



ANNO QUINQUAGESIMO NONO ET SEXAGESIMO

VICTORIÆ REGINÆ.

A.D. 1896.

No. 657.

An Act to regulate the Licensing of Surveyors, and for other purposes.

[Assented to, December 19th, 1896.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

1. This Act may be cited for all purposes as “The Licensed Surveyors Act, 1896.” Short title.

2. The Acts mentioned in the First Schedule hereto are, to the extent therein mentioned, hereby repealed: Provided that such repeal shall not affect the validity of any licence granted under the said repealed Acts, or any of them, or the validity of any survey heretofore made thereunder. Repeal.

3. In this Act the following terms in inverted commas shall have the respective meanings hereinafter assigned to them:— Interpretation.

“Surveyor-General”—The professional head of the Survey Department of South Australia:

“Institute”—The South Australian Institute of Surveyors, Incorporated:

“Board”—The Board of Examiners for Surveyors constituted under this Act:

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“Qualification”—(a) Any licence granted before the coming into force of this Act, and entitling the holder thereof to practice as a surveyor in South Australia, or (b) any actual appointment as a surveyor in the service of the South Australian Government, at the time of the passing of this Act and for three years prior thereto:

“Certificate”—The certificate of competency in surveying granted by the Board of Examiners under this Act:

“Register”—The register of surveyors entitled to practice:

“Licensed surveyor”—Any person registered in respect of a qualification under division (a) or in respect of a certificate under this Act.

Constitution and
appointment of
board.

4. The Governor may, subject to the provisions contained in the following sub-sections, appoint not fewer than four persons, who, with the Surveyor-General for the time being, shall be the “Board of Examiners for Surveyors”:

i. All members of the Board, except the Surveyor-General, shall be nominated before appointment as herein provided, that is to say—The Institute may nominate three of its members, or not fewer of its members than shall constitute half of the members of the Board. All other nominations for appointment on the Board, and all nominations necessary by reason of the neglect or omission of the Institute to nominate the number of its members hereinbefore provided, shall be made by the Surveyor-General. All nominations shall be in writing, and nominations made by the Institute shall be lodged with the Chief Secretary during the month of November, and nominations made by the Surveyor-General shall be so lodged during the month of December, respectively, in every year. Nominations of members to fill extraordinary vacancies on the Board by the removal, death, or resignation of members, shall be lodged as aforesaid by the Institute within one month and by the Surveyor-General within two months of the happening of such vacancy:

ii. The members of the Board shall retire from office on the thirty-first day of December in every year, but shall be eligible for reappointment, and shall be deemed to hold office until the appointment of their successors:

iii. The Governor may, from time to time, remove any member of the Board from his office on the recommendation of a majority of the Board:

iv. The Governor may, subject as hereinbefore provided, appoint persons in the place of any members removed from office, dying, resigning, or retiring from office.

5. Three

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5. Three members of the Board shall be a quorum for the conduct of business, provided that the Board may lawfully exercise the powers vested in it by this Act, notwithstanding any vacancy or vacancies in its membership; and if by reason of vacancies the number of members be less than three, a quorum shall be the actual number of its members. Quorum.

6. The Board shall perform and exercise the duties and powers set out in the following sub-sections:— Duties and powers of the board.

- i. The Board shall at its first meeting in every year, and thereafter at its first meeting after the occurrence of any vacancy in the office, appoint one of its members to be secretary of the Board for the year:
- ii. Examinations shall be held and conducted by the members of the Board in the months of March and September in every year, and at such other times as the Board shall by regulation appoint:
- iii. The Board may give certificates of competency in surveying, in the form in the Second Schedule hereto, signed by the secretary and two members of the Board, to any person who at any examination of the Board shall satisfy the examiners in the subjects set for examination, or to any person who shall satisfy the Board that he holds a certificate of competency as a surveyor in any of the Australasian colonies, entitling him, in the opinion of the Board, to a certificate under this Act: Provided that the Board may refuse a certificate to any applicant if the Board shall find any charge such as is mentioned in sub-section vi. proved against him:
- iv. The Board shall cause to be kept a register book, in which shall be entered the names of all persons holding qualifications or certificates, with the dates of each qualification or certificate, and such register shall be revised forthwith after the issue, cancellation, or suspension of any qualification or certificate; and notice of every such issue, cancellation, or suspension shall be published in the *Government Gazette* within one month from the date thereof, and a true copy of the register shall be published in the *Government Gazette* during the month of January in every year:
- v. Every qualification or certificate registered under this Act shall entitle the holder thereof to practise as a surveyor for the purpose of "The Northern Territory Mineral Act, 1888," "The Northern Territory Crown Lands Act, 1890," "The Real Property Act, 1886," "The Crown Lands Act, 1888," "The Roads Act, 1884," and "The Roads Amendment Act, 1892," and the Acts amending or substituted for the same or any of them, and generally for all

