

Version No. 010
Surveying Act 2004
No. 47 of 2004

Version incorporating amendments as at 1 May 2010

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

- (a) to provide for the annual registration of licensed surveyors to perform cadastral surveying in Victoria;
- (b) to provide for investigations into the professional conduct of licensed surveyors;
- (c) to establish the Surveyors Registration Board of Victoria;
- (d) to provide for the establishment of the Surveyors Registration Board of Victoria Fund;
- (e) to repeal the **Surveyors Act 1978** and make consequential amendments to other Acts;
- (f) to provide for fees for the maintenance of the survey control network.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day to be proclaimed.
- (2) If this Act does not come into operation before 1 January 2005, it comes into operation on that day.

3 Definitions

In this Act—

Board means Surveyors Registration Board of Victoria established under section 44;

cadastral survey means a survey made for or in connection with, or for the purpose of making or obtaining, a plan or survey data to be used for or in connection with a dealing or matter—

- (a) relating to the alienation of Crown land; or
- (b) relating to or affecting title to any land; or
- (c) relating to the determination, re-establishment, identification or adjustment of the boundaries of any land; or
- (d) without limiting paragraphs (a), (b) and (c), under the **Land Act 1958**, the **Land Acquisition and Compensation Act 1986**, the **Local Government Act 1989**, the **Property Law Act 1958**, the **Transfer of Land Act 1958**, the **Subdivision Act 1988**, the **Survey Co-ordination Act 1958** or any other Act or enactment relating to the alienation of Crown land or to title to any land;

chairperson means chairperson of the Board;

Department means Department of Sustainability and Environment;

Fund means Surveyors Registration Board of Victoria Fund established under section 59;

land includes all land within the State whether alienated from the Crown or not;

lawyer means an Australian lawyer within the meaning of the **Legal Profession Act 2004**;

S. 3 def. of *lawyer* substituted by No. 18/2005 s. 18(Sch. 1 item 105).

licensed surveyor means a person whose name is entered on the register;

plan includes any plan, sketch, map, aerial photograph or other document or description made or obtained as part of a survey;

reciprocal board means cadastral surveying registration authority, by whatever name called, of another State, a Territory or another country with which the Board has made reciprocal arrangements for the purposes of this Act and those reciprocal arrangements are for the time being in force;

register means Register of Licensed Surveyors kept in accordance with section 15;

survey means the act or process of determining the form, contour, position, area, height, depth or any other similar particulars with respect to—

- (a) any part of the earth's surface (whether land or water) or of any natural or artificial features on, below or above any part of that surface; or

- (b) the length and direction of the boundary lines of any part of that surface or of any of those natural or artificial features—

and includes the making or obtaining of a plan of that surface and those features and the placing or locating of a survey peg or survey mark for those purposes;

survey control network means the geodetic system that provides spatial references in Victoria by—

- (a) permanent marks and survey marks adopted or established in accordance with the **Survey Co-ordination Act 1958**; and
- (b) survey marks established under this Act or under the Surveyors (Cadastral Surveys) Regulations 1995 referred to in section 70; and
- (c) the application of data obtained from global navigation satellite systems;

unprofessional conduct means—

- (a) conduct by a licensed surveyor in the course of engaging in business as a licensed surveyor that falls short of the standard of competence and diligence that a member of the public is reasonably entitled to expect of a licensed surveyor; or

S. 3 def. of *unprofessional conduct* amended by No. 80/2009 s. 73.

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- (b) conduct by a licensed surveyor in the course of engaging in business as a licensed surveyor that would be regarded by a licensed surveyor in good standing as being unacceptable; or
 - (c) professional misconduct; or
 - (d) conduct by a licensed surveyor that contravenes a condition, limitation or restriction on his or her registration.
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PART 2—REGISTRATION AS LICENSED SURVEYOR

Division 1—Procedure for Obtaining Registration

4 Application for registration

- (1) A person may apply to the Board for registration as a licensed surveyor.
- (2) An application must be in writing and—
 - (a) contain—
 - (i) an address for the applicant for correspondence from the Board; and
 - (ii) an address for the applicant that will appear on the register; and
 - (b) contain any other information required by the Board; and
 - (c) be accompanied by evidence of the qualifications and training which the applicant claims entitle him or her to be registered; and
 - (d) be accompanied by the prescribed application fee; and
 - (e) state the class of registration sought.
- (3) The Board may require the applicant to provide—
 - (a) further information or material in respect of the application; and
 - (b) a statutory declaration under section 107 of the **Evidence (Miscellaneous Provisions) Act 1958** verifying the information in or in support of the application; and

S. 4(2)(d)
amended by
No. 80/2009
s. 74(a).

S. 4(2)(e)
inserted by
No. 80/2009
s. 74(b).

S. 4(3)(b)
amended by
No. 69/2009
s. 54(Sch. Pt 2
item 50.1).

- (c) proof of identity of the person making the application.

5 Qualifications for registration

A person is qualified for registration as a licensed surveyor if—

- (a) the person has passed an examination in cadastral surveying set by or on behalf of the Board; and
- (b) the person has undertaken practical training in cadastral surveying and professional skills training required by the Board; and
- (c) the person has—
- (i) successfully completed a course of study approved by the Board; or
 - (ii) a qualification that, in the opinion of the Board, is substantially equivalent to or is based on similar competencies to a course of study approved by the Board, including a qualification that was obtained in another country.

S. 5(b)
amended by
No. 80/2009
s. 75(1).

S. 5(c)(ii)
amended by
No. 80/2009
s. 75(2)(a).

* * * * *

S. 5(c)(iii)
repealed by
No. 80/2009
s. 75(2)(b).

Note

The Mutual Recognition Act 1992 of the Commonwealth is adopted in Victoria by section 4 of the **Mutual Recognition (Victoria) Act 1998** and the Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth is adopted in Victoria by section 4 of the **Trans-Tasman Mutual Recognition (Victoria) Act 1998**.

In accordance with section 17 of the Mutual Recognition Act 1992 of the Commonwealth, and section 16 of the Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth, a person who holds the right to practise cadastral surveying in another State or Territory or in New Zealand is, on notifying the Board, entitled to be registered as a licensed surveyor in Victoria.

Note to s. 5
inserted by
No. 80/2009
s. 75(3).

