



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Altering name of Department</p> <p>3. Functions and duties of Surveyor-General</p> <p>4. Consequential amendments to references to chief executive and Department of Survey and Land Information</p>	<p>5. Consequential amendments to other Acts</p> <p>6. Consequential amendments to regulations</p> <p>7. Repeals Schedules</p>
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1996, No. 55

An Act to amend the Survey Act 1986

[1 July 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Survey Amendment Act 1996, and shall be read together with and deemed part of the Survey Act 1986 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1996.

2. Altering name of Department—(1) The department of State known as the Department of Survey and Land Information shall be known, as from the commencement of this Act, as Land Information New Zealand.

(2) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Department”, and substituting the following definition:

“ ‘Department’ means the department of State known as Land Information New Zealand.”

(3) Section 2 of the principal Act is hereby amended by repealing subsection (2) (as added by section 2 (2) of the Survey Amendment Act (No. 3) 1989).

(4) Section 2 (2) of the Survey Amendment Act (No. 3) 1989 is hereby consequentially repealed.

3. Functions and duties of Surveyor-General—The principal Act is hereby amended by repealing section 11, and substituting the following section:

“11. (1) The functions and duties of the Surveyor-General shall be—

“(a) To administer, co-ordinate, and arrange for the maintenance and extension of geodetic control networks and traverses, precise levelling or other precision measurements forming the National Survey Control System, and to arrange for the maintenance of the salient permanent reference marks governing or providing subsidiary controls for title surveys:

“(b) To arrange for the implementation of, and to administer, such examination and approval procedures as are necessary—

“(i) To ensure the maintenance of adequate accuracy and standards in surveys for land title, leases, or tenure purposes under any Act; and

“(ii) To facilitate the integration of surveys within the survey system; and

“(iii) To ensure the integrity of cadastral survey records:

“(c) To arrange for the maintenance in suitable format of cadastral survey documents and systems of cadastral survey documents and the production of cadastral record maps portraying surveyed boundaries, land parcels, and appellations providing a comprehensive base for integration of land information data and the establishment of geographic based sub-systems:

“(d) To arrange for the production and maintenance of topographic maps, photogrammetric data and mapping derived from cadastral and topographic information, including related digital records:

“(e) To facilitate the co-ordination of aerial photography required for government purposes and capable of being used in the production of maps:

“(f) To promote the integration of mapping, geographically based information, and land related information with land information system requirements:

- “(g) To specify requirements for and, where appropriate, to arrange surveys for the issue of title or affecting tenure or disposition of Maori land or Crown land:
- “(h) Subject to section 167 of the Land Transfer Act 1952, to receive, hold, and arrange for the distribution, reproduction, and sale of topographic and cadastral maps, aerial photographs, and other survey and mapping documents resulting from activities under this Act and required for government or public use:
- “(i) Subject to the Copyright Act 1994, and as directed by the Minister, to authorise and, where appropriate, charge for the use or reproduction of survey and mapping information recorded by the Department in written, graphic, or digital form:
- “(j) To arrange for the provision of survey, mapping, land information, and related services:
- “(k) To co-ordinate as necessary with overseas agencies on the exchange of survey, mapping, and land information data:
- “(l) To arrange for the investigation of the status of and title to lands of the Crown as required to enable disposal, reservation, revesting, or allocation for government purposes:
- “(m) To advise the Maori Land Court on survey, land tenure, and related matters, and to arrange for investigations and surveys in relation to Maori land:
- “(n) To arrange for the provision of administrative and technical support services to the New Zealand Geographic Board and other bodies as directed by the Minister:
- “(o) To receive requests, arrange for the investigation of the status of land, and co-ordinate proposals for relevant legislation:
- “(p) To report to the Minister on land issues and the effects of proposed legislation dealing with land:
- “(q) To arrange for research in respect of matters relating to the Surveyor-General’s functions and duties:
- “(r) To advise the Minister on surveying, mapping, and related matters, including the purchase by the Government of hydrographic and bathymetric services:
- “(s) To perform such other functions and duties as may be conferred upon the Surveyor-General by or under this or any other Act, or by the Minister.

