

BETWEEN: Jeremiah Paul
Of Tanna Island
Claimant

AND: Johnna Tao
Of Tanna Island
Defendant

Date of Hearing: Tuesday 18th May, 2021
Date of Judgement: Tuesday 18th May, 2021
Venue: Efate Island Court – Court-Room, Joint-Court Ontop, Port-Vila
Before: Justice T. Felix (Presiding Justice)
Justice S. Paton (Member)
Justice T. Kalangis (Member)
Island Court Clerk: A. Alain
In Attendance: Both Parties

Copy : Court File

COURT ORDERS

Long date ia Wednesday 12th May 2021, claimant i faelem claim agensem defendant long case ia we name blong hem Silas Johnna Tao follem Rule 1(2) blong Island Court Civil Procedure Rules blong 2005.

Claimant hemi askem court blong orderem defendant Johnna Tao blong hemi mas pem *Forty Thousand* vatu olsem kaon mo too blong court i mas considerem 1'000vt cost blong karem matter ia i kam long court.

Tufala parties i risivim summons blong tufala stret blong kam pass long court mo appear long court taem court ia hemi singaotem case.

Clerk i readimaot statement blong claimant mo court hemi harem. After we court hemi harem statement blong claimant, court i continue blong harem defence statement blong Johnna Tao mo after we court i readim, harem mo considerem statements blong together parties, court ia hemi managed blong faenem olgeta findings blong hem.

COURT FINDINGS:

1. Johnna Tao hemi wan private consultant we hemi gat license blong operatem wan business blong consultancy we hemi register long Vanuatu Financial Services Commission mo gat wan license long business we Shefa Provincial Government hemi issuem long name ia "JHNTO CONSALTEN".
2. Principal place blong business ia JHNTO CONSALTEN hemi stap long Erakor Half Road, Shefa Province;
3. Business Activities blong JHNTO CONSALTEN we i stap mo register long Vanuatu Financial Services Commission hemi "Administrative and Support Service Activities, Construction, General and Specific Trades".

4. Long late 2019, Claimant hemi yusum service blong JNTO CONSALTEN mo pem wan fee blong 35'000 vatu follem request blong Defendant long thinkthink se bae Defendant hemi mekem arrangement blong sendem claimant under long Seasonal Work Program (SWP) blong go work long Australia.
5. Claimant hemi no luk wan gudfala response from defendant, nao hemi bin approachem defendant but defendant hemi requestem another 200'000 vatu blong claimant i mas pem.
6. Claimant hemi faenem i hard blong kasem another money ia we defendant hemi requestem from we fiancé blong hem mo ol sisters blong hem too oli school but hemi traem best blong contact wetem sam narafala SWP Agent we bae oli save sendem hem i go work long Australia blong work.
7. Defendant hemi tekem over long wan year blong sendem Jeremaiah i go long Australia blong work so hemi breachim agreement blong hem wetem claimant. Long agreement we defendant hemi mekem wetem Jeremaiah Paul, hemi talem se sapos hemi no sendem claimant kasem wan year we deal ia start, bae hemi givimback back ol payments we hemi receivim long claimant.
8. Desire blong claimant hemi blong must go work long Australia as soon as possible from hem wan nomo nao hemi save work while fiancé blong hem mo olgeta sisters blong hem oli stap school.
9. During period blong wan year ia start from late 2019 kasem late 2020 we agreement ia i bin start, Jeremaiah Paul hemi faenem difficulties blong contactem Defendant Johnna Tao especially long telephone from we defendant hemi blockem cell phone number blong claimant.
10. Court i faenemaot se defendant i mekem claimant i saenem 1 contract blong go work long Australia but after signing blong contract ia, claimant hemi wait blong travel but i never travel so hemi start blong go luk narafala Agent.
11. Court i faenemaot se defendant hemi bin preparem wan narafala contract mo approachem claimant blong saenem but claimant hemi refuse blong no saen from hemi lusum trust long consultancy service we defendant hemi providem from nomo se first contract i bin saen but claimant hemi never travel.
12. Court i faenemaot se Claimant hemi travel out go long Australia blong work but under long wan narafala agent mo service blong narafala SWP Agent ia hemi free. Hemi travel out after long 1 year agreement we tufala parties i gat.
13. Defendant i talemaot long court se hemi no chargem any clients blong hem, i stap long heart blong olgeta sapos oli think se oli save givim how much, hemia i stap long olgeta nomo mo hemi acceptem. Taem we court i cross-examinem defendant blong confirmem ol fees blong ol service we hemi stap providem, defendant hemi no capable blong providem. Nao court i faenemaot se defendant hemi no consistent long olgeta fees blong hem wetem ol clients blong hem we oli needim semak service olsem we claimant hemi jusum.
14. Taem court i askem long defendant sapos olgeta recognized SWP Agent we hemi stap yusum name blong olgeta long consultancy firm blong hem oli aware long ol collections blong fees we defendant hemi stap collectem ol ol clients blong hem, mo olgeta activities we hemi stap mekem blong sendem man or woman i go work long Australia be answer blong Defendant hemi negative.
15. Court i faenemaot se defendant hemi receivim notice blong hem blong kam pass long court long wan reasonable time frame we i allowem hem blong save preparem side defence blong hem mo faelem i kamback long EIC olsem we i stap long notice ia, but hemi no mekem. During long hearing, defendant hemi askem court blong allowem hem more time blong faelem side statement blong hem but court i no grantem application blong hem.
16. Court i faenemaot se money we claimant hemi pem i go long defendant hemi 35'000 vt mo claimant hemi addemap another 5'000vt we hemi cost blong transportation mo communication blong hem mekem se hemi total up i go long 40'000vt.
17. Amount blong claim we i stap long application blong claimant hemi 40'000vt.

After we court ia hemi faenemaot olgeta thirteen findings blong hem, base long issue we i stap before this court we hemi 40'000vt claim, court ia hemi satisfae nao hemi mekem olgeta orders ia:

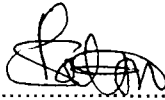
ORDERS BLONG COURT:

1. Court i orderem defendant blong hemi mas pembed claimant 40'000vt by instalment blong 5'000vt every manis start long end blong manis May 2021 mo continue every manis kasem taem we kaon ia i finis.

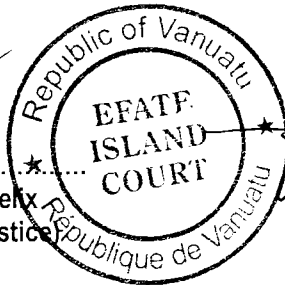
2. Every monthly payment we Defendant bae i mekem i mas kam stret long Efate Island Court blong receiptim mo EIC nao bae i just communicate wetem claimant blong kam collectem money ia long office.
3. Court i orderem Defendant "Johnna Tao" blong hemi stop blong collectem money long ol people long thinkthink se bae hemi save sendem olgeta i go long Australia.
4. Sapos anywan long tufala parties ia i no happy long decision ia, party i gat 30 days right blong appealim decision ia i go long Magistrate Court.

DATED at Port Vila this 18th May, 2021

BY THE COURT



Justice S. Paton
(Member)



Justice T. Felix
(Presiding Justice)



Justice T. Kalangis
(Member)