

SOUTH AUSTRALIA

SURVEYORS ACT, 1975

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 January 1992**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

PART I PRELIMINARY

Section

1. Short title
2. Commencement
3. Arrangement of Act
4. Repeal
5. Interpretation

PART II THE BOARD

6. Establishment and incorporation of Board
7. Constitution of Board
8. Terms and conditions of office
9. Allowances and expenses
10. Quorum, etc.
11. Validity of acts of the Board and immunity of its members
12. Registrar, etc.
13. Establishment and control of the Fund
14. Accounts and audit

PART III REGISTRATION

15. Registration of surveyors
16. Qualifications for registration as surveying graduate
17. Qualifications for registration as surveyor
18. Application for registration
19. Renewal of registration
20. Grant of registration
21. Endorsement of registration in relation to cadastral surveys
22. Registration of surveyors licensed under repealed Act
23. Registers
24. Certificates of registration

PART IV REGULATION OF PRACTICE

25. Offence to hold self out as surveyor
26. Cadastral surveying and licensed surveyors
27. Certain conduct of persons registered under Act cause for disciplinary action
28. Investigations by the Board
29. Constitution of Disciplinary Committee
30. Terms and conditions of office
31. Allowances and expenses
32. Meetings of Committee
33. Validity of acts of Committee and immunity of its members
34. Inquiries by Committee
- 34a. Suspension of registration pending determination of inquiry
35. Procedure in relation to inquiries
36. Powers of Committee
37. Costs

PART V APPEALS

38. Appeal
39. Operation of order may be suspended

PART VI
MISCELLANEOUS

- 40. Right to enter to perform surveys
- 41. Offence to interfere with survey marks
- 42. Evidentiary provisions
- 43. Service of documents and notices
- 44. Summary proceedings
- 45. Moneys for purposes of Act
- 46. Alternative of certificate for declaration by licensed surveyor on map or plan
- 46a. Delegation by Surveyor-General
- 47. Regulations

SCHEDULE

APPENDIX
LEGISLATIVE HISTORY

SURVEYORS ACT, 1975

being

Surveyors Act, 1975, No. 103 of 1975
[Assented to 20 November 1975]¹

as amended by

Surveyors Act Amendment Act, 1983, No. 34 of 1983 [Assented to 16 June 1983]²

¹ Came into operation 8 April 1976: *Gaz.* 8 April 1976, p. 1895.

² Came into operation 7 July 1983: *Gaz.* 7 July 1983, p. 5.

An Act to provide for the registration of surveyors and the regulation of the practice of surveying; to repeal the Surveyors Act, 1935-1971; and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Surveyors Act, 1975*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement of Act

3. This Act is arranged as follows:—

PART I—PRELIMINARY
PART II—THE BOARD
PART III—REGISTRATION
PART IV—REGULATION OF PRACTICE
PART V—APPEALS
PART VI—MISCELLANEOUS
THE SCHEDULE.

Repeal

4. The Acts and portions of the Acts specified in the schedule to this Act are repealed.

Interpretation

5. (1) In this Act, unless the contrary intention appears:—

"the Board" means the Surveyors Board of South Australia established under Part II of this Act:

"cadastral survey" means any process of determining, mapping or planning the boundaries of a piece of land or waters and "cadastral surveying" has a corresponding meaning:

"the Committee" means the Surveyors Disciplinary Committee established under Part IV of this Act:

"the Fund" means the Surveyors Board of South Australia Fund established under Part II of this Act:

"legal practitioner" means a legal practitioner within the meaning of the *Legal Practitioners Act, 1981-1982*:

"licensed surveyor" means a registered surveyor whose registration is endorsed under this Act to the effect that he may perform prescribed cadastral surveys:

3.

"nominated member" means a member of the Board appointed by the Governor upon the nomination of the South Australia Division or the Surveyor-General, as the case may be, under Part II of this Act:

"prescribed cadastral survey" means a cadastral survey of a prescribed class:

"registered surveying graduate" means a person registered under Part III of this Act as a surveying graduate:

"registered surveyor" means a person registered under Part III of this Act as a surveyor:

"the Registrar" means the Registrar of the Board appointed under Part II of this Act:

"the repealed Act" means the *Surveyors Act, 1935-1971*, repealed by this Act:

"the South Australia Division" means the South Australia Division Incorporated of the Institution of Surveyors, Australia:

"survey" means any process of determining, mapping or planning the position of, or of locating, a point, a piece of land or waters or a structure in relation to land or waters or of determining, mapping or planning the dimensions or form of a piece of land or waters, and "surveying" has a corresponding meaning:

"the Surveyor-General" means the person for the time being holding or acting in the office known as "Surveyor-General" created under the *Public Service Act, 1967-1975*:

"survey mark" means a mark used for the purposes of a survey.

