

VANUATU  
SUPREME COURT  
MAGISTRATES COURT  
ISLAND COURT  
COURT OF APPEAL

2017 – A Reflection

Version I

# THE YEAR IN REVIEW

- Am proud and grateful to the staff of the Court that I am able to present/comment on the performance of the Court(s) for 2017, so early into the new year of 2018. This reflects the hard work and diligence they apply to managing their caseloads in our CMS.
- The Courts have a very good picture of how we travelled in 2017, and there are some clear highlights, and some acknowledged areas of work needed.
- Under the stewardship of the Chief Magistrate, with gratefully acknowledged support from NSW Magistrate Fleming (through the SRBJ Program), and all the magistrates and staff of the court, the Magistrates Court have made significant inroads to closing cases, bringing cases on before a Magistrate, and pleased to say that through active case management, well over 50% of their pending caseload have a future court appearance.
- What is now visible to us though is the reduction in criminal cases being presented to us in the Magistrates Court, and we will work closely with Police and Prosecution to understand and address this situation.
- At the Supreme Court, we are well aware of the imperative to reduce the timeliness it takes to finalize a civil matter, and while criminal cases are dealt with expeditiously on average in 180 days, there is still much to do with management of civil cases. Similarly, we acknowledge that not enough of our cases have a future listing, which means uncertainty for our litigants – and will be working on this in the coming weeks.
- Overall, while we have reduced the number of our reserved judgements across all courts to under 90, we still have approximately 50% older than 90 days, and we aim to reduce this % to internationally accepted 10% within the next 3 months.
- Our Island Courts are still significantly impacted by the availability of resources, both financial and personnel, and our focus in the coming months is to address these issues.
- The Court of Appeal continues to deliver a world class level of justice with its delivery of judgments in the same sitting as the appeal. We aim to continue this tradition.
- Lastly, much of what I have focused on is case based, but we do have the ability to interrogate the types of criminal charges presented to us, and the decisions/outcomes we make, e.g. the length of sentences imposed for sexual offence matters. In conjunction with my senior registry staff, I will be undertaking a detailed analysis of this, and report back to the wider community.

# HIGHLIGHTS

- Supreme Court
  - SC filings rose slightly from 689 cases to 713, an increase of 3.5%
  - SC disposals rose slightly from 670 to 693 cases, an increase of 3.5%
  - Pending has steadily grown from approx. 800 at the end of 2013 to now 1175 cases
  - PDR has grown from approx. 1.2 to 1.7 – a worrying sign
    - Potential 340 cases in excess of ideal position – equating to 3.4 judicial resources and/or improvements in case management handling of cases
  - Clearance rate slightly below 100% - 97% for the 2017 calendar year
  - Timeliness for completing CRIMINAL cases – still excellent at an average of 180 days – but CIVIL cases just under 800 days
- Magistrates Court
  - MC filings dropped from 2135 cases to 2065 – a decrease of 3.2%
  - MC disposals rose sharply from 2134 to 2478 cases, a significant increase of 16%
  - Pending has decreased accordingly from 1570 to 910 cases
  - PDR has decreased accordingly and is now at .4 – an excellent result
    - There are still 200 cases approximately older than 2 years that should be assessed
  - Clearance rate was an exceptional 120%
  - Timeliness for completing CRIMINAL cases – higher than SC at 346 days – but this is partly due to closing off many old cases during the year – a good thing

# OVERALL

- Supreme Court:
  - Not making in-roads into Pending, and Age of Pending naturally growing
  - Judicial output – as calculated by disposals/full time Judicial Officer – continues to fall from 2012/2013
  - Overall number of cases without a future listing is too high
    - Only 17% of all pending cases have a future date (benchmark is 80%)
  - Reserved Judgments still not down at acceptable levels (almost 60 outstanding)
- Magistrates Court:
  - Significant reduction in Pending cases, with overall Pending to Disposal Ratio sitting at .4 (target for a Magistrates Court is typically .5 or less)
  - Judicial output has increased to an average of over 300 cases per year – an increase of over 10% from 2016
  - Overall # of cases with a future listing is sitting at over 55%, with less than 5% of cases neither under case management or a future listing
  - Only 22 cases have a Reserved Judgment
  - The decline in criminal registrations is of concern and needs to be addressed with VPF/SPD

# ISLAND COURT

- Key Messages

- IC filings dropped from 700 cases to 500 – a decrease of 29%
- IC disposals dropped from just on 500 cases to 447, a decrease of 11%
- Pending has increased accordingly to over 600 cases
- PDR has increased accordingly and is now at 1.2 – a worrying result
  - There are 380 cases approximately greater than desired
- Clearance rate was lower than desired at 89%

- Overall

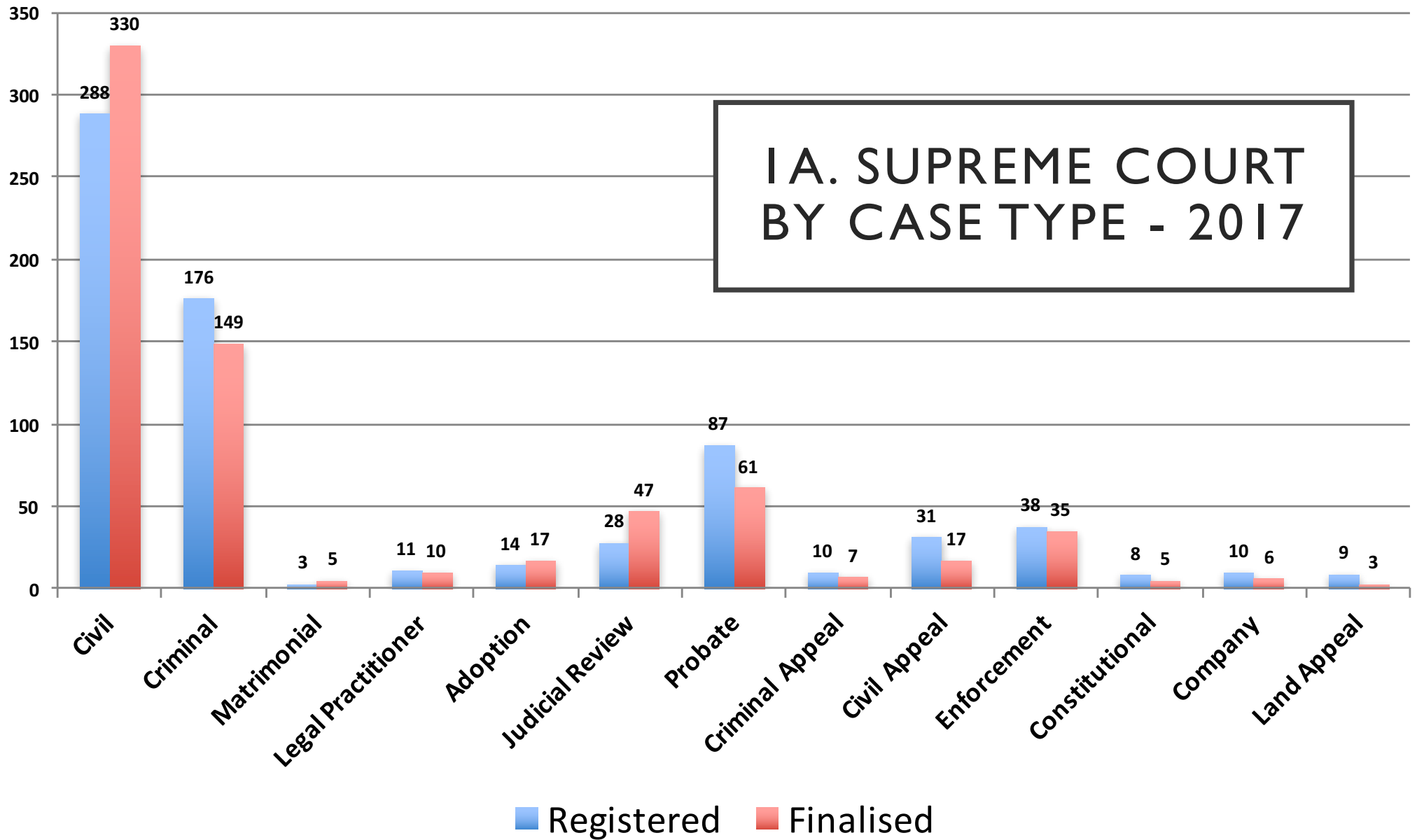
- Not making in-roads into Pending, and Age of Pending naturally growing
- Overall # of cases without a future listing is only 9%
  - And 76% of all pending cases are deemed to be awaiting resources before a listing can be made – a concern

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4. Timeliness
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5. Court of Appeal
  - a. Yearly registrations and finalisations by case type

