

South Australia

Survey Regulations 1992

under the *Survey Act 1992*

Contents

Part 1—Preliminary

- 1 Short title
- 4 Interpretation

Part 2—Licensing and registration

Division 1—Academic qualifications

- 5 Academic qualifications

Division 2—Practical experience

- 6 Experience required
- 7 Supervisor's reports

Division 3—Projects

- 8 Project
- 9 Approval and assessment of project

Part 3—Company, business or trading names

- 11 Company, business or trading names

Part 4—Survey instructions

Division 1—Preliminary

- 12 Interpretation

Division 2—Location of survey evidence

- 13 Survey evidence

Division 3—Survey marks

- 14 Survey marks
- 15 Placing or accepting survey marks
- 16 Permanent survey marks
- 17 State survey marks

Division 4—Accuracy of surveys

- 18 Accuracy

Division 5—Records of survey

- 19 Field notes

- 20 Survey reports
- 21 Plans
- 22 Certification of plans

Division 6—Coordinated cadastre and designated survey areas

- 23 Boundaries of land within coordinated cadastre
- 24 Survey of land within designated survey area

Division 7—Miscellaneous

- 25 Reinstatement of marks after land division complete
- 26 Removal of marks
- 27 Exemptions by Surveyor-General
- 28 Additional work required by Surveyor-General
- 29 Directions of Surveyor-General

Legislative history

Appendix—Divisional penalties and expiation fees

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Survey Regulations 1992*.

4—Interpretation

In these regulations—

the Act means the *Survey Act 1992*.

Note—

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

Part 2—Licensing and registration

Division 1—Academic qualifications

5—Academic qualifications

- (1) An applicant for a licence or registration as a surveyor must have a Bachelor of Geoinformatics and Surveying from the University of South Australia.
- (2) For the purposes of section 22(1)(b) of the Act, the Institution of Surveyors is the body that may accredit qualifications, or qualifications together with experience, as being equivalent to the qualifications set out in subregulation (1).

Division 2—Practical experience

6—Experience required

- (1) Subject to this Division, an applicant for a licence as a surveyor must have not less than two years practical experience in surveying, including at least 12 months practical experience in cadastral surveying.
- (2) Subject to this Division, an applicant for registration as a surveyor must have not less than two years practical experience in surveying.
- (3) The practical experience must be approved by the Institution of Surveyors.
- (4) The Institution of Surveyors must approve a period of practical experience if—
 - (a) it is not so specialised or elementary as to restrict the development of the competence of the applicant; and
 - (b) it is obtained under the supervision of a person—
 - (i) who is a licensed surveyor or who holds qualifications of a kind approved by the Institution of Surveyors in relation to the kind of experience obtained; and
 - (ii) who has been so licensed or held such qualifications for at least two years immediately prior to the period of supervision; and
 - (iii) who has not, at any time during the period of supervision, supervised the practical experience of any other person for the purposes of this Division (or, if he or she has, the supervision has been of one other person only and that other had already completed at least one year of supervised practical experience); and
 - (c) the period of practical experience is of at least four weeks in duration or the Institution of Surveyors is satisfied that in the particular circumstances of the case approval of a shorter period is justified; and
 - (d) the person who supervised the experience has certified (in a form approved by the Institution of Surveyors) that the applicant has satisfactorily completed the experience.
- (5) Before undertaking practical experience for the purposes of these regulations, a person must—
 - (a) give notice to the Institution of Surveyors (in a form approved by the Institution of Surveyors) of the intention to undertake the experience and the expected nature of the experience; and
 - (b) provide the Institution of Surveyors with a document (in a form approved by the Institution of Surveyors) signed by the person who it is proposed will supervise the experience in accordance with this Division, setting out the proposed supervisor's qualifications and indicating that the proposed supervisor agrees to supervise the experience in accordance with this Division.

- (6) On receipt of a notice under subregulation (5), the Institution of Surveyors must decide whether or not the experience, if completed satisfactorily and in accordance with the proposal, will be approved under this Division and give notice of that decision to the applicant as soon as reasonably practicable.
- (7) The Institution of Surveyors is bound by a decision under subregulation (6).
- (8) The Institution of Surveyors may, on such conditions as it thinks fit, exempt an applicant from the requirement to obtain the full period of practical experience if it is satisfied that the particular circumstances of the case justify the completion by the applicant of a lesser period of experience.

7—Supervisor's reports

A person who supervises practical experience for the purposes of these regulations must report to the Institution of Surveyors (in a manner approved by the Institution of Surveyors) on the progress of the applicant within 28 days of the completion of a period of practical experience or the completion of each six months of practical experience (whichever is the lesser period).

