



THE NATIONAL
RESEARCH INSTITUTE
PAPUA NEW GUINEA

DISCUSSION PAPER

UNDERSTANDING THE
RECORDS MANAGEMENT
SYSTEM OF LAND COURT
IN PAPUA NEW GUINEA

Theodore Levantis
Thomas Wangi

www.pngnri.org

inquire
inform
influence

No.161

June 2018

This page is intentionally left blank



THE NATIONAL
RESEARCH INSTITUTE
PAPUA NEW GUINEA

DISCUSSION PAPER

UNDERSTANDING THE
RECORDS MANAGEMENT
SYSTEM OF LAND COURT
IN PAPUA NEW GUINEA

Theodore Levantis

Thomas Wangi

inquire
inform
influence

No.161

June 2018



THE NATIONAL
RESEARCH INSTITUTE
PAPUA NEW GUINEA

First published in June 2018

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise, without the prior permission of the publisher.

Copyright © 2018 The National Research Institute.

Direct any inquiries regarding this publication to:

The Editorial Unit Leader
National Research Institute
P.O. Box 5854
Boroko, NCD 111
Papua New Guinea

Tel: +675 326 0300/326 0061; Fax: +675 326 0213

Email: pngnri@pngnri.org

Website: www.pngnri.org

The National Research Institute (NRI) is an independent statutory authority established by an Act of Parliament in 1988 and confirmed by the IASER (Amendment) Act 1993.

NRI is mandated by legislation to carry out independent research and analysis on development issues affecting PNG. The legislation states that the functions of the NRI are:

- (a) the promotion of research into Papua New Guinea society and the economy
- (b) the undertaking of research into social, political and economic problems of Papua New Guinea in order to enable practical solutions to such problems to be formulated.

ISBN 9980 75 253 X

National Library Service of Papua New Guinea

ABCDE 202221201918

The opinions expressed in this report are those of the authors and not necessarily the views of the National Research Institute.

Cover designed by PNG NRI Digital Media Unit

Table of Contents

Abstract	v
Introduction	1
Research methodology	3
An overview of customary land in PNG	5
The dispute resolution system of the Land Court	9
The data management system of the Land Court	11
Record keeping and registration	11
Archiving and storage of case files	11
The electronic system of Magisterial Services	12
Compiling recorded data and reporting to management	13
Engagement with the Department of Lands and Physical Planning	13
Progress in records management under the Land Court Project	13
Analysis of issues and challenges of the records management system	15
A framework for a well-functioning records management system	15
Analysis of the records management system in context of the framework	16
Progress towards centralisation in other Magisterial Services jurisdictions	17
The right records management system for the Land Court	19
The path to a centralised system	21
Conclusion	23
References	25
Appendix – Questionnaire for Land Court officials (edited)	27

List of Charts, Figures and Tables

List of Box

Box 1: Findings of an audit of Lae District Court	12
---	----

List of Figures

Figure 1: Criteria for an effective Land Court records management system	15
Figure 2: Design criteria for a records management system	16

List of Tables

Table 1: Shifting to a well-functioning system design for records management	20
--	----

Acknowledgements

The authors would like to thank staff of Land Court Division, Magisterial Services namely Mr Mark Selefkarui, Deputy Chief Magistrate, Mrs Kasiana Nawayap, Special Projects Officer, and Mr Clivson Philip, Registrar of the District Court, for providing valuable inputs including Land Court documents, interviews with Land Court staff, observation of audit at Lae District Court and a tour of the Land Court facilities in Port Moresby.

We also acknowledge valuable feedback on the first draft from the PNG NRI Property Sector Development Research Program team; Professor Stephen Howes from the Australian National University; and Dr Abdul Hassan from the University of South Pacific.

About the Authors

Dr Theo Levantis has worked on a broad range of development issues in PNG and the Pacific including labour market analysis, the economics of crime, infrastructure development, privatisation, tax policy, tourism, mining, agriculture, forestry, energy, climate change, land, and development planning. He completed his PhD on the PNG labour market at the ANU in 1996. From 1996-2001 he worked at the ANU as a specialist researcher on PNG and the Pacific. He became a senior research economist at ABARE from 2002-2006 and an Economics Adviser at AusAID from 2006-2008. From late 2008 until 2015 he worked for the Papua New Guinea (PNG) Department of National Planning and Monitoring in an advisory role. Since that time he has worked as a private consultant with engagements mainly at the PNG National Research Institute and the Ministry of Strategic Planning, National Development and Statistics in Fiji. Dr Levantis has published three books and more than 20 articles in refereed journals. He has had considerable experience in economic modelling having developed economy-wide models of PNG, Fiji and Australia.

Mr Thomas Wangi is a Research Fellow in the Property Sector Development Program at the PNG National Research Institute. He completed his Master of Economics at James Cook University, Australia in 2010. He worked with Ok Tedi Mining Limited as Senior Marketing Officer, University of Papua New Guinea as Economic Lecturer, Bank of Papua New Guinea as Senior Research Economist, and with the Asian Development Bank and the World Bank as a Research Assistant Consultant in PNG and Solomon Islands. He was a Visiting Fellow to the Australian National University in 2014 and co-authored *Pay sector pay scales in PNG: Are academics underpaid?* He has published five Spotlights with PNG NRI between 2016 and 2018. His main areas of research include economic policy, economic modelling, land and property development.

Abbreviations & Acronyms

DLPP	Department of Lands and Physical Planning
ILG	incorporated land group
IT	Information Technology
INA	Institute of National Affairs
LEAD	Land Evaluation and Demarcation
LMP	Land Mobilisation Project
LTC	Land Titles Commission
LLC	Local Land Court
NLDP	National Land Development Program
NLDT	National Land Development Taskforce
PNG	Papua New Guinea
PLC	Provincial Land Court
PLDC	Provincial Land Dispute Committee
VCLR	Voluntary Customary Land Registration

Abstract

The management of Land Court records in Papua New Guinea (PNG) is in a dire state. As a result, the proper operation of the Land Court has been compromised. Land Court officials are navigating through the dark, unaware of even the most rudimentary information such as the scale of case backlogs. Archiving and storage of Land Court files is failing to meet even the most minimum standards anywhere in the country and facilities do not exist to provide safe long-term storage, even in Port Moresby.

The aim of this study is to investigate why records management of the Land Court has come to be what it is and to navigate a way forward for records management. The system is analysed around a theoretical framework to help bring clarity to the weaknesses and their causes. It is found that the problems lie in a system of decentralisation of records management to the provincial and district level. As a result, monitoring and evaluation does not happen and the system is prone to a high degree of fragility.

It is found that the records management system will only improve once the system is redesigned in a way that makes it possible to implement within the confines of the budget; and the only way for that to be possible is to centralise the system. The first step is to embrace the electronic system that is already fully functional for the other jurisdictions of Magisterial Services. With the electronic system, all records and registries would automatically be centralised. There would be no need to maintain any manual records in the districts/provinces other than information in the case files required by the magistrates. Moreover, under a centralised system, a monitoring and evaluation system could be set up at low cost.

