

APX-09 Directions to Surveyors Under Regulation 5 of the Licensed Surveyors (Transfer of land Act 1893) Regulations

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DIRECTIONS TO SURVEYORS UNDER REGULATION 5 OF THE LICENSED SURVEYORS (TRANSFER OF LAND ACT 1893) REGULATIONS

Pursuant to Regulation 5 of the Licensed Surveyors (Transfer of Land Act 1893) Regulations the Registrar of Titles hereby makes the following directions:

1 DEFINITIONS

In these directions the following expressions shall have the following meanings:

"Board" means the Land Surveyors' Licensing Board of Western Australia established under the LSA;

"Board's requirements" means the requirements of the Board relating to the

verification of authorised surveys specified under Sections 11A and 11B of the LSA;

“Inspector” means the Inspector of Plans and Surveys or his representative;

“Practice Manuals” means the Survey and Plan Practice Manual and the Strata Titles Manual or any addition or amendment to those manuals authorised by the Registrar;

“LSA” means the Licensed Surveyors Act 1909 as amended;

“Plan” means any plan or diagram deposited at DOLA for registration purposes;

“Registrar” means the Registrar of Titles;

“Survey Document” means any plan, (including its component digital record), including but not limited to compiled plans and survey-strata plans;

“Verifying Surveyor” means a Licensed Surveyor who has verified a particular plan in accordance with direction 3.3.

2 REPEAL OF APPROVED EXAMINER DIRECTIONS

The Directions to Surveyors made by the Registrar of Titles on 22 December 1997 are repealed and substituted by these Directions to Surveyors

3 SURVEY DOCUMENTS

- 3.1 Every Survey Document lodged with the Registrar must comply with;
- 3.1.1 the provisions of the Practice Manuals unless good reason can be shown to the contrary; and
- 3.1.2 all regulations.
- 3.2 Any survey document that is certified by a licensed surveyor, who is not eligible to verify Survey Documents at the time the document is lodged at DOLA, must be verified and countersigned by a licensed surveyor who is so eligible, in accordance with these directions.
- 3.3 The verification specified in direction 3.2 to be signed by a licensed surveyor is contained in the following table:

TABLE

I being eligible, in accordance with the Land Surveyors' Licensing Board's requirements, to verify survey documents have checked this plan (and its digital record) by (Licensed Surveyor) and I verify that the plan is error free and consistent with the field record and digital record and complies with the DOLA Practice Manuals, except where good reason has been shown to the contrary, and with all regulations applicable to it.

Date

Signed ..
(Licensed Surveyor)

4 ERRORS IN SURVEY DOCUMENTS

- 4.1 If during an audit by DOLA of Survey Documents or field records lodged with the Registrar the Inspector is of the opinion that a Survey Document or field record;
- 4.1.1 Is not error free; or
- 4.1.2 Does not comply with all existing regulations; or
- 4.1.3 Without good reason does not comply with the Practice Manuals,

Then the Inspector may, using discretion, do any one or more of the following:

- 4.1.4 Issue requisitions as appropriate to require such action as the Inspector deems fit to amend the Survey Document;
 - 4.1.5 Recommend to the Board that the Licensed Surveyor's or Verifying Surveyor's eligibility to verify survey documents be suspended. Until such time as the matter is resolved by the Board the Registrar may refuse to accept further plans signed by that particular Licensed Surveyor or Verifying Surveyor;
 - 4.1.6 In a severe case of an error or non-compliance with regulations by the Licensed Surveyor, the Verifying Surveyor or both, bring a charge to the Board
- 4.2 If errors are later found on any survey document after it has been made in order for dealings and if the Inspector considers that the documents are not of an acceptable standard despite having previously been accepted or acted upon, the Inspector may do any one or more of the following:
- 4.2.1 Requisition the surveyor and require the surveyor to rectify or pay the cost of any rectification;
 - 4.2.2 Recommend to the Board that the Licensed Surveyor's or Verifying Surveyor's eligibility to verify survey documents be suspended. Until such time as the matter is resolved by the Board the Registrar may refuse to accept further plans signed by that particular Licensed Surveyor or Verifying Surveyor;
 - 4.2.3 Bring a charge to the Board under the LSA.

5 SURVEYORS NO LONGER ELIGIBLE TO VERIFY SURVEY DOCUMENTS

A surveyor who is no longer eligible to verify Survey Documents is not entitled to lodge Survey Documents at DOLA unless those documents have been verified in accordance with Directions 3.2 and 3.3.

These directions are issued this 16TH day of May 2001


Registrar of Titles