



Briefing to the incoming Minister of Conservation

2011



Department of
Conservation
Te Papa Atawhai

New Zealand Government

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1. INTRODUCTION

Welcome to the conservation portfolio.

This briefing sets out your role and functions as Minister of Conservation and the Department's mandate, functions and organisation. It outlines major policy and implementation issues, and identifies upcoming matters for your decision.

As Minister of Conservation, you are responsible for overseeing the Department of Conservation's (DOC's) management of a third of New Zealand's land area and the natural and historic resources that it contains, together with the protection of native wildlife elsewhere.

The Department was established by the Conservation Act 1987. It is charged with promoting conservation of the natural and historic heritage of New Zealand on behalf, and for the benefit, of present and future New Zealanders. Its Māori name, Te Papa Atawhai, means "a treasure chest of care".

Some of the Department's functions go beyond the boundaries of public conservation lands and waters. It protects marine mammals, indigenous freshwater fisheries, recreational fisheries and freshwater habitats, and is responsible for conserving indigenous wildlife wherever it lives.

The Department's vision is that New Zealand is the greatest living space on earth—a place where increasingly the knowledge and commitment of New Zealanders is focussed on restoring and sustaining a natural environment that is flourishing and an example to the world of people respecting nature and living in harmony with it. It recognises that the wellbeing and prosperity of New Zealanders and our nation depends on the conservation of a healthy functioning environment. This includes, for example, clean water and air; healthy, natural foods; intact nutrients, water, energy and carbon cycles; abundant and secure biodiversity; and a vast choice of recreational options and spaces.

This perspective is reflected in the Department's day-to-day operations, working to your priorities as Minister and the Government's objectives. This briefing should be read in conjunction with the Briefings from the Natural Resources Sector and the Treaty Settlements Sector for the Incoming Minister.

2. OVERVIEW

The Department of Conservation (DOC) is charged with promoting conservation of the natural and historic heritage of New Zealand on behalf of, and for the benefit of, present and future New Zealanders.

This briefing introduces you to the conservation portfolio and sets out the Department's mandate, functions, challenges and strategic approaches to achieving environmental, social and economic outcomes for the benefit of all New Zealanders.

2.1 Why conservation matters

Introduction

Our natural heritage shapes our cultural identity. New Zealanders identify strongly with conservation lands and waters. For many, recreation in the outdoors helps to improve health and wellbeing and creates a sense of personal achievement. For others, there has been a regrowth in interest in conservation issues sparked by recent natural disasters and development proposals.

The benefits of conservation are, however, even more widespread and penetrate more deeply into our economy, our prosperity and our future wellbeing as a country.

Conservation protects our natural capital and delivers the infrastructure that many of our key industries depend upon. Sound management of the natural environment delivers ecosystem services such as quality fresh water and fertile soil, and these in turn underpin New Zealand's primary production sector and determine New Zealanders' prosperity.

Conservation contributes strongly to tourism. The destinations for both domestic and international visitors are primarily around public conservation lands and waters, and protected species. The businesses that support tourism and complement tourism are major contributors to the national, regional and local economies.

In its totality, conservation plays a critical role in supporting the New Zealand brand—the market advantage on which the nation's producers and society rely. Investing in conserving and protecting our natural resources is investing in New Zealand's long-term wellbeing and prosperity, as well as protecting its natural heritage for future generations.

Biodiversity is declining

New Zealand is unique. Around 90% of our birds and insects, 80% of our plants and all of our reptiles, frogs and bats are found nowhere else in the world.

Despite a significant proportion of the country being public conservation land, New Zealand has one of the highest proportions of threatened species and one of the highest extinction rates in the world.

Unlike most other parts of the world, New Zealand's flora and fauna lack natural defences against attack from introduced predators and browsers as they evolved in isolation for over 80 million years. Conservation in New Zealand is therefore heavily weighted towards the trapping and poisoning of these introduced pests.

While biodiversity protection and recovery is being achieved in areas under intensive management, the overall trend outside of these areas is that biodiversity is declining and ecosystem services are being reduced.

On public conservation land, possums, rats and stoats devastate forests, plants and native species. These introduced predators are the greatest threat to the continued survival of many of our native birds. Without active management, many of our iconic species cannot survive in the wild and are in danger of extinction. Many other native bird species are also vulnerable to declines.

On private land and public waterways, developments that modify the land significantly have significant impacts on increasingly rare and threatened native species and ecosystems, particularly in lowland areas that are not protected. Lowland forests, sand dunes, streams, wetlands and sub-alpine tussock grasslands are all under-represented on protected lands.

The loss or decline of native species can lead to cascading ecological changes in native forests. For example, many native birds are important seed dispersers and pollinators of native plants. Loss of ecosystem health will often lead to loss of ecosystem services such as erosion and flood control, and declines in water and soil quality. Losses in lowland areas can lead to permanent loss of societal, economic and biodiversity value. Such erosion of natural capital threatens to undermine our prosperity.

Halting the decline in biodiversity

On public land, the presence or absence of effective pest control is the single biggest determinant of ecosystem health and of biodiversity loss or gain. Less than 25% of the conservation estate receives interventions on key threats, with around 8% receiving possum, rat and stoat control.

Significantly increasing pest control on public conservation land through increased spending and/or greater efficiency is required to halt the decline in biodiversity and increase economic returns to New Zealand through improved ecosystem services.

On private land, working with the natural resource sector on policy settings to prevent inappropriate development and unsustainable farming practices, improving the quality of our streams and rivers, increasing pest control and restoring degraded habitats will make the biggest difference to biodiversity loss and will maximise the value of available natural resources to New Zealanders.

Recreation and tourism

New Zealanders and international visitors are attracted to public conservation lands and waters by the sights and sounds of wild nature, qualities of remoteness, peace and natural quiet, recreational challenges, opportunities to connect with our heritage, or to just get away from the pressures of modern living.

The Department manages most of New Zealand's major natural tourism attractions and provides extensive opportunities for recreation on conservation land and waterways. A key part of managing for the historic outcome that "our history is protected and brought to life" is to recognise that, through public visitation and interpretation, we are helping to bring our history into people's lives as well as bringing these places to life. Visitation helps provide a measure of the relevance people see in historic places.

The Department is focussed on growing participation through understanding and responding to visitor preferences. For this, priority is given to 'icon' destinations that underpin New Zealand tourism, and to family-friendly 'gateways' where New Zealanders can be introduced to the outdoors and connect with conservation. Other front country destinations that are treasured by local communities, and the basic backcountry network, will continue to be managed for visitors, prioritising those places that can deliver the most benefit to New Zealand.

The likely changes resulting from this focus require the Department to consult and work closely with others, including tourism and recreation providers, local authorities, recreational and conservation groups, and iwi, to ensure it is responding effectively to visitor preferences and to share conservation management.

2.2 The Department of Conservation

Vision and outcomes

DOC is working towards a vision that “New Zealand is the greatest living space on earth”. This vision reflects a desire to be prosperous in all ways—rich in social, economic and environmental health, wealth and wellbeing.

It is a vision that is much bigger than DOC and conservation alone. It recognises that conservation has more than just intrinsic value and it forms the foundation of DOC’s strategy—that conservation benefits, and is the responsibility of, all New Zealanders.

To achieve this vision, DOC’s outcome statement is that “New Zealanders gain environmental, social and economic benefits from healthy functioning ecosystems, from recreational opportunities, and from living our history”.

DOC has developed five intermediate outcomes under which our work is organised:

- The diversity of our natural heritage is maintained and restored
- Our history is protected and brought to life
- More people participate in recreation
- More people engage with conservation and value its benefits
- More business opportunities delivering increased economic prosperity and conservation gain

Although each of the intermediate outcomes has a specific focus, they are not mutually exclusive. For example, conserving natural heritage provides opportunities for recreation and for businesses, which helps to increase engagement.

Strategic approach

DOC has achieved significant gains in areas of the conservation estate under intensive management. However, this approach cannot be replicated across a much greater geographical scale without a sustained effort to work smarter within available resources and collaborating and partnering with others. DOC’s strategic approach therefore focuses strongly on working with others, prioritising resources, research and innovation, and organisational cost savings.

Working with others

DOC is developing an increasingly outward-looking focus. We have redesigned our organisational structure and frontline activities to deliver outcomes in partnership with others, supported by a cost-effective, centralised, shared services organisational model.

DOC has an important role in helping business, policy makers, iwi, private landowners, local and regional governments, non-government organisations, corporate sponsors, central government agencies, community groups and the wider community to appreciate the full contribution of biodiversity to our wellbeing so that we all can make decisions and take actions that will ensure long-term prosperity.

The intrinsic value of nature has a strong appeal to many. By broadening the message and helping others to understand how nature in good working order is critical to their own prosperity, we anticipate that people will be more willing to invest time, effort and resources in the conservation of our biodiversity.

Prioritising to maximise efficiency

Within its resources, DOC must prioritise conservation action to make the biggest difference to biodiversity that it can. DOC has invested in systems and approaches to deliver priority-setting frameworks to maximise outcomes. The two most important are the Natural Heritage Management System (NHMS) and the Destination Management Framework (DMF).

NHMS allows for national biodiversity goals to be identified, provides an assessment of how we are currently doing against those goals, identifies priority conservation actions and allows for reporting on progress towards meeting outcomes. It takes a national view, reducing duplication and more efficiently allocating resources to maximise biodiversity outcomes.

The DMF connects management activities in tourist destinations that are traditionally undertaken in isolation (for example, a destination's values, attractions, people, infrastructure, access and marketing). The DMF helps to create desirable, customer-focussed, demand-driven experiences.

Research and innovation

Science, research and innovation are key to achieving more efficient approaches and productivity gains in conservation. Pest control is expensive. A significant focus of the Department is making pest control more effective, efficient and innovative, and sharing this knowledge with our partners in conservation work.

We have been successful in this approach. For example, in the last 10 years, the per hectare cost of possum control has been reduced by 38% in real terms.

Other tools, knowledge and techniques being developed by DOC focus on improving our understanding of the outcomes that we can achieve from particular management activities and on better understanding, mitigating, and offsetting biodiversity loss from development opportunities.

