

JUDICIARY OF THE REPUBLIC OF VANUATU

ANNUAL REPORT 2012



[Court House: Morua, Tongoa Island]

MARCH 2013

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

March 2013.

The Honourable Thomas Laken
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 2012 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'.



Vincent LUNABEK
CHIEF JUSTICE

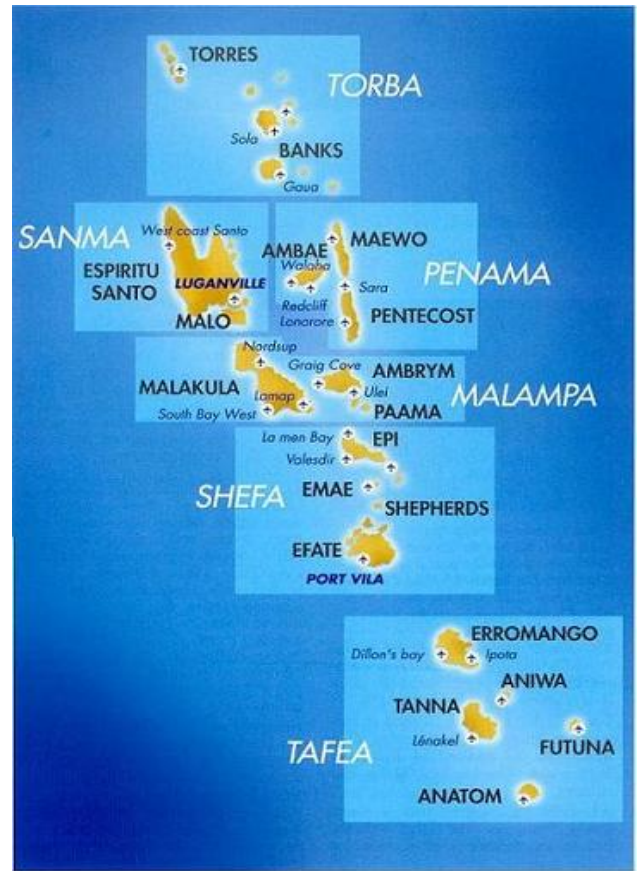
A. Background

Vanuatu is a 900 kilometre-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 are Melanesian, known locally as ni-Vanuatu. There are small 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).



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 2012 was officially opened on 27th January 2012. 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. .

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

INTRODUCTORY REMARKS FROM CHIEF JUSTICE

This is 2012 Annual Report for the Courts. The Report provides information on the Courts, their Human Resources and Performances in the year under review. The focus is on Court Administration, in particular on the Management of the case load 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 endeavour 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 relation to the affordability of litigation in the courts, 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 2012, the courts delivered a total of 3947 decisions. The Supreme Court and the Court of Appeal delivered 243 written judgments. These judgments are published in the Pacific Legal Information Institute website www.paclii.org. They 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

C. 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. Under Case Management and Enforcement, the court embarked on a regime which focused on dealing with pending customary land cases in the Island Court jurisdiction. Out of the 82 pending customary land disputes, 16 were dealt with. Some efforts were made to deal with outstanding judgments in the Supreme Court, but there was no improvement of the situation. In terms of Enforcement, out of the 28 Enforcement Warrants that were on the books to be executed in 2012, 12 were executed or expired, leaving 16 carried over to 2013.

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

Under Institutional Services and Development, there was a start to collect and collate material for a court staff manual, but was not completed. There was considerable consultation and effort into effective legislative changes for the improvement of terms and conditions of the position of judge of the Supreme Court. A Bill was prepared and the Bill listed on the agenda for Parliament for the last session of the year, but was not tabled in Parliament. It is likely the Bill will be amongst Parliament business in the new year. An internal team of two has put together a court manual for the Island Court justices, and this draft is still to be proof read and undergo final edition. The training committee is revamped under the chairmanship of the Chief Justice.

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. Negotiations were started with "Stretem Rod blong Jastis" project for funding assistance to fund solar systems for 5 court office sites in the rural areas. Prospects are hopeful.

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 less than 5 court tours were implemented as dictated by the need to do so.

D. Summary of significant issues and developments.

The Supreme Court dealt with 11 cases of Constitutional nature. One of note was the Application by the Prime Minister seeking orders for the President to assent to the Bill for the Protocol of Accession of Vanuatu to the World Trade Organization. The President was invited by the Court to assent.

