



VICTORIA GOVERNMENT GAZETTE.

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THURSDAY, AUGUST 12.

[1920.

TO THE HONORABLE THE CHIEF SECRETARY.

I HEREBY give you notice that it is my intention, on Monday next, the sixteenth day of August, to issue a Writ for the Election of a Member to serve in the Legislative Council of Victoria for the North-Eastern Province. Dated this twelfth day of August, One thousand nine hundred and twenty.

WALTER MANIFOLD,
President.

AMENDED REGULATIONS UNDER THE LAND ACT 1915.

At the Executive Council Chamber, Melbourne, the third day of August, 1920.

PRESENT:

His Excellency the Lieutenant-Governor of Victoria.

Mr. Lawson	Mr. Mackinnon
Mr. Hutchinson	Mr. Hicks.
Mr. Oman	

WHEREAS by Sections 192, 234, 259, 284, and 329 of the Land Act 1915 power is given to the Governor in Council from time to time to make, alter, and rescind rules, regulations, and orders for the various purposes therein specified: Now therefore His Excellency the Lieutenant-Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby cancel the Regulations under the said Act made by Order in Council of 19th October, 1915, so far only as regards Part I., Chapter IV.—Survey, and in lieu thereof doth make the following Regulations:—

PART I., CHAPTER IV.—SURVEY.

The following Regulations (Chapter IV.—Survey) to take effect from 1st July, 1920, shall be substituted for the corresponding Chapter of the Regulations made by His Excellency the Governor in Council on 19th October, 1915:—

CHAPTER IV.—SURVEY.

1. The methods to be employed in effecting surveys shall be those set forth in the Regulations of the Surveyors Board for the Guidance of Surveyors employed under the Land Acts.

2. In all surveys of subdivisions of township lands permanent reference marks shall be put in at the intersections of all streets or roads, and 10 links from one side thereof, such marks to consist of iron pins 18 inches in length by 1 inch square at top, or iron piping of similar length, and are to be driven under the surface of the ground, the position of such pins to be shown on plan and on field notes.

3. Every allotment shall, where it is practicable, contain at least two right angles, and be quadrilateral, and shall not have a shorter depth than double its frontage except where prevented by a boundary or natural feature, nor shall any allotment be allowed to cross a road or water-course that should reasonably form a boundary. If a narrow strip of land not less than 50 links in width be left between any allotment and a water frontage, the shortest side of the allotment shall front such strip of land, and where such strip is required for a roadway it shall be not less than 1½ chains in width. If an allotment abuts on a main road, the shortest side shall, where practicable, face such road. The boundary lines of allotments within a defined parish shall conform to the locally established meridian of that

parish, or as nearly thereto as circumstances will permit. Any departure from these instructions will necessitate a special report to be sent in with the plan.

4. Every allotment shall, where it is practicable, be surveyed as provided for in preceding clause; and no allotment shall be surveyed in a position or in a form which would, in the event of its being held separately, cut off access to water from any Crown land, or interfere with the profitable occupation of the same.

5. When a creek is the boundary of an allotment, the traverse of the creek shall form part of the geometrical figure used in calculating the area, and the areas of the portions lying between the traverse lines and the creek shall be computed from the offsets and insets, the average length of which shall not exceed 1 chain, or be taken out by the planimeter from a careful plot on an enlarged scale. Allotments fronting creek or river reserves shall have their frontages defined by metes and bounds, and marked in the ordinary manner unless otherwise directed. When a stream which carries with it a permanent reserve is found to have altered its course, the old bed shall be shown on plan and field notes, and a report furnished.

