

# Procedures for Becoming a LINZ Crown Property Accredited Supplier

Crown Property Regulatory



# Contents

<b>1 Scope.....</b>	<b>5</b>
<b>2 Terms and Definitions .....</b>	<b>5</b>
<b>3 Background to Accreditation .....</b>	<b>7</b>
3.1 Accreditation and its purpose .....	7
3.2 Categories of Accreditation .....	8
3.3 Type of work undertaken .....	9
3.4 Publication of details.....	9
3.5 Electronic access .....	10
3.6 Allied professions .....	10
3.7 Undertaking other property work.....	10
3.8 Implications of Accreditation .....	10
3.9 Conditions of Accreditation.....	11
3.10 Complaints about Accredited Suppliers.....	11
<b>4 Application Process .....</b>	<b>11</b>
4.1 Process.....	11
4.2 Address for applications .....	12
4.3 Evaluation .....	12
<b>5 Applying to Become an Accredited Supplier.....</b>	<b>13</b>
5.1 Application and criteria .....	13
5.2 Conditions of Crown Property Accreditation.....	13
<b>6 Applying to Become a Nominated Person.....</b>	<b>13</b>
6.1 Background.....	13
6.2 Application .....	14
6.3 General and technical knowledge.....	14
6.4 Mentoring by a current Nominated Person.....	14
<b>Appendix A – Accredited Supplier application and criteria .....</b>	<b>15</b>
<b>Appendix B – Nominated Person application.....</b>	<b>17</b>
General competencies.....	17
Technical competencies .....	17
<b>Appendix C – Accredited Supplier/Nominated Person declaration.....</b>	<b>18</b>

<b>Appendix D – Categories of Accreditation.....</b>	<b>19</b>
<b>Public Works Act 1981 – Acquisition of and Compensation for Land .....</b>	<b>20</b>
<b>Public Works Act 1981 – Statutory Right of Repurchase .....</b>	<b>22</b>
<b>Public Works Act 1981 – Dealing with Land (Disposal and Leasing) .....</b>	<b>24</b>
<b>NZRC Act 1981 and NZRCR Act 1990 – Statutory Right of Repurchase.....</b>	<b>26</b>
<b>NZRC Act 1981 and NZRCR Act 1990 – Dealing with Land .....</b>	<b>28</b>
<b>Public Works Act 1981 and Local Government Act 2002 – Roding Actions .....</b>	<b>30</b>
<b>Te Ture Whenua Maori Act 1993 .....</b>	<b>31</b>
<b>Treaty of Waitangi Claim Settlements.....</b>	<b>33</b>
<b>Legalisation Action – Miscellaneous Document Preparation.....</b>	<b>34</b>

# 1 Scope

This document explains the background of Land Information New Zealand (LINZ) Crown property accreditation and how to become an Accredited Supplier or a Nominated Person. The conditions that Suppliers and the nominated persons must comply with when undertaking work under accreditation are contained in the supporting document *Conditions of Crown Property Accreditation*.

**Note** – The information contained in this document or the application process may be updated from time to time. This may affect the information you need to supply, the process and/or LINZ's accreditation requirements.

Before you submit an application you should confirm that the date of this document is the same as that on the LINZ website <http://www.linz.govt.nz>.

## 2 Terms and Definitions

Term	Definition
Accreditation	Non-exclusive authorisation by LINZ Crown Property to carry out specific Crown property work that supports LINZ's discharge of a statutory function
Accredited Supplier	A company that, or individual who, has been accredited to carry out specific Crown property work that supports LINZ's discharge of a statutory function
Assessment Panel	Panel of senior staff from Crown Property appointed by the CCL to assess applications for accreditation
Clearances	A Crown Property team that processes applications and reports submitted to it by Accredited Suppliers seeking the discharge of LINZ's statutory functions. Clearances act under delegations from statutory officers.
Client Agency	Any requiring authority (as defined in the Resource Management Act 1991) or any Crown agency, which deals with land pursuant to the legislation under which LINZ exercises a statutory function
Commissioner of Crown Lands (CCL)	An independent statutory officer responsible for Crown land, who leads LINZ's Crown Property Regulatory team that manages the Crown accreditation regime
Conditions	The Conditions of Crown property accreditation outlined in the document, <i>Conditions of Crown Property Accreditation</i>

Criteria for Accreditation	The criteria set out in Section 5.1 and Appendix A of this document
Crown Property Standards	The procedures and standards set out in the LINZ Crown Property standards as updated from time to time
Information	All records and information that is supplied to the Accredited Supplier (including any Nominated Person) by LINZ or the client, or which the Accredited Supplier (including any Nominated Person) otherwise holds or generates while carrying out its investigative activities and work in order that LINZ can exercise its statutory functions
Nominated Person	A person employed or otherwise engaged by an Accredited Supplier and who has been accredited to undertake specific Crown property work
Service(s)	Crown property work that the Accredited Supplier contracts with the client to perform that supports LINZ discharging a statutory function
Statutory Functions	Functions required to be performed by LINZ pursuant to legislation in relation to Crown property activities
Technical Documents	All policies, standards, guidelines, processes, instructions or other advice relating to the services notified to the Accredited Supplier by LINZ in addition to the relevant Crown Property Standards

