

Briefing: Stewardship Land Reclassification National Panel appointments 2023 – APH paper

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To	Minister of Conservation	Date submitted	23 June 2023
Risk Assessment	Low Section 56 of the Conservation Act allows the Minister to appoint advisory committees. The panel member reappointments can be retrospectively dated to 1 June 2023.	Priority	Normal
Reference	23-B-0281	DocCM	DOC-7375325
Security Level	In Confidence		

Action sought	Authorise consultation of the attached Appointments and Honours Committee paper with your colleagues	Timeframe	Initiate consultation by 4 July 2023 to be considered at APH on 26 July 2023.
Attachments	Attachment A – APH paper 9(2)(a)		

Contacts	
Name and position	Cell phone
Karl Beckert, Director Operations Support Unit	9(2)(a)
Nicole Kunzmann, Reclassification Manager	

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. As part of the Stewardship Land Reclassification Project, two independent advisory National Panels are operating in the West Coast and Northern part of the Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**) takiwā. The appointments for the National Panel members expired on 1 June 2023.
2. On 19 June 2023, your office informed us of your decision to re-appoint the Western South Island and Northern South Island National Panel members for 12 months for work within the Ngāi Tahu takiwā.
3. This briefing provides the draft Cabinet Appointments and Honours Committee paper for consultation with your colleagues.

We recommend that you ... (Ngā tohutohu)

		Decision
a)	Agree to consult with your colleagues on the attached paper for APH Cabinet Committee	Yes / No

9(2)(a)

Date: 22 / 06 /23

Marie Long
Deputy Director-General National
Operations and Regulatory Services
For Director-General of Conservation

9(2)(a)

Date: 29/6/2023

Hon Willow-Jean Prime
Minister of Conservation

Purpose – Te aronga

1. To authorise consultation on the attached cabinet paper for Cabinet Appointments and Honours Committee (APH), to reappoint the members of the Stewardship Land Reclassification National Panels.

Background and context – Te horopaki

2. In April 2021, Cabinet agreed to a programme of work to improve how we reclassify stewardship land [CBC-21-MIN-0045 refers]. Before this progress for reclassification had been slow due to the complexity of the work, volume of land involved (30% of DOC administered land is stewardship), and a lack of prioritisation.
3. The new approach to reclassification work included:
 - The appointment of National Panels to provide recommendations to you about reclassification of stewardship land; and
 - Legislative amendments to streamline processes for the reclassification and disposal of stewardship land, better enabling the work of the National Panels.
4. In April 2021 the Cabinet Business Committee (CBC) agreed that two National Panels be established with an initial focus on stewardship land in the Western and Northern South Island. The agreed reclassification project was not temporally confined, although CBC noted the Minister’s intent to appoint Panellists for an initial term of up to two years, to be reviewed thereafter [CBC-21-MIN-0045 refers]. Stewardship Land National Panel appointments expired on 1 June 2023.
5. You agreed to the proposed reappointment of eleven members of two National Panels for a further 12 month period from 1 June 2023 to 1 June 2024 to enable the work already underway in the Western and Northern parts of the Ngāi Tahu takiwā to continue.
6. The attached Cabinet paper advises APH of your proposed reappointments to the two National Panels. A separate briefing will be provided with the letters of appointment and Gazette notice for signing, following the APH Committee noting your intention for appointments.
7. Following these appointments, the two National Panels will have eleven members. Five members will be female and one member will be of Māori descent.

Risk assessment – Aronga tūraru

8. Although the Minister of Conservation holds the power to re-appoint Panel members under s.56 of the Conservation Act 1987, these appointments must also be noted by the Cabinet Appointments and Honours Committee.
9. The last available Cabinet Appointments and Honours Committee date available in the pre-election period is 2 August 2023. The renewal of National Panel appointments can be implemented retrospectively to cover the intervening period from 1 June 2023.
10. The Department has undertaken appropriate background checks on the candidates in accordance with standard practice set out in the Public Service Commission’s guidelines; nothing of note was identified.

