

# Greater clarity about giving effect to Treaty principles

The Government is proposing to clarify how to give effect to Treaty principles in land management processes. This will improve clarity and consistency for businesses, Treaty partners, and decision-makers.

## Section 4 of the Conservation Act

The Conservation Act 1987 was created to promote the conservation of New Zealand's natural and historic resources and established the Department of Conservation.

[Section 4](#) of the Conservation Act requires anyone exercising functions or powers under conservation legislation to give effect to the principles of the Treaty of Waitangi.

## Why changes are needed

### The law does not explain what 'give effect to' means in practice

- Section 4 of the Conservation Act sets an important obligation but does not explain how this should be done.
- This lack of clarity results in different interpretations and delays in decision-making.

### The current system creates delays and inconsistency

- Businesses and decision-makers can be uncertain about what is required because it is unclear in the law.
- This increases the likelihood of legal challenges and can be frustrating for businesses, Treaty partners, and the Crown.

### The system lacks clear roles, process requirements and proportionality

- Outside of Treaty settlement arrangements, there is no explicit approach in legislation to Treaty partner involvement in conservation management planning.
- In practice, this results in engagement with Treaty partners on individual low-impact concession applications, placing pressure on Treaty partner capacity and slowing decisions for similar situations.
- The law does not clearly state when Treaty partners should be involved in land exchanges or disposals, or how Māori rights and interests should be considered.
- This leads to uncertainty and inconsistent decision-making.



## What the changes are

Section 4 itself is not being changed. The Conservation Amendment Bill introduces a new descriptive provision that explains the steps and processes required by section 4 for management planning, concession decisions, land exchanges and disposals, and visitor amenities areas.

The new descriptive provision will link to other provisions in the Bill which:

- Set out clear procedural steps.
- Clarify statutory roles for Treaty partners in processes.
- Require feedback from Treaty partners and Māori rights and interests to be considered.

Operational policy and guidance will support these changes.

## How Māori rights and interests are reflected in concession processes

The Bill makes the following changes:

- Setting clear consultation steps for iwi in management planning, supported by defined timeframes.
- Reducing the number of low-impact concession applications through bulk decisions. This will allow applicants, Treaty partners and DOC to focus engagement and effort on higher-impact or more complex applications. DOC is also working with relevant post-settlement governance entities on upholding Treaty settlement redress where it provides specific roles in concessions decision-making.
- Introducing standard timeframes for Treaty partner input on concession applications unless a longer timeframe is specified in a Treaty settlement.
- Clarifying that section 4 of the Conservation Act does not require initiation of a competitive allocation process to grant a concession for an activity.
- Introducing clear requirements for involving Treaty partners and considering Māori rights and interests before decisions are made on any land exchanges or disposals.

## What consultation has been undertaken on these changes

Proposals to make Iwi consultation requirements clearer for land management processes were consulted on through the *Modernising conservation land management* discussion document in November 2024. The select committee stage will provide a further opportunity for Treaty partners to share feedback and make recommendations to inform the Committee's consideration of the Bill.