

Judiciary of the Republic of Vanuatu

ANNUAL REPORT 2014



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

March 2015

Content

- A. Background
- B. Vision and Mission Statement
- C. Statement from the Chief Justice
- D. Implementation of the Court's Strategic Plan or any new initiatives.
- E. Summary of significant issues and developments.
- F. Organizational review: Overview of the Courts and their jurisdiction/ role and functions
 - 1. Court of Appeal
 - 2. Supreme Court
 - 3. Magistrates' Court
 - 4. Island Courts
- G. Court results
 - 1. Court workload
 - 2. Clearance rate.
 - 3. Some breakdown of offences completed
 - 4. Average duration of a case from filing to finalisation.
 - 5. The percentage of appeals.
 - 6. Overturn rate on appeal.
 - 7. Percentage of complaints received concerning a judicial officer.
 - 8. Percentage of complaints received concerning a court staff member.
 - 9. Average number of cases per judicial officer.
 - 10. Average number of cases per member of court staff.
 - 11. Court produces an Annual Report.
 - 12. Court publishes judgments on the on PacLII
- H. Factors, events or trends influencing court results.
- I. Interaction with other agencies
- J. International interactions
- K. Management accountability
 - i. Annual Accounts for Reporting Period
 - ii. Senior management committees and their roles
 - iii. Training and development opportunities for court staff
 - iv. Management of court infrastructure
- L. Appendices
 - i. Organisational Chart
 - ii. List of all court personnel



CHIEF JUSTICE'S CHAMBERS
SUPREME COURT OF VANUATU
PMB 9041
PORT VILA
EFATE

March 2015.

The Honorable Alfred Carlot
Minister of Justice & Community Services
Ministry of 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 of the management and administrative affairs of the Judiciary during the year 2014 and the financial statements in respect of that financial year. The report includes information about the Court, its activities and workload.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Vincent Lunabek', written over a horizontal line.



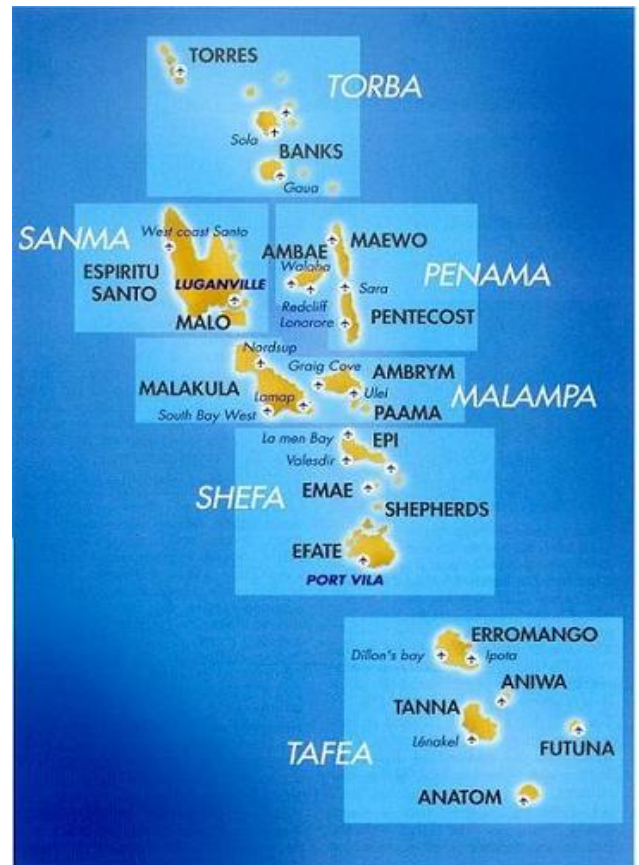
Vincent LUNABEK
CHIEF JUSTICE

A. Background

Vanuatu is a 900 kilometer-long, volcanic archipelago that consists of more than 80 islands. Most of these islands are inhabited, and around half are mountainous and densely forested with narrow strips of farming land on the coasts.

Five volcanoes are still active and volcanic eruptions are not uncommon. Vanuatu is the most cyclone prone nation in the South Pacific, with two to three cyclones entering its territory every year. The country also experiences earthquakes and resulting tsunamis. Vanuatu has a tropical climate with regular, sometimes heavy, rainfall. Temperatures average between 26°C and 34°C.

The majority of Vanuatu's population is Melanesian, known as ni-Vanuatu. There are communities of French and British people, due to its colonial history, as well as some Australians, New Zealanders, Vietnamese, Chinese and people from other Pacific Islands.



There are over 100 indigenous languages with English, French and Bislama (the local form of Pidgin English) recognised as the official languages. All of Vanuatu's towns have both French and English names. Almost 80 percent of the population live on the twelve largest islands and the two main cities are Port Vila (30,000 people) and Luganville (11,000 people). Total population is about 250,000.

In 1774 Captain Cook named the islands "New Hebrides" and this name remained until independence. French and British missionaries, sandalwood traders and 'black birders', who took large numbers of people to work as virtual slaves

on plantations in Australia and Fiji, changed life for Vanuatu's Indigenous population. These 'visitors' brought new diseases such as measles, influenza and the common cold which killed large numbers of indigenous people due to their lack of immunity.

In 1906 Britain and France agreed to jointly administer the New Hebrides. The move for independence began after occupation by the United States during World War II. When Independence was eventually achieved in 1980, Vanuatu was born. However, through the 1990s the nation suffered a great deal of political instability.

Vanuatu is a Republic with a democratically elected government. The Non-Executive State President is elected for a 5-year term by an Electoral College comprised of all the MPs (52) plus the Presidents of the six Provincial Councils. Vanuatu has a unicameral parliament of 52 MPs elected for 4-year terms by universal suffrage with an element of proportional representation. The government elects a Speaker from among its own ranks. Twenty-seven MPs are therefore required to form a government.

The judiciary of the Republic of Vanuatu is created by Article 47[1] of the Constitution under Chapter 8 on Justice:

“The administration of justice is vested in the judiciary, who are subject only to the Constitution and the law...”

In the same Chapter, the Constitution goes on to provide for the Supreme Court in Article 49, the Court of Appeal in Article 50 and the Island Courts in Article 51.

In accordance with section 12[1] of the Judicial Services & Courts Act No. 54 of 2000, The Magistrates' Courts established by section 1 of the Courts Act [CAP 122] continue in existence on and after commencement of the Judicial Services & Courts Act No. 54 of 2000, as the Magistrates Court of Vanuatu.

The judicial year 2014 was officially opened on 31st January 2014. At this annual occasion, the Honorable Chief Justice reiterated the vision and mission of the Judiciary. The Judiciary is set on an ongoing path of reform and improvements.

B. Vision and Mission Statements

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”

C. Statement from the Chief Justice

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

INTRODUCTORY REMARKS FROM CHIEF JUSTICE

After the production of the 2012 Annual Report in this format, this is the 2013 Annual Report for the Courts. The Report provides information on the Courts, their Achievements and Challenges and Performances in the year under review. The focus is on the Management of the case load by the courts. The Report includes a deeper analysis of the nature of cases registered, those completed, and importantly, those pending disposal by the courts.

