

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Lands at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Lands, Surveys and Environment;

“the Department”—should be read as references to the Department of Lands, Surveys and Environment.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land Act.

Being an Act relating to land.

PART I—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“agricultural lease” means a State lease granted under Section 49;

“agricultural purpose” includes a purpose of dairying, horticulture or mixed farming;

“applicant” includes a tenderer;

“application” includes a tender;

“business lease” means a State lease for business purposes granted under Section 54;

“claimant” means a person who has made a claim for compensation under this Act;

“the commencement date” means 26 September 1963 (being the date of commencement of the pre-Independence *Land Act* 1962);

“customary rights” means rights of a proprietary or possessory kind in relation to land that arise from and are regulated by custom;

“the date of acquisition”, in relation to any land acquired by compulsory process under this Act, means the date on which the notice of acquisition of the land is published in the National Gazette;

“District Court”, in relation to any land, means a District Court having jurisdiction in respect of the locality in which the land, or part of the land, is situated;

“Government land” means land other than—

(a) customary land that is not leased by the customary owners to the State;
or

(b) land held by a person other than the State for an estate greater than an estate for a term of years; or

(c) land that is the subject of a State lease or a lease from the State under any other Act; or

(d) land reserved from lease or further lease under this Act;

“ground improvements” has the same meaning as in Section 1 of the *Valuation Act*;

“guardian” includes a person who has, by law or by custom, the immediate custody and control of a child or the right to dispose of property of a child on his behalf;

“improvements” includes a building, yard, fence, well, bore, reservoir, artificial watercourse or watering place, apparatus for raising, holding or conveying water, garden, plantation, cultivation or clearing, or any erection, construction or appliance, being a fixture, for the working or management of land or of

stock depastured on land or for maintaining or increasing the natural capabilities of the land;

"interest", in relation to land, means—

- (a) a legal or equitable estate or interest in the land; or
- (b) a right, power or privilege over, in or in connexion with the land;

"land" includes an interest in land;

"the Land Board" means the Land Board established under Section 6;

"lessee", in relation to a lease from the State means the holder of the lease, his heirs, executors, administrators or assigns;

"mission lease" means a State lease granted under Section 59;

"mortgagee", in relation to a mortgage, means the person for the time being entitled to the moneys secured by the mortgage;

"mortgagor", in relation to a mortgage, means the owner for the time being of the land which is subject to the mortgage;

"native" includes a native kinship group, native descent group and native local group or community;¹

"notice of acquisition", in relation to any land, means a notice under Section 17 declaring the land to be acquired by compulsory process under this Act;

"notice of forfeiture" means a notice under Section 46;

"pastoral lease" means a State lease granted under Section 51;

"public purpose" means—

- (a) a purpose connected with the defence of Papua New Guinea or for securing the public safety of Papua New Guinea; or
- (b) a purpose of public health, utility, necessity or convenience; or
- (c) the purposes of or connected with a quay, pier, wharf, jetty or landing place; or
- (d) the purposes of or connected with an aerodrome or landing pad; or
- (e) the purposes of or connected with a road, track, bridge, culvert, ferry or canal; or
- (f) a purpose of or connected with navigation or the safety of navigation by land, air or water; or
- (g) a purpose of or connected with radio, telegraphic, telephonic or other communication; or
- (h) the purposes of a hospital, school, training institution, public library or other similar institution; or
- (i) the purposes of an agricultural, horticultural, veterinary or forestry experimental, treatment or demonstration institution; or
- (j) the purposes of a reservoir, aqueduct or water-course; or
- (k) port or harbour purposes; or
- (l) the purposes of or connected with the generation or supply of electricity; or

¹ See, also, the pre-Independence *Ordinances Interpretation Act 1949*, Section 6(1) and the *Interpretation Act*, Section 98(1).

- (m) the purposes of a common; or
- (n) the purposes of a stock route or camping or watering place for travelling stock; or
- (o) the purpose of or a purpose connected with reforestation, water conservation, the prevention or control of soil erosion or the reclamation or rehabilitation of land; or
- (p) a purpose of industrial development; or
- (q) the purposes of the National Broadcasting Commission or the Department of Transport and Civil Aviation; or
- (r) the purpose of accommodation for employees of the State and any other prescribed authority; or
- (s) the purposes of a cemetery or other place for the interment of the dead; or
- (t) the purposes of a coronous pit or a quarry; or
- (u) the purpose of or a purpose connected with a welfare centre; or
- (v) a purpose declared by any law to be a public purpose for the purposes of this Act; or
- (w) a purpose ancillary to or necessary or convenient for the carrying out of a purpose referred to in any of the preceding paragraphs of this definition; or
- (x) the purposes of an oceanarium, or of an aquarium or of oceanographic research and education; (*Added by No. 7 of 1980.*)

"the Registrar of Titles"—

- (a) in relation to land in the former Territory of Papua, means the Registrar of Titles appointed under the *Real Property Act, 1913* of that Territory (Adopted); and
- (b) in relation to land in the former Territory of New Guinea, means the Registrar of Titles appointed under the *Lands Registration Act 1924* of that Territory (Adopted);

"the regulations" means any regulations made under this Act;

"residence lease" means a State lease granted for residence purposes under Section 54;

"special purposes lease" means a State lease granted under Section 63(1);

"State lease" means, subject to Section 2(2), a lease from the State granted under or continued in force by this Act¹;

"this Act" includes the regulations;

"town land" means land within a township;

"township" means an area declared under Section 3 to be a township for the purposes of this Act¹;

"town subdivision lease" means a State lease granted under Section 66;

"the Trustee for Natives" means—

- (a) the corporation constituted by Section 15 of the *Lands Registration Act 1924* of the former Territory of New Guinea (Adopted); or

¹See, also, Section 14 of the *Arawa Township Development Act*.

(b) the Secretary, or his predecessors in title by whatever name known, who immediately before 11 May 1972 (being the date of commencement of the pre-Independence *Land (Determination of Trusts) Act 1971*) was vested as the Trustee of any land on behalf of any native or group of natives;

“trust land” means—

(a) any land held by the Trustee for Natives in trust for a native, and includes—

(i) land held in trust for unspecified natives or for natives generally; and

(ii) land reserved or deemed to be reserved from lease or further lease under this Act and vested in the Trustee for Natives in trust for a native or natives generally; or

(b) any land reserved from sale or lease, or deemed to be reserved from sale or lease, under this Act for the purpose of a native reserve or a reserve for natives,

other than land which is the subject of a State lease;

“unimproved value”, in relation to any land, means the unimproved value of the land within the meaning of, and determined in accordance with, the *Valuation Act*.

(2) For the purposes of this Act, a person who is partly descended from an aboriginal inhabitant of the country and who, by virtue of that descent, acquires rights by custom to or in respect of customary land shall be deemed to be a native in relation to those rights.

(3) A reference in this Act to the acquisition of land or of an interest in land includes a reference to the extinction of an interest in land by virtue of Section 17(2).

2. Application of Act to interests under former legislation.

(1) Except where the contrary intention appears and subject to Subsection (2), this Act applies to a grant, granted application, lease, licence, permit, estate, right, title, interest, power, duty, obligation or liability referred to in Section 4(1) of the pre-Independence *Land Act 1962*.

(2) Part VI. (other than Sections 45, 46 and 47) does not apply to a grant, granted application, lease, licence, permit, estate, right, title, interest, power, duty, obligation or liability to which Subsection (1) applies.

3. Declaration of townships.

The Minister may, by notice in the National Gazette, declare an area to be a township for the purposes of this Act.

PART II.—NATIONAL TITLE AND ALIENATION BY THE STATE.

4. National title to land.

(1) All land in the country other than customary land is the property of the State, subject to any estates, rights, titles or interests in force under any law.

(2) All estate, right, title and interest other than customary rights in land at any time held by a person are held under the State.

(3) Subsections (1) and (2) do not deprive the State of any estate, right, title or interest in land to which it was entitled immediately before the commencement date.

5. Alienation of Government land.

(1) Government land shall not be alienated otherwise than under this Act or another law.

(2) Land which is the property of the State solely by virtue of the operation of Section 4(1) shall not be alienated or otherwise dealt with by the State under this Act unless the provisions of Section 75 have been complied with in respect of that land.

5A. Declaration of land as aerodrome.

(1) The Minister may, by notice in the National Gazette, declare an area of land to be an aerodrome.

(2) The provisions of this Act shall not apply to land the subject of a declaration under Subsection (1).

(3) For the purposes of Section 29 of the Organic Law on Provincial Government, it is declared that this section relates to a matter of national interest.

(Added by No. 61 of 1978, s. 1 and 2.)

PART III.—THE LAND BOARD.**6. Establishment of the Land Board.**

(1) A Land Board is hereby established.

(2) The Land Board shall consist of—

(a) a Chairman; and

(b) such number of other members as the Minister thinks proper,

appointed by the Minister by notice in the National Gazette.

(3) In addition to the members referred to in Subsection (2), the Minister may, by notice in the National Gazette, appoint such other members to the Land Board for such periods to act in relation to land in such localities as he thinks necessary, and a member so appointed has and may exercise all the powers and functions of a member of the Board.

(4) The Minister may, by notice in the National Gazette, appoint such number of persons as he thinks proper to be Deputy Chairmen of the Land Board.

(5) Subject to Section 10(2), in the absence of the Chairman from a meeting of the Land Board a Deputy Chairman nominated by the Chairman for the purpose has and may exercise all the powers and functions of the Chairman in relation to the meeting.

7. Oath and affirmation of office.

(1) Before entering on his duties the Chairman, the Deputy Chairman or a member of the Land Board shall take an oath or make an affirmation in the prescribed form.

(2) The oath or affirmation shall be taken or made before the Minister or a person appointed by the Minister for the purpose.

(3) This section does not apply to an officer of the Public Service who is appointed to the Land Board.

8. Functions of the Board.

(1) In addition to such other functions as are conferred on it by this Act, the Land Board shall consider and make a recommendation on any matter referred to it by the Minister.

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(2) The Land Board shall investigate all applications for grant of leases and all other matters that are remitted to it by the Minister for its consideration.

(3) A member of the Land Board shall not sit on any matter in which he is directly or indirectly interested.

9. Meetings of the Board, reports, etc.

(1) At least seven days before a meeting of the Land Board, the Chairman shall cause to be inserted in the National Gazette a list of the applications (other than tenders) and matters to be considered by the Board, and of lands to be dealt with by it, at the meeting.

(2) The Chairman shall notify by post every person who, in his opinion, is interested in an application or matter, of the date on which it will be considered by the Land Board.

(3) The meeting of the Land Board shall be held not less than seven days nor more than 42 days after the publication of the list referred to in Subsection (1), and the Board shall deal with applications and matters, hear any objections and report on the applications or matters within 14 days to the Minister.

(4) The Chairman shall cause meetings of the Land Board to be held as he thinks necessary.

(5) For the conduct of business at a meeting of the Land Board—

(a) two members, of whom one is the Chairman or a Deputy Chairman nominated for the purpose under Section 6(5), are a quorum; and

(b) the Chairman or the Deputy Chairman nominated for the purpose, shall preside; and

(c) all matters shall be decided by the majority of votes of the members present; and

(d) the person presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(6) The person presiding at a meeting of the Land Board shall—

(a) where he thinks it necessary to do so; or

(b) where he is directed by the Chairman to do so,

exclude any or all members of the public from the meeting.

(7) Where the Land Board—

(a) takes evidence at a meeting from which members of the public have been excluded; or

(b) is directed by the Minister that the recommendation of the Board is not to be made available to members of the public; or

(c) deals with an application or matter that has been specified in the notice in the National Gazette under Subsection (1) to be the subject of a confidential report,

it shall report on it within 14 days to the Minister.

(8) Where the Land Board considers that two or more applicants are of equal eligibility, it may decide the matter by ballot and shall report on the ballot within 14 days to the Minister.

(9) The Chairman shall forward notice of the Land Board's recommendations, other than a recommendation to which Subsection (7) applies, to every person who, in his opinion, is interested in an application or matter dealt with by the Board.

10. **Sittings of Board in divisions.**

(1) If the Chairman thinks it necessary, more than one sitting of the Land Board may be held at the one time.

(2) When more than one sitting of the Land Board is to be held at the one time, the Chairman is responsible for determining—

(a) the constitution of the Board for each sitting; and

- (b) whether the Chairman or a Deputy Chairman is to preside at each sitting, and if a Deputy Chairman, which; and
- (c) the matters to be dealt with at each sitting.

11. Appeals.

(1) A person aggrieved by a decision of the Land Board may, not later than 28 days after notice is forwarded under Section 9(9), forward a notice of appeal to the Minister.

(2) An appeal shall be accompanied by a deposit of K50.00, which shall, subject to Subsection (3), be refunded when the appeal has been decided.

(3) If the Head of State, acting on advice, thinks that the appeal has been made on frivolous grounds, the Head of State, acting on advice, may reject the appeal and direct that the whole or any portion of the deposit shall be forfeited to the State.

(4) Subject to Subsection (5), the Head of State, acting on advice, shall determine an appeal under this section, and his decision is final.

(5) Where an appeal under this section is upheld, the Head of State, acting on advice, may refer the matter back to the Land Board for re-hearing.

(Amended by No. 51 of 1983.)

12. Reference of reports to Minister.

(1) A report or recommendation of the Land Board shall—

- (a) if no appeal is made under Section 11, at the expiration of the period referred to in Subsection (1) of that section; or
- (b) if any such appeal is made, after the appeal is determined,

be referred to the Minister.

(2) In addition to any other powers conferred by or under this Act, the Minister shall, if he disagrees with a report or recommendation of the Land Board, and may for any other reason—

- (a) refer any matter back to the Board for re-hearing, the taking of fresh evidence, the furnishing of a further or additional report, or otherwise; or
- (b) refer any matter to the National Executive Council.

(3) The decision of the Head of State, acting on advice, on a matter referred to the National Executive Council under Subsection (2)(b) is final.

PART IV.—ACQUISITION OF LAND¹

Division 1.—General.

13. Modes of acquisition.

The State may acquire land—

- (a) by agreement; or
- (b) by compulsory process,

in accordance with this Act.

¹See also the *Lands Acquisition (Development Purposes) Act*.

*Division 2.—Acquisition by Agreement.***14. Rights that may be acquired.**

Land acquired by agreement under this Act may be an easement, right, power, privilege or other interest that did not previously exist as such in, over or in connexion with the land.

15. Acquisition of customary land.

(1) Customary land shall be acquired in accordance with this section and Section 15A and shall be authenticated by such instruments and in such manner as are prescribed.

(2) Where the customary owners of land are willing to dispose of their land otherwise than to natives in accordance with custom, the Minister may purchase or lease it on such terms and conditions as are agreed on between him and the owners.

(3) The Minister shall not purchase or lease customary land under this Act unless he is satisfied, after reasonable inquiry, that the land is not required or likely to be required by the owners or by persons on whom the land will or may devolve by custom.

(4) Notwithstanding Subsection (3), where the Minister is satisfied, after reasonable inquiry, that any customary land is not required or likely to be required for a certain period but is of the opinion that the land may be required after that period, he may lease that land from the customary owners for the whole or a part of that period.

(Replaced by No. 23 of 1984, s. 1.)

15A. Special agricultural and business leases.

(1) Where the Minister is satisfied that the owners of any customary land wish to develop their land for special agricultural or other business projects, and they intend to use that land as a form of security for any loan or credit that may be obtained for the purpose, the Minister may lease the land from the owners and hold title to it for such period as is considered sufficient for the purposes of the business and he may sublease it to the customary owners.

(2) Where the Minister leases any land under Subsection (1), on the issue of a certificate or other instrument of authentication it is conclusive evidence that the State has a good title to the lease and all rights to customary usage or otherwise, except the purpose for which the land is subleased, are suspended for the period of the lease to the Minister.

(Added by No. 23 of 1984, s. 1.)

15B. Saving of special leases.

Any lease of customary land previously acquired by the Minister for special agricultural or other business purposes and subleased to the customary owners of the land is deemed to have been acquired under Section 15A and is valid for all purposes.

(Added by No. 23 of 1984, s. 1.)

*Division 3.—Acquisition by Compulsory Process.*¹**16. Notice to treat.**

(1) In this section, "court of competent jurisdiction" means—

(a) in relation to land other than customary land—

(i) the National Court; or

¹See also Constitution, Section 53.

(ii) a District Court, that has jurisdiction—

(A) in actions for the recovery of debts up to an amount not less than the amount of compensation claimed; and

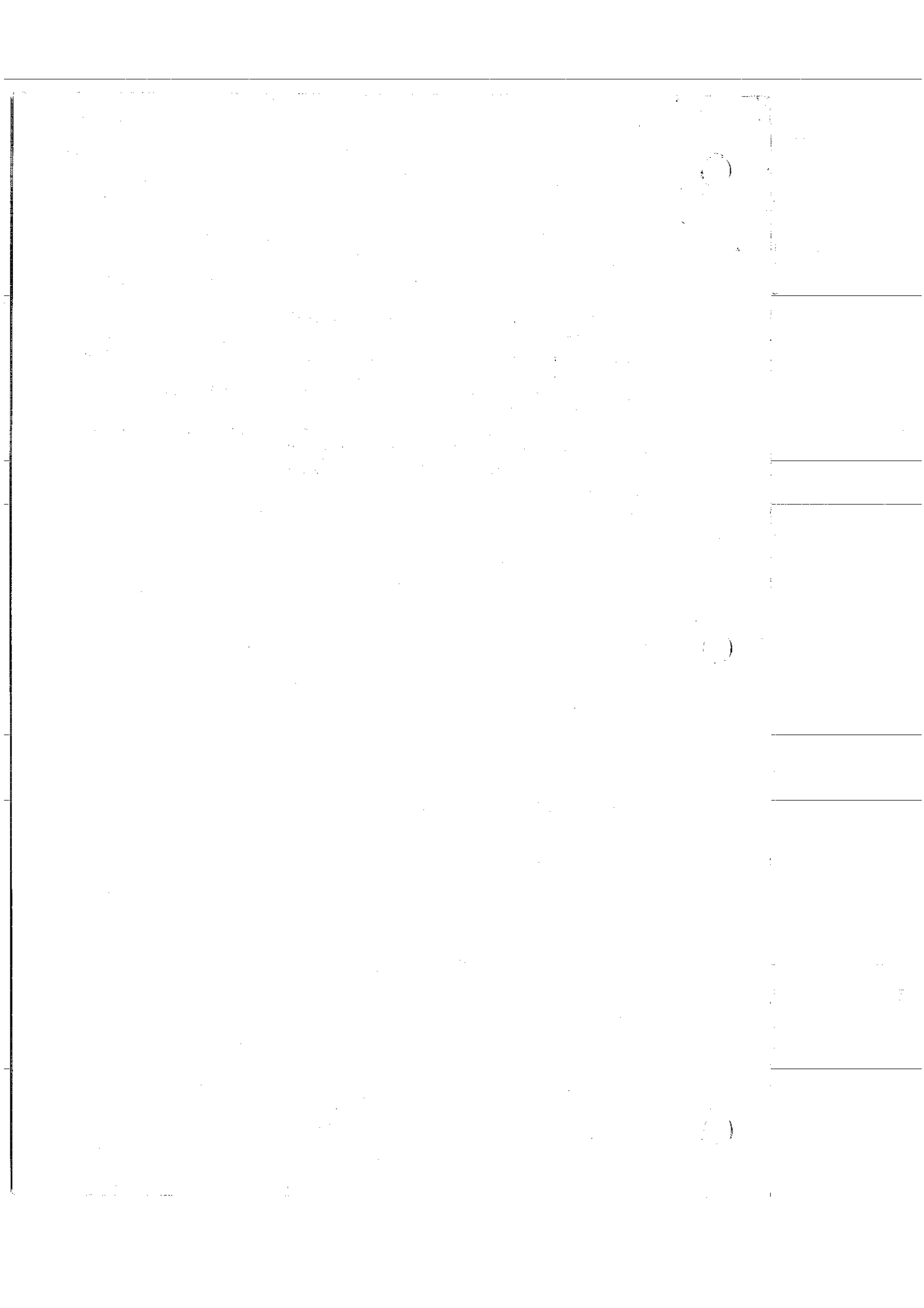
(B) in respect of the locality in which the land, or part of the land, is situated; and

(b) in relation to customary land—the Land Titles Commission.

(2) The State shall not acquire land by compulsory process under this Act unless the Head of State, acting on advice, has first caused to be served on each of the owners of the land, or such of them as can, after diligent inquiry, be ascertained, a notice inviting the person on whom the notice is served to treat with the Minister for the sale to the State of the interest of that person in the land.

(3) A person served with a notice to treat in respect of land may, not later than two months after the service of the notice, furnish to the Minister particulars of—

(a) the interest claimed by him in the land; and



- (b) the amount for which he is agreeable to sell to the State his interest in the land; and
 - (c) the name and address of any other person known to him to have an interest in the land and the nature of that interest.
- (4) On receipt of the particulars referred to in Subsection (3), the Minister may—
- (a) treat with the person furnishing the particulars for the acquisition of his interest by the State by agreement; and
 - (b) notwithstanding anything in this Act, enter into an agreement with that person for the acquisition.
- (5) The Minister may, by written notice to a person served with a notice to treat, withdraw the notice to treat.
- (6) Where the owner of an interest in land, being a person who has furnished the particulars referred to in Subsection (3), suffers loss by reason of the notice to treat having been given and withdrawn, the State is liable to pay to him such compensation as is determined by agreement between the owner and the Minister or, in the absence of agreement, by action by the owner against the State in a court of competent jurisdiction.
- (7) This section does not apply in a case where the Minister certifies that there are special reasons why the section should not apply.

17. Compulsory acquisition.

- (1) Where—
- (a) a period of two months has expired after service of a notice to treat, or of notices to treat, in relation to any land; or
 - (b) the Minister has given a certificate under Section 16(7) in relation to any land,
- the Minister may, by notice in the National Gazette, declare that the land, other than any interest in respect of which a notice to treat has been withdrawn, is acquired by compulsory process under this Act for a public purpose specified in the notice.
- (2) On the publication of a notice under Subsection (1), the land to which the notice applies is—
- (a) vested in the State; and
 - (b) freed and discharged from all interests, trusts, restrictions, dedications, reservations, obligations, contracts, licences, charges and rates,
- to the intent that the legal estate in the land and all rights and powers incident to that legal estate or conferred by this Act are vested in the State.
- (3) The land acquired under this section may be an easement, right, power, privilege or other interest that did not previously exist as such in, over or in connexion with the land.

18. Disposal of resumed land.

- (1) In this section, "the former owner" in relation to land other than customary land, means—
- (a) where only one person had an interest in the land at the date of acquisition and that person is still alive, or in the case of a company or corporation in existence—that person; or
 - (b) in any other case—such person (if any) as the Minister in his absolute discretion, having regard to the interest that existed in the land at the date of

acquisition, considers to be fairly entitled to the benefit of Subsection (4) in relation to the land.

(2) Subject to this section, where—

- (a) the whole or a part of any land that has been acquired by compulsory process under this Act or an Ordinance repealed by the pre-Independence *Land Act* 1962 is no longer required for the purpose for which it was acquired; or
- (b) in the opinion of the Minister, it is necessary or desirable to do so to effect that purpose; or
- (c) the land is not required for immediate use for that purpose,

the Minister may deal with it in all respects as other Government land.

(3) Notwithstanding anything in this Act (other than this section), where—

- (a) any land has been acquired by compulsory process under this Act; and
- (b) within seven years after the date of acquisition it is proposed to grant an estate for a term of years or an estate greater than any such estate over the land,

regard shall be had to the general principles expressed in Subsections (4) and (5).

(4) In the case of land that, immediately before the date of acquisition, was not customary land, the land should, where practicable, be first offered to the former owner—

- (a) where the land was held by that owner under lease from the State or a former Administration—under a State lease for a term equal to the balance of the term of the original lease remaining immediately before the date of acquisition; or
- (b) where the land was held by that owner for an estate greater than an estate for a term of years—for that estate.

(5) In the case of land that, immediately before the date of acquisition, was customary land, the Minister should, where practicable, unless in his opinion it is undesirable to do so, declare the land to be customary land under Section 76, in which case the provisions of Subsection (3) of that section do not apply in relation to the land or to the declaration.

(6) Subsections (3), (4) and (5) do not apply where the State or any other person has, since the date of acquisition, made substantial improvements to the land.

(7) A person contracting or otherwise dealing with the State is not concerned to inquire whether the requirements of this section have been complied with, and the title of any such person to land acquired from the State is not affected by any failure to comply with those requirements.

(8) Subsections (3), (4), (5), (6) and (7) do not apply to or in relation to land acquired by the State before the commencement date.

19. Conversion of interests into claims for compensation.

(1) Subject to Subsection (2), the interest of every person in land to which a notice of acquisition applies is, on the date of acquisition, converted into a right to compensation under this Act.

(2) Where, in accordance with Section 17(3), an easement, right, power, privilege or other interest in, over or in connexion with land is acquired, the interest of every person in the land is, on the date of acquisition, and to the extent to which the interest is affected by the acquisition, converted into a right to compensation under this Act.

20. Notice to owner.

(1) Where land is acquired by compulsory process under this Division, the Departmental Head shall, as soon as practicable after the date of acquisition, cause a copy of the notice of acquisition to be served on the owners of the land, or on such of them as can after diligent inquiry be ascertained.

(2) Where—

- (a) the Departmental Head is unable, after diligent inquiry, to ascertain the identity of an owner; or
- (b) service on an owner cannot be effected under Subsection (1) in accordance with Section 78 or 118,

service on that owner may be effected by causing a copy of the notice of acquisition to be published in a newspaper circulating in the area in which the land is situated, and—

- (c) if the land is occupied—leaving a copy of the notice of acquisition with the occupier; or
- (d) if the land is not occupied—affixing, if practicable, a copy of the notice of acquisition on a conspicuous part of the land.

21. Registration of notification.

(1) Where land has been acquired by compulsory process under this Division, the Departmental Head shall lodge with the Registrar of Titles a copy, certified under his hand, of the notice of acquisition.

(2) The Registrar of Titles shall—

- (a) register the acquisition in the manner, as nearly as may be, in which dealings with land are registered; and
- (b) deal with and give effect to the copy of the notice of acquisition as if it were a duly executed grant, conveyance, memorandum or instrument of transfer of the land to the State.

22. Order as to rights and basis of compensation.

(1) Notwithstanding this Act, where land is acquired by compulsory process under this Act the National Court may, on the application of the State or any other interested person, make such orders as it thinks proper for declaring or adjusting rights and liabilities in connexion with the land or with transactions in relation to the land or otherwise affected by the acquisition.

(2) Without limiting the generality of the powers conferred by Subsection (1), the orders that may be made under that subsection include—

- (a) an order for the payment or repayment of money; and
- (b) an order discharging a person from an obligation to pay money; and
- (c) where there was a subsisting contract of sale of the land—an order with respect to the rights and liabilities of the parties to the contract; and
- (d) where there was a rent charge or other charge or encumbrance over the land—
 - (i) an order releasing a person in whole or in part from a personal covenant or obligation in relation to the charge or encumbrance; and
 - (ii) an order apportioning the charge or encumbrance between the land acquired and other land subject to the charge or encumbrance.

(3) Notwithstanding this Act, the National Court may, in proceedings under this section or on the application of the State or a claimant, make such order as it thinks just in the special circumstances of a particular case declaring the basis on which compensation in respect of the acquisition of any land acquired under this Act by compulsory process is to be determined, and the compensation shall be determined accordingly.

(4) Where the National Court has made an order under Subsection (1) in relation to any land, compensation in relation to the land shall, subject to any order made under Subsection (3) but notwithstanding any other provision of this Act, be determined having regard to the effect of that first-mentioned order.

(5) Where the State is not a party to proceedings under this section, the National Court may order the State to be joined as a party if the Court thinks it desirable to do so, either in relation to the making of an order as to costs or otherwise.

(6) The jurisdiction conferred by this section on the National Court may, in the case of customary land, be exercised, with the necessary modifications, by the Land Titles Commission.

Division 4.—Persons under Disability and Certain Limited Owners.

23. Powers of persons under disability, etc.

(1) A person seised or possessed of, or entitled to, land, or having the management of land on behalf of a person under a legal disability, particularly—

- (a) a native, in relation to customary land; or
- (b) a corporation that has no power, or limited power only, to dispose of land; or
- (c) a tenant for life; or
- (d) a guardian; or
- (e) a committee of a person of unsound mind; or
- (f) a trustee; or
- (g) an executor or administrator; or
- (h) a person for the time being entitled to the receipt of rents and profits of land in possession; or
- (i) a lessee other than a lessee under a State lease,

is empowered and shall be deemed always to have been empowered, by force of this Act and notwithstanding anything to the contrary in any law, custom, deed of settlement or other deed, will, memorandum or articles of association or instrument—

- (j) to lease, sell, transfer or convey to the State the land or an interest in the land; and
- (k) if the land is acquired by the State by compulsory process—
 - (i) subject to this Act, to make or join with another person in making a claim for compensation; and
 - (ii) to accept or not to accept an offer of compensation by the Minister; and
 - (iii) to take any action authorized by this Act to be taken by a claimant to determine a disputed claim for compensation; and
- (l) to enter into an agreement incidental to the exercise of a power conferred by this section.

