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Defence Act (Chapter No. 74)

MINISTERIAL DETERMINATION ON REPORT OF THE DEFENCE FORCE BOARD OF INQUIRY

I, Bob Dadae, MP, Minister for Defence, by virtue of the powers conferred under Section 51 of the *Defence Act* (Chapter No. 74) and Sections 2, 3 and 12 of the Defence (Board of Inquiry), Regulations, and all other powers me enabling, hereby Determine that:—

1.   I.   The Papua New Guinea Defence Force Board of Inquiry (the Moti Inquiry) convened by the then Minister for Defence and the Terms of Reference, for which were published in Papua New Guinea *National Gazette* No. G223, dated 7th December, 2006 and No. G228 dated 15th December, 2006; and

     II.   The membership of which Board of Inquiry was constituted by:—

       (*a*)   The Honourable Justice Gibuma Salika, a Judge of the Supreme Court of PNG, as Chairman; and

       (*b*)   Brigadier General (retired) Anthony Huai as Commissioner; and

       (*c*)   Daniel Liosi as Commissioner;

     was improperly constituted in that it did not have as its Chairman, an officer of the Defence Force, of the rank of Colonel or above, pursuant to Sections 3(2) and 3(1) of the Regulations and consequently the Moti Inquiry acted ultra vires; and

     III.   The Moti Inquiry and the Moti Inquiry Report was tainted by apprehended bias and was therefore in breach of the rules of procedural fairness; and

     IV.   I further determine as a consequence of the preceding clauses that none of the findings of the Moti Inquiry or the Moti Report shall be accepted and none of the recommendations of the Report shall be implemented.

2.   I further declare the Report of the Moti Inquiry null and void and of no effect.

3.   The reasons for this Determination shall be published as soon as is practicable.

Dated this 30th day of October, 2007.

The Honourable B. DADAE, MP,
Minister for Defence.