

South Australia

Survey Regulations 2007

under the *Survey Act 1992*

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Legislative history

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Survey Regulations 2007*.

3—Interpretation

In these regulations—

Act means the *Survey Act 1992*.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

Part 2—Licences and registrations

4—Purpose of Part

This Part is made for the purposes of section 22 of the Act.

5—Qualifications

For the purposes of section 22(1)(b) of the Act, the qualifications required of an applicant for a licence or registration as a surveyor are—

- (a) a Graduate Diploma in Surveying from the University of South Australia; or
- (b) a Master of Surveying from the University of South Australia; or
- (c) a Bachelor of Geoinformatics and Surveying from the University of South Australia; or
- (d) qualifications, or qualifications and experience, accredited as being equivalent to the qualifications referred to in paragraph (a) or (c) by the Institution of Surveyors.

6—Practical experience

- (1) Subject to this regulation—
 - (a) an applicant for a licence as a surveyor who has not previously been a licensed surveyor must have a total of at least 400 days of practical experience in surveying including at least 200 days practical experience in cadastral surveying; and
 - (b) an applicant for registration as a surveyor who has not previously been a registered surveyor must have a total of at least 400 days of practical experience in surveying.
- (2) The practical experience may comprise discrete periods each of which must be at least 4 weeks in duration unless the Institution is satisfied that a shorter period is justified in the particular circumstances of a case.
- (3) Each period of practical experience must be approved by the Institution of Surveyors.

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- (4) The Institution of Surveyors—
- (a) must approve a period of practical experience for an applicant whose proposal of intention to obtain practical experience has been agreed to by the Institution under subregulation (6) if—
 - (i) the Institution is satisfied, after taking into account progress reports provided to the Institution in relation to the applicant under subregulation (7), that the practical experience was undertaken in accordance with that proposal; and
 - (ii) the prescribed supervisor has certified (in a form approved by the Institution) that the applicant has satisfactorily completed the period of practical experience; and
 - (b) may, in any other case, approve a period of practical experience if—
 - (i) the Institution is satisfied that—
 - (A) the practical experience was supervised by a prescribed supervisor; and
 - (B) the prescribed supervisor did not, at any time during the period of supervision, supervise the practical experience of any other person for the purposes of this Part (or, if he or she did, the supervision was of 1 other person only and that other person had already completed at least 1 year of supervised practical experience); and
 - (C) the practical experience was not so specialised or elementary as to restrict the development of the competence of the applicant; and
 - (ii) the prescribed supervisor has certified (in a form approved by the Institution) that the applicant has satisfactorily completed the period of practical experience.
- (5) An applicant under this regulation may, before undertaking a period of practical experience, submit to the Institution of Surveyors for its agreement, a written proposal (in a form approved by the Institution) of the applicant's intention to obtain such practical experience, signed by the applicant and the proposed prescribed supervisor and containing the following information:
- (a) the expected nature and duration of the practical experience;
 - (b) the qualifications held by the supervisor during the 2 years immediately before the proposed commencement of the practical experience;
 - (c) a statement to the effect that the supervisor agrees—
 - (i) to supervise the applicant for the duration of the proposed period of practical experience; and
 - (ii) not to supervise the practical experience of any other person for the purposes of this Part during that period (unless it is supervision of 1 other person only and that other person will, at the proposed commencement of the period, have already completed at least 1 year of supervised practical experience).

- (6) On receipt of a proposal under subregulation (5), the Institution of Surveyors must decide whether or not it agrees to the proposal and give notice of that decision to the applicant as soon as reasonably practicable.
- (7) A person who supervises an applicant's practical experience in accordance with a proposal under subregulation (5) must report to the Institution of Surveyors (in a manner approved by the Institution) on the progress of the applicant—
 - (a) if the period of practical experience exceeds 6 months—within 28 days after the completion of each 6 month period; and
 - (b) in any case—within 28 days after the completion of the period of practical experience.

Penalty: Division 10 fine.

- (8) In this regulation—

prescribed supervisor, in relation to the supervision of a period of practical experience undertaken by an applicant under this regulation means—

 - (a) a licensed surveyor who has been licensed for at least 2 years immediately before the commencement of that period; or
 - (b) a person holding qualifications approved by the Institution of Surveyors as relevant to the practical experience who has held those qualifications for at least 2 years immediately before the commencement of that period.