6. The subject of the selection of roads being one of vital importance, the attention of surveyors is specially directed to the following instructions in reference thereto:—Every surveyor acting under the Department shall as occasion arises communicate with the municipal council or councils who may be interested in any road survey, and request the co-operation of their engineer in selecting the best routes for leading lines of road through the unappropriated portions of the district. In the event of any municipal council neglecting or refusing to comply with his request, the surveyor shall proceed to select the best lines according to his own judgment; but the failure of the municipal authorities to co-operate shall not relieve him from the responsibility of making proper provision for all necessary roads; and in no case shall he survey a detached selection so as to block an existing track, or in a position likely to interfere with the public convenience, or block access to back country, until he has satisfied himself as to the road requirements of the locality in these respects, and make proper provision therefor. In cases where a difference of opinion may arise between himself and the municipal engineers, or where the surveyor has doubts in his own mind as to the proper course to pursue, he shall refer to the District Surveyor, and be guided by his directions. He shall also from time to time report to the District Surveyor any road which he may consider it desirable to survey, and if the District Surveyor deem it necessary, in the public interest, to traverse any track, leading feature, or permanently survey any line of road in advance of settlement, he shall consult the Surveyor-General or Assistant Surveyor-General.

7. In addition to the necessary main roads, carefully selected accommodation roads leading thereto or to permanent streams shall

be provided for as required or at intervals of from a mile to a mile and a half.

8. Every allotment shall have a road frontage, and wherever a road is shown on a plan it shall be laid off on the ground.

9. Surveyors shall be held responsible for any inconvenience that may arise either to the public or individuals through the improper blocking of existing tracks, the omission of necessary roads, or the selection of impracticable roads where practicable ones are possible.

10. In all cases where his measurements differ from those of any previous surveys, the surveyor shall furnish a special report with reference thereto.

11. Field books shall be the property of the Department, and shall be given up whenever demanded.

Plans.

12. The surveyor shall supply a plan of the allotment, showing all features correctly and the course within its boundaries of any stream, race, road, track, and the position of any water-hole, dam, hut, fence, garden, old gold workings, and any other information that may help to distinguish the allotment. He shall also state on the plan whether the bearings of the boundary lines have reference to the true or the magnetic meridian, and how determined; or, if taken from an adjacent survey, the datum line adopted shall be shown on the face of the plan. The scale of the plan, where the area of the allotment is 100 acres or less, shall be 8 chains to 1 inch; where the area is over 100 acres, 20 chains to 1 inch, unless a larger scale be required to show distinctly the matters hereinbefore directed to be shown. All plans shall be dated, below signature, as of the day when the plan was completed, and be certified as follows:—"I certify that this survey has been effected and marked on the ground in accordance with regulations, and that this plan is correct."

All plans on being completed shall be transmitted to the Department through the Land Officer for the district.

The types of plans issued with the Survey Regulations of 1908 shall be strictly adhered to.

Adjustment of Boundaries.

13. Whenever it may be necessary to adjust the boundaries of any surveyed land, the Surveyor-General shall on such adjustment certify as to the correct boundaries and area of the land or any portion or portions thereof, and for every such certificate there shall be charged such fee as the Minister may direct.

Survey Fees.

14. The survey fee payable on account of any portion of Crown land which has been recommended or is to be granted to any applicant shall be in accordance with the following Schedule of Fees and Scale applicable to the class of country in which such portion is situated, and the Surveyor-General shall determine the scale which shall apply to each district or locality of the State, and every such applicant shall pay the fee prescribed by those Regulations, even though the land has been previously surveyed and may or may not require further survey.

15. Schedule of Fees for Survey, and valuation of improvements, if any.

(a) Schedule of Fees for Country Surveys.

