

2 April 2025

File Ref: OIA 50346

[REDACTED]

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your information request dated 21 January 2025. You asked for the following information:

"Under the OIA, I request all briefings, Aide Memoirs, meeting notes to the Minister for Māori Affairs between March and August 1996 relating to Māori reserve lands".

On 4 February 2025, your request was partially transferred to Te Arawhiti – The Office for Māori Crown Relations and Te Tai Ōhanga – The Treasury, for information that was more closely connected to their functions. Additionally on 18 February 2025 you were notified of an extension due to the need to search through a large number of physical files and the need for consultation on identified documents. I am now in a position to respond.

Your request has been considered in accordance with the Official Information Act 1982 (the Act). We are refusing your request under section 18(e) of the Act, as the information does not exist or despite reasonable efforts it cannot be found.

We were unable to locate "*briefings, Aide Memoirs, meeting notes to the Minister for Māori Affairs between March and August 1996 relating to Māori reserve lands*". However, in an effort to assist, we have identified 14 documents relating to Māori Reserved Lands including Cabinet Papers and Government Reports. The documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at oiia@tpk.govt.nz.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Paula Rawiri'.

Paula Rawiri
Hautū, Te Puni Kaupapa | Deputy Secretary, Policy

Appendix A – documents OIA request from [REDACTED] dated 21 January 2025

Item	Date	Document description	Decision
1.	20/03/1996	CAB(96)M9/2B(2)- Māori Reserved Land Lease Reform: Further Advise on Termination	Out of Scope but in an effort to assist we have released in full
2.	10/05/1996	TOW(96)M16/7C(4)- Maori Reserved Land Lease Reform: Progress Report	Out of Scope but in an effort assist we have released in full
3.	17/05/1996	CAB(96)M17/4C(1)- Maori Reserved Land Reform: Refinements to Decisions Regarding Operation of the Right of First Refusal	Out of Scope but in an effort to assist we have released in full
4.	30/05/1996	CAB(96)M 19/33- Maori Reserved Land Reforms: Update on Position of Parties	Out of Scope but in an effort to assist we have released in full
5.	10/06/1996	CAB(96)M20/3C(1)- Maori Reserved Land Reforms: Update on Position of Parties	Out of Scope but in an effort to assist we have released in full
6.	04/07/1996	TOW(96)M24/11- Maori Reserved Land Lease Reform: Revised Reform Package: Amending Legislation	Out of Scope but in an effort to assist we have released in full
7	11/07/1996	TOW(96)M25/8- Maori Reserved Land Lease Reform	Out of Scope but in an effort to assist we have released in full

8.	12/07/1996	CAB(96)538- Maori Reserved Land Lease Reform	Out of Scope but in an effort to assist we have released in full
9.	15/07/1996	CAB(96)M26/13- Maori Reserved Land Lease Reform	Out of Scope but in an effort to assist we have released in full
10.	15/07/1996	LEG(96)67- Omnibus Petitions Report: Government Responses to Parliament Petitions for 1996 Omnibus Report: Petition 1984/3 Re: Maori Reserved Lands (Ralph Heberley Love and Makere Ralph Love)	Out of Scope but in an effort to assist we have released in full
11.	19/07/1996	LEG(96)M 17 /4E- Government Responses to Parliamentary Petitions for 1996 Omnibus Report: Petition 1984/3 Re Maori Reserved Lands	Out of Scope but in an effort to assist we have released in full
12.	02/08/1996	CAB(96)M28/24- Maori Reserved Land Amendment Bill: Communication Strategy	Out of Scope but in an effort to assist we have released in full
13.	21/08/1996	CAB(96)M31/30- Maori Reserved Land Amendment Bill: Approval for Introduction	Out of Scope but in an effort to assist we have released in full
14.	28/08/1996	CAB(96)M32/35- Additional Item: Maori Reserved Land Amendment Bill: Independent Assessment of Level of Compensation	Out of Scope but in an effort to assist we have released in full



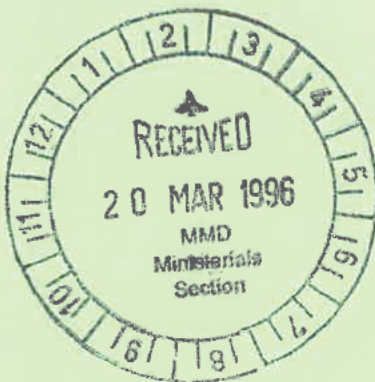
CABINET

CAB (96) M 9/2B(2)

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Minister of Maori Affairs

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 Leader of the House
 Minister of Finance
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 Minister of State Services
 Minister of Agriculture
 Minister of Justice
 Minister in Charge of Treaty of Waitangi Negotiations
 Minister of Survey and Land Information
 Minister in Charge of the Valuation Department
 Chief Parliamentary Counsel
 Legislation Programme Coordinator
 Secretary, CSC
 Monitoring System

MĀORI RESERVED LAND LEASE REFORM : FURTHER ADVICE ON TERMINATION

Reference: CAB (96) 144; CSC (96) M 6/4

At the meeting on 18 March 1996, following reference from the Cabinet Strategy Committee, Cabinet:

BACKGROUND

Negotiation With Lessees

a noted that on 18 December 1995 Cabinet, inter alia:

- "i agreed that the Crown should enter into negotiations with lessees to determine a mutually acceptable level of compensation for the move to market rents and seven year rent reviews; and
- ii directed officials to report to the Cabinet Strategy Committee by 31 January 1996 with the results of these communications, together with a negotiating brief if the lessees respond positively;

[CAB (95) M 48/20 refers]

CE TPK referred
 20/3/96 *[Signature]* 1

H. Hohaia

- b noted that the possibility of dealing with the owners on the same basis as lessees is available should the proposed negotiations with lessees fail to reach a mutually satisfactory conclusion. The implications of the possibility will be examined in more detail at a later date should the need arise;

TERMINATION

- c noted that on 5 December 1994 Cabinet "agreed that Maori reserved land leases in perpetuity be terminated at the end of the current term, plus 2 further periods of 21 years (42-63 years in total)" (CAB (94) M 47/18 refers);
- d noted that on 18 December 1995 Cabinet rescinded the decision referred to in paragraph (c) above and instead agreed in principle to a compromise proposal, which comprised the following modifications to the decisions regarding termination [CAB (95) M 48/20, paragraphs (ah) and (ai) refer]:
- i a continuation of renewable 21 year leases until such time as purchase of one party's interest by the other takes place;
 - ii the lessee must offer his or her interest at least once during the first two renewals, and at least once during each subsequent renewal period. A lessee's offer made in accordance with this provision would effectively end the current lease term; and
 - iii if the owner declined the lessee's offer the lessee would be entitled to:
 - A a new renewable lease for a further 21 years subject to the provisions in paragraph (ii) above; or
 - B offer his or her interest for sale to a third party (subject to the terms and conditions of the lease as referred to in this section);
- e noted that owner representatives, having reconsidered the proposal referred to in paragraph (d) above, now indicate that replacement of termination at 42-63 years with a requirement for lessees to offer their interest at an unspecified time during each lease period would be unacceptable to owners and would be vigorously opposed;
- f noted that officials have also now identified a number of problems associated with the implementation of the compromise proposal referred to in paragraph (d) above;

ROLL OVER PROVISION

- g noted that, in light of the above, officials have further considered the proposal that if, at termination, the owner declines to purchase the lessee's improvements, the lessee has a right to renew the lease for a further 21 year period, and subsequent periods, on the same terms and conditions as the expiring lease (ie., at each expiry the owner has an option to purchase improvements, and if this right is not exercised the lessee has the right to renew the lease for a further 21 years);
- h noted that the proposal referred to in paragraph (g) above addresses the concerns of lessee and owner representatives regarding what would happen at termination in 42-63 years and, given the problems associated with their compromise proposal, is considered by officials to be the most effective mechanism for ensuring fair value of, and payment for, assets at termination;

agreed, as a result of the above considerations, not to proceed with the "Officials' Compromise" proposal outlined in paragraph (d) above as previously agreed to in principle by Cabinet [CAB (95) M 48/20, paragraphs (ah) and (ai) refer];

- j confirmed Cabinet's December 1994 decisions [CAB (94) M 47/18 refers] that all perpetually renewable Māori reserved land leases will terminate at the end of the current term plus two further terms, with the owner having the option to purchase the lessee's improvements at termination, subject to paragraph (k) below;
- k agreed that the decision in paragraph (j) above be subject to the provision that, if the owner declines to exercise his or her right to purchase the lessee's improvements at termination, the lessee has the right to renew the lease for a further 21 year period, and subsequent periods, on the same terms and conditions as the expiring lease (ie., at each expiry the lease terminates and the owner has the option to purchase improvements);

NEXT STEPS

- l noted that the decision in paragraph (k) above will need to be publicised, and that officials consider that this should be undertaken in conjunction with the negotiation and consultation process with lessees and owners;
- m directed officials to finalise drafting instructions for the Māori Reserved Land Amendment Bill to give effect to the Government's policy decisions on Māori reserved land (as amended by the decisions contained in this minute);
- n noted that officials will be reporting back to the Cabinet Strategy Committee on 27 March 1996 with the outcome of consultation with lessee groups and a negotiating brief in respect of the level of compensation for the move to market rents and seven year rent reviews [CAB (95) M 48/20 refers];
- o noted that the Minister of Maori Affairs, in consultation with the Prime Minister, would be writing immediately to the Chairman of the West Coast Lessees Association offering to commence negotiations as soon as possible on the issue of the level of compensation for the move to market rents.



