

LICENSED SURVEYORS.

No. 107 of 1976.

AN ACT to amend the Licensed Surveyors Act, 1909-1958.

[Assented to 17th November, 1976.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Licensed Surveyors Act Amendment Act, 1976*.

Short title
and
citation.

(2) In this Act the Licensed Surveyors Act, 1909-1958 is referred to as the principal Act.

Approved
for reprint
1st Septem-
ber, 1975.

(3) The principal Act as amended by this Act may be cited as the Licensed Surveyors Act, 1909-1976.

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day that it receives the Royal Assent.

(2) Sections 7, 8 and 9 of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 3
amended.

3. Section 3 of the principal Act is amended by deleting the interpretation "Institute" and substituting the following interpretation—

"Institute"—The Institution of Surveyors,
Australia, Western Australia Division. .

Section 4
amended.

4. Section 4 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsections—

(1) There shall be a Land Surveyors Licensing Board which shall consist of—

(a) the Surveyor General who shall be *ex officio* a member of the Board and the chairman thereof;

(b) two members, at least one of whom shall be a licensed surveyor, appointed by the Governor on the nomination of the Surveyor General;

- (c) two members, who shall be licensed surveyors, appointed by the Governor on the nomination of the Institute;
- (d) one member, who shall be a member of the teaching staff of the course of surveying of an educational institution in this State, appointed by the Governor on the nomination of the educational institution being a nomination made in accordance with subsection (4a) of this section.

(1a) Notwithstanding anything in this section—

- (a) the members of the Board who are in office at the time of the coming into operation of section four of the Licensed Surveyors Act Amendment Act, 1976 shall continue in office until the thirty-first day of December, one thousand nine hundred and seventy-six; and
 - (b) any vacancy in the office of member occurring before the thirty-first day of December, one thousand nine hundred and seventy-six shall be filled in the manner provided by this Act as in force immediately before the coming into operation of section four of the Licensed Surveyors Act Amendment Act, 1976. ;
- (b) as to subsection (4), by adding after the words "Surveyor General" in the last line the passage ", and, if by an educational institution in this State, he shall be nominated by the educational institution";

- (c) by adding after subsection (4) the following subsection—

(4a) In relation to the appointment of a member pursuant to paragraph (d) of subsection (1) of this section, the Surveyor General shall—

- (a) in respect of the occasion of the first appointment of a member as soon as practicable after the coming into operation of section four of the Licensed Surveyors Act Amendment Act, 1976; and
- (b) prior to each occasion thereafter when the office becomes vacant by effluxion of time but not later than the first day of November in every year,

by notice in writing request an educational institution in this State providing a course in surveying to nominate a member of the teaching staff of the course of surveying of the institution who is willing to act as member of the Board. ;

and

- (d) by repealing subsection (5) and substituting the following subsections—

(5) Subject to subsection (5a) of this section, whenever the Surveyor General, the Institute or an educational institution neglects or omits to nominate for appointment—

- (a) on or before the first day of December in every year the members or member of the Board, as the case requires, whom the Surveyor General, the Institute or that institution, as the case may be, is entitled under the provisions of paragraph (b)

or of paragraph (c) or of paragraph (d) of subsection (1) of this section to nominate for the then ensuing year;

- (b) within one month from the date of the removal, death or resignation of a member of the Board, a person whom the Surveyor General, the Institute or that institution, as the case may be, is entitled under the provisions of subsection (4) of this section to nominate to fill the vacancy caused thereby,

the Governor may appoint as members or a member of the Board for the then ensuing year, or to fill such vacancy, the persons or person nominated by a majority of the existing Board.

(5a) The Surveyor General shall in the request made pursuant to paragraph (a) of subsection (4a) of this section, specify the date on or before which the nomination shall be made and where the educational institution neglects or omits to nominate a member of the Board on or before that date the Governor may appoint as member of the Board for the then ensuing year the person nominated by a majority of the existing Board. .

5. Section 7 of the principal Act is amended—

Section 7
amended.

- (a) by deleting paragraph (iii) and substituting the following paragraph—
- (iii) has obtained the prescribed certificate of competency; ;
- (b) by deleting the passage “Act; or” at the end of paragraph (iv) and substituting the passage “Act; and”; and

- (c) by deleting the passage commencing with the passage “(v) has” in line eighteen and ending with the passage “require; and” in line twenty-six.

Section 9
amended.

6. Section 9 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsections—

- (1) Subject to this section, the Board shall issue a certificate of competency to—

- (a) a person who has passed the prescribed examination and fulfilled all the prescribed conditions; or

- (b) a person who holds a degree, diploma, certificate or license granted in or outside this State by some university, institute of technology, college or other public educational institution that is recognised by the Board as providing, together with such other qualifications (if any) by way of examination or field service, or both, as may be prescribed, sufficient evidence of the possession by the holder thereof of the requisite knowledge and skill for the efficient practice of the profession of surveying.

- (1a) A person is not eligible to be issued with a certificate of competency under paragraph (a) of subsection (1) of this section unless—

- (a) he has, before the coming into operation of section six of the Licensed Surveyors Act Amendment Act, 1976, entered into

articles of apprenticeship or pupilage pursuant to the regulations; or

(b) he—

- (i) has, after the coming into operation of section six of the Licensed Surveyors Act Amendment Act, 1976 but on or before the prescribed date, entered into articles of apprenticeship or pupilage pursuant to the regulations; and
- (ii) satisfies the Board that he had, before the coming into operation of section six of the Licensed Surveyors Act Amendment Act, 1976, agreed, arranged or contracted with a licensed surveyor to enter into articles of apprenticeship or pupilage pursuant to the regulations.

(1b) In subsection (1a) of this section “prescribed date” means the thirty-first day of March, one thousand nine hundred and seventy-nine or such later date as is prescribed. ;

- (b) as to subsection (2), by deleting the words “final qualifying examination” in lines one and two, and substituting the passage “final examinations prescribed for the purposes of paragraph (a) of subsection (1) of this section”; and

(c) as to subsection (3)—

- (i) by deleting the words “in all the prescribed subjects”, in line two and substituting the passage “prescribed for the purposes of paragraph (a) of subsection (1) of this section”; and
- (ii) by deleting the words “any part thereof”, in line three, and substituting the words “that examination”.

Section 16
amended.

7. Subsection (4) of section 16 of the principal Act is amended by deleting the words “one hundred dollars” in the last line and substituting the words “one thousand dollars”.

Section 23
amended.

8. Section 23 of the principal Act is amended—

- (a) by deleting the subsection designation “(1)”; and
- (b) by deleting the words “two hundred dollars” in the last line and substituting the words “one thousand dollars”.

Section 26
amended.

9. Subsection (2) of section 26 of the principal Act is amended by deleting the words “forty dollars” in the last line and substituting the words “one hundred dollars”.
