



PAPUA NEW GUINEA

IN THE NATIONAL COURT
OF JUSTICE AT ALOTAU/WAIGANI

OS NO. ___ OF 2010

IN THE MATTER OF AN APPLICATION FOR
JUDICIAL REVIEW UNDER ORDER 16 OF THE
NATIONAL COURT RULES

BETWEEN:
ZACHERY GELLU
- *First Applicant*

AND
PAUL PARAKA
- *Second Applicant*

AND:
MAURICE SHEEHAN, JUSTICE CATHY DAVANI
AND DON MANGA AS FORMER CHIEF
COMMISSIONER AND COMMISSIONERS
RESPECTIVELY COMPRISING THE COMMISSION
OF INQUIRY INTO THE MANAGEMENT
GENERALLY OF PUBLIC MONIES BY THE
DEPARTMENT OF FINANCE
- *First Respondents*

AND:
SIR MICHAEL T. SOMARE, MP
PRIME MINISTER & APPOINTING AUTHORITY OF
THE COMMISSION OF INQUIRY INTO THE
DEPARTMENT OF FINANCE AND AS CHAIRMAN
OF THE NATIONAL EXECUTIVE COUNCIL.
- *Second Respondent*

AND:
MANLY UA, SECRETARY TO THE NATIONAL
EXECUTIVE COUNCIL
- *Third Respondent*

AND:
MANASUPE ZURENOUC - ACTING CHIEF
SECRETARY TO GOVERNMENT
- *Fourth Respondent*

AND:
THE INDEPENDENT STATE OF PAPUA NEW
GUINEA
- *Fifth Respondent*

COURT ORDER

Ordered: 6th March, 2010.

Entered: 6th March, 2010.

PAUL PARAKA
Lawyers
Chasecorp Full Day
First Floor, Court Rd. 2
Tarihi, ALOTAU, Papua New Guinea
ALOTAU
P.O. Box 101
ALOTAU
Milne Bay Province
Tel: +675 641 1111
Fax: +675 641 1165
E-Mail: paul@paraka.com.pg

PAPUA NEW GUINEA

IN THE NATIONAL COURT
OF JUSTICE AT ALOTAU/WAIGANI

OS NO. ___ OF 2010

IN THE MATTER OF AN APPLICATION FOR
JUDICIAL REVIEW UNDER ORDER 16 OF THE
NATIONAL COURT RULES

BETWEEN:
ZACHERY GELU
- First Applicant

AND:
PAUL PARAKA
- Second Applicant

AND:
MAURICE SHEEHAN, JUSTICE CATHY DAVANI
AND DON MANOA AS FORMER CHIEF
COMMISSIONER AND COMMISSIONERS
RESPECTIVELY COMPRISING THE
COMMISSION OF INQUIRY INTO THE
MANAGEMENT GENERALLY OF PUBLIC
MONIES BY THE DEPARTMENT OF FINANCE
- First Respondents

AND:
SIR MICHAEL T. SOMARE, MP
PRIME MINISTER & APPOINTING AUTHORITY
OF THE COMMISSION OF INQUIRY INTO THE
DEPARTMENT OF FINANCE AND AS CHAIRMAN
OF THE NATIONAL EXECUTIVE COUNCIL
- Second Respondent

AND:
MANLY UA, SECRETARY TO THE NATIONAL
EXECUTIVE COUNCIL
- Third Respondent

AND:
MANASUPE ZURENOUC - ACTING CHIEF
SECRETARY TO GOVERNMENT
- Fourth Respondent

AND:
THE INDEPENDENT STATE OF PAPUA NEW
GUINEA
- Fifth Respondent

COURT ORDER

THE COURT ORDERS THAT:-

1. Leave is granted for the requirements of service to be dispensed with pursuant to Order 3 Rule 7 of the National Court Rules and the Orders sought herein be dealt with forthwith.

2. Pending the determination of the leave application, an interim injunction is granted staying the implementation of the recommendations in the Final Report of the Commission of Inquiry generally into the Finance Department pursuant to the inherent powers of the Court under Section 155(3)(a) of the Constitution.
3. A further Order is made pursuant to the inherent powers of the Court under Section 155(3)(a) of the Constitution restraining the Defendants or their agents, servants and instrumentalities of the State from implementing, discussing, debating or giving effect to the recommendations in the Final Report of the Commission of Inquiry into the Department of Finance pending the determination of the leave application or the substantive judicial review.
4. A further Order pursuant to the inherent powers of the Court under Section 155(3)(a) of the Constitution that the contents of the Final Report including the adverse findings and recommendations are restrained from being published or communicated by all print, electronic and broadcast media outlets in any form or manner pending the determination of the leave and or substantive judicial review.
5. The matter returns to the Deputy Registrar, Civil in Waigani to be placed before the judicial review Court.
6. That the Applicants serve all relevant documents on all concerned parties forthwith.
7. The entry of this Order is abridged to the time of settlement of the Orders by the Registrar which shall take place forthwith.
8. Costs in the cause.

BY THE COURT


SAKORA, J

Ordered this 6th day of March, 2010.

Entered this 6th day of March, 2010.