The objectives of Court Administration are Equity, Effectiveness and Efficiency. The review analyses the ways in and the extent to which the courts in their endeavor to perform their roles in the delivery of service of justice to the people of the country despite the huge difficulties/ challenges encountered by the courts in respect to shortage of man power, lack of Court spaces, equipment / facilities, systems and processes including budget constraints.

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

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

Further, despite the challenges which are really critical to the delivery of justice by the courts, the material contribution of the courts to the community is still unevaluated. This material contribution is reflected to the volume of decisions made. In 2013, the Court of Appeal delivered 44 outcomes of cases, some of which were substantive judgments and 39 judgments were send for publication on www.paclii.org. The Supreme Court delivered 702 outcomes of cases and 252 of these were substantive judgments sent for publication on www.paclii.org, making a total of 291 judgments were send for publication online, an increase from the 240 judgments sent in the previous year.

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

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

The Honourable Justice Vincent Lunabek
Chief Justice

D. Implementation of the Court's Strategic Plan or any new initiatives.

At the beginning of 2012, the Judiciary underwent a diagnostic assessment which culminated in a comprehensive report. The report provided the impetus for the 2012-2015 strategic plan for the Judiciary which was the subject of an organization-wide consultation. The strategic plan has 7 key result areas: Case Management & Enforcement, Governance, Institutional Services & Development, Asset Management & Infrastructure, Innovation & Technology, Communication, and Access to Justice.

Working to improve the content of the annual reports is an ongoing effort under Governance. This is ongoing so are Independence and Integrity strategic areas.

Under the delay reduction strategy which fits under the Case Management key result area, the Supreme Court made some inroad into defining and identifying long outstanding cases and focusing on reducing the volume.

Work under Institutional Services and Development for the completion of a court staff manual was started but regrettably, no substantive progress was made.

After a lot of work, time and effort was put into drafting legislative amendments pertaining to improvements of terms and conditions, the Parliament is yet to debate the resultant Bill.

The training committee was revamped under the chairmanship of the Chief Justice and assisted, on ad hoc basis, the national and international training and development programs.

In terms of Asset Management and Infrastructure, efforts to get the new Hall of Justice building project lacked momentum. There seem to be lack of political will to advance the project and despite it being the subject of approval by the Council of Ministers, it seems other infrastructure projects have overtaken it on the government's priority list.

Stretem Rod blong Jastis project under the Vanuatu Law and Justice Partnership between Australia and the Vanuatu Government assisted with 10 new computers, but major projects are planned for 2014.

Innovation and Technology and Communications are two key result areas which very little effort was made in the year under review.

Access to Justice underpins the annual court calendar which shows the courts program to travel to each of the six provinces four times during the course of the judicial year. Approximately 90% of all planned court circuits were executed and up to 5 court tours were implemented as dictated by the need to do so.

E. Summary of significant issues and developments.

There were significant activities to improve case management by the court with important contributions from the Federal Court of Australia, under the Memorandum of Understanding signed between the Federal Court of Australia and the Supreme Court of Vanuatu. There were significant contributions also from the Pacific Judicial Development Program [PJDP] in terms of trialing a Delay Reduction toolkit and the Stretem Rod Blong Jastis, through its recruitment of a Case and Data Management Advisor.

In the latter half of the year, tangible steps were taken to improve the Supreme Court registration of cases system to improve accuracy of records and achieve some visibility allowable by the limited software available to the court administration.

The Supreme Court organized and held a forum to communicate with lawyers its intentions to tidy up case management. There was ongoing discussions as to what could be done by revision of procedural rules and practice directions, and then there was the physical movement of case files from the registry to each judges' chambers, fully implementing the individual docket system.

The registration of cases coming into the system and cases completed are now kept by the registry office, while each judges' chamber keeps the pending cases records. All these are kept in Microsoft Excel.

A judge of the Supreme Court recruited with the assistance of the Commonwealth Secretariat was operating full time whilst the end of 2013 saw the expiry of the extended term of the New Zealand District Court judge and their replacement arrived in January 2014.

The Judiciary, as an organization, has reached a stage where some of its judicial officers are reaching the age of retirement. One Senior Magistrate in the Magistrates Court submitted his intention of age retirement but no concrete steps were taken to retire her and so she carried on working into the 2014 judicial year.

F. Organizational review: Overview of the Courts and their jurisdiction, roles and functions.

1. Court of Appeal

The Court of Appeal is the highest court of the land. It is composed of at least 2 Judges of the Supreme Court sitting together. More often than not, the Court of Appeal panel is made up of more than 2 judges. The Court of Appeal is the highest court of the land. It meets 3 times a year for 2 weeks each session. It hears civil and criminal appeals from the Supreme Court and has the same power, authority and jurisdiction of the Supreme Court. It may substitute its own judgment or opinion, but may not interfere with the exercise of a discretion of the Supreme Court unless it is manifestly wrong

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

2. 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. Another judge is recruited with funding assistance from the Commonwealth Secretariat. In 2013, there were 6 Judges of the Supreme Court including the Chief Justice.

3. 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.

4. 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, customary land cases when the land is within their territorial boundaries.

In criminal matters, cases in which the defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries; claims in contracts or tort where the amount claimed or the subject does not exceed vt 50,000; claims for compensation under provincial by-laws not exceeding 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

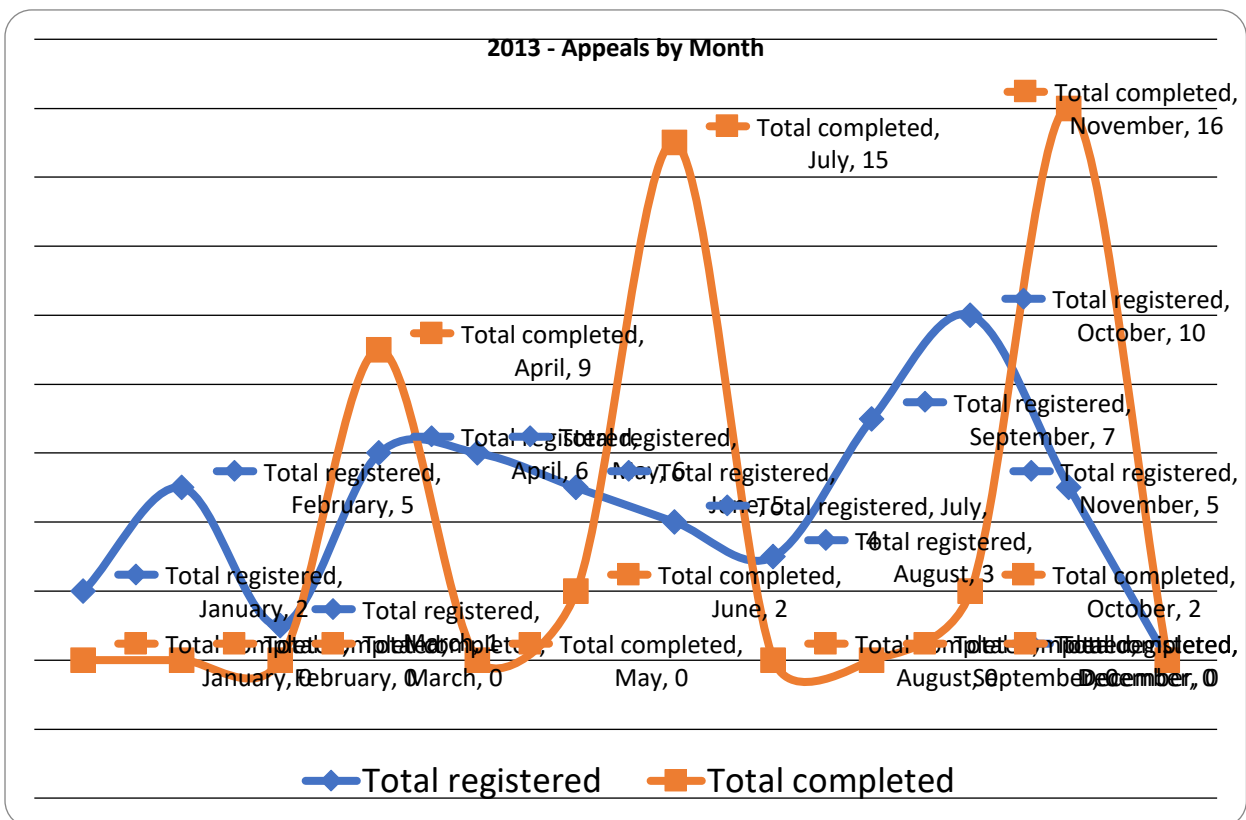
In the area of pending customary land cases in the Island Court jurisdiction, the Court did not operate as effectively as in 2012. Only two customary land cases were dealt with in 2013.