Secretary of the Cabinet

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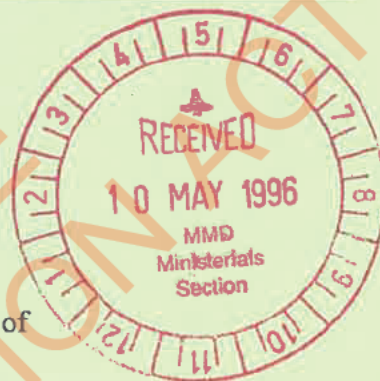
CAB (96) M 16/7C(4)

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Minister of **Maori Affairs**

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Prime Minister
Deputy Prime Minister
Minister of Finance
Minister of State Services
Minister in Charge of Treaty of
Waitangi Negotiations
Hon Peter Gresham
Secretary, CSC

**MAORI RESERVED LAND LEASE REFORM: PROGRESS REPORT**

Reference: CAB (96) 278; CSC (96) M 14/6

This minute amends and replaces CSC (96) M 14/6.

At the meeting on 6 May 1996, following reference from the Cabinet Strategy Committee, Cabinet:

- a noted that Mr Ray Chappell had, on 1 May 1996, made an oral report to the Cabinet Strategy Committee on his progress in discussing Maori reserved land lease reform with lessees and lessors;
- b noted the advice of the Prime Minister, the Minister in Charge of Treaty of Waitangi Negotiations and the Minister of Maori Affairs on a subsequent progress report from Mr Chappell;
- c noted that Mr Chappell had been discussing with representatives of lessee and lessor groups the possibility of an agreement (in the form of a memorandum of understanding) covering the issues of right of first refusal for both parties, move to market rents, leases of 21 years, (perpetually renewable), fair levels of compensation, the desirability of legislation in 1996, and arrangements on negotiation costs;
- d agreed that an Ad Hoc Ministerial Committee comprising the Prime Minister (or, in his absence, the Deputy Prime Minister), Minister of Finance, Minister in Charge of Treaty of Waitangi Negotiations, Minister of Maori Affairs and Hon Peter Gresham be given power to act if required to approve the content of the Memorandum of Understanding;
- e noted that Mr Chappell will be meeting again with lessee and lessor groups in the week beginning 6 May 1996;

f noted that the Minister of Maori Affairs will refer a paper on the Right of First Refusal to the Cabinet Strategy Committee at its meeting on 8 May 1996.



Secretary of the Cabinet

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CABINET

CAB (96) M 17/4C(1)

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Minister of Maori Affairs



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Prime Minister
Leader of the House
Minister of Finance
Minister of State Services
Chief Parliamentary Counsel
Legislation Programme Coordinator
Secretary, CSC

MĀORI RESERVED LAND REFORM: REFINEMENTS TO DECISIONS REGARDING OPERATION OF THE RIGHT OF FIRST REFUSAL

Reference: CAB (96) 304; CSC (96) M 15/7

This minute amends and replaces CSC (96) M 15/7.

At the meeting on 13 May 1996, following reference from the Cabinet Strategy Committee, Cabinet:

- a noted that in January 1995 Cabinet approved the release of the booklet entitled '1994 Māori Reserved Land Government Policy Decisions', one aspect of which is the lessee's and owner's right of first refusal to purchase the other party's interest if offered for sale;
- b noted that under the current decisions regarding the right of first refusal, owners may not have an opportunity to exercise the right of first refusal to purchase the lessee's interest if that interest is held either in trust or by a company, as these devices could be used to circumvent the requirement to provide owners with the right of first refusal upon transfer of the leasehold interest;
- c noted that the situation referred to in paragraph (b) above is inconsistent with the intention of the right of first refusal aspect of the reforms;
- d noted that the above problem could be addressed by including, in the amending legislation, provisions which would prevent circumvention of the right of first refusal requirement;
- e i noted the draft letter to Parliamentary Counsel Office attached to this minute seeking various changes to provisions in the initial drafting instructions and indicative draft Māori Reserved Land Amendment Bill which will prevent the use of trusts and companies to circumvent the right of first refusal requirement;

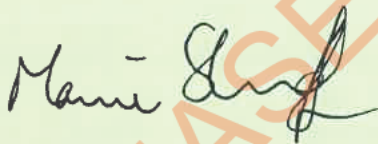
TPK referred
17/5/96 JKS 1

- ii agreed that the new clause 5(b), referred to on page 3 of the draft letter to Parliamentary Counsel Office attached to this minute, should, correctly, read as follows:

"Any disposal or attempt to dispose of any interest whether legal or beneficial in a lease to which this part applies or, if the lessee is a company, by transfer of shares, either on the death of a lessee or inter-vivos or by declaration of trust or operation on law or otherwise howsoever, without the written consent of the *lessor* shall be deemed to be a disposal or attempt to dispose of the lease for the purposes of the foregoing paragraph";

[the amendment is shown in italics]

- f noted that the provisions also cover the situation where the existing lessee transfers his or her interest to a child (as can be done, under the current decisions, without triggering the right of first refusal), and that child subsequently dies. The provisions will require that the executor of the deceased's estate first offer the owner the right of first refusal to purchase the leasehold interest at market value, before settling the estate;
- g agreed that the proposed provisions referred to in paragraphs (e) and (f) above are consistent with the intention of the right of first refusal aspect of the Māori reserved land lease reform policy decisions and should be incorporated into the draft legislation;
- h agreed that the Minister of Māori Affairs should sign the draft letter of instruction to Parliamentary Counsel Office, attached to this minute, proposing changes to the original drafting instructions and indicative draft Māori Reserved Land Amendment Bill to prevent circumvention of the right of first refusal requirement via the use of trusts or companies.



Secretary of the Cabinet



Appendix I

OFFICE OF THE MINISTER OF MAORI AFFAIRS,
PARLIAMENT HOUSE,
WELLINGTON, NEW ZEALAND

6 May 1996

Walter Iles
Chief Parliamentary Counsel Officer
Parliamentary Counsel Office
P.O Box 18070
WELLINGTON

Tēnā koe Mr Iles

ADDITIONAL DRAFTING INSTRUCTIONS FOR THE MĀORI RESERVED LAND AMENDMENT BILL - RIGHT OF FIRST REFUSAL

1. On 25 March 1996 I sent to your office drafting instructions and supporting materials for the Māori Reserved Land Amendment Bill. Cabinet recently agreed that a number of additional provisions be incorporated into the amending legislation to clarify the manner in which the right of first refusal operates. A copy of the relevant Cabinet paper and minute is attached for your information.

Trusts and Companies

2. You will be aware that the 1994 Government decisions regarding Māori reserved land included a decision that both owners and lessees be granted the right of first refusal to purchase the other party's interest if offered for sale (unless the proposed transfer is to the existing lessee's spouse or child). Officials advise that under the current decision, the owners may not have the opportunity to exercise the right of first refusal to purchase the lessee's interest if that interest is held either in trust or by a company. My Cabinet colleagues and I consider this is inconsistent with the intention of the right of first refusal aspect of the Government decisions, and have agreed that provisions should be included in the Bill to clarify the right of first refusal requirement as it applies to trusts and companies which hold reserved land leases.

3. *Operation of the Right on Death of Existing Lessee's Child*

In addition, Cabinet has agreed that the right should also apply where the existing lessee transfers the leasehold interest to his or her child (as can be done under the current decisions, without triggering the right of first refusal), and that child subsequently dies. The provisions will require that the executor of the deceased child's estate first provide the owner with the right of first refusal to purchase the leasehold interest at market value, before settling the estate. My Cabinet colleagues and I agree

that this requirement is consistent with the intention of the right of first refusal aspect of the reforms.

4. You are no doubt aware that my instructions to you of 25 March included an indicative draft Māori Reserved Land Amendment Bill. The draft was included for your assistance only, and was not intended as draft legislation. However, I would appreciate it if you would consider the following changes to the indicative draft to clarify the operation of the right of first refusal as described above:

Clause (c): page 4 of draft:

Insert the words "*for valuable consideration*" after the words "*assign this lease*" in the first sentence of the clause.

