



GOVERNMENT OF SAMOA

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

COMPONENT 5.01: LAND ADMINISTRATION AND SURVEY

**QUARTERLY REPORT
August - October 2005**

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

November 2005



1. INTRODUCTION

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

The report also reviews the risk identified at project inception and the status is summarised under each sub-component .

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 third quarter with some diminution of Technical Assistance team activity during the the quarter. The reason for this was the unavoidable delays in the procurement equipment.

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. In response to a request from MNREM LEI has prepared a submission on a potential extension to the contract completion date.

Reports Completed

A summary of the activity reports completed and general status is attached to this report.

Adviser Team

During the quarter the adviser deployment was modified.. Some amendment to the work plan and delivery plan was necessary in respect of the LII, Land Registration and Land Law Advisers. The mobilisation of the Land Law Adviser remains dependant on feedback on the draft Title Registration legislation.

World Bank Supervision Mission

The Project Director and Team leader participated in the WB Supervision Mission during the reporting period. Feedback on the component implementation was generally favourable

4. ACTIVITY REPORTS

Monthly reports have been submitted for August September and October 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.
- GPS procurement complete and initial training undertaken.

Activity 1.1.3 – Geodetic upgrade action plan.

- Complete

Activity 1.1.4 – Revise survey ordinances

- Draft Survey Act and Regulations complete and initial response received from MNREM. Further response awaited from MNREM.

Activity 1.1.5 –Prepare survey manual

- In progress

Activity 1.1.6 – Undertake geodetic network upgrade

- In progress.

Activity 1.1.7- Upgrade geodetic datum

- Pending completion of Activity 1.1.6

Activity 1.1.8 – Industry Education Information and Communication

- In progress.

Key Risks

There were a number of risks identified at Project Inception. The risk status is summarised below::

- MNRE are unable to provide adequate resources to enable the recovery of existing survey marks, the selection of suitable sites for new marks, the upgrade of existing marks and the placement of new marks. This could affect the establishment of the Primary and Tertiary horizontal networks and the Vertical network.

Private sector assistance ensured that Primary & Secondary networks have been established as planned. Lack of support and resources from Survey Section has prevented establishment of a Tertiary network and any progress on vertical issues.

- MNRE are unable to provide adequate information about the existing geodetic control in Samoa. This could affect the development of transformation parameters between the old and existing datums and the proposed new datum.

MNREM provided the limited information available and the GA was able to obtain some information from other sources.

- MNRE are unable to obtain information and data from recent control activities on Samoa. This could lead to duplication of effort, a waste of resources and the possibility that suitable control work will not be incorporated into the new Samoan Geodetic Network.

Investigations revealed that the limited information available was unsuitable for incorporation into the new geodetic network – no longer an issue.

- MNRE are unable to provide a complete search of cadastral plans and resources to collate the information from the plans in Apia and any other areas selected for establishment of a tertiary network. This will prevent the full integration of the cadastral reference marks into the tertiary network.

Lack of support and resources from Survey Section has prevented establishment of a tertiary network throughout Apia.

- A delay in acceptance of recommendations relating to the adoption of a new geocentric datum and map grid. This would delay the completion of the computations associated with the new Samoan Geodetic Network.

Recommendations accepted – no longer an issue.

- The budget identified for procurement of GPS and computer equipment is inadequate. If it is not increased it will prevent the purchase of an effective operational GPS system which will in turn affect the observation stage of the network upgrade and the training opportunities.

Budget was increased enabling purchase of an effective operational system – no longer an issue.

- A delay in securing an increase in the budget for GPS and computer equipment will delay the procurement process.
- A delay in the procurement process for the GPS equipment will delay the observation stage of the network upgrade and delay the training opportunities needed for a smooth handover of the geodetic network to MNRE.

Delays in the procurement process resulted in delays in the observations and reduced training opportunities.

- Ministry of Finance does not allocate sufficient funds for training. This will affect the long term sustainability of the project and MNRE's ability to effectively carry out GPS surveys in the future.

Funding was allocated – no longer an issue.

- MNRE unable to provide appropriately qualified staff for participation in GPS training. This will affect the long term sustainability of the project and MNRE's ability to effectively carry out GPS surveys in the future.

