

# Judiciary of the Republic of Vanuatu

## ANNUAL REPORT 2015



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

**March 2016**

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

March 2016.

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 2015 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'.



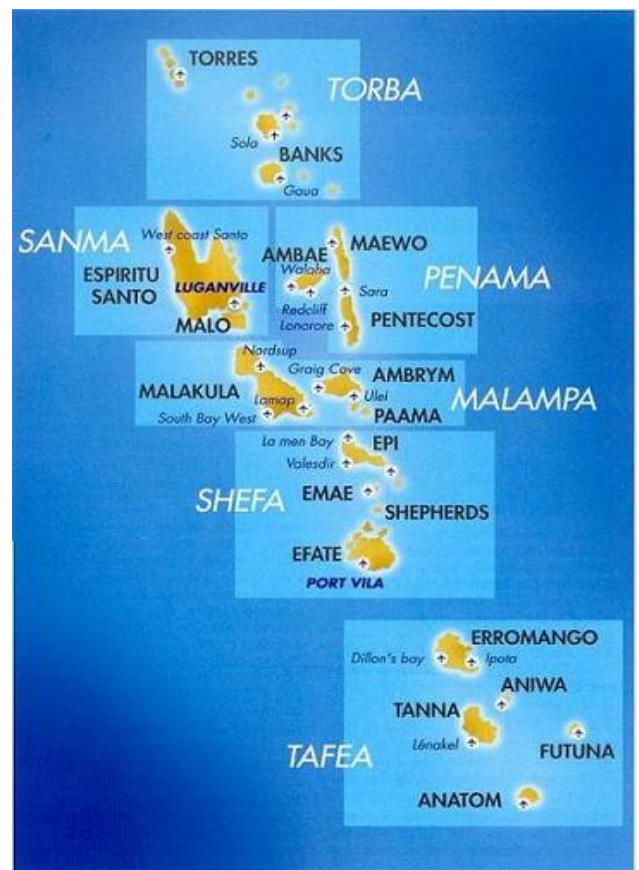
Vincent LUNABEK  
CHIEF JUSTICE

## A. Background

Vanuatu is a 900 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 2015 was officially opened on 29<sup>th</sup> January 2016. 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. Implementation of the Court's Strategic Plan.

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.

Strengthening judicial capacity was enhanced when the number of Judges of the Supreme Court became 8 including the Chief Justice. The Judicial Service Commission recommended the appointment of a former Commonwealth Secretariat-sponsored Judge to His Excellency the President for appointment on local terms and conditions, for a term of 2 years.

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. The work on delay reduction has attracted the regional attention of the Pacific Judicial Development Program [PJDP] which conducted a pilot project with the court culminating in the production of a toolkit on the subject.

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.

Strem Rod blong Jastis project under the Vanuatu Law and Justice Partnership between Australia and the Vanuatu Government assisted with the renovation of the Supreme Court office which expanded the floor space and created 3 new Judges' Chambers. For the duration of the renovation works, the project partnered with the

court to meet the cost of a temporary office space at the SIP building in the middle of the CBD.

Innovation and Technology and Communications are two key result areas which gained a lot of attention and support in 2014. The court, with the assistance of the Central Tender Board, completed the procurement process of a contractor to supply and configure a court management software, towards the end of 2014.

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.

#### D. Summary of significant issues and developments.

1. The Office of the Chief Justice took a major policy decision in centralizing all judges in the Port Vila. This policy direction meant that the resident judge in Luganville, Santo, was recalled to Port Vila and the registration system and numbering of incoming cases were centralized. It also meant that all 6 judges were in one location and the court would go on circuit to other parts of the country on a normal routine basis.
2. There was further work with the Case and Data Management Technical Advisor resourced by the Law and Justice Partnership program, to fine tune the data we have in Microsoft Excel and improve its integrity and make it useful information to use, elevating it from just information but information what could be used for decision making.
3. 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.
4. Major inroad was made in the effort to acquire an automated Court Management System to migrate the data that the registry and support staff have had to keep on their desktop computers or on the Vanuatu government network server [Salmon]. Formal agreements were signed in December to pave the way for funding and implementation.
5. 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.



6. Major repair and renovations were done to the Supreme Court registry office and judges' chambers with the funding assistance from the Law and Justice Partnership Program between Australia and Vanuatu. This meant the movement of the operations of the Supreme Court to a temporary location while work was being done. The renovation took more than the 3 months anticipated, but the Supreme Court offices were relocated back in about October 2014.
7. 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.
8. The Magistracy was further strengthened with formal appointments of Senior Magistrates and posting to court centers on outer islands of Santo, Malekula and Tanna. Unfortunately towards the end of the year, the magistracy lost one of its Senior Magistrate after a prolonged period of ill-health.

