

ANNUAL REPORT 2021

Judiciary of the Republic of Vanuatu



Photo: New Technology system set-up in court room at Dumbea, Port Vila.



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

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REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

March 2022

Hon. Esmon Simon
Minister for Justice & Community Services
Ministry for 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 for the management and administrative affairs of the Judiciary during the year 2021 and the unaudited financial statements in respect of that financial year. The report includes information about the courts, their activities and workload.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Vincent Lunabek', written over a horizontal line.

Vincent LUNABEK

CHIEF JUSTICE



Introduction

Vision and Mission Statements

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

However, the vision statement is peculiarly extroverted 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.”

Statement from Chief Justice

REPUBLIC OF VANUATU



CHIEF JUSTICE'S CHAMBERS

INTRODUCTORY REMARKS FROM CHIEF JUSTICE

The 2021 Annual Report presented in the same format as the previous year, covering major Court performance indicators accepted regionally and internationally.

The Report provides information on the courts, their achievements, 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 human resources, lack of court spaces, equipment / facilities, required processes in place and 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 2021, the Court of Appeal delivered

84 decisions/outcomes of cases, some of which were substantive judgments and were sent for publication on www.paclii.org and also uploaded on the courts website; <https://courts.gov.vu>

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

Implementation of the Management Improvement Plan

The Supreme Court is mandated by the *Judicial Services and Courts Act* to prepare a management improvement plan for each year (s.50) purposely for improving the efficiency and effectiveness of the operations of the Judicial Service and the Vanuatu Courts, and to report against it annually (s.51(f)) in the Annual Report.

The Management Improvement Plan 2021 has again set out five priority action areas.

These five priority action areas were to:

- Maintain and strengthen judicial independence;
- Refine case management systems and processes to endure fair and timely disposition of cases;
- Develop professional judicial capacity building;
- Ensure justice is accessible for all; and
- Develop physical infrastructure/ assets to support effective service delivery.

The Plan highlights the intention to:

- Appoint sufficient judicial and staff resources to enable effective and adequate court services to be provided
- To provide ongoing professional development for judicial and court officers so that the court employees have greater capacity to fulfil their functions
- Develop a grass-roots approach for the courts' engagement with the community by undertaking consultation with court circuits
- Secure funds for infrastructure to ensure accessibility to court services

Monitoring and evaluation of the Judicial Management Improvement Plan 2021

Planned Activities summed in Graphs

There was a total of 54 activities planned for 2021 and 70% were successfully implemented, 11% in progress, 19% delayed and not applicable this period.

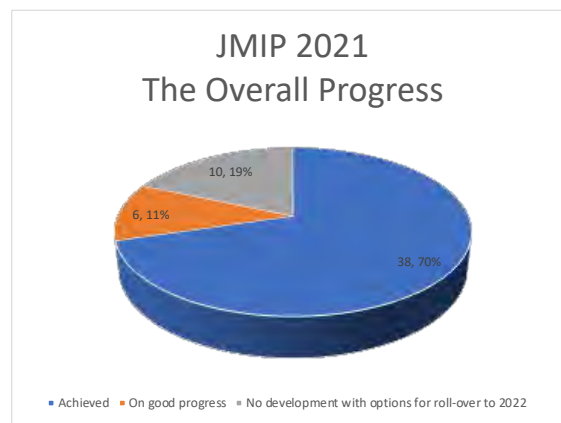


Figure 1: Overall Activities – Judicial Management Improvement Plan (JMIP) - 2021

Summary of significant developments/ Improvements

- *Judges – extension*

The continuous engagement in the assistance of the New Zealand judiciary in the form of a Judge of the District Court of New Zealand seconded to the Supreme Court of Vanuatu resulted in the extension of appointment of Justice Andre Wiltens for another term ending June 2022.

- *Appointment of New Supreme Court judge*

The appointment of Justice Edwin Goldsbrough to Vanuatu Supreme Court bench is an additional support to the Supreme Court after the number of filing continues to increase each year.

- *Retirement and resignation*

Love Lui Melenarave, the assistant Sheriff based in Luganville Santo was terminated by the Judicial Service Commission on grounds of criminal records.

- *Extension and transfer of Magistrates*

Extension of appointment of Acting Chief Magistrate, Anna Laloyer for a further term of 6 months in April 2022.

- New Judicial officers in 2021 – see 2, a Judge of the Supreme Court and a newly appointed Magistrate in the Magistrates court.
- New recruitments in 2021 – seen 10 positions filled in 2021; The Assistant registrar for the Supreme court in Santo, Assistant registrar for the Magistrate court in Santo, a filing clerk for the Supreme court in Vila, the court orderly in Port Vila, the secretary to Masters in Port Vila, a secretary to the Magistrate in Port Vila, a secretary to the Magistrate in Lakatoro, the island court clerk for Pentecost, the Accountant and the finance officer – all new staff successfully inducted and orientation conducted.
- Law council: Continuous Legal Education for the legal profession (CLE), conducted 2 professional trainings at Dumbea, one by Justice Trief on ‘*Assessment of damages*’ and one on ‘*Sentencing*’ by Justice Gustaff. For all lawyers, public and private attended.
- IT devices due to COVID19 were installed at Dumbea hearing rooms, 1, 2 & 3 and was used effectively for the COA sessions in 2021 and for other courts True Conference was introduced – Thanks to OGCI’s great assistance – to be improved to outer islands in 2022.
- The 2019 Family Violence Action Plan for the Magistrate courts – seen awareness conducted in conjunction with court circuits, seen perpetrators punished and seen DV judgements quarterly viewed by the Acting Chief Magistrate in order to promote sentencing consistency and awareness of bias in judgement writing and if identified be address for magistrate judicial training
Also seen good monitoring of court fines to ensure that perpetrators are held accountable.

- Pentecost 20 new Island court Justices orientated in 2021, appointed by the Head of State and sworn in by the Chief Justice at Lolong.
- Epi 20 new Island court Justices orientated in 2021, appointed by the Head of State and sworn in by the Chief Justice at Rovo Bay.
- A new Island court Clerk appointed for Pentecost Island Court and is now residing in Lolong.
- Court User exit survey conducted for 2 weeks on the month of December in 2021 was a success. Thanks to all who participated, a report will be produced at the end of the first quarter for internal improvements to court services and access.
- The Certificate of Justice Programme – introduced to the lay justices of the Island courts, 2021 – was conducted for Santo
See 6 lay justices in Santo has gone through the program under tutoring assistance from the courts and has successfully reached its completion at the end of 2021 – now awaiting Emalus graduation to obtain their certificates.
2022 – Program moving to Tanna – 6 names for USP registration
- Launching of Brochures in early 2021 (8 different brochures in 3 official languages, focusing on court processes in all three courts – 40,000 printings done by PJSI, with 80% in Bislama, the language in great demand - is a successful tool for court outreach
- Awareness – successful awareness carried out by court staff in conjunction with court circuits (the islands of Torres – SM Beverleigh, Pentecost – Judge Trief and Santo big-bay – Magistrate Setariki), and during court Orientation programs on outer islands (Pentecost & Epi by Wendy & Robsen), also awareness made possible through the SRBJs – the *Malekula cross sector legal awareness program* to Unmet, Lembinwen and Akham.
- The courts have successfully participated in the PSC open day at Saratamata Ambae in 2021. It was a great success, seen court information dispersed to all different age group and an opportunity for court brochures distributed.
- School curriculum – Under the idea of Access to justice, the court has taken another step into entering the Educational system, seeing the final stages to be carried out this year and if all goes well we should see the introduction of law and the court system into the Senior Civic subject to be rolled out in 2023 starting into years 11 and continuous to years 12 & 13 in the coming years as an elective subject.
- The court office ground breaking in Epi by the Chief Justice last year was a success, looking forward to the building construction work to kick off this year
- The opening of the Tanna court office after renovation by the Chief Justice was a success – now successfully on operation
- The introduction of the Remote Court hearing toolkit, developed regionally for all courts by the facilitation of PJSI – was also introduced to Vanuatu and used as a guide.
- HR's office – The Performance Management System was introduced in 2021 and Staff Performance appraisal was conducted and proves success, a now accepted tool to be

annually use within the institution to appraised staff annually – seen 2 in house training conducted for refresher for line managers conducting the staff performance appraisals

- Some very long outstanding leaves were paid out end of 2021 for long serving staff, reducing the number of leaves making it manageable.
- Sheriff draft manual on Pilot – implemented and an Auction sale was attempted but had some challenges, will continue pilot this year 2022
- Case Management System (CMS) – monthly court performance summary was a success in 2021 – has improved capacity in analysis of data for the analytical Team – seen a good understanding of the monthly summaries as a result progress improvement in court performances for judicial officers and court support staff.
Staff entries has improved with yet room for more improvement.
- Court book bundling introduced to the registry staff – was introduced by Tony Lansdell and Emma Scadeng – seen used for the COA
- Introduction of bundling of documents for the COA sessions was a success
- Staff disciplinary board sittings – we have one this year, to hear Evelyn’s case – the inappropriate use of court bond/ surety monies, concluding with JSC terminating the officer.

Training Development

Training committee

A Training committee was established by the Chief Justice in 2016. The committee included the following members:

1. Justices Oliver Saksak – Judge of the Supreme Court as Chairman
2. Secretary – Robsen Lapsai
3. Anna Laloyer – Chief Magistrate
4. Wendy Raptigh – National Judicial Development & Training

The function of the committee is to discuss Training needs, approve Training design for appropriate programs, and identify possible facilitators. It also addresses the issues of identifying relevant officers’ attendance to capacity building opportunities and staff queries of in-service continuous education.

In 2021, Training/ capacity building is budgeted for and listed in the *Annual Calendar of Events* and also within the Improvement plan above funded by our external partners in particular; the PJSI and the Ministry of Justice under the *Stretem Rod blong Jastis* Project.

Trainings specifics

- The continuous two annual judicial training for judicial officers (judges of the Supreme Court and the Magistrates of the Magistrates court) has been successfully carried out – grouping all judicial officers together, the program design for common and separate sessions – seen a strong year for case finalisation end of 2021

- The continuous annual secretary training has been successfully carried out – taking all court staff around the courts to come together and common issues were addressed, discussed and agreed on ways forward – seen good data entries end of last year but needs more improvement in the Magistrate courts – as a result of good entries we can produce statistics for end of year reports
- The continuous Island Court clerk training was successfully carried out and common issues discussed – seen improvements in case finalisation end of 2021 – confidence is building up in the island courts
- Sheriff Team trainings carried out twice in 2021, targeting the auction sale, serving of court notices and execution backlog – seen one trial in auction and an effective services of court notices but less address of backlog cases – a focus for 2022
- Registry Training by Justice Gustaff for the COA book 1 and book 2 – seen improvement in the filing of documents for the COA
- Refresher Training for Tanna lay justices on court processes – an urgent request for Training needs identified – seen disposal increased end of 2021
- Orientation programs for;
 - i. 20 new justices for Pentecost Island court
 - ii. 20 new justices for Epi Island court
 - iii. 8 staff newly appointed were inducted into the Institution and orientation programmes conducted.
- Human Right checklist workshop successfully carried out for all court staff in different groupings for 2 days each, that is the judges, the Magistrates, and the court staff with outer islands in the northern part joining through zoom from Santo office.

Land cases

- One Supreme Court Judges focused on land cases and completed 5 Land appeal cases

Political highlights

- The Election Petition Case No. 21/2441 which was filed by the Hon. Bob Loughman Weibur and 18 other elected members of Government Side of Parliament against the Hon. Speaker of Parliament for declaring their seat vacant. The Speaker of Parliament declared their seat vacant for being absent form parliamentary sittings on 3 consecutive sittings. In the Supreme Court, the court ruled that the seat of 19 petitioners being dully elected members of parliament seats have not been vacated. On appeal to the court of appeal, the Court of Appeal dismissed the appeal filed by the Speaker of Parliament.

Asset Management and Infrastructure

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

Supreme Court Hall of Justice

In 2019, the Vanuatu government shows its commitment towards the Supreme Court hall of Justice by allocating its financial contributions totaling 60% of the total cost of the building.

The Government further issued a COM paper detailing the concept of the Hall of Justice in November 2019. The building should contain 7 Court rooms, 9 Judges Chambers, 2 holding cells with funding supported by the Government of Australia and Government of New Zealand. In September 2020 the government officially launch the building.

Outer Island Court Buildings

- The court office ground breaking in Epi by the Chief Justice last year is a success, looking forward to the building construction work to kick off this year.
- The opening of the Tanna court office after renovation by the Chief Justice was a success – now successfully on operation

Financial statements reveals that 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.

Below is a short asset financial summary for the year 2021 that were updated manually.

