

## TASMANIA.

## THE SURVEY CO-ORDINATION ACT 1944.

## ANALYSIS.

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9d.



## T A S M A N I A.



1944.

ANNO SEPTIMO ET OCTAVO  
GEORGII VI. REGIS

No. 86.

AN ACT to provide for the Co-ordination of Surveys in this State; for the establishment of a central office for the registration of Surveys and information relating to Surveys; and for matters incidental thereto.

A.D.  
1944.

[24 May, 1944.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Survey Co-ordination Act 1944*. Short title and commencement.

(2) This Act shall come into operation upon a date to be proclaimed.

**2** In this Act, unless the contrary intention appears— Interpretation.

“central plan office” means the central plan office established under this Act; Cf. Victorian Act No. 4732, s. 2.

“central plan register” means the central plan register established under this Act;

“Commonwealth survey authority” means any Department of the Commonwealth, or any section or branch of the Defence Force of the Commonwealth engaged upon surveys for the triangulation and mapping of Australia;

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- “Commonwealth survey officer” means any person authorised, in writing, by the officer in charge of the Commonwealth survey authority;
- “municipality” includes the city of Hobart and the city of Launceston;
- “plan” includes every plan, map, aerial photograph, or description made or obtained as part of any survey or surveys;
- “proper officer” means—
- (a) in relation to a department of the State—the permanent head thereof; and
  - (b) in relation to any other public authority—any officer of that public authority appointed by it as the proper officer thereof for the purposes of this Act;
- “public authority” includes any department of the State, and the council of any municipality, and any board, commission, trust, or other body, whether corporate or unincorporate, established by or under any Act for any public purpose, whether in respect of the whole or any part of this State, which is authorised or required by any Act to make surveys, or the functions of which are such as to require surveys to be made by, or plans of surveys to be lodged with, it;
- “registered plan” means a plan of which a record has been entered in the central plan register in pursuance of this Act;
- “registered surveyor” means a person registered as a surveyor under the *Land Surveyors Act 1909*;<sup>\*</sup>
- “survey” means the act or process of determining the form, contour, position, area, height, depth, or any other similar particulars of any part of the earth’s surface, whether on land or water, or of any natural or artificial features on, below, or above any part of that surface, or the length and direction of the bounding lines of any part of that surface, or of any such natural or artificial features thereof, and includes the making or obtaining of a plan or plans thereof;
- “surveyor” includes any—
- (a) registered surveyor; and
  - (b) person who carries out or superintends any survey on behalf of any public authority.

Establishment of central plan office.  
Cf. Victorian Act No. 4732, s. 3.  
Public authorities to compile and forward to Surveyor-General lists of existing plans.  
Cf. Victorian Act No. 4732, s. 4.

**3** For the purposes of this Act there shall be established, in the Department of Lands and Surveys, a central plan office.

**4**—(1) The proper officer of every public authority shall, within six months after the commencement of this Act—

(a) cause to be compiled a list setting out the prescribed particulars with respect to all plans in the pos-

<sup>9</sup> Edw. VII. No. 45, as amended by 15 Geo. V. No. 27 and by Statute Law Revision. (See Reprint of Statutes, Vol. VI., page 747.)

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session of the authority at the commencement of this Act which were compiled after the thirty-first day of December, 1910, whether made by or on behalf of the authority or lodged therewith; and

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- (b) cause a copy of the list, certified by him to be correct and complete, to be forwarded to the Surveyor-General.

(2) Every public authority shall, upon being so required by the Surveyor-General, appoint a fit and proper person as the proper officer of that authority for the purposes of this Act.

**5** No survey shall, after the commencement of this Act, be commenced by or on behalf of any public authority unless a notice in the prescribed form of intention to commence such survey has been delivered or forwarded to, and received by, the Surveyor-General at least five days before the survey is commenced:

Public authorities to give notice of intention to commence new surveys.  
Cf. Victorian Act No. 4732, s. 5.

Provided that where it is impracticable by reason of the urgency of any particular survey to give the notice required by this section notice of intention to commence, or as the case may require, of having commenced, the survey shall be given as early as is practicable in the circumstances, and shall be accompanied by a certificate of the proper officer of the public authority concerned setting out the reasons for the failure to give the prescribed notice.

