



SURVEYS ACT 1937

[Consolidated as at 20 August 2002
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Surveys Act 1937

An Act relating to surveys

Short title

1. This Act may be cited as the *Surveys Act 1937*.

Repeal

2. The *Surveys Act 1913-1936* is repealed.

Definitions

3. In this Act, unless the contrary intention appears —
“authorised survey” means a survey of land authorised or required —
 - (a) under, or in connection with, the administration of any law for the time being in force in Norfolk Island dealing with the alienation, leasing or occupation of Crown lands;
 - (b) by any proprietor, lessee or mortgagee of any land under any law for the time being in force in Norfolk Island affecting the title to that land; or
 - (c) for a prescribed purpose relating to public works.

“authorised surveyor” means a person authorised by the Administrator to make authorised surveys.

Persons entitled to be authorised

4. (1) Any person who, in the opinion of the Administrator, is competent to make surveys may be authorised by the Administrator to make authorised surveys.

(2) The Administrator may at any time revoke any authority given under this section.

(3) A fee of 7 fee units is payable in respect of the grant of authorisation under subsection 4(1).

Power of authorised surveyor to enter land, etc

5. (1) An authorised surveyor may, for the purpose of making an authorised survey, with any assistant —

- (a) enter any land, building or premises and bring on any such land any horse or vehicle;
- (b) cut and remove any soil;
- (c) place any mark whether of stone, brick, wood or other material on the land, building or premises; and
- (d) do any other act incidental to or consequent on or necessary for making an authorised survey.

(2) An authorised surveyor shall give to the proprietor, lessee or occupier of any land 48 hours notice of his intention to enter upon the land for the purpose of making an authorised survey.

(3) An authorised surveyor shall not be liable for any damage if the act occasioning the damage was necessary for the due making of an authorised survey.

(4) Any person obstructing an authorised surveyor in the exercise of the powers conferred by this section shall be guilty of an offence.

Penalty: 2 penalty units.

Offences

6. Any person who wilfully obliterates, removes or defaces any boundary or survey mark or any land mark or beacon made or erected, before or after the commencement of this Act, by an authorised surveyor or by any person authorised to make surveys under the law for the time being in force in Norfolk Island relating to surveys shall be guilty of an offence.

Penalty: 10 penalty units or imprisonment for 6 months or both.

Regulations

7. The Administrator may make Regulations, not inconsistent with this Act, prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTES

The *Surveys Act 1937* as shown in this consolidation comprises Act No. 4 of 1937 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Surveys Act 1937</i>	4, 1937	22.4.37	
<i>Fees Act 1976</i>	3, 1976	31.5.76	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	4
<i>Surveys (Amendment) Act 1985</i>	21, 1985	21.11.85	
<i>Statutes Amendment (Fees) (No. 2) Act 1999</i>	17, 1999	17.7.00	

Table of Amendments

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

Provisions affected	How affected
1	am 3, 1976; 11, 1976
3	am 21, 1985
4(3)	ad 3, 1976
	am 9, 1985; 17, 1999
5	am 31, 1980; 9, 1985
6	am 31, 1980; 9, 1985
7	ad 21, 1985

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