



GOVERNMENT OF SAMOA

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

COMPONENT 5.01: LAND ADMINISTRATION AND SURVEY

QUARTERLY REPORT

May – July 2005

**SUBMITTED TO
MINISTRY OF NATURAL RESOURCES, ENVIRONMENT and
METOROLOGY**

August 2005



1. INTRODUCTION

This report covers the implementation of SIAM II - Component C5.01 - Land Administration and Survey project for the second quarter August - May - July 2005. It summarises the highlights, progress, any issues arising and action as appropriate for each sub-component activity in the implementation work plan.

2. PROJECT STRUCTURE

To assist with the report context the project implementation framework, and the relevant responsible adviser, is re-stated in the table below:

Project Framework

Component	Sub-component	Adviser
C5.1. Survey and Geographic Information	C5.1.1 Geodetic Survey	Andrew Dyson (T/L) Keilani Soloi
	C5.1.2 Land Information Integration	Neil Pullar
	C5.1.3 National Mapping	Chris Grant
C5.2. Land Administration Reform	C5.2.1 Land Registration Conversion	Dennis Brady
	C5.2.2 Land Registration Legislation	Kevin Nettle Fiu Mata'ese Elisara-Laulu
	C5.2.3 Land Valuation	Mark McLoughlan

3. GENERAL SUMMARY

Project progress

The project has generally continued to make progress throughout the second quarter with intense Technical Assistance team activity during the early stages of the quarter.

The bulk of the reports and draft legislation as scheduled under the Project Inception Report (TA Report No.1) have now been delivered. It is noted that many of the reports and legislation remain in draft form and concluding action is pending the formal response by the MNREM. It is acknowledged that significant work load has been placed on the stretched resources of the MNREM by the quantity and broad scope of the draft outputs and this has contributed to the formal responses extending significantly beyond the 14 day period provided under the conditions of contract.

A feature of this report is the recurring reference to delays in (i) equipment procurement and (ii) responses to draft reports and recommended legislation. Under the prevailing contract billing arrangements these delays have the potential to present a financial impost on LEI as managing contractor

The geodetic network upgrade activities have fallen seriously behind schedule because MNREM has been unable to commit adequate resources and it is unlikely that the Apia tertiary network will be completed during project implementation.

Reports Completed

The following individual activity reports were delivered in accordance with the delivery plan:

Report No 2	Final - Land Registration System – Review, Analysis and Future Strategy
Report No 6	Final - Geodetic Network Review and Options for Upgrade
Report No 5	Final - Land Valuation System – Initial Review and Analysis
Report No 8	Final - Valuation Standards & Code of Ethics
Report No 9	Draft - Valuation Legislation
Report No.10	Draft - Spatial Information Agency (National Mapping) Position Paper
Report No.11	Geodetic Network Upgrade Plan
Report No.12	Draft - Survey Act
Report No.13	Draft - Spatial Information Policy Paper on Information Sharing
Report No.14	Draft - Spatial Information Act
Report No.15	Draft - Geographic Names Act
Report No.16	Draft - Survey Regulations
Report No.17	Final - (draft) Valuation Act
Report No.18	Draft - Geographic Names Guidelines
Report No.19	Exit report Valuation
Report No.20	Draft - Title Registration Act & Regulations

Adviser Team

During the quarter the adviser deployment was in accordance with the work plan as approved in the Inception Report.

The Valuation adviser and Mapping Adviser completed assigned inputs during the period, however some extended time, and an additional mobilisation, is necessary for the latter to finalise outstanding draft reports and laws.

Some amendment to the work plan and delivery plan will be necessary before further deployment of the LII, Land Registration and Land Law Advisers. These will be largely dependant on equipment installation, which has yet to be finalised, and feedback on the draft Title Registration legislation.

Group Study Tour

Some informal assistance was provided by LEI in the planning and organisation of a Group Study Tour for five senior officials under the project training program and budget. Programs covering surveying and title registration were suggested with two comparable jurisdictions in Australia. These were:

- Department of Property Information (DPI) in New South Wales, and
- Department of Land Information (DLI) in Western Australia.

The GST was undertaken over one week in late May.

4. ACTIVITY REPORTS

Monthly reports have been submitted for May, June and July 2005. These contain comprehensive details on the progress and issues affecting the activities under each sub-component.

