

ANNUAL REPORT 2023

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**

Contents

INTRODUCTION	6
VISION AND MISSION STATEMENTS	6
STATEMENT FROM CHIEF JUSTICE	7
IMPLEMENTATION OF THE MANAGEMENT IMPROVEMENT PLAN	8
<i>Summary of significant developments/ Improvements</i>	11
ASSET MANAGEMENT: INFRASTRUCTURE, VEHICLES & OFFICE EQUIPMENT	14
ABOUT THE COURTS	19
<i>Court of Appeal</i>	19
<i>Supreme Court</i>	19
<i>Magistrates' Court</i>	19
<i>Island Courts</i>	20
COURT RESULTS (COURT WORKLOAD).....	21
<i>Court of Appeal workload & clearance rate</i>	21
<i>Supreme Court workload & clearance rate</i>	22
<i>Magistrate Court workload & clearance rate</i>	23
<i>Island court workload & clearance rate</i>	24
<i>Clearance rate Trends</i>	25
<i>Pending Cases by Court</i>	26
<i>Timeliness Disposed</i>	27
<i>Civil Cases</i>	27
<i>Attendance Rates</i>	29
<i>Attendance rates, as measured by the number of visits/ appearances at court to dispose a matter.</i>	29
<i>Supreme Court</i>	29
<i>Magistrate Court</i>	30
<i>Commentaries</i>	31
COOK ISLAND INDICATORS	32
<i>Factors, events, or trends influencing court results.</i>	34
<i>Challenges</i>	34
HUMAN RESOURCES.....	35
BUDGET EXECUTION AND MANAGEMENT	40
<i>Statement of Commitments & Contingencies</i>	54
CONCLUSION	55

Figures

Figure 1: Overall Activities – Management Improvement Plan (JMIP) – 2023.....	9
Figure 2: Percentage of funds spending on Management Improvement Plan 2023	10
Figure 3: Court of Appeal; trend of filed and finalized cases, and clearance rate	21
Figure 4: Supreme Court; trend of filed and finalized cases, and clearance rate	22
Figure 5: Magistrate Court; trend of filed and finalized cases, and clearance rate	23
Figure 6: Island Court; trend of filed and finalized cases, and clearance rate.....	24
Figure 7: All courts, trend for Clearance Rates	25
Figure 8: Pending cases by four court jurisdictions	26
Figure 9: Disposal by days in the courts for Civil cases.....	27
Figure 10: Disposal by days in the courts for Criminal cases	28
Figure 11: Supreme Court completed attendance rates	29
Figure 12: Magistrate Court completed attendance rates	30
Figure 13: Payroll compared to operational budget	40
Figure 14: Personal emoluments expenses	48
Figure 15: Operation expenses	49
Figure 16: Trend of revenue collection 2018 – 2023	54

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

October 2024

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 2023 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 2023 Annual Report presented in the same format as the previous years.

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 2023.

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 2023, the Court of Appeal delivered 75 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 have 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 the mission”.

The values that guide the behavior 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.

Brief on the Implementation of the Management Improvement Plan (MIP) 2023

Total of 45 Activities within the MIP 2023		
% of Activities implemented	% of Activities delayed and will roll-over to 2024	% of Activities no longer priorities
25%	31%	44%

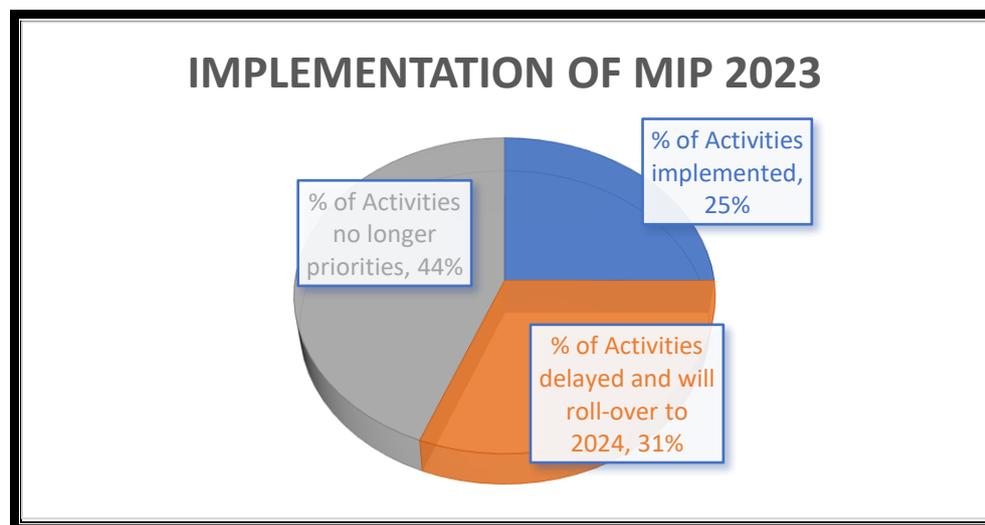


Figure 1: Implementation of Management Improvement Plan 2023

Note: we have some major hiccups in the year 2023, the 2 twin cyclones causing office electricity power out resulting with closure of office for almost a month. The Data loss on year 2022 (during the ransom attack on the government network) was still yet to recover changing priorities set on recovering loss data for a period of full 3 months.

FUNDS: Funds used for the implementation on Activities within the JMIP 2023 is shared among the Vanuatu Judiciary budget and the court developing partners.

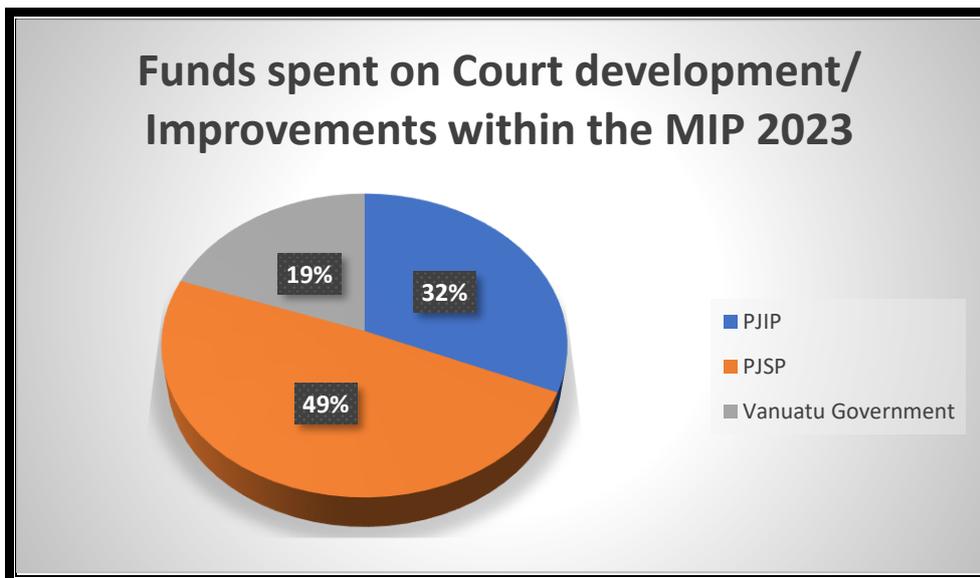


Figure 2: Percentage of funds spending on Management Improvement Plan 2023

Note: Vanuatu Judiciary has limited funds, but continuous support from *Pacific Judicial Integrity Program* (PJIP) and *Pacific Justice Sector Program* (PJSP) has made it possible for most of the planned activities to be carried out. Thanks to all our developing partners, assisting in monies and kind.

On- going activities into 2024:

- Commencement of the Scoping study for a Judicial Development Academy for the Judges and court personnel (Correct name yet TBC), and a Legal Centre for lawyers – to kick off May, funded by *Vanuatu Australia Policing and Justice Program* (VAPJP).
- Implementation of the Recommendation on the ‘Expanding Access to Justice’ consultation carried out last year by Carolyn, Holly & Wendy – Activities to be funded by the *Pacific Justice Sector Program* [PJSP].
- Vanuatu to Host the Level II – Regional Fraud and Corruption Workshop for Judges on March – preparations going good – Funded by PJIP.
- 2019 Family Violence Action Plan – continuous implementation of the Action Plan by the Magistrate, will see more awareness in conjunction with court circuits and a focus to improve services of Protection orders in the outer islands and especially the remote areas and making sure orders are complied with.
- Certificate of Justice Program extending to Banks & Torres Island court lay justices in 2024
- Appointment for lay justices for the Tanna outer islands towards end of QTR2 and followed by Tongoa Shepherds towards end of QTR3.

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 appointed to Vanuatu Judiciary, seeing the continued appointments of Judges on interim arrangement from 2022 to 2023. In early 2023, see the appointment of Justice James Paul Geoghegan from 30 January 2023 to 14 April 2023 and Justice Robert Lyons Barclay Spear from 17 April 2023 to 30 June 2024 and the substantive appointment Justice Bill Hastings from dated 1 July 2023 to 1 July 2024 for a period of 1 year after the interim arrangements.

Appointment of New Supreme Court judges, Magistrates and Island Court Justices

- The appointment of Justice Edwin Goldsbrough to Vanuatu Supreme Court bench is an additional support to the Supreme Court after the number of filings continues to increase each year. Justice Edwin's appointment was initially for 2 years ending November 2023 and was extended a further 2 years from 21 November 2023 ending 21 November 2025.
- Mrs Anna Laloyer was appointed Chief Magistrate on 13 April 2023 after more than 4 years on acting position.
- 22 newly appointed Island Court Justices were train and appointed on 24 February 2023 to strengthen the Erromango Island Court.
- Justice Oliver Saksak was appointed Acting Chief Justice from 25 September to 3 November when the Hon. Chief Justice was overseas on medical treatment.

Other Appointments

- The appointment of Willy May Maylinda as Clerk of Magistrate Court in Luganville, Santo on 20 June 2023
- The appointment of Ruthy Riri as Clerk of Magistrate Court in Port Vila, Efate on 20 June 2023

Retirement, resignation and Termination

- Magistrate Trevor Naieu was removed from the bench on the recommendation of the Judicial Service commission after facing serious allegations of conflict of interest in a matter before the court.
- Resignation of Blandine Tepi as Island Court Clerk effective on 27 January 2024 after spending 35 years in the Judiciary and the government.
- Resignation of Naomi Hinge as Secretary of Judge of Supreme Court on 5 April 2023 after her appointment on 19 July 2007

Study Leave

Magistrate Philip Toaliu was approved for study leave from 16 January 2023 to 31 January 2024.

Land cases

- One Supreme Court Judge focused on land cases and completed 4 Land appeal cases
- Senior Magistrate Beverleigh Kanas was appointed as Chairlady of Island Court(land) for a further period of 12 Months effective 26 July 2023.

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 in 2023 according to the Judiciary year planner.

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 [PaLII] 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 the New Zealand government. Six major activities on capacity building for judicial officers and other court developments under 'Access to Justice' were successfully accomplished under this fund in 2023.
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. This Program is funded by the Federal Court of Australia. 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 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.

Asset Management: Infrastructure, vehicles & office equipment

ASSET SUMMARY 2023

BUILDINGS MAINTENANCE RENOVATION	REPAIRS, &	VEHICLE REPAIRS/MAINTENANCE	NEW ASSETS	TOTAL (VT)
VT 1,493,563		VT 1,952,643	VT 4,878,235	8,324,441

Building Renovations

Building renovations summary are renovations done within the year 2023 and thus includes the courts premises and few official residences. This also includes building accessories.

Vehicle Repairs and Maintenance

This is the summary of all courts vehicles that undergo repairs and maintenance within the year 2023.

New Assets

This summary includes the purchase of new computer sets, office equipment, office furniture and fittings, office tools and vehicles.

See below is the breakdown of all 3 categories – building renovations, vehicle repairs and maintenance, and new assets.

