Crown Pastoral Land Reform Bill

TO: **Committee Secretariat**
Environment Committee
Parliament Buildings
Wellington

By email: en@parliament.govt.nz

Submission on behalf of

Te Kahui Ture Taiao/the Association for Resource Management Practitioners (RMLA)

Introduction

1 This Submission is made by Te Kahui Ture Taiao/the Association for Resource Management Practitioners (RMLA).

2 RMLA is concerned to promote within New Zealand:

a) An understanding of resource management law and its interpretation in a multi-disciplinary framework.

b) Excellence in resource management policy and practice.

c) Resource management processes which are legally sound, effective and efficient and which produce high quality environmental outcomes.

3 RMLA has a mixed membership. Members include lawyers, planners, judges, environmental consultants, environmental engineers, local authority officers and councillors, central government policy analysts, industry representatives and others. Currently RMLA has some 1,000 plus members. Within such an organisation there are inevitably a divergent range of interests reflected in the views of members.

4 While the membership has been consulted in preparing this submission, it is not possible for RMLA to form a single universally accepted view on the proposed regulations. It should also be noted that a number of members may be providing their own individual feedback and those may represent quite different approaches to the views expressed here.

5 RMLA's main objective in making submissions on Government proposals is to ensure that a coherent and workable body of resource management and environmental law and practice is developed in New Zealand. As a result it is not the RMLA's practice to make submissions in

opposition. Instead, submissions focus on what (if any) changes should be made to the proposal to ensure that it will:

a) Be consistent with the general framework of existing laws and policies and legally sound;

b) Be practicable, effective and efficient;

c) Assist in promoting best practice;

d) Produce high quality environmental outcomes.

Submission

6 By way of introduction, RMLA notes that the management of Crown pastoral land has significant overlap with the broader resource management system. Crown pastoral land covers nearly 7% of the South Island. These areas have considerable direct resource management issues, and also influence downstream receiving environments.

7 This sheer scale combined with the sensitivity of the natural environment on Crown pastoral land means it is important that sound resource management principles (in the broadest sense of the term, not limited to the RMA) are applied and maintained throughout the area affected.

8 It is also useful to keep in mind resource management/administrative principles such as certainty, transparency and clarity, and equity (including consistency of decision-making). The submission points that follow are made with those principles as a guide.

New definitions

Effect

9 It is noted that the definition of 'effect' in section 3 of the Resource Management Act 1991 (RMA) is broad, and carries with it some considerable case law interpretations and applications. This broad focus may not sit comfortably with what is apparently a narrower purpose (particularly when compared with the purpose and directional provisions of the RMA) as it is described in new section 1A (clause 5 of the Crown Pastoral Land Reform Bill (Bill)).

10 The inclusion of positive effects (s3(a) RMA), cumulative effects (s3(d)) and potential effects of low probability with high potential impact (s3(f)) may be too extensive to provide forefficient decision making, particularly for the most common and straight forward applications. The inclusion of positive effects in the s3 RMA definition also has the potential to conflict with the exclusion of consideration of offsetting of adverse effects specified in new sections 12(4)(b) and 13(4)(b).

11 To the extent that the consideration of effects by the Commissioner is predominantly confined to consideration of effects on inherent values (e.g. new s12(4)(a)(ii) and s13(4)(a)(ii) inserted by clause 8 of the Bill), it is proposed that use of the common dictionary definition of 'effects' could be considered as an alternative.

12 We note that the purpose of the Crown Pastoral Land Act 1998 (CPLA) as it is proposed to be included in new section 1A also directs towards administrative matters, and confines the decision making of the Commissioner towards achieving certain outcomes. This purpose does not appear to fit with a wide ranging review of actual and potential effects as commonly occurs under the RMA when considering 'effects' as they are defined under that legislation.

Inherent value

13 The RMLA supports the submission on the CPLRB made by the NZLS Te Kāhui Ture o Aotearoa dated 27 November 2020 in respect of the proposed new definition of 'inherent value' in the bill.[1] The use of the word “conformation” in this definition is difficult in that it is not a term used in common language, and plain english drafting would be preferred.

14 The RMLA queries whether “recreational value” has been deliberately excluded from the revised definition of inherent value proposed in the Bill, given that it is included in the CPLA’’s current definition of that term.

New section 4: outcomes for decision makers

15 New section 4 suggests that the outcomes stated here should be considered by decision makers, but there does not appear to be a direct internal reference between this provision and the key new decision-making sections 11, 12 and 13 inserted by the Bill.

