

Bulletin



Cadastral Surveyors Licensing Board of New Zealand

Issue 5 ▪ January 2014

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Board Membership

NEW BOARD MEMBERS

In April 2013 the Minister of Land Information appointed Merryn Maguire, formerly a substitute member, as a full member and Neale Faulkner as a substitute member of the Board. At the same time, he reappointed Brett Gawn, Vicki Nalder, Tony Nikkel, and Felicity Price. He appointed Vicki and Brett under section 13(2)(a)(ii) of the Cadastral Survey Act 2002 as persons nominated by a body representing licensed cadastral surveyors. Merryn and Tony are appointed under section 13(2)(b) as licensed cadastral surveyors who are not nominated by a body representing licensed cadastral surveyors, and Felicity under section 13(2)(c) as a person who is not a licensed cadastral surveyor. He reappointed Marion Miller as the substitute member who is not a licensed cadastral surveyor. Dr Don Grant, the Surveyor-General is an ex officio member of the Board. Board appointments are for three years.

Merryn replaces Marton Sinclair who retired from the Board after 19 years service on the Survey Board of New Zealand and the Cadastral Surveyors Licensing Board of New Zealand. Marton became a member of the Survey Board in 1994 and continued as a member of the CSLB from 2002.

To celebrate Marton's long service on the Board and his considerable contribution to the survey profession the Board hosted a dinner for current and past members of the Survey Board and CSLB who had worked with Marton. Past members who attended the dinner were Allan Blaikie, Tony Bevin, Gary Clark, Luke Martin, and Bill Robertson; Rob Munro as the Board's former legal adviser also attended as did Dirk Rinckes and Ian Fargher as former secretaries. Brent Player and Brian Coutts, previous Board members who served with Marton sent their apologies. The Board wishes to acknowledge Marton's intelligent contribution and especially his wise counsel when it was developing the competencies and standards for licensing.

In June 2012, the Board appointed Robert Buchanan as its legal adviser. Robert replaces Rob Munro who retired after serving as the Board's adviser since 2002.

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Amendment to Standards for Renewal of a Licence

In February 2013 the Board amended section 3.2 Renewal of a Licence, of the Standards for Licensing Cadastral Surveyors. The Board received 31 submissions on the proposed amendment, most of which supported the proposal. The Board included some of the suggestions in the submissions in the final amendment. The amendment strengthens the evidential requirements for demonstrating a surveyor has continuing cadastral competency on renewal of a licence if the surveyor has not lodged three cadastral datasets in the last three years.

CRITERIA FOR DEMONSTRATING CADASTRAL SURVEY COMPETENCE WHEN RENEWING A LICENCE

There has been some confusion as to what needs to be done to maintain competency if a surveyor is not submitting plans to LINZ for approval. The Board has developed the following criteria to assist applicants understand the information we require when assessing an application to renew a licence.

1. If you have lodged a minimum of three cadastral survey datasets in the preceding three year period that have been approved as to survey by Land Information New Zealand the Board will accept this as evidence that you meet the level of competency defined in sections 2.1 to 2.4 of the Standards for Licensing Cadastral Surveyors. Datasets that do not define or redefine the extent of rights are not considered Cadastral Survey Datasets that meet these criteria.
2. If you have not lodged a minimum of three cadastral datasets in the last three years, or have not practised in those topics defined in section 2.5 (land development engineering and subdivision RMA planning) or you are practising overseas, you can demonstrate your competency in cadastral surveying by describing your involvement in at least one activity from each of the following two groups.

Group 1

- i. By filling a leadership role in an organisation that undertakes cadastral surveying and being actively involved in cadastral surveying by exercising judgement on cadastral survey matters and supervising and mentoring staff undertaking cadastral surveys, and or advising and dealing with clients on cadastral survey projects
- ii. By undertaking all aspects of cadastral surveys but not certifying and lodging those datasets with LINZ
- iii. By accumulating annual CPD points that relate to cadastral surveying which are recorded by a recognised New Zealand surveyors institute; the CPD record must list the activities and show that they relate to cadastral surveying
- iv. By working in an organisation involved in cadastral survey matters, and you undertake cadastral survey activities such as teaching or setting and applying rules and standards

Group 2

- v. By attending workshops and seminars on cadastral surveying topics
- vi. By participating in cadastral forum(s), such as the NZIS Cadastral Commission, by writing or reading articles
- vii. By peer reviewing, reading, or writing articles on cadastral surveying in published journals such as the New Zealand Surveyor
- viii. If you are practising outside New Zealand you must demonstrate you have maintained your competency in the New Zealand context, in particular the current rules and standards for cadastral surveying, and all the legal aspects such as the application of the Resource Management Act. You must also demonstrate some knowledge of the current technology (currently LandonLine) used for lodging cadastral survey plans in New Zealand.

