

Version No. 053
Survey Co-ordination Act 1958

Act No. 6388/1958

Version incorporating amendments as at 1 July 1998

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An Act to consolidate the Law with respect to the Co-ordination of Surveys in Victoria and the Facilitation of Co-operation with the Commonwealth of Australia in relation to a National Mapping Scheme.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

S. 1
amended by
Nos 7360 s. 2,
41/1987
s. 103(Sch. 4
item 63.1).

1. *Short title and commencement*

This Act may be cited as the **Survey Co-ordination Act 1958**, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. *Repeal and savings*

- (1) The Act mentioned in the Schedule to the extent thereby expressed to be repealed is hereby repealed accordingly.
- (2) Except as in this Act expressly or by necessary implication provided—
 - (a) all persons things and circumstances appointed or created by or under the repealed Act or existing or continuing under that Act immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation

and effect as they respectively would have had if that Act had not been so repealed;

- (b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any proclamation regulation order appointment record survey list notice certificate requirement plan register consent notification index authority requisition report application exemption liability or right made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under the repealed Act before the commencement of this Act.

3. Definitions

In this Act unless inconsistent with the context or subject-matter—

"Australian Geodetic Datum" means the 1966 adjustment of first order triangulation of Australia or any subsequent adjustment approved by the Surveyor-General based on the position of Johnson Geodetic Station which is determined as being:

S. 3 def. of "Australian Geodetic Datum" inserted by No. 56/1987 s. 4.

Geodetic Latitude 25° 56' 54"-5515 South

Geodetic Longitude 133° 12' 30"-0771 East

Spheroidal Height 571.2 metres;

"Australian Map Grid" means the system of rectangular co-ordinates derived from a Transverse Mercator projection of latitudes and longitudes on the Australia Geodetic Datum and defined in the Australian Map Grid Technical Manual Special Publication 10, published by the National Mapping

S. 3 def. of "Australian Map Grid" inserted by No. 56/1987 s. 4.

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Council of Australia in 1986 or any later definition approved by the Minister and published in the Government Gazette;

S. 3 def. of "Commonwealth survey authority" amended by No. 6505 s. 2.

"Commonwealth survey authority" means the Commonwealth Government department or branch of the Defence Forces for the time being engaged upon surveys for the triangulation and mapping of Australia;

"Commonwealth survey officer" means any person duly authorized in writing by the officer in charge of the Commonwealth survey authority;

"department" means any Government department under the direct control of a Minister of the Crown;

S. 3 def. of "licensed surveyor" amended by No. 9180 s. 2(1).

"licensed surveyor" means a licensed surveyor under the **Surveyors Act 1978**;

S. 3 def. of "municipality" repealed by No. 12/1989 s. 4(1)(Sch. 2 item 117.1) (as amended by No. 13/1990 s. 38(2)(y)).

* * * * *

"plan" includes every plan map aerial photograph or description made or obtained as part of a survey or surveys;

"prescribed" means prescribed by this Act or by regulations under this Act;

S. 3 def. of "proper officer" amended by No. 46/1998 s. 7(Sch. 1).

"proper officer" means—

- (a) in relation to a department—the department head within the meaning of

the **Public Sector Management and Employment Act 1998** thereof; and

- (b) in relation to a public authority—an officer or employee of such authority nominated by such authority for the purposes of this Act;

"public authority" means any board commission trust or other body corporate or unincorporate (including a municipal council but not including a company incorporated for private profit) established or constituted by or under any Act for any public purpose, whether in respect of the whole of Victoria or of any particular area or areas thereof, and which is authorized or required by such Act to make surveys or the nature of whose functions requires that surveys be made by such authority or that plans of survey be lodged therewith;

S. 3 def. of "public authority" amended by No. 12/1989 s. 4(1)(Sch. 2 item 117.2).

"registered plan" means a plan of which a record has been entered in the Central Plan Register pursuant to this Act;

"survey" means the act or process of determining the form contour position area height depth or any other similar particulars with respect to any part of the earth's surface whether land or water or of any natural or artificial features on below or above any part of such surface or the length and direction of the bounding lines of any part of such surface or of any such natural or artificial features and includes the making or obtaining of a plan or plans thereof;

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"surveyor" includes—

- (a) any licensed surveyor; and
- (b) any person who carries out or superintends any survey on behalf of any department or public authority;

S. 3 def. of "Surveyor-General" amended by Nos 9549 s. 2(1), 10087 s. 3(1)(Sch. 1 item 248), 41/1987 s. 103(Sch. 4 item 63.2), repealed by No. 46/1998 s. 7(Sch. 1).

* * * * *

S. 3 def. of "Surveyors Board" amended by No. 9180 s. 2(1).

"Surveyors Board" means the Surveyors Board under the **Surveyors Act 1978**.

PART I—SURVEY CO-ORDINATION GENERALLY

Pt 1 (Heading)
inserted by
No. 7360 s. 3.

4. *Maintenance of Central Plan Office*

No. 4732 s. 3.
S. 4 amended
by Nos 10087
s. 3(1)(Sch. 1
item 248),
41/1987
s. 103(Sch. 4
item 63.4),
46/1998
s. 7(Sch. 1).

There shall be maintained in the Department of Natural Resources and Environment¹ a Central Plan Office.

5. *Notice of intention to commence new surveys*

No. 4732 s. 5.

No survey shall after the commencement of this Act be commenced by or on behalf of any department or public authority unless a notice in the prescribed form of intention to commence such survey has been delivered or forwarded to and received by the Surveyor-General at least five days before such survey is commenced:

Provided that where the urgency of the survey does not allow of five days' notice as aforesaid notice of intention to commence or (as the case may require) of having commenced such survey shall be given as early as is practicable in the circumstances and shall be accompanied by a certificate of the proper officer of the department or authority concerned setting out the reasons for such later notice.