## 3 Background to Accreditation

### 3.1 Accreditation and its purpose

The purpose of accreditation is to ensure consistency and accuracy in work delivered to the LINZ Clearances team and mitigate risk to the Crown. This enables Clearances to reliably exercise their statutory functions and adhere to administrative law requirements.

Certain legislation empowers the Minister for Land Information, Chief Executive of Land Information New Zealand (LINZ) and other Ministers and holders of statutory positions, or their delegates, to perform certain statutory functions in relation to Crown property.

These Acts are:

- Public Works Act 1981 (PWA)
- New Zealand Railways Corporation Act 1981 (NZRC)
- New Zealand Railways Corporation Restructuring Act 1990 (NZRCR)
- Te Ture Whenua Maori Act 1993
- Treaty of Waitangi Settlements legislation
- Local Government Act 2002
- and other Acts included from time to time

Until the 1990s, the operational activities to support these statutory functions, such as investigation, negotiations with landowners, or management of the land valuation process, were undertaken by employees of LINZ or its predecessor agencies. In order to enable the outsourcing of this work to the private sector, LINZ developed the Crown property accreditation system.

LINZ Crown Property accredits appropriately evaluated private sector providers to undertake investigatory and other work to support the statutory officers or delegates in undertaking their statutory functions. This work must be carried out subject to Crown Property Standards, and any decisions under legislation, or the signing of any agreements or offer documents must be made by a statutory officer or delegate.

Applicants for Accredited Supplier status must agree to comply with the *Conditions of Crown Property Accreditation* document. Each Accredited Supplier must have at least one employee (a Nominated Person) who the assessment panel has recognised as having sufficient knowledge or understanding to undertake Crown property work. A Nominated Person must be employed by an Accredited Supplier and be covered by their management systems and processes (see Section 5 and Appendix A), before they can submit work to LINZ.

**Note** – The principal of an Accredited Supplier may also be a Nominated Person. However, for clarity, this document treats the two positions separately.

## 3.2 Categories of Accreditation

Nominated Persons can apply to hold accreditation in one or more of the following categories.

The full descriptions of each category and the required general and technical knowledge for each is set out at Appendix D.

<b>Category</b>	<b>Brief Description</b>
PWA – Acquisition of and Compensation for land	To ensure persons can undertake the required work in the acquisition of land under the Public Works Act for a public work so that the statutory functions can be exercised.  This also enables a person when acquiring land, to be familiar with valuation practice in ensuring appropriate and adequate compensation is assessed for land acquired. <sup>1</sup>
PWA - Statutory right of repurchase	To enable the correct statutory decisions to be complied with and implemented in respect of the obligations on the Crown in wishing to dispose of land not required for its original purpose.
PWA - Dealing with land	To know and manage the end to end disposal of Crown-owned land in terms of the Government disposal process.
NZRC Act & NZRCR Act - Statutory right of repurchase	Similar to the PWA - right of repurchase category but to ensure compliance with the obligations on the Crown when disposing of land not required for a railway purpose in compliance with the relevant Railways statutes instead.
NZRC Act & NZRCR Act - Dealing with land	Similar to the PWA - Dealing with land category but to ensure disposal of railway land in compliance with the relevant Railways statutes instead.
PWA & Local Government Act - Roding actions	To support the actions in the legalisation, stopping or exchanging of roads under either of the two relevant statutes and the exercise and discharge of the relevant power and consent.
Te Ture Whenua Maori Act actions	To know and undertake the process, and being aware of relevant case law, for the required alienation of Māori-owned land or the return of such former land to that status, and an

<sup>1</sup> This category is a combination of the two former separate categories; 'Acquisition of Land' and 'Compensation for land'

	<p>understanding of the court process through the Māori Land Court.</p> <p>Note that this will not entail any court work; this will be handled by Crown Law Office. The role is to prepare work to the Court stage and where necessary to complete any work following decision/ruling of the Court.</p>
Treaty of Waitangi Claims Settlements	To enable the removal of RFR notation memorials that are registered against Record of Titles as part of the process for the Crown-disposal of land. <sup>2</sup>
Legalisation work – miscellaneous document preparation	To enable the drafting of legalisation documents and notices to support the statutory approval decisions of decision-makers. Documents can include: Gazette Notices, Caveats, Compensation Certificates, and requests for new record of titles.