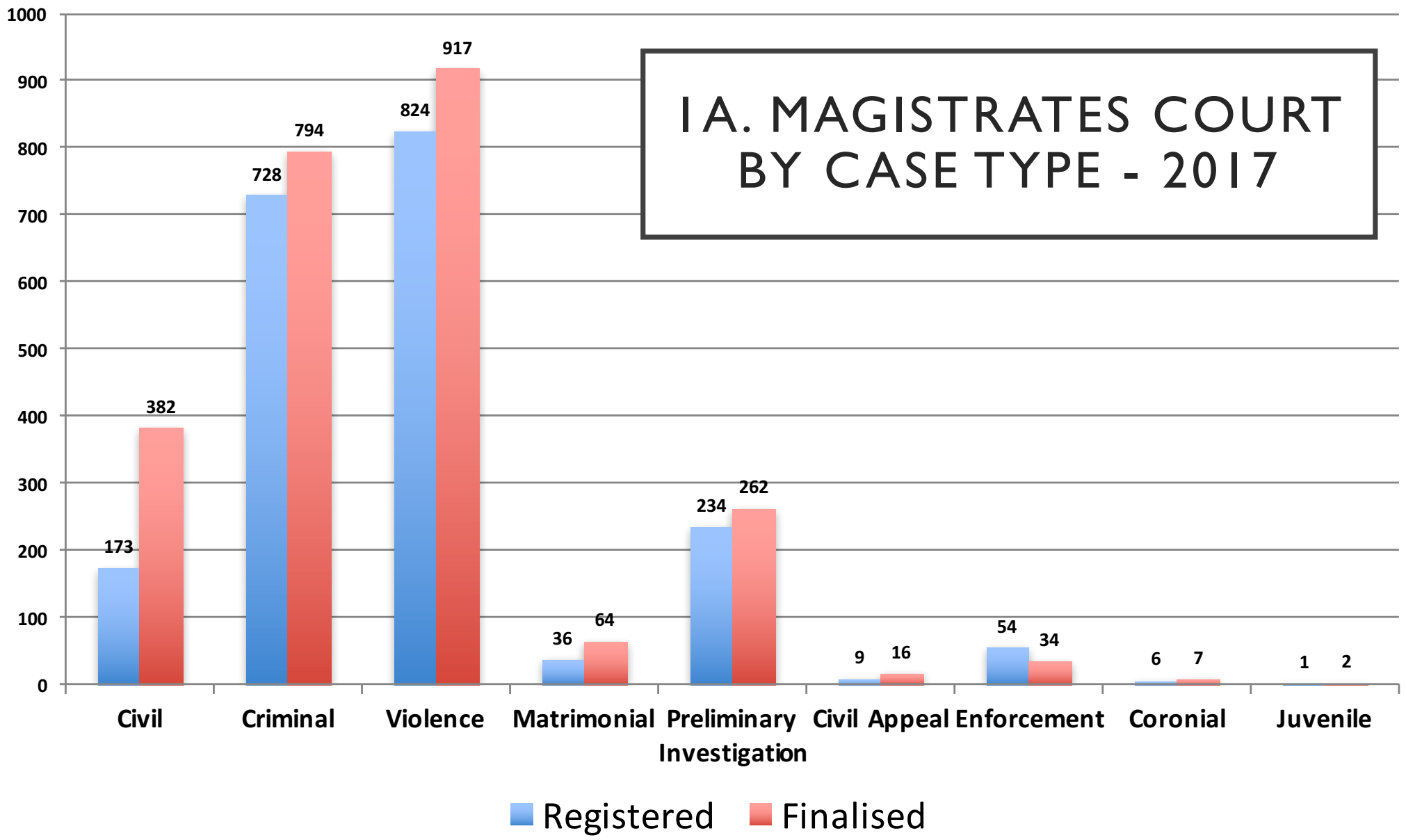
# I. CASE VOLUMES

# IA. SUPREME COURT BY CASE TYPE - 2017

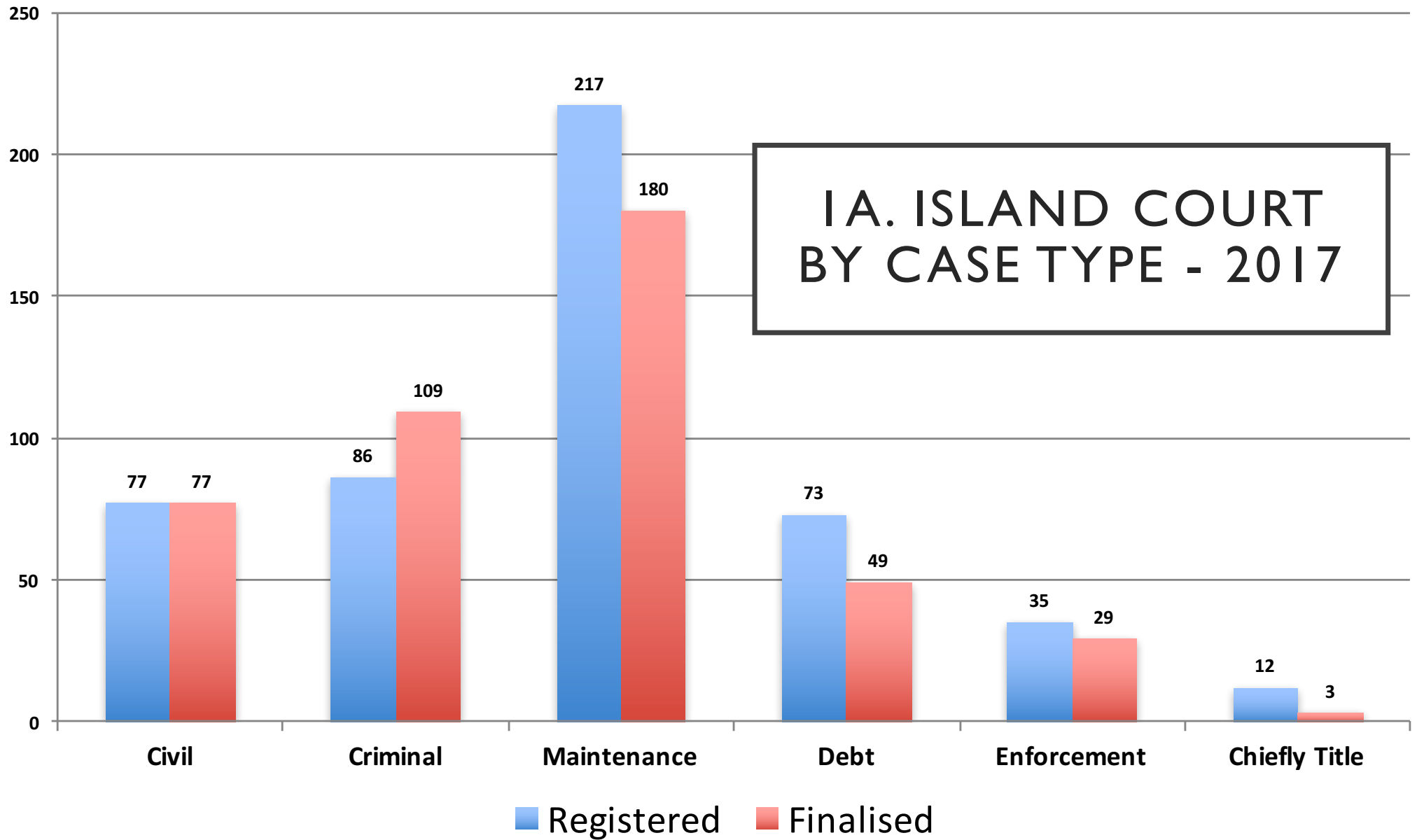




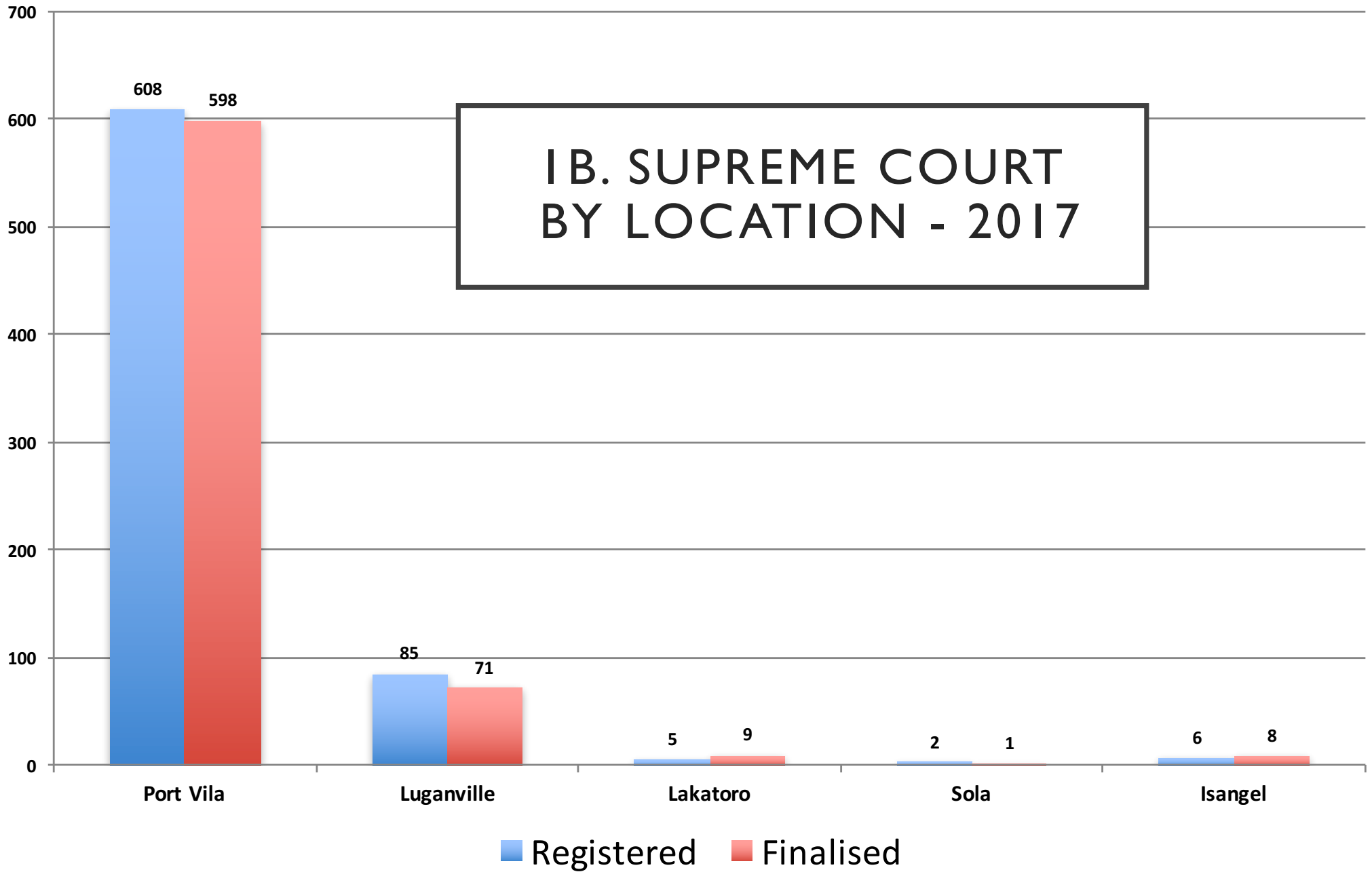
# IA. MAGISTRATES COURT BY CASE TYPE - 2017



