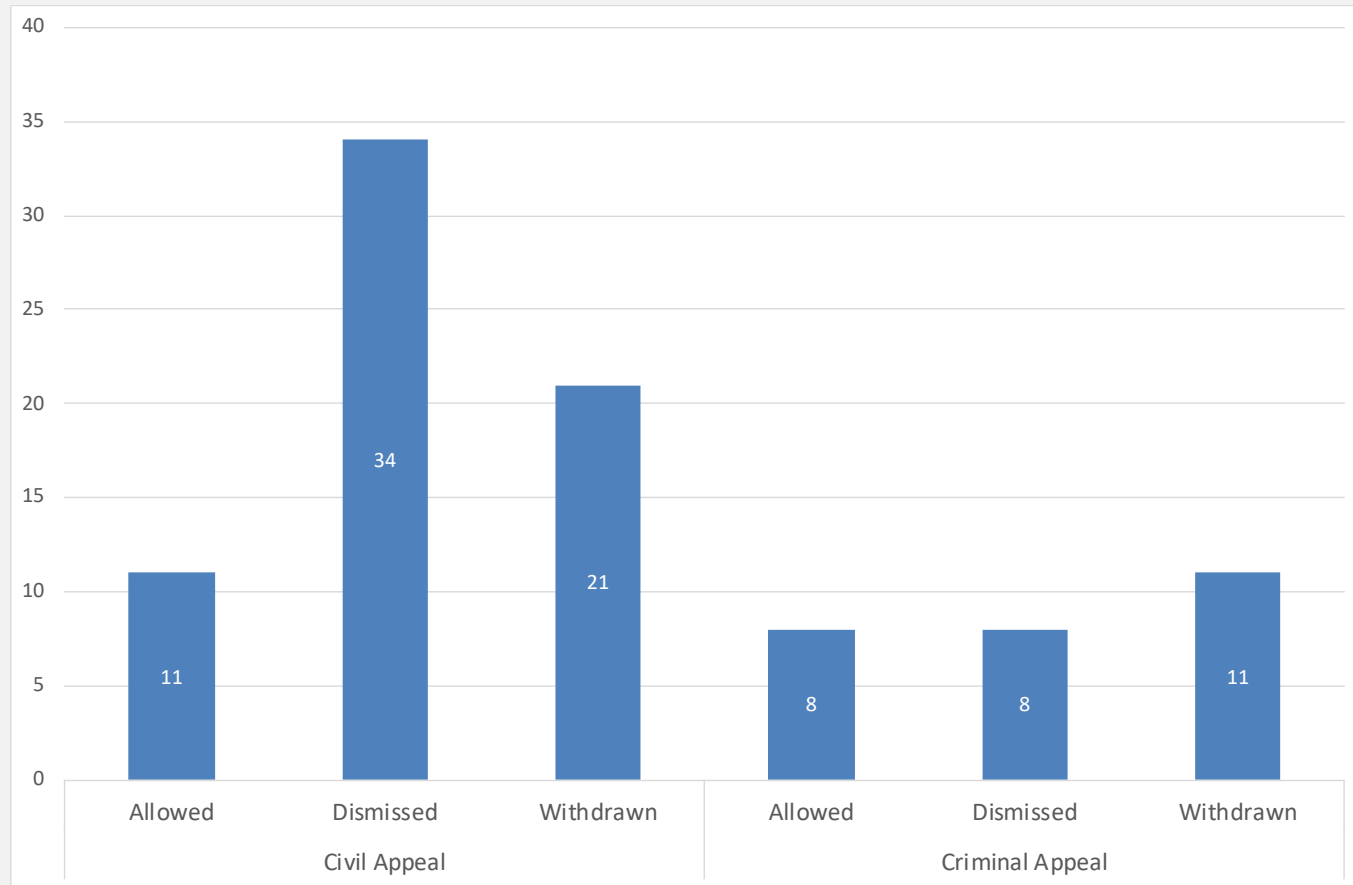
COURT OF APPEAL CRIMINAL

CoA workload in 2020 is similar on last year and and 3 matters were finalized from the previous year.



