

LA301

## LICENSED SURVEYORS ACT 1909

## LICENSED SURVEYORS AMENDMENT REGULATIONS 1997

Made by the Land Surveyors' Licensing Board with the approval of His Excellency the Governor in Executive Council.

## PART 1 — PRELIMINARY

**Citation**

1. These regulations may be cited as the *Licensed Surveyors Amendment Regulations 1997*.

**Commencement**

2. These regulations come into operation on the day fixed under section 2 of the *Licensed Surveyors Amendment Act 1996*.

**PART 2 — AMENDMENTS TO LICENSED SURVEYORS (GUIDANCE OF SURVEYORS) REGULATIONS 1961****Principal regulations**

3. In this Part, the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961*\* are referred to as the principal regulations.

[\* Reprinted as at 20 January 1986.  
For amendments to 21 February 1997, see 1995 Index to  
Legislation of Western Australia, Table 4, p. 168.]

**Regulation 4 repealed and regulation 4 substituted**

4. Regulation 4 of the principal regulations is repealed and the following regulation is substituted —

“

**Duties of surveyors**

4. (1) It is the duty of every surveyor making surveys under these regulations —

- (a) to work in a professional manner and to study the interests of the State in all his or her operations;
- (b) to disclose all doubts, discrepancies and difficulties; and
- (c) to afford to the Surveyor General all information obtained by him or her in the due performance of surveys entrusted to him or her.

(2) Before commencing a survey, the surveyor shall obtain the relevant survey information from the relevant Departments.

(3) In subsection (2) —

“the relevant Departments” means the Department within the meaning of the *Land Act 1933*, the Department within the meaning of the *Mining Act 1978* and the Department within the meaning of the *Transfer of Land Act 1893*.

”.

**Regulation 8 amended**

5. (1) Regulation 8 of the principal regulations is amended by —

- (a) inserting after the regulation designation “8.” the subregulation designation “(1)”; and
- (b) deleting “regulation 15” and substituting the following —  
“ regulation 17 ”.

(2) Regulation 8 of the principal regulations is amended by inserting after the existing regulation the following subregulations —

“

(2) If a survey is an authorised survey referred to in paragraph (c) of the definition of “Authorised Survey” in section 3 (1) of the Act, a field book is to be lodged only if there is in that survey —

- (a) a material variation from existing surveys;
- (b) the placement of additional reference marks; or
- (c) the replacement of deteriorated survey marks.

(3) A field book required by subregulation (2) to be lodged is to be lodged within 6 months after the date of completion of the relevant authorised survey.

”.

**Regulation 17 amended**

6. The Table to regulation 17 of the principal regulations is amended in paragraph (b) of the certificate set out in that Table by deleting —

- (a) “which have been validated and found to be accurate” and substituting the following —  
“ made or obtained ”; and
- (b) “and in particular regulations 23 and 34”.

**Regulation 24A inserted**

7. After regulation 24 of the principal regulations, the following regulation is inserted —

“

**Additional reference marks in relation to corners**

**24A.** If a surveyor uses reference marks at a corner of a location, road, street or subdivisional lot to re-establish alignments for his or her survey, whether near or far from the subject parcel, and those reference marks cannot confidently be expected to remain safe from disturbance in the long term, the surveyor must establish additional reference marks in a place which is confidently expected to be safe from such disturbance.

”

**Regulation 25A inserted**

8. After regulation 25 of the principal regulations the following regulation is inserted —

“

**Certificates relating to re-establishment surveys**

**25A.** (1) If a survey is an authorised survey referred to in paragraph (c) of the definition of “Authorised Survey” in section 3 (1) of the Act, the surveyor carrying out that survey shall within 30 days after its completion give to the registered proprietor of the land surveyed and the client of that surveyor copies of a certificate in the form in the Table to this subregulation.

**TABLE***Licensed Surveyors Act 1909***SURVEYOR'S CERTIFICATE**

I, . . . . ., licensed surveyor, certify that on the . . . . . day of . . . . ., I re-established the boundaries of \* . . . . . as shown on the attached \*\* sketch/plan and that the survey was performed in accordance with the provisions of the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961*.

. . . . .  
Date

. . . . .  
Licensed surveyor

\* Insert parcel identifier.

\*\* Delete “sketch/” or “/plan”, whichever is appropriate.

