



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 34 of 1983

An Act to amend the Surveyors Act, 1975.

[Assented to 16 June 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Surveyors Act Amendment Act, 1983".

(2) The Surveyors Act, 1975, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Surveyors Act, 1975-1983".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
s. 5—
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "legal practitioner" in subsection (1) the passage "Legal Practitioners Act, 1936-1972" and substituting the passage "Legal Practitioners Act, 1981-1982";

and

(b) by striking out from the definition of "survey mark" in subsection (1) the passage "of the prescribed form".

Amendment of
s. 25—
Offence to hold
self out as
surveyor.

4. Section 25 of the principal Act is amended by striking out from subsection (1) the passage "Five hundred dollars" and substituting the passage "Five thousand dollars".

Amendment of
s. 26—
Cadastral
surveying and
licensed
surveyors.

5. Section 26 of the principal Act is amended by striking out the passage "Five hundred dollars" and substituting the passage "Five thousand dollars".

Amendment of
s. 27—
Certain conduct
of persons
registered under
Act cause for
disciplinary
action.

6. Section 27 of the principal Act is amended—

(a) by inserting after paragraph (b) the following paragraph:

(ba) has been convicted, or guilty, of any offence against a law of a place other than South Australia, being an offence related to surveying or involving dishonesty; ;

and

(b) by inserting in paragraph (c) after the word "has" the passage "(whether within or outside South Australia)".

7. Section 34 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage "five hundred dollars" and substituting the passage "five thousand dollars".

Amendment of s. 34—
Inquiries by Committee.

8. The following section is inserted after section 34 of the principal Act:

Insertion of new s. 34a.

34a. (1) Where—

(a) an inquiry is to be held under this Part into the conduct of a person in a place other than South Australia;

Suspension of registration pending determination of inquiry.

and

(b) registration granted to the person under the law of that place has been suspended or cancelled by reason of conduct that is to be the subject matter of the inquiry,

the Board may suspend the registration of the person under this Act pending the determination of the inquiry.

(2) In subsection (1) "registration" under the law of a place other than South Australia means any registration, licence or other authority required under that law for or in connection with the practice of surveying.

9. Section 36 of the principal Act is amended—

Amendment of s. 36—
Powers of Committee.

(a) by striking out from subsection (2) the passage "two hundred dollars" and substituting the passage "two thousand dollars";

(b) by inserting in paragraph (a) of subsection (4) after the word "court" the passage ", tribunal or other body constituted under the law of South Australia or of any other place,";

and

(c) by striking out from paragraph (b) of subsection (4) the passage "a court" and substituting the passage "any such court, tribunal or body".

10. Section 40 of the principal Act is amended by striking out from subsection (3) the passage "One hundred dollars" and substituting the passage "One thousand dollars".

Amendment of s. 40—
Right to enter to perform surveys.

11. Section 41 of the principal Act is repealed and the following section is substituted:

Repeal of s. 41 and substitution of new section.

41. (1) A person shall not, without reasonable excuse, interfere with a survey mark established (whether before or after the commencement of this Act) by or under the supervision or direction of a surveyor licensed or registered under this Act or any other Act or the person for the time being holding or acting in the office of Surveyor-General.

Offence to interfere with survey marks.

Penalty: Two Thousand dollars.

(2) A court convicting a person of an offence against this section may, whether or not a penalty is imposed, order the person convicted to pay to any person affected by the commission of the offence such compensation as the court considers proper for loss or damage suffered (including costs incurred in re-establishing the survey mark or carrying out further survey work) in consequence of the commission of the offence.

Amendment of
s. 44—
Summary
proceedings.

12. Section 44 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) Proceedings for an offence against this Act shall be commenced within two years after the date on which the offence is alleged to have been committed.

Insertion of new
s. 46a.

13. The following section is inserted after section 46 of the principal Act:

Delegation by
Surveyor-General.

46a. (1) The Surveyor-General may delegate (and shall be deemed always to have been empowered to delegate) any of his powers, discretions or functions under this Act or any other Act or law to a person holding or acting in an office or position under the supervision of the Surveyor-General.

(2) A delegation under subsection (1) may be revoked by the Surveyor-General and shall not derogate from the power of the Surveyor-General to act himself in any matter.

(3) In any legal proceedings an apparently genuine document purporting to be a certificate under the hand of the Surveyor-General containing particulars of a delegation referred to in subsection (1) (whether made before or after the commencement of this section) shall, in the absence of proof to the contrary, be accepted as proof of the particulars.

Amendment of
s. 47—
Regulations.

14. Section 47 of the principal Act is amended—

(a) by striking out from paragraph (f) of subsection (2) the passage “establishment and custody” and substituting the passage “form, establishment, custody and removal”;

and

(b) by striking out from paragraph (g) of subsection (2) the passage “two hundred dollars” and substituting the passage “one thousand dollars”.

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

D. B. DUNSTAN, Governor