6. *Surveyor-General to require connexion of proposed surveys with existing surveys etc.*

No. 4732 s. 6.

- (1) Without limiting the generality of the provisions of this Act relating to surveys in or contiguous to proclaimed survey areas the Surveyor-General may by writing addressed to the proper officer of any department or public authority require in relation to any survey being carried out or

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proposed to be carried out by or on behalf of such department or authority—

- (a) that such survey shall be connected to an existing local or general survey or based upon a specified datum as to levels or otherwise;
 - (b) that the surveyor carrying out such survey shall cause permanent marks of a prescribed kind to be established within or adjacent to the area surveyed as the Surveyor-General directs and also that such survey shall be connected with any permanent mark or marks already established;
 - (c) that the original or a true copy of any plan made or obtained as part of such survey showing the date of the survey and certified by the surveyor who carries out the survey together with a separate sketch plan certified by such surveyor showing the position of any permanent marks established and the connexion (if any) of such survey with any local or general survey or with any permanent mark or marks already established shall be forwarded to the Surveyor-General immediately after the completion of such plans.
- (2) The proper officer of such department or public authority shall cause the survey to be carried out and plans prepared and forwarded in accordance with any such requisition of the Surveyor-General and any plans so forwarded shall be lodged in the Central Plan Office.
- (3) Every survey commenced by or on behalf of any department or public authority after the commencement of this Act (whether the subject of a requisition by the Surveyor-General under the

foregoing provisions of this section or not) shall, unless required to be carried out in accordance with the **Surveyors Act 1978** or the regulations thereunder, be carried out in accordance with the standards of measurement and accuracy prescribed by regulations under this Act relating to surveys of the appropriate kind.

7. *Quarterly returns by departments and public authorities of plans and surveys*

No. 4732 s. 7.

The proper officer of every department or public authority shall in each year within fourteen days after the last day of March June September and December respectively—

- (a) cause to be compiled lists setting out the prescribed particulars with respect to—
 - (i) every plan prepared by or on behalf of such department or authority or lodged therewith during the period of three months ending on such last day; and
 - (ii) every survey carried out by or on behalf of such authority during such period of which a plan has not been made; and
- (b) cause copies of such lists certified by him to be correct and complete to be forwarded to the Surveyor-General.

8. *Establishment of Central Plan Register and registration etc. of plans*

No. 4732 s. 8.

- (1) The Surveyor-General after due enquiry shall cause to be entered in a register in the Central Plan Office which shall be called the Central Plan Register and which shall be in the prescribed form and contain the prescribed classifications and particulars a record of such of the plans—
 - (a) set out on any list forwarded to him under the foregoing provisions of this Act; or

(b) forwarded to him under the foregoing provisions of this Act—

as appear to him to be of general value for the purpose of this Act and shall cause to be marked or stamped upon every such plan (whether in the Central Plan Office or not) such particulars of its registration and classification as are prescribed.

(2) Where it appears to the Surveyor-General that any registered plan in the possession of any department or public authority is of such general value for the purposes of this Act that it ought to be lodged in the Central Plan Office, then—

(a) in the case of any plan in the possession of a department—with the consent of the Minister of the department concerned; and

(b) in the case of any plan in the possession of a public authority—with the consent of the chairman or president of such authority—

such plan may notwithstanding anything in any Act be lodged and kept in the Central Plan Office.

(3) No registered plan which remains in the possession of any department or public authority shall be destroyed or except in pursuance of this Act removed out of the possession of such department or authority without the consent in writing of the Surveyor-General.

(4) Any alteration to any registered plan which remains in the possession of any department or public authority shall within fourteen days of such alteration be notified in writing by the proper officer of such department or authority to the Surveyor-General and (where a copy of such registered plan has been provided to the Surveyor-General) a plan showing the details of such

alteration shall be forwarded to the Surveyor-General with such notification.

- (5) For the purpose of the registration and classification of plans pursuant to this Act, every person duly authorized by the Surveyor-General shall at all reasonable times have free access to all plans set out on any list forwarded to the Surveyor-General under the foregoing provisions of this Act which are in the possession of any department or public authority.
- (6) The Surveyor-General shall cause to be published in the prescribed manner and form—
 - (a) in the month of July in every year in which the Minister so directs—an index of all plans recorded in the Central Plan Register as at the thirtieth day of June then last past; and
 - (b) in the month of July in every year in which an index as aforesaid is not published—a supplementary index of all plans so recorded since the last publication of the index or supplementary index (as the case may be) up to the thirtieth day of June then last past.
- (7) A copy of such portion of each such index or supplementary index as is required shall be made available by the Surveyor-General—
 - (a) without charge, to the Commonwealth survey authority and to every department and public authority; and
 - (b) upon payment of the prescribed fee, to any person.

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S. 9(1)
amended by
Nos 9549
s. 2(1),
46/1998
s. 7(Sch. 1).

- (1) There is to be employed under Part 3 of the **Public Sector Management and Employment Act 1998** a person in the Office of Titles (hereinafter called "the Titles Office Survey Officer") who shall (so far as relates to the carrying out of this Act) be responsible to the Surveyor-General and whose duty it shall be to assist in the co-ordination of lodged plans and other plans in the Office of Titles with registered plans in the Central Plan Office and to provide to the Central Plan Office such information with respect to such lodged plans or other plans as may be necessary or expedient for the purposes of this Act.
- (2) Every person duly authorized in writing by the Surveyor-General whether generally or in any particular case and every Commonwealth survey officer shall at all reasonable times be entitled to inspect any lodged plans or other plans in the Office of Titles.

