

## **Review of the Survey Act.**

In June, 2021 I made contact with Dr. Charles Yala outlining areas of concern in relation to the functions of the Office of Surveyor General. A copy of my letter is attached (refer pp 2 – 4).

Shortly after my initial contact Dr. Yala requested my assistance in amending the Survey Act 1969 and the Survey Coordination Act. In regard to the Survey Coordination Act my response was “no one takes any notice of it so why bother?”

I duly sought the views of a number of registered surveyors in Papua New Guinea and Australia and incorporated their views in my report (pp 5 – 12).

Further views were gathered at the recent ASPNG Congress in Kokopo where the majority of members agreed that the concept of “certified measurers” be done away with which I intend to incorporate in my final report.

During the presentation at Kokopo, Terence Kuniaka suggested the concept of “general registration” as is done in Queensland and possibly other Australian States be considered.

I personally think that the Survey Act should be confined to land surveying and that the concept of general registration be best left to ASPNG which would be an opportunity for them to expand their membership base.

As there were few registered surveyors in attendance at the Kokopo Congress I now ask for further views on the proposed amendments as outlined.

Comments and suggestions can be forwarded to me at [landmark@global.net.pg](mailto:landmark@global.net.pg) or through any of the ASPNG Council members no later than 30th November, 2022.

Bill McKibben,

22nd September, 2022.



# The Association of Surveyors of Papua New Guinea Inc.

## Areas of concern in relation to the functions of the Office of the Surveyor General.

- 1. The need for the Survey Act, Survey Regulations and Survey Directions to be updated.**
  - This could and should have been addressed during the previous Land Mobilization Project.
  - There was a meeting called (many years ago) of all registered surveyors and various suggestions were made.
  - The recommendations of this meeting I believe are gathering dust in the Office of the Surveyor General.
  - **The Survey Act 1969 and Regulations need to be updated to reflect changes in technology.**
  - **The current Survey Directions were compiled in 1990 and do not reflect modern technology. They should be updated by the OSG with input by the profession but that would require some initiative by the Department.**
- 2. The current state of the Cadastral Noting Maps in regard to noting of survey plans.**
  - It is imperative that these maps are updated regularly.
  - They have not been updated for 20 years or so which makes it extremely difficult for surveyors to get accurate up to date information.
  - The lack of up to date information means that there are the possibly of overlapping surveys and therefore duplicate titles being issued. This of course leads to disputes and litigation.
  - **Modern GIS software should be utilised by OSG to get these records in order.**
  - **OSG should be employing young graduate cartographers to get these vital records up to date.**
- 3. Non recording of sketch maps in regard to Incorporated Land group applications.**
  - As in Point 2 there are no Noting Maps showing the various Sketch Maps accompanying applications for Incorporation of Land Groups.
  - There are no doubt many overlapping claims which will end up with land disputes and litigation.
  - Many of the Sketch Maps include patrol posts, airstrips, missions and other alienated land which is a cause for concern. with landowners making unwarranted claims based on these plans.
  - These plans (which the Surveyor General has decreed can only be done by "Lands Dept surveyors") are not examined for accuracy.
  - **These plans should be either included on the Cadastral Noting Map series or there should be dedicated Noting Maps compiled.**
  - **Registered surveyors in private practice should be allowed to compile these plans.**

**4. Plan registration procedures at Office of the Surveyor General.**

- This is totally unsatisfactory at the moment particularly for surveyors not residing in Port Moresby.
- The scanner at Central Plan Office has been unserviceable for a number of years so to get a copy of a registered plan it is necessary to borrow the plan, take it to Theodist for scanning and then return it back to OSG at a later date. This has resulted in many survey plans missing and lost.
- Plans sent from Regional Offices are a source of concern with quite a number of survey files not getting registered either because they are lost in transit or lost somewhere in OSG. This results in extra work for Regional Office staff in compiling duplicate files. It also results in frustration by clients not getting copies of their registered plans.
- Surveyors are not informed when their plans are registered unless they make a specific request at OSG. In the past when a survey plan was registered OSG would issue a notice to the surveyor concerned that the plan was now registered. He would also be issued with a copy of the registered plan.
- **The regional Office should issue a Lodgment Receipt to the surveyor when the plan is lodged. This currently happens at Islands Regional Office in Kokopo.**
- **When a plan is finally registered at the Central Plan Office the surveyor should receive notification (preferably by email) to that effect from OSG. He should also receive (in .pdf format) a soft copy of the registered plan.**

