

WESTERN AUSTRALIA

LICENSED SURVEYORS AMENDMENT ACT 1996

No. 79 of 1996

AN ACT to amend the *Licensed Surveyors Act 1909*, to make consequential and other amendments to certain other Acts and to provide for related matters.

[Assented to 14 November 1996.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Licensed Surveyors Amendment Act 1996*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act, the *Licensed Surveyors Act 1909** is referred to as the principal Act.

[* *Reprinted as approved 1 September 1975.
For subsequent amendments, see 1994 Index to
Legislation of Western Australia, Table 1, p. 120.]*

Section 2 amended

4. Section 2 of the principal Act is amended by deleting “, whose name appears on the register”.

Section 3 amended

5. (1) Section 3 of the principal Act is amended by deleting “In this Act” and substituting the following —

“ (1) In this Act ”.

(2) Section 3 of the principal Act is amended by deleting the definition of “Authorised Survey” and substituting the following definition —

“**Authorised Survey**” — A survey of land authorised or required —

(a) under any Act dealing with the alienation, leasing or occupation of Crown lands, or under the *Transfer of Land Act 1893*, or any other Act affecting titles to land; or

- (b) by the proprietor, lessee or mortgagee under any Act affecting titles to land,

including —

- (c) a survey of land which re-establishes the boundaries previously established by a survey of land so authorised or required, if that re-establishment —

- (i) involves the placement, replacement or relocation of any survey mark; or
- (ii) is followed by advice for the purpose of enabling the boundaries of the land in question to be located,

or both so involves and is so followed; and

- (d) the lodgment of a plan with a Government department for acceptance or adoption by that department —

- (i) as a plan of an authorised survey, if that plan is certified or otherwise held out as having been created from the result of an authorised survey, or as describing the boundaries of land within or the subject of that plan, which land is to be the subject of an authorised survey before that plan is approved under section 18; or
- (ii) as a compiled plan, if that plan is certified or otherwise held out as having been created from one or more authorised surveys recorded on plans approved under section 18, from field records that have been lodged, or from both.

”.

(3) Section 3 of the principal Act is amended in the definition of "Institute" by deleting "Australia Division" and substituting the following —

" Australia Division Inc. ".

(4) Section 3 of the principal Act is amended by inserting after the definition of "Institute" the following definition —

" **License**" — A license issued under this Act. ".

(5) Section 3 of the principal Act is amended in the definition of "Licensed Surveyor" by deleting ", whose name appears on the register".

(6) Section 3 of the principal Act is amended by inserting after the definition of "Licensed Surveyor" the following definition —

"
Practising Certificate" — A practising certificate issued under section 11A.
".

(7) Section 3 of the principal Act is amended by inserting before the definition of "Surveyor General" the following definitions —

"
Standard Period", in relation to a practising certificate, means such period or periods, each not exceeding 3 years and expiring at the end of a calendar year, as is or are prescribed.

Survey Mark" — A cairn, beacon, structure, post, peg, block, plug, tube, pipe, spike, pole or other mark of whatsoever material composed which is or has been placed, sunk or set up in such manner and by such persons as are prescribed.
".

(8) Section 3 of the principal Act is amended in the definition of "Surveyor General" by deleting "Department of Lands and Surveys" and substituting the following —

"
department principally assisting the Minister in the administration of this Act

".

(9) Section 3 of the principal Act is amended by inserting after the existing section the following subsection —

"
(2) A reference in this Act to practising as a licensed surveyor includes a reference to certifying plans, diagrams, maps and other documents which are required under this Act or any other written law to be certified by licensed surveyors.

".

Section 7 repealed and section 7 substituted

6. Section 7 of the principal Act is repealed and the following section is substituted —

"
Persons entitled to be licensed

7. Subject to this Act, a person is entitled to a license if the person applies for a license in the prescribed form and in so doing transmits to the Board the prescribed application fee, and proves to the satisfaction of the Board that he —

- (a) has attained the age of 18 years and is of good fame and character;
- (b) has obtained the prescribed certificate of competency, or is qualified to practise as a

surveyor in any reciprocating State and has complied with all the requirements of this Act for the issue of a license except for the requirement to obtain a certificate of competency; and

- (c) has made a declaration before a justice in the form set out in the Third Schedule.

”.