Areas.	Graduated Scale for Areas Specified.				
	1st Scale.	2nd Scale.	3rd Scale.	4th Scale.	5th Scale.
When the area does not exceed—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
3 acres ..	3 0 0	3 0 0	3 2 6	3 7 6	3 15 0
5 ..	3 0 0	3 2 6	3 5 0	4 0 0	4 15 0
10 ..	3 2 6	3 7 6	3 15 0	4 15 0	5 10 0
20 ..	3 7 6	3 17 6	4 12 6	5 15 0	7 0 0
30 ..	3 12 6	4 7 6	5 5 0	6 15 0	8 5 0
40 ..	3 17 6	4 17 6	5 17 6	7 12 6	9 5 0
50 ..	4 0 0	5 5 0	6 7 6	8 7 6	10 5 0
60 ..	4 2 6	5 12 6	6 17 6	9 0 0	11 5 0
70 ..	4 7 6	6 0 0	7 7 6	9 15 0	12 5 0
80 ..	4 10 0	6 7 6	8 7 6	10 10 0	13 5 0
90 ..	4 15 0	6 15 0	9 7 6	11 2 6	14 5 0
100 ..	5 0 0	7 2 6	10 7 6	11 17 6	15 5 0
120 ..	5 5 0	7 10 0	11 7 6	12 10 0	16 5 0
140 ..	5 10 0	7 17 6	12 7 6	13 2 6	17 5 0
160 ..	5 15 0	8 5 0	13 7 6	14 10 0	18 5 0
180 ..	6 0 0	8 12 6	14 7 6	15 15 0	19 5 0
200 ..	6 5 0	9 0 0	15 7 6	16 15 0	20 5 0
220 ..	6 10 0	9 7 6	16 7 6	17 10 0	21 5 0
240 ..	6 15 0	10 5 0	17 7 6	18 15 0	22 5 0
260 ..	7 0 0	11 2 6	18 7 6	19 15 0	23 5 0
280 ..	7 5 0	12 0 0	19 7 6	20 15 0	24 5 0
300 ..	7 10 0	12 7 6	20 7 6	21 15 0	25 5 0
320 ..	7 15 0	13 5 0	21 7 6	22 15 0	26 5 0
400 ..	8 5 0	14 5 0	22 7 6	23 15 0	27 5 0
480 ..	9 5 0	15 5 0	23 7 6	24 15 0	28 5 0
640 ..	11 0 0	17 0 0	25 7 6	26 15 0	30 5 0
800 ..	12 0 0	18 0 0	26 7 6	27 15 0	31 5 0
1,000 ..	13 0 0	19 0 0	27 7 6	28 15 0	32 5 0
1,280 ..	14 0 0	20 0 0	28 7 6	29 15 0	33 5 0
1,600 ..	15 0 0	21 0 0	29 7 6	30 15 0	34 5 0
1,920 ..	16 0 0	22 0 0	30 7 6	31 15 0	35 5 0

Single auction lots, Business, Residence, and Garden sites, even though within a township, shall come under this Schedule.

Schedule of Fees for Malloo Surveys:—

Area.	Scale for Areas Specified.	
	£	s. d.
100 acres	5	15 0
Not exceeding 200 acres	7	5 0
320 "	8	15 0
480 "	10	10 0
640 "	11	5 0
800 "	12	10 0
1,000 "	13	15 0
1,280 "	15	0 0
1,600 "	16	15 0
1,920 "	18	5 0

For contiguous allotments less than four in number full fees shall be allowed to the Surveyor; for groups of eight or under, one-fifth reduction shall be made; for groups of more than eight allotments, one-fourth reduction.

In the event of the selection of portion of a grazing area or the subdivision thereof in the interest of the wife, husband, or any child of the lessee, and if full survey-fee for the area leased has been paid by such lessee, two-thirds of the amount prescribed in schedule (a) shall be charged for the necessary further surveys.

No selection or subdivision of a grazing area shall be allowed until the unpaid instalments of survey-fee have been paid.

For surveys to which Schedule 15 (a) and the schedule for Malloo surveys apply, supplementary payments to the amount of one-fifth of such fees will be made by the Department.

(b) For Suburban Allotments from 3 to 10 acres each.