Delivering cost savings and maximising organisational efficiency

DOC is currently implementing and developing a number of business efficiency and effectiveness measures as part of its 'Business Improvement Programme'. Additional measures that will generate further savings include major changes to financial processing, centralising procurement functions and wider sector and whole-of-government initiatives.

DOC has recently undertaken a full review of our support services roles, resulting in a reduction of 96 FTEs and a fundamental shift to providing 'shared services' across the organisation. Next year we will undertake a review of our operational efficiency.

DOC's wider role

The Department's activities extend much further than just conservation. For example, DOC contributes equipment and staff to emergency response operations throughout New Zealand, including fire, extreme weather events, earthquakes, major accidents and search and rescue needs. It has supported the Police, Fire Service, Civil Defence and Maritime New Zealand in this work.

Over the last 18 months, the Department has played major roles in responses to the Christchurch earthquakes, the Pike River mine disaster and the grounding of the container ship, *Rena*, in the Bay of Plenty.

In many communities, particularly in remote and rural areas, our staff are the only face of Government. Frontline staff are involved in their community at every level and are part of the socio-economic life of the communities.

2.3 Key issues over the next three years

Biodiversity and ecosystem services

We need to work with the Natural Resource Sector on our common objective of ensuring the policy settings of government address the environment and the economy. The sector recommends an approach that recognises limits, allocates resources efficiently, innovates and builds lasting institutional arrangements.

International thinking has shifted towards recognising and maximising the value of ecosystem services, as well as biodiversity, in decision-making. We need to refresh the New Zealand Biodiversity Strategy to reflect this approach and more closely link biodiversity to our economy and prosperity.

Pest management

The Department uses a range of pest control methods, including aerial applications of 1080 poison, which is a contentious issue. 1080 is the most cost-effective tool available, particularly over steep and remote terrain. Its use has been the subject of two major independent scientific reviews.

In addition, the Parliamentary Commissioner for the Environment's report in 2011, *Evaluating the Use of 1080*, concluded that "not only should the use of 1080 continue (including in aerial operations) to protect our forests but that we should use more of it".

Working with iwi

DOC is an active participant in the negotiation of Treaty settlements and works with the Office of Treaty Settlements. As cultural redress, iwi generally receive ownership of culturally significant land, with conservation values including public access protected, and a relationship document with the Minister or department. All redress must be approved by ministers.

Where there is little land (the case in many North Island areas) and/or little active conservation management in an iwi's rohe, meeting expectations can be challenging.

Settlements offer excellent opportunities for confirming ongoing partnerships and strengthening existing relationships. As settlements are enacted and implemented, iwi will have a greater role and influence in the governance of public conservation land, and the Department sees this as creating new opportunities to enhance conservation. An ongoing challenge is to ensure the governance mechanisms are fit for purpose, cost-effective for both Crown and iwi, and connected to the existing public governance of conservation land.

Working with business

Recognising and socialising the benefits of conservation to business is a key focus for the Department. The business sector has the greatest untapped potential to contribute

directly to conservation work, and the potential benefit to businesses through a partnership approach with DOC provides a strong incentive.

DOC has established a Commercial Business Unit to increase revenues to the Department while delivering strategic partnerships and appropriate business opportunities on the conservation estate.

DOC's new strategic direction shifts thinking from 'allowing' commercial activity on public conservation land to 'enabling' it, where such activity is consistent with achieving conservation outcomes.

We are developing guidance on biodiversity offsetting, in partnership with other government agencies, local councils and developers. While guidance will primarily assist the work of DOC when engaging with business, it will also be relevant to RMA decision-making.

Working with local councils

DOC is increasingly engaging at a strategic level with local councils to improve coordination and more effectively manage biodiversity and ecosystem services, including at a catchment level. Examples to date include working with Hawke's Bay Regional Council on joint planning of integrated catchment management and working with the new Auckland Council on marine spatial planning, tourism and destination development, and biosecurity of pest-free islands in the Hauraki Gulf marine park. The Department and the three regional councils in the lower North Island are also actively working on greater collaboration. This work is at an early stage and is intended to build on the existing strong partnerships, combining the resources of all agencies working on biodiversity in the wider region.

We need to build on this work to identify common areas of focus, approach and methods of service delivery—both strategic and operational—across DOC's operations and regional councils to deliver better services more quickly with greater effect than is the case currently.

Recreation

DOC needs to build a customer-focussed, demand-driven approach to key tourism locations by connecting management activities and aligning new experiences, infrastructure, development and marketing.

The Queen's Diamond Jubilee in 2012 coincides with the 60th anniversary of the first National Parks Act (1952) in New Zealand. Events in national parks around New Zealand may provide an opportunity to recognise and celebrate the Jubilee.

Marine protection

There are improvements to make in the legislative and policy frameworks for marine protection in New Zealand, and in ensuring appropriate marine areas receive the protection they require. There is no provision for marine reserves in the EEZ and the current Marine Reserves Act does not provide effectively for collaborative planning, recognition of Marine and Coastal Area (Takutai Moana) Act 2011 or a flexible range of tools for the establishment of marine protected areas. The Marine Reserves Bill can address some of the limitations of the current Act.

The recently introduced collaborative planning approach to marine protection, involving forums (similar to the approach of the Land and Water Forum) of all sectors has led to the first two forums successfully delivering more balanced marine protection recommendations over the last 18 months, which the Government has endorsed. Other collaborative processes are under way, including marine spatial planning for the Hauraki Gulf, led by

councils, DOC and MAF. Nevertheless, there are still significant and important marine ecosystems with no protection. There is an opportunity now to consider these successes and learn from them to improve the way marine protection planning can occur in the future, and to ensure this is consistent with wider interests in management of the marine environment.

Coastal management

The New Zealand Coastal Policy Statement 2010 (NZCPS 2010) was recently approved following a recommendation by the Minister of Conservation. It sets national policies to achieve sustainable management in the coastal environment and is given effect through the Resource Management Act 1991. The Department has a work programme in partnership with local government to ensure district and regional councils are well informed about the requirements of the NZCPS 2010 and supported to implement its policies.

The Department will provide advice to ministers in 2012 on options to improve funding for regional coastal planning for coastal activities, including aquaculture. The current occupation charging regime does not work.

You have a number of roles under the Marine and Coastal Area (Takutai Moana) Act 2011 including recommending regulations and making bylaws for the management of the common marine and coastal area. The Department is currently working with the Ministry of Justice to draft regulations relating to the ownership of abandoned structures in relation to this Act.

You may also perform the managerial or administrative functions that are contemplated by the Act, but not conferred on anybody else, and are the decision-maker in respect of outstanding applications to vest reclaimed coastal land where the applicant has not requested that its application be decided by the Minister of Lands.

Aquaculture

The new aquaculture law commenced on 1 October 2011 and included amendments to the Resource Management Act 1991, Fisheries Act 1996, and the Maori Commercial Aquaculture Settlement Act 2004. The Department is working with MAF's new Aquaculture Unit to support implementation of the new law. There are close links between this work and implementation of the NZCPS 2010. The Department will also work closely with MAF to achieve delivery of the aquaculture settlement.

Fresh water

Fresh water is an abundant natural resource in New Zealand, compared to many other countries. Despite this, increasing demands and pressure on fresh water over recent decades has led to significantly reduced water quality in many regions across the country.

Significant increases in abstraction of water over the last two decades has also reduced water quantity in a number of catchments and led to a consequent loss of freshwater biological and ecological values.

DOC is closely involved in the whole-of-government work programme, which is working alongside the Land and Water Forum to improve the management and stewardship of fresh water. Initiatives such as the recently approved National Policy Statement for Freshwater Management and the establishment of funds to aid irrigation development and the recovery of degraded water bodies are significant first steps and will help safeguard freshwater ecosystems whilst also improving economic, social and cultural outcomes from its use.

Carbon and climate

Climate change is a significant risk to New Zealand's conservation values (i.e. our natural and historic heritage, and the network of facilities that help us to appreciate and enjoy our heritage) but there are large uncertainties around predictions of the future scenarios of climate-change-affected environments.

In addition, some actions taken to adapt to or mitigate the climate change threat (e.g. carbon sequestration through exotic afforestation, carbon-neutral energy development and irrigation) may also cause adverse impacts on conservation values. It is important that efforts to mitigate New Zealand's greenhouse gas footprint are balanced against New Zealand's responsibility to maintain our proportionally larger share of global biodiversity.

Public conservation land comprises the largest single stock of carbon in vegetation and their soils in New Zealand—about half the New Zealand total. However, due to definitional issues with the New Zealand Emissions Trading Scheme (ETS), areas that are naturally regenerating to forest land will take decades to be considered eligible to be registered.

The Department is involved in a Government initiative to explore the possibility of some public conservation land being available to iwi and others for carbon sequestration.

The Department has also been involved in the ETS because of anomalies relating to tree weed control work being counted as deforestation. Officials are investigating options to address this issue. Officials are also investigating the appropriateness of the registration of post-1990 forest land comprised of lodgepole pine under the ETS, when this forest species is an 'unwanted' organism under the Biosecurity Act 1993.

High country

Review of Crown pastoral leases for high country farming in the South Island has led to the establishment of significant new areas under conservation management. The tenure review programme continues, led by Land Information New Zealand (LINZ).

The Department provides advice to LINZ on the 'significant inherent values' of properties, through conservation resource reports. Conservation management of high country freshwater catchments also contributes significantly to downstream water quality and flow.

DOC will continue to fulfil this role as required.

3. UPCOMING MATTERS

3.1 Matters for your decision or advice

Budget 2012

A timetable for the 2012/13 Budget process is expected to be available from The Treasury in January 2012. A likely time frame is:

Late January 2012	Submission of Four-year Budget Plan to Joint Ministers
Early April 2012	Submission of Estimates Documents to Joint Ministers
April 2012	Cabinet considers final Budget Cabinet paper (all departments)

A draft Conservation Output Plan is scheduled to be made available for your comment by mid June 2012 and will need your approval by the end of that month.

Statement of Intent 2012–2015

Discussions with you regarding your priorities for the Statement of Intent usually occur between November and February. We will seek an early opportunity to discuss a draft statement with you and ensure it meets your priorities. A final draft will need to be ready for your signature by late April 2012.

Land protection

Kauri National Park proposal

The New Zealand Conservation Authority is responsible under the National Parks Act for considering proposals for the establishment of new national parks, and has the power to request the Director-General to investigate a national park proposal.