This Quarterly report summarises general progress and focuses on the key issues affecting the project at each sub-component level.

COMPONENT C5.1 – SURVEY AND GEOGRAPHIC INFORMATION

SUB-COMPONENT C5.1.1 - Geodetic Survey

General summary:

The sub-component activities and summary status of each are:

Activity 1.1.1 – Initial Review & Analysis

- Complete

Activity 1.1.2 – Specification of geodetic and supporting computer equipment

- Complete.

After considerable delay, procurement of GPS is now on track and equipment is expected in the second week of August.

Activity 1.1.3 – Geodetic upgrade action plan.

- Draft action plan complete and submitted on 28 May 05. Formal response is awaited from MNREM.

Activity 1.1.4 – Revise survey ordinances

- Draft Survey Act and Regulations complete and submitted in June. Formal response awaited from MNREM.

Activity 1.1.5 – Prepare survey manual

- In progress

Activity 1.1.6 – Undertake geodetic network upgrade

- Reconnaissance complete and permanent survey mark placement in progress for first and second order networks.
- With the slow response to the Upgrade Plan, delay in GPS procurement and poor availability of survey staff, the planned activities have fallen seriously behind schedule and it would appear that a significantly reduced program is all that will be possible for the Apia third order cadastral control network.

Activity 1.1.7- Upgrade geodetic datum

- Pending completion of Activity 1.1.7

Activity 1.1.8 – Industry Education Information and Communication

- Will be undertaken in conjunction with Activity 1.1.7 followed by detailed and structured workshop on completion of field work and datum upgrade.

Key Issues and Risks

This sub-component introduces significant technological change and revolutionary techniques to all aspects of surveying in Samoa. The maximum participation of the MNREM survey staff in the geodetic survey upgrade has been proposed from the outset as an important element of

training and assurance that the system upgrade would be sustained. It was thus agreed that MNREM would commit counterpart staff and resources to the geodetic survey activities.

The slow response to the draft Upgrade Action Plan and the inability to dedicate the necessary counterpart human and physical resources suggests a low priority within MNREM to the upgrading and extension of the national geodetic network. The planned activities have fallen seriously behind schedule and it would appear that a significantly reduced programme is all that will be possible for the Apia third order cadastral control network.

Furthermore, without the training of MNREM staff which is inherent in their active involvement in the survey activities there must be serious concerns about the long term sustainability of geodetic and GPS operations within MNREM.

SUB-COMPONENT C5.1.2 - Land Information Integration (LII)

General Summary

The sub-component activities and summary status of each are:

Activity 1.2.1 – Initial Review and Options Analysis

- Complete

Activity 1.2.2 – Development of LII Principles and Strategy

- Complete

Activity 1.2.3 – Preparation of IS Specifications (for all activities)

- Complete
- Procurement of IS equipment has been significantly delayed.

Activity 1.2.4 – Drafting of Key Standards and Policies for LII

- Draft policy paper on LII and information sharing complete (in conjunction with *activity 1.3.1* below).
- Outline of proposed Metadata Standard and implementation prepared and distributed for comment.

Activity 1.2.5 – Develop LII Land Administration and Mapping Software Applications

- In progress

Activity 1.2.6 – Implement Records Conversion Programme and LII Computerised Applications

- In progress
- DCDB conversion has been recognised as a priority project within MNREM and Draughting & Plan Examination Section have assigned staff accordingly.

Key Issues and Risks

Further LII adviser input is dependent on the delivery of all critical LII equipment items. This is not expected to be before October 2005 and, as a result it will be necessary to reschedule adviser mobilisation and deployment. Consultant availability is dependent on the capacity to reschedule other work commitments. This is being investigated.

The rescheduling has potential financial implications which will need to be considered by LEI.

SUB-COMPONENT C5.1.3 - National Mapping Agency

General Summary

The sub-component activities and summary status of each are:

Activity 1.3.1 – Initial review & analysis

- Draft Position Paper complete
- Draft Policy Paper on information sharing complete (in conjunction with activity 1.2.4 above)

Activity 1.3.2 – Prepare draft national mapping legislation

- Complete

Activity 1.3.3 – Prepare guidelines for Geographic Names Board

- Draft guidelines complete

Key Issues

A formal response from MNREM to draft legislation and the policy paper will enable this sub-component to be completed.

