

Chapter 357.
National Land Registration Act 1977.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 357.

National Land Registration Act 1977.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

National Land Registration Act 1977,

Being an Act to—

- (a) establish a Register of National Land; and
- (b) make provision for the registration in the Register of National Land of all land acquired or to be acquired by the State on or after Independence Day; and
- (c) make provision for the registration in the Register of National Land of land acquired before Independence Day by a pre-Independence Administration in Papua New Guinea and which is now required for a public purpose; and
- (d) give effect to Section 54(a) (*special provision in respect of certain lands*) of the *Constitution* by providing for the recognition of the title of the State to certain land that is required for public purposes, the title to which may be, or may appear to be, in doubt; and
- (e) settle grievances in relation to the land described in Paragraph (d) by providing for certain settlement payments; and
- (f) declare and describe, for the purposes of Section 53(1) (*protection from unjust deprivation of property*) of the *Constitution*, certain matters as public purposes and justified reasons for the acquisition of property,

and make provision for those and related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

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

“claimant” means a person making a claim under Section 39 to a settlement payment under this Act, and includes a person who—

- (a) is joined as a claimant under Section 42; or
- (b) is deemed by Section 47(2) or 49(2) to have made a claim under Section 39;

“the Commission” means the National Land Commission established by Section 25;

“Commissioner” means a National Land Commissioner appointed under Section 26, and includes an acting Commissioner appointed under Section 31;

“decision as to title”, in relation to any land means—

- (a) subject to Paragraph (b)—
 - (i) a decision at first instance as to title to the land by a court or by the Land Titles Commission; and
 - (ii) in the case of a determination by an Assistant Commissioner under Section 15(1) of the *Land Titles Commission Act 1962* (Adopted)—that determination as confirmed, modified, varied or reversed under Section 15(AA) of that Act; and
- (b) where a decision or determination referred to in Paragraph (a) is affected by a decision on appeal—the decision or determination as so affected;

“land” includes customary land;

“National Land” means any land declared under Section 9 or Section 13 to be National Land;

“predecessor in title”, in respect of a right that is the subject of a claim under Section 39, means a person or customary group from whom or from which the right derives;

“pre-Independence Administration in Papua New Guinea” means—

- (a) the Administration or Government of a former Territory or the Government of Australia acting in relation to any such Territory; or
- (b) the British Military Administration of the former colony of German New Guinea (also known as the Territory of New Guinea); or
- (c) the Administration or Government of the former Possession of British New Guinea; or

- (d) in relation to the former Colony of German New Guinea—the German Imperial Government or the German Government or the Fiscus of that Colony;

“the Register” means the Register of National Land established by Section 15;

“the Registrar” means the Registrar of Titles appointed in terms of the *Land Registration Act 1981*;

“right”, in relation to land, includes an interest in or in connection with land, including customary land;

“settlement payment” means a payment by the State provided by Part VI;

“this Act” includes regulations made under this Act;

“town” means—

- (a) a town within the meaning of the *Town Boundaries Act 1951*; or

(b - c) [*Repealed.*]

(2) A reference in this Act to a right purportedly granted by the State or by a pre-Independence Administration in Papua New Guinea is a reference to the grant of a right that would have been a valid grant if the land had been the property of that State or of that Administration, or of the Crown.

2. SAVING OF NATIONAL TITLE UNDER OTHER LAWS.

This Act does not derogate any rights of the State to or in respect of land under any other law.

PART II. – PUBLIC PURPOSES, ETC.**3. DECLARATION OF ADDITIONAL PUBLIC PURPOSES, ETC.**

For the purposes of Section 53 (*protection from unjust deprivation of property*) of the *Constitution* and of this Act, and of any other law–

- (a) the following purposes are public purposes:–
 - (i) the purposes defined as public purposes in Section 2 of the *Land Act 1996*; and
 - (ii) [*Repealed.*]
 - (iii) a purpose of–
 - (A) urban development, being development within a town; or
 - (B) land settlement, including the maintenance of existing land settlement schemes, and any settlement for the provision of land for land short Papua New Guineans; and
- (b) the acquisition of land or of anything on land for a purpose or reason connected with a purpose referred to in Paragraph (a) is an acquisition for a purpose that is reasonably justified and reasonably justifiable in a democratic society that has a proper regard for the rights and dignity of mankind.

