

Annex 3 - Delegation of your statutory powers

The Public Sector Act 2020 allows a Minister to delegate a power given to that Minister under legislation to the Chief Executive of a department.

Your predecessors as Minister for Land Information have delegated various powers and functions to the Chief Executive of Land Information New Zealand. These are typically to enable LINZ to carry out the more operational and day-to-day aspects of your functions and powers. Some of these delegated statutory powers remain exclusively with the Chief Executive, but most are sub-delegated to officials within the department. The department also has statutory delegations from some other Ministers.

Existing delegations made by previous Ministers for Land Information will remain in place unless you amend or revoke them (noting that we rely daily on delegations made as early as 1997).

Any official to whom a power is sub-delegated is accountable to the Chief Executive for the exercise of that power, and the Chief Executive is accountable to you for the exercise of all delegated powers. Note that the delegation of a power to the Chief Executive generally does not prevent you from exercising the power personally, although LINZ recommends obtaining advice from the department before personally exercising a power that is typically exercised only by the department.

We can provide copies of delegations made by your predecessors, and we are available to explain the scope of these delegations in more detail if requested.

Legislation for which the Chief Executive has been delegated Ministerial powers or functions

| Act | Summary of delegation |
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| Climate Change Response Act 2002 | Delegation from the Minister for Land Information of various powers and functions relating to participation and administration of the emissions trading scheme as it applies to Crown land administered by LINZ. Authorises sub-delegation. |
| Conservation Act 1987 | Delegation from the Minister for Land Information of the power to declare, together with the Minister of Conservation, that land controlled by LINZ is held for conservation purposes. Authorises sub-delegation. |

| Act | Summary of delegation |
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| Crown Forest Asset Act 1989 | Delegation from the Minister of Finance and Minister for State Owned Enterprises of powers relating to the registration of easements over Crown forest land. Authorises sub-delegation. |
| Crown Minerals Act 1991 | Delegation from the Minister for Land Information of certain powers and functions relating to access over Crown land administered by LINZ, for prospecting, exploration, or mining activities. Authorises sub-delegation. |
| Land Act 1948 | Delegation from the Minister for Land Information of the power to consent to Crown land being set apart as a reserve by the Minister of Conservation. Authorises sub-delegation. |
| Local Government Act 1974 | Delegation from the Minister for Land Information of powers and functions relating to the transfer, closure, and stopping of certain roads. Authorises sub-delegation. |
| Marine and Coastal Area (Takutai Moana) Act 2011 | Delegation from the Minister for Land Information of powers and functions relating to accommodating activities in customary marine title areas and the ownership and administration of reclaimed land. Authorises sub-delegation. |
| New Zealand Railway Corporation Act 1981 ¹ | Direction from the Minister of Railways (now Minister of State Owned Enterprises) regarding the exercise of powers and functions related to the management and disposal of surplus rail land recorded in LINZ balance sheet. Authorises sub-delegation. |
| Overseas Investment Act 2005 ² | Delegation from the Minister of Land Information, Minister of Finance, and Minister of Fisheries, of various powers and functions including the power to decide certain types of applications. Authorises sub-delegation. |

¹ And New Zealand Railways Corporation Restructuring Act 1990.

² Including Overseas Investment Regulations 2005 and overseas investment fishing provisions of the Fisheries Act 1996.

| Act | Summary of delegation |
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| Public Works Act 1981 | Delegation from the Minister for Land Information of various powers and functions under the Public Works Act 1981 including in relation to the acquisition and management of land for public works. Authorises sub-delegation. |
| Resource Management Act 1991 | Delegation from Minister for Land Information of powers and functions under the Resource Management Act 1991 relating to the alteration or removal of designations in a district plan. Authorises sub-delegation. |
| Te Ture Whenua Maori Act 1993 | Delegation from the Minister for Land Information of various powers and functions relating to applications to the Maori Land Court (e.g. to determine status of land or create easements). Authorises sub-delegation. |