



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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Legislative Amendments to Improve Conservation Management Processes

Portfolio **Conservation**

On 23 November 2022, the Cabinet Environment, Energy and Climate Committee:

Legislative amendments

- 1 **noted** that in April 2022, the Cabinet Environment, Energy and Climate Committee (ENV) approved public consultation, and the release of the discussion document *Conservation Management and Processes* (the discussion document), to support possible targeted amendments to improve conservation management processes [ENV-22-MIN-0017];
- 2 **noted** that the Department of Conservation (DOC) released the discussion document in May 2022, which set out:
 - 2.1 proposed legislative changes to improve the process for developing and reviewing conservation management planning documents;
 - 2.2 changes to improve efficiency and enable more proactive approaches to concessions management; and
 - 2.3 minor and technical changes for the purposes of regulatory stewardship;
- 3 **noted** that DOC carried out eight weeks of public consultation on the proposals and consultation closed on 30 June 2022;
- 4 **agreed** that amendments be made to the relevant legislation to:

Concessions processes amendments

- 4.1 provide the Minister of Conservation (the Minister) with the power to make regulations authorising activities (removing the need for an individual concession);
- 4.2 enable the Minister to offer pre-approved concessions (for example through an online portal);

- 4.3 provide the Minister with the ability to return a concession application in favour of initiating a competitive allocation process, subject to:
 - 4.3.1 a statutory timeframe of 40 working days for returning the application; and
 - 4.3.2 a statutory timeframe of 60 working days from when the application is returned for the Minister to initiate a competitive process by inviting applications;
- 4.4 enable applicants that are successful in a tender process to be directly allocated a concession if the necessary statutory requirements are met;
- 4.5 require reconsideration requests to be submitted within 40 working days;

Minor and technical amendments

- 4.6 remove personal liability of New Zealand Conservation Authority and Conservation Board members acting in good faith when undertaking their statutory duties;
- 4.7 require reserve boards and reserve administering bodies only be audited when their total annual operating expenditure is \$550,000 or more;
- 4.8 require the Public Service Commission only give written consent for the Director-General to delegate powers to a DOC officer or employee where the specific delegated powers are authorised under Schedule 5 Clause 6 of the Public Service Act 2020;
- 4.9 allow for role of 'Commissioner' to be delegated to a specific job title (regardless of which individual holds that title);
- 4.10 allow a 'conservation area' to be established as a nature reserve or scientific reserve without first needing to be established as a 'reserve';
- 4.11 explicitly state that aircraft concessions are required for landing or taking off on all public conservation land, not just 'conservation areas';
- 4.12 explicitly state that all aircraft activities (whether recreational or not) require a concession for landing or taking off on public conservation land;
- 4.13 explicitly state that any management plan approved under the National Parks Act 1980 is a 'conservation management plan';
- 4.14 remove the requirement that New Zealand Police must have DOC authorisation to hold seized item(s);
- 4.15 update the definition of 'disability assist dog' in legislation;
- 4.16 update the National Parks Act 1980 where references are made to Westland National Park/Tai Poutini National Park;
- 4.17 amend the Conservation Act 1987 and National Parks Act 1980 to modernise the publication requirements for conservation management strategies and plans, and national park management plans;

Next steps for the conservation management and processes provisions

s9(2)(f)(iv)

- 6 **invited** the Minister of Conservation to issue drafting instructions to the Parliamentary Council Office giving effect to the policy decisions in the paper under ENV-22-SUB-0059;
- 7 **authorised** the Minister of Conservation to make decisions, consistent with the policy framework in the paper under ENV-22-SUB-0059, on any issues that arise during the drafting process;
- 8 **noted** that the legislation drafted to give effect to the policy decisions in the paper under ENV-22-SUB-0059 will bind the Crown.

Rebecca Davies
Committee Secretary

Present:

Hon Grant Robertson
Hon Kelvin Davis
Hon David Parker (Chair)
Hon Poto Williams
Hon Michael Wood
Hon Dr Ayesha Verrall
Hon Phil Twyford
Rino Tirikatene, MP

Officials present from:

Office of the Prime Minister
Officials Committee for ENV

RELEASED BY THE MINISTER OF CONSERVATION