

# **Reforming Land, Survey and Planning Legislation in Papua New Guinea: A Framework for Modernisation and Accountability**

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## **Abstract**

Papua New Guinea's socio-economic development is fundamentally tied to its land, yet an outdated legal framework hampers the governance of this critical resource. The core statutes—the Land Act 1996, Survey Act 1969, and Physical Planning Act 1989, alongside the outdated Survey Coordination Act 1967—are fragmented, analogue-oriented, and misaligned with the realities of customary tenure and modern technology. This paper argues that this legislative undesirability fosters administrative inefficiency, legal uncertainty, and social tension, ultimately impeding development. It proposes a comprehensive reform framework centred on legislative modernisation, institutional restructuring, and capacity building. The paper concludes by presenting a practical, phased **Path to Implementation**, outlining the critical steps from initial stakeholder consultation to the full operationalisation of a new, digital land administration system. This roadmap is designed to translate policy recommendations into actionable reality, ensuring reforms are sustainable and effective.

## **1. Introduction**

Land is the most valuable and contested resource in Papua New Guinea, underpinning the economy, social structures, and cultural identity. It is fundamental to mining, agriculture, forestry, housing, and infrastructure. However, the legal and administrative system governing land administration, survey, and physical planning has remained stagnant for decades. The cornerstone of this system—the Land Act 1996, the Survey Act 1969, and the Physical Planning Act 1989—was progressive upon enactment but is now fundamentally outdated. This paper examines the weaknesses of this fragmented framework, analyses its detrimental impacts on development, and outlines a clear, actionable pathway for holistic reform, including a definitive implementation strategy, to create a system that is efficient, transparent, and equitable.

## **2. The Outdated Legislative Framework**

PNG's land governance is based on laws that do not adequately reflect contemporary needs, technologies, or the prevalence of customary land, which covers approximately 95 or 97% of the country's landmass.

## 2.1 The Land Act 1996: Governing a Fraction of the Land

The Land Act 1996 was often framed in terms of title creation, leasing, transfers, and basic tenure matters, in a relatively “static” land regime.

It regulates state land, representing a mere 3 or 5% of PNG's territory. Its limitations are profound:

- **Exclusion of Customary Tenure:** The Act provides weak and often problematic mechanisms, such as the lease-leaseback scheme, for integrating customary land into the formal economy, leading to disputes and eroding trust.
- **Analogue Administration:** The Act perpetuates paper-based processes for lease applications and registration, which are slow, opaque, and vulnerable to manipulation and corruption.
- **Misalignment with Other Laws:** It operates in a silo, poorly integrated with the Survey and Physical Planning Acts, as well as parallel regimes like the Mining Act, Forestry Act and Environment Act.

## 2.2 The Survey Act 1969: Anchored in an Analogue Era

The **Survey Act** historically regulated the surveying profession: boundaries, cadastral surveys, field measurement techniques (chain, theodolite), and registration of survey plans.

It was enacted before the digital revolution; the Survey Act of 1969 is technically obsolete.

- **Pre-Digital Focus:** The legislation references analogue techniques like triangulation and paper records, with no provision for modern technologies such as Global Navigation Satellite Systems (GNSS), Geographic Information Systems (GIS), or drone surveying.
- **Manual Cadastral Processes:** Survey plans must be physically lodged and stored, creating inefficiencies, significant backlogs, and a fragile archive.
- **Redundant Provisions:** Roles like "certified measurers" have little relevance to modern cadastral survey practice.

## 2.3 The Physical Planning Act 1989: Limited Urban Focus

The Physical Planning Act was generally designed to regulate urban layout, land-use zoning, subdivision, building oversight, and planning controls.

It was designed for late-1980s urban development control; this Act has failed to evolve.

- **Urban Bias:** Its provisions are overwhelmingly focused on urban areas, leaving development on rural and urban customary land without effective planning oversight.

- **Paper-Based Zoning:** The reliance on hardcopy zoning maps and manual approval processes creates bottlenecks and prevents dynamic land-use planning.
- **Lack of Integration:** There is no systematic link between planning approvals, land tenure data, or cadastral survey information.

## 2.4 Other Obsolete Statutes

The **Survey Coordination Act 1967**, intended to standardise mapping, is technologically redundant and contributes to fragmented geospatial data across government. Similarly, the **Land Tenure Conversion Act (1963)**, based on a dated paradigm of formalising customary land, is widely seen as problematic and misaligned with contemporary values and realities.

## 3. The Consequences of a Fragmented System

The collective weaknesses of these statutes have severe, cross-cutting implications for PNG's development:

- **Legal Uncertainty and Conflict:** Incomplete, conflicting, and paper-based records are a primary source of land disputes, undermining tenure security for both customary owners and investors.
- **Administrative Inefficiency and Delays:** The analogue, siloed processes create significant bottlenecks, slowing down project approvals and deterring investment.
- **Marginalisation of Customary Landowners:** The system provides few transparent or equitable avenues for customary landowners to participate in the formal land market, fostering social tension.
- **Impediment to Sustainable Development:** The inability to integrate land tenure, survey, and planning data prevents evidence-based decision-making, leading to uncoordinated growth, environmental degradation, and missed economic opportunities.

## 4. A Framework for Comprehensive Reform

Addressing these challenges requires a holistic and coordinated reform agenda across four pillars.

### 4.1 Legislative Modernisation

The core statutes must be updated to create a unified, digital, and culturally sensitive legal foundation.