PART III. – DECLARATION OF NATIONAL TITLE.

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General.

4. DESCRIPTION.

Where in this Part a notice or declaration is to contain a description of land, the description must be sufficient to identify and locate the land and its boundaries.

Division 2.

Land Acquired before Independence Day.

5. APPLICATION OF DIVISION 2.

This Division does not apply to rights in respect of land that—

- (a) were acquired by the State on or after Independence Day; or
- (b) are the subject of a decision as to title the effect of which is that the land is customary land.

6. GENUINE DISPUTE.

(1) For the purposes of this Division, a genuine dispute concerning any land may exist notwithstanding the fact that the land is, as a matter of law, vested in one or more of the parties to the dispute.

(2) Notwithstanding this Act, but subject to Section 18 (*original interpretative jurisdiction of the Supreme Court*) of the *Constitution*, the genuineness of a dispute is justiciable before the National Court.

7. NOTICE OF INTENTION TO DECLARE NATIONAL LAND WHERE LAND WAS ACQUIRED BEFORE INDEPENDENCE DAY.

(1) Where, in the opinion of the Minister—

- (a) any land was acquired before Independence Day by a pre-Independence Administration in Papua New Guinea; and
- (b) the land is required for a purpose or a reason that is declared or described by Section 3 or by an Organic Law or another Act to be—
 - (i) a public purpose; or
 - (ii) a reason that is reasonably justified in a democratic society that has a proper regard for the rights and dignity of mankind,

and that is specified in the notice,

the Minister may, by notice in the National Gazette, intimate his intention to declare, not earlier than the expiry of three months following the date of publication of the notice, that the land is National Land.

- (2) A notice under Subsection (1) shall—
- (a) contain a description of the land; and
 - (b) where the Minister is of the opinion that there may be a genuine dispute as to whether the land was acquired validly, or at all, from the customary owners—refer to the fact that there may be a genuine dispute as to the acquisition of the land, but the omission of such a reference shall not be deemed to imply that such a genuine dispute does not exist; and
 - (c) state that any person aggrieved by the notice may make representation to the Minister within 60 days of—
 - (i) the date of publication of the notice in the National Gazette; and
 - (ii) compliance by the Minister with the requirements of Section 52; and
 - (d) specify the estate acquired in the land.

8. PERSON AGGRIEVED BY NOTICE MAY MAKE REPRESENTATION TO THE MINISTER.

Any person aggrieved by a notice under Section 7(1) may, within 60 days of—

- (a) the date of publication of the notice in the National Gazette; and
- (b) compliance by the Minister with the requirements of Section 52,

make representation to the Minister.

9. DECLARATION OF NATIONAL LAND ACQUIRED BEFORE INDEPENDENCE DAY.

(1) Where the Minister has published a notice under Section 7(1) in respect of any land, he may—

- (a) after the expiry of three months following—
 - (i) the date of publication of the notice in the National Gazette; and
 - (ii) compliance by him with the requirements of Section 52; and
- (b) after consideration of any representations made to him under Section 8,

declare, by notice in the National Gazette, that the land, or any part of the land, is National Land.

- (2) A declaration made under Subsection (1) shall—
- (a) contain a description of the land; and
 - (b) specify the estate in the land acquired by the State.

10. APPEALS AGAINST DECLARATIONS OF NATIONAL LAND.

(1) Subject to Sections 57 (*enforcement of guaranteed rights and freedoms*) and 155 (*the National Judicial System*) of the *Constitution*, and to Section 6–

- (a) a declaration under Section 9 is not subject to appeal or review, and shall not be called in question in any legal proceedings; and
- (b) compensation is not payable in respect of or arising out of any such declaration,

except as provided in this section.

