

SUPPLEMENT to the Solomon Islands GazetteWednesday 15th April, 2009

S.I. No.13

[Legal Notice No. 22]

**COMMISSIONS OF INQUIRY ACT
(Cap. 5)****COMMISSION OF INQUIRY INTO LAND DEALINGS AND
ABANDONED PROPERTIES ON GUADALCANAL**

WHERE AS the Prime Minister, pursuant to section 3 of Commissions of Inquiry Act, deems 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 acquisition of certain customary land in Guadalcanal by people from other Provinces prior to 1998;

WHERE AS the Government is cognizant of its duty under Article 3 of Part IV of the Townsville Peace Agreement signed on 15 October 2000 between the Guadalcanal Delegation representing the people of Guadalcanal, and the Malaita Delegation representing the people of Malaita (referred to in that Agreement as the warring parties) to issue a commission of inquiry to inquire into the validity or otherwise of acquisition, occupation and settlement of certain customary land on Guadalcanal by people from other provinces;

WHARE AS, the Government for the purpose of establishing this Commission has consulted the Guadalcanal Provincial Government and the Malaita Provincial Government;

NOW THEREFORE, I, the Honourable Dr. Derek Sikua, MP, the Prime Minister of the Solomon Islands issue this Commission.

1. Appointment

I, the Honourable Dr. Derek Sikua, MP, the Prime Minister of the Solomon Islands appoint the following persons as Commissioners to inquire into the facts and circumstances of acquisition, occupation and settlement of certain customary lands in Guadalcanal by any person from other Provinces –

- (a) Mr Brian Danesbury Brunton (PNG), Chairperson;
- (b) Pastor Manoa Rabula (Fiji) - Member; and
- (c) Stephen Tahu (Vanuatu) - Member

2. Terms of Reference

I, the Honourable Dr Derek Sikua, MP, the Prime Minister of Solomon Islands issue this Terms of Reference to the Commission –

1.0 Reference

1.1 The Commission shall –

- (a) inquire into and report on the facts and circumstances surrounding the acquisition, occupation, and settlement of, including dealings in, certain customary lands in Guadalcanal by persons from other Provinces, and in particular –
 - (i) to ascertain and identify areas of customary land (“affected land”) on Guadalcanal which have been acquired or occupied and settled by persons from other Provinces prior to 1998;
 - (ii) ascertain the length and period of occupation and settlement on the affected land;
 - (iii) to ascertain whether or not such acquisition, occupation and settlement were done in accordance with prevailing customary practice on Guadalcanal applicable to the affected land and dealing thereof;
 - (iv) to ascertain whether any subsequent registration on any of the affected lands under the Land and Titles Act were lawfully done and whether were done in a transparent matter;
 - (v) to identify persons or bodies which may be parties to customary lands acquisition, occupation and settlement on the affected land;

- (vi) to ascertain the level of support for the acquisition, occupation and settlement shown and demonstrated by those tribes, clans or sub-clans on Guadalcanal whose land were affected both during such acquisition, occupation and settlement or during the period following such acquisition, etc;
- (b) inquire into and report on any land dealings and properties on Guadalcanal which were left, lost or abandoned by settlers from Malaita and other provinces; and
- (c) when undertaking this Commission of Inquiry, consider and take into account any other matter it thinks fit will be relevant to the subject matter of this Commission of Inquiry.

2.0 Commencement

The Commission shall come into effect on the date of publication in the *Gazette* and shall remain in force for a period of 12 months unless extended, by notice in the *Gazette*, by the Prime Minister.

3.0 Hearing

- (1) The inquiry of the Commission shall be –
 - (a) held in public; and
 - (b) held at any place as the Commission may determine
- (2) The Chairperson and one other Commissioner constitute a quorum of the Commission.
- (3) Despite subclause (2), the Commission may permit a Commissioner to take particular evidence if Commission 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) The Commission shall keep its transcript and report confidential to the Prime Minister and the Attorney General.

4.0 Report

- (1) 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 such land dealings
- (2) The Commission shall, within 3 months after completing its inquiry, submit its report to the Prime Minister.
- (3) The Commission may submit provisional report on any aspect of the inquiry.

5.0 Office and Secretariat

- (1) The Commission shall be allocated an office, equipment and personnel for the effective and efficient performance of the Commission's task.
- (2) The Commission shall have a Secretariat consisting of a Secretary and other supporting staff.
- (3) The Secretary shall keep accurate records of all proceedings, take custody of Commission documents, books and materials.
- (4) The Secretary shall be assisted by the following support staff –
 - (a) one or more legal practitioners duly appointed by the Attorney General to act as Counsel Assisting the Commissioners;
 - (b) transcribers, interpreters, investigators, technical advisers, researchers and any other persons whom the Commissioners may with the approval of the Minister of Finance, engage to render services based on their recognized expertise, specialization, qualifications, knowledge and relevant experience;

- (c) such public officers as may be assigned from time to time by the Minister responsible for the Public Service.

6.0 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 shall be at the discretion of the Prime Minister.
- (3) All accounts of the Commission shall be prepared and submitted to the Prime Minister within 3 months after submitting its report.

7.0 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 and Findings.
- (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 maybe 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 fourteenth day of April, 2009.

HON. DR. DEREK SIKUA
PRIME MINISTER

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