

SUPREME COURT OF THE REPUBLIC OF VANUATU

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NOTE ON INDIVIDUAL DOCKET SYSTEM

General

After the coming into force of the Civil Procedure Rules 2002 and after giving consideration to developments in case management and listing techniques in Vanuatu and overseas, the Supreme Court of Vanuatu adopted the individual docket system as the basis of its listing and case management system.

The general principle underlying the individual docket system is that each case commenced in the court is to be sequentially allocated to a judge of the court, at the time of filing, who is then responsible for managing the case until final disposition. The individual docket system aims to encourage the just, orderly and expeditious resolution of disputes. It also seeks to enhance the transparency of the processes of the Court.

Interim Practice and Guide

For the assistance of parties and their lawyers, Interim Practice Note No.01 of 2016 and a guide to the individual docket system in the Supreme Court of the Republic of Vanuatu have been issued. Each provides general information and guidance and are subject to specific directions given in the interests of justice in a particular proceeding.

Key Elements

Cases are allocated to judges. A case ordinarily stays with the same judge from commencement until disposition.

On 1 October 2015, the Supreme Court recruited a Master of the Supreme Court (a Deputy Master will be recruited in the early part of the year 2016). Matters within the jurisdiction of the Master will be allocated to the Master. The Interim Practice Direction No.1 of 2015 has been issued to assist counsels and parties in the conduct of these matters before the Master.

The Docket judge makes orders about the way in which the case should be managed or prepared for hearing.

The court may direct that special procedures be used, including case management conferences and referrals to mediation.

The Docket judge monitors compliance with directions, deals with interlocutory issues and ensures that hearing dates are maintained.

Objectives of the Individual Docket System

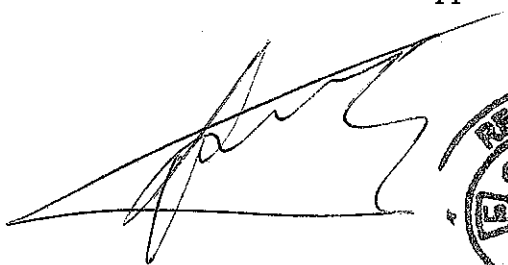
- Savings in time and costs resulting from the Docket judge's familiarity with the case. In particular, the system seeks to eliminate the necessity to explain the case afresh each time it comes before a judge.
- Consistency of approach through the case's history.
- Fewer management events with greater results. In particular, the system aims at reducing the number of directions hearings and other events requiring appearances before the Court.
- Minimise unnecessary interlocutory disputes by permitting only interlocutory steps that are directed to identifying, narrowing or resolving the issues really in dispute between the parties.
- Better identification of cases suitable for assisted dispute resolution (mediation)
- Earlier settlement of disputes or failing that, a narrowing of the issues and consequent saving of court time.

Hearing dates

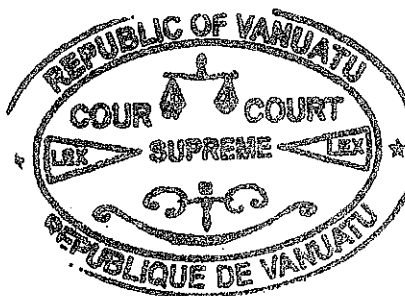
Judges allocate hearing dates for matters in their own dockets. It is desirable that the docket Judge will generally set a hearing date early in the conduct of the matter. If a party has a concern about a delay in either obtaining a hearing date or in the proposed date allocated, they should raise the concern with the docket judge. If the Docket judge is not available, the concern should be raised with the Chief Registrar.

Appellate work of the Court

The Court of Appeal sittings occur in three set periods each year. This system of rostering appellate work during set periods allows judges greater capacity to manage their own dockets outside the Court of Appeal sittings.



V. LUNABEK
Chief Justice



16 December 2015