

## CASES REPORTED

### I. JURISDICTIONS

#### **American Samoa**

Leota Faagau v. Faumuina Molitau	1
Talili v. Satele Momosea	4
Faleafine Musu v. Malia Suapilimai	9
Security Pacific National Bank v. M/V Conquest	16
Toleafoa v. Tiapula	32
Roberts v. Molitui Sepetaio, Estate of	38
Tufele Liamatua v. Mose	41
Funaki Ofa v. Tongan Wesleyan Church of American Samoa	48
Satele Momosea v. Uiagalelei	55
Tuika and Schuster v. Chief Election Officer	59

#### **Federated States of Micronesia**

Truk v. Robi	63
In re Mid-Pacific Construction Co. Inc.	70
United Church of Christ v. Hamo	83
Heirs of Mongkeya v. Heirs of Mackwelung	90
Tauleng v. Palik and Kephass	96
Mensior David v. Fanapanges Municipality	99
In re Island Hardware	101
O'Sonis v. Truk	106
Heirs of Shrew Likiaksa v. Heirs of Kilafwa Lonno	108
Federated States of Micronesia v. Sylvester Oliver	111

#### **Fiji**

Ratu Epenisa Seru Cakobau v. Fijian Affairs Board	121
Crystal Clear Video Ltd. v. Commissioner of Police	130
Fiji National Provident Board v. Shri Datt	137
Yasmin Ali Shah v. Attorney-General	144
Shinodra v. The State	150

#### **Kiribati**

Attorney-General v. Nei Mina Highland	157
Attorney-General v. Tebana	161
Compass Rose Enterprises Ltd. v. Attorney-General	165
Iuka and Tokoia v. Republic of Kiribati	169
Orme v. Republic of Kiribati	172
Republic of Kiribati v. Aritiera Bauro	176
Republic of Kiribati v. Tekatea Bauro	181
Tong v. Takabwebe	185

#### **Republic of the Marshall Islands**

Kabua Kabua v. Imada Kabua and Kwajalein Atoll Corporation	193
Lejeman v. Laakbel	207
Heine v. Radio Station WSZO and Jordon	210

<b>Nauru</b>	
Satto v. Nauru Lands Committee	213
In re Article 36 of the Constitution and In re Bobby Eoe	220
<b>Papua New Guinea</b>	
Supreme Court Reference No. 1 of 1986: Re Vagrancy Act	235
Supreme Court Reference No. 5 of 1987: In re State v. Songke Mai and Gai Avi	251
Harding v. Teperoi Timbers Pty. Ltd.	283
The Independent State of Papua New Guinea v. Colbert	293
The State v. Kwayawako and Others	310
Kesino Apo v. The State	314
Mt Uriwaka Enterprises Pty. Ltd. v. Baxter	318
<b>Solomon Islands</b>	
Samson Poloso (on behalf of H.M. Salo Store) v. Honiara Consumers Co-operative Society Ltd.	321
R. v. Johnson Tengalu and Moses Tagakule	328
R. v. Noel Bowie	335
Peter Wateoli v. Public Service Commission	340
Director of Public Prosecutions v. Clement Tom	345
R. v. Stanley Bade	348
<b>Tonga</b>	
R. v. 'Akilisi Pohiva (Kolomotu'a)	357
Pohiva v. Prime Minister and Kingdom of Tonga	363
Travis v. Kingdom of Tonga	368
Pohiva v. Prime Minister and Kingdom of Tonga	371
Latu Popi Veikune v. Sione Kataina To'a	384
<b>Vanuatu</b>	
Sope and Others v. Attorney-General and Speaker	387
<b>Western Samoa</b>	
Vermeulen v. Attorney-General and Commissioner of Inland Revenue	395
Matatumua Maimoaga v. Lisi Vaai and Others	409
Constitutional Reference: Re Article 9 Right to Counsel	421
Constitutional Reference: In re Application by Father Ioane Vito and Others	429
Lealaisalanoa Aukusitino v. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints	436