**6**—(1) Without limiting the generality of the provisions of this Act relating to surveys in or contiguous to proclaimed survey areas, the Surveyor-General may, by writing addressed to the proper officer of any public authority, require, in relation to any survey being carried out or proposed to be carried out by or on behalf of the authority, that—

Power to Surveyor-General to require connection of proposed surveys with existing surveys, permanent marks, &c.  
Cf. Victorian Act No. 4732, s. 6.

- (a) the survey shall be connected to an existing local or general survey or based upon a specified datum as to levels or otherwise;
- (b) the surveyor carrying out the survey shall cause permanent marks of the prescribed kind to be established within or adjacent to the area surveyed as the Surveyor-General directs, and that the survey shall be connected with any permanent mark or marks already established; and
- (c) the original, or a true copy of, any plan made or obtained as part of the survey, showing the date of the survey and certified as correct by the surveyor who carried out the survey, together with a separate sketch plan certified as correct by the surveyor showing the position of any permanent marks established and the connection, if any, of the survey with any local or general survey or with any permanent mark or marks already established, shall be forwarded to the Surveyor-General within one month after the completion of the plans.

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(2) The proper officer of the public authority shall cause the survey to be carried out and plans to be prepared and forwarded in accordance with the requirements of the Surveyor-General and any plans so forwarded shall be lodged in the central plan office.

(3) Every survey, not being a survey carried out for the purposes of the *Real Property Act* 1862,\* commenced by or on behalf of any public authority after the commencement of this Act, whether the subject of a requirement by the Surveyor-General under the foregoing provisions of this section or not, shall be carried out in accordance with the standards of measurement and accuracy prescribed by regulations under this Act relating to surveys of the appropriate kind.

Returns by public authorities of plans and surveys.

Cf. Victorian Act No. 4732, s. 7.

**7** The proper officer of every public authority shall, in each year, within fourteen days after the last day of June and December respectively—

(a) cause to be compiled a list setting out the prescribed particulars with respect to—

(i) every plan prepared by or on behalf of the authority or lodged therewith during the period of six months in respect of which the list is compiled; and

(ii) every survey carried out by or on behalf of the authority during that period of which a plan has not been made; and

(b) cause a copy of such list, certified by him to be correct and complete, to be forwarded to the Surveyor-General.

Establishment of central plan register and registration of plans.

Cf. Victorian Act No. 4732, s. 8.

**8**—(1) For the purposes of this Act there shall be established and maintained in the central plan office a register, to be called the central plan register, which shall be in the form prescribed and shall contain the prescribed classifications and particulars.

(2) The Surveyor-General, after such enquiry as he thinks necessary, shall cause to be entered in the central plan register a record of such of the plans—

(a) set out on any list forwarded to him in accordance with section seven; or

(b) forwarded to him under the provisions of section six, as appear to him to be of general value for the purposes of this Act, and shall cause to be marked or stamped upon every such plan, whether in the central plan office or not, such particulars of its registration and classification as are prescribed.

(3) Where it appears to the Surveyor-General that any registered plan in the possession of any public authority is of such general value for the purposes of this Act that it should be lodged in the central plan office—

25 Vict. No. 16, as amended by 26 Vict. Sess. 2, No. 1, 42 Vict. No. 9, 50 Vict. No. 8, 57 Vict. No. 5, 14 Geo. V. No. 69, 16 Geo. V. No. 81, 23 Geo. V. No. 52, 25 Geo. V. No. 52, 26 Geo. V. No. 69, and by Statute Law Revision. (See Reprint of Statutes, Vol. V., page 995.)

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- (a) in the case of any plan in the possession of a department of the State—with the consent of the Minister administering that department; and
- (b) in the case of any plan in the possession of any other public authority—with the consent of the chairman, president, or chief executive officer of the authority,

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such plan or a certified copy thereof shall, when required by the Surveyor-General, notwithstanding anything to the contrary contained in any enactment other than this Act, be lodged and kept in the central plan office.

(4) No registered plan which remains in the possession of any public authority shall be destroyed or, except in pursuance of this Act, be removed out of the possession of such authority without the consent, in writing, of the Surveyor-General.