(2) A person aggrieved by a declaration under Section 9, may in accordance with and subject to Part VI., make a claim for a settlement payment.

Division 3.

Land Acquired on or after Independence Day.

11. NOTICE OF INTENTION TO DECLARE NATIONAL LAND WHERE LAND ACQUIRED AFTER INDEPENDENCE DAY.

(1) Where for any purpose the State has acquired land on or after Independence Day, the Minister shall, by notice in the National Gazette, intimate his intention to declare, not earlier than the expiry of three months following the date of publication of the notice, that the land is National Land.

(2) A notice under Subsection (1) shall–

- (a) contain a description of the land; and
- (b) state that any person aggrieved by the notice may make representation to the Minister within 60 days of–
 - (i) the date of publication of the notice in the National Gazette; and
 - (ii) compliance by the Minister with the requirements of Section 52; and
- (c) specify the estate acquired in the land.

12. PERSON AGGRIEVED BY NOTICE MAY MAKE REPRESENTATIONS TO THE MINISTER.

Any person aggrieved by a notice under Section 11 may, within 60 days of–

- (a) the date of publication of the notice in the National Gazette; and
- (b) compliance by the Minister with the requirements of Section 52,

make representation to the Minister.

13. DECLARATION OF NATIONAL LAND ACQUIRED ON OR AFTER INDEPENDENCE DAY.

(1) Where the Minister has published a notice under Section 11 in respect of any land he may—

- (a) after the expiry of three months following—
 - (i) the date of publication of the notice in the National Gazette; and
 - (ii) compliance by him with the requirements of Section 52; and
- (b) after consideration of any representations made to him under Section 12,

declare, by notice in the National Gazette, that the land, or any part of the land, is National Land.

(2) A declaration made under Subsection (1) shall—

- (a) contain a description of the land; and
- (b) specify the estate in the land acquired by the State.

Division 4.

Effect of Ownership of National Land.

14. OWNERSHIP OF NATIONAL LAND.

Subject to any rights in or under it granted or purported to be granted by the State or by a pre-Independence Administration in Papua New Guinea, National Land—

- (a) vests in the State on the date of a declaration under Section 9 or 13 to the extent of the estate declared; and
- (b) may be dealt with in the same way as other land the property of the State.

PART IV. – REGISTRATION OF TITLE TO NATIONAL LAND.

15. ESTABLISHMENT OF REGISTER OF NATIONAL LAND.

(1) Subject to this Act, the Registrar shall open and keep a Register to be known as the Register of National Land.

(2) The Register shall be in such form and contain such particulars as are prescribed.

16. MINISTER TO ADVISE REGISTRAR OF DECLARATIONS.

Where the Minister makes a declaration of National Land under Section 9 or 13, he shall immediately send to the Registrar a copy of the declaration.

17. REGISTRAR MAY REQUIRE FURTHER DESCRIPTION OF LAND.

Where the Registrar is of the opinion that the description of the land contained in the declaration is inadequate for the purpose of properly identifying and locating the land and its boundaries, he may require the Minister to furnish a further description.

18. DUTY OF REGISTRAR.

Where a copy declaration is received by the Registrar under Section 16, he shall register as National Land the land the subject of the declaration.

19. EFFECT OF REGISTRATION.

An entry in the Register is conclusive evidence that the State has title to the land the subject of the entry.

20. SEARCH.

Any person may, on payment of the prescribed fee, have access in the Register for the purpose of inspection during the hours and on the days prescribed.

21. COPIES.

Any person shall, on payment of the prescribed fee, be entitled to search for, demand and obtain copies of any entry in the Register.

22. REGISTRAR MAY ISSUE CERTIFICATE.

The Registrar may, on payment of the prescribed fee, issue a certificate in the prescribed form certifying that the land described in the certificate has been registered in the Register.

