

Judiciary of the Republic of Vanuatu

ANNUAL REPORT 2016



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

March 2017

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CHIEF JUSTICE'S CHAMBERS
SUPREME COURT OF VANUATU
PMB 9041
PORT VILA
EFATE

March 2017.

The Honorable Ronald Warsal
Minister of Justice & Community Services
Ministry of Justice & Community Services
Government of Vanuatu
Port Vila
Efate

Dear Minister,

I have the pleasure in submitting, in accordance with section 51 of the Judicial Services & Courts Act No. 54 of 2000, a report of the management and administrative affairs of the Judiciary during the year 2016 and the unaudited financial statements in respect of that financial year. The report includes information about the Court, its activities and workload.

Yours sincerely,

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



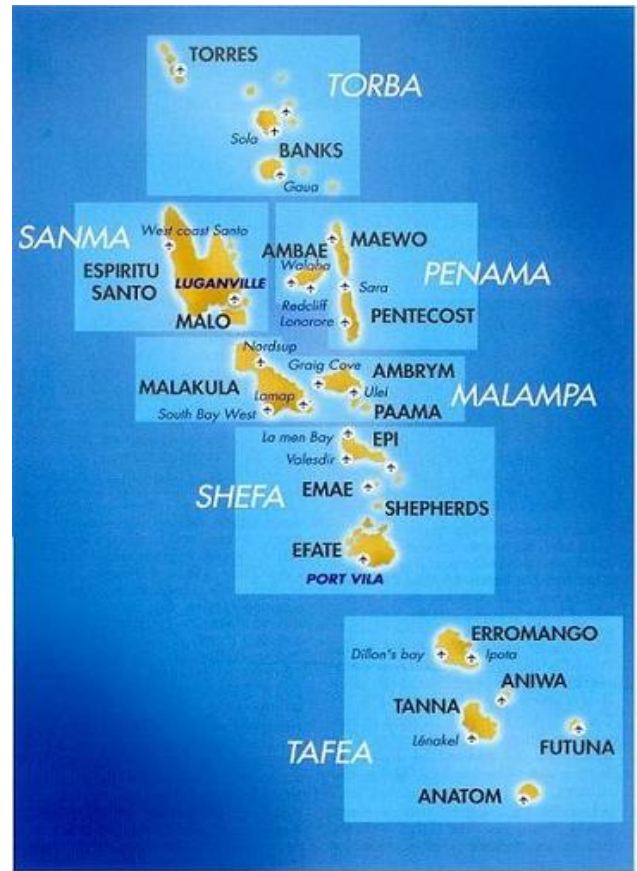
Vincent LUNABEK
CHIEF JUSTICE

A. Background

Vanuatu is a 900 kilometer-long, volcanic archipelago that consists of more than 80 islands. Most of these islands are inhabited, and around half are mountainous and densely forested with narrow strips of farming land on the coasts.

Five volcanoes are still active and volcanic eruptions are not uncommon. Vanuatu is the most cyclone prone nation in the South Pacific, with two to three cyclones entering its territory every year. The country also experiences earthquakes and resulting tsunamis. Vanuatu has a tropical climate with regular, sometimes heavy, rainfall. Temperatures average between 26°C and 34°C.

The majority of Vanuatu's population is Melanesian, known as ni-Vanuatu. There are communities of French and British people, due to its colonial history, as well as some Australians, New Zealanders, Vietnamese, Chinese and people from other Pacific Islands.



There are over 100 indigenous languages with English, French and Bislama (the local form of Pidgin English) recognised as the official languages. All of Vanuatu's towns have both French and English names. Almost 80 percent of the population live on the twelve largest islands and the two main cities are Port Vila (30,000 people) and Luganville (11,000 people). Total population is about 250,000.

In 1774 Captain Cook named the islands "New Hebrides" and this name remained until independence. French and British missionaries, sandalwood traders and 'black birders', who took large numbers of people to work as virtual slaves on plantations in Australia and Fiji, changed life for Vanuatu's Indigenous population. These 'visitors' brought new diseases

such as measles, influenza and the common cold which killed large numbers of indigenous people due to their lack of immunity.

In 1906 Britain and France agreed to jointly administer the New Hebrides. The move for independence began after occupation by the United States during World War II. When Independence was eventually achieved in 1980, Vanuatu was born. However, through the 1990s the nation suffered a great deal of political instability.

Vanuatu is a Republic with a democratically elected government. The Non-Executive State President is elected for a 5-year term by an Electoral College comprised of all the MPs (52) plus the Presidents of the six Provincial Councils. Vanuatu has a unicameral parliament of 52 MPs elected for 4-year terms by universal suffrage with an element of proportional representation. The government elects a Speaker from among its own ranks. Twenty-seven MPs are therefore required to form a government.

The judiciary of the Republic of Vanuatu is created by Article 47[1] of the Constitution under Chapter 8 on Justice:

“The administration of justice is vested in the judiciary, who are subject only to the Constitution and the law...”

In the same Chapter, the Constitution goes on to provide for the Supreme Court in Article 49, the Court of Appeal in Article 50 and the Island Courts in Article 51.

In accordance with section 12[1] of the Judicial Services & Courts Act No. 54 of 2000, The Magistrates' Courts established by section 1 of the Courts Act [CAP 122] continue in existence on and after commencement of the Judicial Services & Courts Act No. 54 of 2000, as the Magistrates Court of Vanuatu.

The judicial year 2016 was officially opened on 29th January 2016. At this annual occasion, the Honorable Chief Justice reiterated the vision and mission of the Judiciary. The Judiciary is set on an ongoing path of reform and improvements.

B. Vision and Mission Statements

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”

C. 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 plan for the Judiciary which was the subject of an organization-wide consultation. The strategic plan has 7 key result areas: Case Management & Enforcement, Governance, Institutional Services & Development, Asset Management & Infrastructure, Innovation & Technology, Communication, and Access to Justice.

This is ongoing so are Independence and Integrity strategic areas.

Under the delay reduction strategy which fits under the Case Management key result area, the Supreme Court made some inroad into defining and identifying long outstanding cases and focusing on reducing the volume. The work on delay reduction has attracted the regional attention of the Pacific Judicial Development Program [PJDP] which conducted a pilot project with the court culminating in the production of a toolkit on the subject.

The training committee was revamped under the chairmanship of the Chief Justice and assisted, on ad hoc basis, the national and international training and development programs. A new Training/Development Coordinator was recruited shortly after the incumbent resigned early in the year. Any disruption of training programs by the change of personnel was minimized.

The Magistracy was strengthened with formal appointments of two Magistrates. They went through the usual orientation program and towards the end of 2016, they were taking on cases and were fully operational. Their induction was not so lengthy as they both were practicing lawyers.

In terms of Asset Management and Infrastructure, efforts to get the new Hall of Justice building project lacked momentum. There seem to be lack of political will to advance the project and despite it being the subject of approval by the Council of Ministers, it seems other infrastructure projects have overtaken it on the government's priority list.

The enforcement unit was strengthened with the recruitment of an enforcement officer to join the small team of enforcement officers. He is stationed in Luganville, Santo to assist with service of court documents as well as oversee the execution of court warrants issued in the courts in Luganville, Santo.

Stretem Rod blong Jastis project under the Vanuatu Law and Justice Partnership between Australia and the Vanuatu Government continued to provide a key partnership and support to the Judiciary of Vanuatu.

Innovation and Technology and Communications are two key result areas which continued to gain momentum as the court management system [CMS] continued to be developed and used as the source of credible information as far as tracking and tracing cases is concerned.

Access to Justice underpins the annual court calendar which shows the courts program to travel to each of the six provinces four times during the course of the judicial year.

