

REPUBLIQUE

DE

VANUATU

JOURNAL OFFICIEL



REPUBLIC

OF

VANUATU

OFFICIAL GAZETTE

6 SEPTEMBRE 2004

No. 24.

6 SEPTEMBER 2004

SONT PUBLIES LES TEXTES SUIVANTS

**CERTIFICAT D'ELECTION DU PRESIDENT
DE LA REPUBLIQUE DE VANUATU.**

SERMENT PRESIDENTIEL

NOTIFICATION OF PUBLICATION

**CERTIFICATE OF ELECTION OF THE
PRESIDENT OF THE REPUBLIC**

**CERTIFICATE BLONG ELECTION BLONG
PRESIDENT BLONG REPABLIK**

PRESIDENTIAL OATH

PROMIS BLONG PRESIDENT

THE PUBLIC PROSECUTORS ACT

NO. 7 OF 2003

- COMMENCEMENT OF CODE OF PRACTICE AND ETHICS FOR THE OFFICE OF THE PUBLIC PROSECUTOR.
-

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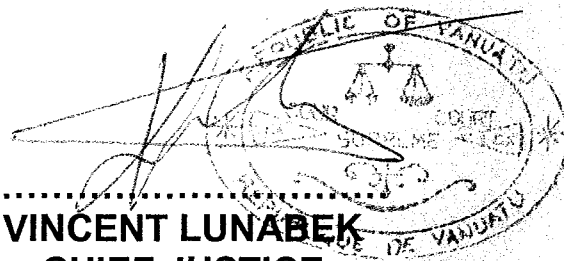
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CERTIFICATE OF ELECTION OF THE PRESIDENT OF THE REPUBLIC

TO: THE ELECTORAL COMMISSION

I HEREBY CERTIFY that MATAS KELE KELE KALKOT
was on the 16th day of August 2004 elected President of the
Republic of Vanuatu in accordance with the requirements of the
Constitution.

DATED this 16th day of August 2004



.....
VINCENT LUNABEK
CHIEF JUSTICE

CERTIFICAT D'ÉLECTION DU PRÉSIDENT DE LA RÉPUBLIQUE DE VANUATU

A la Commission Electorale,

JE CERTIFIE PAR LES PRÉSENTES que MATAS...KELEKELE
KAKOT..... a été élu Président de la République de
Vanuatu conformément aux dispositions de la Constitution le
16..... août 2004.

Le 16..... août 2004.


.....
VINCENT LUNABEK
PRÉSIDENT DE LA COUR SUPRÊME.

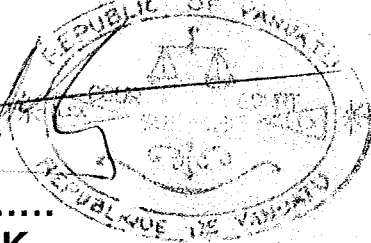
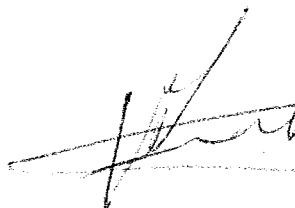


**CERTIFICATE BLONG ELECTION BLONG
PRESIDENT BLONG RIPABLIK**

LONG: ELECTORAL COMMISSION

MI NAO CERTIFIEM se long.....16..... August 2004, Electoral
College hemi electem ..MAIAS...KELE...KELE...KALKO.T.....
olsem President blong Ripablik blong Vanuatu follem Constitution.

DATE:16..... August 2004



.....
**VINCENT LUNABEK
CHIEF JUSTICE**

PRESIDENTIAL OATH

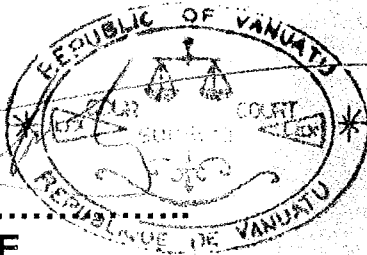
I, MATIAS ISIKHELE KAIKOT....., having been duly elected President of the Republic of Vanuatu SWEAR BY ALMIGHTY GOD that I will uphold and defend the Constitution and protect the rights of all people in the Republic of Vanuatu without fear or favour.

SO HELP ME GOD.

SWORN on the 16..... day of August 2004

Signed: *Matias Isikhele Kaikot*
PRESIDENT OF THE REPUBLIC

Signed: *[Signature]*
CHIEF JUSTICE

The seal of the Republic of Vanuatu Supreme Court is circular. It features a central emblem with a scale of justice and a book. The text "REPUBLIC OF VANUATU" is written along the top inner edge, and "REPUBLIC OF VANUATU" is written along the bottom inner edge. The words "SUPREME COURT" are written across the center of the seal.

