

Queensland



SURVEYORS ACT 1977

**Reprinted as in force on 27 September 1996
(includes amendments up to Act No. 57 of 1995)**

Reprint No. 1A

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Information about this reprint

This Act is reprinted as at 27 September 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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SURVEYORS ACT 1977

[as amended by all amendments that commenced on or before 27 September 1996]

An Act to provide for the constitution of the Surveyors Board of Queensland, to provide for the qualification of persons for registration as surveyors, surveying graduates or surveying associates, to provide for the constitution of a Surveyors Disciplinary Committee, to provide for the regulation of the practice of surveying and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Surveyors Act 1977*.

Commencement

2. This Act shall commence on a day to be fixed by proclamation.

Meaning of terms

5. In this Act—

“**Board**” means the Surveyors Board of Queensland constituted under this Act;

“**cadastral survey**” means any process of determining, mapping or planning the boundaries of a piece of land or waters required or authorised—

- (a) under any Act dealing with the alienation, leasing, and occupation

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of Crown lands or with mining, or affecting titles to land; or

- (b) by the proprietor, lessee or mortgagee under any Act affecting titles to land; or
- (c) by the owner, proprietor, lessee, mortgagee or occupier of, or any person holding a registered interest in, any land for the re-establishment of, or identification of, or adjustment of any boundary of such land; or
- (d) under any Act to be made or certified by a licensed surveyor;

“chief executive” means the chief executive of the department;

“committee” means a Surveyors Disciplinary Committee for the time being constituted under Part 5;

“consulting surveyor” means a registered surveyor who—

- (a) is a body corporate; or
- (b) provides survey services to the public for a fee;

“cooperating state” means a State or Colony within Her Majesty’s Dominions with which reciprocal arrangements have been made by the Board for the recognition of the status of surveyors;

“identification survey” means a cadastral survey carried out for the purpose of identification, re-establishment, marking or remarking of existing boundaries of a piece of land or waters;

“investigator” means a person who has been authorised under section 53B to carry out an investigation or any part of an investigation on behalf of the Board;

“licensed surveyor” means a registered surveyor whose registration is endorsed under this Act to the effect that the registered surveyor may perform cadastral surveys;

“plan” includes any survey plan, sketch for identification survey, map, aerial photograph or description made or obtained as part of any survey or surveys;

“Queensland Division” means the Queensland Division, the Institution of Surveyors, Australia;

“register” means the register of surveyors, the register of surveying

graduates or the register of surveying associates, as the case may be, kept under this Act;

“registered” means registered under this Act;

“the repealed Acts” means the Acts specified in the Schedule;

“secretary” means the secretary of the Board appointed under this Act and includes any person for the time being performing the duties of the secretary;

“survey” means the act or process of determining the form, contour, position, area, height, depth or any other similar particulars of the earth’s surface, whether on land or water, or of any natural or artificial features on, below or above any part of that surface or planning the position or the length and direction of the bounding lines of any part of that surface, or of any such natural or artificial features of any part of that surface and includes the making or obtaining of a plan or plans of any part of that surface;

“survey mark” means a mark of the prescribed form used for the purposes of a survey;

“surveying associate” means a person registered as a surveying associate under this Act;

“surveying graduate” means a person registered as a surveying graduate under this Act;

“surveyor” means a person registered as a surveyor under this Act.

PART 2—ADMINISTRATION

Division 1—The Board

Administration of Act

6. This Act shall be administered by the Minister and, subject to the Minister by the Board.

Delegation

6A. The chief executive may delegate the chief executive's powers under this Act, or the chief executive's powers under another Act with respect to surveys or surveying, to an officer or employee of the department.

Constitution of Board

7.(1) On and from the commencement of this Act, there shall be a Board called the Surveyors Board of Queensland which, subject to the Minister, shall have and may exercise and discharge the powers and functions conferred upon it by or under this Act.

(2) The Board shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts or sums of money due to it, and of acquiring, holding, alienating and otherwise dealing with property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Board and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

(4) The Board shall be taken to be constituted upon the commencement of the term of appointment of the members appointed to first constitute the Board.

Members of board

8. The board consists of the following 8 members—

- (a) 2 persons (at least 1 of whom must be a licensed surveyor) nominated by the chief executive;
- (b) 3 surveyors (at least 1 of whom must be a licensed surveyor) chosen from a panel of 5 surveyors nominated by the Queensland Division;
- (c) 2 surveyors (at least 1 of whom must be a licensed surveyor) chosen from a panel of 4 surveyors nominated by the Association of Consulting Surveyors Queensland;

- (d) 1 surveyor chosen from a panel of 3 surveyors who are engaged in the teaching of surveying at an institution of tertiary education in Queensland and nominated by the Queensland Division.

Qualification of members

9.(1) If under section 8 (Members of Board) a nominee for membership of the Board is required to be a surveyor, the nominee must have been registered as a surveyor for an aggregate total of at least 5 years.

(2) In this section—

“**registered**” as a surveyor means registered under this Act or the repealed Acts or both.

Appointment of members

10.(1) The members of the board must be appointed by the Governor in Council.

(2) A person may hold office as a member of the board in conjunction with any other office in the public service.

President

10A.(1) The Governor in Council may appoint a member of the board who is a licensed surveyor to be president of the board.

(2) The person who is president ceases to be president if—

- (a) the person ceases to be a member of the board; or
- (b) resigns as president by signed notice given to the Minister.

(3) The president may resign as president and remain a member of the board.

(4) If otherwise qualified, the president is eligible for reappointment.

Term of appointment of members

11.(1) Every member of the Board shall be appointed for a term of 2 years and, if the member is duly nominated for a second or subsequent

appointment and is qualified as prescribed, shall be eligible for further appointment to membership of the Board.

(2) Unless the member's office is sooner vacated as prescribed, a person's appointment as a member of the Board shall be deemed to continue until the person's successor, duly appointed, assumes office as a member.

Minister to request nominations

12.(1) At least 21 days before an appointment of members of the Board is to be made the Minister shall request, in writing, the chief executive, the Queensland Division and the Association of Consulting Surveyors Queensland to furnish to the Minister the names of nominees for appointment to membership of the Board under this Act within the time limited in the request.

(2) If at any time the Minister fails to comply with subsection (1) within the time limited in that subsection the Minister may at any later time issue the request in writing prescribed and such issue and all action taken on the issue of the request as prescribed shall be deemed to be sufficient compliance with this Act.

(3) If at any time default is made in furnishing to the Minister any or sufficient nominations of persons duly qualified for appointment to the Board, the Minister may at the Minister's discretion nominate persons in sufficient number and of the prescribed qualifications so that this Act may be complied with.

(4) The persons so nominated by the Minister shall be deemed to have been nominated by the person or association by whom such default was made.

Chief executive to call for nominations

13.(1) Immediately upon receiving a request from the Minister referred to in section 12, the chief executive shall advertise, by Gazette notice, that the chief executive intends to nominate 2 persons, at least 1 of whom is to be a licensed surveyor, to be members of the Board and that persons prepared to accept such nomination may, in writing, inform the chief executive accordingly.

(2) The chief executive may nominate any person who is qualified to be so nominated whether or not that person has informed the chief executive under subsection (1).

Vacating member's office

14.(1) A member of the Board may, by writing addressed to the Minister, resign the member's office at any time.

(2) The Governor in Council may remove from office a member of the Board if—

- (a) the member is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy; or
- (b) the member becomes incapable, in the opinion of the Governor in Council, of discharging the duties of the office; or
- (c) the member is, in the opinion of the Governor in Council, incompetent or unfit to hold the office.

(3) A member of the Board shall be deemed to have vacated the member's office—

- (a) in the event of the member dying; or
- (b) in the event of the member's resignation, upon the receipt by the Minister of the member's notice or resignation; or
- (c) in the event of the member's removal, upon the issue by the Minister of notice of the member's removal; or
- (d) in the event of the member's absence without the Board's leave first obtained from 3 consecutive ordinary meetings of the Board of which notice has been duly given to the member.

(4) For the purposes of subsection (3)(d)—

- (a) the nonattendance of a member at the time and place appointed for an ordinary meeting shall not constitute absence from such meeting unless a meeting of the Board at which a quorum is present is actually held on that day; and
- (b) the attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting even though because of the lack of a quorum a

meeting is not actually held on that day; and

- (c) the names of the members who attended at the time and place appointed for an ordinary meeting shall be entered in the minute book provided under this Act.

Casual vacancy in member's office

15.(1) If a casual vacancy occurs in the office of a member of the Board during the currency of the member's term of appointment another person shall be appointed as a member under section 10, to fill that vacancy.

(1A) The appointment of a person appointed to fill a casual vacancy shall continue and be deemed to continue for as long as the appointment of the person's predecessor had the casual vacancy not occurred.

(2) For the purpose of such appointment, the Minister shall select a person who, in the Minister's opinion, is a fit person qualified as prescribed (if the case requires it) to be recommended by the Minister for appointment as a member.

Delegate members of Board

16.(1) A person may be nominated as a delegate member of the Board to deputise for a member of the Board.

(1A) A nomination of a delegate member shall be of no effect unless—

- (a) the delegate member is nominated as prescribed by this section; and
- (b) the delegate is a person qualified as prescribed to be nominated as a member of the Board in the office of the member for whom the delegate member is to deputise.

(2) The nomination of a delegate member—

- (a) where it is for the purpose of only 1 meeting of the Board—shall be made by the member for whom the delegate member is to deputise; or
- (b) in any other case—shall be made by the Governor in Council.