Building Repairs, Maintenance and Renovations:

Date	Location	Description	Contractor/Supplier	Payment	Amount
18-01-23	Santo	coral around court house	Santo Earth Works	LPO 140-021331	11,000
02-02-23	Dumbea Court RM 3	Materials for bench	Alubat	LPO 140-021373	81,073
06-02-23	Dumbea Court RM 3	Installation of bench	Johnny Iomahwan Miah	LPO 140-021394	60,000
20-03-23	Efate	fix leaking pipe	JB Plumbing	LPO 140-021471	8,000
09-05-23	Port Vila	detect water leak, new line and fix CJ toilet	JB Plumbing	LPO 140-021568	101,850
01-05-23	Port Vila	doors and materials after break in	Leon Hardware Ltd	LPO 140-021631	85,530
01-05-23	Port Vila	install new gate	Guang Yuan Industries	LPO 140-021633	93,000
09-05-23	Port Vila	install sliding window/glass_scanning officer room	Alubat	LPO 140-021680	120,748
25-03-23	Port Vila	iron post (3) for solar security light	Guang Yuan Industries	LPO 140-021733	25,500
02-05-23	Port Vila	assessment fee for cyclone damage	Johnny Iomahwan Miah	LPO 140-021634	25,000
02-06-23	Port Vila	install new doors	Johnny Iomahwan Miah	LPO 140-021753	120,000

02-07-23	Port Vila	repair ceiling at J. Edwin and saksak	Mons & Apis Construction	LPO 140-021892	87,350
14-07-23	Port Vila	3 bag cement	Wilco Hardware	LPO 140-021949	4,500
01-08-23	Port Vila	building materials for registry	Alubat	LPO 140-021991	101,267
02-08-23	Port Vila	office curtains for registry	Don Tailleur	LPO 140-022001	104,992
03-08-23	Port Vila	tape cloth and tape duck for cables at dumbea and registry	Wilco Hardware	LPO 140-022025	7,792
07-03-23	Port Vila	building materials for registry (cement sheet, ply wood, pvc ceiling	Wilco Hardware	LPO 140-022037	136,379
01-08-23	Port Vila	builind materials, plywoods (X6), cement sheet (X9) cement	Wilco Hardware	LPO 140-021990	135,959
07-08-23	Port Vila	sand and coral for slap at registry conference room	Entreprise Dinh Van Thu	LPO 140-022038	14,200
11-08-23	Port Vila	cemet (X15), PVC ceiling/mouldining nail	Wilco Hardware	LPO 140-022037	69,973
11-08-23	Port Vila	building materials for renovations, PVC ceiling/mound, plywood, cement sheet	Leon Hardware Ltd	LPO 140-022060	50,053
23-08-23	Port Vila	building materials for renovations, plywood and quarter rounds	Leon Hardware Ltd	LPO 140-022092	16,333
06-10-23	Port Vila	tie wire and and plastic film	Leon Hardware Ltd	LPO 140-022258	3,217
17-10-23	Port Vila	lighting materials	Wilco Hardware	LPO 140-022287	4,891
11-12-23	Port Vila	plastic pipe and fittings	Leon Hardware Ltd	LPO 140-022476	5,905
15-12-23	Port Vila	ply wood, Led light, plythene film	Leon Hardware Ltd	LPO 140-022525	19,051

Total (VT)	1,493,563
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Vehicle Repairs and Maintenance:

Date	Asset	Description	Contractor/Supplier	Payment	Amount (VT)
09-01-23	RV 623	change battery	Wong Sze Sing Store	LPO 140-021304	14,200
01-02-23	RV 40	Service	Carpenter Motors LTD	LPO 140-021371	14,000
08-02-23	RV 623	gas refill	Aquacool Vanuatu	LPO 140-022638	13,800
23-02-23	RV 37	2 new tyres	Yashoon Station	LPO 140-021458	16,000
27-03-23	RV 29	replace spare tyre	Yashoon Station	LPO 140-021497	11,500

08-05-23	RV 26	replace 4 new tyres	Wen Ke Repair Shop	LPO 140-021656	80,000
02-06-23	RV 28	Service	Bodiom	LPO 140-021757	644,838
	RV 9	Service	Bodiom		
	RV 37	Service	Bodiom		
	RV 26	Service	Bodiom		
	RV 13	Service	Bodiom		
	RV 28	Service	Bodiom		
	RV 13	towing, scan and change fuel pump	Bodiom		
	RV 11	Service	Bodiom		
	RV 9	service, change ball joint LWR	Bodiom		
10-07-23	RV 623	Service	Carpenter Motors LTD	LPO 140-021908	46,985
10-08-23	RV 623	4 new tyres	John Lum & Associates	LPO 140-022095	91,600
11-09-23	RV 28	panel beat and repair damage front RH fender and bumper	Autozone	LPO 140-022157	155,250
11-10-23	RV 3A	attend breakdown, change batttery	Bodiom	LPO 140-022271	361,665
	RV 38	service, front wiper, bulb			
	RV 26	service and repair, bulb, ball joint, spring bushhes, gear oil			
	RV 37	service			
	RV 28	repair and replace door handle			
	RV 11	inspection fee for alignment			
	RV 37	bracket assy mounting, transmission mounting, bush			
	RV 37	attend breakdown, jump strat, change battery			
03-11-23	RV 27	2 new tyres	Yashoon Station	LPO 140-022337	26,000
06-11-23	RV 12	2 new tyres	Yashoon Station	LPO 140-022355	39,500
	RV 37	2 new tyres	Yashoon Station		
16-11-23	RV 11	2 new tyres	Yashoon Station	LPO 140-022389	23,000
22-11-23	RV 29	2 new tyres	Yashoon Station	LPO 140-022400	23,000
12-12-23	RV 9	clean- remove covers and dashboard, vacuum	Bodiom	LPO 140-022468	391,305
	RV 26	service, change brake shoe, parking bulb			
	RV 12	service			
	RV 13	service			
	RV 29	welding rod, accessories fitting			
	RV 29	service, brakepad, wiper blades, gear oil			
	RV37	service, change bulbs			
	RV 9	change bulb, welding rods, bulb wedge			
	RV 38	change battery			
	RV 9	service			

Total (VT)	1,952,643
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New Assets:

Date	Asset	Description	Contractor/Supplier	Payment	Amount
09-01-23	Laptop	1st installment of 2 laptop, Malekula, Tanna	Computer World	LPO 140-021305	218,495
		Dell G15 5511, 16GB,			
24-01-23	PC	last installment of 6PC	Computer World	LPO 140-021335	194,740
24-01-23	Network Cable	carton network cable	Computer World	LPO 140-021338	58,404
26-01-23	PC	Dell optiplex 3000 SFF, 8GB, 256GB SSD, Alida	Computer World	LPO 140-021353	153,985
31-01-23	Head Set	logitech headset	Computer World	LPO 140-021367	5,395
31-01-23	Phone VoIP	yealink phone (X2)	Computer World	LPO 140-021369	23,992
07-02-23	Network Switch	network switch and cables	Computer World	LPO 140-021401	218,445
07-02-23	Phone	Nokia button phone, driver	Computer World	LPO 140-021409	4,495
15-02-23	Yealink	yealink power supply	Computer World	LPO 140-021437	4,500
16-02-23	Laptop	last installment of 2 laptop	Computer World	LPO 140-021444	218,949
		Dell G15 5511, 16GB,			
11-04-23	PC	Dell Optiplex 3000 SFF, 8GB, 256GB SSD, Aru Dimas	Computer World	LPO 140-021552	180,985
19-04-23	USB Hub	hub type C (X6)	Computer World	LPO 140-021583	42,000
05-05-23	Head Set	logitech head set, J Viran	Computer World	LPO 140-021641	5,395
08-05-23	Solar Light	4 solar floodlight	Computer World	LPO 140-021711	33,980
02-06-23	Ethernet Switch	5 port ethernet switch, magistrate court	Computer World	LPO 140-021761	11,000
02-06-23	PC	dell optiplex 3000, M Trevor	Computer World	LPO 140-021765	180,985
27-06-23	Scanner	fujitsu Scansnap	Computer World	LPO 140-021847	109,994
06-07-23	PC	1st installment, 5 PC for M. Setariki, Vanessa	Computer World	LPO 140-021891	264,983
		Dell optiplex 3000 SFF, 8GB, 256GB SSD			
06-07-23	Printer/copy machine	1st installment			
		Sharp 45PPM mono copier/print/scan	Sharper Image	LPO 140-021899	211,730
07-07-23	Chair	chair swivel for Ruthy (Magistrate)	Leon Hardware	LPO 140-021903	14,985
07-07-23	Desk	office desk	Wilco Hardware	LPO 140-021904	25,100
02-08-23	Drawer	12 shelve drawer to be use as pidgeon hole	Wong Sze Sing Store	LPO 140-021998	49,800
02-08-23	Chair	black swivel chair for evelyne and Ethel	Leon Hardware	LPO 140-022003	29,969
03-08-23	Electric Boiler	12L hot water boiler	Rapid Electrical	LPO 140-022022	18,450

04-08-23	Monitor	23' Acer K243Y for Pamela	Computer World	LPO 140-022033	23,495
09-08-23	Laptop	Dell Latitude 5320, i5,8GB, 256GB SSD Silver	Computer World	LPO 140-022044	143,240
10-08-23	Printer/copy machine	2nd installment	Sharper Image	140-022051	211,730
		Sharp 45PPM mono copier/print/scan			
10-08-23	PC	2nd installment	Computer World	LPO 140-022052	264,983
		Dell optiplex 3000 SFF, 8GB, 256GB SSD			
11-08-23	PC	Dell optiplex 3000 SFF, 8GB, 256GB SSD		LPO 140-022064	182,980
	Monitor	Acer K243Y			
18-09-23	Docking Station	Simplecom SD336	Computer World	LPO 140-022189	9,900
04-10-23	Phone VoIP	yealink phone for ruthy	Computer World	LPO 140-022247	11,996
10-10-23	Printer/copy machine	1st installment of new parts a of printer 5508A	Copy Express	LPO 140-022243	60,440
18-10-23	Printer/copy machine	HP Laserjet Pro M283FDW	South Pacific International	LPO 140-022290	68,990
02-11-23	Router	LOCO M2	Computer World	LPO 140-022332	15,990
03-11-23	Shredder	REXEL shredder crosscut bin X406	Computer World	LPO 140-022338	14,995
03-11-23	Printer/copy machine	last installment of new parts a of printer 5508A	Copy Express	LPO 140-022352	60,440
05-12-23	Chair	Office non swivel chair for vanessa and rodrice	Leon Hardware	LPO 140-022439	18,439
05-12-23	Refrigerator	Midea fridge	Wilco Hardware	LPO 140-022441	41,850
11-12-23	PC	Dell optiplex 300 SFF, i5, 8GB, 256 SSD (3)	Computer World	LPO 140-022471	909,903
	Monitor	ACER K273H 27' (X4)	Computer World		
	PC	HP pro 400 SFF, i5, 8GB, 256GB SSD (X2)	Computer World		
12-12-23	Wifi Antenna	SIMplecom NW611	Computer World	LPO 140-022487	14,985
12-12-23	PC	DELL optiplex 7010 SFF, 16GB, 256GB SSD for Pamela	Computer World	LPO 140-022489	217,233
12-12-23	Printer/copy machine	HP Laserjet Pro 4001dw	Computer World	LPO 140-022493	86,890
		Brother MFC-2750DW			
14-12-23	Chair	Mesh chair seat and headrest blue CR	Sharper Image	LPO 140-022508	111,000
	Chair	Mesh chair seat and headrest blue receptionist			
15-12-23	Chair	Mesh chair seat and headrest grey Gloria	Sharper Image	LPO 140-022524	55,500
15-12-23	Chair	visitors chair, black w/ blue fabric	Sharper Image	LPO 140-022526	72,500

Total (VT)	4,878,235
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About the Courts

Court of Appeal

The Court of Appeal (COA) is the highest court of the land. It is composed of at least 2 or more Judges of the Supreme Court sitting together. Year 2023, post Covid19 pandemic restrictions, preventing overseas judges from participating physically. However, the restrictions encourage the use of remote connection of judges virtually and that works successfully for the COA sittings in February, May, August and November sessions.

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 2023 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
- Justice Mark O’Regan – Retired Judge of the New Zealand High Court

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 court and to hear appeals from Island Courts as to ownership of customary land.

The Supreme Court consists of the Chief Justice and justices appointed on local terms and conditions. One judge – Justice William Kenneth Hastings is Secondment 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 9 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 6 months 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 on matters/ claims within the jurisdiction of 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

