

BETWEEN:

JULIAN RONALD MOTI
(Appellant)

and

THE QUEEN
(Respondent)

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RESPONDENT'S CHRONOLOGY

Part 1: Certification

1. This chronology is in a form suitable for publication on the Internet

Part 2: Relevant Events

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2. The following table sets out principal events leading to the litigation:

Date	Event	Appeal Book Reference
8 May 1997	Alleged sexual relationship commences between complainant and Moti in Vanuatu, and complaint moves into his residence about this time. Complainant aged 13 years.	Vol. 2, p. 816, line 38 (Ex. 82)
15 July 1997	Doctor in Port Vila confirms complainant's pregnancy.	Vol.2, p752, para's 34-36. (Ex. 82). Vol. 4, p.1443.
21 July – 25 July 1997	Complainant and her mother travel to Noumea for termination of pregnancy. Travel paid for by Moti.	Vol. 2, p. 817, line 40 (Ex. 82)

Filed by the Respondent

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10 October 1997	Complainant travelled to Noumea with Moti. Two offences alleged to have been committed in Noumea.	Vol. 2, p.753, para.44. (Ex. 82)
25 October 1997	Alleged sexual relationship between complainant and Moti ends.	Vol. 2, p.754, para.50 (Ex.82)
15 December 1997	Complainant makes a statement of complaint against Moti.	Vol. 2, pp. 804- 818 (Ex. 82)
31 December 1997	Complainant provides further statement to Vanuatu authorities (handwritten and typed).	Vol. 2, page 819 (Ex. 82)
9 January 1998	Complainant provides further statement to Vanuatu authorities (handwritten and typed).	Vol. 2, p. 823, (Ex. 82)
5 February 1998	Complainant withdraws complaint against Moti.	Vol. 2, p. 827 (Ex. 82)
18 February 1998	Complainant revokes withdrawal of complaint stating that the withdrawal as made not of her own free will (handwritten and typed).	Vol. 2, p. 828 (Ex. 82)
23 March 1998	Complainant makes further statement of complaint against Moti to Vanuatu authorities.	Vol. 2, p832 (Ex. 82)
24 March 1998	Complainants mother and father provide statements to Vanuatu authorities	Vol.2, p. 653, lines 30 and 45.
17 April 1998	Moti committed to the Supreme Court of Vanuatu for trial on sexual offences (involving same complainant)	
23 April 1999	Vanuatu Court of Appeal quashes decision to commit Moti for trial and remitted matters to Senior Magistrate to be considered by a new Magistrate.	
23 August 1999	Magistrate Kalotiti finds no prima facie case against Moti and discharges him.	
14 October 2004	High Commissioner Patrick Cole sends a cable to Canberra raising concerns about the prospect of Moti being appointed Solomon Island's Attorney-General.	Vol. 3, p. 1135-1138
November 2004	AFP receives referral relating to prosecution proceedings for alleged offences in Vanuatu in 1998.	Vol. 2, p.636, para. 2

18 November 2004	Paul Spooner (AFP SLO Honiara) sends Overseas Liaison Communication recording concerns of High Commissioner Cole regarding Moti's outstanding alleged sexual offences. AFP to request legal advice from AFP Legal as to whether there is sufficient evidence to proceed against Moti for child sex tourism offences.	Vol. 3, p.1139-1140.
19 November 2004	Paul Spooner (AFP SLO Honiara) writes case note entry (situation report) for the AFP recording the same information as above.	Vol. 3, p.1143.
23 November 2004	Paul Spooner (AFP SLO Honiara) is advised of the issues that the AFP needs to consider in response to his Overseas Liaison Communication dated 18 November 2004.	Vol. 3, p.1144-1146.
10 December 2004	AFP believes a cable is sent to Head of Mission at Honiara advising that any assessment of Moti's previous alleged sexual offences with foreign minors was confidential and any potential investigation would be subject to Mutual Assistance Request with Vanuatu and such allegation could not be used to influence any political appointments.	Vol.3, p. 1151, lines 25-30.
11 January 2005	The first entry in relation to the matter is recorded in the AFP's PROMIS database.	Vol. 2, p. 636, para.1
14 January 2005	Investigation referred to AFP head office to assess whether there is sufficient evidence to commence prosecution action with possible consultation with CDPP to enable the AFP to form an impartial assessment and not one influenced by political speculation.	Vol.3, pp. - 1151-1152 (Ex.43)
16 March 2005	AFP Brisbane accepts the matter for investigation.	Vol. 2, page 636, para.3. and p. 644
17 March 2005	AFP refers to Commonwealth Director of Public Prosecutions (CDPP) for legal opinion on double jeopardy.	Vol. 2, p. 636, para.4
30 March 2005	CDPP advises the AFP that 'autrefois acquit' is not open and investigation continues.	Vol. 2, p. 636, para.4
11 July 2005	Mutual Assistance Request forwarded by the AFP (via CDPP) to the Attorney-General's Department (Australia).	Vol. 2, p.637, para 7.
9 February 2006	Mutual Assistance Request approved by Attorney-General's Department (Australia) and forwarded to Vanuatu.	Vol. 2, p.637, para.7, and p.646.