D. Summary of significant issues and developments.

1. The Supreme Court continued to engage the assistance of the New Zealand judiciary in the form of a Judge of the District Court of New Zealand to be seconded to the Supreme Court of Vanuatu. March 2016, saw the appointment and swearing in of a Judge from the District Court of New Zealand to carry on with this assistance.
2. A major policy decision was the implementation of a Master of Supreme Court project with the assistance of the Commonwealth secretariat. However the project could not be sustained as the local counterpart was not recruited in the timeframe of the project.

The Commonwealth secretariat also assisted with the position of a Judge of the Supreme Court for an initial period of two years.

Both projects impacted the judicial capacity of the Supreme Court in a positive way.

3. There was further work with the Case and Data Management Technical Advisor resourced by the Law and Justice Partnership program, to fine tune the data we have in Microsoft Excel and improve its integrity and make it useful information to use, elevating it from just information but information what could be used for decision making.
4. The Court continued to deal with the rippling effects of it's the conviction and sentencing of 14 members of Parliament to custody as various Applications and Notices of Appeal were filed in the Court of Appeal.
5. Further to submissions from the Judiciary, the Government Remuneration Tribunal issued a Determination in August 2016 which positively affected judicial salaries and entitlements.

6. The coming into force of the Customary Land Management Act had implications for the operations of the court. The Chief Justice appointed a Judge of the Supreme Court to preside over the Island Court [Land] Tribunal mandated by law to hear and determine Reviews of customary land ownership at the village level. As an implementation measure, the Chief Justice also swore in Island Court clerks to be Registrars of Island Court [Land] Tribunals to administer and facilitate the Review processes.

E. Organizational review: Overview of the Courts and their jurisdiction, roles and functions.

1. Court of Appeal

The Court of Appeal is the highest court of the land. It is composed of at least 2 Judges of the Supreme Court sitting together. In 2016, the Court of Appeal met in 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 2016 included:

Justice Sir Bruce Robertson - Retired Justice of the New Zealand High Court
Justice Ronald Young – Retired Justice of the New Zealand High Court
Justice Raynor Asher – Justice of the High Court of New Zealand
Justice John Von Doussa – Retired Justice of the Federal Court of Australia; and
Justice John Mansfield – Justice of the Federal Court of Australia

Significant cases dealt with in the Court of Appeal in 2016 involved issues of surrounding the imprisoned 14 Members of Parliament. For example, one appeal was on the point of whether the Order restricting them to run for public office should be varied. Another related appeal was substantive appeal against verdict and sentence.

CAC No. 2215 of 2016 was a case involving employment law and contract law arising out of the decision of national carrier, Air Vanuatu to terminate an employment contract.

In the commercial sphere the case of CAC No. 3472 of 2016 between the main utility provider in the country and the government and the Utility Regulator required the court to examine the terms of a concession agreement and how that measured up against legislation as the utility company claimed upon the concession agreement in place between them and government

2. Supreme Court

The Supreme Court has unlimited jurisdiction to hear and determine civil and criminal proceedings. It has jurisdiction to hear questions concerning elections and similar matters; and it has jurisdiction to hear any grievances from citizens about emergency regulations made by the Council of Ministers. The Supreme Court has jurisdiction to hear civil and criminal appeals from a magistrate's court and to hear appeals from island courts as to ownership of customary land. Its decision in such cases is final.

The Supreme Court consists of the Chief Justice and Justices appointed on local terms and conditions. One Justice is seconded by the New Zealand District Court to the Supreme Court of Vanuatu for a period of 2 years. Different Judges of the New Zealand District Court have served on this scheme since 2004.

As noted earlier in this report, in 2016, the Supreme Court was further supported by assistance from the Commonwealth Secretariat for the recruitment of one Judge and one Master of the Supreme Court, taking the number of Judges to 7 and one Master of the Supreme Court.

Procedures for complaints against Judicial Officers

A "Complaint Procedure" is drawn up and consultations with judicial officers have been undertaken, but it is yet to be officially launched. Complaint in relation to a Judge of the Supreme Court was brought by a practicing lawyer. The nature of the complaint went to the perceived bias of the Judge in a particular case. The complaint was dealt with in accordance with drawn up "Complaint Procedures", and no substance was found and the matter ended there.

Another complaint was brought against a Senior Magistrate, which when examined closely, was a request for the Senior Magistrate to recuse herself from hearing a particular case.

3. Magistrates' Court

The Magistrates' Court has jurisdiction to hear cases where the amount claimed or the subject matter in dispute does not exceed vt1,000,000; disputes between landlord and tenant where the amount claimed does not exceed vt 2,000,000; and cases involving uncontested petitions for divorce or nullity of marriage.

In its criminal jurisdiction, the Magistrates' Court hears cases that concern any criminal proceedings for an offence for which the maximum penalty does not exceed 2 years imprisonment. It has jurisdiction to hear appeals from civil decisions from Island Courts, except decisions as to ownership of land, where appeal is to the Supreme Court.

The Magistrates' Court is specifically excluded from exercising jurisdiction in wardship, guardianship, interdiction, appointment of conseil judiciaire, adoption, civil status, succession, wills, bankruptcy, insolvency and liquidation.

As earlier noted, the Magistracy was further strengthened in 2016 by the recruitment of two new Magistrates.

4. Island Courts

The Island Court may only deal with civil matters in which the Defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries, customary land cases when the land is within their territorial boundaries.

In criminal matters, cases in which the defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries; claims in contracts or tort where the amount claimed or the subject does not exceed vt 50,000; claims for compensation under provincial by-laws not exceeding vt 50,000; and claims for maintenance not limited in amount.

The Island Courts are specifically empowered to administer the customary law prevailing within their territorial jurisdiction so far as it is not in conflict with any written law and is not contrary to justice, morality and good order

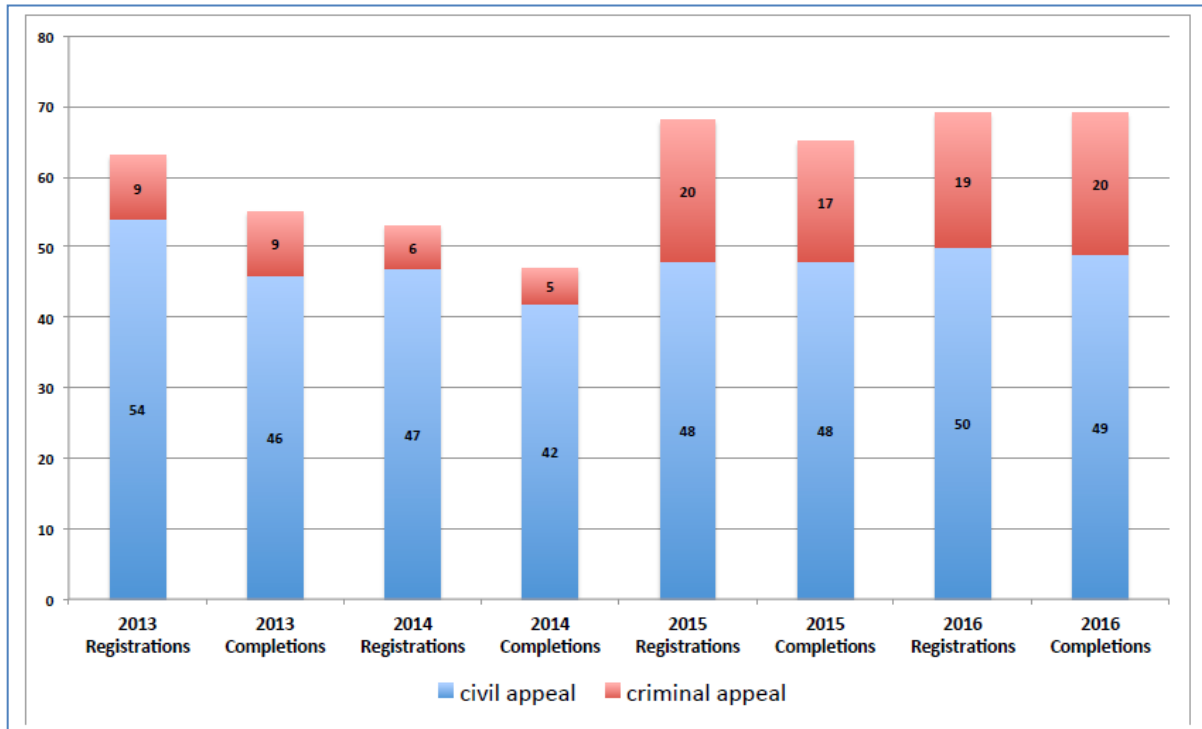
There are currently 10 operational Island Courts in the Republic. The Island Courts have full time clerks, appointed by the Chief Justice to administer the affairs of the Island Courts. There are about 240 lay justices appointed to decide small claims and minor criminal cases that are lodged in the Island Courts. The lay justices are members of the community.