BUILDINGS RENOVATION	VEHICLE REPAIRS/MANTENANCE	NEW ASSETS	TOTAL (VT)
3,945,895	3,660,661	1,620,280	9,226,836

Building Renovations:

Building renovations summary are renovations done within the year 2021 and thus includes the Courts premises and few Official Residence. This also includes building accessories attach to the buildings. Breakdown is listed below:

DATE	ASSET	LOCATION	DESCRIPTION	CONTRACTOR/ SUPPLIER	LPO	AMOUNT
28 January 2021	Supreme court	Port Vila	install dark tint glass CJ and CR	Design Impax	140-018710	36,000
5 February 2021	Chief Justice residence	Port Vila	1st payment Car park	Benjamin Administration	140-018753	100,000
	Library	Port Vila	instal ply woods, paint and led lights			
16 February 2021	Sola Court	Banks/Torres	toilet tank	Port Vila Hardware	140-018797	11,250
4 March 2021	Malekula court	Lakatoro	install toilet basin	John William Bulesulu	140-018859	17,000
4 March 2021	Malekula court	Lakatoro	hand basin and materials	John William Bulesulu	140-018860	10,805
23 March 2021	Chief Justice residence	Port Vila	2nd payment Car park	Benjamin Administration	140-018909	100,000
	Library	Port Vila	2nd instal ply woods, paint and led lights			
9 April 2021	Tanna Court	Isangel	office curtain	Zheng Store	140-018970	34,200
13 April 2021	Supreme court	Port Vila	1st payment replace spout	Benjamin Administration	140-018979	150,000
20 April 2021	Supreme court	Port Vila	office curtain	Zheng Store	140-018995	5,000
5 May 2021	Supreme court	Port Vila	2nd payment replace spout	Benjamin Administration	140-019058	159,274
24 May 2021	Chief Justice residence	Port Vila	car park slab	Benjamin Administration	140-019105	424,703
24 May 2021	Library	Port Vila	container roofing	Benjamin Administration	140-019106	254,703
1 June 2021	Efate Island Court	Port Vila	repair toilet and septic	MIL Pacific Plumbing	140-019123	36,225
12 July 2021	Chief Justice residence	Port Vila	rubbish holder and garage gate	Guang Yuan Industries	140-019279	124,000
12 July 2021	Chief Justice residence	Port Vila	bathroom plumbing	JB Plumbing	140-019281	11,200
13 July 2021	Malekula court	Lakatoro	install sink	Denilson Store	140-019288	6,350
8 September 2021	Tanna Court	Magistrate Residence	septic tand materials	Bill Iapson Store	140-019484	45,040
8 September 2021	Tanna Court	Magistrate Residence	build septic tank	Lomai William	140-019485	55,000
14 September 2021	Santo Court	Luganville	building materials	Wilco Hardware	140-019493	110,186
14 September 2021	Santo Court	Luganville	hardwood door	Veneer Logging Limited	140-019498	35,000

DATE	ASSET	LOCATION	DESCRIPTION	CONTRACTOR/ SUPPLIER	LPO	AMOUNT
14 September 2021	Library	Port Vila	building bookshelve	Eric firiam	140-019499	550,000
8 October 2021	Library	Port Vila	bookshelves materials	Wilco Hardware	140-019623	158,722
26 October 2021	Supreme court	Port Vila	repair sink	JB Plumbing	140-019686	9,700
29 October 2021	Supreme court	Port Vila	kitchen door	Melanesian Furniture	140-019679	45,000
4 November 2021	Tanna Court	Magistrate Residence	Toilet accessories	TradeBase	140-019729	33,465
4 November 2021	Chief Justice residence	Port Vila	stairs shelter	Guang Yuan Industries	140-019752	259,200
8 November 2021	Tanna Court	Magistrate Residence	toilet set	Wilco Hardware	140-019766	16,205
8 November 2021	Library	Port Vila	additional material	Wilco Hardware	140-019769	124,029
11 November 2021	Efate Island Court	Port Vila	fencing material	Vila Distribution	140-019784	136,118
11 November 2021	Efate Island Court	Port Vila	fencing material	Vate Industries	140-019785	102,400
16 November 2021	Efate Island Court	Port Vila	block, sand and coral	RDF Quarry Limited	140-019799	60,000
18 November 2021	Supreme court	Sheriff's Office	lock and Chain	Port Vila Hardware	140-019811	22,690
23 November 2021	Supreme court	Port Vila	Judges door lock and handles	ALUBAT	140-019842	62,810
24 November 2021	Efate Island Court	Port Vila	fencing materials	Discount Hardware	140-019847	161,410
24 November 2021	Tanna Court	Magistrate Residence	labor for install toilet and accessories	William Loumai	140-019854	40,000
13 December 2021	Efate Island Court	Port Vila	fencing materials	Vate Industries	140-019923	40,660
13 December 2021	Efate Island Court	Port Vila	labor for fencing	Benjamin Administration	140-019924	302,550
13 December 2021	Efate Island Court	Port Vila	Gate	Guang Yuan Industries	140-019925	95,000

					TOTAL (VT)	3,945,895
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Vehicle Repairs and Maintenance

These are the summary of all courts vehicles that undergo repairs and maintenance within the year 2020 and also includes the replacement of one (1) Court Vehicles

<u>DATE</u>	<u>ASSET</u>	<u>LOCAT ION</u>	<u>DESCRIPTION</u>	<u>CONTRACTOR/S UPPLIER</u>	<u>LPO</u>	<u>AMOUNT</u>
Wednesday, 13 January 2021	RV 3A	Port Vila	change plate number	Design Impax	140- 018668	12,800
Wednesday, 13 January 2021	RV 3B	Port Vila	change plate number			
Thursday, 25 February 2021	RV 40	Santo	Change color orange to white	Sanma Auto Repair	140- 018823	60,000
Wednesday, 3 March 2021	RV 10	Port Vila	change top surface colo to white	Prestige Motors	140- 018856	50,000
Monday, 15 March 2021	RV 3	Port Vila	dash board clean materials	AutoPro	140- 018884	5,800
Tuesday, 6 April 2021	RV 3A	Port Vila	tint glass	AutoPro	140- 018951	13,500
Thursday, 22 April 2021	RV 29	Port Vila	replace rear door handle	Carpenter Motors	140- 019011	3,500
Friday, 30 April 2021	RV 38	Port Vila	replace 4 tyres	Yasoon Station	140- 019034	40,000
Wednesday, 5 May 2021	RV 27	Port Vila	replace 4 tyres	Yasoon Station	140- 019067	48,000
Thursday, 20 May 2021	RV 9	Port Vila	Service B	Bodiom	140- 019101	42,000
Wednesday, 26 May 2021	RV 3	Port Vila	repair rear bumper	Carpenter Motors	140- 019108	49,405
Tuesday, 15 June 2021	RV 38	Port Vila	service engine oil and replace battery	Bodiom	140- 019192	37,820
Tuesday, 15 June 2021	RV 3A	Port Vila	change battery	Bodiom	140- 019193	39,305
Tuesday, 22 June 2021		Port Vila	rubber and glass glue	Carpenter Motors	140- 019213	4,300
Tuesday, 13 July 2021	RV 29	Port Vila	change door handle	Carpenter Motors	140- 019285	4,430
Tuesday, 27 July 2021	RV 37	Port Vila	new tyres X2	Yasoon Station	140- 019323	15,000
Monday, 9 August 2021	RV 37	Port Vila	attend break down, replace battery	Bodiom	140- 019368	22,535
Monday, 9 August 2021	RV 10	Port Vila	repair door handle	Bodiom	140- 019369	13,225
Monday, 9 August 2021	RV 26	Port Vila	service and repair front bumper	Bodiom	140- 019370	78,860
Monday, 9 August 2021	RV 9	Port Vila	service call, change battery	Bodiom	140- 019372	33,780
Monday, 9 August 2021	RV 27	Port Vila	service call airport, program key, change battery	Bodiom	140- 019373	74,435
Monday, 9 August 2021	RV 29	Port Vila	service B	Bodiom	140- 019374	48,945

<u>DATE</u>	<u>ASSET</u>	<u>LOCAT ION</u>	<u>DESCRIPTION</u>	<u>CONTRACTOR/S UPPLIER</u>	<u>LPO</u>	<u>AMOUNT</u>
Tuesday, 10 August 2021	RV 10	Port Vila	Kia Selto, replacement of RV 10 - Judge Edwin	Prestige Motors	140-019376	2,800,000
Monday, 23 August 2021	RV 3B	Port Vila	fix aircon leakage	Bodiom	140-019418	13,225
Tuesday, 24 August 2021	RV 623	Santo	service	Carpenter Motors	140-019428	27,300
Tuesday, 12 October 2021	Pentecost Boat	Pentecost	service and repair engine	Vila Marine	140-019637	26,350
Thursday, 4 November 2021	RV 28	Port Vila	replace tail lifter	Carpenter Motors	140-019753	9,600
Thursday, 9 December 2021	RV 623	Santo	service	Carpenter Motors	140-019897	21,456
Wednesday, 8 December 2021	RV 10	Port Vila	seat cover	Thai Viet hardware Limited	140-019892	9,590
Tuesday, 14 December 2021	RV 9	Port Vila	service call, hard start, change battery	Bodiom	140-019941	29,995
Tuesday, 14 December 2021	RV 10	Port Vila	service	Bodiom	140-019942	25,505
					TOTAL (VT)	3,660,661

New Assets

These summary includes the purchase of new Computer sets, office Equipment's, office furniture and fittings and office Tools.

<u>DATE</u>	<u>ASSET</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>CONTRACTOR/ SUPPLIER</u>	<u>LPO</u>	<u>AMOUNT</u>
Tuesday, 2 February 2021	Yealink Voip phone	Port Vila	3 yealink voip phone	Computer World	140-018731	35,998
Wednesday, 3 February 2021	Yealink Voip phone	Efate Island Court	2 yealink phone	Computer World	140-018739	23,992
Wednesday, 17 February 2021	Yealink Voip phone	Santo Court	replace voip Evelyne Kaltapau	Computer World	140-018800	11,996
Thursday, 18 February 2021	Phone	Port Vila	office phone, Nokia	Computer World	140-018806	3,395
Thursday, 18 February 2021	Jabra Speaker	Port Vila	CR jabra Speaker for truconf	Computer World	140-018807	22,995
Tuesday, 23 February 2021	Office Chair	Port Vila	office chair	Vanuatu Treasures Limited	140-018817	32,000
Thursday, 11 March 2021	coffee Table	Port Vila	use for CJ printers	TIVR Timber	140-018876	34,500
Monday, 17 May 2021	Yealink Voip phone	Port Vila	Shalika voip	Computer World	140-019094	14,996
Wednesday, 2 June 2021	PC	Santo Court	Dell optiplex 5080, Evelyne Kaltapau	Computer World	140-019144	167,490

<u>DATE</u>	<u>ASSET</u>	<u>LOCATION</u>	<u>DESCRIPTION</u>	<u>CONTRACTOR/ SUPPLIER</u>	<u>LPO</u>	<u>AMOUNT</u>
	Monitor	Santo Court	HP E243	Computer World	140-019145	
Monday, 23 August 2021	Phone	Port Vila	Nokia N105 X2	Computer World	140-019409	6,790
Monday, 23 August 2021	Office Chair	Port Vila	replace chair, senior mag. Peter	Computer World	140-019412	17,500
Tuesday, 31 August 2021	Bookshelve	Port Vila	2 layer office desk for CR office	Melanesian Furnitures	140-019441	39,000
Wednesday, 1 September 2021	UPS	Ambae Court	APC UPS	South Pacific Information	140-019446	12,990
Wednesday, 1 September 2021	PC	Port Vila	Dell optiplex 5080	Computer World	140-019447	165,745
	Monitor	Port Vila	Samsung R350	Computer World		
Wednesday, 8 September 2021	Yealink Voip phone	Santo Court	3 Voip phone	Computer World	140-019486	35,988
Wednesday, 6 October 2021	Printer	Port Vila	HP Laserjet Pro MFP M148fdw	Computer World	140-019597	29,995
Thursday, 21 October 2021	visitors chair	Santo Court	plastic chairs	Sunshine Shopping Chair	140-019666	15,200
Thursday, 21 October 2021	PC	Port Vila	masters replacement	Computer World	140-019667	138,990
Thursday, 4 November 2021	Office Chair	Port Vila	Filing clerks chair replacement	Sharper Image	140-019746	46,200
Tuesday, 16 November 2021	PC	Port Vila	HP 400 G7 SFF	South Pacific Information	140-019801	151,870
	Monitor	Port Vila	Samsung R350			
Thursday, 18 November 2021	Office Chair	Port Vila	magistrate chair replacement	Sharper Image	140-019812	35,425
Thursday, 18 November 2021	PC	Port Vila	HP 400 G7 SFF - Mag. Toaliu	Computer World	140-019813	220,765
	Monitor	Port Vila	Samsung R350	Computer World		
Friday, 19 November 2021	Chair	Port Vila	plastic chairs X5 (8,500)	Au Bon Marche	140-019819	98,100
	Table	Port Vila	plastic table X7 (40,600)			
	Tent	Port Vila	3m X 3m 9800			
	Tent	Port Vila	X4 (39200) 4m X 4m			
Wednesday, 24 November 2021	PC	Port Vila	HP 400 G7 - Judge Edwin	Computer World	140-19849	217,985
	Monitor	Port Vila	Samsung R350			
Wednesday, 24 November 2021	Printer	Port Vila	HP Laserjet Pro MFP M130	Computer World	140-019850	28,379
Tuesday, 30 November 2021	Yealink Voip phone	Port Vila	voip phone	Computer World	140-019878	11,996
					TOTAL (VT)	1,620,280

About the Courts

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. 2021 was a challenging year for the Court of Appeal due to COVID – 19 pandemic restrictions preventing overseas judges from coming to the country to sit in COA sitting physically. However the restrictions encourage the use of remote connection of judges virtually and that works successfully for the sittings COA sittings in February, May, July and November session.

