



GOVERNMENT OF SAMOA

**SAMOA SECOND INFRASTRUCTURE AND ASSET
MANAGEMENT PROJECT (SIAM II)**

COMPONENT 5.01: LAND ADMINISTRATION AND SURVEY

*RECORDS CONVERSION
LAND REGISTRATION SYSTEM*

TECHNICAL ASSISTANCE REPORT NO. 28

SUBMITTED TO

**MINISTRY OF NATURAL RESOURCES, ENVIRONMENT and
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RECORDS CONVERSION

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1 Records Management

A land Registry, like any business, depends on its records. The Registry not only creates records but it accumulates them at an ever increasing volume. This has consequences for records management generally but especially for storage and maintenance and access. The storage of large amounts of paper typically demanded by registration practices and processes is a problem for Registries generally. The Land Registry in Samoa is no different.

The notion of 'records conversion' is seen as attractive option to solve the storage maintenance and access problems and other records management issues. While conversion is a valuable tool, the over-riding issue in many cases is one of 'records management'.

A successful land title system is entirely dependant on effective and efficient land records management. For this reason 'records conversion' needs to be understood in the context of the 'records management' cycle:

- Creation of documents
- Protection of documents
- Preservation of documents
- Retention (including disposition) of documents
- Retrieval of documents

These aspects are briefly outlined below.

1. *Creation of documents*

The Registry must take a lead role in the design and form of the documents presented for registration.

Clearly the information presented must be complete, easy to read and understand, easy to store in industry standard filing cabinets (i.e. A3 and A4), etc.

Beyond these fundamentals though is the question of simplifying the documents. For example, some mortgage documents lodged for registration are up to 20 pages in length. Given that mortgages comprised almost 25% of lodgments in 2004 the impact on the Registry is significant for storage, maintenance and imaging. It is for this reason that a number of simplified forms (including the mortgage memoranda) have been suggested.

Simplified forms such as these can be introduced after the new title registration legislation is enacted. The Law Society has indicated its acceptance in principle of the proposed forms.

2. *Protection of documents*

If a document is deemed sufficiently important to retain (permanently or otherwise) resources must be made available to protect that document. These measures include air conditioning, vermin and fire protection, staff training in document handling, purpose-built storage, etc.

3. *Preservation of documents*

Working documents deteriorate over time and staff must be trained and given the resources to make simple repairs. Further, funds must be made available for professional assistance as and when necessary for the preservation and

conservation of essential records. This issue is especially relevant to historically significant documents. The National Archivist would be able to assist in this.

4. *Retention (including disposal) of documents*

Because of the nature of the business, Registries are typically focussed on permanently retaining all documents. This policy should be regularly examined.

- Must ALL documents be permanently retained?
- Must ALL documents be stored on-site?
- Can some documents be removed to secure remote storage and release valuable office space?

If all documents must be held permanently and on-site then the funds must be made available to accommodate them. Typically however, this is not the case and superseded and cancelled documents can be destroyed after some form of imaging.

A formal document retention and disposal policy should be developed in conjunction with stakeholders including the National Archivist. Following approval of the policy by Government, plans need to be developed, funded and implemented to give effect to that policy. The management of the retention and disposal plan should be a responsibility of a nominated senior manager.

5. *Retrieval of documents*

Staff must be trained in the proper indexing and numbering of documents, preparing and maintaining record location indexes, etc. If technology is used the staff must be competent in using that equipment and in performing routine maintenance.

2 Records Conversion

Conversion of records to a computer database including the imaging of documents is a valuable option in satisfying the requirements of a good records management regime. Reasons for 'conversion' include better access to records and/or security by having back-up records. These are valid reasons and can often be sufficient to cost justify the conversion of records. Questions like when and how are typically considered but other questions such as precisely what records to convert and what resources will be necessary to complete the task are sometimes not sufficiently examined. For example, **must** all records be converted?

Conversion of records is expensive both in staff resources and time. The project must be thoughtfully developed; it must be carefully managed and it must have a firm commitment by management to adequately resource the project *for the expected life of that project*.