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 240 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.

G. Court results

1. Court workload

a. Court of Appeal



	Registered		Completed	
	2012	2013	2012	2013
Admiralty	5	2	0	3
Adoption	27	26	22	28
Bail	56	35	45	30
Civil	309	355	266	352
Civil Appeal	16	16	8	5
Company	13	7	24	10
Constitutional	11	4	9	5
Criminal	210	119	178	152
Criminal Appeal	10	2	2	3

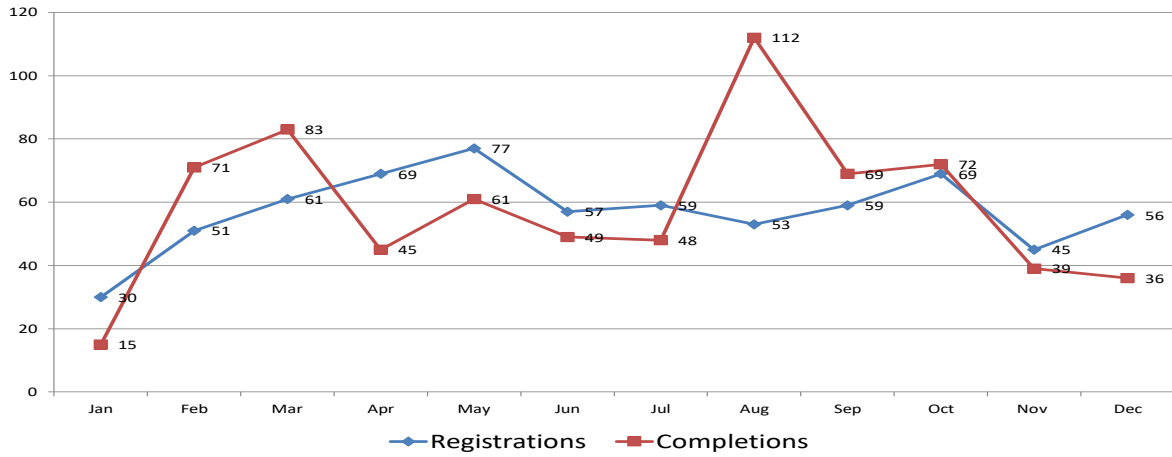
b. Supreme Court

Election Petition	27	0	11	15
Judicial Review	43	30	19	23
Land Appeal	27	0	1	0
Legal Practitioner	5	4	5	0
Maritime Appeal	0	0	0	0
Matrimonial	5	12	6	9
Probate	40	74	37	67
	804	686	633	702
Clearance Rate			79%	102%

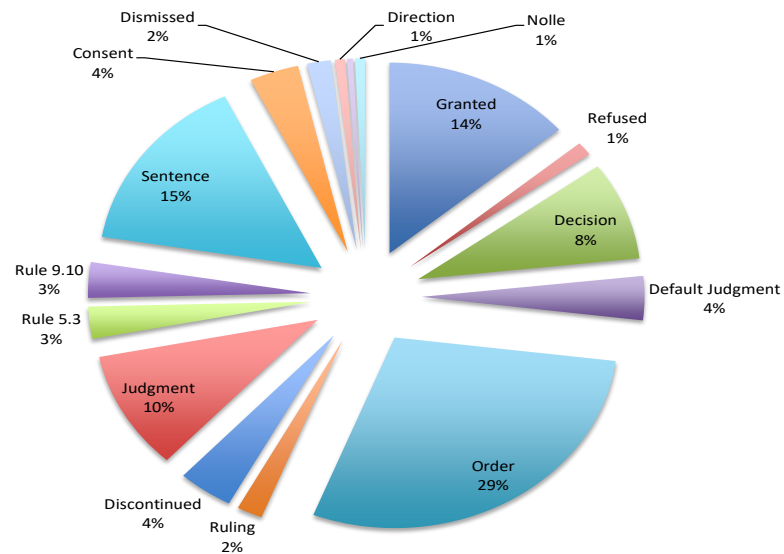
Commentaries

1. Total Registered Cases in 2013 – 686 [down from 804 the previous year – a drop of 15%]
2. Total completed cases in 2013 – 702 [up from 633 – an increase of 11%]
 - a. Most case type completed was Civil Cases followed by Criminal cases
 - b. 10 Company cases were disposed of; and
 - c. 67 Probate Applications decided.
 - d. 62 out of the 152 criminal cases involved offense of sexual nature – this is a 41% of all the criminal cases completed in 2013
 - e. 22 out of the 152 criminal cases involved offense against Dangerous Drugs Act – this is a 14% of all criminal cases completed in 2013
3. Clearance rate - 102% - up from 79% the previous year