Introduction

A well-functioning Land Court is crucial for overseeing the resolution of customary land disputes. Almost all people in Papua New Guinea (PNG) have a connection to customary land, and disputes over customary land are inevitable. The handling of customary land dealings is very sensitive for landowners and disputes often escalate to the point of destruction of property and loss of lives. Where there are disputes, customary land gets locked out of the modern economy, stifling its use, its value and its contribution to development.

The management of court records underpins the operation of the Land Court. Unfortunately, the state of records management has been poor, and as a result, the proper operation of the Land Court has been severely compromised (Magisterial Services, 2016). The backlog of cases runs into the thousands and cases can take years to be heard, if ever – and the exact number of cases waiting to be heard is not known because of the poor state of records management. This is not something new, but an endemic problem that has run for decades, and there is no sign that things are getting any better.

The purpose of this research report is to analyse the records management system to bring a clear understanding of why it has been so poor. By doing this, it can then unravel the way forward for overcoming the chronic ills of the system. The analysis points the way to a wholesale fresh approach that properly incorporates budget constraints and monitoring and evaluation within the system of implementation.

Consequently, this study aims to provide advice and support to the Land Court with a view to improving the records management system through the analysis of Land Court documents and interviews. In particular it aims to:

1. Investigate the existing process the Land Court uses in dealing with customary Land Court data.
2. Examine issues surrounding the storage and management of customary Land Court files.
3. Develop effective strategies for implementing sustainable and affordable improvements to the records management system of the Land Court.

Although the report highlights many shortcomings of the existing system, its purpose is not to criticise but to find a way forward.

First, Section 2 describes the research methodology and Section 3 takes a broad look at the customary land system and reform processes. This is followed in Section 4 by an explanation of the procedures for dispute resolution in the Land Court before Section 5 provides an overview of the functions of the records management system. The analysis of records management system is built around a framework outlined in Section 6. From this framework, an appropriate records management system for the Land Court is formulated in Section 7. Section 8 draws a path for sequencing changes to deliver an appropriate system, and conclusions follow in Section 9.

Research methodology

The research methodology behind this report may be broadly categorised as taking the following steps:

1. Develop a proper understanding of the way records management of the Land Court works.
2. Develop a theoretical framework for how the records management system should function.
3. Analyse the system to draw out its weaknesses and bring clarity to their causes.
4. Derive and deduce an alternative system design for records management of the Land Court that can overcome the weaknesses.
5. Map out a path forward.

The procedures taken to navigate through these steps began with a literature review to bring context to the Land Court by understanding the nature of the customary land system in PNG and reviewing the history of customary land reform. Next, a review and analysis of internal documents of the Land Court was undertaken, including documents describing its processes and procedures – particularly relating to records management – and management reports. It also included a review and analysis of documents relating to the two Land Court Projects designed to improve Land Court administration that have been in place since 2010. The literature review was then extended to develop an understanding of what happens in other jurisdictions and to provide guidance in developing a theoretical framework.

The literature review was not enough to develop a full appreciation of the records management system of the Land Court. Important insights were developed through interviews with senior officials of the Land Court and a written questionnaire that its management took time to complete in detail. The questions were developed with the aim of deepening the understanding of the internal operation of the records management system (see Appendix). Further valuable insights were provided by a tour of the Port Moresby facilities that included interviews with operational staff, including those responsible for storage and for information technology. Importantly, the officials of the Land Court allowed us to attend their detailed audit of records in Lae which proved invaluable.

An overview of customary land in PNG

All land in PNG falls under one of two land tenure systems – alienated land tenure or customary land tenure. Alienated land – comprising only three percent of land mass – is governed by the *Land Act 1996* and is administered by the Department of Lands and Physical Planning (DLPP). The state is the underlying authority for alienated land and a process of voluntary or compulsory acquisition from customary landowners – mainly in colonial times – is how alienated land came to exist (Apelis and Moore, 2013). Property rights for alienated land are provided through land titles which are owned either by the state or by private interests and are tradable in the property market.

Customary land is owned and controlled by landowners through family or clan groupings. The tenure and administration of customary land, which consists of 97 percent of land holdings in PNG, is governed by traditional laws relating to land access, user rights and ownership. The property rights are recorded orally and passed down through generations in a family or clan reliant on local knowledge and tradition. In many ways, the administration of customary land is similar to alienated land except that the latter is governed by written laws.

Ownership rights are classified into two groups – patrilineal and matrilineal. Under the patrilineal system, men hold the inheritance rights of customary land, while women hold the inheritance rights in the matrilineal system. The matrilineal system is practised in just a few provinces compared with the very common practice of the patrilineal system.

The livelihoods of 85 percent of the population of PNG are supported by customary land. All land was owned by customary landowners before the colonial period, and used mainly for gardening and hunting. After the arrival of Europeans in the 1880s, the colonial administration saw the need to acquire land from customary landowners to build towns and operate businesses. The colonial administration developed policies and enacted the *Land Regulation Ordinance* in 1888 to acquire customary land (Yala and Lyons, 2012). Land was alienated in permitted areas from the native people by making appropriated payments as required by the law.

After independence in 1975, the demand for land increased for urban developments and business activities. The government responded by amending and enacting land laws to protect user rights and improve accessibility of customary land to meet the increasing demand. The *Land Titles Commission Act 1962*, *Land Tenure Conversion Act 1963*, *Land Registration Act 1981*, *Land Disputes Settlement Act 1975* and *Land Act 1996* were some of the land laws enacted by the government to formally acquire, register and manage customary land.

The modern laws legally provide protection for ownership and user rights in accordance with the traditional laws. Efforts have been made under the various land laws to integrate the customary land system into the legal and administrative systems in PNG. As a result, customary law has been retained and integrated with modern law as the legal basis to the customary land system.

However, there are tremendous challenges in smoothly integrating the customary land system into modern law and as a result there have been many initiatives of customary land reform, from before independence in 1975 through to the present. The colonial administration proposed several land reform policies but did not progress well because landowners saw land as a source of livelihood, and not a property to trade. In 1973, a Commission of Inquiry into Land Matters was established to consider failed laws on land reforms. The inquiry recommended repealing and replacing all existing land laws in order to establish a new system that would promote social, political and economic reforms in PNG. The inquiry report provided a foundation for policy reforms relating to registration of customary land, but lost momentum during implementation due to a decline in political interest (Manning, 2008).

The Institute of National Affairs (INA) is a private sector institute focused on land reform for economic development, especially agriculture and logging on customary land. The INA aimed to make customary land available to developers for economic purposes, which in turn would create employment and cash opportunities for landowners. In 1980, an INA report on land policy found that reform was paramount, however, it had to be

done with due care as land was tied to the livelihoods of people. The INA continued to engage in land reform policy discussions at workshops and seminars leading up to the National Land Summit in 2005.

In 1986, the World Bank developed and funded the Land Evaluation and Demarcation (LEAD) project, a feasibility study aiming to improve land administration and land planning activities. The LEAD project was developed into the Land Mobilisation Project (LMP) in 1989 to implement key components of the Government's Land Mobilisation Program. The aim was to stimulate economic development by mobilising and registering more customary land through the formal process.

