



Cadastral Surveyors Licensing Board  
of New Zealand



# **Cadastral Surveyors Licensing Board of New Zealand**

## **Information for Potential Members**

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## **About the Cadastral Surveyors Licensing Board**

### **Context for the Cadastral Surveyors Licensing Board's role**

The Cadastral Survey Act 2002 ('the Act') set up a regime to promote and maintain the accuracy of the cadastre by:

1. requiring cadastral surveys to be done by, or under the direction of, licensed cadastral surveyors;
2. requiring cadastral surveyors to meet standards of competence to be licensed; and
3. providing for the setting of standards for cadastral surveys and cadastral survey data.

The Act provides for two methods to ensure the quality of cadastral surveys:

- standards for cadastral surveys to be set by the Surveyor-General; and
- a licensing regime for cadastral surveyors.

### **Licensing regime**

The Act established the Cadastral Surveyors Licensing Board of New Zealand (the Board) to administer the licensing regime. The Board maintains the register of cadastral surveyors licensed under the Act and assesses the competence of applicants who are:

- applying for an initial licence;
- renewing their existing licence or reapplying having been previously licensed; and
- Australian or overseas qualified cadastral surveyors.

The Board therefore:

- sets competence standards for licensed cadastral surveyors;
- assesses applicants against those standards;
- issues licences to applicants who meet the standards;
- designs systems to test their on-going competence; and
- deals with complaints about them.

It also has supporting functions - to set fees for licence applications, to arrange for administrative support and to provide statistical information to the Minister for Land Information.

### **Standards of Competence**

The Board sets standards against which cadastral surveyors can be assessed for a licence. The standards articulate the competencies needed to meet the standards for cadastral surveys.

The Rules for cadastral surveys are set by the Surveyor-General. These set functional requirements that specify standards to be achieved in undertaking cadastral surveys and lodging cadastral survey datasets with Toitū Te Whenua Land Information New Zealand (LINZ).

The Board sets competencies to meet the Rules as they change over time.

### **Assessment process**

The Board has developed a method for assessing competence using a mixture of:

- professional examinations and experience (examination run on behalf of the Board by Survey and Spatial NZ (formerly NZIS));
- recognition of practical experience;
- peer assessment; and
- a surveyor's record in having cadastral survey datasets approved and audited.

The type of assessment depends on whether the application is for an Initial Licence, Renewal of a Licence, Reapplication for a Licence or an overseas application. The following outlines the process for each. The complete version of 'Standards for Licensing Cadastral Surveyors' (the Standards) is available on the Board's website [www.cslb.org.nz](http://www.cslb.org.nz).

#### *Initial Application for a Licence*

This applies primarily to graduate surveyors who hold a recognised tertiary educational qualification in surveying (usually a 4 year surveying degree), have undertaken the required practical training, satisfactorily completed any relevant projects, examinations and a professional interview in order to satisfy the Board that he or she can be licensed to practise as a licensed cadastral surveyor.

It also applies to Australian licensed or registered cadastral surveyors who meet the standard of equivalence with the occupation of licensed cadastral surveyors in New Zealand and overseas qualified cadastral surveyors who hold recognised tertiary educational and professional qualifications in surveying and have appropriate practical experience.

#### *Renewal of an Existing Licence*

In accordance with 13.2 of the Standards each applicant for renewal must provide evidence that they have maintained their skills in cadastral surveying as required by the competencies described in Schedule 1 of the Standards.

An applicant who has completed a minimum of three cadastral survey datasets in the preceding two year period that have involved boundary definition and at least one of which has involved the subdivision of land and have been approved as to survey by LINZ is considered, unless the Board decides otherwise, to have the required level of competence for the renewal of a licence.

An applicant who does not meet this requirement must certify in their application that they have, in the preceding 2 year period—

- practised cadastral surveying in New Zealand or in another jurisdiction in which similar competencies in cadastral surveying to those required under these Standards are necessary; or
- maintained their knowledge, understanding and ability by means of private study, research, employment, attendance at seminars, workshops, or other appropriate means in relation to the competencies.