16 In terms of the outcome set out at section 4(c) it is not clear what this outcome is intended to support. The potential level of a 'fair return' has no context or further detail. Nor is there any description of this change in the explanatory note to the bill, under the heading 'outcomes of the bill' or elsewhere.

17 If the new outcome for a fair return is intended to support the imposition of additional fees, charges and rents on leaseholders, then this intention should be made plain in the legislation and explanation and properly analysed in the regulatory impact statements. This is of particular importance given that the consenting regime which is to be put in place by the bill specifically excludes consideration of the financial viability of farming in new sections 12 and 13.

18 RMLA also recommends that the relationship between the outcomes within section 4 (i.e. inherent values vs a fair return) is made express.

New section 5: Māori interests

19 Again for section 5 the relationship of this provision to the matters to be considered in the key decision making sections 11-13 is not made clear. It would appear logical for the matters in section 5 to be referenced at least in the s11 matters to be considered by the Commissioner in making their decisions.

New section 7

20 It is proposed that section 7(2) be amended as follows for clarity:

(2) The lessee or licensee may undertake the pastoral activity described in subsection (1) if –

New section 10

21 It is proposed that a new subsection (4) might be considered to clarify what will occur if an application is made for a prohibited activity e.g. 'the Commissioner may return an application received for a pastoral activity that is classified as a prohibited pastoral activity in Part 3 of Schedule 1AB'. This addition would have the added benefit of providing for clearly reviewable

[1] *Submission on the CPLRB made by the NZLS Te Kāhui Ture o Aotearoa dated 27 November 2020, para 3*

decision if there is some contention over the interpretation of whether the matter at hand actually comes within the relevant prohibited activity description in the schedule.

New section 11

22 As noted above, it appears it might be helpful for there to be a cross reference to the outcomes and Māori interest provisions of new sections 4 and 5 in this section to ensure they must be considered in the Commissioner's decision.

23 New section 11(3)(b) currently requires mandatory consideration of 'current government policy' when deciding whether to grant an application for a discretionary consent or a recreation permit.

24 Current government policy is not defined. Any policy on any matter could therefore arguably be required to be considered, provided it is consistent with the (amended) CPLA. This could potentially be read as placing a heavy burden on an applicant and/or the Commissioner given the consideration is mandatory. We doubt whether this is the intention.

25 Limiting relevant “current Government policy” to that “consistent with the” CPLA is positive in that it seeks to prevent external policy being used to justify divergence from the Act’s outcomes and statutory tests. However, there is nevertheless risk of litigation on the basis that a policy considered by the Commissioner “is inconsistent with” the CPLA, is considered by another entity to be “consistent” with the CPLA and therefore must be considered.

26 RMLA makes several suggestions in this regard:

a The Bill could expressly provide for development of an overarching policy document under the CPLA, and then require consideration of this document only as part of the discretionary consent process.

b Alternatively, if ability to consider external policy documents is to be retained,

i “Current Government policy” could be defined in a way that focuses on the policy areas considered relevant; and/or

ii It may be helpful to include a requirement, perhaps in regulation or alongside the strategic intentions, to provide that the Commissioner may develop a summary of relevant current government policies from time to time.

iii It may be clearer and more efficient to refer to current Government policy that is consistent with the purpose or objects of the CPLA rather than the entire Act.

*Sections 12 and 13: use of '**more than minor**' test*

27 There is no specific test in the CPLA that guides decision making at present.

28 As the select committee will be aware the 'more than minor' test is used in the RMA, and carries with it a large body of case law following many years of litigation. It is not clear whether the use of this phrase will result in importation/application of that approach by the Commissioner in following the new decision making to be carried out under the CPLRB.

29 Given the quite different context and directions in the CPLRB it is proposed that the test might be more helpfully phrased as being passed when the effects are found to be 'minor'. This is more direct and less confusing and may assist with providing some separation from the much more dense concepts which have developed under the RMA.

30 The purpose of the strategic intentions document is to improve accountability and increase transparency through public reporting on how LINZ and the Commissioner are performing their statutory functions.

