

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 360.

Land (Wuvulu) Acquisition.

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.

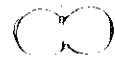
Reference in or in relation to this Chapter to—

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

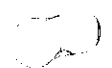
“the Department”—should be read as references to the Department of Lands, Surveys and Environment.

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Land (Wuvulu) Acquisition Act</i>	3
Regulations	—
Subsidiary legislation	—
Appendix—	
1. Source of Act.	







INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 360.

Land (Wuvulu) Acquisition. Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Compulsory acquisition.
2. Interpretation—
 - “Lot 184”
 - “the commencement date”
 - “the Trust Account”.
3. Establishment of Wuvulu Fund Trust Account.
4. Payments into the Trust Account.

PART II.—ACQUISITION OF CERTAIN LANDS.

5. Purpose of the acquisition.
6. Acquisition of land.
7. Compensation for acquisition of property of certain citizens.
8. Compensation for certain lands.
9. Registration of land.
10. Dealings in land retained by the State.
11. Reduction of liability of mortgagor.
12. Execution of discharge.
13. Preservation of certain rights of mortgagee.
14. Copies of this Act to be forwarded to certain persons.

PART III.—PROTECTION OF THE STATE, ETC.

15. No liability in respect of certain matters.
16. Payment to Wuvulu Holdings.

SCHEDULES.

SCHEDULE 1.—Description of Land Acquired.

SCHEDULE 2.—Maximum Amount of Compensation payable for Certain Lands.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 360.

Land (Wuvulu) Acquisition. Act.

Being an Act relating to certain land on Wuvulu Island and related matters.

PART I.—PRELIMINARY.

1. Compulsory acquisition.

For the purposes of Section 53(7) (*protection from unjust deprivation of property*) of the Constitution all power necessary to compulsorily take possession of, and to acquire all interests and rights over all property of all non-citizens in the lands specified in Schedule 1 is provided by this Act.

2. Interpretation.

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

“Lot 184” means the land being Lot 184 in Deposited Plan 83 being part of the land comprised in Certificate of Title Volume 24 Folio 133;

“the commencement date” means 30 March 1976, being the date of commencement of the *Land (Wuvulu) Acquisition Act 1976*;

“the Trust Account” means the Wuvulu Fund Trust Account established by Section 3.

(2) A reference in this Act—

(a) to a mortgagee or mortgagor of land includes the administrators, executors and assigns of that person; or

(b) to a certificate of title means a certificate of title issued under the *Lands Registration Act 1924* of the former Territory of New Guinea (adopted); or

(c) to a deposited plan means a plan registered under the *Lands Registration Act 1924* of the former Territory of New Guinea (adopted).

3. Establishment of Wuvulu Fund Trust Account.

(1) There is hereby established a Wuvulu Fund Trust Account within the Trust Fund established by Section 15 of the *Public Finances (Control and Audit) Act*.

(2) Except where this Act provides to the contrary, the provisions of the *Public Finances (Control and Audit) Act* relating to Trust Accounts within the meaning of that Act apply to and in relation to the Trust Account.

4. Payments into the Trust Account.

Notwithstanding Section 38 of the *Lands Acquisition (Development Purposes) Act* there shall be paid into the Trust Account the sum of K614 720.00 out of the Alienated Lands Compensation Fund Trust Account established by that Act.

PART II.—ACQUISITION OF CERTAIN LANDS.

5. Purpose of the acquisition.

(1) For the purpose of Section 53 of the Constitution it is declared that the interest in or right over the lands specified in Schedule 1 is compulsorily taken or acquired by or under this Act for the following public purposes, namely purposes of or connected with—

- (a) subsistence farming; and
- (b) economic development; and
- (c) education; and
- (d) social welfare; and
- (e) community development; and
- (f) an aerodrome or landing pad; and
- (g) a road or track,

and for the reason that in order to implement the National Goals it is desirable that the total area of those lands be used for those purposes.

(2) In particular Lot 184 is compulsorily taken or acquired by or under this Act partly for the purposes of—

- (a) an aerodrome or landing pad; and
- (b) a road or track.

