

SURVEYORS ORDINANCE

SURVEYORS (EXAMINATION AND REGISTRATION) REGULATIONS

REGULATIONS 1968, No. 1*

1. These Regulations may be cited as the Surveyors (Examination and Registration) Regulations. Citation.

2. These Regulations are divided into Parts, as follows:— Parts.

Part I.—Preliminary (Regulations 1-3).

Part II.—Service under Articles (Regulations 4-14).

Part III.—Examinations (Regulations 15-25).

Part IV.—Registration (Regulations 26-29).

Part V.—Miscellaneous (Regulations 30-34).

3.—(1) In these Regulations, unless the contrary intention appears— Interpretation.

“applicant”, in relation to an examination, means a person who applies for permission to sit for an examination;

“articles” means a contract or agreement of service between a registered surveyor and another person in relation to the instruction and training of that person in order to qualify him for registration as a surveyor;

“land boundary surveys” means—

(a) in relation to the Territory—surveys for any of the purposes referred to in section 34 of the Ordinance; and

(b) in relation to a place outside the Territory—surveys under the laws in force in that place for any purposes similar to those referred to in that section;

“office experience” means a period of service under articles spent on office work in relation to computations and plans relating to surveying;

“pupil” means a person who is serving under articles registered by the Board;

“the Ordinance” means the *Surveyors Ordinance 1967*;

“the register of pupils” means the register of pupils kept under regulation 32 of these Regulations.

(2.) In these Regulations, a reference to a prescribed fee shall be read as a reference to the appropriate fee prescribed in the Schedule to these Regulations.

(3.) In these Regulations, a reference to a subject by number shall be read as a reference to a subject so numbered in regulation 15 of these Regulations.

* Made under the *Surveyors Ordinance 1967* on 31 January 1968; notified in the *Commonwealth Gazette* and commenced on 8 February 1968.

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PART II.—SERVICE UNDER ARTICLES.

Approval for entering into articles.

4.—(1.) The Board may approve of a person entering into articles with a registered surveyor who does not already have a pupil if that person satisfies the Board—

- (a) that he has the prescribed educational qualifications; and
- (b) that he is a person of good character.

(2.) The person shall submit with his application for approval—

- (a) evidence that he has the prescribed educational qualifications;
- (b) evidence of the date of his birth; and
- (c) two recent certificates of character.

(3.) For the purposes of this regulation, a person shall be deemed to have the prescribed educational qualifications if—

- (a) he has qualified for a degree or diploma in surveying granted by a university that, in the opinion of the Board, provides sufficient instruction and training in the principles and practice of surveying for candidates for the degree or diploma;
- (b) he has qualified for a degree or diploma in surveying granted by an institute of technology that, in the opinion of the Board, provides sufficient instruction and training in the principles and practice of surveying for candidates for the degree or diploma; or
- (c) he has passed in a reciprocating State the examinations conducted, in accordance with the syllabuses applicable at the date of commencement of these Regulations, by the reciprocating Board in that State in the following subjects:—

Engineering Surveying A; Computations A; Town and Country Planning; Physics; Astronomy; Geodesy; Land Classification and Land Utilization or Geology and Forestry; Computations B; Engineering Surveying B; Mapping, Elementary Aerial Surveying and Photogrammetry; Principles and Practice of Land Valuation.

Form of articles.

5.—(1.) Articles, which shall be in accordance with a form approved by the Board, shall specify the period for which a person is to serve under articles.

(2.) The period so specified shall be the period applicable to the person under these Regulations.

Registration of articles.

6.—(1.) Within three months after the commencement of the period of service specified in the articles, a person undertaking to serve under the articles may apply to the Board for the registration of the articles.

(2.) The application shall be accompanied by—

- (a) the articles and a copy of the articles; and
- (b) the prescribed registration fee.

7.—(1.) Articles may, by instrument in writing, be transferred to a registered surveyor who does not have a pupil. Transfer of articles.

(2.) The instrument of transfer of articles shall be executed by the registered surveyor who is a party to the articles, the registered surveyor to whom the articles are being transferred and the pupil.

(3.) Where articles are transferred, the pupil shall, within three months after the transfer, apply to the Board for the registration of the instrument of transfer of articles.

(4.) The application shall be accompanied by—

- (a) the instrument of transfer of articles and a copy of the instrument;
- (b) a certificate of the surveyor from whom the articles are being transferred in respect of the service of the pupil and the nature of the work on which the pupil has been engaged; and
- (c) the prescribed fee for the registration of the instrument of transfer of articles.