Insert new clause (cc): page 5 of draft:

"If, and as often as, the lessee wishes to assign this lease otherwise than for valuable consideration, or on the death of the lessee, to any person other than the spouse or child of a lessee named in the Schedule to the Act, then the lessor will have the right to purchase this lease at market value to be fixed by agreement or valuation as hereinafter provided.

- (i) *The lessee will notify the lessor of the lessee's wish to so assign the lease;*
- (ii) *Should the lessor wish to purchase the lease and the parties are unable to agree on a price within 3 months of such notification each of the parties shall within 14 days after the expiry of such 3 months nominate a valuer to determine the price payable;*
- (iii) *Should either party fail to nominate a valuer, the price shall be determined by the valuer nominated by one party.*
- (iv) *Any valuer nominated shall be a public valuer within the meaning of the Valuers Act 1948;*
- (v) *Should the valuers be unable to agree on the price within 1 month of their appointment they shall jointly nominate a valuer (and if they cannot agree on such nomination within two weeks either party may request the President of the New Zealand Institute of Valuers to nominate a valuer) who shall be requested as a condition of engagement to make a final determination of the price within one month.*
- (vi) *In determining the price each valuer shall be deemed to be acting as an expert and not as an arbitrator.*

- (vii) *Each party shall bear the costs of any valuer appointed by such party. If a third valuer is appointed the costs of such valuer shall be borne as determined by such valuer;*
- (viii) *The price so determined shall be payable to the lessee 1 month following its determination and the lessee shall thereupon transfer the lease to the lessor*
- (ix) *If the price is not so paid otherwise than because of any default on the part of the lessee, the price shall bear interest at the penalty rate until the date of payment.*
- (x) *The lessee will deliver up possession of the land to the lessee on payment of the price as aforesaid".*

Clause 5; page 9:

Insert the words "*to which this Part applies*" after the words "*the demised land*" in line 2 of clause 5(a);

Existing clause 5(b) to become clause 5(c); and

Insert new clause 5(b) to read:

"Any disposal or attempt to dispose of any interest whether legal or beneficial in a lease to which this part applies or, if the lessee is a company, by transfer of shares, either on the death of a lessee or inter-vivos or by declaration of trust or operation on law or otherwise howsoever, without the written consent of the lessee shall be deemed to be a disposal or attempt to dispose of the lease for the purposes of the foregoing paragraph"

5. Mr Holden Hohaia at Te Puni Kōkiri (ph 494-7063) and Mr Russell Feist (ph 472-5079) are familiar with these proposed changes and are available to assist if necessary. Thank you for your attention to this matter.

Heoi anō

Hon John Luxton
Minister of Māori Affairs



CABINET

CAB (96) M 19/33

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Minister of Maori Affairs



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Secretary, CSC

MAORI RESERVED LAND REFORMS: UPDATE ON POSITION OF PARTIES

Reference: CAB (96) 379

At the meeting on 27 May 1996 Cabinet:

- 1 noted the recommendations of the Minister of Maori Affairs (as amended in Cabinet) that Cabinet:
 - a note the draft Memorandum of Agreement relating to the Maori Reserved Land reforms, between the lessors and the lessees, attached to the submission under CAB (96) 379;
 - b agree that the Crown appointed negotiator, Mr Ray Chappell, should proceed to obtain signatures to the Memorandum of Agreement;
 - c
 - i agree that the Crown should pay fair compensation for the move to market rents and more frequent rent reviews;
 - ii confirm that the Crown is to negotiate with lessees to determine fair, and mutually acceptable compensation for the changes referred to in paragraph (c) (i) above, while reserving the right to make the final determination as to quantum;
 - iii direct officials to report back to the Cabinet Strategy Committee on negotiating parameters once Cabinet has agreed to proceed;
 - d agree that no compensation be paid to either owners or lessees for introduction of the right of first refusal requirement; and
 - e agree that the right of first refusal to purchase should apply to all transfers except where the proposed transfer is to an existing lessee's spouse (including common law partner), the "existing lessee" meaning the lessee in possession at the date of enactment of the Maori Reserved Land Amendment Bill.

H Hohana


TPK referred
30/5/96 [Signature]

- 2 a agreed that paragraph 5 of the Memorandum of Understanding attached to the submission under CAB (96) 379 should be amended to read:

"The purchase price on the exercise of the right of first refusal to purchase by the Lessor or the Lessee shall be the current market value fixed on the unimproved value of land of the leasehold or freehold interest. When the right of first refusal to purchase is offered to either the Lessor or the Lessee, and not exercised, then the Lessor or the Lessee shall be free to sell at any price equal to or greater than the price included in that offer."

- b invited the Crown appointed negotiator, Mr Ray Chappell, to advise the Cabinet Strategy Committee (see paragraph 3 below) on the Lessees' position on the proposal referred to in paragraph 1(e) above, ie transfer of the first right of refusal to the tenant's spouse only, rather than, as earlier agreed, to the tenant's spouse and to the tenant's child [CAB (94) M 47/18, 5 December 1994 refers];

- 3 referred the submission under CAB (96) 379 to the Cabinet Strategy Committee for consideration at its meeting on 29 May 1996 with power to act.



Secretary of the Cabinet

Secretary's note: Subsequent to the Cabinet discussion officials advised that the amended wording referred to in paragraph 2(a) above would need to be reconsidered at Cabinet Strategy Committee.



CABINET

CAB (96) M 20/3C(1)

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Minister of Maori Affairs



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Deputy Minister of Finance
Hon Peter Gresham
Secretary, CSC

MAORI RESERVED LAND REFORMS: UPDATE ON POSITION OF PARTIES

References: CAB (96) 384; CSC (96) M 18/5

At the meeting on 4 June 1996 Cabinet:

- 1 noted that the Cabinet Strategy Committee on 29 May 1996, having been delegated power to act by Cabinet [CAB (96) M 19/33 refers]:
- a noted the draft Memorandum of Agreement relating to the Maori reserved land reforms, between the lessors and the lessees, attached to this minute;
 - b agreed that the Crown appointed negotiator, Mr Ray Chappell, should proceed to obtain signatures to the Memorandum of Agreement;
 - c
 - i agreed that the Crown should pay fair compensation for the move to market rents and more frequent rent reviews;
 - ii confirmed that the Crown is to negotiate with lessees to determine fair, and mutually acceptable compensation for the changes referred to in paragraph (c) (i) above, while reserving the right to make the final determination as to quantum;
 - iii directed officials to report back to the Cabinet Strategy Committee on negotiating parameters once Cabinet has agreed to proceed;
 - d agreed that no compensation be paid to either owners or lessees for introduction of the right of first refusal requirement;

CEO
B/mgs
H HOMAIA

TPK referred
7/6/96

- e agreed that the right of first refusal to purchase should apply to all transfers ^{pt} where the proposed transfer is to an existing lessee's spouse (including common law partner), the "existing lessee" meaning the lessee in possession at the date of enactment of the Maori Reserved Land Amendment Bill;

Secretary's Note: See paragraphs 2 and 3 below.

- f i noted that at its meeting on 27 May 1996 Cabinet agreed that paragraph 5 of the Memorandum of Agreement attached to CSC (96) M 18/5 should be amended to read:

"The purchase price on the exercise of the right of first refusal to purchase by the Lessor or the Lessee shall be the current market value fixed on the unimproved value of land of the leasehold or freehold interest. When the right of first refusal to purchase is offered to either the Lessor or the Lessee, and not exercised, then the Lessor or the Lessee shall be free to sell at any price equal to or greater than the price included in that offer."

[CAB (96) M 19/33 refers];

- ii rescinded the decision set out in paragraph (f)(i) above; and
- iii agreed that paragraph 5 of the Memorandum of Agreement attached to CSC (96) M 18/5 referred to in paragraph 1 (f)(i) above, be amended to read:

"The purchase price on the exercise of the right of first refusal to purchase by the Lessor or the Lessee shall be the current market value of the Lessee or Lessor interest. When the right of first refusal to purchase is offered to either the Lessor or the Lessee, and not exercised, then the Lessor or the Lessee shall be free to sell at any price equal to or greater than the price included in that offer."

- 2 noted that, when noting the decision in paragraph 1 (e) above, Ministers raised the issue of the transfer to a child of the lessee on a once only basis;
- 3 delegated power to act to the Prime Minister, the Deputy Minister of Finance, the Minister of Maori Affairs and the Hon Peter Gresham for any decisions that need to be made in the week beginning 4 June 1996 concerning Mr Ray Chappell's work with lessee and lessor groups and the Memorandum of Agreement on Maori Reserve Land.