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

F. Court results

1. Court workload

a. Court of Appeal – a trend of registration and completion of cases



Historical outcomes in Civil Appeals

CIVIL	2013	2014	2015	2016	Grand Total
Allowed	16	18	21	8	63
Discontinued				1	1
Dismissed	17	17	19	8	61
Judgment				21	21
Order				2	2
Refused		1	2	3	6
Struck Out				3	3
Withdrawn	13	6	6	3	28
Grand Total	46	42	48	49	185

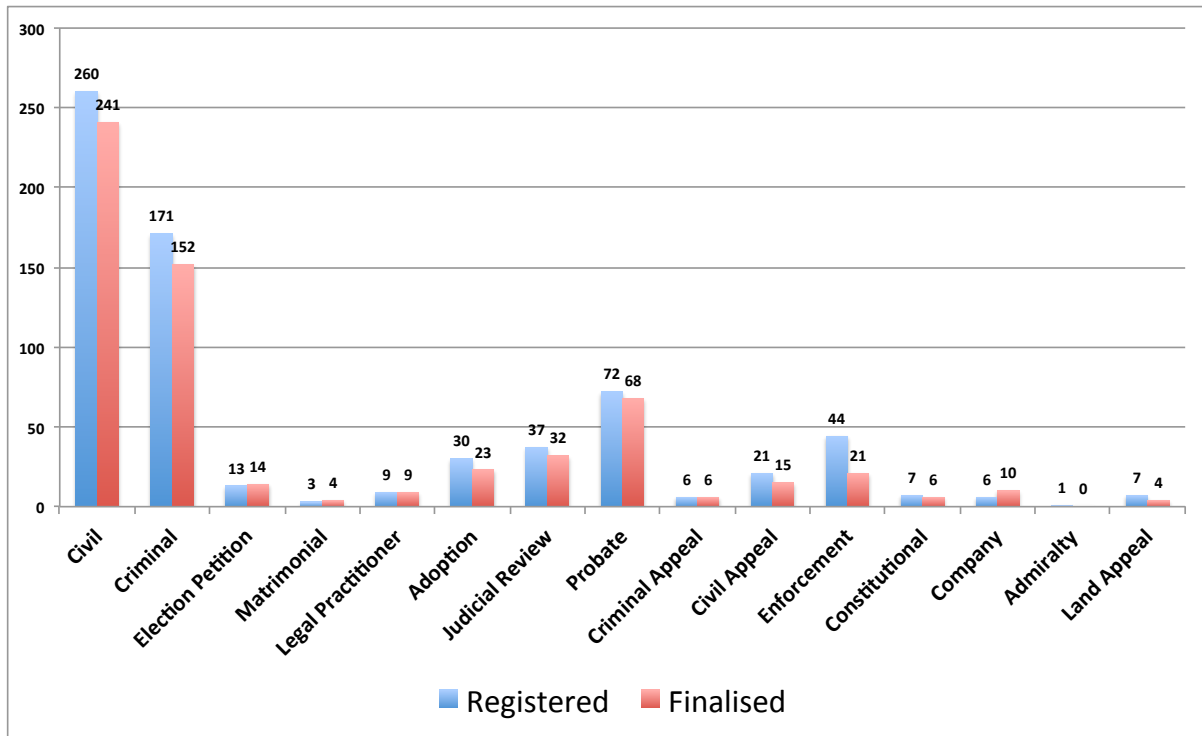
Historical outcomes in Criminal Appeals

CRIMINAL	2013	2014	2015	2016	Grand Total
Allowed	5	2	6	3	16
Discontinued				1	1
Dismissed	2	1	3	4	10
Granted			1		1
Judgment		1		8	9
Order				1	1
Refused			3	2	5
Struck Out				1	1
Withdrawn	2	1	4		7
Grand Total	9	5	17	20	51

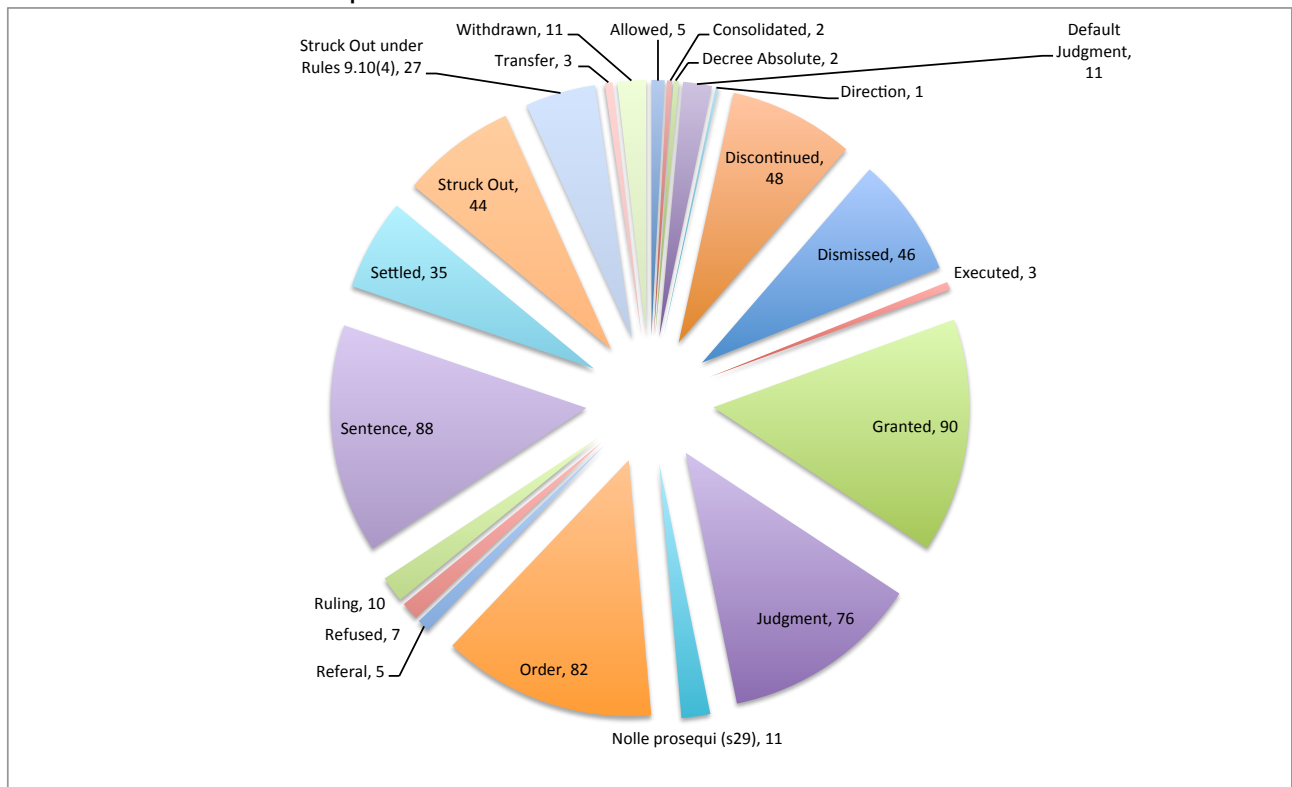
If we add all the figures for “discontinued” and “withdrawn”, it will be noted that appeals that did not make it to full hearing make up 5 of the total 69 appeals.

