

Upholding Treaty settlements commitments and Takutai Moana rights

The Government has committed to upholding Treaty settlements commitments and Takutai Moana rights as the conservation system is reformed.

Conservation legislation has more Treaty settlement commitments than any other legislative system. Many of these provide roles for post-settlement governance entities (PSGEs) in processes such as management planning and concessions. The Department of Conservation (DOC) has been engaging with PSGEs, and with some pre-settlement groups, since November 2024 to ensure the intent of affected commitments is upheld.

How Treaty settlements are being upheld

The Conservation Amendment Bill includes provisions that address how Treaty settlement redress and Ngā hapū o Ngāti Porou arrangements will be upheld in the new system.

- Some redress can be upheld with only minor changes or consequential amendments. The Bill includes provisions that:
 - provide for overlay classifications in the new system.
 - keep specified timeframes in Treaty settlement redress for responses on concessions if they are greater than 20 working days.
- For redress that requires more than minor changes, the Bill:
 - commits the Crown to work with PSGEs and Ngā Hapū o Ngāti Porou governance entity, to seek agreement on how Treaty settlement redress will operate with the same or equivalent effect to the greatest extent possible in the new system.
 - requires anyone exercising or performing powers, functions, or duties, under the new system to give effect to Treaty settlement redress to the same, or an equivalent, extent as it currently applies under the previous Conservation Act.

How rights under the Marine and Coastal Area (Takutai Moana) Act 2011 are being upheld

- Customary marine title (CMT) holders have a conservation permission right under the Marine and Coastal Act (Takutai Moana) Act 2011. This right means CMT holders have 40 working days to decide whether to give or decline permission, on any grounds, before the Minister of Conservation or the Director-General, can consider an application or proposal for a conservation activity. The conservation activities in scope of the conservation permission right include:
- The Bill **does not** change CMT holder conservation permission rights when DOC receives:
 - applications to declare or extend marine reserves.
 - proposals to declare or extend conservation protected areas.
 - individual concession applications.

- However, the establishment of exempt and pre-approved activities will change how the conservation permission right is exercised for those activities.
 - CMT holders will be able to exercise their conservation permission right when exempt and pre-approved activities are being established.
 - Once these activities are established, the conservation permission right will not be triggered each time an exempt or pre-approved activity is carried out.
- Where changes to exempt or pre-approved activities could affect CMT rights, CMT holders will have 40 working days to exercise their conservation permission right.
- The Bill also clarifies that CMT planning documents must be taken into account when the Director-General of Conservation is reviewing or amending a relevant area plan.

What the next steps are

- DOC will continue working with PSGEs and Ngā Hapū o Ngāti Porou to seek agreement on how their Treaty settlement redress will operate under the reformed conservation system. The select committee stage will give the public an opportunity to have their say, by making submissions on the Conservation Amendment Bill.
- DOC will also engage with PSGEs and Ngā Hapū o Ngāti Porou further on the development of a National Conservation Policy Statement.