



**THE
NORTH NEW GEORGIA TIMBER
CORPORATION
(AMENDMENT) ACT 1984**

NO. 9 OF 1984



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Passed by the National Parliament this sixth day of June 1984

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

J M Tuhaika

Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-second day of June 1984.

B Devesi

Governor-General

Date of commencement: see section 1.

AN ACT to amend the North New Georgia Timber Corporation Act 1979 to bring the Act in conformity with the Melanesian concept of land ownership; to provide for representation of the customary land owners of New Georgia lands in the management of the Corporation in accordance with that concept; to recognise their traditional rights in the matter of utilisation of timber in their lands, and for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

THE NORTH NEW GEORGIA TIMBER CORPORATION
(AMENDMENT) BILL 1984

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Amendment of section 3.
3. Amendment of section 4.
4. Deletion of section 5.
5. Amendment of the Second Schedule.
6. Amendment of the Third Schedule.

1. This Act may be cited as the North New Georgia Timber Corporation (Amendment) Act 1984, and shall come into operation, on such date as the Minister may, by notice published in the Gazette, appoint.

Short title
and com-
mencement.

2. The North New Georgia Timber Corporation Act 1979 (hereinafter called the principal Act) is hereby amended, in section 3 -

Amendment
of section 3,
No. 9 of 1979.

(a) by inserting "for the benefit of the customary lands owners of the New Georgia land" after "of North New Georgia", in subsection (1); and

(b) by substituting the following subsection for subsection (3) -

"(3) The Second Schedule shall have effect in relation to the appointment of the Board of Directors of the Corporation, and other matters connected therewith."

3. The principal Act is hereby amended, in section 4 -

Amendment
of section 4,
No. 9 of 1979.

(a) by substituting the following subsection, for subsection (1) -

"(1) The purpose of this Act shall be to transfer, for the purposes of this Act, the ownership of all timber standing on the customary land of the land owners of the New Georgia lands to the Corporation as a trustee for those land owners who shall be the beneficial owners of that timber.";

(b) by inserting, in subsection (2) -

(i) "by the Corporation" before "with the customary land owners"; and

(ii) "and the enforcement of the North New Georgia Timber Corporation (Amendment) Act 1984" before "shall be taken into consideration";

(c) by inserting, in subsection (3), "as such trustee" after "vested in the Corporation"; and

(d) by inserting the following new subsections -

"(4) All licences granted by, and agreements made with the Corporation under this Act and in force immediately before the commencement of the North New Georgia Timber Corporation (Amendment) Act 1984 shall continue in force until such time as fresh licences are granted by, or fresh agreements are made with the Corporation under this Act, separately in respect of each customary land area of the New Georgia lands.

(5) Copies of all licences and agreements referred to in subsection (4), or which may be granted by or made with the Corporation under section 6 shall be certified to be true copies under the seal of the Corporation and shall be kept in the office of the Corporation for purposes of reference by a customary land owner or any other person:

Provided that no such fresh licence shall be granted by, and no such fresh agreement shall be made with the Corporation, except with the consent of the licensee or the person who made the agreement:

Provided further that where such licensee or such person does not give his consent, the Corporation may, in accordance with the provisions of section 8(1) of the Constitution compulsorily acquire the rights and interests of the licensee or the person, as the case may be, in the property which is subject matter of the licence or the agreement, and such licensee or the person shall have the rights guaranteed by that section.”.

Deletion of
section 5.

4. The principal Act is hereby amended by deleting section 5.

Amendment
of the
Second
Schedule to
No. 9 of 1979.

5. The Second Schedule to the principal Act is hereby amended -

(a) by substituting the following paragraph, for paragraph 1 -

“1. Upon the commencement of the North New Georgia Timber Corporation (Amendment) Act 1984 -

(1) the Board of Directors of the Corporation shall be dissolved;

(2) all persons holding office as first Directors of such Board shall vacate their respective offices; and

(3) the Minister shall, from time to time, appoint, in accordance with this Act, a Board of Directors, of the Corporation consisting of the following members to represent their respective tribes in the Corporation -

