

ACSIS*News*

Spring 2012



Social Media Risks & Insurance

Claims Horror Stories



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www.monteathpowys.com.au

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Chairman's Comments

Welcome to the Spring 2012 edition of ACSIS News that features a number of issues that are significant to our members.

The national registration of business names is of particular importance to members. Previously business name registrations were made on a state basis and undertaken by a number of state regulatory bodies. As at 28 May 2012, businesses registrations were transferred to the national ASIC register.

Julie Somerville and Kathryn Rigby of Yeldham Price O'Brien Lusk (YPOL) present an informative discussion on insurance and other risks of social media marketing.

On Thursday 23 August I had the pleasure of presenting a Risk Management Seminar to some 40 students at RMIT in Melbourne. This was followed on the Thursday evening by attendance at the Annual Students' Award Dinner. This event held a special significance for both ACSIS Ltd and myself as it included the inaugural presentation of the Ian Marler Award (humbly named after yours truly).

Jamie Ollerenshaw took out our major award of \$5,000 and Blair Dawes was runner up with a \$1,000 award. Congratulations to both students and RMIT and Prof. Mark Shortis for embracing practical risk management as applying to surveyors.

The new ACSIS Ltd website www.SurveyingConsultants.com.au provides an additional method for the public to find surveying and spatial professionals and is searchable by name, state and postcode. This website provides members with a website link, email address and company information.

Regards

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New National Business Names Register - Summary

Prior to 28 May 2012, businesses were registered by state regulatory authorities. Now, the national ASIC business register makes registrations more convenient and Australia wide.

A new national business names registration service commenced on 28 May 2012, replacing the state and territory services.

Previously businesses were required to register in every state if they wished to own their business name in every Australian state.

Now businesses only need to register or renew their name once with the single national register and pay a single fee.

This initiative will reduce red tape, save time and cut costs for businesses.

The new national business names registration service is administered and managed by the Australian Securities and Investments Commission (ASIC).

New businesses need to obtain an Australian Business Number (ABN) before they can register a national business name.

Existing state and territory business name registrations have been automatically transferred to ASIC's national register. ASIC will contact business name holders when it is time to renew their national business name.

If the renewal of your existing business name was due on or before 28 May 2012, you need to renew your business name.

Your business name may not be registered with the state body and hence would not have automatically transferred to the national system.

If this happens you will need to reapply for your former business name under the new national arrangements with ASIC. ASIC will treat your application as a new application and there is no guarantee the name will be registered if someone else has the same or similar name already registered on the national system.

If your business name was registered before 28 May 2012, you do not need to do anything until it is time to renew your business name.

ASIC will notify businesses up to two months in advance of a business name registration expiring. The first business name renewal notice will be sent to the business address transferred to ASIC from the state or territory register.

If your renewal date fell on 29 May 2012 or shortly after, you may be sent a renewal notice up to 2-3 months after the date the business name registration expires. A business name will not be cancelled until after the extended due date provided on the renewal notice.

More Information

Ph: 1300 300 630
www.asic.gov.au





Notes & Administrative Procedures Are Fundamentally Important

Kevin Gibbons highlights the importance of proper administrative procedures for minimising the legal liability for malpractice.

CS v Biedrzycka [2011] NSWSC 1213 17 October 2011

The absence of notes and breakdown of administrative procedures were fundamental to the imposition of liability in a doctor's malpractice case recently which is worth reporting to surveyors and may be of interest to other professional groups.

The case was not concerned with fault in medical diagnosis. The relevant fault which settled on the shoulders of the medical malpractice which employed the doctors and the doctors themselves was associated with their administration of administrative procedures.

The court ultimately found that those administrative faults actually contributed to the harm suffered by a person who was not the patient.

Facts of the Case

In 1999, the patient attended a medical centre. At that time, she provided her residential details. A number of years later she attended again but by then she

was residing at a different address. On the occasion of her second attendance she was not asked about updating her details.

