

ANNUAL REPORT 2019

Judiciary of the Republic of Vanuatu



**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 2020

Don Ken
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 2019 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'.

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 2019 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 2019, the Court of Appeal delivered 97 outcomes of cases, some of which were substantive judgments and were sent for publication on www.paclii.org and placed on 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

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 2019, the reporting year.

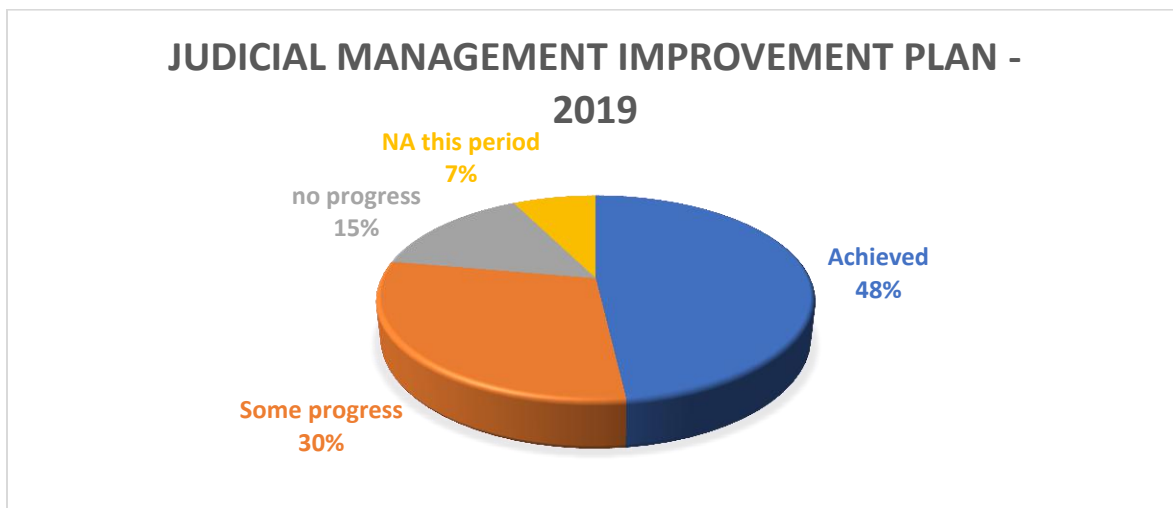
The strategic plan has 7 key result areas: Case Management & Enforcement, Governance, Institutional Services & Development, Asset Management & Infrastructure, Innovation & Technology, Communication, Access to Justice and Independence and Integrity.

Monitoring and evaluation of Judicial Management Improvement Plan 2019

The annual plan derives from the Strategic Plan, and has picked varies activities of focus from the 7 key result areas. Below is a pie chart showing progress of activities for 2019. Some of the activities not achieved this year are rolled over to 2020.

Figure 2. Pie chart showing the progress indicator for Judicial Management Improvement Plan – 2019

[48% achieved, 30% on progress, 15% no progress and 7% not applicable in 2019].



Training Development

Local training and development varied in content and target group ranging from Judicial training programs to in-service training, to mentoring. One significant activity was the Case Management Workshop conducted by the Judiciary of Vanuatu with the help of Justice John Mansfield, Federal Court of Australia Judge. The workshop was held at Ramada Resort from 28 January – 1st February, 2019. The workshop was a success as a guide was produced (in draft) for a better management of case conferences.

A second significant achievement was the internal training on Family Violence – targeting ‘victim sensitive services’ for both Magistrate personnel and Magistrates on two separate activity. The Training came about after the successful launching of the ‘Magistrate Court Domestic Violence Action Plan’ on 16 August, 2019. The workshop has produced a draft internal guide for Magistrates when dealing with victims in DV matters.

There were around 37 capacity building activities for both staff and judicial officers planned to carry out in 2019. Out of the 37 activities, 86% were successfully implemented and 14% could not be implemented due to its irrelevancy or shortage in human resource.



Figure 1: Pie Chart showing the percentage of activities in 2019

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 now on the Supreme Court Hall of Justice.

(I) Supreme Court Hall of Justice

In 2019, the Vanuatu government shows its commitment towards the Supreme Court hall of Justice by allocating it 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.

(II) Outer Island Court Buildings

The maintenance of Court building in the Islands is also a major issue as most buildings are deteriorating but limited funds. Tanna court will be renovated in 2020 after a funding of VT 5,000,000 was allocated for the project in 2019 by Stretem Rod Blong Justice Project. A similar application for the renovation of Ambrym court will be submitted in 2020 and other will follow same process.

Summary of significant issues and developments

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 2021.

Appointment of acting judges

The appointment of Justice Jeremy Doogue as Acting Judge of Supreme Court of Vanuatu, specifically to deal with 2 cases involving local members of bar; SC/Criminal Case No. 19/839 PP v Nigel Morrison & SC/Civil Case No.19/391 between Dane William Thornburgh v Vanuatu Law Counsel Disciplinary Committee.

Appointment of new judge & new magistrate

Appointment and swearing of new Supreme Court Judge, Viran Trief Molisa on 15 June 2019

Appointment and Swearing in of 1 Magistrate, Setariki Waqanitoka on 15 June 2019

Appointment of Chief Registrar

Appointment of Chief Registrar of Supreme Court, Mr Joel Shemi – September 2019

Retirement and resignation

Retirement of Justice Daniel Fatiaki on 30 September 2019 after serving Vanuatu Judiciary for 10 years.

Resignation of Albano Lolten (the Accountant) and Belinda Garae (the Human Resource officer).

Extension and transfer of Magistrates

Extension of appointment of Acting Chief Magistrate, Anna Laloyer for a further term of 3 month in October 2019.

Transfer of Magistrate Trevor Naieu from Port Vila to Malekula in 2019.

Political highlights

The Constitutional referral filed by His Excellency the President of the Republic of Vanuatu against the Speaker of Parliament on the Bill of the constitution (Seventh) (Amendment) No. 1 of 2019 on creation of positions of Parliamentary Secretaries was declared invalid by the Supreme Court and the Court of Appeal respectively, therefore resulting in appointments of Parliament Secretaries from 2013 to 2019 invalid.

Land cases

Land appeal cases were listed again in 2019 after Parliament appropriated funds for land cases, and two Judges of Supreme Court were allocated land cases to be dealt with beginning July 2019 resulting in 13 Land appeal cases completed.

Launching of DV Action Plan

The launching of the *Magistrate Court Domestic Violence Action Plan* on 16 August, 2019 and is under implementation with help of other relevant stakeholders.

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. In 2019, 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 2019 included:

Justice Ronald Young – Retired Justice of the New Zealand High Court
Justice John Von Doussa – Retired Justice of the Federal Court of Australia
John Mansfield – Justice of the Federal Court of Australia
Justice Bruce Robertson – Retired Judge of the Court of Appeal of New Zealand
Justice John William Hansen – Retired of the New Zealand High Court

Significant cases dealt with in the Court of Appeal in 2018 involved issues of Parliamentary Secretaries and the Bill of the constitution (Seventh) (Amendment) No. 1 of 2019.

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.

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 vt24,000 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 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 registrars to receive applications on review decisions of customary land ownership from the village level.

Court results (Court workload)

Court of Appeal

CoA workload decreased slightly in 2019, while finalized cases increased significantly. Of note is the increasing % of 1st instance matters finalized that are appealed, now running approximately 12-13% (or one in 8 cases are being appealed)

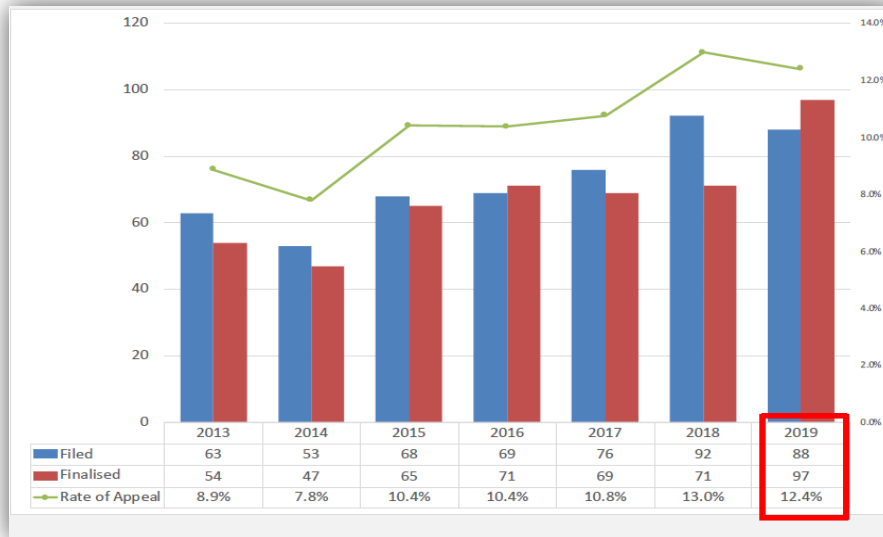


Figure 1: Court of Appeal – a trend of registration and completion of cases – 2013 to 2019

In Criminal Appeal matters, approximately 50/50 split between allowed and dismissed, whereas in Civil Appeals, only 30% of appeals are allowed

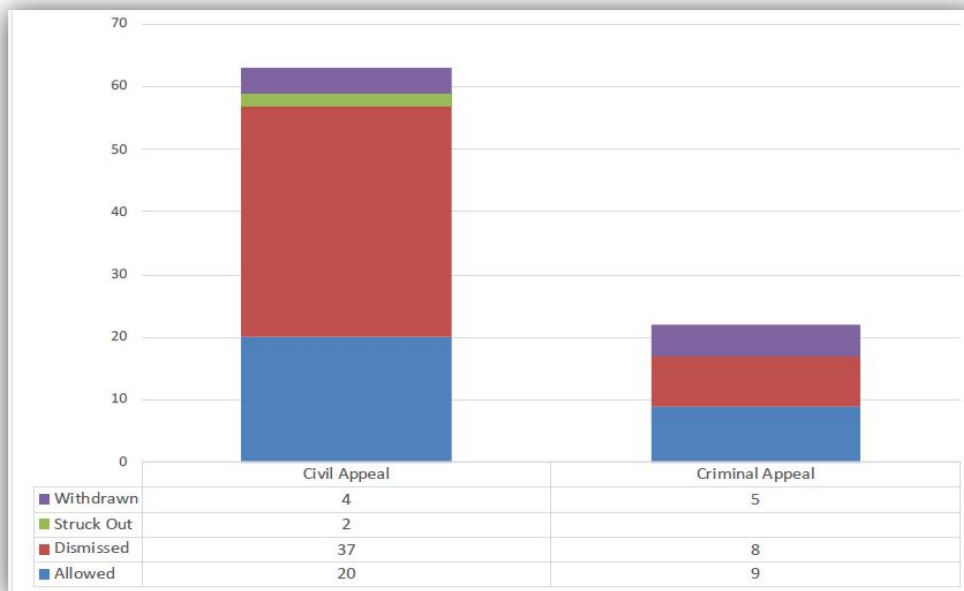


Figure 2: Court of Appeal final outcomes

Supreme Court

Cases being filed dropped slightly in 2019. Clearance rate again has not achieved 100%, cases finalized (disposed) have remained constant over the last 3 years. The overall average for the last 7 years is 94% - slightly under the target, resulting in an increase # of pending cases.



