



**REPUBLIC OF NAURU  
GOVERNMENT GAZETTE  
PUBLISHED BY AUTHORITY**

No 49

22nd July, 1998

Nauru

GN.No 201/1998

**IN THE MATTER OF THE COURTS ACT, 1972**  
**CONVENING OF FULL COURT**

**PURSUANT** to the provisions of the Courts Act, 1972 **I HEREBY DETERMINE** the Full Court (Coram Donne C.J. and Dillon J.) shall be convened at the Supreme Court at Nauru commencing on Monday the 31st August, 1998 at 10 o'clock in the forenoon.

**BUSINESS OF THE COURT**

The Judges have given consideration to the request by Counsel for certain causes to be set down for hearing by the Full Court. As has previously been pointed out, referrals to the Court are subject of judicial consideration and direction. There is no right available to parties to any proceeding to require Full Court hearings. To justify referral of any cause, there must therein, in the Judges' view, be issues of important questions of law or matters of significant public interest.

The Judges are of the view that one case only satisfies the above criteria, involving, as it does, questions of interpretation and the application of Article 36 of the Constitution - Petition by L. Harris and others. (Misc. Cause 4/98).

The other cases in Counsel's request, in the Judges' view, do not on their issues justify referrals.

However, the Judges have decided to allow referrals.

The reason for this decision is a pragmatic one. The convening of the Full Court requires the additional Judge to travel to Nauru from overseas. Due to restrictive travel, he must remain in Nauru for several days at considerable cost to the Republic. In the circumstances, he could, during his stay, be available for judicial duties. It is considered it would be advantageous to have the benefit of his services.

The Judges were given the impression when the request for these referrals was made, that the briefing of overseas Counsel was put forward as a factor justifying such orders. It must be emphasised that this factor is not, and can never be, one to be weighed in a referral decision. The Court is concerned with Counsel's performance rather than with his appearance.

**ORDER**

The Registrar will accordingly set down the following cases for the Session.  
Such cases will be heard in order of listing.

Misc. Cause No. 4/98	L.G.N. HARRIS ORS - Petition Re <i>Article 36</i>
*Misc. Cause No. 5/98	Election Petition of L.G.N. HARRIS & ORS
Civil Action No.3/98	COLIN WOODLEY v CLODUMAR &
Civil Action No. 1/98	JOSEPH HIRAM v RENE HARRIS & ORS
Civil Action No. 12/97	AUSTRALIA NAURU SHIPPING LINES v REPUBLIC OF NAURU

---

*No 49**22nd July, 1998**Nauru*

---

*G.N.No 201 /1998 (cont'd)*

\*This Petition is filed in the Court of Disputed Elections which is the Supreme Court. As it is concerned with the same subject-matter as Misc. Cause No 4/98, it can conveniently be heard together with Misc. Cause 4/98 in which case the Full Court could be constituted as the Court of Disputed Elections.

**SUBMISSIONS**

The Court requires to be presented to it at each hearing of the cases, two (2) copies in writing of a summary of all submissions to be made thereat.

**DATED** this 17th day of July, 1998.

**GAVEN DONNE**  
**CHIEF JUSTICE**

---

G.N.No.202/1998

**SUPREME COURT SESSIONS**

His Honour Sir Gaven Donne, K.B.E., Chief Justice of Nauru, shall preside over the next Supreme Court Session starting 12th August, 1998.

The parties or their Legal representatives wishing to avail themselves of the opportunity to bring any matters or causes before the Supreme Court are advised to see the Registrar of the Supreme Court immediately to ensure that matters or causes already commenced are included in the court list, or, if proceedings are intended, that the Registrar has all the necessary documents 14 days before the session commences.

**G.L. CHOPRA**  
**REGISTRAR, SUPREME COURT**

---

GN.No 203/1998

**PARLIAMENTARY BY-ELECTION 1998****ELECTORAL ORDINANCE 1965 -1992****SECTION 24 (2)**

**PURSUANT TO** the power in that behalf vested in me under Section 24, subsection (2) of the Electoral Ordinance 1965-1992, I, **ANGIE ITSIMAERA**, Returning Officer, **DO HEREBY** appoint the following persons to assist me in the conduct of the scrutiny of the votes cast in the Parliament By-Election to be held on Saturday 25th July, 1998 namely:-

1. Mr. Michael Cain
2. Mr. David Adeang
3. Mr. Ernest Stephen
4. Mr. Ipia Gadabu

**I FURTHER NOTIFY** that the notification of the above list of scrutineers shall not preclude further appointments, as may be required, of persons to assist me in conduct of the scrutiny of the votes.

DATED this 21st day of the month of July, 1998.

**ANGIE ITSIMAERA**  
**RETURNING OFFICER**

G.N. No.204/1998

**PARLIAMENTARY BY-ELECTION 1998****ELECTORAL ORDINANCE 1965-1992****SECTION 19 (3)****APPOINTMENT OF PRESIDING OFFICERS AND POLL CLERKS**

**PURSUANT TO** Section 19, subsection (3) of the Electoral Ordinance 1965-1992, I, **ANGIE ITSIMAERA** Returning Officer, **DO HEREBY** appoint the following persons to be Presiding Officers and Poll Clerks for the purpose of conducting the poll at polling places mentioned against their respective names:-

<b><u>PRESIDING OFFICER</u></b>	<b><u>POLL CLERK</u></b>	<b><u>POLLING PLACE</u></b>
<b><u>Constituency of Aiwo</u></b>		
Mrs. Therese Dube	Ms. Nellie Tsitsi	Civic Centre

DATED this 21st day of July, 1998.

**ANGIE ITSIMAERA**  
**RETURNING OFFICER**