

MORNINGSTAR RESERVE
CONFLICT MANAGEMENT PLAN
11 October 2023

Introduction

1. Te Rūnanga o Ngāi Tahu (**TRONT**) is an entity created under the Te Rūnanga o Ngāi Tahu Act 1996. TRONT is recognised all purposes as the representative of Ngai Tahu Whānui.
2. Shotover Jet Limited (**SJL**) is a company which runs a commercial jetboat business on the Shotover River/ Kimi Ākau with its operations base on part of the Morning Star Beach Recreation Reserve.
3. The purpose of this conflict management plan is to ensure high standards of conflict management and probity are followed in relation to actual or perceived conflicts of interest in relation to the respective roles of TRONT and SJL in relation to the part of the Morningstar Reserve which TRONT is administering body (**Reserve**). This includes any conflicts that may arise as a result of TRONT being the administering body and TRONT as the Minister's delegate exercising supervisory powers.
4. Any powers delegated to TRONT by the Minister of Conservation are subject to TRONT complying with this conflict management plan. This means if TRONT does not comply with this conflict management plan TRONT cannot exercise any powers delegated to TRONT.

TRONT and Shotover Jet Limited

5. TRONT and SLJ are separate legal entities. Each entity has their own legal personality, governance documents, governance, and purposes. As well as being legally separate the governance and management of TRONT and SJL are separate, i.e., different people govern and manage the two entities. No delegation granted by the Minister can be exercised on behalf of TRONT by any person who also holds a concurrent governance or management role in SJL.
6. Whilst TRONT and SJL are legally and managerially separate the entities are connected because:
 - a. TRONT is the trustee of the Ngāi Tahu Charitable Trust; and
 - b. SJL is part of the Ngāi Tahu Tourism Group (which is part of the Ngāi Tahu Holdings Group, which in turn is part of the Ngāi Tahu Charitable Trust Group).
7. The connection between TRONT and SJL could potentially give rise to a perception that conflicts of interest may exist between the respective roles of TRONT and SJL in relation to the Reserve.
8. The following actions will be taken to address any actual or perceived conflict of interest in relation to the respective roles of TRONT and SJL in relation to the part of the Reserve.

Distinct entities and governance structures

9. TRONT and SJL are separate legal entities, and that separation will be maintained in a clear and transparent manner in relation to all matters affecting the Reserve. TRONT shall provide such information as the Department of Conservation may reasonably request from time to time to demonstrate this separation.
10. There will a clear and transparent separation maintained and documented in relation to roles of TRONT (as the administering body of the Reserve) and SHJ (as the lessee of the Reserve), including that:
 - a. TRONT is acting as administering body of the Reserve under the Reserves Act;
 - b. SHJ is undertaking activity on the Reserve under the lease and the Reserves Act; and
 - c. there will be separation between the TRONT and SJL personnel in any matters relating to the Reserve.
11. In correspondence and dealings between TRONT and SJL in relation to the Reserve, the distinction in the roles of TRONT (as administering body) and SJL (as lessee) will be clearly documented.
12. TRONT shall ensure that when TRONT exercises any statutory powers as administering body that TRONT abides by all applicable statutory and legal obligations including, but not limited to, obligations in relation to process and public consultation and involvement.

TRONT will exercise administering body functions separate from those exercised under delegation

13. In relation to the Reserve, TRONT will maintain a distinction and document separate decisions when acting:
 - a. as administering body; and
 - b. under any relevant Ministerial delegations.

Reserve Management Plan

14. Where a hearing is to be convened in relation to a proposed reserve management plan under section 41(6)(d) of the Reserves Act, TRONT will appoint one independent person to that hearing panel. TRONT will engage with the Department of Conservation about this appointment and will consider in good faith any suggestions the Department of Conservation may have as to the identity of the independent hearing panel member.
15. TRONT will separately document its decision as administering body and in acting under the Minister's delegation.

Granting of future leases

16. Where a hearing is to be convened in relation to any future application for a lease by SJL over the Reserve under section 54(2) of the Reserves Act, TRONT will appoint one independent person to that hearing panel.
17. The rent for the Reserve shall be set in accordance with any conditions imposed on Vesting the Reserve, including:
 - a. the rent shall be a market rate and, in any event, no less than the “Starting Rent”;
 - b. the market rate is to be assessed by an independent valuation, taking into account of changes in the Consumer Price Index since the rent was last reviewed;
 - c. the “Starting Rent” is the rent payable by SJL as at 31 March 2023, adjusted for inflation from 31 March 2008 until the current date; and
 - d. the rent is to be reviewed every three years during the term of any lease (with the first review to occur by the 3rd anniversary of the date of any lease taking effect) and a new rent set at the then applicable market rate.

Transparency and request for information

18. Where the Minister of Conservation, Department of Conservation or any member of the public makes a reasonable request for TRONT to provide information on how this management plan has been complied with, TRONT will provide that information within 20 working days.
19. This conflict management plan will cease to apply if TRONT has no interest, direct or indirect, in SJL.