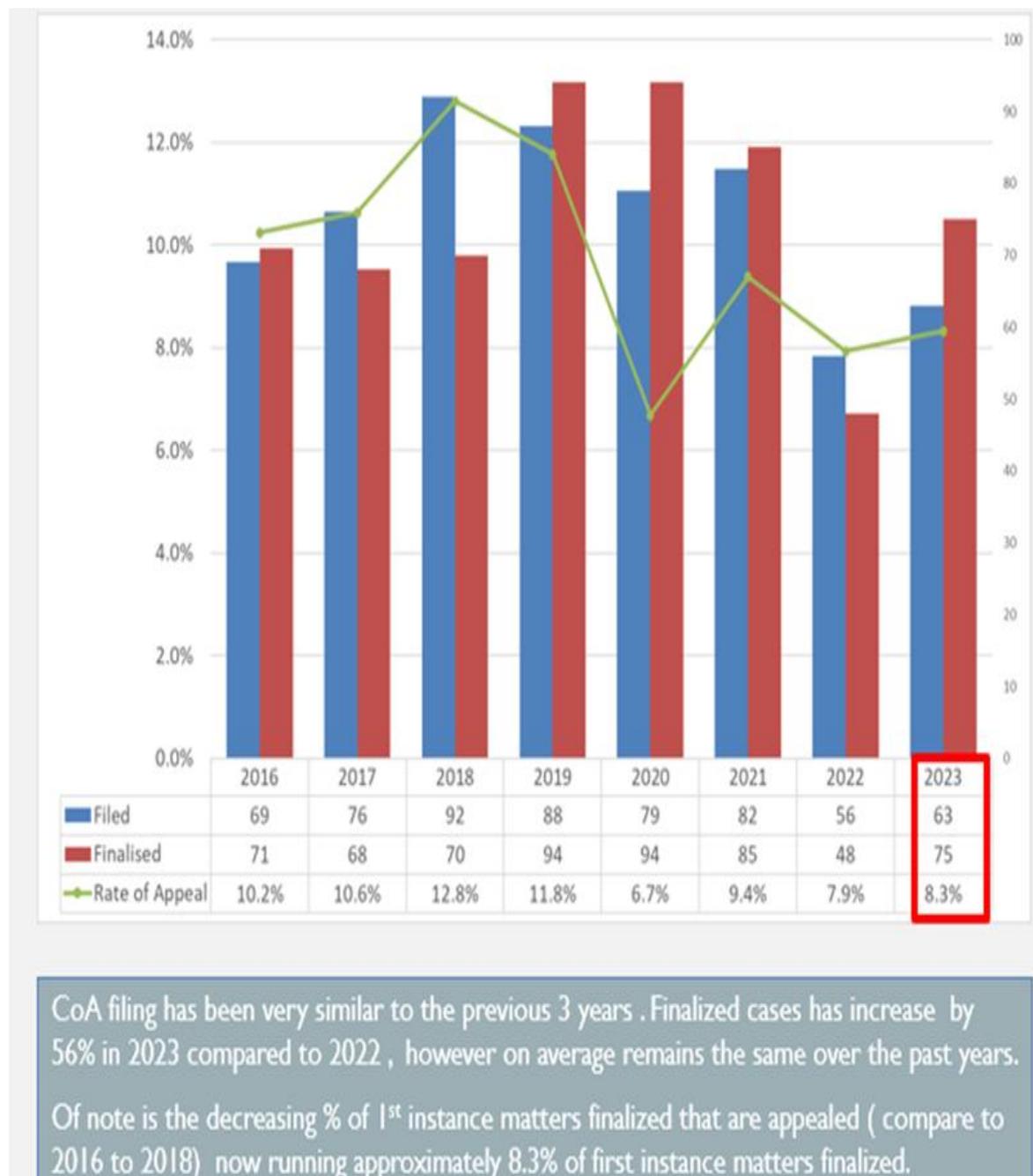


Figure 3: Court of Appeal; trend of filed and finalized cases, and clearance rate – 2016 to 2023.

Supreme Court workload & clearance rate

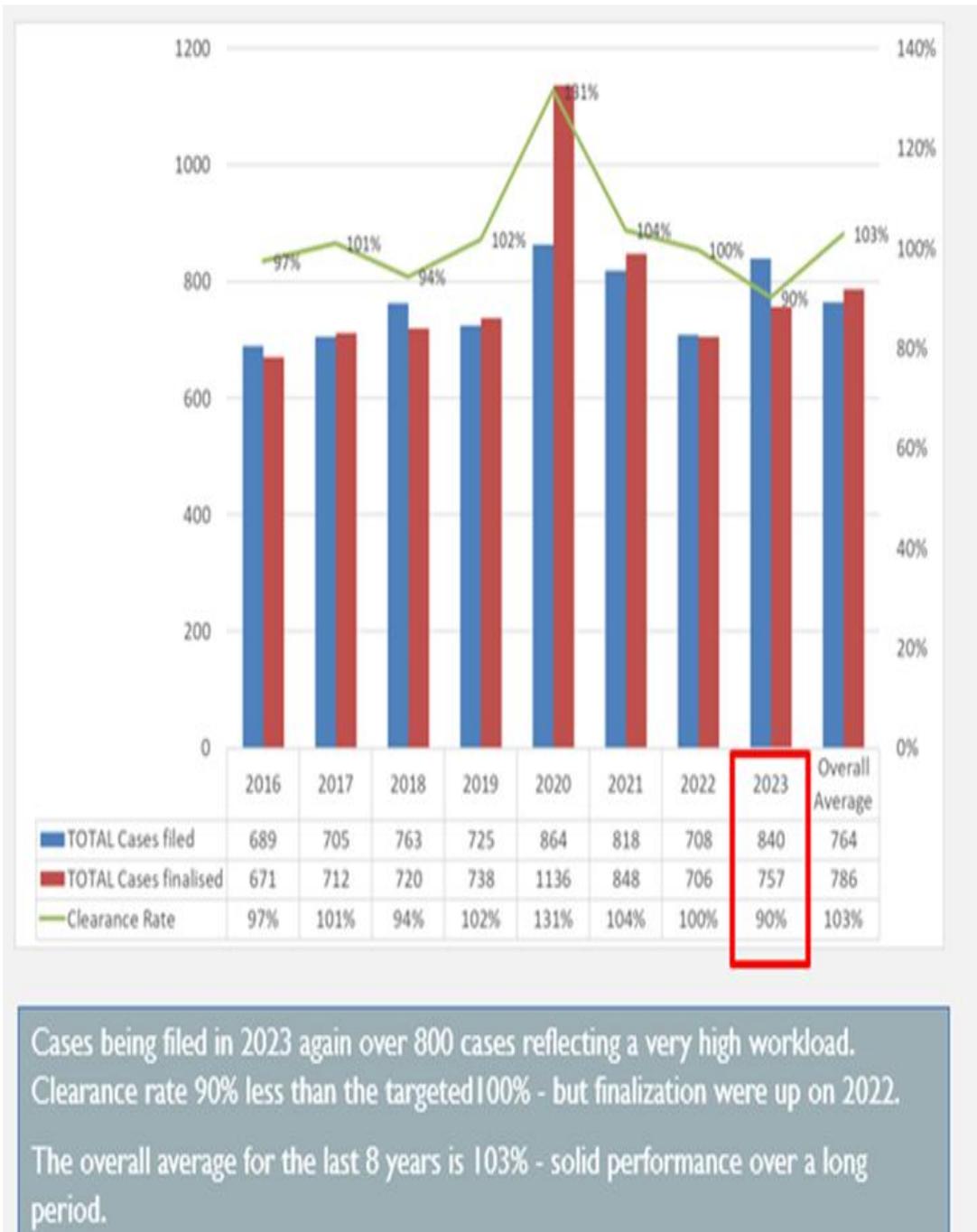


Figure 4: Supreme Court; trend of filed and finalized cases, and clearance rate – 2014 to 2023.

Magistrate Court workload & clearance rate

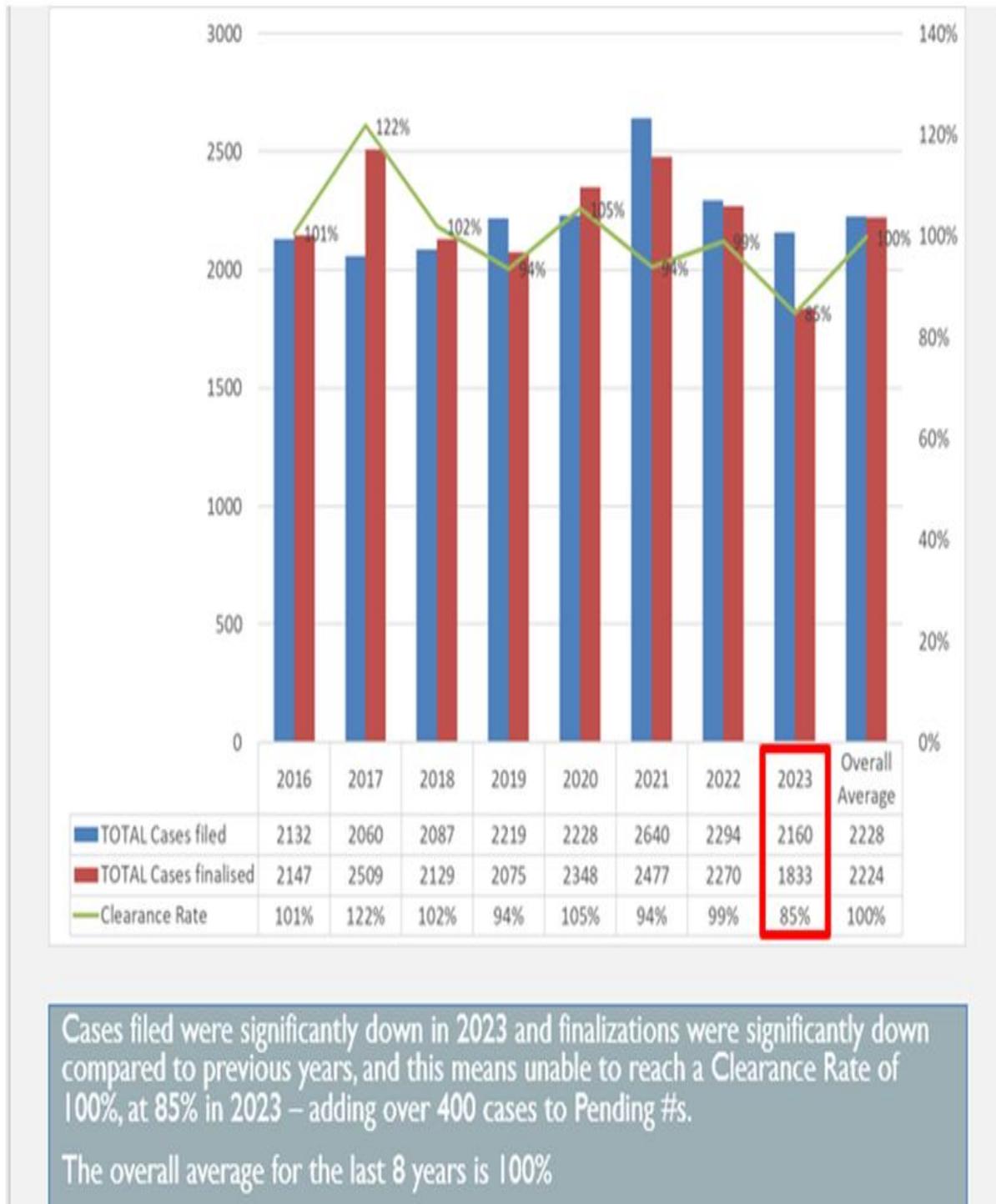


Figure 5: Magistrate Court; trend of filed and finalized cases, and clearance rate – 2016 to 2023.