2.1 *The bound Register*

¹,A sample of over 1000 folios (about 10% of the Register) indicated that some 73% of those folios describe a land parcel that has not been subdivided and current title information is clear. Some 24% of folios have been subdivided and the residue land in the title can only be determined by research. (In some instances this research will require specialist skills and will be time consuming.) The remaining folios comprised

¹ Technical Assistance Report No. 2 – Samoan Land Registration System – Review, Analysis and Future Strategy

either 'continuations' (i.e. a folio that has become full and a subsequent folio has been used to record additional memorials), customary land leases or cancelled folios.

2.1.1 Unsubdivided folios

On the basis of the above statistics, the folio conversion project should initially focus on the 'unsubdivided' folios. This might be done at two levels:

1. Following the lodgment of a deed affecting a folio that had not been subdivided, the Registry Officer (RO) could:
 - Register the deed in the bound Register and then convert that folio into the Land Registration System OR
 - Convert the bound Register and then register the deed in the LRS.
2. As time could be made available during each day (say 3pm when the counter is closed to public inquiries) the Registry Officers (RO's) would should convert other 'unsubdivided' folios in the bound Register. The folios contained in the latter part of the Register are clean, clear and uncomplicated and the conversion of this part of the Register is seen as relatively straight forward. An initial concentration on these folios would enable Registry staff to gain more confidence in working with the LRS.

As the staff develop more confidence in their skills and in working with the system, this focus could shift to other folios that have not been subdivided but where the books are damaged and/or folios have broken free of the binding.

It is most important that folio conversion is accepted as a normal part of the day to day routine of the Registration Section - it should not be seen as an add-on to the daily operations. It is essential that management set performance targets for the staff for the conversion and other aspects of the work.

Limited experience during the training suggests that an initial conversion target of about 20 straight-forward folios a day may be practicable for each of the experienced RO's once they have developed confidence in their operation of the system.

*The conversion of approximately **20 folios a day** by each of the two experienced Registry Officers would convert that part of the Register in less than **1 year**.*

2.1.2 Subdivided folios

Subdivided folios will not be converted until the residue parcel has been defined in a plan. This activity requires research of the folio and the plans to identify the residue land parcel. In some cases the residue land in these folios may be easily determined; in others it will take a substantial amount of research. Overall the work will be time consuming and will require specialised title and plans skills.

- If the residue is defined in a plan within the office, the new-form folio would be created for that land parcel. Note that the combination of lot and plan number must be unique.
- If a plan defining the residue does not have a number for the parcel, one must be allocated.
- If a plan does not exist then a 'Registry Plan' must be compiled. This plan would be for 'title issue purposes only' and not for survey information – its primary purpose is to provide a lot/plan identity to the residue parcel. In some cases the residue parcel might only be defined by reference to adjoining parcel references. Boundary dimensions or areas may not always be

available. The plan will show the lot number allocated to the parcel and locality information.

This project has not yet been researched by MNREM e.g. the amount of work involved, the number of staff required or the skills necessary. However, some educated guesses indicate that this task is huge. If 24% of the bound Register folios have been subdivided the number of Registry Plans to be compiled is about 2500. If each folio took a day to resolve and prepare a plan (note that some folios are very complex) the project will take a skilled researcher over 10 years.

The risk in completing this phase of the conversion project will be the availability of people with appropriate skills for the expected Total time of the project.

2.2 *Imaged deeds*

Conversion of registered deeds to the computer will be undertaken through the imaging system installed in the Land Registration Section. An A3 scanner is available for the scanning of legal and fooscap documents and an A4 scanner for industry standard documents.

2.2.1 Size of the deed file

The conversion of the registered deed file is a most significant undertaking. There are about 35,000 deeds and the conversion of this file may require over 270,000 images. Assuming that each image would take (say) 2 minutes to place on scanner, scan, index and save the image, the project will take *over 6 years* for one person.

In undertaking an imaging programme of this dimension it is necessary to ask questions such as:

1. Is there a commitment and are funds available to make the necessary staff available to undertake the work?
2. Where does one focus the effort to maximise the return on the investment?
3. Can particular parts of the deed file be identified as a priority area?

