

In Confidence

Office of the Minister for Māori Development

Chair, Cabinet Economic Policy Committee

Proposed amendments to Te Ture Whenua Maori Act 1993: Final policy decisions

Proposal

- 1 This paper seeks Cabinet agreement on final policy decisions following public consultation on Te Ture Whenua Maori Act 1993 (**TTWM Act**). I am proposing a Te Ture Whenua Maori Amendment Bill (**the Amendment Bill**) to address the barriers to growth and support economic development. Alongside this, I also propose to explore targeted investment through the Māori Development Fund to support Māori land owners and their entities to more effectively engage in the Māori land system, which can often be difficult to operate in.¹²
- 2 Progressing an Amendment Bill alongside targeted investment will unlock economic growth for Māori land owners, supporting their aspirations to be realised. This is achieved through promoting flexibility, opportunity, clarity and more efficient processes, as well as providing for more land owner autonomy and removing some of the administrative burdens land owners can experience.

Relation to Government priorities

- 3 This Government is committed to strengthening Aotearoa New Zealand's overall economic framework through the *Going for Growth* agenda. The proposed Amendment Bill and targeted investment relate to *Going for Growth* under the pillar of 'Competitive Business Settings'. This pillar promotes well-designed regulatory settings, providing a predictable environment to promote competition and drive growth. Māori economic growth, increasing the productive capacity of Māori land, alongside reducing regulatory red tape, are crucial components of the *Going for Growth agenda*. Boosting the economic productivity of underperforming Māori land could generate \$2.3 billion more in annual revenue and thousands of employment opportunities.³

Executive Summary

- 4 On Monday 31 March 2025, Cabinet approved the release of the *Engagement and proposed changes to Te Ture Whenua Maori Act 1993 Discussion Document (the Discussion Document)* for public consultation [CAB-25-MIN-0086]. Te Puni Kōkiri publicly consulted on 17 proposed changes to TTWM Act with Māori land owners, communities and their entities between March and May 2025. This engagement has supported a more effective approach to legislative

¹ In this paper, 'Māori land owners' refers to the owners of Māori land, rather than 'Māori landowners'. This is to differentiate between a Māori individual/collective who owns any type of land, including General land and Māori land (Māori landowners), from a Māori individual owning land that is of Māori status, generally Māori freehold land (Māori land owners).

² 'The Māori land system' refers to Māori land and its associated owners, beneficiaries, entities and actors (such as the Māori Land Court), as well as rights, interests and legislation that contribute to the ora and use of Māori land.

³ Whenua Māori in primary production: economic contribution and productive potential, October 2025, pg 30 (Ministry for Primary Industries).

design. It also achieved action 10 in the Coalition Government's Q1 Action Plan for New Zealand, to consult with Māori land owners on changes to TTWM Act to better enable Māori economic development.

- 5 Public consultation highlighted that to promote the economic development of Māori land and address the barriers that have limited engagement in the Māori land system, changes must be made. These barriers are both legislative and non-legislative and include: unclear and inefficient processes within TTWM Act, limited land owner autonomy and slow progress to finalise Māori Land Court applications.
- 6 These barriers are specific to Māori land and governance structures. Insights from public consultation highlighted that these barriers and the different requirements for Māori land/owners have led to lost opportunities for economic growth and disparities when compared with owners of non-Māori owned land.
- 7 To address these barriers, I intend to progress a two-pronged approach – to introduce legislative changes, and targeted investment:
 - a) The proposed Amendment Bill intends to streamline processes and support easier navigation of aspects of TTWM Act by:
 - i. Enabling opportunities for land development;
 - ii. Increasing access to services for Māori land owners; and
 - iii. Creating more efficient and timely processes within the Māori land system.
 - b) Targeted investment will provide education to support capability uplift for Māori land owners and governance entities. The need for this support was raised frequently during public consultation. These activities could be funded through the Māori Development Fund (**MDF**) under the Community Resilience allocations.
- 8 Proposal 1 to enable a new option for the management of land assets based on the Māori Purposes (Wi Pere Trust) Act 1993, will require additional funding to support the design and implementation. Furthermore, in the development of this Amendment Bill, there have been significant concessions where amendments that had large fiscal implications have been removed to move toward a more fiscally responsible package.