(2) A reference to a licensed surveyor in any Act, regulation, rule, by-law, document or writing of any kind shall be read as a reference to a licensed surveyor within the meaning of this Act.

4.

PART II

THE BOARD

Establishment and incorporation of Board

6. (1) There shall be a board entitled the "Surveyors Board of South Australia".

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) shall in its corporate name be capable of suing and of being sued;
- (c) shall be capable of holding, acquiring, dealing with and disposing of real and personal property;
- (d) shall be capable of acquiring or incurring any other rights or liabilities;

and

- (e) shall have the powers, rights, duties and functions conferred, imposed or prescribed by or under this Act.

(3) A document is duly executed by the Board if it is sealed with the common seal of the Board and signed by the chairman of the Board.

(4) An apparently genuine document purporting to have been executed in accordance with subsection (3) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed.

Constitution of Board

7. (1) The Board shall consist of the following members:—

- (a) the Surveyor-General;

and

- (b) six other members appointed by the Governor, of whom—
 - (i) three shall be registered surveyors, of whom at least two shall be licensed surveyors, nominated by the South Australia Division;
 - (ii) two shall be registered surveyors, of whom at least one shall be a licensed surveyor, nominated by the Surveyor-General;

and

- (iii) one shall be a registered surveyor who is engaged in the teaching of surveying at an institution of tertiary education in the State, nominated by the South Australia Division.

(2) Whenever a nomination is required to be made by the South Australia Division for the appointment of a member of the Board, the Minister may, by notice in writing addressed to the South Australia Division and served personally or by post upon it, request it to make the nomination within twenty-one days of the date of the notice, or such longer period as is specified in the notice, and if no nomination is made in accordance with that request, the Governor may appoint a person nominated by the Minister to be a member of the Board in lieu of a nominee of the South Australia Division, and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of that body.

Terms and conditions of office

8. (1) Subject to this Act, a nominated member shall be appointed for such term of office, not exceeding three years, and upon such conditions, as the Governor determines, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint an appropriate person to be a deputy of a nominated member and that person while acting in the absence of that member, shall be deemed to be a member of the Board and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a nominated member from office for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(4) The office of a nominated member shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a nominated member becoming vacant, a person shall be appointed in accordance with this Act, to the vacant office, but where the office of a nominated member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances and expenses

9. The members of the Board shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Quorum, etc.

10. (1) Four members of the Board shall constitute a quorum of the Board and no business shall be transacted at a meeting of the Board unless a quorum is present.

(2) The Board shall in each year appoint a chairman from amongst its members.

(3) The chairman of the Board shall preside at a meeting of the Board at which he is present, and in the absence of the chairman from a meeting of the Board, the members of the Board present shall decide who is to preside at that meeting.

(4) A decision carried by the votes of a majority of the members of the Board present at a meeting shall be a decision of the Board.

(5) Each member of the Board shall be entitled to one vote on a matter arising for determination by the Board and the person presiding at the meeting of the Board shall, in the event of an equality of votes, have a second or casting vote.

(6) Subject to this Act, the business of the Board shall be conducted in a manner determined by the Board.

Validity of acts of the Board and immunity of its members

11. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, an act or proceeding of the Board shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No personal liability shall attach to a member of the Board for an act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Registrar, etc.

12. (1) The Governor may, subject to and in accordance with the *Public Service Act, 1967-1975*, appoint a person to be Registrar of the Board.

(2) The office of the Registrar may be held in conjunction with any other office in the public service of the State.

(3) The Board may, with the approval of the Minister controlling a department of the public service of the State, upon terms mutually arranged, make use of the services of an officer of that department for any purpose relating to the administration of this Act.

Establishment and control of the Fund

13. (1) A Fund shall be established at the Treasury entitled the "Surveyors Board of South Australia Fund".

(2) The following moneys shall be paid into the Fund:—

(a) any moneys appropriated for the purposes of the Board by Parliament;

and

7.

(b) all moneys received by the Board by way of fees.

(3) The Fund shall be applied by the Board in the administration of this Act.

(4) Subject to this Act, the Board may draw upon, and otherwise deal with, the Fund in such manner as may be approved by the Treasurer.

