

SURVEY AMENDMENT BILL

AS REPORTED FROM THE PLANNING AND DEVELOPMENT COMMITTEE

COMMENTARY

Recommendation

We have examined the Survey Amendment Bill and recommend that it be passed as amended.

Conduct of the examination

The bill was referred to the Planning and Development Committee on 8 May 1996. The closing date for submissions was 29 May 1996. We received and considered five submissions. We heard one hour and 34 minutes of evidence, and we spent a total of four hours and 55 minutes on hearings of evidence and consideration.

We received advice from the Land Information New Zealand Establishment Unit (referred to below as “the Establishment Unit”) and the Department of Survey and Land Information.

This commentary sets out the details of our consideration of the bill and the major issues addressed by us.

Background

In 1995, the Government commissioned a major review of the Department of Survey and Land Information (referred to below as “the department”). As recommended in the report on that review, the Government decided that the department should be restructured to separate core policy and regulatory functions and the provision of public-good services from non-core delivery of commercial products. A new State-owned enterprise, Terralink New Zealand Limited, is to be established to take over the non-core functions of the department and to compete for contracts to support the department’s core outputs.

It is the Government’s intention to consolidate core land infrastructure responsibilities within one department. Accordingly, the Land Titles Office, formerly a division of the Public Registries Group of the Department of Justice, is to be incorporated into the new department, which will also take on responsibility for the seabed cadastre.

The Government has set the date of 1 July 1996 for the restructuring of the department and the establishment of the new State-owned enterprise.

Purpose of the bill as introduced

The purpose of this bill, as introduced, is to enable the restructuring of the department, and to change the name of the department to Land Information New Zealand. The bill allows the Surveyor-General either to delegate functions within the department or to contract them out as appropriate.

Clause 3 of the bill repeals section 11 of the Survey Act 1986, and substitutes a new section setting out the functions and duties of the Surveyor-General. Whereas the Surveyor-General currently fills the position of chief executive, in the restructured department, the Surveyor-General will be one of a number of senior managers reporting to the chief executive. As introduced, clause 3 removes functions which are no longer to be performed by the Surveyor-General, and provides that the Surveyor-General may “arrange for” functions to be delegated within the department or contracted out to external providers, such as the State-owned enterprise.

Other provisions in the bill, as introduced, consequentially amend or repeal other Acts and regulations.

This bill does not itself enable the establishment of the new State-owned enterprise. This is to be achieved by the addition of Terralink NZ Limited to the First Schedule of the State-Owned Enterprises Act 1986. Changes set out in Part IV of the Finance Bill (No. 6), which was introduced last year, provide for the transfer of staff into the new State-owned enterprise.

Name of the restructured department

The bill, as introduced, changes the name of the department to Land Information New Zealand. The New Zealand Institute of Surveyors submitted that name should still contain a reference to the “survey” function of the department.

Advisers from the Establishment Unit explained that the new name had been chosen to assist the new chief executive and management team in establishing a new culture and setting a new direction for the department. The current name, Department of Survey and Land Information, has not been well recognised by the general public. Moreover, the new name identifies a link common to all functional groups within the department, and has received the greatest level of support from staff. The advisers also stated that the restructured department will itself not be carrying out survey work.

We understand that the new name has reached a broad level of acceptance among staff of the department, and we note that the management team is hoping that the new name will reflect a new culture and environment in the department. It should be noted that we are not convinced that a name change is necessary; we believe that a new culture will best be reflected by the department’s performance. However, given that the change appears largely to have been implemented already, our reservations are not great enough to justify the disruption which would arise from a recommendation that the name change be omitted from the bill.

Responsibility for functions and duties of Surveyor-General

As introduced, clause 3 of the bill provides that the Surveyor-General, rather than performing the functions and duties set out in the clause, can arrange for these functions and duties to be performed by others, either from within the department or another organisation.

The Legislation Advisory Committee submitted that the use of the phrase “arrange for”, in clause 3, does not make it clear who will carry statutory responsibility for the functions and duties set out in this clause. The submissioners

stated that this phrase does not reflect the Government's policy that the department should still carry this responsibility.

