



Briefing: Further decisions to uphold redress in the Conservation Acts (Land Management and Other Matters) Amendment Bill

To	Minister of Conservation	Date submitted	25 March 2026
Action sought	Agree proposed options for upholding redress	Priority	High
Reference	ADVB-148	DocCM	DOC-10673043
Security level	In Confidence		
Risk assessment	High	Timeframe	1 April 2026
Attachments	Attachment A: Options table for further decisions for upholding redress		
Contacts			
Name and position			Phone
Ange Bell, Manager, Policy			s9(2)(a)
Bryan Dunne, Deputy Director-General, Policy			s9(2)(a)

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. Cabinet has agreed an approach to upholding standard settlement redress¹ provisions in your conservation reforms, and these are currently being drafted for the Conservation Acts (Land Management and Other Matters) Amendment Bill (**the Bill**) (CAB-25-MIN-0334.01 refers).
2. Cabinet has also agreed for the introduced Bill to include temporary arrangements preserving redress commitments for about 45 complex settlement commitments, to allow further engagement prior to enactment (CAB-25-MIN-0334.01 refers).
3. s9(2)(h)
4. Even with a longer lead in time to enactment, there remains a risk it will not be possible to provide for complex redress by enactment due to the need to engage with Post-Settlement Governance Entities (PSGEs) in good faith and in a way that is consistent with Treaty principles, which takes time and may require negotiations that extend beyond enactment.
5. We propose this is addressed in a way that is consistent with the Government's approach to other reform programmes. Therefore, we recommend you seek Cabinet's agreement to align with the approach taken by the Planning and Natural Environment Bills (**the Planning Bills**). This approach involves a general "upholding Treaty settlements" sub-part, including:
 - a 'negotiations clause', with a two-year sunset period, to seek to enter agreements with PSGEs on how their redress will operate under the new Act,
 - before any agreement is reached under the above clause, a general obligation to give the same or equivalent effect to redress to the greatest extent possible under the new Act,
6. These provisions will enable us to continue to work with PSGEs to determine how to provide for their specific complex redress matters, if we don't have agreed provisions by the Bill's enactment.
7. We also recommend you seek Cabinet agreement for one type of standard redress, deeds of recognition, to be upheld under the general 'upholding' provision alongside complex redress matters. This is because deeds of recognition are contained in PSGEs' deeds of settlement and cannot be amended without agreement between the PSGE and the Crown.
8. We have provided all PSGEs with initial proposals for how their redress will be provided for in the new system and are in the process of engaging with them on the proposals provided. Our ability to engage effectively is dependent on the willingness of PSGEs and their comfort across the full reform package. Currently, our engagement is affected by matters still subject to agreement by Cabinet, including our approach to clarifying section 4 of the Conservation Act 1987. We anticipate the introduction of the Bill and the resulting clarity on these matters will aid discussions.
9. However, to support engagement, we recommend you agree for us to share information on this updated approach with PSGEs prior to introduction of the Bill.
10. This briefing also seeks your direction on outstanding redress issues in **Attachment A** including:
 - Decisions to support drafting of standard redress in the introduction version of the Bill.

¹ Redress that can operate as intended in the new system with minor amendments.

- Complex redress issues that have been identified through the development of specific proposals for PSGEs for upholding their Treaty settlements,
 - Refinement of existing complex redress decisions, and
11. To meet the timeframes for the introduction of the Bill, we need your decisions on drafting for Treaty settlement redress in the Bill by **1 April 2026**.
 12. We will provide you with updated advice on addressing decision-making framework redress and nominations to conservation boards in April. We will also continue to update you on the progress we are making on complex redress.

