

**2023 OFFICIAL OPENING OF THE COURTS
OF VANUATU
(THE HONOURABLE CHIEF JUSTICE LUNABEK)**

- **His Excellency Nikenike Vurobaravu, President of the Republic of Vanuatu and the First Lady;**
- **Hon. Ishmael Kalsakau, Prime Minister of the Republic of Vanuatu and Madame Kalsakau;**
- **Hon. Speaker of Parliament of the Republic of Vanuatu and spouse;**
- **Hon. Judges and Deputy Master of the Supreme Court of Vanuatu and Spouses or Partners;**
- **Hon. Sato Kilman, Deputy Prime Minister and Minister of Lands of the Republic of Vanuatu and Mrs Kilman;**
- **Hon. John Still Tariqetu, Minister of Justice and Communities services and Mrs. Tariqetu;**
- **Hon. other Ministers of the Government of the Republic;**
- **Hon. Members of Parliament;**
- **Magistrates of the Republic of Vanuatu;**
- **Justices of Island Courts around Vanuatu;**
- **Excellency Members of the Diplomatic Corps;**
- **Public Prosecutor;**
- **Attorney General;**
- **Public Solicitor;**
- **Ombudsman;**
- **Director General of Justice and Directors of Government Departments;**
- **Commissioner of the Police;**
- **President of Malvatu Mauri (National Council of Chiefs);**
- **Members of the Legal Profession;**
- **Members of the Law Faculty.**
- **Registrar of the Supreme Court, Court officers and Staff;**

- **Representative of Women;**
- **Representative of the Press/Media;**
- **Representatives of the Churches;**
- **Olgata chiefs blong Vanuatu;**
- **Big Men and Big Women, Pikinini mo People blong Vanuatu**

I bring to you all, Greetings from the Judges, Magistrates, Island Court Justices, courts officials and support staff of the Judiciary of the Republic of Vanuatu.

On behalf of the Judiciary, I extend a warm welcome to all of you to the Opening of the Legal Year. It is my privilege and pleasure to address you on this special occasion of the opening of 2023 legal year and I thank you all for coming.

But before I begin, I wish each of you: “a Happy and Blessed New year 2023”. This is a New Legal Year.

Again, as we begin a New Legal Year, we join together and reflect on the workloads and performances of the courts in the past legal years and look back to the good things, the bad things and the challenges Vanuatu Courts have gone through in respect to the work of the courts, the development of the law in general and all other developments in our society as to how the laws impacted on the life of our people and Vanuatu as a nation. We must then reflect back on these achievements, values, strengths and weaknesses. We must stand and continue with our vision of:

“A Judiciary that is independent, effective and 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 the call to public service.”

THE WORKS OF THE VANUATU COURTS OF THE YEAR 2022 IN REVIEW

A reminder of the works of the Vanuatu Courts for the year 2021- was that:

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- 2021 was an unprecedented year for the Vanuatu Courts in respect to total cases filed, with the highest number of filings on record, and approximately 15% increase on 2020, which was also a big year.
- With over 4,100 cases filed across the four jurisdictions (COA, SC, MC and IC), the workload on the judiciary and court administrators, while dealing with the pressures of COVID restrictions etc., was significant.
- The Magistrates Court in particular saw over 2,600 cases filed, almost 20% increase on previous years, while the Supreme Court again saw more than 800 cases filed. It is also most pleasing to see the Island Court's filings steadily increasing, reflecting its improved accessibility across the country, and over 550 cases were filed, the highest since 2017.
- 2022 was also a solid year for the Vanuatu Courts however it came with an unexpected event when the Vanuatu Government network was hit by a ransomware attack. This caused all the government services and systems to go offline. This impacted the Courts and other government agencies of having no access to our respectful systems over 2 months and data loss, 5 months' worth.
- Having said that, the Courts was able to manage to save some offline data from the court system, in regards to registration and completion of cases from the system as of the end of October 2022.
- During the month of November and December when the government network was still offline and not accessible, we took steps to continue

registering and completed cases manually. So, we are pleased that we can still provide the people of Vanuatu with majority of performance indicators.

