

TRANSCRIPT OF PROCEEDINGS

Commission of Inquiry into SABL
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COMMISSION OF INQUIRY INTO SABL

MR JOHN NUMAPO

THE CHAIRMAN & THE
CHAIRMAN

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LOCAL GOVERNMENT COUNCIL, VANIMO, FRIDAY 18 NOVEMBER
2011 AT 10.48 A.M.
(Continued from 17 November 2011)

9:44 am] THE CHAIRMAN: The counsel, understand that dealing with Wammy today. So you want to indicate as to how many witnesses you intend to call for the Wani Yame Limited?

MR PUPAKA: Yes, Chief Commissioner we have list of witnesses we have. We have served six witnesses, witnesses listed for summons for who summons have been prepared, six of them are now to this stage complete return of the summons who has been served. Additional witnesses have added after Monday's request for witnesses, total of 9 on the list. There is a supplementary for someone who may not be present in time for the hearings and Mr Malu will be heard in Moresby, Pepi Kimas will be heard in Moresby, Dir. Pill Chairman of the Remote Sensing Centre will be heard in Moresby. The first witness to have been heard in relation to all other matters as well has been the Administrator or the former administrator that is Mr Joseph Sungi, being the practice call Mr Waranduo the Director Lands in the province. He was part of the investigation team, the main witness – the person who signed off on the investigations will also be called in Moresby to round off things. The witness Mr Waranduo is available, he was party to the investigations so we will call him first to put things in respective. That is in relation to the land investigations (LIR) we call our first witness for the day that is Wammy Limited, SABL over portion 27C – first witness Mr Waranduo. He is under oath he is continuing witness. Good morning Mr Waranduo.

MR WARANDUO: Good morning counsel.

DANIEL WARANDUO, continuing:

XN: MR PUPAKA

Q: This is the matter of Wami Limited portion 27C is the SABL as I understand you were party to the investigation team lead by Mr Simon Malu of the Lands Department?

A: Correct.

Q: Could you in your own words – it may have been your practice up until now tell us what happen, I will take you through the land investigation or the

samples of the investigations we have after you make preliminary comments on it?

A: Counsel may ask the same thing or the same session – the only thing I already presented myself yesterday.

Q: Or you did, that is right we took his evidence yesterday I forgot that.

THE CHAIRMAN: On Wammy, did we?

MR PUPAKA: Yes.

THE CHAIRMAN: We are able to---

MR PUPAKA: With, his information in relation to what happen, the particular
10 point I do remember is that the good number of them – there was a decent on it because they wanted to have a go separately. The dissenting group were not exactly anti-development but just wanted to have their own SABL has a basis on which to go it alone. Was that what he said yesterday, that there was extent of the information or information of significant yesterday. Not, that he did not say much, he was party to the proceedings.

THE CHAIRMAN: Yes, he did.

MR PUPAKA: Long as his evidence is on record.

THE CHAIRMAN: Yes, he did he spoke yesterday of West Maimai, Yangkok Resources Limited and Palai Resources.

20 MR PUPAKA: Yes.

THE CHAIRMAN: And then you also touched on Wammy Limited, I think he already captured on the transcript, so it would be a repetition if we ask him speak again Mr Waranduo.

MR PUPAKA: In that case Mr Waranduo will, well, thank you for reminding been a long day yesterday I think. Yes, so we will have you stood down and we ask that you avail yourself next week. Thank you for coming.

THE CHAIRMAN: Thank you.

THE WITNESS WITHDREW:

THE CHAIRMAN: I am sorry about the over sight, we did not realize it but it is already captured on transcript, so thank you Mr Waranduo.

MR PUPAKA: Chief Commissioner, that sets the way for the – what appears on the preliminary information before the inquiry to be the decent group, we will probably start with that.

THE CHAIRMAN: Who are they again?

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MR PUPAKA: On record is a Nakap Forest Limited or company.

THE CHAIRMAN: So they are the decent group are they?

MR PUPAKA: They are the decent group. We will start with the Chairman of that group, Moses Laliyauo.

THE CHAIRMAN: Is he here, is Moses here?

MOSES LALIYAUO, Sworn:

20 **XN: MR PUPAKA**

Q: Moses, morning now.

A: Morning counsel.

Q: You prefer Pidgin or English?

A: I prefer pidgin.

Q: All right, Moses tell me for the record inform the Commission of Inquiry your full name and could you spell that please?

A: Counsel, my name is Laliyawo.

Q: And you are the Chairman of Nakap Agro Forestry, what is your full identification title of the Nakap again. The full name of Nakap, what is your entity's full name, full title or description?

A: Counsel Nakap is---

Q: No, I am asking for Nakap, is it correct to say Nakap Agro Forestry or does it have Limited or Incorporated or something?

A: Nakap Agro Forestry Joint Venture Development Limited.

10 Q: That is the name of that entity, Chief Commissioner for the record. All right, you are the Chairman of that entity, Nakap? Chief Commissioner, for the record from now on we will be referring to it as Nakap

THE CHAIRMAN: Not Nakap?

MR PUPAKA: N-a-k-a-p short for that long name.

THE CHAIRMAN: Counsel, say it again?

MR PUPAKA: N- a- k- a- p

THE CHAIRMAN: Yes, that is the full name.

MR PUPAKA: That is abbreviated for Nakap Agro Forestry Joint Venture Development Limited.

THE CHAIRMAN: Okay, so you just stick to Nakap.

MR PUPAKA: Nakap, yes.

20 THE CHAIRMAN: Okay that is fine.

MR PUPAKA: All right, Chairman that is you?

A: Thank you counsel I am Chairman.

Q: In your own words could you tell us Nakap's position on the proposed project over the title that Wammy Limited holds over portion 27C? Position in the sense that your attitude your feelings, your position on it? Tell the Commission in your own words?

A: Counsel in the presence of the Commission of Inquiry, I now say that Nakap is duly registered company Edwaki, Telefomin district. Nakap was initiated by Namea local level government in the Telefomin district to conduct Agro Development Forest to have development in the Telefomin district.

THE CHAIRMAN: Can you speak up, I cannot hear you, talk loudly.

A: JDP.

Q: Sorry, to develop what type of project again?

A: Agro Forestry project, counsel.

Q: Yes?

10 A: Counsel, in the presence of inquiry today I tell you that it was taken by the LLG in Telefomin, registration number of JDP 05/02/10.

[9:56am] The Nakap represent five different languages spoken by the people in Edwaki.

Q: Yes?

A: Counsel, the ILGs were registered within requirements of the five language group. And also the directors of Nakap Agro Forestry were appointed by people of Edwaki and resolute by JDP, Telefomin. Counsel, today in presence of the Commission of Inquiry to represent the five language group and I am ready to be witness to represent the three gazette land list titles.

20 1 Sepik Oil Palm Limited gazette number 145 is for Pagwi District, WoseraGawi Electorate, East Sepik.

2 Nuku Resources Development Limited gazette number 58 Portion 26C and Wami Limited Portion 27C it is landowner company from Edwaki. Counsel, before I move to the other comments Edwaki boundary holds 335,900 hectares this land title split this hectares.

1. The Sepik Oil Palm Limited, we first knew as Pase Oil Palm Limited, we do not know the number of hectares it holds. But it overlaps in the two electorates in East Sepik, Wosera/Gawi and Ambunti/Drekikier, it tries to

cater all the Sepik plain including Edwaki, Telefomin district in the West Sepik. In this one I declare in the presence of the inquiry East Sepik provincial boundary and electorate boundary and we have customary boundary and democratic boundary of East Sepik Oil Palm Limited will stop at its own provincial boundary. And to divide between the two customary land group between the East and West Sepik. And East Sepik has no right to interfere into the development of West Sepik.

10 2. I want to talk little bit on Nuku Resources Development Limited, I do not know the number of hectares of land it owns, it is in the SABL boundaries and I want to tell the Commission today that Nuku Resources Development Limited it collected a big mass of land from Namea LLG in the Telefomin district. Nuku has extended into 230,700 hectares of Edwaki land. Counsel I want to tell the Commission today that Nuku Resources got almost all the land where Edwaki owns. Under Nakap Agro Forestry we have no other land to initiate. I want to say that Nuku Agro Forest has its own boundaries in the area that JDP resolute and it must operate with demarked boundary.

And also Nakap Agro Forestry, it registered a subsidiary company in that are too.
20 The company in that area is Apak Resources Development Limited.

Q: Can you spell it?

A: Apak, A-p-a-k.

Q: A-p-a-k?

A: Apak represents the four language group that boils with the Nuku and Edwaki, the company number is 1/69286 and I have the registered copy also we registered 30 ILGs in that language group. It also has the consents of the landowners it represents. And Nuku Resources has no landowners consent.

10:07am] A: And the consent now is with the Nakap Agro Forestry Joint Venture
30 Limited. Counsel, now we are raising funds to register the land title for the area Nuku Resources will fix itself with its administration the local member responsible, honorable member. And we also here at Telefomin let this

matter aware to the honorable member for Telefomin who is the deputy minister for Lands and Physical Planning, he is also resources owner and landowner of that area. Thank you that is the small story on Apak.

Q: All right, thank you Mr Laliyawo, you got any complaints against Wammy Limited?

A: Counsel, I have complaint and if counsel wants to ask me anything on Nuku and Wammy I am prepared to tell the Commission, Nuku and also Sepik.

Q: Yes, that is what I am asking of him, that is what I am asking him.

10 A: Thank you counsel in regard to Wammy this is my story. Counsel, today I am going to identify two landowner groups. The first one is Nakap Agro Forestry Joint Venture Limited, we believe that is the legitimate landowner company from Edwaki because---

Q: That is Nakap?

A: Yes, because we followed all the requirements under customary registration Land Act.

Q: Is that clear enough, you both interpreter and witness, you are both going to speak louder, must go on to the record. Yes?

20 A: Counsel, Naka is as I said – it is the project for the 15 wards in Namea LLG and honorable member for Telefomin he himself is the Chairman and he initiated this project as a contribution to the development of Edwaki to support the isolated area.

Q: Yes, Mr Chairman I am asking what is the nature of your complaint against Wammy, I am sure you are enacted in what you do with Nakap but the nature of your dispute with the title and project over SABL over Wammy Limited?

A: Counsel, the nature of my complaint, Wammy Limited it overrides the Agro Forestry boundary the area where JDP funded and under its operation it abuses the rights of many landowners.

Q: So you saying this 355,900 hector that Nakap or people constituted in Nakap lays claim to is distributed into portions 27, portions 26, portion 59 and spills over the border SABL in the East Sepik Province, is that what you are saying?