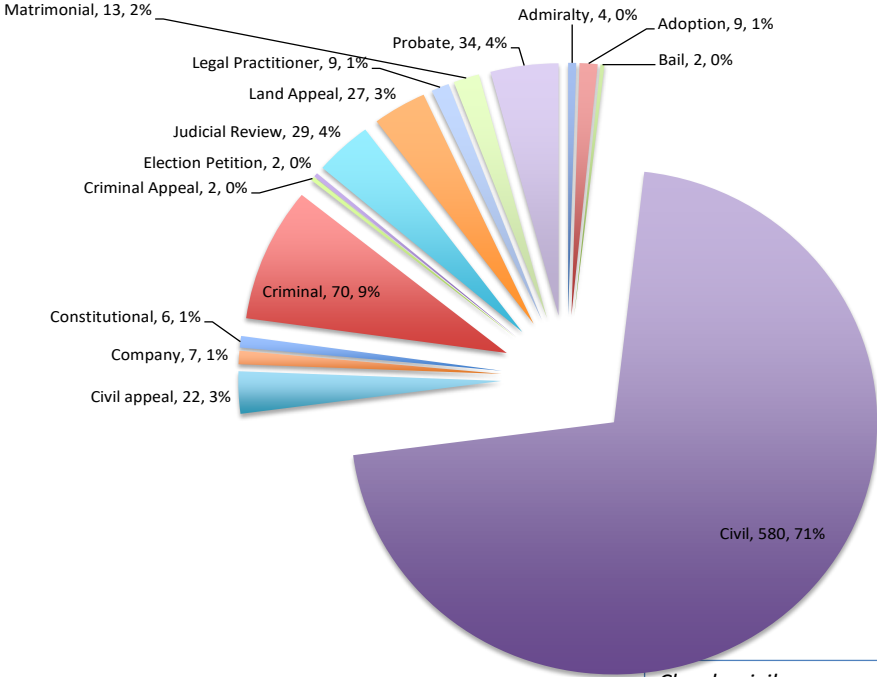
2013 – Registrations and Completions



2013 – Disposal Means

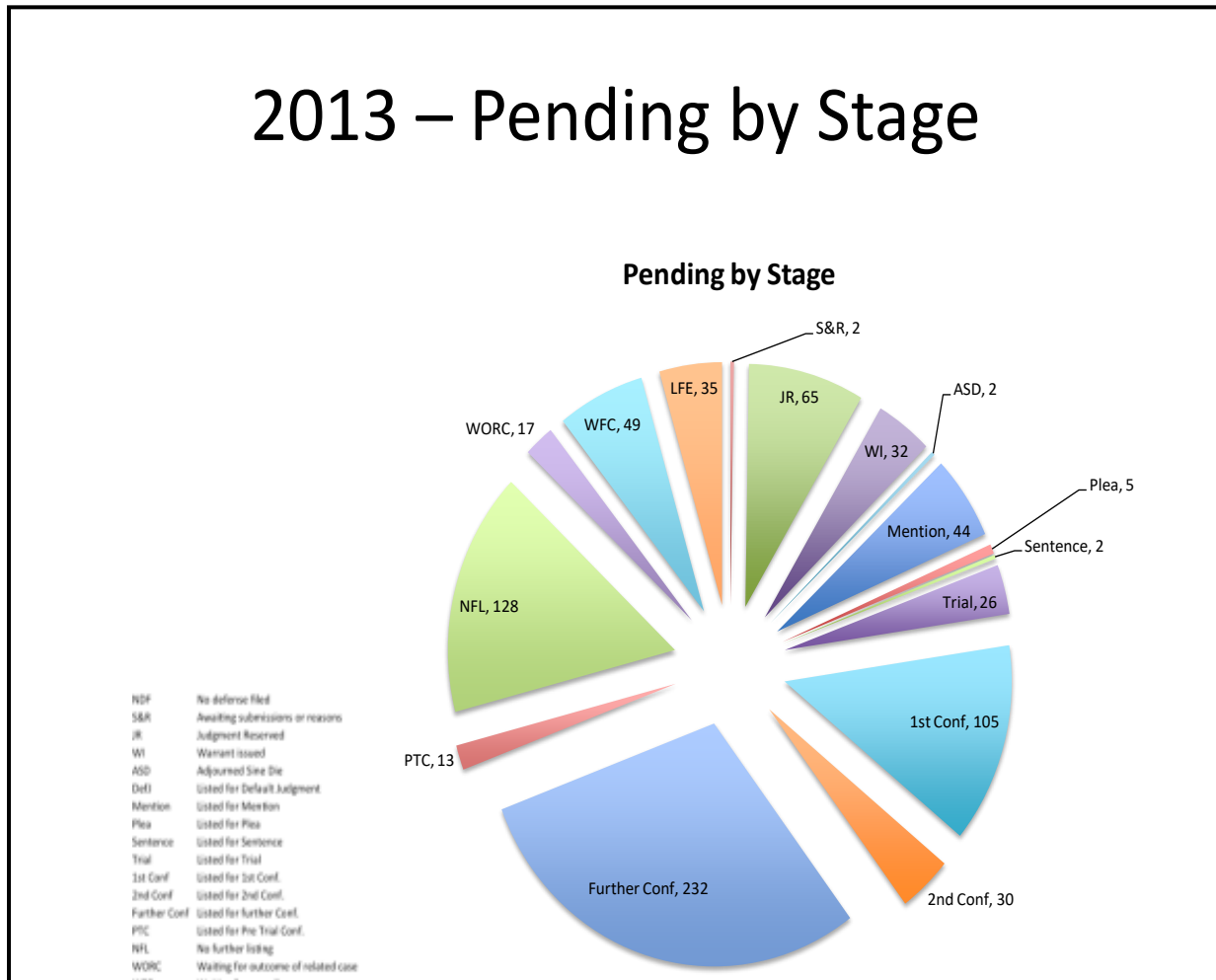


2013 – Pending by Case Type



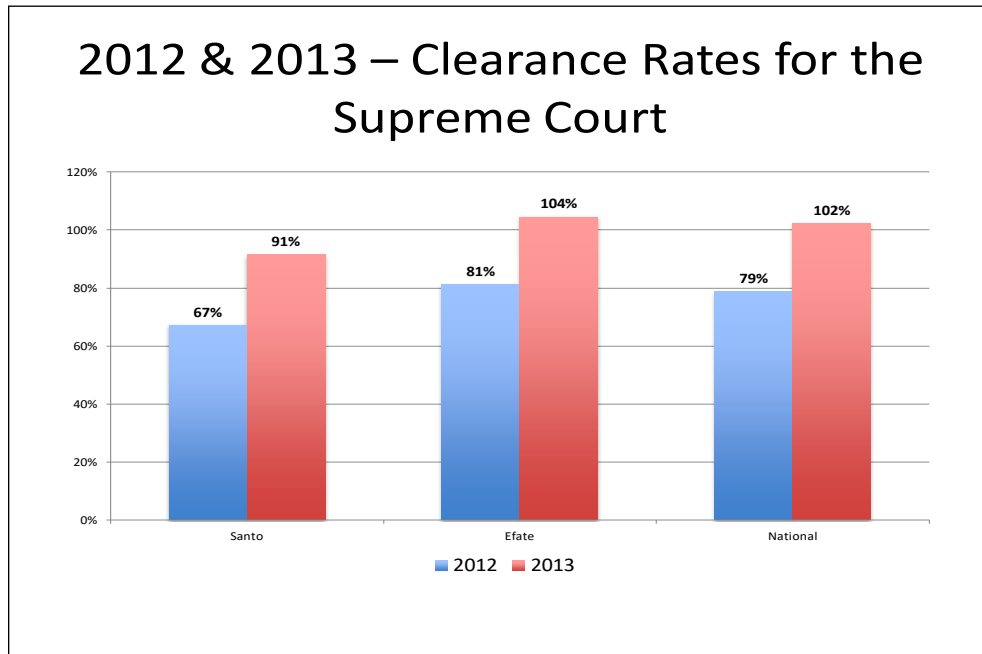
Clearly, civil cases make up the substantial % of pending cases

2013 – Pending by Stage



4. Pending – total cases pending – 816
 - a. Civil 71%
 - b. Criminal 9%
 - c. 70 are Criminal case but only from 2012 and 2013
 - d. 34% of cases – from 2011 or older
 - e. Most are Civil cases from 2012 and 2013
 - f. Judicial Reviews from 2012 and 2013
 - g. 27 Land Appeal cases dating back to 1995

2. The clearance rate is calculated by dividing the number of cases completed by the number of cases filed during the year in review.