6. Acquisition of land.

The lands specified in Schedule 1 are, by virtue of this section, vested in the State absolutely, freed and discharged from all interests in or in respect of those lands.

7. Compensation for acquisition of property of certain citizens.

(1) Where by virtue of Section 6 any property of a citizen is taken compulsorily, compensation shall be made by the State in accordance with Section 53(2) of the Constitution.

(2) By way of compensation or part compensation for any property of a citizen taken compulsorily by virtue of Section 6 it is declared that the lands specified in Schedule 1, excluding the land retained by the State, are customary land.

(3) The declaration made under Subsection (2) shall be deemed to be declaration under Section 76(1) of the *Land Act*.

8. Compensation for certain lands.

(1) This section applies only to persons other than citizens.

(2) Subject to this section, the Minister shall pay out of the Trust Account by way of compensation for the acquisition of the lands specified in Schedule 2 an amount of K275 230.00.

(3) The compensation referred to in Subsection (2) is apportioned between the lots specified in Schedule 2 and in respect of each lot the maximum amount of compensation payable is the amount specified in Column 2 of Schedule 2 opposite the reference to the lot.

(4) For the purposes of Subsection (3) the whole of the land described in Part 3 of Schedule 2 shall be deemed to be a lot.

(5) Subject to Subsection (6), the compensation referred to in Subsection (2) shall be paid to such persons and in such amounts as the Minister, in his absolute discretion, determines.

(6) Compensation is not payable to a person under this section unless a claim for compensation is delivered to the Departmental Head within a period of six months beginning on the commencement date.

(7) A claim for compensation shall specify—

- (a) full particulars of the interest for which the claimant seeks compensation; and
- (b) the amount of compensation claimed; and
- (c) the basis on which that amount has been calculated.

(8) A claim for compensation shall be accompanied by such evidence as, in the opinion of the Minister, is necessary to prove the claim.

(9) At any time during the period referred to in Subsection (6) or within six months after that period the Minister may despatch to a claimant a request to furnish additional particulars or evidence or both.

(10) All particulars and evidence requested by the Minister shall be delivered to the Departmental Head—

- (a) within a period of one month after the date of despatch under Subsection (9); or
- (b) before the expiration of the period referred to in Subsection (6),

whichever is the later.

(11) Where any additional particulars or evidence requested under Subsection (9) are not received within the applicable period specified in Subsection (10) the Minister—

- (a) may disregard those particulars or that evidence, as the case may be; or
- (b) may, in his absolute discretion, reject the claim.

(12) In making any determination under this section the Minister shall be guided by equity and good conscience on such evidence as he may obtain notwithstanding that it might not be either required or admissible at law nor shall the Minister be bound by the strict rules of law or equity in any case or by any technicalities or legal forms whatsoever and any such determination shall be final, binding and conclusive on and between and on all parties concerned.

9. Registration of land.

(1) In this section—

“the land records”, in relation to an area of land, means—

- (a) the register Book kept under the *Lands Registration Act 1924* of the former Territory of New Guinea (adopted); and
- (b) the certificate of title, evidencing title of that land;

“the Registrar of Title” means the Registrar of Titles appointed under the *Lands Registration Act 1924* of the former Territory of New Guinea (adopted).

(2) The Registrar of Titles shall, in the relevant part of the land records—

- (a) note that Lot 184 is vested in the State absolutely, freed and discharged from all interests in or in respect of Lot 184; and

(b) note that the lands specified in Schedule 1 (other than Lot 184) are customary land.

10. Dealings in land retained by the State.

Lot 184 may be dealt with in all respects as other Government Land.

11. Reduction of liability of mortgagor.

Money paid to a mortgagee under this Part by way of compensation shall be deemed to have been paid under the mortgage on account of the mortgage debt.

12. Execution of discharge.

On payment of compensation to a mortgagee under this Part, 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 of the amount of the compensation received by the mortgagee.

13. Preservation of certain rights of mortgagee.

Notwithstanding Section 6, where any land acquired under this Act is subject to a mortgage and after payment of compensation money part of the mortgage debt remains outstanding, the mortgagee retains, in respect of that part—

- (a) all rights and remedies against the mortgagor (other than rights and remedies in relation to that land); and
- (b) all rights and remedies in relation to any other land which is subject to the mortgage.

