

Survey Co-ordination Act 1967

Chapter 203.

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Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 203.

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ARRANGEMENT OF SECTIONS.

1. Interpretation.
2. Delegation.
3. Central Plan Office.
4. Information as to surveys, etc.
5. Notice of intention to commence new surveys.
6. Connection of proposed surveys to existing surveys, etc.
7. Supplementary information.
8. Central Plan Register, etc.
9. Inspection of recorded plans.
10. Copies of recorded plans.
11. Surveys for the establishment of permanent survey marks.
12. Avoidance of duplication of surveys, etc.
13. Official surveys.
14. Adoption of existing survey marks.
15. Notice of placement, etc., of marks.
16. Irregularities in position of permanent marks.
17. Annual report of Surveyor General.
18. Exemptions.
19. Destruction, etc., of permanent marks.
20. Offences.
21. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Survey Co-ordination Act 1967,

Being an Act to provide—

(a) for the co-ordination of surveys; and

(b) for the establishment of a Central Plan Office for the recording of surveys and plans, and information relating to surveys and plans, and for related purposes.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“the Central Plan Office” means the Central Plan Office established under Section 3;

“the Central Plan Register” means the Central Plan Register established under Section 8;

“establishment”, in relation to a permanent mark, means the precise determination of the position of the mark in relation to a triangulation survey of the country or to a local triangulation survey or standard traverse;

“Government land” means Government land as defined in the *Land Act 1996*, and includes land reserved or deemed to be reserved from lease or further lease under that Act that has not been placed, under Section 50 of that Act, under the control of trustees who are a public authority;

“liaison officer” means an officer, member or employee of a public authority appointed by it as a liaison officer for the purposes of this Act;

“permanent mark” means a permanent mark placed, adopted or established under this Act;

“plan” includes a survey plan, map, aerial photograph or description made or obtained as part of a survey or surveys;

“privately-owned land” means land other than Government land;

“public authority” includes a Department of the Government, a Local-level Government and a board, commission, trust or other body, corporate or unincorporate, established or constituted by or under an Act for a public purpose that is authorized or required by or under any law to make surveys, or any functions of which are such as to require surveys to be made by it or plans to be lodged with it;

“recorded plan” means a plan a record of which has been entered in the Central Plan Register under this Act;

“the regulations” means any regulations made under this Act;

“standard survey mark” includes a survey monument or reference mark whose relative position to permanent marks has been or is proposed to be established to the satisfaction of the Surveyor General;

“survey” means the act or process of determining with regards to the earth’s surface—

(a) the form, contour, position, area, height, depth or other similar particulars of—

(i) a part of the surface, whether on land or water; or

(ii) a natural or artificial feature on, below or above any part of the surface; or

(b) the length and direction of the bounding lines of—

(i) a part of the surface; or

(ii) a natural or artificial feature of the surface,

and includes the making or obtaining of a plan or plans of the surface, including an aerial survey;

“surveyor” means a person performing an act or process of surveying;

“this Act” includes the regulations.

2. DELEGATION.

The Minister may, by instrument under his hand, delegate to a person all or any of his powers and functions under this Act.

3. CENTRAL PLAN OFFICE.

There shall be a Central Plan Office in the Office of the Surveyor General.

4. INFORMATION AS TO SURVEYS, ETC.

(1) As soon as practicable a public authority shall appoint a suitable person as its liaison officer for the purposes of this Act, and shall notify the Surveyor General of the appointment.

(2) The Surveyor General may make such inquiry of a public authority as he considers necessary for ascertaining the types of surveys carried out and of plans held by the authority.

(3) The Surveyor General may, by written notice, require a liaison officer to forward to him within the time specified in the notice, or within such further time as the Surveyor General allows, such particulars of the plans made, obtained or held by his public authority relating to such types of survey as are respectively specified in the notice.

(4) The liaison officer to whom a notice has been given under Subsection (3) shall cause a correct and complete list to be compiled setting out the particulars required by the notice, and forward it to the Surveyor General within the time specified in the notice or within such further time as the Surveyor General allows.

