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Crown Pastoral Land Act 1998

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Land Information New Zealand.

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Title *[Repealed]*

Title: repealed, on 17 November 2022, by section 4 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

1 Short Title

This Act may be cited as the Crown Pastoral Land Act 1998.

1A Purpose

The purpose of this Act is to provide for the administration of pastoral land in a way that seeks to achieve the following outcomes:

(a) maintaining or enhancing inherent values across the Crown pastoral estate for present and future generations, while providing for ongoing pastoral farming of pastoral land:

(b) supporting the Crown in its relationships with Māori under te Tiriti o Waitangi/the Treaty of Waitangi:

(c) enabling the Crown to get a fair return on its ownership interest in pastoral land.

Section 1A: inserted, on 17 November 2022, by section 5 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

2 Interpretation

Unless the context requires otherwise, in this Act,—

approved plan means a plan returned to the Commissioner under section 90 (by virtue of its application of former section 63)

base carrying capacity, in relation to a pastoral lease, means the base carrying capacity of land as assessed or determined under Part 1A and under any regulations or rules made under Part 1A and that is expressed in stock units

chief executive means the chief executive of the department

commencement, in relation to a reviewable instrument,—

(a) means the day on which it was granted, if the land was not held under some other reviewable instrument on that day:

(b) means the day on which the other reviewable instrument was determined, if the land was held under some other reviewable instrument on the day on which it was granted

Commissioner means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948

concession means—

(a) concession granted directly under Part 3B of the Conservation Act 1987; or

(b) concession granted under Part 3B of the Conservation Act 1987 by virtue of section 59A of the Reserves Act 1977; or

(c) lease under section 73 of the Reserves Act 1977 granted, by virtue of subsection (3A)(b) of that section, under Part 3B of the Conservation Act 1987

concession designation means an element of a substantive proposal—

(a) designating any land as land to be restored to or retained in Crown control as conservation area or reserve, subject to the granting of a concession; or

(b) designating any conservation area or reserve as land to remain conservation area or reserve subject to the granting of a concession

conservation area has the meaning given to that term by section 2(1) of the Conservation Act 1987

Crown assessor means an assessor appointed by the Commissioner under section 23C

Crown land has the meaning given to that term by section 2 of the Land Act 1948

Crown ownership includes Crown control and full Crown ownership and control

cultivation includes drainage, felling bush, clearing land for cropping, and clearing and ploughing land for and laying it down for or with pasture

current carrying capacity, in relation to a pastoral lease, means the current carrying capacity of land as assessed or determined under Part 1A and under any regulations or rules made under Part 1A and that is expressed in stock units

department means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

discretionary pastoral activity means an activity by a lessee or licensee of pastoral land that requires the consent of the Commissioner under section 10

ecosystem means a system of interacting living organisms and their environment

effect—

(a) includes the following effects, regardless of the scale, intensity, duration, or frequency of the effect:

  (i) any positive or adverse effect:

  (ii) any temporary or permanent effect:

  (iii) any past, present, or future effect:

  (iv) any cumulative effect which arises over time or in combination with other effects; and

(b) includes any potential effect of high probability; and

(c) includes any potential effect of low probability which has a high potential impact

expert determiner means a person appointed as an expert determiner under section 23F(1)(a)(i)

grazing permit means permit under section 68A of the Land Act 1948

historic place—

(a) means—

(i) any land (including an archaeological site); or

(ii) any building or structure (including part of a building or structure); or

(iii) any combination of land and a building or structure,—

that forms part of the historical and cultural heritage of New Zealand; and

(b) includes anything that is in or fixed to any such land

holder, in relation to a reviewable instrument, means lessee or licensee under it

holder's improvement, in relation to an occupation licence,—

(a) subject to paragraph (b), means improvement on the land effected, erected, made, or paid for by the holder or any predecessor of the holder; but

(b) does not include improvement effected by doing (before or after the commencement of this Act) any thing specified in section 16(1)

improvement—

(a) means substantial improvement of a permanent character; and

(b) includes bridging; clearing of broom, bush, gorse, scrub, or sweetbriar; constructing border dykes, head races, irrigation works, sheep dips, water races, water supplies, or water tanks; cultivation; draining; erecting any building; fencing (including rabbit-proof fencing); improving in any way the character or fertility of the soil; installing any electric lighting, electric power plant, or telephone; laying out and cultivating gardens; making embankments or protective works of any kind; planting with trees or live hedges; reclamation from swamps; roading; and sinking wells or bores

inherent value, in relation to any land,—

(a) means a value that arises from an ecological, a landscape, a cultural, a heritage, or a scientific attribute or characteristic of a natural resource that—

(i) is in or forms part of the land or exists by virtue of the natural character of the land; or

(ii) relates to a historic place on or forming part of the land; but

(b) does not include a pastoral farming activity

land means land that is subject to a pastoral lease

the land, in relation to a reviewable instrument, means all land held under it

lessee's assessor means an assessor appointed by the lessee under section 23F(1)(b)

marginal strip means any strip of land reserved or deemed to be reserved under section 24 or section 24E(3) or section 24G of the Conservation Act 1987 for the purposes specified in section 24C of that Act; and includes part of a marginal strip

Minister means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

natural resources means—

(a) plants and animals of all kinds; and

(b) the air, water, and soil in or on which any plant or animal lives or may live; and

(c) landscape and landform; and

(d) geological features; and

(e) ecosystems;—

and **natural resource** has a corresponding meaning

neighbouring includes adjacent

occupation licence means licence granted under section 66AA of the Land Act 1948 or section 14(7) of this Act

pastoral land means Crown land for the time being so classified under section 51 of the Land Act 1948

pastoral lease means a pastoral lease granted under section 66 of the Land Act 1948, and includes any renewal of that lease

permitted pastoral activity means an activity by a lessee or licensee of pastoral land that does not require the consent of the Commissioner under section 10

prohibited pastoral activity means an activity by a lessee or licensee of pastoral land that must not be undertaken on pastoral land

proposed activity, in relation to a proposed concession, means activity proposed to be carried out under the concession

proposed facility, in relation to a proposed concession, means structure or facility proposed for or in relation to the concession

protective mechanism means—

(a) easement under section 12 of the Reserves Act 1977, section 7(2) of the Conservation Act 1987, or sections 26 to 29 of the Outdoor Access Act 2008; or

(b) covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977, section 77 of the Reserves Act 1977, section 27 of the Conservation Act 1987, or section 39 of the Heritage New Zealand Pouhere Taonga Act 2014; or

(c) sustainable management covenant

renewable lease means renewable lease as defined in—

(a) section 63 of the Land Act 1948; or

(b) the corresponding provisions of any Act repealed by that Act; or

(c) the corresponding provisions of any Act relating to the disposal of Crown land repealed before 1 April 1949

rent review date, in relation to a pastoral lease, means—

(a) the day immediately after the first period of 11 years from the commencement date of the pastoral lease:

(b) the day immediately after the second period of 11 years from the commencement date of the pastoral lease:

(c) the day immediately before the expiry of the pastoral lease if the pastoral lease is to be renewed

reserve means land vested in the Crown that is or is part of a reserve within the meaning of section 2(1) of the Reserves Act 1977

reviewable instrument means instrument that is a reviewable lease or an occupation licence

reviewable land means land that—

(a) is held under a reviewable instrument; or

(b) is pastoral land not for the time being held under a reviewable instrument

reviewable lease means lease under section 66(1) or section 67 of the Land Act 1948; but does not include—

(a) a lease over land all of which has been vested in a State enterprise under the State-Owned Enterprises Act 1986; or

(b) a lease under section 67 of the Land Act 1948 over land all of which is conservation area or reserve

significant inherent value, in relation to any land, means inherent value of such importance, nature, quality, or rarity that the land deserves the protection of management under the Reserves Act 1977 or the Conservation Act 1987

sowing includes oversowing, and direct-drilling; and **sow** has a corresponding meaning

special lease means lease under section 67(2) of the Land Act 1948

specified, in relation to a concession, lease, or permit referred to in a proposal, means on terms specified in the proposal

specified person, in relation to a proposal, means person specified in the proposal

stock limitation means—

(a) restriction under section 66(2) of the Land Act 1948 subject to which a pastoral lease was granted before 30 November 1979; or

(b) restriction under section 66(3) of the Land Act 1948 subject to which a pastoral lease was granted after 29 November 1979

stock unit means the standard stock unit for the purposes of Part 1A defined by the Valuer-General under section 23O(1)(a)(iii)

Surveyor-General has the same meaning as in section 4 of the Cadastral Survey Act 2002

sustainable management covenant means a covenant reserved under section 97(1)

te Tiriti o Waitangi/the Treaty of Waitangi means the Treaty as defined in section 2 of the Treaty of Waitangi Act 1975

undertake includes cause to be undertaken

unrenewable occupation licence means occupation licence that is—

(a) an occupation licence granted under section 66AA of the Land Act 1948 in respect of which the Commissioner has decided, under section 14(4) of this Act, that the Commissioner is not satisfied that the land should continue to be held under occupation licence for any period after the expiry of the existing licence; or

(b) an occupation licence granted under section 66AA of the Land Act 1948 to the holder of which the Commissioner has made an offer, of a further occupation licence of the land under section 14(5) of this Act, that was not accepted before the day specified in it; or

(c) an occupation licence granted under section 14(7)

unused Crown land means Crown land not held under a lease, licence, or permit

Valuer-General has the same meaning as in section 2 of the Valuers Act 1948

working day means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) a day in the period commencing on 25 December in any year and ending with 15 January in the following year.

Section 2 **approved plan**: amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **base carrying capacity**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **chief executive**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **Chief Surveyor**: repealed, on 17 November 2022, by section 6(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **Commissioner**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **Crown assessor**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **current carrying capacity**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **department**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **discretionary pastoral activity**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **effect**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **expert determiner**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **inherent value**: replaced, on 17 November 2022, by section 6(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **land**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **lessee's assessor**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **Minister**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **pastoral lease**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **permitted pastoral activity**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **prohibited pastoral activity**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **protective mechanism** paragraph (a): amended, on 10 July 2026, by section 352 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 2 **protective mechanism** paragraph (a): amended, on 30 September 2008, by section 82 of the Walking Access Act 2008 (2008 No 101).

Section 2 **protective mechanism** paragraph (b): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 2 **rent review date**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **rental value**: repealed, on 6 July 2012, by section 4(2) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **stock unit**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **Surveyor-General**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **te Tiriti o Waitangi/the Treaty of Waitangi**: inserted, on 17 November 2022, by section 6(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 2 **Valuer-General**: inserted, on 6 July 2012, by section 4(1) of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 2 **working day**: replaced, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 2A: inserted, on 17 November 2022, by section 7 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

3 Act binds the Crown

This Act binds the Crown.

Part 1
Pastoral leases and occupation licences

Part 1: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Subpart 1—Outcomes, activities on pastoral land, and decision-making process

Subpart 1 heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Outcomes

Heading: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

4 Outcomes for decision makers

(1) All persons performing or exercising the Crown's functions, duties, or powers in relation to pastoral land under this Act or the Land Act 1948 must seek to achieve the following:

(a) maintaining or enhancing inherent values across the Crown pastoral estate for present and future generations, while providing for ongoing pastoral farming of pastoral land; and

(b) supporting the Crown in its relationships with Māori under te Tiriti o Waitangi/the Treaty of Waitangi; and

(c) enabling the Crown to get a fair return on its ownership interest in pastoral land.

(2) Subsection (1)(c) applies only to functions, duties, or powers that relate to rents, easements, or commercial recreation permits in respect of pastoral land.

Section 4: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

5 Māori interests

(1) In order to recognise and respect the Crown's responsibility to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi, the Crown—

(a) must recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, mahinga kai, wāhi tapu, and other taonga in any case where—

(i) consent for a discretionary pastoral activity is sought; or

(ii) a commercial recreation permit over pastoral land is sought; or

(iii) an easement over pastoral land is sought; or

(iv) a stock limitation exemption or a variation or revocation of a stock limitation exemption is sought (except a grant, variation, or revocation made under section 15(4)); or

(v) a protective mechanism is being considered; and

(b) must consult the relevant iwi listed in subsection (2) in accordance with sections 22A, 22C, 100O, 100P, 100R, and 100S.

(2) The **relevant iwi** are—

(a) Ngāi Tahu Whānui as represented by Te Runanga o Ngai Tahu in accordance with Te Runanga o Ngai Tahu Act 1996:

(b) Ngāti Apa ki te Rā Tō:

(c) Ngāti Kōata:

(d) Ngāti Kuia:

(e) Ngāti Rārua:

(f) Ngāti Tama ki Te Tau Ihu:

(g) Ngāti Toa Rangātira:

(h) Rangitāne o Wairau:

(i) Te Ātiawa o Te Waka-a-Māui.

Section 5: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Classification of activities on pastoral land

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

6 Classification of pastoral activities on pastoral land

(1) Pastoral activities described in section 7 or 8 of this Act, or in section 100 of the Land Act 1948, are classified as set out in Schedule 1AB.

(2) A lessee or licensee of pastoral land must obtain the Commissioner's consent to undertake a pastoral activity if required by section 7 or 8.

(3) The following classifications apply to pastoral activities on pastoral land:

(a) permitted pastoral activities that may be undertaken on pastoral land with any necessary permission under any other enactment (*see* section 20 and Part 1 of Schedule 1AB):

(b) discretionary pastoral activities that may be undertaken on pastoral land only with the consent of the Commissioner under section 10 and with any necessary permission under any other enactment (*see* section 20 and Part 2 of Schedule 1AB):

(c) prohibited activities that must not be undertaken on pastoral land and may not be applied for or consented to (*see* Part 3 of Schedule 1AB).

(4) Any question arising as to the class within which any pastoral activity falls must be decided by the Commissioner, whose decision is final, and sections 17 and 18 of the Land Act 1948 do not apply to that decision.

(5) Schedule 1AB may be amended by Order in Council (*see* section 100O).

Section 6: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

6 Special provisions relating to calculation of rent payable for first 11 years of first renewal of pastoral lease granted before 30 November 1979

[Repealed]

Section 6: repealed, on 6 July 2012, by section 5 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Provision relating to burning

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

7 Burning of vegetation

(1) This section applies to any pastoral activity that involves burning any vegetation on the land (whether felled or not).

