

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

Judicial
Case No. 24/3832 SC/JUDR

BETWEEN: Wilmariah Ruth Voccor
Claimant

AND: Teddy Garae, Director, Financial Intelligence Unit,
Port Vila, Efate, Republic of Vanuatu
First Defendant

AND: Attorney General of State Law Office, Port Vila, Efate,
Republic of Vanuatu
Second Defendant

Date of Hearing: 22 April 2025

Before: Hon. Chief Justice Vincent Lunabek

Counsel: Mr NG Morrison for the Claimant
Ms JT Tari for the First and Second Defendants

Date of Decision: 29 July 2025

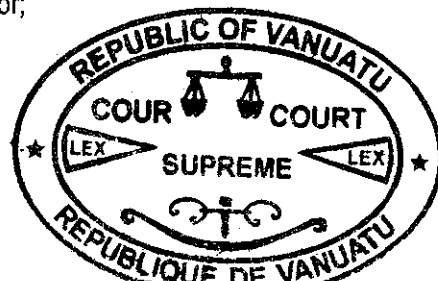
JUDGMENT OF THE COURT

I. INTRODUCTION

1. This is a Judicial Review claim (JR claim) in relation to a decision of the First Defendant made against the Claimant on 14 November 2024 which determined that the Claimant was not fit and proper person under the Anti-Money Laundering and Counter Terrorism Financing Act No. 13 of 2014 as amended ("*the decision*").

II. CLAIM AND RELIEF SOUGHT

2. The Claimant challenges the above decision dated 14 November 2024 under this Claim and claims:
 - (a) A declaration that there were no reasonable grounds for the decision of the First Defendant dated 14 November 2024 and to determine that the Claimant was not fit and proper person under the Anti Money Laundering and Counter Terrorism Financing Act No. 13 of 2014 as amended (the "*decision*"), and/or;

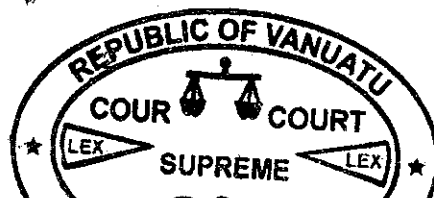


- (b) A declaration that before the first Defendant made the Decision the Claimant was not afforded natural justice and/or procedural fairness and the decision was premised on false facts;
- (c) A declaration that the Decision was unlawful;
- (d) An order that the Defendants pay the Claimant's costs on an indemnity basis.

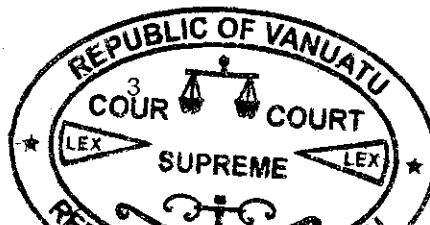
III. GROUND OF THE JR CLAIM

3. The Claimant made the JR Claim on the following grounds:

- (a) The Claimant was General Manager to Wanfuteng Bank Limited ("*the Bank*") until on or about 12 July 2023;
- (b) By letter dated 12 July 2023 her employer terminated her employment under Section 49 of the Employment Act. She was paid notice and full entitlements;
- (c) On or about 1 July 2024 the Claimant commenced employment as Country Director of Care International Committee at Port Vila, Vanuatu ("*the employer*");
- (d) On or about 28 August 2024, the First Defendant wrote to the employer and advised, amongst other matters that:
 - (i) They were reviewing key persons at the employer including the Claimant;
 - (ii) The review in respect to the Claimant identified the Claimant had been terminated from Wanfuteng Bank Limited for serious misconduct which she had committed whilst employed;
 - (iii) Invited responding submission.
- (e) The statement to the employer that the Claimant was terminated for serious misconduct was entirely untrue and prejudicial to the Claimant and specifically her employ as Country Director with the employer;
- (f) On or about 9 October 2024 the Claimant received correspondence from the First Defendant advising amongst other matters that:
 - (i) Care International Committee was a reporting entity with the meaning of Section 2(h) of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 ("*the Act*");
 - (ii) Care International Committee was placed on a re-registration review under the Act;



- (iii) Upon review the First Defendant was satisfied that within the meaning of 50J(h) of the Act and Clause 15B of the Act Regulation (No. 153 of 2015) that the Claimant was a "*disqualified person*";
 - (iv) An intention to issue a direction for the removal of the Claimant from her employ;
 - (v) Inviting submission from the Claimant by 18 October 2024.
- (g) By letter dated 17 October 2024 and consequent on a meeting with the First Defendant, the Claimant through her lawyer wrote to the First Defendant urging restraint in respect to the actions threatened in their 9 October 2024 letter;
- (h) By letter dated 21 October 2024 the First Defendant allowed until 25 October 2024 for any further contrary responses from the Claimant;
- (i) By letter dated 14 November 2024 the First Defendant wrote to the Care International Committee as employer of the Claimant;
- (j) Within the letter referred to above dated 14 November 2024, the First Defendant:
- (i) Advised the Claimant was a disqualified person within the meaning of the Act and Regulation;
 - (ii) The Claimant does not meet the "*fit and proper*" criteria under the Act;
 - (iii) Directed the employer remove the Claimant from their employ by 29 November 2024.
- (k) In purporting to make the Decision as notified to the Claimant's employer on 14 November 2024 the First Defendant:
- (i) Relied upon grounds that were unreasonable and falsely premised such that no reasonable person exercising the First Defendant's power would have concluded that the Claimant did not meet the "*fit and proper*" criteria;
 - (ii) Denied the Claimant natural justice and procedural fairness in purporting to make the Decision on allegations, which were not fully particularized, and pre-determined the decision against the Claimant based on false premise.
- (l) In the premises, the First Defendant acted unlawfully in making the Decision;

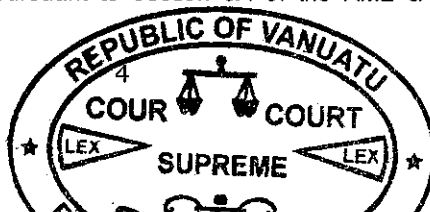


- (m) By reason of the First Defendant's unlawful Decision the Claimant seeks declarations and orders set out in the beginning of the claim and, by reason of the circumstances in which the Decision was made, seeks costs against the Defendants on an indemnity basis.

IV. DEFENCE TO THE JR CLAIM

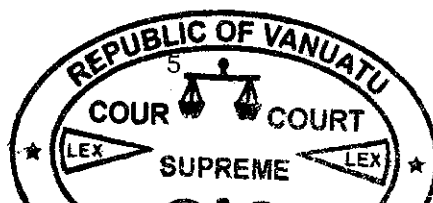
4. The First and Second Defendants filed their defence to the claim to the following effect:

- (1) They are aware of the Claimant's employments as pleaded;
- (2) They say that (as to ground 3):
- (a) The Defendants acknowledge the factual assertions about the Claimant employment with the Care International Committee ("CIC");
 - (b) The CIC is a Reporting Entity ("RE") and is required to comply with the registration requirements of a RE as required under the Anti Money Laundering and Counter Terrorist Financing Act no. 13 of 2014 (as amended) (the "AML & CTF Act");
 - (c) On 16 June 2021, CIC was registered on the Register of the FIU as a RE by Registration Confirmation Letter from the FIU dated 16 June 2021;
- (3) They say that (as to ground 4):
- (a) Pursuant to section 9A of the AML&CTF Act, if a RE who is registered on the FIU register changes its name or any of its other details required for the purposes of registration, the RE must give the Director written notice of the changes within 14 days after the changes occurs;
 - (b) Section 9A of the AML&CTF Act also provides that the Director of the FIU upon receiving the notice must consider whether the RE continues to meet the requirements for registration and by notice, write to the RE to remove the RE from the register if the Director is not satisfy that the RE continues to meet the registration requirements;
 - (c) By email dated 30 June 2024, CIC informed the FIU on the changes about the appointment of the new Country Director, Wilmariah Ruth Vocor (the "Claimant") as required under section 9A of the AML&CTF Act;
 - (d) Following the email dated 30 June 2024, on 28 August 2024, FIU wrote a letter to the CIC to the effect that it (FIU) has conducted a review on the Claimant as a key person pursuant to section 9A of the AML & CTF Act following her