5. NOTICE OF INTENTION TO COMMENCE NEW SURVEYS.

(1) Subject to Subsection (2), a public authority shall, before commencing a survey of a type with respect to which the Surveyor General has, under Section 4, required its liaison officer to forward to him particulars of plans, deliver or forward to the Surveyor General notice, in the prescribed form, of the intention of the public authority to commence the survey.

(2) Where it is impracticable by reason of the urgency of any particular survey to give notice in accordance with Subsection (1), notice of the commencement of the survey shall be given by the public authority to the Surveyor General as early as is practicable in the circumstances.

6. CONNECTION OF PROPOSED SURVEYS TO EXISTING SURVEYS, ETC.

(1) Subject to Subsection (2) but without limiting the generality of the provisions of this Act relating to surveys in or contiguous to survey areas declared under Section 11, the Surveyor General may, by written notice addressed to the liaison officer of a public authority, require that—

- (a) a survey being carried out or proposed to be carried out by the public authority be connected to an existing local or general survey; and
- (b) any plan of the survey based on a datum as to levels other than the standard datum show the correction required to reduce the levels to the standard datum; and
- (c) the survey be connected to any permanent mark or marks already placed, adopted or established; and
- (d) the surveyor carrying out the survey, or where the survey is a survey other than an authorized survey as defined by the *Survey Act 1969* the person carrying out or supervising the survey on behalf of the public authority, cause permanent marks of the prescribed kind to be placed within or adjacent to the area to be surveyed as the Surveyor General directs; and
- (e) a true copy of—
 - (i) any plan made or obtained as part of the survey, showing the date of the survey; and
 - (ii) any sketch plan showing the position of permanent marks placed and the connection (if any) of the survey to a local or general survey or to any permanent mark or marks already placed, adopted or established,

certified as correct by the surveyor or other person specified in Paragraph (d) be forwarded to the Surveyor General within one month after the preparation of the plans; and

(f) the original of any plan referred to in Paragraph (e) be made available to the Surveyor General for inspection.

(2) The Surveyor General is not entitled to require, under Subsection (1)(a) or (c), a survey to be connected to any existing survey or to any marks where the connection would require a measured traverse of more than 5,000 m.

(3) The Surveyor General is not entitled to require, under Subsection (1)(e), a public authority to forward to him any plan or copy of a plan of a survey based on a datum as to levels until the work to which the survey relates has been completed and the plans have been adjusted to show the work as executed.

(4) Subject to Subsections (2) and (3) where a public authority is affected by a requirement of the Surveyor General under Subsection (1)—

- (a) it shall carry out the survey to which the requirement relates, or cause it to be carried out, in accordance with the requirement; and
- (b) the liaison officer shall forward the plans or copies of the plan to the Surveyor General in accordance with the requirement.

(5) A survey commenced by or on behalf of a public authority, whether or not it is the subject of a requirement by the Surveyor General under this section, shall be carried out in accordance with the standards of measurement and accuracy prescribed in relation to surveys of the appropriate kind.

7. SUPPLEMENTARY INFORMATION.

(1) In this section—

“**original list**” means a list of particulars compiled under Section 4(4);

“**supplementary list**” means a list of plans compiled under Subsection (2)(a).

(2) Where the liaison officer has forwarded an original list of particulars to the Surveyor General, the liaison officer shall, during the month of July next following the compilation of the original list and during the month of July in each following year—

(a) cause to be compiled a correct and complete list of the plans relating to the types of survey in respect of which the original list was compiled that have been made or obtained by or on behalf of or lodged with the public authority after the compilation of the original list and before 1 July next following, or during the period since the compilation of the last supplementary list, as the case requires; and

(b) set out in the supplementary list, in relation to all such plans, the same particulars as were set out in the original list in relation to plans of the type of survey concerned; and

(c) forward the supplementary list to the Surveyor General.

8. CENTRAL PLAN REGISTER, ETC.

(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.

