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LICENSED SURVEYORS ACT 1909

LICENSED SURVEYORS
(GUIDANCE OF SURVEYORS)
AMENDMENT REGULATIONS 2013

Western Australia

Licensed Surveyors (Guidance of Surveyors) Amendment Regulations 2013

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Licensed Surveyors Act 1909

Licensed Surveyors (Guidance of Surveyors) Amendment Regulations 2013

Made by the Land Surveyors Licensing Board with the approval of the Governor in Executive Council.

1. Citation

These regulations are the *Licensed Surveyors (Guidance of Surveyors) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 October 2013.

3. Regulations amended

These regulations amend the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961*.

4. Heading replaced

Before regulation 1 delete the heading “**General**” and insert:

Part 1 — Preliminary matters

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5. Regulation 1 amended

In regulation 1 delete “*(Guidance of Surveyors)*” and insert:

(General Surveying Practice)

6. Regulation 3 amended

In regulation 3 insert in alphabetical order:

field record, in relation to a survey, means the field record of the survey;

lodge means to lodge with the Western Australian Land Information Authority;

7. Part 2 heading inserted

After regulation 3 insert:

Part 2 — General duties of surveyors

8. Regulation 4 amended

In regulation 4(1):

(a) in paragraph (a) delete “his or her” and insert:

the surveyor’s

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- (b) in paragraph (b) delete “difficulties; and” and insert:

difficulties as soon as practicable after discovering them;
and

- (c) in paragraph (c) delete “him or her” (first occurrence)
and insert:

the surveyor

- (d) in paragraph (c) delete “him or her.” and insert:

the surveyor.

9. Regulation 5 amended

In regulation 5:

- (a) delete “The” and insert:

- (1) The

- (b) delete “In” and insert:

- (2) In

- (c) delete the passage that begins with “If,” and continues to
the end of the regulation and insert:

- (3) If it is found that —

- (a) a surveyor’s work is not up to the standard of
accuracy that is required under a written law or
is otherwise necessary; or

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- (b) a surveyor's work is generally unreliable; or
- (c) a surveyor has in other respects neglected to comply with these regulations,

the finding may be taken into account in determining whether there is proper cause for disciplinary action under section 21 of the Act in respect of the surveyor.

10. Regulation 6 replaced

Delete regulation 6 and insert:

6. Knowledge of relevant legislation

A surveyor conducting authorised surveys under these regulations should be conversant with the provisions of all written laws a knowledge of which is necessary to enable the efficient discharge the surveyor's duties.

11. Regulation 7 amended

In regulation 7 delete "show" and insert:

demonstrate to the Surveyor General

12. Heading replaced

Before regulation 8 delete the heading "**Field notes**" and insert:

Part 3 — Field records

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13. Regulation 8 amended

(1) Delete regulation 8(1) and insert:

- (1) A surveyor must keep a field record for each authorised survey conducted by the surveyor.
- (2A) The field record for an authorised survey must be kept in such a manner that another surveyor would readily gain from the record a complete understanding of the methodology and scope of the survey, including the marks used.
- (2B) The field record for an authorised survey must show everything that was done, or found on the ground, in the course of the survey.
- (2C) The field record for an authorised survey that establishes one or more boundaries must be lodged with the plan of the authorised survey.

(2) In regulation 8(2) and (3) delete “field book” and insert:

field record

(3) After regulation 8(3) insert:

- (4) The Board may request a surveyor to give to the Board a copy of the field record for an authorised survey conducted by the surveyor.
- (5) A surveyor must comply with a request made under subregulation (4).

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Note: The heading to amended regulation 8 is to read:

Keeping and lodging field records for authorised surveys

14. Regulations 9 to 11 replaced

Delete regulations 9 to 11 and insert:

9. Distances

- (1) Distances must be recorded as observed and reduced to a precision of at least 0.005 metres.
- (2) Referencing distances and offset distances must be recorded with the highest precision practicable.
- (3) The reference surface of each distance must be stated.

