



LAND TOK



A Quarterly Newsletter of Department of Lands and Physical Planning

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NEC APPROVES 2019 NATIONAL LAND SUMMIT OUTCOMES



Members of the National Land Summit Working Committee posing with the Prime Minister, James Marape, Minister for Lands and Physical Planning and Minister for Housing during the announcement of the National Land Summit outcomes.

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2019 NATIONAL LAND SUMMIT OUTCOMES ENDORSED

NEW STRATA TITLES LEGISLATIONS

PM OPENS DIALOGUE WITH THE MEDIA

The National Executive Council has endorsed the adopted resolutions of the National Land Summit 2019 held in May this year.

Prime Minister, James Marape in announcing the NEC endorsement at the International Convention Center on the 17th October 2019 said he was pleased with the efforts of all state agencies involved.

"When we talk about SME, linking people back to commercial agriculture, commercial and hospital industry, SME is mostly land based and proper unbundling of land as far as public policy is concerned whilst traditional landowners maintain their inherent right over their land and generating income for landowners is important," Mr. Marape said.

The Prime Minister said the government's core business focus is to empower people into business and therefore will embark on unleashing business potential for the citizens.

He said the government does not intend to alienate land from its traditional landowners instead, ensure that the land is properly titled and documented. He added that government will do its absolute best to bring complementary infrastructure to where people are and encourage them to engage in commercial activities whether in agriculture or other commercial activities.

Mr. Marape said people and land can never be isolated. He said both are in the same coin but on different sides, adding that people's right to the land can give them access to commercial facilities that can generate income for landowners right across the country.

"Our people own land. If you are to properly work it through and ensure that land is convertible, that land can be used as collateral. That land can be used for investment. Then certainly our people can be on the right path towards ensuring they sustain their livelihood over their own land."

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For any queries or questions, email the Land Tok News Editorial on: samc@lands.gov.pg or call: (+675) 3013228

Message by the Executive Editor

WELCOME to another edition of the Department of Lands and Physical Planning Quarterly publication of our newsletter. We are pleased to bring to you in this September edition, a wrap of all the major developments particularly at the policy level which we have worked hard throughout the year to ensure the various legislation changes and policy implementation are carried out as expected. This year 2019 has been a year of yet a bigger milestone achievement because we successfully rolled out the 2019 National Land Summit held in May this year.



OSWALD TOLOPA
ACTING SECRETARY

We are grateful that the National Government under the leadership of the Marape-Steven government has now approved and endorsed the 17 resolutions in its entirety for implementation. The major focus of the land summit 2019 is to unleash customary land to empower landowners in a way to achieve our developmental goals without removing ownership rights from our traditional land owners.

We are also pleased to present the new Strata Titles Bills 2020. The strata titles allows developers or unit holders within an apartment the opportunity to have registered title ownership over their identified unit area or common ownership of area shared with other unit holders in the same building or land area. Our automation system of land process is also being developed with some process soon to go live in the coming months including the electronic scanning of all land files to avoid duplication. More positive stories coming out in this issue.

Thank you and Happy Reading!



- The National Land Summit held in May 2019 outcome included 17 resolutions validated and adopted. The issues include:

- Landowner Identification with an adopted resolution of establishing a structured process for the identification of customary landowners for the successful mobilization of customary land for development.
- ILGs or Incorporated Land Groups with an adopted resolution of giving relevance to the ILG as a vehicle for mobilizing customary land for development
- Voluntary Customary Land Registration (VCLR) with an adopted resolution to give relevance to the VCLR

process as a legal framework for mobilizing customary land for development needs:

- Benefit Sharing with an adopted resolution to develop a legal framework that guides the mobilization of customary land for development and the distribution of the proceeds from the development
- Improving Efficiency in land administration within Department of Lands and Physical Planning (DLPP) with an adopted resolution to elevate the status of DLPP to Central Agency level and establishing an independent agency to administer customary land.



