

Western Australia

Licensed Surveyors Act 1909

**Licensed Surveyors (Licensing and Registration)
Regulations 1990**

As at 01 Sep 2014

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Licensed Surveyors (Licensing and Registration) Regulations 1990

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Licensed Surveyors (Licensing and Registration) Regulations 1990

1. Citation

These regulations may be cited as the *Licensed Surveyors (Licensing and Registration) Regulations 1990*¹.

[Regulation 1 amended in Gazette 4 Apr 1997 p. 1761.]

2. Commencement

These regulations shall come into operation on 1 March 1990.

3. Interpretation

In these regulations, unless the contrary intention appears —

Form means a form in Schedule 2;

professional training agreement means an agreement for the performance of field service referred to in regulation 4;

supervising surveyor means a licensed surveyor who undertakes to provide training under a professional training agreement under regulation 4.

4. Professional training agreements

(1) Subject to these regulations the period of field service referred to in section 9(1)(b) of the Act —

(a) shall be performed under a professional training agreement; and

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- (b) subject to these regulations, shall be for a period of 24 months.
- (2) The parties to an agreement for professional training shall be a supervising surveyor and the person who desires to obtain a certificate of competency.
- (3) A person is not eligible to be a supervising surveyor for the purposes of an agreement for professional training unless that person is a natural person who is a licensed surveyor of not less than 2 years standing.
- (4) A person is not eligible to enter into service under a professional training agreement unless that person has been awarded or is entitled to be awarded a degree, diploma, certificate or licence granted in or outside this State by some university, institute of technology, college or other public educational institution that is recognised by the Board for the purposes of section 9(1)(b) of the Act.
- (5) A supervising surveyor shall not —
 - (a) enter into more than one professional training agreement in any period of 12 months; or
 - (b) have more than 2 persons undertaking field service under a professional training agreement with him or her at the same time,without the approval of the Board.
- (6) A professional training agreement shall specify the training to be provided under the agreement.

5. Registration of professional training agreement

- (1) A copy of a professional training agreement shall be forwarded to the Board not later than 6 months after the date of its execution.
- (2) If the Board is of the opinion that —

- (a) the person being trained under a professional training agreement is not eligible to enter into the professional service agreement; or
- (b) the training to be provided under a professional training agreement is not satisfactory,

the Board shall not register the agreement.

- (3) Where the Board refuses to register a professional training agreement the professional training agreement ceases to have effect for the purposes of these regulations.
- (4) A copy of a professional training agreement forwarded under subregulation (1) shall be accompanied by the relevant fee specified in Schedule 1.

[Regulation 5 amended in Gazette 4 Apr 1997 p. 1761.]

6. Register of professional training agreements

The secretary shall maintain a register of professional training agreements and shall enter therein such particulars as are directed by the Board.

7. Transfer of professional training agreements

- (1) A professional training agreement may with the consent of all the parties to the agreement and with the approval of the Board be assigned to another supervising surveyor.
- (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 7 amended in Gazette 4 Apr 1997 p. 1761-2.]

8. Board may reduce period of professional training

- (1) A person undertaking training under a professional training agreement may apply to the Board for a reduction of the period to be served under the professional training agreement.

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- (2) An application under subregulation (1) shall be accompanied by such evidence as is necessary to support the application.
- (3) Subject to subregulation (4), where the Board is satisfied that an applicant under this regulation has gained practical experience in surveying under the educational qualifications obtained by that person or otherwise the Board may direct that the period of service to be served by the applicant under his or her professional agreement be reduced to such term as the Board specifies and the period to be served by that person under the professional training agreement shall be reduced accordingly.
- (4) The Board shall not reduce the period of service to be served under a professional training agreement to a period that is less than 6 months.

9. Extension of professional training agreement

Where the Board is of the opinion that the field service served under a professional training agreement has not provided training to a satisfactory standard or for any other reason the Board may of its own motion or on application by a party to a professional training agreement direct that the period of field service to be served shall be such further period as is specified by the Board subject to such conditions as are specified by the Board and the agreement shall be extended accordingly.