## II. ALPHABETICAL LIST

Akilisi Pohiva (see Pohiva)	
Apo (Kesino) v. The State (P.N.G.)	314
Aritiera Bauro, Republic of Kiribati v. (Kiri.)	176
Attorney-General, Compass Rose Enterprises Ltd. v. (Kiri.)	165
Attorney-General v. Nei Mina Highland (Kiri.)	157
Attorney-General, Sope and Others v. (Van.)	387

Attorney-General v. Tebana (Kiri.)	161
Attorney-General and Commissioner of Inland Revenue, Vermeulen v., (W.S.)	395
Attorney-General, Yasmin Ali Shah v. (Fiji)	144
Bade (Stanley), R. v. (S.I.)	348
Baxter, Mt Uriwaka Enterprises Pty. Ltd. v. (P.N.G.)	318
Bobby Eoe, In re (Nauru)	220
Bowie (Noel), R. v. (S.I.)	335
Bauro (Aritiera), Republic of Kiribati v. (Kiri.)	176
Bauro (Tekatea), Republic of Kiribati v. (Kiri.)	181
Cakobau (Ratu Epenisa Seru), Fijian Affairs Board v. (Fiji)	121
Chief Election Officer, Tuika and Schuster v. (A.S.)	59
Clement Tom, Director of Public Prosecutions v. (S.I.)	345
Colbert, Papua New Guinea v. (P.N.G.)	293
Commissioner of Inland Revenue and Attorney-General, Vermeulen v. (W.S.)	395
Commissioner of Police, Crystal Clear Video Ltd. v. (Fiji)	130
Compass Rose Enterprises Ltd. v. Attorney-General (Kiri.)	165
Constitutional Reference: In re Article 9 Right to Counsel (W.S.)	421
Constitutional Reference: In re Application by Father Ioane Vito (W.S.)	429
Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, The, Lealaisalanoa Aukusitino v. (W.S.)	436
Crystal Clear Video Ltd. v. Commissioner of Police (Fiji)	130
David (Mensior) v. Fanapanges Municipality (F.S.M.)	99
Director of Public Prosecutions v. Clement Tom (S.I.)	345
Eoe (Bobby), In re (Nauru)	220
Faagau (Leota) v. Faumuina Molitau (A.S.)	1
Faleafine Musu v. Malia Suapilimai (A.S.)	9
Fanapanges Municipality, Mensior David v. (F.S.M.)	99
Faumuina Molitau, Leota Faagau v. (A.S.)	1
Federated States of Micronesia v. Sylvester Oliver (F.S.M.)	111
Fijian Affairs Board, Ratu Epenisa Seru Cakobau v. (Fiji)	121
Fijian National Provident Board v. Shri Datt (Fiji)	137
Funaki Ofa v. Wesleyan Church of American Samoa (A.S.)	48
Hamo, United Church of Christ v. (F.S.M.)	83
Harding v. Teperoi Timbers Pty. Ltd. (P.N.G.)	283
Heine v. Radio Station WSZO and Jordon (R.M.I.)	210
Heirs of Kilafwa Lonno, Heirs of Shrew Likiaksa v. (F.S.M.)	108
Heirs of Mackwelung, Heirs of Mongkeya v. (F.S.M.)	90
Heirs of Mongkeya v. Heirs of Mackwelung (F.S.M.)	90
Heirs of Shrew Likiaksa v. Heirs of Kilefwa Lonno (F.S.M.)	108
Highland (Nei Mina), Attorney-General v. (Kiri.)	157

