



State and Public Sector Land Management in New Zealand

Outline of the background and administration
process

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28 August 2008

General purpose for holding land

- In New Zealand numerous State and Regional authorities buy hold and sell land for “public good”
- Once acquired and used the land is subject to many Acts and managed by a variety of organisations based on different functions
- It is held for a purpose and managed by the asset owner until it is no longer needed for that purpose
- Some important Acts are Public Works Act, Local Government Act and Resource Management Act



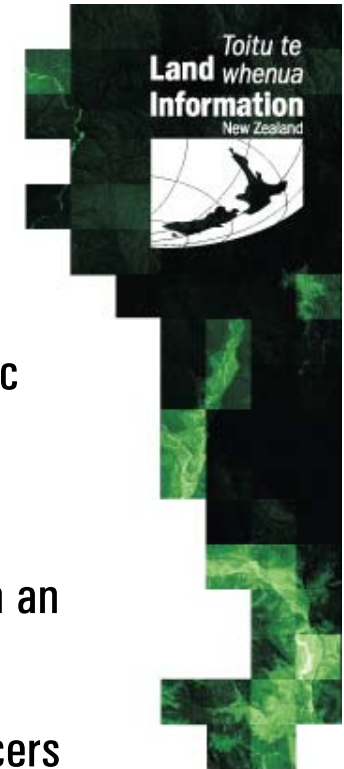
Land registration

- Land use, administration and management are inevitably key factors in the growth and development of a country and New Zealand was no exception
- Supporting this concept is the need for a solid system of land registration and ownership
- The Torrens System was adopted from Australia between 1870 to 1920 as the basis of NZ's Land Transfer System. It is a State register of land and plans, with a guarantee of title
- Most land in New Zealand is under that system except for some Maori land. Maori are NZ's indigenous peoples



Survey and title transactions done electronically

- In 1998 Land Information New Zealand (LINZ) began to develop an electronic system for survey and title information to be lodged and transferred (**Landonline**)
- All certificates of title and survey plans are now maintained and accessed in an electronic format
- Historical paper records have all been scanned and the public and conveyancers now access information on line
- 99% of all searches are done electronically
- The Electronic Transactions Act and Cadastral Survey Act authorise various actions
- Landonline has its own website. www.landonline.govt.nz



State and Local authorities

State (“the Crown”)

- Historically formed along functional lines; eg Ministry of Education, Ministry of Justice, Police, New Zealand Transport Agency
- Department of Conservation administers 8 Million hectares of land for National Parks and reserves
- In addition there is 2 million hectares under the control of the Commissioner of Crown Lands in LINZ. This is mainly high country pastoral leases

Regional and Local authorities

- 12 Regional Councils and 73 Local Councils, either District or City
- Regional Councils service a community already served by a number of Local authorities but provide different services, such as water supply, transport planning and flood protection
- Local authorities provide more targeted services to their community, e.g. local roading, rubbish collection, civic buildings



Accountability

- Both State and Councils are accountable to elected members...Parliament and Councillors
- Also accountable to the communities they serve, taxpayers or ratepayers
- There is therefore openness and scrutiny available which is a useful control mechanism
- Information is freely available and anyone can request information held by State or Regional and Local Councils. Some exceptions apply