A: Yes, thank you counsel, as what I said.

10:14am] Q: Yes?

A: Like I said---

THE CHAIRMAN: What was that again?

10 A: Like I said the Agro Development approved by JDP cannot happen because the other people got the title already. Wammy, main concern of the land owners are with the Nakap Agro Forestry. Counsel, we registered 88 ILGs.

Q: Yes, I am not use to this speaking in parable, you tell what you are trying to say is Whammy Limited does not represent the wish of the majority, that is what you are trying to say?

A: Counsel, what I am going to tell you is Wammy represent 5 villages in Namea.

Q: So what has happen, Wammy Limited is refusing to accept into their set up this other landowners or what?

A: Counsel, refuses Wammy.

20 Q: So it is a case of the land title to be the desire of you and people you represent wanting to have the title and not this Wammy Limited.

A: Counsel, this is---

Q: Just say yes or no?

A: Yes.

THE CHAIRMAN: Okay if I may ask him another question, sorry counsel if I may intervene. Did all of the villages making up Naka, the grouping and the 5

villages mention, did they also they gave their landowners consent to Wammy or not?

A: Commissioners, where the Wammy land covers they gave their consent.

Q: What about your 5 villages, you mention your 5 villages within that big portion of area and during the land investigation report and the consent that under the law must be given by landowners. Did those five villages gave their consent, your villages that make up of Nakap, did they gave their consent to Wammy Limited or not?

10 A: Commissioner, I said that the company I represent, their consent is with the company I represent.

Q: We know that you are repeating yourself, what I am asking is that you answer the question – forget about Nakap we know that you said you got the consent, that is a different issue. Answer the question, did those five villages, you are saying part of Nakap, did they give their consent to Wammy or not?

MS PEIPUL:Commissioner, I think if I can just clarify, is he referring to five villages representing Wammy – I think that is what he said that Wammy only represent five villages I think that is what he said in respect to this five villages. That we need to clarify.

20 THE CHAIRMAN: So Wammy only represent five villages?

A: Commissioner, I said that.

Q: So how many villages altogether in total?

A: Edwaki got 22 villages.

Q: Okay this five, only five gave consent Wammy, is that what you are saying?

A: That is correct.

Q: And the balance or the other no?

A: No, Commissioner.

Q: And the others you say gave consent to Nakap?

A: Commissioner, that is correct.

THE CHAIRMAN: Counsel, did you highlight in your opening statement issue on the consent as well. The opening statement I think there is a paragraph on consent that he raised appears to be – I am just trying to go through it?

MR PUPAKA: We are just allowing the witness to go along with his own speed and then essentially what he intend to do so. All right, for purposes of record, what you are saying here is Wammy does not represent the majority? Yes, you can stay in if you close your mouth, we have indicated that this witness – he
10 appears to be the president. The president was advised he will give evidence as what I call third factor in this. The administration we have had opportunity and that is what we are doing. Now, if he is going to speak for the current witness, all I know is that he is disrupting proceedings here.

THE CHAIRMAN: Look it is coming to a stage where I have to start using my powers to have some of locked up. We cannot afford to continue that, I have given chance since Monday for people to disrupt proceeding and we have got police on the stand by.

MR PUPAKA: Adding to what Chief Commissioner is saying, on the side of our legal team, we are human being as well, we cannot listen to every human being
20 in the room at once, marks up the process does it not? All right important, probable we got to refocus and get the witness on track and myself as well, Chief Commissioner – what I am trying to do here is get the witness who is on record the Chairman of the legal entity to the SABL holder to confirm for the records as to whether the SABL title holder enjoys the support of the majority, that is in relation to Wammy Portion 27C?

A: In the present of this inquiry, no.

Q: The SABL holder, who is the preside Wammy or what nominated entity?

A: Nakap.

Q: Nakap is the prepared SABL holder, all right what about the project
30 development? The question is do they support the preside developer?

A: No, counsel.

THE CHAIRMAN: Sorry can I intervene, do you know the prepared developer Wammy Limited, you know who is the developer now?

A: Your Honour, no.

MR PUPAKA: Yes, so whoever Wammy brings out you still object?

A: Yes.

Q: What is it that you do not want, you do not want the project or you want the land to be preserved for something else? You, meaning him and alleged majority he represents?

10 A: Counsel I like the project to be initiated by the landowners and they must take the lead.

Q: All right, now we are going somewhere instead of speaking in parable. In your view Wammy is not a landowner company?

A: It is not a landowner company.

Q: Yes, and in what ways do you say – now let me show you this, Chief Commissioner I will show him the land investigation report at this stage. This was by the way the land investigations report now in evidence, it was identified as the land investigation report prepared by Simon Malu in the company of witness Daniel Waranduo yesterday. So this is a sample, I
20 want you to have a look at this--

THE CHAIRMAN: Whilst he is doing that, ask him does he know the population of the area?

A: The population of Edwaki is K10,000 plus.

MR PUPAKA: All right, that is the sample, it does not represent the all of it and I have plenty here so by the time we advise all of it there is no purpose in it so I am just showing him the sample? We have counted the signatures collected for it by representatives, the consent was for the purposes for the land investigations report representatives signed. Okay out of 43 ILGs 35 ILG executives signed for

the purposes of obtaining consent. All right, he has heard that can he confirm to me or for the Commission of Inquiry record how many ILGs prepares to have an interest over this 355,000 hectares ?

A: 200 including minor and sub-minor clans.

Q: So there are 200 of them, 200 for 10,000 people?

A: Counsel, yes.

THE CHAIRMAN: That is 200 ILGs, is it?

A: 200 ILGs

MR PUPAKA: 200 clans of 200 ILGs?

10 A: 200 clans.

MR PUPAKA: Not ILGs for the record, is that correct?

A: No, counsel.

THE CHAIRMAN: So how many ILGs within that – what is the total number of ILG.

A: Your Honour we mobilized 88 ILGs.

MR PUPAKA: That is 88 ILGs?

A: Counsel, that is correct.

20 Q: All right so if you divide 10,000 by 88 you are likely to get 113 people to an ILG? I just saying this ILG seem to be just too much for population that signs. That is for the record the witness does not need to answer. I am saying that Chief Commissioner, because if there is out of 200 clans there is 88 ILG for the total population of 10,000 people or just over 10,000. The average constituency of respective ILGs will be that sort of thing. So like 10 families each.

THE CHAIRMAN: Sorry, how many ILG?

MR PUPAKA: Well, averaging it out it does look like slightly over 113 people to an ILG, but that is the kind of figures we are dealing with so I am just saying that and what I am trying to establish the witness is that out of the records we have submitted for the purposes for the SABL being held by Wammy Limited, 143 ILGs were represented or were listed. Back your pardon Chief Commissioner, 43 ILGs were recorded and out of the 35 executives signed. It is un-explained why the rest of them did not, but that is what I want the witness to confirm. And he has said by the number of ILGs he has mentioned that 88, 43 seems to be for our purposes not enough. We might need to get evidence of the registered ILGs for that entire area, then again the futility of doing that, Chief Commissioner is that he has given number of a total population amounting 10,000 plus an area 355,000 plus hectares which straddles something like four ILGs that straddles the two Sepik provincial boundaries.

10:35 am] MR PUPAKA: So I do not see where we got to be getting finality to Wammy.

THE CHAIRMAN: Counsel, I was going to ask that land investigation report that you showed to him, how many signatures are there?

MR PUPAKA: That is just a sample, Chief Commissioner because the way land investigation are done by units of clans and groups so he just got the sample but the figure I put to him 43 identified by for the purposes for the title of Wammy – 35 of them signed. But that is going around in circle.

THE CHAIRMAN: That is in ILG, 35 and his signature will represent one ILG, is that correct? Or everybody that needs to sign on it?

MR PUPAKA: His evidence is that 10,000 people constituted in 200 clans and spread over 355,000 plus hectares had it straddles three separate ILGs or three separate portions SABLs 27C, 26C principally. And also he said 59C and I think the Sepik Oil Palm that is 75 on the SABL and 75 Chief Commissioner – yes that is Nugua Rainforest Management Alliance Limited. He is giving general evidence saying all of this people have no right to have a SABL title without involvement of Nakap and I am just trying to work out where we headed with this witness. We cannot find finality for Wammy. Nangawa SABL or the SABL held by Nangawa straddles the border of Nuku. So presumably that is where he coming from, and that cuts across the provincial border as well.

THE CHAIRMAN: Wammy Limited is a---

MR PUPAKA: But he has got a point that he needs to make – we will probably and leave it at that.

CHIEF COMMISSIONER: Wammy Limited SABL is over in portion 27C is over 105,000 hectares.

MR PUPAKA: Yes, I am looking at the settle light map here, Chief Commissioner, whereas you are not. The inconvenience of showing this to you and, it is just the way it is. It straddles the, speaking of land that straddles the sepik plains cross the border. He did say 355 or about 1,000 hector of land.

THE CHAIRMAN: In total?

MR PUPAKA: In total, it and he has given information in relation all of those SABL.

THE CHAIRMAN: You have done with him?

MR PUPAKA: Not yet, yes his evidence facts files that have been closed as well as the Wammy.

MS PEIPUL: And it also affects the East Sepik matters.

THE CHAIRMAN: Well, I am not too sure there will be any utility in having him over in Wewak, when we go over there and he is talking about the Sepik Oil Palm that is bordering East and West.

MR PUPAKA: That is the Nangawa or Nungawa

THE CHAIRMAN: That is Nungawa, is it?

MR PUPAKA: Yes, that is SABL 75 on the COR.

THE CHAIRMAN: Yes?

MR PUPAKA: To put finality to things our suggestion is that the witness completes his evidence and we will leave it at that assess his evidence in context of other people's evidences. He has given evidence that are facts portion 26C, 27C

and 59C and possibly the SABL number 75, I am not able to identify the portion number, that is 75 on the government list – I think it is 55C. Yes, counsel will have couple of question.

Q: This is in respect to Wammy Limited, witness you say that there are five villages that only represent Wammy and they do not represent the other villages and clans and ILG, perhaps you can just indicate which five villages you are referring to?

A: Counsel initial here represents five villages, Watou.

Q: Can you spell it please?

10 A: W- a- t- o- u.

Q: And that is the village, Watou?

A: Yes.

Q: And the second village?

A: Aiamdami.

Q: Spell it please?

A: A-i-d-a-m-a-m-i.

Q: The next village?

A: Mogoidami.