### 3.3 Type of work undertaken

While Accredited Suppliers are employed by a client, the tasks they complete under accreditation granted by LINZ are restricted to those that support the exercise of a statutory function.

This work, completed in accordance with Crown Property Standards, includes investigative activities and preliminary actions to provide information to LINZ to support the discharge of a statutory function. Accredited Suppliers also implement the decisions made by the statutory decision-makers.

### 3.4 Publication of details

LINZ publishes a list of Accredited Suppliers and their Nominated Persons on its website. This information is the definitive listing of the Accredited Suppliers' and Nominated Persons' details.

The Accredited Supplier is responsible for ensuring that this information, including contact details, remains current. The Accredited Supplier should advise LINZ of any changes, such as a change of address or departure of a Nominated Person, as soon as possible. If an Accredited Supplier ceases to have any Nominated Persons it will be made inactive and removed from the listing.

<sup>2</sup> Note this is not for compliance with RFR requirements during a disposal.

## 3.5 Electronic access

Accredited Suppliers are required to have the capacity to work with LINZ Clearances electronically. Work is submitted via electronic upload and suppliers are required to maintain an electronic "A" file for Crown Property Clearances jobs. Clarification of jobs and requests for additional information may be asked for via email and automated updates from the Clearances Decision Tracker are sent via email as a job proceeds through the system.

Accredited Suppliers are also provided with electronic access to a database of historic Crown property records (held or administered by LINZ) for work they may undertake for a client.

## 3.6 Allied professions

There are a range of allied professions associated with Crown property work such as conveyancing, valuing, surveying, real estate services or engineering. Such professions do not need to hold Crown property accreditation to undertake these services for clients. However, these professionals will need to be accredited where they wish to do services covered by this Crown property accreditation that directly requires submission to LINZ to exercise a statutory function.

## 3.7 Undertaking other property work

Accredited Suppliers may undertake additional property work for a client or the public where LINZ does not exercise a statutory function. However, in these circumstances the Accredited Supplier cannot hold itself out as being accredited by LINZ for such work. The client must ensure that, if it contracts with an entity that is also an Accredited Supplier to undertake other work, the entity has the skills, capacity and management systems to do so. LINZ accepts no responsibility for such work undertaken.

Accredited Suppliers must comply fully with LINZ's requirements to avoid conflicts of interest before undertaking other work (see Clause 10 of the *Conditions of Crown Property Accreditation*).

## 3.8 Implications of Accreditation

Accreditation does not create a relationship of partnership, principal and agent, employee and employer or a joint venture between the Accredited Supplier and LINZ. The Accredited Supplier has no power or authority to bind LINZ by contract or otherwise and is not permitted to hold itself out to any third party that it is entitled to exercise any statutory function.

The Accredited Supplier is not an agent or employee of LINZ. LINZ does not accept any responsibility for work undertaken by Accredited Suppliers.

Accreditation does not guarantee work. Accredited Suppliers are hired at a client's discretion through whatever contracting process a prospective client wishes to use.

Accreditation only relates to Accredited Suppliers and its Nominated Persons when they undertake the work to support LINZ's statutory functions.

Any contractual arrangements entered into between the Accredited Supplier and its client are peripheral to LINZ's statutory functions. LINZ is not responsible to the client for any breach by the Accredited Supplier of such a contract.

## 3.9 Conditions of Accreditation

Accredited Suppliers must continue to comply with the *Conditions of Crown Property Accreditation*. Applicants must complete a declaration that they will comply with those conditions when preparing and submitting an application.

LINZ may periodically audit an Accredited Supplier to confirm they are continuing to meet the criteria set out in Appendix C.

## 3.10 Complaints about Accredited Suppliers

Accredited Suppliers are ultimately responsible for the quality of their own services. Any complaints from clients and others should be dealt with appropriately through their own complaints procedures.

# 4 Application Process

## 4.1 Process

Before making an application, prospective applicants should review the LINZ Accredited Supplier Standards (available on the LINZ website <http://www.linz.govt.nz>) which set out performance standards Accredited Suppliers must follow in addition to, but not superseding, compliance with the relevant legislation.

There are two types of application:

- Companies or individuals can seek to become Accredited Suppliers; (see section 5) or
- Individuals can seek to become a Nominated Person for a new or existing Accredited Supplier and undertake Crown property work in specific categories; (see section 6).

Applications must be in writing and include all relevant information. Before submitting an application the applicant should confirm that the most current version of this document has been used.

All applicants must also complete the statutory declaration at Appendix D that they understand and accept the basis of accreditation and will comply with the *Conditions of Crown Property Accreditation*.