If we add all the figures for “allowed” and “granted” it will make up make up 11 appeals that were allowed, therefore judgments of the lower court disturbed. This is 11%, while it can be said 89% of appeals resulted in the Court of Appeal upholding the decisions of the Supreme Court.

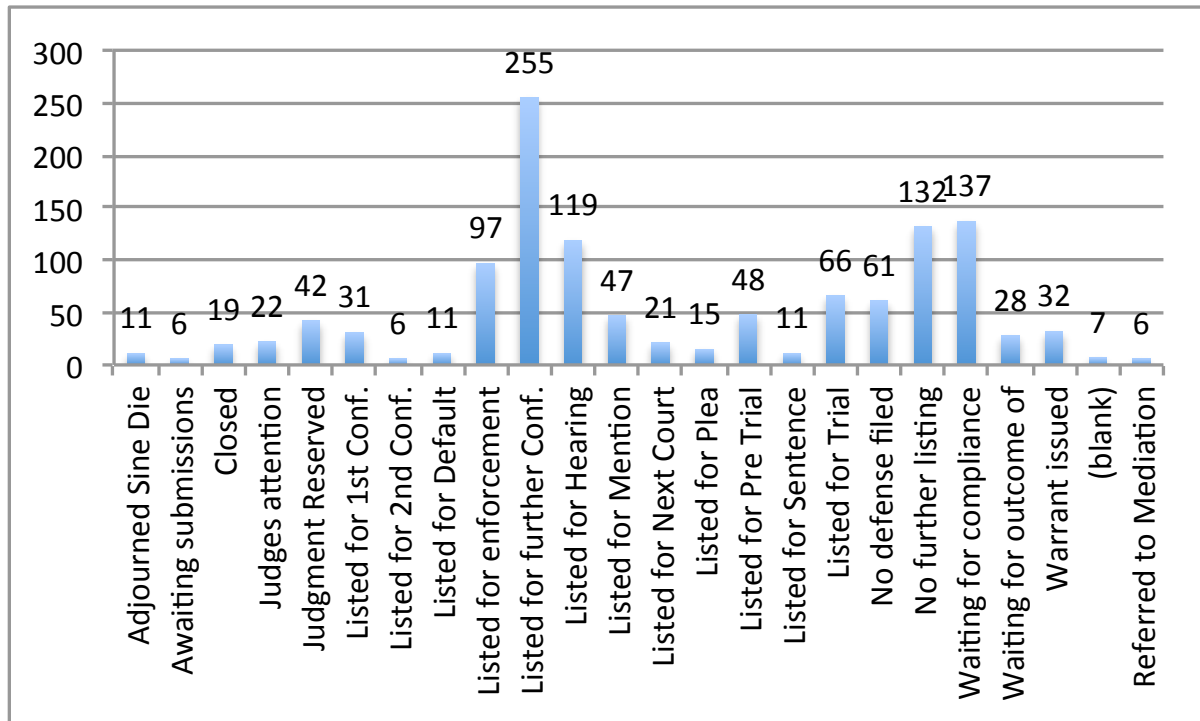
b. Supreme Court
Registered and Finalized by Case Type



