

# ACSIS*News*

Spring 2011



**Claims Horror Stories**

**ACSIS Online Member Research**



**ACSIS LTD**

Facilitating Insurance and Financial Products for the Spatial Information Industry.



# Business Insurance

You need the peace of mind to know your business will be protected in case of a business loss. While you may have business practices in place designed to avoid risk, no one is immune from risks such as fire or theft and public liability claims can run into millions.

The ACSIS Facilitated Business insurance policy is designed to give you a wide range of insurance protection for the surveying and spatial information enterprises. It includes cover for:

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- Accidental damage
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- Burglary
- Fraud and dishonesty
- Tax audit
- Goods in transit



**ACSIS LTD**

Facilitating Insurance and Financial Products for the Spatial Information Industry.

ACSIS Ltd

Ph: +61 (0) 2 4952 5544 | Fx: +61 (0)2 4952 5599

E: [acsis@acsis.com.au](mailto:acsis@acsis.com.au) | [www.acsis.com.au](http://www.acsis.com.au)

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Designed to give you a wide range of insurance protection for the surveying and spatial information enterprises.

### 19 Leasing

Puts together competitive finance and leasing packages with tax and GST benefits tailored to your business needs, cash flow and taxation.

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Designed to include the specific needs of surveyors and spatial professionals.

#### Publisher AC SIS LTD

**Ian G Marler**  
Chairman & General Manager  
AC SIS Ltd

**A:** 6 Wood St, Adamstown NSW 2289  
**P:** PO BOX 201, Adamstown NSW 2289  
**Ph:** +61 2 4952 5544 | **Fx:** +61 2 4952 5599  
**E:** marler@acsis.com.au  
www.acsis.com.au

#### INDEMNITY CORPORATION PTY LTD

**A:** Level 1, 56 Delhi Rd, North Ryde NSW 2113  
**P:** T3, Unit 2, 3 Julius Av, North Ryde NSW 2113  
**Ph:** 1800 133 100 | **Fx:** +61 2 9034 5596  
**E:** acsis@acsis.com.au

Relevant Personnel at Indemnity Corporation  
Can Be Contacted By Email As Follows:

**Jonathan Upton**  
Managing Director  
**E:** jupton@indemnitycorp.com.au

**Sharyn Attenborough**  
AC SIS Ltd Account Manager & Claims Manager  
**E:** sattenborough@indemnitycorp.com.au

#### Candy Woods

AC SIS Ltd Account Broker  
**E:** cwoods@indemnitycorp.com.au

#### Managing Editor Maria Charlton MD MAP MARKETING

**A:** Villa Franca, 2 Scott St, Newcastle NSW 2300  
**Ph:** +61 2 4929 7766 | **Fx:** +61 2 4929 7827  
**E:** maria@mapmarketing.com.au  
www.mapmarketing.com.au

# Chairman's Comments

Welcome to the 2011 Spring ACSIS News that features a new easy to read format in response to members' comments.

The Board of ACSIS is keen to ensure that members receive a wide range of value added benefits in addition to a valuable Professional Indemnity Insurance Policy.

In keeping with this philosophy and in addition to other benefits, ACSIS Plus will now be at no additional cost to members (subject to reasonable use limits) and will provide access to advice in legal, accounting, financial, debt collection, IT, plus a wide range of purchasing benefits.

In the coming months ACSIS also intends to expand its "Infotech" offerings in the form of domain names and emails and more.

Could I also remind members that an advisory facility is in place whereby an experienced and respected Surveyor can meet with a firm to discuss various aspects of the firm's operations in order to reduce the risk of PI claims? There is normally no charge for this service.

Why not take advantage of the large range of member benefits available to you at no cost.

Until next time.

Regards

Ian Marler  
Chairman & General Manager  
E: marler@acsis.com.au

# Director's Details



**Ian G Marler**  
Chairman NSW

Ph: +61 2 4952 5544



**Bernie Moriarty**  
Vice Chairman NSW

Ph: +61 2 8852 7000



**Edrick Delfos**  
WA

Ph: +61 8 9921 3111



**Russell Christofis**  
QLD

Ph: +61 7 3368 1234



**Peter Friedmann**  
NSW

Ph: +61 2 9018 9359



**John Bested**  
SA

Ph: +61 8 8332 7111



**Peter Tyrrell**  
VIC

Ph: +61 3 9331 4266



**Phil Brooker**  
QLD

Ph: +61 7 5564 2135



**Val Croft**  
Minutes Secretary

Ph: +61 3 9583 3347



**Jonathan Upton**  
Indemnity Corporation  
Insurance Broker

Ph: 1800 133 100



**Sharyn Attenborough**  
Indemnity Corporation  
AC SIS Ltd Account Manager &  
Claims Manager

Ph: 1800 133 100



**Candy Woods**  
Indemnity Corporation  
AC SIS Ltd Account Broker

Ph: 1800 133 100

# ACSIS Online Member Research

266 ACSIS members completed the 2011 online member research. ACSIS would like to thank those members for their time and high quality responses. Results from this member research will be used to help develop the ACSIS strategic marketing and business plan for 2011-2012.

