

TRANSCRIPT OF PROCEEDINGS

Commission of Inquiry into SABL  
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## COMMISSION OF INQUIRY INTO SABL

MR JOHN NUMAPO

THE CHAIRMAN & CHIEF  
COMMISSIONER

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LOCAL GOVERNMENT COUNCIL, VANIMO, THURSDAY  
17 NOVEMBER 2011 AT 10.48 A.M.  
(Continued from 16 November 2011)

[10.48 am] CHIEFCOMMISSIONER: Okay Counsel we can start.

MR PUPAKA: Good morning Chief Commissioner.

CHIEF COMMISSIONER: First of all, we should welcome Ms Peipul. Thank you for joining us. I understand that you have worked out at who is doing what and hopefully that will speed up the process a bit. So welcome.

MS PEIPUL: Thank you Chief Commissioner.

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MR PUPAKA: Yes, recapping things, after this point in time Chief Commissioner, there are four of the Vanimo sittings. I have completed the hearings into Nuku SABL. The Bewani and Ossima stands adjourned to Monday. We opened files today for the matters of West Maimai, Yangkok and Palai, SABLs held by these three entities and that is SABL File No 60. As you have indicated Chief Commissioner, Ms Peipul joins the team to assist the Inquiry at this stage. We inter-change leading roles here.

20

In the matter of West Maimai, Yangkok and Palai, we have got a list of witnesses. First to be called will be the Director of Lands in the Province, Mr Daniel Waranduo. He has appeared in two matters so far, this will be his third appearance. He will take us through the Lands Investigation Report as been the practice in this Inquiry.

**DANIEL WARANDUO, Continuing:  
XN: MR MARK PUPAKA**

30 MR PUPAKA: MrWaranduo, good morning.

A: Good morning.

Q: Thank you for coming again. It is now in the case of the SABL held by West Maimai Investments, Yankop Investment Limited and Palai Resources Ltd. I believe it is a matter in which land investigation process in which you are involved as well. Is that correct?

40

A: Yes.

Q: First witness, Chief Commissioner to have been called, genetically as has been the case, Administrator until recently, Mr Sungiis giving evidence, he will not be our first witness, he will be the second witness. To commence proceedings this morning, Mr Waranduo, could you tell us what role you played in the Land Investigation process pursuant to - towards the issue of Special Agriculture and Business Leases for West Maimai Investments, Yangkok and Palai Resources?

10 A: In my first attendance at the Inquiry I mentioned that I was the only officer. (...inaudible...). At the time of the investigation, actually investigation on the field, I was tied up with other government business of the province. Therefore, ..... Department of Lands officers carried out this ..... process.

Q: Yes. The Department of Lands principal person involved would have been Simon Malu, can you confirm that?

A: Yes.

20 Q: You had at some stage of course seen the copy of the Lands Investigation Report?

A: After the---

Q: After the report was compiled.

A: (...inaudible...)

30 Q: Yes. This is a sample of one of the parts of the report. As is the case, Chief Commissioner, reports are divided into groupings and this is one of them. It relates to one of the Lands ..... Minutes. Have a look at this. Is this one of them? This one is for Iete. That is Ieta is it? Could you go to page 5 – Schedule owners status rights to lands. Yes. This one confirm for the Chief Commissioner's benefit. Confirm that Chief Commissioner that this is the only copy we have. Confirm for the commission as to the identities of as to has sign. Is it – we have said the practice of signing upon the – verifying the land consent process is either that everybody consent sign or is it signed by the  
40 case in this one, Could you confirm, was it by representatives or

individual landowners concern? And it is in page 5 and spills onto page 6 at the back or its it by representatives. Can you confirm?

A: It is by representatives.

Q: Chief Commissioner, for the records, this one, the Land Investigation verification process, by the landowners through the process of representatives signing. On page 9, Chief commissioner for the records, this once again a sample, indicative and repeatative of all the others, page 9 a declaration of customary or those who own land engage to the land and this is a form on which people who give consent or verify that their land is not engroached verify. Is that the form you recognized that.

A: ...

Q: At the back of that page, there is six peoples names listed. These of course is verified by somebody else, Simon Malu, the principal person involved but there six people by the names of Charles Willie. MelchioManau, Vincent Mapei, Bill Akoko, Peter Manao and Linus Willie. They seem to have walked the boundaries with Simon Malu.

A: Counsel, I assume these were different people that belonged to ...

Q: Yes, they walked the boundaries with the Department of Lands Officer, MrMalu. There seem to be no accusations on page 6 of it. It was left empty; it being filled in by hand but officers who should have signed are these people or representatives who should have signed are these people. Back of it, there is a recommendation on alienability, the final sign of process clarifying the correctness of the land investigation report. Could you confirm that this has been signed?

[10.59 am] First witness already confirmed that he signed on – he was a signatory on the Certificate of the Alienability in relation to these matters on the day 2 of the hearing. That is by the Administrator or until lately, former Administrator MrSungi.

A: ....

Q: For the record, Chief Commissioner, this is the standard format adopted for all the land verifications for the various units, landowner units and villages that have soundly given consents. Could you – you have for the records in other matters have indicated that you took on the current job last year.

A: Correct.

Q: Before prior to that you were also Lands Office employee?

10

A: Yes.

Q: In that time, has there been any development, any indication that the Lands Investigation process signed off by MrSungi was perhaps, there may be issues associated with it, faulty, complaints, and if they come to you in relation to SABL over the land or the SABL now owned by or title held by West Mamai, Yangkok and Palai?

A: ...

20

Q: Is that JDP BPC, Nuku Joint District Planning and Budget Priorities Committee. It is the District Administration entity. All right MrWaraduo, who in your knowledge were involved in the land investigation progress. We have to the name Simon Malu I presume he was the LLPP, Lands Department representatiive in the province for the purposes of this SABL. Any body else involved?

A: ...

30 Q: You accompanied the officer on field trips on investigation?

A: ...

Q: And did you know if MrMalu took on the field trips for the purpose of this thing?

A: ...

40 Q: To Vanimo or there was a public gathering of sorts in Vanimo for this one.

Chief Commissioner, at this point in time we will leave it open. The person, Simon Malu has been summoned and he would heading Waigani and that will complete part of the verification of the land investigation process. The utility of information contained in the land investigation, the cross check and the verification of it, through the current witness is we would not want to confirm or verify it to what might be to this time. I will that part of Inquiry at that. Unless of course you have any questions to ask ...

10 MS PEIPUL: Perhaps you can confirm the names of the ILG Chairmen that was also involved in the line of investigation. I have companied MrMalu around. If you can recall their names and which ILG Chairman?

A: Yes, ILG Chairman.

MS PEIPUL: Yes, if you can confirm who they were to your knowledge?

A: ...

20 MS PEIPUL: Okay.

A: ...

MS PEIPUL: But when you say two ILG Chairman, which one do you think they would have been?

A: Not ILG Chairman, LLG Chairmen.

MS PEIPUL: Or, LLG Chairmen. Ok.

30

A: Presidents.

MS PEIPUL: Presidents. Okay, who would they be? Who are these two?

A: Alex and Titus.

MS PEIPUL: Alex and Titus, okay.

A: ...

40

MS PEIPUL: Okay, I believe we are on the list of witnesses to be called.

MR PUPAKA: For the record, Chief Commissioner, as a result of the Lands Investigation Report, the preliminary evidence we have for confirmation purposes to be confirmed with to calling of witness, Pepi Kimas, the former Secretary to Lands and Mr Malu in Waigani. This land investigation progress was rounded off with an agreement reached in instrument of lease for customary land signed with appended signatures that needs to be verified with the calling of one of the principal participants at that time, Pepi Kimas at that time. This agreement will be identified and referred to at various stages of the inquiry in this matter to the calling of the appropriate witnesses – participants. That is our front message for the record.

CHIEF COMMISSIONER: Mr Malu is still involved with the Lands Department or he has resigned and has moved on? Mr Malu, is he still part of the Lands Department?

MR PUPAKA: Yes.

CHIEF COMMISSIOER: He is based in Moresby at the moment?

MR PUPAKA: Yes.

MR PUPAKA: They were served but for some reason they are taking ... but as being the practice, we will call common witnesses I believe starting in January, 3<sup>rd</sup> of January, that is.

CHIEF COMMISSIONER: Okay. Let us run. We will call Mr Malu when we go back to Moresby including the former Secretary for Lands Mr Kimas on that. But apart from that I have no questions to ask.

Q: Mr Malu, could you, for the record, confirm which other matters you have involved in that report in remaining matters of you have appeared into, already, this is the third and you will probably be required to make an appearance on that list one more time? That is the Ainbai-Elis and Vanimu Jaya and Wammy.

A: ...

Q: That Chief Commissioner, we might get Waranduo to confirm his participation in the – unless of course he is prepared to wait for the Wammy matter.

CHIEF COMMISSIONER: Someone must have planned, you intend to calling Wammy after this – after West Maimai for today?

10 MR PUPAKA: Yes, because of the overlap issues or overlap between Wammy and Nuku and West Maimai. Okay, that is fine, once he is here, take that opportunity.

MR PUPAKA: Yes. We will go through the same process, for verification purposes, I will give you an example of Land Investigation Report. This one is part of the SABL held by Wammy ---

It is adjacent SABL, have a look at this. Can you confirm that that is a sample of a Land Investigation Report?

20 A: Yes.

Q: For record can you whether that has been sign by representatives or agents or the landowners themselves?

A: By agents.

Q: It is by agents. And ... to these LIR with a list of people from each of the landowning groups, the one that you have is which group?

30 A: Pala clan grouping.

Q: Chief Commissioner for records, what I have for example for verification purposes, is Para Clan Grouping. And what is appended to is a list of all the landowning groups of each groups. And the status of the consent was an agency agreement and the representatives sign. Is that how it has been done Mr Waranduo or landowner sign?

A: Representative sign.

40 Q: Representative sign.



A: Yes.

Q: Again for the clarification of – on page 8 there is a list of - what I have is a page of ... you will have a similar sample there. The names of people who have attested to having walked the boundaries. And read in next page a list of names who have attested to their ... no disputes.

A: ...

10 Q: Who names are there?

A: ...

Q: Yes.

A: ....

20 Q: Yes, ... there two people who have attested to it. Central UF for Para clan also has two names. Chief Commissioner, a letter has been sign off. Do you have the instrument to the Central UF, a Certificate of Alienability?

A: ...

30 Q: At this point in time, Chief Commissioner, the Land Investigation Report or samples of Land Investigation Reports is confirmed that it went through the of attestation of having walked the boundaries and attestations of having obtained consents from adjoining landowners and the attestation of the Land Investigation Report have not been approved and sign off by the Provincial Land Administrator. Full verification will be subject to the evidence of Mr Simon Malu.

CHIEF COMMISSIONER: How many ILGs were involved in this altogether? I got a figure here of about 43.

MR PUPAKA: Yes, that should be contained in the lease lease-back instrument.

