

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

Judicial Review
Case No. 25/917 SC/JUDR

BETWEEN: **Jimmy Rantes**
Claimant

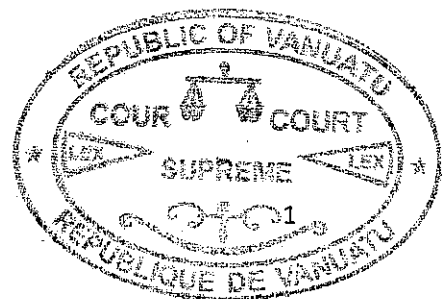
AND: **Minister of Trade and Commerce**
First Defendant

AND: **Public Service Commission**
Second Defendant

Date of Rule 17.8 Conference: 30 April 2025
Before: Justice V.M. Trief
In Attendance: Claimant – Mr F.S. Loughman
Defendants – Mr F. Bong

DECISION AS TO RULE 17.8 MATTERS

1. Amended Judicial Review Claim filed on 28 April 2025. Mr Loughman apologized for it being filed without leave. He applied for leave on the ground that the only change is to the prayer for relief, however there is no change to the grounds of the Claim. Mr Bong accepted that was the only change. Accordingly, I **granted** leave for the filing of the Amended Claim.
2. Having heard counsel, I ordered that the entitling of the First Defendant is **changed** to, "Minister of Trade and Commerce."
3. The Claimant filed the Sworn statements of Jimmy Rantes on 4 April 2025, 9 April 2025 and 25 April 2025. On 30 April 2025, he filed the Sworn statement of Roy Amos Pakoasongi.
4. On 30 April 2025, the Defendants filed Defence and Sworn statement of James Melteres.



5. Rule 17.8(3) of the *Civil Procedure Rules* ('CPR') provides that the judge will not hear the claim unless he or she is satisfied as to all four matters set out in that rule:
- (i) the Claimants have an arguable case (rule 17.8(3)(a), CPR);
 - (ii) the Claimants are directly affected by the decision under challenge (rule 17.8(3)(b), CPR);
 - (iii) there has been no undue delay in making the Claim (rule 17.8(3)(c), CPR); and
 - (iv) there is no other available remedy which resolves the matter fully and directly (rule 17.8(3)(d), CPR).
6. Having considered the pleadings, sworn statements and the Defendants' Rule 17.8 submissions filed today, and having heard counsel, I am satisfied as to the following:
- a. That the Claimant has an arguable case as he is challenging the lawfulness of the decision to suspend his employment on the ground that it is contrary to his employment agreement and s. 19B(1) of the *Public Service Act* [CAP. 246]. It is alleged in the Defence that the suspension was made pursuant to relevant provisions of the *Public Service Staff Regulation Manual* ('PSSRM') and that the investigation team's report is imminent. Further, that there will be a decision following the report whether or not further steps of the disciplinary process are taken against the Claimant therefore the Claim is premature. The pleadings raise triable issues. The Claimant has an arguable case (rule 17.8(3)(a), CPR);
 - b. It is not contested that the Claimant is directly affected by the decision under challenge (rule 17.8(3)(b), CPR);
 - c. It is not contested that there has been no undue delay in making the Claim (rule 17.8(3)(c), CPR); and
 - d. The Court is the only body which can determine the lawfulness of the suspension decision. Accordingly, there is no other available remedy which resolves the matter fully and directly (rule 17.8(3)(d), CPR).
7. In the circumstances, this matter must proceed to hearing of the Amended Claim at **9am on 23 June 2025** at Dumbéa Courtroom. If earlier timing becomes available, I will check counsel's availability for an earlier listing.

DATED at Port Vila this 30th day of April 2025
BY THE COURT

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Justice V.M. Trief