(2) The powers conferred by Subsection (1) may be exercised and shall be deemed always to have been capable of exercise—

- (a) by the owners of customary land—not only on behalf of themselves but also on behalf of all other persons who would otherwise have subsequently become entitled to the land by virtue of custom, and in defeasance of the customary rights of those persons; and
- (b) by a person other than a lessee—not only on behalf of himself and his heirs, executors, administrators and successors, but also on behalf of every person entitled in reversion, remainder or expectancy after him, and in defeasance of the estate of every person so entitled; and
- (c) by a guardian—on behalf of his ward, and to the extent to which the ward could exercise those powers if he were not under a disability; and
- (d) by the committee of a person of unsound mind—on behalf of the person, and to the extent to which he could exercise those powers if he were not under a disability; and
- (e) by a trustee, executor or administrator—on behalf of his *cestui que trust* to the same extent as the *cestui que trust* could exercise those powers if he were not under a disability.

(3) The provisions of any law (other than this Act), making provision for the sale of settled land, or authorizing a person specified in Subsection (1) to sell land of which he is not a beneficial owner, apply, by force of this Act, in relation to land that has been acquired by compulsory process under this Act as if an agreement to accept an amount of compensation in respect of the acquisition were a sale of the land to the State at a price equal to that amount.

(4) Where a person specified in Subsection (1)(b), (c), (d), (e), (f), (g), (h) or (i)—

- (a) has leased or sold land (other than customary land) of which he is not the beneficial owner, or agreed to accept compensation in respect of the acquisition under this Act of any such land; and
- (b) was not empowered to grant the lease or to make the sale or agreement by a law (other than this Act), including any such law as applied by Subsection (3),

the lease, sale or agreement has no force or effect unless approved by the National Court.

24. Application of purchase money.

(1) In this section—

“compensation” includes interest payable on compensation;

“the moneys” means the rent, purchase money or compensation referred to in Subsection (2).

(2) Where a lease, sale or agreement—

- (a) to which Section 23(4) applies; or
- (b) by a native, by virtue of Section 23(1)(a),

is made, the rent, purchase money or compensation shall be dealt with as provided by this section.

(3) With the consent of all parties interested, the moneys may be paid to a trustee subject to trusts declared by a deed of trust approved by the Minister.

(4) Where an infant or a person of unsound mind is interested in or entitled to receive the moneys, his consent to an application or disposition of the moneys may be given by a guardian, trustee or committee on his behalf.

(5) The moneys may be paid to the Registrar of the National Court, to be applied in accordance with an order of the Court under Subsection (6).

(6) On the application of a person interested (including a trustee, executor or administrator), the National Court may order the moneys to be applied—

- (a) in the discharge of a debt or encumbrance affecting the land, or affecting other land settled to the same or to the like uses, trusts and purposes; or
- (b) in the purchase of other land, or of securities of or guaranteed by the State, or by the Government of Australia or of a State of Australia, to be conveyed, limited and settled on and for the like uses, trusts and purposes, and in the same manner, as the land in respect of which the moneys were paid; or
- (c) if the moneys have been paid in respect of a building acquired under this Act—in replacing the building or substituting another; or
- (d) in payment to a person becoming absolutely entitled to the moneys, or to such other person, and on such conditions, as the Court directs; or
- (e) in such other manner as the Court directs.

(7) If the owner of the land was a corporation, the moneys may be paid to the corporation.

(8) If the land was vested in a trustee, the moneys may be paid to the trustee to be dealt with by him as nearly as may be in accordance with the trusts on which the land was held.

(9) If the land was vested in an executor or administrator, the moneys may be paid to the executor or administrator to be dealt with by him in accordance with his duties as executor or administrator.

(10) If the land was vested in or managed by the guardian of an infant or the committee of a person of unsound mind, the moneys may be paid to the guardian or committee.

(11) In the case of customary land, the moneys may be paid to the Departmental Head as trustee for the natives who had by custom rights in the land, or to those natives.

PART V.—RESERVATION OF LAND.

25. Reservation from lease.

The Minister may, by notice in the National Gazette, reserve, for a purpose specified in the notice, from lease or further lease by the State under this Act, Government land or land that is the subject of a State lease, that in his opinion is or may be required for that purpose.

26. Trustees for reserved land.

(1) The Minister may, by notice in the National Gazette—

- (a) appoint trustees for land reserved from lease or further lease under this Act or an Ordinance repealed by the pre-Independence *Land Act 1962*; and
- (b) place the land under the control of the trustees; and
- (c) declare the style or title of the trustees; and

- (d) declare the trusts for the carrying out of which the land is placed under the control of the trustees; and
 - (e) empower the trustees to make by-laws for carrying out the objects of the trust and to prescribe penalties of fines not exceeding K50.00 for offences against the by-laws.
- (2) By-laws made under Subsection (1) are of no force or effect until—
- (a) approved by the Head of State, acting on advice; and
 - (b) published in the National Gazette.
- (3) Notwithstanding anything in this Act (otherwise than in this Part) or in any other law, by-laws made under this section may authorize the making of charges for the admission of persons and vehicles to the land placed under their control.
- (4) Notwithstanding anything in this Act (otherwise than in this Part) or in any other law, trustees appointed under this section may, with the approval of the Minister, grant licences over, or limit or restrict the use of, the land placed under their control.
- (5) Trustees appointed under this section shall, at such times as are prescribed or as the Minister directs—
- (a) forward to the Minister a report on the administration of the trust and on such matters connected with the administration of the trust as the Minister directs; and
 - (b) furnish to the Minister a statement of receipts and expenditure during such period as the Minister directs.

27. Incorporation of trustees.

Trustees appointed under Section 26 to control a parcel of land—

- (a) are a corporation; and
- (b) have perpetual succession; and
- (c) shall have a common seal; and
- (d) are capable of suing and being sued under their corporate name.

28. Effect of reservation of leased land.

Where land that is reserved from lease or further lease under this Act is the subject of an existing State lease—

- (a) the reservation does not affect the provisions of the lease or the rights, powers, duties and liabilities of the lessee; and
- (b) the exercise of powers conferred under Section 26 shall be subject to the provisions of the lease, and to the rights, powers, duties and liabilities of the lessee.

PART VI.—STATE LEASES.

Division 1.—State Leases Generally.

29. Grant of leases.

- (1) The Minister may grant leases of Government land as provided by this Act.
- (2) Notwithstanding anything in any other law a provision of a State lease of customary land leased by the customary owners to the State that is inconsistent with the

terms and conditions of the lease from the customary owners, is, to the extent of that inconsistency, of no effect.

(3) A State lease shall not be granted for a purpose that would be in contravention of any law relating to town planning or to the use, construction or occupation of buildings or land.

30. Advertisement of lands available for leasing.

(1) The Departmental Head may give notice, by advertisement in the National Gazette, of lands available for leasing under this Act.

(2) An advertisement under Subsection (1) shall contain the following particulars:—

- (a) the type of lease available to be granted; and
- (b) the purpose of the lease; and
- (c) the term of the lease; and
- (d) the description of the land the subject of the lease; and
- (e) the amount of rent (if any) payable for the first period of the lease; and
- (f) in the case of a special purposes lease—the royalties (if any) payable on a substance or thing removed from or taken off the land the subject of the lease; and
- (g) the reservations, covenants, conditions and provisions of the lease; and
- (h) such other information as the Departmental Head thinks fit or the Minister directs.

(3) A statement contained in an advertisement under this section does not in any way bind the State in the granting of a lease over land the subject of the advertisement or constitute an offer to lease land.

31. Unadvertised land.

(1) Subject to this section, a State lease (other than a mission lease, special purposes lease or residence or business lease of town land) shall not be granted over land that has not been the subject of an advertisement under Section 30.

(2) Notwithstanding Subsection (1), where for any special reason the Minister thinks fit, a State lease may be granted over land that has not been the subject of an advertisement under Section 30.

(3) Subsection (1) does not apply to the granting of a new lease under Section 71 or 72.

32. Applications for leases.

An application for a State lease shall—

- (a) be made in the prescribed form; and
- (b) be accompanied by the prescribed fee for the registration of the application.

33. Consideration of applications.

The Land Board—

- (a) shall hear all applications for State leases; and
- (b) shall recommend to the Minister the persons (if any) to whom leases should be granted; and

- (c) may make such other recommendations to the Minister in connexion with any such application as to the Board seem proper.

34. Publication of names of successful applicants.

The names of successful applicants for State leases, together with particulars of the lands to be leased to them, shall be notified by the Departmental Head in the National Gazette.

35. Notice to successful applicants.

As soon as practicable after the notification under Section 34 is published in the National Gazette, the Departmental Head shall, by written notice, advise each successful applicant of—

- (a) the date of the notification; and
- (b) the terms, conditions, provisions, restrictions and covenants of the proposed lease; and
- (c) details of all fees due or outstanding tender moneys and any other amounts payable in respect of the proposed lease or the application for the lease.

36. Acceptance of terms, etc., of proposed leases.

(1) The Departmental Head may, by notice in the National Gazette, extinguish the right of a successful applicant for a lease if the applicant does not, within 28 days after the publication of a notice in the National Gazette under Section 34 in respect of him or such further time (if any) as is notified to him by the Departmental Head—

- (a) forward a notice of acceptance of the terms, conditions, provisions, restrictions and covenants of the proposed lease as set out in the notice to him under Section 35 so as to reach the Departmental Head not later than 4.00 p.m. on the twenty-eighth day after the publication of the notice or on such later date as is notified to him by the Departmental Head; and
- (b) pay all amounts specified in the notice.

(2) A person who forwards a notice of acceptance to the Departmental Head under Subsection (1) shall be deemed to have executed the lease on the date on which the Minister executes the lease under Section 116.

37. Person entitled to lease dying before issue.

(1) Where a person who is entitled or, if he had longer lived, would have become entitled to have a State lease issued to him under this Act dies before the lease is actually issued or before his right to have it issued accrues, the Minister may issue the lease to, and in the name of, the deceased person as if he were still alive.

(2) A lease issued under Subsection (1)—

- (a) is as valid and effectual as if the deceased person had been living at the time of its issue; and
- (b) has the same effect as between the persons entitled to the land the subject of the lease as if the lease had been issued immediately before the date of his death.

38. Commencement of lease.

The term of a State lease and the time within which improvement conditions are to be fulfilled and rent and fees paid shall be calculated from—

- (a) the date of publication of the relevant notice under Section 34; or
- (b) such later date as the Minister, after considering a report of the Land Board determines.

39. Reservations, conditions, etc., in leases.

(1) In this section, "petroleum" means naturally occurring hydrocarbons in a free state, whether gaseous, liquid or solid, other than coal, shale or a substance that may be extracted from coal, shale or other rock by the application of heat or by a chemical process.

(2) In addition to such reservations, covenants and improvement and other conditions as are prescribed, a State lease shall contain such other reservations, covenants and conditions as to the Minister seem proper. (*Amended by No. 25 of 1976, Schedule 13.*)

(3) There is implied in a State lease—

- (a) a reservation to the State of all minerals and mineral substances in or on the land the subject of the lease (including gold, silver, copper, tin, metals, ores and substances containing metals), gems, precious stones, coal, shale, mineral oils and valuable earths or substances, together with the right, subject to any law relating to mining, to authorize a person to enter on the land to search for, mine, work or win, recover and remove them or any of them and to do all things necessary or convenient for those purposes; and¹
- (b) a reservation to the State of all petroleum on or below the surface of the land the subject of the lease, together with all rights necessary for the purpose of searching for and obtaining petroleum in any part of the land and all rights of way and easements for pipelines and for other purposes required for searching for, obtaining or conveying petroleum; and
- (c) a reservation to the State of all helium found in association with petroleum on or below the surface of the land the subject of the lease, together with all rights necessary for the purpose of searching for, obtaining or conveying helium similar to the rights reserved by Paragraph (b) in respect of petroleum; and
- (d) a condition that the lessee will, subject to Section 40, use the land bona fide for the purpose only for which it is granted, or for a purpose ancillary to that purpose.

40. Variation of purposes, relaxation of covenants, etc.

(1) On application by a lessee, the Minister, after considering a report of the Land Board, may vary the purpose for which a State lease was granted, but not so as—

- (a) to convert the lease into a lease of a type that may not be granted under the Division of this Part under which the original lease was granted; or
- (b) to make the purpose of the lease a purpose for which the lease could not have been so granted in the first instance.

¹See, also, Section 166 of the *Mining Act, 1937* of the former Territory of Papua (Adopted) and Section 191 of the *Mining Act 1928* of the former Territory of New Guinea (Adopted).

(2) The covenants and conditions of a State lease may be relaxed or modified or, if the lessee agrees, varied by the Minister, after considering a report of the Land Board, where it seems to him that special hardship would otherwise be caused.

41. Rent.

(1) Subject to Sections 61 and 63, the rent on a State lease is 5% of the unimproved value of the land comprised in the lease.

(2) Notwithstanding Subsection (1), the Minister may, where in any particular case he thinks fit and after considering a report of the Land Board, impose such lower rental as he thinks proper and as is specified in the notice (if any) given under Section 30 in relation to the lease.

(3) The unimproved value of the land comprised in a State lease shall be re-assessed every 10 years, calculated from the commencement of the term of the lease, except where the Minister for some special reason, fixes an earlier date from which the periods of 10 years shall be calculated. (*Amended by No. 25 of 1976, Schedule 13.*)

(4) A re-assessment takes effect, as from 1 January next following the giving by the Departmental Head to the lessee of notice of the re-assessment.

(5) Where for any special reason he thinks fit, the Minister may, on the application of the lessee and after considering a report of the Land Board, remit or postpone in whole or in part, for such period and on such terms as he thinks proper, payment of rent on a State lease.

(6) Rent up to the next 1 January is payable on the granting of an application for a State lease or on the termination of any period of remission of rent granted, and afterwards annually in advance on 1 January in each year.

(7) Except in the case of land in the former Territory of New Guinea—

(a) in respect of which a final order under the *New Guinea Land Titles Restoration Act 1951* (Adopted) has not been made; and

(b) which is not the subject of an interest referred to in Section 5 of that Act,

the Departmental Head shall, as soon as conveniently may be after 31 December in each year, prepare a list with the names of lessees from whom rent is due.

(8) The list referred to in Subsection (7) shall be notified in the National Gazette, and after notification shall be received in any court as prima facie evidence in each case that the rent is due and unpaid and that payment of the rent, where necessary, has been lawfully demanded.

42. Improvements on land to be leased.

(1) Subject to Sections 48 and 63, if there are improvements on land to be leased under this Act, the lessee may be required to pay an amount in respect of the improvements fixed by the Minister, after considering a report of the Land Board.

(2) Where a lessee is required to pay an amount in respect of improvements on the land the subject of his lease, the Minister may permit him to pay for them by annual instalments.

(3) The rate of payment in respect of improvements and the rate of interest payable are as prescribed.

43. Insurance on improvements not paid for.

(1) While an amount payable in respect of improvements (including interest) under Section 42 remains unpaid, the lessee shall insure the improvements and keep them insured with an insurer approved by the Departmental Head in the joint names of the State and the lessee according to their respective rights and interests, for their full insurable value, against loss or damage by fire or any other risk against which the Departmental Head requires him to insure.

(2) The lessee shall punctually pay all premiums and other sums necessary for effecting and keeping up insurance required under Subsection (1), and shall immediately hand to the Departmental Head every policy and receipt relating to the insurance.

(3) Notwithstanding anything in any law, all moneys received or recoverable under or by virtue of any insurance required under this section shall, at the option of the Departmental Head, be applied in or towards—

- (a) substantially re-building or repairing the improvements lost or damaged; or
- (b) paying or satisfying the amount (including interest) remaining unpaid in respect of those improvements,

and the surplus (if any) shall in either case be paid to the lessee.

(4) If a lessee fails to comply with this section, the Departmental Head may—

- (a) insure the property or keep it insured in accordance with this section; and
- (b) recover the cost of doing so from the lessee as a debt.

44. Maintenance of improvements.

(1) A lessee shall—

- (a) maintain all improvements referred to in Section 43 in good order and condition; and
- (b) carry out any requirement in that regard of the Departmental Head or of a person authorized for the purpose by the Departmental Head.

(2) If the improvements suffer loss or damage, the lessee shall—

- (a) immediately make good the loss or damage to the satisfaction of the Departmental Head; and
- (b) carry out any requirement in that regard of the Departmental Head or of a person authorized for the purpose by the Departmental Head.

(3) If a lessee fails to comply with this section the Departmental Head may take or cause to be taken such action as he, in his discretion, thinks desirable to maintain the property in or to restore the improvements to good order and condition, or to make good the loss or damage, and may recover the cost of doing so from the lessee as a debt.

45. Surrender of lease.

(1) A lessee may, with the written consent of the Minister, surrender his lease or any part of his lease.

(2) For the purposes of this section, the grant of an application for a State lease shall be deemed to be the grant of the lease.

(3) This section applies in relation to leases from the State whether granted before or after the commencement date.

46. Forfeiture of lease.

(1) Subject to this section, the Minister may, by notice in the National Gazette, forfeit a State lease—

- (a) if rent on the lease remains due and unpaid for a period of six months, or if fees or the amount payable in respect of improvements are not or is not paid in accordance with this Act; or
- (b) subject to Subsection (2), if—
 - (i) a covenant or condition of the lease; or
 - (ii) a provision of this Act relating to the lease; or
 - (iii) a requirement of a notice under Section 53 relating to the lease, is not complied with; or
- (c) if the granting of the lease has been obtained, in the opinion of the Minister, wholly or partly as a result of statements that were, to the knowledge of the lessee, false or misleading.

(2) Before forfeiting a State lease under Subsection (1), the Minister—

- (a) shall serve notice on the lessee calling on him to show cause, within a period specified in the notice, why the lease should not be forfeited on the ground specified in the notice; and
- (b) may, whether or not cause has been shown in accordance with a notice under Paragraph (a), serve on the lessee a notice requiring him, within a period specified in the notice, to comply with the covenants or conditions of the lease or the provisions of this Act.

(3) The Minister shall not forfeit a lease under this section unless—

- (a) the lessee has failed to comply with a notice under Subsection (2)(a) or (b); or
- (b) the lessee has failed to show good cause why the lease should not be forfeited.

(4) Copies of a notice of forfeiture and a notice under Subsection (2)(a) or (b) shall be served on all persons who, to the knowledge of the Departmental Head, have or claim to have a right, title, estate or interest in, to or in relation to the land, or such of them as can with reasonable diligence be ascertained and found.

(5) No acceptance of rent by the State waives a right to forfeit a lease under this Act.

(6) For the purposes of this section the grant of an application for a State lease shall be deemed to be the grant of the lease.

(7) This section applies in relation to leases from the State whether granted before or after the commencement date.

47. Fine instead of forfeiture.

(1) If a term, covenant or condition of a State lease is not complied with, the Minister may, in his discretion, instead of taking action under Section 46, serve notice on the lessee calling on him to show cause, within a period specified in the notice, why a fine should not be imposed under this section.

(2) If the lessee fails, within the period specified in the notice under Subsection (1), to show good cause why the fine should not be imposed, the Minister may, by written notice served on the lessee, impose a fine not exceeding K50.00 per month for each month for which the non-compliance has continued or continues.

(3) If a fine imposed under this section is not paid within the time limited for the purpose in the notice under Subsection (2), the Minister may, by notice in the National Gazette, forfeit the lease without regard to any formalities or requirements of this Act preliminary to the forfeiture of a State lease, or otherwise.

(4) No acceptance of rent by the State waives a right to impose a fine or forfeit a lease under this section.

(5) For the purposes of this section a grant of an application for a State lease shall be deemed to be the grant of the lease.

(6) This section applies in relation to a State lease whether granted before or after the commencement date.

48. Payment for improvements on expiration of lease.

(1) In this section—

“improvements” means improvements made, or in respect of which a payment has been made, by the outgoing lessee, that are suitable to the land and add to its leasing value, other than improvements in respect of which the lessee has received payment under this section;

“value” means the value on the day after the date of expiration of the lease.

(2) Where, after the expiration of the term of a State lease of land on which there are improvements, the lessee is granted—

(a) a further lease of the land; or

(b) a lease of part only, or that includes part only, of the land,

the provisions of Section 42 do not apply in respect of the improvements in relation to the further lease, unless he has received payment for the improvements under this section.

(3) Subject to this section, where on the expiration of the term of a State lease of land on which there are improvements the lessee applies for and is not granted a further lease of the land, or is granted a further lease of part only, or that includes part only, of the land, the Minister shall, within six months after the expiration, pay to the outgoing lessee the value of the improvements on the land, or on the part of the land not included in the further lease, as the case may be.

(4) Where, within the period of six months referred to in Subsection (3), a State lease of the land or part of the land the subject of the expired lease is granted to a person other than the outgoing lessee, the Minister shall pay to the outgoing lessee, on or before the date of grant of the new lease, the value of the improvements on the land or that part of the land, as the case may be.

(5) Subject to Subsections (6) and (13), this section does not entitle a lessee who does not apply for a further lease of the land the subject of his lease to payment for improvements on the land at the expiration of the lease, but he may remove such of the improvements as are severable on or before the expiration, doing as little damage as may reasonably be to the land.

(6) Where a lease is surrendered under this Act, the lessee may remove such of the improvements as are severable on or before the surrender, doing as little damage as may reasonably be to the land.

(7) If the outgoing lessee and the incoming lessee (if any)—

(a) agree as to—

(i) the amount to be paid for improvements for which the outgoing lessee is entitled to receive payment by the State or that he is entitled to remove under this section; and

(ii) the time and manner of payment; and

(b) notify the Minister in writing of their agreement before the date on which a lease is granted to the incoming lessee,

then—

(c) the amount payable in respect of the improvements under Section 42 is payable by the incoming lessee to the outgoing lessee; and

(d) the Minister ceases to be liable under this section to pay the value of the improvements to the outgoing lessee; and

(e) Section 42 does not apply in respect of those improvements in relation to the new lease.

(8) This section does not apply to or in relation to a lease that is forfeited under this Act.

(9) Where, between—

(a) the date of the expiration of the term of a State lease of land on which there are improvements for which the outgoing lessee is entitled to receive payment or which he is entitled to remove under this section; and

(b) the date of the grant of a State lease of the land or a part of the land to the outgoing lessee or another person,

the State derives revenue, part or all of which is directly attributable to those improvements on the land or that part of the land, the Minister shall pay to the lessee, from time to time as the Minister determines, the revenue or such part of the revenue as is directly attributable to the improvements, less the amount of any expenditure incurred by the State in maintenance and other costs in respect of the improvements.

(10) Without prejudice to any other remedies that are available, the Minister may deduct from moneys payable by him under this section—

(a) moneys due during the term of the lease and outstanding to the State in respect of the term, or in respect of the land the subject of the lease; and

(b) if the outgoing lessee has continued to occupy the land after the expiration of the term of the lease—any occupation fee outstanding.

(11) The lessee of a special purposes lease or mission lease may remove, on or before the expiration of the lease, such of the improvements on the land the subject of the lease as are severable, doing as little damage as may reasonably be to the land, but otherwise is not entitled to payment under this section in respect of the improvements.

(12) The amount to be paid under this section shall be determined, and is recoverable, as nearly as may be in the same manner as compensation under Part XI.

(13) For the purposes of this section, where a lease expires and a further lease cannot be granted because the land the subject of the lease is reserved from lease or further lease under this Act—

(a) the lessee shall be deemed to have applied for and not to have been granted a further lease over that land; and

- (b) the period of six months specified in Subsection (3) shall be deemed to expire at the end of the period of one month after the date of expiration of the lease.

Division 2.—Agricultural Leases.

49. Grant of agricultural lease.

Subject to this Act, the Minister may grant a lease for agricultural purposes for such term not exceeding 99 years, and for such area of Government land, as seem to him proper.

50. Improvement conditions.

An agricultural lease shall contain conditions prescribing the minimum improvements to be carried out by the lessee.

Division 3.—Pastoral Leases.

51. Grant of pastoral lease.

Subject to this Act, the Minister may grant a lease for pastoral purposes for such term, not exceeding 99 years, and for such area of Government land, as seem to him proper.

52. Stocking conditions.

A pastoral lease shall contain conditions as to the minimum stocking required of the lessee.

53. Inquiry into depasturing of stock.

(1) The Minister may at any time direct the Departmental Head to inquire into the number of stock depastured on the land comprised in a pastoral lease.

(2) When directed to do so under Subsection (1), the Departmental Head shall inquire into, and report to the Minister on, the number of stock depastured on the land comprised in the lease.

(3) If the Minister is satisfied that the land is likely to be permanently injured on account of the number of stock being depastured on the land, and after considering a report of the Land Board, he may cause notice to be served on the lessee requiring him—

- (a) within a time specified in the notice to reduce the number of stock depastured on the land to not more than such number; and
- (b) to comply with such other conditions and restrictions as to the depasturing of stock,

as the Minister thinks proper and as are specified in the notice.

(4) Section 12 does not apply to or in relation to a report of the Land Board under Subsection (3).

Division 4.—Business and Residence Leases.

54. Grant of business and residence leases.

Subject to this Act, the Minister may grant leases of Government land for business or residence purposes, or for both business and residence purposes.

55. Terms of leases.

A residence lease, business lease or lease for both business and residence purposes may be granted for such term, not exceeding 99 years, as to the Minister seems proper.

56. Specification of classes of business.

A business lease or lease for both business and residence purposes may specify the class or classes of business for which the land may be used.

57. Land in townships.

(1) Subject to this section and to Section 58, before a lease under this Division of town land is granted the land shall, in the first instance, be offered for lease by tender at an upset price equal to the unimproved value of the land.

(2) A tender notice under Subsection (1) shall contain the particulars specified in Section 30.

(3) Land that has been offered for lease in accordance with Subsection (1) may—

(a) if unleased, be re-offered for lease by tender; or

(b) after the first or any subsequent unsuccessful offer for lease by tender, be granted on application under this Act.

(4) Notwithstanding this section, where for any special reason the Minister thinks fit a State lease of town land may be granted under this Division notwithstanding that the land has not been offered for lease by tender as provided by this section.

58. Dealing with tenders.

(1) The successful tenderer shall pay the State the difference between the upset price and the amount of his tender.

(2) The successful tenderer is entitled to a State lease of the land the subject of the tender, in accordance with the tender notice.

(3) The Minister is not bound to accept the highest or any tender.

*Division 5.—Mission Leases.***59. Grant of mission lease.**

(1) The Minister may grant a lease of Government land to—

(a) a corporation having for its object the establishment or conduct, in the country, of a Christian mission; or

(b) a person in trust for an institution or body having any such object.

(2) A lease under Subsection (1) may be granted for such term, not exceeding 99 years, as to the Minister seems proper.

60. Purposes of mission leases.

A mission lease may be granted for—

(a) the purpose of—

(i) a church; or

(ii) a dwelling-house or houses for members of or persons employed by or working in connexion with the mission; or

(iii) a school; or

(iv) a hospital; or

(v) a building for any other charitable, educational or religious purpose; or

- (vi) gardens or pastures for purposes ancillary to any of the purposes specified in Subparagraphs (i) to (v); and
- (b) the construction or operation, for the purposes of the establishment or conduct in the country of a Christian mission, of an aerodrome, and the erection or maintenance of hangars and other buildings required for the operation of an aerodrome.

61. Rent.

Rent is not payable for a mission lease.

*Division 6.—Leases of Government-owned Buildings.***62. Leases of land on which there are Government-owned buildings.**

(1) Notwithstanding anything in this Act, the Minister¹ may, without inviting applications, by written agreement grant a lease of Government land on which there is a building the property of the State.

(2) A lease may be granted under this section for business or residence purposes, or for both business and residence purposes.

(3) A lease may be granted under this section on a weekly, fortnightly, monthly or quarterly tenancy.

(4) A lease under this section shall—

(a) contain such reservations, covenants, conditions and provisions as are prescribed to be included in a lease under this section, and such additional reservations, covenants, conditions and provisions as the Minister determines; and

(b) take effect according to its tenor.

