

# SURVEY

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# Survey Act 1961

## TABLE OF PROVISIONS

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	SCHEDULE



# Survey Act 1961

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## TABLE OF AMENDMENTS

The Survey Act 1961 No 6 was made and commenced on 17 November 1961.

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Survey Ordinance 1963 No 1*		18 September 1963
Executive Council Ordinance 1966 No 3		14 February 1966
Ordinances Revision Ordinance 1967 No 25		29 December 1967
Statute Law Revision Act 2011 No 8	15 April 2011	15 April 2011
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

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\* The amendments from this instrument have been incorporated but have not been validated against the original source.



An Act to regulate the making of surveys of land.

Adopted by the Parliament of Nauru as follows:

## **1 Short title and commencement**

This Act may be cited as the *Survey Act 1961* and came into effect on 17 November 1961.

[s 1 subst Act 8 of 2011 s 12 and Sch 1 item 143, opn 15 Apr 2011]

## **2 Definitions**

In this Act:

*‘appropriate accuracy’*, in relation to a survey, means the greatest accuracy that can reasonably be attained in making the survey;

*‘field officer’* means a person who holds a licence that is in force;

*‘Government Surveyor’* means a public officer from time to time responsible for carrying out land and other surveys on behalf of the Republic;

[def am Act 8 of 2011 s 12 and Sch 1 item 147, opn 15 Apr 2011]

*‘licence’* means a licence to act as a field officer granted by the Minister under Section 5;

[def am Act 8 of 2011 s 12 and Sch 1 item 147, opn 15 Apr 2011]

*‘monument’* means a natural or artificial object, or a point on such an object, used for the purpose of fixing the location of a point;

*‘official plan of survey’* means a plan of survey recorded at the Department of Land Management;

*‘portion’* means a part of a District of Nauru, being a part that is specified on an official plan of survey of the District as a portion and referred to on the plan by a number;

*‘survey’* means a survey of land made or to be made:

- (a) for the purposes of a law in force in the Republic relating to the alienation, leasing, occupation or subdivision of land in the Republic or relating to the titles to land in the Republic;
- (b) by the Republic;
- (c) at the request of the owner, lessee or mortgagee of the land or of a person interested in becoming the owner, lessee or mortgagee of the land;
- (d) in connexion with the resumption or acquisition of land in the Republic under the authority of a law in force, in the Republic; or
- (e) for the purpose of establishing the location of a public road, of a common, of a public reserve or of the boundary of any land; and

[def am Act 8 of 2011 s 12 and Sch 1 item 147, opn 15 Apr 2011]

*‘surveyor’* means a person who is registered as a surveyor under Section 4.

[def am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

## **3 Application of Act**

This Act does not prevent a survey being made otherwise than in accordance

with this Act, but a plan of survey prepared as a result of a survey made otherwise than in accordance with this Act shall not be recorded at the Department of Land Management or used for the purpose of any law.

[s 3 am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

[s 3 amended by Law Revision Commission pursuant to s 9 of the Law Revision and Consolidation Act 2019]

#### **4 Registration of surveyors**

(1) The Cabinet may, on application by a person, register the person as a surveyor if:

- (a) the person is authorised under a law of a State or Territory of Australia, or New Zealand, to practise as a surveyor; and
- (b) the Cabinet is satisfied the person is a fit and proper person to be registered as a surveyor.

[subs (1) subst Act 8 of 2011 s 12 and Sch 1 item 144, opn 15 Apr 2011]

(2) The Cabinet may require an applicant to furnish to the Cabinet such information relevant to the application as the Cabinet thinks fit, and may refuse to register the applicant as a surveyor until the applicant furnishes that information.

[subs (2) am Act 8 of 2011 s 12 and Sch 1 item 146, opn 15 Apr 2011]

(3) Where the Cabinet is satisfied that a surveyor has, in making a survey, contravened or failed to comply with a provision of this Act, the Cabinet may, by notice in writing to the surveyor, cancel the registration of that surveyor.

