

DOIA 24-004 Weekly report items to the Minister of Land Information in-scope of the request

Excerpt from Weekly Report 12/06/2020 (BRF 20-601):

Supporting Māori/Crown relations and Tiriti o Waitangi Settlements

Whenua Māori Public Works Act (PWA) Reforms

We understand Hon Nanaia Mahuta, Minister for Māori Development, is sending you a letter suggesting that you sponsor the proposed reform Bill. If you agree, we can support you to have a final Bill ready to be tabled before the House rises.

The Bill covers the provisions agreed by Cabinet in December 2019:

- an updated offer-back regime, and
- aligning the regime more closely with the principles of Te Ture Whenua Māori Act, which requires those exercising power under the Act to do so in a manner that facilitates and promotes the retention, use, development, and control of Māori land as taonga tuku iho.

Improving the offer-back regime will provide a better chance for Māori landowners to regain their whenua, by clarifying the process and expectations for the Crown and Local Government.

These provisions have widespread sector support. Stakeholder engagement in 2019 confirmed that, for Māori landowners and many local government districts and councils, the offer-back obligations and processes are a welcome update to the PWA.

Indicative timing for this work is:

Date	Action
Thurs 18 June	Provide you with the draft Bill
Mon 22 June	Circulate the draft Bill for departmental consultation
Mon 29 June	Receive departmental comments on draft Bill
Fri 3 July	Provide you with a draft LEG Cabinet paper and final draft Bill for Ministerial/cross party consultation
Mon 6 to Mon 13 July	Ministerial and cross-party consultation
Thurs 16 July	Lodge Bill, LEG Cabinet paper and Departmental Disclosure Statement
Tue 21 July	LEG Committee
Mon 27 July	Cabinet
Tue 28 July	Bill tabled in the House

Excerpt from Weekly Report 05/02/2020 (BRF 20-349):

Supporting Māori/Crown relations and Te Tiriti o Waitangi Settlements

Whenua Māori Public Works Act (PWA) Reforms

We are currently preparing drafting instructions for the offer-back and principles provisions that were agreed by Māori Crown Relations Committee (MCR) on Tuesday 3 December 2019.

Once drafting is complete, you and Minister for Māori Development, Hon Nanaia Mahuta, will have an opportunity to consider progressing this as a standalone Bill without the compulsory acquisition provisions. This could allow you to progress a substantive part of the Whenua Māori reforms, while acquisition options are further developed. The offer-back amendments were particularly welcomed by Māori landowners during engagement.

Following the direction of MCR, we are developing updated options for land acquisition and decision-making on protected Māori land. Officials from LINZ, Te Puni Kōkiri, Department of Internal Affairs, Ministry of Transport and Te Arawhiti have been working together to scope options for development that balance the retention of Māori land with the need for land for public works. This work incorporates a broad range of system perspectives. We are working to ensure that officials are only focussing on options that are workable across this range of views.

Excerpt from Weekly Report 21/06/2019 (BRF 19-430):

Whenua Māori/Public Works Act (PWA) 1981

We are working with Te Puni Kōkiri on options to amend the decision-making process in the PWA for the taking of 'sensitive Māori land'. The options we are considering so far include:

- Providing for a general Treaty principles clause to be applied when the Crown acquires sensitive Māori land;
- Adding additional Ministers to the decision-making process (including the Minister of Land Information) such as the Minister for Māori Development or Minister for Crown/Māori Relations; and
- Requiring that acquiring authorities exhaust the practicality of taking a lesser interest in land – such as a lease – before the apply to have the fee simple taken.

We have discussed these views with other agencies including KiwiRail, the New Zealand Transport Agency (NZTA), the Ministry of Education and Te Arawhiti. [s 9(2)(g)(i)]

Te Arawhiti has provided feedback and proposed an additional option which would allow the Crown to use binding use agreements to secure public works without requiring the fee simple. We are working with all agencies to develop options that could provide for adequate protection of sensitive Māori land, while enabling acquiring authorities to undertake public works.

We are working towards providing you with advice by Thursday 27 June to discuss these options and issues, including the timeframe implications.