

LAND SURVEYORS AMENDMENT ACT 1982

No. 25 of 1982

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LAND SURVEYORS AMENDMENT ACT 1982

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 No. 25 of 1982
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 AN ACT to amend the Land Surveyors Act 1909 for the purpose of providing for the remuneration of members of the Surveyors' Board, making further provision with respect to registration fees payable under the Act, and for other purposes.

[Royal Assent 24 August 1982]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Land Surveyors Amendment Act* 1982. Short title.

2—This Act shall commence on the seventh day after the day on which it receives the royal assent. Commencement.

3—In this Act, the *Land Surveyors Act 1909** is referred to as Principal Act. the Principal Act.

* 9 Edw. VII No. 45. For this Act as amended to 1959, see the Reprint of Statutes (1826-1959), Volume 3, page 348. Subsequently amended by No. 40 of 1964, No. 55 of 1965, No. 53 of 1972, and No. 21 of 1973.

Amendment of
section 3 of
Principal Act
(Interpre-
tation).

4—Section 3 of the Principal Act is amended as follows:—

(a) by omitting the definition of “ Institution ” and substituting the following definition:—

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

(b) by inserting the following definition after the definition of “ Institution ”:—

“ Public Service ” has the meaning assigned to that expression in the *Public Service Act* 1973;

(c) by omitting the definition of “ reciprocating State ” and substituting the following definition:—

“ reciprocating State ” means—

(a) a State or Territory of the Commonwealth; and

(b) New Zealand;

(d) by inserting after the definition of “ secretary ” the following definition:—

“ survey mark ” means any mark established by or on behalf of a surveyor which is—

(a) cut, etched, stamped, or otherwise attached to, or placed in or on, any timber, stone, masonry, or other material; or

(b) placed in or on the ground,

and is used to identify and define the boundary line of any survey carried out by the surveyor;

Amendment of
section 4 of
Principal Act
(Constitution
of Surveyors'
Board).

5—Section 4 of the Principal Act is amended by inserting the following subsection after subsection (9):—

(10) A member of the Board shall be paid, from fees received by the Board pursuant to section 7 (2), such remuneration and allowances as the Governor may determine, but no such determination shall apply in respect of a member of the Board who holds office in the Public Service without the approval of the Public Service Board.

6—Section 6 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 6 of Principal Act.

6—(1) The Board may appoint and employ—

(a) a person to be the secretary to the Board; and

(b) such persons to be examiners as it considers necessary for the purposes of this Act,

on such terms and conditions, including remuneration and allowances, as the Board may determine.

(2) A member of the Board is eligible for appointment under subsection (1) as secretary or an examiner.

Appointment of secretary and examiners.

7—Section 7 of the Principal Act is amended as follows:—

(a) by omitting subsection (1) (a);

(b) by omitting from subsection (2) “ fee, not exceeding two dollars ten cents, as may be prescribed ” and substituting “ amount as may be prescribed in the by-laws made under this Act ”.

Amendment of section 7 of Principal Act (Persons entitled to be registered as surveyors).

8—Section 9 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:—

Amendment of section 9 of Principal Act (Examinations).

(3) The Board may require or accept, in substitution for an examination in all the prescribed subjects or for part of that examination, a certificate of examination granted by a public educational institution approved by the Board and established in Tasmania or in a reciprocating State.

9—Section 14 (2) of the Principal Act is amended by omitting “ One hundred dollars ” and substituting “ \$1 000 ”.

Amendment of section 14 of Principal Act (Powers of surveyor).

10—After section 23 of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 23A.

23A—(1) A person who—

(a) without lawful authority removes, alters, defaces, or destroys a survey mark; or

(b) imitates any such mark,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

Removal, &c., of survey marks, &c.

(2) Where a person pleads guilty to or is found guilty of an offence under subsection (1), the court may, in addition to imposing any penalty under that subsection, order that person to pay the costs of re-establishing the survey mark so removed, altered, defaced, destroyed, or imitated.

(3) Where the court makes an order under subsection (2), section 140 of the *Justices Act 1959* applies as if the offence referred to in subsection (1) were an offence specified in section 140 of that Act.

(4) The Surveyor-General, or a person authorized by him to do so, may remove, alter, deface, or destroy a survey mark which, in the opinion of the Surveyor-General, is so placed as to mislead any person.

Amendment of
section 24 of
Principal Act
(By-laws).

11—Section 24 of the Principal Act is amended as follows:—

(a) by omitting paragraph (1) from subsection (1) and inserting the following paragraph:—

(1) regulating the practice and professional conduct of surveyors;

(b) by omitting subsections (2) and (3) and substituting the following subsections:—

(2) A by-law may make it an offence to contravene or fail to comply with any provisions of the by-laws and may impose in respect of any such offence a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$20 for each day during which the offence continues.

(3) By-laws made under this section may provide for the disciplining, fining, suspending from practice, or striking off the register, of any surveyor who contravenes or fails to comply with any by-laws made under subsection (1) (1).