

BETWEEN : Public Prosecutor

A N D : Thi Tam GOISET trading as NASHUA CENTER  
Thi Tam GOISET & COMPUTEL LTD  
(Defendant)

Coram : The Hon. Chief Justice

Date : 12th August 1993

### JUDGMENT

Madame GOISET, you are charged in these indictments with a total of some 235 counts of dishonesty. You are charged over a period of some almost 3 years with regards to two separate companies or firms, one being your company Computel of which you happened to be one of the Directors, your husband as I was told being the other Director and on that particular matter you face sentence on 185 separate charges of dishonesty. On the other indictment you are charged with 50 counts concerning another of your companies or firms over a lesser period, a period of almost 2 years.

I have been told by the Public Prosecutor in this case that on 6 separate occasions you were notified by members of the VNPF that you owed the money. I have also been told that you did not merely fail to pay out of forgetfulness, and indeed it would be very difficult to believe that for a period of 3 years you could possibly forget to pay what everyone in this country has to pay on behalf of his employees and indeed on his own behalf if he is working. Besides if you had been so disorganised as to forget to pay then surely the six letters which were written to you by the VNPF would have been sufficient reminder that you had a duty like everybody else in this country to pay your dues to the VNPF. Small Ni-Vanuatuan people who are employed and work hard as we all know for a living and Lord

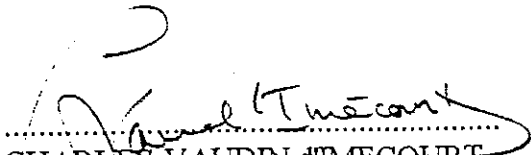
only knows they are paid badly enough, depend on that money for their pension. If wealthier people in our community, and you are a considerably wealthier member of our society, fails to pay her dues then it is the small Ni-Vanuatu people who lose their pensions because the money that goes into the Fund is insufficient to provide them with a pension according to their rights. I have been told by your counsel that your crime was a crime of omission. Well again I find that very difficult to accept. I have looked at the papers in this case. I have listened with a great deal of care to what Mr Baxter-Wright and Mr Malcolm had said to me. I find no reason to treat you any differently to any ordinary criminal who comes before this court. You are a thoroughly dishonest woman. What you have done in effect, amounts to the stealing of money from the poor in order to hold it back for a period of some 3 years. As a result you now face these charges. I have not been told whether you have any previous convictions or not and I will treat you as a person of good character.

*On each of the charges, on counts 1 to 161 inclusive, you will pay a fine of 10,000 vatu on each of these. On counts 162 to 185 exclusive, you will pay a fine of 5,000 vatu. On the other indictment, on counts 1 to 30 inclusive, you will pay a fine of 10,000 vatu and on counts 31 to 50 inclusive you will pay a fine of 5,000 vatu.*

*Had you pleaded guilty to this charge three months ago you would not have had to pay any additional cost. As it is the Prosecution has had to come before this court yet again in order to deal with this matter. As a result I am duty-bound to award them cost for today. What I propose to do is to give them 50,000 vatu by way of cost. Mr Malcolm tells me that his client is prepared to pay in a fortnight, that is two (2) weeks, the totality of those fines and the prosecution cost. I will expect it to be paid in that period. If his client wishes longer I am quite happy to consider giving her longer period but if Mr Malcolm wants her to pay it in a fortnight I will order it. But if it is not paid within a fortnight as ordered then she will do in the alternative what the law*

*requires me to do, I mean that she will serve one day for every 50 vatu that is outstanding as from a fortnight, from today.*

Dated this 12th day of August 1993.

  
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CHARLES VAUDIN d'IMECOURT  
Chief Justice