

# Departmental Disclosure Statement

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Public Works Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Toitū Te Whenua Land Information New Zealand (LINZ).

LINZ certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

6 November 2025

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## Part One: General Policy Statement

### General Policy Statement: Public Works Amendment Bill

The Public Works Act 1981 (the PWA) enables the Crown and local authorities to acquire private land to deliver public works projects. Public works include important infrastructure like roads, schools, water services, and electricity grid upgrades.

The PWA has not been significantly reformed since the 1980s. Processes can be lengthy and complex, delaying the delivery of infrastructure projects and creating challenges for both PWA users and landowners navigating the public works system.

The Public Works Amendment Bill (the Bill) is the result of a targeted review, focused on improving the efficiency, effectiveness, and clarity of land acquisition, objections, and compensation functions in the PWA.

The Bill supports the Government's infrastructure delivery priorities, as set out in the Government's economic strategy "Going for Growth". It delivers the action "taking decisions on PWA reform, to make it easier for the Crown to deliver infrastructure projects that provide wide public benefit". The Bill does so through targeted amendments focused on the following:

#### *Streamlining land acquisition powers and processes*

- streamlining information and negotiation requirements when inviting landowners to sell, and modernising notification processes and survey requirements to reflect technological changes;
- enabling a joint approach to project delivery: allowing agencies to co-ordinate land acquisition for connected public works, and allowing PWA users to acquire land for the purpose of relocating third-party infrastructure where that infrastructure is affected by a public work and the third party would otherwise be empowered to acquire the land under the PWA or the Resource Management Act 1991 (RMA);
- modernising delegation provisions to align with the Public Service Act 2020 and introducing regulatory tools to support Land Information New Zealand in monitoring the PWA;
- enabling Transpower New Zealand Limited (Transpower) to initiate and undertake some PWA processes through the PWA rather than by applying to the Minister for Land Information under the RMA;
- introducing a requirement for consent by the relevant Māori portfolio Minister before a notice of intention under section 23 of the PWA is issued to take protected Māori land for a Government work;

#### *Providing targeted improvements to objections proceedings*

- refining the Environment Court's consideration of alternatives where there is an RMA designation, requiring objectors to state the grounds for their objection, and clarifying that compensation disputes are not within the scope of objection proceedings (as the Land Valuation Tribunal resolves compensation disputes);

#### *Supporting effective, equitable, and fair compensation settings*

- introducing an incentive payment of 10 percent of land value available to landowners where agreement is reached before a notice of intention is given or

served under section 23 of the PWA, with a minimum payment of \$5,000 and a maximum payment of \$100,000;

- updating existing compensation payments, including increases to the value of home-loss and land-loss payments, and extending home-loss eligibility where there are multiple owners and more than 1 dwelling on a parcel of land;
- requiring that Māori freehold land is valued as if it were general land when it is acquired for a public work;
- requiring that attempts are made to resolve disputes through alternative dispute resolution provided by an independent person, prior to a Land Valuation Tribunal hearing;
- aligning compensation settings with current practice, such as by expressly allowing advance compensation agreements;

