Department of Conservation
Te Papa Atawhai

Briefing: Engagement with PSGEs on the Conservation Amendment Bill

To	Minister of Conservation	**Date submitted**	9 July 2025
Action sought	Note the legal risk associated with approaches taken to upholding Treaty settlement commitments in the context of the Conservation Amendment Bill Note that our engagements about the Bill with Post-Settlement Governance Entities are likely to be at various stages by later this year, and we are preparing options for you to consider.	**Priority**	High
Reference	25-B-0202	**DocCM**	DOC-10357437
Security Level	In Confidence		

Risk Assessment	High Risks to Crown-Māori relations and timeframes for the Conservation Amendment Bill	**Timeframe**	As soon as practicable
Attachments	s9(2)(h) [redacted]		

Contacts	
Name and position	**Phone**
Ruth Isaac, Deputy Director-General	s9(2)(a) [redacted]
Sam Thomas, Director Policy	s9(2)(a) [redacted]
Huia Forbes, Director Treaty Relationships	s9(2)(a) [redacted]

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. This briefing provides an update on legal risk associated with progressing the Conservation Amendment Bill (the Bill) without formal agreement from Post-Settlement Governance Entities (PSGEs) on how to uphold Treaty settlements.

s9(2)(h) [redacted]

Progressing engagement on the Bill

5. Some aspects of settlements will be straightforward to translate into the Bill. Others are likely to be more complex, and require significant discussions that will not be completed by October, when the report to Cabinet on the Bill is due. In most cases, PSGEs wish to wait for more clarity on the scope of the National Conservation Policy Statement (NCPS), Area Plans, and policy decisions on concessions before providing full views on approaches to upholding redress.

6. We will provide you with further updates as discussions progress. We will also provide you with options for advancing the Bill and upholding settlements in coming weeks.

We recommend that you … (Ngā tohutohu)

a)	s9(2)(h) [redacted]
b)	**Note** that our engagements about the Bill with Post-Settlement Governance Entities are likely to be at various stages by later this year, and we are preparing options for you to consider.

s9(2)(a) [redacted]

Date: 09/07/2025

Ruth Isaac
Deputy Director-General, Policy and Regulatory Services

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

14. This briefing provides:
    - a summary of legal advice from the Crown Law Office about options for proceeding with the Conservation Amendment Bill (the Bill) if full agreement with PSGEs is not sought and reached, and the risk associated with these options; and
    - a progress update and proposed next steps for engaging with PSGEs on the Bill.

Further advice on legal risk and options to proceed with the Bill agreement [Legally privileged]

s9(2)(h)

s9(2)(h)

s9(2)(h)

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s9(2)(g)(i)

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s9(2)(h)

28. s9(2)(g)(i)

s9(2)(h)

s9(2)(h) [redacted]

Progress on engagement

31. In the week beginning 26 May, we provided a status report item confirming that engagement with PSGEs was underway. In this item we noted that we would provide progress updates.

32. To date, we have held hui with 15 PSGEs, the majority of which have complex or bespoke redress. We are continuing to organise hui with all PSGEs that have complex redress. We are also drafting correspondence to PSGEs whose redress may be more easily adapted into the new system. In these letters we are outlining the proposals and how these may interact with redress, and seeking PSGE views on this analysis.

33. Common themes that have arisen in hui so far include:
    - an understanding of the importance of the new NCPS in the proposed reforms and a strong desire to have significant input into its drafting, or preserving the ability for PSGEs to influence policy application at a regional level through “settlement” area plans;
    - requiring clarity about what is proposed for the Bill and the NCPS before informed decisions can be made about any potential impacts on redress;
    - the importance of management and concessions decisions reflecting cultural values as well as biodiversity values;
    - concerns about shifting some decision-making from Conservation Boards to the Minister as it removes a decision-making role from PSGEs (though noting concerns relate to impacts on the decision-making function of the PSGE, rather than the Conservation Board per se). There is also a perception that decisions may become politicised or not appropriately reflect PSGE views;
    - concerns that increased flexibility for land exchanges will be used to circumvent Right of First Refusal redress; and
    - questions about whether this work will be affected by the wider review of Treaty clauses in legislation.

34. We will continue to provide periodic updates as engagement continues.

35. We continue to work with Pou Taiao who are providing advice on our analysis of common redress elements and how they could be addressed in the new system. They are also advising on our general engagement approach. We will provide further updates on any issues raised that we consider require your attention.

Next steps

36. We will continue our PSGE engagement to inform your further decisions this year and to achieve full agreement where possible. While we do not expect any PSGEs from Tranche 1 to provide formal agreement by August, we are still hopeful of getting a high level understanding of what is acceptable with a core set from Tranches 1 and 2. The extent of agreement is likely to depend on the extent to which the issues raised by PSGEs are addressed through policy decisions, and whether there is sufficient mutual benefit.

37. We will provide you with further updates as discussions and analysis are progressed, including options for advancing the Bill and upholding settlements. Approaches are likely to vary between PSGEs, given that there are a range of different settlement commitments with different groups.

Consultation – Kōrero whakawhiti

38. The Ministry for the Environment was consulted in the preparation of this briefing. Crown Law was informed. Te Puni Kōkiri has also been provided with a copy of this briefing.

ENDS

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