Background

- 9 Māori land is vital to Māori development and the health of hapori Māori (Māori communities). TTWM Act was enacted in 1993 to promote the retention, and facilitate the occupation, development, and utilisation of Māori land in the hands of owners, whānau and hapū.⁴ The preamble of TTWM Act reaffirms collective property rights and the protection of rangatiratanga embodied in Te Tiriti o Waitangi | the Treaty of Waitangi for the benefit of the owners of land subject to TTWM Act and their whānau and hapū.

⁴ Primarily Māori freehold land as defined in TTWM Act.

- 10 Currently, TTWM Act focuses on the protection of Māori land and interests, with less emphasis on supporting the development of Māori land. In practice, however, some of those protections have had the unintended consequence of limiting economic growth and opportunities. The changes I am proposing will address these limiting factors, without compromising the protections TTWM Act provides.
- 11 Cabinet agreed on 12 August 2024 to a modernised approach to Māori development and invited me to report back on a Māori economic development strategy and legislative programme [CAB-24-MIN-0094].
- 12 In 2024, I directed Te Puni Kōkiri to consider what amendments could be made to TTWM Act. A range of suggestions were received, with 17 proposals outlined in the Discussion Document. On Monday 31 March 2025, Cabinet approved the release of the Discussion Document for public consultation and directed me to report back on final proposals following this [CAB-25-MIN-0086]. Public consultation occurred between March and May 2025.
- 13 Public consultation emphasised that the status quo under current legislative settings disadvantage Māori land owners. Seemingly simple processes such as changing a trustee can take months under current TTWM Act processes. By contrast, changes to trustees of non-Māori land trusts, including charitable trusts incorporated (under the Charitable Trusts Act 1957), are also generally administrative in nature and can be processed within a matter of days through the Companies Office or Charities Services, with significantly lower procedural complexity. This is vastly different from the experiences of Māori land owners and stresses the disparity in land management processes.
- 14 Insights from public consultation highlights a range of real-world examples of the financial and legal impacts arising from inefficiencies within the Māori land system, including:
- a) Commonly waiting years for applications to be progressed;
 - b) Succession applications delayed up to five years just for trustees to be changed;
 - c) Proposed trustees resigning before the Māori Land Court had time to consider and confirm their appointments; and
 - d) Bank accounts being frozen because of the years it has taken for new trustees to be added to those accounts.
- 15 These inefficiencies can limit Māori land owners from realising social, housing, and economic development aspirations, compared to other land owners and further emphasises the need for change.

I recommend changes to TTWM Act, alongside targeted investment to support economic growth

- 16 I have taken a wider and pragmatic view when considering the feedback received during public consultation and recommending next steps. This

includes acknowledging the benefits of the proposals, the feedback received and the historical and current context it was received in.

- 17 I recommend introducing an Amendment Bill, consisting of 12 changes to TTWM Act. Alongside this Bill, I recommend progressing specific targeted investment, to uplift the knowledge and capability of Māori land owners and their entities. This addresses strong feedback that the barriers to development cannot be solved by legislative change alone.
- 18 The final policy package has changed following feedback received during public consultation, as well as to support a more fiscally responsible package. More contentious proposals have been removed, as well as those that were likely to have significant costs and/or resource implications. Five proposals have also been added to the policy package, which were suggested during or after public consultation.
- 19 The policy package will promote economic growth and development, through supporting more efficient and streamlined processes and better public services. It will also provide for greater land owner autonomy and enhanced land asset management options to progress economic and business decisions by:
 - a) Enabling management of land assets based on the Māori Purposes (Whānau Trust) Act 1991. This provides an option for land asset management and ownership that is more business and development orientated than the current governance structures available to land owners. Over time, this proposal will also likely lead to reduced oversight by the Māori Land Court;
 - b) Providing the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures. This proposal can assist housing development and obtaining finance; and
 - c) Granting Registrars powers to approve extensions of occupation orders (currently only Judges can approve extensions). This will enable extensions to be progressed faster and free-up time for Judges to progress other kaupapa.
- 20 The impacts of most of the proposals will be realised in the short-to-medium term and several of the proposals expand or streamline existing provisions/processes. These impacts include increased opportunities for economic development and land utilisation, improved efficiency of Māori Land Court processes and will contribute to a more efficient and timely Māori land court system.