COURT OF APPEAL OUTCOMES

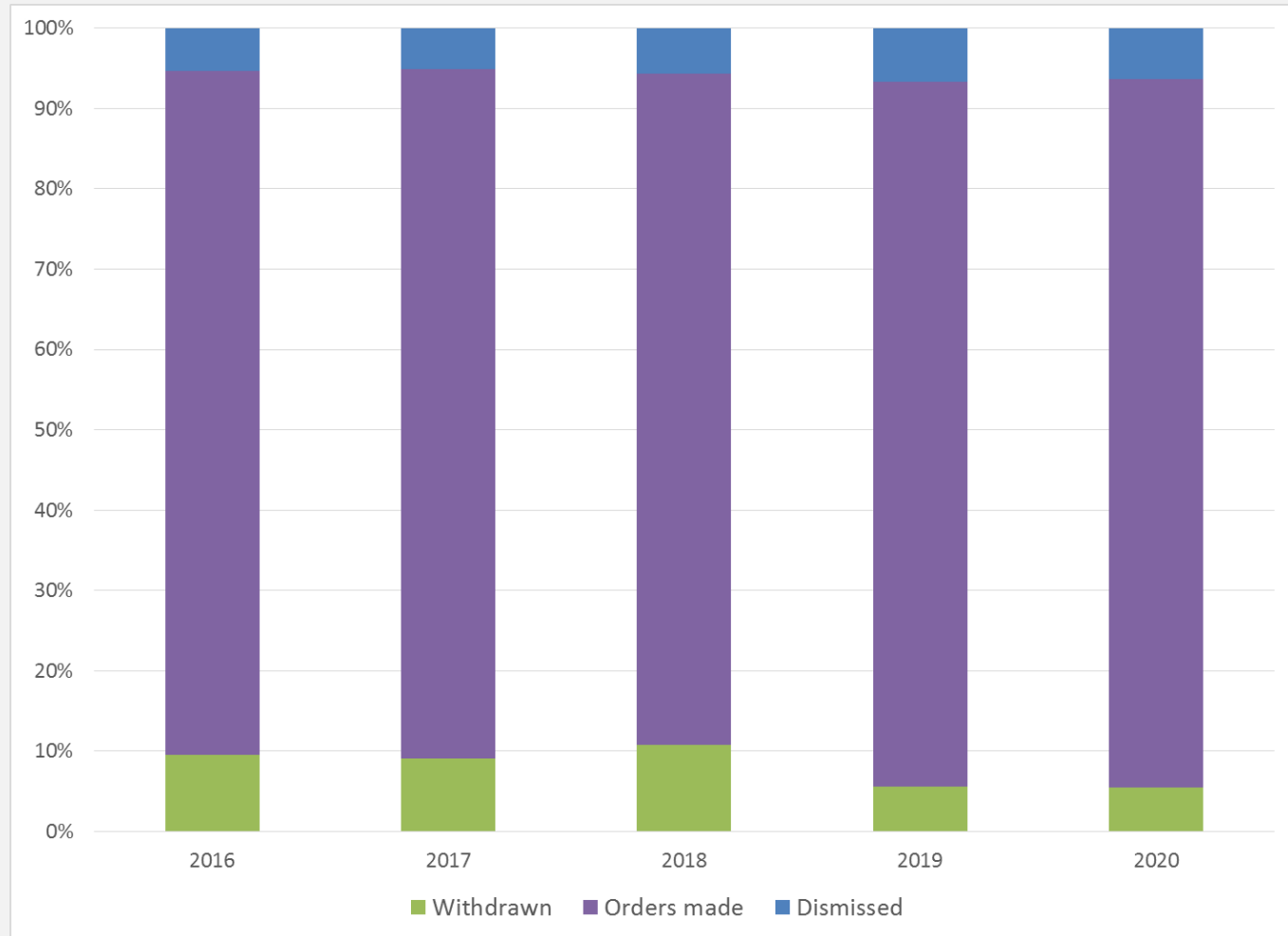
In Criminal Appeal matters, 50/50 split between allowed and dismissed, whereas in Civil Appeals, only 24% of appeals were allowed