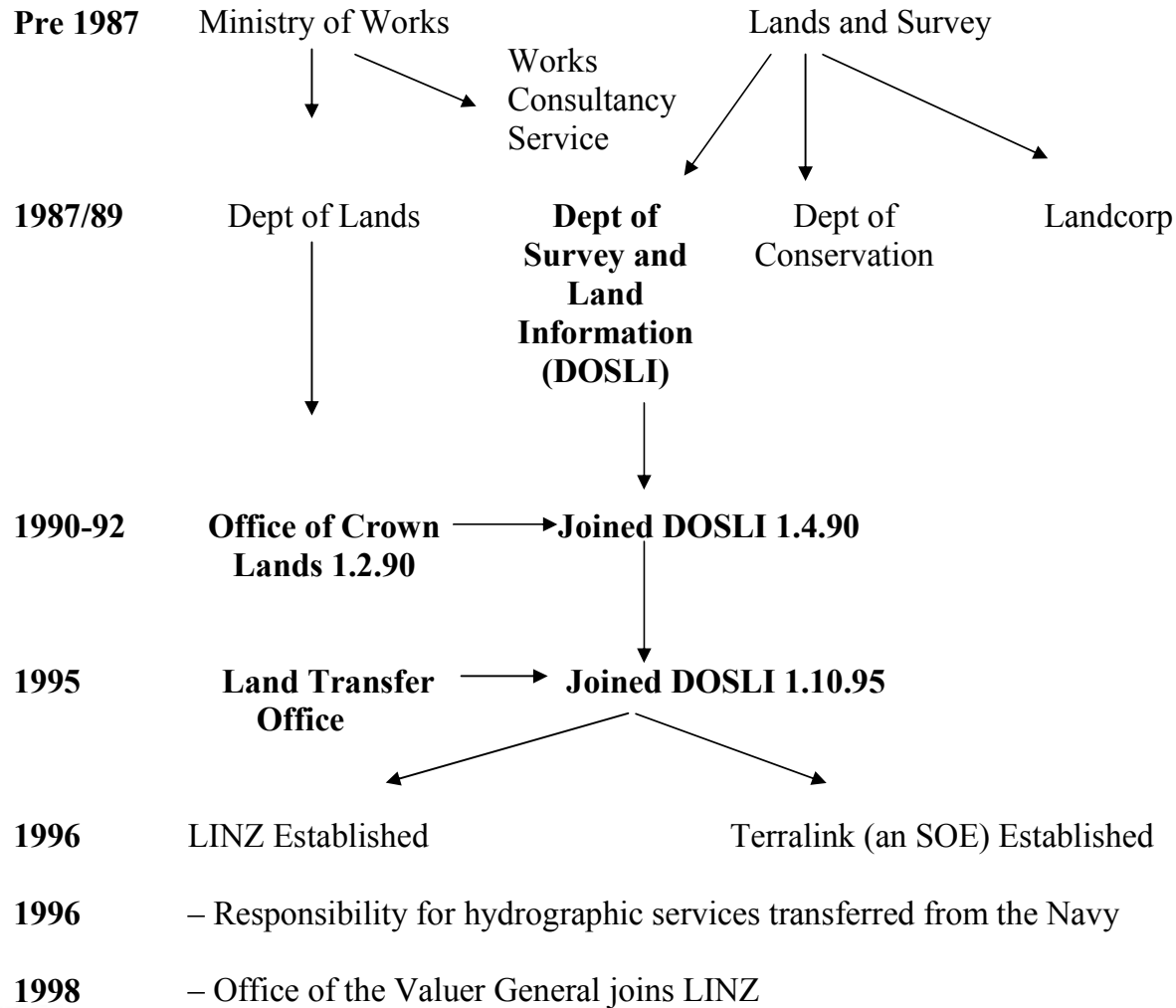


Crown Land property decision making

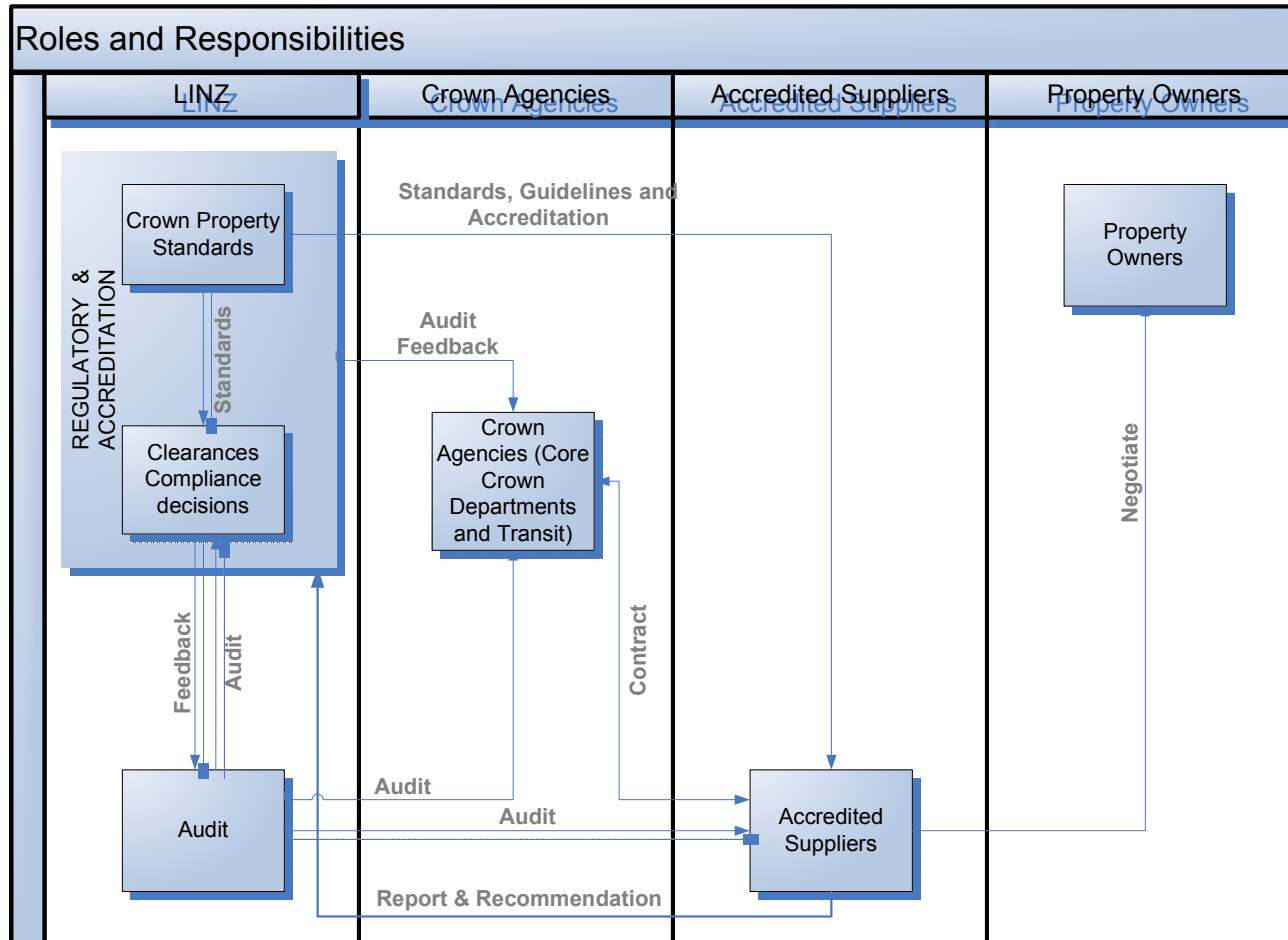
- Authority for State buying or selling of land has been centralised via Public Works Act since at least 1928
- Since 1996 LINZ has been responsible for administering PWA, the making of standards/guidelines and decision making about buying and selling
- Private sector companies or individuals are accredited to carry out negotiations for State asset owners
- A report is then submitted to LINZ Clearances for quality assurance and statutory decision making and documentation checks. A decision is then made under delegated authority.



