

**In Confidence**

Office of the Minister for Land Information  
Chair, Cabinet Legislation Committee

**Crown Pastoral Land Regulations 2023**

**Proposal**

- 1 This paper seeks authorisation for submission of the Crown Pastoral Land Regulations 2023 (the Regulations) to the Executive Council.

**Policy**

- 2 The Crown Pastoral Land Reform Act 2022 received Royal assent on 17 May 2022 and came fully into force on 17 November 2022. It amended the Crown Pastoral Land Act 1998 (the Act) and the Land Act 1948.
- 3 Section 100R of the Act allows for regulations to be made by the Governor-General by Order in Council on my recommendation. The Regulations are intended to provide detailed requirements that support the effective and efficient implementation of the Act.
- 4 On 11 April 2023 Cabinet authorised me to issue instructions to the Parliamentary Counsel Office (PCO) to draft regulations to prescribe [CAB-23-MIN-0137 refers]:
  - 4.1 the minimum information to be provided when applying for consent to undertake discretionary pastoral activity, a stock limitation exemption and when applying for a commercial recreational permit;
  - 4.2 the content of farm plans under the Act;
  - 4.3 the information that must be contained in, or accompany, an enforceable undertaking in the Act;
  - 4.4 the penalty for infringement offences under the Act; and
  - 4.5 the form of infringement notices and infringement offence reminder notices.
- 5 Section 100R(4) of the Act sets out the requirements for the making of regulations. I am satisfied that the process for making these regulations has complied with these requirements. This included Toitū Te Whenua Land Information New Zealand (LINZ):
  - 5.1 undertaking targeted consultation with relevant iwi, representatives of Crown pastoral leaseholders and licence holders, and the Director-General of the Department of Conservation; and

## IN CONFIDENCE

5.2 publishing a notice of the proposed regulations on the Toitū Te Whenua website and seeking submissions on the Regulations on two occasions.

6 I am proposing to submit the Regulations to the Executive Council.

### **Timing and 28-day rule**

7 The Regulations will come into force 28 days after they are notified in the New Zealand Gazette.

### **Compliance**

8 The Regulations comply with each of the following:

8.1 the principles of the Treaty of Waitangi;

8.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;

8.3 the principles and guidelines set out in the Privacy Act 2020;

8.4 relevant international standards and obligations; and

8.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

### **Regulations Review Committee**

9 There are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 327.

### **Certification by Parliamentary Counsel**

10 The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

### **Impact Analysis**

#### ***Regulatory Impact Statement***

11 The Treasury's Regulatory Impact Analysis team determined that the proposed Regulations were exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor impacts on individuals, business, and not-for-profit entities.

12 The Regulatory Impact Statement for the Crown Pastoral Land Reform Bill covered the matters that are contained in these regulations.

#### ***Population Implications***

13 There are implications for Crown pastoral land leaseholders and licensees in the South Island high country and for Ngāi Tahu and Te Tau Ihu iwi.

## IN CONFIDENCE

- 14 The Regulations support the implementation of the Crown Pastoral Land Reform Act 2022. Implementation of this Act seeks to:
- 14.1 maintain or enhance inherent values across the Crown pastoral estate for present and future generations, while providing for ongoing pastoral farming of pastoral land; and
  - 14.2 shift the Crown pastoral land system from a regime that does not clearly recognise and provide for Treaty partnerships to one that provides for a strong and evolving relationship between the Crown and iwi and for the relationship of Māori with their ancestral lands.

### Publicity

- 15 LINZ will notify leaseholders, iwi and other stakeholder groups, including the High Country Accord and the High Country Advisory Group, once the Regulations have been Gazetted. LINZ will also update its website with information about the Regulations.

### Proactive release

- 16 I intend to release this paper within 30 working days subject to appropriate redactions under the Official Information Act 1982.

### Consultation

- 17 The Department of Conservation, Ministry for the Environment, Ministry for Primary Industries, Ministry of Justice and Te Arawhiti were consulted on this paper. Feedback has been incorporated where appropriate. The Department of the Prime Minister and Cabinet has been informed.

### Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 11 April 2023 Cabinet agreed to the content of the Crown Pastoral Land Regulations 2023 [CAB-23-MIN-0137], which outline;
- 1.1 the minimum information required to be provided with any application in regard to consent to undertake a discretionary pastoral activity, the grant of a commercial recreation permit, and stock limitation exemptions;
  - 1.2 that farm plans that may be considered under section 10(4)(d) of the Act must include the date of the farm plan and may include certain other information;
  - 1.3 the information that must be contained in or accompany an enforceable undertaking under the Act;
  - 1.4 that the penalty for infringement offences under the Act be \$600; and
  - 1.5 to prescribe the form of infringement notices and infringement offence reminder notices.

**IN CONFIDENCE**

- 2 **note** that the Crown Pastoral Land Regulations 2023 will give effect to the decision referred to in paragraph 1 above;
- 3 **note** that under section 100R(4) of the Crown Pastoral Land Act 1998, before recommending regulations are made, I must be satisfied that the Chief Executive of Land Information New Zealand or the Commissioner for Crown Lands has undertaken consultation with relevant iwi, representatives of Crown pastoral leaseholders, the Director-General of Conservation, and the public on the Regulations;
- 4 **note** that I am satisfied this requirement has been met;
- 5 **authorise** the submission to the Executive Council of the Crown Pastoral Land Regulations 2023;
- 6 **note** that, subject to the agreement of the Executive Council, the Crown Pastoral Land Regulations 2023 will come into force on 7 September 2023.

Authorised for lodgement

Hon Damien O'Connor

Minister for Land Information