

# Surveyors Act 1929 No 3

[1929-3]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2001](#)

### Authorisation

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# Surveyors Act 1929 No 3



New South Wales

An Act to provide for the registration of surveyors of land; to regulate the making of surveys of land; to amend the [Real Property Act 1900](#) and certain other Acts; and for purposes connected therewith.

## Part 1 Preliminary

### 1 Name of Act and repeal

- (1) This Act may be cited as the [Surveyors Act 1929](#) and shall commence on a date to be appointed by the Governor and notified by proclamation published in the Gazette.
- (2) As from the expiration of eighteen months after the commencement of this Act:
  - (a) section eleven of the [Real Property Act 1900](#) is repealed, and
  - (b) (Repealed)
- (3) Where in any other Act, rule, regulation, ordinance or by-law reference is made to the Chief Surveyor, such reference shall be deemed to mean the Surveyor-General.
- (4) Where in this Act or in any other Act, rule, regulation, ordinance, or by-law reference is made to a licensed surveyor, such reference shall, on and after the expiration of eighteen months from the commencement of this Act, be deemed to mean a surveyor registered under this Act.

### 2 (Repealed)

### 3 Definitions

In this Act, unless the context otherwise requires:

**Board** means Board of Surveyors of New South Wales constituted under this Act.

**Institution** means Institution of Surveyors, New South Wales, Incorporated, or its successors.

**Member** means member of the board.

**Practise** in relation to surveyor or surveying refers to practising surveying for fee or

reward.

**Prescribed** means prescribed by this Act or by any regulation made thereunder.

**Reciprocating State** means any country, as defined in section 11, with the Surveyors' Board or other competent authority of which reciprocal arrangements have been made pursuant to that section.

**Register** means register of surveyors.

**Registrar** means registrar of the board.

**Survey** means a measurement or delimitation of land authorised or required:

- (a) under any Act dealing with the alienation, leasing or occupation of Crown lands or lands of the Crown or affecting titles to land, or
- (b) subject to section 25, under any Act dealing with mining, or
- (c) by the Crown, the proprietor, lessee or mortgagee of the land or a prospective proprietor, lessee or mortgagee thereof, or
- (d) in connection with the dedication, reservation, compulsory acquisition or disposal thereof for any purpose under the authority of any Act,

and includes all matters prescribed which are incidental to or consequent upon such measurement or delimitation, and **surveying** has a meaning corresponding with that of "survey".

**Surveyor** means person registered under this Act as a surveyor.

## Part 2 The Board of Surveyors

### 4 Incorporation of board

- (1) There is hereby constituted a board, consisting of:
  - (a) the Surveyor-General, who shall ex officio be a member and president of the board,
  - (a1) the Deputy Surveyor-General, who shall ex officio be a member of the board,
  - (b) one member appointed by the Governor being a person who is the dean or head or a professor or other member of a school, department or faculty of surveying in the University of New South Wales or some other prescribed University or educational institution, and
  - (c) five other members (being surveyors) who shall be appointed by the Governor.
- (2) The board, under the name of the Board of Surveyors of New South Wales, shall be a

body corporate, with power to hold lands, and to sue and be sued, and shall have a seal which shall be judicially noticed.

## **5 Nomination and appointment of members**

In the month of January following the commencement of the [Surveyors \(Amendment\) Act 1964](#) and in the month of January in every second year thereafter the Surveyor-General and the Registrar-General may each nominate to the Minister a surveyor, and the Institution may so nominate three surveyors to be members of the board.

The Minister as soon as practicable after receipt of such nomination shall, if he or she approves thereof, recommend to the Governor the appointment of such persons as members of the board.

If the full number be not so nominated, or if any person nominated be not approved, the Minister shall recommend to the Governor the appointment of such other persons as shall be necessary to complete the board.

