

BRF 22-200 Update on Public Works (Whenua Māori Offer back, Compensation, and Other Matters) Amendment Bill

Ki / To: Minister for Land Information

Rā / Date: 9 December 2021

Ngā mahi e hiahiatia ana / Action Sought

| Minita/Minister | Hohenga/Action | Rā Mutunga/Deadline |
|-------------------------------|---|---------------------|
| Minister for Land Information | Manatu/note that LINZ officials are working with Parliamentary Counsel Office on a redraft of the Bill to reflect minor and technical changes | 31 January 2022 |
| | Manatu/note that LINZ will provide Iwi policy technicians with an exposure draft of the Public Works (Whenua Māori Offer back, Compensation, and Other Matters) Amendment Bill | 31 January 2022 |

Toitū Te Whenua LINZ Whakapā / Contacts

| Ingoa/Name | Tūnga/Position | Nama waea/ Contact number | Whakapā tuatahi/ First contact |
|-------------------|----------------|---------------------------|-------------------------------------|
| Simon Skews-Poole | Policy Manager | 04 460 0166 | <input checked="" type="checkbox"/> |
| Nileema Narayan | Policy Advisor | 04 471 7333 | <input type="checkbox"/> |

Te Tari o te Minita ki te Whakaoti / Minister's office to complete

| | | | | | |
|-----------------|---|---|---|--|--|
| Kounga/ Quality | <input type="checkbox"/> 1 Unsatisfactory | <input type="checkbox"/> 2 Fell short of expectations | <input type="checkbox"/> 3 Met expectations | <input type="checkbox"/> 4 Exceeded expectations | <input type="checkbox"/> 5 Greatly exceeded expectations |
|-----------------|---|---|---|--|--|

 Poto kōrero/
 Comments

Pūtake/Purpose statement

This paper provides an update on progress with the Public Works (Whenua Māori Offer back, Compensation, and Other Matters) Amendment Bill (the Bill).

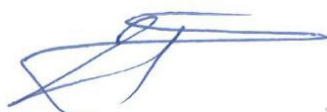
Pānui whāinga/Key messages

- 1 Toitū Te Whenua LINZ officials are working with the Parliamentary Counsel Office on an updated version of the Bill. The Bill is on track to be introduced in April 2022.
- 2 LINZ officials will be meeting with Iwi policy technicians in early 2022 to provide an update on progress with the Bill.

Tohutohu/Recommendations

It is recommended that you:

1. manatu/note that LINZ officials are working with Parliamentary Counsel Office on a redraft of the Bill to reflect minor and technical changes *Noted*
2. manatu/note that LINZ will provide Iwi policy technicians with an exposure draft of the Public Works (Whenua Māori Offer back, Compensation, and Other Matters) *Noted*



Simon Skews-Poole

Manager Policy, Toitū Te Whenua LINZ

Rā/date: 9 December 2021

Hon Damien O'Connor

Te Minita mō Toitū te Whenua

Rā/date:

Te Horopaki/Background

Public Works (Whenua Māori Offer back, Compensation, and Other Matters) Amendment Bill

- 1 In December 2019 Cabinet agreed to make targeted changes to the Public Works Act 1981 (PWA) and Te Ture Whenua Māori Act 1993. These changes formed part of the Whenua Māori programme progressed by Te Puni Kōkiri. The Public Works (Whenua Māori Offer back, Compensation, and Other Matters) Amendment Bill (the Bill) is the final component of the Whenua Māori reforms.
- 2 The Bill aims to address issues with compensation and disposals in the PWA process and introduces principles to ensure the consideration of Māori interests prior to the acquisition of Māori land. The Bill was assigned Category 4 priority for the 2020 Legislation Programme, however, was unable to be tabled due to delays caused by COVID-19.
- 3 In August 2021 you met with Hon Kelvin Davis, Minister for Māori-Crown Relations and Hon Willie Jackson, Minister for Māori Development, and agreed to make minor and technical changes to the Bill. These changes emerged from the last round of consultation with Iwi policy technicians (Iwi technicians) in June 2020.

Broader Public Works Act work programme

- 4 LINZ was progressing the Bill in conjunction with a broader Public Works Act process review, which would pick up on outstanding matters that were not resolved in the Bill.
- 5 In November 2021, following advice from LINZ officials you agreed to discontinue the Process review. LINZ will instead be developing and undertaking an operational improvements programme for the PWA. You have requested an update on the operational improvements programme in July 2022.

Tūranga/Current status

- 6 LINZ officials are working with Parliamentary Counsel Office (PCO) to incorporate the minor and technical changes to the Bill. PCO have indicated they can provide LINZ with an updated version of the Bill in December 2021. LINZ will provide you with an updated version of the Bill in early 2022, along with a Cabinet paper for Ministerial consultation.
- 7 In May you agreed to LINZ undertaking further consultation on a draft of the Bill with Iwi technicians. LINZ officials will be looking to meet with the Iwi technicians to provide an update on progress with the Bill in early 2022.
- 8 In previous advice LINZ discussed the possibility of you meeting with Iwi technicians. As the Bill was intended to progress alongside the Process review, a meeting with Iwi technicians would have provided an opportunity for you to introduce the Process review and address any concerns regarding outstanding policy issues. Given that the Process review is not proceeding, you may wish to consider whether a meeting with the Iwi technicians is appropriate. LINZ will communicate with your office on this matter.

Whakatūpato/Risks

- 9 The scope of the Bill may be perceived as not going far enough to address issues of significance to Māori. There is a risk that more contentious issues, such as the acquisition of Māori land, will be raised during the Select Committee stage. This can be managed through messaging around the intent of the Bill, such as improving fairness in compensation received. LINZ will support you to respond to any issues that are raised with Bill while it goes through each stage in the House.
- 10 There has been limited engagement with Māori on the Bill. Consultation on draft PWA Whenua Māori policy took place with Māori landowners in Whangārei and Rotorua in November 2019. Since then, consultation on the Bill has been limited to the group of Iwi technicians. While some consultation has taken place, the views of the Māori groups LINZ has consulted may not be representative of all Māori. Interested Māori stakeholders will have an opportunity to provide feedback on the Bill during the Select Committee stage.

Ngā Tāwhaitanga/Next Steps and/or angawā / timeframes

- 11 LINZ officials are working with PCO on an updated version of the Bill. PCO have indicated that a Bill will be ready in December 2021.
- 12 LINZ officials will arrange to meet with Iwi policy technicians early 2022.
- 13 LINZ officials will provide you with an update on the Bill and a copy of the Bill, along with a draft Cabinet paper for ministerial consultation in early 2022.
- 14 Indicative timeframes for introduction of the Bill are as follows:

| Date | Action |
|--------------------------|---|
| December 2021 | PCO provides a redrafted Bill |
| January 2022 | Departmental Consultation LINZ meets with Iwi policy technicians |
| February 2022 | Ministerial Consultation |
| March 2022 | Cabinet approval – LEG |
| April 2022 | Introduction of the Bill to Parliament |
| May 2022 - November 2022 | Select Committee |
| Early 2023 | Date of enactment |