Twelve proposals to support efficiency and economic development

- 21 I am proposing a targeted package of amendments to TTWM Act. These are listed and themed below.

Increase opportunities for economic development and land utilisation

Proposal 1. Enable management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991

- 22 I am proposing to introduce an alternative structure for the management of land assets, based on the Wi Pere Trust. This proposal intends to provide an optional alternative management structure for Māori land owners who wish to use it; enabling more decision-making autonomy and less oversight from the Māori Land Court (without requiring bespoke legislation).
- 23 The Wi Pere Trust Board structure was introduced through the Māori Purposes (Wi Pere Trust) Act 1991 (**the Wi Pere Trust Act**) and has proven to be successful. It has enabled the Wi Pere Trust to make decisions over its property (including economic and development decisions) without needing to go through the Māori Land Court. This governance structure has supported intergenerational wealth, diversification of economic base, and the retention of tino rangatiratanga over its land. These benefits have been shared with beneficiaries through regular dividend distribution and the Board's funding of scholarships, education grants, employment and whānau development opportunities. This is an example of what other land owners could potentially achieve, under the proposed alternative management structure.
- 24 Of the six ownership and management structures in TTWM Act, the two generally utilised for land development are the ahu whenua trusts and Māori incorporations. Governance under these structures can be complex, slow to change and administratively burdensome. They also are not always suited to large-scale strategic management, lacking the legal flexibility, financing pathways, or scale to attract capital investment. Additional information on the proposed management structure is attached as **Appendix 1**.
- 25 The proposed alternative management structure would be available for blocks of Māori freehold land or General land owned by Māori that are:
- a) subject to an Ahu Whenua, Whenua Topu, or Kaitiaki Trust, or vested in a Māori incorporation; or
 - b) not subject to any formal governance structure, prior to applying to form the proposed alternative management structure; and
 - c) only if the Māori Land Court appoints a person to act as the trustee or agent for any person under disability once the land transferred.
- 26 Under this proposal, the relevant land block(s) would be subject to a trust, operating through an incorporated trust board. Consistent with the 2020 amendments to streamline the establishment of Māori incorporations under the TTWM Act, applications for an alternative management structure would

proceed only where the Māori Land Court is satisfied that owners have received adequate notice, have had a reasonable opportunity to engage, and that there is sufficient support. This approach better reflects the realities of Māori land ownership and enables more workable and inclusive decision-making. Importantly, this structure is designed to better align with commercial interests by providing a more flexible and responsive governance framework, supporting timely decision-making, and enabling land owners to pursue development opportunities in a manner comparable to other commercial entities.

- 27 Although the demand for this proposal is not yet fully understood, analysis suggests that uptake would primarily come from larger entities and are conservatively estimated at between 5 – 10 applications per year. Despite this uncertainty, there is still strong strategic, Treaty and system stewardship rationale to progress this proposal, which provides an optional governance pathway that better reflects Māori aspirations and responds to consultation feedback.
- 28 I propose that I, in conjunction with the Minister of Justice and the Minister for Courts be given delegated authority to instruct Parliamentary Counsel Office, on any minor and technical matters required to enable the proposed pathway for owners to establish a trust, and for that trust to operate in the manner intended.
- 29 This proposal will have cost and resourcing implications. I am seeking an in-principle agreement to progress the policy to drafting, subject to funding decisions in the near future. s9(2)(f)(iv)
- 30 This proposal was suggested during public consultation and was not consulted on as a standalone proposal. Te Puni Kōkiri has undertaken further work to assess the viability and potential application of this proposal, undertaking discussions with the Wi Pere Trust, Ngāi Tahu and the Federation of Māori Authorities. This further work has reinforced this proposals value for supporting economic and land development opportunities. On this basis, I consider there is sufficient merit in progressing this proposal as it would enhance land owner autonomy and enable greater ownership of decision-making.

