

**IN THE MAGISTRATES COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

Civil
Case No. 19/523 MC/CIVL

**BETWEEN: JEAN MARC URLEE
JACKSON SONGON
TEVOR MALERE**

Claimant

Claimants' Lawyer:

George Boar of BOARLAW LAWYER
Port Vila, Efate
Republic of Vanuatu

AND: NATALIE BOND

First Defendant

AND: COMMISSIONER OF LABOUR

Second Defendant

Second Defendant's Lawyer:

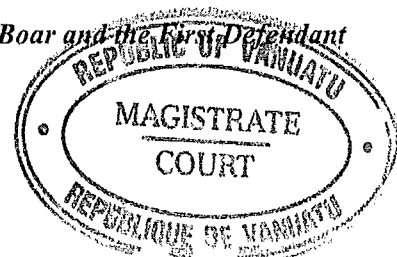
Hadison Tabi of STATE LAW LAWYERS
Port Vila, Efate
Republic of Vanuatu

Before: *SM M. Peter*

In Attendance: *Mr. Hadison Tabi for the Second Defendant*

No appearance by Mr. George Boar and the First Defendant

Copy: *Parties*



DECISION

1. A claim was filed against the defendants alleging some factual issues which may have been a contention with the recruiting agency abroad (the first defendant) and the claimant as a local recruiting agent.
2. The claim was filed together with an urgent restraining order application which purports to seek order of the court to restrain the second defendant from recruiting or sending Ni Vanuatu laborers to work in farm in New Zealand using the claimant's Dewosenmal license.
3. It appears the same orders are also sought for in the court claim filed on 8th March 2019.
4. When the court proceeded on 19th March 2019 to hear the urgent application by Mr. Boar, it is clear in evidence produced by Mr. Tabi that the Dewoennmal license has expired on the 31st of January 2019 and was issued under the name of Deborah Ken.
5. Clearly the claimants have no legal standing to pursue their claim on the basis that the recruiting license does not bear any of their names.
6. Their application was declined on that basis and Mr. Boar is directed to amend his claim should he wish to pursue the claim further. He had not complied with the court directive and as a result the proceeding had not progressed until Mr. Tabi filed an application to struck out the claim.
7. The court heard the grounds submitted by Mr. Tabi as follows:
 - o Claimant has no standing to bring this claim because the Dewosenmal License is registered under the name of Don Ken. (VFSC extract).
 - o Deborah Ken is not registered in the Vanuatu Financial Service Commission but in the recruiting license issued by the Labor Department.
 - o When the claim was filed, the Dewosenmal license has expired (31st January 2019).
 - o First Defendant has valid permit to recruit Vanuatu workers to work in New Zealand.
 - o Claimant failed to give State Law Lawyers notice of proceedings by virtue of section 6 of the State Proceedings Act.



- Mr. Boar had failed to comply with the court directive to amend his claim.
8. Mr. Tabi also submitted that in the event that he is successful with his application to strike out the claim, he will not proceed with his counter-claim as the remedies sought for has been the subject of the administration process of the department of labor whereby the Dewosenmal license was refused renewal.
9. On 2nd of May 2019, Mr. Boar filed a notice of ceasing to act. It is obvious that the claimant had gambled for a chance to obtain the court orders should the court heard their application on an exparte basis. The court decline to hear their exparte application but issued notice to other parties to appear. The evidence of the defendant clearly shows the claimant had come to court with dirty hands.
10. On the foregoing, I am satisfied with the grounds submitted by Mr. Tabi of behalf of the second defendant and hereby order that the claim be struck out and by consent of Mr. Tabi, his counter-claim is dismissed.

DATED at this 29th day of April 2019

BY THE COURT