(3) A nomination of a delegate member—

- (a) may be made only if the member for whom the delegate is sought will be absent from any meeting or meetings of the Board because of illness, absence from Queensland or other unavoidable reason; and
- (b) if it is made by a member, shall be notified in writing to the Minister as soon as practicable after it is made.

(4) For as long as a delegate member's nomination as such continues in effect, a delegate member shall be entitled to attend meetings of the Board in the absence of the member for whom the delegate member is deputising and while so attending shall be deemed to be a member of the Board.

(5) A nomination of a person as a delegate member shall terminate and be of no further effect—

- (a) in the case of a nomination expressed to be for the purpose of any meeting or meetings of the Board—upon the conclusion of that meeting or, as the case may be, those meetings; or
- (b) in the case of a nomination expressed to be for a period—upon the expiration of that period; or
- (c) if the member for whom the delegate member is deputising dies or vacates the member's office as prescribed; or
- (d) in the case of a nomination by the Governor in Council—it is revoked by the Governor in Council.

Division 2—Functions and powers of Board

Functions of Board

17. The functions of the Board are—

- (a) to prescribe a course of study in surveying, to conduct examinations for the course of study and to issue certificates of competence in respect of the course of study; and
- (b) to keep a register of persons from time to time registered as surveyors, as surveying graduates or as surveying associates; and
- (c) to arrange for the examination or testing of applicants for registration as surveyors, surveying graduates or surveying

associates; and

- (d) to recommend to the Minister with respect to qualifications to be had by persons desirous of registration; and
- (e) to establish standards to be complied with by surveys; and
- (f) to receive and investigate reports and complaints concerning the competence of surveyors, surveying graduates and surveying associates and the accuracy of their work; and
- (g) to do such other things as are required of the Board by this Act.

Powers of Board

18.(1) The Board may engage the services of such person as it thinks fit for the performance on behalf of the Board of work that will assist the Board in the discharge of its functions.

(2) For the purpose of properly discharging its functions, the Board, subject to the Minister, may exercise such powers and shall perform such duties as are prescribed by or under this Act.

Division 3—Affairs of Board

Officers of Board

19.(1) The Board must employ a secretary and may employ or appoint other officers that are necessary for the effective administration of this Act.

(3) The chief executive may assign any officer of the department to perform duties on behalf of the Board on a part-time basis.

Funds of Board

20.(1) The Board shall establish and maintain a general fund and such other funds as in the Board's opinion are necessary for the effectual administration of this Act.

(2) There shall be paid to the credit of the general fund—

- (b) all moneys appropriated from time to time by Parliament for the

purposes of the Board; and

- (c) all fees, fines, penalties, costs and other moneys received by the Board in the course of the administration of this Act.

(3) There are to be paid from the general fund all expenses of the Board incurred in the administration of this Act.

Investment of funds

20A.(1) The Board may invest moneys which are surplus in any fund kept by it in 1 or more of the following investments—

- (a) any form of interest bearing deposit with a bank;
- (b) securities guaranteed by the Government of the Commonwealth or of the State;
- (c) with an authorised and approved dealer in the short term money market;
- (d) prescribed securities.

(1A) Such security shall be held either by the Board or to the account of the Board by its bank.

(1B) The Board shall obtain and keep a safe custody receipt in respect of every such security held to its account by its bank.

(2) In this section—

“authorised and approved dealer” means a person who—

- (a) is an authorised dealer in the short term money market with established lines of credit with the Reserve Bank of Australia as a lender of last resort; and
- (b) is a prescribed person.

Books of account

21. The Board shall accurately keep such books of account and records of its receipts and expenditure as the Auditor-General requires from time to time.

Statement of account

22. The President of the Board shall present to each ordinary meeting of the Board a statement showing the financial position of the general fund as at the close of the month last preceding the date of the meeting and specifying, where possible, the items of receipts by and payments out of the fund since the date to which the last preceding statement was compiled.

Audit

23.(1) At least once in each year the Auditor-General or a person authorised by the Auditor-General in that behalf shall audit the accounts of the Board.

(2) In relation to such audit, the Auditor-General shall have all the powers and authorities conferred on the Auditor-General by the *Financial Administration and Audit Act 1977*.

(3) The Auditor-General shall report in respect of each audit.

Meetings of Board

24. The Board shall meet at such times and places as are appointed by the President by notice given to the members of the Board.

President or nominee to preside

25.(1) The President shall preside at every meeting of the Board at which the President is present.

(2) If at any time the President is not present at a meeting of the Board, a member of the Board nominated by the President for the purpose shall preside at the meeting and while so acting shall have all the powers of the President.

Quorum of Board

26. The quorum of the Board shall consist of 4 members who shall be competent to transact any business of the Board and may exercise all the powers of the Board.

Conduct of meetings

27. The meetings of the Board shall be conducted as prescribed by regulation or in so far as it is not so prescribed as the Board determines from time to time.

Custody and use of seal

28.(1) The common seal of the Board shall be in the custody of the secretary.

(2) The common seal shall not be affixed to a document except under the authority of a resolution of the Board and shall be affixed by the secretary.

Validity of proceedings

29. An act or proceeding of the Board shall not be invalidated or in any way prejudiced merely because at the time such act was done or proceeding taken there were vacancies in the membership of the Board not exceeding half of the total number of members required to constitute the Board or that all the members for the time being holding office were not present at the meeting at which such act or proceeding was done or authorised or that there is a defect in the qualification, membership or appointment of any 1 or more of the members who joined in doing such act or taking such proceeding or in authorising such act or proceeding or of any combination of such facts.

Members of Board not personally liable

30. A member of the Board shall not be personally liable on account of anything done or omitted bona fide for the purpose of the administration of this Act.

Entitlements of members of Board

31.(1) Members of the Board shall be entitled to such fees and other remuneration for attendance at meetings of the Board as are approved by the Governor in Council.

(2) Members of the Board shall be entitled to be reimbursed such out of

pocket expenses necessarily incurred by them in the performance of their duties as such members as are approved by the Board.

Annual report

32. Once in each year the Board shall furnish to the Minister a report on the conduct of its affairs during the year last preceding the report.

Division 4—Education

Examination

33.(1) The Board shall from time to time hold examinations of persons desirous of qualifying themselves to be registered as surveyors, surveying graduates or surveying associates and shall give certificates of competency to persons who have passed all the examinations and fulfilled all the conditions prescribed.

(2) No person shall be admitted to the final qualifying examination, unless the person has attained the age of 20 years and has fulfilled all the conditions prescribed.

(3) The Board, instead of requiring a person to pass a written examination in all the prescribed subjects, may accept evidence satisfactory to it, that the person has passed in all or any of those subjects, a written examination conducted by the Surveyors Board or other competent authority in a cooperating state being a board or authority recognised by the Board, or conducted by a university or other teaching or examining institution in any State or Territory, or other country, to a standard that is acceptable to the Board.

(4) Acceptance by the Board of evidence of passing a written examination referred to in this subsection shall have the same force and effect as the passing of an examination conducted by the Board.

Reciprocity of status

34.(1) The Board may enter into a reciprocal arrangement with the surveyors board or other competent authority of any State, Territory or

member country of the Commonwealth of Nations for the recognition of the status of any person authorised by such board or other authority to practise as a surveyor in that State, Territory or member country, and the registration of such person as a surveyor under this Act.

(2) Any such arrangement may contain a condition that any such person applying to be registered under this Act shall furnish additional satisfactory evidence of character and competency.

Appointment of examiners

35.(1) The Board may from time to time appoint such examiners as it thinks necessary to give effect to this Act and, with the approval of the Governor in Council, may pay those examiners such salary (or fees) and allowances as it thinks fit.

(2) An examiner shall hold office during the pleasure of the Board.

(3) Any member of the Board may be appointed an examiner and shall be paid the fees prescribed for an examiner.

PART 3—QUALIFICATION OF SURVEYORS AND REGISTRATION

Qualifications of surveyors

37.(1) A person is qualified to be registered as a surveyor if—

- (a) the person satisfies the Board that the person is of good fame and character and is a fit and proper person to be registered; and
- (b) either of the following subparagraphs apply to the person—
 - (i) the person—
 - (A) possesses the prescribed academic qualifications; and
 - (B) has gained over a period of 2 years practical experience in surveying sufficient to satisfy the Board of the person's capacity to maintain a high level of

performance in all aspects (ethical, administrative and technical) of the practice of surveying;

(ii) the person is otherwise qualified as prescribed.

(2) The Board may, in a particular case, increase or reduce the period mentioned in subsection (1).

Qualifications of surveying graduates

38. A person is qualified to be registered as a surveying graduate if—

- (a) the person satisfies the Board that the person is of good fame and character and is a fit and proper person to be registered; and
- (b) the person—
 - (i) has completed a course of study acceptable to the Board; and
 - (ii) is the holder of a degree or diploma conferred after due examination by a prescribed educational institution or is the holder of a prescribed certificate issued after due examination by the Board.

Qualifications of surveying associates

38A. A person is qualified to be registered as a surveying associate if—

- (a) the person satisfies the Board that the person is of good fame and character and is a fit and proper person to be registered; and
- (b) either of the following paragraphs apply to the person—
 - (i) the person—
 - (A) has completed a course of study acceptable to the Board; and
 - (B) is the holder of a diploma, certificate or other qualification conferred after due examination by a prescribed educational institution; and
 - (C) has gained, over a period of 4 years, practical experience in surveying sufficient to satisfy the Board of the person's capacity to maintain a high level of

performance in all technical aspects of the practice of surveying;

- (ii) the person is otherwise qualified as prescribed.