40 CHIEF COMMISSIONER: It also went on further to say that out of the 43 ILGs listed, projects was only 35 ILGs who have nominated representatives

to sign to give consent on that – for that lease which means that there other ILGs who have not participated and given their consents.

MR PUPAKA: That will be explained by Mr Malu.

CHIEF COMMISSIONER: Do you have any knowledge of that Mr Waranduo?

A: ...

10

CHIEF COMMISSIONER: So there was a dissent?

A: ...

MR PUPAKA: There was a dissent at that time.

Would you know if that dissent is within the three groupings – general groupings of the three nominated or the designated SABLs that dissented these or it is indiscriminate between the three. Indiscriminate meaning some from one group either side in among the three, some that side, some this side, would it be that or it is divided generally between the three SABLs only entities.

20

A: ...

CHIEF COMMISSIONER: Mr Waranduo, Are you aware of the project agreement? What is it for, the Wammy Resource Limited? Is for –

A: Agro-forest.

30

CHIEF COMMISSIONER: Integrated agro-forest.

A: Yes.

CHIEF COMMISSIONER: It is for different cash crops and all these.

A: ...

Q: So generally what you are saying is that there is a division between those who did not sign of the representatives was a conscious decision not to sign, deliberate decision on that but not to sign.

A: ...

Q: All right, put it this way, you were with the Lands Investigation Team.

A: That is correct.

10

Q: How much of a role did you play when you were enroll from the beginning from the end or some part of it.

A: ...

Q: That is Wammy.

MR PUPAKA: Chief Commissioner, that needs to be incorporated with the ... Investigation as well for the record?

20

Unless you have, Counsel have question to ask the witness, we will track back to West Maimai.

CHIEF COMMISSIONER: I just have one question to ask. Who is the developer in this project for the Wammy Resource? Who is the great developer. Would you have any idea.

A: ...

30 CHIEF COMMISSIONER: Okay, that is fine.

MISS PEIPUL: Commissioner, I have one question. With respect you say that there are several dissenters, ILGs, could you name them, please?

A: I can not remember.

MS PEIPUL: Or May be you can remember the ones that – tell us the ones you can remember?

40 A: About 6 – 112 were dissenting.

MS PEIPUL: 6 – 12 ILGs, you say were dissenting?

A: Yes.

MS PEIPUL: Okay, thank you.

CHIEF COMMISSIONER: You said there is some more information, Counsel, that means you further ascertain from IPA with respect to the status  
10 of the developer and not from the Opening Statement that – there is no real  
record with the IPA kept the IPA on the developer that the name given was  
Global Elite Limited and there appears to be some difficulty in the ... and the  
status of the company with the IPA and that is that –

MR PUPAKA: Perhaps we might touch on that one when we open up the  
file.

CHIEF COMMISSIONER: Yes, when we do the Moresby leg and we need  
to obtain some further information from IPA to find out on the status of the  
20 company. Now at the stage the information is not clear.

Thank you. I have no further question to ask.

MR PUPAKA: Mr Waranduo, I am very sad in a manner in which we have  
double up two or more files in the session and the level of inquiry with  
yourself in relation to the two matters, in the two SABLs has given rise to a  
new ... a further of things. If I may ask you through the Commissioner, that  
you avail yourself and after further check, we may need to call you to clear  
off a few things within the time frame within the course of inquiry at  
30 Vanimo. For the meantime you can stand up. Thank you.

## **THE WITNESS WITHDREW**

Yes, the next we have, for the record, Simon Malu, Pepi Kimas, Dr Phil  
Shearman, we do have information we have prepared at this stage, let it be  
known to the Commissioner, we do have information that Dr Phil Shearman  
has and we are utilizing this to for the purposes of particularly of the overlap  
issues. We will be using that information to put to questions witnesses to  
40 benefit everybody should qualify that. What he has prepared and our

knowledge of it will deform questions so that is for the record. But he will be called at some stage in Port Moresby, I should think. For the time being we will call, in order, the various leader or the Chairmen or the Presidents of the ILG and the – we will start with the person that has been served, Mr Jeremy Ampan, particularly in relation to Yangkok.

CHIEF COMMISSIONER: Can you spell the name again?

10 MR PUPAKA: Sorry, JEREMY, J E R E M Y, AMPAN, A M P A N. Chief Commissioner needs that to be verified, yes.

**JEREMY AMPAN: Sworn**  
**XN: MR MARK PUPAKA**

Q: Mr Ampan, which language do you prefer, English or Pidgin?

A: Pidgin.

20 Q: I do not feel comfortable, Chief Commissioner, if this witness feels comfortable in answering if he can, otherwise we will still allow for time for interpretation.

MrAmpan, would you kindly spell your name again for the Chief Commissioner because we did quite get that right?

A: ...

Q: All right, thank you. You are what. Could you explain that in your own capacity?

30 A: I am the Chairman/Director of Yangkok Resources.

40 Q: Chairman and Director of YangkokResources. Yangkok is one of the three landowner companies in the SABL over Portion 59C as issued. Could you in your own words – we will ask you questions relative to the evidence you give. Could you in your own words tell the Commission of Inquiry what your position is in relation to the SABL now being held by West Maimai Investment, Yangkok Investment Limited and Palai Resources on the one part, and secondly in relation to the project, the Wanimata project is – that is to be the basis on which the SABL was secured – the integrated.

A: ...

Q: Integrated into larger projects.

CHIEF COMMISSIONER: Might have to ask questions ....

10 Q: Yes, yes. All right. I take it today, you represent the Yangkok Resources Limited Company. Company is made up of what – how many ILGs, LLG?

A: Company is made up of 75 ILGs.

Q: Have you got a list of ILGs with you. Copies you want to tender to the Commission?

A: ...

20 CHIEF COMMISSIONER: Did you say 75 ILGs?

MR PUPAKA: 75 ILGs.

CHIEF COMMISSIONER: They are all in the Yangkok area only or including the others as well.

30 MR PUPAKA: Only Yangkok, only Yangkok area. This will be tendered in as evidence of the constituency of Yangkok or one of the .... of the SABL. It becomes – we have to come up with an appropriate ... for the three SABL holders. It got to be a ... West Maimai, Yangkok and Palai one. That is Exhibit No. 1.

West Maimai, Yangkok and Palai Exhibit “1”.

For identification that is the list of the schedule of ILGs that constitute Yangkok Resources Limited as a join SABL holder.

MrAmpan, you are a Director and Chairman of Yangkok Resources Limited. Who else are directors of that company?

40 A: Camillus.

Q: What other names does Camillus have? Camillus who? Can you spell it?

A: Weyip, W E Y I P.

Q: And you are the only true shareholders of the Yangkok?

A: ...

10

Q: How do you get the ... Is there any general meeting of the company or?

A: Yes.

Q: So presumably you will have a lot more than yourself, you two's?

A: ...

20

Q: There are six Directors. 75 ILGs and 2 Directors seems not to very even.

CHIEF COMMISSIONER: Sorry counsel, there is also no records or extracts from IPA on the Yangkok Resource Limited.

MR PUPAKA: That is changed Chief Commissioner. Yes, I was – perhaps I might get from what you have and I might give you this.

CHIEF COMMISSIONER: Okay, thanks.

30

MR PUPAKA: That is the opening statement so I am not a good – improved is the word I think and the copy that you have may not be reflective of this.

CHIEF COMMISSIONER: Might as well put the name down there.

MR PUPAKA: How do you, MrAmpan, how do you say, in front of continued consent of the 75 ILGs? You clear? How are you sure that you are still have support of the rest of the ILGs?

A: ...

40

MR PUPAKA: I am sure you do. Just for the record, there is only 2 people presenting the multitude as their constituent 75 ILGs so presumably within these 75 ILGs there are more people in there. So the reply, Chief Commissioner is that, there is continuing public awareness among themselves.

CHIEF COMMISSIONER: What about the six that he mentioned. What are those six? There is a figure 6 that he mentioned.

10 A: ...

MR PUPAKA: So who are the other 2?

A: Peter

Q: How do you spell the last name?

A: Peter A-N-I-O, Peter Anio and Jack M-A-R-A-N, Jack Maran.

20 Q: They are the other proposed Directors who are not on the IPA records. Who would be the other two.

A: Andrew Y-O-U-P-O and Jackson S-E-N-G-I. Jackson Sengi makes up to 6 or runs up to 4 proposed Directors.

CHIEF COMMISSIONERS: Council, you might have to verify that with IPA records with Moresby again.

30 MR PUPAKA: On the IPA records, are contained two names, that is the witness himself and one -

CHIEF COMMISSIONER: Camillus Weyip, yes, the four names that you just mentioned. What did you say was the title?

MR PUPAKA: They are Directors or proposed Directors.

CHIEF COMMISSIONER: They are proposed Directors and their names are the company records.

MR PUPAKA: They are not.



All right. So what is the position of Yangkok. You are the project – or first of all, what is the project what to be called?

A: Yangkok.

Q: Yangkok. Yangkok is your company that makes up the trunk of the tree that ... together Yangkok, Palai and West Maimai, the business you are engage in, what would be name of that proposed project? Like in Nuku agriculture agro-forest project.

10

A: ....

Q: Is it Nuku Integrated Agro-Forestry Project?

A: So Nuku project is the Nuku Integrated Agro-Forestry Project. Mr Andrew Youpo says, it appears to me you are not certain about what kind of business is going to be on your land?

A: ...

20

Q: What do you think or what are your thoughts that other Directors or other Presidents who will appearing shortly to confirm that. It does appear on our records to be something else? That is Nuku integrated Agro-Forestry Project. Something that Witness is unable to confirm so we move on, Chief Commissioner.

For the record, you have not answered my question. What is your position in relation to the project. Obviously you supported it, did you not? That is from your mouth.

30

A: ...

Q: There is some issues with the project in your management. From yhor knowledge, where are these disputes coming from?

A: I do not recall any disputes.

Q: Preliminary investigation indicates that the local opposition to the projects are coming from Yangkok Association Limited. So this areas are represented by Yangkok Association Limited?

40

A: I have no knowledge of it.

Q: I have no knowledge of it. Chief Commissioner, we might to refer to the documentation we have, ... some of those issues to MrAmpan on the basis that personal interest has basically ... down Yangkok. You got anything else to say in regard to your people's participation in the resource, agro-forest project?

10 A: ...

Q: To your knowledge, what kind of cropping is proposed for the project.

A:

Q: Yes. Similar to what is going to be happening in Portion 26 part of the project, I am presuming now that Portion 26 in development and in actual construction will be estimated or it might be with Portion 50 or 29C. Is how things are looking to you?

20

A: ...

Q: So there is nothing you want to tell the Commission in relation to the project other than the fact that you and your people supported it.

A: ...

30 MR PUPAKA: Now Chief Commissioner, like I said, the information the .... Has certain issues of the project to the interested persons whose since now to have been misconception so I will realign why Counsel and yourself will take on from there. Counsels got some questions to ask.