14. Copies of this Act to be forwarded to certain persons.

The Departmental Head shall, as soon as possible, use his best endeavours to forward a copy of this Act to every person who in his opinion is affected by this Part.

PART III.—PROTECTION OF THE STATE, ETC.

15. No liability in respect of certain matters.

(1) In this section—

“the Agreement” means any agreement relating directly or indirectly to Wuvulu Island made before the commencement of this Act between the State and any one or more of the following parties—

- (a) Wuvulu Holdings Pty. Limited; or
- (b) Wuvulu Investments Pty. Limited; or
- (c) Bismarck Planters Society Inc.; or
- (d) Colin Helliar;

“the assurance fund” means the assurance fund constituted by the *Lands Registration Act 1924* of the former Territory of New Guinea (adopted).

(2) This section applies to—

- (a) the State; and
- (b) the Minister; and
- (c) the Departmental Head; and
- (d) the Registrar of Titles; and
- (e) any officer; and

(f) the assurance fund.

(3) No person to whom this section applies or the assurance fund is liable—

(a) for anything done or omitted to be done; or

(b) for anything suffered,

arising out of or connected with the Agreement, whether directly or indirectly, or for anything done in pursuance of the Agreement before the commencement date.

16. Payment to Wuvulu Holdings.

The State shall, within a period of three months after the commencement of this Act, pay to Wuvulu Holdings Pty. Limited out of the Trust Account the sum of K339 490.00 for all losses sustained by the company as a result of the making of this Act, being losses not otherwise provided for by this Act.

SCHEDULE 1.

Sec. 6.

DESCRIPTION OF LAND ACQUIRED.

All that piece of land known as RUVURAU and AGITA on Wuvulu Island in the East Sepik Province, being Portions 1 and 2, Milinch of Maty, Fourmil of Wuvulu, and being the whole of the land comprised in Certificates of Title Volume 24, Folios 133 to 250, inclusive, and Volume 25, Folios 1 to 64, inclusive.

SCHEDULE 2.

Sec. 8.

MAXIMUM AMOUNT OF COMPENSATION PAYABLE FOR CERTAIN LANDS.

PART 1.

Column 1. Description of Land.				Column 2. Compensation.
Lot Number	Deposited Plan Number	Certificate of Title		Maximum Amount in Kina
		Volume	Folio	
7	83	24	140	1475
12	83	24	145	1300
13	83	24	146	1300
14	83	24	147	1300
15	83	24	148	1300
16	83	24	149	1300
22	83	24	155	1250
25	83	24	158	1250
26	83	24	159	1250
33	83	24	166	1200
34	83	24	167	1200
50	83	24	183	1200

Land (Wuvulu) Acquisition.

Lot Number	Column 1. Description of Land.		Column 2. Compensation.	
	Deposited Plan Number	Certificate of Title Volume Folio	Maximum Amount in Kina	
67	83	24	200	1150
71	83	24	204	1150
72	83	24	205	1150
76	83	24	209	1200
79	83	24	212	1150
80	83	24	213	1150
81	83	24	214	1150
83	83	24	216	1200
84	83	24	217	1200
86	83	24	219	1150
87	83	24	220	1150
89	83	24	222	1000
93	83	24	226	1200
95	83	24	228	1200
102	83	24	235	1200
104	83	24	237	1200
105	83	24	238	1200
106	83	24	239	1200
107	83	24	240	1200
108	83	24	241	1200
109	83	24	242	1200
110	83	24	243	1200
111	83	24	244	1200
112	83	24	245	1200
113	83	24	246	1200
114	83	24	247	1200
115	83	24	248	1200
116	83	24	249	1200
118	83	25	1	1200
119	83	25	2	1200
123	83	25	6	1200
129	83	25	12	1200
145	83	25	28	6000
160	83	25	43	1200
176	83	25	59	1200
177	83	25	60	1200
178	83	25	61	1200
179	83	25	62	1200
185	97	part of 24	134	825
186	97	part of 24	134	925
187	97	part of 24	135	920
188	97	part of 24	135	820
190	97	part of 24	136	925
191	97	part of 24	137	920
195	97	part of 24	139	910
197	97	part of 24	141	805
198	97	part of 24	141	900
201	97	part of 24	143	805
202	97	part of 24	143	895
206	97	part of 24	150	875
210	97	part of 24	152	865
211	97	part of 24	153	860
212	97	part of 24	153	730
216	97	part of 24	156	840
217	97	part of 24	157	840

Land (Wuvulu) Acquisition.