Registers

39.(1) The Board shall cause to be kept—

- (a) a register of surveyors; and
- (b) a register of surveying graduates; and
- (c) a register of surveying associates.

(1A) A register shall be in the prescribed form.

(2) A person who immediately before the commencement of this Act was registered under the repealed Acts as a surveyor is entitled to be registered under this Act as a licensed surveyor without making application or taking any other step to that end.

(3) Subject to subsection (2), a person who seeks registration under this Act—

- (a) shall make application to the Board in the prescribed form and pay to the Board the prescribed fee; and
- (b) shall furnish to the Board such further information or documents as it requires and, if required by the Board, shall verify by way of statutory declaration information furnished to the Board in respect of the person's application.

Registration of body corporate as surveyor

40.(1) If the Governor in Council prescribes by regulation conditions on which bodies corporate may be registered as surveyors or their registration may be endorsed as licensed surveyors or consulting surveyors (which the Governor in Council is authorised so to do), the Board may permit a body corporate to be registered as a surveyor or, as the case may be, its registration to be endorsed as a licensed surveyor or consulting surveyor subject to and in accordance with the regulation.

(2) A regulation may prescribe as a condition precedent for the

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registration of a body corporate as a surveyor or the endorsement as a licensed surveyor or consulting surveyor of its registration that there be furnished to the Board such indemnity insurance policy, bond or other security as a financial guarantee in such form as is prescribed and in such amount as is fixed by or under the regulation for the proper performance by the body corporate of the functions of a surveyor or, as the case may be, a licensed surveyor or consulting surveyor.

(3) A regulation may authorise the Board to fix (either generally or in a particular case) an amount of indemnity insurance, bond or other security required by subsection (2) to be furnished either instead of any such amount prescribed by the regulation or in the absence of the prescription of any such amount by regulation.

(4) A regulation may be made with respect to any of the following matters—

- (a) registration and renewal of registration of bodies corporate as surveyors and the endorsement of the registration of bodies corporate as licensed surveyors and consulting surveyors, application for such registration, renewal or endorsement and terms and conditions upon which such registration, renewal or endorsement may be granted;
- (b) returns to be lodged by bodies corporate;
- (c) a register of bodies corporate registered as surveyors, which register shall be and be deemed to be part of the register of surveyors kept and maintained under this Act, and the maintenance and inspection of it;
- (d) the powers and duties of the Board to grant or refuse an application made under the regulation and to suspend or cancel the registration of a body corporate as a surveyor or its endorsement as a licensed surveyor or consulting surveyor;
- (e) the hearing of disciplinary charges by the Board against a body corporate that is a surveyor, a licensed surveyor or a consulting surveyor for breaches of the regulation made under this section including the giving of notices to the body corporate and the right of appearance of the body corporate at the hearing;
- (g) all matters that in the Governor in Council's opinion are

necessary or convenient to be prescribed to achieve the objects and purposes of this section.

(5) The regulation does not limit the operation of Parts 4 and 5 in their application to bodies corporate as surveyors, licensed surveyors or consulting surveyors.

Term of registration

41.(1) Registration under this Act shall remain in force until 31 December next following the date of entry of the registration in the appropriate register and for as long as a person so registered continues to be qualified to be so registered, the person's registration may be renewed from year to year as prescribed by this Act.

(2) A person who seeks to renew the person's registration (including a person referred to in section 39(2))—

- (a) shall make application to the Board in the prescribed form not earlier than 1 October and not later than 30 November in each year; and
- (b) shall pay to the Board the prescribed fee.

(3) Despite subsection (2)(a), if an application for renewal of registration is lodged with the secretary outside the time limited by that paragraph, the Board may in its discretion grant or reject the application and may in respect of such an application require the applicant to pay to the Board such increased fee as is prescribed by regulation for the purpose.

(3A) Such increased fee, if it is required by the Board to be paid, shall be taken to be the prescribed fee in relation to the application in question.

(4) Registration under this Act, when it is duly renewed shall remain in force until 31 December next following the date of endorsement in the appropriate register that the registration is renewed for the year in question.

Licensed surveyors

42.(1) Where in respect of a person registered as a surveyor or of an applicant for registration as a surveyor, the Board is satisfied that the person in question—

- (a) has gained such experience in cadastral surveying as is acceptable to the Board; or
- (b) is otherwise qualified as prescribed;

the Board may cause the registration of the person in the register of surveyors to be endorsed to the effect that the person may perform cadastral surveys and such endorsement may be renewed by the Board from year to year when renewing such registration under section 41.

(2) A person whose registration is endorsed under subsection (1) is a licensed surveyor and shall continue to be a licensed surveyor while the person's registration remains so endorsed.

Consulting surveyors

42A.(1) A registered surveyor is qualified to have the registered surveyor's registration endorsed to the effect that the registered surveyor is a consulting surveyor if—

- (a) in the case of an individual—that individual; or
- (b) in the case of a body corporate—each of the directors of the body corporate who is a registered surveyor;

pays the prescribed fee and satisfies the Board that—

- (c) the registered surveyor is, or intends after registration to be, a consulting surveyor; and
- (d) the registered surveyor is of good fame and character and a fit and proper person to have the registered surveyor's registration so endorsed; and
- (e) the registered surveyor has gained practical experience in surveying sufficient to satisfy the Board of the registered surveyor's capacity to maintain a high level of performance in all aspects (ethical, administrative and technical) of the practice of a consulting surveyor; and
- (f) the registered surveyor holds the additional qualifications prescribed (if any).

(1A) The qualifications which may be prescribed under subsection (1)(f) may be that, or include, either or both of the requirements that the applicant

to have the applicant's registration endorsed as a consulting surveyor shall satisfy criteria set by or obtain a certificate issued by the Institution of Surveyors, Australia (Queensland Division).

(2) A registered surveyor who immediately before the commencement of the *Surveyors Act Amendment Act 1989* had the registered surveyor's registration endorsed to the effect that the registered surveyor was a consulting surveyor is entitled to continue to have the registered surveyor's registration so endorsed until the time for renewal of the registration.

(3) The Board may review and renew or refuse to renew the endorsement of a surveyor whose registration has been endorsed under this section at any time of renewal of that registration.

(4) A person shall not practise as or hold out to be a consulting surveyor unless the person is a registered surveyor and—

- (a) where the person is an individual—the person's registration as a registered surveyor is endorsed to the effect that the person is a consulting surveyor; or
- (b) where the person is a body corporate—the registration of the body corporate and each of its directors who is a registered surveyor is endorsed to the effect that each is a consulting surveyor.

Maximum penalty—100 penalty units.

(5) Where any act or omission constitutes an offence under both subsection (4) and section 47(3)(b) a person may be prosecuted under either provision but shall not be prosecuted under both provisions.

(6) A person may apply simultaneously to be registered as a surveyor to have that registration endorsed to the effect that the person is a consulting surveyor.

(7) This section does not apply to a person who belongs to a class of surveyor referred to in section 47(2) unless the person is a registered surveyor.

Maintenance of register

43.(1) The secretary shall—

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- (a) enter in the appropriate register the name and prescribed particulars of each person whose registration is approved by the Board; and
- (b) make in respect of a registration such endorsements as are required by the Board to be made in the register against that registration; and
- (c) remove from the register the name and particulars of—
 - (i) a registered person who has died or who has requested the Board in writing that the person's name be removed from the register; and
 - (ii) a person whose registration has expired and is not renewed; and
 - (iii) a person whose registration has been duly cancelled; and
 - (iv) a person the removal of whose name the Board has instructed under subsection (2).

(2) The Board may instruct the secretary to remove from the register the name of a person whose name has been ordered to be erased from the register of surveyors maintained by any other registration authority and whose name at the material time has not been restored to that register.

(3) A person registered under this Act shall notify the Board of any change of name, address or other prescribed particulars and furnish particulars of such change within 21 days after the occurrence of the change.

Inspection of registers

44.(1) On the request of any person and the payment of the prescribed fee, the secretary shall make the register sought available to that person for inspection.

(2) On payment of the prescribed fee, the secretary shall issue a copy of any part of a register certified by the secretary to be correct and bearing the seal of the Board.

Certificate of registration

45.(1) On payment of the prescribed fee, every person registered under this Act is entitled to obtain from the secretary a certificate of the person's registration in the prescribed form.

(2) On application made to the Board and on payment of the prescribed fee, the secretary may issue to a person registered under this Act a duplicate or copy of the person's certificate of registration.

Annual publication of list of registered persons

46.(1) The Board shall cause to be published in the Gazette on or before 1 March in each year a list of the names and addresses of persons who are registered on 1 February next preceding the date of publication of the list together with particulars sufficient to indicate whether each such person is a surveyor, licensed surveyor, consulting surveyor, surveying graduate or surveying associate and where applicable the particular categories of surveying which under this Act the committee has ordered the registered person not to practise or to restrict the registered person's practice.

(2) A copy of the Gazette containing the list referred to in subsection (1) shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the state of the register as at the date to which the list is compiled.

PART 4—REGULATION OF PRACTICE**Holding out as surveyor unlawful**

47.(1) Subject to this section, a person who assumes or uses, alone or in combination with any other word or letter—

- (a) the name or title of surveyor; or
- (b) a name, initial, title or description which, having regard to the circumstances in which it is assumed or used, indicates or is calculated to indicate or is capable of indicating that the person is a surveyor;

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unless the person is duly registered under this Act as a surveyor commits an offence against this Act.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to—

- (a) a person who is registered as a surveying graduate and uses the name or title ‘surveying graduate’ only; or
- (b) a person who is registered as a surveying associate and uses the name or title ‘surveying associate’ only; or
- (c) a person who assumes or uses the name, title or description of—
 - (i) aircraft surveyor; or
 - (ii) building surveyor; or
 - (iii) engineering surveyor; or
 - (iv) health surveyor; or
 - (v) marine surveyor; or
 - (vi) mining surveyor; or
 - (vii) quantity surveyor; or
 - (viii) ship surveyor; or
 - (ix) insurance surveyor; or
 - (x) chartered surveyor;

or such other name title, initial or description approved for the purposes of this section by the regulation.

