

BRF 24-387 Draft Cabinet paper *Initiating a review of the Public Works Act 1981*

Ki / To: Hon Chris Penk, Minister for Land Information

Rā / Date: 16 April 2024

Ngā mahi matua kia mahia/key actions required

Minita/Minister	Key action required: Agree/note/forward	Deadline when this action should be completed by
Minister for Land Information	Manatu/Note LINZ will initiate departmental consultation on the Cabinet paper	17 April 2024

Toitū Te Whenua Land Information New Zealand Whakapā/contacts

Ingoa/Name	Tūnga/Position	Nama waea/ Contact number	Whakapā tuatahi/first contact
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Ngā kōrero a te Minita/Minister's comments

Released under the Official Information Act 1982

Pūtake/Purpose

This briefing provides you with the attached draft Cabinet paper *Initiating a review of the Public Works Act 1981* (at **Appendix 1**) ahead of departmental consultation.

Pānui whāinga/Key messages

- 1 You have requested a Cabinet paper seeking agreement to a review of the PWA. Toitū Te Whenua Land Information New Zealand (LINZ) has developed a draft Cabinet paper (**Appendix 1**) reflecting your preferred approach for a review [BRF 24-357 refers].
- 2 LINZ recommends a two-stage approach to external consultation prior to policy decisions. This recommendation is reflected in the paper.
- 3 LINZ will initiate departmental consultation on the paper on Thursday 18 April. Should you wish to provide feedback on the paper, LINZ will incorporate any changes ahead of Ministerial consultation.

Toitū Te Whenua Land Information New Zealand recommends that you:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1 Manatu/Note LINZ will initiate departmental consultation on the Cabinet paper | <i>Noted</i> |
| 2 Manatu/Note a two-stage approach to the development of policy proposals ensures the issues and viewpoints of various groups are well understood and factored into the development of policy proposals | <i>Noted</i> |



Amanda Moran
Head of Strategy, Policy and Design
Toitū Te Whenua Land Information New Zealand

Rā/Date: 16/04/2024

Hon Chris Penk
**Te Minita mō Toitū te Whenua/
Minister for Land Information**

Rā/Date:

Tāpiritanga/Attachments

- 1 Draft Cabinet paper: *Initiating a review of the Public Works Act 1981*

Te Horopaki/Background

- 1 In March 2024, LINZ provided you with advice outlining three possible approaches to the scope of a review of the Public Works Act 1981 (PWA) [BRF 24-357 refers]. You have indicated a preference to a target review, extended to consider broader shifts to align with and support Government objectives and priorities under infrastructure, housing and resource management reform programmes.
- 2 You have requested that LINZ draft a Cabinet paper that seeks agreement from your Ministerial colleagues to your preferred approach. The draft Cabinet paper *Initiating a review of the Public Works Act 1981* is attached as **Appendix 1**.

The draft Cabinet paper seeks agreement to undertake a review of the PWA

- 3 The draft Cabinet paper details your decision to undertake a targeted review of the PWA that would consider matters specific to the PWA and matters relating to work programmes across government that may benefit through amendment of the PWA [BRF 24-357 refers].
- 4 An A3 to the paper is attached and provides a description of key PWA processes. LINZ intends to update this to expand upon land disposal and compensation processes.
- 5 The Cabinet paper also provides a high-level overview of alternative review options you considered.

A two-stage approach to the development of policy proposals is currently reflected in the Cabinet paper

- 6 In addition to LINZ continuing to consult with other Government agencies, as part of the initial stage of policy development, there is considerable value in seeking Cabinet agreement to consult with key external stakeholders ahead of policy decisions.
- 7 In the first instance, this would include targeted consultation with representatives of those affected by the PWA, including landowners, iwi and users of the PWA such as Crown and local authority entities (for example NZ Transport Agency, the Ministry of Education, councils, and universities), and network utility operators. This consultation will inform the development of a public discussion document. Once developed, Cabinet agreement will need to be sought to release this document, calling on public submissions.
- 8 This approach takes care around the fact that the powers to take land by compulsion from private landowners are among the strongest available to the Government, so any PWA amendments will attract considerable interest.
- 9 Further, As there has not been a significant opportunity for public consultation on the whole PWA since 2001, there is a need to test public views on PWA matters. Public consultation would ensure issues are known as early as possible, improving the quality of proposals, and preventing issues from being raised late in the legislative process, limiting the need for require subsequent and time-consuming reworking.

Ngā Tāwhaitanga/Next Steps

- 10 You have indicated to officials you would like to present the draft Cabinet paper at the Cabinet Economic Policy Committee on 22 May 2024.
- 11 LINZ will initiate departmental consultation on Thursday 18 April. A timeline for next steps for this Cabinet paper process are outlined below.

Action	Date
Departmental consultation	Thursday 18 April - Friday 26 April 2024
Any feedback on the draft Cabinet paper provided from your office	Thursday 25 April 2024
Updated Cabinet paper provided to your office following your feedback and departmental consultation	Tuesday 30 April 2024
Ministerial consultation	Thursday 2 May – Friday 10 May 2024
Updated Cabinet paper provided to your office following Ministerial consultation	Wednesday 15 May 2024
Lodgment	10am, Thursday 16 May 2024
Cabinet Committee (ECO)	Wednesday 22 May 2024
Cabinet	Monday 27 May 2024

- 12 Officials are available to discuss the contents of this briefing and draft Cabinet paper.