- a. The Court of Appeal – 81%
 - b. The Supreme Court – 102%
 - c. The Magistrates Court – 84%
3. The average duration of a case from filing to finalisation is obtained by totalling the number of days calculated for each case. For the Supreme Court for Port Vila and Luganville for civil cases and criminal cases only. These two registries deal with the bulk of Supreme Court civil and criminal cases.
- I. Average age of cases disposed in Vila:
 - Civil – 527 days
 - Criminal – 183 days
 - Overall – 390 days
 - II. Average age of cases disposed in Santo:
 - Civil – 862 days
 - Criminal – 95 days
 - Overall – 389 days

4. The percentage of appeals is obtained by dividing the number of cases appealed by the number of cases registered.
 - a. Appeals from the Island Courts to the Magistrates Court – 0.2%
 - b. Appeals from the Magistrates Court to the Supreme Court – 2.3%
 - c. Appeals from the Supreme Court to the Court of Appeal – 7%

5. The overturn rate on appeal at the Court of Appeal is obtained by dividing the number of appeal cases in which the lower court decision is overturned by the total number of appeals.

Allowed	20
Dismissed	18
Withdrawn	13

Overturn rate = 52%

6. Percentage of cases that are granted a court fee waiver is obtained by dividing the number of cases that are granted a court fee waiver by the total number of cases filed.

There were no cases that were granted fee waiver in the mainstream civil registry, but less than 5 Applications for Letters of Administration were granted fee waivers. This represents a 12.5% of all the Probate and Letters of Administration cases registered in 2013.

7. The percentage of complaints received concerning a judicial officer is obtained by dividing the number of complaints received concerning a judicial office by the number of cases registered.
8. The percentage of complaints received concerning a court staff member is obtained by dividing the number of complaints received concerning a court staff member by the total number of cases registered.

Previous records of complaints against judicial officers and against court staff have be adhoc at best. The Judiciary of Vanuatu is now receiving assistance to give itself a mechanism for dealing with complaints against judicial officers and court staff from the Pacific Judicial Development Program [PJDP].

9. The average number of cases per judicial officer is obtained by dividing the total number of cases received by the number of judicial officers.

In the Supreme Court:

- a. The total number of cases registered – 686
- b. The total number of judicial officers – 6
- c. The average number of cases per judicial officer is 114

However the average number of cases per judicial officer, if calculated using the 'total pending' figures divided by number of judicial officers, will be higher:

- a. The total number of cases pending as at 31/12/13 = 816
- b. The total number of judicial officers = 6
- c. The average number of cases per judicial officer = 136

In the Magistrates' Court

- a. The total number of cases pending in Port Vila as at 31/12/13 = 1100
- b. The total number of judicial officers – 6
- c. The average number of cases per judicial officer is =183

10. The average number of cases per member of court staff is obtained by dividing the total number of cases pending by the number of court staff.

In the Supreme Court:

- a. The total number of cases pending as at end of 2013= 816
- b. The total number of court direct-support staff – 15
- c. Average number of 2013 cases per member of court direct-support staff is 54.4

In the Magistrates Court:

- d. The total number of cases pending in Port Vila at end of 2013 = 1100
- e. The total number of court direct-support staff – 5
- f. Average number of 2013 cases per member of court direct-support staff = 220

11. The Court produces an Annual Report each year. Previous Annual Reports have not been too accessible to the public except the 2009 Annual Report which was published on www.acli.org

12. The Court published Supreme judgments on the www.paclii.org as follows:

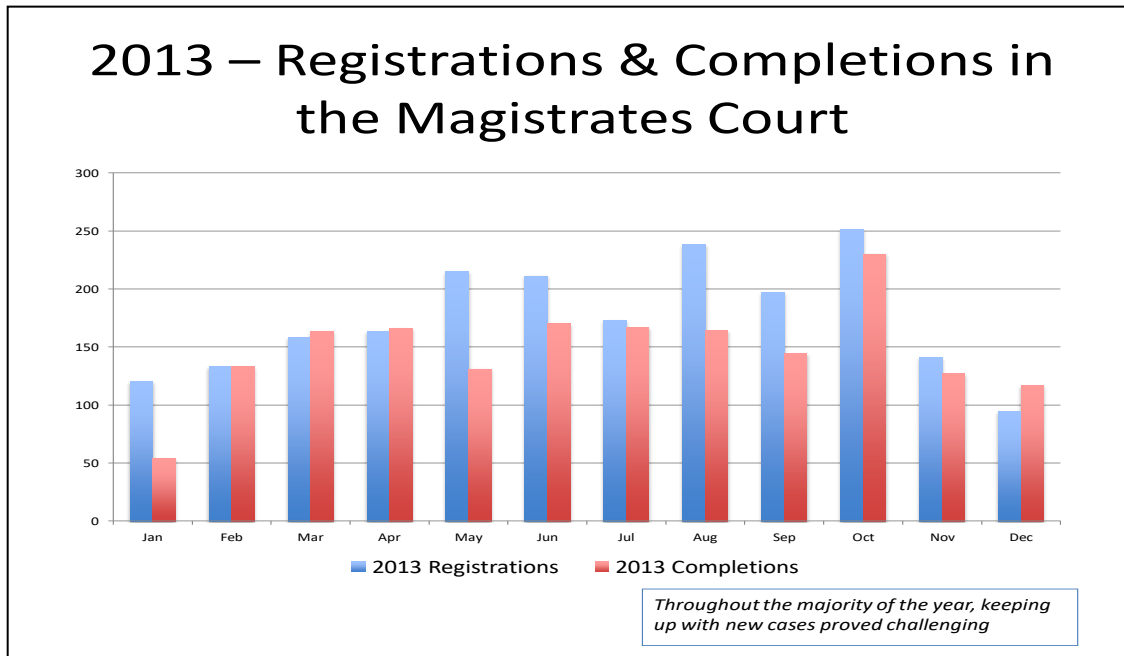
Month of 2013	Supreme Court	Court of Appeal
January	5	0
February	36	0
March	26	0
April	14	0
May	11	14
June	10	0
July	25	0
August	18	12
September	46	0
October	32	0
November	15	13
December	14	0
Total	252	39

