

ANNUAL REPORT 2022

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

December 2023

Hon. John Amos
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 2022 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 2022 Annual Report presented in the same format as the previous year but not as detailed due to the unexpected event where the Vanuatu Government network was hit by a ransomware attack that caused all government services and systems to go offline. This impacted the Courts of having no access to our respectful systems over 2 months and data loss, 5 months' worth.

I am pleased to say that this report captured the major performance indicators accepted regionally and internationally. This includes a deeper analysis of the nature of cases registered, completed, and importantly, those pending disposal by the courts. Those indicators indicate that the courts have been successful in achieving results by the end of 2022.

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 successfully perform their roles in the delivery of service to the people of the country.

Further, despite the challenges which are 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 in the volume of decisions made. In 2022, the Court of Appeal delivered 38 decisions/outcomes of cases, some of which were substantive judgments and were sent for publication on www.paclii.org and uploaded on the court's website: <https://courts.gov.vu>.

The publication of these judgments provides valuable information to land, civil, criminal, commercial, administrative, and constitutional jurisprudence. They also enable transparency and accountability in the courts' decision making.

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

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 (*section 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 (*section 51(f)*) in the Annual Report.

The Management Improvement Plan Outcome: “To improve the capacity of the courts to achieve its mission”.

The values that guide the behaviour of the Vanuatu Judiciary and this Plan are:

- Accountability
- Resilience
- Quality & Timeliness
- Openness & Transparency
- Continuous Learning & Improvement
- Inclusiveness Despite Geographical Constraints

The Management Improvement Plan has again set out five priority action areas.

These five priority action areas were to:

- Maintain and strengthen judicial independence;
- Refine case management systems and processes to endure fair and timely disposition of cases;
- Develop professional judicial capacity building;
- Ensure justice is accessible for all; and
- 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 for 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
- Secure funds for infrastructure to ensure accessibility to court services.

Planned Activities summed in Graphs

Judicial Management Improvement Plan 2022 – out of 42 total activities for 2022, 29% was successfully carried out, 19% on good progression (to continue to 2023) and 52% delayed (will be assessed if needs roll-over to 2023).

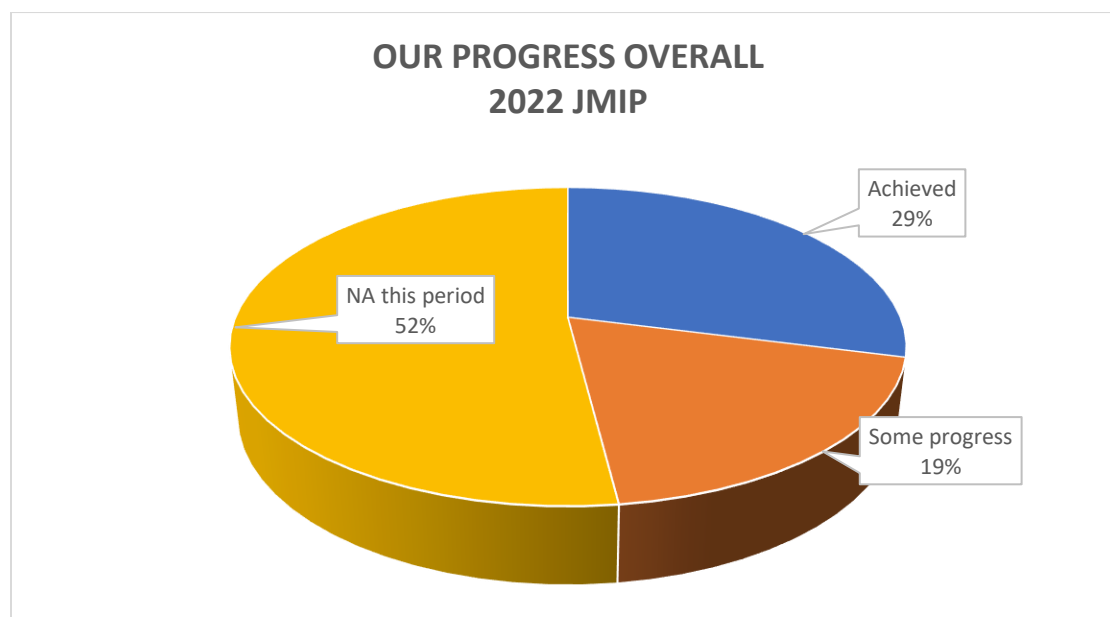


Figure 1: Overall Activities – Judicial Management Improvement Plan (JMIP) – 2022

There were several challenges in implementing the five priority areas, such as funds and for some, priorities changes along the way due to some unforeseen circumstances such as the cyclones, COVID-19 and the hacking of the government network system. Those were lessons learnt and should be improved in 2023.

Some highlights in the JMIP – 2022

- Case Management System (CMS) – monthly court performance summary was a success in 2022 (seen monthly released a success until end of October, 2022) – seen an improvement in capacity on analysis of data – seen a good understanding of the monthly summaries as a result seen improvement in court performances for judicial officers and court support staff.
- Audio & video recording is made possible in the Port Vila Dumba court room and is made upon request of the Judge – successfully did 2 audio recordings and 1 video recording this year 2022.
- Sheriff draft manual still on Pilot, was implemented and seen 2 successful Tender sales were carried out in 2022, will continue pilot this year 2023

- The 2019 Family Violence Action Plan for the Magistrate courts – seen Acting Chief Magistrate receiving quarterly reports on DV orders and sentencing so as to maintain consistency within the bench.
- The courts through the Hon. Chief Justice have participated in a zoom webinar on 4th October, 2022 on Family Protection Orders on “How they could be just a phone call away” – a project to be continued in 2023.

The Court User exit survey report survey was finalised and produced at the end of this year 2022 (A survey conducted for 2 weeks towards the end of 2021 targeting court users). Recommendation for improvements were included in the report and needs actioning.

- The Certificate of Justice Programme – introduced to the lay justices of the Island courts, this year will be conducted on Tanna (was deferred from 2022 to 2023 because of COVID)
- Awareness – successful awareness carried out by court staff in conjunction with other justice sector made possible through the SRBJs – the *Malekula cross sector legal awareness program* to Unua, Espigles Bay and Vinmavis in 2022.
- The courts have successfully participated in the PSC open day at the Convention Centre in 2022. It was a great success, seen court information dispersed to all different age group and an opportunity for court brochures distributed.
- School curriculum – Access to justice; the court has taken another step into entering the Vanuatu educational system – introducing the role of the courts. Year 11 has rolled out some topics in 2022.
- The translated course materials (English and French) will be officially handed by the Hon. Chief Justice to the Education curriculum unit early this first quarter of 2023.
- New appointments of judicial officers in 2022
 - seen Senior Magistrate Beverleigh K. Joshua appointed by the Hon. Chief Justice to Chairman for Island Court Land under the Customary Land Management Act.
 - Banks 22 new Island court Justices orientated in 2022, appointed by the Head of State and sworn in by the Chief Justice at Sola.
 - Torres 20 new Island court Justices orientated in 2022, appointed by the Head of State and sworn in by the Chief Justice at Torres.
- New recruitments in court administration – seen 6 positions filled and inductions conducted

#	POSITIONS RECRUITED	COURT	LOCATION	REPLACEMENT/ NEW
1	Procurement Officer	Supreme Court	Port Vila	Replacement
2	Technology & Systems Officer	Supreme Court	Port Vila	New
3	Assistant Sheriff	Supreme Court	Santo	Replacement
4	Administration Driver	Supreme Court	Port Vila	Replacement
5	Secretary	Magistrate Court	Santo	Replacement

6	Filing Clerk	Supreme Court	Port Vila	Replacement
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- The Hon Chief Justice and Judge Aru have attended a week workshop in PNG on *Judicial officer's Fraud and Corruption* from 28 November – 2 December 2022. The PNG Centre for Judicial Excellence has served well the Pacific courts, and this year 2022 has provided the first Training on Fraud and Corruption Workshop for Judges.

Summary of significant developments/ Improvements

Judges – extension of Appointment

- The continuous engagement in the assistance of the New Zealand Judiciary in the form of Judges of the District Court of New Zealand to an interim arrangement on the secondment program to the Supreme Court of Vanuatu after the appointment of Justice Andre Wiltens ending June 2022. Two Judges were appointed on interval of 3 months beginning July 2022 to December 2022.

Judge Christopher Tuohy 18 July to 16 September 2022

Judge Stephen Maxwell Harrop from 14 September to 16 December 2022

- *Appointment of New Supreme Court judge*

The appointment of Justice Edwin Goldsbrough to Vanuatu Supreme Court bench is an additional support to the Supreme Court after the number of filing continues to increase each year.

- *Retirement and resignation*

Seeing 3 officers resign this year.

- *Termination*

Evelyne Kaltapau as the Secretary of Magistrate Court based in Luganville was terminated by the Judicial Service Commission for the following charges.

- I. Commits an offence under s.58(c)
- II. Commits offences under s.58(f)(i)(ii)
- III. Commits an offence under s.58(i)
- IV. Commit an offence contrary to section J (ii)

- *Extension and transfer of Magistrates*

Extension of appointment of Acting Chief Magistrate, Anna Laloyer for a further term of 6 months effective 10 April 2022 and a further term of 3 months effective 11 October 2022.

Land cases

- One Supreme Court Judge focused on land cases and completed 5 Land appeal cases
- Senior Magistrate Beverleigh Kanas was appointed as Chairlady of Island Court(land) for a period of 12 Months.

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. Despite the budget constraints the court tours to outer islands were effective until limited during COVID19 restrictions.

Interaction with other agencies

1. 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 relevant Strategy forward.
2. The Vanuatu Police Force has been a major partner in the execution of court warrants around the country.
3. The court's interaction with the non-government organizations has been very limited except for the continued cooperation with the Vanuatu Women's Crises Centre [VWC] who represents victims of Domestic Violence in their application to the Magistrates Court.
4. The Pacific Legal Information Institute [PaLI] 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

1. Vanuatu benefited hugely from its association with *Pacific Justice Sector Program* [PJSP], a regional cooperation in Judicial Developments, funded by NZ Aid. Six major activities on capacity building for judicial officers and other court developments under 'Access to Justice' were successfully accomplished under this fund in 2022.
2. Vanuatu also benefited from its association with the *Pacific Judicial Integrity Program* [PJIP], a new Program that addresses 'Fraud and Corruption' cases coming to court. Vanuatu courts participate in its first ever judicial workshop this year.
3. 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.

4. Vanuatu continuously benefits from daily updates from *The National Judicial College*, Reno, Nevada, US; on available online seminars and online courses. The judicial officers listened and view some of these online free seminars.
5. 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.

Training Development

Court Annual Calendar of events 2022 – a total of 6 judicial development and Training activities was scheduled – only two trainings were successfully carried out;

- ✓ the 2nd Judicial Training for Judges and Magistrates and
- ✓ a secretary refresher Training for the Magistrates court on customer care.

whereas all the other scheduled trainings (Island Court clerks, Sheriff Team and COA Training) were cancelled.

Reasons: The Covid19 restrictions takes more than 3 months in QTR 2, work was resumed back to normal after June.

- The second judicial training for judicial officers has been successfully carried out – grouping all judicial officers together, the program design for common and separate sessions and targeting judicial case management – seen a strong year for case finalisation end of 2022.
- A secretary refresher training has been successfully carried out for the Magistrate court staff in Port Vila – targeting customer care. Seen an improvement in customer services and work ethic.
- In-house Trainings:
 - IT Trainings on the basic use of court technology devices was conducted by Alick and Jethro with continuous refresher trainings with the CMS by Emma.
 - HR refresher trainings with heads of Units and staff on purpose and the importance to conduct and submit the *Annual Staff performance appraisal reports*.

Asset Management: Infrastructure, vehicles & office equipment

ASSET SUMMARY 2022

BUILDINGS RENOVATION	VEHICLE REPAIRS/MANTENANCE	NEW ASSETS	TOTAL (VT)
2,606,165	1,981,235	5,252,003	9,839,403

Building Renovations

Building renovations summary are renovations done within the year 2022 and thus includes the Courts premises and few Official Residence. This also includes building accessories attached 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 2022.

