

Queensland



Subordinate Legislation 1992 No. 72

Surveyors Act 1977

SURVEYORS REGULATION 1992

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Surveyors Regulation 1992*.

Definitions

2. In this regulation—

“AMG” means the Australian Map Grid specified in the Australian Geodetic Datum Technical Manual of the Australian Survey and Land Information Group;

“body corporate” means a company within the meaning of the Corporations Law;

“high water mark” has the meaning given by section 8 of the *Harbours Act 1955*;

“natural feature” means a topographical feature suitable for use as a boundary in a cadastral survey, and includes—

- (a) a mountain range; and
- (b) a cliff; and
- (c) a river; and
- (d) a watercourse; and
- (e) a seashore;

“occupation” means a permanent improvement situated on or near the boundary of land, and includes—

- (a) a building; and
- (b) a fence; and
- (c) a wall;

“registering authority” means a person charged under an Act with the registration of plans or estates in land;

“State Control Survey” means the State Control Survey within the meaning of the *Survey Co-ordination Act 1952*;

“supervision”, in relation to a survey, means the immediate personal oversight of the planning and execution of the survey, including—

- (a) the method of measurement; and
- (b) the placement of survey marks; and
- (c) the preparation of the plan of survey; and
- (d) in the case of a cadastral survey, the examination of evidence of ownership relied on when fixing an existing boundary;

“survey records” means the documents necessary to adequately record every aspect of the survey.

Prescribed forms

3. For the purposes of the Act and this regulation, a prescribed form is a form approved by the Board for the purposes specified in the form.

Fees

4. The fees specified in the Schedule are the fees payable in respect of the matters specified in the Schedule.

Board’s directions

5.(1) The Board may issue directions to surveyors in relation to the performance of surveys and the achievement of the standards of accuracy specified in this regulation.

(2) Without limiting subsection (1), directions may be given in relation to the storage, transfer and use of electronic survey data.

(3) A surveyor must comply with the directions of the Board.

Maximum penalty for subsection (3)—3 penalty units.

PART 2—REGISTRATION

Division 1—Individuals

Qualifications of surveying associates

6.(1) For the purposes of section 38A(a)(i) of the Act, the following are prescribed educational institutions—

- (a) the Queensland University of Technology;
- (b) the University of Southern Queensland;

(c) any other educational institution recognised by the Board.

(2) For the purposes of section 38A(b) of the Act, a person is otherwise qualified to be registered as a surveying associate if the person has gained (over a period of 7 years) practical experience in surveying sufficient to satisfy the Board of the person's capacity to maintain a high level of performance in the technical aspect of the practice of surveying.

Qualifications of surveying graduates

7. For the purposes of section 38(b) of the Act—

- (a) the following are prescribed educational institutions—
 - (i) the University of Queensland;
 - (ii) the Queensland University of Technology;
 - (iii) any other educational institution recognised by the Board;and
- (b) a prescribed certificate is a certificate of competency issued after examination by the Board.

Qualifications of surveyors

8.(1) For the purposes of section 37(a)(i) of the Act, the prescribed academic qualifications are—

- (a) a degree in surveying from—
 - (i) the University of Queensland; or
 - (ii) the Queensland University of Technology; or
- (b) academic qualifications that the Board considers to be equal to or higher than the degree mentioned in paragraph (a).

(2) For the purposes of section 37(a)(ii) of the Act, practical experience includes the completion, to the satisfaction of the Board, of such projects as the Board determines.

(3) For the purposes of section 37(b) of the Act, a person is otherwise qualified to be registered as a surveyor if—

- (a) the person holds a Graduate Diploma in Surveying Practice from the Queensland University of Technology; or

- (b) the person—
 - (i) has passed such examinations (whether written or oral or both); and
 - (ii) has gained such practical experience in surveying;as the Board requires to satisfy itself of the person's capacity to maintain a high level of performance in all aspects of the practice of surveying; or
- (c) the person—
 - (i) satisfies the Board that the person is, or is entitled to be, registered as a surveyor in another State, a Territory or New Zealand; and
 - (ii) has passed such examinations (whether written or oral or both) as the Board requires to satisfy itself of the person's capacity to maintain a high level of performance in all aspects of the practice of surveying.

Endorsement as a licensed surveyor

9.(1) The Board may, for the purposes of being satisfied under section 42(1)(a) of the Act, require an applicant under the section to complete, to its satisfaction, such projects as it determines.