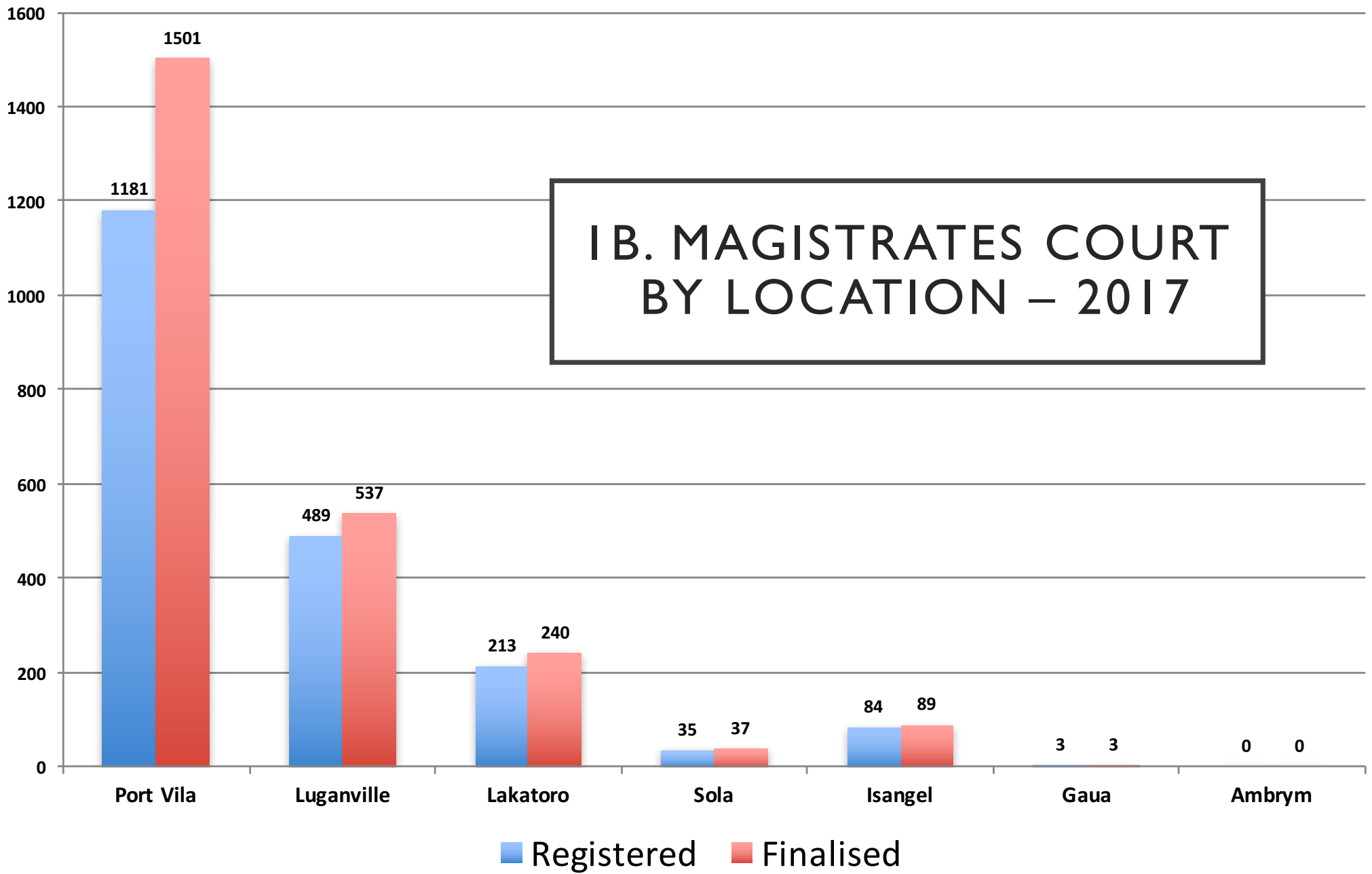
# IA. ISLAND COURT BY CASE TYPE - 2017



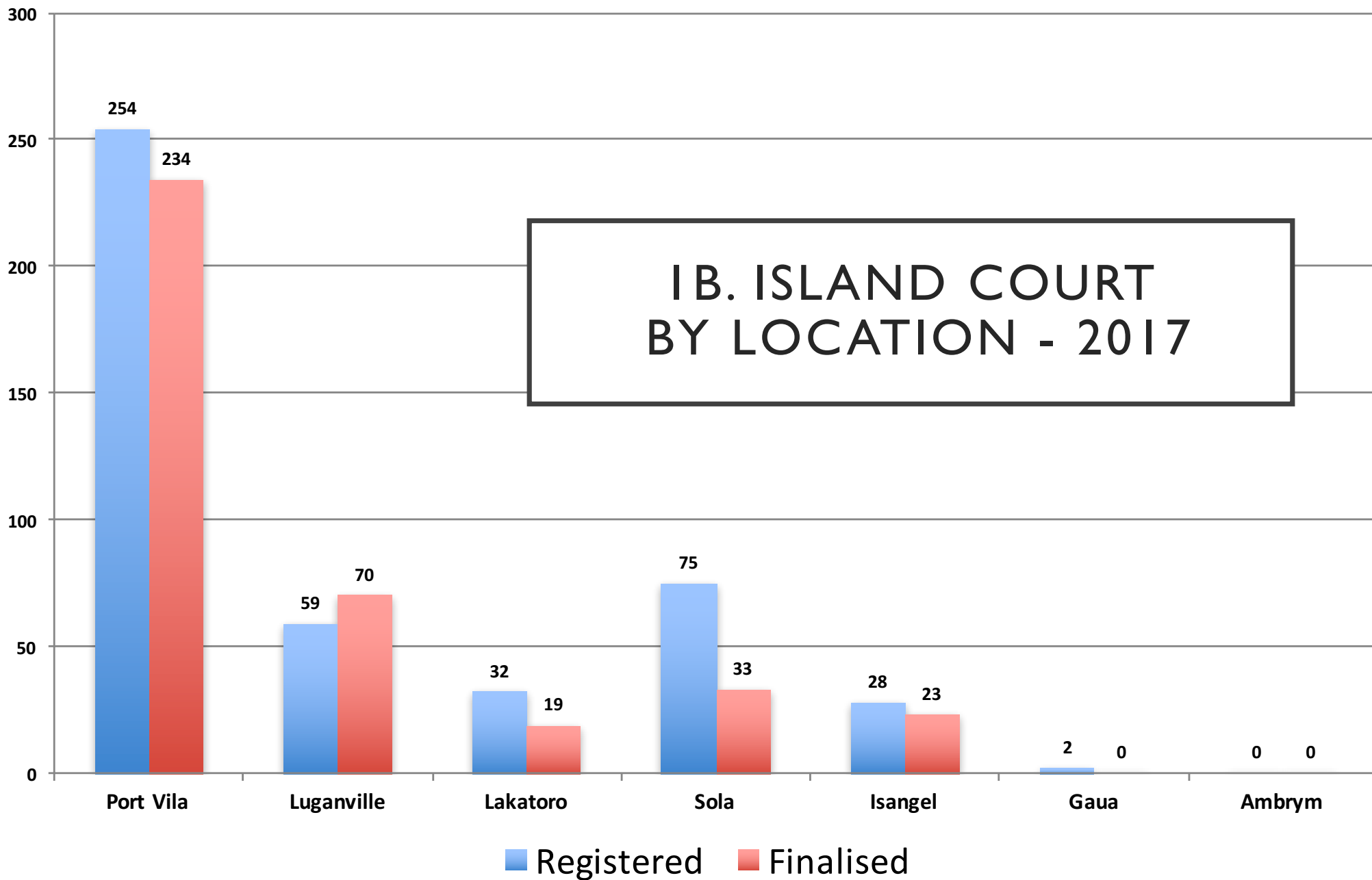
# IB. SUPREME COURT BY LOCATION - 2017



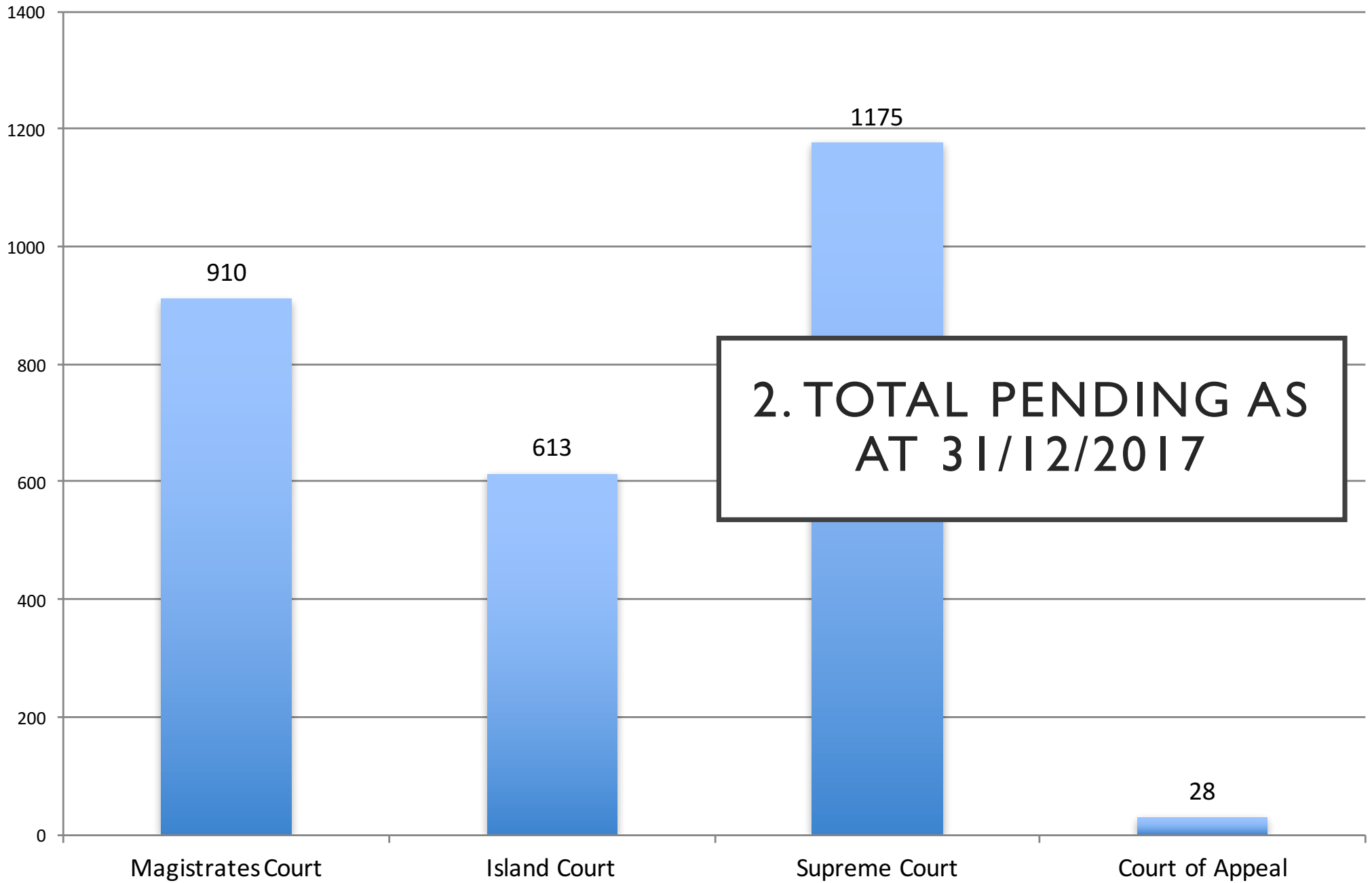
# IB. MAGISTRATES COURT BY LOCATION – 2017