Q: M o g o i d a m i, Mogoidami

20 A: Yes.

Q: And four?

A: Mantokpai

Q: Mantokpai?

A: Yes.

Q: And the fifth one?

A: Yawari.

Q: Y a w a r i?

A: That is correct.

MR PUPAKA: That is Wammy.

MS PEIPUL: Wammy and not Yawari?

MR PUPAKA: No, Yawari the initials make up Wammy.

MS PEIPUL: Okay, yes I see. Now, in terms of the population – you say the population of Wammy is how many

10 A: 1,000 plus.

Q: But the SABL itself covers 105, 200 hectares so the population for 105, 200 hectare is 1,000 people? Is that what you are saying?

A: That is correct.

Q: Of that 1,000 how may live in those five villages, do you know?

A: Counsel nearly 100 people in a village.

Q: So 500 in total in all the village, 100 in each 100x5 K500 people?

A: 1 or 200 in one village.

[10:48am] Q: Do you know who actually are the shareholders and directors of Wammy Limited?

20 A: Counsel, no.

Q: Now, if I were to read out their names to you can confirm that – if you know them or not? Okay, Robert Aiwa he is from Yawari village, you know him?

A: Counsel I know him.

Q: You know him, okay. John Melow, he is of Nami village – do you know him?

A: That is correct.

Q: Peter Tai, Mantokpai village, you know him? John Yamaio or Yamai Joe, you know him?

A: I know him.

Q: Now, there are the three shareholders of Wammy Limited and you say that they do not represent the majority interest within Wammy Limited portion?

A: Yes.

10 Q: And I also read out the directors as well, I will start at HezronEwa form Maglari village, do you know him? Yes or no?

A: Counsel, I know him.

Q: Okay, you know him, do you know Raphael Nanau, he is from Yawa village?

A: I know him.

Q: Okay, Francis Miawali?

A: Yes, I know him.

Q: Okay, Molap?

A: Counsel, yes I know him.

20 Q: Council Leo?

A: Yes, I know him.

Q: Henry Otto, Yakaltim village?

A: I know him.

Q: Mark Yope?

A: Yes, I know him

Q: RonneyKampe?

A: That is correct.

Q: James Akau?

A: I know him.

Q: Dickson Wiwai?

A: Counsel, I know him.

Q: Okay, so off all this men, John Nu – do you know him?

A: I know him.

10 Q: Charles Iamai, Ignas Heliolai?

A: I know him.

Q: Joshek Enau?

A: I know him.

Q: Henry Wamo?

A: Yes.

Q: Johnson Wogo?

A: Yes.

Q: Gabriel Owen?

A: Yes.

20 Q: And Alfred Nanaru?

A: Yes.

Q: And Luke Makau is the secretary?

A: That is correct.

Q: Now, of all this men that I have read out you still maintain that they do not represent the vast majority of Wammy?

A: No.

Q: Over thousand population majority they do not represent?

A: No.

Q: Okay, that is fine thank you.

10 THE CHAIRMAN: The main objection as I see is to do basically with consent and also that destruction is not part of Wammy set up, they have got their own set up. Nakap and they are also not aware of the developer, they have not been involved in any discussions in ways they perform. So there is probably one or two issues there that they are trying to raise that to say that they are not happy with the SABL as it is under Wammy. That appears to be the gist of his consent; boils down to one or two consent and the fact that they have been isolated in a lot of discussions that have been going on with regard to this particular SABL. I might be wrong, I am just proposing to you both that that appears to be the bottom line.

20 MR PUPAKA: Yes, Chief Commissioner we could – it is important that we do. I would like to ask him a couple of questions? All right, Chairman you confirm what is it you want, there are 4 SABL One is in the border of East Sepik and three on this side of the border, what do you want this SABL, what is it you want, you want them unregistered and all of this areas covered by this four to be grouped under Nakap, is that what you are asking for?

A: Counsel, my view, those who are outside of Telefomin area should go back to their area. Wammy is in the same area so it should come into one area with me.

Q: No, it does not, so which area is this 355,000 hectares?

A: Counsel, I have a map here and all of them belongs to Edwaki.

Q: Yes, for instance Wammy, area covered by Wammy is 105, 200 hectares – some of this areas does it need to be excluded from Nakap or they are part of Nakap?

A: Counsel, it is already there.

Q: Or that is part of what you think is Nakap territory?

A: That is true, it confirms with the map.

Q: Map or it is what people on the ground think that matters, so you think everyone is with you?

A: Counsel, like I already said the people are together with Nakap.

10 Q: What about those people in Nuku Resources area portion 26C?

A: Counsel this is another electorate boundary.

Q: You are not interested in that?

A: No.

Q: Unless someone make a big mistake Nakap, or as you say Nakap but as it stands it is Wammy Limited calls the sorts over 105,000 hectares of land. There is a differences between and 355,000? How much do you own, your village or the people you represent, how much exact land you own?

A: Counsel, this map was proposed by Chris Manda that is why we proposed that we own this number of hectares.

20 Q: All right, that makes it closer so we are now into – so your consent is purely portion 27C and none of the others is it?

A: No.

Q: No meaning 27C only?

A: Counsel like I said I do not want the other people to interfere like the other three.

Q: Interfere like what, you cannot push them away also not have them, you have to make up your mind who is where so you said the immediate SABL, portion which you should be interested if you are from Wammy, or the area covered by Wammy should be Nuku. The area portion 26C and you said it is in its own territory so how much land that Nuku covers belongs to you?

A: Counsel, Nuku came to warawinit border following the map like I said it removes 230,700 hectares.

Q: 230,700 hectares?

THE CHAIRMAN: Remove from where?

10 A: The total land map of Edwaki.

MR PUPAKA: That is the grouping, what is the name there – Edwaki that is the cultural or language grouping that holds lands in the plans, according to the witness covered by the SABL with Nuku Resources. Chairman all this people are in the 239,000 they are with you?

A: Counsel, that is correct.

CHIEF COMMISSIONER: This will also include Nuku, Wammy is K105,000 hectares of land that is portion 27C. So if you say that 239,000 did you say?

MR PUPAKA: Nuku Resources holds 139,000 nearly 240,000 hectares.

20 THE CHAIRMAN: 240, so if you say that 237,000 all under you that means it also included 26C which is Nuku?

MR PUPAKA: If it is 355 it will have to be which direction he is looking at. It spills on to the portion 59C or probably all the way to 28C over the provincial border.

THE CHAIRMAN: So what is your concern or what is your problem? We are talking about 105,000 hectares that is Wammy 27C we are talking Nuku 26C and 59C, this is totally different and they have already gave their evidence in court earlier in the week? So what is the real area of land are we talking about?

A: Your Honour if I can explain.

11:07am] A: The total area in Nakap in Edwaki 335,900 hectares.

MR PUPAKA: Yes, we are going to establish or put it this way the people who have testified in support of Nuku Resources Project, well according to you they have lied, all of that land seems to be yours?

A: Counsel, if they overlaps the boundary of Edwaki, that would be correct.

Q: So just make my life easy, so they all lied did they? So in accordance with the figures he is throwing around combine total of 59C portion 59C West Maimai, Yongkok and Palai 105 plus title held by Wammy Limited and nearly 140,000 hectares held by Nuku Resources, they make up just about round up your figure 355 so presumably you own the all lot?

THE CHAIRMAN: Nuku Resource, counsel is 239 not 139.

MR PUPAKA: Yes, Nuku Resource is 239, 105 350 something 55 was his figure so slightly 40 something for I will have to check with that?

THE CHAIRMAN: West Maimai is 149 so you add them all up it is almost about 500,000 hectares altogether all up.

MR PUPAKA: Sort of 100,000 hectares, the rest is his. So that makes the people have testified in relation to the development over portion 59C and 26C – their evidence is affected if we accept this statement. It is Nuku that represent everyone and none of the others. So that is why I am trying to get him to agree with me or disagree with me that all of them had lied. They cannot have forgotten about you, Nakap Resources is their land and why did they came and told lies?

A: Counsel title which they own is overlap, that is correct.

Q: You have no title, you do not have a title as yet. This has been granted to all this people, you have to undo title 59C, 26C and 27C in order to get one for yourself.

A: Counsel, yes.

Q: You are chasing a pie in the sky, probably what I can tell you probably might not happen in your life time, but what you are saying is not of serious

concern to us. That is why I am trying to get from you as to why certainly no one talked about Nakap Resources yesterday and the day before?

A: Counsel, because Nakap is still there to commit all the process of negotiation.

Q: It is not a process, it is a land ownership? Everybody in that Sepik basin is all of your people or someone is not telling the truth.

A: That is correct, counsel.

10 Q: Which is what? It will not resolve anything chairman but you got to have to carve your territory to acceptable area where there is a level of credibility and acceptability begin to come. What are we going to make of your evidence you got to have to saying – there is a particular area that you want title over. So principally area covered by the title held by Wammy that is portion 27C or 26C which one do you want or Nakap owns?

A: Starts from portion 27C to 26C where Nuku Resources already got it.

Q: How many people do you represent them, 10,000 as you have said. So the others they do not represent anyone accept possibly the directors themselves?

A: Counsel that is correct.

20 THE CHAIRMAN: Okay let us put thing in the perspective now, what are we talking about, are we talking about Wammy or Nuku as well?

MR PUPAKA: He is talking about the whole lot.

THE CHAIRMAN: He is talking about the whole lot.

A: All of them, your Honour.

Q: 26C, 27C and 59C it covers West MaimaiYangkok, Nuku Resources and Wammy?

A: Yes.

Q: So your concern is not necessary restricted to Wammy, is that correct?

A: Your Honour that is correct.

[11:07am] MR PUPAKA: Do you know a gentleman by the name of Rex Yehura?

A: Counsel, no.

Q: We recon he has got the better right to the title held by Nuku Resources under the leadership of Ray Levis that presumably you do not know both gentlemen? I am mentioning his name because he is the opposition recognized so the one has been challenging the title for the project proposed for Nuku Resources? Now, you want us to accept that even he is lying.

A: That is correct.

10 MR PUPAKA: We will stand this witness down I do not see that it would be of continued of inquiry. There might be something after we hear from the other representatives might put things in perspective. I suggest, Chief Commissioner that we stand him down for a while and we continue, his evidence is already on record. The long and short of his evidence is that he disputes the veracity of the land investigation report that resulted in the issue of three separate SABL. That shall stay for time being for the records and we will call other witnesses first, I think.

MS PEIPUL: Perhaps for my own information, witness can you just confirm what village you are from?

