

27 January 2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Submission via parliament submission portal

Dear Committee Secretariat,

Submission on the Public Works Amendment Bill

Introduction

Electricity Networks Aotearoa (ENA) appreciates the opportunity to make a submission on the Public Works Amendment Bill (the Bill).

ENA is the industry membership body that represents the 29 electricity distribution businesses (EDBs) that take power from the national grid and deliver it to homes and businesses (our members are listed in Appendix A).

EDBs employ over 7,800 people, deliver energy to more than two million homes and businesses, and have spent or invested \$6.2 billion in network assets over the last five years. ENA harnesses members' collective expertise to promote safe, reliable, and affordable power for our members' customers.

EDB interaction with the Public Works Act

EDBs generally rely on voluntary agreements with landowners when they need EDB assets to cross through or be located on private land. In the majority of cases this access to private land is achieved through negotiated easements or land access agreements with landowners. This is a longstanding industry practice in which cooperation and good relations with landowners is preferred over the use of compulsory land acquisition.

Where voluntary negotiation is unsuccessful, EDBs may rely on the compulsory acquisition framework under the Public Works Act 1981 (PWA) as a backstop, provided the relevant statutory preconditions are met. EDBs do not hold independent compulsory acquisition powers. Rather, where approved as requiring authorities under the Resource Management Act 1991 (RMA), and where land is required for a designated network infrastructure project, section 186 of the RMA enables land or an interest in land to be acquired under the PWA by the Crown or a local authority on the requiring authority's behalf, as if the requiring authority were a local authority.

In those circumstances, the PWA provides a limited and structured mechanism for compulsory acquisition, including requirements for good-faith negotiation and a demonstrated need for the land

for a public work. Typically, EDBs only require a limited interest in the land, such as rights for poles, lines and access, rather than full ownership.

In practice, EDBs use this PWA backstop sparingly. However, the ability to compulsorily acquire land or easements under the PWA is necessary to ensure that critical electricity infrastructure can be delivered when agreement with a landowner cannot be reached.

Overall position on amendments

ENA broadly supports the intent of the Bill to modernise the PWA, to improve process clarity and support the timely delivery of infrastructure that delivers wide public benefits.

In principle, ENA supports:

- Streamlined and more efficient land acquisition processes, where the appropriate safeguards are retained.
- Clearer processes for relocating infrastructure affected by public works.
- Faster recovery and restoration of infrastructure following emergencies.
- Improved coordination across relevant agencies and infrastructure providers for connected or interdependent projects.
- Greater guidance in the application of the PWA.

Combined projects (new sections 27A – 27D)

ENA supports the concept of combined projects that allow multiple public works to be authorised and progressed in a coordinated fashion. As EDB networks are reactive to development, upgrades on the networks are often closely linked to other nearby urban development projects. A combined project framework has potential to reduce some of the inefficiency involved where multiple projects are operating within the same space at the same time. If the intent of these new sections is realised, then ENA can see this will minimise repeated disruption to landowners and communities and potentially reduce the overall cost of some of these projects.

Careful implementation of these new sections is needed to ensure there is clear accountability for compensation, costs and decision making. It will also be important to have early engagement with affected landowners and infrastructure providers.

Relocation of infrastructure (new sections 27E – 27H)

ENA supports the introduction of explicit powers to acquire land for the purpose of relocating infrastructure that is affected by a public work. EDB networks are impacted by a wide range of other infrastructure projects, especially those located along the road corridor. An efficient mechanism for acquiring land to relocate affected network assets is useful in this regard.

ENA can see that where multiple network utility operators are involved in relocating their assets, the application of these new sections may become difficult. As the road corridor becomes more crowded (particularly in urban areas), there may be less and less space for the relocation of assets – especially where multiple different utility operators have assets needing to be relocated.

Infrastructure relocation is sometimes necessary to enable public works or to ensure continued operation of the essential service that EDBs provide.

While section 27G addresses compensation for affected landowners when infrastructure needs to be moved, it does not make provision for infrastructure owners to be compensated for the costs of relocating their infrastructure. EDBs usually do not own the land on which their infrastructure is

located but face considerable costs needing to move or install new poles, towers, cabinets and underground cables. Finding an alternative site for the infrastructure is just one part of the problem. There are also capital, engineering, earthworks and consenting costs.

We submit that a new provision be added to clause 15 of the Bill, enabling network utility operators to make claims for compensation when they are required to relocate infrastructure affected by a public work. Funds spent on relocation reduce the funding available for network improvements and expansion. It should be made explicit that where infrastructure is required to be relocated due to another party's project, the full cost of relocation to ensure replication of existing coverage and capacity at a minimum (including new assets) should be borne by the party requiring the relocation.

