Departmental Disclosure Statement

Crown Land Legislation Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Toitū Te Whenua / Land Information New Zealand.

Toitū Te Whenua / Land Information New Zealand certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

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Contents

Contents 2
Part One: General Policy Statement 3
Part Two: Background Material and Policy Information 4
Part Three: Testing of Legislative Content 5
Part Four: Significant Legislative Features 7

Part One: General Policy Statement

This is an omnibus Bill introduced in accordance with Standing Order 267(1)(a). That Standing Order provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The single broad policy is to undertake targeted changes to the management of Crown land to enable greater economic returns to Crown pastoral leaseholders and the Crown.

The Land Act 1948 (the Land Act) governs the management of Crown land generally, and the Land Act and the Crown Pastoral Land Act 1998 (the CPLA) govern the management of approximately 1.2 million hectares of Crown pastoral land in the South Island. The CPLA requires the Commissioner of Crown Lands (the Commissioner) to administer Crown pastoral land in a way that seeks to maintain or enhance inherent values while providing for ongoing pastoral farming, support the Crown in its relationships with Māori under the Treaty of Waitangi, and enable the Crown to get a fair return on its ownership interest in pastoral land.

Currently, land use on the Crown pastoral estate is primarily restricted to pastoral farming and commercial recreation activities. Some Crown pastoral leaseholders are interested in undertaking additional activities alongside pastoral farming to diversify income streams and better meet the cost of managing pastoral leases, and demand is growing for more flexible uses of Crown land. There is also an opportunity to enable land that is held in a pastoral lease to be reclassified and disposed of for alternative uses that have significant public benefits.

The reforms to the CPLA and Land Act aim to enable more efficient and effective uses of Crown pastoral land, support more flexible and productive pastoral farming, and improve the operation of the land management frameworks for the Crown pas toral estate and other Crown land by reducing unnecessary regulation and modernising elements of the Land Act.

This supports the Government's priorities for farming, growth, and transition to net zero by 2050.

The Bill does so through amendments focused on the following:

Introducing secondary use permit to enable broader activities alongside pastoral farming

The Bill introduces a new secondary use permit to allow certain activities, such as other forms of farming and renewable energy, to be undertaken alongside pastoral farming.

Introducing new pathway to reclassify and dispose of land from Crown pastoral estate

The Bill creates a new pathway for reclassifying and disposing of land that is held in a Crown pastoral lease to enable opportunities that involve significant land use change where this would be inconsistent with the maintenance and enhancement of the pastoral land's inherent values, or with pastoral farming. This pathway would enable all, or part, of the pastoral lease to be ended by agreement and the land reclassified under the Land Act, giving the Crown options to then sell or lease the land (subject to right of first refusal entitlements) so it can be used for another purpose. There will be no provision for compulsory acquisition.

Greater flexibility for pastoral leaseholders

The Bill introduces—

- legislative changes to clarify and expand permitted pastoral activities on pastoral leases:
- measures to improve the operation of the decision-making framework for discretionary activities under sections 9, 10, and 11 and Schedule 1ABA of the CPLA.

Modernising Land Act 1948

The Bill—

- updates the Land Act to explicitly provide for commercial filming and photography as a commercial recreation activity, modernise the tools for dealing with trespass on Crown land, and allow digital advertising and flexible methods for the limited alienation and outright sale of Crown land

- updates and clarifies the Commissioner's statutory powers relating to the status of Crown land, implied covenants, and rehearing time frames.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	**NO**

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	**NO**

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	**YES**
Regulatory Impact Statement: Review of the Crown Pastoral Land Act 1998 and Land Act 1948, Toitū Te Whenua / Land Information New Zealand, 31 October 2025. *Regulatory Impact Statement Addendum: Secondary use of Crown pastoral land and land disposal pathway*, Toitū Te Whenua / Land Information New Zealand, 16 March 2026. These documents are available on Toitū Te Whenua / Land Information New Zealand's website at: https://www.linz.govt.nz/our-work/projects/crown-pastoral-land-act-reforms .	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	**NO**
The regulatory impact statement did not meet the threshold for assessment by the Ministry for Regulation.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	**NO**