23. CERTIFICATE OF TITLE EVIDENCE OF REGISTRATION.

A certificate issued by the Registrar under Section 22 shall be received in all courts of justice as evidence of the particulars contained in it.

24. RECTIFICATION OF REGISTER.

The Registrar—

(a) may, on such evidence as seems to him sufficient; or

(b) shall, on the order of the National Court,

correct errors in the Register and in certificates and copies of entries and supply entries omitted to be made under this Act.

PART V. – THE NATIONAL LAND COMMISSION.

25. ESTABLISHMENT OF THE COMMISSION.

A National Land Commission is hereby established.

26. CONSTITUTION OF THE COMMISSION.

(1) The Commission shall consist of a Commissioner or Commissioners appointed by notice in the National Gazette, by the Head of State, acting on advice, given after receiving a report from the Judicial and Legal Services Commission, but a person appointed a Commissioner need not be a legal practitioner or a member of the Magisterial Service.

(2) Such other officers as may be necessary for carrying out this Act may be appointed to the Commission.

27. TERMS AND CONDITIONS OF EMPLOYMENT OF MEMBERS OF THE COMMISSION.

¹The salary, term of office and other conditions of a Commissioner shall be as determined by the Head of State, acting on advice, given after receiving a report from the Departmental Head of the Department of Personnel Management.

28. DISQUALIFICATIONS FROM OFFICE.

A person is not qualified to be, or to remain a Commissioner if he is—

- (a) a member of the Parliament; or
- (b) a member of a Provincial Government; or
- (c) a member of a Local-level Government or Local-level Government Special Purposes Authority; or
- (d) an office-holder in a registered political party; or
- (e) an undischarged bankrupt or insolvent; or
- (f) of unsound mind within the meaning of any law relating to the protection of the person and property of persons of unsound mind; or
- (g) under sentence of death or imprisonment.

29. RESIGNATION.

(1) A Commissioner may resign by giving three months' written notice of his intention to do so to the Head of State.

(2) The period of three months specified in Subsection (1) shall be deemed to commence on the day of receipt by the Head of State of the notice, except where the Head of State, acting on advice, fixes an earlier date for the commencement.

¹ Section 27 amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s62.

30. RETIREMENT.

(1) Subject to Subsection (2) a person who has attained the age of 55 years shall not be appointed or re-appointed as a Commissioner and a person shall not be appointed or re-appointed for a period that extends beyond the date on which he will attain the age of 55 years.

(2) The Head of State, acting on advice, may, for a special reason in a particular case, appoint or re-appoint a person who is over 55 years of age to be a Commissioner, but in no case can a person continue to be a Commissioner after he has attained the age of 60 years.

31. ACTING COMMISSIONERS.

A person may be appointed to be an acting Commissioner in the case of the absence from duty for any reason of a Commissioner, or during a vacancy in the office of Commissioner.

32. OATH, ETC., OF OFFICE.

(1) Before entering on the duties of his office, a Commissioner shall make an oath or take an affirmation in the form in Schedule 1.

(2) The oath or affirmation shall be taken or made before a Judge.

33. FUNCTIONS, ETC., OF THE COMMISSION.

The Commission has such jurisdiction, privileges, powers, functions, duties and responsibilities as are conferred or imposed on it by or under this or any other Act.

34. PROCEDURES, ETC., OF THE COMMISSION.

(1) Subject to this and any other Act, the procedures of the Commission are as determined by it.

(2) The Commission shall comply with the principles of natural justice.

(3) All hearings of the Commission shall be—

(a) conducted in public; and

(b) heard before one Commissioner.

(4) The Commission—

(a) is not bound by technical rules of procedure; and

(b) shall—

(i) investigate, and inform itself on, any matter before it in such manner as it thinks proper; and

(ii) admit and consider such relevant information as is available.