19 April 2006	Mutual Assistance Request forwarded to Vanuatu Attorney-General's Department (Australia).	Vol. 2, p.637, para.7
12 May 2006	AFP Minute drafting confirming the necessity to collect evidence from Vanuatu and confirming intention to seek an assessment by the CDPP as to whether there are reasonable prospects of securing a conviction.	Vol. 3, pp1165- 1167.
7 June 2006	Attorney-General (Vanuatu) approves Mutual Assistance Request sent by Attorney-General's Department (Australia) and invite the AFP to assist.	Vol. 2, p.646
11 June 2006	AFP members travel to Vanuatu to facilitate the obtaining of evidence under the Mutual Assistance Request.	Vol. 2, p.637, para. 10.
15 June 2006	AFP summarises communications with the complainant regarding her views on investigation.	Vol.2, p. 695 (Ex. 58)
16 June 2006	Complainant provides first statement to AFP under Mutual Assistance Request for the purposes of the Foreign Evidence Act.	Vol. 2, pp796-803 (Ex. 81)
28 June 2006	Brief of evidence forwarded by AFP to CDPP for consideration as to whether it disclosed sufficient evidence to commence a prosecution.	Vol. 2, p.637, para.11, and Vol.3 p. 1168.
6 July 2006	Search warrant executed on American Express with respect to an account held by Moti. Proof obtained that Moti paid for complainants travel to Noumea for abortion.	Vol. 2, p.637, para. 16.
31 July 2006	Mutual Assistance Request forwarded to France by Attorney-General's Department (Australia) to enable the assistance of gathering evidence in Noumea.	Vol. 2, p.637, para.12.
9 August 2006	CDPP advises AFP that there are reasonable prospects of securing a conviction.	Vol. 2, p.638, para. 14 and p. 656.
11 August 2006	First instance warrant sworn for the arrest of Moti.	Vol. 2, p.638, para. 15.
21 September 2006	Moti was appointed Attorney-General of the Solomon Islands.	
22 September 2006	The AFP advises the CDPP of the complainant's undertaking to proceed in the prosecution.	Vol. 2, p. 698 (Ex. 84)
29 September 2006	First instance warrant (amended) sworn for the arrest of Moti.	Vol. 2, p.638, para. 20.
October 2006	Moti's appointment as Attorney-General was suspended.	

