



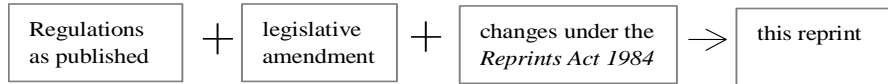
Western Australia

# **Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961**

**Reprinted as at 15 February 2002**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Western Australia

## Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 15 February 2002

Transfer of Land Act 1893 and Licensed Surveyors Act 1909

## Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961

### 1. Citation

These regulations may be cited as the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*<sup>1</sup>.

*[Regulation 1 inserted in Gazette 5 Aug 1983 p. 2843; amended in Gazette 4 Apr 1997 p. 1765.]*

### 1A. Definitions

In these regulations unless the contrary intention appears —

“**Inspector of Plans and Surveys**” means a licensed surveyor on the staff of the Department within the meaning of the *Transfer of Land Act 1893*, appointed by the Governor to approve plans of authorised surveys;

“**general regulations**” and “**general regulation**” mean the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961*;

“**surveyor**” means a licensed surveyor entitled to practise under the *Transfer of Land Act 1893*.

*[Regulation 1A inserted in Gazette 26 Sep 1986 p. 3706; amended in Gazette 4 Apr 1997 p. 1766.]*

## **Part I — General**

### **1B. Survey to be made by licensed surveyor**

Every survey, re-survey, or subdivision made or used for the purpose of any application or dealing in the Department within the meaning of the *Transfer of Land Act 1893* must be made by a licensed surveyor lawfully entitled to practice under the *Transfer of Land Act 1893* (as amended), of Western Australia, and such survey or re-survey, or subdivision, and every plan submitted to the Department within the meaning of the *Transfer of Land Act 1893* purporting to represent the same respectively, must be made in strict accordance with the regulations.

*[Regulation 1B amended in Gazette 5 Aug 1983 p. 2843; 26 Sep 1986 p. 3707; 4 Apr 1997 p. 1766.]*

### **2. Duty to the Government**

The surveyor will be expected to disclose all doubts, discrepancies, and difficulties, and to afford all other information obtainable by him relative to the property, that may aid in securing accuracy and completeness in the certificate of title to the land.

In these matters he must consider himself rather an agent and adviser of the Government than of the person employing him, nor will a regard for the interests of such employer be considered as excusing in any degree the withholding of any information affecting the merits of the application or dealing, even though the description supplied be literally and technically correct.

### **3. Duty to adjoining owners**

Whenever the land applied for differs from that contained in the deeds, the survey will not be considered complete without showing (whenever practicable) that there is or is not sufficient land left to supply the quantity belonging to adjoining owners under the most liberal interpretation of their rights.

**4. Searches prior to survey**

- (1) A surveyor must, before making a survey of any land, obtain all available information respecting that land in the relevant Departments.
- (2) Every assistance will be given by the officers of the relevant Departments to enable the surveyor to refer to any certificate of title, field book, plan, diagram or other document.
- (3) In this regulation —  
**“the relevant Departments”** means the Department within the meaning of the *Land Administration Act 1997*, the Department within the meaning of the *Mining Act 1978* and the Department within the meaning of the *Transfer of Land Act 1893*.

*[Regulation 4 inserted in Gazette 4 Apr 1997 p. 1765; amended in Gazette 5 Sep 2000 p. 5062.]*

**5. Notices and directions to be complied with**

On receipt of notice from the Inspector of Plans and Surveys to amend a survey or to supply more information than that contained in the field notes, or to report on same, the surveyor so notified must immediately comply with the notice. Every surveyor shall observe and comply with any special directions from time to time given by the Commissioner, Registrar of Titles, or Inspector of Plans and Surveys in relation to plans and surveys.

## Part II — Field notes

### 6. Field books

Field books will be supplied at a reasonable price by the Government Printer on application being made to him, and no other style of book containing field notes will be received at the Department within the meaning of the *Transfer of Land Act 1893* unless under exceptional circumstances.