The success of the LMP was limited by indecision on customary land tenure reforms, which landowners viewed as a threat to their traditional land and user rights. There were nationwide speculations of mortgaging customary land for the World Bank loan to fund the LMP. The customary landowners feared losing their land if the loan was at default, and were reluctant to release land. There were several riots around the country, resulting in four students being shot dead in 2002. The attempt by the World Bank to support land reforms failed in PNG. In hindsight, this was no surprise as the LMP was imposed on PNG by the World Bank in 1995 as part of a deal for a loan bailout (Levantis and Yala, 2008).

Little progress was made in the three decades following the 1973 Commission of Inquiry into Land Matters. However, the agenda for land reform was reignited by the government in 2005 after holding the National Land Summit. The summit proved to be a success and provided the foundation for the Government to establish the National Land Development Taskforce (NLDT) to make recommendations on key issues of land administration, land dispute settlement and customary land development. The government approved 54 recommendations made by the NLDT in 2006 and established the National Land Development Program (NLDP) in 2007 to implement the recommendations. The NLDP was supported by key state agencies including the Department of Treasury, DLPP, Department of National Planning and Monitoring, Department of Justice and Attorney General, Magisterial Services and the PNG National Research Institute.

From 2009 to the present, two land reform recommendations have been successfully implemented by state agencies. These are establishing a single Land Court to handle all disputes over customary land and amending the *Land Groups Incorporation Act 1974* and *Land Registration Act 1981* to unlock customary land for development. Most of the remaining recommendations of the NLDT relate to administrative reforms that the DLPP has so far resisted implementing.

The legislative amendments encouraged landowning groups to register their land through the incorporated land group (ILG) and voluntary customary land registration (VCLR) processes. The function of an ILG is to establish and register formal customary landholding groups. Inevitably, land boundaries are not clearly defined between ILGs; however, the legislative amendments provide for ILGs to release land for leasing in areas where land boundaries are not under dispute. The creation of customary land leases under the ILG and VCLR processes is designed to make customary land available for economic development in a win-win situation for the landowners and those seeking access to land. Until 2015, the stakeholders of the NLDP conducted a series of seminars and awareness campaigns nationwide on the ILG and VCLR process. Since then NLDP funding has been diverted to the Affordable Housing Program by the Government.

The Land Court was established in 2010 and is administered by Magisterial Services under the NLDP Strategic Framework, 2010–2030. This assigns two high-level tasks to Magisterial Services: implementing efficient administrative and operational Land Court functions, and reducing the backlog of pending Land Court cases. Direction and funding for implementing these tasks was provided by Phase I of the Land Court Project, which commenced in 2010 and ended in 2015. During this time, Magisterial Services contributed to: converting special agriculture and business leases to customary leases; refining the ILG dispute resolution systems; and handling land disputes in the ILG and VCLR process (Magisterial Services, 2016).

Management at DLPP in past years did not play a leading role in driving the land reform program and as a result most of the customary land administration activities of the NLDP have been delayed, frustrated and ignored. Some progress was made in 2009 with the establishment of a Customary Land Administration wing

in DLPP headed by a Deputy Secretary. It comprises four divisions: the Customary Land Acquisition Division, Customary Land Leases Division, Incorporated Land Groups Division and Customary Land Projects Division. With funding support through the NLDP, DLPP significantly contributed to land reforms by facilitating the registration of customary land through the ILG and VCLR processes. However, in 2013 the government decided to fold the Affordable Housing Program with NLDP and the momentum on land reforms slowed down. The implementation of land reforms was further affected by the government's decision to rescind an earlier decision by the National Executive Council to establish the Office of Customary Land Development in 2016. The key function intended for this office was to administer all customary land in PNG.

The land reform process is still active despite the setbacks and challenges over the years. Magisterial Services is going ahead in implementing Phase II of the Land Court Project for the period 2016–2020. Under Phase II, the Land Court Project team is engaging in Provincial Land Dispute Committee (PLDC) meetings and Land Court file audits in seven pilot provinces with a view to improving the operation of the Land Court, including its record-keeping activities. A memorandum of understanding was signed between Magisterial Services, the Department of Justice and Attorney General and the Autonomous Bougainville Government on 15 September 2017. The objectives of the tri-partied collaboration are to fully resource the PLDC and the arrangement will be rolled out to another six provinces during 2017 and 2018.

Although the intention of the land reforms was for the Land Court to hear all matters relating to customary land disputes, at this stage the transition process is yet to be completed. The Land Titles Commission (LTC) continues to have jurisdiction over customary land disputes in 'Economic Impact Project Areas' – mainly in the mining and petroleum sector. The LTC was created by the *Land Titles Commission Act 1962* to deal with disputes concerning customary land in PNG. The LTC had exclusive jurisdiction to hear all land dispute matters concerning customary land until the enactment of the *Land Disputes Settlement Act in 1975* which transferred responsibility to the Local Land Court (LLC) and the Provincial Land Court (PLC). The LTC establishes its authority over customary land disputes by invoking Section 4 of the *Land Disputes Settlement Act*, which effectively takes away the jurisdiction from the Land Court. It is intended that the LTC eventually be merged into the Land Court.

The dispute resolution system of the Land Court

The Land Court has been set up as a division in Magisterial Services and encompasses two levels. Dispute matters are brought before the LLC and appeals against decisions of this court are brought before the PLC. There are three types of disputes among matters that are brought to the Land Court: (1) disputes over who are the rightful owners of the land; (2) disputes relating to land use rights; and (3) disputes over land boundaries. At the LLC, evidence is heard from contending family or tribe members on their claims without any strict rules of evidence in law. It is possible to appeal decisions of the PLC to the National Court.

The process for resolving a customary land dispute normally begins with a mediation process. However, a land dispute matter may also be brought before the Land Court by referral from the LTC in the event that it finds it is not the correct authority to hear the matter. Other courts too may refer land disputes to the Land Court where it is found that resolving the dispute is crucial to the case being heard.

When a mediation process is activated, responsibility falls on the PLDC. The committee comprises two officials of the Provincial Government, two people 'of reasonable standing' appointed by the Provincial Government, and a senior magistrate appointed by Magisterial Services who chairs the committee. The PLDC then declares details of the land subject to mediation and appoints up to three land mediators.

Once a mediation process has been completed – whether or not successful – it is then referred by the mediators to the LLC. If mediation proves to be a success and an agreement is made, the LLC will review the agreement for its approval. If mediation fails to bring a resolution, then the court will hear the matter for a decision. The submission by the mediators of what is known as 'Form 8' represents the administrative formality for bringing a failed dispute resolution to the LLC. Where mediation is successful, 'Form 10' is submitted by the mediators. The Land Court may approve the mediated agreement, or may ask for further mediation and resolution on aspects of the agreement before approval.

To register a Land Court Matter from a failed mediation, in addition to Form 8 – which contains the names of the parties to the dispute and the name of the land under dispute – the following must be provided: (1) Form 7 (the record of mediation provided by the mediator), (2) a summary of the nature of the dispute, and (3) a sketch map of the land under dispute. Registering a Form 10 matter follows a similar set of requirements as well as an outline of the terms of agreement. In both situations, as well as for matters referred from another court or the LTC, a Land Court dispute registration number is allocated to the matter.