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. Overseas judges who composed Court of Appeal of Vanuatu in 2021 included:

- Justice Ronald Young – Retired Justice of the New Zealand High Court
- Justice John William Hansen – Retired of the New Zealand High Court
- Justice Raynor Asher – Retired Judge of the Court of Appeal of New Zealand
- Justice John Von Doussa – Retired Justice of the Federal Court of Australia
- John Mansfield – Justice of the Federal Court of Australia
- Justice Richard Conway White – Retired Judge of Supreme Court of New South Wales

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.

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. Currently there are 10 Magistrates appointed across Vanuatu.

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, the court has jurisdiction to hear charges which their penalties does not exceed VT 24, 000 as fine and not exceeding 6months of imprisonment.

In civil claims, the court hear cases in which the defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries with claims not exceeding VT 50,000; claims in contracts or tort where the amount claimed or the subject does not exceed 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 140 active 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 registrars to receive applications on review decisions of customary land ownership from the village level.

Court results (Court workload)

Court of Appeal

CoA workload is consistent over the last 3 years, similarly, finalized cases is consistent over the last 3 years. Of note is the decreasing % of 1st instance matters finalized that are appealed, now running approximately 9% of first instance matters finalized.



Figure 2: Court of Appeal – trend of filed and finalised cases – 2013 to 2021

In Criminal Appeal matters, 24% were allowed and 41% dismissed – remaining discontinued (withdrawn). In Civil Appeal matters, 30% were allowed and 41% dismissed – remaining discontinued (withdrawn).

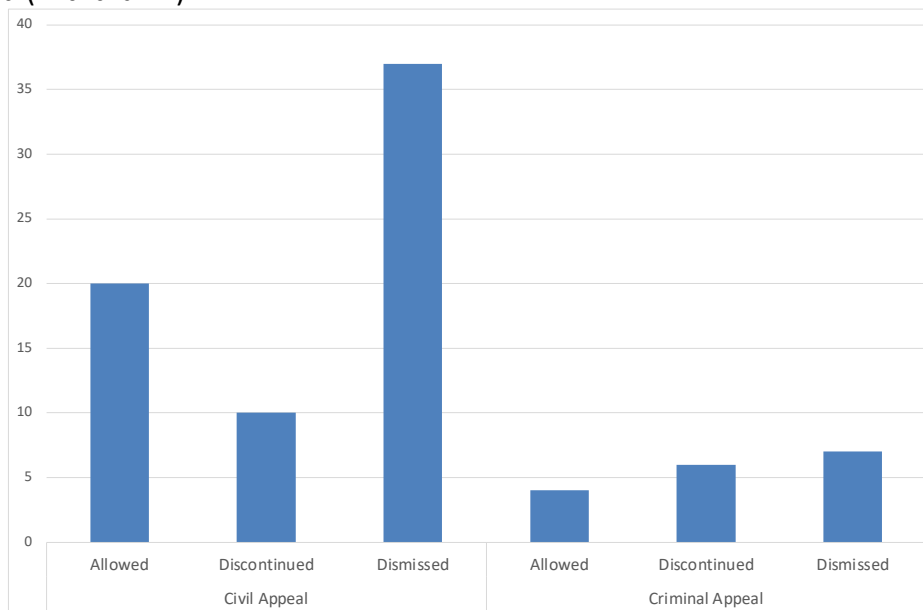


Figure 3: Court of Appeal final outcomes

Supreme Court

Cases being filed in 2021 again over 800 cases which is a very workload. Clearance rate again exceeded 100% at 106% - a strong year.

The overall average for the last 9 years is 102% - achieving the international target, resulting in a significant decrease in # of pending cases.

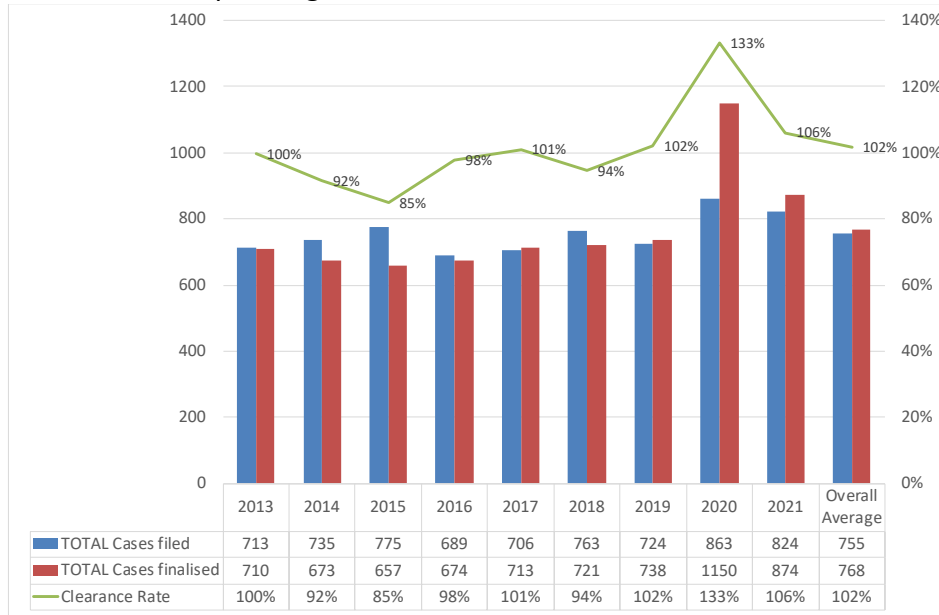


Figure 4: Supreme Court – trend of filed and finalised cases – 2013 to 2021

Criminal cases being filed by the OPP #'s are the same for 2021 compared to 2020 but the clearance rate for the year has increased by 16% from 2020 to now 104%, above the target of 100%. The overall average for the last 9 years is 100% - tracking well.



Figure 5: Trend of Supreme Court criminal workload

Civil cases being filed in 2020 to 312 in 2021, and Clearance Rate still exceeded 100% at 110% in 2021. The overall average for the last 9 years is 108% - pending has reduced.

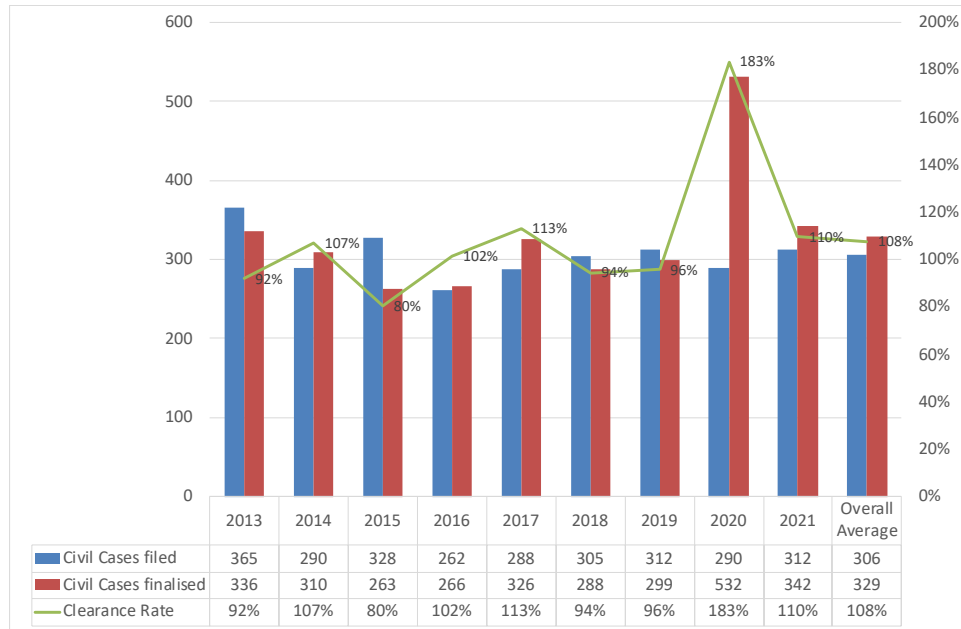


Figure 6: Trend of Supreme Court civil workload

Civil and criminal workload accounts for approximately 2/3rds of the Supreme Court filings.

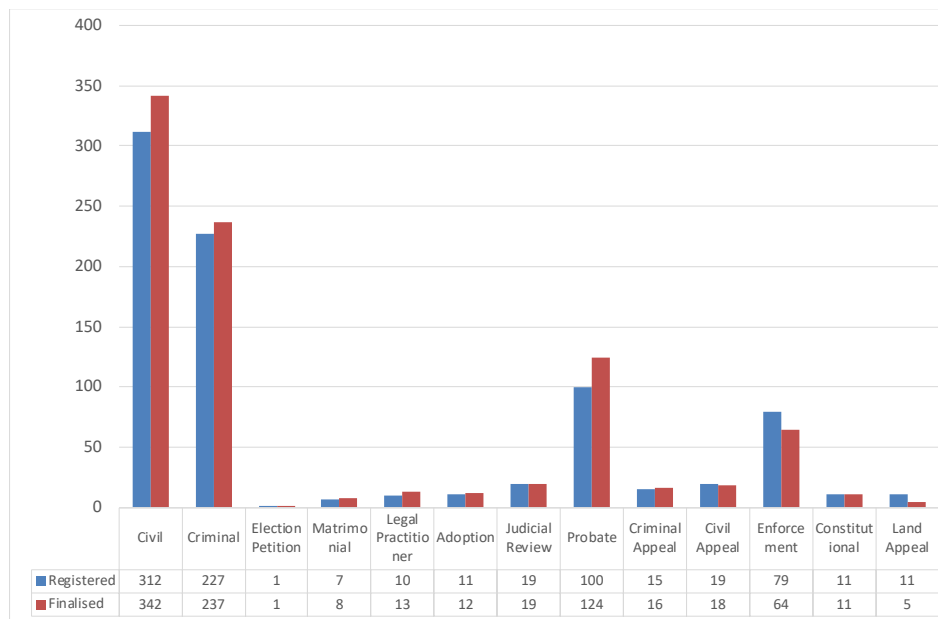


Figure 7: Supreme Court case workload

Pending by Case type clearly shows the significant % that Civil cases make-up the largest % of the Supreme Court workload. The Enforcement pending #'s had grown and should be investigated.

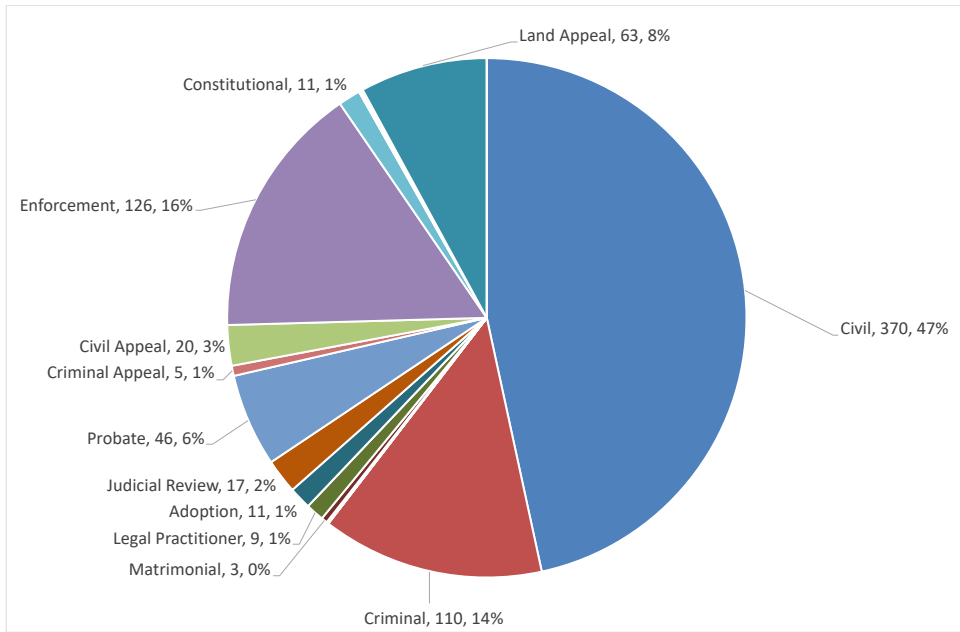


Figure 8: Supreme Court Pending by case type

Magistrate Court

Cases filed were significantly up in 2021 – higher than ever seen since 2013 and disposals were up by 5% in 2021 and just now enough to see Clearance Rate exceed 100%.

The overall average for the last 9 years is 100% - a solid long term position.