Limited research suggests that the public have a perceived need to inspect a variety of deeds over a wide period for a variety of reasons. Some of these reasons are fully understandable but others are vague and disputable. The reasons though are of no concern to the Registry. It is administering a public record and providing that the 'user pays' there is no issue. The range of information sought by the public though does make it difficult to target specific deeds and time periods for imaging purposes.

2.2.2 Targeted approach

First phase

Scan those deeds lodged in the Land Registration System (LRS). These deeds will be allocated a sequential number within the system to differentiate them from documents lodged prior to LRS implementation. They include deeds registered on folios of the bound Register and those registered within the LRS, Powers of attorney and Revocations. Lodgments average about 10 per day.

These deeds would be imaged following registration action and signing by the Registrar or delegate.

Second phase

Complete the conversion of the bound Register folios that have not been subdivided. (Subject to resources being made available this project might be completed in about

1 year.) At that stage the data held in the Land Registration System could be analysed and the 'current' encumbrances identified in the computer Register .

These current mortgages, leases, etc., should be the focus of any the large scale imaging effort. It could be argued that these deeds are more likely to be the subject of an inquiry and the availability of those documents in the imaging system would facilitate the provision of copies to the public.

By default, the majority residue deeds are 'dead' i.e. they do not affect the current folio of the Register. These deeds could be held in the Registry area (subject to space availability) or, preferably, removed to a secure remote storage area. These deeds may never need to be imaged as part of the operational requirement of the Registry.

The file of historical deeds will include deeds that have historical significance. These should be identified, restored as necessary and conserved.

2.2.3 Other documents

Other documents to be imaged include the converted folios of the bound Register and new-form folios generated from the folio conversion process.

1. Following conversion of bound Register folios the option exists to image the Registers. It is strongly suggested that this imaging await the conversion of a whole Volume. At that stage the binding of the bound Volume can be broken, the individual folios scanned, the Volume loose-bound to keep the folios together and then removed to a secure remote storage. The Principal Archivist has advised that some storage assistance is available from that office.
2. Prior to enactment of the proposed Title Registration legislation, the LRS will print a new-form folio following each update of the computer Register. This folio is required by the existing legislation and the document will be signed by the Registrar or delegate.

These folios will be scanned into the imaging system. Members of the public searching those folios for title information will be supplied with copies from the imaging system.

2.3 Initial document scanning focus

It is suggested that the initial focus of what will be a significant long-term scanning project be limited to:

1. New-form folios printed following the conversion of the bound Register. Note that after the enactment of the proposed Title Registration Bill these documents will not be necessary and they will not be printed.
2. Deeds lodged within the LRS i.e. deeds numbered in the 25000 series of numbers and registered and Powers of Attorney and Revocations numbered within the 20000 series.

These initial activities are relatively small but would be most helpful in confirming training and ensuring that scanning is seen as part of normal Registry operations.

3 Workload Assessment

3.1 Bound Register conversion

Convert the folios of the bound Register that have not been subdivided

Assumptions:

8000 folios

20/day (1.5 hours a day due to Registry business commitments)

Total time: 1.7 man years

Prepare compiled plans to define residue parcels for the subdivided folios

Assumptions:

2500 plans

1/day

Total time: 10.5 man years

Create folios of the bound Register for the residue parcels

Assumptions:

2500 folios

20/day

Total time: 0.5 man years

3.2 Document imaging

Image current deed lodgments following registration

Assumptions:

10/day – 60 images

2 minutes per image

Total time: 2 hours/day

Image new form folios (until obviated by the new title legislation)

Assumptions:

40/day

2 minutes per image

Total time: 1.5 hours/day

Image only current deeds as identified during folio conversion

Assumptions:

13,000 land parcels, 50% affected by an encumbrance (25% a mortgage)

Images: 65,000 (mortgage 48,750; other 16,250)

2 minutes per image

Total time: 1.5 man years

Image the bound Register after conversion to the LRS

Assumptions:

15,750 images (10,500 folios and 1.5 images/folio)

2 minutes per image

Total time: 1.8 man years

3.3 Summary of effort

Register conversion

Registration Section: 2.2 man years

Draughting Section: 10.5 man years

Document imaging

Registration Section: 2 hours/day for deeds and, until the new title legislation, a further 1.5 hours for the new form folios

Project staff: 3.3 man years to image historical deeds and Registers