

# **MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

## **INSTRUMENT OF SUB-DELEGATION OF POWERS, FUNCTIONS AND DUTIES OF THE MINISTER FOR LAND INFORMATION AND THE CHIEF EXECUTIVE OF LAND INFORMATION NEW ZEALAND**

**BY**

**DEPUTY CHIEF EXECUTIVE CROWN PROPERTY**

### **WHEREAS:**

1. The Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act") confers powers and functions on the Minister for Land Information ("the Minister") and the Chief Executive of Land Information New Zealand ("the Chief Executive").
2. Section 28 of the State Sector Act 1988 provides that the appropriate Minister in respect of a Department may from time to time, either generally or particularly, delegate to the Chief Executive of that department all or any of the Minister's functions and powers under the State Sector Act 1988 or any other Act, including functions and powers delegated to the Minister under the State Sector Act 1988 or any other Act.
3. By instrument dated 31 October 2011, the Minister has delegated the powers and functions as indicated in **Part One** of the Schedule to this instrument to the Chief Executive and has consented to the sub-delegation of those powers and functions.
4. Section 41 of the State Sector Act 1988 empowers the Chief Executive to delegate his powers and functions under any enactment (including any powers and functions delegated to the Chief Executive under any enactment) to any other person being an employee; PROVIDED that powers and functions delegated to the Chief Executive by the Minister may be further delegated only with the written approval of the Minister.
5. Section 41(2) of the State Sector Act 1988 also provides that where the Chief Executive has delegated any powers or functions to any person, that person may, with the prior approval in writing of the Chief Executive, delegate such of those powers or functions to any other person (being an employee) or to the holder for the time being of any specified office in the department.
6. By instrument dated 28 May 2014, the Chief Executive delegated the powers and functions as indicated in **Parts One and Two** of the Schedule to this instrument to the Deputy Chief Executive Crown Property and has consented to the subdelegation of those powers and functions.

**NOW THEREFORE** pursuant to section 41 of the State Sector Act 1988, **I, JEROME GORDON SHEPPARD**, Deputy Chief Executive Crown Property, **SUBDELEGATE** those powers and functions under the Marine and Coastal Area (Takutai Moana) Act 2011, as indicated in **Parts One and Two** of the Schedule to this instrument, to the **Group Manager Land and Property**. Those powers and functions may not be further sub-delegated to any person.

This delegation revokes all previous sub-delegations of the powers and functions under the Act indicated above.

Dated at Wellington this 3<sup>rd</sup> day of July 2018.



**JEROME GORDON SHEPPARD**  
Deputy Chief Executive Crown Property

Certified as in order for signature:

  

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Solicitor, Legal Services

02 / 07 / 2018

Released under the Official Information Act 1982

## SCHEDULE OF DELEGATIONS

### MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 1981 – PART ONE

#### MINISTER FOR LAND INFORMATION DELEGATIONS

Section	Summary of section	Principal authority	Delegated to	Sub-delegated to	Sub-delegated to
<b>30(4)</b>	Execution of certificate vesting reclaimed land in the Crown	Minister for Land Information	Chief Executive	Deputy Chief Executive Crown Property	Group Manager Land and Property
<b>32(1)</b>	Declaring reclaimed land Crown land under the Land Act 1948				
<b>33(1)</b>	Perform and exercise powers and functions of the Crown as owner of reclaimed land				
<b>33(2)</b>	Execute certificate describing land that is or is not subject to subpart				
<b>34(1)</b>	Grant interests in reclaimed land				
<b>36(1)</b>	Determination of matters regarding application				
<b>36(3)</b>	Determination that several applicants granted distinct interests				
<b>38(1)</b>	Notification to applicant of proposed determination or variation				
<b>38(2)</b>	Provide opportunity to comment on determination or variation				
<b>38(3)</b>	Variation of determination made under s36(1)				
<b>39(1)</b>	Vesting interest in an applicant				

Section	Summary of section	Principal authority	Delegated to	Sub-delegated to	Sub-delegated to
<b>39(2)(d)</b>	Request RGL to issue computer register				
<b>40</b>	Determination regarding application for renewal of Interest less than freehold taking certain matters into account				
<b>43(3)</b>	Consider application using criteria and determine and notify subject to 43(3)				
<b>43(4)</b>	Provide opportunity to comment on determination vesting reclaimed land in a customary marine title holder				
<b>43(5)</b>	Gazette Notice vesting interest				
<b>43(6)(d)</b>	Request RGL to issue computer register				
<b>44(3)</b>	Execution of certificate on compliance with right of first refusal				
<b>45(2)</b>	Decision on offer of reclaimed land to the Crown				
<b>45(3)</b>	Signing of contract to acquire				
<b>64(4)</b>	Dispute resolution referral				
<b>65(1)(a)(iv)B</b>	Deeming accommodation activity				
<b>Schedule 2 Part 1 clause 4</b>	Initial response upon receipt of application				
<b>Schedule 2 Part 1 clause 6</b>	Notification to and negotiation with customary				

Section	Summary of section	Principal authority	Delegated to	Sub-delegated to	Sub-delegated to
	marine title group				
<b>Schedule 2 Part 1 clause 8</b>	Decision on application for deemed accommodated activity				
<b>Schedule 2 Part 1 clause 11</b>	Notice of deemed accommodated activity				
<b>Schedule 2 Part 1 clause 12</b>	Service of notice				

### SCHEDULE OF DELEGATIONS

#### MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 1981 – PART TWO

##### CHIEF EXECUTIVE OF LAND INFORMATION DELEGATIONS

Section	Summary of section	Principal authority	Sub-delegated to	Sub-delegated to
<b>s114(1)</b>	Keeping of marine and coastal area register	Chief Executive	Deputy Chief Executive Crown Property	Group Manager Land and Property
<b>s114(2)</b>	Entering of documents on register			
<b>s116(1)</b>	Make orders and documents available			

Released under the Official Information Act 1982