No. of Allotments.	1st Scale.	2nd Scale.	3rd Scale.	4th Scale.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1 ..	3 15 0	4 1 0	4 9 0	5 11 0
2 ..	5 2 0	5 18 0	6 14 0	8 8 0
3 ..	6 6 0	7 13 0	8 17 0	11 2 0
4 ..	7 7 0	8 19 0	10 7 0	13 0 0
5 ..	8 8 0	10 5 0	11 17 0	14 17 0
6 ..	9 9 0	11 10 0	13 6 0	16 12 0
7 ..	10 5 0	12 9 0	14 8 0	18 0 0
8 ..	11 1 0	13 8 0	15 10 0	19 8 0
9 ..	11 17 0	14 7 0	16 12 0	20 16 0
10 ..	12 12 0	15 6 0	17 14 0	22 4 0
Additional allotments	14s. each	17s. each	21s. each	26s. each

One allotment under 5 acres shall be paid under country scale 15(a).

(c) For Town and Suburban Allotments up to 3 acres each.

No. of Allotments.	1st Scale.	2nd Scale.	3rd Scale.	4th Scale.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1 ..	3 12 0	3 15 0	4 4 0	4 15 0
2 ..	3 15 0	4 6 0	5 2 0	6 9 0
3 ..	4 7 0	5 7 0	6 9 0	8 5 0
4 ..	4 17 0	6 0 0	7 6 0	9 5 0
5 ..	5 7 0	6 13 0	8 3 0	10 5 0
6 ..	5 17 0	7 6 0	8 19 0	11 5 0
7 ..	6 7 0	7 19 0	9 15 0	12 5 0
8 ..	6 17 0	8 12 0	10 10 0	13 4 0
9 ..	7 7 0	9 5 0	11 5 0	14 2 0
10 ..	7 17 0	9 16 0	11 18 0	15 0 0
11 ..	8 6 0	10 7 0	12 11 0	15 16 0
12 ..	8 15 6	10 17 0	13 4 0	16 12 0
13 ..	9 3 0	11 7 0	13 16 0	17 8 0
14 ..	9 11 0	11 17 0	14 8 0	18 4 0
15 ..	9 19 0	12 7 0	15 0 0	19 0 0
16 ..	10 7 0	12 17 0	15 12 0	19 16 0
17 ..	10 15 0	13 7 0	16 4 0	20 12 0
18 ..	11 3 0	13 17 0	16 16 0	21 8 0
19 ..	11 11 0	14 7 0	17 8 0	22 4 0
20 ..	11 11 0	14 7 0	17 8 0	22 4 0
Additional allotments	0 7 6	0 9 0	0 10 6	0 13 0

The fee for dividing a previously surveyed allotment, or of other partial survey, shall be determined by the Surveyor-General or Assistant Surveyor-General.
The minimum fee for school site surveys shall be £4 4s.

Roads.

	Per Mile.														
	1st Scale.		2nd Scale.		3rd Scale.		4th Scale.		5th Scale.						
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.					
(d) Up to 2 chains in width, the run side cleared and both sides marked, <i>vide</i> Regulations ..	3	5	0	5	0	6	17	0	10	17	0	14	12	0	
(e) Three chains, ditto, ditto, ditto ..	3	10	0	5	8	0	7	7	0	11	18	0	15	15	0

Roads through an allotment, if carefully selected and approved, shall be paid for by the Department.

(f) For road surveys in 4th and 5th scale, country necessitating careful selection and grading, a fee of £6 6s. per mile will be allowed as a payment for ranging and grading the centre line with clinometer.

For main or important roads in 3rd scale country, where, by reason of the existence of scrub or other obstruction, the grading of the centre line of the road cannot be satisfactorily effected concurrently with the running of the side line, a grading fee of £4 4s. per mile will be allowed.

The graded lines shall be pegged, but not trenched, pegs 3 inches square shall be firmly driven, and showing a length of at least 6 inches above the surface.

No grading fee will be paid unless independent notes showing the graded lines are furnished.

Running the centre line of a road and laying off the side lines therefrom will not be permitted; in all cases one side of the road must be run on the ground.

For new roads forming the boundary of selections to be laid off and marked, a fee of one-fourth road rates will be paid in 3rd, 4th, and 5th scale country.