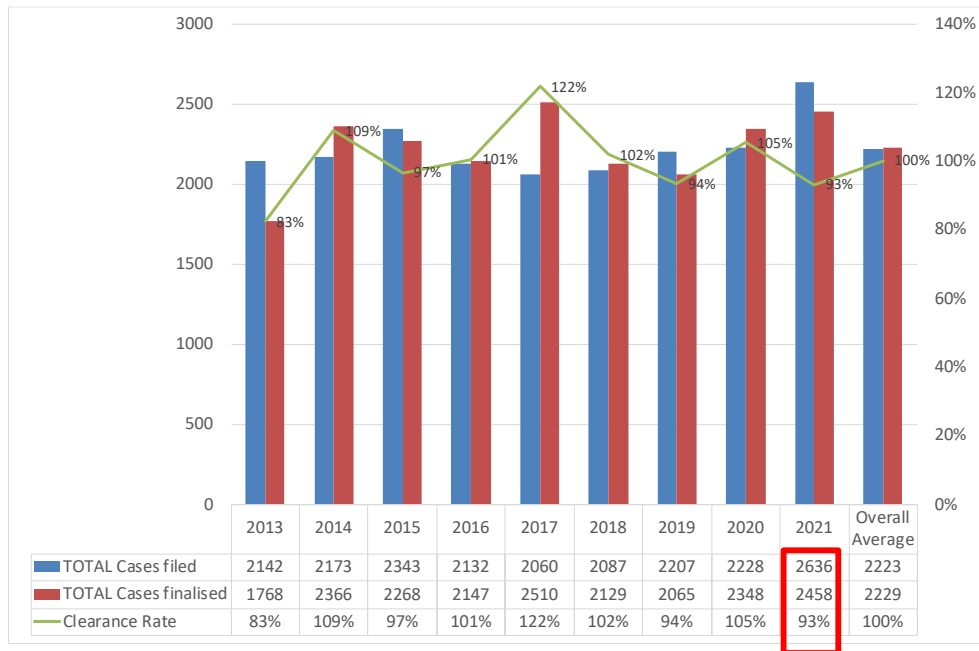


Figure 9: Magistrate Court – trend of filed and finalised cases – 2013 to 2021

Violence (protection orders) and Criminal cases continue to be the biggest case filing types in the Magistrate court.

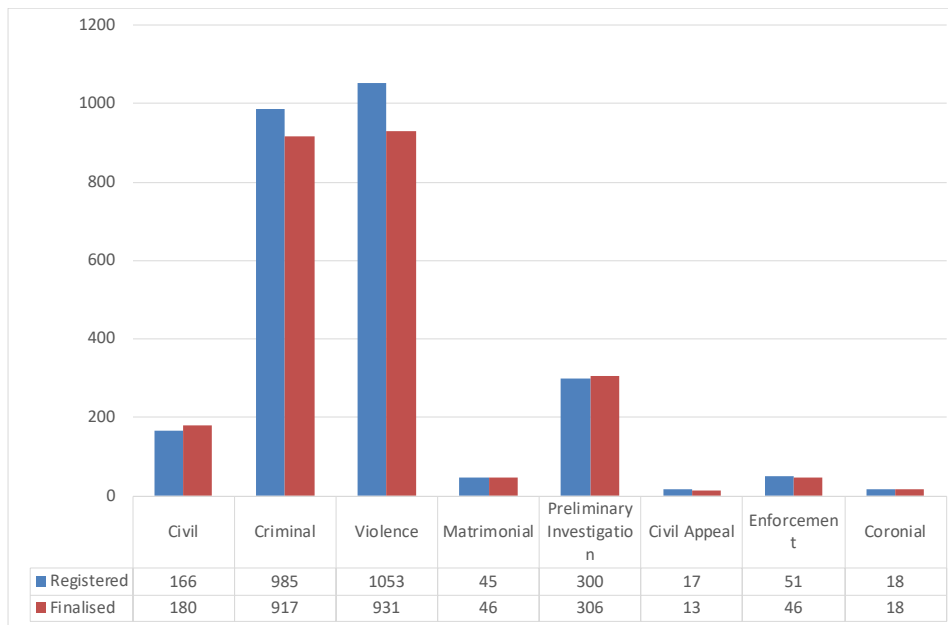


Figure 10: Magistrate Court case workload

Criminal cases make up the largest component of Magistrate court Pending workload. Violence (Domestic protection orders) have grown due to the clearance rate of 88% but PDR remains low at 0.2.

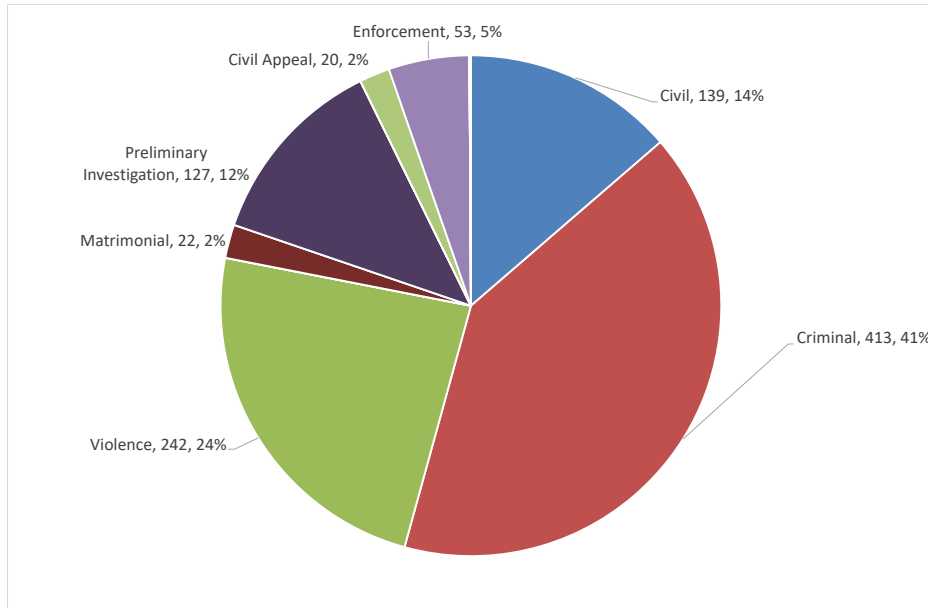


Figure 11: Magistrate Court Pending by case type

Island court

Cases filed has increased by over 40% in 2021, and disposals were also up from previous years. Clearance rate at 107% highest it's ever been, a positive improvement, showing signs of confidence to the role and service of the Island courts to the communities.



Figure 12: Island Court – trend of filed and finalised cases – 2013 to 2021

Maintenance matters is by far the biggest caseload in the Island courts.

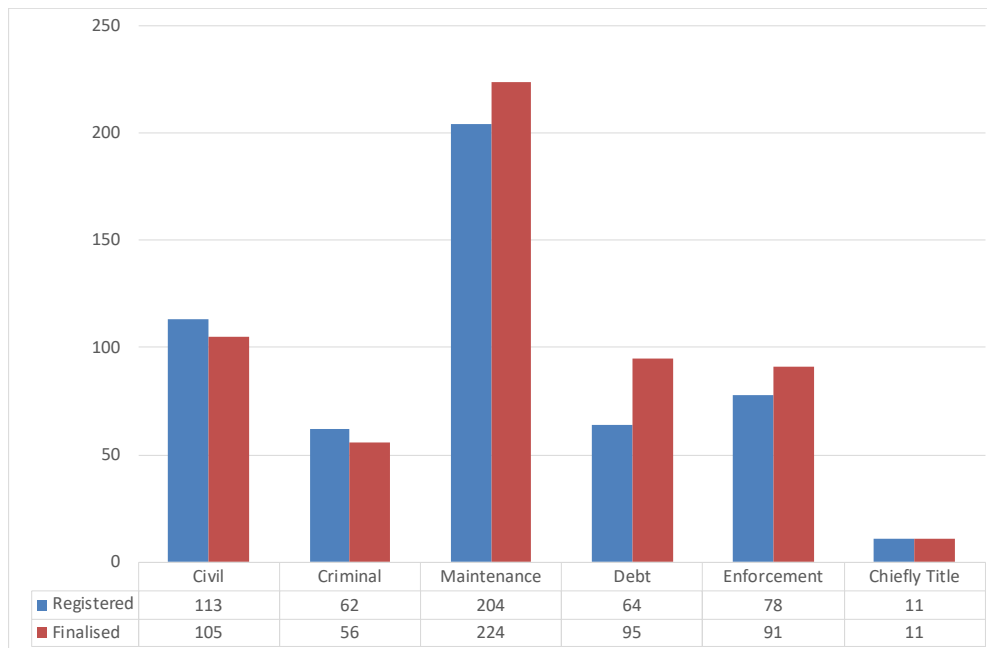


Figure 13: Island Court case workload

The overall # of pending cases in the Island Courts are evenly spread across the major case types of the Courts. For the 70 customary Land cases – 50 cases are Application for Review and 20 cases for Customary Land Dispute.

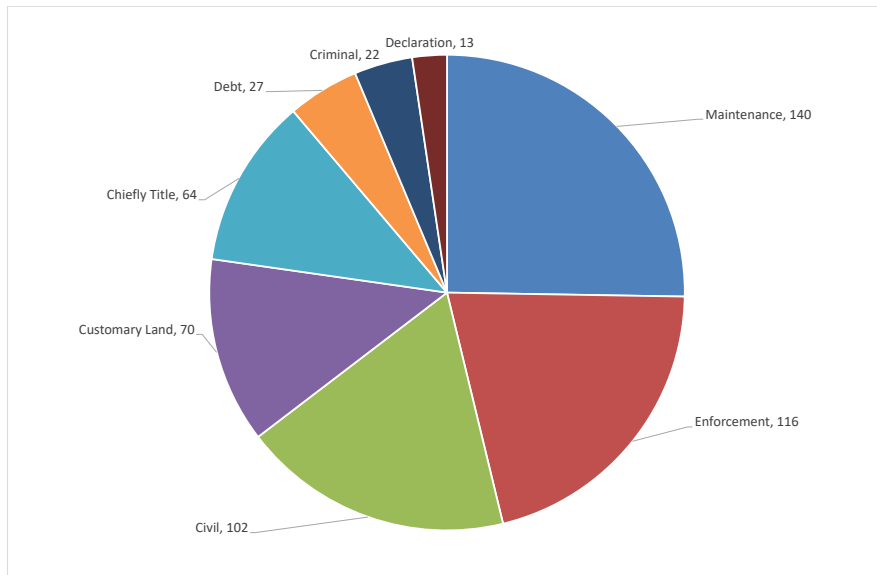


Figure 14: Island Court Pending by case type

Clearance rate

Clearance Rate just over 100% for all courts except for Magistrate Court at 93.2%. Magistrate Court registering the highest # of cases since 2013, just fell short to closing cases. Both the Supreme and Magistrates Court have been able to achieve an average Clearance Rate of over 100% over the last 9 years. If less than 100% - a court’s pending workload naturally increases.

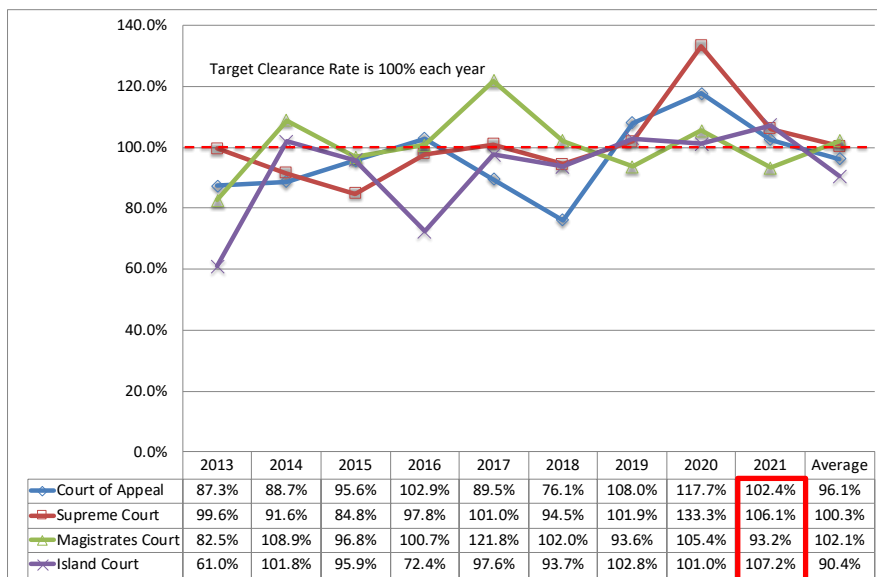


Figure 15: Clearance Rate for all courts

Productivity

Despite restrictions imposed by COVID-19 on work of Judges and Magistrates and other factors including case complexity, case mix and attendance rates, tracking this Indicator is vital. The productivity of both the Judges and Magistrates is still strong.