E. 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. It meets 3 times a year for 2 weeks each session. 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. The visiting judges who came to serve on the Court of Appeal of Vanuatu in 2014 included:

Justice Sir Bruce Robertson - Retired Justice of the New Zealand High Court  
Justice Ronald Young – Retired Justice of the New Zealand High Court  
Justice Raynor Asher – Justice of the High Court of New Zealand  
Justice John Von Doussa – Retired Justice of the Federal Court of Australia; and  
Justice John Mansfield – Justice of the Federal Court of Australia

Significant cases dealt with in the Court of Appeal in 2014 involved issues of employment , for example in the case of CAC No.29 of 2014. This is a case of whether the Prime Minister or only the Public Service Commission had the power to appoint and move Director Generals who administrative heads of the various ministries of government. A subsidiary question becomes whether the Director Generals are 'public

services' under the Public Service Act or not. Issues involving leases and dealings in customary land also came for the Court of Appeal hearing and determination, including consideration of the effect of a New Hebrides Native Court decision in 1972. Issues of trust law were invoked in CAC No. 3 of 2014, *Barak Sope v Ifira Trustee Limited*. The court also dealt with an appeal from a telecommunication operator against the decision of the Regulator in the industry in the case of CAC No. 17 of 2014 in a case seen as testing the powers of the Regular to make certain types of orders in relation to industry operators. In the case of CAC No 33 of 2014, the Court of Appeal decided an appeal by some members of Parliament whose application for the Speaker of Parliament to call a sitting of Parliament was refused by the Supreme Court. The Court of Appeal upheld the Supreme Court decision.

## 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 2014, there were 6 Judges of the Supreme Court including the Chief Justice.

There was a consistent work rate shown by the Supreme Court, with the lowest level of pending cases reaching about 600 cases. Unfortunately, this could not be sustained and this figure crept back to finish at about 800 at year end.

## 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.

One Senior Magistrate was posted to Isangel on Tanna island, one Senior Magistrate and one simple Magistrate posted to Luganville, Santo, and one magistrate elevated to Senior Magistrate at Lakatoro, Malekula.

#### 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

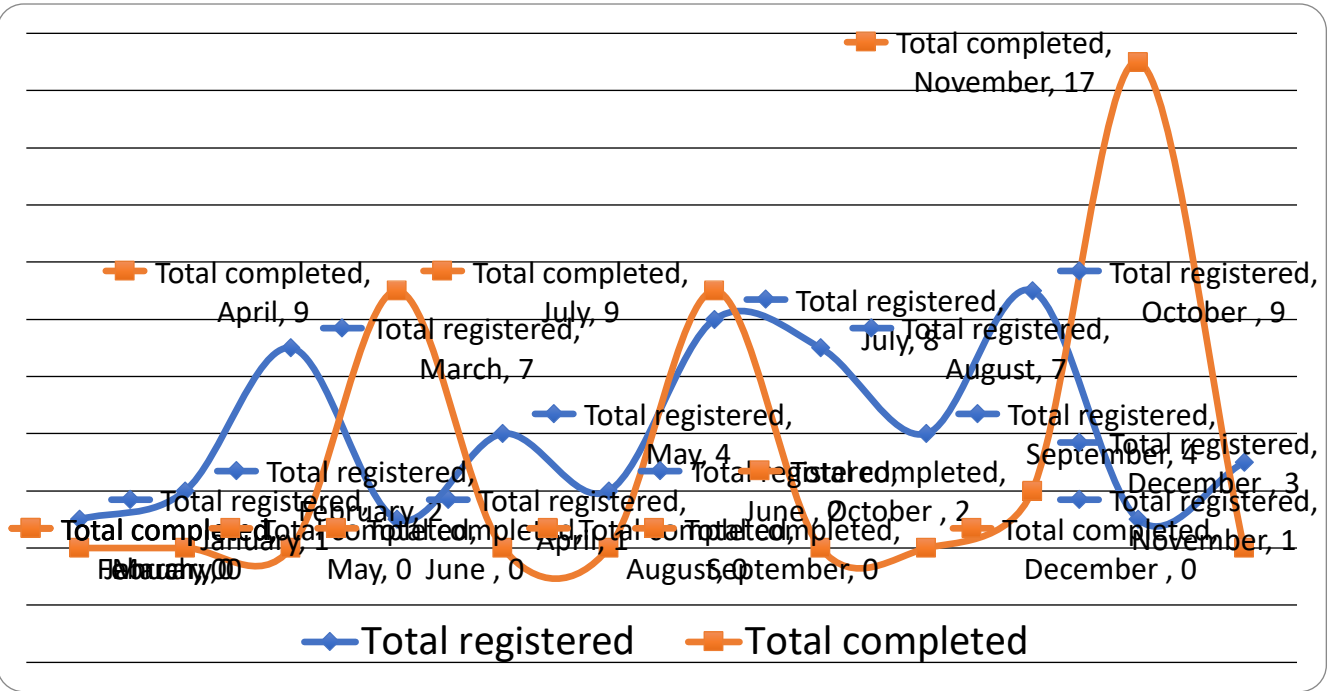
There are currently 10 operational Island Courts in the Republic. The Island Courts have full time clerks, appointed by the Chief Justice to administer the affairs of the Island Courts. There are about 240 lay justices appointed to decide small claims and minor criminal cases that are lodged in the Island Courts. The lay justices are members of the community.