Island court workload & clearance rate

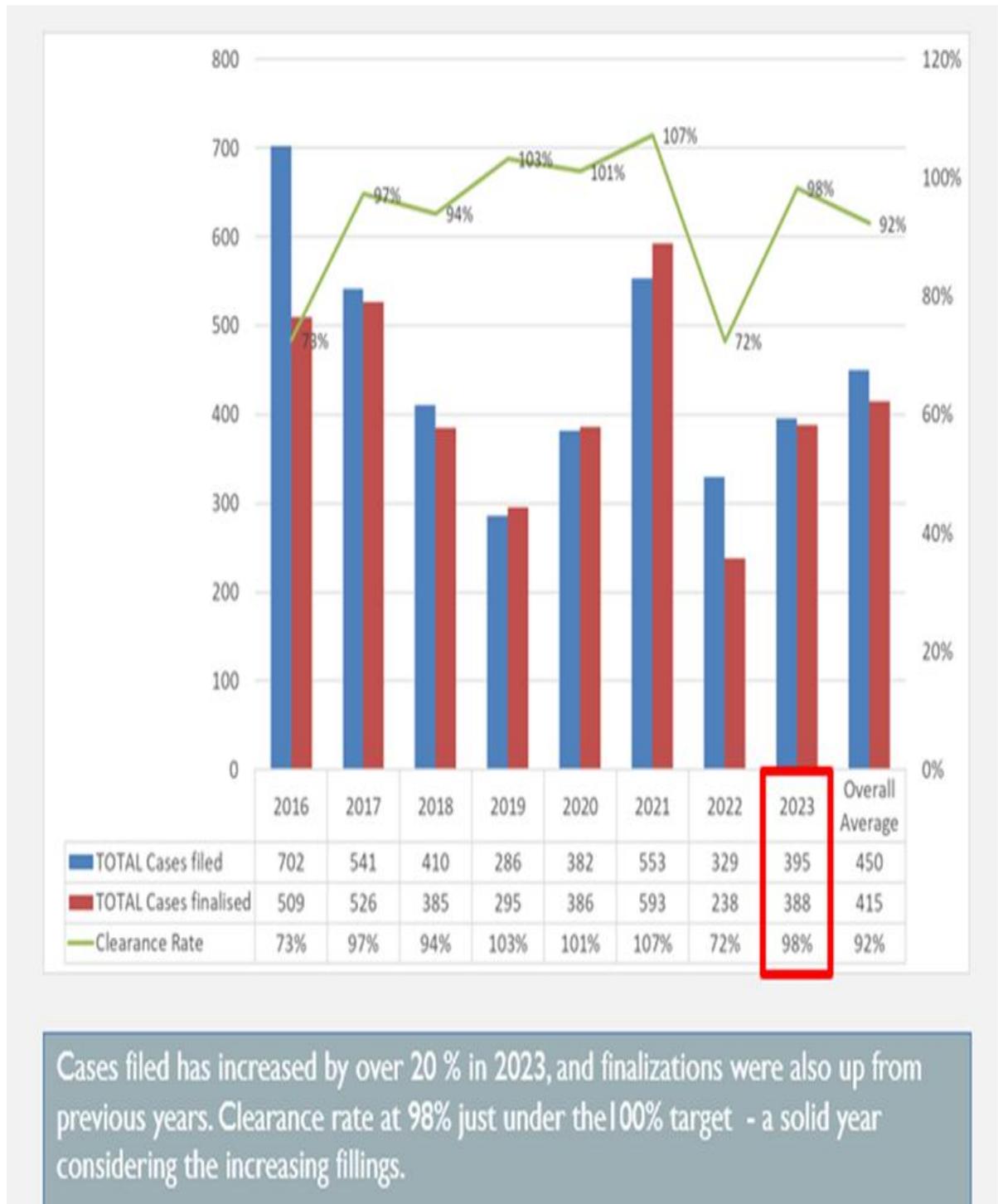
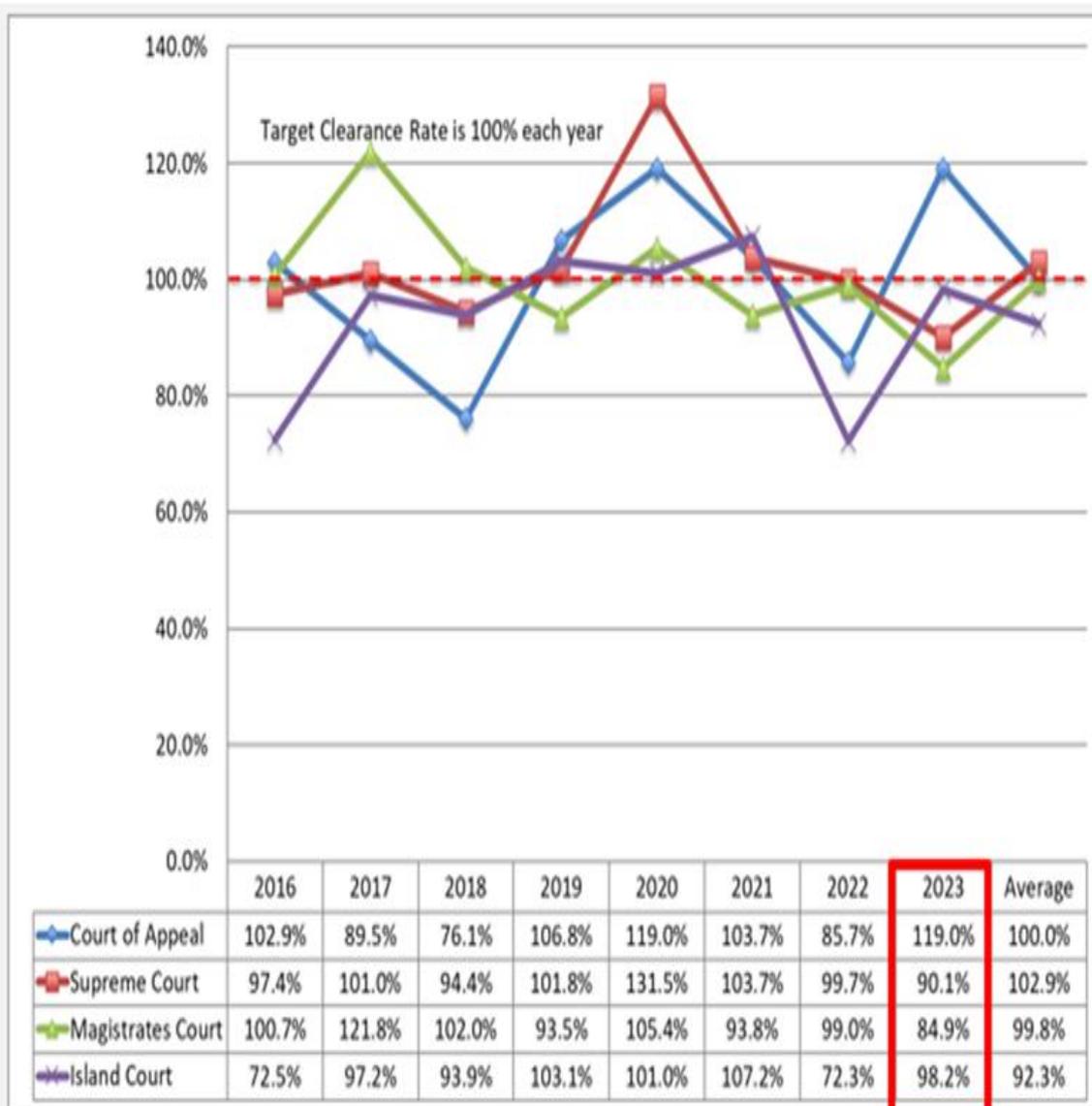


Figure 6: Island Court; trend of filed and finalized cases, and Clearance Rate – 2016 to 2023.

Clearance rate Trends



Clearance Rate are under 100% for all courts except for Court of Appeal at 119.0%, in 2023.

Both the Court of Appeal and Supreme Court have been able to achieve an average Clearance Rate of just over 100% over the last 8 years – Magistrate Court at 100%. If less than 100% - a court's pending workload naturally increases.

A very solid performance over the years.

Figure 7: All Courts; trend for Clearance Rate – 2016 to 2023.

Pending Cases by Court

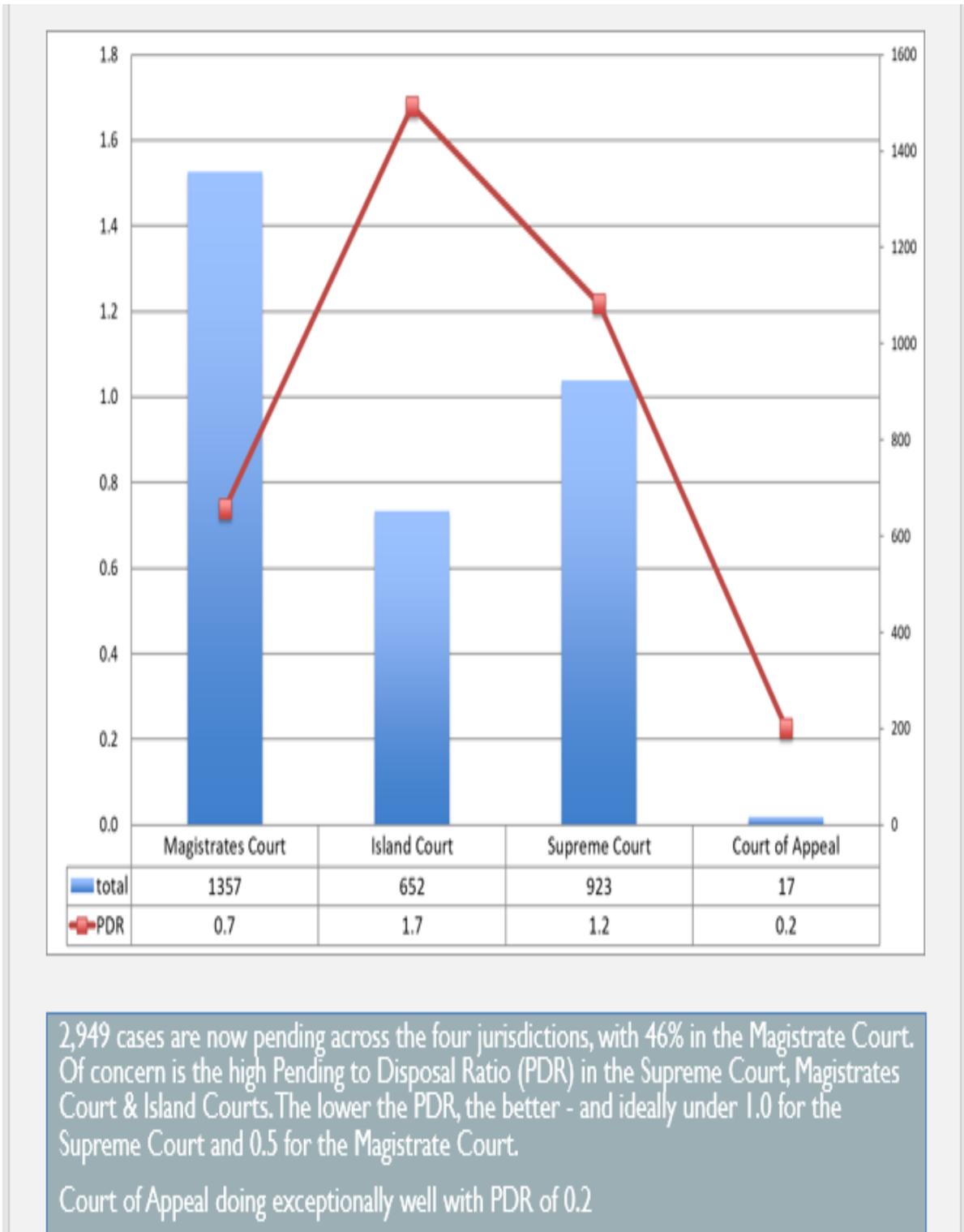
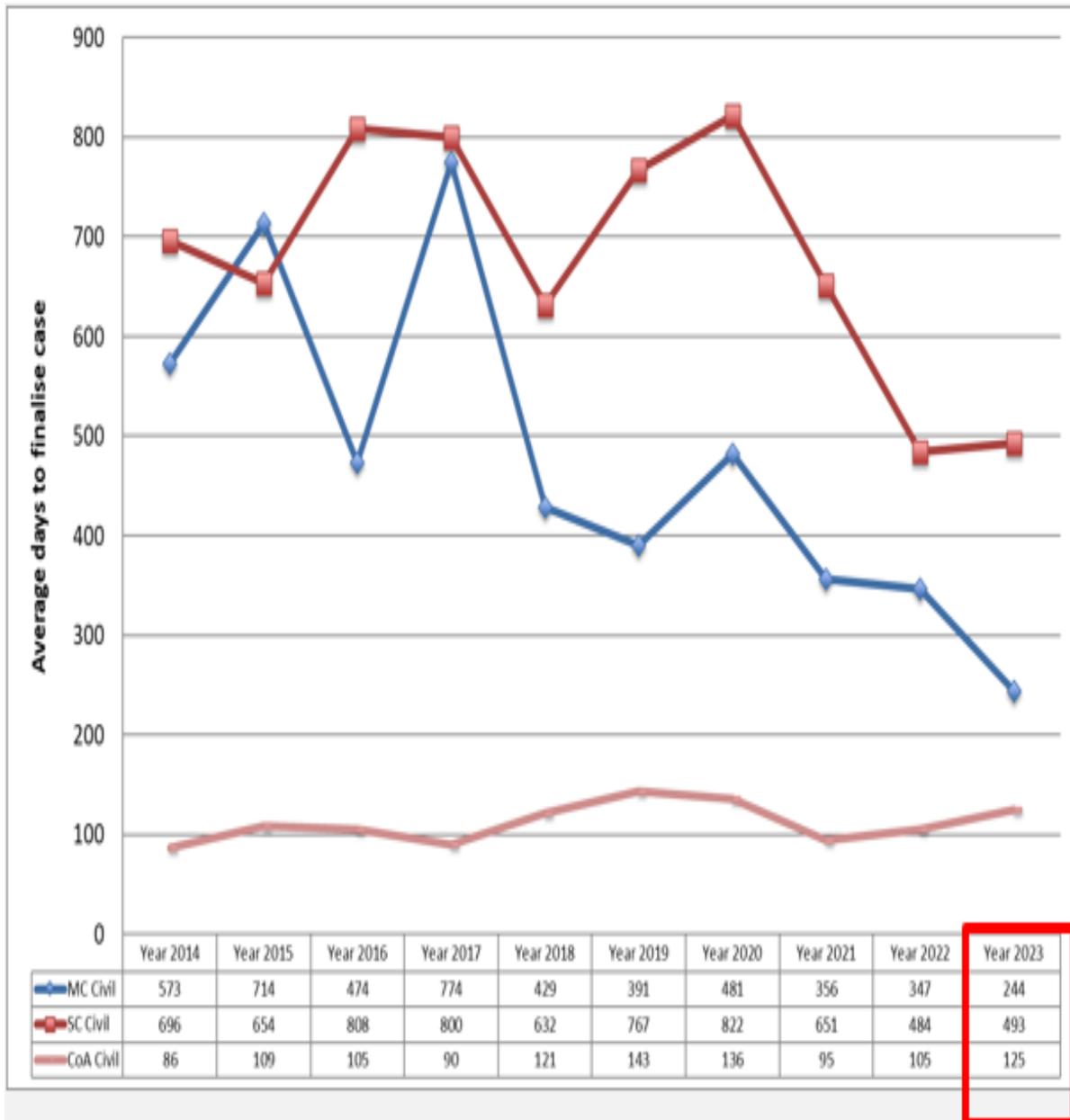


Figure 8: Pending cases by four court jurisdictions.