(2) For the purposes of section 42(1)(b) of the Act, a person is otherwise qualified to be a licensed surveyor if—

- (a) the person holds—
 - (i) a Graduate Diploma in Surveying Practice from the Queensland University of Technology; or
 - (ii) academic qualifications that the Board considers to be equal to or higher than the diploma mentioned in subparagraph (i); or
- (b) the person—
 - (i) satisfies the Board that the person is, or is entitled to be, licensed to perform cadastral surveys in another State, a Territory or New Zealand; and

- (ii) has passed such examinations (whether written or oral or both) as the Board requires to satisfy itself of the person's capacity to maintain a high level of performance in all aspects of the practice of surveying.

Endorsement as a consulting surveyor

10.(1) Without limiting section 42A(1)(e) of the Act, a person who has gained 1 year's practical experience as a registered surveyor is taken to have satisfied the Board under the section.

(2) It is a condition of endorsement of a surveyor's certificate of registration as a consulting surveyor that the surveyor take out and maintain professional indemnity and public liability insurance policies that—

- (a) are to a value specified by the Board; and
- (b) if the Board requires, are taken out jointly in the names of the surveyor and the Board.

Division 2—Bodies Corporate

Registration of body corporate

11. The Board may register, or renew the registration of, a body corporate as a surveyor if—

- (a) the name of the body corporate or, if the body corporate intends to carry on business under a business name registered under the *Business Names Act 1962*, the business name—
 - (i) includes the name of an individual who is a registered surveyor or words descriptive of the practice of surveying; and
 - (ii) is a name that the Board considers desirable in relation to the practice of surveying; and
- (b) after registration the body corporate intends to carry on—
 - (i) the business of the practice of surveying; or
 - (ii) a business that the Board approves to be carried on in connection with the practice of surveying; and

- (c) the articles of association of the body corporate specify that—
 - (i) a majority of the directors of the body corporate must be registered surveyors or, in the case of a body corporate with only 2 directors, 1 of the directors must be a registered surveyor; and
 - (ii) any remaining directors must possess qualifications or experience satisfactory to the Board; and
 - (iii) a majority of the directors of the body corporate entitled to vote at a meeting of directors of the body corporate must be registered surveyors; and
 - (iv) a majority of the voting rights of the persons entitled to vote at a general meeting of members of the body corporate must be held by registered surveyors; and
 - (v) the principal executive officer of the body corporate must be a registered surveyor; and
 - (vi) any plan or document required by law to be executed by a registered surveyor must be executed by the affixing of the common seal in the presence of, and the signing by, 2 directors, at least 1 of whom is a registered surveyor; and
- (d) the business of the body corporate at each place of business in the State is personally supervised and managed by a registered surveyor; and
- (e) the application for registration, or renewal of registration, is accompanied by evidence that the body corporate holds professional indemnity and public liability insurance policies that—
 - (i) are of a value specified by the Board; and
 - (ii) if the Board requires, are taken out jointly in the names of the body corporate and the Board.

Application for registration

12.(1) An application by a body corporate for registration as a surveyor must be accompanied by a certificate stating that the body corporate has complied with section 11.

(2) The certificate must be given by a solicitor or other person holding qualifications acceptable to the Board.

Maximum penalty for subsection (2)—6 penalty units.

Application for renewal of registration

13.(1) An application by a body corporate for renewal of registration must be accompanied by a certificate stating that the body corporate is complying with section 11.

(2) The certificate must be given—

- (a) if the articles of association of the body corporate have not been altered—by the directors; or
- (b) if the articles of association of the body corporate have been altered—by a solicitor or other person holding qualifications acceptable to the Board.

Maximum penalty for subsection (2)—6 penalty units.

Endorsement as a licensed surveyor

14.(1) The Board may endorse the registration of a body corporate to the effect that it may perform cadastral surveys.

(2) The Board may renew the endorsement when renewing registration if—

- (a) a majority of its directors are licensed surveyors or, in the case of a body corporate with only 2 directors, 1 of the directors is a licensed surveyor; and
- (b) its articles of association state that a plan or other document required by law to be executed by a licensed surveyor must be executed by the affixing of the common seal in the presence of, and the signing by, 2 directors, at least 1 of whom is a licensed surveyor.

Notice of change

15.(1) A body corporate registered under this regulation must give written notice to the Board of any change of—

- (a) its directors or members (giving particulars of the name, address and type of registration); and

(b) its registered office or places of business.

(2) The notice must be given within 21 days after the change.

Maximum penalty—5 penalty units.