During the course of the year the Supreme Court was required to consider some cases involving the lucrative Northern Island Stevedoring company [NISCOL]. The three shareholding Provincial governments sought orders from the Supreme Court which were refused and which decision were upheld by the Court of Appeal.

There was ongoing management of the case involving disputes between factions of the Vanuaaku Pati political party. The other political party which experienced polarization of views and leadership struggle, forcing them to seek the court's assistance was the Vanuatu Republican Party [VRP] and the Union of Moderate Party [UMP].

A judge of the Supreme Court was recruited in September, with the assistance of the Commonwealth Secretariat. This has boosted the number of judges to 6 judges including the Chief Justice. The term of the New Zealand District Court Judge seconded to the Supreme Court was extended. The term of another overseas Judge who is serving on local terms and conditions was also extended.

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 and one senior clerk of the island court has also done so.

E. Organizational review:

Overview of the Courts and their jurisdiction/ role 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. 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

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

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.

5. 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.”

6. 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”

F. Court results

1. Court workload

	Type of cases	Registered in 2012	Pending from previous years	Total workload	Completed cases from 2012	Completed cases from previous years	Total completed cases	Pending as at 31 Dec 2012
Court of Appeal	Civil	54	0	54	42	0	42	12
	Criminal	9	0	9	6	0	6	3
Total for the Court of Appeal		63	0	63	48	0	48	15
Supreme Court	Civil	594	421	1015	151	0	151	443
	Criminal	222	58	280	175	0	175	47
Total for the Supreme Court		816	479	1295	326	127	453	842
Magistrate Court	Civil	302	506	808	107	0	107	195
	Criminal	1289	1001	2290	756	0	756	533
	DV	679	170	849	571	0	571	108
Total for the Magistrates Court		2270	1677	3947	1434	1876	3310	637
Island Court	Civil	537	355	892	349	80	429	463
	Criminal	0	0		0	0	0	0
	Customary Land	0	82	82	0	16	16	66
Total for the Island Courts		537	437	974	349	96	445	529
Grand Total		3686	2593	6279	2157	2099	4256	2023

Notes:

- i. DV – Applications for Domestic Violence Protection Orders
- ii. Island Court retains the jurisdiction to deal with customary land disputes that were pending in the Island Courts on the date of coming into force of the Customary Lands Tribunal Act.
- iii. The high clearance rate for the Island Courts below is driven by low number of cases registered in 2012 in the Island Courts.

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 – 76%
 - b. The Supreme Court – 55%
 - c. The Magistrates Court – 146%
 - d. The Island Courts – 82%
3. Some Breakdown of offences that were completed by the Supreme Court in 2012
 - a. Offences of sexual nature make up 33.9 % of all completed cases in the Supreme Court
 - b. Offences involving drugs make up 23.9 % of all completed cases in the Supreme Court
 - c. Offences of dishonestly (Misappropriation, Obtaining money by deception etc..) make up 12.4 % of all completed cases in the Supreme Court
 - d. Application for Domestic Violence Orders registered at Magistrate court in 2012 were 679 Making 30 % of all cases registered in Magistrate Court in 2012
4. The average duration of a case from filing to finalisation is obtained by totalling the work days calculated for each case [work days from filing to judgment] and dividing this by the number of cases completed. A sampling approach is used in this report, the average duration of a case [in terms of work days] is recorded 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.
 - a. Total number of work days – 12075
 - b. Total number of cases completed – 187
 - c. The average duration of a case in this sample used is 65 workdays.
5. 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 – 0.3%
 - b. Appeals from the Magistrates Court to the Supreme Court – 3.2%
 - c. Appeals from the Supreme Court to the Court of Appeal – 7.7%
6. 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. Thirteen appeals were allowed out of the forty appeals completed by the Court of Appeal making the overturn rate on appeal, 27%.
7. 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 2012.