No. 4732 s. 10.

10. *Inspection of registered plans*

- (1) Every surveyor every Commonwealth survey officer and every person duly authorized in writing by the Surveyor-General shall at all reasonable times be entitled to inspect any registered plan in the Central Plan Office, and the Surveyor-General when so required shall give the authority necessary for the inspection by any such surveyor of any registered plan which is not in the Central Plan Office.
- (2) Every person duly authorized in writing by the Surveyor-General whether generally or in any particular case and every Commonwealth survey officer shall at all reasonable times be entitled to inspect any registered plan in the possession of any department or public authority.

No. 4732 s. 11.

11. *Provision of copy of registered plan*

Every department or public authority shall, when so required by the Surveyor-General by writing addressed to the proper officer thereof, provide an accurate copy of any registered plan in its possession—

- (a) to the Surveyor-General or to any Commonwealth survey officer; or
- (b) to any other department or public authority or to any licensed surveyor—
 - (i) at such charge as is provided by or under any other Act for the sale of such copy; or
 - (ii) (where there is no such provision) at a charge which shall not exceed the cost of preparation of such copy plus Ten per centum of such cost.

12. *Surveys for establishment of standard traverses in certain areas and proclamation of survey areas*

No. 4732 s. 12.

- (1) The Surveyor-General, after consultation with the Surveyors Board and with representatives of such departments as may be concerned and of such public authorities as he thinks proper, may cause to be carried out in an area such survey or surveys as he considers necessary for establishing a standard traverse for such area for the convenient connexion of local or general surveys with the Australian Map Grid, and may cause to be established on or adjacent to the standard traverse so established such permanent marks of any prescribed kind as he considers proper.
- (2) Upon a report of the Surveyor-General in writing to the effect—
 - (a) that the foregoing provisions of this section have been carried out to his satisfaction with

S. 12(1)
amended by
No. 56/1987
s. 5(a)–(d).

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respect to any area within Victoria and a standard traverse established for such area;
or

- (b) that there are in existence in any area within Victoria sufficient permanent marks for the establishment of a local traverse for such area—

the Governor in Council by proclamation published in the Government Gazette may proclaim such area to be a "proclaimed survey area" for the purposes of this Act.

- (3) After the publication of any such proclamation every survey for any purpose under any Act of any area which is wholly or partly within or contiguous to the proclaimed survey area to which the proclamation relates whether carried out by or on behalf of any department or public authority or by any surveyor privately employed shall be connected to the standard traverse or local traverse (as the case may be) for such proclaimed survey area either—

- (a) directly; or
- (b) where the Surveyor-General or some person duly authorized in writing in that behalf by the Surveyor-General so authorizes in writing—indirectly by way of connexion with an existing survey or permanent mark already connected or proposed to be connected to such standard or local traverse—

and no plan of any such survey shall be lodged with or accepted or otherwise used by any department or public authority or be of any validity whatever for any purpose under any Act unless it shows such connexion as aforesaid certified by the surveyor who carries out the

survey or is accompanied by a sketch plan showing such connexion so certified.

- (4) It shall be the duty of the Surveyor-General when so requested to advise the surveyor of any department or public authority or any licensed surveyor as to how proposed surveys of any such area as aforesaid may be connected with the standard or local traverse and to authorize any such indirect connexion as aforesaid as appears to him to be more convenient or economical than a direct connexion with such traverse, and any survey carried out or plan prepared in accordance with any such written authority of the Surveyor-General shall, where such authority is attached to the plan, be deemed for all purposes a sufficient compliance with the requirements of this section.

- (5) A record of the plan or plans of every standard or local traverse established pursuant to this section shall be entered in the Central Plan Register and a copy of every plan of a standard traverse certified by the surveyor who carried out the survey and by the Surveyor-General shall be forwarded by the Surveyor-General to the Commonwealth survey authority immediately upon the completion thereof.

S. 12(5)
amended by
No. 9019
s. 2(1).

13. *Surveyor-General to advise as to avoidance of duplication of surveys etc.*

No. 4732 s. 13.

- (1) It shall be the duty of the Surveyor-General—
- (a) to advise the proper officer of any department or public authority or any licensed surveyor of all registered plans and of all proposed surveys which may render unnecessary or limit the scope of any survey proposed to be carried out by or on behalf of such department or authority or by such licensed surveyor; and

(b) to take all such steps as may be expedient for avoiding unnecessary duplication of surveys, including—

- (i) the carrying out for or on behalf of and with the consent of any two or more departments or public authorities of any survey which may be required by such departments or authorities; or
- (ii) the arranging for the carrying out with the consent of the departments and public authorities concerned of any such survey by any one such department or authority—

upon such terms as to payment of the costs of such survey as are agreed upon by such departments or authorities and the Surveyor-General or, in default of such agreement, as are fixed by Order of the Governor in Council.

(2) Notwithstanding anything in any other Act or enactment and without affecting the generality of any of the provisions of this Act, every department and public authority is hereby authorized—

- (a) to carry out all such surveys and to do all such acts and things as are directed or authorized by or under this Act in all respects as if such surveys acts or things were part of the ordinary functions of such department or authority; and
- (b) generally to co-operate with the Surveyor-General and with the Commonwealth survey authority for the co-ordination of surveys in Victoria, the avoidance of unnecessary duplication of surveys and the facilitation of

the Commonwealth national mapping scheme.