At the conclusion of a Land Court hearing, the LLC Magistrate is required to produce two documents: (1) a record of the proceedings known as 'Form 14, and (2) an explanation of the reasoning behind the decisions made. One possible outcome is that the Land Court may require that the matter is reverted to mediation. In this event, the case is closed as far as the Land Court is concerned. When the matter returns to the Land Court it is registered again as a new case.

The data management system of the Land Court

Record keeping and registration

At present, the records management system of the Land Court is fully decentralised, operating entirely at the Provincial or District Magisterial Services offices. This means that case files and registry books are maintained, stored and archived at the Provincial or District Land Court offices. In almost all locations, responsibility for the registration, recording and storage of case files falls on a Magisterial Services registrar rather than a dedicated Land Court registrar, although there are plans to change this.

The process of data management begins when a clerk allocates a LLC registration number for a matter brought before the court, enters details of the matter into a registry book, and opens a LLC case file. All materials relevant to the case are then kept in the case file. On completion of the case, the status in the registry book is updated and the case file is archived. If the matter then goes to the PLC on appeal, a new case file is opened in the PLC with a new case file number.

Separate registry books are kept for PLC cases and LLC cases. For both courts, the registry book is simple with each case designated a row and basic information entered, including the case number, parties to the dispute, the name and location of the land under dispute, the category of dispute (i.e. ownership, land use rights, or boundaries), and the status of the case. Beyond this, no further details appear to be recorded anywhere apart from any documents placed into the case files. Alphabetical indexes of cases are supposed to be maintained, although it is not clear that this is the case.

Based on information available in the annual reports of the Land Court Division, there are significant shortcomings in the implementation of records management. The decentralised nature of court administration means that the quality of records management varies significantly from one place to another, and depends on how well staff at each location perform. It has been found that there is a widespread failure to operate in compliance with records management processes. In some cases, the registry book has not been maintained. A recent audit in Lae confirmed major endemic problems (see Box 1). Many case files did not even have a registration number and over half of case files were missing. Many of those that were there were damaged or incomplete.

The root of the problem is that monitoring and evaluation of records management at the Port Moresby office is very difficult. As a result, verification that court officers act in compliance with registration and record-keeping procedures does not normally happen. The Lae audit, for example, was a rare event that has not been repeated and is unlikely to be duplicated in most other Land Court offices. At the same time, decentralisation has created a high degree of fragility in the system due to the overreliance on staff in the district and provincial offices. In turn, this places even more emphasis on the need for monitoring and evaluation to maintain standards, yet it is almost non-existent. The failure of records management is therefore clear to understand.

Archiving and storage of case files

Because the nature of land tenure is such that it continues into the indefinite future, it is an administrative requirement that Land Court matters, unlike matters in most other jurisdictions, be kept on record indefinitely. As such, on completion of a matter, Land Court case files and registry books are required to be archived and stored safely under conditions consistent with the requirement that they are to be maintained into perpetuity. This means that the archiving system must be reliable and stand the test of time, and the storage facilities need to comply with minimum standards for long-term storage, including protection from the elements, fire and pests. Reliable long-term storage also means that facilities and systems need to be in place that provide security against theft, tampering or misplacement.

At present, archiving and storage of Land Court files is failing to meet even the most minimum standards anywhere in the country. The decentralisation of the management of Land Court case files has meant that archiving and storage occurs in the district or provincial offices and is normally combined with the management

of case files from other jurisdictions of Magisterial Services. Facilities do not exist to provide safe long-term storage, even in Port Moresby. Correct stationery for long-term storage is also a problem. As a result, there is widespread incidence of missing or damaged files and even of missing registry books. The major problems revealed in the recent Lae audit confirms that this is not just a problem at small district offices (see Box 1).

There are intentions of centralising the archiving and storage of Land Court cases, including a plan to construct vaults in a number of regional locations under the Land Court Project 2010–2015. However, to date, this has not happened and is unlikely to happen in the immediate future due to lack of funding.

The electronic system of Magisterial Services

Magisterial Services has moved onto a software-based system for maintaining case registry records. In addition to the basic information found in registry books, the electronic system allows further details found in case files to be uploaded and recorded, although it is not yet at a stage where supporting documents can be scanned and linked to case files. Importantly, the system makes available aspects of the registry database to the public via the Magisterial Services website. The computer storage hardware is located on-site at the Magisterial Services office in Port Moresby which is old and rundown so presents some risk for the security of the storage facilities. However, the technology team at Magisterial Services is in the process of transferring storage and back-up off-site in a ‘cloud’ arrangement. Although the electronic recording and registration system at Magisterial Services appears competent and in good order, there are challenges associated with funding for ongoing internet access, maintenance and upgrades.

Box 1 – Findings of an audit of Lae District Court

In August 2017 an internal audit was conducted of the Lae District Land Court by a Land Court Project team. There are 16 jurisdictions in the Lae District Court, of which the Land Court is one. It was found that files of the Land Court were stored in a container together with court files from other jurisdictions. The container was poorly ventilated with limited capacity to hold files, which dated back to 1968. The LLC and PLC files were mixed with other files in archive boxes, making it very difficult to retrieve the correct files from the container on request.

The sole Land Court clerk initially managed all files manually from a section allocated in the container, and later from an office room. Most of the Land Court files were given registration numbers in accordance with records in the registry system, but some files were found that did not have registration numbers. The files were registered in chronological order based on year of registry, Land Court system (LLC or PLC) and numbering. However, all files did not show the nature of dispute.

The Land Court Project team had conducted file audits several times in Lae to determine the status of files as completed, pending and missing. The completed files were archived and pending files were listed as a backlog for future hearings. The 2013 audit showed that of 478 court files registered, 245 cases were missing, 140 were completed and 93 were pending. Of considerable concern to the newly established Land Court system was that most of the files – over 50 percent – were missing due to human error, theft and tampering.

The integrity of the Land Court files was not only impacted by tampering, but also by damage from insects and termites. The storage container had very poor ventilation, affecting the quality of the files, and some files had faded, making them impossible to read. Human resource constraints also affected the management of the filing system.



The technology team has extended the Magisterial Services software system to registering and recording case information for the Land Court. However, at this stage, it is not operational with only some Land Court offices entering case information into the system. This means that, unlike the other jurisdictions of the Magisterial Service, the Land Court continues to rely on the manual system of record keeping and registration.

Compiling recorded data and reporting to management

A core benefit of the centralised electronic system used by Magisterial Services is the capability to compile data and report to management. Compiling data such as cases pending, cases completed, cases by district and cases by type of dispute is relatively straightforward with the electronic system. This information is fundamental for managers to make informed decisions on such things as the need to allocate resources and formulate circuit schedules, and is key to good monitoring and evaluation processes.

For the Land Court, it is not practical to compile even the most rudimentary information. Compiling data would require clerical staff in each district or province to search through their registry books, summarise the records and report back to management. However, in many cases, registry books are missing and the priorities of scarce staff resources are generally pointed elsewhere. The result is that management must navigate through the dark, unaware of basic information such as the scale of case backlogs in each district or at the broader level.