(5) Where any alteration is effected in any registered plan which remains in the possession of any public authority, the proper officer thereof shall, within fourteen days after the alteration is effected, notify the Surveyor-General thereof, in writing, and, if a copy of the registered plan has been lodged with the Surveyor-General, a plan showing the details of the alteration shall be forwarded to, or lodged with, the Surveyor-General together with the notification of the alteration.

(6) For the purpose of the registration and classification of plans pursuant to this Act, every person authorised by the Surveyor-General shall, at all reasonable times, have free access to all plans specified in any list forwarded to the Surveyor-General under the provisions of this Act which are in the possession of any public authority, and shall be entitled to mark or stamp on any of those plans such particulars as are required for the purposes of subsection (2).

(7) The Surveyor-General shall cause to be published in the prescribed manner and form—

- (a) in the month of July next after the commencement of this Act, and thereafter in the month of July in every year in which the Minister so directs—an index of plans recorded in the central plan register as at the preceding thirtieth day of June; and
- (b) in the month of July in every year in which such index is not published—a supplementary index of all plans so recorded since the last publication of the index or supplementary index, as the case may be, up to the preceding thirtieth day of June.

(8) A copy of such portion of each index or supplementary index as is required shall be made available—

- (a) without charge, to the Commonwealth survey authority and to every public authority; and
- (b) with the consent of the Surveyor-General, upon payment of the prescribed fee, to any person.

9—(1) Every surveyor, every Commonwealth survey officer, and every person authorised in writing by the Surveyor-General shall, at all reasonable times, be entitled to

Inspection of  
registered  
plans.  
Cf. Victorian  
Act No. 4732,  
s. 10.

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(2) Every person authorised in writing by the Surveyor-General, whether generally or in any particular case, and every Commonwealth survey officer shall at all reasonable times be entitled to inspect any registered plan in the possession of any public authority.

Provision of copy of registered plan.  
Cf. Victorian Act No. 4732, s. 11.

**10** Every public authority shall, when so required by the Surveyor-General by writing addressed to the proper officer thereof, provide an accurate copy of any registered plan in its possession to—

- (a) the Surveyor-General or to any Commonwealth survey officer, free of charge; or
- (b) any public authority or to any registered surveyor—
  - (i) upon payment of such charge, if any, as is provided by or under any other Act therefor; or
  - (ii) where there is no such provision, at a charge which shall not exceed the cost of preparation of the copy plus ten per centum thereof.

Surveys for the establishment of permanent survey marks in certain areas.

**11**—(1) When the triangulation survey of any area within this State is completed and the plans relating thereto and such other information as he requires are available, the Surveyor-General, after consultation with the representatives of such public authorities as may be concerned, and with such other public authorities as he thinks proper, may, with the consent of the Governor, cause to be carried out in that area such surveys as he considers necessary for the establishment of standard permanent marks for the convenient connection of local or general surveys with the State triangulation.

(2) If the Surveyor-General reports, in writing, to the Minister that—

- (a) the provisions of this section have been given effect to with respect to any area within this State and that permanent survey marks have been established for that area; or
- (b) there are in existence in any area within this State sufficient permanent marks for that area—

the Governor, by proclamation, may declare that area to be a proclaimed survey area for the purposes of this Act.

(3) After the publication of any proclamation under subsection (2), every survey for any purpose under any Act of any area which is wholly or partly within or contiguous to the proclaimed survey area, shall be connected, as prescribed, to at least two established survey marks for the proclaimed survey area either—

- (a) directly; or



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- (b) where the Surveyor-General, or some person authorised in writing in that behalf by the Surveyor-General, so authorises in writing, indirectly, by way of connection with an existing survey or permanent mark already connected, or proposed to be connected, to standard survey marks, A.D. 1944.

and no plan of any such survey shall be lodged with, or accepted or otherwise used by, any public authority or be of any validity whatever for any purpose under any Act unless it shows the connection required by this section certified by the surveyor who carries out the survey, or is accompanied by a sketch plan showing the connection so certified.