A report is being prepared for the New Zealand Conservation Authority on a proposal to establish a kauri national park for Northland. It is planned to complete the report for the Authority's consideration in February 2012. After considering the report, the Authority will decide whether or not to recommend to you that a Kauri National Park is established in Northland.

Marine conservation

Conservation Services Programme

Each year a Conservation Services Programme Annual Plan identifies the research and observer activities to be funded by levies on the fishing industry. The 2012/13 plan is due to be presented for your approval in April 2012 following consultation with stakeholders.

Restricted coastal activity applications pending

A number of applications for resource consents for restricted coastal activities are likely to require your decision in the near future. These include applications for sand extraction at Fitzroy Bay, Wellington, dredging at Port of Tauranga, works associated with the proposed rail link to Marsden Point, North Shore sewage discharge and Palliser Bay road protection

works. You will receive full briefings when hearing committee recommendations or Environment Court reports are available. These are the last applications you will receive, as hearing committees or the Environment Court now make final decisions on such applications.

West Coast Marine Protected Areas Forum

In 2005 the West Coast Marine Protection Planning Forum (the Forum) convened and was tasked with developing recommendations for Marine Protected Areas (MPAs) within the West Coast biogeographic region. On 28 July 2010 the Forum presented the Minister of Conservation with their recommendations for MPAs. In August 2011 the Minister of Conservation and Minister of Fisheries jointly announced the establishment of MPAs based on the Forum's recommendations and agreed that DOC and the Ministry of Fisheries (now MAF) should enter into the formal application processes required under the Marine Reserves Act and the Fisheries Act. The processes to apply for and establish these marine reserves will require decisions from you.

Treaty of Waitangi Negotiations

The further progress of Treaty settlement negotiations that were under way before the general election will be a matter for the incoming government.

The Department is currently involved in a range of negotiations throughout the North Island. The negotiations are led by the Office of Treaty Settlements, and may also involve Chief Crown Negotiators appointed by the Minister for Treaty of Waitangi Negotiations.

Decisions on redress items for specific negotiations will be sought from you as these negotiations advance. Negotiations requiring your attention within the first few months of office may well include those relating to various iwi in Auckland (Tamaki), Ngai Tahu, and also Taranaki and Tauranga iwi. (The South Island is largely settled with finalised Deeds of Settlement for the top of the South, although legislation is yet to be passed.)

Indigenous flora and fauna

On 2 July 2011 the Waitangi Tribunal released its report on the Wai 262 Flora and Fauna and Cultural Intellectual Property claim. The Wai 262 claim traverses issues that span a wide ambit of government activity, policy-making and law. The Government has previously announced that it is carefully considering the report in its entirety and in the context of existing policy.

Differential Sports Fishing License

In March 2011 the Minister of Conservation instructed the Department to work with the New Zealand Fish and Game Council to develop a workable proposal to establish a higher charge for sports fishing licenses required by non-resident fishers. A discussion document was released in September 2011 calling for comments on the option proposed to achieve this. Submissions on the discussion document closed on 28 October 2011 and are now being analysed and a summary of submissions prepared. This summary will be provided to you December 2011, to determine whether and how you wish to proceed with a non-resident freshwater angling licence. A summary of submissions will also be circulated to submitters at that time.

Appointments

Queen Elizabeth II National Trust

Appointments to the Trust attract significant interest. Its governing legislation requires a public call for nominations before ministerial appointments are made, and consultation with the Minister of Agriculture, Federated Farmers and the Minister of Māori Affairs.

The Department will provide you, early in 2012, with a full briefing on an appointment to the Trust. This is likely to recommend that the proposed appointment be referred to Cabinet in about July 2012.

3.2 Parliamentary business that lapsed on 20 October 2011

The 50th Parliament will consider which items of business that lapsed on 20 October 2011 (with the dissolution of the 49th Parliament) will be reinstated. A brief description of the intent of those items, and the implications of reinstating them, follows.

Lapsed bills

A lapsed bill may be reinstated by resolution of the House at any time in the first session of the new Parliament. If this occurs, the bill retains its previous status. The Department will seek your advice on the Government's preferred direction for statutory reform in this area, and provide whatever further briefing you require on the issues and options. Lapsed conservation bills are listed below:

Marine Reserves (Consultation with Stakeholders) Amendment Bill (2006)

This bill is a Member's Bill. It will amend section 5 of the Marine Reserves Act 1971, which sets out a procedure for certain bodies to apply for a marine reserve to be declared by Order in Council. Its intent is to allow the early engagement of community groups in order to address concerns about the effect on existing uses of marine areas. It was referred to a select committee in 2002 and has not been reported back.

Marine Animals Protection Law Reform Bill

This is a Member's Bill. It proposes amending the Marine Mammals Protection Act 1978 (MMPA), the Wildlife Act 1953 (WA) and the Fisheries Act 1996.

The purpose of the bill is to state clear species protection objectives and information principles for species management in the MMPA and WA; to adjust legal tests in these acts to broaden your ability to choose appropriate mechanisms for achieving the set objectives; and to adjust the decision-making relationship between you and the Minister of Fisheries for approving population management plans.

Game Animal Council Bill

The Game Animal Council Bill delivers on the last Government's 2008 confidence and supply agreement with the United Future Party. It will establish an independent statutory council to improve the management of deer, tahr and wild pig, including the improvement of opportunities to hunt those animals. The Council is expected to engage practically with local and government authorities, landowners and other sector groups.

The bill will enable you to designate any herd of game animals in a defined location on public conservation land to be a herd of special interest and to delegate to the Council your powers under the bill to manage those herds.

The Council would have no fewer than 9 and no more than 11 members, with functions as set out in the bill. Its primary source of funding is to be from a levy on the export of trophy heads, with Crown funding of \$100,000 in the first year and \$50,000 each year thereafter.

Marine Reserves Bill

This bill would repeal and replace the Marine Reserves Act. Its key purposes are (among others) to change the purpose and principles of the current Act, to clarify the reasons for protecting and preserving marine reserves, to extend the jurisdictional scope of the Act to the EEZ, and to introduce the concessions framework.

The bill has been with a select committee since 2002.

Subantarctic Islands Marine Reserves Bill

The key purpose of this bill, which was introduced on 7 July 2011, is to create three new marine reserves: Moutere Mahue/Antipodes Island Marine Reserve, Moutere Hauriri/Bounty Islands Marine Reserve, and Moutere Ihupuku/Campbell Island Marine Reserve. Except as provided in the bill, the provisions of the Marine Reserves Act will apply to the three marine reserves created by the bill. The bill also provides for a review of the Moutere Ihupuku/Campbell Island Marine Reserve five years after the bill's commencement, to consider protecting the remainder of the Campbell Island territorial sea by including it in the marine reserve.

Bills in preparation

Conservation (Authorisations, Compliance & Enforcement) Bill

This bill would rationalise the Department's powers, penalties and offences. It would also make a number of miscellaneous amendments to the Department's primary legislation.

The bill had category 4 status in the last Government's 2011 Legislation Programme.

Conservation (Naming of Conservation Boards) Amendment Bill

This bill would amend the Conservation Act so as to enable you to change the names of conservation boards to conservation and recreation boards to give effect to the last Government's manifesto policy.

The bill had category 5 status in the last Government's 2011 Legislation Programme.

Marine Mammals Protection and Wildlife Legislation Amendment Bill

This bill will amend one section of the Marine Mammals Protection Act 1978 and one section in the Wildlife Act 1953 to replace the current reporting requirement with one that would be consistent with the Fisheries (Reporting) Regulations 2001. The proposed amendments will avoid conflicting reporting requirements for those reporting on by-catch marine mammals and marine wildlife.

The bill had category 5 status in the last Government's 2011 Legislation Programme.

Marine Mammals Protection and Wildlife Legislation (Population Management Planning) Amendment Bill

This bill will amend the population management plan provisions for protected marine species under the Marine Mammals Protection Act and the Wildlife Act so as to develop a workable tool for managing interactions between fishing and protected marine species,

and to reduce unnecessary processes required to develop and implement population management plans.

The bill had category 5 status in the last Government's 2011 Legislation Programme.

Wild Animal Control Amendment Bill

This proposed amendment to the Wild Animal Control Act would allow you to establish codes of practice for hunting to protect New Zealand's reputation as a high-quality hunting destination, to require that codes adopted by international organisations be complied with, and to require such codes to be a condition of concession documents.

The bill had category 5 status in the last Government's 2011 Legislation Programme.

3.3 Matters for your information

Milford/Dart tunnel

Milford Dart Limited has applied for a concession to construct and operate the 'Dart Passage', an 11.3-kilometre-long, 5-metre-diameter, single-lane bus/coach road tunnel through the Humboldt and Ailsa Ranges to link the Routeburn and Hollyford roads in Mt. Aspiring and Fiordland National Parks. The road tunnel is intended to be operated by Milford Dart Limited for approved bus/coach use only. Its aim is to reduce the travelling time between Queenstown and Milford Sound from the current nine hour round trip to four hours. While there are a number of potentially significant adverse effects arising from the construction of the tunnel and new section of road, an analysis of the application, including detailed technical assessment, has shown that those adverse effects can be remedied, avoided or mitigated to the point where they would be minor.

The Minister's delegate has decided to grant the concession subject to concession conditions and the outcome of public consultation. The public have until 27 January 2012 to submit on the intention to grant, with a subsequent public hearing on or by 7 March 2012. A final decision will then be made.

Monorail

Riverstone Holdings Limited has applied for a concession for the construction, operation, and maintenance of a monorail that would run from the Mararoa River (near the Mavora Lakes Road), for approximately 29.5 kilometres through the Snowdon Forest Stewardship Area, to the Milford Road at Te Anau Downs.

The Minister's delegate has determined that the concession (Subject to conditions and public submissions) should be granted. The notice of intention to grant the concession and call for public submissions on the decision was advertised in national newspapers on Saturday 10 December 2011.

Bathurst mine proposal at Denniston

Bathurst Resources Ltd has applied to the Department for a concession to develop mining infrastructure and also for an agreement to access public conservation land to operate an open cast mine. The Department is processing the company's applications and final decisions are still some time off. While decisions are the responsibility of the Minister of Conservation, in most cases, decision-making powers are delegated to the Department.