7. CRIMINAL CASE OUTCOMES

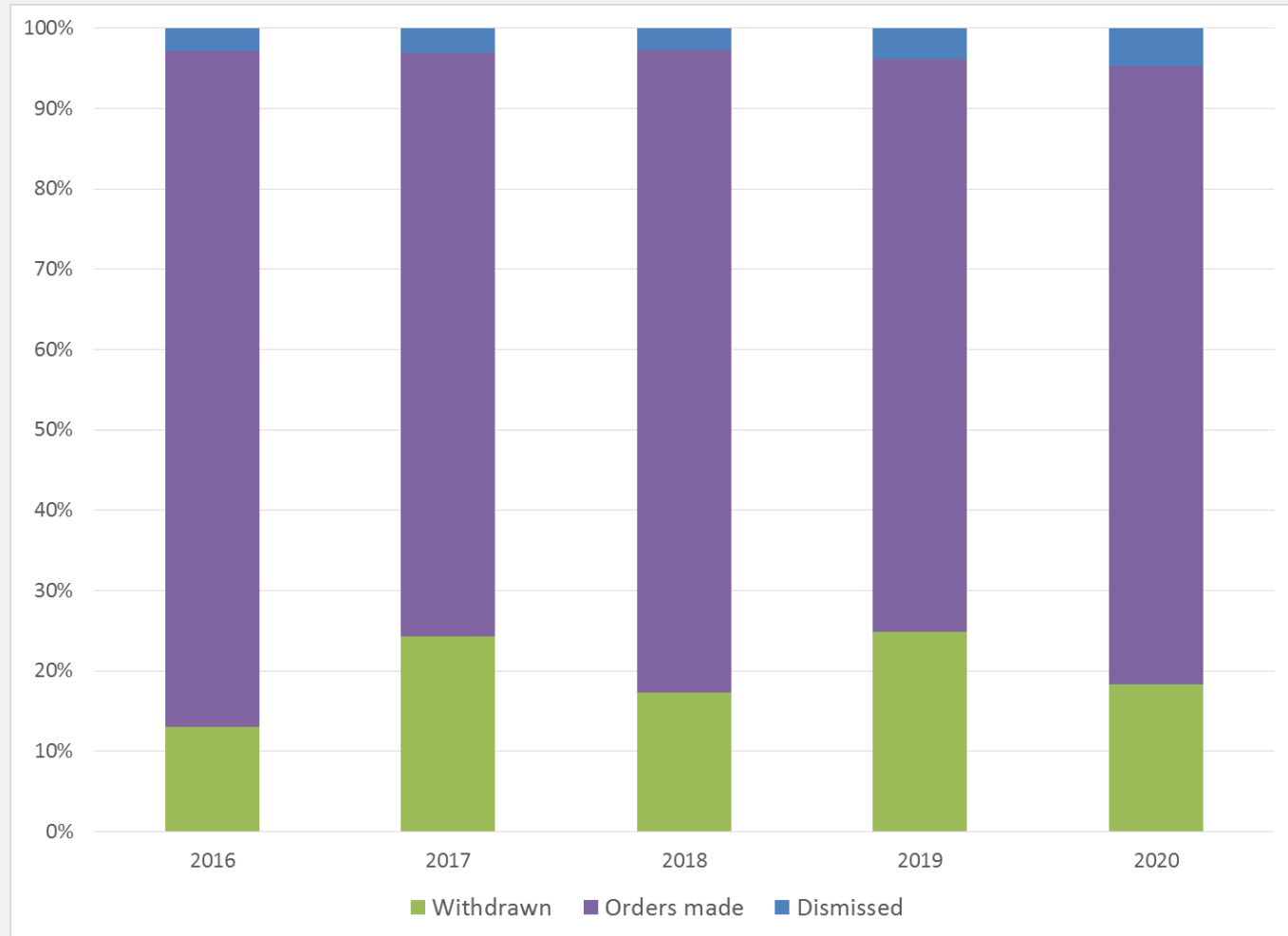
SUPREME COURT CRIMINAL CASE OUTCOMES

In SC criminal matters approximately 90% of cases filed received an order as outcome.