3. If you are practising in another jurisdiction with competencies in cadastral surveying which are similar to New Zealand you must state the jurisdiction and describe how the competencies of that jurisdiction equate to the New Zealand competencies. You must also provide your current licence or registration number in that jurisdiction.
4. There is a distinction in being a competent surveyor in the widest sense and maintaining specific New Zealand cadastral survey competence. The licence is a licence to undertake cadastral surveys in New Zealand.
5. The Board may invite any candidate to an interview, the purpose of which is for the candidate to elaborate on the manner they maintained their competency in cadastral surveying.

Licensing Statistics

LICENCES ISSUED

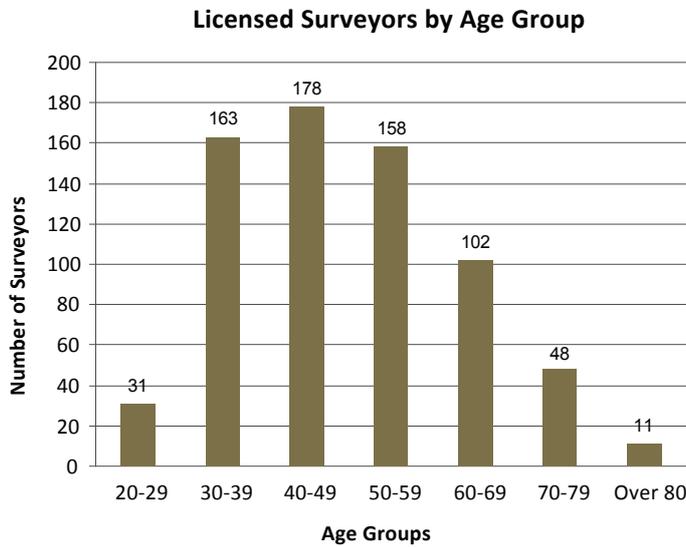
The table below shows the number of licenses issued and resignations over the last four years.

- Renewed means the number of licenses renewed at 30 June.
- New means the number of initial licenses issued during the year.
- Re-applied means the number of licenses issued to surveyors who failed to renew by 30 of June or had let their licence lapse for some time.
- Non-renewals means surveyors who chose not to renew their licenses and deceased surveyors.

	2012/13	2011/12	2010/11	2009/10
Renewed	657	679	691	690
New	24	15	24	24
Re-applied	10	10	6	13
Total	691	704	721	727
Non-renewals	40	36	32	13

The ten re-applications in the 2012/13 year include four from surveyors who failed to renew their licenses before 30 June 2012; the other six were surveyors who renewed their licenses after letting them lapse for some time. One of these was a surveyor returning to New Zealand from Australia who qualified under the reciprocity agreement between Australia and New Zealand.

The 691 surveyors include 53 females up from 48 last year. The following figures show the current number of licensed cadastral surveyors by age group, ethnicity and gender.



Ethnicity	Gender	
	Male	Female
New Zealand Caucasian	94%	92%
Maori	1%	8%
Other	5%	

The low number in the 20-29 age group reflects that most surveyors do not seek their initial licence until their mid to late twenties. The 30-39 age group is more important in terms of monitoring the number of licensed surveyors to meet future demand.

The percentage of women is likely to rise gradually given the numbers graduating from the Otago School of Surveying. The profession might consider it worthwhile to try and attract more Maori to become surveyors.

Letters of Accreditation

In 2012/13, the Board issued Letters of Accreditation to 14 New Zealand surveyors seeking registration in an Australian State, compared to 17 in 2011/12, 18 in 2010/11, four in 2009/10 and seven in 2008/09.

Acknowledging Overseas Qualifications

This year the Board recognised one surveying degree from the Czech Republic as meeting its standards for licensing. In most cases when applicants present surveying degrees from countries other than New Zealand or Australia these degrees are assessed by the Bureau of Assessment of Overseas Qualifications to establish if they meet the Board’s standards for licensing. Since 2002, the Bureau has assessed degrees from the Czech Republic, France, Mauritius, Philippines, South Africa (Natal), UK, and USA (Minnesota) as being equivalent to a four year surveying degree in New Zealand or Australia.

