

**HON TE URUROA FLAVELL, TE MINITA WHANAKETANGA
MĀORI**

TE TURE WHENUA MĀORI BILL

FIRST READING SPEECH

Mr Speaker, I move, that the Te Ture Whenua Māori Bill be now read a first time.

I nominate the Māori Affairs Committee to consider the Bill.

Mihi

Kei aku rangatira, tēnā tātou katoa. Tēnā hoki tātou i te āhua ki ō tātou mate e hingahinga mai ana i ō tātou marae maha huri i te motu. Kua tangihia, kua mihia rātou, kua ea te wāhi ki a rātou. I tō rātou matenga, mahue mai ana ko tātou hei pīkau i ngā mahi i mahia e rātou, hei tohe tonu hoki i ngā take i tohea e rātou.

Waihoki, ko te tohe nui a te Māori i roto i ngā ngahurutanga tau, ko te tohe mō te whenua.

Te Ture Whenua Māori Act 1993 was arguably one of the most ground breaking pieces of legislation of our generation - because of the seismic shift it made in Māori land policy. This Bill is one of the most important measures for Māori that this Parliament will consider in our time.

Whatungarongaro te tangata, toitū te whenua. As man disappears from sight, the land remains. This is one of many whakataukī that illustrate our connection to land.

To Māori, land is everything. Land provides our sense of identity, belonging, and continuity. Whenua is our link with our tūpuna and future generations.

It was the 1975 land march that completely changed the legal framework for Māori land.

It shifted from one that assimilated and alienated Māori land to one that promoted its' retention.

Along came the Ture Whenua Act 1993 and the Act is far from perfect. We know this to be true because the first attempt at reform started in 1998, five years later.

It is inconsistent in how it treats the retention and utilisation of Māori land.

Retention had a clear focus, with detailed provisions about alienation.

The utilisation provisions however, are unclear and ambiguous.

Over the years numerous reviews of Te Ture Whenua have emphasised that:

- the law for Māori land needs to be an enabling law, so that participating owners can make decisions without having to get court approval;

- the law needs to be a protective law, so that Māori land is retained in Māori hands;
- the law needs to give Māori land owners a clear and accountable governance framework for their land;
- the law needs to include better dispute resolution support for Māori land owners;
- the law needs to have options to overcome fragmentation;

This can only happen by replacing the current Act, not tinkering with it.

This Bill addresses those issues and responds to the 392 submissions, the views of technical experts and practitioners, feedback from numerous hui, workshops and wānanga, and the advice of the Ministerial Advisory Group.

I want to acknowledge the Ministerial Advisory Group – Linda Te Aho, Traci Houppapa, Spencer Webster, Sacha McMeeking, Matanuku Mahuika, Dr Tanira Kingi, and their chairman, Kingi Smiler.

You have done a magnificent job of consolidating advice amongst yourselves and across communities and organisations. Ka nui te mihi.

I also want to acknowledge the Associate Minister for Māori Development, Hon Chris Finlayson who in 2012, with the support of the former Minister of Māori Affairs, Sir Pita Sharples initiated a review of the Act.

I thank Minister Finlayson for his leadership and continued support.

I also acknowledge Te Puni Kōkiri officials for the extraordinary effort with this Bill. You have done a great job.

Principles

The Bill is underpinned by a set of significant and important principles that all decision-makers will have to recognise:

- Māori land endures as a taonga tuku iho by virtue of whakapapa;
- Tikanga Māori is central to matters involving Māori land;
- Te Tiriti o Waitangi is central to the application of laws affecting Māori land;
- Owners of Māori land have a right to decide how their land is used;
- Owners of Māori land have a right to take advantage of opportunities to develop their land for the benefit of present and future generations of owners, their whānau, and their hapū; and

- Disputes involving Māori land should be managed in a manner that maintains or enhances relationships between owners, and members of their whānau and hapū.

Tikanga Māori

The Bill expressly defers to tikanga Māori for a range of matters such as:

- the way associations with Māori customary land are determined;
- the way preferred recipients of Māori freehold land are determined;
- the way relationships of descent are determined;
- and the way disputes are resolved.

Another central feature of the Bill is that it not only keeps Māori land retention as a primary focus, it goes further to strengthen those protections.

This Bill will not lead to the loss of Māori land!

Thresholds

The thresholds that have to be met to protect Māori land from disposal are as strict as ever.

And if the owners want to make the thresholds even higher, the Bill gives them the means to do that.

There are also thresholds with clear safeguards. The court will have a critical role in preventing abuses of process.

Governance Framework

One of the major features of the Bill is its new governance framework for Māori freehold land.

Under the Bill, appointing and forming governance bodies is a matter for the owners themselves through a process of decision-making and registration.

This will replace the current system that requires a judgment from the Māori Land Court – a process that involves an application, hearing and adjudication, with all the litigation, risk and cost that goes with that.

This change is consistent with the principle of rangatiratanga. It contributes a new framework in which Māori land utilisation is determined by the aspirations of the owners.

Māori Land Fragmentation

Māori freehold land today is reduced to about five-and-a-half percent of all land in Aotearoa.

Ninety five percent of Māori freehold land is in the North Island, and makes up approximately twelve percent of all land in the North Island.

More than 180 previous laws dealing with Māori land had a major role in the dramatic reduction in Māori land ownership.

Those same laws have led to a vast multiplicity of highly fragmented ownership interests.

There are now more than 2.5 million ownership interests in Māori freehold land; where we have well over 14,000 ownership interests in one block; and an average of nearly 100 owners for each block.

The Bill contains a range of mechanisms to try to stem the high rate of fragmentation.

Any remaining Māori customary land will no longer be able to have its ownership individualised. It must remain in collective customary ownership.

Dispute Resolution Support

There will be new dispute resolution support for Māori land owners.

It is based on the concept of mātauranga takawaenga. This process will assist people and groups to resolve disagreements and conflicts based on the tikanga, values and kawa of the relevant hapū or whānau.

It is designed to reflect the principle of rangatiratanga and enable parties to achieve their own solutions and outcomes rather than accepting an outcome imposed by the Court.

That doesn't mean there isn't a role for the Court.

The Bill provides Māori Land Court Judges with a new power to hold judicial settlement conferences to assist parties to negotiate their own settlement.

Additional Measures

Recently I announced a new Whenua Māori Fund of \$12.8 million over the next four years.

This Fund supports owners and trustees who are looking to improve their existing operations, diversify or prepare for new opportunities.

I have also announced other new measures that will give councils more workable tools to deal with rating of Māori land when it is unused and unoccupied.

That will provide a more equitable approach to rates exemptions for marae and urupā and land that is set aside under a Ngā Whenua Rāhui Covenant; and will improve the rating valuation system for Māori land.

We will be looking at solutions for landlocked Māori land, the effects of paper roads and how the Public Works Act could work with the unique characteristics of Māori land.

A new Māori Land Service will be developed to support Māori land owners in all their land matters, so they can achieve their

aspirations, and so they can take full advantage of the new legislative framework contained in this Bill.

I want to conclude as I started - with the purpose of the Bill.

The purpose of this Bill is to recognise and provide for the mana and tino rangatiratanga that since time immemorial, Māori have exercised and continue to exercise over their lands, resources and taonga in accordance with tikanga Māori.

And consistent with the guarantees given to Māori in Te Tiriti o Waitangi - to protect the right of owners of Māori land to retain, control, occupy, and develop their land as a taonga tuku iho for the benefit of present and future generations of owners, their whānau, and their hapū.

If we can achieve this purpose then this will unquestionably be one of the most important measures this Parliament will consider for Māori in our time.

I commend the Bill to the House.