## Snapshot of Online Member Research

The majority of questions answered were graded in accordance with the following charts:

|                   |   |   |                |   |
|-------------------|---|---|----------------|---|
| Very Dissatisfied |   |   | Very Satisfied |   |
| 1                 | 2 | 3 | 4              | 5 |
|                   |   |   |                |   |

|               |   |   |             |   |
|---------------|---|---|-------------|---|
| Very Unlikely |   |   | Very Likely |   |
| 1             | 2 | 3 | 4           | 5 |
|               |   |   |             |   |

|             |   |   |                |   |
|-------------|---|---|----------------|---|
| Unimportant |   |   | Very Important |   |
| 1           | 2 | 3 | 4              | 5 |
|             |   |   |                |   |

## Overall Member Satisfaction

The majority of ACSIS members indicated they were satisfied or very satisfied with ACSIS and Indemnity Corporation and also products and services.

### Member Benefits

Members indicated that the major benefits of ACSIS were

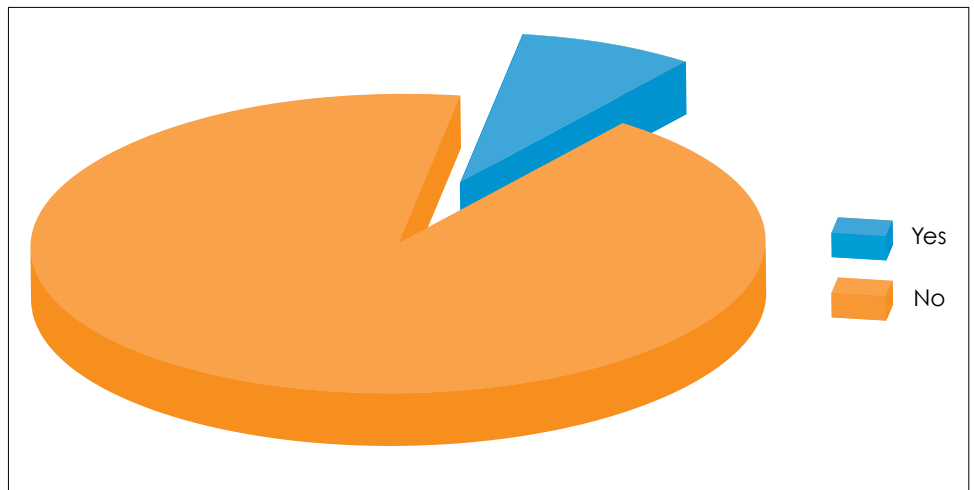
- Surveyors' products for surveyors
- Service & advice from a real person with expertise in the survey & spatial services
- High product quality
- Products showed good value for money
- High quality service

### Satisfaction with the Way Professional Indemnity Claim Notifications Were Handled

The research indicated that there were 21 members who made PI Notifications and the majority of members were satisfied - very satisfied with the way the claims were handled.

## Question: Whether Member Made a PI Notification in the last year?

|       |     |      |
|-------|-----|------|
| Yes   | 21  | 8%   |
| No    | 245 | 92%  |
| Total | 266 | 100% |



**NOTE:** 21 firms out of a total of 266 respondents indicated they had lodged a PI claim notification. This does not necessarily indicate the total number of notifications received from the 21 firms who answered yes to this question nor does it reflect the total number of claim notifications received by ACSIS in a 12 month period.

### Communications

In order of priority the preferred communication methods between ACSIS and its members were:

- Email communications, email news & updates
- Telephone support
- Client functions & seminars
- Website news & updates
- Publicity & news
- ACSIS News
- Brochures & postal communications
- Online advertising

### Whether Respondents Would Recommend ACSIS Products to Colleagues

The majority of members stated they were likely - very likely to recommend ACSIS products to colleagues.

### Website Visitation

The majority of ACSIS members visited the website a few times or more per annum.

Whilst both ACSIS and Indemnity Corporation are ranked in the top quartile by this survey, members are encouraged to contact either ACSIS or Indemnity Corporation where a problem arises.