14. *Power to Surveyor-General to carry out surveys*

No. 4732 s. 14.

The Surveyor-General may at any time cause to be carried out any survey which he considers necessary or expedient for the purposes of this Act and may establish upon the area surveyed such permanent marks of any prescribed kind as he considers necessary and a record of the plan of every such survey shall be entered in the Central Plan Register.

15. *Adoption and maintenance of permanent marks*

No. 4732 s. 15.

- (1) The Surveyor-General may adopt any particular reference marks or other survey marks or any class of reference marks or other survey marks established by any department or public authority whether before or after the commencement of this Act to be permanent marks for the purposes of this Act by publication of a notice in the Government Gazette specifying the marks or class of marks so adopted.
- (2) Any permanent mark required or authorized to be established under this Act whether by the Surveyor-General or by any department or public authority may be so established—
 - (a) upon any Crown land;
 - (b) upon any land vested in or under the care and management of any department or public authority or any committee of management or body of trustees for any public purpose;
 - (c) (after consultation with the engineer or surveyor of the municipality concerned) upon any public street road lane or thoroughfare; or

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s. 15

(d) (with the consent of the owner or occupier thereof) upon any privately owned land—

and every person duly authorized by the Surveyor-General or by the proper officer of the department or public authority concerned shall at all reasonable times have access to such land street road lane or thoroughfare for the purpose of the establishment inspection and maintenance of any permanent mark or the connexion of any survey with any permanent mark.

S. 15(3)
amended by
No. 31/1994
s. 3(Sch. 1
item 55.1).

(3) All permanent marks established by the Surveyor-General under this Act, whether to mark the standard traverse for any survey area proposed to be proclaimed pursuant to this Act or otherwise, shall be established out of moneys provided by Parliament, and shall be maintained in good order and condition—

(a) if upon any land (other than a public street road lane or thoroughfare) vested in or under the care and management of any department or public authority or of any committee of management or body of trustees for any public purpose—by the department authority committee or body concerned out of such moneys as are available for the care and management of such land;

(b) if upon any public street road lane or thoroughfare the maintenance whereof is charged upon any department or public authority—by such department or authority out of such moneys as are available for the maintenance of such street road lane or thoroughfare; or

S. 15(3)(c)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 117.3).

(c) in any other case—by the municipal council within the municipal district of which such

marks are established out of the municipal or town fund of the municipality².

- (4) All permanent marks established by any department or public authority upon a requisition of the Surveyor-General under section six of this Act in relation to any survey carried out by or on behalf of such department or authority shall be established out of such moneys as are available to the department or authority concerned for the purposes of such survey and all permanent marks so established and all permanent marks adopted under the foregoing provisions of this section, shall be maintained in good order and condition out of such moneys as are available for the maintenance of the works or undertakings of the department or authority concerned:

Provided that where the Minister is satisfied, upon the application of the proper officer of any department or public authority, that the maintenance of any such mark or marks causes undue expense or inconvenience to such department or authority, he may by writing exempt such department or authority from such maintenance, and thereafter such maintenance shall be carried out by the Surveyor-General or by such other department or public authority or by such committee of management or body of trustees as the Governor in Council by Order directs.

S. 15(4)
(Proviso)
amended by
Nos 9019
s. 2(1), 10087
s. 3(1)(Sch. 1
item 249),
41/1987
s. 103(Sch. 4
item 63.5).

16. *Penalty for destruction etc. of permanent marks*

Any person who destroys removes mutilates or defaces or directly or indirectly causes any alteration in the position of any permanent mark established or adopted pursuant to this Act shall be liable to a penalty of not less than \$10 and not more than \$100 and upon a conviction for any such offence the court may in addition to any

No. 4732 s. 16.
S. 16
amended by
No. 9549
s. 2(1).

penalty imposed order the payment of a reasonable amount of damages (including any expense incurred in replacing or re-establishing such mark) to the department public authority committee of management or body of trustees charged under this Act with the maintenance of such permanent mark:

Provided that the removal or alteration of any permanent mark for the purpose of any building reconstruction or other work in accordance with such provisions as to notice supervision re-establishment and report to the Surveyor-General as are prescribed by regulations under this Act shall not be deemed an offence against this section.

No. 4732 s. 17.

17. Notice of establishment etc. of permanent mark

- (1) The Surveyor-General shall, where necessary, give notice in writing of the establishment removal or alteration of any permanent mark to the department, public authority, committee of management or body of trustees (as the case requires) charged under this Act with the maintenance of such permanent mark.
- (2) The Surveyor-General shall give notice in writing to the Titles Office Survey Officer of the establishment removal or alteration of any permanent mark in any case where he considers that such establishment removal or alteration is likely to affect any lodged plan or other plan in the Office of Titles.

No. 4732 s. 18.

18. Surveyors to report irregularities in position of permanent marks etc.

- (1) Any surveyor who discovers any apparent irregularity in the position of any permanent mark or that any such permanent mark has been destroyed or removed or is in disrepair or that any
-

measurements made by him differ from those shown upon any registered plan shall furnish a report in writing thereon to the Surveyor-General.

- (2) Any officer or employé of any department or public authority (other than a surveyor) who discovers that any permanent mark has been destroyed or removed or is in disrepair shall report the same to the proper officer of such department or authority who shall thereupon notify the same in writing to the Surveyor-General.

19. *Costs of surveys etc.*

No. 4732 s. 19.