How the Supreme Court finalized cases



Pending Cases in the Supreme Court by stage

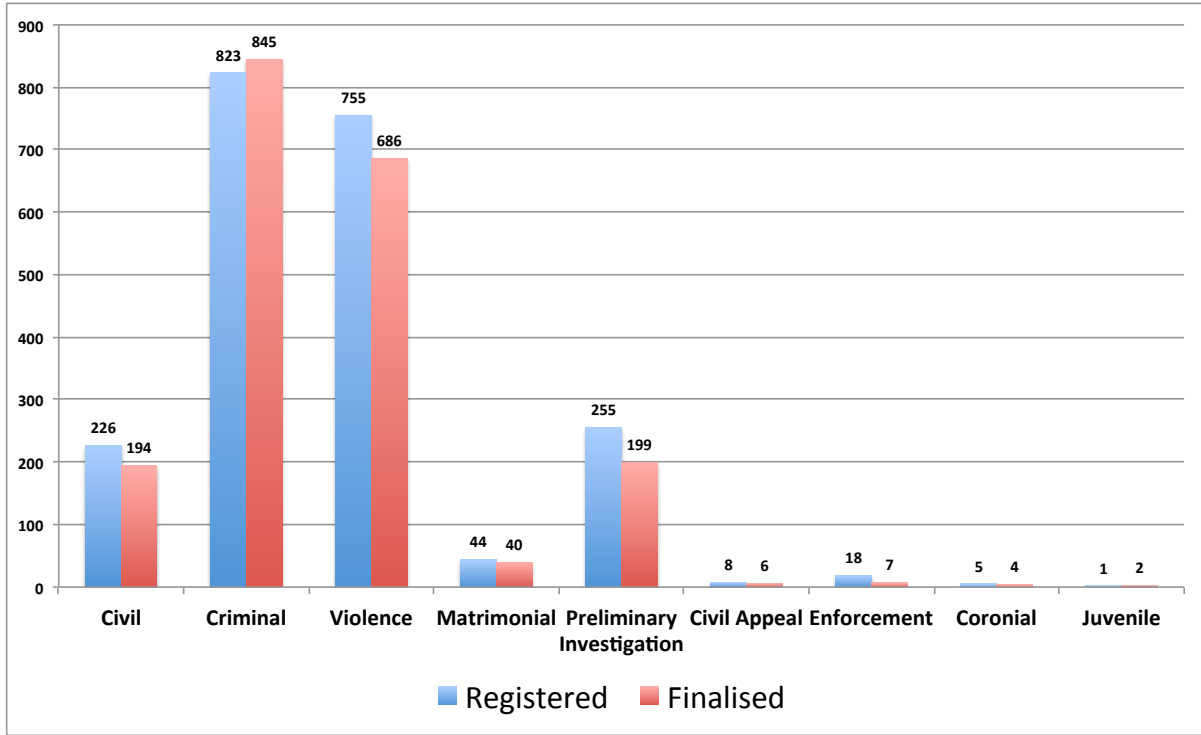


Commentaries

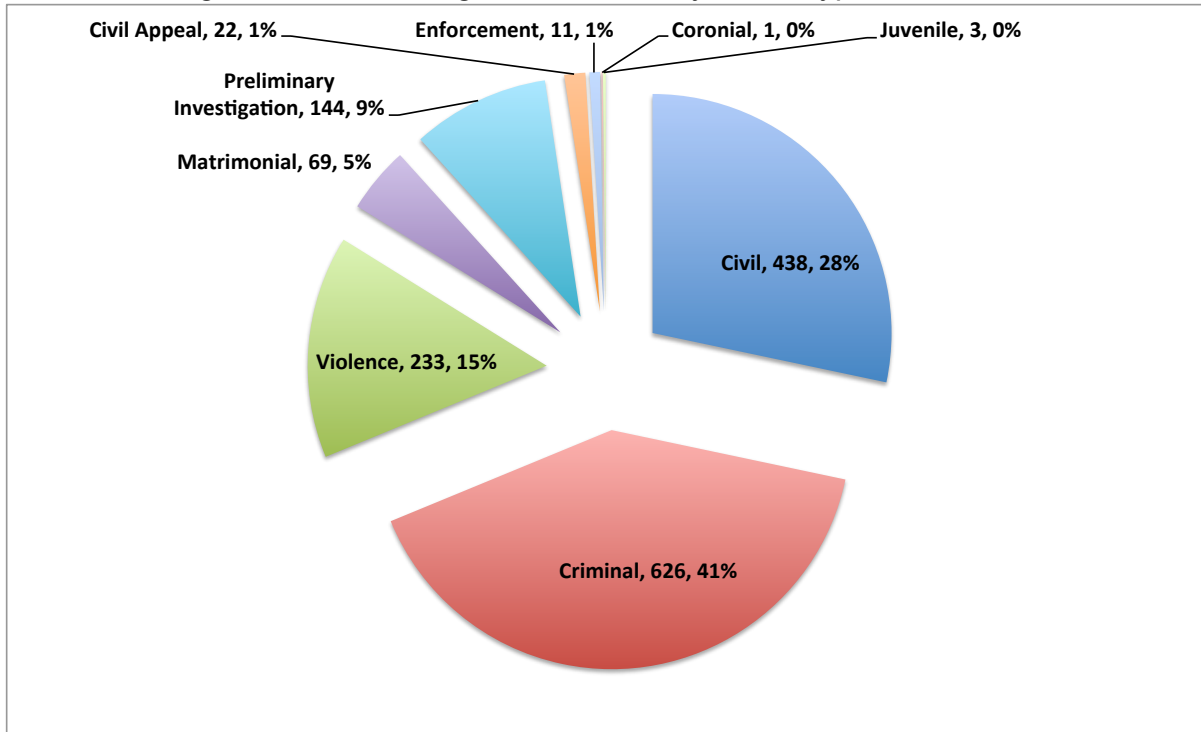
- i. Supreme Court registration has steadily fallen from 761 in 2014 to 739 in 2015, and 687 in 2016 representing a drop of 7% this year
- ii. Supreme Court disposals have steadily fallen 674 in 2014 to 634 in 2015 to 607 in 2016.
- iii. Pending has steadily grown from approximately 800 at the end of 2013 to now 1230 cases
 - i. Pending-Disposal Rate [PDR] has grown from approx. 1.2 to 2.0 – this is a potential 600 cases in excess of ideal position – equating to a lot of judicial resources and/or improvements in case management handling of cases
- iv. Clearance rate only 88% for 2016.
- v. Timeliness for CRIMINAL cases – still good at an average of 150 days – but CIVIL cases approximately 840 days