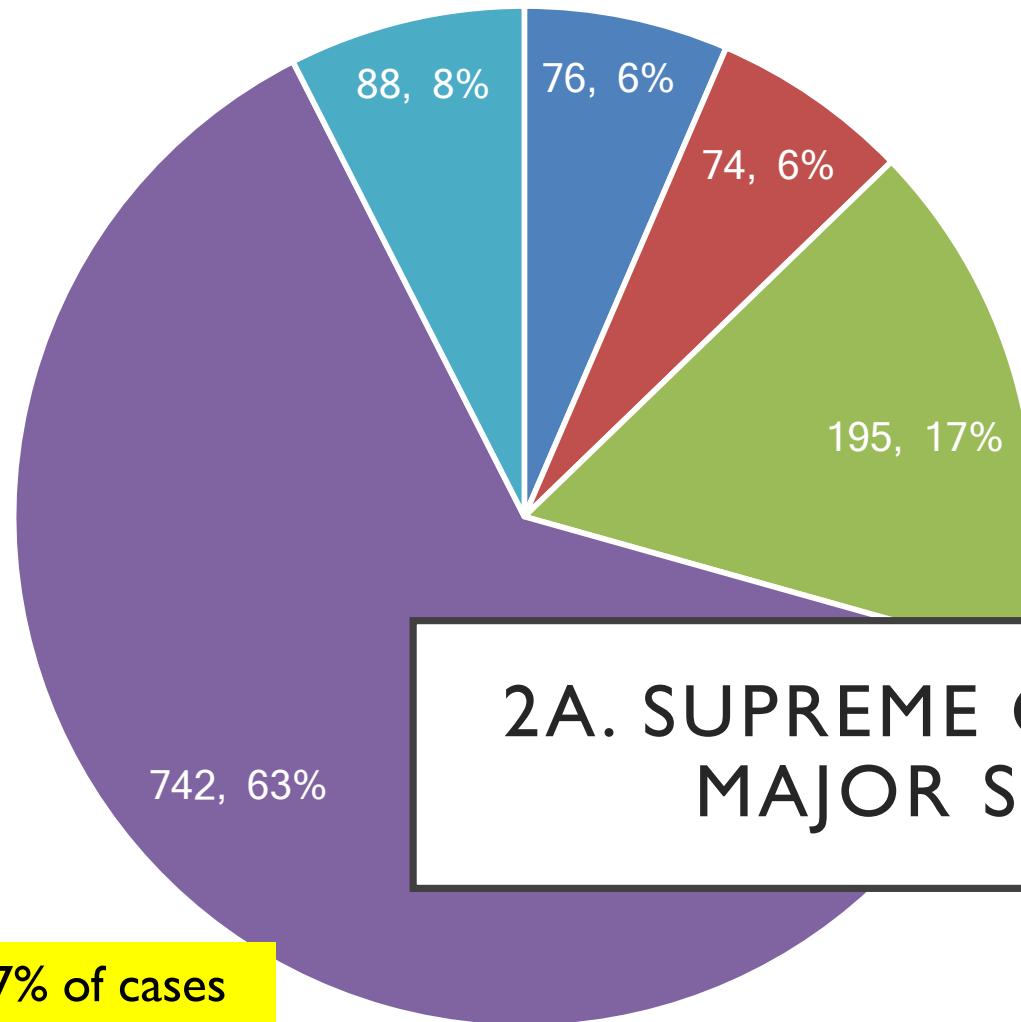


# IB. ISLAND COURT BY LOCATION - 2017



## 2 – PENDING CASES

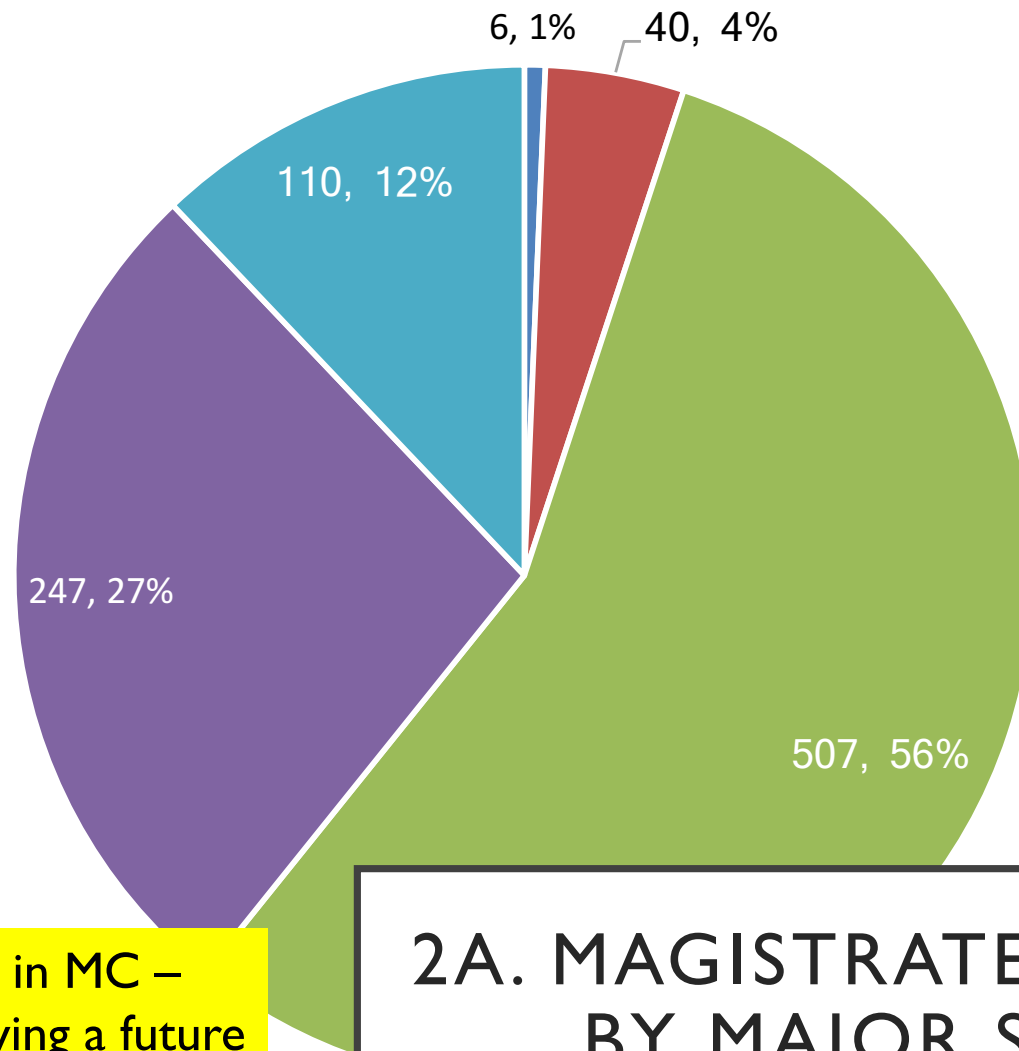




Of concern – only 17% of cases with a future listing

■ NFL   ■ <Select...>   ■ Listed for ....   ■ Under Case Management   ■ Remaining (e.g. Warrant Issued)