- (1) The costs of any survey authorized to be carried out by the Surveyor-General under this Act shall be met out of moneys provided by Parliament.
- (2) The additional costs occasioned to any department or public authority in relation to any survey by reason of the operation of this Act or any requisition of the Surveyor-General thereunder shall be deemed to be part of the costs of such survey and shall be met out of such moneys as are available to such department or public authority for such survey.

S. 19(1)
amended by
No. 31/1994
s. 3(Sch. 1
item 55.2).

20. *Annual report of Surveyor-General upon administration of Act*

No. 4732 s. 20.

The Surveyor-General shall furnish to the Minister before the thirty-first day of July in each year a report upon the progress of surveys within Victoria under the Commonwealth national mapping scheme and upon the co-ordination of surveys under this Act with such surveys under the Commonwealth scheme and generally upon the administration of this Act during the period of twelve months ended on the thirtieth day of June then last past, and a copy of such report shall be laid before each House of Parliament.

S. 20
amended by
Nos 9019
s. 2(1), 10087
s. 3(1)(Sch. 1
item 249),
41/1987
s. 103(Sch. 4
item 63.6).

No. 4732 s. 21.

21. Exemption of plans surveys etc. from operation of this Act

- (1) Upon the application of the proper officer of any department or public authority or any licensed surveyor privately employed, the Surveyor-General may by writing exempt from all or any of the provisions of this Act relating to surveys or plans (either permanently or for any specified period and subject to such conditions as the Surveyor-General thinks fit) any particular survey being carried out or proposed to be carried out by such department authority or surveyor or any particular plan of survey in the possession of or to be prepared by such department authority or surveyor or any class of such surveys or plans if he is of opinion that compliance with such provisions or any such provision (as the case may be) in respect of such survey or plan or class of surveys or plans would entail the disclosure of any information which would adversely affect the public or such department or authority or would cause undue expense or inconvenience to such department or authority or the person by whom such surveyor is employed.
- (2) The Minister of the department concerned or the chairman or president of the public authority concerned or any such licensed surveyor as aforesaid may require that any decision of the Surveyor-General upon any such application as aforesaid be referred by the Minister to the Governor in Council who may by Order exercise all or any of the powers of exemption hereinbefore provided, and the decision of the Governor in Council on any such matters shall be final.

S. 21(2)
amended by
Nos 9019
s. 2(1), 10087
s. 3(1)(Sch. 1
item 249),
41/1987
s. 103(Sch. 4
item 63.7).

- (3) The Minister of the department concerned or the chairman or president of the public authority concerned may require that any requisition of the Surveyor-General made pursuant to this Act be referred by the Minister to the Governor in Council who may by Order cancel or confirm (either with or without modification) such requisition, and the decision of the Governor in Council shall be final.

S. 21(3)
amended by
Nos 9019
s. 2(1), 10087
s. 3(1)(Sch. 1
item 249),
41/1987
s. 103(Sch. 4
item 63.7).

21A. Land information systems to use AMG co-ordinates

Every land information system using land related data prepared by or on behalf of any department or public authority shall use co-ordinates of the Australian Map Grid or co-ordinates that are capable of mathematical conversion to the Australian Map Grid and the co-ordinates shall be to the prescribed standards.

S. 21A
inserted by
No. 56/1987
s. 6.

22. Regulations

No. 4732 s. 22.

- (1) The Governor in Council may make regulations for or with respect to—
- (a) prescribing the particulars of plans to be set down upon lists forwarded to the Surveyor-General under this Act;
 - (b) prescribing the form of and the particulars to be contained in notices of intention to commence surveys or of having commenced surveys;
 - (c) prescribing the form of the Central Plan Register and the classifications and particulars of registered plans to be recorded therein and the particulars of such classifications and registrations to be marked upon registered plans;

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S. 22(1)(d)
amended by
No. 56/1987
s. 7(1).

(d) prescribing the kinds and the specifications of each kind of permanent marks and survey marks to be established under this Act;

S. 22(1)(e)
amended by
No. 56/1987
s. 7(1).

(e) regulating the establishment of permanent marks and survey marks under this Act;

(f) 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;

S. 22(1)(g)
amended by
No. 9180
s. 2(1).

(g) prescribing standards of measurement and of accuracy to be adopted by surveyors for the purposes of any survey not required to be carried out in accordance with the **Surveyors Act 1978** or the regulations thereunder, and the connexion of any survey to any existing local or general survey or standard traverse or permanent mark pursuant to this Act;

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

(i) empowering the Surveyor-General to call for the production of the field notes of any survey a plan of which is registered or forwarded or set out on any list forwarded to the Surveyor-General under this Act; and

(j) generally, prescribing any matter or thing authorized or required to be prescribed by this Act or necessary or expedient to be prescribed for the purposes of this Act.

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(2) The regulations may apply, adopt or incorporate, with or without modification, any matter contained in any document including any code, standard, rule, specification, method or system issued, prescribed or published at the time the regulations are made or at any earlier time.

S. 22(2)
repealed by
No. 6886 s. 3,
new (2)
inserted by
No. 56/1987
s. 7(2).

(3) Such regulations may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6(2) of the **Subordinate Legislation Act 1962**, which disallowance shall be deemed disallowance by Parliament for the purposes of that Act.

S. 22(3)
inserted by
No. 56/1987
s. 7(2).

s. 23

Pt 2 (Heading and ss 23–33) inserted by No. 7360 s. 4.