## 4.2 Address for applications

It is preferred that applications are submitted by email to: [crownproperty@linz.govt.nz](mailto:crownproperty@linz.govt.nz)

Applications may be submitted by post to:

Commissioner of Crown Lands  
Land Information New Zealand  
PO Box 5501  
Wellington

## 4.3 Evaluation

An application is given to the assessment panel that meets either on a quarterly basis, or as required. The panel will assess and make a recommendation on the application to the CCL. Before making a recommendation, the panel may seek further information from an applicant or contact any referees provided.

Applicants will be advised of the CCL's decision.

## 5 Applying to Become an Accredited Supplier

### 5.1 Application and criteria

If you wish to apply to become an Accredited Supplier, you must provide LINZ with:

- the information required in Appendix A – Accredited Supplier application and criteria;
- applications from each staff member seeking Nominated Person status (see below). Ensure that each completes an application (see Section 6 and Appendix B for information to be included with an application and Appendix D of the various categories available). Each Accredited Supplier must have at least one Nominated Person to remain active; and
- a signed declaration completed by the Accredited Supplier and each Nominated Person, agreeing to comply with Conditions of accreditation (Appendix C).

Successful applicants must adhere to these criteria to LINZ's satisfaction throughout the term of the accreditation.

### 5.2 Conditions of Crown Property Accreditation

The declaration at Appendix C is completed by all applicants to indicate that they understand and accept the basis of accreditation and will comply with the *Conditions of Crown Property Accreditation*.

## 6 Applying to Become a Nominated Person

### 6.1 Background

An individual may seek Nominated Person status for various Categories of Accreditation (see clause 3.2 and Appendix D for category descriptions). These Categories all relate to legislation under which either the Minister for Land Information or the Chief Executive of LINZ hold statutory powers or functions.

Accredited Suppliers may seek additional categories of accreditation for Nominated Persons at any time after being granted accreditation.

To become a Nominated Person, an applicant must satisfy the assessment panel and CCL that they have sufficient knowledge and understanding to undertake Crown property work and manage risk arising from such work.

LINZ splits this into two aspects:

- General knowledge and understanding that all applicants must have; and

- Technical knowledge relevant to a category of accreditation (see Appendix D).

There is no standard format for an application. An existing Nominated Person, when applying for a further category of accreditation, only needs to provide information on technical knowledge required for that new category.

## 6.2 Application

The application must:

- Identify the Categories of Accreditation being applied for;
- Set out the applicant's case for how they meet each of the **General and Technical Knowledge** for each category applied for (see 6.3 below).
- Provide two referees who could testify directly on the applicant's knowledge, experience and behaviour in relation to Crown property or related work. The CCL or assessment panel may contact these referees for comment on an application.
- Include written confirmation from the Accredited Supplier the person will be working for that the person will comply with the Accredited Supplier's management systems; and
- Include the signed declaration.

## 6.3 General and technical knowledge

Applicants may demonstrate their knowledge and understanding from working in an area applied for, or in an area where the skills can easily translate into Crown property work. Evidence and examples of relevant work and processes are required. Applicants must show the knowledge, qualification, experience and understanding they hold for each category applied for. In addition, the applicant should outline the processes followed in each category and how they would complete the work required.

All relevant information and evidence must be included, and a case developed for the assessment panel to make a fair and reasonable assessment. LINZ must be able to observe from the material provided that the applicant can properly undertake all work within the categories applied for.

## 6.4 Mentoring by a current Nominated Person

Applicants who have worked for, or through, an existing Accredited Supplier and prepared work submitted under the signature of a Nominated Person may provide examples of this work with the application along with a spreadsheet of work undertaken under mentoring relevant to the category sought.

This spreadsheet must include the appropriate LINZ CPC file references. LINZ may talk to any mentor and review the relevant files or any audit report on the work.

## Appendix A – Accredited Supplier application and criteria

Field	Information required
Applicant details	<ul style="list-style-type: none"> <li>a) Name</li> <li>b) Legal Status (e.g. limited liability company, sole trader, partnership). Evidence must be provided of any company registration.</li> <li>c) Contact details                             <ul style="list-style-type: none"> <li>(i) name of contact person</li> <li>(ii) telephone (daytime/mobile phone)</li> <li>(iii) postal address</li> <li>(iv) email</li> <li>(v) website where applicable</li> </ul> </li> </ul>
Explanation of application	Provide a summary of why accreditation is being sought along with a list of the categories being applied for
Nominated Persons	List all Nominated Persons to be employed by the applicant. Each new person seeking Nominated Person status must complete an application, providing the information set out in Section 6
Internal systems	Provide details of the following systems: <ul style="list-style-type: none"> <li>a) the <b>quality assurance system</b> to be followed before work is submitted to LINZ. This system must ensure that all work complies with legislation, case law and LINZ standards and is correctly formatted and free of errors. Arguments and recommendations presented must be sound and well-reasoned based on the information provided.</li> <li>b) an <b>independent peer review process</b> (for work related to the PWA – Statutory Right of Repurchase category)</li> <li>c) <b>secure records management processes</b>, tracking and information recovery systems</li> <li>d) <b>security measures</b> to ensure confidentiality of information and prevent loss, damage or corruption of property, records or information</li> <li>e) a <b>business continuity/disaster recovery plan</b> (including backing up of electronic information)</li> </ul>

