



# National Gazette

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[2014

*Land Groups Incorporation Act* (Chapter 147)

## CERTIFICATE OF RECOGNITION OF INCORPORATED LAND GROUP

REG ILG No: 16349

I certify that I recognize a customary group of persons as an Incorporated Land Group by the name of:—

### TARUPA LAND GROUP INCORPORATION

in accordance with Section 5(1) of the *Land Group Incorporation Act*

The Constitution of the Incorporated Land Group is set out below;

### CONSTITUTION OF TARUPA LAND GROUP (INC)

1. Name: The name of the group shall be *Tarupa Land Group Inc.* (hereafter referred to as the Land Group).
2. Membership: (1) Membership of the Land Group shall be open to persons who are members of the clan; or  
(2) To persons who regard themselves and are regarded by other members of the said clan as bound by Common Customs and Beliefs.
3. Controlling Body: (1) The affairs of the Land Group shall subject to any decision of the members in a general meeting, be controlled by a committee of not less than four (4) and no more than six (6) members.  
(2) The Committee shall be composed of a Chairman, Deputy Chairman, Secretary, Treasurer and up to two (2) other Committee Members as hereunder:—

**Position**

*Chairman*  
*Deputy Chairman*  
*Secretary*  
*Treasurer*  
*Assist Secretary*  
*Assist Treasurer*

**Names**

*Smart Vavari*  
*Ovo Kirara Uakai*  
*Vali Veniapa*  
*Vagi Uakai*  
*Smart Varipa*  
*Gershom Smart*

Certificate of Recognition of Incorporated Land Group (Reg ILG No. 16349)—*continued*

Four (4) members of the committee shall constitute a quorum.

(3) Members of the Committee shall be appointed as necessary by consensus of the members of the Land Group.

(4) Any deed or document that is required to be executed by the Land Group shall be signed by two (2) members of the Committee one of whom shall be the Chairman, and such execution shall be binding on the Land Group.

4. Dispute Settlement Authority: (1) There shall be a Dispute Settlement Authority for the Land Group, which shall consist of one or more but not more than three (3) members.

(2) The Dispute Settlement Authority shall be:—

Names

*Smart Vavari*

*Tauro Gebo*

*Thalavu Varagelea (BEM)*

Village

*Kapari*

*Obaha/Dom*

*Gavuone*

(3) Disputes referred to the Dispute Settlement Authority may be, considered by any of its members. Decisions of the Dispute Settlement Authority where more than one member is involved are to be unanimous.

5. Address for Services:

The address of the Land Group for service of notices shall be

(a) for Postal Service:

The Chairman,  
Tarupa Land Group Inc.,  
Kapari Village,  
KUPIANO, Marshall Lagoon, Central Province.

6. General:

Any other matter not provided for in this constitution either between the members of the Land Group, or between and the Land Group shall be regulated by the Traditional Customs of the Kapari Village.

Given under my hand at Waigani, this 8th day of February, 2010.

R. KAVANA,  
The Registrar of Incorporated Land Groups.

*NB:*—As Committee Members and Dispute Settlement Authority Members may change from time to time a search of the register copy of the Certificate should be conducted.

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*Land Groups Incorporation Act (Chapter 147)*

**CONSTITUTION OF THE TARUPA (LAND GROUP INCORPORATED)**

**1. NAME**

The Name of the Land Group will be known as *Tarupa Clan* ("Land Group incorporated). In the rest of the Constitution, it will be referred to as "the Land Group".

**2. MEMEBERSHIP**

(1) The qualification for Membership of the Land Group is that a person recognizes himself/herself, and is recognized in accordance with the Tarupa traditions and customs by other members of the Tarupa Land Group from Kapari village, as being a member of that group.