Not all EDBs are requiring authorities, which means not all EDBs fall within the definition of a "responsible network utility operator" in section 27E. Despite this, all EDBs can be affected by public works acquisition. Accordingly, all EDBs should have the benefit of the relocation process in section 27E. To achieve this, the definition of "responsible network utility operator" should be amended to remove the requiring authority requirement.

Statutory powers equivalent to Transpower (new Part 2B, sections 39A-39J)

ENA understands the Bill would grant Transpower statutory powers under new Part 2B (sections 39A–39J), including the ability to initiate and undertake land acquisition for its projects. ENA proposes that all EDBs and other network utility operators (as defined in section 166(1) of the Resource Management Act 1991) be granted equivalent statutory powers for the purposes of delivering critical infrastructure, including:

- a. The ability to initiate land acquisition processes directly
- b. The ability to have land vested in the relevant EDB or network utility operator for infrastructure purposes
- c. Clear cost recovery and compensation mechanisms.

Affording these powers to all EDBs and other critical infrastructure providers would help to ensure they can deliver projects efficiently and equitably, without unnecessary delays or administrative barriers. For example, in areas of rapid urbanisation, EDBs may need to acquire land for new substations or major network upgrades to support housing and commercial growth. Direct land acquisition powers would enable timely delivery of this infrastructure where reliance on negotiated agreements alone would otherwise delay development and shift costs onto consumers.

Our similarities in significance and function to Transpower are exemplified in the National Policy Statement for Electricity Networks 2008 (as amended in 2025). This applies to both electricity transmission and distribution networks and recognises their national significance, their functional and operational need to be located in particular environments, and the importance of their timely and efficient development and upgrading.¹

As natural monopolies, EDBs are subject to extensive statutory and economic regulation that tightly constrains their behaviour, including investment decisions, pricing, and service quality. These constraints provide assurance that any use of statutory land acquisition powers would be targeted, justified, and exercised only where necessary to deliver critical infrastructure outcomes. All EDBs operate under the Electricity Act 1992 and are required to comply with the Electricity Industry Participation Code, which imposes mandatory obligations relating to network access, system

¹National Policy Statement for Electricity Networks 2008, as amended in December 2025, Ministry for the Environment, available at: [npsen-2008-amended-december-2025](https://www.mfe.govt.nz/national-policy-statements/national-policy-statement-electricity-networks-2008-amended-december-2025).

security, reliability, and coordination with other electricity sector participants. Most EDBs are also subject to price-quality regulation under Part 4 of the Commerce Act 1986, administered by the Commerce Commission, which constrains allowable revenues, regulates service quality, and requires detailed public information disclosure on performance, pricing and investment.

Even where an EDB is exempt from price-quality regulation, it remains subject to information disclosure requirements and governance accountability through consumer ownership and statutory oversight.

Emergency recovery provisions (new Part 2C)

ENA supports the introduction of a standardised emergency recovery land acquisition process. EDBs are lifeline utilities and rapid restoration of network services following an emergency is essential.

Conclusion

ENA broadly supports the Public Works Amendment Bill and its objectives of improving efficiency, clarity, and fairness in land acquisition for public works. ENA encourages the Government to continue engaging with network utility operators as implementation guidance is developed. The Bill is being considered in a period of significant resource management and planning reform, and it is important that there is alignment between the amended PWA and this wider work.

Do not hesitate to get in touch with ENA if you'd like to discuss any of the points raised in our submission. Please contact Sophie Tulley (sophie@electricity.org.nz) in the first instance.

Yours sincerely,



Sophie Tulley
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Electricity Networks Aotearoa

Appendix A: ENA Members

Electricity Networks Aotearoa makes this submission along with the support of its members, listed below.

- Alpine Energy
- Aurora Energy
- Buller Electricity
- Centralines
- Counties Energy
- Firstlight Network
- EA Networks
- Electra
- Electricity Invercargill
- Horizon Networks
- MainPower New Zealand
- Marlborough Lines
- Nelson Electricity
- Network Tasman
- Network Waitaki
- Northpower
- Orion New Zealand
- Powerco
- PowerNet (which manages The Power Company, Electricity Invercargill, OtagoNet and Lakeland Network)
- Scanpower
- The Lines Company
- Top Energy
- Unison Networks
- Vector
- Waipa Networks
- WEL Networks
- Wellington Electricity
- Westpower