(2) A lessee or licensee of pastoral land—

(a) may undertake the pastoral activity, or cause it to be undertaken, if the activity is classified as a permitted pastoral activity in Part 1 of Schedule 1AB:

(b) must not undertake the pastoral activity, or cause it to be undertaken, without the Commissioner's consent under section 10 if the activity is classified in Part 2 of Schedule 1AB as a discretionary pastoral activity or is not classified anywhere in that schedule:

(c) must not undertake the pastoral activity, or cause it to be undertaken, if the activity is classified as a prohibited pastoral activity in Part 3 of Schedule 1AB.

(3) In this section, **vegetation** does not include timber.

Section 7: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

7 Special provisions relating to calculation of rent payable for first 11 years of pastoral lease granted after 29 November 1979

[Repealed]

Section 7: repealed, on 6 July 2012, by section 5 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Provisions relating to disturbance of soil

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

8 Activities affecting or disturbing soil

(1) This section applies to any pastoral activity that affects or disturbs the soil of pastoral land.

(2) A lessee or licensee of pastoral land—

(a) may undertake the pastoral activity, or cause it to be undertaken, if the activity is classified as a permitted pastoral activity in Part 1 of Schedule 1AB:

(b) must not undertake the pastoral activity, or cause it to be undertaken, without the Commissioner's consent under section 10 if the activity is classified in Part 2 of Schedule 1AB as a discretionary pastoral activity or is not classified anywhere in that schedule:

(c) must not undertake the pastoral activity, or cause it to be undertaken, if the activity is classified as a prohibited pastoral activity in Part 3 of Schedule 1AB.

(3) Any ongoing maintenance authorised by a consent under section 10 may continue to be undertaken in accordance with the consent.

(4) A consent under section 10 to undertake an activity to which this section applies may include provisions setting out the terms of any—

(a) ongoing maintenance of the works formed by the activity:

(b) ongoing programme to maintain the pasture created or enhanced by the activity.

(5) Anything done under the consent is subject to every condition, direction, and restriction that forms part of the Commissioner's consent.

(6) For the purposes of this section (but not subsection (1)), every consent given under section 106 or 108 of the Land Act 1948 has effect according to its tenor as if it were a discretionary pastoral activity consented to under section 10.

(7) This section does not forbid or prevent the doing of anything authorised—

(a) by or under the Public Works Act 1981 or the Crown Minerals Act 1991; or

(b) under the Mining Act 1971.

(8) Nothing in this section limits or affects the application or effect of section 100 of the Land Act 1948 (which relates to the preservation of timber).

Section 8: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

8 Calculation of rent payable under pastoral leases after first 11 years

[Repealed]

Section 8: repealed, on 6 July 2012, by section 5 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Process for applications to undertake activities on pastoral land

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

9 Application process

(1) An applicant who applies for consent to undertake a discretionary pastoral activity or for the grant of a commercial recreation permit under section 66A of the Land Act 1948 must provide sufficient information to enable the Commissioner to assess the application under sections 10 to 12 and Schedule 1ABA.

(2) The Commissioner may decline to accept an application if the Commissioner thinks that the information provided with the application is insufficient or, alternatively, may obtain further information that the Commissioner thinks necessary to assess the application under sections 10 to 12 and Schedule 1ABA.

(3) When assessing an application, the Commissioner may obtain any advice the Commissioner thinks necessary in order to make a decision under section 10.

Section 9: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Process for Commissioner's decision

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

10 Commissioner's decision

(1) This section applies if the Commissioner accepts an application under section 9.

(2) The Commissioner must, in accordance with this section and (as applicable) sections 11 and 12 and Schedule 1ABA,—

(a) either—

(i) decline to grant the application; or

(ii) grant the application wholly or in part, with or without any conditions, limitations, directions, or restrictions that the Commissioner thinks necessary, including for the purpose of reducing the adverse effects on inherent values; and

(b) if they grant the application, specify the period within which the activity must be carried out.

(3) Before making a decision, the Commissioner must consult the Director-General of Conservation.

(4) In deciding whether to grant an application, the Commissioner—

(a) must be satisfied that—

(i) the inherent values likely to be affected by the proposed activity and the importance of those values have been identified; and

(ii) the level of adverse effects of the proposed activity on those inherent values (with regard to the importance of those values) has been identified, including whether the effects could be avoided, remedied, or mitigated; and

(iii) any reasonable alternative to the proposed activity that has lesser adverse effects on inherent values has been considered; and

(b) must not consider offsetting, including as a way of counterbalancing adverse effects on inherent values, when determining the level of adverse effects on inherent values; and

(c) may consider relevant Government policy decided by Cabinet, in particular policy that relates to national directions (such as national policy statements and national environmental standards); and

(d) may consider any plan for the management of part or all of the land subject to the reviewable lease or licence; and

(e) may consider cross-boundary effects of the activity on neighbouring persons or on any neighbouring land (whether or not the land is subject to a pastoral lease or any other form of tenure); and

(f) may consider New Zealand's commitment to reducing greenhouse gas emissions, where this is consistent with the outcomes stated in this Act; and

(g) may consider any other matter the Commissioner considers relevant to determine the application.

(5) Nothing in this section requires the Commissioner to consent to a proposed discretionary pastoral activity in any case.

(6) In this section and sections 11, 12, and 15, **grant**,—

(a) in relation to an application for a discretionary pastoral activity, means to consent to the activity:

(b) in relation to an application for a commercial recreation permit, means to grant the permit:

(c) in relation to an application for an exemption from a stock limitation or the variation or revocation of an exemption, means to grant, vary, or revoke the exemption (*see* section 15).

Section 10: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

11 Decision-making criteria: consent for discretionary pastoral activity

(1) The Commissioner decides whether to grant an application as follows:

(a) they may decline the application if satisfied that there is a reasonable alternative to the proposed activity that has lesser adverse effects on inherent values:

(b) they may grant the application if they decide that the proposed activity has no more than minor adverse effects on inherent values after actions have been taken to avoid, remedy, or mitigate the effects:

(c) they must decline the application if they—

(i) decide that the proposed activity has more than minor adverse effects on inherent values after actions have been taken to avoid, remedy, or mitigate the effects; and

(ii) are not satisfied under subsections (2) and (3) that the application should be granted:

(d) they may grant the application if they—

(i) decide that the proposed activity has more than minor adverse effects on inherent values after actions have been taken to avoid, remedy, or mitigate the effects; and

(ii) are satisfied under subsections (2) and (3) that the application should be granted.

(2) Before granting an application for a proposed activity that has more than minor adverse effects on inherent values, the Commissioner must be satisfied that the

activity is necessary to enable the lessee or licensee to exercise their rights and obligations under their lease or licence, taking into account 1 or more of the criteria set out in Schedule 1ABA.

(3) For the purpose of deciding whether the activity is necessary to enable the lessee or licensee to exercise their rights and obligations under their lease or licence, the Commissioner may consider any economic benefits associated with undertaking that activity only to the extent that those benefits relate to the ongoing financial viability of the pastoral farming enterprise.

Section 11: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Occupation licences

[Repealed]

Heading: repealed, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

12 Decision-making criteria: grant of commercial recreation permit

(1) The Commissioner decides whether to grant an application for a commercial recreation permit as follows:

(a) they may decline the application if satisfied that there is a reasonable alternative to the proposed activity that has lesser adverse effects on inherent values:

(b) they may grant the application if they decide that the proposed activity has no more than minor adverse effects on inherent values after actions have been taken to avoid, remedy, or mitigate the effects:

(c) they must decline the application if they—

(i) decide that the proposed activity has more than minor adverse effects on inherent values after actions have been taken to avoid, remedy, or mitigate the effects; and

(ii) are not satisfied under subsection (2) that the application should be granted:

(d) they may grant the application if they—

(i) decide that the proposed activity has more than minor adverse effects on inherent values after actions have been taken to avoid, remedy, or mitigate the effects; and

(ii) are satisfied under subsection (2) that the application should be granted.

(2) Before granting an application under subsection (1)(d), the Commissioner must be satisfied that the proposed activity—

(a) is an existing activity that—

(i) previously has been allowed to be undertaken on the pastoral land under a commercial recreation permit or other consent, right, or licence granted by the Commissioner; and

(ii) uses existing infrastructure or buildings previously consented to by the Commissioner; or

(b) will use existing infrastructure or buildings previously consented to by the Commissioner, even though the proposed activity is different from the activity for which that previous consent was granted; or

(c) is necessary in order to enable the continued use of existing infrastructure or buildings previously consented to by the Commissioner.

Section 12: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Subpart 2—Tenure and related provisions

Subpart 2 heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Pastoral leases

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

13 Tenure

A pastoral lease gives the holder—

(a) the exclusive right of pasturage over the land:

(b) a perpetual right of renewal for terms of 33 years:

(c) no right to the soil:

(d) no right to acquire the fee simple of any of the land.

Section 13: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

14 Term

The term of a pastoral lease expires on the expiration of 33 years from 1 January or 1 July (whichever is the sooner) next following its commencement.

Section 14: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Pastoral land generally

[Repealed]

Heading: repealed, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

15 Stock limitations

(1) The repeal of section 66 of the Land Act 1948 by this Act does not affect—

(a) the validity or effect of any stock limitation:

(b) the validity or effect of any power of the Commissioner contained in any pastoral lease to grant an exemption from a stock limitation:

(c) the validity or effect of any such exemption:

(d) the Commissioner's power to vary or revoke such an exemption.

(2) An exemption from a stock limitation—

(a) is (and was) personal to the person who was the holder of the lease concerned at the time the exemption was granted; and

(b) if not earlier revoked, expires (or expired) when that person ceases (or ceased) to be the holder of the lease.

(3) Sections 9 to 11 apply to a decision by the Commissioner to grant, vary, or revoke an exemption from any stock limitation as if it were an application for a discretionary pastoral activity, except in the case of a lease transfer as provided for in subsection (4).

(4) The Commissioner may, at the time that or as soon as practicable after a lease is transferred under section 89 of the Land Act 1948, grant, vary, or revoke an exemption from a stock limitation that provides for stock numbers and types equal to, or lower than, the previous holder's exemption, after considering—

(a) whether the lessee is capable of managing the number of stock that the previous lessee had on the lease; and

(b) whether the land in its current state is capable of sustaining the number and types of stock in the previous exemption; and

(c) other relevant matters.

(5) Subsection (2) is for the avoidance of doubt.

(6) Subsections (1) to (4) do not limit or affect the validity or effect of any condition subject to which a stock limitation, or an exemption from a stock limitation, may have been granted.

Section 15: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

16 Renewal of lease after expiry

(1) Subsection (2) applies if, by the time a pastoral lease expired,—

(a) the Commissioner and the holder had agreed that, subject to the fixing of the amount of the rent to be paid under it, it would be renewed; but

(b) that amount had not yet been fixed.

(2) The Commissioner may grant a renewal of the lease to the same extent, and in the same manner, as if it had not expired, but the renewal takes effect from its expiry.

Section 16: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

17 Belated exchange of pastoral leases for reviewable leases

(1) Subsection (2) applies if,—

(a) before the commencement of this Act, any land comprised in a pastoral lease was vested in a State enterprise under the State-Owned Enterprises Act 1986; and

(b) before the land was vested,—

(i) all the land comprised in that lease had been reclassified as farm land; and

(ii) the former Land Settlement Board, the Department of Lands, or the Commissioner had agreed to issue a reviewable lease to the holder under section 126A of the Land Act 1948, in exchange for the pastoral lease; and

(iii) no reviewable lease had in fact been issued; and

(c) since the land was vested, the holder has (or successive holders have) been paying rent as if the land were held on reviewable lease.

(2) The Commissioner may, under the Land Act 1948, with the consent of the State enterprise concerned, grant a reviewable lease to the holder (or the holder's successor) to the same extent, and in the same manner, as if the land had not been vested and that section 126A were still in force.

(3) If a reviewable lease is granted under subsection (2),—

(a) it is deemed to have been granted under section 126A of the Land Act 1948 immediately before the land comprised in it was vested in the State enterprise concerned; and

(b) the Land Act 1948 is deemed to have applied, and continues to apply, to it accordingly; and

(c) every transfer of or other dealing with or activity that affects the pastoral lease in exchange for which it has been granted, and that occurs after the agreement to grant a reviewable lease in exchange for it, is deemed to have had effect as a transfer of or other dealing with or activity that affects it.

(4) The granting of a reviewable lease under subsection (2) is a disposition for the purposes of section 24 of the Conservation Act 1987.

Section 17: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Occupation licences

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

18 Tenure

An occupation licence gives the holder the exclusive right of pasturage over the land, but—

(a) no right of renewal:

(b) no right to the soil:

(c) no right to acquire the fee simple of the land.

Section 18: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

19 Term and expiry

(1) The full term of an occupation licence granted under section 66AA of the Land Act 1948 commences on its commencement, and is the sum of—

(a) the term specified in it; and

(b) the period commencing on its commencement and ending on the next 1 January or 1 July (whichever is the sooner).

(2) Unless earlier forfeited or surrendered, an occupation licence expires on the expiration of its full term.

Section 19: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Permission under other enactments

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

20 Permission under other enactments still needed

(1) This section applies if—

(a) any other enactment provides that a person must obtain permission under that enactment before undertaking an activity that is contrary to that enactment; and

(b) the activity concerned is a permitted pastoral activity or discretionary pastoral activity, or is authorised by a stock limitation exemption, under this Act.

(2) Nothing in this section prevents the Commissioner from consenting to a discretionary pastoral activity applied for under section 9 or granting a stock limitation exemption.

(3) However, the authority conferred by this Act to undertake a permitted pastoral activity or discretionary pastoral activity, or an activity authorised by a stock

limitation exemption, does not in itself allow the person to undertake the activity without the required permission under the other enactment.

(4) In subsection (1), **permission** includes agreement, authority, consent, licence, permit, and right.

Section 20: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Provisions relating to boundaries and stock movement

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

21 Boundary disputes

Every dispute between the holders of adjacent pastoral land as to the boundary between them must be determined by the Commissioner or a person appointed by the Commissioner for the purpose.

Section 21: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

22 Boundary adjustments

For the purpose of securing more suitable boundaries of pastoral land held under lease or licence, the Commissioner may, as from a specified day, exclude part of it from the lease or licence and include it in some other lease or licence; and in that case the Commissioner may make any adjustments in rents payable that the Commissioner thinks just and equitable.