(5) This Act, other than this section and Section 113, does not apply to or in relation to a lease granted under this section, but the law that would apply to and in relation to a lease of land held for an estate in fee simple applies to and in relation to a lease granted under this section as if the land leased were held by the State for an estate in fee simple.

(6) The *Real Property Act*, 1913 of the former Territory of Papua (Adopted) and the *Lands Registration Act* 1924 of the former Territory of New Guinea (Adopted) do not apply to leases granted under this section.

*Division 7.—Special Purposes Leases.***63. Grant of special purposes lease.**

(1) Subject to Subsection (2), where the Minister thinks that the grant of a lease under any other Division of this Part would not be appropriate or would not be possible, he may grant a special purposes lease of Government land.

(2) A special purposes lease shall not be granted for private residence purposes within a township.

(3) A special purposes lease may be granted for such term, not exceeding 99 years, and for such area of Government land, as seem to the Minister proper.

¹ As at the effective date the power was vested in the Minister for the Interior in so far as it relates to leases of land and buildings, the property of the State, to officers of the Public Service.

(4) Subject to Subsections (5) and (6), the rent for a special purposes lease is such (if any) as seems to the Minister proper and as is specified in the lease.

(5) In addition to, or in place of, rent, the Minister may make a special purposes lease subject to the payment of such royalties on any substance or thing to be recovered from or taken off the land the subject of the lease as he thinks proper and as are specified in the lease.

(6) At such times, in such manner, and on such basis as are specified in a special purposes lease, the Minister may—

(a) re-appraise the rent payable; or

(b) where in the lease no rent is specified, impose rent; or

(c) vary or impose royalty on any substance or thing referred to in Subsection (5).

(Amended by No. 25 of 1976, Schedule 13.)

(7) Sections 41 and 42 do not apply to or in relation to a special purposes lease.

64. Land in townships.

(1) Subject to this section and to Section 65, before a lease under this Division of town land is granted the land may, if the Minister thinks fit, in the first instance be offered for lease by tender at an upset price equal to the unimproved value of the land.

(2) A tender notice under Subsection (1) shall contain the particulars specified in Section 30.

(3) Land that has been offered for lease in accordance with Subsection (1) may—

(a) if unleased, be re-offered for lease by tender; or

(b) after the first or any subsequent unsuccessful offer for lease by tender, be granted on application at the upset price at which the land was last offered, referred to in Subsection (1).

65. Dealing with tenders, etc.

(1) The successful tenderer shall pay to the State the difference between the upset price and the amount of his tender.

(2) The successful tenderer is entitled to a State lease of land the subject of the tender, in accordance with the tender notice.

(3) The Minister is not bound to accept the highest or any tender.

Division 8.—Town Subdivision Leases.

66. Grant of town subdivision lease.

(1) Where there is vacant Government land within a township that, in the opinion of the Minister, is suitable for subdivision in accordance with this section, he may, by notice in the National Gazette, invite applications for the grant of a State lease under this section over the whole or part of the land.

(2) The lessee of a State lease, other than a mission lease, of land within a township which, or part of which, he desires to subdivide in accordance with this section, may apply to the Minister to surrender the lease or that part of the lease in exchange for a town subdivision lease over the whole or part of the land comprised in the first-mentioned lease.

(3) An application under this section shall be accompanied by—

(a) a preliminary proposal for the subdivision; and

(b) a preliminary sketch plan of the proposed subdivision; and

- (c) preliminary proposals for subdivisional surveys and installation of roads and drainage; and
- (d) evidence of the financial and other resources of the applicant available for the subdivision.

(4) If the Minister is satisfied that—

(a) the preliminary proposal—

(i) appears suitable; and

(ii) is consistent with a general plan for the development of the township; and

(b) undue expense to the State will not be involved in the provision of electricity, water and other services to the subdivision,

he may approve the proposal and grant a lease under this section conditional, in the case of an application under Subsection (2), on the surrender of the whole, or such part as the Minister requires, of the lease in respect of which the application was made.

(5) Where the Minister thinks that two or more applicants under Subsection (1) in respect of the same land, whom he considers the most suitable, are equal—

(a) in their capacity for carrying out the work of subdivision; and

(b) in other relevant aspects,

the applications shall be determined by ballot.

(6) A town subdivision lease—

(a) shall be for such term not exceeding five years as to the Minister seems proper; and

(b) shall contain a covenant that within six months, or such further time as the Minister in any particular case allows, after the granting of the lease the lessee will submit for the approval of the Minister a final proposal for subdivision, together with survey plans; and

(c) shall contain a covenant that the lessee will conform with a determination of the Minister under Subsection (8)(b); and

(d) may contain a requirement for the surrender, on such terms and conditions as are specified in the lease or as are agreed on between the Minister and the lessee, of areas of the land the subject of the lease that are not and will not, under the final proposal for subdivision, be required for business or residence purposes; and

(e) shall contain such other covenants and conditions as the Minister thinks proper or as are prescribed.

(7) Unless a final proposal for subdivision that is approved by the Minister is submitted within six months, or such further time as the Minister allows, after the granting of the lease, the Minister may forfeit the lease.

(8) In approving a final proposal, the Minister shall—

(a) take into consideration the matters referred to in Subsection (4) in relation to the preliminary proposal; and

(b) determine the periods during which the stages of the work associated with the subdivision shall be carried out; and

- (d) specify the covenants and conditions that will be included in new leases granted under Subsection (10).
- (9) The Minister may, on such conditions as he thinks proper—
- (a) with the approval of the lessee, vary a determination under Subsection (8)(b); or
 - (b) approve of a variation in the final proposal.
- (10) On the completion, to the satisfaction of the Minister, of the subdivision of any part of the land the subject of a town subdivision lease, including the construction of roads and drainage, the lessee may surrender the lease as to that part and shall be granted a new lease or new leases under Section 54.
- (11) The new lease or new leases shall contain the covenants and conditions specified under Subsection (8)(c).
- (12) On the partial surrender of a lease in accordance with Subsection (4) or (10), the rent, covenants and conditions of the lease may be varied to such extent as the Minister thinks proper.

PART VII.—LICENCES.

67. Grant of licence.

- (1) The Minister, or an officer authorized by him for the purpose, may grant a licence in the prescribed form to a person to enter on Government land for one or more of the following purposes:—
- (a) to graze stock or a specified kind of stock; or
 - (b) to strip, dig and take away bark, gravel, stone, limestone, salt, guano, manure, shell, seaweed, sand, loam, clay, earth or any other valuable material or substance; or
 - (c) for fishermen's residences and drying grounds; or
 - (d) for any other purpose approved by the Minister.
- (2) A licence under Subsection (1) may be granted subject to such conditions as the Minister or officer granting the licence thinks proper, and, subject to those conditions, empowers the licensee—
- (a) to make such improvements and do such things on the land the subject of the licence as are necessary or convenient for the purposes of the licence; and
 - (b) to remove such of those improvements as are severable on or before the termination of the licence, doing as little damage as may reasonably be to the land.
- (3) A licence under this section continues in force for a period, not exceeding one year, specified in the licence.
- (4) In addition to or in substitution for the prescribed fee for a licence, where a licence is issued under this section for a purpose specified in Subsection (1)(b), the licence is subject to the payment of such royalties (if any) on the material or substance stripped, dug or taken away and to such restrictions and conditions as are prescribed or as to the Minister or officer granting the licence seem proper.
- (5) A licence may be revoked by the Minister for failure to comply with, or for a contravention of, the conditions of the licence.

PART VIII.—DEALINGS WITH LAND.

68. Application of Part VIII.

This Part does not apply to or in relation to customary land.

69. Approval of certain dealings.¹

(1) Notwithstanding anything in any law, but subject to this section, a person shall not, without the approval of the Minister—

- (a) transfer land; or
- (b) give a mortgage or encumbrance of or over land; or
- (c) grant a lease, easement, right, power or privilege of, over, in or in connexion with land.

(2) Until the approval referred to in Subsection (1) has been given, a transfer, mortgage, encumbrance, lease, easement, right, power or privilege in or in connexion with land is of no effect.

(3) Nothing in Subsection (2) makes of no effect a contract or agreement made for the purpose of entering into a transaction referred to in Subsection (1) if the contract or agreement—

- (a) is expressed to be subject to the approval of the Minister; or
- (b) provides that, until that approval is given, the contract or agreement has no force or effect.

(4) Where the approval of the Minister is required to be given under this section, the transferee, mortgagor, encumbrancer, grantee or donee who seeks that approval must, within 28 days of the execution of an instrument to which the requirement relates, cause—

- (a) the instrument to be presented to the Department for endorsement with a certificate in the prescribed form to the effect that the approval has been given; and
- (b) a duplicate or certified copy of that instrument to be filed in the Department.

(5) A person referred to in Subsection (4) who refuses or fails to comply with Subsection (4) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

Default penalty: A fine not exceeding K10.00.

(6) A duplicate or certified copy prepared solely for the purposes of Subsection (4)(b) is not liable to stamp duty.

¹ Section 5 of the pre-Independence *Land Ordinance* 1965 provided as follows :—

"(1) Notwithstanding anything in a law in force or at any time in force in the Territory or a part of the Territory contained which provided expressly or impliedly for the obtaining of the prior approval or consent of the Administrator or his predecessor in title to or in connexion with a dealing in land, for the purposes of any law in force in the Territory or a part of the Territory, a dealing which was required to have been made or done with that prior approval shall be deemed to be and to always have been validly and effectively made or done and of full force and effect if that approval or consent was obtained or given after the making or doing of that dealing.

"(2) For the purposes of this section, 'a dealing in land' includes a transfer, a mortgage, an encumbrancing, a leasing, the granting of an easement, right, power or privilege of, over, in or in connexion with land or an agreement or contract to make, do, give or grant any of those things in relation to land."

70. Withholding of approval in certain cases.

Without otherwise limiting in any way the discretion of the Minister, the approval of the Minister under Section 69 shall be withheld in the case of land the subject of a State lease unless—

- (a) the rent has been paid to date and the improvement conditions (if any) specified in the lease have been performed; or
- (b) special grounds of an urgent or exceptional character are shown to the satisfaction of the Minister by the respective applicants concerned in the transaction.

71. Approval of subdivision.

(1) A lessee may apply to the Minister for approval to subdivide the land included in his lease.

(2) An application under Subsection (1) shall—

- (a) be written; and
- (b) be accompanied by a plan showing the manner in which it is proposed to subdivide the land.

(3) The Minister may—

- (a) approve an application under Subsection (1); or
- (b) refuse the application.

(4) The Minister shall notify the lessee of his decision in writing and, if he has approved the application, he shall specify in the notification—

- (a) any reservations, covenants, conditions and provisions that he thinks are necessary to be included in each lease of the land if it is subdivided; and
- (b) the fees and deposits to be paid by the lessee in respect of the grant of leases for the subdivided portions of the land.

(5) If the lessee—

- (a) has paid all rent due under the lease; and
- (b) accepts the reservations, covenants, conditions and provisions specified in the notification; and
- (c) has paid the fees and deposits in respect of the grant of the new leases,

he may surrender his lease, and in that case he shall be granted a new lease over each of the subdivided portions of the land.

(6) A surrender of a lease under Subsection (5)—

- (a) shall be made within 30 days after the date of the notification of the approval of the subdivision; and
- (b) has effect from the date of commencement of the new leases.

(7) A new lease granted under this section shall—

- (a) be of the same kind as the surrendered lease, unless the Minister in any particular case directs otherwise; and
- (b) preserve the lessee's rights (if any) in respect of improvements on any land included in the new lease; and
- (c) be for a period that will expire on the same date as the surrendered lease would have expired; and

- (d) contain, in addition to the matters provided for elsewhere in this Act, the reservations, covenants, conditions and provisions specified in the notification given under Subsection (4).

72. Consolidation of leases.

(1) Where a person is the lessee of any land under a State lease and is also the lessee of land that adjoins that land and is under another lease, or other leases, of the same kind as the first-mentioned lease, he may apply to the Minister for the grant to him of a new lease of all the land included in that first-mentioned lease and that other lease or any of those other leases.

(2) An application under Subsection (1) shall—

- (a) be written; and
(b) be accompanied by a plan showing the land that it is desired to have included in the new lease.

(3) The Minister may—

- (a) approve an application under Subsection (1); or
(b) refuse the application.

(4) The Minister shall notify the lessee of his decision in writing, and if he has approved the application he shall specify in the notification—

- (a) the reservations, covenants, conditions and provisions that he thinks are necessary to be included in the new lease; and
(b) the fees and deposit payable in respect of the grant of the new lease.

(5) If the lessee—

- (a) has paid all rent due under each of the leases of the respective lands that are to be included in the new lease; and
(b) accepts the reservations, covenants, conditions and provisions specified in the notification; and
(c) has paid the fees and deposit payable in respect of the grant of the new lease,

he may surrender each of the leases, and in that case he shall be granted a new lease over all the lands included in the surrendered leases.

(6) A surrender of a lease under Subsection (5)—

- (a) shall be made within 30 days after the date of the notification of the approval of the application; and
(b) has effect from the date of commencement of the new lease.

(7) A new lease granted under this section shall—

- (a) be of the same kind as the surrendered leases; and
(b) preserve the lessee's rights (if any) in respect of improvements on any land included in the new lease; and
(c) be for a period that will expire not before the earliest date, and not after the latest date, on which any of the surrendered leases would have expired; and
(d) contain, in addition to the matters provided for elsewhere in this Act, the reservations, covenants, conditions and provisions specified in the notification given under Subsection (4).

PART IX.—SPECIAL PROVISIONS RELATING TO CUSTOMARY LAND.

73. Disposal of customary land.

Subject to Sections 15 and 15A, a native has no power to sell, lease or dispose of customary land otherwise than to natives in accordance with custom, and a contract or agreement made by him to do so is void.

(Amended by No. 23 of 1984, s. 2.)

74. Acquisition of customary land.

(1) Where it is intended to acquire customary land under this Act, whether by agreement or by compulsory process, the Minister may apply to the Land Titles Commission for a determination of the ownership of the land or of interests in the land.

(2) Where the State acquires customary land under this Act, whether by agreement or by compulsory process, the Land Titles Commission may appoint an agent who may, on behalf of the owners of the land—

(a) execute in his own name all conveyances, transfers, releases and other instruments and do all other acts, matters and things necessary or convenient for effecting that acquisition and vesting the land in the State; and

(b) accept any rent, purchase money, compensation or other moneys or things, and distribute that money or those things to the persons entitled.

(3) A conveyance, transfer, release or other instrument executed, and an act, matter or thing done, in relation to customary land by an agent appointed under Subsection (2) is as valid and effectual for all purposes as if executed or done by all the owners of the land.

(4) The State, or a person taking under the State, is not bound to see to the application of any rent, purchase money, compensation or other moneys or things paid or given to an agent under Subsection (2), and the receipt of the agent is a sufficient discharge.

75. Declaration of Government land.

(1) The Minister may, by notice in the National Gazette, declare that any land that appears to him not to be customary land shall, unless good cause is shown to the contrary, be conclusively deemed for all purposes, at the expiration of three months from the date of publication of the notice, not to be customary land.

(2) A notice under Subsection (1) shall set out—

(a) the name or names (if any) by which the land the subject of the notice is known; and

(b) a description or plan of the land; and

(c) its position; and

(d) an estimate of its area,

and the Departmental Head shall immediately give a copy to the First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration.

(3) Subject to this section, on the expiration of three months from the date of publication of a notice under Subsection (1) the land shall be deemed conclusively for all purposes not to be customary land.

(4) Where, before the expiration of three months from the date of publication of a notice under Subsection (1), a claim that the land the subject of the notice is customary land is made to the Minister by or on behalf of a native, the Minister shall refer the matter to the Land Titles Commission.

(5) Where a claim is made under Subsection (4), the land the subject of the claim shall not be deemed not to be customary land until the Land Titles Commission has decided the claim, and—

- (a) where no application for review or appeal is made under the *Land Titles Commission Act 1962* (Adopted)—the period prescribed for applying for review or making an appeal has expired; and
- (b) where an application for review is made under that Act—the Commission has concluded the review and any re-hearing arising from it; or
- (c) where an appeal is made under that Act—the National Court has decided the appeal.

(6) This section does not affect a right, title, estate or interest in the land the subject of a notice under Subsection (1) in force under, or continued in force by, an Act.

76. Declaration of customary land.

(1) The Minister may, by notice in the National Gazette, declare any Government land or trust land to be customary land and thereupon the land shall for all purposes be deemed to be customary land.

(2) Except where a declaration is made under Subsection (3) in relation to any land the subject of a notice under Subsection (1), the land shall, for the purpose of the determination of its ownership, be deemed always to have been customary land.

(3) The Minister may, in a notice under Subsection (1), declare that a native is the owner of land declared under this section to be customary land, and thereupon the native shall be conclusively deemed for all purposes to be the owner of the land by custom.

(4) Where the Minister makes a declaration that any trust land is customary land under this section—

- (a) any trust under which the land was held is determined; and
- (b) the Trustee for Natives—
 - (i) is divested of the duties and responsibilities of the trust; and
 - (ii) is not liable for compensation or damages as a result of the determination of the trust.

77. Protection of interests of natives.

In connexion with any proceedings, matter or thing under this Act, it is the duty of the First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration to take such action—

- (a) as seems to him necessary or desirable; or
- (b) as is ordered by the National Court or the Land Titles Commission,

to establish, further or protect the interests of natives in or in relation to customary land.

78. Service on natives.

(1) Where under this Act a notice or thing is to be given to or served on natives as the owners or alleged or purported owners of customary land, it may, whether or not it has been given to or served on those natives, be given to or served on the First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration.

(2) Where a notice or thing is given to or served on the First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration, under Subsection (1), he shall, unless he is satisfied that the notice or thing has in fact been given to or served on the natives whom it affects—

- (a) take all practicable steps to give the notice or thing to, or serve it on, the natives whom it affects; and
- (b) post a copy of the notice or thing on a conspicuous place on the land to which it relates; and
- (c) notify details of the notice or thing in the area in which the land is situated by any method by which it is customary to transmit orders or news within that area.

(3) Where the First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration has taken action in accordance with Subsection (2) and is not satisfied that the natives whom the notice or thing affects—

- (a) have been given or served with the notice or thing; or
- (b) have had reasonable opportunity of obtaining details of the notice or thing,

he may apply to the National Court or the Land Titles Commission for an order as to the sufficiency or otherwise of service, and the Court or Commission may make such order as to it seems just.

PART X.—POWERS IN RELATION TO LAND.¹

79. Inspection of land subject to improvement conditions.

(1) The Minister, the Departmental Head or a person authorized in writing by the Minister or the Departmental Head may inspect any land included in a State lease in order to ascertain whether the conditions to which the lease is subject have been or are being observed.

(2) In the case of a pastoral lease, the Minister, the Departmental Head or a person authorized in writing by the Minister or the Departmental Head may, by written notice, require the lessee, for the purpose of an inspection, to muster and produce on the land comprised in the lease, on a day and to the person respectively named in the notice, all stock on the land.

(3) A lessee who fails without reasonable excuse (proof of which is on him), to comply with the requirements of a notice under Subsection (2), is guilty of an offence.

Penalty: A fine not exceeding K200.00.

80. Entry and examination.

(1) A person authorized in writing by the Minister to act under this section may, for the purpose of ascertaining whether any land is suitable for a public purpose or of surveying or obtaining information in relation to any land that he thinks suitable for such a purpose—

- (a) enter on the land, or on adjoining land, with such persons, vehicles and things as he thinks proper; and
- (b) make surveys, take levels, sink pits, examine the soil and do any other thing in relation to the land.

¹ This Part is especially affected by Division III.3 (*Basic Rights*) of the Constitution, and in particular by Sections 44 (*freedom from arbitrary search and entry*) and 53 (*protection from unjust deprivation of property*).

(2) If a person hinders or obstructs a person authorized under this section to enter on land in the exercise of any of his powers under this section in relation to the land, the District Court may, on the application of the person so authorized, grant a warrant authorizing a commissioned officer of the Police Force—

- (a) to enforce the entry on the land; and
- (b) to prevent hindrance or obstruction to the exercise of any such power in relation to the land.

81. Temporary occupation.

A person authorized by the Minister may, with such other persons as he thinks necessary, enter land—

- (a) being within a distance of 182.88m¹ from the nearest boundary of any Government land; and
- (b) not being a garden, orchard or plantation attached or belonging to a house, or a park, planted walk or avenue, or ground ornamentally planted; and
- (c) not being nearer than 457.2m² to the dwelling-house of the occupier of the land,

and may occupy the land so entered for so long as is necessary for the purposes of any works connected with the carrying out of a public purpose.

82. Taking of materials, etc., from adjacent land.

(1) Subject to Subsection (2), a person authorized by the Minister under Section 81 to enter land may—

- (a) in connexion with the carrying out, on or from that land, of a public purpose—
 - (i) construct, build or place plant, machinery, equipment or goods; and
 - (ii) take or deposit sand, clay, stone, earth, gravel, timber, wood or other materials or goods; and
 - (iii) make roads, cuttings or excavations; and
 - (iv) erect workshops, sheds and other buildings of a temporary character; and
 - (v) manufacture and work materials of any kind; and
- (b) demolish, destroy or remove plant, machinery, equipment, goods or buildings constructed, built, placed or erected on land under Paragraph (a).

(2) The power to take clay, stone or earth under this section shall not be exercised in respect of a stone or slate quarry, brickfield or other like place commonly worked or used for getting that material for the purpose of sale or disposal.

83. Fencing of land temporarily occupied.

(1) A person entering and temporarily occupying land under this Part shall, if required by the owner or occupier of the land to do so, separate land occupied under this Part from adjoining land by a sufficient fence with such gates as are necessary for the convenient occupation of the land.

¹ Metricated editorially. The original measurement was 200 yards.

² Metricated editorially. The original measurement was 500 yards.

(2) A fence and gates erected under Subsection (1) remain the property of the State and may be removed at the termination of the occupation, with as little damage as may reasonably be to the land.

84. Compensation for damage.

(1) In this section, "court of competent jurisdiction" means—

(a) in relation to land other than customary land—

(i) the National Court; or

(ii) a District Court that has jurisdiction—

(A) in actions for the recovery of debts up to an amount not less than the amount of compensation claimed; and

(B) in respect of the locality in which the land, or part of the land, is situated; and

(b) in relation to customary land, the Land Titles Commission.

(2) Where the owner of an interest in land suffers loss or damage by reason of the exercise, in relation to the land, of the powers conferred by this Part (otherwise than by Section 79), the State is liable to pay to him such compensation as is determined by agreement between the owner and the Minister, or, in the absence of agreement, by action by the owner against the State in a court of competent jurisdiction.

PART XI.—COMPENSATION.

Division 1.—Jurisdiction under Part XI.

85. Jurisdiction in relation to customary land.

Except where the contrary intention expressly appears, the jurisdiction conferred by this Part on the National Court, may with the necessary modifications, be exercised in relation to customary land by the Land Titles Commission, and references in this Part to that Court shall be read as references to the Commission accordingly.

Division 2.—Claims for Compensation.

86. Making, acceptance and rejection of claims.

(1) A person who has a right to compensation under Section 19 may make a claim for compensation, in a form approved by the Departmental Head, stating the amount of compensation claimed.

(2) Compensation is not payable to a person in respect of an interest in land acquired by compulsory process under this Act if—

(a) a claim for compensation in accordance with Subsection (1) in respect of the interest is not served on the Departmental Head by the person within six months after the date of acquisition or within such further time as the Departmental Head allows; or

(b) the interest is inconsistent with an interest claimed by another person in respect of which the State has, in good faith, paid or agreed to pay compensation.¹

¹ But see Constitution, Section 53(2).

(3) Where a claim for compensation is made, the Minister shall, except where compensation is not payable by virtue of Subsection (2), consider the claim, and if he is satisfied that the claimant has produced prima facie evidence that he had, immediately before the date of acquisition of the land, the interest claimed by him in the land the Minister shall accept the claim for determination, but otherwise he shall reject the claim.

(4) Within three months after a claim for compensation is made, the Minister shall notify the claimant whether he accepts the claim for determination or rejects the claim and if the Minister fails to notify the claimant, he shall be deemed to have accepted the claim for determination.

(5) The acceptance of a claim for determination under this section does not entitle the claimant to payment of compensation otherwise than in accordance with Division 8.

87. Proceedings where claim rejected.

(1) Where a claim for compensation has been rejected by the Minister, the claimant may bring an action against the State in the National Court claiming a declaration that he was, immediately before the date of acquisition of the land, entitled to the interest specified in the claim.

(2) After notice to such persons as it directs, the National Court shall hear the action, and may—

(a) declare that the claimant was entitled to the interest specified in his claim or to some other interest; or

(b) dismiss the action.

(3) For the purposes of this Act, an order of the National Court under this section is binding on the State and on all persons who had interests in the land immediately before the date of acquisition of the land, whether or not it or they were represented before the Court on the hearing of the action.

(4) Where the National Court declares under this section that a claimant had an interest in land—

(a) compensation in respect of the interest shall be determined in accordance with this Act as if the claim had been accepted by the Minister; and

(b) if the interest declared by the Court differs from the interest specified in the claim—the claim shall be deemed to be amended accordingly.

(5) Where, in relation to a claim for compensation that has been rejected by the Minister—

(a) the claimant does not, within one month after service on him of the notice of rejection of the claim or within such further time as the Minister or the National Court allows, institute an action under this section in relation to the claim; or

(b) the claimant has so instituted an action and—

(i) the action has been dismissed; and

(ii) a period of not less than one month has elapsed since the dismissal of the action and no appeal or further appeal by the plaintiff (including an application for leave to appeal) is pending,

the State may pay compensation in respect of the acquisition on the basis that the claimant was not, at the date of acquisition, entitled to the interest the subject of the claim.

(6) In a case to which Subsection (5) applies, where compensation is paid in respect of an interest that is inconsistent with the interest the subject of the claim no compensation is payable in respect of the last-mentioned interest.¹

(7) On the application of—

- (a) the State; or
- (b) the claimant; or
- (c) any other person appearing to the Court to have a sufficient interest to justify the application,

made at any time after the issue of the writ in the action, whether before or after the making of a declaration under Subsection (2), the National Court may order that the action be treated as including proceedings duly instituted under Section 94 for determination of the amount of compensation under this Act in respect of the interest (if any) that the Court declares the claimant to have had.

(8) Section 94 (other than Subsections (2), (3), (7) and (10)) applies to and in relation to proceedings consequent on the making of an order under Subsection (7).

Division 3.—Principles on which Compensation is to be Assessed.¹

88. General principles.

(1) In the determination of the amount of compensation payable in respect of land acquired by compulsory process under this Act, regard shall be had to—

- (a) the value of the land at the date of acquisition; and
- (b) the damage (if any) caused by the severance of the land from other land in which the claimant had an interest at the date of acquisition; and
- (c) the enhancement or depreciation in value of the interest of the claimant, at the date of acquisition, in other land adjoining or severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

(2) In determining the value of land acquired under this Act, regard shall not be had to any increase in the value of the land arising from the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

(3) Where the value of the interest of the claimant in other land adjoining the land acquired is enhanced or depreciated by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired, the enhancement or depreciation shall be set off against, or added to, as the case requires, the amount of the compensation otherwise payable to the claimant.

89. Value of land in certain cases.

Where, for a purpose—

- (a) connected with the defence of Papua New Guinea; or
- (b) for securing the public safety of Papua New Guinea; or
- (c) connected with navigation by air,

the State, a former administration, any other government or a person or authority acting for or on behalf of the State, a former administration or any other government has, whether before or after the commencement date, done or caused to be done work on, or in relation

¹ But see Constitution, Section 53(2).

to, land or has placed anything on, under or over land, and the land is subsequently acquired by compulsory process under this Act, the value of the land shall, for the purpose of determining the compensation payable in respect of the acquisition, be assessed without reference to the enhancement or depreciation (if any) in value arising from the work so done on, or in relation to, the land or the thing so placed on, under or over the land.

Division 4.—Determination of Compensation by Agreement.

90. Agreement before acquisition as to compensation.

(1) The Minister may, on behalf of the State, enter into an agreement with the owner of land as to the amount of compensation to which the owner will be entitled if the land is acquired by compulsory process under this Act within a time specified in the agreement.

(2) If the land is acquired by compulsory process under this Act—

(a) within the time specified in the agreement; and

(b) while the owner who made the agreement is still the owner of the land,

the compensation payable to him in respect of the acquisition shall be deemed to have been determined by agreement at the amount specified in the agreement.

91. Agreement after acquisition as to compensation.

Where a claim for compensation is accepted under Section 86, the amount of compensation to be paid may be determined by agreement between the Minister and the claimant.

Division 5.—Determination of Compensation by Arbitration.