Honiara Consumers Co-operative Society Ltd., Samson Poloso (on behalf of H.M. Salo Store) v. (S.I.)	321
Imada Kabua and Kwajalein Atoll Corporation, Kabua Kabua v. (R.M.I.)	193
Independent State of Papua New Guinea (see Papua New Guinea)	
In re Application by Father Ioane Vito and Others (W.S.)	429
In re Article 9 Right to Counsel (W.S.)	421
In re Article 36 of the Constitution (Nauru)	220
In re Island Hardware (F.S.M.)	101
In re Mid-Pacific Construction Co. Inc. (F.S.M.)	70
In re State v. Songke Mai and Gai Avi (P.N.G.)	251
In re Vagrancy Act (P.N.G.)	235
Island Hardware, In re (F.S.M.)	101
Iuka and Tokoia v. Republic of Kiribati (Kiri.)	169
Johnson Tengalu and Moses Takagule, R. v. (S.I.)	328
Jordon and Radio Station WSZO, Heine v. (R.M.I.)	210
Kabua Kabua v. Imada Kabua and Kwajalein Atoll Corporation (R.M.I.)	193
Kesino Apo v. The State (P.N.G.)	314
Kingdom of Tonga, Travis v. (Tonga) (see also Prime Minister and Kingdom of Tonga)	368
Kiribati (Republic of) v. Aritiera Bauro (Kiri.)	176
Kiribati (Republic of), Iuka and Tohoia v. (Kiri.)	169
Kiribati (Republic of), Orme v. (Kiri.)	172
Kiribati (Republic of) v. Tekatea Bauro (Kiri.)	181
Kephas and Palik, Tauleng v. (F.S.M.)	96
Kwajalein Atoll Corporation and Imada Kabua, Kabua Kabua v. (R.M.I.)	193
Kwayawako, The State v. (P.N.G.)	310
Laakbel, Lejeman v. (R.M.I.)	207
Latu Popi Veikune v. Sione Kataina To'a (Tonga)	384
Lealaisalanoa Aukusitino v. Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter Day Saints (W.S.)	436
Lejeman v. Laakbel (R.M.I.)	207
Leota Faagau v. Faumuina Molitau (A.S.)	1
Lisi Vaai, Matatumua Maimoaga v. (W.S.)	409
Liamatua (Tufele) v. Mose (A.S.)	41
Malia Suapilimai, Faleafine Musu v. (A.S.)	9
Mid-Pacific Construction Co. Inc. In re (F.S.M.)	70
Matatumua Maimoaga v. Lisi Vaai (W.S.)	409
Mensior David v. Fanapanges Municipality (F.S.M.)	99
Molitau (Faumuina), Leota Faagau v. (A.S.)	1
Molitui Sepetaio (Estate of), Roberts v. (A.S.)	38
Momosea (Satele), Talili v. (A.S.)	4

Momosea (Satele), Uiagalelei v. (A.S.)	55
Mose, Tufele Liamatua v. (A.S.)	41
Mt. Uriwaka Enterprises Pty. Ltd. v. Baxter (P.N.G.)	318
M/V Conquest, Security Pacific National Bank v. (A.S.)	16
Musu (Faleafine) v. Malea Suapilimai (A.S.)	9
Nauru Lands Committee, Satto v. (Nauru)	213
Nei Mina Highland, Attorney-General v. (Kiri.)	157
Ofa (Funaki) v. Tongan Wesleyan Church of American Samoa (A.S.)	48
Oliver (Sylvester), Federated States of Micronesia v. (F.S.M.)	111
O'Sonis v. Truk (F.S.M.)	106
Orme v. Republic of Kiribati (Kiri.)	172
Palik and Kephas, Tauleng v. (F.S.M.)	96
Papua New Guinea (Independent State of) v. Colbert (P.N.G.)	293
Papua New Guinea (State of) v. Kwayawako and Others (P.N.G.)	310
Papua New Guinea (State of), Kesino Apo v. (P.N.G.)	314
Peter Wateoli v. Public Service Commission (S.I.)	340
Pohiva v. Prime Minister and Kingdom of Tonga (Tonga)	363
Pohiva v. Prime Minister and Kingdom of Tonga (Tonga)	371
Pohiva, R. v. (Tonga)	357
Prime Minister and Kingdom of Tonga, Pohiva v. (Tonga)	363
Prime Minister and Kingdom of Tonga, Pohiva v. (Tonga)	371
Public Service Commission, Peter Wateoli v. (S.I.)	340
Radio Station WSZO and Jordon, Heine v. (R.M.I.)	210
Ratu Epinisa Seru Cakobau, Fijian Affairs Board v. (Fiji)	121
R v. Akilisi Pohiva (Tonga)	357
R v. Johnson Tengalu and Moses Tagakule (S.I.)	328
R. v. Noel Bowie (S.I.)	335
R. v. Stanley Bade (S.I.)	348
Republic of Kiribati v. Aritiera Bauro (Kiri.)	176
Republic of Kiribati, Iuka and Tokoia v. (Kiri.)	169
Republic of Kiribati, Orme v. (Kiri.)	172
Republic of Kiribati v. Tekatea Bauro (Kiri.)	181
Roberts v. Molitui Sepetaio (Estate of) (A.S.)	38
Robi, Truk v. (F.S.M.)	63
Samson Poloso (on behalf of H.M. Salo Store) v. Honiara Consumers Co-operative Society Ltd. (S.I.)	321
Satele Momosea v. Uiagalelei (A.S.)	55
Satele Momosea, Talili v. (A.S.)	4
Satto v. Nauru Lands Committee (Nauru)	213
Schuster (Tuika and) v. Chief Election Officer (A.S.)	59
Sepetai (Estate of Molitau), Roberts v. (A.S.)	38
Security Pacific National Bank v. M/V Conquest (A.S.)	16
Shinodra v. The State (Fiji)	150
Shri Datt, Fiji National Provident Board v. (Fiji)	137