Fig: 3 Case load – Filled/ finalized /clearance rate

While Criminal cases being filed by the OPP have dropped in 2019, clearance rate for the year achieved above the target 100% - at 120%. The overall average for the last 7 years is 101% - tracking well.

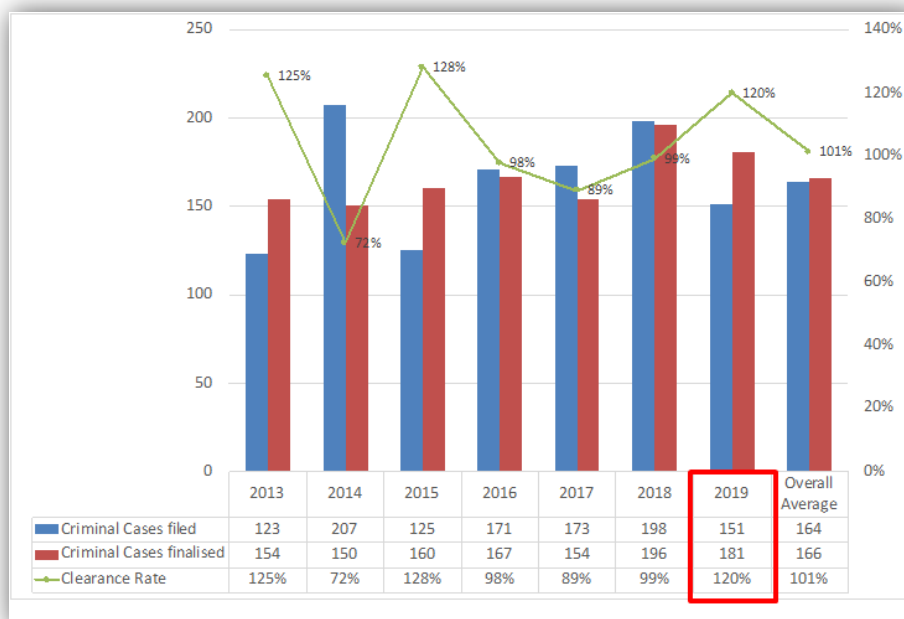


Figure 4: Trend of Supreme Court criminal workload

Civil cases being filed have slowly increased over the last 4 years, but clearance rates over the last 2 years has fallen below the target of 100% - at 92%. The overall average for the last 7 years is 96% - slightly under the target, and thus pending has grown, and further delays incurred.

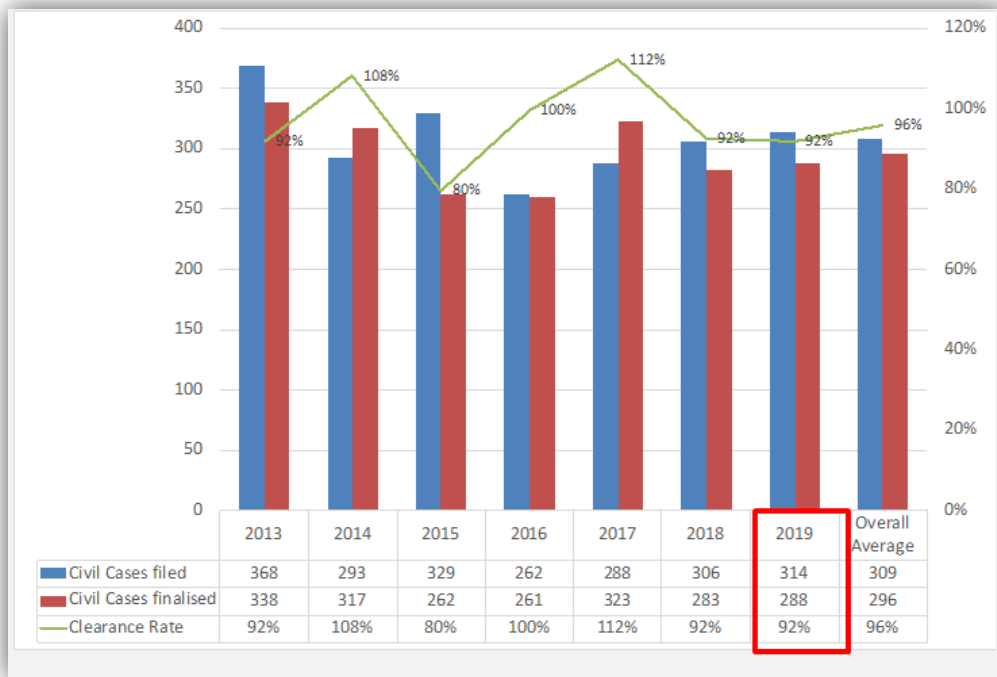


Figure 5: Trend of Supreme Court civil workload

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

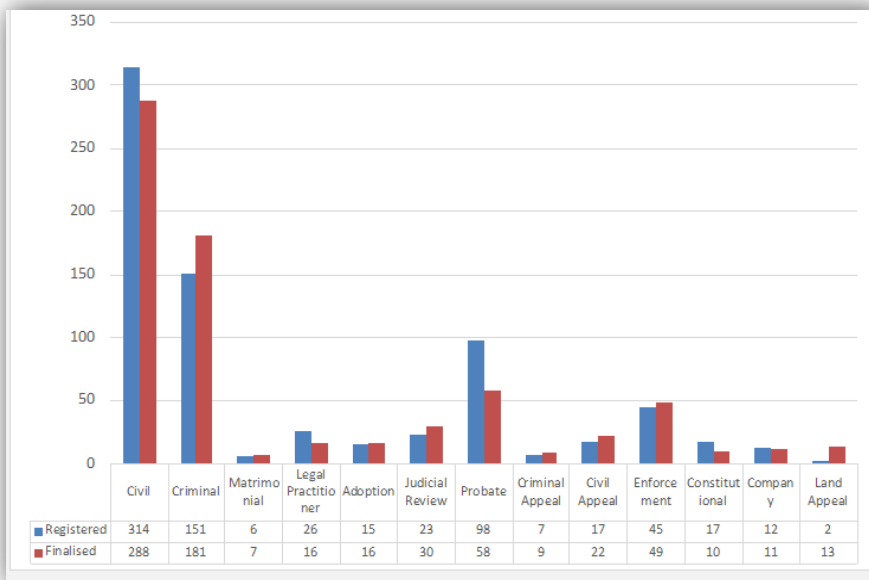


Figure 6: Supreme Court all workload

Magistrate Court

Cases filed were slightly up in 2019, however disposals dropped, resulting in a Clearance Rate of only 90% - a concern.

The overall average for the last 7 years is 100% - tracking well.

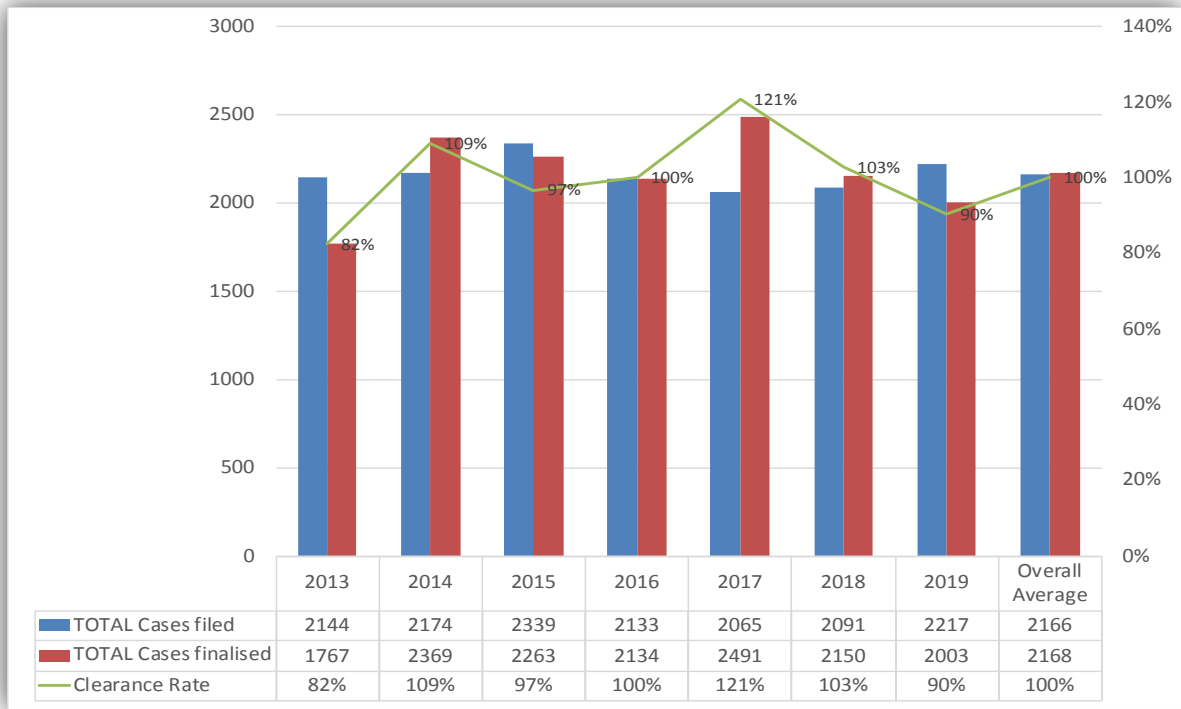


Figure 7: Magistrate Court Workload

Criminal cases make up the largest component of MC Pending workload. Violence (Domestic protection orders) are unusually high and will be investigated.

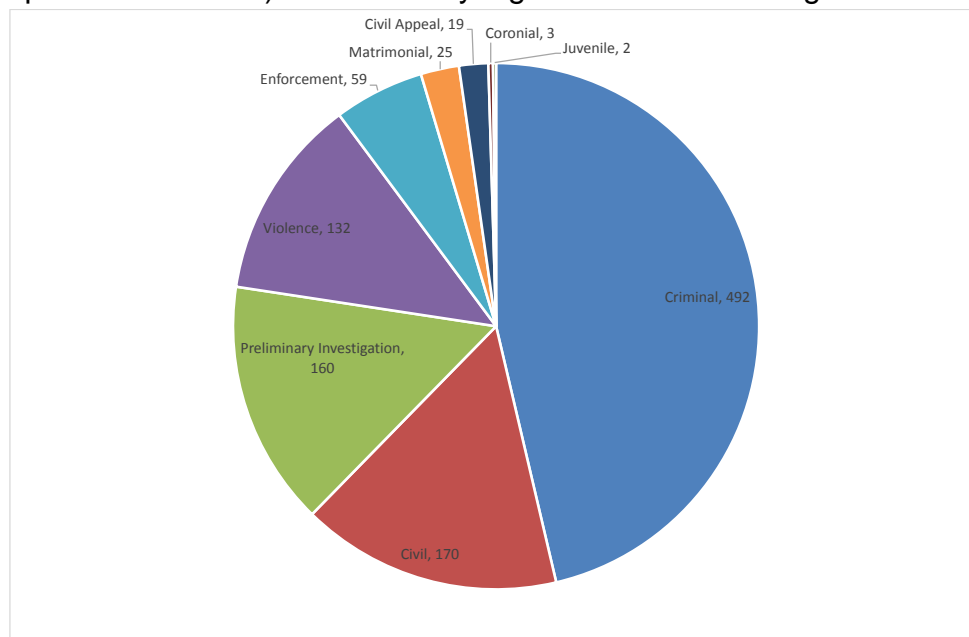


Figure 8: Magistrate Court pending by case type

Island court



Figure 9: Island Court Workload

The overall # of pending cases in the Island Court, and evenly spread across the major case types of the Court.