Improve efficiency and consistency of Māori Land Court processes

Proposal 2. Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures'

- 31 I propose providing the Māori Land Court with specific jurisdiction and powers to determine ownership, possession and rights, relating to dwellings and related structures (fixtures or chattels) on Māori freehold land. As well as setting out the matters it must consider when making orders.

- 32 TTWM Act does not have express provisions relating to the determination of dwellings. Currently the Māori Land Court considers applications under section 18(1) of TTWM Act to hear a claim to any “interest in land,” on the basis that a dwelling is an “interest in land.” The Māori Land Court draws on a range of legal sources, including TTWM Act, tikanga Māori and general trust and property law principles. This plural legal framework can make decision-making complicated, time consuming, and can lead to inconsistent application of the law (which can lead to further appeals and costs). This creates uncertainty and is likely a barrier to accessing loans and government grants for housing repairs and improvements.
- 33 This proposal aims to make decisions more consistent and provide a clearer process for owners and whānau to settle disputes and obtain Court orders. It could also encourage housing development and provide certainty for lenders; supporting access to finance to progress land owner aspirations

Proposal 3. Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes

- 34 I am proposing to enable temporary agents to be appointed on ungoverned Māori land in a civil emergency to support emergency related responses and recovery.⁵
- 35 It can be difficult for decisions to be made on ungoverned land due to some owners being unknown or uncontactable with around 58% of Māori land blocks having no formal governance arrangements.⁶ This makes it challenging, and in some cases, not possible, for engaged owners to act promptly following civil emergencies. For example, following Cyclone Gabrielle, some owners of ungoverned land were unable to access Government funding due to criteria excluding individuals, which constrained and impacted their ability to access resourcing for remediation, response or recovery related purposes.
- 36 This proposal has been designed to avoid any unjustified interference with Māori land owners’ property rights and would only arise in specific situations where urgent action is required such as in a civil emergency. Any controls would be strictly time limited, applying only for the duration of the emergency response and recovery period and would only be available where the land block was either:
- a) not vested in any trustee or trustees; or
 - b) vested in a trustee or trustees who are inactive.
- 37 This proposal will enable land owners to access timely, temporary and targeted Government funding and support to recover and respond to civil emergencies through an agent appointed for this purpose. This support can be used, for instance, to ensure the impacts of the civil emergency can be addressed in a reasonable timeframe (such as slash clean-up) and enable safe continuation of

⁵ Ungoverned Māori land is where there is no governance structure in place or operative. However, a lack of formal governance does not necessarily mean the land is ungoverned, as it may be directly administered by its beneficial owners without a TTWM Act trust or Māori incorporation.

⁶Māori Land Update - Ngā Āhuetanga o te whenua - June 2025, Māori Land Court

any activities occurring on the land/access to the land. This may also support long-term economic development – for example, funding could be used to improve long-term resilience of on-site infrastructure.

- 38 The implementation of this proposal to appoint temporary agents is not expected to require additional baseline funding. However, if emergency or civil emergencies arise that create unanticipated costs pressures, additional funding may be required through future out-of-cycle processes. This reflects that while the policy settings themselves are fiscally neutral, operational demands during an emergency may exceed existing departmental resources.

Proposal 4. Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land

- 39 I am proposing to allow adoptees whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land.
- 40 Under current law, an adoptee who was adopted out of their whānau under an order made under the Adoption Act 1955 is not entitled to succeed to the interests of their deceased birth parent in Māori freehold land where that parent died intestate.
- 41 This issue was considered in the 2016 Te Pire mō Te Ture Whenua Māori Bill and raised again in a 2022 petition by Ms Deborah Chappell. In response, the Māori Affairs Select Committee (**the Committee**) recommended in September 2025 that the Government “consider amending legislation to allow adoptees whose deceased birth parents were the beneficial owners of Māori land to apply for intestate succession to that land.” The Committee’s report further encouraged Te Puni Kōkiri to “explore the possibility of including this proposed change in its current suite of [TTWM Act] amendments.”
- 42 This proposal has been considered in light of the existing whāngai provisions in TTWM Act. TTWM Act already enables the Māori Land Court to determine whether a whāngai child has a relationship of descent to another person for succession purposes, but it does not provide an equivalent pathway for adoptees. Extending a similar mechanism to adoptees would create greater consistency in intestate succession to interests in Māori land. As with the whāngai provisions, this proposal would operate through TTWM Act’s succession framework, which would prevail over section 19 of the Adoption Act 1955 in relation to succession to Māori freehold land and how the tikanga of the relevant iwi or hapū applies on a case-by-case basis.
- 43 TTWM Act recognises that land is a taonga tuku iho of special significance and, for that reason, promotes the retention of Māori land by its owners and their successors. This proposal aligns with this, expands the pool of eligible successors for land retention, and may support housing and development on Māori land, benefitting whānau and the wider community.