Section 8 amended

7. Section 8 (1) of the principal Act is amended by deleting “the attendance of any person who applies for a license and registration under this Act, and of ” and substituting the following —

“

the attendance of any person —

- (a) who applies for the issue of a license under this Act;
- (b) who applies for the renewal of a practising certificate under this Act and in respect of whom the Board wishes to determine whether or not a requirement made under section 11B (1) has been complied with; or
- (c) in respect of whom an inquiry is to be held under section 22,

and of

”.

Section 9 amended

8. Section 9 (2) of the principal Act is amended by deleting “twenty” and substituting the following —

“ 18 ”.

Section 10 amended

9. Section 10 of the principal Act is amended —

(a) in subsection (1) (a) by deleting “registration of such person as a licensed surveyor” and substituting the following —

“ issue to that person of a license ”; and

(b) in subsection (1) (b) by deleting “to be registered” and substituting the following —

“ for the issue of a license ”.

Sections 11A and 11B inserted

10. (1) The principal Act is amended by inserting after section 11 the following sections —

“

Practising certificates

11A. (1) Subject to this Act, a licensed surveyor is entitled to a practising certificate if the licensed surveyor applies for a practising certificate in the prescribed form and in so doing transmits to the Board the prescribed application fee.

(2) A person who was, immediately before the commencement of section 10 of the *Licensed Surveyors Amendment Act 1996*, a licensed surveyor is to be regarded as holding a practising certificate which expires on 31 December following that commencement.

(3) Subject to this section, a practising certificate issued to or renewed by a licensed surveyor under this Act, on or after the commencement referred to in subsection (2), takes effect for the standard period for which the prescribed fee has been paid —

- (a) on the day of that issue or renewal; or
- (b) on the day of expiry of any existing practising certificate held by the licensed surveyor,

whichever is the later.

(4) Subject to subsection (5), a licensed surveyor who wishes to renew his practising certificate shall apply for that renewal in the form approved by the Board not more than 90 days, and not less than 30 days, before the day of expiry of that practising certificate and shall in doing so transmit to the Board the prescribed renewal fee.

(5) If an application for the renewal of a practising certificate is made less than 30 days before the expiry of the practising certificate or on or after that expiry, the Board may, if it considers that there is a satisfactory explanation for the late making of that application, deal with that application under subsection (6) and may in so doing subject the practising certificate to such conditions as the Board thinks fit to impose.

(6) Subject to section 11B, if the Board is, on receiving —

- (a) an application for the renewal of a practising certificate;
- (b) the prescribed renewal fee; and
- (c) if that application is an application referred to in subsection (5), the prescribed late renewal fee,

satisfied that the applicant remains entitled to a practising certificate, the Board shall, subject to any regulations referred to in section 26A, renew the practising certificate held by the applicant for the standard period for which the prescribed renewal fee has been paid.

Continuing education

11B. (1) The Board may require licensed surveyors holding practising certificates to attend specified courses, to gain specified experience, or to take other specified action, within a specified period for the purpose of maintaining or improving their knowledge and skills in the practice of the profession of surveying.

(2) If the Board is not satisfied that a licensed surveyor has complied with requirements specified under subsection (1), the Board may —

- (a) suspend the practising certificate of the licensed surveyor until specified conditions are fulfilled;

- (b) renew the practising certificate of the licensed surveyor subject to specified conditions, which may include a condition specifying the standard period for which that practising certificate is renewed;
- (c) refuse to renew the practising certificate of the licensed surveyor until specified conditions are fulfilled; or
- (d) refuse to renew the practising certificate of the licensed surveyor.

(3) If the Board refuses to renew a practising certificate until specified conditions are fulfilled, the practising certificate is, on the fulfilment of those conditions, to be renewed for the standard period specified by the Board or, if no standard period is so specified, the standard period for which the prescribed fee has been paid.

(4) The Board may charge such fees as are approved by the Minister in relation to the provision of courses or other services for the purposes of this section.

(5) In this section —

“specified” means specified in writing by the Board.

”.

(2) During the period beginning on the commencement of this section and ending on 31 December following that commencement, section 11B of the principal Act does not apply to a licensed surveyor until he or she begins to make an authorised survey.

