



GOVERNMENT OF SAMOA

SAMOA SECOND INFRASTRUCTURE AND ASSET MANAGEMENT
PROJECT (SIAM II)

COMPONENT 5.01: LAND ADMINISTRATION AND SURVEY

SPATIAL INFORMATION ACT

TECHNICAL ASSISTANCE REPORT NO. 14

SUBMITTED TO

MINISTRY OF NATURAL RESOURCES, ENVIRONMENT and METEOROLOGY

FEBRUARY 2006



Version Control

Version	Date	Type of Change(s)	Who
1.0	13/6/05	Initial draft passed to CPM (MNREM)	Chris Grant
Final	3/2/06		Chris Grant

SPATIAL INFORMATION ACT 200?

Arrangement of provisions

- PART 1 PRELIMINARY**
 - 1 Short Title and Commencement
 - 2 Interpretation
- PART 2 SPATIAL INFORMATION AGENCY**
 - 3 Establishment of Spatial Information Agency
 - 4 Appointment of other officers and employees
- PART 3 OBJECTIVES, POWERS AND FUNCTIONS**
 - 5 Objectives of this Act
 - 6 Powers of the Minister
 - 7 Functions of the Chief Executive Officer.
- PART 4 GEOGRAPHIC NAMES BOARD**
 - 8 Establishment of Geographical Names Board
 - 9 Secretariat of Board
 - 10 Remuneration of Board Members
- PART 5 OBJECTIVES, POWERS AND FUNCTIONS**
 - 11 Objectives of the Board
 - 12 Functions of the Board
 - 13 Powers of the Board
 - 14 Guidelines
- PART 6 MISCELLANEOUS**
 - 15 Exemptions from Liabilities
 - 16 Regulations
 - 17 Delegation by the Minister-
 - 18 Delegation by the Chief Executive Officer
 - 19 General requirements

Spatial Information Act (200?)

SAMOA

An act to establish a Spatial Information Agency, to implement ready access to spatial data and promote their wide utilization to support effective planning, management and protection of natural resources for all Samoans.

PART 1 PRELIMINARY

1 Short Title and Commencement

- (1) This Act may be cited as the Spatial Information Act 200?
- (2) This Act shall commence on the day or days nominated by the Minister

2 Interpretation

- (1) In this Act, unless the context otherwise requires:

“Agency” means the Spatial Information Agency of Samoa

“Administrative Boundary” means the boundary defining the extent of any town, district, land division, village or locality in Samoa; nothing in this meaning includes electoral division as defined under the Electoral Act 1963.

“Board” means the Geographical Names Board;

“Cadastral survey” means the determination and description of the spatial extent including boundaries of interests under a tenure system

“Cadastral survey dataset” means the set of cadastral survey data necessary to integrate a cadastral survey into the cadastre;

“Chief Executive Officer” or CEO means the chief executive officer of the Ministry of Natural Resources, Environment and Meteorology;

“Core spatial datasets” means data, or sets of data, which are necessary to provide the framework for the optimal use of many GIS applications and are essential to the outcomes of a number of agencies.

“Custodian agency” means an agency of the Government of Samoa assigned responsibility and accountability for certain spatial information.

“Geodetic survey system” means a system that enables positions on the surface of the earth to be determined by reference to a mathematical model that describes the size and shape of the earth.

“Geographic name” means the name of any town, village, settlement, district, division, locality, feature, object, road or reserve over the land and maritime jurisdiction of Samoa.

“Geographic Names Board” means the board established under the relevant Act to approve all geographic names in Samoa.

“GIS” means Geographical Information System which is a computer system capable of assembling, storing, integrating and displaying spatial information.

“Information” means data which has been processed, organized or classified into categories to serve a useful purpose. It can be presented in digital, printed, image, graphical or numerical form.

“Ministry” means the Ministry of Natural Resources, Environment and Meteorology;

“**Minister**” means the Minister of Natural Resources, Environment and Meteorology;

“**Plan**” means a graphical representation of one or more cadastral surveys

“**Spatial Information**” means information which is concerned with the size, area or position of any location, event or phenomenon on the surface of the earth. It is a generic term used to incorporate both land and geographic information and datasets.

“**Surveyor**” has the same meaning as in the Survey Ordinance 1961 (to be replaced by Survey Act 200?).

PART 2 SPATIAL INFORMATION AGENCY

3 Establishment of Spatial Information Agency

- (1) The Spatial Information Agency shall be established comprising the:
 - a) Minister;
 - b) Chief Executive Officer;
 - c) Assistant Chief Executive Officer
 - d) Other Officers and employees.
 - e) Geographic Names Board

- (2) The existing Technical Division Sections of responsible for Surveying, Draughting and Plan Examination and National Mapping shall be incorporated into the Agency

4 Appointment of other Officers and Employees

Such Public servants as may be necessary for the proper discharge of the Agency's functions may be appointed to be officers and employees of the Agency.

PART 3 OBJECTIVES, POWERS AND FUNCTIONS

5 Objectives of this Act

In the performance of any function, power or duty under this Act the following objectives shall be pursued:

- a) To support the effective and efficient use as well as sharing of spatial information
- b) To produce and maintain national coverage of topographic maps, marine charts and other remote sensed imagery needed for the sustainable management of land, sea and other natural resources.
- c) To provide and maintain the geodetic survey system and the basic spatial reference framework for Samoa and to link this framework to international networks;
- d) To compile and maintain the databases of core spatial datasets for Samoa in a form which provides a platform for the integration of spatial data;
- e) To foster the extended use and sharing of spatial information and the growth of the spatial information industry in Samoa;
- f) To protect Government of Samoa interests in all matters of Intellectual Property and copyright concerning the production, supply and ownership of spatial databases and spatial information products and published material.