Engagement with the Department of Lands and Physical Planning

The DLPP has administrative responsibility over customary land, including registration of ILG. This being the case, it would make sense for there to be in place a formal link between the Land Court and the DLPP. If there is an impact of a Land Court decision on any aspect of customary land registration, including ILG registration, then the records at DLPP would need to be adjusted accordingly.

The Land Court Project of 2010–2015 included a strategy to develop the records management system so that it interfaces with the customary land records held at DLPP. However, this strategy was never implemented and there appear to be no plans to follow this up in the Land Court Project of 2016–2020. In any case, logically it is the responsibility of the DLPP to develop any interface as it is their function to maintain customary land and ILG registries. Apathy on this matter might be explained by the National Executive Council decision to fold the Customary Land Office into the DLPP.

Progress in records management under the Land Court Project

Magisterial Services has planned various initiatives in recent years to improve records management, including activities incorporated into the Land Court Projects of 2010–2015 and 2016–2020. These initiatives have appeared to be quite sensible and included the plan to build storage vaults for archived case files discussed earlier as well as a plan to develop a system of interface with the DLPP. Efforts to audit registers and records in the district and provincial offices have been ongoing with a number of audits in process during 2017. The development of the electronic system of records management used by Magisterial Services is believed to owe much to the initiatives of the Land Court Project – despite not actually being used by the Land Court.

Unfortunately, to date very little progress has been made. As has already been discussed, the records management system is in a poor state; compiling even the most basic information for management does not happen, the electronic system is yet to be taken up, and storage and archiving is totally inadequate. Blame can largely be pointed to the lack of resources allocated to the tasks. But much of the failure to make progress may be understood by the insurmountable challenges faced in bringing order to a heavily decentralised system in a country where connectivity has always been difficult.

The bottom line is that things have been done since 2010, including audits, but very little has actually changed and the state of the records system remains as bad as it always was. It is clear that a fresh approach is needed.

Analysis of issues and challenges of the records management system

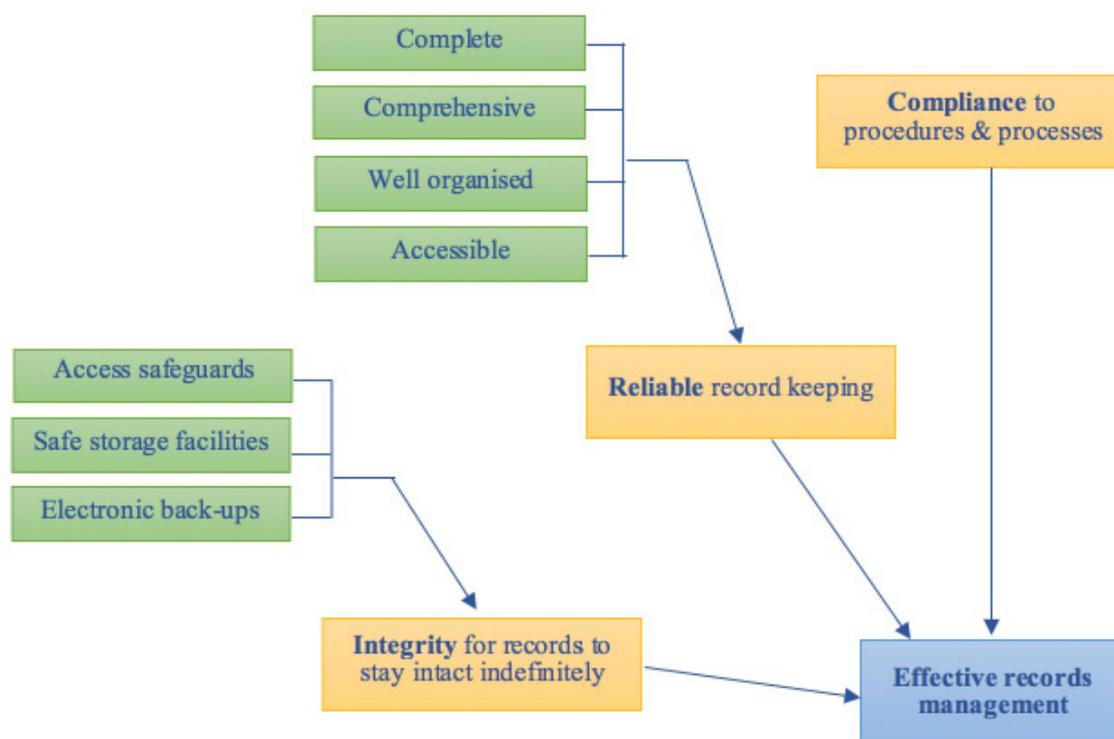
A framework for a well-functioning records management system

For the Land Court records management system to operate effectively it needs to have three key characteristics (see Figure 1). First, records management must be compliant. For the records management system to operate effectively, Land Court staff need to follow processes and procedures in compliance with what is required. Any breach in compliance would imply a breakdown in the records management system.

Second, the records management system needs to be reliable. To be reliable, the system must be: (1) comprehensive in recording data for all cases; (2) complete in recording all required information; (3) well organised in classifying and ordering case data information; and (4) readily accessible. Satisfying each and all of these criteria is what makes the records reliable. Put another way, failure in any one of these criteria will lead to failure in reliability, and thereby failure of the system as a whole. For example, if the records are not comprehensive, then case data will be missing; or if the data is not readily accessible, then case data will be difficult to retrieve. Either way, the records would not be reliable.

The third key characteristic is integrity. As Land Court matters need to be kept on record into perpetuity, integrity refers to the ability of the records to remain intact indefinitely. This is a difficult challenge, but has become much more achievable with the arrival of the digital age. To have integrity, the records system needs to have safeguards against any access to records that could lead to tampering, theft or destruction of records. It also needs to have safe storage facilities that provide protection from damage due to water, fire or pests. This applies to the storage of case files and any associated written records, as well as electronic records in computer hardware. Electronic backups off-site of electronic records and scanned paper records go a long way to ensuring integrity.

Figure 1: Criteria for an effective Land Court records management system



In theory, the records management system of the Land Court is set up in accordance with the criteria set out in Figure 1. There are clearly articulated procedures and processes that guide Land Court staff to be compliant in their registration and record-keeping duties. The registration and record-keeping functions are required to be comprehensive, complete, well organised with clear classification and alphabetical indices, and accessible – hence, the system should be reliable. There are clearly laid out requirements in the design of the system underpinning integrity – including requirements for safe storage and safeguards to access.

