

PAPUA NEW GUINEA )  
IN THE NATIONAL COURT )  
OF JUSTICE AT WAIGANI )



OS. NO. 05 of 2020 (JR)

**BETWEEN:**

**BARRICK (NIUGINI) LIMITED**

- *Plaintiff*

**AND:**

**STANLEY NEKITEL in his capacity as the  
Registrar of Tenements**

- *First Defendant*

**AND:**

**JERRY GARRY as Chairman and representing all  
other members of the mining advisory council**

- *Second Defendant*

**AND:**

**MINERAL RESOURCES AUTHORITY**

- *Third Defendant*

**AND:**

**HON. JOHNSON TUKE, MP as Minister for  
Mining**

- *Fourth Defendant*

**AND:**

**HON. JAMES MARAPE, MP as Chairman and  
representing all other members of the National  
Executive Council**

- *Fifth Defendant*

**AND:**

**THE INDEPENDENT STATE OF PAPUA  
NEW GUINEA**

- *Sixth Defendant*

**AND:**

**MINERAL RESOURCES ENGA LIMITED**

- *Seventh Defendant*

**AND:**

**HON. STEVEN DAVIES, MP as ATTORNEY  
GENERAL and nominal defendant on behalf of  
the Head of State**

- *Eight Defendant*

**ORDERS**

**THE COURT ORDERS THAT:**

1. The parties are directed to meet and have without prejudice discussions commencing tomorrow, Friday 1<sup>st</sup> May 2020, with a view to endeavoring to resolve this proceedings (which discussion are without prejudice to the parties rights).
2. The plaintiff shall perform its obligations under **Clause 19.1 (d) & (e) of the *Mining Development Contract* dated 12<sup>th</sup> May 1989.**
3. All parties shall cooperate to enable due compliance of terms 1 and 2 of this orders and to ensure that the environment, the integrity of the mine and its land and the rights and interests of the land owners are not compromised.
4. Unless upon the next return of this matter, the parties have reached an agreement to fully resolve this matter, they shall come ready for the appointment of a National Court Accredited Mediator to act as an independent facilitator for their further discussions and negotiations.
5. Except only for members of the media fairly reporting on what is transpiring in Court, all persons either connected or not connected, having a personal interest or not, are forthwith restrained from commenting on this matter using social media outlets such as facebook, whatsapp or any other means which might affect potential witnesses and their evidence until this proceeding is concluded
6. The matter shall return to Court on **Friday 8<sup>th</sup> May 2020 at 10:00am** or soon thereafter.
7. The time for the entry of these orders is abridged to take place forthwith upon the Court signing them.



**ORDERED: This 30<sup>th</sup> Day of April, 2020**  
**ENTERED: This 30<sup>th</sup> Day of April, 2020**