



OFFICIAL SURVEY ACT 1978

[Consolidated as at 1 December 2003
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

[NB – This Consolidation re-issued 20 October 2011 to clarify end Notes]

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Official Survey Act 1978

An Act to make provision for an Official Survey showing the division of land on Norfolk Island

Short title

1. This Act may be cited as the *Official Survey Act 1978*.

Interpretation

2. In this Act, unless the contrary intention appears —
“Official Survey” means the Official Survey in existence from time to time under section 4;
“Registrar of Titles” means the Registrar of Titles under the *Land Titles Act 1996*;
“Surveyor-General” means the person appointed under section 3.

Surveyor-General

3. (1) There shall be a Surveyor-General for Norfolk Island.
(2) The Administrator shall appoint a person to be the Surveyor-General.

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Official Survey

4. (1) The Official Plan in existence immediately before the commencement of this subsection continues in existence, subject to this Act, under the name of the Official Survey.
(2) The Surveyor-General may from time to time redraw the Official Survey in whole or in part.
(3) Where the Surveyor-General redraws the Official Survey under subsection 4(2), he shall certify the Official Survey as so redrawn.
(4) The Surveyor-General may vary the Official Survey —
(a) in consequence of —

- (i) any survey approved by the Surveyor-General;
 - (ii) the registration of a subdivision proposal under section 49 of the *Land Titles Act 1996*;
 - (iiA) the dedication of land as a public road, or the closure of a public road, under the *Roads Act 1996*;
 - (iii) a direction of a court, or operation of a law, affecting a boundary or a right, title or interest in land; or
 - (iv) a change of name of a road, creek or other physical feature; or
- (b) to include in the Official Survey the name of a road, creek or other physical feature.

(5) Where the Surveyor-General varies the Official Survey under subsection 4(4), he shall certify that variation on the Official Survey.

(6) The Official Survey shall be held at the office of the Registrar of Titles.

(7) The Surveyor-General shall keep at all times a duplicate of the Official Survey, certified in the same way as the Official Survey.

Material to which regard to be had for the purpose of preparation, redrawing or variation of Official Survey

5. For the purpose of the preparation, redrawing or variation of the Official Survey, the Surveyor-General shall have regard to such survey information, charts, plans, conveyances, titles and other material as he considers necessary, including information obtained in any survey specially conducted for the purpose of the preparation, redrawing or variation of the Official Survey.

Details to be included on Official Survey

6. (1) Subject to subsection 6(2), the Official Survey shall show —

- (a) the roads in the Territory and the width of each such road;
- (b) the land in the Territory divided into numbered sections;
- (c) each section divided into numbered lots corresponding to parcels of land ascertained by the Surveyor-General to exist within that section;
- (d) the boundaries of each section;
- (e) the area, and the bearings and length of boundaries, of each of the lots within each section;

- (f) all easements known to the Surveyor-General; and
- (g) the portion number of each parcel of land as shown immediately before the commencement of this Act in the index of dealings with, and disposition of, land required by section 8 of the *Conveyancing Act 1913* to be kept in the form of Schedule II to that Act.

(2) Where the nature of a boundary or part of a boundary makes it impracticable to show the bearings and length of that boundary or part of a boundary on the Official Survey, the Official Survey shall show, instead of the bearings and length, a sufficient general description of that boundary or that part of a boundary.

Names of roads

7. Where a road required by section 6 to be shown on the Official Survey —

- (a) has more than one name; or
- (b) is unnamed,

the road shall be referred to on the Official Survey by a name determined by the Administrator.

Effect and use of Official Plan

8. The Official Survey —

- (a) shall not affect any right, title or interest in land; and
- (b) is admissible in evidence in any proceeding relating to any right, title or interest in land only for the purpose of identifying or otherwise showing the location of the land in question in relation to other land.

Gazette notification

9. Where the Official Survey has been prepared, redrawn or varied under section 4, the Surveyor-General shall cause a notification to be published in the Gazette that the Official Survey has been so prepared, redrawn or varied.

Inspection

10. The Gazette notification under section 9 shall include a statement that the Official Survey may be inspected at the office of the Registrar of Titles during the business hours of that office.

Survey standards

10A. (1) The Surveyor-General may, in writing, determine standards in relation to —

- (a) the conduct of surveys; and

- (b) the drawing of survey plans.
- (2) The Surveyor-General shall —
- (a) publish notice in the Gazette of a determination; and
- (b) ensure that the standards in force from time to time are available for public inspection free of charge at the office of the Registrar of Titles.

Regulations

11. The Minister may make Regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTES

The *Official Survey Act 1978* as shown in this Consolidation comprises Act No. 10 of 1978 as shown in this consolidation and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Official Survey Act 1978</i>	10, 1978	28.12.78	
<i>Citation of Laws Act 1995</i>	14, 1995	1.1.96	
<i>Official Survey Amendment Act 1996</i>	26, 1996	23.6.96	
			[previously consolidated as at 1 September 1997]
<i>Official Survey Amendment Act 1997</i>	19, 1997	4.12.97	
<i>[NB – this Act also amended Act No. 26 of 1997 by repealing section 11 of that Act]</i>			

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provisions affected	How affected	
1	rs	26, 1996
2	rs	26, 1996
3	rs	26, 1996
3(3)	rep	19, 1997
4	am	26, 1996
5	am	26, 1996
6	am	14, 1995; 26, 1996
7	am	26, 1996
8	am	26, 1996
9	am	26, 1996
10	am	26, 1996
10A	ad	19, 1997
11	am	14, 1995

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