92. Submission of claim to arbitration.

(1) The Minister and a claimant may, instead of determining by agreement the amount of compensation to be paid in respect of the acquisition of any land by compulsory process under this Act, agree to submit the determination of the amount to arbitration.

(2) Where an agreement for arbitration is made under this section, the *Arbitration Act* applies, subject to the agreement, to and in relation to the agreement and to and in relation to the arbitration under the agreement.

93. Revocation of agreement to arbitrate.

(1) If, after an agreement referred to in Section 92 is made in relation to a claim by a person in respect of an interest in land and before the award is made on the arbitration under the agreement—

(a) another person makes a claim for compensation in relation to the interest or to another interest in the land; or

(b) the Minister learns of another person who may be entitled to make such a claim,

the Minister may revoke the agreement.

(2) Where the Minister revokes an agreement under Subsection (1), the State is liable to pay the reasonable costs of and incidental to the agreement and if the arbitration has commenced, of and incidental to the arbitration.

*Division 6.—Determination of Compensation by a Court.***94. Proceedings inter partes for determination of compensation.**

(1) In this section, "court of competent jurisdiction" means—

(a) the National Court; or

(b) a District Court that has jurisdiction—

(i) in actions for the recovery of debts up to an amount not less than the amount of compensation claimed; and

(ii) in respect of the locality in which the land, or part of the land, is situated.

(2) Where, in the case of a claim for compensation that has been accepted by the Minister—

(a) a period of three months has elapsed since the claim was made and the compensation has not been determined by agreement; or

(b) before that period has elapsed, the Minister has made a written offer to the claimant of an amount as compensation but the claimant has not accepted the amount or any other amount offered by the Minister,

the claimant may, unless an agreement for the determination of the compensation by arbitration is in force, institute proceedings against the Minister in a court of competent jurisdiction for determination of the amount of compensation under this Act in respect of the interest the subject of the claim.

(3) The writ or summons shall state the amount of compensation that the claimant claims and the interest in respect of which it is claimed.

(4) Subject to the succeeding provisions of this section, the proceedings shall be heard and determined as nearly as may be in the same manner as actions in contract are heard and determined in the court in which the action is instituted.

(5) Except with the consent of the parties, the court shall not direct a reference to arbitration.

(6) If the proceedings are brought in the National Court and that Court is of opinion that the proceedings might have been brought in a court of summary jurisdiction, costs, if awarded to the claimant, shall be allowed only on the scale of costs applicable in the other court, unless the National Court certifies that special circumstances existed that made it proper to institute the proceedings in the National Court.

(7) Where proceedings under this section have been instituted in a court in relation to an interest in land, the court may, on the application of the Minister, by order direct any other person—

(a) who has claimed compensation arising out of the acquisition of the interest or of another interest in the land acquired at the same time; or

(b) who appears or claims to have had immediately before the date of acquisition an interest in the land that has been acquired at the same time,

to join as a plaintiff in the proceedings within a time specified in the order.

(8) If a person directed under Subsection (7) to join as a plaintiff fails to do so within the time specified in the order, he is absolutely debarred from afterwards instituting any action against the State for determination or recovery of compensation arising out of the acquisition of—

(a) the interest that was the original subject of the proceedings; or

(b) any other interest in the same land that was acquired at the same time.

(9) Where, by reason of the joinder of a new plaintiff or otherwise, the total compensation claimed in proceedings under this section exceeds the amount up to which the court has jurisdiction, the Minister shall apply without delay to the National Court for the removal of the proceedings into that Court.

(10) If on an application under Subsection (9) the National Court is satisfied that the application is properly made, it shall order the removal of the proceedings accordingly, and the proceedings shall be continued in the National Court as if they had been instituted in that Court.

(11) If, in relation to the acquisition of any land, proceedings under this section have been instituted in the National Court and proceedings under this section have also been instituted in another court in the country, the action in the other court shall, on the application of the Minister to the National Court, be removed into the National Court.

(12) Such documents relating to the proceedings referred to in Subsection (9), (10) or (11) as are filed as of record in the court in which the proceedings were instituted shall be transmitted to the Registry of the National Court.

95. Ex-parte proceedings by Minister.

(1) In this section, "court of competent jurisdiction" means—

(a) in relation to an application arising out of Subsection (2)(a)—the National Court or, where the Minister does not make a request under Subsection (4), the National Court or a District Court; and

(b) in relation to an application arising out of Subsection (2)(b)—a court that would be a court of competent jurisdiction under Section 94 if the application were proceedings by the claimant under that section claiming the amount of compensation specified in the original claim lodged with the Departmental Head.

(2) Where—

(a) a period of six months has elapsed since the date of acquisition of any land and a claim for compensation has not been made in respect of an interest in the land; or

(b) the Minister has made a written offer to the claimant of an amount of compensation in respect of an interest claimed by the claimant in the land and—

(i) the compensation has not, within two months after the making of the offer or within such further time as the Minister, on the application of the claimant, has allowed, been determined by agreement, by arbitration or by a court; and

(ii) proceedings in which the claimant is a plaintiff for determination of compensation under Section 94, or proceedings in an arbitration in respect of the claim, are not pending,

the Minister may apply to such court of competent jurisdiction as he thinks appropriate, having regard to the value and locality of the land, for a determination under this section in respect of the interest concerned.

(3) After notice to such persons as it directs, the court shall hear the application and determine the amount of compensation payable in respect of the interest the subject of the application.

(4) In an application under this section arising out of Subsection (2)(a) the Minister may request the court to determine—

- (a) the person or persons who, immediately before the date of acquisition, had an interest or interests in the land; and
- (b) the nature of the interest or interests,

and the court shall, after notice to such persons as it directs, determine those matters accordingly.

(5) A determination of a court under this section is binding on the Minister and the claimant and on all persons who had interests in the land at the date of acquisition of the land, whether or not they were represented before the court on the hearing of the application.

96. Payment of compensation determined.

This Part, and a determination of a court or an award under an arbitration under this Part, does not entitle a person to receive payment of compensation otherwise than in accordance with Division 8.

Division 7.—Mortgages over Land Acquired by Compulsory Process.

97. Mortgage moneys barred by statute of limitations.

For the purposes of this Division, moneys shall not be deemed to have been due to a mortgagee under a mortgage, or to have been secured by the mortgage, at the date of acquisition of land that was subject to the mortgage if the right of the mortgagee to recover the moneys was, at that date, barred by a statute relating to the limitation of actions unless the mortgagee had, at that date, a power of sale or other remedy exercisable in relation to the land.

98. Rights of mortgagee on compulsory acquisition.

(1) Where land acquired by compulsory process under this Act was, at the date of acquisition, subject to a mortgage, the mortgagee may either—

- (a) claim compensation under Division 2; or
- (b) by notice to the Minister, waive his rights to compensation.

(2) If the mortgagee makes a claim for compensation, he shall state in his claim—

- (a) the amount of principal due under the mortgage at the date of acquisition; and
- (b) the amount of interest, costs and charges due under the mortgage at that date.

(3) The Minister may, by written notice served on a person who is or may be a mortgagee, require him, at his option—

- (a) to make a claim under this Act for compensation as mortgagee; or
- (b) to waive his rights to compensation.

(4) If the person referred to in Subsection (3) fails to make a claim for compensation in accordance with this Act within two months, or such further period as the Minister in writing allows, after the service of the notice under that subsection, he shall be deemed to have waived his rights to compensation as mortgagee.

(5) Where a mortgagee claims compensation under this Act, the acquisition of the land has, to the extent to which the compensation payable to the mortgagee under Section 103(1) is sufficient to satisfy the mortgage debt and interest, costs and charges due to the

mortgagee under the mortgage as at the date of acquisition, the effect of extinguishing the liability of the mortgagor under the mortgage as from the date of acquisition.

(6) A mortgagee who waives his rights to compensation is debarred from claiming or recovering as mortgagee any compensation or other amount from the State.

(7) Waiver of his rights to compensation by a mortgagee, or failure by a mortgagee to claim compensation, does not affect his rights and remedies against the mortgagor or in respect of land included in the mortgage other than the land acquired.

99. Particulars of mortgages.

(1) The Minister may, by written notice served on the owner of land acquired by compulsory process under this Act, require him to furnish the following particulars:—

- (a) whether or not the land is subject to a mortgage; and
- (b) if the land is subject to a mortgage—
 - (i) the name and address of the mortgagee; and
 - (ii) the amount of principal due under the mortgage at the date of acquisition; and
 - (iii) the amount of interest, costs and charges due to the mortgagee under the mortgage at that date.

(2) If the owner of the land fails to furnish the particulars to the Minister within two months, or such further period as the Minister in writing allows, after the service of notice under Subsection (1), the Minister may agree with any person claiming to be a mortgagee of the land as to the amount due under the mortgage, and the owner is debarred from disputing the correctness of any amount so agreed on.

100. Interest, etc., paid after date of acquisition.

(1) Where an amount has been paid to or recovered by a mortgagee under a mortgage in respect of a liability that, on the making of a claim by the mortgagee, is deemed to have been extinguished as from the date of acquisition by virtue of Section 98(5)—

- (a) the mortgagee is liable to repay the amount to the person who paid it; and
- (b) the Minister may deduct from the compensation payable to the mortgagee, and pay to the person who paid that amount, so much of the amount as has not been so repaid.

(2) A payment made by the Minister in accordance with Subsection (1)(b) shall be deemed to have been made in discharge of the obligation of the mortgagee under Subsection (1)(a).

101. Stay of proceedings under mortgage.

(1) In this section, "proceedings" means any action to enforce the rights of a mortgagee under a mortgage, whether or not the proceedings are in a court, including action with a view to taking possession of or selling land, or to foreclosing.

(2) Where—

- (a) any land acquired by compulsory process under this Act was, at the date of acquisition, subject to a mortgage; and
- (b) proceedings by the mortgagee in relation to the mortgage—
 - (i) were pending at the date of acquisition; or

- (ii) are commenced or proposed to be commenced after that date and before compensation had been paid in full to the mortgagor in respect of the acquisition,

the National Court may—

- (c) on the application of the mortgagor and subject to such conditions as the Court thinks fit order a stay of the proceedings or enjoin the mortgagee against commencing or continuing the proceedings; and
- (d) make such other orders as it thinks necessary.

102. Separate rights of mortgagee and mortgagor to determination.

Subject to Sections 94(8), 95 and 99(2)—

- (a) the rights of a mortgagor claiming compensation are not affected by a determination of the compensation payable to a mortgagee; and
- (b) the rights of a mortgagee claiming compensation are not affected by a determination of the compensation payable to the mortgagor or another mortgagee,

unless the mortgagor or mortgagee, as the case may be, was a party to the agreement or proceedings in which the compensation was determined.

103. Compensation to mortgagee.

(1) The compensation payable to a mortgagee is an amount equal to the sum of—

- (a) the principal secured by the mortgage at the date of acquisition; and
- (b) any interest, costs or charges due to the mortgagee under the mortgage at that date,

but not exceeding the compensation payable to the mortgagor in respect of the land.

(2) For the purposes of Subsection (1), the compensation payable to the mortgagor shall be deemed to be—

- (a) if there was only one mortgage over the land—the compensation that would have been payable to the mortgagor if there had been no mortgage over the land; or
- (b) if there were more mortgages than one over the land—the compensation that would have been payable to the mortgagor if there had been no mortgage over the land, less the amount, or the sum of the amounts, of principal, interest, costs and charges due at the date of acquisition to a mortgagee or mortgagees in respect of a mortgage or mortgages having priority over the mortgage in respect of which the compensation is to be determined.

(3) In addition to the compensation referred to in Subsection (1), the mortgagee is entitled to payment by the State—

- (a) of interest on the amount of principal included in the compensation at the lowest rate (whether for prompt payment or otherwise) provided by the mortgage, from the date of acquisition to—
 - (i) the date of payment of compensation; or
 - (ii) where payment is delayed through a default of the mortgagee, the date when payment would have been made but for the default; and

- (b) if the principal was not repayable (with or without notice) at the date when interest ceased to be payable under Paragraph (a)—
- (i) of the costs of the mortgagee of re-investing the principal included in the compensation; and
 - (ii) if a loss of interest is reasonably to be expected, regard being had to the rate of interest secured by the mortgage and the rate of interest obtained or likely to be obtained on the re-investment—of a reasonable allowance for loss of interest until the date on which the principal would have been repayable (with or without notice).

104. Deduction of mortgagee's compensation from mortgagor's compensation.

The compensation payable to a mortgagee under Section 103(1) shall be deducted from the compensation that would have been payable to the mortgagor if the mortgage did not exist, and interest under Section 111 is payable to the mortgagor on the reduced amount only.

105. Execution of discharge of mortgage debt.

On payment or tender of the compensation to the mortgagee, he shall, if so required by the mortgagor and at the expense of the mortgagor, execute a discharge of the mortgage debt to the extent to which the liability of the mortgagor under the mortgage is extinguished by virtue of Section 98(5).

106. Rights of mortgagor where mortgagee does not claim.

Where a mortgagee does not claim compensation, the mortgagor is entitled to the same compensation as if the mortgage did not exist, and, in addition, to such amount (if any) as he should justly receive as compensation in respect of—

- (a) interest on the mortgage debt accruing after the date of acquisition; and
- (b) any other liability to the mortgagee.

107. Saving of certain rights of mortgagee.

Where land that is subject to a mortgage is acquired by compulsory process under this Act and the whole or part of the mortgage debt is not discharged by virtue of this Act, the mortgagee retains, in respect of the whole or the part of the mortgage debt, as the case may be, his rights and remedies against the mortgagor (other than rights and remedies in relation to the land acquired) and in relation to any other land that is subject to the mortgage.

Division 8.—Payment of Compensation and Interest.

108. Payment of compensation.

(1) When the amount of compensation to which a person is entitled under Section 19 has been determined, the amount shall be paid to him when he has—

- (a) made out, to the satisfaction of the Principal Legal Adviser, a title, as at the date of acquisition, to the interest in respect of which the compensation is payable; and
- (b) produced or surrendered all deeds and documents relating to, or evidencing, the title that the Principal Legal Adviser reasonably requires to be produced or surrendered; and

(c) executed such documents as the Principal Legal Adviser reasonably requires.

(2) Subsection (1)(a) does not apply where a court has, under Section 87, 95 or 110, declared or determined that the claimant had, immediately before the date of acquisition, the interest in respect of which the compensation is payable.

109. Payment of compensation into Court.

(1) If, at the expiration of six months after the determination of the amount of any compensation, the person entitled to the compensation has not, by reason of some default or delay on his part, received payment of the compensation, the Minister may deposit the amount of compensation in the National Court.

(2) If, before the amount of compensation is deposited in the National Court, the Minister has notice of any rents, rates, taxes or assessments charged on the land and due at the date of acquisition, he may—

(a) pay the amount of the rents, rates, taxes or assessments out of the amount of compensation; and

(b) deposit the balance in the National Court.

(3) An amount of compensation deposited in the National Court under Subsection (1) or (2) may be paid, on the direction of the Principal Legal Adviser, to a person who complies with the requirements of Section 108.

(4) Section 85 does not apply in relation to Subsection (1) or (2).

110. Order that claimant entitled to compensation.

(1) Notwithstanding Sections 108 and 109, where a person claims to be entitled to an amount of compensation determined in respect of any land by agreement or by a court (including an amount that has been deposited in the National Court), the National Court—

(a) on application by the person; and

(b) on proof, to the satisfaction of the Court, of his title, immediately before the date of acquisition, to the interest in land in respect of which the compensation was payable,

may—

(c) declare that the person is entitled to the compensation; and

(d) order the payment of the compensation to the person, subject to such conditions as the Court thinks fit.

(2) Where the National Court orders payment to a claimant of an amount of compensation that has been deposited in the Court, the Court may if it thinks fit, order payment of interest at the rate of 3% per annum in respect of a period after the date of the deposit.

111. Interest on compensation.

(1) Subject to this Division, an amount of compensation payable in respect of an acquisition by compulsory process under this Act (other than an amount payable to a mortgagee on which interest is payable under Section 103) bears interest at the rate of 3% per annum from the date of acquisition of the land to—

(a) the date on which payment is made to the claimant; or

(b) where the amount is deposited in the National Court in accordance with Section 109, to the date on which the amount is so deposited.

(2) Where the amount of compensation determined by a court does not exceed an amount offered by the Minister, interest is payable only to the date on which the offer of the Minister was received by the claimant.

(3) Where compensation is determined, or ordered to be paid, by a court, interest continues to be payable under this section and not otherwise.

PART XII.—APPEALS.

112. Appeal to National Court.

(1) An interested person may appeal to the National Court on—

(a) a re-appraisal of imposition of rent, or a variation or imposition of royalty, under Section 63(5); or

(b) the forfeiture of a lease.

(2) An appeal under Subsection (1) shall be made within 28 days after the matter complained of, or within such further time as the National Court for any special reason allows.

(3) Where an appeal is made under Subsection (1), the matter complained of has no effect until—

(a) the National Court has decided the appeal; or

(b) where no further appeal is made to the Supreme Court—the period prescribed for making an appeal has expired; or

(c) where a further appeal is made to the Supreme Court—the Supreme Court has decided the appeal;

and, subject to Subsection (4), a lessee may in the meantime continue lawfully to occupy the land the subject of the appeal and to exercise his rights, and shall fulfil his obligations, under the lease.

(4) When an appeal is made under Subsection (1)(a) the decision of the National Court or of the Supreme Court shall be deemed to operate as from the date of the matter complained of.

PART XIII.—OFFENCES.

113. Unlawful occupation of certain land.

(1) A person who, without authority, occupies land or customary land is guilty of an offence.

Penalty: A fine not exceeding K400.00.

(2) A person who contravenes Subsection (1) and refuses to leave after receiving notice to quit from the Departmental Head or a District Officer may be forcibly ejected.

114. Trespass, etc., on certain land.

(1) A person who, without authority—

(a) injures, fells, barks or destroys a tree growing on Government land or customary land; or

(b) cuts, saws, removes or sells timber lying or being on any such land; or

- (c) removes or takes away or severs, excavates, quarries or digs for, with intent to remove or take away, any mineral or any stone, sand, gravel or other material from any such land,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

(2) In addition to a penalty imposed for an offence against this section, a person convicted under this section shall pay to the Minister or, in the case of customary land, to the First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration for distribution to the native owners, the value as determined by the court by which he was convicted of any tree, timber, mineral or thing in respect of which the offence was committed.

(3) A commissioned officer of the Police Force or a person authorized for the purpose by the Minister may arrest without warrant a person found committing an offence against this section and immediately cause him to be dealt with according to law.

115. Obstruction.

A person who in any way, directly or indirectly, hinders or obstructs a person in the exercise of his powers or the performance of his duties under this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART XIV.—MISCELLANEOUS.

116. Execution of State leases.

(1) A State lease shall be in the prescribed form and shall be executed in triplicate, and after being duly executed by the Minister¹ the original and a duplicate shall be forwarded to the Registrar of Titles for registration.

(2) The fees for the preparation of State leases are as prescribed.

117. Survey fees. —

(1) The survey fees payable in respect of an application for a State lease or of an application for approval to subdivide the land comprised in a State lease are as prescribed.

(2) If the Departmental Head so requires, survey fees shall be deposited with the application and otherwise shall be paid on demand, and the fees shall be returned to the applicant if the application is not granted.

(3) Where the Departmental Head certifies that any land in respect of which survey fees have been paid under this section has been wholly or partly surveyed, and that further survey of the whole or part so surveyed is unnecessary, the survey fees, or where the land was only partly surveyed such part of the survey fees as the Departmental Head thinks just, shall be returned to the applicant, after the deduction of such amount as is approved by the Departmental Head for the cost of any necessary inquiries made by a licensed surveyor in the employ of the State.

(4) If survey fees are not paid on demand, the application or lease shall not be granted or, if granted, the grant may be revoked and the lease terminated by the Minister without compensation.

¹ On the effective date State leases under Section 62 to officers of the Public Service were to be executed by the Minister for the Interior.

118. Service of notices, etc.

(1) Subject to this section, where, under this Act, a claim, notice or thing is required or permitted to be given to or served on a person (other than a corporation), the claim, notice or thing may be given or served personally or by registered post to his postal address last known to the Departmental Head.

(2) Where—

(a) in the opinion of the Departmental Head, it is impracticable to serve a person in accordance with Subsection (1); or

(b) the Departmental Head has cause to believe that that person is dead, it is a sufficient service if a copy of the claim, notice or thing—

(c) is published in three consecutive issues of a newspaper that is distributed regularly throughout the country; and

(d) is forwarded by pre-paid post to the Local Government Council (if any)—

(i) in whose area the land the subject of the notice is situated; or

(ii) in whose area the person to be served last, to the knowledge of the Departmental Head, resided; and

(e) is placed in a conspicuous place on the land the subject of the notice.

(3) Where, under this Act, a claim, notice or thing is required or permitted to be given to or served on a corporation, the claim, notice or thing may be given or served by registered post to the postal address of the corporation last known to the Departmental Head.

119. Inquiries, etc., by Minister and Land Board.

(1) The Minister or the Land Board, in the exercise and performance of the powers and duties conferred or imposed by or under this Act, may—

(a) summon witnesses; and

(b) take evidence on oath or affirmation; and

(c) require a person to produce a document, book or paper in his custody or control.

(2) A person who, without reasonable excuse, when summoned or required under this section to give evidence or to produce a document, book or paper in his custody or control fails—

(a) to attend before the Minister or the Land Board, as the case may be, at the time and place appointed in the summons or requirement; or

(b) to give evidence or to produce the document, book or paper,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) It is a defence to a charge of an offence against Subsection (2) for failing without reasonable excuse to produce a document, book or paper if the defendant proves that the document, book or paper is not relevant to the matter in connexion with which the production was required.

(4) For the purposes of this section, a summons purporting to be issued by the Land Board shall be deemed to have been properly issued if it is signed by the Chairman of the Board.

120. Recovery of money due to the State.

Money due to the State under this Act may be recovered from the person liable as a debt.

121. Interest on outstanding moneys.

Interest at the prescribed rate is payable on all moneys due to the State under this Act that remain unpaid for more than 60 days after the date on which they became due and payable.

122. Payment, etc., by the State good discharge.

A payment or deposit made on behalf of the State under this Act is a good and valid discharge to the State, and the State is not bound to see to—

- (a) the application of the money paid or deposited; or
- (b) the performance of any trusts.

123. Protection of members of Land Board.

No action is maintainable against a member of the Land Board in respect of any thing done by him in good faith while acting as a member.

124. Incorporation of the State.¹

For the purposes of acquiring, holding and disposing of land and for all purposes of this Act, the State is a body corporate, by the name of "The Independent State of Papua New Guinea".

125. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

¹ And see Constitution, Section 247.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land Regulation.

ARRANGEMENT OF SECTIONS.

1. Oath and affirmation of office of members of the Land Board.
2. Authentication of sale or lease.
3. Authorized officer.
4. Application for State leases.
5. Payment for improvements.
6. Licences.
7. Certificate of approval to dealings.
8. Survey fees.
9. Interest payable on outstanding moneys.
10. Other fees.

SCHEDULES.

SCHEDULE 1.

FORM 1.—Application for State Lease.

FORM 2.—Licence under Section 67 of the Land Act.

FORM 3.—Certificate of Approval to Dealings.

SCHEDULE 2.—Oath and Affirmation of Office of Members of Land Board.

SCHEDULE 3.—Scale of Survey Fees Payable in Respect of State Lease.

SCHEDULE 4.—Fees.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land Regulation.

MADE under the *Land Act*.

1. Oath and affirmation of office of members of the Land Board.

The oath and affirmation of office required by Section 7 of the Act shall be in the form in Schedule 2.

2. Authentication of sale or lease.

(1) A sale or lease of customary land under Section 15 of the Act shall be authenticated by an instrument setting out—

- (a) the names and descriptions of the vendors or lessors, as the case may be; and
- (b) in a case of a sale or lease by a vendor or lessor purporting to exercise a power conferred by Section 23 of the Act—
 - (i) the description of the capacity in which he exercises that power; and
 - (ii) the names, if ascertainable, and the descriptions of the persons or class of persons in respect of whom he exercises the power; and
- (c) a description and plan of the land; and
- (d) a description of the improvements (if any) on the land; and
- (e) the consideration for the transaction showing—
 - (i) the amount paid in respect of the unimproved value of the land; and
 - (ii) the amount (if any) paid for improvements; and
- (f) in the case of a lease—the term and conditions of the lease; and
- (g) the name and description of the officer authorized under Section 3.

(2) Where an instrument under Subsection (1) is not executed by all the vendors or lessors, as the case may be, it shall be accompanied by an authorization executed by the vendors or lessors, as the case may be, who did not execute the instrument, authorizing the persons described in the authorization to execute the instrument on behalf of the vendors or lessors, as the case may be.

3. Authorized officer.

(1) The Head of State, acting on advice, may, by notice in the National Gazette, authorize an officer to execute an instrument referred to in Section 2 on behalf of the State.

(2) Subsection (1) does not affect the operation of the *Government Contracts Act*.

4. Application for State leases.

An application for a State lease shall be in Form 1 and shall contain the particulars set out in that form.

5. Payment for improvements.

For the purposes of Section 42 of the Act, payments for improvements may be spread over a period of not more than 10 years, with interest on the unpaid balance—

- (a) in the case of leases granted after 8 July 1971 (being the date of commencement of the amendment to the pre-Independence *Land Regulations* 1963 made by Statutory Instrument No. 27 of 1971)—at the rate of $7\frac{1}{4}\%$ per annum; and
- (b) in the case of any other lease—at the rate of 5% per annum,

calculated with yearly rests.

6. Licences.

A licence under Section 67 of the Act shall be in Form 2.

7. Certificate of approval to dealings.

A certificate for the purposes of Section 69(4)(a) of the Act shall be in Form 3.

8. Survey fees.

(1) Subject to this section, the survey fees payable in respect of an application for a State lease or of an application for approval to subdivide the land comprised in a State lease are as set out in Schedule 3.

(2) Where land is situated within two or more zones notified or declared under the *Town Planning Act* and the survey fees for lands within those zones are different, the larger or largest of the fees is payable as the survey fees for that land.

(3) Where land is situated so that part is within one or more zones notified or declared under the *Town Planning Act* and the other part is not within a zone, Subsection (2) applies to the calculation of survey fees for that land as if the part not within a zone was itself a zone.

9. Interest payable on outstanding moneys.

For the purposes of Section 121 of the Act, interest is payable at the rate of $9\frac{1}{2}\%$ per annum on the unpaid balance, calculated with daily rests.

10. Other fees.

The fees set out in Schedule 4 are payable in respect of the matters set out in that Schedule.

SCHEDULES.

SCHEDULE 1.

PAPUA NEW GUINEA.

Land Act.

Reg., Sec. 4.

Form 1.

APPLICATION FOR STATE LEASE.

1. Advertisement No. (if any).
2. Full name and postal address of applicant.
3. Type of lease applied for.
4. Details of use proposed, together with details of proposed improvements (if space insufficient attach a separate sheet).
5. Description of land applied for (if application for more than one area, state order of preference).

Description.

Price.

(Signature.)

Dated

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PAPUA NEW GUINEA.

Land Act.

Act, Sec. 67.

Form 2.

Reg., Sec. 6.

LICENCE UNDER SECTION 67 OF THE LAND ACT.

of _____ is licensed for a period of _____ commencing on
 19 _____, to enter on and occupy the land described below for the purpose of
 _____, subject to payment of the under-mentioned fee/royalty/fee and royalty* for

Fee:

Royalty, at the rate of _____

per _____

and subject to the following conditions :—

Description of land :—

Sketch.

Dated

19 .

Minister (or Authorized Officer).

* Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Land Act.

Act, Sec. 69.

Form 3.

Reg., Sec. 7.

CERTIFICATE OF APPROVAL TO DEALINGS.

The approval of the Minister has been given to the (insert nature of dealing) to which this instrument
 relates.

Dated

19 .

Minister.

SCHEDULE 2.

Act, Sec. 7.

Reg., Sec. 1.

OATH AND AFFIRMATION OF OFFICE OF MEMBERS OF LAND BOARD.

Oath.

I, _____, do swear that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of Chairman (or Deputy Chairman or Member) of the Land Board.

So help me God!

Affirmation.

I, _____, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of Chairman (or Deputy Chairman or Member) of the Land Board.

SCHEDULE 3.

(Replaced by No. 23 of 1982.)

Act, Sec. 117.

Reg., Sec. 8.

SCALE OF SURVEY FEES PAYABLE IN RESPECT OF STATE LEASES.

