

SUPREME COURT OF THE REPUBLIC OF VANUATU

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Guide to the Individual Docket System

In the original and appellate jurisdictions of the Supreme Court of Vanuatu

This guide should be read in conjunction with the Practice Notes which have been issued by the Chief Justice and the obligations imposed by Section 29 (2) (a) (b) and (c) of the Judicial Services and Courts Act [Cap 270] in relation to the conduct of proceedings in Court consistently with the overarching purpose of the Civil Practice and Procedure.

Background

The Supreme Court uses an individual docket system for the listing and management of the civil cases (including cases in its appellate jurisdiction). Under this system, civil cases (including appeals from Magistrate's Court or land appeals from Island Courts) are generally allocated to a Judge at the time of filing and managed by that Judge until that case is finally disposed.

On 1 October 2015, a Master of the Supreme Court has been appointed. Matters that fall within the jurisdiction of the Master will be allocated to the Master. [See Interim Practice Direction No.02 of 2015].

The individual docket system aims to promote the just, orderly and expeditious resolution of disputes and to enhance the transparency of the processes of the Court while providing the flexibility and adaptability that each individual case may require. By promoting continuity of case management it encourages the use of fewer management events with greater results and early settlement through issue identification and narrowing and the use of timely and appropriately structured alternative dispute resolution.

Parties and their lawyers are encouraged to confer early and frequently on both procedural and substantive issues, monitor progress and compliance constantly and to emerging issues or concerns.

Purpose of this guide

This guide provides information to assist parties and their lawyers conduct a proceeding in the Court in a way which is consistent with the overarching purpose of civil practice and procedure and, in particular, so it may be dealt with according to law as quickly as inexpensively and efficiently as possible. Its guidance is primarily aimed at civil cases (including appeals) being managed in a docket, however some parts (for example "Communication with Chambers") apply more generally.

Return Date

On commencement, a civil case (including in the Court's appellate jurisdiction) will be allocated to the docket of a particular Judge and given a return date. Sometimes the time and date of that listing will be advised later.

Each party or his, her or its lawyer must attend the Court at the time listed for the hearing on that return date. By prior arrangement, where appropriate, that attendance may be by videoconference or phone in particular for Santo cases. (See also below as to consent orders).

The Judge will expect those attending to be ready and able to inform the Court fully about the case, including source of jurisdiction, issues, urgency, alternative dispute resolution processes (including arbitration and mediation) undertaken or contemplated and preparation required for hearing, and will make orders and directions for future hearings and for the conduct of the case.

Interlocutory Application

Where an originating application includes a claim for interlocutory relief, that claim may be heard on the return date; or a date for its later hearing may be set on the return date and directions for preparation made.

An interlocutory application filed in an existing proceeding may be heard on the return date; or a date for its later hearing may be set on the return date and directions for preparation made.

If a claim for interlocutory relief is to be contested, parties or their lawyers should advise the docket Judge's Associate as soon as possible and given an estimate of the likely hearing time. Advice should also be given about urgency and preferred date if known. Consideration can be then given in advance about the time that may be available on the return date or listed date for a hearing or, alternatively, to other suitable dates.

Directions Hearings and Case Management Conferences

Directions hearings and case management conferences/hearings will, as needed, be set to monitor progress in preparation, resolve emerging procedural and other issues and to make any necessary directions or orders.

Consent Orders

Parties or their lawyers are expected to confer well in advance of any listing to explore if agreement may be able to be reached on procedural or other issues and, if so, if these can be dealt with in consent orders.

Any proposed terms of a written consent orders once signed should be sent to the docket Judge's Associate electronically as soon as possible with a brief accompanying explanation. Where this is done close to any listing, telephone contact should also be made with the docket Judge's Associate to alert him or her to the terms of written consent having been sent and to clarify if attendances at the listing will be required.

Terms of a written consent to orders in a proceeding which has not been allocated to a Judge's docket should be lodged in the Supreme Registry.

Urgent Applications

Parties wishing to make an urgent application, whether in a proceeding which has not yet been commenced or in a proceeding which has been allocated to a docket, should contact the Registry of the proper place for that proceeding. Information about contact with Registries outside of normal business hours can be found on the Courts notice Boards outside the Registry office and on the Judiciary Portal URL

<http://sardine.vangov.local/dotnetnuke/>

In circumstances of real urgency, a hearing can be arranged at very short notice.

Communications with Chambers

Parties or their lawyers may need to contact the docket Judge's chambers in a variety of circumstances. It is never appropriate for contact to be attempted directly with the Judge. Where contact with chambers is necessary and appropriate, the Court encourages that this be done as early as possible.

Emails to the generic email address of the Judge's Associate are preferred. Unless it relates to an application without notice, any contact with chambers should only be made after all other parties have been notified about the proposed communications and all emails and correspondence with chambers must be copied to all other parties or their lawyers. Telephone contact with chambers (other than in connection with any urgent ex parte application) should as a general rule not be made without the prior knowledge and consent of the other party. To do otherwise tends to undermine the integrity of the court.

All communications with chambers should be confined to routine procedural, administrative or practical matters and be uncontroversial. Such communications should never, unless this is invited, contain information or allegations which are material to the substantive issues in the litigation or which are intended to influence any decision of substance to be made by the docket Judge.

Practice Notes and Administrative Notices

Practice Notes have been issued by the Chief Justice to complement particular legislative provisions and rules of court; set out procedure for particular types of proceedings; and to notify parties to litigation and their lawyers of particular matters which might require their attention. Administrative Notices are issued by the Registrars dealing with local matters in each Registry, such as arrangements for the duty judge and listing of particular types of matters.

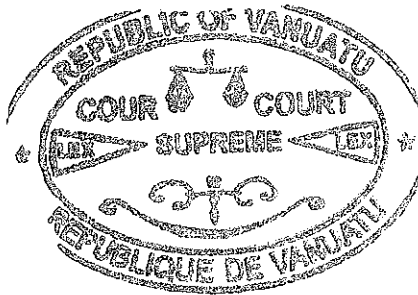
All current Practice Notices and Administrative Notices are available on the Judiciary Portal at <http://sardine.vangov.local/dotnetnuke/> and http://www.paclii.org/vu/rules/prac_directions/

Information about the listing and management of cases in the Court of Appeal can be found in the Judicial annual calendar of events. Court of Appeal sittings are in three set periods each year. Scheduling all appellate work during set periods allows Judges to better manage their own dockets outside the Court of Appeal sittings.

Video conference managements of Santo cases can be arranged through the Supreme Court Registries in Port-Vila or Luganville.



V. LUNABEK
Chief Justice



16 December 2015