

Our Ref DOIA 25-011

5 August 2024

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Tēnā koe [REDACTED]

Response to your official information request

Thank you for your official information request received on 9 July 2024 for information on the number of times the Public Works Act 1981 (PWA) has been applied to lands administered via Te Ture Whenua Māori Act 1991 (TTWMA) since Te Ture Whenua Māori was established.

When the PWA is used to acquire land administered under TTWMA, it is Māori Freehold Land that is acquired. Therefore, we have taken your request to mean that you are seeking information regarding when the PWA has been used to acquire Māori Freehold Land administered under TTWMA.

Some of the information you have requested is enclosed. However, some of the information you have requested has been refused under section 18(f) of the Official Information Act 1982 as the information requested cannot be made available without substantial collation or research. This includes information relating to the **specific** number of times the PWA has been applied to lands administered under TTWMA.

This has been refused for the following reasons

- Land Information New Zealand (LINZ)'s electronic record system for PWA-related decisions does not record the status of land that has been acquired, including whether that land is Māori Freehold Land. To identify individual cases would require reviewing each acquisition file.
- Similarly, the land parcel descriptions and alternative solutions sought in your request are not recorded. Again, to identify this information would require reviewing each acquisition file.
- LINZ only holds information for Crown acquisitions. Information about acquisitions by local authorities (as defined in the PWA) are held by those entities.

However, we have identified alternative information that we believe can inform your request. Please note that all information provided relates to Crown actions only.

When Māori Freehold Land is sought to be acquired by agreement under the PWA, an application must be made to the Māori Land Court for confirmation of an alienation of any interest in Māori Freehold Land through section 151 of the TTWMA. This occurs after an agreement has been reached with landowners. Until 2019, LINZ was responsible for actioning Crown applications for a section 151 certificate. Since that time, applications to the Māori Land Court are made by the Crown Law Office, on behalf of the Crown.

We can advise that since 1 July 1998 (when LINZ began gathering data):

- LINZ has applied to the Māori Land Court for confirmation of alienations of Māori Freehold Land, where the Crown reached agreement with owners, on **69** occasions under section 151 of TTWMA.
- Information regarding land parcel descriptions or whether these properties were acquired under the PWA or whether acquisition was cancelled is not available within LINZ's data and cannot be made available without substantial collation or research.
- As noted above, LINZ is no longer responsible for approving section 151 certificates for the Crown. However, in discussion with NZTA, we have identified that between 2015 and 2020, three parcels of Māori Freehold Land have been acquired by agreement by the Crown and with the approval of the Māori Land Court.

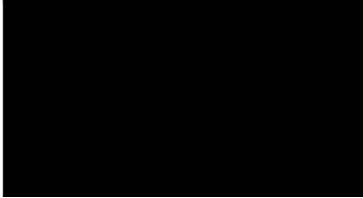
In terms of compulsory acquisition, since 1 July 1998, 282 compulsory acquisitions have been completed by the Crown under the PWA. Our system does not record whether these compulsory acquisitions were for lands administered under TTWMA. We are aware that the last time Māori Freehold Land was compulsorily acquired by the Crown was in December 2013 for an NZTA project. Following this, the last time a section 23 PWA notice for Māori Freehold Land was served for an NZTA project was in late 2017. This land was ultimately acquired by agreement instead of compulsory acquisition being progressed further.

If you wish to discuss this decision with us, please feel free to contact Craig Harris at +6444600170 or by email at charris@linz.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note, this response letter outlining our decision on your request, **with your personal details withheld**, and any attached documentation will be published on the Toitū Te Whenua Land Information New Zealand website. This is likely to be published by 30 September 2024

Nāku noa, nā



Rebecca McAtamney
Head of Regulatory Practice and Delivery