(3) Despite subsections (1) and (2), a person—

- (a) shall not use the words ‘registered’ or ‘licensed’ in association with the word ‘surveyor’ unless the person is registered or, as the case may be, licensed under this Act; and
- (b) shall not use the words ‘consulting’ or ‘consultant’ in association with the word ‘surveyor’ unless the person’s registration as a surveyor is endorsed to show that the person is a consulting surveyor.

Maximum penalty—100 penalty units.

Practice of surveying under business name

47A.(1) A person, being an individual, duly registered under this Act as a surveyor shall not carry on or represent the person as carrying on the practice of surveying as—

- (a) a consulting surveyor; or
- (b) a licensed surveyor;

under a business name that is or should be registered under the *Business Names Act 1962* unless—

- (c) the name has been approved by the Board as an acceptable name under which to carry on the practice of surveying; and
- (d) if the regulations provide with respect to carrying on the practice of surveying by individuals under a business name—the regulations are complied with.

Maximum penalty—50 penalty units.

(2) A regulation may make provision with respect to the carrying on of the practice of surveying by individuals under business names that are required by the *Business Names Act 1962* to be registered under that Act.

Doing acts apt to mislead

48.(1) Subject to this section, a person who does any act or causes or suffers any act to be done or makes any omission, which act or omission is calculated to cause or is capable of causing a person reasonably to believe that the first person is registered as a surveyor unless the first person is duly registered under this Act as a surveyor commits an offence against this Act.

Maximum penalty—100 penalty units.

(2) A person does not contravene subsection (1) merely because of the fact that the person performs a survey.

Performance of cadastral surveys

49.(1) A person shall not perform a cadastral survey unless the person is duly registered under this Act as a licensed surveyor or in performing that survey the person is acting under the personal supervision of a licensed

surveyor who by the licensed surveyor's conduct accepts responsibility for the correctness of the survey.

(2) A person who contravenes subsection (1) commits an offence against this Act.

Maximum penalty—50 penalty units.

Holding out as specialising in a particular category of surveying

50. Subject to sections 49 and 61 and subject to the Board's approval in that behalf a surveyor may hold himself or herself out as specialising in a particular category or categories of surveying by stating in brackets that category or those categories after the words 'registered surveyor'.

Obtaining registration by false pretence

51. A person who becomes or attempts to become registered under this Act by means of a statement that is false or the production of a certificate that to the person's knowledge is false commits an offence against this Act.

Maximum penalty—50 penalty units

Correction of surveyor's errors

52.(1) A surveyor who makes an error in performing a survey may be requested by the chief executive, the Registrar of Titles or other authority to correct the error.

(1A) Such request shall be in writing and shall state the reasons for the request.

(2) A surveyor who considers such request is of a trivial nature or that insufficient reasons have been given for the request may, within 7 days of receipt of such request apply to the chief executive for a direction—

- (a) that the request is of a trivial nature; or
- (b) whether or not the reasons stated in the request are sufficient.

(3) If the chief executive directs that the request is of a trivial nature, the surveyor need not comply with such request.

(3A) If the chief executive directs that the reasons stated in the request are

insufficient, the surveyor need not comply with such request until sufficient reasons, in writing, are given to the surveyor.

(4) If the surveyor does not apply to the chief executive under subsection (2) or if the chief executive directs that the reasons stated in the request are sufficient, the surveyor shall correct the error at the surveyor's own expense within 30 days from the receipt by the surveyor of the request or, as the case may be, the direction whichever is the later or such longer period as the Minister in the Minister's discretion determines.

(5) If an error made by a surveyor in performance of a survey is not corrected as required by subsection (4), the chief executive may instruct an inspecting surveyor to correct the error.

(5A) Even though a surveyor who made an error in performance of a survey has not been requested to correct the error, the chief executive may instruct an inspecting surveyor to correct the error.

(6) The costs necessarily incurred by an inspecting surveyor in the correction under subsection (5) of an error made by a surveyor in performance of a survey may, unless the chief executive determines that the error was of a trivial nature, be recovered by the chief executive from the surveyor whose error it was by action in a court of competent jurisdiction for a debt due and owing to the chief executive and unpaid.

(7) If for any reason the chief executive is unable to recover the costs referred to in subsection (6) the chief executive may demand from the Board and the Board shall pay from the funds of the Board to the chief executive the amount of those costs.

(8) Payment by the Board of the amount demanded by the chief executive shall be deemed to be payment of an expense incurred in the administration of this Act.

Surveyor not to hold interest

53. A surveyor who has been or is concerned in the survey of a claim, permit, licence or lease under the *Mineral Resources Act 1989* must not acquire, directly or indirectly, an interest in that claim, permit, licence or lease.

Maximum penalty—100 penalty units.

PART 4A—COMPLAINTS AND INVESTIGATION

Complaint

53A.(1) A person who is aggrieved by the conduct of a registered person may complain to the Board.

(2) A complaint must be in writing.

Board may authorise investigation

53B.(1) The Board may—

(a) of its own motion, or on a complaint made under section 53A, authorise in writing a surveyor who is not a member of the Board to carry out an investigation of the conduct of a registered person on behalf of the Board; or

(b) if it suspects on reasonable grounds that a person—

(i) who is not registered has contravened section 47 or 48; or

(ii) who is not a licensed surveyor has contravened section 49;

authorise in writing a surveyor who is not a member of the Board to carry out an investigation in relation to the suspected contravention on behalf of the Board.

(2) The investigator must give the Board a written report on the investigation.

(3) The Board must not authorise the investigation of a complaint that in its opinion is frivolous or vexatious.

Powers of investigator

53C.(1) An investigator may—

(a) under section 67, enter and survey any land; or

(b) ask any questions; or

(c) require the production of any document or thing;

that appears to the investigator to be relevant to the investigation.

(2) When a document or thing is produced to an investigator, the investigator may—

- (a) inspect the document or thing; and
- (b) make copies of, photograph, or take extracts from the document or thing if it is relevant to the investigation.

(3) A person must not fail, without reasonable excuse—

- (a) to answer a question asked by the investigator; or
- (b) to produce to the investigator a document or thing requested by the investigator.

Maximum penalty—8 penalty units.

(4) Despite subsection (3), a person is not required—

- (a) to produce to an investigator any document or thing; or
- (b) to answer a question asked by an investigator;

if the person objects to its production or to answering the question on the ground that it may tend to incriminate the person.

Entry and search—evidence of offences

53D.(1) Subject to subsection (3), if an investigator has reasonable grounds for suspecting that there is in premises a particular thing (“**the evidence**”) that may afford evidence of the commission of an offence against this Act, the investigator may, with such assistance and by such force as is necessary and reasonable—

- (a) enter the premises; and
- (b) exercise the powers set out in section 53E.

(2) If the investigator enters the premises and finds the evidence, the following provisions have effect—

- (a) the investigator may seize the evidence;
- (b) the investigator may keep the evidence for 60 days or, if a prosecution for an offence against this Act in the commission of which the evidence may have been used or otherwise involved is instituted within that period, until the completion of the

proceedings for the offence and of any appeal from the decision in relation to the proceedings;

- (c) if the evidence is a document—while the investigator has possession of the document, the investigator may take extracts from and make copies of the document but must allow the document to be inspected at any reasonable time by a person who would be entitled to inspect it if it were not in the investigator's possession.

(3) The investigator must not enter the premises or exercise a power under subsection (1) unless—

- (a) the occupier of the premises consents to the entry or exercise of the power; or
- (b) a warrant under section 53F that was issued in relation to the evidence authorises the entry or exercise of the power.

(4) If in the course of searching the premises under subsection (1) under a warrant under section 53F the investigator—

- (a) finds a thing that the investigator believes, on reasonable grounds to be—
 - (i) a thing (other than the evidence) that will afford evidence of the commission of the offence mentioned in subsection (1); or
 - (ii) a thing that will afford evidence of the commission of another offence against this Act; and
- (b) the investigator believes, on reasonable grounds, that it is necessary to seize the thing to prevent—
 - (i) its concealment, loss or destruction; or
 - (ii) its use in committing, continuing or repeating the offence mentioned in subsection (1), or the other offence, as the case may be;

subsection (2) applies to the thing as if it were the evidence.

General powers of investigator in relation to premises

53E. The powers an investigator may exercise under section 53D(1)(b) in relation to premises are as follows—

- (a) to search any part of the premises;
- (b) to inspect or examine anything in the premises;
- (c) to take extracts from, and make copies of any documents in the premises;
- (d) to take into the premises such equipment and materials as the investigator requires for the purpose of exercising any powers in relation to the premises;
- (e) to require the occupier or any person in the premises to give to the investigator reasonable assistance in relation to the exercise of the investigator's powers mentioned in paragraphs (a) to (d).

Warrants

53F.(1) An investigator may apply to a Magistrate for a warrant under this section in relation to particular premises.

(2) Subject to subsection (3), the Magistrate may issue the warrant if the Magistrate is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or there may be within the next 72 hours, in the premises a particular document or thing (“**the evidence**”) that may afford evidence relevant to the investigator's investigation.