c. Magistrates Court

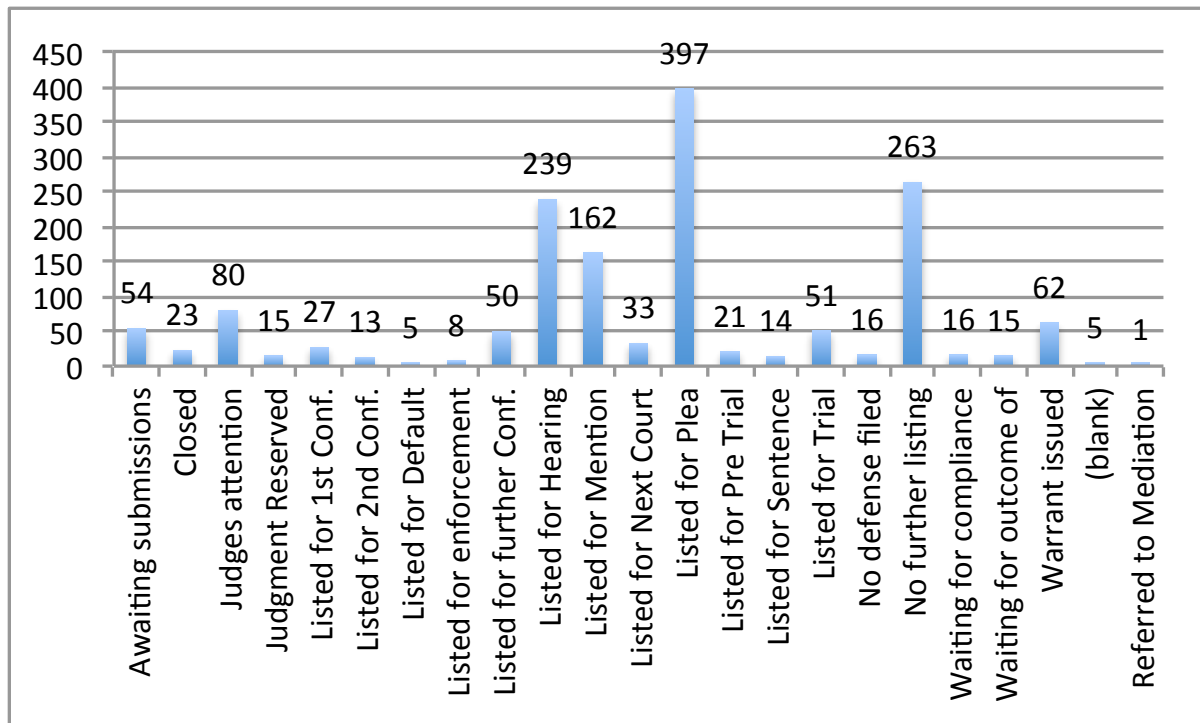
Registered and Finalized by Case Type



Pending Cases in the Magistrates Court by Case Type



Pending Cases in the Magistrates Court by stage

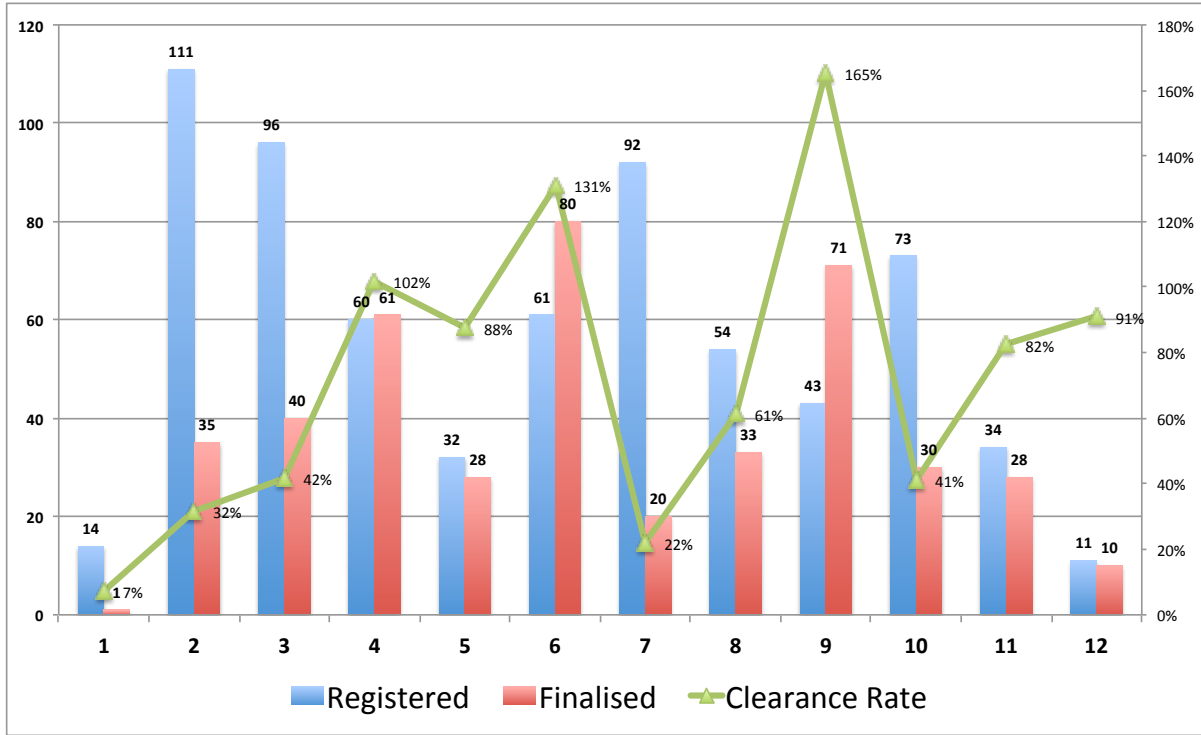


Commentaries

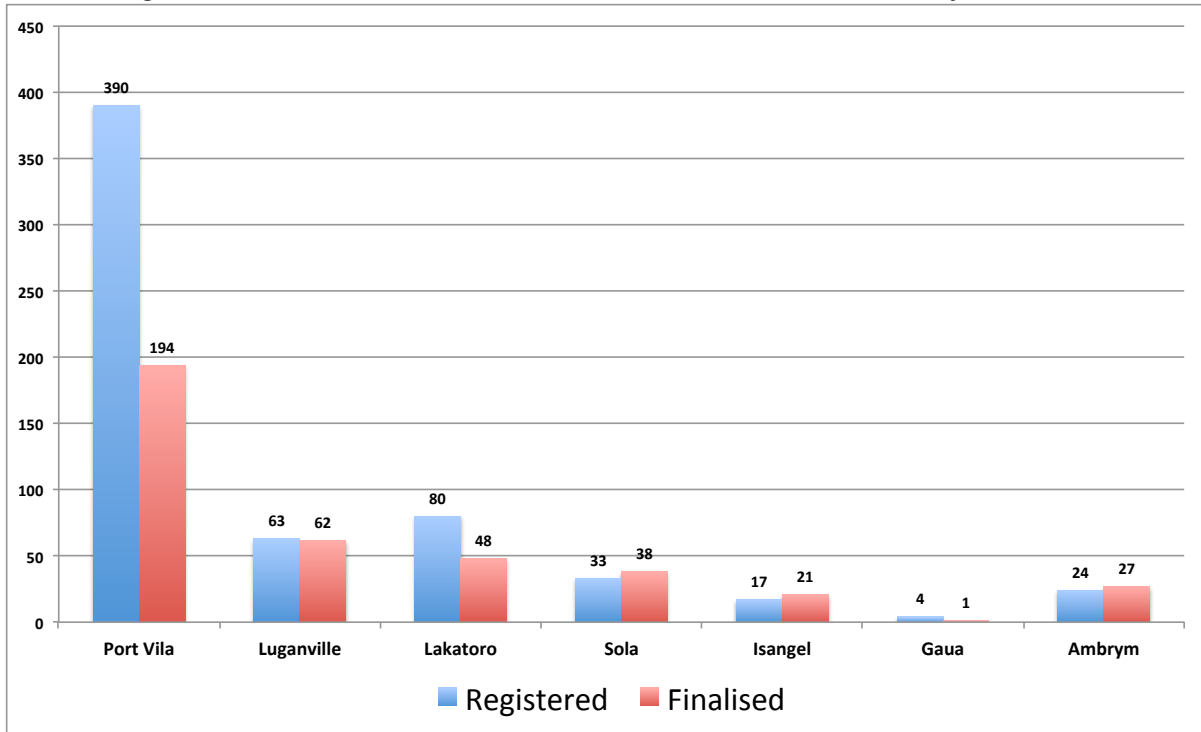
- i. Magistrates Court registration dropped from 2324 in 2015 to 2135 in 2016 – a decrease of 8%
- ii. Magistrates Court disposals have fallen 2244 to 1983 – a drop of approximately 9%
- iii. Pending has grown from approx. 1440 to 1570
 - i. PDR is steadily growing and now sits at 0.8 – a potential 600 to 800 cases in excess of ideal position.
- iv. Clearance rate was 93%
- v. Timeliness for CRIMINAL is 193 days

d. Island Courts

Overall registration and finalized cases in the Island Courts



Registration and Finalization of Cases in the Island Courts by location



Commentaries

- i. Island Courts registrations increased from 337 in 2015 to 681 in 2016 – a sharp increase
- ii. Island Courts disposals have increased 319 to 437 representing a very solid increase
- iii. Pending has grown from approximately 360 to 604 cases
- iv. PDR is steadily growing and now sits at 1.4 – a potential 150-160 cases in excess of ideal position.
- v. Clearance rate was very low at 64%

2. The Cook Islands Indicators

According to the 15 or so indicators agreed by the Chief Justices of the region as a good starting point for reporting the court's work, below is how the courts in Vanuatu were tracking in 2016:

1. Clearance rate.
 - a. In the Court of Appeal, the clearance rate is 100%;
 - b. Supreme Court clearance is 88%;
 - c. Magistrates Court clearance rate is 93%; and
 - d. Island Courts rate is 64%.

2. Average Duration of Cases
 - a. Court of Appeal
 - i. Civil Cases – 109 days
 - ii. Criminal Cases – 74 days
 - b. Supreme Court
 - i. Civil Cases – 838 days
 - ii. Criminal Cases – 150 days
 - c. Magistrates Court
 - i. Civil Cases – 480 days
 - ii. Criminal Cases – 193 days

3. The percentage of cases that go 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. 607 cases were finalized by the Supreme Court in 2016, and 69 cases were appealed to the Court of Appeal. This represents 11% of all cases finalized in the Supreme Court were appealed.

4. Overturn rate on appeal is 11%

5. Percentage of Cases granted fee waiver is insignificant as a fee can also be waived in Probate and Letters of Administration cases when the estate is of insignificant amount

6. Pending – total cases pending in the Supreme Court as at end of 2016 is 1230 cases. In the Magistrate Court, 1570 cases are pending, and in the Island Courts, 604 cases.

7. The percentage of complaints received concerning a judicial approximately is 0.5%.

8. The percentage of complaints received concerning a court staff member approximately 1%. The spread is uneven as two particular staff were more complaint of than others. The nature of complaint against one staff was in relation to her non-work related financial affairs.

Complaints received in relation to another staff concerns perceptions of the staff integrity and independence in exercise of their duty. The complaint is assessed and the staff spoken to as there has been no credible substance on which the complaints were based.

9. The average number of cases per judicial officer in the Supreme Court is 153 cases.

10. The average number of cases per member of the Supreme Court staff is 18.

11. The Court produces an Annual Report each year, except 2015. and published on www.acli.org

12. In 2016, the Supreme Court sent out a total of 41 batches of judgments containing a total of 219 judgments.

G. 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 2016.

- i. The limited resources available to the court administration to comprehensively and effectively support the performance of the courts in their judicial functions has been and is always at the core of challenges. These challenges include inadequacy of office space and office tools and equipment. The insufficiency of the annual budget leads to minimum level of operations in rural centres while the two main cities attract the most voluminous work and therefore the bigger share of the budget expenditure. The budget constraints limit the courts' ability to be innovative in their operations and functioning.
- ii. The additional judicial capacity at the Supreme Court level was a welcomed effort. The Master of the Supreme Court's jurisdiction was specified in a Practice Direction issued by the Chief Justice and the role and function of the Master is being constantly refined.
- iii. The service of summonses for criminal cases lodged in the Magistrates Court is also a source of impact on the Magistrates Court operation.
- iv. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters.