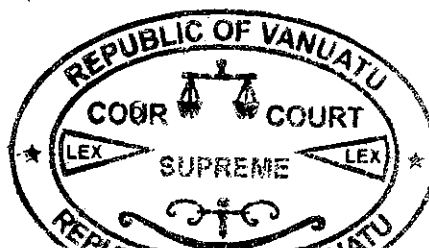


appointment as the Country Director of CIC against the requirements of the AML & CTF pursuant to section 9(4) of the *AML & CTF Act*; and

- (4) They say that (as to ground 5):
- (a) Wanfuteng Bank (the "Bank") has suspended then later terminated the Claimant and not the FIU and will rely on the Bank findings in relation of the misconduct of the Claimant for their full terms and effects; and they provided the following particulars:
 - (i) Letter from the Wanfuteng Bank (the "Bank") to the Claimant, Re: Suspension of employment contract and opportunity to respond to serious misconduct charges dated 26 June 2023;
 - (ii) Letter from the Bank to the Claimant, Re: Termination of employment dated 12 July 2023.
- (5) They say that (as to paragraphs 6 to 13):
- (a) The FIU review was in compliance with section 9(4) and 9A of the *AML & CTF Act* to ensure that any key person appointed must meet the Fit & Proper criterias provided in clause 15B of the *AML & CTF Regulation*;
 - (b) The Director of the FIU consider and took into account relevant informations to review whether the Claimant has satisfied the fit and proper criterias in clause 15B of the *AML & CTF Regulation* and they provided the following particulars;
 - (i) Letter from FIU to the Claimant as the General Manager of the Bank, Re: AML&CTF Direction – Wanfuteng Bank Board dated 17 April 2023;
 - (ii) Letter from FIU to the Manager Compliance of the Bank, Re: AML&CTF Direction – WBL HR Committee dated 26 May 2023; and
 - (iii) Letter from the Bank to the FIU, Re: Nepotism Breach dated 8 May 2023.
 - (c) The determination of the FIU on whether or not CIC still meet the registration requirements under section 9 of the *AML & CTF Act* also requires the review on the CIC key persons to be fit and proper;
 - (d) FIU upon its review found that the Claimant was not Fit & proper as per section 50J *AML & CTF Act* to occupy the position of a Country Director of the CIC given her background in her previous employment with a reporting entity and FIU also by letter dated 28 August 2024 requested that the CIC to provide its response to the FIU's findings on the Claimant's position by 17 September 2024;



- (e) On 17 September 2024, CIC responded to the FIU's letter of 28 August 2024 and informed that the Claimant is the right person for CIC who is appropriately qualified to take CIC forward and to oversee and ensure the smooth and efficient provision of the services offered by CIC and they provided as particulars, the Letter from CIC in response to FIU dated 17 September 2024;
- (f) By letter dated 9 October 2024, to both CIC and the Claimant FIU informed them of its intention to CIC to remove the Claimant as the Country Director of the CIC pursuant to section 50(l) of the *AML & CTF Act*;
- (g) The letter of 9 October 2024 also allowed both the CIC and the Claimant to make any response by way of submissions to the contrary as per subsection 50(l)(2) by Friday 18 October 2024 to FIU;
- (h) The Director of the FIU was satisfied that the Claimant within the meaning of section 50J(h) of the *AML & CTF Act* and clause 15B of the *AML & CTF Regulation* is a disqualified person;
- (i) By the letter from the FIU to the CIC and the Claimant dated 9 October 2024, the FIU clearly outlined its reasons for its intention to CIC to remove the claimant and they provided following particulars;
- (i) *Prior to the Claimant's appointment as the Country Director of the CIC she was a General Manager of the Bank. She has been suspended and later terminated for serious misconduct charges which includes handling of the AML reports against the Director of the FIU as stated in her suspension letter dated 26 June 2023 as attached to the FIU letter dated 9 October 2024. These conducts contravened clause 15B(c) and (d) of the AML Regulation;*
- (ii) *The Claimant during her previous employment has contravened the requirements and standards of the FIU by providing misleading information to FIU when requested, failing to comply with directions from FIU, disseminating the FIU Reports without authorization and also has contravened the Employment Act with the Bank all in contravention with clause 15B (f) of the AML Regulation; and*
- (iii) *The Claimant during her employment with the Bank has demonstrated personal conflicts of interest that has influence her ability to carry out her role and functions with appropriate probity and competence that is contrary to clause 15B(g) of the AML Regulation.*
- (j) On 17 October 2024, the Claimant replied through her lawyer on a without prejudices basis;
- (k) On 18 October 2024, CIC replied to the FIU's letter of 9 October 2024 declaring that they had nothing else to add to their original submission and they provided as particulars the Letter from CIC in response to FIU dated 17 September 2024;

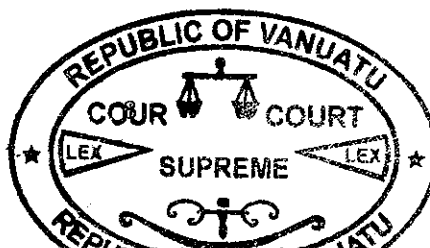


- (l) Say that on 21 October 2024, FIU responded to the Claimant's lawyer that FIU only issued an intention to the RE, CIC to remove and FIU is yet to make a decision based on the Claimant's submission and her employer;
- (m) By letter dated 21 October 2024, FIU allowed the Claimant until 25 October 2024 to make any submission to the contrary of the FIU's intention to issue directive to CIC as required under section 50I of the *AML & CTF Act*;
- (n) On 25 October 2024, the Claimant's lawyer responded to the FIU's letter of 21 October 2024;
- (o) On 14 November 2024, pursuant to section 50I(4) of the *AML & CTF Act*, FIU issued a direction to the CIC for the removal of the Claimant as the Country Director to CIC, a copy of the said direction was also sent by email and hand delivered to the Claimant;
- (p) These findings of the FIU on the background of the Claimant as outlined in paragraphs 4(a) and 5(c) above was based on the information and documentations that were provided to the FIU by the Wanfuteng Bank during review and the Claimant was given the opportunity to provide her response, none of these response / evidences change the evidence that she does not meet the fit and proper person criteria;
- (q) On the basis of the above matter aforesaid, the FIU Director has acted reasonably to issue directive to the RE, CIC for CIC to consider and remove the Claimant as the Claimant failed to provide any other contrary evidence;
- (r) On 20 November 2024, CIC wrote a letter to the FIU confirming CIC's compliance with FIU's direction to remove the Claimant by 29 November 2024;
- (s) On 5 December 2024, FIU made a follow-up on the matter with the CIC and CIC provided FIU with a copy of the Claimant's removal letter dated 26 November 2024 and signed by the Claimant on 27 November 2024;
- (t) On 27 November 2024, the Claimant filed her claim for judicial review in this proceeding;
- (u) The Claimant must satisfy the fit and proper criteria in order for the FIU to maintain the registration of CIC as a RE;
- (v) The findings that the Claimant does not satisfy the fit and proper in clause 15B, it will affect the registration of the CIC as a RE pursuant to section 9 and 9A of the *AML & CTF Act*;
- (w) Pursuant to the *AML & CTF Act*, any opposing submissions on false facts raised by the Claimant should be made to the CIC as a Reporting Entity, the Bank who



is the employer of the Claimant and also the RE in this matter, the CIC can or should then relate those purported opposing submission to the FIU;

