



Institute of Cadastral Surveying (Inc)

Post Box 12226, Beckenham, Christchurch, 8242

Phone: (03) 686 9400

Email: sec@ics.org.nz

Web: www.ics.org.nz

1 December 2017

Mark Dyer

Surveyor-General

Land Information New Zealand

P O Box 5501

WELLINGTON 6145

Dear Mark

Review of Rules for Cadastral Survey – Reference Group

Thank you for your letter of 29 November 2017 enclosing the Reference Group Terms of Reference for the Review of the Rules for Cadastral Survey.

The ICS remains very committed to this Rules review, and having ongoing meaningful participation to ensure that new rules developed are in the best interests of Licensed Cadastral Surveyors (LCS) and the Public.

Our Committee has considered the draft Terms of Reference and provide the following feedback, as requested in your letter.

Context - 2010 Rules Process

We are mindful that the process being championed to develop new Rules, is a similar process to that used to develop the Rules for Cadastral Survey 2010. That process with its Reference Group produced an initial draft which proposed significant changes to the established cadastral processes (such as eliminating the need for compulsory boundary pegging - in conflict with the hierarchy of evidence), and produced final Rules which since 2010 have created much uncertainty for surveyors and their clients. We need to ensure that process deficiencies in the past, are not repeated in developing the new Rules.

Reference Group - Terms of Reference

In our view, the biggest single impediment to obtaining good advice and technical people with the requisite experience and credibility, is the lack of recognition of the time involvement of the participants (Sec 2.4). Indeed, without this reimbursement we have doubt that the best possible LCS will apply, and a Reference Group comprising *pro bono* applicants may not add significant value to the process. It is imperative that these people be reimbursed for time invested at reasonable rates. In this way, we believe a Reference Group made up of paid competent LCS may be able to make a more positive impact on any proposed Rules.

The Reference Group is to be made up of five LCS from the private sector and be representative of the survey profession but not necessarily represent the NZIS or ICS. We believe there needs to be a definitive statement in Sec 2.1 that "These LCS do not represent any body representing Cadastral Surveyors". We believe you should distribute your letter and revised Terms of Reference inviting application for the Group directly to all LCS, and

your appointments will be directly with the LCS concerned as suppliers. ICS (and other bodies) can then ensure their independence, especially where advice or Rules may not be supported by our members nor be in the public interest.

We see little need for the confidentiality clause (Sec 3.2). These are technical Rules which will only benefit from wide distribution and discourse, at all stages of development.

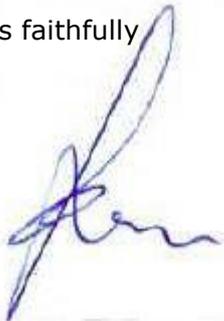
It is unlikely that such a small Reference Group will have all of the necessary expertise and range of experience to encompass the necessary land law, field and office survey practice, cadastral efficiency and effectiveness etc. It is also unlikely it will encompass all professional views. Notwithstanding the establishment of a Reference Group, we would encourage you to consult with all LCS throughout the process, and hold regular nationwide workshops. We believe that this will have fiscal benefits to LINZ in ultimately reducing requisition rates and ensuring good Rules which are well understood by LCS and will stand the test of time.

Should any of our members make themselves available or be selected for the Reference Group, we support their contribution. We would clearly value any feedback they may be able to provide to our members. However, their views on the Group should only be seen as their own.

ICS would welcome the opportunity for formal consultation at least at the draft and final draft Rule stages (the latter was not done with the 2010 Rules review). We will require at least a month (and longer over any holiday period) for our members to fully consider the Rules at these stages and to provide reasoned comment. Can you provide any more finite dates when this may be requested?

We look forward to your release of the revised Terms of Reference and application instructions direct to LCS, and your advice of who has been appointed to the Reference Group.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Pat Sole', written over a light blue grid background.

Pat Sole
President

cc: Lyndon Telfer (ASG)
Ken Ng (Advisor LINZ Regulatory)