## **6 Tenure of office by members and quorum**

- (1) The members shall hold office until new members are appointed, and shall be eligible for reappointment.
- (2) Any member may apply to resign his or her seat on the board by letter addressed to the Minister, and upon being notified by the Minister that the Governor has approved of his or her resignation, shall cease to be a member.
- (3) The office of a member shall become vacant if such member:
  - (a) becomes bankrupt or compounds with or assigns his or her estate for the benefit of his or her creditors,
  - (b) is absent without leave of the board from three consecutive meetings of which due notice has been given to him or her either personally or by post,
  - (c) ceases to hold the qualification by virtue of which he or she was appointed a member.
- (4) The Governor may fill any vacancy by appointing a person nominated by the Surveyor-General or the Registrar-General, or the Institution, according as the person whose place is to be filled was nominated by the Surveyor-General or the Registrar-General, or the Institution.

If no person is so nominated within twenty-eight days from the occurrence of the vacancy, or if the Minister does not approve of the person nominated, the Governor may appoint a person recommended by the Minister to fill the vacancy.

- (5) Five members shall form a quorum.

The president of the board shall have an original and casting vote on any matter before the board.

In the absence of the president through sickness or otherwise, the Deputy Surveyor-General is to act as president and in the absence of the Deputy Surveyor-General through sickness or otherwise, the members present shall elect or appoint for the time being one of their number to be acting-president, and the Deputy Surveyor-General or the member so elected or appointed shall exercise all the powers conferred upon the president by this Act or the regulations.

- (6) Each member shall be paid and be entitled to retain for his or her own use such fees as the Governor may from time to time determine.
- (7) No act or proceeding of the board shall be invalid in consequence only of the fact that there was at the time a vacancy if there was at the time of the act or proceeding a quorum of the board.
- (8) A resolution signed by all members of the board holding office for the time being shall be as valid and effective as if it had been passed at a meeting of the board and any such resolution shall be recorded in the minutes of the board's proceedings.
- (9)
  - (a) The board may from time to time by resolution delegate to the president of the board such of the powers, authorities, duties and functions of the board (other than this power of delegation) as may be prescribed by the regulations and as are specified in the resolution.
  - (b) Any such delegation:
    - (i) may be revoked by the board by resolution,
    - (ii) shall not preclude the board from exercising the powers, authorities, duties or functions delegated, and
    - (iii) may be made either generally or for any particular case or class of cases.
  - (c) When acting within the scope of any such delegation to him or her, the president of the board shall be deemed to be the board.

## **7 Registrar and officers**

The Governor may, upon the recommendation of the Public Service Board, appoint a registrar of the board and such officers as are necessary for the administration of this Act. The Registrar and officers shall receive such remuneration and allowances as shall be fixed by the Public Service Board, and shall be subject to the provisions of the [Public Service Act 1979](#) during their tenure of office.

## **Part 3 The register**

### **8 Board to keep a register**

- (1) The board shall cause a register to be kept which shall contain the names, addresses, and qualifications of all surveyors, the respective dates on which they were registered, and such other matters as the board may think fit or as may be prescribed.
- (2) The board shall cause a notification of the registration of every surveyor to be published in the Gazette.
- (3) The board shall, in the month of January in each year, cause a copy of the register signed by the president to be printed and published by the Government Printer.
- (4) A copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed shall in all proceedings be prima facie evidence that the persons whose names are therein contained, and no others, were surveyors registered under this Act at the time when the said copy of the register purported to have been so signed.
- (5) A document purporting to be a copy of an entry in the register and to be signed by the president or the registrar shall, in all proceedings, be prima facie evidence of the existence of such an entry in the register at the time such document purports to have been so signed.

### **9 Removal from register**

The board may remove from the register the name of any person:

- (a) who dies, or
- (b) who becomes a mentally ill person, a protected person or an incapable person within the meaning of the [Mental Health Act 1958](#), or
- (c) who notifies the registrar that he or she desires that his or her name be removed, or
- (d) whose entitlement to practise as a surveyor in some place outside the State of New South Wales is revoked or cancelled in accordance with the law in force in that place except where such revocation or cancellation is at his or her own request.