The Legislation Advisory Committee also noted that section 12 of the principal Act sets out provisions relating to the delegation of the Surveyor-General's functions, duties and powers. Included are provisions that the Surveyor-General may delegate to any officer of the department any function under the Act; that any such delegation may be revoked by the Surveyor-General; and that no such delegation shall prevent the exercise by the Surveyor-General of any functions conferred by the Act. The Legislation Advisory Committee suggested that an equivalent set of provisions may be helpful in relation to the contracting out of functions.

We agree that the extent of the Surveyor-General's responsibilities should be made clear. The phrase "arrange for" does not necessarily suggest that the Surveyor-General is responsible for the satisfactory completion of any function, once the Surveyor-General has fulfilled the obligation to arrange for the performance of that function by another person.

However, we do not support the proposal of the Legislation Advisory Committee that the phrase "be responsible for" be used instead. We have been advised that the word "responsible" is not a legal term, and that it is not clear exactly what the phrase "responsible for" implies. But we do believe that the bill should be amended to ensure that the Surveyor-General's responsibilities include the continued monitoring of any activity delegated or contracted out. Our proposed new subsection (2) reflects this through the inclusion of a definition of the phrase "arrange for". We have been advised that this amendment will not in any way preclude the department from undertaking any functions contracted out.

We have been advised that there will be a full review of the Land Transfer Act 1952 and the Survey Act 1986. At this time the issue will be addressed of which functions and activities the new department should carry out, and the extent to which these should be defined in legislation.

Contracting out of research

The submission of the University of Otago Department of Surveying noted that, in clause 3 of the bill as introduced, the Surveyor-General is charged with "arranging for" most activities. However, proposed paragraph (q) directly obliges the Surveyor-General "to conduct research in respect of matters relating to the Surveyor-General's functions and duties". The submissioner suggested that the Surveyor-General should be able to contract out the conducting of research in a similar way to the other functions listed in the clause.

We agree that the Surveyor-General should not be restricted from delegating research work within the department or contracting it to outside organisations. Our proposed amendment to paragraph (q) reflects this.

Land Information

Integration of databases

The submission of Mr Derry Gordon was concerned primarily with the need for the continued development of a land information system. This term is used to describe a system of linked databases containing information relating to land, such as land boundaries, land title and land valuation. It can also be linked to land controls, and to Māori land ownership and boundaries. Much work has already gone into the computerisation of databases held by various agencies. In the Auckland area, some work has been done on a pilot linking the survey, land titles, and valuation databases.

Mr Gordon submitted that the chief executive of the department, and also of Valuation New Zealand and the Maori Land Court, should be obliged to create or maintain a Land Information System. The public good arising from such a system would, in Mr Gordon's view, be considerable.

We accept that an important matter has been raised by Mr Gordon. However, we have been advised that Cabinet has made a decision that the development of a land information system is not considered a core function at this stage, and that the operation and extension of the Auckland land information system is more appropriately addressed in a commercial context. We understand that Terralink NZ Limited's interests have already been in contact with users of the Auckland land information system in that regard. This issue will be a matter of on-going debate.

Advisers from the Establishment Unit have also informed us that a strategic review of the automation of the land titles and survey databases held within the department has been commissioned. These moves may lead to the possible further development of linkages between the different land information databases.

Department as "custodian" of land information

Mr Paul Hughes and Mr Gordon were concerned that the role of the current department as a custodian of land information should continue, as this is extremely important public information which should not be privatised or exposed to market forces. Advisers have confirmed that custody of core information will remain with the department.

Access to information

Mr Hughes was concerned that access to land information is difficult for users such as regional and district councils and small businesses, due to the high cost of the information. It was submitted that the process of determining costs should be more transparent, and that public sector organisations should only charge enough to recover costs. The Legislation Advisory Committee added that information which results from any activity contracted out by the department should be made available to the public in the same way that it would be if the department carried out the activity itself.

