

In Confidence

Office of Te Minita Whanaketanga Māori

Cabinet Social Outcomes Committee

Seeking Policy Approval for the Māori Purposes Bill

Proposal

- 1 This paper seeks Cabinet agreement to a suite of legislative amendments to be progressed through a Māori Purposes Bill. Policy approval is sought to:
 - 1.1 develop legislation to provide for the vesting of eight Lake Taupō tributary beds to give effect to the 1992 and 2007 deeds between the Crown and Ngāti Tūwharetoa;
 - 1.2 amend seven Acts to modernise legislation, resolve technical issues, and support the efficient operation of the Māori Trustee and provide funding opportunities for Māori landowners; and
 - 1.3 repeal 9 Acts that are spent.
- 2 The Māori Purposes Bill (the Bill) holds a category 6 priority on the 2026 Legislation Programme (drafting instructions to be issued in 2026).
- 3 Please note that this paper is seeking policy approval for a new Māori Purposes Bill, that addresses more substantive matters and is separate to the Māori Purposes Bill currently before the House.

Relation to government priorities

- 4 The Bill will implement outstanding Government commitments and support the Government's priority to enable economic development particularly through the primary sector. It will also improve the quality of regulatory systems. It will do this by modernising outdated legislation to ensure it is clear, current, and fit-for-purpose and repeal spent or redundant Acts to reduce confusion about legislative functions and improve the accessibility and quality of the statute book.

Executive Summary

- 5 This paper has three distinct purposes.
- 6 First, it proposes to vest the beds of eight Lake Taupō tributaries in Ngāti Tūwharetoa to give effect to deeds signed by the Crown in 1992 and updated in 2007, with public access maintained and under management of the Taupō-nui-a-Tia Management Board (with Crown and Iwi representatives).

Only the sections that run through public conservation land will be returned to Ngāti Tūwharetoa.

- 7 Second, it proposes to amend the following statutes:
- 7.1 the Māori Trustee Act 1953 to support the efficient operation of the Māori Trustee, and to enable the Māori Trustee to make grants available from the General Purposes Fund to support infrastructure, compliance, and skills to contribute to the development of whenua Māori;
 - 7.2 the Ngāti Manuhiri Claims Settlement Act 2012 and Te Kawerau ā Maki Claims Settlement Act 2015 to remove encumbrances over Treaty settlement redress land; and
 - 7.3 the Moriori Claims Settlement Act 2021, Ahuriri Hapū Claims Settlement Act 2021, Ngāti Rangitihi Claims Settlement Act 2022 and Ngāti Maru (Taranaki) Claims Settlement Act 2022 to provide for observance of the Matariki public holiday.
- 8 Third, it proposes the repeal of 9 spent Acts, including: the Maori School Sites Act Extension Act 1890, the Maori Purposes Act 1937, the Maori Purposes Act 1938, the Maori Purposes Act 1949, the Maori Purposes Act 1953, the Maori Purposes Act 1961, the Maori Purposes Act 1962, the Maori Purposes Act 1978, and the Maori Purposes Act 1993.
- 9 These proposals have been developed in consultation with the relevant impacted entities.

Background

- 10 Māori Purposes Bills are omnibus bills that enable minor, technical, and non-controversial amendments to Māori affairs legislation. They may also deal with authorisations, transfers, and validations in respect of Māori land and property. Māori Purposes Bills are currently progressed biennially to ensure that legislation remains current, clear, and responsive to evolving policy and administrative needs.
- 11 There is another Māori Purposes Bill currently before the House (awaiting a second reading), that is focused on modernising Māori affairs legislation, reducing administrative burden, providing Māori entities with greater autonomy, and addressing technical issues within statutes. This Bill will continue this work and enable the next stage of legislative maintenance and improvements.

Proposed changes to Māori affairs legislation

- 12 This section summarises the key legislative measures proposed for the Bill, encompassing amendments to existing legislation, the repeal of spent or redundant legislation, and new provisions to vest land and give effect to existing deeds.

