

**IN THE SUPREME COURT OF TONGA
CIVIL JURISDICTION
NUKU'ALOFA REGISTRY**

CV 51 of 2019

BETWEEN:

**(1) GEORGE KOLOAMATANGI
(2) PETULIKI MAFILE'O
(3) TONGA NATIONAL RUGBY LEAGUE INCORPORATED
SOCIETY**

Plaintiffs

-and-

**(1) TONGA MA'A TONGA RUGBY LEAGUE INCORPORATED
(2) KINGDOM OF TONGA**

Defendants

**APPLICATION BY THE FIRST DEFENDANT TO LIFT INJUNCTION ORDERS
MADE BY NIU J ON 4 OCTOBER 2019**

BEFORE: LORD CHIEF JUSTICE WHITTEN

Counsel: Mr W. Edwards for the Plaintiffs
Mrs L. Puhulu-Kuli for the First Defendant
Ms Katoa, Crown Law, for the Second Defendant

Date of hearing: 28 October 2019

ORDERS

OTHER MATTERS

- A. This matter was adjourned on 18 October 2019 in order for the first defendant's counsel to appear and for the plaintiffs to file further affidavit material by 24 October 2019.
- B. No further affidavit material has been filed.
- C. Instead, Mr Edwards explained that, in the meantime, as a result of his client being provided with a copy of a Cabinet decision dated 26 September 2019, the Government has agreed to revisit the issue of governance of rugby league and its endorsement of

any particular body and to afford the plaintiffs an opportunity to be heard on the issue. On that basis, the plaintiffs have agreed to withdraw the proceedings as a whole.

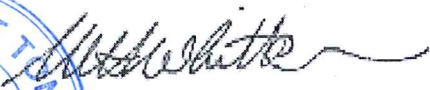
- D. Mr Edwards and Mrs Puhulu-Kuli agreed on the first defendant's costs at \$1,500.
- E. Ms Katoa did not have any instructions in relation to the Government's stance on costs. On the last occasion, the Government did not make or join in on any application in relation to the orders against it by Niu J and Ms Katoa did not have instructions to make any submissions that day. Given the recent discussions between the plaintiffs and the government (which are likely to be ongoing), it would appear appropriate that no order be made in relation to the government's costs.
- F. The following orders are therefore made by consent:

ORDERS

1. Orders 1 to 3 of those made by Niu J on 4 October 2019 are dissolved.
2. The proceedings are discontinued.
3. The plaintiffs shall pay the first defendant's costs of and incidental to the proceedings fixed in the sum of \$1,500.
4. No order in relation to the second defendant's costs of the proceeding.

NUKU'ALOFA
28 October 2019




M.H. Whitten QC
LORD CHIEF JUSTICE

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