

Bulletin

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Cadastral Surveyors Licensing Board of New Zealand

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New Board Members



*Back row: Marton Sinclair, Don Grant (Surveyor-General) Tony Nikkel, Vicki Nalder, Jeremy Maseyk (Secretary)
Front Row: Felicity Price, Brett Gawn (Chairman) Marion Miller. Insert: Merryn Maguire*

The Minister of Land Information recently appointed Vicki Nalder of Blenheim, Tony Nikkel of Motueka, and Felicity Price of Christchurch as Board members and Merryn Maguire of Christchurch and Marion Miller of Invercargill as substitute members. The appointments replace Board members Brian Coutts, Gary Clark, and Jenny Kirk, and substitute members Frances Russell and Peter Smidt. All five had served since 2002, and Mr Coutts as Chairman. The Board acknowledges the commitment these people gave to their responsibilities as Board members and their contribution to Board business and the New Zealand survey profession. Brett Gawn and Marton Sinclair were reappointed for a further three-year term. At its meeting in April, the Board elected Brett Gawn as its Chairman.

Review of Standards

In April this year, the Board undertook a review of its Standards for Licensing. All licensed cadastral surveyors, the survey profession, and several interested organisations were consulted about the review. Following several useful and constructive submissions, the Board amended and updated the Standards. The Standards became effective on the 19th of April 2010 and supersede all previous standards. They are posted on the Board's web site and all surveyors should familiarise themselves with the standards, especially people intending to apply for a licence for the first time or after letting their licence lapse.

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Licensing Matters

Licences issued

The following table shows the number of licences issued by the Board in the last two years, as at August 2010.

	2010/11	2009/10
Renewals	698	692
New	7	24
Re-applications	4	11
Totals	709	727
Resignations	30	13

In 2008/09, the Board issued 731 licenses. The four re-applications under 2010/11 serve as a reminder that if you fail to renew your licence before 30 June you are required by the Act to re-apply. It is expected more licences will be issued during the year as graduates and previously licensed surveyors apply for a licence.

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Certificates of Accreditation

If a licensed surveyor in New Zealand wishes to register as a surveyor in one of the Australian States you need a Certificate of Accreditation from this Board. The certificate is issued free of charge and states you are licensed in New Zealand and that your licence is free of any encumbrances, provided that is the case. Last year, the Board issued four Certificates of Accreditation compared to seven in the 2009/10 year.

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Acknowledging Overseas Qualifications

The Board recently received enquiries from two candidates with qualifications in surveying gained outside New Zealand or Australia; one from the USA and one from France. In such cases, the qualifications are assessed by the Bureau of Assessment of Overseas Qualifications. Both qualifications were assessed as being equivalent to a four-year degree in surveying in New Zealand or Australia. A third candidate has academic qualifications partially in surveying as well other disciplines. The Board assessed that if this candidate completed the cadastral surveying papers from Otago University School of Surveying, then these papers together with the candidate's other qualification, would be accepted as being equivalent to a four-year degree in surveying. Consequently, these three candidates may seek to become Licensed Cadastral Surveyors in New Zealand once they have completed the necessary practical requirements for licensing, and passed the Acts and Regulations examination.

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Notices of Significant Failures

In the last 12 months, the Surveyor-General has advised the Board of 15 notices of significant failures he has issued to surveyors pursuant to section 7(1)(d) of the Act. Many of the failures are common to more than one surveyor and the most frequently occurring items are:

- Failing to connect to sufficient old survey marks to achieve an accurate definition
- Failing to meet vector accuracy standards
- Incorrectly marking boundary positions
- Using methods that do not provide confidence that the accuracy standards have been achieved
- Survey reports lacking in sufficient and appropriate detail
- Digital plans not meeting the standards such as exceeding witness mark to boundary tolerances, incorrect boundary mark descriptions, and incorrect plan references
- Failing to examine all the relevant records and hence not respecting adjoining titles

The Maori Freehold Land Registration project has caused problems for several surveyors resulting in significant failure notices. Some of the failures have arisen from surveyors:

- Not examining the Maori Land Court records properly and hence not properly defining block boundaries
- Applying processes to define boundaries that did not meet the Surveyor-General's Interim Standards for this project
- Omitting interests such as easements and parcels
- Not providing sufficient information to fix boundaries accurately
- Not respecting adjoining titles

Most often there is more than one of the above failures on a dataset, and many of the errors would have been avoided if the surveyor had robust checking and quality-assurance (QA) systems in place.

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Professional Misconduct Hearings

The Board held three disciplinary hearings of alleged professional misconduct during 2009. All three complaints were brought by the Surveyor-General, two were upheld, and the third dismissed. The Board noted with regret one was against a surveyor who had previously appeared before the Board at a disciplinary hearing. The Board also received four complaints of alleged professional misconduct from members of the public. After thorough investigation the Board declined to accept any of these four complaints.

