



[IN THE NATIONAL COURT OF JUSTICE AT WAIGANI]

OS (JR) 107 OF 2022 (IECMS)

BETWEEN:

TAVOLO COMMUNITY CONSERVATION ASSOCIATION INC.

(First Plaintiff)

AND:

PETER KIKELE – Chairman of Tavolo Community Conservation Association Inc.

(Second Plaintiff)

AND:

FAITH BARTON as the Chairperson of the National Forest Board

(First Defendant)

AND:

JOHN MOSORO as the Managing Director of Papua New Guinea Forest Authority

(Second Defendant)

AND:

KAKUNA LOTE RESOURCE DEVELOPMENT LIMITED

(Third Defendant)

AND:

MEKAR (PNG) LIMITED

(Fourth Defendant)

AND:

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

(Fifth Defendant)

ORDER

The National Court orders that:

1. Pursuant to the Court's Orders of 6 April 2023, 9 April 2024, 3 March 2025, the inherent jurisdiction of this Honourable Court under Section 155(4) of the *Constitution* and noting NEC Decision No. 184/2014 and the Affidavit of the Secretary for the Department of Lands and Physical Planning sworn and filed on 11

April 2025:

- (a) The Registrar of Titles, Mr. Ala Ane in the Department of Lands and Physical Planning (hereinafter referred to as the “**DLPP**”) shall;
 - i. Cancel the Special Agriculture and Business Lease described as Portion 2C, Milinch Kapuira/Woipuna/Fulleborn, Fourmil, Gasmata/Talasea, East New Britain Province, registered in the Register of State Leases Volume 17 Folio 82 on 5 September 2008 (“hereinafter referred to as the “**SABL**”) forthwith; and
 - ii. Upon cancellation, file an affidavit forthwith showing evidence of compliance with term 1(a)(i) above and the cancelled SABL.
- (b) The Surveyor General, Mr. Jack Bakus in the DLPP shall;
 - i. Cancel the SABL’s registered survey plan described as (class: RURAL CLASS FOUR (4)) Catalogued No. 15/981 in the DLPP, Waigani, National Capital District forthwith; and
 - ii. Upon cancellation, file an affidavit forthwith showing evidence of compliance with term 1(b)(i) above.
2. Upon the cancellation of the SABL and satisfaction of terms 1(a) and 1 (b) above, the land formerly under the SABL containing the area of 68,300 hectares shall revert back to its original state as customary land.
3. Parties are given until **31 May 2025** to do the following:
 - (a) Conduct a final joint site visit to the land area, the subject of this court proceeding, for verification of consent for those landowners at the amended boundary lines of the Forest Clearing Authority (**FCA**) 15-23 as per the draft Amended Topographic Map of FCA 15-23 enclosed as **Annexure B** to the Affidavit of Peter Kikele sworn and filed on 25 April 2025 (“hereinafter referred to as the “**Draft Amended Map**”) as well as conduct general awareness to all landowners on the developments with the case and discussions held so far;
 - (b) The Defendants to comply with all regulatory requirements for the amendment of boundaries of the FCA 15-23 as per the Draft Amended Map;

and

- (c) For parties to meet in conference to discuss the outcome and status of term 3(a) and 3(b) of these Orders and to settle on a Consent Order to finalise the matter.
4. The matter shall return to Court on Monday 2 June 2025 at 1:30pm for parties to advise the Court of compliance of Term 3 of these Orders and to hand-up draft Consent Orders finalising the matter.
5. The time for entry of this Order is abridged to the time of signing by the Court which shall take place forthwith.

Notation: Whilst it is noted that Mr. Benjamin Samson, Secretary of the Department of Lands and Physical Planning, Mr. Ala Ane, Registrar of Titles at the Department of Lands and Physical Planning and Mr. Jack Bakus, the Surveyor General at the Department of Lands and Physical Planning are not named as parties to this Court proceeding, they are aware and have consented to terms 1 and 2 of these consent orders, as evidenced by Mr. Benjamin Samson's Affidavit sworn on 11 April 2025 and filed on 14 April 2025 (CD 119) and the attendance of the In-house Counsel for the Department of Lands and Physical Planning Mr. Don Rake in Court today.

Ordered on **25th April** 2025 and entered on **28th April** 2025.



By the National Court

Justice Purdon-Sully