

IN THE MATTER OF: THE REPRESENTATION OF THE PEOPLE ACT
1983 AND ITS AMENDMENTS

AND: IN THE MATTER OF NATIONAL GENERAL
ELECTION FOR PARLIAMENT FOR SANTO
CONSTITUENCY HELD ON 19TH OF MARCH
2020

BETWEEN: Livo Mele

Petitioner

AND: Principal Electoral Officer

First Respondent

AND: The Electoral Commission

Second Respondent

AND: Lulu Sakaes

Third Respondent

AND: Joshua Leonard Pikioune

Fourth Respondent

AND: Samsen Samson

Fifth Respondent

AND: Alfred Maoh

Sixth Respondent

AND: Fabiano Stevens

Seventh Respondent

AND: Gaetan Pikioune

Eighth Respondent

AND: Rick Tchamacko Mahe

Ninth Respondent

Date of Hearing:

4th June 2020

Date of Decision:

12th June 2020

Before:

Justice Oliver.A.Saksak

In Attendance:

Mr John Malcolm and Stephanie Mahuk for Petitioner

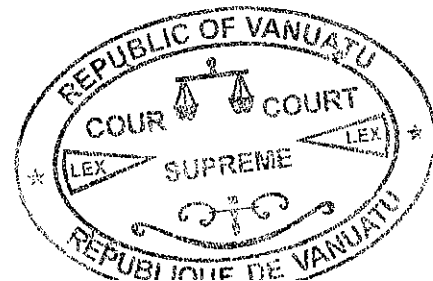
Mr Frederick Gilu, Solicitor General for First and Second Respondents.

Mr Daniel Yawha for Third, Seventh, Eighth and Ninth Respondents

Mr Nigel Morrison for Fifth Respondent

Mr James Tari for Sixth Respondent

Mr Justin Ngwele for Fourth Respondent




DECISION

1. The application to strike out the petitioner's petition filed by the Third, Seventh, Eighth and Ninth Respondents on 20th May 2020 and by the First and Second Respondents filed on 26th May 2020 are misconceived and premature, and are accordingly dismissed.
2. The reasons are simple. The First is that disclosure process is still ongoing and incomplete making the applications premature at this stage. The second is that the 704 proxy votes obtained by the petitioner from the Sanma Provincial Council were validly obtained. The petitioner sought permission from the President of the Sanma Provincial Council and it was granted. Section 59 (4) of the Act is irrelevant.
3. On the evidence thus far presented or made available by the petitioner, the Court is satisfied he has made out a prima facie case against the First and Second Respondents to warrant a full hearing of the petition.
4. Whether his evidence is enough to show the First and Second Respondents are guilty of such non-compliance with the provisions of the Act that their conduct of polling affected the result of the election, is a substantive issue that can only be determined after all the evidence have been filed and a full hearing conducted.
5. The applications are therefore premature and misconceived. They are dismissed for those reasons.

DATED at Port Vila this 12th day of June 2020

BY THE COURT


OLIVER.A.SAKSAK
Judge