If a decision is made to grant a concession to the company, the decision-maker must formally notify the public of that intention to grant and call for public submissions on the

proposal. The public has 40 working days to make submissions, and the Department will then hold public hearings for submissions to be heard.

These submissions must be taken into account before making a final decision on whether or not to grant a concession to the company.

The access agreement process does not require the same formal procedures of public notification necessary under the concession agreement process.

Aerially assisted trophy hunting

Short term permits were approved for aerially assisted trophy hunting—commonly called heli-hunting—during the 2011 season. During the year, the Department received 16 applications for long-term concessions to carry out aerially-assisted trophy hunting and it is currently processing them. A number of public meetings have been held to address concerns about this activity and a report is being prepared for the Minister’s delegate, with a decision expected ahead of the 2012 season.

Offshore Islands Regional Coastal Plan

The Department is preparing an ‘Offshore Islands Regional Coastal Plan’ covering the islands for which you have planning responsibility under the Resource Management Act. The Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands was publicly notified on 15 January 2011. Sixteen submissions were received. Five of the submitters wished to be heard at the public hearing held in June 2011, adjourned, and reconvened on 15 November 2011. The Minister of Conservation delegated decision-making to an independent commissioner, Mr Richard Fowler, who is currently writing up his decisions on all submissions. Once his decisions are notified, the submitters will have 30 working days to lodge any appeals to the Environment Court.

Canterbury earthquake damage

The road between Lyttelton and Sumner and the cliff faces above and below it were severely damaged in the June earthquake. Recently, discussions with the Christchurch City Council and Lyttelton Port Company have focussed on reopening the road, which is the main transport route into Christchurch for over-width loads and dangerous goods coming into the port. Current arrangements to use the Lyttelton Tunnel as an alternative are not sustainable for reasons of safety.

From an economic and business point of view, the Port Company is keen for the road to be reopened. It has looked at alternatives for transporting goods via other routes but none is as economic or as acceptable.

The favoured option for opening the road involves constructing benches above the road to ease the gradient and remove shattered unstable rock. This work would need to be done on public conservation land, raising the issue of liability to mitigate the risk and questions around who should pay. The Department is currently seeking legal advice to answer these questions. Current estimates of the cost of the work lie between \$14 million and \$16 million. The Department is including this sum in its contingent liabilities.

Christchurch City Council, as the authority responsible for the road, is leading the discussions between the interested parties. It plans to have a fully-optioned and costed report for the Council in February 2012.

Akaroa judicial review

The Akaroa Harbour Marine Protection Society has filed judicial review proceedings challenging Minister Wilkinson’s August 2010 decision to uphold objections to the

establishment of a marine reserve at Akaroa Harbour. Minister Wilkinson's affidavit is due to be filed by 16 December 2011. A hearing is set down for 9 February 2012.

Maungatautari Ecological Island

There is ongoing disagreement between some landowners and the Maungatautari Ecological Island Trust over the continued existence of, and access to, the predator proof fence that passes across their land. The Department is supporting the local council and the trust to work through this issue.

4. POWERS, FUNCTIONS AND RESPONSIBILITIES

4.1 Leadership

As Minister of Conservation, your priorities, policies and objectives determine the Department's direction. Your key formal instruments are the annual Statement of Intent and Output Agreement, together with specific policy initiatives advanced through the Cabinet and Budget processes. You also influence policy and priorities through statutory decisions.

4.2 Responsibilities, functions and powers

Ministerial statutory decisions often affect the interests of individuals, companies or other organisations (e.g. local authorities). Affected parties may seek judicial review. The way in which you make decisions and take related actions, such as meeting interested parties, can affect their legal robustness.

You have particular roles under the following legislation. A full list of relevant statutes is included in Appendix 1.

Conservation Act 1987

The Conservation Act gives you responsibilities, functions and powers in relation to:

- **conservation land** acquisition, disposal and exchange, and the declaration of special forms of protection (e.g. wilderness or ecological areas);
- **concessions** for activities on public conservation land, in the form of leases, licences, permits, or easements;
- **charges** for use of public conservation facilities (other than paths and tracks);
- **appointments** to the New Zealand Conservation Authority, conservation boards and Guardians of Lakes Manapouri, Monowai, and Te Anau;
- **management plans** for freshwater fisheries, sports fish and game;
- **general policy** statements for the implementation of the Act and for any conservation area;
- **marginal strips** (the 'Queen's chain'); and
- **covenants** on private land, including Māori land, for conservation purposes.

Freedom Camping Act 2011

The purpose of this Act is to address the adverse effects of camping in a location that is not a designated campground, and lacks facilities.

Marine Mammals Protection Act 1978

This Act allows you to establish Marine Mammal Sanctuaries to create permanent refuges for marine mammals, and to approve population management plans for marine mammal species, with the concurrence of the Minister of Fisheries. These plans can set maximum

allowable levels of fishing-related mortality for the species concerned. You are also responsible for controlling the collection and trade of whalebone.

Marine and Coastal Area (Takutai Moana) Act 2011

This Act created a “common marine and coastal area” out to 12 nautical miles. It allows iwi/hapū to seek customary title by negotiation or through the High Court. You have coastal management responsibilities arising from the Resource Management Act.

The Act provides for involvement of iwi in conservation-related processes, such as the issuing of marine mammal permits and creation of marine reserves. Where a customary marine title has been identified under the Act, the iwi may have a veto over conservation decisions, or their views may have to be given a strong weighting in the decision process.

Marine Reserves Act 1971

Under the Marine Reserves Act, you can recommend the creation of marine reserves, subject to processes set out in the Act. Reserve proposals also need the concurrence of the Ministers of Transport and Fisheries.

National Parks Act 1980

The National Parks Act allows you to recommend the creation of national parks or the addition of land to them, on the recommendation of the New Zealand Conservation Authority. You also have power to grant concessions for activities in national parks.

Reserves Act 1977

The Reserves Act gives you a number of specific powers in relation to reserves. They are mostly delegated to the Director-General, local authorities or various reserve governance bodies. An exception is the approval of bylaws in relation to reserves. You also have power to grant concessions for activities carried out in reserves vested in the Crown or controlled and managed by administering bodies.

Wild Animal Control Act 1977

The Wild Animal Control Act gives you wide powers regarding the control of wild deer, chamois, tahr, wallabies, possums, goats and pigs. This includes approving wild animal control plans, which are in place for tahr and possums. The Act covers licensing for hunting on conservation land, including the granting of concessions.

Wildlife Act 1953

The Wildlife Act provides for protection and control of non-domesticated animals and birds, and the management of game birds. It also give you powers to propose: bringing invertebrates and marine animals under the Act; changes to levels of protection for specific species; powers relating to controls on hunting and farming of certain animals (e.g. stoats, ferrets); the taking and holding of wildlife or wildlife products; and the establishment of wildlife sanctuaries, refuges, management reserves and districts.

Biosecurity Act 1993

The Department provides you and other government agencies with advice on risks to indigenous biodiversity and management of some biosecurity incursions. It also controls priority pests and weeds on conservation lands and contributes to the implementation of regional pest management strategies by local government.

Crown Minerals Act 1991

The Crown Minerals Act specifies that areas listed on Schedule 4 of the Act, such as national parks, are ‘off-limits’ to mineral exploration or extraction. Access to other conservation land, and public foreshore and seabed, for mineral exploration, prospecting and mining requires your approval. The previous Government announced that the Act is to be amended so that mining access decisions would require joint approval by you and the Minister of Energy and Resources. That approval would also have to take into account criteria related to the economic, mineral and national significance of the proposal, alongside the purpose for which the land is held. Legislation to implement these announced changes has yet to be passed.

Fisheries Act 1996

You and the Director-General have roles under the Fisheries Act in identifying and assessing the adverse effects of fishing on the aquatic environment (notably on protected species). You also have the authority to apply Conservation Services Levies on the fishing industry to fund research and observer programmes that will help reduce those effects.

Resource Management Act 1991

Your functions under the Resource Management Act (RMA) relate to the management of the coast. They include:

- preparation of the New Zealand Coastal Policy Statement (NZCPS);
- approval of all regional coastal plans;
- deciding consents for Restricted Coastal Activities (a transitional function following the removal of your decision-making role in 2009);
- vesting rights in reclaimed land (a transitional function as the Marine and Coastal Area (Takutai Moana) Act 2011 moved the decision-making role to the Minister of Lands);
- planning and consent responsibilities for the offshore islands; and
- calling-in consent applications of national significance in the coastal marine area.

Trade in Endangered Species Act 1989

The Trade in Endangered Species Act implements the international Convention on the Trade in Endangered Species of Wild Flora and Fauna (CITES). It controls New Zealand’s import and export of species listed under the Convention.

4.3 Delegations

An Associate Minister of Conservation, if appointed, may, with your agreement, submit papers to Cabinet committees or Cabinet within those designated responsibilities. The Department advises and supports that Minister and his or her staff.

A number of statutory ministerial responsibilities are routinely delegated to the Director-General, with further delegations from the Director-General to DOC staff. All delegations are conditional on being referred to a higher level if this is warranted by the issues involved, including: sensitive conservation values and political, social, economic or Treaty of Waitangi implications.

If the Director-General considers a matter of sufficient national interest or importance, you will be asked whether it should be decided under delegation or referred to you for decision, regardless of any standing delegation.

4.4 Ministerial relationships

The following table sets out key ministerial relationships for conservation matters. Parallel consultation obligations exist between the relevant departments and ministries.