Cancellation of registration

16. The Board may cancel the registration of a body corporate by written notice, if satisfied that—

- (a) its articles of association do not, at any time, comply with this regulation; or
- (b) any of its directors or members have an interest (other than an interest as a director or member) that might conflict with the director's, member's or body corporate's duty in performing a survey, unless the person on whose behalf the survey is being performed has been given prior notice of the conflict; or
- (c) the registration of any of its directors, members or employees has been cancelled or suspended under section 61 of the Act; or
- (d) it has failed to maintain a high level of performance in all aspects of the practice of surveying; or
- (e) it has failed to comply with the Act; or
- (f) the policies of insurance mentioned in section 11(e) are or were not in force during any period of registration; or
- (g) it has failed to comply with any other condition required by the Board in relation to its registration or renewal of registration; or
- (h) it is no longer a company within the meaning of the Corporations Law; or
- (i) it is in liquidation.

Opportunity to show cause

17.(1) Before cancelling the registration of a body corporate, the Board must give it written notice of a day (being not earlier than 30 days after the giving of the notice), a time and place when and where it may show cause why its registration should not be cancelled.

(2) If satisfied that exceptional circumstances exist, the Board may advise the body corporate in the notice that its registration is suspended until the Board—

- (a) cancels its registration; or
- (b) notifies it of the lifting of the suspension.

(3) The body corporate may—

- (a) appear by its counsel, solicitor or authorised agent on the day and at the time and place specified in the notice and take such steps as are calculated to show cause why its registration should not be cancelled; or
- (b) endeavour to show cause why its registration should not be cancelled in written submissions given to the Board before the day specified in the notice.

(4) This section does not apply if the Board cancels a body corporate's registration under section 16(h) or (i).

PART 3—PERFORMANCE OF SURVEYS

Division 1—General

Supervision

18.(1) A surveyor must—

- (a) personally perform a survey; or
- (b) personally supervise a survey being performed by another registered person—
 - (i) whom the surveyor believes is capable of performing the survey; and
 - (ii) for whose work the surveyor accepts responsibility.

Maximum penalty—5 penalty units.

(2) A surveyor may delegate the supervision of the performance of a

survey to another surveyor.

Survey marks

19.(1) Subject to subsection (2), a surveyor may only place a survey mark that is—

- (a) a peg capable of resisting destruction, corrosion or decay that—
 - (i) when used on a cadastral survey, is at least 400 mm in length and has a cross-section of 50 mm² for at least 100 mm from the top; or
 - (ii) when used on any other survey, has an oblong cross-section with a nominal ratio of 3:2;
- (b) a permanent mark, being—
 - (i) a standard plaque set in concrete or in a durable structure; or
 - (ii) other mark approved under the *Survey Co-ordination Act 1952*;
- (c) a reference mark, being—
 - (i) a suitably marked tree or fence post; or
 - (ii) a durable mark on a building or other immovable object; or
 - (iii) a pin made of a durable material that is at least 300 mm in length and 15 mm in cross-section.

Maximum penalty—5 penalty units.

(2) If a surveyor considers that it is impracticable or unsuitable to use a survey mark mentioned in subsection (1), the surveyor may place a survey mark of equivalent durability and stability.

Placement of survey marks

20. A person must not place or reinstate a survey mark unless the person is—

- (a) in the case of a cadastral survey—
 - (i) a licensed surveyor; or
 - (ii) a registered person supervised by a licensed surveyor; or

- (b) in the case of any other survey—
 - (i) a surveyor; or
 - (ii) a person supervised by a surveyor.

Maximum penalty—6 penalty units.

Connection of surveys

21. A surveyor must adequately connect a survey to existing surveys unless the position of the survey can be determined by another method that enables the survey to be accurately shown in relation to a natural feature or occupation.

Maximum penalty—3 penalty units.

Doubts or discrepancies

22. If a doubt or discrepancy arises in relation to a survey, a surveyor must—

- (a) give clear descriptions of the survey marks recorded; and
- (b) include in the survey records sufficient information to—
 - (i) show the doubt or discrepancy; and
 - (ii) enable the survey to be assessed.

Maximum penalty—6 penalty units.

Disagreements between surveyors

23.(1) If—

- (a) 2 or more surveyors; or
- (b) a surveyor and a registering authority;

are unable to agree that a survey has been performed in accordance with this regulation or the Board's directions, a surveyor concerned, or the registering authority, may request the Board to investigate the matter.

(2) When the Board receives the request, the Board may cause the matter to be investigated and, if it does so, the Board—

- (a) must give written notice of the results of the investigation to—
 - (i) the surveyors concerned; or
 - (ii) the surveyor concerned and the registering authority; and
 - (b) may direct a surveyor to take such steps as may be necessary for the survey to conform with this regulation and the Board's directions.
- (3) The Board must give a copy of any directions given under subsection (2)(b) to the registering authority.