6 Grant of registration

- (1) The Board must grant registration to an applicant if—
 - (a) the applicant is qualified for registration under section 5; and
 - (b) there are no grounds under subsection (2) on which the Board may refuse to grant registration to the applicant; and
 - (c) the applicant has provided the information required under section 4; and
 - (d) the applicant has paid the application fee required by section 4(2)(d) and the prescribed registration fee.
 - (2) The Board may refuse to grant registration to an applicant if—
 - (a) the applicant has been found guilty of an offence where the applicant's ability to practise as a licensed surveyor is likely to be affected because of the finding of guilt or where it is not in the public interest to allow the applicant to practise as a licensed surveyor because of the finding of guilt; or
 - (b) the applicant has previously held a right to practise cadastral surveying in another State, a Territory or another country, being the equivalent of registration as a licensed surveyor under this Act, and that right has been cancelled or suspended and not restored because of conduct which, if committed in Victoria, would entitle the Board to suspend or cancel the registration.
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7 Renewal of registration

- (1) An application for renewal of registration—
 - (a) must be made to the Board before the existing registration expires; and
 - (b) must be accompanied by the prescribed fee.
- (2) If a person does not apply for renewal of registration before the end of the existing registration period, the Board may renew that person's registration if—
 - (a) the application is made within 3 months after the end of the registration period; and
 - (b) the person pays an additional prescribed fee for a late application for renewal.
- (3) If a person's registration has expired without being renewed, the person is deemed to be registered for a period of 3 months after that expiry, and if, at the end of that period of 3 months, the person has not renewed his or her registration, the Board must remove that person's name from the register.
- (4) If the Board is satisfied that a person applying for renewal of registration—
 - (a) has not practised as a licensed surveyor during the period of 12 months immediately preceding the application; or
 - (b) has not undertaken further practical training in cadastral surveying and professional skills training required by the Board, details of which have been published in accordance with section 62; or

S. 7(4)(b)
substituted by
No. 80/2009
s. 76(1).

s. 7A

(c) has previously held a right to practise as a licensed surveyor in another State or a Territory or another country, being the equivalent of registration as a licensed surveyor under this Act, and that right has been cancelled or suspended and not restored because of conduct which, if committed in Victoria, would entitle the Board to suspend or cancel the registration—

the Board may refuse to renew the registration of the person.

(5) The Board may refuse to renew the registration of a person on any ground on which the Board might refuse to grant registration.

(6) Subsections (4)(a) and (4)(b) do not apply to a person applying for renewal of registration if the class of registration sought is a non-practising class of registration.

S. 7(6)
inserted by
No. 80/2009
s. 76(2).

S. 7A
inserted by
No. 80/2009
s. 77.

7A Variation of registration

(1) The Board may vary the class of registration of a person registered as a licensed surveyor on an application for variation of registration by that person.

(2) An application for variation of registration—

(a) must be made to the Board before the existing registration expires; and

(b) must be accompanied by the relevant fee; and

(c) must state the class of registration sought.

(2) For the purposes of subsection (1)(b), the fee may be a reduced registration fee determined by the Board in accordance with section 11(2).

8 Conditions, limitations and restrictions on registration

The Board may, at the time of registration or renewal of registration—

- (a) impose any condition, limitation or restriction it thinks appropriate on a registration granted under section 6 or on a registration renewed under section 7; and
- (b) amend, vary or revoke any condition, limitation or restriction.

9 Applicant entitled to make submissions

If the Board—

- (a) is proposing to refuse an application for registration or renewal of registration; or
- (b) is proposing to impose or to amend, vary or revoke any condition, limitation or restriction on a registration—

the Board must not do so until it has given the applicant or licensed surveyor—

- (c) notice of the proposal; and
- (d) an opportunity to make submissions to the Board about the proposal.

10 Notification of outcome of application

(1) On determining an application for registration or renewal of registration under this Part, the Board must notify the applicant—

- (a) whether or not registration has been granted or renewed to the applicant; and
- (b) the conditions, limitations or restrictions, if any, to which the registration is subject.

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- (2) If registration or renewal of registration has not been granted or has been granted subject to conditions, limitations or restrictions, the notice under subsection (1) must include—
- (a) the reasons why registration was not granted or renewed or why the conditions, limitations or restrictions were imposed, amended, varied or revoked; and
 - (b) a statement that the applicant has a right to obtain a review of the decision not to grant or renew registration or the decision to impose, amend, vary or revoke the conditions, limitations or restrictions on the registration.

S. 11
substituted by
No. 80/2009
s. 78.

11 Duration of registration

- (1) A registration that is granted, renewed or restored under this Part remains in force until 31 December of the year in which the registration was granted, renewed or restored, unless sooner cancelled or suspended.
- (2) If a registration is granted or restored for a period of less than 12 months, the Board may impose a reduced registration fee proportionate to the term of the registration period for which the registration is granted or restored.

S. 12
amended by
No. 80/2009
s. 79 (ILA
s. 39B(1)).

12 Restoration of name to the register

- (1) If a person whose name has been removed from the register under section 7(3)—
 - (a) applies to the Board within 2 years from the date of that removal to have his or her name restored to the register; and
 - (b) undertakes any further examination, practical training or course of study required by the Board; and

- (c) pays to the Board the prescribed fee—
the Board may restore that person's name to the register.
- (2) A person may apply under this section to have his or her name restored to the register under a different class of registration of licensed surveyor to the class of registration that the person held before his or her name was removed from the register.

S. 12(2)
inserted by
No. 80/2009
s. 79.

13 Effect of suspension of registration

A licensed surveyor whose registration is suspended is deemed not to be registered for the period of suspension.

14 Registration obtained by fraud

- (1) If the Board believes that the registration of a licensed surveyor has been obtained by fraud or misrepresentation or that the qualifications on which the licensed surveyor relied for registration have been withdrawn, the Board must conduct a hearing into the matter.
- (2) The Board must give notice of the time and place of the hearing to the licensed surveyor.
- (3) The provisions applying to the conduct of a formal hearing under Part 3 apply to a hearing under this section as if the hearing under this section were a formal hearing.
- (4) If, at the end of the hearing, the Board determines that the registration of the licensed surveyor has been obtained by fraud or misrepresentation or that the qualifications on which the licensed surveyor has relied for registration have been withdrawn, the Board must cancel the registration of the licensed surveyor.

Division 2—The register

15 The register

- (1) The Board must cause to be kept a register of all persons whom the Board has registered under this Act.
- (2) The register is to be called the Register of Licensed Surveyors.
- (3) The following particulars must be included on the register against the name of the licensed surveyor to whom they apply—
 - (a) the address specified by the licensed surveyor to appear on the register;
 - (b) the educational or professional qualifications of the licensed surveyor;
 - (c) any current suspension of the registration of the licensed surveyor;
 - (d) any current condition, limitation or restriction imposed on the registration of the licensed surveyor;
 - (e) the class of registration of the licensed surveyor.
- (4) The register may be inspected without charge at the office of the Board by any person during ordinary office hours.
- (5) A person may obtain a copy of or an extract from the register on payment of the prescribed fee, if any.