1 October 2006	Request made by the Attorney-General's Department (Australia) issued to the government of the Solomon Islands for the extradition of Moti.	Vol. 2, p.638, para. 22 and p. 701 (Ex. 80)
2 October 2006	Cable sent confirming passing of provisional arrest materials.	Vol. 2, p 708
6 October 2006	AFP advised that Mutual Assistance Request sent by Attorney-General's Department (Australia) to Noumea was approved.	Vol. 2, p.639, para. 23, and p. 664.
11 October 2006	Acting Head of Mission, Honiara, requested to call on Prime Minister Sogavare to seek return of Moti. Request contains talking points.	Vol. 2, p713 (Ex 36)
11 October 2006	AFP Commissioner Keelty makes public comments regarding return of Moti.	Vol. 2, p.717
20 October 2006	AFP considers whether the complainant should consider witness protection and prospects of her remaining in Australia.	Vol.3, pp.1239-1241.
22 October 2006	Complainant asks AFP if she may stay in Australia as she feels unsafe in Vanuatu.	Vol. 2, p739 (Ex. 62)
27 October 2006	Complainant's brother swears affidavits in Brisbane for the purposes of an extradition request.	Vol.4, pp.1449-1451 (Ex. 81)
3 November 2006	Complainant swears affidavit in Brisbane for the purposes of an extradition request, and statement signed in accordance with the Justices Act 1886 (Qld).	Vol. 2, pp.747-759, and pp. 760- 795 (Ex. 81).
3 November 2006	Complainant's parents swear affidavits in Brisbane for the purposes of an extradition request.	Vol.4, pp. 1431-1442 (Ex. 81).
14 November 2006	AFP members travel to Noumea to facilitate the obtaining of evidence under the Mutual Assistance Request.	Vol. 2, p.640, para. 26.
4 December 2006	Attorney-General's Department (Australia) makes an extradition request to the government of the Solomon Islands.	Vol. 4, p.1391 (Ex. 81)
13 January 2007	AFP minute sent to AFP Executive seeking request to attend on complainant. History of complainant's request for financial protection, AFP offer to reimburse complainant for phone calls (declined) and request that her family to be relocated to Australia. Advised this is unacceptable.	Vol. 2, p. 866 (Ex. 71)

1 February 2007	Meeting between AFP, CDPP and complainant regarding ongoing willingness to participate in prosecution.	Vol. 2, p. 870 (Ex 60), and Vol. 3, p.1247.
9 February 2007	Complainant advises she intends to continue with prosecution.	Vol. 2, p. 873 (Ex. 63)
10 July 2007	Moti re-appointed Attorney-General of the Solomon Islands.	
5 September 2007	The Solomon Islands refuse Australia's extradition request of 4 December 2006.	Vol. 2, p.640, para. 28, and Vol. 3, pp.1188-1191
30 November 2007	Attorney-General's Department (Australia) provides instructions to the post in Honiara to refrain from discussing Moti's removal from the Solomon Islands.	Vol. 2, p890 (Ex. 38)
12 December 2007	The Australia mission is notified of the Opposition's intention (Solomon Islands) to deport Moti. Post instructed to maintain practice of not engaging on the issue.	Vol. 3, pp. 893-894.
14 December 2007	Cable sent from the Australian mission in Honiara to Canberra notes that the Solomon Islands opposition has advised they remain keen to deport Moti to Australia.	Vol. 4, p.1322
17 December 2007	Acting High Commissioner Peter Hooton sends cable noting that Sikua-led Government seems likely to deport Moti as soon as they can. He says "... a determined government could still have Moti on a plane pretty quickly. I know this is not our preferred option but I would still hope we can avoid making a fuss. We all want him gone after all and it would be shame to risk an early misunderstanding with the new government."	Vol.4, p.1326
20 December 2007	New government is elected in Parliamentary vote (Solomon Islands).	
21 December 2007	First instance warrant issued in Brisbane for the arrest of Moti.	Vol. 2, p.640, para. 30.
21 December 2007	The Australian High Commissioner records a conversation with a Solomon Island official where he affirmed that deportation was entirely the Solomon Islands' decision and that Australia would be lodging an extradition request as soon as the new Minister for Justice was sworn in.	Vol. 3, p. 908 (Ex. 41)
21 December 2007	Request for provisional arrest of Moti sent by the Attorney-General's department to the government of the Solomon Islands.	Vol. 2, pp. 561.