8. 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. However, in 2012, there was no complaint received concerning a judicial officer.
9. 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.
 - a. The number of complaints received concerning a court staff – 11
 - b. The total number of cases registered 3687
 - c. The percentage of complaints received concerning a court staff is 0.29%
10. 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 – 817
- b. The total number of judicial officers – 5.5
- c. The average number of cases per judicial officer is 149

In the Magistrates' Court

- a. The total number of cases registered – 2270
- b. The total number of judicial officers – 8
- c. The average number of cases per judicial officer is 284

Overall, in the courts [Island Courts, Magistrates Court, the Supreme Court and the Court of Appeal] the average number of cases per judicial officer is 223

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

In the Supreme Court:

- a. The total number of 2012 cases registered – 817
- b. The total number of court direct-support staff – 15
- c. Average number of 2012 cases per member of court direct-support staff is 54.5
- d. The total workload of cases in 2012 – 1296
- e. The average number of cases per member of court direct-support staff overall is 86.4

In the Magistrates Court:

- d. The total number of 2012 cases registered – 2270
- e. The total number of court direct-support staff – 15
- f. Average number of 2012 cases per member of court direct-support staff is 151.3
- g. The total workload of cases in 2012 – 3947
- h. The average number of cases per member of court direct-support staff overall is 263.1

Overall, in the courts [Island Courts, Magistrates Court, the Supreme Court and the Court of Appeal] the average number of cases per member of court-direct support staff is 174.4

12. 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.aclii.org

13. The Court published Supreme judgments on the www.pacii.org as follows:

Month of 2012	Supreme Court Judgments Published	Court of Appeal Judgments Published
January	11	0
February	13	0
March	17	1
April	22	1
May	14	13
June	9	0
July	29	0
August	26	4
September	27	2
October	16	11
November	26	1
December	0	0
Total	210	33

G. 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.

In 2012, the unilateral decision of the Department of Finance and Treasury to restrict the release of monthly warrants directly impacted on the court administration's financial capacity to support 2 court tours of the Supreme Court, a few for the Magistrates' Court and the Island Courts, which were planned on the court calendar. This, of course, impacted on the number of cases disposed during circuits.

H. Interaction with other agencies.

- i. The Judiciary has enjoyed a healthy working and professional relationship with the Ministry of Justice & Social Welfare throughout the year. It has supported the Ministry of Justice Sector Strategy and is in continuous dialogue with the Ministry on carrying the Strategy forward.
- ii. 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.
- iii. The Vanuatu Police Force has been a major partner in initiatives by the court.
- iv. 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.
- v. 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. 2012 has seen an improvement so that court judgments are published as soon as they are delivered.

I. 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.

J. Management accountability

- i. Annual Accounts for 2012:
 1. Annual budget was VT185,905,746
 2. Payroll budget was VT94,434,796 representing 50.8%
 3. Operational budget was VT 91,470,950 representing 49.2%

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

- 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. Training and development opportunities for court staff

1. The court staff were engaged in training and development, according to the year plan for 2012, three times during the year.
2. The first program is called “Professional Day Out” held in the first quarter of the year. This program focussed on administrative processes and procedures which can be improved
3. The Island Court clerks training and development also received a specific focus with emphasis on their roles and duties in administration of the Island Courts.
4. Several members of the court staff were identified who underwent basic training and instructions in the Microsoft Excel application. There was emphasis on the use of MS Excel to register cases and keep accurate data on case statistics.

iv. Management of court infrastructure

1. Port Vila, Efate Island

2012 did not see 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 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.

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.

A proposal is discussed with the "Stretem Rod blong Jastis" project to fund solar power units to be 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.

Major repairs and maintenance of the residential house occupied by the Island Court clerk is also needed.

7. Lolong, Pentecost Island

The Pentecost Island Court is accommodated in a building owned originally by the Penama Provincial government at Lolong. 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 Lolong 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 was a difficulty throughout 2012. However there was a small improvement when it acquired 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.

2012 did not see any major change in the area of access to the internet and email. This is still confined to court offices in Port Vila town, Luganville town and Lakatoro, Malekula Island.

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

11. Vehicles

The court has a fleet of 10 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.

12. Boats and accessories

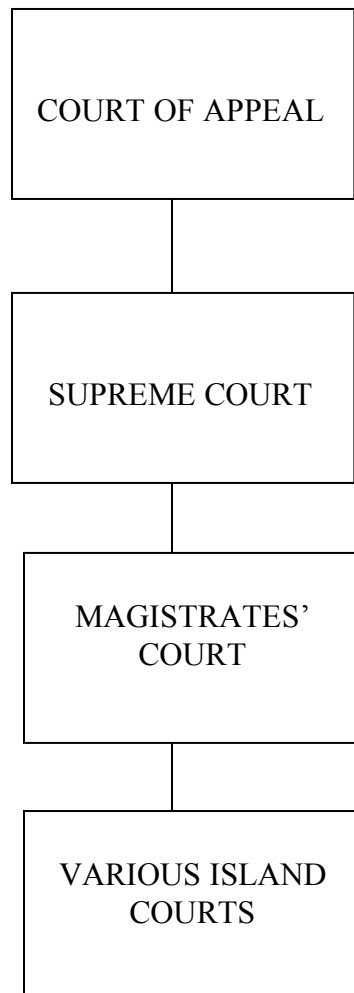
There is one operating boat at Lolong, Pentecost island. This was donated by the French Government. There is currently a 15hp outboard engine on the boat which is inadequate considering that the boat is about 7 meters long.