In the second half of the year, there was renewed focus on the backlog of customary land cases pending in the Island Courts, and two special magistrates were appointed to target these pending cases. They succeeded in dealing with 19 cases, leaving 50 pending at end of 2014.

#### F. Court results

##### 1. Court workload

##### a. Court of Appeal



b. Supreme Court

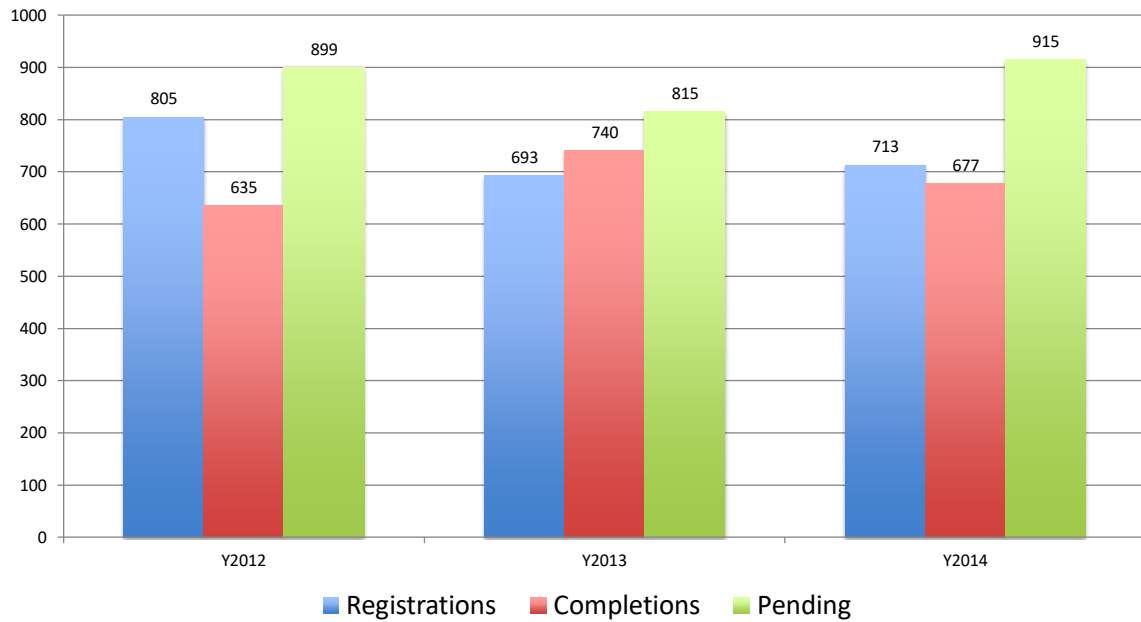
# Yearly - Registrations & completions

	Registered			Completed		
	Y2012	Y2013	Y2014	Y2012	Y2013	Y2014
Admiralty	5	2	1	0	6	3
Adoption	27	26	23	22	29	28
Bail	56	36	42	45	35	24
Enforcement			5			1
Civil	309	357	286	267	372	338
Civil Appeal	16	16	9	8	6	17
Company	13	7	23	24	10	18
Constitutional	12	4	11	9	5	6
Criminal	210	122	202	178	155	147
Criminal Appeal	10	2	7	2	3	6
Election Petition	27	0		11	15	3
Judicial Review	43	31	32	19	25	21
Land Appeal	27	0		1	0	
Legal Practitioner	5	4	9	5	0	2
Maritime Appeal	0	0		0	0	
Matrimonial	5	12	4	6	10	5
Probate	40	74	59	38	69	58
<b>NATIONAL</b>	<b>805</b>	<b>693</b>	<b>713</b>	<b>635</b>	<b>740</b>	<b>677</b>
<b>CLEARANCE RATE</b>				<b>79%</b>	<b>107%</b>	<b>95%</b>