#### **9A Amendment of entry**

The board may remove or amend any entry in the register if the entry is proved to its satisfaction to have been fraudulently made or procured or to be incorrect.

#### **9B Restoration of name removed from register**

- (1) The board:



(a) may, if it thinks fit, in any case, and

(b) shall, where the surveyor affected has been reinstated pursuant to section 14 (4), restore to the register any name removed therefrom and such restoration may be made without payment of a fee or on payment of such fee, not exceeding the prescribed roll fee, as the board may direct.

(2) Nothing in subsection (1) shall affect the provisions of section 10 (6).

## **Part 4 Registered surveyors**

### **Division 1 Preliminary**

#### **10 Persons entitled to be registered**

- (1) No person shall be entitled to be registered as a surveyor unless he or she has attained the age of twenty-one years, and satisfied the board that he or she is of good fame and character.
- (2) Subject to this Act, a person shall be entitled to be registered as a surveyor who:
  - (a) holds a subsisting licence to survey issued before the commencement of this Act by the Surveyor-General or Chief Surveyor of the Department of Lands,
  - (b) has obtained the prescribed certificate of competency after the prescribed examination, or
  - (c) is entitled to practise as a surveyor in any reciprocating State, and has otherwise complied with the conditions of this Act, or
  - (d) has passed in any country outside New South Wales, not being a reciprocating State, an examination approved of by the board, and has also passed such further examination or has gained such practical experience with a surveyor in New South Wales, or both of these, as the board may require:

Provided that:

- (i) the board may refuse to register any person who being the holder of a subsisting licence to survey has been refused a special licence to practise as a surveyor under the [Real Property Act 1900](#) or whose special licence to so practise has been cancelled,
- (ii) any person who does not hold a subsisting licence to survey at the commencement of this Act but who has been engaged in the practice of surveying within the State of New South Wales as a principal for not less than five years continuously immediately before the commencement of this Act, or any person who has been engaged solely in the business of surveying within the State of New

South Wales for a period of not less than eight years continuously immediately before the commencement of this Act may, within a period of eighteen months from such commencement, apply to be registered as a surveyor under this Act.

If such person satisfies the board by evidence that he or she is competent to survey, the board shall register such person as a surveyor without the necessity of passing the examination prescribed by this Act.

- (3) An application to the board for registration shall:
  - (a) be made as prescribed,
  - (b) be supported by such evidence as the board may require, and
  - (c) be accompanied by a fee in accordance with the prescribed scale.
- (4) Every surveyor shall before or in the month of July in each year pay to the registrar the prescribed roll fee.
- (5) If any surveyor does not pay the prescribed roll fee before or in the month of July, in any year, the board shall notify him or her, by letter addressed to him or her at the address appearing in the register, that if the fee is not paid before the last day of October next following his or her name will be removed from the register. If any surveyor who has been so notified fails to pay such fee before the said last day of October, the board shall remove his or her name from the register.
- (6) If the name of any surveyor is removed from the register under this section, the board shall restore his or her name to the register upon payment of such fees as are prescribed.
- (7) A surveyor who changes his or her address as appearing in the register shall, within three months thereafter, notify the board of his or her new address and the board shall thereupon alter the entry in the register relating to that surveyor accordingly.
- (8) A surveyor who fails to comply with the provisions of subsection (7) shall be liable to a penalty not exceeding 0.5 penalty unit.
- (9) A surveyor who, before the date of assent to the [Statute Law \(Miscellaneous Provisions\) Act 1992](#), paid the prescribed roll fee for 1992 is, on further payment of half the amount of that fee, taken to have paid the prescribed roll fee for the period ending 30 June 1993.

## **11 Reciprocal arrangement by board with other countries etc**

- (1) The board may enter into a reciprocal arrangement with the Surveyors' Board or other competent authority of any country for the recognition of the status of any person authorised by such board or other authority to practise as a surveyor in such country, and for the registration of such person as a surveyor under this Act.