PART II—PLACE NAMES

23. Definitions

In this Part unless inconsistent with the context or subject-matter—

"Committee" means the Place Names Committee;

S. 23 def. of "place" amended by Nos 8107 s. 2, 9019 s. 2(1).

"place" includes any township mining district area of land locality gold-field mountain-range mountain hill peak pass glen valley forest river stream creek waterfall ford lake reservoir lagoon swamp marsh bay harbor cape promontory island railway-station State school standard permanent mark or other topographical feature but does not include—

- (a) a street or road;
- (b) a municipal district or a subdivision of a municipal district;
- (c) an electoral province or district or a subdivision of an electoral province or district;

* * * * *

- (e) any other district constituted for a limited purpose whether or not that purpose is administrative;

"public authority" means—

- (a) a Department; or
- (b) the Director-General for Conservation, Forests and Lands, the Director of Housing, the Rural Finance Corporation of Victoria, the State Electricity Commission of Victoria, Generation Victoria, National Electricity, VPX, the Public Transport Corporation, Victorian Rail Track established by Division 2 of Part 2 of the **Rail Corporations Act 1996**, Roads Corporation, any Authority within the meaning of the **Water Act 1989** or the Melbourne and Metropolitan Board of Works.

S. 23 def. of "public authority" amended by Nos 8353 s. 19, 9019 s. 2(1), 9549 s. 2(1), 9921 s. 255(Sch. 12), 41/1987 s. 103(Sch. 4 item 63.8), 44/1988 s. 60(5), 44/1989 s. 41(Sch. 2 item 41), 130/1993 s. 122(Sch. 4 item 13) (as amended by No. 53/1994 s. 23(3)(d)), 49/1994 s. 9(5)(a)(b), 53/1994 s. 34(Sch. 1 item 8), 110/1994 s. 41(Sch. 1 item 9), 56/1995 s. 68(Sch. 1 item 3), 104/1997 s. 55.

24. *Place Names Committee*

- (1) For the purposes of this Act there shall be a Place Names Committee.
- (2) The Committee shall consist of seven members of whom—
 - (a) one shall be the Surveyor-General (who shall be the chairman);

S. 24(2) amended by No. 56/1987 s. 8(1)(a).

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s. 24

S. 24(2)(b)
amended by
Nos 9549
s. 2(1), 10087
s. 3(1)(Sch. 1
item 250),
41/1987
s. 103(Sch. 4
item 63.9),
46/1998
s. 7(Sch. 1).

(b) one shall be the Chief Draughting Officer of the Department of Natural Resources and Environment³ or his nominee;

(c) one shall be the Surveyor and Chief Draughtsman of the Office of Tiles or his nominee;

S. 24(2)(d)
amended by
Nos 9425
s. 15, 10087
s. 3(1)(Sch. 1
item 250),
46/1998
s. 7(Sch. 1).

(d) one shall be the Secretary to the Department of Infrastructure or his nominee;

(e) one shall be a person appointed by the Governor in Council on the nomination of the Municipal Association of Victoria;

(f) one shall be a person appointed by the Governor in Council on the nomination of the Royal Historical Society of Victoria;

S. 24(2)(g)
inserted by
No. 56/1987
s. 8(1)(b).

(g) one shall be a person appointed by the Governor in Council on the nomination of the Minister responsible for Aboriginal Affairs.⁴

S. 24(3)
amended by
No. 56/1987
s. 8(1)(c).

(3) The members referred to in paragraphs (e), (f) and (g) of sub-section (2) of this section (in this Part called "the appointed members") shall be appointed for a term of not more than three years and shall be eligible for re-appointment, but may at any time be removed by the Governor in Council.⁵

(4) In the event of a vacancy however occurring in the office of an appointed member the Governor

in Council may appoint another in his place for the unexpired period of his term of office.

- (5) The Committee shall meet at the times and places appointed by the chairman of the Committee.
- (6) At a meeting of the Committee the chairman or, in the absence of the chairman, the member whom the members present choose to be chairman of the meeting, shall preside.
- (7) Five members of the Committee shall form a quorum.⁶
- (8) A question shall be decided by a majority of those present at a meeting.
- (9) In the event of equality of votes on a question the member presiding shall have a second or casting vote.
- (10) Subject to this Act the Committee may regulate its own proceedings.
- (11) The members of the Committee shall receive the travelling allowances prescribed (if any).
- (12) The appointed members shall receive the fees prescribed (if any).

S. 24(7)
amended by
No. 56/1987
s. 8(1)(d).

25. Secretary and officers

- (1) A secretary to the Committee and other employees required for the administration of this Part may be employed under Part 3 of the **Public Sector Management and Employment Act 1998**.
- (2) For the purposes of this Part the Committee may with the consent of the Minister administering a Department make use of the services of an employee of that Department.

S. 25(1)
amended by
No. 9549
s. 2(1),
substituted by
No. 46/1998
s. 7(Sch. 1).

S. 25(2)
amended by
No. 46/1998
s. 7(Sch. 1).

26. Functions of Committee

The functions of the Committee shall be—

- (a) to adopt rules governing the naming of places and the spelling of place names;
- (b) to examine cases of disputed spelling of place names, and determine the spelling to be used on official maps and plans and in official records;
- (c) to investigate and determine the first discovery of geographic features;
- (d) to consider and determine proposed alterations in place names;
- (e) to assign names to places;
- (f) to alter place names by substituting for them other names or by altering or correcting their spelling;
- (fa) to take away any names of any places;
- (g) to have place names omitted from official maps plans and records;
- (h) to compile and maintain a register of place names;
- (i) to make enquiries into and recommendations on matters relating to the naming of places referred to it by the Minister;
- (ia) to compile and maintain a register of the names of streets and roads;

S. 26(fa)
inserted by
No. 8107
s. 3.

S. 26(ia)
inserted by
No. 56/1987
s. 9.

-
- (j) to exercise other powers and duties conferred on it and perform other duties imposed on it by or under this Act.