Accounts and audit

14. (1) The Board shall cause proper accounts to be kept of its receipts and payments.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Board.

(3) The provisions of section 41 of the *Audit Act, 1921-1973*, shall apply and have effect as if the Board were a public corporation referred to in that section.

PART III

REGISTRATION

Registration of surveyors

15. Subject to this Act, a person may be registered as—

(a) a surveying graduate;

or

(b) a surveyor.

Qualifications for registration as surveying graduate

16. A person is qualified to be registered as a surveying graduate, if—

(a) he is a fit and proper person to be so registered;

and

(b) he holds the prescribed academic qualifications.

Qualifications for registration as surveyor

17. A person is qualified to be registered as a surveyor—

(a) if—

(i) he is a fit and proper person to be so registered;

(ii) he holds the prescribed academic qualifications;

and

(iii) he has gained such practical experience of surveying as is prescribed;

or

(b) if he is otherwise qualified as prescribed.

Application for registration

18. (1) An application for registration under this Act must be made to the Board in writing and in the prescribed manner and form and must contain the prescribed information and be accompanied by such papers and documents as are prescribed.

(2) An applicant for registration must, if the Board so requires—

(a) furnish the Board with such further information, papers or documents as it specifies;

and

- (b) verify by statutory declaration any information furnished for the purposes of the application.

Renewal of registration

19. (1) Registration under this Act shall, subject to this Act, remain in force until the thirty-first day of December next ensuing after the grant of registration and may from time to time be renewed for successive periods of one year expiring on the thirty-first day of December.

(2) An application for renewal of registration under this Act must be made to the Board in writing and in the prescribed form.

(3) The application must be delivered to the Registrar not earlier than the first day of October and not later than the last day of November preceding the expiry of registration under this Act, but the Board may, if it thinks fit, determine an application notwithstanding that it is delivered out of time.

Grant of registration

20. Where due application is made for registration or renewal of registration under this Act and the Board is satisfied that the applicant is qualified to be so registered, the Board shall, upon payment of the prescribed fee, register, or renew the registration of, the applicant.

Endorsement of registration in relation to cadastral surveys

21. Where—

- (a) upon an application made for registration as a surveyor under this Act;

or

- (b) upon an application made as prescribed by a registered surveyor and accompanied by the prescribed fee,

the Board is satisfied that the applicant has gained such experience of cadastral surveying as is prescribed or is otherwise qualified as prescribed, it shall endorse the registration of the applicant to the effect that he may perform prescribed cadastral surveys.

Registration of surveyors licensed under repealed Act

22. Notwithstanding any other provision of this Act, a person who immediately before the commencement of this Act was licensed under the repealed Act shall upon the commencement of this Act be registered as a surveyor under this Act and his registration shall be endorsed to the effect that he may perform prescribed cadastral surveys.

Registers

23. (1) The Registrar shall keep a register of registered surveying graduates and a register of registered surveyors.

(2) The Registrar shall record in the register of registered surveyors any endorsements to registrations under this Act.

(3) The Registrar shall cause to be removed from the registers the name of every registered surveying graduate or registered surveyor who dies or ceases for any reason to be registered under this Act.

10.

(4) The Registrar shall, upon request and payment of the prescribed fee by any person, make the registers available for the inspection of that person.

Certificates of registration

24. The Registrar shall, upon request and payment of the prescribed fee by any person, issue to that person a certificate under his hand and in the prescribed form setting out any registration under this Act and any endorsement to that registration.

PART IV

REGULATION OF PRACTICE

Offence to hold self out as surveyor

25. (1) Subject to this section, after the expiration of the third month next following the commencement of this Act, a person shall not—

(a) assume, either alone or in conjunction with any other words or letters, the name or title of "surveyor";

or

(b) do anything, or cause, suffer or permit anything to be done, that is likely to cause a person reasonably to believe that he is a registered surveyor,

unless he is a registered surveyor.

Penalty: Five thousand dollars.

(2) A person who is not a registered surveyor shall not be guilty of an offence against subsection (1) of this section—

(a) if he is a registered surveying graduate and uses the name, title or description of "surveying graduate";

(b) if he uses a name, title or description declared by proclamation under this section;

or

(c) by virtue only of the fact that he performs a survey.

(3) The Governor may, by proclamation, declare a name, title or description, for the purposes of subsection (2) of this section and may, by further proclamation, amend, vary or revoke the declaration.