15. Regulation 12 amended

In regulation 12 delete “him” and insert:

the surveyor

16. Regulations 13 to 15 deleted

Delete regulations 13 to 15.

17. Regulation 17 replaced

Delete regulation 17 and insert:

17. Certification of field record

- (1) The surveyor who carried out an authorised survey must certify, in the form set out in the Table, the field record.

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Table

Certificate

I,, licensed surveyor, certify that I accept full responsibility for this field record and the authorised survey it represents and certify that both comply with the relevant written laws in relation to which the survey was carried out and this field record is lodged.

.....
Name:

Dated:

- (2) Each page of the field record on which notes about the survey appear —
- (a) must be initialled by the surveyor; and
 - (b) must bear the date on which the field work recorded on that page of the field record was carried out.

18. Heading replaced

Before regulation 20 delete the heading “**Field work**” and insert:

Part 4 — Field work

19. Regulation 20 amended

In regulation 20(1) after “intervals” insert:

(not exceeding 2 years)

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20. Regulation 22 amended

In regulation 22:

(a) delete “Each” and insert:

(1) Each

(b) delete “In” and insert:

(2) In

(c) delete “the reference marks” and insert:

reliable reference marks

21. Regulations 23 and 24 replaced

Delete regulations 23 and 24 and insert:

23. Remarking connecting boundary between old and new surveys

(1) This regulation applies if a surveyor is required under regulation 22 to connect a new survey to an old survey.

(2) In this regulation —

connecting boundary, in relation to a new survey, means the boundary connecting the new survey to an old survey.

(3) The surveyor must range sufficient of the connecting boundary to verify its alignment.

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- (4) For the purposes of subregulation (3), it is sufficient if the surveyor uses —
 - (a) 3 reliable, reasonably spaced marks; or
 - (b) fewer such marks as approved by the Surveyor General.
- (5) For the purposes of subregulation (3) —
 - (a) all portions of any old survey line must be carefully measured; and
 - (b) if the land being surveyed is rural land and the measurements taken in accordance with paragraph (a) are found to be in disagreement with the measurements previously accepted in relation to the old survey line by an average of more than 1:4000 — the old survey line must be carefully remeasured and the results of the remeasure must be recorded in the field record.
- (6) The surveyor must, as necessary —
 - (a) replace the posts and pegs used in the old survey to mark the connecting boundary; and
 - (b) clearly indicate the direction of the connecting boundary.

22. Regulation 24A amended

In regulation 24A delete “his or her survey,” and insert:

a survey,

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23. Regulation 25 amended

In regulation 25:

- (a) delete “When” and insert:
 - (1) When
- (b) delete “them;” and insert:
 - them.
- (c) delete “but” and insert:
 - (2) However,
- (d) delete “the surveyor shall forward a full report and a sketch” and insert:
 - the surveyor must, within 3 months after completing the new survey, forward to the Surveyor General a full report, sketch and field record
- (e) delete “Where” and insert:
 - (3) Where
- (f) delete “The” and insert:
 - (4) The

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- (g) delete “field book and a full report thereon must be made to the Surveyor General.” and insert:

field record and a full report on the positions of those marks must be forwarded to the Surveyor General within 3 months after completion of the new survey.

Note: The heading to amended regulation 25 is to read:

Re-establishment of original Crown surveys

24. Regulation 25A amended

In regulation 25A(1) in the Table delete “the provisions of the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and the *Licensed Surveyors (Transfer of Land Act 1893) Regulations 1961.*” and insert:

all relevant written laws.

25. Regulation 26 amended

- (1) In regulation 26:

- (a) delete “(a) All” and insert:

- (1) All

- (b) delete the passage that begins with “Boundaries” and ends with “guideline.” and insert:

- (2) Boundaries with calculated distances must be cleared and marked in accordance with these regulations.

