



REPUBLIC OF VANUATU

COMMISSIONS OF INQUIRY ACT [CAP 85]

APPOINTMENT OF COMMISSION OF INQUIRY ORDER NO. 67 OF 2011

In exercise of the powers conferred on me by section 1 and section 5 of the Commissions of Inquiry Act [CAP 85], I, the Honourable RALPH REGENVANU Minister of Justice and Community Services, make the following Order.

1 Definition

In this Order unless the contrary intention appears:

“Commission” means the Commission of Inquiry established under this Order;

“Minister” means the minister responsible for Justice and Community Services.

2 Appointment of Commissioner to the Commission

Captain Richard O' FERRALL is appointed as the Commissioner of the Commission.

3 Appointment of Assessors to the Commission

The following persons are appointed as the Assessors of the Commission:

Instrument of Appointment – Commissioner, Secretary and Assessor of the Commission of Inquiry of the Air Vanuatu Flight Operations during cyclone Atu

- (a) Willie KAPALU;
- (b) Ephraim KALSAKAU.

4 Appointment of Secretary to the Commission

Captain Peter FOGARTY is appointed as the Secretary of the Commission.

5 Remuneration of Commissioner, Assessors and Secretary

- (1) The Commissioner shall receive a remuneration of VT 300, 000.
- (2) The Secretary shall receive a remuneration of VT 150, 000.
- (3) The Assessors shall receive a remuneration of VT 100, 000.
- (4) The remunerations referred to in this clause shall be payable to the Commissioner, the Secretary and the Assessor after completion of the report referred to in paragraph 11 (b).

6 Use of Government Vehicle

The Commissioner, Secretary and the Assessors shall be entitled to the use of one Government vehicle between them for the purposes of the Inquiry.

7 Additional Costs

For the purposes of this inquiry the Vanuatu Government is to meet all reasonable costs. These costs shall include airfare, accommodation and per diem for the foreign-based Commissioner, and a per diem for the Secretary.

8 Terms of Reference

- (1) The Terms of Reference of the Commission are as set out in the Schedule of this Order.
- (2) The Terms of Reference of the Commission may be amended or varied by the Minister in consultation with the Commission.

9 Location of Inquiry

The Inquiry is to be made in Port Vila and at such other place or places as the Commission may determine.

10 Public or Private Inquiry

The Inquiry is to be held in Public except in circumstances as directed by the Commission.

11 Reports


The Commissioner must prepare the following reports:

- (a) a report of the proceedings and of the result of this Inquiry to the Minister not later than 28 days from the date of their appointments as Commissioners;
- (b) a report summarising his findings and his recommendations to be available to the Public not later than 14 days after submission of the report to the Minister.

12 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 18th day of APRIL, 2011.


Honourable RALPH REGE
Minister of Justice and Community Services

SCHEDULE

TERMS OF REFERENCE

1 Aims of the Commission

The aim of the Commission is to inquire and investigate into the circumstances surrounding the flights of two Air Vanuatu Y12 planes during a period in which a cyclone warning issued by the Vanuatu Meteorological Service was current on the 21st February 2011.

2 Objectives of the Commission

The objectives of the Commission are to:

- (a) investigate the circumstances surrounding the flights of two Air Vanuatu Y12 planes during a period in which a cyclone warning issued by the Vanuatu Meteorological Service was current on the 21st February 2011;
- b) investigate the appropriateness and adequacy of the safety procedures taken by Air Vanuatu and other relevant authorities on 21st February to ensure safety of passengers, crew and aircraft;
- (c) investigate Air Vanuatu's overall safety management regime in terms of its compliance with international and national laws and standards, and identify any deficiencies in this safety management regime and also any means or mechanisms by which this safety management regime can be improved.

Schedule


FORM OF OATH OR AFFIRMATION TO BE TAKEN BY AN ASSESSOR

Commissions of Inquiry Act, [CAP. 85]

I, **Willie KAPALU**, having been appointed under an Order made by the Minister responsible for Justice and Community Services dated the 18th April, 2011, to be an Assessor (or do solemnly and sincerely affirm) that I will faithfully, fully, impartially and to the best of my ability discharge and perform the duties devolving upon me by virtue of the said Order.

So help me God.

Dated at Port Vila this 18th day of April, 2011



Assessor.

Schedule

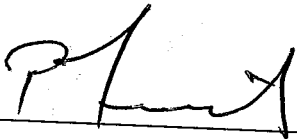
FORM OF OATH OR AFFIRMATION TO BE TAKEN BY A SECRETARY

Commissions of Inquiry Act, [CAP. 85]

I, **Captain Peter FOGARTY**, having been appointed under an Order made by the Minister responsible for Justice and Community Services dated the 18th April, 2011, to be the Secretary (or do solemnly and sincerely affirm) that I will faithfully, fully, impartially and to the best of my ability discharge and perform the duties devolving upon me by virtue of the said Order.

So help me God.

Dated at Port Vila this 18th day of April, 2011



Secretary.

Schedule


FORM OF OATH OR AFFIRMATION TO BE TAKEN BY A
COMMISSIONER

Commissions of Inquiry Act, [CAP. 85]

I, **Captain Richard O'FERRALL**, having been appointed under an Order made by the Minister responsible for Justice and Community Services dated the 18th APRIL, 2011, to be a Commissioner (*or do solemnly and sincerely affirm*) that I will faithfully, fully, impartially and to the best of my ability discharge and perform the duties devolving upon me by virtue of the said Order.

So help me God.

Dated at Port Vila this 18th day of April, 2011



Commissioner.

Schedule

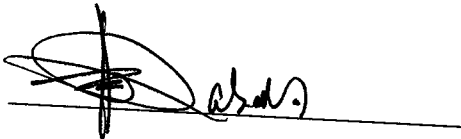
FORM OF OATH OR AFFIRMATION TO BE TAKEN BY AN ASSESSOR

Commissions of Inquiry Act, [CAP. 85]

I, **Ephraim KALSAKAU**, having been appointed under an Order made by the Minister responsible for Justice and Community Services dated the 18th APRIL, 2011, to be an Assessor (or do solemnly and sincerely affirm) that I will faithfully, fully, impartially and to the best of my ability discharge and perform the duties devolving upon me by virtue of the said Order.

So help me God.

Dated at Pona Vaka this 18th day of APRIL, 2011



Assessor.