Cadastral surveying and licensed surveyors

26. A person shall not perform a prescribed cadastral survey unless he is a licensed surveyor or acting under the personal supervision of a licensed surveyor.

Penalty: Five thousand dollars.

Certain conduct of persons registered under Act cause for disciplinary action

27. If a person registered under this Act—

(a) has obtained his registration improperly;

(b) has been convicted, or guilty, of any offence against the repealed Act, or this Act, or any offence involving dishonesty;

(ba) has been convicted, or guilty, of any offence against a law of a place other than South Australia, being an offence related to surveying or involving dishonesty;

or

(c) has (whether within or outside South Australia) practised surveying, or conducted himself, unprofessionally,

there shall be proper cause for disciplinary action to be taken against that person under this Act.

Investigations by the Board

28. The Board may, of its own motion, or upon the complaint of any person, cause the conduct of any person registered under this Act to be investigated.

Constitution of Disciplinary Committee

29. (1) There shall be a committee entitled the "Surveyors Disciplinary Committee".

(2) The Committee shall consist of three members appointed by the Governor, of whom—

(a) one shall be a legal practitioner of at least five years standing, who shall be chairman of the Committee;

and

(b) two shall be registered surveyors nominated by the South Australia Division not being members of the Board.

(3) Whenever a nomination is required to be made by the South Australia Division for the appointment of a member of the Committee, the Minister may, by notice in writing addressed to the South Australia Division and served personally or by post upon it, request it to make the nomination within twenty-one days of the date of the notice, or such longer period as is specified in the notice, and if no nomination is made in accordance with that request, the Governor may appoint a person nominated by the Minister to be a member of the Committee in lieu of a nominee of the South Australia Division, and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of the South Australia Division.

Terms and conditions of office

30. (1) Subject to this Act, a member of the Committee shall be appointed for such term of office, not exceeding three years, and upon such conditions, as the Governor determines, and, upon the expiration of his term of office, shall be eligible for re-appointment.

(2) The Governor may appoint an appropriate person to be a deputy of a member of the Committee and that person while acting in the absence of that member, shall be deemed to be a member of the Committee and shall have all the powers, rights and duties of that member.

(3) The Governor may remove a member of the Committee from office for—

(a) any breach of, or non-compliance with, the conditions of his appointment;

(b) mental or physical incapacity;

(c) neglect of duty;

or

(d) dishonourable conduct.

(4) The office of a member of the Committee shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Committee becoming vacant, a person shall be appointed in accordance with this Act, to the vacant office, but where the office of a member of the Committee becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances and expenses

31. The members of the Committee shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Meetings of Committee

32. (1) No business shall be transacted at a meeting of the Committee unless all members of the Committee are present.

(2) The Chairman of the Committee shall preside at a meeting of the Committee.

(3) A decision carried by the votes of a majority of the members of the Committee and concurred in by the Chairman of the Committee shall be a decision of the Committee.

(4) Each member of the Committee shall be entitled to one vote on a matter arising for determination of the Committee.

Validity of acts of Committee and immunity of its members

33. (1) An act or proceeding by the Committee shall not be invalid by reason only of the subsequent discovery of a defect in the nomination or appointment of a member, but any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No personal liability shall attach to a member of the Committee for any act or omission by him, or by the Committee, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge of his or its duties under this Act.

Inquiries by Committee

34. (1) The Committee may, upon the complaint of the Board or of any person, inquire into the conduct of any person registered under this Act for the purpose of determining whether there is proper cause for disciplinary action to be taken against that person.

(2) If after conducting an inquiry under subsection (1) of this section the Committee is satisfied that proper cause exists for disciplinary action, the Committee may do one or more of the following:—

- (a) reprimand the person in relation to whom the inquiry was held;
- (b) impose a fine not exceeding five thousand dollars on that person;
- (c) order that person at his own cost to correct within such time as the Committee directs any work that was the subject of the inquiry and found to be defective;
- (d) order that person to pay within such time as the Committee directs the cost of correcting any work that was the subject of the inquiry and found to be defective;
- (e) suspend the registration of that person, either absolutely or conditionally, for a period not exceeding three years;

or

- (f) cancel the registration of that person.

Suspension of registration pending determination of inquiry

34a. (1) Where—

- (a) an inquiry is to be held under this Part into the conduct of a person in a place other than South Australia;

and

- (b) registration granted to the person under the law of that place has been suspended or cancelled by reason of conduct that is to be the subject matter of the inquiry,

the Board may suspend the registration of the person under this Act pending the determination of the inquiry.