PROMES BLONG PRESIDENT

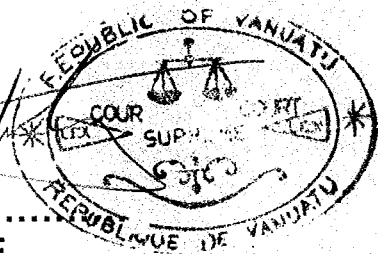
Mi, MATAS...KELEKLE KALIKOT..., afta election blong mi olsem President blong Ripablik blong Vanuatu, mi mekem strong promes ia long heart mo conscience blong mi mo mi promes se bambae mi observem mo defendem ol principles we oli stap insaed long Constitution mo bambae mi protectem rights blong evri pipol blong Ripablik blong Vanuatu. Mo bambae mi mekem ol wok ia wetem courage mo integrity.

BAMBAE PAPA GOD I HELPEM MI.

Date:16.....August 2004

Kaliko Matas
.....
PRESIDENT BLONG RIPABLIK

[Signature]
.....
CHIEF JUSTICE





REPUBLIC OF VANUATU

THE PUBLIC PROSECUTORS ACT 2003 (ACT NO 7 OF 2003)

**COMMENCEMENT OF CODE OF PRACTICE AND ETHICS FOR THE
OFFICE OF THE PUBLIC PROSECUTOR**

PURSUANT to Section 29 (2) of the *Public Prosecutors' Act 2003* (Act No 7 of 2003) I, NICHOLAS H. MIROU, Public Prosecutor hereby approve for the commencement of the *Code of Practice and Ethics of the Office of the Public Prosecutor* with effect as of this date.

MADE AT PORT VILA this 10th day of August 2004.


.....
NICHOLAS H. MIROU
PUBLIC PROSECUTOR



Office of the Public Prosecutor
CODE OF PRACTICE AND ETHICS

1 Conduct of Proceedings

1.1 Prosecutor's duties

(1) A prosecutor's primary interest is that the right person is convicted, the truth is revealed and justice is done.

(2) A prosecutor must:

(a) fairly assist a court to arrive at the truth; and

(b) seek impartially to have the whole of the relevant evidence placed intelligibly before the court; and

(c) seek to assist the court with adequate submissions of law to enable the law properly to be applied to the facts.

(3) A prosecutor must not press the prosecution's case for a conviction beyond a full and firm presentation of that case.

(4) A prosecutor must not, by language or other conduct, seek to inflame or bias the court against the accused.

(5) A prosecutor must not argue any proposition of act or law which the prosecutor does not believe on reasonable grounds to be capable of contributing to a finding of guilt and also to carry weight.

1.2 Disclosure

(1) Subject to sub-clause (2), a prosecutor must disclose to the opponent as soon as practicable:

(a) all material (including the names of and means of finding prospective witnesses in connection with such material) available to the prosecutor which could constitute evidence relevant to the guilt or innocence of the accused; or

(b) any such material of which the prosecutor becomes aware during the course of a proceeding which could constitute evidence relevant to the guilt or innocence of the accused.

(2) Disclosure under paragraph (1)(a) or (b) is not required if the prosecutor believes on reasonable grounds that:

- (a) the disclosure would seriously threaten the integrity of the administration of justice in those proceedings or the safety of any person; and
- (b) such a threat could not be avoided by limiting the disclosure to the legal practitioner representing the accused on appropriate conditions (for example, an undertaking by the legal practitioner representing the accused not to disclose certain material to the accused or any other person).

1.3 Witnesses

(1) Subject to subclause (2), a prosecutor must call as part of the prosecution's case a witness if:

- (a) the testimony of the witness is admissible and necessary for the presentation of the whole picture; or
- (b) the testimony of the witness provides reasonable grounds for the prosecutor to believe that it could provide admissible evidence relevant to any matter in issue; or
- (c) the testimony or statements of the witness were used in the course of any preliminary hearings; or
- (d) a statement from the witness has been obtained in the preparation or conduct of the prosecution's case.

(2) The prosecutor is not obliged to call a witness if:

- (a) the opponent consents to the prosecutor not calling the witness; or
- (b) the only matter with respect to which the witness can give admissible evidence has been dealt with by an admission on behalf of the accused; or
- (c) the prosecutor believes on reasonable grounds that the administration of justice in the case would be harmed by calling the witness to establish a particular point already adequately established by another witness; or
- (d) the prosecutor believes on reasonable grounds that the testimony of the witness is unreliable.

(3) In deciding whether the testimony of a witness is unreliable, the prosecutor must use appropriate techniques such as conferring with the witness and satisfying himself or herself of the capability of the witness to give relevant and truthful evidence.

(4) The prosecutor must inform the opponent as soon as practicable of the identity of a witness if the prosecutor intends not to call the witness on any

ground referred to in subclause (2) together with the grounds on which the prosecutor has reached that decision.

