

TRANSCRIPT OF PROCEEDINGS

Commission of Inquiry into SABL
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COMMISSION OF INQUIRY INTO SABL

MR JOHN NUMAPO

THE CHAIRMAN & CHIEF
COMMISSIONER

MR ALOIS JEREWAI

COMMISSIONER

TOP FLOORMURUK HAUS, WAIGANI, TUESDAY 21 FEBRUARY 2012, AT
1.59 PM

THE CHAIRMAN: Counsel, good afternoon.

MR PUPAKA: Yes, good afternoon.

THE CHAIRMAN: This is a continuation from where we left off with respect to Bewani Oil Palm Development, and I understand that the Company Secretary Mr Tom Sirae has been requested to bring back some documentation and have it presented to the Inquiry this afternoon with respect to the Bewani Oil Palm Development.

MR PUPAKA: Yes.

THE CHAIRMAN: So we will be guided by yourself as to how you intend to present the evidence this afternoon, and I also note that Mr Sirae is present this afternoon as well.

MR PUPAKA: That is right, Chief Commissioner, Commissioner Jerewai, we continue from the last time we left off. The reason for the adjournment was that the witness---

COMMISSIONER JEREWAI: Commissioner Jerewai, Counsel.

MR PUPAKA: Yes, I am sorry, Commissioner Jerewai. The reason for the adjournment was that Mr Sirae needed to organize his evidence.

He has produced bound copies of matters he has, materials he has and has appended to a statement or pre-statement he has presented, and we need to put that into evidence today; call the witness.

THE CHAIRMAN: Yes?

MR PUPAKA: Yes.

THE CHAIRMAN: Did you say he had a written submission or something or some---

MR PUPAKA: He has got a written submission. He has appended documents he has to the written submission. It is a bound copy of that submission, and we have that for presentation today. He submitted that yesterday and we have had it photocopied today. On that basis, we will put questions to him, yes.

THE CHAIRMAN: Yes, all right. You have copies of submissions that you also intend to have it tendered for our benefit.

MR PUPAKA: Yes, we will call the witness.

THE CHAIRMAN: Before we proceed with the questioning – to ask questions.

MR PUPAKA: Yes.

THE CHAIRMAN: You have copies of submissions there?

MR PUPAKA: We do have, yes.

THE CHAIRMAN: So, what was the arrangement last time? We say that we were going to receive some submissions, did we, and that was to be delivered in good time before we proceed?

MR PUPAKA: Yes.

THE CHAIRMAN: Was that the understanding?

MR PUPAKA: It was.

THE CHAIRMAN: Okay. If you are going to tender it now, we are not in a position to proceed unless we have gone through the submission and read and understood precisely what is contained in the submission. Then we will be in a better position to ask questions and make observations on the submissions but---

MR PUPAKA: Commissioners, I was given the submission today by Mr Ketan, Counsel Assisting.

THE CHAIRMAN: All right.

MR PUPAKA: I have had it bound again.

THE CHAIRMAN: Subject to what Commissioner Jerewai will say – will offer his view on that. My suggestion would be that you have it tendered now, give us the opportunity to go through the submission without the documents that he may

submit along as well and we have it stood over to Thursday or Friday. Friday, possibly or Thursday because we have the Oro Province's hearing tomorrow, is it?

MR PUPAKA: Tomorrow.

THE CHAIRMAN: The SABLs for Oro Province?

MR PUPAKA: Yes.

THE CHAIRMAN: So that will take up tomorrow.

MR PUPAKA: I have given you the copies of materials that have been presented today.

THE CHAIRMAN: Yes. So if you can have the documents tendered in now; give us the opportunity to go through it.

MR PUPAKA: Yes.

THE CHAIRMAN: Read the submission, as well as all the attachments that come with the submission, and hopefully, we reconvene on Friday – Thursday?

COMMISSIONER JEREWAI: Friday.

THE CHAIRMAN: Okay, Friday morning. Friday 9.30, so that will give us sufficient time for us to go through the submission. Obviously, mindful of the fact that we have got the Oro Province's three SABLs tomorrow morning.

MR PUPAKA: Yes.

THE CHAIRMAN: So it might flow onto Thursday depending on how we go with the witnesses tomorrow for the Oro Province's SABLs. So I think between now and Friday will be sufficient time for us to go through the submission.

MR PUPAKA: Yes, there is not much, though. The only new thing that is appended to the submission is project agreement between the developer, and the SABL-owning entity and the shareholders of the SABL-owning entity, seems to have been parties to it as well. That is the only new document included. Otherwise, the others have been all part of the Lands files already. We have had a look at it in the course of the hearings in Vanimo and we do have them.