35. CALLING OF WITNESSES, ETC.

(1) For the purposes of the exercise and performance of its powers and functions, the Commission may—

- (a) summon witnesses, by instrument under the hand of a Commissioner; and
- (b) take evidence on oath or affirmation, and administer oaths and affirmations for the purpose; and
- (c) by instrument under the hand of a Commissioner, require a person to produce a document, book or paper in his possession or control.

(2) Subject to Subsection (3), a person who, when summoned or required under this section to give evidence or to produce a document, book or paper in his possession or control, fails without reasonable excuse (proof of which is on him)—

- (a) to attend before the Commission at the time and place appointed in the summons or requirement; or
- (b) to be sworn or make an affirmation; or
- (c) to answer any question put to him by the Commission; or
- (d) to produce the document, book or paper,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

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

36. PROTECTION OF COMMISSIONER, ETC.

(1) In the exercise of his functions and the performance of his duty a Commissioner has the same protections and immunities as a Judge.

(2) A witness who appears before a Commissioner and a lawyer appearing before a Commissioner, have the same protection and are subject, in addition to any penalties provided for by this Act, to the same liabilities in any civil or criminal proceeding as a witness or a lawyer has or is subject to, respectively, in a case tried in the National Court.

37. OBSTRUCTION.

A person who, without lawful excuse (proof of which is on him), directly or indirectly hinders or obstructs the Commission or a Commissioner in the exercise or performance of its or his jurisdiction, powers, functions, duties and responsibilities is guilty of an offence.

Penalty: A fine not exceeding K200.00.

38. ANNUAL REPORTS.

The Commission shall, at least once in each year at such time as is fixed by the Minister, give to the Minister, for presentation to the Parliament, a report on the working of this Act and especially as to the level and effect of settlements.

PART VI. – SETTLEMENT PAYMENTS.

39. CLAIMS FOR SETTLEMENT PAYMENTS.

(1) Within the prescribed time after the publication of a declaration under Section 9, or within such further time as the Commission, in special and unusual circumstances, allows, a person who is aggrieved by the declaration under Section 9 may make a claim to the Commission for a settlement payment in respect of the land the subject of the declaration.

(2) A claim under Subsection (1) shall be made in the prescribed manner, but this subsection does not prevent the Commission from accepting, on such conditions as to notice or further particulars or otherwise as it thinks proper, a claim made in any manner.

40. ADMISSIBILITY OF CLAIMS.

(1) In this section, “**prescribed person**” in relation to a claim under Section 39, means–

- (a) the claimant; or
- (b) a customary group which the claimant represents or by virtue of his membership of which he makes the claim; or
- (c) a person or customary group who or which is the predecessor in title of the claimant or of the group referred to in Paragraph (b), as the case may be; or
- (d) a person or group acting on behalf of, or claiming as co-owner of a right with, any such person or group referred to in Paragraphs (a), (b) or (c).

(2) A claim under Section 39 is admissible only if–

- (a) subject to Subsection (3), a prescribed person had made, before Independence Day, a previous claim to the land or to the right the subject of the claim, under a law by virtue of which a claim to the land might have been made; and
- (b) subject to Subsection (4), no payment (including *ex gratia* payment) for the land or for the right was made to the prescribed person in respect of a purported acquisition by a pre-Independence Administration in Papua New Guinea.

(3) Where, in the opinion of the Commission–

- (a) there were special reasons which made it reasonable that no previous claim referred to in Subsection (2)(a) was made; and
- (b) in the circumstances of the particular case it would not be just to enforce the provisions of that paragraph,

the Commission may admit a claim which is otherwise admissible under Subsection (2).

(4) For the purposes of Subsection (2)(b)–

- (a) it is irrelevant whether or not a payment was made in cash; and
- (b) no account shall be taken of any payment the amount or value of which was, in the opinion of the Commission, insignificant when compared with the value of the land at the time when the payment was made, whether or not the value can be precisely estimated.