20 A: Counsel I am from Yoru village.

Q: And that is within the Wammy portion, is that correct?

A: That is correct.

Q: And your clan name?

A: Aidami.

MR PUPAKA: How does it spell?

MS PEIPUL: Aidami, A-i-d-a-m-i. And your ILG are you part of an ILG as well?

A: I have my own ILG.

Q: What is the name of your ILG?

A: I just mention it.

Q: Aidami? All right thank you. Just for my information – Commissioner we can cross check the land investigation report.

10 THE CHAIRMAN: All right that is fine I got no objection we will stand him down. If he does appear next I will suggest counsels that we get him to decide on what particular and specific SABL he wants to speak about because otherwise we are going to be all over the place and whether he is raising his objection against the
10 Wammy Limited or against Nuku Resources or West Maimai, if he does, I mean he had an opportunity earlier on he should have done it when we were hearing evidence from the these two people's SABL. We need to put things into perspective and that is something the witness will have to consider with others as well and hopefully we will invite him next week if and when the need arises. I have no objection we can have him stood down for the time being.

MR PUPAKA: Yes, Mr Laliyo you appreciate what difficulties we are facing you are challenging just about all the SABLs within that Sepik basin. So as and when your evidence is needed to clarify issues you have raised we will call you, you are under oath. You stand down and wait, we will rest of the witnesses that we
20 have otherwise we are getting nowhere.

A: Thank you counsel.

THE WITNESS WITHDREW

MR PUPAKA: We will call Mr John Anis he is the managing director of Wammy to put things in perspective we might call the –

30 THE CHAIRMAN: Counsel, can I suggest we have a break for 5 minutes if possible. Can we have a break for five minutes if possible while you are sorting out the witness, it just briefly.

MR PUPAKA: Yes, and for the record before we go for break, I oversight on my part. Mr Roger Otto, he represents the developer he would like to register his appearance.

MR ROGER OTTO: Sorry Chief Commissioner, my name is Roger Otto for record I seek leave under section 8 of the Commission of Inquiry Act to enter my appearance for the developer for the Wammy SABL.

THE CHAIRMAN: That is fine, I will grant you leave on that later on you can consult with the counsels as to when you intend to appear for the developer as organization of the witnesses is the discretion really of the counsels so they will
10 advise you the appropriate time of your appearance in course of the proceedings. So in the meantime can we just have a quick five minutes break and we will restart again counsel while you organize your witness.

SHORT ADJOURNMENT

11:27am] THE CHAIRMAN: Counsel the next witness?

MR PUPAKA: Next witness is the managing director of Wammy Limited Mr John Anis.

THE CHAIRMAN: Swear him please

20

JOHN ANIS, Sworn:

MR PUPAKA: XN

Q: Mr Anis you prefer pidgin or English?

A: Pidgin.

Q: For the record John Anis, Anis A-n-i-s?

A: That is correct.

Q: You are the managing director of Wammy Limited?

A: That is correct.

Q: Wammy Limited is the owner of SABL over portion 27C, is that correct?

A: Counsel, that is true.

Q: How many director are there for Wammy Limited?

A: Twenty-five directors.

Q: Twenty-five, I have got eighteen of them?

A: Counsel if you have eighteen then that means the others did not turn up so we did not have them registered at IPA.

10 Q: There is something I need to clarify with yourself, initial matter or preliminary matter you know the man by the name of Peter Tai?

A: Peter Tai is the Chairman of Wammy Limited.

Q: This Peter, is he a director or shareholder of any other SABL?

A: Counsel, there are two SABLs, Peter Tai there and Wammy and also

Q: Are they the same person or different people?

A: Counsel, Peter Tai from Mantupai is total different from another village and different language. Peter Tai from Enisaimba is also totally different language different SABL.

20 Q: All right just that one nothing beyond clarifying that one, all right thank you. So in your own word could you inform the commission, how much support base does Wammy have from people who constitute and compose of the areas covered by portion 27C.

A: The hearings from Department of Environment, Department of Agriculture and Livestock, the majority are with us.

Q: How many ILG are there covered by ILG?

A: Totally we have 43 ILGs with Wammy.

Q: And how many support Wammy Limited?

A: From the records majority from the village, as you can see counsel the number here we walked all the way from Edwaki, it took us three weeks to come for this commission of inquiry. So majority is supporting this project.

Q: All right fair enough.

11:34am]

You know how many of these people signed on the landowner consent on the land investigation report?

A: I know the ILG there are number of ILG signed because of the disputes the provincial lands officer held about five or seven ILGs back.

10 Q: What was the nature of the dispute?

A: The nature of the dispute is there is Mr Me. Mr Me is in relation to people who compete for Chairmanship or something like that.

THE CHAIRMAN: So that was the reason for your dispute? That was the reason for the dispute is it, because everybody wants to be a chairman, everybody wants to be director. Is that correct?

A: Commissioner, that is true.

Q: Was that dispute over the actual landownership or was it just ILG?

A: Counsel the dispute over ILGs and landownership.

20 Q: So what was the dispute about it, if it is not about the landownership and ILG, what was the dispute about?

A: Commissioner, like I said the dispute over position is the problem in this country.

Q: All right, there is a group of people represented by a man name Ray Maino? I am asking you – you know this man?

A: I know him.

Q: He says he has been kicked out of or he does not want to be part of Nuku and he reckons he is part of your SABL, which side does he need to be in?

A: I think he should be in Nuku, not Wammy Edwaki.

Q: So he is a block in the middle that no one wants? Him and the people he represents?

A: Ray Maino has his own people in his own area but Ewaki and Telefomin is not his area.

Q: All right I just wanted to clear that up with you so. At what stage in relation to the project, could you in your own words explain exactly where the proposed project is, state the development stage is in relation whatever it is to take place or they are represented – the project over portion 27C?

10 A: Commissioner, operation which will take place it will be in the Nami LLG.

Q: Yes, so stage of progress of the project – by the way what is going to be called, the project over SABL portion 27C. What is the name of the project?

A: The name of the project is Wammy Limited.

Q: You are not going to call Wammny Agro Forestry Project or something like that?

A: Wammny Agro Forest is part of we propose to plant oil palm.

Q: Yes, I got a feeling that you do not know much about what the project and the things are going to be?

20 A: Counsel, I know that this project that we are going to do will be talking place portion of land that he got title.

Q: All right, how does the name – does it ring a bell Wammy Rural Development Project?

A: Wammy Rural Development Project is the one we initiated.

Q: Okay, where do you think Wammy Rural Development Project is at plant stage, what plant stage if it is how much progress has been made?

A: Chief Commissioner, we have gone through all the processes whatsoever has been approved. Now we are trying SCL to develop this project area.

Q: So nothing happen, is there any road leading to the project area?

A: There is no road yet.

Q: How far is the project area from the nearest land?

A: Almost 100 to 120 kilometer from Vanimo to Edwaki.

Q: Nearest road?

A: 50 kilometer to reach the project area which we proposed.

Q: What is the name of the developer?

A: Global Elite.

10 Q: You signed any development agreement with them?

A: Yes, we signed already.

Q: How much of the role is Wammy Limited going to play, meaning you just silent partner at the back of the developer or the active development partner, what role will Wammy Limited play?

A: Commissioner, we are joint venture with the developer. Wammy Resources is a part owner to develop oil palm project. But investor and Wammy Limited are joint venture on the basis of equal share.

Q: You are going fifty-fifty?

A: Fifty-fifty Commissioner.

11:44am] Q: What do you have to say about Nakap Resources?

A: Counsel and Commissioner, Nakap is also landowner in the same project area.

Q: The companies are different and officers of the companies are different so what do you call it, Mimi did it?

A: Counsel, this happens throughout the country.

Q: What have you done to accommodate Nakap?

A: I told Nakap that people are suffering so we just bring the project in.

Q: Yes, they probably see that but what have you done to get them on board?

A: My plan is to bring them in and become directors.

Q: So it is still in your mind at the plan stage and you have not done anything?

A: Negotiation is still undergoing.

Q: Do you have a timetable or probably a public hearing to which you want to iron out?

10 A: Commissioner, we are still negotiating- the places we talk we have jealousy and opposition.

Q: How much of Wammy land is incorporated or captured by people into portion 26C?

A: It is in the map that we provided to you.

Q: You have no land in portion 26C?

A: Portion 26C I do not have but I have portion 27C with Wammy.

Q: So the main border between portion 27C and 26C is a land boundary or water boundary?

A: Counsel, it is water boundary.

Q: So the river does it?

20 A: River does it, Chief Commissioner.

Q: Does the river also divide clan groups or language groups? Can you clarify for the Commission's record. Apart from dividing the land, what else does the river divide; language groupings, or tribal grouping or you have people from Nakap/Wammy SABL area portion 27C also have land on the other side of the river?

A: Chief Commissioner, this river divide SABL now 27C, 26C it divides the projects lease back agreement. Our land Namea in the Telefomin district is still further more in and we will have boundary with 26C. We have our customary land boundary.

Q: So that means some people from the portion 27C area are also part of 26C?

A: Counsel, Chief Commissioner, that is true, we have a massive land at 26C.

THE CHAIRMAN: That is Nuku Resources.

A: That is Nuku Resources.

10 Q: That is the plan of Nuku Resources, Nuku Agro Forestry project captured your people's interest, has it been accommodated on the other side?

A: That interest of 26C it accommodates the people of SABL 27C.

Q: So they are being accommodated or they are being look after?

A: Counsel there is no one to look after 27C in any ways.

Q: So what are you saying they just kissed your land goodbye?

A: Nuku Resources must give away this land for 27C or the people Inotesevesi people of Edwaki must give, they must go to customary land and we will do our boundary. They cannot claim it where Namea LLG is where Wammy is and 26C they are claiming the land of Namea LLG because they are totally different village, different language and different electorate.

20 Q: So the river is not exactly the border?

A: The river is not the border of Namea LLG.

Q: So the Chairman of Naka may have had a point when he said land belonging to Namea LLG is incorporated into portion 26C?

A: They incorporated 26C but they did not reach the place where the Namea or Edwaki is or maybe they are close by or they are at Nuku. They did not reach Edwaki station, maybe they are trying to steal that piece of land. We at Edwaki see that portion 26C stole our land to make their land registration.

Q: Chief Commissioner the point made here is that if things were slotted according to lineage groupings, language groupings and land rights ownership right groupings, the boundaries between these two portions would have been arranged differently.

[11.54 a.m.] So the interest affected is going to be on the side of 27C more than 26C, that is for the record. All right, so there is a project, you signed the project agreement have you not with the developer?