Best qualified staff available were provided but participation was less than optimal and there are still some concerns about long term sustainability.

- Lack of participation by stakeholders in the review of survey ordinances and regulations. A lack of participation potentially diminishes the credibility of any proposed amendments.

Stakeholders participated – no longer an issue.

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 complete .

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

- Complete

Activity 1.2.6 – Implement Records Conversion Programme and LII Computerised Applications

- In progress

Key Risks

Some of the remaining risks are:

- Inadequate funding for equipment procurements, outsourced data conversion (microfilm conversion) and software application and database development
- Inadequate resourcing of data conversion activities
- Inadequate on-going support for proposed computerized systems
- Vulnerability of computerized systems to disasters
- Vulnerability of computerized systems to the failure of a key piece of equipment
- Lack of support from (private sector) surveyors and lawyers
- Future office arrangements could require new network connections
- Archiving

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

- Complete
- Draft Policy Paper on information sharing complete (in conjunction with *activity 1.2.4* above) and awaiting comment from MNREM and stakeholders

Activity 1.3.2 – Prepare draft national mapping legislation

- Complete

Activity 1.3.3 – Prepare guidelines for Geographic Names Board

- Draft guidelines complete

Key Risks

Some of the risks impacting on effective establishment of a National Spatial Agency include:

- Inability to support MNREM with equipment and training to undertake primary data custodian role in support of NSA;
- Inability of GoS to develop and support introduction of appropriate policy framework
- The adoption of divergent GIS technologies by different public agencies
- Inability to establish and sustain DCDB

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

- Complete

Activity 2.1.3 – Prepare Land Registration User Manual

- Progressing

Activity 2.1.4 – LRS Upgrade

- Software testing and data uptake 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

There are several risks associated with the effective conversion of the land registration system. Many of these are related to the need for joint consideration of enabling legislation. An assessment of these risks covers:

- Legislation not available to support the implementation of a Torrens Title Registration System. However, the existing legislation would seem to be sufficient to enable the implementation of a computer-based system incorporating all the features required of a Torrens system when the legislation became available. Specific legislative concerns include: mortgages, title qualification and removal, easements, certificate of title and evidence laws. If computer Register was not legal it might be possible to create an interim 'paper' Register from a computerised information system with the paper Register being discontinued with the enabling legislation.

Delay or absence of the proposed new legislation does not prevent the implementation of this first phase of the Registry upgrade – only the implementation of the full upgrade and the Torrens system.

- Ability of the staff to maintain the new system at the same time as undertaking folio conversion (e.g. designation of sites affected by easements in paper plans, determining the residue of a title following subdivision and possibly preparing 'departmental' plans to illustrate the residue parcel).

No change.

- Inaccuracies within the existing Register and generated during any conversion activity.

No change.

- Register details typically not verified by title searches supporting a transaction.

No change.

- Limited validation information available; some is available but records are not checked; only substantially complete and not present if no transaction has been registered since the grant.

Data will be collected from the bound Register and every folio will be checked to ensure that the computer record is the same as the bound Register.

- Significant effort required to prepare the records for conversion – creation of easements and roads is an issue, designation of affected sites in coloured plans, research of titles subject to excisions to identify the remaining land.

No change.

- Some plans damaged and missing data.

No change.

- Delay in decisions concerning the proposed replacement registration system at both conceptual and detailed levels. This includes the information to be collected, content and format of system input and output documents, statistics, operational business and folio conversion rules.

No longer an issue.

New Risks Identified

As described below there are a number of risk factors associated with the introduction of the new LRS system. While duality is not one of them there are several risks involved but the recovery options are relatively straight forward given the low transaction volumes that the registry has to deal with in the normal course of business.

Land Registration System - availability

Function:

- Lodgment
 - If no system and time not critical say < 1-2 weeks
 - Accept documents and wait for the system to become available
 - If system unavailable for a significant period
 - Re-install the manual indexing system and re-number any lodged deeds and process as currently
- Registration
 - If no system and time not critical say < 1-2 weeks - Delay registration
 - If registration urgent, register the instrument on the manual new-form folio and update the computer system when it becomes available and then issue the updated new-form folio.
 - If system unavailable for a significant period
 - Register on the manual new-form folio as described above
 - Worse case scenario – 'uncancel' the bound folio and enter memorials on that folio.
- Conversion
 - If no system - cease conversion

Land Registration System – internal checks

Conversion – all data must be checked and approved by senior staff prior to the new-form folio being released for search. Only after this check is the bound Register folio cancelled,

Registration – staff must be trained and approved to register instruments in the Register as per current practice.