Minister	Issues
Agriculture	Biosecurity, possum control (Animal Health Board), border control, climate change
Arts, Culture and Heritage	Historic Conservation, Artists in Residence (advocacy opportunities)
Biosecurity	Pest and weed control on conservation land
Economic Development	Aquaculture, bioprospecting, regional development
Energy	Renewable energy, minerals and petroleum on conservation lands
Environment	Resource management issues, sustainability, Biodiversity Strategy, climate change impacts and adaptation, aquaculture, freshwater, environmental reporting, hazardous substances and new organisms controls
Finance	Budget round, all proposals requiring additional resources
Fisheries	Marine biodiversity, marine protected areas, aquaculture, Conservation Services Programme, seabird and marine mammal by-catch
Foreign Affairs	All proposals relating to international treaties
Forestry	Sustainable indigenous forestry, South Island Landless Natives Act 1906 (SILNA) forests
Justice/Attorney-General	Marine and Coastal Area administration and redress
Land Information	South Island high country (tenure review), management or transfer of unallocated Crown lands (e.g. riverbeds)
Local Government	Resource Management Act issues, Treaty settlements, Reserves Act administration
Māori Affairs	Māori interests in conservation land, appointments to statutory bodies, heritage protection, freshwater fisheries, Treaty settlements, marine and coastal areas
Science and Innovation	Conservation research
Sport and Recreation	Recreation in conservation areas, outdoor recreation
State Services	Chief Executive's performance, machinery of government issues
Tourism	Nature tourism, tourism opportunities and pressures on conservation areas
Treaty of Waitangi Negotiations	Treaty negotiations involving cultural redress (conservation land and protocols)

5. YOUR DEPARTMENT

5.1 What we do

The Department of Conservation (DOC) was established by the Conservation Act 1987 and has powers and functions under other acts. The Conservation Act defines conservation as:

“the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations”.

The key functions as set out in the Conservation Act are to:

- manage land and other natural and historic resources held under the Act;
- preserve as far as practicable all indigenous freshwater fisheries, protect recreational fisheries and freshwater habitats;
- advocate the conservation of natural and historic resources;
- promote the benefits of conservation (including Antarctica and internationally);
- provide conservation information; and
- foster recreation and allow tourism, to the extent that such activities are not inconsistent with the conservation of any natural or historic resource.

Much of DOC’s work takes place on the more than 8 million hectares of public conservation land. That land includes 14 national parks, 36 conservation parks, hundreds of reserves, many offshore and subantarctic islands, and numerous other places, such as historic sites. DOC also administers 34 marine reserves and 6 marine mammal sanctuaries totalling 3.1 million hectares. There are two other marine areas that DOC has a role in administering: the Hauraki Gulf Marine Park and the Sugar Loaf Islands Marine Protected Area.

The Department also contributes to the conservation and sustainable management of natural and historic heritage in areas for which it is not directly responsible. It does this through other statutes including the Resource Management Act 1991, the Fisheries Act 1996, the Biosecurity Act 1993, the Forestry Act 1949, the Forest and Rural Fires Act 1977, and the Crown Pastoral Land Act 1998.

Conservation management and the work of the Department have considerable public input. Conservation is based on public support and on the concept that conservation land is the common heritage of all New Zealanders. All conservation legislation captures the essence of conservation land as being public land.

DOC advocates generally for the conservation of natural and historic resources, provides conservation information, and promotes the economic, environmental and social benefits of conservation.

DOC is responsible for encouraging recreation opportunities on the lands and waters it manages. It manages historic sites and visitor facilities, including walking, biking and four-wheel-drive tracks, huts, campsites and visitor centres. Its tracks stretch for 14,200 kilometres—about 3000 kilometres further than the state highway network and, along the way, there are 950 huts. The range and number of recreation opportunities that can be offered is extended by cooperation with private operators, through more than 1000 longer-term concessions for recreation activities.

In 2009 the Department reviewed the concession regime. This highlighted the importance of concessions for enabling appropriate business opportunities on public conservation land

while delivering conservation outcomes and a fair return to the public. The outcomes of the review, which have now been implemented, have improved effectiveness, efficiency and transparency in the processing of concession applications and in decision-making.

5.2 How we work

Working with you

Meetings

Your most regular personal contact with departmental officials is likely to be through meetings with the Director-General and senior managers, but other staff are available as needed. Meetings are coordinated through your senior private secretary and conservation private secretary.

Papers

The Department aims to minimise the demands on your time and the volume of ministerial paperwork. Much of your engagement with this portfolio, however, is through papers, including Cabinet papers, briefings and correspondence.

- **Cabinet papers** are drafted by the Department, often with input from your office staff. Consultation with other departments is managed by DOC and consultation with other ministers is managed by your office.
- **Correspondence** is managed by your conservation private secretary, with the help of National Office staff who coordinate drafting, track progress and maintain records.
- **Briefings** can be requested by you or initiated by the Department. Staff are always available to speak to briefings as required.
- **Statutory decision reports** set out the matters you should consider when making statutory decisions.

Statement of Intent

The Department's Statement of Intent (SOI) must be consistent with instructions or directions from you and the Minister of Finance, and with government policy and Cabinet decisions. In preparing the SOI, we consult you on the Department's medium-term strategic goals, priority actions towards them, and performance expectations. These discussions usually occur between November and February, with a final draft SOI for your signature in March or April.

Output Plan

The Department's Output Plan is an agreement with you on the services the Department will deliver and their associated performance measures. Outputs and measures are set out in sufficient detail to allow clear allocation of resources and management responsibility. We report thirdly to you against the Output Plan.

Budget

Budget planning has an initial strategic phase, in which you, your staff and the Department determine the overall direction and priorities. This is followed by the initiatives (or bids) phase, in which you and the Department develop specific proposals, which are assessed by Treasury.

We work with you and your staff to identify, cost and prioritise bids. Treasury is consulted on all proposals involving new spending and other departments are consulted as necessary. We help you prepare for budget meetings with other ministers, including the Minister of Finance.

Final Cabinet decisions on the Budget are usually made around April to May.

Estimates

The Estimates are published on Budget day. They outline the government's planned costs for the coming year, by output class within each vote, and how performance will be measured. They require your signature.

Public engagements and communications

The Department works with your staff to provide advice and support for your public engagements and communications. This can include briefings, logistical support, draft speech notes and other written material. We advise you of opportunities to participate in significant public events concerning conservation, and look for opportunities to familiarise you with the Department's operations and public conservation land.

Treaty of Waitangi/Kaupapa Atawhai

Section 4 of the Conservation Act requires the Department to interpret and administer the Act so as to *give effect* to the principles of the Treaty of Waitangi. This is a strong requirement, reflecting the importance to Māori of the lands and resources that the Department manages.

Our approach to this responsibility—our Kaupapa Atawhai—involves building and supporting effective conservation partnerships with tangata whenua. The Department employs specialist staff to support this approach.

The Department also has a growing range of management and consultation arrangements with iwi arising from Treaty settlements.

Strategic direction

New Zealanders want their natural and historical heritage conserved. To foster this commitment to conservation, people must see that there is value in it for itself, and for the community's enjoyment and benefit, now and for future generations.

The Department has accordingly developed the following statement of its strategic direction, to guide its approach to its work: "*The overarching purpose of the Department is to increase the value that New Zealanders attribute to conservation*".

This leads to enhanced care of New Zealand's unique heritage for people to benefit from and enjoy. To do this the Department will:

- seek to entrench conservation as an essential part of the sustainable social and economic future of New Zealand;
- be recognised as an effective manager of the lands, waters, species, historic places, and roles entrusted to it;
- lead, guide, and facilitate conservation gains throughout New Zealand, wherever conservation is most needed;
- weigh society's values, nature's inherent qualities, and scientific criteria in its decision-making; and
- promote outdoor recreation for New Zealanders, especially through fostering recreation, use, and enjoyment on conservation land.

5.3 Who we work with

We work with a wide range of organisations and groups. National relationships, including those with your office and Parliament, are managed by our National Office. Regional and local relationships are managed by conservancy and area offices.

Parliament

We work with Parliament, primarily through your office, to provide advice and support on legislation and regulation. We respond to select committee requests for information or advice, and support your response to Parliamentary questions. When appointed as advisers to select committees, our staff must advise committees to the best of their abilities and in good faith, while still subject to your direction.

Other departments and ministries

Departmental chief executives have established a 'natural resources sector' to ensure that a strategic, integrated and aligned approach is taken across government agencies to natural resources development and management. The sector includes the following:

- **Natural resource management agencies**—the Ministry of Agriculture and Forestry (including the former Ministry of Fisheries), the Department of Conservation, the Ministry of Economic Development, the Ministry for the Environment, Land Information New Zealand and Te Puni Kōkiri.
- **Central agencies**—the State Services Commission, the Treasury, and the Department of Prime Minister and Cabinet.

Other departments with common policy or operational interests include the Ministry for Culture and Heritage, the Ministry of Foreign Affairs and Trade, the Ministry of Education, the Ministry of Science and Innovation, the Ministry of Tourism, the Police, Ministry of Defence, and Customs.

We have working relationships with many Crown or public entities, including the New Zealand Fish and Game Council and the Queen Elizabeth II National Trust (statutory bodies that report to you), Crown Research Institutes, Tourism New Zealand, the New Zealand Historic Places Trust, Creative New Zealand and Television New Zealand.

Education providers

We work with the Ministry of Education, sector organisations, and other providers to help inform young New Zealanders about their natural and historic heritage. We also work with such organisations as local authorities and scientific bodies to build conservation skills and knowledge amongst adult New Zealanders.

National sector groups

We interact with a wide range of national sector groups, including local government, tourism, science, farming, fisheries, transport, mining and energy. We also meet regularly with representatives of national conservation and recreation organisations, and discuss policy and operational matters at other times.

Local government

We work with local authorities to promote the protection of natural and historic heritage, including through planning and decision-making under the Resource Management Act. The Chief Executives' Environment Forum provides one such regular means of engagement. It is convened by the Ministry for the Environment for chief executives from regional councils, Local Government New Zealand, and central government departments

concerned with the environment and resource management. We also work closely with regional councils on coastal management, given your role as the Minister representing the Crown's interest in the coast.

Iwi

Our relationships with iwi are managed with specialist help and advice from Kaupapa Atawhai, a group of staff with specialist knowledge of Māoritanga and tikanga. Formal agreements and protocols with iwi also arise from Treaty settlements.

Business

As conservation is an investment in New Zealand's wellbeing and prosperity, we develop and implement commercial opportunities and activities that:

- improve our ability to deliver positive commercial outcomes;
- build productive business partnerships that deliver conservation gains;
- increase net revenue flows; and
- enable business opportunities consistent with conservation.

Businesses support conservation programmes through sponsorship. We manage these relationships to ensure that they deliver mutual benefits.

Within the statutory concessions framework, we authorise third-party activities and uses on public conservation lands and waters, such as tourism activities, grazing, mining and telecommunication sites.

Community groups

The Department works in partnership with more than 500 community groups, tangata whenua and associates to carry out conservation work on public land. The value added to conservation by just 200 groups (survey 2007) was \$15.8 million.