Members of the 2019 National Land Summit Working Committee at a recent media briefing.

NEW STRATA TITLE LEGISLATION INTRODUCED



The Department of Lands and Physical Planning will soon be introducing strata titles apart from the Torrens Titling system the department is currently administering.

Strata titles will allow developer and unit holders in apartment style development and high-density housing developments the opportunity to have registered titles ownership over their identified Unit Area and Common Ownership of Areas that is shared with the other unit holders in the same building or area of land.

Lands Minister John Rosso in announcing the new legislation for the Strata Titles said Strata Titles provides an alternative for home and property ownership.

“As with all other property ownership and the rights and duties that comes with Title Ownership under our Laws, strata titles will be advantageous to many seeking to own property, whether to live in or for investment.”

A Land Administration Reforms Committee under the direction of the Minister has prepared a draft Strata Title Legislation to be introduced in 2020.

Benefits of Strata Titles include:

- Provide unit holders registered title certainty to their area purchased, rather than what is administered currently whereby the building and land has a single title

owner and unit holders only have subleases for their units

- Defines unit holders their legal rights to access to the common access to the whole property.

- Creates options for lower prices for units/dwellings within locations where outright land purchase would be expensive

- Banks and lending institutions can better cater for and are favorable to strata titles when developing lending options rather than a sublease situation as currently administered

The bills which are on the Lands Department website have now been cleared by the State Solicitor for public consultation.

The private sector, property developers, financial institutions, superannuation funds and the legal profession are strongly encouraged to comment and provide their feedback through an online survey on the following link:

<https://www.lands.gov.pg>

or Facebook page: <https://www.facebook.com/stratatitlebill/>

A downloadable form is also available on the Lands Department website which can be completed and sent back to the email:

Stratatitle_feedback@lands.gov.pg or the feedback can be dropped off at any Lands Department regional offices in Goroka, Kokopo, Lae or the Head Office at Eda Tano Haus Waigani- National Capital District.

Minister explains Strata Title legislation

Strata Title Legislation are set to be introduced in Papua New Guinea particularly in urban settings.

Minister for Lands and Physical Planning, John Rosso said Papua New Guinea through the Department of Lands and Physical Planning and the Office of the Registrar of Titles, issues State Leases Titles using the Torrens Systems of Titles Registration.

"Currently, alienated State Land is leased for 99 years from the State, which means that the lessee of the property owns the lease for that term (99 year period), along with the buildings or structures on it. With a Torrens Title, lessees secure land through registration and issuance of a State Lease by the Registrar of Titles- one Title to one identified and registered area of State Land," The minister said.

"The administration of State Leases over high density developments like apartments, duplexes, townhouse development where there are two or more units within one area of land is a little more complex and uncertain for unit holders within the current legal regime and I have directed the Department of Lands and Physical Planning to review its current practice and administration to provide some legal certainty to unit holders."

The Minister further explained that as part of land reforms,

a Land Administration Reforms Committee has been setup under his direction to prepare the draft Strata Title Legislation to be introduced in 2020.

"Properties that are adjoining in some way-like apartments or townhouses – are normally bought under strata titles in other jurisdictions supported by distinct legislation and regulations. It is time our Registry of Titles provides the same options in Papua New Guinea."

The Minister said the Strata Titles will allow developers and/or unit holders in these apartment-style developments and high-density housing developments the opportunity to have registered titled ownership over their identified Unit Area and Common Ownership of Area that is shared with the other unit holders in the same building or area or land.

The Minister said Strata Titles provides a further option for home and property ownership.

"As with all other property ownership and the rights and duties that comes with Title Ownership under our Laws, strata titles will be advantageous to many seeking to own property, whether to live in or for investment purposes," The Minister stressed.

Wider consultations on the new Strata title bill is underway for input from all government and stakeholder agencies.