Clause 22D Strategic intention document

31 Improving accountability and transparency increases the likelihood of decisions that are legally sound and which produce high quality environmental outcomes. However, there are some aspects of clause 22D that are unclear and could be improved:

a Subclause (2)(a): The current framing of this clause arguably allows the strategic intentions document to set a framework that is contrary to the purpose of the CPLA . In contrast, "how" statutory functions, duties, and powers are exercised or performed is determined by the words of the relevant statute. An alternative formulation that would avoid this problem and appear to meet the rationale behind the clause would be to require the strategic intentions document to set out "the process(es) to be adopted to facilitate exercise or performance of their relevant statutory functions, duties and powers".

b Under subclause (4) the Commissioner and chief executive "must" consult with iwi and lease holders and "may" consult with stakeholders and the public. Failure to include a mandatory requirement to consult with stakeholders and the public is arguably at odds with purpose of the strategic intention document – improving accountability and transparency – particularly when the powers, functions, and duties to which it applies relate to public land.

c It is not clear how the strategic intentions document is intended to relate to the monitoring framework required under clause 22B. Both relate to ensuring LINZ and the Commissioner are clear about, and report back on, compliance with the requirements of the Act: one at an overarching outcomes level and one in respect the exercise of specific functions. We query whether the strategic intentions document could be incorporated into the monitoring framework to reduce bureaucratic process and the number of documents that need to be prepared.

32 The RMLA suggests:

a Amending clause (2)(a) to narrow the focus onto setting out the processes or procedures to be implemented to facilitate exercise or performance of statutory functions, duties and powers (as opposed to setting out "how" those will be "performed").

b Amending clause (4) to require public consultation if that is considered to better promote accountability and transparency.

c Considering amalgamation of the monitoring framework and strategic intentions document.

Clause 100N Regulations

33 Eight of the regulation-making powers relate to fees, application format, and infringement offences. The remaining three are broadly framed and relate to the substantive decision-making processes under the Act, as follows:

a Subclause (b): prescribing the matters the Commissioner must take into account in deciding the level of adverse effect of a pastoral activity on inherent values;

b Subclause (i): making provisions that set out decision-making processes or otherwise provide for the administration of pastoral land;

c Subclause (j): providing for any matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect."

Subclause (b)

34 RMLA considers that:

a This power is extremely broad. It effectively allows the Commissioner to determine what is or is not an adverse effect through regulations. While administrative law requirements for regulations should not allow it, the way in which this provision is framed risks promulgation of regulations that undermine or are contrary to the wider statutory framework.

b If direction is to be provided as regards that assessment it is more transparent to include this in the legislation itself.

c Whether an effect is adverse or not requires a factual assessment; there are limits to how far this can be determined at the regulation level.

Subclause (i)

35 This power is also broad, and its purpose is unclear. Decision-making processes should be set in the legislation itself to ensure transparency and accountability. RMLA assumes this power is intended to provide for "forms and fees" type regulations, rather than substantive decision making processes, which would be appropriate for regulations. However, the power is framed more broadly than this.

Subclause (j)

36 This power is extremely broad. RMLA recommends that provision for secondary legislation should be as specific and targeted as possible. If the intention is to provide for regulations around administrative rather than substantive aspects of implementation, this could be clarified by amending the provision to read "Providing for the administration of any matters contemplated by this Act or necessary to give it full effect".

Clause 100O Standards and Directives

Concept

37 It is unclear from the legislation what is meant by the terms "standards" and "directives" and what those standards and directives are intended to address, but RMLA assumes these would be similar to the standards already put in place by LINZ.[2]

38 The RMLA queries whether secondary legislation of this nature is necessary alongside a regulation-making power. This is particularly so in a context where legislation has recently passed which will see the removal of disallowable instruments (informally referred to as 'deemed regulations') at least by 2024 and repeated findings by the Regulations Review Committee that disallowable instruments suffer from inappropriate formats, lack of consultation, and lack of accessibility.

Content

39 The matters in subclauses (1) to (3) in respect of which the Commissioner may set and issue standards and directives are broad. The high level at which they are set -

[2] e.g. https://www.linz.govt.nz/regulatory/45004

a “the administration of pastoral land and its inherent values”

b “compliance …with requirements under the Act”

c “the framework for determining applications for discretionary pastoral consents or recreation permits”

potentially empowers the Commissioner to set and issue standards and directives on anything they see fit given the Act’s purpose is to provide for the “administration of pastoral land” .

40 Consultation requirements are unlikely to constrain these powers given comments only need to be “considered”.

41 What these clauses are intended to capture that is not already provided for in the legislation itself is unclear. The CPLRB itself introduces a new and comprehensive framework for the administration of pastoral land, including for determining applications for pastoral consents and recreation permits.