Section 13 amended

- 11.** (1) Section 13 (1) of the principal Act is amended by —
- (a) deleting “on the register” and substituting the following —
- “
, indicating whether or not each licensed surveyor listed holds a practising certificate ”;
- and
- (b) inserting after “any license” the following —
- “ or practising certificate ”.
- (2) Section 13 (2) of the principal Act is amended by deleting the passage beginning with “the person therein named is a licensed surveyor,” and ending with “cancelled or suspended.” and substituting the following —
- “
the person therein named —
- (a) is a licensed surveyor;
- (b) holds or does not hold a practising certificate;
- (c) possesses the qualifications therein mentioned;
- (d) has had his license cancelled or suspended; or

(e) has had his practising certificate cancelled or suspended,

as the case requires.

”.

Section 14 amended

12. Section 14 (4) of the principal Act is amended by deleting —

(a) “licensed surveyors who” and substituting the following —

“
surveyors whose names appear on the register and who

”;

and

(b) “the licensed surveyors” and substituting the following —

“
the surveyors whose names appear on the register

”.

Section 15 repealed

13. Section 15 of the principal Act is repealed.

Section 16 amended

14. (1) Section 16 (1) of the principal Act is amended by —

(a) deleting “and registered”; and

(b) inserting after “profession and” the following —

“ , if he holds a practising certificate, ”.

(2) Section 16 of the principal Act is amended by repealing subsection (2).

(3) Section 16 (3) of the principal Act is repealed and the following subsections are substituted —

“

(3) A person shall not practise as a licensed surveyor unless he is the holder of a license.

(3a) A person shall not make or attempt to make any authorised survey unless he is a licensed surveyor and the holder of a practising certificate.

”.

(4) Section 16 (4) of the principal Act is amended by deleting —

(a) “shall be” and substituting the following —

“ commits an offence and is ”; and

(b) “one thousand dollars” and substituting the following —

“ \$10 000 ”.

Section 17 amended

15. (1) Section 17 (1) of the principal Act is amended by deleting “, with his assistants, may” and substituting the following —

“

who holds a practising certificate may, with his assistants,

”.

(2) Section 17 (3) of the principal Act is amended by deleting “shall be liable to a penalty not exceeding twenty dollars, which shall be considered to accrue from day to day while such obstruction lasts” and substituting the following —

“ commits an offence and is liable to a penalty of \$2 000 ”.

Section 18 amended

16. Section 18 of the principal Act is amended by deleting “No authorised survey shall” and substituting the following —

“

An authorised survey, other than a survey referred to in paragraph (c) of the definition of “Authorised Survey” in section 3 (1), shall not

”.

Section 19 amended

17. (1) Section 19 (1) of the principal Act is amended by deleting the passage beginning with “request any licensed surveyor to correct” and ending with “by the Governor as aforesaid.” and substituting the following —

“

call on —

- (a) any licensed surveyor holding a practising certificate to correct at his own expense within a time specified in that notice any error made by him in an authorised survey; or

(b) any person who is or was a licensed surveyor (“**the person at fault**”) to pay the cost of correction by a licensed surveyor —

- (i) holding a practising certificate; and
- (ii) instructed by the Surveyor General or the other person appointed by the Governor, as the case requires,

of any error made by the person at fault in an authorised survey.

”.

(2) Section 19 (2) of the principal Act is amended —

(a) by inserting after “to correct any such error or” the following —

“
of any person who is or was a licensed surveyor

”;

(b) by deleting “in the same manner as penalties are recoverable under this Act” and substituting the following —

“
as a debt due to the Crown by action in a court of competent jurisdiction

”;

and

(c) in the proviso by deleting “two” and substituting the following —

“ 12 ”.

Section 20A inserted

18. After section 20 of the principal Act the following section is inserted —

“

**Cancellation of license or practising certificate
at request of licensed surveyor**

20A. (1) A licensed surveyor whose conduct is not the subject of an inquiry under section 22 may —

- (a) give notice in writing signed by him and delivered to the secretary requesting that his license or practising certificate be cancelled; and
- (b) surrender his license or practising certificate to the secretary.

(2) The secretary shall, on receipt of that notice and that license or practising certificate, cancel that license or practising certificate.

(3) A person whose license or practising certificate has been cancelled under subsection (2) may apply on a form approved by the Board for a new license or practising certificate.