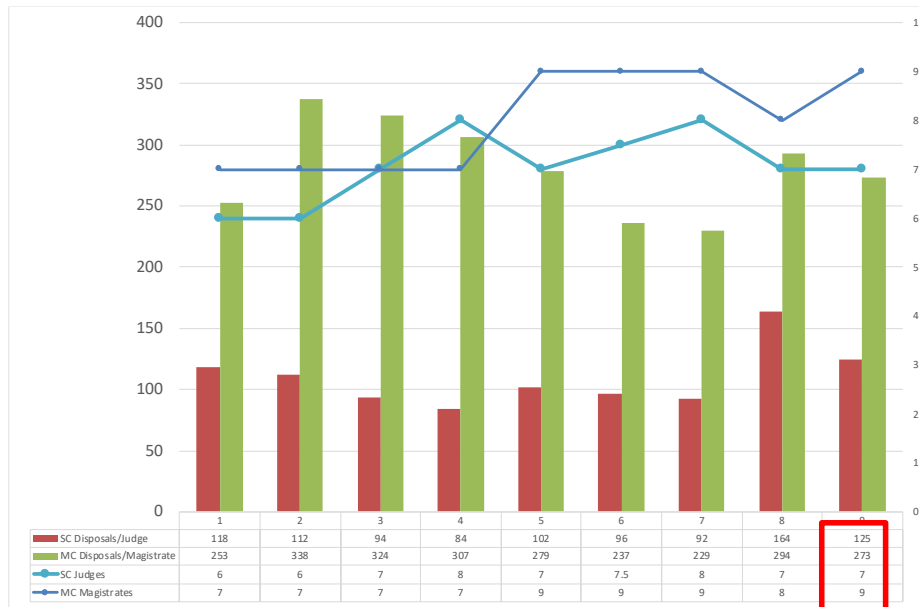


Figure 16: Productivity of Supreme Court and Magistrate Court per judicial officer

Timeliness

Civil cases in the four Courts have decreased in 2021 compared to 2020, with Supreme Court matters take on average less than 2 years to dispose.

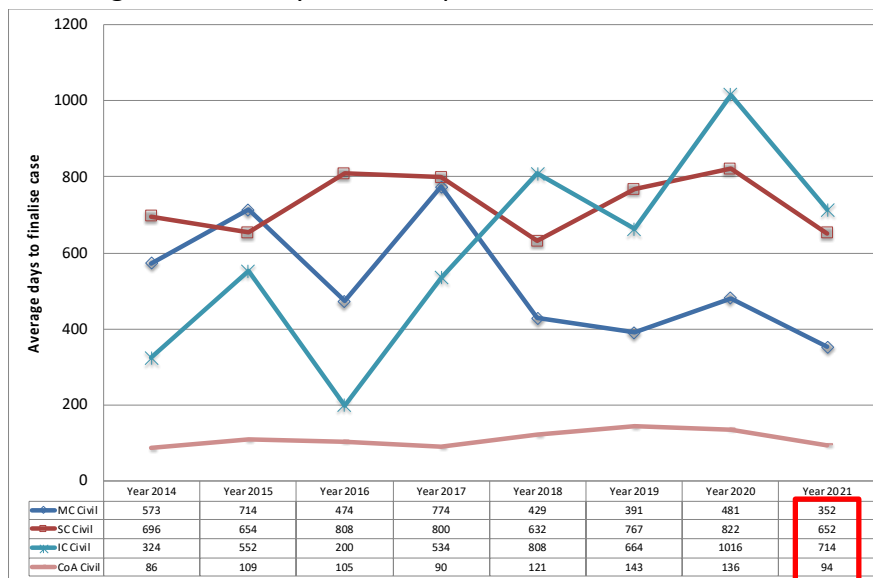


Figure 17: Disposal by days in all Courts for Civil

Criminal cases average days to finalize cases have decreased in 2021 compared to 2020 – a very strong performance for all courts.

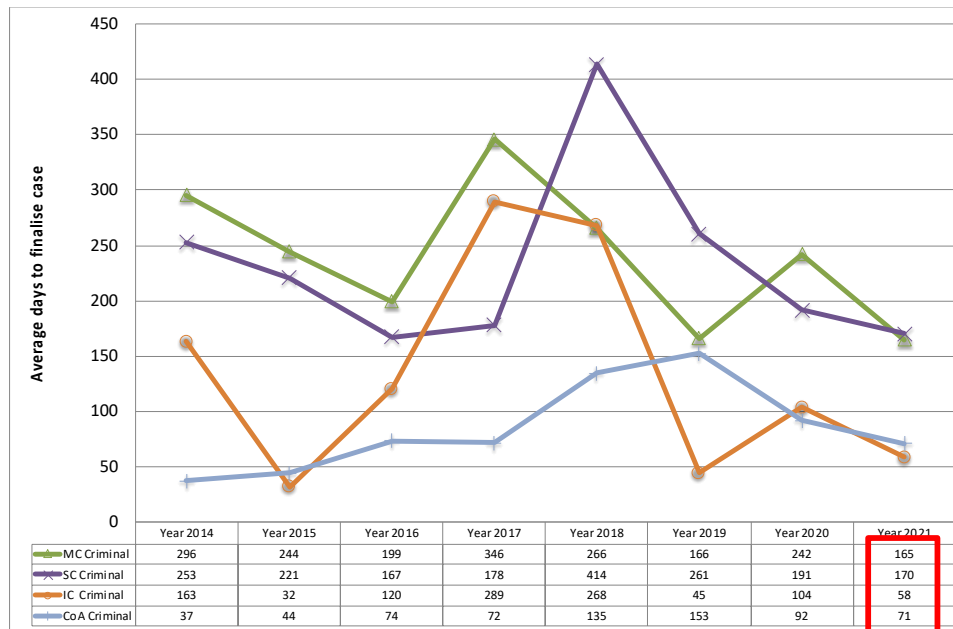


Figure 18: Disposal by days in all courts for criminal

Commentaries

Supreme Court

- SC filings again were over 800 for the 2nd year in a row – with 824 cases filed
- SC disposals while not at 2020 levels were the 2nd highest on record since 2013 at 874
- Clearance rate again was greater than 100% - at 106%, an excellent result
- Pending continues to drop and is now under 800 at 794, the lowest since 2013
- Pending Disposal Ratio (PDR) is 0.9 – which is the target for any Supreme Court
- There are still approximately 35% of cases older than 2019 that should be assessed
- Timeliness for completing Criminal cases continues to decrease – now at 170 days versus 191 last year due to effectiveness in managing and completing of criminal cases – and Civil cases also reduced from 822 days to 652 days – a great result
- Judicial output (productivity) – as calculated by disposals/ full time judicial officer – remains a very productive 125 cases per year per judge
- Attendance rates (which impact and cost to the community) are being monitored carefully, and no increases were seen in 2021 in the major case types

Magistrate Court

- MC filings increased significantly from 2228 cases to 2636 – an increase of 18%
- MC disposals has increased from 2348 to 2458 cases, an increase of 5% - a positive increase
- Clearance rate was under 100% due to the sharp increase of filings - at 93%

- Pending increased as a result by just under 150 cases to 1017
- PDR remains steady at 0.4 – a very good position
- There are still approximately 18% of cases older than 2 years that should be assessed
- Timeliness for completing Criminal cases – reduced 242 days to 165 days – great result considering the increased workload
- Judicial output has remained high at 273 cases per Magistrate per year – solid year

Island Court

- IC filings continue to increase and at 553 cases filed, this is the highest since 2016
- IC disposals continue to increase from 386 cases to 593, a great increase of over 50% on 2020
- Clearance rate was over 100% - at 107% - the last 3 years all in excess of the 100% target
- Pending continues to decrease from 614 to 554 cases – a decrease of 10%
- PDR has decreased accordingly and is now at 0.9 (1.7 in 2020) a great improvement but not yet the ideal position – which is less than 0.5
- There are now approximately 42% of cases older than 2 years that should be assessed, but this % is reducing
- The positive changes experienced in the Island Courts reflects the island court gradually reviving back the confidence and trust that the community at large has had in the island courts.

Cook Island 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.

Clearance rate

- Court of Appeal, the clearance rate is 102.4%
- Supreme Court clearance is 106.1%
- Magistrates Court clearance rate is 93.2%
- Island Courts rate is 107.2%

Average duration

Average duration of cases from filing to finalization

Court of Appeal

- Civil Appeal Cases – 94 days
- Criminal Appeal Cases – 71 days

Supreme Court

- Civil Cases – 575 days
- Criminal Cases – 170 days

Magistrates Court

- Civil Cases – 352 days
- Criminal Cases – 165 days

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. 874 cases were finalized by the Supreme Court in 2021, and 82 cases were appealed to the Court of Appeal. This represents 9.4% of all cases finalized in the Supreme Court that were appealed.

Overtake rate on appeal is 45 %

Fee waiver

Percentage of cases that are granted fee waiver

None

Cases disposed on circuit

Percentage of cases disposed through a court circuit

Supreme Court – 10 %

Magistrate Court – 8 %

Complaints

The percentage of complaints received concerning a Judicial Officer
1%.

The percentage of complaints received concerning a court staff member
Approximately 2 %.

Judicial resources

The average number of cases per judicial officer in the Supreme Court is 125 cases per year per judge and in the Magistrates Court is 273 cases per Magistrate per year.

Staff resource

The average number of cases per member of the Supreme Court staff (secretaries) is 148 and for Magistrate Court staff is 200.

Court services

The Court produces an Annual Report each year, except 2015. And published on www.paclii.org and in the Court website; www.courts.gov.vu

Average age of pending case load

- Court of Appeal – 97 days
- Supreme Court – 422 days
- Magistrate Court – 749 days
- Island Court – 177 days

Juvenile/Children cases

3 cases

Violence cases

Violence against women/Children

1053 cases were registered in the Magistrate Court in 2021 which represent a total of 40 % of the total workload in 2021.

Complaints received by Law Counsel Disciplinary Board

A total of 25 Complaints submitted and all dealt with by the Disciplinary Committee. Seen 28% of these complaints were against one legal practitioner.

Offences ranging from, misuse of trust money, unethical and unprofessional behaviors, Practitioners acting as enforcement officers, Demand of upfront huge amount for legal fees without doing any work and use of contemptible language against Supreme court Judge.

The decisions range from imposing fines, suspension, and struck off license for Legal Practitioner.

Criminal outcomes

In the Supreme Court, over 90% of cases filed received an order as outcome - # being withdrawn and dismissed continues to reduce.

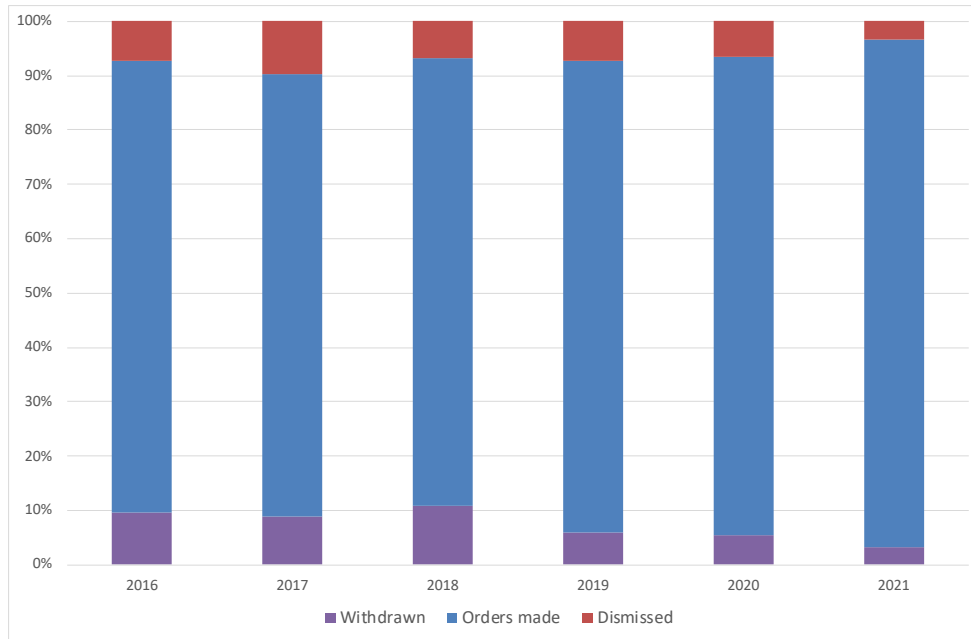


Figure 19: Criminal Outcomes brought before the Supreme Court

In Magistrate PI matters, approximately 5% dismissed and 18% withdrawn, and the remaining 77% committed. The number of Withdrawn continue to drop.

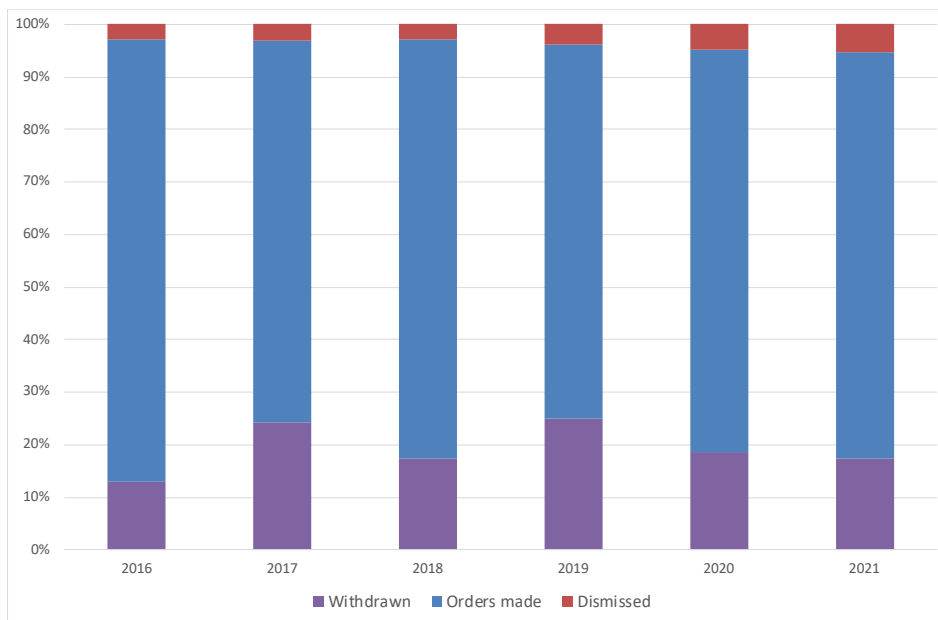


Figure 20: PI case Outcomes before the Magistrate Court

In the Magistrate Court criminal matters approximately 28% cases are withdrawn while approximately 5% dismissed (a good reduction).