(4) It shall be the duty of the Surveyor-General when requested so to do to advise the surveyor of any public authority or any registered surveyor as to how proposed surveys of any area may be connected with the established permanent survey marks, and to authorise any indirect connection as provided by this section which appears to him to be more convenient or economical than a direct connection, and any survey carried out, or plan prepared, in accordance with the written authority of the Surveyor-General shall, if the authority is attached to the plan, be deemed for all purposes a sufficient compliance with the requirements of this section.

- 12**—(1) It shall be the duty of the Surveyor-General to—
- (a) advise the proper officer of any public authority or any registered surveyor of all registered plans and of all proposed surveys which may render unnecessary, or limit the scope of, any survey proposed to be carried out by or on behalf of that authority or by the registered surveyor; and
- (b) take all such steps as may be expedient for avoiding unnecessary duplication of surveys, including the—
- (i) carrying out, for or on behalf of, and with the consent of, any two or more public authorities of any survey which may be required by such authorities; or
- (ii) arranging for the carrying out, with the consent of the public authorities concerned, of any such survey by any one of such authorities,

Surveyor-General to advise as to avoidance of duplication of surveys, &c.  
Cf. Victorian Act No. 4732, s. 13.

upon such terms as to payment of the costs of the survey as are agreed upon by those authorities and the Surveyor-General or, in default of such agreement, as may be prescribed.

**13** The Surveyor-General may at any time cause to be carried out any survey which he considers necessary or desirable for the purposes of this Act, and may establish upon the area surveyed such permanent marks of any prescribed kind as he considers necessary and a record of the plan of every such survey shall be entered in the central plan register.

General power to Surveyor-General to carry out surveys for purposes of this Act.  
Cf. Victorian Act No. 4732, s. 14.

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Adoption of  
existing  
survey marks  
as permanent  
marks.Cf. Victorian  
Act No. 4732,  
s. 15.

**14**—(1) The Surveyor-General may adopt any particular reference marks or other survey marks, or any class of reference marks or other survey marks, established by any public authority, whether before or after the commencement of this Act, as permanent marks for the purposes of this Act by publication of a notice in the *Gazette* specifying the marks or class of marks so adopted.

(2) Any permanent mark required or authorised to be established under this Act, whether by the Surveyor-General or by any public authority, may be so established—

- (a) upon any Crown land;
- (b) upon any land vested in, or under the care and management of, any public authority or any committee of management or body of trustees for any public purpose;
- (c) after consultation with the engineer or surveyor of the municipality concerned, upon any public street, road, right of way, lane, or thoroughfare; or
- (d) with the consent of the owner or occupier thereof, upon any privately owned land,

and every person authorised by the Surveyor-General or by the proper officer of the public authority concerned shall, at all reasonable times, have access to such land, street, road, right of way, lane, or thoroughfare for the purpose of the establishment, inspection, and maintenance of any permanent mark or the connection of any survey with any permanent mark.

(3) All permanent marks established by the Surveyor-General under this Act, for any survey area proposed to be proclaimed in pursuance of this Act, shall be established out of moneys provided by Parliament for survey purposes, and shall be maintained in good order and condition—

- (a) if upon any land, other than a public street, road, right of way, lane, or thoroughfare, vested in, or under the care and management of, any public authority, or of any committee of management or body of trustees for any public purpose—by the authority, committee, or body concerned, out of such moneys as are available for the care and management of such land;
- (b) if upon any public street, road, right of way, lane, or thoroughfare the maintenance whereof is charged upon any public authority—by that authority out of such moneys as are available for the maintenance of such street, road, right of way, lane, or thoroughfare;
- (c) if upon any privately owned land—by the Surveyor-General; or
- (d) in any other case—by the council of the municipality within the municipal district of which the marks are established, out of the municipal fund of the municipality.

(4) All permanent marks established by any public authority in compliance with any requirement of the Surveyor-General under section six in relation to any survey carried

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out by or on behalf of the authority shall be established out of such moneys as are available to the authority concerned for the purposes of such survey, and all permanent marks so established, and all permanent marks adopted under the provisions of this section, shall be maintained in good order and condition out of moneys available for the maintenance of the works or undertakings of the public authority concerned:

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Provided that, where the Commissioner of Crown Lands is satisfied, upon the application of any public authority, that the maintenance of any such mark involves undue expense or inconvenience to such authority, he may direct that such maintenance shall be carried out by the Surveyor-General or by such other public authority, committee of management, or body of trustees, as the Minister may direct.