c. The Magistrates Court

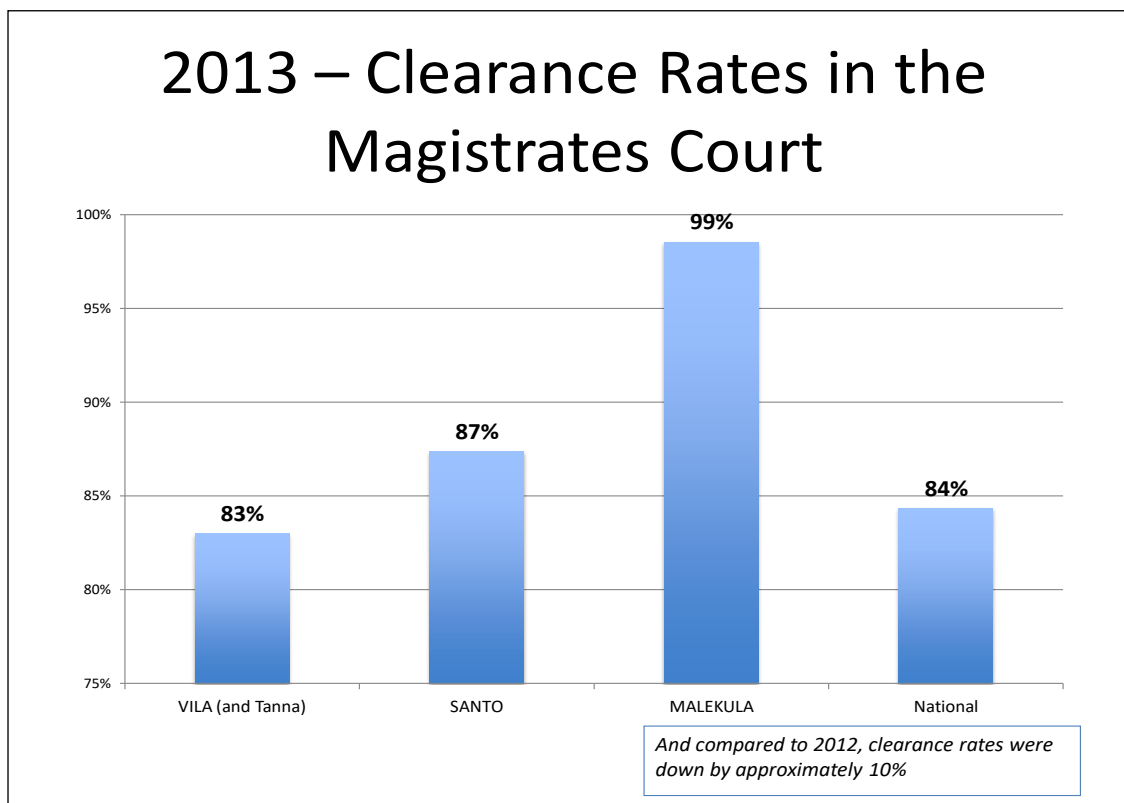
1. Workload

- a. **Overall registrations** 2089 – down from 2271 the previous year – a decrease of 8%
 - PV/Tanna – 1615 – slightly up on 2012
 - Santo – 411 – substantially down on 2012
 - Malekula – 68 – substantially down on 2012
- b. **Overall completions** 1766 – down from 2093 – a decrease of 16%
 - PV/Tanna – 1340 – slightly up on 2012
 - Santo – 359 – substantially down on 2012
 - Malekula – 67 – substantially down on 2012
- c. **Clearance rate** (Completions/Registrations) – 84% - down from 92% the previous year
- d. **Pending** – total cases pending (Vila) – 1100
 - PDR – Pending to Disposal Ratio – .82, and target is .4 – or approximately 560 cases in total
- e. Other locations:
 - Malekula – 68 cases filed in 2013, and 67 completed – clearance rate – 99%
 - Santo – 411 cases filed in 2013, and 359 completed – clearance rate – 87%

2. Registration and Completion



3. Clearance Rate



H. Factors, events or trends influencing court results.

The Vanuatu Courts enjoy a good degree of independence from the executive branch of the Government. There are some national events or trends which may affect the court results and some systemic factors inherent to the operations of the courts which may also have some effect.

- i. The limited resources available to the court administration to comprehensively and effectively support the performance of the courts in their judicial functions has been and is always at the core of challenges. These challenges include inadequacy of office space and limited strategic recruitment. The insufficiency of the annual budget leads to minimum level of operations in rural centres while the two main cities attract the most voluminous work and therefore the bigger share of the budget expenditure. The budget constraints limit the courts' ability to be innovative in their operations and functioning.
- ii. Focus on case management has been an influence in the way the court went about its business in 2013. From August, the level of pending cases dropped from 752 to 666 in September but there was a steady increase to 815 in December when the court vacation began.

I. Interaction with other agencies.

- i. The Judiciary has enjoyed a healthy working and professional relationship with the Ministry of Justice & Social Welfare throughout the year. It has supported the Ministry of Justice Sector Strategy and is in continuous dialogue with the Ministry on carrying the Strategy forward. The court through the participation of a few of its officers, also contributes to the continuous efforts of the Ministry of Justice to carry the Strategy forward using the 'working group' methodology.
- ii. Further, the Judiciary has been the beneficiary of assistance offered through grant funding by the Strem Rod Blong Jastis under the Law and Justice Partnership under the auspice of the Ministry of Justice.
- iii. The courts welcome the professional relationship it has with the Vanuatu Correctional Services Department, which comprises of the Probation office. The provision of support in the form of required reports have improved the quality of sentences in criminal cases.
- iv. The Vanuatu Police Force has been a major partner in initiatives by the court.

- v. The court's interaction with the non government organizations has been very limited except for the special focus of the Vanuatu Women's Crises Centre who have increased their capacity and are sending representation for women in Domestic Violence Protection Orders Applications to court.
- vi. The Judiciary forged a very good and result-oriented relationship with the UNICEF vanuatu which achieved active focuses on draft guidelines resulting from a commissioned work, for how the courts will deal with Children and young offenders and witnesses. UNICEF also assisted with forums for youth justice and domestic violence workshops.
- vii. The Pacific Legal Information Institute [PacLII] who are hosted by the University of the South Pacific Emalus campus in Port Vila, have been a strong partner is assisting the Supreme Court and the Court of Appeal judgments to be published online. This has improved in 2013

J. International interactions.

- i. Vanuatu gained from its association with the Pacific Judicial Development Program [PJDP], a regional cooperation in Judicial Developments, funded by NZaid and managed by the Federal Court of Australia.
- ii. The Judiciary has been in constant dialogue with the Federal Court of Australia's international cooperation unit to finalize a proposed Memorandum of Understanding between the two courts.

K. Management accountability

i. Annual Accounts

Annual expenditure budget for 2013 has remain the same as in 2012. The judiciary annual expenditure budget had dropped from about 194 million vatu in 2011. So the 2013 budget figures were:

1. Annual budget was VT185,905,746
2. Payroll budget was VT102,130,762 representing 55%
3. Operational budget was VT 83,774,984 representing 45%

Year	Payroll Budget	Operations Budget	Annual Budget
2010	97,455,003	89,691,606	187,146,609
2011	96,119,695	97,969,189	194,088,884
2012	94,434,796	91,470,950	185,905,746
2013	102,130,762	83,774,984	185,905,746

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

The judiciary once again, provided services within the scope of the annual budget it was appropriated without seeking supplementary appropriation.

In terms of revenue, the judiciary accounts show a total of VT22,688,174 as at end of December 2013. This is measured against a budgeted revenue figure of VT18 million vatu for 2013. This is a slight decrease from more than VT2 million in 2012, but better than VT20,345,087 in 2011.

