



HIGH COURT OF KIRIBATI

Civil Case N° 5/2020
(Miscellaneous application N° 7/2020)

ENGIRAN IUTA

Applicant

v

**MINISTER FOR FINANCE &
ECONOMIC DEVELOPMENT**

Respondent

Taoing Taoaba for the applicant

Ruria Iteraera, Solicitor-General, for the respondent

Date of order: 14 January 2020

ORDER

- [1] The applicant seeks to challenge the lawfulness of the respondent's actions in authorising expenditure out of the Development Fund to meet salaries and other expenses of the civil service. He also wishes to restrain the respondent from issuing any further such authorisations. The originating summons was filed this morning, together with an application for abridgment of the time within which the substantive matter is to be heard.
- [2] I was satisfied that the application for an abridgment of time should be heard as a matter of urgency, so counsel were heard on the application in chambers at 2:00 this afternoon. I informed the parties that, if I were to grant the application, I intended to hear argument on the substantive matter on Thursday, 16 January.
- [3] The Solicitor-General strenuously opposed the application for abridgment of time, submitting that she would have insufficient time to properly prepare. She reminded me that the proposed timeline was similar to the one adopted by the Chief Justice in the recent challenge to the Speaker's rejection of a

motion of no confidence in the Maneaba ni Maungatabu.¹ She contended that there had been insufficient time to prepare in that case and to impose a similar timeline in this case would significantly restrict the respondent's ability to properly prepare for the hearing.

- [4] I reminded the Solicitor-General that the issues in the present matter appeared to be far less complex than those in the earlier case. I was also concerned to ensure that the substantive matter was heard while it remained a live issue.² I see no reason not to grant the application for abridgment of time.
- [5] I am satisfied that the following orders are warranted in the circumstances of this case:
- a. the requirement for the respondent's counsel to enter an appearance under Order 57, rule 5 of the *High Court (Civil Procedure) Rules 1964* is dispensed with;
 - b. under Order 64, rule 5, the time for the return of the applicant's originating summons motion (as provided for under Order 57, rule 6) is abridged;
 - c. the matter is adjourned for hearing to 9:30am on 16 January 2020.
- [6] If, when the matter returns to Court on Thursday, the issues prove to more complex than they at present appear to be, I am willing to entertain an application from either party for a further adjournment of the hearing.


Lambourne J
Judge of the High Court



¹ *Ioteba Tebau v Attorney-General* [2019] KHC 121.

² It is expected that the issue will cease to be a live one with the dissolution of the Maneaba ni Maungatabu on 5 February 2020 (see section 111 of the *Constitution*).