21 December 2007	Attorney-General's Department (Australia) sends an extradition request to the government of the Solomon Islands.	Vol.3, pp. 1205- 1206
22 December 2007	Ex parte application brought by Moti in the High Court of the Solomon Island seeking to restrain the Attorney-General (Solomon Islands) from threatening, continuing or proceeding with the deportation/expulsion or removal of Moti from the Solomon Islands is refused by Palmer CJ.	Vol. 3, pp. 1206-1210.
24 December 2007	Moti's employment as Attorney-General of the Solomon Islands is revoked by the Judicial and Legal Services Commission.	Vol. 3, p.1054.
24 December 2007	Deportation Order gazetted in the Solomon Islands Gazette.	Vol. 2, p. 500, and Vol.3, p.1051.
24 December 2007	The new Prime Minister Mr Sikua confirms in Parliament that the Government will send Mr Moti back to Australia and that the deportation will be conducted according to law.	Vol. 2, p.525.
24 December 2007	Court of Appeal of Solomon Islands (Palmer CJ) dismisses an appeal from his earlier decision.	Vol. 2, p. 493
24 December 2007 10.00 am	FA Bond (AFP senior liaison officer) and Heidi Bootle (Acting Head of Mission) were invited to meet with the Solomon Islands Permanent Secretary of Immigration (Wickham) and the Permanent Secretary of Immigration (Ramabatu) and gave him copies of the extradition request. At this time Wickham advised Ms Bootle that the Solomon Islands had decided to deport Moti. FA Bond was asked by Wickham to accompany Moti as an escort. Wickham advises Ms. Bootle and FA Bond that Moti has already had his appeal in the High Court.	Vol. 2, p. 599-600, para.12 (Bootle) Vol. 2, p. 683, para. 9 (Bond), Vol.3, p 913 (Ex. 11), and pp.1218.
24 December 2007 12.05 pm	Email conversation between FA Bond and FA Taggart (Pacific Desk, AFP): "Jared, I think it's too early to celebrate just yet. The act clearly sets out that the deportee has seven days to appeal the Order. The view of the PS in the sitrep that he had his appeal on Saturday is not correct as it was not an appeal against a deportation order as such."	Vol. 3, pp.915-916 (Ex. 29)
24 December 2007 12.48 pm	Ms Bootle sends a cable to Canberra summarising her conversation with the Permanent Secretary of Immigration (Wickham) at 10:00am. It is prepared with the assistance of FA Bond.	Vol. 2, p. 621.
24 December 2007 1.00pm	AFP receives advice from Attorney-General's Department (Australia) that FA Bond should not accompany Moti on the plane "because of <i>Levinge</i> ".	Vol. 3, p1015 (Ex. 7)

24 December 2007	Officer Sam Kalita attends the High Commission to arrange his travel visa to Australia to accompany Mr Moti on his deportation.	Vol.1, p.47, lines 45
24 December 2007	Australian High Commission receives two applications for Business (short stay) visas for the two Solomon Islands escorting officials.	Vol. 3, pp. 1225-1237.
24 December 2007 5:26pm	CDPP email (David Adsett) forwarded to AFP confirming authorisation for expenses in association with remaining in contact with AFP case officer and advising of touchstones of payments. Complainant advised of same.	Vol. 3, p.921 (Ex.73), and pp.1221-1222.
24 December 2007 6:00pm	FA Bond was advised not to escort Moti to Australia.	Vol. 2, p.684, para.11.
24 December 2007 6:07pm	Solomon Islands Permanent Secretary of Immigration (Wickham) contacts Ms. Bootle and provides an update on the status of the deportation. Ms Bootle prepared a cable summarising that conversation and notes the Attorney-General Department's advice that FA Bond will not travel with Moti.	Vol. 2, p. 601 and p.624.
24 December 2007	Complainant advises AFP she wanted financial protection for her family. And 11 family members to come to Australia.	Vol. 3. p.960
24 December 2007	AFP receives advice from the CDPP regarding authorising to pay the complainant only expenses associated with being a witness.	Vol. 3, p. 1249
25 December 2007	Magistrate Lelapitu makes an Order against the Director of Immigration and the Commissioner of Police staying the executing of the order of deportation against Moti.	Vol. 2, pp. 551- 552
25 December 2007 8:44pm	Deputy Commissioner of the Royal Solomon Islands Police Force (Marshall) was invited to a meeting with Solomon Islands officials and the then legal advisor to the government (Suri). During the meeting he is advised by Suri that the deportation order against Moti had been signed and was valid in law and valid to be executed. Marshall hears FA Bond state that he was there to observe and the deportation was a matter for the Solomon Islands.	Vol. 2, p. 676, para. 4 (Marshall) Vol. 2, p. 684, para.12 (Bond), and p.692.
26 December 2007	Deputy Commissioner Marshall was advised that Commissioner Khan (Commissioner of the Royal Solomon Islands Police Force) believed the stay order was flawed.	Vol. 2, p.677, para. 5