S. 15(3)(d)
amended by
No. 80/2009
s. 80(a).

S. 15(3)(e)
inserted by
No. 80/2009
s. 80(b).

16 Certificates of registration

- (1) If a licensed surveyor so requests and on payment of the prescribed fee, the Board must issue a certificate of registration to that person.

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- (2) The following particulars must be included in a certificate of registration—
- (a) any condition, limitation or restriction imposed on the registration of the licensed surveyor; and
 - (b) the prescribed information, if any.
- (3) If the registration of a licensed surveyor is suspended or cancelled, the licensed surveyor must return his or her certificate of registration to the Board.

Penalty: 20 penalty units.

17 Requirement to notify the Board of change of address

A licensed surveyor must notify the Board of any change of—

- (a) the address of the licensed surveyor for correspondence from the Board; or
- (b) the address of the licensed surveyor appearing on the register—

within 28 days after the change.

PART 3—INVESTIGATIONS INTO LICENSED SURVEYORS

18 Complaints about professional conduct

- (1) A person may make a complaint to the Board about the professional conduct of a licensed surveyor.
- (2) A person may make a complaint to the Board about a person who was a licensed surveyor but ceased to be a licensed surveyor if the complaint relates to conduct of the other person at a time when the other person was a licensed surveyor.

19 Investigation of complaints

- (1) The Board must investigate a complaint concerning the professional conduct of a licensed surveyor.
- (2) In order to determine whether or not it is necessary to conduct a formal hearing into a complaint, the Board may conduct a preliminary investigation into the complaint.
- (3) The Board may, in writing, delegate to—
 - (a) an officer of the Board; or
 - (b) a sub-committee of the Board consisting of not more than 3 members of the Board named in the delegation; or
 - (c) a person whom the Board reasonably believes has the qualifications or experience to carry out a preliminary investigation—
its power to conduct a preliminary investigation into a complaint, other than its power to make determinations on a preliminary investigation.
- (4) Despite subsection (1), the Board may refuse to investigate a complaint if the Board determines the complaint is frivolous, vexatious, misconceived or lacking in substance.

S. 19(3)(b)
amended by
No. 80/2009
s. 81(1)(a).

S. 19(3)(c)
inserted by
No. 80/2009
s. 81(1)(b).

S. 19(4)
inserted by
No. 80/2009
s. 81(2).

20 Investigation may continue even if person no longer registered

- (1) The Board may—
- (a) conduct an investigation into a complaint referred to in section 18(2) and make a finding or determination under this Part;
 - (b) conduct a hearing and make a finding or determination under this Part in relation to a complaint under section 18(2)—

as if the person referred to in that complaint were a licensed surveyor.

- (2) The Board may—
- (a) conduct or continue to conduct an investigation into the professional conduct of a person who has ceased to be a licensed surveyor but who was a licensed surveyor at the time a complaint was made or the Board had determined to conduct an investigation into the conduct and make a finding or determination under this Part;
 - (b) conduct or continue to conduct a hearing and make a finding or determination under this Part in relation to a person who has ceased to be a licensed surveyor but was a licensed surveyor at the time the Board had determined to conduct a hearing into the conduct—

as if the person were a licensed surveyor.

21 Notification to licensed surveyor

- (1) The Board must give notice of the complaint to the licensed surveyor.
- (2) A notice under subsection (1) must—
 - (a) be in writing; and

- (b) be sent by registered post as soon as practicable after the complaint is received; and
- (c) advise the licensed surveyor of—
 - (i) the details of the complaint; and
 - (ii) the procedures for dealing with a complaint under this Act.

22 Outcome of preliminary investigation

- (1) On completing a preliminary investigation, the person or persons conducting the investigation may make one of the following recommendations—
 - (a) that the investigation into the matter should not proceed further; or
 - (b) that a formal hearing should be held into the matter; or
 - (c) that the matter be settled by agreement between the Board and the licensed surveyor.
- (2) The Board must determine whether or not to act on the recommendation of the person or persons conducting the preliminary investigation.

S. 22(1)(b)
amended by
No. 80/2009
s. 82(1).

S. 22(1)(c)
inserted by
No. 80/2009
s. 82(2).

22A Board may settle matter by agreement

- "(1) The Board may, of its own motion or on a recommendation made under section 22(1)(c), arrange to settle a matter regarding the professional conduct of a licensed surveyor by agreement between the Board and the licensed surveyor.

S. 22A
inserted by
No. 80/2009
s. 83.

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- (2) Without limiting subsection (1), the Board may enter into an agreement with a licensed surveyor to—
- (a) alter the way in which the licensed surveyor practises as a licensed surveyor;
 - (b) impose conditions, limitations or restrictions on the registration of the licensed surveyor;
 - (c) suspend the licensed surveyor's registration for the period of time specified by the Board;
 - (d) complete further practical training in cadastral surveying and professional skills training within a specified time period.
- (3) If a licensed surveyor does not comply with the terms of an agreement made under this section, the Board may—
- (a) take any action that is necessary to implement the agreement;
 - (b) institute a formal hearing into the professional conduct of the licensed surveyor.

23 Board may institute a formal hearing

The Board may, of its own motion, whether or not a complaint has been made, determine to conduct a formal hearing into the professional conduct of a licensed surveyor without conducting a preliminary investigation.

24 Establishment and notification of formal hearing

- (1) If the Board determines that a formal hearing be held into the professional conduct of a licensed surveyor, the Board must—
- (a) appoint a panel to hold the hearing; and
 - (b) fix a time and place for the hearing to be conducted; and

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- (c) serve a notice which complies with subsection (2) on the licensed surveyor by registered post; and
 - (d) serve a notice which complies with section 31(1) on the complainant (if any) by registered post.
- (2) A notice referred to in subsection (1)(c) must—
- (a) state the nature of the hearing and the allegations made against the licensed surveyor; and
 - (b) give the time and place of the hearing; and
 - (c) state that there is a right to make submissions and to be represented, that the hearing is open to the public, list the possible findings the panel can make and state that there is a right to apply for a review of the panel's findings.

