

[Legal Notice No. 51]

**COMMISSIONS OF INQUIRY ACT
(Cap. 5)**

**COMMISSIONS OF INQUIRY INTO THE RUSSELL ISLANDS
PLANTATION ESTATES LIMITED AFFAIRS**

(THE RIPEL INQUIRY)

COMMISSION OF APPOINTMENT

WHEREAS in accordance with Government Policy to revive the Russell Islands Plantations Estates Limited (RIPEL), a Government appointed task force has completed a Report on RIPEL proposing six possible options with two recommended options to the Government on the way forward for RIPEL.

WHEREAS pursuant to a Cabinet Decision dated 30th October 2008 on the Task Force Report, Cabinet has decided to commission an Inquiry under the Commissions of Inquiry Act (Cap. 5) to inquire into RIPEL as a matter of public interest.

WHEREAS pursuant to section 3(1) of Commissions of Inquiry Act, I, the Hon. Dr. Derek Sikua, MP, the Prime Minister, deem it advisable and necessary for the public welfare of the people of Solomon Islands to issue a commission for the purpose of inquiring into the facts and circumstances surrounding the operations and affairs of RIPEL.

NOW THEREFORE, by the Commission, I, the Hon. Dr. Derek Sikua, MP, the Prime Minister of Solomon Islands, hereby appoint the following –

1. APPOINTMENT

- (a) Mr. Primo Afeau;
- (b) Mr. Gabriel Taloikwai, Member; and
- (c) Mr. Brian Brunton, Member

as the Commission to inquire into facts and circumstances surrounding the operations and affairs of RIPEL.

2. TERMS OF REFERENCE

The terms of reference of the Commission are –

- (a) to investigate, probe, examine and analysis the background to the formation of RIPEL, including all the incidents, events, activities and circumstances connected therewith and leading thereto;
- (b) to investigate and determine the role played by bodies, persons, groups and individuals who were involved in determining the formation of RIPEL;
- (c) to investigate, probe, examine and analysis the background and legality or otherwise of the following fundamental legal structures underpinning the operations and management of RIPEL: Shareholders Agreement, Management Agreement and the various mortgages or other securities;
- (d) to inquire into how the above legal structures have contributed to the operational and management difficulties that gave rise to the problems now experienced by RIPEL and the workers;
- (e) to inquire into the background, causes and difficulties (including activities and operations of the employees, whether on strike or not, any Trade Union, and other persons, not being employees of RIPEL) which have or will inhibit or prevent early or future resumption of the operations of RIPEL under existing shareholder structures and management;
- (f) to ascertain how and why RIPEL lands at Lungga were sold or disposed of by or on behalf of Patrick Wong or other persons or entities;
- (g) to ascertain the manner in which Solomon Islands Government's 20% shareholding in RIPEL was registered in the name of CEMA rather than the Investment Corporation of Solomon Islands and the current status of Government's 20% shareholding; and
- (h) to identify other outstanding issues, including other legal issues, the handling of the RIPEL matter by the Police, etc, related to and connected with RIPEL that must be dealt with.

3. COMMENCEMENT

The Commission shall come into effect on the date of publication in the Gazette and shall remain in force for a period of 3 months unless extended, by notice in the Gazette, by the Prime Minister.

4. OPEN HEARINGS

- (1) The inquiry of the Commission shall be –
 - (a) held in public; and
 - (b) held at any place and time, as the Commission may determine
- (2) The Chairperson and one other Commissioner shall constitute a quorum of the Commission.
- (3) Despite subclause (2), the Commission may permit a Commissioner to take particular evidence if it considers it convenient or appropriate for one Commissioner to receive such evidence.
- (4) The decisions of the Commissioners shall be by simple majority and in the case of equality of votes, the Chairperson shall have a casting vote as well as a deliberate vote.

5. REPORT AND FINDINGS

The Commission's report shall –

- (a) clearly set out its findings;
- (b) state the facts on which the findings were based; and
- (c) make recommendations on how best to resolve the RIPEL matter once and for all

6. OFFICE AND SECRETARIAT

- (1) The Commission shall be allocated on office, equipment and personnel for the effective and efficient performance of the Commissioner's task.

- (2) The Commission shall have a Secretariat consisting of the following—
- (a) a Secretary;
 - (b) one or more legal practitioners duly appointed by the Attorney General to act as Counsel Assisting the Commissioners;
 - (c) transcribers, interpreters, investigators, technical advisers, researchers and any other persons whom the Secretary to the Prime Minister may, in consultation with the Prime Minister, engage to render services based on their recognized expertise, specialization, qualifications, knowledge and relevant experience; and
 - (d) such other public officers as may be assigned from time to time by the Permanent Secretary to the Public Service in consultation with the relevant Permanent Secretary or the head of department.
- (3) The Secretary shall —
- (a) keep accurate records of all proceedings; and
 - (b) take custody, possession and control of documents, books and materials of the Commission

7. COSTS

- (1) All the cost of the Commission incurred in connection with the implementation of the Commission's task shall be paid out of the Consolidated Fund.
- (2) The level of remuneration for Commission Members including the Secretary and the Counsel Assisting shall be at the discretion of the Prime Minister.

8. COMPLETION

- (1) The Commission shall be deemed to have fulfilled, discharged and completed its commissioned task upon the delivery to the Prime Minister of its Final Report.

- (2) Upon completion, the Commission shall –
- (a) prepare and submit its statement of accounts to the Prime Minister within 30 days or by such extension as may be approved by the Prime Minister;
 - (b) return all equipments and facilities provided to it by the relevant government departments;
 - (c) return all documents, books and materials submitted to it as part of its inquiry to their right owners;
 - (d) gather, collate and store in a safe place, designated by the Prime Minister, all records of the proceedings or enquiry which do not belong to other persons;
 - (e) give not less than 10 days' notice to the Prime Minister of the intended date of closure of premises used for the enquiry.

Dated at Honiara this twelfth day of August, 2009.

DR. DEREK SIKUA
PRIME MINISTER OF SOLOMON ISLANDS

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government

Printed by Solomon Islands Printers Limited.