(2) A surveyor who has given copies of a certificate under subregulation (1) must —

- (a) keep a duplicate of the certificate for 7 years after it was made; and
- (b) if requested to do so by the secretary or a person authorized by the Chairman on behalf of the Board, make that duplicate available to the secretary or that person.

”

**Regulation 32 amended**

9. Regulation 32 of the principal regulations is amended by inserting after —

- (a) the regulation designation “32.” the subregulation designation “(1)”; and

- (b) the existing regulation the following subregulation —

“

(2) There shall be recorded in the field book not only the actual measurement referred to in subregulation (1) but also the previously accepted distance referred to in that subregulation and the difference between that measurement and that distance.

”.

### **Regulation 33 amended**

10. Regulation 33 of the principal regulations is amended by inserting after —

- (a) the regulation designation “33.” the subregulation designation “(1)”; and

- (b) the existing regulation the following subregulation —

“

(2) There shall be recorded in the field book not only the actual measurement referred to in subregulation (1) but also the previous value referred to in that subregulation and the difference between that measurement and that previous value.

”.

### **Regulation 54 amended**

11. (1) Regulation 54 of the principal regulations is amended by deleting “Except as provided by regulation 55D, a” and substituting the following —

“ A ”.

- (2) The Table to regulation 54 of the principal regulations is amended by deleting the certificate and substituting the following certificate —

“

#### **Certificate**

I hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

.....  
Date

.....  
Licensed surveyor

”.

### **Regulation 55A amended**

12. Regulation 55A of the principal regulations is amended by deleting “regulations of this part” and substituting the following —

“ regulations 55A to 55F ”.

### **Regulation 55D repealed**

13. Regulation 55D of the principal regulations is repealed.

### **Regulation 55E amended**

14. Regulation 55E of the principal regulations is amended by deleting “plan certified under regulation 55D” and substituting the following —

“ survey conducted in accordance with regulations 55A to 55F ”.

**Regulation 56 amended**

15. Regulation 56 of the principal regulations is amended by deleting "\$40" and substituting the following —

" \$1 000 ".

**Minor amendments**

16. (1) Regulations 20 and 48 of the principal regulations are amended by deleting "Department of Lands Surveys" or "Lands and Surveys Department", as the case requires, and substituting in each case the following —

" Department within the meaning of the *Land Act 1933* ".

(2) Regulations 14 (2) and 48 of the principal regulations are amended by deleting "Office of Land Titles" or "Land Titles Office", as the case requires, and substituting in each case the following —

" Department within the meaning of the *Transfer of Land Act 1893* ".

(3) Regulation 48 of the principal regulations is amended by deleting "Mines Department" and substituting the following —

" Department within the meaning of the *Mining Act 1978* ".

(4) Regulations 55B (i) and 55F (i) of the principal regulations are amended by deleting "State Planning Commission" and substituting in each case the following —

" Western Australian Planning Commission ".

**PART 3 — AMENDMENTS TO LICENSED SURVEYORS  
REGISTRATION REGULATIONS 1990**

**Principal regulations**

17. In this Part, the *Licensed Surveyors Registration Regulations 1990*\* are referred to as the principal regulations.

[\* Published in Gazette 23 February 1990 at pp. 1208-14.  
For amendments to 21 February 1997, see 1995 Index to  
Legislation of Western Australia, Table 4, p. 168.]

**Regulation 1 amended**

18. Regulation 1 of the principal regulations is amended by deleting "Registration" and substituting the following —

" (*Licensing and Registration*) ".

**Regulation 5 amended**

19. Regulation 5 of the principal regulations is amended by inserting after subregulation (3) the following subregulation —

"

(4) A copy of a professional training agreement forwarded under subregulation (1) shall be accompanied by the relevant fee specified in Schedule 1.

".

**Regulation 7 amended**

20. Regulation 7 of the principal regulations is amended by inserting after —

(a) the regulation designation "7." the subregulation designation "(1)"; and

- (b) the existing regulation the following subregulation —

“

(2) The person undertaking training under the professional training agreement to be assigned under subregulation (1) shall pay to the Board the relevant fee specified in Schedule 1.

”.

#### **Regulation 13 amended**

21. Regulation 13 (2) of the principal regulations is amended by deleting “fees payable under” and substituting the following —

“ relevant fees specified in ”.