“(2) In this section, ‘to arrange for’, in relation to an activity,—

“(a) Means to make proper provision for the carrying out of the activity; and

“(b) Includes—

“(i) Monitoring the carrying out of the activity; and

“(ii) Entering into contracts for the carrying out of the activity.”

4. Consequential amendments to references to chief executive and Department of Survey and Land Information—Unless in any case the context otherwise requires, and subject to the provisions of this Act and to section 65 (2) of the Conservation Act 1987,—

(a) Every reference to the chief executive of the Department of Survey and Land Information or the Director-General of Survey and Land Information in—

(i) Any Act, regulation, or other enactment; or

(ii) Any contract, agreement, deed, instrument, application, licence, notice, or other document,— shall be read as a reference to the chief executive of Land Information New Zealand; and

(b) Every reference to the Department of Survey and Land Information in—

(i) Any Act, regulation, or other enactment; or

(ii) Any contract, agreement, deed, instrument, application, licence, notice, or other document,— shall be read as a reference to Land Information New Zealand.

5. Consequential amendments to other Acts—The enactments specified in the First Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

6. Consequential amendments to regulations—(1) The regulations specified in the Second Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

(2) The amendment by this section of the regulations specified in the Second Schedule to this Act shall be without prejudice to any power of amending or revoking those regulations.

(3) The Governor-General may from time to time, by Order in Council, consequentially revoke the Second Schedule to this Act or any part of that Schedule.

7. Repeals—The following enactments are hereby consequentially repealed:

- (a) Subsections (1) and (2) of section 8 of the Land Amendment Act 1951:
 - (b) Section 7 of the Land Amendment Act 1953:
 - (c) Section 16 of the Land Amendment Act 1965:
 - (d) So much of the First Schedule to the principal Act as relates to the New Zealand Geographic Board Act 1946:
 - (e) So much of the Second Schedule to the Conservation Act 1987 as relates to sections 42 (4) (b) and 42 (5) of the Public Works Act 1981:
 - (f) Sections 12 to 14, 21 to 23, and 26, 27, and 84 (4) (b) of the Public Works Amendment Act 1988:
 - (g) So much of the Schedule to the Survey Amendment Act (No. 3) 1989 as relates to the Treaty of Waitangi Act 1975:
 - (h) So much of the Second Schedule to the Copyright Act 1994 as relates to the Survey Act 1986.
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SCHEDULES

Section 5

FIRST SCHEDULE ENACTMENTS AMENDED

Title of Act	Amendment
1908, No. 33—The Crown Grants Act 1908 (R.S. Vol. 2, p. 1)	By repealing the definition of the term “Director-General” in section 2 (as amended by section 6 of the Survey Amendment Act (No. 3) 1989), and substituting the following definition: “‘Director-General’ means the Director-General within the meaning of section 2 of the Survey Act 1986.”.
1932, No. 28—The Waitangi National Trust Board Act 1932 (R.S. Vol. 8, p. 897)	By omitting from section 9 the words “Department of Lands and Survey”, and substituting the words “Department within the meaning of section 2 of the Survey Act 1986”.
1946, No. 3—The New Zealand Geographic Board Act 1946 (R.S. Vol. 10, p. 483)	By repealing the definition of the term “Department” in section 2 (as enacted by section 81 (1) of the Survey Act 1986), and substituting the following definition: “‘Department’ means the department within the meaning of section 2 of the Survey Act 1986.”.
1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)	By repealing the definition of the term “Department” in section 2 (as enacted by section 6 of the Survey Amendment Act (No. 3) 1989), and substituting the following definition: “‘Department’ means the department within the meaning of section 2 of the Survey Act 1986.”.
	By repealing section 116 (as amended by section 8 of the Land Amendment Act 1951, and section 7 of the Land Amendment Act 1953, and section 16 of the Land Amendment Act 1965), and substituting the following section: “116. Title to issue on payment of purchase price —(1) A purchase of land for cash or on deferred payments, or a lessee or licensee who exercises any right which the lessee or licensee may have to purchase the fee simple of the land comprised in the lease or licence, shall, on completion of the payment of the purchase price, and on payment of such title fee as may be prescribed, be entitled