(4) On payment to the Board of the prescribed fee and on being satisfied in respect of the applicant of the relevant matters set out in section 7, the Board shall issue a new license or practising certificate to the applicant and may in so doing subject that license or practising certificate to such conditions as the Board thinks fit to impose.

”.

Section 21 amended

19. (1) Section 21 (1) of the principal Act is amended by deleting “with respect to any licensed surveyor” and substituting the following —

“

with respect to any person who was at the relevant time a licensed surveyor

”.

(2) Section 21 (1) of the principal Act is amended by deleting paragraph (a) and “or” at the end of that paragraph and substituting the following —

“

(a) he has falsely or negligently certified in respect of an authorised survey; or

(aa) he has falsely or negligently certified in respect of any plan, diagram, map or other document required or authorised under this Act or any other written law to be certified by a licensed surveyor; or

”.

(3) Section 21 (1) (b) of the principal Act is amended by deleting —

(a) “culpable”; and

(b) “immediate”.

(4) Section 21 (1) of the principal Act is amended by inserting after paragraph (b) the following —

“

(ba) he has, in the course of surveying practice, been guilty of incompetence or negligence; or

”.

(5) Section 21 (1) (c) of the principal Act is amended by deleting “or licence” and substituting the following —

“ , license or practising certificate ”.

(6) Section 21 (1) (d) of the principal Act is amended by —

(a) deleting “registration” and substituting the following —

“ being licensed ”; and

(b) inserting after “or crime” the following —

“ , or offence under this Act or under regulations made under section 26 ”.

(7) Section 21 (1) (e) of the principal Act is amended by deleting “the last preceding section of this Act” and substituting the following —

“ section 20 ”.

(8) Section 21 (1) of the principal Act is amended by deleting paragraph (f) and “or” at the end of that paragraph and substituting the following —

“

(f) he has been guilty of unprofessional conduct; or

(fa) he has disobeyed any order made under this subsection; or

”.

(9) Section 21 (1) (g) of the principal Act is amended by deleting “licence,” and substituting the following —

“ license, practising certificate ”.

(10) Section 21 (1) of the principal Act is amended by deleting "may —" and substituting the following —

" , after finding him guilty of misconduct, may make an order — ".

(11) Section 21 (1) (i), (ii) and (iii) of the principal Act is deleted and the following is substituted —

"

- (h) reprimanding or cautioning that person;
- (i) imposing on that person a fine not exceeding \$1 000 payable to the Board;
- (j) imposing conditions on the license or practising certificate, or both, of that person, if that person is —
 - (i) still a licensed surveyor; or
 - (ii) an applicant for a license or practising certificate, or both, or for the renewal of a practising certificate;
- (k) suspending the license or practising certificate of a person who is still a licensed surveyor and his entitlement to apply for a renewal of that practising certificate, if any, or for another license or practising certificate —
 - (i) for such period not exceeding 3 years as is specified by the Board; or
 - (ii) until any condition referred to in paragraph (j) has been complied with,whichever is the shorter period;

- (l) suspending the entitlement of a person who is no longer a licensed surveyor to apply for another license —
 - (i) for such period not exceeding 3 years as is specified by the Board; or
 - (ii) until any condition referred to in paragraph (j) has been complied with,whichever is the shorter period;
- (m) if that person is still a licensed surveyor, cancelling his license;
- (n) if that person is not still a licensed surveyor, cancelling his entitlement to apply for another license; or
- (o) if that person is still a licensed surveyor, cancelling —
 - (i) his practising certificate; or
 - (ii) his entitlement to apply for a renewal of his expired practising certificate or for another practising certificate,

or make in relation to that person any 2 or more of the orders referred to in paragraphs (h) to (o) and applicable to that person and, if the Board thinks fit, make any one or more of the orders specified in subsection (1a) in relation to that person.