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all statutory and other purposes in South Australia: Provided that no such qualification or certificate shall entitle a surveyor in the service of the Government to make surveys or certify plans, unless such are for purely Government purposes; and that any qualification under division (b) of clause 3 shall expire on the holder thereof leaving such service:

- vi. If it shall appear to the Board that any licensed surveyor is charged, or may be reasonably charged, with committing any one or more of the following offences, or with incurring any one or more of the following disqualifications, that is to say—
- a. That he has wilfully certified to the accuracy of any survey or plan knowing the same to be inaccurate, or without taking reasonable precautions to verify its accuracy:
 - b. That any survey made by him or under his immediate direction and supervision is so inaccurate as to be unreliable:
 - c. That his qualification, certificate of competency, or either, has been obtained by fraud:
 - d. That after the date of his registration he has been convicted of felony:
 - e. In the case of a surveyor licensed under this Act in respect of a certificate of competency granted in any of the Australasian colonies that such certificate has been cancelled or suspended, or that his name has been lawfully removed from the surveyors' register of any of the other Australasian colonies:
- The Board shall inquire into the said charge or charges, and if a majority of the Board then present shall find the charge or charges, or any of them, proved, the Board may suspend the qualification or certificate of the accused for a period not exceeding three years, or may cancel the same absolutely:
- vii. The finding and decision of the Board on such inquiry shall be given in writing under the hands of the secretary and one other member of the Board, and such writing shall be conclusive evidence of the matters therein contained and of the decision of the Board, subject to appeal as provided for hereinafter in clause 16:
- viii. The Board shall forthwith cause every decision suspending or cancelling a qualification or certificate to be entered in the register by writing "Cancelled" or "Suspended," and the date of such cancellation, or the date and period of such suspension, as the case may require, opposite the name of the person affected thereby:

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- ix. Seven clear days' notice of the time, place, and subject of such inquiry shall be delivered or posted to the person accused, who shall in person be entitled to be heard in defence:
- x. The Board may from time to time make, alter, and repeal regulations for the purpose of—
- a. Fixing the details of subjects for examinations:
 - b. Fixing the time and place for examinations:
 - c. Regulating the mode of conducting examinations and inquiries and appeals from the finding and decision of the Board:
 - d. Regulating the times of meetings of the Board and the conduct of business thereat:
 - e. Prescribing the duties of the secretary:

All such regulations shall, if approved, be confirmed by the Governor, and shall be published in the *Government Gazette*, and a copy of the *Gazette* containing such regulations shall be conclusive evidence of the due making thereof.

7. Every person holding a qualification as a surveyor shall, within three months from the time this Act shall come into force, furnish to the secretary of the Board for entry in the register his full name and the date of his licence, or appointment, as the case may be, and on such entry being made such person shall be deemed to be a licensed surveyor and the holder of a qualification certificate registered under this Act.

Surveyors to furnish particulars of qualifications for registration, as per subsection iv. of clause 6.

8. The fees in the Third Schedule hereto shall be paid in advance to the secretary of the Board in respect of the several matters therein specified, and such fees shall be applied by him in payment of the expenses properly incurred by the Board in giving effect to the provisions of this Act. The surplus of such fees, after payment of expenses as aforesaid, shall be paid by the secretary of the Board to the Treasurer for the public use, accompanied by a statement in writing, signed by the secretary of the Board, setting out the total amount of fees received and the amount expended by the Board in accordance with this Act.

