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VICTORIÆ REGINÆ.

A.D. 1886.

No. 388.

An Act to regulate the Licensing of Surveyors.

[*Assented to, November 17th, 1886.*]

WHEREAS it is desirable to amend the law relating to Licensed Surveyors—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as “The Licensed Surveyors Act, 1886.” Short title.
2. “The Licensed Surveyors Act, 1859,” being Act No. 13 of 1859, is hereby repealed: Provided that such repeal shall not affect any licence granted under the said repealed Act, or the validity of any survey heretofore made thereunder. Repeal.
3. The Commissioner of Crown Lands and Immigration for the time being may grant licences, in the form in the First Schedule hereto, to such persons, not being under the age of twenty-one years, as he shall consider fit and proper to be licensed as surveyors, and as shall have obtained a certificate of the Board of Examiners hereinafter mentioned, which certificate shall be in one of the forms in the Second Schedule hereto. Commissioner of Crown Lands may grant licences.
4. The Governor may appoint the Surveyor-General and four other persons to be a Board of Examiners under this Act, who shall be called “The Board of Examiners for Surveyors”; and the Governor from time to time may remove any member of such Board. Governor may appoint Board of Examiners.

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Board from office, and may appoint persons to be members of such Board in lieu of any members thereof dying, resigning, retiring, or being removed from office. Three of the members of the Board shall be members of the South Australian Institute of Surveyors, Incorporated, and shall from time to time be nominated by such Institute as members of the Board prior to being appointed by the Governor. The members so nominated shall retire from office on the thirty-first day of December in every year, but shall be eligible for re-appointment on being again nominated as aforesaid.

Quorum.

5. At any meeting of the Board three members shall form a quorum. The members of the Board for the time being may act notwithstanding any vacancy in their body, and should they at any time be less than three the quorum for a meeting shall be the number of members then in office.

Examination.

Testimonials.

6. Before granting a certificate to any person, in the Form A in the Second Schedule hereto, the Board shall examine such person as to his qualifications as a surveyor, and may require testimonials respecting his character, and the Board may refuse a certificate to any person if they shall deem him not properly qualified, or if they shall not be satisfied as to his character.

Examinations, when to be held.

7. The Board shall hold an examination twice a year, in the months of March and September respectively, and also at any times that they may fix by regulation, and shall give at least one month's notice in the *Government Gazette* of every examination.

Examination fees.

8. Every person applying to be examined shall pay to the Board, previous to his examination, a fee of Five Pounds Five Shillings, and should he fail to pass his examination to the satisfaction of the Board, he shall, previous to any future examination, pay to the Board a fee of Two Pounds Two Shillings for each such examination.

Certificate may be granted to licensed surveyor from any part of the world.

9. The Board may, if they shall think fit, without examination, and on payment to the Board of a fee of Five Pounds Five Shillings, grant a certificate in Form B in the Second Schedule hereto, to any person who shall satisfy them that he is legally licensed as a surveyor in any part of the world, and shall produce testimonials respecting his character satisfactory to the Board. The said Commissioner may, at the request of the said Board, revoke the licence of any surveyor who shall, upon due inquiry made by the Board in such manner as may be provided by regulation, be found to be guilty of any act of misconduct in connection with any survey, and after hearing such surveyor in his own defence.

Licences may be revoked.

Apportionment of fees.

10. All fees payable under this Act shall be paid to the Treasurer for the public service of the province.

Declaration.

11. Before any person shall receive a licence under this Act, he shall make a declaration, in the form in the Third Schedule hereto, before a Justice of the Peace, and shall deliver such declaration to the said Commissioner.

12. Every

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12. Every surveyor licensed under this Act shall be deemed a licensed surveyor for the purposes of "The Northern Territory Crown Lands Consolidation Act, 1882," and may also practice as a surveyor under, and shall be deemed a licensed surveyor for the purposes of, the "Real Property Act of 1861," and the "Real Property Act Amendment Act of 1878," and any Act amending or repealing, or substituted for the same, or either of them.

Surveyor licensed under this Act may practise under other Acts.

13. Any person heretofore licensed as a surveyor by the Surveyor-General under section 102 of the "Real Property Act of 1861," or section 61 of the "Real Property Act Amendment Act of 1878," shall for all purposes be deemed to be a surveyor licensed under this Act.

Surveyor heretofore licensed under Real Property Acts to be deemed licensed under this Act.

14. All surveys by surveyors, whether licensed under this Act, or under "The Licensed Surveyors Act 1859," of Crown Lands included in any pastoral, mineral, or other lease or claim, shall be made in accordance with data to be supplied by the Surveyor-General, and plans of all such surveys shall be submitted in duplicate by the surveyor making the same to the Surveyor-General, and if found correct shall be certified by him, and one duplicate shall be deposited in his office, and the other duplicate returned to the surveyor, and either duplicate so certified, or a copy certified by the Surveyor-General for the time being to be a true copy of any such certified plan, shall be adopted as correct in all questions relating to the boundaries therein delineated of the land comprised in any such lease or claim: Provided that a certified copy of such diagram be sent by the Surveyor-General to each lessee interested; such lessees to be allowed time, to be fixed by the Surveyor-General, to appeal against the survey and to give reason, if any exist, why such survey should not be adopted.

Surveys of certain Crown Lands, how to be made.

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

Re-survey of lines.

16. The Board may from time to time make, alter, and repeal regulations for fixing the times for examinations additional to those to be held in the months of March and September, as hereinbefore provided, and for regulating the mode in which examinations under this Act shall be conducted and for cancelling licences. All such regulations shall be published in the *Government Gazette*, and a copy of the *Gazette* containing such regulations shall be conclusive evidence of the due making thereof.

Regulations.

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

Licence evidence of fulfilment of conditions.

18. In

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Fees to surveyors.

18. In the absence of any special agreement, any licensed surveyor shall be entitled to charge from the party employing him, the fees provided for in the Fourth Schedule hereto.

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

WILLIAM C. F. ROBINSON, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

This is to certify that A. B., having satisfactorily proved his qualifications, is hereby licensed as a surveyor for the province of South Australia, under the provisions of "The Licensed Surveyors Act, 1886."

Dated this day of 1886.
Commissioner of Crown Lands and Immigration.

THE SECOND SCHEDULE.

A.

This is to certify that A. B. has satisfactorily proved his qualifications as a surveyor under "The Licensed Surveyors Act, 1886."

Dated this day of 1886.
C. D. } Three members of the
E. F. } Board of Examiners
G. H. } for Surveyors.

B.

This is to certify that A. B. has satisfied the Board of Examiners for Surveyors that he is legally licensed as a surveyor in the colony of

Dated this day of 1886.
C. D. } Three members
E. F. } of the said
G. H. } Board.

THE THIRD SCHEDULE.

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

Declared the day of 18 , before me A. B.
C. D., J.P.

THE FOURTH SCHEDULE.

£ s. d.

For the time employed upon any survey, and the plans, calculations, and travelling in connection therewith [exclusive of wages of assistants and expenses of party], not exceeding per diem..... 3 3 0