New office equipment

This 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:

DATE	ASSET	LOCATION	DESCRIPTION	CONTRACTOR/SUPPLIER	LPO	AMOUNT
10-January-2022	SC	Port Vila	pinnes for bookshelves	Wilco Hardware	140-019947	22,976
17-January-2022	Efate IC	Port Vila	fencing final payment	Benjamin Administration	140-020002	107,703
26-January-2022	SC	Port Vila	brackets for bookshelves	Wilco Hardware	140-020037	1,860
02-February-2022	SC	Port Vila	repair toilets	JB Plumbing	140-020077	13,000
03-February-2022	Masters Chamber	Port Vila	door materials	Leon Hardware	140-020079	31,520
15-February-2022	Masters Chamber	Port Vila	Labor for master's door	Benjamin Administration	140-020123	25,800
15-February-2022	SC	Port Vila	dumbea padlock	Wilco Hardware	140-020124	6,930

02-March-2022	Efate IC	Port Vila	slab materials	Wilco Hardware	140-020182	47,980
16-March-2022	SC	Port Vila	labor repair roof container	Johnny Iomahwan Miahi	140-020253	13,000
16-March-2022	Efate IC	Port Vila	slab materials	Wilco Hardware	140-020255	20,055
23-March-2022	Efate IC	Port Vila	slab materials	Johnny Iomahwan Miahi	140-020292	230,000
20-April-2022	Efate IC	Port Vila	fix broken pipe	JB Plumbing	140-020325	11,600
10-May-2022	Santo court	Santo	materials for counter glass	Santo Hardware	140-020383	61,656
17-May-2022	Efate IC	Port Vila	bench materials	Wilco Hardware	140-020414	148,220
23-May-2022	SC	Port Vila	Roofing materials	Alubat	140-020423	46,330
27-May-2022	Efate IC	Port Vila	bench materials	Wilco Hardware	140-020436	20,722
02-June-2022	SC	Port Vila	Roofing materials	Alubat	140-020454	44,400
02-June-2022	Efate IC	Port Vila	construct bench labor	Johnny Iomahwan Miahi	140-020456	90,000
13-June-2022	Library	Port Vila	container shelves and roofing	Guang Yuan Industry	140-020492	530,000
13-June-2022	Efate IC	Port Vila	build container roof	Johnny Iomahwan Miahi	140-020493	200,000
15-June-2022	Efate IC	Port Vila	container roof materials	Alubat	140-020494	140,612
15-June-2022	Efate IC	Port Vila	build shelves	Johnny Iomahwan Miahi	140-020502	85,000
20-June-2022	Efate IC	Port Vila	shelves materials	Leon Hardware	140-020514	45,786
23-June-2022	SC	Port Vila	repair ceiling	Alubat	140-020533	10,055
04-July-2022	SC	Port Vila	Repair roof	Johnny Iomahwan Miahi	140-020562	90,000
11-July-2022	SC	Port Vila	fix wiring training office	South Pacific Electric	140-020586	6,500
19-July-2022	SC	Port Vila	repair storage container	Vila Fencing and Construction	140-020632	64,640
04-April-2022	SC	Port Vila	build container roof	Johnny Iomahwan Miahi	140-020564	165,000
04-August-2022	SC	Port Vila	repair roof IT office	Johnny Iomahwan Miahi	140-020699	80,000
05-September-2022	Efate IC	Port Vila	repair shelves	Johnny Iomahwan Miahi	140-020853	30,000
05-September-2022	SC	Port Vila	repair/change PCV	Johnny Iomahwan Miahi	140-020853	45,000

29-September-2022	CJ Residence	Port Vila	fix shower	JB Plumbing	140-020968	25,400
29-September-2022	Efate IC	Port Vila	fix shower	JB Plumbing	140-020968	19,000
18-October-2022	Malekula Court	Malekula	court room renovation	Joses Lingi	140-021073	125,420

TOTAL	2,606,165
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Vehicle Repairs and Maintenance

DATE	ASSET	LOCATION	DESCRIPTION	CONTRACTOR/SUPPLIER	LPO	AMOUNT
27-January-2022	RV 40	Santo	Repair door	Sanma Auto Repair	140-020048	22,000
17-February-2022		Port Vila	court vehicles service	Bodiom	140-020133	525,100
11-March-2022	RV 37	Port Vila	new tyres	Wen Ke Repair	140-020232	30,000
28-March-2022	RV 27	Port Vila	new tyres X4	Wen Ke Repair	140-020295	52,000
28-April-2022	RV 3B	Port Vila	new tyres X4	Yasoon Station	140-020354	76,000
04-May-2022	Penama Boat	Pentecost	fuel tank and repair kits	Vila Marine	140-020361	24,950
09-May-2022	RV 623	Santo	service	Carpenter Motor	140-020380	44,400
16-May-2022	RV 26	Port Vila	service	Bodiom	140-020408	48,515
11-July-2022	RV 29	Port Vila	change clutch disc and accessories	Bodiom	140-020968	118,030
11-July-2022	RV 29	Port Vila	change clutch disc and accessories	Bodiom	140-020583	118,030
18-August-2022	RV 9	Port Vila	New tyre X2	Wen Ke Repair	140-020752	20,000
05-September-2022	RV 37	Port Vila	Service	Bodiom	140-020859	35,530
06-October-2022	RV 623	Santo	service	Carpenter Motor	140-021021	43,990
07-October-2022	RV 40	Santo	service parts	Prestige Motors	140-021025	12,000
03-August-2022		Port Vila	payment of outstanding invoice	Bodiom	140-020618	810,690

TOTAL	1,981,235
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New Office equipment

DATE	ASSET	LOCATION	DESCRIPTION	CONTRACTOR/SUPPLIER	LPO	AMOUNT
26-January-2022	Printer	Port Vila	HP Laserjet Pro M130FW	SPIM	140-020036	48,480
08-February-2022	Office desk	Santo Court	Sc santo	Wilco Hardware	140-020098	22,050

17-February-2022	PC	Port Vila	Dell optiplex 3080 (Ethel/Toran)	Computer world	140-020131	291,980
16-March-2022	Drop Box	Port Vila	drop box for documents	North Efate Timber	140-020254	86,250
16-March-2022	Office desk	Port Vila	Supreme court Judge	Leon Hardware	140-020256	22,100
22-March-2022	PC	Port Vila	Dell Optiplex 3080	Computer world	140-020278	180,000
28-April-2022	PC	Port Vila	Dell Optiplex 3080 (christina)	Computer world	140-020352	145,990
05-May-2022	Refrigerator	Port Vila	Midea (Magistrate)	Computer world	140-020365	22,995
05-May-2022	Chair	Santo Court	Aureliechair	Ahapi Stationary	140-020368	18,500
10-May-2022	Voip	Port Vila	yealink T19PE	Computer world	140-020391	21,992
10-May-2022	Chair	Santo Court	Office mesh chair (M.hannaline)	Ahapi Stationary	140-020392	18,500
12-May-2022	Laptop	Port Vila	HP Pavilion X360 (X3)(magistrates)	Computer world	140-020402	536,955
17-May-2022	PC	Ambae Court	Dell optiplex 3080 sff (C. Magistrate)	Computer world	140-020416	145,990
31-May-2022	PC	Port Vila	Dell optiplex 3080 sff (C. Magistrate)	Computer world	140-020448	175,780
31-May-2022	PC	Port Vila	Dell optiplex 3080 sff (J.Saksak))	Computer world	140-020455	175,780
10-June-2022	PC	Port Vila	Dell optiplex 3080 sff (wendy)	Computer world	140-020481	291,980
10-June-2022	Chair	Port Vila	Monte task chair, IT	Sharper Image	140-020482	38,000
04-July-2022	Printer/Scanner	Santo Court	Final pmnt E-Studio 400AC	Copy Express	140-020566	130,000
11-July-2022	Printer	CJ Residence	Brother MFC-J5730DW	Computer world	140-020585	68,996
12-July-2022	Laptop	Port Vila	Dell G15 5511-R16/15.6'	Computer world	140-020596	249,280
20-July-2022	Chair	Port Vila	Judge Tuohy	Sharper Image	140-020633	57,500
21-July-2022	Vacuum	Vila	2000W Bagless	Computer world	140-020638	8,995
03-August-2022	PC	Tanna Court	Dell optiplex 3080 MFF (Blandine)	Computer world	140-020668	145,990
18-August-2022	Tarpaulin	Port Vila	Promark X6	Port Vila Hardware	140-020750	21,600
17-August-2022	Printer/Scanner	Malekula Court	1st pmnt Toshiba E-Studio 400AC	Copy Express	140-020748	100,000
18-August-2022	Printer/Scanner	Santo Court	Final pmnt E-Studio 400AC	Copy Express	140-020747	130,000

19-August-2022	Cordless Phone	Dumbea Court	Panasonic phone plus 2	Computer World	140-020754	79,990
20-August-2022	TV Screen	Dumbea Court	Samsung 43'	Computer World		
24-August-2022	PC	Santo Court	Dell optiplex 7070 MFF	Computer World	140-020784	148,985
01-September-2022	Teleconference equip	Vila		Computer World	140-020825	771,710
02-September-2022	Monitor	Santo Court	Philips 24'	Etech Santo	140-020841	58,000
05-September-2022	PC	Port Vila	Dell Optiplex 3090 SFF (X4)	Computer world	140-020829	898,109
06-September-2022	Printer/Scanner	Malekula Court	2nd pmnt Toshiba E-Studio 400AC	Copy Express	140-020863	100,000
29-September-2022	Office Chair	Santo Court		Ahapi Stationary	140-020965	37,000
01-September-2022	Booster Cable	Sheriff Office	Tolsen Booster Cable	Leon Hardware	140-020826	2,526

TOTAL	5,252,003
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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. 2021 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 February, May, August 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 2021 included:

- Justice Ronald Young – Retired Justice of the New Zealand High Court
- Justice John William Hansen – Retired of the New Zealand High Court
- 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.

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 judiciaire, adoption, civil status, succession, wills, bankruptcy, insolvency, and liquidation. Currently there are 10 Magistrates appointed across Vanuatu.

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 do not exceed VT 24, 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 140 active 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.

Court results (Court workload)

Court of Appeal workload & clearance rate

Cases filed has decreased by 33% in 2022, compared to 2021 a good thing showing less appeals.

Clearance rate at 89% less than 100%.

Note: 2022 Data is made of system data till the end of October 2022 and manually collected data for November and December.

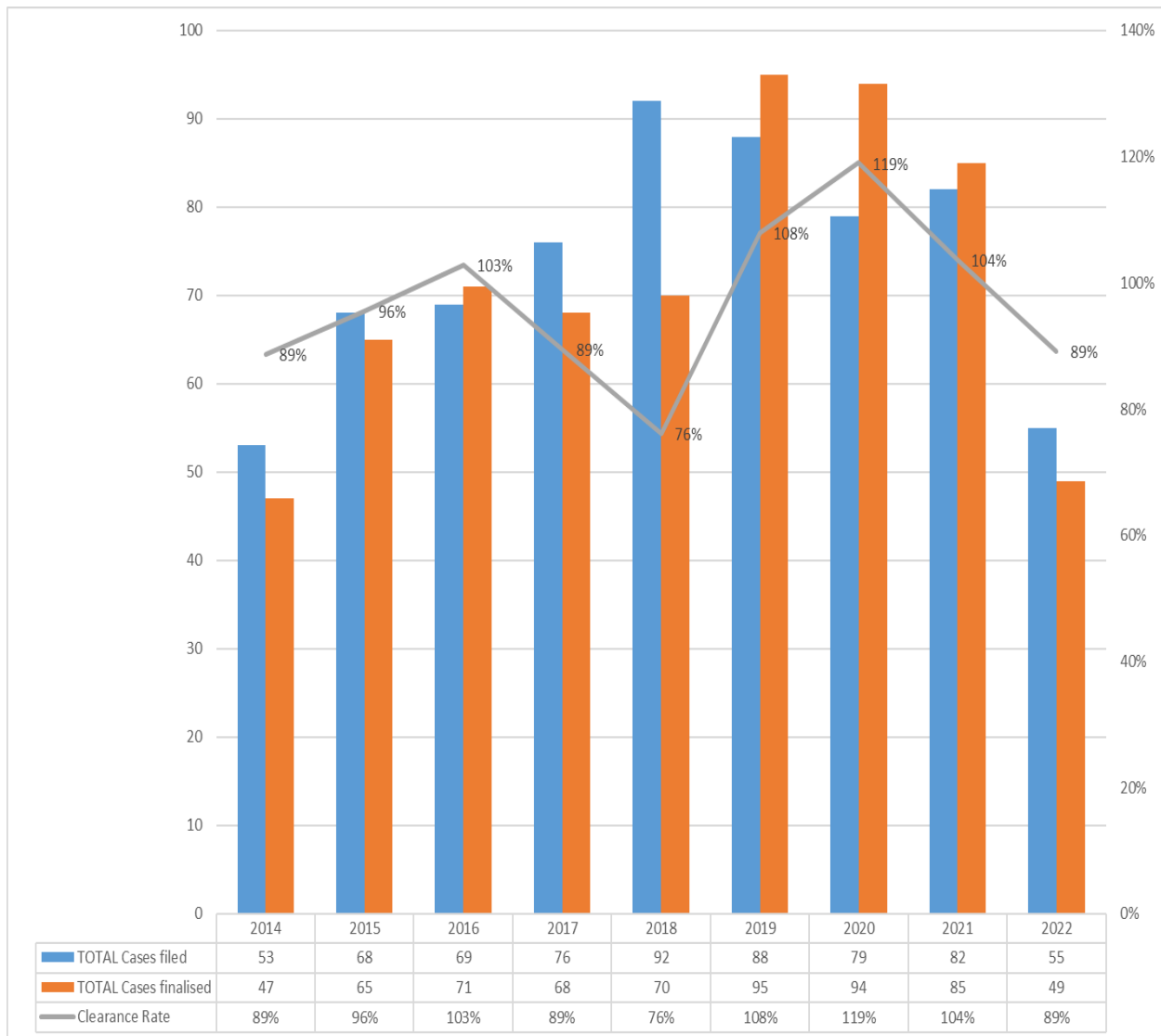


Figure 2: Court of Appeal; trend of filed and finalized cases, and clearance rate – 2014 to 2022.