(2) The Central Plan Register shall be in the prescribed form and contain the prescribed classifications and particulars.

(3) The Surveyor General, after such inquiry as he considers necessary, shall cause—

(a) a record of the plans—

(i) set out in any list forwarded to him under Section 4 or 7; or

(ii) forwarded to him under Section 6; or

(iii) otherwise made available to him,

as appear to him to be of general value for the purposes of this Act to be entered in the Central Plan Register; and

(b) the plans whether or not they are held in the Central Plan Office to be marked or stamped with such particulars of their recording and classifications as are prescribed.

(4) Notwithstanding anything to the contrary in any other law, where—

(a) it appears to the Surveyor General that a recorded plan in the possession of a public authority is of such general value for the purposes of this Act that it should be kept in the Central Plan Office; and

(b) the Surveyor General so requires,

the plan or a copy of the plan certified as correct by the liaison officer shall be lodged by the public authority in, and kept in, the Central Plan Office.

(5) A recorded plan that remains in the possession of a public authority shall not be—

(a) destroyed; or

(b) removed out of the possession of that authority except in accordance with this Act,

without the written consent of the Surveyor General.

(6) Where a recorded plan in the possession of a public authority is altered in respect of the survey to which the plan relates, the liaison officer shall, within 14 days after the alteration—

(a) notify the Surveyor General, in writing; and

(b) if a copy of the recorded plan has been lodged with the Surveyor General, forward to or lodge with the Surveyor General a plan showing the details of the alteration.

(7) For the purpose of the recording and classification of plans under this Act, any person authorized by the Surveyor General shall be given free access at all reasonable times—

(a) to all plans set out in any list forwarded to the Surveyor General under this Act that are in the possession of a public authority; and

(b) to all plans referred to in Subsection (3)(a)(iii), and is entitled to mark or stamp on any of the plans such particulars as are required for the purposes of Subsection (3).

9. INSPECTION OF RECORDED PLANS.

(1) A person authorized in writing by the Surveyor General is entitled to inspect at all reasonable times any recorded plan kept in the Central Plan Office, and the Surveyor General may authorize a person to inspect any recorded plan that is kept elsewhere than in the Central Plan Office.

(2) A person authorized in writing by the Surveyor General, generally or in any particular case is entitled, on production of the authority issued to him by the Surveyor General and on satisfying the public authority having possession of a recorded plan as to his purpose for inspecting the plan, to inspect and copy the plan at all reasonable times.

10. COPIES OF RECORDED PLANS.

When required to do so by the Surveyor General by written notice addressed to the liaison officer, a public authority shall provide an accurate copy of any recorded plan in its possession to the Surveyor General or to any person, on payment (subject to any arrangements to which the public authority is a party) to it of the prescribed charge.

11. SURVEYS FOR THE ESTABLISHMENT OF PERMANENT SURVEY MARKS.

(1) Where, in the opinion of the Surveyor General—

(a) a triangulation survey of the country has been sufficiently developed within any area; and

(b) the plans relating to the survey and such other information as he requires are available,

the Surveyor General, after consultation with such public authorities as he thinks fit, may cause to be carried out in the area such surveys as he thinks necessary for the establishment of

permanent marks for the convenient connection of local or general surveys to the triangulation survey.

(2) If the Surveyor General reports that—

- (a) Subsection (1) has been given effect to with respect to an area and that permanent marks have been established for the area; or
- (b) there are in an area sufficient permanent marks established by a local system of triangulation or standard traverse survey for that area,

the Minister may, by notice in the National Gazette, declare the area to be a survey area for the purposes of this Act.

(3) After the publication of a notice under Subsection (2), every survey made under any law, of an area that is wholly or partly within or contiguous to the proclaimed survey area shall be connected, as prescribed, to at least two placed, adopted or established permanent marks, or to at least two placed or established survey marks that are acceptable to the Surveyor General as standard survey marks for the survey area.