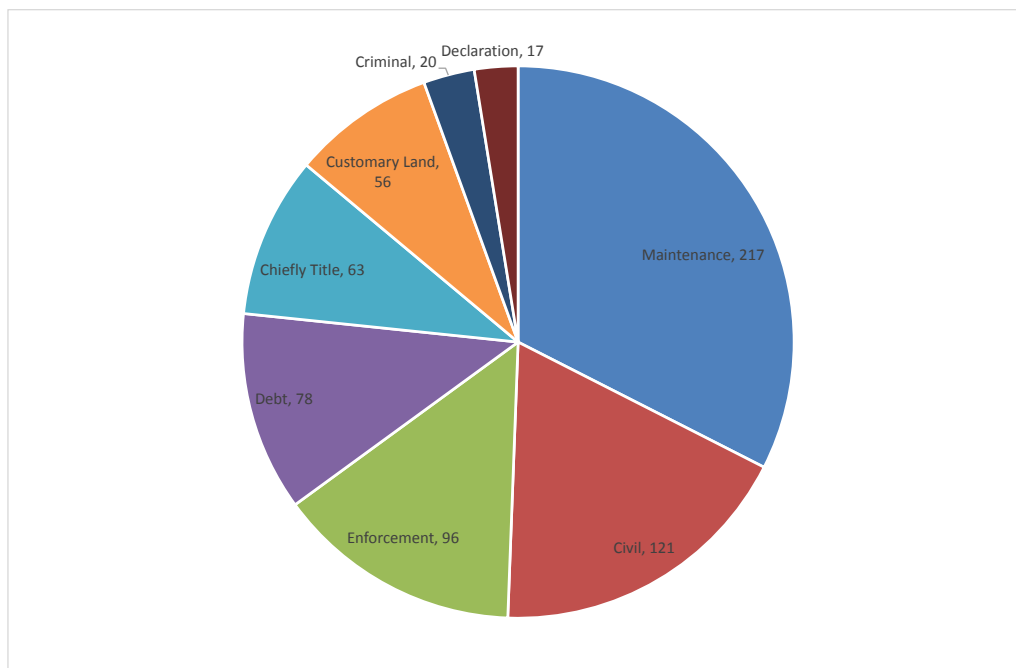


Figure 10; Island Court Pending by case type

Overall Clearance rate

Only the Magistrates Court have been able to achieve an average Clearance Rate of over 100% over the last 7 years. If less than 100% - a court's pending workload naturally increases

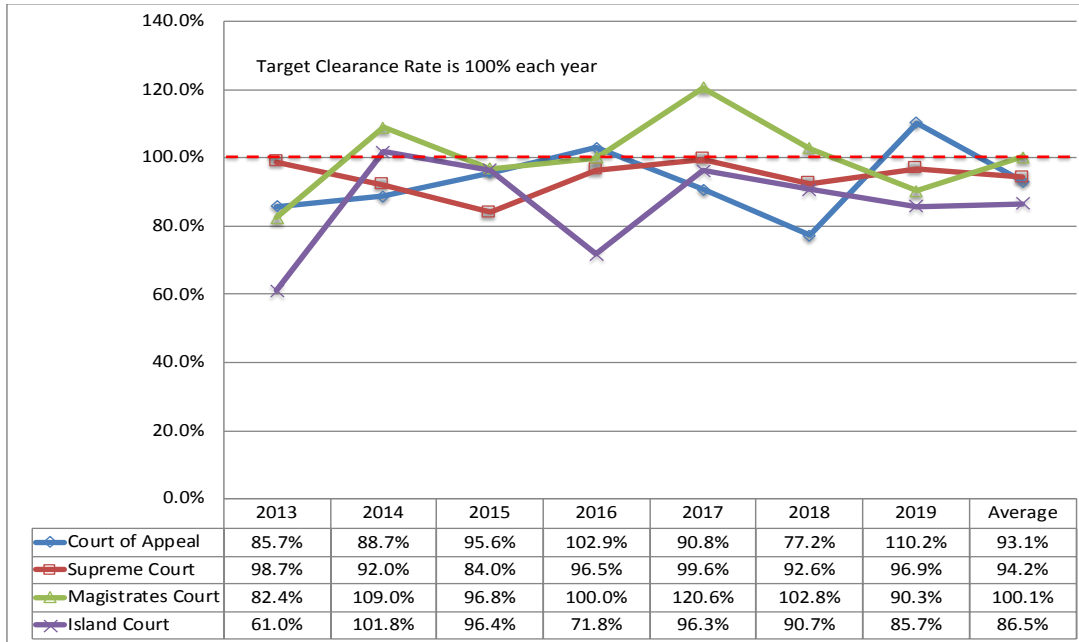


Figure 11: Clearance rate for 4 courts

Productivity

Many factors affect judicial productivity (disposals per officer) including case complexity, case mix and attendance rates. Tracking this indicator is vital. The reducing productivity of the Magistrates will be reviewed.

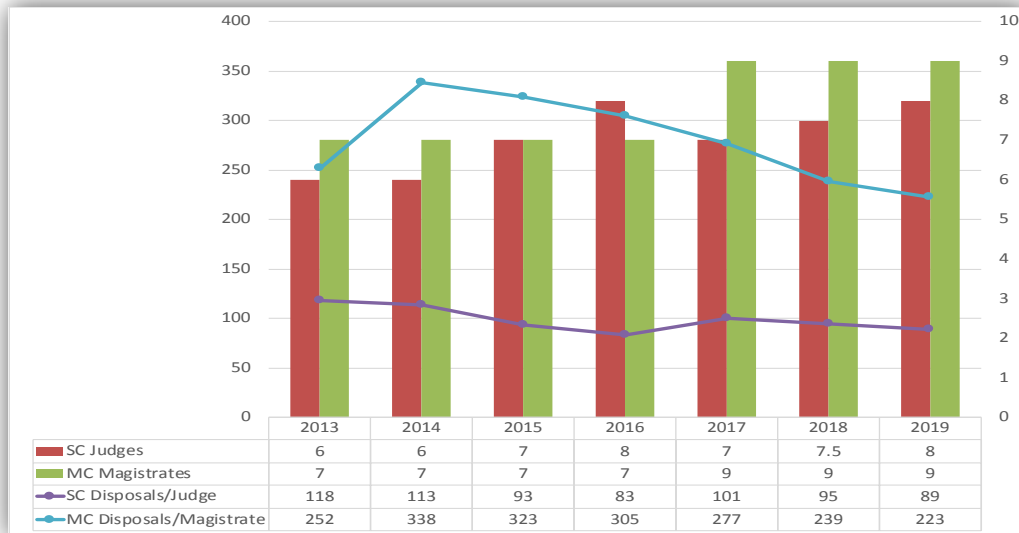


Figure 12: Productivity of Supreme Court and Magistrate court per judicial officer

Timeliness

Civil cases in the Magistrates Court have reduced over the last 2 years, while Supreme Court matters invariably take on average 2 years to dispose.

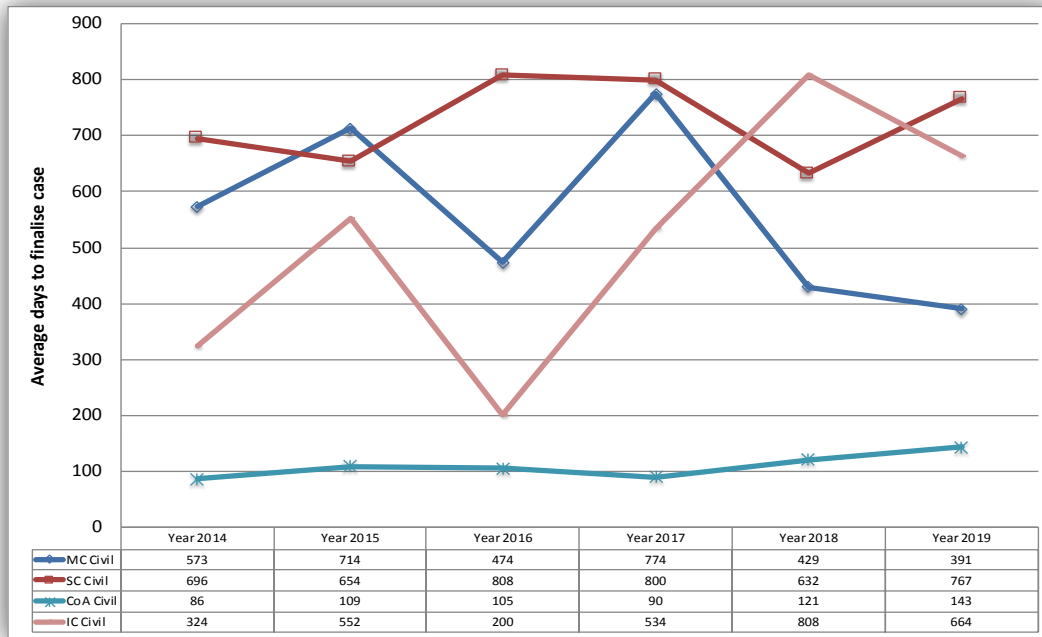


Figure 13: Disposal by days in 4 Courts for Civil

Reductions in timeliness to dispose of cases improved in the Magistrates, Supreme and Island courts.

