



Cadastral Surveyors Licensing Board
of New Zealand

NEWSLETTER – August 2022

Tena koutou katoa

The Board has recently completed the annual licensing renewals and it is now time to reflect on the impact of the new Standards for licensing, as well as to let you know of some updates since the last Newsletter (April 2022).

Licence Renewals

The updated Standards for Licensing Cadastral Surveyors came into force on 1 August 2021, and were used for the first time for annual licence renewals when licenses became due 30 June this year.

As in previous years, a minimum number of approved datasets (3) is accepted as providing sufficient evidence of competence for licence renewals, with this year seeing the introduction of at least 1 ‘subdivision’ dataset to cover the land development and planning competencies. There was also a reduction from 3 to 2 years in the applicable period for all compliant datasets.

The large majority of surveyors fell into this category, with license applications being automatically approved based on an applicant’s most up to date Landonline records.

Approximately 15% of surveyors do not submit the required number of datasets in which case evidence of competence needs to be submitted before the Board can issue a licence.

The Board reviews these “non-automatic” applications on receipt but not all applications can be processed before the 30 June deadline. The Cadastral Survey Act 2002 allows for current licenses to remain in force until the Board makes a determination. This is to allow the Board sufficient time to consider all applications as soon as possible.

There was quite a range in the quality and amount of information provided as evidence this year, with most applications being of a high standard. Essentially the Board needs assurance that licensed cadastral surveyors are keeping up to date with the required competencies, being-

- Survey measurement
- Land tenure systems
- Boundary definition
- Land information systems
- Statutory planning process
- Land development engineering principles
- Professional conduct
- Communication skills

These competencies are fully explained under Schedule 1 of the Standards which can be found on the homepage of the Board's website.

The renewal application Form 4 contains a number of suggested activity options that may be appropriate in individual circumstances. In all cases the activities should clearly describe how they relate to each of the 8 competencies. The Board expects that 2-3 pages, including a dated cover letter, should be sufficient supporting documentation.

Some licence applications were received quite late or contained incomplete evidential information which creates additional work for the Board. Also, several fee payments have missing or incorrect name and/or invoice number references which requires additional administration. An additional fee will be introduced next year to recover these administration costs.

All new Licence certificates are available for download under "Annual Licence" in the website, once fees have been received and reconciled in Xero.

Competency Assessment Framework Review for Licensing

In November 2021 the Board resolved to accept in principle the recommendation in Don Grant's report of a proposed new three step model for the assessment of competency for those persons proposing to apply for their initial licence.

In summary, the proposed new model consists of a portfolio of work based experience, a professional challenge(s) and a professional interview.

A committee of the Board is currently formulating more detail around the assessment process. This will be followed later this year with initial targeted consultation after which the wider profession, including professional bodies and individuals will be consulted about content, transition and implementation.

This is an extremely important piece of work that needs to be expedited efficiently as it has a direct impact on graduates from the University of Otago's School of Surveying at the end of this year. Before any change there will be an implementation plan formulated to ensure a smooth transition to the new framework for graduates or current candidates who have already commenced the requirements for assessment under the existing system.

No change to the current examination system administered by S+SNZ will occur this year. It is anticipated that any change will not occur until the later part of 2023 at the earliest, which will include a limited transitional process.

Unlicensed Surveyor Convicted

The Board was recently advised by its equivalent in Western Australia of the successful prosecution of an unlicensed surveyor who undertook authorised (cadastral) surveys. A copy of the Land Surveyors Licensing Board of Western Australia's advice summarising the criminal charge - guilty verdict is attached for your information.

Although it is unlikely to be replicated here due to our legislation it is a precedent and a timely reminder of New Zealand requirements.

Section 47(1) of the Cadastral Survey Act 2002 requires a cadastral survey to be conducted by a licensed cadastral surveyor or someone acting under their direction. It is an offence under s57 of the Act for anybody who is unlicensed or not acting under the direction of a licensed cadastral surveyor to perform or execute anything for the purposes of a cadastral survey. If they do so they are liable on conviction of a fine up to \$1,000.

If you have concerns about unauthorised cadastral survey work being undertaken you should raise this with the Office of the Surveyor General at Land Information NZ.