COMPONENT C5.2 – LAND ADMINISTRATION REFORM

SUB-COMPONENT C5.2.3 - Land Registration Conversion

General Summary

The sub-component activities and summary status of each are:

Activity 2.1.1 – Inception review & analysis

- Complete

Activity 2.1.2 – Develop strategy and policy for Land Registration and Titling reform and recommendations for Cabinet

- The Land Registration and Land Legislation advisers have collaborated closely in the development of strategy and policy for land registration reform and the recommendations for Cabinet
- Upgrade plan included
- Complete

Activity 2.1.3 – Prepare Land Registration User Manual

- Progressing

Activity 2.1.4 – LRS Upgrade

- Software for the Land Registration System (developed in close collaboration with the LII adviser) has been made available on a progressive basis and a range of enhancements have been introduced. Management and several staff of the Registration Section have been introduced to the system and the principles involved are generally understood.
- The relocation of the Valuation Section to the Land Management Division and the delegation of stamp duty collection by the Ministry of Finance to the Registration Section will result in workflow amendments and changes in the LRS design
- Software development and testing to support the upgrade of registry operations is continuing.

Activity 2.1.5 – Develop and implement training program

- Progressing in parallel with system implementation.

Key Issues and Risks

As is the case with the LII adviser, the future mobilisation of the Land Registration adviser is dependant on the installation of IT equipment and progress with development of the land registration software. The LR adviser deployment needs to coincide for a period at least with the LII adviser. There is fortunately a greater degree of flexibility in the case if the LR adviser availability.

The legal and banking industries are not aware of decisions regarding the proposed Land Title Registration legislation or the proposed changes to the business operations of the Registry. The ACEO and Principal Land Registration Officer are to finalise the format and content of the proposed forms with the Public Trustee, the Law Society, the Bankers' Association and other users. The aim is to confirm these forms by end September.

Sub-component C5.2.2 Land Registration Legislation

General Summary

The sub-component activities and summary status of each are:

Activity 2.2.1 – Initial review & analysis

- Complete

Activity 2.2.2 – Review customary land tenure & administration

- Activity continuing with a focus on the key questions of:
 - What are the key principles of customary land tenure in Samoa?
 - What are the negative features (if any) of Customary Tenure?
 - What are the positive features (if any) of Customary Tenure?
 - Are customary owners disadvantaged by the Customary Tenure systems?
 - Is security (protection for the customary owner and/or community) under the Customary Tenure system under a present threat? A future threat? If so - how is it threatened?

Activity 2.2.3 - Develop strategy and policy for Land Registration and Titling reform and recommendations for Cabinet

- Complete in conjunction with activity 2.1.2 above

Activity 2.2.4 - Review Extension to Land & Titles Court

Complete and provision made in the draft title legislation for recording matters relating to customary land in the Land Registry, but separate from the Land Register.

Activity 2.2.5- Draft Land Registration legislation

A draft bill and draft supporting regulations have been completed and circulated within MNREM for comment and approval. The covering letter to the CEO has recommended that, after the bill has been finalized by the Attorney General it be referred to the Bills Committee of the Law Society for consideration and comment

Key Issues and Risks

The future deployment of TA assistance in this sub-component is dependant on the need for consultation with those responsible for the carriage of the draft title registration bill and regulations to the legislation stage. Until a response is received from the Attorney General and a program of legislation is available it is difficult to plan further input.

On the contract side, under the contract billing arrangements these delays have potentially significant financial implications for LEI as implementing contractor.

SUB-COMPONENT C5.2.3 - Land Valuation

General Summary

The sub-component activities and summary status of each are:

Activity 2.3.1 – Initial Review & Analysis of the current valuation system

- Complete

Activity 2.3.2 – Draft National Valuation Standards

- Complete

Activity 2.3.3 – Industry training and workshops

- Complete

Activity 2.3.4 - Draft guidelines for valuation practice and licensing

- Complete

Activity 2.3.5 – Prepare draft valuation legislation for MNREM

- Complete after modification requested by MNREM. In the opinion of the adviser the modifications dilute the draft bill by not providing for a Valuers Board, an Appeals Process or Stakeholder Representation.

Inputs into this Sub-component are now complete and an adviser Exit Report (TA Report No.19) was submitted to MNREM on 28th June 2005.