7—Other requirements—standards of competence

- (1) An applicant for a licence as a surveyor who has not previously been a licensed surveyor must—
 - (a) complete a project, or series of projects, in cadastral surveying in accordance with these regulations; and
 - (b) demonstrate a satisfactory level of competence in the completion of each project.
- (2) An applicant for registration as a surveyor who has not previously been a registered surveyor must—
 - (a) complete a project, or series of projects, in a category of surveying in which he or she has gained practical experience in accordance with these regulations; and
 - (b) demonstrate a satisfactory level of competence in the completion of each project.
- (3) Each project must be—
 - (a) set by a person appointed, with the approval of the Minister, by the Institution of Surveyors; and
 - (b) of moderate complexity and sufficiently broad to enable the applicant to demonstrate an application of his or her knowledge and skills in the relevant category of surveying.
- (4) The applicant's level of competence in relation to a project must be assessed by a person appointed, with the approval of the Minister, by the Institution of Surveyors.

- (5) The assessment of an applicant's level of competence in the completion of a project in a particular category of surveying must be based on the following considerations:
- (a) whether the applicant's level of competence equates to the standards of competence expected in such a category of surveying in the workplace;
 - (b) any relevant guidelines published by the Institution of Surveyors and in force from time to time.

8—Other requirements—refresher courses for former licensed or registered surveyors

- (1) A former licensed surveyor who applies for a licence as a surveyor must—
- (a) undertake a refresher course in cadastral surveying in accordance with this regulation; and
 - (b) demonstrate a satisfactory level of competence in the completion of the course.
- (2) A former registered surveyor who applies for registration as a surveyor must—
- (a) undertake a refresher course in surveying other than cadastral surveying in accordance with this regulation; and
 - (b) demonstrate a satisfactory level of competence in the completion of the course.
- (3) Each refresher course must be—
- (a) set by a person appointed, with the approval of the Minister, by the Institution of Surveyors; and
 - (b) sufficient to enable the applicant to update his or her knowledge and skills in the relevant category of surveying after taking into account—
 - (i) the applicant's qualifications and experience in that category of surveying; and
 - (ii) the length of time that the applicant has not practised in that category of surveying.
- (4) The applicant's level of competence in relation to a course must be assessed by a person appointed, with the approval of the Minister, by the Institution of Surveyors.
- (5) The assessment of an applicant's level of competence in the completion of a course in a particular category of surveying must be based on the following considerations:
- (a) whether the applicant's level of competence equates to the standards of competence expected in such a category of surveying in the workplace;
 - (b) any relevant guidelines published by the Institution of Surveyors and in force from time to time.
- (6) In this regulation—

former licensed surveyor means a former licensed surveyor in respect of whom a period of 5 or more years has elapsed since he or she was last licensed;

former registered surveyor means a former registered surveyor in respect of whom a period of 5 or more years has elapsed since he or she was last registered.

Part 3—Survey instructions

9—Purpose of Part

This Part is made for the purposes of section 43 of the Act.

10—Interpretation

In this Part—

allotment has the same meaning as in Part 19AB of the *Real Property Act 1886*;

coordinated cadastre—see Part 5 Division 1 of the Act;

division of land has the same meaning as in Part 19AB of the *Real Property Act 1886*;

improvement means a permanent improvement (including a building, fence or wall) situated on or near the boundary of land;

reference mark means—

- (a) a metal pin, being a length of metal pipe or rod of at least 10 millimetres in diameter and 300 millimetres in length driven at or below ground level; or
- (b) a steel dropper of at least 300 millimetres in length driven at or below ground level; or
- (c) a masonry nail or screw firmly secured to a concrete footpath or kerb or a building or other immovable object; or
- (d) a drill hole and wings in concrete; or
- (e) a lead core or plastic plug set into concrete; or
- (f) the corner of a building or other immovable object that may be re-established without ambiguity; or
- (g) a durable mark on a building or other immovable object; or
- (h) any other mark approved as a reference mark by the Surveyor-General;

State survey mark means—

- (a) a brass plaque inscribed *survey mark* set in a concrete block measuring at least 150 millimetres square on the top, 250 millimetres square at the base and 300 millimetres in depth; or
- (b) a beacon being a wooden or metal tripod or quadripod fixed to the ground, or a stone cairn supporting a wooden, metal or plastic vane or cap, constructed for survey observations; or
- (c) any other mark approved by the Surveyor-General as a State survey mark,

permanently placed on land for use in surveying;

survey mark—see regulation 12;

survey peg means—

- (a) a peg of a durable nature, composed of wood, metal, plastic or other material approved for the purpose by the Surveyor-General, measuring at least 300 millimetres in length and 50 millimetres square at the top and coloured white; or
- (b) a metal spike of a least 300 millimetres in length to which is mounted a metal or plastic top of durable material, at least 50 millimetres square and coloured white; or
- (c) a star dropper of at least 300 millimetres in length and coloured white.