42 As a result, clause 100O has the risk of empowering the Commissioner to set a framework that undermines and is contrary to the statutory purpose. If the Bill’s intention is to assist in aligning decision-making with the statutory purpose, we consider that this power does not necessarily further that intention.

43 We suggest:

a Reviewing the necessity and breadth of subclauses (1) to (3).

b Depending on the outcome of that review, either deleting the clause or amending it to focus specifically on the parts of the Act’s framework in respect of which it is considered the Commissioner may need to provide additional detail.

If powers are to be retained, deleting clause 100O and including the relevant powers in the regulation-making clause. ***MONITORING, ENFORCEMENT, REPORTING***

Monitoring

44 Two different types of monitoring are required:

a Monitoring of LINZ and the Commissioner’s performance; and

b Monitoring of lease holders for compliance purposes.

45 Monitoring of both reflects a comprehensive and transparent approach to assessing alignment with, and ultimately achievement of, the purpose of the Act.

46 As regards monitoring of LINZ and the Commissioner:

a The chief executive “must” consult with iwi and leaseholders in developing the monitoring framework and “may” consult with stakeholders and the public. Not including a mandatory requirement to consult with stakeholders and the public may be at odds with the purpose of monitoring performance – improving accountability and transparency – particularly when the powers, functions, and duties to which it applies relate to public land.

b As regards monitoring of lease holders, RMLA queries whether obligations under the relevant Acts themselves should also be referred to in clause 22C(a). For example, the consent

requirements in Part 1 of the CPLRB[3] and s 96 to 102 Land Act 1948 which impose obligations on the lease holder. If this is not monitored then there is no information available to determine whether enforcement action is required under clause 100D(1).

47 RMLA notes that key impediments to effective monitoring are capability, capacity, and consistency of method.[4] In that regard:

a Monitoring is expressly referred to as a potential topic for standards and directions issued under clause 100O. As discussed above, we have concerns regarding that clause. However, setting clear and consistent monitoring requirements is a good thing. A focused regulation-making power could be an alternative means of providing for this.

b LINZ will need to ensure it has an implementation programme running alongside and complementing any new monitoring requirements in the legislation.

Enforcement

48 Logically, exercise of all enforcement provisions in Part 4A requires initial notification of a breach or alleged breach to the lease holder. However, the only provision that expressly addresses and sets out a notification process is clause 100A relating to the Commissioner's ability to recover costs for remedial action. An overarching, notification provision could be included at the start of Part 4A. This could comprise the content in clause 100A(2) along with an additional step to the effect that if no remedial action is undertaken by the leaseholder within the allocated time period then, depending on the nature of the breach, the Commissioner has recourse of the actions in the following clauses.

Reporting

49 Under Clause 22(b) the Chief Executive must "regularly" report on performance against the monitoring framework prepared under that clause. Under Clause 22E the Commissioner must "as soon as practicable" publish a "detailed summary" of all decisions made under the Act and of all enforcement decisions.

50 Failure to specify the frequency of reporting risks reporting intervals being excessively drawn out or, in a worst-case scenario, not occurring at all. A requirement to report at specific time intervals would address this issue.

51 While a summary of decisions is useful to provide an overview to readers, it is not clear why the actual decisions would not also be made accessible. This should ensure that all reasons for decisions are clear and available to interested parties.

Clauses 100A and 100B

52 The situations set out in clause 100A(1)(a)-(b) and clause 100B(1)(a)-(b) are differently worded, although it appears they are intended to capture the same thing. Difference in wording where no difference in meaning is intended creates uncertainty and unnecessary litigation risks over interpretation. If the two clauses are intended to apply in analogous situations, then consistent terms should be used or if they are to cover different things, then that should be described.

53 Clause 100A does not state what is to occur if the holder who is notified of the breach or alleged breach confirms they will undertake the necessary remedial action (as opposed to the Crown undertaking the remedial action and needing be reimbursed). This is required so that a clear

[3] I.e. need to be monitoring to ensure not undertaking activities without consent just as much as undertaking activities consistent with a lease, consent, or stock exemption.
[4] See generally *Last Line of Defence,* Dr M Brown, May 2016.

process is in place for undertaking remedial action and so that it is clear what the undertaking of effective remedial action means in relation to the Act's infringement provisions.