MS PEIPUL: Perhaps I can just get your confirmation at; you are actually on, the lease lease-back that you sign on lease lease-back instrument. Perhaps I can show you a copy and you can confirm if you are a signatory on this lease lease-back Instrument.

A: Yes, I am on the lease lease-back agreement.

Q: Sorry, you confirm that you are on. And that is your signature next to your name?

A: Yes.

10 Q: For the record, I am referring to the lease lease-back instrument signed on the 9 March 2010. I think for the records, if you can indicate to us the circumstances of your signing this particular lease lease-back instrument and when and when it happened? Precisely if you can from your recollection?

A: ...

Q: So you would have signed at your village – Ambuganak village, is that correct?

A: Yes.

20 Q: And to your recollection of the others, say, sign at your own villages. Is that correct or was it at a public gathering where people came and they signed or was it taken to different villages to sign.

A: ...

Q: So at your village, you signed and who else signed on that location where you were? Can you recall?

A: ...

30 Q: So there would have been two recollections, you can not recall how many different ILG executives signed?

A: ...

Q: But that was not the only time they signed. There were other occasions, other ILGs Presidents or Executives signed these documents, can you call?

40 A: ...

Q: So everyone came and they sign. So you can confirm that all these people that this, they signed on that particular occasion. Can you recall the date of that particular occasion?

A: Cannot recall.

10 Q: You can not recall. But who else was present apart from all the ILGs. Anyone representative from the Lands Division? Who was that person if you can recall? Was it MrMalu? MrMalu was not present? Or any one from the Provincial Land Office or any provincial representatives, were they present at the signing? Can you not look at other people, can you recall yourself please? Basically who got this paper. Obviously someone would have brought this paper to you to sign. So who brought you this paper for you to sign?

A: MrMalu.

20 Q: MrMalu, okay. Now turn into the negotiations with respect to the developer, were you a part of those negotiations with respect to the developer?

A: ...

Q: Okay. So when was this awareness – the meeting that you speak of? Because this would have been an awareness meeting involving all the ILGs so can you recall that awareness meeting?

30 A: The awareness meeting was conducted by the Department of Environment and Conservation.

Q: So the Department of Environment and Conservation, they conducted the meeting.

A: On 25 of June –

Q: when?

A: This year, 2011.

Q: Just this year, this year. So you are telling me that it was this year only that; and I do not want other people to confirm this, I want you to confirm please. Okay; Are you telling me that this year is the only time when people agree to the current developer?

A: DAL conducted a hearing –

Q: Okay. DAL conducted a hearing. When did they conduct the hearing?

10 A: On the –

Q: When did they conducted the hearing, what year, was it this year, last year?

A: Last year, 2010.

Q: So what happened at that Department of Agriculture meeting?

A:

20

Q: When you say everyone, are you telling me that 75 or 72 ILGs came to this meeting or?

A: ...

Q: And what village did you have this meeting in?

A: The meeting was held in Palai Village.

30 Q: Which is where? Where is that?

A: Palai LLG.

Q: That is in Palai Village? Is there a Palai Village or what particular village? Can you –

A: LLG

40 Q: But where it it?

A: Waurpapau Village.

Q: So on the 26 of what month last year?

A: June.

Q: June last year, okay.

10 So there were two separate meetings, one this year, Department of Environment and Conservation in June and then there was one last year as well. And you are telling me on both occasions there was an agreement to the developer, is that what you were telling me or what were telling me.

A: ...

Q: Do you have any records of those meetings. Do you have records? They might be DAL, DEC or – Do you have records of those meetings?

20 A: ...

Q: So you say that in terms of the negotiations with regard to developer, you yourself did not have a part to play, or sorry I just refreshen my mind, did you say you had a part to play in the negotiations or not?

A: ...

Q: So they are the ones who part in the negotiations?

30 A: Yes.

Q: But did you sign any agreement eventually?

A: I signed a sublease with the developer.

Q: So you confirming that you have signed a sublease with the developer. Is that okay?

40 A: Okay.

Q: Okay. If I can confirm your signature on this document near you. For record, I am showing the witness the agricultural sublease which is from the Department of Environment and Conservation documentation that has been provided. It is not from on the records. I am just showing him for the confirmation purposes. Can you please flip to the signature page and confirm your signature on the signature page?

A: Yes.

10 Q: You can confirm that. Can you confirm the other signatures on the signature page as well and can you read their names out please.

A: ...

Q: For the record however, you know that these people are nor formerly IPA registered Director and shareholders so they had no capacity to sign this particular document on behalf of your company. Did you realize that? Only yourself and the other gentleman, Camillus Weip – only yourself and Weip who appear to be on the records as been  
20 representative of the company so you realize that the other gentlemen are not signing on behalf of the company because they are not IPA recorded and registered, yes. Please keep that in mind. But however, you do confirm that they are. And you also confirm that these other two are representatives of Gold World Resources as well.

A: Yes.

Q: And that would be MrTamHoting, the Managing Director as well as Mr Tam Chinn Hin, the Secretary Gold World Resources so this is the sublease Commissioner, the agriculture sub lease entered into. Now just turning to the contents of the agriculture sub lease, can you confirm with respect to the agreement and what it refers to – can you see the part that refers to loyalty. Can you just show us what is it in respect to specifically. Can you confirm if it is to do with timber royalty and then within the agriculture sub lease there is no agriculture benefits. Can your confirm that?  
30

A: ...

Q: Mr AMPAN, you will look at the signatures and names there. Do you know these people? Just glance through the ... names and – do you recognize them or

A: ..

MR PUPAKA: They are all from one village. Chief Commissioner, that is the answer.

10 Q: The reason why we issued the summons to you and not the other your colleague President and Chairman is because there were a lot of complaints coming from – there is no secret about why – you want to take time to reassess your answer to earlier given that you have a solid support base behind you and there is no other discontent coming from Yangkok?

A: ...

20 Q: Yes, there are a lot of Chairmen and Vice Chairmen and member and very important people putting signatures on –

A: ...

Q: And what is the name of the village?

A: Wyemaevillage.

30 Q: My spelling therefore for the purpose for the record, what is the name of the village again? W-Y-E-M-A-E Village.

Chief Commissioner, the allegation is that the petitioners are from one village and which village are they from, Yangkok or West Maimai or Palai?

A: ...

Q: They are just complaints from one village.

40 A: ...



Q: From by looking at that thing, do you think the representative is restricted to these three – thirteen people.

A: ...

Q: You are chairman of Yangkok. The reason why we are asking you all of this thing is that, you have got an obligation to make sure that as you say, 75 ILGs from Yangkok are behind you and there is reason – it is important that the inquiry is to the – as important as the need for development and all of that with respect to the need to progressing forward which is our country's aim as well. Does the Commissioner does have an obligation to round up the investigation and complete the investigation in relation to protest, written protest coming in from your area. So that is why we asking you all these questions and our response is that this end is restricted, Chief Commissioner to one village and it is not representing the entire area of Yangkok constituted by 75 ILGs. That is all that I know for the first ...

CHIEF COMMISSIONER: Okay. Just only got one comment to make and that is that I am a bit surprised at the lack of your knowledge about the whole thing when you are supposed to be Chairman and Director. In fact there are only two of you – yourself and Mr Weip and there is a lot of documentations and a lot of things that are happening and documentations signing of all the papers and everything that you are not aware of. So I am not too sure whether you are well placed in your position as Chairman to conduct the affairs of Yangkok Limited because of your lack of knowledge as shown today. And you say that there are some proposed Directors that need to be put on board. May be the composition or the board at this point in time is not property as established as yet. But as a Chairman, I would have imagined that you would have been the man in charge of all the affairs of those Yangkok Resource Development but it appears that there is a lot of things that happening that you are not a party to, that you are not a signatory to and we have received a lot of complaints just as Counsel has said about Yangkok Resources. People are disputing your leadership and your chairmanship of the Yangkok Resource Limited. In fact they are saying that you are not representative, representing the whole 75 SABLs, that you are only acting in the interests of the few and those are concerns that we have received in writing. So I think there is a bit more organization that is required of Yangkok Resource.

40

In order for this Commission to give some credibility to what you say now, otherwise it is everybody – one person version or story against the other. And that is happening right now. So that is the matter that you and you Directors and others within the Yangkok Resource Limited and the other members of the 75 SABLs to sort it out. But what I must say now is that, if such problems continue, it would be very difficult for the Government to allow SABL or other development to take place. This is the purpose of the whole inquiry. We want to make sure that all landowners concerns are taken. All landowners are happy and agree to the development before it takes place.  
10 That is the Government's agenda. Only few, unfortunately, it will be difficult. The development will take place, if only people are involved in the signing of the agreement and give consent. And the law is very clear on that. It must be a full landowners consent. They must all say yes. They all agree for the development to take place. Only few, nothing will go ahead.

That is the only comment that I wish to say and it depends really on what happens next from here on. There may be one or two other witnesses that might be called here on and that is a matter for the counsels to decide. As it is within their prerogative to make that call but my view at this time is that  
20 there a lot of clarification that needs to done with respect to Yangkok Resources. I am also doubtful of the fact that whether you are speaking with authority on Yangkok Resources because there are lot of things that you are not aware of. So I will just leave it at that. Thank you Counsels.

MR PUPAKA: Chief Commissioner, at this point in time, we call the witness –

MS PEIPUL: He can be excused first.

30 MR PUPAKA: Yes.

MS PEIPUL: You can be excused.

MR PUPAKA: You have, under the circumstances it would be within reach, Chief Commissioner to ask the witness to put cover submission as long as you do not say anything, you feel you need to clarify a few things, you can put your thoughts and make a final submission or sorts you can put in, as long as you do not say anything new that you need to have said, which is not new information and then we will not treat you with suspicion. But  
40 otherwise you can organize your, what you have said in a way doing just to

yourself and the occasion. But if you can put things in full respect as long as you do not say anything new that you should have said, you have been give a free objective to say something, you did not. So do not let anything new that probably changes the whole picture of the situation on the ground. You got the freedom to choose but you are under oath in the event that if something new comes up and we need to call you, we will. At least call one more witness, we have started late.

## **THE WITNESS WITHDREW**

10

Chief Commissioner, we call witness Alex Yali. He will explain his capacity when he comes in.

**ALEX YALI: Sworn**  
**XN: MR MARK PUPAKA**

Q: Can you speak English or Pidgin?

A: Both

20

Q: For the records, mention your full name and spell it please?

A: My name is Alex Yali, surname is spelt Y-A-L-I.

Q: All right that is Palai Resources Limited.

A: And also on behalf of 2 of my sisters ...

30

Q: Yes. All right. Could you – Yes, I know you got the representation wrong. Could you fought the purposes offocus inquiry into the SABL by West Maimai Investment Limited and Yangkok Resources and your company, Palai Resources. Tell the Inquiry what the Palai Resources position is in relation to the project?

A: ...

Q: So your principal message to the Inquiry is that – is what?