[Regulation 6 amended in Gazette 16 Jun 1970 p. 1667;  
4 Apr 1997 p. 1767.]

### 7. Boundary sketch

Every field book must contain, when it is possible, a sketch of the exterior boundaries of the land to be represented on the plan or diagram to be deposited at the Department within the meaning of the *Transfer of Land Act 1893*.

[Regulation 7 amended in Gazette 26 Sep 1986 p. 3706;  
4 Apr 1997 p. 1766.]

### 8. Contents and lodging of field books

- (1) Except as provided by regulation 55B of the general regulations and subject to subregulation (3), the field book kept in the field shall be lodged at the Department within the meaning of the *Transfer of Land Act 1893*. It must show everything that the surveyor does or finds to exist on the ground such as angles, bearings, distances, old marks tied on to or replaced, offsets, position of fences, buildings, walls, roads, rights-of-way, subdivisions, etc.. If a wall is on or along the boundary its exact position and width must be defined. The words “two walls”, “party wall”, “no party wall” should be written.
- (2) All improvements within one metre of the boundary must be located. Field notes must show all new marks of the survey and all old ones along previously surveyed lines, also all methods of running the lines.



- (3) A field book relating to a survey which is an authorised survey referred to in paragraph (c) of the definition of “Authorised Survey” in section 3(1) of the Act is not required to be lodged under subregulation (1) unless regulation 8(2)(a), (b) or (c) of the general regulations applies.

*[Regulation 8 amended in Gazette 1 Sep 1972 p. 3410; 26 Sep 1986 p. 3706; 4 Apr 1997 p. 1765-6.]*

**9. Centred and faced pegs**

A surveyor shall show by a sketch in the field notes the position of each post and peg centre or outer edge with reference to the alignment of the boundary which it defines. (See regulation 37.)

**10. Subdivision to be shown separately**

The notes of the “surround” of each survey must be shown in the field book distinct from those of the internal subdivisional surveys.

**11. Areas of whole and parts**

The area of the land surveyed must be written in the field notes, and if a subdivision is made the area of each allotment must be recorded.

**12. Description and numbering**

The field notes must define the land under survey as to the original number and district or town in which it is situated or as it is registered in the Department within the meaning of the *Transfer of Land Act 1893*. If the land is subdivided the number of each allotment must be written on the subdivision in the field book. Sectional or alphabetical numbering is not permitted. Consecutive numbering from one upwards must be made, and the same number must not be repeated in a location or Crown allotment except by special permission from the Inspector of Plans and Surveys. A surveyor before numbering a subdivision of a portion of a large location should ascertain if any numbers

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have been previously allotted in the location and if any numbers have been allotted he must begin with the next highest number.

The allotments of a re-subdivision of a subdivisional allotment, or allotments of any land must be numbered consecutively from one upwards, unless, by doing so, lot numbers are duplicated in the section, in which case the surveyor should use numbers which will avoid duplication.

*[Regulation 12 amended in Gazette 26 Sep 1986 p. 3707;  
4 Apr 1997 p. 1766.]*

*[13, 14. Repealed in Gazette 5 Sep 2000 p. 5062.]*

**15. Street names**

The name of every public street and road adjoining the land under survey, and also the name and width of any private street, road, and lane forming part of the survey or connected therewith, must be written in the field notes.

*[16. Repealed in Gazette 1 Sep 1972 p. 3410.]*

### Part III — Field work

[17. *Repealed in Gazette 1 Sep 1972 p. 3410.*]

**18. Names of new streets**

When a new street which is not an extension of a named street is laid out in a municipality, suburban lot, or location, it must not be given the name of any street that has been previously surveyed in such municipality, suburban lot or location. A new street which is an extension of a named street shall bear the same name.