Secretary of the Cabinet



CABINET

CAB (96) M 24/11

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Minister of Maori Affairs



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Attorney-General
Minister in Charge of the Valuation Department
Chief Parliamentary Counsel
Secretary of the Cabinet
Chief of Staff, Prime Minister's Office
Legislation Programme Coordinator
Secretary, CSC

MAORI RESERVED LAND LEASE REFORM: REVISED REFORM PACKAGE: AMENDING LEGISLATION

References: CAB (96) 498; CSC (96) M 21/8

At the meeting on 1 July 1996 Cabinet:

- a deferred consideration of the submission under CAB (96) 498 until the meeting on 8 July 1996;
- b invited the Minister of Maori Affairs to provide a report for Cabinet on 8 July 1996 on:
 - i details of the compensation mechanism and arrangements for negotiations on compensation with lessors (paragraph 11 of the Memorandum of Understanding (MOU) attached to the submission under CAB (96) 498 refers);
 - ii how the issue of compensation should be handled in the legislation required to give effect to decisions on Maori reserved lands;
 - iii advice on the proposed timing of the introduction of the legislation and its relationship to the finalisation of compensation arrangements.

CEO

B/mcas

14/10/1996

J Tamahoro

Manie Singh
Secretary of the Cabinet

TPK referred
4/7/96 *[Signature]*



CABINET

CAB (96) M 25/8

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 Minister of Finance
 Minister of State Services
 Attorney-General
 Deputy Minister of Finance
 Minister in Charge of the Valuation Department
 Hon John Falloon
 Minister in Charge of Treaty of Waitangi Negotiations
 Hon Peter Gresham
 Chief Parliamentary Counsel
 Secretary of the Cabinet
 Chief of Staff, Prime Minister's Office
 Legislation Programme Coordinator
 Secretary, CSC

MAORI RESERVED LAND LEASE REFORM

Reference: CAB (96) 528; CAB (96) 498; CAB (96) M 24/11

At the meeting on 8 July 1996 Cabinet:

- a noted the contents of the submission under CAB (96) 528;
- b agreed that it would be useful for Ministers to have the opportunity for a further discussion with Mr Ray Chappell on the Maori reserved land lease reform package, in particular the compensation aspects of the package;
- c referred the submission under CAB (96) 528 to the Cabinet Strategy Committee on 10 July 1996 for the purpose of further discussion with Mr Ray Chappell;
- d noted that following the discussion at the Cabinet Strategy Committee on 10 July 1996 the submission would be referred back to Cabinet for final decision.

Secretary of the Cabinet



225/11

COMMERCIAL: IN CONFIDENCE
Document 8

CABINET

CAB (96) 538

12 July 1996

Copy No: 24

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MAORI RESERVED LAND LEASE REFORM

LATE PAPER: This paper was received after the Cabinet deadline.

The Minister of Maori Affairs recommends that Cabinet:

- a approve in principle the process for compensating Maori Reserved lessees and lessors set out in the attached draft Schedule to the Maori Reserved Land Amendment Bill;
- b note that the formula in the Schedule can be used to both:
 - i help set a level of compensation; and
 - ii establish relativities between recipients of compensation;
- c agree to either:
 - i set a total compensation figure in the 1997/98 budget process and use the formula to establish relativities (officials recommend this option); or
 - ii set a total compensation figure now for insertion in the legislation, and use the formula to establish relativities;
- d agree to either:
 - i fix all the variables in the model; or
 - ii allow negotiation over two of the variables in the model used to establish relativities (market rental percentage and land inflation rate), both of which are subject to regional variations;
- e agree to the recommendations in CAB (96) 528;
- f note that officials will provide a communication strategy paper for Cabinet Strategy Committee consideration on Wednesday, 17 July;
- g agree to defer any public announcement of decisions regarding Maori Reserved Land reforms until the Cabinet Strategy Committee has considered the Communication Strategy paper;

B P.
L. Rangō
29397

h approve the introduction of the Maori Reserved Land Amendment Bill.

(Signed) Sue Sharp
for Secretary of the Cabinet

NOTE FOR MINISTERS: On 8 July 1996 Cabinet referred the submission under CAB (96) 528 to CSC for consideration. On 10 July 1996 the Cabinet Strategy Committee referred the submission back to Cabinet. Officials were directed to provide for the Cabinet meeting a section for the draft Maori Reserved Land Amendment Bill describing the basis on which compensation is to be determined. The recommendations above respond to that direction.

The recommendations in the submission under CAB (96) 528 also need to be considered.

CSC (96) M 22/1 and CAB (96) 528 refer.

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OFFICIAL INFORMATION ACT



CABINET

CAB (96) M 26/13

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Minister of Maori Affairs

Copies to:

Prime Minister
Leader of the House
Minister of Finance
Minister of State Services
Attorney-General
Deputy Minister of Finance
Minister in Charge of the Valuation Department
Hon John Falloon
Minister in Charge of Treaty of Waitangi Negotiations
Hon Peter Gresham
Chief Parliamentary Counsel
Secretary of the Cabinet
Chief of Staff, Prime Minister's Office
Legislation Programme Coordinator
Secretary, CSC
Monitoring System

MAORI RESERVED LAND LEASE REFORM

Reference: CAB (96) 538; CAB (96) 528; CAB (96) 498; CAB (96) M 24/11

At the meeting on 15 July 1996 Cabinet:

- a approved the revised Maori reserved land lease reform package as contained in the Memorandum of Understanding attached to the submission under CAB (96) 498 and as reflected in the following paragraphs;
- b noted that the revised Maori reserved land lease reform package comprises, inter alia, a continuing right to perpetually renew the lease, and consequently, is far less objectionable from the lessees' perspective;
- c noted that while owner representatives are prepared to sign the Memorandum, lessees are not prepared to do so unless a number of significant changes are made;

RIGHT TO PERPETUALLY RENEW MAORI RESERVED LAND LEASES

d noted that on 5 December 1994, Cabinet had:

- i agreed that Maori reserved land leases in perpetuity be terminated at the end of the current term, plus 2 further periods of 21 years (42-63 years in total);
- ii agreed to extend lifetime residency rights to rural tenants where the house on the property is the existing tenant's principal place of residence;
- iii agreed that existing residential tenants and their surviving spouses (including common law spouses), and existing rural tenants and their surviving spouses (including common law spouses) where the house on the property is the tenant's principal place of residence, be granted lifetime tenancy rights with the lease expiring 3 months after the death of the tenant or the tenant's spouse whichever is the later;
- iv noted that the lifetime right for existing residential and rural tenants where the house is the tenant's primary place of residence is in addition to the two further lease terms accruing to all tenants;
- v agreed that lifetime tenancy rights accruing to the existing tenant should not be transferred to others by will, gift or sale of the lease;
- vi agreed that the "existing" tenant should be that person or persons holding the lease on the date the legislation reforming the leases is introduced;

[paragraphs 4(a) and 10 (a) to (e) of CAB (94) M 47/18 refer]

e noted that on 18 March 1996 Cabinet had:

- i confirmed Cabinet's December 1994 decisions [CAB (94) M 47/18 refers] that all perpetually renewable Māori reserved land leases will terminate at the end of the current term plus two further terms, with the owner having the option to purchase the lessee's improvements at termination, subject to paragraph (e)(ii) below;
- ii agreed that the decision in paragraph 3(e)(i) above be subject to the provision that, if the owner declines to exercise his or her right to purchase the lessee's improvements at termination, the lessee has the right to renew the lease for a further 21 year period, and subsequent periods, on the same terms and conditions as the expiring lease (ie., at each expiry the lease terminates and the owner has the option to purchase improvements);

[paragraphs (j) and (k) of CAB (96) M 9/2B(2) refer]

f rescinded the decisions referred to in paragraphs (d) and (e) above; and

g agreed that all Maori reserved land leases that are, or have been, subject to the Maori Reserved Land Act 1955 should continue to be perpetually renewable leases, subject to the normal compliance requirements contained in the lease document;