Approximately a week later she attended again for the purpose of undergoing tests for sexually transmitted diseases. Again she was not asked about her contact details.

The doctor who arranged the tests asked her to return a week later for the results, but that he would be away. The patient did not attend until a few weeks after that. Pathology indicated that the results for HIV were equivocal and pathology recommended retesting.

Another doctor in the practice received those results over the telephone and in writing and in accordance with the usual procedures initiated the sending of a letter to the patient requesting her to attend the practice.

The doctor who received the results updated the records of the practice but did not specifically refer to the recommendation that the HIV test be redone.



When the patient attended next she of course had not received the letter and on this occasion saw a different doctor. Because that doctor did not delve far enough into the records of the practice, he did not specifically learn that there had been a recommendation that the HIV test be redone. He erroneously informed the patient that her tests were negative for sexually transmitted diseases.

Shortly after and solely because of that information the patient had unprotected sex with a person who contracted HIV. The only source of HIV was from the patient. The person who contracted the virus sued practitioners concerned and the practice for its failure to conform to all of the relevant administrative procedures including the updating of contact records and the failure to delve deeply enough into the pathology results. All of the participants were rendered legally liable for their respective faults.

Implications for Surveyors

While the case is probably an extreme case which probably has no practical connection to surveyors, it is a timely reminder and warning that administrative practises when created are intended to be followed.

In the area of HIV, medical practitioners are required to conform to complex administrative tasks albeit of a routine nature.

Surveyors, like other professionals often have imposed on them serious administrative obligations which are intended to be conformed with and failure to comply could, like the doctors in the HIV case expose them to risk of civil liability.

About Kevin Gibbons

Kevin is the principal of indemnitylegal and has over 30 years experience in insurance law and is an accredited mediator.

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Social Media Risks & Insurance

By Julie Somerville & Kathryn Rigby

Social media enables businesses and individuals to communicate, share information and interact in a seemingly informal way. This article discusses some of the risks and insurance issues that can arise out of this increasingly popular technology.

Most businesses now utilise the internet in some aspect of their day to day business, whether it be through the maintenance of a website, e-commerce or storing business records electronically. However more and more businesses integrate the use of social media sites, such as Facebook, Twitter or LinkedIn, into the way in which they communicate with their customers, market their services and build their brand.

At a basic level, social media is a type of internet or mobile based application or site that enables users to communicate, share information and interact with one another online. At its core is the ability for a user to communicate with others in a seemingly informal manner. On Facebook, users can post comments, republish articles and upload photos on almost any topic without regulation¹. Twitter, which is an instant messaging system in which users send messages to their followers of up to 140 characters in length, is by its very nature even more informal.

However this informal, user generated manner of communicating, comes with legal risks that many businesses are only now starting to appreciate.

The risks are wide ranging and can arise out of, for example:

- Trade Practices Act/Australian Consumer Law breaches
- Workplace claims (such as harassment, bullying discrimination or unfair dismissal)
- Defamation
- Breaches of intellectual property, confidentiality & privacy obligations
- Regulatory investigations &/or prosecutions
- Data mining²
- Hashtag hijacking³

ACCC v Allergy Pathway Pty Limited⁴

In 2011 the Federal Court of Australia held a company, Allergy Pathway, and its sole director, to be responsible for certain comments published on its Twitter pages and Facebook wall.

In 2009 Allergy Pathway was found to have published misleading or deceptive statements on its websites, in brochures and on a DVD, in relation to its testing for, and cure of, certain human allergic reactions. Allergy Pathway, and its sole director, were, amongst other things, ordered to restrain from engaging in similar misleading and deceptive conduct for a period of 3 years.