**19. Improvements along frontages**

A surveyor when re-marking any allotment or portion thereof abutting on any street or road where the total distance between the street or road corners does not agree with the original subdivision (whether Crown or otherwise) shall survey the section bounded by 4 streets or roads and shall locate all the improvements along the frontages at or near the corners of each allotment, provided that if a surround re-survey has previously been made and verified and contains sufficient information, and the street or road corners have been correctly located and are in existence, it will only be necessary to align the frontage between the 2 street or road corners on which the allotment or portion of allotment abuts.

**20. Deduced measurements from offsets**

The surveyor shall, if practicable, align and measure the actual boundaries of the land under survey, but should difficulties render this impossible the offsets used and the methods observed in measuring and obtaining distances shall be recorded in the field notes. If an offset has to be used it should be set off, if possible, parallel to the boundary line.

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**21. Verification of marks found**

Before any survey post, peg, spike, or other mark is adopted it must, if possible, be proved to be in the position assigned to it on a deposited plan either in the Department within the meaning of the *Land Administration Act 1997* or Department within the meaning of the *Transfer of Land Act 1893*, and in every instance its position must be verified from the reference tree, peg, spike, wall, or other mark, if any, and such position must be recorded in the field notes.

*[Regulation 21 amended in Gazette 26 Sep 1986 p. 3707; 4 Apr 1997 p. 1766; 5 Sep 2000 p. 5062.]*

**22. Calculations of irregular lots**

The area of every block not being a rectangle shall be calculated by double longitudes, and the particulars of such calculations shall be supplied by the surveyor when notified by the Inspector of Plans and Surveys to do so.

**23. Re-defining road corners**

- (1) A surveyor when re-marking or re-defining a corner of a road or a street must connect it to 2 or more reference marks situated nearby, if they can be obtained.
- (2) The corner mark should be renovated and replaced if at all decayed.
- (3) If only 2 or less reference marks exist at the corner, 2 additional reference marks are to be placed in locations safe from disturbance with azimuth and distance connections made to them.
- (4) If there are buildings or permanent marks within a radius of 20 m from the corner, the surveyor is to connect the corner to them by sufficient measurements to allow reliable reinstatement of the corner from those buildings or marks.

*[Regulation 23 inserted in Gazette 5 Sep 2000 p. 5062.]*

**24. Crown surveys to be adopted**

The original alignment of every Crown survey must always be adhered to except as provided for in general regulation 23.

**25. Traverse lines**

When an irregular boundary is defined by offsets and insets measured thereto from traverse lines, such traverse lines must form part of the geometrical figure used in computing the area, and the areas of the portions lying between the traverse lines and the boundary are to be computed from such offsets and insets.

**26. Survey of part of location**

If only a portion of a location is being dealt with the survey must be connected with at least 2 corners of the location. If the portion of land is included in or adjoins a previous survey which is shown in a deposited plan or diagram and connected to at least 2 corners of the location, then the survey need only be connected with 2 or more corners of the previous survey.

**27. Allotment to be defined**

When a portion of any allotment situate within a municipality is being set out, the surveyor shall obtain sufficient information and record it in his field book to determine all of the original boundaries of the said allotment.

**28. Obliteration of previous subdivision**

When an old survey is superseded by a new survey with amended boundaries the old posts, pegs, trenches, and other marks must be removed or obliterated by the surveyor who makes the new survey. Provided if any original survey marks are removed the surveyor shall report such removal to the Inspector of Plans and Surveys.

*[Regulation 28 amended in Gazette 4 Apr 1997 p. 1766.]*

## **Part IV — Marking**

*Note.* — *The following regulations are to be observed in addition to the instructions set forth in the general regulations.*

*[29.      Repealed in Gazette 4 Apr 1997 p. 1766.]*

### **Rural Lands**

#### **30.      Reference marks to old corners**

In the course of any survey when it is necessary to re-mark or to re-establish, or to connect to the corner of a subdivisional lot the area of which exceeds 4 hectares, or to the corner of a location which is not “referenced”, the surveyor shall reference such corner in the manner prescribed by the general regulations.

*[Regulation 30 amended in Gazette 1 Sep 1972 p. 3410.]*

#### **31.      Clearing, trenching and referencing**

Marking, line clearing, trenching and referencing shall be as specified in the general regulations.

