

LICENSED SURVEYORS ORDINANCE 1933-1937.*

An Ordinance relating to Surveyors.

Short title.
Short title
amended:
No. 17, 1938,
s.4.

1. This Ordinance may be cited as the *Licensed Surveyors Ordinance* 1933-1937.*

Repeal.

2. The *Surveyors Ordinance* 1927 of the Territory of North Australia is repealed.

Definitions.

3. In this Ordinance, unless the contrary intention appears—

“Authorized survey” means a survey of land authorized or required—

(a) under, or in connexion with, the administration of any Act or Ordinance dealing with the alienation, leasing or occupation of Crown lands, or of “The Real Property Act, 1886” or “The Northern Territory Mining Act, 1903” of the State of South Australia in their application to the Northern Territory or any Ordinance amending or in substitution for either of those Acts, or of any other Act or Ordinance affecting titles to land; or

(b) by any proprietor, lessee, or mortgagee of any land under any Act or Ordinance affecting the title to that land;

“Licensed surveyor” means a surveyor licensed under this Ordinance, whose name appears on the Register;

“Surveyor-General” means the Surveyor-General for the Northern Territory appointed under this Ordinance;

* The *Licensed Surveyors Ordinance* 1933-1937 comprises the *Licensed Surveyors Ordinance* 1933 as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Number and Year.	Date notified in Commonwealth Gazette.	Date of Commencement.
<i>Licensed Surveyors Ordinance</i> 1933	No. 6, 1933	22nd June, 1933	22nd June, 1933
<i>Licensed Surveyors Ordinance</i> 1937	No. 6, 1937	23rd September, 1937	23rd September, 1937

“The Register” means the register of licensed surveyors kept by the Surveyor-General in pursuance of this Ordinance;

“The repealed Ordinance” means the *Surveyors Ordinance* 1927 of the Territory of North Australia.

4.—(1.) The Minister may appoint a licensed surveyor to be Surveyor-General for the Northern Territory. Surveyor-General.

(2.) The Surveyor-General shall hold office, subject to good behaviour, during the pleasure of the Minister.

(3.) The Surveyor-General appointed under the repealed Ordinance shall continue to hold office under this Ordinance.

(4.) The Surveyor-General shall be charged with the general control of authorized surveys in the Northern Territory, and shall have such other powers and functions as are prescribed.

5.—(1.) The Surveyor-General shall cause a register to be kept which shall contain the names, addresses and qualifications of all surveyors licensed in pursuance of this Ordinance. Register of Licensed Surveyors.

(2.) A person shall be licensed by the entry in the Register of his name, address and qualifications and every such entry shall be signed by the Surveyor-General.

(3.) All surveyors registered under the repealed Ordinance at the commencement of this Ordinance shall, on application, be entitled to be licensed under this Ordinance.

(4.) A copy of any entry in the register, purporting to be certified by the Surveyor-General as a true copy, shall in all proceedings whatever be *prima facie* evidence that the person named therein is a licensed surveyor.

6.—(1.) Subject to this Ordinance, any person shall be entitled to apply to the Surveyor-General to be licensed as a surveyor in pursuance of this Ordinance upon furnishing proof to the satisfaction of the Surveyor-General that— Persons entitled to be registered.

(a) he is authorized to practise as a surveyor under the law, relating to the registration or licensing of surveyors of land, for the time being in force in

any State of the Commonwealth or in the Dominion of New Zealand, and his name appears on the register of persons authorized to practise as surveyors in respect of that State or Dominion; and

- (b) he is of good fame and character, and bears a letter of recommendation from the Surveyors Board or other competent authority of the State or Dominion in which he is authorized to practise as a surveyor.

(2.) Every person applying to be licensed under this Ordinance shall, before his name is entered in the Register, make, and lodge with, the Surveyor-General, a declaration in accordance with the form in the Schedule to this Ordinance.

Powers of Surveyor-General.

7. The Surveyor-General may—

- (a) require the attendance of any person applying to be licensed as a surveyor under this Ordinance;
- (b) examine any such person upon oath on any matter relevant to his application; and
- (c) require the production of any document relevant to his application.

Power to amend Register.

8. The Surveyor-General shall from time to time make such alterations and amendments in the Register as are necessary for the purpose of making the Register an accurate record of the names, addresses, and qualifications of licensed surveyors.

Power of Surveyor-General to make reciprocal arrangements.

9. The Surveyor-General may enter into a reciprocal arrangement with the Surveyors Board or other competent authority of any State or of the Dominion of New Zealand—

- (a) for the recognition of the status of any person authorized by such Board or competent authority to practise as a surveyor in the State or Dominion, and for the licensing of any such person as a licensed surveyor under this Ordinance; and
- (b) for the examination of any candidate who has served under a term of cadetship to a licensed surveyor and whose articles have been registered in the office of the Surveyor-General.

Powers of licensed surveyors.

10 A licensed surveyor duly licensed under this Ordinance shall be entitled to practise his profession and to make authorized surveys in the Northern Territory.

10A.—(1.) Any licensed surveyor in the employment of the Public Service or Administration of the Territory may, with the consent of the Administrator, carry out surveys or works of draughtsmanship for private persons.

Performance of surveys and other works by Government surveyors for private persons.

Inserted by No. 6, 1937, s. 2.

(2.) The fees to be charged for any surveys or works of draughtsmanship referred to in the last preceding sub-section shall be determined by the Administrator on the recommendation of the Surveyor-General and shall be paid by the person for whom the surveys or works of draughtsmanship are carried out to the Receiver of Public Moneys at Darwin.