Strata Title Bills 2020



Lands Minister John Rosso flanked by Acting Deputy Secretary Corporate Affairs and Chairman of LARC, Patrick Minato (L) and Acting Secretary, Oswald Tolopa (R)

Government opens dialogue with Media

“Society needs to have correct information all the time to make learned and informed decisions in life.”

This is from Prime Minister James Marape in a recent Media Breakfast hosted at the International Convention Center in Port Moresby.

The Prime Minister's Media Breakfast was described as the first of its kind in creating dialogue between Government and Media professionals from across all sectors. The Prime Minister said the influx of social media for better or worse was in the mix now adding that the use of Social Media was the way our life revolves into the future. He said the mode of news dissemination is now gaining a wider reach and becoming easily available than before, adding that there is a need now for both Government and the media to respond well to this effect.

Issues of unregulated social media news were also raised and the challenges journalists and Public Relations Officers in both Government and Private Organizations faced were also highlighted.

The Prime Minister stressed on the importance of having intelligent conversation among the educated which was something that needed to be encouraged and occasions whereby professionals gather; regardless of their profession, can spark conversations and knowledge -

sharing because each and everyone is a leader in the different sectors they represent.

The Prime Minister also invited the mainstream Journalists, Public Relations and Public Diplomacy officers in attendance to put in writing their thoughts on the developmental cost of services in the Health and the Education sectors within a two weeks time-frame.

The aim of the PM's Media Breakfast forum was:

1. Provide a forum for members of the mainstream media and Public Relations/Diplomacy Officers to discuss development issues that they have encountered in their line of duty.
2. Create space for dialogue on what the statistics are for health, education, law and order, economic growth or investments and business and gender equity.
3. Give an opportunity to members of the mainstream media and Public Relations/Diplomacy Officers to make suggestions on how the Government can reduce the negative statistics, and the role of the media in achieving this.
4. It is also an opportunity to bring to the attention of the Prime Minister the challenges of media work in PNG.

Meanwhile, Media Council President, Neville Choi also highlighted challenges that mainstream journalists face.



Prime Minister James Marape and senior government officials officiating at the conference as President of the PNG Media Council, Neville Choi (far left) makes his remarks during Prime Minister's Media Breakfast Conference 2019



