



**JUDICIARY DEPARTMENT  
REPUBLIC OF NAURU**

**IN THE SUPREME  
COURT OF NAURU**

**CIVIL SUIT No. 45/ OF2016**

**BETWEEN:**

**TAZIO GIDEON }**

**Applicant**

**AND:**

**ELECTORAL COMMISSION NAURU }**

**1<sup>st</sup> Respondent**

**AND:**

**SECRETARY FOR JUSTICE & BORDER CONTROL**

**2<sup>nd</sup> Respondent**

**Before: Chief Justice Joni Madraiwiwi**

**Date of Hearing: 9 July 2016**

**Date of Decision: 9 July 2016**

**APPEARANCES**

**For the Applicant:**

**For the First Respondent:**

**For the Second Respondent: Graham Leung, Secretary for Justice**

**: Jay Udit, Solicitor General**

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## ORDER

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The court having heard the Secretary for Justice and the Solicitor General appearing on behalf of the Republic, after being enjoined pursuant to its application to be a defendant to these proceedings, in this ex parte application for the Court to vacate or set aside its orders of 8 July 2016 granting leave for judicial review of the Electoral Commission's decision rejecting the Plaintiff's candidacy for the election of members of Parliament in the Aiwo Constituency, and the interim injunction to stay the elections in in the said constituency of Aiwo, AND UPON READING the motion, and affidavit in support, of Baron Divavesi Waqa dated 9<sup>th</sup> July, AND UPON hearing submissions made by Graham Leung and J Udit for the 2<sup>nd</sup> Respondent, **IT IS HEREBY ORDERED:**

1. That the interim injunction is accordingly immediately dissolved and the Electoral Commission is directed to expedite the conduct of polling in the Constituency of Aiwo forthwith.
2. Liberty is reserved to the Applicant to proceed under section 100 of the Electoral Act, if he so chooses.
3. Costs in the cause.

Dated this 9th day of July, 2016

*Joni Madraiwiwi*

Joni Madraiwiwi  
Chief Justice