H. 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 the 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 represent victims of Domestic Violence in their application to the Magistrates Court.
- vi. The Pacific Legal Information Institute [PacLII] who are hosted by the University of the South Pacific Emalus campus in Port Vila, have been a strong partner is assisting the Supreme Court and the Court of Appeal judgments to be published online in a timely manner.

I. International interactions.

- i. Vanuatu gained from its association with the Pacific Judicial Development Program [PJDP], a regional cooperation in Judicial Developments, funded by NZaid and managed by the Federal Court of Australia which has been relaunched under the name Pacific Judicial Strengthening Initiative [PJSI]
- ii. The Judiciary has been in constant dialogue with the Federal Court of Australia’s international cooperation unit to finalize a proposed Memorandum of Understanding between the two courts, but in 2016 the volume of dialogue has been less than the previous years and confined to the assistance of an experience Federal Magistrate to conduct a preliminary assessment of how to improve the operations of the Magistrates Court.

J. Management accountability

- i. Annual Accounts

Annual expenditure budget for 2014 slightly increased.

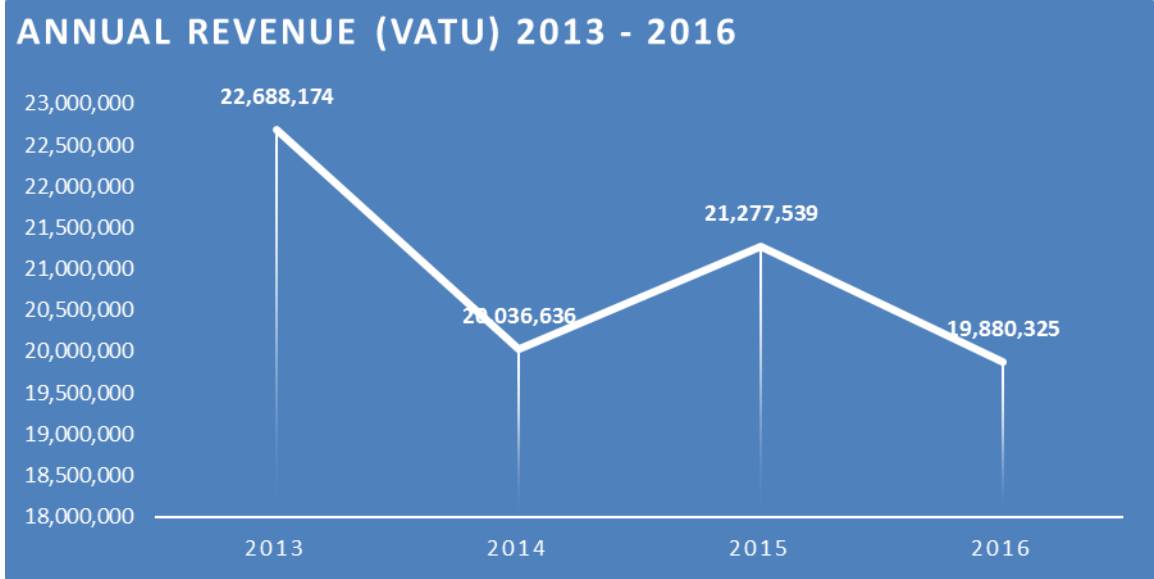
- 1. Annual budget was VT196,184,879
- 2. Payroll budget was VT116,250,862 representing 59%
- 3. Operational budget was VT 79,934,017 representing 41%

Year	Payroll Budget	Operation 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

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

The judiciary once again, provided services within the scope of the annual budget it was appropriated without seeking supplementary appropriation.

In terms of revenue, the judiciary accounts show a total of VT19,880,325 as at end of December 2016. This is a slight decrease from 2015 figures.



ii. Senior management committees and their roles

1. The Chief Justice meets with the Judges of the Supreme Court on a weekly basis to discuss matters which he thinks fit for consultation and discussion.
2. The Chief Magistrate consults with the Chief Justice on matters relating to the operation of the Magistrates Court
3. A National Judicial Training and Development Committee is chaired by the Chief Justice driving the training and development of the judicial officers and court personnel
4. The Chief Registrar meets with the Accountant, the Sheriff, the Human Resource officer, the Training Coordinator, the Senior Administrator of Island Courts, and the Assistant Registrar of the Magistrates Court in Port Vila, on a regular basis for coordination of administrative efforts to implement policies and projects announced by the Chief Justice, and for normal administration purposes.

iii. Training and development activities undertaken locally.

Local training and development was varied in content and target group ranging from Judicial training programs to in-service training, to mentoring. Of note, was the training of lay justices of the Island Courts of Efate Island Court. This was done with the assistance of Responsive Funds from the PJDP regional program.



Lay Justices of Efate Island Court at their training session

v. Management of court infrastructure

1. Port Vila, Efate Island

There still have not been any major changes to the plan to build a new Court House since the burning of the old courthouse in the capital city. The court administration and judicial Chambers and Master's chamber are still housed in the temporary location which used to be a former government residential house.

The current temporary accommodation that the Court is using is becoming fast inadequate. The extension added is used by the court administration and to house the office of the Sheriff of the Supreme Court. It will be a factor hampering further recruitments if nothing is done quickly to create more space. The present space is plainly inadequate to house judicial Chambers.

The Courtrooms and the retirement room rented at the Dumbea Hall complex is the bare minimum, and the condition of one Island Court courtroom there adjoining the judges' retirement room is deteriorating due to persistent leakage from the roof in wet weather.

The congested nature of these temporary locations also mean there is inadequate space for parking and protected customer or public waiting areas. There is also very limited provision of public toilet facilities while internal facilities are inadequate at best.

The Magistrates Court is housed in a separate building in Port Vila. However, it faces the same difficulties of congestion, inadequacy of space for offices and public waiting areas, parking space and public toilet facilities.

2. Luganville, Santo Island

The Court Administration continues to rent the property in Luganville, Santo to house the court center there. Demand on space has lessen somewhat when the resident judge there returned to Port Vila. However, the magistrates court has strengthened its presence there with 2 magistrates resident in Luganville.

The property is a two storey building and houses the supreme court, the magistrates court and the island court. One Assistant Sheriff is also accommodated in the building.

3. Isangel, Tanna Island

The court house accommodating the registry, Magistrate's office, a clerk's office and a courtroom has not been renovated in any meaningful way since it was built more than 20 years ago.

The court house needs renovation to its structure as well as the furnishing of the courtroom.

The office is now connected to the Vanuatu government network and so makes it easy to work on the court management system [CMS].

4. Morua, Tongoa Island

The court house at Morua on Tongoa island, accommodates the court registry, an Island Court clerk office, a judicial officer's office and a courtroom. The design is the same as the court house at Isangel on Tanna island.

The "Stretem Rod blong Jastis" project funded solar power units have been installed in the courts' outer island offices including at Morua, Tongoa.

5. Ambore, Ambae Island

The Ambae Island Court is operating out of a building that originally belongs to the local government of Ambae whose assets are taken over by the more recently established Penama Provincial government. A water tank was sent there to collect drinking water, but the long term plan is for the court to be located at Saratamata, on the eastern part of

the island where the Provincial government has its headquarters and there is an array of other government services there as well.