Timeliness Disposed

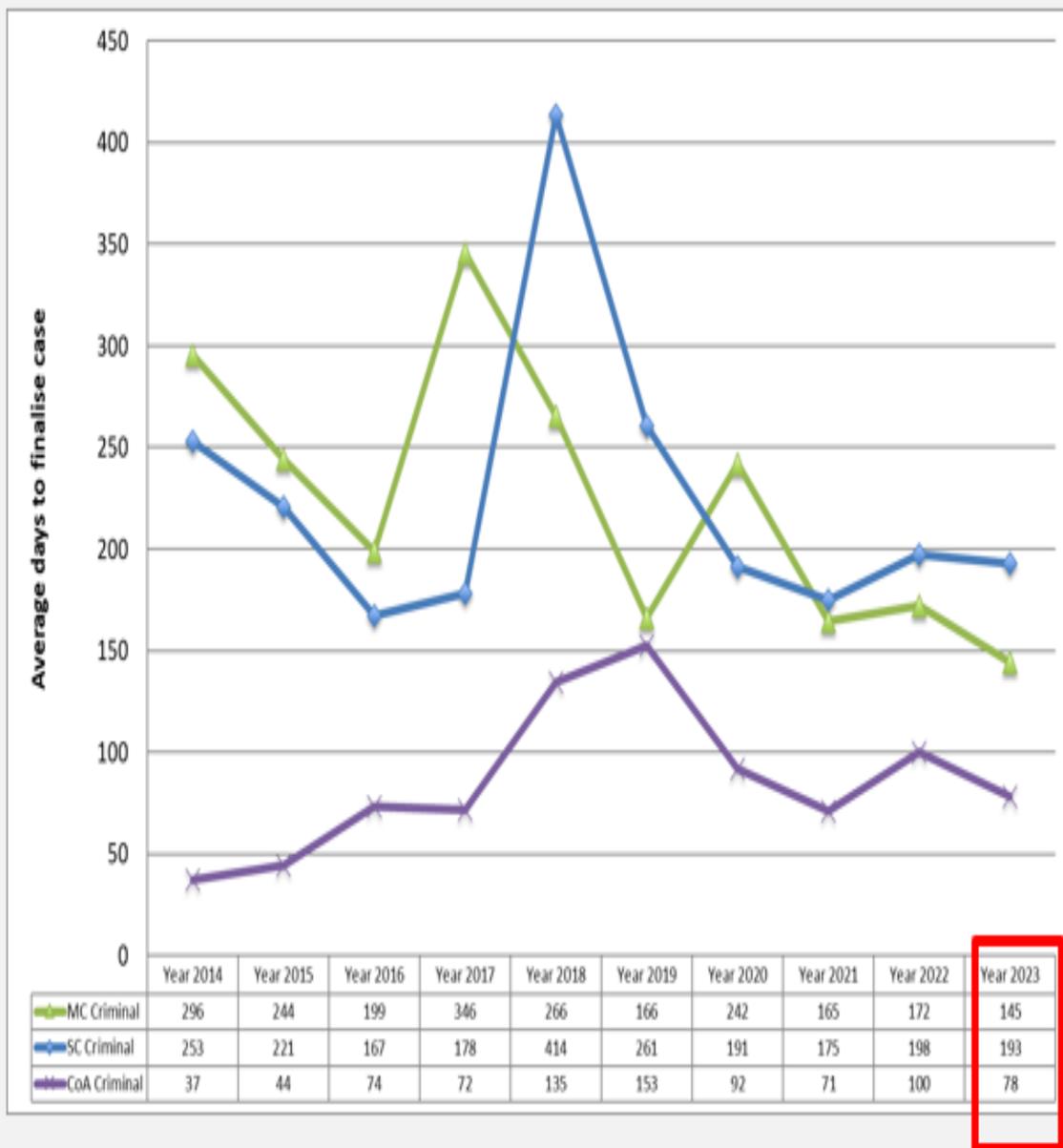
Civil Cases



Compared to 2022 the days to dispose of Civil cases in Magistrate court is good, Supreme Court is the same and Court of Appeal remains consistent

Figure 9: Disposal by days in the courts for Civil cases

Criminal Cases



Criminal cases average days to dispose is the same compared to last year and very solid and reflects the commitment to dealing with criminal matters in a timely manner for the country.

Figure 10: Disposal by days in the courts for Criminal cases

Attendance Rates

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

Supreme Court

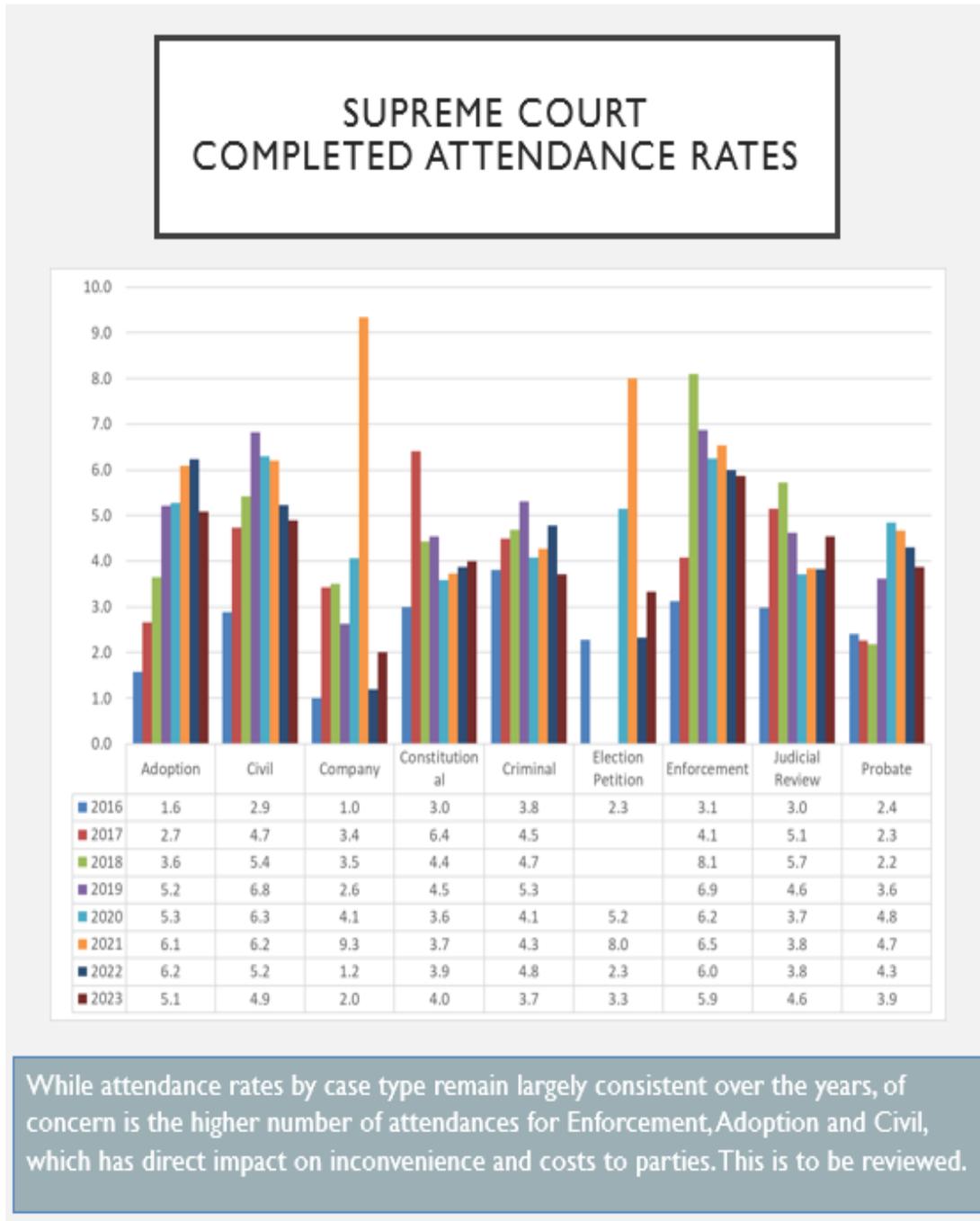
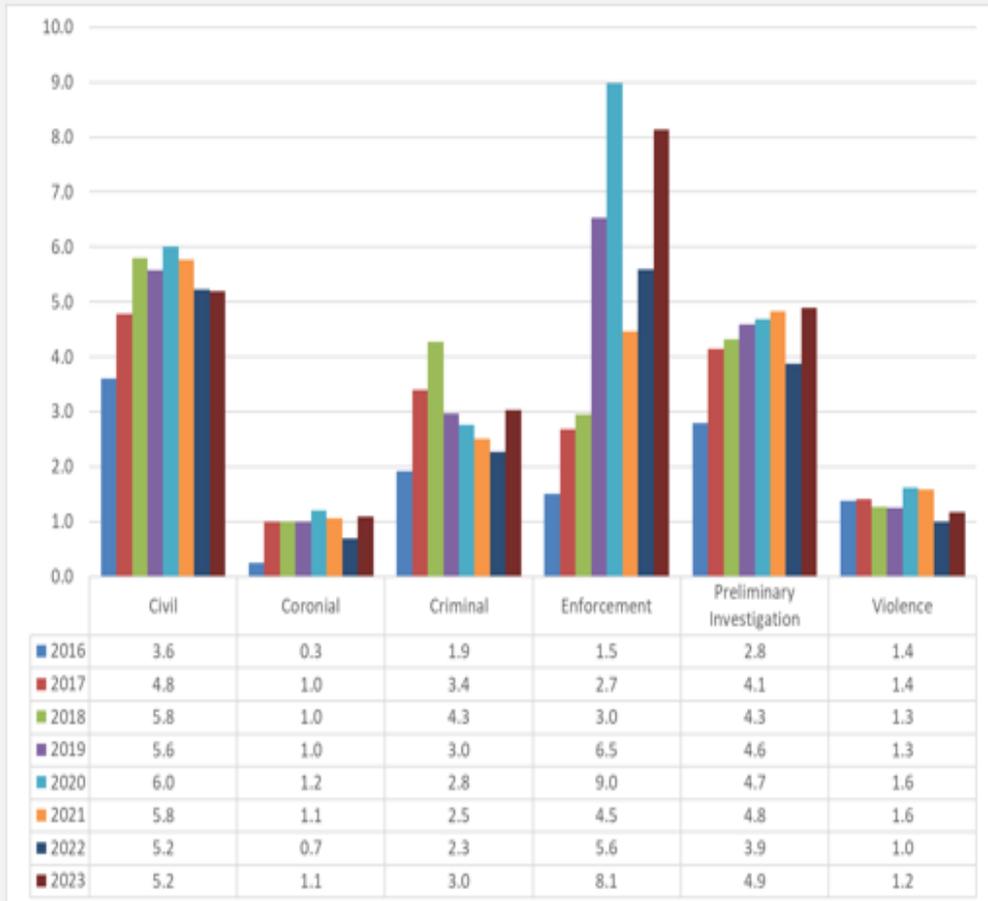


Figure 11: Supreme Court completed attendance rates.

MAGISTRATE COURT COMPLETED ATTENDANCE RATES



Largely consistent over the years for the main case types, Criminal, PI and Violence (protection orders) – the attendance rates are generally in-line with good practice for Magistrate Court.

Figure12: Magistrate Court completed attendance rates.

Commentaries

Supreme Court

- SC filings again were over 800 – with 840 cases filed
- SC finalization were up from 2022 at 757
- Clearance rate less than 100% - at 90%, but overall, the last 8 years at 103% - a solid effort
- Pending increase over 800 at 923, due to high filling in 2023
- PDR is 1.2 – which is slightly above the target of 1.0 for any Supreme Court
- There are still approximately 24% of cases older than 2021 that should be assessed
- Timeliness for completing Criminal cases continues to be consistent – now at 193 days versus 198 last year – and Civil cases also consistent from 484 days to 493 days – a good result

Overall

- Attendance rates (which impact and cost to the community) are being monitored carefully. Some variance between case types – but overall similar to 2022.

Magistrate Court

- MC fillings were slightly down in 2023 from 2294 to 2160 - a decrease of 6 %
- MC finalizations were significantly down compared to 2022 from 2270 to 1833 – a decrease of 19 %.
- Clearance Rate was under 100%, at 85% in 2023 – the overall average for the last 8 years is at 100%
- Pending increased significantly from 918 in 2022 to 1357, thus adding over 400 cases to Pending #s
- PDR significantly increase to 0.7
- There are still approximately 28% of cases older than 2 years that should be assessed.
- Timeliness for completing Criminal cases – reduced from 172 days in 2022 to 145 days in 2023
-

Overall

- Pending case numbers (open cases) increased significantly due to the Clearance Rate less than 100% at 85%.
- MC has a Pending to Disposal Ratio (PDR) of 0.7 which equates less than a year worth of outstanding cases. (Target is 0.5)

Island Court

- IC filings – increased over 20% in 2023, from 329 to 395 cases filed, compared to 2022
- IC disposals significantly increase from 238 cases to 388 a great increase of over 60% of 2022.
- Clearance rate just under 100% - at 98% - an increase, from 72% in 2022
- Pending slightly decrease from 701 to 652 cases – a decrease of 7% - still too high
- PDR at 1.1 - still too high
- There are now approximately 61% of cases older than 2 years equating to 398 cases that should be assessed

Overall

- The continued increase in filing is a positive sign for the usage/patronage of the Court.
- A good finalization of cases this year has resulted in the Pending workload decreasing, gradually building back the confidence for the community to the Island Court

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 119%
- Supreme Court clearance is 90.1%
- Magistrates Court clearance rate is 84.9%
- Island Courts rate is 98.2%

Average duration

Average duration of cases from filing to finalization

Court of Appeal

- Civil Appeal Cases – 125 days
- Criminal Appeal Cases – 78 days

Supreme Court

- Civil Cases – 493 days
- Criminal Cases – 193 days

Magistrates Court

- Civil Cases – 244 days
- Criminal Cases – 145 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. 757 cases were finalized by the Supreme Court in 2023, and 63 cases were appealed to the Court of Appeal. This represents 8.3% of all cases finalized in the Supreme Court that were appealed.