Year	Total Revenue (Vatu)
2010	17,326,452
2011	20,345,087
2012	25,750,592
2013	22,688,174

ii. Senior management committees and their roles

1. The Chief Justice meets with the Judges of the Supreme Court on an adhoc basis on matters in which he thinks fit for consultation.
2. The Chief Magistrate consults with the Chief Justice on matters relating to the operation of the Magistrates Court
3. A National Judicial Training and Development Committee is chaired by the Chief Justice driving the training and development of the judicial officers and court personnel
4. The Chief Registrar meets with the Accountant, the Sheriff, the Human Resource officer, the Training Coordinator, the Senior Administrator of Island Courts, and the Assistant Registrar of the Magistrates Court in Port Vila, on a regular basis for coordination of administrative efforts to implement policies announced by the Chief Justice, and for normal administration purposes.

iii. National training and development opportunities for judicial officers and court staff in 2013

Date/month	National Workshops	Participant
12- 15 February	Family Violence & Youth Justice workshop	Judicial officers and stakeholders
4,5,6 & 7 March	Professional Days Out	All current serving employees of Judiciary
22-29 April	Newly recruited Santo Malo Island Court Clerk and Secretary to the Magistrates Court Induction program	New recruits
23-24 May	Island Court Handbook consultation forum	Working Group Committee
6-7 June	1 st Judicial Workshop	All Judicial officers
20-21 June	Clerks Training	All serving Clerks
11- 12 July	HACT/FACE Workshop	Accountant & Training Coordinator
8-9 August	Sheriff workshop	Sheriff, his deputy & two Police officers
12-20 August	Induction of newly recruited Efate Island Court Clerk	
22-23 August	Follow up workshop on Family Violence & Youth Justice MOU's implementation	Judicial officers & stakeholders representatives
4-8 November	Orientation of Island Court Justices on Manual	Current serving Justices and newly recruited
27-28 November	Case Management Workshop run separately for Judges & Magistrates	Serving Judicial officers and lawyers who joined Judges at their workshop
9-13 December	Orientation of Island Court Justices, Tongoa.	Current serving Justices and newly recruited

iv. International training and development opportunities for judicial officers and courts staff in 2013

Date/month	International Workshops	remarks
25 – February- 8 March	Capacity building workshop, Auckland	Participant certified as National Trainer.
10-13 March	National Coordinator Leadership Workshop	Recommendations made for CJ's & PEC approval
13-19 March	Chief Justices leadership workshop & PEC meeting	Recommendations endorsed
18 -22 March	Sheriff exchange program with Sheriff's department Adelaide South Australia	Attempts have been made to develop a practice standard & operational manual for the Sheriff's office
8-10 May	Decision Making Workshop, Cooks	Generally, earned information beneficial to Island justices roles in decision making
22 – 26 September	SPCYCC meeting	No report provided yet. A good exposure for participant to issues affecting children & youth.
10 -18 October	Annual Reporting Workshop, Brisbane	Workshop is very resourceful enabling the Judiciary to do better in its 2013/2014 Annual report to meet 15 agreed indicators
20- 23 October	National Coordinator Leadership Workshop	Vanuatu Judiciary is doing very well in terms of Judicial development
23-25 October	Chief Justices leadership workshop & PEC meeting	CJ'S meeting approved a number of recommendations made by National Coordinators
25-29 November	Advanced Level RTT workshop, Palau	Planned for project management workshop for middle managers of the Courts in January,2014.
25- 29 November	Lay Magistrates Training on Human rights issues, Suva	Workshop is very informative and constructive to human rights issues in the Pacific region.

v. Management of court infrastructure

1. Port Vila, Efate Island

There still have not been any major changes to the plan to build a new Court House since the burning of the old courthouse in the capital city. The court administration and judicial Chambers are still housed in the temporary location which used to be a former government residential house. The following steps have been taken thus far:

- a. A designer is engaged to develop a concept design;
- b. A concept design has been arrived at and the project management committee has been briefed;
- c. Two further consultations between the designer and the Chief Justice took place in 2011;
- d. The project management committee has met numerous times;
- e. The Chief Justice consulted with the Prime Minister, the Minister for Justice and the Minister of Finance, with the result that assurances were given that the government unequivocally supports the project.

The current temporary accommodation that the Court is using is becoming fast inadequate. The extension added is used by the court administration and to house the office of the Sheriff of the Supreme Court. It will be a factor hampering further recruitments if nothing is done quickly to create more space. Plans for the recruitment of one Master of the Supreme Court has not yet been materialized. The present space is plainly inadequate to house judicial Chambers.

The Courtrooms and the retirement room rented at the Dumbea Hall complex is the bare minimum, and the condition of one Island Court courtroom there adjoining the judges' retirement room is deteriorating due to persistent leakage from the roof in wet weather.

The congested nature of these temporary locations also mean there is inadequate space of parking and protected customer or public waiting areas. There are also very limited provision of public toilet facilities while internal facilities are inadequate at best.

The Magistrates Court is housed in a separate building in Port Vila. However, it faces the same difficulties of congestion, inadequacy of space for offices and public waiting areas, parking space and public toilet facilities.

2. Luganville, Santo Island

The court office in Luganville, Santo was also destroyed by fire, on 25 September 2011. The court offices which were housed in this building and which were affected include:

- Supreme Court registry;
- Magistrates' Courts registry;
- Santo/Malo Island Court registry;
- Judge's office

- Magistrate's office
- 2 courtrooms;
- Toilet facilities; and
- Storage rooms

All these were relocated temporarily to a building located at the Sanma Provincial Head Quarters.

In December 2012, the court relocated back into the old property, after the completion of some repair after the fire of 2011. The move was completed in early 2013. The property housing the court in Luganville is a privately-held leasehold property. A repeat call is raised here about the particular difficulty of court accommodation in Luganville, Santo, for the Ministry of Justice to progress its intention to secure land and build a purpose-built court house in Luganville.

3. Isangel, Tanna Island

The court house accommodating the registry, Magistrate's office, a clerk's office and a courtroom has not been renovated in any meaningful way since it was built more than 20 years ago.

The court house needs renovation to its structure as well as the furnishing of the courtroom. Some chain-link fencing material are off-loaded at the court house compound, but actual work is still to commence on building a fence around the court house compound.

There has been some improvement of connectivity with this office so that it now has internet and email connection.

4. Morua, Tongoa Island

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

The "Stretem Rod blong Jastis" project funded solar power units have been installed in the courts' outer island offices including at Morua, Tongoa.

5. Ambore, Ambae Island

The Ambae Island Court is operating out of a building that originally belongs to the local government of Ambae whose assets are taken over by the more recently established Penama Provincial government. A water tank was sent there to collect drinking water, but the long term plan is for the court to be located at Saratamata, on the eastern part of the island where the Provincial government has its headquarters and there is an array of other government services there as well.

6. Sola, Bank Group of Islands

While the court office at Sola, Banks islands enjoys a reliable and constant source of power from the Solar power unit that was installed there early 2012, the need for structural repair and renovation to the building is the same as the other court centers. Internal and public toilet facilities need to be provided in the court office building. There is need for repair and maintenance of building and furniture of the court in this location as well.

7. Loltong, Pentecost Island

The Pentecost Island Court is accommodated in a building owned originally by the Penama Provincial government at Loltong. The Court administration maintains the lawn and the physical upkeep of the place but does not spend its budget on the building. The Court administration keeps a fiberglass boat at Loltong for transportation so the court can access other coastal parts of the island of Pentecost. The boat was donated by the French government, through the French Embassy in Port Vila.

8. Lakatoro, Malekula Island

The court office at Lakatoro, Malekula is in a better condition than many other court offices around the country. There is a constant centrally provided power. However, facilities available for the public court users is non-existent. There is need to build public toilet facilities and upgrade the staff facilities. Telecommunication to and from this court office has now improved with internet connection, through the help of the E-government project.

