

Regulatory Impact Statement Addendum: Public Works Amendment Bill: accelerated process for restoring public works may be used for recovery from 2026 severe weather events

Decision sought	<i>This analysis has been produced for the purpose of informing Cabinet decisions on changes to be made to the Public Works Amendment Bill through the Bill's departmental report. The changes would enable the Bill's accelerated process for restoring public works to be activated for emergencies occurring from 24 November 2025 (when the Bill was introduced, but before the Bill is in force), so that they are available to be used for recovery from emergency events which have already taken place in 2026 or which may occur prior to enactment.</i>
Agency responsible	<i>Toitū Te Whenua Land Information New Zealand</i>
Proposing Ministers	<i>Minister for Land Information</i>
Date finalised	<i>10 March 2026</i>

Background, context and description of the proposal

This is an addendum to the primary RIS, Review of the Public Works Act 1981 (finalised 28 November 2024¹) and its addendum (finalised 24 February 2025²).

The Public Works Amendment Bill introduces an accelerated land acquisition process to support the timely restoration of public works damaged in emergencies. The accelerated process will be set out in the Public Works Act 1981 (PWA) and may be activated by Orders in Council for specified areas and works. The order must be issued within two years of the declaration of a state of emergency or a notice of a transition period.

The accelerated land acquisition process reduces negotiation requirements, simplifies acquisition processes, provides a limited submission process to the decision-maker (rather than objections to the Environment Court), excludes the use of the accelerated process for

¹ <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/regulatory-impact-statement-review-of-the-public-works-act-1981/>

² <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/regulatory-impact-statement-addendum-review-of-the-public-works-act-1981/>

protected Māori land³, and provides entitlements to incentive payments whether or not land is acquired by agreement.

The proposal is to enable the accelerated emergency recovery process contained in the Public Works Amendment Bill to be activated for emergencies occurring from 24 November 2025 (when the Bill was introduced, but before the Bill is in force). The proposal also includes bringing forward the commencement of the relevant part of the Bill to the day after it receives royal assent.

This is a narrow change in line with the overall policy for the emergency recovery process included in the Bill.

What is the policy problem?

The PWA review identified the opportunity to include provisions in the Act to better support recovery from emergencies. Currently, the PWA does not contain an emergency recovery process. Following previous large-scale emergencies, bespoke legislation has been enacted that enabled standard PWA processes to be modified or overridden.

Since the Bill's introduction on 24 November 2025, nine states of emergency have been declared for severe weather or flooding. These events have caused damage to public works. Further events may occur before the Bill is expected to come into force in mid-2026.

Recovery planning from 2026 events is at its early stages. Agencies and local government have yet to confirm if restoration of public works damaged by these events will require any land acquisitions. However, based on previous events of a similar scale, New Zealand Transport Agency (NZTA) has indicated that such acquisitions are likely.

As at 10 March 2026, final decisions have yet to be made on a legislative response to addressing the January 2026 weather events. Cabinet has agreed in principle to amend the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA). SWERLA was designed for recovery from a national state of emergency and the threshold to pursue this approach is high. Officials have been directed to prepare further advice on whether to amend SWERLA or consider whether existing mechanisms are sufficient to achieve recovery outcomes.

What is the policy objective?

The focus of the proposal in this RIS addendum is to support recovery efforts for emergency events occurring between the introduction of the Bill and the Bill coming into force (which is expected in mid-2026). The proposal would enable activation of the Bill's accelerated process for emergencies that occurred in the period on or after the date the Bill was introduced but before it comes into force to allow for this new process to be used for the restoration of public works where additional land is required.

The policy objective remains the same as in the primary RIS: to provide for accelerated land acquisition following an emergency to enable the timely restoration of public works to support recovery efforts.

