

BETWEEN: BRUNO LEINGKONE TAU
Petitioner

AND: THE SPEAKER OF PARLIAMENT
First Respondent

AND: THE REPUBLIC OF VANUATU
Second Respondent

Hearing: 29 September 2023

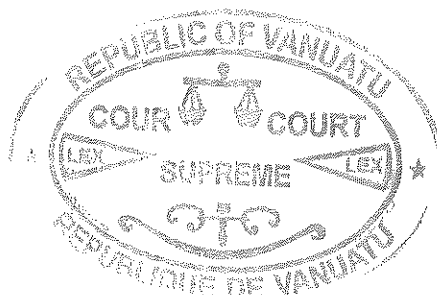
Before: Justice W.K. Hastings

Counsel: Mr J. Ngwele and Mr J. Mesao for the Petitioner
Mr G. Blake for the First Respondent
Mrs F.W. Samuel and Mr L. Huri for the Second Respondent

Judgment: 2 October 2023

JUDGMENT ON STAY APPLICATION

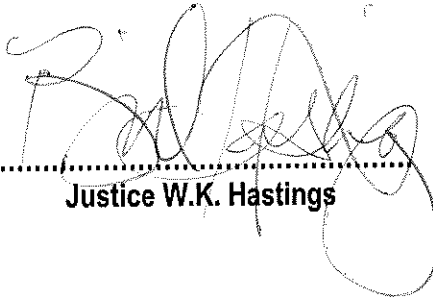
1. Immediately after delivery of the Court's judgment in this matter, Mr Ngwele asked for a stay of the Speaker's declaration and of the judgment. He submitted it is important for the Petitioner's appeal rights to be preserved.
2. Mr Blake opposed the application for a stay. He submitted that to grant a stay is to enter into the political arena.
3. I declined Mr Ngwele's application for the following reasons.
4. Neither the Court's judgment nor the Speaker's declaration has caused Mr Leingkone's seat to become vacant. It became vacant by operation of law, namely s 2(d) of the Members of Parliament (Vacation of Seats) Act.
5. To grant a stay would be essentially to suspend the law and enter into the political arena by keeping Mr Leingkone in his seat despite what s 2(d) says. To decline a stay would be stay out of the political arena and preserve the operation of s 2(d).



6. The Petitioner's appeal rights are preserved regardless of what happens in Parliament today. Mr Ngwele said he would file an appeal by 4pm tomorrow regardless of whether or not a stay is granted. The Court of Appeal can be convened urgently.
7. The application for a stay is declined.

Dated at Port Vila this 2nd day of October 2023

BY THE COURT


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Justice W.K. Hastings