Volunteers

11,900 volunteers participated in DOC-led volunteer activities in 2010/11. Their contribution of 195,000 hours is valued at more than \$3.6 million.

Landowners

We work with landowners to provide advice and support on protecting threatened biodiversity on private land. Many landowners also support our work by allowing access across their property to conservation land, and by collaborating on matters of common interest such as fire, pest and weed control.

5.4 Our organisation

The Executive Leadership Team, based in the National Office, in Wellington, comprises:

Al Morrison: Director-General *Tumuaki Ahurei*

Al studied philosophy and education at Otago University. After working as a teacher, Al worked in newspaper reporting, commentary and management positions before joining Radio New Zealand in 1996, where he became Political Editor. Al joined the Department in 2002 as General Manager, External Relations. He then served as General Manager, Strategy and Policy, before being appointed Director-General in 2006.

Deputy Directors-General *Tumuaki*

Doris Johnston: Policy and Regulatory Services *Tanga Whakahere Kaupapa*

Tata Lawton: Kahui Kaupapa Atawhai *General Māori Issues*

Felicity Lawrence: Capability and Engagement *Whakahiato-kaimahi a Papa Atawhai*

Grant Baker: Business Services *Tanga Topu Whakaritenga*

Kevin O'Connor: Science and Technical *Rangahau-whakahiato-whakakoi*

Sue Tucker: Operations *Matarautaki*.

Structure and purpose of the organisation's operational groups

The Department has been undertaking an organisational design review in 2011/12, focussing on support services—primarily work located in the Department's national office and conservancy offices. A new structure for these functions—set out below—will take effect from 1 February 2012.

Policy and Regulatory Services Group (Formerly Policy Group)

The purpose of the group will be to:

- influence and lead conservation thinking across central government and other strategic relationships;
- provide a one-stop-shop for integrated professional services that are solution-focussed and fit for purpose; and
- be customer focussed: prioritise work for best outcomes; give advice that is well grounded by science and operational experience; and continue to develop professional capability.

Kahui Kaupapa Atawhai Group

The purpose of the group will be to develop a cultural platform that connects people with the natural world, and to lead the integration of kaupapa Māori as essential to conservation management. Its focus will be on:

- building cultural awareness and developing organisational capability for working in a Māori dimension;
- developing the foundation for iwi conservation leadership;
- leading the Department's approach to implementing section 4 of the Conservation Act; and
- leading and growing the biodiversity and cultural gains on private land through the strategic delivery of non-departmental funds.

Capability and Engagement Group

The purpose of the group will be to:

- provide professional support, service and strategic direction to the organisation;
- support the Department to increase conservation outcomes by building the capability of our colleagues to grow engagement of others in conservation work across the country;
- find the best and fastest ways to build skills; and
- understand and generate innovative ideas and best practices, and then to replicate them in communities all over New Zealand.

Business Services Group

The group will provide effective and efficient business systems and services that support the organisation and its partners. Its focus will be on:

- providing fit-for-purpose and integrated business systems that support people working within the Department and sectors;
- leading the Department's provision of shared business services and managing its framework for shared services across other groups, and with partners; and
- providing core business systems to meet customer and statutory requirements.

Science and Technical Group (Formerly Research and Development)

The purpose of the group will be to lead and provide coordinated support, technical knowledge and science:

- across DOC to achieve the delivery of DOC's organisational priorities;
- to national partners, stakeholders and iwi; and
- to achieve more conservation and, through this, greater prosperity.

Operations Group

The purpose of the group will be to:

- significantly increase the amount of conservation work done by local partners (business, local agencies, tangata whenua and communities); and
- continue to deliver high-quality conservation work in the field ourselves.

The Operations Group includes the Department's conservancies and area offices.

5.5 Finances

The Department's total budget is just over \$300 million a year, with the main components being Management of Natural Heritage (circa \$150 million) and Management of Recreational Opportunities (circa \$130 million).

The Department has had a business improvement programme in place for two years, which identifies and implements opportunities to reduce costs, increase revenue and improve services. In 2011/12 the Department has been undertaking an organisational design review. Further efficiency measures will be implemented in 2012/13 in order to absorb budget reductions across the public sector as signalled in the 2011 Budget.

The following tables summarise the Department's financial performance over the past year and its position at the year's end. The Department will offer a further briefing for you and your staff on the Department's finances and on your accountabilities under the Public Finance Act 1989.

Statement of financial performance for the year ended 30 June 2011

	Actual (\$000)
Revenue	
Crown	284,763
Other	34,058
Total	318,821
Expenses	
Personnel costs	149,597
Operating costs	93,394
Depreciation and amortisation	30,337
Capital charge	41,807
Finance costs	47
Loss on sale of property, plant and equipment	1,807
Total	316,989
Net surplus	1,832

Statement of financial position as at 30 June 2011

	Actual (\$000)
Assets	
Current	80,076
Non current	540,584
Total	620,660
Liabilities	
Current	46,433
Non current	16,019
Total	62,452
Taxpayers' funds	558,208
Total liabilities and taxpayers' funds	620,660

6. INSTITUTIONAL ARRANGEMENTS

6.1 Statutory bodies

The Conservation Act provides for public engagement with conservation management through a number of statutory bodies, some having members appointed by you. Early in 2012, you will receive a briefing on upcoming appointments.

New Zealand Conservation Authority

The New Zealand Conservation Authority (NZCA) advises you and the Director-General on the public interest in conservation at a national level. It approves key conservation management documents, including general policy for national parks, conservation management strategies, and national park management plans. You are required to consult the NZCA on certain matters, including appointments to conservation boards.

NZCA members are appointed by you for three years, on the recommendation of designated organisations, and in consultation with specified ministers, or following public nominations. The current chairperson is Dr Kay Booth, Director of Lindis Consulting Ltd (a recreation, tourism and environmental consultancy).

Conservation boards

Thirteen regional conservation boards are appointed by you to provide independent advice on the Department's policy and activities, including oversight of the development of their region's conservation management strategy. Once the NZCA approves a strategy, the relevant board advises on its implementation. Boards report annually to the NZCA.

Approximately a third of a conservation board's members are appointed by the Minister each year, for three-year terms. Approximately 90 appointments are due in 2013.

Fish and game councils

Twelve regional fish and game councils manage freshwater sport fishing and game bird hunting. Each has 12 members, elected by licence-holders, and a non-voting departmental representative. Each council appoints one person to the New Zealand Fish and Game Council. This national council advises you, develops policy and guidelines, advocates the interests of anglers and hunters, and coordinates the fishery and game bird management. The current chairman of the New Zealand Fish and Game Council is Matthew Hall and the chief executive is Bryce Johnson.

You are responsible for approving the councils' annual budgets, financial reports, licence fees and conditions. You can require amendments to their recommended conditions for game seasons but they are not otherwise subject to your direction. They have an annual budget of about \$6 million, funded from sales of sports fishing and hunting licences.

The Taupo sports fishery is managed separately by the Department in consultation with the Taupo Fishery Advisory Committee, which has 10 members appointed by you. It is the only sports fishery not managed by a fish and game council.

Queen Elizabeth II National Trust

The Queen Elizabeth II National Trust assists landowners to protect significant natural and cultural features on their land, primarily through open space covenants. It helps to fund

covenant projects, advises landowners on managing covenants and monitors protected areas. The trust's board reports annually to you. You appoint its chairperson and three directors, and trust members elect two more directors. The current chairperson is James Guild and the chief executive is Margaret McKee.

The trust has an annual budget of about \$4 million, mostly from government grants. Its appropriation from Vote: Conservation is subject to your annual purchase agreement.

Guardians

There are seven ministerially appointed Guardians of Lakes Manapouri, Monowai and Te Anau. They meet twice a year and work with electric power companies in monitoring the impact of power generation on the lakes, particularly on water levels.

There are four ministerially appointed Guardians of Lake Wanaka. They monitor the environmental health of the lake.

Taupo-nui-a-Tia Management Board

The Taupo-nui-a-Tia Management Board administers the beds of Taupo waters. It has four Ngati Tuwharetoa members and four Crown members appointed by you, in consultation with the Minister of Māori Affairs.

Waitangi National Trust

You are an *ex officio* member of the Waitangi National Trust Board, which oversees the management of the Treaty grounds at Waitangi.

Marine reserve committees

Some marine reserves have committees to advise on the management of the reserve. Some are established by you under the Conservation Act, under terms of reference set by you. Others are established by the relevant conservation board.

Reserve boards

Reserve boards control and administer reserves according to the Reserves Act 1977. In most cases, ministerial authority to appoint members is delegated to the Director-General. Exceptions to date are the Lake Okataina Scenic Reserve Board, the Rotoiti Scenic Reserve Board and the Kaiteriteri Recreation Reserve Board.

6.2 Statutory planning

Planning framework

Conservation management planning is governed by a hierarchy of planning documents established by conservation legislation, in the following descending order of priority:

Legislation: Conservation Act, Wildlife Act, Marine Reserves Act, Marine Mammals Protection Act, Reserves Act, Wild Animal Control Act, National Parks Act.

General policies: Conservation General Policy, General Policy for National Parks.

Conservation management strategies: There are currently sixteen. The current reviews will result in twelve—a strategy for each current conservancy, plus the Chatham Islands.

Management plans: Conservation, Sports Fish and Game, and National Park Management Plans.

General policies

General policies provide guidance for the interpretation of conservation legislation and the development of conservation management strategies and plans. They guide and, in some cases, direct decisions by the Minister, Director-General and other decision-makers under the legislation, such as the New Zealand Conservation Authority, conservation boards and fish and game councils.

Conservation management strategies

The requirement and process for preparing conservation management strategies (CMSs) is set out in the Conservation Act. They follow a public process and are approved by the New Zealand Conservation Authority, which must have regard to any recommendations from you on the final draft.

