

Tātai Whenua



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SUBMISSION OF SURVEY AND SPATIAL NEW ZEALAND

Who are we?

Survey and Spatial New Zealand (S+SNZ, the trading name of the New Zealand Institute of Surveyors Incorporated) represents surveyors and spatial professionals. We are a stakeholder across a wide range of government policy areas and the sector including housing development, land subdivision, construction, infrastructure, spatial information and resource management.

Our members are the lead professionals enabling connections between the earth sciences, engineering and applied geography. Their work routinely involves Māori land and, when dealing with Māori landowners and matters relating to Te Ture Whenua Māori Act 1993, it would assist to have easily accessible references to current legislation particularly in respect of definitions, responsibilities and technical matters.

Why are we making a submission to the Māori Affairs Committee?

This submission seeks amendments to Te Ture Whenua Māori Act 1993 so that it references current legislation rather than the repealed Survey Act 1986 and includes any consequential changes. The amendments proposed here relate to the definition of "Surveyor-General" and replacing references to the Chief Surveyor with references to the Surveyor-General.

Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill, currently before the House, is an appropriate vehicle for these amendments.

Definition of "Surveyor-General"

Section 4 (Interpretation) of Te Ture Whenua Maori Act 1993 states:

Surveyor-General has the meaning given to that term by section 2 of the Survey Act 1986.

The Cadastral Survey Act 2002 repealed the Survey Act 1986 and set out the appointment procedure and duties of the Surveyor-General. Section 69 of the Cadastral Survey Act 2002 deals with

references to other enactments but under Part 1 of Schedule 5 relating to repealed enactments, the “amendments [were not] incorporated in the Act(s)”.

S+SNZ submits that the definition of Surveyor-General in section 4 of Te Ture Whenua Māori Act 1993 be amended to reflect current legislation and read:

Surveyor-General means the Surveyor-General appointed under section 5 of the Cadastral Survey Act 2002.

References to “Chief Surveyor”

Section 4 (Interpretation) of Te Ture Whenua Maori Act 1993 states:

Chief Surveyor has the meaning given to that term by section 2 of the Survey Act 1986.

As stated above, the Cadastral Survey Act 2002 repealed the Survey Act 1986. Section 69(1) of this Act states that:

A reference in another enactment to a chief surveyor in the context of cadastral surveys or an interest under a tenure system is to be read as a reference to the Surveyor-General.

S+SNZ submits that “Chief Surveyor” be deleted from section 4 of Te Ture Whenua Māori Act 1993 and that the references to “Chief Surveyor” in sections 125A(3)(b), 322(2), 332(1)(b), 332(3)-(6), 334(2) and 335(2) be replaced with “Surveyor-General”.

Other references to the Survey Act 1986 in Te Ture Whenua Māori Act 1993

There are three other references (sections 125A(1)(b), 125A(5)(c) and 134(3)(c)(ii)) in Te Ture Whenua Māori Act 1993 to the Survey Act 1986 that are additional to those mentioned above. They refer to cadastral, land tenure and jurisdictional matters that also need to be updated with current legislative or regulatory provisions. They are technical in nature and Land Information New Zealand will be able to advise the Committee on those changes.

Recommendations

S+SNZ recommends that the Maori Affairs Committee:

- 1 **note** that Te Ture Whenua Māori Act 1993 refers to the now repealed Survey Act 1986 when defining the terms “Surveyor-General” and “Chief Surveyor”
- 2 **note** that Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill is an appropriate vehicle to incorporate consequential amendments to Te Ture Whenua Māori Act 1993 arising from the Cadastral Survey Act 2002 and which would make it easier for Māori, survey and spatial professionals to work with
- 3 **agree** that Section 4 (Interpretation) of Te Ture Whenua Māori Act 1993 be amended to read:
Surveyor-General means the Surveyor-General appointed under section 5 of the Cadastral Survey Act 2002.

- 4 **agree** that “Chief Surveyor” be deleted from Section 4 (Interpretation) of Te Ture Whenua Māori Act 1993
- 5 **agree** that references to “Chief Surveyor” in sections 125A(3)(b), 322(2), 332(1)(b), 332(3)-(6), 334(2) and 335(2) be replaced with “Surveyor-General”
- 6 **note** that Land Information New Zealand would be the agency best able to advise the Committee on updating the three consequential references relating to cadastral, land tenure and jurisdictional matters arising from repeal of the Survey Act 1986
- 7 **note** that S+SNZ wishes to request an opportunity to speak to the Committee.

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Mark Dyer
Acting Chief Executive