### More Information

Ph: (02) 4952 5544  
 E: management@acsis.com.au  
 www.acsis.com.au



## Some Interesting Insurance Facts Related to the Christchurch (NZ) Earthquake

*The February 2011 Christchurch earthquake resulted in 181 people killed and about 10,000 homes demolished.*

September 2010 Canterbury, NZ was hit by a 7.1 magnitude quake which damaged parts of Christchurch and weakened a number of buildings. Then in February 2011 Christchurch, NZ was hit by a magnitude 6.3 earthquake centred some 10km south east of Christchurch. This was followed by a large aftershock in June 2011. About 181 people were killed and some 10,000 homes would have to be demolished with a number of areas being incapable of being re-built.

It is interesting to note the 2011 earthquake was regarded as a "new event" in terms of insurance. Reinsurance cover provided by New Zealand's Earthquake Commission (EQC), a government organisation was back in place following the 2010 event.

Apparently the EQC levies policyholders in order to cover a substantial part of the risk from earthquakes and then in turn limits its own risk by cover provided by a number of reinsurance companies.

It is reported reinsurance companies are responsible for all amounts between \$1.5billion-\$4billion\*. The EQC covers all amounts up to \$1.5billion and again amounts over \$4billion. It was expected the \$4billion cap would not be reached for either earthquake with regard to land repairs and residential building.

Claims arising from the 2010 Canterbury earthquake were expected to be between \$2.75 and \$3billion. According to the 2010 annual report of the EQC there was some \$4.43billion left prior to the 2011 quake.

Commercial properties are insured by private insurance companies and not the EQC. For domestic premises the cover provided by the EQC is up to \$100,000 + GST and for personal effects up to \$20,000 + GST.

In total it is expected that total losses for this earthquake would be around \$14billion which ranks this earthquake third in world terms.

Some 130,000 claims are expected to be processed through the EQC for the 2011 quake and around 180,000 claims for the 2010 Canterbury quake.

\*Dollars quoted are New Zealand.

# PI Renewals

ACSIS LTD PI Policies are written specifically for the surveying and spatial industries.

A number of ACSIS members have their PI policies coming up for renewal in the near future.

Some of you will think this is the time to go shopping - can I get a cheaper quote somewhere else?

If you intend to buy strictly on price alone without considering the quality of the product or the reputation and stability of the insurer then perhaps you will find a rock bottom price somewhere down the road.

Remember, no matter how nice, how friendly or how persuasive another broker may be he is out to earn commission and at the end of the day it is the insurer who pays in the event of a claim.

Do you know who you are really insured with; can you trust them with your future?

Indemnity Corporation, brokers for ACSIS, do not work on a PI commission but rather an agreed fee.

ACSIS member interests come first.

In summary don't risk your security and peace of mind to save a dollar.

Finally a PI policy through the ACSIS scheme not only gives you a top quality product but free membership of ACSIS. This in turn entitles you to a wide range of member benefits (a no extra cost) including:

- PI Claims Panel - ACSIS maintains an Australia wide system of providing experienced surveyors to assist and where necessary report on PI notifications
- Mentoring - ACSIS will make available to any firm, a mentoring program where an experienced and respected surveyor will discuss aspects of the firms operations. This amounts to a friendly 'fireside chat' to help minimise problems
- Audits- every 18 months and prior to renewal of PI policies ACSIS conducts an audit program with the aim of providing a potential PI discount for those firms participating. A 'health check' on your firm and a potential discount ALL IN ONE

- Publications - ACSIS provides a number of publications including, dimensions risk management, survey site triplicate books, liability management guidelines, and a newsletter
- Software - currently a 'phone logging' system for recording phone calls and a 'file fingerprinter' for data security are available. It is planned to add additional software in the future
- ACSIS PLUS - provides access to a range of professional services including:
  - Legal advice
  - Accounting advice
  - Financial advice
  - Debt collection
  - IT & support advice
  - Library HR documents & templates (updated regularly)

ACSIS plus also provides members with a wide range of purchasing benefits that can be used by both principal and staff. These benefits are available through the purchasing power of steadfast one of Australia's largest broking organisations.

Remember ACSIS is your organisation owned by the survey and spatial industry.

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## PRELIMINARY NOTICE

### ACSIS AGM

The AGM of ACSIS is scheduled for Friday 25th November 2011 at the Mercure Hotel, Sydney Airport.

The AGM is also election time for Board positions with 3 positions becoming vacant this year. Of those, 2 retiring Directors have indicated their willingness to re-nominate.

Any member firm is entitled to nominate a representative for election to the Board. Nomination forms are available by emailing to [management@acsis.com.au](mailto:management@acsis.com.au)

## AC SIS Online Audits

*During July this year ACSIS invited all member firms to participate in another round of online audits leading up to PI renewals. Audits were voluntary and involved no direct cost to members.*

A total of 237 members completed the audit with the majority gaining a gold pass, remembering however that any level of pass will potentially qualify for some level of discount off the forthcoming PI renewal cost.

