

BETWEEN: Clinton Kalfabun Pakoa
Claimant

AND: Republic of Vanuatu
First Defendant

AND: Police Service Commission
Second Defendant

Date of Hearing and Decision: 24 February 2026

Before: Hon. Chief Justice Vincent Lunabek

Counsel: Mr E. Molbaleh for the Claimant
Mrs M. Mala and F. Bong for the Defendants

Ruling on Rule 17.8 Conference

1. This is a Rule 17.8 Conference hearing held on 24 February 2026.
2. The Claimant filed a Judicial Review claim in JR Case No. 3553 of 2025 on 21 November 2025.
3. The Claimant claims:
 - (a) An order to quash the decision of the Police Service Commission (PSC) dated the 5th of September 2025;
 - (b) A mandatory order that the Claimant be reinstated to his position as Inspector to Vanuatu Police Force;
 - (c) Alternatively, the matter be referred back to the PSC to reconsider its decision;
 - (d) Costs.

4. The Claimant filed a sworn statement with his claim on 21 November 2025.
5. The Respondents filed a defence and a sworn statement of John Mahlon Taleo, chairman of PSC, in support of the Response/defence on 23 February 2026.
6. A conference hearing under Rule 17.8 was scheduled on 24 February 2026 at 9:30am.
7. The Court is informed of the following –
8. On 1 January 2025, the Claimant was absent from duty. The absence of the Claimant from duty was reported to the Police Professional Standard Unit (PPSU) and an internal investigation was instigated. Witness statements relating to the absence of the Claimant on 1 January 2025 were obtained and attached at Mr Taleo's statement "JMT3". The Claimant was also interviewed and he admitted he was absent from duty on 1 January 2025 because he was tired (see "JMT4").
9. On 19 May 2025, the Police Professional Standard Unit received a complaint letter dated 8 May 2025 from the chairman and the landowner or caretaker of Fokona School, a community school located in the Blacksands area in Port Vila. The statements of the incident of 19 May 2025 are attached and marked as "JMT6".
10. The PPSU completed its investigations and compiled two (2) disciplinary case files against the Claimant on 25 June 2025. Two (2) disciplinary charges were made against the complainant. The first charge was the offence of absence from duty by the Claimant described as the Disciplinary Docket No. O/B 5/25. The second charge was the offences of trespass and threat committed by the Claimant in Disciplinary Docket No. O/B 19/25.
11. The Police Service Commission ("PSC") received the two (2) Disciplinary Dockets mentioned above from the PPSU on 26 June 2026.
12. On 28 August 2025, the PSC issued a summons for the Claimant to appear before it on 5 September 2025 on the two (2) disciplinary charges for hearing.
13. On 5 September 2025, the Claimant appeared before the PSC for the disciplinary hearing on the two charges against him. The Claimant was given an opportunity to answer to the allegations contained in the two (2) charges made against him.

14. Charge 1 was to this effect. On 1st January 2025, during the Operation Noel, the Claimant, in his capacity as Inspector, was absent from duty or from his place of duty without reasonable excuse, contrary to Section 56 of the Police Act [CAP. 105].
15. The Claimant answered to the allegation in charge 1 and pleaded guilty.
16. Charge 2 was to this effect. The Claimant, Inspector Clinton Kalfabun, did an act or omission likely to bring discredit upon the force or is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline not elsewhere specified in the rules, contrary to Part 5, Section 19(2) of the Police Act [CAP. 105]. The particulars of the charge 2 were that the Claimant, Inspector Clinton Kalfabun had on several occasions between 2018 and 2025 engaged in acts of mistreatments towards the staff and students of the Fourt Comer Primary School at Blacksands. In 2025, Inspector Clinton Kalfabun entered the school premises with a knife, threatened the school gardener, Henry Philip; and chased the children from within the school compound.
17. The Claimant answered to the allegations and admitted the allegations in Charge 2 and pleaded guilty to it.
18. On 5 September 2025, the PSC exercised its powers under Section 67(2)(a) of the Police Regulations [CAP. 105], punished the Clamant by demoting him from Inspector to Senior Sergeant on Charge 1; an on Charge 2, the PSC punished the Claimant by demoting him from Senior Sergeant to Sergeant ("CKP1", "JMT12" and "CKP2, "JMT13").
19. In both punishments, the PSC reminded the Claimant of his right of appeal under Section 69 of the Police Regulations [CAP. 109].
20. On 17 September 2025, the Claimant was unsatisfied with the double demotions of his rank within the Police Force appealed the decisions of the PSC to the Minister of Internal Affairs who is also the Minister responsible for the police under Section 69 ("CKP5" and "JMT16").
21. There is no reply or response from the Minister or a letter from the Minister acknowledging the receipt of the appeals of the Claimant. On 10 October 2025, the Claimant's Counsel followed up on the Disciplinary Appeals of the Claimant ("CKP3").

