



## ANALYSIS

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1989, No. 15

**An Act to amend the Survey Act 1986**

[17 April 1989]

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 1989, 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 28th day after the date on which it receives the Royal assent.

**2. Powers of Director-General**—The principal Act is hereby amended by inserting, after section 5, the following section:

“5A. (1) For the purposes of enabling the Department to carry out the functions, responsibilities, duties, and powers imposed on or given to it, or any person employed by it, the Director-General may—

“(a) Purchase, take on lease, or otherwise acquire any land or interest in land; and

“(b) Sell or otherwise dispose of, or grant any lease, licence, or easement over, any land or interest in land under the control of the Department and held for the purposes of this Act.

“(2) Unless otherwise expressly provided in this or any other Act,—

“(a) Every contract, agreement, arrangement, or other instrument for any such purpose shall be entered

into by the Director-General in the name of, and on behalf of, the Crown; and

“(b) Every piece of land or interest in land acquired under subsection (1) (a) of this section shall be held in the name of the Crown for the purposes of this Act.

“(3) Nothing in this section shall limit any power of delegation conferred on the Director-General by any other Act.

“(4) The powers conferred on the Director-General by subsection (1) of this section are in addition to and not in derogation of those conferred on the Director-General by any other Act or any rule of law.”

**3. Constitution of Board**—Section 13 (2) (c) of the principal Act is hereby amended by inserting, after the words “only when the board is”, the words “hearing an appeal under section 28 of this Act or”.

**4. Meetings of Board**—Section 17 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) At every meeting of the Board, the quorum necessary for the transaction of business shall be 3 members, except—

“(a) Where the Board is hearing an appeal under section 28 of this Act; or

“(b) Where the Board is considering any matter under Part III of this Act,—

when in each case the quorum shall be 4 members and shall include the member appointed under section 13 (2) (c) of this Act.”

**5. Appeal against imposition of fine under rules of Institute**—Section 28 of the principal Act is hereby amended by adding the following subsection:

“(5) In addition to any order it may make under subsection (4) of this section, the Board may order that any costs and expenses of and incidental to the hearing of an appeal shall be paid—

“(a) By the appellant, if the Board makes an order confirming the decision appealed against; or

“(b) By the Council, if the Board makes an order reversing the decision appealed against; or

“(c) By the appellant and the Council in such proportions as the Board thinks just and reasonable, if the Board makes an order modifying the decision appealed against.”

**6. Regulations**—(1) Section 80 (2) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Prescribing, or providing for the fixing of, fees or charges payable in respect of services supplied to any person by the Department in the exercise of its functions under any Act, including all or any of the following services:

“(i) Surveys:

“(ii) Mapping and cartography:

“(iii) The supply of maps and charts, in any form whatever:

“(iv) The carrying out of investigations:

“(v) The provision of technical and certified descriptions:

“(vi) The examination of plans:

“(vii) The provision of cadastral data, base map data, geodetic and national survey control data, and tidal data:

“(viii) Drafting:

“(ix) Title drawing:

“(x) Photogrammetry:

“(xi) Land inventory and planning:

“(xii) Land information.”

(2) Section 80 (2) (b) of the principal Act is hereby amended by omitting the words “; and prescribing fees payable in respect of such lodging and checking and searches and copies of such plans”.

(3) Section 80 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsections:

“(3) Regulations made under subsection (2) (a) of this section may—

“(a) Prescribe specific fees or charges for specific services:

“(b) Prescribe a scale of fees or charges, or a rate based on the time involved in supplying the service:

“(c) Prescribe penal or overtime fees or charges for services supplied outside normal working hours or at weekends or on statutory holidays:

“(d) Prescribe different fees or charges for different services or classes of services, based on such criteria as may be specified in the regulations:

“(e) Provide for the refund or waiver of any fee or charge, in whole or in part, in any specified case or class of cases.

“(4) All fees and charges prescribed or fixed by or under regulations made under this section shall be reasonable, having regard to the costs and expenses incurred and borne by the Department in undertaking or providing the service.

“(5) All such fees and charges shall be payable by every person (including any person acting on behalf of any instrument of the Crown) who requests the Department to supply that service.”

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This Act is administered in the Department of Survey and Land Information.

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