A: Yes.

10

Q: You have signed on it?

A: Counsel I have no signature in there.

Q: You have not signed?

A: I did not signed but the chairman and the shareholders signed.

Q: Did you signed as witness?

20

A: Yes, I signed as witness.

Q: So you are happy with the project agreement?

A: I agree to benefit within Global and Wammy, I agree with the benefit sharing K20.00 per cubic meter every log export.

Q: Yes, apart from the interest and the hard work do you understand what it mean for the agriculture component of it?

A: I know in the forest I know the operation – for example kwila K10.00, mix pieces K5.00.

10 Q: Okay what about the agriculture component if you planning oil palm on it....what are the benefit out of those agriculture or Agro forestry of agriculture development or?

A: Chief Commissioner, it is the same as log export, for oil palm it is the same benefit K20.00 for every dealer palm oil when we mill it.

Q: K20.00 for every oil palm tree?

A: Oil palm we claim.

20

Q: You are managing director of Wammy, Mr Anis I have a feeling you do not know what happens after the stop standing up. There will be a lot of years after logging, you happy with the deal for your people in the project agreement?

A: Commissioner, I know kwila tree is still standing.

Q: It will not stand for long?

A: That is true commissioner, it will not stand for long but lack of development that is the reason we initiated this project. Like I said already we normally take three weeks to walk the main capital – Vanimo. So we have to look for developer because the government cannot bring development into remote area where Edwaki is.

10 Q: Very well, okay what about the – let us go back to the question. You see the trees are fell in the process of clearing the land for agriculture development. That is the purpose of SABL, that is why they call it Speial Agriculture and Business Leases, it is for agriculture that is the focus. So the question is what is that, that you and your landowners tend to benefit out of the agriculture development, has it been reflected well in the agreement that you had with the developer?

A: Commissioner, yes. For the environment we will be affected, the natural land will be affected but for the lack of development we have to be affected.

20

Q: Okay just answer my question. I am talking about the Intergrated Agro Forestry development. The trees are only to be clear fell for planting oil palm or thick or whatever. So my question is that if you – are you confident that you have negotiated a better deal under the agreement with the developer for this agriculture crops, do not worry about the timber?

A: I am confident that the deal we made will benefit us in the village.

Q: All right, Mr Anis that is your call it is just things that we need to wrap up for purpose of the inquiry. You are aware that the developer holds a 60 sub-lease on portion 27C.

Q: So the Chairman of Naka may had the point when he said land belonging to Namea LLG is incorporated into portion 26C?

A: They incorporated 26C but they did not reach the place where the Namea or Edwaki is or maybe they are close by or they are at Nuku. They did not reach Edwaki station, maybe they are trying to steal that piece of land. We at Edwaki see that portion 26C stole our land to make their land registration.

10 Q: Alright, Chief Commissioner the point made here is that the thing were slotted according to lineage groupings, language groupings and land rights ownership right groupings. The boundaries between these two portions would have been arranged differently.

[11:59am] There will probably in.....the deal was still last year. You will sub-lease holders until – most likely after, you are on the other side of the river. The significance granting 60 year leases on a 99 year head lease, you know what it means?

A: Counsel, can you clarify?

20

Q: Yes, 60 year lease on the SABL on 27C is held by Wammy that is your company and the sub-lease holder depending on the terms of – I do not intend to go into the technicalities of it and conditions what can and what cannot happen or what may or may not happen but the part of the terms of reference the government has ask us to inquire into. Landowner inform consent meaning going into the partnership, the development the whole package with both eyes open or if there is 10,000 people there is 20,000 eyes open. So meaning you were aware what all this means, that is just what I am clarify, 60 years is a long time. And what development conditions inside
30 where you signed, you should know what it is means. And I am trying to

establish with you as to whether you know the full extent of the implications.

A: I am aware of what you are saying.

10 Q: Mr Anis is there anything else you want to say particularly in relation to – there seems to be heavy resistance within portion 27C in relation to both Wammy Limited holding the head-lease and in relation to many people. The issue of whether they gave consent to your company Wammy Limited, you got anything to say in relation to that?

A: All this paper work were done at Edwaki in Telefomin, it was not done in Vanimo anywhere else in the hotels.

Q: So put it this when you ripple as the good book says, a ripple is a ripple when you throw something in the water does not matter how big it ripple but disturbance – ripple is a ripple. This contains within your project area, how you intend to deal with it?

20 A: Yes, the Nakap chairman also already said.

CHIEF COMMISSIONER: Can we get back to the question there are already some disputes, some consent in Wammy. The question is how do you intend to deal with it, how do you intend to address those consents and problems regarding Wammy?

A: Counsel we will talk in the village.

Q: So you do not want to leave your plans with the record of the commission, you want to talk about it in the village?

A: If we talk here we will go into tumbuna stories.

10 Q: Okay, that is fine we just simply want to bring to your attention that all is not well that there are decent that there are some landowner within Wammy portion 27C who are not happy with the way things are being done for Wammy Resources. So we are just simply bringing into your attention. If you want give us an answer, you can give us an answer but otherwise you do not have to say anything. We are simply putting it to your attention, we are bringing into your attention that there are some concerns being raised. That is it.

A: Commissioner, there are some concern people.

CHIEF COMMISSIONER: All right, no questions.

20 MR PUPAKA: Chief Commissioner, for the record he has no forward plans – the fact that there content is been demonstrated in the inquiry. Managing Director of Wammy has not disclosed any plans for containment of those dis-content. We will leave it at that and I got no further questions.

MISS PEIPUL: No I do not have any questions for this witness at this time.

CHIEF COMMISSIONER: Well, I got no question I have already asked the question I am to say.

MR PUPAKA: Mr Anis the way things are going, it is not stopping. We close one file up but does not say shut for long, somebody comes in to say something else so may yet time permitting ask you to come and clarify few things depending on how evidence yet to come turns out to be. So you are still under oath for the time being thank for giving evidence.

10 **WITNESS: MR JOHN ANIS withdrawn;**

CHIEF COMMISSIONER: Thank you, alright swear the next witness counsel.

Thank you, alright swear the next witness counsel.

MR PUPAKA: Chief Commissioner we intend to proceed to the next witness. I have...

20 **CHIEF COMMISSIONER: Counsel, while you are searching through Mr. Otto is at the back and if I can get his attention.**

MR PUPAKA: Yes, we will as I said there has always been a triangle to this thing. The administration point of view will be I think it is fair that we ask the President of the ILG will be giving his side of the story little while later. We will probably call on the substantive evidence that yet to come in from

the development partner. We will call the next witness Mr Albert Lau, managing director of Global Elik Limited.

Tape 16 SABL48 – Vanimu – 18/11/2011 –AP

[12:10am] MR PUPAKA: Chief Commissioner just for the record, counsel indicates they have exhibits to tender. So that can be discussed through structure formalize where you are tendering as and when this becomes relevant. If we
10 are unable to create a flat form appropriate juncture at which this can be tendered, we will ask of the witness and the counsel later. So lead him the line of inquiry we have been conducting with the developers in relation to other portions as well. So we will start with the witness.

CHIEF COMMISSIONER: Can I just make a comment, now as I always taken the bench with respect to some of the things that have transpired so far with Wammy. We will still conclude this in Port Moresby because they are some witnesses that we will be recalling in January as part of the programe. So if there is any loose ends that you need to tidy up as part of your final submission and I
20 think we have agreed that – for parties represented by counsel they will given the opportunity to a final submission in writing at the time when we reconvene in Moresby in January. And you will note that some of the things which have been said by the managing director does not seem to be all properly and needly tide up with respect particularly as to how is he going to resolve some of the outstanding landowners issue with regard to Wammy Limited portion 27C. So at the moment it is still hanging we have not got a firm answer from response from him. So those are some of the thing that you might want to consider in your final submission, so that it rounds up everything to conclude. Okay that is the only comment I need make and welcome once again. Okay counsel we need to know the name of the
30 witness.

WITNESS MR ALBERT LAU: recalled

MR PUPAKA: XN

Q: Mr Albert Lau, what language do you prefer.

A: English.

10 Q: Lau is spilt L a u?

A: L a u.

Q: You are the managing director of Global Elite Limited?

A: Yes.

Q: Is it Global Elite Limited or PNG bracket in the middle?

20 A: No. Global Elite Limited.

Q: That makes it a Papua New Guinea company?

A: Yes.

Q: Firstly as you know, confirm with yourself what basic preliminary information with the commission of inquiry. But confirm with me where is the process of the Department Environment and Conservation?

A: Environment has lease to Agriculture and Livestock.

10 Q: Environment and Conservation that the environmental damage set up, where is it. Have you secure to all the damage that you need to have?

A: My company consultant is the one help me to do that, he is the one Mr Melvin.

Q: Mr Who?

A: If make submission, all the submission I will leave my consultant, how any consultant is the one.

20 CHIEF COMMISSIONER: I cannot hear him, can you speak into the microphone please?

A: Normally all the document I stand by my company consultants, Melvin Crusoe

Q: What is he, he is a consultant?

A: Yes, he is my company consultant, most of the time he is on site activity his work.

MR PUPAKA: We for the record get him to sit with him and we will confirm this one way or the other.

CHIEF COMMISSIONER: Is he here, get him up and sit with you.

10

CONSULTAND MR MARVIN LUCERO sworn;

CHIEF COMMISSIONER: What is your name again?

THE WITNESS: Marvin Lucero

THE CHIEF COMMISSIONER: How do you spell it?

THE WITNESS: M a r v i n L u c e r o

20

CHIEF COMMISSIONER: M a r v i n L u c e r o, and what is the title again?

A: Forester.

Q: So you are doing consultant work for them.

A: Yes, I am working with the technical preparation of the payments.Y

MR PUPAKA: Alright, so between yourselves can you confirm where the environment process is?

A: Yes, we have done preparation and documents and right now we already got environmental permit made for the project.

10

Q You have the environment permit?

A: Yes.

Q: What about the land use plant, have the DAL approved it?

A: We already have submitted the detailed agriculture development plant, and I think it is already there submitted.

20 MR.....Chief Commissioner, I have a binded copies of all the documents pertaining to this SABL.

CHIEF COMMISSIONER: That is for the DAL Department of Agriculture and Livestock, environment permit.

MR...Yes, all line departments. I will tender it.

CHIEF COMMISSIONER: Yes, give it to counsel will take that this contains the all lot of that. Seems to be a bulk one if it is inclusive of all make the tendering process a lot easy. That we will seek to tender this one, just cross-check that with the contains.