22. There was no response from the Minister of the Claimant's follow up. On 22nd October 2025, the Claimant's Counsel gave a Notice to the Attorney General to sue the Republic of Vanuatu.
23. The Claimant filed his judicial review claim which is now before the Court.
24. On 24 February, Counsel addressed me on Rule 17.8(3).
25. At the conference hearing, it was pointed out to Mr Molbaleh that the Police Service Commission (PSC) has given an opportunity to the Claimant to answer the allegations made against him in the two (2) disciplinary charges. Mr Molbaleh accepted and conceded that the Claimant was given an opportunity to answer to the allegations in the two charges.
26. Mr Molbaleh says that the Claimant challenged that the punishments imposed on the Claimant were too severe. There was no opportunity given to the Claimant to mitigate his punishments or sanctions. The Claimant has an arguable case under Rule 17.8(3)(a) – the severity of the punishments; and the Claimant was directly affected by the decisions under Rule 17.8(3)(b) – the Claimant was a police Inspector before he was demoted twice by the PSC from his Inspector rank to Senior Sergeant (in Charge 1) relating to 1 day absence of duty without excuse and demoted again from Senior Sergeant to Sergeant on Charge 2; and there had been no undue delay in making the claim (R17.8(3)(c)); and there is no other remedy that resolves the matter full and directly (R17.8(3)(d)). Here, Mr Molbaleh says, there is other remedy by way of appeal to the Minister of Internal Affairs. The Claimant appeals the PSC decisions to the Minister. The Minister did not acknowledge receipt of his appeals nor the Minister responded to his appeals. He decided to file his claim for Judicial Review challenging the punishments imposed on him by the PSC on 5 September 2025.
27. Ms Mala initially seemed to advance that the Claimant does not have an arguable case since the punishments of double demotions are sufficient reflecting all offences. But after further discussions with the Court that the charges were heard together on 5 September 2025, there were two different punishments instead of a global punishment considering all two charges together. Ms Mala seems to have a sense that the Claimant may have an arguable case.
28. On 24 February 2026, I considered the papers filed in the proceedings and upon hearing counsel, I was satisfied that the Claimant has an arguable case. The claim

needs to be heard on the punishments and in particular on the opportunity to mitigate his punishments.

29. I sense that there is no factual issues, as the only point to be determined was whether the PSC has given the Claimant an opportunity to say something on the punishments – say to mitigate the punishments/penalties imposed on him on 5 September 2025 before the PSC actually imposed the punishments.
30. I set a hearing date of the Judicial Review claim on 19 March 2026 at 9:00am o'clock.
31. Before 19 March, the Claimant needs to assess his position and informs the Court whether he wishes to call any witness on a factual point and what is that point.
32. Likewise for the First and Second Respondents whether they wish to call any witness on how the Police Service Commission proceeded with its disciplinary hearing cases, and after that the said disciplined police officer pleaded guilty to the allegations, and after the PSC reached its decision on punishment, whether the PSC informed the police officer about the punishment the PSC is intending to impose on him or her or whether the PSC gave an opportunity to the police officer to say something on the said punishment before the PSC finally imposed these punishments; and whether it is applied in the case of the Claimant here.
33. If there is no disputed point, then, the Claimant to file and serve their submission by 3 March 2026 and the Respondents by 17 March 2026.
34. The costs are in the cause.

DATED at Port Vila, this 27 day of February, 2026.

BY THE COURT

Hon. Chief Justice Vincent Lunabek