Section 22: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Subpart 3—Monitoring, strategic intentions, and reporting

Subpart 3 heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Monitoring

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

22A Chief executive to prepare monitoring framework

(1) The chief executive must—

(a) prepare, regularly update, and make available to the public a framework (the **monitoring framework**) for the overall performance of the department in relation to the purpose of this Act and the exercise of the department's stewardship responsibilities (under section 11A(1)(j) of the Public Service Act 2020) in relation to this Act; and

(b) regularly report on performance against the monitoring framework in relation to the purpose of this Act and those stewardship responsibilities.

(2) In developing the monitoring framework, the chief executive must—

(a) consult relevant iwi and representatives of lessees and licensees of pastoral land; and

(b) publish the draft monitoring framework on the department's Internet site and invite the public to give or send their written submissions on the draft document before it is finalised.

(3) The first monitoring framework must be prepared and made available to the public not later than 18 months after this section comes into force.

Section 22A: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 22A(1)(a): amended, on 3 June 2026, by section 53 of the Public Service Amendment Act 2026 (2026 No 23).

22B Commissioner to monitor compliance by holders of reviewable leases or licences

The Commissioner must monitor the compliance by—

(a) holders of reviewable leases or licences of their obligations under their leases or licences, stock limitation exemptions under section 15, and any relevant decision under section 10; and

(b) any person granted an easement (under section 60(1) of the Land Act 1948) or a commercial recreation permit (under section 66A of that Act) over pastoral land of their obligations under the easement or commercial recreation permit.

Section 22B: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Crown's pastoral land strategic intentions document and reporting requirements

Heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

22C Strategic intentions document

(1) The chief executive and the Commissioner must prepare a document setting out the Crown's pastoral land strategic intentions (the **strategic intentions document**).

(2) The strategic intentions document must set out—

(a) how the chief executive and the Commissioner propose to perform or exercise their relevant statutory functions, duties, and powers in relation to pastoral land; and

(b) how Government policies and priorities will be reflected in the management of pastoral land (to the extent they are consistent with relevant legislation); and

(c) relevant key performance indicators to demonstrate how the performance or exercise of the functions, duties, and powers is contributing to achieving the outcomes stated in section 4.

(3) The strategic intentions document must be updated at least once every 5 years, or sooner at the request of the Minister.

(4) In developing the strategic intentions document, the chief executive or the Commissioner must—

(a) consult relevant iwi and representatives of lessees and licensees of pastoral land; and

(b) publish the draft strategic intentions document on the department's Internet site and invite the public to give or send their written submissions on the draft document before it is finalised.

(5) The chief executive and the Commissioner must report annually to the Minister on progress against the strategic intentions document and the chief executive must include that report into the department's annual report.

(6) The first strategic intentions document must be prepared and made available to the public not later than 18 months after this section comes into force.

Section 22C: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

22D Commissioner must report summary of certain decisions

(1) The Commissioner must publish on the department's Internet site, as soon as practicable after it is made, a detailed summary of—

(a) every decision of the Commissioner under this Act or the Land Act 1948 that relates to the use of pastoral land (including a decision that relates to a lease, a licence, a commercial recreation permit, an easement, or an exemption from a stock limitation), other than a decision subject to a rehearing under section 17 of the Land Act 1948; and

(b) every decision of the Commissioner that determines an application for a rehearing under section 17 of the Land Act 1948 (including a decision not to grant a rehearing) of a decision on an application to undertake a discretionary pastoral activity, and the original decision to which the application for a rehearing relates.

(2) The summary should set out details of—

(a) what the decision relates to; and

(b) what the decision enables or does not enable (including any conditions imposed by the decision); and

(c) the reasons for the decision.

(3) The Commissioner must, as soon as practicable, publish on the department's Internet site a summary of enforcement decisions that sets out the nature of the non-compliance and the reasons for taking enforcement action.

(4) The Commissioner may defer or dispense with publication of a matter under this section (in whole or in part) if satisfied on reasonable grounds that good reason for withholding the publication would exist under the Official Information Act 1982.

(5) For the purposes of subsection (3), an **enforcement decision** is a decision under—

(a) section 100A to recover the costs of remedial action:

(b) section 100B to accept an enforceable undertaking:

(c) section 100I to issue an infringement notice:

(d) section 100N to enforce a breach of statutory or contractual provisions.

Section 22D: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Subpart 4—Application of Land Act 1948

Subpart 4 heading: inserted, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Application of Land Act 1948

[Repealed]

Heading: repealed, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

23 Application of Land Act 1948 to this Part

Except as provided in this Part, nothing in this Part limits or affects the continued application of the Land Act 1948 to any reviewable instrument or any land.

Section 23: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Part 1A
Setting rents for pastoral leases

Part 1A: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23A Purpose of this Part

(1) The purpose of this Part is to establish a framework for specifying an efficient, predictable, and objective process to set rents for pastoral leases based on—

(a) the productive capacity of the land when used for pastoral farming; and

(b) the earnings available from that productive capacity.

(2) To help to achieve the purpose of this Part, the framework set out in this Part—

(a) includes a formula with the following elements:

(i) the base carrying capacity of a pastoral lease as an easily calculated proxy for the stock the land would carry in an unimproved state; and

(ii) the current carrying capacity of a pastoral lease as an approximate measure of the stock the land would carry when developed and farmed efficiently, which allows the element in subparagraph (iii) to be calculated; and

(iii) a factor to incorporate 0.15 of the difference between the current carrying capacity and the base carrying capacity into the formula; and

(iv) a dollar-per-stock-unit rate that incorporates a proportion of net earnings per stock unit into the formula; and

(b) fixes the values of some elements of the formula and prescribes or constrains inquiry into the values for other elements of the formula, namely,—

(i) the dollar-per-stock-unit rate is calculated according to a method prescribed in regulations using available data about net farm incomes on farms comparable to those on pastoral leases; and

(ii) the base carrying capacity is to be agreed or determined once according to rules made by the Valuer-General, including rules about using scientific evidence that is predictive of the base carrying capacity and information about the land; and

(iii) the current carrying capacity is to be agreed or determined at each review according to rules made by the Valuer-General, including rules about using information about efficient farming practices and information about the land; and

(c) provides for a dispute resolution system to facilitate early agreement between the Crown and lessees on the base carrying capacity and the current carrying capacity.

Section 23A: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23B Formula for calculating annual rents for pastoral leases

(1) Despite anything in any other enactment or in any instrument, the annual rent for a pastoral lease that has a rent review date on or after the date on which this section comes into force must be calculated in accordance with the formula set out in subsection (2) and the formula set out in subsection (3), and the annual rent payable is the greater of the 2 amounts so calculated.

(2) The following formula must be used to calculate the annual rent for any pastoral lease to which subsection (1) applies:

$$a = b \times (c + ((d - c) \times 0.15))$$

where—

a is the annual rent for the pastoral lease

b is the dollar-per-stock-unit rate published by the Valuer-General in the *Gazette* that applies to the rent review date

c is the base carrying capacity of the pastoral lease as determined under this Part and any regulations or rules made under this Part

d is the current carrying capacity of the pastoral lease as determined under this Part and any regulations or rules made under this Part.

(3) The following formula must also be used to calculate the annual rent for any pastoral lease to which subsection (1) applies:

$$b \times c$$

where—

b is the dollar-per-stock-unit rate published by the Valuer-General in the *Gazette* that applies to the rent review date

c is the base carrying capacity of the pastoral lease as determined under this Part and any regulations or rules made under this Part.

Section 23B: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23C Commissioner to appoint Crown assessors to determine carrying capacities of pastoral leases

(1) The Commissioner must appoint a Crown assessor to make an initial assessment of the base carrying capacity of a pastoral lease that has a rent review date during the period—

(a) beginning on the date that this section commences; and

(b) ending on the close of the day that is 90 days before the next rent review date.

(2) However, subsection (1) does not apply if the base carrying capacity of the pastoral lease has been determined previously under this Part.

(3) The Commissioner must appoint a Crown assessor to make an initial assessment of the current carrying capacity of a pastoral lease during the period—

(a) beginning on the date that is 120 days before the rent review date; and

(b) ending on the close of the day that is 90 days before the rent review date.

(4) The Commissioner must, as soon as practicable after appointing a Crown assessor under this section, provide that Crown assessor with, or refer that Crown assessor to, any information prescribed in any rules made under section 23O.

(5) Despite anything in this section, the periods specified in subsections (1) and (3) may be varied by written agreement between the Commissioner and the lessee.

Section 23C: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23D Initial assessment of carrying capacity by Crown assessors

(1) A Crown assessor must, in accordance with the terms of the Crown assessor's appointment under section 23C, inspect the land and formulate an initial assessment of—

(a) the base carrying capacity of the pastoral lease; or

(b) the current carrying capacity of the pastoral lease; or

(c) the base carrying capacity and the current carrying capacity of the pastoral lease.

(2) The Crown assessor must allow the lessee or a representative of the lessee to be present when the Crown assessor is inspecting the land for the purposes of subsection (1).

(3) The Commissioner must, within 15 working days after the completion of the Crown assessor's inspection of the land, give the lessee the Crown assessor's initial assessment, which must—

(a) be in writing; and

(b) include—

(i) the information provided or referred to the Crown assessor under section 23C(4); and

(ii) any other information that contributed materially to the assessment; and

(c) explain which elements of the information referred to in paragraph (b) contributed materially to the assessment; and

(d) specify the regulations or rules that permit or require the use of the information referred to in paragraph (c); and

(e) if the Crown assessor's initial assessment allows a rent to be calculated, specify the rent that the lessee must pay if the lessee accepts the Crown assessor's initial assessment; and

(f) give notice of the period for response, and the consequences of failure to respond within that period, in the form prescribed by the Valuer-General for that purpose.

(4) The lessee must, within 15 working days after the date on which the notice is received by the lessee, respond to the Crown assessor's initial assessment, in writing to the Commissioner, by—

(a) accepting the Crown assessor's initial assessment; or

(b) rejecting the Crown assessor's initial assessment.

Section 23D: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23E Process if lessee accepts, or fails to respond to, initial assessment

If the lessee accepts, or fails to respond to, an initial assessment under section 23D(4), the Crown assessor's initial assessment,—

(a) in the case of the base carrying capacity of a pastoral lease,—

(i) becomes the base carrying capacity for that pastoral lease; and

(ii) must be used to calculate the rent for that pastoral lease under section 23B:

(b) in the case of the current carrying capacity of a pastoral lease,—

(i) becomes the current carrying capacity for that pastoral lease; and

(ii) must be used to calculate the rent for that pastoral lease under section 23B.

Section 23E: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23F Framework for dispute resolution if lessee rejects initial assessment

(1) If the lessee rejects the initial assessment of a Crown assessor, then, within 10 working days after the 15-working-day period specified in section 23D(4),—

(a) the Commissioner must—

(i) appoint an expert determiner in accordance with subsection (2); and

(ii) submit a copy of the assessment given under section 23D(3) to the expert determiner; and

(b) the lessee must appoint an assessor.

(2) The Commissioner—

(a) must, in good faith, try to agree with the lessee on the person to be appointed as the expert determiner; and

(b) must, if the Commissioner and the lessee are unable to agree, appoint a person who is nominated by the Valuer-General.

(3) Within 10 working days after the 10-working-day period specified in subsection (1), the lessee's assessor, the Crown assessor, and the expert determiner must meet on the land for the purpose of reaching an agreement on the base carrying capacity or the current carrying capacity, or both, of the pastoral lease (as the case may be).

(4) If, after 10 working days after the meeting referred to in subsection (3), the lessee's assessor and the Crown assessor have not agreed on the base carrying capacity or the current carrying capacity, or both, of the pastoral lease (as the case may be) and communicated that agreement to the expert determiner, the expert determiner must, as soon as practicable,—

(a) fix a date for a resolution hearing, which must be no later than 30 working days after the meeting specified in subsection (3); and

(b) give written notice of the resolution hearing to the lessee, the lessee's assessor, and the Crown assessor as soon as practicable but at least 10 working days before the date of the resolution hearing.

Section 23F: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23G Duties of parties during dispute resolution before resolution hearing

(1) During the period starting at the beginning of the meeting referred to in section 23F(3) and ending at the commencement of the resolution hearing referred to in section 23H, the lessee's assessor, the Crown assessor, and the expert determiner have the following duties:

(a) the lessee's assessor and the Crown assessor must try in good faith to reach agreement on the base carrying capacity or the current carrying capacity, or both, of the pastoral lease (as the case may be); and

(b) the lessee's assessor, the Crown assessor, and the expert determiner must, at the meeting on the land referred to in section 23F(3), inspect the land with a view to gathering information to assist them to perform their duties under this section; and

(c) the Crown assessor must—

(i) explain to the lessee's assessor and the expert determiner the method that the Crown assessor used to arrive at the base carrying capacity or the current carrying capacity, or both, of the pastoral lease (as the case may be) in the initial assessment by isolating, as far as possible, the material elements of the method that the Crown assessor used; and

(ii) specify the regulations or rules that permit or require the use of the method referred to in subparagraph (i); and

(d) the lessee's assessor must formulate, and provide to the Crown assessor and the expert determiner, an assessment of the base carrying capacity or the current carrying capacity, or both, of the pastoral lease (as the case may be) that—

(i) explains the method that the lessee's assessor used to arrive at the base carrying capacity or the current carrying capacity, or both, of the pastoral lease (as the case may be); and

(ii) takes into account any explanation provided by the Crown assessor under paragraph (c); and

(iii) includes any information that contributes materially to the lessee's assessor's assessment; and

(iv) specifies the regulations or rules that permit or require the method referred to in subparagraph (i) and information referred to in subparagraph (iii); and

(e) the expert determiner must analyse and evaluate how the lessee's assessor and the Crown assessor have applied the requirements of this Part and any regulations or rules made under this Part; and

(f) the expert determiner may provide guidance or assistance to the lessee's assessor and the Crown assessor in their efforts to agree on the base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be).

(2) If the expert determiner provides guidance or assistance after the conclusion of the meeting referred to in section 23F(3)—

(a) to the lessee's assessor, the expert determiner must provide the Crown assessor with a written summary of the guidance or assistance:

(b) to the Crown assessor, the expert determiner must provide the lessee's assessor with a written summary of the guidance or assistance.

(3) The information required to be given by a Crown assessor under subsection (1)(c) or by a lessee's assessor under subsection (1)(d) need not be in writing or, if in writing, need not be in any particular form.