(2) In subsection (1) "registration" under the law of a place other than South Australia means any registration, licence or other authority required under that law for or in connection with the practice of surveying.

Procedure in relation to inquiries

35. (1) The Committee shall give to the person registered under this Act in relation to whom an inquiry is to be held, and to any person upon whose complaint an inquiry is to be held, not less than fourteen days' notice of the time and place at which it intends to conduct the inquiry.

(2) A person to whom notice has been given pursuant to subsection (1) of this section may be represented by counsel at the inquiry and shall be afforded a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Committee.

(3) If a person to whom notice has been given pursuant to subsection (1) of this section does not attend at the time and place fixed by the notice the Committee may hold the inquiry in his absence.

(4) The procedure at an inquiry shall be determined by the Committee.

Powers of Committee

36. (1) For the purposes of an inquiry under this Part, the Committee may—

- (a) by summons signed on behalf of the Committee by a member of the Committee, require the attendance before the Committee of any person whom the Committee thinks fit to call before it;
- (b) by summons signed on behalf of the Committee by a member of the Committee, require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them or of any of their contents;
- (d) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Committee relevant to any matter being inquired into by the Committee, which oath or affirmation may be administered by any member of the Committee;

or

- (e) require any person appearing before the Committee (whether he has been summoned to appear or not) to answer any relevant questions put to him by any member of the Committee or by any other person appearing before the Committee.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons to attend before the Committee neglects or fails to attend in obedience to the summons;
- (b) who has been served with a summons to produce any books, papers or documents, neglects or fails to comply with the summons;
- (c) misbehaves himself before the Committee, wilfully insults the Committee or any member thereof, or interrupts the proceedings of the Committee;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Committee,

he shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(3) A person shall not be obliged to answer a question put to him by the Committee if the answer to that question would tend to incriminate him or to produce any books, papers or documents if their contents would tend to incriminate him.

(4) In the course of an inquiry, the Committee may—

- (a) receive in evidence any transcript of evidence in proceedings before a court, tribunal or other body constituted under the law of South Australia or of any other place, and draw any conclusions of fact therefrom that it considers proper;

or

- (b) adopt, as in its discretion it considers proper, any findings, decision or judgment of any such court, tribunal or body that may be relevant to the proceedings.

Costs

37. (1) The Committee may, upon the determination of an inquiry under this Part, make such orders as to costs as the Committee thinks just and reasonable.

(2) Where the Committee makes an order for the payment of any amount against a person registered under this Act and the amount is not paid within the time fixed by the Committee, the Committee may suspend the registration of that person until the amount is paid, or for such period as the Committee thinks fit.

(3) Where the Committee has ordered the payment of any amount, that amount shall be recoverable summarily.

PART V

APPEALS

Appeal

38. (1) A right of appeal to the Supreme Court shall lie against any decision or order of the Board, or the Committee, made in the exercise or purported exercise of any of its powers or functions under this Act.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against.

(3) The Supreme Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case—

- (a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Board, or the Committee, for further hearing or consideration or for re-hearing;
- (c) make any further or other order as to costs or any other matter that the case requires.

(4) The Board, or the Committee, shall, if so required by any person affected by a decision or order made by it, state in writing the reasons for its decision or order.

(5) If the reasons of the Board, or the Committee, are not given in writing at the time of making a decision or order and the appellant then requested the Board, or the Committee, to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

Operation of order may be suspended

39. (1) Where an order has been made by the Committee and the Committee or the Supreme Court is satisfied that an appeal against the order has been instituted, or is intended, it may suspend the operation of the order until the determination of the appeal.

(2) Where the Committee has suspended the operation of an order under subsection (1) of this section the Committee may terminate the suspension, and where the Supreme Court has done so, the Supreme Court may terminate the suspension.

PART VI

MISCELLANEOUS

Right to enter to perform surveys

40. (1) A registered surveyor or any person authorized in writing by a registered surveyor may at any reasonable hour enter any land for the purpose of performing a survey and be accompanied by such other persons and do all such things as are reasonably necessary for that purpose.

(2) The provisions of subsection (1) of this section shall not affect, limit or restrict the right of any person to compensation for actual injury or damage caused by a person exercising the power conferred by that subsection.

(3) A person shall not hinder or obstruct a person exercising the power conferred by subsection (1) of this section or any person accompanying such person under that subsection.

Penalty: One thousand dollars.