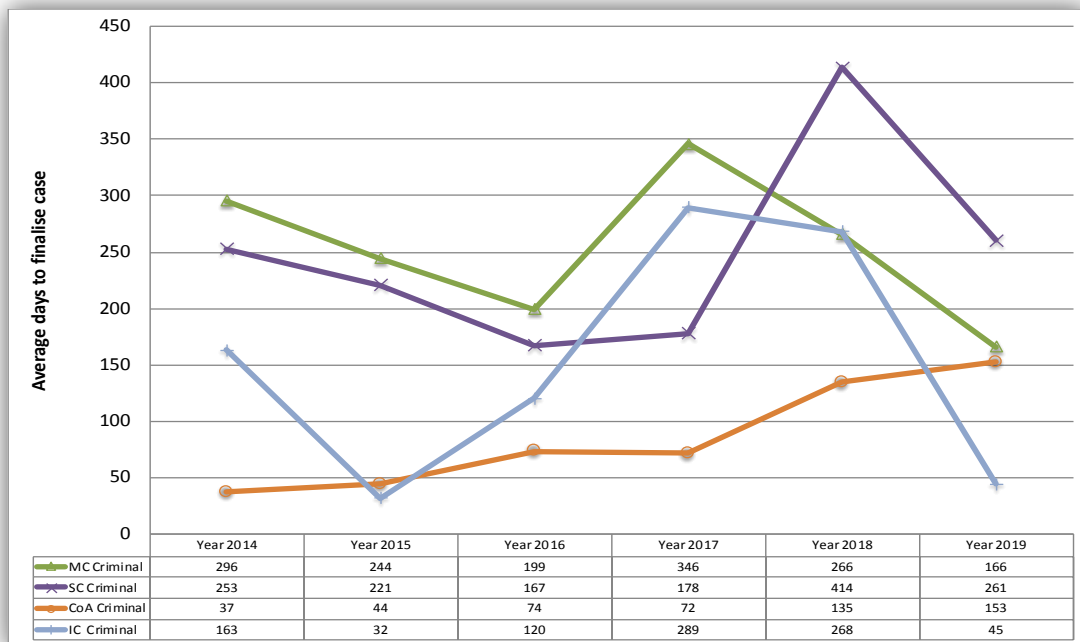


Figure 14: Disposal by days in 4 courts for criminal

Commentaries – Supreme Court

- SC filings declined from 766 cases to 733, a decrease of 4% - versus an increase of 8% in the previous year
- SC disposals were similar - 709 to 710 cases
- Clearance rate was again below the target 100% - 97% for the 2019 calendar year
- Pending has steadily grown from approx. 800 at the end of 2013 to now 1223 cases – a concern
- PDR has grown from approx. 1.2 to 1.7 – a worrying sign
- Potential 365 cases in excess of ideal position – equating to 3.5 judicial resources and/or quick improvements in case management handling of our cases
- Timeliness for completing Criminal cases declined from an average of 414 days to 261 days due to finalising a number of very old matters in 2018 - while Civil cases rose from 632 days to 767 days

Commentaries – Magistrate Court

- MC filings increased slightly from 2091 cases to 2217 - a modest increase of 6%
- MC disposals dropped sharply from 2150 to 2003 cases, a significant decrease of 7% - a concern
- Clearance rate was an unacceptable 90%, thus causing pending cases to grow
- Pending has grown to 1062 from 880 cases the previous year
- PDR remains at .5 - an acceptable position
- There are still approximately 20% of cases older than 2 years that should be assessed
- Timeliness for completing Criminal cases – has further reduced from 266 to 166 days - a positive outcome

Commentaries – Island Court

- IC filings dropped again - from 410 cases to 286 - a decrease of 43% (29% in 2018)
- IC disposals dropped from just on 370 cases to 245, a decrease of 52%
- Pending has increased accordingly to almost 670 cases
- PDR has increased accordingly and is now at 2.7 - a very worrying position
- Almost 80% of pending cases are greater than a year
- Clearance rate was lower than desired at 85% - the 5th year in a row less than 100%

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 (refer to graphs shown on Figure 11. above).

- Court of Appeal, the clearance rate is 110.2 %
- Supreme Court clearance is 96.9%
- Magistrates Court clearance rate is 90.3%
- Island Courts rate is 85.7%

Average Duration of cases from filing to finalization

- Court of Appeal
 - Civil Appeal Cases – 143 days
 - Criminal Appeal Cases – 125 days
- Supreme Court
 - Civil Cases – 766 days
 - Criminal Cases – 260 days
- Magistrates Court
 - Civil Cases – 390 days
 - Criminal Cases – 166 days

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. 710 cases were finalized by the Supreme Court in 2019, and 88 cases were appealed to the Court of Appeal. This represents 12.4% of all cases finalized in the Supreme Court that were appealed.

- Overturn rate on appeal is 49 %

Percentage of cases that are granted fee waiver

- 43.3 % (Family Violence cases filed in the Magistrate Court)

Percentage of cases disposed through a court circuit

- Supreme Court – 10 %
- Magistrate Court – 8 %

The percentage of complaints received concerning a Judicial Officer

- 0%.

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 102 cases and in the Magistrates Court is 234

Staff resource

The average number of cases per member of the Supreme Court staff (secretaries) is 122 and for Magistrate Court staffs is 246.

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 – 210 days
- Supreme Court – 1,013 days
- Magistrate Court – 500 days
- Island Court – 1,319 days

Juvenile/Children cases

- 8 cases

Violence against women/Children

937 cases were registered in the Magistrate Court in 2019 which represent a total of 43.3 % of the total workload in 2019.

Criminal outcomes

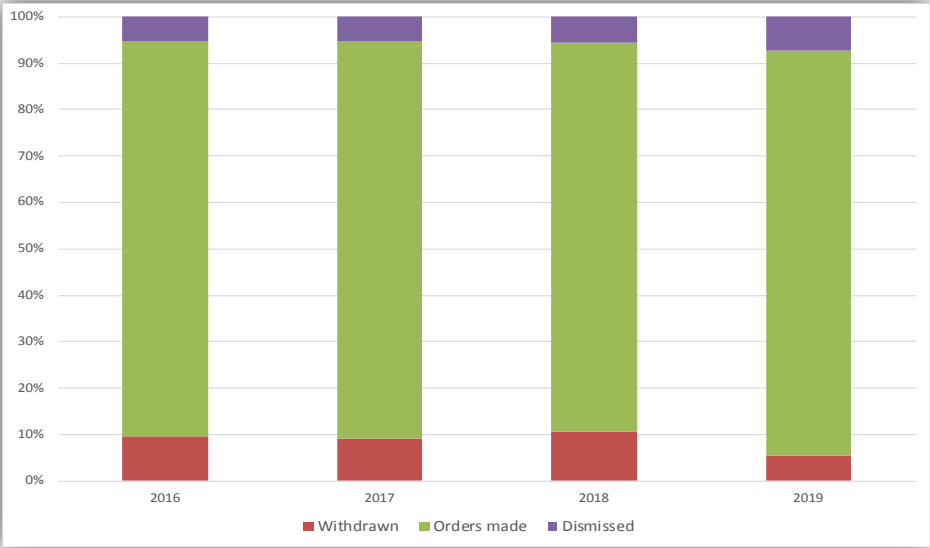


Figure 3: Outcomes brought before the Supreme Court

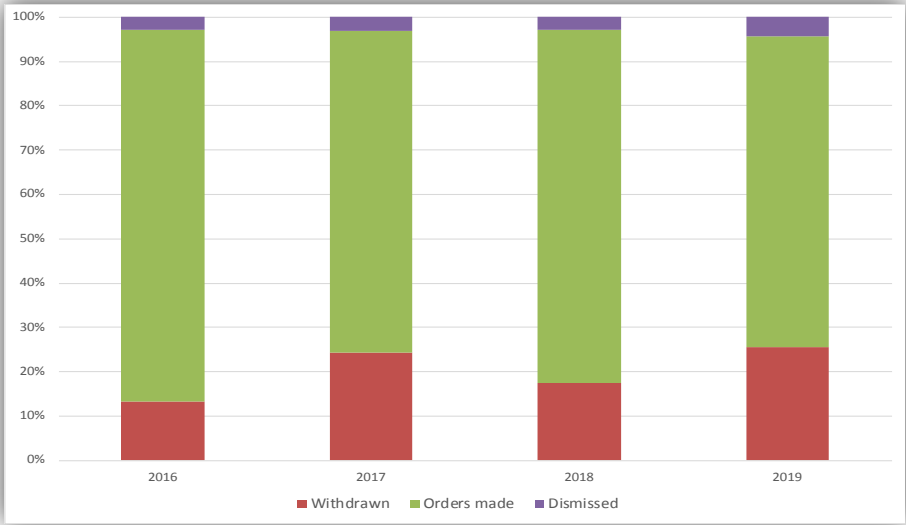


Figure 4: Outcomes brought before the Magistrate Court

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 2019.

Challenges

- I. 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.
- II. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters.
- III. Execution of enforcement warrant is hindered by inadequate budget which resulted in a lot of enforcement pending before the Sheriff office.
- IV. 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

- I. The additional judicial capacity at the Supreme Court level was a welcomed effort seeing the appointment of Justice Viran Molisa Trief and Magistrate Setariki Waqanitoka into the organization. However the appointment of one Judge cannot alleviate the backlog of cases pending before Justice Fatiaki's docket when he left in September of the same year.
- II. The retirement of Mr. Malachai George as the Sheriff in 2019, a loss in the office of the Sheriff resulted in the delay of execution of enforcement warrants.
- III. The Resignation of Mr. Albano Lolten, the Accountant and Belinda Garae, the Human resource officer in 2019 is a big challenge within the Court administration which the administration is still feeling the effect.

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

- 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 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

- 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]. Seven different activities on capacity building for court staff and judicial officers were successfully accomplished under this fund in 2019.
- II. JPPF – Vanuatu has also benefited from the Judicial Pacific Participation Fund, again a NZ Aid that financially support the participation of judicial officers to judicial professional and educational development. This year we witness the participation of 2 judicial officers to PNG for the “Commonwealth conference” and also the capacity building of our new Supreme court judge for the “new judges orientation program” and an additional study tour in NZ.
- III. Commonwealth – Vanuatu like all other Pacific courts is a member to the ‘Commonwealth Judges & Magistrates Association’. This year 2 judges of the Supreme Court attend to the PNG conference on “Parliamentary Democracy and the role of the judiciary”.

Management accountability

Annual Accounts

Annual expenditure budget for 2019 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 %

Year	Payroll Budget	Operational budget	Annual Budget
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
2019	200,805,126	105,354,194	306,159,320

A detailed financial report is in 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 shows a total of VT20,597,785 as at end of December 2017, a slight increase from 2018

Years	Total revenue (Vatu)
2014	20,036,636
2015	21,277,539
2016	19,880,325
2017	20,597,785
2018	22,315,980
2019	22,645,230



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 Training Committee is chaired by Justice Oliver Saksak driving the training development of the judicial officers and court personnel, that meets quarterly
4. The Chief Registrar meets with the Accountant, the Sheriff, the Human Resource officer, the National Judicial Development & 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.

Management of court infrastructure

Port Vila, Efate Island

The Vanuatu Government commitment towards the Hall of Justice shows great progress through a Council of Ministers Decision in 2019, together with Vanuatu government financial contributions. There is high anticipation that more background work will lead to the ground breaking in early 2020.

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 embarked on a development project next to the court rooms which reduce access to the courtrooms.

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.

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.

Isangel, Tanna Island

A budget of VT 5 million was approved in principal to refurbish the Tanna Court house which accommodates the registry, Magistrate's office, a clerk's office and a courtroom. Discussion is underway for the renovation to be done in the first half of 2020.

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 Justis" project funded solar power units that have been installed in the courts' outer island offices including Morua and 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.

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. The Clerk will be moved back to Saratamata in 2020 after the volcano has reduced its activity and situation is back to normal.

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.

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.

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.

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.

Technology

Internet access has been and is a continuous challenge in the outer Provinces and a setback for the Case Management System which is centralized in Port Vila. Thus, staff in Port Vila are tasked to update by phone.

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

In 2019, we welcome the introduction of the WebEx software and successfully participate in a Webinar regional conference coordinated by PJSI.