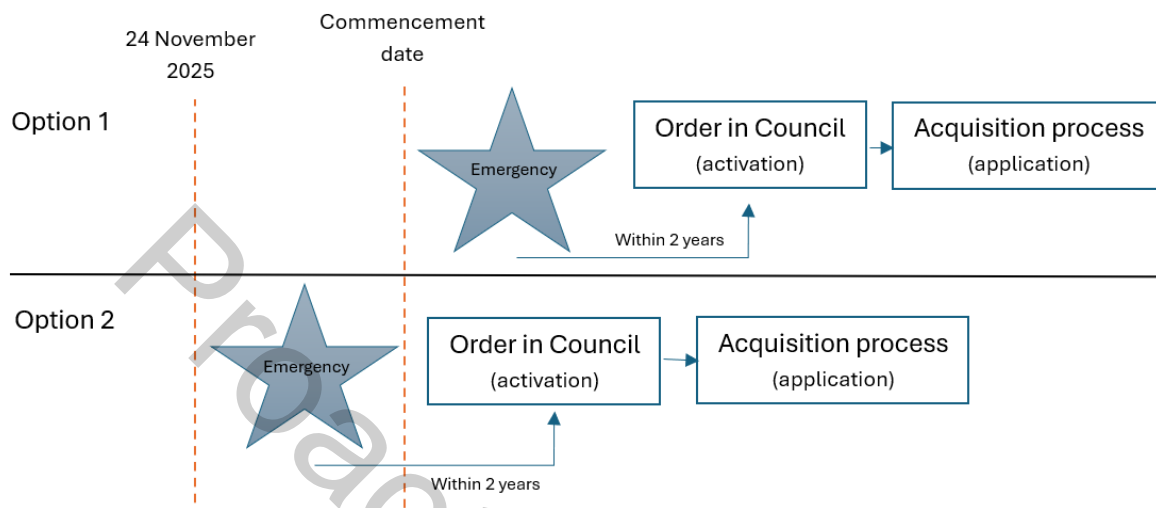
The proposal would enable the accelerated land acquisition process to be activated after the Bill commences and would require an Order in Council. However, activation will be subject to the processes set out in the bill, including that an order may be made only on the recommendation of the Minister, after being satisfied that:

³ Any protected Māori land required for an emergency recovery project must be acquired using the standard PWA process.

- the public work requires restoration because of damage caused by the emergency,
- restoring the public work would support the response to the emergency, and
- the extent of the order is not broader (including geographically broader in application) than reasonably necessary to support the timely and efficient restoration of the public work.

What policy options have been considered, including any alternatives to regulation?

Two potential options to address the problem have been identified:



Option 1: Maintain the status quo

This option would mean the emergency recovery process would only be available for emergencies occurring post-commencement.

Land needed for the restoration of the damaged public works would be acquired under the standard PWA process (taking around a year, potentially two or more if landowners object to the Environment Court).

Bespoke legislation could be developed if necessary. While Cabinet has agreed in principle to amend SWERLA for January 2026 events, the threshold for bespoke legislation is high. Further advice on whether to amend SWERLA will consider whether existing mechanisms are sufficient to achieve recovery outcomes.

Option 2: Enable use of the emergency recovery process for emergencies occurring prior to commencement

This option would enable the emergency recovery process set out in the Bill to be activated by Order in Council when the Bill comes into force for emergencies occurring since 24 November 2025 (the date of the Bill's introduction). This option also includes bringing forward the commencement of the relevant parts of the Bill to the day after royal assent (rather than 28 days later).

This would provide certainty, avoid gaps, increase efficiency in response and provide clarity of the land acquisition options available to agencies and local government emergency recovery planning and delivery. If the process was activated, it would mean land required to restore damaged public works would be able to be acquired much more quickly (likely to be around three months, with no potential for delay at the Environment Court). There would be no need to develop and enact bespoke legislation to modify or override standard processes. The process in the Bill can be activated at a targeted scale, enabling restoration of public works damaged by

localised events that would not meet the threshold for SWERLA or otherwise developing legislation.

The date of the Bill's introduction (24 November 2025) is considered an appropriate and effective date as:

- a specific date provides clarity and certainty
- it makes the process available for recovery from the severe weather events in January 2026
- the date of the Bill's introduction is the date from which the provisions were made public.

Analysis of LDAC guidelines on legislation affecting existing rights, duties, and situations and addressing past conduct

- The PWA Bill enables activation of the emergency recovery process by Order in Council within two years of the declaration of the state of emergency for which the restoration works relate. However, the presumption against retrospectivity means that, unless expressly stated, the two-year period cannot include any time before enactment.
- The proposal has a retrospective element. Emergencies occurring within a specified period prior to commencement would meet the parameters for events for which the emergency recovery process may be used.
- The Legislation Design and Advisory Committee's guidelines provide that the starting point is that legislation should not have retrospective effect. It should not interfere with accrued rights and duties. If direct retrospective effect is intended, this must be clearly stated in legislation and be capable of justification.⁴
- However, under the proposal, rights and duties are only modified prospectively. Orders in Council activating the emergency recovery process for specific works and areas may only be made after commencement. It is only then that the rights and duties under the PWA are modified.
- The proposal is in line with the Bill's emergency recovery process and overall policy intent, which modifies rights and duties under the PWA to support emergency recovery. The proposal will mean there is a consistent process available for all land acquisitions required for emergency recovery purposes after the Bill is enacted.
- The retrospective element of the proposal has been limited. The timeframe allowed between the emergency occurring and activation of the process is shorter than the standard two years provided in the Bill, and has been proposed to be the date of introduction for the reasons set out above.

Analysis of the options against the criteria from the primary RIS is included in **Appendix 1**.

How will the proposal be implemented?