10 CHIEF COMMISSIONER: We have an index in the front stating what sort of reports...

MR PUPAKA: Yes, we are just cross-checking that.

Tape 17 SABL48-Vanim0-18/11/2011 – AP

12:20pm] CHIEF COMMISSIONER: Miss Peipul?

MISS PEIPUL: Commissioner, I believe that there are agriculture development plan tendered to the DAL is not actually within this document here. So maybe I should tender through them as well.

CHIEF COMMISSIONER: Is it a land use plan?

MISS PEIPUL: This is the plan given to the department of Agriculture and Livestock then they gave it to us.

MR PUPAKA: At this point in time Chief Commissioner we will tender for identification the agriculture development plan and the indexed submission from the witness today and the development proposal and the environment. Alright I am advised otherwise that summary of what we have now is the environment
10 development plan and development proposal and the indexed submission from the witness will be marked for identification and submitted at this time subject to cross-check with witness Diak who has been subpoenaed will be summoned. And we will hold back environment documents. We will tender this three in that will be Wammy exhibit 1A, 1B and 1C and 1A will be the submission from the counsel through the witness and 1B will be agriculture development plan and 1C is the development proposal.

CHIEF COMMISSIONER: What about the environment did not touch anything, uncertain?

20

MR PUPAKA: We will tender that in Port Moresby through the appropriate witness, it is appropriate as well. Summarizing Wammy 1A, 1B and 1C, the submission through counsel from the witness the indexed submission and the development agriculture development plan and the development proposal. FCA that a forward clearance authority where are you in relation to securing that at what stage Mr Lau?

A: This one all progress now done since COI in progress now.

CHIEF COMMISSIONER: Sorry can I ask you to speak into the microphone, it is going to be recorded. Speak loud and speak into the microphone.

A: All the progress is pending now since this COI so the FCA has not been approved yet.

Q: And that is for the FCA?

A: FCA, yes.

10 Q: You have obtained that already from PNG Forest Authority?

A: No, not yet.

Q: So what is the progress, where is now.

A: It is waiting for this COI according to them.

Q: Waiting for what?

20 A: This COI.

Q: This COI?

A: Yes.

Q: Is that what they said?

A: Yes.

Q: Is that the advise you received from PNG Forest Authority?

A: Yes.

10

Q: They said for you to wait for COI?

A: Yes.

MR PUPAKA: For the record Chief Commissioner they have the exhibit that is tendered through the witness indicates they have paid the fees the approval process. For the record they state will be somewhere between paying the fees and the forestry board granting the issue.

20 A: Application fees is already.

CHIEF COMMISSIONER: You have already paid the application fee?

A: Yes, we have lodge the application and it is still pending, it was accepted after we have submitted our environmental permit but technical working group and the forestry board is still pending on the applications, they are still waiting for the reports of the inquiry and I think they initial into hold any application regarding CFC in respect to the State.

Q; You have already submitted?

A: Yes, they are just waiting report, will deliberate on it.

10

Q: Okay, but it is already sitting with the PNGFA?

A: Yes.

MR PUPAKA: Chief Commissioner, from documents before us we can confirm that the provincial forest managing committee has approved and recommended. It is waiting out coming with the forestry board.

20 CHIEF COMMISSIONER: Is there a copy of the report on file from the provincial forest managing committee?

MR PUPAKA: Yes Conditional recommendation.

MISS PEIPUL: Chief Commissioner it is a letter from the provincial forestry managing committee to General Manager Global Elite confirming that there are some conditional recommendations they will be making.

MR PUPAKA: Yes, global Global Elite is own by?

A: Own by a Malaysian citizen Tin Chiong Ming Ping

Q: Yes, could you write that out. Confirm with me that C h i o n g M i n g Ping.

Q: Is he the very person the only owner?

10 A: Yes, he is the one.

Q: Who are the directors of the company?

A: Chiong Ming Ping also, he is the shareholder and the director.

Q: Sole director, is he a sole director one director only?

A: Yes, one director only.

20 Q: So purposes of the record how does Global Elite intend to finance the project

A: Finance the project?

Q: Yes.

A: From oversea. From our shareholder Chiong Ming Ping.

Q: Is there a company that needs to his backing up?

A: Yes, in Malaysia, under Chiong Ming Ping.

10 Q: Let us put it this way, is the intention of the company to log or other log or harvest log and finance the initial operations or funding is going to be source from overseas Malaysia initially? You do not want to disclose that information?

A: As far as I know the director and shareholder has the enough amount to start kick off the project. We do not know other corporation back him up. As far as we know the funding will come from himself

Q: Okay, well I am happy with that. At this point in time between the two of you do not know?

20

A; Yes.

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20

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A: The river is not the true boundary of customary land of Namea LLG.

20 Q: So the interest affected is going to be on the side of 27C more than 26C, that is for the record. All right, so there is a project, you signed the project agreement have you not with the developer?

A: Yes.

Q: You have signed on it?

A: Counsel I have no signature in there.

Q: You have not signed?

A: I did not sign but the chairman and the shareholders signed.

Q: Did you sign as witness?

A: Yes, I signed as witness.

Q: So you are happy with the project agreement?

A: I agree with the benefit within Global and Wammy, I agree with the benefit sharing K20 per cubic meter every log export.

10 Q: Yes, apart from the interest and the hard work do you understand what it mean for the agriculture component of it?

A: I know in the forest I know the operation – for example kwila K10 mix pieces K5.

Q: Okay what about the agriculture component if you planning oil palm on it....what are the benefit out of those agriculture or Agro forestry of agriculture development or?

A: Chief Commissioner, it is the same as log export, for oil palm it is the same benefit K20.00 for every dealer palm oil hen we mill it.

Q: K20.00 for every oil palm tree?

20 A: Oil palm we claim.

Q: You are managing director of Wammy, MrAnis I have a feeling you do not know what happens after the stop standing up. There will be a lot of years after logging, you happy with the deal for your people in the project agreement?

A: Commissioner, I know kwila tree is still standing.

Q: It will not stand for long?

A: That is true Commissioner, it will not stand for long but lack of development that is the reason we initiated this project. Like I said already we normally take three weeks to walk the main capital – Vanimo. So we have to look for developer because the government cannot bring development into remote area where Edwaki is.

10 Q: Very well, okay what about the – let us go back to the question. You see the trees are fell in the process of clearing the land for agriculture development. That is the purpose of SABL, that is why they call it Speial Agriculture and Business Leases, it is for agriculture that is the focus. So the question is what is that, that you and your landowners tend to benefit out of the agriculture development, has it been reflected well in the agreement that you had with the developer?

A: Commissioner, yes. For the environment we will be affected, the natural land will be affected but for the lack of development we have to be affected.

Q: Okay just answer my question. I am talking about the Intergrated Agro Forestry development. The trees are only to be clear fell for planting oil palm or thick or whatever. So my question is that if you – are you confident that you have negotiated a better deal under the agreement with the developer for this agriculture crops, do not worry about the timber?

20 A: I am confident that the deal we made will benefit us in the village.

Q: All right, Mr Anis that is your call it is just things that we need to wrap up for purpose of the Inquiry. You are aware that the developer holds a 60 sub-lease on portion 27C.

[11:59am]Q: There will probably in.....the deal was still last year. You will sub-lease holders until – most likely after, you are on the other side of the river. The significance granting 60 year leases on a 99 year head lease, you know what it means?

A: Counsel, can you clarify?

10 **Q:** Yes, 60 year lease on the SABL on 27C is held by Wammy that is your company and the sub-lease holder depending on the terms of – I do not intend to go into the technicalities of it and conditions what can and what cannot happen or what may or may not happen but the part of the terms of reference the government has ask us to inquire into. Landowner inform consent meaning going into the partnership, the development the whole package with both eyes open or if there is 10,000 people there is 20,000 eyes open. So meaning you were aware what all this means, that is just what I am clarify, 60 years is a long time. And what development conditions inside where you signed, you should know what it is means. And I am trying to establish with you as to whether you know the full extent of the implications.

A: I am aware of what you are saying.

Q: MrAnis is there anything else you want to say particularly in relation to – there seems to be heavy resistance within portion 27C in relation to both Wammy Limited holding the head-lease and in relation to many people. The issue of whether they gave consent to your company Wammy Limited, you got anything to say in relation to that?

20 **A:** All this paper work were done at Edwaki in Telefomin, it was not done in Vanimo anywhere else in the hotels.

Q: So put it this when you ripple as the good book says, a ripple is a ripple when you throw something in the water does not matter how big it ripple but disturbance – ripple is a ripple. This contains within your project area, how you intend to deal with it?

A: Yes, the Nakap chairman also already said.

THE CHAIRMAN: Can we get back to the question there are already some disputes, some consent in Wammy. The question is how do you intend to deal with it, how do you intend to address those consents and problems regarding Wammy?

30 **A:** Counsel we will talk in the village.

Q: So you do not want to leave your plans with the record of the commission, you want to talk about it in the village?

A: If we talk here we will go into tumbuna stories.

Q: Okay, that is fine we just simply want to bring to your attention that all is not well that there are decent that there are some landowner within Wammy portion 27C who are not happy with the way things are being done for Wammy Resources. So we are just simply bringing into your attention. If you want give us an answer, you can give us an answer but otherwise you do not have to say anything. We are simply putting it to your attention, we are
10 bringing into your attention that there are some concerns being raised. That is it.

A: Commissioner, there are some concern people.

THE CHAIRMAN: All right, no questions.

MR PUPAKA: Chief Commissioner, for the record he has no forward plans – the fact that there content is been demonstrated in the inquiry. Managing Director of Wammy has not disclosed any plans for containment of those dis-content. We will leave it at that and I got no further questions.

MS PEIPUL: No I do not have any questions for this witness at this time.

THE CHAIRMAN: Well, I got no question I have already asked the question
20 I am to say.

MR PUPAKA: MrAnis the way things are going, it is not stopping. We close one file up but does not say shut for long, somebody comes in to say something else so may yet time permitting ask you to come and clarify few things depending on how evidence yet to come turns out to be. So you are still under oath for the time being thank for giving evidence.

THE WITNESS WITHDREW

THE CHAIRMAN: Thank you, alright swear the next witness counsel.

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MR PUPAKA: Chief Commissioner we intend to proceed to the next witness.
I have...

THE CHAIRMAN: Counsel, while you are searching through Mr. Otto is at the back and if I can get his attention.