8. The Board may, in special circumstances, approve an application for the registration of articles or for the instrument of transfer of articles received after the period prescribed in regulation 6 or 7, as the case may be, of these Regulations. Late applications for registration or transfer of articles.

9.—(1.) If the Board approves of the registration of the articles or instrument of transfer of articles, the Board shall cause the Registrar to register the articles or the instrument of transfer, as the case may be, in the register of pupils. Registration of articles and transfers.

(2.) The Registrar may retain with the records of the Board the articles or the instrument of transfer of articles or a copy of the articles or instrument, as the case may be.

10.—(1.) Where the Board, after due inquiry, is of the opinion that the registration of articles or the instrument of transfer of articles was obtained by fraud or misrepresentation, the Board may cancel the registration. Cancellation of registration or transfer of articles.

(2.) Upon such cancellation, the Registrar shall record the cancellation in the register of pupils against the entry in respect of the pupil.

11.—(1.) Subject to any exemptions that may be granted under regulations 13 and 14 of these Regulations, a pupil shall serve professionally under articles for a period of four years, of which not less than three years shall be spent in surveying service in the field and the balance of the period in office experience. Service under articles.

(2.) Except as provided in item 5 of the table in sub-regulation (1.) of regulation 13 of these Regulations, service under articles shall include not less than two years' instruction and experience on land boundary surveys.

(3.) Service under articles shall include not less than six months service on land boundary surveys in urban areas and not less than six months on land boundary surveys in rural areas.

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Evidence of instruction and experience.

12.—(1.) The Board may, during the currency of his articles, require a pupil to produce such evidence as it considers necessary to show that he is receiving instruction and obtaining experience in surveying of a nature satisfactory to the Board.

(2.) Where the Board is of opinion that a pupil has not received sufficient instruction or has not obtained sufficient experience in surveying during the period of his articles, it may require him to obtain such additional instruction and experience as it deems necessary, but the additional instruction and experience need not, unless the Board otherwise directs, be under articles.

(3.) Where a pupil has served under articles registered in a reciprocating State, the Board may, if it is satisfied with the experience obtained by him and with the certificate or certificates of service produced by him, accept his service in that State as equivalent to service under articles and may grant to him an exemption from service under articles for a period specified by the Board.

Exemptions from service under articles.

13.—(1.) Where a pupil produces documentary evidence satisfactory to the Board that he possesses the qualifications or experience referred to in the second column of the following table, the Board may grant him exemption from service to the extent set out in the third column of that table:—

Item	Qualifications or Experience	Extent of Exemption
1.	Field experience approved by the Board of not less than twelve months under the supervision of a civil engineer or registered surveyor.	Six months professional service in the field.
2.	A certificate or diploma in surveying granted after an examination at a standard approved by the Board, or by the reciprocating board in the reciprocating State where the examination is held, at which a person appointed or approved by the Board or the reciprocating board is a co-examiner.	Twelve months professional service in the field and twelve months office experience
3.	A certificate granted by a University upon the passing of an examination after completing a special course of surveying within the University.	Nine months office experience.
4.	A degree granted by a University upon the passing of an examination after completing a course that, in the opinion of the Board, provides sufficient instruction and experience in the principles and practice of surveying.	Twelve months professional service in the field and twelve months office experience.
5.	A degree granted upon passing an examination mentioned in item 4 at which a representative of the Board or of a reciprocating board acts as a co-examiner in the subjects of the examination relating to surveying.	Eighteen months professional service in the field and twelve months office experience.

(2.) The Board shall not grant an exemption under item 2, 4 or 5 of the table in the last preceding sub-regulation unless the pupil serves the period of his articles with a registered surveyor engaged primarily on land boundary surveys.

(3.) The Board shall not grant an exemption under more than one of the items 1, 2, 3, 4 and 5 of the table in sub-regulation (1.) of this regulation.

14.—(1.) For the purposes of the last preceding regulation, the Board may, subject to the next succeeding sub-regulation, regard a period during which a pupil gained instruction and experience in vacation periods whilst taking a degree or diploma course in surveying at a university or technological institute as equivalent to service under articles and may grant to the pupil an exemption from service under articles for a period specified by the Board but not exceeding a total period of twelve months.

Vacation instruction and experience.