10. Examinations

- (1) The examinations prescribed for the purposes of section 9(1)(b) of the Act shall consist of —
 - (a) a written examination in survey law;
 - (b) practical examinations consisting of —
 - (i) projects set by the Board; and
 - (ii) field tests including use of instruments;and
 - (c) a general oral examination.

- (2) The Board may grant a credit for the examination referred to in subregulation (1)(a) to a person who passed an examination in a course that is in the opinion of the Board of an equivalent standard.
- (3) The examination referred to in subregulation (1)(a) may be held at any time fixed by the Board.
- (4) A person is not eligible to apply to sit for the examination referred to in subregulation (1)(b)(ii) or (1)(c) unless he or she has completed and lodged with the Board the projects set by the Board under subregulation (1)(b)(i).
- (5) A person is not eligible to sit for the examination referred to in subregulation (1)(c) unless he or she has completed the period of field service prescribed under regulation 4 and has filed with the Board a completed certificate of field service in the form of Form 1.

11. Examinations conducted by reciprocating States and countries

If the Board is satisfied that a person has in any State or country with which reciprocal arrangements apply under section 10 of the Act passed any examination corresponding to an examination prescribed under regulation 10 the Board may credit the person with a pass in that examination.

12. Equivalent experience or qualifications

If the Board is satisfied that a person has experience or qualifications that are in the opinion of the Board equivalent to the experience or qualifications prescribed under regulation 10 the Board may credit that person with a pass in any examination prescribed under that regulation.

13. Examinations

- (1) A person who desires to sit for an examination prescribed under regulation 10 shall apply to the Board not later than the date specified by the Board.
- (2) An application under subregulation (1) shall be accompanied by the relevant fees specified in Schedule 1.
- (3) The Board may refund any fee paid under subregulation (2) to any person who withdraws from an examination.
- (4) Where the Board refuses to allow a person to sit for an examination the Board shall refund to that person or place to the credit of that person with the Board any fees paid by that person pursuant to subregulation (2).
- (5) A person sitting for an examination referred to in regulation 10(1)(b)(ii) shall provide —
 - (a) his or her own instruments and equipment; and
 - (b) one field assistant who is not and has not been a licensed surveyor or a person who has previously passed that examination.
- (6) An examiner may disqualify a person from sitting for or continuing with an examination if the examiner is satisfied that the conduct of that person whether before or during the examination has been improper to the extent that it is likely to affect the conduct of the examination.

[Regulation 13 amended in Gazette 4 Apr 1997 p. 1762.]

14. Certificate of competency

A certificate of competency issued under section 9(1) of the Act shall be in the form of Form 2.

15. Application for registration

- (1) An application for a licence and registration under section 7 of the Act shall be in the form of Form 3.

- (2) An application referred to in subregulation (1) shall be accompanied by —
- (a) evidence that the applicant has attained the age of 21 years;
 - (b) a copy of the certificate of competency issued to the applicant;
 - (c) 2 testimonials attesting the applicant's good fame and character;
 - (d) evidence of the declaration made pursuant to section 7(vi) of the Act; and
 - (e) the relevant fee specified in Schedule 1.

[Regulation 15 amended in Gazette 4 Apr 1997 p. 1762.]

16. Application by person licensed in a reciprocating State or country

An application for the purposes of section 7 of the Act by a person licensed as a surveyor in a reciprocating State or country shall be accompanied by —

- (a) evidence that the applicant is authorised to practise in that State or country and is not the subject of disciplinary proceedings in that State or country;
- (b) 2 testimonials attesting to the good fame and character of the applicant;
- (c) evidence to the satisfaction of the Board as to the applicant's competency; and
- (d) the relevant fee specified in Schedule 1.

[Regulation 16 amended in Gazette 4 Apr 1997 p. 1762.]

17. Form of licence

A licence for the purposes of section 7 of the Act shall be in the form of Form 4.

18. Letter of accreditation

The Board may on payment of the relevant fee specified in Schedule 1 issue to any person registered under the Act a letter of accreditation in the form of Form 5 certifying that the person referred to in the letter is at the time of the issue of the letter registered as a licensed surveyor under the Act.

[Regulation 18 amended in Gazette 4 Apr 1997 p. 1762.]

18A. Standard periods

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.

