

However, if the subject land is confirmed State Land, then the process under the provisions of Section 7 and Section 9 of the National Land Registration Act is applied.

Acquisition process for State Land

- 1) *Status check and inspection of the land is carried out to ensure there are important state facilities on the subject land;*
- 2) *Approval must be given by the Secretary, DLPP who then advises the Office of the Surveyor General to draft the Section 7 Notice (Minister's Intention to declare the said lands as National Land);*
- 3) *Section 7 Notice is then signed by the Minister for Lands for publication in the National Gazette (the Minister shows his intention to declare not earlier than the expiry of 2 months(60) days from the date of publication);*
- 4) *Any person(s) aggrieved by the Section 7 Notice may make representation to the Minister within 60 days after the publication of the Notice;*
- 5) *After the expiry of two (2) months (60 days) Section 9 Notice is published to declare the land as National Land or State Land;*
- 6) *Any person aggrieved by the Section 9 Notice can now put his claim for settlement payment through National Lands Commission.*
- 7) *A Special Hearing will also be conducted to confirm ownership of the land. This will also assist the Commissioner to make his decision.*

OUR CONTACTS

Director Acquisition	301 3259
Personal Assistant	301 3257
Manager Land Acquisition (Southern & Islands)	301 3257
Manger Land Acquisition (Momase & Highlands)	301 3257
Senior Land Acquisition Off.	301 3257
Land Acquisition Officer	301 3257



Customary Land Acquisition
Department of Lands and Physical Planning
PO BOX 5665, BOROKO
National Capital district

Fax: 301 3299
Website: www.lands.gov.pg



Customary Land Acquisition



Purpose:

Ensure that sound advice and the best process documentation is dispensed with on matters and issues pertinent to Customary Land Acquisition.

Land Acquisition refers to the process by which the State acquires land from its owners.

There are *two modes of acquisition* provided for under the Land Act 1996

1. By which the Minister may on behalf of the State acquire both Customary Land and Alienated Land for public purposes, reservation, wildlife and conservation, church and non-government organizations activities, economic and resource development, business and private purposes.

2. Acquisition by Agreement:

This land acquisition approach allows the Customary Landowners and Leaseholders to treat with the state. The landowners are given the opportunity to negotiate with the State and the acquisition is done on agreed terms and conditions.

Roles and Responsibilities

The Customary Land Acquisition Division is (like any other land admin division) responsible for administering sections of the Land Act, as well as administering sections of other relevant legislation and whose principle function (in many cases) required input from other divisions within and outside of the department.

Land Acquisition function surrounds mainly the acquisition of land by the state through;

- Acquisition of Land by *Compulsory* process
- Acquisition of customary land by *Agreement* and
- Acquisition of customary land for *Grant of Special Agriculture and Business Leases*

The function of land acquisition is mainly to acquire land for public purposes such as roads, schools, health centers or for development purposes.

Where land is required for a major mining, agriculture or industrial development, the government will negotiate with the customary landowners, and enter into a lease-lease back arrangement.

There are set guidelines for a claim to be processed and the processes of acquisition are governed by the Land Act 1996 and more specifically it is stipulated under Part III and IV of the said Act

Acquisition of Customary Land

A status check will be carried out to confirm whether the land is customary or State land. If the land is confirmed customary then process for outright purchase will be applied pursuant to provisions of Section 10 of the land Act 1996.

Customary Land Acquisition process:

1. Survey plan of the subject land (if surveyed already); If not surveyed then a surveyor must be engaged to survey the boundary of the property and get the survey plan registered;
2. Land Investigation Report has to be conducted by the Provincial Lands Officer and approved by the Provincial Administrator;
3. The above requirements are sent to the Acquisition Section for checking to ensure that the Land Investigation Report is conducted thoroughly and in order;
4. If all in order then the Certificate of Valuation is requested to assess the value of the land and its improvements;
5. At the same time Certificate of Valuation is requested from the Department of Provincial Affairs;
6. Upon issuance of the two certificates, a brief for the Delegate of the Minister for Lands is prepared seeking approval of the acquisition of the land;
7. If the brief is approved then the file will be referred back to Acquisition Section for the preparation of the requisition for payment.