#### *Enabling timely recovery from emergencies*

- introducing an emergency recovery land acquisition process that can be activated by Order in Council following an emergency, with appropriate safeguards, rather than requiring bespoke legislation;
- setting out a standard process for emergency recovery that reduces negotiation requirements, simplifies acquisition processes, provides a limited submission process to the decision-maker (rather than objections to the Environment Court), excludes protected Māori land, and provides entitlements to incentive payments whether or not land is acquired by agreement.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
Cabinet directed LINZ to appoint an Expert Advisory Panel to provide independent and specialist advice to support the review of the PWA and to inform policy proposals. The Expert Advisory Panel's advice paper to the Chief Executive of LINZ was presented on 27 September 2024. A copy of the paper can be found here: <a href="https://www.linz.govt.nz/sites/default/files/2025-03/BRF_25-110_Attachment_1_Public_Works_Act_Expert_Advisory_Panel%27s_advice_paper.pdf">https://www.linz.govt.nz/sites/default/files/2025-03/BRF_25-110_Attachment_1_Public_Works_Act_Expert_Advisory_Panel%27s_advice_paper.pdf</a> .	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
LINZ was the authoring agency of two Regulatory Impact Statements: <ul style="list-style-type: none"><li>• <i>Regulatory Impact Statement: Review of the Public Works Act 1981</i>, finalised on 28 November 2024, which can be found here: <a href="https://www.linz.govt.nz/sites/default/files/doc/PWA_Review_RIS_-_as_at_23_September_2025.pdf">https://www.linz.govt.nz/sites/default/files/doc/PWA_Review_RIS_-_as_at_23_September_2025.pdf</a> and <a href="https://www.regulation.govt.nz/our-work/regulatory-impact-statements/">https://www.regulation.govt.nz/our-work/regulatory-impact-statements/</a></li><li>• <i>Regulatory Impact Statement Addendum: Review of the Public Works Act 1981</i>, finalised on 24 February 2025, which can be found here: <a href="https://www.linz.govt.nz/sites/default/files/doc/PWA_Review_RIS_Addendum_-_as_at_23_September_2025.pdf">https://www.linz.govt.nz/sites/default/files/doc/PWA_Review_RIS_Addendum_-_as_at_23_September_2025.pdf</a> and <a href="https://www.regulation.govt.nz/our-work/regulatory-impact-statements/">https://www.regulation.govt.nz/our-work/regulatory-impact-statements/</a>.</li></ul> <p>Some information in the Regulatory Impact Statement and the Addendum was redacted, consistent with section 9(2)(h) of the Official Information Act 1982 (to maintain legal professional privilege).</p>	

<b>2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
The RIS and RIS addendum did not meet the threshold for the Ministry for Regulation's assessment. The RIS documents were reviewed by a panel of representatives from LINZ and the Ministry for the Environment.	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
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## Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>

A principle of the PWA is that landowners are entitled to full compensation for their land, to ensure that their financial position is no worse than before any public work acquisition takes place.

Information on the costs to PWA users can be found here:

[https://www.linz.govt.nz/sites/default/files/2025-03/Public Works Act 1981 Review - Further Policy Decisions - Cabinet Paper - Redacted.pdf](https://www.linz.govt.nz/sites/default/files/2025-03/Public%20Works%20Act%201981%20Review%20-%20Further%20Policy%20Decisions%20-%20Cabinet%20Paper%20-%20Redacted.pdf):

*“Paragraph 28:*

*“The proposed incentive payments will increase upfront costs for PWA users, who are likely to use a greater proportion of their compensation budgets earlier in the acquisition process. Based on data on land acquired by the Minister between 1 January 2023 and 25 November 2024, the impact of the proposal would have been up to an additional \$12 million (around 4% of total compensation paid in that period). However, costs are expected to be offset by reduced legal costs and fewer delays. The select committee process provides an opportunity to seek information on the financial implications for local authorities.”*

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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The Universal Declaration of Human Rights states that everyone has the right to own property and that no one shall be arbitrarily deprived of their property. The PWA already contains provisions that enable the acquisition, and in some cases the compulsory taking, of land for public works. Under the proposed amendments, compulsory acquisition of land can still only be used for a legitimate public purpose, with the process for taking land being fair and transparent, and adhering to principles of natural justice.

### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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LINZ considers the PWA policy proposals to be consistent with upholding Treaty of Waitangi settlement obligations.

### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, will be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or report, will be accessible on the Ministry's website at <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/>.

### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>YES</b>
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Clause 23 inserts new Part 2C, which modifies the process for acquiring or taking land to support the timely and efficient restoration of public works following emergencies. Section 39U provides that Environment Court objection proceedings do not apply to the emergency process. New section 39S modifies new section 23C to provide a submission process to the compulsory acquisition decision-maker (rather than objections to the Environment Court).

