

# Judiciary of the Republic of Vanuatu



## ANNUAL REPORT 2018



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

**April 2019**

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# REPUBLIC OF VANUATU



## CHIEF JUSTICE'S CHAMBERS

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April 2019.

Don Ken  
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 2018 and the unaudited financial statements in respect of that financial year. The report includes information about Courts, their activities and workload.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Vincent Lunabek'.



Vincent LUNABEK  
CHIEF JUSTICE

## A. Introduction

### 1. Vision and Mission Statements

The vision statement of the Judiciary of Vanuatu is not radically different to similar statements of vision from other jurisdiction, insisting on fundamental notions like judicial independence, public trust and confidence and effectiveness and efficiency.

However, the vision statement is peculiarly extraverted in seeking to encompass the legal profession into a vision of mutually beneficial standard of expectations of quality, ethical, accessible and cost-effective legal service.

The mission statement is a statement of intent on how the Judiciary of Vanuatu will deliver on its vision and its overarching Constitutional mandate – the administration of justice according to law.

#### **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”

## 2. Statement from Chief Justice

### REPUBLIC OF VANUATU



### CHIEF JUSTICE'S CHAMBERS

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#### **INTRODUCTORY REMARKS FROM CHIEF JUSTICE**

After the production of the 2017 Annual Report in this format, this is the 2018 Annual Report for the Courts. The Report provides information on the Courts, their Achievements and Challenges and Performances in the year under review. The focus is on the Management of the case load by the courts. The Report includes a deeper analysis of the nature of cases registered, those completed, and importantly, those pending disposal by the courts.

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

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

There are also other qualitative indicators that assist in gaining an appreciation of the court's performances. This year's review again includes qualitative output indicators of

access to Justice, including in the accessibility of the court and the responsiveness of the courts to the needs of users where ever they are in the country.

Further, despite the challenges which are really critical to the delivery of justice by the courts, the material contribution of the courts to the community is still unevaluated. This material contribution is reflected to the volume of decisions made. In 2018, the Court of Appeal delivered 64 outcomes of cases, some of which were substantive judgments and were sent for publication on [www.paclii.org](http://www.paclii.org) and courts website. The Supreme Court sent 273 judgments for publication on [www.paclii.org](http://www.paclii.org) and the courts website.

The publication of these judgments 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 Honorable Justice Vincent Lunabek  
Chief Justice

## B. 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 plans for the Judiciary which was the subject of an organization-wide consultation. Since the initial strategic plan, there is continuous work with implementing parts and aspects of the strategic plan that stretches to 2017 and 2018, the reporting year.

The strategic plan has 7 key result areas: Case Management & Enforcement, Governance, Institutional Services & Development, Asset Management & Infrastructure, Innovation & Technology, Communication, Access to Justice and Independence and Integrity.

### 1. Court Management System [CMS]

Since the introduction of Case Management System in 2015, there is continuous effort in the enhancement of the system and the quality of data input into the system. The system now gives the ability to reflect and review not only at this time of the year, but at the end of each month, on how each court is performing with respect to key court indicators and ensures court operation are monitored and adjust according to resources as best as possible.

The Chief Justice attended the PJSI (Pacific Judicial Strengthening Initiative) Regional workshop for the courts in the Pacific, in Port Moresby in December of 2018, and was pleased with how the Judiciary of Vanuatu can utilize the information that our Case Management System provides. He is committed to exploring the introduction of time standards across the court and the reduction of Reserved Judgments to an acceptable level.

### 2. Consolidating Master of the Supreme Court function

Deputy Master took office in 15 January 2018 after her appointment and Orientation was provided by Master, the Registrar and the Training Coordinator in introducing her to the office and court arena. She was coached by the Master through succession training and began dealing with cases in June 2018.

### 3. Court website. [www.courts.gov.vu](http://www.courts.gov.vu)

The Court website is being updated regularly and is being visited frequently. The website has become popular, reaching 15,410 unique visitors in 2018. Pages visited most are the Daily Listings and Judgment pages. The top 10 countries from where visitors come include the USA, Australia, Fiji and China.



#### 4. Training and Development

Local training and development varied in content and target group ranging from Judicial training programs to in-service training, to mentoring. One significant one was the training of Judges of Supreme Court on Judgement writing and Court of Appeal Procedures which was held at the end of 2018 and was delivered by Retired Judge of New Zealand High Court, Sir Ronald Young.



*Judges of the Supreme Court at the Judges workshop (29 November – 2 December 2018)*

#### 5. Asset Management and Infrastructure

Under this key result area, focus was on maintenance of the court's assets. The Judiciary is in need of basic court facilities build purposely for the court. The Magistrate Court building was called off by the government as priorities will focus on the Supreme Court Hall of Justice.

The maintenance of the court fleet of vehicles had a significant impact on the court's recurrent budget in 2018 and saw the replacement of 1 vehicle for newly appointed Judge and purchasing of 1 vehicle for Deputy Master of the Supreme Court.

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

1. The Supreme Court continued to engage the assistance of the New Zealand judiciary in the form of a Judge of the District Court of New Zealand to be seconded to the Supreme Court of Vanuatu. March 2018, saw the appointment and swearing in of Justice Andree Gustaaf from the District Court of New Zealand to carry on in this assistance.

2. Appointment and swearing of new Supreme Court Judge, Stephen Felix in March 2018.
3. Two acting appointments were done in early 2018 being for the position of Chief Registrar and Chief Magistrate.
4. Appointment of Deputy Master to the Masters office was done early January 2018.
5. The Court continued to deal with the rippling effects of the conviction and sentencing of 14 members of Parliament to custody for charges of conspiracy.
6. The Deputy Prime Minister, Joe Natuman vacated his seat after various challenges in the Supreme Court and the Court of Appeal as resulted with his suspended sentence on charges of obstructing or interfering with criminal process.
7. There was no listing of land cases in 2018 since there was no allocated budget for the specific activity.
8. Justice Jerome Doogue, a retired Judge of New Zealand High Court was appointed last year to deal with the case of former Magistrate Waltersai v Chief Justice, Chief Magistrate and Chief Registrar. The State was ordered to pay a compensation of VT 1,500,000 to the Claimant.

#### D. About the Courts.

##### 1. Court of Appeal

The Court of Appeal is the highest court of the land. It is composed of at least 2 or more Judges of the Supreme Court sitting together. In 2018, the Court of Appeal met in February, April, July and November.

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 2018 included:

Justice Ronald Young – Retired Justice of the New Zealand High Court  
Justice John Von Doussa – Retired Justice of the Federal Court of Australia  
Justice John Mansfield – Justice of the Federal Court of Australia  
Justice Raynor Asher – Retired Judge of the New Zealand High Court

Significant cases dealt with in the Court of Appeal in 2018 involved issues of surrounding the imprisonment of 14 Members of Parliament. CAC 1652 and 2222 of

2018 was the appeal against the conviction and sentence against 10 of the 11 persons convicted of conspiring to pervert the course of Justice. Their sentences were reduced by 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, such as 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.

In civil 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.

The coming into force of the Customary Land Management Act has implications for the operations of the Island Court as they are mandated by law to act as the Island Court [land] Tribunal to review decisions of customary land ownership from the village level.

### E. Court results (Court work load)

#### 1. Court of Appeal

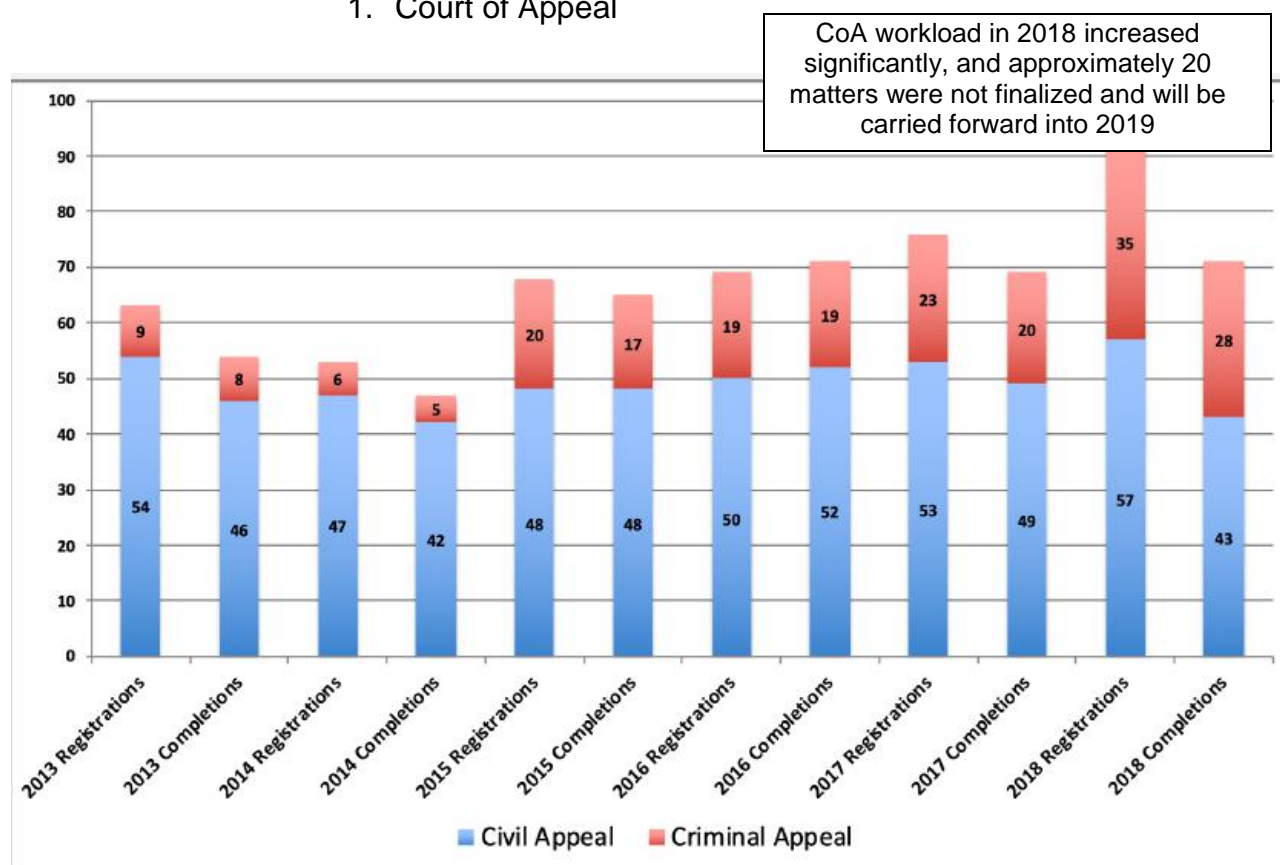


Figure 1: Court of Appeal – a trend of registration and completion of cases – 2013 to 2018