The desktop computers of the Judiciary across the country needs to be replaced since many of them are more than 5 years old.

Library

The main collection of the court Library is housed within the Supreme Court office. The Library is a closed library; its primary users 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 or judiciary.gov.vu. Judgements published are from the:

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

In 2019, a total of 303 judgments were published on the Court Website and PacLII.

Court Website

In 2019 the website hosted a total of of 900 + decisions for the years 2016 - 2019. The Courts daily listings are published three times each week on the website. Popular items for downloads were Court Rules and judgments.

For the year in review, the website has recorded a total of 21,914 unique visitors. An increase from the year 2018 which recorded a total of 15,401 visitors.

Archives

The Supreme Court Archives holds court records material from 2000 – to date. Shipping containers have been utilized to hold court archive records. Older court records have been moved to the National Archives from preservation and storage.

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.

Boats and accessories

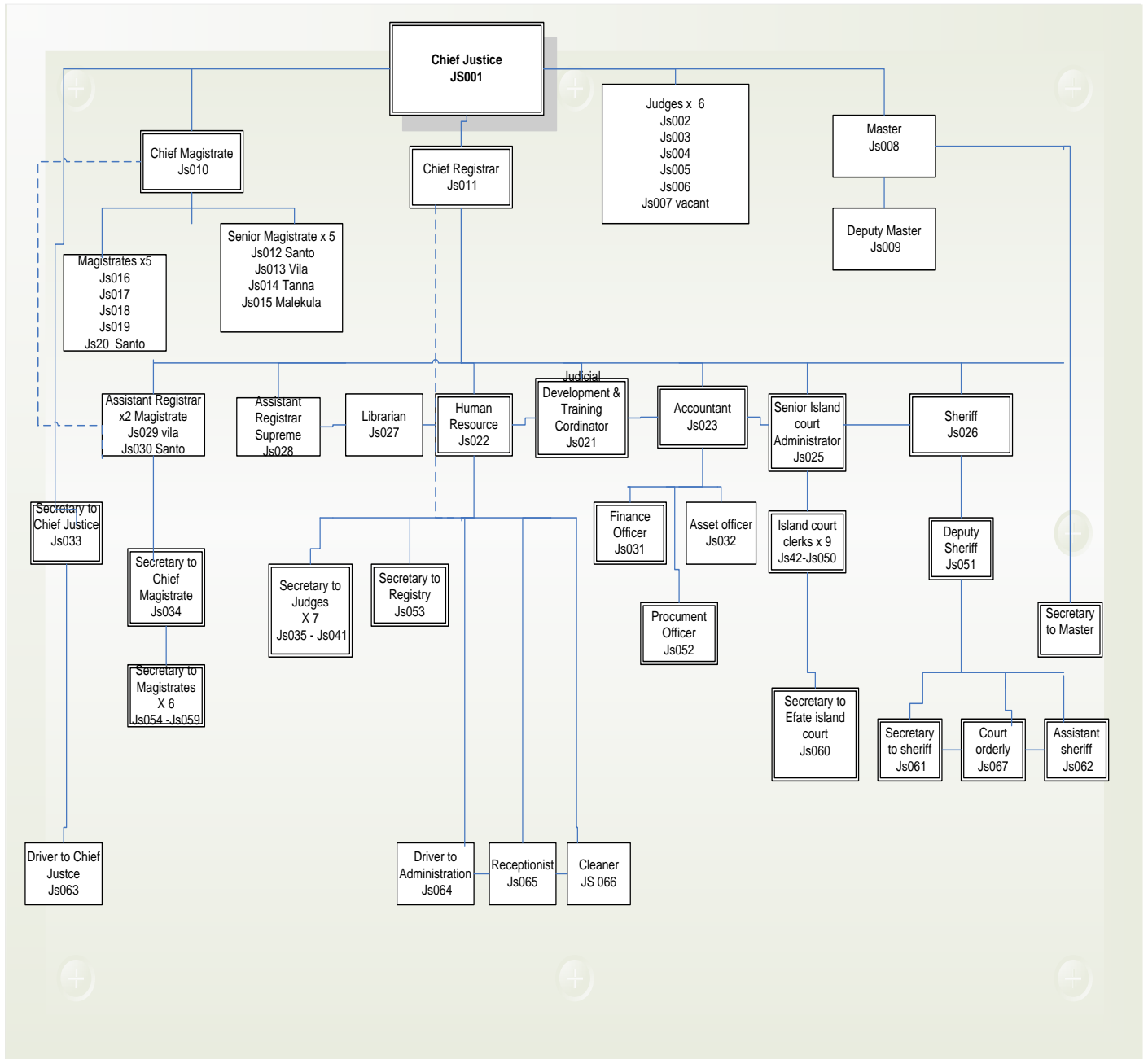
There is one operating boat at Loltong, Pentecost Island. This was donated by the French Government. There is currently a 15hp outboard engine on the boat which is inadequate considering that the boat is about 7 meters long.

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 Banks 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

i. Organizational Chart

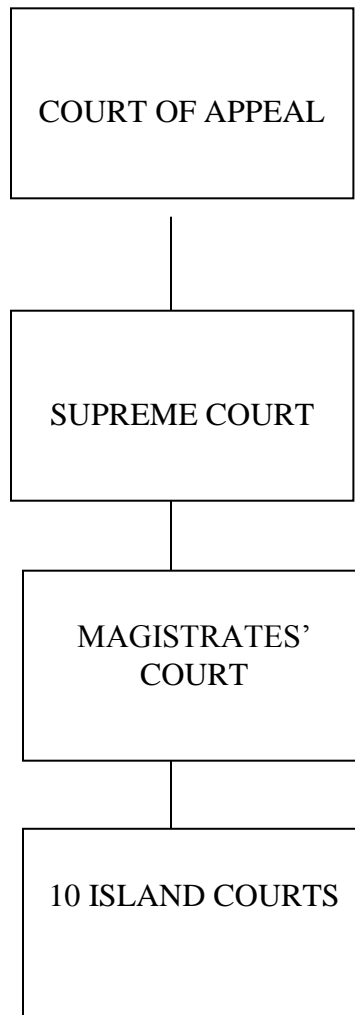


ii. **List of all court personnel**

#	Employee Name	Position Title
1	Lunabek Vincent	Chief Justice
2	Saksak Oliver	Judge
3	Wiltens Gustaff Adolf	Judge
4	Aru Dudley	Judge
5	Viran Molisa	Judge
6	Vacant	Judge
7	Vacant	Judge
8	Cybelle Cenac Laianise	Master
9	Aurelie Tamseul	Deputy Master
10	Shemi Joel	Chief Registrar
11	Anna Laloyer	Chief Magistrate
12	Hannaline Nalau	Senior Magistrate
13	Beverly Kanas A.	Senior Magistrate
14	Peter Moses	Senior Magistrate
15	Jessica Palo	Magistrate
16	Florence Sam	Magistrate
17	Trevor Naieu	Magistrate
18	Kibeon Nimbwen	Magistrate
19	Setakiri Waqanitoka	Magistrate
20	Kalo Stephen	Magistrate
21	Shirley George	Assistant Registrar
22	Florina Tabi Siganbo	Assistant Registrar
23	Vacant	Assistant Registrar
24	Vacant	Human Resource officer
25	Vacant	Accountant
26	Kathrine Abel Joseph	Finance Officer
27	Alick Marango Willie	Asset Officer
28	Mathias Iona	Procurement Officer
29	Silou Metoloa Poilapa	Sheriff
30	Vacant	Deputy Sheriff
31	Lui Melenarave	Assistant Sheriff
32	Selwynd Morrison	Court Oderly
33	Pakoa Celina	Secretary to Sheriff's office
34	Pauline Kalo	Librarian
35	Vacant	Administrative Assistant to CJ
36	Gloria Kalotiti	Receptionist
37	Evelyn Sawia	Secretary

#	Employee Name	Position Title
38	Cynthia Thomas	Secretary
39	Anita Vinabit	Secretary
40	Shalika Marcel	Secretary
41	Vanessa Donald	Secretary
42	Naomi Hinge	Secretary
43	Ethel Sablan	Secretary
44	Josepha Teguebu	Secretary
45	Anata Batsari	Secretary
46	Veronique Teitoka	Secretary
47	Florina Ephraim	secretary
48	Litong Aurelie	Secretary
49	Sidonie Lunabek	Secretary
50	Rodrice Molonturala	Secretary
51	Anita Meltek Simon	Secretary
52	Gloria Bob	Secretary
53	Evelyn Kaltapau	Secretary
54	Robson Labsai	Senior Administrator of all Island Courts
55	Kikina Maltape	Secretary
56	Alida Tchivi	Clerk
57	Lessy Anthony	Clerk
58	Blandine Tepi	Clerk
59	Nailyn Abel	Clerk
60	George Patrick	Clerk
61	Collyne Tete	Clerk
62	Jacob Malasa	Clerk
63	Enuma Basil	Clerk
64	Aru Dimas	Clerk
65	Vacant	Clerk
66	Wilma Manmelin	Filing Clerk
67	Wovan Jimmy	Driver-CJ
68	Kutty Jean Noel	Driver-Admin
69	Narita Meltecoin	Cleaner-Port Vila
70	Monique Paul	Cleaner-Santo
71	Wendy W. Raptigh	National Judicial Dev/Training Coordinator

iii. Court Chart



iv. **Financial report**

SUPREME COURT OF THE REPUBLIC OF VANUATU

PMB 041, Port Vila,
Republic of Vanuatu
Tel: (678) 224 20
Fax: (678) 226 92



Sac Postal Privé 041, Port
Vila
République de Vanuatu
Tel: (678) 224 20
Fax: (678) 226 92

26 February 2020

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 2019.

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

**Hon. Vincent LUNABEK
CHIEF JUSTICE**

Consolidated Financial Statements for the Judiciary for 2019

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 2019 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.

FINANCIAL STATEMENTS FOR THE YEAR ENDED 2019

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 31st December 2019 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 1st January – 31st December 2019;
2. All LPOs were verified as being valid as at 31st December 2019 and any duplicate, invalid or erroneous LPOs have been cancelled;
3. All Standing and Accountable imprests due before 31st December 2019 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 31st December 2019;
5. Employee leave transactions has not been updated since July 2019 and the list of outstanding annual leave balances provided is not valid and incomplete;
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

Joel Shemi
Registrar of the Supreme Court
26 February 2020

Katherine Abel
Finance Officer
26 February 2020

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:

“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 focused, 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 manner.

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 4 times a year. The total of 4 sitting in a year helps Vanuatu stands at a level where there are no backlog of cases. 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. The Judicial Service Commission in its statutory order No.1 of 2019 supplement the order made on 20 March 2008 concerning the Court of Appeal Sitting Allowances. (I)

Overseas or Visiting or retired Judges sitting in the Court of Appeal of Vanuatu shall be entitled to 81,000 Vatu per day sitting allowance while on Court of Appeal Duties. The Local Judges payment number of days also increases to 14 days. The increased was called professional fees which includes, Preparation, reading & search, Sitting, Writing Judgements and giving out Judgments.