- (x) FIU does not own or produced the facts that tantamount to the Claimant as a disqualified person, these findings were provided to the FIU upon request pursuant to the section 45 of the *AML&CTF Act* during and under the review of Fit & Proper requirements;
 - (y) Based on the above paragraphs 4 and 5, FIU did not rewrite facts under review, but relied upon the informations from the Bank as requested by the FIU and on the update profile of the Claimant from the Bank that is with the FIU;
 - (z) The process of review began with the RE, CIC in which natural justice was served by the opportunities given to the CIC to provide responses to the intention of the FIU on the removal of the Claimant and later progressed to the second stage where opportunities were given to the Claimant to provide her respond submissions to the reviews, findings and intention of the FIU to remove her;
 - (aa) The FIU did not remove the Claimant but her employer, the CIC did as a RE based on the correspondences with the FIU concerning the review of the CIC's Registration with the FIU pursuant to subsection 50(J)(1)(h) of the *AML &CTF Act* and clause 15B of the *AML &CTF Regulation*;
 - (bb) The decision to remove the Claimant was made by her employer, the CIC and was made in accordance to the *AML &CTF Act* and the *AML &CTF Regulation* and is lawful; and
 - (cc) Deny each and every allegations alleged in the paragraphs.
- (6) In further answer to the grounds of the Claim, the Defendants say that:
- (a) The CIC as a RE failed to provide substantial response to the FIU on how the Claimant is a fit and proper person against the criterias of a fit and proper person provided in clause 15B of the *AML &CTF Regulation*;
 - (b) The FIU has powers to direct the CIC to remove the Claimant pursuant to section 50I of the *AML & CTF Act*;
 - (c) Accordingly, the Director of FIU has acted reasonably and in accordance to law in relation to his decision;
 - (d) The Claimant is not entitled to the relief sought or to any other reliefs.

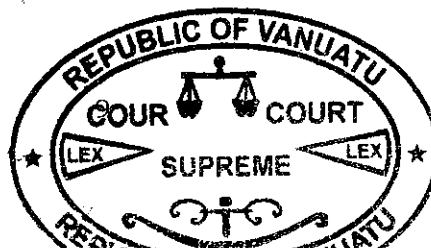


V. ISSUES

5. The Claimant and the First and Second Defendants agree on the following issues to be determined by the Court:
- (i) Were there no reasonable grounds for the decision of the Defendant determining the Claimant not a fit and proper person under the Anti Money Laundering and Counter Terrorism Financing Act No. 13 of 2024 (*"the Act"*)?
 - (ii) Can the Court make a declaration that the decision at 1(i) was made without natural justice or procedural fairness being afforded to Ms Vocor?
 - (iii) Is the Claimant entitled to a declaration that the decision was unlawful?

VI. BRIEF BACKGROUND

6. Ms Vocor was until 12 July 2023, General Manager of Wanfuteng Bank Limited. She was then a *"key person"* under the Act.
7. On 12 July 2023 her employment was terminated on notice with full entitlements under Section 49 of the Employment Act. No adverse findings were ever put to or made against Ms Vocor.
8. On 1 July 2024 Ms Vocor was employed by Care International Committee (CIC) as their Country Director. She was also then a *"key person"* under the Act.
9. On 28 August 2024 the First Defendant wrote to CIC advising of review of *"key persons"* which included Ms Vocor.
10. On 9 October 2024 the Claimant received correspondence from the First Defendant advising inter alia that they were satisfied she was a Disqualified Person under Section 15B of the Regulations to the Act. Ms Vocor was invited to respond.
11. By letters from her solicitor dated 17 October 2024 and 25 October 2024 Ms Vocor responded.
12. On 14 November 2024 the First Defendant directed CIC to remove Ms Vocor from their employ.
13. On 20 November 2024, CIC wrote a letter to the FIU confirming CIC's compliance with FIU's direction to remove the Claimant by 29 November 2024.
14. By letter dated 26 November 2024 the CIC removed the Claimant as its Country Director.
15. On 27 November 2024, the Claimant filed her claim for judicial review in this proceeding.



VII. THE LAW

16. Section 9 and 9A(1)(2) of the Anti-Money Laundering and Counter Terrorist Financing Act No. 13 of 2014 (as amended) (the "AML & CTF Act") provides that:

"9A Reporting entity to notify Director of certain changes

- (1) If a reporting entity registered on the register changes its name or any of its other details required for the purposes of registration, the reporting entity must give the Director written notice of the change within 14 days after the change occurs.
- (2) The Director upon receiving the notice:
- (a) must consider whether the reporting entity continues to meet the requirements for registration in subsection 9(4) or (5); and
 - (b) may, by notice in writing to the reporting entity, remove the reporting entity from the register if the Director is not satisfied that the reporting entity continues to meet the registration requirements.

17. Section 50J(1)(h) of the AML & CTF Act provides that:

50J Disqualified person

- (1) A person is a disqualified person if, at any time, the person:
-
- (h) does not meet any other fit and proper criteria prescribed by the Regulations.

18. Clause 15B of the AML & CTF Act provides that:

15B Prescribed criteria for fitness and suitability

For the purpose of paragraph 9 (4) (c) 9 (5) (c) and 50IJ(h), the following are the prescribed fitness and suitability of a person is:

- (a) Whether the person has been convicted of any criminal offence particularly dishonestly, fraud, financial crime or offence against legislation relating to banking, financial services, legal person, legal arrangement, insurance and high value property and fund management; and
- (b) Whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings; and
- (c) Whether the person has been dismissed, or asked to resign and resigned, from employment or from a position trust, fiduciary appointment or similar; and
- (d) Whether the person has ever been disqualified from acting as a director or disqualified from acting in any managerial position; and
- (e) Whether, in the past 10 years, the person has been honest and truthful in all his dealings with any regulatory body and whether the person demonstrates a readiness and willingness to comply with the requirements and standards



of the Vanuatu Financial Intelligence Unit and with other legal regulatory and professional requirements and standards; and

- (f) Whether the person has contravened any of the requirement and standards of the Vanuatu Financial Intelligence Unit or equivalent standards or requirements of other regulatory authorities, professional bodies, or government bodies or agencies; and
- (g) Whether the person has actual or potential conflicts of interest that are likely to influence their ability to carry out their role and functions with appropriate probity and competence; and
- (h) Whether the person has adequate experience and demonstrated competence and integrity in the conduct of business duties; and
- (i) Whether the person is of bad repute with the financial and business community."

VIII. THE EVIDENCE

- 19. The evidence in this case was given through sworn statements and oral evidence with cross-examinations.
- 20. The Claimant, Ms Vocor gave evidence by sworn statements of 27 November 2024 and 27 March 2025. She was cross-examined.
- 21. The First Defendant, Mr Teddy Garae, gave evidence by sworn statement of 17 February 2025 and 17 April 2025. He was cross-examined.
- 22. The relevant documentary evidence was presented by the parties through their statements and the following particular statements can be referred to:
 - (a) The first documentary evidence is the 12 July 2023 letter from Wanfuteng Bank Limited employer to the Claimant, Ms Vocor, terminating the Claimant's employment in accordance with her contract with the Bank, and in accordance with Section 49 of the Vanuatu Employment Act [CAP. 160] as amended (WV2/TGL5). I set out the content of that letter for ease of reference:

"Wanfuteng Bank

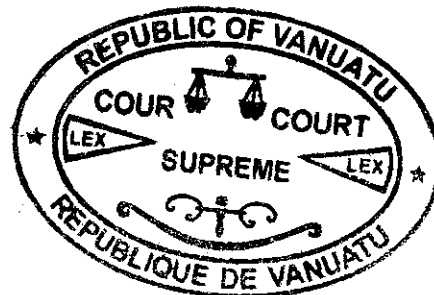
12th July 2024

Wilma Vocor
Port Vila, Vanuatu

Dear Wilma,

Termination of your Employment

We refer to your employment contract signed on 25 June 2021 as varied.



