

(Civil Jurisdiction)

BETWEEN:

**KARAE VATU, JOEL
PAUL, DAVID MELE,
DAVID PAILOLOSO,
CHARLEY TAVUI,
JOHNSON BOE,
CHRISTIAN MALIU,
FRANK LELE, LAUREN
SOLOMON and TIMOTHY
NOV, Representing a
majority of Councilors in the
Sanma Provincial Council
(SPC) established pursuant
to section 2 of the
Decentralization and
Regions Act No.1 of 1994**

Applicants

AND:

**THE PRIME MINISTER OF
THE REPUBLIC OF
VANUATU, HON, HAM LINI
VANUAROROA**

First Respondent

AND:

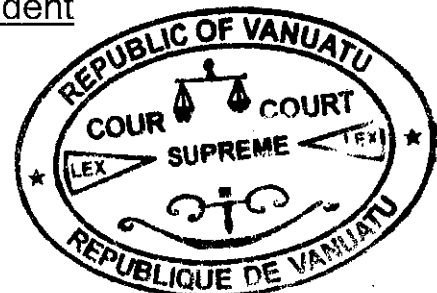
**MINISTER OF INTERNAL
AFFAIRS HON. MP
GEORGE WELLS**

Second Respondent

AND:

**THE ATTORNEY
GENERAL**

Third Respondent



Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

Mr Saling Stephens on behalf of the Applicants
Mr Frederick Gilu on behalf of the Respondents

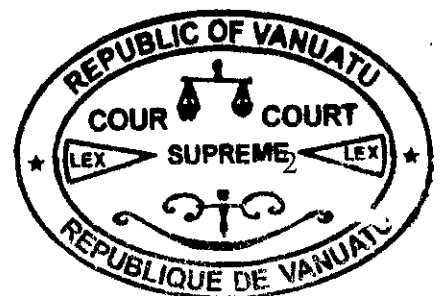
ORAL DECISION AND ORDERS

Upon the Applicants giving undertaking as to damages and costs, and upon the Applicants having filed a claim for Judicial Review on 13/12/06 which is pending a hearing and determination by the Court, and upon the Applicants having filed an Appeal in respect to Civil Case No. 29 of 2006 and which is pending determination by the Court of Appeal,

And upon reading the sworn statements filed in support of the Application and satisfying myself that:-

- (1) The Applicants have a serious question to be tried;
- (2) They are entitled to the determination and decision of the Court of Appeal prior to any elections; and
- (3) They would be seriously disadvantaged if the Orders they seek are not granted,

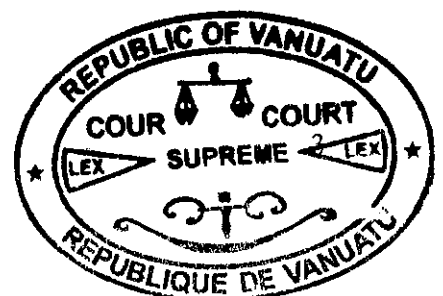
IT IS THEREFORE DECIDED AND ORDERED THAT:-



- (1) Their Application be accepted and the Orders they seek be issued as follows:-

That pending resolution of this proceeding:

- (a) The First Respondent its agents assignees and/or servants be hereby restrained and injuncted from proceeding to cause an election of the Sanma Provincial Council (SPC) of which the Applicants are members.
- (b) The Second Respondent its agent and servants (being the Department of Provincial Affairs and the Electoral Commission and Principal Electoral Officer of the Republic of Vanuatu be restrained to cause to come into event an election of the Sanma Provincial Council (SPC) inclusive of conducting any of the following acts:
 - (i) To cause for the submissions of the names of any candidates by and persons eligible to vote from the Province of Sanma to the Second Respondent agents and/or servants namely the Department of Provincial Affairs, Electoral Commission and the Principal Electoral Officer.
 - (ii) To cause to be published by gazette and/or any other means names of any candidates or persons eligible to vote from Sanma Province.



- (iii) To cause to be published by gazette and/or any other means name of any candidates or person eligible to vote from Sanma Province.
- (2) It is further decided and ordered that :-
- (a) The Judgment of this Court dated 22nd November 2006 be hereby stayed pending the determination of the Applicants' Appeal by the Court of Appeal.
- (b) The Electoral Commission be made a party to the proceeding for Judicial Review as Fourth Respondent.
- (c) The Principal Electoral Officer be made a party to the proceeding as Fifth Respondent.
- (d) Costs be in the cause.

DATED at Luganville this 20th day of March 2007.

BY ORDER OF THE COURT



OLIVER A. SAKSAK

Judge