MR PUPAKA: Yes, we will as I said there has always been a triangle to this thing. The administration point of view will be I think it is fair that we ask the President of the ILG will be giving his side of the story little while later. We will probably call on the substantive evidence that yet to come in from the development partner. We will call the next witness Mr Albert Lau, managing director of Global Elik Limited.

[12:10am] Chief Commissioner just for the record, counsel indicates they have exhibits to tender. So that can be discussed through structure formalize where you are tendering as and when this becomes relevant. If we are unable to create a flat form appropriate juncture at which this can be tendered, we will ask of the witness and the counsel later. So lead him the line of inquiry we have been conducting with the developers in relation to other portions as well. So we will start with the witness.

THE CHAIRMAN: Can I just make a comment, now as I always taken the bench with respect to some of the things that have transpired so far with Wammy. We will still conclude this in Port Moresby because they are some witnesses that we will be recalling in January as part of the programe. So if there is any loose ends that you need to tidy up as part of your final submission and I think we have agreed that – for parties represented by counsel they will given the opportunity to a final submission in writing at the time when we reconvene in Moresby in January. And you will note that some of the things which have been said by the managing director does not seem to be all properly and needly tide up with respect particularly as to how is he going to resolve some of the outstanding landowners issue with regard to Wammy Limited portion 27C. So at the moment it is still hanging we have not got a firm answer from response from him. So those are some of the thing that you might want to consider in your final submission, so that

it rounds up everything to conclude. Okay that is the only comment I need make and welcome once again. Okay counsel we need to know the name of the witness.

ALBERT LAU: recalled

XN: MR PUPAKA

MR PUPAKA: Albert Lau, what language do you prefer?

A: English.

Q: Lau is spelt L- a- u?

10 **A:** L- a- u.

Q: You are the managing director of Global Elite Limited?

A: Yes.

Q: Is it Global Elite Limited or PNG bracket in the middle?

A: No. Global Elite Limited.

Q: That makes it a Papua New Guinea company?

A: Yes.

Q: Firstly as you know, confirm with yourself what basic preliminary information with the commission of inquiry. But confirm with me where is the process of the Department Environment and Conservation?

20 **A:** Environment has lease to Agriculture and Livestock.

Q: Environment and Conservation that the environmental damage set up, where is it. Have you secure to all the damage that you need to have?

A: My company consultant is the one help me to do that, he is the one Mr Melvin.

Q: Mr Who?

A: If make submission, all the submission I will leave my consultant, how any consultant is the one.

THE CHAIRMAN: I cannot hear him, can you speak into the microphone please?

A: Normally all the document I stand by my company consultants, Melvin Crusoe.

Q: What is he, he is a consultant?

A: Yes, he is my company consultant, most of the time he is on site activity his work.

MR PUPAKA: We for the record get him to sit with him and we will confirm this one way or the other.

THE CHAIRMAN: Is he here, get him up and sit with you.

MARVIN LUCERO;Sworn:

XN: MR PUPAKA

THE CHAIRMAN: What is your name again?

A: Marvin Lucero

Q: How do you spell it?

A: M- a- r- v- i- n L- u- c- e- r- o.

THE CHAIRMAN: M- a- r- v- i- n L- u- c- e- r- o, and what is the title again?

A: Forester.

Q: So you are doing consultant work for them.

A: Yes, I am working with the technical preparation of the payments.Y

MR PUPAKA: Alright, so between yourselves can you confirm where the environment process is?

A: Yes, we have done preparation and documents and right now we already got environmental permit made for the project.

Q: You have the environment permit?

A: Yes.

Q: What about the land use plant, have the DAL approved it?

10 **A:** We already have submitted the detailed agriculture development plant, and I think it is already there submitted.

MR.....Chief Commissioner, I have a binded copies of all the documents pertaining to this SABL.

THE CHAIRMAN: That is for the DAL Department of Agriculture and Livestock, environment permit.

MR...Yes, all line departments. I will tender it.

20 **THE CHAIRMAN:** Yes, give it to counsel will take that this contains the all lot of that. Seems to be a bulk one if it is inclusive of all make the tendering process a lot easy. That we will seek to tender this one, just cross-check that with the contains.

THE CHAIRMAN: We have an index in the front stating what sort of reports...

MR PUPAKA: Yes, we are just cross-checking that.

12:20pm] **THE CHAIRMAN:** Miss Peipul?

MS PEIPUL: Commissioner, I believe that there are agriculture development plan tendered to the DAL is not actually within this document here. So maybe I should tender through them as well.

THE CHAIRMAN: Is it a land use plan?

MS PEIPUL: This is the plan given to the department of Agriculture and Livestock then they gave it to us.

MR PUPAKA: At this point in time Chief Commissioner we will tender for identification the agriculture development plan and the indexed submission from the witness today and the development proposal and the environment. Alright I am advised otherwise that summary of what we have now is the environment development plan and development proposal and the indexed submission from the witness will be marked for identification and submitted at this time subject to
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A: This one all progress now done since COI in progress now.

THE CHAIRMAN: Sorry can I ask you to speak into the microphone, it is going to be recorded. Speak loud and speak into the microphone.

A: All the progress is pending now since this COI so the FCA has not been approved yet.

Q: And that is for the FCA?

A: FCA, yes.

Q: You have obtained that already from PNG Forest Authority?

A: No, not yet.

Q: So what is the progress, where is now.

A: It is waiting for this COI according to them.

Q: Waiting for what?

A: This COI.

Q: This COI?

A: Yes.

Q: Is that what they said?

10 A: Yes.

Q: Is that the advise you received from PNG Forest Authority?

A: Yes.

Q: They said for you to wait for COI?

A: Yes.

MR PUPAKA: For the record Chief Commissioner they have the exhibit that is tendered through the witness indicates they have paid the fees the approval process. For the record they state will be somewhere between paying the fees and the forestry board granting the issue.

20 THE CHAIRMAN: You have already paid the application fee?

A: Yes, we have lodge the application and it is still pending, it was accepted after we have submitted our environmental permit but technical working group and the forestry board is still pending on the applications, they are still waiting for the reports of the inquiry and I think

[12:30am] Q: Something within your line of knowledge and information how much money has Global Elite has expanded to this stage, project in initial works?

A: More than half a million because every time we ring and charter the helicopter for the public hearing awareness and then the car and allowances and everything. I think total is more than half million kina.

THE CHAIRMAN: About half a million to date?

A: Yes.

Q: How many foreign employees does Global Elite have?

10 A: For this moment we just have around three because the operation has not started yet. We only just got the submission papers only, one of this is our consultant and the other one is budget manager.

Q: Consultant is not a employer for people probably on salary.

A: Then simple allegation temporary, temporary visa. Because it is just a initial acquisition of the project area.

Q: So you are not exactly an employee, the one I am referring to is people who are permanently on the payroll

A: Right now is one that is the general manager.

Q: That is yourself?

20 A: Yes, to work in coordination the connection between the activities here in Papua New Guinea and the overseas.

Q: So you rely on people who temporary engagement of people on the ground and that sort of thing?

A: Yes.

Q: As substantial foreign MrChiong Ling Ping is Malaysian?

A: Yes, Malaysian.

Q: That will mean Global Elite will need IPA certification approval, do you have copies of those?

A: I think is there already submitted also.

Q: They are already there?

A: Yes, inside the document.

Q: While counsel is checking through that I ask you the next question. Does the company have certification for as forest industry participant?

A: Yes, I think it is there.

10 Q: Alright we got it, that is current. You may have heard the chairman of Wammy Limited testified. He said that the distance between the shortest point from the project area to the nearest road is what?

A: 50 kilometers.

Q: 50kilometers?

20 A: Yes, but right now occupied by the parent company so in the future when the project will be awarded to Global Elite. The we need to do some corroborations with regards to the access of area, but right now we have discussion also with the MP MrIvi because they have a provincial plan to connect Lumi to Aitape. So we are evaluating two options for the access of the project. Because right now we do not know what time we can acquire the area.

Q: Alright, so you are counting on other people doing their bit and you intend create access to the project area, road construction will be a partnership between other people and yourself . You are not looking at going it alone yourself?

A: Yes.

Q: That is fifty kilometers of road. So initial construction at the site harvest begin logging and that sort of thing you are looking at like what two year, three years?

A: No, the clearing will start at – the area is forty percent grass land.

Q: Thirty percent?

A: Forty percent grassland. So all the environmental condition pertaining to logging contractors including the establishment a bar person also will be expected. This is a new approach for the development of Oil Palm Rubberotary. The development will be oil palm and rubber plantation. The oil palm will be on the little bit flat land and where it is sloppy will be the rubber plantation. So I am just stipulating there should be upper gradefor the river system so that one will be also just implemented. So according to the current guideline is award to the developer on 500 hectares pieces, once it is develop it is another 500 so the total clearing as we propose will divide the all area into 20 years but the project will depend on how the forestry give the clearance to us.

Q: Alright, so there is a chance all the clearing and planting will happen at once?

A: Yes, clearing but first establish the access then we will clear enough area for the necessary development because for oil it takes twelve months to grow the seedling. So while the seedlings starts growing then there will be start of the clearing. But we will clear first the grass land area because it is more easy.

THE CHAIRMAN: So what sort of crops you intend to plant again did you say, oil palm and what else?

A: Rubber.

Q: Rubber, that is only two?

A: Only two. At the moment the main crops will be this two species, the oil palm and rubber but in the future when the other commercial crops come in then with the consent of the landowner we do further agreement if the landowner want to bring this kind crops like we do not know maybe jaropa will That one is absolute close for two species, it depends on the benefits and the profitability in the future.

Q: What do you think things may happen say like if you get FCA by this year, you probably start planting next year?

A: Yes, next year. Not planting for construction and necessary building yet, because it takes 12 months to raise the oil palm.

Q: So your development plant projection you – your projections that by 2012 which is next year you would have planted 3,700 plus trees initially?

A: Yes.

Q: Looks likes you are not going to make it?

A: So we will adjust according to what is there.

10 Q: Are you going to do some clear felling?

A: Sorry?

Q: You going to do some clear felling that's cut tree down to make way for that?

A: Yes.

Q: So how long you anticipate that to take? In your estimate how long will it take to clear the forest, how many months are we talking about or years?

A: You mean for project subleases?

Q: Yes, you got to clear the forest before you start planting right?

A: Yes.

20 Q: So I am asking how long will it take for you to clear a forest. What is your best estimate, for six months?

A: No. depending on how big for one hector maybe one month is enough.

Q: For one hector?

A: Yes, one hector.

