

Bulletin



Cadastral Surveyors Licensing Board of New Zealand

Issue 6 ▪ August 2016

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Board Membership

The current Board members are:

- Vicki Nalder and Brett Gawn, who are appointed as nominees of bodies representing licensed cadastral surveyors;
- Merryn Maguire and Tony Nikkel appointed directly by the minister;
- Marion Miller, who has never been a licensed cadastral surveyor and is not employed in the surveying profession, was appointed by the minister so the board has the views of non-surveyors in its deliberations;
- Surveyor-General, Mark Dyer, as an ex-officio member of the Board pursuant to section 13(1)(b);
- Mr Neale Faulkner is a substitute member of the Board.

Since the last Bulletin Don Grant retired as Surveyor-General.

Felicity Price resigned as the lay person on the Board and Jeremy Maseyk retired after 5 years as Secretary. Phil Napper is the current Secretary.

The Board members three year term expires this year and there will be at least one new member when the new Board is appointed as Brett Gawn, the current chair, will be stepping down after 17 years as a board member.

Licensing Statistics

LICENCES ISSUED

The table on page 2 shows the number of licenses issued and resignations over the last four years (to 30 June 2015).

- 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.

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	14/15	13/14	12/13	11/12
Renewed	633	628	657	679
New	14	21	24	15
Re-applied	17	13	10	10
Total	664	662	691	704
Non-renewals	29	65	40	36

The 17 re-applications in the 2014/15 year included 4 from surveyors who failed to renew their licenses before 30 June 2015; 10 were from surveyors who renewed their licenses after letting them lapse, and 3 were from surveyors licensed in Australia. Surveyors coming to New Zealand from Australia qualify under the reciprocity agreement between the two countries.

The 664 surveyors include 56 females, the same as in 2014, but an increase from 53 since 2013. The percentage of women is likely to rise gradually given the numbers graduating from the Otago School of Surveying.

The Board expects that the number of surveyors holding a licence will rise slightly over the next few years as demand for cadastral surveyors increases.

Age Group		
20-29	27	4%
30-39	174	26%
40-49	168	25%
50-59	142	22%
60-69	94	14%
70-79	53	8%
80-89	6	1%

The 30–39 age band is now the largest group, showing an increase of 13 surveyors from 2014. This is important in terms of ensuring there are sufficient licensed surveyors to meet future demand.

The number of younger surveyors in the 20-29 age band is 4 less than 2014, despite the number of BSurv graduates increasing. This may reflect the increasing number of survey graduates who are involved in the spatial and construction industries who do not need to be licensed.

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

The under-representation of Maori remains a concern considering the increase in land development activities of Maori businesses.

Professional Misconduct Hearings

The Board has received nine complaints of alleged professional misconduct against surveyors since its last Bulletin in January 2014. Six were from members of the public and three from the Surveyor-General. After investigation, the Board found no evidence in any of the complaints from the public to warrant a disciplinary hearing. Two of the complaints from the Surveyor-General resulted in disciplinary hearings. One of the complaints from the Surveyor-General was upheld, and the surveyor was found guilty of professional misconduct in terms of the Cadastral Survey Act 2002.

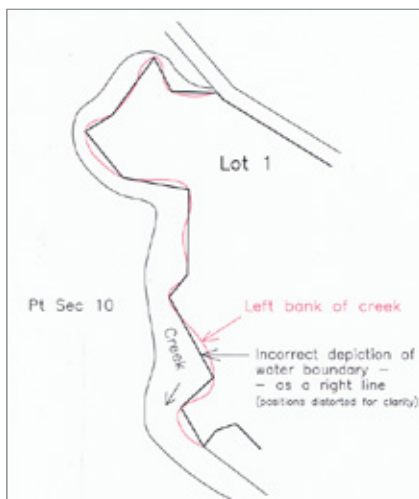
Notices of Significant Failures

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 2014/15. During 2013/14 the number was 18 and there were 15 in 2012/13. 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 before their licences are renewed. 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 examples:

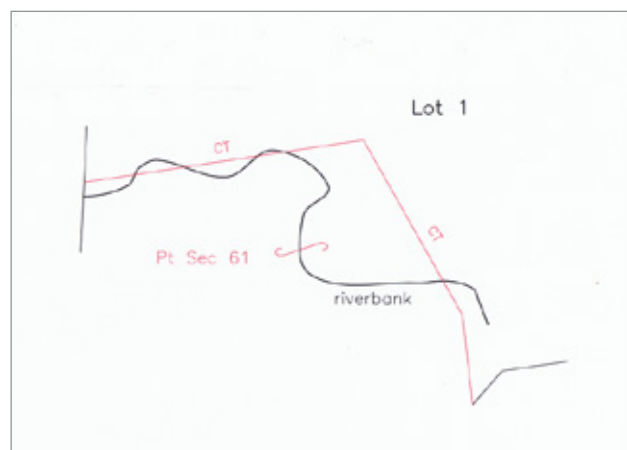
EXAMPLE 1

In this case the surveyor incorrectly defined a water boundary as a series of right lines. The boundary of the Creek is the true left bank as previously depicted on earlier surveys as an irregular water boundary. The water margin has not moved and neither has the boundary therefore the water boundary needs to remain irregular and in the same position. By right-lining the boundary the surveyor had removed the common law rights attached to an ambulatory water boundary and any rights to future accretion and ad medium filum claims. SG Rule 6.7 that requires boundaries to be right-lined is not applicable in this situation.



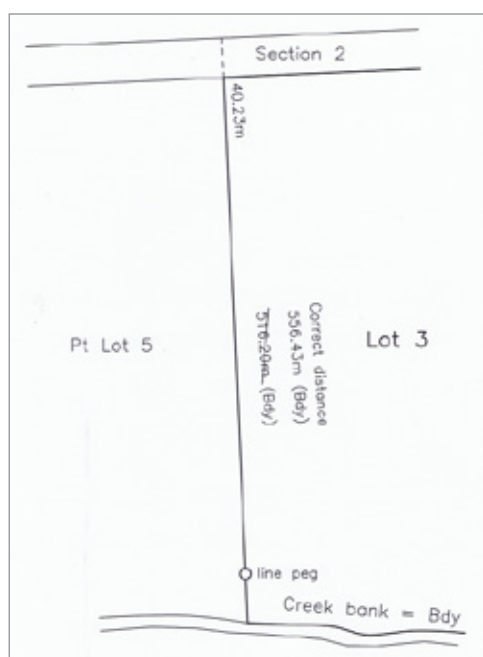
EXAMPLE 2

In this example the surveyor incorrectly decided to ignore a boundary created by Diagram on Transfer. The survey was carried out to uplift limitation as to parcels created when this portion was removed by Diagram-on-Transfer in 1952. The surveyor used the bank of the creek to define the boundary, based on evidence that the creek had always been recognised by landowners as the boundary, and the current owners agreement to the definition. This evidence is not sufficient to override the correct position of the legal boundary.



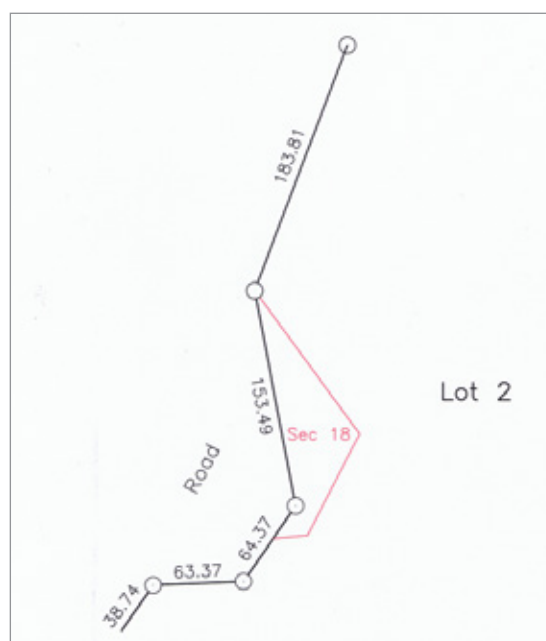
EXAMPLE 3

This survey showed a boundary distance of 516.20 metres between Section 2 and the north bank of the creek. However, existing records show a distance of 556.43 metres. The conflict was identified during integration of the dataset into Landonline. The surveyor incorrectly used a distance shown to the line peg which was confused with the distance across Section 2. This indicates the importance of mathematically verifying all adopted dimensions.



EXAMPLE 4

This survey created an overlap in the cadastre and failed to respect title to the adjoining land. When the current Title diagram was prepared in 2008 it incorrectly showed Section 18 as being included within Lot 2. This was also how Landonline spatial depicted it. However, Section 18 actually has its own computer freehold register and is shown on one of the referenced surveys for the survey. This should have alerted the surveyor that the title diagram and Landonline spatial were not correct. The lesson for surveyors is that a thorough investigation of all survey and title records is essential.