## Commentaries

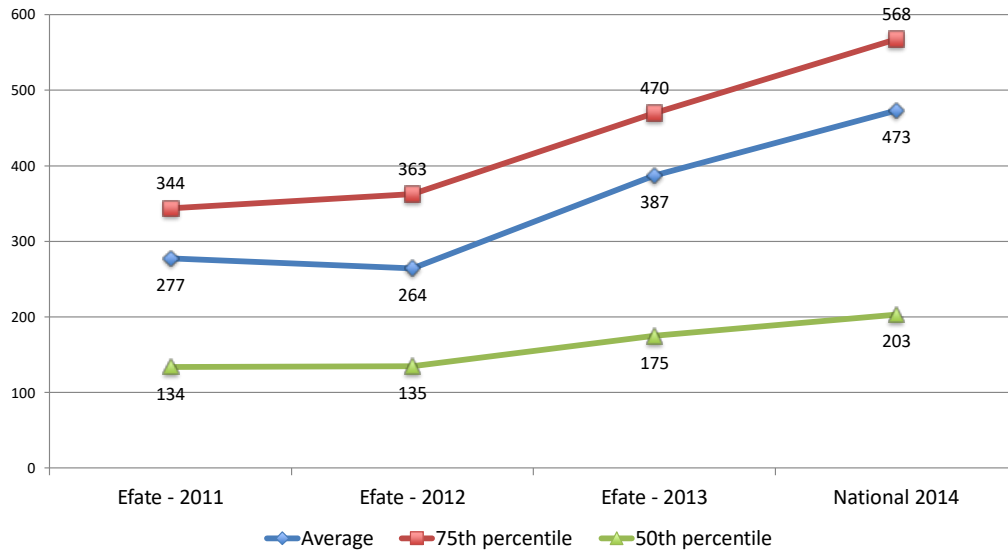
1. Overall **registrations** (National) 713 – up from 691 the previous year – a small increase of 2.7%
  - a. Vila – 571 and Santo – 120 (remaining from other locations)
  - b. Civil – 44% (includes Company & excludes Probate, Judicial Review etc.)
  - c. Criminal – 28% (excludes Bail applications and Criminal Appeals)
2. Overall **completions** 677 – down from 741 – an decrease of 9%
  - a. Vila – 605, and Santo – 25 (remaining from other locations)
    - i. And Santo disposals significantly down on 2013
3. Average **age** of cases disposed:
  - a. Civil – 691 days (was 527 days)
  - b. Criminal – 250 days (was 183 days)
  - c. Overall – 473 days (was 390 days)
4. **Clearance** rate (Completions/Registrations) – 95% - down from 107% the previous year

# Trend - Registrations, completions & pending (by year)



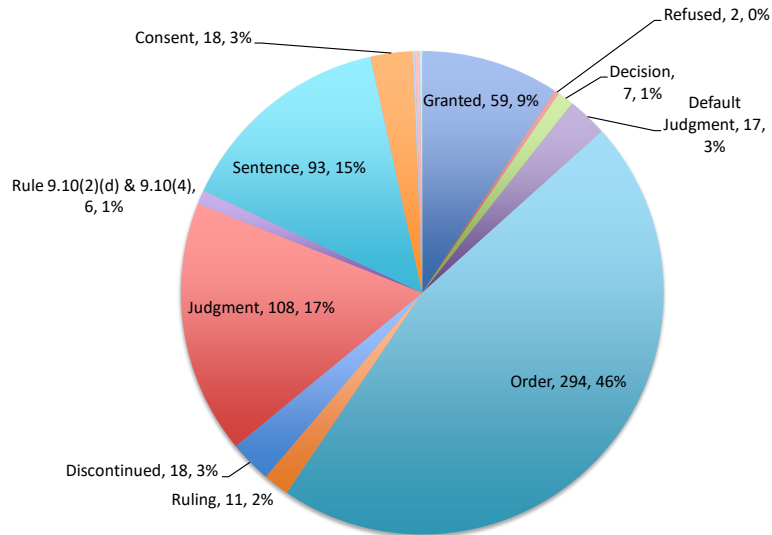
*It is expected with confidence that Completions during 2015 will increase with the appointment of a 7<sup>th</sup> judge*

# Trend – Timelines to finalise cases (days)



*While the length of time to finalise cases is growing, this is also as a result of the Court addressing some very old cases e.g. delivering old Reserved Judgments*