(4) A connection for the purposes of Subsection (3) may be made—

- (a) directly; or
- (b) with the written authority of the Surveyor General or a person authorized in writing for the purpose by the Surveyor General—indirectly, by way of connection to existing permanent marks or survey marks already connected or proposed to be connected to permanent marks or standard survey marks.

(5) A plan of survey referred to in Subsection (3) shall not be lodged with, or accepted or otherwise used by, any public authority or be of any validity for any purpose under any law unless it shows the connections required by this section or is accompanied by a sketch plan showing the connections so required.

(6) Where it is necessary in order to comply with Subsection (3) to make a measured traverse exceeding 5,000 m in length, the State shall reimburse the person incurring the expense of the survey such part of the expense as relates to the excess.

(7) The Surveyor General shall, on request—

- (a) advise the person carrying out any survey specified in Subsection (6) as to how proposed surveys may be connected to the placed, adopted or established permanent marks or standard survey marks; and
- (b) authorize any indirect connection that appears to him to be more convenient or economical than a direct connection,

and a survey carried out or plan prepared in accordance with the authority of the Surveyor General under this subsection shall be deemed for all purposes to comply with this section.

12. AVOIDANCE OF DUPLICATION OF SURVEYS, ETC.

The Surveyor General shall—

- (a) on request, advise the liaison officer of any public authority, and any surveyor, of all recorded plans and of all proposed surveys that may render unnecessary or limit the scope of a survey proposed to be carried out by or on behalf of the authority or by the surveyor; and
- (b) take all steps that are expedient for avoiding unnecessary duplications of surveys, including—
- (i) the carrying out, for or on behalf of and with the consent of two or more public authorities, of any survey that may be jointly required by the authorities; or
- (ii) the arranging for the carrying out, with the consent of the public authorities concerned, of any such survey by any one of the authorities,

on such terms as to payment of the costs of the survey as are agreed on by the authorities and the Surveyor General or, in default of agreement, as are determined by the Minister.

13. OFFICIAL SURVEYS.

The Surveyor General may—

- (a) cause to be carried out any survey that he considers necessary or desirable for the purposes of this Act; and
- (b) establish on the area so surveyed such permanent marks as he considers necessary,

and may cause a record of the plan of every such survey to be entered in the Central Plan Register.

14. ADOPTION OF EXISTING SURVEY MARKS.

(1) The Surveyor General may, by notice in the National Gazette specifying the marks or class of marks adopted, adopt any particular reference marks or other survey marks, or any class of reference marks or other survey marks, placed or established by any person or public authority, as permanent marks for the purposes of this Act and any other law.

(2) A permanent mark required or authorized to be placed or established under this Act, whether by the Surveyor General or by a public authority, may be so placed or established—

- (a) on any unoccupied Government land; or
- (b) on any land vested in, or under the care and management of, a public authority; or
- (c) on a road, street, pathway, lane or thoroughfare; or
- (d) with the consent of the owner or occupier, on any privately owned land.

(3) A person authorized by the Surveyor General or by the liaison officer of a public authority by which or on whose behalf a survey is being carried out shall, at all reasonable times, have access to any land, road, street, pathway, lane or thoroughfare referred to in Subsection (2) for the purpose of the establishment, inspection and maintenance of any permanent mark or of the connection of a survey with any permanent mark.

(4) Subject to Subsection (5), a permanent mark adopted under this section, or a permanent mark placed or established under this Act, whether by the Surveyor General or any public authority, must be maintained in good order and condition—

(a) in the case of a mark on any land vested in or under the care and management of a public authority—by the public authority out of such moneys as are available for the care and management of the land; or

(b) in the case of a mark on a road, street, pathway, lane or thoroughfare, the maintenance of which is charged on a public authority—by the public authority out of such moneys as are available for the maintenance of the road, street, pathway, lane or thoroughfare; or

(c) in the case of a mark on any privately owned land or unoccupied Government land, or on any road, street, pathway, lane or thoroughfare to which Paragraph (b) does not apply—by the Surveyor General or the public authority placing or establishing the mark, as the case may be.

