



PAPUA NEW GUINEA

Post-Courier

Since 1969 No. 9592

Monday, January 8, 2007

Airfreight K1.50, Port Moresby edition K1.00

PAGE 3

Eight missing off Madang



PAGE 7

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BUSINESS

Progress at Ramu mine

INSIDE TODAY

Media banned

Top shots succeed in keeping public out

By ALEX RHEENEY

THE Defence Force board of inquiry on Friday threw out jurisdiction questions over its powers to summon Chief Secretary Joshua Kalinoe and top government security advisor Joseph Assaigo.

But the inquiry closed its proceedings to the public after the two bureaucrats' lawyers used the same laws the board used to successfully argue that all hearings into how a PNGDF Casa aircraft was used to secretly fly out Julian Moti should be held in private.

It was a tense hearing when the ruling was handed down with both Mr Kalinoe and Mr Assaigo there. The Chief Secretary later confronted a Post-Courier photographer outside the inquiry-room when he tried to take photographs of the top public servant.

"I demand you bring back those pictures immediately," Mr Kalinoe told our photographer when he and two government security officers walked up to the cameraman.

Handing down the board's decision on an application filed on Thursday by Mr Kalinoe and Mr Assaigo's counsel Davis Stevens, chairman Justice Gibbs Salika said the Defence Minister was already empowered by section 51 of the

snapshot MOTI INQUIRY

- **INTIMIDATION:** Kalinoe's ministers descend on photographer and demand camera.
- **IN CAMERA:** Kalinoe, Assaigo succeed in keeping the media and public out of inquiry.
- **MINISTER:** Defence Minister Martin Aini defends inquiry, explains Cabinet was not satisfied with findings of original defence force inquiry.

Defence Act to convene an inquiry and the application questioning the composition of the board was irrelevant.

"In relation to section 6 subsection 2 (of the Defence Boards of Inquiry Regulation 1978) and we rely on that: a board of inquiry shall be constituted by one person who shall be the chairman or three persons, one of whom shall be appointed as chairman by the convening authority. That provision gives effect to section 51 subsection 1 of the Defence Act because as we say already - section 51 already empowers the Minister to convene



KEY WITNESSES: National Security chief Joseph Assaigo, left, and the Government's Chief Secretary Joshua Kalinoe outside the inquiry at Granville Motel last week.

a board of inquiry and boards of inquiry under the regulations are under division 3," the judge said.

On the question of jurisdiction, Justice Salika said issues such as where Mr Assaigo got his orders from to approach the PNGDF top brass to fly out Moti impinged on section 51 of the Defence Act and affected the command and control structure of the Defence Force

"Where was Mr Assaigo getting his orders or directions from if

they were from the top? Was it from the National Executive Council which is vested with the superintendence and control of the PNGDF under the constitution? Ms Kiap (NEC Secretary) gave evidence the other day and said the NEC had nothing to do with the decision to fly Mr Moti to Solomon Islands. If the NEC was not involved then who was giving directions and orders to Mr Assaigo?" the judge asked. Mr Stevens after the ruling submitted

that since the board had adopted division 3, that provision should be fully invoked and all hearings should be held in private.

Justice Salika after a brief adjournment upheld the application and told the public they would have to be excused until such time as the Defence Minister signed instruments to re-open the inquiry.

MORE REPORTS, PAGE 5, EDITORIAL, PAGE 10

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