41. PRELIMINARY DECISION AS TO ADMISSIBILITY OF CLAIMS.

(1) Before proceeding further in the matter of a claim under Section 39, the Commission shall decide whether the claim is admissible in accordance with Section 40.

(2) A person by whom a claim was made under Section 39 and who is aggrieved by a decision of the Commission under Subsection (1) may appeal to the National Court.

42. JOINDER OF OTHER PARTIES.

(1) Where in its opinion it would be just and convenient to do so, the Commission may order that a person or group who did not make a claim under Section 39 but was entitled to make such a claim be joined in any proceedings under this Part as a claimant.

(2) An order under Subsection (1) may be made subject to such conditions as the Commission thinks just.

(3) A person or group joined under Subsection (1) shall be deemed to have made a claim under Section 39 within the period prescribed for the purposes of that section.

43. CONFLICTING CLAIMS.

(1) Where more than one claim is made under Section 39 in respect of any land and the claims are conflictory or inconsistent, then unless the claims are amended to remove the conflict or inconsistency the Commission shall–

- (a) order that the matter of the conflict or inconsistency be dealt with under the *Land Disputes Settlement Act 1975* as if it were a dispute as to the ownership of an interest in customary land within the meaning of that Act; and
- (b) adjourn the proceedings until the matter of the conflict or inconsistency has been dealt with accordingly.

(2) Where an order is made in accordance with Subsection (1)(a)–

- (a) the provisions of the *Land Disputes Settlement Act 1975* (other than Sections 40 and 44 of that Act) apply accordingly; and

- (b) any order made under that Act as between the claimants is binding on the Commission in the proceedings under this Act so far as it relates to the matter of the conflict or inconsistency.

44. AWARD OF SETTLEMENT PAYMENTS.

(1) Where the Commission is satisfied in relation to a claim under Section 39 that the claimant is a person—

- (a) who would be; or
- (b) who is a representative of a customary group who would be,

the owner of a customary right in any land that has been the subject of a declaration under Section 9 if no acquisition of the land by a pre-Independence Administration in Papua New Guinea had taken place, the Commission shall, subject to Subsections (2) and (3), make an order for payment by the State of a settlement payment in accordance with Section 45 to—

- (c) the claimant; or
- (d) where the claim is made by the claimant as a representative of a customary group—to the group or to a member or representative of the group authorized by the group to accept payment.

(2) Where an order is made under Subsection (1) in favour of a group, or of a number of persons or groups, the Commission may make a further order concerning the distribution of the settlement payment between the persons, groups and members of the groups, or any of them, concerned.

(3) Subject to Section 43, where there are more claims than one under Section 39 in respect of a parcel of land, for the purposes of an order under Subsection (1) or (2) the Commission shall consolidate the claims or treat them as consolidated.

(4) The settlement payment shall be made by the Minister on behalf of the State, out of moneys lawfully available for the purpose and payment may be made in cash or, on agreement between the Minister and the person or group entitled to payment in terms of Subsection (1)(c) or (d), in goods or services in lieu of cash.

45. AMOUNT OF SETTLEMENT PAYMENTS.

(1) Subject to this section, the total amount of settlement payments under this Act in respect of any parcel of land shall be an amount, calculated by the Commission, in accordance with Schedule 2.

(2) For the purposes of calculating the amount of compensation, any parcel of land shall be deemed to be in a town if it was situated in a town as at the date of the publication of the declaration under Section 9.

(3) Where in the opinion of the Commission it is just to do so in the case of a particular claim, for the reason that although the amount of land the subject of the declaration under Section 9 was relatively small it would, had it been acquired on the date of the claim, have represented a large proportion of the total land available for

use to the owners, relative to their then and likely future needs, the Commission may recommend to the Minister that the amount of a settlement payment calculated in accordance with Subsection (1) be increased by an amount not exceeding 50%.

