

SUPPLEMENT to the Solomon Islands GazetteThursday 5th May, 2016

S.I. No.17

[Legal Notice No. 21]

**COMMISSIONS OF INQUIRY ACT
(Cap. 5)****COMMISSION OF INQUIRY INTO THE SOLOMON ISLANDS PORT
AUTHORITY REFORM PROGRAM**

I, **Hon. Manasseh Sogavare**, Prime Minister, under section 3 of the *Commissions of Inquiry Act* (Cap. 5), issue the following commission:

1. Commissioners

The following persons are appointed as commissioners to inquire into the reform program of the Solomon Islands Port Authority ("SIPA"):

- (a) Mr. Anthony Hughes, as Chairperson;
- (b) Dr Patricia Rodie, as deputy chairperson;
- (c) Mr Wayne Morris
- (d) Mr John Muria, Jr;
- (e) Mr Luke Forau

2. Terms of reference of inquiry

The Commissioners must inquire into the following matters:

- (a) the objectives of the SIPA reform program and the extent to which it has involved and benefitted the main SIPA stakeholders, both before and after the appointment of Collin Yow as Chief Executive Officer of SIPA;
- (b) the extent to which the SIPA reform program is consistent with the duties and powers of SIPA under the *Ports Act* (Cap. 61) and the extent to which the program is serving the public interest;

- (c) the appointment of Collin Yow as Chief Executive Officer, including the manner in which he was engaged and whether sufficient due diligence was undertaken before the appointment was made;
- (d) the alleged dealings between Collin Yow and the predecessor of the current Chairman of SIPA involving the importation of a container of roofing materials, to determine if the action constituted a breach of any written law or internal rules or procedures of SIPA;
- (e) the circumstances and legality of the extension of the contract of Collin Yow as Chief Executive Officer for a second term and whether this was endorsed by the SIPA Board;
- (f) SIPA's compliance with its financial reporting obligations under the *State-Owned Enterprises Act 2007*, including in awarding dividends to the Government before the approval of audited accounts;
- (g) the rationale and process by which SIPA has set fees, and whether fees must be set by way of a regulated consultative process under the *Ports Act* (Cap. 61);
- (h) whether the *Ports Act* (Cap. 61) sufficiently provides for the composition, powers and functions of SIPA and whether any amendments are required;
- (i) whether any contracts for services provided to SIPA have been awarded inappropriately or improperly, and whether this constitutes a breach of any written law or internal rules or procedures of SIPA;
- (j) the amount paid by SIPA for the importation of rice and noodles, when and to whom such payments were made and how much of that amount was recovered through sale of rice and noodles;
- (k) the amount (if any) paid by SIPA by way of deposit for the purchase of aircraft from overseas and what has happened to any such deposit;

- (l) the amount paid by SIPA for overseas travel for Collin Yow during his tenure as Chief Executive Officer and whether such travel was approved by the SIPA Board;
- (m) the amount paid by Collin Yow as Chief Executive Officer to engage non-SIPA employees to act as his agents or representatives in the ongoing disputes regarding the SIPA reform program and whether such engagements were approved by the SIPA Board;
- (n) whether Collin Yow as Chief Executive Officer has in any way expended SIPA funds for the purpose of gaining support from any person for himself in the ongoing disputes regarding the SIPA reform program and whether such expenditure was approved by the SIPA Board;
- (o) any related matters the commissioners consider necessary to inquire into.

3. Duration and conduct of inquiry

- (1) The commissioners must conclude the inquiry within 45 working days after it begins, unless this period is extended by the Prime Minister on the request of the chairperson.
- (2) The commission of inquiry may be held at the times and places the commissioners determine.

4. Report of inquiry

- (1) The commissioners must provide a final written report of the inquiry to the Prime Minister within 10 working days after concluding the inquiry.
- (2) The report must:
 - (a) clearly set out the findings of the inquiry; and
 - (b) state the facts on which the findings are based; and
 - (c) make any recommendations as a result of the findings the commissioners consider necessary.

5. Secretariat and support staff

- (1) The Office of the Prime Minister and Cabinet must provide secretariat support to the commissioners for the duration of the inquiry.
- (2) The Office of the Prime Minister and Cabinet must provide assist a legal practitioner appointed by the Attorney-General as counsel to the commissioners with the inquiry.

6. Remuneration of commissioners

The commissioners are entitled to be paid the remuneration determined by the Prime Minister.

Made at Honiara this fourth day of May, 2016.

HON. MANASSEH SOGAVARE
PRIME MINISTER