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Land Titles Commission Act 1962

APPOINTMENT OF COMMISSIONER OF LAND TITLES COMMISSION

I, Bill Skate, Acting Governor-General, by virtue of the powers conferred by Section 6 of the *Land Titles Commission Act 1962* and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby appoint Peter Toliken to be Commissioner of the Land Titles Commission to deal with the Kainantu Gold Project Areas land dispute for a period commencing on and from the date of publication of this instrument in the *National Gazette*.

Dated this 3rd day of December, 2003.

BILL SKATE,
Acting Governor-General.

Land Disputes Settlement Act (Chapter 45)

DECLARATION AND ORDER UNDER SECTION 4

I, Bill Skate, Acting Governor-General, by virtue of the powers conferred by Section 4(1) of the *Land Disputes Settlement Act (Chapter 45)* ("the Act") and all other powers me enabling, in respect that:—

- (a) there exists a number of land disputes in respect of certain lands, particularly the Kumian Flats (Plains) which borders Marawasa, Watarais, Muswam, Bilimoia, Asupuya and Unantu Villages and the Bilimoia Mining Lease area in the vicinity of the Kainantu Project area described in the Schedules ("the Land Dispute"); and
- (b) legal proceedings and mediations have been instituted under the Act in respect of the Land Disputes without any satisfactory expeditious resolutions of the disputes,

and, acting on the advice of the National Executive Council, being of the opinion that require the Land Dispute to be settled by means other than those provided in the Act in that it is in the national interest that the dispute be settled by some other means, acting on the advice of the National Executive Council, hereby declare that the Act does not apply to the Land Dispute; and

By virtue of the powers conferred on me by Section 4(3) of the Act and all other powers me enabling, and acting on the advice of the National Executive Council, hereby order that the following provisions will apply to the settlement of the disputes:—

Declaration and Order under Section 4—continued

- (a) that the Land Titles Commission created under the *Land Titles Commission Act 1962* ("the *Land Titles Act*") appoint Zacchary Gelu or any other suitably qualified persons as the Special Commissioner to determine the ownership of the land, the subject of the Land Disputes; and
- (b) the Commissioner shall have exclusive jurisdiction to make such a determination and, subject to Paragraph (c) (iv), his decision shall be final and binding; and
- (c) that the Commissioner shall for the purposes of making his determination:—
- (i) give notice to the persons affected or likely to be affected by his determination; and
 - (ii) exercise the powers and authority conferred on the Land Titles Commission by Sections 26 and 31 inclusive of the *Land Titles Act*; and
 - (iii) make such inquiries as he/she deems necessary or appropriate to satisfy himself/herself as to the true owners of the land the subject of the Land Dispute according to custom; and
 - (iv) conduct any hearings that the Chief Commissioner considers necessary or appropriate in a manner consistent with the principals of natural justice;
 - (v) the provisions of Part V of the *Land Titles Act* will apply to any determination under this order.

SCHEDULE — LAND DISPUTES

All that area:—

- (a) including the area covered under a lease type and specified in Column 1; and
- (b) referred to as approximate location by name referred to in Column 2; and
- (c) under the Plan Number and total size specified in Columns 3 and 4, of the Schedule.

SCHEDULE

Lease Type	Location	Plan No.	Area (HA)
Mining Lease No. 150	Ore Mining Area—Irumafimpa, Bilimoia Village	—	2.88 Square kilometres
Lease for Mining Purposes No. 78	Worker's accommodation and processing plant site areas - Kumian Plains.	—	2.093 Square kilometres
Mining Easement No. 80	Access road: From Ramu River Bridge to LMP No. 78 - Kumian Plains.	—	0.2909 Square kilometres
Mining Easement No. 81	Haul road: From LMP No. 78 to the Ore Mining area - Kumian Plains.	—	0.346 Square kilometres

Dated this 3rd day of December, 2003.

BILL SKATE,
Acting Governor-General.