- (2) Any such arrangement may contain a condition that any such person applying to be registered under this Act shall furnish additional evidence of character and competency to the satisfaction of the board.
- (3) Any reciprocal arrangement entered into by the board for the purposes specified in subsection (1) and subsisting immediately before the commencement of the [Surveyors \(Amendment\) Act 1964](#) shall be deemed to have been entered into pursuant to the provisions of that subsection.
- (4) In this section **country** means the United Kingdom of Great Britain and Northern Ireland, the Dominion of New Zealand, any State or Territory of the Commonwealth of Australia and any other prescribed country, state, territory or place.

## **Division 2 Powers and duties of surveyors**

### **12 Right to make surveys**

- (1) No person, unless registered under this Act, shall practise as a surveyor.
- (2) Any person who acts in contravention of the provisions of this section, or who takes or uses any title, initials, addition, or description implying that he or she is registered under this Act when he or she is not so registered, shall be liable to a penalty not exceeding 20 penalty units.
- (3) This section shall not extend to:
  - (a) a person who is enrolled as a candidate in accordance with the regulations and is gaining practical experience under the supervision of a surveyor,
  - (b) a surveyor's assistant or draftsman acting in the course of the duties usually performed by surveyors' assistants or draftsmen, as the case may be.

### **13 Power of entry upon lands**

- (1) In making any survey or for any purpose relating thereto, a surveyor with his or her assistants, upon giving the prescribed notice, may enter any land, and for that purpose may open any fence, may insert any survey mark and may enter any building for the purpose of determining the position of a wall or for defining a boundary which is otherwise inaccessible.

This section shall not exempt any surveyor from liability for any damage he or she or his or her assistants may commit; but the employer of the surveyor shall be liable to reimburse the surveyor or the assistants if the act occasioning such damage was necessary for the due making of the survey.

- (2) Any person who unlawfully and wilfully obliterates, removes, or defaces any survey mark, or obstructs a surveyor or his or her assistants in the exercise of the powers hereby conferred, shall be liable to a penalty not exceeding 5 penalty units, and in

addition may be ordered to pay the costs of re-establishing such mark.

## **Division 3 Charges against surveyors**

### **14 Power of board to deal with offences**

- (1) Upon a charge made as hereinafter prescribed and after inquiry, if it is shown with respect to any surveyor that:
- (a) he or she has certified to the accuracy of any survey, knowing the same to be inaccurate, or without having taken reasonable precautions to verify its accuracy, or
  - (b) he or she wilfully or by culpable negligence or through incompetence has made, or caused to be made under his or her supervision, any survey which is so inaccurate or defective as to be unreliable, or
  - (c) his or her certificate of competency has been obtained by fraud, or
  - (d) his or her certificate of competency had been issued in error, or
  - (e) after registration, he or she has been convicted of an indictable offence, or of any offence which, if committed within this State, would be an indictable offence, or
  - (f) he or she does not possess the qualification in respect of which he or she was registered, or
  - (g) he or she has failed to comply with any of the provisions of this Act or the regulations made thereunder, or
  - (h) he or she has been convicted of an offence relating to the duties and functions of surveyors, the carrying out of surveys or matters incidental to or consequent upon surveys, under any Act or regulation, other than this Act and the regulations made thereunder, or under any ordinance or by-law, or
  - (i) he or she has been guilty of misconduct in a professional respect,
- the board may:
- (i) remove the name of such surveyor from the register, or
  - (ii) suspend such surveyor from practice as a surveyor for any period not exceeding three years and the details of such suspension shall be entered in the register.
- (1A) Without limiting the meaning of the expression “misconduct in a professional respect” in paragraph (i) of subsection (1), a surveyor shall be deemed guilty of such misconduct if:
- (a) after the expiration of twelve months from the commencement of the *Surveyors*