40

A: My message to the Inquiry is, I support the project. I tried to ... to deliver the services but I cannot. ---

Q: Yes, and in your knowledge, do you think it is resistance through the project? Do you think there is resistance to this decision of the project.

A: No. There is no resistance.

Q: The decisions are ...MrYali, the same thing I showed to MrAmban. Would you look at that petition. What do you make of it?

10 A: ...

Q: Where do you think these people are from?

A: ...

Q: They are from clan group, that is what they are saying. For the record, I will read that, Chief Commissioner. There is 13 names here and they come from Barudi. Maurice Wen, he come from Tikar. John Waia, he comes from Peipa. Albert Sauwon, he comes from Yap. Benedict Abok, he comes from Nimas. Francis Wangi, he comes Lolowe. Peter Anio, he comes from Yemnupam. Charles Wipit, he come from Yemnupam. Kevin Tako, he comes from Mei. Lawrence Mendiai, he comes from Aien. Peter Wanton, he comes from Yenman. Richard Kaio, he comes from Pipia. Joseph Kaio, he comes from Pipia; and Isaac Anin, he comes from Nikipa. And they have variously identified themselves as Chairmen of those places or Secretary of a group or Vice Chairman or; they all say they come from within section or from Portion 26 which is I believe Nuku Resources Holdings SABL and they oppose 59 and particularly in relation to the SABL for the proposed projects around the Yangkok area Local Level Government Council and Portion 26 and 59 respectively. They do not amount to much today in your view.

20

30

A: ...

Q: All right. That is on that. You have said there is no decision. Could you tell the Commission where the project is exactly at what stage at this time?

40 A: ...

Q: All right. So that is something you are now aware of so we will leave it at that. What exactly can you say – Any other thing you want to say in relation to the project?

A: ...

Q: So who is the project developer here, is it Gold World Resources?

10 A: Gold World Resources. ... and Gold World Resources.

Q: ... in partnership or

A: ...

Q: Chief Commissioner, it is subject to what the Commissioner wish to ask and I will – I have no further questions of the witness.

20 CHIEF COMMISSIONER: Just wondering if those people that you have read out the names have signed the petition representing the different clan groups for Portion 26 and 29C. If they are around here the can be given an opportunity at some later stage in the course of this Inquiry so they front so we can put the name to the fact and let them speak as well to raise their opposition.

MR PUPAKA: Yes, Chief Commissioner that would be so... to inter break. Probably there will be a match gamble or – if we do that so there is such a way of doing things.

30 CHIEF COMMISSIONER: No questions. Stand down the witness and we will –

MR PUPAKA: Yes, we will stand him down.

Mr Yali, in the same case as Mr Ampan, you are under oath. We need to amplify clear to things in relation to what the project developers have to say and others and direction from the Chief Commissioner, what other interested people may be called, you are stand down for the time being. But you are under oath. Thank you.

40

## **THE WITNESS WITHDREW**

CHIEF COMMISSIONER: All right, at this stage we should adjourn. It is almost half past 12 now so we adjourn until half past one this afternoon and we will recommence again at half past one.

## **SHORT ADJOURNMENT**

10 MR PUPAKA: Chief Commissioner, we resume with the matter of West Maimai, Yangkok and PalaiResources. Next witness is Ben Asu.

**BEN ASU, Sworn:**

**XN: MR MARK PUPAKA**

Q: Good afternoon MrAsu, do you prefer English or Pidgin?

A: English.

20 Q: English. Could you tell the Commission for the records your full name and could spell it please?

A: Mr BENJAMINI ASU, B-E-N-J-A-M-I-N A-S-U, I am the landowner and Chairman of West Maimai Investment Resources.

Q: West Maimai is the third landowner company in the triangle SABL is the name of landowner companies. Mr Asu, how is your landowner company constituted; by clans or language grouping or ILG?

30 A: ...

Q: That is, West Maimai is towards the Western end of the western part of SABL?

A: That is correct.

Q: That is towards the Wami side.

A: It is towards the Vanimo side, the eastern part of Nuku Resource. ...

40 Q: So yours borders with Nuku -

A: Yes, it borders with the Nuku Resources.

Q: Yes, but not necessarily - towards Wami but not necessarily border with it.

A: Yes.

Q: All right. How many ILGs are included again sorry?

10 A: 87.

Q: And West Maimai is constituted – how many directors?

A: ...

Q: Who are the four directors, names of them?

A: Steven Uwen, Charles Wai and David Suweri.

20 Q: Yes, that is three of them and who would be the fourth one.

A: Myself.

Q: You and them – these four people who consider yourselves or themselves as directors?

A: There are six other –

Q: Who would be these six others.

30 A: ...

Q: Who are shareholders of the company?

A: ...

Q: How do you intend to change it?

A: ...

40

Q: So for the time being you are the only shareholder?

A: Yes.

Q: MrAsu, the directors are yourself and Mr Charles Willie, the other two – Steven Wen and David Suweri are Secretary. When there is a meeting of the Board of Directors, the voting ... would be between yourself and Mr Willie. For the record, Chief Commissioner, four people's names appear on record, Benjamin Asu, Charles Willie are the directors. Secretaries are Steven Wen and David Suweri. The other six are to be regarded as proposed directors and ... called by name for the records.

Mr. Asu, in your words, where does West Maimai Investment Limited stands in relation to the project? By the way, what is the name of the project that you have compiled? Maiwam Pal, integrated agro-forest project. And it is now known by any name, is it? By the way, what the position of West Maimai?

A: ...

Q: 87 ILGs are in support of that position. No dissenting group.

A: No.

Q: What is the project going to be?

A: It is an Integrated project that is.

Q: It is an Integrated project.

Q: Yes. Do you know if there is any land development agreement with the 3 SABL owners and the proposed developer?

A: Yes, there is development agreement.

Q: It is a thick book. I do have it. For the record Commissioner, we do have it. Hang on, this is a DEC file. You got a copy of the Development agreement? Development agreement is the one that spells out how much is going to be for which people in % stance and in development benefit sharing.



A: I believe one of each issued for the three of us. It should be with one of our Chairman. I do not come up to sit here.

Q: I have one with me right now. We might need to have a look at that Chief Commissioner throughout the – probably recall the other two on oath and - You do not know how much benefit accrues to your company West Maimai Investment Limited? You do not know what benefit accrues to your company.

10

A: Not as yet.

Q: Do you know if the agreement was signed or?

A: Not as yet.

Q: Confirm with me. Project Developer is what Gold World Resources?

20

A: That is correct, Counsel. Gold World Global Resources Company (PNG) Ltd.

Q: Is it going to be a joint development with Nuku Resources or it is going to be on its own.

A: Our is separate, we should be working in collaboration because we are sort of sister company or we should be sister projects. Ours is located at the upper part of Vanimo. Nuku Resources is towards the eastern side.

30

Q: Okay. Where is the project stage now. What is the stage with the project?

A: I believe we are now at the stage of acquiring our permit.

Q: Permits – Lands Department, Agriculture Department, DEL, DEC, Environment and Conservation, Forest Clearance. So which stage?

A: ...

10 Q: What about the Environmental Permit. Has it been issued? It terminates with ... I do not expect you to know that Chairman, it is just something that – if you can recall that within your memory, you could say yes, otherwise you do not know. Chairman has been consulted and is advised by others and just the – What we are after is also the alertness. Your own ability to be aware of what is going on with your own project. It is not well demonstrated there is it? We want to know, Commissioner, it is a visual evidences as well as appearance as well documents, it does appear to us that you are not aware of what stage you are at. ...Whether you are in control of your own destiny or not and it does seem to us that you are now aware of what is going on. You want to say something in relation to that?

A: I am aware up to a certain percentage, yes.

20 Q: Yes. It is your project, is it your thing. It is just that we need to cover all those ends here. We have got a Terms of Reference to respond and report to Government so. So you do now know which processes have been completed, which have yet to be completed in relation to the Government process.

A: I only know that our FCA application is currently pending.

Q: Is FCA application is – so on the ground what is it like? Has a road being built?

A: Not as yet. At this stage, it all depends on the FCA.

30 Q: Yes. Not necessarily, it is a commitment on the para day. I would have thought that – you would have to correct me on that. Commitment on para day is that everybody is that there might be some minimal investment around this initial - you will have to be selective on this. You would have an existing road structure perhaps between your ... Portion 59C and does it run through any the road leading from Wewak to Vanimo, Aitape –

A: It is inaccessible by road.

40 Q: So there is no road as yet.

A: No road link as yet.

Q: So you are far from here –

A: Yes, some 20 kms inland into the bush.

Q: Yes, that is the Vanimo and Aitape road.

10 A: Not the Vanimo and Aitape road but Sepik Highway, the main Sepik Highway. That is Wewak to Lumi Road.

Q: All right, that is good. And you want to say anything in relation to your project, particularly in relation to your people. Those who adhere and profess to belong to West Maimai Investment Ltd, in relation to your position and in relation to both the developer and the project and the other two are partner in landowners companies. What is your relationship like in the attitude to the project?

20 A: The development is in .... Everybody is in favour of the project. As I said, particularly because of our location. We are sort of people who struggle to bring our goods and services out – especially our cash crop. That is what I mean.

Q: All right concessions will do it so everybody is .... You are not able to, at this stage show it to me, may be one of your directors, colleague or chairman of the other two companies have forged an agreement with the developer or they have done nothing at this stage?

30 A: Unfortunately, it is pending on my position at the moment.

Q: But there is a project agreement?

A: Yes.

Q: We might get some time here Chairman to decide – confirm if there is a project agreement. I might ask the two witnesses who are under oath, I think that it is important that we do.

40 CHIEF COMMISSIONER: Did you sight any project agreement at all? Did you see one - Project agreement? What is your name again?

A: Benjamin.

CHIEF COMMISSIONER: I am asking you, did you sight a project agreement?

A: Project Agreement?

CHIEF COMMISSIONER: Did you see one or have you heard of one?

10

A: Negative.

Q: ... we will discover that from the company – the developer of ... shortly but it is just related issues that we need to settle with this witness and we might want to know whether this a development agreement with them. If we had development agreement, Chief Commissioner, with us, next round of queries would be in relation to how much this company stands to benefit under the development agreement. It is something that we need to know.

20

We might ask there is a development agreement with the other two under oath. That is MrYali and MrAmpa.

A: ...

CHIEF COMMISSIONER: We need to see, if there is a copy of a development agreement. This is crucial to landowner development partnership. There has to be a document, there has to be an agreement in place as far as the development is concerned and that agreement will indicate specifically as to the benefits that are available for the parties. So it is important that we see a copy of that ...

30

MR PUPAKA: Chief Commissioner with your permission, MrAmpa.

Q: Would you know if there was a ....

A: Yes. ...

Xx: Well there is non up to this stage so that is good. The situation on the ground is 10 days now so no need to put the witness to the other – starting the queries in relation to ...