In accordance with Clause 8.1.2 of your contract, and in accordance with Section 49 of the Vanuatu Employment Act [160] as amended, the Bank has decided to terminate your employment as from today. You will be paid for three months in lieu of notice, together with other entitlements.

Please find enclosed the schedule setting out the details of your entitlements.

I thank you, on behalf of the Bank, for the services you have provided. We wish you all the best in your future endeavours.
Yours faithfully,

Bob Hughes
Director."

- (b) The second documentary evidence is the 28 August 2024 letter from the First Defendant to the CIC (WV3/TGL9). I set out the relevant part of the content of that letter:

"28 August 2024

Cielito Lindo Salcedo
AML & CTF Compliance Officer
Care International Committee
Port Vila

Dear Cielito,

AML & CTF COMPLIANCE – MRS. WILMARAIA RUTH VOCOR'

I refer to the above subject.

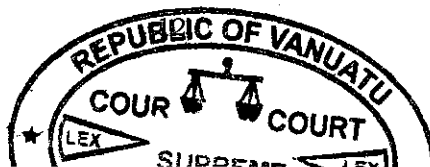
The Financial Intelligence Unit ('FIU') is currently conducting its review over key persons (committee members & senior managers or directors) of Care International Committee as per section 9A of the Anti-Money Laundering and Counter Terrorism Financing Act No. 12 of 2014 (AML & CTF Act).

The FIU review as mentioned is essential to determine whether or not Care International Committee continues to meet the registration requirements under section 9(4) of the AML & CTF Act.

As such, the Financial Intelligence Unit ('FIU') is conducting a review over Mrs. Wilmaria Ruth Vocor (A.K.A Wilmaria Ruth Sinumila) who had recently been appointed as the country director for Care international Committee and therefore is considered a key person.

Upon its review, the FIU has identified that Mrs. Vocor was a former employee of Wanfuteng Bank Limited, having served as the bank's general manager. Additionally, this office has identified that Mr. Vocor had been suspended by the bank and eventually terminated for serious confidentiality breaches and serious misconduct which she had committed during her tenure as general manager.

In light of the above, this office has determined that Mrs. Vocor had breached the conditions in her employment contract and the Wanfuteng bank staff handbook which resulted in the ensuing disciplinary actions



taken against her thus engendering her failure to meet the 'Fit and Proper Criteria' as prescribed by the AML & CTF Regulations order No. 122 of 2014 (As Amended).

Additionally, as stated under section 50J, a person is a disqualified person if, at any time, the person does not meet the fit and proper criteria prescribed by the **AML & CTF Regulations**. Therefore, a disqualified person must not act or continue to act as a director, manager, secretary or other officer of any reporting entity unless the Director (FIU) gives his or her written approval for the person to do so.

Consequently, to aid your decision regarding Mrs. Vocor's fitness and suitability as the country director, a copy of the identified breaches and a list of regulatory requirements which Mrs. Vocor had not met is enclosed for your perusal.

Pursuant to section 50I of the AML & CTF Act, this office is requesting you to make a written submission to the Director (FIU) regarding the matter by **Tuesday 17th September 2024**. Upon the Director's (FIU) review and decision over your submission, the FIU may continue to exercise its enforcement powers under section 50I of the Act.

Should you require further information, do not hesitate to contact Mr. Mackenzie Bani, Compliance Officer (CTSP) of this office.

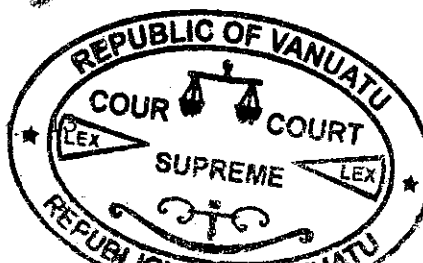
Yours faithfully,

For Josiah Kuaipen
Acting Director FIU

- In that letter of 28 August 2024, the First Defendant wrote to the employer and advised, amongst other matters that:
 - (i) They were reviewing key persons at the employer CIC including the Claimant;
 - (ii) The review in respect to the Claimant identified the Claimant had been terminated from Wanfuteng Bank Limited for serious misconduct which she had committed whilst employed;
 - (iii) Invited responding submissions from the Claimant by Tuesday 17 September 2024.
- (c) The third documentary evidence is the 23 September 2024 letter from Ridgway Blake Lawyers (RBL) to the First Defendant (WV4). The content of that letter is set out below.

"23 September 2024
Mr Josiah Kuaipen
C/- Vanuatu Financial Intelligence Unit
PMB 9048
PORT VILA

Dear Josiah,



RE: Wilma Vocor

Thank you for your time for meeting me in respect to Wilma's situation last week. Much appreciated.

As you are aware Wilma's now employers Care International have received correspondence from FIU relevant to the issues she had when employed at Wanfuteng Bank.

I believe I clarified some issues with you. Particularly that she has never been determined not fit and proper person. Also, there were no finding against her by her former employer. She was not terminated for any serious misconduct. There was never any such determination. She was paid full notice and severance in accord with section 49 of the Employment Act.

We do not believe this is a case demanding any Judicial Review. Respectfully, now the misconceptions are clarified we would encourage agreed resolve by withdrawing from dialogue with her now employer. If that cannot occur, we would ask that any dialogue with Care be stayed allowing time to formally resolve the issues you raise re her history at Wanfuteng.

As discussed, I am now on leave until 9 October. I would be pleased, if necessary, to meet you against after my return so as we can positively advance our discussions.

Yours faithfully

RIDGWAY BLAKE LAWYERS

Nigel Morrison

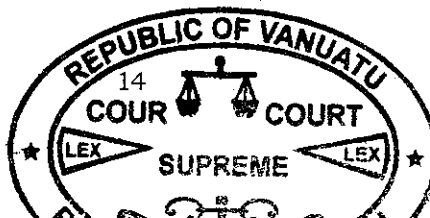
- (d) The fourth documentary evidence is the 9 October 2024 letter from the First Defendant to the Claimant (WV5/TGL12). The content of the letter of 9 October 2024 is set out below:

09 October 2024
Wilmaria Ruth Vocor
Country Director
Care International Committee
PORT VILA

Dear Wilma,
**AML & CTF ACT ENFORCEMENT – INTENTION TO REMOVE MRS.
WILMARIA RUTH VOCOR**
I refer to the above matter.

The Vanuatu Financial Intelligence Unit ('FIU') notes your recent appointment as the Country Director for Care International Committee.

Care International Committee within the meaning of section 2(h) is define as a reporting entity therefore must comply with the Anty-Money Laundering & Counter Terrorism Financing Act No. 13 of 2014 ("AML & CTF Act").



As you may note, during correspondence surrounding this said appointment this office has been exercising its supervision role pursuant to 9(2) and 9(4) of the AML & CTF Act.

9. Register of reporting entities

- (1) The Director must establish and maintain a register of reporting entities.
- (2) A reporting entity must not provide a service or establish a business relationship with a customer unless the reporting entity is registered on the register.
- (3) An application for registration by a reporting entity must be made to the Director in the prescribed form, including its name and such other details as are prescribed by the Regulations.
- (4) If a reporting entity is regulated by a domestic regulatory authority under a regulatory law, the Director must not enter the reporting entity on the register unless:
 - (a) the application complies with the requirements in subsection (3); and
 - (b) the reporting entity meets the requirements of the regulatory law; and
 - (c) the reporting entity meets the fit and proper criteria prescribed by the Regulations.

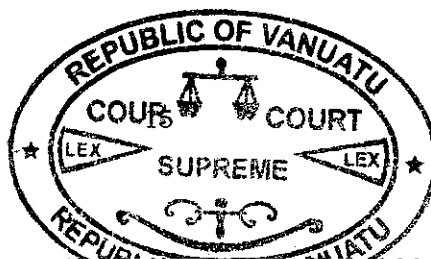
You will note, that under the registration process of the reporting entities, Care International was issued with a letter of registration 16th June 2021 confirming its full compliant with the registration requirement as speculated in section 9(4) of the AML & CTF Act. This therefore confirms Care International Committee's compliance with section 9(2) of the AML & CTF Act.