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(2) In regulation 26 delete “(b) Where” and insert:

(3) Where

26. Regulations 27 to 33 replaced

Delete regulations 27 to 33 and insert:

27. Azimuth

- (1) The direction of a survey line with reference to the meridian must be determined —
 - (a) by observation; or
 - (b) by applying the correction for convergence from the nearest point of observation for azimuth.
- (2) An azimuth may be adopted from an adjoining survey unless there appears to be a reason to doubt its accuracy.
- (3) The derivation of azimuth must be obtained at intervals of not more than 8 kilometres.

28. Old surveys: adjustment of distances

If an old survey line is being re-established, this information must be recorded in the field record —

- (a) the actual distance measurements taken in the survey for that purpose;
- (b) the distance measurements previously accepted.

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29. Old surveys: adjustment of angles

If an old survey line is being re-established, this information must be recorded in the field record —

- (a) the actual measurement of the value of each angle taken in the survey for that purpose;
- (b) the value of each angle previously accepted.

27. Regulation 34 amended

In regulation 34:

- (a) delete the passage that begins with “The normal limits” and ends with “report.”;
- (b) delete “field book” and insert:

field record

28. Regulations 35 and 35A replaced

Delete regulations 35 and 35A and insert:

35. Distribution of miscloses

An angular or linear misclose must be adjusted according to a mathematically sound process that is generally accepted as good survey practice.

35A. Calculation of areas

The result of calculating an area must be recorded in the field record —

- (a) if the result is less than one hectare — in square metres to the nearest square metre; or

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- (b) if the result is equal to or greater than one hectare — in hectares to at least 5 significant figures and at least 3 decimal points.

29. Heading replaced

Before regulation 36 delete the heading “**Marking rural lands (except feature surveys)**” and insert:

Part 5 — Survey marks

Division 1 — Marking boundaries generally

30. Regulation 36 amended

- (1) Before regulation 36(1) insert:

- (1A) The corners and angles of a boundary or land parcel must be marked in accordance with this regulation.

- (2) In regulation 36(6) delete “field notes.” and insert:

field record.

31. Regulation 37 replaced

Delete regulation 37 and insert:

37. Placement of reference marks

- (1) This regulation applies in relation to the survey of a boundary.

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- (2) Two reference marks must be placed —
 - (a) if it is the boundary of a land parcel that is greater than 4 hectares — at each angle of the boundary; or
 - (b) if it is the boundary of a land parcel that is equal to or less than 4 hectares — at key points along the boundary; or
 - (c) if it is another boundary — at each corner and angle of the boundary.
- (3) Each of those reference marks must be related by distance and, if practicable, direction to an alignment.
- (4) The distance between those reference marks must be measured, and recorded in the field record, to the nearest millimetre.
- (5) A single reference mark (without trenching) must be placed at each instrument point that is not otherwise permanently marked.
- (6) The objective of the placement of a reference mark is to ensure its long term stability and accessibility.

32. Regulation 38 amended

In regulation 38:

- (a) delete “A reference” and insert:
 - (1) A reference
- (b) delete “Where” and insert:
 - (2) Where

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(c) delete “A full” and insert:

(3) A full

(d) delete “field notes.” and insert:

field record.

(e) delete “Marks” and insert:

(4) Marks

33. Regulation 39 amended

In regulation 39:

(a) delete “On” and insert:

(1) On

(b) delete “Where” and insert:

(2) Where

(c) delete “A” and insert:

(3) A

(d) delete “field notes.” and insert:

field record.

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34. Regulation 40A inserted

After regulation 39 insert:

40A. Streets, rights-of-way, pedestrian access ways, drainage reserves and railways: additional requirements

- (1) This regulation applies in relation to the survey of a street, right-of-way, pedestrian access way, drainage reserve or railway in addition to regulations 37, 38 and 39.
- (2) Each corner and angle of the street, right-of-way, pedestrian access way, drainage reserve or railway must be marked by a peg or post as specified in paragraph (b) of the Table to regulation 36 the exposed portion of which must be coloured red.
- (3) At any truncated corner of the street, right-of-way, pedestrian access way, drainage reserve or railway —
 - (a) the intersection of 2 adjoining alignments must be marked with a single reference mark; and
 - (b) 2 other reference marks, each being related by angle and distance to those alignments, must be placed in positions so as to minimise the chance of disturbance and to enable the re-establishment of both alignments.
- (4) If a corner or angle of the street, right-of-way, pedestrian access way, drainage reserve or railway is not intervisible with an adjoining corner or angle, the intermediate instrument point (being the point from which both corners or angles are visible) must be marked by a single reference mark (without trenching) and the distance to that point from each of those corners or angles must be recorded in the field record.