- (1a) The orders specified in this subsection are —
 - (a) an order that the person concerned correct any error within such reasonable period as is specified by the Board;

- (b) an order that the person concerned pay to the Board or to any other person specified in that order the cost of correcting any error;
 - (c) an order that the person concerned provide the Board with a performance bond or bank guarantee to meet the anticipated cost of correcting any error; and
 - (d) an order that the person concerned pay to the Board the whole or any part of the cost of the relevant inquiry.
- (1b) An order referred to in subsection (1) (i) or (1a) (b) or (d) shall be entered as a judgment in a Local Court on presentation by the secretary to the clerk of the Local Court of a copy of that order signed by the Chairman in the name of the Board, and on that entry judgment of the Local Court is to be taken to have been given in terms of that order.
- (1c) An order referred to in subsection (1) (i) or (1a) (b) or (d) may, once entered as a judgment in a Local Court, be enforced in the same manner as a judgment or order of the Local Court to the same effect.
- ”
- (12) Section 21 of the principal Act is amended by repealing subsections (2) and (3) and substituting the following subsections —
- “
- (2) A licensed surveyor charged with having certified in the manner set out in either paragraph (a) or (aa) of subsection (1) may be found guilty of having certified in the manner set out in the other of those paragraphs, if such are the facts proved.

(3) For the purposes of subsection (1) (ba), surveying practice includes the creation of plans, diagrams and maps from the results of, or for the purposes of, an authorised survey.

(4) The Board shall erase from the register the name of a person whose license, or whose entitlement to apply for another license, is cancelled under subsection (1) (m) or (n).

(5) A person whose license, or whose entitlement to apply for another license, is cancelled under subsection (1) (m) or (n) is not entitled to apply under section 7 for the issue of a license.

(6) The Board may, on the application of a person —

- (a) who holds a license or practising certificate suspended, and whose entitlement to apply for a renewal of that practising certificate, if any, or for another license or practising certificate is suspended, under subsection (1) (k), terminate those suspensions;
- (b) whose entitlement to apply for another license is suspended under subsection (1) (l), terminate that suspension;
- (c) who held a licence cancelled under subsection (1) (m), issue a fresh license to that person;
- (d) whose entitlement to apply for another license has been cancelled under subsection (1) (n), issue a fresh license to that person; or

- (e) who held a practising certificate cancelled under subsection (1) (o) or whose entitlement to apply for the renewal of an expired practising certificate or for another practising certificate has been cancelled under that subsection, issue a fresh practising certificate to that person,

and may in so doing subject a license or practising certificate, or both, held or to be held by that person to such conditions as the Board thinks fit to impose.

(7) The Board shall cause to be notified in the *Gazette* —

- (a) any action taken against a person under one or more of paragraphs (h) to (o) of subsection (1); and
- (b) the granting of any application referred to in subsection (6).

(8) A licensed surveyor whose practising certificate is suspended under this section is not obliged to renew that practising certificate while it is suspended.

(9) If a licensed surveyor whose practising certificate is suspended under this section wishes to make authorised surveys when that suspension ceases, that licensed surveyor shall, unless he has already paid the amount of the prescribed fee payable for the issue or renewal of that practising certificate for the standard period in which that cessation takes place, transmit the amount of the prescribed fee for a standard period to the Board before making or attempting to make an authorised survey.

(10) A licensed surveyor whose practising certificate is cancelled or is suspended under this section for a period of not less than 30 days shall, within 14 days after that cancellation or suspension, return that practising certificate to the secretary.

Penalty: \$1 000.

”.

Section 21A inserted

20. After section 21 of the principal Act the following section is inserted —

“

Alteration and removal of license or practising certificate conditions

21A. The Board may, on the application of a licensed surveyor, alter or remove any condition to which the license or practising certificate of the applicant is subject.

”.

Section 22 amended

21. (1) Section 22 (1) of the principal Act is amended by deleting “against a licensed surveyor under the last preceding section” and substituting the following —

“ of misconduct against a person under section 21 ”.

(2) Section 22 (2) of the principal Act is amended by deleting “licensed surveyor so charged” and substituting the following —

“ person charged under section 21 ”.

(3) Section 22 (3) of the principal Act is repealed and the following subsection is substituted —

“

(3) At an inquiry held under this section —

(a) the person charged is entitled to be heard in his defence; and

(b) the Board —

(i) is to act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms; and

(ii) is not bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

”.

(4) Section 22 (4) of the principal Act is amended by deleting —

(a) “conclusive”; and

(b) “, which shall be final”.

(5) Section 22 of the principal Act is amended by inserting after subsection (4) the following subsection —

“

(5) The Board may and, on request by a person in respect of whom an inquiry has been held under this section, shall give reasons for its decision given under subsection (4).

”.

Section 22A inserted

22. After section 22 of the principal Act the following section is inserted —

“

Appeals

22A. (1) A person aggrieved by an order or decision of the Board under section 21 or 22 is, subject to this section, entitled to appeal to the District Court against that order or decision.