Supreme Court workload & clearance rate

Supreme Court filing decrease by 12% and case disposal decrease by 14% . Clearance rate of 101 % is slightly lower, compared to year 2021.

Note : 2022 Data is made of system data till the end of October 2022 and manually collected data for November and December.

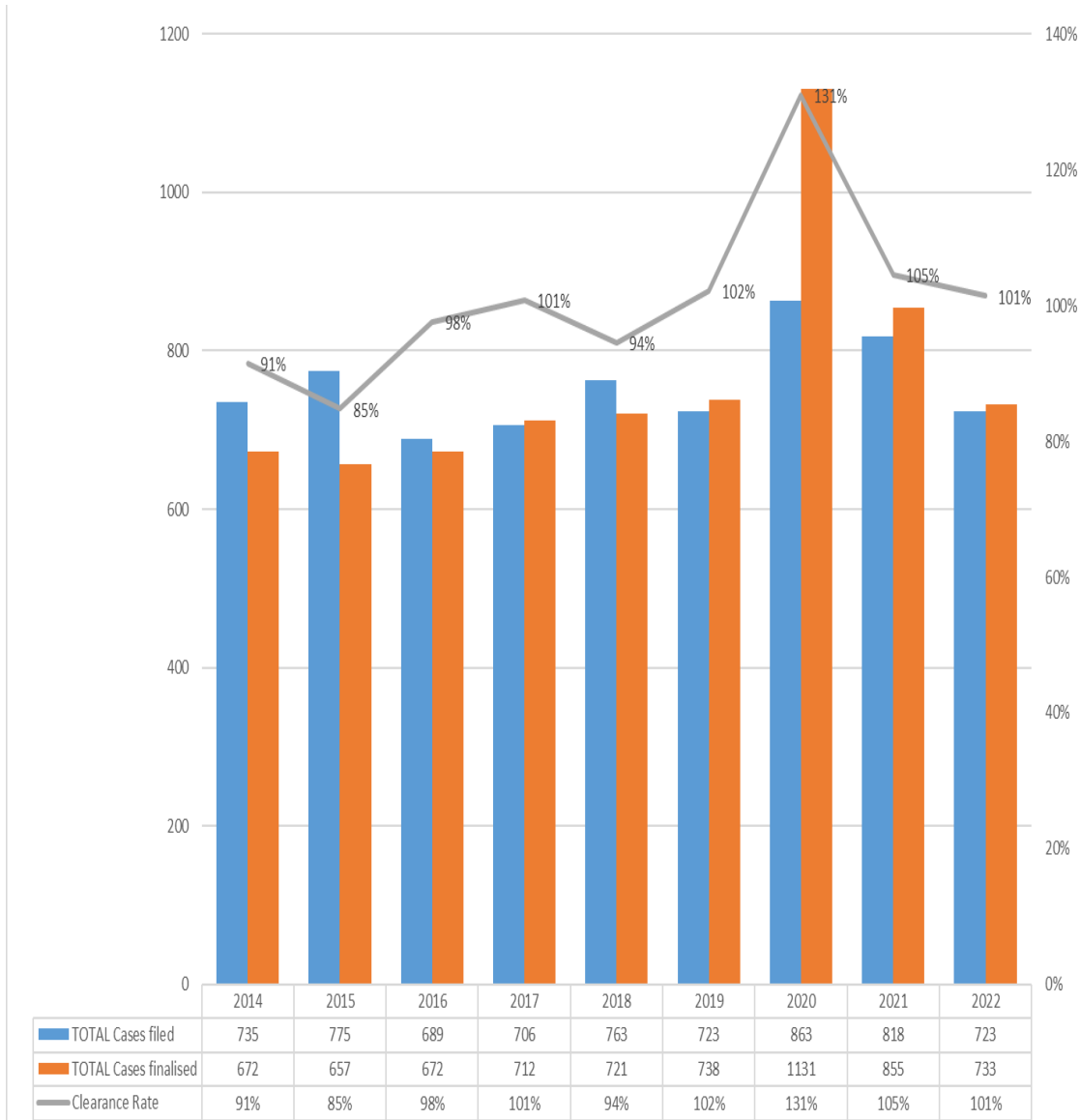


Figure 3: Supreme Court; trend of filed and finalized cases, and clearance rate – 2014 to 2022.

Magistrate Court workload & clearance rate

Magistrate Court filing decreased by 13% and case disposal decreased by 7%, in 2022 however, clearance rate sitting at 102% an increase compared to the year 2021.

Note: 2022 Data is made of system data till the end of October 2022 and manually collected data for November and December.

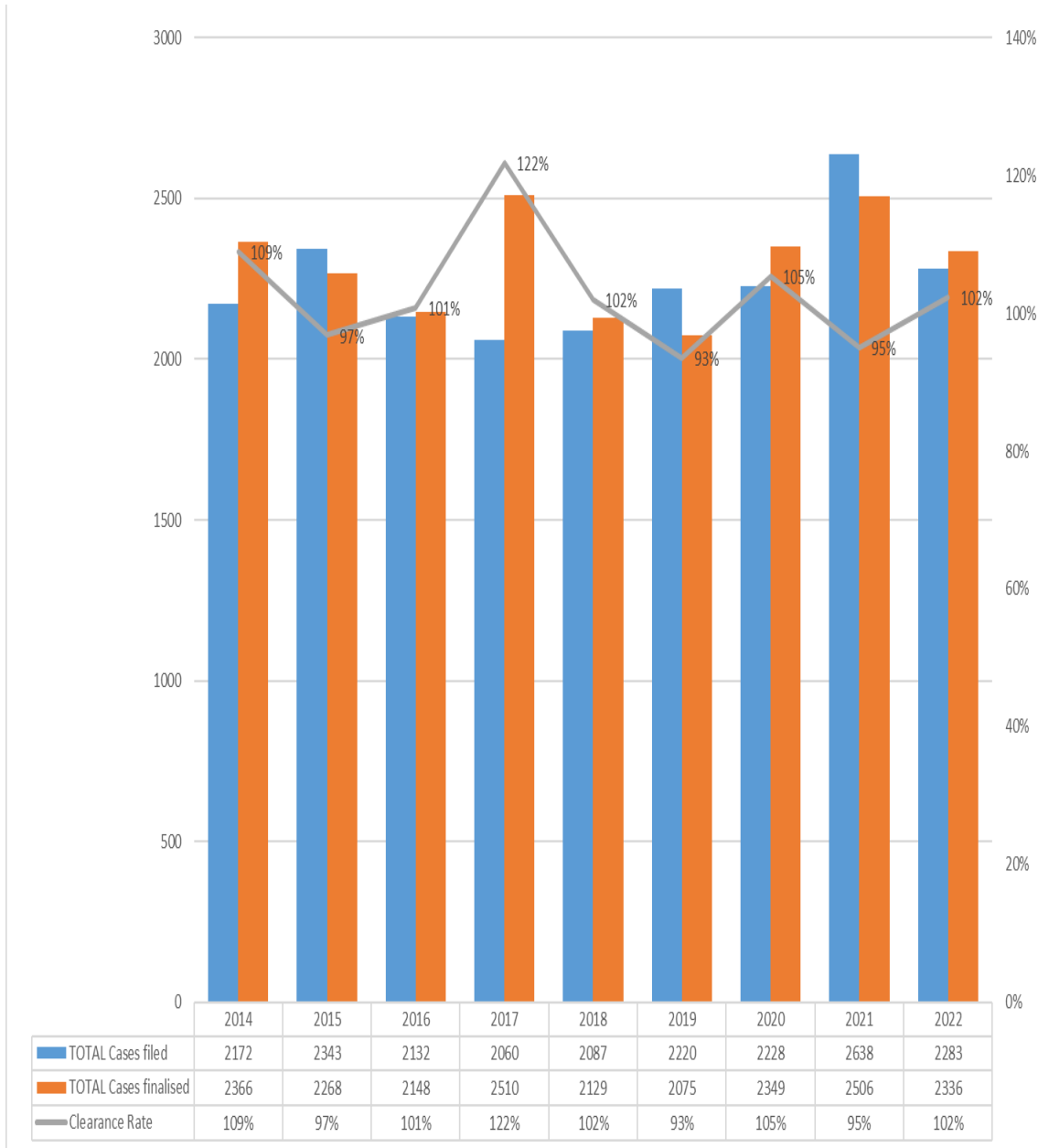


Figure 4: Magistrate Court; trend of filed and finalized cases, and clearance rate – 2014 to 2022.

Island court workload & clearance rate

Cases filed has decrease by over 38%, and disposals 66% in 2022. Clearance rate at 58% the lowest we have ever seen – needs further investigation.

Note: 2022 Data is made of system data till the end of October 2022 and manually collected data for November and December.

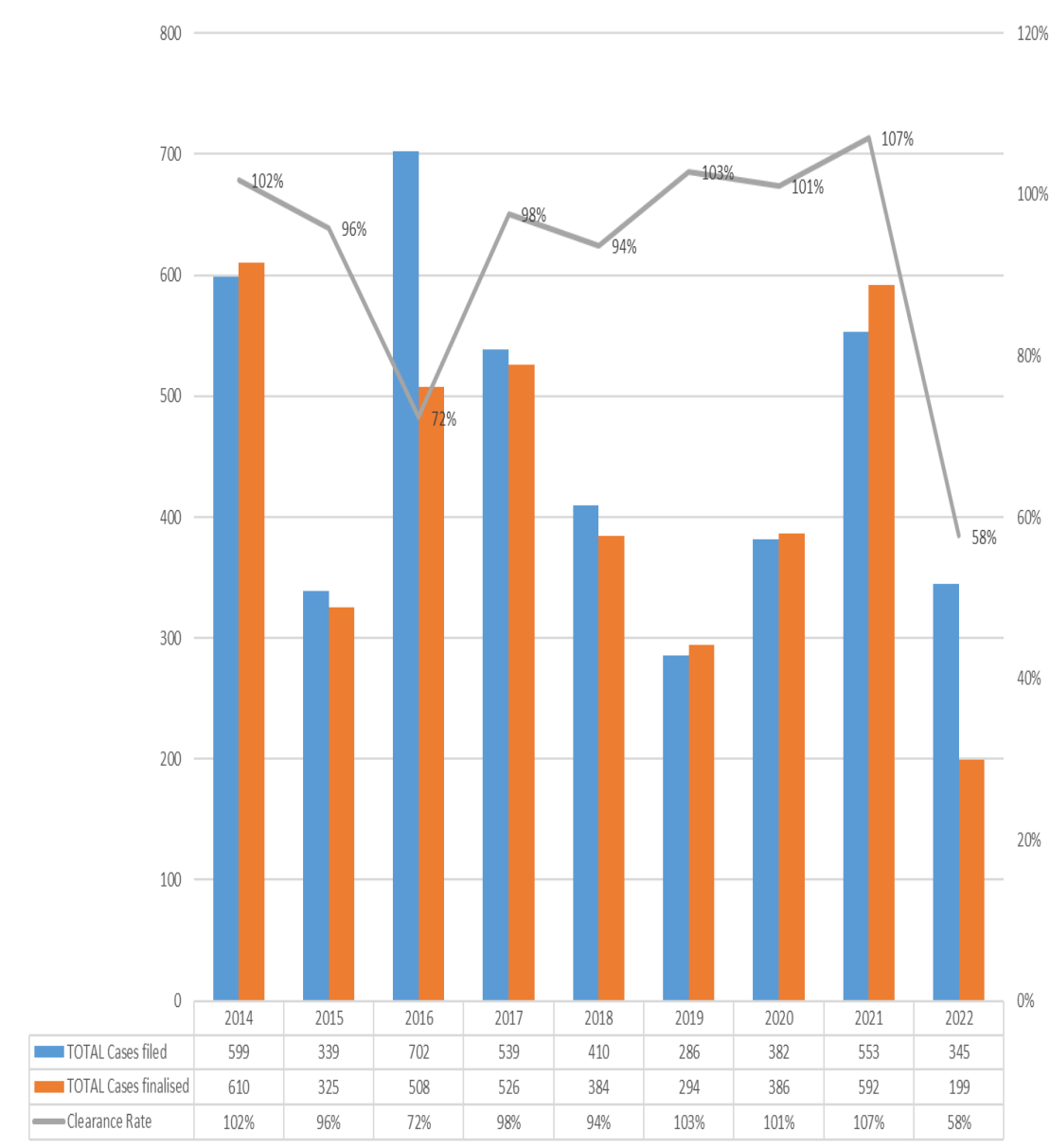


Figure 5: Island Court; trend of filed and finalized cases, and clearance rate – 2014 to 2022.