LESSOR'S RIGHT OF FIRST REFUSAL

- h noted that on 5 December 1994 Cabinet agreed that owners be granted the right of first refusal to purchase the tenant's interest in the property at current market value or at an arbitrated value in the event of a dispute, if it is offered for sale, unless the proposed sale is to the tenant's spouse (including common-law partner) or child in which case the right of first refusal shall apply to any sale by that spouse or child [paragraph 12 (a) of CAB (94) M 47/18 refers];
- i rescinded the decision referred to in paragraph (h) above;
- j noted that the lessor's right of first refusal could operate in the following manner:
- i in the event that the lessee wishes to transfer his/her/their/its interest in the leases, and whether for valuable consideration or not, then the lessee shall give the lessor the right of first refusal to purchase the lease at current market value;
 - ii subject to the normal consent process provided for in the lease, the lessor's right of first refusal shall not apply where the transfer is to the following "permitted assignees":
 - A any one or more of the existing lessees;
 - B if the lessee is a trustee, a new or additional trustee, so long as there is not change in the terms of the trust;
 - C if the existing lessee is a trustee, a beneficiary of the trust;
 - D if the assignment is the first assignment of the lease or of an interest in the lease or of shares in the lessee (if a company) after the enactment of Part VA of the Act:
 - (1) a child or spouse of an existing lessee;
 - (2) an existing shareholder (other than a company) or a spouse or child of an existing shareholder, if the existing lessee is a company;
 - (3) a child or spouse of an existing beneficiary of the trust, if the existing lessee is a trustee;
 - E a person who purchases the lease at a public auction of which the lessor has been given 28 days notice in writing;
- k noted that the lessor's right of first refusal referred to in paragraph (j) above could be modified to allow an existing lessee to transfer the interest to a spouse, and then for the spouse to transfer to a child without triggering the right of first refusal requirement in either case;
- l noted that the proposal referred to in paragraph (k) above is not inconsistent with the general intent of the right of first refusal requirement;

- m agreed that the lessor's right of first refusal should operate in the manner outlined in paragraph (j) above as modified by the proposal contained in paragraph (k) above;
- n directed officials to modify the content of the drafting instructions for Parliamentary Counsel Office to give effect to paragraph (m) by renaming subparagraph (j)(ii)(E) above to become (j)(ii)(F) and inserting a new subparagraph (j)(ii)(E) which reads:
 - (E) if the assignment is the first assignment of the lease or of an interest in the lease or of shares in the lessee (if a company) after the assignment to a spouse of the lessee, a child of the lessee
- o noted that for the purpose of paragraphs (j) and (k) above, "spouse" means a person living with a lessee, shareholder or beneficiary in a relationship in the nature of a marriage, whether legally married or not;

LESSEE'S RIGHT OF FIRST REFUSAL

- p noted that on 5 December 1994 Cabinet agreed that the person currently holding the lease be granted the right of first refusal to purchase land which is classified as general land for the purposes of Te Ture Whenua Māori Act 1993 at the current market value, or at an arbitrated value in the event of a dispute, if it is offered for sale by the owners [paragraph 11(a) of CAB (94) M 47/18 refers];
- q rescinded the decision referred to in paragraph (p) above; and
 - i agreed that in the event that a lessor wishes to transfer his/her/their/its interest in land, and whether for valuable consideration or not, then the lessor shall give the lessee the right of first refusal to purchase the land at current market value;
 - ii agreed that the lessee's right in paragraph (q)(i) above is subject only to the requirement that the lessor alienating the land must first comply with the provisions of Te Ture Whenua Maori Act 1993 dealing with alienation of land;

OTHER DECISIONS REGARDING RIGHT OF FIRST REFUSAL

- r noted that the Matrimonial Property Act 1976 has no implications for the operation of the proposed statutory right of first refusal contained in the revised Maori reserved land lease reform package as it affects existing lessees;
- s noted that on 18 December 1995 Cabinet had:
 - i agreed that the following aspects be incorporated into the existing Government decisions relating to the right of first refusal:
 - A the right shall be continuous, existing throughout the term of the lease;
 - B written notice (of the terms of a proposed sale or assignment) is to be given to the right-holder;
 - C the right must be exercised within 14 days of the right-holder receiving written notice;

D the interest must first be re-offered to the right-holder before being offered to a third party on more favourable terms than those contained in the original offer to the right-holder. The right-holder has 14 days in which to exercise the right; and

E unless withdrawn from the market, the interest must be re-offered after six months from the date on which an offer was made to, and rejected by, the right-holder;

ii agreed that the lessees' right of first refusal shall only be exercised by the registered proprietor of the leasehold title;

iii confirmed that the lessee's right of first refusal entitles lessees to a first refusal to purchase any land offered for sale by the owners, that right being subject only to the provisions contained in Te Ture Whenua Maori Act 1993;

iv agreed that memorials shall be noted automatically on the leasehold title following enactment of the amending legislation implementing the reform of Maori reserved land leases;

v agreed that the right should remain with the lessee or the owner in all situations, except in the case of a mortgagee sale where the lessee's or owner's interest is to be sold at a publicly-notified auction;

[paragraphs (f)-(j) of CAB (95) M 48/20 refer]

t confirmed the decisions referred to in paragraph (s) above, except for subparagraph (s)(iii), which is superseded by the decision in paragraph q(i) and (ii) above;

u noted that on 13 May 1996 Cabinet had:

i noted that in January 1995 Cabinet approved the release of the booklet entitled '1994 Māori Reserved Land Government Policy Decisions', one aspect of which is the lessee's and owner's right of first refusal to purchase the other party's interest if offered for sale;

ii noted that under the current decisions regarding the right of first refusal, owners may not have an opportunity to exercise the right of first refusal to purchase the lessee's interest if that interest is held either in trust or by a company, as these devices could be used to circumvent the requirement to provide owners with the right of first refusal upon transfer of the leasehold interest;

iii noted that the situation referred to in paragraph (u)(ii) above is inconsistent with the intention of the right of first refusal aspect of the reforms;

iv noted that the above problem could be addressed by including, in the amending legislation, provisions which would prevent circumvention of the right of first refusal requirement;

v A noted the draft letter to Parliamentary Counsel Office attached to this minute [CAB (96) M 17/4C(1) seeking various changes to provisions in the initial drafting instructions and indicative draft Māori Reserved Land Amendment Bill which will prevent the use of trusts and companies to circumvent the right of first refusal requirement;

- B agreed that the new clause 5(b), referred to on page 3 of the draft letter to Parliamentary Counsel Office attached to CAB (96) M 17/4C (1), should, correctly, read as follows:

"Any disposal or attempt to dispose of any interest whether legal or beneficial in a lease to which this part applies or, if the lessee is a company, by transfer of shares, either on the death of a lessee or inter-vivos or by declaration of trust or operation on law or otherwise howsoever, without the written consent of the lessor shall be deemed to be a disposal or attempt to dispose of the lease for the purposes of the foregoing paragraph";

- vi noted that the provisions also cover the situation where the existing lessee transfers his or her interest to a child (as can be done, under the current decisions, without triggering the right of first refusal), and that child subsequently dies. The provisions will require that the executor of the deceased's estate first offer the owner the right of first refusal to purchase the leasehold interest at market value, before settling the estate;
- vii agreed that the proposed provisions referred to in paragraphs (u)(v) and (vi) above are consistent with the intention of the right of first refusal aspect of the Māori reserved land lease reform policy decisions and should be incorporated into the draft legislation;
- viii agreed that the Minister of Māori Affairs should sign the draft letter of instruction to Parliamentary Counsel Office, attached to this minute, proposing changes to the original drafting instructions and indicative draft Māori Reserved Land Amendment Bill to prevent circumvention of the right of first refusal requirement via the use of trusts or companies;

[paragraphs (a)-(h) of CAB (96) M 17/4C(1) refer].

- v confirmed the decisions referred to in paragraph (u) above;
- w agreed that where more than one lease, of which the lessor and the lessee are the lessor and lessee, together represent an economic unit and are contiguous, then the right of first refusal to purchase shall be exercised by the purchaser in respect of all leases or land contemporaneously;

COMPENSATION

- x noted that on 5 December 1994 Cabinet had:
 - i agreed that lessees of Maori reserve land should receive compensation for the replacement of the right to lease in perpetuity with a 42-63 year terminating lease, the compensation to be within the range of 1.85% to 2.9% of the unimproved value of the land depending on when the lease terminates;
 - ii agreed that the compensation payment be made as soon as possible after the legislation implementing the reform of the leases is passed;
 - iii noted that the compensation is estimated to cost \$4.5 million, and that in addition to that amount there will be administrative costs.