(Amendment) Act 1964, and except where this Act otherwise provides or the board permits, he or she practises surveying:

- (i) on his or her own account under a name other than his or her own name, or
  - (ii) in partnership or association under a name other than his or her own name and the name of each other person in partnership or association with whom he or she is so practising,
- (b) in connection with the practice of surveying he or she uses or allows the use of his or her name at premises at or from which, in the opinion of the board, he or she or his or her partners or associates, if any, do not regularly practise surveying,
- (c) without the permission of the board, he or she allows his or her name to be joined in connection with the practice of surveying with the name of a person not registered under this Act, except where the name is that of a deceased or retired partner who was a surveyor at the time of his or her death or retirement, and the registrar has been so notified,
- (d) he or she uses or publishes, or allows the use or publication of, any title, name, words, or letters which are capable of being understood to indicate that he or she is qualified in surveying, or as a surveyor, other than such title, name, words, or letters as truly indicate a qualification in surveying or as a surveyor which he or she in fact holds or possesses, or
- (e) he or she directly or indirectly gives or offers, or agrees to give or offer, any person any commission, gratuity, service or other consideration whatever for securing or attempting to secure for him or her any instructions to make surveys or any work in connection with surveys.
- (2) The board may in addition to suspension or as an alternative thereto make all or any of the following orders:
- (a) impose a fine on such surveyor not exceeding 20 penalty units by way of penalty,
  - (b) order such surveyor to pay the cost of the correction of his or her work,
  - (c) order such surveyor to pay such sum as the board thinks adequate as compensation to his or her client,
  - (d) order such surveyor to pay a specified sum as costs in the case.
  - (e) (Repealed)
- (2A) Nothing in this section shall authorise the board to impose a fine:
- (a) in any case coming within paragraph (e) or (h) of subsection (1), or
  - (b) where a surveyor has been convicted by a court as a result of his or her failure to

comply with the particular provision of this Act or the regulations made thereunder in respect of which a charge has been made pursuant to paragraph (g) of subsection (1).

- (2B) In any case coming within paragraph (g) or (h) of subsection (1), no person shall be liable to have his or her name removed from the register or be suspended from practice if his or her failure to comply with the Act, regulation, by-law or ordinance concerned does not, either from its trivial nature or the circumstances under which it took place, render such person unfit in the public interest to practise surveying.
- (2C) The board may suspend from practice any surveyor whose entitlement to practice in a reciprocating State is suspended under the law in force in the reciprocating State. The board shall not impose a period of suspension under this subsection which expires later than the period of suspension imposed by the Surveyors' Board or other competent authority of the reciprocating State.
- (3) The board may in the case of an order of the board not being complied with suspend the surveyor until the order is complied with or may remove his or her name from the register.
- (4) The board may for sufficient cause reinstate a surveyor whose name has been removed from the register or who has been suspended from practice.
- The removal of a surveyor's name from the register, his or her suspension from practice or his or her reinstatement shall be notified in the Gazette.
- (5) Any person whose name has been removed from the register or who has been suspended from practice who practises as a surveyor before his or her reinstatement has been so notified in the Gazette and his or her name, if removed from the register, has been restored thereto shall be liable to a penalty not exceeding 20 penalty units.

## **15 Charge against a surveyor**

- (1) Every charge against a surveyor under the last preceding section shall be submitted to the board in writing, signed by the person making the charge, and shall, except where the charge is made by a person authorised in writing to make such charge by the Institution or by an officer of any Government department or statutory authority constituted for public purposes, be accompanied by a deposit of twenty dollars; and, if it appears to the board that the charge is one into which an inquiry should be held, the board shall fix a time and place for that purpose.
- (2) At least thirty days prior to the date fixed for such inquiry, notice in writing shall be sent by certified or registered mail to the last-known postal address of the person so charged, informing him or her of the time and place fixed for the inquiry, and supplying him or her with a copy of all charges proposed to be considered at such inquiry.