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)—<i>continued</i></p>	<p>to a certificate of title under the Land Transfer Act 1952 in respect of that land.</p> <p>“(2) Notwithstanding anything in section 12 of the Land Transfer Act 1952, no warrant or other authority shall be necessary for the issue of such a certificate of title other than a certificate by the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor as provided for in subsection (3) of this section.</p> <p>“(3) On completion of all necessary surveys (if any) the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor may file in the office of the District Land Registrar a certificate in the form set out in the Second Schedule to this Act certified as correct by the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor. Every such certificate shall have the same effect as a warrant issued under section 12 of the Land Transfer Act 1952, and the District Land Registrar shall issue a certificate of title for the land under that Act accordingly.</p> <p>“(4) The land comprised in any certificate of title issued pursuant to such a certificate by the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor shall be deemed to be subject to the Land Transfer Act 1952 as from the date fixed by the last-mentioned certificate as the date of acquisition of title thereto, and that date shall for all purposes whatsoever be deemed the ante-vesting date in the same manner as if the ante-vesting date had been inserted in a Crown grant of the land.</p> <p>“(5) The date fixed by the certificate of the Director-General within the meaning of section 2 of the Survey Act 1986 or</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)—<i>continued</i></p>	<p>any Chief Surveyor as the date of acquisition of title to the land comprised in that certificate shall,—</p> <p>“(a) In the case of a purchase for cash, be the date of payment of all money as aforesaid:</p> <p>“(b) In the case of a purchase pursuant to the right of purchase contained or implied in any lease or licence, be the date of payment of all money as aforesaid or the date on which the lease or licence has expired, whichever is the earlier.</p> <p>“(6) Every certificate by the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor under this section shall be conclusive evidence to the District Land Registrar of the matters required by this section to be therein stated.</p> <p>“(7) The provisions of sections 14 and 15 of the Land Transfer Act 1952 shall, with the necessary modifications, apply to a certificate of title issued pursuant to subsection (3) of this section as if the certificate of the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor were a warrant by the Governor-General and as if the certificate of title had been issued pursuant to such a warrant.</p> <p>“(8) Where any land owned by the Crown is to be granted in fee simple under the authority of this Act or of any other Act, the grant and issue of a certificate of title in lieu of a Crown grant to the person entitled thereto may be effected in the manner provided by the foregoing provisions of this section, which provisions shall extend and apply with such modifications as are necessary. The provisions of this subsection shall be in addition to and not in substitution for</p>

FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)— <i>continued</i>	<p>any other authority providing for the issue of or conveyance of title to land alienated from the Crown.”</p> <p>By omitting from the Second Schedule (as added by section 8(3) of the Land Amendment Act 1951) the words “Director-General of Survey and Land Information”, and substituting the words “Director-General within the meaning of section 2 of the Survey Act 1986”.</p>
1956, No. 34—The Rangitaiki Land Drainage Act 1956 (R.S. Vol. 6, p. 711)	<p>By omitting from the Second Schedule the words “Department of Lands and Survey”, and substituting the words “Land Information New Zealand”.</p>
1962, No. 48—The Mining Tenures Registration Act 1962 (R.S. Vol. 10, p. 143)	<p>By omitting from section 15(1), and also from section 15(2), the words “the Department of Lands and Survey”, and substituting in each case the words “Land Information New Zealand”.</p>
1971, No. 29—The Marine Farming Act 1971 (R.S. Vol. 22, p. 695)	<p>By omitting from the definition of the term “approved survey monument” in section 2 the words “Department of Lands and Survey”, and substituting the words “department within the meaning of section 2 of the Survey Act 1986”.</p>
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	<p>By omitting from the First Schedule the item relating to the Department of Survey and Land Information.</p> <p>By inserting in the First Schedule, after the item relating to the Inland Revenue Department, the following item:</p> <p>“Land Information New Zealand.”</p>
1975, No. 114—The Treaty of Waitangi Act 1975 (R.S. Vol. 33, p. 907)	<p>By omitting from section 8A(2)(b) and (c), section 8D(1), section 8E(1), (2), and (4), and section 8H(b) (as inserted in each case by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 and as amended in each case by section 6 of the Survey Amendment Act (No. 3) 1989) the words “Minister of the Crown for the time being responsible for the administration of the Survey Act 1956”, and substituting in each case the words</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1975, No. 114—The Treaty of Waitangi Act 1975 (R.S. Vol. 33, p. 907)— <i>continued</i>	<p>“Minister within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from section 8_{HB} (1) (b) and (c), section 8_{HE} (1), section 8_{HF} (1), and section 8_{HI} (b) (as inserted in each case by section 40 of the Crown Forest Assets Act 1989) the words “Minister of Survey and Land Information”, and substituting in each case the words “Minister within the meaning of section 2 of the Survey Act 1986”.</p>
1977, No. 104—The Reserves and Other Lands Disposal Act 1977	<p>By omitting from section 16 (5) the words “Department of Lands and Survey”, and substituting the words “department within the meaning of section 2 of the Survey Act 1986”.</p>
1981, No. 35—The Public Works Act 1981	<p>By omitting from section 40 (1), (2), (2A), and (4) (as amended in each case by section 12 of the Public Works Amendment Act 1988 and by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “chief executive of the Department of Survey and Land Information”, and substituting in each case the words “chief executive of the department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from section 41 (as amended by section 13 of the Public Works Amendment Act 1988 and by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “chief executive of the Department of Survey and Land Information”, and substituting the words “chief executive of the department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from subsections (1) and (2) of section 42 (as amended by section 14 of the Public Works Amendment Act 1988 and by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “chief executive of the Department of Survey and Land Information” wherever</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1981, No. 35—The Public Works Act 1981— <i>continued</i>	<p>they appear, and substituting in each case the words “chief executive of the department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from subsections (4) (b) and (5) of section 42 (as amended by section 65 (1) of the Conservation Act 1987 and by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “Department of Survey and Land Information” wherever they appear, and substituting in each case the words “department within the meaning of the Survey Act 1986”.</p> <p>By omitting from sections 42A (2) and 42B (1) and (2) (as inserted by section 38 of the Waikato Raupatu Claims Settlement Act 1995) the words “Department of Survey and Land Information” wherever they appear, and substituting in each case the words “department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from sections 71 (5) (b), (6), and (7), 73 (4) and (5), and 74 (4) and (5) (as amended by sections 21 to 23 of the Public Works Amendment Act 1988 and by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “chief executive of the Department of Survey and Land Information” wherever they appear, and substituting in each case the words “chief executive of the department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from section 83 (1) (a) (as substituted by section 24 of the Public Works Amendment Act 1988 and as amended by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “Department of Survey and Land Information”, and substituting the words “department within the meaning of the Survey Act 1986”.</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1981, No. 35—The Public Works Act 1981— <i>continued</i>	<p>By omitting from sections 107 (5) and (6) and 108 (as amended by sections 26 and 27 of the Public Works Amendment Act 1988 and by section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “chief executive of the Department of Survey and Land Information” wherever they appear, and substituting in each case the words “chief executive of the department within the meaning of the Survey Act 1986”.</p> <p>By omitting from the Fifth Schedule (as amended by section 84 (4) (b) of the Public Works Amendment Act 1988 and section 9 (3) of the Survey Amendment Act (No. 3) 1989) the words “chief executive of the Department of Survey and Land Information”, and substituting the words “chief executive of the department within the meaning of section 2 of the Survey Act 1986”.</p>