[subs (3) am Act 8 of 2011 s 12 and Sch 1 item 146, opn 15 Apr 2011]

#### **5 Licensing of field officers**

(1) The Minister may grant a licence to act as a field officer to a person:

- (a) who is a public officer; and
- (b) who produces a certificate by the Government Surveyor certifying that person is competent to carry out cadastral surveys on his or her own responsibility.

[s 5 am Act 8 of 2011 s 12 and Sch 1 item 147, opn 15 Apr 2011]

(2) Where the Minister is satisfied that a field officer has, in making a survey, contravened or failed to comply with a provision of this Act, the Minister may, by notice in writing to the field officer, cancel the licence of that field officer.

[subs (2) am Act 8 of 2011 s 12 and Sch 1 item 145, 147, opn 15 Apr 2011]

(3) A field officer's licence shall expire, where it has not already been cancelled when the field officer ceases to be an officer or employee of the Public Service unless it has been earlier cancelled.

#### **6 Surveys to comply with this Act**

(1) After the commencement of this Act, a survey shall not be made, except in accordance with this Act and:

- (a) by, or under the personal supervision of, a surveyor; or
- (b) by a field officer.



(2) Every plan representing a survey made after the commencement of this Act shall be a correct delineation of the boundaries of the land surveyed as marked or pegged on the ground.

[subs (2) subst Ord 1 of 1963, opn 18 Sep 1963]

[s 6 am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

## **7 Certain instruments to be used in making surveys**

In making a survey, angles shall be measured by means of a theodolite in accurate adjustment, and distance shall be measured by means of a steel or invar band approved by the Government Surveyor.

## **8 Measurement of lines**

In making a survey, a line shall be measured by the most direct method that is reasonably practicable.

## **9 Boundaries of land to be marked**

A surveyor or field officer shall, in the course of making a survey of land, mark in a distinctive and durable manner any boundary of the land that is not so marked and, if the land has been or is being sub-divided into two or more parcels of land, any boundary of such a parcel that is not so marked.

## **10 Re-surveys of land**

Where land is being re-surveyed, the boundaries of the land as marked on the ground shall be deemed to be the true boundaries of the land notwithstanding that those boundaries do not correspond with the boundaries of the land as shown on a relevant plan of the land.

## **11 Fixing boundary when monument missing**

- (1) Where, in the course of surveying land, an existing monument relevant to establishing the position of a boundary of the land cannot be located after diligent search, the surveyor or field officer making the survey shall, after investigating fully the position of the boundary, determine the position of the boundary by reference to the boundaries of the adjacent parcels of land and to such other matters relevant to determining the position of that boundary as he or she found in the course of the investigation.
- (2) For the purposes of subsection (1), an “*existing monument*”, in relation to land, means a monument the position of which was fixed in the course of surveying other land.

## **12 Datum line of azimuth**

- (1) A surveyor or field officer shall not adopt a line as the datum line of azimuth of a survey unless he or she has determined the position of the monuments that establish the position of the line.
- (2) A surveyor or field officer shall, in relation to the line adopted as the datum line of azimuth of a survey:
  - (a) if the bearing of the azimuth of the line is shown on a plan of survey recorded at the Department of Land Management, accept the bearing so shown as the correct bearing of the azimuth for the purposes of the survey; or

- (b) in any other case, determine the bearing of the azimuth by astronomical observations.

### 13 Accuracy of survey

- (1) The accuracy of the measurement of each line which forms part of a surround of land being surveyed shall be checked by calculating, to two places of decimals, the length of the line by the method known as the closure of the latitudes and departures.
- (2) Land shall not be deemed to have been surveyed with appropriate accuracy unless the ratio of the sum of the differences of the latitudes and departures of the perimeter to the sum of the latitudes and departures of the perimeter does not exceed the ratio of one to six thousand.