9. Graig-cove, Ambrym Island

The court office on Ambrym was built concurrently with the one on Epi island. It is a simple design of two office spaces, one for the judicial officer and the other for the clerk or support staff. Then the rest of the building is an open-style courtroom not dissimilar to the ones at Morua, Isangel, and Sola.

10. Technology

Most of the court offices around the country have computers and some source of power supply to enable officers to operate the machines. The most basic technology in the outer islands consists of a computer with Windows XP and 2003 or 2007 version of the Microsoft package, a printer, a photocopier and a phone/fax machine. But the phone/fax machines are not really useful now since competition in the telecommunication industry intensified and most providers are targeting the mobile phone market. The court offices are left with under-maintained land lines which they depend on for the phone/fax machines.

2013 did not see any major change in the area of access to the internet and email apart from the connection of Tanna office. No inroads into Video conferencing equipment as yet.

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

11. Library

The Supreme Court Library collection continued to grow. Collection development this year has come about through donations received from its twin Library, the Federal Court Library of Australia. The Library received one shipment of books this year containing various law textbooks, some of which were requested through a "Wish List" submitted to the Federal Courts in June 2012.

The Library also received textbooks purchased under the Pacific Twinning Programme that is being coordinated by staff of the Attorney General's Lionel Murphy Library in Australia. Approximately 82,000VT out of the Library/Archives budget was spent on books in 2013.

This year the library has sent out 48 batches of judgments weekly, containing a total of 291 judgments.

12. Vehicles

The court has a fleet of 9 vehicles. The only acquisition in this area this year was one sedan type car purchased for the use of a Judge of the Supreme Court in Port Vila. Five vehicles in the current fleet need replacement. Despite budget submissions to this effort, the Ministerial Budget Committee has not been supportive. The need for replacement only compounds the need for new court vehicles for the Lakatoro court office and the Isangel court office. In the future this need will apply to other court offices around the country but for the moment, other court offices need motorbikes or quad-bikes to assist with the service of court documents. Out-sourcing transport for servicing of court documents is becoming extremely expensive and simply unsustainable.

13. Boats and accessories

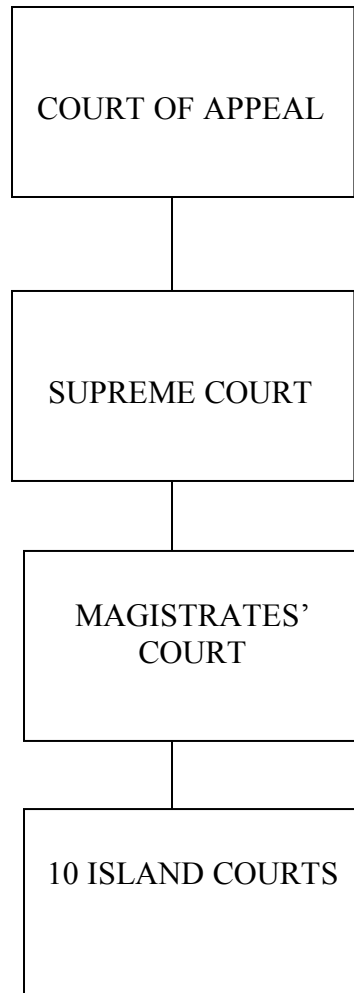
There is one operating boat at Loltong, Pentecost island. This was donated by the French Government. There is currently a 15hp outboard engine on the boat which is inadequate considering that the boat is about 7 meters long.

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

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

L. Appendices

i. Organisational Chart



ii. List of Judicial Officers and Court Personnel

Post NO	Names	Post Title	Emp.Status
14001	Vincent Lunabek	Chief Justice	Permanent
14002	Robert Spear	Judge	Term of 2 yrs
14003	Daniel Fatiaki	Judge	Term extended
14004	Oliver Saksak	Judge	Permanent
	Dudley Aru	Judge	Permanent
	Mary Sey	Judge	2 year term
14005	John Obed Alilee	Chief Registrar	Permanent
14006	Rita Bill Naviti	Senior Magistrate	Permanent
14007	Jimmy Garae	Senior Magistrate	Permanent
14008	Edwin Macreveth Ambuse	Training/Development Officer	Permanent
14011	Nesbeth Wilson	Senior Magistrate	Permanent
14012	Moses Peter	Magistrate	Permanent
	Hannaline Ilo Nalau	Magistrate	Permanent
	Waltersai Ahelmalahlah	Magistrate	Resigned
	Beverleigh Kanas Joshua	Magistrate	Permanent
	Anna Laloyer Bollen	Magistrate	Permanent
14013	Stephen Felix	Chief Magistrate	Permanent
14014	Patrick George	Island Court Clerk	Permanent
14015	Wilson Andrew Nasawa	Island Court Clerk	Permanent
	Collyn Tete	Island Court Clerk	Permanent
	Anthony Lessy	Island Court Clerk	Permanent
	Fredington Aru	Island Court Clerk	Permanent
14019	Blandine Tepi Konmawi	Island Court Clerk	Permanent
14020	Alida Tchivi	Island Court Clerk	Permanent
	Christina Shedrack	Secretary, Island Court	Permanent
14021	Gloria Kalotiti	Receptionist	Permanent
14022	Veronique Teitoka	Secretary to the Chief Magistrate	Permanent
14023	Cynthia Thomas Csiba	Secretary, Registry Office	Permanent
14025	Marilyne Sese	Secretary, Chief Justice	Resigned
	Charlene Kara	Secretary to the Chief Justice	interim
14026	Evelyne Sawia	Secretary, Supreme Court	Permanent
14027	Anita Vunabit Buletare	Secretary, Supreme Court	Permanent
14028	Naomi Hinge	Secretary, Supreme Court	Permanent
14029	Evelyn Kaltapau	Secretary, Magistrate Court	Permanent
14030	Malia Nupupo	Secretary, Magistrate Court	Permanent
14032	Anita Simon Isabelle	Secretary, Magistrate Court	Permanent
14033	Florina Toran Singanbo	Secretary, Magistrate Court	Permanent
14034	Rodrice Mulonturala	Secretary, Magistrate Court	Permanent
	Florina Ephraim	Secretary, Magistrate Court	Permanent
	Aurelie Litoung	Secretary, Magistrate Court	Permanent
14035	John Daniel	Assistant Sheriff Luganville	Permanent
14036	Malachai George	Sheriff of the Supreme Court	Permanent
	John Mavuti	Deputy Sheriff	Permanent
	Robson Lapsai	Court Orderly	Permanent
14037	Jean Noel Kutty	Driver/Messenger	Permanent
14038	Jimmy Wovan	Driver, Chief Justice	Permanent

14039	Cleris Kalo	Cleaner, Port Vila	Permanent
14040	Pauline Kalo	Librarian	Permanent
14041	Wilma Manmelin	Secretary to sheriff office	Permanent
14042	Albano Lolten	Accountant	Permanent
14043	Joel Shem	Senior Administrator of Island Court	Permanent
14044	Madeng John M.	Assistant Registrar Supreme Court	Permanent
14045	Shirley George	Assistant Registrar Magistrate Court	Permanent
14048			
14050	Katherine Abel	Finance Officer	Permanent
14051	Belinda Garae	Human Resource Officer	Permanent