- **A New Land Act:** Strengthen mechanisms for recognising and transparently transacting customary land; mandate the digitisation of all land records; and consider (a) the Customary Land Registration and Leasing Act, (b) create clear, fair processes for state acquisition of customary land on a willing-buyer/willing-seller basis.
- **A New Survey Act:** Legally empower the use of GNSS, GIS, and digital cadastral systems; provide for the digital lodgement and management of survey plans; and update the standards and qualifications for surveyors.
- **A New Physical Planning Act:** Extend planning jurisdiction to rural and customary land with appropriate sensitivity; mandate GIS-based zoning and digital development applications; and require integration with tenure and survey datasets. Modernise public consultation.
- **Harmonise Ancillary Acts:** Repeal or comprehensively update the Survey Coordination Act and Land Tenure Conversion Act to align with the new legislative framework.

#### 4.2 Institutional Restructuring

Legislative change must be supported by institutional reform to clarify mandates and reduce conflicts of interest.

- **Separate Key Departments:** Establish two distinct departments: a Department of Lands and Survey & Mapping (focused on administration, the cadastre and geospatial mapping) and a Department of Physical Planning & Development Control. This separation would reduce overlap and enhance accountability.
- **Transfer Titles Registry to Justice:** Move the land titles registry and adjudication functions to the Department of Justice & Attorney General. This would inject stronger legal oversight and integrity into land transactions, helping to prevent fraud.
- **Establish a National Land & Geospatial Information System (NLGIS):** Create a single, authoritative, and integrated digital platform that links survey, title, and planning data across all government agencies.

#### 4.3 Capacity and Policy Alignment

Sustaining reform requires investment in people and policy coherence.

- **Professional Capacity Building:** Invest in continuous training for surveyors, planners, and land officers in digital tools, land governance, and customer service. Strengthen partnerships with universities and administrative colleges.
- **Strategic Policy Alignment:** Ensure the reformed land administration system is fully aligned with the National Sustainable Land Use Policy, the Mining Act, and the Environment Act. Adopt a whole-of-government approach that ensures customary landowners are central to decision-making processes.

## 5. The Path to Implementation: A Phased Roadmap

For reforms to be successful, they must be implemented in a logical, managed sequence. The following phased approach is proposed:

### Phase 1: Foundation & Consensus Building (Months 0-12)

- **Action 1:** Establish a high-level, cross-departmental **Land Reform Steering Committee** with a mandate from the National Executive Council (NEC).
- **Action 2:** Conduct a comprehensive **Stakeholder Engagement** program with provincial governments, customary landowner groups, industry bodies, and NGOs to build consensus on reform priorities.
- **Action 3:** Secure initial funding and draft a **White Paper on Land Reform** for public consultation, outlining the government's vision and the specific legislative changes.

### Phase 2: Legislative & Institutional Restructuring (Months 12-36)

- **Action 4:** Draft and table the new **Land, Survey, and Physical Planning Bills** in Parliament, based on the feedback from the White Paper.
- **Action 5:** Upon passage of the new Acts, begin the **institutional restructuring**, including the formal separation of the Departments of Lands and Physical Planning and the transfer of the title registry to the Department of Justice.
- **Action 6:** Commence the **technical design** of the National Land & Geospatial Information System (NLGIS).

### Phase 3: System Digitisation & Pilot Testing (Months 24-48)

- **Action 7:** Launch a large-scale **records digitisation project** to convert all existing paper titles, survey plans, and zoning maps into a secure digital database.
- **Action 8:** Initiate **pilot programs** in selected provinces to test the new legislation, Customary Land Registration and Leasing and or the willing-buyer/willing-seller model, and the digital workflow of the NLGIS.
- **Action 9:** Roll out a national **training program** for land officers, surveyors, and planners on the new laws and digital systems.

### Phase 4: Full Roll-Out & Sustained Management (Month 48 Onwards)

- **Action 10:** Achieve **Full Operational Capability** of the NLGIS nationwide, with all new transactions being processed digitally.
- **Action 11:** Establish a permanent **Land Policy and Monitoring Unit** to oversee the system, manage future updates, and ensure continuous improvement.

- **Action 12:** Integrate the system fully with other government databases (Mining, Forestry, Environment) to achieve the whole-of-government "**single source of truth**" for land information.

## 6. Conclusion

The Land Act 1996, Survey Act 1969, and Physical Planning Act 1989 no longer serve the needs of a modern Papua New Guinea. Their analogue processes, institutional fragmentation, and failure to adequately address customary land have created a system characterised by uncertainty, inefficiency, and conflict. The pathway to reform is clear. By boldly modernising legislation, restructuring institutions for clarity and accountability, and investing in human capital, PNG can transition to a transparent and integrated land governance system. The **Path to Implementation** provides a realistic and structured roadmap to guide this complex undertaking. Such a system is essential to unlock the potential of land as the nation's most critical resource, balancing the preservation of customary heritage with the imperatives of sustainable economic development. The question is no longer one of necessity, but of will and execution.

**Government is Ready and Willing, Is the Industry Willing to Execute?**

## Artificial intelligence to drive the future of governance: PM

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References

- ✓ Land Act 1996 (PNG)
- ✓ Survey Act 1969 (PNG)
- ✓ Physical Planning Act 1989 (PNG)
- ✓ Survey Coordination Act 1967 (PNG)
- ✓ Land Tenure Conversion Act (1963)
- ✓ National Sustainable Land Use Policy (GoPNG, 2020)
- ✓ PNG National Research Institute Reports (2019)
- ✓ ASPNG Technical Papers (2021)