(4) Despite subsection (3), the information required to be given by a Crown assessor under subsection (1)(c) and by a lessee's assessor under subsection (1)(d) must be provided in writing in accordance with any regulations or rules made under this Part by the date that is 5 working days after the meeting referred to in section 23F(3).

Section 23G: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23H Resolution hearing

(1) If an agreement is not reached between the lessee's assessor and the Crown assessor under section 23G before the date fixed under section 23F(4)(a), the expert determiner must chair a resolution hearing with the lessee's assessor and the Crown assessor on the date fixed under section 23F(4)(a) to—

(a) facilitate agreement between the lessee's assessor and the Crown assessor; or

(b) if the expert determiner considers that an agreement is unlikely during the resolution hearing, determine the base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be).

(2) A determination made under subsection (1)(b) must—

(a) be in writing and in the form specified by the Valuer-General; and

(b) be given to the lessee and the Commissioner within 5 working days of the date of the resolution hearing.

(3) The expert determiner may establish any procedures for the resolution hearing, but the procedures must be consistent with any regulations or rules made under this Part.

(4) The Arbitration Act 1996 does not apply to the resolution hearing, but the expert determiner may apply any provision of that Act to a resolution hearing in any procedures that the expert determiner may establish.

(5) The expert determiner may make an award of costs that complies with subsection (6) and any regulations or rules made under this Part.

(6) An award of costs must provide that—

(a) the lessee pay the fees of the lessee's assessor and pay for any expenses incurred by the lessee's assessor that are associated with complying with the requirements of this Part; and

(b) the Commissioner pay the fees of the Crown assessor and pay for any expenses incurred by the Crown assessor that are associated with complying with the requirements of this Part; and

(c) the lessee and the Commissioner pay an equal share of the fees of the expert determiner and pay for any expenses that are associated with holding the resolution hearing (whether it proceeds or not).

(7) Despite subsection (6), the expert determiner may require the lessee to pay a portion of the fees and expenses that the Commissioner would otherwise pay, or require the Commissioner to pay a portion of the fees and expenses that the lessee would otherwise pay, if the lessee's assessor or a Crown assessor (as the case may be) has, unreasonably or without justification,—

(a) contributed to the time or expense involved in complying with the requirements of this Part; or

(b) failed to comply, by act or omission, with this Part or any regulations or rules made under this Part; or

(c) taken a position or pursued an argument that lacks merit, including (but not limited to) refusing to accept facts that should have been accepted.

Section 23H: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23I Recording and noting carrying capacities

(1) If the lessee's assessor and the Crown assessor agree on the base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be) at any time before a resolution hearing,—

(a) the lessee's assessor and the Crown assessor must communicate to the expert determiner the agreed base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be); and

(b) the expert determiner must record the agreed base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be).

(2) If the lessee's assessor and the Crown assessor agree on the base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the

case may be) during a resolution hearing, the expert determiner must record the agreed base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be).

(3) If the expert determiner determines the base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be) at a resolution hearing, the expert determiner must record the agreed base carrying capacity or current carrying capacity, or both, of the pastoral lease (as the case may be).

(4) If the expert determiner records a base carrying capacity or current carrying capacity, or both, of a pastoral lease (as the case may be),—

(a) in the case of a base carrying capacity, the recorded base carrying capacity of the pastoral lease—

(i) becomes the base carrying capacity for that pastoral lease; and

(ii) must be used to calculate the rent for that pastoral lease under section 23B:

(b) in the case of a current carrying capacity, the recorded current carrying capacity of a pastoral lease—

(i) becomes the current carrying capacity for that pastoral lease; and

(ii) must be used to calculate the rent for that pastoral lease under section 23B.

(5) The expert determiner must notify the Commissioner and the lessee of the base carrying capacity or current carrying capacity of any pastoral lease that is agreed or determined under this Part.

(6) If the Commissioner becomes aware of a base carrying capacity to which section 23E(a)(i) applies or receives a notice referred to in subsection (5) in relation to the base carrying capacity of a pastoral lease, the Commissioner must as soon as practicable advise the Registrar-General of Land of the base carrying capacity of the pastoral lease.

(7) If the Registrar-General of Land receives advice under subsection (6), the Registrar-General of Land must, on any relevant record of title, note a memorial that specifies the base carrying capacity of the pastoral lease.

Section 23I: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 23I(7): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

23J Appeals on questions of law

(1) If the Commissioner or a lessee of a pastoral lease is dissatisfied with any determination by an expert determiner of base carrying capacity or current carrying capacity as being erroneous in point of law, the Commissioner or lessee may appeal to the High Court on that question of law.

(2) An appeal under this section must be dealt with in accordance with the rules of court.

(3) On any appeal, the High Court must hear and determine the question of law arising in the proceedings, and must do 1 or more of the following:

(a) confirm or amend the determination in respect of which the appeal has been brought:

(b) quash the determination and remit the matter to the expert determiner along with a copy of the decision of the High Court:

(c) make any other order in relation to the matter that the High Court thinks fit.

Section 23J: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23K Exclusion from liability

An expert determiner is not liable for any act done or omitted to be done by the expert determiner in good faith in—

(a) the performance or intended performance of a function or duty under this Part or any regulations or rules made under this Part; or

(b) the exercise or intended exercise of a power under this Part or any regulations or rules made under this Part.

Section 23K: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23L Functions, duties, and powers of Valuer-General

(1) The Valuer-General—

(a) must, using the method prescribed in regulations made under section 23N, calculate dollar-per-stock-unit rates and the periods to which they apply and publish them in the *Gazette*; and

(b) may make rules under section 23O; and

(c) may provide guidance in relation to any matter for which the Valuer-General may make rules under section 23O; and

(d) may provide information to lessees' assessors, Crown assessors, and expert determiners to assist them in performing their functions and duties under this Part; and

(e) may provide information, monitor, and publish reports on, the processes specified in this Part for—

(i) assessing or determining the base carrying capacity and the current carrying capacity of pastoral leases; and

(ii) setting the rent for pastoral leases; and

(f) may audit any assessment or determination of the base carrying capacity or current carrying capacity, or both, of any pastoral lease (as the case

may be) against any rules made under section 23O and any guidance provided under paragraph (c); and

(g) may appoint members to form 1 or more expert panels to assist in the performance of the Valuer-General's functions and duties or the exercise of the Valuer-General's powers under this Part; and

(h) must appoint a person nominated by any organisation the Valuer-General considers is representative of lessees of pastoral leases to any expert panel formed under paragraph (g); and

(i) must publish, in any form or manner that the Valuer-General considers appropriate, including (but not limited to) on an Internet site maintained by the department,—

(i) any guidance provided under paragraph (c); and

(ii) *[Repealed]*

(iii) any determination made by an expert determiner under this Part in relation to base carrying capacity.

(2) In carrying out the functions and duties and exercising the powers specified in subsection (1), the Valuer-General must—

(a) aim to ensure that—

(i) any assessment or determination is made quickly and efficiently; and

(ii) any lessee's assessor, Crown assessor, or expert determiner does not use more information or undertake more analysis than is reasonably necessary to make an assessment or a determination; and

(b) have regard to the purpose of this Part.

Section 23L: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 23L(1)(i)(ii): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

23M Delegation of Valuer-General's functions, duties, and powers

The Valuer-General may, in accordance with clauses 2 and 3 of Schedule 6 of the Public Service Act 2020, delegate to employees of the department, in the same manner and to the same extent as if the Valuer-General were its chief executive,—

(a) any function, duty, or power conferred on the Valuer-General by this Act (other than the power to make rules under section 23O) or any other enactment:

(b) any function, duty, or power delegated to the Valuer-General by any Minister of the Crown (other than a power that is subject to a delegation that provides that the power may not be delegated).

Section 23M: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 23M: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

23N Regulation-making power

(1) The Governor-General may, on the recommendation of the Minister, make regulations that—

(a) specify the method for calculating the dollar-per-stock-unit rate, which must—

(i) use the publicly available data about farm revenues and expenses from pastoral farms and farms that are most comparable to pastoral farms; and

(ii) use a measure of net farm revenues per stock unit derived from the data referred to in subparagraph (i); and

(iii) set the dollar-per-stock-unit rate as a proportion of the measure referred to in subparagraph (ii) that corresponds as closely and consistently as practicable to the long-term average spent on rent and servicing mortgage debt; and

(iv) contain a floor that will operate as the minimum dollar-per-stock-unit rate; and

(v) use an appropriate index of farm costs to annually adjust the floor referred to in subparagraph (iv); and

(vi) specify how the dollar-per-stock-unit rate is to be calculated for different periods for the purposes of this Part:

(b) prescribe forms:

(c) prescribe rules and procedures for resolution hearings:

(d) provide for the matters that are contemplated by or necessary for giving effect to this Part and for its due administration.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23N: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 23N(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

23O Rule-making power

(1) For the purposes of this Part, the Valuer-General—

(a) must make rules that—

(i) specify the information to be provided or referenced by the Commissioner under section 23C(4), including (but not limited to)—

(A) information predicting the characteristics of land, which includes information in the form of raw data, a land classification, a model, or an algorithm:

(B) assumptions about how the information referred to in subsubparagraph (A) reveals the base carrying capacity and the current carrying capacity of a pastoral lease:

(C) other information about the land:

(ii) specify how a lessee's assessor, a Crown assessor, or an expert determiner must, when making an assessment or a determination,—

(A) use the information provided or referenced by the Commissioner under section 23C(4); and

(B) use the information gained at a meeting on the land under section 23F(3); and

(C) use the information provided under section 23G(4); and

(D) use or not use any other information about the land:

(iii) for the purposes of ensuring that base carrying capacities and current carrying capacities are assessed and used consistently to calculate rent,—

(A) define a standard stock unit for the purposes of this Part by reference to an annual energy requirement (taking into account relevant industry norms and practices):

(B) specify the standard stock-unit equivalent of different kinds of stock for the purposes of this Part:

(C) specify how non-standard stock-unit measurements are to be converted to standard stock-unit measurements for the purposes of this Part:

(b) may make rules that—

(i) provide that a specified process or method is the only process or method that may be used by a lessee's assessor, a Crown assessor, or an expert determiner when making an assessment or a determination of base carrying capacity:

(ii) specify how a lessee's assessor, a Crown assessor, or an expert determiner must deal with relevant matters when making an

assessment or a determination of current carrying capacity, including (but not limited to)—

(A) how relevant concepts are to be used:

(B) information about stock carried on a pastoral lease:

(C) constraints on stocking that arise from the obligations under a pastoral lease:

(D) physical and other constraints on stocking:

(iii) provide for any other matters relating to—

(A) assessing or determining the base carrying capacity or current carrying capacity of a pastoral lease that may be necessary or desirable to allow the Valuer-General to perform a function or duty, or exercise a power, under this Part; or

(B) setting rents for pastoral leases that may be necessary or desirable to allow the Valuer-General to perform a function or duty, or exercise a power, under this Part:

(iv) provide for the designation of individuals eligible to be appointed as assessors or expert determiners:

(v) provide for the matters that are contemplated by or necessary for giving full effect to this Part and for its due administration.

(2) Rules made under subsection (1)—

(a) may specify upper and lower bounds or other constraints for the base carrying capacity and current carrying capacity of pastoral leases:

(b) may prescribe different rules for different sets of pastoral leases:

(c) may, in the case of rules referred to in subsection (1)(a) and (b), make different provision for the base carrying capacity and current carrying capacity of a pastoral lease:

(d) may provide that stock carried on land for any period is counted towards the current carrying capacity of the land in proportion to the part of the year that the stock spends on the land (whether or not that stock is also grazed on any other ground that is not subject to a pastoral lease).

(3) Before making any rules under this section, the Valuer-General must—

(a) publish a notice of the Valuer-General's intention, including (but not limited to) on an Internet site maintained by the department; and

(b) take reasonable steps to bring the notice to the attention of lessees of pastoral leases; and

(c) give interested persons a reasonable period of time, which must be specified in the notice, to make submissions on the proposed rules; and

(d) consult persons who the Valuer-General considers represent the lessees of pastoral leases and the Valuer-General considers appropriate, having regard in each case to the content and effect of the proposed rules.

(4) *[Repealed]*

(5) In the event of any conflict between any regulation made under section 23N and any rule made under subsection (1), the regulation prevails.

(6) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in any form or manner that the maker considers appropriate	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23O: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 23O(4): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 23O(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

23P Valuer-General may designate individuals eligible to be appointed as assessors and expert determiners

(1) No individual may be appointed as a lessee's assessor, a Crown assessor, or an expert determiner under this Part unless the person is eligible to be so appointed.

(2) The Valuer-General must, in accordance with any regulations or rules made under this Part,—

(a) designate any individual as eligible to be appointed as an expert determiner if the requirements in subsections (4) to (6) have been met; or

(b) designate any individual as eligible to be appointed as an assessor if the individual—

(i) is a member of—

(A) an organisation specified in any regulations or rules made under this Part; or

(B) a subset of members of an organisation specified in any regulations or rules made under this Part; or

(ii) holds a qualification specified in any regulations or rules made under this Part; or

(iii) is otherwise qualified to act as an assessor.

(3) The Valuer-General may direct that an individual designated under subsection (2) must, if appointed as an assessor, carry out assessments of—

(a) the base carrying capacity of pastoral leases; or

(b) the current carrying capacity of pastoral leases; or

(c) the base carrying capacity and the current carrying capacity of pastoral leases.

(4) No individual who is designated as eligible to be a lessee's assessor or a Crown assessor may be designated as eligible to be appointed as an expert determiner.

(5) In exercising a power under this section, the Valuer-General must have regard to the skills and experience necessary and desirable to perform the functions and duties and exercise the powers of a lessee's assessor, a Crown assessor, or an expert determiner (as the case may be).

(6) Before exercising the power to designate an individual as eligible to be appointed as an expert determiner, the Valuer-General must consult persons and organisations that the Valuer-General considers represent lessees of pastoral leases.

Section 23P: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

23Q Service of notices

(1) Any notice or other document required or authorised by this Part to be served on or given to any person must be in writing and is sufficiently served or given if it is—

(a) delivered to that person; or

(b) left at that person's usual or last known place of abode or business or at an address specified for that purpose in any document received from that person; or

(c) posted in a letter addressed to that person by name at that place of abode or business or address.