Advisers from the Establishment Unit have acknowledged that there has been criticism of the level of charges for information supplied by the department.

We understand that, in setting up the new department, there have been problems in terms of determining how costs are allocated. We are particularly concerned to ensure that the determination of costs must be as transparent as possible. Advisers from the Establishment Unit stated that the department's present financial management information system is to be replaced, and that future changes should meet the guidelines published by the Audit Office for charges levied for services by departments.

We do not recommend any amendment in relation to this issue.

Public land asset register

Mr Hughes submitted that the department should be required to maintain a register of all public land, to assist public agencies in keeping track of land administered by them, and also for the information of iwi and members of the public. We have been advised that the proposed wider automation of land databases is likely substantially to meet this need.

Hydrographic information

We noted that hydrography is omitted from the activities listed in proposed new section 11. The provision of hydrographic and bathymetric services is currently carried out by the New Zealand Defence Force. An appropriation is proposed for the department for this purpose. We recognise that hydrographic information will fall within the purview of the Chief Topographic/Hydrographic Officer.

This bill is a transitional measure which prescribes a number of areas which are to be administered by the restructured department. We are concerned that, where a bill sets out functions with such specificity, an omission may be significant. For this reason, we recommend that the provision of advice to the Government on the purchase of hydrographic and bathymetric services be included as a function of the Surveyor-General until the Act is reviewed.

Advice to Maori Land Court

The Legislation Advisory Committee questioned whether it is appropriate that the Surveyor-General be required, under proposed section 11 (m) in clause 3, "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." The view of the submissioners was that the duty to advise on "land tenure" should be omitted, given that the Surveyor-General "may not be any way qualified in tikanga Maori".

We believe that the omission of the term may be detrimental to Māori, as it might result in claimants being deprived of an avenue for obtaining important information in relation to land tenure. The wording in the bill as introduced, which mirrors a provision currently in section 11 of the principal Act, gives leverage to the Maori Land Court to call upon the department for advice. Continued recourse to old survey records is vital to the court and to claimants, to assist in identifying history of land tenure. The specific omission of the term "land tenure" could possibly provide grounds for such assistance to be withheld.

We therefore recommend no change in relation to this issue.

Protection of archival material

The department holds a large amount of valuable archival material. Many old records are still "live": survey records which are 100 years old are still in use. We were anxious to ensure that the protection of such records remains a statutory responsibility and that appropriate administrative arrangements can be made accordingly. Advisers from the Establishment Unit stated that the proper maintenance and protection of records is set out in other legislation, particularly the Archives Act 1957. We were informed that survey plans are microfilmed, and copies are kept in different locations around the country.

Staffing matters

We asked officials about how the restructuring of the department will affect staff. Approximately 1350 staff are employed by the current department, and there will be 1200 positions in either the restructured department or the new State-owned enterprise. The department will employ approximately 860 people. It is intended that as many current staff as possible will be transferred to one organisation or the other.

Officials from the Establishment Unit have acknowledged that the process of restructuring is not a comfortable one for staff. It was stated, however, that the performance of staff has not been diminished as a result. The officials accept that further changes will be necessary as new technology is introduced.

Explanatory notes of the bill as introduced

We wish to comment on the explanatory note which appears at the front of the bill as introduced. We feel that this note does not set out, to any great extent, the policy background behind the introduction of the bill, and does not describe fully the nature of the changes set out in the bill and its provisions. In particular, we consider that it would have been helpful if the note had referred to Part IV of the Finance Bill (No. 6), which was introduced last year to provide for the transfer of staff into the State-owned enterprise. We note that officials are generally responding to the wish expressed by the Standing Orders Committee, in its report on the review of Standing Orders (I.18A 1995, page 54), that explanatory notes "should be expanded and improved".