From a technical perspective the audits offered 30 multiple choice questions and the results were automatically scored.

This process prompted a fair amount of discussion and feedback all of which was welcomed.

As a result of comments made some questions were considered to have 2 correct answers and results adjusted accordingly.

All feedback will be analysed with the aim of improving the future audit process.

In addition, random field audits were conducted across Australia on some 10% of participating firms. It is pleasing to note results of field audits confirmed online scores.

## AC SIS - Proposed Constitutional Changes

*A General Meeting of ACSIS members was held on Friday 9 September 2011 at 4.00pm with members previously being notified.*

The purpose of the meeting was to put forward some minor changes to the constitution with the aim of clarifying the giving of notices to members.

The new Rule 29 will now read:-

### 29. Notices

29.1 Without limiting any other way in which a notice may be given to a member under this constitution or the corporations Act, the company may give a notice to the member by:

- (a) delivering it personally to the member;
- (b) sending it by post to the member's address in the Register or any other address the member supplied to the company for giving notices; or
- (c) sending it by fax or other electronic means (including providing a URL link to any document or attachment) to the fax number or electronic address the member has supplied to the company for giving notices

### 29.2 A notice is taken to be given:

- (a) if it is delivered personally or sent by fax or other electronic means:

- (i) by 5pm on a business day - on that day
- (ii) after 5pm on a business day, or on a day that is not a business day - on the next business day; and

- (b) if it is sent by post - one business day after posting.

29.3 A certificate in writing signed by a Director or Secretary stating that a notice was sent is conclusive evidence that a notice was given.

29.4 For the purposes of Rule 29.2, a business day is a day that is not a Saturday, Sunday or public holiday in the place to which the notice is sent or delivered.

### More Information

Ian Marler  
Ph: (02) 4952 5544  
E: marler@acsis.com.au

# BCC Flood Map Wins IT Award

*A sophisticated mapping website that guided Brisbane through the January 2011 flood was recognised for its significant contribution to the community, after winning a Merit at the National iAwards in Melbourne 4 August 2011.*



Esri Australia's Brisbane City Council (BCC) Flood Map that was developed using Geographic Information System (GIS) technology received the accolade in the prestigious iAwards' 'e-Government' category.

BCC Flood Map compiled flood data from across disaster-struck Brisbane - such as flood peaks, road closures and evacuation centres - onto a map to provide a comprehensive, real-time picture of the flood.

It was a key information source for emergency response teams and the Brisbane City Council, guiding recovery operations and supporting critical decisions; it received more than three million hits from members of the public who accessed the map at the height of the crisis.

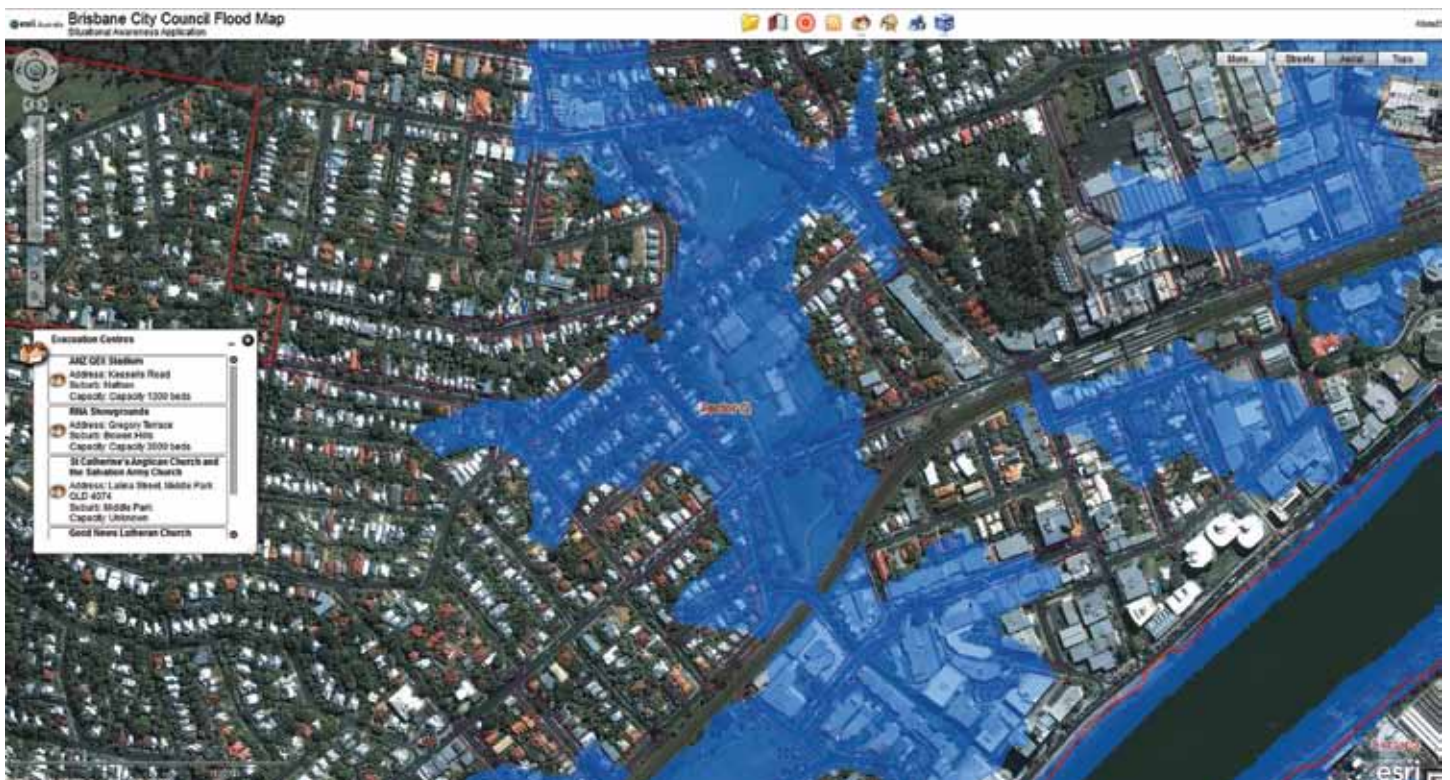
The ongoing development of the Flood Map saw integrated social media updates - the technology crowd sourced tweets, Flickr photos and YouTube videos and linked them to their relevant location on the map.