[Regulation 18A inserted in Gazette 4 Apr 1997 p. 1762.]

18B. Applications for practising certificates

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.

[Regulation 18B inserted in Gazette 4 Apr 1997 p. 1762.]

18C. Applications for renewal of practising certificates to be accompanied by fees, etc.

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.

[Regulation 18C inserted in Gazette 4 Apr 1997 p. 1762-3.]

18D. Form of practising certificates

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

[Regulation 18D inserted in Gazette 4 Apr 1997 p. 1763.]

18E. Issue of replacement certificates and licences

(1) If the Board is satisfied that a certificate or licence has been lost or destroyed, it may issue a replacement certificate or licence 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 18E inserted in Gazette 4 Apr 1997 p. 1763.]

19. Fees

The fees specified in Schedule 1 are the fees to be paid to the Board in respect of the several matters specified in that Schedule.

[Regulation 19 amended in Gazette 4 Apr 1997 p. 1763.]

20. Repeal

The *Regulations for the Examination and Registration of Licensed Surveyors*² are repealed.

21. Savings and transitional

(1) Notwithstanding anything in these regulations and without affecting anything in the *Interpretation Act 1984* —

- (a) any agreement for field service, however described, in force under the repealed regulations on the commencement day shall continue in force as though the

agreement were a professional training agreement under and subject to these regulations;

- (b) any course or examination prescribed under the repealed regulations that was commenced but not completed before the commencement day may be completed after that day as though the course or examination were a course or examination prescribed for the purposes of these regulations; and
- (c) any examination passed under the repealed regulations before the commencement day by a person desiring to obtain a certificate of competency under section 7 of the Act shall be credited to that person for the purposes of obtaining a certificate of competency after that day.

- (2) In subregulation (1) —

commencement day means the day on which these regulations come into operation;

repealed regulations means the regulations repealed by regulation 20.

Schedule 1 — Fees

[r. 5, 7, 13, 15, 16, 18, 18B, 18C, 18E and 19]

[Heading inserted in Gazette 15 Jul 2014 p. 2466.]

The fee specified in an item in this Schedule is payable in respect of the matter specified in that item.

Item	Matter	Fee
1.	Registration under regulation 5 of professional training agreement	\$42
2.	Application under regulation 7 for approval of assignment of professional training agreement	\$42
3.	Application under regulation 13 to enter examination	\$80
4.	Examination fee under regulation 13 (for each examination or project)	\$42
5.	Issue under regulation 18 of letter of accreditation	\$57
6.	Issue under regulation 18E of replacement certificate or licence	\$34
7.	Application under section 7 of the Act for a licence	\$45.50
8.	Application under section 11A of the Act for a practising certificate —	
	(a) for first year —	
	(i) before 1 September	\$143
	(ii) on or after 1 September	\$63
	(b) for each subsequent year	\$143
9.	Renewal under section 11A of the Act of a practising certificate for each year	\$143

Licensed Surveyors (Licensing and Registration) Regulations 1990
Schedule 1 Fees

Item	Matter	Fee
10.	Late renewal under section 11A(6) of the Act of a practising certificate	\$143
11.	Inspection under section 12(2) of the Act of the register	\$13.50

[Schedule 1 inserted in Gazette 15 Jul 2014 p. 2466-7.]

Schedule 2

FORM 1

WESTERN AUSTRALIA

LICENSED SURVEYORS ACT 1909

CERTIFICATE OF PROFESSIONAL TRAINING

I,, a surveyor registered under the *Licensed Surveyors Act 1909*, hereby certify that a registered surveying graduate —

- (1) has been professionally and continuously employed with me in the practice of land surveying from to that is to say, for a period of years and months;
- (2) has, during the said period, gained the following experience —

Nature of practical experience obtained by candidate	Length of time (in weeks) over which candidate has obtained practical experience under professional training agreement				
	Office experience	Field experience as a general assistant	Field experience as an instrument operator	Field experience as a party leader	Total experience obtained
Land boundary surveys					
in urban areas					
in rural areas					
Engineering surveys					
Typographical surveys					
Mining surveys					
Control surveys					
Other Surveys					
.....					
.....					
Total experience obtained					

Dated at this day of 20.....