- (a) the following Tribal Chiefs or one representative of each one of them, to represent the customary land area of Koroga -
 - (i) Milton Talasasa;
 - (ii) Nginabule;
 - (iii) Reuben Guabule; and
 - (iv) Holy Mama;
- (b) the following Tribal Chiefs or one representative of each one of them, to represent the customary land area of Rodona -
 - (i) Holy Mama;
 - (ii) Oliver Piohite;
 - (iii) Willie Paia;
 - (iv) Hichson Piohite; and
 - (v) Obed Bisili;
- (c) the following Tribal Chiefs or one representative of each one of them, to represent the customary land area of Mase to Hepa in Lupa -
 - (i) Makoto;
 - (ii) S. Koba;
 - (iii) Nira Viga; and
 - (iv) Eddie Panda;
- (d) the following Tribal Chiefs or one representative of each one of them, to represent the customary land area of Hepa to Barora in Lupa -
 - (i) Makoto;
 - (ii) S. Kopa;
 - (iii) E. Belae;
 - (iv) Tinili;
 - (v) Tingo;
 - (vi) Kuku; and
 - (vii) Beta Eto;
- (e) (i) the Tribal Chief, namely, Naisi Luna or one representative of his tribe, to represent the customary land area of Dekurana, excluding Hetaheta; and

- (ii) the Tribal Chiefs, namely, Naisi Luna and Boaz Seijama or one representative of each one of them to represent the customary land area of Dekurana Heta-heta in which those Tribal Chiefs and the tribes of both of them have equal rights; and
 - (f) the following Tribal Chiefs or one representative of each one of them to represent the customary land area of Gerasi -
 - (i) P. Baenasi;
 - (ii) Phillip Jonga;
 - (iii) Pastor Tutuo;
 - (iv) J. W. Pulekevu; and
 - (v) S. Eto.
- A. (1) In paragraph 1(3)(a), 1(3)(c), 1(3)(d) and 1(3)(e), the title of the Tribal Chiefs over the customary land of their respective tribes, as specified therein shall be and shall be deemed to have been based on the final decisions of the courts, and for this purpose, "final decisions of the Courts" means such decisions of a local court, or a Magistrate's Court or a Customary Land Appeal Court, or the High Court as have, or shall become final in accordance with law.
- (2) In paragraph 1(3)(b), the title of the tribal chiefs over the customary land of their respective tribes as specified therein shall be based on the determination of the Acquisition Officer Mr Rescoe made on 12 December 1972."
- B. Where the Tribal Chief specified in paragraph 1 ceases to be such Chief, his successor appointed in accordance with customary law applicable to his tribe shall have the authority to represent his tribe in the Corporation. Such successor shall have the authority to nominate, from time to time, any one of the members of his tribe, to represent his tribe in the Corporation."; and

- (b) by substituting the following paragraph, for paragraph 2 -

"2. The Chairman shall be nominated by the Board of Directors from amongst their number, and the Chairman and other members of the Board of Directors shall hold office for a period of two years from the date of the constitution of the Board:

Provided that the tribal chiefs or their representatives who are members of the Board shall be eligible for reappointment for a like term:

Provided further that where any such tribal chief or his representative ceases to hold office before the expiry of his term, his successor shall hold office for the residue of the term of office for which predecessor would have held that office if he has not ceased to hold the same."

- (c) by deleting paragraph 3, and paragraph 4(2);

- (d) in paragraph 5 -

(a) by substituting "the Tribal Chief or the representative being temporarily unable to act as a director for any reason, the tribe entitled to appoint its chief, or the Tribal Chief entitled to nominate his representative from among the members of his tribe, in accordance with the customary law applicable to the tribe, may appoint, or nominate, as the case may be", for "their respective nominees being unable to act as a director for any reason, any of the persons or bodies entitled to nominate a director in accordance with paragraph 1 or paragraph 3 may appoint", in subparagraph (1); and

- (b) by substituting "appointed or nominated" for "appointed" and "appointing or nominating" for "appointing", in subparagraph (2).

*The North New Georgia Timber Corporation (Amendment)
Act 1984*

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Amendment
of the Third
Schedule to
No. 9 of 1979.

- 6 The principal Act is hereby amended, in the Third Schedule -
- (a) by substituting "Chiefs" for "Leaders" wherever the word "leaders" occurs, in paragraph 1;
 - (b) by substituting throughout the other paragraphs of that Schedule, "Tribal Chiefs" for "Tribal Leaders"; and
 - (c) by substituting "be entitled to receive a distribution in respect of each area in which such member or group of members claim to be entitled to live" for "elect to receive a distribution in respect of one area only", in paragraph 5.