

## **FAQs.**

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### **1. What is an Incorporated Land Group (ILG)?**

Incorporated Land Group (ILG) refers to an organized customary group legally given recognition to their corporate nature under the ILG Act.

- It is a legal mechanism whereby customary groups are empowered to do business, hold, dispose, manage and deal with land in their customary name.
- It is a corporate vehicle which enables landowners to participate in the economic development and run their business affairs on their customary land.
- The ILG Act empowers customary groups for greater participation in the national economy by way of incorporating their existing customary groups and getting recognized as a legal entity.
- An incorporated land group is recognized as a corporation whereby it has perpetual succession and may sue and be sued in its corporate name and may function as a corporation may do.

### **2. What is the purpose of an ILG?**

The primary purpose of registering an ILG under the Land Reforms on customary land tenure system is for customary land registration.

Other purpose is, ILGs are used in the resource sectors like mining, petroleum, agriculture, forestry etc.. to pay landowner benefits.

### **3. Who is eligible to register?**

Customary group of persons such as clan, tribe or other such landowning units who have traditional linkages to the customary land are eligible to register. These groups

must be traditional customary land owning units and are recognized by their respective customs in their villages and the local areas. Social groups or civic organization such as church groupings are not eligible to register.

The Office of the Registrar of ILG gives emphasis on **clan registration** because in PNG, land is communally owned by the clan. The clan owns the land, the people and the customs. **“Register your clan and you are incorporated as a Land Group”**

A clan is only recognized by custom in the village and the local community. This clan can never do business with the State or any developer. Once this clan gets **incorporated as a land group**, it now has a legal recognition to participate in any business activities or economic development.

#### **4. What are the Requirements to register a Land Group?**

The mandatory requirements for ILG registration are stipulated under *Section 3* of the *Land Groups Incorporation (Amendment) Act 2009*. These are the prescribed materials or the required information which an application for an incorporation of ILG under the new amendments must meet;

- a. The Application Form (*Form 1*)
- b. Records of Meeting Decision (*Form 2*)
- c. Certification on Adoption of Constitution (*Form 3*)
- d. A Constitution of the Land Group
- e. List of Members (*Form 4*) accompanied by Birth Certificates
- f. List of Properties, such as land, rivers, mountains, ridges, creeks and etc. (*Form 5*)
- g. Sketch of all customary land the group owns.
  - A sketch or drawing or plan of the land must contain a general description of the land including;
    - a) Its size and location,
    - b) Use,
    - c) Boundaries (natural features – valleys, rivers, creeks, swamps, plants etc should be used as coordinates for demarcation of boundaries)
    - d) The names of the village and clan

- The sketch map must be signed by the chairman or the vice-chairman of the land group and must be dated.
- All disputed land or boundary/boundaries must be identified and clearly marked. The nature of the dispute must be noted on the sketch and signed by the disputing clan elders/leaders to acknowledge the existence of the disputed boundaries or areas. Upon the absence or refusal of the disputing party to sign, a village court officials or ward councilor/ward member may sign on their behalf.

## **5. What is the process to incorporate a Land Group?**

The process involves the preparation stage by the proposed land group and the latter, the registration part with the Office of the Registrar of ILG. The following are the steps involved in incorporation of an ILG.

### ***Step 1: Preparation by landowning unit***

The applicants must firstly prepare the documents required to be submitted with the application;

#### *i) Prepare Sketch Maps*

The sketch map of all customary land the group owns must at first instance consist of a boundary walk by clan leaders, provincial and district lands officers land mediator and the Provincial Surveyor.

The sketch map must include all the customary land owned by the proposed ILG. The boundaries must be clearly demarcated by the natural features such as creeks, mountains, rivers, swamps, trees, plants etc and any disputed boundaries must be clearly marked and signed by the disputing clan elders to acknowledge the existence of the dispute.

*(Note: The sketch map must be drawn by the Registered Surveyor using topographical map of the area or GPS coordinates to indicate the size, location and the exact boundary)*

#### *ii) Prepare Birth Certificates*

A formal birth certificate links members to a land and should accompany the List of Members (*Form 4*). Birth certificates must be obtained for all the members of the ILG from the Office of Register General (Civil Registry), Department of Community Development.

#### *iii) Identify the future Management Committee*

At this stage also the future Management Committee of the proposed ILG must be identified but be formally appointed later at the ILGs first meeting for the adoption of its Constitution.

***Step 2: Preparation and Adoption of the Constitution***

The leaders of the proposed ILG at this stage must prepare a draft constitution and call the first meeting to formally appoint the Management Committee and the Dispute Settlement Authority and by resolution, they must adopt its Constitution.

The minutes of this first meeting forms the basis of completion of; *Form 2 - Record of Meeting Decision* and *Form 3 - Certification on Adoption of the Constitution*. These 2 forms are required to be submitted together with *Form 1 - The Application*.

The Application must be witnessed and signed by the Provincial Customary Lands Officer to ensure all the requirements of ILG registration are complied with.

***Step 3: Lodgment of ILG Application to the ILG Registrar***

The completed application must be endorsed by the Provincial Lands Advisors, and then be lodged to the Office of the Registrar of ILG, Department of Lands and Physical Planning.

***Step 4: Status and Compliance Check***

The ILG Registrar upon receipt of the Application conducts a thorough check to ensure that all requirements under the *Land Groups Incorporated (Amendment) Act 2009* are complied with and that there is no duplication of the ILG name, people and properties or disputes in existence.