Treaty principles (section 4) – Ngā mātāpono Tiriti (section 4)

11. As rangatira and kaitiaki, whānau, hapū, and iwi have a strong interest in any decisions on the reclassification of stewardship land. The Ngāi Tahu-appointed Mana Whenua Panel was established to represent the interests of mana whenua in the reclassification of stewardship land on the West Coast and northern part of their takiwā.

12. One Panel member is of Māori descent and is a Mātauranga expert.

Consultation – Kōrero whakawhiti

13. No specific consultation has been undertaken on these appointments. In accordance with Cabinet Office procedure, you will ask the APH Committee to note your intended appointments before Cabinet ratifies the final decision.

Financial implications – Te hiraunga pūtea

14. **9(2)(i)**

Next steps – Ngā tāwhaitanga

15. Initiate consultation by 4 July 2023 to be considered at APH on 26 July 2023.
16. A letter of appointment and a notice for the *Gazette* will be provided to you after APH has noted your intentions.

ENDS

In Confidence required

Office of the Minister for Conservation

Chair, Cabinet Appointments and Honours Committee

STEWARDSHIP LAND RECLASSIFICATION PROJECT NATIONAL PANELS: REAPPOINTMENTS

Proposal

- 1 This paper outlines my intention to reappoint members of the two independent Stewardship Land Reclassification Project National Panels for a further 12-month term commencing on 1 June 2023 and expiring on 1 June 2024.

Background

- 2 On 19 April 2021, the Cabinet Business Committee agreed that two independent expert panels would be established to make recommendations to the Minister of Conservation on the reclassification of stewardship land (CAB-21-MIN-0138). This decision was confirmed by Cabinet on 3 May 2021.
- 3 On 19 May 2021 the Cabinet Appointments and Honours Committee noted two additional appointments to the National Panels [APH-21-MIN-0082 refers], confirmed by Cabinet on 24 May 2021 [CAB-21-MIN-0174 refers]. On 9 March 2022 three additional members were appointed to replace members who left due to a change in personal circumstances [CAB-22-MIN-0062 refers].
- 4 All members of the panels are appointed by me under s.56 of the Conservation Act 1987.
- 5 The panels are non-partisan and comprised of technical experts with capability in ecology, earth sciences, landscape, recreation, heritage, and mātauranga Māori. The panels receive information about the natural and historic resources present on stewardship land and then make recommendations for revised land classifications. These recommendations are publicly notified before being submitted to me for decision.
- 6 Panel One are working in the Western South Island region and Panel Two are working in the Northern South Island region, within the Ngāi Tahu takiwā.
- 7 In these regions, the National Panels work alongside a Ngāi Tahu-appointed Mana Whenua Panel. This work is undertaken according to the terms of an agreement (**the Agreement**) between the former Minister of Conservation Hon. Kiritapu Allan and the Ngāi Tahu Kaiwhakahaere Lisa Tumahai.
- 8 The Mana Whenua Panel provide information on mahinga kai, mātauranga Māori and Ngāi Tahu interests. The Agreement also provides for the Mana

Whenua Panel to make independent reclassification recommendations to the Minister of Conservation.

- 9 Terms of Reference for the Panels as agreed by Cabinet are attached (**Appendix 1**).

Reason for reappointment

10 The appointments for panel members expired on 1 June 2023. I intend to re-appoint panel members for a 12-month term to allow the reclassification process to continue under the current model for the Western South Island and Northern South Island. This will deliver on commitments made to the public, stakeholders, and mana whenua.

11 The renewal of National Panel appointments can be implemented retrospectively to cover the intervening period from 1 June 2023. Making retrospective appointments is legally sound. The Panels are currently operating, and being remunerated, as independent contractors. Renewing their appointment as a section 56 advisory body maintain public perceptions of the legitimacy of the Panels.

12 Panel One are working in the Western South Island and have publicly notified reclassification recommendations for 504 pieces of stewardship land. The next step is for the Panels to consider information presented through the public process to inform their final recommendations to me for decision. 9(2)(f)(iv)

13 9(2)(f)(iv)

14 9(2)(f)(iv)

15 I will review the work programme beyond this time once the Western South Island and Northern South Island commitments have been achieved.