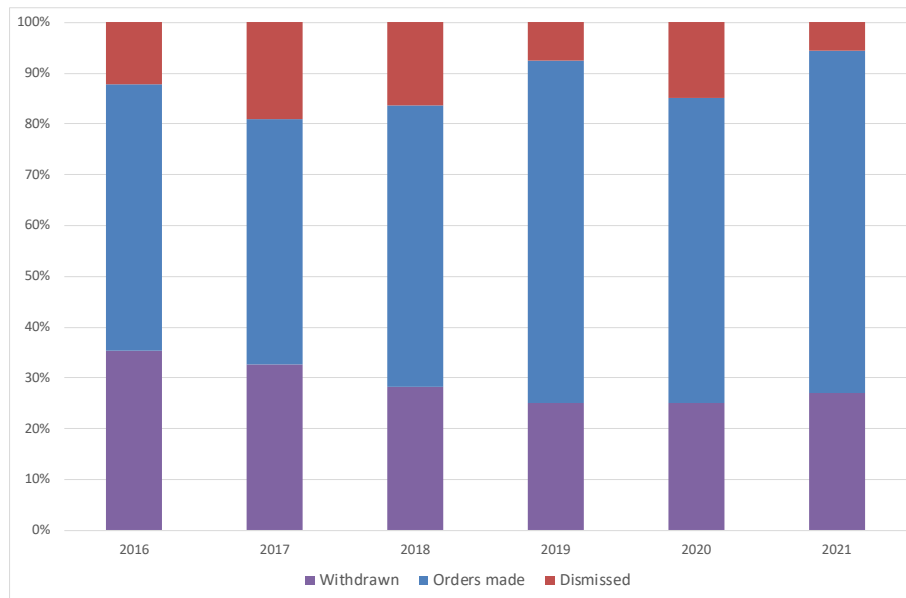


Figure 21: Outcomes brought before the Magistrate Court

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 2021.

Challenges

1. 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.
2. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters.
3. Warrant issued by the Supreme Court and Magistrate Court for defendants in criminal cases were never executed due to inability of budget or resources by the Vanuatu Police. Some of these pending warrants were over 10 years old.

Human resources

The workforce, recruitment, Welfares of all Court personnel and Judicial officers for the last 12 months period the 01st January 2021 -31st December 2021.

1. Current Human Resources

Designation	FTE	Contract	Vacant
Judges	6	3	1
Master & Deputy Master	2		
Magistrates	10		
Judicial Support & Administration.	46	1	1
Enforcement	4	-	1

(NB: FTE - Full Time Employee)

2. Recruitment

There are seven new recruitments in 2021.

1. Accountant
2. Court Orderly
3. Island Court Clerk – Pentecost
4. Secretary Magistrate Court – Port Vila
5. Secretary – Masters Office
6. Finance Officer
7. Magistrate

The Magistrate & Accountant have received permanent appointment. The other 5 Positions Probation will be due on the month of January, February & July 2022.

3. Redundancy/ Separation

Table below shows one officer retired and one terminated by JSC - total of two staffs.

Retirement Age	Retire on Medical Grounds	Resignation	Termination
1	0	0	1

4. Leaves Records

A) Outstanding Leaves Update by Judiciary

- Below is a summary of leave records for Judiciary staffs as of 31/12/2021. With the results below has shown improvements in leave management compared to 2020 records.
- One of the approaches to Manage leave in year 2021 was for the Judiciary to pay 200 days leave for LONG SERVICE STAFFS on December 2021. This specific grouping of 9 staffs has leave balance of between 100 – 800 days. Judiciary will continue to encourage staffs to take annual leave where possible and find avenues where leave balances can be paid off so that in the next 2-3 years we would like to see leave balances at a manageable status by the institution.

#	Position	Employee ID	Employee Name	Employment Date	Annual Salary	Leave Bal
1	Asset Officer	1101868	Alick Willie Marango	4/06/2020	1,058,000	69
2	Cleaner	1065953	Monique Boe	2/10/2017	625,100	28
3	Cleaner	1076314	Narita Meltecoin	21/10/2019	1,001,300	4.25
4	Finance Officer	1080937	Iona Mathias	22/05/2014	1,001,300	101.75
5	Training & Development Coordinator	741843	Wendy Raptigh	11/04/2016	3,135,600	64.5
6	Receptionist	743690	Gloria Kalotiti	9/01/2012	1,029,600	26.75
7	Human Resource officer	1064487	Alice Smith Hinge	27/04/2020	2,042,700	0
8	Driver	1030961	Jimmy Wovan	24/09/2012	1,058,000	102.75
9	Driver	425777	Jean Noel Kutty	20/11/2006	1,094,600	11
10	Accountant	1066364	Kathrine Abel Joseph	23/02/2009	3,272,000	84
11	Library Officer	741413	Pauline Kalo	20/11/2006	2,106,500	52.25
12	Chief Registrar	706028	Joel Shemi	3/05/1999	4,206,700	355.5
13	Administration Support – Contract.	1113837	Christopher Spooner	22/09/2020	625,100	24.25
14	Filing Clerk	1072282	Rodrick Mathias	18/01/2021	1,029,000	5.75
15	Island Court Clerk	1072647	Alida Tchivi	12/08/2013	1,345,000	48.5
16	Island Court Clerk	1084169	Anthony Lessy	2/05/2013	1,345,000	130.25
17	Island Court Clerk	1069727	Patrick George	2/10/2006	1,345,000	30.5
18	Island Court Clerk	1079026	Nailyn Abel	14/05/2015	1,345,000	18.25
19	Island Court Clerk	1074771	Enuma Basil	3/03/2010	1,345,000	26.75

#	Position	Employee ID	Employee Name	Employment Date	Annual Salary	Leave Bal
20	Island Court Clerk	1083480	Joel Jacob	30/04/2012	1,345,000	58
21	Secretary	1069788	Christina Shedrach	2/09/2010	1,058,000	86.25
22	Island Court Clerk	1063923	Collyne Tete	3/03/2010		55.75
23	Island Court Clerk	149054	Blandine Tepi	2/01/1985	1,345,000	791
24	Island Court Clerk	1077952	Dimas Aru	9/03/2010	1,345,000	147.75
25	Island Court Clerk	1110361	Domey Timothy	12/07/2021	1,345,000	8.75
26	Island Court Senior Administrator	1078396	Robson Lapsai	10/05/2010	1,974,600	46.25
27	Acting Chief Magistrate	231373	Anna Laloyer	1/04/1999	4,206,700	92
28	Senior Magistrate	505404	Beverly Kanas Joshua	14/08/2013	3,408,300	39.25
29	Senior Magistrate	428342	Hannaline Nalau Ilo	5/02/1991	3,408,300	372.5
30	Senior Magistrate	636209	Peter Moses	26/01/2011	3,408,300	27.25
31	Magistrate	1076127	Florence Sam	6/06/2014	3,029,600	30.75
32	Magistrate	1076457	Jessica Palo	7/11/2016	3,029,600	44.75
33	Magistrate	1085051	Nimbwen Kibeon Harrison	6/06/2014	3,029,600	9.5
34	Magistrate	1088705	Trevor Naieu	6/06/2014	3,029,600	0
35	Magistrate	1070329	Setariki Waiqanitoka	15/07/2019	3,029,600	14.75
36	Magistrate	1076938	Philip Toa Liu	2/10/2021	3,029,600	4.25
37	Chief Justice	430397	Vincent Lunabek	1/06/1996	10,459,000	542.5
38	Judge	328849	Dudley Aru	31/05/2011	8,009,600	411
39	Judge	9999978	Gus Andree Wiltens	26/03/2018	8,009,600	108
40	Judge	194654	Viran Molisa Trief	15/07/2019	8,009,600	18.75
41	Judge	153601	Oliver A Saksak	6/05/1997	8,009,600	514
42	Judge	292425	Edwin Goldsbrough	20/11/2021	8,009,600	3.5
43	Master	9999989	Cybelle Cenac Dantes	1/10/2015	5,989,600	177.5
44	Deputy Master	1077584	Aurelie Tamseul	11/01/2018	3,408,300	15
45	Secretary	1066466	Celina Pakoa	16/02/2015	1,001,300	15.5
46	Court Orderly	1074213	Trevor Yosef	6/04/2021	1,001,300	0
47	Sheriff	430710	Metoloa Silou Poilapa	3/06/2019	1,915,000	36
48	Deputy Sheriff	1065228	Morrison Selwyn	25/05/2015	1,345,000	90

#	Position	Employee ID	Employee Name	Employment Date	Annual Salary	Leave Bal
49	Secretary	1064655	Annalyn Webak	2/08/2021	1,001,300	8.75
50	Secretary	1100800	Joseph Teguebu	9/04/2018	1,001,300	0
51	Secretary	1082268	Shalika Marcel	8/09/2014	1,386,800	50.25
52	Secretary	1078057	Vanessa Donald	2/02/2013	1,029,600	33.5
53	Secretary	806927	Evelyne Kaltapau	25/04/2005	1,243,400	180
54	Secretary	7827755	Naomi Hinge	19/02/2007	1,243,400	20.5
55	Secretary	1080937	Anita Vinabit	3/11/1999	1,434,600	-28
56	Secretary	1075034	Ethel Sablan	1/02/1996	1,195,500	53.75
57	Secretary	442848	Cynthia Thomas	1/02/1996	1,345,000	88
58	Secretary	552810	Evelyne Sawia	1/02/1996	1,614,000	78
59	Assistant Registrar	1065584	Aurelie Litoung	19/03/2014	1,001,300	30
60	Assistant Registrar	1063080	Rachel Jeffery	2/01/2021	1,195,500	18.25
61	Secretary	1085134	Sidonie Lunabek	5/06/2017	1,001,300	11.5
62	Secretary	553776	Gloria Bob	4/09/2014	1,001,300	78.25
63	Secretary	10700115	Rodrice Mulonturala	7/12/2006	1,291,200	8.5
64	Secretary	639393	Veronique Teitoka	16/04/1998	1,386,800	39.5
65	Assistant Registrar	726596	Florina Toran	25/04/2005	1,434,600	27
66	Secretary	1083514	Florina Epraim	30/04/2012	1,001,300	65.5
67	Secretary	1065690	Anne Marie Molrava	12/07/2021	1,001,300	8.75
68	Secretary	1088944	Lolin Rihu	27/09/2021	1,029.600	5.25

B. Override of accurate leave records

- Approval of Judiciary Staff Annual Leave Over-ride was approved by Finance Director on the month of September 2021.
- Implementation of Over-ride in the HRMIS system was implemented by FMIS team on October 2021 or Pay Period 2123. Only 90% of the over-ride was done, for FTE who have worked over 20 years still needs to be up-dated in the system (10 staffs only). Follow-up will continue this quarter to ensure the over-ride is implemented for this specific grouping.

5. Staff welfare

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

6. Office Hours

Most staff attend work by 7.30am to 8am; Each Courts has a time record sheet in place. HRO provides an up-date report each month to the Chief Registrar on the status of staff timing. Reminders to staff regarding timing are provided to staffs where necessary so that Official hours of work are respected by staffs.

Day-off is granted to staffs for work done on weekends or Public Holiday or when they travel during weekends for work purposes. Day-off's are tracked and Managed by HRO.

7. Discipline

In the year 2021, there was one staff that was terminated by the Judicial Service Commission, the process started through the disciplinary board for allegations made against him for criminal records. After the disciplinary board decision, as per the discipline process, the decision is put before JSC and the final outcome was the termination of the staff.

One other staff was suspended by the Court Administration on allegation of misappropriation of court surety/ bond. The matter went before the disciplinary board and as per process, went before JSC and the staff was terminated.

8. Record Keeping

Court staff and judicial officers each have their own personnel file in both SOFT & HARD COPY of which the HRO have access to this files and manages this files.

Expansion of Service to Outer Islands

The insufficiency of the annual budget leads to minimum level of operations in rural centres while the two main towns 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 across Vanuatu.

Interaction with other agencies

1. 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.
2. 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.
3. 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.

4. The Vanuatu Police Force has been a major partner in the execution of court warrants around the country.
5. 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.
6. The Pacific Legal Information Institute [PacLII] who is accommodated by the University of the South Pacific Emalus campus in Port Vila, has been a strong partner in assisting the Supreme Court and the Court of Appeal judgments to be published online in a timely manner.