(3) If the Magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the Magistrate must not issue the warrant unless the investigator has given the information to the Magistrate in the form (either orally or by affidavit) that the Magistrate requires.

(4) The warrant must—

- (a) authorise the investigator, with such assistance and by such force as is necessary and reasonable—
 - (i) to enter the premises; and
 - (ii) to exercise the powers set out in section 53E; and

- (b) state whether the entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and
- (c) specify the day (not more than 7 days after the issue of the warrant) on which the warrant ceases to have effect; and
- (d) state the purposes for which the warrant is issued.

Consideration of report

53G.(1) The Board must consider an investigator's report and may—

- (a) take disciplinary action against a registered person by charging the person; or
- (b) deal with a registered person under section 65A; or
- (c) commence proceedings under section 73; or
- (d) take no further action;

as appears to the Board to be appropriate.

(2) If a registered person is charged under subsection (1)(a), the Board must refer the charge to a committee for its hearing and determination under section 59(2).

(3) A charge must contain or be accompanied by sufficient particulars to inform a committee and the person charged of the nature of the charge.

PART 5—DISCIPLINE OF REGISTERED PERSONS

Disciplinary action against registered persons

54.(1) If a person registered under this Act—

- (a) is convicted of an offence against this Act or the repealed Acts; or
- (b) is guilty of conduct that involves dishonesty; or
- (c) has, in the person's practice of surveying, shown himself or herself to be incompetent or has conducted himself or herself unprofessionally; or

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- (d) has, by the person's conduct, shown himself or herself to be unfit to be registered; or
- (e) has become registered improperly; or
- (f) fails to obey a requisition of the chief executive, the Registrar of Titles or other authority issued under section 52; or
- (g) fails to obey an order made on the person by a committee;

disciplinary action may be taken against the person as prescribed.

(2) For the purposes of this Part, disciplinary action in respect of any matter referred to in subsection (1) alleged to have occurred when a person was registered, may be taken as prescribed in this Part against that person as if the person remained a registered person even though the person is no longer a registered person under this Act.

Surveyors Disciplinary Committee

55.(1) For the purpose of hearing and determining any charge brought against a registered person by way of disciplinary action, there may be constituted from time to time as occasion demands a body to be called a Surveyors Disciplinary Committee.

(2) A committee shall consist of a Judge of District Courts, who shall be its chairperson, and 2 surveyors qualified as prescribed.

(3) The qualifications of the surveyors to be members of a committee to hear and determine a charge to be brought before it are—

- (a) that each has been registered under this Act or under this Act and the repealed Acts for an aggregate period of 10 years at the least; and
- (b) that neither is a member of the Board; and
- (c) if the charge is concerned with a particular aspect of surveying, that each, in the opinion of the Governor in Council, has sufficient knowledge of, and has had sufficient experience in, that aspect of surveying.

Appointment of committee members

56. The Governor in Council is to appoint the persons to constitute a committee under section 55.

Selection of surveyor members of committee

57.(1) For the purpose of selecting 2 surveyors to be members of a committee the Minister shall request the Queensland Division to furnish to the Minister within the time limited by the Minister a panel of 3 surveyors at the least who are qualified as prescribed to be members of the committee to hear and determine the charge to be brought before the committee.

(2) If—

- (a) a panel requested by the Minister is not furnished within the time limited; or
- (b) the panel furnished by the Queensland Division is, in the Minister's opinion, inadequate for any reason whatever;

the Governor in Council may, subject to subsection (3), select 1 or both of the surveyors to be appointed as members of the committee as the Minister thinks fit.

(3) In the exercise of the power conferred by subsection (2), the Governor in Council shall select surveyors who possess the qualifications prescribed by section 55(3) that are appropriate to the hearing and determination of the charge to be brought before the committee and who are members of the Queensland Division.

Proceedings before committee

59.(1) The secretary to the Board shall be also secretary to each committee.

(2) A charge referred to a committee for hearing and determination shall be lodged with the secretary who shall take all steps necessary to have a committee constituted to hear and determine the charge.

(3) At least 30 days prior to the date fixed for the hearing, the secretary shall give notice in writing to the person against whom the charge is made, informing the person of the charge, particulars of the charge and the date

and time for hearing.

- (4) At the hearing by a committee of a charge—
- (a) a barrister or solicitor or a person employed by the Board may appear for the purpose of adducing evidence or assisting the committee; and
 - (b) a person against whom the charge is brought is entitled to be represented by a barrister or solicitor or a person nominated by the person's agent; and
 - (c) if the charge is brought upon the complaint of a person aggrieved— that person is entitled to be represented by a barrister or solicitor or a person nominated by the person's agent; and
 - (d) if the charge is brought after an investigation—the investigator is entitled to give evidence in a manner acceptable to the committee of the findings and the investigator's opinions based on those findings.

Procedure

59A.(1) A proceeding before a committee is to be conducted with as little formality and technicality, and with as much expedition, as is practicable to permit a proper consideration of the matters before the committee.

(2) In a proceeding, a committee is not bound by the rules of evidence but may inform itself of any matter in such manner as it thinks appropriate.

(3) Subject to subsections (1) and (2), the chairperson may give directions as to the procedure to be followed in a proceeding.

Powers of committee

59B.(1) In a proceeding, a committee may—

- (a) require a person to give evidence on oath and, for that purpose, the chairperson may administer an oath; and
- (b) proceed in the absence of the person charged; and
- (c) by written notice, require a person to attend before the committee at a specified time and place—

- (i) to give evidence; or
- (ii) to produce a specified document or thing.

(2) A committee may adjourn the proceeding from time to time.

Inspection of documents

59C.(1) When a document or thing is produced to a committee, the committee may—

- (a) inspect the document or thing; and
- (b) make copies of, photograph, or take extracts from, the document or thing if it is relevant to the proceeding.

(2) A committee may, for the purposes of a proceeding, take and retain for as long as is necessary possession of a document or thing produced to the committee.

(3) While it retains possession of a document or thing, a committee must permit a person otherwise entitled to possession of the document or thing to inspect, make copies of, photograph, or take extracts from, the document or thing, at such place and time as the chairperson determines.

Offences—proceedings

59D.(1) A person served with a notice under section 59B(1)(c) must not fail, without reasonable excuse—

- (a) to attend a proceeding as required by the notice; or
- (b) to appear from time to time in the course of the proceeding as required by the chairperson of a committee; or
- (c) to produce a document or thing that is specified in the notice.

Maximum penalty—20 penalty units.

(2) A person appearing as a witness in a proceeding must not fail, without reasonable excuse—

- (a) to be sworn; or
- (b) to answer a question that the person is required by a member of a committee to answer.

Maximum penalty—20 penalty units.

Self incrimination

59E. A person is not required—

- (a) to produce to a committee a document or thing; or
- (b) to answer a question asked by a member of a committee;

if the person objects to its production or to answering the question on the ground that it may tend to incriminate the person.

Decisions of committee

60.(1) The decision of the chairperson of a committee on a question of law shall be taken to be the committee's decision.

(2) Subject to subsection (1), save where the committee is unanimous the decision of the majority of its members shall be taken to be the committee's decision.

Disciplinary powers of committee

61.(1) If upon the hearing of a charge a committee finds the charge proved it may do 1 or more of the following things—

- (a) reprimand the registered person against whom the charge was brought;
- (b) order that the registered person against whom the charge was brought pay to the Board within the time limited by the committee a fine not exceeding 50 penalty units;
- (c) order that the registered person against whom the charge was brought correct at the person's own expense and within the time limited by it the work found to be defective;
- (d) order that the registered person against whom the charge was brought pay to the Board within the time limited by the committee the cost of correcting the work found to be defective;
- (e) order the person against whom the charge was brought not to practise within a particular category of surveying or to restrict the

person's practice to a particular category of surveying until, in either case, the person satisfies the Board that the person is qualified and competent to practise within that category or, as the case may be, to extend the person's practice beyond that category;

- (f) order that the endorsement under section 42 of the registration of the licensed surveyor against whom the charge was brought be suspended for a period not exceeding 3 years;
- (g) order that the endorsement under section 42 of the registration of the licensed surveyor against whom the charge was brought be cancelled;
- (ga) order that the endorsement under section 42A of the registration of the consulting surveyor against whom the charge was brought be suspended for a period not exceeding 3 years;
- (gb) order that the endorsement under section 42A of the registration of the consulting surveyor against whom the charge was brought be cancelled;
- (h) order that the registration under this Act of the registered person against whom the charge was brought be suspended for a period not exceeding 3 years;
- (i) order that the registration under this Act of the registered person against whom the charge was brought be cancelled.

(2) If upon the hearing of a charge, a Surveyors Disciplinary Committee does not find the charge proved it shall dismiss the charge.

(3) A Surveyors Disciplinary Committee may in any case make such order as to costs in the proceeding before it (including the fees payable to the members of the committee who are surveyors) as it thinks fit.

Effect of committee's orders

62.(1) Where a committee has ordered that a fine or expenses be paid to the Board and the order is not complied with within the time limited in the order, the Board may recover the amount of such fine or expenses outstanding from the person against whom the order is made as a debt due and owing to the Board and unpaid by action in a court of competent jurisdiction.

(2) Where a committee has ordered that a registration under this Act be cancelled, the Board shall cause the name and particulars of the person against whom the order is made to be removed from the appropriate register.

(3) Where a committee has ordered—

- (a) that a registration under this Act be suspended; or
- (b) that the practice of a registered person be restricted by order made under subsection 61(1)(e) the Board shall cause an endorsement of the suspension or restriction and the cause of the suspension or restriction to be entered against the relevant registration in the appropriate register.