CIAC: Supreme Courts

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 5 Judges of the Supreme Court of Vanuatu. Amongst these Judges, a District Court Judge of New Zealand was appointed in March 2018 and is serving his term and a Ni – Vanuatu Judge who was appointed in June 2019 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 2019 a budget was 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 faced by the Sheriff during 2019 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.

CIAH: Judicial Development & Training

The objectives of this activity is to plan, execute, monitor, evaluate and report on judicial development and training 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.

Section 1 – Expenditure and Revenue Report

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.

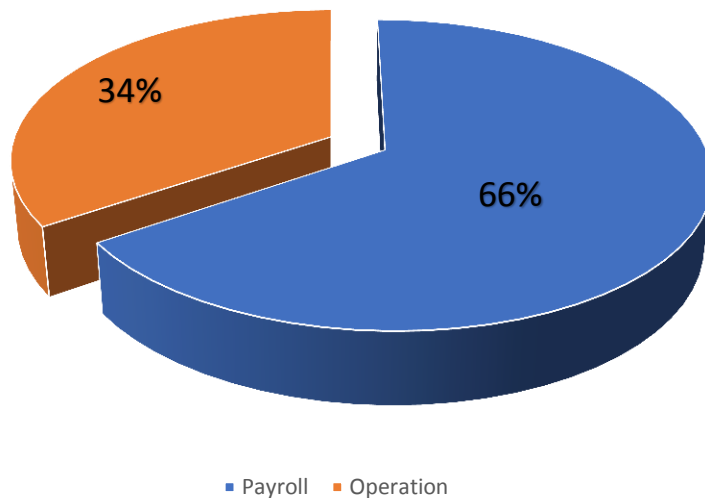
The operation budget of the judiciary did not reflect the reality of all activities such as the annual calendar of events, all judicial officer entitlements, the day to day running of all courts registries around the country and bills.

Table showing approved annual budget for Judiciary 2019
Financial year.

Year	Payroll Budget	Operations budget	Annual Budget
2019	200,805,126	105,354,194	306,159,320

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

2019 Annual Budget- Payroll VS Operation



Statement of Appropriation

1. The Judiciary annual budget approved by Parliament for 2019 was a total of 295,028,990 Vatu. The administration have projected for more than the approved annual budget. It therefore seek extra funding from the Vanuatu Government by applying for two separate supplementary budget to the Council of Ministers on March 2019. COM approved **Additional to Court of Appeal-** A sum of 11,130,330 Vatu was approved to cater for extra Court of Appeal Sitting and increasing sitting allowance for local and international Judges and Subsistence Allowance for international Judges.
2. **Temporary Court Facility-** An application have been made but was unsuccessful.

Judiciary function throughout the 2019 financial year with the total budget of 306,159,320 Vatu.

Payroll situation

Account	Description	Actual	Total	Budget	Under/(Over)
	Personnel Expenses				
8AAA	Acting Allowances	4,181,905	4,181,905	-	(4,181,905)
8AAB	Responsibility Allowance	1,237,454	1,237,454	-	(1,237,454)
8AAF	Family Allowance	1,809,087	1,809,087	-	(1,809,087)
8AAG	Gratuities Allowances	8,622,130	8,622,130	9,567,176	945,046

8AAH	Housing Allowances	21,140,957	21,140,957	15,720,000	(-5,420,957)
8AAO	Other Allowances	30,000-	30,000	-	(30,000)
8AAP	Home Island Passage Allowances	802,921	802,921	2,031,680	1,228,759
8ASP	Provident Fund	5,609,668	5,506,668	6,60,940	991,272
8AWC	Contract Wages	750,000	750,000	-	(750,000)
8AWL	Leave expense	8,420,769	8,420,769	-	(8,420,769)
8AWP	Permanent Wages	147,224,956	147,224,956	165,023,500	17,798,544
PAYR	Payroll expenses	-	-	1,861,830	1,861,830
	Personnel Expenses	199,829,847	199,829,847	200,805,126	975,279

The budget allocated for payroll total of 200,805,126 Vatu. The Payroll expenses above shows that payroll under spend. Below are reasons that contribute to the under spend of payroll budget.

1. There are 3 positions that were vacant.
2. A Judge contract ended early.

The following account shows some important variations.

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 these expenses.
3. Leave expense variance also indicated that there was no budget allocated to pay out the outstanding leaves for Sheriff, former Chief Magistrate, a judge and accountant of the Supreme Court.

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

Operation situation

Account	Description	Actual	Total	Budget	Under(Over)
8CAB	Subsistence Allowances	4,123,857	4,123,857	5,949,000	1,825,143
8CAS	Sitting Allowances	26,206,100	26,206,100	18,241,900	(7,964,200)
8CBI	International Accommodation	311,094	311,094	700,000	388,906

Account	Description	Actual	Total	Budget	Under(Over)
8CBL	Local Accommodation	3,508,173	3,508,713	5,755,300	2,247,127
8CCL	Local Courses	99,575	99,575	-	(99,575)
8CEM	Software Maintenance Fees	-	-	800,000	800,000
8CET	Other Fees	441,155	441,155	94,048	(347,107)
8CFV	Vehicles Fuel	1,714,222	1,714,222	1,630,792	(83,430)
8CGR	Transport - Freight	286,976	286,976	516,000	229,024
8CHI	International Medical Treatment	1,655,915	1,655,915	-	(1,655,915)
8CHL	Local Medical Treatment	106,489	106,489	-	(648,698)
8CIE	Equipment Hire	2,000	2,000	399,00	397,000
8CIF	Facilities Hire	89,109	89,109	740,000	650,891
8CIV	Vehicles Hire	861,591	861,591	785,000	(76,591)
8CJO	Office Cleaning	499,774	499,774	711,070	211,296
8CKD	Advertising Communications	297,739	297,739	80,674	(217,065)
8CKL	Translation Communications	1,388,332	1,388,332	1,140,000	(248,332)
8CKP	Postage Communications	4,878	4,878	16,956	12,078
8CKR	Printing Communications	1,274,496	1,274,496	880,000	(394,496)
8CKS	Stationery Communications	1,181,969	1,181,969	942,098	(239,871)
8CKT	Telephone / Fax Communications	2,150,305	2,150,305	1,726,759	(423,546)
8CMO	Office - Materials	19,104	19,104	-	(19,104)
8CNO	Office Rental	13,737,811	13,737,811	9,677,280	(4,060,531)
8CNT	Other Rental	2,396,086	2,396,086	18,278,309	16,278,309
8COD	Research & Development	1,500,000	1,500,000	1,500,000	1,500,000
8COF	Refunds	1,892,199	1,892,199	345,500	(1,546,699)
8COI	Incidentals	175,013	175,013	116,348	(-58,665)
8COP	Official Entertainment	2,178,211	2,178,211	-798,211	1,380,000
8COS	Insurance	28,878	28,878	30,000	1,122
8COU	Uniforms	93,270	93,270	-	(93,270)
8CRB	Buildings Repairs & Maintenance	1,436,744	1,436,744	400,00	(1,036,744)
8CRE	Equipment Repairs & Maintenance	517,708	517,408	703,208	185.500

Account	Description	Actual	Total	Budget	Under(Over)
8CRH	Houses Repairs & Maintenance	-	-	400,000	400,000
8CRM	Maintenance Contract	511,388	511,388	300,000	(211,388)
8CRV	Vehicles Repairs & Maintenance	1,671,252	1,671,252	924,747	(746,505)
8CTI	International Travel	1,622,553	1,622,553	1,692,500	69,947
8CTL	Local Travel	3,527,390	3,527,390	3536,495	9,105
8CUC	Gas - Cooking Utilities	448,515	448,515	492,000	43,485
8CUE	Electricity Utilities	8,901,488	8,901,488	4,638,810	(4,262,678)
8CUL	Lighting Utilities	54,582	54,582	400,000	345,418
8CUW	Water Utilities	794,775	794,775	690,000	(104,775)
8CZV	Value Added Tax	7,839,234	7,839,234	1,599,640	(6,239,594)
8EEA	Equipment - Additional General	1,181,250	1,181,250	200,000	(981,250)
8EEC	Equipment - Computer	224,326	224,326	300,000	75,674
8EEP	Equipment - Photocopiers	1,186,953	1,186,953	350,000	(836,953)
8EER	Equipment - Replacement General	100,743	100,743	150,000	49,257
8EFO	Furniture - Office Furniture	524,520	524,520	456,174	(68,346)
8EVR	Vehicle - Replacement	6,539,130	6,539,130	6,000,000	(539,130)
8FCB	Bank Charges	9,127	9,127	-	(9127)
OVER	Overhead expenses	-	-	9,268,500	9,268,500
	Operating Expenses	103,816,029	103,816,029	105,354,194	1,538,165

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.

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. Funds allocated towards sitting allowances do not reflect the expenditures. This indicates that more budget need to allocate to sitting allowances.
- B. International Medical Treatment Account shows that no funds have been allocated to it. Accounts need to take note that Judicial Officer's will require to get medical treatment overseas if needed.
- C. Funds allocated to Advertisements should also increase because of the court notices put out to public.
- 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 2019 budget.
- H. Translation account also overspent. The Bangladesh trial translation also contributed to the over spend.
- I. Printing of different case folders is monthly indicates that more funds should be allocated to Printing account.
- J. Stationaries are the main office items that were use every day in office. Need to allocate more funds to this account.
- K. Telecommunication expenses is also an account that need attention on.
- L. Office rental budget is budgeted under other rentals. Therefore accounts people when paying rental, need to check budget before expending. A lesson learn.
- M. Refund account also need to consider when preparing 2021 budget because judicial officers some time pay for their own tickets, fuel, accommodation, medical out from their personal monies and request refund.
- N. Official Entertainment covers, refreshments, lunch, catering and other social activities. Along the year there are activities that expend from this account.
- O. Building repairs and maintenance is an account which its expenses are from renovations of court premises. These account also need to allocate more funds to it.
- P. Maintenance contract is an account which we expend the funds for photocopiers annual maintenance.
- Q. Vehicles repairs and maintenance expenses are from the court vehicles.
- R. Electricity Utilities is an ongoing fixed expenses that is consuming a lot of Judiciary's Budget.
- S. Value Added Tax are expenses from all items purchase.
- T. Equipment expenses are from the purchasing of computers, printers and photocopy machines.

