

1991

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SURVEYORS (AMENDMENT) BILL 1991

DISTRICTS (AMENDMENT) BILL 1991

REAL PROPERTY (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

**Circulated by Authority of the Minister for the Environment
Land and Planning**

Bill Wood MLA

SURVEYORS (AMENDMENT) BILL 1991

DISTRICTS (AMENDMENT) BILL 1991

REAL PROPERTY (AMENDMENT) BILL 1991

The Surveyors (Amendment) Bill 1991, the Districts (Amendment) Bill 1991, and the Real Property (Amendment) Bill 1991 are a package of Bills that facilitate the transfer of the Australian Capital Territory survey matters from the Commonwealth to the Territory.

The *Surveyors Act 1967* provides for the registration of land surveyors and regulates the practice of land surveying in the Territory.

The *Districts Act 1966* provides for the the division of land in the Territory into districts and the further division of land by deposited plan into divisions, sections and blocks. The Act also provides for the description of land.

The *Real Property Act 1925* provides for the declaration of titles to land and also facilitates the transfer of land in the Territory.

The *Surveyors Act*, the *Districts Act* and the *Real Property Act* all contain references to the "Commonwealth Surveyor-General" or to the "Surveyor-General for Australia". With the handing over of the Australian Capital Territory survey function to the Territory these references are no longer appropriate.

The Surveyors (Amendment) Bill 1991 creates the office of the Chief Surveyor. The Chief Surveyor is the Territory equivalent of the Commonwealth Surveyor-General and therefore the references to the "Commonwealth Surveyor-General" and "Surveyor-General for Australia" are replaced with "Chief Surveyor" in the three Acts.

There are no financial implications for these amending Bills.

Details of the Bills are included in the Attachment.

ATTACHMENT

SURVEYORS (AMENDMENT) BILL 1991

Clauses 1, 2 and 3 deal with formal matters.

Clause 4 inserts a new section 5A after section 5 of the *Surveyors Act 1967*. New section 5A creates the office of Chief Surveyor to replace the Commonwealth Surveyor-General for the purposes of Australian Capital Territory survey functions. The Chief Surveyor will take over the functions previously undertaken by the Commonwealth Surveyor-General under the *Surveyors Act*. New section 5A also provides for the appointment of a person to act as Chief Surveyor where the Chief Surveyor is absent or during a vacancy in the office of Chief Surveyor. Both the Chief Surveyor and any person acting as Chief Surveyor must be public servants and entitled to be registered as a surveyor under the *Surveyors Act*.

Clauses 5 and 6 change the references to "Commonwealth Surveyor-General" in sections 6 and 51A of the *Surveyors Act* respectively to "Chief Surveyor" consistent with the transfer of these functions to the Territory. The Chief Surveyor will be required to fulfil functions as a member and the Chairperson of the Surveyors Board of the Australian Capital Territory under the amended section 6 of the *Surveyors Act*. Under the amended section 51A of the *Surveyors Act* the Chief Surveyor will be able to require surveyors to produce field notes. Generally field notes are required to be produced where there is a need to resolve an inconsistency.

DISTRICTS (AMENDMENT) BILL 1991

Clauses 1, 2 and 3 deal with formal matters.

Clause 4 amends section 7 of the *Districts Act 1966* to change the references to "Commonwealth Surveyor-General" to "Chief Surveyor". Section 7 of the *Districts Act* provides for the procedures to be followed for the lodgment of deposited plans and provides for evidentiary presumptions in relation to deposited plans. Under the amended section 7 of the *Districts Act* the Registrar of Titles may not accept a plan for lodgment as a deposited plan unless the Chief Surveyor has certified on the plan that the plan has been prepared in accordance with the *Districts Act* and that

the land is correctly described with regard to references to a district, division, section or block.

REAL PROPERTY (AMENDMENT) BILL 1991

Clauses 1, 2 and 3 deal with formal matters.

Clause 4 amends section 64 of the *Real Property Act* to change the reference to "Surveyor-General for Australia" to "Chief Surveyor". Section 64 of the *Real Property Act* provides that the Registrar of Titles may require a proprietor applying to have any land brought under the provisions of the *Real Property Act* or desiring to deal with land under the Act to deposit a map or plan of the land at the office of the Registrar. Section 64 also specifies the form of the map or plan and provides that if the requirements as to the deposit of the map or plan are not complied with, or if the map or plan is not approved by the Surveyor-General for Australia, then it is not incumbent on the Registrar to proceed with bringing the land under the provisions of the Act or with the registration of the transfer or lease. The Bill changes this reference from the Surveyor-General for Australia to the Chief Surveyor.