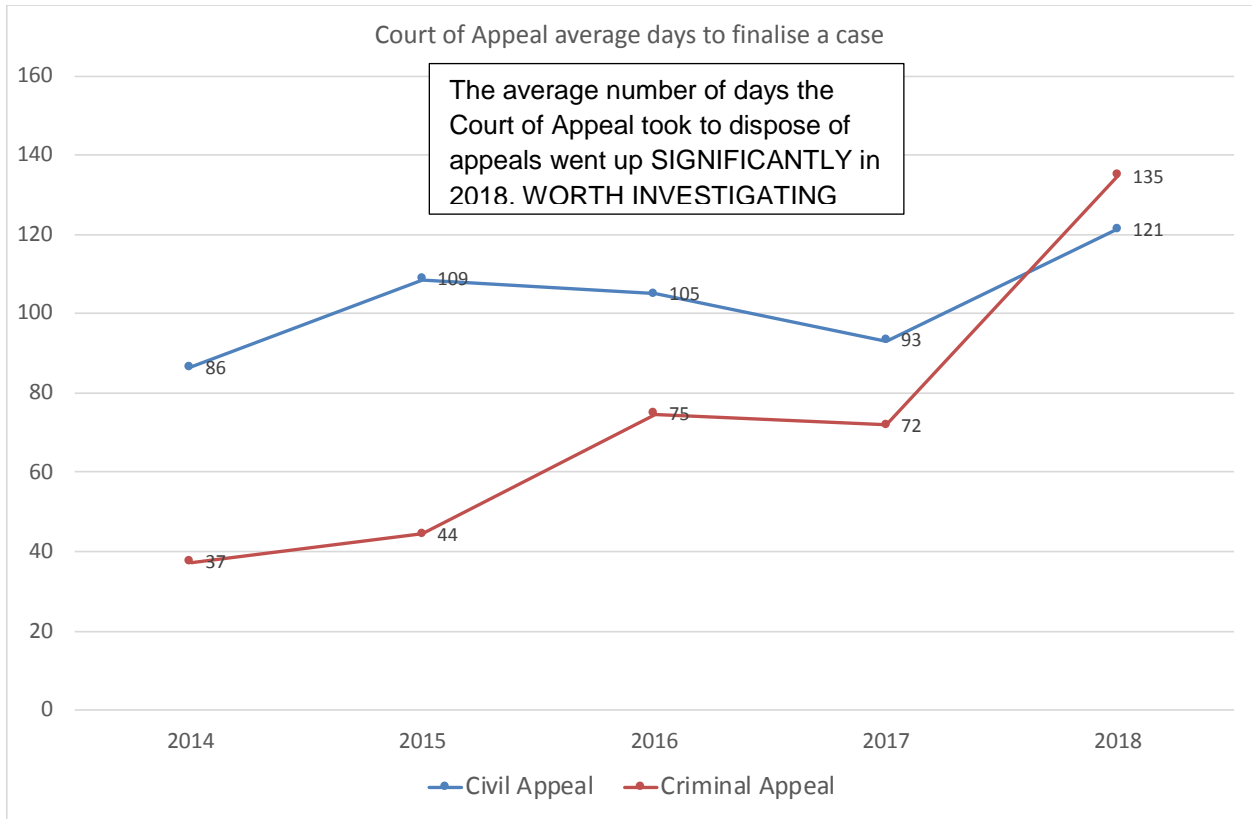


Figure 2: Court of Appeal average days to finalise a case

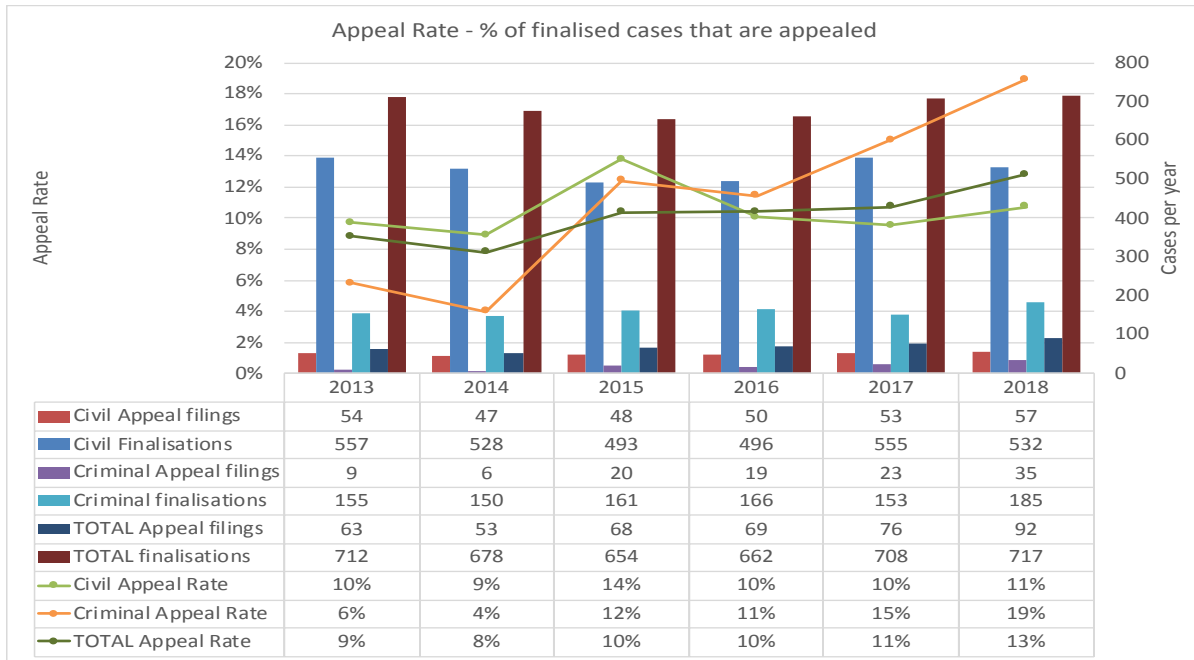


Figure 3: Court of Appeal average appeal rate of finalised cases

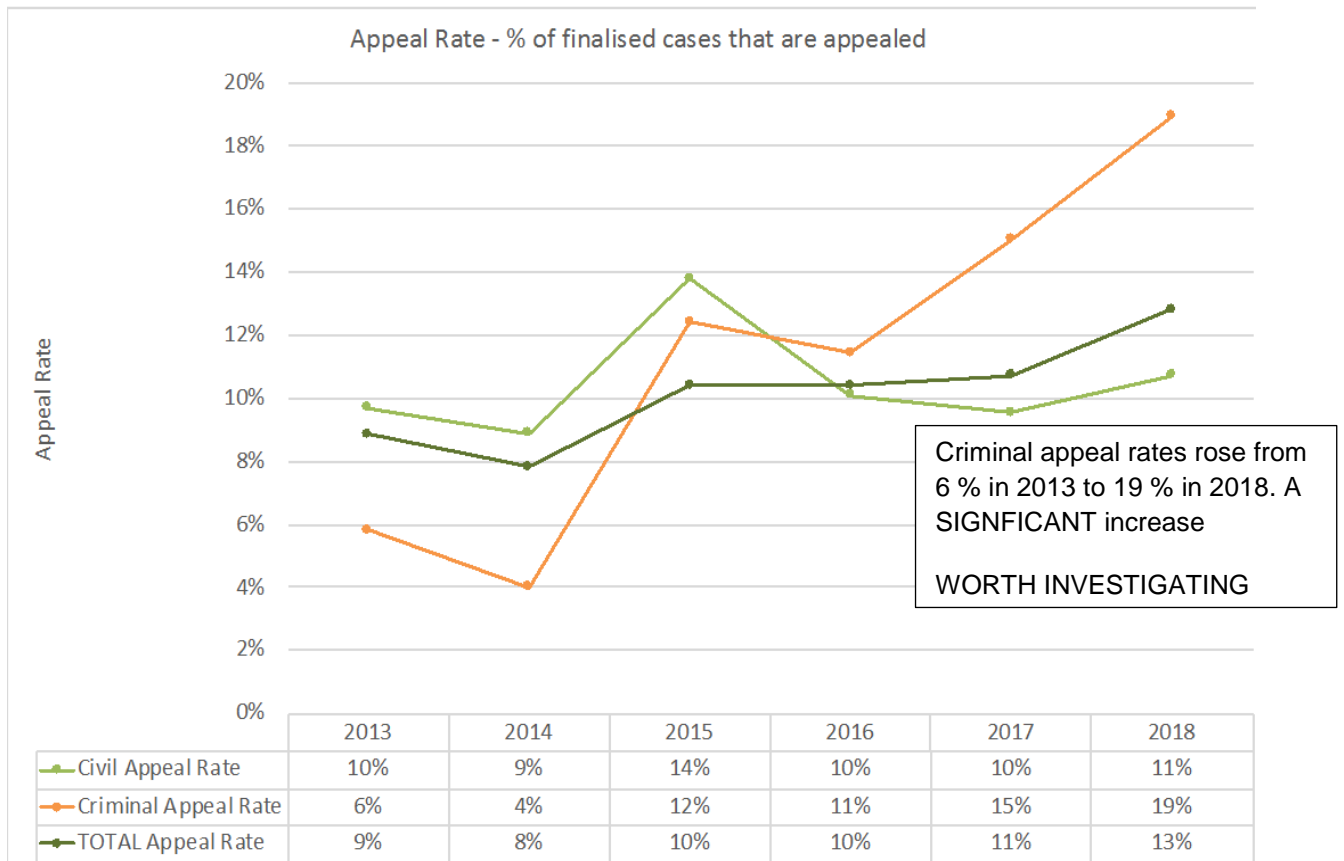


Figure 4: Court of Appeal rate of finalized cases on appeal

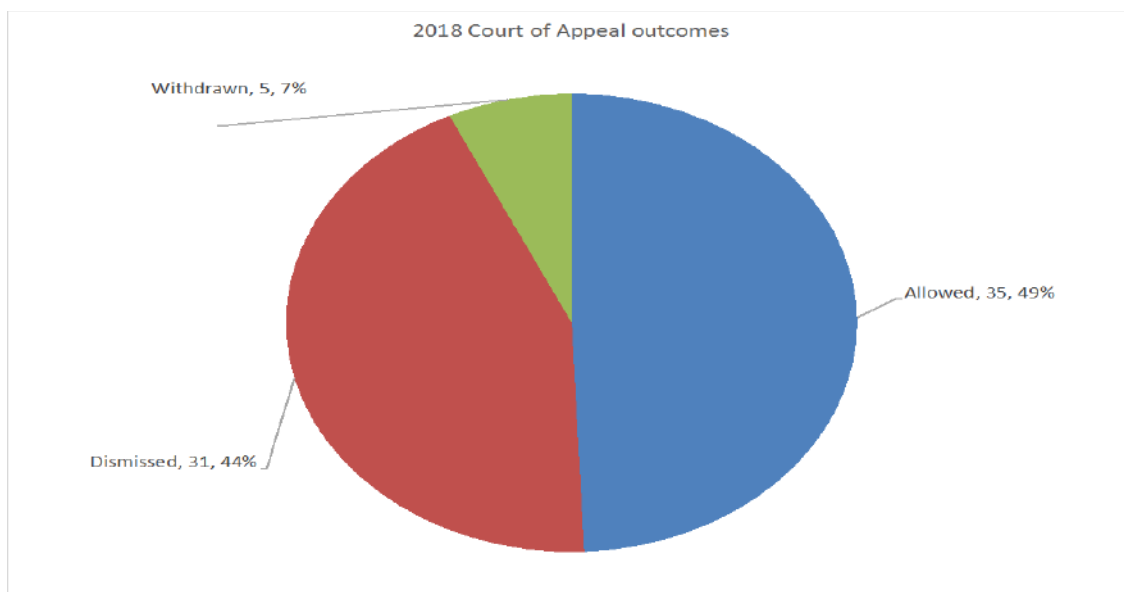


Figure 5: Court of Appeal – 2018 outcomes

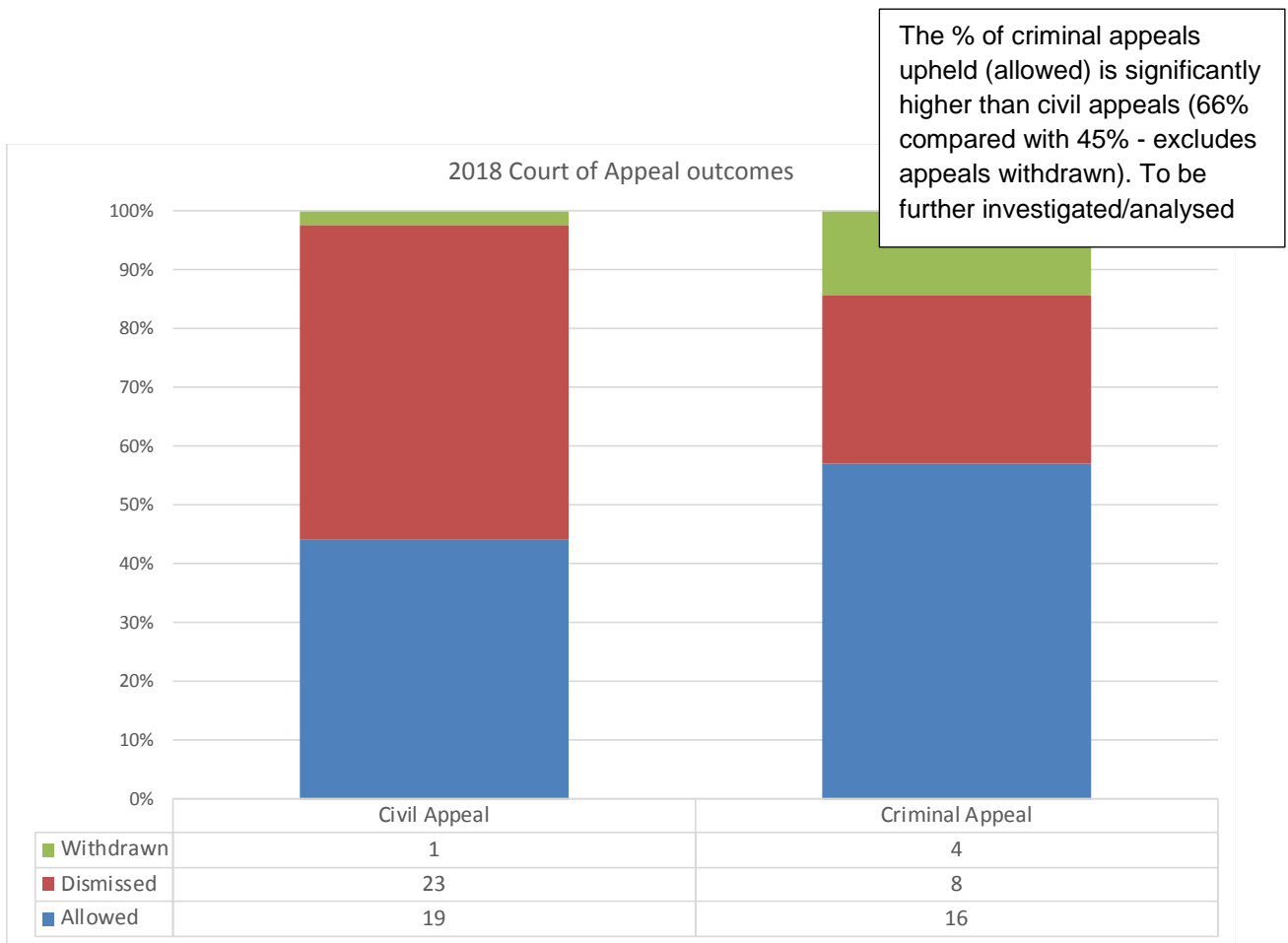


Figure 6: Court of Appeal outcomes by case type

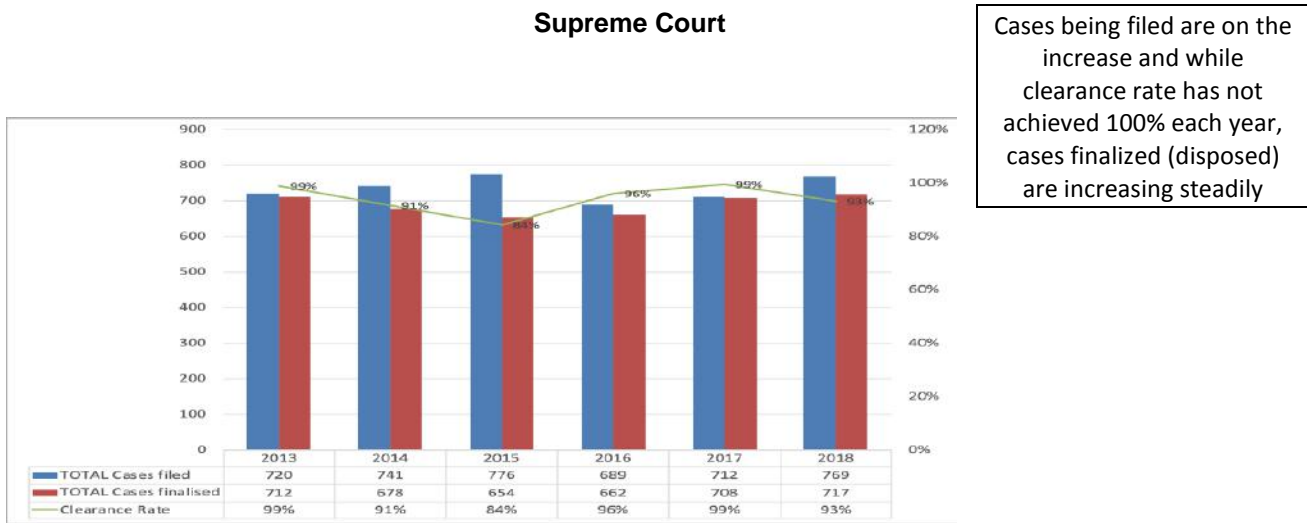


Figure 7: A trend of clearance rate, cases filed and cases completed

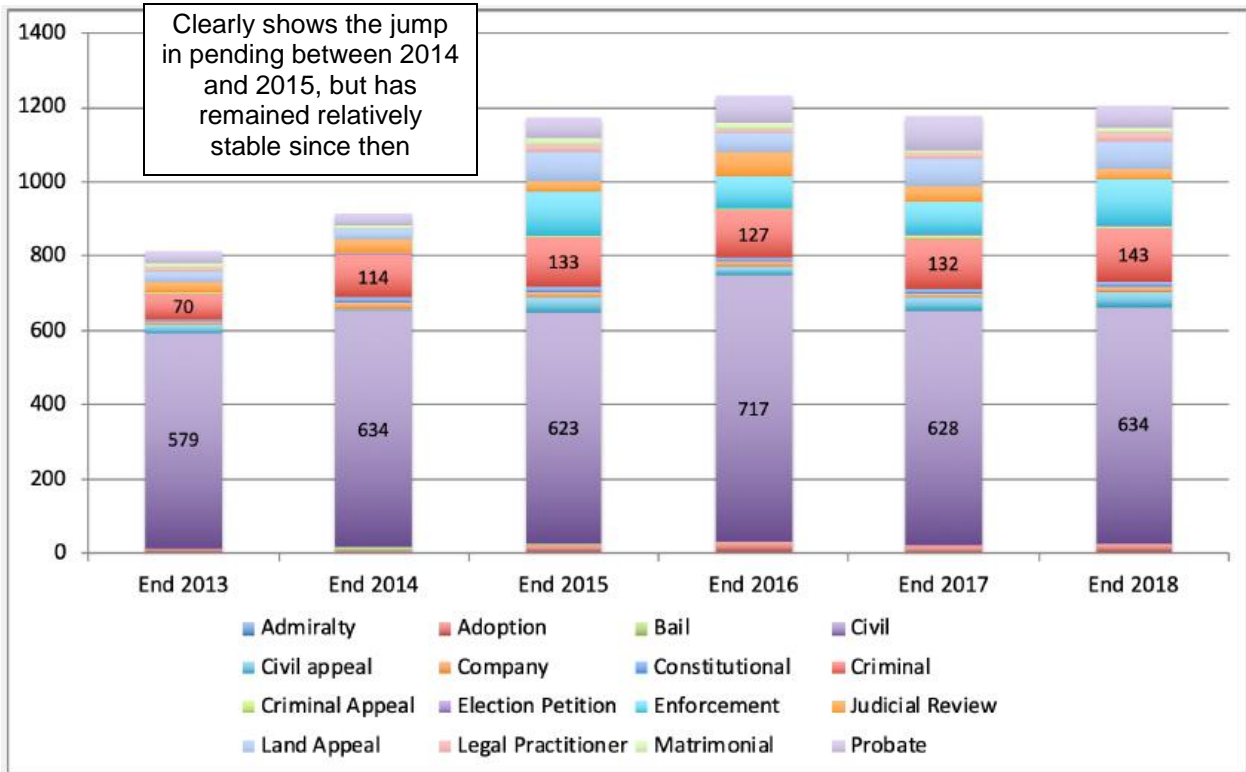


Figure 8: Trend of pending cases in the Supreme Court from 2013 to 2018

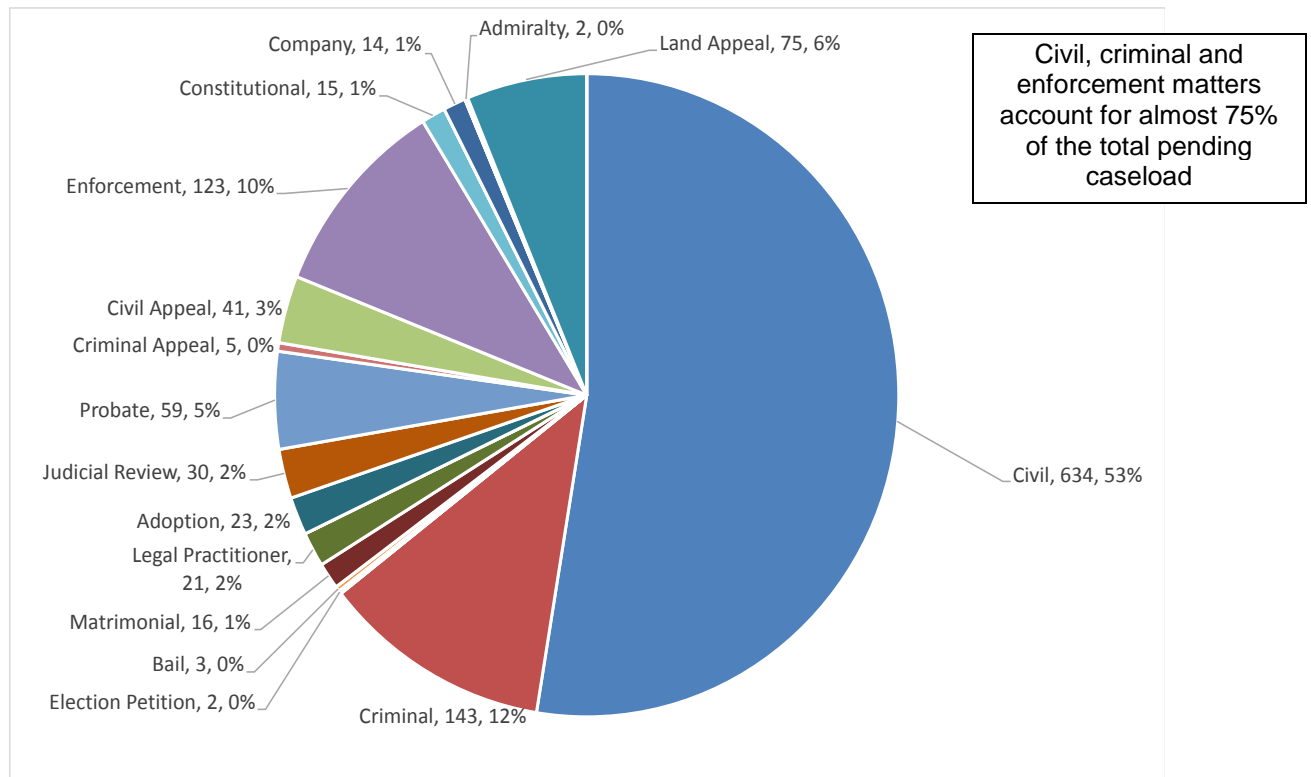




Figure 9: Pending cases in the Supreme Court by case at the e

Criminal – average days to complete criminal cases in 2018 increased due to clearance of SOME cases that HAD outstanding warrants which increased the time to finalize. Probate matters have also increased in timeliness and will be investigated.