LINZ's Historical Development



Roles and Responsibilities

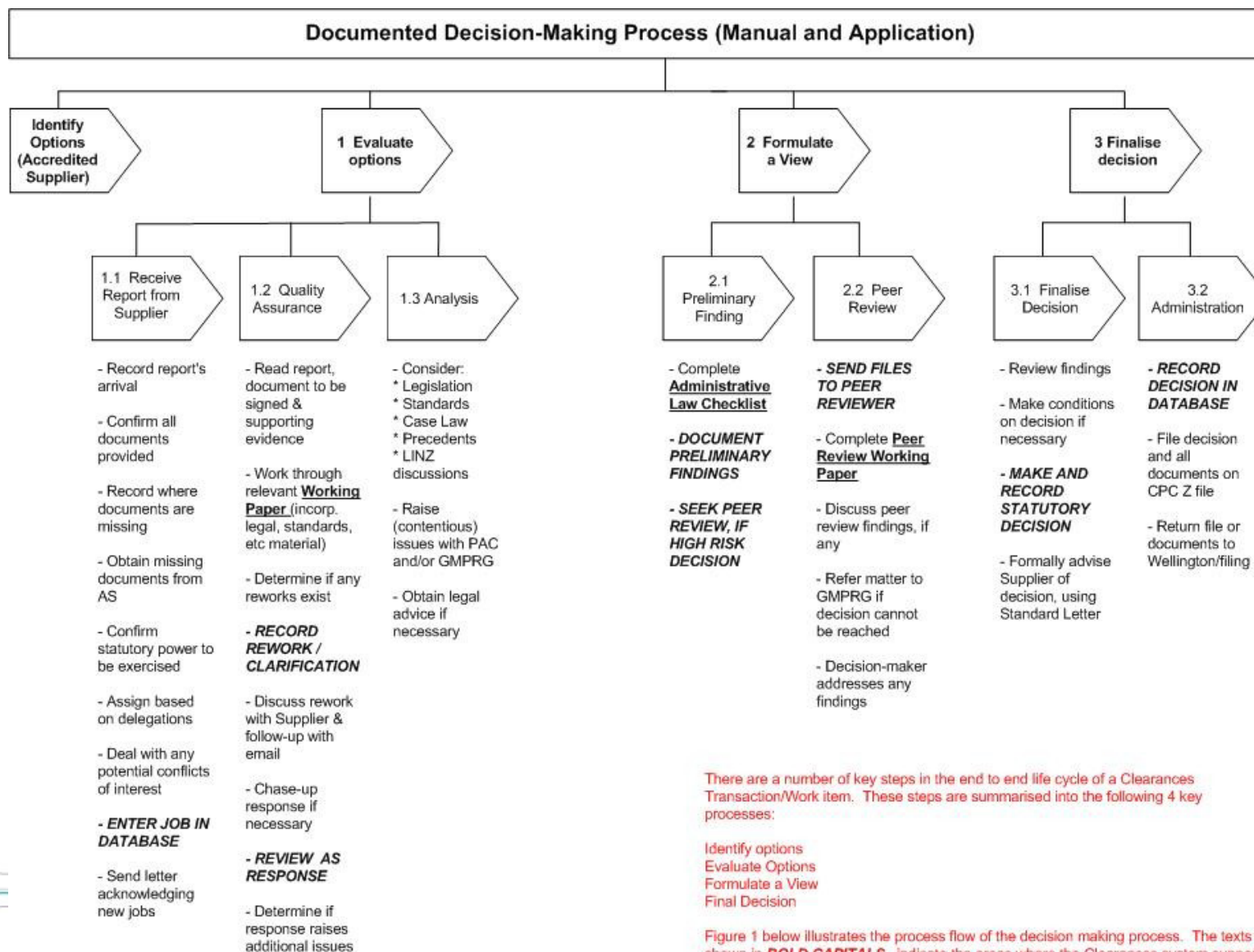


Documented decision making process LINZ Clearances

- A process has been developed in the last 3 years to follow for decision making to ensure consistency by the team of 4,
- Around 2500 decisions were made last year. All went through the model,
- The model focuses on Evaluating options and quality assurance, Formulating a View (including peer review of certain complex and high risk decisions) and Finalising the Decision,
- Principles of administrative law are adhered to, using a checklist is taken from a publication “A judge over your shoulder”.



Documented Decision-making process



Future Challenges for New Zealand

- Walking access to back country areas, rivers over private land and unformed legal roads,
- Provision of low cost housing on public lands,
- Continue Treaty settlement with Maori-redressing 1840 wrongs,
- State-owned enterprise capacity to access compulsory acquisition powers - need ministerial approval,
- Decentralize decision-making to CEO's of State Sector organisation linked to review of Public Works Act.