Overtake rate on appeal is 8.3 %

Fee waiver

The percentage of cases that are granted fee waiver - none

Cases disposed on circuit

The percentage of cases disposed through court circuit are;

Supreme 16% percentage and Magistrate court is at 4.5%

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 140 cases per year per judge and in the Magistrates, is 240 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 216.

Court services

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

Average age of pending case load;

- Court of Appeal – 17 days
- Supreme court – 923 days
- Magistrate court -1357 days
- Island Court – 652 days

Juvenile/Children cases

No record

Violence cases

Violence against women/Children

1011 cases were registered in the Magistrate Court in 2023 which represent a total 46% of the total workload in the Magistrate Court in 2023

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 missing data recovery project is picking up in a slow pace in the year 2023.
2. The non-service of summonses for criminal cases lodged in the Magistrates Court has a great impact on the Magistrates Court in managing cases.
3. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters due to limited resources.
4. 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 2023 - 31st December 2023.

1) Current Human Resources

Designation	FTE	Contract	Vacant
Judges	6	1	1
Master	-	-	1
Deputy Master	1	-	-
Magistrates	9	-	1
Judicial Support & Administration.	48	-	1
Enforcement	5	-	-

(NB: FTE- Full Time Employee)

2) Recruitment

There are Five recruitments in 2023 of which 2 Positions are new and 3 positions are replacements as follows:

POSITION	COURT	NEW/REPLACEMENT	LOCATION
1. Secretary	Magistrate Court	New	Port Vila
2. Secretary	Magistrate Court	New	Santo
3. Secretary	Magistrate Court	Replacement	Tanna
4. Secretary	Supreme Court	Replacement	Port Vila
5. Clerk	Island Court	Replacement	Tonga

The 6 month Probation for the 5 stated recruitments above are due on January & February of 2024.

3) Redundancy/ Separation

Table below shows three officers resigned with the Institution in year 2022:

Retirement Age	Retire on Medical Grounds	Resignation	Removal from JSC/ Termination
1	1	2	1

4) Leaves Records

A) Outstanding Leaves Update by Judiciary

- (i) Below is a summary of leave records for Judiciary staffs as of 31/12/2023. With the results below has shown improvements in leave management compared to year 2021 & year 2022 records. Improvement trends over the last 3 years as follows:

BRIEF SUMMARY: This ANNUAL LEAVE REPORT is EXTRACTED from HRO "Manual Tracking up-date" as of: 31/12/2023

- Overall Total Cost of Annual leave for JUDICIARY as of 31/12/2021 IS: **122,306,684VT**
- Overall Total Cost of Annual leave for JUDICIARY as of 31/12/2022 IS: **110,472,256VT**
- Overall Total Cost of Annual leave for JUDICIARY as of 31/12/2023 IS: **106,101,064VT**
- Difference of 4,371,192VT - With staff taking annual leave during the last 12 months in year 2023

- (ii) Judiciary will continue to encourage staffs 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.

UP-DATE "ANNUAL LEAVE REPORT" COMPILED BY HRO 31/12/2023							
#	Employee ID #	DESIGNATION	EMPLOYMENT START DATE	TOTAL YEARS	ANNUAL LEAVE BALANCE	ANNUAL SALARY (VUV)	TOTAL LEAVE PAYMENT PER STAFF (VUV)
1	430397	Chief Justice	01-Jun-96	27	621.5	10,459,000	24,915,471
2	153601	Judge	06-May-97	26	594	8,009,600	18,236,231
3	292425	Judge	20-Nov-21	2	49.5	8,009,600	1,519,686
4	328849	Judge	31-May-11	12	455	8,009,600	13,968,830
5	194654	Judge	15-Jul-19	4	86.75	8,009,600	2,663,288

6	1129937	Judge	01-Jul-23	8 months	6	8,009,600	184,204
7	706028	Chief Registrar	03-May-99	25	535.5	4,444,800	9,123,249
8	231373	Acting Chief Magistrate	01-Apr-99	25	177	4,206,700	2,853,991
9	428342	Senior Magistrate	05-Feb-91	33	663.5	3,739,300	9,509,749
10	505404	Senior Magistrate	14-Aug-13	11	60.25	3,739,300	863,545
11	636209	Senior Magistrate	26-Jan-11	13	26.25	3,739,300	376,233
12	1077584	D. Master	11-Jan-18	6	17	3,527,600	229,861
13	1076457	Magistrate	07-Nov-16	8	29.75	3,272,000	373,111
14	1076127	Magistrate	06-Jun-14	10	44.25	3,272,000	554,963
15	1085051	Magistrate	06-Jun-14	10	41.5	3,272,000	520,474
16	741843	Judicial Dev/ Training Coordinator	11-Apr-16	8	127	3,272,000	1,592,776
17	1066364	Accountant	23-Feb-09	15	61.5	3,272,000	771,305
18	1070329	Magistrate	15-Jul-19	5	15.75	3,135,600	189,295
19	1076938	Magistrate	22-Nov-21	3	57.75	3,029,600	670,618
20	1064487	Human Resource Officer	27-Apr-20	4	13	2,787,200	138,883
21	1064313	Technology & System Officer	13-Jun-22	2	29.5	2,787,200	315,158
22	741413	Library	20-Nov-06	18	60.75	2,202,300	512,815
23	1078396	SAIC	10-May-10	14	77.25	2,042,700	604,841
24	430710	Sheriff	03-Jun-19	5	90.5	1,974,600	684,960
25	1080937	Finance Officer	22-May-14	10	121.25	1,755,200	815,729
26	1065584	Assistant Registrar	09-Mar-14	10	64.5	1,755,200	433,934
27	552810	Secretary	01-Feb-96	28	210	1,614,000	1,299,154
28	1080937	Secretary	03-Nov-99	23	27.5	1,560,200	164,456
29	726596	Assistant Registrar	25-Apr-05	19	36	1,560,200	215,288
30	639393	Secretary	16-Apr-98	26	106.5	1,513,100	617,668
31	442848	Secretary	01-Feb-96	28	269	1,434,600	1,479,180
32	1072647	Island Court Clerk	12-Aug-13	11	84.5	1,434,600	464,649
33	1084169	Island Court Clerk	02-May-13	11	157.25	1,434,600	864,688
34	1079026	Island Court Clerk	14-May-15	9	14.25	1,434,600	78,358

35	1069727	Island Court Clerk	02-Oct-06	18	63.5	1,434,600	349,174
36	1063923	Island Court Clerk	03-Mar-10	14	77.75	1,434,600	427,532
37	1083480	Island Court Clerk	30-Apr-12	12	94	1,434,600	516,888
38	1074771	Island Court Clerk	03-Mar-10	14	68.75	1,434,600	378,043
39	1077952	Island Court Clerk	09-Mar-10	14	166.75	1,434,600	916,926
40	10700115	Secretary	07-Dec-06	18	39.5	1,386,800	209,966
41	1065228	Deputy Sheriff	25-May-15	9	56	1,345,000	288,701
42	1077468	Assistant Sheriff	19-Aug-22	2	32	1,345,000	164,972
43	1078620	Island Court Clerk	14-Aug-23	1	19	1,345,000	97,952
44	1110361	Island Court Clerk	12-Jul-21	3	16	1,345,000	82,486
45	1075034	Secretary	27-Jul-09	15	82.75	1,291,200	409,543
46	1078057	Secretary	02-Feb-13	11	22	1,243,400	104,851
47	1063080	Assistant Registrar	02-Jan-21	4	74.25	1,195,500	340,239
48	1100800	Secretary	09-Apr-18	6	11	1,126,500	47,497
49	1083514	Secretary	30-Apr-12	12	96	1,126,500	414,515
50	1069788	Secretary	02-Sep-10	14	122.75	1,126,500	530,018
51	1030961	Driver	24-Sep-12	12	111.25	1,094,600	466,760
52	1101868	Asset Officer	04-Jun-18	6	132	1,094,600	553,818
53	743690	Receptionist	09-Jan-12	12	30.75	1,094,600	129,014
54	1085134	Secretary	05-Jun-17	7	16.5	1,094,600	69,227
55	1066466	Secretary	16-Feb-15	9	31	1,058,000	125,714
56	1076585	Filing Clerk	17-Oct-22	2	30.5	1,029,600	120,367
57	1088944	Secretary	04-Oct-21	3	65.5	1,029,600	258,492
58	1102615	Driver	01-Aug-22	2	50.75	1,001,300	194,777
59	1076314	Cleaner	21-Oct-19	5	22	1,001,300	84,435
60	1113837	Procurement Officer	03-Mar-22	2	57.75	1,001,300	221,643
61	1074213	Court Orderly	06-Apr-21	3	25.5	1,001,300	97,868
62	1127597	Secretary	31-Jul-23	1	14.25	1,001,300	54,691
64	1090421	Secretary	05-Sep-22	2	21.25	1,001,300	81,557

65	1083666	Secretary	03-Jul-23	1	27.25	1,001,300	104,585
66	1087496	Secretary	03-Jul-23	1	30.5	1,001,300	117,058
67	1118226	Secretary	06-Nov-23	1	22.75	1,001,300	87,314
68	1065953	Cleaner	02-Oct-17	7	45	663,400	114,426
GRAND TOTAL COST FOR OVERALL JUDICIARY FOR STAFF ANNUAL LEAVE AS OF: 18/11/ 2023:							106,101,064

The 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 for 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 welfares

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

6) Office Hours

Most staff attend work by 7.30am to 8am; 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 staffs where necessary so that Official hours of work are respected by staffs.

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

7) Record Keeping

Court staff and Judicial Officers each have their own personnel file in both SOFT & HARD COPY of which the HRO have access to these files and manages these files.

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 on them before executing them.

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

Table showing approved annual budget for Judiciary 2022 Financial year.

Year	Annual Budget	Payroll Budget	Operation Budget
2023	335,193,562	204,736,217	130,457,345

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

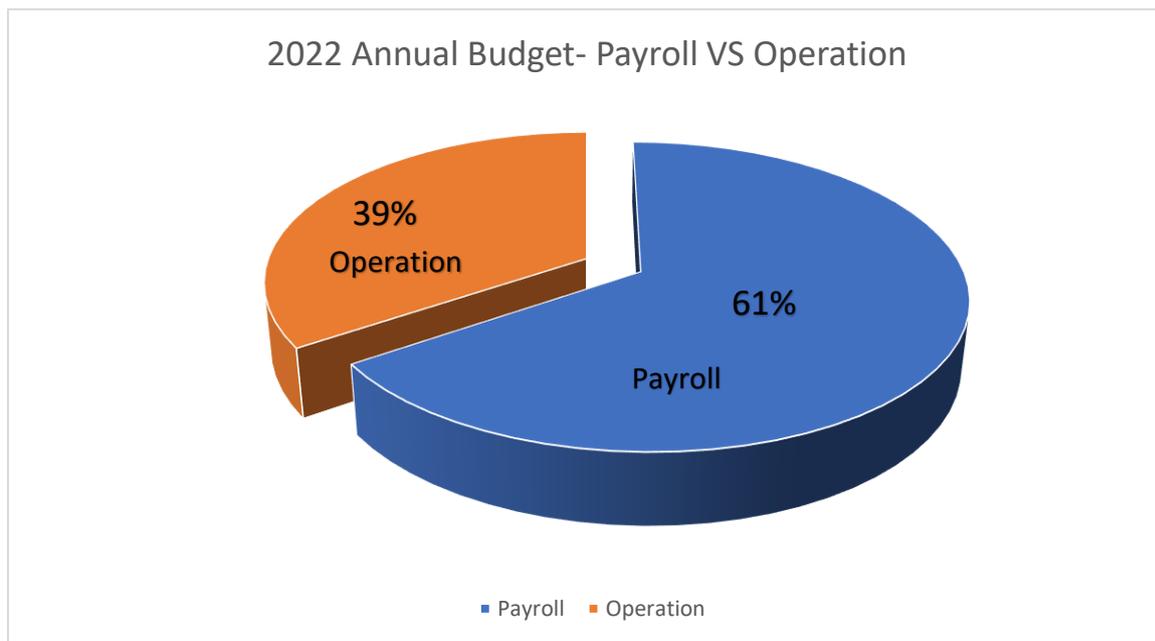


Figure 13: Payroll compared to operational budget

Statement of Appropriation

Judiciary’s 2023 annual budget approved ceiling by Parliament was a total of VT 335,193,562. The budget share of Payroll was 61 percent and budget share for operation is 39 percent. The administration also applied for NPP to assists with its priority activities. The total approved NPP sums at VT 7,758,704.

Below is the explanations of actual expenses of the budget under payroll and operations for Judiciary.