(2) Membership of the Tarupa land group is generally determined in accordance with the following traditional laws and customs;

**Constitution of the Tarupa (Land Group Incorporated)—*continued***

- (a) A child becomes a member of its father's group by birth;
- (b) A person from outside Kapari village who marries a member, and who lives in Kapari village for more than four (4) years, may become a member by marriage upon general consent of other land group members;
- (c) A child whose father comes from outside the land group area may become a member for its mother's group in the following cases:
  - (1) If the mother is unmarried; or
  - (2) If the mother is separated from the child's father; and
  - (3) If the parents have agreed that the child should belong to the mother's group;
- (d) An infant from another customary group is adopted by a male member of the land group can become a member of the land group upon general consent of the other land group members.

**3. RECOGNITION OF GROUP MEMBERS**

- (1) It shall be a Primary function of the Committee of the Land Group to maintain an up-to-date record of all recognized Members according to the Group's Traditional and Customary Law (as described in Section 2).
- (2) A Record of all Group Members shall be kept by the Committee and shall be the only record of the Group Members, which is referred to for the purposes of this Constitution.
- (3) The Accord of all Group members shall be updated by the Committee as least once every year.
- (4) The Committee can only make changes to the Group record by adding new members or deleting members if the changes have first been approved by the members of the land group at a meeting in accordance with Section 5.
- (5) When the Committee wishes to update the Group, it must make an entry in the Record, which;
  - (a) Lists the names of the persons to be added to or deleted from the list of members in the group record; and
  - (b) Records the dates of the meeting at which the land groups approved the change of membership of the group; and
  - (c) Is signed and dated by all members of the committee.

**4. COMMITTEE**

- (1) The Controlling Body of the Land Group is to be;
  - (a) Titled the Tarupa Land Group Committee (referred to in the rest of this Constitution as the Committee);
  - (b) Composed of Tarupa members of the Land Group;
  - (c) Initially made up of these following members, who are currently the new sactioned members of the Tarupa Land Group;

Smart Vavari  
Michael Vavari  
Billy Kila Vavari  
Smart Varipa Vavari  
Leka Smart Vavari  
Gershom Smart Vavari

**Constitution of the Tarupa (Land Group Incorporated)—*continued***

- (d) Appointed by general consensus among the membership of the land group at meeting convened in accordance with Section 5, as and when to fill vacancies in the committee as it arises;
- (2) The Committee is responsible for the efficient conduct of the affairs of the Land Group and in particular shall:
  - (a) Call meetings of the members and for the members to be well informed on the affairs of the land group; and
  - (b) Make sure that suitable records of the meetings and other affairs of the land group are kept and look aftered.
- (3) Any members of the Committee may be recorded by the members of the Group at a Meeting duly convened in accordance with Section 5 of this Constitution.

**5. MANNER IN WHICH THE GROUP ACTS**

- (1) The Land Group acts in the following manner:
  - (a) Before any act of the land group, the committee shall give notice to the members stating:
    - (i) When and where the land group meets; and
    - (ii) The nature of the matter on which the land group proposes to act;
  - (b) Notice given under paragraph (a) should not be given less than (3) days before the meeting;
  - (c) The matter on which the land group proposes to act shall be fully discussed at the meeting, and a decision reached on the matter by consensus of the member's present;
  - (d) Provided that at least half of all resident members, age 16 years or more are present at the meeting in which a decision is reached in accordance with paragraphs (a), (b) and (c) shall not be invalidated by reason of the absence of an individual member or members of the land group;
  - (e) When a decision is reached in the above manner, that decision is the authority for the committee to act on behalf of the land group so as to carry the decision.
- (2) The Acts of the Land Group are evidenced by the members of the Committee completing and signing a Certificate in the form attached to this Constitution.

**6. POWERS**

- (1) The Land Group has all the Powers conferred by the *Land Group Incorporated Act*, Chapter 147, except that the Land Group shall not dispose of the absolute ownership of Customary Land owned by the Land Group;
- (2) The Powers referred to above are those in Section 13 of this Act, which the Land Group can:
  - (a) Acquire, hold and deal with user rights over the land, in a customary manner;
  - (b) Use and manage its land, and enter into agreements for its use or management;
  - (c) Borrow money for its land development; and
  - (d) Distribute or apply any products, profits or income from its land.
- (3) The Land Groups Power to lease customary land owned by it, or enter into a similar Agreement of the use of such Land, or to enter into an Agreement for the Management of such Land, is subject to the condition that the Terms of any such Lease or Agreement have been set out in written document, which has been approved by a Decision of the Land Group at a meeting in accordance with Section 5.