Note, that the AML & CTF registration process after been issued a confirmation of registration letter does not mean the registration review is completed.

The AML & CTF Act allow for re-review of the same process given that there are changes made to the details of the registration requirements. (Section 9A of the AML & CTF Act).

9A. Reporting entity to notify Director of certain changes

- (1) If a reporting entity registered on the register changes its name or any of its other details required for the purposes of registration, the reporting entity must give the Director written notice of the change within 14 days after the change occurs.
- (2) The Director upon receiving the notice:
 - (a) Must consider whether the reporting entity continues to meet the requirements for registration in subsection 9(4) or (5); and
 - (b) May, by notice in writing to the reporting entity, remove the reporting entity from the register if the Director is not satisfied that the reporting entity continues to meet the registration requirements.
- (3) If a reporting entity fails to comply with subsection (1), the reporting entity commits an offence punishable upon conviction by:



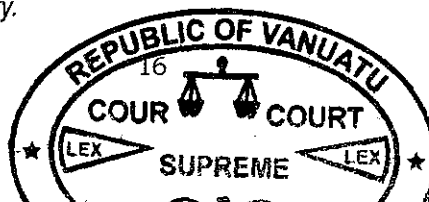
- (a) If the reporting entity is a natural person – a fine not exceeding VT25 million or imprisonment not exceeding 15 years, or both; or
- (b) If the reporting entity is a body corporate – a fine not exceeding VT12.5 million.

Given the changes in key persons of the reporting entity, the entity will now be placed on the re-registration review and to fully complete the process given the updated details, thus section 9 (4) (c) and clause 15B of the Anti-Money Laundering & Counter Terrorism Financing Regulations order no. 153 of 2015 ("AML & CTF Regulation"), has apply for the entity's compliance.

15B Prescribed criteria for fitness and suitability

For the purpose of paragraph 9 (4) (c) 9 (5) and 50J(h), the following are the prescribed fitness and suitability of a person is:

- (a) Whether the person has been convicted of any criminal offence particularly dishonesty, fraud, financial crime or offence against legislation relating to banking, financial services, legal person, legal arrangement, insurance and high value property and fund management; and
- (b) Whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings; and
- (c) Whether the person has been dismissed, or asked to resign and resigned, from employment or from a position trust, fiduciary appointment or similar; and
- (d) Whether the person has ever been disqualified from acting as a director or disqualified from acting in any managerial position; and
- (e) Whether, in the past 10 years, the person has been honest and truthful in all his dealings with any regulatory body and whether the person demonstrates a readiness and willingness to comply with the requirements and standards of the Vanuatu Financial Intelligence Unit and with other legal, regulatory and professional requirements and standards; and
- (f) Whether the person has contravened any of the requirements and standards of the Vanuatu Financial Intelligence Unit or equivalent standards or requirements of other regulatory authorities, professional bodies, or government bodies or agencies; and
- (g) Whether the person has actual or potential conflicts of interest that are likely to influence their ability to carry out their role and functions with appropriate probity and competence; and
- (h) Whether the person has adequate experience and demonstrated competence and integrity in the conduct of business duties; and
- (i) Whether the person is of bad repute with the financial and business community.



Therefore, as a standard review practice, all key persons of reporting entities are review using risk base approached proven by facts/evidence and risk mitigations.

As such, upon my review I am satisfied that within the meaning of section 50J(h) of the AML & CTF Act and clause 15B of the AML Regulation, you are a disqualified person based on the following findings:

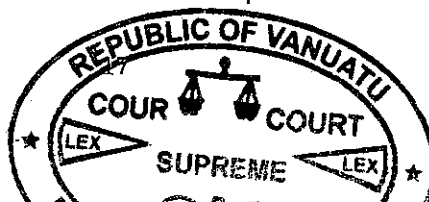
1. You have been disqualified (suspended later terminated) for acting as General Manager of Wanfuteng Bank for serious misconduct charges which includes handling of AML reports against the direction of FIU as state in the suspension letter. Consequently, contravenes clause 15B(c) & (d) of the AML & CTF Regulation [Annex 1 & 2].
2. During your previous employment you have contravened requirements and standards of the FIU by providing misleading information to this Office when requested, failing to comply with direction of FIU [Annex 3a & 3b], also disseminating the FIU report without authorization (refer annex 1) and also contravened equivalent requirements of government body which is the employment Act and a professional requirement by breaching the employment contract with Wanfuteng Bank (refer annex 2). This has therefore contravened clause 15B (f) of the AML Regulation.
3. From your previous employment, your demonstrated personal actual conflict of interest that has influence your ability to carry out your role and functions with appropriate probity and competence, thus have contravened clause 15B(g) of the AML Regulation [Annex 4a & 4b].

Pursuant to section 50I of the AML & CTF Act, I may direct a reporting entity to remove a key person if I am satisfied that the person is a disqualified person. Therefore, I am satisfied that you are a disqualified person within the meaning of 50J(h) of the AML & CTF Act and clause 15B of the AML & CTF Regulation.

By way of this letter, I hereby notify you of my intention to issue a Direction to remove you as Country Director of Care International Committee, pursuant to section 50I (2) of the AML & CTF Act and hereby invite you to make submissions to justify any reasons to the contrary by **4PM on Friday, 18th October 2024**.

Yours faithfully,
Josiah Kuatpen
Acting Director FIU

- In his letter of 9 October 2024, the First Defendant wrote to the Claimant and advised, amongst other matters that:
 - (i) Care International Committee was a reporting entity with the meaning of Section 2(h) of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2024;
 - (ii) Care International Committee was placed on a re-registration review under the Act;



- (iii) Upon review the First Defendant was satisfied that within the meaning of 50J(h) of the Act and Clause 15B of the Act Regulation (No. 153 of 2015) that the Claimant was a "disqualified person";
 - (iv) An intention to issue a direction for the removal of the Claimant from her employ;
 - (v) Inviting submission from the Claimant by 18 October 2024;
- (e) The fifth documentary evidence is the 17 October 2024 letter from RBL to the First Defendant (WV6). The content of that letter is reproduced below.

"17 October 2024

The Acting Director
C/- Vanuatu Financial Intelligence Unit
PMB 9048
PORT VILA

Attention: Mr Josiah Kuatpen

Dear Josiah,

Re: Wilmaria Ruth Vocor

As you are aware we act for this woman. We have now received your letter addressed to her dated 9 October 2024. Your letter requests response by tomorrow 18 October 2024. You indicate intention to issue a Direction to CARE International to remove her from employ.

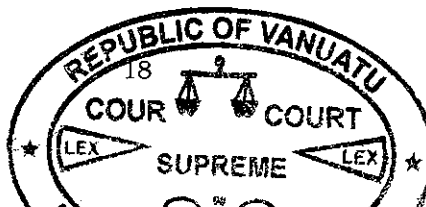
As we well understand, your intention is consequent upon determinations about my client when she was at Wanfuteng Bank.

I met with you in September and recorded what we discussed in letter to you dated 23 September 2024.

With respect, your now expressed intent in respect to Ms. Vocor seems inconsistent with our discussions. It appears that we must issue proceedings against FIU to protect Ms Vocor's livelihood. We will be doing so forthwith. We would respectfully, on a without prejudice basis, request that you delay any action against Mrs. Vocor's current employ until the historic situation with Wanfuteng Bank is resolved.

Yours faithfully
RIDGWAY BLAKE LAWYERS
Nigel Morrison"

- (f) The sixth documentary evidence is the 21 October 2024 letter from the First Defendant to RBL (WV7/TGL14). The content of that letter is also reproduced below.



