



Power of entry under the Surveying & Spatial Information Act 2002

Board of Surveying & Spatial Information

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Power of Entry

- Part 4 of the Surveying and Spatial Information Act 2002 (the Act) provides legislative Power of Entry
- Section 18 gives registered surveyors power of entry onto the land for the purposes of conducting land and mining surveys
- Section 19 regulates the way in which that power can be exercised
- Clause 88 of the Surveying and Spatial Information Regulation 2017 (the Regulation) sets out how the notice is to be served

Power of Entry

Part 4 Section 18 Registered surveyors

- 1) A **registered surveyor, together with his or her assistants:**
 - a) may enter any land, including any building or structure on which a survey mark is located, and;
 - b) may take measurements in or from any such land, and;
 - c) may search for and, if necessary, uncover any existing survey marks in or on any such land, and;
 - d) may insert new survey marks in or on any such land,

for the purpose of carrying out any **land survey** or **mining survey**.

Power of Entry

Section 19 Manner in which power of entry to be exercised

- 1) The powers conferred on a person by this Part may not be exercised in relation to any land unless the occupier of the land has been given at least 24 hours' notice that those powers are to be exercised.
- 2) Reasonable force may be used for the purpose of effecting entry under this Part.
- 3) Entry under this Part may be effected only during daylight hours.

Clause 88 Notice of proposed entry to land under Sec 19

(2) The notice may be given:

- (a) by delivering it to any person who is apparently over the age of 16 years and is apparently residing on, or in occupation of, the land to be entered, or
- (b) if there is no person available to give the notice as referred to in paragraph (a), by affixing it in a conspicuous position:
 - (i) at the main point of entry to the land, or
 - (ii) at the main point of entry to a building situated on the land, or
 - (iii) to some other conspicuous object situated on the land.

Power of Entry

Normally a surveyor will approach an occupier beforehand and ask for access directly. If granted then they are entering the land with the occupier's approval and do not need to rely on Sections 18 and 19 of the Act.

If the occupier of the land refuses access or is unable to be identified/contacted to provide access a registered surveyor (and his/her assistants) can only exercise power of entry to conduct a land or mining survey as defined by the Act.

This power can not be used for the purposes of conducting a detail, levelling, topographic, or any other survey that is not a land or mining survey.

Power of Entry

This power can only be exercised if the provisions of [Section 19](#) & [Section 26](#) of the Act, [Clause 88](#) of the Regulation and Form 3 Notice of Entry ([Schedule 6 S&SI Regulation](#)) are followed.

Power of entry does not entitle a surveyor to enter any building or structure – except when there is a survey mark located within the structure or where the boundary is otherwise inaccessible.

Power of entry does not exempt the surveyor from liability for any damage to the land (or buildings) that occurs as a consequence of the surveyor exercising powers under the Act.

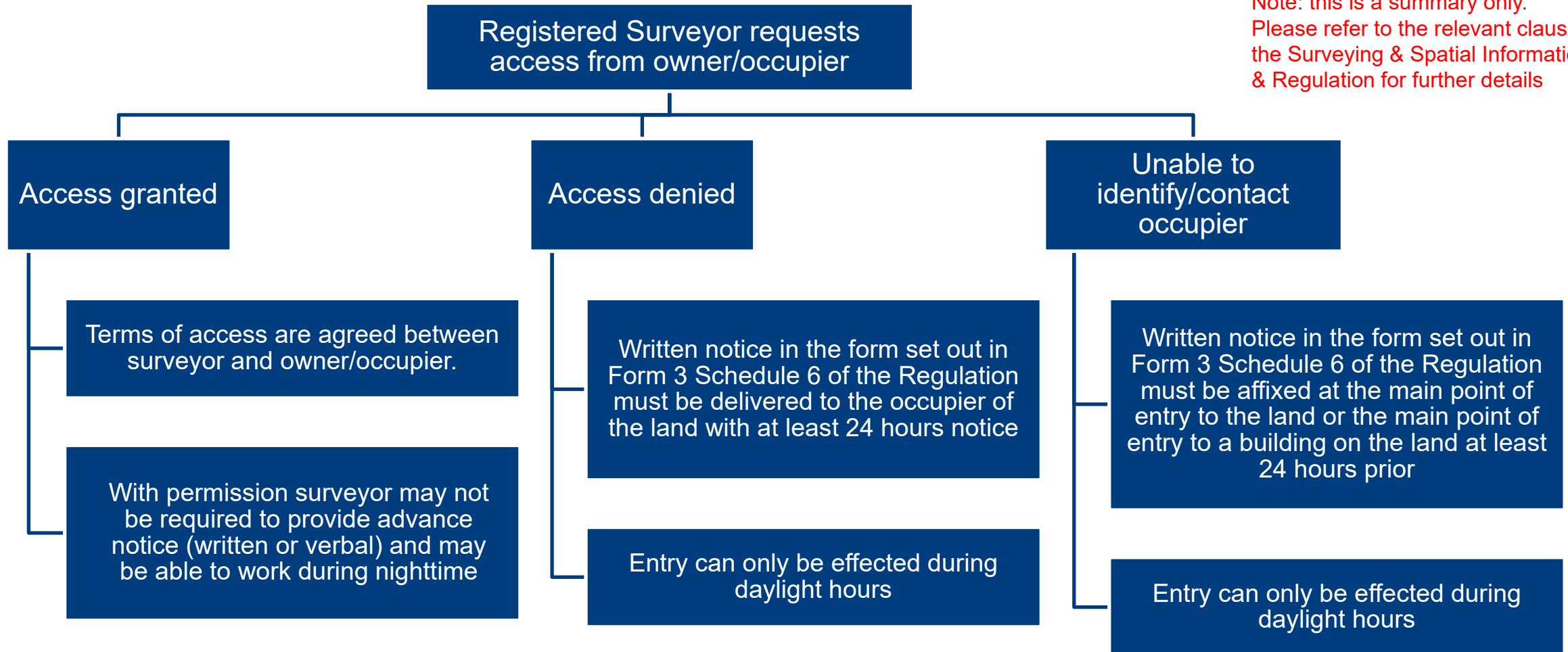
Power of Entry - Penalties

Under [Section 26](#) of the Act, a Registered Surveyor is required to carry and produce on demand their certificate of authority (ID card issued by BOSSI) at all times while exercising their power of entry.

Failure to comply with the Act & Regulation could result in;

- Criminal charges of trespass
- A finding of Professional Misconduct under [Section 13](#) of the Act
- 5 penalty units for not carrying/producing certificate of authority (currently \$550)

Power of Entry – flowchart summary



Note: this is a summary only.
Please refer to the relevant clauses of
the Surveying & Spatial Information Act
& Regulation for further details

Questions?

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