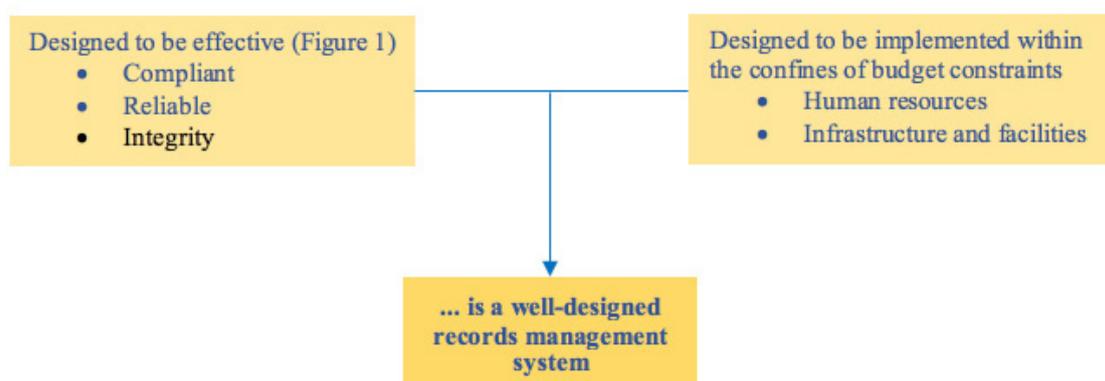
Yet, in practice, the records management system is not operating effectively at all – in practice, it is neither compliant nor reliable, and it does not have integrity. In fact, against each of the criteria and sub-criteria shown in Figure 1 (in green), the records management system is performing poorly as described already in Section 5. So, the design of the records management system could be said to be ‘ok’, but there are major shortcomings in implementation. Is it then fair to conclude that the problem lies in the failure of court officers to execute their duties?

It is easy to pin the blame on Land Court staff, but the reality is far more complex. For a records management system to be effective, implementation must be integral in the design of the system. In other words, the system needs to be designed in such a way that ensures successful implementation by Land Court officers. For this to happen, the records management system must be designed in a way that pays careful attention to the availability of human resources, infrastructure and office facilities. A design that enables management to monitor and evaluate must be integral to ensure successful implementation.

For example, suppose the records management system were to require detailed data entry into a dedicated software system. A number of criteria would need to be satisfied for this to be successfully implemented, including: (1) installation and maintenance of secure computer hardware; (2) installation and maintenance of software; (3) sufficient availability of human resources to undertake the required data entries; (4) ongoing monitoring of human resource capabilities and training needs for the data entry tasks; and (5) a system of monitoring and evaluation to inform management of implementation. Now suppose that budget constraints mean that any of these criteria cannot be adequately met at any of the provincial or district Land Court locations. Then the implementation will fall over. The failure in this example is not in the implementation by court officers. The failure is in a system design that does not correctly incorporate resource constraints.

A well-designed records management system is therefore one that meets all the criteria laid out in Figure 1, and is formulated in a way such that implementation will be straightforward and guaranteed within the confines of the available human resources, infrastructure and facilities.

Figure 2: Design criteria for a records management system



Analysis of the records management system in context of the framework

As discussed earlier, at the core of the problems that the Land Court faces in its records management is the fragmentation of registrar responsibilities at the district or provincial level. This is a design issue in implementation.

It is not possible to operate the decentralised system that is in place within the confines of the budget resources available. Decentralisation means that responsibility for operating the records management system normally falls on one or two people. If an individual fails to execute their job properly – either through absence, excessive workload, incompetence, lack of training or bad intentions – then the system falls over. If they resign, then they take with them the on-the-ground knowledge and capability of the job.

As a result, the system is highly fragile. The only way for it to work is to have an extensive monitoring, evaluation and supervision system. For this to be adequate, there would need to be extensive efforts to sharply improve connectivity between the offices on the ground and in Port Moresby. This will require considerable resources for travel and additional skilled staff in supervision and monitoring and evaluation. The bottom line is that unless there is a considerable injection of additional funding on an ongoing basis, the design of a decentralised record-keeping system simply cannot work. And it has not worked.

Put in context of Figure 2, the records management system fails the test of good design because it is not designed to be successfully implemented within the confines of the available budget. Instead, it is designed in the hope that additional resources become available, which has so far proven to be a false hope over many decades with little prospect of change.

The entire records system design therefore needs to be rethought with a view towards centralising responsibilities. In this way, there will be in place a critical mass of registrar and record-keeping staff in one location. An active hierarchy system can be put in place. If one officer is absent, then their functions can be absorbed by other officers. This too can happen if an officer is found not to be working in compliance – and identifying non-compliance is easier when working in a group hierarchy. If there is a lack of training, then implementing training regimes is easier in a group work environment, and learning from each other helps raise the capabilities of the group.

With all these considerations, the burden of a monitoring and evaluation system becomes small as compared with the highly resource intensive monitoring and evaluation system that would be needed to make the decentralised records system work. Moreover, less resources are likely to be needed for records management staff as they become more effective and productive. A system redesigned around centralisation could therefore quite easily be built around the framework outlined in Figure 2 – in other words, it is possible to have a design that is effective yet is able to be implemented within existing budget constraints.

Progress towards centralisation in other Magisterial Services jurisdictions

In Section 5.3 it was explained that the other jurisdictions of the Magisterial Services have now shifted to an electronic records management system. The team of information technology (IT) experts that manage the electronic system for Magisterial Services are centrally located in the Port Moresby office. In this sense, the electronic records management system in place for the rest of Magisterial Services is the polar opposite of the manual system used by the Land Court. Whereas the Land Court has a fully decentralised registration and recording system, the other jurisdictions of the Magisterial Service have moved to a centralised system, albeit with case files still managed at the provinces and districts.

With a centralised system, the IT team have a critical mass of workers with a hierarchy. From an organisational sense, this allows work practices to be institutionalised. This means the organisation does not have to rely on the goodwill, health and commitment of an individual. Instead, if an individual falters, another in the group will take up the slack and the hierarchy helps keep the team on track. The IT team monitor data entry in the provincial and district offices meaning the critical mass at the central office connect back to the individual staff on the ground.

Monitoring and evaluation is therefore straightforward for the other jurisdictions of Magisterial Services. In complete contrast, the manual system of the Land Court means data management starts and stops at the individuals in the district/provincial offices – a situation that has been institutionalised over a long period of time as a result of the immense challenges of monitoring and evaluation in a manually operated decentralised system.

The right records management system for the Land Court

After many decades, the considerable additional resources needed to make the current system work have not been forthcoming, and under the current conditions of fiscal constraint, there seems no chance that this will change in the near future. It is clear from the analysis in Section 6 that the records management system must be centralised if it is to function with compliance, reliability and integrity while working within budget parameters (see Figure 2). The electronic system is already centralised, so shifting to the electronic system – like the other jurisdictions of Magisterial Services – will go a long way to meeting this need.

However, it is crucial to be mindful that the Land Court proceedings are operated at the district level so administrative support must also be provided at the district level. Of course, this means that case files for cases being heard need to be located in the district/provincial offices. It therefore makes sense to store case files in these offices rather than in Port Moresby. However, once a case is closed and archived, the case file should be moved to Port Moresby. Logic would say that Land Court case files need to be stored in a central facility fit for the purpose of long-term storage. Given the need to maintain case files into perpetuity, there is no justification for keeping them in the province/district offices once a case file is closed. They are not needed there.

With the electronic system, the registry book becomes obsolete and all records and registries will automatically be centralised. Case files held in each district/province will be on the electronic register monitored in Port Moresby and all information relating to the cases will be entered in the system. Therefore, there will be no need to maintain any manual records in the districts/provinces other than information in the case files required by the magistrates. Allocating registry numbers would be the responsibility of the central office.