Vesting of the Beds of Taupō Tributaries in Ngāti Tūwharetoa

- 13 In 1926, the Crown acquired the title to Lake Taupō and, via proclamation, 13 tributaries flowing over Ngāti Tūwharetoa land. A deed concerning Taupō Waters was signed between Ngāti Tūwharetoa and the Crown in 1992 and revised in 2007 (the **1992 Deed** and the **2007 Deed**). The Deeds commit the Crown to identifying and

returning the beds of Lake Taupō tributaries to Ngāti Tūwharetoa, acknowledging the complex rights and interests involved.

- 14 The lakebed and several tributaries were returned to the Tūwharetoa Māori Trust Board (TMTB) in 1999 and 2001 through Māori Land Court orders. However, some tributaries were not returned, in particular, as they are no longer in Crown ownership.
- 15 In clause 2.1.2 of the 2007 deed, the Crown committed to work with the TMTB to identify equivalent alternative tributary beds and/or compensation for its inability to fulfil its obligation to return all tributary beds taken in 1926. A Cabinet Decision of 2004 agreed that monetary redress was not to be considered at that time. This proposal will progress the Crown's commitment under the Deeds, by transferring the identified eight alternative tributary beds to Ngāti Tūwharetoa. It will also include tributary beds taken in 1926 that the Crown owns and has now identified for transfer, which were not included in the 1999 and 2001 Māori Land Court orders.
- 16 It has been 100 years since ownership was vested in the Crown by the Maori Land Amendment and Maori Land Claims Adjustment Act 1926. The proposed vesting of these riverbeds therefore responds to longstanding concerns of Ngāti Tūwharetoa.
- 17 The 2007 Deed affirms TMTB as owners in trust of Taupō Waters. Taupō Waters are held in Māori freehold title by TMTB in its capacity as the sole trustee of the Taupō Waters Trust.
- 18 Since 2019, officials have worked to identify tributaries suitable for return. To be eligible, a tributary must traverse public conservation land. Eight tributaries meet this criterion. Only the sections of these tributaries within conservation land are proposed for transfer.
- 19 I propose that the eligible sections of the eight Taupō tributaries be vested in fee simple as Māori freehold land in the governance entity nominated by Ngāti Tūwharetoa (TMTB). This would give effect to the 2007 Deed and implement the 2024 Working Party recommendations, while maintaining conservation values including public access. A table listing the tributaries proposed for transfer is attached [**Appendix One**] along with maps illustrating the location of the tributaries and public conservation land. [**Appendix Two**].
- 20 This proposal is low risk. The land area is limited to tributary beds, rather than surrounding conservation land, these tributary beds are distant from urbanised areas. Department of Conservation track infrastructure and public access will be unaffected. The Department of Conservation has been unable to identify any existing concession that is specific to the tributary beds proposed for transfer. To date, TMTB has proposed that the bed be transferred subject to the ownership and management arrangements of the 2007 Deed.
- 21 Under those arrangements, the beds would transfer subject to recreation reserve status.

Taupō Waters is a collective reference to the bed of Lake Taupō, the bed of that part of the Waikato River from Lake Taupō to Te Toka a Tia (the rock of Tia), inclusive of the Huka Falls, and the beds of certain rivers or streams flowing into Lake Taupō.

- 22 Management would occur under the Taupō-nui-a-Tia Management Plan, which is a plan agreed to by the Taupō-nui-a-Tia Management Board. This Board comprises of four Crown appointees to represent the public interest and four TMTB appointees to represent Ngāti Tūwharetoa interests.
- 23 Accordingly, conservation values, including public access, and third-party rights including concessionaire holders, will not be materially impacted. The Management Board and TMTB also have an established capability to promote the integrated management of the beds proposed for transfer with those they currently own.
- 24 These arrangements are not part of a Treaty settlement and do not resolve any Wai claims. The 2007 Deed explicitly preserves the right of Ngāti Tūwharetoa to raise Treaty breaches. A broader Treaty settlement was reached in 2018 through a separate Deed of Settlement.
- 25 I consider including the tributaries in this Bill is the most practical way to complete the transfer, given the time since the original commitment, the simplicity of the transfer, and limited space in the legislative calendar. Including the tributary beds in this Bill will also deliver on longstanding commitments made between the Crown and Ngāti Tūwharetoa in the Treaty settlement Accord.
- 26 The tributaries will be described generally in the legislation, rather than by survey details, to reflect the intent to transfer the river and stream beds. This ensures the ownership of Ngāti Tūwharetoa remains secure even if the watercourses shift, as long as they remain within Crown-owned land.

