

BETWEEN:

JULIAN MOTI (Appellant)

and

THE QUEEN (Appellant)

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APPELLANT'S CHRONOLOGY

Part I: Certification

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

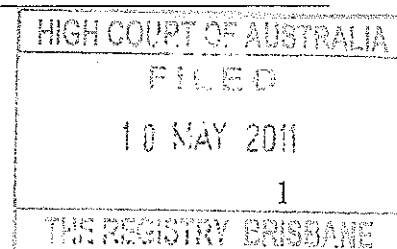
Part II: Relevant events

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

Part 1: Background and events relating to the appellant's deportation

20	Date	Event	Appeal Book Reference
	1 May 1997 – 12 October 1997	Alleged offences in Vanuatu and New Caledonia.	
	17 April 1998	Moti committed to stand trial by Senior Magistrate in Vanuatu on 7 counts.	
30	23 April 1999	Vanuatu Court of Appeal quashes decision to commit Moti for trial	
	23 August 1999	Moti discharged at committal in Vanuatu on 3 counts.	

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Date	Event	Appeal Book Reference
Early 2001	The first entry in relation to the matter is recorded in the AFP's PROMIS database	
12 October 2002	Prosecution for alleged offences became statute-barred in Vanuatu	
10	14 October 2004 – 9 October 2006	Various communications between Australian High Commission in Honiara, Attorney General's Department and AFP concerning Australian disquiet at the prospect of Moti becoming Attorney General, and ways to prevent it happening, including reviving the allegations he faced in Vanuatu in 1997.
20	18 November 2004	Paul Spooner (AFP Senior Liaison Officer for Honiara) writes to AFP legal regarding the Moti matter, requesting an assessment of whether charges can be laid and stating that Cole has concerns about the matter mainly because Moti is a possible nomination for the role of Attorney General.
	March 2005	AFP Brisbane accepts the matter for Investigation
30	June 2006	Mutual Assistance Request approved by Attorney-General's Department and forwarded to Vanuatu. The AFP obtain statements from the Complainant, the Complainant's mother, father and brother in Vanuatu.
	28 June 2006	Brief of evidence referred by AFP to CDPP.
	9 August 2006	CDPP advised the AFP there was sufficient evidence to commence a prosecution
40	19 September 2006	Moti is appointed Attorney-General of Solomon Islands.
	29 September 2006	Moti is arrested in Papua New Guinea at the behest of the Australian Government.
	2 October 2006	Moti granted asylum by Solomon Islands Government.

Date	Event	Appeal Book Reference
4 October 2006	Moti's appointment as Attorney-General is suspended	
11 October 2006	AFP Commissioner Keelty publicly calls on the Solomon Islands Government for Moti to be deported to Australia.	
4 December 2006	Australian Government requests extradition	
10 10 July 2007	Moti's suspension as Attorney-General of Solomon Islands is revoked.	
4 September 2007	Solomon Islands refuses Australia's extradition request of December 2006, citing sections 6(1) and 10(3) of the Extradition Act [Cap 59] (SI).	
12 December 2007	FA Bond is informed that the new Government would prefer to deport rather than extradite Moti to avoid him tying up the legal system in appeals.	
20	14 December 2007	Cable from Honiara to Canberra notes that the Solomon Islands opposition has advised they remain keen to deport Moti to Australia.
30	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 "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."
20 December 2007	New Prime Minister is elected in Parliamentary vote in Solomon Islands.	
21 December 2007	Canberra sends extradition request to Solomon Islands Government.	
40	22 December 2007	Application by Moti for an order restraining the government from threatened deportation (on constitutional grounds as an asylee) refused by Palmer CJ. The judgment notes Moti's statutory rights to respond to any decision to extradite or deport him.

Date	Event	Appeal Book Reference
24 December 2007	Moti appeals to the Court of Appeal. Palmer CJ refuses interim relief pending the determination of the appeal.	
24 December 2007 10.00am	New Prime Minister Mr Sikua advises Parliament that the new Government intends to send Moti back to Australia to 'clear his name' and will 'comply with all laws and processes' in doing so.	
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24 December 2007 10.00 am	FA Bond and Heidi Bootle meet with the Permanent Secretary of Immigration (Mr Wickham), and the Permanent Secretary of Justice (Mr Remabatu) and the Minister for Immigration Mr Billy Hilly. Mr Wickham states his view that Moti has already had his appeal. FA Bond offers to accompany Moti on the plane.	
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24 December 2007 12.05 pm	FA Bond writes to FA Taggart: "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..."	
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24 December 2007 12.48 pm	<p>Heidi Bootle sends a cable to Canberra, prepared with the assistance of FA Bond:</p> <ul style="list-style-type: none"> • Recording the plan for the appellant to be deported, accompanied on the plane by FA Bond, then arrested in Brisbane; • Noting that, contrary to the advice of the Permanent Secretary of Immigration, Mr Wickham, there remained a statutory right to challenge a deportation within 7 days; • Attaching a copy of the Deportation Act; and • Attaching a copy of Palmer CJ's decision. 	
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24 December 2007 1.00 pm	AFP receives advice from Attorney-General's Department that FA Bond should not accompany Moti on the plane 'because of <i>Levinge</i> '.	