Anything you want to say in relation to your – obviously I would have said – put your landowner concern in perspective because people know what is in for them, they have fairly good idea it might change quickly. So at this point in time, I will re-gather my thoughts and Counsel and Chief Commissioner if you can ask some questions of the witness, yes.

10

MS PEIPUL: You mentioned earlier that you can not recall or had no limited idea of the agreements entered into between yourself as being for West Maimai Investments and developer. If I can point a direction to as I did with a earlier witness with the sub lease agreement that was signed, could you kindly identify and confirm if your signature is on it?

A: Yes, my signature is on it. ...

20 Q: Answer my question, please and can you turn to the last page with signatures on it and just identify your signature.

A: Yes.

Q: Yes, thank you. Can you confirm when was it that you signed it – the agreement?

A: It was on March 2009, I can not recall the date.

30 Q: It was 6 July 2010 but you say you do not actually recall the date. Okay.

A: Yes.

Q: Can you also confirm where it was that you sign this document?

A: I did sign it at home.

Q: Can you remind us where home is again? Where is your village?

40 A: Mukili.

- Q: Mukili. So you signed it at Mukili?
- A: That is correct.
- Q: And did other witnesses also signed at Mukili?
- A: That is correct.
- 10 Q: And they were present there at that time?
- A: Yes.
- Q: Okay. And were the other gentlemen present there, that would be Managing Director of Gold World Resources, Mr Tan Poting as well as the Secretary, were they present at that time?
- A: Yes, it was brought to them and they had their signature put too.
- 20 Q: Okay, so, but were they present at the village at that time?
- A: It was out at Nuku.
- Q: So they signed it elsewhere.
- A: Yes.
- Q: Did anyone explain to you the contents this agreement?
- 30 A: Yes. I have been educated myself. I argued on certain points in there and then had it slightly changed with the developer and then we eventually signed it.
- Q: Okay, so what point did you argue on within the agreement?
- A: Firstly in regards to the payment of rent and royalty.
- Q: When you are looking at it, it would be able to refreshen your memory when you look at it, so what was your issue with the rent and the
- 40 royalty?

A: It was put at about K1 per day I think, if I can recall correctly and then we argued and it was brought up to K4. The royalty we asked for K30 standard for every logs per cubic metre.

Q: If you look down at item 9 for royalty, so you just remind us, which aspect did you argue for to be increased?

A: It was the amount.

10

Q: So it was increased up from what, what level was it previously, can you recall?

A: Let say –

Q: If you can not recall, then just say I can not recall.

A: I can not recall, exactly.

20

Q: That is fine. But you did argue over those two particular – and basically you increased it up in favour of landowners.

A: Yes.

MS PEIPUL: Thank you.

MR PUPAKA: This one is specifically for the log harvest and part of that. This agreement on sub lease is specific through the log harvest as part of it. It does not say much about the –

30

CHIEF COMMISSIONER: No, I believe it speaks about the effort of the fruit harvesting part of it.

40

MR PUPAKA: May be, Chief Commissioner, may be this was intended to be a cover hold agreement for a 99 year lease when principal component of this is for the log. The log harvesting is pretty much dependent on the first 500 hectares or there have to be crucial thing happening and so the log harvesting over the entire period is not guaranteed under law and depends very much on if the developers start planting. If they are not planting the rest of this does not happen. So even if landowners are willing, for the record, the

discretion to stop always with the Agriculture Department, and the Forestry Department or the Forestry Authority so just putting that on the floor and in the audience and in the presence of the landowners so that they need to appreciate that these are all conditional agreements. Whether the development agreements which specifically cover for the long hold, whether extended 99 year after the first 99 year come – is expired, may covering the next 15 generations - it is something that covers all. So we are just highlighting, making the difference between the development agreement and lease agreement so that – sub lease is placing the title secondary on ownership of the developer, where as the development agreement is a partnership in business, agriculture component of it.

You understand the difference between this.

A: I do.

Q: Good. Chief Commissioner, should we continue with that line of dialogue is not to be – the continuity of that line of question unless

CHIEF COMMISSIONER: Yes, I know.

MR PUPAIKA: We can still recall witnesses, they are still under oath. We probably have this opportunity to call the developers representatives.

CHIEF COMMISSIONER: What are the specific issues for that if you want to have them recall. You want to pursue on this line of wanting to establish whether or not they have an agreement in place. I think we have reached an understanding that there is no development agreement in place as said, so what -

MR PUPAIKA: The continuity, Chief Commissioner, the continuity of the landowners consent to the project would very much change as soon as they know what is in it for them.

CHIEF COMMISSIONER: We all agree. Yes, it is a crucial talking – there has to be a development agreement in place, especially if you are going into a agro-forestry development and the village is not there and is missing or not being put in place or there is something that you people have to have some serious discussions to the development. It is becoming a ... and I am not too sure of what is happening



in other provinces but there has to be clear development agreement in place. Terms of Reference in this Commission of Inquiry is very particular about that so that the Government is able to see that there are benefits flowing to the landowners. Tangible benefits that come to the landowners. That is part of the agreement.

I have no questions to ask unless you both have, but I agree there is no ... to continue to withhold this witness.

10 MR PUPAKA: Continuing the fact, Chief Commissioner, that there is still allegations that the project's initial stages is continuing and it might yet come to that ... establish some understanding on the intention of the developer. Turn the witness down.

CHIEF COMMISSIONER: Yes, you can turn the witness down.

MR PUPAKA: Mr Asu, you are under oath. You know where – your real identity now. Let us get the line of Inquiry on the Commission of Inquiry, we may yet need to establish this, particularly this landowner consent thing.  
20 We might call you along with your other colleagues who have given evidence, particularly, we may yet call representative to give us – inform respectively on the position of Palai Resources, MrYali's evidence goes in line with the JDP. That can wait for the time being.

### **THE WITNESS WITHDREW**

We call witness –one of the witnesses – one is a Director and one is the Managing Director of the company. I do not know which one which but for  
30 the time being, we call the witness Tam Chinn Hin.

Did you sign an oath yesterday, Mr– for the records, what name would you prefer to be called and addressed at Mr Tam or Tom or –

A: Tam,

Q: T-A-M as in Tam?

A: Yes.

40

Q: That is the English version of the name. All right, you are under oath, you appeared yesterday so we continue with the – yesterday to clarify things in relation to Nuku Resources. It appear that the – Mr Tam appear in his capacity as the former Managing Director of Skywalker, the developer of Nuku, Skywalker and he set evidence supplemented by a person that succeeded him, Mr ... . This time Mr Tam appears as the Managing Director of Gold World Global Resources (PNG) Ltd. Who is the preferred development partner of West Maimai, Yangkok and Palai Resources Limited. That is for the records.

10

Q: Mr Tam, where exactly, which stage exactly is the resource project at. Or by the way, what is the name of the resource project?

A: 59C.

Q: You could write that for me. Sorry I am not quite – or that is portion 59C. You got a name for the project? Nuku Project – the project on portion 26C, it is going to be called Nuku Agro-forestry Project. What about this one. This project on 59C, what is it going to be called?

20

A: Mapaya. ...

Q: You want to write that down?

MS PEIPUL: Commissioner if I may, can I just object to any further interference with witnesses. They really have to be speaking on their own behalf rather than being prompted by the audience.

30 CHIEF COMMISSIONER: Okay. Well let me make a public announcement here. Can you not assist the witness. Although he is not a fully ... but we would want to hear from the witnesses their knowledge and their understanding of the whole thing. It just does not help them if people are walking in to give them information and I want to ask that this respect got to be stopped. Lawyers are seeking objection to it so let them speak for themselves, okay. That is why I uphold that from now on.

40 Q: Yes, thank you. That is Mapaya, Chairman, the project is to be called Mapaya, M-A-P-A-Y-A Agro Project. For the record, there is a substantial change from the proposed name by Chairman for West Maimai which was to be called Mayampal Agro-forest Project. The

idea is the situation on the ground now is that there is no agreement on the proposed project's name - the name of the project.

CHIEF COMMISSIONER: They are proposed names, are they?

MR PUPAKA: They are proposed names. It just seems they are united, somehow until now told us something so until now it is going to called Mapaya.

10 Q: All right, Mr Tam, at what stage is the project - development stage, preparedness stage, where do you think you are?

A: The project stage till now, we already get the DAL endorsement, environment notice endorsement, environment inspection report endorsement, and environmental impact study, yes, it is already done. We are just waiting for Environment Permit submitted to National Forest Authority to issue the FCA.

20 Q: Yes. That seems to be the all the preliminary works have been submitted and project waiting the Environmental Permit. There is a – you have prepared a land use plan – Agriculture Development Program – or Land Use Plan like Agriculture Development Plan. You have prepared one, have you not?

A: Yes. Agriculture Development Plan, we have already submit it to DAL so that is why we get the endorsement. But today I just get the ... and endorsement paper, we have too thick proposal, that development proposal, we follow the District Development Plan to the proposed set and then submit to DAL.

30 Q: You have not got a reply to the submitted agriculture plan from DAL as yet?

A: We submit already, we endorsed already.

Q: Yes, it been endorsed, is it?

A: Yes, yes, yes. The endorsement is here.

Q: FCA, that is Forest Clearance Authority, that is obviously not been given.

A: We also submitted the proposal already and the license has already been paid. We are just waiting for the ... issue and submit to the National Forest Authority and then they will issue the FAC.

10 Q: Can you confirm that the Agriculture Department have given you the permit or – not the permit but they have approved the – they have endorsed the – this is your project proposal. The environment project is they have got the trial lines, the project status, you know that thing that – the environmental developmental, phases, 10 years down, you will be doing what. 5 years down, you will be doing what. That sort of thing you have submitted to the Department of Agriculture and Livestock?

20 A: Because due to my understanding and we need to wait for the FCA issue, and then we work with the landowners, Forestry and do the annual planning and the five years planning. For all the planning is done by my operation Manager.

Q: What happens is really, Mr Tam is that Departmental plan or the project or Land Development Plan. That is the one that sets out the time tables, the schedules of which areas will be turned into check profiles or the areas that will be turned into oil palm within how many years, the costings associated with it, that is the land development plan, and you would have submitted that.

30 A: Already. I have already. But the permanent plan, as I say, we have to get that issue certain years after, we work with the forestry, because without forestry we can not touch the tree.

Q: I do not think Mr Tam, you have done that because from out of newspaper coverages, by the Department of Agriculture and Livestock, they have printed, I think about a month ago they are only a public hearing in December. They can not have given you the permit without having done the public hearing.

A: No. The public hearing is already held last year. Yes, I know. Because the ... is also Government I do not know about them so but hearing from them, they already do the public hearing.

Q: Chief Commissioner, there will not be a public hearing. It is being fixed and it is being advertised for it to happened for this project in December 20, 2011 from the Agriculture and Livestock Department.

10 THE CHIEF COMMISSIONER: And you got the name of the project as well?

MR PUPAKA: That is in relation to Portion 59. We will sort it out in the significance of that public hearing and we will sort it out obviously after this. Department of Agriculture and Livestock's MrDaink will be called in Port Moresby. He will be asked to confirm all of this. That is for the record.