Clearance rate

Just of over 3,400 cases filed across the four jurisdictions, a 17% decreased compared to the year 2021. A clearance rate of 98%, but 3 out of 4 jurisdictions better than 100%.

Pending Cases by Court

2,465 cases are now pending across the four jurisdictions, with 33% 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 0.5 for the lower courts.

Note: 2022 Data is made of system data till the end of October 2022 and manually collected data for November and December.

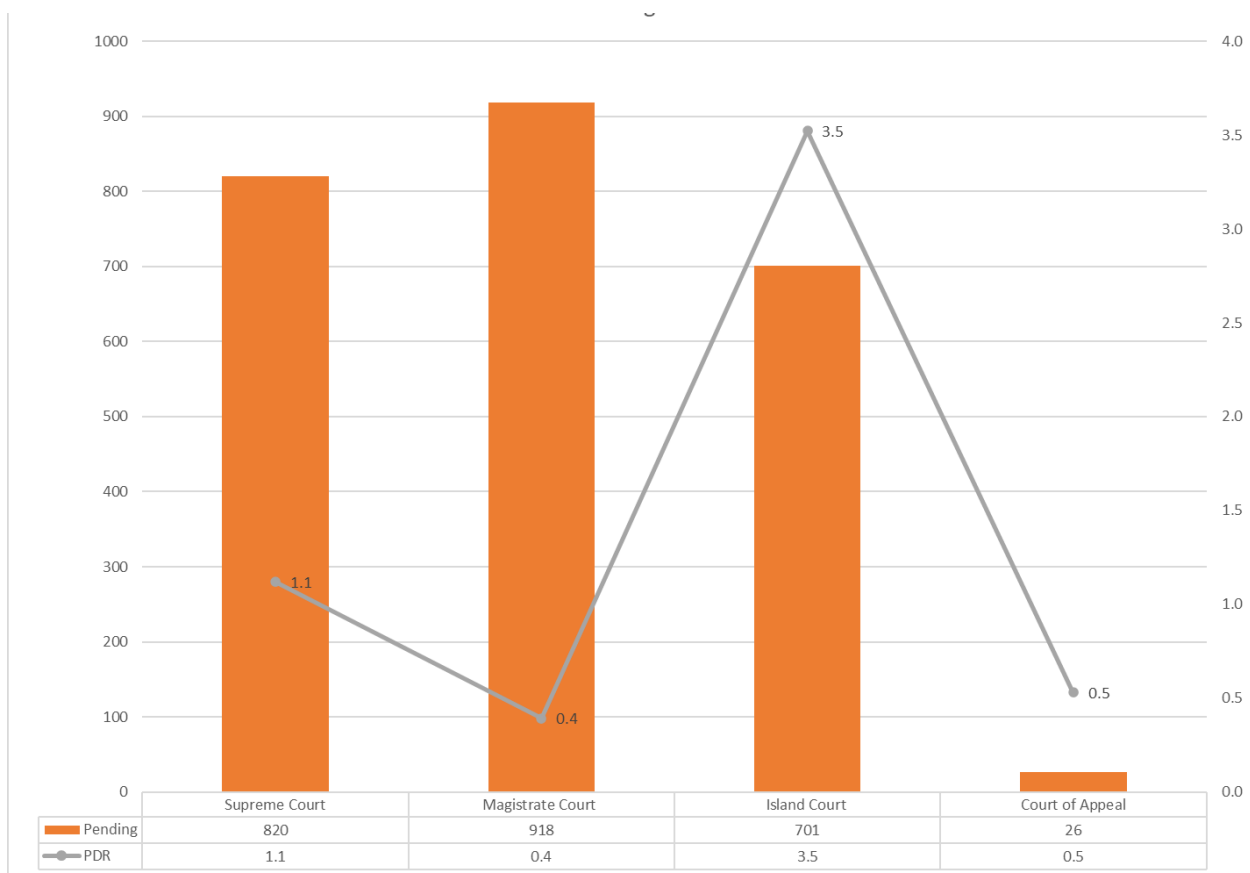


Figure 6: Pending cases by four court jurisdictions.

Timeliness

Civil Cases

Civil cases in the Supreme and Island Court have decreased and Magistrate Court a slight increase in 2022 compared to 2021.

Note: 2022 Data is made of system data till the end of October 2022.

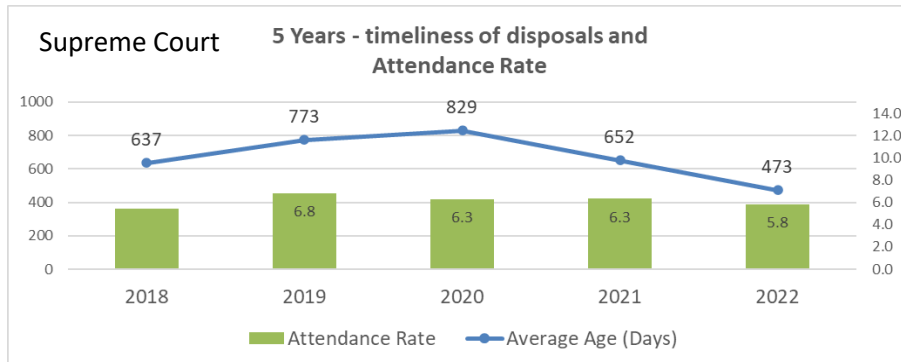


Figure 7: Disposal by days in the Supreme Court for Civil cases

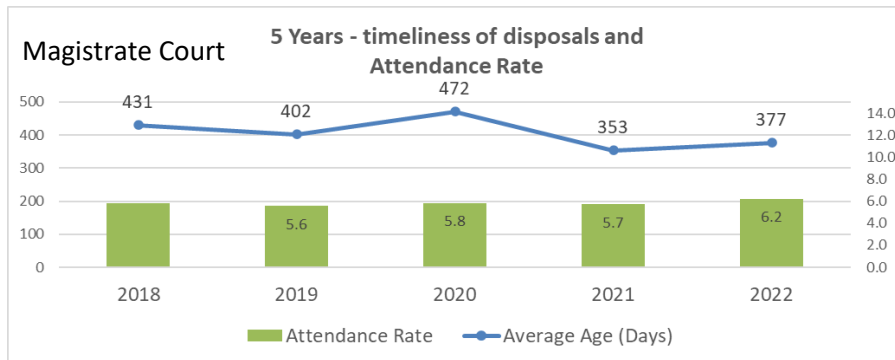


Figure 8: Disposal by days in the Magistrate Court for Civil cases

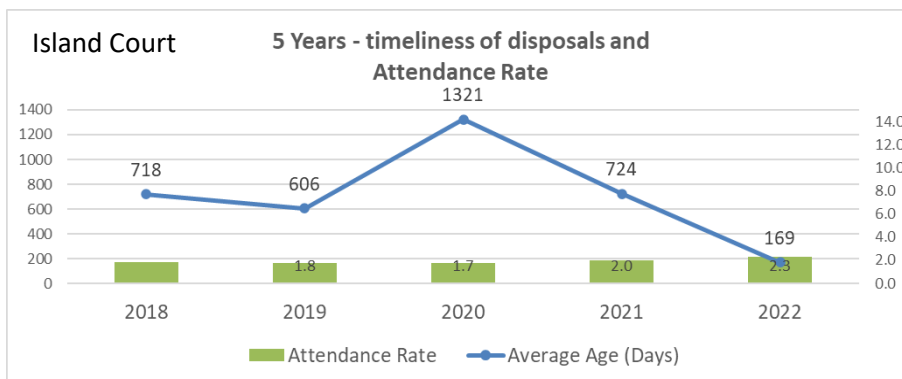


Figure 9: Disposal by days in the Island Courts for Civil cases

Criminal Case

Criminal cases average days to finalize case have increased in 2022 compared to 2021.
 Note: 2022 Data is as of end of October 2022 from the court system.

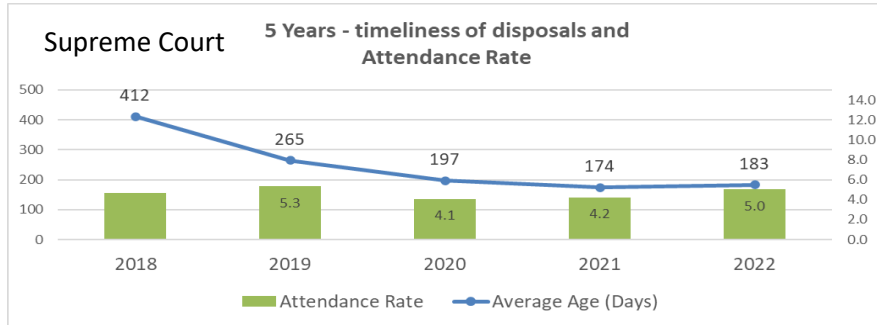


Figure 10: Disposal by days in the Supreme court for criminal cases

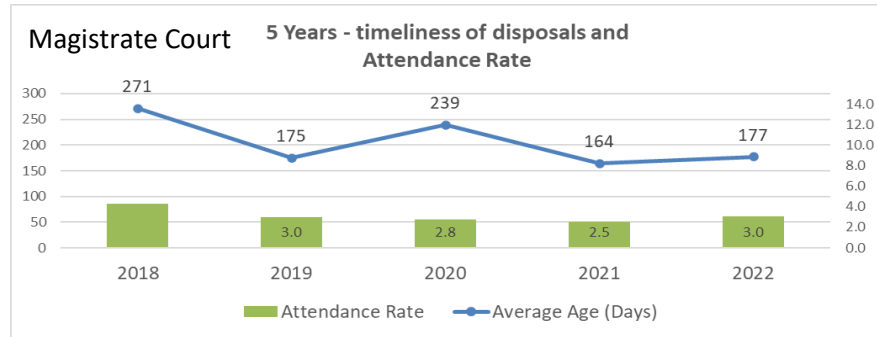


Figure11: Disposal by days in the Magistrate court for criminal cases

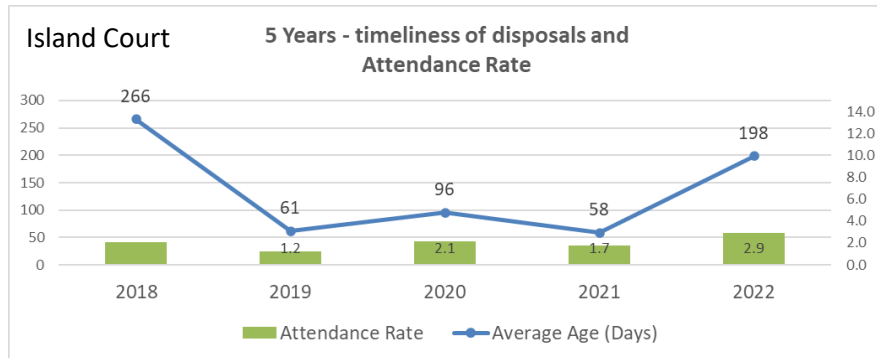


Figure 12: Disposal by days in the Island courts for criminal cases

Attendance Rates

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

Supreme Court

Of concern is the high number of attendances for Enforcement and Criminal, which has direct impact on inconvenience and costs to parties. This is to be reviewed. A decrease in Civil, while others are stable.