Ch. No. 360

Column 1. Description of Land.				Column 2. Compensation.
Lot Number	Deposited Plan Number	Certificate of Title		Maximum Amount in Kina
		Volume	Folio	
219	97	part of 24	160	720
220	97	part of 24	160	835
221	97	part of 24	161	830
222	97	part of 24	161	675
224	98	part of 24	162	835
225	98	part of 24	163	825
226	98	part of 24	163	680
229	98	part of 24	165	810
232	98	part of 24	168	810
233	98	part of 24	169	810
236	98	part of 24	170	810
237	98	part of 24	171	805
239	98	part of 24	172	635
240	98	part of 24	172	800
241	98	part of 24	173	810
243	98	part of 24	174	665
244	98	part of 24	174	795
249	98	part of 24	177	780
250	98	part of 24	177	645
253	98	part of 24	179	775
256	98	part of 24	180	770
257	98	part of 24	181	770
259	98	part of 24	182	625
260	98	part of 24	182	770
801	98	part of 24	133	575
803	98	part of 24	133	525
804	98	part of 24	133	525
805	98	part of 24	133	525
806	98	part of 24	133	525
809	98	part of 24	133	525
810	98	part of 24	133	525
813	98	part of 24	133	490
814	98	part of 24	133	480
815	98	part of 24	133	475
816	98	part of 24	133	450
817	98	part of 24	133	465
818	98	part of 24	133	475
819	98	part of 24	133	480
820	98	part of 24	133	500
823	98	part of 24	133	520
824	98	part of 24	133	520
825	98	part of 24	133	520
826	98	part of 24	133	520
827	98	part of 24	133	520
828	98	part of 24	133	520
829	98	part of 24	133	495
830	98	part of 24	133	480
831	98	part of 24	133	470
832	98	part of 24	133	465
833	98	part of 24	133	450
834	98	part of 24	133	450
835	98	part of 24	133	450
836	98	part of 24	133	420
837	98	part of 24	133	435
838	98	part of 24	133	445

Land (Wuvulu) Acquisition.

Column 1. Description of Land.				Column 2. Compensation.
Lot Number	Deposited Plan Number	Certificate of Title		Maximum Amount in Kina
		Volume	Folio	
839	98	part of 24	133	460
841	98	part of 24	133	480
842	98	part of 24	133	490

PART 2.

Column 1. Description of Land.				Column 2. Compensation.
Lot Number	Deposited Plan Number	Certificate of Title		Maximum Amount in Kina
		Volume	Folio	
5	83	24	138	750
9	83	24	142	725
11	83	24	144	650
18	83	24	151	650
51	83	24	184	575
52	83	24	185	575
53	83	24	186	575
54	83	24	187	575
55	83	24	188	575
56	83	24	189	575
57	83	24	190	575
58	83	24	191	575
59	83	24	192	575
60	83	24	193	575
61	83	24	194	575
62	83	24	195	575
63	83	24	196	575
64	83	24	197	575
65	83	24	198	575
66	83	24	199	575
68	83	24	201	575
69	83	24	202	575
70	83	24	203	575
73	83	24	206	575
74	83	24	207	575
75	83	24	208	575
77	83	24	210	500
78	83	24	211	575
82	83	24	215	575
85	83	24	218	600
88	83	24	221	500
90	83	24	223	600
91	83	24	224	550
92	83	24	225	550
94	83	24	227	550
96	83	24	229	550
97	83	24	230	575
98	83	24	231	575
99	83	24	232	575
100	83	24	233	575
101	83	24	234	575

Land (Wuvulu) Acquisition.