(6) Despite subclause (2), the prosecutor must call a witness if the opponent requests the prosecutor to do so for the purpose of permitting the opponent to cross-examine that witness.

1.4 Unlawfully or improperly maintained material

A prosecutor who has reasonable grounds to believe that certain material available to the prosecution may have been unlawfully or improperly obtained must promptly:

- (a) inform the opponent if the prosecutor intends to use the material; and
- (b) make available to the opponent a copy of the material if it is in documentary form; and
- (c) inform the opponent of the grounds for believing that such material was unlawfully or improperly obtained.

1.5 Contact with accused

A prosecutor must not confer with or interview any of the accused except in the presence of the accused's representative.

1.6 Informing court of supporting evidence

(1) A prosecutor must not inform the court or the opponent that the prosecution has evidence supporting an aspect of its case unless the prosecutor believes on reasonable grounds that such evidence will be available from material already available to the prosecutor.

(2) A prosecutor who has informed the court of matters within subclause (1), and who has later learnt that such evidence will not be available, must immediately inform the opponent of that fact and must inform the court of it when next the case is before the court.

1.7 Sentencing

(1) A prosecutor must not seek to persuade the court to impose a vindictive sentence or a sentence of a particular magnitude.

(2) However, a prosecutor must:

- (a) correct any error made by the opponent in address on sentence; and
- (b) inform the court of any relevant authority or legislation bearing on the appropriate sentence; and
- (c) assist the court to avoid appealable error on the issue of sentence.

(3) A prosecutor may:

- (a) submit that a custodial or non-custodial sentence is appropriate; and
- (b) inform the court of an appropriate range of severity of penalty, including a period of imprisonment, by reference to relevant appellate authority.

2 Contact with the Media

In proceedings in which the Deputy Public Prosecutor, Assistant Prosecutors, and State Prosecutors appear, they are appearing on behalf of the Public Prosecutor. As such there is a relationship akin to a lawyer client relationship between the prosecutor (the lawyer) and the Public Prosecutor (the client). As such the prosecutor appearing in a particular matter must act in accordance with the following rules:

- 2.1** There is no general obligation to provide information to the media.
- 2.2** Consent from the Public Prosecutor must be obtained prior to providing information on the case in which the prosecutor is appearing.
- 2.3** It is permissible and appropriate if requested by the media for a prosecutor to give his or her name and indicate that the prosecution is being conducted by the Office of the Public Prosecutor.
- 2.4** It is not appropriate to discuss with the media the likely result of proceedings or the prospect of appellate proceedings being instituted, a matter being no billed or discontinued or an ex officio indictment being filed.
- 2.5** It is not appropriate to comment to the media on the correctness or otherwise of any determination of the court.
- 2.6** Prosecutors should abide by any ruling made by the Court to not publish the names of any persons concerned in a particular matter (eg where an order is made by a Court to prohibit the publication of names associated with a case to protect the reputation and otherwise of a victim of a serious sexual assault).
- 2.7** The names and addresses of victims and addresses of other witnesses who are to be or have been called should not be supplied to the media. Information given in open court (including names and addresses) may be confirmed. Care should also be taken in any case to ensure that the identities of witnesses such as prisoners, informers, and others who are giving evidence at some personal risk are kept confidential (so far as is possible) and are not disclosed to the media.
- 2.8** True copies of open exhibits (including photographs but excluding videotapes and audiotapes of recorded interviews, re-enactments, demonstrations and identifications) may be inspected by the media after being admitted as evidence (if convenient). Discretion should be exercised in relation to sensitive material (eg. medical reports) or material produced under

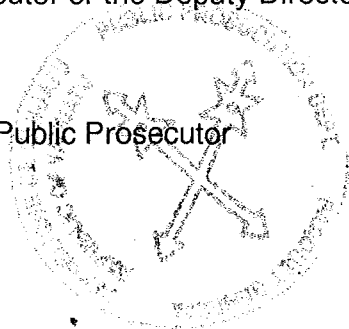
compulsion, where it may be more appropriate to direct inquiries to the court. Medical (including psychiatric and psychological) reports on offenders and victims should generally not be made available to the media.

2.9 Upon charges being laid or the first court appearance of a defendant the terms of the charge may be disclosed to the media subject to the various restrictions and provisions referred to above.

2.10 Statements, summaries, criminal histories, exhibits or copies (including documents, photographs, plans and the like) are not usually to be given or lent to the media.

2.11 Disclosure of documentation or information, other than that permitted in accordance with the above guidelines, is not to occur unless approved by the Public Prosecutor or the Deputy Director.