## 2014 – Disposal means

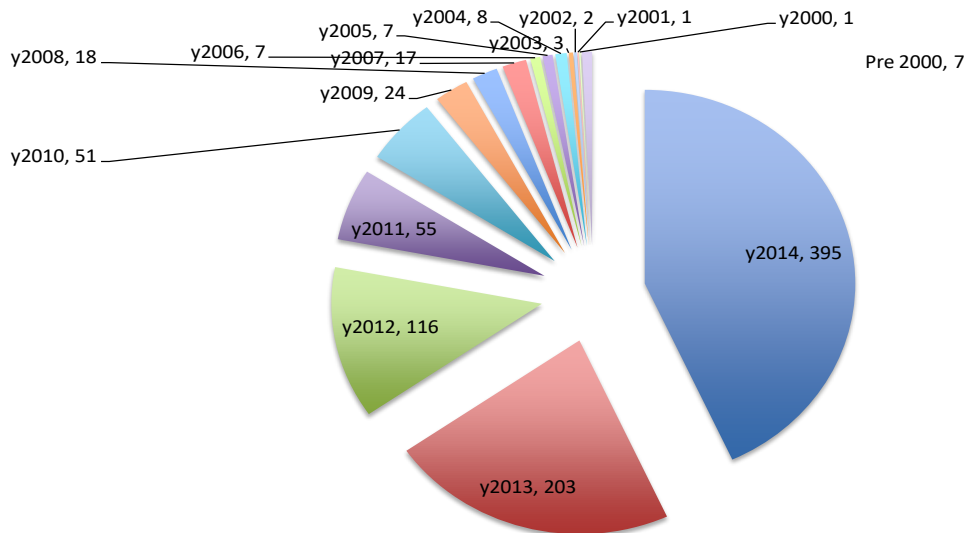


## Pending summary

- Total cases pending – 915 (up from 815 at end December 2013)
  - Civil 69%
  - Criminal 12%
  - 35% of cases – from 2012 or older
    - LAST YEAR - 34% of cases – from 2011 or older
- PDR – Pending to Disposal Ratio
  - 1.4, and target is 1 – or approximately 640 cases in total (which equates to approximately 270 additional cases to dispose = approximately 2 judges)
    - LAST YEAR – 1.2 PDR
  - Civil PDR = 1.9 – highlights where focus for delay reduction program needs to focus
  - Criminal PDR = .8



## 2014 – Pending by age



*There are still a number of very old cases that need resolution, including 7 cases older than 15 years*

1. Pending – total cases pending in the Supreme Court – 915.
2. The Supreme Court clearance rate is calculated by dividing the number of cases completed by the number of cases filed during the year in review – 95%
3. The average duration of a case from filing to finalisation in the Supreme Court – See graph on “trend timeline to finalise cases” above.
4. The percentage of Appeals from the Supreme Court to the Court of Appeal – 7%
5. Percentage of cases that are granted a court fee waiver - There were no cases that were granted fee waiver in the mainstream civil registry..
6. The percentage of complaints received concerning a judicial - 0.4%
7. The percentage of complaints received concerning a court staff member – 0.7%
8. The average number of cases per judicial officer in the Supreme Court – 118 cases.

9. The average number of cases per member of the Supreme Court staff – 55

10. The Court produces an Annual Report each year and published on [www.acli.org](http://www.acli.org)

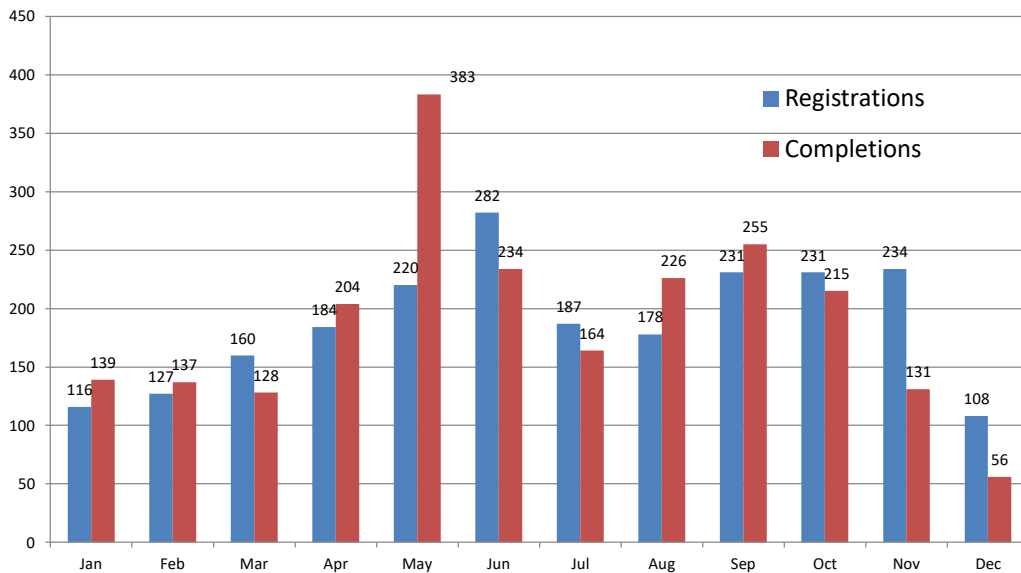
11. In 2014, the Supreme Court sent out a total of 27 batches of judgments most often weekly, containing a total of 213 judgments. This shows a decline from the previous year where 48 batches containing 291 judgments were sent out for publication on the PaCLII website.

#### c. The Magistrates Court

It is a credit to all within the Magistrates Court that despite these impacts, that while the volume of work was increasing, the volume of disposals increased at even a great rate, and they have achieved a clearance rate of just over 100%. This is a significant improvement from previous years, and augurs well for 2015.

