

Principles of the Public Works Act 1981 (PWA)

- The Crown and local authorities can acquire or take interests in land needed for a public work
- The legislative procedures are fair and transparent for all parties, ensuring good faith negotiation and full compensation to leave landowners no better or worse off following PWA action
- There is an independent and binding judicial check on the Crown's powers to take interests in land
- Where land is no longer required for a public work, the Crown and local authorities must offer the land back (offer back) to former owners unless exemptions apply

The PWA at a glance (1998 to today)

7,500

interests in land acquired by agreement by the Crown for public works

3%

approximate number of Crown acquisitions that require compulsory land acquisition proclamations

382

compulsory land acquisition proclamations signed by the Governor-General

258

of these proclamations were for Crown works, the remainder mostly being for local authorities

	Targeted approach	Targeted + priority fundamental areas	Fundamental review
Criteria for what areas are explored	<ul style="list-style-type: none"> • Efficiency • Modernisation • Clarity • Property rights 	Targeted review criteria plus: + Priority areas for the Government to explore + Future proofing + System coherence	These would be defined through public consultation, and could include, in addition targeted and targeted plus criteria: + Future proofing + System coherence
Scope of what can be explored	<ul style="list-style-type: none"> • Acquisition, compensation and disposal • Known issues across government • Retention of the principles and current balance of the PWA • Legislative and consequential operational changes 	<ul style="list-style-type: none"> • Acquisition, compensation and disposal • Government priorities, including issue specific amendments to the principles and current balance of the PWA • Legislative and consequential operational changes 	<ul style="list-style-type: none"> • This review would consider the entirety of the PWA • Reviewing the principles of the Act • Open to issues raised by the public
Scale of change	<ul style="list-style-type: none"> • Small changes • Moderate impact on users of the PWA • Limited shift in balance between landowners and acquiring agencies 	<ul style="list-style-type: none"> • Moderate to significant changes • Significant impact on users of the PWA • Shift in balance between landowners and acquiring agencies, depending on which priority areas are chosen 	<ul style="list-style-type: none"> • Significant changes • Potentially significant impact on users of the PWA • Shift in balance between landowners and acquiring agencies, depending on what issues and options within scope are chosen
Examples of issues that could be explored	<ul style="list-style-type: none"> • Incentives for landowner to reach an agreement, to improve the efficiency of land acquisition and project delivery • Procedures and requirements for issuing land acquisition notices, in view of improving efficiency • Enabling greater collaboration between agencies • Possible methods for reducing the complexity when offering back land to its former owners, to promote better experiences for them 	To be agreed by Ministers, but could include explore of specific issues that are more fundamental in nature, for example: <ul style="list-style-type: none"> • Entities with access to the PWA • Corridor protection • Emergency powers and managed retreat • Māori land acquisition provisions 	Issues to explore would be defined through public consultation, but could include: <ul style="list-style-type: none"> • Reviewing the definition of what can be considered a public work that justifies affecting property rights • Reviewing the arrangements for the disposal of land not required for public work • Aligning function of the PWA with Māori land ownership models
Timeframe	<ul style="list-style-type: none"> • Public consultation on discussion document starts September 2024 • Introduction in early 2025 • Bill to be in force in late 2025/early 2026 	<ul style="list-style-type: none"> • Timeframes will be dependent on scale and nature of Government priorities to include. • Steps will be in line with a targeted review, and anticipate a Bill in force in mid-2026 	<ul style="list-style-type: none"> • Broad public consultation starts October 2024 • Public consultation on discussion document on specific proposals starts mid-2025 • Introduction in early 2027 • Bill in force 2028

Smaller changes
Shorter timeframes



Significant changes
Longer timeframes