27. Restriction on powers to assign or alter place names

- (1) No proclamation Order in Council or other instrument assigning a name to or altering the name of a place pursuant to power or authority under any Act may be made unless the proposed name has been referred to the Committee and the Committee has reported to the Governor in Council or other person empowered to assign or alter the name that it approves of the proposed name.
- (2) Subject to sub-section (1) of this section, nothing in this Act shall affect the powers and authorities conferred by or under any Act on the Governor in Council or on any person to assign a name to a place or to alter a name that is so assigned.

S. 27(1)
amended by
No. 8107
s. 4.

28. Naming and altering names of places by the Committee

- (1) Where the Committee proposes to assign or alter a place name or take away a place name, it shall give notice of the proposal—
- (a) to the municipal council in whose municipal district the place lies or whose municipal district immediately adjoins the place or to each municipal council in whose municipal district part of the place lies or whose municipal district immediately adjoins the place; and
- (b) where the place is under the control of a public authority or is a place in which a public authority has a special interest by

S. 28(1)
amended by
No. 8107
s. 5(a)(i)(ii).

S. 28(1)(a)
amended by
No. 12/1989
s. 4(1)(Sch. 2
Items 117.5,
117.6).

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s. 29

virtue of its functions—to that public authority—

and cause a similar notice to be published in the Government Gazette and (if the Committee thinks fit) in a newspaper circulating generally in the locality in which the place lies.

S. 28(2)
amended by
No. 8107
s. 5(b).

(2) A person who objects to the proposal may give to the secretary of the Committee notice in writing of his objection setting out the grounds of objection within a period of two months after publication of the notice.

(3) If no notice of objection is given to the Committee within that period the decision of the Committee shall be final.

S. 28(4)
amended by
No. 8107
s. 5(c).

(4) The Committee shall inquire into the objections of which notice has been given under this section and as soon as possible after the period during which notice of objection may be given has passed shall report in writing to the Minister the grounds of those objections its opinion of them and its decision with regard to the proposal.

(5) The Minister may, after such inquiry as he thinks fit, confirm modify or reverse the decision of the Committee and the decision of the Minister shall be final.

29. *Publication and effect of decision as to name*

S. 29(1)
amended by
No. 8107
s. 5(d).

(1) The Committee shall cause notice of the decision of the Minister in respect of a proposal or, where no notice of objection has been given to the Committee within the period for giving notice of objection, the decision of the Committee, to be published in the Government Gazette.

S. 29(2)
substituted by
No. 8107
s. 5(e).

(2) Upon publication of the notice the decision shall have effect.

(3) A copy of the Government Gazette containing a notice published pursuant to this section shall be conclusive evidence that the name has been assigned or the alteration made or the name taken away on the date specified in the notice.

S. 29(3)
amended by
No. 8107
s. 5(f).

30. Council of municipality may apply to have name assigned

S. 30
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 117.7).

Where a municipal council is of opinion—

(a) that an area of land which lies within or partly within its municipal district is likely to be subdivided for sale or developed as a shopping centre; or

S. 30(a)
amended by
No. 8107
s. 6(a).

(b) that a name given by a person to an area of land which lies within or partly within its municipal district which has been or is about to be subdivided for sale or developed as a shopping centre is likely to become generally used as a place name by persons living in the neighbourhood of the area—

S. 30(b)
amended by
No. 8107
s. 6(b).

it may apply to the Committee to have a name assigned to the area of land or to the locality of which it forms part.

31. New name deemed to be substituted for the former name

S. 31
amended by
No. 8107
s. 7(a).

Where the name of a place has been altered in accordance with this Act or where the Committee has approved of a proposed new name or altered name for a post or telegraph office or telephone exchange under section thirty-two of this Act the new name shall be deemed to be substituted for the former name wherever it appears in an enactment proclamation Order in Council rule or regulation official map or record legal proceeding instrument or document and—

- (a) the new name may be substituted for the former name in the reprint of any enactment rule or regulation;
- (b) the new name may be substituted for the former name in any official map plan or record.

32. *Approval of names for post offices*

S. 32(1)
amended by
Nos 8107
s. 7(b),
12/1989
s. 4(1)(Sch. 2
item 117.8).

- (1) The Committee may after consultation with the appropriate officer of the Commonwealth the municipal council in whose municipal district a post or telegraph office or telephone exchange is situated or will be situated and any other person it feels should be consulted, approve of the name assigned or proposed to be assigned to a post or telegraph office or telephone exchange or of an alteration made or proposed to be made in a name assigned to a post or telegraph office or telephone exchange.
- (2) Where the Committee gives its approval under this section it shall cause notice of its approval of the new name to be published in the Government Gazette.
- (3) A copy of the Government Gazette containing a notice published pursuant to this section shall be conclusive evidence that the Committee has approved of the name on the date specified in the notice.

33. *Regulations*

The Governor in Council may make regulations for or with respect to prescribing fees and travelling allowances to be paid to members of the Committee.

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SCHEDULE

S. 2.

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Repeal</i>
4732	Survey Co-ordination Act 1940	The Whole

NOTES

1. General Information

The **Survey Co-ordination Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 893.

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2. Table of Amendments

This Version incorporates amendments made to the **Survey Co-ordination Act 1958** by Acts and subordinate instruments.