It was the first time during an Australian disaster that such an enormous collection of community-generated material and official information had been combined on the one interface.

Esri Australia is the country's leading location intelligence and GIS specialist.

### More Information

Alicia Stumm  
Media Liaison  
Esri Australia  
Ph: (07) 3218 4157  
E: [astumm@esriaustralia.com.au](mailto:astumm@esriaustralia.com.au)  
[www.esriaustralia.com.au](http://www.esriaustralia.com.au)



'Super Dome'  
Mt Barker Bowling Club SA



# Michael Gear Surveys South Australian Projects

Michael Gear Surveys consists of directors, Michael and Helen Gear supported by a team of surveyors and administration staff.

Our main office is in Bedford Park, in the Southern Suburbs of Adelaide with a Regional office in the "Iron Triangle" city of Whyalla.

Our focus is on both cadastral work, held together by our four licensed surveyors, two graduates, and engineering surveys which includes construction setout for infrastructure/buildings and detail (topographic) surveys.

## Michael Gear Surveys Projects

### Mt Barker Bowling Club SA

The 'Super Dome' over the greens of the Mt Barker Bowling Club SA.

The domed 40m x 40m structure consists of sections of about 5m long steel each interconnected to create the domed shape once tensioned.

Our initial task was to set out each intersection of all the 5m long components on the bowling green itself to a high accuracy.

This required us to lay the curved surface coordinates of the dome on the flat plane of the Bowling Green. Once tensioned and lifted onto the corner posts it became the "Dome" above.

This project has won an award in the Small Projects Category, South Australian Spatial Awards.

### Northern Expressway Land Acquisition

Our role required us to acquire land through 4km of vineyards, rural paddocks and the Gawler Airfield. The Northern Expressway links Port Wakefield Road with The Sturt Highway to gain greater efficiencies in transport particularly to Port Adelaide.

### Karen Court, Morphett Vale-Infill Development

Our firm project managed the division and construction of infrastructure of this typical infill development. This helped our client to develop the property into twelve allotments and a public road.

### Whyalla Wetlands



### New Medical Lecture Theatre- Flinders University SA

We were involved with the construction of this compact but complicated site due to the slope and restricted area to work in.

### Whyalla Wetlands

The local council engaged us to undertake a survey to determine the capacity (volume) of the site to hold storm water flows due to years of silting up. A boat and GPS came in handy for completing this project!

### Whyalla Foreshore

Whyalla Council recently upgraded their foreshore public area. Our assistance in setting out the infrastructure helped to produce a much improved area for the public.

### More Information

Michael Gear  
Michael Gear Surveys  
Ph: (08) 8357 6833  
E: michael@mgsurveys.com.au  
www.mgsurveys.com.au



## Mepstead & Associates

### *Industrial Community Title Subdivision - Mount Ku-ring-gai*

Mount Ku-ring-gai on the northern outskirts of Sydney is a Mepstead and Associates project that included multiple surveying and design requirements. The steeply sloped site zoned industrial was formerly a quarry and had subsequently been used as a festival venue for rock concerts. The proposal approved by Council was for a thirteen lot industrial Community Title subdivision.