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	f) that the Supplier and staff have full <b>access to the internet</b> and can receive and transmit messages electronically and can interface with the LINZ Clearances Database Tracking system
Insurance	Provide copy of the applicant's professional indemnity insurance policy to a minimum cover of \$500,000. The conditions of the policy must be acceptable to LINZ.
Capability	Provide details of the systems in place to ensure Nominated Persons will: <ul style="list-style-type: none"> <li>a) retain competency for the duration of accreditation,</li> <li>b) be made aware of any changes to LINZ's standards, case law and legislative changes, and</li> <li>c) retain awareness of general legislation such as knowledge of the Official Information Act 1982, Privacy Act 1993 and Public Records Act 2005.</li> </ul>
Declaration	Provide a completed Appendix C declaration.

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## Appendix B – Nominated Person application

### General competencies

Applicants must demonstrate, with supporting evidence, that they can:

- Analyse and judge background information, successfully evaluate complex issues and develop realistic and achievable solutions for decision-makers;
- Write comprehensive reports that clearly articulate information and proposals for others to make decisions on;
- Understand the machinery of government, the requirements of the Official Information Act and the Privacy and Public Records Act, and can demonstrate how they impact Crown property work;
- Understand and use risk management frameworks in analysis and understand the relevance of risk management to Crown property work;
- Understand the Treaty of Waitangi, tikanga Māori and Māori land registration, records and status and how they impact on Crown property work
- Understand land status and Crown title processes;
- Understand the administrative law requirements for statutory decision-makers and how reporting and analysis must meet these requirements during Crown property work undertaken under accreditation; and
- Build effective relationships with clients, statutory decision-makers and members of the public and be able to communicate honestly and openly with these parties.

### Technical competencies

Applicants must demonstrate, with evidence, that they retain sufficient knowledge and understanding in all of the technical competencies for each of the accreditation categories applied for.

Applicants must understand all requirements and processes entailed within a category. An understanding of only one part of a process may not be sufficient to gain a particular category.

## Appendix C – Accredited Supplier/Nominated Person declaration

[Any information that is supplied by the applicant that is found to be false or misleading, will result in the application being declined or, if it is picked up later, revocation of accreditation.]

I accept and understand the information and requirements provided in LINZ's *Conditions of Crown Property Accreditation* document and hereby make an application to be an Accredited Supplier,

or

As a Nominated Person, I accept and understand the information and requirements provided in LINZ's *Conditions of Crown Property Accreditation* document, and am hereby making an application to hold categories of accreditation, having satisfied the accreditation criteria.

I agree to accept and comply with all conditions of accreditation set out in the current version of LINZ's *Conditions of Crown Property Accreditation* document.

I accept that I may have to supply information to assist the client and/or LINZ with enquiries under a statute where that is a requirement, and any requirement for reporting as a government department or Crown agency.

I am not an undischarged bankrupt and have no criminal convictions (individuals and Nominated Persons).

I grant permission for LINZ to commission a police check for relevant convictions.

DECLARATION made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

I, \_\_\_\_\_ of, \_\_\_\_\_, \_\_\_\_\_,  
(name) (place of abode) (occupation)

solemnly and sincerely declare that the matters contained in this application are true and correct to the best of my knowledge;

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

\_\_\_\_\_  
Justice of the Peace  
(solicitor or other person authorised to take a statutory declaration)

## Appendix D – Categories of Accreditation

The following categories are available. Each category is separately described in the following descriptor sheet.

- Public Works Act 1981 - Acquisition of and Compensation for Land
- Public Works Act 1981 - Statutory Right of Repurchase
- Public Works Act 1981 - Dealing with Land
- NZRC Act 1981 and NZRCR Act 1990 – Statutory Right of Repurchase
- NZRC Act 1981 and NZRCR Act 1990 - Dealing with Land
- Public Works Act 1981 and Local Government Act 2002 – Roading Actions
- Te Ture Whenua Maori Act 1993
- Treaty of Waitangi Claims Settlements
- Legalisation Action – Miscellaneous Document Preparation

Note that the tasks identified under the Indicative Functions in each Category are not a complete list of the tasks which a Nominated Person may be required to undertake under accreditation. Refer to the relevant Crown Property standards for more details.