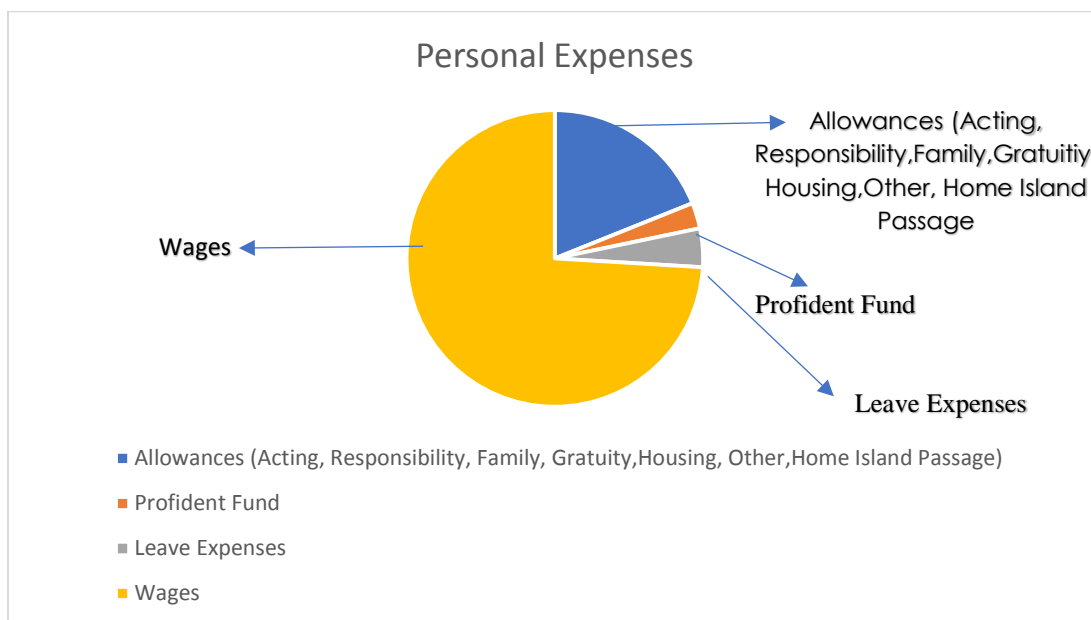
The overall operation expenses shows that there are insufficient funds for some activities. The administration need to allocate more funds to avoid overspending.

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)	37,824,454
Provident fund	5,609,668

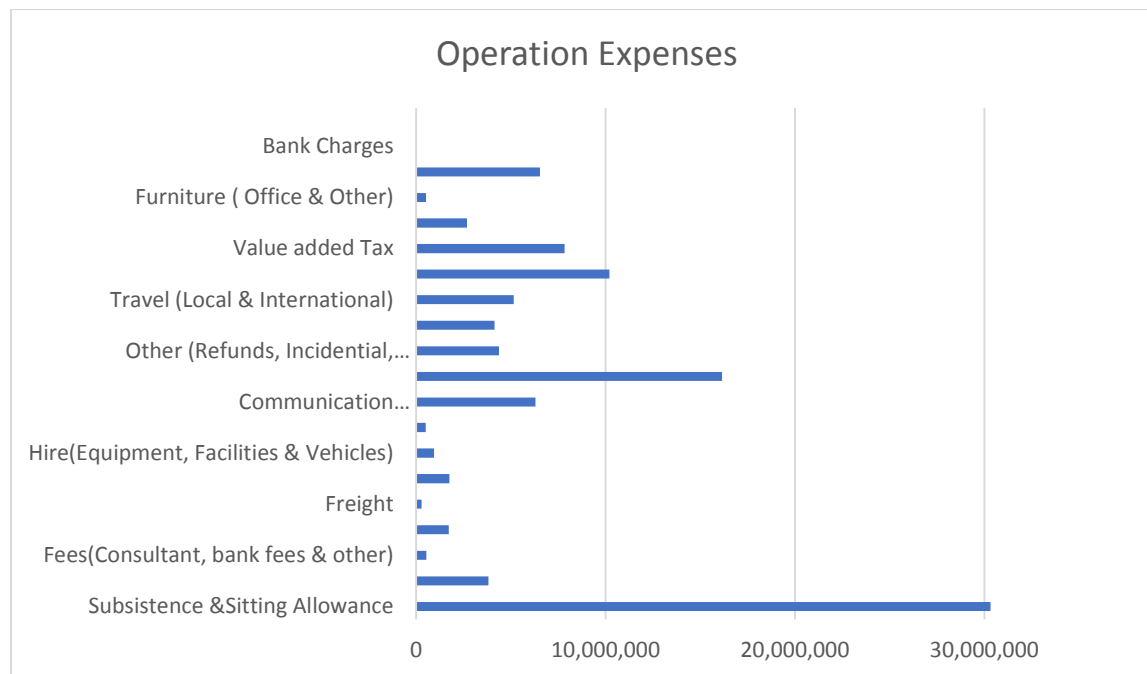
Leave expense	8,420,769
Wages	147,974,956



The table showing a summary and graph for operation expenses.

Description	Actual
Subsistence & Sitting allowance	30,329,957
Accommodation(Local & International)	3,819,267
Fees(Consultant, bank fees & other)	540,730
Fuel	1,714,222
Freight	286,976
Medical treatment & medicines suppliers	1,762,404
Hire(Equipment, facilities & vehicles)	952,700
Office cleaning	499,774
Communication(Advert.,transl,postage,printing,stationery&telephone/fax)	6,297,449
Material & rental	16,153,001
Other(Refunds, incidentals, official Entertainment , insurance, uniforms)	4,367,571
Maintenance(building, equipment, maintenance contract, vehicles)	4,137,122
Travel(Local & International)	5,149,943
Utilities(Gas, electricity, lighting, water)	10,199,360
Value added Tax	7,839,234
Equipment(General, computer, photocopiers, replacement)	2,693,272

Furniture (Office & Other)	524,520
Vehicle(Additional, replacement)	6,539,130
Bank Charges	9,127



VIREMENT

In 2019 Financial year Judiciary made 3 applications to vire funds for the following reasons below.

1. **First Virement application-** This virement was execute on the month of April 2019 to refund 1,000,000 Vatu for medical expenses for Master Cenac Cybelle. Also on this same virement, there are funds vired to Cost Centre 1430 to correct the overspend on payroll to become positive to free up its operation to enable to expend out from operation funds.
2. **Second Virement application-** End of April 2019, Unelco put pressure on the administration to pay out electricity bill total of 4,651,664 Vatu. We vire 2,839,327 Vatu to help with the available funds to pay out the electricity outstanding invoices.
3. **Third Virement application-** In October 2019 another Virement was done to help pay part of outstanding leaves for Judge Fatiaki.

The Advance release

Compare to past years, there was a lot of advance release in 2019. There was a total of seven 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, 1440-Chiefly Title, 1460-Land Appeal. Below are reasons why we have advance funds on these cost centres.

- A. **1402 Finance & Accounts**-Rental of office (Port Vila Magistrate Court) funds have been loaded in period 12. Advance to period 2 to pay out annual rental amount.
- B. **1403 Asset**- Advance Funds load in period 12 to release to period 1 to purchase 3 new Vehicles.
- C. **1404 Information Technology**- Advance funds load in period 12 to release to period 2 and 3 to pay LexisNexis for the annual maintenance for the case management system and also to pay for outstanding invoices for translation in court.
- D. **1410 Court of Appeal**- Advance funds since sitting allowance have increase for international and local judges. Also to gather for Subsistence Allowance and other expenses for Court of Appeal Sessions.
- E. **1421 Principal Registry**- Advance funds load in period 12 to pay for Santo Court Office and dumbea 2019 rental. We also advance funds in other periods to allow Supreme Court to execute its tours to outer parts of the archipelago.
- F. **1428 Regional Conference**- Advance funds load in period 12 for Chief Justice regional tours to attend conferences, workshops etc..
- G. **1440 Senior Administrator**- Chiefly Title budget was loaded in period 12. The advance release was done monthly according to submissions provided by island court clerks.
- H. **1460 Land Appeal**- Land appeal was also loaded in period 12 and release done upon submissions provided by Supreme Court secretaries.
- I. **December release on all cost centres for Judiciary**- Finance only release December warrant on request provided by different ministries and departments. Judiciary also make the exercise to request funds.

Journal

Journals were done according to the nature of Court activities.

- Readjustment of Payroll
- Department to department-official gazette annual subscription
- Retire standing imprest-credit the standing imprest account.
- Pay water bills for outer courts.

The Supplementary Fund

Total of two Supplementary Application have been applied in the year 2019.

1. **Court of Appeal**- A sum of 11,130,330 Vatu was approved to cater for extra Court of Appeal Sitting and increasing sitting allowance for Judges and Subsistence Allowance for international Judges.
2. **Temporary Court Facility**- An application have been made of a sum of 18,134,000 but was unsuccessful.

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
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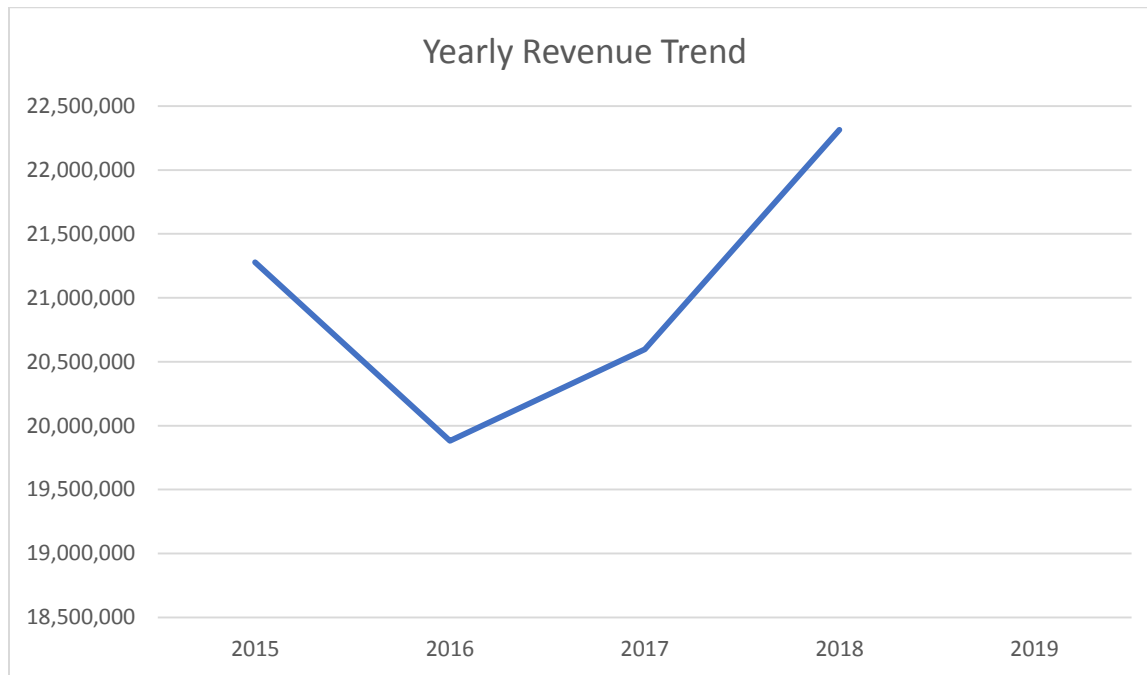
For transactions between 1 January 2019 and 31 December 2019	Extracted on 16/01/20 15:45
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Filters Applied to this Report	
Fund	2-Recurrent Fund
Ministry	M01-Constitutional Agencies
Dept	14-Judiciary
Cost Centre	
Activity	
Job Code	
Currency	Vatu
Book	Primary Book (vatu)