Note: 2022 Data is made of system data

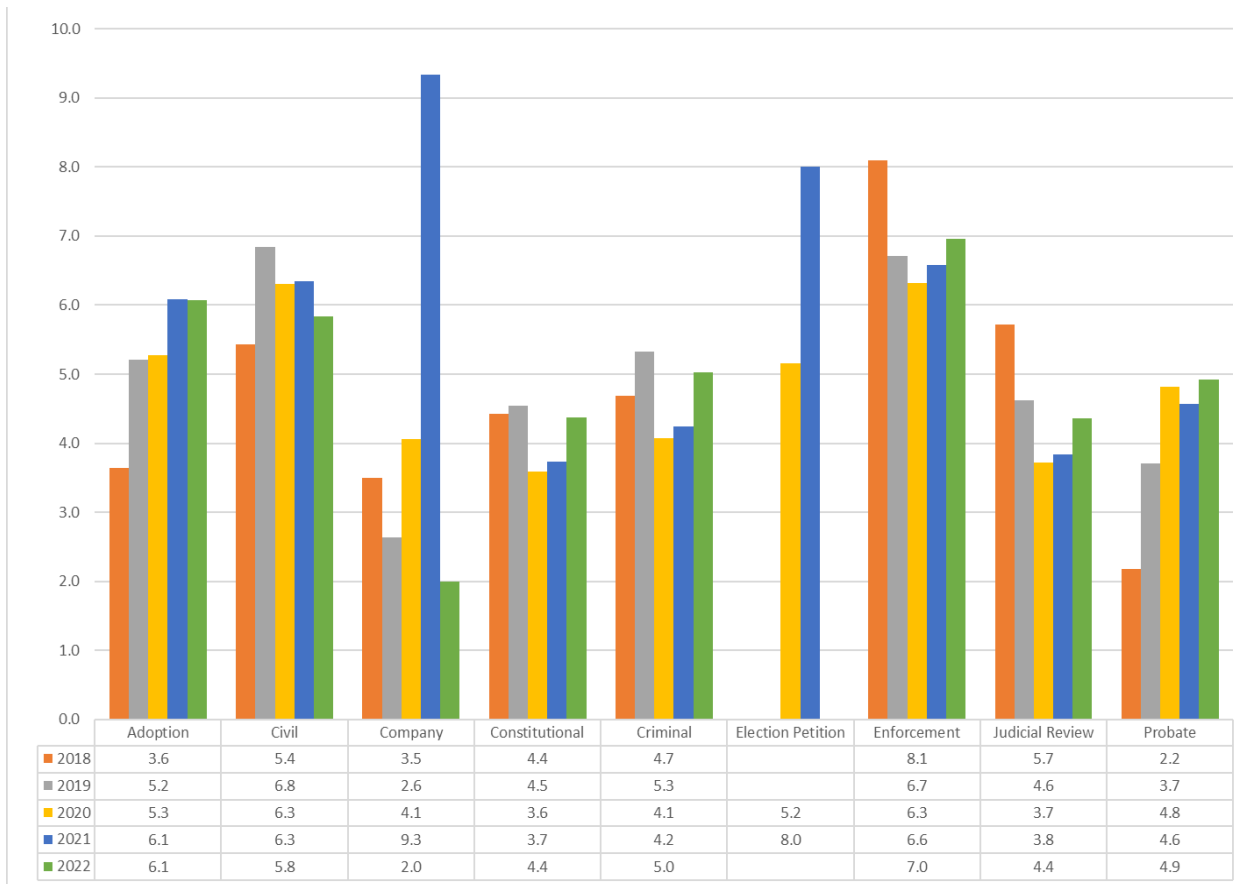


Figure 13: Supreme Court completed attendance rates.

Magistrate Court

Of concern, Civil, Criminal, and Enforcement – an increase in the number of the attendance rates and a decrease in attendance for Violence (Protection Order), are generally in-line with good practice for Magistrate Court.

2022 Data is as of end of October 2022 from the court system.

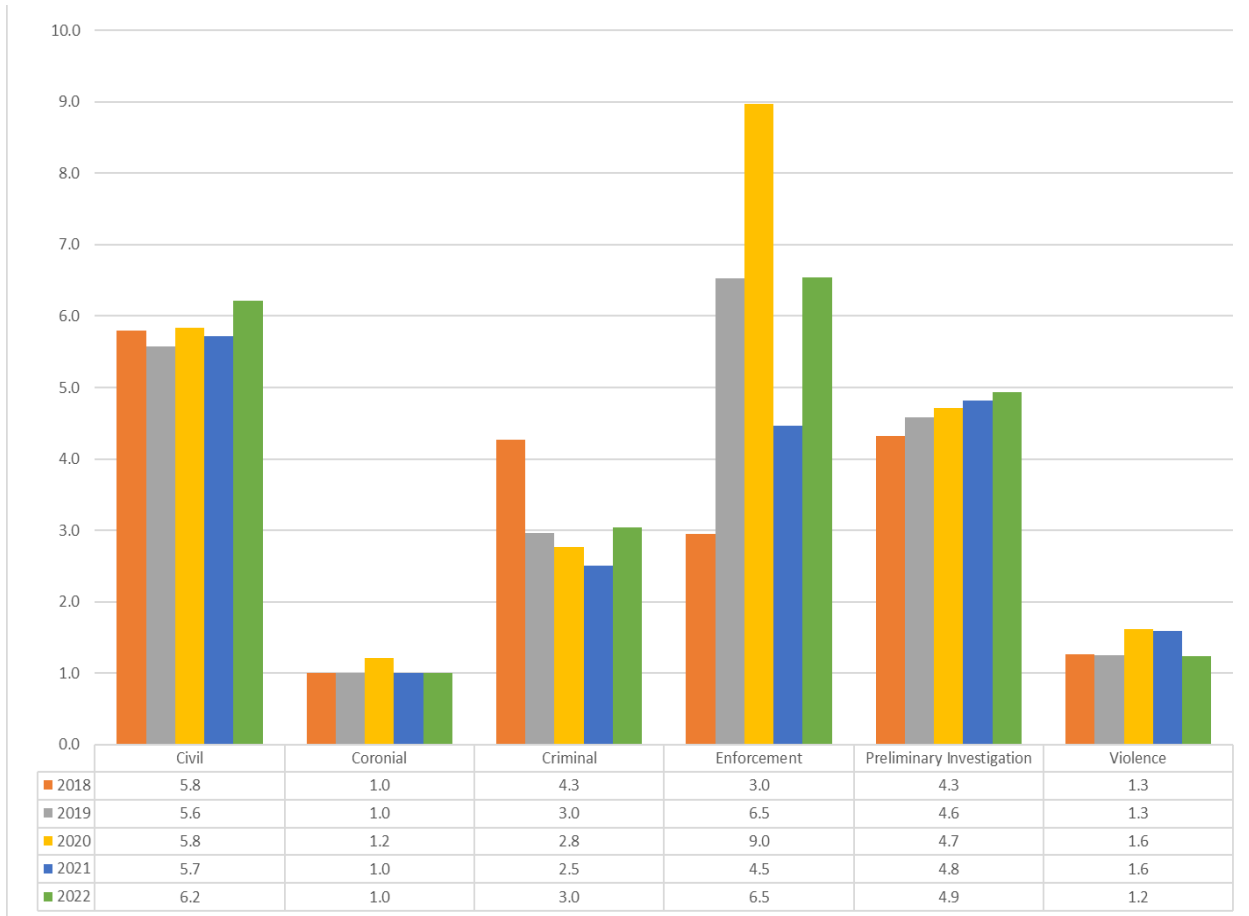


Figure14: Magistrate Court completed attendance rates.

Commentaries

Supreme Court

- SC filings just above 700, less than last year 2021 – with 723 cases filed.
- SC disposals while not as in year 202, less – with 733 cases closed.
- Clearance rate again was greater than 100% - at 101%, an excellent result.
- Pending remains just over 800.
- PDR is 1.1 – just above the target for any Supreme Court
- Timeliness for completing Criminal cases slightly increased – now at 183 days versus 174 last year. Civil cases also reduced from 652 days to 473 days – a great result.

Overall

- Attendance rates (which impact and cost to the parties) continue to being monitored carefully. An increase in attendance for criminal and enforcement and a decrease in civil, while others are stable.

Magistrate Court

- MC filings decrease significantly from 2638 to 2283 – a decrease of 13%
- MC disposals decrease from 2506 to 2336 cases, a decrease of 7%
- The clearance rate increased - greater than 100% - to 102%, an excellent result.
- Pending at 918 cases – a decrease to 2021
- PDR remains steady at 0.4 – a very good position.
- Timeliness for completing both Criminal and Civil cases – a slight increase, 164 to 177 days for Criminal and 353 to 377 days for Civil.

Overall

- Pending case numbers (open cases) decreased slightly due to the Clearance Rate more than 100%
- The Pending to Disposal Ratio (PDR) is solid at 0.4.

Island Court

- IC filings - decreased by 38% - from 553 to 345 cases filed, compared to 2021.
- IC disposals - decrease by 66% from 592 cases to 199, the lowest we have ever seen – needs further investigation.
- Clearance rate well below 100% - at 58% - the lowest we have ever seen.
- Pending cases increase to 701 cases compared to 2021.
- PDR has increase to significantly 3.5 - greater than ideal target – which is less than 0.5.

Overall

- Filings and Finalization continue to decrease - needs further investigation.

Cook Island 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

- Court of Appeal, the clearance rate is 89%
- Supreme Court clearance is 101.1%
- Magistrates Court clearance rate is 102.2%
- Island Courts rate is 58%

Average duration

Average duration of cases from filing to finalization

Court of Appeal

- Civil Appeal Cases – 94 days
- Criminal Appeal Cases – 71 days

Supreme Court

- Civil Cases – 473 days
- Criminal Cases – 183 days

Magistrates Court

- Civil Cases – 377 days
- Criminal Cases – 177 days

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. 723 cases were finalized by the Supreme Court in 2022, and 55 cases were appealed to the Court of Appeal. This represents 7.6% of all cases finalized in the Supreme Court that were appealed.

Overtake rate on appeal is 36 %

Fee waiver

The record of cases that are granted fee waiver is not updated due to the government network hack in 2022 – seen none.

Cases disposed on circuit

The percentage of cases disposed through court circuit is not updated for both Supreme and Magistrate court.

Complaints

The percentage of complaints received concerning a Judicial Officer 1 %

The percentage of complaints received concerning a court staff member is approximately 1 %.

Judicial resources

The average number of cases per judicial officer in the Supreme Court is 145 cases per year per judge and in the Magistrates, is 253 cases per Magistrate per year.

Staff resource

The average number of cases per member of the Supreme Court staff (secretaries) is 90 and for Magistrate Court staff is 228.

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

Juvenile/Children cases

No record

Violence cases

Violence against women/Children

Due to incomplete information in the system, the actual violence cases in the system is not accurate.

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 2022.

Challenges

1. The 3 months Covid19 restrictions – no full-time office operation beginning March and resuming after June. Most hearings affected.
2. The missing data during the government hacking – 5 months' worth data.
3. The non-service of summonses for criminal cases lodged in the Magistrates Court has a great impact on the Magistrates Court in managing cases.
4. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters due to limited resources.
5. 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.

Human resources

The workforce, recruitment, Welfares of all Court personnel and Judicial officers for the last 12 months period the 01st of January 2022 - 31st December 2022.

1. Current Human Resources

Designation	FTE	Contract	Vacant
Judges	6	1	0
Master & Deputy Master	2		
Magistrates	10		
Judicial Support & Administration.	45		
Enforcement	5		

(NB: FTE - Full Time Employee)

2. Recruitment

There are six new recruitments in 2022.

1. Procurement Officer
2. Technology & System Officer
3. Assistant Sheriff
4. Administrative Driver
5. Secretary – Magistrate Court
6. Filing Clerk

The Procurement Officer has received permanent appointment. Other 5 Positions Probation will be due on the month of January, February & March 2023.

3. Redundancy/ Separation

Table below shows three officers resigned and one terminated by JSC in year 2022- total of three staff.