(2) If the person is absent from New Zealand, the notice or other document may be served on or given to the person's agent in New Zealand.

(3) If the person is deceased, the notice or other document may be served on or given to the person's personal representatives.

(4) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representatives, the notice or other document must be served or given in such manner as may be directed by an order of the District Court.

(5) If any such notice or other document is sent to any person by post, it is, unless the contrary is shown, deemed to have been delivered to the person on the seventh day after the day on which it was posted; and in proving the delivery it is sufficient to prove that the letter was properly addressed and posted.

(6) Despite anything in subsections (1) to (5), the District Court may in any case make an order directing the manner in which any notice or other document is to be served or given, or dispensing with the service or giving of the notice or document.

(7) This section does not apply to notices or other documents served or given in any proceedings in any court.

Section 23Q: inserted, on 6 July 2012, by section 6 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36).

Section 23Q(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 23Q(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Part 2
Tenure reviews
[Repealed]

Part 2: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

General
[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

24 Objects of Part 2

[Repealed]

Section 24: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

25 Matters to be taken into account by Commissioner

[Repealed]

Section 25: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

26 Consultation

[Repealed]

Section 26: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Tenure reviews

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

27 Commissioner may undertake reviews of land held under pastoral lease

[Repealed]

Section 27: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

28 Inclusion of land held under occupation licence

[Repealed]

Section 28: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

29 Inclusion of unused Crown land

[Repealed]

Section 29: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

30 Inclusion of freehold land

[Repealed]

Section 30: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

31 Inclusion of conservation area and reserve

[Repealed]

Section 31: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

32 Administration of reviews

[Repealed]

Section 32: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

33 Discontinuance of reviews

[Repealed]

Section 33: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Preliminary proposals

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

34 Preliminary proposals may be put to holders

[Repealed]

Section 34: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

35 Designation of land held under reviewable instrument, freehold land, and unused Crown land

[Repealed]

Section 35: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

36 Qualified designations

[Repealed]

Section 36: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

37 Designation of conservation area

[Repealed]

Section 37: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

38 Designation of reserves

[Repealed]

Section 38: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

39 Information to be included in respect of concessions

[Repealed]

Section 39: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

40 Protective mechanisms

[Repealed]

Section 40: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

41 Provisional consent of Minister of Conservation needed for some designations

[Repealed]

Section 41: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

42 Proposal may be conditional on acceptance by other holders

[Repealed]

Section 42: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

43 Commissioner to give notice of preliminary proposals

[Repealed]

Section 43: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

44 Consultation with iwi authority

[Repealed]

Section 44: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

45 Information to be given to Minister of Conservation

[Repealed]

Section 45: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Substantive proposals

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

46 Substantive proposals may be put to holders

[Repealed]

Section 46: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

47 Commissioner to consider submissions

[Repealed]

Section 47: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Duties of Minister of Conservation in relation to proposed concessions [Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

48 Consent of Minister of Conservation needed for proposed concessions

[Repealed]

Section 48: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

49 No consent to easement if other concession more appropriate

[Repealed]

Section 49: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

50 No consent if inadequate information provided

[Repealed]

Section 50: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

51 Matters to be considered

[Repealed]

Section 51: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

52 Proposed concessions over marginal strip

[Repealed]

Section 52: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

53 Conditions generally

[Repealed]

Section 53: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

54 Rents, fees, and royalties

[Repealed]

Section 54: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

55 Term

[Repealed]

Section 55: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Duty of Minister of Conservation in relation to proposed exchanges of conservation area

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

56 Consent of Minister of Conservation needed for proposed exchanges of conservation area

[Repealed]

Section 56: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Proposal to appoint manager of marginal strip

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

57 Consent of Minister of Conservation needed for proposed appointment of manager of marginal strip

[Repealed]

Section 57: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Powers and duties of Minister of Conservation in relation to proposed disposal of reserves

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

58 Proposed disposal of reserve otherwise than by concession

[Repealed]

Section 58: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Powers in relation to proposed creation of certain easements and covenants

[Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

59 Consent needed for some designations

[Repealed]

Section 59: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Acceptance of substantive proposals, and consequences of acceptance [Repealed]

Heading: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

60 Acceptances

[Repealed]

Section 60: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

61 Notice of proposal may be registered against title to protect acceptance

[Repealed]

Section 61: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

62 Final plan to be prepared

[Repealed]

Section 62: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

63 Approval of plan

[Repealed]

Section 63: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

64 Commissioner to register accepted proposals and approved plans

[Repealed]

Section 64: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

65 Effect of registration of approved plan in relation to land designated to be restored to Crown ownership

[Repealed]

Section 65: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

66 Land vesting as conservation area subject to granting of concession

[Repealed]

Section 66: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

67 Land vesting as conservation area subject to appointment of manager of marginal strip

[Repealed]

Section 67: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

68 Land vesting as reserve subject to granting of concession

[Repealed]

Section 68: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

69 Effect of registration of approved plan in relation to reviewable land designated to be disposed of

[Repealed]

Section 69: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

70 Effect of registration of approved plan in relation to unused Crown land designated to be conservation area subject to granting of concession

[Repealed]

Section 70: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

71 Effect of registration of approved plan in relation to unused Crown land designated to be conservation area subject to appointment of manager of marginal strip

[Repealed]

Section 71: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

72 Effect of registration of approved plan in relation to unused Crown land designated to be reserve subject to granting of concession

[Repealed]

Section 72: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

73 Effect of registration of approved plan in relation to unused Crown land designated to be retained in Crown ownership subject to granting of special lease or grazing permit

[Repealed]

Section 73: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

74 Effect of registration of approved plan in relation to unused Crown land designated to be disposed of

[Repealed]

Section 74: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

75 Effect of registration of approved plan in relation to conservation area subject to granting of concession

[Repealed]

Section 75: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

76 Effect of registration of approved plan in relation to conservation area subject to appointment of manager of marginal strip

[Repealed]

Section 76: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

77 Effect of registration of approved plan in relation to conservation area designated to be exchanged

[Repealed]

Section 77: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

78 Effect of registration of approved plan in relation to reserve subject to granting of concession

[Repealed]

Section 78: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

79 Effect of registration of approved plan in relation to reserve designated to be exchanged

[Repealed]

Section 79: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

80 Creation of protective mechanisms

[Repealed]

Section 80: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

81 Effect of registration of approved plan in relation to freehold land designated to be restored to Crown ownership

[Repealed]

Section 81: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

82 Payments to the Crown

[Repealed]

Section 82: repealed, on 18 May 2022, by section 9 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Part 3
Reviews of other Crown land

General

83 Objects of Part 3

The objects of this Part are—

(a) to promote the management of Crown land in a way that is ecologically sustainable; and

(b) to enable the protection of significant inherent values, including recreational values, of Crown land; and

(c) subject to paragraphs (a) and (b), to make easier—

(i) the securing of public access to and enjoyment of Crown land; and

(ii) the freehold disposal of Crown land capable of economic use.

Section 83(b): amended, on 17 November 2022, by section 10 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

84 Matters to be taken into account by Commissioner

In acting under this Part, the Commissioner must (to the extent that those matters are applicable) take into account—

(a) the outcomes stated in section 4 and the objects of this Part; and

(b) the principles of the Treaty of Waitangi; and

(c) if acting in relation to land used or intended to be used by the Crown for any particular purpose, that purpose.

Section 84(a): replaced, on 17 November 2022, by section 11 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

85 Consultation

(1) Before taking any action specified in subsection (3), the Commissioner must consult the Director-General of Conservation.

(2) At any time, the Commissioner may consult any person or body the Commissioner thinks fit (including the Director-General of Conservation) about taking any action specified in subsection (3).

(3) The actions are—

(a) undertaking a review under section 86(1); and

(b) devising a preliminary proposal under section 86(4); and

(c) adopting a substantive proposal under section 89.

Procedure

86 Commissioner to review certain Crown land

(1) The Commissioner—

(a) must undertake reviews of all land for the time being held under an unrenewable occupation licence; and

(b) may undertake (alone, or as part of reviews under paragraph (a)) reviews of any unused Crown land.

(2) The Commissioner must undertake any review of land held under an unrenewable occupation licence,—

(a) if the licence is not due to expire within 18 months of the commencement of this Act, not later than 15 months before the licence is due to expire:

(b) if the licence is due to expire within 18 months of the commencement of this Act, as soon as is practicable after the commencement of this Act.

(3) Subject to subsection (2), the Commissioner may, in the Commissioner's absolute discretion, decide—

(a) how many reviews to cause to be undertaken:

(b) which land each review is to relate to:

(c) the order in which reviews are to be undertaken:

(d) the urgency with which any review is to be undertaken:

(e) the resources to be devoted to any review.

(4) After conducting any review, the Commissioner must devise a preliminary proposal to designate the land concerned in accordance with subsection (5).

(5) The land (or various areas of it) must be designated as—

(a) land to be retained in full Crown ownership and control—

(i) as a conservation area; or

(ii) as a reserve, to be held for a purpose specified in the proposal; or

(iii) for some specified Crown purpose; or

(iv) as Crown land without classification; or

(v) as a different classification of Crown land under section 51 of the Land Act 1948; or

(b) land that may be added to an existing pastoral lease or leased under a new pastoral lease, but only if the land is already classified as pastoral land; or

(c) land that may be added to an existing special lease or leased under a new special lease; or

(d) land that may be disposed of in fee simple under the Land Act 1948 unencumbered or subject to any covenants or easements (or both) specified in the proposal.

(6) If a preliminary proposal designates any land as land suitable for disposal by special lease, land suitable for disposal in fee simple, or both, it may designate it subject to either or both of the following things:

(a) the creation of a sustainable management covenant:

(b) the continuation in force of an existing easement.

(7) If a preliminary proposal designates any land held under an occupation licence as land to be retained in Crown ownership, it may also specify any holder's improvements that are to remain on the land.

(8) If a preliminary proposal designates any land as land that may be leased under a new pastoral lease, the lease may be on any terms that the Commissioner thinks fit, except that—

(a) section 4 applies; and

(b) the rental must be set in accordance with Part 1A.

(9) The ability to grant a new pastoral lease in accordance with this section applies despite anything to the contrary in the Land Act 1948.

Section 86(5): replaced, on 17 November 2022, by section 12(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 86(8): inserted, on 17 November 2022, by section 12(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 86(9): inserted, on 17 November 2022, by section 12(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

87 Provisional consent of Minister of Conservation needed for some designations

(1) Without the prior written provisional consent of the Minister of Conservation, a preliminary proposal may not designate any land as land suitable for disposal subject to the creation of a protective mechanism.

(2) The Minister must not consent provisionally to a designation in a preliminary proposal unless satisfied that it is reasonably likely that the Minister would consent to a substantive proposal containing the designation.

87A Approval of Minister needed for some designations

(1) The Commissioner must obtain the written consent of the Minister before a preliminary proposal or substantive proposal designates pastoral land as land to be—

(a) added to an existing pastoral lease or special lease; or

(b) leased by a new pastoral lease or special lease; or

(c) reclassified as another form of Crown land; or

(d) disposed of in fee simple.

(2) The Minister must not consent provisionally to a designation described in subsection (1) in a preliminary proposal unless satisfied that it is reasonably likely that the Minister will consent to a substantive proposal containing the designation.

Section 87A: inserted, on 17 November 2022, by section 13 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

88 Certain provisions of Part 2 relating to preliminary proposals to apply

The following former sections set out in Schedule 1AC apply with any necessary modifications to a preliminary proposal under this Part:

(a) section 40 (which enables designations in a preliminary proposal to be subject to the creation of a protective mechanism):

(b) section 43 (which requires the Commissioner to give public notice of preliminary proposals):

(c) section 44 (which requires the Commissioner to consult the local iwi authority about any preliminary proposal):

(d) section 45 (which requires the Commissioner to give the Minister of Conservation information about the results of consultations on a preliminary proposal).

Section 88: amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

89 Commissioner may adopt substantive proposals

(1) The Commissioner may, by signing on it a statement to the effect that it is adopted, adopt a written substantive proposal that is (as far as the land to which it relates is concerned) the same as or a modified version of a preliminary proposal previously notified, in accordance with section 88, under the former section 43 set out in Schedule 1AC.

(2) Subject to subsection (3), the holder of any land held under an occupation licence that is dealt with by a proposal adopted under subsection (1) may apply under section 17 of the Land Act 1948 for a rehearing of the Commissioner's decision to adopt the proposal.

(3) No person has a right to apply under section 17 of the Land Act 1948 for a rehearing of the Commissioner's decision to adopt a proposal under subsection (1) if the decision is the alteration, confirmation, modification, or reversal under a rehearing granted under that section of an earlier decision to adopt a substantive proposal.

(4) The Commissioner must notify every holder concerned of a decision to adopt under subsection (1) a substantive proposal dealing with land held under an occupation licence.

(5) Where within the time provided by section 17 of the Land Act 1948 no holder entitled by subsection (2) to do so applies under that section for a rehearing of a decision to adopt a substantive proposal under subsection (1), the adoption of the proposal takes effect on the expiration of that time.

(6) Where—

(a) within the time provided by section 17 of the Land Act 1948 1 or more holders entitled by subsection (2) to do so apply under that section for a rehearing of a decision to adopt a substantive proposal under subsection (1); but

(b) the Commissioner then decides not to rehear the decision,—

the adoption of the proposal then takes effect.

(7) Where the Commissioner rehears under section 17 of the Land Act 1948 a decision to adopt a substantive proposal under subsection (1),—

(a) if the Commissioner reverses the decision, the adoption of the proposal has no effect:

(b) the Commissioner may alter or modify the decision by adopting an altered or modified substantive proposal under subsection (1); and if the Commissioner does so,—

(i) subsection (3) applies; and

(ii) the altered or modified proposal takes effect immediately:

(c) If the Commissioner confirms the decision, it takes effect on confirmation.

Section 89(1): amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

90 Certain provisions of Part 2 relating to substantive proposals to apply

(1) The former section 47 set out in Schedule 1AC (which forbids the Commissioner to put a substantive proposal to the holder of a reviewable instrument without first considering matters arising out of the consultations on the preliminary proposal out of which the substantive proposal arises) applies to the adoption of a substantive proposal under this Part as if it were the putting of a substantive proposal under the former Part 2 to the holder of a reviewable instrument.

