



Cabinet

Minute of Decision

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Streamlining the Reclassification of Conservation Portfolio Stewardship Land and Updating the National Panel Reclassification Process: Proposed Legislative Amendments

Portfolio **Conservation**

On 27 September 2022, following reference from the Cabinet Environment, Energy and Climate Committee, Cabinet:

Background

- 1 **noted** that in April 2021, the Cabinet Business Committee agreed in principle that the Conservation Act 1987 be amended to improve the process of reclassifying conservation portfolio stewardship land and invited the Minister of Conservation to report back to Cabinet on proposed amendments [CBC-21-MIN-0045];
- 2 **noted** that in October 2021, the Cabinet Environment, Energy and Climate Committee approved public consultation and the release of a public discussion document to support streamlining the legislative process for reclassifying and disposing of stewardship land [ENV-21-MIN-0060];
- 3 **noted** that in November 2021, the Department of Conservation (DOC) released the 'Stewardship Land in Aotearoa New Zealand' discussion document which set out six areas in the current legislative process for reclassifying stewardship land where efficiencies could be achieved, or where changes could be made to ensure a better process;
- 4 **noted** that DOC concluded public consultation on the discussion document in March 2022;

Proposed amendments

- 5 **agreed** to amend the Conservation Act 1987, the National Parks Act 1980, and if necessary, the Reserves Act 1977 to:
 - 5.1 enable the National Panels to carry out the statutory steps leading up to, and including, making recommendations to the Minister of Conservation to reclassify stewardship land;
 - 5.2 enable the National Panels to make recommendations to reclassify stewardship land as a national park, in consultation with the New Zealand Conservation Authority and relevant Conservation Boards;
 - 5.3 declare that land under section 62 of the Conservation Act 1987 is held for conservation purposes under section 7 of the Act;

- 5.4 enable the proceeds of sale of stewardship land to be directed to DOC to offset the costs associated with readying stewardship land for disposal, with any surplus proceeds returned to the Crown;
- 5.5 ensure that National Panel members cannot be held personally liable for decisions they make in good faith when exercising their statutory powers;
- 6 **noted** that the public submission period specified in legislation would be a minimum, and that the Minister of Conservation (the Minister) can use discretion to allow for a longer submission period or an extension, if they consider it appropriate;
- 7 **noted** that concessions arrangements for land that may be reclassified or disposed of can continue as per their terms, and that the Minister proposes retaining the status quo with no legislative amendments;

National Panels' work programme

- 8 **noted** the approach to progressing the stewardship land reclassification programme, including further work beginning in the South Island and the approach to engaging with whānau, hapū, and iwi;
- 9 **noted** that draft recommendations for the reclassification of stewardship land will be publicly notified on a periodic basis;
- 10 **noted** that following Panel One finalising its recommendations, the Minister will inform Cabinet of any proposed decisions regarding stewardship land on the West Coast;

s9(2)(j)

Next steps for the stewardship land provisions

s9(2)(f)(iv)

- 15 **agreed** that that the proposals in the Stewardship Land Bill be combined into the Conservation Management and Processes Bill at the drafting stage;
- 16 **invited** the Minister of Conservation to issue drafting instructions to the Parliamentary Council Office giving effect to the above paragraphs;
- 17 **authorised** the Minister of Conservation to make decisions, consistent with the policy framework in the paper under ENV-22-SUB-0035, on any issues that arise during the drafting process;

18 **noted** that the legislation drafted to give effect to the above policy decisions will bind the Crown.

Rachel Hayward
Acting Secretary of the Cabinet

Secretary's Note: This minute replaces ENV-22-MIN-0039. Cabinet agreed to remove paragraph 5.1 and amend paragraph 5.4.

RELEASED BY THE MINISTER OF CONSERVATION