(2.) The instruction and experience that may be accepted shall—

- (a) have been obtained under a surveyor engaged on land boundary surveys during the vacation periods; and
- (b) be evidenced by a certificate, satisfactory to the Board, from that surveyor.

PART III.—EXAMINATIONS.

15. The subjects of examinations conducted by the Board and the numbers of those subjects are as follows:—

Subjects of examinations.

Written Section:

1. The law affecting surveys being the law in force in the Territory and in the State of New South Wales relating to—
 - (i) defining, redefining or marking the boundaries of land; subdivision of land; opening and closing of roads and rights-of-way; acquisition and resumption of land;
 - (ii) surveys of mines both surface and underground;
 - (iii) town planning and regional planning; and
 - (iv) systems of tenure.

Oral and Practical Section:

2. The adjustment and use of instruments, including—
 - (a) the principles of construction of, and practical tests in adjustment and use of, instruments required in modern field practice and office use; and
 - (b) a practical test in—
 - (i) the application of aerial photographs to surveying and mapping; and
 - (ii) if the Board so requires, the use of the stereoscope for field examination of aerial photographs.
3. Practical Levelling:
Levelling of a longitudinal section at least twenty chains in length.
4. Field Astronomy:
The practical determination of not less than two of the following:—Azimuth, time and latitude.
5. Field Practice:
 - (a) Under the supervision of the Board, the survey of an area as for title purposes including the preparation of a plan from the field notes of the survey; and
 - (b) An oral test in the practice of surveying.

16.—(1.) An applicant, being a pupil who has, or is deemed to have, completed three years service under articles registered by the Board, is eligible to present himself for examination in subject numbered 1.

Order of sitting for subjects.

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(2.) An applicant who has, or is deemed to have, completed four years service under articles registered by the Board is eligible to present himself for examination in subjects numbered 1, 2, 3, 4 and 5.

(3.) For the purposes of either of the two preceding sub-regulations, an applicant who has been granted any exemption under regulations 12, 13 or 14 of these Regulations shall be deemed to have completed service under articles registered by the Board for a period equivalent to the period of the exemptions so granted.

(4.) An applicant shall not be permitted to sit for the subjects numbered 2, 3, 4 and 5 until he has passed in subject numbered 1 and has furnished a certificate that he is competent to make surveys on his own responsibility.

(5.) An applicant whose application includes subjects numbered 2, 3, 4 and 5 shall comply also with the following provisions:—

- (a) The applicant shall submit to the Board his original field notes and plans drawn from those notes of surveys made within two years of their being submitted to the Board, together with relevant computations and survey information of the following surveys:—
- (i) A survey of a country area of not less than eighty acres, two of the boundaries of which coincide with and have been redefined from previous surveys and one of the boundaries of which is a watercourse or other natural feature or an irregular road;
 - (ii) A survey for registration of title purposes of an urban area with one or more substantial buildings on or near the boundaries of the area in such a position that at least one boundary of the area has been determined by indirect methods;
 - (iii) A survey of a proposed road, railway or drainage work not less than one thousand feet in length;
- (b) The plan in respect of the survey mentioned in sub-paragraph (ii) of paragraph (a) of this sub-regulation shall be accompanied by a technical description of the area surveyed;
- (c) The plan in respect of the survey mentioned in sub-paragraph (iii) of paragraph (a) of this sub-regulation shall show the proposed design and the requisite quantities, longitudinal and cross sections and, in the case of a road or railway, the proposed method of disposal of stormwater;
- (d) Each plan referred to in paragraph (a) of this sub-regulation shall bear a certificate to the following effect signed by the applicant:—
- “I hereby certify that this survey was made by me personally between the day of 19.. and the day of 19.. and that this plan and the accompanying field notes and computations are entirely my own work.”;
- (e) The applicant shall submit to the Board plans, on sheets forty inches by twenty-seven inches, of one of the following schemes:—
- (i) A scheme for a new town to be developed on country of which at least thirty per centum would be undulating land and intended to accommodate an ultimate population of ten thousand to twenty thousand;

