

In the National Court  
of Justice at Waigani  
Papua New Guinea

**OS (JR) NO. 259 OF 2006**

KENN NORAE MONDIAI

First Plaintiff

AND:

PNG ECO FORESTRY FORUM

Second Plaintiff

AND:

JOHN DANAIYA

Third Plaintiff

AND:

WAWOI GUAVI TIMBER COMPANY

First Defendant

AND:

PNG FOREST AUTHORITY

Second Defendant

AND:

THE MINISTER FOR LANDS AND  
PHYSICAL PLANNING - DR. PUKA TEMU

Third Defendant

AND:

THE REGISTRAR OF LAND TITLES - MR.  
RAGA KAVANA

Fourth Defendant

AND:

THE EXECUTIVE DIRECTOR OF OFFICE OF  
CLIMATE CHANGE AND CARBON TRADE -  
DR. THEO YASAUSE

Fifth Defendant

AND:

THE OFFICE OF CLIMATE CHANGE AND  
CARBON TRADE (within the auspices of the  
Department of Prime Minister and NEC)

Sixth Defendant

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**ORDERS**

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Ordered: 7 July 2010

Entered: 9<sup>th</sup> 2010

**GADENS LAWYERS**

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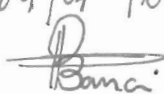
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09/07/10  


IN THE APPLICATION OF JUDICIAL  
REVIEW

KENN NORAE MONDIAI  
First Plaintiff

AND:  
PNG ECO FORESTRY FORUM  
Second Plaintiff

AND:  
JOHN DANAIYA  
Third Plaintiff

AND:  
WAWOI GUAVI TIMBER COMPANY  
First Defendant

AND:  
PNG FOREST AUTHORITY  
Second Defendant

AND:  
THE MINISTER FOR LANDS AND PHYSICAL  
PLANNING - DR. PUKA TEMU  
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RAGA KAVANA  
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AND:  
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CLIMATE CHANGE AND CARBON TRADE -  
DR. THEO YASAUSE  
Fifth Defendant

AND:  
THE OFFICE OF CLIMATE CHANGE AND  
CARBON TRADE (within the auspices of the  
Department of Prime Minister and NEC)  
Sixth Defendant



**ORDERS**

By Consent, the Court makes the following orders:

1. A Declaration that the Kamula Doso Forestry Management Agreement 1997 is not a valid Forestry Management Agreement for the purposes of Sections 56,57 and 58 of the *Forestry Act and Regulations*.
2. A Declaration that any decisions or actions taken in reliance upon the Kamula Doso Forestry Management Agreement 1997 are invalid and void.
3. A Declaration that any decisions or actions taken in reliance upon the “rectified” but not approved by the Minister Kamula Doso Forestry Management Agreement 1999 are invalid and void.

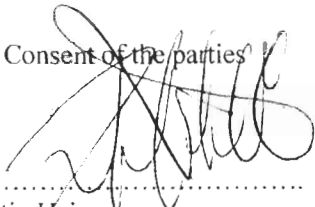
4. An Order in the nature of Certiorari to remove into this Honourable Court and quash the decision of the National Forest Board made on or around 20 December 2005 to determine and approve the application of the Wawoi Guavi Timber Company pursuant to S64(3) and (4) of the *Forestry Act*.
5. An Order in the nature of Certiorari to remove into this Honourable Court and quash the decision of the National Forest Board made on or around 20 December 2005 that the Kamula Doso Forest Management Agreement 1997 is valid and subsisting.
6. An Order in the nature of Certiorari to remove into this Honourable Court and quash the decision of the National Forest Board made on or around 20 December 2005 to settle proceedings OS 557 of 2004 out of court and to execute a deed of settlement and release together with a court order in the form duly agreed by the parties to those proceedings.
7. An Order in the nature of Certiorari to remove into this Honourable Court and quash the decision of the Papua New Guinea Forest Authority made on or around 9 March 2006 to agree to the terms of settlement and execute the Deed of Settlement made on 9 March 2006 between the PNG Forest Authority and Wawoi Guavi Timber Company Limited.
8. An Order in the nature of Prohibition to restrain the National Forest Board from making any decision in reliance upon the Kamula Doso Forestry Management Agreement 1997 and/or the “rectified” but not approved by the Minister Kamula Doso Forestry Management Agreement 1999, including but not limited to the award of timber rights under those agreements.
9. Arguments as to the relief sought by the plaintiffs in paragraphs 2, 3, 4, and 8 of the Originating Summons and paragraphs 3 (a) 2), 3), 4) and 8) of the Statement Pursuant to Order 16 Rule 3(2) both filed 20 April 2006 are adjourned for further hearing on a date to be appointed by the Court.
10. Arguments as to the costs of these proceedings will be heard at a date to be appointed by the Court as per order 9 above.
11. The interim injunction restraining the National Forest Board from issuing, granting or causing to be issued or granted by any relevant authority, any timber rights in relation to the Kamula Doso Forest Management Area whatsoever shall remain in place until the final determination of these proceedings.
12. The matter is adjourned to the registry in relation to the matters not agreed in these consent orders, including the issue of costs of the proceedings.

Ordered: 7 July 2010

By the Court

  
REGISTRAR

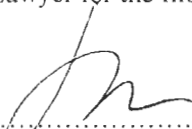
By Consent of the parties



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Justin Maiara  
Lawyer for the second defendant



.....  
William Neill  
Lawyer for the first defendant



.....  
Jason Brooks  
Lawyer for the first and second plaintiffs



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Mary Bonni  
Lawyer for the third plaintiff