(4) Where a committee has ordered that a licensed surveyor does not perform cadastral surveys, the Board shall cause the person's endorsement as a licensed surveyor to be removed from the register of surveyors.

(4A) Where a committee has ordered the cancellation or suspension of the endorsement as a consulting surveyor of the registration of a registered person, the Board shall cause that endorsement to be removed from the register of surveyors.

(5) Where a committee has ordered that the registration of a registered person be suspended, the person against whom the order is made shall be deemed not to be a registered person for the period of the suspension and until the person complies with any regulations that provide for removal of the endorsement of suspension in the appropriate register.

Notification of committee's orders and reasons

63.(1) A committee shall give full reasons in writing for any orders made by it.

(2) As soon as practicable after a committee has made its order and given the reasons for it in writing, the secretary to the committee shall give—

- (a) to the Board; and
- (b) to the person or persons against whom the order is made;

notification in writing of the order and of the committee's reasons for the order.

Effect to be given to committee's orders

64. It is the duty of the Board and every person, if the order of a committee duly made is directed to it or the person, to take all steps and do all things necessary to give full effect to the order.

Committee's decision final

65.(1) Subject to subsection (2), the decision of a committee shall be final and conclusive and no appeal shall lie in respect of the decision.

(2) A person aggrieved by the decision of a committee with respect to a question of law may appeal within 30 days from the decision to the Court of Appeal, which shall have jurisdiction to hear and determine the same.

(3) If it considers necessary so to do the Court of Appeal may order the committee to rehear the charge having regard to its determination on the question of law concerned.

Board may punish

65A.(1) Subject to section 65B, where the Board is of the opinion that disciplinary action in respect of a matter referred to in section 54(1) (“**the misconduct**”) should be taken against a registered person under this Part but considers the misconduct is not of such a nature as to warrant a charge against that registered person, it may instead of so charging the registered person—

- (a) order the registered person to pay to the Board by way of penalty a sum of money in no case exceeding 20 penalty units; or
- (b) admonish or reprimand the registered person; or
- (c) adjourn the matter of dealing with the registered person under paragraph (a) or (b) for a period not exceeding 12 months.

(2) An order made under subsection (1)(a) may contain a direction that the registration under this Act of the registered person concerned be suspended for a specified period if the registered person fails to pay the sum of money to the Board within a specified time and, if the money is not paid within that time, the registered person's registration shall be suspended accordingly.

(2A) The Board shall cause an endorsement of any suspension and the cause of the suspension to be entered against the relevant registration in the appropriate register.

(2B) Suspension under subsection (2) shall be in addition to and not instead of payment of the sum of money.

(3) Where the Board adjourns a matter for a period under subsection 1(c) it shall reconsider the matter at the end of that period and, taking into consideration the conduct of the registered person during that period, proceed under subsection (1)(a) or (b) or take no further action.

(4) Where the Board takes disciplinary action against a registered person under subsection (1), it may order the registered person to pay to the Board such costs as it thinks fit.

Board to give notice of its intention to proceed under section 65A

65B.(1) Before dealing with a registered person under section 65A(1), the Board shall give to the registered person written notice of its intention so to do and shall state in the notice—

- (a) the misconduct with which, in the opinion of the Board, the registered person may otherwise be charged; and
- (b) that within the time specified in the notice, which time shall not be earlier than 14 days after the date of the notice, the registered person may—
 - (i) make written representations to the Board concerning the alleged misconduct; or
 - (ii) request the Board to hear the registered person in relation to the alleged misconduct; or
 - (iii) require the Board to charge the registered person with the alleged misconduct.

(2) Where a registered person requests the Board to hear the registered person in relation to the alleged misconduct the Board shall advise the registered person of a time and place at which the registered person may appear before the Board and the registered person may at that time and place appear before the Board and personally make representations to it concerning the alleged misconduct.

(3) In dealing with a registered person under section 65A(1), the Board shall give due consideration and weight to any representations made by the registered person concerned in relation to the alleged misconduct.

(4) Where under a notice under subsection (1) a registered person requires the Board to charge the registered person with the alleged misconduct, it is not competent to the Board to proceed to deal with the registered person under section 65A.

Publication by the Board

65C. Where disciplinary action is taken against a registered person under this Part, the Board may publish details of the disciplinary action in any publication the aim of which is to provide information to surveyors.

PART 6—APPEALS FROM BOARD’S DECISIONS

Appeals

66.(1) A person aggrieved by a refusal of the Board—

- (a) of the person’s application to be registered; or
- (b) to renew the person’s registration under this Act; or
- (c) of the person’s application for registration as a surveyor to be endorsed to the effect that the person may perform cadastral surveys; or
- (d) to cause the person’s registration as a surveyor to be endorsed to the effect that the person is a consulting surveyor; or
- (e) to renew an endorsement referred to in paragraph (c) or (d);

may appeal therefrom to a Judge of the District Court at Brisbane who shall have jurisdiction to hear and determine the same and whose decision on the appeal shall be final.

(2) When an appeal is allowed, it is the duty of the Board to give effect to the decision given in the appeal immediately the appellant complies with this Act.

(3) An appeal shall be by way of rehearing, and shall be instituted within 30 days after notification of the refusal to the person aggrieved, or such further period as a Judge of the District Court in exceptional circumstances allows, by filing a notice of appeal in the registry of the District Court at Brisbane and, subject to this section, by complying with any rules of court made with respect to such appeals.

(4) The appellant shall serve a copy of the notice of appeal on the secretary not later than 7 days after the notice is filed in the registry of the District Court.

(5) In exceptional circumstances, a Judge of the District Court may extend the period for service of the copy of the notice of appeal.

(6) The proceeding on appeal under this section shall be deemed to be a proceeding before a District Court.

PART 7—MISCELLANEOUS

Right to enter to perform surveys

67.(1) A surveyor or any person authorised in writing by a surveyor with regard to a particular survey may at any reasonable hour and after giving to the occupier as much prior notice as is, in the circumstances, practicable open any fence and enter any land for the purpose of performing a survey or for any purpose relating to a survey and be accompanied by such other persons and do all such things as are reasonably necessary for that purpose.

(1A) A surveyor or other person on the surveyor's behalf shall not under subsection (1) enter the dwelling house of any person except with the consent of that person.

(2) Subsection (1) shall not affect, limit or restrict the right of any person to compensation for actual injury or damage caused by a person exercising the power conferred by that subsection.

(3) A surveyor required to compensate a person under subsection (2) may recover the amount of such compensation from the surveyor's employer where the act causing the injury or damage was necessary for the due making of the survey.

(4) A person who obstructs or attempts to obstruct a person exercising the power conferred by subsection (1) or a person accompanying that person under that subsection commits an offence against this Act.

Maximum penalty—5 penalty units.

Interference with survey marks

68.(1) Subject to this section, a person shall not, without reasonable excuse, interfere with a survey mark.

(2) A person who proposes to carry out work likely to interfere with a survey mark shall take all necessary precautions to ensure that such survey mark is not interfered with during the carrying out of that work.

(3) A person who proposes to carry out work likely to interfere with a permanent mark within the meaning of the *Survey Co-ordination Act 1952*—

- (a) before commencing that work shall notify the chief executive; and
- (b) shall not commence that work until the chief executive or a surveyor engaged by the person so proposing has taken all necessary steps to safeguard the permanent mark.

(3A) A person notifying the chief executive under subsection (3) shall state whether or not the person has engaged a surveyor in the terms of subsection (3) and, if the person has so engaged, the person shall state the name of that surveyor.

(3B) If a surveyor has not been so engaged, the chief executive may take the steps referred to in subsection (3) and recover the costs incurred from the person proposing to carry out the work.

(4) A person may remove a survey mark defining a boundary in order to erect a fence, wall or other permanent improvement along that boundary.

(5) A person who causes interference with a survey mark, howsoever caused, must immediately—

- (a) advise the authority which placed the mark; or
- (b) if such authority is unknown, advise the chief executive; or
- (c) engage a surveyor to reinstate the mark.

(6) A person who causes interference with a survey mark placed to define a boundary established in the course of a cadastral survey, shall advise the chief executive, or engage a licensed surveyor to reinstate the mark.

(7) A person, other than a surveyor, shall not reinstate or attempt to reinstate a survey mark that has been interfered with unless the person is a member of a class specified in section 47(2)(b) authorised by regulation to reinstate a survey mark of the same description as the survey mark that has been interfered with.

(8) A surveyor who reinstates a permanent mark within the meaning of the *Survey Co-ordination Act 1952* in the same or another position shall immediately deposit a plan with the chief executive showing the position relative to both the former (if in existence) and any new witness marks.

(9) In this section—

“**survey mark**” means any mark used for the purposes of a survey whether placed before or after the commencement of this Act and whether in a form prescribed by this Act or not.

Right to uncover buried survey marks

69.(1) A surveyor or any person authorised in writing by a surveyor, may break up the surface of land, whether paved or not, to the extent necessary to uncover a survey mark which the surveyor or person believes to be buried and under that surface and to be essential for the performance of a survey.

(2) The person so breaking up the surface shall repair and reinstate the surface so broken up immediately.

Students in surveying and surveying graduates to have time to attend lectures and gain practical experience

70. A surveyor who employs a person who is studying or undertaking a course of study for qualification as a surveyor or surveying graduate shall permit that person a reasonable time to attend lectures and gain the practical experience prescribed for registration under this Act.