(2) An appeal shall be instituted within a period of 30 days of the making of the order or decision appealed against, but the District Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, allow the appeal to be instituted after the expiry of that period.

(3) On an appeal the District Court is to have regard to —

(a) the finding and decision of the Board on its inquiry and to any other written material created by the Board during its inquiry; and

(b) such other evidence, whether oral or written, as —

(i) the District Court considers necessary or desirable for the just determination of the appeal; or

(ii) its rules of court permit.

(4) The District Court may, on an appeal —

(a) affirm, vary or quash the order or decision appealed against, or substitute, or make in

addition, any order or decision that should have been made in the first instance;

- (b) remit the subject matter of the appeal to the Board for further hearing or consideration or for re-hearing; or
- (c) make any further or other order for costs or any other matter that the case requires,

or exercise any 2 or more of those powers.

(5) When an appeal has been instituted, the District Court may —

- (a) suspend the operation or effect of the order or decision appealed against until the appeal is determined; and
- (b) revoke any suspension made under this subsection.

”.

Section 23 amended

23. (1) Section 23 of the principal Act is amended by deleting paragraph (d) and substituting the following —

“

- (d) certifies in respect of the performance of an authorised survey; or
- (e) certifies or, purporting to be a licensed surveyor, signs any survey, plan, diagram, map or other document required under this Act or any other written law to be certified or signed by a licensed surveyor,

”.

(2) Section 23 of the principal Act is amended by deleting “one thousand dollars” and substituting the following —

“ \$10 000 ”.

Section 24A inserted

24. After section 24 of the principal Act the following section is inserted —

“

Protection from liability for wrongdoing

24A. (1) In this section, a reference to the doing of anything includes a reference to the omission to do anything.

(2) An action in tort does not lie against a person who is the Minister or a member of the Board or the secretary or another officer of the Board for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.

(3) The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act may have been capable of being done whether or not this Act had been enacted.

”.

Section 26 amended

25. (1) Section 26 (1) of the principal Act is amended by deleting “, with the approval of the Governor, may, from time to

time, make regulations for all or any of the following purposes, namely: — ” and substituting the following —

“

may, with the approval of the Governor, make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act, and, in particular —

”.

(2) Section 26 (1) (e) of the principal Act is amended by deleting “registration” and substituting the following —

“

the issue of a license or the issue or renewal of a practising certificate

”.

(3) Section 26 (1) (f) of the principal Act is amended by deleting “be registered as licensed surveyors” and substituting the following —

“ apply for the issue to them of licenses ”.

(4) Section 26 (1) (g) of the principal Act is amended by deleting “granting of certificates of competency and licenses” and substituting the following —

“

issue of certificates of competency and licences and the issue and renewal of practising certificates

”.

(5) Section 26 (1) (i) of the principal Act is amended by deleting “to be registered as licensed surveyors” and substituting the following —

“ for the issue to them of licenses ”.

(6) Section 26 (1) of the principal Act is amended by inserting after paragraph (i) the following paragraph —

“(ia) enabling the Board to issue certificates of recognition to retired surveyors, who have given long service as surveyors, in recognition of the contributions made by those surveyors to the profession of surveying;

”.

(7) Section 26 (1) (j) of the principal Act is amended by deleting “registration.”.

(8) Section 26 (1) (l) of the principal Act is amended by deleting “against licensed surveyors” and substituting the following —

“
of misconduct against licensed surveyors and other persons
”.

(9) Section 26 (1) of the principal Act is amended by deleting the semicolon at the end of paragraph (m) and substituting a full stop.

(10) Section 26 (1) of the principal Act is amended by deleting paragraph (n).

(11) Subsections (2), (3) and (4) of section 26 of the principal Act are repealed and the following subsections are substituted —

“(2) Regulations made under subsection (1) may create offences and provide in respect of each such offence a penalty not exceeding \$1 000.

(3) A certificate issued under regulations referred to in subsection (1) (ia) does not entitle its holder to practise as a surveyor or to make authorised surveys.

(4) Nothing in regulations referred to in subsection (1) (ia) or in subsection (3) prevents the holder of a certificate issued under those regulations who has ceased to be a licensed surveyor from again becoming a licensed surveyor in accordance with this Act.