11—Survey evidence

- (1) A surveyor must, before carrying out a cadastral survey, obtain all information—
 - (a) that is likely to provide evidence of the boundaries of the land to be surveyed; and
 - (b) that is reasonably accessible.
- (2) A surveyor must, in carrying out a cadastral survey—
 - (a) locate all existing survey marks, reference marks, improvements and natural features likely to provide evidence of the boundaries of the land; and
 - (b) connect the survey to all existing surveys of land in the vicinity likely to provide evidence of the boundaries of the land by—
 - (i) connecting to at least 2 apparently sound survey marks or reference marks placed or accepted in the existing survey; or
 - (ii) if there are not 2 apparently sound survey marks or reference marks to which the survey may be connected—by connecting to such apparently sound survey marks as are available and to improvements in a manner that enables the existing survey to be re-established; and
 - (c) if significant differences in the data from an existing survey are revealed—carry out such further work as may be necessary to establish whether or not the difference results from an error in measurement in the existing survey, the placement or acceptance of the survey mark in the existing survey or the siting of the improvement.

12—Survey marks

For the purposes of the Act and these regulations, State survey marks and survey pegs are specified as survey marks.¹

Note—

- 1 Permanent survey marks are included within the definition of *survey mark* in section 4 of the Act.

13—Placing or accepting survey marks

- (1) A surveyor must, in carrying out a cadastral survey—
 - (a) ensure that each new boundary of the land is marked with survey pegs or, if that is not practicable, reference marks so that the boundary is readily and unambiguously discernible on the ground after completion of the survey; and

- (b) mark each boundary of the land in accordance with any applicable directions issued by the Surveyor-General; and
 - (c) if a reference mark is placed or accepted in the survey—note on the plan of survey the type of mark used.
- (2) A surveyor must ensure that each survey mark placed or accepted in a cadastral survey is secure and reasonably protected from accidental disturbance.

14—Permanent survey marks

A surveyor must, in carrying out a cadastral survey of land within a designated survey area or the coordinated cadastre, comply with any directions of the Surveyor-General as to the placing of permanent survey marks and the provision to the Surveyor-General of information relating to the marks once placed.

15—State survey marks

A surveyor must, in carrying out a cadastral survey of land that is not within the coordinated cadastre or a designated survey area, comply with any directions of the Surveyor-General as to the placing of State survey marks and the provision to the Surveyor-General of information relating to the marks once placed.

16—Accuracy

- (1) A surveyor must, in carrying out a cadastral survey—
- (a) ensure that the survey meets the following standards of accuracy:
 - (i) the perimeter misclosure of the survey must not exceed the tolerances fixed by directions issued by the Surveyor-General;
 - (ii) if the survey is connected to permanent or State survey marks (and linear misclosure and displacement may be tested)—the linear misclosure of the survey and the linear displacement (caused by angular misclosure) between the survey and the relevant Map Grid of Australia coordinates must not exceed the tolerances fixed by directions issued by the Surveyor-General;
 - (iii) if the survey is carried out using coordinate based techniques or verified radiations (where linear misclosure and displacement cannot be tested) and the survey is connected to permanent or State survey marks the Map Grid of Australia coordinates of which are known—the difference in the position of survey marks as placed or accepted in the survey and the position of those marks as determined from their Map Grid of Australia coordinates must not exceed the tolerances fixed by directions issued by the Surveyor-General;
 - (iv) if the survey is carried out using coordinate based techniques or verified radiations (where linear misclosure and displacement cannot be tested) and the survey is connected to State survey marks the Map Grid of Australia coordinates of which are not known—the difference in the position of survey marks as placed or accepted in the survey and the position of those marks as determined from measurements shown on the plan (including measurements relating to the State survey marks) must not exceed the tolerances fixed by directions issued by the Surveyor-General; and

- (b) use equipment and techniques that will enable the required standard of accuracy to be met; and
 - (c) carry out adequate checks of the survey to ensure that the required standard of accuracy is met.
- (2) A surveyor must provide the Surveyor-General with satisfactory evidence of compliance with subregulation (1) in relation to a specified cadastral survey within 14 days of receiving a written request from the Surveyor-General for such evidence (or such longer period as is allowed by the Surveyor-General).