Survey fees shall be—

1. In the case of land situated within an Open Spaces Zone notified under the *Town Planning Act*, a Special Uses Zone declared under Section 7(e) of that Act or land that is not within a zone notified or declared under that Act—

<i>Area of land the subject of the application.</i>	K.
Not more than 2.5 ha	100
More than 2.5 and not more than 7 ha	150
More than 7 and not more than 10 ha	250
More than 10 and not more than 15 ha	400
More than 15 and not more than 25 ha	600
More than 25 and not more than 100 ha	700
More than 100 and not more than 500 ha	900
More than 500 and not more than 1 000 ha	1 200
More than 1 000 and not more than 5 000 ha	2 000
More than 5 000 and not more than 10 000	4 000
More than 10 000 and not more than 20 000 ha, K8 000.00 plus K200.00 for every 500 ha or part of 500 ha over 20 000 ha.	

2. In the case of land situated within a Residential Zone—

<i>Area of land the subject of the application.</i>	K.
Not more than 0.05 ha	15
More than 0.05 and not more than 0.07 ha	80
More than 0.07 and not more than 0.10 ha	200
More than 0.1 and not more than 0.5 ha, K300.00 plus K20.00 for every 0.1 ha or part of 0.1 ha over 0.5 ha.	

3. In the case of land situated within a Commercial Zone notified under the *Town Planning Act*—
- | <i>Area of land the subject of the application.</i> | K. |
|---|-----|
| Not more than 0.05 ha | 60 |
| More than 0.05 and not more than 0.07 ha | 120 |
| More than 0.07 and not more than 0.1 ha | 200 |
| More than 0.1 and not more than 0.3 ha | 300 |
| More than 0.3 and not more than 0.5 ha | 400 |
| More than 0.5 ha, K400.00 plus K20.00 for every 0.1 ha or part of 0.1 ha over 0.5 ha. | |
4. In the case of land situated within a Light Industrial Zone, a Heavy Industrial Zone or an Isolation Industrial Zone notified under the *Town Planning Act*—
- | <i>Area of land the subject of the application.</i> | K. |
|---|-----|
| Not more than 0.05 ha | 60 |
| More than 0.05 and not more than 0.075 ha | 150 |
| More than 0.075 and not more than 0.15 ha | 250 |
| More than 0.15 and not more than 0.2 ha | 350 |
| More than 0.2 and not more than 0.5 ha | 400 |
| More than 0.5 ha, K400.00 plus K20.00 for every 0.1 ha or part of 0.1 ha over 0.5 ha. | |
5. In respect of lodgement and relodgement of Survey Plans—
- Urban areas K1.00 per allotment with a minimum of K25.00 per plan
- Rural areas K2.00 per Portion with a minimum of K25.00 per plan.

SCHEDULE 4.

(Replaced by No. 23 of 1982.)

Reg., Sec. 10.

FEES.

	K
1. <i>Lease Application Fees.</i>	
(a) Settlement Schemes; agricultural and residential leases (advertised)	5
(b) Town subdivision leases; unadvertised land; subdivision of a lease	30
(c) Tenders or application for business or commercial leases (advertised); Mission leases; special purpose leases; consolidations; variations of purpose or relaxation of covenant	12
2. <i>Licence Fees.</i>	
(a) Under Section 67(1)(a) of the Act for land not in a declared township	K2.00 per month with a minimum fee of K10.00.
(b) For other licences	K4.00 per month with a minimum fee of K10.00.
3. <i>Other Fees.</i>	
(a) Preparation of lease	35
(b) Assignment of lease	6

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Kavieng Public Baths Reserve) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Reserve"
 "subscriber"
 "the Trustees".
2. Charge for tickets.
3. Entry to Reserve.
4. School children.
5. Costume.
6. Use of dressing shed.
7. Infectious diseases, etc.
8. Drunkenness, etc.
9. Filth and rubbish.
10. Damage to premises.
11. Animals.
12. Expulsion of offenders.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Kavieng Public Baths Reserve) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

In these By-laws, unless the contrary intention appears—

“the Reserve” means the Kavieng Public Baths Reserve;

“subscriber” means the holder of a ticket issued by—

(a) the Trustees; or

(b) a person authorized in writing by the Trustees to receive fees, authorizing the entry of the holder into the Reserve on the day or during the period specified in the ticket;

“the Trustees” means the Trustees of the Kavieng Public Baths Reserve.

2. Charge for tickets.

The fee for a ticket referred to in the definition “subscriber” in Section 1 is—

(a) for a man, his wife and his child or children under the age of 16 years—K2.00 for each month; and

(b) for a man and his wife only—K1.50 for each month; and

(c) for a person, other than a person in respect of whom a ticket has been issued under Paragraph (a) or (b), who is—

(i) not under the age of 16 years—

(A) for one entry—K0.10; and

(B) for a month—K1.00; and

(ii) not under the age of five years and under the age of 16 years—for each entry—K0.05; and

(iii) under the age of five years—no charge.

3. Entry to Reserve.

A person other than a subscriber who, without the consent of the Trustees, enters the Reserve is guilty of an offence.

Penalty: A fine not exceeding K4.00.

4. School children.

Notwithstanding these By-laws, the Trustees may permit school children to enter the Reserve under the charge of an adult teacher, free of charge, on one day of each week during such hours as the Trustees determine.

5. Costume.

Any person over the age of four years bathing or being within the Reserve must be clad in a costume adequate to secure the observance of decency.

Penalty: A fine not exceeding K4.00.

6. Use of dressing shed.

A person who uses the dressing shed in the Reserve for any purpose other than undressing and dressing and using sanitary conveniences and shower facilities is guilty of an offence.

Penalty: A fine not exceeding K4.00.

7. Infectious diseases, etc.

A person suffering from an infectious, contagious or skin disease shall not be permitted to bathe in the Reserve.

Penalty: A fine not exceeding K20.00.

8. Drunkenness, etc.

(1) A person who enters the Reserve whilst drunk is guilty of an offence.

(2) A person who gambles, behaves riotously, or uses profane, obscene, threatening, abusive or insulting words in the Reserve is guilty of an offence.

Penalty: A fine not exceeding K20.00.

9. Filth and rubbish.

A person who brings or deposits any refuse, filth or rubbish into or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

10. Damage to premises.

A person who damages, disfigures or writes on any fence, wall, dressing shed or other structure in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

11. Animals.

A person who brings a dog, horse or other animal into the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

12. Expulsion of offenders.

(1) The Trustees, a person authorized in writing by the Trustees to do so or a commissioned officer of the Police Force may order a person who behaves in an offensive or unseemly manner, or who contravenes any provision of these By-laws, to leave the Reserve.

(2) A person who refuses or neglects to obey an order given under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Kavieng Recreation Reserve) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Reserve"
 "the Trustees".
2. Meetings of Trustees.
3. Bank account.
4. Access to Reserve.
5. Use of Reserve.
6. Removal of soil, etc.
7. Damage to property, etc., within the Reserve.
8. Depositing of rubbish, etc.
9. Removal, etc., of property.
10. Injuring trees or plants.
11. Climbing on fences, etc.
12. Entering and leaving Reserve.
13. Interfering with notices, etc.
14. Riding, etc., animals.
15. Control of dogs.
16. Driving, etc., of vehicles.
17. Affixing notices.
18. Disorderly conduct, etc.
19. Sporting areas.
20. Special sporting facilities.
21. Permission for exclusive use by sporting bodies.
22. Fees for use of sports areas, etc.
23. Suspension of permission.
24. Festivals, etc.
25. Admission of public to restricted areas.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Kavieng Recreation Reserve) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Reserve” means the Kavieng Recreation Reserve;

“the Trustees” means the Trustees of the Kavieng Recreation Reserve.

(2) Where it is provided directly or by implication by or under these By-laws that any permission, authority, approval, consent, appointment or direction is to be or may be given, granted or made by the Trustees, it may be written and under the hands of any two of the Trustees.

2. Meetings of Trustees.

(1) Meetings of the Trustees shall be held as required for the carrying out of the trust and when they think necessary or expedient.

(2) At a meeting of the Trustees two Trustees are a quorum.

3. Bank account.

(1) An account shall be opened, at such bank as the Trustees direct, in the name of the Kavieng Recreation Reserve, and all moneys the property of the Reserve or coming into the hands of the Trustees, or of the servants or agents of the Trustees, in their characters as such, shall be paid into that account.

(2) All payments out of the account shall be by cheque signed by any two of the Trustees.

4. Access to Reserve.

(1) The Reserve shall be open to the public at such hours on such days as the Trustees appoint.

(2) A person who, without a permit from the Trustees or otherwise than at the times and to the extent specified in the permit, is on the Reserve, except during the times when the Reserve is open to the public, is guilty of an offence.

Penalty: A fine not exceeding K10.00.

5. Use of Reserve.

A person who resides on, occupies or uses the Reserve except for, or for a purpose ancillary to, the purposes and objects for which the Trustees hold the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

6. Removal of soil, etc.

(1) A person who—

(a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Reserve; or

(b) erects or places any post, pillar, bridge crossing, building or other fixture or erection in or on the Reserve; or

(c) digs or removes any turf, sand, soil or other material in or from the Reserve, is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) Subsection (1) does not apply to a person who—

(a) holds a permit from the Trustees to do the thing referred to in that subsection that is in question; or

(b) is empowered by Act to do that thing.

7. Damage to property, etc., within the Reserve.

A person who, wilfully, carelessly or negligently, defaces, injures, destroys, soils, defiles or writes or draws on—

(a) any part of any wall or fence in or enclosing the Reserve; or

(b) any part of any building, structure, erection, barrier, rail, fence, flag, flag standard or any fixed or movable seat in or on the Reserve; or

(c) any work of art, ornament or decoration in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

8. Depositing of rubbish, etc.

A person who, wilfully, carelessly or negligently—

(a) throws or deposits any filth, rubbish, refuse, stone, sand or other matter; or

(b) causes or permits any filth, rubbish, refuse, stone, sand or other matter to fall or be thrown or deposited,

on the Reserve, otherwise than—

(c) with the permission of the Trustees; and

(d) to the extent of the permission,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

9. Removal, etc., of property.

A person who, wilfully or negligently, removes or displaces—

(a) any barrier, structure, erection, railing, or post in or on the Reserve; or

(b) any fixed or movable seat in or on the Reserve; or

(c) any work of art, ornament or decoration in or on the Reserve; or

(d) any implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used—

(i) in the Reserve; or

(ii) in the laying out, planting, improvement or maintenance of the Reserve; or

(iii) in the care, cultivation or protection of the Reserve, or of any tree, plant or installation in or on the Reserve; or

(iv) for the enjoyment in the Reserve of the public or any person or body, is guilty of an offence.

Penalty: A fine not exceeding K10.00.

10. Injuring trees or plants.

A person who destroys, uproots, displaces, damages, cuts down, removes, lops, breaks, climbs on or disturbs any tree, shrub, plant or grass in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

11. Climbing on fences, etc.

A person who—

- (a) climbs on or gets over or through, or injures, cuts down, destroys, damages or otherwise interferes with, the fences in or around the Reserve; or
- (b) in any manner disturbs, damages or destroys any property, chattels, effects or things in or on the Reserve,

otherwise than—

- (c) with the permission of the Trustees; and
- (d) to the extent of the permission,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

12. Entering and leaving Reserve.

A person who enters or leaves the Reserve otherwise than through a gate, wicket, passage or opening appointed as the authorized means of entrance to or egress from the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

13. Interfering with notices, etc.

A person who removes, displaces, defaces, damages or destroys—

- (a) any board, plate or tablet used, or constructed, or adapted to be used, for the exhibition of any by-laws or notice, and fixed or set up by the Trustees or by their direction or permission in or on the Reserve or in or on any building or structure in, on or bounding the Reserve; or
- (b) any support, fastening or fitting of any such board, plate or tablet,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

14. Riding, etc., animals.

A person who, without the permission of the Trustees, drives, rides or brings, or causes to be driven, ridden or brought, into the Reserve any horse, cattle, sheep, goat, pig or other animal (other than a dog) is guilty of an offence.

Penalty: A fine not exceeding K10.00.

15. Control of dogs.

(1) A person who causes or permits a dog belonging to him or in his charge to enter or remain in the Reserve unless the dog—

- (a) is under proper control; and
- (b) is effectually restrained from causing—

- (i) annoyance to any person; or
- (ii) damage to the Reserve or any property in the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) A dog that is found in the Reserve—

- (a) not under proper control; or
- (b) causing damage, or annoyance to any person,

may be removed or excluded from the Reserve by a Trustee, a person authorized by the Trustees or a member of the Police force.

16. Driving, etc., of vehicles.

A person who drives or rides, or causes to be driven or ridden, in the Reserve any car, cab, cycle, cart or other vehicle otherwise than—

- (a) on such roadways, paths or places in the Reserve; and
- (b) within such speed limits,

as the Trustees appoint is guilty of an offence.

Penalty: A fine not exceeding K10.00.

17. Affixing notices.

A person who, otherwise than with the permission of the Trustees and to the extent of the permission, affixes or posts any bill, placard, notice or advertisement to or on any wall, fence, tree, building, railing, seat or other structure or erection in, on or bounding the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

18. Disorderly conduct, etc.

(1) A person who, in the Reserve—

- (a) behaves in a riotous, violent, disorderly, indecent, offensive, threatening, insulting or dangerous manner; or
- (b) begs alms; or
- (c) plays an unlawful game; or
- (d) plays or carries on a game or activity that is—
 - (i) dangerous; or
 - (ii) likely to interfere with the safety or comfort of other persons lawfully in or near the Reserve; or
 - (iii) likely to injure the surface of the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) A person found behaving, begging or playing an unlawful game contrary to Subsection (1) may be removed and excluded for the rest of the day of his removal from the Reserve by a Trustee, a person authorized by the Trustees or a member of the Police Force.

19. Sporting areas.

(1) The Trustees may, by notice or otherwise, set apart for the playing of a specified game any specified part of the Reserve.

(2) A person who plays a game specified under Subsection (1) in any part of the Reserve not so specified for its playing is guilty of an offence.

Penalty: A fine not exceeding K10.00.

20. Special sporting facilities.

The Trustees may—

(a) cause any part of the Reserve to be laid out for use as a cricket ground, football ground, hockey ground, tennis court or other sporting area; and

(b) permit any part of the Reserve to be used by any sporting body recognized by the Trustees—

(i) on such conditions and occasions as seem to the Trustees fair and equitable; and

(ii) subject to the payment of such fees, or to the expenditure by the club of such amount on the upkeep of the ground, court or area, as the Trustees think proper.

21. Permission for exclusive use by sporting bodies.

(1) The Trustees may permit any part of the Reserve to be exclusively used by any sporting body recognized by the Trustees and formed for the purpose of any game of golf, tennis, quoits, bowls, basketball or other game that, by reason of its rules or manner of playing, necessitates the exclusive use by the players of any part of the Reserve.

(2) Permission under Subsection (1)—

(a) shall be given on such conditions and subject to the payment of such fees as seem to the Trustees fair and reasonable; and

(b) is subject to the condition that the part so permitted to be exclusively used shall be kept by the sporting body in good repair and fit for the purpose for which it is to be used.

22. Fees for use of sports areas, etc.

(1) The Trustees may charge fees for the use of any cricket, football, hockey or other ground or tennis or other court, or other part of the Reserve.

(2) Where a part of the Reserve is set aside for the exclusive use of a sporting body under Section 21, the Trustees may require the payment to them of a visitor's fee by or in respect of any person who—

(a) is not a bona fide member of the body; and

(b) is permitted by the body to be in or to use the part as though he were such a member,

and any fees so paid shall be used in the maintenance or improvement of the part used by the body.

23. Suspension of permission.

The Trustees may suspend the operation, wholly or in part, of any permission given under Section 20 or 21 to allow any part of the Reserve to be used, alone or in conjunction with other parts of the Reserve, for special public occasions and purposes.

24. Festivals, etc.

The Trustees may grant exclusive use of the Reserve or part of the Reserve for any special public occasion or purpose including a festival or a mass religious observance.

25. Admission of public to restricted areas.

Notwithstanding the granting of permission for the use of any part of the Reserve for a particular game or for exclusive use, members of the public have the right to enter and use the Reserve provided that in doing so—

- (a) they use reasonable and proper care to prevent interference with the reasonable and proper use of the part by the members of the sporting body to which permission is granted; and
- (b) in the case of any part of which a body has been granted exclusive use, they use reasonable and proper care to avoid infringement of the exclusive use.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Kokopo Recreation Reserve) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Reserve"
 "the Trustees".
2. Meetings of Trustees.
3. Bank account.
4. Construction, etc., agreements.
5. Access to reserve.
6. Residing, camping, etc., on Reserve.
7. Removal of soil, etc.
8. Damage to property, etc., within the Reserve.
9. Depositing of rubbish, etc.
10. Removal, etc., of property.
11. Injuring trees or plants.
12. Climbing on fences, etc.
13. Entering and leaving reserve.
14. Interfering with notices, etc.
15. Riding, etc., animals.
16. Control of dogs.
17. Driving, etc., vehicles.
18. Affixing notices.
19. Disorderly conduct, etc.
20. Sporting areas.
21. Special sporting facilities.
22. Permission for exclusive use by sporting bodies.
23. Fees for use of sports areas, etc.
24. Suspension of permission.
25. Festivals, etc.
26. Exhibitions of general interest.
27. Admission of public to restricted areas.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Kokopo Recreation Reserve) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Reserve” means the Kokopo Recreation Reserve;

“the Trustees” means the Trustees of the Reserve.

(2) Except where otherwise expressly provided by these By-laws, any permission, authority, approval or consent that is to be or may be given or granted by the Trustees shall be written and under the hands of two of the Trustees.

2. Meetings of Trustees.

(1) Meetings of the Trustees shall be held as and when they think necessary or expedient.

(2) At a meeting of the Trustees two Trustees are a quorum.

3. Bank account.

(1) An account shall be opened, at such bank as the Trustees direct, in the name of the Kokopo Recreation Reserve, and all moneys shall be paid into that account.

(2) All payments out of the account shall be by cheque signed by two of the Trustees.

4. Construction, etc., agreements.

The Trustees may enter into an agreement, financial or other, with any person or association of persons for the construction and conduct of any work or structure that they think appropriate to the Reserve.

5. Access to Reserve.

(1) The Reserve shall be open to the public at such times on such days as the Trustees by resolution appoint.

(2) A person who enters or remains in or on the Reserve otherwise than during the times appointed for the opening of the Reserve to the public is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(3) Subsection (2) does not apply to a person who, under a written permit from the Trustees, enters or remains in or on the Reserve outside the times appointed for the opening of the Reserve to the public.

6. Residing, camping, etc., on Reserve.

(1) A person who resides on, occupies or uses the Reserve otherwise than in accordance with the purposes or objects for which the Trustees have or hold the Reserve is guilty of an offence.

(2) A person who, without the permission of the Trustees—

(a) camps, lodges or tarries overnight in the Reserve; or

(b) frequents the Reserve for the purpose of camping, lodging or tarrying overnight in it,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

7. Removal of soil, etc.

(1) A person who—

(a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Reserve; or

(b) erects or places, or causes to be erected or placed, any post, pillar, bridge crossing, building or other fixture or erection in or on the Reserve; or

(c) digs or removes, or causes to be dug or removed, any turf, sand, soil or other material in or from the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) Subsection (1) does not apply to a person who—

(a) holds a written permit from the Trustees to do the thing referred to in that subsection that is in question; or

(b) is empowered by Act to do that thing.

8. Damage to property, etc., within the Reserve.

A person who, wilfully, carelessly or negligently, defaces, injures, destroys, soils, defiles or writes or draws on, or causes or permits to be defaced, injured, destroyed, soiled, defiled or written or drawn on—

(a) any part of any wall or fence in or enclosing the Reserve; or

(b) any part of any building, structure, erection, barrier, railing or fixed or movable seat in or on the Reserve; or

(c) any work of art, ornament or decoration in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

9. Depositing of rubbish, etc.

A person who, wilfully, carelessly or negligently—

(a) throws or deposits any filth, rubbish, refuse, stone, sand or other matter; or

(b) causes or permits any filth, rubbish, refuse, stone, sand or other matter to fall or be thrown or deposited,

in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

10. Removal, etc., of property.

A person who, wilfully or negligently, removes or displaces—

(a) any barrier, railing or post in or on the Reserve; or

(b) any fixed or movable seat in or on the Reserve; or

(c) any part of any building, structure or erection in or on the Reserve; or

- (d) any work of art, ornament or decoration in or on the Reserve; or
- (e) any implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used—
 - (i) in the Reserve; or
 - (ii) in the laying out, planting, improvement or maintenance of the Reserve; or
 - (iii) in the care, cultivation or protection of the Reserve; or
 - (iv) in the care, cultivation or protection of any tree, plant or installation in the Reserve; or
 - (v) for the enjoyment in the Reserve of the public or any person or body,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

11. Injuring trees or plants.

A person who—

- (a) destroys, uproots, displaces, damages, cuts, removes, lops, breaks down, climbs on or disturbs any tree or shrub in or on the Reserve; or
- (b) destroys, uproots, displaces, damages, cuts or removes any grass in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

12. Climbing on fences, etc.

A person who—

- (a) climbs on or gets over or through, or injures, cuts down, destroys, damages or otherwise interferes with, any fence in or around the Reserve; or
- (b) in any manner disturbs, damages or otherwise interferes with any property, chattels, effects or things in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

13. Entering and leaving Reserve.

A person who enters or leaves the Reserve otherwise than through a gate, wicket, passage or opening appointed by the Trustees as the authorized means of entrance to or egress from the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

14. Interfering with notices, etc.

A person who removes, displaces, defaces, damages or destroys—

- (a) any board, plate or tablet used, or constructed or adapted to be used, for the exhibition of any by-laws or notice, and fixed or set up by or by the direction or permission of the Trustees in or on the Reserve or in or on any building, structure or erection in, on or bounding the Reserve; or

(b) any support, fastening or fitting of any such board, plate or tablet, is guilty of an offence.

Penalty: A fine not exceeding K10.00.

15. Riding, etc., animals.

A person who, without the permission of the Trustees, rides, drives or brings, or causes or permits to be driven, ridden or brought, into the Reserve any horse, cattle, sheep, goat, pig or other animal (other than a dog) is guilty of an offence.

Penalty: A fine not exceeding K10.00.

16. Control of dogs.

A person who causes or permits a dog belonging to him or in his charge to enter or remain in the Reserve, unless the dog—

(a) is under proper control; and

(b) is effectually restrained from causing—

(i) annoyance to any person; or

(ii) damage to the Reserve or any property in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

17. Driving, etc., vehicles.

(1) The Trustees may, by notice affixed or set up in some conspicuous position in the Reserve—

(a) restrict to such places and within such speed limits as are specified in the notice the entry into, or the driving or riding in or on, the Reserve, or any part of the Reserve, of cars, cycles, carts or other vehicles; and

(b) prohibit the entry into, or the driving or riding or being in or on, the Reserve, or any part of the Reserve, of cars, cycles, carts or other vehicles.

(2) A person who, without the permission of the Trustees, drives or rides, or causes or permits to be driven or ridden, into, in or on, or to be in or on, the Reserve, or any part of the Reserve, a car, cycle, cart or other vehicle in contravention of a notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K10.00.

18. Affixing notices.

A person who, without the permission of the Trustees, affixes or posts any bill, placard, notice, advertisement or other matter to or on any wall, fence, tree, building, barrier, railing, seat or other structure or erection in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

19. Disorderly conduct, etc.

(1) A person who, in the Reserve—

(a) behaves in a disorderly manner; or

(b) uses any indecent or obscene language within the hearing of any other person in or near the Reserve; or

(c) begs alms; or

- (d) plays any unlawful game; or
- (e) plays or carries on any game or activity that is—
 - (i) dangerous; or
 - (ii) likely to interfere with the safety or comfort of the general public; or
 - (iii) likely to injure the surface of the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) A person who contravenes any of the provisions of Subsection (1) may—

- (a) be removed from the Reserve by a Trustee, a person authorized by a Trustee or a commissioned officer of the Police Force; and
- (b) be excluded from the Reserve for the remainder of the day of his removal.

20. Sporting areas.

(1) The Trustees may, by notice or otherwise as they think fit, set apart for the playing of any specified game a defined part of the Reserve.

(2) A person who plays any game specified in a notice under Subsection (1) in any part of the Reserve not set apart for the game is guilty of an offence.

Penalty: A fine not exceeding K10.00.

21. Special sporting facilities.

The Trustees may—

- (a) cause any part of the Reserve to be laid out for use as a cricket ground, football ground, hockey ground, tennis court or other sporting area; and
- (b) permit it to be used by a sporting body or club recognized by the Trustees—
 - (i) on such conditions and on such occasions as seem to the Trustees fair and equitable; and
 - (ii) subject to the payment of such fees, or to the expenditure by the sporting body or club of such amount on the upkeep of the ground, court or area, as the Trustees think proper.

22. Permission for exclusive use by sporting bodies.

(1) The Trustees may permit any part of the Reserve to be exclusively used by any sporting body or club recognized by the Trustees and formed for the purpose of any game of golf, tennis, quoits, bowls, basketball or other game that, by reason of its rules or manner of playing, necessitates the exclusive use by the players of any part of the Reserve.

(2) Permission under Subsection (1)—

- (a) shall be given on such conditions and subject to the payment of such fees as seem to the Trustees fair and reasonable; and
- (b) is subject to the condition that the part so permitted to be exclusively used shall be kept by the sporting body or club in good repair and fit for the purpose for which it is to be used.

23. Fees for use of sports areas, etc.

(1) The Trustees may charge fees for the use of any cricket, football, hockey or other ground or tennis or other court, and for the exclusive use of any other part of the Reserve.

(2) Where a part of the Reserve is set aside for the exclusive use of a sporting body or club under Section 21 or 22, the Trustees may require the payment to them of a visitor's fee by or in respect of any person who—

- (a) is not a bona fide member of the body or club; and
- (b) is permitted by the body or club to be in or use the part as though he were a member,

and any fees so paid shall be used in the maintenance or improvement of the part used by the body or club.

24. Suspension of permission.

The Trustees may suspend the operation, wholly or in part, of any permission given under these By-laws when it appears to them that the Reserve or any special part of the Reserve is otherwise required for any public occasion or purpose, festival, mass religious observance, show or other exhibition that the Trustees think to be of interest to the general public.

25. Festivals, etc.

The Trustees may grant exclusive use of the Reserve or any part of the Reserve for the purposes of any public occasion, festival or mass religious observance.

26. Exhibitions of general interest.

(1) The Trustees may—

- (a) permit the Reserve, or any part of the Reserve, to be used exclusively for the purposes of any show or other exhibition that they think to be of interest to the general public; and
- (b) authorize the charging of fees for admission to the show or exhibition and of rental for stands, booths, stalls and allotments.

(2) Permission under Subsection (1)—

- (a) shall be given on such conditions; and
- (b) is subject to the payment of such fees, by way of rental or percentage of profits,

as to the Trustees seem fair and reasonable, and the fees so paid shall be applied towards the maintenance and improvement of the Reserve.

27. Admission of public to restricted areas.

Notwithstanding the granting of permission for the use of any part of the Reserve for a particular game, members of the public have the right to enter and use the Reserve provided that in doing so they use reasonable and proper care to prevent undue interference with the reasonable and proper use of the part comprised in any permit by the members of the sporting body or club to which the permit is granted.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Lae Market and Recreation Reserve) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "Health Inspector"
 - "the Reserve"
 - "sanitary convenience"
 - "the Trustees".
2. Employment by Trustees.
3. Receipts.
4. Bank account.
5. The market.
6. Entry charges.
7. Access to Reserve.
8. Unauthorized work, etc., on the Reserve.
9. Damage to property, etc., within the Reserve.
10. Depositing rubbish, etc.
11. Animals generally.
12. Control of dogs.
13. Driving, etc., vehicles.
14. Intoxicating liquor.
15. Obscene language.
16. Unwholesome food.
17. Chewing and spitting betel nut.
18. Use of sanitary conveniences.
19. Playing of sports.
20. Sporting areas, etc.
21. Permission for exclusive use of part of the Reserve.
22. Expulsion from Reserve.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Lae Market and Recreation Reserve) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“Health Inspector” means a Health Inspector appointed under the *Public Health Act*;

“the Reserve” means the Lae Market and Recreation Reserve;

“sanitary convenience” means a water closet, earth closet, privy or other receptacle for the disposal of night-soil, and includes a urinal;

“the Trustees” means the Trustees of the Reserve.

(2) Where it is provided in these By-laws that any permission, authority, approval or consent may be granted, given or made, it shall be written and under the hands of two of the Trustees.

2. Employment by Trustees.

The Trustees may employ persons—

(a) to collect fees and to clean and maintain the Reserve and buildings; or

(b) to perform any duties that are necessary or convenient for the administration, supervision or maintenance of the Reserve.