International interactions

1. Vanuatu benefited hugely 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 revitalized under the name *Pacific Judicial Strengthening Initiative* [PJSI]. Ten different activities on capacity building for court staff and judicial officers were successfully accomplished under this fund in 2021.
2. Vanuatu like other Asia and Pacific countries, participates in the Chief Justices of Asia and the Pacific Conferences, serving as a member in the *Law Association for Asia and the Pacific* (LAWASIA). Unfortunately, due to the global outbreak of COVID-19 and the consequential restrictions regarding large scale events and international travel, the 2021 conference to take place in Hong Kong was canceled.
3. Commonwealth – Vanuatu like all other Pacific courts is a member to the '*Commonwealth Judges & Magistrates Association*'. Despite COVID-19, Vanuatu maintains strong ties through membership fees, thus benefits from Rule of Law Webinars and other Commonwealth Statements and judicial journal updates, all online.
4. Vanuatu benefits in 2021 from daily updates from *The National Judicial College*, Reno, Nevada, US; on available online seminars and online courses. The judicial officers listened and view some of these online free seminars.
5. Vanuatu also has strong ties with the *Papua New Guinea Centre of Judicial Excellence* (PngCJE) and benefits from quarterly Newsletter and PngCJE Updates this year.
6. JPPF – Vanuatu has also benefited from the *Judicial Pacific Participation Fund*, a NZ Aid that financially support the participation of judicial officers to judicial professional and educational development. This year, unfortunately due to COVID-19, no judicial officers attended to overseas professional development, however fortunately the Fund has post-COVID-19 plans for 2022 and Vanuatu would surely benefit.

The Budget execution and management

During the financial year, Judiciary has managed its budget expenses to a standard which has expand and enabled its services to the archipelago especially the outer islands that need to access the services of Justice, despite the operation budget of the judiciary did not reflect the reality of all activities covered in the annual calendar of events, the judicial officer entitlements, the day to day running of all courts registries around the country and bills.

Table showing approved annual budget for Judiciary 2021 Financial year.

Year	Payroll Budget	Operations budget	Annual Budget
2021	214,595,960	99,006,048	313,602,008

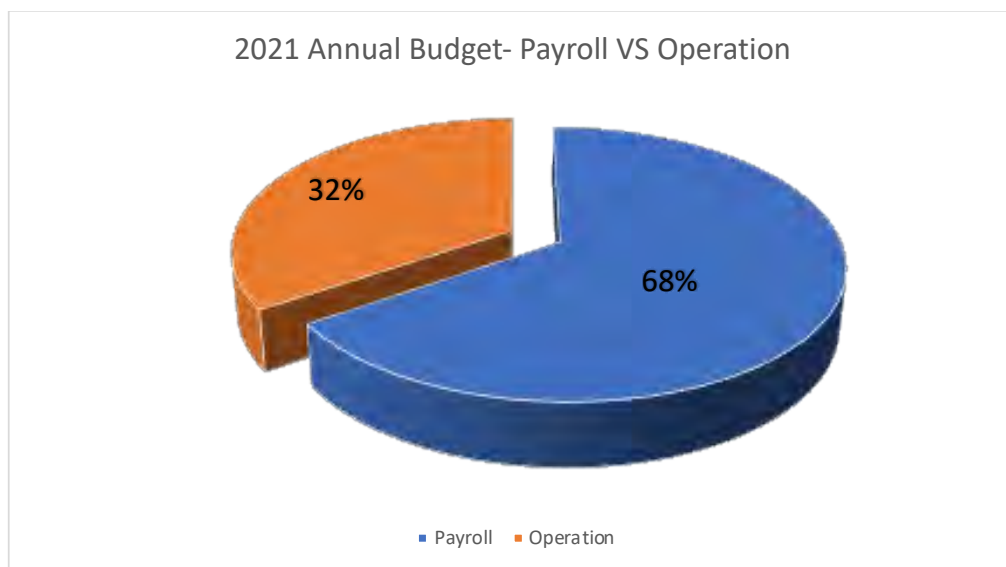


Figure 22: Payroll compared to the operation budget

1. Statement of Appropriation

The Judiciary annual budget approved ceiling by Parliament for 2021 was a total of VT 313,602,008. The administration also apply for NPP to assists with its priority activities. The total approved NPP is VT5, 669,331 being for interpretation service cost in court and recruitment of an IT officer. None of the two NPP was approved so Judiciary function throughout 2021 financial year with the total budget of VT 313,602,008.

2. Payroll situation

Account	Description	Actual Expenses	Total	Budget	Under/(Over)
	Personnel Expenses				
8AAA	Acting Allowances	992,737	992,737	-	(992,737)
8AAB	Responsibility Allowance	1,623,156	1,623,156	900,000	(723,156)
8AAF	Family Allowance	1,845,047	1,845,047	2,208,000	362,953
8AAG	Gratuities Allowances	8,059,087	8,059,087	10,751,032	2,691,945
8AAH	Housing Allowances	19,564,017	19,564,017	20,880,000	1,315,983
8AAO	Other Allowances	30,000	30,000	-	(30,000)
8AAP	Home Island Passage Allowances	554,769	554,769	530,000	(24,769)
8ASP	Provident Fund	7,151,328	7,151,328	7,016,728	(134,600)
8AWC	Contract Wages	1,669,633	1,669,633	-	(1,669,633)
8AWL	Leave expense	22,865,339	22,865,339	-	(22,865,339)
8AWP	Permanent Wages	151,258,285	151,258,285	172,310,200	21,051,915
	Personnel Expenses	215,613,398	215,613,398	214,595,960	-1,017,438

The budget allocated for payroll total of VT214, 595,960. The Payroll expenses above shows that payroll over expend with VT -1,017,438.

Below are reasons which contribute to the over expend of payroll budget:

- JSC increase the Human Resource Officer's salary scale out from GS6.3 to GS7.5 for the purpose to keep her since she has another institution offering her a good package .The difference of VT744,500 have not been budgeted for and this contributes to the over expend in the payroll budget.
- Students Labour contacting a court survey for two weeks was not budgeted also for the activity.
- Lakatoro Magistrate Court secretary retired but was kept in contract to train the newly recruited secretary. The same applied to the filing clerk officer which have retired but have to kept back to pass on the knowledge to the new filing clerk. These also contribute to over spend of payroll budget.

The following account shows some important variations.

- Acting Allowance- the Acting allowance not always includes in the budget for the reason that there is no idea of who will be resigning or on leave that will allow an officer to act on his or her position. Budget expend on this account when the need arises. In 2021, Anna Laloyer receives acting allowance for acting chief magistrate.
- Contract Wages- There are court officers whom are placed under contract after retired specifically to pass on the knowledge to the officers recruited to replaced them. The institution did not budget for contract officers which shows that contract wages account was over spent.
- Leave Expenses- There was not funds budgeted under Leave account. The intuitions pay out outstanding leaves for retired staffs, a terminated staff by JSC and also payout of 100-200 days leave for 10 long serving staff of Judiciary working for more than 20 years as approach to manage accumulated leaves subject to availability of funds.

3. Operation situation

Account	Description	Actual	Total	Budget	Under(Over)
8CAB	Subsistence Allowances	3,718,080	3,718,080	6,480,000	2,761,920
8CAF	Food Allowance	18,000	18,000	-	(18,000)
8CAS	Sitting Allowances	27,350,162	27,350,162	25,193,000	(2,157,162)
8CBI	International Accommodation	-	-	810,000	810,000
8CBL	Local Accommodation	2,281,778	2,281,778	4,899,184	2,617,406
8CEM	Software Maintenance Fees	2,683,701	2,683,701	800,000	(1,883,701)
8CET	Other Fees	1,681,774	1,681,774	2,691,675	1,009,901
8CFV	Vehicles Fuel	1,827,777	1,827,777	2,207,959	380,182
8CGM	Mail Carriage Freight	-	-	35,000	35,000
8CGO	Other Charges-Freight	7,370	7,370	-	(7,370)
8CGR	Transport - Freight	773,473	773,473	413,000	(360,473)
8CGS	Storage - Freight	295,959	295,959	0	(295,959)
8CHL	Local Medical Treatment	21,048	21,048	32,250	11,202
8CIE	Equipment Hire	713,476	713,476	45,000	(668,476)
8CIF	Facilities Hire	261,650	261,650	410,080	148,430
8CIV	Vehicles Hire	-	-	446,736	446,736
8CJO	Office Cleaning	755,352	755,352	760,048	4,696
8CKD	Advertising - Communications	277,269	277,269	30,000	(247,269)
8CKL	Translation Communications	1,492,500	1,492,500	1,756,944	264,444

Account	Description	Actual	Total	Budget	Under(Over)
8CKP	Postage - Communications	22,395	22,395	15,000	(7,395)
8CKR	Printing - Communications	1,013,941	1,013,941	443,793	(570,148)
8CKS	Stationery - Communications	1,480,794	1,480,794	764,000	(716,794)
8CKT	Telephone / Fax - Communications	1,802,071	1,802,071	1,563,434	(238,637)
8CMG	General - Materials	45,746	45,746	60,000	14,254
8CMO	Office - Materials	159,859	159,859	40,000	(119,859)
8CNO	Office Rental	15,826,073	15,826,073	18,012,480	2,186,407
8CNT	Other Rental	547,826	547,826	4,000,000	3,452,174
8COD	Research & Development	5,503	5,503	900,000	894,497
8COF	Refunds	493,306	493,306	1,354,601	861,295
8COI	Incidentals	338,618	338,618	415,000	76,382
8COP	Official Entertainment	3,168,899	3,168,899	1,669,000	(1,499,899)
8COS	Insurance	-	-	30,000	30,000
8COU	Uniforms	45,800	45,800	-	(-45,800)
8CRB	Buildings Repairs & Maintenance	3,009,714	3,009,714	520,000	-2,489,714
8CRE	Equipment Repairs & Maintenance	133,305	133,305	220,000	86,695
8CRM	Maintenance Contract	251,438	251,438	-	(-251,438)
8CRR	Roads Repairs & Maintenance	16,347	16,347	-	(16,347)
8CRV	Vehicles Repairs & Maintenance	774,012	774,012	2,235,000	1,460,988
8CRW	Vehicle Servicing	23,739	23,739	-	(23,739)
8CTI	International Travel	56,520	56,520	1,373,325	1,316,805
8CTL	Local Travel	5,121,769	5,121,769	3,610,924	(1,510,845)
8CUC	Gas - Cooking Utilities	259,930	259,930	524,800	264,870
8CUE	Electricity Utilities	6,743,823	6,743,823	4,314,007	(2,429,816)
8CUL	Lighting Utilities	273,256	273,256	462,435	189,179
8CUW	Water Utilities	458,845	458,845	742,674	283,829
8CZV	Value Added Tax	7,634,115	7,634,115	3,711,699	-3,922,416
8EBR	Buildings Renovation	-	-	200,000	200,000

Account	Description	Actual	Total	Budget	Under(Over)
8EEA	Equipment - Additional General	1,196,319	1,196,319	600,000	(596,319)
8EEC	Equipment - Computer	792,152	792,152	948,000	155,848
8EEH	Equipment – Heavy Equipment				
8EEP	Equipment - Photocopiers	63,470	63,470	30,000	(33,470)
8EER	Equipment - Replacement General	-	-	30,000	30,000
8EFO	Furniture - Office Furniture	582,452	582,452	200,000	(382,452)
8EVR	Vehicle - Replacement	2,434,783	2,434,783	3,000,000	565,217
8FCB	Bank Charges	5,500	5,500	5,000	(500)
	Operating Expenses	98,941,689	98,941,689	99,006,048	64,359

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

Figures shown explains that operation budget have not been used up or spend. The remaining budget of VT 64,359 cannot be used due to overspend in the payroll.

There are Variance in each of the activities however, only the major variances will be discussed. The budget allocated to each chart of accounts when entering the budget is often underestimated and sometimes unforeseen activities forces administration to spend knowing clearly that the budget was not allocated for that purpose.

- A. Sitting Allowance budget was under estimate when allocating budget. More land cases were managed in 2021 compared to previous years. The presiding magistrates have allocated more of their times to hear pending land cases where more funds expend towards sitting allowance.
- B. Software Maintenance Fees have a budget of only VT800, 000. In 2021, the institution was informed that the fee increased due to increase of number of users. The institution was paying less for the past years.
- C. Transport Freight also over spent due to relocation of staffs and shipment of tele and video conferencing equipment's to be install in Santo Court Office.
- D. Storage freight was overspent due to library books that were shipped from UK were not cleared on arrival at Customs caused the storage fee from DHL to accumulate and transport freights also over spent.
- E. Equipment Hire – The institution have hire sound systems to contact court of appeal due to COVID19 which restricted international judges to come to Vanuatu. Later in 2021, the courts were fully functioned with all equipment installed.

- F. Printing Communications- Most of the expenses are from printing folders to keep criminal, civil and preliminary Inquiry cases in them. The institution also committed to print other colored court documents.
- G. Stationaries- are items which are daily used by the judicial officers and support staffs. The account indicated that more funds needed.
- H. Official entertainment- This is one of the important accounts which have to go through Finance Minister’s approval for amount of VT 30,000 above. The expenses are from the every Tuesday’s judge’s lunch, refreshments for office tea breaks, refreshments for island court justices, catering during trainings and refreshments for court of appeal Judges.
- I. Building Repairs & Maintenance- There are renovations which are done on court premises which contribute to the over spent on this account.
 - a. Efate Island Court Fencing
 - b. Garage on the official residence for Chief Justice & other house maintenance.
 - c. Create a conference room for the installation of video and teleconferencing
- J. Local travel – Most of the travel are court tours to other islands to hear pending court cases.
- K. Electricity Utilities- This is one of the major expenses that the institution expend its budget on. It’s a fixed bills that the institution always committed to. The library and the achieve room of the Supreme Court requires for air-condition to be on day and night to keep the files and the books in good form.
- L. Value Added Tax- All goods purchased have to be VAT inclusive.
- M. Equipment Additional General- There are additional video conferencing accessories equipment that were purchase for installation. The institution also purchase new Computers and new printers for different court offices.
- N. Office Furniture- Shelves were built in office available spaces in the Supreme Court for shelving completed court case files.