OTHER ERRORS THAT CAUSED S7(1) (D) NOTICES INCLUDED

1. Reliance on Landonline 6th order coordinates to determine boundary definition rather than the location of old marks or proven connections through cadastral traverse vectors. Coordinates on their own may not be reliable and surveyors are reminded to gather all relevant evidence.
2. Reliance on Landonline pre-validation reports to disclose errors. In one case the survey had adopted vectors that were not in Landonline so errors in adopting those vectors did not appear in the pre-validation report. The surveyor wrongly assumed there were no errors in the survey. The lesson here is to check all adopted vectors against the source survey.

OTHER MATTERS CONCERNING THE BOARD

- The continuing high number of errors made by some surveyors as manifested by the number of requisitions, disturbs the Board. The Board considers certification of a dataset as correct as being the key responsibility of a licensed surveyor. Quality assurance systems need to be designed to ensure all datasets will comply with the Rules the first time they are certified.
- The Board recently heard a complaint against a Licensed Surveyor which concerned a disputed boundary definition. The survey was based on an earlier survey by the same surveyor which had been subject to a request from LINZ for corrective action under section 52 of the Cadastral Survey Act 2002.



One part of the complaint concerned the failure to report on the conflicts in the evidence to the standard required by rule 8.2 of the Rules for Cadastral Survey 2010. The Board found that compliance with rule 8.2 (xv) would have required the surveyor to include detailed reference in his report to the prior correspondence with LINZ in relation to the disputed boundary.

This complaint highlights the importance for surveyors to report fully on all matters relevant to the application of the SG Rules to a dataset, including all prior correspondence with LINZ.

Council for Reciprocating Survey Boards of Australia and New Zealand (CRSBANZ)

CRSBANZ has been in existence for about 120 years to ensure that surveyors in our two countries can practice easily throughout Australasia. It does this by making sure that our Universities curriculum are up to the required standards and our standards for Licensing are sufficiently equivalent to support reciprocation.

The Council consists of the chairs of the Boards of New Zealand and all the Australian States who usually meet once a year in person and sometimes also by telephone conference. The Council also allows the Boards to share learnings, and also to influence Governments who might be considering taking the systems in a direction that would be contrary to reciprocation.

The Council also shares the cost of accreditation of the Universities and the running of the Bureau of Overseas Academic Qualifications (BOAQ) that assesses academic qualifications from other countries. This year the Board recognised surveying degrees from Greece and the Philippines as meeting its academic standards for licensing. Since 2002, the Bureau has assessed degrees from the Czech Republic, France, Greece, Mauritius, Philippines, South Africa (Natal), UK, and USA (Minnesota) as being equivalent to a four year surveying degree in New Zealand or Australia.

The BOAQ has assisted CRSBANZ in publishing a document that sets out the core academic competencies required for Licensed Cadastral Surveyor.

All of these activities of CRSBANZ are of significant value to New Zealand surveyors, and give practical effect to closer economic relations between Australia and New Zealand.

Other Items of Interest

SURVEYORS POWERS OF ENTRY ON TO PROPERTY

The Board has become aware that some surveyors believe that they have an automatic right to enter on to a property for the purpose of conducting a cadastral survey.

Without prior authorisation from the Surveyor-General under section 53 of the Cadastral Survey Act 2002 a surveyor has no more right under the Act to enter private land than any other member of the public. A surveyor authorised to enter land must give reasonable notice to the occupier of the land. For further information see the LINZ website at www.linz.govt.nz/land/surveying/survey-system/cadastral-survey-act/authority-enter-land

LICENCE RENEWALS

- i. When surveyors apply to renew their licence they can check the number of cadastral datasets they have had approved by using the Search Survey function in Landonline. This will allow them to find out if they have had at least 3 datasets that define property rights approved by LINZ within the previous 3 years, which is one of the ways they can show they have met the Board's competences.
- ii. The Board is considering online renewal applications. It will need to be sure this improves the ease of the process for surveyors and it is cost effective for the Board for this to be implemented.
- iii. When Surveyors re-apply for a Licence after allowing it to lapse the Board places significant weight on the certifications provided by referees that is one of the requirements to meet the standard for Re-applications. The Board wishes to remind surveyors that those certifications should not be made lightly.



Cadastral Surveyors Licensing Board
of New Zealand

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 - there is now a [Change of Address Form](#) available on the Board's website for this purpose. It is especially important we have your latest email address at Licence renewal time to avoid the risk missing the deadline and no longer having a current Licence.

The address for feedback to the Board is:

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