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35. Regulation 40 amended

In regulation 40:

(a) delete “If” and insert:

(1) If

(b) delete “Posts” and insert:

(2) Posts

36. Regulation 41 amended

In regulation 41:

(a) delete “When” and insert:

(1) When

(b) delete “If,” and insert:

(2) If,

37. Regulation 42 amended

In regulation 42:

(a) delete “When” and insert:

(1) When

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(b) delete “Where” and insert:

(2) Where

(c) delete “he shall” and insert:

the surveyor must

38. Regulations 43 and 44 deleted

Delete regulations 43 and 44.

39. Heading deleted

Before regulation 45 delete the heading “**Marking of town and suburban lands**”.

40. Regulations 45 and 46 deleted

Delete regulations 45 and 46.

41. Heading replaced

Before regulation 47 delete the heading “**Marking pastoral and timber leases**” and insert:

Division 2 — Marking lease boundaries

42. Regulation 47 amended

In regulation 47:

(a) delete “The” and insert:

(1) The

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- (b) delete “rural”;
- (c) delete “These” and insert:
 - (2) These
- (d) delete “Kilometre” and insert:
 - (3) Kilometre

43. Heading replaced

Before regulation 48 delete the heading “**Marking generally**” and insert:

Division 3 — Other matters relating to marking

44. Regulations 48 to 53 replaced

Delete regulations 48 to 53 and insert:

48. Positioning of marks

A mark must clearly indicate the position of the boundary that the mark is intended to indicate.

49. Methods of marking

If there are no improvements indicating the direction of a boundary, the direction must be clearly indicated by trenches, stakes, stone pointers or other appropriate marks on the ground.

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50. Line clearing

- (1) Subject to environmental considerations, any new boundary line must be cleared sufficiently to indicate the position of the boundary.
- (2) A boundary line or part of a boundary line that has not been cleared in accordance with subregulation (1) must be shown in the field record as not having been cleared.

51. Damage to survey marks

- (1) A person must not remove or deface a survey mark.
Penalty: a fine of \$1 000.
- (2) A surveyor must report the removal or defacement of a survey mark to the Surveyor General as soon as practicable after becoming aware of it.

45. Regulation 53A amended

In regulation 53A delete “or diagram”.

Note: The heading to amended regulation 53A is to read:

Certificate required if plan not lodged within 2 years

46. Heading replaced

Before regulation 54 delete the heading “**Drafting**” and insert:

Part 6 — Drafting

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47. Regulation 54 amended

In regulation 54:

- (a) delete “plan or diagram, other than a compiled diagram,” and insert:

plan, other than a compiled plan within the meaning of the *Transfer of Land (Surveys) Regulations 1995* regulation 4(1),

- (b) in the Table delete “measurements,” and insert:

measurements recorded in the field records,

Note: The heading to amended regulation 54 is to read:

Certificate on plan

48. Heading replaced

Before regulation 55A delete the heading “**Early preparation of Certificate of Title**” and insert:

Part 7 — Surveys of land in special survey areas

49. Regulation 55A replaced

Delete regulation 55A and insert:

55A. Application of this Part

This Part applies to a subdivision in a special survey area declared under regulation 26A(4).

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55BA. Early lodgment for dealings

A plan of survey for a subdivision may be lodged in order for dealings before completion of field marking if the survey is in accordance with this Part.