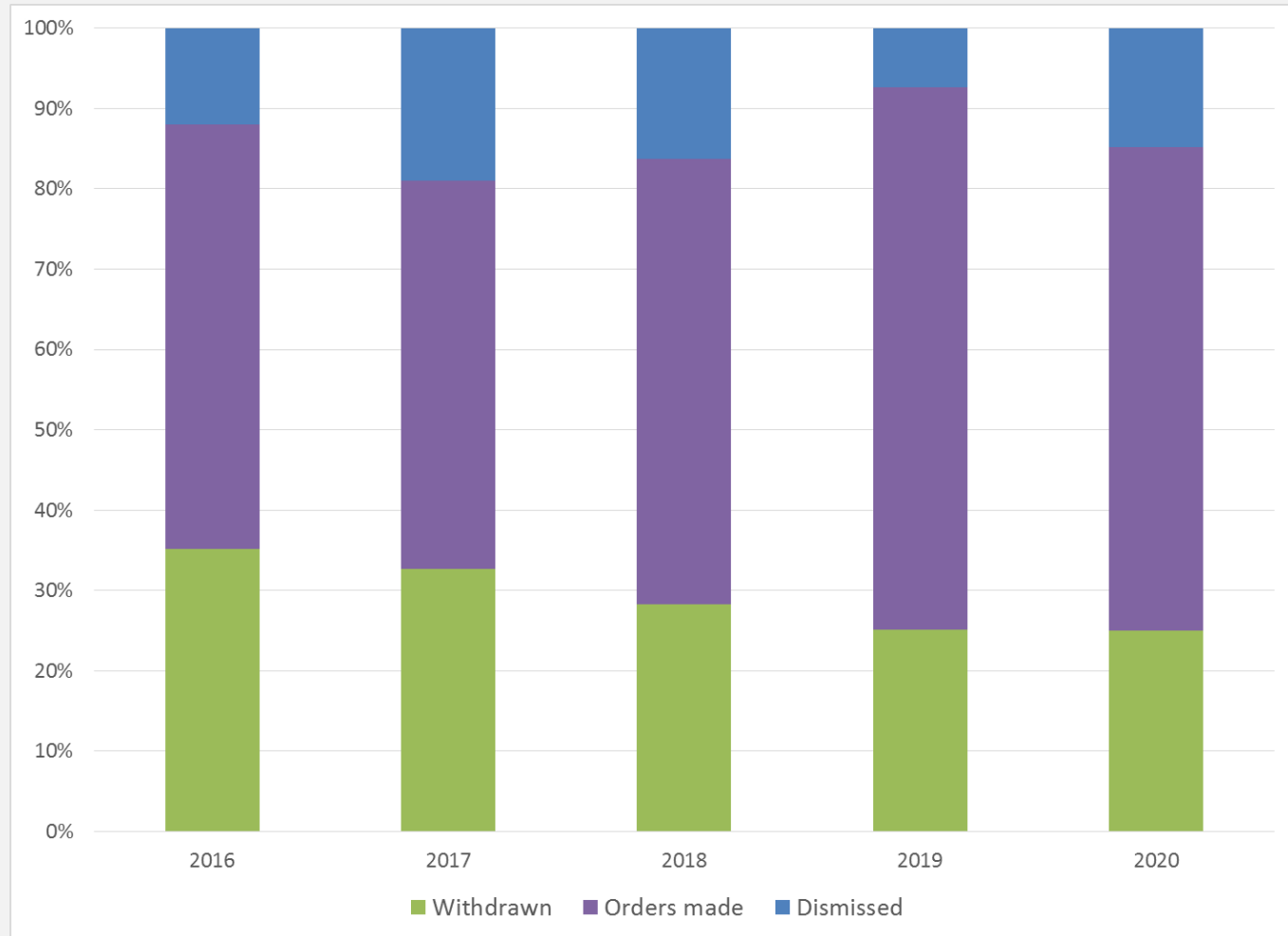
MAGISTRATES COURT PI CASE OUTCOMES

In PI matters,
approximately 5%
dismissed and 20%
withdrawn, and
the remaining 75%
committed



MAGISTRATES COURT CRIMINAL CASE OUTCOMES

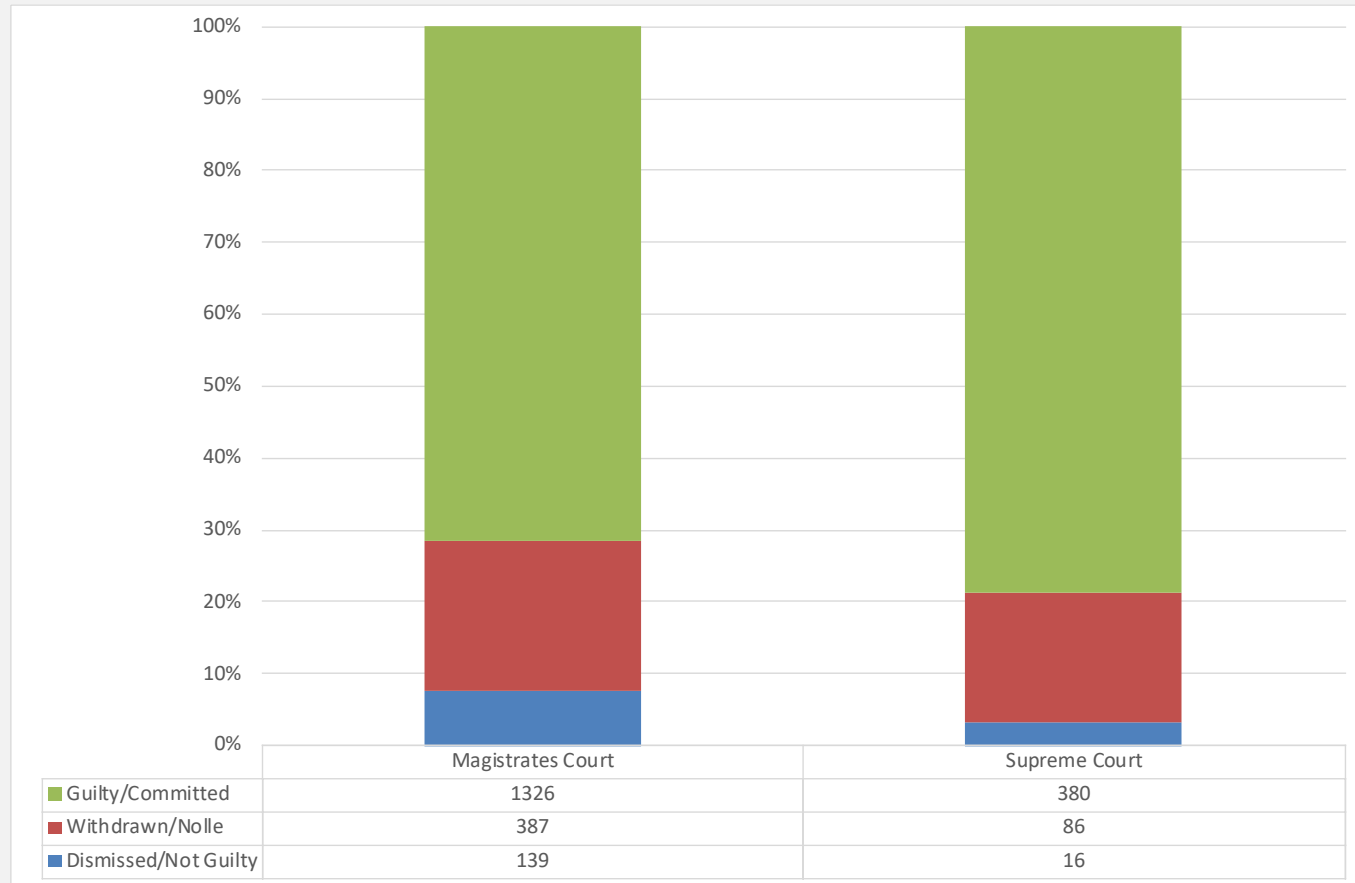
In MC criminal matters approximately 25% cases are withdrawn while approximately 15% dismissed.