Payroll Expenditures

Account	Description	Actual Expenses	Total	Budget	Under/(Over)
	Personnel Expenses				
8AAA	Acting Allowances	739,976	739,976	0	(739,976)
8AAB	Responsibility Allowance	2,632,589	2,632,589	0	(-2,632,589)
8AAF	Family Allowance	2,037,822	2,037,822	1,945,840	(91,982)
8AAG	Gratuities Allowances	7,734,662	7,734,662	10,721,659	2,986,997
8AAH	Housing Allowances	18,496,785	18,496,785	20,400,000	1,903,215
8AAO	Other Allowances	378,450	378,450	0	(378,450)
8AAP	Home Island Passage Allowances	968,427	968,427	295,000	(673,427)
8AAS	Special Allowance	6,042,300	6,042,300	1,080,000	(4,962,300)
8ASP	Provident Fund	6,598,044	6,598,044	7,422,170	824,126
8AWL	Leave expense	5,582,326	5,582,326	0	(5,582,326)
8AWP	Permanent Wages	163,671,130	163,671,130	182,624,400	18,953,270
PAYR	Payroll expenses	0	0	(19,752,852)	(19,752,852)
	Personnel Expenses	214,882,511	214,882,511	204,736,217	(10,146,294)

Judiciary over spend its payroll by VT -10,146,294. This is due to Payroll funds wired to operation before a Journal was done to refund expenses for medical treatment for Chief Justice in India.

Major Spend Accounts

The payroll accounts spend are:

- Responsibility allowance
- Family allowance
- Gratuity allowance
- Housing allowance
- Special allowance
- Provident Fund
- Leave expenses

- Permanent wages

Underspend Payroll Accounts

The underspend payroll accounts are:

- **Gratuity allowances-** Judiciary budgeted for VT 10,721,659 and spend only VT 7,734,662. This is because position for a judge and master of the Supreme Court is vacant in year 2023.
- **Housing allowance-** There are staff who were recruited but did not receive housing allowance due to still being under probation period. There are also staff who are terminated and resign in 2023 that contributed underspend under housing allowance account.
- **Provident Fund** – This account is underspending because some staff are terminated, resigned and there are vacant positions.
- **Permanent wages-** Judiciary budgeted for VT 182,624,400 under permanent wages and spent VT 163,671,130. A total of VT 18,953,270 was not spent since there are vacant positions that were not recruited in 2023.

Overspend Payroll Accounts

The major overspend payroll accounts are:

- Acting allowances
- Responsibility Allowances
- Other allowances
- Home Island passage allowances
- Special allowances
- Leave expenses

Below are reasons to justify the overspendings

- i. **Acting allowances-** No budget was loaded under this account due to uncertainty. The overspending is towards acting chief justice since chief justice went to India for medical treatment.
- ii. **Responsibility allowances-** in 2022, when the government system was hacked, it also impacted the case management system which court is using. Visual files in the system were also lost. The head of the administration has decided that secretaries will work overtime to input the case documents back into the system. The secretaries were awarded responsibility allowances for 3 months.
- 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 leave account. Outstanding leaves were paid by payroll savings. In the year 2023 there are staff who resigned, and their outstanding leave were paid.

Operation Expenditures

Account	Description	Actual	Total	Budget	Under(Over)
8CAB	Subsistence Allowances	6,637,119	6,637,119	4,410,000	(2,227,119)
8CAS	Sitting Allowances	25,012,466	25,012,466	24,132,523	(879,943)
8CBI	International Accommodation	1,016,000	1,016,000	700,000	700,000
8CBL	Local Accommodation	5,424,842	5,424,842	5,164,184	(260,658)
8CEM	Software Maintenance Fees	1,333,174	1,333,174	1,474,300	141,126
8CES	Security Services	1,573,914	1,573,914	0	(1,573,914)
8CET	Other Fees	814,750	814,750	4,524,420	3,709,670
8CFV	Vehicles Fuel	2,750,765	2,750,765	2,023,186	(727,579)
8CGR	Transport - Freight	507,050	507,050	460,000	(47,050)
8CGS	Storage Freight	0	0	190,000	190,000
8CHI	International Medical Treatment	1,799,585	1,799,585	0	(1,799,585)
8CHL	Local Medical Treatment	73,157	73,157	100,000	26,843
8CIE	Equipment Hire	101,870	101,870	0	(101,870)
8CIF	Facilities Hire	1,016,378	1,016,378	760,000	(256,378)
8CIV	Vehicles Hire	963,696	963,696	436,736	(526,960)
8CJO	Office Cleaning	1,363,164	1,363,164	780,000	(583,164)
8CKD	Advertising - Communications	735,393	735,393	7,527,600	6,792,207
8CKL	Translation Communications	1,479,581	1,479,581	6,310,000	4,830,419
8CKP	Postage - Communications	37,895	37,895	0	(37,895)
8CKR	Printing - Communications	862,653	862,653	836,000	(26,653)
8CKS	Stationery - Communications	1,723,702	1,723,702	916,837	(-806,865)
8CKT	Telephone / Fax - Communications	2,906,443	2,906,443	1,495,248	(1,411,195)
8CMG	General - Materials	139,519	139,519	0	(139,519)
8CMO	Office - Materials	202,096	202,096	0	(202,096)
8CNO	Office Rental	16,749,945	16,749,945	18,012,480	1,262,535
8CNT	Other Rental	36,120	36,120	3,840,000	3,803,880
8COD	Research & Development	0	0	900,000	900,000
8COF	Refunds	3,995,351	3,995,351	1,592,323	(2,403,028)
8COI	Incidentals	477,367	477,367	37,000	(440,367)
8COP	Official Entertainment	2,524,801	2,524,801	2,773,439	248,638
8COS	Insurance	18,283	18,283	0	(18,283)
8COU	Uniforms	0	0	300,000	300,000

8CRB	Buildings Repairs & Maintenance	1,323,681	1,323,681	500,000	-823,681
8CRE	Equipment Repairs & Maintenance	1,061,521	1,061,521	49,000	(1,012,521)
8CRM	Maintenance Contract	27,630	27,630	0	(27,630)
8CRV	Vehicles Repairs & Maintenance	513,627	513,627	0	(513,627)
8CRW	Vehicle Servicing	1,215,485	1,215,485	1,000,000	(215,485)
8CTI	International Travel	5,381,447	5,381,447	1,820,000	(3,561,447)
8CTL	Local Travel	4,255,938	4,255,938	3,465,798	(790,140)
8CUC	Gas - Cooking Utilities	331,072	331,072	464,000	132,928
8CUE	Electricity Utilities	8,491,400	8,491,400	4,436,907	(4,054,493)
8CUL	Lighting Utilities	292,442	292,442	65,000	(227,442)
8CUW	Water Utilities	1,480,066	1,480,066	630,000	(850,066)
8CZV	Value Added Tax	7,744,433	7,744,433	2,829,336	(4,915,097)
8EEA	Equipment - Additional General	2,493,123	2,493,123	0	(2,493,123)
8EEC	Equipment - Computer	2,056,924	2,056,924	1,551,741	(505,183)
8EEP	Equipment-Photocopiers	674,075	674,075	0	(674,075)
8EFO	Furniture - Office Furniture	376,188	376,188	300,000	(76,188)
8EVR	Vehicle - Replacement	0	0	3,880,435	3,880,435
8FCB	Bank Charges	2,817	2,817	16,000	13,183
OVER	Overhead expenses	0	0	19,752,852	19,752,852
	Operating Expenses	119,998,948	119,998,948	130,457,345	10,458,397

- The original operation budget was 32% or 110,704,453
- The operation budget increased on December 2023 to VT 39% or VT 130,457,345 after a virement has been done by viring funds from payroll to operation to refund project funds been used to fund medical treatment for Chief Justice in India. A Journal was then done to refund or transfer funds back to project.
- The operation expenses shows that Judiciary spend VT 119,998,948 and underspend with VT 10,458,397. The reason funds not expend was because Judiciary transfer funds out from payroll to operation and transfer back to project code 22C114.

Major Spend Accounts

- Subsistence allowance
- Sitting allowance
- International accommodation
- Software maintenance fees
- Security fees
- Vehicles fuel

- International medical treatment
- Facilities hire
- Office cleaning
- Translation communications
- Stationaries
- Telephone communications
- Office rental
- Refunds
- Official entertainment
- Building repairs and maintenance
- Vehicle servicing
- International travel
- Local travel
- Electricity utilities
- Water utilities
- Value added tax
- Equipment-Additional general
- Equipment- computer

Major underspend Operation Accounts

- Other fees
- Advertisement communications
- Translation communications
- Office rental
- Other rentals
- Vehicle- replacement

The underspend operation accounts will be shed light below

- **Other fees-** Most of the fees budget under this account is for sheriff execution fees example, valuation fees.
- **Advertising communications-** Sheriff's office did not do a lot of advertisement.
- **Office rental-** The office rental was over budgeted thinking that rental for Magistrate in Port Vila and Santo courts will increased.
- **Other rental-** Two Judges housing allowance are kept under this account. 1 Judge Position still vacant. Another judge was recruited 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 Operation Accounts

- Subsistence allowance
- Sitting allowance
- Security services
- International medical treatment
- Telephone communications
- Refunds

- Equipment repair and maintenance
- International travel
- Electricity utilities
- Equipment-Additional General
- VAT

Each major overspend operation accounts will be clarify below

- **Subsistence allowance-** Judiciary budgeted VT 4,410,000 and overspend by VT 2,227,119. Reasons below justifies the overspending under subsistence allowance account.
 - There are additional weeks to a court tour instead of only one week as planned in the yearly calendar.
 - The unforeseen weather causing the flight cancellation which cause additional days to pay to secretaries and judicial officers
 - In July 2023, two international judges and their wives were invited by chief justice to come to Vanuatu for President to honor them with patch of distinction.
 - Chief Justice medical treatment in India also paid subsistence allowance. Chief Justice, a family member and a court official.
- **Sitting allowance-** Budget for this account was VT 24,132,523 and overspend on VT 879,943. A contributing factor is the two additional court of appeal for the political instability.
- **Security services-** There was no security budget for Judiciary in 2023. A break in the Supreme Court offices on May 2023 required for security to be presence at the premises for the safety to employees.
- **International medical treatment-** There was no specific budget for medical treatment. In year 2023, Chief Justice went to India for medical treatment.
- **Telephone communications-** This account budget was VT 1,495,248 and overspend on VT 1,411,195. This indicates that this account require more budget to be allocated to it.
 - There are additional routers for outer courts and magistrates that were also added to the prepaid.
 - Mobile for Judicial officer and staff who travel overseas were activated on roaming
 - Staffs mobile were refill for urgent work purposes.
- **Refunds –** The budget under this account was VT 1,592,323 and overspend on VT 2,403,028. Most of the activities expend under this accounts are
 - Medical receipts for staffs and judicial officers.

- Unforeseen receipts for staffs during local and international tour especially when using their own monies.
- Refund of tickets for court of appeal international judges
- Refund of visa fees paid by individual since no visa debit card for organization.
- **Equipment repair and maintenance** – Budget under this account was only VT 49,000 and overspend on VT 1,012,521. Need to insert more budget under this account to cater for the activities under this account. Below are
 - Service air conditions
 - Service computers
 - Service photocopy machines
 - Repair electrical switch board
- **International travel** – Judiciary budgeted VT 1,820,000 and overspend on VT 3,561,447. There are tours that came up that have to force budget to expend on them.
 - Two international judge and their wives travel to Vanuatu upon invitation for Chief Justice to be honored by President of the Republic of Vanuatu for patch of distinction.
 - Three return business class tickets to India to help Chief Justice if needed help.
- **Electricity utilities** - Judiciary budgeted VT 4,436,907 and overspend on VT 4,054,493. The contributing factor was the increased of fuel prices and additional air condition that were installed in court offices.
- **Equipment-Addition General** – No budget input under this account. It overspend on VT 2,493,123. There are new equipment purchase such as air condition, printers, photocopy machines, video conferencing accessories.
- **Value added tax**- Since Vanuatu Government increase VAT percentage, it did not allocate additional budget to Judiciary.

Expense summary report – Personal emoluments and Operating expenses

Below showing a summary table and a pie chart for personnel emolument expenses.