Proposed reappointments

16 With one exception, all Panel members will be re-appointed. One member of Panel Two, Di Lucas (landscape architect), has indicated she does not wish to be reappointed. Philip Blakely, the landscape architect from Panel One, is considered a suitable replacement given his expertise, familiarity with the process, and established relationships with the Mana Whenua Panel.

17 Members to be re-appointed to Panel One are as follows:

Name	Position
Mr Neil Clifton (Chair)	Former conservator for Department of Conservation, Nelson/Marlborough
Dr William (Bill) Lee	Conservation ecologist and research associate at Manaaki Whenua – Landcare Research
Jo Breese	Trustee of Zealandia; member of The Nature Conservancy Advisory Board Aotearoa New Zealand; and a Crown appointee to the inaugural Te Urewera Board
Dr Katharine Watson	Consultant archaeologist
Philip Blakely	Landscape architect
Dr Marama Muru-Lanning	Associate Professor and Director at James Henare Māori Research Centre at the University of Auckland, specialising in mātauranga and indigenous knowledge.

18 Members to be re-appointed to Panel Two are as follows:

Name	Position
Hon Philip Woollaston (Chair)	Former mayor of Nelson, Associate Minister for the Environment and Minister of Conservation in the 4th Labour government
William (Willie) Shaw	Principal Ecologist and Director of Wildland Consultants Ltd
Laura Coll Mclaughlin	Licensed Cadastral Surveyor and Planning Consultant
Geoff Canham	Principal Parks and Recreation Specialist, Accredited Parks and Recreation Professional, and a Certified Parks Professional International
Mary O’Keeffe	Consultant archaeologist, Heritage Solutions
Philip Blakely	Landscape Architect (also on Panel One)

19 The skills, experience, and relevant attributes of each of the national panel members are set out in detail in the attachments (**Appendix 2**).

Representativeness of reappointment

20 I am satisfied that reasonable effort has been made for the appointments to provide for an appropriate gender, age, ethnicity and geographical balance on the panels. Of members proposed across the two panels to date, six are men and five are women.

21 9(2)(f)(iv)

Remuneration

22 9(2)(i)

Appointment process and consultation

23 I intend to regulate panel procedures in accordance with my authority to do so under s.56 of the Conservation Act. DOC advised the former Minister of Conservation, Hon. Kiritapu Allan, on suitable membership for the panels, who undertook ministerial consultation on appointees at the time of their original appointment. Selection was based in part on relevant expertise, professional networks and availability.

Conflicts of interest

24 I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission appointment guidelines, to identify any conflict of interest that could reasonably be identified. No conflicts of interest have been identified. A declaration form appears at every meeting to provide an opportunity to update members' register of interest and to note any conflicts of interest.

Timing and Publicity

25 As the Panels are being re-appointed to complete work already started, it is not considered necessary to provide any public or media statements.

Recommendation

26 I recommend that the Cabinet Appointments and Honours Committee:

- i. **note** my intention to reappoint Mr Neil Clifton as Chair and Dr William (Bill) Lee, Ms Jo Breese, Dr Katharine Watson, Mr Philip Blakely and Dr Marama Muru-Lanning as members of Panel One for a further one year term commencing on 1 June 2023 and expiring on 1 June 2024.
- ii. **note** my intention to reappoint Hon Philip Woollaston as Chair and Mr William (Willie) Shaw, Mr Geoff Canham, Ms Laura Coll McLaughlin,

and Ms Mary O’Keeffe as members of Panel Two for a further one year term commencing on 1 June 2023 and expiring on 1 June 2024.

- iii. **note** that Ms Di Lucas has withdrawn her availability and will not be reappointed as a member of Panel Two.
- iv. **note** my intention to appoint Philip Blakely as a member of Panel Two for a one year term commencing on 1 June 2023 and expiring on 1 June 2024, replacing Ms Di Lucas on Panel Two.

Authorised for lodgement

Hon Willow-Jean Prime

Minister for Conservation