8. CRIMINAL CHARGE OUTCOMES AND ORDERS

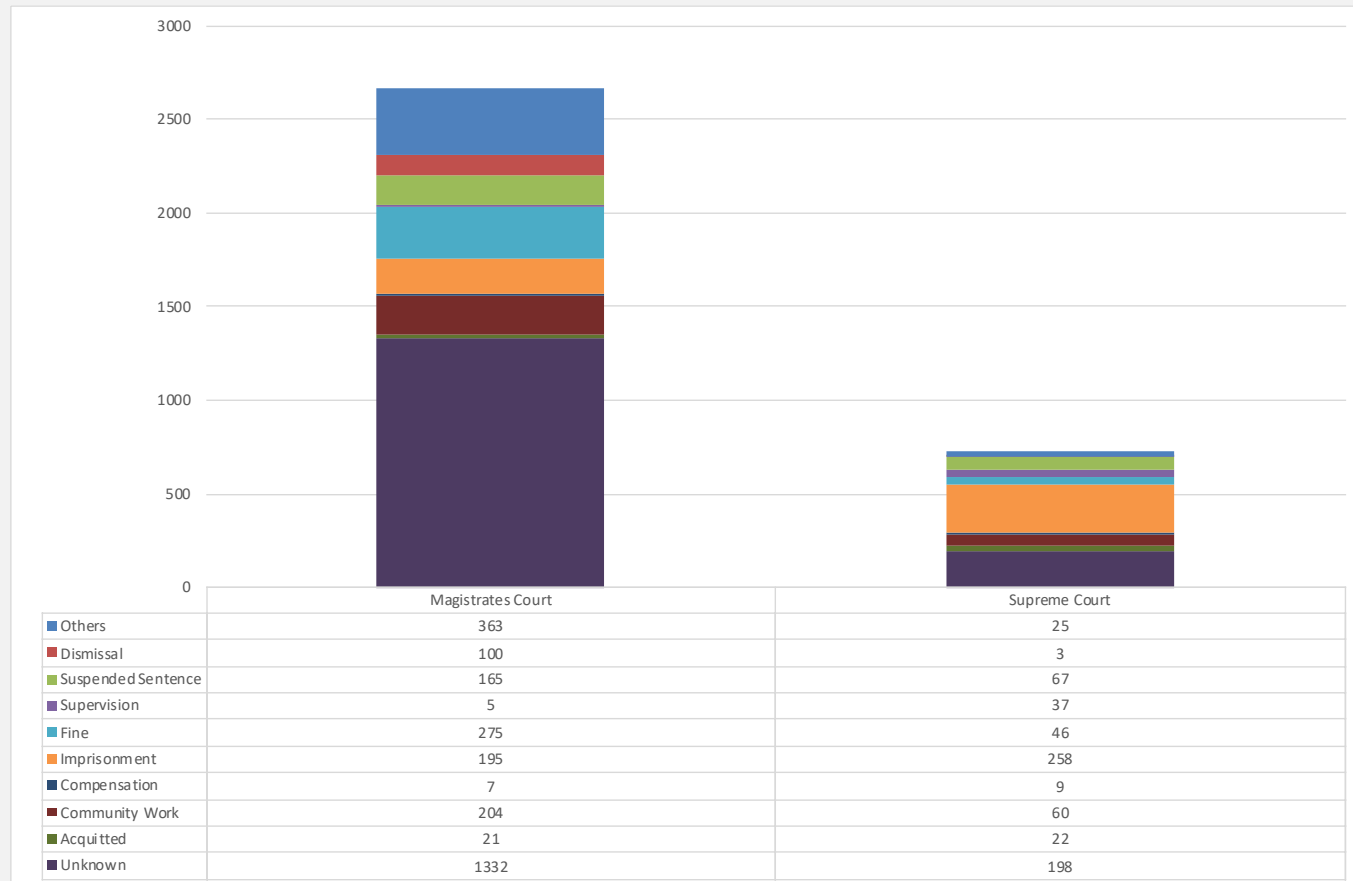
CHARGE OUTCOMES

Provides an insight into the results of individual charges as brought before the respective courts during 2020. Analysis of each court reflect outcome of charges in each court.



CHARGE ORDERS

More and more entries are being made of the specific orders made by the judiciary e.g. imprisonment or fine, but in 2020, still many orders had no entries (unknown). This data entry practice needs to be rectified in 2021.