(5) Regulations made under subsection (1) and prescribing a period or periods for the purposes of the definition of "standard period" in section 3 (1) may confer on the Board power, subject to that definition, to determine the length of the period or periods.

".

Section 26A inserted

26. After section 26 of the principal Act the following section is inserted —

"

Professional indemnity insurance

26A. (1) The Board may, with the approval of the Governor, make regulations under section 26 concerning indemnity against loss arising from claims in respect of any description of civil liability incurred by —

- (a) a licensed surveyor or former licensed surveyor in connection with the practice of the licensed surveyor or former licensed surveyor;
- (b) an employee or former employee of a licensed surveyor or former licensed surveyor in connection with the practice of the licensed surveyor or former licensed surveyor; or

(c) a licensed surveyor or former licensed surveyor in the course of practising as a licensed surveyor.

(2) For the purpose of providing the indemnity referred to in subsection (1), regulations referred to in that subsection may —

(a) authorise or require the Institute to make arrangements with one or more insurers for the provision to licensed surveyors and former licensed surveyors of professional indemnity insurance and may authorise the Institute to do such acts and things as may be necessary or expedient for giving effect to those arrangements; and

(b) require licensed surveyors or former licensed surveyors, or any prescribed category of licensed surveyor or former licensed surveyor, to take out and maintain professional indemnity insurance in accordance with —

(i) the requirements of those regulations; and

(ii) the arrangements made under those regulations or a scheme or policy of insurance approved by or under those regulations.

(3) Without limiting the generality of subsections (1) and (2), regulations referred to in subsection (1) may —

(a) specify the terms and conditions on and subject to which professional indemnity

insurance is to be provided, including the amounts of insurance cover to be taken out and maintained by —

- (i) licensed surveyors or former licensed surveyors; or
- (ii) prescribed categories of licensed surveyor or former licensed surveyor,
 - and the periods during which that insurance cover is to be maintained;
- (b) specify classes or categories of licensed surveyor or practice to which different provisions or obligations under those regulations may apply;
- (c) provide for and regulate the approval of insurers and the issue of certificates of insurance to persons covered by professional indemnity insurance and prescribe the form of those certificates;
- (d) empower the Board to refuse to renew a practising certificate except to a licensed surveyor who —
 - (i) satisfies the Board that the licensed surveyor holds a valid current certificate of insurance for the category of practice in which the licensed surveyor intends to engage; or
 - (ii) is exempt under those regulations;

- (e) empower the Board to suspend the license of a licensed surveyor until the licensed surveyor —
 - (i) satisfies the Board that the licensed surveyor holds a valid current certificate of insurance for the category of practice in which the licensed surveyor intends to engage; or
 - (ii) is exempt under those regulations;
- (f) specify circumstances in which licensed surveyors or former licensed surveyors are exempt from those regulations or empower the Board to exempt any licensed surveyor or former licensed surveyor or class of licensed surveyor or former licensed surveyor in whole or in part from any provision of those regulations either for a specified or indefinite period or subject to any condition which may be imposed by the Board;
- (g) empower the Board to vary or revoke any exemption made by the Board under those regulations;
- (h) empower the Board to take such steps as it considers necessary or expedient to ascertain whether or not those regulations are being complied with; and
- (i) contain incidental, procedural and supplementary provisions.

”.

Sections 28 and 29 repealed

27. Sections 28 and 29 of the principal Act are repealed.

Minor amendments

28. An enactment specified in column 1 of the Table to this section is amended in the manner set out opposite that enactment in column 2 of that Table.

TABLE

MINOR AMENDMENTS

<i>Column 1</i>	<i>Column 2</i>
1. Definition of "surveyor" in section 5 of the <i>Dividing Fences Act 1961</i> .	Delete ", whose name appears in the register kept under section twelve of that Act".
2. Definition of "licensed surveyor" in section 6 (1) of the <i>Local Government Act 1960</i> .	Delete "and registered".
3. Definition of "surveyor" in section 2 of the <i>Land Acquisition and Public Works Act 1902</i> .	Delete "1895" and substitute the following — " 1909 ".
4. Definition of "licensed surveyor" in section 3 (1) of the <i>Strata Titles Act 1985</i> .	Delete "licensed surveyor registered" and substitute the following — " surveyor licensed ".