3. Receipts.

A person authorized to collect fees or other moneys on behalf of the Trustees shall issue a receipt, in a form approved by the Trustees.

4. Bank account.

(1) An account shall be opened, at a bank agreed on by the Trustees, in the name of the “Trustees for the Lae Market and Recreation Reserve”, and all moneys paid to the Trustees or to any person on their behalf shall be paid into that account.

(2) The Trustees may use the moneys standing to their credit in the bank account opened in accordance with Subsection (1)—

(a) for the erection and maintenance of buildings and facilities approved by the Trustees; and

(b) to meet any other expenses necessary for the administration of the Reserve.

(3) The bank account and the books of the Trustees shall be subject to an annual audit by an auditor appointed by the Trustees, who shall report to the National Executive Council on the result of the audit.

5. The market.

(1) The Trustees may—

(a) by notice affixed or set up in some conspicuous place in the Reserve; or

(b) by any other method they think proper,

set aside a part of the Reserve as a market, and erect stalls for trading on that part.

(2) The Trustees may issue to a vendor a stall ticket, entitling him to use the stall specified in the ticket, for the purpose of trading in accordance with this section, for the period specified in the ticket.

(3) The Trustees may fix a fee or series of fees for the use of stalls.

(4) A person who sells goods or merchandise in the Reserve—

(a) except with the consent of the Trustees, otherwise than from a stall allotted to him by the Trustees; or

(b) between 8 p.m. and 6 a.m.,

is guilty of an offence.

(5) A person who, otherwise than with the consent of the Trustees, enters or remains in the market area between 8 p.m. and 6 a.m. is guilty of an offence.

Penalty: A fine not exceeding K10.00.

6. Entry charges.

(1) The Trustees may fix a charge or series of charges for entry into the Reserve or any part of the Reserve.

(2) A charge or series of charges fixed under Subsection (1) may be fixed generally or in relation to a particular event or series of events.

(3) A person who, without the consent of the Trustees, enters or attempts to enter the Reserve, or a part of the Reserve, in respect of which a charge under Subsection (1) has been imposed, without paying the charge, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

7. Access to Reserve.

(1) Subject to Section 5(4) and (5), the Trustees may specify the hours of the day during which the public may enter or be on the Reserve, or a part of the Reserve.

(2) A person who, without the consent of the Trustees, enters or is on the Reserve otherwise than within the hours specified under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

8. Unauthorized work, etc., on the Reserve.

A person who, without the consent of the Trustees, or otherwise than in accordance with the conditions (if any) expressed in the consent—

(a) erects any building or structure on the Reserve; or

(b) wilfully disturbs the surface of the Reserve; or

(c) exhibits an advertisement on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

9. Damage to property, etc., within the Reserve.

A person who, without the consent of the Trustees, wilfully or negligently injures, damages, defaces or removes a building, structure, tree, plant, shrub or any other thing in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

10. Depositing rubbish, etc.

A person who, without the consent of the Trustees, deposits any rubbish or noxious matter in or on the Reserve, otherwise than in a receptacle provided for that purpose, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

11. Animals generally.

Subject to Section 12, a person who, without the consent of the Trustees, permits an animal to be on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

12. Control of dogs.

A person may bring a dog on, or enter or remain on¹, the Reserve if the dog—

(a) is under proper control; and

(b) is restrained from causing—

(i) annoyance or inconvenience to any person; or

(ii) damage to the Reserve or anything in or on the Reserve.

13. Driving, etc., vehicles.

A person who drives a vehicle, or causes or permits a vehicle to be driven, on the Reserve otherwise than as authorized by the Trustees is guilty of an offence.

Penalty: A fine not exceeding K50.00.

14. Intoxicating liquor.

A person who consumes intoxicating liquor on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

15. Obscene language.

A person who uses obscene or indecent language in a part of the Reserve within the hearing of any person in or near the Reserve, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

16. Unwholesome food.

A person who brings into the Reserve, or has in his possession in the Reserve, any dead fish, meat, game or other food that, in the opinion of a Health Inspector, the Trustees or a person authorized by the Trustees for the purpose, is unfit for human consumption is guilty of an offence.

Penalty: A fine not exceeding K10.00.

¹ Sic.

17. Chewing and spitting betel nut.

(1) A person who chews betel nut within the Reserve is guilty of an offence.

(2) A person who spits betel nut or betel nut juice within the Reserve is guilty of an offence.

Penalty: A fine not exceeding K5.00.

18. Use of sanitary conveniences.

(1) A person who voids urine or excreta on the surface of the ground of the Reserve, or in any place within the Reserve, otherwise than in a sanitary convenience provided for the purpose, is guilty of an offence.

(2) A sanitary convenience must be used only by a member of the sex indicated on the outside of the convenience.

Penalty: A fine not exceeding K10.00.

19. Playing of sports.

Subject to Sections 20 and 21, a person who, without the consent of the Trustees, takes part on the Reserve in a sport or recreation that is likely—

(a) to damage the surface of the Reserve; or

(b) to interfere with the comfort or safety—

(i) of persons using the Reserve; or

(ii) of the general public,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

20. Sporting areas, etc.

The Trustees may—

(a) set aside and lay out, or cause or permit to be laid out, parts of the Reserve as sports fields, exhibition stands or side-shows, or ancillary facilities; and

(b) separate the parts so set aside from the remainder of the Reserve by enclosures.

21. Permission for exclusive use of part of the Reserve.

The Trustees may grant permission, subject to such conditions as seem to them proper, to a person or group of persons for the use, exclusive or otherwise, of a part of the Reserve for sporting, recreation or other purposes approved by the Trustees.

22. Expulsion from Reserve.

(1) The Trustees, a person authorized by the Trustees to do so or a member of the Police Force may order a person who contravenes any provision of these By-laws to leave the Reserve.

(2) A person who hinders or obstructs a person acting under Subsection (1), or refuses or fails to obey an order given under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(3) The Trustees, a person authorized by the Trustees to do so or a member of the Police Force may remove from the Reserve any person who behaves in an offensive or disorderly manner or refuses or fails to obey an order given under Subsection (1).

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 185.

Land (Manus Foreshore Reserve) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Council"
 "the Reserve"
 "the Trustee".
2. Transaction of business of the Trustee.
3. Unauthorized use of Reserve.
4. Removal of soil, etc.
5. Damage to property, etc., within the Reserve.
6. Depositing of rubbish, etc.
7. Climbing on fences, etc.
8. Removal, etc., of property.
9. Injuring trees or plants.
10. Interfering with notices, etc.
11. Riding, etc., animals.
12. Affixing notices.
13. Erection of buildings.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Manus Foreshore Reserve) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Council” means the Manus Local Government Council;

“the Reserve” means the Manus Foreshore Reserve;

“the Trustee” means the Council.

(2) Where it is provided in these By-laws that any permission, authority, approval or consent is to be or may be given, granted or made by the Trustee, it shall be in writing and under the seal of the Council.

2. Transaction of business of the Trustee.

Any business of the Trustee may be transacted at any general meeting of the Council.

3. Unauthorized use of Reserve.

A person who resides on, occupies or uses the Reserve otherwise than in accordance with the purposes or objects for which the Trustee has or holds the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

4. Removal of soil, etc.

(1) A person who—

(a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Reserve; or

(b) erects or places any post, pillar, bridge crossing, building or other fixture or erection in or on the Reserve; or

(c) digs or removes any turf, sand, soil or other material in or from the Reserve; or

(d) removes any sand or gravel from the Reserve otherwise than in accordance with the purposes or objects for which the Trustee has or holds the Reserve and with the permission of the Trustee,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) Subsection (1)(a), (b) and (c) does not apply to a person who—

(a) holds a written permit from the Trustee to do the thing referred to in that paragraph that is in question; or

(b) is empowered by Act to do that thing.

5. Damage to property, etc., within the Reserve.

A person who, wilfully, carelessly or negligently, defaces, injures, destroys, soils or defiles—

- (a) any part of any wall or fence in or enclosing the Reserve; or
- (b) any part of any building, structure, erection, barrier, railing or a fixed or movable seat in or on the Reserve; or
- (c) any work of art, ornament or decoration in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

6. Depositing of rubbish, etc.

A person who, wilfully, carelessly or negligently—

- (a) throws or deposits any filth, rubbish or refuse; or
- (b) causes or suffers any filth, rubbish or refuse to fall or be thrown or deposited,

in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

7. Climbing on fences, etc.

A person who—

- (a) climbs on or gets over or through, or injures, cuts down, destroys or damages or otherwise interferes with, the fences in or around the Reserve; or
- (b) in any manner disturbs, damages or destroys any property, chattels, effects or things in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

8. Removal, etc., of property.

A person who, wilfully or negligently, removes or displaces—

- (a) any barrier, railing or post in or on the Reserve; or
- (b) any fixed or movable seat in or on the Reserve; or
- (c) any part of any structure or erection in or on the Reserve; or
- (d) any work of art, ornament or decoration in or on the Reserve; or
- (e) any implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used—
 - (i) in the laying out, planting, improvement or maintenance of the Reserve; or
 - (ii) in the care, cultivation or protection of any tree or plant in the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

9. Injuring trees or plants.

A person who—

- (a) uproots, displaces, cuts down, removes, lops or breaks or climbs on any tree or plant in or on the Reserve; or
- (b) in any manner, destroys, damages, disturbs or interferes with any such tree or plant; or
- (c) otherwise than in accordance with the purposes or objects for which the Trustee has or holds the Reserve and with the permission of the Trustee—
 - (i) cuts, destroys or uproots any vegetation in the Reserve; or
 - (ii) removes any sand or gravel from the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

10. Interfering with notices, etc.

A person who removes or displaces—

- (a) any board, plate or tablet used or constructed, or adapted to be used, for the exhibition of any by-law or notice and fixed or set up by the Trustee or by its direction or permission in the Reserve or in any building or structure in the Reserve; or
- (b) any support, fastening or fitting of any board, plate or tablet referred to in Paragraph (a),

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

11. Riding, etc., animals.

A person who, without the permission of the Trustee, rides or brings, or causes to be ridden or brought, on or into the Reserve any horse, bull, cow, sheep or goat is guilty of an offence.

Penalty: A fine not exceeding K50.00.

12. Affixing notices.

A person who, without the permission of the Trustee, affixes or posts any bill, placard, notice or advertisement to or on any wall, fence, tree, building, barrier, railing, seat or other structure or erection in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

13. Erection of buildings.

A person who erects any building or structure in or on the Reserve without first obtaining the permission of the Trustee is guilty of an offence.

Penalty: A fine not exceeding K50.00.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Port Moresby Recreation Reserve) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Reserve"
 "the Trustees";
2. Meetings of Trustees.
3. Bank account.
4. Agreements for construction, etc., of swimming baths.
5. Access to Reserve.
6. Residing, camping, etc., on Reserve.
7. Removal of soil, etc.
8. Careening, etc., vessels.
9. Damage to property, etc., within the Reserve.
10. Depositing of rubbish, etc.
11. Removal, etc., of property.
12. Injuring trees or plants.
13. Climbing on fences, etc.
14. Entering and leaving Reserve.
15. Interfering with notices, etc.
16. Riding, etc., animals.
17. Control of dogs.
18. Driving, etc., vehicles.
19. Affixing notices.
20. Disorderly conduct, etc.
21. Children's areas and sporting areas.
22. Special sporting facilities.
23. Permission for exclusive use by sporting bodies.
24. Fees for use of sports areas, etc.
25. Suspension of permission.
26. Admission of public to restricted areas.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Port Moresby Recreation Reserve) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Reserve” means the Port Moresby Recreation Reserve;

“the Trustees” means the Trustees of the Port Moresby Recreation Reserve.

(2) Where it is provided by or under these By-laws that any permission, authority, approval or consent is to be or may be given or granted by the Trustees, it shall be written and under the hands of two of the Trustees.

2. Meetings of Trustees.

(1) Meetings of the Trustees shall be held as and when necessary.

(2) At a meeting of the Trustees three Trustees are a quorum.

3. Bank account.

(1) An account shall be opened, at such bank as the Trustees direct, in the name of the Port Moresby Recreation Reserve, and all moneys shall be paid into that account.

(2) All payments out of the account shall be by cheque signed by two of the Trustees.

4. Agreements for construction, etc., of swimming baths.

(1) The Trustees may set aside any part or parts of the Reserve for the construction and conducting of swimming baths and may, with the approval of the Head of State, acting on advice, enter into an agreement with any person for the construction and conduct of the baths.

(2) An agreement entered into under Subsection (1) is of no effect until it is published in the National Gazette, and when so published any clauses in it relating to the conducting of the swimming baths have full force and effect as by-laws additional to these By-laws.

5. Access to Reserve.

(1) The Reserve shall be open to the public at such times on each day of the week as the Trustees by resolution appoint.

(2) A person who, without a permit from the Trustees—

(a) enters the Reserve on any day on which it is open to the public before the time appointed for the opening of the Reserve; or

(b) enters or remains in the Reserve after the time appointed for the closing of the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

6. Residing, camping, etc., on Reserve.

(1) A person who resides on, occupies or uses the Reserve otherwise than in accordance with the purposes or objects for which the Trustees have or hold the Reserve is guilty of an offence.

(2) A person who, without the permission of the Trustees—

(a) camps, lodges or taries overnight in the open air in the Reserve; or

(b) frequents the Reserve for the purpose of camping, lodging or tarrying overnight in the open air in it,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

7. Removal of soil, etc.

(1) A person who—

(a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Reserve; or

(b) erects or places any post, pillar, bridge crossing, building or other fixture or erection in or on the Reserve; or

(c) digs or removes any turf, sand, soil or other material in or from the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) Subsection (1) does not apply to a person who—

(a) holds a permit from the Trustees to do the thing referred to in that subsection that is in question; or

(b) is empowered by Act to do that thing.

8. Careening, etc., vessels.

(1) A person who—

(a) without the permission of the Trustees, careens, repairs, maintains or works on any canoe, ship, boat or other vessel on the Reserve; or

(b) otherwise than for the purpose of embarking or disembarking only, places a canoe, ship, boat or other vessel on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) The Trustees, may by written notice served on the master, owner or person having the care or control of a canoe, ship, boat or other vessel in or on the Reserve require him to remove the canoe, ship, boat or vessel from the Reserve within the time specified in the notice or within such further time as the Trustees, in a particular case, permit.

(3) A person served with a notice under Subsection (2) who fails to comply with the requirements of the notice is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(4) Where the person to whom a notice under Subsection (2) is directed cannot, after reasonable enquiry, be found, the notice shall be deemed to have been properly served if it is affixed in a conspicuous position to the canoe, ship, boat or vessel to which it relates.

(5) At the expiration of one month after the service of a notice under this section the Trustees may, at the expense of the owner of the canoe, ship, boat or vessel, remove it from the Reserve, and are not liable for any loss of or damage to it reasonably occasioned by the removal.

9. Damage to property, etc., within the Reserve.

A person who, wilfully, carelessly or negligently, defaces, injures, destroys, soils or defiles—

- (a) any part of any wall or fence in or enclosing the Reserve; or
- (b) any part of any building, structure, erection, barrier, railing or fixed or movable seat in or on the Reserve; or
- (c) any work of art, ornament or decoration in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

10. Depositing of rubbish, etc.

A person who, wilfully, carelessly or negligently—

- (a) throws or deposits any filth, rubbish or refuse; or
- (b) causes or permits any filth, rubbish or refuse to fall or to be thrown or deposited,

in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

11. Removal, etc., of property.

A person who, wilfully or negligently, removes or displaces—

- (a) any barrier, structure, erection, railing or post in or on the Reserve; or
- (b) any fixed or movable seat in or on the Reserve; or
- (c) any work of art, ornament or decoration in or on the Reserve; or
- (d) any implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used—
 - (i) in the laying out, planting, improvement or maintenance of the Reserve; or
 - (ii) in the care, cultivation or protection of any tree or plant in the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

12. Injuring trees or plants.

A person who—

- (a) uproots, displaces, cuts down, removes, lops, breaks or climbs on any tree or plant in or on the Reserve; or
- (b) in any manner destroys, damages, disturbs or interferes with any such tree or plant,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

13. Climbing on fences, etc.

A person who—

- (a) climbs on or gets over or through, or injures, cuts down, destroys, damages or otherwise interferes with, the fences in or around the Reserve; or
- (b) in any manner disturbs, damages, or destroys any property, chattels, effects or things in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

14. Entering and leaving Reserve.

A person who enters or leaves the Reserve otherwise than through a gate, wicket, passage or opening appointed as the authorized means of entrance to or egress from the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

15. Interfering with notices, etc.

A person who removes or displaces—

- (a) any board, plate or tablet used, or constructed or adapted to be used, for the exhibition of any by-laws or notice, and fixed or set up by the Trustees or by their direction or permission in or on the Reserve or in any building or structure in or on the Reserve; or
- (b) any support, fastening or fitting of any such board, plate or tablet,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

16. Riding, etc., animals.

A person who, without the permission of the Trustees, rides, drives or brings, or causes to be ridden or brought, into the Reserve any horse, bull, cow, sheep or goat is guilty of an offence.

Penalty: A fine not exceeding K50.00.

17. Control of dogs.

A person who causes or permits a dog belonging to him or in his charge to enter or remain in the Reserve, unless the dog—

- (a) is under proper control; and
- (b) is effectually restrained from causing—
 - (i) annoyance to any person; or
 - (ii) damage to the Reserve or any property in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

18. Driving, etc., vehicles.

(1) The Trustees may, by notice affixed or set up in some conspicuous position in the Reserve—

- (a) restrict to such places and within such speed limits as are specified in the notice the entry into, or the driving or riding in or on, the Reserve, or any part of the Reserve, of cars, cycles, carts or other vehicles; and
- (b) prohibit the entry into, or the driving or riding or being in or on, the Reserve, or any part of the Reserve, of cars, cycles, carts or other vehicles.

(2) A person who, without the permission of the Trustees, drives or rides, or causes or permits to be driven or ridden, into, in or on, or to be in or on, the Reserve, or any part of the Reserve, any car, cycle, cart or other vehicle in contravention of a notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

19. Affixing notices.

A person who, without the permission of the Trustees, affixes or posts any bill, placard, notice or advertisement to or on any wall, fence, tree, building, barrier, railing, seat or other structure or erection in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K50.00.

20. Disorderly conduct, etc.

(1) A person who, in the Reserve—

- (a) uses any indecent or obscene language within the hearing of any other person in or near the Reserve; or
- (b) plays a game that is—
 - (i) dangerous; or
 - (ii) calculated to interfere with the safety or comfort of the general public; or
 - (iii) likely to injure the surface of the ground,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) A person behaving in a disorderly manner, or using indecent or obscene language, in the Reserve may be removed from the Reserve.

21. Children's areas and sporting areas.

The Trustees may—

- (a) by notice affixed or set up in some conspicuous position in the Reserve; or
- (b) by any other method that they think proper,

set apart—

- (c) any part of the Reserve especially for the use of children under an age specified by the Trustees; or
- (d) a defined part of the Reserve for the playing of a specified game.

22. Special sporting facilities.

The Trustees may—

- (a) cause any part of the Reserve to be laid out as a cricket ground; and
- (b) permit it to be used by any cricket, football, baseball, softball, basketball or hockey club recognized by the Trustees—
 - (i) on such conditions and occasions as seem to the Trustees fair and equitable; and
 - (ii) subject to the payment of such fees, or to the expenditure by the club of such amount on the upkeep of the ground, as the Trustees think proper.

23. Permission for exclusive use by sporting bodies.

(1) The Trustees may permit any part of the Reserve outside the cricket ground to be exclusively used by any club recognized by the Trustees and formed for the purpose of any game of tennis, quoits, bowls or other game that, by reason of its rules or manner of playing, necessitates the exclusive use by the players of any part of the Reserve.

(2) Permission under Subsection (1)—

- (a) shall be given on such conditions and subject to payment of such fees as seem to the Trustees fair and reasonable; and
- (b) is subject to the condition that the part so permitted to be exclusively used shall be kept by the club in good repair and fit for the purpose for which it is to be used.

24. Fees for use of sports areas, etc.

The Trustees may charge fees for the use of the cricket ground, and for the exclusive use of any other part of the Reserve.

25. Suspension of permission.

The Trustees may suspend the operation wholly or in part, of any permission given under these By-laws when it appears to them that the Reserve or any special part of the Reserve is otherwise required for any public occasion.

26. Admission of public to restricted areas.

Notwithstanding any permission for the use of the cricket ground or part of the Reserve outside the cricket ground, members of the public have the right to enter and use the Reserve provided that in doing so they use reasonable and proper care to prevent undue interference with the reasonable and proper use of the cricket ground or part comprised in any permit by the members of the club to which the permit is granted.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Queen Elizabeth Park) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Park"
 "the Trustees".
2. Meetings of the Trustees.
3. Bank account.
4. Construction, etc., agreements.
5. Management Committee.
6. Residing, camping, etc., on Park.
7. Removal of soil, etc.
8. Damage to property, etc., within the Park.
9. Depositing of rubbish, etc.
10. Injuring trees or plants.
11. Climbing on fences, etc.
12. Interfering with notices, etc.
13. Riding, etc., animals.
14. Control of dogs.
15. Driving, etc., vehicles.
16. Affixing notices.
17. Disorderly conduct, etc.
18. Sporting areas.
19. Permission for exclusive use by sporting bodies.
20. Fees for use of playing areas, etc.
21. Fees by sporting bodies.
22. Suspension of permission.
23. Admission of public to restricted areas.
24. Expulsion of offenders.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Queen Elizabeth Park) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Park” means the Queen Elizabeth Park;

“the Trustees” means the Trustees of the Queen Elizabeth Park.

(2) Where it is provided in these By-laws that any permission, authority, approval or consent may be granted, given or made, it shall be written and under the hands of two of the Trustees.

2. Meetings of the Trustees.

(1) Meetings of the Trustees shall be held not less than once every three months.

(2) At a meeting of the Trustees two Trustees are a quorum.

3. Bank account.

(1) An account shall be opened, at such bank as the Trustees direct, in the name of the Queen Elizabeth Park, and all moneys received by the Trustees shall be paid into that account.

(2) All payments out of the account shall be by cheque signed by two of the Trustees.

4. Construction, etc., agreements.

The Trustees may enter into an agreement, financial or other, with any person or association of persons for the construction and conduct of any work or structure that they think appropriate to the Park.

5. Management Committee.

(1) The Trustees may call for election at a public meeting of a Management Committee for the effective conduct of the Park.

(2) The Committee shall be completely responsible to and directed by the Trustees.

(3) The Committee shall consist of not less than 12 nor more than 20 members, including the Trustees.

(4) At a meeting of the Committee five members are a quorum.

(5) The Chairman of the Committee shall be appointed by the Committee with the concurrence of the Trustees.

(6) The Secretary shall be appointed by the Committee with the concurrence of the Trustees.

(7) The Treasurer shall be appointed by the Committee with the concurrence of the Trustees.

(8) The members of the Management Committee shall be elected for a period of one year by annual public meetings especially called for the purpose by the Trustees.

(9) Subject to this section, the Committee may co-opt any person.

(10) The Trustees are ex officio members of the Management Committee.

(11) The Management Committee shall, at least once in every six months, call meetings of delegates from all sporting bodies and other bodies in the community who are interested in the objects and purposes for which the Trustees hold the Park, in order to obtain the views of the bodies on the management of the Park.

6. Residing, camping, etc., on Park.

(1) A person who—

- (a) resides on, occupies or uses the Park otherwise than in accordance with the purposes or objects for which the Trustees have or hold the Park; or
- (b) camps, lodges or tarries overnight in the Park without the permission of the Trustees; or
- (c) lights a fire in the Park without the permission of the Trustees; or
- (d) erects any building, lean-to, tent, marquee, post, pillar or any other structure, permanent or temporary, in the Park without the permission of the Trustees,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) The Trustees may cause any building, lean-to, tent, marquee, post, pillar or other structure erected in contravention of Subsection (1)(d) to be removed.

7. Removal of soil, etc.

A person who, without the permission of the Trustees—

- (a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Park; or
- (b) digs or removes any turf, sand, soil or other material in or from the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

8. Damage to property, etc., within the Park.

A person who, wilfully, carelessly or negligently, defaces, injures, destroys, removes, displaces, soils or defiles—

- (a) any part of any wall or fence in or enclosing the Park; or
- (b) any part of any building, structure, erection, barrier, railing, post or fixed or movable seat in or on the Park; or
- (c) any work of art, ornament or decoration in or on the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

9. Depositing of rubbish, etc.

A person who, wilfully, carelessly or negligently—

- (a) throws or deposits any filth, rubbish or refuse; or
- (b) causes or permits any filth, rubbish or refuse to be thrown or deposited,

in or on the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

10. Injuring trees or plants.

A person who—

- (a) uproots, displaces, cuts down, removes, lops, or breaks any tree or plant in or on the Park; or
- (b) in any manner destroys, damages, disturbs or interferes with any such tree or plant,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

11. Climbing on fences, etc.

A person who—

- (a) climbs on, over or through, or injures, cuts down, destroys, damages or otherwise interferes with, the fences in or around the Park; or
- (b) in any manner disturbs, damages or destroys any property, chattels, effects or things in or on the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

12. Interfering with notices, etc.

A person who interferes in any way with any copies or extracts of these By-laws or any other notice exhibited in or on any place within the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

13. Riding, etc., animals.

Subject to Section 14, a person who, without the permission of the Trustees, rides, drives or brings, or causes to be ridden, driven or brought, on or into the Park any animal is guilty of an offence.

Penalty: A fine not exceeding K50.00.

14. Control of dogs.

A person who causes or permits a dog belonging to him or in his charge to enter or remain in the Park, unless the dog—

- (a) is under proper control; and
- (b) is effectually restrained from causing—
 - (i) alarm or injury to any person within the Park; or
 - (ii) damage to the Park or any property in or on the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

15. Driving, etc., vehicles.

(1) Subject to Subsection (2), a person who drives, rides or parks a motor vehicle, motor cycle or bicycle in the Park, otherwise than in an area and on conditions prescribed by the Trustees, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) The Trustees may grant permission for a motor vehicle, motor cycle or bicycle to be driven, ridden or parked on an area in the Park that is not an area prescribed under Subsection (1).

(3) The Trustees may make a charge for the parking of a motor vehicle or motor cycle in the Park.

(4) The driver of a motor vehicle or motor cycle who fails to pay, on demand, the charge made under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

16. Affixing notices.

A person who, without the permission of the Trustees, affixes or posts any bill, placard, notice or advertisement to or on any wall, fence, tree, building, barrier, railing, seat or other structure or erection in or on the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

17. Disorderly conduct, etc.

A person who—

- (a) enters, or remains in, the Park while drunk; or
- (b) gambles, behaves riotously or uses profane, obscene, threatening, abusive or insulting words in the Park; or
- (c) plays a game that the Trustees think is—
 - (i) dangerous and calculated to interfere with the safety or comfort of the general public; or
 - (ii) likely to injure the surface of the ground in the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

18. Sporting areas.

The Trustees may—

- (a) by notice affixed or set up in some conspicuous position in the Park; or
- (b) by any other method that they think proper,

set apart for the playing of a specified game a defined part of the Park.

19. Permission for exclusive use by sporting bodies.

(1) The Trustees may permit any part of the Park to be exclusively used by any sporting body or section of the community recognized by the Trustees for the purpose of any sport, game or recreation that, by reason of its rules or manner of playing, necessitates the exclusive use by the players or by the community of any such part of the Park.

(2) Permission under Subsection (1)—

- (a) shall be given on such conditions and subject to payment of such fees as seem to the Trustees fair and reasonable; and
- (b) is subject to the condition that the part so permitted to be exclusively used shall be kept by the sporting body or by the community in good repair and fit for the purpose for which it is to be used.

20. Fees for use of playing areas, etc.

(1) The Trustees may charge fees for the use of the playing areas, and for the exclusive use of any other part of the Park.

(2) The Trustees may cause any suitable part of the park to be enclosed by a suitable fence for the purpose of charging admission fees to spectators.

21. Fees by sporting bodies.

(1) On application by a sporting body or section of the community recognized and approved of by the Trustees, the Trustees may authorize it to charge spectators admission fees for approved sporting fixtures.

(2) The rates of the admission fees shall be as approved by the Trustees.

(3) The manner of collection and the method of distribution of the admission fees shall be as decided on by the Trustees.

(4) Where a distribution is made under Subsection (3), the Trustees may direct that not more than 50% of the total admission fees be paid to the Trustees to be used by them for the maintenance and improvement of the Park and its facilities.

(5) Any person who refuses to pay an authorized admission fee to an approved sporting fixture held within an enclosed area of the Park may be removed from the area by the Trustees, a person authorized by the Trustees or a member of the Police Force.

