



National Gazette

PUBLISHED BY AUTHORITY

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

No. G52]

PORT MORESBY, FRIDAY, 10th FEBRUARY

[2012

Commissions of Inquiry Act (Chapter 31)

APPOINTMENT OF COUNSELS TO ASSIST COMMISSION OF INQUIRY

I, Peter O'Neill, Prime Minister, by virtue of the powers conferred by Section 4A(1) and (2) of the *Commissions of Inquiry Act* (Chapter 31) and all other powers me enabling, hereby appoint:—

- (a) Manuel Michael Varitimos as Counsel Assisting; and
- (b) Philip Nicholas Tabuchi as Counsel; and

to assist the Commission of Inquiry into the capsizing and sinking of the *MV Rabaul Queen* on 2nd February, 2012.

Dated this 10th day of February, 2012.

P. O'NEILL,
Prime Minister.

Commissions of Inquiry Act (Chapter 31)

COMMISSION OF INQUIRY INTO THE CAPSIZING AND SINKING OF THE *MV RABAUL QUEEN* NINE (9) NAUTICAL MILES OFF THE COAST OF FINSCHHAFEN IN THE MOROBE PROVINCE ON 2 FEBRUARY 2012 AT ABOUT 5 A.M.

To: **Warwick John Andrew, Commissioner.**

STATEMENT OF CASE ON WHICH THE COMMISSION OF INQUIRY IS ORDERED INTO THE CAPSIZING AND SINKING OF THE *MV RABAUL QUEEN* NINE (9) NAUTICAL MILES OFF THE COAST OF FINSCHHAFEN IN THE MOROBE PROVINCE ON 2 FEBRUARY AT ABOUT 5 A.M.

ON or about 2nd February 2012 at about 5 a.m. the *MV Rabaul Queen* carrying about 350 passengers, suddenly titled and capsized and then sank in heavy seas nine (9) nautical miles off Finschhafen in the Morobe Province. The majority of those passengers were children returning to their families in Lae and students bound for studies in institutions in Lae, Madang and the Highlands Region. The disaster has resulted in a lot of the passengers still missing, which are feared to be dead. It is the opinion of the Prime Minister that it would be in the public interest, safety and welfare to appoint a Commission of Inquiry to inquire into and report into the circumstances surrounding the disaster:—

TERMS OF REFERENCE

KNOW you that I, Peter O'Neill, Prime Minister, reposing confidence in your integrity and ability do, by virtue of the powers conferred by Section 2 of the *Commissions of Inquiry Act* (Chapter 31), and all other powers me enabling, hereby appoint Warwick John Andrew to be a Commissioner to enquire into and report on the following matters:—

1. The facts about the disaster which occurred at about 5 a.m. on 2nd February, 2012 in relation to the capsizing and sinking of the *MV Rabaul Queen* nine (9) nautical miles of Finschhafen in the Morobe Province and the accompanying search, rescue and recovery of the disaster victims;
2. The cause of the disaster;
3. Evidence leading to any criminal act contributing for the disaster;
4. Evidence leading to any civil responsibility for the disaster;
5. The reasons why the loss of lives attained such magnitude;
6. Present proposals for any measures that would help to prevent the future occurrence of a similar disaster, or may assist in future search, rescue and recovery of disaster victims;
7. Make any further recommendation arising from the inquiry; and

AND I direct that the Inquiry shall be held in the National Capital District or at such other place or places in Papua New Guinea or elsewhere as to you may appear necessary or expedient;

AND I further direct that the Inquiry shall be held in public, but I approve that you may permit to be given in private any evidence that in the course of your inquiry you, in your absolute discretion, consider appropriate to be given in private in accordance with Section 2(5) of the Act;

AND I further direct that you shall commence the Inquiry without delay and proceed therein with all dispatch and render to me your report on or before 30th June, 2012.

Dated this 10th day of February, 2012.

P. O'NEILL,
Prime Minister.