National Land Summit 2019

ISSUES, MAIN POINTS AND RESOLUTIONS



ISSUES

MAIN POINTS

ADOPTED RESOLUTIONS

| | | |
|--|---|--|
| 1. Landowner Identification | 1. There should not be one single process for identifying landowners. | 1. Establishing a structured process for the identification of customary landowners is critical for the successful mobilization of customary land for development The legal and administrative framework for landowner identification should be flexible and allow for the use of existing social structures and administrative processes such as village courts, village councilors, land courts and NID. |
| 2. Incorporated Land Group | 2. There is no clear consensus on the usefulness of the ILG as a vehicle for mobilizing customary land for development. | 2. The relevance of the ILG as a vehicle for mobilizing customary land for development needs to be reviewed with the view to amend or repeal the ILG Act. |
| 3. Voluntary Customary Land Registration (VCLR) | 3. The VCLR process is long, costly and titles are not bankable. | 3. The relevance of the VCLR process as a legal framework for mobilizing customary land for development needs to be reviewed with the view to amend or repeal. |
| 4. Benefit Sharing | 4. A structured benefit sharing arrangement for incomes generated from the mobilization of customary land for development is required | 4. Develop a legal framework that guides the mobilization of customary land for development and the distribution of the proceeds from the development. |
| 5. Improving Efficiency in land administration within DLPP | 5. Land is fundamental to nation building and yet is poorly understood and managed in PNG. Reforms into the systems and processes of land administration within the Department of Lands and Physical Planning (DLPP) are fundamental for the effective administration of land in the country. | 5. Elevate the status of the role of land in nation building by exploring options to elevate the status of the Department of Lands and Physical Planning to Central Agency level and establishing an independent agency to administer customary land. Reforms into the systems and processes of land administration within DLPP must complement efforts to reform customary land tenure with the view to ensure credibility in the systems and processes that will facilitate and administer customary land. |
| 6. Land Dispute Resolution | 6. The systems and process for land dispute resolution requires a major overhaul because inefficiency in the systems and processes of land dispute settlement mechanism is frustrating customary land development. | 6. Review the systems and processes of land disputes settlement with the view to introduce efficiency as an integral part of customary land tenure reforms. |
| 7. Improving Customary Land Registration | 7. A new agency fully responsible for the administration of customary land is required. | 7. Establish a new agency to administer customary land in PNG. |
| 8. Special Agriculture Business Leases (SABLs) | 8. SABL remains an issue that needs policy clarity and decision. | 8. Resolving the SABL issue in the light of the Commission of Inquiry will buy credibility to the customary land tenure reforms. Hence, a clear policy on the future of SABLs and what to do with the existing SABL titles is required. |
| 9. Freehold Titles | 9. There is increasing cases of abuse of freehold titles and the financial sector is refusing to accept freehold titles as collateral for mortgage. | 9. Reviewing the relevance of the Land Tenure Conversion Act within the spirit of the reforms to customary land tenure. |
| 10. Conflicting land use and titles/ licenses over the same piece of land | 10. Issuance of conflicting land titles and or license over the same parcel of land affecting the same people is a growing concern. | 10. Review the legal and administrative processes for the plan, use and grant of titles and or licenses with the view to have the systems and processes synchronized and harmonized. |
| 11. Underwater lease/water ways | 11. There is conflicting understanding and the application of law and processes dealing with various rights (ownership, use and access rights) over underwater leases and resources therein and water ways in PNG. | 11. Establish a process for policy dialogue and debate on the legal and customary interpretations and their applications with the view to develop clear policy, legal and administrative frameworks. |
| 12. Integrating traditional urban villages into town planning/Urban growth and expansion | 12. The idea of integrating urban villages into urban planning is critical for the development of viable towns and cities in PNG. | 12. Establish policy and legal pathways for the integration of urban villages into towns and cities and as an integral part of customary land mobilization. |
| 13. Land Compensation | 13. Land compensation claims cuts across alienated land, customary land used by utility service providers and the State, and land accessed by resource project developers. | 13. Establish a process for policy debate with the view to establish legal and administrative pathways for addressing each of these issues as part of customary land tenure reforms. |
| 14. Legal vs Customary Rights ownership | 14. Lack of proper land tenure administration and harmonization of laws causing conflicts in rights and interest as to ownership, possession and use of land. | 14. Establish a clear policy dialogue process for public debate on the need for clarity and the harmonization of laws dealing with legal vs customary ownership rights over minerals, oils & gas, sea, water ways (river systems), and alienated (State or Mission) owned land as a complementary process for the effective mobilization of customary land for development. |
| 15. Bankability of land titles | 15. Security of land tenure with the view to ensure land titles are bankable is fundamental. | 15. Reforms to customary land must ensure security of tenure and bankability of titles. |
| 16. Economic of scale is fundamental | 16. Absence of trunk infrastructure and high cost of developing trunk infrastructure. | 16. Reforms to customary land tenure must ensure scales land is mobilized for development given the high cost of trunk and infrastructure and complementary investments critical for making a project viable. |
| 17. Complementary Policies | 17. Need for incentivizing the private sector to undertake investment in land. | 17. Complementary policies such as the introduction of a Tax Credit Scheme to scale projects such as the development of satellite and or major townships on customary land in cases where there is no trunk infrastructure should be considered. |

Solicitor General explains roles to DLPP staff



Staff from OSG and DLPP during the outreach program conducted by the OSG

The Office of the Solicitor General (OSG) has called for a strengthened client-lawyer relationship with the Department of Lands and Physical Planning.

Solicitor General, Tauvasa Tanuvasa made the call during a recent outreach program officiated by the OSG. Participants included relevant Department of Lands and Physical Planning Statutory Office representatives from the Office of the Registrar of Titles, Office of the Valuer General, Office of the Chief Physical Planner and Legal and Policy Officers.