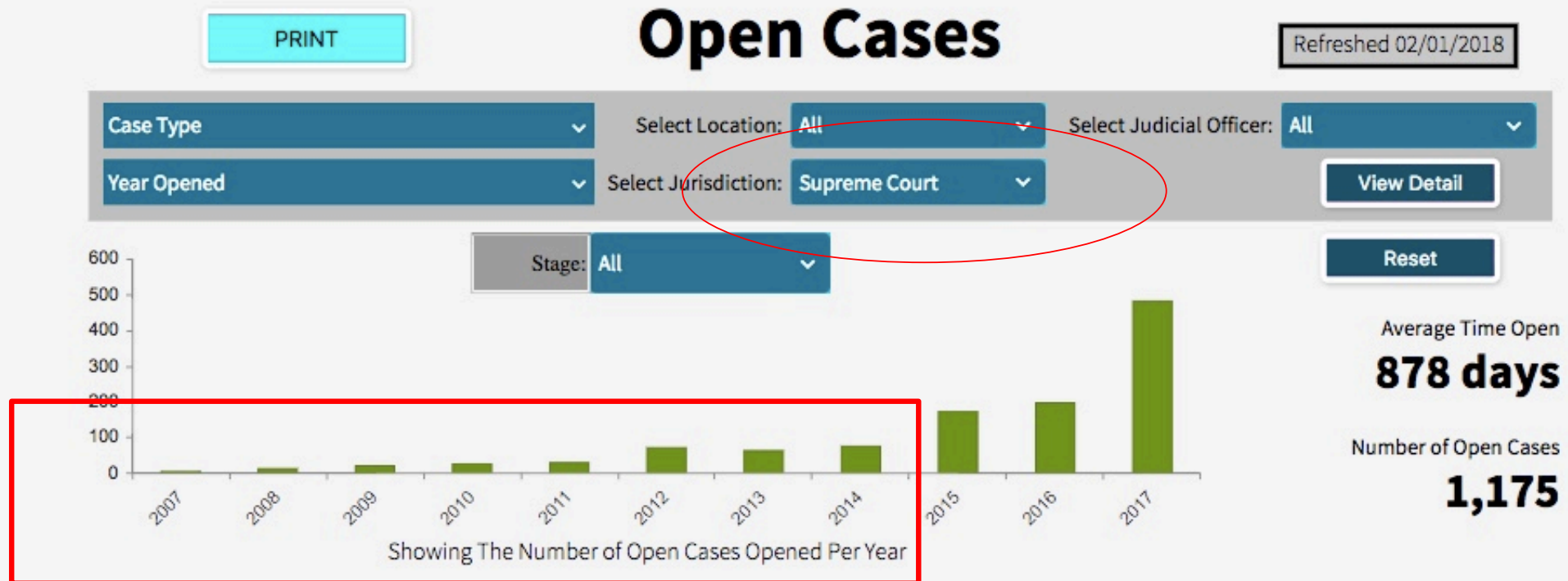


Much better position in MC – with 56% of cases having a future listing

## 2A. MAGISTRATES COURT BY MAJOR STAGE

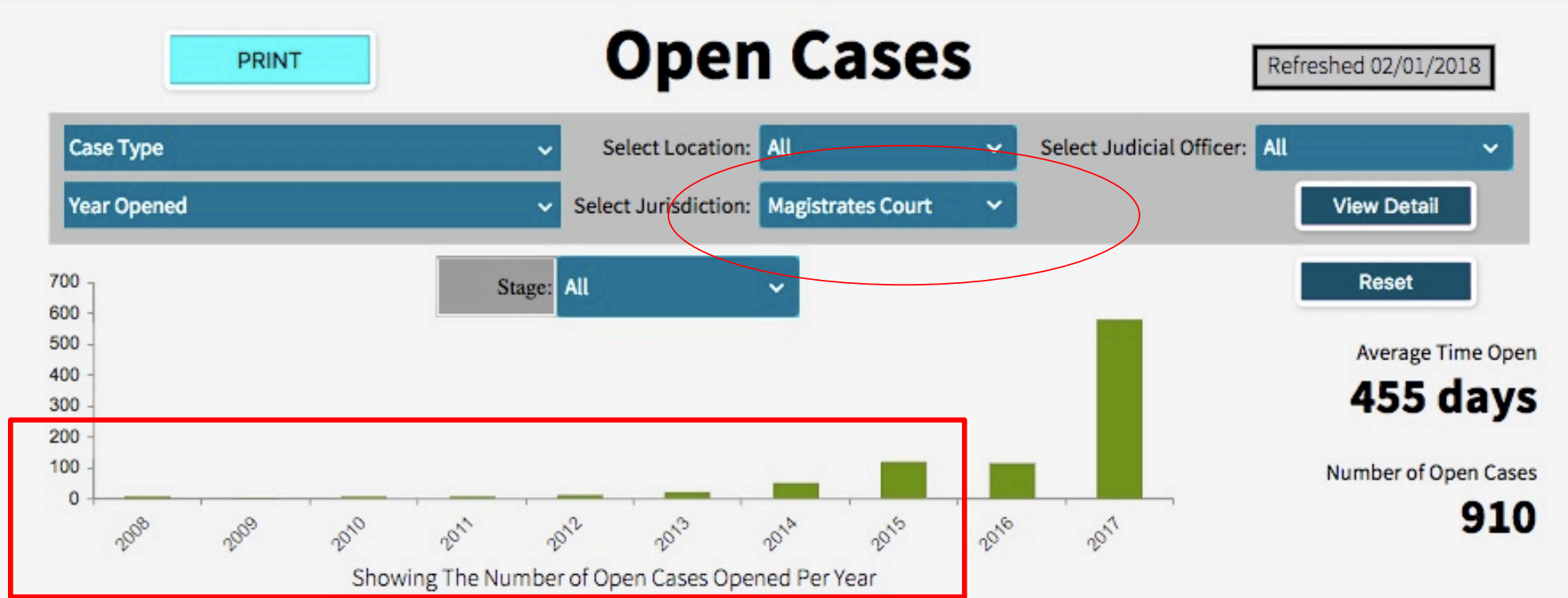
■ NFL   
 ■ <Select...>   
 ■ Listed for ....   
 ■ Under Case Management   
 ■ Remaining (e.g. Warrant Issued)