# Public Works Act 1981 – Acquisition of and Compensation for Land

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**Statutory basis** Public Works Act 1981

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**Relevant LINZ standards** Crown Property Standard – Acquisition of Land under Public Works Act LINZS15005

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## Purpose of Accreditation category

The Minister for Land Information has statutory responsibility for the acquisition of land for public works by Crown agencies. The Minister is also responsible for compulsory acquisitions under the Public Works Act by Crown agencies and, where requested, by network utility operators.

Nominated Persons holding this category may undertake work associated with the statutory actions required to acquire a property under the Act for Crown agencies and network utility operators.

This category also covers the assessment of compensation in terms of Part V or VI of the Act. The Minister for Land Information has statutory responsibility for ensuring that a landowner's right to be paid full compensation is upheld when their land is acquired for a public work by a client agency (or network utility operator for compulsory acquisitions).

## Indicative Functions

These tasks include the following:

### Acquisition

- Investigation into status and ownership of land and minerals to be acquired
- Negotiation of acquisitions with landowners and others with an interest in land
- Preparation of reports on acquisition by agreement (s 17) and compulsory acquisition (s 26)
- Drafting Notices of Desire and Intention to Take
- Preparation of Compensation certificates
- Arranging for payment to owners
- Arranging/lodging survey plans of land for compulsory acquisitions
- Preparation of draft briefings for Notices of Desire and Intention to Take

## Compensation

- Instructing valuers to value land required for a public work and, where necessary, instruct other professional services required to support this
- Assessing compensation without reference to a valuer (where provided for in Crown Property Standards)
- Assessing valuer's report and prepare a submission to LINZ on compensation payable
- Preparation of advance compensation agreements, full and final agreements (compensation payable) and granting of certificates under s 107

## Technical Proficiencies

If you are applying for this category you must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding of Public Works Act 1981 acquisition provisions
- Determining land status, mineral ownership and Crown property title
- Negotiation of acquisitions with landowners
- Processes of the Māori Land Court and Te Ture Whenua Maori Act 1993
- Processes of the Environment Court
- Determining compensation payable in accordance with the PWA
- Valuation principles and operation

# Public Works Act 1981 – Statutory Right of Repurchase

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**Statutory basis** Public Works Act 1981

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- Relevant LINZ standards**
- Crown Property Standard – Disposal of Land held for a public work LINZS15000
  - Crown Property Standard – Treaty settlement requirements for disposal of Crown-owned land (interim) LINZS15001
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## Purpose of Accreditation category

The Chief Executive of LINZ has statutory responsibility for ensuring that the disposal of land held by client agencies under the Public Works Act complies with the statutory offer requirements of the Act. The Chief Executive (or delegatee) must be satisfied that the section 40/section 41 obligations have been met before the property can be disposed of.

Nominated Persons undertake work such as researching acquisition histories, preparing reports and recommendations on section 40/section 41 requirements and implementing statutory decisions in respect of the statutory right of repurchase (“offerback”) provisions of the Act.

## Indicative Functions

These tasks include the following:

- Identifying the status of surplus land and applicability of statutory right of repurchase
- Preparation of reports on the statutory rights of repurchase and/or gifted land policy obligations (including the history of acquisition and status of land and minerals)
- Identifying and locating former owners or successors if a statutory offer is required
- Making statutory offers to former owners or successors
- Implementation of approved offers to former owners/successor or, in the case of section 40(4), to adjoining owners

## Technical Proficiencies

You must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding of the statutory repurchase obligations under the Public Works Act 1981
- Understanding of Government land policies and relevant legislation (including gifted land policy)
- Determining land status, mineral ownership and Crown property title
- Researching property history
- Valuation principles and operation
- Processes of the Māori Land Court and Te Ture Whenua Maori Act 1993

# Public Works Act 1981 – Dealing with Land (Disposal and Leasing)

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**Statutory basis** Public Works Act 1981 – Part III (except section 40 and section 41)

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**Relevant LINZ standards**

- Crown Property Standard – Disposal of Land held for a public work LINZS15000
- Crown Property Standard – Treaty settlement requirements for disposal of Crown-owned land (interim) LINZS15001
- Crown Property Guideline – Disposal of land held for a public work LINZG15700

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## Purpose of Accreditation category

The Chief Executive of LINZ is responsible for the disposal of land for public works by client agencies. This category deals with the disposal (including transfer for another public work or lease) of surplus land that was held for a public work by Crown agencies and where a statutory offer is not required or taken up by a former owner.