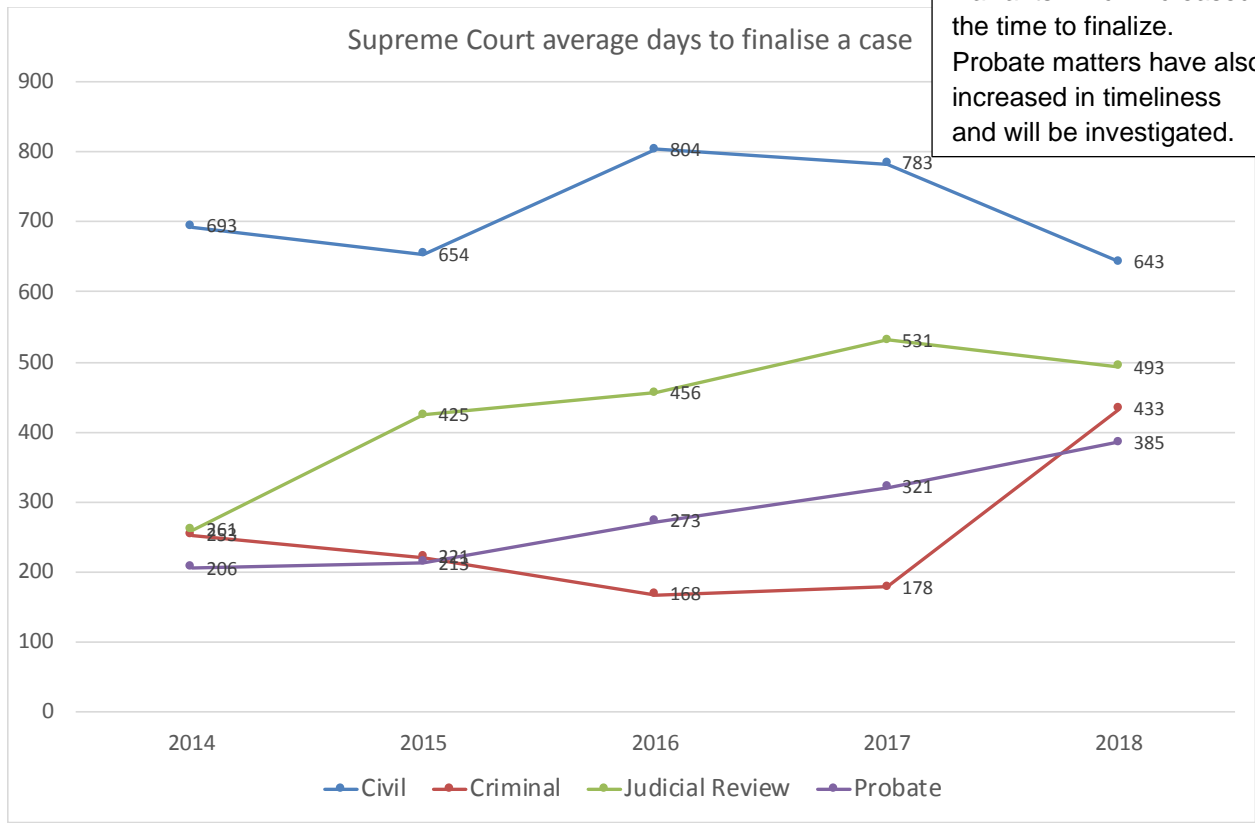


Figure 10: Supreme Court average days to finalize a case

Commentaries

- (i) SC filings rose slightly from 712 cases to 769, an increase of 8 %
- (ii) SC disposals rose slightly from 708 to 717 cases, an increase of 1.3 %
- (iii) Pending has steadily grown from approx. 1175 at the end of 2017 to 1206 cases in 2018.
- (iv) PDR is now 1.7 – against a target position of 1.2
  - Potential 370 cases in excess of ideal position – equating to 3.74 judicial resources and/or improvements in case management handling of cases
- (v) Clearance rate over the last 3 years averaged 96 %
- (vi) Timeliness for completing CRIMINAL cases – increases to 433 days, still – and CIVIL cases just under 643 days

## 2. Magistrates Court

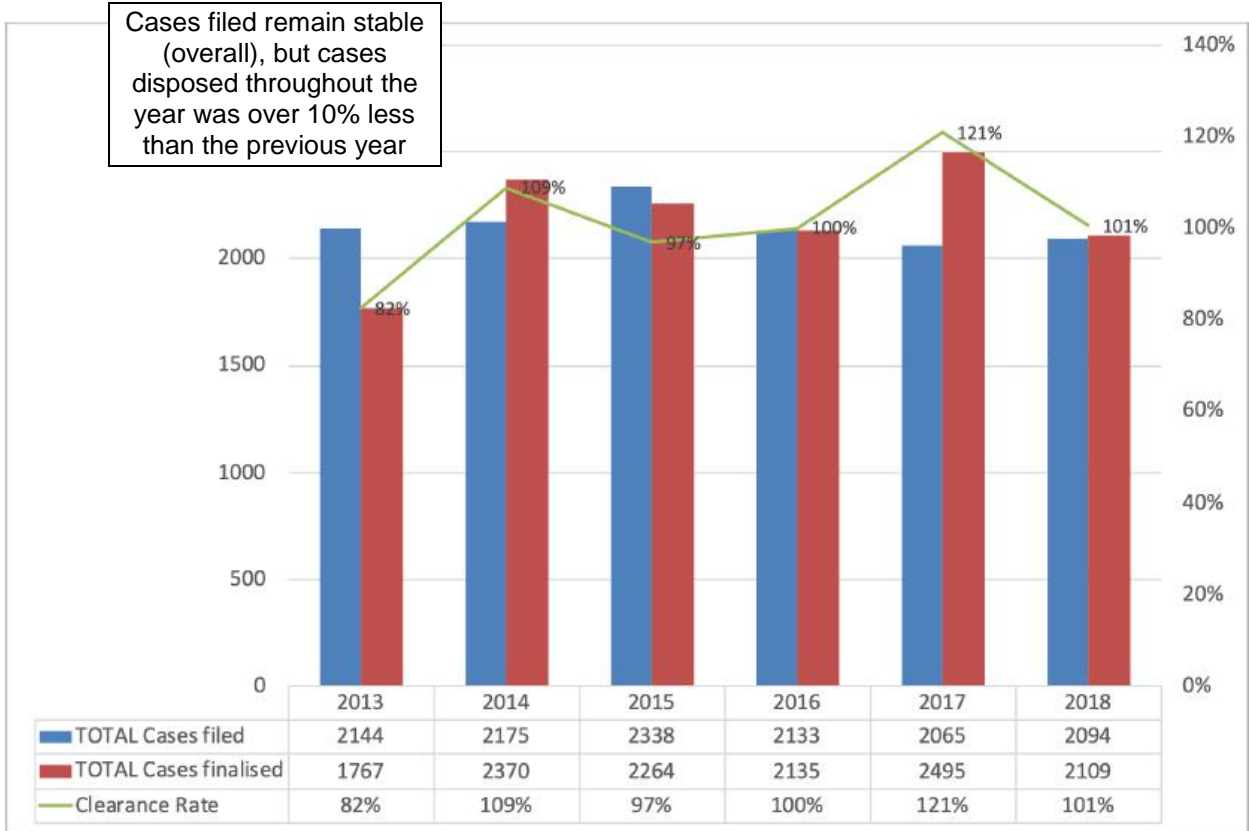


Figure 11: A trend of clearance rate, cases filed and case completes finalized.

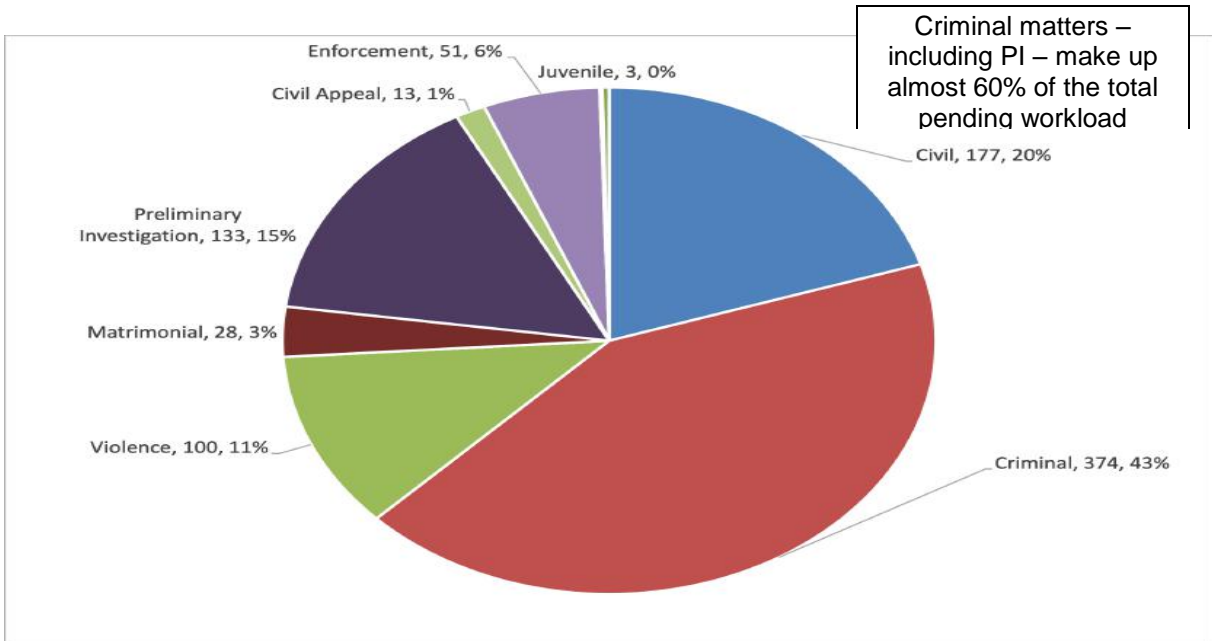


Figure 12: Pending cases in the Magistrates Court by Case Type at the end of 2018

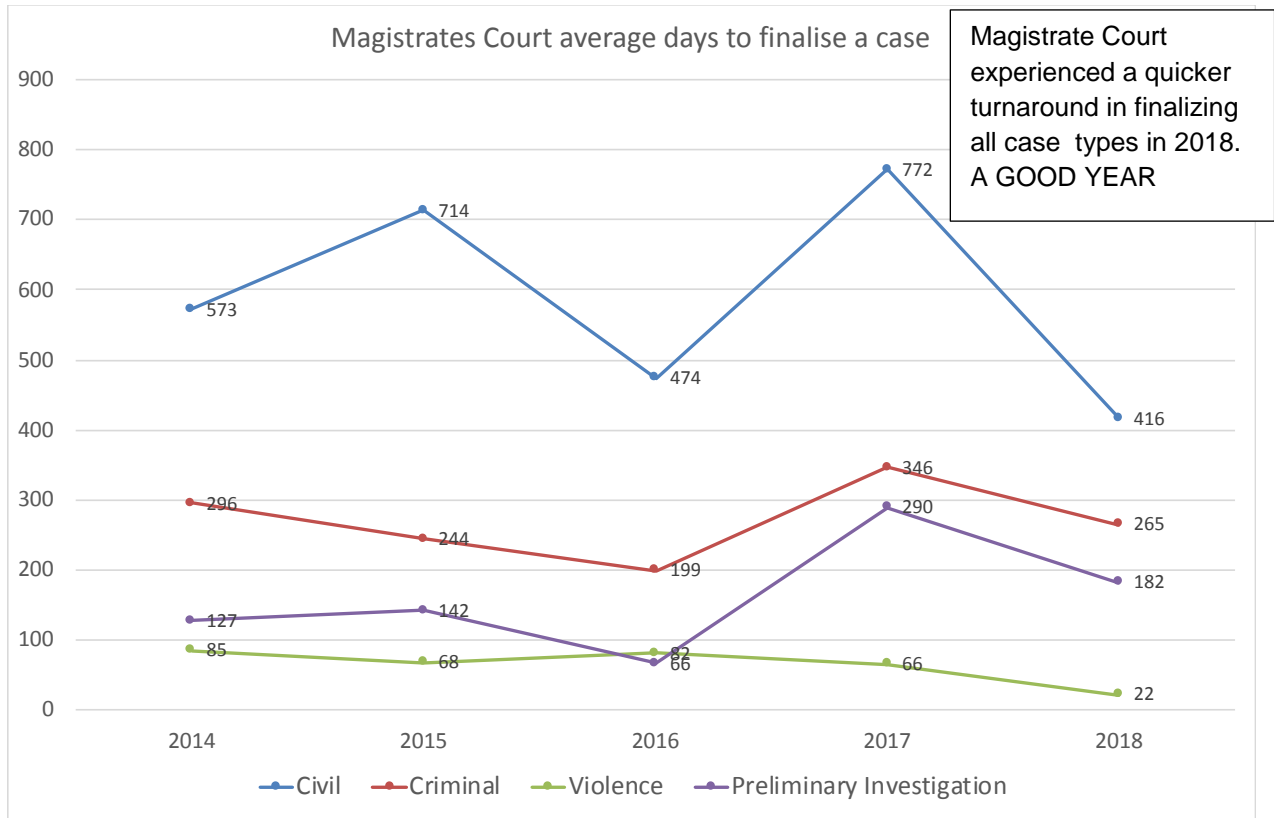


Figure 13: Magistrate Court – Average days to finalise a case

### Commentaries

- (i) MC filings was steady for the last 2 years being 2065 in 2017 and 2094 in 2018
- (ii) MC disposals drop slightly to 2109 in 2018 as compared to 2495 in 2018.
- (iii) Pending is at 880 cases in 2018 as compared to 910 in 2017, a light reduction.
- (iv) PDR remained constant at .4 – an excellent result
- (v) Clearance rate was an exceptional 101 %, a slight decrease from last year which was 121%
- (vi) Timeliness for completing CRIMINAL cases – 265 days