"21 October 2024
Nigel MORRISON
Partner
Ridgway Blake Lawyers
PORT VILA

Dear Nigel,

**AML & CTF ACT ENFORCEMENT: INTENTION TO REMOVE –
WILMARAIA RUTH VOCOR**

I refer to your letter dated 17th October 2024 delivered to this office in relation to the above matter.

I note in your letter you requested a without prejudice for delay of our action as refer to your client's attention in my letter dated 9th October 2024 (my intention to remove your client).

I would like to clarify further that my intention was issued pursuant to section 50I (2) of the Anti-Money Laundering and Counter Terrorism Financing Act No. 14 of 2014 ("The AML & TF Act"), I am yet to make a decision to my intention base on your client's response and the employer of your client (Care International).

I confirm I have received response to my intention from your client's employer however still awaits your responses to the specific allegation detail in my letter of intention.

Given the above, I therefore will allow your client an extension up until Friday **25th October 2024** to make submission in contrary to my letter dated 9th October 2024 (Intention to remove your client).

Should you require further information, please contact this office.

Yours faithfully,
Josiah KUATPEN
Acting Director FIU

- (g) The seventh documentary evidence is the 25 October 2024 letter from RBL to the First Defendant (TGL15). The content of that letter is reproduced below.

"25 October 2024

The Acting Director
C/- Vanuatu Financial Intelligence Unit
PMB 9048
PORT VILA
Attention: Mr Josiah Kumatpen

Dear Josiah,

RE: Wilmaria Ruth Vocor

We act for the above noted and thank you for and herein respond to your letter of 21 October 2024.



We further note your "letter of intention to remove" dated 9 October 2024. From page 3 of your said letter, you list 3 bases whereby you assert "you are a disqualified person based on the following findings."

We note with respect:

- (i) Finding one is factually incorrect. We refer you to our letter of 23 September 2023 and then concurrent discussions.
- (ii) Finding two is denied. Before this finding was made no natural justice was afforded our client. Your will well understand the need for natural justice is a cornerstone of administrative law.
- (iii) Finding three is denied. As stated in (ii) above, again there is denial of natural justice rights to our client.

In your penultimate paragraph you clearly state "I am satisfied that you are a disqualified person."

Sir, with respect we encourage you to seek advice from the State Law Office before advancing any intention in this matter. You will be aware that we are currently involved in litigation in respect to Ms Mariana Lal. That case is very similar to Ms Vocor's situation. The Court will soon make a decision in the Lal case. Without prejudice to either party rights I would urge you to restrain from action in respect to Ms Vocor until the Lal decision is made. We urge you to contact your lawyer Mr Tom Loughman of State Law, who we believe will endorse our view.

Mr Loughman is copied.

Yours faithfully
RIDGWAY BLAKE LAWYERS
Nigel Morrison
CC: Tom Loughman, State Law Office
: Wilma Vocor"

- (h) The eighth and last documentary evidence is the 14 November 2024 letter from the First Defendant to the CIC employer and the Claimant (WV8/TGL16). The content is also reproduced below.

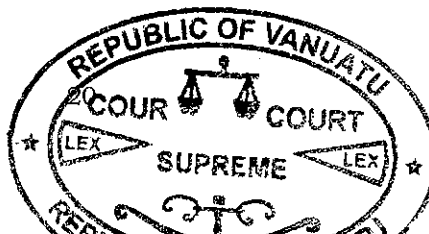
"14 November 2024

Cielito Lindo Salcedo
AML & CTF Compliance Officer
Care International Committee
PORT VILA

Dear Cielito,

**AML & CTF ACT ENFORCEMENT – DIRECTION TO REMOVE MRS.
WILMARAIA RUTH VOCOR**

I refer to your letter dated 18th October 2024 in response to our intention to remove in relation to the above matter.



I also note your findings in your responses dated 17th September 2024 where you stated that our findings against Mrs. Vocor were unproven and that Mrs. Vocor has denied such allegations.

You also stated that her position as HR does not impact the reputational risk for the organization.

My evidences/findings were then provided to your in my letter dated 18th October 2024, where you have responded with no further findings or arguments.

The same opportunity was served to Mrs. Vocor allowing her to provide this offence with arguments in contrary to my findings. A further extension was provided to Mrs. Vocor and a respond was received on 25th October 2024.

Pursuant to the following sections of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 and clause 15 of the Anti-Money Laundering and Counter-Terrorism Financing Regulation No. 122 of 2014.

50J. Disqualified person

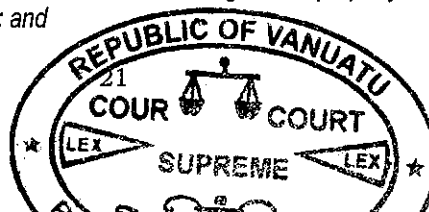
(1) A person is a disqualified person if, at any time, this person:

- (a) has been convicted of an offence under this Act; or
- (b) has been a director or directly concerned in the management of a reporting entity in Vanuatu or any other country which has had its license revoked or has been wound up by the Court; or
- (c) has been convicted by a court for an offence involving dishonesty; or
- (d) is or becomes bankrupt; or
- (e) has applied to take the benefit of a law for the relief of bankrupt or insolvent debtors; or
- (f) has compounded with his or her creditors; or
- (g) is listed on a United Nations financial sanctions list, a financial sanction List under the United Nations Financial Sanctions Act No. 6 of 2016 or a financial sanctions list under the law of any jurisdiction; or
- (h) does not meet any other fit and proper criteria prescribed by the Regulations.

15B Prescribed criteria for fitness and suitability

For the purpose of paragraph 9 (4) (c) 9 (5) (c) and 50IJ(h), the following are the prescribed fitness and suitability of a person is:

- (j) Whether the person has been convicted of any criminal offence particularly dishonestly, fraud, financial crime or offence against legislation relating to banking, financial services, legal person, legal arrangement, insurance and high value property and fund management; and



- (k) Whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings; and
- (l) Whether the person has been dismissed, or asked to resign and resigned, from employment or from a position trust, fiduciary appointment or similar; and
- (m) Whether the person has ever been disqualified from acting as a director or disqualified from acting in any managerial position; and
- (n) Whether, in the past 10 years, the person has been honest and truthful in all his dealings with any regulatory body and whether the person demonstrates a readiness and willingness to comply with the requirements and standards of the Vanuatu Financial Intelligence Unit and with other legal regulatory and professional requirements and standards; and
- (o) Whether the person has contravened any of the requirement and standards of the Vanuatu Financial Intelligence Unit or equivalent standards or requirements of other regulatory authorities, professional bodies, or government bodies or agencies; and
- (p) Whether the person has actual or potential conflicts of interest that are likely to influence their ability to carry out their role and functions with appropriate probity and competence; and
- (q) Whether the person has adequate experience and demonstrated competence and integrity in the conduct of business duties; and
- (r) Whether the person is of bad repute with the financial and business community.

After all the review of submissions, I am satisfied that Mrs. Vocor within the meaning of section 50J(h) of the AML & CTF Act and clause 15B of the AML & CTF Regulation, is a disqualified person.

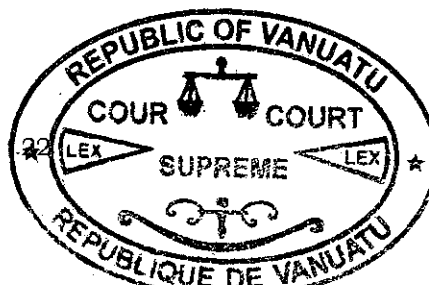
Therefore, pursuant to section 50I (3) I am satisfied that Mr. Vocor does not meet the prescribe fit and proper criteria and as such is a disqualified person and hereby direct your entity to remove Mrs Vocor as Country Director of Care International Committee.

This Direction is made today 14th November 2024 and pursuant to section 50I (4) must be in effect by the 29th November 2024.

Should you require further information, please do not hesitate to contact this Office.