- With respect to the international court performance indicators, this year we can provide, number of filings, disposals, clearance rate, pending, PDR, timeliness and attendance rate, working from the data we have available.
- Just of over 3,400 cases filed across the four jurisdictions, a 17% decreased compared to the year 2021. A clearance rate of 98%, but 3 out of 4 jurisdictions better than 100%
- Supreme Court filing decrease by 12% and case disposal decrease by 14%, a clearance rate of 101 % lower, slightly lower than 2021.
- Magistrate Court filing decreased by 13% and case disposal decreased by 7%, clearance rate sitting at 102% an increase compared to the previous year.
- Our pending numbers are always a focus of attention, and am pleased to say, 3 out 4 jurisdictions the overall numbers have reduced.
- Another crucial court indicator is referred to as the Attendance Rate – as measured by the number of times parties/lawyers need to attend court to have their matter finalised. The target for all courts internationally is to keep this indicator as low as possible, thus minimising the impact to you – the community. Our Attendance Rates for the year have also been strong and consistent.
- The Court of Appeal continues to provide by world standards such as timeliness and clearance rates, an excellent service to this country. Despite more cases being filed, the CoA still managed to finalize all of the cases – within an average of 3 months from filing.
- Overall pending caseload for the Supreme Court remains approximate at 800 cases.

- From an Island Court perspective, the clearance rate at 58%, the lowest it has ever been, this has my attention and needs further to investigate to assist them improving their services.
- With the support and assistance from our system developers Lexis Nexis and stakeholder support PJSP we have a plan to recovery our lost data.
- We have a lot of work ahead of us this year 2023, we plan to:
 - 1) Get our court system back online by mid - February
 - 2) Restore missing data in our court system
 - 3) Do data entry for registered cases since November 2022 into the system. This means these cases will have new case numbers and therefore the Courts will be issuing notices to all parties and /or counsels with their new case numbers
 - 4) Cases from June to October 2022 will be checked and updated in regards to case status, parties, listings, listing outcomes, charges, charge outcomes etc.
 - 5) Rescan documents for cases in June to October 2022.
- Overall, it will take us more than 6 months before we have our data back into the system.
- The back capture work will require additional funds and temporary resources, which the court will be working towards.
- All in all, the fact that we are still able to reflect on majority of the court's performance despite the unforeseen challenge in November 2022, is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the people of Vanuatu, our 2022 performance analysis within the month of January is testament to the work of many.

- Additional judicial resources may be needed to maintain the good job done by the Supreme Court in 2022 particularly if criminal matters continue their steady increase from the OPP.
- With Civil cases, we are still seeing higher than desired Attendance Rates due to completion of many old cases which has direct impact and cost to the parties.
- The Enforcement matters in the Supreme Court has seen Attendance Rates similar to Civil and is still high, preferring to see the rates lower and will be looked at in the first part of the year.
- Over the past 2 years (2021-2022), filing of PI and criminal matters have increased substantially with Police/SPD/OPP filing more cases, and we expect this trend to continue and as I mention to you last year, we will work closely with these agencies to ensure our readiness when their cases are brought before us.
- Once court data will be all recovered, we will have at our disposal more court performance indicators which allow us to assess the operation, impact and efficiency of our case management protocols and ensure greater transparency about the performance of the courts, and insights into case management before the Vanuatu Courts.
- The details of the data information on numbers of filings, disposals, clearance rates, pending and timeliness, etc., are provided into the 2022 Data/Statistics and will be published at the court website and a copy can be obtained from the Registry of the Supreme Court and so I am not going to give them to you this morning as most will be involved with figures.

OVERVIEW OF DEVELOPMENTS IN JUDICIARY – 2022 AND FOCUS FOR 2023

OVERVIEW DEVELOPMENTS IN JUDICIARY

2022 REVIEW AND FOCUS FOR 2023

Court of Appeal

- Court of appeal sessions were again conducted virtually in 2021 - 2022 successfully, allowing remote participation of Judges and overseas Legal Counsels.
- In 2023, the overseas judges will be physical present with us back in the appeal sessions.