Q: Thank you Mr Tam. Now, my change in the line of Inquiry, the Gold World Global Resources Company –

20 A: Gold World Resources Company (PNG) Ltd.

Q: Gold World Resources -

A: Gold WorldResources Company (PNG) Ltd.

Q: There is no Global in it?

A: No.

30 Q: The Chairman has obviously also mistaken as to where Global stays or doe not stay. Thank you. Yes, you have obviously the IPA records?

A: Yes.

Q: Current Registration, .... We would like to see them?

Chief Commissioner, tendered in the Department of Labour and Industrial Relations documentation to work out the significance of those in due course, the line of Inquiry will be set principally around the certification – it is the Investment Promotion Authority  
40 Certification to foreign enterprise to carry on business in an activity

standard. That is to Gold World Resources Company (PNG) Ltd and that is for the lease of forestry, logging, and related activities, growing of fruit nuts, beverage, spices, crops, sugar, rubber, tea and cocoa. Missing from this is ... reference to the nuts and fruits but missing from this is reference to oil palm.

CHIEF COMMISSSIONER: Is it from the Department of Labour, is it?

10 A: We took plan and we plan to plant oil palm in ..

Q: That explains it. They now plan for oil palm then. You mind if I tender all these to – this bunch of papers to the Commissioner.

A: Yes, yes.

20 Q: You do not mind, I can give – yes. Chief Commissioner, this will be identified – this bunch of evidence coming in from the COE of Gold World Resources (PNG) Ltd, IPA documentation. It will be marked West Maimai, Yangkok, Palai Exhibit 2. Commissioner, the other line of ... and information Mr ... gave yesterday, about Nuku Resources, I need to ask you this. What is your experience into carrying on of those activities in relation to this land Portion 59C?

A: For the company, we have already employed one Employment Manager. He is working in the National Forestry Authority as Plantation Manager and also the company has already signed an MOU with China Tropical Resources Research Department.

30 Q: That will be – could you like before, can you write the name of the company? Yes. The China Tropical Resources Research Department. That will be your partner, development or financial -

A: There is a ... to provide sago study and pending for the project. They are staying there, Minentara, South Highlands Province. They are planting rubber, japhora and cocoa. They assist the people to ... through their experience as a Government Department. They are just waiting for the visa. They will come in at February next year to do the survey.

Q: Considering that few things needs to be done, that is not too late. It is about time. By that time you would have got the FCA?

A: No yet. So that is why, may be next year we will get the FCA.

Q: How do you intend to finance the operations?

A: Principally through the log harvest or -

10 Q: Not for myself, of course, I have no capacity to develop the project. But we have an Insurance Party. That one of a Chinese company - that is the Coastal. That is the biggest Shipping Company in the world. They have a funding for their resource development and ... this company in Australia. They operate their mining.

Q: Could you list the names of these two companies?

A: Yes, Chief Commissioner, that is coastal shipping and FCI, that is the Australian Company.

20

Q: Mr Tam, apart from landowner support, you finding any political support in administration - National Government or only landowner support?

A: No. Also the Government and also their support – support of the project.

Q: I need to leave my thoughts here and Chief Commissioner and Counsel and I leave the witness here to you.

30

MS PEIPUL: Chief Commissioner, I will ... some questions.

Mr Tam, Can I just turn your direction to these sublease agreements. Can you confirm that you are a signatory to these sublease agreements between the three different landowner companies.

A: That is my signature.

Q: Okay, that is my signature. Can you confirm that you have signed all three agreements between the three different companies?

40

A: Yes.

Q: Okay, all right. Can you just confirm the contents of this agreement. Just in respect to the use of land and note if there is any reference to different cash crops including Japthora and I believe rubber as well, yes, and that is basically agreed with the landowners that they can make use of the land and they produce that and is on the agreement that you be paying royalties for any product that come out from the land. Is that the understanding?

10

A: Yes.

Q: Okay. I turn to the next part of that agreement where you make reference to the royalties. Now in royalties, within the schedule of payments in item 9, in the reference, you will note Mr Tam, in reference to royalties in respect to timber, and there is only a small reference to rubber and oil palm. You can sit down and talk.

20

A: We follow the NFA's regulation to pay. So all the items to be ... are different. That depends on the .....

Q: Now, we heard from the previous Chairman that he renegotiated with yourselves to increase the royalties up. So is that correct? Did you recall the negotiations with the previous Chairman, I think MrAsu from West Maimai?

A: No. I do not recall. But that time we already confirm that is why he signed the contract.

30

Q: Okay, because you stated earlier that you have no intention of going into oil palm, but although you had actually stated oil palm with me in your agreement but if you can see oil palm as a reference to oil palm there within the agreement. So you have no intention of actually going into oil palm with our agreement?

A: No.

Q: No. Okay. But with rubber, you do intend to go into –

40

A: Rubber and cocoa and japthora.



Q: All right, thank you. Chief Commissioner: I just want to ask only one question. I do not know whether you have mentioned it yesterday. You have any idea about the development agreement. What did you say about it. You mentioned it yesterday? That it is not yet signed or is it not yet being drawn up?

10 A: It is not yet, I think, because I am confused and also we are confused about the development agreement so some terms and conditions really inside this agreement and also when we submit the proposal to DEL we follow the development plan so ... we follow the legal procedure and for the procedure we set all the paper and submit to the Department and we just waiting for the FCA to come and we go the second stage and do that properly and so we starting with all the landowners and forest work together and then sort it out and deliver ... to mountain side and some to other areas and we need to respect to the landowners.

20 CHIEF COMMISSIONER: Okay, all right. I am sure – between the landowners and the developer, you will at some stage land at a development agreement which is also very important. And there is a public hearing that comes up in December by the Department of Agriculture and Livestock and I believe that that takes them may be some comments raised with regards to the development agreement which remain very crucial out of the whole exercise so, I am just raising it because of at the moment as far as agriculture is concerned, there is no development agreement between the developer and the landowners. But that is a matter that the developer and the landowners can sort out.

30 A: Yes, ...

Q: As long as everything is clear as to what the landowners will be getting out of this deal, the benefits of the landowners and also the developer.

A: Because there is a – I think it take a long time to process this development plan and with the landowners and also the forestry. Because with Forestry, they have to do a setting where it can not be touched so at the moment we will do a one year development plan to  
40 five year development plan step by step.

Q: Okay, this is fine. It will come up at some stage I am sure but DAL and other Departments will alert you to that and you need to have a development agreement between the landowners and your company.

Okay. I do not have any questions to ask.

10 MR PUPAKA: Chief Commissioner, just a couple of questions we want to ask Mr Tam. I want to ... with the project agreement thing again. You were obviously part of the Nuku Resource Project because of your interest in Skywalker as a Director and a shareholder. Are you – these two are in the same portion. When is it going to be the development plan? Is there any plan to integrate the development or they will be on their own stand alone and you are stand alone?

**MR TAM CHINN HIN, Recalled:**

**XN: MR PUPAKA**

20

A: I think we will combine together in the future since we get the permit and we need to discuss because benefits will go through the ... and also we are partnership. I think also we have a... We need to cooperate with each other.

Q: Yes, yes, obviously. What about Wami? You have any interest in Wami?

30 A: Wami, because that is one of our project area, we are so – I have no idea ... Wami people come out and camp the land.

Q: Okay, I am only asking. So definitely you, at some stage, seriously discuss the issue of consolidating the operations in Portion 59C and Portion 26C because of your involvement – the principles of the developer; they are link?

40 A: I think because Wammy is still agro-forestry, so since we possess Portion 26C so we may ... and then go to the government's endorse for the whole area, the landowners of Palai, West Maimai and Nuku, they

do not want to work together. They want to settle it to benefit from their own land. So that is why they seek ---

Q: Yes, there is also one group that also want you out from Nuku and into Wammy. We had Mr Ray Mainu I think. He wants couple of his groups to go to Wammy and not stay within Nuku so I understand what you mean, yes. Subject to ironing out the landowner preferences, put it that way, you might yet integrate development on Portions 26C and 59C.

10

A: I understand the Lands Department who to do their LIR, the people have already submitted the ILG to – this is the land title. But after maybe they have their own interest for fighting for the directorship or fighting for something, benefit so it is against each other so is in a lot of trouble. So as I think, all the big project, there is no 100% people to support. But just as no good there is a problem but in my side, if any party, any part of the land should have trouble, we will not going touch until they sort it out.

20 MR PUPAKA: Okay, that is a wise way to go forward. Chief Commissioner, Counsel –

MS PEIPUL: I have one more question, if you do not mind. Just with respect with the Department of Agriculture proposal, I do have a letter which is in the Department of Environment and Conservation file that there has been an approval, however, there is reference to a proposal within it and we have not cited that proposal from the Department of Agriculture and Livestock. Could we – could I possibly ask that it be produced, Chief Commissioner, if he can produce proposal that went to the Department of  
30 Agriculture and Livestock.

A: I think endorsements here I give to you and that as mentioned, later I think the proposal I should give to you.

Q: If you can do that, please.

A: I think may be before I come to you, I at least submit to the Lands and Environment Department.

Q: Yes, well the thing is, we have not received a copy of that. But I can recollect that in the event that – so if it is possible for you to produce that to us so that we can cross-check with the Department.

A: Yes.

Q: That is the thing, apparently DAL has not produced a copy to us –

MR PUPAKA: Witness has said he has produced it to ...

10

MR PEIPUL: But he says that he has already submitted it to DAL so we would like him to produced a copy of that. We have got copies of these. We just need the proposal. The proposal given to the Department of Agriculture, if you can produce that for us, Chief, if that is agreeable?

CHIEF COMMISSIONER: Yes.

A: I can get a copy and bring it to your office in Port Moresby.

20 Q: Yes, if you can bring it – produce that at some stage over the next couple of weeks.

MR PUPAKA: Yes. For that purpose, the Inquiry to all of the matters that have been heard in Vanimo will be completely terminated until the relevant Government officers are heard in Port Moresby. So the Inquiry in ... is still open and witnesses under oath can still submit documents later.

A: And also I hope this Inquiry can keep telling some more things to us – what things we need to complete, what documents we need to complete  
30 – we will prepare and speak to Lands Department.

MR PUPAKA: It is obviously one of that – it is a copy of that we need. The other documents do not exist. Not at this stage there was something that we need to inquiry with the witness and it just slipped my mind and if it does happen, it still will be in the province so. At this time we need to stand the witness down subject to him providing a copy of the proposal to DAL.

CHIEF COMMISSIONER: Whatever you say, he is going to do that.

MR PUPAKA: Yes he will, he will and inquiry as I mentioned, Chief Commissioner is still open until we run the whole list of witnesses including, particularly the Lands Officers.

MS PEIPUL: He said he would provide that in Port Moresby, Chief.

CHIEF COMMISSIONER: Okay, all right. That is fine.

