

IN THE COURT OF APPEAL
THE REPUBLIC OF VANUATU
(Civil Appellate Jurisdiction)

Civil Appeal Case No. 16/1726CoA/CIVA

BETWEEN: YUKA DALLEY
Appellant

AND: PAUL DALLEY
Respondent

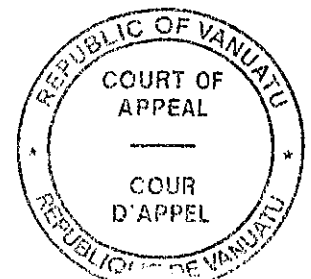
Coram: *Hon. Chief Justice Vincent Lunabek*
Hon. Justice Bruce Robertson
Hon. Justice John Mansfield
Hon. Justice Oliver Saksak
Hon. Justice Daniel Fatiaki
Hon. Justice David Chetwynd
Hon. Justice Paul Geoghegan

Counsel: *Mrs MNF Patterson for the Appellant*
Respondent in person
Pauline Kalwatman (PSO) for the Children

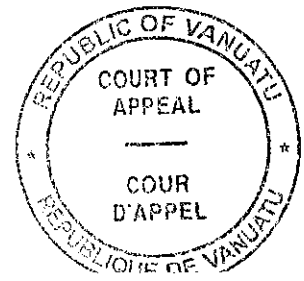
Date of Hearing: *Tuesday 19th July 2016*
Date of Judgment: *Friday 22nd July 2016*

MINUTE

1. The Minute is issued in respect of an appeal by Mrs Dalley against a decision in the Supreme Court on May 25th 2016 in respect of the care arrangements for the parties' children Air, aged 4 and Aqua, aged 7.
2. It is unnecessary to determine the appeal as the parties have reached an agreement and the purpose of this Minute is to record that agreement. The agreement is as follows:-
 - 1) The orders of the Supreme Court on May 25th 2016 in respect of the care arrangements of Air and Aqua may be discharged by consent.




- 2) That by consent the following care arrangements will apply for the children:-
- a) Effective from Sunday July 24th, Mrs Dalley is to have custody of Air Calm Dalley and Aqua Serene Dalley.
 - b) That Mr Dalley will be responsible for delivering Air to Mrs Dalley on July 24th.
 - c) That Mr Dalley is to have access to Air and Aqua every second weekend in Santo and during the first 10 days of each school holiday period.
 - d) That the cost of the children's return air fares to Santo for the purposes of access will be shared equally between the parties.
 - e) That Air is to attend the same school in Port Vila as his sister Aqua.
 - f) That neither child is to be removed from Vanuatu without the expressed written consent of both parents.
3. The Court wishes to record its gratitude to both parents for reaching this agreement rather than continuing to engage in prolonged litigation which cannot be in the interests of the children. The Court particularly wishes to express its gratitude for the assistance of Ms Kalwatman as counsel for the children in enabling the parents to reach this agreement.
4. In light of the agreement the appeal is withdrawn by Ms Dalley and the Supreme Court orders are discharged.
5. Any outstanding issues between the parties can be resolved in the Supreme Court if necessary.



6. Ms Kalwatman's appointment as counsel representing the children is to continue until December 31st, 2016.

DATED at Port Vila this Friday 22nd day of July, 2016

BY THE COURT



Vincent LUNABEK
Chief Justice