Account	Description	Revenue	Budget	Over/(Under)	Cash Received
	Revenue				
7NDE	Equipment Disposals	7,500		7,500	7,500
7NDF	Furniture & Fittings Disposal	111,200		111,200	111,200
7NDT	Other Asset Disposals	25,900		25,900	25,900
7NFN	Court Fees			-	38,000
7NFO	Other Fees	9,150		9,150	
7NIO	Other Fines			-	3,518,920
7NOC	Court Costs Recoveries	10,136,520		10,136,520	6,579,600
7TFC	Court Fines	12,324,210	25,050,700	(12,726,490)	12,364,110
	Revenue	22,614,480	25,050,700	(2,436,220)	22,645,230
	Total Revenue and Receipts	22,614,480	25,050,700	(2,436,220)	22,645,230

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 2015 to 2019

Years	Total Revenue (Vatu)
2015	21,277,539
2016	19,880,825
2017	20,597,785
2018	22,315,980
2019	22,645,230



Section 2 – Commitments, contingencies and Leave Balances

Human Resource

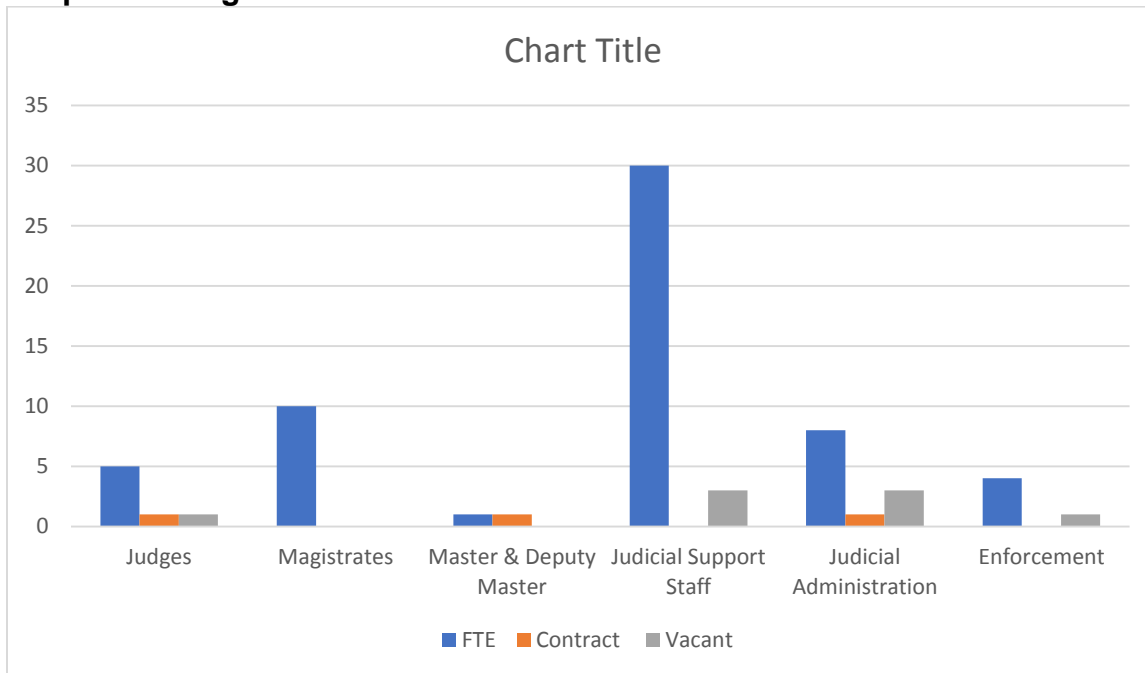
To provide statistical information on the workforce, recruitment, Welfares of all Court personnel and Judicial officers also an update to the Management of the Judiciary services regarding trends and achievements in the workforce profile of the Judiciaries Human resources, for the last 12 months period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

Current Human Resources

	FTE	Contract	Vacant
Judges	4	1	1
Master & Deputy Master	2		
Magistrates	10		
Judicial support staff	30	0	3
Judicial Administration	8	1	3
Enforcement	4	-	1

(NB: FTE- Full Time Employee)

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.

Recruitment

There are five new recruitments in 2019.

- 1 Judge
- 1 Magistrate
- Senior Administrator of Island Courts
- Asset Officer
- Cleaner

The above recruited officers received permanent appointments except for cleaner’s position is on contract basis

1) Redundancy

Table below shows that there are two officers retired on retirement age, one retire on medical grounds and one resign. Total of 4 left Judiciary in 2019.

Retirement Age	Retire on Medical Grounds	Resignation
1	1	2

5. Leaves Records

A) Outstanding Leaves Update by Judiciary

After an audit report identifying some weaknesses in the Judicial internal control of managing leaves, a team of senior staff took a detail review of all leave records in each staff personal files and reconciled the record with the records in the Human resource smart stream as there were a lot of inconsistencies.

The following were discovered as result of inconsistencies identified in the audit report.

- Human resource smart stream does not reflect 21 days leave per annum for staff of judiciary as approved by the Judicial Service Commission.
- Human resource smart stream does not reflect 42 days leave per annum for Judges as per their entitlements under the Judicial Service and Courts Act.
- Human resource smart stream does not capture entitlement of long serving staff of Judiciary over 20 years.
- Human resource smart stream does not include names of every staff in the Judiciary

Below is a summary of correct leaves that are now pending with the Department of Finance to override the existing inaccurate records in the Human resource smart steam and ensure the system reflects accurate entitlements of staff.

Name	NPF#	Date of employment	Finance record	Judiciary records
Blandine Tepi	149054	2/01/1985	48.78	784.25
Shirley George	118059	7/04/1990	911.93	255.5
Hannaline Ilo N	428342	5/02/1991	28.14	305.25
Anita Meltek Isabele	129882	1/11/1995	18.6	344.5
Evelyn Sawia	552810	1/02/1996	33.95	305.5
Cynthia Thomas	442848	1/02/1996	110.44	179
Vincent Lunabek	430397	1/06/1996	420	721
Oliver A Saksak	153601	6/05/1997	92.93	741.25
Veronique Teitoka	639393	16/04/1998	10.74	123
Anna Laloyer	231373	1/04/1999	-11.02	252.25
Shemi Joel	706028	3/05/1999	68.4	533.5
Cleris Kalo	565523	2/10/1999	82.33	122.75
Anita Vinabit	411710	3/11/1999	1.35	122.25
Evelyne Kaltapau	806927	25/04/2005	126.29	120
Florina Toran	726596	25/04/2005	77.42	-3.5
Patrick George	1069727	2/10/2006	30.81	-5.75
Wilma M	118141	3/10/2006	54.54	-37.25
Pauline Kalo	741413	20/11/2006	8.26	-27.75
Jean Noel Kutty	425777	20/11/2006	2.88	-75.5
Rodrice M	1070115	7/12/2006	40.74	-32
Naomi Vira	782755	19/02/2007	97.95	75
Belinda G	764225	9/02/2009	72.26	39.25
Katherine Abel	1066364	23/02/2009	50.81	42
Taniela Fatiaki	1076365	27/07/2009	33.21	241
Ethel Sablan	1075034	27/07/2009	195.18	48.25
Enuma Basil	1074771	3/03/2010	30.37	34
Collyne Tete	1063923	3/03/2010	26.12	55
Dimas Aru	1077952	9/03/2010	105.33	108.5
Robsen Lapsai	1078396	10/05/2010	84.18	45.75
Kikina Maltape Shedrach	1069788	28/09/2010	22.26	66.25
Peter Moses	636209	26/01/2011	2.33	14
Dudley Aru	328849	31/05/2011	229.04	320
Gloria Kalotiti	743690	9/01/2012	62.94	28.5
Florina Ephraim	1083514	30/04/2012	52.6	57
Joel Jacob	1083480	30/04/2012	44.85	44
Jimmy Wovan	1080961	24/09/2012	81.24	85

Vanessa Donald	1078057	2/02/2013	13.74	49.5
Anthony Lessy	1084169	2/05/2013	-27.43	105.5
Alida Tchivi	1072647	12/08/2013	57.32	11.75
Beverleigh Kanas	505404	14/08/2013		12
Aurelie Litoung	1065584	19/03/2014	43.08	41
Iona Mathias	1080937	22/05/2014	51.88	66.75
Trevor Naieu	1088705	6/06/2014	26.94	12
Florence Sam	1076127	6/06/2014	-72.88	17
Kipeon Nimbwen	1085015	6/06/2014	9.88	48
Gloria Bob	553776	4/09/2014	-43.57	20
Shalika Marcel	1082268	8/09/2014	-34.61	64
Celina Pakoa	1066466	16/02/2015	20.67	17
Nailyne Abel	1079126	14/05/2015	39.02	27.25
Morrisen Selwyn	1065228	25/05/2015	9.09	50.5
Cybelle Cenac	9999989	1/10/2015		168
Wendy Raptigh	741843	11/04/2016	26.1	44
LoveLui Melenarave	1070348	23/05/2016	19.59	34
Anata Batsari	1084085	19/10/2016	18.16	47
Jessica Palo	1076457	7/11/2016	-4.32	29
Stephen Carlo	1089228	15/11/2016	-5.63	23
Sidonie Lunabek	1085134	5/06/2017		13.75
Monique Paul	1065953	2/10/2017		25.8
Aurelie Tamsuel	1077584	11/01/2018	19.67	17.5
Stephen Felix	119818	2/04/2018	55.81	48
Josepha Teguebue	1100800	9/04/2018	7.1	9.8
Alick Marango	1085857	4/06/2018	13.6	19.22
Malachi George		1/12/2018	467.71	8.75
Wiltens Gus Andree				44
			4059.1	7105.82

B. Override of accurate leave records

After the review done by the Judiciary on annual leave in 2019, the correct record was sent to the director of finance to override the existing record in the smart stream and ensure accurate record is reflect in the system.

The record is currently with the department of finance waiting to have it input into the smart stream system.

Refer to letter marked "A" to the director of Finance.

6. Staff welfares

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

7. Office Hours

Most staff attends 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.

a. Discipline

In 2019, two staff were given option to either resign or go through the disciplinary process for allegations of offence under Judicial Service and Courts Act. One chooses to resign and the other chooses to pass through disciplinary process.

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

b. Record Keeping

Individual staff has its own personnel file. The HRO and the Chief Registrar are accessible to these files.

c. Staff Manual

Judiciary Staff Manuel will be finalized in 2020 including finalization of Human Resources Policy.

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.

In addition to that there are annual contracts for maintenance of photocopy machines with 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.

Section 3 – Asset Register of the Judiciary

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 year are recorded by an Asset Officer who was on contract basis and recently was appointed to the position.

Below is a short asset financial report for the year 2019 that were updated manually.

It is shattered to their perspective areas with their financial statement as follows.

- i. Asset registry for 2019
- ii. Court Repairs and maintenance – *Building and Vehicles, electrical repairs and maintenance*

iii. Asset Registry 2019

Category	Total
Vehicles (3)	7,520,000
Furniture's	588,773
Computers / Printers / phones	2,813,210
Total	10,921,983

iv. Court Repairs and Maintenance

Category	Total
Building repairs	1,344,877
Vehicles Repair & maintenance	1,781,791
Electrical repairs and maintenance	384,083
Total	3,510,751

v. Summary Statements

Category	Total
Asset Registry	10,921,983
Court Repairs and maintenance	3,510,751
Total	14,432,734

Conclusion

The 2019 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 96% of outstanding bills.