We recommend that you ... (Ngā tohutohu)

		Decision
	Decisions required for introduction of the Bill	
a)	Agree for the Conservation Acts (Land Management and Other Matters) Amendment Bill (the Bill) to contain a general “upholding Treaty settlements” subpart, modelled on the provisions in the Planning and Natural Environment Bills (the Planning Bills), to cover complex redress which has yet to be finalised in the Bill. This includes a ‘negotiations clause’ with a two-year sunset period.	Yes/No
b)	Agree to seek Cabinet agreement for the Bill to align our legislative approach to upholding Treaty settlements with the approach taken in the Planning Bills, by including a negotiations clause with a two-year sunset period.	Yes/No
c)	Agree to seek Cabinet agreement for deeds of recognition to be upheld using the general upholding provision in the Bill.	Yes/No
d)	Approve the decisions relating to ‘standard redress’ to support drafting the Bill for introduction set out in Attachment A .	See Attachment A
	Decisions to support engagement with PSGEs on complex redress	
e)	Agree that, where necessary to support engagement, DOC can share information on this updated approach with PSGEs prior to introduction of the Bill.	Yes/No
f)	Approve the options for complex redress set out in Attachment A .	See Attachment A
g)	Approve the options for refinement of earlier complex redress decisions set out in Attachment A .	See Attachment A

s9(2)(a)

Date: 25/03/26

Bryan Dunne
Deputy Director-General, Policy

Date: / /

Hon Tama Potaka
Minister of Conservation

Purpose – Te aronga

13. This briefing seeks your agreement to outstanding matters for upholding Treaty settlements in the Conservation Acts (Land Management and Other Matters) Amendment Bill (**the Bill**) including:

- A recommendation to seek Cabinet agreement to align our approach to that taken by the Government in the Planning and Natural Environment Bills (the Planning Bills).
- Decisions on outstanding policy issues for upholding redress issues in **Attachment A**.

Background and context – Te horopaki

14. On 29 September 2025, Cabinet agreed to your proposals to uphold Treaty settlements and Takutai Moana rights in the Bill (**CAB-25-MIN-0334.01** refers).
 - Cabinet agreed that the introduced Bill will include temporary arrangements preserving redress commitments for about 45 complex settlement commitments, to allow further engagement with PSGEs prior to enactment. Various in-principle decisions were made to enable this next phase of engagement.
 - Cabinet agreed to approaches to uphold standard redress (redress that can operate as intended in the new system with minor amendments).
15. Cabinet has delegated you the authority to make decisions on replacing these temporary arrangements in consultation with the Minister for Māori Development.
16. On 20 November 2025, you received a briefing on options for upholding complex settlement redress (ADVB-45 refers). On the basis of this briefing, you have given us direction on which options to advance in our engagement with PSGEs.
17. We have written to all PSGEs to outline our proposed approach to upholding their settlement in the new system. In the process of writing to PSGEs, we have identified a number of issues where we need further direction from you.
18. Ongoing engagement with PSGEs is required on how their settlement redress will be reflected in the legislation and in wider policy settings. We have signalled our willingness to meet and are organising follow up hui to discuss the proposals provided in January.

Our legislative approach to providing settlement redress aligns with the approach taken in the Planning and Natural Environment Bills

19. There is a risk it will not be possible to provide for complex redress by enactment. We propose this is addressed in a way that is consistent with the Government's approach to other reform programmes, notably across resource management.
20. We propose to include a general "upholding Treaty settlements" sub-part in the Bill, modelled on what has been introduced in the resource management Planning Bills.
21. This approach will provide time for us to engage in good faith with PSGEs to seek agreement on how their complex redress will operate in the new system, while signalling that we will preserve complex redress, to the greatest extent possible under the new Act, unless and until agreement is reached.
22. In line with this approach, we propose the introduction version of the Bill will contain the following clauses:
 - a provision that commits the Crown to work with PSGEs and Ngā Hapū o Ngāti Porou, to seek agreement on how their redress will operate in the new system. This includes a two-year sunset period from commencement of the Act (the 'negotiation clause')².

² The sunset clause applies to the timeframe for initiating discussions with PSGEs under the 'negotiations clause'. It does not provide a timeframe for reaching agreement with PSGEs.