Disputes as to remuneration between departments and surveyors

71.(1) A surveyor, other than a surveyor permanently employed in the service of the Crown at a salary, who disputes the amount of remuneration payable to the surveyor by a department in respect of a survey made by the surveyor for or in connection with that department may refer the dispute to the Board.

(2) The reference shall be in writing, shall state clearly and concisely the grounds upon which the reference is made and shall be lodged with the secretary within 90 days of the notification to the surveyor of the decision the subject of the reference.

(3) The Board shall hear and determine every matter referred to it and its decision shall be final and without appeal.

(4) The Board may make such order as to costs as it thinks reasonable.

General penalty

72.(1) A person who contravenes any provision of this Act commits an offence against this Act and, except where a specific penalty is otherwise provided, is liable to a penalty not exceeding 100 penalty units.

(2) All penalties recovered in respect of an offence against this Act are to be paid to the Board.

Proceedings generally

73.(1) An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886* upon the complaint of the secretary, or a person authorised by the Board in that behalf.

(2) A prosecution for an offence against this Act may be commenced within 1 year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant whichever is the period later to expire.

Evidentiary provisions

74. In any proceeding for the purposes of this Act—

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- (a) a certificate purporting to be signed by the secretary certifying the state of any part of a register at a date or during a period specified in the certificate or certifying that a person named in the certificate was not, at a date or during a period specified in the certificate, registered as a surveyor, licensed surveyor, surveying graduate or, as the case may be, surveying associate shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate; and
- (b) every part of a register, and an extract of any part of a register purporting to be certified as correct by the secretary shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the part or extract; and
- (c) a certificate purporting to be that of the secretary as to—
 - (i) an order made by a committee (including an order for costs made under section 61(3)); or
 - (ii) the reasons given by a committee in relation to an order made by it; or
 - (iii) an amount paid to or by the Board under an order of the committee;shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate; and
- (d) a statement in a complaint commencing that proceeding of the date on which the matter of complaint came to the knowledge of the complainant shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of its content; and
- (e) proof shall not be required of the authority of any person to prosecute an offence against this Act or to take any proceeding on behalf of the Board unless evidence is given to the contrary; and
- (f) proof shall not be required of the appointment of the secretary or of any other officer appointed for the effectual administration of this Act or of the signature of the secretary.

Service of documents and notices

75. A notice, request or other document to be given or furnished under this Act may be served by post.

Surveyors' certificates

76.(1) A licensed surveyor's certificate on a registerable plan ceases to have effect 1 year after the day on which the certificate is made or given unless—

- (a) the plan or a copy of the plan has been deposited with the department for examination; or
- (b) the plan has been lodged with the land registry or any other registering authority.

(2) Subsection (1) does not apply to a certificate made or given before the commencement of this section.

Authority for licensed surveyor to act for another in certain circumstances

76A.(1) Where—

- (a) a map of plan of survey of land has been lodged with the land registry or any other registering authority; and
- (b) that map or plan has been prepared or certified to be accurate by a licensed surveyor ("**the original surveyor**"); and
- (c) the Registrar of Titles, or other registering authority has issued, whether before or after the commencement of the *Surveyors Act Amendment Act 1980*, a requisition or requirement that anything be done by the original surveyor; and
- (d) the Board is satisfied that such requisition or requirement has not been complied with by the original surveyor because of the original surveyor's death or continued absence or prolonged illness or by reason that the original surveyor cannot be found or is no longer a licensed surveyor, and is unlikely to be complied with within a reasonable time having regard to all the circumstances of the case;

the Board may certify in writing to that effect.

(2) On the issue of a certificate by the Board under subsection (1), a licensed surveyor, other than the original surveyor, may do all or any of the things that are necessary or expedient to comply with the requisition or requirement referred to in subsection (1)(c).

(2A) A licensed surveyor who amends a map or plan under subsection (2) shall certify on the map or plan that the amendment has been carried out under this section.

(3) Despite any other Act, law or practice, on production of a certificate issued by the Board under subsection (1), the Registrar of Titles, or other registering authority shall accept any thing done by a licensed surveyor under subsection (2) as if it were done by the original surveyor.

(4) Nothing in this section shall be construed so as to prevent—

- (a) an original surveyor authorising another licensed surveyor to do all or any of the things; or
- (b) the Registrar of Titles, or other registering authority accepting anything done by a licensed surveyor who has taken over the practice of the original surveyor, that is or are necessary or expedient to comply with a requisition or requirement referred to in subsection (1)(c).

Code of professional conduct of surveyors

76B.(1) The Board may compile or adopt a code of professional conduct of surveyors as a guide to the standard of professional conduct expected of surveyors and from time to time may revoke the code and compile or adopt a fresh code or vary the code by way of addition, omission or substitution of provisions.

(1A) All surveyors shall comply with the code.

(2) The Board may publish the code and any variation or revocation of the code by Gazette notice.

(2A) A copy of the Gazette containing a notification of the code or any variation or revocation of the code shall, on its production in any proceeding, be evidence of the compilation or adoption of the code or, as the case may be, of the making of the variation or revocation and of the matter

contained in the notification.

(3) Nothing in this section prevents any matter not dealt with in the code compiled or adopted under this section from being treated for the purposes of this Act as a matter in respect of which disciplinary action may be taken against a surveyor.

Regulations

77.(1) The Governor in Council may make regulations not inconsistent with this Act providing with respect to—

- (a) the powers and functions of the secretary, the secretary of the committee and officers appointed for the effectual administration of this Act; and
- (b) the registers and the manner of their keeping; and
- (c) the making of applications to the Board, and the effect of furnishing false particulars in an application; and
- (d) the prescription of courses of study, professional practice, conditions of service, training and examinations for and the qualifications for registration as a surveyor, surveying graduate or surveying associate and for endorsement of the registration of a surveyor as a licensed surveyor or a consulting surveyor; and
- (e) the conduct of meetings of the Board, the entitlement of members of the Board to vote upon business before a meeting, and the conduct of proceedings before the Board; and
- (f) the common seal of the Board and the attesting of documents by or on behalf of the Board or the committee; and
- (fa) the powers of the Board with respect to securing compliance with the regulations including, but without limiting the generality of this paragraph, the issue by the Board of directions to surveyors in relation to the performance of surveys and the achievement of the prescribed standards of accuracy; and
- (g) the fees payable under this Act and the purposes for which they are payable; and
- (h) the forms to be used for the purposes of this Act; and

- (i) a code of professional ethics to be observed by persons registered under this Act; and
 - (j) the provision and prescription of any matter or thing concerning the accuracy of surveys; and
 - (k) the supervision of surveying graduates by surveyors; and
 - (l) the fees that surveyors may charge for the performance of surveys; and
 - (m) the form, establishment and custody of survey marks; and
 - (n) creating offences and prescribing penalties of not more than 100 penalty units for the offences; and
 - (o) all matters required or permitted by this Act to be prescribed and in respect of which the manner of prescription is not specified; and
 - (p) all matters that in the Governor in Council's opinion are necessary or convenient to be prescribed to achieve the objects and purposes of this Act.
- (2) A regulation may—
- (a) adopt, wholly or in part and either by way of reference or by way of express specification in the regulation, any of the standard rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, the National Mapping Council of Australia or a like body identified in the regulations; and
 - (b) provide for the approval of the Board or of the chief executive to be the standard to be applicable in respect of a particular matter.

References to authorised surveyors in other Acts

78. In any Act a reference to an authorised surveyor by whatever means expressed shall be taken to be a reference to a licensed surveyor.

References to Surveyor-General

79. A reference in any Act or document to the Surveyor-General is a reference to the chief executive.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 27 September 1996. Future amendments of the *Surveyors Act 1977* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 32 of 1993	20 July 1993

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Renumbered provisions	1

6 List of legislation

Surveyors Act 1977 No. 18

date of assent 21 April 1977

commenced 29 April 1978 (proc pubd gaz 29 April 1978 p 1739)

as amended by—

Surveyors Act Amendment Act 1978 No. 33

date of assent 8 June 1978

commenced 29 April 1978 (see s 2)

Surveyors Act Amendment Act 1978 (No. 2) No. 69

date of assent 8 December 1978

commenced on date of assent

Surveyors Act Amendment Act 1980 No. 23

date of assent 12 May 1980

commenced 26 February 1981 (proc pubd gaz 28 February 1981 p 659)

Surveyors Act Amendment Act 1983 No. 5

date of assent 10 March 1983

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 6 October 1983 (see s 2(2) and proc pubd gaz 8 October 1983 p 552)

Surveyors Act Amendment Act 1987 No. 86

date of assent 1 December 1987
 commenced on date of assent

Surveyors Act Amendment Act 1989 No. 115

date of assent 31 October 1989
 ss 1–2 commenced on date of assent (see s 2(1))
 remaining provisions commenced 1 April 1990 (see s 2(2) and proc pubd gaz
 31 March 1990 p 1537)

Surveyors Amendment Act 1991 No. 59

date of assent 18 September 1991
 s 12 commenced 1 April 1992 (1991 SL No. 148)
 remaining provisions commenced on date of assent

Lands Legislation Amendment Act 1992 No. 64 ss 1–2, ch 2 pt 4, s 3 sch 1

date of assent 7 December 1992
 ss 1–2 commenced on date of assent
 remaining provisions commenced 26 March 1993 (1993 SL No. 88)

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1

date of assent 3 June 1993
 commenced on date of assent (see s 2)

Anti-Discrimination Amendment Act 1994 No. 29 ss 1–3 sch

date of assent 28 June 1994
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 1994 (see s 2)