From July 2010 Allergy Pathway's clients had, to the director's knowledge, posted testimonials on Allergy Pathway's Twitter pages and Facebook wall. The question was whether Allergy Pathway could be held responsible for what was posted by its customers. Finkelstein J held that Allergy Pathway became the publisher of the testimonials on its Twitter pages and Facebook wall when it became aware of them (and decided not to remove them) and therefore was in contempt of the orders made in 2009. Finkelstein J also held the sole director to be knowingly involved in Allergy Pathway's conduct and also was in contempt of the orders made in 2009. Allergy Pathway and its director were fined a total of \$15,000, ordered to publish corrective advertising on the front counter of each of its clinics, its website, its Twitter and Facebook pages and to send a letter to each of its customers explaining its actions. They were also ordered to pay the ACCC's costs on an indemnity basis.

The obvious practical lesson to be learnt from this case is that it would be prudent for businesses to have policies in place to monitor their social media sites regularly to

ensure that comments posted on them by third parties are accurate and have in place a policy for the removal, or correction, of those comments if they are not. Certainly if a business becomes aware of third party content on its social media site that is incorrect, inappropriate or inaccurate, the risk of liability for that publication will be minimised if the decision to remove or clarify the content is made swiftly.

Given the finding of this case it is also important that businesses treat their social media sites in the same manner that they would a written publication. The same levels of authority and supervision that apply to any written publication should apply to the use of social media sites.

Glen Stutsel v Linfox Australia Pty Limited⁵

Mr Stutsel was a truck driver for Linfox Australia who was terminated following his posting of offensive and racially derogatory comments about certain Linfox managers on his Facebook page. Linfox maintained that, amongst other things, Mr Stutsel had breached implied terms of his employment contract to act in good faith and not take any steps that would cause Linfox damage, and breached Linfox's Workplace Diversity policy. Mr Stutsel applied to Fair Work Australia alleging unfair dismissal based primarily on the assertion that he believed that he had the maximum security settings on his Facebook account and had no reason to believe that his comments could be viewed by people other than his friends (the managers were not Mr Stutsel's Facebook friends).

Fair Work Australia accepted Mr Stutsel's belief that his Facebook account was private and accepted that he did not intend the comments to be hurtful as he did not expect them to be read by the manager. Commissioner Roberts appeared to take the view that a Facebook page was different in character to a web

blog, which is intended to be on public display, and is more akin to:

'a group of friends letting off steam and trying to outdo one another in being outrageous... it has much of the flavour of a conversation in a pub or cafe, although conducted in an electronic format'.

When considering whether Mr Stutsel's conduct amounted to serious misconduct, Commissioner Roberts noted, with dissatisfaction, that Linfox did not have a policy relating to the use of social media by its employees, he said:

'in the current electronic age, this is not sufficient and many large companies have published detailed social media policies and take pains to acquaint their employees with those policies. Linfox did not'.

Linfox was ordered to reinstate Mr Stutsel and pay his lost wages.

The characterisation of Facebook comments in this decision is somewhat more generous than the manner in which they were characterised in the Allergy Pathway decision, however the lesson to be learned is the same. Businesses now need to have in place firm policies relating to the use and monitoring of social media sites. The failure to have those policies in place may well result in a finding against the business.

Regulatory Investigations & Prosecutions

Regulatory bodies are also increasing their focus on the use of social media as a way of communicating with customers and marketing products. In February 2012 the Australian Securities and Investments Commission released Regulatory Guide 234 which provides 'good practice guidance' for the advertising of financial products and services. ASIC emphasises that the advertising of financial products should give a 'balanced message about the returns, benefits and risks' of a financial product.

The ability to do that in the informal and condensed medium of Facebook posts or Tweets may be somewhat of a challenge, however ASIC indicates that those physical limitations will not be an excuse for producing an advertisement that might mislead. RG 234.118 states that:

'promoters should consider the overall impression created by the advertisement when viewed for the first time. Promoters should carefully consider the appropriateness of some new media channels if content limitations mean that there is insufficient space to provide balanced information'

The indications are that ASIC will continue to maintain a close watch on internet advertising of financial products and services. All financial service providers will need to review their current advertising to ensure that it complies with RG 234 and would do well to include in that review the manner in which their social media sites are used to transmit information about their products and services.