## Indicative Functions

These tasks include the following:

- Preparation of reports to approve or surrender a lease, licence or tenancy of land held under the Act
- Managing disposal processes under the Act (including instructing real estate agents, valuers, etc.)
- Preparation of reports to transfer land to local authorities or other Crown agencies for public works under section 52
- Preparation of reports to accompany Agreements for Sale and Purchase
- Preparation of reports to set apart former public work land as public reserves
- Arranging and lodging (after approval by LINZ) any required survey plan of land
- Request of a Record of Title under section 47

## Technical Proficiencies

You must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding of the disposal provisions of the Public Works Act 1981
- Negotiation with potential purchasers of Crown property
- Valuation principles and operation
- Government land policies and relevant legislation (including gifted land policy)
- Applicability of Treaty of Waitangi Settlement legislation
- Marketing and managing the sale of property
- Property management/leasing of property
- Determining Land Status, mineral ownership and Crown property title
- Land Registration and Survey Systems

# NZRC Act 1981 and NZRCR Act 1990 – Statutory Right of Repurchase

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**Statutory basis** New Zealand Railways Corporation Act 1981 and New Zealand Railways Corporation Restructuring Act 1990

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**Relevant LINZ standards**

- Crown Property Standard – Disposal of Land held for a public work LINZS15000
- Crown Property Standard – Treaty settlement requirements for disposal of Crown-owned land (interim) LINZS15001
- Crown Property Guideline – Disposal of land held for a public work LINZG15700

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## Purpose of Accreditation category

LINZ, under delegation from the NZ Railways Corporation, must ensure that the disposal of railway land held under the above legislation complies with the statutory offer requirements of the New Zealand Railways Corporation Restructuring Act 1990. The Chief Executive (or their delegatee) must be satisfied that the obligations in section 23 of the Act have been met before the railway land can be disposed of.

Nominated Persons undertake work such as researching acquisition histories, preparing reports and recommendations on, and implementing of statutory decisions in respect of the statutory right of repurchase (“offerback”) provisions of section 23.

## Indicative Functions

These tasks include the following:

- Reporting on the statutory rights of repurchase and/or gifted land policy obligations (including the history of acquisition and status of land and minerals) relating to railway land
- Identifying and locating former owners or successors if a statutory offer is required
- Making statutory offers to former owners or successors
- Implementation of approved offer to former owners/successor or, in the case of section 23, to adjoining owners

## Technical Proficiencies

You must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ

considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding the statutory repurchase obligations under the NZ Railways Corporation Act 1981 and NZ Railways Corporation Restructuring Act 1990
- Government land policies and relevant legislation (including gifted land policy)
- Determining land status, mineral ownership and Crown property title
- Researching property history
- Valuation principles and operation
- Processes of the Māori Land Court and Te Ture Whenua Maori Act 1993

# NZRC Act 1981 and NZRCR Act 1990 – Dealing with Land

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**Statutory basis** New Zealand Railways Corporation Act 1981 and New Zealand Railways Corporation Restructuring Act 1990

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**Relevant LINZ standards**

- Crown Property Standard – Disposal of Land held for a public work LINZS15000
- Crown Property Standard – Treaty settlement requirements for disposal of Crown-owned land (interim) LINZS15001
- Crown Property Guideline – Disposal of land held for a public work LINZG15700

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## Purpose of Accreditation category

LINZ, under delegation from the NZ Railways Corporation, must ensure that the disposal of railway land held under the above legislation complies with all requirements of the NZ Railways Corporation Act 1981 and NZ Railways Corporation Restructuring Act 1990. This category deals with the disposal (including transfer for another public work or lease) of land held for surplus railway land if a statutory offer is not required or taken up by a former owner.

## Indicative Functions

These tasks include the following:

- Preparation of submissions for the TranzRail, NZRC and Minister of Railways' consent to disposal
- Preparation of applications to approve or surrender a lease, licence or tenancy of railway land
- Managing disposal processes (including instructing real estate agents, valuers, etc)
- Preparation of applications to accompany an Agreement for Sale and Purchase, etc
- Arranging and lodging (after approval by LINZ) any required survey plan of land
- Requesting Record of Titles for the land

## Technical Proficiencies

You must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding the disposal provisions of the NZ Railways Corporation Act 1981 and NZ Railways Corporation Restructuring Act 1990
- Negotiation with potential purchasers of Crown property
- Valuation principles and operation
- Government land policies and relevant legislation
- Applicability of Treaty of Waitangi Settlement legislation
- Marketing and managing the sale of property
- Property management/leasing of property
- Determining land Status, mineral ownership and Crown property title

# Public Works Act 1981 and Local Government Act 2002 – Roading Actions

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**Statutory basis** Public Works Act 1981 and Local Government Act 2002

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- Relevant LINZ standards**
- Crown Property Standard – Disposal of Land held for a public work LINZS15000
  - Crown Property Standard – Stopping and resumption of road LINZ15002
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## Purpose of Accreditation category

The Minister for Land Information exercises powers relating to Part VIII of the Public Works Act 1981 and s 342 of the Local Government Act 1974. Where a Crown agency wishes to use Part VIII of the Public Works Act for the legalisation, stopping and exchanging of roads, an Accredited Supplier must obtain an appropriately executed notice from LINZ.<sup>3</sup>

## Indicative Functions

These tasks include the following:

- Preparation of applications to LINZ to execute gazette notices under Part VIII
- Preparation of applications to LINZ for consent under s 342(1)

## Technical Proficiencies

If you are applying for this category you must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding of the roading provisions of the Local Government Act 1974 and Public Works Act 1981
- Determining land status, mineral ownership and Crown property title
- Land Registration and Survey systems

<sup>3</sup> Note that while it is not mandatory, local authorities may hire Accredited Suppliers to act for them directly, in this capacity.

