

SAMOA

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2010, No. 27

AN ACT to establish a Spatial Information Agency to implement ready access to spatial data, to promote the use of spatial data to support effective planning, management and protection of natural resources for Samoa, and for related purposes. [19th October 2010]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

**PART 1
PRELIMINARY**

1. Short title and commencement-(1) This Act may be cited as the Spatial Information Agency Act 2010.

(2) This Act commences on, in whole or in part, on a date or dates nominated by the Minister.

2. Interpretation – In this Act, unless the context otherwise requires:

“Agency” means the Spatial Information Agency established under section 4;

“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;

“cadastre” means all cadastral survey data held by or for agencies of the Government;

“Chief Executive Officer” means the Chief Executive Officer of the Ministry responsible for lands;

- “core spatial datasets” means data, or sets of data, which are necessary to provide the framework for the optimal use of many Geographical Information System applications and are essential to the outcomes of a number of agencies;
- “Divisional Head” means the administrative head of the Agency appointed under section 5;
- “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” or “Board” means the Board established under section 12;
- “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, organised or classified into categories to serve a useful purpose. It can be presented in digital, printed, image, graphical or numerical form;
- “Minister” means the Minister responsible for lands;
- “Ministry” means the Ministry responsible for lands;
- “plan” means a graphical representation of one (1) 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; and
- “surveyor” has the same meaning as in the Survey Act 2010.

3. Objectives – The objectives of this Act are:

- (a) to support the effective and efficient use and sharing of spatial information; and

- (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; and
- (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; and
- (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; and
- (e) to foster the extended use and sharing of spatial information and the growth of the spatial information industry in Samoa; and
- (f) to protect Government's 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.

PART 2

SPATIAL INFORMATION AGENCY

4. Establishment of Spatial Information Agency-(1) A Division of the Ministry is established and shall be known as the Spatial Information Agency.

(2) The Agency consists of:

- (a) the Chief Executive Officer; and
- (b) the Divisional Head appointed under section 5; and
- (c) such other officers and employees holding office within the Agency in accordance with section 7; and
- (d) such officers or employees assigned from other divisions of the Ministry as necessary; and
- (e) the Geographic Names Board.

5. Administrative Head-(1) The Divisional Head is responsible to the Chief Executive Officer for the functions of the Agency.

(2) An Assistant Chief Executive Officer, appointed in accordance with the Public Service Act 2004, shall be the administrative head of the Agency.

6. 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.

7. Officers and employees to act under the direction of the Divisional Head – All officers and employees of the Agency shall act under the direction of the Divisional Head in the discharge of their lawful functions, powers and duties.

8. Powers and functions of the Agency-(1) Subject to this Act, the Authority shall have all the powers, rights and authorities necessary or expedient to enable it to exercise its functions.

(2) Without limiting the generality of subsection (1), the Agency shall have the powers and functions:

- (a) to support the effective and efficient use and sharing of spatial information; and
- (b) to exclusively make, direct and authorise the making of and development of maps and charts of Samoa; and
- (c) 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; and
- (d) to provide and maintain the geodetic survey system and the basic spatial reference framework for Samoa and to link this framework to international networks; and

- (e) 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; and
- (f) to exclusively own all materials and spatial information including any studies, reports and other material and all intellectual property rights arising from those materials, information, studies and reports;
- (g) to foster the extended use and sharing of spatial information and the growth of the spatial information industry in Samoa; and
- (h) to enter into any contract, covenant, bond or agreement of any kind whatsoever for the purpose of this Act; and
- (i) to issue any licence for the use of spatial information or any other material or rights that belong to the Agency; and
- (j) to protect Government's 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.

(3) The powers conferred by this section shall be in addition to and not in derogation from any other powers conferred upon the Authority by this Act or any other enactment.

9. Powers of the Minister – The Minister shall have such powers as are necessary to enable the proper performance of the Minister's functions and the furtherance of the objectives of this Act.

10. Functions of the Chief Executive Officer - The functions of the Chief Executive Officer are:

- (a) to implement the provisions of this Act 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; and

- (ii) identifying, assigning and monitoring the custodian agencies of national spatial data resources; and
 - (iii) ensuring Samoa is appropriately represented at regional and international level on spatial information matters; and
 - (iv) fostering technological innovation and training; and
- (b) to approve the form of all licenses, agreements or other arrangements for the sale of spatial information; and
 - (c) to prepare the annual program and annual report of the Agency; and
 - (d) to promote strategic planning and ensure coordinated action in relation to the supply, application and sustainable use of spatial data resources of Samoa; and
 - (e) to appoint a committee, working groups including user groups, to advise on policy, technical and related matters; and
 - (f) to produce maps, maintain and disseminate the core spatial datasets over the land and seabed jurisdiction of Samoa; and
 - (g) to authorise the production of national maps; and
 - (h) to establish and maintain the geodetic survey network of Samoa; and
 - (i) to oversee the examination, approval and recording of all plans and cadastral survey datasets for the subdivision and definition of all lands; and
 - (j) to establish and maintain the index of geographic names of Samoa; and
 - (k) to provide advice to the Government on all aspects of spatial information production, application and management; and
 - (l) to provide technical support to the Geographic Names Board.