- (ii) A scheme for the replanning and extension of an existing town with a population from ten thousand to twenty thousand to accommodate an additional population of five thousand, the extension being on land of which at least thirty per centum would be undulating;
 - (iii) A scheme of any type of farming development, showing complete topographic details, the arterial and subdivisional road pattern, farm pattern, water supply, amenities and facilities necessary for the accommodation and support of at least twenty family farm units usually associated with the chosen type of development, the minimum area that would be dealt with to be not less than five hundred acres;
- (f) The plans for the purposes of sub-paragraphs (i) and (ii) of paragraph (e) of this sub-regulation shall include—
- (i) a ten-chain outline zoning plan showing contours, complete road pattern and main land uses including siting of residential areas, industrial areas of various classes, recreation and public utilities areas, shopping, civic and community centres;
 - (ii) a detailed layout of a shopping, civic and community centre;
 - (iii) a detailed layout of a residential area; and
 - (iv) a detailed layout of an industrial area.
- (g) Each plan supplied by an applicant under sub-paragraph (i), (ii) or (iii) of paragraph (e) of this sub-regulation shall be accompanied by an explanatory memorandum of not less than one thousand words and shall bear a certificate to the following effect signed by the applicant:—
- “I hereby certify that this plan was made by me personally between the day of 19.. and the day of 19.. and that the plan and memorandum are entirely my own work and are not copied from any published matter.”; and
- (h) The applicant shall produce to the Board—
- (i) such additional information as the Board requires in regard to his professional training, field notes and plans;
 - (ii) evidence that he has completed his professional training in the field in accordance with regulations 11 and 12 of these Regulations; and
 - (iii) if he has been required by the Board in accordance with sub-regulation (2.) of regulation 12 of these Regulations to obtain additional instruction and experience, evidence that he has completed that additional instruction and experience.

17.—(1.) Unless the Board otherwise determines, examinations shall be held in the months of February and August in each year.

Times for examination.

(2.) The Board shall, at least one month before the date of commencement of an examination, cause pupils to be informed of the date on which the examination is to be held, the closing date for applications for permission to sit for the examination and such other matters relating to the examination as it considers necessary.

Applications for examinations.

18.—(1.) A person who desires to sit for a subject of an examination shall apply in a form approved by the Board, on or before the closing date for the receipt of applications, for permission to sit for the examination.

(2.) The application shall be accompanied by—

- (a) a certificate or certificates of service from the surveyor or surveyors with whom the applicant served under articles;
- (b) a statement or statements by the surveyor or surveyors detailing the classes of professional work on which the applicant was engaged during the term of his articles; and
- (c) the prescribed fee.

Withdrawal of applications.

19. The Board may, for sufficient cause, allow an applicant to withdraw his application for permission to sit for an examination and may, if the application is so withdrawn, refund the whole or part of the fee paid by him.

Refusal of permission to sit.

20. Where the Board refuses an application for permission to sit for examination, it shall refund to the applicant the fees paid by him upon applying for permission to sit.

Candidate's number.

21.—(1.) Where the Board grants permission to sit for an examination, the Board shall allot to the candidate a distinguishing number.

(2.) The candidate shall mark the distinguishing number on each page of the workings, plans and other papers submitted by him but he shall not otherwise reveal his identity on those workings, plans or other papers.

Examination equipment.

22. A candidate shall provide for his own use at an examination all equipment including almanacs and books of tables specified by the Board.

Supervisors.

23.—(1.) A supervisor of an examination may, during the currency of the examination, require a candidate to produce for inspection equipment, almanacs and books of tables brought by the candidate into the examination room and the supervisor may, for sufficient cause, prohibit the candidate from using any such equipment, almanac or book at the examination.

(2.) A candidate may, with the approval of the Board obtained before the commencement of the examination, take into the examination room equipment, almanacs or books of tables in substitution for or in addition to those specified under regulation 22 of these Regulations.

(3.) A candidate who, in the opinion of the supervisor, acts in an improper manner in the examination room may, whether or not he has completed the examination, be ordered to leave the room.

(4.) Where a candidate is ordered to leave the examination room, the supervisor shall inform the Board of the whole of the circumstances.

Pass marks.

24. In order to pass in a subject, a candidate shall obtain not less than sixty per centum of the marks allotted by the examiner to the subject.

Certificate of competency.

25. The Board shall issue a certificate of competency to a candidate who has passed in all subjects in accordance with the provisions of these Regulations.

Prescribed educational qualifications for registration.

26. For the purposes of paragraph (b) of sub-section (2.) of section 17 of the Ordinance, an applicant for registration has the prescribed educational qualifications if—

- (a) he has the prescribed educational qualifications referred to in sub-regulation (3.) of regulation 4 of these Regulations; and

- (b) he has passed the examination in subject numbered 1 and has, within a period of five years commencing on the date on which he passed the examination in a subject numbered 2, 3, 4 or 5, passed the examination in all of the subjects numbered 2, 3, 4 and 5.

