

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

**Civil**  
**Case No. 19/2409 SC/CIVL**

**BETWEEN: Jesse Quinto as Administrator  
of the Estates of Stephen  
Quinto & Nicola Juliet Quinto**  
Claimant

**AND: Nigel John Giltrap**  
Defendant

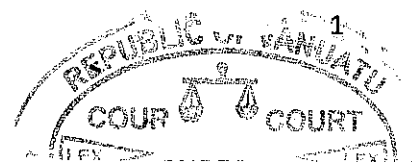
*Date of Hearing:* 7 December 2023  
*Before:* Justice V.M. Trief  
*In Attendance:* Claimant – no appearance (Mrs M.N. Ferrieux Patterson, excused)  
Defendant – no appearance (in person, [nigel@niconltd.co.nz](mailto:nigel@niconltd.co.nz), excused)  
*Date of Decision:* 2 February 2024

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**DECISION AS TO APPLICATION FOR DISCLOSURE BY THE DIRECTOR OF  
IMMIGRATION**

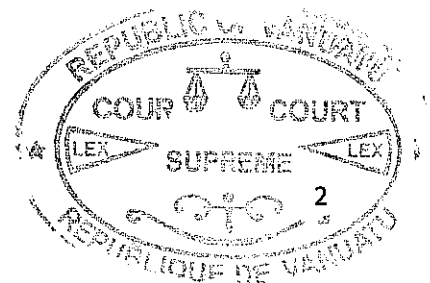
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1. On 18 October 2023, the Claimants filed Application for Disclosure by Someone who is not a Party (the 'Application') seeking disclosure by the Director of Immigration. The sworn statement of Marie-Hellen Omry, an employee of the Claimant's lawyer, was filed in support. The following orders are sought:
  - a. *That the Director of Immigration discloses the following information:*
    - i. *What category of investor visa was issued to Nigel John Giltrap recently in 2023?*
    - ii. *A copy of Nigel John Giltrap recent investor visa.*
    - iii. *A copy of Nigel John Giltrap's recent application for visa.*
    - iv. *If Nigel John Giltrap has a business investor visa:*
      - *A copy of the Foreign Investment Approval Certificate by the Vanuatu Investment Promotion Authority ('VIPA');*



- Certificate of registration from Vanuatu Financial Services Commission ("VFSC");
  - Valid business licence from relevant authorities to operate in Vanuatu;
  - Proof of business bank account from a bank operating in Vanuatu and the physical establishment of the business;
  - Proof that Nigel John Giltrap maintains an ownership or management interest in a business in Vanuatu and the details;
  - Proof of leasehold ownership of a property in Vanuatu (if any).
- v. Copies of all documents and information required for the granting of a visa under either one of the following sections applicable to Nigel John Giltrap: 12J, 12K, 12M, 12N, 12O, 12P, 12Q, 12R of the Immigration Visa Regulation (Amendment) Order No. 145 of 2023.
  - vi. If Nigel John Giltrap is not an investor, then under which category of visa has he applied?
  - vii. Proof of sufficient funds/source of revenue or financial means to cover ongoing living expenses in Vanuatu and all of his dependants (if any).
- b. All other information provided by the Defendant Nigel Giltrap to re-instate his status of residence or investor visa.
  - c. That the Director is to provide the information of (a)(i), (ii), (iii) within 14 days to the Claimant's lawyer.
2. On 2 November 2023, the Defendant Nigel John Giltrap filed submissions in response opposing the Application and on 9 November 2023, his supporting sworn statement.
  3. On 4 December 2023, the Claimants filed the Sworn statement of Marie-Hellen Omry proving service of the Minute and Orders dated 24 November 2023 on the Director of Immigration, on 1 December 2023.
  4. I listed this matter on 7 December 2023 to hear any opposition from the Director of Immigration. No opposition to the Application received from the Director.
  5. Rule 8.14 of the *Civil Procedure Rules* provides as follows:

- 8.14 (1) A party may apply for an order that documents be disclosed by a person who is not a party to the proceedings.
- (2) The application must have with it a sworn statement setting out the reasons why the documents should be disclosed.
- (3) The court must consider:
  - (a) the likely benefits of disclosure; and
  - (b) the likely disadvantages of disclosure; and



- (c) *whether the party who would have to disclose the documents has sufficient financial resources to do so.*
- (4) *The court must not order documents be disclosed unless the court is satisfied that:*
- (a) *the person in possession and control of the documents has had an opportunity to be heard; and*
- (b) *the documents are relevant to an issue in the proceedings; and*
- (c) *disclosure is necessary to decide the proceedings fairly or to save costs.*
- (5) *The order may state the time and place of disclosure.*
6. Having considered the Application, the Defendant's submissions and supporting sworn statements, the Application is **declined and dismissed** for the following reasons:
- a. The Claim is for damages and compensation for personal injuries arising from the assault by Mr Giltrap on Stephen and Nicola Quinto (deceased);
- b. The documents sought by way of the Application relate to Mr Giltrap's immigration status since 2023 and relevant records held by the Director of Immigration. None of those documents are relevant to an issue for the Court's determination in the present proceedings;
- c. Accordingly, none of the disclosure sought by way of the Application is necessary to decide the proceedings fairly or to save costs; and
- d. The Claimant has known of Mr Giltrap's asserted lack of assets or property in Vanuatu since the interlocutory application determined in March 2023 yet chosen to maintain the present proceedings. The documents sought *may* be relevant for the purpose of enforcement. However, enforcement will only occur after judgment. If necessary, such disclosure should be sought then; it is premature and misconceived to do so at this stage of the proceedings.
7. The Claimant must bear her own costs of the Application.

**DATED at Luganville this 2<sup>nd</sup> day of February 2024  
BY THE COURT**

  
Justice Viran Molisa Trief