Board Updates

Nominations for appointments to the Board are now open, with appointments to be made by the Minister for Land Information in December 2022. We encourage professional bodies to consider whom they may like to nominate for the next 3 year term.

Vicki Nalder resigned as Chair of the Board on 30 June, and Neale Faulkner took over as the new Chair on 1 July. Vicki's term, as well as the Board lay members, will finish in December.

Contact Details

As always, it is vitally important that all licensed cadastral surveyors keep their contact details up to date. Not only is it a legislative requirement, but it ensures that you receive the annual invitations for licence renewal which are sent out between April and June each year. All applications as well as the fee are required by 30 June each year to ensure licenses do not lapse.

We know that several Board emails are going to Spam folders so if you "White List" our secretary@cslb.org.nz address that can help - especially for those who sit behind a corporate firewall. We can also make our emails appear safer to firewalls by fully embedding the CSLB logo in the email text.

Conclusion

We trust you have found this newsletter informative.

The best way to contact the Board is by email to secretary@cslb.org.nz.



Chairperson
NEALE FAULKNER



27 May 2022

ATTN: Council of Reciprocating Surveyors Boards of Australia & New Zealand

FROM: Land Surveyors Licensing Board of Western Australia

CRIMINAL CHARGE – GUILTY VERDICT

Unlicensed Surveyor conducting Authorised Surveys

The Board wishes to notify CRSBANZ members of the successful prosecution of an unlicensed surveyor who was conducting Authorised Surveys in Western Australia.

On Tuesday 22 February 2022, a surveyor with over 40 years' experience, who was unlicensed and had never been licensed was found guilty in the Perth Magistrates Court of six criminal charges brought against him by the Board.

The Board's prosecution case relied heavily on presenting to the Court that the surveyor had conducted Authorised Surveys.

The Court found beyond-reasonable-doubt that the unlicensed surveyor had conducted Authorised Surveys as defined in the *Licensed Surveyors Act 1909* with specific emphasis on section (1)(c) as shown below:

(1) authorised survey — A survey of land authorised or required —

- (a) under any Act dealing with the alienation, leasing or occupation of Crown lands, or under the *Transfer of Land Act 1893*, or any other Act affecting titles to land; or
- (b) by the proprietor, lessee or mortgagee under any Act affecting titles to land,

including —

- (c) a survey of land which re-establishes the boundaries previously established by a survey of land so authorised or required, if that re-establishment —
 - (i) involves the placement, replacement or relocation of any survey mark; or
 - (ii) is followed by advice for the purpose of enabling the boundaries of the land in question to be located, or both so involves and is so followed; and
- (d) the lodgement of a plan with a Government department or the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 for acceptance or adoption —



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- (i) as a plan of an authorised survey, if that plan is certified or otherwise held out as having been created from the result of an authorised survey, or as describing the boundaries of land within or the subject of that plan, which land is to be the subject of an authorised survey before that plan is approved under section 18; or
- (ii) as a compiled plan, if that plan is certified or otherwise held out as having been created from one or more authorised surveys recorded on plans approved under section 18, from field records that have been lodged, or from both.

Due to the statute of limitations in criminal matters, the Board could only prosecute for actions in the past 12 months, however, there was evidence that the surveyor had been conducting authorised surveys previously.

The defence of the unlicensed surveyor included stating that he had never, and nor did he intend to, lodge any of his surveys with Landgate (Dept of Lands). He therefore argued that he could not have conducted an Authorised Survey. He further argued that the definition and marking of the boundary was for his own intended use only.

The Court ruled that the non-lodgement of a survey did not negate the actions of the unlicensed surveyor by surveying and defining property boundaries and therefore unlawfully conducting Authorised Surveys. It further ruled that the marking of a boundary could and would be seen by the landowner, the client (in this case a builder) and the public as being the correct and legal definition of the boundary.

This is a significant ruling as it is the first of its kind in Western Australia where the definition of Authorised Survey was so relied upon in a criminal prosecution.

The surveyor was handed down a fine and ordered to pay a percentage of the Boards legal costs.

The Board was alerted to the unlawful actions by a Licensed Surveyor who carried out work on a site which had also been surveyed by the unlicensed surveyor.

Questions regarding clarification of matter can be directed to the Board Secretary:

Email: lslb@landgate.wa.gov.au

Phone: 08 9273 7104

Paul Rhodes
Chairman