According to the OSG, DLPP is one of the Departments that have been subject to many court proceedings; with a culmination of up to over three million Kina in Judgment debts paid by the State for court matters involving the Department in the last five years alone.

"There are currently over 2 thousand matters filed in Waigani alone relating to court proceedings involving the Department. From these statistics, we hope to strengthen client-lawyer relationship with DLPP to control the amount of judgment debt and reduce the claims against the DLPP & State," Mr. Tanuvasa said.

He also highlighted the fact that there were other cases involving the Department of Lands for instance: Judicial review cases which were not related to damages claims.

Officers successfully complete Introduction to Property and Rating training

A total of 13 staff representing various divisions within the Lands and Physical Planning department have successfully completed a 1 day in-house training on Introductory to Property and Rating, a system that is part of the LEAP (Lagis Enhancement and Application Program).

Trainer and Senior PC Support Officer, Andrea Bengo said the objective of the training was to give participants identified as end users; the basic understanding of performing: Land enquiry, Name enquiry, Property enquiry and Application enquiry.

Ms. Bengo said she was satisfied with participants' response during the practical sessions and is confident they can now carry out tasks expected of them using the automated system.



Solicitor General, Mr. Tauvasa Tanuvasa

"One thing you have to realize is that authority is given through the act of parliament, through legislation and ultimately out of the constitution of PNG. So in that respect, we should exercise government power with extreme caution and ambit of law.

"No provision of acts you look after works in isolation. You must always look holistically at the acts which you administer," Mr. Tanuvasa stressed.

He said the workshop was timely as it enabled the OSG to understand issues at the different key statutory offices. He added that the workshop also provides an opportunity for OSG to establish effective working relationship with the different statutory office holders at DLPP so they can understand their roles and functions in order to better represent them in court and vice versa.

"We are here to have interactive workshops to bring out the issues and concerns. We are the principle legal advocate for the state so any court matters involving the state, we are here to assist the court and guide the court to make good decisions.

"Solicitor General deals with all civil claims made for and against the state. These range from negligence or nuisance, all claims seeking damages or some sort of compensation against the state," Tanuvasa said.



Ms. Bengo (R) attending to participants during the P&R training

The P&R system is now installed for the end users to use to better serve clientele queries regarding their property.



Speech by the Minister for Lands and Physical Planning



On the occasion of the Launching of the National Land
Development Program Phase II
"Our Land, Our Life, Our Future"
International Convention Center,
Port Moresby, National Capital District
17th October 2019

INTRODUCTION

- The Prime Minister – Hon. James Marape,
- Minister for Housing and former Lands Minister- Hon. Justin Tkatchenko
- The Media fraternity
- Distinguished Guests, Ladies and Gentlemen.

The agenda on Land Reform has quite a long history. It has existed through successive governments and has faced many challenges. The Land Reform Agenda was dormant for the last 6-7 years. My special thanks to my predecessor the current Minister for Housing and Urbanization – Hon. Justin Tkatchenko who noted the importance of land reform and taken the leadership to ignite the process to revive the land reform program early this year specifically focusing on reforming customary land in PNG. I commend him for his bravery in venturing into an area most Papua New Guinean leaders do not dare to go. It is indeed a great success with the outcomes; the 2019 National Land Summit's 17 resolutions and cabinet endorsement of the outcomes, which we are here in this room to announce to the nation.

When I came in as a new Minister for Lands, this was one of a major reform item that was brought to my attention. After going through the underlying rationale behind the reform initiative, I am more than convinced that this is a way forward for PNG to realize its development aspirations through empowering of our people to utilize their land to improve their livelihoods. Consequently, I remain committed to this great initiative and will ensure I initiate the implementation of most of these 17 resolutions during the term of this government.

