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Office of the Minister for Māori Development
Cabinet Legislation Committee

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

Proposal

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

Policy

- 2 The Māori Land Court Rules 2011 (**the Rules**) are rules of Court made under section 95 of Te Ture Whenua Maori Act 1993 (**the Act**) that apply to proceedings in the Māori Land Court and Māori Appellate Court.
- 3 Reviewing the Māori Land Court Rules is the responsibility of the Māori Land Court Rules Committee constituted under section 92 of the Act. Members are the Chief Judge of the Māori Land Court, a Judge of the Māori Land Court appointed by the Chief Judge, relevant chief executives or nominees, Chief Judge appointees, and Ministerial appointees.
- 4 Section 94 of the Act provides that the principal function of the Rules Committee is “.... to review and keep under review the rules of Court and to make recommendations to the Minister as it thinks fit for the amendment or revocation of any rules or the making of any new rules....”. Section 94 also states the purpose of such rules as being “to facilitate the prompt, inexpensive, and just dispatch of the business of the court and the administration of justice in the court.”
- 5 The Rules have not been substantively amended since their making in 2011. Amendments are therefore required to modernise the Rules, to provide for matters related to new jurisdiction of the Māori Land Court and Māori Appellate Court, and to facilitate the business of the court and the administration of justice in the court.
- 6 Cabinet approved Ministerial appointments on 25 November 2024 [CAB-24-MIN-0457] to the current Māori Land Court Rules Committee (**the Rules Committee**). Other members were appointed by the Chief Judge under section 92 and the chief executives nominated members.
- 7 The Rules Committee met in June, August, and November of 2025 to consider drafts of the Amendment Rules. The Chief Judge and members of the Rules Committee have approved the Amendment Rules.
- 8 The Amendment Rules include:
 - 8.1 amendments to the Rules required by the new jurisdiction of the Māori Land Court, including new dispute resolution processes in Te Ture Whenua Maori

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Act 1993 (rules relating to the appointment of mediators and conduct of mediations);

- 8.2 updates to rules regarding the appointment of a litigation guardian for an incapacitated person or minor;
 - 8.3 new rules relating to Registrar determination of simple and uncontested trust and succession matters;
 - 8.4 amendments required by the new jurisdiction of the Māori Appellate Court under the Plant Variety Rights Act 2022;
 - 8.5 changes required by technological changes in the Court;
 - 8.6 amendments to rules prescribing the procedures for payment from the Special Aid Fund; and
 - 8.7 miscellaneous amendments (e.g. to correct errors and update references to repealed legislation).
- 9 The Rules are procedural in their effect and no new policy decisions were required for the Amendment Rules.

Timing and 28-day rule

- 10 I intend for the Amendment Rules to come into force 28 days after notification in the Gazette. If the Amendment Rules 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.
- 11 No waiver of the 28-day rule is sought.

Compliance

- 12 The Amendment Rules comply with each of the following:
- 12.1 the principles of the Treaty of Waitangi;
 - 12.2 advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions;
 - 12.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 12.4 the principles and guidelines set out in the Privacy Act 2020;
 - 12.5 relevant international standards and obligations; and,
 - 12.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 13 There are no grounds for the Regulations Review Committee to draw the Amendment Rules to the attention of the House of Representatives under Standing Order 310.

Certification by Parliamentary Counsel

- 14 The Parliamentary Counsel Office has certified that the Amendment Rules are in order for submission to Cabinet, subject to the Amendment Rules being made with the concurrence of the Chief Judge of the Māori Land Court and any 2 other members of the Rules Committee in accordance with section 95 of the Act.

Impact Analysis

- 15 The Rules Committee and Chief Judge of the Māori Land Court previously authorised drafting of the Amendment Rules. Cabinet's impact analysis requirements therefore do not apply.

Publicity

- 16 The Māori Land Court will take all reasonable steps to bring these changes to the Rules to the attention of Court users and their representatives.

Proactive release

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

Consultation

- 18 The Ministry of Justice, Ministry of Business, Innovation and Employment, and Ministry for Culture and Heritage were consulted on the Amendment Rules and this Cabinet paper.

Recommendations

I recommend that the Cabinet Legislation committee:

- 1 note that the Māori Land Rules Committee (the Committee) has resolved to make minor and technical changes to the Māori Land Court Rules 2011;
- 2 note that section 95 of Te Ture Whenua Maori Act 1993 requires the concurrence of the Chief Judge of the Māori Land Court and two or more members of the Committee to rules regulating the practice and procedure of the Māori Land Court and the Māori Appellate Court;
- 3 note the advice of the Minister for Māori Development that the concurrence requirement under Te Ture Whenua Maori Act 1993 has been met;

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- 4 authorise the submission to the Executive Council of the Māori Land Court Amendment Rules 2026 pursuant to section 95 of Te Ture Whenua Maori Act 1993; and
- 5 note that the Māori Land Court Amendment Rules 2026 will come into force 30 April 2026.

Authorised for lodgement

Hon Tama Potaka

Minister for Māori Development

Released by the Minister for Māori Development