### 14 Field notes

- (1) A surveyor or field officer shall make complete field notes of every survey made by him or her.
- (2) The field notes shall be deemed not to be complete for the purposes of subsection (1) unless:
- (a) the field notes are neat, precise and readily intelligible;
  - (b) the field notes contain all the information necessary for the preparation of a full and accurate plan of the survey;
  - (c) the field notes contain full particulars of all astronomical observations made in connexion with the survey;
  - (d) all bearings entered in the field notes are expressed in degrees, minutes and seconds of arc calculated clockwise from zero to 360 degrees;
  - (e) the names of all relevant estates, and the numbers of relevant portions, are shown in the field notes;
  - (f) the field notes state that the survey is a survey of land in Nauru and contain particulars of the date on which the survey was made;
  - (g) the field notes specify the nature and position of each monument located in the course of making the survey and, if the surveyor or field officer was unable, after diligent search, to locate an existing monument:
    - (i) full particulars of the investigations carried out by that surveyor or field officer in endeavouring to find the monument;
    - (ii) the point that he or she has determined to be the position of the monument; and
    - (iii) all measurements taken by him or her in relation to that point upon the assumption that point is the position at which the monument should be; and
  - (h) the field notes specify the position of the datum line and the origin of the azimuth adopted for the purposes of the survey.

[subs (2) subst Ord 1 of 1963, opn 18 Sep 1963]

- (3) For the purposes of subsection (2), “*existing monument*” has the same meaning as in Section 11(2).

[subs (3) am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

- (4) Particulars of each fact found, bearing taken and measurement and observation made for the purpose of a survey shall be entered in the field

notes immediately after the fact was found, the bearing was taken or the measurement of observation was made, as the case may be.

[subs (4) subst Ord 1 of 1963, opn 18 Sep 1963]

## 15 Calculation of area

The area of a parcel of land of irregular shape shall be calculated by the method known as double longitudes.

## 16 Plans

(1) Where a surveyor or field officer prepares a plan representing a survey, he or she shall mark on the plan the datum line of azimuth of the survey by distinguishing letters placed at the ends of the line, and shall indicate on the plan the nature of the marks which define that line.

(2) A surveyor or field officer making a survey shall cause a plan representing the survey, and his or her field notes relating to the survey, to be deposited with the Government Surveyor, and shall satisfy the Government Surveyor that the survey was made in accordance with this Act.

[subs (2) am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

(3) When the Government Surveyor is satisfied that a survey was made in accordance with this Act and that the plan of the survey deposited with him or her truly represents the survey, he or she shall initial the plan and forward a copy of the plan to the Nauru Lands Committee.

[subs (3) am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

## 17 Certificate to be endorsed on plan of survey

A surveyor or field officer shall endorse on a plan that purports to represent a survey made by him or her in accordance with this Act a certificate in accordance with the form in the Schedule.

[s 17 am Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]

## 18 Penalty for incorrect certificate

A person shall not endorse, on a plan that purports to represent a survey, a certificate in accordance with the form in the Schedule unless:

- (a) that person is a surveyor or a field officer;
- (b) if that person is a surveyor, the survey was made by him or her or under his or her personal supervision or, if that person is a field officer, the survey was made by him or her;
- (c) the survey was made with appropriate accuracy;
- (d) the survey was made in accordance with the provisions of this Act;
- (e) the survey is truly represented by the plan; and
- (f) the survey was completed on the date stated in the certificate to be the date when the survey was completed.

Penalty: \$100

[s 18 am No 25 of 1967 s 4 and Sch 2, opn 29 Dec 1967; Act 8 of 2011 s 12 and Sch 1 item 145, opn 15 Apr 2011]



**SCHEDULE**



**REPUBLIC OF NAURU  
SURVEY ACT 1961**

*[Section 17]*

[Sch am Act 8 of 2011 s 12 and Sch 1 clause 145, 147, opn 15 Apr 2011]

\* REGISTERED SURVEYOR.  
CERTIFICATE BY A  
\* LICENSED FIELD OFFICER.

I,  
a person

\* registered as a surveyor under  
\* licensed to act as a field officer under  
the *Survey Act 1961* hereby certify that the survey purportedly represented by this plan -  
\* by me;

- (a) was made \* under my personal supervision;
- (b) was made with appropriate accuracy;
- (c) was made in accordance with the provisions of the *Survey Act 1961*;
- (d) is truly represented by this plan; and
- (e) on *[date]*.

\* Registered Surveyor.  
Signature of  
\* Licensed Field Officer

Date:

\* Strike out whichever is inapplicable.