4. Expense summary – Personal and Operating expenses

The table showing a summary.

Description	Actual
Allowances(Acting, Responsibility, Family, Gratuity, Housing, Other, Home island passage)	32,668,813
Provident fund	7,151,328
Leave expense	22,865,339
Wages	152,927,918

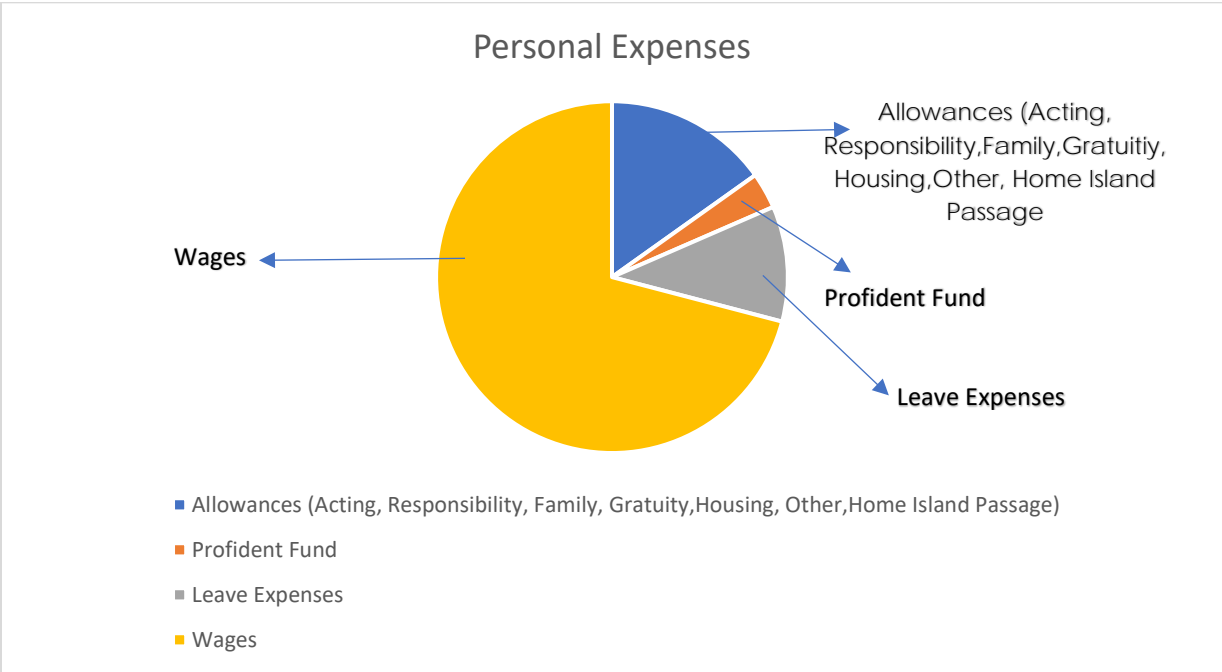


Figure 23: Personnel emoluments expenses

The table showing a summary:

Description	Actual
Subsistence & Sitting allowance	31,068,242
Accommodation(Local & International)	2,281,778
Fees(Consultant, bank fees & other)	4,365,475
Fuel	1,827,777
Freight	780,843
Medical treatment & medicines suppliers	21,048
Hire(Equipment, facilities & vehicles)	975,126
Office cleaning	755,352
Communication(Advert.,transl,postage,printing,stationery&telephone/fax)	6,088,970
General & Office Materials	205,605
Office & other rentals	16,373,899
Research & Development	5,503
Other(Refunds, incidentals, official Entertainment , insurance, uniforms)	4,046,623
Maintenance(building, equipment, maintenance contract, vehicles)	4,208,555
Travel(Local & International)	5,178,289
Utilities(Gas, electricity, lighting, water)	7,735,854

Description	Actual
Value added Tax	7,634,115
Equipment(General, computer, photocopiers, replacement)	2,051,941
Furniture (Office & Other)	582,452
Vehicle(Additional, replacement)	2,434,783

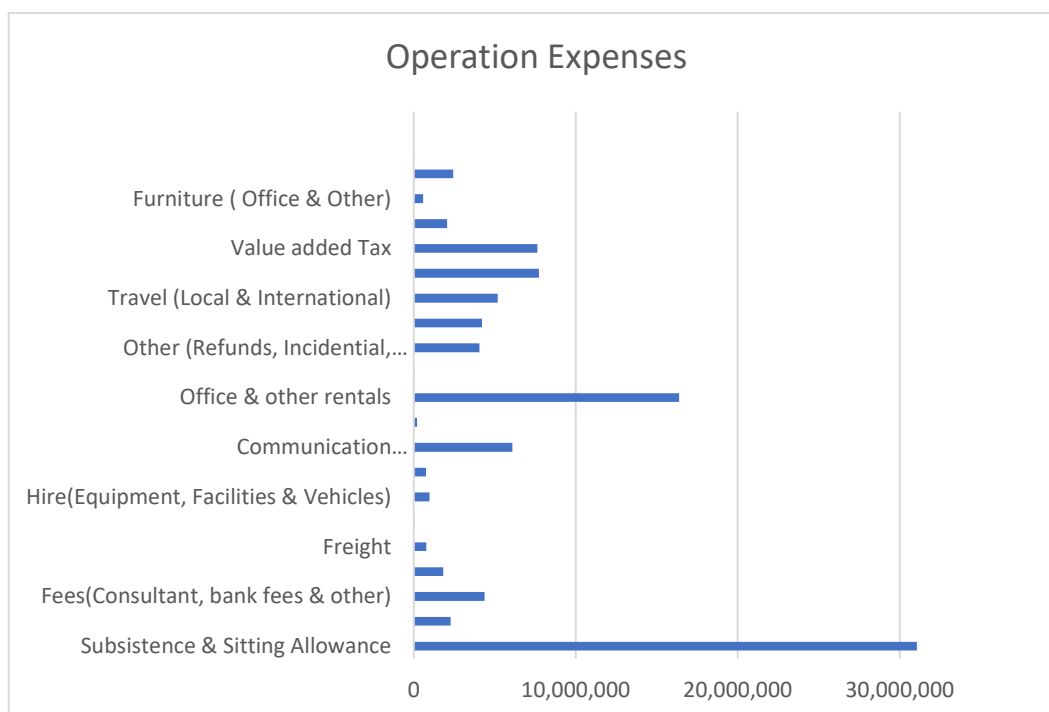


Figure 24: Operation expenses

Virement

No Virement of funds done in 2021 financial year.

The Advance release

There was a total of seven Major cost centers that advanced release was done on them namely, 1402-Finance/Accounts, 1403- Asset, 1404-Information Technology, 1410-Court of Appeal, 1421-Principal Registry, 1428-Regional Conference and 1492-Case Management.

Below are reasons why we have advance funds on these cost centres.

- A. **1402 Finance & Accounts** Rental of office and Court Chamber (Port Vila Magistrate Court) funds have been loaded in period 12. Advance to period 2 to pay out annual rental amount of 8,505,600 Vatu.
 - i. Magistrate Court Office – 6,000,000 Vatu
 - ii. Magistrate Court Room – 2,505,600 Vatu
- B. **1403 Asset** There are two advanced release done on this cost centre from period 12 to different periods.

- i. Advance release done on period 5 to construct car park slabs at Chief Justice official residence and construct roofing of the library storage container – 679,406 Vatu
 - ii. Advance release done on period 8 to purchase replacement of RV10 - 2,639,818 Vatu
- C. **1404 Information Technology** There are two advance release done under this cost centre from period 12 to different periods.
 - i. Advance release done on period 5 to pay outstanding invoices for translation and interpretation services in court -767,050 Vatu
 - ii. Advance release done on period 10 to pay outstanding invoices for translation and interpretation services in court-289,800 Vatu
- D. **1405 Library /Archive** There are two advance release done under this cost centre from period 12 to different periods.
 - i. Advance release done on period 3 to pay Customs VAT declaration for Law Library books purchase from Wildy and Sons LTD an international book seller at UK-347,535 Vatu.
 - ii. Advance release to purchase Law Library books from Wildy and Sons LTD- 1,720,021 Vatu
- E. **1421 Principal Registry** Advance funds load in period 12 to pay for Santo Court Office and Dumbea 2020 rental amount of 9,506,880Vatu.
 - i. **Dumbea Rental** – 7,994,400 Vatu
 - ii. **Santo Court Office** – 1,512,480 Vatu
- F. **1428 Regional Conference** since COVID-19 have caused borders to closed, it have been approved to utilized funds budgeted for international conferences on local tours.
 - i. Advance funds loaded in period 12 to cater for Supreme Court tours – 1,124,500Vatu.
 - ii. Advance funds from period 12 to period 9 to purchase additional video conferencing and accessories to be installed at Santo Court conference and court room – 765,502 Vatu.
- G. **1492 Case Management** Advanced release was done to pay out annual maintenance fee for Lexis Nexis
- H. **December release on all cost centre for Judiciary** Finance only release December warrant on request provided by different ministries and departments. Judiciary also make the exercise to request funds to pay out outstanding bills and other court activities; 2,895,293 Vatu.

Journal

Journals were done according to the nature of Court activities.

- Department to department-Payment of 2021 court vehicles road worthiness.
- Department to department-official gazette annual subscription
- Retire standing imprest-credit the standing imprest account.
- Department to department - Pay water bills for outer courts.
- Department to department- Pay electricity for outer courts.
- Department to department-Pay VAT declarations

The Supplementary Fund

No supplementary application done in the 2021 financial year

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 and NBV under Vanuatu Government Account Number.

Revenue report extracted for the transactions between 1 January 2021 and 31 December 2021 from Vision Smart Stream report. It shows that Judiciary revenue collection was well collected. 2021 revenue budget targeted was a total of VT 25,920,000. Total amount collected was VT25, 576,035 under collected by VT 353,015

The last five years the total amount of revenue collected varied from 19 to 23 million vatu annually. The table below shows the yearly revenue target budget, yearly total revenue collected and the variations. Below the table shows the yearly trend of collection.

Years	Target Budget	Total Revenue Collected	Over/ (Under)
2016	19,550,000	19,932,325	382,325
2017	20,580,000	20,647,380	67,380
2018	23,437,002	22,279,660	(1,157,342)
2019	25,050,700	22,776,080	(2,274,620)
2020	23,607,570	23,660,135	52,565
2021	25,920,000	25,566,985	(353,015)

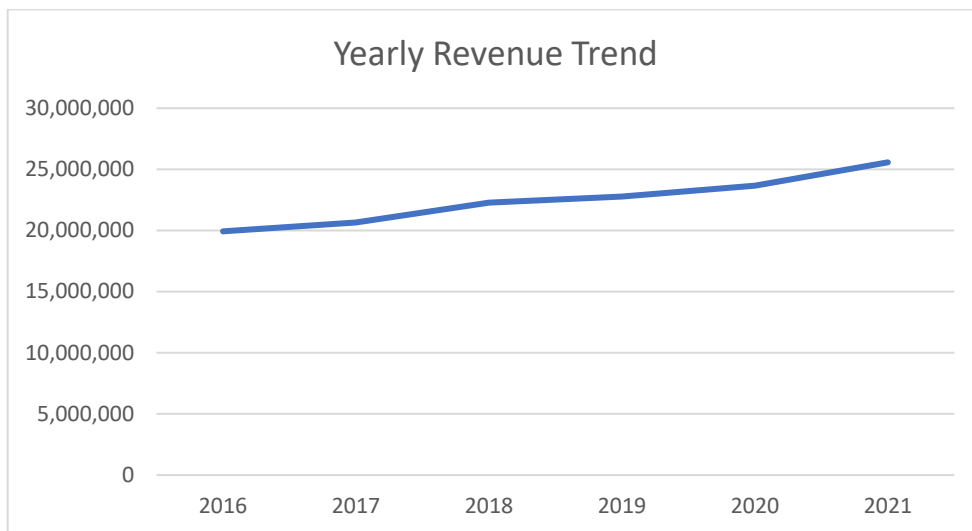


Figure 25: Trend of revenue collection 2016 – 2021

Statement of Commitments & Contingencies

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

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

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

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

Conclusion

Judiciary has ended 2021 with great success. As usual, along with the successes came also the challenges, including Covid-19 restrictions but as usual challenges that constructively build and strengthen the Judiciary in all levels, judicial functions and judicial administration. Financially, money is tight but due to good management the year has ended smoothly.

Words of acknowledgement to all stakeholders, government and private, and all our financial developing partners, and to all court users – be it physical appearance in court or online, who has all made it possible for the court to function to its maximum capacity.