17—Field notes

- (1) A surveyor must ensure that records or notes of survey are made in the course of a cadastral survey carried out or supervised by the surveyor and must retain those records or notes for a period of at least 10 years after completion of the survey.
- (2) A surveyor must provide the Surveyor-General with a copy of the records or notes made in relation to a specified cadastral survey within 14 days of receiving a written request from the Surveyor-General for such copy (or such longer period as is allowed by the Surveyor-General).

18—Survey reports

- (1) A surveyor must provide the Surveyor-General with a report under this regulation in relation to a cadastral survey in respect of which the surveyor has certified a plan—
- (a) in the case of a written request made by the Surveyor-General to the surveyor to provide such a report—within 14 days of receiving the request; or
 - (b) in the case of a prescribed cadastral survey—immediately after certifying the plan (or such longer period as is allowed by the Surveyor-General).
- (2) A report under this regulation must include the information required, and be in a form approved, by the Surveyor-General.
- (3) In this regulation—

prescribed cadastral survey means a cadastral survey of a class specified in a direction issued by the Surveyor-General.

19—Plans

A plan of a cadastral survey lodged in the Lands Titles Registration Office must comply with the plan presentation guidelines published by the Surveyor-General and the Registrar-General and in force from time to time.

20—Certification of plans

- (1) A surveyor must not certify a plan of a cadastral survey unless satisfied that—
- (a) the survey has been carried out in accordance with this Part; and
 - (b) the plan complies with the requirements of this Part.
- (2) A surveyor must certify a plan of a cadastral survey by completing and signing a certificate, in a form approved by the Surveyor-General.

21—Boundaries of land within coordinated cadastre

In carrying out a cadastral survey of land within the coordinated cadastre, a surveyor must accept the Map Grid of Australia coordinates describing the boundaries of the land, as recorded in the plan of the area filed in the Lands Titles Registration Office pursuant to Part 5 Division 1 of the Act.

22—Survey of land within designated survey area

In carrying out a cadastral survey of land within a designated survey area, a surveyor must comply with the following additional requirements:

- (a) the survey must connect to at least 3 permanent survey marks or 2 permanent survey marks and 1 State survey mark for which the Map Grid of Australia coordinates are known;
- (b) the survey must be adjusted to the scale and orientation dictated by the coordinates of the permanent and State survey marks to which the survey is connected;
- (c) if the survey does not agree with the coordinates of the permanent or State survey marks to which the survey is connected within the standards of accuracy required by the Surveyor-General under this Part, the matter must be reported to the Surveyor-General and any directions of the Surveyor-General in relation to the matter followed.

23—Reinstatement of marks after land division complete

- (1) A surveyor who has carried out a cadastral survey for a division of land into more than 5 allotments must, not later than 90 days after completion of works for the provision of roads, drains or other services in association with the division of land, place in position all survey pegs, reference marks and State survey marks required in relation to the survey by the Surveyor-General.
- (2) If a surveyor fails to comply with subregulation (1), the Surveyor-General—
 - (a) may, after giving the surveyor not less than 14 days notice in writing—
 - (i) undertake any additional survey work that may be required; and
 - (ii) place any survey pegs, reference marks and State survey marks required in relation to the survey; and
 - (b) may, after taking any action under paragraph (a)—
 - (i) amend a survey plan; and
 - (ii) recover as a debt from the surveyor the costs of undertaking the additional survey work, placing the required survey pegs, reference marks and State survey marks and amending a survey plan.

24—Removal of marks

If the Surveyor-General is satisfied that a survey mark or reference mark has been incorrectly or unlawfully placed by a person, the Surveyor-General may—

- (a) remove the mark; and
- (b) if the Surveyor-General considers it appropriate—reinstate the mark in the correct position; and

- (c) recover the costs of so removing the mark, or removing and reinstating the mark, from the person.

25—Exemptions by Surveyor-General

- (1) The Surveyor-General may, on application by a surveyor, exempt the surveyor from any specified requirement of this Part in relation to a specified cadastral survey if compliance is not practicable or the surveyor wishes to use an alternative method of survey and the Surveyor-General is satisfied that the accuracy of the survey will not be jeopardised.
- (2) The Surveyor-General may issue directions exempting a class of surveys from any specified requirement of this Part.
- (3) An exemption under this regulation may be subject to conditions and may be subsequently varied or revoked.