55BB. Standard requirements for survey

- (1) The subdivision must have adequate connections to the State geodetic network in accordance with the guidelines issued by the Surveyor General under regulation 26A(5).
- (2) Sufficient control points must be placed in safe and protected areas so as to survive the engineering and construction works.
- (3) The corners of each lot in the subdivision must be marked prior to the plan of survey being lodged in order for dealings.
- (4) Notification to the Western Australian Land Information Authority can be by lodgment of a certificate in a form that is the same as, or sufficiently similar to, the Initial Survey Certificate set out in the guidelines issued by the Surveyor General under regulation 26A(5).
- (5) A certificate lodged under subregulation (4) must state —
 - (a) that the marks referred to in subregulation (3) are in place; and
 - (b) that final marking will be carried out when the subdivision has been completed.
- (6) Final marking must be completed not more than 14 days after the day of practical completion of the engineering and construction works.

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- (7) These documents must be lodged with the Western Australian Land Information Authority within 14 days after the day on which final marking is completed —
 - (a) the plan of survey for the subdivision;
 - (b) a field record referencing the final marking;
 - (c) a Final Survey Certificate referred to in regulation 55E.
- (8) The plan and the field record must be annotated “Reg. 26A-referencing/final marking deferred”.
- (9) The surveyor who carried out the survey must take reasonable steps to ensure —
 - (a) that it is disclosed to purchasers of lots on the plan referred to subregulation (8) that access to the land may not be possible at the date of settlement; and
 - (b) that those purchasers are advised of any changes to the timeframe for practical completion of the engineering and construction works.

50. Regulation 55B amended

In regulation 55B:

- (a) delete “Every” and insert:
 - (1) Every
- (b) delete “to be examined”;
- (c) delete “registered field book.” and insert:

lodged field record.

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- (d) delete “The control survey network must be marked and measured before examination, and the marks of this” and insert:
 - (2) The marks of the
- (e) delete “This field book” and insert:
 - (3) The field record
- (f) delete “(i) Western” and insert:
 - (a) Western
- (g) delete “(ii) re-establishment” and insert:
 - (b) re-establishment
- (h) delete “(iii) graphic” and insert:
 - (c) graphic
- (i) delete “(iv) connections” and insert:
 - (d) connections

Note: The heading to amended regulation 55B is to read:

Field records for subdivisions in special survey areas

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51. Regulation 55C amended

In regulation 55C:

- (a) delete “Observed” and insert:
 - (1) Observed
- (b) delete “field book.” and insert:
 - field record.
- (c) delete “Distances” and insert:
 - (2) Distances

52. Regulation 55E amended

In regulation 55E:

- (a) delete “Inspector of Plans and Surveys” and insert:
 - Surveyor General
- (b) delete “regulations 55A to 55F.” and insert:
 - this Part.
- (c) in the Table delete paragraph (a) and insert:
 - (a) I accept full responsibility for the plan shown on Plan No. and the authorised survey it represents;

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- (d) in the Table in paragraph (b) delete “*(Guidance of Surveyors)*” and insert:

(General Surveying Practice)

- (e) in the Table in paragraph (d) delete “Field Books” and insert:

Field Records

53. Regulation 55F amended

In regulation 55F:

- (a) delete “Before” and insert:

- (1) Before

- (b) delete “field book” (first occurrence) and insert:

field record

- (c) delete “This field book” and insert:

- (2) The field record

Note: The heading to amended regulation 55F is to read:

Lodgment of final survey certificate and field record

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54. Part 8 heading inserted

After regulation 55F insert:

Part 8 — Miscellaneous matters

55. Regulation 56 replaced

Delete regulation 56 and insert:

56. Grounds for disciplinary action

Whether a surveyor has or has not acted in accordance with these regulations may be taken into account in determining whether there is proper cause for disciplinary action under section 21 of the Act in respect of the surveyor.

Made by the Land Surveyors Licensing Board by a resolution passed at a meeting held on 13 June 2013.

COLIN SHIPP, Chairman,
Land Surveyors Licensing Board.

Approved by the Governor,

G. MOORE, Clerk of the Executive Council.

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