Boundary, Standard, and Re-survey Lines:—

	Per Mile.														
	1st Scale.		2nd Scale.		3rd Scale.		4th Scale.		5th Scale.						
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.					
(g) Cleared, pegged, and trenched, with plan and field notes ..	2	15	0	4	0	0	5	9	0	7	10	0	9	7	0
(h) Connexion, check and traverse lines, not trenched ..	1	10	0	2	2	0	2	14	0	3	14	0	4	14	0
(j) Lines re-chained only ..	0	11	0	0	16	0	1	1	0	1	10	0	2	0	0

Where crooks intersecting blocks are surveyed and excised by lines marked on both sides, line rates will be paid under clause 15 (g).

(k) The above fees shall cover the necessary traversing to fix artificial or natural features, valuation of improvements (if any), in addition to the furnishing of plans, copy of field notes, and computations.

(l) In special cases where in order to effect a survey, the surveyor has to undertake a journey of exceptional difficulty, involving excessive loss of time, such travelling allowance, not exceeding £5 5s., as may be authorized by the Surveyor-General or the Assistant Surveyor-General, may be paid.

(m) The surveyor shall, on the prescribed form, when ordered by the District Surveyor, furnish a full report on every survey made by him, and for such report a fee as under will be paid:—

On an area over 100 acres ..	s. d.	10	0
" between 20 and 100 acres ..	s. d.	7	6
" under 20 acres ..	s. d.	5	0

(n) When surveyors are employed by the day the fee shall be £5 5s., with wages of labourers employed and conveyance included up to one week. For a longer period subject to special arrangement.

(o) In all new surveys in 5th scale country the four principal angles shall be marked with iron piping instead of ordinary pegs and without additional fee.

(p) For substituting permanent marks (iron piping) for pegs on previously surveyed lines, at such intervals and in such localities as may be specially directed, a fee of Five shillings per angle shall be paid.

(r) Surveys not specified above shall be the subject of special arrangement.

16. Whenever it shall appear to the Surveyor-General or the Assistant Surveyor-General that the survey of any allotment is exceptionally difficult or expensive from its isolated position or any other cause, such extra charge as he may deem fit may be imposed for the survey.

17. When a surveyor is instructed to submit a design for the subdivision of township lands, he shall make such preliminary survey as may be absolutely necessary to enable him to prepare the design providing for all drainage requirements and proper access. In the event of the work not being carried out, the surveyor shall be paid at the rates mentioned in clause 15 (h).

18. No survey shall be held to be a survey under the direction of the Board of Land and Works within the meaning of the 169th section of the Land Act 1915 until the Surveyor-General or the Assistant Surveyor-General shall be satisfied of its accuracy, and the applicant shall be responsible for the payment of any further sum that may be required for the survey of the allotment, or for any modification of the plan thereof, where such modification is not caused by the neglect of the authorized surveyor.

19. The Land Officer shall issue to the successful applicant an order for the payment to the Receiver of Revenue of the amount chargeable to such applicant for survey, and on payment being reported the District Surveyor will issue an order for the necessary survey. Should the said charge not be paid within one month from the date of such notification the application shall be deemed to be abandoned.

20. All moneys payable on the orders of the Land Officers towards the expense of surveys shall be deposited by the applicant for the land at the Treasury, and credited to an account called the "Trust Fund Survey Fees Account."

21. Accounts passed against deposits placed to the credit of the "Trust Fund Survey Fees Account" shall be signed by the Land Officer ordering the collection of the money, or his successor in office, and shall be countersigned by the District Surveyor.

22. In any case where the whole of the fee collected shall not have been expended on the survey, the Land Officer shall report the fact to the Surveyor-General, the Assistant Surveyor-General, or District Surveyor immediately on certifying the surveyor's account, and such balance as may remain shall be retained in "Trust Fund Survey Fees Account" or otherwise disposed of as the Surveyor-General or the Assistant Surveyor-General may direct.