Professional Misconduct Hearings

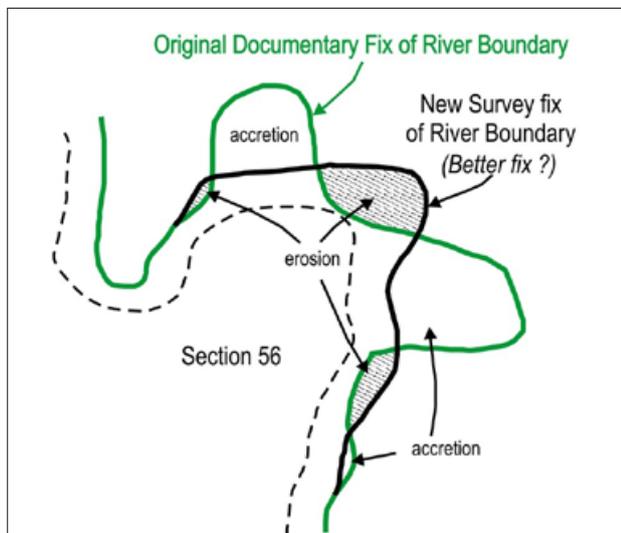
The Board has received four complaints of alleged professional misconduct against surveyors since its Bulletin No 4 in March 2012. All four were from members of the public and none from the Surveyor General. After investigation, the Board found no evidence in any of the complaints to warrant a disciplinary hearing. Since April 2003, the Board has received 39 complaints of alleged professional misconduct. The Surveyor-General made 14 while members of the public made the other 25. Thirteen of these complaints resulted in disciplinary hearings. Of these 11 were upheld and two dismissed.

Section 35(2) of the Act states any person may make a complaint, including any member of the Board, and any person in the service of the Crown acting in his or her official capacity.

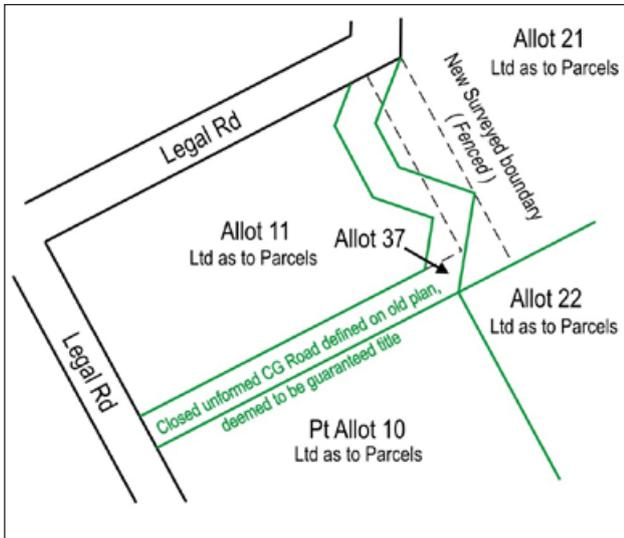
Notices of Significant Failures

The Surveyor General advised the Board of 15 surveyors who he had issued significant failure notices to in accordance with section 7(1)(d) of the Act in 2012/13. During 2011/12 the number was one and 2010/11 seven. The Board reviews all the notices from the Surveyor-General in detail and usually asks the surveyor for an explanation of how and why the errors occurred, and what action the surveyor has taken to prevent similar errors occurring again. Depending on the surveyor's response, the Board might take further action. One of the steps the Board always takes in monitoring these surveyors is a more in depth review of their applications to renew their licences. This review continues for three years after receiving the notice. In some cases, the Board has asked applicants for additional information to confirm their competency before renewing their licence.

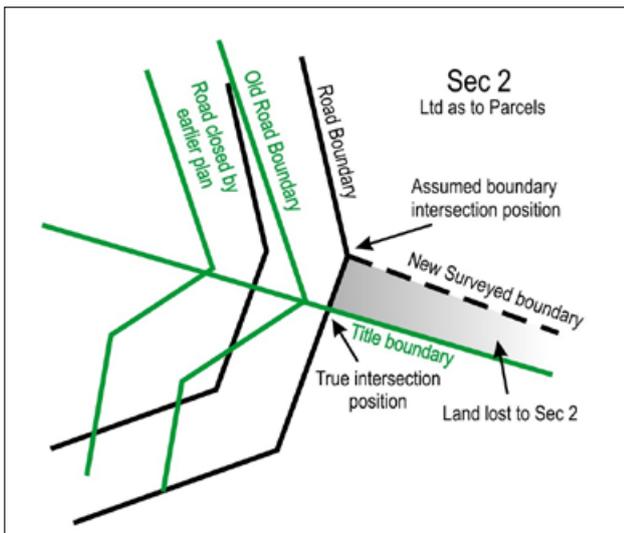
Some of the recent causes of a significant failure are shown in the following diagrams:



