

NORTHERN TERRITORY OF AUSTRALIA
LICENSED SURVEYORS AMENDMENT ACT 2001

No. 9 of 2001

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Definitions
5. Repeal and substitution
 12. Chairperson
6. Repeal
7. New section
 - 46A. Coordinated survey areas
8. Unauthorized surveys etc.
9. Repeal and substitution
 - PART VII – SURVEY PLANS
 49. Submission and approval of plan
 50. No acceptance of survey unless plan approved etc.
 51. Correction of survey
10. Repeal
11. Further amendments

SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 9 of 2001

AN ACT

to amend the *Licensed Surveyors Act*

[Assented to 22 June 2001]
[Second reading 28 February 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Licensed Surveyors Amendment Act 2001*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Licensed Surveyors Act* is in this Act referred to as the Principal Act.

4. Definitions

Section 4 of the Principal Act is amended—

- (a) by omitting the definition of "Chairman" and substituting the following:

" 'Chairperson' means the Chairperson of the Board;

'coordinated survey area' means an area of land in the Territory declared under section 46A to be a coordinated survey area;"

- (b) by omitting the definition of "Deputy Chairman" and substituting the following:

"'Deputy Chairperson' means the Deputy Chairperson of the Board appointed under section 12(2);";

- (c) by omitting "he" from the definition of "graduate surveyor" and substituting "he or she"; and
- (d) by omitting "name, or a body corporate the name of which," from paragraph (b) of the definition of "licensed surveyor" and substituting "name".

5. Repeal and substitution

Section 12 of the Principal Act is repealed and the following substituted:

"12. Chairperson

"(1) The Surveyor-General is to be the Chairperson of the Board.

"(2) The Board must appoint one of its members to be the Deputy Chairperson of the Board."

6. Repeal

Section 39 of the Principal Act is repealed.

7. New section

The Principal Act is amended by inserting before section 47 in Part VI the following:

"46A. Coordinated survey areas

"(1) The Surveyor-General may declare an area of land in the Territory to be a coordinated survey area.

"(2) A declaration under subsection (1) is to be notified in the *Gazette* and takes effect on the date specified in the notice.

"(3) A survey within a coordinated survey area is to be in accordance with an approved methodology to delimit land boundaries by geodetic coordinates or with another approved system of delimitation."

8. Unauthorized surveys etc.

Section 48 of the Principal Act is amended –

- (a) by adding at the end of subsection (1) the following:
"Penalty: 500 penalty units.";
- (b) by adding at the end of subsection (2) the following:
"Penalty: 500 penalty units.";
- (c) by omitting from subsection (3)(b) "his" and "he" (wherever occurring) and substituting "his or her" and "he or she" respectively;
- (d) by omitting from subsection (3) "Penalty for an offence against this section: \$1,000." and substituting the following:
"Penalty: 500 penalty units."; and
- (e) by adding at the end the following:
"(4) Nothing in this section prevents a corporation (within the meaning of the Corporations Law) from –
 - (a) providing surveys of land boundaries in the Territory, or services incidental to such surveys, by an officer or employee of the corporation who is a licensed surveyor; or
 - (b) using a name, title, addition or description referred to in subsection (3)(b) if the corporation is providing surveys of land boundaries in the Territory, or services incidental to such surveys, by an officer or employee of the corporation who is a licensed surveyor."

9. Repeal and substitution

Part VII of the Principal Act is repealed and the following substituted:

"PART VII – SURVEY PLANS

"49. Submission and approval of plan

"(1) A licensed surveyor must submit to the Surveyor-General, in the prescribed manner and accompanied by the prescribed fee –

- (a) any plan of survey certified by the licensed surveyor that is or may be required in relation to the legal title to land or legal rights and obligations in respect of land; and
- (b) the data from which the plan was prepared.

Licensed Surveyors Amendment Act 2001

"(2) A plan submitted under this section is to be in the prescribed format relevant to the area of land, or the coordinated survey area, within which the land boundaries delineated in the plan are situated.

"(3) The Surveyor-General may approve a plan submitted under this section if—

- (a) the plan is certified by a licensed surveyor in accordance with the practice directions given by the Board under section 47 and in force immediately before the date of approval;
- (b) the Surveyor-General is satisfied in respect of the matters referred to in section 62 of the *Planning Act* (if applicable);
- (c) the Registrar-General has given notice that the land to which the plan relates is in order for dealings under the *Land Title Act 2000* (if applicable);
- (d) any other requirements in respect of a particular subdivision specified under a law in force in the Territory have been complied with; and
- (e) any other requirements specified by the Surveyor-General in a particular case have been complied with.

"(4) If a plan of a survey does not comply with the requirements in subsection (3), the Surveyor-General may—

- (a) on receipt of the prescribed fee, examine the plan; and
- (b) if satisfied that the plan is correct, approve it.

"(5) The Surveyor-General may, by notice in the *Gazette*, prescribe the format, manner of submitting and number of copies of plans of land boundary surveys required to be submitted under this section.