- a provision that requires those performing or exercising functions, duties and powers under the new Act before such agreement is reached to give an effect to complex redress, to the greatest extent possible under the new Act, which is the same or equivalent to the effect the complex redress has currently.
 - provisions that ensure that the rights available under the Marine and Coastal Area (Takutai Moana) Act 2011 are maintained in the new system.
23. You have committed to working with PSGEs prior to enactment to discuss replacement drafting for upholding the intent of complex redress. Including a general “upholding Treaty settlements” subpart does not stop us from drafting specific complex redress provisions before the Bill is enacted. However, on the current timeframes, it may not be possible to develop specific provisions for all complex redress that are agreed with by PSGEs for the final version of the Bill.
24. We recommend you seek Cabinet’s agreement to aligning your legislative approach to upholding Treaty settlements with the approach taken by the Planning Bills as above. This approach will:
- help ensure more coherent engagement with PSGEs on natural resources sector reforms,
 - signal a willingness to reach agreement with PSGEs in the near future, and
 - allow more time for good faith engagement than is possible before enactment.
25. s9(2)(h) [REDACTED]
26. s9(2)(g)(i) [REDACTED]
27. [REDACTED]
28. [REDACTED]

29. We recommend that you agree we can provide information on this approach to drafting complex redress (i.e. the draft wording used in the Bill) with PSGEs prior to introduction of the Bill, where necessary to support ongoing engagement.

The Bill will include provisions for most ‘standard redress’

30. The introduced version of the Bill will state how most ‘standard redress’ is given effect to. For example, it includes provisions to address overlay classifications, timeframes for consultation on concession and rights of first refusal.
31. Cabinet previously agreed to translate ‘standard redress’ through minor consequential changes in the Bill, but this is not possible for deeds of recognition. The drafting approach taken to upholding standard redress (i.e. by making amendments to Acts) means it has not been possible to specifically address redress that stems from non-legislative instruments, such as settlement deeds. This means deeds of recognition, which are generally found in settlement deeds, will instead need to be upheld using the general “upholding Treaty settlements” sub-part.
32. We therefore recommend you seek agreement from Cabinet for the general “upholding Treaty settlements” sub-part to uphold deeds of recognition until or unless agreement is reached with the relevant PSGE to amend their deed of settlement.

We are seeking your agreement on further decisions to uphold redress

33. **Attachment A** outlines further decisions for you in three categories:
- Decisions to support drafting standard redress in the Bill for introduction,
 - Decisions on options for complex redress to support ongoing engagement with PSGEs, and
 - Refinement of earlier decisions on complex redress.

Risk assessment – Aronga tūrarū

34. There is a risk that PSGEs do not agree to the proposals that we have provided to them on how their settlement redress will be provided for in the new system by the Bill’s enactment. There is a significant potential risk to Māori Crown relationships if we progress arrangements without their agreement.
35. To mitigate this risk, there is ongoing communication with PSGEs and iwi about the reforms and offers to meet to discuss the proposals. These offers have seen some follow up hui being held with PSGEs, particularly those with complex redress. We will provide further advice on how this is progressing once PSGEs have expressed a view on the initial proposals that they have received.
36. While we are progressing hui, we are dependent on the willingness of PSGEs, particularly those with complex redress, to engage in these conversations. Our ability to reach agreement in the translation of redress is linked to PSGE comfort across the entirety of the reform package. We anticipate that engagement will increase with introduction of the Bill and clarity on the approach to Section 4 and the National Conservation Policy Statement (NCPS).
37. There is also risk to timing of the Bill introduction if we do not receive your decisions on drafting matters outlined in this paper.

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

38. The recommended options for providing for settlements to be upheld in the new system is intended to meet the principle of redress.

39. Ensuring active partnership with PSGEs, whilst implementing the new system in a timely manner will be a challenge. We are working with PSGEs to find mutually agreeable solutions.
40. If the mechanisms to uphold Treaty settlements under the new system do not have the support and agreement of each of our Treaty partners, we will need to consider how we can continue to give effect to Treaty principles in implementation. We will continue to provide advice to you to as we progress discussions with PSGEs.

