

Baniala remains Regulator as Appeal Court amends order

THE APPEAL COURT HAS RULED 2017 unlawful and was in the appeal submitted by the Prime Minister and Office of the Government Chief Information Officer (OGCIO) against a Supreme Court decision favouring the Telecommunication and Radio Communication Regulator.

In its decision, the Supreme Court issued five orders in favour of the Regulator. The Appeal Court has amended one of the orders in favour of the appellants (Prime Minister and OGCIO) and cost shared, but three orders of the Supreme Court remained the same.

The case began in the Supreme Court when the Prime Minister as First Respondent suspended Ms Daise Baniala as Telecommunication and Radio Communication Regulator on October 19, 2017.

Ms Baniala responded to the suspension and the Prime Minister revoked the letter and gave her 28 days notice on October 25, 2017.

On November 2, 2017 Ms Baniala responded again by letter to the Prime Minister then on December 12 she was suspended again by the Prime Minister for two months pending an investigation.

The remedies sought by Baniala were granted by the Supreme Court through the five orders.

Order (a) was that the letter dated October 25, 2017 was declared unlawful and was quashed; order (b) declared that letter of December 12,

2017 unlawful and was quashed; order © declared the appointment of the Utilities Authority Regulator CEO as acting Regulator unlawful and was quashed.

These first three orders remain as they are and were not amended by the Appeal Court.

Order (d) restrains the first and second respondents from interfering with the independence of the Regulator. The amendment to this order by the Appeal Court added "except as provided by law", which gives room for intervention by the Prime Minister and OGCIO in the work of the Regulator to carry out its duties, functions, powers and responsibilities.

The last order (e) related to costs and the Appeal Court shared the costs.

The Appeal Court stated, "In a technical sense because of the agreed amendment the appeal must be allowed but, in reality, the appellants were not really successful before this court on the wholesale revision they sought."

"The matter has, in our judgment been misconceived and blown out of all proportion to the real dispute between the parties."

"Under the Act and the contract, there are rights and responsibilities which will persist until November when the term of the incumbent comes to an end."

Ms Baniala's contract ends in November 20 this year.



Vanuatu has been celebrating Children's Day annually to remind the Government of its obligation to fight for children's rights and safety

Child Online Protection Strategy Framework Launched

Gov't commits to protecting children in Vanuatu against online bullying

By Anila Roberts

THE VANUATU GOVERNMENT is committed to protecting children and teenagers in Vanuatu against online bullying.

Minister of Justice and Community Services (MOJCS), Ronald Warsal, made this clear when he launched the Child Online Protection Strategy Framework as the country celebrated Children's day yesterday.

Commissioner of Police, Albert Nalpin, who joined the children in the parade gave assurance of police support in this endeavor.

"It is everyone's

responsibility to educate our children how to use Facebook and the internet properly," he said.

Minister Warsal agreed that keeping children safe at all times is the responsibility of all citizens; parents, teachers, community leaders, religious and political leaders, the government and civil society.

Meanwhile, children in Port Vila have spoken out during Children's Day celebration in the capital.

They said they are still facing challenges and they urged parents, adults and authorities to make good decisions for them.

Concerns raised include insults, abusive homes and

getting whipped as a form of discipline, which often occurs at schools.

The children said they want proper discipline so that they can behave appropriately at home and in public.

"We need an environment that is safe for us to learn and grow," they said.

Children living with disabilities stressed they want recognition.

They said they want the society to recognize them as the other able-bodied children

with the same rights to enjoy education, access health services, play with friends, the right to express their views and be protected from discrimination and abuse.

With the rise of mobile phone use and the current expansion of internet connection, the children said they want the authorities responsible to set appropriate measures in place to protect them against cyberbullying.

The government of Vanuatu committed to recognizing the rights of all children when it ratified the Convention of the Rights of the Child, said minister Warsal.

This year marks 28 years since Vanuatu began celebrating Children's Day.

The day is a platform to reflect on efforts undertaken to help children fight for their rights and fulfill their potential in the society.