Date	Event	Appeal Book Reference
24 December 2007	Police officer Sam Kalita and immigration officer Billie Gupuro meet FA Bond at the High Commission to arrange travel visas to Australia to accompany Mr Moti on his deportation.	
24 December 2007	Moti's appointment as Attorney-General is revoked. An application for a stay is refused. The Deportation Order is gazetted.	
10 25 December 2007	Magistrate Lelapitu makes an interim order under the Magistrates Court Act s19(1)(d) restraining the Director of Immigration and Commissioner of Police from arresting Moti or executing an order for his deportation.	
25 December 2007 8:27pm	Having been invited, FA Bond attends a meeting with Gabriel Suri, Francis Billy Hilly; Jeffrey Wickham and Peter Marshall.	
20	The interim order granted by the Magistrate is discussed. Bond takes a note "trying to avoid going to Court."	
27 December 2007	Solomon Islands Government applied to revoke the interim order of the Magistrates' Court. The decision is reserved until 28 December 2007, and the order was extended 28 January 2008.	
30 27 December 2007 morning	FA Bond attends a meeting with Mr Wickham and Mr Suri. Solomon Islands police and immigration officers are told at that meeting to ignore any Court orders that Moti had, and that he could 'appeal from Brisbane.'	
27 December 2007 mid-morning	FA Bond passes on to Peter Marshall (Deputy Commissioner of Police), legal advice to the effect that the proposed arrest and deportation was legal.	

Date	Event	Appeal Book Reference
27 December 2007 12 55pm	<p>Heidi Bootle sends a cable to Canberra, prepared with the assistance of FA Bond:</p> <ul style="list-style-type: none"> • noting the interim order the appellant obtained staying the execution of the deportation order; • restating the view that the appellant had 7 days to appeal against a deportation order; and • recording that they had issued a document of identity for the appellant to travel, which would be passed on to the Director of Immigration by FA Bond. 	10
27 December 2007 shortly after 1 30 pm	<p>FA Bond sees immigration officer Selwyn Akao on the road to the appellant's house. When Mr Bond is informed immigration were on their way up to the appellant's house FA Bond said "do it quickly because the plane will be waiting".</p>	
27 December 2007	<p>The deportation order is served on Moti. He is immediately arrested, and taken to an aeroplane bound for Brisbane, despite the Magistrates' interim order and his right to review under section 5(3) of the Deportation Act [Cap 58] (SI)</p>	20
27 December 2007	<p>FA Bond hands travel documents, including a document of identity for Mr Moti, to Deputy Commissioner Marshall at the airport.</p>	
30 27 December 2007	<p>Moti is arrested on arrival at Brisbane airport by AFP officers Dixon and MacDonald. He is taken to a Brisbane police station and charged.</p>	

Part 2: Matters relevant to the payments to prosecution witnesses

40	January 2007	<p>The complainant's father says that his daughter may reconsider her commitment to the prosecution and he demanded immediate financial assistance for the family.</p>
	1 February 2007	<p>Complainant advises she does not want to continue with the matter but agreed to consider it further.</p>

Date	Event	Appeal Book Reference
3 December 2007	Complainant again threatens to withdraw.	
24 December 2007	The AFP receives advice from the CDDP authorising them to pay the complainant only expenses associated with being a witness.	
24 December 2007	The complainant threatens to withdraw, and demand that 11 members of her family be brought to Australia. The complainant also demands 'financial protection' for her family, in the sum of 2 million Vatu (\$AUD25,000).	10
26 December 2007	Complainant threatens to withdraw by SMS.	
28 December 2007	The complainant tells Inspector Bani, that if the requests were not met she would complain to the French Government.	
3 January 2008	The complainant told the AFP that unless the family was brought to Australia she would not participate further and would go to the ABC with her story that the government had used her and dumped her.	20
8 January 2008	Federal Agents went to Santo, where the father stated that he wanted everyone sent to the south of France and if this was not agreed the complainant would withdraw from the prosecution.	30
January 2008	Complainant sends a text message to FA MacDonald threatening to announce, if her conditions aren't met, that she has been used as a tool by the Australian Government.	
26 March 2009	A further threat to withdraw from the prosecution is made by the complainant.	

Date	Event	Appeal Book Reference
February 2008 – November 2009	AFP paid family AUD \$81,639 (approximately 6,694,398 Vatu) for expenses for whole of the Complainant's family including food, the rent of a house in Vanuatu, electricity, gas, water, transport, phone, clothing, school fees for Complainant's brother's 3 children, medical expenses, expenses for complainant and 2 children, all being expenses far beyond mere sustenance, to secure their evidence against Moti.	

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Dated this 10th day of May 2011.



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Mr Robert Herd, Solicitor per
Ian Barker QC and PJ Doyle
Counsel for the Appellant