Complaint 1

The complaint related to the surveyor failing to comply with a notice under section 52 of the Act, not making corrections to a dataset, and being allegedly negligent in the conduct of a survey.

A Land Information New Zealand (LINZ) audit report was forwarded to the surveyor in December 1997 requesting his comments. The matter lay dormant until raised again by LINZ in December 2004, when the surveyor was advised that remedial work should be undertaken 'as soon as possible' and requesting a response to the 1997 letter. The section 52 request was sent to the surveyor in October 2006 but another 23 months elapsed before the correcting survey was completed and approved. Despite numerous letters and faxes from LINZ, none of the timelines were met by the surveyor.

The surveyor acknowledged the delays in completing the corrective survey and contended that much of the delay was caused by him being unable to work due to an injury. However, after meeting with LINZ staff the surveyor gained the impression that the matter had essentially been resolved.

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As no formal notification or action was taken by LINZ between 1997 and 2004, the Board accepted the surveyor's statement that he thought that the matter was resolved. It also accepted that responses to requests for action were made by the surveyor but considered that insufficient priority was given to the Surveyor-General's requirements. It did not accept that a surveyor may choose to give any section 52 requirement a high or low priority as he thinks fit. In this case, the Board considered the delay to be excessive.

The Board found the surveyor guilty of professional misconduct but, in the circumstances, resolved that he may continue to be licensed as a cadastral surveyor. It ordered the surveyor to pay \$2,500 as a contribution towards costs.

Complaint 2

The complaint concerned a surveyor lodging erroneous versions of a dataset, which revealed serious errors on three other surveys. A dataset lodged with LINZ was requisitioned and then lodged three more times following requisitions before it could be approved and accepted into the cadastre. The errors related to misplacing boundary pegs, incorrect orientation of NZGD 2000, overlooking one of his own correcting surveys and hence not applying those corrections, and showing a witness mark out of position by three metres when it was correctly placed. The errors on the dataset revealed errors on other surveys by the same surveyor. The Surveyor-General said the errors in each version of the dataset were readily identified by LINZ validation staff and should have been identified by the surveyor before he certified it as correct. The surveyor repeatedly failed to check that his solution to each requisition did not introduce new errors into the adjoining boundaries and/or failed to resolve related errors.

The surveyor explained how he used his GPS, believing his methods were appropriate when he first bought the instrument.

The Board accepted there have been ongoing difficulties with a number of surveys certified by the surveyor. It accepted that the mistakes made were not deliberate as the surveyor has many years' experience. Unfortunately, this is not the first time problems have arisen with this surveyor, with high rates of requisitions continuing even after a period of supervision.

The Board ordered six months' suspension of the surveyor's licence and required that the surveyor undertake comprehensive training in the use and application of GPS as it relates to cadastral surveying. The Board also required documentation supporting the proper development and use of a comprehensive QA system to be routinely used by the surveyor. The training and the QA system will be considered by the Board when surveyor applies for renewal of his licence. The surveyor was also ordered to contribute \$2,500 towards the costs and expenses of and incidental to the hearing.

Complaint 3

The complaint related to the failure of a surveyor to comply with the notice under section 52 of the Act requiring him to correct errors on surveys undertaken by him between 1992 and 1995. The complaint was not about the original error as there was no suggestion that this was an indicator of poor survey practice and it was more than ten years prior to the s52 notice.

The first s52 notice was sent to the surveyor in October 2006. A corrective survey was lodged on 10 April 2007 and another for different datasets by 6 June 2007, but this was returned to the surveyor on requisition. The requisitioned plan was not returned to LINZ until 15 August 2007 but was again requisitioned. It was re-lodged on 18 July 2008 but was then held up due to LINZ staff having to make some database changes and was finally approved on 3 September 2008.



After considering all the evidence the Board found the surveyor not guilty of professional misconduct under Schedule 2(1)(j) of the Cadastral Survey Act 2002 and therefore made no order regarding the use of his licence or costs and expenses of and incidental to the hearing pursuant to section 39(3) of the Act.

Important issues arising from the complaints

Section 52(1) of the Act provides for the Surveyor-General to require a surveyor to correct an error in a survey within a time that the Surveyor-General considers reasonable. Failure to comply with a section 52 requirement is a category of professional misconduct defined in Schedule 2 clause 1(j) and could result in the cancellation of a licence. If a surveyor delays work required by a section 52 notice, without good reason, they run the risk of a complaint of professional misconduct being laid against them.

The second complaint shows that surveyors must be fully conversant with their technology and its application to cadastral surveying. Field and office procedures must be supported by a comprehensive checking and QA system that ensures the correctness of a dataset. The QA system should include items that prevent new errors occurring when the initial error is corrected.

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