

Appendix 1 - Enabling the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991 through Te Ture Whenua Maori Act 1993

Current Whenua Māori Governance

There are six types of whenua Māori trusts, with two governance structures generally utilised for land development, Ahu Whenua Trusts and Māori incorporations.

Governance under these structures can be complex, slow to change and administratively burdensome due to approval requirements at different stages from the Māori Land Court. They are not always suited to large-scale strategic management.

Why the change?

This proposed structure will support opportunities for economic development and utilisation of whenua, intergenerational wealth, diversification of economic base, and the retention of tino rangatiratanga over whenua.

Enables the proposed trust board to strategically acquire whenua that was alienated and diversification of economic activities that fund investment back into the trust beneficiaries, including through scholarships and grants.

What's changing?

The proposal creates a new governance structure based on the Māori Purposes (Wi Pere Trust) Act 1991. It will enable whenua Māori to be governed by an incorporated trust board with a legal structure, powers and obligations, independent of the Māori Land Court.

This proposed structure is designed to aggregate assets, reacquire alienated land, and provide sustained economic returns for whānau, Iwi and Hapū.

The proposed incorporated trust board will act as a body corporate responsible for managing the trusts property in the best interest of its beneficiaries.

Decreases the need for property decisions to be made by the Māori Land Court, delegating decisions to the trust board

Streamlines governance decisions, centralising decision making to shareholders/landowners.

Who might apply

Trusts with whenua looking to expand their commercial capability including:

Trustees of a trust subject to the Trusts Act 2019

Māori Incorporations

Ahu Whenua Trusts

Whenua Tōpū Trusts

Over time, this may result in some of these trusts merging into a larger more streamlined entity.

Impact on the Māori Land Court

Initially, the Māori Land Court may have an increase in applications to determine the setting up of the proposed Governance structure.

Over time, involvement by the Māori Land Court will decrease as these proposed trusts are established and begin making independent decisions for their whenua.