

Office of the Minister for Māori Development
Cabinet Legislation Committee

Māori Land Court Fees Amendment Regulations 2026: Approval for Submission to the Executive Council

Proposal

- 1 This Cabinet paper seeks authorisation to submit to the Executive Council the Māori Land Court Fees Amendment Regulations 2026 (**the Amendment Regulations**).

Policy

- 2 The Māori Land Court Fees Regulations 2013 (**the Fees Regulations**) prescribe the filing fees for Māori Land Court (**MLC**) applications, including applications to the Māori Appellate Court.
- 3 The Fees Regulations do not currently specify a fee for appeals to the Māori Appellate Court against decisions made by the Māori Plant Varieties Committee pursuant to the Plant Variety Rights Act 2022 (**PVR Act**).
- 4 The PVR Act provides a framework for protecting plant variety rights, which are intellectual property rights in new plant varieties. The PVR Act protects kaitiaki relationships with taonga species and mātauranga Māori through the Māori Plant Varieties Committee (**the Committee**).
- 5 The Committee administers procedures that recognise and protect kaitiaki relationships, makes determinations about kaitiaki relationships, and has advisory functions. A determination of the Committee may also lead to the cancellation of plant variety rights that have adverse effects on kaitiaki relationships.
- 6 The PVR Act provides for appeals to the Māori Appellate Court on certain decisions of the Committee.
- 7 The omission of a specified fee for plant variety rights appeals creates uncertainty as the Schedule in the Fees Regulations contains two existing fees that could arguably apply to plant variety rights appeals:
 - 7.1 a \$399 fee specified in item 25(j) in Schedule 1 of the Fees Regulations for filing a notice of appeal to the Māori Appellate Court in accordance with section 58 of Te Ture Whenua Maori Act 1993; or
 - 7.2 a \$228 fee specified in item 28 of the Fees Regulations for filing an application under any legislative provision (other than Te Ture Whenua Maori Act 1993) not specifically mentioned in the Schedule.
- 8 I consider that while the \$399 fee could be seen to apply to plant variety rights appeals by users of the Schedule, this fee does not apply to these appeals as section 58 of Te Ture Whenua Maori Act 1993 specifies that this section applies to appeals

IN CONFIDENCE

against final orders of the Māori Land Court, and plant variety rights appeals are against determinations made by the Committee.

- 9 Alternatively, the \$228 fee outlined in the Schedule is more appropriate as these appeals are against legislative provisions outside of Te Ture Whenua Maori Act 1993.
- 10 I am therefore proposing that the Amendment Regulations insert a new fee of \$228 to apply specifically to plant variety rights appeals to ensure clarity and consistency and reduce ambiguity for users of the Schedule. In reaching a decision about the appropriate fee to be inserted, my officials considered consistency with existing fees, the workload of the MLC, the expected private and public benefit from the hearing of plant variety rights appeals, and the effect of the fee on the ability of an applicant to appeal.
- 11 Additionally, the Amendment Regulations will insert a \$68 fee for filing an appeal against a decision of the Committee out of time.
- 12 Section 71(2) of the PVR Act requires that appeals must be brought within 20 days or within such further period as the court, on application, allows. A person wishing to bring a plant variety rights appeal later than 20 days following the Committee's decision must therefore file an application for leave to appeal, as well as the appeal application.
- 13 Currently, the Fees Regulations state there is a \$68 fee for filing an appeal out of time under rule 8.14 of the Māori Land Court Rules 2011. The Māori Land Court Rules 2011 are being amended alongside the Fees Regulations and will insert new rules regarding applications for leave to appeal plant variety rights decisions made by the Committee. The rules need to specify a fee for an application for leave to appeal a Committee decision out of time, and I propose setting this at \$68 as this is consistent with the \$68 fee for other applications for leave to appeal out of time.
- 14 Setting a fee for this application is in the interests of justice, as it provides an incentive for appellants to appeal within the prescribed 20-day appeal period.
- 15 I consider that the Amendment Regulations do not introduce new policy decisions but instead provide clarity for users of the Fees Regulations, as the same level of fee could already be interpreted as applying to plant variety rights appeals. The Cabinet Manual states that if secondary legislation is routine and does not involve new policy decisions, the Minister may authorise drafting without reference to Cabinet. On that basis, I gave Ministerial approval for the drafting of the Amendment Regulations.

Timing and 28-day rule

- 16 I intend for the Amendment Regulations 2026 to come into force 28 days after notification in the Gazette. If the Amendment Regulations are made by Order in Council on 30 March 2026, they will be notified in the Gazette on 2 April 2026 and come into force on 30 April 2026.
- 17 No Waiver of the 28-day rule is sought.

Compliance

- 18 The Amendment Regulations will comply with:
- 18.1 the principles of the Treaty of Waitangi;
 - 18.2 advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions;
 - 18.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 18.4 the principles and guidelines set out in the Privacy Act 2020;
 - 18.5 relevant international standards and obligations; and
 - 18.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 19 Section 96 of Te Ture Whenua Maori Act 1993 empowers the making of the Amendment Regulations. There are no statutory prerequisites that exist for the making of the Amendment Regulations.

Regulations Review Committee

- 20 There are no grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House of Representatives as a Standing Order requirement.

Certification by Parliamentary Counsel

- 21 The Amendment Regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 22 I, as Minister for Māori Development, previously authorised the drafting of the Amendment Rules. Cabinet's impact analysis requirements therefore do not apply.

Publicity

- 23 I do not propose to issue a media statement. This change will be notified in the Gazette, and Te Puni Kōkiri will proactively release relevant documentation on its website.

Proactive release

- 24 I propose to proactively release this paper within 30 business days of the Amendment Regulations coming into force. Redactions may be made as appropriate in line with the Official Information Act 1982.

Consultation

- 25 The Ministry of Justice, Ministry of Business, Innovation and Employment, and the Treasury were consulted on the Amendment Regulations and this Cabinet paper.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that I gave Ministerial approval for the drafting of the Māori Land Court Fees Amendment Regulations 2026 to insert a fee of \$228 for filing an appeal under section 71 of the Plant Variety Rights Act 2022, and insert a fee of \$68 for filing an application for leave to appeal out of time under section 71 of the Plant Variety Rights Act 2022;
- 2 note that the Māori Land Court Fees Amendment Regulations 2026 will give effect to the decision referred to in paragraph 1 above;
- 3 authorise the submission to the Executive Council of the Māori Land Court Fees Amendment Regulations 2026; and
- 4 note that the Māori Land Court Fees Amendment Regulations 2026 come into force on 30 April 2026.

Authorised for lodgement

Hon Tama Potaka

Minister for Māori Development