Offence to interfere with survey marks

41. (1) A person shall not, without reasonable excuse, interfere with a survey mark established (whether before or after the commencement of this Act) by or under the supervision or direction of a surveyor licensed or registered under this Act or any other Act or the person for the time being holding or acting in the office of Surveyor-General.

Penalty: Two Thousand dollars.

(2) A court convicting a person of an offence against this section may, whether or not a penalty is imposed, order the person convicted to pay to any person affected by the commission of the offence such compensation as the court considers proper for loss or damage suffered (including costs incurred in re-establishing the survey mark or carrying out further survey work) in consequence of the commission of the offence.

Evidentiary provisions

42. (1) In any legal proceedings a certificate under the hand of the Registrar that any person is or is not, or was or was not, registered under this Act on the date of, or referred to in, the certificate, or as to any matter contained in a register, shall, in the absence of proof to the contrary, be accepted as proof of the matter so certified.

(2) A document purporting to be a certificate under subsection (1) of this section shall, in the absence of proof to the contrary, be accepted as such in any legal proceedings.

Service of documents and notices

43. A notice to be given under this Act may be served by post.

Summary proceedings

44. (1) Proceedings for an offence against this Act shall be disposed of summarily.

(2) Proceedings for an offence against this Act shall be commenced within two years after the date on which the offence is alleged to have been committed.

Moneys for the purposes of Act

45. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for the purpose.

Alternative of certificate for declaration by licensed surveyor on map or plan

46. Notwithstanding the provisions of the *Real Property Act, 1886-1975*, a certificate under the hand of any licensed surveyor upon any map or plan that he has personally surveyed the land comprised therein and that the map or plan is a correct delineation thereof, or of the subdivision thereof, as the case may be, shall have the same force and effect as a declaration by the licensed surveyor to the like effect.

Delegation by Surveyor-General

46a. (1) The Surveyor-General may delegate (and shall be deemed always to have been empowered to delegate) any of his powers, discretions or functions under this Act or any other Act or law to a person holding or acting in an office or position under the supervision of the Surveyor-General.

(2) A delegation under subsection (1) may be revoked by the Surveyor-General and shall not derogate from the power of the Surveyor-General to act himself in any matter.

(3) In any legal proceedings an apparently genuine document purporting to be a certificate under the hand of the Surveyor-General containing particulars of a delegation referred to in subsection (1) (whether made before or after the commencement of this section) shall, in the absence of proof to the contrary, be accepted as proof of the particulars.

Regulations

47. (1) The Governor may make such regulations as he thinks necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1) of this section, those regulations may—

- (a) prescribe any form for the purposes of this Act;
- (b) prescribe a code of professional ethics to be observed by all persons registered under this Act;
- (c) provide for and prescribe any matter or thing relating to the accuracy of surveys;
- (d) provide for and prescribe any matter or thing relating to the supervision of registered surveying graduates by registered surveyors;
- (e) provide for and prescribe any matter or thing relating to the fees which registered surveyors may charge for the performance of surveys;
- (f) provide for and prescribe any matter or thing relating to the form, establishment, custody and removal of survey marks;

and

- (g) prescribe penalties not exceeding one thousand dollars for contravention of, or failure to comply with any regulation.

THE SCHEDULE

ACTS AND PORTIONS OF ACTS REPEALED BY THIS ACT

Surveyors Act, 1935

Surveyors Act Amendment Act, 1948

Surveyors Act Amendment Act, 1949

Surveyors Act Amendment Act, 1956

Surveyors Act Amendment Act, 1961

Part XXXII of the schedule to the *Age of Majority (Reduction) Act, 1970-1974*

APPENDIX

Legislative History

Section 5(1):	definition of "legal practitioner" amended by 34, 1983, s. 3(a) definition of "survey mark" amended by 34, 1983, s. 3(b)
Section 25(1):	amended by 34, 1983, s. 4
Section 26:	amended by 34, 1983, s. 5
Section 27:	amended by 34, 1983, s. 6
Section 34(2):	amended by 34, 1983, s. 7
Section 34a:	inserted by 34, 1983, s. 8
Section 36(2):	amended by 34, 1983, s. 9(a)
Section 36(4):	amended by 34, 1983, s. 9(b), (c)
Section 40(3):	amended by 34, 1983, s. 10
Section 41:	substituted by 34, 1983, s. 11
Section 44:	redesignated as s. 44(1) by 34, 1983, s. 12
Section 44(2):	inserted by 34, 1983, s. 12
Section 46a:	inserted by 34, 1983, s. 13
Section 47(2):	amended by 34, 1983, s. 14