27 s9(2)(f)(iv) [Redacted]

28 s9(2)(f)(iv) [Redacted]

Amendments to the Māori Trustee Act 1953

- 29 The Māori Trustee Act 1953 establishes and regulates the Māori Trustee, who can act as a trustee to administer Māori freehold land and other assets on behalf of beneficial owners.
- 30 I propose amending the Act to enable the Māori Trustee to make available grants from the General Purposes Fund to support infrastructure, compliance and skills to contribute to the development of whenua Māori. Section 32 of the Māori Trustee Act 1953 provides for the making of advances and loans from the General Purposes Fund.

The addition of a grant making power will allow the Māori Trustee to provide support to owners of whenua Māori with limited or no access to other funding to enable them to unlock the economic potential of their land.

- 31 Additionally, I am proposing to make minor amendments to:
- 31.1 repeal spent provisions; and
 - 31.2 amend certain sections to improve readability.
- 32 I am also proposing to amend the following values within the Māori Trustee Act 1953 through an approach that considers inflation, corresponding limits within the Public Trust Act 2001, and the need for the safeguard of the Minister for Māori Development approval for certain decisions, including:
- 32.1 increasing the maximum value for an estate that can be administered without a grant of administration from \$40,000 and \$60,000 to \$120,000;
 - 32.2 increasing the maximum value for the balance of an estate that the Māori Trustee can elect to administer from \$40,000 and \$60,000 to \$120,000;
 - 32.3 increasing the maximum amount the Māori Trustee can provide funds to recognised committees of owners for ‘tribal or community’ purposes from \$50 to \$1000;
 - 32.4 increasing the maximum value that the Māori Trustee can make small payments owed to claimants without a Court order from \$400 to \$10,000;
 - 32.5 increasing the maximum value of a small claim that can be barred by the Māori Trustee if the claimant does not take legal proceedings to Court within a three-month period to enforce the claim from \$1000 to \$10,000; and
 - 32.6 increasing the maximum value that the Māori Trustee can make grants or loans for the purposes of residential accommodation for Māori who need special care or instruction without approval from the Minister for Māori Development from \$2,500 to \$20,000.
- 33 The proposal to enable grants to be made from the General Purposes Fund was requested by the Māori Trustee. The remaining proposals were suggested by Te Puni Kōkiri following a review of the Māori Trustee Act 1953 to identify outdated and spent provisions, and these proposals have been agreed to by the Māori Trustee.

Amendments to two Treaty settlement legislations to remove encumbrances over Treaty settlement redress land

- 34 In 2024, Te Kawerau Iwi Settlement Trust and Ngāti Manuhiri Settlement Trust each requested to have a statutory encumbrance containing a right of access for Māori to ‘protected sites’ removed from their respective commercial redress properties, to allow for commercial development projects to proceed.
- 35 The encumbrances arise from a standard clause in Treaty settlement legislation designed to protect Māori access to ‘protected sites’ where such sites exist. A ‘protected site’ is one that is at any time recorded in Heritage New Zealand’s list/Rārangi Kōrero on the basis that there is a registered wāhi tapu or wāhi tapu area.

- 36 Removing these encumbrances require amendments to the respective Treaty settlement legislation.
- 37 I propose to amend the following Acts to remove the encumbrances:
- 37.1 Ngāti Manuhiri Claims Settlement Act 2012; and
- 37.2 Te Kawerau ā Maki Claims Settlement Act 2015.
- 38 In both cases, I consider the access clause has no practical effect. The two post settlement governance entities have provided information that confirms there are no known protected sites or overlapping interests with other Iwi in the rohe relating to such sites in the defined areas for development.
- 39 For these reasons, I find that the amendments are non-controversial. There is precedent for Treaty settlement amendments of this nature. Previous such amendments were facilitated by Te Arawhiti as part of the Statutes Amendment Bill 2022.