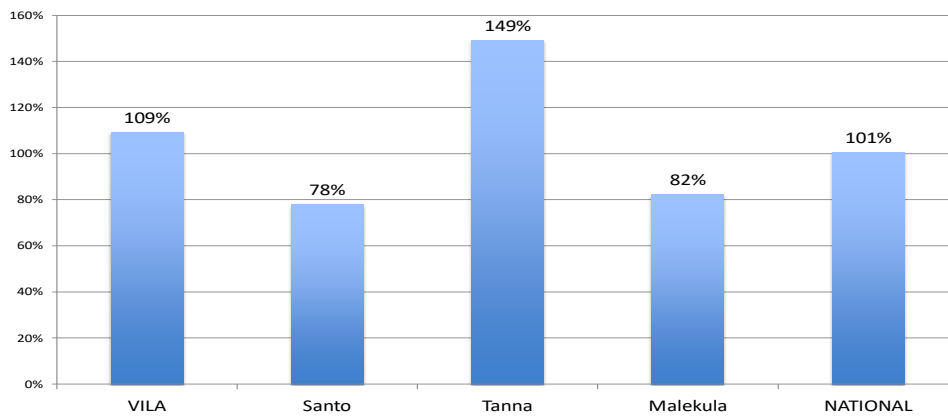
A very good year for the Magistrates Court with an overall clearance rate of just over 100%, which is almost 20% improvement from last year

## Monthly 2014 – Magistrates Court Registrations & completions



Throughout the majority of the year, the clearance rate of cases has exceeded 100%

## 2014 – Magistrates Court Clearance rates by location



Compared to 2013, clearance rates were substantially improved

Summary of Pending cases

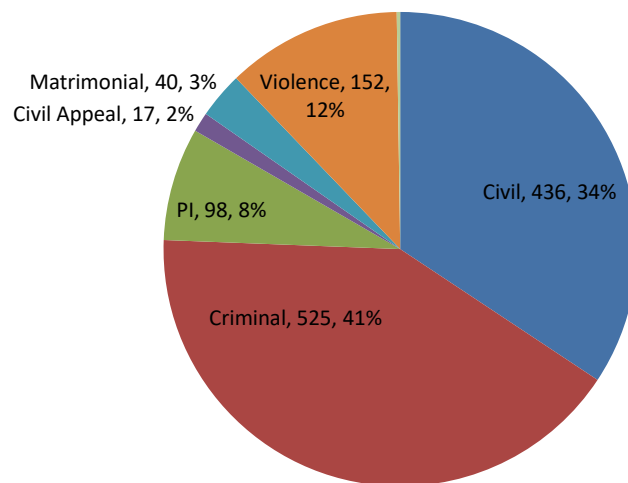
Total cases pending (National) – 1306

- Civil – 448 cases - 34%
- Criminal including PI – 639 cases – 49%
- Domestic Violence – 152 cases – 12%
- 30% of cases – from 2012 or older

PDR – Pending to Disposal Ratio

- .6, and target is .5 – or approximately 1150 cases in total (which equates to approximately 150 additional cases to dispose = approximately .5 Magistrate)

## 2014 – Magistrates Court Pending by case type



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.

- 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 office tools and equipment. 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 2014. However, the pending caseload has not dropped to the 2013 level. It has been consistently over 800 cases.
- iii. The execution of warrants in about 30 criminal cases has been problematic throughout 2014. There has been none to limited effort to execute these warrants of arrest by the Vanuatu Police Force.
- iv. The service of summonses for criminal cases lodged in the Magistrates Court is also a source of impact on the Magistrates Court operation.
- v. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters while cases are pending in the islands like Epi, Emae and Paama – these are islands considered 'off the track'.

#### 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. 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. However, towards the end of 2014, the working group methodology seem to have been abandoned.
- ii. Further, the Judiciary has been the beneficiary of assistance offered through grant funding by the Stretem 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 continued cooperation with the Vanuatu Women's Crises Centre [VWC] who represent victims of Domestic Violence in their application to the Magistrates Court.
- vi. 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 in a timely manner.

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, but in 2014 the volume of dialogue has been less than the previous years.

J. Management accountability

i. Annual Accounts

Annual expenditure budget for 2014 slightly increased.

1. Annual budget was VT192,159,675
2. Payroll budget was VT102,130,762 representing 54%
3. Operational budget was VT 83,774,984 representing 46%

<b>Year</b>	<b>Payroll Budget</b>	<b>Operations Budget</b>	<b>Annual Budget</b>
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
2014	103,298,710	88,860,965	192,159,675

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 VT20,036,636 as at end of December 2014. This is a slight decrease from 2013 figures.

<b>Year</b>	<b>Total Revenue (Vatu)</b>
2010	17,326,452
2011	20,345,087
2012	25,750,592
2013	22,688,174
2014	20,036,636

ii. Senior management committees and their roles

1. The Chief Justice meets with the Judges of the Supreme Court on a weekly basis to discuss matters which he thinks fit for consultation and discussion.
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 and projects announced by the Chief Justice, and for normal administration purposes.