25 Constitution of a panel for a formal hearing

- (1) A panel appointed under section 24 must consist of not less than 3 members of the Board of whom—
 - (a) one must be a licensed surveyor; and
 - (b) one must be a lawyer.
- (2) A member of the Board who has undertaken a preliminary investigation of a matter which is the subject of a formal hearing is not eligible to be a member of the panel for that hearing.
- (3) If—
 - (a) the Board is unable to appoint a panel because there are not enough suitably qualified members available to sit on it; or

- (b) the Board is of the opinion that a person with special expertise is required for the hearing—

the Minister may fill the vacant positions on the panel by appointing persons who are not members of the Board.

26 Conduct of a formal hearing

At a formal hearing—

- (a) the panel must hear and determine the matter before it; and
- (b) the licensed surveyor who is the subject of the hearing is entitled to be present, to make submissions and to be represented; and
- (c) if the hearing arises out of a complaint, the identity of the complainant is not to be published or broadcast and the complainant—
- (i) in the case of a proceeding which has not been closed under paragraph (d), is entitled to be present; and
 - (ii) if not called as a witness, may make submissions with the permission of the Board; and
- (d) the proceedings are to be open to the public unless the panel determines that the proceedings should be closed because the hearing is taking evidence of personal or financial matters; and
- (e) if the panel has determined that the proceedings are closed, the panel may determine that the identity of any witness giving evidence in the proceedings is not to be published or broadcast; and

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- (f) the panel may determine that any information that might enable the licensed surveyor who is the subject of the hearing to be identified prior to the making of a final determination must not be published or broadcast if the panel considers it necessary to do so to avoid prejudicing the administration of justice or for any other reason in the interests of justice.

27 Findings and determinations of a formal hearing

- (1) After considering all the submissions made to a formal hearing into the professional conduct of a licensed surveyor, the panel may find that—
- (a) the licensed surveyor has, whether by act or omission, engaged in unprofessional conduct of a serious nature; or
 - (b) the licensed surveyor has, whether by act or omission, engaged in unprofessional conduct which is not of a serious nature; or
 - (c) the licensed surveyor has not engaged in unprofessional conduct.
- (2) If the panel finds that the licensed surveyor has, whether by act or omission, engaged in unprofessional conduct of a serious nature, the panel may make one or more of the following determinations—
- (a) caution the licensed surveyor;
 - (b) reprimand the licensed surveyor;
 - (c) require the licensed surveyor to undertake further education or training of the kind stated in the determination and to complete it within the period specified in the determination;

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- (d) impose, amend, vary or revoke any conditions, limitations or restrictions on the registration of the licensed surveyor;
 - (e) require the licensed surveyor to rectify a faulty survey;
 - (f) impose a fine on the licensed surveyor of not more than \$2000;
 - (g) suspend the registration of the licensed surveyor for the period specified in the determination;
 - (h) cancel the registration of the licensed surveyor.
- (3) If the panel finds under subsection (1)(b) that the licensed surveyor has, whether by act or omission, engaged in unprofessional conduct which is not of a serious nature, the panel may make any determination referred to in subsection (2)(a), (b) or (c).
- (4) The panel must not impose a fine where the conduct which is the subject of the finding has resulted in a fine being imposed by another tribunal or court of law.
- (5) If the panel has made an order under subsection (2)(c), (e) or (f) and the licensed surveyor has not complied with the order within the time specified in the order, the Board may suspend the licensed surveyor's registration until the order is complied with.

28 Procedure at formal hearing

At a formal hearing—

- (a) subject to this Part, the procedure of a panel is in its discretion; and
- (b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and
- (c) a panel is not bound by rules of evidence but may inform itself in any way it thinks fit; and
- (d) a panel is bound by the rules of natural justice.

29 Powers of panel conducting a formal hearing

Sections 14, 15, 16 and 21A of the **Evidence (Miscellaneous Provisions) Act 1958** apply to a panel in the conduct of a formal hearing as if it were a board or the chairman of a board appointed by the Governor in Council.

30 Determinations

- (1) A determination made by a panel on a hearing comes into operation on its making or at any later time stated in the determination.
- (2) A determination of a panel is to have effect as if it were a determination of the Board.
- (3) If a fine is imposed by a panel, it may be recovered by the Board as a debt due to the Board.
- (4) The Board must pay any fine recovered under subsection (3) into the Surveyors Registration Board of Victoria Fund.

S. 29
amended by
No. 69/2009
s. 54(Sch. Pt 2
item 50.1).

30A Notification to licensed surveyor

S. 30A
inserted by
No. 80/2009
s. 84.

If a formal hearing arising from a complaint is conducted, the Board must notify the licensed surveyor who is the subject of the hearing, in writing, of—

- (a) the findings and determinations of the formal hearing; and
- (b) the reasons for those findings and determinations—

within 28 days after they are made.

31 Notifications to complainant

- (1) If a complaint has been made to the Board, the Board must notify the complainant in writing—

S. 31(1)
amended by
No. 80/2009
s. 85(1).

- (a) within 28 days after the making of the complaint; or
- (b) if a preliminary investigation is conducted, within 28 days after the completion of the preliminary investigation—

whether a formal hearing is to be conducted into the matter and, if so, the time and place of the hearing and whether the complainant has a right to make submissions at the hearing.

- (2) If a formal hearing arising from a complaint is conducted, the Board must notify the complainant, in writing, of—

S. 31(2)
amended by
No. 80/2009
s. 85(2).

- (a) the findings and determinations of the formal hearing; and
- (b) the reasons for those findings and determinations—

within 28 days after they are made.

32 Payment of panel members

A member of a panel is entitled to receive the fees and allowances referred to in section 51 as if he or she were a member or acting member of the Board.

**PART 4—REVIEW BY VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL**

33 Review by VCAT

- (1) A person whose interests are affected by the relevant decision, finding or determination may apply to the Victorian Civil and Administrative Tribunal for review of—
 - (a) a decision to refuse the person's application for registration or renewal of registration; or
 - (b) a decision to impose, amend, vary or revoke conditions, limitations or restrictions on the person's registration; or
 - (c) a finding or determination made at a formal hearing under Part 3.
- (2) The application must be made within 28 days after the later of—
 - (a) the day on which the Board gives notice of the decision, finding or determination to the person concerned; or
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.
- (3) If a finding has been made at a formal hearing under Part 3 but no final determination has been made at the hearing, an application for review can only be made with the leave of the Tribunal.

