

South Australia

Survey Regulations 2020

under the *Survey Act 1992*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Survey Regulations 2020*.

2—Commencement

These regulations come into operation on 24 August 2020.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *Survey Act 1992*.

Part 2—Licences and registrations

4—Purpose of Part

This Part is made for the purposes of section 22 of the Act.

5—Qualifications

For the purposes of section 22(1)(b) of the Act, the qualifications required of an applicant for a licence or registration as a surveyor are—

- (a) a Graduate Diploma in Surveying from the University of South Australia; or
- (b) a Master of Surveying from the University of South Australia; or
- (c) a Bachelor of Geoinformatics and Surveying from the University of South Australia; or
- (d) a Bachelor of Engineering (Honours) (Surveying) from the University of South Australia; or
- (e) qualifications, or qualifications and experience, accredited as being equivalent to the qualifications referred to in paragraph (a) or (c) by the Institution of Surveyors.

6—Practical experience

- (1) Subject to this regulation—
 - (a) an applicant for a licence as a surveyor who has not previously been a licensed surveyor must have a total of at least 400 days of practical experience in surveying including at least 200 days practical experience in cadastral surveying; and
 - (b) an applicant for registration as a surveyor who has not previously been a registered surveyor must have a total of at least 400 days of practical experience in surveying.
- (2) The practical experience may comprise discrete periods each of which must be at least 4 weeks in duration unless the Institution of Surveyors is satisfied that a shorter period is justified in the particular circumstances of a case.
- (3) Each period of practical experience must be approved by the Institution of Surveyors.

(4) The Institution of Surveyors—

(a) must approve a period of practical experience for an applicant whose proposal of intention to obtain practical experience has been agreed to by the Institution under subregulation (6) if—

- (i) the Institution is satisfied, after taking into account progress reports provided to the Institution in relation to the applicant under subregulation (7), that the practical experience was undertaken in accordance with that proposal; and
- (ii) the prescribed supervisor has certified (in a manner approved by the Institution) that the applicant has satisfactorily completed the period of practical experience; and

(b) may, in any other case, approve a period of practical experience if—

- (i) the Institution is satisfied that—
 - (A) the practical experience was supervised by a prescribed supervisor; and
 - (B) the prescribed supervisor did not, at any time during the period of supervision, supervise the practical experience of any other person for the purposes of this Part (or, if they did, the supervision was of 1 other person only and that other person had already completed at least 1 year of supervised practical experience); and
 - (C) the practical experience was not so specialised or elementary as to restrict the development of the competence of the applicant; and
- (ii) the prescribed supervisor has certified (in a manner approved by the Institution) that the applicant has satisfactorily completed the period of practical experience.

(5) An applicant under this regulation may, before undertaking a period of practical experience, submit to the Institution of Surveyors for its agreement, a written proposal (in a manner approved by the Institution) of the applicant's intention to obtain such practical experience, signed by the applicant and the proposed prescribed supervisor and containing the following information:

- (a) the expected nature and duration of the practical experience;
- (b) the qualifications held by the supervisor during the 2 years immediately before the proposed commencement of the practical experience;
- (c) a statement to the effect that the supervisor agrees—
 - (i) to supervise the applicant for the duration of the proposed period of practical experience; and
 - (ii) not to supervise the practical experience of any other person for the purposes of this Part during that period (unless it is supervision of 1 other person only and that other person will, at the proposed commencement of the period, have already completed at least 1 year of supervised practical experience).

- (6) On receipt of a proposal under subregulation (5), the Institution of Surveyors must decide whether or not it agrees to the proposal and give notice of that decision to the applicant as soon as reasonably practicable.
- (7) A person who supervises an applicant's practical experience in accordance with a proposal under subregulation (5) must report to the Institution of Surveyors (in a manner approved by the Institution) on the progress of the applicant—
 - (a) if the period of practical experience exceeds 6 months—within 28 days after the completion of each 6 month period; and
 - (b) in any case—within 28 days after the completion of the period of practical experience.