(5) Where the Minister is satisfied, on application by a public authority, that the maintenance of a mark referred to in Subsection (4) involves undue expense or inconvenience to the public authority, he may direct that the maintenance be carried out by the Surveyor General or by such other public authority as the Minister thinks fit.

15. NOTICE OF PLACEMENT, ETC., OF MARKS.

Where necessary, the Surveyor General shall give written notice of the placement, adoption, establishment, removal or alteration of a permanent mark to any public authority responsible under this Act for its maintenance.

16. IRREGULARITIES IN POSITION OF PERMANENT MARKS.

A surveyor who discovers—

(a) an apparent irregularity in the position of a permanent mark; or

(b) that a permanent mark has been destroyed or removed, or is in disrepair; or

(c) that any measurements made by him differ from those shown on any recorded plan,

shall furnish to the Surveyor General a written report on the matter.

17. ANNUAL REPORT OF SURVEYOR GENERAL.

As soon as practicable after the close of each financial year the Surveyor General shall prepare and submit to the Departmental Head a report on the administration of this Act during the financial year.

18. EXEMPTIONS.

(1) On application by—

(a) a public authority; or

(b) a surveyor; or

(c) a person who carries out or supervises a survey (other than an authorized survey within the meaning of the *Survey Act 1969*) on behalf of a public authority,

the Surveyor General, for any reason which he considers sufficient, may by written notice exempt from all or any of the provisions of this Act relating to surveys or plans—

- (d) a survey being carried out, or proposed to be carried out, by the public authority, surveyor or person; or
- (e) a plan of survey in the possession of, or to be prepared by, the public authority, surveyor or person; or
- (f) a class of any such surveys or plans.

(2) An exemption under Subsection (1) may be granted–

- (a) permanently or for a specified period; and
- (b) subject to such conditions (if any) as the Surveyor General thinks necessary.

19. DESTRUCTION, ETC., OF PERMANENT MARKS.

(1) Subject to Subsection (2), a person who destroys, removes, injures or defaces, or directly or indirectly causes any alteration in the position of, a permanent mark placed, adopted or established under this Act is guilty of an offence.

(2) Subsection (1) does not apply to the removal or alteration of a permanent mark for the purpose of any building, reconstruction or other work, or for any reason that makes the removal or alteration necessary, in accordance with such provisions as to notice, supervision, re-establishment and report to the Surveyor General as are prescribed.

(3) On the conviction of a person of an offence against Subsection (1), the court that convicts the person may, in addition to imposing a penalty for the offence, order that the defendant pay to the Surveyor General or to a public authority responsible for the maintenance of the permanent mark the subject of the proceedings such amount as the court thinks reasonably necessary to reimburse the Surveyor General or public authority for any expense incurred or to be incurred in replacing or re-establishing the mark.

20. OFFENCES.

A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

21. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for–

- (a) prescribing the form of, and the particulars to be contained in, notices of intention to commence surveys or of the commencement of surveys; and
- (b) prescribing the form of the Central Plan Register, the classifications and particulars of plans to be recorded in the Register and the particulars to be marked on recorded plans; and
- (c) prescribing the kinds and specifications of permanent marks, and empowering the Surveyor General to authorize departures from any regulation made for that purpose; and
- (d) regulating the placing, adoption or establishment of permanent marks; and
- (e) prescribing the conditions as to notice, supervision, re-establishment and report to the

Surveyor General under which permanent marks may be altered or removed for the purpose of any building, reconstruction or other work, or for any reason that makes removal or alteration necessary; and

(f) prescribing standards of measurement and of accuracy to be adopted for the purposes of any survey, and the connection of any survey to any existing survey mark or permanent mark; and

(g) prescribing conventional symbols to be used on plans required to be prepared and forwarded to the Surveyor General under this Act; and

(h) empowering the Surveyor General to call for the production of the field notes of any survey, a plan or a copy of a plan of which is, or is required to be, recorded or forwarded or set out on any list forwarded to the Surveyor General under this Act.

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