54 The effect of the Commissioner "accepting" an enforceable undertaking is not clear on the face of clause 100B. If, for example, it is intended that an enforceable undertaking is sufficient to discharge remedial action required to address a breach or alleged breach this should be stated.

CLASSIFICATION OF ACTIVITIES

Classification decisions

55 The approach of classifying activities as permitted, prohibited or discretionary pastoral activities is a significant change from the CPLA and is likely to bring increased certainty. The importance of this approach in the scheme of the Bill means that the provisions governing classification decisions are very important.

56 While an initial suite of activities are provided for in the Bill (Schedule 1AB), Schedule 1AB may be amended by Order in Council, in accordance with Clause 100L.

57 Clause 100L sets out "tests" for classification of permitted and prohibited activities. Those tests appear to apply only where Schedule 1AB is amended by Order in Council. Conceivably, Schedule 1AB could also be amended by direct legislative amendment. It would be beneficial for the Bill to provide the same guidance and direction on activity classification regardless of the process by which activities come to be classified.

58 The use of the phrase "in all foreseeable circumstances" in clauses (5) and (6) is a very high bar. In reality, we anticipate there will be a circumstance in which effects of an activity may foreseeably be minor (in the case of permitted activities) or likely to cause significant loss of inherent values (in the case of prohibited activities). Moreover, permitted activities must be those which would have no more than minor effects in "all possible locations across the Crown pastoral estate". Given the diversity of the pastoral estate, this may be an impossibly stringent standard, and certainly appears to be contravened by some of the activities already listed in Schedule 1AB. For example, permitting "indigenous by-kill" as part of invasive pest plant control may have a more than minor adverse effect if the indigenous species are Threatened or At Risk of extinction.

59 This stringency may result in challenges to future Orders in Council on the basis that the statutory threshold is not met, or alternatively may result in activities having to be described in unhelpful detail to avoid transgressing the thresholds. It may therefore be preferable to use language that gives the Minister greater discretion, or which remains directive but with slightly less stringency.

60 The Order in Council process does not provide for public input into classification decisions. This contrasts with the Explanatory Note which states that the schedule "can be amended by Order in Council following public consultation, and will be reviewed regularly". While the intention may be to provide for public consultation through the Government's good regulatory practice policy and guides[5], it would be consistent with the explanatory note to provide for consultation in the Bill. Given the potential significance of classification decisions for both leaseholders' interests and the natural environment, provision for public input at this point is likely to be desirable. Consultation could occur as part of the process of review of Schedule 1AB by the chief executive that is envisaged by Clause 100M.

Schedule 1AB

61 Schedule 1AB classifies activities as permitted, discretionary or prohibited pastoral activities.

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[5] https://www.treasury.govt.nz/information-and-services/regulation/regulatory-stewardship/good-regulatory-practice

62 The descriptions of some activities could be more certain and some improvements are desirable in terms of alignment between how activities are described in the different parts of the schedule.

63 Clause 1 of Part 1 provides that controlling invasive exotic pest plants is permitted within parameters designed to limit impacts on indigenous species.

64 The term "indigenous by-kill" is used, which presumably is intended to refer to indigenous vegetation rather than fauna but this is not specified. In contrast, Clause 4(i) uses the term "indigenous vegetation".

65 It is not clear how the threshold of 200m^2/ha of indigenous by-kill is to be measured and applied when many pastoral leases comprise scattered indigenous species (e.g. tussock, matagouri) interspersed through exotic pasture.

66 Definitions should if possible avoid using words involving a value-judgment such as "dominant", "predominantly", "primarily" or "important".[6] The use of a threshold (90% exotic vegetation cover) gives meaning to the term "dominant" and we suggest that the term "dominant" is not required. We note that there have been issues in practice with assessing the proportion of exotic to indigenous vegetation, particularly after clearance has occurred.

67 Clause 11 permits "boom spraying of exotic vegetation within existing consented cultivated paddocks". There may be inconsistencies between this clause and clause 1.

68 Clause 2(d) of Part 2 provides that felling, selling, or removing any exotic timber, tree or bush (not including invasive exotic pest plant species where the activity is a permitted pastoral activity) is a discretionary pastoral activity. It is not necessary to specify that the clause only applies where the activity is not a permitted pastoral activity, as Clause 1 of Part 2 already states that activities are discretionary if they are not permitted or prohibited. Expressly stating this exemption in 2(d) gives rise to uncertainty given that there may be perceived overlap between other discretionary activities and permitted activities[7] and no exemption is stated in relation to those other activities.

