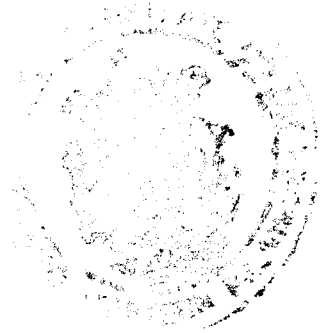


**IN THE WESTERN CUSTOMARY]
LAND APPEAL COURT]**

WCLAC case No: 1 of 2013

Before: Allan Hall - President
Erick K Ghemu - Member
Willington Lioso - Member
Tane Ta'ake - Member
Davis D Vurusu - Clerk/Member



IN THE MATTER of: Liukana Customary Land Timber Right Appeal.

Between: Rowson Lukisi - Appellants
Richard Lukisi

And: Alick Soqati - 1st Respondent
Collies Tutua - 2nd Respondent
Robert Vaekesa - 3rd Respondent

COURT RULING:

This is an appeal against the determination of Choiseul Provincial Executives on their rejection of timber right application on Liukana customary land in Choiseul Province.

The Appellants in this case are the proposed land owners during the timber right hearing at Taro, Choiseul Province. Being an aggrieved party to the Choiseul Provincial Executives determination, they filed three grounds of appeal before WCLAC.

Grounds of appeal:

1. The Executive erred in Law in failing to enquire into the issue of ownership in custom as a preliminary to identify the persons who are entitled to grant timber rights over Liukana Land.
2. The Executive erred in Law in giving too much weight on the evidence of the Respondents, in particular:
 - (i) Collies Tutua who claimed to have obtained timber rights over part of Liukana Land without presenting the map where is Bingo Land and in any event the alleged CLAC decision is not binding on the Appellants who are not party to the same.
 - (ii) Alick Soqati who claimed to have a pending dispute over part of Liukana Land when Local Court shows that there is no pending dispute before them over Liukana Land; and
 - (iii) Robert Vaekesa who claimed right over Liukana Land when his right in custom has been conclusively extinguished by the combined decision of the Babatana and Avaso House of Chiefs.

3. The Executive erred in law in failing to publish its decision as required by Section 10 (1) of the Forest Resources and Timber Utilisations Act.

By the wording of these grounds of appeal It is the view of this court that all grounds stated above raise issues relate to Law and ownership in which this court lacks jurisdiction to entertain.

This court therefore thinks fit to discuss the question of whether the WCLAC has jurisdiction to entertain these grounds of appeal first as this will determine whether we can deal with these grounds of appeal.

Appellants:

Appellants' spokesperson Mr. John Niqe submits that this court has power to deal with grounds No: 2 of their appeal.

2nd Respondent:

Second Respondent Mr. Collies Tutua submits that if appeal ground 1, 2 (i)(ii)(iii), and 3 relates to point of law and ownership then this court has no power to deal with it.

The Court:


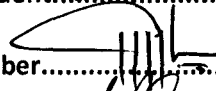
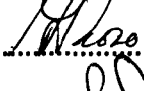

This court upon hearing both parties' submissions and upon reading the grounds of appeal we rule that appeal grounds number 1, 2, and 3 raises issues relating to point of law and ownership in which this court lacks jurisdiction to entertain.

It is clear from the minute of the Choiseul Provincial Executive that there is dispute in relation to ownership in which this court cannot entertain when it come by way of appeal under FRTU Act.

Having considered that, we conclude that the appellants grounds of appeal 1, 2, and 3 is struck out. The determination of the Choiseul Provincial Executive is upheld.

Dated this 3rd day of April 2013.

Signed:

Allam Hall	-	President..... 
Erick K Ghemu	-	Member..... 
Willington Lioso	-	Member..... 
Tane Ta'ake	-	Member..... 
Davis D. Vurusu	-	Clerk/Member..... 