Amendments to four Treaty settlement legislations to provide for observance of Matariki public holiday

- 40 My officials have identified four Treaty settlement Acts that do not provide for the observance of the Matariki public holiday and are inconsistent with other legislative definitions of ‘working day’ and with Te Kāhui o Matariki Public Holiday Act 2022.
- 41 I propose to amend the following four Treaty settlement Acts to update the definition of ‘working day’:
- 41.1 Moriori Claims Settlement Act 2021;
- 41.2 Ahuriri Hapū Claims Settlement Act 2021;
- 41.3 Ngāti Rangitihi Claims Settlement Act 2022; and
- 41.4 Ngāti Maru (Taranaki) Claims Settlement Act 2022.
- 42 These changes are supported by the relevant post settlement governance entities.

Repeal of Spent Legislation

- 43 I am proposing to repeal nine Acts that are now spent. These Acts have achieved their purpose and no longer contain any operative provisions. Repealing spent Acts aligns with the Government’s ongoing commitment to improve the quality of regulatory systems and maintain an up-to-date statute book. In 2024, the Cabinet Legislation Committee gave policy approval for spent legislation to be repealed through suitable legislative vehicles [LEG-24-MIN-0220]. This Bill provides an appropriate vehicle to progress that decision and repeal Acts in the Māori Development portfolio that no longer have any ongoing effects.
- 44 The spent Acts I am proposing for repeal are:
- 44.1 the Maori School Sites Act Extension Act 1890;

- 44.2 the Maori Purposes Act 1937;
- 44.3 the Maori Purposes Act 1938;
- 44.4 the Maori Purposes Act 1949;
- 44.5 the Maori Purposes Act 1953;
- 44.6 the Maori Purposes Act 1961;
- 44.7 the Maori Purposes Act 1962;
- 44.8 the Maori Purposes Act 1978; and
- 44.9 the Maori Purposes Act 1993.

Cost-of-living Implications

- 45 I anticipate that the proposals outlined in this paper will have no cost-of-living implications, as the amendments proposed are primarily minor, technical, and non-controversial in nature and do not introduce substantive new policy decisions.

Financial Implications

- 46 I do not anticipate any financial implications will result from the proposals outlined in this paper.

Legislative Implications

- 47 The Bill holds a category 6 priority on the 2026 Legislation Programme (drafting instructions to be issued in 2026).
- 48 New legislation to provide for the transfer of beds of Taupō tributaries to Ngāti Tūwharetoa will bind the Crown.
- 49 Proposals to amend legislation will not change the position as to whether any of the legislation to be amended is, or is not, binding on the Crown.

Impact Analysis

Regulatory Impact Statement

- 50 The Ministry for Regulation has determined that the proposal in this paper to enable the Māori Trustee to provide grants from the General Purposes Fund is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social or environmental impacts are limited and easy to assess.
- 51 The Ministry for Regulation has determined that the remaining proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor economic, social, or environmental impacts, or they repeal or remove already redundant legislative provisions.

Climate Implications of Policy Assessment

- 52 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Population Implications

- 53 The proposals outlined in this paper primarily affect Māori rather than the general population of New Zealand, as amendments are specific to Māori affairs legislation. The proposals are expected to be beneficial for Māori and the Māori entities to which the proposals relate.

Human Rights

- 54 The proposals outlined in this paper are consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Use of External Resources

- 55 No external resources were engaged in the preparation of policy advice contained in this paper.