#### **Regulation 15 amended**

22. Regulation 15 (2) (e) of the principal regulations is amended by deleting “fee prescribed” and substituting the following —

“ relevant fee specified ”.

#### **Regulation 16 amended**

23. Regulation 16 (d) of the principal regulations is amended by deleting “fee prescribed” and substituting the following —

“ relevant fee specified ”.

#### **Regulation 18 amended**

24. Regulation 18 of the principal regulations is amended by deleting —

- (a) “fee prescribed” and substituting the following —

“ relevant fee specified ”; and

- (b) “certificate” wherever it occurs and substituting in each case the following —

“ letter ”.

#### **Regulations 18A, 18B, 18C, 18D and 18E inserted**

25. After regulation 18 of the principal regulations, the following regulations are inserted —

“

##### **Standard periods**

18A. For the purposes of the definition of “standard period” in section 3 (1) of the Act, periods not exceeding one year, 2 years and 3 years, respectively, are prescribed.

##### **Applications for practising certificates**

18B. An application under section 11A (1) of the Act for a practising certificate shall be in the form of Form 6 and be accompanied by the relevant fee specified in Schedule 1 for the standard period to which that application relates.

##### **Applications for renewal of practising certificates to be accompanied by fees, etc.**

18C. An application under section 11A of the Act for the renewal of a practising certificate shall be accompanied by —

- (a) the relevant fee specified in Schedule 1 for the standard period to which that application relates; and

- (b) evidence that the requirements, if any, of section 11B of the Act and of regulations referred to in section 26A of the Act in relation to that application have been complied with.

### **Form of practising certificates**

**18D.** A practising certificate issued or renewed under section 11A of the Act shall be in the form of Form 7.

### **Issue of replacement certificates and licenses**

**18E.** (1) If the Board is satisfied that a certificate or license has been lost or destroyed, it may issue a replacement certificate or license on payment of the relevant fee specified in Schedule 1.

- (2) In this regulation and in item 6 of Schedule 1 —

“certificate” means —

- (a) certificate of competency issued under section 9 of the Act; or  
(b) practising certificate.

”.

### **Regulation 19 amended**

**26.** Regulation 19 of the principal regulations is amended by deleting “prescribed” and substituting the following —

“ specified ”.

### **Schedule 1 repealed and Schedule 1 substituted**

**27.** Schedule 1 to the principal regulations is repealed and the following Schedule is substituted —

“

#### **SCHEDULE 1**

[Regulations 18 and 19]

#### **FEES**

The fee specified at the end of each item in this Schedule is payable in respect of the matter specified in that item.

<i>Item</i>	<i>Matter</i>	<i>Fee</i>
1.	Registration under regulation 5 of professional training agreement	\$28
2.	Application under regulation 7 for approval of assignment of professional training agreement	\$28
3.	Application under regulation 13 to enter examination	\$51
4.	Examination fee under regulation 13 (for each examination or project)	\$28
5.	Issue under regulation 18 of letter of accreditation	\$40
6.	Issue under regulation 18E of replacement certificate or license	\$22
7.	Application under section 7 of Act for license	\$30

<i>Item</i>	<i>Matter</i>	<i>Fee</i>
8.	Application under section 11A of Act for practising certificate —	
	(a) for first year —	
	(i) before 1 September	\$100
	(ii) on or after 1 September	\$40
	(b) for each subsequent year	\$100
9.	Renewal under section 11A of Act of practising certificate for each year	\$100
10.	Late renewal under section 11A (6) of practising certificate	\$100
11.	Inspection under section 12 (2) of register	\$7

### Schedule 2 amended

28. Schedule 2 to the principal regulations is amended by inserting after Form 5 the following Forms —

“

#### FORM 6

[Regulation 18B]

#### WESTERN AUSTRALIA

#### LICENSED SURVEYORS ACT 1909

#### APPLICATION FOR PRACTISING CERTIFICATE

I, . . . . ., a licensed surveyor under the *Licensed Surveyors Act 1909*, hereby apply for the issue under section 11A of the Act of a practising certificate having effect until 31 December . . . . . and transmit with this application the prescribed application fee of \$ . . . . .

Dated this . . . . . day of . . . . . 19 . .

Signed . . . . .