Maximum penalty: \$200.

- (8) In this regulation—

prescribed supervisor, in relation to the supervision of a period of practical experience undertaken by an applicant under this regulation, means—

 - (a) a licensed surveyor who has been licensed for at least 2 years immediately before the commencement of that period; or
 - (b) a person holding qualifications approved by the Institution of Surveyors as relevant to the practical experience who has held those qualifications for at least 2 years immediately before the commencement of that period.

7—Other requirements—standards of competence

- (1) An applicant for a licence as a surveyor who has not previously been a licensed surveyor must—
 - (a) complete a project, or series of projects, in cadastral surveying in accordance with these regulations; and
 - (b) demonstrate a satisfactory level of competence in the completion of each project.
- (2) An applicant for registration as a surveyor who has not previously been a registered surveyor must—
 - (a) complete a project, or series of projects, in a category of surveying in which the applicant has gained practical experience in accordance with these regulations; and
 - (b) demonstrate a satisfactory level of competence in the completion of each project.
- (3) Each project must be—
 - (a) set by a person appointed, with the approval of the Minister, by the Institution of Surveyors; and
 - (b) of moderate complexity and sufficiently broad to enable the applicant to demonstrate an application of knowledge and skills in the relevant category of surveying.
- (4) The applicant's level of competence in relation to a project must be assessed by a person appointed, with the approval of the Minister, by the Institution of Surveyors.

- (5) The assessment of an applicant's level of competence in the completion of a project in a particular category of surveying must be based on the following considerations:
 - (a) whether the applicant's level of competence equates to the standards of competence expected in such a category of surveying in the workplace;
 - (b) any relevant guidelines published by the Institution of Surveyors and in force from time to time.

8—Other requirements—refresher courses for former licensed or registered surveyors

- (1) A former licensed surveyor who applies for a licence as a surveyor must—
 - (a) undertake a refresher course in cadastral surveying in accordance with this regulation; and
 - (b) demonstrate a satisfactory level of competence in the completion of the course.
- (2) A former registered surveyor who applies for registration as a surveyor must—
 - (a) undertake a refresher course in surveying other than cadastral surveying in accordance with this regulation; and
 - (b) demonstrate a satisfactory level of competence in the completion of the course.
- (3) Each refresher course must be—
 - (a) set by a person appointed, with the approval of the Minister, by the Institution of Surveyors; and
 - (b) sufficient to enable the applicant to update the applicant's knowledge and skills in the relevant category of surveying after taking into account—
 - (i) the applicant's qualifications and experience in that category of surveying; and
 - (ii) the length of time that the applicant has not practised in that category of surveying.
- (4) The applicant's level of competence in relation to a course must be assessed by a person appointed, with the approval of the Minister, by the Institution of Surveyors.
- (5) The assessment of an applicant's level of competence in the completion of a course in a particular category of surveying must be based on the following considerations:
 - (a) whether the applicant's level of competence equates to the standards of competence expected in such a category of surveying in the workplace;
 - (b) any relevant guidelines published by the Institution of Surveyors and in force from time to time.
- (6) In this regulation—

former licensed surveyor means a former licensed surveyor in respect of whom a period of 5 or more years has elapsed since they were last licensed;

former registered surveyor means a former registered surveyor in respect of whom a period of 5 or more years has elapsed since they were last registered.

Part 3—Survey instructions

9—Purpose of Part

This Part is made for the purposes of section 43 of the Act.