Consultation

- 56 The following agencies were consulted on the Cabinet paper: the Ministry for Culture and Heritage, the Ministry for Primary Industries, the Ministry of Justice, the Ministry of Education, the Treasury, the Department of Conservation, Land Information New Zealand, Te Tari Whakataua, the Ministry for Regulation, and the Parliamentary Counsel Office.
- 57 Amendments were developed in consultation with the relevant impacted entities, including Te Tumu Paeroa, the Māori Land Court, Ngāti Tūwharetoa, Ngāti Manuhiri, Te Kawerau ā Maki, and the Post Settlement Governance Entities of Moriori, Ahuriri Hapū, Ngāti Rangitihī, and Ngāti Maru (Taranaki).

Recommendations

- 58 I recommend the Committee:
- 1 **authorise** Te Puni Kōkiri, on behalf of the Minister for Māori Development, to issue drafting instructions to the Parliamentary Counsel Office to:
- 1.1 vest eight Taupō tributary beds in the Tūwharetoa Māori Trust Board;
 - 1.2 include in the Bill the management arrangements for transferred tributaries to be the same as for Taupō Waters (including management under the Taupō-nui-a-Tia management plan);
 - 1.3 amend the Māori Trustee Act 1953 to:

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- 1.3.1 enable the Māori Trustee to make grants available from the General Purposes Fund;
- 1.3.2 repeal spent provisions;
- 1.3.3 increase the maximum value for an estate that can be administered without a grant of administration;
- 1.3.4 increase the maximum value for the balance of an estate that the Māori Trustee can elect to administer;
- 1.3.5 increase the maximum amount the Māori Trustee can provide funds to recognised committees of owners for ‘tribal or community purposes’;
- 1.3.6 increase the maximum value that the Māori Trustee can make small payments owed to claimants without a Court order;
- 1.3.7 increase the maximum value of a small claim that can be barred by the Māori Trustee if the claimant does not take legal proceedings Court within a three-month period to enforce the claim; and
- 1.3.8 amend the maximum value that the Māori Trustee can make grants or loans for the purposes of residential accommodation for Māori who need special care or instruction without approval from the Minister for Māori Development;
- 1.4 amend the Ngāti Manuhiri Claims Settlement Act 2012 and Te Kawerau ā Maki Claims Settlement Act 2015 to remove encumbrances over Treaty settlement redress land;
- 1.5 amend the Moriori Claims Settlement Act 2021, Ahuriri Hapū Claims Settlement Act 2021, Ngāti Rangitīhi Claims Settlement Act 2022 and Ngāti Maru (Taranaki) Claims Settlement Act 2022 to provide for observance of Matariki public holiday; and
- 1.6 repeal the following spent Acts:
 - 1.6.1 the Maori School Sites Act Extension Act 1890;
 - 1.6.2 the Maori Purposes Act 1937;
 - 1.6.3 the Maori Purposes Act 1938;
 - 1.6.4 the Maori Purposes Act 1949;
 - 1.6.5 the Maori Purposes Act 1953;
 - 1.6.6 the Maori Purposes Act 1961;
 - 1.6.7 the Maori Purposes Act 1962;

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1.6.8 the Maori Purposes Act 1978; and

1.6.9 the Maori Purposes Act 1993.

- 2 **agree** that the Minister for Māori Development, in consultation with relevant portfolio ministers, is authorised to further clarify and develop policy matters relating to the proposals in this Cabinet paper in a manner consistent with the policy recommendations contained in this paper; and
- 3 **agree** that the Bill will include a provision stating that the Act will bind the Crown.