The Board recognises that some surveyors will specialise in different aspects of cadastral surveying, but it requires licensed cadastral surveyors to maintain current knowledge to meet the standards and competencies.

#### *Application by Previously Licenced Surveyor*

This applies to applicants who have previously been licensed but who do not hold an existing licence. To support an application, the applicant must be able to demonstrate that they have maintained or re-established their knowledge, understanding and ability to undertake cadastral surveys in New Zealand to the required level of competence for the issue of a licence. The Board considers applications from surveyors in these circumstances in greater detail and may require the provision of further information to support the application.

A significant amount of the Board's time is spent dealing with licence applications.

### **Complaints jurisdiction**

The Board investigates alleged professional misconduct by licensed cadastral surveyors. The Act sets out what constitutes professional misconduct. The matters relate mostly to technical surveying issues and not to relationships with clients or business elements of a surveyor's practice, which fall outside the board's jurisdiction.

The complaints investigation process can be triggered by:

- a complaint by a member of the public; or
- a member of the Board; or
- another surveyor; or
- LINZ.

The Act sets out the basic framework for the complaint's investigation process, and the Board has rules and procedures to fit within the framework.

Like many professional discipline jurisdictions, the Board is constrained by the rules of natural justice, notice requirements and threshold which must be passed before action can be taken. The sanctions which the Board can apply include cancelling or suspending a cadastral surveyor's licence.

The Board is required to hold a disciplinary hearing where there is a complaint of professional misconduct against a licensed cadastral surveyor. On average there may be a hearing every 2-3 years.

The Hearing procedure (set out in the Policies of the Board) involves the legal advisor and the lay member. A disciplinary hearing cannot be held unless the layperson is present.

## **Significant Failures**

The Surveyor-General also notifies the Board of significant failures in cadastral surveys where a cadastral surveyor fails to meet the standards.

The Board has a process for dealing with such notifications and where appropriate considers them when relicensing and renewing applications, or as part of the complaints investigation process.

## **Board membership**

The Board consists of the Surveyor-General and five members appointed by the Minister for Land Information pursuant to section 13 of the Act as follows:

- a) two nominees of the body or bodies representing cadastral surveyors (at least one of which is or has been a licensed cadastral surveyor);
- b) two persons who are or have been licensed cadastral surveyors and who have not been nominated by a body or bodies representing licensed cadastral surveyors;
- c) one lay person who must not be or ever have been a licensed cadastral surveyor or represent or be connected with the surveying profession;
- d) a substitute member who can act in the absence of any the above appointees other than the lay member (this person must be or have been a licensed cadastral surveyor); and
- e) a substitute member who can act in the absence of the lay member (this person must not be a licensed cadastral surveyor).

The Board will elect a chairperson from categories a) – c) above.

## **Support and administrative services**

The Board makes its own decisions about how its support services are provided. They are funded out of the fees set by the Board which applicants for licences will pay. The day to day administration on behalf of the Board is carried out by the Board Secretary, with a legal advisor appointed on an "as required" basis.

## **Information for potential members**

### **Term of appointment**

Appointments to the Board will be for a term not exceeding three years, specified in each notice of appointment. Members may be reappointed to the Board even though a member's term of appointment may have expired, the member continues in office until their successor is appointed.

The laypersons appointment is only for one term of 3 years, as they are ineligible for reappointment.

## Payment

The payments which members of the Board will receive are set out below. They are in accordance with the framework determined by the Government for paying members of statutory and other bodies (Cabinet Circular CO (19) 6 refers).

- Chairperson - \$685 per day (*Gross payment and subject to tax*)
- Members - \$430 per day (*Gross payment and subject to tax*)

Members are paid two days' fees per meeting to allow for preparation. Different criteria apply for payment with zoom meetings. All travel and accommodation disbursements are reimbursed.

## Time commitment

The Board typically holds four one-day meetings per year in Wellington and two via video-conferencing. Zoom meetings were held in lieu of face to face meetings during the Covid pandemic and this may well continue.

The latest Annual Report of the Board can be obtained from the Board's website [www.cslb.org.nz](http://www.cslb.org.nz).