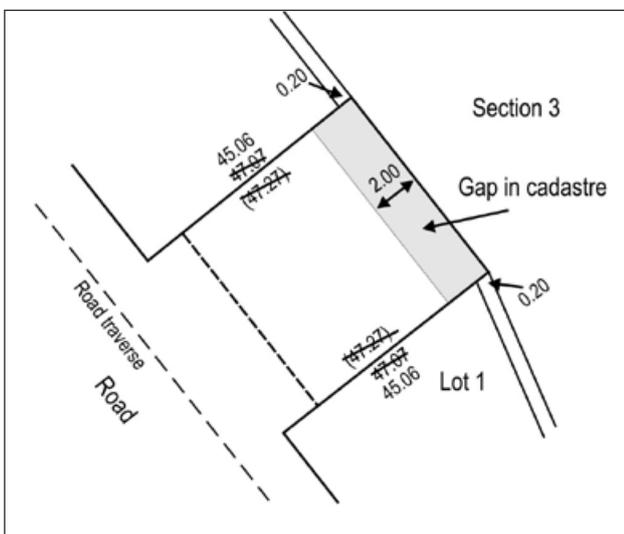
The surveyor incorrectly claimed the difference between a new and the old positions of a river as a better fix of the bank of a river, instead of accretion and erosion, and hence did not account for land eroded from the underlying title.



The boundaries of a closed road (guaranteed title) on the surveyor's dataset did not fully coincide with the documentary boundaries, shown as green lines, of the full title. The surveyor noted the difference but suggested, as there was no evidence of there ever being a road or fence that followed this layout he settled on the existing fence line as the boundary, shown as dotted lines. The surveyor provided detailed evidence for this decision but made the erroneous assumption that occupation could be used in the absence of original monuments.



The dataset took a small section for road and correctly dealt with the balance of the parcel to create Section 2. However, the surveyor incorrectly identified the southwest corner of Section 2. This left a gap in the cadastre denying Section 2 of 0.39 hectares of land



In this case, the surveyor lodged one legalisation dataset and then a short time later a second to deal with a remnant parcel from the first dataset. The first dataset was correct within itself, but in association with the second errors were discovered on two of the common boundaries. This caused a 2m wide gap in the cadastre.

Other errors included:

- vi. Failing to respect adjoining titles through not examining all the relevant documents, and hence not properly relating new parcel boundaries to existing and other new parcels
- vii. Incorrectly including an adjacent lot, which was already in an existing title, in a new lot
- viii. Finding an overlap in titles in early surveys but failing to correct the error in the new dataset
- ix. Using an incorrect boundary tie and hence showing incorrect boundary information for several lots
- x. Showing incorrect boundary dimensions hence failing the accuracy requirements for adjacent boundary points and lot areas

Different surveyors repeat some of these errors from year to year. The number of errors made by some surveyors, as reported by the Surveyor-General, disturbs the Board, and all surveyors should take particular care when working over old underlying survey data, dealing with natural boundaries, and examining all other data relevant to boundary definition. Failure to do so can lead to creating an overlap in titles, excluding land from a title that should be included, and inaccurate boundary dimensions, boundary mark positions and lot areas. The Board was very concerned that two surveyors were required to undertake correcting surveys after correcting one set of errors, and then certifying and submitting their datasets for a second time. The Board considers certification of a dataset as correct as being the key responsibility of a licensed surveyor. Your quality assurance systems should ensure all datasets are correct the first time they are certified.

Do we have your correct contact details?

Section 29 of the Act requires licensed cadastral surveyors to notify the Board of any change to their business address. Please remember to notify the Board of any change to your details. It is especially important we have your latest email address as most of the Board's communication is by email.

The address for feedback to the Board is:

Cadastral Surveyors Licensing Board

PO Box 12241

Wellington 6144

Email: secretary@cslb.org.nz

Website: www.cslb.org.nz

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