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	**NO**

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The regulatory impact statements estimate the likely size of any potential costs and benefits of each of the proposed amendments in the relevant chapter. Appendix 2 of the regulatory impact statement contains an economist's report with economic modelling that indicates that selected secondary uses could enhance returns on suitable sites. The benefits and costs associated with specific land use proposals that could lead to the reclassification of Crown pastoral land, will be explored upon application. It is anticipated that these proposals will be rare and highly bespoke, so they have not been modelled.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
The new pathway for reclassifying land for sale or lease for a specific land use relies on the public benefit of the proposed land use outweighing inherent values or ongoing pastoral farming of the remaining pastoral estate. The benefits will be bespoke to the particular proposed land use proposal. Changes to the proposal to meet other regulatory requirements may impact these public benefits. For this reason, the Bill enables the Minister for Land Information to reconsider the original decision to approve the reclassification of the land.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
The activities covered by the Bill are domestic to New Zealand. Assessed against the Legislation Design Advisory Committee Guidelines and Ministry of Foreign Affairs' Treaty lists no inconsistencies with international obligations or trade agreements were identified. Some lessees or land reclassification proposal applicants may be overseas persons: cross-border implications arising from this are managed via the overseas investment regulatory regime.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?
An analysis of the Bill's consistency with the Treaty of Waitangi has been carried out and the policy in the Bill was informed by targeted engagement with relevant iwi. Section 5 of the Crown Pastoral Land Act, which recognises Māori interests, will be amended to apply to the new secondary use permit and the new land reclassification pathway. For the avoidance of doubt, the Bill reinforces that Right of First Refusal obligations will apply to the new Crown pastoral land reclassification pathway.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
An assessment of the Bill's consistency with the Bill of Rights Act is in progress. Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of the Bill. Such advice, or reports, will be accessible on the Ministry's website at https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/	

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
New section 39 relates to rehearings and appeals for the new pathway for reclassifying Crown pastoral land for sale or lease for a specific land use. Decisions made by the Minister for Land Information will be subject to judicial review, rather than appeals based on merit. This is because these decisions involve a discretion that requires balancing policy matters and societal outcomes rather than the application of a legal yardstick. Consequently, there is no rehearing or appeal for actions made by the Commissioner of Crown Lands where these actions implement the Minister's decisions. Their other decisions under the new pathway are subject to rehearing and appeal. Existing rehearing and appeal mechanisms will apply to the secondary use activity permits in the same way that they apply for other permissions in the Crown Pastoral Land Act.	
Clause 14 amends section 100D to create a new infringement offence for undertaking a secondary use activity without a permit. This is consistent with the offence provisions for other permits operating on Crown pastoral land. Clause 24 amends section 17 to enable the Commissioner of Crown Lands to extend the deadline for making a request for a rehearing when this is in the interests of justice, including any disadvantage to the applicant or other parties if the time is extended or not extended. Clause 26 inserts new section 24A, which enables the Commissioner of Crown Lands to seize and hold property left or abandoned on Crown land in a suitable place determined by the Commissioner of Crown Lands, and then sell it if it is not claimed. Owners will be notified of any potential seizure and given 21 days to reclaim their property before any action is taken. Any monies from the sale of this property, less Crown costs, will be returned to the original owner of the property.	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
The Ministry of Justice was consulted on these provisions. An offences and penalties vet was undertaken and no issues were raised.	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO
Operational practice around information collection for existing permits will apply to the new secondary use permit system and applications for the reclassification of Crown pastoral land.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
The Bill was informed by targeted stakeholder engagement with relevant iwi, the High Country Accord Trust and Toitū Te Whenua / Land Information New Zealand's High Country Advisory Group. Iwi indicated concern about the objectives of the secondary use permit and consistency with Treaty settlement legislation. The High Country Advisory Group and the High Country Accord Trust were generally supportive of the proposals. Public consultation will occur as part of Parliament's Select Committee process.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
The reclassification and sale or lease of Crown pastoral land for a specific land use can only occur with the agreement of the lessee. New section 30(2) states that if the lessee does not agree to surrender all relevant parts of the lease, the application is treated as having been declined and must not be considered further.	

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
Clause 19 inserts new section 100T, which clarifies that the cost recovery fees and land use fees for secondary use activities, commercial recreation permits and easements do not need to be set in regulations. These are commercial applications and are not the same as a tax. No levies are proposed.	

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
The Bill will not apply retrospectively. Activities that rely on pre-existing consents may continue. Applications lodged before the changes will be determined on the basis of the legislation prior to amendment.	