KEY TO SYMBOLS USED IN REPRINTED BILL

AS REPORTED FROM A SELECT COMMITTEE

<i>New (Unanimous)</i>		
<table border="1"><tr><td>Subject to this Act,</td></tr></table>	Subject to this Act,	Text inserted unanimously
Subject to this Act,		
<i>(Subject to this Act,)</i>	Words struck out unanimously	
<u>Subject to this Act,</u>	Words inserted unanimously	

Hon. Denis Marshall

SURVEY AMENDMENT

ANALYSIS

Title	5. Consequential amendments to other Acts
1. Short Title and commencement	6. Consequential amendments to regulations
2. Altering name of Department	7. Repeals Schedules
3. Functions and duties of Surveyor-General	
4. Consequential amendments to references to chief executive and Department of Survey and Land Information	

A BILL INTITULED

An Act to amend the Survey Act 1986

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

5 **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.

10 **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:

15 “ ‘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).

*1986, No. 123

Amendments: 1988, No. 33; 1989, Nos. 15, 40, and 139

(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: 10
- “ (b) To arrange for the implementation of, and to administer, such examination and approval procedures as are necessary— 15
 - “ (i) To ensure the maintenance of adequate accuracy and standards in surveys for land title, leases, or tenure purposes under any Act; and 20
 - “ (ii) To facilitate the integration of surveys within the survey system; and
 - “ (iii) To ensure the integrity of cadastral survey records: 25
- “ (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: 30
- “ (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: 35
- “ (e) To facilitate the co-ordination of aerial photography required for government purposes and capable of being used in the production of maps: 40
- “ (f) To promote the integration of mapping, geographically based information, and land related information with land information system requirements:

- 5 “(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:
- 10 “(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:
- 15 “(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:
- 20 “(l) To arrange for the investigation of the status of and title to lands of the Crown as required to enable disposal, reservation, reversioning, or allocation for government purposes:
- 25 “(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:
- 30 “(o) To receive requests, arrange for the investigation of the status of land, and co-ordinate proposals for relevant legislation:
- 35 “(p) To report to the Minister on land issues and the effects of proposed legislation dealing with land:
- “(q) To ~~(conduct)~~ arrange for research in respect of matters relating to the Surveyor-General’s functions and duties:
- 40 “(r) To advise the Minister on surveying, mapping, and related matters, including the purchase by the Government of hydrographic and bathymetric services:
- 45 “(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.

New (Unanimous)

“(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 5

“(b) Includes—

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

“(ii) Entering into contracts for the carrying out of the activity.” 10

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,— 15

(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 20

(b) Every reference to the Department of Survey and Land Information in— 25

(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. 30

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. 35

(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.

5 (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:

10 (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:

15 (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:

20 (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:

25 (h) So much of the Second Schedule to the Copyright Act 1994 as relates to the Survey Act 1986.

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
1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)— <i>continued</i>	<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
1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)— <i>continued</i>	<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>	any other authority providing for the issue of or conveyance of title to land alienated from the Crown.” 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”.
1956, No. 34—The Rangitaiki Land Drainage Act 1956 (R.S. Vol. 6, p. 711)	By omitting from the Second Schedule the words “Department of Lands and Survey”, and substituting the words “Land Information New Zealand”.
1962, No. 48—The Mining Tenures Registration Act 1962 (R.S. Vol. 10, p. 143)	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”.
1971, No. 29—The Marine Farming Act 1971 (R.S. Vol. 22, p. 695)	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”.
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from the First Schedule the item relating to the Department of Survey and Land Information. By inserting in the First Schedule, after the item relating to the Inland Revenue Department, the following item: “Land Information New Zealand.”
1975, No. 114—The Treaty of Waitangi Act 1975 (R.S. Vol. 33, p. 907)	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

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 8HB (1) (b) and (c), section 8HE (1), section 8HF (1), and section 8HI (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)	<p>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.</p> <p>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:</p>
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)	<p>“Land Information New Zealand”.</p> <p>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”.</p>
1989, No. 139—The Survey Amendment Act (No. 3) 1989	<p>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”.</p> <p>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”.</p>
1990, No. 105—The New Zealand Railways Corporation Restructuring Act 1990	<p>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”.</p>

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>“(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".