iii. Training and development activities undertaken locally

<b>Date/month</b>	<b>Workshop</b>	<b>Participant</b>	<b>Remarks</b>
7- 12 February	Orientation of Law trained and Lay justices and court officers	2 Magistrates and 3 clerks	Some improvements made on decision making & judgment writing
13-14 February	Refresher training	Driver to CJ	Very big improvement in protocol procedures
20-21 March	PDO	All current serving employees of the Judiciary	Program was a success with recommendations made for administrative planning and operations
19-23 May	Orientation of new clerk to Torba	Clerk to Banks Torres Island Court	Performing well on the job pending appropriate assessment and review for permanency
6-7 June	1 <sup>st</sup> Judicial Workshop	All Judicial officers	Issues attaching to land appeals recommended for further workshop
9 -11 July	Decision making & judgment writing Workshop	17 Island court justices & 8 Magistrates	Course is very relevant for improvement on decision making
1- 29 August	Induction of Magistrates	3 newly appointed Magistrate	Currently displaying good performance on the bench
21-22 August	Clerk training	All serving Clerks	Administrative issues discussed with recommendations
1-5 September	Orientation of Island Court Justices on Manual (Sola)	Current serving Justices and newly recruited	Nine new justices sworn in
8 -12 September	Induction of new secretaries to Judge Sey & Tanna Magistrates Court		Performing well on the job pending further assessment and review of performance for permanency
27-28 October	Second Judicial Training.	Current serving Judicial Officers	Recommendations made for issuance of warrants for supervising Magistrates



iv. Training and Development activities attended by judicial officers and court personal overseas.

<b>Date/month</b>	<b>Workshop</b>	<b>Attended by</b>	<b>remarks</b>
4-6 June	Pacific Law Library Twinning Program	Librarian	Very relevant and beneficial to the Judiciary.
30- 3 July	SPCYCC meeting ,Auckland	Magistrate Peter Moses	A good exposure for participant to issues affecting children & youth appearing before the courts.
7-12 July	Orientation of Lay Justices, Solomon Islands	3 Island Court Justices	A good exposure for participants and very beneficial towards their judicial functions.
20- 24 October	National Coordinator Leadership & Annual Reporting Workshops	Training Coordinator	Vanuatu Judiciary is doing well in terms of Judicial development and gradually progressing to meet 15 indicators as outlined towards international court of excellence standards
23-24 October	Chief Justices leadership workshop & PEC meeting	Chief Justice	CJ'S meeting approved a number of recommendations made by National Coordinators including request for PJDP extension from current phase.

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:

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. 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 for parking and protected customer or public waiting areas. There is also very limited provision of public toilet facilities while internal facilities are inadequate at best.

As reported in parts of this report, Judges' chambers have hugely improved with 2014 renovation. A new and big conference room was also created and the secretaries' offices was renovated and retiled.

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 Administration continues to rent the property in Luganville, Santo to house the court center there. Demand on space has lessen somewhat when the resident judge there returned to Port Vila. However, the magistrates court has strengthened its presence there with 2 magistrates resident in Luganville.

The property is a two storey building and houses the supreme court, the magistrates court and the island court. One Assistant Sheriff is also accommodated in the building.

## 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.

The office is now connected to the Vanuatu government network.

## 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. 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 constant centrally provided power. However, facilities available for the public court user 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.

This office benefitted from the funding assistance from the Strem Rod Blong Jastis project to acquire a solar panel and accessories to generate power for the office.

## 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.

2014 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 total volume of print materials is approximately 2,370. Text books, (reference and non-reference) total up to 370 titles and law reports from UK, Australia and New Zealand & Canada which make up the bulk of the collection total up to 2,000 volumes. Collection development this year has come about through acquisitions and gifts. Approximately 82,000VT out of the Library/Archives budget was spent on books in 2014. This was for orders placed in April 2013 and eventually paid for in May 2014. This year the library received a donation of 97 cartons from the Pacific Twinning Program containing the All England Reports for the years 1861 – 2003.

The Library continued to receive clients daily. From daily observations, collection usage by users was newspapers, law textbooks, law reports. Borrowing statistics show that a total of 22 titles were signed out by Judges.

95% of all reference queries directed to reader services was successful. These were mainly for Vanuatu legislation, case law, regulations. Most requests received were made by the Supreme Court Judges; a few requests came from Court staff for Vanuatu judgments and legislations.

## 12. Archives

The Supreme Court Archives mainly holds case file records. These include Magistrate Courts (2000 – 2008), Supreme Court (2000 – present) and some Island Court records.

Appropriate space is a critical issue for the archive. Case files are being packed into archive boxes and stored on the Library shelves and around the Library room.

There are no proper shelves in the current filing room. Boxes of files are stacked on top each other on the floor and table.

The 20ft storage container outside the Supreme Court Office was moved and placed on top of specifically built cement blocks. This is an improvement as previously the storage container was sitting on an unlevel site. However shelves still need to be built in the container for effective storage of the archive boxes.