11. Functions of the Divisional Head – The functions and duties of the Divisional Head are:

- (a) to assist the Minister and the Chief Executive Officer to achieve the objectives of this Act; and
- (b) to undertake survey activities for determining land boundaries; and
- (c) to implement and administer examination and approval procedures as are necessary -
 - (i) to ensure the maintenance of adequate accuracy and standards in surveys for land title, leases, or land registration purposes under all laws relating to the registration of interests in land; and
 - (ii) to facilitate the integration of surveys within the survey system; and
 - (iii) to ensure the integrity of all relevant records; and
- (d) to update the Minister and the Chief Executive Officer on land issues; and
- (e) to advise the Minister and the Chief Executive Officer on how the collection and analysis of spatial information data can be improved; and
- (f) to ensure that the Ministry effectively performs its functions under this Act; and
- (g) to perform such other functions and duties as may be conferred upon the Divisional Head by the Minister or the Chief Executive Officer.

PART 3

GEOGRAPHIC NAMES BOARD

12. The Geographic Names Board-(1) The Geographic Names Board is established as part of the Agency.

(2) The Board consists of:

- (a) the Minister, who shall be the Chairperson;
- (b) the Chief Executive Officer who shall be the deputy chairperson; and

- (c) four (4) other members to be appointed by Cabinet from time to time on the recommendation of the Minister.
- (3) The members of the Board appointed under subsection (2)(c) are:
 - (a) to take office from the date of appointment; and
 - (b) to hold office for three (3) years or a lesser term; and
 - (c) eligible for re-appointment.
- (4) Notwithstanding that a Board member's term of appointment may have expired, a member shall continue in office until that member's successor comes into office, unless the member vacates the office in accordance with the provisions of this Act.
- (5) The powers of the Board shall not be affected by any vacancy in or defect in the appointment of its membership.
- (6) If a member dies, resigns or is removed from office:
 - (a) the vacancy created shall be filled in the manner in which the appointment to the vacant office was originally made; and
 - (b) the person appointed to fill the vacancy shall be appointed for the residue of the term for which his or her predecessor was appointed.
- (7) The members of the Board may be reimbursed travelling and other expenses as are approved by the Divisional Head in accordance with applicable Ministry of Finance policies and laws.

13. Objectives of the Board - The Board has the following objectives:

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

14. Functions of the Board - The functions of the Board are:

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

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

16. Meetings of the Board-(1) The meetings of the Board are held at the times and places as the Chairperson appoints.

(2) The quorum that is necessary for the transaction of business at a meeting of the Board is three (3) members.

(3) A question before a meeting of the Board is determined by a majority of the votes of the members that are present at the meeting.

(4) A member of the Board is not entitled to be present or vote or otherwise participate in any part of a Board meeting where a matter relating to the member's registration, suspension or discipline is being considered.

(5) The Chairperson shall have a deliberative vote, and in the case of an equality of votes, shall also have an additional casting vote.

(6) The Board may regulate its procedure in a manner as it thinks fit in accordance with this Act.

(7) An officer of the Agency shall perform the duties of Secretary of the Board, which shall include the following:

- (a) giving notice of meetings of the Board;
- (b) keeping minutes of all meetings of the Board;
- (c) recording all resolutions made by the Board;
- (d) receiving and processing applications to the Board;
- and
- (e) attending to the correspondence of the Board.

17. Remuneration of Board members – Each member is entitled to receive a fee as approved by Cabinet for attending the meetings of the Board.

18. Guidelines - The Geographic Names Board may make guidelines, which shall not be inconsistent with this Act, with respect to:

- (a) the forms or other documents to be used for the purposes of this Act; and
- (b) the procedures to be followed to conform with the requirements under this Act; and
- (c) the form of and the method of keeping records to be kept by the Board under this Act; and
- (d) prescribing the places or classes of places to which the provisions of this Act do not apply; and
- (e) setting out all matters which are permitted to be prescribed by this Act for giving effect to the provisions of the Act.

PART 4 MISCELLANEOUS

19. Delegation-(1) The Minister may, in accordance with this Act, delegate to an officer or employee of the Agency any or all of the functions and powers which are conferred on the Minister by this Act.

(2) The Chief Executive Officer may, in accordance with this Act, delegate to an officer or employee of the Agency any or all of the functions and powers that are conferred on the Chief Executive Officer by this Act.

(3) The Divisional Head may delegate to an officer or employee of the Agency any or all of the functions and powers that are conferred on the Divisional Head by this Act.

(4) A delegation made under this Act must be made in writing, and:

- (a) any person who delegates a function or power under this Act may still exercise that function or power; and
- (b) any person who delegates a power or function under this Act may in writing revoke the delegation at will; and
- (c) any delegation made under this section by a person who subsequently ceases to hold office continues in force as if the delegation was made by that person's successor in office, until that delegation is revoked.

20. Exemptions from liabilities – In the performance of their powers, duties and functions under this Act, the Minister, the Chief Executive Officer, the Divisional Head or any other person acting under the authority of the Minister, Chief Executive Officer or Divisional Head, shall not be personally liable for any damage done or for any act, omission or default made in good faith.

21. Regulations-(1) 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.

(2) Without limiting the generality of subsection (1), regulations may prescribe penalties for breach of regulations made under this Act, being fines not exceeding 50 penalty units.

**The Spatial Information Agency Act 2010 is administered
by the Ministry of Natural Resources and Environment.**

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