A CMS provides a 10-year strategy for the integrated management of all lands and marine areas administered by the Department in a conservancy or region. CMS policies guide the Department in carrying out its statutory responsibilities, advocating for conservation, developing relationships with tangata whenua, and working with other statutory agencies, the community, user groups and the public. Most first-generation CMSs are under review or due for review, as set out in the following table:

Conservation management strategy (CMS)	Status
West Coast Tongariro/Taupo Stewart Island/Rakiura	In effect
Northland Auckland Waikato Bay of Plenty East Coast/Hawke's Bay Whanganui Chatham Islands Wellington Nelson/Marlborough Canterbury Otago Mainland Southland/West Otago The Subantarctic Islands	Under review or due for review

Conservation management plans

Conservation management plans (CMPs) are detailed plans for the management of particular sites. They are only required if they have been specifically mentioned as a task in the relevant CMS. CMPs are approved by conservation boards or, on rare occasions, the New Zealand Conservation Authority. There are relatively few conservation management plans.

National park management plans

The National Parks Act requires a management plan for every national park. These are 10-year plans, the preparation of which includes public consultation. The New Zealand Conservation Authority approves these plans after having regard to your views on the final draft. Some national park management plans are under review or due for review soon, as set out in the following table:

National park management plan	Expiry date	Status
Te Urewera	February 2013	In effect
Aoraki/Mt Cook	August 2014	
Tongariro	October 2016	
Arthur's Pass	December 2017	
Fiordland	June 2017	
Abel Tasman	October 2018	
Rakiura	February 2021	
Mt Aspiring	June 2021	
Whanganui	March 1999	Under review
Paparoa	November 2002	Due for review
Kahurangi	June 2011	
Westland Tai Poutini	December 2011	
Egmont	February 2012	
Nelson Lakes	October 2012	

6.3 Concessions

A concession is an authorisation, usually with operating conditions and charges, to conduct private or commercial activity on conservation lands. It may be a permit, licence, easement or lease. Revenues from concession fees can supplement departmental operating budgets and support conservation projects.

Concessions are issued in your name but decisions are generally delegated to departmental managers or conservators. Decisions on activities of national significance can be made by the Director-General or by you.

The Department's decision-making processes for concessions vary according to the situation. The aim is to deliver decisions efficiently and cost-effectively while taking due account of conservation risks and stakeholder interests. Much more is involved for a hydro dam proposal, for example, compared to an application for a guided walk on existing tracks, and current processes reflect this.

An environmental impact assessment is usual for all concession applications. Consultation with the public, tangata whenua and boards can be required, particularly where significant effects, long terms of operation, or exclusive use of an area are anticipated. Conditions can be set to minimise impacts and promote safety. Research and monitoring can also be required.

In recent years, there have more than 1000 concession applications a year. The following table shows indicative statistics for 2010/11.

Concession applications 2010/11: processing and outcomes

Status	Number	%
Received	1563	100
Approved	1410	90
Rejected	45	3
Declined	10	1
Withdrawn	52	3
Pending	46	3

The range of activities undertaken with concessions is broad, as shown by the following indicative figures for the last financial year.

Concessions in effect at 30 June 2011

Activity	Number	%
Access/easement	946	23
Grazing	790	19
Guiding	543	13
Accommodation	462	11
Structures	247	6
Telecommunications	240	6
Aircraft	203	5
Boating	137	3
Vehicle	104	3
General agriculture	74	2
Events	67	2
Wild animal control	64	2
Extraction	61	1
Unidentified	55	1
Education/instruction	27	1
Skifields	27	1
Storage	22	1
Horticulture	17	<1
Retail	17	<1
Attractions	14	<1
Filming/photography	10	<1
Aquaculture	1	<1
Total	4128	100

Revenue from concessions totalled just over \$ 14.4 million in 2010/11.

6.4 International agreements and bodies

New Zealand is party to a wide range of international agreements and is a member of a number of international bodies dealing with environmental and conservation issues. Your approval or guidance may be needed on negotiating positions. Ministerial representation at meetings and negotiations is occasionally recommended, but is determined by your priorities at the time.

Key international agreements and bodies include:

The Agreement on the Conservation of Albatrosses and Petrels

This multilateral agreement aims to safeguard albatross and petrel populations in the Southern Ocean, particularly through reducing seabird by-catch from commercial fishing.

Antarctic Treaty

This treaty promotes peaceful international scientific cooperation in Antarctica. The supplementary Protocol on Environmental Protection to the Antarctic Treaty provides for protection of the Antarctic environment and ecosystems.

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

The Department is New Zealand's administering agency for this convention, which facilitates the regulation and control of international trade in wild animals and plants.

Convention on Biological Diversity (CBD)

This convention promotes the conservation of biological diversity, sustainable use of genetic resources, and fair sharing of the benefits. It gave rise to the New Zealand Biodiversity Strategy.

Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)

The Department provides technical input to an international commission established under this convention that studies and supervises the preservation of fish and bird life in Antarctica.

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

This convention is relevant to a number of species that spend part of their migratory cycle in New Zealand territory.

Convention on Conservation of Nature in the South Pacific

This convention (also known as the Apia Convention) established the South Pacific Regional Environment Programme (see below).

Convention on the Conservation of Southern Bluefin Tuna

This convention created the Commission for the Conservation of Southern Bluefin Tuna, which aims to manage the fishery.

International Convention for the Regulation of Whaling

This convention established the International Whaling Commission (IWC). New Zealand has advocated the protection of whales and supported the current moratorium on commercial whaling and the establishment of the Southern Ocean Whale Sanctuary.

IUCN: World Conservation Union

The IUCN is an association of government and non-government organisations that promotes conservation research, field projects, policy, law and best practice, and maintains the global 'Red List' of threatened species. The Department, the New Zealand Conservation Authority and six New Zealand non-government organisations are members.

Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region

This memorandum, developed in 2006, aims to achieve concerted action to protect the habitats of cetaceans, especially the great whales.

Natural Resource Management and Environment Protection and Heritage Councils (under review)

These councils of Australian and New Zealand ministers, constituted under the Council of Australian Governments (COAG), provide opportunities to exchange information and develop coordinated policies for environment and conservation issues. The Ministers of Environment or Conservation have previously represented New Zealand's interests, depending on the content of meeting agendas. The councils are currently being reformed by the COAG.

Convention on Wetlands of International Importance (Ramsar)

This convention provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Six New Zealand wetlands have been registered as Wetlands of International Importance (Ramsar sites). 'Ramsar' refers to the Iranian city where the Wetlands Convention was adopted in 1971. New Zealand's Ramsar sites are protected under the reserves system and the Resource Management Act.

South Pacific Regional Environmental Programme (SPREP)

SPREP is a regional organisation established by Pacific governments and administrations to coordinate environmental projects. It is based in Apia, Samoa.

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

This process was begun in 1999 to facilitate the annual review by the UN General Assembly of developments in ocean affairs and the law of the sea.

World Heritage Convention

This UNESCO convention was established to identify and protect the world's cultural and natural heritage places. New Zealand has three listed World Heritage sites: Te Wahipounamu, South West New Zealand; Tongariro National Park; and New Zealand Subantarctic Islands.

6.5 Biodiversity funds

You determine the distribution of \$9.8 million in biodiversity funding across three funding bodies that support biodiversity protection—the Nature Heritage Fund, Queen Elizabeth II National Trust and Nga Whenua Rahui.

Nature Heritage Fund

The Nature Heritage Fund is a contestable ministerial fund that was established in 1990 to support the objectives of the Indigenous Forest Policy for private land. In 1998, its scope was widened to include non-forest ecosystems on private lands.

The fund is administered by a technical advisory committee, appointed by you and chaired by Di Lucas, to protect indigenous ecosystems that represent the full range of natural diversity originally present in the New Zealand landscape. It does this by providing incentives for voluntary conservation by way of direct purchase and covenanting.

The Committee receives and makes recommendations to you on applications from landowners, non-government organisations, local authorities and government departments.

A total of 1,339 applications have been processed since 1990. Some 734 cases have been approved, resulting in the protection of 340,449 hectares of indigenous ecosystems, either by direct purchase or through covenants, at a cost of around \$155.93 million. This equates to an average cost of around \$458 per hectare. Approximately 80% of these applications have come from private sources, 18% from the Department and 2% from local authorities.

In 2008, the purchase of St James Station, near Lewis Pass, was funded by way of drawdown from the fund over 6 years (with additional funding from Vote Lands). This reduced the scheduled appropriations for the Fund until 2013/14.

Since 2002, it has had the role of administering the conservation component of the South Island Landless Natives Act 1906 (SILNA) package. From an allocation of \$16 million, the fund facilitates conservation payments for covenants over areas of these lands identified as having high conservation values.

To date, \$7.677 million has been spent to protect 808 hectares of SILNA land, including \$0.5 million for the successful Waitutu pest management programme. A further \$7.904 million has been committed for properties totalling 2,948 hectares over which negotiations are continuing.

Before 2002, the fund contributed \$6 million toward an \$18 million project to protect 2,171 hectares of SILNA land at Waitutu in Southland and \$5.364 million toward protecting 3,515 hectares of SILNA land on Stewart Island (Lords River).

Queen Elizabeth II National Trust

The QEII National Trust receives an annual government grant to support its business of securing the long-term protection of natural and cultural heritage on private land.

Nga Whenua Rahui

The Nga Whenua Rahui Fund supports the protection of indigenous ecosystems on Māori land. It is administered by a komiti (committee), currently of six members, chaired by Sir Tumu te Heuheu. The komiti considers applications and makes recommendations for your approval within a current budget of \$4.066 million per year. It is serviced by a secretariat in the Department.

Organisations representative of iwi and hapū can apply to Nga Whenua Rahui for funding. Protection mechanisms include covenants (kawenata), fencing, and establishment of Māori reservations under the Te Ture Whenua Act 1993. The criteria and mechanisms of Nga Whenua Rahui allow the owners to retain tino rangatiratanga (ownership and control).

Matauranga Kura Taiao Fund

The Nga Whenua Rahui Komiti also administers the Matauranga Kura Taiao Fund, which supports retention and use of traditional Māori knowledge in biodiversity management. This fund supports hapū and iwi initiatives to retain and promote traditional Māori knowledge and its use in biodiversity management. The Komiti allocates about \$0.5 million a year from this fund.

Biodiversity Advice Fund

The Biodiversity Advice Fund supports provision of information and advice to land managers. \$1.2 million is distributed annually to support projects that inspire landholders or groups to protect indigenous species on their land, by such means as workshops, field days and publications.