22. Suspension of permission.

The Trustees may suspend the operation of any permission given under Section 19 or of any condition of such a permission when it appears to them that the Park or any special part of the Park is otherwise required for any public or other occasion.

23. Admission of public to restricted areas.

Notwithstanding the granting of permission for the use of any part of the Park, but subject to Sections 20 and 21 relating to the charging of admission fees to sporting fixtures, members of public have the right to enter and use the Park provided that in doing so they use reasonable and proper care to prevent undue interference with the reasonable and proper use of the playing areas or part of the Park comprised in any permit by the members of the sporting body or section of the community to which the permit is granted.

24. Expulsion of offenders.

(1) The Trustees, a person authorized by the Trustees to do so or a member of the Police Force may order a person who contravenes any provision of these By-laws to leave the Park.

(2) A person who refuses or neglects to obey an order given under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Sir Donald Cleland Park) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Park"
 "the Trustees".
2. Chairman and Deputy Chairman of Trustees.
3. Meetings of Trustees.
4. Bank accounts.
5. Receipts.
6. Hours when Park open to public.
7. Unauthorized meetings.
8. Residing, camping, etc., on Park without permission.
9. Removal of soil, etc.
10. Damage to property, etc., within the Park.
11. Depositing of rubbish, etc.
12. Injuring trees or plants.
13. Climbing on fences, etc.
14. Swimming, etc., in ponds.
15. Hunting or interfering with fauna.
16. Interfering with notices, etc.
17. Riding, etc., animals.
18. Control of dogs.
19. Driving, etc., vehicles.
20. Affixing notices.
21. Disorderly conduct.
22. Use of sanitary conveniences.
23. Hawkers.
24. Fees for use of the Park.
25. Charges by licensees.
26. Entry on parts of Park subject to licences.
27. Removal of offenders, etc.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Sir Donald Cleland Park) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Park” means the Sir Donald Cleland Park;

“the Trustees” means the Trustees of the Sir Donald Cleland Park, Madang.

(2) Where it is provided in these By-laws that any permission, authority, approval or consent may be granted, given or made, it shall be in writing and under the hands of two of the Trustees, or under the seal of the Trustees.

2. Chairman and Deputy Chairman of Trustees.

(1) The Trustees shall, by instrument signed by a majority of their number, appoint one of their number to be the Chairman of Trustees, and another to be the Deputy Chairman of Trustees.

(2) A copy of every instrument made under this section shall be forwarded to the Departmental Head.

3. Meetings of Trustees.

(1) Subject to Subsection (2), the Trustees shall meet at such times and places as the Chairman of Trustees, or during a vacancy in the office of Chairman or when the Chairman is absent from the country or is unable by reason of illness or incapacity or otherwise to perform his duties, the Deputy Chairman of Trustees, thinks necessary for the efficient conduct of its affairs, but so that the period between meetings is not more than three months.

(2) Within seven days of the receipt of a written request by not less than two Trustees, the Chairman, or during a vacancy in the office of Chairman or when the Chairman is absent from the country, or is unable by reason of illness or incapacity or otherwise to perform his duties, the Deputy Chairman, shall call a meeting of the Trustees.

(3) At a meeting of the Trustees—

(a) three Trustees are a quorum; and

(b) the Chairman of Trustees, or in his absence the Deputy Chairman, or in the absence of both, a Trustee elected by the Trustees present, shall preside; and

(c) all matters before the meeting shall be decided by a majority of votes of the Trustees present; and

(d) the presiding Trustee has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(4) The Trustees shall keep a record of their meetings.

4. Bank accounts.

(1) All moneys received by the Trustees or by any person authorized by the Trustees to receive moneys on their behalf shall be paid into a bank account in the name of the

"Trustees of the Sir Donald Cleland Park Madang" at a bank in Madang agreed on by the Trustees.

(2) All payments out of the account established in accordance with Subsection (1) shall be made by cheque signed by any two of the Trustees.

(3) The bank account and the books of the Trustees shall be subject to an annual audit by an auditor appointed by the Trustees, who shall report to the Head of State, acting on advice, on the result of the audit.

5. Receipts.

A receipt in a form approved by the Trustees shall be issued in respect of every fee or other payment received by or on behalf of the Trustees.

6. Hours when Park open to public.

(1) The Trustees may from time to time fix the hours of the day during which the public may enter or be in the Park or a part of the Park.

(2) The Trustees shall cause notices to be exhibited within the park specifying the hours fixed under Subsection (1).

(3) A person who, without the consent of the Trustees, enters or is in the park outside the hours specified in a notice under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

7. Unauthorized meetings.

A person, group of persons or organization who or which uses the Park for the purpose of holding meetings, private or public, without the consent of the Trustees, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

8. Residing, camping, etc., on Park without permission.

(1) A person who—

- (a) resides on, occupies or uses the Park otherwise than in accordance with the purposes or objects for which the Trustees have or hold the Park; or
- (b) camps, lodges or tarries in the Park between the hours of sunset and sunrise without the permission of the Trustees; or
- (c) lights a fire in the Park without the permission of the Trustees; or
- (d) erects any building, lean-to, tent, marquee, post or other structure, permanent or temporary, in the Park without the permission of the Trustees, and in accordance with such conditions (if any) as the Trustees impose in respect of the permission,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) The Trustees may cause any building, lean-to, marquee, post or other structure erected in contravention of Subsection (1)(d) to be removed.

9. Removal of soil, etc.

A person who, without the permission of the Trustees—

- (a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Park, or otherwise wilfully disturbs the surface of the Park; or

(b) removes any turf, sand, soil or other material from the Park,
is guilty of an offence.

Penalty: A fine not exceeding K50.00.

10. Damage to property, etc., within the Park.

(1) A person who wilfully, carelessly or negligently defaces, injures, destroys, removes, displaces, soils or defiles—

- (a) any part of a wall or fence in or enclosing the Park; or
- (b) any part of a building, barrier, railing, post or fixed or movable seat; or
- (c) a work of art, ornament or decoration or any structure or erection in the Park;
or
- (d) any other property in the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

11. Depositing of rubbish, etc.

A person who—

- (a) throws or deposits any filth, rubbish, refuse or bottles; or
- (b) causes or permits any filth, rubbish or bottles to fall or be thrown or deposited,

in or on the Park or in a pond in the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

12. Injuring trees or plants.

A person who uproots, displaces, cuts down, removes, lops, breaks or in any manner destroys, damages, disturbs or interferes with any tree or plant in or on the Park, or in a pond in the Park, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

13. Climbing on fences, etc.

A person who climbs on, over or through a fence in or around the Park, or a seat or other structure in the Park, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

14. Swimming, etc., in ponds.

A person who swims, bathes, wades or washes clothes in a pond in the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

15. Hunting or interfering with fauna.

A person who hunts or fishes, or in any way interferes with, any animal, bird, reptile or fish in the Park, or in a pond in the Park, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

16. Interfering with notices, etc.

A person who interferes in any way with any copies of or extracts from these By-laws, or any other notice, exhibited in or on any place in the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

17. Riding, etc., animals.

Subject to Section 18, a person who, without the permission of the Trustees, rides, drives or brings, or causes to be ridden, driven or brought, into the Park any animal is guilty of an offence.

Penalty: A fine not exceeding K50.00.

18. Control of dogs.

A person who causes or permits a dog belonging to him, or in his charge, to enter or remain in the Park, unless the dog—

(a) is under proper control; and

(b) is effectively restrained from causing—

(i) alarm or injury to any person within the Park; or

(ii) damage to the Park or any property in or on the Park,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

19. Driving, etc., vehicles.

A person who drives, rides or parks a motor vehicle or bicycle in the Park otherwise than in an area and on conditions permitted by the Trustees is guilty of an offence.

Penalty: A fine not exceeding K50.00.

20. Affixing notices.

A person who, without the permission of the Trustees, affixes or posts a bill, placard, notice or advertisement to or on a wall, fence, tree, building, barrier, railing, seat or other structure or erection in or on the Park is guilty of an offence.

Penalty: A fine not exceeding K50.00.

21. Disorderly conduct.

(1) A person who—

(a) is found drunk in the Park; or

(b) gambles, behaves riotously or uses profane, obscene, threatening, abusing or insulting words in the Park; or

(c) plays a game that—

(i) is dangerous; or

(ii) offends or is likely to offend members of the public, whether in the Park or not; or

(iii) is likely to injure the surface of the ground in the Park; or

(d) sets burning any fireworks or material dangerous to the general public or to property in the Park without the permission of the Trustees,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) The Trustees, a person duly authorized by them to do so or a member of the Police Force may order a person who is in possession of intoxicating liquor in the Park to remove the liquor from the Park.

(3) A person who refuses or fails to obey an order given under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

22. Use of sanitary conveniences.

A person who urinates or defecates in any part of the Park, except in the facilities provided for the purpose, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

23. Hawkers.

A person who hawks or sells goods in the Park without the permission of the Trustees is guilty of an offence.

Penalty: A fine not exceeding K50.00.

24. Fees for use of the Park.

(1) The Trustees may charge fees for the use of any area within the Park.

(2) Fees may be charged under this section either generally or in relation to a particular event or series of events.

25. Charges by licensees.

(1) The Trustees may authorize a person who is licensed by the Trustees to use an area within the Park to make charges for the admission of persons and vehicles to that area.

(2) An authorization by the Trustees under this section may be made subject to conditions as to the amount of the charges to be made, and may authorize the waiver or reduction of the charges in such circumstances as are approved by the Trustees.

26. Entry on parts of Park subject to licences.

(1) Subject to this section, members of the public may enter and use any part of the Park notwithstanding that a licence has been granted by the Trustees for the use of that part.

(2) A person who uses the Park or a part of the Park in such a way as to cause undue interference with the reasonable and proper use of an area of the Park over which the Trustees have granted a licence is guilty of an offence.

(3) A person who, without the consent of the Trustees, enters or causes a vehicle to enter a part of the Park in respect of which a fee or charge has been imposed under these By-laws without paying the fee or charge applicable to him, or to the vehicle, as the case may be, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

27. Removal of offenders, etc.

(1) The Trustees, a person authorized by them to do so or a member of the Police Force may order a person who contravenes any provision of these By-laws, or is considered to be a nuisance, to leave the Park.

(2) A person who refuses or neglects to obey an order given under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Wau Coronation Park) By-laws.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "the Reserve"
 "the Trustees".
2. Meetings of Trustees.
3. Bank account.
4. Construction, etc., agreements.
5. Management Subcommittee.
6. Access to Reserve.
7. Residing, camping, etc., on Reserve without permission.
8. Removal of soil, etc.
9. Damage to property, etc., within the Reserve.
10. Depositing of rubbish, etc.
11. Removal, etc., of property.
12. Injuring trees or plants.
13. Climbing on fences, etc.
14. Entering and leaving Reserve.
15. Interfering with notices, etc.
16. Riding, etc., animals.
17. Control of dogs.
18. Affixing notices.
19. Disorderly conduct, etc.
20. Sporting areas.
21. Special sporting facilities.
22. Permission for exclusive use by sporting bodies.
23. Fees for use of sports areas, etc.
24. Suspension of permission.
25. Admission of public to restricted areas.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 185.

Land (Wau Coronation Park) By-laws.

MADE under Section 26 of the *Land Act*.

1. Interpretation.

(1) In these By-laws, unless the contrary intention appears—

“the Reserve” means Coronation Park;

“the Trustees” means the Trustees of Coronation Park.

(2) Where it is provided by or under these By-laws that any permission, authority, approval or consent is to be or may be given or granted by the Trustees, it shall be in writing and under the hands of two of the Trustees.

2. Meetings of Trustees.

(1) Meetings of the Trustees shall be held as and when they think necessary.

(2) At a meeting of the Trustees two Trustees are a quorum.

3. Bank account.

(1) An account shall be opened, at such bank as the Trustees direct, in the name of Coronation Park, and all moneys shall be paid into that account.

(2) All payments out of the account shall be by cheque signed by two of the Trustees.

4. Construction, etc., agreements.

(1) The Trustees may, with the approval of the Head of State, acting on advice, enter into an agreement, financial or other, with any person or association of persons for the construction and conduct of any work, structure or thing that they think appropriate to the Reserve.

(2) An agreement entered into under Subsection (1) is of no effect until it is published in the National Gazette.

5. Management Subcommittee.

(1) The Trustees may call for election at a public meeting of a Subcommittee for the effective conduct of Coronation Park.

(2) The Subcommittee shall be completely responsible to and directed by the Trustees.

(3) The Subcommittee shall consist of 12 members, namely—

(a) a Chairman, who shall be one of the Trustees; and

(b) a Secretary, to be appointed; and

(c) a Treasurer, to be appointed; and

(d) nine Committeemen, being the remaining two Trustees and seven members to be appointed.

(4) At a meeting of the Subcommittee one Trustee and six other members are a quorum.

6. Access to Reserve.

(1) The Reserve shall be open to the public at such times on each day of the week as the Trustees by resolution appoint.

(2) A person who, without a permit from the Trustees—

(a) enters the Reserve on any day on which it is open to the public before the time appointed for the opening of the Reserve; or

(b) enters or remains in the Reserve after the time appointed for the closing of the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

7. Residing, camping, etc., on Reserve without permission.

(1) A person who resides on, occupies or uses the Reserve otherwise than in accordance with the purposes or objects for which the Trustees have or hold the Reserve is guilty of an offence.

(2) A person who, without the permission of the Trustees—

(a) camps, lodges or tarries overnight in the open air in the Reserve; or

(b) frequents the Reserve for the purpose of camping, lodging or tarrying overnight in the open air in it,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

8. Removal of soil, etc.

(1) A person who—

(a) digs or makes, or causes to be dug or made, any opening or cutting in or on the Reserve; or

(b) erects or places any post, pillar, bridge crossing, building or other fixture or erection in or on the Reserve; or

(c) digs or removes any turf, sand, soil or other material in or from the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) Subsection (1) does not apply to a person who—

(a) holds a permit from the Trustees to do the thing referred to in that subsection that is in question; or

(b) is empowered by Act to do that thing.

9. Damage to property, etc., within the Reserve.

A person who, wilfully, carelessly or negligently, defaces, injures, destroys, soils or defiles—

(a) any part of any wall or fence in or enclosing the Reserve; or

(b) any part of any building, structure, erection, barrier, railing or fixed or movable seat in or on the Reserve; or

(c) any work of art, ornament or decoration in or on the Reserve,
is guilty of an offence.

Penalty: A fine not exceeding K10.00.

10. Depositing of rubbish, etc.

A person who, wilfully, carelessly or negligently—

(a) throws or deposits any filth, rubbish or refuse; or

(b) causes or suffers any filth, rubbish or refuse to fall or be thrown or deposited,

in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

11. Removal, etc., of property.

A person who, wilfully or negligently, removes or displaces—

(a) any barrier, structure, erection, railing or post in or on the Reserve; or

(b) any fixed or movable seat in or on the Reserve; or

(c) any work of art, ornament or decoration in or on the Reserve; or

(d) any implement, utensil, apparatus, appliance or article provided for use, or used or adapted to be used—

(i) in the laying out, planting, improvement or maintenance of the Reserve; or

(ii) in the care, cultivation or protection of any tree or plant in the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

12. Injuring trees or plants.

A person who—

(a) uproots, displaces, cuts down, removes, lops or breaks or climbs on any tree or plant in or on the Reserve; or

(b) in any manner destroys, damages, disturbs or interferes with any such tree or plant, in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

13. Climbing on fences, etc.

A person who—

(a) climbs on or gets over or through, or injures, cuts down, destroys, damages or otherwise interferes with, the fences in or around the Reserve; or

(b) in any manner disturbs, damages or destroys any property, chattels, effects or things in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

14. Entering and leaving Reserve.

A person who enters or leaves the Reserve otherwise than through a gate, wicket, passage or opening appointed as the authorized means of entrance to or egress from the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

15. Interfering with notices, etc.

A person who removes or displaces—

(a) any board, plate or tablet used, or constructed or adapted to be used, for the exhibition of any by-laws or notice, and fixed or set up by the Trustees or by their direction or permission in or on the Reserve or in any building or structure in or on the Reserve; or

(b) any support, fastening or fitting of any such board, plate or tablet,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

16. Riding, etc., animals.

A person who, without the permission of the Trustees, rides, drives or brings, or causes to be ridden or brought, into the Reserve any horse, cattle, sheep or goat is guilty of an offence.

Penalty: A fine not exceeding K10.00.

17. Control of dogs.

A person who causes or permits a dog belonging to him or in his charge to enter or remain in the Reserve, unless the dog—

(a) is under proper control; and

(b) is effectually restrained from causing—

(i) annoyance to any person; or

(ii) damage to the Reserve or any property in or on the Reserve,

is guilty of an offence.

Penalty: A fine not exceeding K10.00.

18. Affixing notices.

A person who, without the permission of the Trustees, affixes or posts any bill, placard, notice or advertisement to or on any wall, fence, tree, building, barrier, railing, seat or other structure or erection in or on the Reserve is guilty of an offence.

Penalty: A fine not exceeding K10.00.

19. Disorderly conduct, etc.

(1) A person who in the Reserve—

(a) uses any indecent or obscene language within the hearing of any other person in or near the Reserve; or

(b) plays any game that is—

(i) dangerous; or

(ii) calculated to interfere with the safety or comfort of the general public;
or

(iii) likely to injure the surface of the ground,
is guilty of an offence.

Penalty: A fine not exceeding K10.00.

(2) A person behaving in a disorderly manner in the Reserve may be removed from the Reserve.

20. Sporting areas.

The Trustees may—

- (a) by notice affixed or set up in some conspicuous position in the Reserve; or
- (b) by any other method that they think proper,

set apart for the playing of a specified game a defined part of the Reserve.

21. Special sporting facilities.

The Trustees may—

- (a) cause any part of the Reserve to be laid out as a cricket ground; and
- (b) permit it to be used by any cricket, football or hockey club recognized by the Trustees—
 - (i) on such conditions and on such occasions as seem to the Trustees fair and equitable; and
 - (ii) subject to the payment of such fees, or to the expenditure by the club of such amount on the upkeep of the ground, as the Trustees think proper.

22. Permission for exclusive use by sporting bodies.

(1) The Trustees may permit any part of the Reserve outside the cricket ground to be exclusively used by any club recognized by the Trustees and formed for the purpose of any game that, by reason of its rules or manner of playing, necessitates the exclusive use by the players of any part of the Reserve.

(2) Permission under Subsection (1)—

- (a) shall be given on such conditions and subject to a payment of such fees as seem to the Trustees fair and reasonable; and
- (b) is subject to the condition that the part so permitted to be exclusively used shall be kept by the club in good repair and fit for the purpose for which it is to be used.

23. Fees for use of sports areas, etc.

The Trustees may charge fees for the use of any cricket ground, tennis court, swimming pool or bowling green, and for the exclusive use of any other part of the Reserve.

24. Suspension of permission.

The Trustees may suspend the operation, wholly or in part, of any permission given under these By-laws when it appears to them that the Reserve or any special part of the Reserve is otherwise required for any public occasion.

25. Admission of public to restricted areas.

Notwithstanding the granting of permission for the use of the cricket ground or any part of the Reserve outside the cricket ground, members of the public have the right to enter and use the Reserve provided that in doing so they use reasonable and proper care to prevent undue interference with the reasonable and proper use of the cricket ground or part of the Reserve comprised in any permit by the members of the club to which the permit is granted.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter No. 185.

Land.

SUBSIDIARY LEGISLATION.

1. Act, Section 3 - Townships.

Bereina, Central Province, as more particularly described in notice dated 15 July 1964 and published in *Territory of Papua and New Guinea Government Gazette* No. 38 of 23 July 1964, p. 558.

Bogia, Madang Province, Town of.

Bwagaioia, Milne Bay Province, as more particularly described in Order-in-Council dated 9 April 1934 made under the *Land Act*, 1911 of the former Territory of Papua and printed in *Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., p. 2439.

Cameron, Milne Bay Province, as more particularly described in notice dated 6 October 1965 and published in *Territory of Papua and New Guinea Government Gazette* No. 54 of 14 October 1965, p. 776.

Daru, Western Province, Town of.

Goroka, Eastern Highlands Province, Town of.

Kagamuga, Western Highlands Province, as more particularly described in notice dated 6 October 1964 and published in *Territory of Papua and New Guinea Government Gazette* No. 53 of 15 October 1964, p. 728.

Kavieng, New Ireland Province, as more particularly described¹ in proclamation dated 15 October 1923 made under the *Land Act* 1922 of the former Territory of New Guinea and published in *New Guinea Gazette* of 15 November 1923.

Kerowagi, Chimbu Province, Town of.

Kieta, Bougainville Province, Town of.

Kimbe, West New Britain Province, Town of.

Kiunga, Western Province, Town of.

Kokoda, Northern Province, Town of.

Kulumadau, Milne Bay Province, as more particularly described in proclamation dated 18 April 1915 made under the *Land Act*, 1911 of the former Territory of Papua and printed in *Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., p. 2438.

Kupiano, Central Province, as more particularly described in notice dated 9 March 1966 and published in *Territory of Papua and New Guinea Government Gazette* No. 25 of 5 May 1966, p. 440.

¹ Under the name "Kaewieng".

Kwikila, Central Province, as more particularly described in notice dated 3 June 1964 and published in *Territory of Papua and New Guinea Government Gazette* No. 28 of 11 June 1964, pp. 479-480.

Lae, Morobe Province, as more particularly described in notice dated 3 December 1967 and published in *Territory of Papua and New Guinea Government Gazette* No. 70 of 28 December 1967, p. 1030.

Laiagam, Enga Province, Town of.

Lorengau, Manus Province, as more particularly described in proclamation dated 8 November 1923 made under the *Land Act* 1922 of the former Territory of New Guinea and published in *New Guinea Gazette* of 15 November 1923.

Madang, Madang Province, Town of.

Mount Hagen, Western Highlands Province, Town of.

Mumeng, Morobe Province, Town of.

Port Moresby, National Capital District, City of.

Raba Raba, Milne Bay Province, as described in notice dated 13 April 1966 and published in *Territory of Papua and New Guinea Government Gazette* No. 25 of 5 May 1966, p. 440.

Tiveri, Gulf Province, as more particularly described in Order-in-Council dated 4 June 1935 made under the *Land Act*, 1911 of the former Territory of Papua and printed in *Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., p. 2440.

Vanimo, West Sepik Province, as more particularly described in notice dated 26 October 1966 and published in *Territory of Papua and New Guinea Government Gazette* No. 59 of 17 November 1966, p. 941.

Wapenamanda, Enga Province, Town of.

Wewak, East Sepik Province, as more particularly described in notice dated 12 December 1966 and published in *Territory of Papua and New Guinea Government Gazette* No. 64 of 22 December 1966, p. 1026.

2. Act, Section 9(1) - Matters to be considered by Land Board.

Omitted as being of transitory interest only.

3. Act, Section 17 - Acquisition by compulsory process.

There being considerable doubt as to the completeness of records immediately available, in view of the importance of extreme accuracy in land matters in Papua New Guinea this subsidiary legislation is omitted at this stage. It is intended that it will be included when a complete check of records is made.

4. Act, Section 25 - Reservations from lease.

Note. - Since at the time of going to press the whole question of reservations is and has for some time been under review this subordinate legislation is omitted, except for those cases in which by-laws have been made that are included in this Chapter.

Coronation Park, as more particularly described¹ in proclamation dated 6 August 1951 made under the *Land Act* 1922 of the former Territory of New Guinea

¹ Under the name of "Wau Recreation Reserve".

and published in *Territory of Papua and New Guinea Government Gazette* No. 46 of 9 August 1951, p. 299.¹

Kavieng Public Baths Reserve, as more particularly described in amending notice dated 20 June 1966 and published in *Territory of Papua and New Guinea Government Gazette* No. 37 of 7 July 1966, p. 595.

Kavieng Recreation Reserve, as more particularly described in amending notice dated 12 December 1967 and published in *Territory of Papua and New Guinea Government Gazette* No. 70 of 28 December 1967, p. 1030.

Kokopo Recreation Reserve, as more particularly described in proclamation dated 22 April 1938 made under the *Land Act* 1922 of the former Territory of New Guinea and printed in *Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., p. 2784.

Lae Market and Recreation Reserve, as more particularly described in notice dated 29 July 1965 and published in *Territory of Papua and New Guinea Government Gazette* No. 44 of 19 August 1965, p. 641.

Manus Foreshore Reserve, as more particularly described in notice dated 22 April 1971 and published in *Territory of Papua and New Guinea Government Gazette* No. 24 of 6 May 1971, p. 395.

Port Moresby Recreation Reserve, as more particularly described in notice dated 16 August 1968 and published in *Territory of Papua and New Guinea Government Gazette* No. 47 of 29 August 1968, p. 669.

Queen Elizabeth Park, as more particularly described in proclamation dated 29 October 1953 made under the *Land Act* 1922 of the former Territory of New Guinea and published in *Territory of Papua and New Guinea Government Gazette* No. 56 of 5 November 1953, p. 495.

Sir Donald Cleland Park, Madang, as more particularly described in notice dated 14 January 1967 and published in *Territory of Papua and New Guinea Government Gazette* No. 7 of 9 February 1967, p. 85.

5. Act, Section 26—Ex officio appointments of trustees of reserved land.

Note.—This covers only the cases in which by-laws have been made that are included in this Chapter—*see* p. 1.

Coronation Park—Assistant District Officer, Wau Subdistrict, Morobe District (position as at 6 August 1951).

Kavieng Public Baths Reserve—Provincial Commissioner, New Ireland Province.

Lae Market and Recreation Reserve—

Deputy District Commissioner, Morobe District (position as at 29 July 1965).

Business Advisory Officer, Grade 3 at Lae (position as at 29 July 1965).

Senior Health Inspector at Lae (position as at 29 July 1965).

President of the Lei-Wompa Local Government Council.²

Manus Foreshore Reserve—Manus Local Government Council.

Queen Elizabeth Park—Provincial Commissioner, East New Britain Province.

¹ For by-laws, *see* *Land (Wau Coronation Park) By-Laws*.

² Now part of the Huon Local Government Council: *see* proclamation dated 19 January 1966 made under the pre-Independence *Local Government Act* 1963 and published in *Papua and New Guinea Local Government Gazette* No. 2 of 14 February 1966, p. 23.

Sir Donald Cleland Park, Madang—

Provincial Commissioner, Madang Province.

District Agricultural Officer, Madang (position as at 14 January 1967).

6. Act, Section 30(1)—Notice of land available for leasing.

Omitted as being of transitory interest only.

7. Act, Section 75(1)—Declarations that land not customary land.

There being considerable doubt as to the completeness of records immediately available, and since at the time of going to press the whole question of such declarations (and of "waste-and-vacant" declarations under the earlier legislation in the former Territory of Papua and the former Territory of New Guinea) is and has for some time been under review, this subordinate legislation is omitted, especially in view of the importance of extreme accuracy in land matters in Papua New Guinea.

8. Act, Section 76—Declarations that land customary land and of customary owners.

(Arranged by provinces.)

Land.	Owners.
<i>Bougainville.</i>	
Jame (or Yame), land known as, being Portion 158 Milinch of Buin Fourmil of South Bougainville, containing 37.35 ha, or thereabouts, and being the whole of the land subject to Final Order dated 15 May 1974 in favour of the Custodian of Expropriated Property, exclusive of any necessary access roads (description as at 21 April 1975).	—
Nissan Island, part of, more particularly described in notice dated 23 August 1968 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 48 of 5 September 1968, p. 681.	—
Petats Island, part of, more particularly described in notice dated 28 January 1969 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 10 of 13 February 1969, p. 110.	—
Pinepil Island, part of, more particularly described in notice dated 23 August 1968 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 48 of 5 September 1968, p. 681.	—
Pokobo, land known as, being Portion 144 District of Bougainville, and being the land contained in Final Order of the Land Titles Commission dated 26 October 1965, "insofar as it is Administration land" (description as at 25 October 1966).	—
Pororan Island, part of, more particularly described in notice dated 20 June 1966 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 36 of 7 July 1966, p. 590.	—
Yame: see Jame.	
<i>Central.</i>	
Abavi Island, part of, Milinch of Domara Fourmil of Abau, containing 2.5 ha or thereabouts referred to as DA 929 and delineated on plan catalogued 1381/09 in Department of Lands, Surveys and Mines, Konedobu, and more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 17.	—
Amau River, area near, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 16.	Kumeibura clan (as at 30 April 1975).

