

TERMS OF REFERENCE

A. Surveying assistance to Solomon Islands Ministry of Lands, Housing and Survey

This Terms of Reference (TOR) is for the provision of technical assistance to the Ministry of Lands, Housing & Survey ('the Ministry') and the Solomon Islands Association of Surveyors ('the Association').

B. Background

The Ministry has responsibility for administering the surveying, registration and transfer of land titles across Solomon Islands, and oversight for the country's mapping and urban planning functions.

Following a request by the Ministry, the Government of Australia agreed to fund a program of technical assistance, which is being managed by the Pacific Community (SPC). This program provides technical advice to the Ministry, as a means of improving land management and urban growth. The program commenced on 19 May 2014 and is due to be completed by 31 May 2019.

As part of the most recent extension to the program (2017 to 2019), a Strata Titles Bill was formulated, and was then passed by the National Parliament on 6 August 2018 and received Royal Assent on 22 August 2018. A commencement date for the Strata Titles Act is yet to be determined but it is likely to be in the first quarter of 2019.

Strata Title schemes will be created through the preparation of Strata Scheme Plans. These plans will be prepared by licenced land surveyors, who currently have no experience with Strata Titles.

B.1 Legislative framework

The primary pieces of legislation are:

1. Land and Titles Act;
2. Strata Titles Act; and
3. Land Surveyors Act 2017.

The Land Surveyors Act primarily sets out how surveyors are governed rather than about the practice of surveying per se. Surveyors must be registered and licenced in order to practice surveying in Solomon Islands. Every licenced surveyor is a member of the Association, and as such the Association is the peak body representing surveyors in Solomon Islands. Under the Act, the Surveyor General can issue Practice Directions, which all surveyors must abide by. There have been no Practice Directions issued to date, although the Surveyor General's Rules were created at the same time as the Act.

The Strata Titles Act states that a Strata Scheme Plan must be prepared and certified by a surveyor who is licenced under the Land Surveyors Act. Section 21 of the Act provides basic guidelines for how Strata Scheme Plans are to be prepared and what they have to show. Once the strata development is complete, the Strata Scheme Plan and other required information is lodged for registration. There are currently no Regulations to provide any more detailed requirements for the form of Strata Scheme Plans.

C. Scope of work

The work required of Technical Advisers is to provide on-the-job training for surveyors at the Ministry and in the Association as to how to carry out a survey for a strata scheme and how to draw a Strata Scheme Plan based on the legislative requirements. A number of potential Strata Schemes are already built in Honiara, and the legislation allows for existing developments to be converted to Strata Schemes. It is envisaged that the technical advisers will visit a minimum of two sites and demonstrate to the surveyors how to survey the development and then how to prepare strata scheme plans for those developments. These will become actual strata scheme plans that may be used by the developers to apply for strata schemes under the Act. All the necessary cadastral and building plans will be supplied for each site.

The Technical Advisers will also prepare uniform guidelines for how strata scheme plans are to be prepared in Solomon Islands. These guidelines do not need to go into minute detail, but will serve as a useful template for surveyors to follow when preparing plans. These guidelines can then be enshrined in Regulations under the Strata Titles Act.

D. Institutional arrangement

SPC's Chief Technical Adviser will provide guidance, resources and assistance as necessary to enable the Technical Advisers to carry out the required work. At the completion of the work, the Technical Advisers will prepare and submit a final report of the work undertaken to the CTA, and submit the strata scheme plans that were prepared as part of the work.

The Land Valuation Adviser will also work directly with the Surveyor General at the Ministry, and the Association.

E. Duration of the work

The contract is expected to commence by 30 January 2019 and be completed no later than 30 April 2019.