Authorised for lodgement

Hon Tama Potaka

Te Minita Whanaketanga Māori

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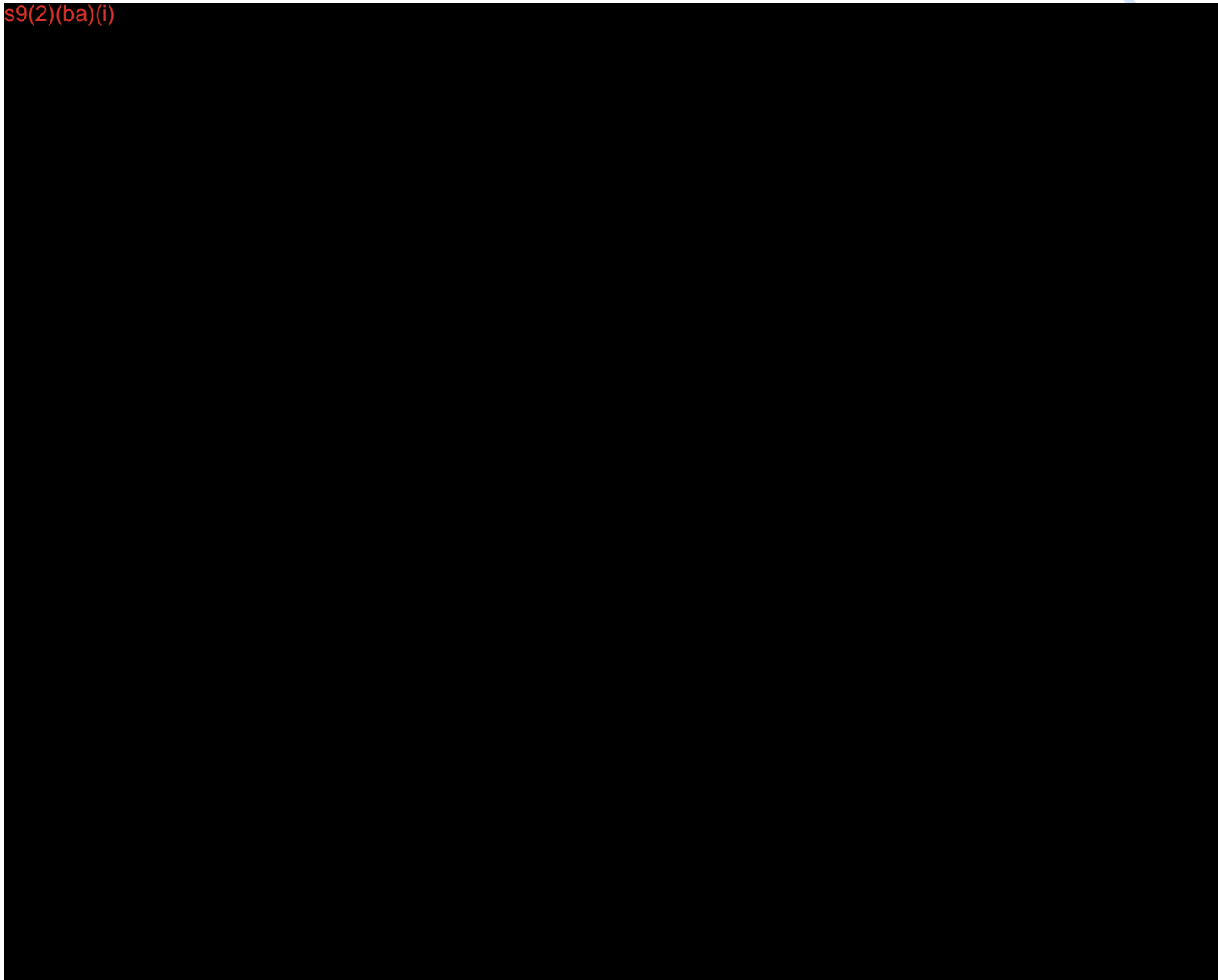
Appendix One – List of Tributaries Proposed for Transfer

Name of tributary	Location
Hinemaiaia Stream	Kaimanawa Forest Park
Kuratau River	Pureora Forest Park, Waituhi - Kuratau Scenic Reserve. Conservation Area-Pureora and Pukepoto Ecological Area
Tauranga-Taupo River	Kaimanawa Forest Park
Waihaha River	Pureora Forest Park and Pureora Conservation Area
Waihora River	Pureora Forest Park
Whanganui stream	Pureora Forest Park and Pureora Conservation Area
Waimarino River	Kaimanawa Forest Park
Waiotaka River	Kaimanawa Forest Park

Document

Appendix Two – Map of Tributaries Proposed for Transfer

s9(2)(ba)(i)



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