Monitoring and evaluation would be straightforward and would operate in a way that is already happening for other jurisdictions. Monthly reporting can be prepared in Port Moresby and it will be easy to follow up on any shortcomings or failures in uploading information in the district/provincial offices. If staff in the districts/provinces are not compliant in entering information it will quickly become evident in Port Moresby and action can be taken.

In Port Moresby there will need to be a dedicated storage facility capable of storing files into perpetuity. Such a facility does not exist, so it will need to be built if the Land Court requirements of maintaining records into perpetuity are to be met. Once the facility is built, a small team of staff will need to be allocated to manage the facility. The team would need to adopt a proper process of inventory management with procedures for such things as file retrieval and storage. Monitoring and evaluation would mean regular auditing of archived files – a straightforward and inexpensive process since all files are archived in one place under one archiving system managed by one team.

The centralised records management system would be considerably more efficient. There would be less work for staff in the district/provincial offices as they would not need to maintain a register or to operate archive functions. Staff would be required to enter case information in the electronic records management system – something they are fully up to speed with as they are already doing it for other jurisdictions. Otherwise, their records management duties will be confined to maintaining active case files. In the Port Moresby office, minimal additional resources would be needed when shifting to the electronic system as it is already set up to accommodate the Land Court. The only additional resources needed would be for the operation of a dedicated archive in Port Moresby. But in terms of overall human resource requirements, there will be little difference because there are savings at the district/provincial level.

What this all amounts to is that the records management system would be able to shift to a centralised management system with, at most, a moderate increase in the operating budget (see Table 1). The only significant injection of funds needed would be to build and establish an archive facility in Port Moresby. Within the confines of the

ongoing budget, the centralised system can operate effectively in accordance with the design criteria laid out in Figure 2. In complete contrast, there is little or no prospect for the existing decentralised manual records system to progress beyond the current poor state within the confines of the budget (Table 1). For it to work, very large injections of funds would be needed to improve storage facilities in each district and to put in place a workable monitoring and evaluation system. Compiling data and reporting to management would also require considerable ongoing resources for a regular travelling circuit to each of the districts.

Table 1: Shifting to a well-functioning system design for records management

Activity	Current system		Optimal centralised electronic system	
	Location	Extra resources needed to be effective	Location	Extra resources needed to be effective
Active case file management	Districts	None	Districts	None
Registry and number allocation	Districts	None	Port Moresby	None
Recording of case information	Not done	Some	Entry at districts; maintenance at Port Moresby	Negligible
Compiling and reporting to management	Not done	Very large – ongoing circuit travel needed	Port Moresby	Minor – perhaps 1 additional person
Monitoring and evaluation	Occasional in districts (the audit circuit)	Very large – ongoing circuit travel needed	Port Moresby	Some – perhaps a small team of 2–3
Archiving	Districts	Very large up front – for new facilities; very large ongoing – for auditing	Port Moresby	Large up front – for a new facility; small ongoing – for a small team

The path to a centralised system

In moving forward, a key question would be whether the records management system should first be moved to an electronic platform before adopting a centralised design. A good case may be presented for first centralising the manual system. By shifting all case files, records and registries to a central location in Port Moresby, a records management team could be put in place to work through these to bring them up to standard as far as is possible. Progressing to an electronic system would then be straightforward. However, this strategy faces a big challenge. Before shifting case files, records and registries to Port Moresby, a secure and dedicated storage facility would need to be built. At present, the Port Moresby offices have no space to accommodate additional case files and in any case, the existing storage facilities are inappropriate for long-term storage.

Management at Magisterial Services is of the view that the best way to go is to first improve the state of the manual records in the confines of the decentralised system before shifting to the electronic system. This is the reason that the audit process is ongoing and that the electronic system has not been adopted despite being used successfully in the other jurisdictions. The expensive audit circuit might take a decade or more to complete despite the additional funding provided by the Land Court Project under Phase II. The reality is that the on-site audit process needed for every district/province cannot be accomplished in a timely manner within budget parameters.

Even if more funding is available, the audit circuit and the efforts made to improve the existing manual system are largely futile and are likely to achieve little. The underlying problem in records management is a decentralised design which has no hope of coming close to satisfying the criteria for a 'well-designed records management system' outlined in Figure 2. In other words, within the confines of the budget constraint, it is not possible to manage the decentralised system in a way that would ensure the system is being implemented correctly with proper monitoring and evaluation processes, while meeting the key criteria of compliance, reliability and integrity. Inevitably then, while improvements may be made with each audit, one should expect the situation to quickly revert to the existing conditions. In short, the audit circuit has little to offer it as far as navigating a path to a long-term and sustained improvement in the records management system, yet is consuming considerable resources.

In navigating its way forward, management at Magisterial Services should be mindful of taking the easiest path towards a long-term sustainable solution. This solution is a centralised records management system designed in accordance with Figure 2 as outlined in Section 7 and Table 1. The easiest path is to first adopt in full the electronic system of records management. Most Provincial and District Land Court offices employ just one administrator to look after the Land Court and the other jurisdictions of the Magisterial Services. This being the case, it would appear to be a relatively small step to complete the transition of the Land Court records to a full electronic system. The capacity and capability is already in place both in the district/provincial offices and in the technology area in Port Moresby. No additional staff nor infrastructure is needed, and if additional technology resources are needed they will be small because the software and hardware is already in place. In short, transition to the electronic system can happen with minimal consequences for the budget.

Once the electronic system is in place, a big step will have been taken to centralise the records management system. Case records will be entered at the district/provincial offices, but managed and maintained in Port Moresby. Registration numbers would be provided through the electronic system and updating and maintaining the registry book would become obsolete. Management would be able to put in place regular analysis and reporting of case data from the Port Moresby office. Monitoring of data entry in the district/provincial offices to ensure compliance can be activated much as it is being done already for other jurisdictions.

On activation of the electronic system, it will be important to transfer to it all existing active cases. This will take much time given the considerable backlog. Hence management will need to provide guidance on how to prioritise and sequence the transfer. First, an order of sequence will be needed for rolling out the electronic system to the district/provinces. Again, one would expect that the easiest path would be followed so that priority

is given to those district/provincial offices where the roll-out is likely to be easiest.

Next, in each district/provincial office an order of sequence will be needed for the transfer of active case files. One would expect that the order of sequence would be based on the order that the cases will be heard. In this way, the case files would be integrated into the electronic system before they are heard.

After all active case files have been integrated into the electronic system, a process could begin to transfer all archived files to the electronic system. This process would be of low priority, but important to complete over time given the requirement to maintain records into perpetuity. Before beginning this transfer process, it would make sense to first have in place a centralised storage facility for archived files. Once the facility is ready, all archived files would be moved to the facility. The process of transferring archived files would then be far more efficient and effective as they will be all located in one place with dedicated human resources tasked with the transfer.

Conclusion

The records management system of the Land Court is in a dire state. As a result, the ability of the Land Court to function effectively has been severely compromised. It is easy to pin the blame on individuals for failing in their duties, but it is not these individuals that are to be blamed. Instead, the dire state of the records management system is due entirely to its poor design.