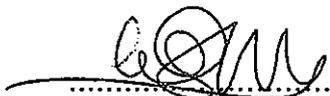
26 December 2007	Solomon Islands official (Steve Obama) requests FA Bond to arrange for Australia to pay for aircraft to fly Moti out of the Solomon Islands. FA Bond refuses and advises there will be no Australian involvement.	Vol. 2, p.685, para. 14 and p. 693, line 40.
26 December 2007	Complainant sends a text message to AFP case officer stating that she will only continue if her family are under protection in Australia until the end of the prosecution.	Vol. 3, p 955
27 December 2007	Document of identity for Moti issued in accordance with an instruction sent on 24 December by the Attorney-General's Department.	Vol. 2, p. 602, para.17. Vol. 3, p.923 (instruction) (Ex. 6), and Vol.4 p. 1328.
27 December 2007	FA Bond attends a briefing where Wickham advises that the deportation order had been gazetted, that the interim order made by the magistrate in Honiara was invalid, and that Moti could appeal from Brisbane. FA Bond conveyed this information to Ms Bootle.	Vol. 2, p. 685, para. 15.
27 December 2007	Ms Ruele of the Solomon Islands Ministry of Commerce Employment of Trade-Immigration Division, is requested to make travel arrangements for Moti and Solomon Islands escorts.	Vol.3, p1044, (Ex51) and p.1050.
27 December 2007 10:26am	Cable sent from High Commission to Canberra summarising events (Cable HO4657H).	Vol. 2, p. 626.
27 December 2007 mid-morning	FA Bond advises Deputy Commissioner Marshall that he had attended a meeting that morning where Suri had confirmed the validity of serving the deportation was legal.	Vol. 2, p. 677-678, para. 7
27 December 2009 12.55 pm	Ms Bootle sends a cable to Canberra, prepared with the assistance of FA Bond. The cable: <ul style="list-style-type: none"> • Notes that the interim order that Moti obtained staying the execution of the deportation order; • Restates her view that the Moti had 7 days to appeal against a deportation order; • Records that they had issued a document of identity for the Moti to travel, which would be passed on to the Director of Immigration by FA Bond 	Vol.2, p. 628
27 December 2007 shortly after 1.30 pm	Selwyn Akao (Solomon Islands Immigration officer) stated that he saw FA Bond on the road to the Moti's house and that he heard FA Bond say, when FA Bond is informed immigration were on their way up to the Moti's house, "do it quickly because the plane will be waiting". FA Bond's evidence before Mullins J is that this did not happen.	Vol. 1, p.s34-35 (Akao) Vol. 2, page. 688, para 24 (Bond)

27 December 2007	Wilson Rano states that he saw FA Bond hand travel documents, including a document of identity for Mr Moti, to Deputy Commissioner Marshall at the airport.	Vol. 1, p.17, line 30.
	Marshall and FA Bond say in evidence before Mullins J that this did not happen.	Vol. 2, p.679, para 11 (Marshall) Vol. 2, p.687, para.19 (Bond)
27 December 2007	Moti deported from the Solomon Islands, escorted by a Solomon Islands officials and not accompanied by any Australian official	Vol. 2, p.641, para.36.
At 7:55pm	Moti arrested by the AFP on first instance warrant upon arrival in Brisbane.	
28 December 2007 4:47PM	Solomon Islands Permanent Secretary of Immigration (Wickham) provided a summary of events associated with Moti's deportation. A cable was sent by Ms Bootle recording same and advising of post's understanding of the Attorney-General's (Solomon Islands) views on the Magistrate's order.	Vol. 2, pp. 631-633
28 December 2007	The complainant tells Inspector Bani (Vanuatu Police), that if the requests were not met she would complain to the French Government.	Vol. 2, p. 867, line 10.
3 January 2008	Leave is granted to the Director of Immigration to apply for an order of certiorari to quash the interim order of Magistrate Lelapitu on 25 December and 28 December 2007.	Vol. 2, p.513
3 January 2007	The complainant's father tells AFP Technical Advisor in Vanuatu (Brendan Lindsay) that his daughter may reconsider her commitment to the prosecution and he demanded immediate financial assistance for the family.	Vol. 3, pp. 960-961 (Ex. 69)
4 January 2008	AFP Manager provides advice to case officers attending on witnesses regarding CDPD disclosure policy and explaining that financial protection and expense support are separate issues.	Vol. 3, pp. 961-962 (Ex. 69)
8 January 2008	Federal Agents went to Santo (Vanuatu) and discussed family situation, witness payments, and ongoing participation in prosecution.	Vol.3, pp.1250-1253.
		Vol.4, pp. 1365-1366, 1388- 1389.
18 January 2008	Complainant travels to Australia for medical attention and subsistence arrangements are made thereafter.	Vol.3, pp. 1274-1275.