S. 34(1)
amended by
No. 80/2009
s. 86.

34 Notification

- (1) If a decision, finding or determination has been reviewed by the Victorian Civil and Administrative Tribunal, the Board must notify in writing any person who was notified of the original decision, finding or determination of any change to that decision, finding or determination by the Victorian Civil and Administrative Tribunal.
- (2) If a panel makes a determination under section 27(2)(d), (g) or (h) and—
 - (a) the Victorian Civil and Administrative Tribunal affirms or varies the determination or makes another decision that includes such a determination; or
 - (b) no application for review of the determination is made within the period referred to in section 33(2)—

the Board must give notice of the determination to all reciprocal boards.

PART 5—OFFENCES

35 Claims by persons as to registration

S. 35
amended by
No. 80/2009
s. 87 (ILA
s. 39B(1)).

- (1) A person who is not registered under this Act as a licensed surveyor must not—
- (a) take or use the title of licensed surveyor or the letters "L.S." or any other title calculated to induce a belief that the person is registered under this Act; or
 - (b) claim to be registered under this Act or hold himself or herself out as being registered under this Act; or
 - (c) carry out any act which is required to be carried out by a licensed surveyor by or under an Act; or
 - (d) claim to be qualified to practise as a licensed surveyor.

Penalty: 60 penalty units.

- (2) A person who is registered under this Act as a licensed surveyor and whose registration is subject to a condition, limitation or restriction must not—

S. 35(2)
inserted by
No. 80/2009
s. 87.

- (a) knowingly claim to have or hold himself or herself out as having a registration which is not subject to that condition, limitation or restriction; or
- (b) carry out any act that contravenes the condition, limitation or restriction on his or her registration.

Penalty: 60 penalty units.

36 Fraud, forgery etc.

A person must not—

- (a) fraudulently or by false representation or declaration (either orally or in writing) obtain registration under this Act; or
- (b) fraudulently or by false representation (either orally or in writing) procure any person to be registered under this Act; or
- (c) forge, counterfeit or alter any certificate of registration under this Act or any degree, diploma or other evidence of qualifications for registration under this Act.

Penalty: 60 penalty units.

37 Offences by unregistered persons

(1) A person who is not registered under this Act as a licensed surveyor must not—

- (a) certify to the accuracy of a cadastral survey; or
- (b) sign or initial a plan purporting to be the plan of a cadastral survey.

Penalty: 60 penalty units.

(2) A person who—

- (a) is not registered under this Act as a licensed surveyor; or
- (b) is not acting under the direction and supervision of a licensed surveyor—

must not place in position in relation to any land a peg or other mark that may reasonably be taken for a survey peg or survey mark placed by or under the direction of a licensed surveyor for the purposes of a cadastral survey.

Penalty: 60 penalty units.

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- (3) A person who—
- (a) is not registered under this Act as a licensed surveyor; or
 - (b) is not acting under the direction and supervision of a licensed surveyor—
- must not—
- (c) make, or undertake to make, a cadastral survey; or
 - (d) carry out, or undertake to carry out, any work in connection with a cadastral survey.

Penalty: 10 penalty units.

38 Interference with survey pegs etc.

- (1) A person must not, without reasonable excuse, interfere with a survey peg or survey mark placed in position by or under the direction of a licensed surveyor.

Penalty: 10 penalty units.

- (2) For the purposes of section 86 of the **Sentencing Act 1991**, compensation for loss or destruction of, or damage to, property as a result of the offence shall include any expenses incurred in replacing or re-establishing the survey peg or survey mark.

39 Obstruction of licensed surveyors etc.

A person must not wilfully obstruct—

- (a) a licensed surveyor; or
- (b) a person acting under the direction of a licensed surveyor—

in carrying out his or her professional work or in exercising any power conferred by this Act or any other Act.

Penalty: 10 penalty units.

PART 6—SURVEYOR-GENERAL

40 Surveyor-General

S. 40(1)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 197.1).

(1) There is to be a Surveyor-General employed under Part 3 of the **Public Administration Act 2004**.

(2) A person is not eligible to hold the office of Surveyor-General unless the person is a licensed surveyor.

S. 40(3)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 197.1).

(3) Despite anything to the contrary in the **Public Administration Act 2004**, the period of appointment must not exceed 5 years but a person appointed as Surveyor-General is eligible for re-appointment.

(4) The Surveyor-General ceases to hold office if he or she—

(a) becomes bankrupt; or

(b) applies to take the benefit of any law for the relief of bankrupt debtors; or

(c) compounds with his or her creditors or makes an assignment of his or her property for the creditors' benefit or a deed of arrangement under any law relating to bankruptcy.

S. 40(5)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 197.1).

(5) The **Public Administration Act 2004** applies except as otherwise provided by this section and section 41.

41 Suspension and removal of Surveyor-General

- (1) The Surveyor-General may be suspended from office by the Governor in Council but must not be removed from office except in accordance with this section.
- (2) The Minister must cause to be laid before each House of Parliament a full statement of the grounds of any suspension of the Surveyor-General within 7 sitting days after the suspension.
- (3) The Surveyor-General so suspended must be restored to office by the Governor in Council unless each House of Parliament, within 42 days after the day on which a statement under subsection (2) is laid before it and in the same session, declares by resolution that the Surveyor-General ought to be removed from office.
- (4) If each House of Parliament within the time referred to in subsection (3) declares by resolution that the Surveyor-General ought to be removed from office, the Surveyor-General is to be removed by the Governor in Council.

42 Functions and powers of Surveyor-General

- (1) The Surveyor-General has the following functions—
 - (a) to set and monitor standards for surveying and survey information;
 - (b) to monitor surveying matters affecting the Victorian cadastral system;
 - (c) to advise the Minister and the community on surveying matters;

S. 42(1)(d)
amended by
No. 80/2009
s. 88(1).

S. 42(1)(da)
inserted by
No. 80/2009
s. 88(2).

- (d) to be responsible for the surveying infrastructure of Victoria, including the survey control network;
- (da) to investigate and bring proceedings to prosecute offences against this Act and any regulations made under this Act;
- (e) to be responsible for the correct positioning of Crown boundaries of land, whether or not the land has been alienated from the Crown or subdivided;
- (f) to correct defects in Crown descriptions of land, whether or not the land has been alienated from the Crown or subdivided;
- (g) if the Surveyor-General considers it appropriate to do so, to resolve disputes over boundary determinations that affect the Victorian cadastre;
- (h) to advise on the position of the State borders;
- (i) if the Surveyor-General considers it appropriate to do so, to maintain records of the status of land in Victoria and verify and certify the status of that land;
- (j) to register Crown survey plans;
- (k) to prepare, or cause to be prepared, sign or approve plans of survey under any Act;
- (l) to co-ordinate and provide access to survey and other information relating to land in Victoria;
- (m) to provide surveying services in respect of government projects and government land dealings;
- (n) to be a member of the Electoral Boundaries Commission under the **Electoral Boundaries Commission Act 1982**;

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- (o) to certify copies of maps, plans, documents or papers as provided by any Act;
 - (p) to perform any other functions conferred on the Surveyor-General by or under this or any other Act.
- (2) The Surveyor-General has and may exercise all the powers necessary to perform his or her functions.