Division 2—Cadastral Surveys

New boundaries

24.(1) A licensed surveyor performing a cadastral survey to register an estate in land must comply with this section.

Maximum penalty—6 penalty units.

- (2) If a natural feature is to be adopted as a boundary—
 - (a) the feature must be surveyed by a method that accurately locates the feature; and
 - (b) an unambiguous description of the feature must be shown on the plan and survey records.
- (3) If a boundary abuts a non-tidal watercourse or lake as defined in the *Water Resources Act 1989*, the landward edge of the watercourse or lake must be adopted as the boundary.
- (4) If a boundary abuts tidal waters, the high water mark must be adopted as the boundary.
- (5) Information derived from an existing survey (whether or not made for cadastral purposes) may be used by a licensed surveyor in defining a boundary, but the licensed surveyor is responsible for the correctness of the information used and the adequate marking of the survey used.

Plans without field surveys

25.(1) A licensed surveyor may compile a plan without performing a cadastral survey if—

(a) the plan is compiled from information from an existing survey, whether or not made for cadastral purposes; and

(b) the area and dimensions of the land are sufficiently accurate for the purpose of issuing title to the land.

(2) The surveyor is responsible for the correctness of the information used when compiling the plan.

(3) The surveyor must endorse the plan to the effect that it was compiled in accordance with this section.

Reinstatement of existing boundaries

26.(1) When a cadastral survey (including an identification survey) is required to determine the position of an existing boundary, a licensed surveyor must—

(a) ascertain the positions and descriptions of the existing survey marks and occupation that provide evidence of the boundary; and

(b) give primary consideration to the existing survey marks, unless other evidence (including original measurements, the position of improvements or statements by occupiers) suggests that the existing marks were incorrectly placed or have been disturbed; and

(c) if it is positively determined that a survey mark has not been placed as originally intended, reset the mark according to the original intentions, after recording the position of the mark being reset; and

(d) determine whether or not the position of an ambulatory boundary is significantly different from the position marked on the registered plan; and

(e) record whether an encroachment, within the meaning of section 183 of the *Property Law Act 1974*, has arisen; and

(f) ascertain and record the position of any occupation that affects or is affected by the reinstatement of a boundary.

(2) If a surveyor determines that an owner may be adversely affected by the reinstatement of a boundary (except in the case of an identification survey), the surveyor must—

(a) without delay take all reasonable steps to give written notice to the owner of the intention to seek registration of the plan with the

reinstated boundary; and

- (b) advise the registering authority of the steps taken to notify the owner.

Maximum penalty—6 penalty units.

Boundary marking

27. A licensed surveyor must mark a boundary so that—

- (a) the boundary is readily and unambiguously discernible on the ground after completion of a cadastral survey; and
- (b) a clear description of the survey marks placed is shown in the survey records and on the plan.

Maximum penalty—6 penalty units.

Reference marks

28. A licensed surveyor must place sufficient reference marks to facilitate future reinstatement of a cadastral survey.

Maximum penalty—6 penalty units.

Permanent marks

29.(1) To facilitate reinstatement of a cadastral survey and integration of the survey into the State Control Survey, a licensed surveyor must make connections to permanent marks on the survey unless the surveyor considers that it is not practical.

(2) The surveyor must lodge a permanent mark plan for each permanent mark placed with the registering authority.

Maximum penalty for subsection (2)—6 penalty units.

Preparation and lodgment of cadastral plans

30.(1) Within 60 days after a cadastral survey is completed, a licensed surveyor must—

- (a) prepare a plan that—
 - (i) is in the prescribed form; and
 - (ii) includes a certificate in the prescribed form signed by the licensed surveyor; and
- (b) deposit a copy of the plan in the office of the registering authority.

(2) A surveyor who supervises a survey being performed by another registered person must state that fact and the qualifications of the person when completing the certificate.

(3) A surveyor who delegates the supervision of the performance of a survey to another surveyor must state that fact and the qualifications of the surveyor when completing the certificate.

Maximum penalty—6 penalty units.

Survey accuracy

31.(1) This section applies to angular and linear measurement only.

(2) A surveyor must calibrate and standardise survey equipment used on a cadastral survey to ensure that the standard deviation—

- (a) in the case of angular measurement—does not exceed 10 seconds of arc;
- (b) in the case of distance measurement—does not exceed 10 mm plus 1 part in 10 000 of the distance.

Maximum penalty—6 penalty units.

(3) The standard deviation must be assessed by a method approved by the Board.