MR PUPAKA: Chairman, in their estimation they asses that forty percent of the project area is already grassland.

THE CHAIRMAN: Already grassland?

A: Yes.

THE CHAIRMAN: I see you so you do not need clearing of the forest.

A: Yes.

MR PUPAKA: All right moving on do you feel there is any risk inherent in the landowner issues?

10 A: Yes, because there is really big risk on this interval but we are trying to talk with the Wammy and as what transpired this morning we are sitting there with regards to the complain of the other group which also a landowner company in the area.

Q: Does the company has any plans to deal with contained landowners issues?

A: Yes, already I think the chairman already starting talks with chairman of other groups, but the Wammy and the Nakap.

12.40 pm] A: They already started the negotiation on these issues but right now because of the Inquiry, they will refocus their negotiation on these things.

20 MR PUPAKA: Yes, if they are in the negotiation stages, they are keeping those things close to their chest, they are not disclosing them. Yes, so, company individually does not have any plan to contain landowner issues?

A: No.

Q: Not at this stage?

A: Not at this stage.

30 Q: No plans to contain – minimize risk by way of containing landowner issues?

A: Right now, there are some initial work – activities to minimize these issues, but because we have not yet acquired the area, so our representations and our personality---

Q: Limited.

A: Is limited because we do not know if Forestry will give us the FCA. There is still a lot of deliberation to make.

10 Q: All right, that is understandable.

A: So the efforts to contain these issues are not yet at that utmost energy.

Q: Yes. So considering that there has been a bit of a delay and by the look on sound of things, this Inquiry has had a major impact on the progress forward. You will not be strictly keeping up with the project proposal deadlines timetables?

20 A: Yes, we already realize that one because by the time that we prepared the project proposal, the Commission of Inquiry is not yet, so---

Q: Are you required to iron that out with the Department of Agriculture and Livestock? You will need to re-submit or reach some kind of understanding on the deadline.

A: Re-submit.

Q: The oversight supervision function lies with the Department of Agriculture and Livestock.

30

A: Yes, yes.

Q: So are you required to work something out with them?

A: No, they already have some discussion with Department of Agriculture regarding the---

Q: Delay.

A: Yes, delay and – but because we do not know how far will go, so there is also understanding with us because of the necessity of this activity.

Q: Yes. Have you encountered any political programs associated with politics?

A: So far, not at this moment because we have the support also of the MP for this project. So our company is just in business or whoever runs the government, any investor, I think, should go along with what is the current policy that should be followed by the investors.

10

Q: Thank you. Chief Commissioner, while I am gathering thoughts, counsel and yourself could check our witnesses.

THE CHAIRMAN: Counsel, you have got any questions?

MS PEIPUL: Not at this time. Perhaps, if you have got some questions, then I can then follow.

THE CHAIRMAN: I really have got no questions, subject to what I am yet to see in that file, that is, intended, so I am not in a position to ask any questions at this point in time.

20

MR PUPAKA: There are 50 kilometres of road?

A: Yes.

Q: Yes. You would have had – you will be crossing or you will be – there will be a road needed to be built through what is called road-line areas. Have you encountered any issues with people who own land on the proposed road-line sites?

30

A: Not yet at the moment, your Honour, because we cannot just go to the area to do the preliminary evaluation and to do the road-lining because we do not have the FCA yet. So we have no 100 per cent personality to implement what we have planned unless we got the FCA.

Q: So no one has come knocking on the door saying, I have land on the road-line?

A: No one yet, no one yet since the road is not yet identified. But, actually, it is not that because the other side is already ordered to another company when we reach to that village where our Chairman, the one who also is leaving, then it will be close to our project now; just cross over the river and we will build the bridge, then we can start the activity.

Q: We will excuse the witness shortly. Chief Commissioner, I just need to clarify this with them. You have any association with any of the developers in portion 26C and 49C?

10

A: No.

Q: Different people?

A: Yes, those are different people.

Q: Different companies?

A: Although I heard from our Directors that most - some of them – some of the Directors of Wammy Limited also own the land that belongs to this sub 26C but as for us, for our interest, what we suggested to them is, we need to go first development before you settle your other area because that area also is too far away.

20

So I think by practicality and logic, that developer also cannot just merely go inside for maybe say six months to reach their deadline also because it is partly done already.

THE CHAIRMAN: Okay.

30

MR PUPAKA: Chief Commissioner, no further questions for the witness.

MS PEIPUL: Sorry, I do have one question. How closely have you been working with Wammy Limited with respect to – from the beginning of the project to now? Have you had any part in the land investigation process? Or, when did your relationship with Wammy Limited start?

A: Since the beginning, your Honour.

40 Q: Since the beginning when?

A: Here, these people approached us because they want development. So after we discussed with them, what is their interest, and we found out that as they say, they are representing from Magleri, to Warikori to Yawari. So since they start when we come back or when we start to go to the village, they do the public awareness and the organization of the ILG.

Q: Yes. Was Global involved in the – assisting them in the incorporation of Wammy Limited or did they---

10

A: Yes, yes.

Q: So you have assisted them with the incorporation of the company.

A: Yes.

Q: And you have also assisted them in the actual land investigation process as well in terms of logical support into transport and so forth?

20 A: Yes, of course, because especially in the – since they started the public hearing, There are two types of public hearings, the public hearing done with the Department of Agriculture, and the public hearing done with the Department of Environment and Conservation.

So because the area is so isolated, we need to charter a plane – to charter a helicopter – and with me also is another consultant for the evaluation of the biological labourers to the area for the preparation of this EIS. So, again, we chartered a helicopter to ask him to go direct to the area to do the evaluations, and findings, and this biological information.

30

Q: Yes. Did that also include assisting MrMalu from Port Moresby to come up to here to, essentially, conduct the land investigation?

A: Yes, we also assist the Lands because if we rely on them, then it will be very hard for them to go to the area because of budget or like that. So the role of the company is for the access of the officers to go to the area to do the job.

THE CHAIRMAN: That is, the officers from Department of Agriculture?

40 A: Sorry?

Q: That is officers from the Department of Agriculture to assist them?

A: Yes, Agriculture, Lands, these – all of these things because the area is so isolated.

Q: Yes, okay.

10 A: So I have nothing to do, unless if we just wait, then our target we will not realize according to our plan.

Q: Okay, that is all right, that is fine.

MS PEIPUL: Thank you.

THE CHAIRMAN: Okay.

12.50 pm] I have got no questions to ask, unless you have got any, any more questions to ask.

20 MR PUPAKA: Yes, gentleman, I remind you that now that you are under oath, we will feel obligated to consult counsel as to your whereabouts and the need to communicate to you our need to re-engage with you, so then it makes it easier for purposes of continued assistance to the Inquiry.

We will reconvene in Moresby. So better part of the acceptability, this is only tentatively accepted subject to cross-check with Department of Agriculture and Livestock and Environment people.

30 So for that reason, I ask that you stand ready to assist us as and when you can. But For time being, thank you for coming.

A: Be assured, your Honour.

THE CHAIRMAN: Thank you.

MR PUPAKA: All right.

THE WITNESS WITHDREW

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THE CHAIRMAN: Did you say you were going to---

MR PUPAKA: Yes, we have one, the President of the, I think, Namea LLG.

MS PEIPUL: LLG.

THE CHAIRMAN: LLG. Is he here?

MR PUPAKA: He was. He was wanting to – he wanted to so we will have the---

10

MS PEIPUL: Yau Jang.

THE CHAIRMAN: What is his name?

MR PUPAKA: Yes, I think it is Yau Jang. President Yau Jang.

THE CHAIRMAN: Where is he? Is he here?

MR PUPAKA: He was here. He probably got tired of waiting.

20

THE INTERPRETER: He went out.

THE CHAIRMAN: We cannot wait for him.

MR PUPAKA: His evidence is in relation to the Joint District Budget Priorities Committee, same as with the other two SABLs.

THE CHAIRMAN: So he is the President of what LLG?

30 MR PUPAKA: It is Namea LLG, not ILG.

THE CHAIRMAN: Namea?

MS PEIPUL: LLG.

MR PUPAKA: President of the Local Level Government Council.

THE CHAIRMAN: Yes, that is Namea LLG. Is that correct?

40 MR PUPAKA: Yes.

THE CHAIRMAN: He is here, he is gone.

MS PEIPUL: He is gone to town.

MR PUPAKA: He is nowhere to be seen. Chief Commissioner, we have heard from the two contending sides.

THE CHAIRMAN: Yes.

10

MR PUPAKA: Wammy Limited and Nakap Resources. We have heard from Lands Director; we have heard from the project developer's two representatives. The idea was to have the – to complete the triangle, the government perspective or Local Level Government perspective by calling – in accordance with what we have been doing things in the last couple of days, but he is not to be seen.

20 The utility of calling anyone else does not appear to us in any shape or form. But for purposes of – the gentleman, by the way, made his intention very clear and I do not wish to close the books on him. Give him an opportunity to say whatever it is that he intends to say on Monday, and I suggest for the purpose of calling that one witness, President of the Namea Local Level Government Council, to Monday in this matter.

We will start the remaining SABLs on Monday, that is the matter of Bewani, Ossima, and Vanimo Jaya and Ainbai-Elis on Monday. The other two remain part heard; Ossima and Bewani and this one.

THE CHAIRMAN: Yes, we will leave it until Monday.

30 MR PUPAKA: Because we have adjourned those two already to Monday, and the utility of calling Ainbai-Elis or Vanimo Jaya into remaining part of today, not good, because we have to commence hearings into Ossima and Bewani.

THE CHAIRMAN: Okay. If that is the case, then we will adjourn until Monday, and that President will have to be told that he has been given an opportunity on Monday at a specific time to be here. If he is not here, we cannot wait for him forever.

MR PUPAKA: Yes.

40

THE CHAIRMAN: There are other matters that we want to attend to. So that has been the case, we shall adjourn until Monday at half past 9 and we will commence with the remaining ones, that is, Bewani, Ossima, Ainbai-Elis and---

MR PUPAKA: Vanimmo-Jaya.

THE CHAIRMAN: Vanimmo-Jaya, we will commence on that on Monday next week.

10 MR PUPAKA: That is right, Chief Commissioner, we will adjourn and we will sort out some things - issues with the witnesses.

THE CHAIRMAN: Yes, all right. We will call for an adjournment until Monday.

20 **AT 12.55 PM, THE COMMISSION OF INQUIRY INTO SABL WAS
ADJOURNED UNTIL MONDAY, 21 NOVEMBER 2011, AT 9.30 AM.**

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