***Step 5: Creation of File***

After the thorough checks are completed and the Registrar is satisfied that the Application is in order, a file is created for the proposed ILG and a file number is issued.

***Step 6: Preparation of “Notice of Application”***

The Registrar is required to prepare and execute the “Notice of Application” (Notice of Intention to incorporate) Instrument and publish it in the National Gazette and the daily newspapers as stipulated under Section 5B (1)(a) and (b)(i),(ii).

The copy of the Notice is then forwarded to the respective District Administrator and the Village Court if any in operation in the respective local area. This is to ensure transparency in the incorporation process.

A statutory period of 30 days is given for the public or anyone within that local area to raise any objections concerning the application by intending land group to incorporate.

*Note: It is the duty of the District Administrator and the Village Court (if any) to disseminate the notice further within the local area for wider publicity.*

**Step 7: Verification Report from the District Administrator**

The District Administrator is required by law to inspect and verify the information on the application and report back to the Registrar at the expiration of 30 days. After the 30 days, the District Administrator returns *Form 6* confirming that he/she has widely disseminated the Notice of Application to the local area concern.

The *Form 7* verifying that the application is in order to the Registrar to proceed with the registration process.

However, in the event that the District Administrator disallows the issuance of the ILG certificate due to objections or discrepancies, the matter is referred back to their respective Dispute Settlement Authority for a resolution.

*The ILG Registrar will not issue any certificates unless he receives a report from the District Administrator giving approval for the issuance of the certificate.*

**Step 8: Preparation of “Notice of Grant of Certificate”**

At the expiration of the 30 days statutory period and after receiving the Verification Report on *Form 7* from the District Administrator giving approval to issue the ILG Certificate, The Registrar of ILG must then;

- i) Allocate an ILG Registration Number,
- ii) Prepare and issue an instrument of “Notice of Grant of Certificate”.
- iii) Publish in the National Gazette to formalize the process of issuance of the certificate.

**Step 9: Issuance of ILG Certificate**

After the seven (7) days period of gazettal of the *Notice of Grant of Certificate*, the Certificate of Incorporation is issued.

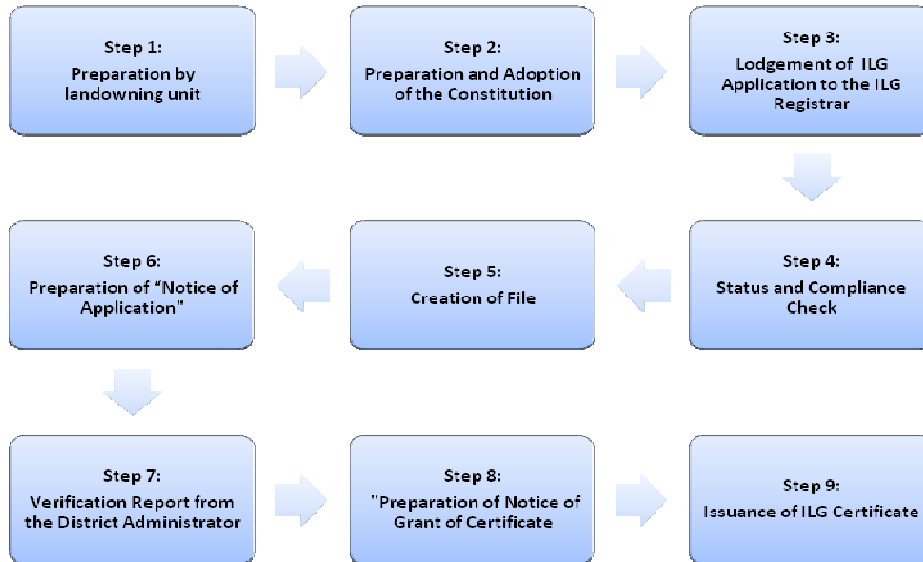


Figure 1 Process of ILG Registration

**6. What will happen to the existing ILGs?**

By law all existing Incorporated Land Groups under *ILG Act 1974* are required under Section 36 to re-apply with new requirements of the *ILG (Amendment) Act 2009*. All these ILGs are given five (5) years from **March 1, 2012 until February 28, 2017** to re-incorporate in full compliance of all the new requirements. As at March 1, 2017 any ILG that does not comply under the amended Act shall automatically cease to exist as a legal entity.

**7. What are the fees involved for registration?**

There are **NO fees** charged for lodgment or registration at DLPP. Fees payable are only for publication on the daily newspaper and the National Gazette. These fees are payable to the respective agencies such as the The National, Post Courier and the Government Printing Office. Other costs include Birth Registration fees at Civil Registry and Sketch Fees charged by surveyors which are at the expense of the applicant.

**8. When I register my ILG, am I registering my land and properties listed?**

No. The land and properties shown on the Property List (Form 5), is only an indication of what the clan/land group owns. To qualify to register a land group, the group **must** own land.

**9. Will I register many ILGs for my many portions of land?**

No. You can only register your ILG once, and then register all your portions of land under the same ILG.

**10. Is the ILG Certificate the proof of customary ownership to the Land and Properties listed?**

No. The ILG certificate is a legal document only giving recognition to the land group (clan). To have proof of ownership of land, you must obtain the land title.