69 "Planting vegetation (other than riparian planting)" is a discretionary pastoral activity[8] but only "riparian planting using indigenous species sourced from local seeds" is a permitted pastoral activity. This leaves non-locally sourced indigenous and exotic riparian planting innominate.

70 Part 3 sets out three prohibited pastoral activities. The first is "cropping, cultivating, draining or ploughing indigenous wetlands, except taking water for stock water troughs where this does not affect natural wetland water levels. The term "indigenous wetlands" is defined but "natural wetlands" is not.

71 The definition of indigenous wetland requires that they are "predominantly indigenous plants and animals" – as set out above, the Court and MFE have cautioned against using the term "predominantly" in a definition. This definition may inadvertently exclude wetlands with significant inherent values and does not align with the definition in the RMA or the definition of natural wetland in the National Policy Statement for Freshwater Management 2020 and the Stock Exclusion regulations[9], leading to inconsistencies in requirements placed on lease holders (and

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[6] *Director-General of Conservation v Invercargill City Council* [2018] NZEnvC 84, endorsing criteria developed by the Ministry for the Environment in preparing the first National Planning Standards.

[7] E.g. Clause 2(d) and Clauses 7, 10 and 11 of Part 1

[8] Clause 2(h)

[9] We note that a number of issues have arisen as to the interpretation and application of the term "natural wetland" as used in the National Policy Statement, and we recommend that it is not used. See e.g. https://www.rnz.co.nz/news/national/428061/ministry-defends-new-wetlands-definition-despite-criticism

potentially inconsistent environmental protection, although the Bill specifies that consents under other acts will still be required).

TRANSITIONAL PROVISIONS

72 The Bill repeals Part 2 of the CPLA, ending tenure review as a statutory concept except as provided for in Schedule 1AA. The only land (other than unrenewable occupation licences and unused Crown land[10]) for which tenure review will continue are those properties where a substantive proposal has been accepted by the lease holder, or the period for accepting has not expired, before the Bill's commencement date.

73 There are four properties for which the Commissioner has put a substantive proposal. There are a further five properties for which a preliminary proposal has been advertised and potentially could proceed to the substantive proposal stage before the Bill commences.

74 Applications for discretionary consents, recreation permits or easements that were lodged but not finally dealt with when the Bill commences must be dealt with under the Bill's decision-making provisions rather than the (pre-amendment) CPLA provisions.

75 There is an element of retrospective application in that approach, particularly in relation to lodged applications for consents, recreation permits and easements. It would be more common for transitional provisions to provide that lodged applications are dealt with as if the amendment had not been made, however the Bill probably represents a sensible approach given how protracted some tenure reviews have become and the many that would likely not progress anyway.

76 From a practical perspective, RMLA recommends that full direct notice is given to all affected landowners to ensure that they are aware of the new bill and cut-off date.

OTHER MATTERS

77 The RMLA refers to the submission on the CPLRB made by the NZLS Te Kāhui Ture o Aotearoa dated 27 November 2020 and wishes to support and reiterate some of the comments made there, particularly those comments recommending:

a Avoiding use of the term "good husbandry" in the present form of 100L(5)(b)(ii).[11]

b Additional provision for the health and safety of any persons and stock on the pastoral land.[12]

78 The RMLA respectfully disagrees with the submission point by NZLS Te Kāhui Ture o Aotearoa that a single consenting regime should be provided for. Given the differing purposes of the RMA and CPLA, and the different roles of local authorities and the Commissioner (the first in managing environmental effects broadly, the second as lessor and steward of Crown land), RMLA considers that different regimes are necessary. However, there may be opportunities to increase efficiency, e.g. through aligning timing of these separate requirements, and this would be supported by RMLA.

79 RMLA notes that the existing definition of "reviewable lease" in the Act cross-references s 66 of the Land Act, which was repealed by the CPLA. This ineffective definition could be addressed as part of the Bill's amendments.

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[10] Reviewable under s 86 CPLA

[11] S*ubmission on the CPLRB made by the NZLS Te Kāhui Ture o Aotearoa dated 27 November 2020* paras 10.2 &10.11

[12] *Ibid* para 7

Hearing

80 If there is any opportunity to do so, the RMLA wishes to be heard in support of this submission.

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Signature of Mary Hill on behalf of Te Kahui Ture Taiao, the Association of Resource Management Practitioners

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