10 MR PUPAKA: Mr Tam, thank you. You are not involved in any of the other remaining inquiries, SABLs including Wammy?

A: No. Wammy is, I have no idea.

Q: So this is your final – this is it, we are done or are you going to come in for the other two, Vanimo Jaya and Osima and Bewani, none of them?

A: No, no.

20 Q: Thank you Mr Tam for having attended the summons and as I have informed the inquiry, you are still under oath. You may be called to give us information as and when we think you are needed. Thank you.

### **THE WITNESS WITHDREW**

30 MR PUPAKA: The next witness will be in relation to the road line, we have some issues with the road line for yesterday in relation to the Nuku Portion 26C. We have a witness for the purposes of the current inquiry and that is one, AloisArket. I will get the details of his representation and interest. He is obviously at that stage have personal interest with ... and he will advised the Commission of his special interest on his role.

CHIEF COMMISSIONER: Was that the same one called yesterday?

MR PUPAKA: No, not the same one, no.  
AloisArket ---

40

**ALOIS ARKET: Sworn**  
**XN: MR MARK PUPAKA**

Q: For the purpose of the inquiry, you want to talk in Pidgin or English?

A: Pidgin.

Q: Could you tell the Commission your full name and if you can spell it, could you spell that for us please?

10

A: My name is ALOIS ARKET. ARKET is spelt A-R-K-E-T.

Q: Where are you exactly from?

A: Palai. My small village is Veki and I represent Veki, Iakunda and Makumba.

Q: Your land, we are – you realize that you have been called to give evidence in relation to the road line – road way into the resource area or project area?

20

A: Yes.

Q: How thick or long is the distance of road line that will run through your land?

A: From my village Veki, it is about 15 kms down to Aitape District boundary line. It is my own land.

30

Q: Yes, so what is your position in relation to the intended road line. You support it or you do not support it and in your own words, tell us exactly, you are obviously the principal landowner but there must be other existing owners in the village and tell us if you speak for them?

A: I both represent my clan and the two villages, Iakunda and Makumba.

Q: So what is the feeling like? Do they support the road line?

A: Yes, fully support.

40

Q: Have you reached some kind of an agreement or an understanding with this three landowning companies, West Maimai, Palai and Yangkok. If you do, which one of them?

A: No, nothing capable.

Q: Obviously when there is money floating around, you will want to talk to someone?

10 A: Yes, we are just waiting for the issue of the ILGs.

Q: Which ILGs, theirs or his?

A: We will be looking at opportunities of doing projects like cocoa, tapiok, all these and when they are ready we can go into signing the ILGs.

Q: All right. Then put it this way. What kind of damage will likely to be done to your land if there is a road line?

20

A: No damage will be done, counsel.

Q: Trees likely to be harvested?

A: They will make the road and cut the trees.

Q: So you are on for the project?

A: Yes, counsel.

30

MR PUPAKA: Chief Commissioner, at this stage we do have a some kind of representation from personal interest. Now I do not see the reason for putting this to the witness. Also in positive terms put in support of the project. Not necessarily – not quite necessary to call the witness as well.

CHIEF COMMISSIONER: These are all the names submitted earlier on this morning and I am capably sure of myself they are here. The two sides of the story is, those who have been coming up so far have been the full supporters of the project; what about others who have other concerns that they would like to raise, the other party.

40

MR PUPAKA: You could raise that with – the counsel could raise that with the witness, yes.

MR PEIPUL: Witness, do you know a gentleman called John Steven?

A: Yes.

Q: He claims to be the Chairman of Palmai TR Company Ltd?

10

A: I do not know.

Q: But you do know a John Steven?

A: Yes.

Q: He claims he is a resource owner with respect to the road line area, can you confirm?

20

A: No.

Q: Okay. He says that he is a legitimate owner for up to 35 kms of road by the people from these area from Munandi, Seki, Mambrika, Barakumba, Iakunda and Veki villages.

A: No.

Q: That is not the case, ah?

A: Yes.

30

Q: You from fromIakunda, is that correct?

A: No, Veki.

Q: Veki, sorry, Veki Village. But you are disputing his claim for ownership?

A: Yes.



Q: Okay, all right. So he is in support of the road line but, just like you are, but he is saying that he is representing all these landowners under the umbrella company, Palmai TRC Ltd but you are saying no. He does not represent the people, the umbrella company?

A: No.

Q: Thank you.

10 CHIEF COMMISSIONER: Any further questions or not?

MR PUPAKA: The Chief Commissioner, obviously the objective known from this witness in relation to the claims containing the letter that we are, for the purpose of the inquiry and project, particularly the SABL or the project of the SABL, there seem to be no associated issues there so whatever issues they make as a result of benefits flowing to the road line level, that is for the Land Courts so we leave it at that. At this point in time, Commissioner, the counsel have no questions so I would like to stand the witness down. Mr Arket, thank you for coming. We have no more questions to ask of you, but in  
20 the event that we need you and would like to follow up like all other witnesses, if you are still in the vicinity, we might call. You are still under oath. Please stand down, thank you.

### **THE WITNESS WITHDREW**

MR PUPAKA: We have witness that has been suggested, Chief Commissioner, in the time that we have, we can call him. I still need to find out if there can be someone quite apart from the administration and political  
30 perceptive, someone who may want to be speaking for, I think it is Palai Resources. But that is still open – there is plenty of time for it. In the meantime we will call – we can find out where it is coming from. I get this feeling, it might yet be administration perspective as well. The Commission can work out for itself where the ... of the red men's lies.

Titus Suweri is said to be the President of the West Maimai LLG.

CHIEF COMMISSIONER: Can you find out what he is going to talk about.

MR PUPAKA: The name was suggested and like I said, it is may be from an administrative perspective, JD, Joint District Budget Priorities Committee, the further evidence has already been reached but we can only – if we have time for the witnesses, we can call him.

CHIEF COMMISSIONER: We have not got anyone else who will be speaking objecting to the ... is it? We have anyone who will be witnesses running up who will be speaking objecting to the –

10 MR PUPAKA: Not at this stage. There was one yesterday but that is in relation to – it has got a bit of a ... I should think but it had been heard yesterday. So whatever it was otherwise it would turn into cross examination and it is something that I do not want at this stage.

CHIEF COMMISSIONER: He gave you that document and there were some people who objected to 26C and 59C and there –

MR PUPAKA: The list that we had in the morning, we have had a call and they shifted a lot of these people around, one that went to the boarder. He  
20 was around in the morning but he has gone to the boarder – public business so we still have to list still ... if anyone turns around.

CHIEF COMMISSIONER: Okay. We are not going to wait for them forever. I mean, if they have got an issue, and an interest, they should all turn up and speak.

MR PUPAKA: Yes, there are 13 names on the list; there are 13 of them already worked into the records against the clan or village grouping as well and they are caretakers at the moment.

30 CHIEF COMMISSIONER: Okay. So what did you say about the other witness. Is he going to speak?

MR PUPAKA: We might quickly find out where that evidence is coming from for we have heard evidence by the Honourable Titus Suwari is going to give for he is with us at the moment.

40 Chief Commissioner, the witness will not be available here – it must be on the administrative side of things as well. We will still work out whether we will call non administration representative in relation to Palai.

**TITUS SUWERI, Sworn:**  
**XN: MR MARK PUPAKA**

Q: Which language do you prefer, MrSiuwe, English or Pidgin?

A: Pidgin.

Q: All right, good. You are President of West Maimai, LLG?

10 A: Counsel, that is correct. I am the President of West Maimai LLG. I own the two parts of the project.

Q: So that makes it Honourable Titus Suweri. That is S-U-W-E-R-I ?

A: Yes.

Q: All right. You have heard what has been said. I have debated as to why I have called you in relation to the landowner perspective but we have heard all the administration perspective as well. In your own  
20 words tell us what your representative position is as President of the LLG?

A: My name is Titus Suweri. I am the President if MaimaiWanwan and I have been President for 2 consecutive terms. I am also the member of the Sandaun Provincial Assembly and also Member of the Joint District Planning. I am from MaimaiWanwan LLG. I own Portion 26C in my own area and also Portion 59C. I came here to tell the Commission of Inquiry that I have represented my people for 15 years for my people of 10,700. The project now taking place in Nuku is the  
30 initiative of the Nuku people and I took the submission to the Joint District Planning and Administrative Committee for sponsor and got their approval. My people live 20 kms from the main road. To come and reach the main highway, it takes them 2 days. My people supported in 2 projects, the one at portion 26C on eastern side and the one at the western side, portion 59C. We want to see the developments in these areas. At this present moment, schools, hospitals and roads are all gone. What we wanted, is to have this project take place as soon as possible so we can see some road infrastructure. My view is my people need this development and we do not have this ... in West  
40 Maimaiwanwan LLG. That is why I came to give the summary

support of my people. They support the West Maimai Gold Company project and also my people on the eastern side gave their support yesterday in the area of Portion 26C.

10 My people have already supported these two projects and referred it to Joint District Planning and ... Committee to approve it and have appoint people to become directors or something like that and they are creating disputes. I have already told the Commission that the leaders, committees and people in the villages, we are supporting the projects to take place. I do not have plenty things to say. My people 10,705 they support the projects in Portion 26C and Portion 59C. I want to stop here.

CHIEF COMMISSIONER: Have you any questions, counsels.

20 Q: In relation to the evidence he has given, let me ask you this. There is independent concern that some people who find themselves in the border of Portion 59C and Portion 26C and the other side of Wammy, their issues in relation to – they feel they are not accepted in any one of them fully. There are quite a number of them. One gentleman just ... to that yesterday.

A: I do not know your honour.

30 Q: Is there some landowner or any administration, you have to first make these people accepted in any one of those or in the SABL area or tried to – if their land is captured. They may feel that culturally or language or sub title wise, they might feel for each other but there is this ... of drawing up of the map to the satellite process has placed people who supposed to be on one SABL on the other side. You got any idea how you going to deal with these people?

A: There are some people in my LLG area who wanted to be part of the Nuku central area so they go with them, so with Wammy. And they go with them but it does not ... activities on the border because they – unless they provide the boundaries.

Q: They cannot join because the boarder is already there.

A: Yes, the border is already there. They cannot. They cannot interfere with Portion 59C.

Q: But you do realize that that is a course for consent.

A: If they want to come in, it is their business to do with the landowners.

MR PUPAKA: Chief Commissioner, I have no further questions. Counsel?

10 MS PEIPUL: I have several questions.

Q: Now you see from 59C, can you just state for the record your ILG, your clan and your village please?

A: I am the President of Nuku, President of WammyWanwan and also Chairman of Ton Clan.

Q: Ton Clan, T-O-N?

20 A: Yes, TON Clan.

Q: And your village?

A: Waniwomoka – W-A-N-I-W-O-M-O-K-A

Q: And your ILG?

A: Ton Clan.

30 Q: Ton ILG? Ton Clan or Ton ILG – your ILG? The name of your ILG is TON?

A: Ton Clan.

Q: I am asking you, are you part of an ILG?

