

**BETWEEN:** **Ray Johnathan**  
**Claimant**

**AND:** **Republic of Vanuatu**  
**First Defendant**

**AND:** **Police Service Commission**  
**Second Defendant**

***Date of Hearing:*** ***24 February 2026***

***Before:*** ***Hon. Chief Justice Vincent Lunabek***

***Counsel:*** ***Mr E. Molbaleh for the Claimant***  
***Mrs. M. Mala for the Defendants***

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**Minutes and Orders on Rule 17.8 Conference Hearing**

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1. The claimant is a police officer. He worked for 32 years as a police officer.
2. On 5 September 2025, he appeared before Police Service Commission (PSC) because allegations were made against him that he was under the influence of kava and alcohol while driving police vehicle Registration POL No. 1768 and he caused serious accident on 29 July 2025 resulting in the damage of the police vehicle and damage at fencing of Dumbea Hall. Police charged the claimant under police Rules 19 (b) (w) (y) (z) of police Act (cap 105).
3. The claimant answered, admitted and pleaded guilty to the allegations against him.
4. The PSC dismissed him from Police Force.

5. The claimant filed an appeal against the decision of the PSC on 17 September 2025 before the Minister of Internal Affairs under section 69 of the Police Act (cap 105).
6. No respond was given by the Minister.
7. The Claimant reminded the Minister in a letter on 10 October 2025.
8. On 22 October 2025 the claimant still does not hear any response from the Minister. He gave a notice of his intention to challenge the decision of the PSC on 22 October 2025 to the Attorney General by filing a judicial review in the Supreme Court.
9. The claimant filed his Judicial Review claim on 21 November 2025 with a sworn statement in support.
10. Mr. Molbaleh conceded that, the claimant was given the opportunity to answer to allegations against him. But the claimant says that the sanction against him is too severe. He said he is a first-time offender before the PSC. PSC did not give him opportunity to mitigate his punishment (his dismissal).
11. On consideration of Rule 17.8 (3) the following is noted:
  - a) The claimant has an arguable case. PSC did not give him an opportunity to mitigate the decision dismissing him since he worked for 32 years and that he is a first-time offender.
  - b) The claimant is directly affected as he could not afford to pay his basic needs and the school fees of his children.
  - c) No undue delay when the Minister did not consider his appeal. Claimant filed his Judicial Review claim.
  - d) Other remedy (by way of appeal to the Minister) was considered but does not work.

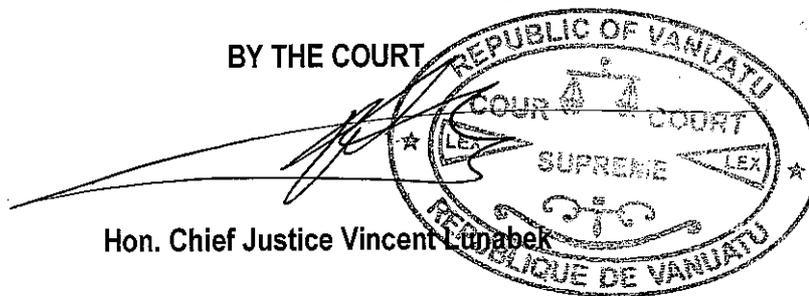
12. The First and Second Respondents concede with the claimant that there is an arguable case. The claimant is affected, no undue delay and there is an alternative remedy (appeal to the Minister) but the Minister did not respond.

**ORDERS**

1. There is an arguable case made out.
2. The issue is on the opportunity to mitigate his dismissal by the PSC on 5 September 2025 and the Claimant says the punishment (“dismissal”) is too severe.
3. Hearing on 20 March at 10:30 am.
4. The costs are in the cause.

DATED at Port Vila, this 24 February 2026.

BY THE COURT



Hon. Chief Justice Vincent Lipabek