43 Delegation

The Surveyor-General, by instrument, may delegate to any licensed surveyor, or class of licensed surveyors, employed under Part 3 of the **Public Administration Act 2004** any power or function of the Surveyor-General relating to the certification of plans.

S. 43
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 197.1).

**PART 7—SURVEYORS REGISTRATION BOARD OF
VICTORIA**

44 Establishment

- (1) The Surveyors Registration Board of Victoria is established by this Act.
- (2) The Board—
 - (a) is a body corporate with perpetual succession;
 - (b) has a common seal;
 - (c) may sue and be sued in its corporate name;
 - (d) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal must be kept as directed by the Board and must not be used except as authorised by the Board.
- (4) All courts and tribunals must take judicial notice of the seal of the Board on a document and, until the contrary is proved, must presume that the document was properly sealed.

45 Functions of the Board

The functions of the Board are—

- (a) to advise the Minister on the administration, policies and strategic directions of cadastral surveying;
- (b) to register cadastral surveyors as licensed surveyors;
- (c) to keep a register of licensed surveyors;
- (d) to determine qualifications required for registration as licensed surveyors;

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- (e) to approve courses of study which provide qualifications for registration as licensed surveyors;
- (f) to determine practical training and professional skills training required to establish competence for registration or renewal of registration as licensed surveyors; **S. 45(f) amended by No. 80/2009 s. 89(1).**
- (g) to hold examinations to establish competence for registration as licensed surveyors;
- (h) to issue and publish guidelines about the educational, training and technical standards required for cadastral surveying;
- (i) to investigate the professional conduct or fitness to practise of licensed surveyors and impose sanctions where necessary;
- (ia) to investigate and prosecute offences against this Act and any regulations made under this Act; **S. 45(ia) inserted by No. 80/2009 s. 89(2).**
- (ib) to appoint a person to investigate on behalf of the Board— **S. 45(ib) inserted by No. 80/2009 s. 89(2).**
- (i) the professional conduct or fitness to practise of licensed surveyors;
- (ii) offences against this Act and any regulations made under this Act;
- (j) to enter into and give effect to reciprocal arrangements, not inconsistent with this Act, with the cadastral surveying registration authority, by whatever name called, of another State, a Territory or another country for or with respect to—
- (i) securing uniformity in the education, training and examination of persons in cadastral surveying and professional skills; **S. 45(j)(i) amended by No. 80/2009 s. 89(3).**
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- (ii) granting exemptions from a course of study, practical training or examination required for registration as a licensed surveyor in Victoria to a person who satisfies the Board that the person has completed outside Victoria a course of study or practical training or has passed an examination of a similar standard to that required for registration in Victoria;
- (k) any other functions conferred on the Board by this or any other Act.

46 Powers of the Board

The Board has all the powers necessary to enable it to perform its functions.

47 Membership of the Board

- (1) The Board consists of 8 members appointed by the Minister.
- (2) Of the persons appointed to the Board—
 - (a) one must be the Surveyor-General who shall be the chairperson of the Board; and
 - (b) 2 must be licensed surveyors registered under section 6 who—
 - (i) are not persons employed under Part 3 of the **Public Administration Act 2004**; and
 - (ii) are selected by the Minister from a panel of 3 names submitted by the professional body representing the majority of licensed surveyors; and
 - (c) one must be a person who is involved in the teaching of cadastral surveying at a tertiary institution; and

S. 47(2)(b)(i)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 197.1).

- (d) one must be a licensed surveyor registered under section 6 who is employed under Part 3 of the **Public Administration Act 2004** in the Department; and
- (e) one must be a lawyer experienced in administrative law; and
- (f) 2 must be persons who, in the opinion of the Minister, have skills, experience or knowledge that will assist the Board to carry out its functions and—
- (i) one of whom represents the interests of the community; and
 - (ii) the other represents the interests of property owners and developers.
- (3) If the body referred to in subsection (2)(b) does not submit a panel of 3 names within one month after receiving a request in writing from the Minister to do so, the Minister may appoint 2 persons whom the Minister considers appropriate and who are otherwise eligible under subsection (2)(b) to be members of the Board.

S. 47(2)(d)
amended by
Nos 108/2004
s. 117(1)
(Sch. 3
item 197.1),
80/2009 s. 90.

48 Terms of office

- (1) A member of the Board holds office for the term not exceeding 3 years that is specified in the member's instrument of appointment.
- (2) A member of the Board is eligible for reappointment.
- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member in respect of the office of member.

S. 48(3)
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 197.2),
80/2006
s. 26(Sch.
item 98).

49 Resignation and removal

- (1) A member of the Board ceases to be a member if he or she is absent, without leave first being granted by the Board, from 3 consecutive meetings of which reasonable notice has been given to that member, either personally or by post.
- (2) A member of the Board appointed under section 47(2)(a), (b), (c), (d) or (e) ceases to be a member if he or she ceases to hold the qualification for appointment referred to in the paragraph.
- (3) A member of the Board may resign the office of member by writing signed by the member and addressed to the Minister.
- (4) The Minister may at any time remove a member of the Board from office.
- (5) If a member of the Board dies, resigns, is removed from office or ceases to hold office under this section, the Minister may, in accordance with this Act, fill the vacant office.
- (6) A member appointed under subsection (5) holds office for the rest of the term of appointment of the member whose place he or she fills.

50 Acting member

- (1) If a member of the Board is unable to perform the duties or functions of the office, the Minister may appoint a person qualified to be appointed as that member to act as the member during the period of inability.
- (2) The Minister—
 - (a) subject to this Act, may determine the terms and conditions of appointment of an acting member; and
 - (b) may at any time terminate the appointment.

- (3) While the appointment of an acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the member.

51 Payment of members

A member or acting member of the Board, other than a member who is an employee under Part 3 of the **Public Administration Act 2004**, is entitled to receive the fees and allowances that are fixed from time to time by the Minister.

S. 51
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 197.1).

52 Meetings

- (1) The chairperson or, in his or her absence, a member elected by the members present must preside at a meeting of the Board.
- (2) Except as provided in section 25, the quorum of the Board is 5 members.
- (3) A question arising at a meeting of the Board must be determined by a majority of votes of members present and voting on the question.
- (4) In the case of an equality of votes, the person presiding has a second or casting vote.
- (5) The person presiding at a meeting of the Board must ensure that accurate minutes of the meeting are kept.
- (6) Subject to this Act, the Board may regulate its own proceedings.