Yours faithfully,

Josiah Kuatpen
Acting Director FIU



Copy: Wilmaria Ruth Vocor."

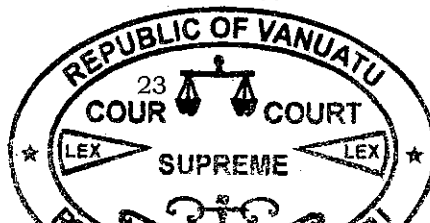
- In that letter of 14 November 2024, the First Defendant wrote to the Care International Committee as employer of the Claimant and copied it to the Claimant:
 - (i) Advised the Claimant was a disqualified person within the meaning of the Act and Regulation;
 - (ii) The Claimant does not meet the "fit and proper person" criteria under the Act;
 - (iii) Directed the employer remove the Claimant from their employ by 29 November 2024.

IX. FINDINGS – DISCUSSION

23. Based on evidence, I find that the Claimant letter of termination from Wanfuteng dated 12 July 2023 has always been significantly misconstrued or misunderstood by the First Defendant (WV2/TGL5). They have always referred to it as a dismissal for serious misconduct. It is a fact that this serious misconception was what prompted RBL to attend with FIU in September 2024 (see WV4). Despite that meeting the First Defendant continued to wrongly maintain that the Claimant, Ms Vocor, was terminated for serious misconduct – see WV5/TGL12, page 3 last paragraph, which is reproduced here:

"1. You have been disqualified (suspended later terminated) for acting as General Manager of Wanfuteng Bank for serious misconduct which includes handling of AML reports against the direction of FIU as state in the suspension letter. Consequently, contravenes Clause 15B(c) & (d) of the AML4 CTF Regulation [Annex 1 & 2]."

24. It is also a fact that this misconception or misunderstanding was 1 of 3 "findings" the First Defendant made against the Claimant, Ms Vocor, that they sought response to. This is of great concern in respect to fairness to the Claimant, Ms Vocor, when she had even with goodwill had her solicitors meet with them in September 2024 to clarify the issues she had when employed at Wanfuteng Bank. The Claimant, Ms Vocor, has never been determined not fit and proper person. Also, there were no finding against her by her former employer. She was not terminated for any serious misconduct. There was never any such determination. She was paid full notice and severance in accord with Section 49 of the Employment Act.
25. It can be inferred that this inability to listen or understand the basic facts and the corresponding processes gave great concern for the veracity and integrity of the other 2 "findings" made against the Claimant, Ms Vocor. It is very difficult or impossible for one in the situation of the Claimant to effectively respond to somebody in the shoes of the First Defendant who does not listen but had lots of powers under the AML & CTF Act. It may be dangerous because the law is not applied for the purpose and in the context for which it should be applied. The law is applied on a wrong view



of the fact, like in this case, that the Claimant, Ms Vocor, was dismissed for serious misconduct, which is wrong as inaccurate.

26. The other two findings are detailed on page 4, the final page of the 9 October 2024 letter from the First Defendant to the Claimant (WV5/TGL12). I reproduce these two findings here for ease of reference:

"2. During your previous employment you have contravened requirements and standards of the FIU by providing misleading information to this Office when requested, failing to comply with the direction of FIU (Annex 3a & 3b), also disseminating the FIU report without authorization (refer annex 1) and also contravened equivalent requirements of government body which is the Employment Act and a professional requirement by breaching the employment contract with Wanfuteng bank (refer annex 2). This has therefor contravened Clause 15B(f) of the ML Regulation".

"3. From your previous employment, you demonstrated personal actual conflict of interest that has influence on your ability to carry out your role and functions with appropriate probity and competence, thus have contravened Clause 15B(g) of the AML Regulation [Annex 4a & 4b]".

27. The first significant point about "findings" 2 and 3 is that they both refer to annexes. These annexes are not in evidence. There are no attachments to WV5/TGL12. The First Defendant cannot rely on undisclosed material.

28. Further, in her Further Sworn Statement, Ms Vocor stated at paragraphs 15:

"This was the first time I had been privy to documents referring to their allegations of conflict of interest".

29. This evidence was uncontested.

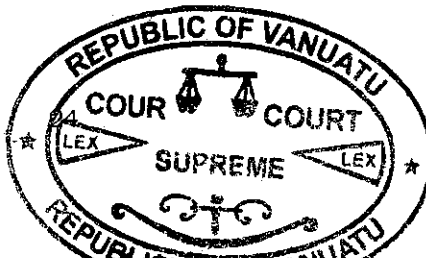
30. Further at paragraph 14 of the same statement, referring to the 3 "findings" to respond to, Ms Vocor said:

"These were the very allegations that were never pursued against me and accordingly I had never responded to".

31. At paragraph 16 she stated:

"Lawyers Sugden had responded to these allegations ... Following Sugden's response this allegation was no longer referred to in ongoing discussions" see WV1B attached to her Further Statement. The content of Mr Sugden's letter to Bob Hughes, Director of Wanfuteng Bank, Port Vila dated 28 June 2023 to this effect was reproduced below:

"28th June, 2023



Mr Bob Hughes
Director of Wanfuteng Bank
Port Vila

Dear Sir

Re: Wilma Vocor

I act for Ms Vocor who has brought to me your letter dated 26/06/2023 charging her with serious misconduct for the purposes of section 50(4) of the Employment Act, Cap 160.

Ms Vocor wishes that I accompany her when she attends the meeting that you have scheduled for 9a.m on 3rd July but, unfortunately, I have a trial scheduled to begin at 9.30am before the Honourable Justice Goldsbrough and request that the meeting be rescheduled.

This would give you the opportunity to provide my client, through me, with the full details of what is alleged against her and the necessary period for her to prepare her defence when she has those details. Section 50(4) of Cap160 (to which you refer) requires:

"No employer shall dismiss an employee on the ground of serious misconduct unless he has given the employee an adequate opportunity to answer any charges made against him ..." (emphasis added)

The most glaring lack of details is in relation to the FIU report that, apparently, came into the possession of Catherine Le Bourgeois. You do not say so, but impliedly allege that my client gave the FIU report to Catherine Le Bourgeois.

She is entitled to know, before being required to defend this implied charge;

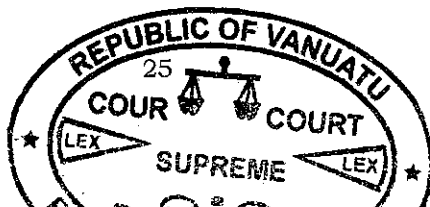
- (1) How, when and where it is alleged that she gave the report to Catherine Le Bourgeois
- (2) How is it alleged the report amounts to "confidential information" for the purposes of clause 10 of her contract and how is it alleged that she knew that it had that status
- (3) How it is alleged that disclosure of the report to Catherine Le Bourgeois amounts to serious misconduct against the Bank.

You will note the concluding words of section 50(4) of Cap160:

"..... and any dismissal in contravention of this subsection shall be deemed to be an unjustified dismissal"

My client informs me that yesterday (27/06) the staff at the Bank were informed verbally and by email from senior management that my client had committed a serious breach of confidentiality by releasing the VFIU report to Catherine Le Bourgeois.

This indicates that the decision to dismiss my client has already been made without giving her the opportunity to defend herself contrary to section 50(4) of Cap 160.



Unfortunately, the statements amounts to defamation which is extremely serious in the circumstances of this case and likely to result in her being unemployable when she is dismissed as you have decided already to do.

I note that my client has recently been actionably defamed by the published accusation that she had been in a position of conflict of interest when she acted as a referee for the appointment of another employee of the Bank.

The above defamatory publications have an added legal significance in the context in which they have occurred.

The Bank, as employer has a duty to ensure that it maintains a relationship of trust and confidence with its employees.