As per the RIS addendum RIS Review of the Public Works Act 1981, page 4 (finalised 24 February 2025⁵).

What is the impact of the proposal?

The impact of the proposal is limited to emergency events occurring between 24 November 2025 (the date of the Bill's introduction) and enactment (expected in mid-2026) and will only have an impact if the emergency recovery process is activated by Order in Council following the Bill's commencement. If activated, those affected would be:

⁴ Page 58, <https://www.ldac.org.nz/guidelines>

⁵ <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/regulatory-impact-statement-addendum-review-of-the-public-works-act-1981/>

Landowners neighbouring public works requiring additional land for restoration

- The time period covered by emergency provisions will be clear to landowners.
- Compared to if their land was acquired by the standard PWA process, landowners would:
 - have a shorter period in which to negotiate acquisition by agreement
 - not have a right to object to the Environment Court, but instead a written submissions process to the decision maker would apply
 - be eligible for additional compensation, as per the Bill's emergency recovery provisions.

PWA users

- Availability of a quicker and less costly process to support faster restoration of public works following an emergency, subject to the tests and safeguards in the Bill's emergency recovery provisions.
- There will also be wider public benefits from infrastructure being restored more quickly after an emergency. The exact impact will vary depending on the event and damaged caused.

What consultation has been undertaken?

Public consultation occurred in 2025/2026 on the emergency recovery process itself through the select committee process on the Bill. It did not cover this proposal. Local authority, infrastructure, and industry submitters supported the streamlining of PWA processes to support emergency recovery. These submitters noted how events in recent history have highlighted the need to provide for timely recovery from emergencies by restoring affected infrastructure. Some legal organisations, iwi and community groups and individuals expressed concern or opposition, mainly relating to processes being faster than standard processes (including removal of objections to the Environment Court). These issues are being considered by the Select Committee.

As part of the engagement with agencies following the 2026 severe weather events, NZTA have indicated that, based on previous similar events, they are likely to need to acquire land to restore public works.

What are the limitations and constraints on this analysis?

Recovery planning for 2026 severe weather events is at preliminary stages, and it is too early to identify specific land requirements for the restoration of public works.

It cannot be known if there will be further emergency events between now and the expected commencement date (mid- 2026).

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

Yes

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.



Amanda Moran
Head of Strategy and Policy
Toitū Te Whenua, Land
Information New Zealand
 10 March 2026

Quality Assurance Statement**Reviewing Agency: Land Information New Zealand****QA rating:** Partially meets**Panel Comment:**

This Regulatory Impact Statement (RIS) Addendum has been reviewed by two representatives from Land Information New Zealand.

The Panel considers the RIS Addendum is complete, clear and concise, and provides a sufficiently convincing rationale for enabling the emergency recovery process in the Public Works Amendment Bill (the Bill) to be activated for a period prior to the Bill coming into force. The Panel acknowledges that the restrictions on cost benefit analysis set out in the 27 February 2025 RIS Addendum apply here. The Panel also notes that consultation has occurred on the emergency provisions proposed in the Bill and feedback both supported and raised concerns with the Bill's proposals but that this additional proposal has not been consulted on. The RIS Addendum has been given a partially meets rating against the quality assurance criteria.

Appendix 1. How do the options compare to the status quo?

- Option C1c the preferred option in the primary RIS and drafted in the PWA Bill is included for reference. Unless where indicated in the table below, the analysis of Option 2 versus the status quo corresponds with the analysis of Option C1c in the primary RIS.

	Option One – Status Quo	Option Two – Enable use of the emergency recovery process for emergencies occurring after introduction but prior to commencement	Option C1c in primary RIS – PWA Bill emergency recovery process (for reference only)
Effectiveness (Ensures that the legislation is workable, fit for purpose and realises the Crown’s ability to undertake public works)	0	+++ The relative effectiveness of the proposal is greater than that of the preferred option in the original RIS, as it provides certainty of an accelerated emergency response acquisition pathway for 2026 severe weather events or other events occurring before enactment.	++
Efficiency (Effective at improving process efficiency and removing unnecessary duplication)	0	++ The proposal removes the need for bespoke legislation and Orders in Council specifying accelerated PWA processes for 2026 severe weather events or other emergencies occurring before enactment.	++
Clarity (Provides transparency for those using and affected by PWA processes)	0	+ The proposal will enable a consistent process, set out in primary legislation, available for all land acquisitions required for emergency recovery purposes after the Bill is enacted.	+

Feasibility (Can be easily implemented (including affordability) to achieve the policy objective)	0	+	+
Overall assessment	0	7	6

Key for qualitative judgements:

+++	much better than the status quo and better than the preferred option in the primary RIS
++	much better than the status quo
+	better than the status quo
0	about the same the status quo
-	worse than the status quo
--	much worse than the status quo