Consultation – Kōrero whakawhiti

41. There has been ongoing engagement with PSGEs over proposals to uphold the intent of their settlement in the new system.
42. We have engaged with Te Puni Kōkiri, Crown Law Office and the Parliamentary Counsel Office.

Financial implications – Te hīraunga pūtea

43. No immediate financial implications.

Legal implications – Te hīraunga a ture *[Legally privileged]*

44. s9(2)(h) [Redacted]
45. s9(2)(h) [Redacted]
46. s9(2)(g)(i) [Redacted]
47. s9(2)(h) [Redacted]

Next steps – Ngā tāwhaitanga

48. Your decisions pursuant to this briefing will support PCO to draft the Bill for introduction and help inform ongoing engagement with PSGEs.
49. We are currently in phase 3 of our engagement approach (ADVB-94 refers). As part of this phase, we are organising hui with PSGEs to build a shared understanding of the impact of the redress, and how it could be translated through the Bill. Engagement will continue to take place alongside select committee (subject to agreement from the committee).

50. We note you provided feedback on complex redress policy for upholding decision-making frameworks and nominations to conservation boards. We will provide you with updated advice on these matters by mid-April.
51. We will continue to provide you with PSGE feedback and proposals to translate complex redress prior to the Bill's enactment.

ENDS

Attachment A: Options table for further decisions for upholding redress

Issue	Existing decision	Analysis and advice	Recommendation	Decision
Decisions to support drafting the Bill for introduction				
Concessions timeframes	Cabinet has agreed to preserve timeframes for iwi responses in decision-making frameworks where those timeframes are greater than the default already agreed by Cabinet (20 working days) (CAB-25-MIN-0334.01 refers).	We will seek agreement from Cabinet for the scope of this decision to be extended to cover statutory authorisations redress. We will also seek agreement for the preservation to apply where timeframes for different consultation steps are cumulatively greater than 20 working days (refer ADVB-139).	Agree to seek Cabinet agreement to clarify that timeframes for concessions consultation under Treaty settlement (including relationship agreements) will be upheld when different steps are cumulatively greater than the timeframe in the Bill.	Yes/No
Decisions on complex redress to support engagement with PSGEs				
s9(2)(j)				Yes/No

Issue	Existing decision	Analysis and advice	Recommendation	Decision
s9(2)(f)	Cabinet has agreed in principle to carry across the substantive effect of legal weightings provided through settlement redress (CAB-25-MIN-0334.01 refers). s9(2)(f)	Under settlement legislation, anyone carrying out functions or exercising powers under relevant conservation legislation relating to the Waikato River or undertaking activities in the catchment that affect the Waikato River, must have particular regard to the vision and strategy for the Waikato River. s9(2)(f) Some of the redress for the co-management of the Waikato (Raukawa, Te Arawa, Waikato-Tainui) also requires DOC and the relevant PSGE to agree which types of authorisations have potential significance to affect the health and wellbeing of the Waikato River, relate to the relevant Environmental Plan and relate to conservation purposes. For these types of authorisations, the parties are expected to attempt to reach consensus in a timely manner on an appropriate response to applications, before the decision is made under the relevant legislation. The types of statutory authorisations that fall within this category is yet to be agreed. There is similar redress that applies to the Waipa River (Maniapoto) in relation to statutory authorisations which have the potential significance to affect the quality and integrity of waters that flow into the Waipa River. s9(2)(f)	s9(2)(f) AND s9(2)(f)	Yes/No Yes/No
Refinement of earlier complex redress decisions				
s9(2)(f)	s9(2)(f)			Yes/No
s9(2)(f)	Cabinet has agreed in principle to carry across co-approval and/or co-development roles for PSGEs directly provided through Treaty settlement in relation to statutory planning documents (25-MIN-0334.01 refers).	s9(2)(f)	s9(2)(f)	s9(2)(f)

Issue	Existing decision	Analysis and advice	Recommendation	Decision
		s9(2)(i)		
s9(2)(i)				Yes/No
s9(2)(i)				Noted