Land.	Owners.
Amau and Domara Rivers, and Amau and Waiana Swamps, area near, being the area more particularly described as the southern portion of the areas more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 20.	Binudi clan (as at 30 April 1975).
Area of 40 248 ha, Milinch of Bomara Fourmil of Abau, being the whole of the land entered and numbered 684 in the Index of Deeds of Attestation in the office of the Registrar-General Port Moresby exclusive of Portion 390 in that Milinch as delineated on plan catalogued 53/119 in the Department of Lands, Surveys and Mines Konedobu, and also exclusive of any necessary access roads to Portion 390 (description as at 24 January 1974).	—
Bedoa Creek and O'Oma Sivai River, area on, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 16.	Manogabi clan (as at 30 April 1975).
Bomguina and Imila Rivers and Korou, Banati and Koure Creeks, land near, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 16.	Bolo clan (as at 30 April 1975).
Bomguina and O'Oma Sivai Rivers, area on, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 21 ¹ .	—
Boroboro Creek and Bomguina River, area on, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 17.	Domoï clan (as at 30 April 1975).
Merau and Domara Rivers, area on, being the area described as the northern portion of the areas more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 20.	Binudi clan (as at 30 April 1975).
Merau, Domara and Mori Rivers and Waiana Creek, area on, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 21 ² .	Libani clan (as at 30 April 1975).
Mori and Amau Rivers, area on, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 18.	Dogoma clan (as at 30 April 1975).
Mori/Bomguina Land Settlement Scheme, three areas about, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 17.	Mavabura clan (as at 30 April 1975).
Mori/Bomguina Land Settlement Scheme, area about, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 21 ³ .	Merani clan (as at 30 April 1975).
Mori River and Domara Creek, area on, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 19.	Buneabura clan (as at 30 April 1975).
Portion 30, Milinch of Kairuku Fourmil of Yule, containing 1 966.77 ha or thereabouts, more particularly described in notice dated 4 June 1973 and published in <i>Papua New Guinea Government Gazette</i> No. 56 of 28 June 1973.	—

¹ Fourth notice so dated and gazetted.

² Second notice so dated and gazetted.

³ First notice so dated and gazetted.

Land.	Owners.
Portion 445, Milinch of Rigo Fourmil of Moresby, more particularly described in notice dated 23 October 1972 and published in <i>Papua New Guinea Government Gazette</i> No. 97 of 9 November 1972, p. 1519.	Group of clans consisting of Makora, Mora, Gari, Bole, Iepi, Navena, Giokotoga, Memeka, Sigana, Babaga, Bolei, Gwaibo, Mora and Gaita clans (as at 23 October 1972).
Sepa Creek and Bomguina River, area near, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 35 of 15 May 1975, p. 21 ¹ .	Aukabura clan (as at 30 April 1975).
<i>Eastern Highlands.</i>	
Portion 2, part of, Milinch Okapa Fourmil Markham, containing 238.8 ha or thereabouts, as delineated on plan catalogued M/31/250 in the Department of Lands, Surveys and Mines, as more particularly described in notice dated 12 November 1975 and published in <i>National Gazette</i> No. 26 of 4 December 1975, p. 12.	—
<i>East New Britain.</i>	
Area in Milinch of Kokopo Fourmil of Rabaul more particularly described in notice dated 8 June 1973 and published in <i>Papua New Guinea Government Gazette</i> No. 91 of 11 October 1973, p. 7.	—
Beehive Islands: <i>see</i> Dawapia Rocks.	
Blanche Bay, area on the western shore of, near Dawapia (<i>or</i> Beehive) Islands, more particularly described in notice dated 27 November 1967 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 63 of 30 November 1967, p. 945.	—
Dawapia Rocks (<i>or</i> Beehive Islands), Simpson Harbour, being Portions 511 and 512 in the New Britain District, "so far as it is Administration land" (description as at 29 April 1966).	—
Japlik, land known as, Milinch of Kokopo Fourmil of Rabaul, more particularly described in notice dated 14 October 1972 and published in <i>Papua New Guinea Government Gazette</i> No. 93 of 26 October 1972, p. 1432.	—
Kerewara Island, Duke of York Group, land at, containing 48.56 ha ² or thereabouts being Portion 103 Milinch of Blanche Fourmil of Rabaul and being also the whole of the island above high-water mark except Portions 104 (Tamanvalvat) and 105 (Marakamebo), "so far as it is Administration land" (description as at 21 February 1966).	—
Kulon Reserve, more particularly described in notice dated 25 January 1972 and published in <i>Papua New Guinea Government Gazette</i> No. 9 of 10 February 1972, p. 161.	—
Kurakakaul, area near, more particularly described in notice dated 28 April 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 32 of 25 June 1970, p. 554.	—
Matupi Island, area on, being Portion 558 containing 1.7127 ha or thereabouts and being the whole of the land contained in Certificate of Title Vol. 7 Fol. 81 (description as at 23 July 1973).	—
Matupi Island, area on, being Portion 557 containing 1.887 ha or thereabouts and being part of the land contained in Certificate of Title Vol. 7 Fol. 83 more particularly described in the Schedule to notice dated 23 July 1973 and published in <i>Papua New Guinea Government Gazette</i> No. 29 of 18 April 1974, p. 9.	—

¹ Third notice so dated and gazetted.

² Metricated editorially. The original area was 120 acres.

Land.	Owners.
Portions 26, 27 and 28 Milinch of Kokopo Fourmil of Rabaul, containing 57.24 ha or thereabouts, as delineated on plan catalogued 19/370 in the Department of Lands, Surveys and Mines, Konedobu. 66/255, 66/437 and 66/273 (description as at 3 October 1974).	—
Portion 216 Milinch of Kokopo Fourmil of Rabaul, containing 42.15 ha or thereabouts and being the whole of the land subject to Final Order dated 8 October 1961 in favour of the Director of District Services and Native Affairs as trustee for natives, and more particularly described in notice dated 8 January 1974 and published in <i>Papua New Guinea Government Gazette</i> No. 5 of 17 January 1974, p. 8.	People of Kabaleo Lererai and Tabukar (as at 8 January 1974).
Transkerevat, land known as, Milinches of Ponto and Kokopo Fourmil of Rabaul, more particularly described in notice dated 14 October 1972 and published in <i>Papua New Guinea Government Gazette</i> No. 93 of 26 October 1972, p. 1433.	—
Vunairel, land known as, being Portions 323 and 324 Milinch of Blanche Fourmil of Rabaul, containing an area of 1.7 ha or thereabouts and being the whole of the land subject to Final Order dated 30 July 1974 in favour of the Custodian of Expropriated Property, exclusive of any necessary access roads, more particularly described in notice dated 21 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 35 of 8 May 1975, p. 12.	—
<i>Gulf.</i>	
Murua River, area on, more particularly described in notice dated 29 September 1969 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 59 of 16 October 1969, p. 1, to the extent that "any part of or interest in the land remains Administration land in spite of the revocation and disclaimer" also made by that notice.	—
<i>Madang.</i>	
Area in Milinch of Malas Fourmil of Karkar, being the whole of the land more particularly described in Ground Book Hatzfeldhafen Vol. 1 Fol. 6, "so far as it is Administration land" (description as at 23 December 1965).	—
Bogadjim Virgin Land, being the piece of land situated in the Milinch of Bogadjim Fourmil of Madang, described as Lot 162 Bogadjim Virgin Land containing 7 939 ha in the Third Group of the catalogue of the Custodian of Expropriated Property, "so far as the rights now held by the Administration make the land . . . Administration land" (description as at 16 June 1965).	—
Kaiten, land known as, situated near Tobenam Village, containing 8.12 ha, being Portion 27 Milinch of Busip Fourmil of Bogia, and being the subject of N.L.D. 2471. 68/4367 (description as at 6 October 1972).	—
Kakal-Ku, part of the land known as, being Portion 11 Milinch of Kranket Fourmil of Madang containing 0.2 ha or thereabouts, more particularly described in notice dated 5 August 1974 and published in <i>Papua New Guinea Government Gazette</i> No. 58 of 22 August 1974, p. 6.	—
Kaluko, land known as, being Portion 121 Milinch of Bogadjim fourmil of Madang, containing 166.15 ha or thereabouts and being the whole of the land subject to Final Order dated 19 October 1964 in favour of the Custodian of Expropriated Property excluding any necessary access roads, and more particularly described in notice dated 6 September 1974 and published in <i>Papua New Guinea Government Gazette</i> No. 65 of 26 September 1974, p. 8.	—
Kelaua Airstrip, area at, containing 9.73 ha or thereabouts being Portion 151 Milinch of Busip Fourmil of Bogia and being the whole of	—

Land.	Owners.
the land entered and numbered 520 in the Index of Unregistered Administration Lands in the office of the Registrar-General, Port Moresby, and more particularly described in notice dated 3 October 1974 and published in <i>Papua New Guinea Government Gazette</i> No. 70 of 17 October 1974 p. 12.	—
Lot 1 Portion 196 on deposited plan 102, Milinch of Malas Fourmil of Karkar, containing 132 ha or thereabouts (description as at 16 May 1975).	—
Magitu: <i>see</i> Marangis.	—
Marangis (<i>or</i> Magitu), land known as, being Portions 92 and 92A Milinch of Uluman Fourmil of Karkar, containing 2.5892 ha and being the whole of the land subject to Final Order dated 11 February 1966 in favour of the Administration (description as at 9 December 1974).	—
Masas (<i>or</i> Massas) Island, Milinch of Kranket fourmil of Madang, above high-water mark, "so far as it is Administration land" (description as at 18 May 1966).	—
Massas Island: <i>see</i> Masas Island.	—
Paeowei (<i>or</i> Piawei) Island, Milinch of Kranket Fourmil of Madang, above high-water mark, "so far as it is Administration land" (description as at 18 May 1966).	—
Peg Island: <i>see</i> Tab Island.	—
Piawei Island: <i>see</i> Paeowei Island.	—
Portion 22, Milinch of Gali Fourmil of Madang shown coloured yellow on plan annexed to Administration Lease registered Vol. 33 Fol. 204 (description as at 23 March 1972).	—
Portion 23, Milinch of Gali Fourmil of Madang shown coloured yellow on plan annexed to Administration Lease registered Vol. 35 Fol. 79 (description as at 23 March 1972).	—
Portion 24, Milinch of Gali Fourmil of Madang, being the whole of the land designated in the records of the Department of Lands, Surveys and Mines as Granted Application No. 1057 NG. (description as at 23 March 1972).	—
Portion 55, Milinch of Kranket Fourmil of Madang, containing 159.4 ha or thereabouts and being the whole of the land entered and numbered 1062 in the Index of Unregistered Administration Land in the office of the Registrar-General, Port Moresby (description as at 8 December 1975).	—
Portion 57, Milinch of Kranket Fourmil of Madang, containing 70.54 ha, as partly delineated on plan catalogued 12/167 in the Department of Lands, Surveys and Mines, Konedobu, and more particularly described in notice dated 13 July 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 66 of 14 August 1975.	Sa'al clan and the villagers of Amele (as at 13 July 1955).
Portion 74, Milinch of Kranket Fourmil of Madang, containing an area of 141.8 ha, as delineated on plan catalogued 12/49 in Department of Lands, Surveys and Mines, Konedobu (description as at 11 May 1973).	—
Portion 75, Milinch of Kranket Fourmil of Madang, containing 29.306 ha or thereabouts, as delineated on plan catalogued 12/49 in the Department of Lands, Surveys and Mines, Konedobu (description as at 11 May 1973).	—
Sagarfon, land known as, being Portion 86 Milinch of Uluman Fourmil of Karkar, containing 2 ha or thereabouts, as delineated on plan catalogued 8/33 in the Department of Lands, Surveys and Mines, Konedobu (description as at 19 November 1974).	—
Tab (<i>or</i> Peg) Island, Milinch of Kranket Fourmil of Madang, above high-water mark, "so far as it is Administration land" (description as at 18 May 1966).	—
Tschirimotsch Island, above high-water mark, being Portion 16 Milinch of Busip Fourmil of Bogia, containing 1.627 ha or thereabouts, as delineated on plan catalogued 7/67 in Department of Lands, Surveys and Mines, Konedobu (description as at 19 February 1974).	—

Land.	Owners.
Waimak, land known as, being Portion 87 Milinch of Uluman Fourmil of Karkar, containing 1.57 ha or thereabouts, as delineated on plan catalogued 8/31 in Department of Lands, Surveys and Mines, Konedobu (description as at 19 November 1974).	—
<i>Manus.</i>	
Aawa (or Naru or Niodu or Carpenter or Browne) Island, containing 89.5005 ha or thereabouts, being Portion 5 Milinch of Sori Fourmil of Sopa Sopa, as delineated on plan catalogued 63/4 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 23 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Sori people (as at 8 May 1975).
Aha Island: see Ahet Island.	
Ahet (or Suhm or Aha) Island, land above high-water mark on, being Portion 4 Milinch of Sori Fourmil of Sopa Sopa, containing 15.7227 ha, as delineated on plan catalogued 63/2 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 25 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Harengan people (as at 8 May 1975).
Alus Island: see Arowe Island.	
Amen Island: see Okuru Island.	
Amor Island, being Portion 52 Milinch of Kali Fourmil of Manus "hitherto" contained in Certificates of Title Vol. 21 Fol. 132, "insofar as it is Administration land" (description as at 24 October 1966).	—
Anabat (or Botull) Island, Milinch of Pak Fourmil of Los Negros containing approximately 12.3215 ha above high-water mark, "so far as it is Administration land" (description as at 10 December 1965).	—
Araru: see Aua (second entry).	
Arowe (or Alus or Ferguson) Island, being Portion 14 Milinch of Sori Fourmil of Sopa Sopa "hitherto" contained in Certificate Title Vol. 2, Fol. 133, "insofar as it is Administration land" (description as at 24 October 1966).	—
Aua (or Durour) Island, area on known as "Folauwa", more particularly described in First Schedule to notice dated 19 February 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 17 of 2 April 1970, p. 293.	—
Aua (or Durour) Island, area on, known as "Araru", more particularly described in Third Schedule to notice dated 19 February 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 17 of 2 April 1970, p. 293.	Descendants of Tho'Ota, Wawaro and Nonoro (as at 19 February 1970).
Aua (or Durour) Island, area on, known as "Paharufu", more particularly described in Second Schedule to notice dated 19 February 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 17 of 2 April 1970, p. 293.	Descendants of Mudo and Rumah (as at 19 February 1970).
Aua (or Durour) Island, area on, known as "Silina", more particularly described in Fifth Schedule to notice dated 19 February 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 17 of 2 April 1970, p. 293.	Descendants of Laroia and Larulia (as at 19 February 1970).
Aua (or Durour) Island, area on, known as "Tauwala", more particularly described in Fourth Schedule to notice dated 19 February 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 17 of 2 April 1970, p. 293.	Descendants of Lafu, Ma'ngu and Firia (as at 19 February 1970).
Botull Island: see Anabat Island.	
Browne Island: see Aawa Island.	
Buchanan (or Papenbus) Island, land above high-water mark on, containing 4.0231 ha or thereabouts, being Portion 3 Milinch of Sori Fourmil	Harengan people (as at 8 May 1975).

Land.	Owners.
of Sopa Sopa, as delineated on plan catalogued 63/8 in the Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 28 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	
Bussolin Island: <i>see</i> Button Island.	
Bussormandrei (<i>or</i> Higham) Island, being Portion 12 Milinch of Sori Fourmil of Sopa Sopa "hitherto" contained in Certificate of Title Vol. 21, Fol. 129, "insofar as it is Administration land" (description as at 24 October 1966).	—
Button (<i>or</i> Knopf <i>or</i> Bussolin) Island, being Portion 13 Milinch of Sori Fourmil of Sopa Sopa "hitherto" contained in Certificate of Title Vol. 21 Fol. 135, "insofar as it is Administration land" (description as at 24 October 1966).	—
Carpenter Island: <i>see</i> Aawa Island.	
D'entrecasteaux Island: <i>see</i> Marengan Island.	
Durour Island: <i>see</i> Aua Island (5 entries).	
Ferguson Island: <i>see</i> Arowe Island.	
Harrangan Island: <i>see</i> Marengan Island.	
Higham Island: <i>see</i> Bussormandrei Island.	
Kitschapon, land known as, on Los Negros Island, being Portion 7 Milinch of Pityilu Fourmil of Lorengau, containing 234.1 ha or thereabouts, and being the whole of the land described in Final Order dated 21 July 1965 in favour of the Administration 73/1962 (description as at 21 April 1975).	Mokerang people (as at 21 April 1975).
Knopf Island: <i>see</i> Button Island.	
Malai Bay, areas at, being part of Portion 97 Milinch of Kali Fourmil of Manus, containing 16.596 ha or thereabouts, and being part of the land contained in Certificate of Title Vol. 2 Fol. 50, more particularly described in First Schedule to notice dated 28 April 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 22 of 7 May 1970, p. 403.	Nerubalu, Nerubalahauk, Nerukanouw and Nerudrohis clans of Sapondralis (as at 28 April 1970).
Malai Bay, areas at, being part of Portion 97 Milinch of Kali Fourmil of Manus, containing 20.204 ha or thereabouts, being part of the land contained in Certificate of Title Vol. 2 Fol. 50, more particularly described in Second Schedule to notice dated 28 April 1970 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 22 of 7 May 1970, p. 403.	Nerukouw, Nerukarin, Neruponadai, Nerusigou and Neruknowe clans of Bundrahei Village (as at 28 April 1970).
Marengan (<i>or</i> D'entrecasteaux <i>or</i> Harrangan) Island, land above high-water mark on, being Portion 7 Milinch of Sori Fourmil of Sopa Sopa, containing 16.4537 ha or thereabouts, and delineated on plan catalogued 63/33 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 26 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Harengan people (as at 8 May 1975).
Massan Island: <i>see</i> Moseley Island.	
Moenai, land on Manus Island known as, containing 123.6 ha more or less, more particularly described in notice dated 17 July 1968 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 42 of 1 August 1968, p. 593.	Following family lines, formerly of the Johnson and Taw Islands:— Chamolon; Kanambo; Kumaiyon; Litau; Lole; Lombulum, (as at 17 July 1968).
Moseley (<i>or</i> Massan) Island, land above high-water mark on, being Portion 2 Milinch of Sori Fourmil of Sopa Sopa as delineated on plan catalogued	Bipi people (as at 8 May 1975).

Land.	Owners.
63/7 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 29 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	
Murray (or Palowat) Island, land above high-water mark at, being Portion 1 Milinch of Sori Fourmil of Sopa Sopa, containing 4.3718 ha or thereabouts, as delineated on plan catalogued 63/6 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 27 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Haregan people (as at 8 May 1975).
Naru Island: <i>see</i> Aawa Island.	
Niodu Island: <i>see</i> Aawa Island.	
Okuru (or Tracy or Amen) Island, land above high-water mark on, being Portion 6 Milinch of Sori Fourmil of Sopa Sopa, containing 32.8151 ha or thereabouts, delineated on plan catalogued 63/3 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 2 Fol. 24 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Haregan people (as at 8 May 1975).
Paharufu: <i>see</i> Aua (third entry).	
Pahi Island, land above high-water mark on, being Portion 14 Milinch of Sabben Fourmil of Manus, containing 9.1441 ha or thereabouts as delineated on plan catalogued 76/5 in Department of Lands, Surveys and Mines, Konedobu, and being the whole of the land described in Certificate of Title Vol. 10 Fol. 88 in the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Bipi people (as at 8 May 1975).
Palowat Island: <i>see</i> Murray Island.	
Papenbus Island: <i>see</i> Buchanan Island.	
Portion 83, area known as, Milinch of Pityilu Fourmil of Lorengau Manus District, containing 60.08 ha or thereabouts, more particularly described in notice dated 14 April 1971 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 26 of 20 May 1971, p. 447.	Group of clans consisting of Bulungol, Panahayu, Raikup, Raitolow and Bapi Clans, and known as the Hus group (as at 14 April 1971).
Portion 97, Milinch of Kali Fourmil of Manus as shown on Survey Office Plan No. 67/9 registered in the office of the Surveyor-General, Department of Lands, Surveys and Mines and being part of the land the subject of Certificate of Title Vol. 2 Fol. 50 containing an area of 36.8 ha or thereabouts (description as at 28 April 1970).	
Silina: <i>see</i> Aua (fourth entry).	
Sisi Liu Island, land above high-water mark on, being Portion 10 Milinch of Sabben Fourmil of Manus situated at the intersection of approximate meridian 146° 26' east longitude and approximate parallel 2° 6' south latitude (description as at 8 May 1975).	Bipi people (as at 8 May 1975).
Sori Island, land above high-water mark on, being Portion 8 Milinch of Sori Fourmil of Sopa Sopa, containing 23.5 ha or thereabouts and being the whole of the land described in Certificate of Title Vol. 1 Fol. 97 at the office of the Registrar-General, Port Moresby (description as at 8 May 1975).	Siame People (as at 8 May 1975).
Suhm Island: <i>see</i> Ahet Island.	
Tauwala: <i>see</i> Aua (fifth entry).	
Tracy Island: <i>see</i> Okuru Island.	

Land.	Owners.
Natomo: <i>see</i> Vitu.	
Put Put Extended: <i>see</i> Vitu.	
Vambu Island: <i>see</i> Vitu.	
Vitu Group of Islands, land in, namely—	
(a) Mundua East Extended, land known as; and	—
(b) Natomo, land known as; and	
(c) Put Put (<i>or</i> Bodo Bodo) Extended, land known as; and	
(d) Vambu Island, part of,	
more particularly described in notice dated 27 April 1966 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 25 of 5 May 1966, p. 436.	
<i>West Sepik.</i>	
Area containing 37.4 ha, Milinch of Oenate Fourmil of Vanimo, more particularly described in notice dated 30 April 1975 and published in <i>Papua New Guinea Government Gazette</i> No. 38 of 15 May 1975, p. 22.	—
Drimboi, land known as, Milinch of Paup Fourmil of Wewak West Sepik Province, containing about 66 ha ¹ , more particularly described in notice dated 9 December 1965 and published in <i>Territory of Papua and New Guinea Government Gazette</i> No. 10 of 17 February 1966, p. 249.	—

¹ Metricated editorially. The original area was 163 acres.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 185.

Land.

APPENDIX 1.

SOURCE OF THE LAND ACT.

Previous Legislation.

Land Act

as amended by—

Land (Amendment) Act 1983 (No. 51 of 1983)

Land (Amendment) Act 1984 (No. 23 of 1984).

APPENDIX 2.

SOURCE OF THE LAND REGULATION.

Previous Legislation.

Land Regulation

as amended by—

Land (Amendment) Regulation 1982 (Statutory Instrument No. 23 of 1982).

APPENDIX 3.

SOURCE OF THE LAND (KAVIENG PUBLIC BATHS RESERVE) BY-LAWS.

Part A.—Previous Legislation.

Kavieng Public Baths Reserve By-Laws 1965 (Statutory Instrument No. 19 of 1965).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	2	7	9
2	3	8	10
3	4	9	11
4	5	10	12
5	6	11	13
6	8	12	7

APPENDIX 4.

SOURCE OF THE LAND (KAVIENG RECREATION RESERVE) BY-LAWS.

Part A.—Previous Legislation.

Kavieng Recreation Reserve By-laws (Territory of Papua and New Guinea Government Gazette No. 56 of 10 November 1955)

as amended by—

By-laws published in *Territory of Papua and New Guinea Government Gazette* No. 2 of 3 January 1963.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ² .	Section, etc., in Revised Edition.	Previous Reference ² .
1	2, 6	14	16
2	3, 4	15	17
3	5	16	18
4	7	17	19
5	8	18	20, 21
6	9	19	22
7	10 (in part)	20	23
8	10 (in part)	21	24
9	12	22	25, 26
10	13	23	27
11	11	24	28
12	14	25	29
13	15		

¹Unless otherwise indicated, references are to the by-laws set out in Part A of Appendix 3.

²Unless otherwise indicated, references are to the by-laws set out in Part A of Appendix 4.

APPENDIX 5.

SOURCE OF THE LAND (KOKOPO RECREATION RESERVE) BY-LAWS.

Part A.—Previous Legislation.

Kokopo Recreation Reserve By-laws (*Territory of Papua and New Guinea Government Gazette* No. 40 of 25 July 1957)

as amended by—

By-laws published in *Territory of Papua and New Guinea Government Gazette* No. 3 of 10 January 1963.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	2, 6	15	20
2	3, 4	16	21
3	5	17	22, 23
4	38	18	24
5	7, 8, 9	19	25, 26
6	10, 11	20	27, 28
7	12, 13	21	29
8	14 (in part)	22	30
9	14 (in part)	23	31, 32
10	15	24	33
11	16	25	34
12	17	26	35
13	18	27	36
14	19		

¹ Unless otherwise indicated, references are to the by-laws set out in Part A.

APPENDIX 6.

SOURCE OF THE LAND (LAE MARKET AND RECREATION RESERVE) BY-LAWS.

Part A.—Previous Legislation.

Lae Market and Recreation Reserve By-laws 1966 (Statutory Instrument No. 30 of 1966)

as amended by—

Lae Market and Recreation Reserve (Amendment) By-laws 1975 (Statutory Instrument No. 4 of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	2	12	15
2	6	13	19
3	8	14	20
4	9	15	23
5	3	16	21
6	4, 5	17	20A
7	10	18	22
8	11	19	18
9	12	20	17
10	13	21	16
11	14	22	24, 24A

APPENDIX 7.

SOURCE OF THE LAND (MANUS FORESHORE RESERVE) BY-LAWS.

Part A.—Previous Legislation.

Manus Foreshore Reserve By-laws (Statutory Instrument No. 7 of 1973).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ² .	Section, etc., in Revised Edition.	Previous Reference ² .
1	2, 4	8	9
2	3	9	10, 15, 16
3	5	10	11
4	6	11	12
5	7 (in part)	12	13
6	7 (in part)	13	14
7	8		

¹ Unless otherwise indicated, references are to the by-laws set out in Part A of Appendix 6.

² Unless otherwise indicated, references are to the by-laws set out in Part A of Appendix 7.

APPENDIX 8.

SOURCE OF THE LAND (PORT MORESBY RECREATION RESERVE) BY-LAWS.

Part A.—Previous Legislation.

Port Moresby Recreation Reserve By-laws (*Territory of Papua and New Guinea Government Gazette* No. 58 of 18 November 1954)

as amended by—

By-laws published in *Territory of Papua and New Guinea Government Gazette* No. 57 of 20 December 1956

By-laws published in *Territory of Papua and New Guinea Government Gazette* No. 26 of 7 June 1962

By-laws published in *Territory of Papua and New Guinea Government Gazette* No. 42 of 6 September 1962.

Part B—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	2,6	14	15
2	3	15	16
3	5	16	17
4	29	17	18
5	7	18	17A,17B
6	8,9	19	19
7	10	20	21,22
8	10A-10E	21	23
9	11 (in part)	22	24
10	11 (in part)	23	25
11	13	24	26
12	14	25	27
13	12	26	28

¹ Unless otherwise indicated, references are to the by-laws set out in Part A.

APPENDIX 9.

SOURCE OF THE LAND (QUEEN ELIZABETH PARK) BY-LAWS.

Part A.—Previous Legislation.

Queen Elizabeth Park By-laws 1966 (Statutory Instrument No. 9 of 1966).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	2	13	12
2	3,4	14	13
3	5	15	14
4	27	16	15
5	28,29	17	16
6	6	18	19
7	7	19	20
8	8 (in part)	20	21,22
9	8 (in part)	21	23
10	10	22	24
11	9	23	25
12	11	24	17

APPENDIX 10.

SOURCE OF THE LAND (SIR DONALD CLELAND PARK) BY-LAWS.

Part A.—Previous Legislation.

Sir Donald Cleland Park By-laws 1968 (Statutory Instrument No. 13 of 1969).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ² .	Section, etc., in Revised Edition.	Previous Reference ² .
1	2	15	19
2	3	16	20
3	4,5	17	21
4	6	18	22
5	7	19	23
6	8	20	24
7	11 (in part)	21	25,27
8	12	22	28
9	13	23	29
10	14	24	9
11	15	25	10
12	18	26	11 (in part)
13	16	27	26
14	17		

¹ Unless otherwise indicated, references are to the by-laws set out in Part A of Appendix 9.² Unless otherwise indicated, references are to the by-laws set out in Part A of Appendix 10.

APPENDIX 11.

SOURCE OF THE LAND (WAU CORONATION PARK) BY-LAWS.

Part A.—Previous Legislation.

Coronation Park By-laws (*Territory of Papua and New Guinea Government Gazette*
No. 46 of 10 September 1953).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	2,6	14	13
2	3,4	15	14
3	5	16	15
4	28	17	16
5	29	18	17
6	7	19	18,19,20
7	8	20	21
8	9	21	22
9	10 (in part)	22	23
10	10 (in part)	23	24
11	11	24	25
12	12	25	26
13	10 (in part)		

¹ Unless otherwise indicated, references are to the by-laws set out in Part A.