Retirement Age	Retire on Medical Grounds	Resignation	Removal from JSC/ Termination
0	0	3	0

4. Leaves Records

A) Outstanding Leaves Update by Judiciary

Below is a summary of leave records for Judiciary staff as of 31/12/2022 compared to end of 2021. With the results below has shown need for better management of leaves.

#	ID #	DESIGNATION	EMPLOYMENT START DATE	ANNUAL SALARY	<u>2021 leave Bal</u>	<u>2022 leave Bal</u>
1	430397	Chief Justice	1-Jun-96	10,459,000	542.5	671.5
2	153601	Judge	6-May-97	8,009,600	514	641.5
3	292425	Judge	20-Nov-21	8,009,600	3.5	42
4	328849	Judge	31-May-11	8,009,600	411	453
5	194654	Judge	15-Jul-19	8,009,600	18.75	45.75
6	9999989	Master	1-Oct-15	5,989,600	177.5	216.5
7	1077584	D. Master	11-Jan-18	3,527,600	15	11
8	231373	Acting Chief Magistrate	1-Apr-99	4,206,700	92	158
9	428342	Senior Magistrate	5-Feb-91	3,739,300	372.5	422.5
10	505404	Senior Magistrate	14-Aug-13	3,739,300	39.25	44.25
11	636209	Senior Magistrate	26-Jan-11	3,739,300	27.25	45.25
12	1076457	Magistrate	7-Nov-16	3,272,000	44.75	65.75
13	1076127	Magistrate	6-Jun-14	3,272,000	30.75	49.75
14	1088705	Magistrate	6-Jun-14	3,272,000	0	4
15	1085051	Magistrate	6-Jun-14	3,272,000	9.5	24.5
16	1076938	Magistrate	22-Nov-21	3,029,600	4.25	15.75
17	1070329	Magistrate	15-Jul-19	3,135,600	14.75	23.75
18	706028	Chief Registrar	3-May-99	4,444,800	355.5	463.5
19	741843	Judicial Dev/ Training Coordinator	11-Apr-16	3,272,000	64.5	86.5
20	1030961	Driver	24-Sep-12	1,094,600	102.75	129.25
21	1102615	Driver	1-Aug-22	1,001,300	-	8.75
22	1076314	Cleaner	21-Oct-19	1,001,300	4.25	18
23	1065953	Cleaner	2-Oct-17	663,400	28	39
24	1064487	Human Resource Officer	27-Apr-20	2,787,200	0	6.5
25	1066364	Accountant	23-Feb-09	3,272,000	84	84.5

26	1064313	Technology & System Officer	13-Jun-22	2,787,200	-	10.5
27	1076585	Filing Clerk	17-Oct-22	1,029,600	-	3.5
28	1101868	Asset Officer	4-Jun-18	1,094,600	69	90.5
29	1080937	Finance Officer	22-May-14	1,755,200	101.75	107.75
30	1113837	Procurement Officer	3-Mar-22	1,001,300	24.25	15.75
31	430710	Sheriff	3-Jun-19	1,974,600	36	83.5
32	1065228	Deputy Sheriff	25-May-15	1,345,000	90	110
33	1077468	Assistant Sheriff	19-Aug-22	1,345,000	-	7
34	1074213	Court Orderly	6-Apr-21	1,001,300	0	18.5
35	1066466	Secretary	16-Feb-15	1,058,000	15.5	29
36	741413	Library	20-Nov-06	2,202,300	52.25	70.75
37	743690	Receptionist	9-Jan-12	1,094,600	26.75	39.75
38	552810	Secretary	1-Feb-96	1,614,000	78	160.5
39	442848	Secretary	1-Feb-96	1,434,600	88	208.5
40	1080937	Secretary	3-Nov-99	1,560,200	-28	83.75
41	1082268	Secretary	8-Sep-14	1,243,400	50.25	50.25
42	1078057	Secretary	2-Feb-13	1,094,600	33.5	54
43	7827755	Secretary	19-Feb-07	1,345,000	20.5	33
44	1075034	Secretary	27-Jul-09	1,291,200	53.75	59.75
45	1100800	Secretary	9-Apr-18	1,058,000	0	11
46	726596	Assistant Registrar	25-Apr-05	1,560,200	27	45
47	1065584	Assistant Registrar	9-Mar-14	1,755,200	30	44.5
48	1063080	Assistant Registrar	2-Jan-21	1,195,500	18.25	36.25
49	639393	Secretary	16-Apr-98	1,513,100	39.5	114
50	1083514	Secretary	30-Apr-12	1,058,000	65.5	86
51	1085134	Secretary	5-Jun-17	1,058,000	11.5	31
52	1065690	Secretary	12-Jul-21	1,001,300	8.75	26.75

53	10700115	Secretary	7-Dec-06	1,386,800	8.5	21.5
54	1088944	Secretary	4-Oct-21	1,029,600	5.25	23.5
55	553776	Secretary	4-Sep-14	1,058,000	78.25	37.25
56	1090421	Secretary	5-Sep-22	1,001,300	-	5.25
57	1078396	SAIC	10-May-10	2,042,700	46.25	75.25
58	1069788	Secretary	2-Sep-10	1,126,500	86.25	100.25
59	1072647	Island Court Clerk	12-Aug-13	1,434,600	48.5	61
60	1084169	Island Court Clerk	2-May-13	1,434,600	130.25	151.25
61	149054	Island Court Clerk	2-Jan-85	1,434,600	791	900
62	1079026	Island Court Clerk	14-May-15	1,434,600	18.25	33.75
63	1069727	Island Court Clerk	2-Oct-06	1,434,600	30.5	45.5
64	1063923	Island Court Clerk	3-Mar-10	1,434,600	55.75	70.75
65	1083480	Island Court Clerk	30-Apr-12	1,434,600	58	79
66	1074771	Island Court Clerk	3-Mar-10	1,434,600	26.75	47.75
67	1077952	Island Court Clerk	9-Mar-10	1,434,600	147.75	168.75
68	1110361	Island Court Clerk	12-Jul-21	1,345,000	8.75	17

Judiciary will continue to encourage staff to take annual leave where possible and find avenues where leave balances can be paid off so that in the next 2-3 years, we would like to see leave balances at a manageable status for the institution.

B. Override of accurate leave records

FTE who has worked over 20 years leave balances still needs to be updated in the system (10 staff only). Follow-up will continue this year with the FMIS team to ensure the override is implemented for this specific grouping.

5. Staff welfare

Most of the Staff employment statuses are permanent, receiving all entitlements. Salaries are paid fortnightly for the last 12 months.

6. Office Hours

Most staff attend work by 7.30am to 8am; Each Courts has a time record sheet in place. HRO provides an up-date report each month to the Chief Registrar on the status of staff timing. Reminders to staff regarding timing are provided to staff where necessary so that Official hours of work are respected by staff.

Day-off is granted to staff for work done on weekends or Public Holiday or when they travel during weekends for work purposes. Day-offs are tracked and Managed by HRO.

7. Discipline

In the year 2022, there was no termination of staff by the Judicial Service Commission.

8. Record Keeping

Court staff and judicial officers each have their own personnel file in both SOFT & HARD COPY of which the HRO have access and updates the files.

The Budget execution and management

Judiciary's execution of budget in 2022 have been managed to its very best to meet most of the request that were brought forward which required budget.

Not all activities that were listed in the Judicial Management Improvement Plan and court yearly planner and calendars were executed. Some required further discussions and need more work to be done before its implementation.

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 court's registries around the country.

Table showing approved annual budget for Judiciary 2022 Financial year.

Year	Payroll Budget	Operations budget	Annual Budget
2022	327,434,858	223,455,519	103,979,339

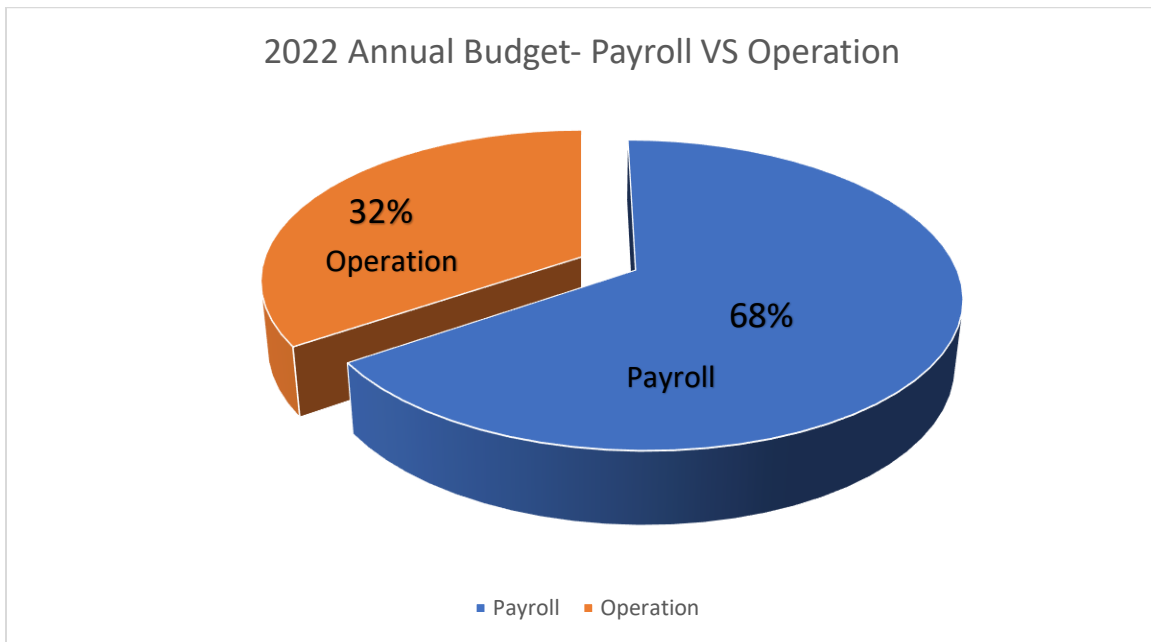


Figure 15: Payroll compared to the operation budget.

1. Statement of Appropriation

Judiciary's 2022 annual budget approved ceiling by Parliament was a total of 295,028,990 Vatu. The budget share for Payroll was 68 percent and budget share for operation is 32 percent.

The administration also applied for NPP to assists with its priority activities. The total approved NPP was VT 13,832,850.

Judiciary function throughout the 2022 financial year with the total budget of VT 327,434,858.

2. Payroll Expenditure

Account	Description	Actual Expenses	Total	Budget	Under/(Over)
	Personnel Expenses				
8AAA	Acting Allowances	795,678	795,678	-	(795,678)
8AAB	Responsibility Allowance	1,890,300	1,890,300	900,000	(990,300)
8AAF	Family Allowance	2,059,160	2,059,160	2,280,000	220,840
8AAG	Gratuities Allowances	8,671,972	8,671,972	10,751,032	2,079,060
8AAH	Housing Allowances	20,177,692	20,177,692	21,360,000	1,182,308
8AAO	Other Allowances	96,880	96,880	0	(96,880)
8AAP	Home Island Passage Allowances	1,089,238	1,089,238	50,000	(1039,238)
8ASP	Provident Fund	6,680,530	6,680,530	7,344,464	663,934
8AWL	Leave expense	17,236,951	17,236,951	0	(17,236,951)
8AWP	Permanent Wages	167,540,902	167,540,902	180,479,600	12,938,698
PAYR	Payroll expenses	0	0	290,423	290,423
	Personnel Expenses	226,239,303	226,239,303	223,455,519	(2,783,784)

Allocated payroll budget was 68% or VT 223,455,519. The payroll expenses above shows that Judiciary overspent its budget by VT 2,783,784.

Major Spend Accounts

The major spending was from Judges Gratuities, Housing allowances, Provident Fund, Leave expenses and Permanent wages.

Major Underspend Accounts

The major underspent payroll accounts were from gratuities, housing, and permanent wages. This indicates that Judiciary did not formalize all the recruitments in year 2022.

Major Overspend Accounts

The major overspent payroll accounts were from acting allowances, responsibility allowances, home island passage allowance and leave expenses.

Each account will be justified the reason of being overspent.

- i. **Acting allowances-** No budget under acting allowance account for the reason that institution planning not clear.
- ii. **Responsibility allowances-** Judiciary budget VT 900,000 under responsibility account. Along the year, there are decisions which arise that required to compensate some staff for doing additional job apart from their JD's. This has led to overspent under this account.
- iii. **Home island passage allowance-** No proper planning for staff to take Home Island leaves thus no proper budget under this account. More budget can be allocated to this account, but it will be a waste if staff do not take-home island leave.

iv. **Leave expenses** – No funds were allocated to leaves account. Outstanding leaves were paid by payroll savings.