## Position descriptions

### Position description: Surveyor members

1. Must be or have been licensed under the Cadastral Survey Act 2002 or have been a registered surveyor under the Survey Act 1986;
2. Must have significant experience in the practice of cadastral surveying in New Zealand;
3. Should have the following skills or experience, ideally with a body the functions of which are closely constrained by a statutory framework:
  - experience in using quasi-judicial processes; and
  - managing conflicts of interest.
4. Should have the following skills or experience in any context:
  - setting standards of competence; and
  - formal meeting procedures
  - working in a collegial manner
  - an understanding of governance.

### Position description: Non surveyor/lay members

1. Is not, and never has been, a licensed cadastral surveyor and who is not employed in, and does not represent, the surveying profession;
2. Should have the following skills or experience, ideally with a body the functions of which are closely constrained by a statutory framework:
  - representing or advocating a non-specialist interest in the context of a largely technical decision making process;

- experience in using quasi-judicial processes; and
  - managing conflicts of interest.
3. The following skills or experience in any context:
- reviewing or upholding standards of competence;
  - independent thinking
  - board or governance experience
  - working in a collegial manner
  - experience in reviewing support systems;

## **Other CONSIDERATIONS**

### **Conflicts of interest**

To maintain the confidence of the Government and the public, boards and other bodies must conduct their affairs impartially and be seen to be doing so. An interest arises where a person has a financial, familial or other personal interest in a matter that could give rise to bias or the appearance of bias in the work of an agency.

A conflict of interest will not necessarily bar an appointment. New Zealand's comparatively small population, and the limited number of people who possess particular combinations of skills and experience, mean it is always possible that the question of interests will arise. This will tend to put a focus on identifying and managing interests, rather than disqualifying all those who have interests.

Candidates for Crown entity boards are required to identify whether they (or a partner, child or other close family member or friend) have or are likely to have any financial, personal, or professional interests that might create a conflict if they were to be appointed.

The key points in respect of conflicts of interest are:

1. Perception: If it can be perceived there is a conflict then there will be a conflict regardless of whether the conflict is real or actual.
2. Financial Interests: Are always a conflict of interest and must be declared. A decision will then be made on whether the conflict is of a nature that it can be managed.
3. Recording: Any conflicts financial or other must be declared to the Chairperson of the Board as soon as possible in advance of Board discussion on the issue which gives rise to the conflict. The conflict should be recorded in the Board's minutes.
4. Managed: The Board must agree the process for managing the declared conflict of interest.

As part of the appointment process, the Minister should be confident that every actual or potential conflict of interest that can reasonably be identified has been identified, and where a conflict of interest has been identified, an acceptable mechanism or system has been proposed or established to deal with the conflict appropriately. Applicants will be asked to disclose any conflicts of interest and propose mechanisms to deal with them as part of the application process.

Additionally, interests held by a member's family as well as the member personally may change over time. The issues with which a board or body deals with will also change. Throughout a member's term of office, actual and perceived conflicts of interest must be borne in mind as interests, conflicts, and contexts change. The Board maintains a register where interests are recorded. All board members need to review their interests regularly and add or remove them from the register as soon as the circumstances require it.

Further guidance on the management of interests and conflicts can be found on the Office of the Auditor-General web site: Managing conflicts of interest: Guidance for public entities, refer [www.oag.govt.nz/2007/conflicts-public-entities/](http://www.oag.govt.nz/2007/conflicts-public-entities/).

### **Probity**

People who seek to be appointed to the Board will also be asked to consider whether there is anything in their personal background which could embarrass the government or the Board if it became public in the future. They will be asked to either:

- provide an assurance that there are no such elements in their background; or
- if there are, to provide details for consideration in the appointment process.

### **Public servants**

It is a general Cabinet policy that public servants are not appointed to statutory boards in which the Crown has an interest. However, appointments of public servants may be made under special circumstances.

Further details can be found in the Cabinet Office circular – *CO(02) 5: Appointment of Public Servants to Statutory Boards* [dpmc.govt.nz/publications/co-02-5-appointment-public-servants-statutory-boards](http://dpmc.govt.nz/publications/co-02-5-appointment-public-servants-statutory-boards).