(3.) Any fees referred to in this section may be sued for and recovered in any court of competent jurisdiction as moneys owing to the Commonwealth.

11.—(1.) In making any authorized survey or for any purpose relating thereto, a licensed surveyor, with his assistants, may open any fence and may enter upon any land.

Power of licensed surveyor to enter on lands.

(2.) A licensed surveyor shall not, however, be exempted from payment for any damage he commits, but the person employing him shall be liable, at the suit of the licensed surveyor, to reimburse him, if the act occasioning the damage was necessary for the due making of the survey.

(3.) Any person obstructing a licensed surveyor or his assistants in the exercise of the powers conferred by this section shall be guilty of an offence.

Penalty: Twenty pounds for each day during which the obstruction lasts.

12.—(1.) All authorized surveys shall be carried out under the direction of the Surveyor-General, and shall be made in accordance with data to be supplied by the Surveyor-General.

Authorized surveys to be made in accordance with data supplied by Surveyor-General.

(2.) Plans of all authorized surveys shall be submitted in duplicate by the licensed surveyor making the survey to the Surveyor-General.

(3.) If the plans are found correct, one copy of each plan shall be deposited in the office of the Surveyor-General, Darwin, and the other copy shall be returned to the licensed surveyor.

(4.) Any plan so deposited in the office of the Surveyor-General, or any copy certified by the Surveyor-General to be a true copy thereof, shall be accepted as correct in all questions relating to the boundaries therein delineated.

13. An authorized survey shall not be accepted or adopted by any Government Department unless a plan of the survey has been lodged with, and approved by, the Surveyor-General.

Plan to be approved by Surveyor-General.

Surveyors to correct plans at their own expense.

14 —(1.) The Surveyor-General may, by notice in writing, request any licensed surveyor to correct at his own expense within the time specified in the notice, any error made by him in any authorized survey, or may instruct any other licensed surveyor to make the correction, and may require the licensed surveyor who made the error to pay the cost of the correction.

(2.) In the event of any licensed surveyor refusing or omitting within the time specified in the notice to correct any error or omitting to pay the cost of the correction of any error when called upon to do so, the Surveyor-General may recover the cost in the same manner as penalties are recoverable under this Ordinance:

Provided that any request for the correction of a survey shall be made within two years from the date of the lodgment of the plan of the survey with the Surveyor-General.

Power of Surveyor-General to deal with offences.

15.—(1.) If it is shown with respect to any licensed surveyor that—

- (a) he has certified to the accuracy of any authorized survey knowing the same to be inaccurate, or has negligently certified to the accuracy of any such survey without having taken reasonable precautions to verify its accuracy;
- (b) he wilfully or by culpable negligence has made any survey which is so inaccurate or defective as to be unreliable;
- (c) his certificate of competency or licence or registration has been obtained by fraud; or
- (d) his certificate, licence or registration in any State of the Commonwealth or the Dominion of New Zealand has been suspended or cancelled in that State or Dominion,

the Surveyor-General may erase his name from the register and report the facts to the Surveyors Board or competent authority of the State or Dominion from which he received authority to practise as a surveyor.

(2.) The Surveyor-General may, if he thinks fit, re-register a licensed surveyor whose name has been erased from the register.

Giving false certificate.

16. Any licensed surveyor who wilfully and corruptly gives any certificate, by virtue of this Ordinance, knowing the certificate to be false or untrue in any material particular, shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for twelve months.

17. Any person, not being a licensed surveyor, who— Offences.

- (a) falsely pretends that he is a licensed surveyor;
- (b) takes or uses the name or title of a licensed surveyor or any name, title, addition or description implying that he is a licensed surveyor;
- (c) practises as a surveyor, or charges or receives a fee for any work done as a surveyor; or
- (d) certifies to the accuracy of any plan purporting to be a survey or plan of any authorized survey,

shall be guilty of an offence.

Penalty: One hundred pounds.

18. All offences against this Ordinance may be prosecuted, and all penalties may be sued for and recovered, at the suit of the Minister or any person thereto authorized by the Minister. Prosecution of offences.

19. In any legal proceedings under any law in force in the Northern Territory, all maps, plans and copies thereof relating to the Northern Territory or any portion of the Northern Territory and all certificates relating to any location in the Northern Territory purporting to be certified as true under the hand of the Surveyor-General shall be considered in all courts to be *prima facie* evidence of the matters to which they relate without the production of original records and without the personal attendance of the Surveyor-General or proof of his signature. Evidence of maps, &c., certified by Surveyor-General.

20. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matter* which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance and in particular— Regulations.

- (a) for directing and guiding licensed surveyors in relation to authorized surveys; and
- (b) for providing for the requirement of, and the registration of, all indentures and contracts of cadetship;
- (c) for providing for the appointment of examiners and the holding and subjects of, and fees for, examinations; and
- (d) for prescribing penalties not exceeding Twenty pounds for breaches of the Regulations.

*Licensed Surveyors Ordinance 1933-1937.***THE SCHEDULE.**

THE NORTHERN TERRITORY OF AUSTRALIA.

*Licensed Surveyors Ordinance 1933.***DECLARATION.**

I, A.B., do hereby solemnly and sincerely declare that I will to the best of my ability and without partiality, favour, or affection, correctly survey and delineate the boundaries of any lands I may be instructed to survey.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911*.

Declared at
day of

this

Before me
(1)

19

(1.) Here insert title of person before whom the declaration is made.