<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>YES</b>
<p>The Ministry of Justice was consulted on the policy Cabinet papers and provided feedback on the emergency recovery land acquisition regime. It noted that appeal and review rights and procedures allow for scrutiny and correction of specific decisions of first instance decision-makers, and also help to maintain a high standard of public administration and public confidence in the legal system. LINZ considers that the use of the emergency recovery land acquisition processes is subject to safeguards including that it must be activated by Order in Council following an emergency.</p>	

### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>An External Advisory Panel was appointed to support the review of the PWA and to inform policy proposals. Panel members had experience and expertise in using the PWA, representing Crown users, local government, landowners, whenua Māori, and accredited suppliers. The Panel undertook targeted consultation with a range of stakeholders that directly interact with the PWA, including infrastructure agencies and local government.</p> <p>LINZ undertook targeted consultation on the policy proposals with the New Zealand Transport Agency (NTZA), Transpower, KiwiRail and the New Zealand Infrastructure Commission.</p> <p>NZTA was consulted on an exposure draft of the Bill as a key PWA user to test the workability of the Bill. Transpower was consulted on an exposure draft covering Part 2B of the Bill which relates to its access to the PWA, to test its workability.</p>	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>
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## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>YES</b>
The PWA already contains provisions that enable the acquisition and in some cases the compulsory taking of land for public works. The Bill amends the existing objection process to the Environment Court by refining the considerations the Court is required to consider.	

### Charges in the nature of a tax

<b>4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>
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### Retrospective effect

<b>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>YES</b>
<p>The Bill in general applies to the acquisition or taking of land for a public work if, before commencement:</p> <ul style="list-style-type: none"><li>• a notice of desire to acquire the land for the work is served under old section 18; and</li><li>• a notice of intention to take the land for the work is not given or served under old section 23.</li></ul> <p>Schedule 1 of the Bill enables the payment of incentive payments in clause 33, which inserts new section 72DA, to landowners who are already partway through the acquisition process at the time the Bill is enacted. These include:</p> <ul style="list-style-type: none"><li>• an acquisition or taking of land if the land is acquired by:<ul style="list-style-type: none"><li>○ an agreement that is entered into after commencement, or</li><li>○ a Proclamation under old section 26 that is issued after commencement.</li></ul></li></ul> <p>Amendments to sections 78 and 84 of the Bill (by new sections 36 and 37 of the Amendment Act) and Schedule 1, clause 13 clarify the effect of sections 78 and 84 before commencement. This does not materially affect rights or obligations because LINZ does not consider that it changes the law – rather it confirms what the law has always been.</p>	

## Strict liability or reversal of the usual burden of proof for offences

<b>4.4. Does this Bill:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>

## Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>
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## Significant decision-making powers

<b>4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</b>	<b>YES</b>
<p>Clause 23 inserts new Part 2C (Acquiring or taking land for emergency recovery) which provides that landowners, and every person having an estate or interest in land, have the right to make a submission. The test and process to be used by the decision-maker is set out in Part 2C.</p> <p>Clause 13 amends section 24, which provides for the Environment Court's consideration of alternatives where there is a designation under the RMA. Clause 13 provides that if there is a designation, the Environment Court must not undertake an enquiry into the adequacy of the consideration given to alternative sites, routes and methods under s 24 of the PWA.</p>	

## Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>YES</b>
<p>The amounts payable for compensation can be adjusted by Order in Council. The power can only be used once every five years (see clause 34 which amends section 72E). This mirrors the process that is already in the PWA.</p> <p>Clause 23 inserts new Part 2C, which modifies the process for acquiring or taking land to support the timely and efficient restoration of public works following emergencies. Part 2C can only be activated by Order in Council following an emergency. The Order in Council must specify the date on which the order is revoked (new section 39L(4)(e)), and if it is in place for more than five years, the Minister must review the Order in Council (section 39N).</p>	
<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>YES</b>
<p>Clause 39 amends section 243 of the PWA to provide a new regulation-making power to prescribe reporting requirements for persons exercising or performing powers, functions, or duties under the PWA, for the purpose of supporting the chief executive of LINZ to monitor the operation of the PWA.</p>	

**Any other unusual provisions or features**

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>
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