26—Additional work required by Surveyor-General

- (1) If the Surveyor-General believes on reasonable grounds that the definition of boundaries as shown on a survey plan may not be accurate by reason of the survey not being carried out in accordance with these regulations or directions in force under these regulations, the Surveyor-General may require the surveyor by whom or under whose supervision the survey was carried out to undertake additional work, or to provide additional information, in relation to the survey in order to enable the Surveyor-General to verify the definition of boundaries.
- (2) The surveyor must comply with any such requirement within 14 days or such longer period as is allowed by the Surveyor-General.

27—Directions of Surveyor-General

- (1) The Surveyor-General may issue written directions in relation to cadastral surveys and records of cadastral surveys for the purposes of this Part.
- (2) The directions may, for example—
 - (a) approve a class of marks as reference marks or State survey marks;
 - (b) approve a class of materials as materials of which survey pegs may be composed;
 - (c) regulate the marking of boundaries of land in cadastral surveys, including the placement or acceptance of survey marks or reference marks in cadastral surveys;
 - (d) regulate the placement of permanent survey marks or State survey marks in the course of cadastral surveys (including the number and position of the marks and the standard of accuracy that must be achieved in placing the marks) and regulate the provision to the Surveyor-General of information relating to the marks once placed (including the location of the marks and, in the case of permanent survey marks, sufficient measurements to allow the Map Grid of Australia coordinates of the marks to be determined);
 - (e) fix tolerances in relation to the standard of accuracy of cadastral surveys required to be met for the purposes of these regulations;

- (f) require and regulate the provision to the Surveyor-General or any other specified authority of information relating to mathematical checking of cadastral surveys prior to lodging a survey plan;
 - (g) require reports to be provided in relation to specified classes of survey;
 - (h) approve forms for the purposes of this Part;
 - (i) grant exemptions (which may be absolute or conditional) from compliance with the directions or any specified provision of the directions;
 - (j) otherwise regulate the performance of cadastral surveys.
- (3) A direction under these regulations may be of general or limited application according to the class of surveys to which it applies, the circumstances of the application or any other specified factor.
- (4) The Survey Advisory Committee must be consulted before directions are promulgated under this Part.
- (5) Directions under these regulations must be promulgated in a manner approved by the Minister.
- (6) A surveyor must comply with directions of the Surveyor-General promulgated under this Part.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Survey Regulations 2007* revoked the following:

Survey Regulations 1992

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|--|------------------------|
| 2007 | 229 | <i>Gazette 30.8.2007 p3575</i> | 1.9.2007: r 2 |
| 2011 | 230 | <i>Gazette 27.10.2011 p4355</i> | 27.10.2011: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|--------------|--|--------------|
| Pt 1 | | |
| r 2 | <i>omitted under Legislation Revision and Publication Act 2002</i> | 27.10.2011 |
| Pt 2 | | |
| r 5 | substituted by 230/2011 r 4 | 27.10.2011 |
| r 6 | | |
| r 6(1) | varied by 230/2011 r 5(1), (2) | 27.10.2011 |
| Pt 3 | | |
| r 19 | varied by 230/2011 r 6 | 27.10.2011 |
| <i>Sch 1</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | 27.10.2011 |

Appendix—Divisional penalties and expiation fees

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

| Division | Maximum imprisonment | Maximum fine | Expiation fee |
|----------|----------------------|--------------|---------------|
| 1 | 15 years | \$60 000 | — |
| 2 | 10 years | \$40 000 | — |
| 3 | 7 years | \$30 000 | — |

| Division | Maximum imprisonment | Maximum fine | Expiation fee |
|-----------------|-----------------------------|---------------------|----------------------|
| 4 | 4 years | \$15 000 | — |
| 5 | 2 years | \$8 000 | — |
| 6 | 1 year | \$4 000 | \$300 |
| 7 | 6 months | \$2 000 | \$200 |
| 8 | 3 months | \$1 000 | \$150 |
| 9 | — | \$500 | \$100 |
| 10 | — | \$200 | \$75 |
| 11 | — | \$100 | \$50 |
| 12 | — | \$50 | \$25 |

Note: This appendix is provided for convenience of reference only.