The core problem is that the system is not designed to be able to function within the confines of the available budget resources. Instead, the system adopts a highly decentralised approach that is very expensive to operate effectively. The available resources fall far short of what is needed for this to happen, and as a result, it has been a complete failure. Within the resource constraint, it is simply not possible to undertake the fundamental functions of monitoring and evaluation or of data compilation and reporting to management. If these functions cannot be done, then the system cannot work. It seems that for many decades the system has operated in the hope that one day more resources would be forthcoming to make it work. But this has proven to be a false hope and is a situation that will not change any time soon given the Government's fiscal restraint. Current efforts to improve records through an audit circuit are largely a waste of time and resources. This is because any improvements made within the confines of the existing poor system will be temporary. The system needs to be fixed first.

By moving to the electronic records management system that already exists in Magisterial Services, and by centralising records management functions in Port Moresby, the Land Court would be able to shift to a system that is effective while operating within existing budget parameters, or at most, a moderate increase in the budget. Only data entry and maintenance of active case files would be left to the districts and provinces. The organisational structure would become more robust with clear hierarchies and a critical mass of staff in the Port Moresby office to look after records management. Monitoring and evaluation would then be straightforward and inexpensive and management would have easy and regular access to records information. In short, the records management system would be compliant, reliable, and have integrity.

References

- Apelis, K. and Moore, E. (2013). *Accessing Customary Land for Urban Development* (PNG NRI Discussion Paper 126). Port Moresby: Papua New Guinea National Research Institute.
- Cooter, R. D. (1981). *Land Policy and Economic Development in Papua New Guinea*. Port Moresby: Institute of National Affairs.
- Institute of National Affairs. (1981). *Summary of Proceedings of an Institute of National Affairs Seminar: Land Policy and Economic Development in Papua New Guinea*. Port Moresby: Author.
- Jones, L. and McGavin, P. (2000). *Creating Economic Incentives for Land Mobilization in Papua New Guinea*. Port Moresby: Institute of National Affairs.
- Land Court Project Office. (2016). *Land Court Project Report: Land Court Reform as Administered by Magisterial Services Under the NLDP:2010-2015*. Port Moresby: Magisterial Services.
- Land Court Project Office. (2016). *Land Court Project Phase 2: 2016-2020; Project Design Documentation*. Port Moresby: Magisterial Services.
- Levantis, T. and Yala, C. (2008). Breaking away from the land policy stalemate. *Pacific Economic Bulletin*, 23:99-110.
- Magisterial Services. (2016). *Land Court Processes and Procedures Standard*. Port Moresby: Author.
- Manning, M. (2008). 'The paths to land policy reform in Papua New Guinea and Vanuatu', *Making Land Work: Case Studies on Customary Land and Development in the Pacific*, Volume 2: 285–305. Canberra: Australian Agency for International Development.
- National Land Development Program. (2007). *National Land Development Program Concept Design Document*. Port Moresby: Author.
- National Land Development Taskforce. (2007). *National Land Development Taskforce Report: Land Administration, Land Dispute Settlement, and Customary Land Development*. Port Moresby: Papua New Guinea National Research Institute.
- New South Wales Government State Archives and Records. (2017). *Characteristics and Functionality of Recordkeeping Systems*. www.records.nsw.gov.au/recordkeeping/advice/dirks, (accessed August 2017).
- PNG Legal Capacity Building Project. (2013). *Court Officers Manual* (unpublished). Author
- World Bank. (1975). *Land Reform: Sector Policy Paper*. Washington: World Bank.
- World Bank. (1989). *Land Mobilization Project Papua New Guinea*. Washington: World Bank.
- World Bank. (1997). *Land Mobilization Project: Implementation Completion Report Papua New Guinea*. Washington: World Bank.
- Yala, C. and Lyons, K. (2012). *The National Land Research Framework for the Papua New Guinea National Land Development Program* (PNG NRI Discussion Paper 122). Port Moresby: Papua New Guinea National Research Institute.
- Yala, C., Chand, S. and Duncan, R. (2010). *The Genesis of the Papua New Guinea Land Reform Program: Selected Papers from the 2005 National Land Summit*. (PNG NRI Monograph 42). Port Moresby: Papua New Guinea National Research Institute.

Appendix – Questionnaire for Land Court officials (edited)

A. Overview of Land Court operations

A1. The implementation of Phase I of Land Court Project ended in 2015. In your opinion, what are the achievements, challenges and failures?

(i) Achievements:

(ii) Challenges:

(iii) Failures:

A2. In your opinion what could be done to address the challenges and failures?

A3. Is there any information available on how many of each type of land dispute matter is brought to the Land Court (i.e. (1) disputes over who are the rightful owners of the land; (2) disputes relating to land use rights; and (3) disputes over land boundaries)?

B. Data management system of the Land Court

B1. What is the administrative process in terms of registering and recording once a matter is submitted through 'Form 8' or 'Form 10', or on referral of a case to the Land Court?

B2. Are there any issues relating to the recording and registration process, and the opening of case files? Or is the process running smoothly?

B3. Does the Land Court use data management software? If so, please describe it and explain how it is being used and any issues related to its use.

B4. Broadly, what details are normally provided in the record of proceedings? What processes follows? Are any of these details reported/recorded/summarised elsewhere?

B5. Is there communication of Land Court decisions with customary land administration? When a Land Court decision is made how does this translate to ILG registration?

B6. If there are additional processes for records of proceedings taking place beyond the case files, is the information compiled in any way? For example, compiled in data items such as: number of cases; number of Forms 8 and 10; number going back to mediation; numbers by provinces.

B7. What links or connections are in place between the National Land Court office and the decentralised administration, recording and storage processes?

C. Storage and archiving

C1. What is the process for storage, archiving and retrieval of case files and other records?

C2. What issues are there in storage, archiving and retrieval? To what extent is the system secure against fraud, water damage, fire, pests, decomposition?

C3. Have there been any instances of case files that have been lost or damaged? If this has occurred, to what extent?

C4. Are there any auditing processes carried out to confirm that all Land Court case files are intact? If so, are these regular and comprehensive?

C5. What is the status of old records relating to land matters from last decade and earlier?

D. Human resources

D1. Do there exist human resource constraints that affect records management of the Land Court?

D2. If so, what shortfalls are there in human resources needed to operate the records management system properly?

D3. What likelihood is there in coming years of overcoming any human resource shortfalls? How can anticipated shortfalls be addressed?

E. Reform experience and going forward

E1. What reforms to the records management system have been tried in the past? Please elaborate on successes and failures.

E2. Does the Land Court have a data management strategy or policy going forward? If yes, please elaborate.

E3. Please give us your thoughts on how the records management system can be improved.



THE NATIONAL
RESEARCH INSTITUTE

PAPUA NEW GUINEA

inquire, inform, influence

The National Research Institute, PO Box 5854, Boroko, Port Moresby, National Capital District 111,
Papua New Guinea; Telephone +675 326 0300; Email: nri@nri.org.pg

This and other NRI publications are available from www.pngnri.org.

“This publication is supported by the Australian Government in partnership with the
Government of Papua New Guinea.”