## Island Courts

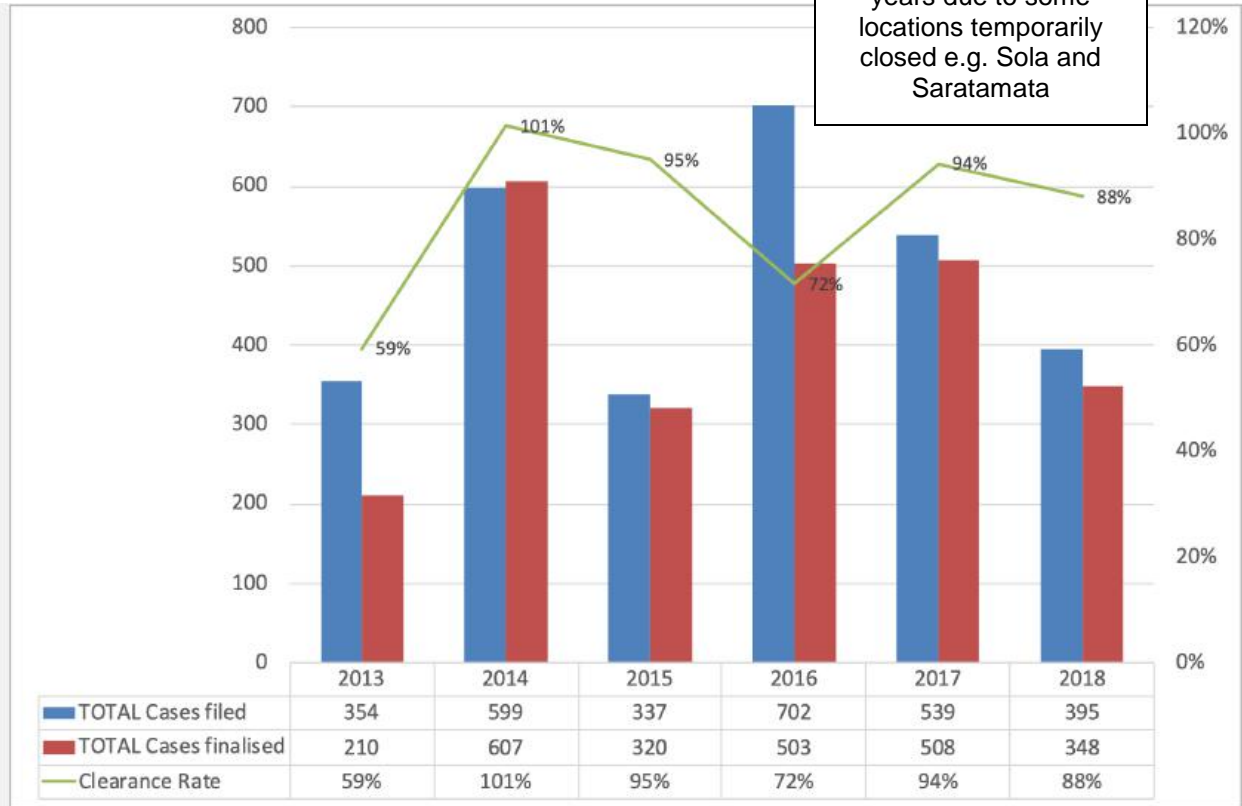


Figure 14: A trend of clearance rate, cases filed and cases finalized

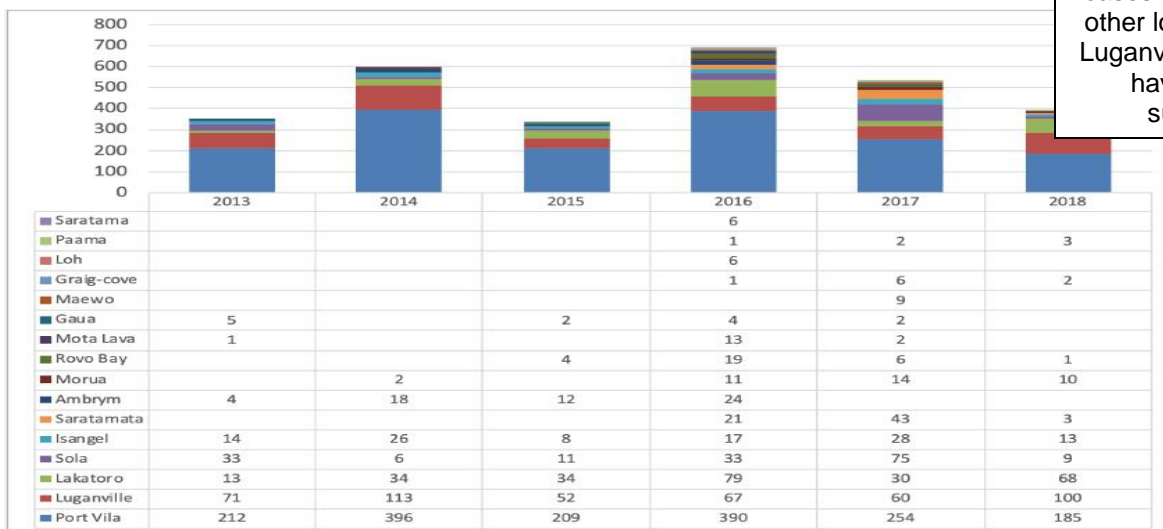


Figure 15: Registration and Finalization of Cases in the Island Courts by location

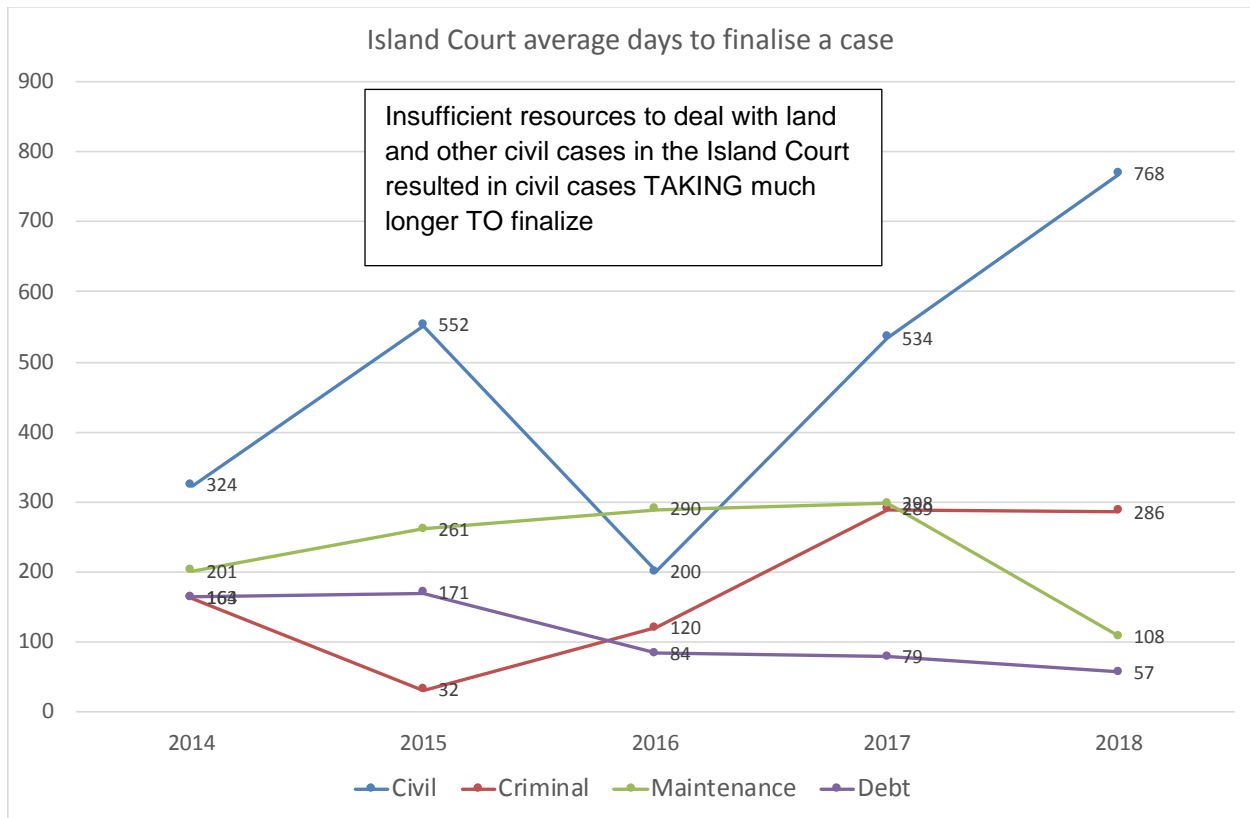


Figure 16: Island Court – Average days to finalize a case

### Commentaries

- IC filings dropped from 535 cases to 395
- IC disposals dropped from just on 508 cases to 348
- Pending has increased accordingly to over 663 cases from 613 cases as at end 2017
- PDR has increased accordingly and is now at 1.9 – a worrying position
- Clearance rate was lower than desired at 88%

### F. Indicators

According to the 15 Cook Islands indicators agreed by the Chief Justices of the Pacific region as a starting point for reporting the court's work, below is how the courts in Vanuatu were tracking from 2013.

1. Clearance rate (refer to graphs shown on Point E. above).
  - a. In the Court of Appeal, the clearance rate is 77 %
  - b. Supreme Court clearance is 93%;
  - c. Magistrates Court clearance rate is 101%
  - d. Island Courts rate is 88%.

2. Average Duration of Cases from filing to finalization.
  - a. Court of Appeal
    - i. Civil Cases – 135 days
    - ii. Criminal Cases – 121 days
  - b. Supreme Court
    - i. Civil Cases – 643 days
    - ii. Criminal Cases – 443 days
  - c. Magistrates Court
    - i. Civil Cases – 416 days
    - ii. Criminal Cases – 265 days

3. The Percentage of Appeal.

The percentage of cases that goes on appeal in the Court of Appeal is calculated using the number of cases finalized in the Supreme Court and the number of appeals registered in the Court of Appeal as a percentage of the later. 717 cases were finalized by the Supreme Court in 2018, and 92 cases were appealed to the Court of Appeal. This represents 13% of all cases finalized in the Supreme Court that were appealed.

4. Overturn rate on appeal is 49 %
5. Percentage of cases that are granted fee waiver – 43 % (Family Violence cases filed in the Magistrate Court)
6. Percentage of cases disposed through a court circuit
  - a. Supreme Court – 10 %
  - b. Magistrate Court – 8 %
7. The percentage of complaints received concerning a Judicial Officer approximately is 0%.
8. The percentage of complaints received concerning a court staff member approximately 1%.
9. The average number of cases per judicial officer in the Supreme Court is 102 cases and in the Magistrates Court is 234
10. The average number of cases per member of the Supreme Court staff is 109 and for Magistrate Court staff is 232.

11. The Court produces an Annual Report each year, except 2015. And published on [www.paclii.org](http://www.paclii.org) and in the Court website; [www.courts.gov.vu](http://www.courts.gov.vu)

12. Average age of pending case load

- (i) Court of Appeal – 235 days
- (ii) Supreme Court – 973 days
- (iii) Magistrate Court – 510 days
- (iv) Island Court – 1,181 days

13. Juvenile/Children case – 8 cases

14. Violence against women/Children

890 cases were registered in the Magistrate Court in 2018 which represent a total of 26 % of the total workload in 2018.

#### G. Criminal outcomes

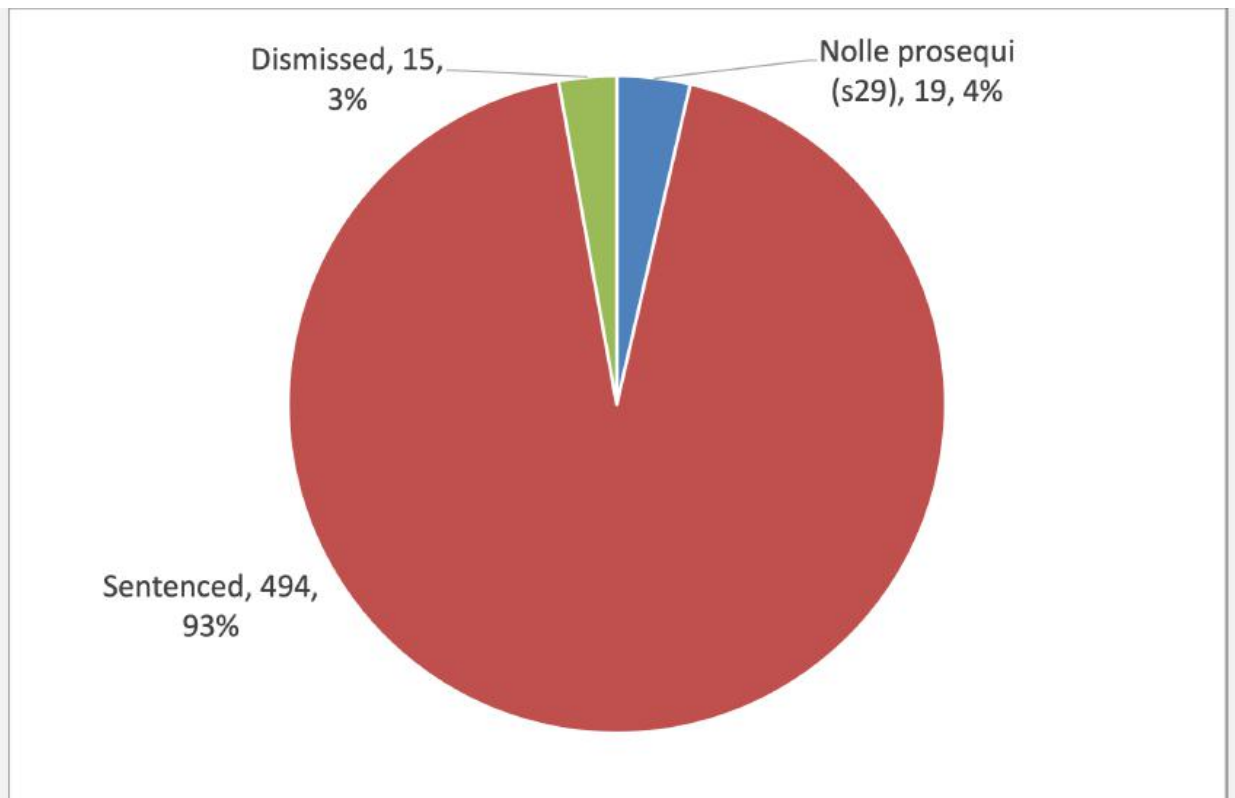


Figure 17: Outcomes brought before the Supreme Court

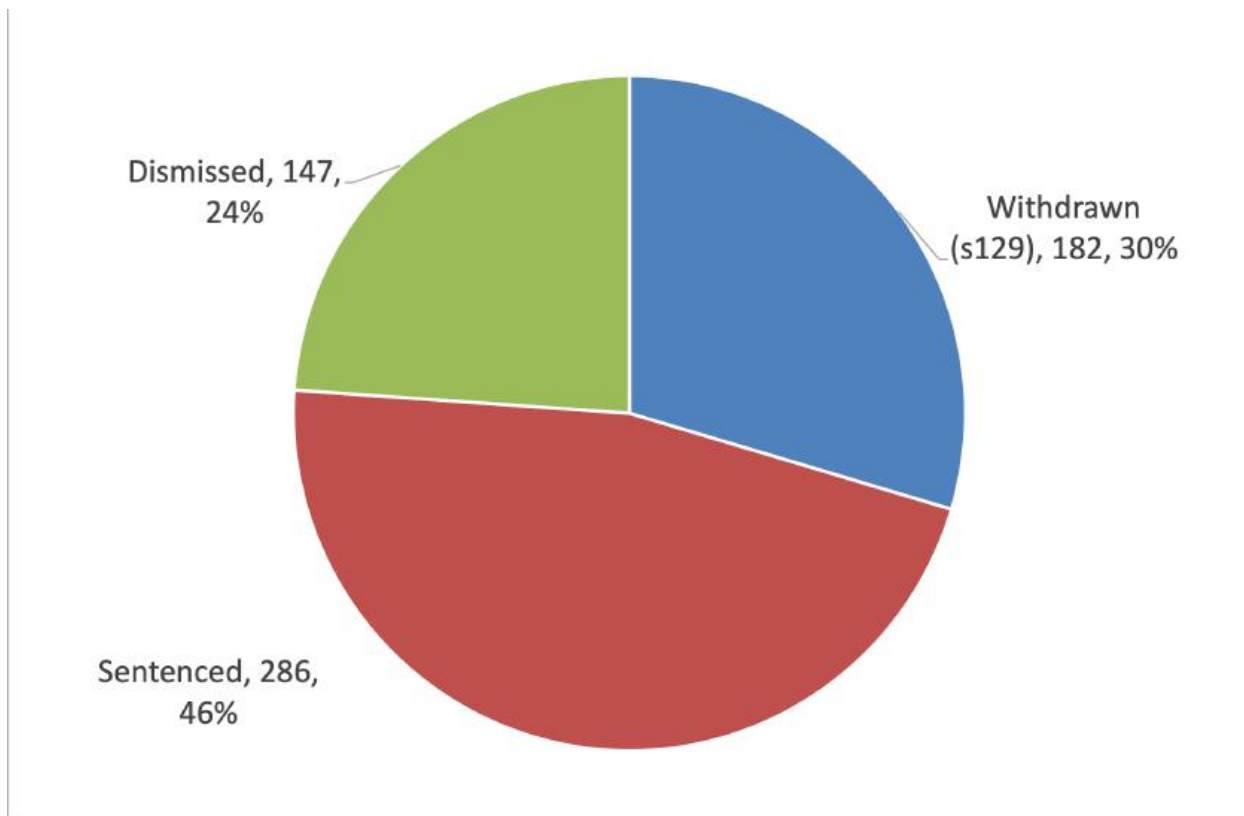


Figure 18: Outcomes brought before the Magistrate Court

#### H. Factors, events or trends influencing court results.

The Vanuatu Courts enjoy a good degree of independence from the executive branch of the Government. However, external and internal factors contributed to the results of the court operations and functions in 2018.