Ch. No. 360

Column 1. Description of Land.				Column 2. Compensation.
Lot Number	Deposited Plan Number	Certificate of Title		Maximum Amount in Kina
		Volume	Folio	
103	83	24	236	600
117	83	24	250	600
120	83	25	3	575
121	83	25	4	575
122	83	25	5	575
124	83	25	7	600
125	83	25	8	600
126	83	25	9	600
127	83	25	10	575
128	83	25	11	575
130	83	25	13	575
131	83	25	14	575
132	83	25	15	575
133	83	25	16	600
134	83	25	17	600
135	83	25	18	600
136	83	25	19	600
137	83	25	20	600
138	83	25	21	600
139	83	25	22	600
140	83	25	23	600
141	83	25	24	600
142	83	25	25	600
143	83	25	26	600
144	83	25	27	600
146	83	25	29	600
147	83	25	30	600
148	83	25	31	600
149	83	25	32	600
150	83	25	33	600
151	83	25	34	600
152	83	25	35	600
153	83	25	36	600
154	83	25	37	600
155	83	25	38	600
156	83	25	39	600
157	83	25	40	600
158	83	25	41	600
159	83	25	42	600
161	83	25	44	600
162	83	25	45	600
163	83	25	46	600
164	83	25	47	600
165	83	25	48	600
166	83	25	49	600
167	83	25	50	600
168	83	25	51	600
169	83	25	52	600
170	83	25	53	600
171	83	25	54	600
172	83	25	55	600
173	83	25	56	600
174	83	25	57	600
175	83	25	58	600
180	83	25	63	600

Land (Wuvulu) Acquisition.

Column 1. Description of Land.				Column 2. Compensation.
Lot Number	Deposited Plan Number	Certificate of Title		Maximum Amount in Kina
		Volume	Folio	
181	83	25	64	600
189	97	part of 24	136	405
192	97	part of 24	137	405
196	97	part of 24	139	405
205	97	part of 24	150	390
209	97	part of 24	152	370
213	97	part of 24	154	420
214	97	part of 24	154	365
215	97	part of 24	156	365
218	97	part of 24	157	350
223	98	part of 24	162	335
227	98	part of 24	164	330
228	98	part of 24	164	410
230	98	part of 24	165	320
231	98	part of 24	168	340
234	98	part of 24	169	330
235	98	part of 24	170	325
238	98	part of 24	171	325
242	98	part of 24	173	330
245	98	part of 24	175	400
246	98	part of 24	175	325
247	98	part of 24	176	325
248	98	part of 24	176	385
251	98	part of 24	178	320
252	98	part of 24	178	410
254	98	part of 24	179	315
255	98	part of 24	180	315
258	98	part of 24	181	310
802	98	part of 24	133	285
807	98	part of 24	133	260
808	98	part of 24	133	260
811	98	part of 24	133	250
812	98	part of 24	133	250
821	98	part of 24	133	255
822	98	part of 24	133	255
840	98	part of 24	133	230

PART 3.

Column 1. Description of Land.	Column 2. Compensation.
The balance of the land comprised in certificate of title Volume 24 Folio 133 after excluding thereout—	
(a) lots 183 and 184 on Deposited Plan number 83; and	
(b) all those lots on Deposited Plans numbered 83, 97 and 98 specified in Parts 1 and 2 of this Schedule.	
	K91 600

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 360.

Land (Wuvulu) Acquisition.

APPENDIX.

SOURCE OF THE LAND (WUVULU) ACQUISITION ACT.

Part A.—Previous Legislation.

Land (Wuvulu) Acquisition Act 1976 (No. 3 of 1976)

as amended by—

Land (Wuvulu) Acquisition (Amendment) Act 1976 (No. 78 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition	Previous Reference. ¹
1	1AA
2	1
3	2
4	3
5	4
6	5
7	6
8	7
9	8
10	9
11	10
12	11
13	12
14	13
15	14
16	15
Schedule 1	Schedule 1
Schedule 2	Schedule 2

¹Unless otherwise indicated, references are to the Act set out in Part A.