1986, No. 124—The State-Owned Enterprises Act 1986 (R.S. Vol. 33, p. 813)	<p>By omitting from section 26 (1) and (2) and section 26A (1) (as inserted by section 6 of the State-Owned Enterprises Amendment Act 1992) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.</p>
1987, No. 65—The Conservation Act 1987	<p>By repealing subparagraph (iv) of section 64B (2) (b) (as substituted by section 34 of the Conservation Law Reform Act 1990), and substituting the following subparagraph:</p> <p style="padding-left: 40px;">“(iv) The chief executive of the Department within the meaning of section 2 of the Survey Act 1986, or any other specified office holder of that department; and”.</p> <p>By omitting from section 65 (2) (c) the words “Department of Survey and Land Information”, and substituting the words</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1987, No. 65—The Conservation Act 1987— <i>continued</i>	“department within the meaning of section 2 of the Survey Act 1986”.
1988, No. 20—The State Sector Act 1988 (R.S. Vol. 33, p. 715)	By omitting from the First Schedule (as substituted by section 28 (1) of the State Sector Amendment Act (No. 2) 1989) the item relating to the Department of Survey and Land Information. By inserting in the First Schedule (as so substituted), after the item relating to the Ministry of Justice (as inserted by section 5 (2) of the Department of Justice (Restructuring) Act 1995), the following item: “Land Information New Zealand.”
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)	By omitting from section 209 (1) and (2) (as inserted by section 37 of the Education Amendment Act 1990) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.
1989, No. 139—The Survey Amendment Act (No. 3) 1989	By omitting from section 9 (1) the words “Director-General of Survey and Land Information”, and substituting the words “Director-General within the meaning of section 2 of the Survey Act 1986”. By omitting from section 9 (3) the words “Department of Survey and Land Information”, and substituting the words “department within the meaning of the Survey Act 1986”.
1990, No. 105—The New Zealand Railways Corporation Restructuring Act 1990	By omitting from sections 10 (1) and 24 (1) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1992, No. 47—The Crown Research Institutes Act 1992	<p>By omitting from section 30 (3) (a) the words “Department of Survey and Land Information”, and substituting the words “department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from sections 36 (1) and 37 (1) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.</p>
1992, No. 76—The Housing Restructuring Act 1992	<p>By omitting from sections 29 (1) and 30 (1) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.</p>
1993, No. 4—Te Ture Whenua Maori Act 1993	<p>By repealing subparagraph (ii) of section 134 (3) (c), and substituting the following subparagraph:</p> <p style="padding-left: 40px;">“(ii) The chief executive of the department within the meaning of section 2 of the Survey Act 1986; or”.</p>
1993, No. 23—The Health Reforms (Transitional Provisions) Act 1993	<p>By omitting from clause 3 (3) (a) of the First Schedule the words “Department of Survey and Land Information”, and substituting the words “department within the meaning of section 2 of the Survey Act 1986”.</p> <p>By omitting from clauses 11 (1) and 12 (1) of the First Schedule the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.</p>
1993, No. 50—The Housing Assets Transfer Act 1993	<p>By omitting from sections 9 (1) and 10 (1) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1993, No. 87—The Electoral Act 1993	By omitting from section 42 (3), and also from section 42 (4), the words “Department of Survey and Land Information”, and substituting in each case the words “department within the meaning of section 2 of the Survey Act 1986”.
1993, No. 147—The Southland Electricity Act 1993	By omitting from section 20 (3) (a) the words “Department of Survey and Land Information”, and substituting the words “department within the meaning of section 2 of the Survey Act 1986”. By omitting from sections 25 (1) and 26 (1) the words “Director-General of Survey and Land Information” wherever they appear, and substituting in each case the words “Director-General within the meaning of section 2 of the Survey Act 1986”.
1995, No. 58—The Waikato Raupatu Claims Settlement Act 1995	By repealing the definition of the term “Director-General” in section 7, and substituting the following definition: “ ‘Director-General’ means the Director-General within the meaning of section 2 of the Survey Act 1986.”. By omitting from the definition of the term “Waikato claim area” in section 7 the words “Department of Survey and Land Information”, and substituting the words “Land Information New Zealand”. By omitting from section 10 (4) the words “Department of Survey and Land Information”, and substituting the words “department within the meaning of section 2 of the Survey Act 1986”.

Section 6 (1)

SECOND SCHEDULE
REGULATIONS AMENDED

Title	Amendment
The Public Works (Fees for Documents) Regulations 1989 (S.R. 1989/98)	By omitting from regulation 3 (1A) (as substituted by regulation 2 (1) of the Public Works (Fees for Documents) Regulations 1989, Amendment No. 1) the words "Department of Survey and Land Information", and substituting the words "department within the meaning of section 2 of the Survey Act 1986".

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This Act is administered in Land Information New Zealand.

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