Apportionment of fees.

9. Before any person shall receive a certificate under this Act he shall make a declaration in the form of the Fourth Schedule hereto before a Justice of the Peace, and shall deliver such declaration to the secretary of the Board.

Declaration.

10. All surveys of Crown lands included in any pastoral, mineral, or other lease or claim, shall be made in accordance with data to be supplied by the Surveyor-General, and plans of all such surveys shall be submitted in duplicate by the surveyor making the same

Surveys of certain Crown lands, how to be made.

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same to the Surveyor-General, and if found correct shall be certified by the Surveyor-General, and one duplicate shall be deposited in his office and the other returned to the surveyor, and either duplicate so certified, or a copy certified by the Surveyor-General for the time being to be a true copy of such certified plan, shall be accepted as correct in all questions relating to the boundaries therein delineated of the land comprised in any such lease or claim: Provided that a certified copy of such plan shall be sent by the Surveyor-General to each lessee interested, such lessees to be allowed time, to be fixed by the Surveyor-General, to appeal against the survey, and to give reasons, if any exist, why such survey should not be adopted.

Re-survey of lines.

11. In the event of a lessee objecting under the preceding clause to the adoption of any survey made by a licensed surveyor, and giving sufficient reasons for such objections to the Surveyor-General, the Government shall nominate, at the said lessee's cost, some other licensed surveyor to re-survey such lines, which survey, if verified by the Surveyor-General, shall be final.

Offences.

12. Any person, not being a surveyor registered under this Act, who, after the period limited in this Act for registration, shall—

- a. Knowingly and wilfully pretend that he is qualified and registered as a surveyor:
- b. Certify to the accuracy of any survey or plan as a licensed surveyor:

shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

Certificate evidence of compliance with conditions.

13. Any certificate under this Act shall, except upon proceedings to cancel the same, be conclusive evidence that all conditions precedent to the issue of such certificate have been duly fulfilled.

Fees to surveyors.

14. In the absence of any special agreement in writing, any licensed surveyor shall be entitled to charge from the person employing him the fees provided for in the Fifth Schedule hereto.

Procedure on recovery of penalties.

15. All penalties under this Act may be recovered in a summary way before two or more Justices of the Peace, as provided by Ordinance No. 6 of 1850, or any other Act in force regulating the duties of Justices of the Peace.

Appeal.

16. There shall be an appeal, as provided in sub-section VII. of section 6, from every finding and decision of the Board, and from any order or conviction under this Act, or from any order dismissing any information or complaint, to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner provided for the conduct of appeals to Local Courts

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Courts by the said Ordinance No. 6 of 1850, or any Act for the time being in force regulating such appeals, or as may be prescribed by regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

T. F. BUXTON, Governor.

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SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
388 of 1886 ..	Licensed Surveyors Act, 1886	The whole.
380 of 1886 ..	The Real Property Act, 1886	Section 243.

THE SECOND SCHEDULE.

This is to certify that A. B. has satisfactorily proved his qualifications, and is hereby authorised to practice as a surveyor in South Australia under the provisions of "The Licensed Surveyors Act, 1896."

Dated

A.B., Secretary of the Board of Examiners.

C.D., Chairman of the said Board.

THE THIRD SCHEDULE.

<i>Fees.</i>	£	s.	d.
Fee on every examination	2	2	0
Fee for certificate on examination.....	3	3	0
Fee for certificate without examination	2	2	0

THE FOURTH SCHEDULE.

I, A.B., do hereby solemnly and sincerely declare that I will, to the best of my ability, and without partiality, favor, or affection, correctly survey and delineate the boundaries of any lands I may be instructed to survey. A. B.

Declared the day of 189 before me.

C. D., J.P.

THE FIFTH SCHEDULE.

For the time employed upon any survey, and the plans, calculations and travelling while employed thereon (exclusive of wages of assistants and expenses of party):—

	£	s.	d.
Not exceeding per diem.....	3	3	0