29 January 2008	Moti is declared an undesirable immigrant and is prohibited from entering the Solomon Islands.	Vol. 3, p966 (Ex. 79)
30 January 2008	AFP receives legal opinion on witness support payments	Vol. 4, p1297, line 10.
February 2008	AFP Ministerial Brief prepared regarding the rationale and strategies in witness payments.	Vol. 3, pp968-969 (Ex. 88)
1 February 2008	Approval sought and granted to proceed with witness support strategy subsequent to advice provided.	Vol. 3, p.971 Vol.3, p.975-976, and p.1262.
22 February 2008	Witness arrangements entered between the AFP and complainant's parents and brother, and the complainant.	Vol. 4, pp1459-1470 Vol. 3, pp. 1269- 1271 (complainant)
14 February 2008	The High Court of the Solomon Islands grants leave to Moti to commence proceedings for certiorari seeking to quash the deportation order (Moti v Attorney-General, case no. 1 of 2008). These proceedings are never proceeded with.	Vol. 3, pp.978-979. (Ex. 26)
31 July 2008	AFP made aware of change in witnesses' living circumstances and requirement to advise witnesses to substantiate expenses. Notes review of complainant's mother's payments.	Vol. 3, pp.991-993 (Ex.64)
1 August 2008	AFP contacted by complainant's father in response to witness support letters and AFP's intention to alter/cease payments for rent until receipts sighted. Update of family circumstances provided.	Vol. 3, pp. 995-996. (Ex.65)
23 September 2008	Moti committed to trial in the Supreme Court at Brisbane.	
23 September 2008	Amendment of witness support payments for period they were in Australia.	Vol. 3, p. 1007 (Ex.54)
3 November 2008	Request made by complainant's brother for payment of funds. Told not to expect a favourable outcome.	Vol. 3, pp. 1009-1010 (Ex.67)
10 December 2008	Complainant's mother sends an email to Paul Spooner (AFP SLO in Vanuatu) regarding her support payments and living circumstances.	Vol. 3, p1012 (Ex. 55)
15 January 2009	Review of witness support payments undertaken.	Vol. 3, pp.1286-1288, and Vol. 4, pp.1373- 1375.

26 March 2009	AFP officers meet with complainant to discuss her comments regarding withdrawing from the prosecution. She expresses concern for her health and the welfare of her children.	Vol. 3, p1017 (Ex. 61), and Vol.3, p. 1290.
13 March 2009	Review undertaken as to witness payments and a letter is sent to complainant's mother following that review	Vol.3, p. 1292-1293.
26 March 2009	Reviewed witness arrangements package delivered to complainant's mother. Family circumstances and support arrangements discussed.	Vol.4, pp1471-1472 (letter) Vol. 4, p1361-1362.
21 May 2009	Review of witness payments undertaken.	Vol.3, p. 1294-1300
3 June 2009	Complainant contacts the AFP regarding her circumstances.	Vol. 3, p1019-1020 (Ex 56)
16 June 2009	Review of AFP Witness Allowance payments made to complainant undertaken.	Vol.4, pp.1376-1378.
29 June 2009	High Court of the Solomon Islands delivers decision in Moti v Attorney-General (civil case 1 of 2008) and determines that there are no proceedings on foot, the applicant not having filed a motion following the grant of leave on 3 January 2008.	Vol. 3, p 977 (Ex. 26) - Order. Vol.3, pp. 1022-1029 (Ex. 27) - Decision.
July 2009	AFP prepares a Ministerial Brief regarding the AFP's witness payments and rationale.	Vol.3, p 1306-1307, para's 14 and 16.

Dated: 6 June 2011



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