10—Interpretation

In this Part—

allotment has the same meaning as in Part 19AB of the *Real Property Act 1886* and in addition includes a community lot, development lot and common property within the meaning of the *Community Titles Act 1996* and a unit and common property within the meaning of the *Strata Titles Act 1988*;

coordinated cadastre—see Part 5 Division 1 of the Act;

division of land has the same meaning as in Part 19AB of the *Real Property Act 1886*;

Geocentric Datum of Australia 2020 or **GDA2020** has the same meaning as in the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* made under section 8A of the *National Measurement Act 1960* of the Commonwealth;

improvement means a permanent improvement (including a building, fence or wall) situated on or near the boundary of land;

Map Grid of Australia 2020 means the system of rectangular coordinates derived from a Universal Transverse Mercator projection of latitudes and longitudes based on the Geocentric Datum of Australia 2020;

reference mark means—

- (a) a metal pin, being a length of metal pipe or rod of at least 10 millimetres in diameter and 300 millimetres in length driven at or below ground level; or
- (b) a steel dropper of at least 300 millimetres in length driven at or below ground level; or
- (c) a masonry nail or screw firmly secured to a concrete footpath or kerb or a building or other immovable object; or
- (d) a drill hole and wings in concrete; or
- (e) a lead core or plastic plug set into concrete; or
- (f) a metal spike of at least 100 millimetres in length and 8 millimetres in diameter driven into bitumen; or
- (g) the corner of a building or other immovable object that may be re-established without ambiguity; or
- (h) a durable mark on a building or other immovable object; or
- (i) any other mark approved and notified in the Gazette by the Surveyor-General as a reference mark;

revoked regulations means the *Survey Regulations 2007* as in force immediately before the commencement of these regulations;

survey mark means—

- (a) a survey peg; or
- (b) a State survey mark or survey peg as defined under the revoked regulations placed or accepted in a survey in existence before the commencement of these regulations;

Note—

Permanent survey marks are included in the definition of **survey mark** in section 4 of the Act.

survey peg means—

- (a) a peg of a durable nature, composed of wood, metal, plastic or other material approved for the purpose by the Surveyor-General, measuring at least 300 millimetres in length and 50 millimetres square at the top and coloured white; or
- (b) a metal pin, being a length of metal pipe or rod of at least 10 millimetres in diameter and 300 millimetres in length and coloured white driven at or below ground level; or
- (c) a steel dropper of at least 300 millimetres in length and coloured white driven at or below ground level; or
- (d) a masonry nail or screw coloured white and firmly secured to a concrete footpath or kerb or a building or other immovable object; or
- (e) a drill hole and wings in concrete that is coloured white; or
- (f) a lead core or plastic plug coloured white and set into concrete; or
- (g) a metal spike of at least 100 millimetres in length and 8 millimetres in diameter driven into bitumen and coloured white; or
- (h) any other peg or mark approved and notified in the Gazette by the Surveyor-General as a survey peg.

11—Survey evidence

- (1) A surveyor must, before carrying out a cadastral survey, obtain all information—
 - (a) that is likely to provide evidence of the boundaries of the land to be surveyed; and
 - (b) that is reasonably accessible.
- (2) A surveyor must, in carrying out a cadastral survey—
 - (a) locate all existing survey marks, reference marks, improvements and natural features likely to provide evidence of the boundaries of the land; and
 - (b) connect the survey to all existing surveys of land in the vicinity likely to provide evidence of the boundaries of the land by connecting to such existing survey marks or reference marks on surveys lodged in the Lands Titles Registration Office; and

- (c) if significant differences in the data from an existing survey are revealed—carry out such further work as may be necessary to establish whether or not the difference results from an error in measurement in the existing survey, the placement or acceptance of the survey mark in the existing survey or the siting of the improvement.

12—Placing or accepting survey marks

- (1) A surveyor must, in carrying out a cadastral survey ensure that each new boundary of the land is marked with survey pegs so that the boundary is readily and unambiguously discernible on the ground after completion of the survey and complies with any applicable directions given by the Surveyor-General.
- (2) A surveyor must ensure that each survey mark placed or accepted in a cadastral survey is secure and reasonably protected from accidental disturbance.

