

No. 19 of 1977

AN ORDINANCE

To amend the *Surveyors Ordinance 1967*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this sixteenth day of June, 1977.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

SURVEYORS (AMENDMENT) ORDINANCE 1977

1. This Ordinance may be cited as the *Surveyors (Amendment) Ordinance 1977*.^{*} Short title.

2. The *Surveyors Ordinance 1967*[†] is amended by inserting after section 48 the following sections:—

“ 49. A registered surveyor who has carried out a survey for a person is not entitled to commence an action for the recovery from that person of fees or charges for the survey unless— Commence-
ment of
action for
recovery of
fees or
charges in
respect of
survey.

(a) he has served or caused to be served on that person, by delivery to that person personally or by post addressed to that person at his last-known place of residence or business, an account setting out particulars of the fees or charges, a brief statement of the nature of the survey carried out, the date or dates on which it was carried out, and the place where it was carried out; and

(b) a period of 3 months has elapsed since that service of the account and the account is unpaid at the end of the period.

“ 49A. (1) A person liable to pay fees or charges to a registered surveyor in respect of a survey may, within 1 month after service upon him of an account for fees or charges in accordance with section 49, apply in writing to the Board to review the account. Review of
account for
fees or
charges in
respect of
survey.

^{*} Notified in the *Australian Government Gazette* on 21 June 1977.

[†] Ordinance No. 34, 1967 as amended by Nos. 7 and 24, 1970; No. 27, 1975; and Nos. 47 and 61, 1976.

“(2) The Board shall, upon receiving an application under sub-section (1), review the account and certify, under the hand of the Chairman or Deputy Chairman, the amount which, in the Board’s opinion, is a reasonable amount of fees or charges for the survey.

“(3) The Board shall, in such a certificate, set out the facts on which the certificate is based.

“(4) The Board may require a person to furnish such information as it thinks necessary or desirable for the purpose of a review under this section and may fix a time within which the information shall be furnished.

“(5) If a person does not furnish, within the time fixed, the information required by the Board under sub-section (4), the Board may proceed to review an account for fees or charges without the information.

“(6) In reviewing an account under this section, the Board is not required to conduct a formal hearing, but the Board shall inform the applicant for the review and the registered surveyor of any information furnished to the Board under sub-section (4).

“(7) In reviewing an account under this section, the Board shall have regard, in particular, to—

- (a) the time occupied in carrying out, and the nature of, the survey;
- (b) the distance between the surveyor’s place of business and the place of the survey;
- (c) the degree of skill, knowledge or experience required in the carrying out of the survey;
- (d) the value of the land surveyed; and
- (e) any special circumstances brought to the attention of the Board in relation to the survey.

“(8) In proceedings for the recovery of fees or charges in respect of a survey, a certificate of the Board under sub-section (2) in relation to that survey is evidence that the amount certified in the certificate is a reasonable amount of fees or charges for the survey.

“(9) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman appearing on a certificate under sub-section (2) and of the fact that the person by whom the certificate purports to have been signed was, at the time, the Chairman or Deputy Chairman, as the case may be.

“(10) Application may be made to the Tribunal for a review of a decision of the Board under sub-section (2).

“(11) In sub-section (10), ‘Tribunal’ means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.”.