Other

Lost folio – replacement is possible from print file. Such replacements will be endorsed with a memorial stating that it is a replacement following the loss/destruction of the initial version..

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

- In progress

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

Activity 2.2.5- Draft Land Registration legislation

- A draft bill and draft supporting regulations have been completed and forwarded to the Attorney General.

Key Issues and Risks

The current project design requires the upgraded registration system to be implemented at a date earlier than that set down for submission of the draft bill reforming the land registration legislation. It may well be possible to implement some new procedures without any amendment of the legislation but other measures such as the computerisation of the land register and implementation of a Torrens title system cannot be carried out until the new legislation is enacted. This is something which is outside the control of the Project and the timing is impossible to predict with certainty.

After submission of the draft bill to MNREM it will have to be reviewed by the Parliamentary Counsel before it goes to Parliament. The time that this will take is impossible to predict. Following completion of the review by the Parliamentary Counsel, the responsibility is on the Minister to try and secure priority for the bill but it is possible for bills to be delayed for 12 months or more awaiting their passage through Parliament. Even if priority is secured it is understood that normal practice is for bills introduced in one Parliamentary session to remain in Parliament until the following Parliamentary session before passage. Consequently, it may well

be some period of time between submission of the draft bill and actual implementation of the system. This has implications for the introduction of any necessary regulations and the training of staff.

SUB-COMPONENT C5.2.3 - Land Valuation

General Summary

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

All activities for this sub-component are complete and an adviser Exit Report (TA Report No.19) was submitted to MNREM on 28th June 2005.

Attachment

Report Summary

No	Title	Status	Date	Comments
1	Inception Report	Final	21 Mar	
2	Land Registration System – Review, Analysis & Future Strategy	Final	10 May	Covers Land Admin Reform Reports a, b & c
3	Interim Land Information Integration Strategy	Final	22 Apr	
4	Technical Specifications for GPS & Ancillary Equipment	Final	2 Mar	
5	Valuation System Initial Review & Analysis Report	Final	5 May	
6	Geodetic Network Initial Review & Options for Upgrade	Final	8 Jun	
7	Land Information Integration Procurement	Final	16 Apr	
8	Valuation Standards & Code of Ethics	Final	13 May	Covers Land Admin Reform Reports k & l
9	Draft Valuers Legislation	Draft	13 May	Covers Land Admin Reform Reports m & n Not accepted by Ministry (see 17 below)
10	Spatial Information Agency Position Paper	Draft	11 May	Amended from original NMA Position Paper
11	Geodetic Network Upgrade Action Plan	Final	16 Aug	
12	Draft Survey Act	Draft	21 Jun	Final draft
13	Spatial Information Policy Paper	Draft	3 Jun	Awaiting feedback from MNREM & stakeholders
14	Draft Spatial Information Act	Draft	7 Jun	Awaiting further comments
15	Draft Geographic Names Act	Draft	13 Jun	Incorporated into Spatial Information Act
16	Draft Survey Regulations	Draft	21 Jun	Final draft – awaiting final comment (if any)

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17	Alternative Draft Valuation Legislation	Final	28 Jun	See 9 above – alternative submitted at request of Ministry.
18	Draft Geographic Names Guidelines	Draft	22 Jun	Awaiting feedback
19	Valuation Adviser Exit Report	Final	28 Jun	Includes report on Formula Valuation System
20	Draft Land Registration Legislation	Draft	28 Jun	Awaiting feedback from AG
21	GPS Guidelines & Receiver Operation Manual	V1.2	6 Oct	Operational manual – subject to ongoing revision
22	GPS Adjustment Manual	V1.0	17 Oct	Operational manual – subject to ongoing revision
23	Draft Proposed Geospatial Metadata Standard Pt 1 & 2	V1.0	17 Oct	Operational standard – subject to ongoing revision
24	Land Information Integration Software Documentation	V??		Operational manual – subject to ongoing revision
25	Review of Customary Land Tenure			Under preparation