13—Permanent survey marks

- (1) A surveyor must, in carrying out a cadastral survey of land within the designated survey area or the coordinated cadastre, comply with any directions given by the Surveyor-General as to the placing of permanent survey marks and the provision to the Surveyor-General of information relating to the marks once placed.
- (2) A surveyor must, if using permanent survey marks in carrying out a cadastral survey on land not within the designated survey area or the coordinated cadastre, comply with any directions given by the Surveyor-General referred to in subregulation (1) in relation to the permanent survey marks.

14—Accuracy

- (1) A surveyor must, in carrying out a cadastral survey—
 - (a) use equipment and techniques to ensure that the required standard of accuracy, as determined by the Surveyor-General, is met; and
 - (b) carry out adequate checks of the survey to ensure that the required standard of accuracy, as determined by the Surveyor-General, is met.
- (2) A surveyor must provide the Surveyor-General with satisfactory evidence of compliance with subregulation (1) in relation to a specified cadastral survey within 14 days of receiving a written request from the Surveyor-General for such evidence (or such longer period as is allowed by the Surveyor-General).

15—Field notes

- (1) A surveyor must ensure that records or notes of survey (which may be in electronic form) are made in the course of a cadastral survey carried out or supervised by the surveyor and must retain those records or notes for a period of at least 10 years after completion of the survey.
- (2) A surveyor must provide the Surveyor-General with a copy of the records or notes made in relation to a specified cadastral survey within 14 days of receiving a written request from the Surveyor-General for such copy (or such longer period as is allowed by the Surveyor-General).

16—Survey reports

- (1) A surveyor must, if requested to do so in writing by the Surveyor-General, provide the Surveyor-General with a report under this regulation in relation to a cadastral survey in respect of which the surveyor has certified a plan within 14 days of receiving the request.
- (2) The Surveyor-General may direct that subregulation (1) does not apply to a cadastral survey of a particular class, and that the report be provided immediately after certifying the plan or such longer period as is allowed by the Surveyor-General.
- (3) A report under this regulation must include the information required, and be in a form approved, by the Surveyor-General.

17—Identification surveys to comply with code

- (1) A surveyor who carries out an identification survey must comply with the provisions of the Lodgement of Boundary Identification Surveys Code (*the code*).
- (2) In order to comply with the provisions of the code, the surveyor must—
 - (a) comply with any provisions in the code that are expressed as mandatory; and
 - (b) have regard to any provisions in the code that are not expressed as mandatory but are expressed as recommendations.

- (3) In this regulation—

identification survey means a cadastral survey of existing boundaries of land for which a plan is not required by law (other than by this regulation) to be lodged in the Lands Titles Registration Office;

Lodgement of Boundary Identification Surveys Code means the *Code of Practice—Lodgement of Boundary Identification Surveys*, prepared by the Surveyors Board of South Australia, 17 March 2016, as in force from time to time.

18—Plans

A plan of a cadastral survey lodged in the Lands Titles Registration Office must comply with the plan presentation guidelines published by the Surveyor-General and the Registrar-General as in force from time to time.

19—Certification of plans

- (1) A surveyor must certify a plan of a cadastral survey by completing a certificate, in a form approved by the Surveyor-General.
- (2) If a surveyor certifies a plan of a cadastral survey undertaken by another surveyor, the certifying surveyor must certify that—
 - (a) the survey was undertaken under the supervision of the certifying surveyor; and
 - (b) the survey complied with all requirements of the Act.
- (3) A surveyor must not certify a plan of a cadastral survey unless satisfied that—
 - (a) the survey has been carried out in accordance with this Part; and
 - (b) the plan complies with the requirements of this Part; and

- (c) the certificate complies with the requirements of this regulation.

Maximum penalty: \$2 000.

20—Boundaries of land within coordinated cadastre

In carrying out a cadastral survey of land within the coordinated cadastre, a surveyor must accept the Map Grid of Australia 2020 coordinates describing the boundaries of the land, as recorded in the plan of the area filed in the Lands Titles Registration Office pursuant to Part 5 Division 1 of the Act.