Supreme Court

- 5 - Active Judges of the Supreme Court at present including the Chief Justice;
- After the departure of Justice Gustaave Andree Wiltens in July 2022, there was no long-term replacement due to Covid -19 difficulties;
- We proceeded with 4 Judges appointed on interim arrangement bases in 2022/2023 as the temporary replacement of Judge Andree Wiltens, the arrangements include:
 1. Justice Christopher Tuohy from; 18 July 2022 – 16 September 2022
 2. Justice Stephen Harrop; 14 September 2022 – 16 December 2022
 3. Justice Paul Geoghegan; 30 January 2023 – 14 April 2023
 4. Justice Robert Lyons Barclay Spear 17 April 2023 – 16 June 2023.
- We expect a long-term appointment sometime in July 2023.
- We also expect to recruit a new Judge of the Supreme Court in 2023 in the position left by Former Judge Steven Felix.
- Master of Supreme court Cybelle Cenac presented her resignation in December 2022 after her appointment to the position since 2015. She

returned to her country Saint Lucie with a new position as the Chief Registrar of the Western Caribbeans Court of Appeal.

- The Office of the Master of Supreme Court will continue to be strengthened and supported.

Magistrates Court s

1. 10 Active Magistrates in 2022

2. Management of cases through Remote Technology

- The Magistrates were able to hear and dispose of cases via true conference and telephone conferences. As a result, we have seen an increase in number of DV applications from remote areas seeking protection orders from the court.

Island Courts 2022

Achievements;

- Training and appointments of 42 new justices for the Banks and Torres Island Court to assist in disposing cases in the jurisdiction of the Banks and Torres Island Court.
- Appointment of the Chairman of the Island Court (Land) to review cases registered in the Island Court (Land) under the custom land Management Act No. 33 of 2013.
- Awareness program with the Stretem Rod blong Jastis program in Malekula which involve the court staff and specifically the Island Court Clerk. It was an opportunity for the clerk to share information on the courts and specifically the island court process.
- A 30% reduction on the pending customary issues in the island court is a positive achievement for the Island Court.

Challenges:

- Covid 19 Pandemic has affected the first and second quarter operation of the Island Courts. Which result in a huge number of opening cases.

- The issue with the Government network system have affected the operations and planning of the island courts in the last 3 months which all plans have to be vacated to year 2023

Island court forecast for 2023

- Refresher training for the Island Court justices on the code of conduct and ethics in preparation for the launching of the complaint procedure for judicial officers.
- Orientations for 20 new justices for Erromango Island Court and 20 for Tanna Island Court.
- Consultation in securing office space for Clerk in Torres Island and Erromango.
- Renovation for Banks and Torres Island Court Building.

HUMAN RESOURCE - YEAR 2022

1. RECRUITMENT

- Appointment of Emma Scadeng as Technology and System officer in June 2022.
- Appointment of Christopher Spooner as Procurement officer of the Supreme Court in March 2022.
- Appointment of Rita Kali as Filing Clerk of the Supreme Court effective 9 September 2022.
- Appointment of Magistrate Court Secretary, Vanessa Vanusoksok to the Magistrate in Santo.
- Appointment of Assistant Sheriff, Jean Yves Ngwele to the Supreme Court in Santo.
- Appointment of Fernandez Banga as Administration Driver of the Supreme Court.

Cessation of employment

- Resignation of former Supreme Court administration driver.
- Resignation of Master of Supreme Court Cybelle Cenac, she served as Master of Supreme Court since 1 October 2015, her resignation

was accepted by the Judicial Service Commission and she left in December 2022.

Training & Developments in 2022:

1. The two working documents;
 - (i) *Judicial Management Improvement Plan 2022* – out of 42 total activities for 2022, 29% was successfully carried out, 19% on good progression (to continue to 2023) and 52% delayed (will be assessed if needs roll-over to 2023).
 - (ii) *Court Annual Calendar of events 2022* – a total of 6 judicial development and Training activities was scheduled – only two trainings were successfully carried out;
 - ✓ the 2nd Judicial Training for Judges and Magistrates and
 - ✓ a secretary refresher Training for the Magistrates court on customer care.

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

2. Audio & video recording is made possible in the Port Vila Dumbea court room and is made upon request of the Judge – successfully did 2 audio recordings and 1 video recording this year 2022.
3. Sheriff draft manual still on Pilot, was implemented and seen 2 successful Tender sales were carried out in 2022, will continue pilot this year 2023
4. The 2019 Family Violence Action Plan for the Magistrate courts – seen Acting Chief Magistrate receiving quarterly reports on DV orders and sentencing so as to maintain consistency within the bench.
5. The courts (through the Hon. Chief Justice) have participated in a zoom webinar on 4th October, 2022 on Family Protection Orders on “How they could be just a phone call away” – a project to be continued in 2023.

