

IN THE ISLAND COURT OF
REPUBLIC OF VANUATU
(Custom Land Jurisdiction)

Review Case No. 25/ 3753 IC/CUST

In the matter of a decision: Farea Ni Mataso Napau Nakamal decision in
respect of Rewoka custom land made on 12
June 2025.

BETWEEN: PETER TASALE

Applicant

AND: FAREA NI MATASO NAPAUNAKAMAL

First Respondent

AND: DANIEL TASARURU & DAVID TAWIA

Second Respondents

AND: RICHARD COLLIN

Third Respondent

AND: TASALE OSCAR

Fourth Respondent

Coram: Chief Magistrate Laloyer. A

Justice Serah Paton

Justice Nicolas Kaluatman

Justice Shem Thomas Arlie

Justice Diana Kalsong

Parties: Representative of parties

Mr. Boe Damien for First Respondent

Date of Hearing: 27 March 2026



Date of Decision: 09 April 2026

DECISION

Introduction

The Farea Ni Mataso nakamal made a decision on 12 June 2025 over the Rewoka Napua customary land. On 13 October 2025, the Applicant filed an application under section 45 of the Custom Land Management Actⁱ to enlarge time to file their review to challenge the decision of nakamal.

After first hearing, the Applicant filed an application to stay the proceeding until they seek their reliefs in the Supreme Court.

Response

On 19 January 2026, the Second Respondent filed a defence and submitted that the application was statute barred by section 58 of the Act. It is also submitted that the Island Court (Land) do not have a discretionary power to extend the period. This was also the submission of the Third and Fourth during the hearing.

It was also argued by the First Respondent that the application of time cannot be stayed because the application was statute barred.

Discussion

The application for enlargement of time was filed approximately 122 days after decision of the nakamal. Section 45 (1) of the Act states:

“Review of decisions of nakamals or custom area land tribunals on certain grounds:

- (1) If it is alleged by a custom owner, a member of a nakamal or a disputing group that a decision of a nakamal or custom area land tribunal to determine the custom owners:***
- (a) has been made by a nakamal or custom area land tribunal that was not constituted in accordance to the provisions of the Act; or***
 - (b) has been made in breach of the process described in this Act; or***
 - (c) has been procured by fraud,***

the custom owner, the member of the nakamal or the disputing group may lodge an application for review with the Registrar of the Island Court (Land) or with the National Coordinator within 30 days (emphasize) from the date of the original decision and provide evidence to support the allegation.

- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...
- (7) ...”

The 30 days period stated in section 45 (1) is strict and mandatory.

In consideration of the case of *Family Waltersai Haphapat II Alhelmhalahlah v Undualao Nakamal*ⁱⁱ **ruling**, we agree that the Island Court (Land) do not have the statutory power to extend time.



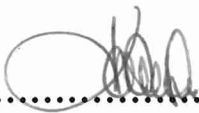
We do believe that filing of the application to stay the proceeding has no legality because the application for review was out of time was statute barred by section 45.

Upon this, the Court makes the following orders: -

1. The application for enlargement of time is hereby dismissed.
2. The application to stay the proceeding is hereby dismissed.
3. Each party bear their own costs.
4. Anyone who is not satisfied with this ruling, has a right to file an application for review in the Supreme Court within 30 days.

DATED at Port Vila, Efate on 09th day of April 2026

BY THE COURT



Chairlady

Laloyer. A



Justice Serah Paton



Justice Nicola Kaluatman



Justice Shem Thomas Arlie



Justice Diana Kalsong

ⁱ No. 33 of 1013

ⁱⁱ [2025] VUSC 127