Land Act No. 81 ss 1–2, 525 sch 3

date of assent 1 December 1994
 commenced on date of assent (see s 2(1))

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent (see s 2)

7 List of annotations

Long title amd 1980 No. 23 s 3; 1992 No. 64 sch 1

Arrangement of Act

s 3 om 1991 No. 59 s 4

Repeals

s 4 om R1 (see RA s 40)

Meaning of terms

s 5 def “**associate surveyor**” om 1980 No. 23 s 4(a)
 def “**cadastral survey**” amd 1980 No. 23 s 4(b)
 def “**chief executive**” ins 1992 No. 64 sch 1
 def “**consulting surveyor**” ins 1983 No. 5 s 3(a)

def “**identification survey**” ins 1983 No. 5 s 3(b)
 def “**investigator**” ins 1980 No. 23 s 4(c)
 amd 1991 No. 59 s 5(1)
 def “**Minister**” om 1991 No. 59 s 5(2)
 def “**register**” sub 1980 No. 23 s 4(d)
 def “**surveying associate**” ins 1980 No. 23 s 4(e)
 def “**surveying graduate**” ins 1980 No. 23 s 4(e)
 def “**Surveyor-General**” amd 1980 No. 23 s 4(f)
 om 1992 No. 64 sch 1

Delegation

s 6A ins 1992 No. 64 sch 1
 subs 1993 No. 32 sch 1

Constitution of Board

s 7 amd R1 (see RA s 37)

Members of board

s 8 amd 1987 No. 86 s 2
 sub 1992 No. 64 s 13

Qualification of members

s 9 amd 1992 No. 64 sch 1
 sub 1994 No. 29 s 3 sch

Appointment of members

s 10 amd 1987 No. 86 s 3; R1 (see RA s 37)
 sub 1992 No. 64 s 14

President

s 10A ins 1992 No. 64 s 15

Term of appointment of members

s 11 amd 1987 No. 86 s 4; 1992 No. 64 sch 1

Minister to request nominations

s 12 amd 1987 No. 86 s 5; 1992 No. 64 sch 1

Surveyor-General to call for nominations

prov hdg amd 1992 No. 64 sch 1

s 13 amd 1992 No. 64 sch 1

Vacating member’s office

s 14 amd 1987 No. 86 s 6; 1992 No. 64 sch 1; 1994 No. 29 s 3 sch

Casual vacancy in member’s office

s 15 amd 1987 No. 86 s 7; 1992 No. 64 sch 1

Delegate members of Board

s 16 amd 1992 No. 64 sch 1

Functions of Board

s 17 amd 1980 No. 23 s 5

Officers of Board

s 19 amd 1980 No. 23 s 6; 1991 No. 59 s 6; 1992 No. 64 sch 1; 1993 No. 32 sch 1

Funds of Board

s 20 amd 1980 No. 23 s 7; 1991 No. 59 s 7
sub 1991 No. 59 s 7

Investment of funds

s 20A ins 1983 No. 5 s 4
amd 1992 No. 64 sch 1

Audit

s 23 amd 1983 No. 5 s 5

President or nominee to preside

s 25 amd 1987 No. 86 s 8

Entitlements of members of Board

s 31 amd 1992 No. 64 sch 1; 1994 No. 81 s 525 sch 3

Examinations

s 33 amd 1980 No. 23 s 8

Reciprocity of status

s 34 amd 1992 No. 64 sch 1

Qualification of Surveyor-General and of Deputy Surveyors-General

prov hdg amd 1983 No. 5 s 6(a)
s 36 amd 1983 No. 5 s 6(b)
om 1992 No. 64 sch 1

Qualifications of surveyors

s 37 sub 1992 No. 64 Sch 1

Qualifications of surveying graduates

prov hdg amd 1980 No. 23 s 9(a)
s 38 amd 1980 No. 23 s 9(b)
sub 1992 No. 64 sch 1

Qualification of surveying associates

s 38A ins 1980 No. 23 s 10;
sub 1983 No. 5 s 7; 1992 No. 64 sch 1

Registers

s 39 amd 1980 No. 23 s 11; 1992 No. 64 sch 1

Registration of body corporate as surveyor

s 40 amd 1978 No. 69 s 2; 1983 No. 5 s 8(1); 1989 No. 115 s 4; 1992 No. 64 sch 1

Term of registration

s 41 amd 1980 No. 23 s 12

Consulting surveyors

s 42A ins 1983 No. 5 s 9

sub 1989 No. 115 s 5
amd 1992 No. 64 sch 1

Annual publication of list of registered persons

prov hdg amd 1980 No. 23 s 13(a)
s 46 amd 1980 No. 23 s 13(b)–(c); 1989 No. 115 s 6

Holding out as surveyor unlawful

s 47 amd 1980 No. 23 s 14; 1983 No. 5 s 10(1); 1987 No. 86 s 9; 1992 No. 64 sch 1

Practice of surveying under business name

s 47A ins 1987 No. 86 s 10
amd 1992 No. 64 sch 1

Doing acts apt to mislead

s 48 amd 1983 No. 5 s 11; 1992 No. 64 sch 1

Performance of cadastral surveys

s 49 amd 1983 No. 5 s 12; 1992 No. 64 sch 1

Obtaining registration by false pretence

s 51 amd 1983 No. 5 s 13; 1992 No. 64 sch 1

Correction of surveyor's errors

s 52 amd 1983 No. 5 s 14; 1992 No. 64 sch 1

Surveyor not to hold interest

prov hdg amd 1987 No. 86 s 11(a)
s 53 amd 1987 No. 86 s 11(b)
sub 1992 No. 64 sch 1

PART 4A—COMPLAINTS AND INVESTIGATION

pt hdg ins 1991 No. 59 s 8

Complaints

s 53A ins 1991 No. 59 s 8

Board may authorise investigation

s 53B ins 1991 No. 59 s 8

Powers of investigator

s 53C ins 1991 No. 59 s 8

Entry and search—evidence of offences

s 53D ins 1991 No. 59 s 8

General powers of investigator in relation to premises

s 53E ins 1991 No. 59 s 8

Warrants

s 53F ins 1991 No. 59 s 8

Consideration of report

s 53G ins 1991 No. 59 s 8

Disciplinary action against registered persons

s 54 amd 1987 No. 86 s 12; 1992 No. 64 sch 1

Surveyors Disciplinary Committee

s 55 amd 1992 No. 64 sch 1

Appointment of committee members

s 56 sub 1992 No. 64 sch 1

Selection of surveyor members of Committee

s 57 amd 1992 No. 64 sch 1

Initiating proceedings before committee

s 58 amd 1980 No. 23 s 15
om 1991 No. 59 s 9

Investigators

s 58A ins 1980 No. 23 s 16
om 1991 No. 59 s 9

Further powers etc. of investigators in certain cases

s 58B ins 1980 No. 23 s 16
om 1991 No. 59 s 9

Protection of investigators

s 58C ins 1980 No. 23 s 16
om 1991 No. 59 s 9

Proceedings before committee

s 59 amd 1991 No. 59 s 10

Procedure

s 59A ins 1991 No. 59 s 11

Powers of committee

s 59B ins 1991 No. 59 s 11

Inspection of documents

s 59C ins 1991 No. 59 s 11

Offences—proceedings

s 59D ins 1991 No. 59 s 11
amd 1992 No. 64 sch 1

Self incrimination

s 59E ins 1991 No. 59 s 11

Disciplinary powers of committee

s 61 amd 1983 No. 5 s 15; 1989 No. 115 s 7; 1992 No. 64 sch 1

Effect of committee's orders

s 62 amd 1989 No. 115 s 8

Committee's decision final

s 65 amd 1992 No. 64 sch 1

Board may punish

s 65A ins 1989 No. 115 s 9; 1992 No. 64 sch 1

Board to give notice of its intention to proceed under section 65A

s 65B ins 1989 No. 115 s 9

Publication by the Board

s 65C ins 1989 No. 115 s 9

Right to enter to perform surveys

s 67 amd 1992 No. 64 sch 1

Appeals

s 66 amd 1983 No. 5 s 16; 1995 No. 57 s 4 sch 1

Right to enter to perform surveys

s 67 amd 1992 No. 64 sch 1

Interference with survey marks

s 68 amd 1987 No. 86 s 13; 1992 No. 64 sch 1

Students in surveying and surveying graduates to have time to attend lectures and gain practical experience

prov hdg amd 1980 No. 23 s 17(a)

s 70 amd 1980 No. 23 s 17(b)

General penalty

s 72 amd 1983 No. 5 s 17; 1992 No. 64 sch 1

Evidentiary provisions

s 74 amd 1980 No. 23 s 18

Surveyor's certificates

s 76 sub 1991 No. 59 s 12

amd 1992 No. 64 sch 1

Authority for licensed surveyor to act for another in certain circumstances

s 76A ins 1980 No. 23 s 19

amd 1992 No. 64 sch 1

Code of professional conduct of surveyors

s 76B ins 1987 No. 86 s 14

Regulations

s 77 amd 1978 No. 33 s 3; 1980 No. 23 s 20; 1983 No. 5 s 18; 1989 No. 115 s 10; 1992 No. 64 sch 1

References to Surveyor-General

s 79 ins 1980 No. 23 s 21

amd 1983 No. 5 s 19

sub 1991 No. 59 s 13; 1992 No. 64 sch 1

Delegation by Surveyor-General

s 80 ins 1980 No. 23 s 21
amd 1983 No. 5 s 20; 1991 No. 59 s 14
om 1992 No. 64 sch 1

Schedule om R1 (see RA s 40)