23. Subject to the approval of the Minister of Lands, when the survey fee required for any area exceeds the sum of £5, but does not exceed £10, a deposit of £5 may be paid by the applicant, or when the required fee exceeds £10 a deposit of one-half of the amount may be paid by the applicant, and the balance in equal half-yearly instalments extending over the term of six years. Such instalments shall be added to and form part of the licence-fees, rent, or instalments of any land under licence or lease, and shall be recoverable accordingly. The deposit shall be lodged in "Trust Fund Survey Fees Account." The balance of the amount due to the surveyor shall be drawn from a Special Vote for that purpose.

24. Every surveyor, before being authorized to effect surveys for the permanent alienation or appropriation of any land under any Land Act, shall deposit with the Board of Land and Works the sum of £50 as a guarantee for the faithful discharge of his duties; and in the event of his failing to perform the duties to the satisfaction of the Surveyor-General, or of his neglecting or refusing to rectify any defects or errors in his surveys when called upon to do so, the Board may, on the Surveyor-General certifying that the surveyor has failed to perform his duties to his satisfaction, forfeit such deposit, and order the whole or any part thereof to be applied to the rectification of such defects or errors or in satisfaction of any claim made against the Department by reason of such conduct on the part of the surveyor. In the event of a surveyor having performed his duties satisfactorily such deposit shall be returned to him on his services being dispensed with, or on his resigning, after giving reasonable notice of his wishing to be relieved.

25. The Surveyor-General shall define the limits of the division within which any authorized surveyor may be employed, and the latter will generally be entrusted with the survey operations required therein, but no exclusive claim to all the work in such division shall be thereby conferred. Any other surveyor may be employed therein should circumstances render such a course expedient.

26. Every authorized surveyor may from time to time and at any time be required, by the District Surveyor or other inspecting officer, to run, in his presence, with his own men and instruments, check lines over any surveys performed by him; and in the event of any errors or defects being discovered in such surveys he shall rectify the same at his own expense and pay cost of inspection.

27. Periodical examinations of the instruments used by authorized surveyors shall be made by the District Surveyors or such other officers as the Surveyor-General or the Assistant Surveyor-General may direct, and any instrument condemned on such examination shall not be again used in the work of the Department.

28. Every authorized surveyor shall keep a record of the dates of all orders for surveys received by him, and such orders shall be executed with care and judgment according to the relative priority of their dates; and all orders shall be executed with as little delay as possible.

29. If, from some unavoidable cause, a survey is delayed over two months, a special report from the surveyor shall accompany the plan, explaining the cause of delay; and the Land Officer shall furnish to the District Surveyor monthly reports of orders issued and surveys effected.

30. Every authorized surveyor shall, when so directed, at his own expense, attend Local Land Boards before which applications are heard in respect to lands he may have surveyed.

31. Surveys shall be executed in person by the surveyor receiving the order, or by a licensed surveyor acting directly under his supervision. In the latter case, the plan shall bear the signatures of both. Sub-contracting of every kind is strictly prohibited.

32. If, from any cause, an authorized surveyor shall find himself unable to carry out his instructions, he shall immediately inform the District Surveyor or officer from whom he received his instructions.

33. Every authorized surveyor shall be required to furnish any information the Department of Lands and Survey may consider necessary relating to lands surveyed by him, as a part of his duties, without extra fee.

34. Any authorized or licensed surveyor who shall wilfully or from carelessness ignore the Survey Regulations, or neglect to comply with any orders or instructions he may from time to time

receive from the Surveyor-General, the Assistant Surveyor-General, or District Surveyor relative to his duties, shall be liable to be at once dispensed with; and, in addition to the penalty provided under clause 26 hereof, may be disqualified for future employment, and reported to the Surveyors Board.

35. No Crown Grant for any allotment shall be issued by the Department of Lands and Survey unless the Surveyor-General or the Assistant Surveyor-General be satisfied that the boundaries thereof have been correctly defined on the ground.

And the Honorable Harry Sutherland Wightman Lawson, His Majesty's Commissioner of Crown Lands and Survey for the State of Victoria, shall give the necessary directions herein accordingly.

F. W. MABBOTT,
Clerk of the Executive Council.