(4) The Minister may accept or reject, wholly or in part, a recommendation by the Commission under Subsection (3), and, in the event that he accepts a recommendation, the amount of the settlement payment is increased accordingly.

46. APPEALS AGAINST DECISIONS OF THE COMMISSION.

Subject to Section 155 (*the National Judicial System*) of the *Constitution*, and to Section 41, no appeal lies against any decision of the Commission under this Act, otherwise than on the ground of a failure to comply with the principles of natural justice as required by Section 34(2).

PART VII. – APPLICATION OF OTHER LEGISLATION TO DECLARATION OF NATIONAL LAND.

47. APPLICATION OF LAND TITLES COMMISSION ACT.

(1) When a declaration is made under Section 9 in relation to any land–

- (a) subject to Section 44, the Land Titles Commission ceases to have jurisdiction in and in relation to the land; and
- (b) The Land Titles Commission shall, as soon as practicable, notify the Commission of all claims or proceedings in relation to the land or any part of the land that are pending before the Land Titles Commission.

(2) Subject to Sections 48 and 50, on the date of publication in the National Gazette of a declaration under Section 9 in relation to any land all parties to any proceedings before the Land Titles Commission in relation to the land or any part of the land shall be deemed to have made a claim under Section 39.

48. APPEALS, ETC., UNDER THE LAND TITLES COMMISSION ACT.

(1) Where, immediately before a declaration is made under Section 9 in relation to any land–

- (a) an appeal under Section 38 of the *Land Titles Commission Act 1962* (Adopted) was pending–the National Court shall hear and determine the appeal; or
- (b) an application under Section 34 of the *Land Titles Commission Act 1962* (Adopted) was pending–the Commission shall deal with the application,

as if the declaration had not been made.

(2) In a case to which Subsection (1) applies the Registrar shall not take action in accordance with Section 18 until the appeal or application has been finally dealt with.

49. APPLICATION OF LAND DISPUTES SETTLEMENT ACT.

(1) Where a declaration is made under Section 9 in relation to any land–

- (a) subject to Section 43, Land Mediators, Local Land Courts and Provincial Land Courts cease to have jurisdiction in and in relation to the land; and
- (b) the senior Provincial Land Magistrate of the province in which the land, or any part of the land, is situated shall, as soon as practicable, notify the Commission of all proceedings in relation to the land or any part of the land that are pending before a Land Mediator or Local Land Court, or the Provincial Land Court, in the province.

(2) Subject to Section 50, on the date of publication in the National Gazette of a declaration under Section 9 in relation to any land all parties to any proceedings

before a Land Mediator, a Local Land Court or a Provincial Land Court in relation to the land or any part of the land shall be deemed to have made a claim under Section 39.

50. SAVING OF SECTIONS 40 AND 41.

Sections 40 and 41 apply to a claim that is deemed by Sections 47(2) or 49(2) to have been made under Section 39 in the same way as they apply to claims actually made under Section 39.

PART VI. – MISCELLANEOUS.

51. WITNESS' FEES, ETC.

A witness appearing before the Commission is entitled to such witness' fees and expenses as are prescribed.

52. NOTICE.

(1) Where the Minister has made, in respect of any land—

- (a) a notice of intention under Section 7 or 11; or
- (b) a declaration under Section 9 or 13,

he shall, as well as causing it to be published in the National Gazette—

- (c) where, in the case of a notice of intention under Section 7 or a declaration under Section 9, there is known to be a genuine dispute—give the notice or declaration to the parties to the dispute in so far as they are known to him; and
- (d) cause it to be published at the office of any Local-level Government in whose area the land or part of the land is situated; and
- (e) publish it by any radio broadcasting service which specifically serves the District in which the land or part of the land is situated; and
- (f) give notice in such other places and in such other manner as he considers appropriate.

(2) For the purposes of giving notice the Minister may require—

- (a) a Local-level Government; or
- (b) a Local-level Government Special Purposes Authority; or
- (c) a Provincial Government; or
- (d) a District Officer,

to act as his agent in giving notice in any of the forms under Subsection (1).