The main objective for the design of the earthworks was a balance between cut and fill given the considerable quantity of rock. This was achieved by creating level building pads at optimal heights to balance the excavation.

Being located close to sensitive bushland it was necessary to design a drainage system to control the quality and flow of the stormwater into the adjoining watercourse. The result was 2 linear rock lined water quality ponds in conjunction with a large onsite detention and retention tank.

The subdivision has been successfully completed and construction of industrial warehouses has now commenced.

Mepstead and Associates is a surveying company based in Thornleigh which aims to assist land owners and developers in most aspects of the development process. In addition to traditional boundary surveying, Mepstead and Associates undertakes civil engineering design of roads, drainage systems, water and sewer.

#### **More Information**

Mepstead & Associates  
Ph: (02) 9875 4500  
E: [mepstead@mepstead.com.au](mailto:mepstead@mepstead.com.au)  
[www.mepstead.com.au](http://www.mepstead.com.au)

**ACSIS members who would like to profile their projects  
please contact [management@acsis.com.au](mailto:management@acsis.com.au)**

# The ACSIS Claims Investigation System

By Peter Friedmann

## *The ACSIS Claims Investigation System has been in place since the inception of ACSIS.*

The ACSIS claims investigation system has evolved over a period of twenty five years to the sophisticated system that it is today.

There have been many changes over the years with the latest being that Indemnity Legal (Kevin Gibbons) manages the claims for the Insurers (QBE and Lloyds Syndicate of London).

Indemnity Legal is assisted by ACSIS's Claims Investigation Panel.

In essence, that is the system that has been in place since the inception of ACSIS.

The position that I hold at ACSIS Ltd is Australia wide and my title is Manager ACSIS Claims Investigation Panel.

I took over from the now retired NSW Claims Panel Manager, Kevin Brown, in January. Kevin was looking after claims in the ACT, TAS as well as NSW. The Australia wide role was added so as to enable me to assist Ian Marler and ACSIS's Board of Directors in the administration of ACSIS.

Generally the position entails a great variety of "jobs" - assistance to ACSIS members who notify of claims or possible claims, contact with the other Claims Investigators, the Broker and the Insurer's manager of the claims, investigations, preparation of reports, assisting in resolution of claims and assisting the Insurer's manager of the claims in understanding the technical surveying details of claims, Court appearances etc.

Probably the job description should read: if it needs doing - do it. All in all it keeps me on my toes.

Making a transition after thirty years from being a partner in a four partner busy Survey Practice to practising as a sole practitioner (mostly for ACSIS) working from a home office was not without anxiety and some hiccups - having made it however, I am happy to say that at this stage of my career it was a good move.

One of the things that I am involved in is ACSIS's Audits. It is very pleasing to see that Risk Minimisation is very high on the everyday practices of ACSIS's members.

Six Claims Investigators (including me) took part in the recent random field audits of member firms. On behalf of all of us I would like to thank those firms which were audited for the warm welcome and hospitality that was extended to us.

I am confident that each firm that we visited will be able to improve its risk minimisation system with at least one item.

The field audits offer me the opportunity to see what and how other surveyors do things. The extent of what we collectively do and achieve is something we surveyors do not often get recognition for - we should.

AC SIS has a free to members "Mentoring" facility in place. Mentoring is not necessarily the right word for the facility - generally it is the availability of a well experienced senior surveyor outside your practice, to discuss any issues that are of concern to you or your staff.

The collective experience of the field auditors during the audits was that this is a facility that may be of benefit to ACSIS members in many ways.

If you wish to avail yourself of this facility or wish to discuss any possible aspect of it please contact me.

### More Information



Peter Friedmann  
Ph: (02) 9018 9359



## A Matter Which Concerns a Consumer Tribunal Hearing

By Peter Friedmann

*Was the surveyor responsible for costs of the setout that showed the house and pool overlapped?*

The owner of a residence decided to demolish the existing old residence and replace it with a new residence and a swimming pool.

He had the residence and the pool separately designed - the residence by a project home builder and the pool by a pool building company. In his mind the house and the pool, whilst close in location were not supposed to overlap.

The owner instructed three parties separately - the demolisher, the pool builder and the house builder.

As part of his instructions to the pool builder he instructed the surveyor (AC SIS member) to set out the pool and requested that the surveyor obtain the pool plans from the builder.

The builder did not have any plans showing the relationship between the pool and the house, so the surveyor relied on the pool plans which dimensioned the pool to the boundary (but not the house).

