

**PUBLIC PROSECUTOR - BRENT MICHAEL ROGER
VILANTO BUILDERS**

Coram : Chief Justice
Prosecutor : John Baxter-Wright
Defendant : Silas Hakwa

Resumed hearing of 17 May 1993 for Report

Report shows that the Company may be able to survive and that there are contracts in the offices.

On the perusal front, it also shows that his assets are greater than his liability.

SENTENCE

Having received a report on the financial assets of both defendants in this case, namely Brent Michael Rogers and Vilanto Builders, from Messrs Moores Rowland, I am satisfied that both the Company and Mr Rogers' assets are greater than their liabilities, I am further satisfied that, given time, Mr Rogers and the Company will be able to meet a financial penalty.

I regard failure to pay V.N.P.F. contributions as serious, particularly when the contributions have been deducted from employees. The failure to pass on the money, in my view, is nothing short of theft and in the circumstances thoroughly dishonest.

In all the circumstances of this case I propose to sentence as follows :-

VILANTO BUILDERS :

Count 1 to 126 : Vt 20,000 fine on each making total of Vt 2,520,000.

Counts 127 to 133, fine Vt 10,000 on each making a total of Vt 70,000

Grand total 2,590,000 Vatu
Plus Prosecution Cost 250,000 Vatu

2,840,000 Vatu
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MR BRENT MICHAEL ROGERS

Counts 1 to 126 : 3 months imprisonment on each concurrent and Vatu 10,000 fine on each making a total of Vatu 1,260,000. The 3 months imprisonment will be suspended for 2 years.

Counts 127 to 133 5,000 fine on each making a total of Vatu 35,000.

Grand total 1,295,000 Vatu

Explained suspended sentence to defendant.

In sentencing in the manner in which I do, I take into account Mr Rogers' plea of guilty which in my view considerably reduce the sentence I would have otherwise passed upon him and in my view warrants my suspending the sentence of imprisonment which I might otherwise not have done. I also take into consideration everything said on his behalf by Mr Hakwa.

Likewise I am able to pass a more lenient sentence on the company - the only mitigation being the plea of guilty.

The company will pay Vatu 250,000 towards the cost of this prosecution. Because of the pleas of guilty and therefore no additional prosecution cost. I award no cost against Mr Rogers.

PAYMENT

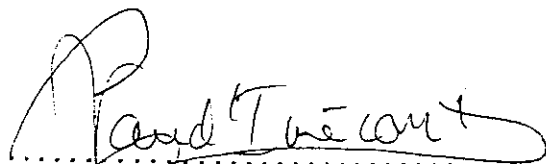
Mr Rogers : Vatu 1,295,000 pay at rate of Vatu 129,500 per month or 6 months Imprisonment for failure to pay anyone instalments.

VILANTO BUILDERS

Pay 2,840,000 at rate of 120,000 Vatu per month (payable within 2 years) any failure of payment in a civil debt - if the company fails to pay in any one month the Company will be Wound-up and its assets seized.

Mr Rogers' pasport remains in custody of court until final settlement of both debts. Defendant not to leave jurisdiction of Vanuatu until final settlement of fines - High Commission (NZ) to be informed.

DATED at Port Vila this 31st day of May 1993.



CHARLES VAUDIN d'IMECOURT
Chief Justice