- 44 This proposal was not consulted on during public consultation as the petition was addressed by the Committee after the public consultation on proposed TTWM Act changes concluded. However, having assessed the Committee's recommendation, I consider there is merit in progressing this proposal to support consistency and land retention.

Creating more efficient and timely processes within the Māori land system

Proposals 5 to 7. Three proposals to support efficiency of certain Māori Land Court processes

- 45 In October 2025, the Chief Registrar of the Māori Land Court, supported by a small focus group of staff, was asked to consider possible changes to TTWM Act that may make a difference for Māori land owners.
- 46 Te Puni Kōkiri recommends the inclusion of these proposals in this Amendment Bill, subject to the Ministers for Māori Development, Justice and Courts being delegated authority to make decisions on the provisions to be included in the legislation, as they pertain to registrar/Judge powers
- 47 The proposals include:
- a) Expand the powers of Judges to appoint a service provider, without first requiring a Registrar's report;
 - b) Include authority for Special Aid Fund payment for appointments under the new proposed power to enable Judges to appoint a service provider, without first requiring a Registrar's report; and
 - c) Grant Registrars powers to approve extensions of occupation orders and for these Registrar decisions to be treated as an order of the Court.
- 48 Any additional decisions relating to the policy development of these proposals only will be at the discretion of delegated Ministers. If further proposals are identified, these will also be considered by delegated Ministers, with any substantial decisions to remain with Cabinet.
- 49 These proposals have not been consulted on as they were suggested following public consultation. I consider it critical that these changes are progressed, to support the operation of the Māori Land Court and more efficient processes for land owners.

Proposals 8 to 12. Minor and miscellaneous proposals

- 50 I am also proposing five minor and miscellaneous proposals. These are to:
- a) Lower the age of majority for Kaitiaki trusts and for minors who hold interests in land vested in a Māori incorporation from 20 years-old, to 18 years-old;
 - b) Remove the right of review for certificates of confirmation in respect of mortgages for a sole owner;
 - c) Enable Māori Land Court Judges to correct simple errors to Court orders that are over 10 years old (currently only the Chief Judge has this power);

- d) Provide trustees with the ability to apply to the Māori Land Court for direction (to be consistent with the powers under the Trusts Act 2019); and
- e) Enable the Māori Land Court to exercise its powers under section 242 to order the payment of money held in trust by a Māori incorporation.

Proposals not included in the Bill

- 51 In looking to make more fiscally responsible changes, I have removed eight proposals which were previously considered as part of this Amendment Bill. These exclusions are based on the potential costs and complexity of implementation, weighed up against their benefits and feedback from Māori land owners. The net impact of these concessions mean that the benefits to Māori land owners will be smaller, with fewer opportunities for economic development on their land and continued inefficiency at the Māori Land Court. It also means that this package of amendments will save a total of \$58M of one off and ongoing costs over FY26/27 – 29/30.⁷

Potential risks of introducing legislative change

- 52 Implementation of the proposals carries risks, particularly regarding the appointment, role and land owner trust of agents (which was raised frequently during public consultation). Clear processes and legislative safeguards around agents are essential to mitigate these risks.
- 53 In relation to proposal 4, succession by an adoptee to the interests of their birth parent in Māori freehold land may create tension within whānau, which could in turn delay succession processes and land development.