A Few Coverage Issues

The exposures that may arise out of social media sites can be both first and third party losses.

Many first and third party losses that arise out of the use of social media sites will be covered by existing professional indemnity, directors and officers and employment practices liability policies. This is because the trigger for these policies is generally quite broad and is activated when a claim is made by a third party arising from the performance of defined professional services or the conduct of the insured's professional business.

However a potentially significant limitation of such policies may be jurisdictional exclusions or limits. Many Australian businesses will hold policies that exclude liability for any claim made in, or determined pursuant to, the laws of the USA or Canada. Given the very nature of social media, comments, advertisements, or other commentary published on the internet will have a global reach.

In Australia, since at least the High Court case of *Dow Jones v Gutnick*⁶, it is accepted that the publication of a defamatory comment occurs in the location that the damage to reputation occurs, that is where it is read (or downloaded) and not the location at which it is published from. Similar laws have developed in the USA and Canada⁷. Therefore businesses posting items on social media sites in Australia may find themselves defendants to a claim made anywhere in the world, for which they may have no cover as a result of jurisdictional exclusion clauses.

More and more businesses are now considering supplementing their suite of policies with more bespoke policies that will also provide cover for losses arising out of the use of internet and other media platforms. While these policies will no doubt overcome jurisdictional exclusions, the potential for overlap with existing policies may in turn give rise to double insurance issues.

A further interesting issue that may arise is the extent to which consequential losses arising from the use of social media sites will be covered.

Social media platforms are undoubtedly becoming a powerful tool for communicating with customers and building a profile, however the potential exists for social media to be just as powerful at destroying a reputation, particularly if your business becomes the victim of a viral campaign against it⁸. Many

consequential loss policies are only triggered if the loss arises as a direct result of the physical damage to tangible property. Reputational damage arising out of social media campaigns against your business may not trigger such policies.

The law relating to the use of social media by businesses is relatively undeveloped and therefore the response of insurance policies to its risks is yet to be tested. However, one thing that is certain is that it will be important for businesses, brokers and insurers to watch closely the manner in which technology is changing the way business is conducted and regularly assess how existing policy wordings respond to its unique potential first and third party exposures.

Kathryn Rigney is a Director of Yeldhan Price O'Brien Lusk (YPOL). She has significant experience in providing advice on corporate and regulatory matters, in particular to the insurance and reinsurance sector. Kathryn also advises insurers in relation to coverage issues and the defence of a range of financial lines claims, including professional indemnity.

Julie Somerville is a Senior Associate at YPOL. She has been practising in insurance and commercial litigation for over 16 years and advises insurers and professionals on all aspects of insurance, litigation and risk management. She has significant experience in defending claims against professionals in the Supreme Court of New South Wales and the Federal Court of Australia.

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End Notes

¹ Most social media sites do have terms of use in which users agree to comply with certain 'rules of engagement' or 'community standards' which are generally aimed at the content of the material published by the user.

² A very basic definition of data mining is the retrieval and analysis of data about a user's online behaviour.

³ Hashtags (#) are used by Twitter to refer to a topic or company. Hashtag hijacking is where Twitter users use the hashtag to comment negatively about a company, for example McDonalds initially created a Twitter campaign #MeetTheFarmers to promote its support of local produce, however later that day rebranded it as #McDStories. This prompted a viral response of people tweeting about their McDonald horror stories.

⁴ *ACCC v Allergy Pathway Pty Limited* (No 2 [2011] FCA 74

⁵ [2011] FWA 8444

⁶ [2002] HCA 56

⁷ See for example *Zippo Manufacturing Company v Zippo Dot Com, Inc* 952 F Supp 1119 (WD Pa, 1997) and *Barrick Gold Corporation v Lopehandia* [2004] O.J. No. 2329

⁸ In 2010 Nestle faced one such campaign, orchestrated by Greenpeace. Thousands of protesters left comments on Nestlé's Facebook page, and via other social media sites, about Nestlé's use of products that were linked with rainforest destruction. The value of Nestlé's shares dropped and it ultimately was forced to change its business practices.