## 2B. SUPREME COURT PENDING BY AGE

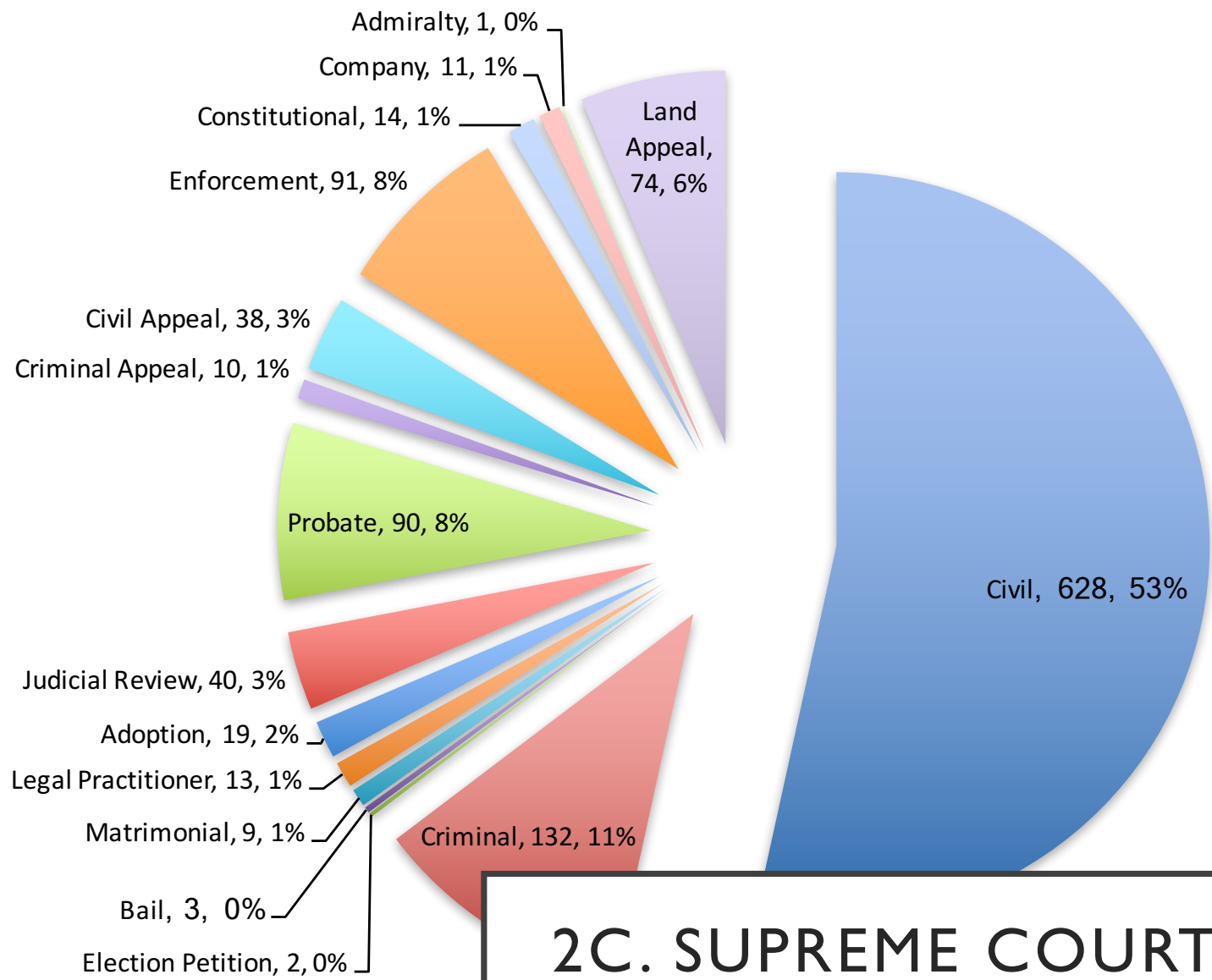


**CASES DEEMED 'UNACCEPTABLE BACKLOG'**  
– 2014 or older – approximately 270 cases

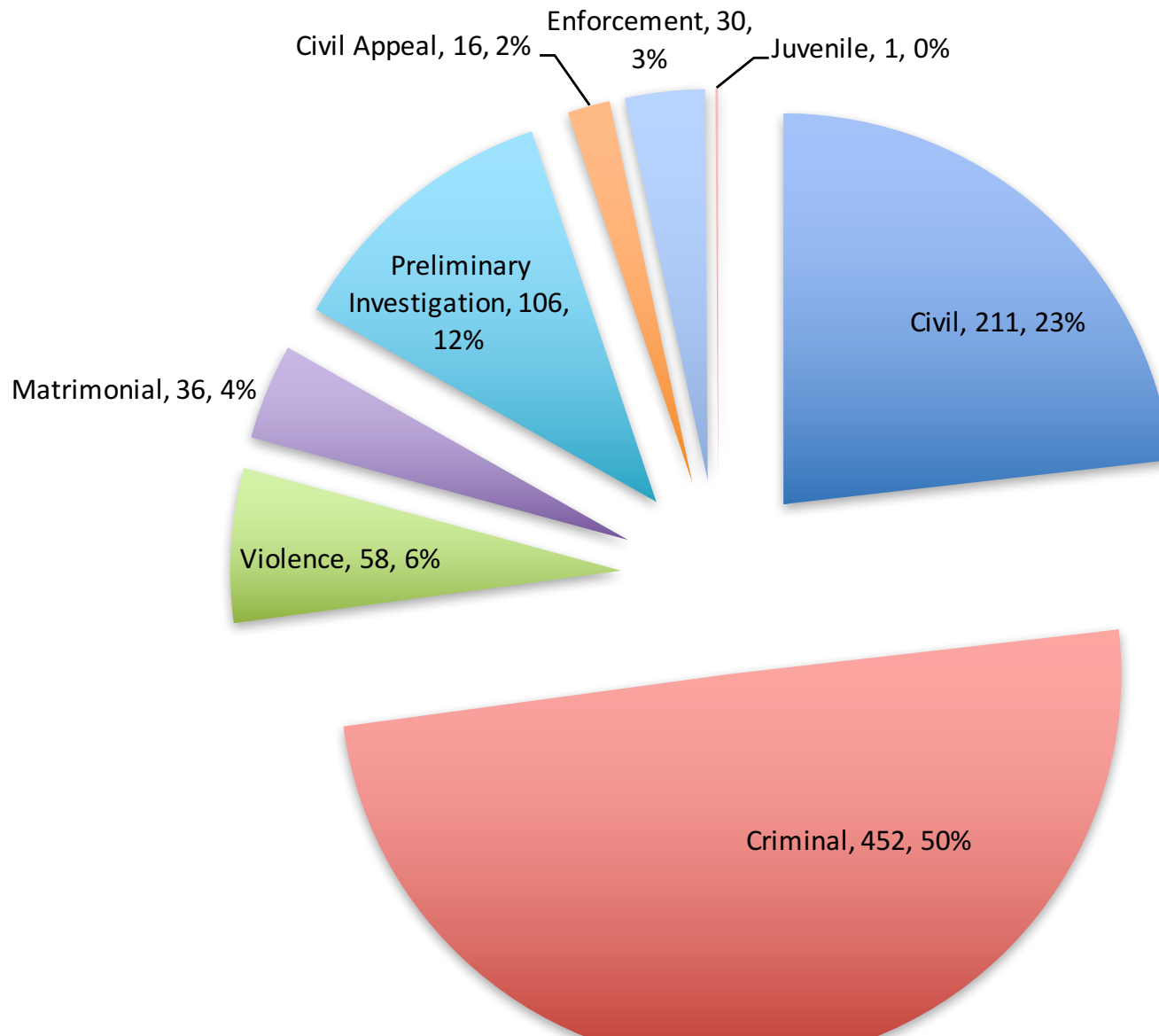
# 2B. MAGISTRATES COURT PENDING BY AGE



**CASES DEEMED 'UNACCEPTABLE BACKLOG' – 2015 or older – approximately 200 cases**

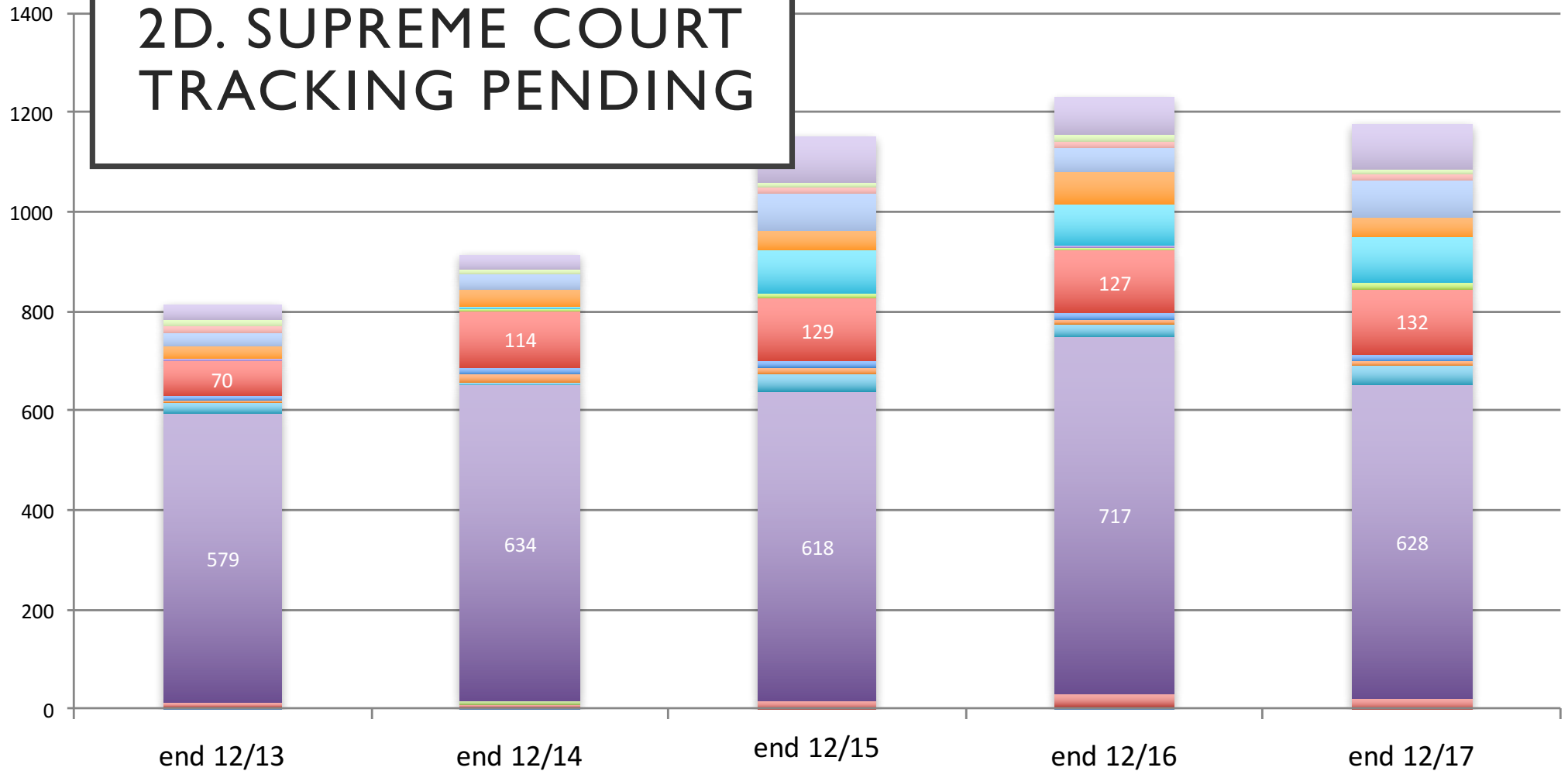