Targeted investment to uplift the capability of Māori land owners and their entities, where needed

- 54 Targeted investment will help address non-legislative barriers by providing education and training to those who need it. This will support informed decision-making, strengthen governance, and enable locally led development with Government support.
- 55 At present, Government support for Māori land governance capability is limited. Dedicated funding and education for Māori land entities is largely confined to support provided by Te Puni Kōkiri, Te Tumu Paeroa, the Māori Land Court and the Ministry for Primary Industries. While valuable, this support is constrained in scope and capacity, and does not fully meet the scale or diversity of need identified by land owners.
- 56 This investment would be used to introduce initiatives such as:
- a) Training and guidance to support governing skills and self-governance;
 - b) Support to navigate TTWM Act processes and Māori Land Court applications; and

⁷ Note that these costs have been calculated by Ministry of Justice officials with a range of +/- 60%, and do not account for synergies or sharing resource between amendments.

c) Guidance on opportunities for economic development of their land.

- 57 Targeted investment could be funded through the Māori Development Fund (MDF), under the Community Resilience allocations.⁸ Te Puni Kōkiri will further consider updating the MDF Investment Plan to find targeted investment from June 2026.

Costs and resources are required to implement the proposals

- 58 It is expected that there will be costs associated with the implementation of one of the policy proposals, this proposals is:

a) Enable the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991

i. s9(2)(f)(iv)

ii. These costings are indicative only and should be treated as preliminary estimates. Further work is currently being undertaken as a parallel process to refine these estimates.

iii. s9(2)(f)(iv)

- 59 It is expected that over time, the amendments will result in decreased costs for both the Government and Māori land owners, as well as a reduction in Māori Land Court workload. This is through processes becoming more efficient and, in some cases, land owners requiring less support from the Māori Land Court. The potential introduction of cost-recovery fees may also alleviate costs over time.

- 60 The initial investment required to implement this proposal will address lost economic opportunities and support large economic growth within the Māori land system.

- 61 A second proposal relating to the *appointment of temporary agents during civil emergencies for response and recovery-related purposes*, and its financial implications differ from proposal 1 noted above. Unlike proposal 1 which requires design and implementation funding, for this proposal it is not expected to require additional baseline funding.

- 62 However, if emergency or civil events create unanticipated cost pressures, additional funding may be required at that time through future or out-of-cycle processes. This reflects that while the policy settings are fiscally neutral, operational demands during an emergency may exceed existing departmental resources.

⁸ The MDF has already received a small number of applications seeking investment from the Community Resilience allocation to support governance capability development for Māori land owners. These applications can currently be considered under the "Initiatives of national or regional significance..." investment outcome, where they are prioritised at a regional level.

- 63 An overview of estimated costings of each proposal is at **Appendix 2**. Further detail and estimated costings on four proposals are outlined in the Regulatory Impact Statement (**RIS**), at **Appendix 3**. The remaining proposals are exempt from the RIS requirement.

Financial strategy

- 64 To support a more fiscally responsible policy package, this Amendment Bill is substantially more targeted than what I have previously considered, with most proposals that were estimated to have significant cost and resource implications removed.
- 65 There is no funding available within current baselines, as existing resourcing and baselines are at capacity. While operational process improvements will go some way to alleviating existing pressures, it would not be possible to implement proposal 1, to *Enable the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991* to achieve the intended outcomes without specific funding. Therefore, additional funding for this proposal is likely to be required and, if necessary, additional funding would be sought through future Budget processes, beginning with Budget 2027.

66

s9(2)(f)(iv)

Enhancing Te Puni Kōkiri's monitoring function

- 67 I am proposing to strengthen the role of Te Puni Kōkiri in system-level monitoring to improve visibility of whether Māori land system settings and enabling infrastructure adequately support Māori land owners to realise their aspirations.
- 68 This may include drawing on publicly available, system-level indicators to understand flow pressures or capability constraints affecting whānau engagement with the Māori land system. This monitoring does not assess judicial decision-making, court operations, or case management practices.
- 69 Enhancing Te Puni Kōkiri's monitoring function would be focused on system settings and infrastructure that materially affect Māori outcomes and will be applied proportionately and issue-specifically rather than as a standing assessment of any single institution or platform.

Feedback received and key issues raised during public consultation

- 70 During public consultation, Te Puni Kōkiri delivered 57 in-person information sessions, public webinars and targeted engagements with specific organisations (such as the Federation of Māori Authorities, Tāwhia – Māori Bankers Rōpū and some Māori incorporations).