A: Yes.

Q: So what is the ILG name?

40

- A: Ton Clan.
- Q: Ton Clan ILG?
- A: Yes, that is the name.
- Q: Okay, just clarifying it.
- 10 Q: MrSiuwe, you say you are part of Portion 59C from Ton Clan. Now my question is with regards to the fact that you say there are 10,700 people in your area, 59C or within your LLG?
- A: No, within my LLG.
- Q: Now, your LLG is, is it completely within 59C or is it 29C and 59C?
- A: No. It is 26C and 59C.
- 20 Q: So it is shared between the two portions.
- A: Yes, it is one LLG. Within that LLG, we have plenty land, small population but big mass of land.
- Q: So would you say that 10,700 is, half is in 26C and half is in 59C or – I am just trying to get clarity or population of both portions. It is sort of half, half?
- A: Yes.
- 30 Q: That is about 5,350 or something like that? That is half of ...
- A: That is correct.
- Q: I am asking this question because of the requirement for majority agreements. Now in your Land Investigation Report, the previous witness from Lands Department said that you would be the Titus that went along for the land investigation process with MrMalu. Is that correct?
- 40 A: I was in the village and I witness the thing.

Q: Are you therefore satisfied with the process that the majority have given their consent that 5,350 people both in Portion 59, both in Portion 56 have given their consent. Are you satisfied?

A: Yes.

Q: You say that this 59C is supported by the JDPPPC resolution. Is that correct?

10

A: Yes.

Q: Can you produce a copy of the resolution because I have only sighted a resolution regarding 26C but not 59C. Can you produce a resolution from JDPPPC?

A: Yes, it is with the PA.

20

Q: Could you organize to produce that for us so that we can confirm what you are saying to us?

A: Okay, we check if ...

Q: You need to produce that for us. It is not a joke. You need to produce that for us?

A: Yes, yes.

30

Q: Okay, thank. Because what we have is only for the 21 May, 2009 and that is only for 26C; it is not for 59C. So you will have to produce most recent one, the resolution.

A: ...

Q: You need to produce some documentation with red ... if you can do so. That would assist us.

A: Yes.

40

Q: Okay, thank you. That is my last question.

CHIEF COMMISSIONER: I have got one question to ask you. MrSuweri, Let me read some names here and I want to know from you if you know these people, all right. First name is Morris Graham, do you know him? He is from Teika Clan

A: I do not know him.

10 Q: Number 2 name is John Waia, he is from Kipa Clan? Do you know him?

A: No.

Q: Number 3 name is Albert Saro from Yam Clan.

A: No.

Q: Okay, Francis Yapo from Nimas Clan?

20 A: No.

Q: Okay, Francis Waki from Luguia Clan?

A: No.

Q: Peter Anio from Memeru Clan?

A: No, your honour.

30 Q: Charles Ripit from Memeru Clan?

A: No, your honour.

Q: Kevin Pato from Neim Clan?

A: No, your honour.

Q: Lawrence Mitiai, Mararel Clan?

40 A: No, your honour.



- Q: Peter Wanpa, Iama Clan?
- A: No, your honour.
- Q: Joseph Kailo, Pipia Clan?
- A: No.
- 10 Q: Isaac Ani, Mikipa Clan?
- A: No.
- Q: Okay, they are – have written to object to SABL basically saying that Yangkok landowners have not been well informed nor have decided any land survey, project boundaries connecting into customary land of Portion 26C and Portion 59C. That is the number 1 complaint in writing to us and I am wondering if they were here today but none of them are here. So they are saying, on one point is that, they are
- 20 landowners but they have not been informed about what is happening and they have not sighted any land survey plans on their customary land which includes Portion 26C and Portion 59C.
- A: They are from different LLGs.
- Q: But they are also in Portion 26C and 59C and that is the subject of this Inquiry now. They are saying that they are part of the Portion 26C and 59C. That is why I am putting this question to you?
- 30 A: They are partly landowners of Portion 26C and now they are only fighting for their own personal interest.
- Q: All right, okay. The next concern that I have is that, both ILGsofYemun Village and Nuku Resources and Yangkok Resources for land groups and multiple entries and membership role and ... of the District funds and they are mentioning something about that, that they are not been properly consulted and there was no explanation being given to them about the development that is taken place. Would you –
- 40 are you aware of that?

A: I cannot talk to them or clear their minds on this. As the landowner Chairman, I cannot talk to them. I only represent the ILGs.

Q: Okay. Yes, I do understand but then, because of the reason that they are part of portion 26C and 59C which covers the area, the whole idea about this is that landowner consent becomes very very important. That is the government thinking and that is the Law under the Land Act so I am just trying to raise this matter with you because it appears that some landowners who are involved are directly affected by the development in Portions 26C and 59C are raising some objections.

We will take you to the third point. The third one is that they are saying that the formalities is like that of ILG certificates and registration, project awareness, land investigation report and parliamentary input land survey and land demarcation and public hearing have not been done at Yangkok where there is vast forest resources.

A: As far as I know, there were ... on the ground.

Q: Okay. Our final concern is that we are suspicious that forgery may have taken place with some few or few powerful individuals. As you, Yangkok ILG Chairman, you never had any informal meeting since the 10<sup>th</sup> of April 2010 and 23<sup>th</sup> of April, 2010 when the grant for the SABL was granted. So they are suspecting that there was some fowl play and that only few individuals are participating on this thing and rest of the people are left out. What do you say to that?

A: I have nothing to do with that.

Q: All right. Okay, that is good. Again, I repeat my statement again this morning, Counsel is that, people can write in their objections and these people according to their address and they are based in Sandaun Province and they want part of their story or side of their story to be heard, then they should front up here at the Commission of Inquiry and this is an opportunity for them. If they are not here, well, I do not know how much worth you can replace on this objections and reports. I just want to simply put on record my concern.

MR PUPAKA: We did make an effort to identify these people and only one of them was identified in the sense that he was said to have been present in

the morning and he is no longer. The rest are out. At the end of it, it will pour it down to them being not available to be called in early ... so that seems to be –

CHIEF COMMISSIONER: All right. I am just raising these for record purposes. Okay, I am done with my questions, counsel.

10 MR PUPAKA: Chief Commissioner, that winds up the President, thank you. Thank you for your evidence and thank you for coming. In line with what the Chief Commissioner has asked you, he may have been asking you questions that as President of ... that you are supposed to be aware of, you relaxed. So in that spirit, you may yet be called as and when we think you may have in your possession evidence that we need, and particularly the outstanding resolution that we need through you, because we have asked that information to come through you. It will be marked for identification through yourself. So probably at this stage we ask you to avail yourself to have this document tendered. For the time being thank you for having turned up and giving information for the Inquiry and you can stand up.

20 Chief Commissioner, that winds up the evidence in relation to the SABL in the matter of Yangkok, West Maimai and Palai. As it stands, the first witness for this matter has been called and it is advised that we adjourned to tomorrow when we will continue.

CHIEF COMMISSIONER: Can you give me some indication as to how many witnesses you intend to call for one of cases for tomorrow morning?

MR PUPAKA: We just confirm the list of witnesses, Chief Commissioner.

30 CHIEF COMMISSIONER: After we finish the verification after Whammy Limited, may be you intend to call after that.

MR PUPAKA: There are 1, 2, 3, 4, 5, 6. Not all of them. There is 7, 8, 9 of them. Nine witnesses, a good number of them not available for immediate calling. That will be done down in Waigani. But put it this way, there is enough of them to filled the day tomorrow.

CHIEF COMMISSIONER: Okay, that is fine, that is for Wammy?

40 MR PUPAKA: Yes, that is for Wammy.

CHIEF COMMISSIONER: What about the others? What are your plans for Ainbai-Elis, Vanimo Jaya?

MR PUPAKA: They are related, particularly for SABL over Vanimo Jaya is isolated. The others are related.

CHIEF COMMISSIONER: That is Wammy and Ainbai-Elis, are they related?

10

MR PUPAKA: Wammy would be related to matters in Portion 26C, 59C and one in relation to Whammy. That is what will happen tomorrow – the completed part of it.

CHIEF COMMISSIONER: Wammy is Portion 27 is it?

MR PUPAKA: Yes, I believe so. That is SABL No. 68 and 47. They are related. 75 is also related but it is on the other side of G65.

20

CHIEF COMMISSIONER: Okay, Wammy Ltd is Portion 27C run by Ainbai-Elis Holdings Ltd is Portion 40C.

MR PUPAKA: Ainbai-Elis and Osima and Bewani are related. In the sense that they have adjoining land masses.

CHIEF COMMISSIONER: And those are ones that – Bewani and Osima will be starting on Monday.

30

MR PUPAKA: We start on those next week. For purposes of continuity and officially cross reference.

CHIEF COMMISSIONER: There is one, Yumu Timbers Development Ltd, it got West Sepik – Portion 1C?

MR PUPAKA: What is that?

CHIEF COMMISSIONER: Yumu Timbers Development Limited, it got West Sepik Province, Portion 1C. Probably one of the biggest in two provinces put together with 790,000 hectares.

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MR PUPAKA: Chief Commissioner, what number is it?

CHIEF COMMISSIONER: It is Yumu Timbers Development Limited.

MS PEIPUL: Commissioner, the number of list, if you do not mind?

CHIEF COMMISSIONER: It is not on the list – or it is West and East Sepik Province. So that is how it works?

10 MS PEIPUL: I believe so Commissioner. I believe, yes, it is. If it is not here it would be the one for Wewak.

CHIEF COMMISSIONER: Okay. All right. I do not know why I listed down here for West Sepik but it got East and West Sepik – that is the only reason. Okay.

MR PUPAKA: For the benefit of the witnesses for Wammy, we will commence with the second witness ...

20 MR PEIPUL: Who is it?

MR PUPAKA: That will be the first on the list.

CHIEF COMMISSIONER: Can you try and start early tomorrow at 9 o'clock.

MR PUPAKA: Yes.

30 CHIEF COMMISSIONER: Just inform the witnesses of Wammy, the hearing will commenced at 9 am.

MR PUPAKA: At this time, the witnesses Robert Lau, Jameson Wapunai, Luce Makao, John Anis, Moses Laliyavo and Lands Officers are to be called and ...

CHIEF COMMISSIONER: ... 5 – 6.

MR PUPAKA: That is to be the case. We will call them tomorrow.

CHIEF COMMISSIONER: Okay. In the morning just make sure they are here early and we might have to check on them. As usual, just check on them before we leave for this afternoon, if they are around and if they will be able to make appearance in the morning.

MR PUPAKA: They have been advised and in the morning. That was always to be Wammy day and it did not happen. So Wammy will be first thing tomorrow.

- 10 CHIEF COMMISSIONER: All right. We will do a first ...  
**AT 3.50 P.M. THE COMMISSION OF INQUIRY INITO SABL WAS  
ADJOURNED TO FRIDAY 18 NOVEMBER 2011 AT 9.00 A.M.**

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