

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

Civil Appeal  
Case No. 19/586 CoA/CIVA

**BETWEEN:** ANTOINE MALSUNGAI  
First Appellant

**AND:** YVETTE TEVEAR  
Second Appellant

**AND:** VANUATU BROADCASTING AND  
TELEVISION CORPORATION (“VBTC”)  
Respondent

**Coram:** *Hon. Justice John Mansfield  
Hon. Justice John Hansen  
Hon. Justice Gus Andrée Wilten  
Hon. Justice Stephen Felix*

**Counsel:** *Alatoi Ishmael Kalsakau for the Appellant  
Mark Hurley for the Respondent*

**Date of Hearing:** 12<sup>th</sup> July 2019

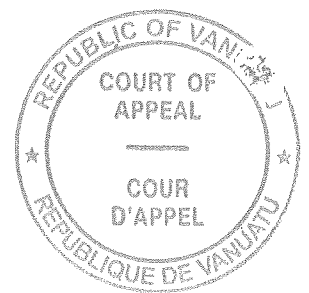
**Date of Judgment:** 12<sup>th</sup> July 2019

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**ORDERS**

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1. Appeal allowed.
2. Judgment of Supreme Court set aside.
3. Respondent shall pay each of the Appellant's the following sums in full and final settlement of their claims arising from their employment.
  - a) Payment of outstanding remuneration from the date of suspension to the date of termination;
  - b) Accrual annual leave to the date of termination;
  - c) 3 months' pay in lieu of notice;



- d) Severance allowance;
- e) 3 times multiplier pursuant to s.56(4) of the Employment Act;
- f) Interest at 5% p.a.;
- g) Respondent to pay the Appellant's costs at first instance on the standard basis to be assessed if not agreed; and
- h) Each party to bear their own costs of the appeal proceeding.

**DATED at Port Vila, this 12<sup>th</sup> day of July, 2019.**

**BY THE COURT**



**John Mansfield**  
**Judge**