- 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. The additional judicial capacity at the Supreme Court level was a welcomed effort. The Deputy Master of the Supreme Court and the newly appointed Judge of the Supreme Court last year was a plus, however the departure of Justice Chetwynd contributed a lot to the productivity of the Supreme Court.



iii. The service of summonses for criminal cases lodged in the Magistrates Court is also a source of impact on the Magistrates Court in managing cases.

iv. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters.

I. Interaction with other agencies.

i. The Judiciary has enjoyed a healthy working and professional relationship with the Ministry of Justice & Social Welfare throughout the year. It has supported the Ministry of Justice Sector Strategy and is in continuous dialogue with the Ministry on carrying the Strategy forward.

ii. Further, the Judiciary has been the beneficiary of assistance offered through grant funding by ***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 the execution of court warrants around the country.

v. The court's interaction with the non-government organizations has been very limited except for the continued cooperation with the UNICEF, and the Vanuatu Women's Crises Centre [VWC] who represents 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 in assisting the Supreme Court and the Court of Appeal judgments to be published online in a timely manner.

J. International interactions.

i. Vanuatu benefited from its association with the Pacific Judicial Development Program [PJDP], a regional cooperation in Judicial Developments, funded by NZ Aid and managed by the Federal Court of Australia which has been relaunched under the name Pacific Judicial Strengthening Initiative [PJSI]

K. Management accountability

i. Annual Accounts

Annual expenditure budget for 2018 increased by 19%

1. Annual budget was VT292,602,178
2. Payroll budget was VT198,821,398 representing 68 %
3. Operational budget was VT 93,780,780 representing 32 %

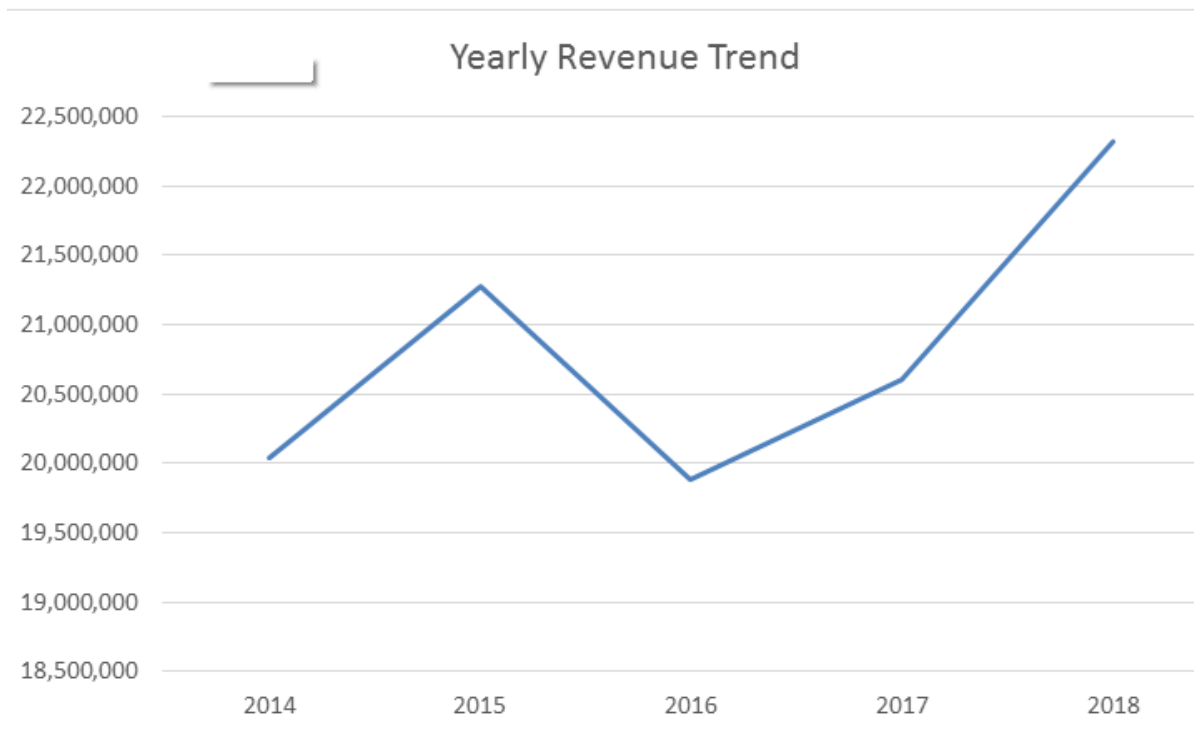
<b>Year</b>	<b>Payroll Budget</b>	<b>Operational budget</b>	<b>Annual Budget</b>
2013	102,130,762	83,774,984	185,905,746
2014	104,797,348	87,362,327	192,159,675
2015	113,418,528	77,907,141	191,325,669
2016	116,250,862	79,934,017	196,184,879
2017	169,801,967	76,282,614	246,084,581
2018	198,821,398	93,780,780	292,602,178

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

Judiciary had difficulty with operational budget in 2018 which resulted in going for supplementary without success.

In terms of revenue, Judiciary accounts show a total of VT20,597,785 as at end of December 2017, a slight increase from 2018

<b>Years</b>	<b>Total revenue (Vatu)</b>
2014	20,036,636
2015	21,277,539
2016	19,880,325
2017	20,597,785
2018	22,315,980



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 Justice Oliver Saksak 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.

## M. 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 and Master's chamber are still housed in the temporary location which used to be a former government residential house.

The current temporary accommodation that the Court is using is becoming fast inadequate. The extension added is used by the court administration and making space for temporary court chambers. Recruitment will be an issue now as there a more office space available.

The Courtrooms and the retirement room rented at the Dumbea Hall complex is the bare minimum and the Port Vila Municipal has given 6 months' notice to vacate the rooms to allow for development

The Magistrate Court building was declared unsafe for use by the Public Works engineers in 2017. As a result Magistrate Court was relocated to the Equity Investment Building and a room at the Mall Building opposite the VNPF was turned into a court room for 6 Magistrates to use. The total annual rental of temporary court room and office is VT8, 600,000.

### 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 lessened 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 and so makes it easy to work on the court management system [CMS].

#### 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 that have been installed in the courts' outer island offices including Morua, Tongoa.

The roof of the building was partly damaged in 2015 TC pam, however in 2017 the damaged corrugated iron roof were replaced. The full building needs renovation to its structure and office spaces.

#### 5. Saratamata, Ambae Island

The Ambae Island Court is operating on a small room at the head quarter of the Penama Provincial government on an annual rental fee of VT 360,000. It was temporarily closed due to the effect of Manaro Volcano.

#### 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, however, in 2017 the unit was down most of the time and needed major overhaul to bring it back to operational. Now the Court is relying on a solar power that was installed later in 2017. The need for structural repair and renovation to the building is the same as the other court centers. Internal and public toilet facilities need to be provided in the court office building.

There is need for repair and maintenance of building and furniture of the court in this location as well.

#### 7. Loltong, Pentecost Island

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

## 8. Lakatoro, Malekula Island

The court office at Lakatoro, Malekula is in a better condition than many other court offices around the country. There is 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 similar to the ones at Morua, Isangel, and Sola.

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

The condition of the two building has deteriorate to a stage where it needs immediate attention or the two building will be unsafe to use. Ambrym Island Court now has no furniture as all furniture were damaged during the cyclone pam.

## 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 due to 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.

2018 did not see any major change in the area of access to the internet and email except for connectivity improvements with all outer island court offices.

There is now adequate Video conferencing [VC] equipment set up so VC is becoming a norm between the Luganville office and Port Vila.

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 main collection of the court Library is housed within the Supreme Court office. The Library is a closed library; its clientele are judicial officers and staff of the courts.

The print collection of the library incorporating primary and secondary resources of the collection comprises of 2,400 items.

The library is responsible for collecting and disseminating court decisions for publication. Decisions are forwarded to the Pacific Legal Institute commonly known as PacLII: <http://www.paclii.org/> Decisions are also published on the courts official website: [courts.gov.vu](http://courts.gov.vu) or [judiciary.gov.vu](http://judiciary.gov.vu). Judgements published are from the:

- Court of Appeal; civil & criminal appeal
- Supreme Court; civil & criminal
- Island Court; land & chiefly title

In 2018, the Supreme Court sent out a total of 37 batches of judgments containing a total of 375 judgments for all courts a slight increase compared to 2017 since we now include Magistrate Court judgments Archives

There are ongoing efforts to index and digitize court records to allow information on records to be accessible and retrieved efficiently.

### Ongoing Projects:

- (i) Inventorisation of archived records in 20ft Storage Container. The records of the contents of 325 boxes of court casefiles have been indexed and digitally stored in the shared network drive.
- (ii) Digital Compilation of Magistrate Court Registrations Books. With the assistance of staff member Mr. Jimmy Wovan, details from the Port Vila Magistrates Court Registrations books are now in the process of being transferred from the registrations books into excel spreadsheets.

## 12. Court Website

The official website of the Court was launched in June 2017. Since launching date, 277 decisions have been published on the Court website. Distribution of court decisions to PacLII and publication on the court website allows the court to better promote access to justice. There is also continuous update of court listing in the website.

### 13. Vehicles

The court has a fleet of 13 vehicles and in 2018, there was 2 replacement of vehicle being for one Judge and the Chief Magistrate. 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 aluminum boat which is located at Sola in the Banks group of islands has been 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.

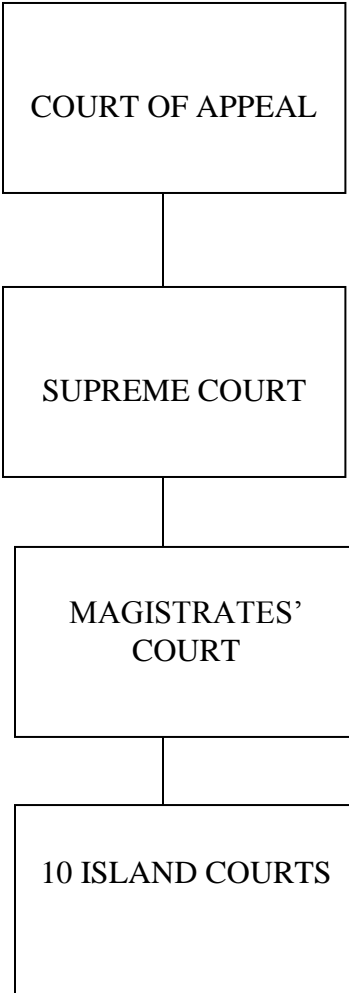
The plan to move the boat from the Banks islands to Epi island is underlined by the need for a bigger and heavier boat for the Banks islands where the islands are scattered far and wide, and the high swells and rough seas is not uncommon in this part of the country.

A 500cc motorbike is located at the Court office on Ambrym.



Appendices

- Court Chart



ii. List of Judicial Officers and Court Personnel

STAFF		NPF	EMPLOYEE
1	Assistant Registrar	0118059	Georges Shirley
2	Filing clerk	0118141	Manmelin Wilma
3	Judge	0119818	Stephen Felix Dorrick
4	Secretary to M agistrate(malekula)	0129882	Meltek Anita Isabele
5	Tanna Island Court Clerk	0149054	Tepi Blandine Konmawi
6	Judge	0153601	Saksak Oliver Albert Abraham
7	Sheriff	0176180	George Timakira Malachi
8	Acting Chief Magistrate	0231373	Laloyer Anna
9	Judge	0328849	Aru Dudley
10	Secretary to Judge	0411710	Vinabit Anita
11	Driver	0425777	Kutty Jean Noel
12	Secretary to Judge	1100800	Joseph Teguebu
13	Senior Magistrate	0428342	Hannaline Nalau Ilo
14	Chief Justice	0430397	Lunabek Vincent
16	Secretary to Chief Registrar	0442848	Thomas Cynthia
17	Senior Magistrate	0505404	Kanas Beverleigh Agnes
18	Secretary to Judge	0552810	Sawia Evelyne
19	Secretary to Magistrate(Tanna)	0553776	Ishmael Gloria Bob
20	Cleaner	0565523	Kalo Cleris
21	Senior Magistrate	0636209	Peter Moses
22	Secretary to Chief Magistrate	0639393	Tevignawul Veronique
23	Accountant	0644286	Albano Loten Melip
24	Acting Chief Registrar	0706028	Shemi Joel
25	Assistant Registrar Port Vila Magistrate Court	0726596	Tabi Florina Siganbo
26	Liberian	0741413	Kalo Pauline
27	Judicial Training Coordinator	0741843	Wanamay Wendy Molivo
28	Receptionist	0743690	Kalotiti Gloria Leinumet
29	Judge	9999978	Wiltens Gustaff Adolf
30	Human Resource Officer	0764225	Garae Belinda Woi Livusi
31	Secretary to Judge	0782755	Hinge Naomi Victoria
32	Secretary to Magistrate	0806927	Kaltapau Evelyn
33	Asset officer	1101868	Marango Alick Willie
34	Malekula Island Court Clerk	1063923	Tete Collyne
35	Court Orderly	1065228	Selwyn Morrison
36	Secretary to Magistrate	1065584	Litong Aurelie
37	Cleaner Santo Courts	1065953	Paul Monique

<b>STAFF</b>		<b>NPF</b>	<b>EMPLOYEE</b>
38	Finance Officer	1066364	Abel Kathrine Leona
39	Secretary to Sheriff	1066466	Pakoa Celina
40	Pentecost Island Court Clerk	1069727	Georges Patrick
41	Secretary to Efate Island Court	1069788	Maltape Kikina
42	Secretary to Magistrate	1070115	Molonturala Rodrice
43	Assistant Sheriff Santo	1070348	Melenarave Lui
44	Efate Island Court Clerk	1072647	Alida Tchivi
45	Ambrym Island Court Clerk	1074771	Basil Enuma Tabimal Nounou
46	Secretary to Judge	1075034	Sablan Ethel
47	Magistrate	1076127	Sam Florence
48	Judge	1076365	Vafoou Fatiaki Taniela
49	Magistrate	1076457	Palo Jessica
50	Epi Island Court Clerk	1077952	Aru Dimas
51	Secretary to Judge	1078057	Donald Vanessa Alexanria
52	Acting senior Island Court Administrator	1078396	Labsai Robson
53	Judge	9999978	Wiltens Gustaff Adolf
54	Ambae Island Court Clerk	1079126	Abel Nailyn
55	Procurement Officer	1080937	Mathias Iona
56	Driver to Chief Justice	1080961	Wovan Jimmy
57	Secretary to Chief Justice	1082268	Marcel Shalika
58	Tonga Island Court Clerk	1083480	Jacob Joel Masala
59	Secretary to magistrate	1083514	Ephraim Florina
60	Secretary to Master	1084085	Batsari Anata
61	Santo Island Court Clerk	1084169	Lessy Anthony
62	Magistrate	1085015	Nimbwen Kibeon
63	Magistrate	1088705	Naieu Trevor Ialame Iabar
64	Magistrate	1089228	Kalo Stephen
65	Master	9999989	Cybelle Cenac
66	Deputy Master	1077584	Aurelie Tamsul



iii. Financial Report for 2018

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# SUPREME COURT OF THE REPUBLIC OF VANUATU

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February 19, 2019

Mr. Caleb Sandy  
Auditor General,  
The Auditor General Office  
Port Vila  
Vanuatu,

**Re: Annual Financial Statement for the Accounts of the Judiciary.**

Dear Auditor General,

I am pleased to submit to your office the annual accounts for the Judiciary for 2018.

These statements have been compiled to be in conformance with Section 51 of the Judicial Services and Courts Act of 2000.

**Hon. Vincent LUNABEK**  
**CHIEF JUSTICE**

## **Consolidated Financial Statements for the Judiciary for 2018**

The financial statements are broken down into 3 sections. Section 1 is the expenditure and revenue report detailing the expenditure and revenue of the Judiciary in 2018 by chart of account. Section 2 highlights the commitments, contingencies and leave balances for all employees. Section 3 is the asset register of the Judiciary.

### **Section 1 – Expenditure and Revenue Report**

This report is produced by the VG Dept financial report using the Ministry of Finance FMIS system.

### **Section 2 – Commitments, contingencies and Leave Balances**

This report is produced by the Accounts and Human Resource Officer of the Supreme Court.

### **Section 3 – Asset Register of the Judiciary**

This report is produced by the Asset Officer reported from the Records of LPOs.