(2) The following former sections set out in Schedule 1AC apply to a substantive proposal under this Part as if it were a substantive proposal under the former Part 2 (but as if the reference in section 62(1) to its acceptance were a reference to its adoption):

(a) section 62 (which requires the Commissioner to prepare a final plan of the land to which an accepted substantive proposal relates):

(b) section 63 (which relates to the approval of a final plan by the Surveyor-General):

(c) section 64 (which relates to the registration of an approved final plan and the substantive proposal out of which the plan arises).

Section 90(1): amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 90(2): amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 90(2)(b): amended, on 17 November 2022, by section 14 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

91 Consent of Minister of Conservation needed for some designations

Without the prior written consent of the Minister of Conservation, a substantive proposal may not designate any land as land suitable for disposal subject to the creation of a protective mechanism.

Effect of substantive proposals

92 Effect of registration of approved plan in relation to land designated to be retained in Crown ownership

Land that an approved plan designates as land to be retained by the Crown vests in the Crown when the plan is registered or (in the case of land held under an occupation licence) when the licence expires, whichever is the later,—

(a) depending on its designation in the plan,—

(i) as conservation area, or for the Crown purpose specified; or

(ii) as a reserve, held for the purpose specified in the plan; and

(b) subject to the easements (if any) whose continuation in force is provided for in the substantive proposal concerned; and

(c) except as provided in paragraphs (b) and (c), freed and discharged from all mortgages, charges, claims, estates, and interests.

93 Creation of protective mechanisms

The former section 80 set out in Schedule 1AC (which enabled the creation of protective mechanisms provided for in an accepted substantive proposal under the former Part 2) applies to an approved plan arising out of the adoption of a substantive proposal under this Part as if it were an approved plan arising out of the acceptance of a substantive proposal under Part 2.

Section 93: amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

94 Disposal

When an approved plan relating to land that a substantive proposal designates as—

(a) land suitable for disposal by special lease; or

(b) land suitable for disposal in fee simple under the Land Act 1948; or

(c) both,—

has been registered or (in the case of land held under an occupation licence) when the licence expires, whichever is the later, the Commissioner must try to dispose of it accordingly.

Part 4
Provisions applicable to all reviews

95 Improvements on land held under occupation licence

(1) A substantive proposal under Part 3 dealing with any land held under an occupation licence may specify 1 or more holder's improvements that are to remain on the land; and in that case—

(a) the holder must not remove any improvement specified from the land, or cause or permit it to be removed from the land; but

(b) if when the licence expires or is surrendered the improvement is still on the land, the holder is entitled to compensation for it (being an amount equal to the added value that it then gives the land).

(2) Except as provided in subsection (1),—

(a) on or before the expiry or surrender of an occupation licence (or within any later time the Commissioner allows), the holder must remove all holder's improvements from the land; and

(b) the holder is in no circumstances entitled to compensation, and may not in any circumstances be paid compensation,—

(i) for any improvement required by paragraph (a) to be removed from the land; or

(ii) for any improvement that is not a holder's improvement.

(3) When a substantive proposal under Part 3 designating land held under an occupation licence as land suitable for disposal is adopted,—

(a) the Commissioner must promptly have all holder's improvements valued; and

(b) on the expiry of the licence, subsections (2) and (3) of section 149, and section 150, of the Land Act 1948 apply to the land and the right

of the former holder to be paid compensation for improvements on the land effected, erected, made, or paid for by the former holder or any predecessor of the former holder (including improvements effected by doing, before or after the commencement of this Act, any thing specified in section 16(1)).

Compare: 1948 No 64 s 109

Section 95(1): amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

96 Implementation not subdivision

(1) Taking action under Part 3 so that different parts of any land are dealt with in different manners is not a subdivision of the land for the purposes of the Resource Management Act 1991.

(2) Subsection (1) is for the avoidance of doubt.

Section 96(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 96(1): amended, on 18 May 2022, by section 18 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

97 Sustainable management covenants

(1) Despite any enactment or rule of law, there may be reserved over land disposed of under Part 2 or Part 3 a covenant in favour of the Commissioner providing for the management of the land, and the monitoring of activities undertaken on the land and their effects on the land.

(2) A sustainable management covenant runs with the land over which it was reserved; and is an interest in land for the purposes of the Land Transfer Act 2017.

(3) On application by the Commissioner, the Registrar-General of Land must take all steps, and make all entries in the registers, necessary to give effect to the covenant's registration.

(4) With the prior written consent of the regional or district council in which the land over which a sustainable management covenant has been reserved is situated, the Commissioner may transfer to the council the Commissioner's interest in the covenant.

Section 97(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 97(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

98 Application of sections 25 and 84 to section 97

(1) Section 25 applies to the exercise of the Commissioner's powers under section 97 in relation to the disposal of land under Part 2 as if section 97 were part of Part 2.

(2) Section 84 applies to the exercise of the Commissioner's powers under section 97 in relation to the disposal of land under Part 3 as if section 97 were part of Part 3.

99 Commissioner to meet certain official costs

The Commissioner must pay the appropriate costs of any action taken by the Surveyor-General or the Registrar-General of Land under Part 2 or Part 3.

Section 99: amended, on 17 November 2022, by section 15 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 99: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

100 Application of sections 17 and 18 of Land Act 1948

Except as provided in section 89(2), neither section 17 nor section 18 of the Land Act 1948 applies to any decision made under Part 2, Part 3, or this Part.

Part 4A
Miscellaneous provisions

Part 4A: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Recovery of remedial costs

Heading: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100A Costs of remedial action

(1) The Commissioner may recover as a debt due to the Crown the actual and reasonable costs of any remedial action taken to remedy or adequately mitigate a notified breach or alleged breach by a person of—

(a) their obligations under a reviewable instrument; or

(b) a consent to undertake a discretionary pastoral activity, a commercial recreation permit, or a grant, variation, or revocation of an exemption from a stock limitation.

(2) For the purposes of this section, a breach or an alleged breach is notified to a person if the Commissioner gives the person a written notice that states—

(a) the breach or alleged breach; and

(b) the remedial action or mitigation that the Commissioner requires the person to take; and

(c) the period within which the Commissioner requires that remedial action or mitigation to be undertaken.

(3) Notice of a breach or an alleged breach must not be served on a person unless the Commissioner has reasonable grounds for believing that the breach has occurred.

(4) For the purpose of carrying out any remedial action on any pastoral land held on lease or licence, the Commissioner or any person authorised by them in writing has, at all reasonable times, free rights of ingress, egress, and regress, in respect of that land and all the powers necessary to take the remedial action.

Section 100A: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Enforceable undertakings

Heading: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100B Commissioner may accept enforceable undertakings

(1) The Commissioner may accept an enforceable written undertaking, in a form, or containing the information, prescribed by regulations made under this Act (if any), given by a person in connection with a matter relating to a breach or an alleged breach by the person of—

(a) their obligations under a reviewable instrument; or

(b) a consent to undertake a discretionary pastoral activity, a commercial recreation permit, or a grant, variation, or revocation of an exemption from a stock limitation.

(2) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving it in relation to the breach or alleged breach to which the undertaking relates.

(3) The person may withdraw or vary the undertaking with the consent of the Commissioner.

(4) If the Commissioner considers that the person is in breach of an undertaking, the Commissioner may apply to the court under section 100N, and section 100N(2) to (6) applies to a breach of undertaking as if it were a breach of a reviewable instrument.

Section 100B: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100C Commissioner must give notice of decision and reasons

The Commissioner must give a person who is seeking to make an enforceable undertaking written notice of—

(a) their decision to accept or reject the undertaking; and

(b) the reasons for the decision.

Section 100C: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Infringement offences

Heading: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100D Infringement offences

(1) A person commits an infringement offence against this Act if the person—

(a) undertakes without a consent under section 7 (burning of vegetation) an activity on pastoral land that requires a consent under that section; or

(b) undertakes without a consent under section 8 (activities affecting or disturbing soil) an activity on pastoral land that requires a consent under either of those sections; or

(c) contravenes a stock limitation or an exemption from a stock limitation (*see* sections 10 and 15); or

(d) undertakes without a commercial recreation permit under section 66A of the Land Act 1948 an activity on pastoral land that requires a commercial recreation permit under that section; or

(e) undertakes without a consent under section 100 of the Land Act 1948 (preservation of timber) an activity on pastoral land that requires a consent under that section.

(2) For the purposes of subsection (1)(a), (b), (d), and (e), it is not an infringement offence to contravene the terms of a consent or permit.

Section 100D: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100E Proceedings for infringement offences

(1) A person who is alleged to have committed an infringement offence against this Act or regulations made under this Act may—

(a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 100I.

(2) Proceedings commenced in the way described in subsection (1)(a) do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.

(3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

Section 100E: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100F Who may issue infringement notices

(1) The chief executive may, by a written warrant evidencing the appointment, authorise an employee of the department (an **authorised person**) to issue infringement notices under this Act.

(2) Production of the warrant is, in the absence of proof to the contrary, conclusive evidence of the appointment.

Section 100F: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100G When infringement notice may be issued

An authorised person may issue an infringement notice to a person if the authorised person believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

Section 100G: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100H Revocation of infringement notice before payment made

(1) An authorised person may revoke an infringement notice before—

(a) the infringement fee is paid; or

(b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.

(2) The authorised person must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.

(3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in section 100E(1)(a) or (b) against the person to whom the notice was issued in respect of the same matter.

Section 100H: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100I What infringement notice must contain

An infringement notice must be in the form prescribed in regulations made under section 100R and must contain the following particulars:

(a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence:

(b) the amount of the infringement fee:

(c) the address of the place at which the infringement fee may be paid:

(d) how the infringement fee may be paid:

(e) the time within which the infringement fee must be paid:

(f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:

(g) a statement that the person served with the notice has a right to request a hearing:

(h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:

(i) any other matters prescribed in regulations made under section 100R.

Section 100I: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100J How infringement notice may be served

(1) An infringement notice may be served on the person who the authorised person believes is committing or has committed the infringement offence by—

(a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or

(b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or

(c) leaving it for the person at the person's place of business or work with another person; or

(d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work; or

(e) sending it to an electronic address of the person in any case where the person does not have a known place of residence or business in New Zealand.

(2) Unless the contrary is shown,—

(a) an infringement notice (or a copy of it) sent by prepaid post to a person under subsection (1) is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and

(b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first entered an information system that is outside the control of the department.

Section 100J: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100K Reminder notices

A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

Section 100K: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100L Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Section 100L: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100M Penalties for infringement offences

A person who commits an infringement offence is liable to—

(a) the infringement fee prescribed in regulations for that offence; or

(b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

Section 100M: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Breaches relating to reviewable instruments

Heading: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100N Breaches of statutory or contractual provisions

(1) The Commissioner may apply to the District Court for the examination of anything the Commissioner alleges to be a breach of a reviewable instrument committed after the commencement of this section.

(2) If satisfied on application under subsection (1) that the holder of a reviewable instrument has after the commencement of this Act committed a breach, the District Court may—

(a) order the holder—

(i) to take actions (specified by the court) to remedy the breach; or

(ii) in default of taking those actions, to pay to the Commissioner exemplary damages (not exceeding $50,000) for the breach; or

(b) (without declaring the instrument forfeit) order the holder to pay to the Commissioner exemplary damages (not exceeding $50,000) for the breach if, and only if,—

(i) it is impossible, impracticable, or otherwise inappropriate to remedy the breach; or

(ii) the breach has already been remedied; or

(c) declare the instrument forfeit to the Crown, and order the holder to pay to the Commissioner an amount being, as seems appropriate to the court,—

(i) the lower of $50,000 and the likely costs to the Crown of remedying the breach; or

(ii) exemplary damages (not exceeding $50,000) for the breach.

(3) The District Court must not make an order under subsection (2)(c) unless satisfied that every person with an interest in the land concerned at the time the application under subsection (1) was made—

(a) has been given notice of the application; and

(b) has had an adequate opportunity to appear and be heard in relation to it.

(4) Sections 244 to 257 of the Property Law Act 2007 are not available in respect of a forfeiture under subsection (2)(c) of this section.

(5) Section 105 of the Land Act 1948 does not apply to a breach of a reviewable instrument committed after the commencement of this Act.

(6) In this section, **breach**, in relation to a reviewable instrument, means an action (or a failure or refusal to act) by the holder that—

(a) contravenes section 100 of the Land Act 1948 or section 7, 8, or 9 of this Act, in its application to the land; or

(b) contravenes any provision of or covenant contained in the instrument.

Section 100N: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Further provisions relating to activities and regulations

Heading: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100O Power to amend Schedule 1AB

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend, replace, or delete any of the items or definitions in Schedule 1AB in accordance with this section.

(2) The Minister may make a recommendation under subsection (1) in accordance with subsections (3) to (7).

(3) Only activities that are described in sections 7 to 9 of this Act, or section 100 of the Land Act 1948, may be classified as permitted pastoral activities or prohibited pastoral activities.

(4) Activities remain as discretionary pastoral activities unless they meet the criteria for permitted pastoral activities or prohibited pastoral activities.

(5) An activity may be classified as a permitted pastoral activity only if the Minister is satisfied it meets the following criteria:

(a) the pastoral activity must have no more than minor effects on inherent values in all reasonably foreseeable circumstances, which include the possible effects of the activity in all possible locations across the Crown pastoral estate; and

(b) the activity must—

(i) be required for pastoral farming; or

(ii) contribute to the lessee or licensee meeting their obligations under section 99 of the Land Act 1948, or the maintenance or enhancement of inherent values.

(6) An activity may be classified as a prohibited pastoral activity only if the Minister is satisfied that—

(a) the activity will not impact unduly on a lessee's or licensee's ability to exercise their rights and obligations under their lease or licence in any reasonably foreseeable circumstances; and

(b) the activity would be likely to cause significant loss of inherent values that cannot be avoided in all reasonably foreseeable circumstances.

(7) The Minister must not recommend the making of an Order in Council under this section unless—

(a) the Minister has consulted the Minister of Agriculture and the Minister of Conservation; and

(b) the Minister is satisfied that the chief executive or the Commissioner has—

(i) consulted relevant iwi and representatives of lessees and licensees of pastoral land; and

(ii) published a notice of the proposed recommendation on the department's Internet site and invited the public to give or send their written submissions on the proposed recommendation before it is finalised.

(8) To avoid doubt, no change in the classification of a pastoral activity made by an Order in Council under this section affects the terms or conditions of any consent to undertake a discretionary pastoral activity or commercial recreation permit that has effect when the order takes effect.