File Fingerprinter

Introduction

As the exchange of electronic information becomes ever more prevalent within the surveying and development industry, it is important that the Surveyor be able to verify whether an electronic work - be it a document, plan or other image - is his/her own work, or has been altered from the state in which it was initially released.

- For hard copy documents, this measure is taken with a stamp and/or signature, but for electronic information there is currently no set, easily implementable, method for providing & verifying this "signature."
- ACSIS Ltd realised the need for such a system, & brings to their members an easy, straightforward solution that will allow electronic fingerprints of all incoming & outgoing files to be taken, meanwhile keeping a meticulous log of these fingerprints. This will in turn assist ACSIS Ltd members in strengthening their Q.A. systems as far as electronic files are concerned.

AC SIS Ltd File Fingerprinting

- ACSIS Ltd is proud to support File Fingerprinting, a cutting edge software development, free for all ACSIS Ltd members.

- This simple, intuitive software integrates seamlessly with your current day-to-day work practice & only takes a few seconds to log a File Fingerprint whenever the need arises.
- File Fingerprinter sits in the Windows system tray, out of the way. When you need to log an incoming, outgoing or newly created file, simply click once on the program's icon, then drag the relevant file into the software's "Drop Zone".
- From there, you can choose to simply log the file, or to send the file as an email attachment to another party. It's that simple!
- The process is extremely quick & easy (otherwise no-one would use it!). Each File Fingerprint is comprised of two unique codes: an MD5 code & an SHA-1 code, both of which are proven standards in file verification algorithms.
- These two codes are unique to every different file, & will only change when the content of the relevant file changes. You can copy & paste, zip & unzip, burn & email a file as many times as you like - you can even rename the file - but the file's Fingerprint will never change. However, as soon as someone makes even the smallest change to the actual contents of the file, the file's fingerprint will become different, & it will be obvious that some tampering has taken place.

An Online Solution

- File Fingerprinter has also been written with online data storage in mind - the software automatically gives you the option to log your file information in an online database every time you log or send a file.

System Requirements

AC SIS Ltd File Fingerprinter has been developed to run on any recent PC (recommended min 1GB RAM, 1 GHz processor) running Windows 7, Vista or XP.