Office of the Public Prosecutor



P.J.E PTY LIMITED
(In Voluntary Liquidation)

**Notice of resolution to voluntary wind-up the company and
appointment and address of liquidators**

We, Jonathan G Law and Bill L Hawkes of Hawkes Law, Vanuatu, hereby give notice that:

- (a) The above company resolved to be wound up voluntarily by way of a special resolution of members passed on 12 August 2004.
- (b) We have been appointed joint liquidators of the company.
- (c) The address for all communications is C/- Hawkes Law, P.O. Box 212, Port Vila, Vanuatu.

Dated: 12 August 2004.



Jonathan G Law
Liquidator



Bill L Hawkes
Liquidator

P.J.E Pty Limited
(In Voluntary Liquidation)

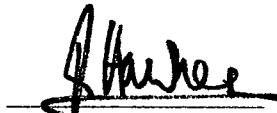
Notice to submit particulars of debts or claims

Take notice that the creditors of the Company are required to submit particulars of their debts or claims and any security held by them to us at Hawkes Law, KPMG House, Rue Pasteur, PO Box 212, Port Vila, on or before 15 September 2004. If subsequently required by us, the creditors will be required to formally prove their debts or claims and to establish any title they may have to priority. In default of complying with this notice they will be excluded from the benefit of any distribution made before their debt or claims are proved or their priority is established and from objecting to the distribution.

Dated: 12 August 2004.



Jonathan G Law
Liquidator



Bill L Hawkes
Liquidator


P.J.E PTY LIMITED
(In Voluntary Liquidation)

Notice of final meeting

Notice is hereby given in accordance with section 286 of the Companies Act 1986 [CAP 191] that a final meeting of the members of P.J.E Pty Limited will be held at the offices of Hawkes Law, KPMG House, Rue Pasteur, Port Vila, Vanuatu on 23 September 2004 at 8:00am.

The purpose of the meeting is to receive the liquidators' account of the winding up of the Company and the giving of any explanation thereof.

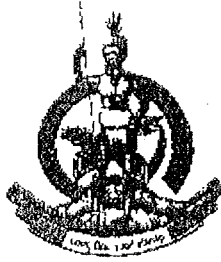
Dated: 12 August 2004.



Jonathan G Law
Liquidator



Bill L Hawkes
Liquidator



REPUBLIC OF VANUATU

VANUATU FINANCIAL SERVICES COMMISSION

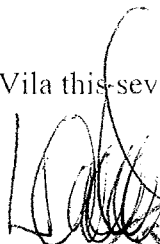
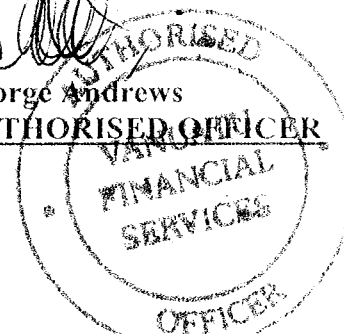
THE INTERNATIONAL COMPANIES ACT No. 32 of 1992

TAKE NOTICE that pursuant to Section 106 of the International Companies Act, unless cause is shown to the contrary, the names of

IPMS Limited

will 90 days following the date of publication of this notice be struck off the International Companies at Port Vila, Vanuatu.

Given under the Official Seal of the Commission at Vila this seventeenth day of August 2004.


George Andrews
AUTHORISED OFFICER

The seal is circular with the text 'AUTHORISED' at the top, 'VANUATU FINANCIAL SERVICES' in the center, and 'OFFICER' at the bottom.



REPUBLIC OF VANUATU

VANUATU FINANCIAL SERVICES COMMISSION

COMPANIES ACT [CAP. 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [CAP. 191], the following companies have been struck off the Register of Companies at Port Vila, Vanuatu.

SEA AIR LIMITED
BELLA VISTA LIMITED
CAP IMPORT/EXPORT LIMITED
CARBON HOLDINGS LIMITED
ROCY FLO LIMITED
HAIL HOLDINGS LIMITED
FARE TAAROA (VANUATU) LIMITED
GRAND TERRE LIMITED
BNP PARISBAS S.A.
ISLAND CRUISES LIMITED
BRIKOLA HOLDINGS LIMITED
MIRAGE LINE ENTERPRISES LIMITED
RECORDS STORAGE AND COMMERCIAL SERVICES PACIFIC LIMITED
KTCTDOTNET LIMITED
OUTWARD INVESTMENTS LIMITED
EPICORP LIMITED
FIELD ENTERPRISES LIMITED
TAMASO SHIPPING LIMITED
DAHLIA HOLDINGS LIMITED
BEGONIA HOLDINGS LIMITED
GUIDING INVESTMENTS LIMITED
POE-MA INSURANCE BROKERS LIMITED

Dated at Port Vila this twenty-sixth day of July 2004.


George Andrews
REGISTRAR OF COMPANIES
VANUATU FINANCIAL SERVICES COMMISSION



