

BRF 24-446 Public Works Act 1981 – Final version of Cabinet paper

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

Rā / Date: 29 May 2024

Ngā mahi matua kia mahia/key actions required

| Minita/Minister | Key action required: | Deadline |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Minister for Land Information | Me mātai/Note LINZ has incorporated feedback from consultation on the draft Cabinet paper <i>Initiating a review of the Public Works Act 1981</i> . | 29 May 2024 |
| | Āmine/Agree to LINZ uploading the attached updated Cabinet paper, for your office to lodge, for Cabinet Business Committee (CBC) consideration on 4 June 2024. | 29 May 2024 |

Toitū Te Whenua Land Information New Zealand Whakapā/contacts

| Ingoa/Name | Tūnga/Position | Nama waea/ Contact number | Whakapā tuatahi/first contact |
|--------------|-------------------------------------------|---------------------------|-------------------------------------|
| Amanda Moran | Head of Strategy, Policy and Ministerials | 04 462 4553 | <input checked="" type="checkbox"/> |
| Rosie Parry | Principal Advisor, Policy | 04 471 6509 | <input type="checkbox"/> |

Ngā kōrero a te Minita/Minister's comments

Pūtake/Purpose

This briefing provides you with the final version of the Cabinet paper *Initiating a review of the Public Works Act 1981 (Attachment 1)*, following the incorporation of feedback from consultation on 28 May 2024. It also seeks your approval to lodge the paper for Cabinet Business Committee (CBC) consideration on 4 June 2024.

Pānui whāinga/Key messages

- 1 The final version of the Cabinet paper reflects your revised approach to reviewing the Public Works Act 1981 (PWA) [BRF 24-442 refers], and incorporates departmental feedback received on Tuesday 28 May 2024.
- 2 Toitū Te Whenua Land Information New Zealand (LINZ) officials are available to discuss the updated paper.
- 3 Several agencies provided feedback to LINZ, which LINZ has incorporated into the paper's final version (**Attachment 1**).

Agency feedback focussed on the updated scope, timeframes and Expert Advisory Panel

- 4 LINZ consulted with the Ministry of Business, Innovation and Employment, Ministry of Transport, Ministry of Justice, Ministry for Primary Industries, Ministry for the Environment, Ministry of Housing and Urban Development, Te Arawhiti, Te Puni Kōkiri, Department of Internal Affairs, Department of Conservation, Ministry for Culture and Heritage, Parliamentary Counsel Office (PCO), Te Waihanga New Zealand Infrastructure Commission, Waka Kotahi New Zealand Transport Agency, and the Treasury.
- 5 Agency feedback was primarily on the review's updated scope, and several agencies requested that the Cabinet paper more explicitly outline what is in or out of scope. LINZ has updated the Cabinet paper to provide a clearer overview of issues in the scope of the review.
- 6 Feedback was received by agencies, particularly Te Arawhiti and Te Puni Kōkiri, regarding Māori land and its relationship with the PWA. These agencies continue to raise concerns that the narrowed scope is unlikely to address tensions between the PWA and Māori land. LINZ has strengthened language in the Cabinet paper around retaining the fundamental principles of the PWA, including property rights and Treaty of Waitangi settlements.
- 7 Agencies also questioned how the Expert Advisory Panel will work with agencies and Māori. LINZ is drafting Terms of Reference for the Panel, and this will include LINZ's expectation that the Panel undertake targeted consultation with key users of the PWA, including local government and infrastructure agencies, and representatives of those affected by the PWA, including landowners, iwi and Māori (including post-settlement governance entities).
- 8 Agencies commented that the paper should include detail regarding the nature and costs of the Panel. LINZ has discussed this feedback with the Treasury and clarified that these details will be contained within the Panel's Terms of Reference.

9 [s 9(2)(h)]

[s 9(2)(h)]

Ngā Tāwhaitanga/Next steps

- 10 The paper will be lodged by 10am Thursday 30 May 2024 for CBC consideration on Tuesday 4 June 2024.
- 11 LINZ will provide you with supporting material for CBC on Thursday 30 May 2024.

Tohutohu/Recommendations

Toitū Te Whenua Land Information New Zealand recommends that you:

- | | | |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1 | Me mātai/Note LINZ has incorporated feedback from consultation on the Cabinet paper <i>Initiating a review of the Public Works Act 1981 (Attachment 1)</i> . | <i>Noted</i> |
| 2 | Me mātai/Note LINZ officials are available to discuss the updated paper. | <i>Noted</i> |
| 3 | Āmine/Agree to LINZ uploading the attached updated Cabinet paper, for your office to lodge, for Cabinet Business Committee consideration on 4 June 2024. | <i>Agree / disagree</i> |

[s 9(2)(a)]

Amanda Moran, Head of Strategy, Policy and Ministerials

Toitū Te Whenua Land Information New Zealand

Rā/Date: 29/05/2024

Hon Chris Penk

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

Rā/Date:

Tāpiritanga/Attachments

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