The surveyor setout the pool based on the plans received from the builder. Those plans showed the mathematical relationship of the pool to the boundaries and showed diagrammatically that the pool was to be clear of the proposed residence - this setout allowed the pool builder to commence construction.

A short while later the house builder instructed the surveyor to setout the house. For that purpose the builder provided the surveyor the dimensioned construction drawings for the house.

Prior to going out to setout the building the surveyor checked by calculation the relationship between the pool which he setout and the house and found that the two overlapped. He notified the builder and the owner and the pool builder. By then the pool excavation was complete.

The owner incurred additional costs to move the pool and the house foundations and took the surveyor to the consumer tribunal to recover these because, in his opinion, the surveyor was at fault for not checking the dimensions prior to setting out the pool.

The surveyor, with the help of ACSIS and Indemnity Legal, successfully represented himself to defend the matter. The case was dismissed.

### More Information

Peter Friedmann  
Ph: (02) 9018 9359



## Error in Setting Piles for a Residential Unit Building

By Peter Friedmann

*A surveyor setout twenty three piles incorrectly and delayed residential construction.*

A surveyor was instructed to setout piles for a residential unit building. For various reasons, not the least of which was the time pressure placed on the surveyor and the fact that the piling rig was already on site, the surveyor setout some twenty three piles incorrectly.

The error was discovered while the piling rig was on site. Work was stopped for three days so as to resolve how to best rectify the matter.

The construction proceeded but completion was delayed. All this occurred at the start of the Global Financial Crisis.

The owner sued the surveyor for all manner of things and claimed loss of some \$675,000.00.

ACSIS's calculations (based on expert opinion) showed the loss to the owner resulting from the setout error to be between \$60,000.00 and \$70,000.00.

Litigation ensued and there was a mediation hearing which did not resolve the matter although it settled shortly after.

While the terms of settlement are confidential, the settlement was considerably larger than the first estimate but significantly less than what was claimed.

Had the matter proceeded to a full Court Hearing it would have possibly cost \$750,000.00 to defend with the very real possibility that the Court would have awarded costs to the owner over and above any monetary compensation. Building litigation is also notoriously expensive.

### More Information

Peter Friedmann  
Ph: (02) 9018 9359



## Error in Setting a Site Benchmark

By Peter Friedmann

*The buildings were about two thirds complete when it was discovered a surveyor set out a benchmark that resulted in the floors being lower than the predicted flood level.*

A surveyor set out a benchmark for the construction of two residences on a large flood prone single block of land.

The buildings were two thirds or more complete when it was discovered that the benchmark was incorrectly set and because of that the two building's floors were approximately 700mm too low.

Council refused to allow the occupation of the buildings with the floors being lower than the predicted flood level.

A way to rectify this situation is to demolish the two partially completed buildings and start again. Such a solution is quite expensive.

### More Information

Peter Friedmann  
Ph: (02) 9018 9359

### Austec Surveying Consultants Pty Ltd

Bruce Bowden  
43B Nicholson St,  
Bairnsdale VIC 3875  
Ph: (03) 5152 1197  
M: 0408 521 197  
E: austecbb@bigpond.net.au

### Williams Moxon Consulting Surveyors

Garth Moxon, MD  
8 Dawson St,  
Cooma NSW 2630  
Ph: (02) 6452 1947  
E: gmoxon@exemail.com.au

### Ray Surveys Pty Ltd

Najib Abu Raya  
61 Ian Potter Cres,  
Gungahlin ACT 2912  
M: 0447 070 099  
E: rs@raysurveys.com.au

### Overland Surveys

Paul Montefiore, Owner  
34 Cromwell Dr,  
Alice Springs NT 0870  
M: 0439 878 454  
E: paul@overlandsurveys.com.au

### Land Surveys

Bruce Baker, GM  
Unit 1, 8 Fisher Street,  
Belmont WA 6104  
Ph: (08) 9477 4477  
Fx: (08) 9477 4499  
E: admin@landsurveys.net.au  
www.landsurveys.net.au

# The Commoner's Medical Dictionary

|                         |                              |
|-------------------------|------------------------------|
| Artery .....            | The study of paintings.      |
| Bacteria .....          | Back door to cafeteria.      |
| Caesarean Section ..... | A neighbourhood in Rome .    |
| CAT Scan.....           | Searching for Kitty.         |
| Coma .....              | A punctuation mark.          |
| Dilate .....            | To live long.                |
| Impotent .....          | Distinguished, well known.   |
| Labour Pain .....       | Getting hurt at work.        |
| Outpatient .....        | A person who has fainted.    |
| Pelvis .....            | Second cousin to Elvis.      |
| Terminal Illness .....  | Getting sick at the airport. |
| Urine .....             | Opposite of you're out.      |



## Selected Thoughts on "Research"

"To steal ideas from one person is plagiarism, to steal ideas from many is research."

