

**REPUBLIC OF NAURU**

In the Court of Disputed Elections

Misc. Cause No. 04/2004

In the matter of an  
election in the  
constituency of Ubenide

BETWEEN:           ALOYSIUS AMWANO           PETITIONER

AND:                THE RETURNING OFFICER   RESPONDENT

Pres Nimes with Russell Kun for Petitioner  
A/Secretary for Justice for Respondent

Hearing Dates 10 December 2004, 4 and 15 February 2005

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**DECISION**

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1. With the striking out of paragraph 3 and 8, Mr. Nimes for the Petitioner submitted that whatever decision was reached by the Court in relation to the Constituency of Anetan, that decision would have applicability to the Ubenide petition. There was nothing in the Ubenide petition that had, as it were, local or constituency relevance such as the allegations of early closing or improper voting that were submitted in Anetan. The issues raised were of a general character. They had been raised earlier in the hearing of the Anetan petition.
2. The Respondent sought that the petition be dismissed and resubmitted that paragraph 7 (iii) be struck out. I did not strike this out but stated that no evidence was led on this matter or its relevance explained. However, the Minister for Health had in his own evidence explained the policy reached with respect to proxy-voting and its administration.
3. For the reasons given in Miscellaneous Cause No. 3/2004, I have reached the same conclusion and dismiss the petition.

**BARRY CONNELL**  
**CHIEF JUSTICE**