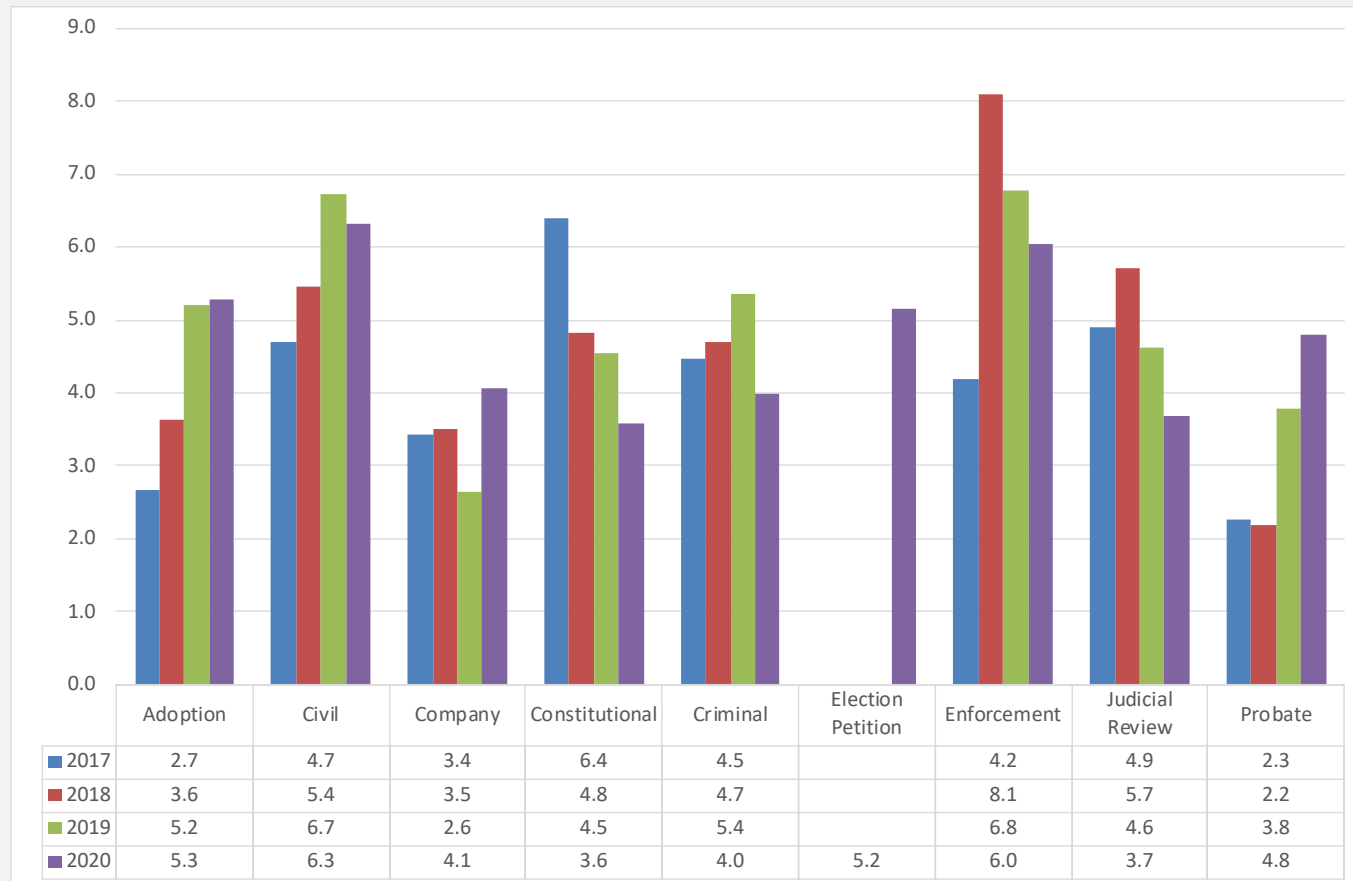


9. ATTENDANCE RATES

Attendance rates, as measured by the number of visits/appearances at court to dispose a matter is now being tracked.

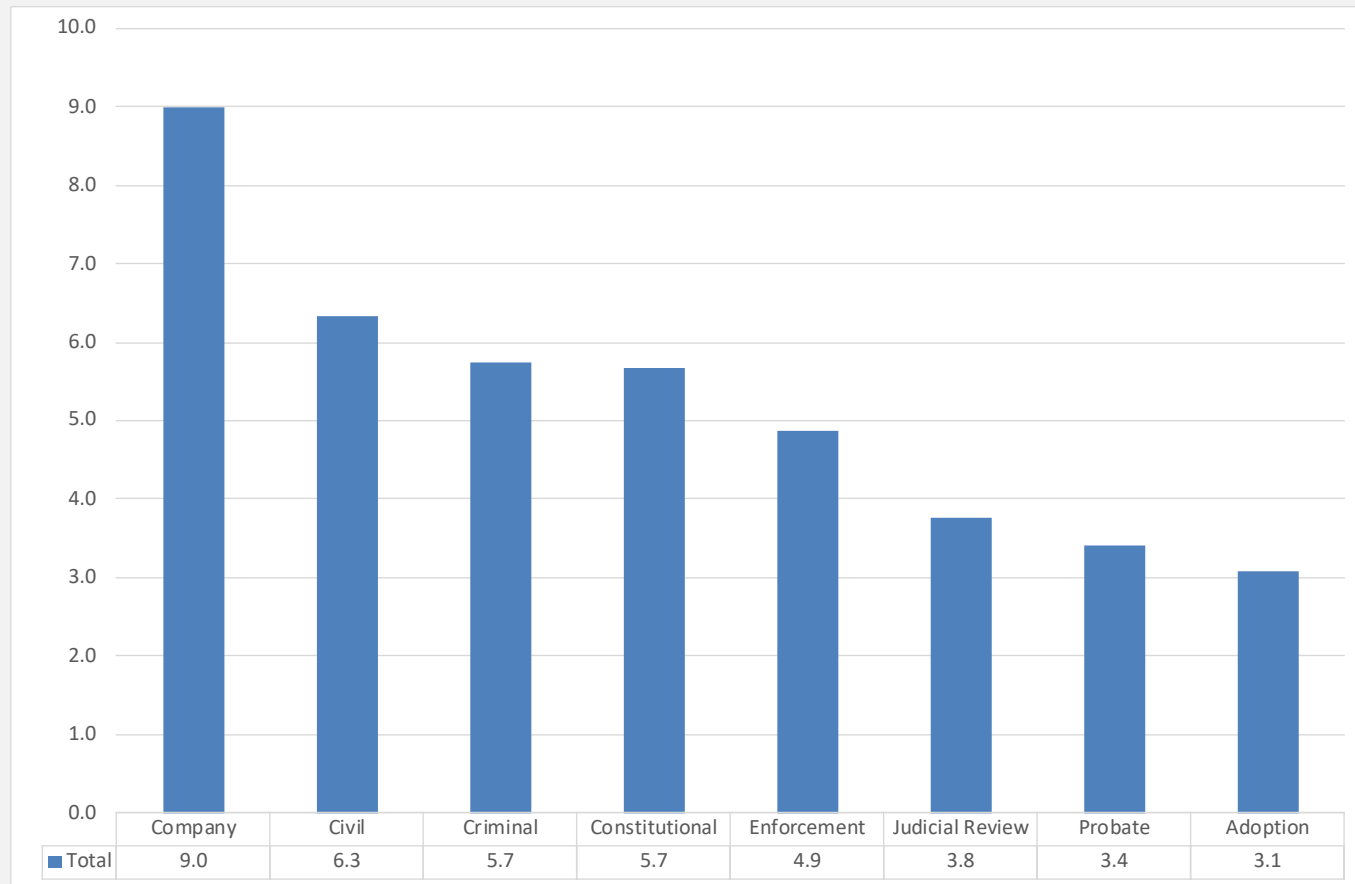
SUPREME COURT COMPLETED ATTENDANCE RATES

Of concern is the high number of attendances for Enforcement cases and civil cases, which has direct impact on inconvenience and costs to parties. This is to be reviewed.