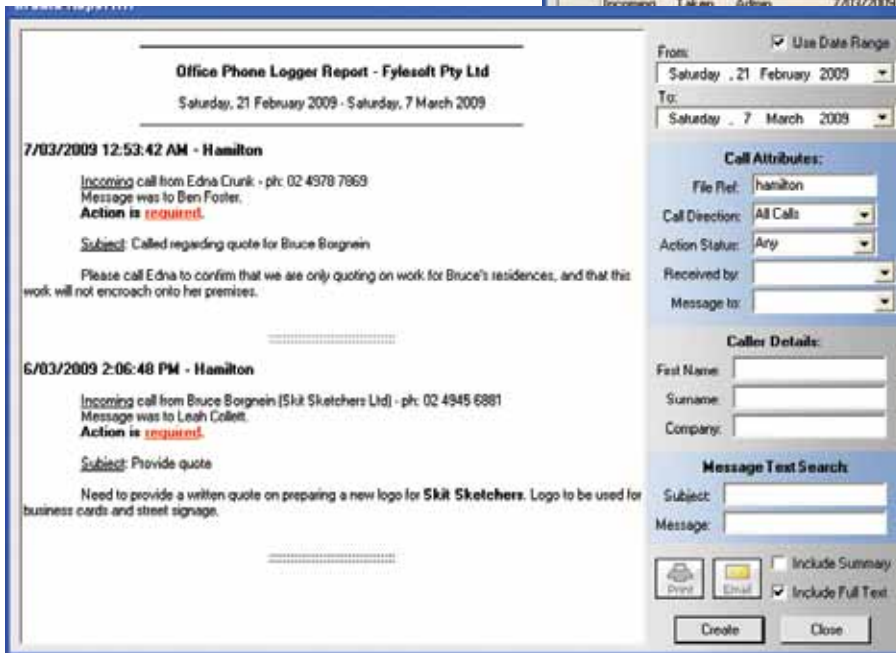
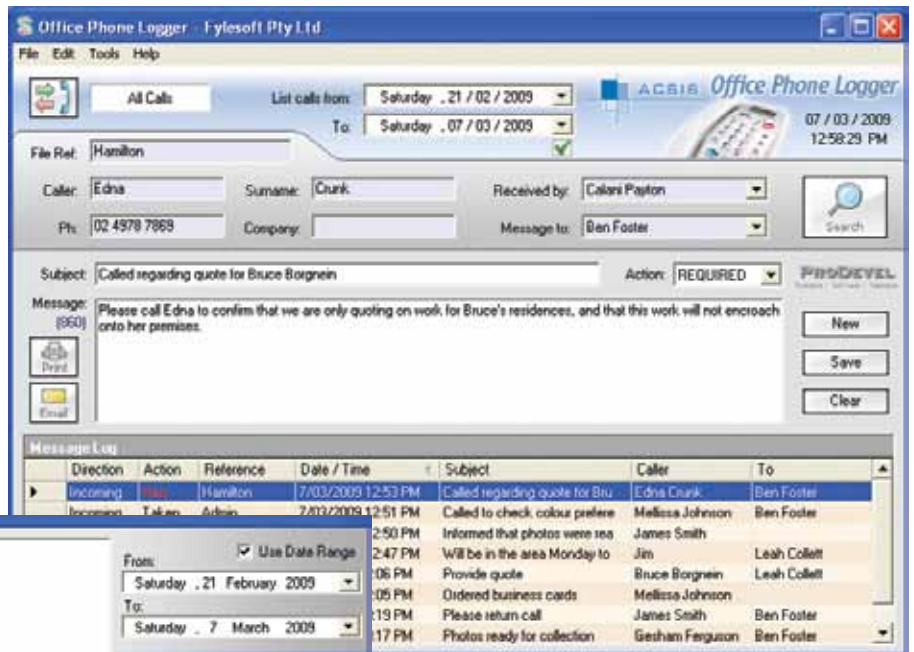
Where to from here?

All ACSIS Ltd members are entitled to the following:

- CD containing software & electronic user manual
- Quick setup guide
- Free postage & packaging

More Information

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Office Phone Logger

ACSIS Ltd Office Phone Logger was developed for the benefit of ACSIS Ltd members, and the surveying and spatial information community at large. As the name suggests, its purpose is to facilitate a more automatic and intuitive method of logging incoming and outgoing phone correspondence, in lieu of the various manual methods that are so often put to use.

The idea for the software arrived when ACSIS Ltd learned that many professionals are required to keep records of phone correspondence for legal purposes pertaining to potential professional indemnity claims.

Designed to fit simply and comfortably into the daily workflow of the surveying professional, the software resides as an icon in the Windows system tray (at the bottom of the screen, near the clock) and usage is as simple as clicking the icon and entering or retrieving a logged phone message.

Both searching and reporting functionality exist within the software. That is, if a claim requires all details of phone calls between two parties over, say, the last two years, this information can be assembled, displayed and emailed/printed within a matter of seconds - compare this to the case where a manual system is

used, whereby it would then be necessary to go back through physical files and diaries to collate the required information.

Running on Windows 7, Vista or XP, Office Phone Logger v2.2 is the most recent version of the software, available free to ACSIS Ltd members, or to members of the general surveying community for a small fee.