In year 2022 four Judicial Officers outstanding leaves were paid.

- a. Judge Wiltens contract ended.
- b. Master Cybelle Cenac resigned.
- c. Chief Justice, Hon. Vincent Lunabek- difference of 200 days been paid for end of year 2021.
- d. Judge Oliver Saksak- difference of 200 days been paid for end of year 2021.

3. Operation Expenditure

Account	Description	Actual	Total	Budget	Under(Over)
8CAB	Subsistence Allowances	2,265,700	2,265,700	5,580,000	3,314,300
8CAS	Sitting Allowances	27,456,045	27,456,045	25,137,523	(2,318,522)
8CBI	International Accommodation	0	0	700,000	700,000
8CBL	Local Accommodation	2,099,614	2,099,614	3,880,184	1,780,570
8CEM	Software Maintenance Fees	595,300	595,300	1,474,300	879,000
8CET	Other Fees	128,325	128,325	6,242,106	6,113,781
8CFV	Vehicles Fuel	2,521,297	2,524,297	2,691,504	170,207
8CGR	Transport - Freight	2,168,815	2,168,815	576,000	(1,592,815)
8CGS	Storage Freight	43,580	43,580	164,461	120,881
8CHL	Local Medical Treatment	435	435	0	(435)
8CIE	Equipment Hire	79,369	79,369	0	(79,369)
8CIF	Facilities Hire	426,956	426,956	465,000	38,044
8CIV	Vehicles Hire	94,348	94,348	436,736	342,388
8CJO	Office Cleaning	1,499,248	1,499,248	536,427	(962,821)
8CKD	Advertising - Communications	666,782	666,782	2,100,000	1,433,218
8CKL	Translation Communications	2,700,445	2,700,445	1,562,285	(1,138,160)
8CKP	Postage - Communications	16,734	16,734	0	(16,734)
8CKR	Printing - Communications	1,041,189	1,041,189	850,000	(191,189)
8CKS	Stationery - Communications	1,689,964	1,689,964	541,200	(1,148,764)
8CKT	Telephone / Fax - Communications	2,185,908	2,185,908	2,313,568	127,660
8CMG	General - Materials	1,617	1,617	0	(1,617)
8CMO	Office - Materials	28,788	28,788	0	(28,788)
8CNO	Office Rental	15,923,709	15,923,709	18,012,480	2,088,771
8CNT	Other Rental	11,221	11,221	3,840,000	3,840,000
8COD	Research & Development	0	0	900,000	900,000
8COF	Refunds	1,301,513	1,301,513	1,099,601	(201,912)
8COI	Incidentals	437,562	437,562	610,000	172,438
8COP	Official Entertainment	2,426,795	2,426,795	2,426,795	(1,795)
8COS	Insurance	43,039	43,039	0	(43,039)

8CRB	Buildings Repairs & Maintenance	2,041,235	2,041,235	1,000,000	(1,041,235)
8CRE	Equipment Repairs & Maintenance	938,966	938,966	150,000	(788,966)
8CRV	Vehicles Repairs & Maintenance	2,068,512	2,068,512	1,000,000	(1,068,512)
8CRW	Vehicle Servicing	22,178	22,178	0	(22,178)
8CTI	International Travel	761,162	761,162	820,000	58,838
8CTL	Local Travel	6,987,404	6,987,404	5,888,168	(1,099,236)
8CUC	Gas - Cooking Utilities	321,298	321,298	524,800	203,502
8CUE	Electricity Utilities	9,648,589	9,648,589	4,053,704	(5,594,885)
8CUL	Lighting Utilities	28,673	28,673	50,000	21,327
8CUW	Water Utilities	645,979	645,979	709,000	63,021
8CZV	Value Added Tax	8,159,230	8,159,230	3,405,280	(4,753,950)
8EEA	Equipment - Additional General	1,923,080	1,923,080	0	(1,923,080)
8EEC	Equipment - Computer	2,994,946	2,994,946	400,000	(2,594,946)
8EFO	Furniture - Office Furniture	334,993	334,993	250,000	(84,993)
8EVR	Vehicle - Replacement	0	0	3,880,435	3,880,435
8FCB	Bank Charges	13,770	13,770	0	(13,770)
OVER	Overhead expenses	0	0	(290,423)	(290,423)
	Operating Expenses	104,744,313	104,744,313	103,979,339	-764,974

The allocated Operation budget was 32% or VT 103,979,339. The operation expenses above shows that Judiciary had spent 103,908,127 million and had under spent its 2022 operation budget of 71,212 thousand Vatu.

Major Spend Accounts

The major spending was under subsistence allowance account, sitting allowance account, local accommodation account, Vehicles fuel account, transport freight account, office cleaning account, translation account, printing, stationaries account, telephone account, office rental account, refund account, official entertainment account, building repair account, vehicles repair & maintenance account, local travel account, electricity utility account, VAT account, equipment additional general account and equipment computer account.

Major underspend Accounts

- **Subsistence allowance-** This account was underspend because of the COVID19 locked down which affects most of the court tours to outer islands.
- **International accommodation-** No international travel due to COVID 19 being locked down.
- **Local accommodation-** This account was underspend also because of COVID19 lockdown which affects most of the court tours to outer islands.
- **Software maintenance fees-** This account was underspend because in 2021, payment was made twice so in 2022, we just pay the difference.

- **Other fees-** Most of the fee's budget under this account is for sheriff execution fees example, valuation fees.
- **Advertising communications-** COVID 19 also have impacts on Sheriff planning to execute the court judgements. Court judgements involves people's lives. Most enforcements are out in different media outlets.
- **Office rental-** When court tours to outer islands, we normally hire halls, nakamals and other rooms for court hearings. COVID19 also contribute to under spending under this account.
- **Other rental-** Two Judges housing allowance are kept under this account. 1 Judge Position still vacant. Another judge was recruited in 2021 but his housing was paid under project fund. Thus, result on savings under other rental account.
- **Vehicle replacement-** In 2022, Judiciary did not purchase any new vehicle.

Major Overspend Accounts

- **Sitting allowance-** Judiciary budgeted VT 25,137,523 and overspent VT 2,278,022. In 2022 there was an additional urgent court of appeal sitting. There were also additional land cases which contribute to this account to overspend.
- **Transport Freight-** This account was budget for excess of court files during court tours, freighting baggage's to outer courts, international freight when purchasing items. In 2022 Master of the Supreme Court employment ended and Judiciary must ship all her belongings back to her home country.
- **Translation communications-** This is a major activity in court which has become very demanding and needs urgent attention. Not enough budget was allocated for this specific activity thus is affecting other court activities.
- **Stationary communications-** This account is always under budget due to different needs among different courts; however, A4 photocopy papers, manila folders, and archive boxes, envelopes, and pens are some items that were frequently purchased.
- **Building repairs & maintenance-** Major work done under this cost center were:
 - Roofing of two 20-foot containers containing court archives.
 - Supreme court registry roofing repair
 - Ceiling repair at supreme court registry
 - Lakatoro court room repair
 - New fence around Efate Island court.
- **Vehicle repairs & maintenance-** Judiciary has 16 vehicles altogether. These vehicles are over 5 years and continuously needs parts & maintenance.
- **Local travel-** Judiciary budgeted 5 million under this account and overspend by 1 million. This is due to some urgent travel that is caused by flight cancellation and administration must charter airlines.
- **Electricity utilities-** This account also overspent due to the increase of fuel prices.
- **Value added tax-** Since Vanuatu Government increase VAT percentage, it did not allocate additional budget to Judiciary.
- **Equipment-Additional general-** Additional telephone and video conferencing equipment was purchase for installation in Tanna and Malekula court. New air-conditions were purchased and install in Supreme, Magistrate and Efate Island Court.

- **Equipment-Computer**-In 2022 Judiciary replaced more than 10 computers plus purchase of new printers.

4. Expense summary – Personal and Operating expenses

The table showing a summary.

Description	Actual
Allowances (Acting, Responsibility, Family, Gratuity, Housing, Other, Home island passage)	34,780,920
Provident fund	6,680,530
Leave expense	17,236,951
Wages	167,540,902

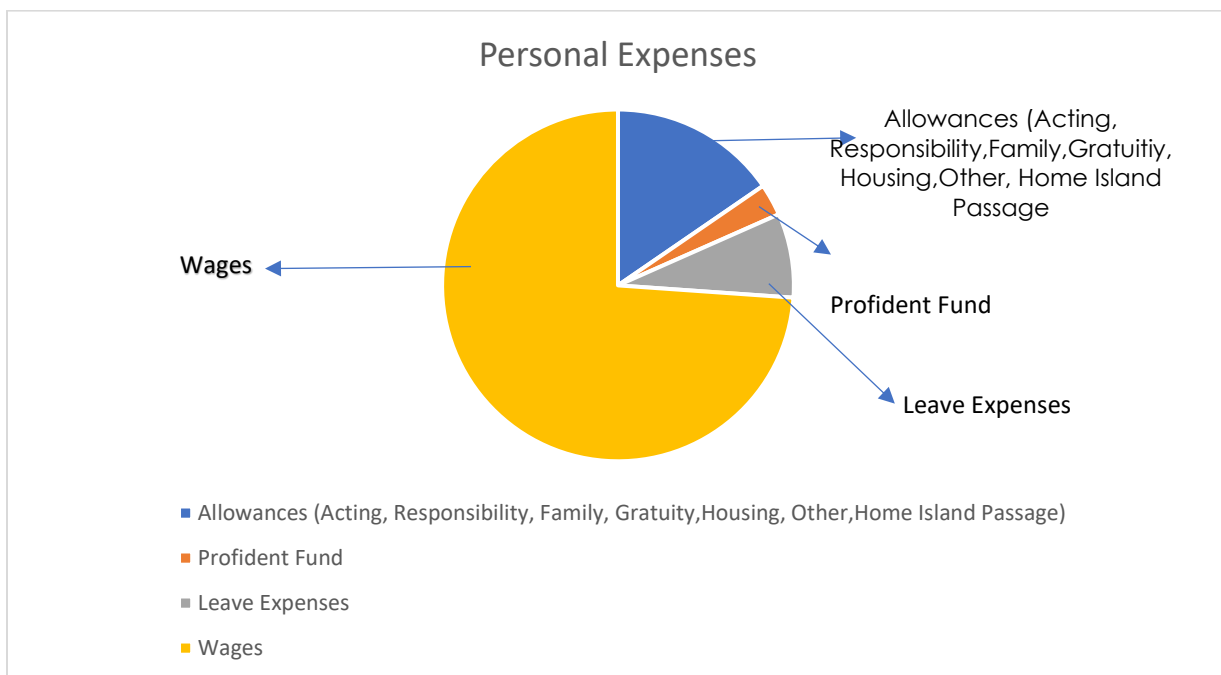


Figure16: Personnel emoluments expenses

The table showing a summary:

Description	Actual
Subsistence & Sitting allowance	29,721,745
Accommodation(Local & International)	2,099,614
Fees(Software & other)	723,625
Fuel	2,521,297
Freight	2,212,395
Medical treatment & medicines suppliers	435
Hire(Equipment, facilities & vehicles)	600,673
Office cleaning	1,499,248
Communication(Advert.,transl,postage,printing,stationery&telephone/fax)	8,301,022
Material & rental	15,965,335
Other(Refunds, incidentals, official Entertainment , insurance, uniforms)	4,208,909
Maintenance(building, equipment, maintenance contract, vehicles)	5,070,891
Travel(Local & International)	7,748,566
Utilities(Gas, electricity, lighting, water)	10,644,539
Value added Tax	8,159,230
Equipment(General, computer, photocopiers, replacement)	4,918,026
Furniture (Office & Other)	334,993
Bank Charges	13,770