21—Survey of land

In carrying out a cadastral survey of land, a surveyor must comply with the following additional requirements:

- (a) the survey must connect to at least 3 permanent survey marks for which the Map Grid of Australia 2020 coordinates are known or established;
- (b) the survey must be adjusted to the scale and orientation dictated by the known or established Map Grid of Australia 2020 coordinates of the permanent survey marks to which the survey is connected;
- (c) if the survey does not agree with the coordinates of the permanent survey marks to which the survey is connected within the standards of accuracy required by the Surveyor-General under this Part, the matter must be reported to the Surveyor-General and any directions given by the Surveyor-General in relation to the matter followed.

22—Reinstatement of marks after land division complete

- (1) A surveyor who has carried out a cadastral survey for a division of land into more than 5 allotments must, as soon as practicable but not later than 30 days after completion of works for the provision of roads, drains or other services in association with the division of land—
 - (a) place in position all survey marks required in relation to the survey by the Surveyor-General; and
 - (b) provide to the Surveyor-General any information in relation to the survey as required by the Surveyor-General.
- (2) If a surveyor fails to comply with subregulation (1), the Surveyor-General—
 - (a) may, after giving the surveyor not less than 14 days notice in writing—
 - (i) undertake any additional survey work that may be required; and
 - (ii) place any survey marks required in relation to the survey; and
 - (b) may, after taking any action under paragraph (a)—
 - (i) amend a survey plan; and
 - (ii) recover as a debt from the surveyor the costs of undertaking the additional survey work, placing the required survey marks and amending a survey plan.

23—Removal of marks

If the Surveyor-General is satisfied that a survey mark or reference mark has been incorrectly or unlawfully placed by a person, the Surveyor-General may—

- (a) remove the mark; and
- (b) if the Surveyor-General considers it appropriate—reinstate the mark in the correct position; and
- (c) recover the costs of so removing the mark, or removing and reinstating the mark, from the person.

24—Exemptions by Surveyor-General

- (1) The Surveyor-General may, by notice in writing to a surveyor, exempt the surveyor from any specified requirement of this Part in relation to a specified cadastral survey if—
 - (a) compliance is not practicable; or
 - (b) the surveyor wishes to use an alternative method of survey,and the Surveyor-General is satisfied that the accuracy of the survey will not be jeopardised.
- (2) An exemption under subregulation (1)—
 - (a) may be made on application by a surveyor; and
 - (b) may be subject to conditions determined by the Surveyor-General; and
 - (c) may be varied or revoked by the Surveyor-General by notice in writing to the surveyor.
- (3) The Surveyor-General may, by notice in the Gazette, exempt a class of surveys from any specified requirement of this Part.
- (4) An exemption under subregulation (3)—
 - (a) may be subject to conditions determined by the Surveyor-General; and
 - (b) may be varied or revoked by the Surveyor-General by subsequent notice in the Gazette.

25—Additional work required by Surveyor-General

- (1) If the Surveyor-General believes on reasonable grounds that the definition of boundaries as shown on a survey plan may not be accurate by reason of the survey not being carried out in accordance with these regulations, the Surveyor-General may, in order to enable the Surveyor-General to verify the definition of boundaries, require the surveyor by whom or under whose supervision the survey was carried out to undertake additional work, or to provide additional information, in relation to the survey.
- (2) The surveyor must comply with any such requirement within 14 days or such longer period as is allowed by the Surveyor-General.

26—Directions of Surveyor-General

If the Surveyor-General gives a direction for the purposes of this Part, the direction must be published in the Gazette and on a website determined by the Surveyor-General.

Part 4—Miscellaneous**27—Adoption of Code of Ethics**

For the purposes of section 63(3)(b) of the Act, a surveyor to whom the Act applies must comply with the provisions of the *Professional Practice Rules of the Surveyors Board-Code of Ethics*, published in the Gazette by the Institution of Surveyors, as in force from time to time.

Maximum penalty: \$2 000.

Schedule 1—Revocation of *Survey Regulations 2007*

The *Survey Regulations 2007* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 23 July 2020

No 238 of 2020