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Risk Management Events

“Sam and Samantha Seminars”

Sam and Samantha have been on the road again. Firstly ACSIS Ltd went to Melbourne to hold a Seminar at the SSSI Land Surveying commission National Conference on Thursday 19 April 2012.

This was followed by a Sam and Samantha seminar held at Kurri Kurri in the Hunter Valley on Friday 25 May 2012 organised by the Hunter Manning Group of The Institution of Surveyors NSW.

ACSIS Ltd was also invited to present a Risk Management Seminar to students at RMIT Melbourne on 23 August 2012. This was followed by a student dinner on the Thursday evening at which ACSIS Ltd presented prizes to winning students for their risk management projects.

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PI Renewal & Audits

Whilst renewal of your PI Policy is still some way off (first renewals are due March 2013) it will soon be time to focus on our Audit program.

In order to avoid the Christmas break and allow sufficient time to process results and conduct field audits the Audit program will have to be carried out towards the end of 2012. More information on the Audit program will be circulated close to the event.

Remember the purposes of the ACSIS Ltd Audits are:

1. To ensure firms maintain an acceptable level of proficiency in both work & risk management procedures
2. To qualify for a discount of up to 10% off their Base PI Premium at renewal time

If you participated in a previous Audit and obtained a discount you will need to participate again and gain a satisfactory score in order to keep a PI discount.

If you have not participated previously and would like to do so this year and possibly qualify for a discount, you are welcome to apply.

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Call For Board Nominations

In accordance with the ACSIS Ltd Constitution the following 3 Directors retire at the AGM in November 2012, Ian George Marler, Peter Gabriel Friedmann and Peter Tyrrell. All have indicated their willingness to stand for re-election.

Any member firm is entitled to nominate a representative for election to the Board. Nomination forms are available from ACSIS Ltd and should be completed and returned by Monday 29 October 2012.

More Information

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A Transposition Error in Setting a Bench Mark for Construction

This concerns 1400m of 1m diameter sewer trunk main being laid approximately 2m deep at a grade of 1% in water charged ground.

The surveyor was instructed to setout certain control points along the line.

Because of site constraints, construction of the pipe was carried out from both ends towards the middle and from the middle towards the ends.

The construction was interrupted for some time, and prior to resumption of work the surveyor was instructed to check all the control points.

The surveyor found that all control points except one were right. One of the points was disturbed. He placed another point approximately a meter away from the disturbed one and levelled the new point. He then wrote the level of the point on the stake beside the point. Unfortunately he wrote the level of the original point on the stake and not the level of the new station. The difference was 70mm in height.

The error was discovered when the inverts of the pipes did not match at one of the pits.

The result was that 900m of pipe had to be removed and relaid.

An Error in Setting Out

A Surveyor was instructed to setout 18 piles for a transfer house for a new conveyor system on a large site with the transfer house being some 200 metres or more away from any other structure. The piles are bored concrete piers reinforced with steel cages. They are 900 to 1200mm in diameter and their depths are between ten and more than 20m deep.

The Surveyor calculated the pier locations and uploaded these into his theodolite. Unfortunately one of the control points coordinates was incorrectly set and was 5m out in one direction. The result of this was that the 18 piers were 5m out of position.

To rectify this, piers had to be redesigned. Some of the incorrect piers were able to be used but the majority had to be demolished to below footing level and 14 new piers had to be reinstalled.

It is anticipated that settlement costs of this matter to the Insurer will be several hundred thousand dollars.



An Error in Converting an Assumed Datum to Australian Height Datum

A Surveyor was instructed to carry out a detailed topographical survey of a large flood prone single block of land for the purposes of designing two dwellings on it.

The site levels were related to an assumed datum. The surveyors were later instructed to convert the assumed datum to Australian Height Datum. An error was made in the conversion.

The builder used the Bench Mark to set the floor levels of the residences.

The buildings were two thirds or more complete when it was discovered that the value of the Bench Mark was incorrectly noted and that because of that the two building's floors were constructed approximately 700mm lower than as approved.