Once again, thank you all for coming this landmark event heralding the start of seriousness of the Marape- Steven Government to reform customary land in PNG that will pave the way for sustainable economic growth.

Land Reform in PNG

Past attempts at land reform always failed with bloodsheds however, after the inaugural National Land Summit in 2005, major strides were made into reforming land in PNG. The Government then established the National Land Reform Program Phase I which was tasked to implement the recommendations of the 2005 summit. Notable achievements made to date include; creation of the separate land court to deal solely with land disputes and is under the magisterial services, creation of the ILG and Customary Land Division within DLPP and the amendments made to two pieces of legislations to enable the forming of ILGs and registration of customary land. However, the program lost momentum commencing 2013 when the reform program was subsumed into the National Land and Affordable Housing Program which distorted the reform aspirations. 2019 National Land Summit

After 6 years, the program is now revived. Four (4) regional consultations (Port Moresby, Kokopo, Madang and Mt. Hagen) for landowners and provincial governments and a stakeholder's workshop in Port Moresby for regulators, major agricultural investors, major mining companies, real estates and foreign diplomatic corps were conducted to gauge their views on customary land development.

From these consultations, 17 resolutions were reached. These resolutions were verified and endorsed by all stakeholders in early May this year during the major National Land Summit here in Port Moresby at this very venue. Cabinet Decision I am now pleased to announce that the Marape- Steven Government has now approved and endorsed the 17 recommendations in its entirety for implementation commencing 2020. The program will now be called the National Land Development Program Phase II.

Administration Structure of Land Reform Implementation The implementation is featured under 3 thematic areas:

- Land Administration
- Customary Land Development; and
- Land Dispute Settlement.

The Government endorsed establishment of Land Reform Committee (LRC) and a Program Management Unit (PMU) to administer implementation of the National Land Development Phase II. The LRU and PMU would comprise of officers from:

- Department of Lands and Physical Planning
- Department of Justice and Attorney General;
- Department of National Planning and Monitoring
- Department of Treasury
- National Research Institute
- Other relevant agencies.

Key Outcomes of Reform Program

The key priorities and outcomes of the NLDP Phase II are:

1. Establishment and organization of Customary Land Development Agency;
2. Reviewing of existing legislations dealing with Customary Land;
3. Strengthening of Land Court System; and
4. Reforming of existing agencies dealing with Customary Land
5. Ensuring the bankability of the customary and titles

Other Reform Initiatives Undertaken by DLPP

On this occasion, I am also happy to announce other reform initiatives undertaken by my Ministry- the DLPP;

1. Title Security- with technical assistance from Australian Government through the Department of Foreign Affairs, the DLPP is working on a new look state lease title with Security features to avoid duplication of titles.
2. All Land records are being scanned so that the records will be stored electronically which will solve the problem of missing files.
3. The DLPP's Automated System will be used come 2020 beginning with title dealings where transfer and mortgage registrations will electronically processed. Also, the billing and receipting using the Auto Mated System will commence in 2020 and this will significantly increase the Revenue that will be generated by the department.
4. Strata Title – DLPP is working on a bill to introduce strata titling in PNG whereby units and apartments will be issued titles. This is to encourage high rise buildings and to maximize the use of available state land/space in urban centers. Also, this will increase revenue for the state. Currently, stakeholder consultation is underway through an online survey.
5. Legislative Amendments- most laws administered by DLPP is outdated. DLPP will look at amending some laws to have it compatible with the changing environment.

Conclusion

Land is the only and very critical asset that Papua New Guineas own. The rural majority of our people's livelihood is connected to land. Thus, improving the value of the land will contribute significantly to improving the livelihoods of the majority of our people.

This is one of the major reform undertaken and I am now calling upon our landowners through-out PNG, our state apparatus, private sector investors and our development partners to work as a team to deliver this reform initiative so that it will contribute to the development aspiration of our country.

Thank you and enjoy the evening!



Hon. John Rosso, MP
Minister for Lands and Physical Planning