But, yes, I do agree that you need to peruse this. It is a bit lengthy. It spells out, for whatever it is worth, the positions of the parties that executed this agreement, and it may or may not be informative in relation to some of the evidence that we need. But, nevertheless, it is something that we need to read before we put questions to the witness, subject to how you intend the material.

It has been provided. You could have it read without having to call the witness for the purpose of presenting the – or tendering in the submission now, or you could have it tendered through him. It is all up to you, Commissioner.

COMMISSIONER JEREWAI: Mr Pupaka?

MR PUPAKA: Yes.

COMMISSIONER JEREWAI: We will receive the submissions without formally tendering – without you formally tendering them now. When we resume on Friday morning at 9.30, you can then have it formally tendered after we have read through it, when Mr Sirae will, of course, be in the witness stand to be examined on the contents of the submission.

MR PUPAKA: Yes.

COMMISSIONER JEREWAI: So you merely hand up the copies of the submission with all its contents at this point without formally tendering them.

MR PUPAKA: All right, I shall do that.

COMMISSIONER JEREWAI: Thank you.

MR PUPAKA: Associate?

2.06 pm] One is a copy and one is the original. Commissioners, I would like to, whilst Mr Sirae listens in, request that he wait for a series of questions that I need to put to him. Having had a look at the submissions he has provided, he may or may not have the answers to the questions that we need but for the sake of record and formalities, we need to ask him those questions because he is the Secretary of the company – SABL-owning company on record.

So you might note for the record, Commissioners, is that Mr Sirae would expect a series of questions, not lengthy, but sufficient to highlight areas that lack information in relation to our inquiries – continuing inquiries.

THE CHAIRMAN: So, what are you saying? Are you trying to put some questions to him?

MR PUPAKA: Yes.

THE CHAIRMAN: When, now?

MR PUPAKA: I have had a look at – before coming in – the materials, and it does not cover some of the areas that we want information on.

THE CHAIRMAN: I would suggest that you do that not as part of the formal hearing.

MR PUPAKA: Yes.

THE CHAIRMAN: Keeping in line with the current practice as we raised some of these questions through the summons that we served, if you are able to do that, then you would give sufficient time to Mr Sirae to---

COMMISSIONER JEREWAI: Come back with the answers.

THE CHAIRMAN: Come back with the answers; take note of the questions that you wish to raise with him come Friday.

MR PUPAKA: Yes.

THE CHAIRMAN: And he will come prepared on Friday to answer some of your specific questions that you intend to raise.

MR PUPAKA: Yes.

THE CHAIRMAN: So, for this---

MR PUPAKA: Commissioner, it is just amplifying the general questionings or general information contained in the schedule of – appended to the summons.

THE CHAIRMAN: So, he has already got that?

MR PUPAKA: Yes, he has got that.

THE CHAIRMAN: Okay.

MR PUPAKA: He has had a chance to read it – accept the summons and read it – and then he has had the opportunity to provide what he thought was his best submission and, like I say, he is the Company Secretary on record. He may or may not have answers to the questions I may put to him. But, nevertheless, for the record, we need to put those questions to him.

COMMISSIONER JEREWAI: Yes, you can put those questions formally on Friday.

MR PUPAKA: Yes.

COMMISSIONER JEREWAI: In the meantime, for his state of preparedness, you can deliver these additional questions to him after we adjourn.

MR PUPAKA: Yes, that is right.

COMMISSIONER JEREWAI: Yes.

MR PUPAKA: Just so that he understands what we might want to do with it.

THE CHAIRMAN: Yes, that is fine. On the part of the Commissioners, we will also be asking some questions after we have gone through and if need be, there will be some questions or clarifications that we would also want to seek from Mr Sirae with respect to your submissions and all the relevant documents that you have attached along with the submissions.

MR PUPAKA: Yes.

THE CHAIRMAN: That will only happen after we have gone through and read through the submissions. But at this point in time, we are not in a position yet.

COMMISSIONER JEREWAI: Yes.

THE CHAIRMAN: I think I am speaking for Commissioner Jerewai as well to ask any questions. So we can leave it as that, Counsel, and we adjourn to Friday at 9.30. In the meantime if you have any other things to raise with Mr Sirae, you may do so.

MR PUPAKA: Yes.

THE CHAIRMAN: After this formal sitting, any other things you need to raise?

MR PUPAKA: Not particularly. We will call this matter on Friday, yes.

THE CHAIRMAN: Okay. We will adjourn until Friday at 9.30 to continue with this matter.

**AT 2.10 PM, THE COMMISSION OF INQUIRY INTO SABL WAS
ADJOURNED UNTIL FRIDAY, 24 FEBRUARY 2012, AT 9.30 AM.**