(4) The accuracy of a cadastral survey must be determined—

- (a) by computation of the angular and linear misclosure in a surround; or
- (b) by comparison with coordinated permanent marks.

(5) The angular misclosure in a surround or the angular deviation from the adopted meridian must not exceed the lesser of—

- (a) 2.5 times the adopted standard deviation of angular measure multiplied by the square root of the number of angles; or
- (b) 2 minutes.

(6) The linear misclosure in a surround must not exceed—

- (a) 10 mm plus 1 part in 5 000 of the total distance traversed; or
- (b) 20 mm plus 1 part in 2 500, if the survey is in rough or broken terrain; or
- (c) 20 mm plus 1 part in 2 000, if another surveyor's work is included in the surround; or
- (d) 20 mm plus 1 part in 1 000, if a survey effected before 1890 is included in the surround.

(7) The registering authority may approve accuracies inconsistent with subsections (2), (4), (5) and (6), if it is appropriate for the purposes of the survey.

Meridian

32.(1) A surveyor must determine the meridian datum of a cadastral survey to an accuracy consistent with section 31(2)(a).

(2) A surveyor must refer the meridian of a cadastral survey—

- (a) to the AMG by derivation from—
 - (i) coordinated permanent marks; or
 - (ii) astronomical observations; or
- (b) if paragraph (a) is not practical, to—
 - (i) County Arbitrary Meridian; or
 - (ii) the meridian of the original survey; or
 - (iii) the meridian of an adjoining survey.

(3) A surveyor must reduce the bearings of a cadastral survey to the meridian before the plan is prepared, unless corrections to adjust plan

bearings to the meridian are shown on the face of the plan, rounded as appropriate.

Maximum penalty—3 penalty units.

Survey records

33.(1) Survey records lodged with a registering authority to supplement the survey information shown on a plan must—

- (a) be in a form suitable as a record of the cadastral survey; and
- (b) bear a certificate in the prescribed form signed by the licensed surveyor.

(2) The licensed surveyor must keep any survey records that are not lodged with the registering authority, even if all information from the survey records is shown on the plan.

Maximum penalty—3 penalty units.

Repeal

34. The *Surveyors Regulation 1978* is repealed.

SCHEDULE

FEES

section 4

1. Registration as a surveying associate or surveying graduate—
 - (a) if made before 1 October \$87.00
 - (b) if made on or after 1 October \$29.00
2. Acceptance of a technical project—
 - (a) for accreditation \$20.00
 - (b) for examination \$195.00
3. Approval of proposed professional assessment project . . . \$195.00
4. Registration as a surveyor by—
 - (a) an individual intending to practice as a consulting surveyor—
 - (i) if made before 1 October \$255.00
 - (ii) if made on or after 1 October \$81.00
 - (b) an individual not intending to practice as a consulting surveyor—
 - (i) if made before 1 October \$124.00
 - (ii) if made on or after 1 October \$51.00
 - (c) a body corporate—
 - (i) if made before 1 October \$575.00
 - (ii) if made on or after 1 October \$146.00
5. Endorsement of registration as a licensed surveyor by—
 - (a) an individual intending to practice as a consulting surveyor—
 - (i) if made before 1 October \$190.00
 - (ii) if made on or after 1 October \$59.00
 - (b) an individual not intending to practice as a consulting surveyor—
 - (i) if made before 1 October \$87.00
 - (ii) if made on or after 1 October \$36.00

(c) a body corporate—	
(i) if made before 1 October	\$437.00
(ii) if made on or after 1 October	\$109.00
6. Renewal of registration as a surveying associate or as a surveying graduate	\$87.00
7. Renewal of registration as a surveyor (including, if applicable, renewal of registration as a licensed surveyor) by—	
(a) an individual—	
(i) who has turned 60; and	
(ii) who satisfies the Board that he or she is practising only on a part-time basis	\$5.00
(b) any other individual who is or is intending to practice as a consulting surveyor—	
(i) ordinary fee	\$190.00
(ii) fee increased under section 41(3) of the Act	\$380.00
(c) any other individual not intending to practice as a consulting surveyor—	
(i) ordinary fee	\$87.00
(ii) fee increased under section 41(3) of the Act	\$174.00
(d) a body corporate—	
(i) ordinary fee	\$437.00
(ii) fee increased under section 41(3) of the Act	\$874.00
8. Certified or duplicate copy of a certificate of registration . .	\$36.00
9. Restoration of name to register after removal	\$59.00
10. Inspection of register	\$36.00

ENDNOTES

1. Made by the Governor in Council on 9 April 1992.
2. Published in the Gazette on 10 April 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Lands.