#### FORM 7

[Regulation 18D]

#### WESTERN AUSTRALIA

#### LICENSED SURVEYORS ACT 1909

#### PRACTISING CERTIFICATE

This is to certify that . . . . ., a Licensed Surveyor under the *Licensed Surveyors Act 1909*, is entitled to make authorised surveys.

This practising certificate expires on 31 December 19 . .

Dated and signed on behalf of the Land Surveyors' Licensing Board this . . . . . day of . . . . . 19 . .

.....  
Chairman

.....  
Secretary

”.



**PART 4 — AMENDMENTS TO LICENSED SURVEYORS (TRANSFER OF LAND ACT 1893) REGULATIONS**

**Principal regulations**

**29.** In this Part, the *Licensed Surveyors (Transfer of Land Act 1893) Regulations\** are referred to as the principal regulations.

[\* Reprinted as at 3 February 1986.

For amendments to 21 February 1997, see 1995 Index to Legislation of Western Australia, Table 4, pp. 168-9.]

**Regulation 1 amended**

**30.** Regulation 1 of the principal regulations is amended by inserting after "Regulations" the following —

" 1961 ".

**Regulation 4 repealed and regulation 4 substituted**

**31.** Regulation 4 of the principal regulations is repealed and the following regulation is substituted —

"

**Searches prior to survey**

4. (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 Act 1933*, the Department within the meaning of the *Mining Act 1978* and the Department within the meaning of the *Transfer of Land Act 1893*.

".

**Regulation 8 amended**

**32.** (1) Regulation 8 of the principal regulations is amended by deleting "The original" and substituting the following —

"

(1) Except as provided by regulation 55B of the general regulations and subject to subregulation (3), the

".

(2) Regulation 8 of the principal regulations is amended by deleting "Department of Lands and Surveys" and substituting the following —

" Department within the meaning of the *Transfer of Land Act 1893* ".

(3) Regulation 8 of the principal regulations is amended by deleting —

(a) "All improvements" and substituting the following —

" (2) All improvements "; and

(b) "lines except as provided by regulation 55B of the general regulations" and substituting the following —

" lines ".

(4) Regulation 8 of the principal regulations is amended by inserting after the end of that regulation the following subregulation —

“

(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 13 amended**

33. Regulation 13 of the principal regulations is amended by deleting “under instructions from the Surveyor General and accepted by him” and substituting the following —

“

and adopted under instructions from the Surveyor General or the Department within the meaning of the *Land Act 1933*

”.

#### **Regulation 28 amended**

34. Regulation 28 of the principal regulations is amended by deleting “, who shall notify the Surveyor General of such removal”.

#### **Regulation 29 repealed**

35. Regulation 29 of the principal regulations is repealed.

#### **Regulation 62 repealed and regulation 62 substituted**

36. Regulation 62 of the principal regulations is repealed and the following regulation is substituted —

“

**Original plans and diagrams not to be coloured unless otherwise directed**

62. Unless otherwise directed by the Inspector of Plans and Surveys, the original of any plan or diagram to be lodged or substituted shall be left uncoloured until after duplication.

”.

#### **Minor amendments**

37. (1) Regulation 1A (definition of “Inspector of Plans and Surveys”) of the principal regulations is amended by deleting “Department of Lands and Surveys” and substituting the following —

“ Department within the meaning of the *Transfer of Land Act 1893* ”.

(2) Regulations 21 and 51 (a) of the principal regulations are amended by deleting “Lands and Surveys Department” or “Lands Department”, as the case requires, and substituting in each case the following —

“ Department within the meaning of the *Land Act 1933* ”.

(3) Regulations 1B, 7, 12, 14, 21, 38 and 61 (a) of the principal regulations are amended by deleting “Office of Titles”, wherever it occurs, and substituting in each case the following —

“ Department within the meaning of the *Transfer of Land Act 1893* ”.

(4) Regulation 6 of the principal regulations is amended by deleting "office of the Surveyor General" and substituting the following —

“ Department within the meaning of the *Transfer of Land Act 1893* ”.

Made by the Land Surveyors' Licensing Board,

G. E. MARION, Secretary,  
Land Surveyors' Licensing Board.

Date 20 February 1997.

Approved by His Excellency the Governor in Executive Council,

J. PRITCHARD, Clerk of the Council.