Biodiversity Condition Fund

The Biodiversity Condition Fund aims to improve and maintain the condition of areas of indigenous vegetation, species and habitats. \$2.4 million is distributed annually to broaden community effort in the management of indigenous biodiversity. Suitable projects can include fencing or pest control on private land.

Terrestrial and Freshwater Biodiversity Information System (TFBIS)

TFBIS aims to increase awareness of, and access to, data and information about New Zealand's terrestrial and freshwater biodiversity. \$1.6 million is distributed annually to fund

research and support the development and maintenance of databases. The Department administers TFBIS, with advice from a steering committee that includes representatives of the Ministry for the Environment, Ministry of Agriculture and Forestry, local government and Crown Research Institutes.

7. APPENDIX 1: LEGISLATION AND INTERNATIONAL AGREEMENTS

7.1 Legislation administered by the Department of Conservation

Conservation Act 1987

Canterbury Provincial Buildings Vesting Act 1928

Freedom Camping Act 2011

Harbour Boards Dry Land Endowment Revesting Act 1991

Hauraki Gulf Marine Park Act 2000

Kapiti Island Public Reserve Act 1897

Lake Wanaka Preservation Act 1973

Marine Mammals Protection Act 1978

Marine Reserves Act 1971

Mount Egmont Vesting Act 1978

National Parks Act 1980

Native Plants Protection Act 1934

Ngai Tahu (Tutaepatu Lagoon Vesting) Act 1998

Queen Elizabeth the Second National Trust Act 1977

Queenstown Reserves Vesting and Empowering Act 1971

Reserves Act 1977

Stewart Island Reserves Empowering Act 1976

Sugar Loaf Islands Marine Protected Area Act 1991

Trade In Endangered Species Act 1989

Tutae-Ka-Wetoweto Forest Act 2001

Waitangi Endowment Act 1932-1933

Waitangi National Trust Board Act 1932

Waitutu Block Settlement Act 1997

Wild Animal Control Act 1977

Wildlife Act 1953

7.2 Other Acts under which the Department has functions

Biosecurity Act 1993

Crown Forest Assets Act 1989

Crown Minerals Act 1991

Crown Pastoral Land Act 1998

Fisheries Act 1996

Forest and Rural Fires Act 1977

Forests Act 1949

Land Act 1948

Local Government Act 1974

Local Government Act 2002

Maori Land Amendment and Maori Land Claims Adjustment Act 1926

Marine and Coastal Area (Takutai Moana) Act 2011

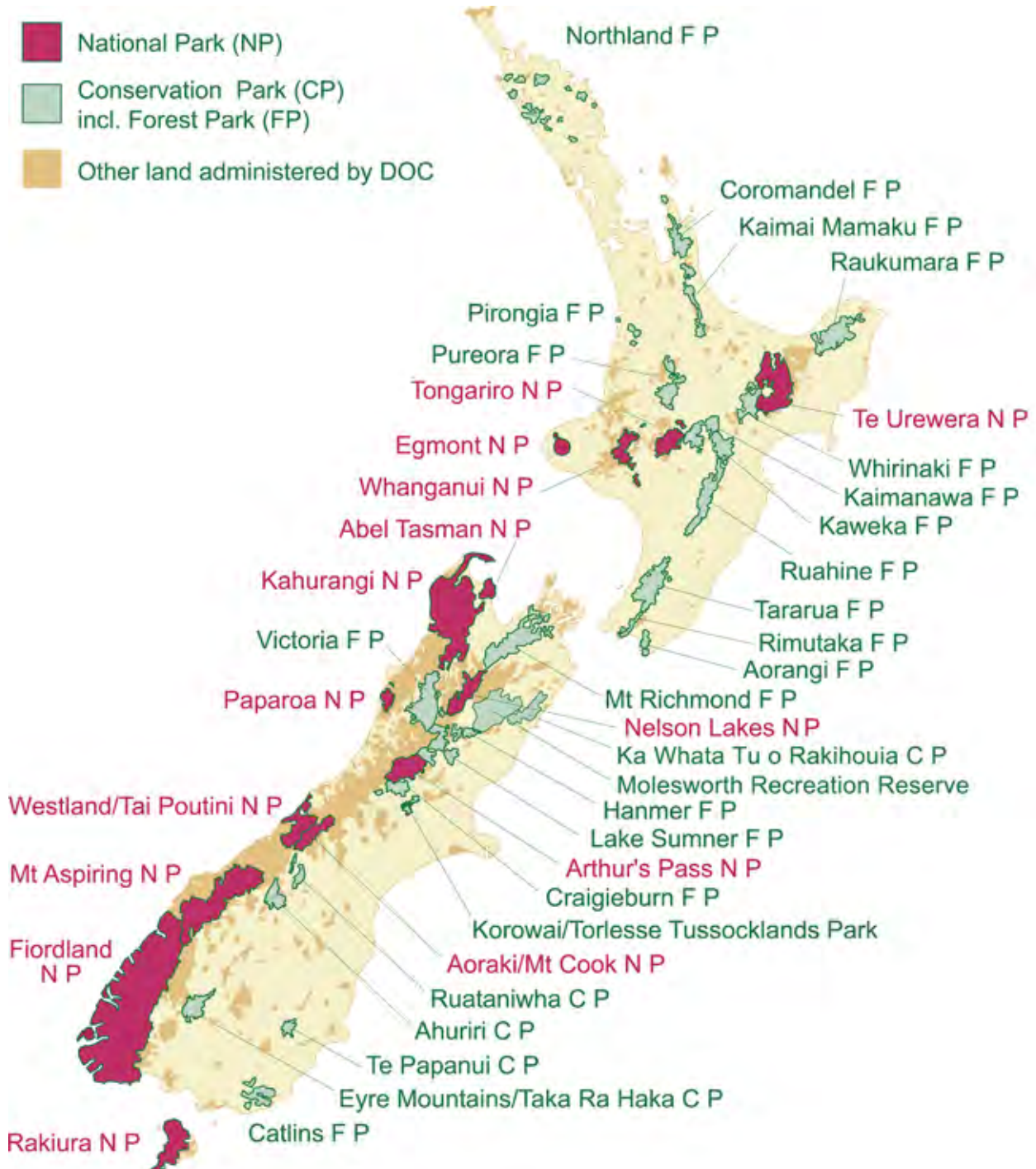
Public Works Act 1981

Resource Management Act 1991

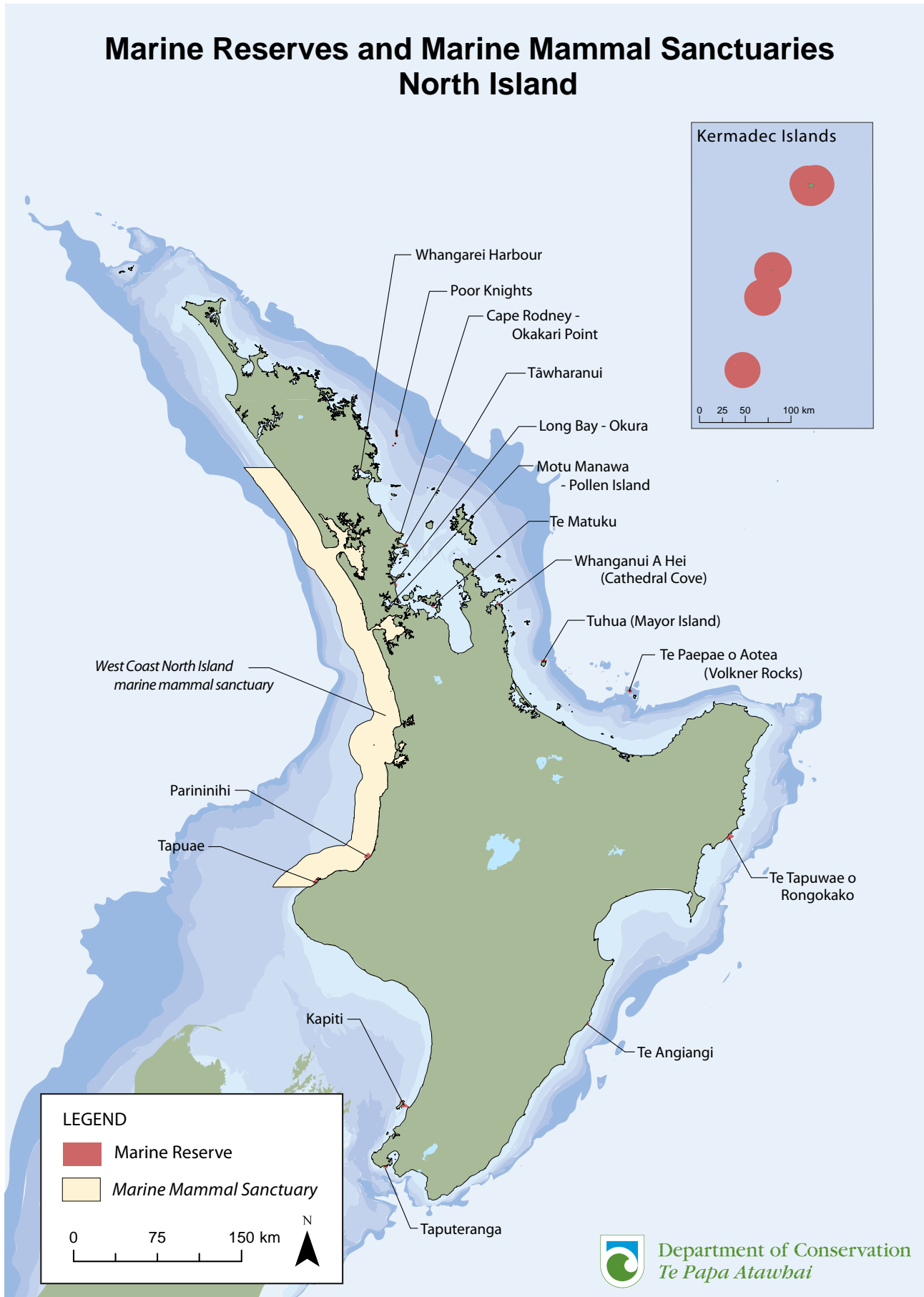
Treaty of Waitangi Settlement Acts

8. APPENDIX 2: MAPS

8.1 Public conservation land



8.2 North Island marine reserves and marine mammal sanctuaries



8.3 South Island marine reserves and marine mammal sanctuaries