**Statement of Representation**

**FINANCIAL STATEMENTS FOR THE YEAR ENDED 2018**

## STATEMENT OF REPRESENTATION FOR JUDICIARY SERVICES

We have reviewed the Statement of Financial Performance and the Statement of Appropriations for the institution for the year ended 31<sup>st</sup> December 2018 and provided the required schedules as outlined in Financial Circular 7 of 2009. We verify that:

1. The Statement of Financial Performance and Statement of Appropriations fairly reflect the **Judiciary Services** Affairs financial activities for the period 1<sup>st</sup> January – 31<sup>st</sup> December 2018;
2. All LPOs were verified as being valid as at 31<sup>st</sup> December 2018 and any duplicate, invalid or erroneous LPOs have been cancelled;
3. All Standing and Accountable imprests due before 31<sup>st</sup> December 2018 have been retired and fully accounted for;
4. The asset register has been updated to the best of our ability and includes all known assets with a value of more than Vt100, 000 as at 31<sup>st</sup> December 2018;
5. Employee leave transactions have been updated and the list of outstanding annual leave balances provided is valid and complete;
6. All known commitments, contingent liabilities and contingent assets have been identified and information submitted;
7. All adjustment journals have been made and passed onto the Department of Finance for approval.

Signed

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**Joel Shemi**  
**Acting Registrar of the Supreme Court**  
**19 February 2019**

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**Albano Lolten**  
**Accountant**  
**19 February 2019**

## **Budget Overview**

The Judiciary budget has one Program – The Administration of Justice.

The program is uplifted from the Constitutional mandate contained in Article 4 (Constitution) which provides that:

“The administration of justice is vested in the Judiciary, who are subject only to the constitution and the law. The function of the judiciary is to resolve proceeding according to law. If there is no rule of law applicable to a matter before it, a court shall determine the matter according to substantial justice and wherever possible in conformity with custom.”

The main objectives of the Judiciary are encapsulated in its mission statement which is:

“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”.

The judiciary budget is built to reflect the hierarchy of courts as well as the corporate structure and the registry structure of the court administration.

The judiciary budget is to provide adequate budget for the functioning of the courts, as well as the administrative mechanism which support it. There are two sides of the same coin – the judicial functions of the courts, and the support provided by the court administration. All of these are for the objective to “administer justice.”

There are different activities and their objectives under the main program;

### **CIAA: Corporate services**

This activity is for the organization and management of the corporate structure and function to provide the institutional support to the courts in their dispensation of justice to all peoples.

This activity not only ensures operational support, but is also concerned with strategic planning and execution of those plans. It is internally focussed, but also with an appreciation of national and international linkages.

Current units in the corporate structure include:

1. Finance and Accounts
2. Human Resource Management
3. Training and Development
4. Enforcement
5. Island Court Administration
6. Library and Archives services

### **CIAB: Court of Appeal**

The Court of Appeal of Vanuatu is the final court of the land. The sole objective of this activity is to bring finality to all cases registered in its registry in a timely.

The way that the Court of Appeal of Vanuatu is programmed is to ensure that Notices of Appeals filled in the Court of Appeal registry must not delay. The Court of Appeal of Vanuatu meets 3 times a year. In February 2018 there was a special Court of Appeal to hear appeal cases that were not completed during the Court of Appeal 3<sup>rd</sup> Session in 2017. This makes a total of 4 sitting in 2018 and in doing so, Vanuatu stands out at this level where there are no backlog of cases, and it takes less than 6 month for an appeal to be dealt with, from the time of its registration to when a final decision is made. Judges were also fortunate to attend five days Court of Appeal Judge's workshop that was facilitated by an International Judicial Facilitator Justice Ronald Young at Holiday Inn.

### **CIAC: Supreme Court**

The objective of this activity is to deal with all cases registered in the Supreme Court registries justly and effectively.



The Supreme Court of Vanuatu is a superior court of Records with unlimited jurisdiction to hear civil and criminal cases including constitutional and judicial review type cases in important Public Law Matters in its original jurisdiction including in its supervisory role). It has also an inherent power to apply the law to all the cases registered in its registry.

The Supreme Court has also other statutory functions such as elections disputes and others.

The Supreme Court has also an appellate jurisdiction to hear all appeals from the Masters of the Supreme Court, all appeals from the Magistrates Courts and all pending Land appeal cases from the Island Courts.

There are currently 6 Judges of the Supreme Court of Vanuatu. Amongst these Judges, a District Court Judge of New Zealand was appointed early during the month of March 2018 and a Ni – Vanuatu Judge was also appointed latter in that same month to enhance the capacity of the Supreme Court to hear cases filed in the Supreme Court Registry.

### **CIAD: Magistrate Courts**

The objective of this activity is to list, hear and deliver summary judgment in cases registered in its registries throughout the country.

Permanent registries are established at Port Vila, Isangel, Lakatoro and Luganville.

In civil matters, the magistrate court has jurisdiction to hear and determine in a summary way civil proceedings as provided for by the Magistrates court (Civil Jurisdiction) Act [Cap.130] and any other relevant legislations.

In criminal matters, subject to the provisions of any other Act or Law, the Magistrates court has jurisdiction to hear and determine in a summary way criminal proceedings for an offence for which the maximum punishment does not exceed imprisonment for 2 years.

The objective of this activity is to hear and give out decision on all cases heard in the Magistrates court around the country. Also to expand the operations of the Magistrates court to all parts of the country.

### **CIAE: Island Courts**

The objective of this activity is to be an effective dispute resolution response to the needs of the island communities which they serve. As part of the objective of this activity a Supervising Magistrate has been appointed for supervision of island courts operation and enforce decisions of the Island Courts.

Island Courts are located within the island community they serve and enable the local "justices" to participate in a dispute resolution system sanctioned by the law. The island court is the first level of law courts, and it offers the perfect opportunity for the formal system to dovetail into the intricacies of the customary law and its application.

### **CIAF: Land Courts**

The objective of this activity is to deal with customary land matter pending in the island court jurisdiction.

So far in 2018 there are no budget allocated to deal with pending Land Cases.

### **CIAG: Enforcement**

The main objective of this activities is to ensure execution of warrant issued by the courts. The other objective is to ensure effective, efficient and timely service of court documents.

Here are some important achievements and challenges faces by the Sheriff during 2018 fiscal year.

#### **1. Service of summons.**

Process originating from the Supreme Court, the Magistrate Court and the Island Court is lodged with the Sheriff for service by relevant Offices. It is important to ensure that it is served as soon as practicable.

Before service of notice, information is completed by the Officer accepting the process;

- The name and address of party/parties to be served.

All process issued from Courts must be served personally unless otherwise directed by the Court. These motions have hearing dates and the notice is required to be served personally not less than 2 days before date of hearing.

After servicing the court documents, the Sheriff must provide a proof of service for court documents to the Officer in charge.

Where a Sheriff is unable to serve a document he/she shall make out a notice of non-service in duplicate and return the summons together with the notices of non-service to the officer in charge.

Service of document may not be serve on Saturday, Sunday and public holidays or the day before or after Christmas day.

## **2. Arrest Warrant**

The Sheriff is required to arrest persons and convey them to goal or present them before Judge. Positive identification of a person to be arrested is essential, and if the Sheriff is in any doubt, instructions should be sought from the Registrar's office and to obtain a clear instruction. And it's preferable that the Sheriff and his Deputy or the Police attend on arrest matters.

## **3. Execution**

Enforcement Warrants issued out the Supreme Court, Magistrate Court and Island Court are directed to the Sheriff for execution.

Priority on Supreme Court execution is determined by the time and date the process is with the Sheriff. This can be very important if there are a number of judgment creditors seeking to recover from the same judgment debtor.

After the end of each execution done by the Sheriff, he/she must provide a written report to the office of the Registrar, and Officer in charge.

Enforcement Warrant & Orders record in the Case Management System;

- 161 records.
- 69 complete cases in general.
- 29 complete cases this year, 2018.
- Left with 92 cases are still pending.

**CIAH: Judicial Development & Training**

The objectives of this activity is to plan, execute, monitor, evaluate and report on judicial training and development sessions, programs and initiatives that are within the ambit of the institution or operational plan of the judiciary within the financial year.

**CIAI: Case Management**

The objective is to ensure the smooth operations of the Information Technology infrastructure, hardware and connectivity so that the Court Management System (CMS) which was recently acquired through the assistance of the "Stretem Rod Blong Jastis" project is maintained and enhanced.

**The Budget execution and management**

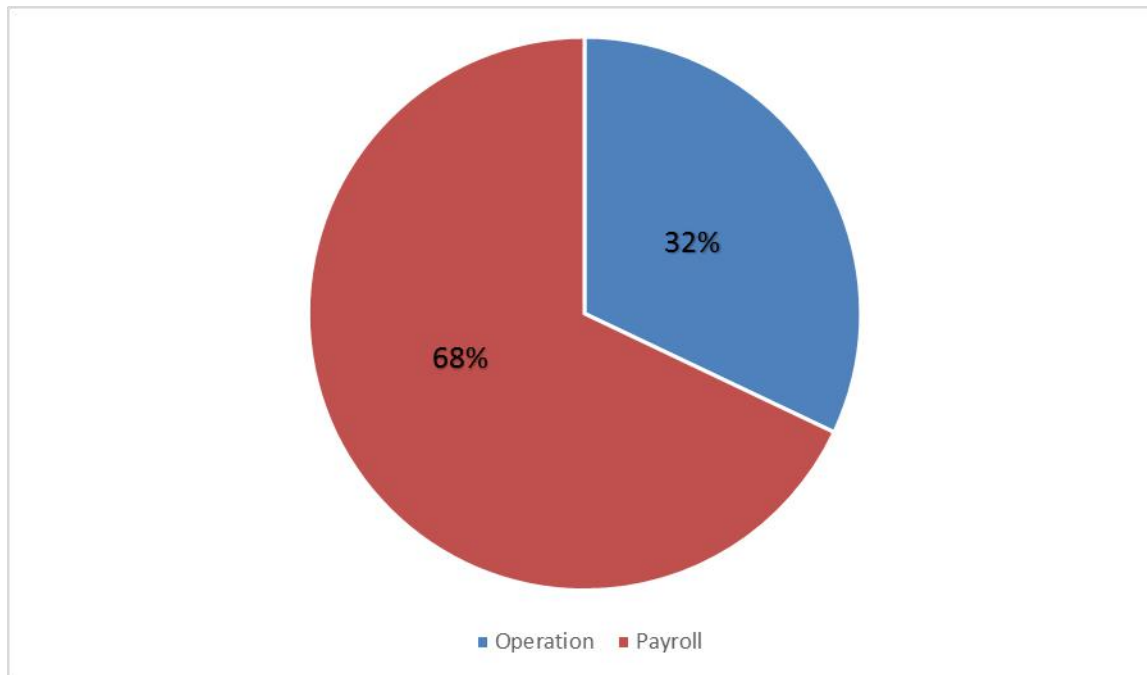
During the financial year, Judiciary had to manage its budget expenses to a standard which need to expand its services to the archipelago especially the outer islands that need to access the services of Justice.

The operation budget of the judiciary did not reflect the reality of all activities such as the annual calendar of events, all judicial officer entitlements, the day to day running of all courts registries around the country and bills.

Table showing approved annual budget for Judiciary 2018 Financial year.

Year	Payroll Budget	Operations budget	Annual Budget
2018	198,821,398	93,780,780	292,602,178

This pie chart shows the percentage in payroll compare to the operation budget.



## Statement of Appropriation

The Judiciary annual budget approved by Parliament for 2018 was a total of 292,602,178 Vatu. The administration have projected for more than the approved annual budget. It therefore seek extra funding from the Vanuatu Government by applying for a supplementary budget to the Council of Ministers on March 2018. COM did not approved any activities in the Supplementary Submission. Judiciary function throughout the 2018 financial year with the total budget of 292,602,178 Vatu.

### Payroll situation

Account	Description	Actual	Total	Budget	Under/(Over)
	<b>Personnel Expenses</b>				
8AAA	Acting Allowances	3,520,002	3,520,002	-	(3,520,002)
8AAB	Responsibility Allowance	1,172,339	1,172,339	-	(1,172,339)
8AAF	Family Allowance	1,930,157	1,930,157	-	(1,930,157)
8AAG	Gratuities Allowances	8,816,009	8,816,009	13,959,711	5,143,702
8AAH	Housing Allowances	22,606,341	22,606,341	26,297,874	3,691,533
8AAO	Other Allowances	-	-	17,604,000	17,604,000
8AAP	Home Island Passage Allowances	568,743	568,743	1,770,000	1,201,257
8ASP	Provident Fund	5,544,719	5,544,719	6,354,864	810,145
8AWC	Contract Wages	1,474,116	1,474,116	33,606,400	32,132,284
8AWL	Leave expense	6,184,313	6,184,313	-	(6,184,313)
8AWP	Permanent Wages	150,857,135	150,857,135	138,605,751	(12,251,384)
PAYR	Payroll expenses	-	-	(39,377,202)	(39,377,202)
	<b>Personnel Expenses</b>	<b>202,673,874</b>	<b>202,673,874</b>	<b>198,821,398</b>	<b>(3,852,476)</b>

The budget allocated for payroll total of 198,821,398 Vatu. The Payroll expenses above shows that payroll over spend. Below are reasons that contribute to the overspend of payroll budget.

1. Heads of Department salary increase
2. GRT Reinstate Housing Allowance
3. Entitlements for Judicial Officers
4. Acting Allowances

The administration need to take into account additional human resource to recruit or make proper planning on the next following financial year to avoid overspend on permanent wages and other personal expenses. But since we live in a world of decisions, there will always be unforeseen circumstances where budget will be spend under.

The following account shows some important variation.

1. The Acting and Responsibility Allowances shows that there was no budget allocated for these personal expenses therefore, administration need to take a close attention to allocate funds to these personal expenses.
2. The Family Allowance variation also shows that there was no budget allocated to meet this expenses.
3. Leave expense variance also indicated that there was no budget allocated to pay out the outstanding leaves for Sheriff and former Chief Magistrate.

Despite the overspend in some Personal emoluments, the overall payroll expenses were within the Judiciary Annual Budget and was managed.

Operation situation

	Operating Expenses				
8CAB	Subsistence Allowances	4,369,925	4,369,925	2,271,000	(2,098,925)
8CAS	Sitting Allowances	14,187,880	14,187,880	3,064,400	(11,123,480)
8CBI	International Accommodation	353,690	353,690	-	(353,690)
8CBL	Local Accommodation	3,972,879	3,972,879	2,665,300	(1,307,579)
8CCL	Local Courses	39,035	39,035	-	(39,035)
8CEM	Software Maintenance Fees	-	-	1,500,000	1,500,000
8CET	Other Fees	761	761	-	(761)
8CFV	Vehicles Fuel	1,810,512	1,810,512	359,674	(1,450,838)
8CGR	Transport - Freight	897,525	897,525	40,000	(857,525)
8CHI	International Medical Treatment	93,585	93,585	-	(93,585)
8CHL	Local Medical Treatment	648,698	648,698	-	(648,698)
8CIE	Equipment Hire	516,000	516,000	-	(516,000)
8CIF	Facilities Hire	337,133	337,133	500,000	162,867
8CIV	Vehicles Hire	533,082	533,082	582,000	48,918
8CJO	Office Cleaning	555,818	555,818	174,000	(381,818)
8CKD	Advertising - Communications	310,288	310,288	-	(310,288)
8CKL	Translation Communications	675,347	675,347	170,000	(505,347)
8CKP	Postage - Communications	32,053	32,053	10,000	(22,053)
8CKR	Printing - Communications	1,410,562	1,410,562	80,000	(1,330,562)
8CKS	Stationery - Communications	1,237,066	1,237,066	554,966	(682,100)
8CKT	Telephone / Fax - Communications	2,042,463	2,042,463	688,500	(1,353,963)
8CMG	General - Materials	7,026	7,026	-	(7,026)
8CMO	Office - Materials	156,473	156,473	195,000	38,527
8CNO	Office Rental	11,122,502	11,122,502	16,862,104	5,739,602
8CNT	Other Rental	6,301,560	6,301,560	10,772,399	4,470,839
8COF	Refunds	739,299	739,299	345,500	(393,799)
8COI	Incidentals	260,715	260,715	194,000	(66,715)
8COP	Official Entertainment	2,178,030	2,178,030	280,000	(1,898,030)
8COS	Insurance	16,105	16,105	-	(16,105)
8COU	Uniforms	159,000	159,000	-	(159,000)
8CRB	Buildings Repairs & Maintenance	2,489,213	2,489,213	697,317	(1,791,896)
8CRE	Equipment Repairs & Maintenance	482,019	482,019	501,000	18,981
8CRH	Houses Repairs & Maintenance	-	-	194,000	194,000

	<b>Operating Expenses</b>				
8CRM	Maintenance Contrac	(507,732)	(507,732)	-	507,732
8CRV	Vehicles Repairs & Maintenance	1,868,074	1,868,074	1,500,000	(368,074)
8CTI	International Travel	2,599,855	2,599,855	1,390,670	(1,209,185)
8CTL	Local Travel	3,423,851	3,423,851	1,030,000	(2,393,851)
8CUC	Gas - Cooking Utilities	365,951	365,951	400,000	34,049
8CUE	Electricity Utilities	8,431,819	8,431,819	2,470,000	(5,961,819)
8CUL	Lighting Utilities	229,269	229,269	420,000	190,731
8CUM	Gas - Medical Utilities	11,765	11,765	-	(11,765)
8CUW	Water Utilities	268,582	268,582	390,000	121,418
8CXO	Other	-	-	500,000	500,000
8CZV	Value Added Tax	6,899,878	6,899,878	990,730	(5,909,148)
8EEA	Equipment - Aditonal General	553,515	553,515	388,000	(165,515)
8EEC	Equipment - Computer	140,993	140,993	388,000	247,007
8EEP	Equipment - Photocopiers	502,486	502,486	100,000	(402,486)
8EER	Equipment - Replacement General	-	-	150,000	150,000
8EFO	Furniture - Office Furniture	211,486	211,486	650,000	438,514
8EIO	Infrastructure - Other	-	-	5,474,512	5,474,512
8EVR	Vehicle - Replacement	6,066,162	6,066,162	-	(6,066,162)
8FCB	Bank Charges	5,205	5,205	-	(5,205)
OVER	Overhead expenses	-	-	40,600,390	40,600,390
	<b>Operating Expenses</b>	<b>89,007,403</b>	<b>89,007,403</b>	<b>99,543,462</b>	<b>10,536,059</b>

Operation expenditures shows that the administration has spent within the budget approved by the parliament.

