

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

**Constitutional
Case No. 21/1285 SC/CNST**

**IN THE MATTER: ARTICLES 6 (1) AND (2) AND 53 (1) AND (2) OF
THE CONSTITUTION OF THE REPUBLIC OF
VANUATU**

BETWEEN: Hon. Seule Simeon Davidson

Applicant

AND: Gracia Shadrack, Speaker of Parliament

First Respondent

AND: The Republic of Vanuatu

Second Respondent

Date of HEARING:

29th day of April, 2021 at 2:00 PM

Before:

Justice Oliver Saksak

In Attendance:

Mr Garry Blake for the Applicant/Claimant

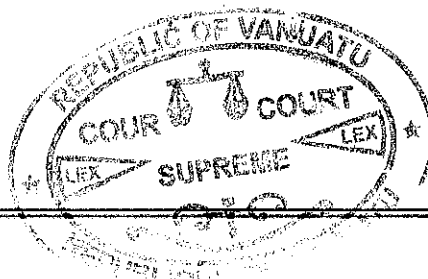
Mr Godden Avock for First Respondent

Mr Hardison Tabi for Second Respondent

ORAL DECISION

1. The applicant's constitutional application is allowed.

2. The Declarations and Orders sought are granted as follows-
 - (a) A declaration that the ruling of the First Respondent made on 22nd April 2021 to invoke the process under section 4 of the Members of Parliament (Vacation of Seats) Act [CAP 174] (the "Act") to vacate the Applicant's seat in Parliament, including the First Respondent's request to the Applicant to remove himself from Parliament on the basis that he was to cease to perform his functions as a member of Parliament pending the process outlined in section 4 of the Act (the " Ruling''), is a breach of



the Constitutional rights of the Applicant and was and is therefore invalid, void and of no effect.

(b) The Ruling of the First Respondent made on 22nd April 2021 be hereby quashed.

(c) A declaration confirming the ruling in *Sope v Attorney General [No.4] [1998] VU Law Rp 4* that section 2(f) and section 4 of the Act are unconstitutional and are invalid and of no force or legal effect.

(d) The applicant is entitled to his costs of and incidental to the application on an indemnity basis to be paid by the Office of the Speaker. The Second Respondent is not entitled to any costs.

3. Reasons are to be published.

DATED at Port Vila this 29th day of April, 2021.

BY THE COURT

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Oliver Saksak

Judge