6 Powers of the Minister

The Minister shall have such powers as are necessary to enable proper performance of its functions and furtherance of the objectives of this Act provided that the power of the minister are not extended to the exercise of the administrative or operational control of any other agency or corporation

- (i) To administer the Act
- (ii) To chair the Geographic Names Board

7. Functions of the CEO

The functions of the CEO are-

- (a) To implement the provisions of this Act and to exercise the Powers conferred to meet the objectives including;
 - (i) recommending policy to cabinet such as to ensure there is an active and effective policy platform for spatial information sharing
 - (ii) identifying, assigning and monitoring the custodian agencies of national spatial data resources
 - (iii) ensuring Samoa is appropriately represented at regional and international level on Spatial information matters
 - (iv) fostering technological innovation and training
- (b) To approve the form of all licenses, agreements or other arrangements relating to the sale of spatial information
- (c) To receive the annual program and annual report of the agency
- (d) To promote strategic planning and ensure coordinated action in relation to the supply, application and sustainable use of spatial data resources of Samoa.
- (e) To appoint any special committee, working groups including user groups, to advise on policy, technical and related matters
- (f) To produce maps, maintain and disseminate the core spatial datasets over the land and seabed jurisdiction of Samoa;
- (g) To authorize production of national maps;
- (h) To establish and maintain the geodetic survey network of Samoa;
- (i) To regulate the conduct of cadastral surveys and surveyors licensed under the respective laws and regulations;
- (j) To oversee examination, approval and recording of all plans and cadastral survey datasets relating to the subdivision and definition of all lands;
- (k) To establish and maintain the index of geographic names of Samoa;
- (l) To provide advice to Government on all aspects of spatial information production, application and management;
- (m) To provide technical support to the Geographic Names Board.

PART 4 GEOGRAPHIC NAMES BOARD

8. Establishment of Geographic Names Board

- (1) There is established a Geographic Names Board
- (2) The Board shall consist of 6 members comprising:
 - a) The Minister who shall be chairperson.
 - b) The CEO who shall be deputy chairperson
 - c) Four other members to be appointed by Cabinet from time to time on the recommendation of the Minister
- (3) The meetings of the Board shall be held at such times and places as the Chairperson may determine.
PROVIDED THAT, the Chairperson shall convene a meeting of the Board at least two (2) times each year.
- (4) The appointed members of the Board shall serve for a period of 3 years and shall be eligible for reappointment.

9. Secretariat of Board

The Assistant CEO of the Agency shall be the secretary of the Board to provide the necessary support and administration.

10. Remuneration of appointed members

- (1) Each member shall be entitled to receive a fee for attending meetings of the Board as approved by Cabinet
- (2) Each member shall also receive an annual director's fee as approved by cabinet.

PART 5 OBJECTIVES, POWERS AND FUNCTIONS

11. Objectives of the Board

In the performance of any function, power or duty under this Board the following objectives shall be pursued:

- a) To eliminate ambiguity and uncertainty in geographic names in Samoa
- b) To ensure administrative boundaries are clearly defined and known;
- c) To ensure that there is appropriate recognition of Samoan heritage and culture in the selection of geographic names;
- d) To provide the institutional and administrative framework that facilitates widest practicable community consultation in matters covered by this Act.

12. Functions of the Board

The functions of the Board are to-

- a) approve all geographic names in Samoa;
- b) alter a recorded geographic name;
- c) define, re-define, alter or amend and approve all administrative boundaries.
- d) adopt standards and apply rules for the approval of geographic names;
- e) develop and promote guidelines for the assignment of geographic names;
- f) compile and maintain a record of all geographic names with a record of their form, spelling, meaning, origin and history;
- g) publish a gazetteer of geographic names, and
- h) conduct enquiries and make recommendations on any matter referred to it by the Minister.

- i) conduct enquiries and make recommendations on any matter referred to it by the Minister

13. Powers of the Board

The Board shall have such powers as are necessary to enable the proper performance of its function and furtherance of the objectives of this Act.

14. Guidelines

The Geographical Names Board shall from time to time make guidelines not inconsistent with this Act, with respect to:

- a) The forms or other documents to be used for the purposes of this Act;
- b) The procedures to be followed to conform the requirements of this Act;
- c) The form of and the method of keeping records to be kept by the board for the purposes of this act;
- d) Prescribing the places or classes of places to which the provisions of this Act do not apply, and
- e) Prescribing all matters which are permitted to be prescribed by this Act for giving effect to the provisions of the Act.

PART 6 MISCELLANEOUS

15 Exemptions from liabilities

The Minister, the Chief Executive Officer or any other person acting under the authority of the Minister or Chief Executive Officer, shall not be personally liable for any damage done or for any act, omission or default made in good faith by the Minister or Chief Executive Officer under the provision of this Act.

16 Regulations

The Head of State, acting by and with the advice of Cabinet, may from time to time make such regulations as may be necessary for the due administration, management, development and protection of spatial information and geographical names.

17 Delegation by the Minister-

The Minister may delegate to any person any or all of the functions and powers which are conferred on the Minister by this or any other Act.

18 Delegation by the Chief Executive Officer

The Chief Executive Officer may delegate to any person any or all of the functions and powers that are conferred on the Chief Executive Officer by this or any other Act.

15. General requirements

- (1) Any delegations under this Act must be made in writing;
- (2) Any person who delegates a function or power under this Act may still exercise that function or power;

Proposed Spatial Information Act

- (3) Any person who delegates a power or function under this Act may in writing revoke the delegation at will.
- (4) Any delegation made under this Act by a person who subsequently ceases to hold office continues in force as if made by that person's successor in office until such delegation is revoked.

**The Spatial Information Act 200? is administered in the Ministry of Natural Resources,
Environment and Meteorology**