Total expenses shown explains that operation budget have not been used up or spend. The main reason behind this is because payroll have overspend and does not allow commitments out from operation budget.

There are specific Cost Centres that Accounts made some exercise to allocate funds to be used for main court operations like Court Tours.

The Variance shown in each of the activities indicates that:

- A. The amount allocated to each chart of accounts when entering the budget is often underestimated and sometimes an unforeseen activities forces administration to spend knowing clearly that the budget was not allocated for that purpose.
- B. Due to increase number of vehicles and the runs to and from Dumbea for court hearings and increase on the fuel price, the expenses shows that administration need to put more funds on fuel.
- C. Hiring of facilities and vehicles are Cost Centers that need more budget.
- D. International and local travel also need more budget to be allocated to.
- E. Electricity Utilities is another activity that requires a lot of budget.
- F. Asset maintenance are unforeseen expenses that requires a lot of budget.

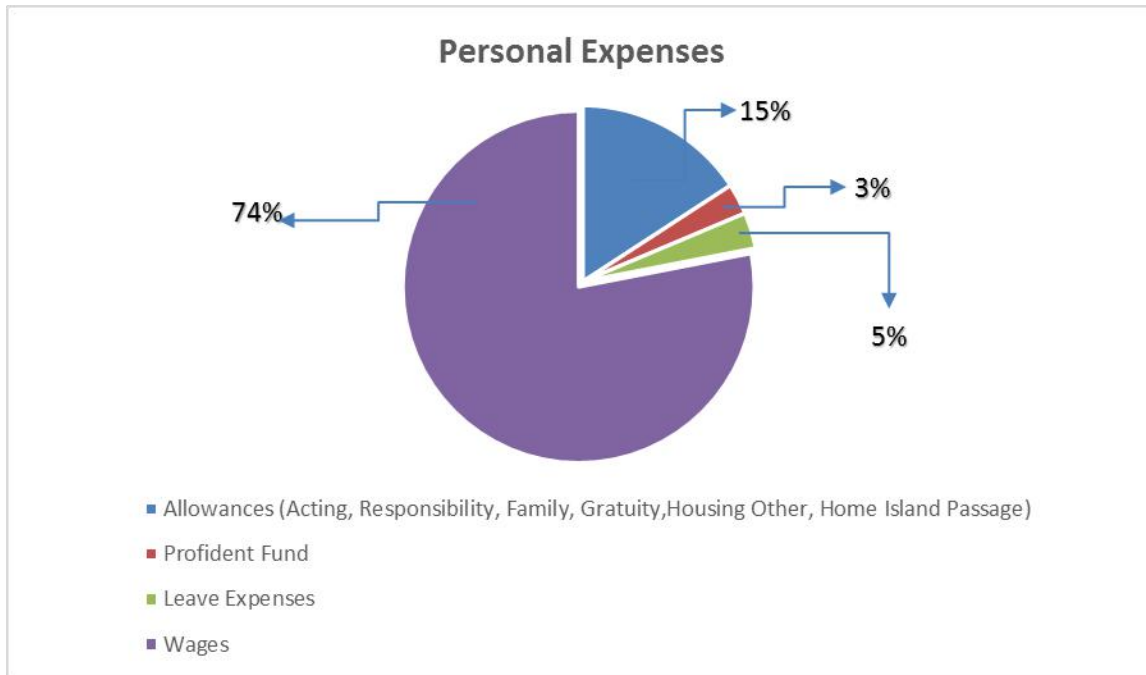
G. The budget allocated in the VAT account is underestimated when preparing 2018 budget.

The overall operation expenses shows that there are insufficient funds for some activities. The administration need to allocate more funds to avoid overspending.

**Expense summary report – Personal and Operating expenses**

The table showing a summary table and a pie chart for personnel expenses.

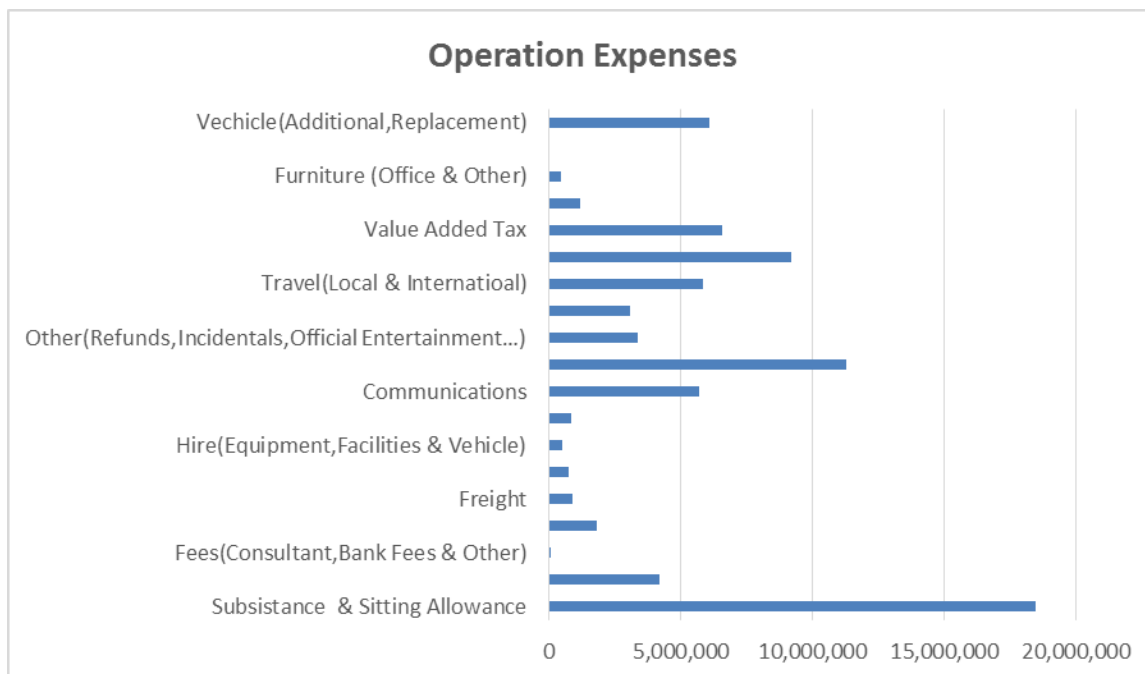
Description	Actual
Allowances(Acting, Responsibility, Family, Gratuity, Housing, Other, Home island passage)	29,710,384
Provident fund	5,325,740
Leave expense	6,184,313
Wages	146,609,419





The table showing a summary table and graph for operation expenses.

Description	Actual
Subsistence & Sitting allowance	18,477,805
Accommodation(Local & International)	4,176,969
Fees(Consultant, bank fees & other)	5,205
Fuel	1,810,512
Freight	897,525
Medical treatment & medicines suppliers	742,283
Hire(Equipment, facilities & vehicles)	516,000
Office cleaning	853,133
Communication(Advert.,transl,postage,printing,stationery&telephone/fax)	5,690,299
Material & rental	11,286,001
Other(Refunds, incidentals, official Entertainment , insurance, uniforms)	3,339,114
Maintenance(building, equipment, maintenance contract, vehicles)	3,079,647
Travel(Local & International)	5,822,956
Utilities(Gas, electricity, lighting, water)	9,213,862
Value added Tax	6,568,536
Equipment(General, computer)	1,196,994
Furniture (Office & Other)	431,224
Vehicle(Additional, replacement)	6,066,162



## VIREMENT

There was a total of 30 virements processed in the first quarter of 2018 with a value of VT 45,730,052 million to amend Judiciary cash flow.

The third quarter of 2018 there was a total of 1 Virement with a value of VT 1, 420,390 million to cater for Judicial Officers Entitlements.

1. Judge Chetwynd's 2 years term ended on August 2018 therefore, the Judiciary needs to clear all his payment before he travels out of Vanuatu.
2. Master Cenac has been to UK for her annual leave and paid for her own ticket and have request for administration to refund her.

Here is a summary of virement by cost centres made by Judiciary Service.

### 1<sup>ST</sup> Quarter

FROM					TO			
FUND	COST CENTRE	ACTIVITY	OVER/PAYR	AMOUNT	COST CENTRE	ACTIVITY	OVER/PAYR	AMOUNT
2	1402	CIAA	PAYR	70,824	1401	CIAA	PAYR	70,824
2	1402	CIAA	PAYR	913,328	1402	CIAA	PAYR	913,328
2	1402	CIAA	PAYR	137,176	1405	CIAA	PAYR	137,176
2	1402	CIAA	PAYR	4,008,300	1422	CIAC	PAYR	4,008,300
2	1402	CIAA	PAYR	61,984	1480	CIAG	PAYR	61,984
2	1402	CIAA	PARY	,908,440	1490	CIAH	PAYR	908,440
2	1402	CIAA	PAYR	360,000	1402	CIAA	OVER	360,000
2	1402	CIAA	PAYR	7,500,000	1403	CIAA	OVER	7,500,000

2	1402	CIAA	PAYR	150,000	1405	CIAA	OVER	150,000
2	1402	CIAA	PAYR	12,000,000	1410	CIAB	OVER	12,000,000
2	1402	CIAA	PAYR	2,500,000	1420	CIAC	OVER	2,500,000,
2	1402	CIAA	PAYR	7,000,000	1421	CIAC	OVER	7,000,000
2	1402	CIAA	PAYR	150,000	1423	CIAC	OVER	150,000
2	1402	CIAA	PAYR	150,000	1431	CIAD	OVER	150,000
2	1402	CIAA	PAYR	150,000	1432	CIAD	OVER	150,000
2	1402	CIAA	PAYR	150,000	1433	DIAD	OVER	150,000
2	1402	CIAA	PAYR	150,000	1434	CIAD	OVER	150,000
2	1402	CIAA	PAYR	4,000,000	1436	CIAD	OVER	4,000,000
2	1402	CIAA	PAYR	3,150,000	1440	CIAE	OVER	3,150,000
2	1402	CIAA	PAYR	210,000	1441	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1442	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1443	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1444	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1445	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1446	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1447	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1448	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1449	CIAE	OVER	210,000
2	1402	CIAA	PAYR	210,000	1450	CIAE	OVER	210,000
2	1402	CIAA	PAYR	120,000	1490	CIAE	OVER	120,000
							TOTAL	45,730,052

### 3<sup>rd</sup> Quarter

FROM					TO			
FUND	COST CENTRE	ACTIVITY	OVER/PAYR	AMOUNT	COST CENTRE	ACTIVITY	OVER/PAYR	AMOUNT
2	1402	CIAA	PAYR	1,420,390	1402	CIAA	OVER	1,420,390

### The Advance release

Advance releases have been made during this financial year to enable the administration of the court to;

1. Advance funds to be made available so Judiciary's Cash flow can be amended.
2. Pay Rental for Magistrate Court Office & Court Room.
3. Pay Rental at Dumbear for Court Hearing and rental for Santo Court Office.
4. Help with available funds for 2<sup>nd</sup> Court of Appeal Session
5. Pay of Judge Entitlements
6. Pay Outstanding Bills.

The table showing all advance release for 2018

<b>DATE</b>	<b>DESCRIPTION</b>	<b>COST CENTRE</b>	<b>PERIOD</b>	<b>AMOUNT(VT)</b>
22/01/2018	Advance funds to amend Judiciary cash flow	1402 CIAC	Period 12	45,534,960
5/02/2018	Dumbea & Santo Courts Rental- January, February & March 2018	1421 CIAC	Period 12	2,366,520
5/02/2018	Magistrate Court Rental	1402 CIAA	Period 12	8,205,600
8/06/2018	Dumbea & Santo Courts Rental- April, May & June 2018	1421 CIAC	Period 12	2,366,520
27/06/2018	2 <sup>nd</sup> Court of Appeal Session 2018	1410	Period 12	896,600
9/08/2018	Funds to pay Judge Chetwynd's entitlements (end of term)	1422 CIAC	Period 12	4,627,885
25/07/2018	<ul style="list-style-type: none"> <li>• Court Tours &amp; Admin. activities-627,94</li> <li>• Total expenses in cost centre 1422 -4,143,205</li> </ul>	1422 CIAC	Period 12	627,940 + -4143,205 =4,771,145
22/08/2018	Pay Unelco Bills	1404 CIAA	Period 12	1,686,585
12/09/2018	Dumbea & Santo Courts Rental- July, August & September 2018	1421 CIAA	Period 12	2,366,520
12/09/2018	Pay bills	1430 CIAD	Period 12	1,680,000
7/11/2018	Dumbea & Santo Courts Rental- October, November & December 2018	1421 CIAC	Period 12	2,366,520

## The Supplementary Fund

The Judiciary administration applied for a supplementary budget to the Council of Minister's as a request to cater for the following activities stated below, but none was approved.

- Island Court and Supreme Court Land Cases
- Judge of the Supreme Court
- Deputy Registrar (Legal)
- Project Officer
- Severance Retirement of Judge of Supreme Court

## The revenue collection

All revenue were collected through Court Fees, Fines and enforcements.

In Port Vila the collection was made electronically at the main Registry and also some invoices were paid at Finance Department Central Cashier.

Outer Islands, Clerks and Secretaries also collect fees and deposit at FSB or NBV under Vanuatu Government Account Number.

There are few challenges that were faced with revenue collection but report shows that revenue collected exceeds the estimated figure which is twenty million.