### **Town and Suburban Lands**

#### **32.      Re-fixing and referencing old street corners**

When a re-survey is made of any allotment or allotments, or any portion thereof, and the post, peg, spike, or other mark denoting any road or street corner of the section in which the land is situated is obliterated, the surveyor shall re-mark the road corner or corners re-established by him and reference same as is provided by the general regulations.

#### **33.      Substitute marks**

If a peg cannot be put in, an iron spike not less than 0.4 metres in length and not less than 0.010 metres in diameter shall be used instead of a peg. If a peg or spike cannot be placed in

position a broad arrow must be cut into the obstruction. A wall should be marked in preference to a footpath.

*[Regulation 33 amended in Gazette 1 Sep 1972 p. 3410.]*

*[34. Repealed in Gazette 1 Sep 1972 p. 3410.]*

*[35. Repealed in Gazette 5 Sep 2000 p. 5062.]*

**36. Pegs to have tacks in centre**

A tack shall be driven into the centre of the top of each peg and it shall be placed in the true alignment of a street, road, lane, or right-of-way. (See general regulation 49.)

**37. Faced pegs**

Surveyors must be particularly careful not to alter the alignment of previous surveys where the outer faces of pegs are on the true alignment. (See general regulation 9.)

## **Part V — Drafting**

*[38, 39. Repealed in Gazette 5 Sep 2000 p. 5062.]*

*[40. Repealed in Gazette 11 Sep 1992 p. 4607.]*

### **41. Strength of line**

All work must be of sufficient strength to bear photographic reproduction by microfilm methods and must be drawn in a recognized water proof ink.

*[Regulation 41 amended in Gazette 27 Aug 1969 p. 2475.]*

*[42. Repealed in Gazette 11 Sep 1992 p. 4607.]*

### **43. Standard required**

Should plans or diagrams be below the departmental standard in plotting or draftsmanship, they may be rejected.

*[44. Repealed in Gazette 5 Sep 2000 p. 5062.]*

*[45. Repealed in Gazette 11 Sep 1992 p. 4607.]*

*[46. Repealed in Gazette 5 Sep 2000 p. 5062.]*

*[47. Repealed in Gazette 11 Sep 1992 p. 4607.]*

### **48. Roads and reserves**

Every plan and diagram shall exhibit distinctly delineated all roads, streets, passages, thoroughfares, squares, or reserves appropriated or set apart for the use of the purchasers, and all permanent drains and also all allotments into which the said land has been divided with their distinctive numbers, areas and dimensions.



**49. Street and road details to be shown**

The name of each public street or road adjoining the land under survey, and the name and width of each private street or road forming a part of the land under survey, must be written on the plan or diagram.

The width of the public street, road, or way is not to be shown unless it has been accurately measured in the course of the survey.

[50. *Repealed in Gazette 11 Sep 1992 p. 4607.*]

**51. Abbreviations**

- (1) All posts, pegs and intermediate spikes shall be shown on plans and diagrams as circles and any variation from a standard centred mark shall be described by an annotation.
- (2) All old posts, pegs or intermediate spikes of Crown surveys shall be shown —
  - (a) if found and recorded in the field notes, as “O.M.”;
  - (b) if renewed (whether during a Crown survey or a freehold survey), as “O.M.R.”;
  - (c) if adjusted, as “O.M.adj.”;
  - (d) if gone, as “O.M.G.”; or
  - (e) if gone and replaced by a new post, peg or spike (whether during a Crown survey or a freehold survey), as “O.M.G.R.”.
- (3) All old posts, pegs or intermediate spikes of freehold surveys shall be shown —
  - (a) if found and recorded in the field notes, as “M.F.”;
  - (b) if renewed (whether during a freehold survey or a Crown survey), as “M.F.R.”;
  - (c) if adjusted, as “M.F.adj.”;
  - (d) if gone, as “M.G.”; or

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- (e) if gone and replaced by a new post, peg or spike (whether during a freehold survey or a Crown survey), as “M.G.R.”.