[paragraphs 5(a)-(c) of CAB (94) M 47/18 refer]

- y rescinded the decisions referred to in paragraph (x) above;

noted that on 1 July 1996 Cabinet invited the Minister of Maori Affairs to provide a report for Cabinet on:

- i details of the compensation mechanism and arrangements for negotiations on compensation with lessors (paragraph 11 of the Memorandum of Understanding (MOU) attached to the submission under CAB (96) 498 refers);
- ii how the issue of compensation should be handled in the legislation required to give effect to decisions on Maori reserved lands;
- iii advice on the proposed timing of the introduction of the legislation and its relationship to the finalisation of compensation arrangements;

[CAB (96) M 24/11 refers]

- aa noted the additional information provided in the submission under CAB (96) 528;
- ab noted that officials have commissioned independent financial advisors, Treasury Group Ltd, to develop a financial model to determine the additional rental cost of moving from the current prescribed rent regime (including 21 year rent reviews) to a market rent regime (including seven year rent reviews);
- ac noted that the model takes the base information, produces a calculation for each lease group on the likely market rental with 7 year review periods and compares it to the prescribed or negotiated rental rate in the context of a 21 year or negotiated rent review period. The resulting additional rental cost is then discounted back to establish its net present value;
- ad noted that negotiations with owner and lessee groups will be carried out on the Government's behalf by a contracted group of professionals;
- ae approved, subject to paragraphs (ag) and (ah) below, the process for compensating Maori reserved land lessees and lessors set out in the draft Schedule to the Maori Reserved Land Amendment Bill attached to the submission under CAB (96) 538;
- af noted that the formula in the Schedule can be used both to:
 - i help set a level of compensation; and
 - ii establish relativities between recipients of compensation;
- ag
 - i noted that the current estimate is that the formula will result in a cost of approximately \$48 million;
 - ii directed officials to undertake further work on the precise cost of compensation and to report to the Cabinet Strategy Committee once that information is available;
 - iii agreed that the level of compensation determined by the application of the formula, as set out in the draft schedule referred to in paragraph (ae) above, is the sum that would be paid;
 - iv agreed that a total compensation figure not be included in the legislation;

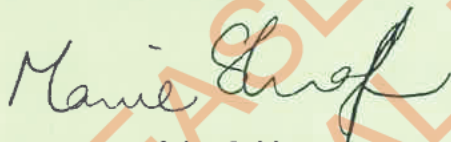
- ah agreed to allow negotiation over two of the variables in the model used to establish relativities (market rental percentage and land inflation rate), both of which are subject to regional variations;

REVISED DRAFTING INSTRUCTIONS

- ai noted that all extant decisions contained in CAB (94) M 47/18 and CAB (95) M 48/20 regarding movement to market rents, dispute resolution processes, method for valuing lessees' improvements, process for rent review and benchmarking are unaffected by the revised decisions referred to above, and were incorporated into the indicative draft Bill sent to Parliamentary Counsel Office on 25 March 1996;
- aj directed officials to prepare new drafting instructions to amend the indicative draft Bill sent to Parliamentary Counsel Office on 25 March 1996 and reflecting the decisions contained in this minute (see also paragraph (n) above);
- ak approved the introduction of the Maori Reserved Land Amendment Bill;

CONSULTATION WITH OTHER POLITICAL PARTIES/COMMUNICATION STRATEGY

- al directed officials to assist Ministers as required, through the office of the Minister of Maori Affairs, to undertake consultation with other political parties on the Maori reserved land lease reforms and amending legislation;
- am noted that officials will provide a paper for Cabinet Strategy Committee consideration on Wednesday, 17 July on a public communications strategy;
- an agreed to defer any public announcement of decisions regarding Maori Reserved Land reforms until the Cabinet Strategy Committee has considered the Communication Strategy paper.


Secretary of the Cabinet

**CABINET COMMITTEE ON
LEGISLATION AND HOUSE
BUSINESS****LEG (96) 67**

15 July 1996

Copy No: 27

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OMNIBUS PETITIONS REPORT [This box contains background information common to (and repeated on) cover sheets LEG (96) 63 - 67.]

The Cabinet Office is compiling a report for presentation to the House setting out the Government's responses to petitions referred to it for consideration. The report will cover petitions referred to the Government during the current session of Parliament, as well as petitions from previous sessions for which the Government's response had not been completed when the last report was compiled (March 1994).

The report under preparation now will be the final omnibus report on Government responses to petitions; under the new Standing Orders which came into effect on 20 February 1996, the Government's responses to petitions are now presented individually to the House within 90 days of select committees' reports on petitions being presented.

The Cabinet Office has undertaken comprehensive research to ensure that this final omnibus report, which will include responses to some 1200 petitions, covers all relevant responses not covered in previous omnibus reports.

Research has revealed five petitions to which, for reasons not evident from records, a Government response has not been considered by Cabinet. Submissions on these petitions are now submitted to LEG, so that the responses to them can be included in the omnibus report. The recommendations on these petitions are set out in the following LEG cover sheets:

- | | |
|--------------------|---|
| LEG (96) 63 | Petition 1990/341
P Dunkley and Others, Re Electricity Restructuring |
| LEG (96) 64 | Petition 1991/2231
D A Young, Re Prison Sentences |
| LEG (96) 65 | Petition 1991/2528
C Nicholson and Others, Re the Use of God's Name |
| LEG (96) 66 | Petition 1987/706
R Clegg and Others, Re Funding for Out Of Hours Music Classes |
| LEG (96) 67 | Petition 1984/3
R H N Love and M R Love, Re Maori Reserved Lands |

Title

**GOVERNMENT RESPONSES TO PARLIAMENTARY PETITIONS FOR
1996 OMNIBUS REPORT: PETITION 1984/3 RE MAORI RESERVED
LANDS**

C 50

B/m G.H.

J TAMAHORI

17/10/1997

TPK referred
17/7/96 JED

**Previous
Consideration by
LEG**

None.

Summary

Petition 1984/3 of Ralph Heberley Ngatata Love and Makere Ralph Love was presented to the House on 16 August 1984. It prayed that:

"the House of Representatives direct the new and amending [Maori reserved land] legislation to establish an Act in respect of the future administration of the Wellington Tenth's Maori Reserved Land and the Palmerston North Maori Reserved Land be drafted by: the Maori Trustee, other concerned Government Departments with cognizance of representative consanguinity Beneficial owners to establish a corporate Maori Trust to be named the Te Ati-Awa - Taranaki Iwi Wellington Tenth's and Palmerston North Maori Reserved Land Trusts to be administered by a Board established for the purpose of an Act to be called Te Ati-Awa - Taranaki Iwi Wellington Tenth's and Palmerston North Maori Reserved Land Trusts Board."

The Maori Affairs Committee considered the petition and on 10 July 1990 recommended that its report be referred to the Government for favourable consideration.

The petition was referred to as "still under consideration" in previous Reports of Petitions Referred to the Government, and a response has not yet been considered by LEG or Cabinet.

One of the petitioners, Makere Ralph Love, is now deceased.

In the report attached to LEG (96) 67 the Minister of Maori Affairs comments on the matters raised by the petitioners. The main points of his report are set out in recommendation (c) below.

Consultation

DPMC, Treasury.

The Minister indicates that consultation with caucuses, other parliamentary parties and other interested groups is not required.

The Minister of Maori Affairs recommends that the Committee:

- a note Parliamentary Petition 1984/3 of Ralph Heberley Ngatata Love and Makere Ralph Love praying that:

"the House of Representatives direct the new and amending [Maori reserved land] legislation to establish an Act in respect of the future administration of the Wellington Tenth's Maori Reserved Land and the Palmerston North Maori Reserved Land be drafted by: the Maori Trustee, other concerned Government Departments with cognizance of representative consanguinity Beneficial owners to establish a corporate Maori Trust to be named the Te Ati-Awa - Taranaki Iwi Wellington Tenth's and Palmerston North Maori Reserved Land Trusts to be administered by a Board established for the purpose of an Act to be called Te Ati-Awa - Taranaki Iwi Wellington Tenth's and Palmerston North Maori Reserved Land Trusts Board."

- b note that the petition was presented to the House on 16 August 1984, and referred to the Maori Affairs Committee which, on 10 July 1990, recommended that its report be referred to the Government for favourable consideration;

note the report of the Minister of Maori Affairs attached to LEG (96) 67, and in particular his advice that:

- i Te Ture Whenua Maori Act 1993 provides mechanisms by which trusts such as those anticipated by the petitioners may be established;
- ii section 216 of that Act provides for the establishment of a Whenua Topu Trust where the Maori Land Court is satisfied that the interests in land to which the application relates "constitute the whole or a substantial part of the total interest in land owned by the members of any iwi or hapu and that the constitution of the trust would promote and facilitate the use and administration of the land in the iwi or hapu";
- iii the petitioner may therefore apply to the Maori Land Court to constitute a Whenua Topu Trust pursuant to section 216 of Te Ture Whenua Maori Act 1993;
- d invite the Minister of Maori Affairs to write to Ralph Heberley Ngatata Love informing him of the points raised in the Minister's report (the other petitioner, Makere Ralph Love, is now deceased);
- e note that the Government response to this petition (as summarised in paragraph (c) above), will be presented to the House as part of the Government's 1996 Report on Parliamentary Petitions Referred to the Government.

(Signed) Judith Wigglesworth

COPIES TO:

Cabinet Committee on Legislation and House Business
 Chief Executive, PM&C
 Minister of Finance
 Secretary to the Treasury
 Secretary for Justice
 Minister of Maori Affairs
 Chief Executive, Te Puni Kokiri
 Chief Parliamentary Counsel
 Clerk of the House of Representatives

Office of the Minister of Māori Affairs

Chair
Cabinet Committee on Legislation and House Business

PARLIAMENTARY PETITION 1984/3

Proposal

1. This paper seeks approval of the Cabinet Committee on Legislation and House Business to a response to Parliamentary Petition 1984/3 of Ralph Heberley Ngātata Love and Makere Ralph Love as outlined below.