- (3) At such inquiry, the person charged shall be entitled to be heard in his or her defence and to be represented by counsel, solicitor or agent.
- (4) Where the board is of the opinion that the charge is vexatious or frivolous it shall so declare and thereupon the sum deposited shall be forfeited. In the absence of any such declaration the sum so deposited shall be refunded to the complainant.

#### **16 Reviews by Administrative Decisions Tribunal of decisions of board on inquiry**

Any person dissatisfied with any decision of the board on an inquiry under this Part may apply to the Administrative Decisions Tribunal for a review of the decision of the board.

### **Part 5 Miscellaneous**

#### **Division 1 General**

##### **17 Power of board to examine on oath**

- (1) The board may, for the purposes of this Act, examine any person on oath, or may require or accept evidence by statutory declaration from any person.
- (2) If any person wilfully makes any false statement or declaration, or utters or attempts to utter, or put off as true before the board any false, forged, or counterfeit document, he or she shall on summary conviction be liable to imprisonment for a term not exceeding twelve months.

##### **18 Power to summon witnesses**

- (1) The board may by the registrar or any person thereunto authorised in writing under the hand of the president in the name of the board, summon any person to attend before the board for the purpose of being examined with respect to any matter within the jurisdiction of the board.
- (2) Every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him or her, or who refuses to be sworn or to make a statutory declaration, or to be examined or to answer any relevant question, shall be liable to a penalty not exceeding 5 penalty units.

##### **19 Penalty for forging registration**

Any person who wilfully makes or causes to be made any false entry in, or falsification of, the register, and any person who wilfully procures, or attempts to procure, himself or herself, or any other person to be registered under this Act, by making or producing, or causing to be made or produced any false or fraudulent representation, either verbally or in writing, and any person aiding or assisting therein, shall on summary conviction be liable to imprisonment for a term not exceeding twelve months.

## **20 Examinations**

The board may appoint and pay fees to examiners and hold examinations, and shall give certificates of competency in surveying to persons who have fulfilled the conditions prescribed.

Members of the board may be appointed and paid fees as examiners under this section.

## **21 Fees to be paid into Consolidated Fund**

- (1) All moneys received by the board shall be paid into the Treasury to the account of the Consolidated Fund.
- (2) The board shall furnish to the Minister such reports, accounts, vouchers, and documents relating to any matter entrusted to or performed by the board, as the Minister may require.

## **22 Recovery of fees and penalties**

Any penalty and all fees payable under this Act or any regulation thereunder, or any fine or sum of money ordered to be paid by the board in pursuance of section 14, may be recovered before any Magistrate or any two Justices sitting or acting as a Local Court.

## **23 Regulations**

- (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without limiting the generality of the foregoing power the Governor may make regulations concerning:
  - (a) the appointment of examiners, and the holding of and subjects of, and fees for examinations,
  - (b) the meetings and procedure of the board,
  - (c) the manner of keeping the register,
  - (d) the forms to be used for the purposes of this Act,
  - (e) the nature of the evidence to be produced upon an application for registration,
  - (f) the granting of certificates of competency,
  - (g) the certificates, diplomas, degrees, licences, or other documents, which will be recognised by the board,
  - (h) the fees to be paid,
  - (i) (Repealed)



- (j) proceedings in connection with inquiries,
  - (k) matters for the information and guidance of surveyors in carrying out surveys, and matters incidental to or consequent on surveys,
  - (l) the making and marking of surveys, and matters incidental to or consequent on the making and marking of surveys,
  - (m) the character and extent of supervision to be exercised by a surveyor over surveys,
  - (n) standards of measurement and accuracy to be adopted for the purpose of surveys,
  - (o) advertising by surveyors.
- (2) A regulation may impose a penalty not exceeding 5 penalty units for any breach thereof.
- (3) The regulations may prescribe a scale of roll fees to be paid by surveyors in active practice, by surveyors in employment, and by other surveyors.
- (4) (Repealed)

## **24 Evidence**

- (1) A copy of the Gazette purporting to contain any notification published under or for the purposes of this Act shall be prima facie evidence of the facts therein stated.
- (2) Every court shall take judicial notice of the signature of the president or acting president of the board.