The duty is the result of its implication into the employment contracts as has been held many times by the Court of Appeal since Banque Indosuez v. Ferrieux [1990] 2VLR 490 in which it was held that the duty continues to exist even during a justified dismissal for serious misconduct.

I note that my client was recently demoted with no justification and no opportunity to be heard. She has had the scope of the authority that was given to her under her contract significantly reduced by the loss of significant areas that were managed by her including the Human Resources department. She was also made subordinate to the Compliance Officer and the Chief Risk Officer in a number of matters.

This is also a serious breach of her contract including the implied duty of trust and confidence.

Next you treat a charge of "unauthorized entry with a non bank employee on Sunday 07, May 2023" as amounting to serious misconduct warranting dismissal, even though she is the General Manager and had been given the key to the building with power (as General Manager) to allow members of the public to enter the building.

You also treat a charge that she, photocopied or printed off 6 pages of "which seems to be floor plans" as amounting to serious misconduct warranting dismissal.

To treat such trivial matters as serious misconduct is unreasonable and oppressive and to bring them at all as serious misconduct warranting dismissal is a still further breach of the implied duty referred to above.

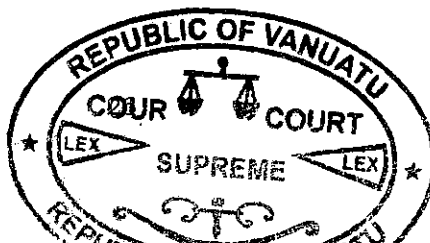
If you intend to pursue these two charges as serious misconduct, please provide the following details:

As to the 7th May, 2023 how it is alleged that, if proven, it amounts to serious misconduct (including any breaches of her contract or other standards that have been clearly disclosed to my client as General Manager to whom the key to the building has been given).

As to the 6 copies, how it is alleged that, if proven, it amounts to serious misconduct.

I look forward to your response so that I can properly advise my client as to her defence.

Yours faithfully,



**R. E Sugden
Sugden Lawyers."**

32. None of this evidence was contested.
33. So, the picture becomes clear. The First Defendant maintained a wrong view that the Claimant, Ms Vocor, was dismissed for serious misconduct. The simple basic fact is that after Mr Sugden's Response letter to the allegations of serious misconduct of 22 June 2023, the very allegations in respect of any alleged serious misconduct were not pursued and effectively withdrawn when she was terminated without cause under Section 49 of the Employment Act.
34. These very allegations, together with the misconceived notion of dismissal for serious misconduct, were referred to as "*findings*" by the First Defendant. Findings that determined the Claimant, Ms Vocor, not fit and proper person. I agree and accept the submissions of Mr Morrison on behalf of the Claimant that it was seriously unlawful, verging on ignorant process.
35. Confronted with the situations in this case, the RBL letter of 25 October 2024 was in context as on point. The relevant part of that letter is referred to again here:

"We ... note you 'letter of intention to remove' dated 9 October 2024. From page 3 of your said letter you list 3 basis whereby you assert 'you are a disqualified person based on the following findings'.

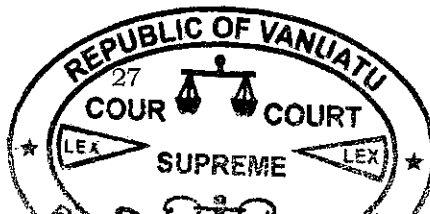
We note with respect:

- (i) Finding one is factually incorrect. We refer you to our letter of 23 September 2024 and then concurrent discussions;*
- (ii) Finding two is denied. Before this finding was made no natural justice was afforded out client. You will well understand the need for natural justice is a cornerstone of administrative law;*
- (iii) Finding three is denied. As stated in (ii) above, again there is denial of natural justice rights to our client.*

In your penultimate paragraph you clearly state 'I am satisfied that you are a disqualified person'.

Sir, with respect we encourage you to seek advice from the State Law Office before advancing any intention in this matter ..."

36. The letter of 25 October 2024 reflected the situation that having been ignored in a meeting in September 2024 and being confronted with "*findings*" which were from that it is well understood why they would write confirming denials and factual inaccuracy and absence of natural justice.
37. The following case authorities support the case of the Claimant:



- Michel v President of the Republic of Vanuatu [2015] VUCA 14 at 25-26 where the Court of Appeal held:

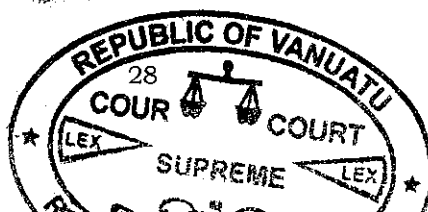
25. Article 5(1)(d) of the Constitution recognizes that all persons to which the Article applies are entitled as a fundamental right to the "protection of the law". The appellant was entitled to that right which refers to a system of law which incorporates the fundamental rules of natural justice that part and parcel of the common law: Attorney General v. Timakata [1993] VUCA 2; Boulekone v. Timakata [1986] VUSC 13.

26. However, to accept as we do, that the appellant was entitled to natural justice, or in today's description of the principle, to procedural fairness does not answer the question whether he was entitled to be heard by the President before he was removed from office as chairman and member of the Public Service Commission. The content of natural justice or procedural fairness will depend on all the circumstances of the particular case and will include the nature of the inquiry, the rules or statute under which the decision maker is acting, and the subject matter; Kioa v. West [1985] HCA 81; (1985) 159 CLR 550 at 584 – 5; Durayappah v. Fernando (9167) 2 AC 330 at 349.

- Minister of Education and Training v Tabi [2023] VUCA 30 at 31 where the Court of Appeal held:

31. It is now widely recognised in the field of public administration, and employment that procedural fairness, often referred to as natural justice, requires that a reason and an opportunity to be heard be given before a decision affecting personal rights is made. The obligation is recognised by statute in Vanuatu in the Employment Act [CAP. 160] (s.53) and in the Public Service Act [CAP. 246] s.19B, to give two examples. Unless a statute specifically provides otherwise procedural fairness now requires that an opportunity be given to be heard. The extent of that requirement will depend on all the circumstances of the case: Michel v President of the Republic and Others [2015] VUCA 14 [25] – [26].

38. On a proper review at that time, and if the FIU operated with diligence and integrity, they would at the very least have made inquiry of Mr Hughes at Wanfuteng to consider the merit or otherwise of the asserted "findings". They did not do such. There was no evidence from Mr Hughes or indeed anybody of authority at Wanfuteng Bank.
39. The submissions of the First and Second Respondents in this case are based on misconstruing or misunderstanding of the basic facts and processes by the First Defendant and so, the submissions made cannot assist the Court in this case.
40. This case shows that the First Defendant has not listened, not inquired and relied on unproven, untested and mistaken information to remove the Claimant, Ms Vocor, from career employment. "Incorrigible" can be added to the list of the FIU's unreasonable behavior given in IFTC Limited v Teddy Garae [2025] VUSC; Judicial Review 3492 of 2024 (4 April 2025).



41. In this case, the Claimant, Ms Vocor, is entitled to the declarations and orders she sought in her JR claim.
42. The Court makes the following declarations and orders:

Declarations and Orders

- (1) A declaration that there were no reasonable grounds for the decision of the First Defendant dated 14 November 2024 and to determine that the Claimant was not fit and proper person under the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 as amended (the "*decision*"), and/or;
- (2) A declaration that before the First Defendant made the Decision the Claimant was not afforded natural justice and/or procedural fairness and the decision was premised on false facts;
- (3) A declaration that the Decision was unlawful;
- (4) An order that the costs must follow the event. The Claimant seeks costs on indemnity basis. The Defendants shall file and serve submissions as to the costs on 20 August 2024 by 4:00pm. Any submissions in reply shall be filed and served by 4:00pm on 25 August. The Court will decide the costs of the proceedings on the papers after submissions are filed.

Dated at Port Vila, this 29th day of July, 2025.

BY THE COURT

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Hon. Chief Justice Vincent Lunan