### 13. 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.

### 14. Boats and accessories

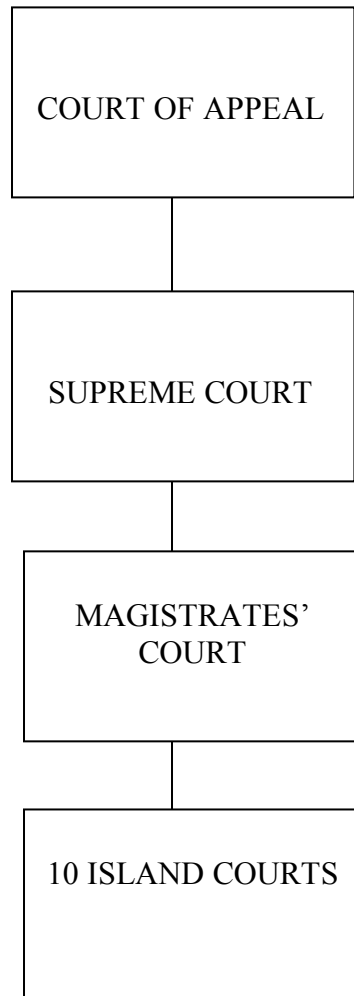
There is one operating boat at Lolong, Pentecost island. This was donated by the French Government. There is currently a 15hp outboard engine on the boat which is inadequate considering that the boat is about 7 meters long.

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.

## L. Appendices

### ii. Organisational Chart



ii. List of Judicial Officers and Court Personnel

<b>Names</b>	<b>Post Title</b>	<b>Emp.Status</b>
Vincent Lunabek	Chief Justice	Permanent
Stephen Harrop	Judge	Term of 2 yrs
Daniel Fatiaki	Judge	Term extended
Oliver Saksak	Judge	Permanent
Dudley Aru	Judge	Permanent
Mary Sey	Judge	2 year term
John Obed Alilee	Chief Registrar	Permanent
Rita Bill Naviti	Senior Magistrate	Retired
Edwin Macreveth Ambuse	Training/Development Officer	Permanent
Nesbeth Wilson	Senior Magistrate	Deceased
Moses Peter	Senior Magistrate	Permanent
Hannaline Ilo Nalau	Senior Magistrate	Permanent
Beverleigh Kanas Joshua	Senior Magistrate	Permanent
Anna Laloyer Bollen	Senior Magistrate	Permanent
Stephen Felix	Chief Magistrate	Permanent
Trevor Naieu	Magistrate	Permanent
Florence Sam	Magistrate	Permanent
Harrison Kibeon	Magistrate	Permanent
Patrick George	Island Court Clerk	Permanent
Wilson Andrew Nasawa	Island Court Clerk	Permanent
Collyn Tete	Island Court Clerk	Permanent
Anthony Lessy	Island Court Clerk	Permanent
Fredington Aru	Island Court Clerk	Resigned
Blandine Tepi Konmawi	Island Court Clerk	Permanent
Alida Tchivi	Island Court Clerk	Permanent
Enuma Basil	Island Court Clerk	Permanent
Christina Shedrack	Secretary, Island Court	Permanent
Gloria Kalotiti	Receptionist	Permanent
Veronique Teitoka	Secretary to the Chief Magistrate	Permanent
Cynthia Thomas Csiba	Secretary, Registry Office	Permanent
Charlene Kara	Secretary to the Chief Justice	Permanent
Evelyne Sawia	Secretary, Supreme Court	Permanent
Anita Vunabit Buletare	Secretary, Supreme Court	Permanent
Naomi Hinge	Secretary, Supreme Court	Permanent
Evelyn Kaltapau	Secretary, Magistrate Court	Permanent
Malia Nupupo	Secretary, Magistrate Court	Permanent
Anita Simon Isabelle	Secretary, Magistrate Court	Permanent
Florina Toran Singanbo	Secretary, Magistrate Court	Permanent
Rodrice Mulonturala	Secretary, Magistrate Court	Permanent
Florina Ephraim	Secretary, Magistrate Court	Permanent
Aurelie Litoung	Secretary, Magistrate Court	Permanent
John Daniel	Assistant Sheriff - Luganville	Permanent
Malachai George	Sheriff	Permanent
John Mavuti	Deputy Sheriff	Permanent
Robson Lapsai	Island Court Clerk	Permanent
Jean Noel Kutty	Driver/Messenger	Permanent
Jimmy Wovan	Driver, Chief Justice	Permanent
Cleris Kalo	Cleaner, Port Vila	Permanent
Pauline Kalo	Librarian	Permanent
Wilma Manmelin	Filing clerk	Permanent

Albano Lolten	Accountant	Permanent
Joel Shem	Senior Administrator of Island Court	Permanent
Madeng John	Assistant Registrar Supreme Court	Permanent
Shirley George	Assistant Registrar Magistrate Court	Permanent
Gloria Kuao	Secretary to Magistrates Court, Isangel	Permanent
Katherine Abel	Finance Officer	Permanent
Iona Mathias	Procurement Officer	Permanent
Belinda Garae	Human Resource Officer	Permanent
Celina Pakoa	Secretary – Sheriff Office	Probationary