Penalty: Division 10 fine.

Division 3—Projects

8—Project

- (1) Subject to Division 4, an applicant for a licence as a surveyor must complete a project, or series of projects, in cadastral surveying in accordance with these regulations.
- (2) Subject to Division 4, an applicant for registration as a surveyor must 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.

9—Approval and assessment of project

- (1) Each project must be of moderate complexity and sufficiently broad for the applicant to adequately demonstrate his or her knowledge and application in the category of surveying in which it is carried out.
- (2) Each project must be set by a person appointed, with the approval of the Minister, by the Institution of Surveyors.
- (3) The applicant's performance in each project must be assessed by a person appointed, with the approval of the Minister, by the Institution of Surveyors.
- (4) The applicant must complete each project at a level that is assessed as satisfactory by the person appointed under this regulation to assess the project.

Part 3—Company, business or trading names

11—Company, business or trading names

- (1) A surveyor must not use a company name, business name or trading name in connection with a business consisting of or involving surveying unless the name has been approved by the Institution of Surveyors.

Penalty: Division 7 fine.

- (2) An application for an approval under this Part must be in a form approved by the Institution of Surveyors.

Part 4—Survey instructions

Division 1—Preliminary

12—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;

Manual of Survey Practice means the manual of that name published by the Department of Lands (November 1987), as amended or substituted from time to time;

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 14;

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.

Division 2—Location of survey evidence

13—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 two apparently sound survey marks or reference marks placed or accepted in the existing survey; or
 - (ii) if there are not two 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.

Division 3—Survey marks

14—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.

15—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) where 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.

16—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.

17—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.

Division 4—Accuracy of surveys

18—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).

Division 5—Records of survey

19—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).

20—Survey reports

- (2) 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).
- (3) A report under this regulation must include the information required, and be in a form approved, by the Surveyor-General.
- (4) In this regulation—

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

21—Plans

A plan of a cadastral survey lodged in the Lands Titles Registration Office must comply with the requirements set out in volume 1 of the *Manual of Survey Practice (Plan Presentation Guidelines)*.

22—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.

Division 6—Coordinated cadastre and designated survey areas

23—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.

24—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 three permanent survey marks or two permanent survey marks and one 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.

Division 7—Miscellaneous

25—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 five 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.

26—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.

27—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 where 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.

28—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.

29—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.

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- (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;
 - (ea) 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;
 - (f) require reports to be provided in relation to specified classes of survey;
 - (g) approve forms for the purposes of these regulations;
 - (h) grant exemptions (which may be absolute or conditional) from compliance with these regulations or the directions or any specified provision of these regulations or the directions;
 - (i) 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 these regulations.
- (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 these regulations.

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.

Revocation of regulations

The *Survey Regulations 1992* were revoked by Sch 1 of the *Survey Regulations 2007* on 1.9.2007.

Legislation revoked by principal regulations

The *Survey Regulations 1992* revoked the following:

All regulations made under the Surveyors Act 1975 are revoked.

Principal regulations and variations

Year	No	Reference	Commencement
1992	192	<i>Gazette 1.10.1992 p1250</i>	1.1.1993: r 2
2004	10	<i>Gazette 19.2.2004 p552</i>	19.6.2004: r 2

Provisions varied

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

Provision	How varied	Commencement
Pt 1		
<i>rr 2 and 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>19.6.2004</i>
<i>r 4</i>	<i>corresponding law deleted by 10/2004 r 4</i>	<i>19.6.2004</i>
Pt 2		
Div 1		
r 5		
r 5(1)	substituted by 10/2004 r 5	19.6.2004
Div 2		
r 6	varied by 10/2004 r 6	19.6.2004
<i>Div 4</i>	<i>deleted by 10/2004 r 8</i>	<i>19.6.2004</i>
Pt 4		
Div 4		
r 18		
r 18(1)	varied by 10/2004 r 9	19.6.2004
Div 5		
r 20		

r 20(1)	deleted by 10/2004 r 10(1)	19.6.2004
r 20(2)	substituted by 10/2004 r 10(2)	19.6.2004
r 20(4)	inserted by 10/2004 r 10(3)	19.6.2004
r 21	varied by 10/2004 r 11	19.6.2004
Div 6		
r 23	varied by 10/2004 r 12	19.6.2004
r 24	varied by 10/2004 r 13	19.6.2004
Div 7		
r 25		
r 25(1)	r 25 varied and redesignated as r 25(1) by 10/2004 r 14	19.6.2004
r 25(2)	inserted by 10/2004 r 14(2)	19.6.2004
r 29		
r 29(2)	varied by 10/2004 r 15	19.6.2004

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	—
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.