Statute Law Revision Act 1959, No. 6505/1959

Assent Date: 5.5.59
Commencement Date: 1.4.59: s. 1(2)
Current State: All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

Assent Date: 8.5.62
Commencement Date: 1.8.62: Government Gazette 4.7.62 p. 2314
Current State: All of Act in operation

Survey Co-ordination (Place Names) Act 1965, No. 7360/1965

Assent Date: 21.12.65
Commencement Date: 2.5.66: Government Gazette 27.4.66 p. 1325
Current State: All of Act in operation

Survey Co-ordination (Place Names) Act 1971, No. 8107/1971

Assent Date: 27.4.71
Commencement Date: 14.7.71: Government Gazette 14.7.71 p. 2362
Current State: All of Act in operation

Railways (Amendment) Act 1972, No. 8353/1972

Assent Date: 13.12.72
Commencement Date: 8.5.73: Government Gazette 2.5.73 p. 946
Current State: All of Act in operation

Statute Law Revision Act 1977, No. 9019/1977

Assent Date: 17.5.77
Commencement Date: 17.5.77: s. 2(2)
Current State: All of Act in operation

Surveyors Act 1978, No. 9180/1978

Assent Date: 21.11.78
Commencement Date: 1.12.80: Government Gazette 5.11.80 p. 3901
Current State: All of Act in operation

Town and Country Planning (Amalgamation) Act 1980, No. 9425/1980

Assent Date: 20.5.80
Commencement Date: Pts 1, 2 on 30.6.80: Government Gazette 25.6.80 p. 2123; Pts 3–5 on 2.2.81: Government Gazette 30.1.81 p. 311
Current State: All of Act in operation

Statute Law Revision Act 1981, No. 9549/1981

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Assent Date: 19.5.81
Commencement Date: 19.5.81: s. 2(2)
Current State: All of Act in operation

Transport Act 1983, No. 9921/1983

Assent Date: 23.6.83
Commencement Date: S. 255(Sch. 12) on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provision amending the **Survey Co-ordination Act 1958**

Statute Law Revision Act 1984, No. 10087/1984

Assent Date: 22.5.84
Commencement Date: 22.5.84: s. 3(2)
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 63.1–63.9) on 1.7.87: Government Gazette 24.6.87 p. 1694
Current State: This information relates only to the provisions amending the **Survey Co-ordination Act 1958**

Rural Finance Act 1988, No. 44/1988

Assent Date: 24.5.88
Commencement Date: 1.7.88: Government Gazette 29.6.88 p. 1896
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989 (as amended by Act Nos 13/1990 and 43/1993)

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 117.1–117.3, 117.5–117.8) on 1.11.89: Government Gazette 1.11.89 p. 2798; item 117.4 was never proclaimed and was later repealed by No. 43/1993 s. 22
Current State: This information relates only to the provisions amending the **Survey Co-ordination Act 1958**

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: S. 41(Sch. 2 item 41) on 1.7.89: s. 2(1)
Current State: This information relates only to the provision amending the **Survey Co-ordination Act 1958**

Electricity Industry Act 1993, No. 130/1993 (as amended by Act No. 53/1994)

Assent Date: 14.12.93
Commencement Date: S. 122(Sch. 4 item 13) on 3.1.94: Special Gazette (No. 97) 23.12.93 p. 1
Current State: This information relates only to the provision amending the **Survey Co-ordination Act 1958**

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

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Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 items 55.1, 55.2) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provisions amending the **Survey Co-ordination Act 1958**

Water (Further Amendment) Act 1994, No. 49/1994

Assent Date: 7.6.94
Commencement Date: Ss 1, 2 on 7.6.94: s. 2(1); s. 8 (*except* (a)(c)) on 1.7.92: s. 2(2); rest of Act on 1.7.94: s. 2(4)
Current State: All of Act in operation

Electricity Industry (Amendment) Act 1994, No. 53/1994

Assent Date: 15.6.94
Commencement Date: Sch. 1 item 8 on 3.10.94: s. 2(4A)
Current State: This information relates only to the provision amending the **Survey Co-ordination Act 1958**

Electricity Industry (Further Amendment) Act 1994, No. 110/1994

Assent Date: 20.12.94
Commencement Date: Pt 1 (ss 1–3), s. 42 on 20.12.94: s. 2(1); rest of Act (*except* ss 4(3)(4), 5, 8(c)) on 20.12.94: Special Gazette (No. 100) 20.12.94 p. 1
Current State: Ss 4(3)(4), 5, 8(c) not yet proclaimed

Electricity Industry (Amendment) Act 1995, No. 56/1995

Assent Date: 20.6.94
Commencement Date: S. 68(Sch. item 3) on 20.6.95: Special Gazette (No. 52) 20.6.95 p. 1
Current State: This information relates only to the provision amending the **Survey Co-ordination Act 1958**

Rail Corporations (Amendment) Act 1997, No. 104/1997

Assent Date: 16.12.97
Commencement Date: S. 55 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1
Current State: This information relates only to the provision/s amending the **Survey Co-ordination Act 1958**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7 (Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Survey Co-ordination Act 1958**

3. Explanatory Details

¹ S. 4: See note 1.

² S. 15(3)(c): Section 4(1)(Schedule 2 item 117.4) of the **Local Government (Consequential Provisions) Act 1989**, No. 12/1989 purported to amend section 15(3)(c) but was never proclaimed and was repealed by section 22 of No. 43/1993.

³ S. 24(2)(b): See note 1.

⁴ S. 24(2)(g): Section 8(2) of the **Survey Co-ordination (Amendment) Act 1987**, No. 56/1987 reads as follows:

(2) The change in the constitution of the Place Names Committee made by sub-section (1) does not affect the Committee's existence, identity, functions, powers, rights, liabilities and obligations.

⁵ S. 24(3): See note 5.

⁶ S. 24(7): See note 5.