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[1994

*Land Disputes Settlement Act (Chapter 45)*

## DECLARATION AND ORDER UNDER SECTION 4

I, Wiwa Korowi, G.C.M.G., K.St.J., 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 land dispute in respect of certain lands in the vicinity of Southern Highlands Province and in Gulf Province more particularly described in the Schedules ("the Land Dispute"); and
- (b) mediation and legal proceedings have been instituted under the Act in respect of the Land Dispute without any satisfactory expeditious resolutions of the dispute,

and, acting on the advice of the National Executive Council, being of the opinion that special circumstances exist 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;

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 Land Dispute:—

- (i) that the Land Titles Commission created under the *Land Titles Commission Act* 1962 ("the *Land Titles Act*") appoint a Commissioner to determine the ownership of the land and subject of the Land Dispute;
- (ii) the Commissioner shall have exclusive jurisdiction to make such a determination and subject to Paragraph (iv) below his decision shall be final and binding;

Declaration of Order under Section 4—*continued*

- (iii) that the Commissioner shall for the purposes of making his determination:—
- (a) give notice to the person affected or likely to be affected by his determination;
  - (b) exercise the power and authority conferred on the Land Titles Commission by Sections 26 to 31 inclusive of the *Land Titles Act*;
  - (c) make such enquiries as he deems necessary or appropriate to satisfy himself as to the true owners of the land the subject of the Land Dispute according to custom;
  - (d) conduct any hearings that the Chief Commissioner considers necessary or appropriate in a manner consistent with the principals of natural justice;
- (iv) the provisions of Part V of the *Land Titles Act* will apply to any determination under this order.

## APPENDICES:

## SCHEDULE A—Map of Area

## SCHEDULE B—Description of Area

SCHEDULE B

All that land containing an area of approximately 1082 square kilometres in the Gulf Province and Southern Highlands Province bounded by a straight line commencing at a point 7 degrees 7 minutes latitude south and 144 degrees nil minutes longitude east being approximately one mile south-east of Kaiam Village in the Gulf Province and thence by a straight line to a point 6 degrees 43 minutes latitude south and 143 degrees 56 minutes longitude east being adjacent to Samberigi Airstrip in the Southern Highlands Province and thence by a straight line to a point 6 degrees 44 minutes latitude south and 143 degrees 39 minutes longitude east being approximately one mile north-west of Gobe 1 wellhead in Petroleum Prospecting Licence 161 in the Southern Highlands Province and thence by a straight line to the junction of the Mubi River and the Kikori River in the Gulf Province at a point approximately 6 degrees 48 minutes latitude south and 143 degrees 37 minutes longitude east and thence following the most south-westerly bank of the Kikori River to the point of commencement.

Dated this 14th day of June, 1994.

WIWA KOROWI,  
Governor-General.