(9) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 100O: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100P Power to amend Schedule 1ABA

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend, replace, or revoke any provision in Schedule 1ABA in accordance with this section.

(2) The Minister may make a recommendation under subsection (1) in accordance with subsection (3).

(3) The Minister must not recommend the making of an Order in Council under this section unless the Minister is satisfied that the chief executive or the Commissioner has—

(a) consulted relevant iwi and representatives of lessees and licensees of pastoral land; and

(b) published a notice of the proposed recommendation on the department's Internet site and invited the public to give or send their written submissions on the proposed recommendation before it is finalised.

(4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 100P: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100Q Chief executive to review Schedule 1AB

(1) The chief executive must review Schedule 1AB every 5 years.

(2) Following the review, the chief executive must advise the Minister on any recommended changes to Schedule 1AB.

Section 100Q: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100R Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for 1 or more of the following purposes:

(a) prescribing the information required to be provided with an application for consent to undertake a discretionary pastoral activity or for the grant of a commercial recreation permit or stock limitation exemption (for example, the description and location of the pastoral activity, the inherent values affected, and mitigation):

(b) prescribing matters the Commissioner must take into account in deciding the level of adverse effects of a pastoral activity or commercial recreation permit activity, or a stock limitation exemption, on inherent values:

(c) prescribing the form and content of farm plans that may be considered under section 10(4)(d):

(d) prescribing fees or charges payable for applications for consent to undertake discretionary pastoral activities or applications for the grant of a commercial recreation permit or stock limitation exemption:

(e) prescribing the form of, or the information that must be contained in or accompany, an enforceable undertaking under section 100B:

(f) prescribing infringement offences for the contravention of regulations made under this Act:

(g) prescribing penalties for infringement offences against this Act or regulations made under this Act, which,—

(i) in the case of infringement fees, must not be more than $1,000; and

(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:

(h) prescribing the form of infringement notices and infringement offence reminder notices:

(i) requiring persons to collect information and supply the information to the chief executive or the Commissioner for the purpose of this Act:

(j) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(2) The power to prescribe fees or charges includes the power to prescribe any of the following:

(a) the method by which the fees or charges are to be assessed, which may (without limitation) include a general charge and actual and reasonable costs in respect of a discretionary pastoral activity:

(b) the persons liable to pay the fees or charges:

(c) when the fees or charges must be paid:

(d) the circumstances in which the fees or charges may be refunded, remitted, or waived (wholly or partly).

(3) Fees and charges are a debt due to the Crown and may be recovered by the chief executive or the Commissioner (on behalf of the Crown) in any court of competent jurisdiction.

(4) The Minister must not recommend the making of regulations under this section unless the Minister is satisfied that the chief executive or the Commissioner has—

(a) consulted relevant iwi, representatives of lessees and licensees of pastoral land, and the Director-General of Conservation; and

(b) published a notice of the proposed recommendation on the department's Internet site and invited the public to give or send their written submissions on the proposed recommendation before it is finalised.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 100R: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

100S Chief executive or Commissioner may set standards and issue directives

(1) The Commissioner may set standards and issue directives in relation to the administration of pastoral land and its inherent values, including monitoring the state of the land.

(2) The chief executive may set standards and issue directives in relation to the framework for determining applications for discretionary pastoral consents, commercial recreation permits, or stock limitation exemptions.

(3) The chief executive or the Commissioner must not set a standard or issue a directive unless one of them has—

(a) consulted relevant iwi, representatives of lessees and licensees of pastoral land, and the Director-General of Conservation; and

(b) published the draft standard or directive on the department's Internet site and invited the public to give or send their written submissions on the draft document before it is finalised.

(4) A standard or directive is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 100S: inserted, on 17 November 2022, by section 16 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Part 5
Savings, and consequential amendments and repeals

101 Savings

The repeal by section 104 of this Act of section 109 of the Land Act 1948—

(a) does not affect any decision made under section 109 before its repeal; and (in particular)

(b) does not prevent land held under an occupation licence from being let again on lease or licence if a decision that it is to be let again has been made under section 109 before its repeal.

102 Consequential amendments to Land Act 1948

The Land Act 1948 is amended in the manner indicated in Schedule 1.

103 Director-General to administer special leases and grazing permits over certain reserves

Amendment(s) incorporated in the Act(s).

104 Consequential repeals

The enactments specified in Schedule 2 are repealed.

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Schedule 1AA: inserted, on 18 May 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Part 1
Provisions relating to Crown Pastoral Land Reform Act 2022

Schedule 1AA Part 1: inserted, on 18 May 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

1 Interpretation

In this Part,—

amendment Act means the Crown Pastoral Land Reform Act 2022

commencement date,—

(a) in relation to the repeal of Part 2 (tenure review), means the day after the date on which the amendment Act receives the Royal assent:

(b) in relation to any other purpose of the amendment Act, means the day that is 6 months after the date on which the amendment Act receives the Royal assent.

Schedule 1AA clause 1: inserted, on 18 May 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

2 Pending substantive proposals

(1) This clause applies to the following substantive proposals relating to any pastoral land:

(a) every substantive proposal that any holder of a reviewable instrument accepted under section 60 of this Act before the commencement date and that is still being processed by the Commissioner as at that date:

(b) every substantive proposal that the Commissioner put to any holder of a reviewable instrument before the commencement date, where—

(i) the holder has not accepted it before the commencement date; and

(ii) the 3-month period in section 60(2) has not expired before the commencement date.

(2) Part 2 of this Act, as it read immediately before the commencement date, continues to apply to the substantive proposal.

(3) The Commissioner must take appropriate action in accordance with the applicable provisions of that Part.

Schedule 1AA clause 2: inserted, on 18 May 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

3 Tenure reviews discontinued if substantive proposal not put to holder

(1) This clause applies to every—

(a) substantive proposal, other than one to which clause 2 applies, in existence immediately before the commencement date; and

(b) preliminary proposal in existence immediately before the commencement date.

(2) Every proposal to which this clause applies ceases to have any effect.

(3) All related reviews under this Act in existence immediately before the commencement date are discontinued and the Commissioner must not take any action to progress any of the reviews.

(4) Nothing in this clause limits or affects a right of judicial review that a person may have in respect of the proposal or related review.

Schedule 1AA clause 3: inserted, on 18 May 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

4 Pending decisions relating to applications for consents, recreation permits, lease transfers, exemptions from stock limitation, or easements

(1) This clause applies to every application to the Commissioner for the grant of any of the following in respect of pastoral land or unused Crown land under this Act or the Land Act 1948 that was lodged, but not finally dealt with, before the commencement date:

(a) consents to undertake pastoral activities:

(b) consents to transfer leases:

(c) exemptions from stock limitations or their variation or revocation:

(d) recreation permits under section 66A of the Land Act 1948:

(e) easements.

(2) The Commissioner must deal with the application in accordance with the relevant Act as if the amendment Act had not been enacted.

(3) Any rehearing that was applied for under section 17 of the Land Act 1948 on or after the commencement date and that relates to a decision taken by the Commissioner under this Act before that date must be determined as if the amendment Act had not been enacted.

Schedule 1AA clause 4: inserted, on 17 November 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

5 Activities authorised by letter to Crown pastoral lessees in 1999

(1) This clause applies to every lessee who commenced any activity authorised by a consent given by the Commissioner by letter in 1999 and has not completed the activity before the commencement date.

(2) The lessee may continue and complete the activity, as if it were a permitted pastoral activity under Schedule 1AB, if they satisfy the Commissioner that

they have made substantial progress (for example, investing in necessary materials) towards completing the activity based on the consent requirements that existed at the time the activity commenced.

(3) The 1999 letters are revoked, and the consents given by the letters have effect only as provided by subclause (2).

Schedule 1AA clause 5: inserted, on 17 November 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

6 Activities authorised by former section 15 or 16

(1) This clause applies to every consent given under section 15 or 16 (as they read immediately before their repeal by the amendment Act) and in force immediately before the commencement date.

(2) The consent continues in force according to its tenor, and section 15 or 16 is treated as remaining in force for the purpose of the consent.

Schedule 1AA clause 6: inserted, on 17 November 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

7 Stock limitation exemptions

(1) This clause applies to every stock limitation exemption in force immediately before the commencement date.

(2) The exemption continues in force according to its tenor.

Schedule 1AA clause 7: inserted, on 17 November 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

8 Existing reviews of unrenewable occupation licences

(1) This clause applies to every review under section 86 of this Act of an unrenewable occupation licence that commenced, but was not completed, before the commencement date.

(2) Nothing in the amendment Act affects the review and it must be dealt with as if the amendment Act had not been enacted.

Schedule 1AA clause 8: inserted, on 17 November 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

9 No compensation payable

(1) No compensation is payable by the Crown for any loss or damage, or any adverse effect on or under any lease or other right or interest, arising from the enactment or operation of the amendment Act.

(2) If there is any inconsistency between this clause and any other enactment or rule of law, this clause prevails over that enactment or rule of law.

Schedule 1AA clause 9: inserted, on 17 November 2022, by section 17(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Schedule 1AB
Classification of pastoral activities on pastoral land

s 6

Schedule 1AB: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Part 1
Permitted pastoral activities (consent not required under this Act, but permission may be required under other enactments)

Schedule 1AB Part 1: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

1 Controlling invasive exotic pest plants, where—

(a) any associated by-kill does not exceed 200 m^2/ha; and

(b) the by-kill cannot reasonably be avoided in the course of the control work; and

(c) the invasive exotic pest plants comprise no less than 90% of vegetation cover; and

(d) the area involved does not exceed 25 ha in any 5-year period.

2 Any other invasive exotic pest plant control that does not involve associated by-kill.

3 All earthworks, planting, gardening, tree felling, sowing of seed, or top-dressing within the existing curtilage of dwellings.

4 Soil disturbance as reasonably required for—

(a) digging in posts, anchors, piles, or supports (except for the purpose of constructing buildings):

(b) laying electric fence cables:

(c) burying dead animals, or digging offal pits or holes for domestic rubbish, as long as the activity is undertaken at least 50 m away from any surface water body:

(d) clearing humps or filling hollows along existing fence lines:

(e) digging rabbit warrens:

(f) digging long drops, which must be at least 50 m away from any surface water body:

(g) maintaining existing wild flood irrigation:

(h) removing tree stumps:

(i) controlling invasive exotic pest plants, but this does not include associated clearance of indigenous vegetation:

(j) preparing bait lines for animal pest control:

(k) maintaining existing stock water troughs.

5 Fencing within existing cultivated paddocks.

6 Riparian planting using indigenous species sourced from local seeds.

7 Clearing wind-felled trees, except where the timber is for sale or off-farm commercial use.

8 Laying water pipes for the purpose of conveying irrigation and domestic stock water underground within existing cultivated areas using a ripper and mounted cable layer, and providing for associated water troughs.

9 Laying cables, domestic water pipelines, and other infrastructure underground from the main source of supply to existing buildings, as long as the activity does not involve associated clearance of indigenous vegetation and any cables or pipelines do not traverse water bodies.

10 Burning slash, stumps, or dead vegetation within existing consented cultivated paddocks.

11 Boom spraying of exotic vegetation within existing consented cultivated paddocks.

12 Maintaining existing drains, water races or culverts.

13 Maintaining existing consented top-dressing.

14 Maintaining existing consented seed sowing.

15 Maintaining existing consented cultivation.

16 Maintaining existing consented roads, paths, or tracks (including laying local gravel).

17 Maintaining existing consented fire breaks.

18 Maintaining any other existing consented activity as provided for in section 8(3).

19 Repairing and maintaining existing fencing within its existing footprint.

20 Lighting fires for the purpose of cooking or camping.

Part 2
Discretionary pastoral activities (Commissioner may consent or decline)

Schedule 1AB Part 2: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

1 Any activity described in section 7(1) (burning vegetation) or 8(2) (affecting or disturbing soil) of this Act or section 100 of the Land Act 1948 (preservation of timber), other than an activity that is a permitted pastoral activity or prohibited pastoral activity, remains a discretionary pastoral activity.

2 Pastoral activities that are discretionary pastoral activities include, but are not limited to,—

(a) new or additional irrigation:

(b) burning vegetation:

(c) clearing indigenous vegetation:

(d) felling, selling, or removing any timber, tree, or bush (not including invasive exotic pest plant species where the activity is a permitted pastoral activity) if the consent of the Commissioner is required under section 100 of the Land Act 1948:

(e) cropping, cultivating, draining, or ploughing:

(f) top-dressing:

(g) sowing seed:

(h) planting vegetation (other than riparian planting):

(i) forming new paths, roads, or tracks:

(j) creating new fire breaks:

(k) constructing buildings and infrastructure:

(l) soil disturbance for the construction of buildings and infrastructure:

(m) new fencing (other than an activity that is a permitted pastoral activity):

(n) clearing drains (other than an activity that is a permitted pastoral activity):

(o) constructing water storage infrastructure, including dams:

(p) spraying a slope to remove vegetation, and replanting the slope in stock or forage crops:

(q) any other activity that affects, involves, or causes soil disturbance (other than an activity classified as a permitted activity or prohibited activity).

3 Any activity necessary to deal with any earthquake, fire, flood, landslide, or other emergency requiring immediate action that necessarily involves burning of vegetation or disturbance to the soil may be undertaken without consent if—

(a) the lessee, licensee, or other person who undertakes the activity notifies the Commissioner as soon as practicable that the activity has been undertaken; and

(b) the lessee, licensee, or other person applies to the Commissioner for consent for the activity as soon as practicable after undertaking the activity.

Part 3
Prohibited pastoral activities (consent cannot be given or applied for under this Act)

Schedule 1AB Part 3: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

1 Cropping, cultivating, draining or ploughing indigenous wetlands, except taking water for stock water troughs where this does not affect natural wetland water levels.