**Constitution of the Tarupa (Land Group Incorporated)—*continued***

**7. CUSTOM WHICH APPLIES**

The Land Group shall act in accordance with the Customs of the Tarupa people, who speak the Mailu language.

**8. DISPUTE SETTLEMENT AUTHORITY**

(1) The dispute Settlement Authority of the Land Group shall be made up of three (3) persons appointed as follows;

- (a) One person appointed by the Committee Varipa Vavari of Tarupa Land Group
- (b) One person appointed by the Dauro Gebo of Obaha land group committee; and
- (c) One person appointed by the Thalavu Varagelea of Gavuone (Land Mediator Chairman)

\*18\* insert here the name of another land group selected for this purposes.

\*19\* insert here the name of local level government or other body selected for this purpose.

(2) In accordance with Traditions and Customs, the Dispute Settlement Authority will consult the Bigmen and Bigmeri from the Area in which the Dispute arises in the course of their deliberations.

**9. SERVICE ADDRESS**

(1) The Address for Service of Notice for the Land Group is;

Tarupa ILG 16349  
United Church, Kapari Village, Kupiano  
Marshall Lagoon  
Central Province, Papua New Guinea

**10. ACTS OF LAND GROUP BINDING ON ALL MEMBERS**

Any acts taken by the Land Group in accordance with this Constitution are binding on all members of the Land Group.

**11. RULE MAKING POWER**

(1) The Committee may make Rules applying to the internal affairs of the Group;

(2) Any Rules made under Sub-section (1) shall;

- (a) be in writing; and
- (b) be in the language of the group, and a rule shall only take effect if it has been approved by a decision of the land group in a meeting in accordance with Section 5.

(3) Any Rule, which is inconsistent with this Constitution, is invalid.

**12. VARIATION OF THE CONSTITUTION**

(1) Subject to the requirements of Section 9 of the *Land Group Incorporation Act* (Chapter No: 149), this Constitution may be varied where the Land Group has made a Decision in accordance with Section 5 to vary this Constitution.

(2) This power to vary the Constitution shall not take effect unless the Decision has been made by the Land Group at two meetings in accordance with Section 5, at least one (1) month apart.



**Constitution of the Tarupa (Land Group Incorporated)—*continued***

**13. ADOPTION OF THIS CONSTITUTION**

- (1) A meeting shall be duly convened by the Members of the Land Group at a time and place to be nominated by the Committee Members (elect).
- (2) The provisions of this Constitution shall be adopted by all the Group Members after a Consensus Decision to that effect is taken at such a Meeting.
- (3) The Committee (elect) shall be duly authorized and directed to Certify the adoption of this Constitution on behalf of the Members of the group and shall annex such Certification to this Constitution including a Record of the Consensus decision taken at the meeting called for the purpose of the Adoption of this Constitution, whereupon the Constituion shall be adopted.

**14. CERTIFICATE**

Proforma of the Land Certificate is as annexed below. It will be issued by the Department of Lands & Physical Planning once approved.

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**Land Group (Incorporated)**

This is to certify that, at a Meeting of the Land Group held on the first day of June, 2013, where forty-seven (47) adult Members of the Group were present, the following decision was taken;

That the Tarupa ILG agreed that application for land registration would be lodged. The prescribed qualifications accompanied are the requirements as follows:

- . Recognised ILG No: 16349
- . List of Land Group Members accompanied by Birth Certificates
- . List of Assets and Properties
- . Constitution of the Land group
- . Tarupa Traditional Genealogy
- . Sketch map of all Customary Land

Under the Constitution of the Land Group, this Decision is a Decision of the Land Group, and is binding on all Members of the Land Group.

The Committees

SIGNED:

S. VAVARI

B.K. VAVARI

L.S. VAVARI

M. VAVARI

S.V. VAVARI

G.S. VAVARI