**5. The carrying out of private surveys by DLPP staff and Provincial Surveyors.**

- This has been ongoing for many years and continues to this day. I have complained about this at meetings of the PNG Surveyors Board but no action has yet been taken.
- In provinces that do not have a private surveyor I can understand this happening.
- The worst offenders are senior staff of DLPP and some of the Provincial Surveyors in major towns.
- **This practice should cease and the Surveyor General has to enforce it.**

**6. Poor standard of plan examination.**

- This has been partially addressed in recent years by having private examiners for surveys submitted by private surveyors.
- The plan examination by OSG staff of their own surveys is still far from satisfactory.
- There are still some DLPP staff who examine surveys from private surveyors for a fee, quite often in government paid time.
- **Surveyors Board should endorse more private examiners but unfortunately there is a shortage of registered surveyors in Papua New Guinea.**

**7. Regional Surveyors positions being occupied by unregistered surveyors.**

- Unfortunately this is a fact of life in PNG at the moment.
- **PNG needs more registered surveyors, a proposed post graduate diploma at Unitech would be a way forward but funding is an issue.**

**8. EDM calibration bases – there are no current EDM calibration bases in PNG.**

- **This is required under the Survey Directions and is the responsibility of the Surveyor General.**

**9. Publication of lists of registered surveyors.**

- It is a requirement under the Survey Act that this list should be published in the gazette annually.
- This has not been done for many years and has to be addressed.
- **The Surveyor General complains about lack of funds but ASPNG has been willing to pay for this list to be published.**

**10. Frequency of meetings of the PNG Surveyors Board meetings.**

- This has been subject to funding constraints but ASPNG has subsidised meetings in the past.
- There seems to be a reluctance by the Surveyor General to call meetings, COVID19 obviously has been an issue in recent times.
- Many of the decisions made by the Surveyor General are without the authority of the Board.
- **Regular meetings of the Board should be held as the issues mentioned above need to be addressed.**

My broad suggestions are as follows:-

- **Assistance could be sought from aid sources or Land Mobilisation funds to address these issues, consultants in surveying and land registration procedures could be engaged.**
- **Office of the Surveyor General needs more staff to address the issues. Many of the current staff are approaching retirement age and need to be replaced with suitably qualified people.**
- **The Regional Offices should be strengthened and not closed as was suggested at the swearing in of the Surveyors Board in January, 2021.**
- **ASPNG should make a direct approach to the Minister responsible in order that these issues can be addressed. The other option is some press releases to attract attention.**



Bill McKibben,  
Deputy Chairman Papua new Guinea Surveyors Board.  
8th July, 2021.

## **Review of the Survey Act 1969**

**Prepared by McKibben & Associates Ltd**

**Project Managed by Niugini Land and Properties Pty Ltd**

**February 2022**

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## **1. Overview**

This is a review of the *Survey Act 1969*. In carrying out this review I have made comments and suggestions on the various sections of the Act that, in my opinion are outdated or require amendment. The layout of the review follows the existing Act.

## **2. Personal Information and References**

In carrying out this review I have relied on my experience as a Registered (Licensed) Surveyor in Tasmania, Queensland and Papua New Guinea (PNG).

I was Registered as a Land Surveyor in Tasmania in 1975, PNG in 1981 and Queensland (Cadastral endorsement) in 2006, and I have been involved in boundary surveys in PNG since 1978.

Furthermore, I have discussed (via email) and received the views of a number of registered surveyors from both Australia and PNG.

The Australian based surveyors (either currently registered or formerly registered in PNG) consulted have provided input into this review are Michael Larmer, Mike Lenz, Edward Still, Geoff Patterson, Ian Billows, and Richard Stanaway. Their input to this review is appreciated.

The PNG registered surveyors consulted for this review are Gairo Waigeno, Phineas Aupol and Jack Bakus. I am grateful for their input.

### **3. Comments on the Act and Proposed Changes**

#### **PART 11. – ADMINISTRATION**

- Under Sec 4 (2), the Surveyor General is charged with the general supervision of authorized surveys in the country, and has such other powers, responsibilities, and functions as prescribed.

Whilst I agree with this, there should be mention somewhere in the Act that any changes in policy, technical requirements including the Survey Directions relating to authorized surveys should be done through the Survey Board.

#### **PART 111. – SURVEYORS BOARD**

- Sec 7 (2) to be amended.

