

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

Civil Case No. 35 /2010

**BETWEEN: JOSEPH WILLIE**  
Claimant

**AND: REPUBLIC OF VANUATU**  
Defendant



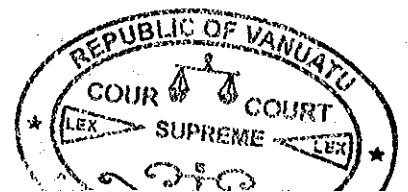
**Hearing:** 4 April 2012  
**Before:** Justice RLB Spear  
**Counsel:** Saling Stephens for the Claimant  
Frederick Gilu for the Defendant

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**CONSENT JUDGMENT**

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1. This case was explained by counsel to relate to two separate periods of employment being:-
  - a) 1996 – 2006
  - b) February 2007 to August 2007
2. It is acknowledged that the claim in respect of the first period faces serious difficulties because of the operation, in particular, of s 20 of the Employment Act which provides a limitation period of 3 years in respect of the recovery of remuneration.
3. In relation to the second period, it is clear that this fixed term employment period was unjustifiably brought to an end and that the claimant is entitled by law to payment for the full 6 month period. He was paid an amount equivalent to 3 months' salary at the time he was dismissed in mid-February 2007 and that, of course, now has to be increased by a further amount equivalent to 3 months' salary to complete the 6 month period.
4. He is also entitled to a severance allowance which is based on a ½ month salary equivalent.



5. This case has settled on the basis that the defendant will pay the claimant the sum of Vt 300,000 which is inclusive of all costs and interests and that this would amount to a full and final settlement of all claims between the claimant and the defendant arising from this proceeding.
6. The case is accordingly determined on that basis.
7. At this stage, the judgment is not entered for that amount although if either of the parties seek to have judgment formally entered then they are to give notice to the Court accordingly.

**BY THE COURT**