Background

2. On 16 August 1984 a petition in the name of Ralph Heberley Ngātata Love and Makere Ralph Love was presented to the House of Representatives for consideration. The petition requested that:

“the House direct the new and amending Māori reserved land legislation to establish an Act in respect of the future administration of the Wellington Tenth Māori Reserved Land and Palmerston North Māori Reserved Land be drafted by: the Māori Trustee, other concerned Government Departments with cognizance of representative consanguinity Beneficial owners to establish a corporate Māori Trust to be named Te Ati-Awa - Taranaki Iwi Wellington Tenth and Palmerston North Māori Reserved Land Trusts to be administered by a Board established for the purpose of an Act to be called Te Ati-Awa - Taranaki Iwi Wellington Tenth and Palmerston North Māori Reserved Land Trusts' Board”.

3. The petition appeared in the December 1990, March 1991 and October 1992 omnibus petitions report was described as “still under consideration”. The petition did not, however, appear in the March 1994 omnibus report.
4. The Cabinet Office is currently in the process of compiling the final omnibus report to the House setting out Government's responses to petitions referred to it for consideration. Cabinet Office research has identified that a Government response to this petition has not been considered by Cabinet.

Comment

Proposed Response to the Petition

5. Te Ture Whenua Māori Act 1993 provides mechanisms by which trusts such as those anticipated by the petitioners may be established. Section 216 provides for the establishment of a Whenua Topu Trust where the Māori Land Court is satisfied that the interests in land to which the application relates “constitute the whole or a substantial part of the total interest in land owned by the members of any iwi or hapu and that the constitution of the trust would promote and facilitate the use and administration of the land in the iwi or hapu.”
6. The petitioner may therefore apply to the Māori Land Court to constitute a Whenua Topu Trust pursuant to section 216 of Te Ture Whenua Māori Act 1993.

Consultation Undertaken

7. Treasury and Department of the Prime Minister and Cabinet have been consulted in the preparation of this paper.

Recommendations

The Minister of Māori Affairs recommends that the Cabinet Committee on Legislation and House Business:

- a. **note** Parliamentary Petition 1984/3 of Ralph Heberley Ngātata Love and Makere Ralph Love praying:

“that the House direct the new and amending legislation to establish an Act in respect of the future administration of the Wellington Tenth Māori Reserved Land and Palmerston North Māori Reserved Land be drafted by: the Māori Trustee, other concerned Government Departments with cognizance of representative consanguinity Beneficial owners to establish a corporate Māori Trust to be named Te Ati-Awa - Taranaki Iwi Wellington Tenth and Palmerston North Māori Reserved Land Trusts to be administered by a Board established for the purpose of an Act to be called Te Ati-Awa - Taranaki Iwi Wellington Tenth and Palmerston North Māori Reserved Land Trusts' Board.”

- b. **note** that the petition was presented to the House on 16 August 1984, and referred to the Māori Affairs Committee which, on 10 July 1990, recommended that its report be referred to the Government for favourable consideration;

- c. **note** that Te Ture Whenua Māori Act 1993 provides mechanisms by which trusts such as those anticipated by the petitioners may be established;
- d. **invite** the Minister of Māori Affairs to write to Ralph Heberley Ngātata Love informing him of the points raised in the Minister's report.



Hon John Luxton
Minister of Māori Affairs

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

I. 10

2

Personnel of Committee as at the end of the 1987-1990 Session
Jack Elder, Dr Gregory, John Luxton, Winston Peters, Honourable Mrs
T. W. M. Tirikatene-Sullivan.

Change in Personnel

On 15 February 1990 Dave Robinson replaced Jack Elder.

ORDERS OF THE HOUSE

Extract from the Journals of the House of Representatives

TUESDAY, THE 4TH DAY OF SEPTEMBER 1990

The Orakei Bill stood referred to a select committee. On motion of the Honourable K. T. Wetere, *Resolved*, That the Maori Affairs Committee consider the Bill.

REPORTS

1984/3 PETITION of Ralph Heberley Ngatata Love and Makere Ralph Love

I AM directed to report that the Maori Affairs Committee has carefully considered the Petition of Ralph Heberley Ngatata Love and Makere Ralph Love, Praying that the House direct the new and amending legislation to establish an Act in respect of the future administration of the Wellington Tenth's Maori Reserved Land and the Palmerston North Maori Reserved Land be drafted by: the Maori Trustee, other concerned Government Departments with cognizance of representative consanguinity Beneficial owners to establish a corporate Maori Trust to be named the Te Ati-awa - Taranaki Iwi Wellington Tenth's and Palmerston North Maori Reserved Land Trusts to be administered by a Board established for the purpose of an Act to be called Te Ati-Awa - Taranaki Iwi Wellington Tenth's and Palmerston North Maori Reserved Land Trusts Board, and recommends that it be referred to the Government for favourable consideration.

DR BRUCE GREGORY, Chairman.

10 July 1990

1987/896 PETITION of William Harold Martin and 55 597 others

I AM directed to report that the Maori Affairs Committee has carefully considered the Petition of William Harold Martin and 55 597 others, Praying that Parliament ensures that wide ranging public debate on an informed basis is arranged by the Government on the responsibilities and the relevance of the Treaty of Waitangi in today's society, followed by a referendum to obtain the views of the general public, and that the Government prepares a policy for the future of race relations to be put to the people by way of a referendum, and recommends that it be referred to the Government for consideration.



No. 1984/3

ABSTRACT

From the Journals of the House of Representatives,
Tuesday, the 10th Day of July 1990

The report of the Maori Affairs Committee on the Petition
of Ralph Heberley Ngatata Love and Makere Ralph Love was
laid upon the Table and referred to the Government for
favourable consideration.

2/8/90


CONSULTATION ON CABINET AND CABINET COMMITTEE SUBMISSIONS

Certification by Department:

The Cabinet Office will reject submissions if the necessary consultation does not appear to have taken place. The form which accompanies a submission sent to the Cabinet Office must have the original signatures of the Minister and official.

I certify that the attached submission has implications for the following departments, whose views have been sought and are accurately reflected in the submission:

Department of the Prime Minister and Cabinet, and
Treasury

Signature 	Name and Title Policy Manager	Date 15/7/96
--	----------------------------------	-----------------

Certification by Minister:

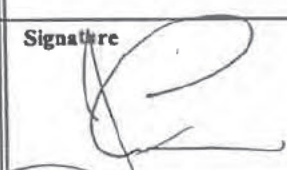
Consultation with other parties represented in Parliament on proposed legislation is coordinated by the Leader of the House. Consultation with other parties on matters other than legislation is coordinated by the Prime Minister. The relevant office should be contacted before any such consultation is undertaken [CO (95) 8 refers].

I certify that consultation on the issues raised in this paper with:

	Has taken place	Will be needed	Is not required
the National party caucus			✓
the United NZ party caucus			✓
other parliamentary parties ¹			✓
other interested groups ²			✓

(¹) List parties which have been/are to be consulted:


(²) List main interested groups:

Signature 	Name and Portfolio Hon John Lusk Min of Maori Affairs	Date 16/7/96
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**CABINET COMMITTEE ON
LEGISLATION AND HOUSE
BUSINESS****LEG (96) M 17/4E**

Copy No: 25

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MINUTES of a meeting of the Committee held on **Thursday, 18 July 1996 at 9.15am**

PRESENT:

Rt Hon Don McKinnon (Chair)
Hon Douglas Graham
Hon Peter Gresham
Hon Peter Dunne

ALSO PRESENT:

Hon John Luxton

IN ATTENDANCE:

Officials from Ministry of Justice
Parliamentary Counsel Office
Office of the Leader of the House

**GOVERNMENT RESPONSES TO PARLIAMENTARY PETITIONS FOR 1996 OMNIBUS
REPORT: PETITION 1984/3 RE MAORI RESERVED LANDS**

Reference: LEG (96) 67

The Committee:

- a noted Parliamentary Petition 1984/3 of Ralph Heberley Ngatata Love and Makere Ralph Love praying that:

"the House of Representatives direct the new and amending [Maori reserved land] legislation to establish an Act in respect of the future administration of the Wellington Tenth Maori Reserved Land and the Palmerston North Maori Reserved Land be drafted by: the Maori Trustee, other concerned Government Departments with cognizance of representative consanguinity Beneficial owners to establish a corporate Maori Trust to be named the Te Ati-Awa - Taranaki Iwi Wellington Tenth and Palmerston North Maori Reserved Land Trusts to be administered by a Board established for the purpose of an Act to be called Te Ati-Awa - Taranaki Iwi Wellington Tenth and Palmerston North Maori Reserved Land Trusts Board."