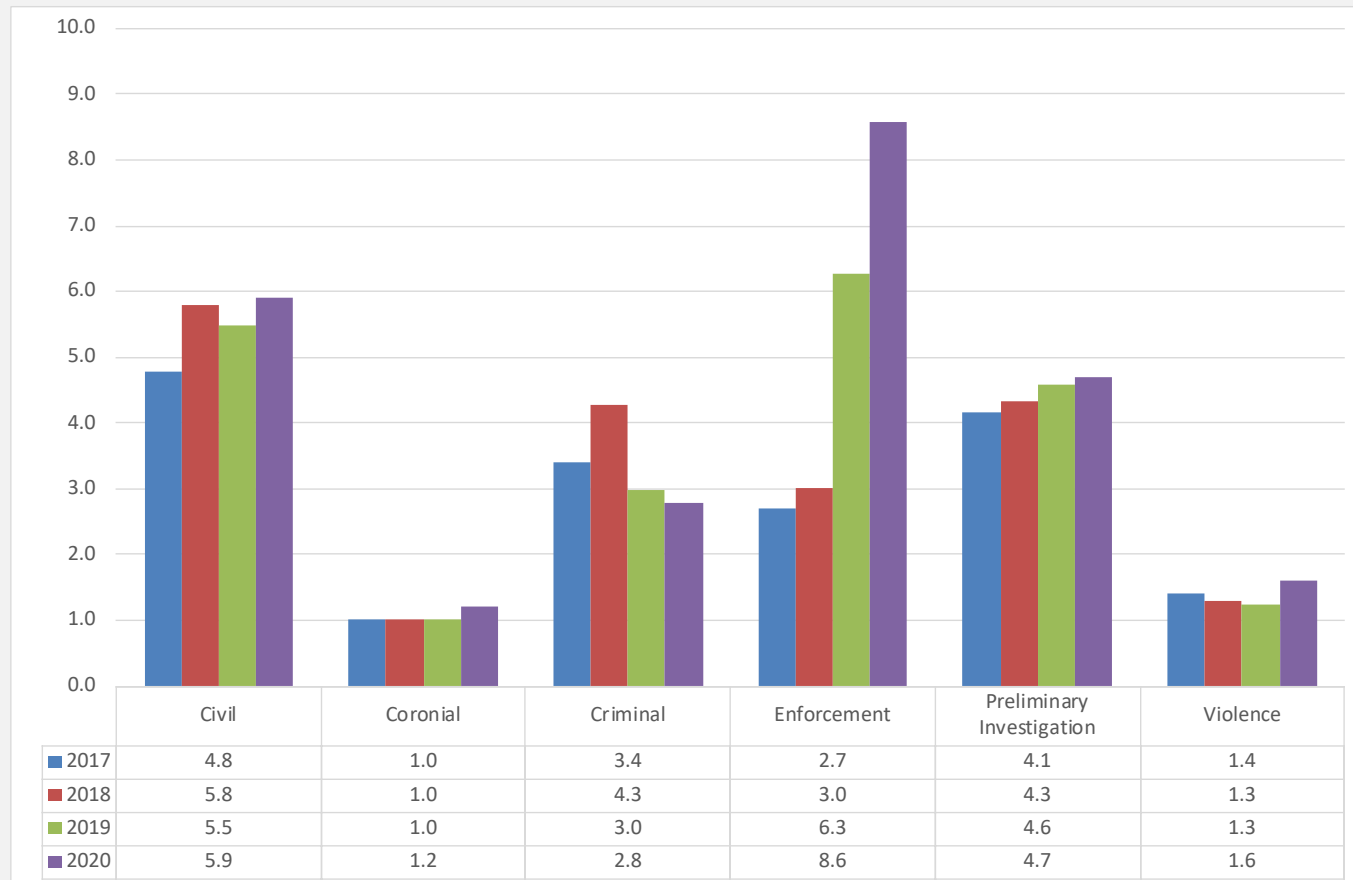
SUPREME COURT OPEN ATTENDANCE RATES

For the currently open/pending cases, again, the high attendances already had by enforcement and civil matters will be investigated.



MAGISTRATE COURT COMPLETED ATTENDANCE RATES

For the main case types, criminal, PI and Violence (protection orders) – the attendance rates are generally in-line with good practice for Magistrate Court



10. PARTY DETAILS

GENDER ANALYSIS

For criminal cases in Supreme and Magistrate Court, and Violence (protection matters) – filed in 2020, analysis by gender can now be undertaken for key roles such as the accused/defendant and applicant (violence matters).