53 Member's interests

- (1) A member who has a pecuniary or other interest in any matter in which the Board is concerned must—
- (a) if the member is present at a meeting of the Board at which the matter is to be considered, disclose the nature of the interest

immediately before the consideration of that matter; or

- (b) if the member is aware that the matter is to be considered at a meeting of the Board at which the member does not intend to be present, disclose the nature of the interest to the chairperson before the meeting is held.

(2) The member—

- (a) may take part in the discussion in the meeting; and
- (b) must leave the meeting while any vote is taken on a question relating to the matter.

54 Effect of vacancy or defect

An act or decision of the Board is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members; or
- (c) in the case of an acting member, the occasion for that member so acting had not arisen or had ceased.

55 Immunity

(1) A member of the Board is not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.

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- (2) Any liability resulting from an act or omission that would but for subsection (1) attach to a member of the Board attaches instead to the Board.

56 Staff

The Board may employ a person to be responsible for maintaining the register and any other persons that are necessary for the purposes of administering this Act.

PART 8—MISCELLANEOUS

57 Identity card

- (1) The Board must issue an identity card to each licensed surveyor.
- (2) The identity card must—
 - (a) bear the name and the photograph of the licensed surveyor; and
 - (b) state that the person named is a licensed surveyor; and
 - (c) state the registration number of the licensed surveyor.

58 Power of entry for cadastral surveys

- (1) In this section—

business day means a day other than a Saturday, a Sunday or a public holiday appointed under the **Public Holidays Act 1993**.
 - (2) A licensed surveyor, or a person acting under the direction and supervision of a licensed surveyor, may, during ordinary working hours on any business day and after giving reasonable notice to the occupier of the land, enter land and do on the land all acts, including the placing of survey pegs or survey marks that are reasonably necessary for the purposes of a cadastral survey.
 - (3) A licensed surveyor, or a person acting under the direction and supervision of a licensed surveyor, may not exercise any powers under this section if he or she fails to produce, on request, for inspection by the occupier of the land the identity card issued to the licensed surveyor under this Part or identification that shows that the person is acting under the direction and supervision of a licensed surveyor.
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- (4) A person may not, under this section, enter a residence unless the occupier of the residence—
 - (a) has consented in writing to the entry; and
 - (b) is given a copy of the signed consent immediately.
 - (5) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier of the residence did not consent to the entry.
 - (6) A licensed surveyor is liable for damage caused by the licensed surveyor or a person acting under his or her direction and supervision in the exercise of powers under this section but is not liable for trespass in the exercise of those powers.

59 Financial

- (1) The Board must establish and keep a Surveyors Registration Board of Victoria Fund.
- (2) All money immediately before the commencement of this Act standing to the credit of the Surveyors Board Account established under the **Surveyors Act 1978** must, on that commencement, be paid into the Fund.
- (3) All fees, fines and penalties paid or recovered by the Board under this or any other Act must be paid into the Fund.
- (4) The Board must pay any other money received by it into the Fund, including income from the investments of the Fund.
- (5) Out of the Fund, the Board must pay—
 - (a) the expenses incurred by it in carrying out its functions, powers and duties; and
 - (b) any other expenses incurred in the administration of this Act; and

s. 60

- (c) any payments to be made to members of the Board under this Act and any payments to be made to other persons under this Act; and
- (d) any other payment recommended by the Board and approved by the Minister.

60 Investment powers

The Board may invest money credited to the Fund that it does not immediately require—

- (a) in any manner in which money may be invested under the **Trustee Act 1958**; or
- (b) in any other manner that the Minister approves.

61 Proceedings for offences

- (1) Proceedings under this Act may be brought—
 - (a) by the Board; or
 - (b) in the name of the Board by a person authorised by the Board; or
 - (c) by the Surveyor-General.

S. 61(1)
substituted by
No. 80/2009
s. 91(1).

S. 61(2)
repealed by
No. 80/2009
s. 91(2).

* * * * *

- (3) Any prosecution instituted in the name of the Board or the Surveyor-General must, in the absence of evidence to the contrary, be taken to have been instituted by the Board or the Surveyor-General, as the case may be.

62 Publication of certain information

The Board must cause to be published—

- (a) details of the practical training and professional skills training required by the Board and the courses of study approved by the Board under section 5(b) and (c); and

S. 62(a)
amended by
No. 80/2009
s. 92.

-
- (b) the procedure for making a complaint about the professional conduct of a licensed surveyor; and
 - (c) any changes to those details or that procedure, from time to time.

63 Regulations

- (1) The Governor in Council may make regulations for or with respect to—
 - (a) securing the establishment and providing for the maintenance of survey marks;
 - (b) prescribing the particulars to be included in notices given under this Act;
 - (c) prescribing forms;
 - (ca) prescribing classes of registration;

S. 63(1)(ca)
inserted by
No. 80/2009
s. 93(1).

- (d) prescribing fees, including—
 - (i) fees for applications for registration;
 - (ii) fees for registration;
 - (iii) renewal fees;
 - (iv) fees for late applications for renewal;
 - (v) examination fees;
 - (vi) fees for copies of or extracts from the register;
 - (vii) fees for certificates of registration;
- (e) prescribing the form of certificate that—
 - (i) every plan; and
 - (ii) field records; and

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- (iii) every abstract of field records—
of a cadastral survey made by a licensed
surveyor must bear;
- (f) requiring plans, field records and abstracts of
field records to be prepared by a licensed
surveyor for the purposes of any cadastral
survey made by the licensed surveyor and
prescribing the form of those field records
and abstracts of field records;
- (g) prescribing standards for cadastral surveys;
- (h) generally regulating and controlling the
making of cadastral surveys;
- (i) generally prescribing any other matter or
thing required or permitted by this Act to be
prescribed or necessary to be prescribed to
give effect to this Act.
- (2) The regulations—
- (a) may be of general or limited application; and
- (b) may differ according to differences in time,
place or circumstance; and
- (c) may impose penalties not exceeding
10 penalty units for a contravention of the
regulations.
- (3) The regulations may provide that fees payable
under the Act—
- (a) may vary according to different cases or
classes of cases;
- (b) may be reduced or waived according to
different cases or classes of cases.
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S. 63(3)
inserted by
No. 80/2009
s. 93(2).