Description	Actual
Allowances(Acting, Responsibility, Family, Gratuity, Housing, Other, Home island passage, Special)	39,031,011
Provident fund	6,598,044
Leave expense	5,582,326
Wages	163,671,130

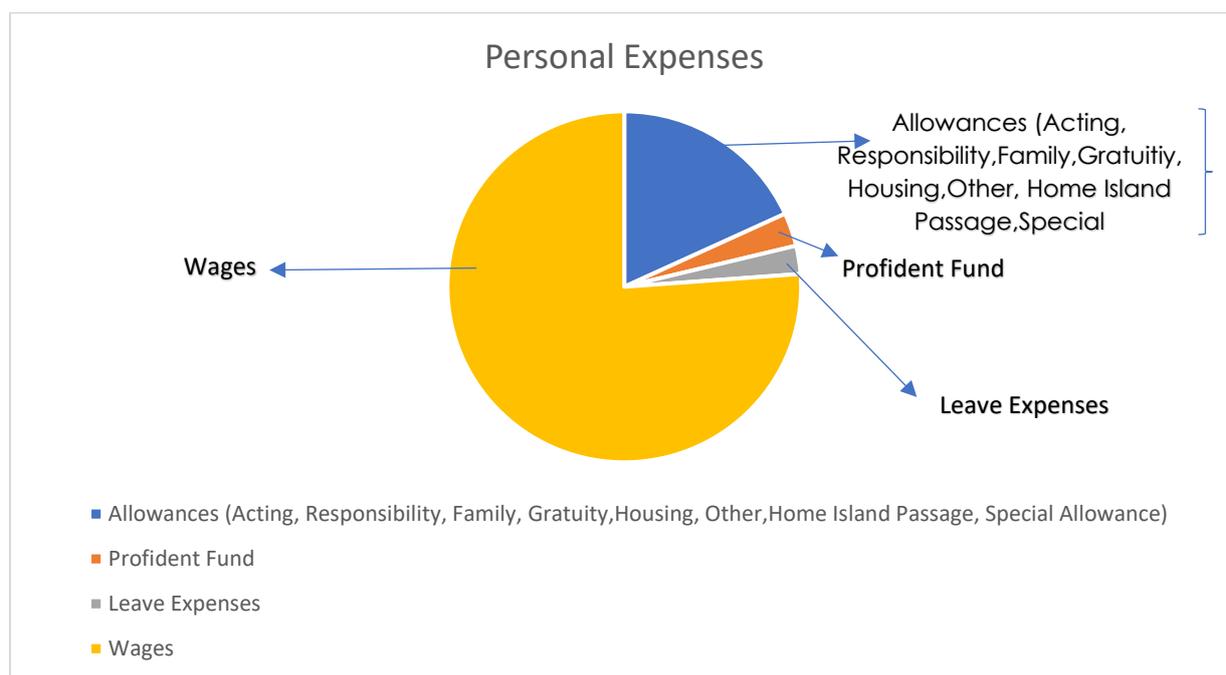


Figure 14: Personnel emoluments expenses

The table showing a summary and graph for operation expenses.

Description	Actual
Subsistence & Sitting allowance	31,649,585
Accommodation(Local & International)	6,440,842
Fees(Software & other)	2,147,924
Security services	1,573,914
Fuel	2,750,765
Freight	507,050
Medical treatment & medicines suppliers	1,872,742
Hire(Equipment, facilities & vehicles)	2,081,944

Office cleaning	1,363,164
Communication(Advert.,transl,postage,printing,stationery&telephone/fax)	7,745,667
General & Office material	341,615
Office and other rental	16,786,065
insurance	18,283
Refunds	3,995,351
Incidentals	477,367
Official entertainment	2,524,801
Maintenance(building, equipment, maintenance contract)	2,412,832
Vehicle repair & Servicing	1,729,112
Travel(Local & International)	9,637,385
Utilities(Gas, electricity, lighting, water)	10,296,980
Value added Tax	7,744,433
Equipment(General, computer, photocopiers, replacement)	5,224,122
Furniture (Office & Other)	376,188
Bank Charges	2,817

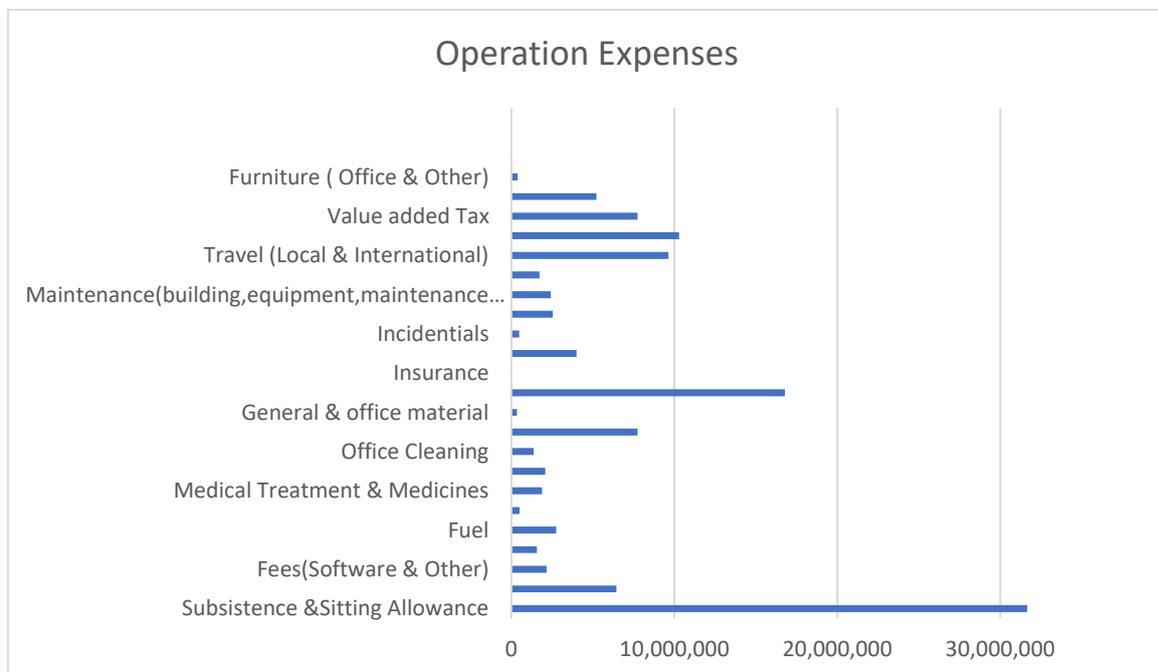


Figure 15: Operational expenses

VIREMENT

- A. A virement was applied on 8th December 2023 for an amount of VT 9,905,102. Funds vire to cost centre 1422 CIAC OVER.
- B. VT 6,149,708 refund funds been expend under project code: 22C114 for Chief Justice medical treatment in India. Total medical VT 9,080,625. The difference of VT 2,930,917 expend from cost centre 1408 CIAA-Interpretation/Translation
- C. VT 3,755,394 assisted to pay out the outstanding bills.

Cost Center	Acivity		PAYR
1401	CIAA	Human Resources	2,488
1402	CIAA	Account/Finance	30,937
1404	CIAA	Information Technology	24,028
1405	CIAA	Library/Archive	22,729
1420	CIAC	CJ Office	1,150,115
1421	CIAC	Principal Registry	95,815
1422	CIAC	Port Vila SC Registry	4,088,966
1423	CIAC	Luganville SC Registry	827,114
1429	CIAC	Master's Office	733,465
1431	CIAD	Port Vila MC Registry	520,525
1432	CIAD	Lakator MC Registry	787,758
1433	CIAD	Isangel MC Registry	104,035
1434	CIAD	Luganville MC Registry	522,260
1440	CIAE	Senior Administrator Office	4,035
1441	CIAE	Efate Island Court	11,295
1442	CIAE	Santo Malo Island court	41,504
1443	CIAE	Tanna Island court	13,589
1445	CIAE	Pentecost Island court	36,801
1447	CIAE	Tongoa Island court	448,576
1448	CIAE	Ambrym island court	40,326
1449	CIAE	Epi island court	38,866
1480	CIAG	Sheriff's Office	324,683
1490	CIAH	Local training and Dev	35,192
		Total	9,905,102

Advanced Release Management

There was a total of five cost centers that advanced release was done on them namely, 1402-Finance/Accounts, 1403- Asset, 1408- Interpretation, 1421-Principal Registry 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 5 to pay out annual rental amount of VT 2,505,600.
 - b. **Magistrate Court Office**- Advance to period 4 to pay out annual rental amount of VT 6,000,000.
- B. **1403 Asset**- The advance release were request only where there are needs arises for specific activities. There are three advance release done under this cost centre. Total funds loaded in period 12 2023 was VT 4,126,283.
- a. 1st advance request on 30 May 2023- This request was done to pay outstanding invoices for Bodiam for court vehicle services and repairs. Total amount requested was VT 644,838.
 - b. 2nd advance request on 1 September 2023- This request was done to pay sitting allowance for Court of Appeal Urgent Hearing. Total amount request was VT 1,780,000.
 - c. 3rd advance release request on 12 September 2023- This request was done specifically again to pay outstanding invoices for services and repairs of court vehicles. Total amount request was VT 361,665.
 - d. Remaining funds of VT 1,339,780 loaded in period 12 was advanced with other cost centres on December 2023
- C. **1408 Interpretation & Translation** – This is a new cost centre created on 2022 for NPP. Total of VT 5,000,000 was loaded in period 12.
There are 9 advance release under this new cost centre.
- a. 1st advance request was done on 3 April 2023- This request was done to pay Vanuatu Translation & Secretarial Services invoices for the interpretation done in court. Total amount request was VT 538,200.
 - b. 2nd advance release was done on 8th June 2023- This request was done to pay John Willie, the Chinese translation. Total amount request was VT 25,000
 - c. 3rd advance release was done on 3rd July 2023- This request was done to pay Chinese translator. Total amount request was VT 520,000.
 - d. 4th advance release was done on 10th August 2023-This request was done to pay Vanuatu Translation for the interpretation services done in court. Total amount requested was VT 186,300.
 - e. 5th advance request was done on 12th September 2023. This request was done to pay Vanuatu Translation for the interpretation services done in court. Total amount request was VT 295,460.
 - f. 6th advance request was done on 31st October 2023. This request was done to pay Vanuatu Translation & Secretarial services done in court. Total amount request was VT 185,060.

- g. 7th advance request was done on 15th November 2023. This request was done to pay Vanuatu Translation & Secretarial services done in court. Total amount request was VT 55,200.
- h. 8th advance request was done on 6 December 2023. This request was done to pay Vanuatu Translation, Fahim Hossen and John Willie for providing English, Bangla and Chinese interpretation. Total amount requested was VT 85,700.
- i. 9th advance request done on 7th December 2023. The main purpose to request advance release for the remaining amount of VT 2,930,917 is to refund part of the project code: 22C114 budget that have expend on Chief Justice Medical treatment in India.

D. 1421 Principal Registry- Rental Budget for Santo Supreme Court office and Port Vila Supreme Court hearing rooms are loaded under period 12. There are three advance release requested under this cost centre.

- a. 1st advance request done on 26th May 2023. The request was done to pay annual rental for Santo Court Office. The payment made to Caillard Kaddour total of VT 1,582,440.
- b. 2nd advance release done on 29th May 2023. The request was done to pay Dumbea rental for the month of January to June 2023. Total amount requested was VT 3,997,196.
- c. 3rd advance requested done on 31st October 2023. The request was done to pay Dumbea rental for the month of July to December 2023. Total amount requested was VT 3,997,200

E. 1492 Case Management- An advance release done total of VT 1,423,607 to pay for annual maintenance for case management system.

F. December release on all cost centres for Judiciary

Finance only release December warrant on request provided by different ministries and departments. Judiciary also make the exercise to request funds.

Total December release VT 4,984,243.

The major activities that administration expend these funds on are stated below.

- Outstanding bills
- Tickets and accommodation for Judge Saksak and family
- Tickets and accommodation for Chief Justice and family
- Return ticket for Chief Justice to Samoa
- New computers and Laptop
- Accountable imprest for Christmas and New year
- Pay out security company invoices up till December 2023
- Standby Tonners
- A4 Photocopy paper
- Internet cables
- Others

Journal

Journals were done according to the nature of Court activities.

- Department to department-Payment of 2023 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.
- Refund funds to project code 22C114 being for Chief Justice medical treatment in India.

The revenue collection

Year	Budget	Revenue Collected	(Under)/Over
2023	26,044,000	21,010,920	(5,033,080)
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 also some invoices were paid at Finance Department Central Cashier.
- Outer Islands, Clerks and Secretaries also collect fees and deposit at FSB or NBV under Vanuatu Government Account Number.

Revenue trend chart from 2018 to 2023.



Figure 16: Trend of revenue collection 2018 - 2023

- The chart indicates that revenue trend in year 2022 have dropped and slowing increased in year 2023.

Statement of Commitments & Contingencies

The major commitments were:

1. 2 expatriate's judicial officers
 - a. Two Judges
 - i. Judge Bill Hastings was sent by New Zealand government in 2023 for a period of two years.
 - ii. Judge Edwin Goldsbrough was sent by British government in 2021 for a period of two years and have extended in 2023 for another period of two years.
2. Rental of court offices and court rooms
 - a. **Port Vila Supreme court hearing room rental**- Some advice from State Law Office review that Supreme Court will continue to pay rental on the current rate and that the lease will end on 25 August 2023
 - 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 2023 to 2025.

Attached is a list of all the commitments and contingencies marked **(Annexure A)**.

Conclusion

Focus for the Year Ahead With the list of priorities that have been provided for in the Year Planner, and the Management Improvement Plan, the office is working on carrying out the tasks in 2024. The aim is to employ additional human resources to target the heavy court workload, an important indicator within NSDP. One other priority is capacity building for courts and lawyers included, to enhance the bar expectations. The courts will continue to disseminate and provide further awareness on court processes in conjunction with court circuits to outer/ remote areas. In addition, the office will continue to work with the Government, developing partners and all stakeholders to improve the dispense of justice speedily, fairly and independently to all court users including the vulnerable group.