## Te Ture Whenua Maori Act 1993

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**Statutory basis** Te Ture Whenua Maori Act 1993 – section 134 and section 151

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- Relevant LINZ standards**
- Crown Property Standard – Acquisition of Land under Public Works Act LINZS15005
  - Crown Property Standard – Disposal of Land held for a public work LINZS15000
  - Crown Property Standard – Stopping and resumption of road LINZ15002
  - Crown Property Guideline – Disposal of land held for a public work LINZG15700
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### Purpose of Accreditation category

This category provides for the activities undertaken by Nominated Persons in the alienation of land from multiple Māori ownership under section 151 Te Ture Whenua Maori Act or the vesting of land in such ownership under section 134.

Note that this will not entail any court work. The role is to prepare work to support the Crown going to the Court and, where necessary, complete any work following decision/ruling of the Court.

### Indicative Functions

These tasks include the preparation and lodgement of the following:

- Reports and applications to LINZ; and then
- Supporting applications to the Māori Land Court

### Technical Proficiencies

If you are applying for this category you must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding of Māori Land Court processes and Te Ture Whenua Maori Act 1993
- Understanding of the acquisition and disposal processes of the Public Works Act 1981
- Determining Land status, mineral ownership and Crown property title
- Researching property history

- Government land policies including gifted land policy
- Document preparation

# Treaty of Waitangi Claim Settlements

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**Statutory basis** Treaty settlement legislation

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- Relevant LINZ standards**
- Crown Property Standard – Disposal of Land held for a public work LINZS15000
  - Crown Property Standard – Treaty settlement requirements for disposal of Crown-owned land (interim) LINZS15001
  - Crown Property Guideline – Disposal of land held for a public work LINZG15700
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## Purpose of Accreditation category

The Chief Executive LINZ has a responsibility under the legislation or deed of settlement to provide services to enable the effective and efficient handling of the settlement. The CE LINZ is responsible for seeking the removal of any RFR notation before the sale or transfer of affected land to anyone other than another Crown body.

Nominated Persons holding this category will support LINZ where required in that regard.<sup>4</sup>

## Indicative Functions

These tasks include the following:

- Identifying whether land is subject to claims settlement legislation
- Preparation of all certificates relating to claims settlement legislation

## Technical Proficiencies

If you are applying for this category you must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Understanding of the requirements of Treaty of Waitangi Claim Settlements legislation
- Disposal procedures of the Public Works Act 1981
- Document preparation
- Government land policies

<sup>4</sup> Note that this category does not include ensuring compliance with Right of First Refusal (RFR) requirements during disposals. The Chief Executive of the Crown agency, not the CE LINZ, is statutorily responsible for complying with the RFR.

# Legalisation Action – Miscellaneous Document Preparation

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**Statutory basis** Public Works Act 1981

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- Relevant LINZ standards**
- Crown Property Standard – Acquisition of Land under Public Works Act LINZS15005
  - Crown Property Standard – Stopping and resuming of Road LINZS15002
  - Crown Property Standard – Disposal of Land held for a public work LINZS15000
  - Crown Property Standard – Treaty settlement requirements for disposal of Crown-owned land (interim) LINZS15001
  - Crown Property Guideline – Disposal of land held for a public work LINZG15700
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## Purpose of Accreditation category

This category provides for the general drafting of gazette notices, proclamations and undertaking of miscellaneous activities that require the statutory approval of the Minister for Land Information or Chief Executive of LINZ.

## Indicative Functions

These tasks include the following:

- Acquisition Gazette Notices
- Caveats
- Compensation certificates under the Public Works Act
- Discharge of Compensation certificates under Public Works Act
- Local Authority Gazette Notices
- Requesting granting of Certificate of Title under s.107 Public Works Act
- Requesting Certificate of Title under s.47 Public Works Act

## Technical Proficiencies

If you are applying for this category you must provide enough evidence to satisfy LINZ that your knowledge, qualifications, experience and past behaviour demonstrate your understanding in this area. LINZ considers that the following technical proficiencies are relevant for this category of accreditation:

- Preparation of documents for statutory execution
- Requirements of the Public Works Act affecting the preparation of such documents
- Determining land status, mineral ownership and Crown property title