(4) In this regulation —

“gone”, in relation to a post, peg or intermediate spike, means not in evidence after a competent search is conducted.

*[Regulation 51 inserted in Gazette 5 Sep 2000 p. 5062-3.]*

*[52-54. Repealed in Gazette 11 Sep 1992 p. 4607.]*

**55. Calculations from offset traverses**

- (a) Where a boundary has been pegged by offsets from a run line and the offset distances are 4 metres or greater, any distance along that boundary shall be shown as calculated (cal.).
- (b) Where the offset distances are less than 4 metres then the true boundary shall be treated as the run line and the angles as true angles, not calculated.

*[Regulation 55 amended in Gazette 1 Sep 1972 p. 3410.]*

*[56-58. Repealed in Gazette 11 Sep 1992 p. 4607.]*

**59. Areas**

Areas on all plans and diagrams are to be shown thus —

- (a) for areas less than 10 000 square metres, in square metres to the nearest square metre, e.g., 9475 m<sup>2</sup>;
- (b) for areas of 10 000 square metres and greater, in hectares to 4 decimal places of a hectare, e.g., 9.4753 ha;
- (c) “0” will not be shown as the last character of an area to the right of the decimal marker, e.g., 6.4500 hectares will be expressed as 6.45 ha. 8.1000 hectares will be expressed as 8.1 ha.

*[Regulation 59 inserted in Gazette 1 Sep 1972 p. 3410.]*

*[60. Repealed in Gazette 11 Sep 1992 p. 4607.]*

*[61, 62. Repealed in Gazette 5 Sep 2000 p. 5063.]*

*[Part VI omitted under the Reprints Act 1984 s. 7(4)(f) and (g).]*



## Notes

<sup>1</sup> This reprint is a compilation as at 15 February 2002 of the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprints.

### Compilation table

Citation	Gazettal	Commencement
Untitled <sup>2</sup>	28 Nov 1961 p. 3289-95	1 Jan 1962
	27 Aug 1969 p. 2475	27 Aug 1969
	16 Jun 1970 p. 1667	16 Jun 1970
<b>Reprint of the Regulations for the Guidance of Surveyors Practising under the Transfer of Land Act 1893 as at 22 Feb 1971</b> (see <i>Gazette</i> 4 Mar 1971 p. 627-35) (includes amendments listed above)		
	1 Sep 1972 p. 3410	1 Sep 1972
<i>Licensed Surveyors (Transfer of Land Act 1893) Amendment Regulations 1983</i>	5 Aug 1983 p. 2843	5 Aug 1983
<b>Reprint of the Licensed Surveyors (Transfer of Land Act 1893) Regulations as at 3 Feb 1986</b> (see <i>Gazette</i> 11 Feb 1986 p. 479-92) (includes amendments listed above)		
<i>Licensed Surveyors (Transfer of Land Act 1893) Amendment Regulations 1986</i>	26 Sep 1986 p. 3706-7	19 Jan 1987 (see r. 2 and <i>Gazette</i> 31 Dec 1986 p. 5027)
<i>Licensed Surveyors (Transfer of Land Act 1893) Amendment Regulations 1992</i>	11 Sep 1992 p. 4607	11 Sep 1992
<i>Licensed Surveyors Amendment Regulations 1997 Pt. 4</i>	4 Apr 1997 p. 1757-67	5 Apr 1997 (see r. 2 and <i>Gazette</i> 4 Apr 1997 p. 1750)
<i>Licensed Surveyors (Transfer of Land Act 1893) Amendment Regulations 2000</i>	5 Sep 2000 p. 5061-3	5 Sep 2000

<sup>2</sup> Now known as the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*; citation inserted (see note under r. 1).

## Defined Terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
general regulation.....	1A
general regulations .....	1A
gone.....	51(4)
Inspector of Plans and Surveys .....	1A
surveyor .....	1A
the relevant Departments .....	4(3)