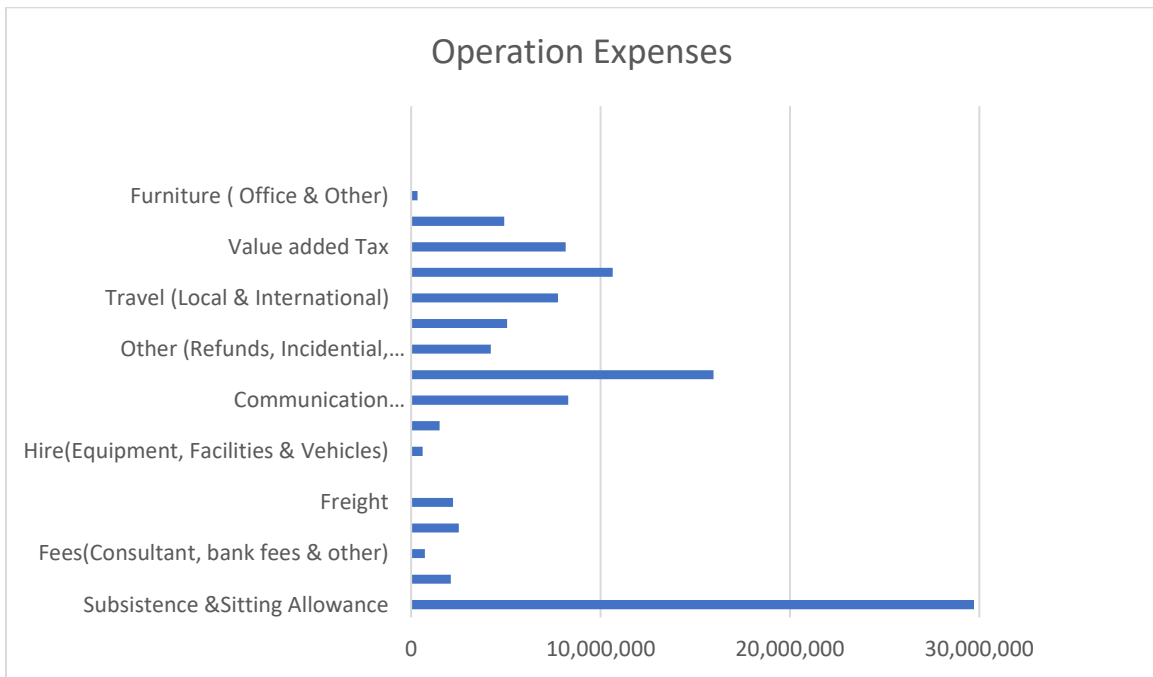


Figure 17: Operation expenses

Virement

A. 1st virement was applied on 20 September 2022 for an amount of VT3,154,077 to pay:

- Electricity, Interpretation & translation outstanding invoices
- Correct funds under cost centre 1401 CIAA to cater for Human Resource Officer's salary increase which have not been cater for in 2022 Budget.

From	To	Amount
1421 CIAC PAYR	1421 CIAC OVER	29,000
1422 CIAC PAYR	1421 CIAC OVER	1,260,577
1423 CIAC PAYR	1421 CIAC OVER	50,000
1430 CIAD PAYR	1421 CIAC OVER	70,000
1431 CIAD PAYR	1431 CIAD OVER	126,846
1432 CIAD PAYR	1431 CIAD OVER	100,000
1433 CIAD PAYR	1431 CIAD OVER	100,000
1434 CIAD PAYR	1421 CIAC OVER	300,000
1434 CIAD PAYR	1401 CIAC PAYR	200,000
1441 CIAE PAYR	1401 CIAC PAYR	20,000
1443 CIAE PAYR	1401 CIAC PAYR	57,654

1445 CIAE PAYR	1401 CIAC PAYR	100,000
1480 CIAG PAYR	1421 CIAC OVER	700,000
1490 CIAG PAYR	1490 CIAH PAYR	40,000
	Total	3,154,077

B. 2nd Virement was applied on 10 of November 2022 to pay outstanding leaves for Master Cybelle whose employment ended on 16 December 2022.

From	To	Amount
1403 OVER	1422 CIAC PAYR	1,303,516
1405 OVER	1422 CIAC PAYR	1,396,484
	Total	2,700,000

Advanced Release

There was a total of seven cost centers that advanced release was done on them namely, 1402- Finance/Accounts, 1403- Asset, 1405-Library/ Archive, 1410-Court of Appeal, 1421-Principal Registry, 1469-Land Appeals 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.
 - a. **Magistrate Court Hearing Room**-Advance to period 2 to pay out annual rental amount of VT 2,505,600.
 - b. **Magistrate Court Office**- The advance request release was done quarterly.
 - i. 1st quarter request released on 14 March 2022– VT 1,500,000
 - ii. 2nd quarter request released on 14 June 2022- VT 1,500,000
 - iii. 3rd quarter request released on 12 August 2022- VT 1,500,000
 - iv. 4th quarter request released on 17 October 2022-VT 1,500,000

- B. **1403 Asset**- An amount of 4,400,000 Vatu was loaded in period 12 of 2022. An advance release was requested only where the need arises for specific activities.
 - i. 1st advance request on 7 February 2022- VT 525,100 to pay out outstanding invoices for service and repair of court vehicles.
 - ii. 2nd advance request on 11 May 2022- VT 536,955 to purchase Laptops for 10 Magistrates.
 - iii. 3rd advance request on 2 June 2022- VT 291,980 to purchase 2 PC damaged during tropical cyclone Gina.
 - iv. 4th advance request on 29 August 2022 – VT 771,710 to purchase additional telephone and video conference equipment to be installed at Tanna & Malekula Court rooms.

- v. 5th advance request on 3 November 2022- VT 182,346 to purchase 1 laptop for Tanna court room.
- C. **1405 Library/Archive-** An amount of VT 2,500,000 was loaded in period 12 purposely to purchase Library books.
- a. 1st advance request on 2 June 2022 - The need arises to create extra storage in the library since 50+ titles acquired in 2020 and 2021 are still stacked in heaps around the court library.
Construct roofing on 20ft container to move archive files for easier retrieval. Total of VT 989,106 was advance towards the library needs.
 - b. 2nd advance request on 11 July 2022 for additional cost total of VT 157,290 to create extra storage, hence, hire Vanuatu storage to move files to awaiting supplier to install metal shelving in container.
- D. **1421 Principal Registry-** Funds for rental of Dumbea and Santo Court office was loaded under period 12 total of VT 9,506,872.
- a. Advance request on 18 February 2022- VT 1,512,480 to pay annual rental for Luganville court office.
 - b. Dumbea rental – advance request was done quarterly.
 - i. 1st quarter advance request on 19 April 2022- VT 1,998,598
 - ii. 2nd quarter advance request on 14 June 2022- VT 1,998,598
 - iii. 3rd quarter advance request on 12 September 2022-1,998,598
- E. **1469 Land Appeal-** Request advance release for Island court land hearing on Tanna, Santo and Malekula.
- a. Period 10- VT 176,741
 - b. Period 11- VT 353,482
 - c. Period 12- VT 353,490
- F. **1492 Case Management-** There were several advance release requests for case management system and purchasing of IT items.
- a. 1st advance request was done on 14 February 2022 to:
 - i. Pay remaining balance of annual maintenance for Lexis Nexis – VT 280,420
 - ii. Purchase 2 PC to replace old PC for two secretaries.
 - b. 2nd advance request was done 21 June 2022 to purchase Laptop and other IT accessories for the newly appointed System and IT officer- VT 393,271
 - c. 3rd advance request was done on 26 August 2022 to purchase new PCs to replace old PCs for Magistrates, Secretaries and Clerks – VT 508,629

G. December release on all cost centers for Judiciary

Finance only release December warrant on request provided by different ministries and departments. The Judiciary also make the exercise to request funds. The major activities that the administration expends funds on are stated below.

- Outstanding bills – VT4,401,007
- Ticket for international Judges for 1st Session COA 2022- VT733,440
- Standby Additional Fare for Master & Family- VT262,700
- Farewell for Master & Judge Harrop- VT225,200
- Refund Federal Court for CJ's Business Class fare- VT262,920

Journal

Journals were done according to the nature of Court activities.

- Department to department-Payment of 2022 court vehicles road worthiness.
- Department to department-official gazette annual subscription
- Department to department - Pay water bills for outer courts.
- Department to department- Pay electricity for outer island.
- Retire standing imprest-credit the standing imprest account.

The Supplementary Fund

No supplementary application done in the 2022 financial year

Revenue collection

Year	Budget	Revenue Collected	(Under)/Over
2022	26,044,000	20,456,120	(5,587,880)
2021	25,920,000	25,576,035	(343,965)
2020	23,607,570	22,852,185	52,565
2019	22,200,000	21,501,130	(698,870)
2018	23,437,002	17,252,060	(6,184,942)

- All revenue were collected through Court Fees, Fines, and enforcements.
- In Port Vila the collection was made electronically at the main Registry and 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.

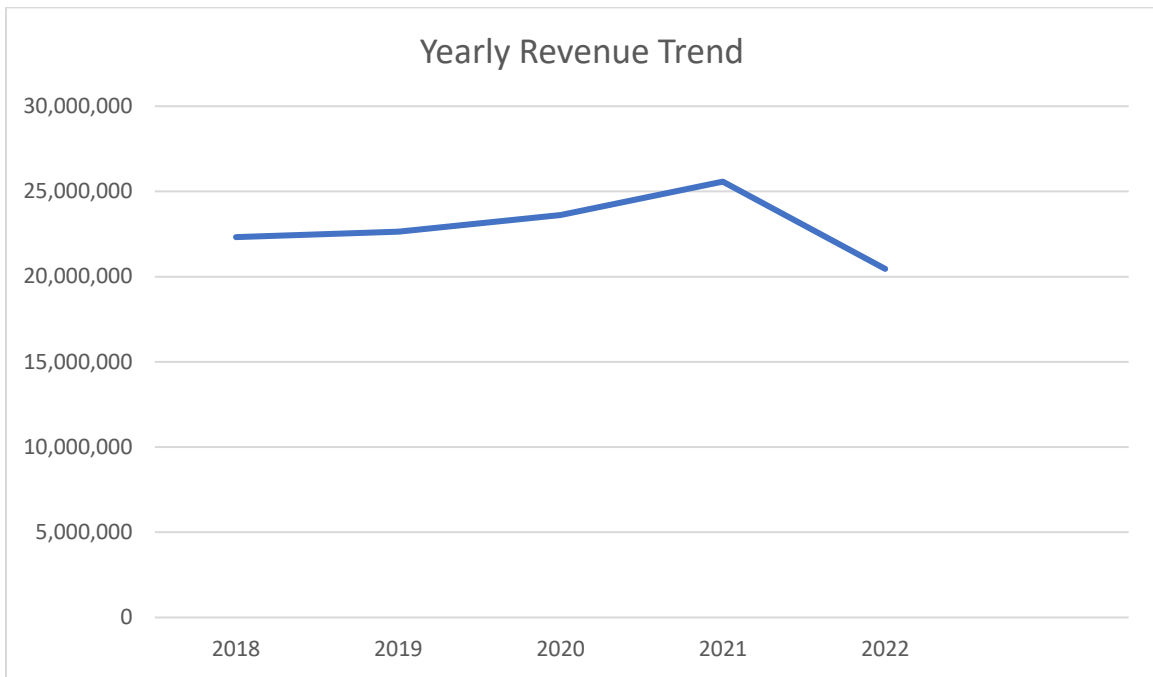


Figure 18: Trend of revenue collection 2018 – 2022

- The chart indicates that revenue trend in year 2022 have dropped.
- Covid-19 contributes to the trend. It slows down the collection of revenue.

Statement of Commitments & Contingencies

The major commitments were:

1. 3 expatriate’s judicial officers
 - a. 2 Judges
 - i. Judge Andre Wiltens was sent by New Zealand government in 2018 for two years. His contract extended for another two years and ended in 2022.
 - ii. Judge Edwin Goldsbrough was sent by British government in 2021 for two years.
 - b. 1 Master
 - i. Master Cybelle Cenac was sent by Commonwealth in 2015 for 1 year then was appointed and localized position from 2017 to 2022.
2. Rental of court offices and court rooms
 - a. Port Vila Supreme court hearing room rental - 1st agreement date was 2007 for a period of 3 years expiring in 2010. The agreement was never renewed to date.
 - b. Santo Supreme court office rental - rental agreement renewed for another 5 years starting 2020 to 2025.

- c. Magistrate court office rental – rental agreement renewed for another 2 years starting 2022 to 2024.
- d. Magistrate court hearing room rental - rental agreement for 2 years starting 2019 to 2022.

Attached is a list of all the commitments and contingencies as Annexure A.

Conclusion

Judiciary has ended 2022 with success. As usual, along with the successes also came the challenges, including Covid-19 restrictions but as usual challenges that constructively build and strengthen the Judiciary in all levels, judicial functions, and judicial administration. Financially, money is tight but due to good management the year has ended smoothly.

Words of acknowledgement to all stakeholders, government and private, and all our financial developing partners, and to all court users – be it physical appearance in court or online, who has all made it possible for the court to function to its maximum capacity.