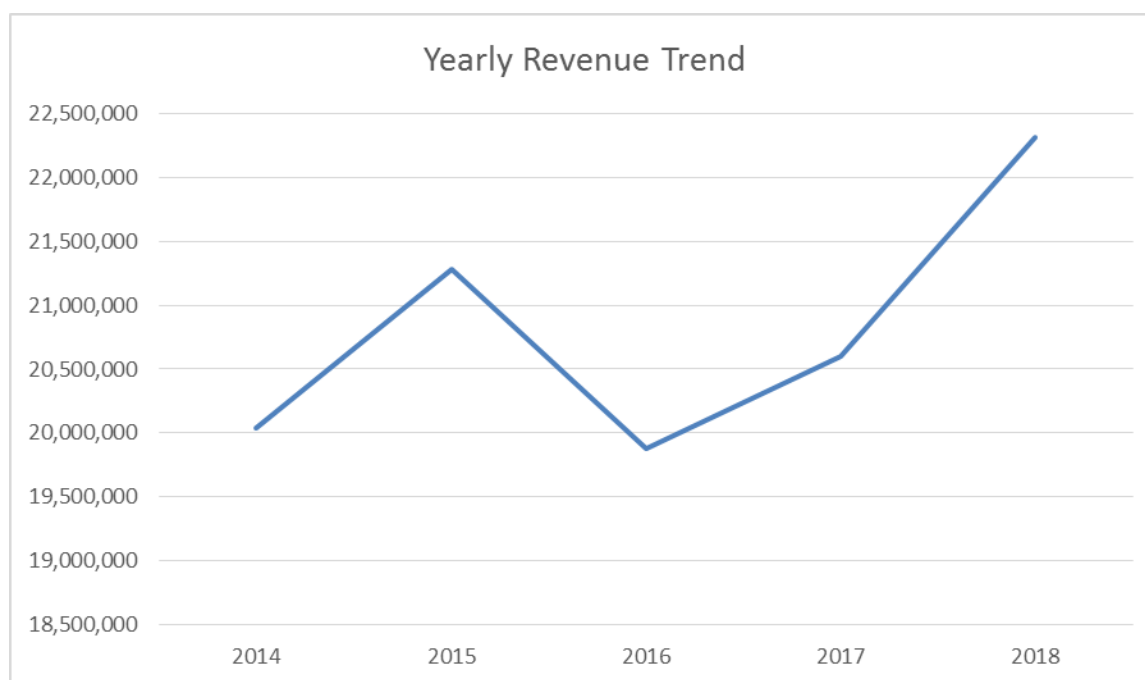
Revenue Detail Report	Government of Vanuatu Extracted on 17/01/19 14:29
For transactions between 1 January 2018 and 31 December 2018	

Filters Applied to this Report					
<b>Fund</b>					
<b>Ministry</b>	M01-Constitutional Agencies				
<b>Dept</b>	14-Judiciary				
<b>Cost Centre</b>					
<b>Activity</b>					
<b>Job Code</b>					
<b>Currency</b>	Vatu				
<b>Book</b>	Primary Book (vatu)				
CODE	Description	Revenue	Budget	Over/(Under)	Cash Received
	<b>Revenue</b>				
7QOS	Miscellaneous O/S Contributions	5,474,512	5,474,512	-	0

7QUC	U.N.I.C.E.F Contributions	288,170	288,170	-	288,170
7TFC	Court Fines	22,279,660	23,437,002	(1,157,342)	22,027,810
	<b>Revenue</b>	<b>28,042,342</b>	<b>29,199,684</b>	<b>(1,157,342)</b>	<b>22,315,980</b>
	<b>Total Revenue and Receipts</b>	<b>28,042,342</b>	<b>29,199,684</b>	<b>(1,157,342)</b>	<b>22,315,980</b>

The last five years the total amount of revenue varied from 19 to 20 million vatu annually. See below the revenue and the trends chart from 2014 to 2018

Years	Total Revenue (Vatu)
2014	20,036,636
2015	21,277,539
2016	19,880,825
2017	20,597,785
2018	22,315,980



## Human Resource

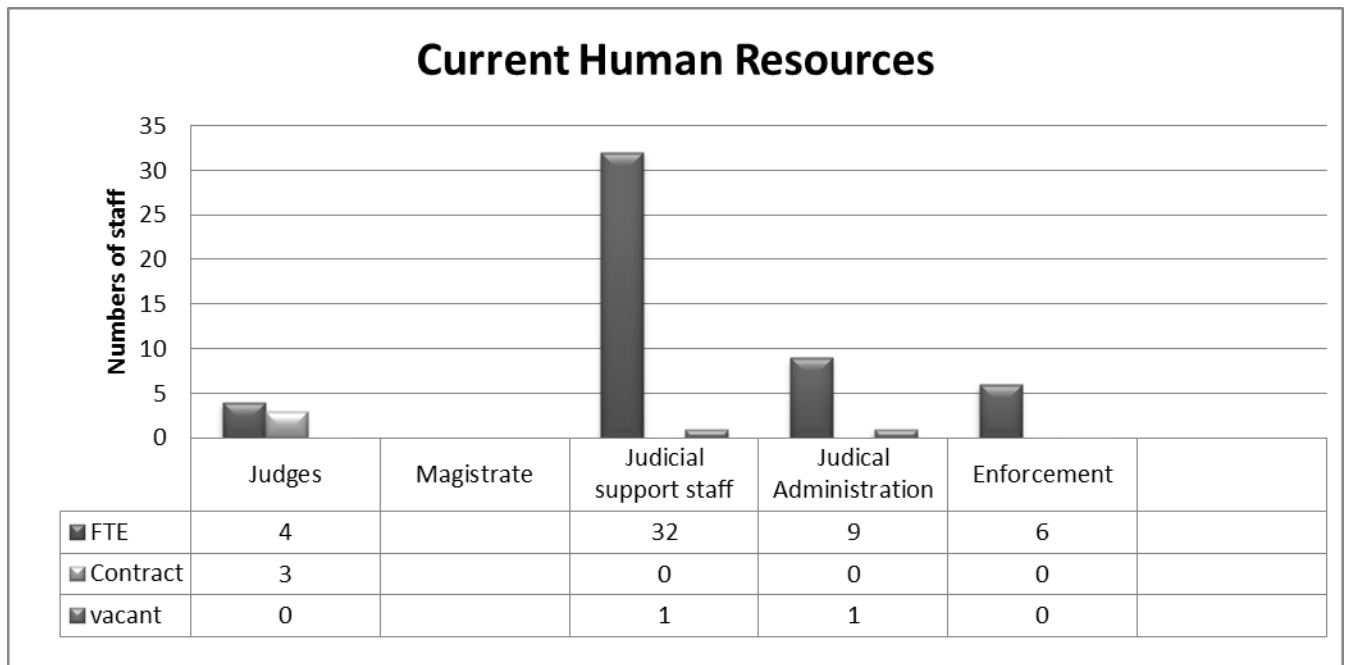
To provide statistical information on the workforce, recruitment, Welfares of all Court personnel and Judicial officers also an update to the Management of the Judiciary services regarding trends and achievements in the workforce profile of the Judiciaries Human resources, for the last 12 months period the 01<sup>st</sup> January 2018 -31<sup>st</sup> December 2018.

### 1) Current Human Resources

	FTE	Contract	Vacant
Judges	4	2	0
Magistrates	9		
Judicial support staff	32	0	0
Judicial Administration	9	1	1
Enforcement	5	-	0

**(NB: FTE- Full Time Employee)**

### 2) Graph showing the status of the current Human resource



- You will note on the above graph showing the employees of the Judiciary Services is consist of (2) two Categories of employees, Judicial officers and Court support staff that includes the Administration staff and enforcement staff.
- Every year we do have additional number of employees added.

### 3) Recruitment

- Position we advertised and recruitment strategies were carried successfully, 4 officers were recommended for the vacant posts that were advertised:
  1. Assistant Sheriff's in Santo was advertised in 2016 and all interview strategies were carried out and recommendation were made for the successful candidate, MR Love Lui , he is now Permanent on the Job
  2. A deputy Master position was filled this year, which we have advertise and have successfully employed a female employee to fill up this post.

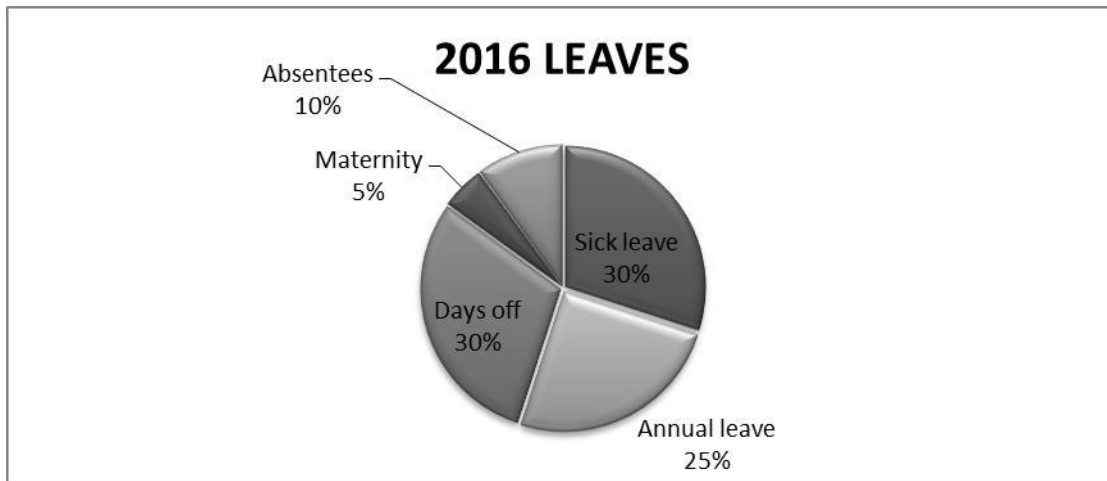
	Sick leave	Annual leave	Day's off	Absentees	Maternity leave
Feb-June	40%	35%	30%	20%	10%
July-January	60%	65%	70%	30%	10%

3. A judge of the Supreme Court was filled in April 2018 after the departure of an expatriate Judge returning after the end of his contract.

#### 4) Redundancy

Two senior Employees whom have reached their age retirement this year, however, both are now serving on contract services, as the Office still needs them.

This Pie Chart is showing that sick leave and days off percentage is more, Judiciary is dominated with female staff and most of them are mothers with children, most sick leave taken are for sick children or to stay home to look after sick Parents.



Absentees has reduced since 2017 due to the administration being strict on time and questions day offs.



5) Leave Balance

2018 year Ending Annual leave Balance

NPF		EMPLOYEE	Total AL BALANCE
Judiciary	0118059	Georges Shirley	909.05
Judiciary	0118141	Manmelin Wilma	51.66
Judiciary	0119818	Stephen Felix Dorrick	52.75
Judiciary	0129882	Meltek Anita Isabele	363
Judiciary	0149054	Tepi Blandine Konmawi	374.90
Judiciary	0153601	Saksak Oliver Albert Abraham	678.05
Judiciary	0176180	George Timakira Malachi	0
Judiciary	0231373	Laloyer Anna	250
Judiciary	0328849	Aru Dudley	226.17
Judiciary	0411710	Vinabit Anita	260
Judiciary	0425777	Kutty Jean Noel	13.73
Judiciary	0428342	Hannaline Nalau Ilo	74
Judiciary	0430397	Lunabek Vincent	690.05
Judiciary	0442848	Thomas Cynthia	107.57
Judiciary	0505404	Kanas Beverleigh Agnes	80
Judiciary	0552810	Sawia Evelyne	299
Judiciary	0553776	Ishmael Gloria Bob	15.44
Judiciary	0565523	Kalo Cleris	79.45
Judiciary	0636209	Peter Moses	35.62
Judiciary	0639393	Tevignawul Veronique	47.04
Judiciary	0644286	Albano Lolten Melip	84.59
Judiciary	0706028	Shemi Joel	65.69
Judiciary	0726596	Tabi Florina Sigambo	49.27
Judiciary	0741413	Kalo Pauline	55.5
Judiciary	0741843	Wanamay Wendy Moliko	22.82
Judiciary	0743690	Kalotiti Gloria Leinumet	60.55
Judiciary	0764225	Garae Belinda Woi Livusi	69.42
Judiciary	0782755	Hinge Naomi Victoria	95.23
Judiciary	0806927	Kaltapau Evelyn	123.59
Judiciary		Gustaff Wiltens	46.36
Judiciary	1063923	Tete Collyne	23.42
Judiciary	1065228	Selwyn Morrison	6
Judiciary	1065584	Litong Aurelie	13.16
Judiciary	1065953	Paul Monique	2.51
Judiciary	1066364	Abel Kathrine Leona	47.94
Judiciary	1066466	Pakoa Celina	17
Judiciary	1069727	Georges Patrick	-2486.41

Judiciary	1069788	Maltape Kikina	19.38
Judiciary	1070115	Molonturala Rodrice	-30.66
Judiciary	1070348	Melenarave Lui	16.71
Judiciary	1072647	Alida Tchivi	54.03
Judiciary	1074771	Basil Enuma Tabimal Nounou	26.80
Judiciary	1075034	Sablan Ethel	192.30
Judiciary	1076127	Sam Florence	75.75
Judiciary	1076365	Vafoou Fatiaki Taniela	73.21
Judiciary	1076457	Palo Jessica	60.78
Judiciary	1077952	Aru Dimas	102.73
Judiciary	1078057	Donald Vanessa Alexanria	20.42
Judiciary	1078396	Labsai Robson	81.31
Judiciary	1079126	Abel Nailyn	36.14
Judiciary	1080937	Mathias Iona	49
Judiciary	1080961	Wovan Jimmy	77.79
Judiciary	1082268	Marcel Shalika	37.13
Judiciary	1083480	Jacob Joel Masala	41.97
Judiciary	1083514	Ephraim Florina	49.73
Judiciary	1084085	Batsari Anata	15.28
Judiciary	1084169	Lessy Anthony	30.31
Judiciary	1085015	Nimbwen Kibeon	45.05
Judiciary	1088705	Naieu Trevor lalame labar	30.55
Judiciary	1089228	Kalo Stephen	-9.20

## 6) Staff welfares

Most of the Staff employment status are permanent, receiving all entitlements. Salaries are paid every fortnight for the last 12 months,

Job descriptions were approved and discussed with individual staff. All Court personnel has its own Job task to concentrate on and projects to work on.

## 7) Office Hours

Most staff attend work by 7.30am to 8am; the only court that is using Time sheets is the Magistrate courts and in other courts people turn up for work according to the official time. Otherwise good commitment and task are completed at the end of the day. Some Judicial support staff does work overtime, which each head is responsible do grant them days off, if work on weekends or public Holidays

## **8) Discipline**

The Deputy sheriff of the supreme court has been terminated, his case is with the Disciplinary committee, and the police to deal with his conducts

No staff have been considered in disciplinary action although some issues were raised. All been sorted with the help of the supreme court Acting Registrar, by analyzing the core issue by finding out the cause and implement strategies to monitor the staff concern.

Most staff performances were upgraded, after being monitored closely, and all have been moving forward in accomplishing each day to day core function's goal.

## **9) Record Keeping**

Individual staff has its own personnel file that, just the HRO and the Chief Registrar are accessible to these files. Contents in the files are not completed, Magistrate courts also kept their records, but do send copies to the HR office.

## **10) Staff Manual**

The Judicial support and administration staff, still borrowed from the Public service staff Manual to guide retain their day to day welfare. Management have been discussing this to be more considerable and need to have one of its own Since Judiciary have moved out from the Public Service Commission. After several meetings with the Head of Departments and was to discuss with the Chief Justice, yet still pending.

## **Statement of Commitments & Contingencies**

The major commitments were made up of 3 localize positions of which 2 are Judge Positions and 1 Master that were served under the Supreme Court of Vanuatu. These 3 localize positions are expatriates and were paid on local terms and conditions.

In addition to that there are annual contracts for maintenance of photocopy machines with two service providers that Judiciary is committed to.

The Judiciary also has commitments in rental agreements for court offices and court hearing rooms mainly Dumbea Rental, Santo Court House, Magistrate Court Office and Hearing Rooms.

Attached is a list of all the commitments and contingencies as Annexure A.

## **The Asset Register**

100% of the assets have been used to help achieve the vision and the mission of the Judiciary.

Every major asset is given an asset code and "tagged" with a bar-code sticker. This enables the Judiciary to keep a track of all its assets, which in turn should help the Registry, better manage the maintenance and replacement of those assets.

Assets acquired in recent years are up to date with the smart stream. Since the asset officer is taken on board on contract basis, it is in the interest of the administration to finalise process and make a permanent appointment in order to complete all pending assets and arears that need re-visiting and update all existing assets.

Below is a short asset financial report for the year 2018 that were updated manually. It is shattered to their perspective areas with their financial statement as follows.

- i. Asset registry for 2018
- ii. Court Repairs and maintenance – *Building and Vehicles, electrical repairs and maintenance*
- iii. Stationaries and toners

**i. Asset Registry 2018**

Category	Total (Vatu)
<i>Vehicles ( 2)</i>	5,600,000
<i>Furniture's</i>	181,805
<i>Computers/printers</i>	443,809
<b>Total</b>	<b>6,225,614</b>

**ii. Court Repairs and Maintenance**

Category	Total (Vatu)
Building Repairs & Maintenance	392,653
Vehicle Repairs & Maintenance	1,608,630
Electrical Repairs & Maintenance	351,869
<b>Total</b>	<b>2,353,152</b>

**iii. Stationaries and Toners**

Category	Total (Vatu)
Stationaries	732,784
Toners	635,696
<b>Total</b>	<b>1,368,480</b>

**SUMMARY STATEMENT**

Category	Total (Vatu)
Asset registry 2018	6,225,614
Court Repairs and Maintenance	2,353,152
Stationaries and Toners	1,368,480

<b>ESTIMATED AMOUNT SPEND ON ASSET 2018</b>	<b>9,947,246</b>
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## **Conclusion**

The 2018 annual budget was once again very tight, but with a smart administrative team and the head of section or managers within the Registry, the administration have arrived at the end of the fiscal year without any deficit concerning the annual budget. Despite the challenges faced the administration is happy to achieved most of the planned court activities and payment of more than 70% of outstanding bills.