- 71 Feedback highlighted that the institutions supporting TTWM Act were questioned by many Māori land owners and hapori Māori. Some Māori land owners shared their preference to self-govern and manage their own affairs. This preference could be supported through the proposed new option for the management of land assets, which would provide greater autonomy for land owners while reducing Māori Land Court oversight.

Cost-of-living Implications

- 72 There are no cost-of-living implications arising from this paper.

Financial Implications

- 73 One proposal is expected to have immediate financial implications to enable the design and implementation of the proposal, as noted above. These costs are outlined in the section "Costs and resources required to implement the proposals". Additional funding is likely to be required and, if necessary, would be sought through future Budget processes, beginning with Budget 2027.
- 74 In addition, the proposal to appoint temporary agents is not expected to require additional baseline funding. However, if emergency or civil defence events create unanticipated cost pressures, additional funding may be required through future out-of-cycle processes.
- 75 An overview of costing estimates is included as **Appendix 2**, as well as the RIS at **Appendix 3**.

Legislative Implications

- 76 The proposed Amendment Bill holds a Category six priority on the 2026 Legislation Programme (drafting instructions to be issued before the 2026 General Election). Pending Cabinet agreement, the Amendment Bill is anticipated to be enacted in 2027/2028.
- 77 It was previously agreed the Amendment Bill would be a Category five priority on the 2025 Legislation Programme. The Amendment Bill will not change whether TTWM Act is binding on the Crown.

Regulatory Impact Statement

- 78 **Appendix 2** details which proposals require or are exempt from a RIS. The Ministry for Regulation has determined eight proposals are exempt from the requirement for a RIS as they have no or only minor economic, social, or environmental impacts. A RIS has been completed for the remaining four proposals and is attached as **Appendix 3**.
- 79 Te Kāhui Mātai Quality Assurance panel at Te Puni Kōkiri has reviewed the RIS and associated supporting material on 5 November 2025. The Panel has assessed that the RIS partially meets the quality assurance criteria. The RIS provides a clear, concise and convincing overview of the proposals to support decision making. Whilst acknowledging the data limitations, the analysis could

be considered more complete by further qualification and quantification of the benefits to enable decision makers weigh up against the cost of the changes.

- 80 In accordance with Cabinet Office Circular CO (26) 2, impact analysis submitted to Cabinet on or after 1 July 2026 are required to take the form of a Regulatory Assessment Statement, unless an exception is granted by the Ministry for Regulation. In this instance, the Ministry for Regulation has confirmed that this paper may be submitted to Cabinet in its current RIS form and a conversion to a Regulatory Assessment Statement is not required.

Climate Implications of Policy Assessment

- 81 The Climate Implications of Policy Assessment (**CIPA**) team at Ministry for the Environment 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

- 82 There are no direct population implications associated with this paper. The proposals to make up the Amendment Bill, and targeted investment, will benefit Māori land owners, governance entities, trustees, Māori land Incorporations, and beneficiaries of Māori land.

Human Rights

- 83 There are no inconsistencies in this paper with the New Zealand Bill of Rights Act 1990, the Human Rights Act 1993 or international human rights treaties and conventions. The proposals align with international human rights principles of progressive realisation, non-regression, and economic protection and respect, by seeking to promote economic development and support Māori land owners to achieve their aspirations.

Te Tiriti o Waitangi | Treaty of Waitangi analysis

- 84 Feedback received during public consultation raised concerns that the proposals are in breach of articles of te Tiriti o Waitangi | the Treaty of Waitangi – with specific reference to land and control of land being removed from Māori. The proposals do not alienate land from Māori or enable more Crown control, instead they support efficient processes and economic development of Māori land. The proposal for management of land assets based on the Wi Pere Trust will strengthen rangatiratanga by providing land owners under these trusts greater decision-making autonomy.

- 85 Te Tautuhi-ō-Rongopositions the Crown as a responsible guardian of fit-for-purpose legislation, ensuring it meets its kāwanatanga obligations to Māori land owners.⁹ The proposals in this paper uphold this obligation by aiming to enable a more efficient Māori land system and enable greater governance autonomy.