(3) For the purposes of Subsection (1), where a party consists of more than one person it is sufficient that the notice of intention or the declaration be given—

- (a) where a representative of the party has commenced acting on behalf of that party—to that representative; or
- (b) to any member of the party apparently over the age of 18 years, provided that the person is informed that the notice of intention or the declaration is required to be given to the party.

53. COSTS.

Costs shall not be awarded in proceedings under this Act before the Commission.

54. 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

55. REPEAL.

The *Evidence (Land Titles) Act* is repealed.

**SCHEDULE 1 – OATH AND AFFIRMATION OF OFFICE OF THE
COMMISSIONER.**

Sec. 32.

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 Commissioner of the National Land Commission without fear or favour, affection or ill-will.

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 Commissioner of the National Land Commission, and that I will do right to all manner of people without fear or favour, affection or ill-will.”

SCHEDULE 2 – BASIC AMOUNT OF SETTLEMENT PAYMENTS.

Sec. 45.

<i>Land in Towns–</i>	<i>K</i>
Not exceeding 1 ha	500.00
Exceeding 1 ha but not exceeding 2 ha	950.00
Exceeding 2 ha but not exceeding 3 ha	1,350.00
Exceeding 3 ha but not exceeding 4 ha	1,700.00
Exceeding 4 ha but not exceeding 5 ha	2,000.00
Exceeding 5 ha but not exceeding 6 ha	2,250.00
Exceeding 6 ha but not exceeding 7 ha	2,450.00
Exceeding 7 ha but not exceeding 8 ha	2,600.00
Exceeding 8 ha but not exceeding 9 ha	2,700.00
Exceeding 9 ha but not exceeding 10 ha	2,800.00
Exceeding 10 ha but not exceeding 50 ha	2,800.00 plus 75.00 per ha or part of a ha in excess of 10
Exceeding 50 ha but not exceeding 500 ha	5,800.00 plus 50.00 per ha or part of a ha in excess of 50
Exceeding 500 ha	28,300.00 plus 10.00 per ha or part of a ha in excess of 500

<i>Land Outside Towns–</i>	
Not exceeding 5 ha	100.00 per ha or part of a ha
Exceeding 5 ha but not exceeding 10 ha	500.00 plus 50.00 per ha or part of a ha in excess of 5
Exceeding 10 ha	750.00 plus 10.00 per ha or part of a ha in excess of 10.

<i>Land in Towns–</i>	<i>K</i>
Not exceeding 1 ha	500.00
Exceeding 1 ha but not exceeding 2 ha	950.00
Exceeding 2 ha but not exceeding 3 ha	1,350.00
Exceeding 3 ha but not exceeding 4 ha	1,700.00
Exceeding 4 ha but not exceeding 5 ha	2,000.00
Exceeding 5 ha but not exceeding 6 ha	2,250.00
Exceeding 6 ha but not exceeding 7 ha	2,450.00

Exceeding 7 ha but not exceeding 8 ha	2,600.00
Exceeding 8 ha but not exceeding 9 ha	2,700.00
Exceeding 9 ha but not exceeding 10 ha	2,800.00
Exceeding 10 ha but not exceeding 50 ha	2,800.00 plus 75.00 per ha or part of a ha in excess of 10
Exceeding 50 ha but not exceeding 500 ha	5,800.00 plus 50.00 per ha or part of a ha in excess of 50
Exceeding 500 ha	28,300.00 plus 10.00 per ha or part of a ha in excess of 500

Land Outside Towns–

Not exceeding 5 ha	100.00 per ha or part of a ha
Exceeding 5 ha but not exceeding 10 ha	500.00 plus 50.00 per ha or part of a ha in excess of 5
Exceeding 10 ha	750.00 plus 10.00 per ha or part of a ha in excess of 10.