## **25 Saving**

Nothing in this Act shall affect surveyors employed by the owner, agent, or manager of any mine in giving effect to any provision of the [Mines Inspection Act 1901](#), or the [Coal Mines Regulation Act 1982](#), relating to surveys in connection with mines.

## **Division 2 Taxation of bill of surveyor**

### **26 Delivery of signed bill by surveyor and taxation of bill**

- (1) No surveyor shall, unless by leave of the Land and Environment Court, commence any action or suit for the recovery of any fee, charge, or disbursement for or in connection with work done by him or her as such surveyor until the expiration of one month after he or she has delivered to the party charged therewith personally or by post a bill of such fee, charge, or disbursement signed by him or her.
- (2) On application to the registrar made within the said month, or at any time thereafter

on the order of the court, the bill shall be taxed by the registrar, and the registrar shall issue to the parties a certificate of the amount allowed by him or her on such taxation. The scale of costs to be applied by the registrar shall be that in force for the time being and issued by the Institution.

- (3) The court may order the registrar, on application made within one month after the issue of his or her certificate, to review and correct his or her taxation of a bill.
- (4) No surveyor shall be entitled to recover in respect of work charged for in any such bill an amount exceeding that allowed by the registrar on taxation of such bill.
- (5) In this section, **registrar** means registrar of the Land and Environment Court.

## **27 Surveyor to produce field book etc**

- (1) The board may order a surveyor to produce or make available for its inspection any document in his or her possession, custody or control relating to the making of any survey or to any matter arising under this Act or the regulations made thereunder, and any member of the board or the registrar may make extracts therefrom or copies thereof.
- (2) Any such document shall be retained by the board only for such period as may reasonably be required for the purpose of inspection and making extracts or copies or, if its production is ordered during the conduct and for the purposes of an inquiry under section 14, until the completion of the inquiry.
- (3) Except as provided in subsection (4) no information contained in any document produced or made available pursuant to subsection (1) or any extract therefrom or copy thereof shall be disclosed by the members of the board or the registrar to any other person without the permission of the surveyor producing the document or making it available.
- (4) Information contained in a document produced or made available pursuant to this section during the conduct of and for the purposes of an inquiry under section 14 may be disclosed by the board in the course of the inquiry if it is relevant to the charge being investigated, but if the nature of the document is such that it is not possible to obtain relevant information therefrom without disclosing other information, that other information may be disclosed to the extent that it is necessary to obtain relevant information.
- (5) Any order made by the board pursuant to this section shall be in or to the effect of the form prescribed and a copy of the order under the hand of the registrar shall be delivered to the surveyor personally or sent to him or her by letter sent by certified or registered mail addressed to his or her last-known postal address.
- (6) The surveyor to whom the order refers shall comply with the terms thereof within seven days of its receipt or such further time as the board may allow.

(7) In this section, **document** includes any field book, field notes, plan or record.

## **28 Continuation of name of deceased surveyor**

Notwithstanding any other provision in this Act, upon the death of a surveyor the board may authorise his or her executor, administrator or trustee to carry on, for such period as the board may determine and in the name of such deceased surveyor, the practice formerly carried on by him or her provided the practice is so carried on under the personal supervision of a surveyor, who may be such executor, administrator or trustee, and provided the name of such supervising surveyor is registered with the board as superintendent of the practice.

## **29 Protection of board and members and others from liability**

No matter or thing done or suffered by the board, or any member of the board, or the registrar, or any person duly authorised under any provision of this Act, bona fide in the execution or intended execution of such Act, or the exercise or discharge or intended exercise or discharge of any of its or his or her powers, authorities, duties or functions, shall subject the board or any member of the board, or the registrar, or such person, or the Crown, to any liability in respect thereof.