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES

(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
Clauses 25 and 26 amend the provisions in the Land Act for managing property left or abandoned on Crown land. Under the Bill, property left or abandoned on Crown land will now be dealt with separately from trespassers, intruders and people unlawfully occupying Crown land. The Commissioner of Crown Lands will also have more flexibility in how property left or abandoned on Crown land is dealt with. They will be able to issue notices for the owner to remove the unauthorised property, determine the place where any property removed from Crown land may be stored prior to being claimed or disposed of, and make an assessment about the property's value to determine whether auction is the best method of disposing of the property if it is not claimed by its owner. The Commissioner of Crown Lands must give the owner the opportunity to claim their property before it is seized or disposed of. The Commissioner of Crown Lands must notify the owner of their intention to seize the property, and again to sell the property. They must give the owner 21 days to claim the property before it is seized and provide sufficient time to claim it before it is disposed of. Any monies left over after the sale of the property will also be returned to the owner, less any Crown costs. There are no powers of confiscation proposed. These provisions only apply to property that has been left or abandoned on Crown land. Clause 14 amends section 100D to create a new infringement offence for undertaking a secondary use activity without a permit, which is a strict liability offence. The proposed infringement offences will encourage lessees to obtain relevant permissions.	
The offence provisions apply to those who have chosen to undertake these activities. The offence is a regulatory offence that does not result in a criminal conviction, with financial penalties that are proportionate to the seriousness of the offence. The defendant is in the best position to justify their apparent failure to comply (such as whether they have the relevant permissions) rather than requiring the Crown to do the opposite. Rehearing and appeal rights are also available to the lessee. This approach is consistent with the offence provisions for other permits operating on Crown pastoral land.	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
The Bill establishes a new secondary use permit system and a new land reclassification pathway for specific land uses. Both proposals affect the rights and interests of Crown pastoral lessees. In particular, the new land reclassification pathway will result in taking land out of a lessee's Crown pastoral lease. The new powers are necessary to enable a broader range of activities to be undertaken on Crown pastoral land. Current legislative settings restrict land use to pastoral farming and commercial recreation activities. While legislation already allows pastoral farming to be ended, the purpose and processes associated with this are different to enabling the reclassification and sale or lease of Crown pastoral land for a specific use. *Procedures for decision making, including decision making criteria* Procedures for decision making are set out in the Bill for both the new secondary use permit system and the new land reclassification pathway. Key clauses for the secondary use permit system are clauses 7 and 11. Clause 13 inserts new Part 2, which provides the new pathway for the reclassification and sale or lease of Crown pastoral land for specific land uses. These include how lessee agreement to the proposals is assured, who can apply, ensuring that decision making	

is supported by appropriate information, advice and consultation. Key decisions for both secondary use permits and the new reclassification pathway will be informed by statutory criteria. Decisions about secondary use activities on Crown pastoral land will be made by the Commissioner of Crown Lands, who holds similar powers for decisions about pastoral activities and commercial recreation activities. The Minister for Land Information will make the decision to reclassify and lease or sell Crown pastoral land when the public benefits of the proposed land use outweigh the negative impacts on inherent values associated with the land or ongoing pastoral farming on the remaining land. Ministerial decisions cannot be delegated. Ministerial decision making reflects that these decisions involve a level of judgement. For the avoidance of doubt, the Bill also confirms that relevant Treaty settlement legislation applies to the land reclassification pathway. *Appeal and review settings* Existing review and appeal mechanisms will apply to the new secondary use permit and Commissioner of Crown Lands' decisions made under the reclassification pathway. Ministerial decisions on the reclassification of Crown pastoral land will be subject to judicial review rather than appeal on merit, as these decisions involve discretion about judgements on policy matters rather than the application of a legal yardstick.

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	**YES**
Clause 20 inserts new schedules 1AD and 1AE, which together signal to lessees the types of secondary use activities that can generally be enabled. New schedule 1AD sets out activities for which secondary use permits may be granted. New schedule 1AE sets out prohibited secondary use activities.	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	**YES**
Clause 17 amends section 100R to add secondary use permits to the list of permissions covered by regulations for prescribing information requirements for applications, matters the Commissioner of Crown Lands must consider when deciding the level of adverse effects on inherent values, and cost recovery regulations. Clause 18 amends section 110S to enable the Chief Executive of Toitū Te Whenua / Land Information New Zealand and the Commissioner of Crown Lands to set standards and issue directives in relation to the framework for determining applications for secondary use permits. Similar powers are available for other permissions under the Crown Pastoral Land Act. The framework for secondary use permits is designed to be consistent with the other permissions operating on Crown pastoral land. Currently, only information requirements are prescribed in regulations for other permissions. Changes to the schedule of activities for which a secondary use may be granted, and the schedule of activities for which a secondary use permit must not be granted, will be made by the Governor-General under an Order in Council – informed by statutory consultation requirements. This is consistent with the requirements for the other schedules in the Crown Pastoral Land Act, and provides the flexibility to respond to technological change and new emerging activities in a timely manner.	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	**NO**