Three of the members of the Survey Board shall be appointed from a panel of names of four registered surveyors submitted to the Minister by the Association of Surveyors of PNG.

I propose that this section be amended to:-

Three of the members of the Board shall be appointed by the Association of Surveyors of PNG.

It should not be necessary for the Surveyor General to make recommendations based on personal preferences.

- Sec 7 (4) & Sec 7 (5) should be repealed.  
Association of Surveyors is perfectly capable of providing suitable candidates for membership of the Survey Board.
- Sec 14 (1) should be amended to:- the Board shall meet at least four times in each year. Once a year is not sufficient.

PART 111 containing Sections 6 – 14 deals with the PNG Surveyors Board

Apart from the above cases, Part IV is alright except that there should be extra sections included that specifies the Functions and Powers of the Survey Board.

## PROPOSED NEW SECTIONS

My proposed new sections are:-

### **1: Functions of the Survey Board**

Subject to this Act, the functions of the Board are –

- (a) the determination of qualifications and standards for registration as a surveyor; and
- (b) the registration of a person qualified to be registered as a surveyor; and
- (c) the deregistration of a surveyor; and
- (d) the conduct of disciplinary procedures under Part IV; and
- (e) such other functions as are given to the Board by this Act or any other law.

### **2: Powers of the Survey Board**

Subject to this Act, the Survey Board has, in addition to the powers conferred by this Act, power to do all things that are necessary or convenient to be done in conjunction with the performance of its functions.

#### 4. PART IV – REGISTRATION & QUALIFICATIONS.

Sections 15 -33 relates to the registration and qualifications of registered surveyors and certified measurers.

The concept of “certified measurers” needs to be reviewed. This will involve consultation with all parties including Department of Lands and Physical Planning and PNG Association of Surveyors.

I personally think that all reference to certified measurers be deleted from the Act which would necessitate the repeal of Sections 19A, 19B, 19C & 39A and the amendment of a number of other relevant sections.

Other sections requiring amendment are:-

Sec 23: Penalty: A fine not exceeding K10,000.00

Sec 24: Penalty: A fine not exceeding K1,000.00

Sec 26 (2) (c) Penalty: A fine not exceeding K10,000.00

Sec 29 (2) Penalty: A fine not exceeding K2,000.00  
Default penalty: A fine not exceeding K400.00

##### *Comment*

Sec 33. List of Registered Surveyors and Certified Measurers to be published annually.

This list has not been published for many years. In my opinion this is inexcusable and it must be published to comply with the Act.

## PART VI – REGULATION OF THE PRACTICE OF LAND SURVEYING

Should certified measurers be repealed then various sections will need amendment.

Sec 39 (1) (b) (ii) Penalty: A fine not exceeding K10,000.00  
Default penalty: A fine not exceeding K2,000.00

### Section 40. Firms and corporations

#### Proposed amendments

- (1) No firm or corporation within the meaning of the *Companies Act 1997* may carry out, or cause its employees to carry out, a survey or pretend or undertake or hold itself to be competent to carry out a survey, unless
    - (a) At least one member of the firm or one of the directors of the corporation, as the case may be is a registered surveyor resident in PNG; and
    - (b) Any such surveys are undertaken by a registered surveyor or are carried out under the direct supervision of a registered surveyor.
    - (c) To be repealed.
- 40 (2) Penalty: A fine note exceeding K10,000.00  
Default penalty: A fine not exceeding K1,000.00

## PART VII – SURVEY MARKS

Penalties to be increased.

- 43 (1) Penalty: A fine not exceeding K10,000.00 or imprisonment for a period not exceeding 12 months.
- 44 Penalty: A fine not exceeding K10,000.00 or imprisonment for a period not exceeding 12 months, or both.

## PART VIII – MISCELLANEOUS

Penalties to be increased.

47 (1)      Penalty:     A fine not exceeding K1,000.00  
                 Default penalty: A fine not exceeding K100.00

48(1)      Penalty:     A fine not exceeding K1,000.00

### **4. Concluding remarks**

I have proposed some minor changes to the Survey Act apart from the need to increase the penalties imposed under the various sections.

In regard to proposed changes regarding the continued inclusion of certified measurers it will be necessary to have further discussions with government and industry representatives.

Any proposed changes to Section 40 should be subject to further discussions and debate. Similar sections in the Architects Registration could be used as a guide.

I suggest that the Architects Registration Act be a suitable template for a new Act should it be decided to rewrite the existing Act.