
BETWEEN : LOLESIO HAUSIA
- Applicant

AND : 1. COMMISSIONER OF POLICE
2. KINGDOM OF TONGA
- Respondents

S. 'Etika for the Applicant
J. Lutui for the Respondents

J U D G M E N T

[1] This is an application for leave to move for judicial review of decision by the First Respondent to suspend the Applicant on 22 August 2013 under the provisions of Section 79 of the Tonga Police Act. The Applicant also seeks leave to move for review of several subsequent decisions to extend the period of suspension beyond the initial 14 day period permitted by the section.

[2] The application was filed on 19 December 2013 but, owing to the intervention of the Summer Legal Vacation did not come before me until 4 February 2014. It was then adjourned to 19 March to enable the Respondents to file evidence in answer. On 19 March it emerged

that on 19 November 2013 the Applicant had received written advice that it was intended to refer the complaints against him to the Police Board with the recommendation that he be dismissed from the Police Service. Apparently the Applicant has not responded to this notice.

- [3] Mr 'Etika told me that the Applicant was particularly aggrieved that his suspension without pay had gone on for so long, now over six months. Mr Lutui accepted that the process had been unduly delayed but suggested that the decision of the Police Board should be awaited before leave was granted in order that all the Applicant's grounds of complaint could be considered together. The matter was again adjourned to 1 April for the position to be clarified.
- [4] On 1 April matters had not advanced. I therefore reserved my decision on the application.
- [5] I have now caused enquiries to be made of the Police Board by the Registrar of the Supreme Court. He has received advice from the Secretary of the Board that the complaints against the Applicant will be heard on Thursday 3 April 2014 at 2pm. In these circumstances I am satisfied that this application should be adjourned to await the outcome of the Board's deliberations.

DATED: 1 April 2014.




CHIEF JUSTICE