6. Sola, Bank Group of Islands

While the court office at Sola, Banks islands enjoys a reliable and constant source of power from the Solar power unit that was installed there early 2012, however, in 2016 the unit was down most of the time and needed major overhaul to bring it back to operational. The need for structural repair and renovation to the building is the same as the other court centers. Internal and public toilet facilities need to be provided in the court office building.

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

7. Loltong, Pentecost Island

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

8. Lakatoro, Malekula Island

The court office at Lakatoro, Malekula is in a better condition than many other court offices around the country. There is constant centrally provided power. However, facilities available for the public court user is non-existent. There is need to build public toilet facilities and upgrade the staff facilities.

Telecommunication to and from this court office has now improved with internet connection, through the help of the E-government project.

9. Graig-cove, Ambrym Island

The court office on Ambrym was built concurrently with the one on Epi island. It is a simple design of two office spaces, one for the judicial officer and the other for the clerk or support staff. Then the rest of the building is an open-style courtroom not dissimilar 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.

10. Technology

Most of the court offices around the country have computers and some source of power supply to enable officers to operate the machines. The most basic technology in the outer islands consists of a computer with Windows XP and 2003 or 2007 version of the Microsoft package, a printer, a photocopier and a phone/fax machine. But the phone/fax machines are not really useful now since competition in the telecommunication industry intensified and most providers are targeting the mobile phone market. The court offices are left with under-maintained land lines which they depend on for the phone/fax machines.

2016 did not see any major change in the area of access to the internet and email except for connectivity improvements with all outer island court offices.

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

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

11. Library

The total volume of print materials is approximately 2,400. Text books, (reference and non-reference) total up to 400 titles and law reports from UK, Australia and New Zealand & Canada which make up the bulk of the collection total up to 2,000 volumes. Collection development this year has come about through:

a. Acquisitions

A total of 257,116VT out of the Library budget was spent on books ordered from the book sellers Cambridge University Press and Wildy & Sons.

b. Donations

A few titles were given to the Library by SPC's Human Rights program – Regional Rights Resource Team [RRRT] and the USP Emalus Campus Library.

Reference services

90% of all reference queries directed to reader services was successful. These were mainly for Vanuatu legislation, case law, regulations. Most requests received were made by the Supreme Court Judges; a few requests came from Court staff for Vanuatu judgments/legislations. There have been requests for additional legal resources which included: UK Law Reports Series, Indian Law Reports, South Australian Law Reports, and Victorian Law Reports. These requests prompted a few weeks of user's trialling the WestLaw Database; feedback received on the trial indicated that the database would be a useful addition to the library collection and it will also be useful to Judicial Officers in the outer islands.

12. Archives

The Supreme Court Archives now holds Supreme Court/Court of Appeal material from 2005 -2011 and Magistrates Court material from 2009 - 2016.

Since the construction of wooden shelves in the 20ft storage container, files have been moved to the storage container and are now properly stacked on the shelves. Currently it holds Supreme Court files from 2000 – 2004, and Magistrates Court files from the years 2000 – 2008.

13. Vehicles

The court has a fleet of 13 vehicles. The acquisition in this area this year was two sedan type car purchased for the use of a Judge and Master of the Supreme Court in Port Vila. Five vehicles in the current fleet need replacement. Despite budget submissions to this effort, the Ministerial Budget Committee has not been supportive. The need for replacement only compounds the need for new court vehicles for the Lakatoro court office and the Isangel court office. In the future this need will apply to other court offices around the country but for the moment, other court offices need motorbikes or quad-bikes to assist with the service of court documents. Out-sourcing transport for servicing of court documents is becoming extremely expensive and simply unsustainable.

14. Boats and accessories

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

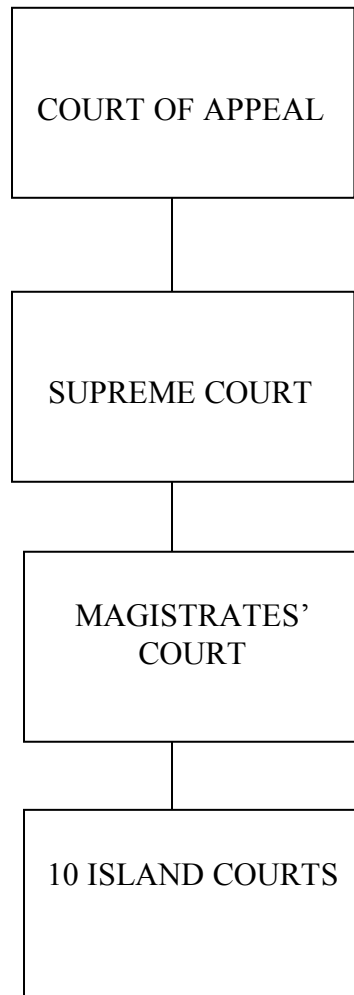
An aluminium boat which is located at Sola in the Banks group of islands is planned to be relocated to the court office on Epi island. A new engine and safety equipment and accessories will need to be purchased to make the boat sea worthy.

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

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

L. Appendices

ii. Organisational Chart



ii. List of Judicial Officers and Court Personnel

	Employee ID	Employee Name
1	0118059	Georges Shirley
2	0118141	Manmelin Wilma
3	0119818	Stephen Felix Dorrick
4	0129882	Meltek Anita Isabele
6	0149054	Tepi Blandine Konmawi
7	0153601	Saksak Oliver Albert Abraham
8	0167668	John Daniel
9	0176180	George Timakira Malachi
10	0219709	Madeng M. John
11	0231373	Laloyer Anna
12	0328849	Aru Dudley
13	0395574	Kara Selina
14	0411710	Vinabit Anita
15	0425777	Kutty Jen Noel
16	0428342	Hannaline Nalau Ilo
17	0430397	Lunabek Vincent
18	0442848	Thomas Cynthia
19	0468330	Alilee John Obed
20	0505404	Kanas Beverleigh Agnes
21	0552810	Sawia Evelyne
22	0553776	Ishmael Gloria Bob
23	0565523	Kalo Cleris
24	0636209	Peter Moses
25	0639393	Tevignawul Veronique
26	0644286	Albano Loltan Melip
27	0706028	Shemi Joel
28	0726596	Tabi Florina Sigambo
29	0741413	Kalo Pauline
30	0741843	Wanamay Wendy Molivo
31	0743690	Kaltabang Gloria
32	0764225	Garae Belinda Woi Livusi
33	0782755	Hinge Naomi Victoria
34	0806927	Kaltapau Evelyn
35	0998201	Geoghegan James Paul
36	0999130	Harrop Stephen Maxwell
37	1063923	Tete Collyne

38	1065228	Selwyn Morrison
39	1065584	Litong Aurelie
40	1066364	Abel Kathrine Leona
41	1066466	Pakoa Celina
42	1069727	Georges Patrick
43	1069788	Maltape Kikina
44	1070115	Molonturala Rodrice
45	1070348	Melenarave Lui
46	1072647	Alida Tchivi
47	1074771	Basil Enuma Tabimal Nounou
48	1075034	Sablan Ethel
49	1076127	Sam Florence
50	1076365	Vafoou Fatiaki Taniela
51	1076457	Palo Jessica
52	1077952	Aru Dimas
53	1078057	Donald Vanessa Alexanria
54	1078396	Labsai Robson
55	1078397	Mavuti John
56	1079126	Abel Nailyn
57	1080937	Mathias Iona
58	1080961	Wovan Jimmy
59	1082268	Marcel Shalika
60	1083480	Jacob Joel Masala
61	1083514	Ephraim Florina
62	1084085	Batsari Anata
63	1084169	Lessy Anthony
64	1085015	Nimbwen Kibeon
65	1088705	Naieu Trevor Ialame Iabar
66	1089228	Kalo Stephen
67	9999969	Sey Mary Mamyassin