

LINZS45000

**Standard to determine
authority to act and record
Crown land**

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TERMS AND DEFINITIONS

Term/Abbreviation	Definition
CCL	Commissioner of Crown Lands
Crown agency	means the agency that undertakes the day-to-day operational activities on Crown land for the CCL
Crown land	as defined in s 2 of the Land Act 1948
LINZ	Land Information New Zealand
responsible officer	means the person authorised to take the action contemplated for the land, ie make a Land Act statutory decision, record the land as Crown land, or spend funds on day-to-day operational activities for that land

FOREWORD

The Commissioner of Crown Lands (CCL) is the statutory owner and administrator of, and exercises statutory powers and functions for, Crown land held under the Land Act 1948. There is no complete record of all Crown land in New Zealand. There are also situations relating to administrative and operational activities where assurance is required to be certain that it is Crown land before acting. When a parcel of land that is potentially Crown land is brought to the attention of the CCL or other responsible officer, it is important to establish the status of the land and the authority to take action in respect of it.

There is no current standard for establishing the status of Crown land and the authority to take action in respect of it, or for making and maintaining records of actions and statements in respect of Crown land.

Purpose of standard

The purpose of this standard is to ensure that:

- (a) decisions or actions are taken in respect of Crown land only when the proper authority has been established,
- (b) the status of the land is identified, and
- (c) records of Crown land are correct, up to date, and retrievable.

Rationale for new standard

Land Information New Zealand (LINZ) is tasked with meeting the Government's desired economic, social, and environmental outcomes in relation to its mandated subject areas. Accordingly, end outcomes, intermediate outcomes, objectives, and sub-objectives have been developed to clearly articulate the regulatory framework for each subject area.

A risk-based approach is then used to determine the optimum level of intervention. If there is a high risk of not achieving an objective or sub-objective, then, generally, a high level of intervention is required. Similarly, a low risk of not achieving an objective or sub-objective means a low level of intervention is necessary. The desired intervention is then developed to manage the identified risks and thereby achieve the relevant sub-objectives, objectives and, therefore, the outcome.

This standard has been developed to mitigate the risk of not achieving the following intermediate outcome and objective.

Intermediate outcome	Objective
Crown land administration: Crown land is properly identified, recorded and maintained to ensure the highest return is received for its current and future use.	Assure land "discovered" (ie land not recorded on any public land record) is Crown land and the record is accurately maintained on a register.

Committee responsible for standard

The expert committee responsible for reviewing this standard consisted of the following representatives:

Business Group/Company	Name
Commissioner of Crown Lands	David Gullen
Property Regulatory Group, LINZ	Craig Harris Brendan Mulholland
Crown Property Management, LINZ	Ross Marbeck
Regulatory Frameworks & Processes, LINZ	Michelle Gooding Ruth Willis
Customer Services, LINZ	Nigel Smith
Business and Regulatory Assurance, LINZ	Helen Patterson Chris Buckler
Office of Treaty Settlements	Peter Wiley
The Property Group Limited	Peter Wilson

References

This standard is intended to be read in conjunction with the Land Act 1948.

1 INTRODUCTION

If action is required to be taken in respect of a parcel of Crown land, it is first necessary to establish what authority is needed to take the proposed action and whether the land is Crown land. This is especially important in respect of land that is not formally recorded on any public land record.

1.1 Scope

This standard sets out the requirements for:

- (a) establishing the authority to take action in respect of Crown land,
- (b) establishing the status of a parcel of Crown land, and
- (c) recording, verifying, and updating the information about Crown land in a way that ensures the information is readily retrievable.

This standard does not include:

- (a) information describing the mechanisms by which land becomes Crown land, or
- (b) the processes for administering or alienating Crown land.

1.2 Objectives and intended use of standard

This standard is intended to ensure that when a responsible officer takes action in respect of Crown land, that person has the proper authority to take that action, and has confirmed the status of the land as Crown land and that all records in relation to that Crown land are correct, retrievable, and verifiable.

2 ESTABLISHING THE AUTHORITY TO ACT

2.1 Action to be taken by the proper authority

Any statutory or administrative action taken in respect of Crown land must be made under the proper authority by a responsible officer.

2.2 Duties of the responsible officer

Before taking any action in respect of Crown land, the responsible officer must:

- (a) identify the legislation and relevant Cabinet policies that provide for the administration of the land,
- (b) confirm the status of the land as Crown land,
- (c) establish which Crown agency deals with the land, and

- (d) confirm the authority for the responsible officer to act statutorily or administratively.

3 ESTABLISHING CROWN LAND STATUS

3.1 Responsible officer to confirm Crown land status

A responsible officer must confirm the status of the land as Crown land, including, if necessary, obtaining a status report, before taking any action in respect of the land.

3.2 Land status investigation

- (a) A land status investigation is necessary when the information held about the land does not clearly show that it is Crown land.
- (b) Land status must be assessed on the basis of all legislation and the records held by LINZ or other central or local government agencies.

3.3 Information required for land status investigation

The information required in a land status investigation must include but is not limited to the:

- (a) legal description and area of the land,
- (b) current registered and unregistered interests,
- (c) geographic location,
- (d) illustrative plan depicting the area,
- (e) ownership and the relevant Crown agency,
- (f) cadastral information if applicable, eg cadastral survey dataset,
- (g) transaction history and the impact of any legislation on those transactions, and
- (h) copies of all supporting evidence.

3.4 Information to be verifiable

All information resulting from a land status investigation must be verifiable. The responsible officer must be able to verify the sources of the information and link the information to a specific land record.

3.5 Conclusion on land status

The responsible officer must reach a conclusion about the land's status as a result of analysis of the information, and document that conclusion.

4 RECORDING NEWLY IDENTIFIED CROWN LAND

4.1 Crown agency to make a record

Where land has been identified as Crown land, the relevant Crown agency must make a correct record, and must maintain and update the record when changes occur.

4.2 Maintaining records

Each Crown agency must:

- (a) hold a record of all its discovered Crown land,
- (b) cross-reference the record of each parcel of Crown land to all electronic and paper files containing records and working papers in respect of that land,
- (c) maintain the records, and
- (d) record any change in the Crown land's legal status on its Crown asset record and on all electronic and paper files relating to that land.

4.3 Minimum level of information to be recorded

The following is the minimum level of information that must be recorded when land has been newly identified as Crown land:

- (a) legal description and area of the land,
- (b) current registered and unregistered interests,
- (c) geographic location,
- (d) ownership and the relevant Crown agency, and
- (e) cross-references to all other paper and electronic files in respect of the land.

4.4 Timeliness of record

The relevant Crown agency must record information and cross-references about actions and statements in respect of previously unrecorded Crown land within 20 working days of the conclusion that it is Crown land.

4.5 Information to be verifiable

All information held under paragraph 4.3 must be verifiable and auditable.