"What is research but a blind date with knowledge?"

"Research is what I'm doing when I don't know what I'm doing."

"If we knew what it was we were doing, it would not be called research, would it?"



**Gary Fuller**  
NSW  
**Ph: +61 2 9523 2428**



**Phil Brooker**  
QLD  
**Ph: +61 7 5564 2135**



**Frank Rodda**  
WA  
**Ph: +61 8 9341 2428**



**Kevin Brown**  
NSW  
**Ph: +61 2 9449 2631**



**Peter Friedmann**  
NSW  
**Ph: +61 2 9018 9359**



**John Goodwin**  
QLD  
**Ph: +61 7 3848 7494**



**Chris Minchin**  
SA  
**Ph: +61 8 8362 4617**



**Phil O'Brien**  
VIC  
**Ph: +61 3 9670 8255**

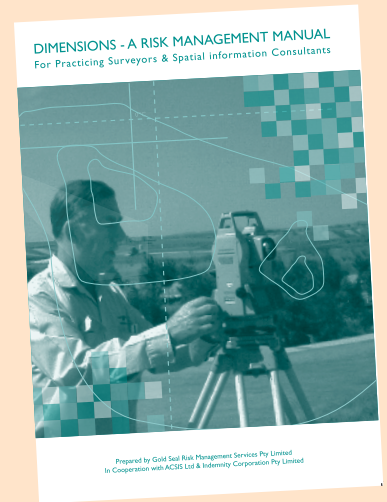


**Roger Green**  
VIC  
**Ph: +61 3 9794 9438**



**Sharyn Attenborough**  
Claims Manager  
Indemnity Corporation  
**Ph: 1800 133 100**

The following products are available free of charge to ACSIS members:



**Dimensions - A Risk Management Manual for Practising Surveyors and Spatial Information Consultants**



**Liability Management Handbook - For Practising Surveyors and Spatial Information Consultants - Risk Management Programme**



**Survey-Site Instruction Book**



## 2011 Events

- ACSIS in conjunction with Consulting Surveyors Victoria conducted a risk management presentation in Melbourne on 24 June 2011
- ACSIS in conjunction with our Broker Indemnity corporation participated in a trade display as part of Consulting Surveyors Business Seminar in Sydney on 12 August 2011
- A risk management presentation was made to students at RMIT, Melbourne on the morning of 18 August 2011
- ACSIS in conjunction with our Broker Indemnity corporation participated in a trade display as part of The Institution of Surveyors Victoria 2011 Surveying Expo in Melbourne on 26 August 2011
- A presentation of our interactive risk management seminar "Sam & Samantha" was made to the St George - Sutherland Group of the Institution of surveyors NSW on the evening of 8 September 2011
- A full face to face meeting of the ACSIS Board was held in Sydney on 9 September 2011
- A risk management presentation including "Sam & Samantha" was held as a full day event for students at Queensland University of Technology in Toowoomba on 13 September 2011
- A presentation of our interactive risk management seminar "Sam & Samantha" is scheduled for the SSSI Northern Queensland Regional Group at Townsville on 28 October 2011

### More Information

Ian Marler  
 Ph: (02) 4952 5544  
 E: marler@acsis.com.au



# Leasing

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- Survey & spatial equipment
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# Industry Specific PI Insurance

*ACSIS facilitated Professional Indemnity (PI) policy is industry specific and comprehensive. It is designed to include the specific needs of surveyors and spatial professionals.*

The ACSIS PI provides widespread protection of your assets against claims for financial loss, injury or damage arising from an act, error or omission in the performance of the professional services.

It allows you the peace of mind to conduct your business safe in the knowledge that you're covered and protected against claims.

Surveyors and spatial professionals being sued by third parties for causing a financial loss as a result of their business activities including:

- Errors in the provision of designs and drawings
- Incorrect or misleading advice or technical information
- Errors in any survey activity

Surveyors and spatial industry professionals may also be held liable for a mistake even though there was no negligence but infringement of other laws including Trade Practices Act.

It is designed to protect personal assets against damages awarded by a court, or from a negotiated settlement, in relation to an act, error or omission committed by the professional during the conduct of professional duties.

The ACSIS facilitated PI policy protects you and your employees and provides cover for deceptive and misleading conduct.

It generally covers the costs and expenses of defending claims.



Facilitating Insurance and Financial Products for the Spatial Information Industry.

ACSIS Ltd

Ph: +61 (0)2 4952 5544 | Fx: +61 (0)2 4952 5599

E: [acsis@acsis.com.au](mailto:acsis@acsis.com.au) | [www.acsis.com.au](http://www.acsis.com.au)