## ELECTION PETITION (MISCELLANEOUS AMENDMENTS) RULES 2022

I, Chief Sir Gibuma Gibbs Salika GCL KBE CSM OBE, Chief Justice of Papua New Guinea, certify that, pursuant to section 184 of the *Constitution* and section 212(2) of the *Organic Law on National and Local-level Government Elections* and section 8 (*rules of Court of the National Court*) of the *National Court Act* (Chapter No 38) and all other powers enabling, the following Rules, described as "*Election Petition (Miscellaneous Amendments) Rules* 2022", amending the *Election Petition Rules* 2017, have been made by the Judges and shall come into force on a date to be determined by the Chief Justice by notice published in the *National Gazette*.

Dated this 28th day of February 2022

### Chief Sir Gibuma Gibbs Salika GCL KBE CSM OBE, Chief Justice of Papua New Guinea

\* Editorial note: The date on which the *Election Petition (Miscellaneous Amendments) Rules* 2022 shall come into force is 1 May 2022 (as determined by the Chief Justice and published in *National Gazette* No G162 of 9 March 2022).

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## **CONTENTS**

- 1. Repeal and replacement of rule 17 (joint trial of two or more petitions)
- 2. Repeal and replacement of rule 22 (*relief from rules*)

## ELECTION PETITION (MISCELLANEOUS AMENDMENTS) RULES 2022

### 1. Repeal and replacement of rule 17 (joint trial of two or more petitions)

Rule 17 of the *Election Petition Rules* 2017 is repealed and replaced by the following: "17 Joint trial of two or more petitions

- (1) There shall be no "consolidation" of petitions, however, where two or more petitions relating to the same election or return are filed, then unless good cause is shown for separate trials, they shall be heard together in a joint trial.
- (2) The Judge hearing a joint trial of two or more petitions shall ensure that, for filing and case management purposes, each petition is separately recorded.
- (3) Nothing in this rule requires a Judge to give separate judgments in the case of a joint trial of two or more petitions."

#### 2. Repeal and replacement of rule 22 (relief from rules)

Rule 22 of the *Election Petition Rules* 2017 is repealed and replaced by the following: "22 Relief from the Rules

- (1) The Court may dispense with compliance with any of the requirements of these Rules, either before or after the occasion for compliance arises.
- (2) Substantial compliance with any form, including a petition, prescribed by these Rules shall be regarded as sufficient.
- (3) No petition or other process provided for by these Rules shall be struck out or dismissed for want or defect of form unless the want or defect is so extensive as to amount to substantial non-compliance or appears to demonstrate a deliberate abuse of process.
- (4) Nothing in this rule excuses a failure to comply with a requirement of the Organic Law, however when determining an allegation of failure to comply with a requirement of the Organic Law, the Court shall pay close regard to the requirements of s 217 of the Organic Law."