Sione Kataina To'a, Latu Popi Veikune v. (Tonga)	384
Sope and Others v. Attorney-General and Speaker (Nauru)	387
Songke Mai and Gai Avi, State v. In re (P.N.G.)	251
State, (The), Kesino Apo v. (P.N.G.)	314
State (The), Kwayawako and Others v. (P.N.G.)	310
State (The), Shinodra v. (Fiji)	150
Suapilimai (Malia), Falefine Musu v. (A.S.)	9
Supreme Court Reference No. 1 of 1986: Re Vagrancy Act (P.N.G.)	235
Supreme Court Reference No. 5 of 1987: In re State v. Songke Mai and Gai Avi (P.N.G.)	251
Sylvester Oliver, Federated States of Micronesia v. (F.S.M.)	111
Takabwebwe, Tong v. (Kiri.)	185
Talili v. Satele Momosea (A.S.)	4
Tauleng v. Palik and Kephass (F.S.M.)	96
Tom (Clement), Director of Public Prosecutions v. (S.I.)	345
Tebana, Attorney-General v. (Kiri.)	161
Tekatea Bauro, Republic of Kiribati v. (Kiri.)	181
Teperoi Timbers Pty. Ltd., Harding v. (P.N.G.)	283
Tiapula, Toleafoa v. (A.S.)	32
Tokoia (Iuka and) v. Republic of Kiribati (Kiri.)	169
Toleafoa v. Tiapule (A.S.)	32
Tong v. Takabwebwe (Kiri.)	185
Tonga (Kingdom of) and Prime Minister, Pohiva v. (Tonga)	363
Tonga (Kingdom of) and Prime Minister, Pohiva v. (Tonga)	371
Tonga (Kingdom of), Travis v. (Tonga)	368
Tongan Wesleyan Church of America Samoa, Funaki Ofa v. (A.S.)	48
Travis v. Kingdom of Tonga (Tonga)	368
Truk, O'Sonis v. (F.S.M.)	106
Truk v. Robi (F.S.M.)	63
Tufele Liamatua v. Mose (A.S.)	41
Tuika and Schuster v. Chief Election Officer (A.S.)	59
Uiagalelei, Satele Momosea v. (A.S.)	55
United Church of Christ v. Hamo (F.S.M.)	83
Vaai (Lisi), Matatumua Maimoaga v. (W.S.)	409
Vermeulen v. Attorney-General and Commissioner of Inland Revenue (W.S.)	395
Veikune (Latu Popi) v. Sione Kataina To'a (Tonga)	384
Wateoli (Peter) v. Public Service Commission (S.I.)	340
Yasmin Ali Shah v. Attorney-General (Fiji)	144