## 2C. SUPREME COURT PENDING BY CASE TYPE



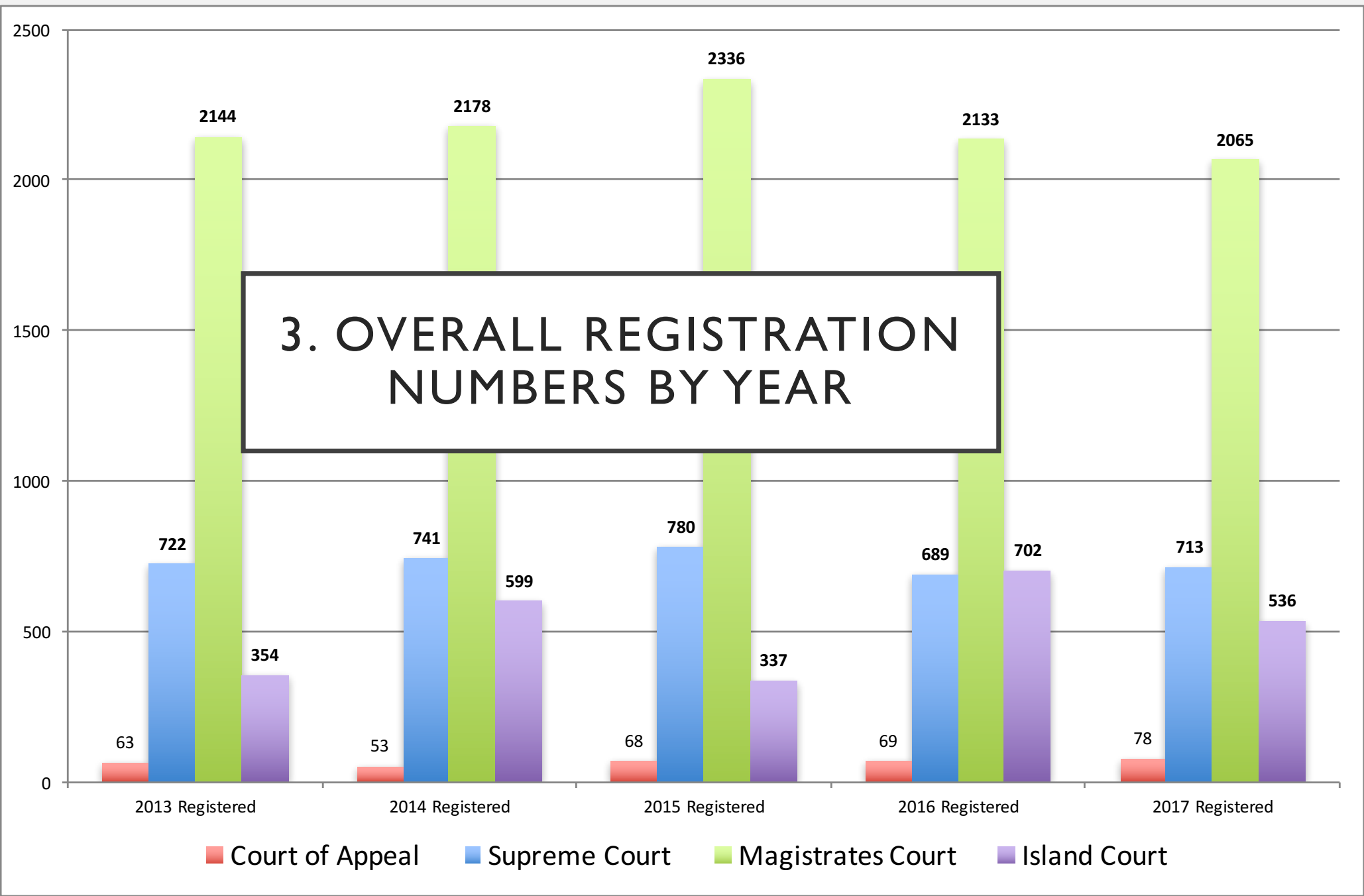
## 2C. MAGISTRATES COURT PENDING BY CASE TYPE

# 2D. SUPREME COURT TRACKING PENDING



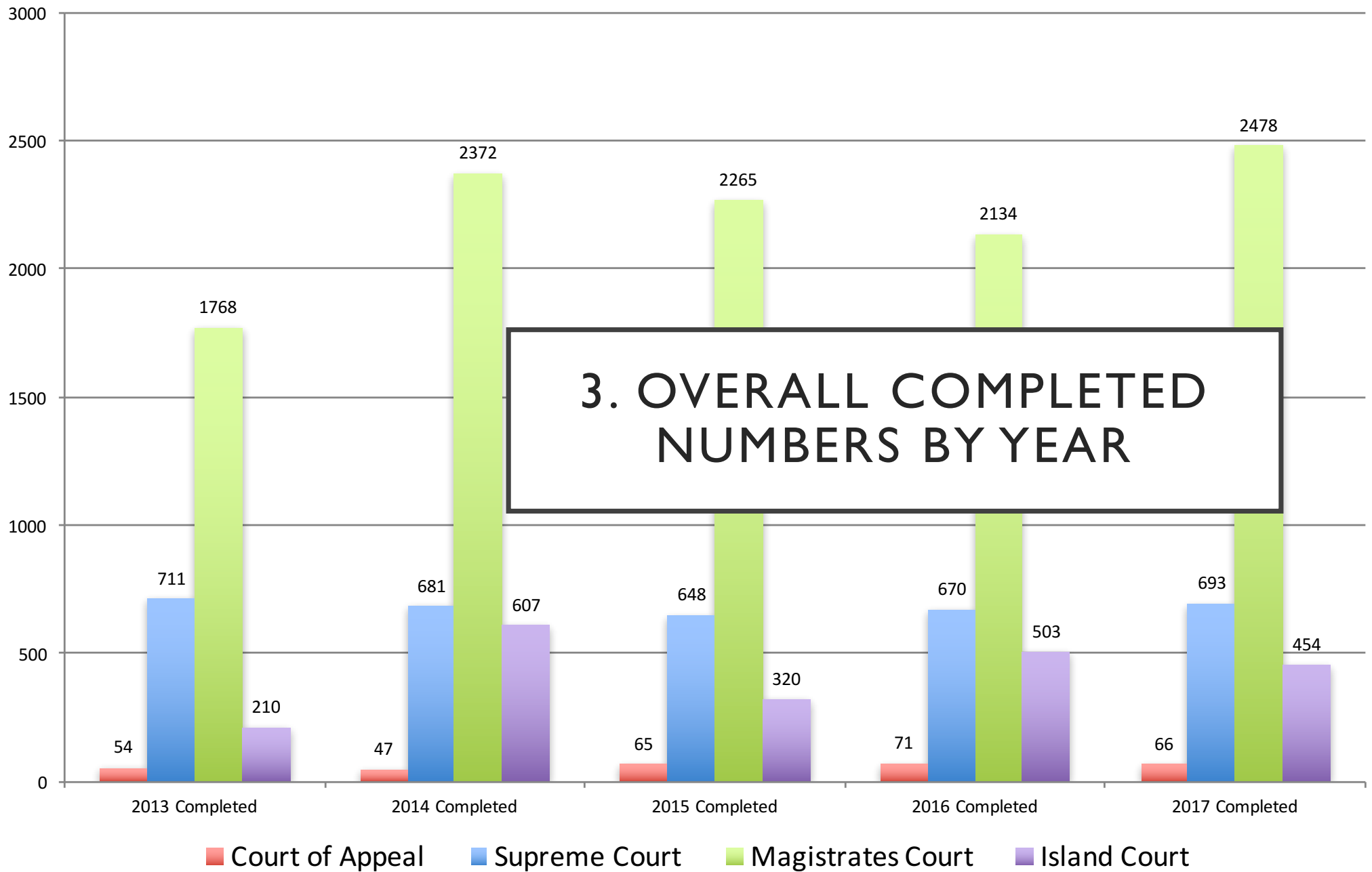
- Admiralty
- Civil appeal
- Criminal Appeal
- Land Appeal
- Adoption
- Company
- Election Petition
- Legal Practitioner
- Bail
- Constitutional
- Enforcement
- Matrimonial
- Civil
- Criminal
- Judicial Review
- Probate