- b noted that the petition was presented to the House on 16 August 1984, and referred to the Maori Affairs Committee which, on 10 July 1990, recommended that its report be referred to the Government for favourable consideration;

CEO
B/MGRS
J TAMAHORI

TPK referred
19/7/96 [Signature]

- c noted the report of the Minister of Maori Affairs attached to LEG (96) 67, and in particular his advice that:
- i Te Ture Whenua Maori Act 1993 provides mechanisms by which trusts such as those anticipated by the petitioners may be established;
 - ii section 216 of that Act provides for the establishment of a Whenua Topu Trust where the Maori Land Court is satisfied that the interests in land to which the application relates "constitute the whole or a substantial part of the total interest in land owned by the members of any iwi or hapu and that the constitution of the trust would promote and facilitate the use and administration of the land in the iwi or hapu";
 - iii the petitioner may therefore apply to the Maori Land Court to constitute a Whenua Topu Trust pursuant to section 216 of Te Ture Whenua Maori Act 1993;
- d invited the Minister of Maori Affairs to write to Ralph Heberley Ngatata Love informing him of the points raised in the Minister's report (the other petitioner, Makere Ralph Love, is now deceased);
- e noted that the Government response to this petition (as summarised in paragraph (c) above), will be presented to the House as part of the Government's 1996 Report on Parliamentary Petitions Referred to the Government.

Judith Wigglesworth

Judith Wigglesworth
Secretary

COPIES TO:

Cabinet Committee on Legislation and House Business
Chief Executive, PM&C
Minister of Finance
Secretary to the Treasury
Secretary for Justice
Minister of Maori Affairs
Chief Executive, Te Puni Kokiri
Chief Parliamentary Counsel
Clerk of the House of Representatives



CABINET

CAB (96) M 28/24

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Minister of Maori Affairs

Copies to:

Prime Minister
Leader of the House
Minister of Finance
Minister of State Services
Attorney-General
Deputy Minister of Finance
Hon John Falloon
Minister in Charge of Treaty of Waitangi Negotiations
Minister in Charge of the Valuation Department
Minister of Lands
Hon Peter Gresham
Chief Parliamentary Counsel
Chief of Staff, Prime Minister's Office
Secretary of the Cabinet
Legislation Programme Coordinator
Secretary, LEG
Secretary, CSC



MAORI RESERVED LAND AMENDMENT BILL: COMMUNICATION STRATEGY

Reference: CAB (96) 600; CAB (96) M 27/4

At the meeting on 29 July 1996 Cabinet:

BACKGROUND

- a noted that at its meeting on 22 July 1996 Cabinet had agreed to a communications strategy in respect of Maori reserved land lease reforms and had invited the Minister of Maori Affairs to submit the key documents associated with the strategy to Cabinet for approval on 29 July 1996 [CAB (96) M 27/4 refers];

CHANGES TO COMMUNICATION STRATEGY

- b approved, subject to any changes required as a result of the decisions referred to in paragraph (c) below, the following documents relating to Maori reserved land lease reform;
- i the draft letter to owner representatives;

TPK referred
2/8/96 JSD

- ii the draft letter to be sent to all lessees;
- iii the draft booklet setting out the background to, and substance of, the reform; and
- iv the "Question and Answer" document, for use in the communication strategy to accompany introduction of the Maori Reserved Land Amendment Bill;

attached to the submission under CAB (96) 600;

NEXT STEPS

- c
 - i noted that a number of editorial changes are required to the documents referred to in paragraph (b) above;
 - ii agreed that the final text of the documents referred to in paragraph (b) above be approved by the Prime Minister, the Minister of Maori Affairs and the Hon Peter Gresham;
- d agreed that the Government's approach to reform of the Maori Reserved Land Leases should be communicated to all interested parties as soon as possible;
- e invited the Prime Minister, in consultation with the Minister of Maori Affairs, to decide the details of, and timing for the communications strategy;
- f noted that the Minister of Maori Affairs has briefed United New Zealand and the Labour Party on the proposed Bill and that they have expressed strong support for it;
- g noted that the Minister of Maori Affairs will brief other political parties as soon as possible;

LEGISLATION

- h noted that Parliamentary Counsel Office advises that the Bill may not be ready for Cabinet Legislation Committee until 8 August 1996, thereby deferring the earliest possible date of introduction, assuming the House rises prior to 8 August, to the first day in the final Parliamentary session commencing 20 August;
- i agreed that the Maori Reserved Land Bill 1996, following its introduction, be referred to the Justice and Law Reform Committee;
- j noted that the procedures to be applied to Trusts and Companies for buying and selling Maori Reserved Land leases will need to be made explicit in the legislation.

Diane Wilder

for Secretary of the Cabinet



CABINET

CAB (96) M 31/30

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Minister of **Maori Affairs**

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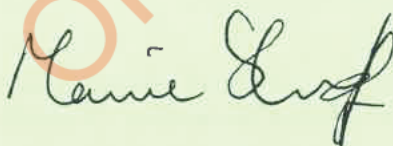
MAORI RESERVED LAND AMENDMENT BILL: APPROVAL FOR INTRODUCTION

Reference: CAB (96) 677

At the meeting on 19 August 1996 Cabinet:

- a noted that the Maori Reserved Land Amendment Bill holds priority B2 (bills which must be introduced in 1996) on the Legislation Programme [CAB (96) M 22/18 refers];
- b noted that:
 - i the provisions of the Bill place the parties in a more commercially-based leasing relationship while at the same time preserving the value of the parties' respective interests;
 - ii it is intended that the Bill will restore certainty to the leasing arrangements and provide a fair and equitable basis for the continuing relationship between owners and lessees of Maori reserved land;

- c approved for introduction the Maori Reserved Land Amendment Bill [PCO 80/5] subject to the amendments referred to in paragraph (g) below;
- d noted that Caucus consultation and consultation with other parliamentary parties has taken place;
- e agreed that the Bill should be introduced in the week beginning 19 August 1996;
- f agreed that the Bill should be passed not later than 1 January 1998;
- g agreed that the Third Schedule to the Bill be amended by removing the headings "Lessee's Name", "Address" and "Current Unimproved Land Value" and all the details currently listed under those headings;
- h noted that Federated Farmers have raised concerns about:
- i the 21 year compensation period for the move to market rents and more frequent rent reviews;
 - ii the lack of compensation for the right of first refusal;
 - iii the lack of compensation for the transaction costs of more frequent rent reviews;
- i agreed that an independent assessment be made as to the appropriate level of compensation if any, for:
- the introduction of the rights of first refusal for lessors and lessees;
 - any additional transaction costs;
 - the additional rent payable by the lessees;
- j authorised the Minister of Maori Affairs, following advice from the Crown Law Office, and in consultation with the Prime Minister, to prepare detailed Terms of Reference for the independent inquiry, based on the Terms of Reference discussed with Federated Farmers on 16 August 1996;
- k agreed that the independent assessment be undertaken by Graham Calvert (chair), and, if they are available, Hamish McDonald and Dick Davison;
- l noted that, when the Bill is introduced, the Minister of Maori Affairs would make a statement about the independent assessment of compensation (paragraph (i) above refers).



Secretary of the Cabinet



CABINET

CAB (96) M 32/35

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Minister of Maori Affairs

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 Minister in Charge of the Valuation Department
 Minister of Lands
 Hon Peter Gresham
 Chief Parliamentary Counsel
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 Secretary of the Cabinet
 Legislation Programme Coordinator
 Secretary, LEG
 Secretary, CSC

ADDITIONAL ITEM: MAORI RESERVED LAND AMENDMENT BILL: INDEPENDENT ASSESSMENT OF LEVEL OF COMPENSATION

Reference: CAB (96) M 31/30

At the meeting on 26 August 1996 Cabinet:

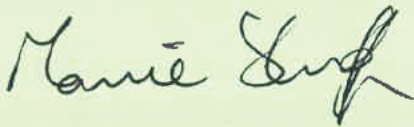
- a noted that on 19 August 1996 it had agreed that an independent assessment be made into aspects of the compensation proposals arising from the Maori Reserved Land Lease Reforms;
- b noted that on 19 August 1996 Cabinet had agreed that the independent assessment be undertaken by Mr Graham Calvert (Chair) and, if they are available, Mr Hamish McDonald and Mr Dick Davison;

[CAB (96) M 31/30 refers]

TPK referred
 28/8/96 [Signature]

H. Hohaia.

- c noted that following further consultation it had been agreed that the independent assessment would now be undertaken by Mr Graham Calvert (Chair), Dr Terry Boyd and Mr Dick Davison.



Secretary of the Cabinet

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OFFICIAL INFORMATION ACT