"(6) The Minister may, by notice in the *Gazette*, prescribe fees for the purposes of this section.

"50. No acceptance of survey unless plan approved etc.

"(1) The Territory is not to accept or adopt a survey unless a plan of the survey has been approved by the Surveyor-General.

"(2) A plan approved by the Surveyor-General, or a copy of a plan certified by the Surveyor-General to be a true copy of a plan approved by him or her, is to be accepted as correct in all questions relating to the land boundaries delineated in the plan.

"51. Correction of survey

"(1) The Surveyor-General may give a licensed surveyor a written notice requiring the licensed surveyor to correct, at his or her own expense and within a specified time, an error or omission made in a survey certified by the licensed surveyor.

"(2) If a licensed surveyor given a notice under subsection (1) fails to correct the error or omission within the specified time –

- (a) the Surveyor-General may instruct another licensed surveyor to make the required correction; and
- (b) the costs incurred by the Surveyor-General in having the correction made is a debt owed to the Territory by the licensed surveyor given the notice.

"(3) Despite subsections (1) and (2), the Surveyor-General may, without giving notice to the licensed surveyor who certified a survey in which there is an error or omission, instruct another licensed surveyor to make the required correction.

"(4) The costs incurred by the Surveyor-General under subsection (3) are to be borne by the Territory."

10. Repeal

Section 67 of the Principal Act is repealed.

11. Further amendments

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 11

Provision	Amendment	
	omit	substitute
Sections 6(1) and 7(1)(b)	"his"	"his or her"
Section 7(5)	"he", "his" and "him"	"he or she", "his or her" and "him or her" respectively

Licensed Surveyors Amendment Act 2001

Section 7(6)	"his" (wherever occurring) and "him"	"his or her" and "him or her" respectively
Section 11(3)	"his" and "he"	"his or her" and "he or she" respectively
Section 13	"his" and "him"	"his or her" and "him or her" respectively
Section 14(2)(b)	"his" (wherever occurring)	"his or her"
Section 14(2)(c)	"him"	"him or her"
Section 15(1)	"he" and "his"	"he or she" and "his or her" respectively
Section 17	"Chairman" (wherever occurring)	"Chairperson"
Section 18(1)	"Chairman"	"Chairperson"
Section 19	"Chairman" (wherever occurring)	"Chairperson"
Section 24	"his", "he", "him" and "Chairman" (wherever occurring)	"his or her", "he or she" "him or her" and "Chairperson" respectively
Section 25(1)	"he" (wherever occurring)	"he or she"
Section 25(2)	"he" and "his"	"he or she" and "his or her" respectively
Sections 27 and 28(2)	"his"	"his or her"
Sections 28(3) and 29	"his" and "him" (wherever occurring)	"his or her" and "him or her" respectively
Section 30(2)	"Chairman" (wherever occurring)	"Chairperson"
Section 31	"\$1,000"	"100 penalty units or imprisonment for 6 months"

Licensed Surveyors Amendment Act 2001

Section 32	"his"	"his or her"
Sections 33, 35 and 37(1)	"him" and "his" (wherever occurring)	"him or her" and "his or her" respectively
Section 37(2)	"him" and "\$100 and \$10"	"him or her" and "20 penalty units and 2 penalty units" respectively
Section 37(3)(b)	"he"	"he or she"
Section 40(2)(a)	"Chairman"	"Chairperson"
Section 40(4)	"him" (wherever occurring)	"him or her"
Section 42(2)(b)	"\$200"	"100 penalty units"
Section 43(1)	"him"	"him or her"
Section 44	"his" and "he"	"his or her" and "he or she" respectively
Section 45(b)	"his" and "him"	"his or her" and "him or her" respectively
Section 45(d)	"him"	"him or her"
Section 53	"Chairman", "his" and "he" (wherever occurring)	"Chairperson", "his or her" and "he or she" respectively
Section 55	"he" and "him" (wherever occurring)	"he or she" and "him or her" respectively
Section 56(1)	"his", "he" and "\$500"	"his or her", "he or she" and "100 penalty units" respectively
Section 57(1)	"him" and "\$500"	"him or her" and "100 penalty units" respectively
Section 57(2)	"him"	"him or her"
Section 59	"Chairman" (wherever occurring)	"Chairperson"

Licensed Surveyors Amendment Act 2001

Section 61(1)	"he" and "his"	"he or she" and "his or her" respectively
Section 61(2)	"his"	"his or her"
Section 61(3)	"his" and "\$200"	"his or her" and "100 penalty units" respectively
Section 61(5)	"he"	"he or she"
Section 61(6)(b)	"his"	"his or her"
Section 62(1)	"\$1,000"	"100 penalty units"
Section 62(2)	"him"	"him or her"
Section 63	"his"	"his or her"
Section 64	"Chairman" (wherever occurring)	"Chairperson"
Section 65	"him", "his" and "Chairman" (wherever occurring)	"him or her", "his or her" and "Chairperson" respectively
Section 66(b) and (c)	the whole paragraph	
Section 66(g)	"\$100"	"100 penalty units"