PART 9—REPEAL, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

64 Definitions

In this Part—

new Board means the Surveyors Registration Board of Victoria established under this Act;

old Board means the Surveyors Board established under the repealed Act;

repealed Act means the **Surveyors Act 1978** as in force immediately before its repeal.

65 Repeal

The **Surveyors Act 1978** is repealed.

See:
Act No.
9180.
Reprint No. 3
as at
25 February
1999.
LawToday:
www.
legislation.
vic.gov.au

66 Proceedings before the old Board

(1) If an inquiry into the activities of a licensed surveyor under the repealed Act has commenced but not been completed before the commencement of this Act—

- (a) that inquiry may be completed by the old Board after that commencement; and
- (b) any appeal or other further proceedings which might have been taken in relation to that inquiry under the repealed Act may be taken after that commencement—

as if this Act had not been enacted.

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- (2) The new Board must give effect to—
- (a) a decision made on an inquiry completed by the old Board; or
 - (b) a decision of the County Court on an appeal under section 20 of the repealed Act—
- as if it were a decision under this Act.

67 Application of this Act to conduct occurring before commencement of this Act

- (1) In the case of activities of a person who is deemed by section 68 to be a licensed surveyor under this Act which occurred before the commencement of Part 3 and in respect of which no proceedings have been commenced under the repealed Act, this Act applies to the extent that there was power to conduct an inquiry under Part II of the repealed Act into those activities.
- (2) Any determination or outcome of a hearing into those activities must be one which would have been available as a finding or decision in an inquiry by the Board under the repealed Act.
- (3) This section does not apply to activities which are the subject of proceedings to which section 66 applies.

68 Existing registrations

- (1) A person who was a licensed surveyor under the repealed Act immediately before the commencement of this Act is deemed to be registered as a licensed surveyor under this Act.
- (2) If a person is deemed to be registered under this section, and the registration of that person under the repealed Act immediately before the commencement of this Act was suspended, the registration of that person under this Act is deemed to be suspended for the remainder of the

period for which that person's registration would have been suspended under the repealed Act.

- (3) The registration of a person who is deemed to be registered under this section expires, unless sooner cancelled—
- (a) if the person pays the prescribed registration fee within 3 months after the commencement of this Act, at the end of the period of 12 months after the commencement of this Act, unless the registration is renewed under section 7; or
 - (b) in any other case, at the end of the period of 3 months after the commencement of this Act.

69 Preparation of annual report

The new Board shall prepare the annual reports that the old Board would have been required to prepare under the **Financial Management Act 1994** in respect of any part of a year during which the old Board operated.

70 Saving of Surveyors (Cadastral Surveys) Regulations 1995

The Surveyors (Cadastral Surveys) Regulations 1995 as in force immediately before the commencement of this Act are deemed to continue in force and may be amended or revoked under this Act as if made under this Act.

71 Consequential amendments

On the coming into operation of an item in the Schedule, the Act specified in the heading to that item is amended as set out in that item.

See:
Act No.
53/1988.
Reprint No. 3
as at
1 January
1999
and
amending
Act Nos
28/2000,
74/2000 and
44/2001.
LawToday:
www.
legislation.
vic.gov.au

72 Amendment of Subdivision Act 1988

In section 5(3) of the **Subdivision Act 1988**, after paragraph (e) **insert**—

"; and

- (f) in addition to any other fee payable under this Act, pay to the Registrar the fee, if any, prescribed under the **Survey Co-ordination Act 1958** for the maintenance of the survey control network."

See:
Act No.
6388.
Reprint No. 6
as at
25 February
1999
and
amending
Act No.
74/2000.
LawToday:
www.
legislation.
vic.gov.au

73 Amendment of Survey Co-ordination Act 1958

In section 22(1) of the **Survey Co-ordination Act 1958**, after paragraph (c) **insert**—

- "(ca) prescribing fees for the maintenance of the survey control network to be paid on the lodgment of certified plans of subdivision at the Office of Titles under section 5(3) of the **Subdivision Act 1988**;"

SCHEDULE

Section 71

CONSEQUENTIAL AMENDMENTS

1 Electoral Boundaries Commission Act 1982

Section 4 is repealed.

2 Local Government Act 1989

In clause 7(2) and (3) of Schedule 10, for "Draughtsman" substitute "Draughting Officer".

3 Road Safety Act 1986

In section 78A(2), for "Surveyors Act 1978" substitute "Surveying Act 2004".

4 Subdivision Act 1988

In section 20A, for "Surveyors Act 1978" (wherever occurring) substitute "Surveying Act 2004".

5 Survey Co-ordination Act 1958

5.1 In section 3—

(a) in the definition of *licensed surveyor*, for "Surveyors Act 1978" substitute "Surveying Act 2004";

(b) for the definition of *Surveyors Board* substitute—

"Surveyors Registration Board means the Surveyors Registration Board of Victoria established under the **Surveying Act 2004**".

5.2 In section 6(3), for "Surveyors Act 1978 or the regulations thereunder" substitute "Surveying Act 2004 or the regulations under that Act".

Sch.

5.3 In section 12(1), for *Surveyors Board* substitute *Surveyors Registration Board*.

5.4 In section 22(1)(g), for "Surveyors Act 1978 or the regulations thereunder" substitute "Surveying Act 2004 or the regulations under that Act".

6 Transfer of Land Act 1958

6.1 In section 4(1)—

(a) in the definition of *licensed surveyor*, for "Surveyors Act 1978" substitute "Surveying Act 2004";

(b) in the definition of *survey*, for "Surveyors Act 1978" substitute "Surveying Act 2004".

6.2 In section 95(2), for "Surveyors Act 1978" substitute "Surveying Act 2004".

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 6 May 2004

Legislative Council: 1 June 2004

The long title for the Bill for this Act was "to provide for the management of cadastral surveying, to repeal the **Surveyors Act 1978** and for other purposes."

The **Surveying Act 2004** was assented to on 16 June 2004 and came into operation on 1 January 2005: section 2(2).

2. Table of Amendments

This Version incorporates amendments made to the **Surveying Act 2004** by Acts and subordinate instruments.

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 197) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Surveying Act 2004**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 105) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Surveying Act 2004**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 98) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Surveying Act 2004**

Statute Law Amendment (Evidence Consequential Provisions) Act 2009, No. 69/2009

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 50) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Surveying Act 2004**

Land Legislation Amendment Act 2009, No. 80/2009

Assent Date: 8.12.09
Commencement Date: Ss 73–93 on 1.5.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Surveying Act 2004**

3. Explanatory Details

No entries at date of publication.

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