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.

K. Appendices

i. Organisational Chart



ii. List of Judicial Officers and Court Personnel

Post N0	Names	Post Title	Payroll N0	Emp.Status
14001	Vincent Lunabek	Chief Justice	430397	Permanent
14002	Nevin Dawson replaced by Robert Spear	Judge	999995	Term of 2 yrs
14003	Daniel Fatiaki	Judge	153643	Term extended
14004	Oliver Saksak	Judge	153601	Permanent
14005	John Obed Alilee	Chief Registrar	468330	Permanent
14006	Rita Bill Naviti	Senior Magistrate	153742	Permanent
14007	Jimmy Garae	Senior Magistrate	153817	Permanent
14008	Edwin Macreveth Ambuse	Senior Magistrate	802660	Resigned
14011	Nesbeth Wilson	Senior Magistrate	215038	Permanent
14012	Steve Bani	Senior Magistrate	491282	Resigned
14013	Stephen Felix	Chief Magistrate	119818	Permanent
14014	Patrick george	Island Court Clerk	1069727	Permanent
14015	Wilson Andrew Nasawa	Island Court Clerk	808261	Permanent
14016	Wendy Raptigh W.	Island Court Clerk	741843	Permanent
14017	Nicholas Kollan	Island Court Clerk	153882	Permanent
14018	Evelyn Hopkins	Island Court Clerk	153767	Permanent
14019	Blandine Tepi Konmawi	Island Court Clerk	149054	Permanent
14020	Jonah Mesau	Island Court Clerk	122051	Permanent
14021	Denise Kuse	Receptionist	434779	Deceased
14022	Veronique Teitoka	Secretary, Registry Office	639393	Permanent
14023	Cynthia Thomas Csiba	Secretary, Registry Office	442848	Permanent
14025	Marilyne Sese	Secretary, Chief Justice	162990	Permanent
14026	Evelyne Sawia	Secetary, Supreme Court	552810	Permanent
14027	Anita Vunabit Buletare	Secretary, Supreme Court	411710	Permanent
14028	Naomi Hinge	Secretary, Supreme Court	782755	Permanent
14029	Evelyn Kaltapau	Secretary, Magistrate Court	806927	Permanent
14030	Malia Nupupo	Secretary, Magistrate Court	741868	Permanent
14032	Anita Simon Isabelle	Secretary, Magistrate Court	129882	Permanent
14033	Florina Toran Singanbo	Secretary, Magistrate Court	726596	Permanent
14034	Rodrice Mulonturala	Secretary, Magistrate Court	1070115	Permanent
14035	John Daniel	Assistant Sheriff Luganville	167668	Permanent
14036	Malachai George	Sheriff of the Supreme Court	176180	Permanent
14037	Jean Noel Kutty	Driver/Messenger	425777	Permanent
14038	Tarsong Tarosa	Driver, Chief Justice	585372	Permanent
14039	Cleris Kalo	Cleaner, Port Vila	565523	Permanent
14040	Pauline Kalo	Librarian	741413	Permanent
14041	Wilma Mannelin	Secretary to sheriff office	118141	Permanent
14042	Albano Loltan	Accountant	644286	Permanent
14043	Joel Shem	Senior Administrator of Island Court	706028	Permanent
14044	Madeng John M.	Assistant Registrar Supreme Court	219709	Permanent
14045	Shirley George	Assistant Registrar Magistrate Court	118059	Permanent
14046	Dudley Aru	Judge		Permanent
14047	Vacant	Secretary, Supreme Court		
14048	Vacant	Secretary, Magistrate Court		
14050	Katherine Abel	Finance Officer	1066364	Permanent
14051	Belinda Garae	Human Resource Officer	0764225	Permanent