**15**—(1) The Surveyor-General shall, where necessary, give notice, in writing, of the establishment, removal, or alteration of any permanent mark to the public authority, committee of management, or body of trustees, as the case requires, charged under this Act with the maintenance thereof.

Notice of establishment, &c., of permanent mark to public authority charged with maintenance.

(2) The Surveyor-General shall give notice, in writing, to the Recorder of Titles of the establishment, removal, or alteration of any permanent mark in any case where he considers that the establishment, removal, or alteration thereof is likely to affect any plan lodged or retained in the office of the Recorder of Titles.

Cf. Victorian Act No. 4732, s. 17.

**16**—(1) Any surveyor who discovers any apparent irregularity in the position of any permanent mark, or that any permanent mark has been destroyed or removed, or is in disrepair, or that any measurements made by him differ from those shown upon any registered plan, shall furnish a report thereon, in writing, to the Surveyor-General.

Surveyors to report irregularities in position of permanent marks.

Cf. Victorian Act No. 4732, s. 18.

(2) Any officer or employee of any public authority, not being a surveyor, who discovers that any permanent mark has been destroyed or removed or is in disrepair, shall report the same to the proper officer of such authority who shall thereupon notify the same, in writing, to the Surveyor-General.

**17** The cost of any survey authorised to be carried out by the Surveyor-General under this Act shall be defrayed out of moneys provided by Parliament for survey purposes.

Cost of surveys, &c.

**18**—(1) The Surveyor-General shall as soon as is practicable after the close of each financial year prepare and submit to the Minister a report upon the progress of the triangulation survey of this State and the administration of this Act during that financial year.

Annual report of Surveyor-General.

(2) The Minister shall cause a copy of the report to be laid upon the table of each House of Parliament within the first fourteen sitting days after the report is received by him.

**19** Upon the application of any public authority or any registered surveyor, the Surveyor-General may, by writing under his hand, exempt from all or any of the provisions of this Act relating to surveys or plans, either permanently or

Exemption of plans, surveys, &c., from operation of this Act.  
Cf. Victorian Act No. 4732, s. 21.

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A.D. 1944. for any specified period and subject to such conditions, if any, as the Surveyor-General thinks fit, any particular survey being carried out, or proposed to be carried out by that authority or surveyor, or any particular plan of survey in the possession of, or to be prepared by, that authority or surveyor, or any class of such surveys or plans, if he is of opinion that compliance with such provisions in respect of the particular survey or plan or class of surveys or plans would entail the disclosure of any information which would adversely affect the public or such authority or the person by whom the surveyor is employed.

Penalty for destruction, &c., of permanent marks.

**20**—(1) No person shall destroy, remove, injure, or deface, or directly or indirectly cause any alteration in the position of, any permanent mark established or adopted under this Act:

Penalty: Minimum, Five pounds; Maximum, Fifty pounds.

(2) Upon the conviction of any person for any offence against this section, the court may, in addition to imposing a penalty under subsection (1) hereof, order that the defendant shall pay to the public authority, committee of management, or body of trustees charged with the maintenance of the permanent mark in respect of which the proceedings were instituted, such amount as the court thinks reasonably necessary to reimburse the public authority, committee, or body of trustees for any expenses incurred in replacing or re-establishing the mark.

(3) Where the removal or alteration of any permanent mark is necessary by reason of any operations connected with the erection or reconstruction of any building, the removal or alteration of the mark for that purpose shall not constitute a contravention of this section, but the removal or alteration thereof may be effected subject to such provisions as to notice and report to the Surveyor-General, and re-establishment of the permanent mark, as may be prescribed.

Regulations.

**21** The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for—

- (a) regulating the establishment of permanent marks under this Act;
- (b) prescribing conventional signs to be used on plans required to be prepared and forwarded to the Surveyor-General under this Act; and
- (c) empowering the Surveyor-General to call for the production of the field notes of any survey a plan of which is registered, or forwarded, or set out on any list forwarded, to the Surveyor-General, under this Act.