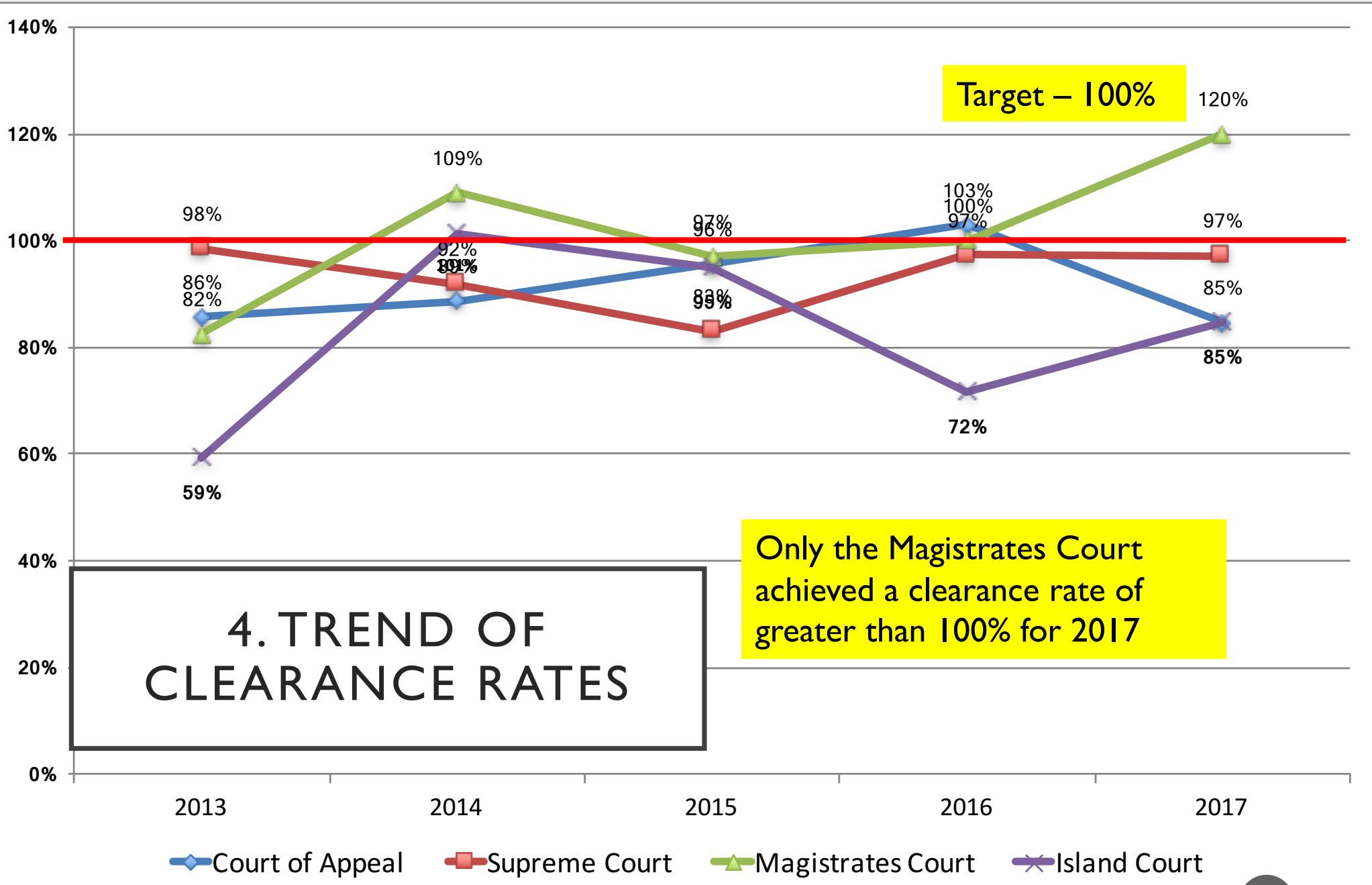
# 3 - TREND OF CLEARANCE RATES





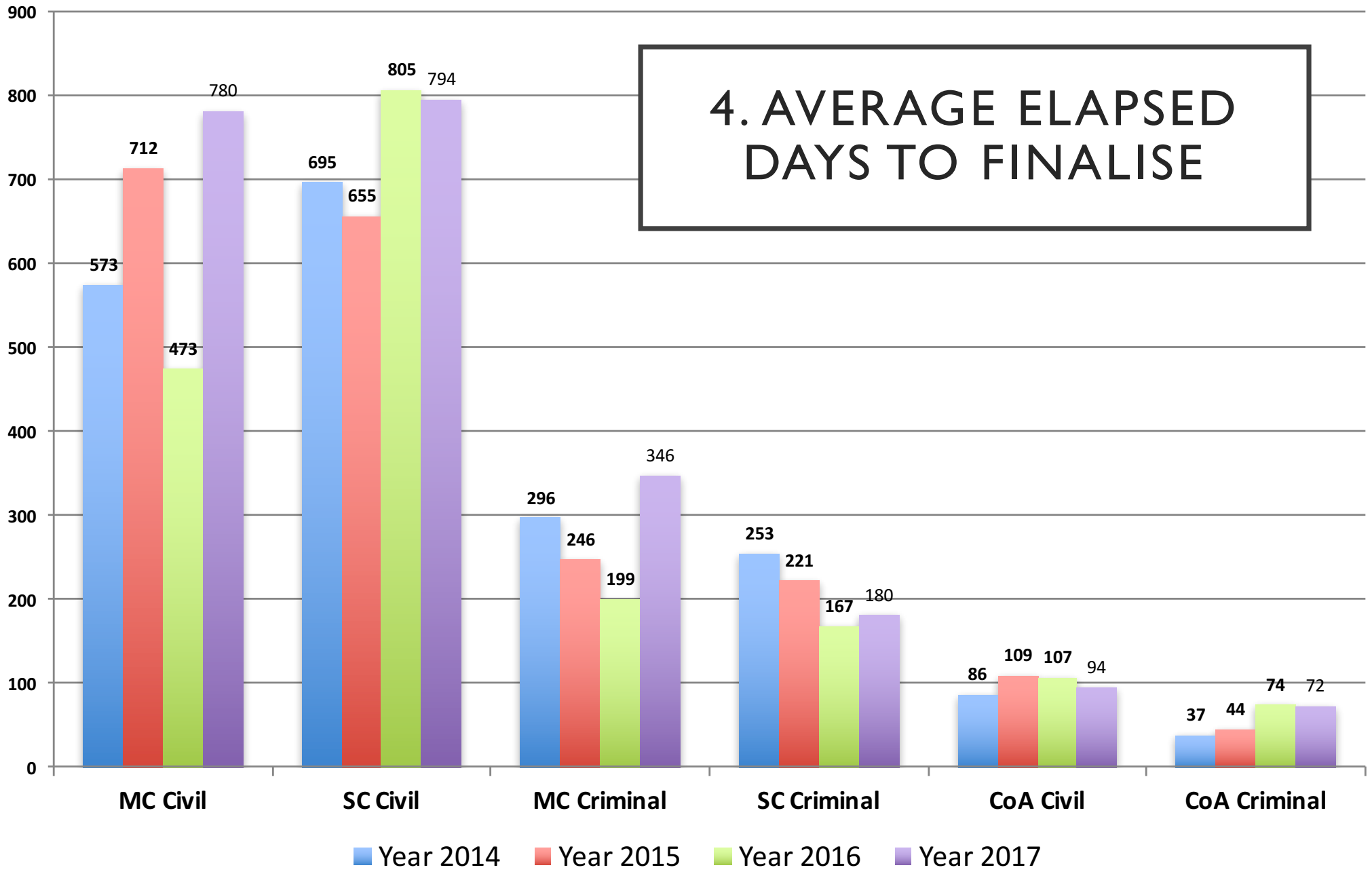
### 3. OVERALL COMPLETED NUMBERS BY YEAR





# 4 – TIMELINESS OF FINALISED CASES BY MAJOR CASE TYPE BY JURISDICTION

# 4. AVERAGE ELAPSED DAYS TO FINALISE



# 5 – COURT OF APPEAL

# 5A. YEARLY FILINGS AND DISPOSALS

