



Commission of Inquiry Act, 1951 (Chapter 31)

**ROYAL COMMISSION OF INQUIRY INTO PROCESSES AND PROCEDURES FOLLOWED BY THE
GOVERNMENT OF PAPUA NEW GUINEA IN OBTAINING THE OFF-SHORE LOAN FROM THE
UNION BANK OF SWITZERLAND AND RELATED TRANSACTIONS**

MEDIA STATEMENT

No 6 of 2019

Further to media statement No. 5 issued by this Commission on 4th November 2019, the Chairman today announced as follows:

1. The full Commission is able to sit today as scheduled but without Counsel assisting the Commission and Solicitors supporting Counsel and the Commission for reasons that are stated herein. Today's sitting is the first sitting of the Commissioners since their appointments were formalized on 30th August 2019. Today's sitting also marks the public opening hearing of this inquiry that was referred to in previous public statements issued by the Chairman.
2. The unavailability of Counsel and Solicitors for this hearing is explained as follows:-
 - (a) Counsel's unavailability: is due to late advice received by this Commission on 5th November 2019 from the State Solicitor that the Solicitor General has not responded to his request for assistance to obtain admissions and practicing certificates under the Lawyers Act for overseas counsel. Accordingly, on 15th November 2019, this Commission engaged the services of a private law firm to undertake that task. The law firm published a notice of application to make an application for Counsel's admission in the National Court was advertised in the daily newspapers on 5th and 6th December 2019. An application was also lodged by the private law firm to the Attorney General requesting the issue of a Certificate of Fitness on 27th November 2019. However no response has been received from the Attorney General to date.
 - (b) Solicitors' unavailability: The unavailability of a firm of Solicitors is due to the delay in a decision to be made by the Board of the National Procurement Commission. A Technical and Financial Evaluation Committee constituted by the National Procurement Commission met and completed its report and recommendation on 27th

November. This Commission was advised the NPC Board would meet on Wednesday 3rd December but did not meet due to lack of quorum for the meeting. This Commission has been advised that the Board will meet next week.

3. The unavailability of counsel and solicitors for this opening sitting, does not pose any major difficulty as this Commission will be able to deal with preparatory work for the Commission to sit in early 2020 to conduct its actual inquiry in terms of receiving evidence.
4. At today's hearing, the Commission will do six things - issue an interim list of witnesses to be called to give evidence, fix a return date for summonses that it will issue as from today; set out a roadmap for the conduct of the inquiry; make a statement on the sittings of the Commission by the Commissioners; make a statement on the funding situation for the six-months extended period; and deal with an application for leave to appear that has been filed by an interested party.

Interim List of Witnesses

5. The interim list of witnesses is attached. As shown on the list, the identity of a number of witnesses whose identities have not been established, will be established before the list is finalized and published in the daily newspapers. Additional witnesses will be added to this list from time to time.

Return Date of Summonses

6. The Commission is fixing Monday 27th January 2020 at 9:30 am as the return date of the Summonses. All witnesses that are either requested or summoned by the Commission to appear must attend the hearing at the date, time and venue so fixed.

Roadmap for the conduct of the actual inquiry in 2020

7. The roadmap is as follows:
 - (a) Summons phase: Issue of Summons: 16 December – 31st December 2019.
Return of Summons: Monday 27 January 2020, at 9:30 am
 - (b) Investigation phase - by Counsel, Solicitors and other technical officers: February & March 2020
 - (c) Public Hearing phase: April and May 2020
 - (d) Report writing phase: June 2020
 - (e) Report delivery phase: 27 July 2020

Conduct of inquiry by Commissioners

8. Pursuant to s 14 of the *Commission of Inquiry Act*, the public is advised that the sittings of the Commission may be constituted by the full Commission or by a Commissioner as authorized by the Commission.

Inquiry period

9. The Commission has determined that the extended 6-month inquiry period for the inquiry, approved by the Prime Minister on 18 September 2019, will commence to run from the date of the actual inquiry on 27th of January 2020 and finish on 27th July 2020 when the report of the Commission is completed and delivered to the Prime Minister for presentation to the Parliament.

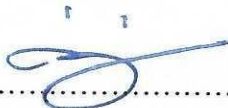
Funding

10. The need for additional funding occasioned by the extended period of the inquiry (from 3 months to 6 months), and the appointment of overseas Commissioner, Counsel and Solicitors, is apparent. This Commission is yet to receive an additional K27 million approved by the Prime Minister on 18 September 2019 and subsequently requested of the Department of Secretary by the Chief Secretary of Government to be made available to this Commission.

Application for Leave to Appear

11. There is an application for leave to appear filed by Twivey Lawyers on behalf of Secretary for the Department of Treasury that was filed on 9th October 2019 that is pending hearing. The Commissioners will now hear that application.

DATED this 16th day of December 2019.



Chief Sir Salamo Injia Kt GCL

Chairman, UBS Commission of Inquiry



The Hon John Gilmour QC

Commissioner