.....
Licensed Surveyor.

Licensed Surveyors (Licensing and Registration) Regulations 1990
Schedule 2

I certify that in my opinion the said is fully competent to take responsibility for surveys effected.

Dated at this day of 20.....

.....
Licensed Surveyor.

FORM 2

WESTERN AUSTRALIA

LICENSED SURVEYORS ACT 1909

CERTIFICATE OF COMPETENCY IN SURVEYING

No.

We, the Land Surveyors' Licensing Board of Western Australia appointed for the examination of candidates for certificates as surveyors under the *Licensed Surveyors Act 1909*, certify that has passed all the examinations and fulfilled all the conditions prescribed.

Dated this day of 20.....

.....
Chairman.

.....
Secretary.

.....
.....
.....
Members of the Board.

Office of the Land Surveyors' Licensing Board, Perth ³.

FORM 3

WESTERN AUSTRALIA

LICENSED SURVEYORS ACT 1909

APPLICATION FOR REGISTRATION

I, of
(full name) (address)

..... hereby apply for registration as a licensed surveyor under the *Licensed Surveyors Act 1909*.

Attached is evidence in support of this application.

Dated this day of 20.....

.....
Signed.

FORM 4

WESTERN AUSTRALIA

LICENSED SURVEYORS ACT 1909

LICENCE

This is to certify that has been registered as a licensed surveyor under the provisions of the *Licensed Surveyors Act 1909*.

Dated this day of 20.....

Land Surveyors Licensing Board

.....
Chairman.

.....
Secretary.

.....
.....
.....
Members of the Board.

Office of the Land Surveyors' Licensing Board, Perth ³.

FORM 5

WESTERN AUSTRALIA

LICENSED SURVEYORS ACT 1909

LETTER OF ACCREDITATION

This is to certify that is the holder of a
Certificate of Competency No. dated 20
and is registered to practise as a licensed surveyor in Western Australia.

Original Registration No. dated 20.....

Dated this day of 20.....

.....
Chairman.

.....
Secretary.

Office of the Land Surveyors' Licensing Board Cathedral Avenue, PERTH³.

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 20.....

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 20.....

Dated and signed on behalf of the Land Surveyors' Licensing Board this
..... day of 20.....

.....
Chairman.

.....
Secretary.

[Schedule 2 amended in Gazette 4 Apr 1997 p. 1764-5.]

Notes

- ¹ This is a compilation of the *Licensed Surveyors (Licensing and Registration) Regulations 1990* 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
<i>Licensed Surveyors Registration Regulations 1990</i> ⁴	23 Feb 1990 p. 1208-14	1 Mar 1990 (see r. 2)
<i>Licensed Surveyors Registration Amendment Regulations 1991</i>	10 Jan 1992 p. 57-8	10 Jan 1992
<i>Licensed Surveyors Registration Amendment Regulations 1994</i>	20 May 1994 p. 2116-17	20 May 1994
<i>Licensed Surveyors Amendment Regulations 1997 Pt. 3</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 (Licensing and Registration) Amendment Regulations 2002</i>	2 Aug 2002 p. 3806-7	2 Aug 2002
Reprint of the <i>Licensed Surveyors (Licensing and Registration) Regulations 1990</i> as at 22 Nov 2002 (includes amendments listed above)		
<i>Licensed Surveyors (Licensing and Registration) Amendment Regulations 2004</i>	22 Jun 2004 p. 2151-2	22 Jun 2004
<i>Licensed Surveyors (Licensing and Registration) Amendment Regulations 2009</i>	1 Sep 2009 p. 3397-8	r. 1 and 2: 1 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Sep 2009 (see r. 2(b))
<i>Licensed Surveyors (Licensing and Registration) Amendment Regulations 2014</i>	15 Jul 2014 p. 2465-7	r. 1 and 2: 15 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Sep 2014 (see r. 2(b))

- ² Published in the *Government Gazette* 31 October 1952 at p. 2647-55.
- ³ Now Midland Square, Midland.
- ⁴ Now known as the *Licensed Surveyors (Licensing and Registration) Regulations 1990*; citation changed (see note under r. 1).