2 Digging a long drop within 20 m of any surface water body.

3 Burying a dead animal within 20 m of any surface water body.

Part 4
Interpretation

Schedule 1AB Part 4: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

In this schedule,—

by-kill means by-kill of indigenous vegetation

clearing vegetation—

(a) means the removal, felling, mechanical or chemical topping, or modification of any vegetation; and

(b) includes cutting, crushing, mulching, spraying with herbicide, or burning; but

(c) does not include clearing by grazing

cropping means growing forage crops for animals or producing vegetables, fruit, grain, or similar products on a productive scale (excluding household use)

cultivated paddock—

(a) means a paddock that is currently cultivated; but

(b) does not include a paddock where cultivation was carried out historically but was not maintained

cultivation means the alteration or disturbance of land (or any matter constituting the land, including soil, clay, sand, and rock) for the purpose of sowing, growing, or harvesting pasture or crops

curtilage means the enclosed space of ground and buildings immediately surrounding a dwelling

drain means an artificial and constructed waterway or subsurface drainage structure that starts and drains water from predominantly flat land

draining means causing water to be drawn off land gradually or completely, where this is not part of ongoing maintenance of previously consented drainage works

indigenous vegetation—

(a) means all species of plants or lichens that are naturally occurring in any of the ecological regions of which the property forms part; but

(b) does not include plants within a domestic garden that are planted for screening or shelter purposes

indigenous wetland means a wetland that is not—

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or a former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture of which, at the commencement date, more than 50% is exotic pasture species and that is subject to temporary rain-derived water pooling

invasive exotic pest plants includes pests listed in the National Pest Plant Accord, pests listed in relevant regional pest management plans, and any other exotic pest plants

ploughing means turning over soil in preparation for cropping or cultivation

wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Schedule 1ABA
Criteria for considering whether activity necessary to enable lessee or licensee to exercise rights and obligations under lease or licence

ss 11(2), 100P

Schedule 1ABA: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

1 Criteria applicable for consent to discretionary pastoral activity

(1) To be satisfied under section 11(2), the Commissioner must take into account 1 or more of the following:

(a) whether the pastoral activity forms part of the periodic clearance of vegetation as part of a regular cycle to maintain existing pasture created by oversowing, top-dressing, or cultivation:

(b) whether the pastoral activity is required to provide reasonable access by way of tracks to areas of the land that are currently subject to a programme of oversowing or top-dressing for the grazing of livestock:

(c) whether the pastoral activity is required to use, maintain, or replace consented existing infrastructure or buildings:

(d) whether the pastoral activity contributes to the lessee or licensee meeting their obligations under any other enactments:

(e) whether the pastoral activity is required to address an exceptional circumstance.

(2) In addition, the Commissioner may take into account any other relevant considerations.

Schedule 1ABA clause 1: inserted, on 17 November 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Schedule 1AC
Provisions of former Part 2 referred to elsewhere in this Act

ss 88, 89, 90, 93

Schedule 1AC: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

40 Protective mechanisms

(1) A preliminary proposal may designate land as—

(a) land to be restored to or retained in Crown ownership subject to the granting of a special lease; or

(b) land to be disposed of to a specified person; or

(c) land that may be disposed of to any person,—

subject (in addition to any other conditions) to the creation of 1 or more protective mechanisms, each relating to 1 or more of the matters specified in subsection (2).

(2) The matters are—

(a) the protection of a significant inherent value of the land concerned:

(b) the management of the land concerned in a way that is ecologically sustainable:

(c) public access across or to the land concerned:

(d) public enjoyment of the land concerned.

(3) A preliminary proposal may not designate land as land to be disposed of subject to the creation of a covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977 without the prior written consent of the Queen Elizabeth the Second National Trust.

(4) A preliminary proposal may not designate land as land to be disposed of subject to the creation of a covenant under section 77 of the Reserves Act 1977 if—

(a) a local authority or other body approved by the Minister of Conservation is to be a party to the covenant; and

(b) the local authority or other body has not given its prior written consent to the designation.

(5) A preliminary proposal may not designate land as land to be disposed of subject to the creation of a covenant under section 39 of the Heritage New Zealand Pouhere Taonga Act 2014 without the prior written consent of Heritage New Zealand Pouhere Taonga.

Schedule 1AC clause 40: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

43 Commissioner to give notice of preliminary proposals

(1) The Commissioner must give notice of every preliminary proposal put under section 34(1),—

(a) specifying the land, a day (no sooner than 40 working days after the publication of the last of the notices to be published), and an address; and

(b) describing the proposal in general terms; and

(c) indicating that any person or organisation may (no later than the day specified) give or send to the Commissioner at the address specified a written submission on the proposal.

(2) The notice must not disclose any financial information.

(3) The Commissioner must have the notice published—

(a) in some newspaper circulating in the area where the land is situated; and

(b) at least once in a daily newspaper published in Christchurch; and

(c) at least once in a daily newspaper published in Dunedin.

Schedule 1AC clause 43: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

44 Consultation with iwi authority

The Commissioner must—

(a) have a copy of every notice under section 43 given to the iwi authority (within the meaning of the Planning Act 2026) of the area where the land concerned is situated; and

(b) consult the authority on the proposal.

Schedule 1AC clause 44: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Schedule 1AC clause 44(a): amended, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

45 Information to be given to Minister of Conservation

The Commissioner must—

(a) prepare, and give the Minister of Conservation,—

(i) a summary of all matters raised by an iwi authority during consultation on a preliminary proposal under section 44; and

(ii) a statement as to the extent to which objections to and comments on the proposal raised during the consultation have been allowed or accepted, or disallowed or not accepted; and

(iii) a statement as to the extent to which objections to and comments on the proposal contained in the written submissions relating to the proposal received by the Commissioner (from any person or organisation) on or before the day specified in the notice given

under section 43 at the address specified in the notice have been allowed or accepted, or disallowed or not accepted; and

(b) give the Minister of Conservation copies of all those submissions.

Schedule 1AC clause 45: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

47 Commissioner to consider submissions

(1) The Commissioner must not put a substantive proposal to any holder of a reviewable instrument without having considered—

(a) all matters raised by the iwi authority concerned during consultation on the preliminary proposal concerned under section 44; and

(b) all written submissions relating to that preliminary proposal received by the Commissioner (from any person or organisation) on or before the day specified in the notice given under section 43 at the address specified in that notice.

(2) Nothing in subsection (1) prevents the Commissioner from considering any late or oral submission.

Schedule 1AC clause 47: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

62 Final plan to be prepared

(1) Once the acceptance of a substantive proposal takes effect, the Commissioner must give the Surveyor-General written notice of its acceptance, attaching a copy of the proposal.

(2) As soon as is practicable after receiving the notice, the Surveyor-General must—

(a) determine whether any of the land needs to be surveyed before the proposal can be given effect to; and

(b) give the Commissioner written notice—

(i) of the land that needs to be surveyed; or

(ii) that none of the land needs to be surveyed.

(3) If notified that any of the land needs to be surveyed, the Commissioner must have it surveyed, and have a plan or plans of it prepared and approved, under the Cadastral Survey Act 2002.

(4) Once the Commissioner—

(a) has complied with subsection (3); or

(b) has been notified that none of the land needs to be surveyed,—

the Commissioner must—

(c) have prepared a final plan of all the land to which the proposal relates, showing the various areas to which it relates, and (in respect of each) giving—

(i) a legal description; and

(ii) its designation by the proposal; and

(iii) if it is designated as land to be restored to Crown ownership as a reserve, the purpose of the reserve; and

(d) submit 2 copies of the plan to the Surveyor-General.

Schedule 1AC clause 62: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

63 Approval of plan

If (and only if) satisfied that—

(a) the boundaries of the various areas shown on a plan submitted under section 62(4)(d) are, in the light of any discovered imprecisions in the boundaries shown or described in the accepted substantive proposal concerned, as close as may reasonably practicably be achieved to the boundaries shown or described in the proposal; and

(b) to the extent allowed by the position of the boundaries shown on the plan,—

(i) the areas they define; and

(ii) the designations of those areas,—

accurately reflect the proposal,—

the Surveyor-General must sign and date on both copies of the plan a written notice approving it for the purposes of this Act, and return 1 copy to the Commissioner.

Schedule 1AC clause 63: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

64 Commissioner to register accepted proposals and approved plans

On receiving an approved plan, the Commissioner must lodge it and a copy of the proposal to which it relates with the Registrar-General of Land, who must register them against every record of title to land to which they relate.

Schedule 1AC clause 64: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

80 Creation of protective mechanisms

(1) When an approved plan designating any land as land over which an easement under section 12 of the Reserves Act 1977 is to be created has been registered,—

(a) the Commissioner—

(i) is deemed for the purposes of that section to be the owner of the land; and

(ii) must promptly give the Minister of Conservation an easement (for a purpose specified in subsection (1) of that section) over it, on the terms and conditions specified in the substantive proposal concerned; and

(b) the Minister must promptly do all acts necessary to enable the acceptance of the easement.

(2) When an approved plan designating any land as land over which an easement under section 7(2) of the Conservation Act 1987 is to be created has been registered,—

(a) the Commissioner—

(i) is deemed for the purposes of that section to be the owner of the land; and

(ii) must promptly agree with the Minister of Conservation that the Minister should acquire an easement for conservation purposes over it, on the terms and conditions specified in the substantive proposal concerned; and

(b) the Minister must promptly do all acts necessary to acquire the easement.

(3) When an approved plan designating any land as land over which an easement under sections 26 to 29 of the Outdoor Access Act 2008 is to be created has been registered,—

(a) the Commissioner—

(i) is deemed for the purposes of those sections to be the owner of the land; and

(ii) must promptly give the Outdoor Access Commission (continued by section 6 of the Outdoor Access Act 2008) an easement over it to enable it to be used for a walkway, on the terms and conditions specified in the substantive proposal concerned; and

(b) the Outdoor Access Commission must promptly do all acts necessary to enable the creation of the easement.

(4) When an approved plan designating any land as land over which a covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977 is to be created has been registered,—

(a) the Commissioner is deemed for the purposes of this subsection to be the owner of the land; and

(b) the Commissioner must promptly execute an open space covenant in favour of the trust over it, on the terms and conditions specified in the substantive proposal concerned; and

(c) the board of directors of the Trust is deemed (by virtue of having given its consent under section 40) to have agreed those terms and conditions, and must promptly do everything necessary to enable the creation of the covenant.

(5) When an approved plan designating any land as land over which a covenant under section 77 of the Reserves Act 1977 or section 27 of the Conservation Act 1987 is to be created has been registered, the Commissioner—

(a) is deemed for the purposes of that section to be the owner of the land; and

(b) must promptly create the covenant over the land, on the terms and conditions specified in the substantive proposal concerned.

(6) When an approved plan designating any land as land over which a covenant under section 39 of the Heritage New Zealand Pouhere Taonga Act 2014 is to be created has been registered,—

(a) the Commissioner is deemed for the purposes of that section to be the owner of the land; and

(b) the Commissioner must promptly execute a heritage covenant over the land in favour of Heritage New Zealand Pouhere Taonga, on the terms and conditions specified in the substantive proposal concerned; and

(c) the Board of Trustees of the Trust is deemed (by virtue of having given its consent under section 40) to have agreed those terms and conditions, and must promptly do everything necessary to enable the creation of the covenant.

Schedule 1AC clause 80: inserted, on 18 May 2022, by section 17(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Schedule 1AC clause 80(3): amended, on 10 July 2026, by section 352 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 1AC clause 80(3)(a)(i): amended, on 10 July 2026, by section 352 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 1AC clause 80(3)(a)(ii): amended, on 10 July 2026, by section 352 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 1AC clause 80(3)(b): amended, on 10 July 2026, by section 352 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 1
Consequential amendments to Land Act 1948

s 102

Amendment(s) incorporated in the Act(s).

Schedule 2
Consequential repeals

s 104

Land Act 1948 (1948 No 64) (RS Vol 23, p 559)

Amendment(s) incorporated in the Act(s).

Land Amendment Act 1972 (1972 No 73) (RS Vol 23, p 731)

Land Amendment Act 1977 (1977 No 51) (RS Vol 23, p 733)

Amendment(s) incorporated in the Act(s).

Land Amendment Act 1979 (1979 No 57) (RS Vol 23, p 734)

Amendment(s) incorporated in the Act(s).

Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012

Public Act	2012 No 36
Date of assent	7 May 2012
Commencement	see section 2

1 Title

This Act is the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012.

2 Commencement

This Act comes into force on the earlier of—

(a) the day that is 180 days after the date on which it receives the Royal assent:

(b) a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made bringing different provisions into force on different dates.

Section 2(b): this Act brought into force, on 6 July 2012, by clause 2 of the Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act Commencement Order 2012 (SR 2012/168).

3 Principal Act amended

This Act amends the Crown Pastoral Land Act 1998.

Part 2
Miscellaneous

7 Transitional provision in respect of Part 1A of Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act)

(1) Nothing in Part 1A of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act) applies to or affects any proceedings instituted or commenced in relation to a pastoral lease before this section comes into force.

(2) Despite subsection (1), a lessee of a pastoral lease may, by giving notice in writing to the Commissioner of Crown Lands, elect to have the rent for the pastoral lease set under Part 1A of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act) if—

(a) the lease has a rent review date on or after 1 June 2002; and

(b) the lessee has not—

(i) had a final determination of rent made under this Act or the Land Act 1948; or

(ii) reached a final agreement about rent made under this Act or the Land Act 1948.

(3) If a lessee of a pastoral lease has given notice under subsection (2),—

(a) Part 1A of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act) applies, with any necessary modifications, as if the dates referred to in section 23C were dates determined by the Commissioner; and

(b) the Commissioner and the lessee may agree—

(i) on values for b, c, and d in the formulas specified in section 23B of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act):

(ii) to vary the dates or periods of time referred to in any section (other than section 23C) in Part 1A of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act):

(iii) to omit any of the steps or modify any of the processes provided for in sections 23C to 23H of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act).

(4) The Commissioner and the lessee may agree on values for b, c, and d in the formulas specified in section 23B whether or not—

(a) any relevant regulations or rules have been made under Part 1A of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act):

(b) the Valuer-General has performed any relevant functions or duties or has exercised any relevant powers under Part 1A of the Crown Pastoral Land Act 1998 (as inserted by section 6 of this Act).

Notes

1 General

This is a consolidation of the Crown Pastoral Land Act 1998 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Planning Act 2026 (2026 No 70): section 343(1), (5)

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 352

Public Service Amendment Act 2026 (2026 No 23): section 53

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Crown Pastoral Land Reform Act 2022 (2022 No 22): Part 1

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Land Transfer Act 2017 (2017 No 30): section 250

District Court Act 2016 (2016 No 49): section 261

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Crown Pastoral Land (Rent for Pastoral Leases) Amendment Act 2012 (2012 No 36)

Walking Access Act 2008 (2008 No 101): section 82

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