



## REPUBLIC OF VANUATU

### COMMISSIONS OF INQUIRY ACT [CAP 85]

#### APPOINTMENT OF THE COMMISSION OF INQUIRY INTO THE CLAIMS OF THE FISHERMANS ASSOCIATION ORDER NO. 8 OF 2013

In exercise of the powers conferred on me by subsections 1(1) and (2) of the Commissions of Inquiry Act [CAP 85], I, the Honourable LAKEN THOMAS, Minister of Justice and Community Services, make the following Order.

#### **1 Establishment of the Commission**

The Commission of inquiry into the Claims of the Fishermans Association is established.

#### **2 Appointment of Commissioners**

The following persons are appointed as Commissioners:

- (a) Thompson Pakoa
- (b) Joylee Seresere
- (c) Bethuel Solomon
- (d) William Naviti
- (e) John Tasso

#### **3 Chairperson of the Commission**

Mr. Thompson Pakoa is to be the Chairperson of the Commission.

#### **4 Appointment of the Secretary**

Mrs Betty Harry is appointed as the Secretary of the Commission.

**5 Location of inquiry**

- (1) The inquiry is to be made in Port-Vila and at such other place or places as the Commission determines.

**6 Terms of reference**

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

**7 Remuneration and cost**

- (1) The members of the Commission are entitled, after submitting the report, the following remuneration:
- (a) Commissioners – VT100,000;
  - (b) Secretary – VT100,000;
- (2) Costs for the Commission to carry out its duties under this Order are to be met by the State.

**8 Duration of the Inquiry**

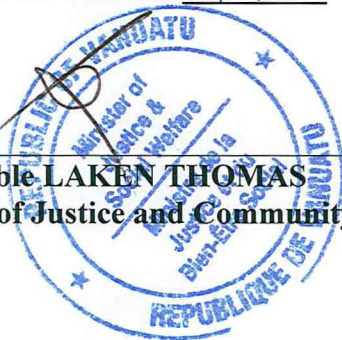
The Commission has 21 days from the commencement date of this Order to compile its findings.

**9 Commencement**

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

Made at Port Vila this 17 day of JANUARY, 2013.

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Honourable LAKEN THOMAS  
Minister of Justice and Community Services



## SCHEDULE

### TERMS OF REFERENCE

#### **1 Aim of the Commission**

The aim of the commission is to inquire into the validity of the claims of the Fisherman's Association.

#### **2 Objectives of the Commission**

The objectives of the Commission are:

- (a) The first objective is to find out how many Fishermen's Association, were registered and existed before 1998, and related SPFC and Kaohsiung company and how many existed after 2001, after the deed of release was signed in year 2000. The commission will need to identify the authenticity of the fisherman's Association, in relation to SPFC. The commission will also need to find out and established who has the authentic mandate to negotiate on behalf of the association, (ie: minutes and election records of the office bearers)
- (b) The second objective of the commission is to establish, whether there are any genuine or legitimate claims from the fisherman themselves. are there any evidence to substantiate these claims. If there are any claims identified who should be responsible fro the settlement of the debt.
- (c) The third objective is to inquire into how many payments the Government has paid to the Fisherman's claims since the company has wound up and liquidated in 1998/1999, and to find out how these funds were distributed to its members.
- (d) The forth objective is to established how and who and who authorizes the sale of leasehold on Palekula and the assets of the government /company and who benefited from the proceeds of the sale.

SCHEDULE  
TERMS OF REFERENCE

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- (e) The fifth objective is to established whether there is a “DEED OF RELEASE” signed between the Government of Vanuatu , and the Fisherman’s Association , upon the transfer of the assets of the company (Palekula) to the fisherman’s Association.

**3 Report**

The Commission will provide a full report on the findings and recommendations of this inquiry to the Minister of Justice and Community Services, who will then, table the report to the council of the Commissions findings and recommendations.