6. The Court User exit survey report survey was finalised and produced at the end of this year 2022 (A survey conducted for 2 weeks towards the end of 2021 targeting court users).
Recommendations for improvements were included in the report and will be implemented.
7. The Certificate of Justice Programme – introduced to the lay justices of the Island courts, this year will be conducted on Tanna (was deferred from 2022 to 2023 because of COVID).
8. Awareness – successful awareness carried out by court staff in conjunction with other justice sector made possible through the SRBJs – the *Malekula cross sector legal awareness program* to Unua, Espigles Bay and Vinmavis in 2022.
9. The courts have successfully participated in the PSC open day at the Convention Centre in 2022. It was a great success, seen court information dispersed to all different age group and an opportunity for court brochures distributed.
10. School curriculum – Under Enabling rights and Access to justice; the court has taken another step into entering the Vanuatu educational system – Among other matters, introducing the law and the role of the courts as an elective school subject to Year 11, 12 13 Anglophone students and year 11,12, 13 and 14 Francophone students. The translated course materials (English and French) are now ready and will be officially launched and handed to the Education curriculum unit early this first quarter of 2023.
11. New appointments of judicial officers in 2022
 - Senior Magistrate Beverleigh K. Joshua appointed by the Hon. Chief Justice to Chairman for Island Court Land under the Customary Land Management Act.
 - Banks 22 new Island court Justices orientated in 2022, appointed by the Head of State and sworn in by the Chief Justice at Sola.

- Torres 20 new Island court Justices orientated in 2022, appointed by the Head of State and sworn in by the Chief Justice at Torres.
12. The second judicial training for judicial officers has been successfully carried out – grouping all judicial officers together, the program design for common and separate sessions – seen a strong year for case finalisation end of 2022.
 13. Secretary refresher training has been successfully carried out for the Magistrate court staff in Port Vila – targeting customer care. Seen an improvement in customer services and work ethic.
 14. In-house Trainings:
 - IT Trainings on the basic use of court technology devices was conducted by Alick and Jethro with continuous refresher trainings with the CMS by Emma.
 - HR refresher trainings with heads of Units and staff on purpose and the importance to conduct and submit the *Annual Staff performance appraisal reports*.
 15. The Hon Chief Justice and Judge Aru have attended a week workshop in PNG on *Judicial officer's Fraud and Corruption* from 28 November – 2 December 2022. The PNG Centre for Judicial Excellence has served well the Pacific courts, and this year 2022 has provided the first Training on Fraud and Corruption Workshop for Judges

Court Buildings

- A design team has been appointed and is working on a suitable design for the purposely court build “Hall of Justice”; this should be completed in the first quarter of this year. It is very highly likely that additional funding will be sourced to afford the increasing priced of building materials due to supply chain.
- Epi new court building is 70 % complete and the project is due to be completed in the first quarter of 2023;

- Santo Court building is deteriorating hence a plan for a new building location for the near future is necessary.
- A waiting area for Court users remains a concern as Court Users need a sheltering space while waiting scheduled Court hearings;
- Penema province needs a new court building at Saratamata, Ambae;
- Ambrym court House is no longer safe for use. The Clerk has been relocated to an office space at the Area council office to operate. There is a need for a new court building at Ambrym as well.
- Renovation needed in Banks & Torres court house with Clerk residence.

Library /Website/Achieves

Library

The Court Library continues to provide reference and information services to Judicial Officers; however, the expanding collection needs additional space and shelving to be created before additional text can be acquired.

Website

The software that the Court website uses has faced quite a number of technical issues which has affected the publication of judgments and the daily listings. These issues are dealt with by technical staff, but at times information is lost and eventually needs to be republished. The focus for 2023 will be looking at new software for to host the Website.

Archives

A new filing clerk has been appointed. This will relieve the current work load of filing. In 2022 our focus was on Improving Shipping Containers that we use for Record storage, two minor projects for improving and repairing shipping containers were successfully completed. This included upgrading from wooden shelving to metal shelving and repairing the interior and exterior of the shipping containers.

I need to stop here for this morning. I declare the Legal Year 2023 is now officially opened. I thank you for your attention.