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

The claimants maintain that the cheapest, simplest and quickest way to rectify this situation was to demolish the two partially complete buildings and start again.

AC SIS Ltd and indemnity legal have come up with a "novel" alternate possible solution not requiring demolition. This unfortunately was not acceptable to the claimants.

This claim is in Court and not yet fully resolved but it is anticipated that settlement costs to the Insurer will be several hundred thousand dollars.



Grass Snakes Can Be Dangerous



By: risenphoenix

Grass snakes also known as Garter Snakes (*Thamnophis Sirtalis*) can be dangerous. Yes, grass snakes, not rattlesnakes. Here's why.

A couple in Sweetwater, Texas, had a lot of potted plants. During a recent cold spell, the wife was bringing a lot of them indoors to protect them from a possible freeze.

It turned out that a little green grass snake was hidden in one of the plants. When it had warmed up, it slithered out and the wife saw it go under the sofa.

Terrified, she let out a very loud scream.

The husband (who was taking a shower) ran out into the living room naked to see what the problem was. She told him there was a snake under the sofa.

He got down on the floor on his hands and knees to look for it.

About that time the family dog came and cold-nosed him on the behind.

He thought the snake had bitten him, so he screamed and fell over on the floor.

His wife thought he had suffered a heart attack, so she covered him up, told him to lie still and called an ambulance.

The attendants rushed in, would not listen to his protests, loaded him on the stretcher, and started carrying him out.

About that time, the snake came out from under the sofa and one of the Emergency Medical Technicians saw it and dropped his end of the stretcher. That's when the husband broke his leg and why he was in the hospital.

The wife still had the problem of the snake in the house, so she called on a neighbour who volunteered to capture the snake. He armed himself with a rolled-up newspaper and began poking under the couch. Soon he decided it was gone and told the woman, who sat down on the sofa in relief.

But while relaxing, her hand dangled in between the cushions, where she felt the snake wriggling around. She screamed and fainted, the snake rushed back under the sofa.

The neighbour, seeing her lying there passed out, tried to use CPR to revive her.

The neighbour's wife, who had just returned from shopping at the grocery store, saw her husband's mouth on the woman's mouth and slammed her husband in the back of the head with a bag of canned goods, knocking him out and cutting his scalp to a point where it needed stitches.

The noise woke the woman from her dead faint and she saw her neighbour lying on the floor with his wife bending over him, so she assumed that the snake had bitten him. She went to the kitchen and got a small bottle of whiskey, and began pouring it down the man's throat.

By now, the police had arrived. Breathe here...

They saw the unconscious man, smelled the whiskey, and assumed that a drunken fight had occurred. They were about to arrest them all, when the women tried to explain how it all happened over a little grass snake!

The police called an ambulance, which took away the neighbour and his sobbing wife.

Now, the little snake again crawled out from under the sofa and one of the policemen drew his gun and fired at it. He missed the snake and hit the leg of the end table. The table fell over, the lamp on it shattered and, as the bulb broke, it started a fire in the drapes.

The other policeman tried to beat out the flames, and fell through the window into the yard on top of the family dog who, startled, jumped out and raced into the street, where an oncoming car swerved to avoid it and smashed into the parked police car.

Meanwhile, neighbours saw the burning drapes and called in the fire department. The firemen had started raising the fire ladder when they were halfway down the street. The rising ladder tore out the overhead wires, put out the power, and disconnected the telephones in a ten-square city block area (but they did get the house fire out).

Time passed! Both men were discharged from the hospital, the house was repaired, the dog came home, the police acquired a new car and all was right with their world.

A while later they were watching TV and the weatherman announced a cold snap for that night. The wife asked her husband if he thought they should bring in their plants for the night.

And that's when he shot her.

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Date: 22 September 2012

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ACSIS Ltd also congratulates Lindsay Perry the winner of the Kindle e-reader as well as Zia Kadour and Leigh Barry, winners of an iPad each.

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