PART IV.—REGISTRATION.

27. An application for registration as a surveyor by a person who has been issued with a certificate of competency shall be accompanied by— Application for registration.

- (a) two recent certificates of character; and
(b) the prescribed fee.

28. A person referred to in paragraph (c) or paragraph (d) of subsection (2.) of section 17 of the Ordinance who applies for registration on the basis of qualifications obtained in a reciprocating State shall submit with his application— Registration on qualifications obtained in a reciprocating State.

- (a) evidence that he holds a certificate of competency granted by, or is registered, authorized or licensed as a surveyor by, a reciprocating board;
(b) evidence that he is at least twenty-one years of age;
(c) two recent certificates of character;
(d) a letter of recommendation, dated not more than three months before the date of his application, from the reciprocating board that granted his certificate of competency or registration, authorization or licensing or that last registered, authorized or licensed him; and
(e) the prescribed fee.

29. A person who applies for registration on the basis of qualifications obtained in a country outside Australia other than a reciprocating State shall submit with his application— Registration on other qualifications.

- (a) evidence of the passing of an examination in surveying approved by the Board;
(b) evidence of other qualifications as a land surveyor;
(c) evidence that the qualifications are still in force;
(d) evidence that he is at least twenty-one years of age;
(e) two recent certificates of character;
(f) evidence that he has completed not less than six months professional service in the field on land boundary surveys with a registered surveyor;
(g) a certificate from that surveyor of professional service generally and that the applicant is competent to make surveys on his own responsibility; and
(h) the prescribed fee.

30. The Board shall, upon payment of the prescribed fee, issue to a person who is registered as a surveyor under the Ordinance a certificate of registration. Certificate of registration.

PART V.—MISCELLANEOUS.

Letter of
recommendation.

31.—(1.) Where a person to whom a certificate of competency has been issued or who is registered or qualified to be registered as a surveyor under the Ordinance desires to become licensed, registered or authorized as a surveyor in a reciprocating State, he may apply to the Board for a letter of recommendation.

(2.) The Board may, upon payment of the prescribed fee and either without further examination or after such oral examination as the Board deems necessary, issue a letter of recommendation to the applicant.

Registers.

32. In addition to the Register of Surveyors, the Registrar shall keep the following registers:—

- (a) A Register of Pupils, being a register of the names and addresses of pupils and of surveyors to whom they are articulated or to whom the articles are transferred;
- (b) A Register of Certificates of Competency, being a register of the names, addresses and qualifications of persons to whom certificates of competency have been issued, and of the dates on which the certificates were issued;
- (c) A Register of Letters of Recommendation, being a register of letters of recommendation issued by the Board showing the dates upon which they were issued; and
- (d) A Register of Inquiries and Appeals, being a register of—
 - (i) inquiries held by the Board in respect of surveyors and of the findings and decisions of the Board at inquiries; and
 - (ii) appeals to the Supreme Court against decisions of the Board and of the decisions on the appeals.

Inspection of registers.

33.—(1.) A person may apply to the Registrar for permission to inspect a register kept by him.

(2.) The application shall set out the reason for which the inspection is required.

(3.) Where the Registrar is satisfied that the applicant has a good reason for requiring the inspection, he shall, upon payment of the prescribed fee, permit the applicant to inspect the register.

Scale of fees payable to the Board.

34. Fees are payable to the Board in accordance with the scale of fees contained in the Schedule to these Regulations.

THE SCHEDULE.

Regulation 34

FEES		\$
1. On application for registration of articles .. .. .	.. .. .	1.00
2. On application for registration of instrument of transfer of articles ..	.. .. .	1.00
3. On application for permission to sit for part of an examination ..	.. .. .	6.00
4. On application for permission to sit for whole of an examination ..	.. .. .	10.00
5. On application for registration as a surveyor .. .. .	.. .. .	4.00
6. On issue of certificate of registration .. .. .	.. .. .	2.00
7. Annual registration fee .. .. .	.. .. .	2.00
8. On application for restoration of name to register after removal for non-payment of annual registration fee .. .. .	.. .. .	5.00
9. On issue of letter of recommendation .. .. .	.. .. .	2.00
10. For permission to inspect a register .. .. .	.. .. .	1.00