**Information sheet 5**

March 2016

# Impact of Better Local Services on iwi

### Protecting the integrity of Treaty settlements

The Better Local Services reform package creates new options for local government to collaborate and innovate. The package will protect and complement iwi-council arrangements established under Treaty settlements and other legislation.

#### Treaty settlements and iwi involvement protected

Any changes to council governance, oversight, and delivery of services using new options in the Better Local Services reform package will need to be consistent with Treaty settlements and other legislation that provides for iwi involvement, but existing arrangements could be modified with iwi agreement.

#### Treaty settlements to be reflected in reorganisation proposals

The Local Government Commission (and local authorities in the case of council-led reorganisations) will need to work with affected iwi to ensure Treaty settlement arrangements are appropriately reflected in reorganisation proposals. They will also need to consult with the Attorney-General and the Minister for Treaty of Waitangi Negotiations about proposed changes to iwi-council arrangements established under Treaty settlements and other legislation.

#### Statutory criteria

There will be statutory criteria to guide the Commission and councils’ decisions on reorganisation proposals, including: authorities in the case of

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| Outcomes of a reorganisation investigation | Implementing a reorganisation |
| Unless otherwise agreed with affected iwi, arrangements to provide for iwi involvement in resource management should provide at least the same role and level of decision-making for iwi as any arrangement specified in a Treaty settlement or other legislation. | In deciding whether to implement a reorganisation, the Commission must have regard to existing communities of interest, and the extent to which the reorganisation would maintain linkages between communities (including iwi and hapū) and sites/resources of significance to them. |

### Public Works Act powers for water and transport council-controlled organisations

Water and transport council-controlled organisations will have powers under the Public Works Act 1981 currently held by councils, which they will need to carry out their functions. For example, water council-controlled organisations will need powers to obtain easements for water and wastewater pipes over private land.

The reforms propose:

* Water council-controlled organisations that both own and manage assets will have powers under the Public Works Act to acquire land or an interest in land.
* Regional transport or roading council-controlled organisations will have powers to require their shareholding councils to use Public Works Act powers on their behalf to acquire land or an interest in land.

Water and transport council-controlled organisations will be required to follow the processes prescribed in the Public Works Act, including the requirements relating specifically to Māori land.

The Public Works Act, including its application to Māori freehold land, is being reviewed as part of the Te Ture Whenua Māori reforms. The Better Local Services proposals to give water and transport council-controlled organisations Public Works Act powers will be considered as part of that review and changes made if required.

## For more information

For more information see [dia.govt.nz/better-local-services](http://dia.govt.nz/better-local-services).