⁹ 'Te Tautuhi-ō-Rongo' is a Māori public policy framework based on Te Tiriti o Waitangi. It provides public servants with a framework to explore and consider collective and individual rights, interests and responsibilities of whānau, Hapū, Iwi and Māori when exploring an issue or opportunity, developing or implementing policy, or engaging with stakeholders.

- 86 Progressing a smaller discrete Bill, alongside targeted investment, supports quality participation and partnership by addressing the feedback Māori land owners have provided. Removing some of the more contentious proposals and providing support to address non-legislative barriers to development through investment delivers on this.

Use of external Resources

- 87 A Technical Advisory Panel (**the Panel**) of four members was established to provide expert independent advice to Te Puni Kōkiri at specific milestones during policy development of the proposed amendment package. The Panel provided specialist and technical feedback on the Feedback Summary Report, which has been considered and incorporated into the final iteration. Panel members were contracted for a maximum of twenty hours each.
- 88 An external translator was utilised to translate seven pieces of feedback received in te reo Māori.

Consultation

- 89 Public consultation has informed the development of these proposals and occurred between March and May 2025.
- 90 Agency and Ministerial consultation occurred in October 2025 and again in April 2026. The Departments of Conservation, Internal Affairs, Kāinga Ora, Toitū Te Whenua – Land Information New Zealand, the New Zealand Infrastructure Commission – Te Waihanga, the Ministries for Business, Innovation, and Employment, Environment, Housing and Urban Development, Foreign Affairs and Trade, Primary Industries, Regulation, Social Development, Transport, Te Tari Whakatau, and The Treasury were consulted on this Cabinet paper. The Ministry of Justice was also consulted, including officials supporting the Māori Land Court. The Department of the Prime Minister and Cabinet was informed.
- 91 Te Tumu Paeroa – the Māori Trustee, were consulted on the first iteration of the Feedback Summary Report.

- 92 s9(2)(f)(iv)

- 93 The proposal with financial implications is presented as seeking in-principle agreement, pending future funding decisions. This approach ensures that implementation proceeds only where appropriate resourcing is confirmed.

s9(2)(f)(iv)

Communications

- 94 Te Puni Kōkiri will publish the Feedback Summary Report on its website and its social media platforms and key networks following Cabinet decisions.

Proactive Release

- 95 I intend to proactively release this Cabinet paper within 30 business days of Cabinet approval. Redactions will be made as appropriate in line with the Official Information Act 1982.

Recommendations

- 96 The Minister for Māori Development recommends the Committee:

Proposal 1. Enable management of land assets, based on the Māori Purposes (Wi Pere) Trust Act 1991

1. **agree** in principle and subject to funding decisions to amend TTWM Act to provide a pathway for owners of Māori freehold land or General land owned by Māori to establish a trust, operating through an incorporated trust board, to hold the land based on the governance structure provided for in the Māori Purposes (Wi Pere Trust) Act 1991;
2. **agree** that this pathway would be available for blocks of Māori freehold land or General land owned by Māori that are:
 - a) subject to an Ahu Whenua, Whenua Topu, or Kaitiaki trust, or vested in a Māori incorporation or;
 - b) not subject to any formal governance structure, prior to applying to form the proposed alternative management structure; and
 - c) only if the Māori Land Court appoints a person to act as the trustee or agent for any person under disability once the land transferred.
3. **agree** that a land block could only be vested in the proposed new option for management of land assets if the Māori Land Court was satisfied that:
 - a) the holders of beneficial interests in that land had sufficient notice of the proposal and sufficient opportunity to discuss and consider it; and
 - b) there was a sufficient degree of support for the proposal among those interest holders.
4. **agree** that the Māori Land Court would have the power to wind up the relevant trust or incorporation over any land placed under the new option for management of land assets;

5. **delegate** to the Minister for Māori Development, the Minister of Justice and the Minister for Courts the authority to instruct Parliamentary Counsel Office, on any minor and technical matters required to enable the proposed pathway for owners to establish a trust, and for that trust to operate in the manner intended;

6.

s9(2)(f)(iv)

Proposal 2. Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures'

7. **agree to:**

- a) Provide the Māori Land Court with a specific jurisdiction and powers to determine ownership, possession, and rights of a dwelling and related structures on Māori land, including rights to proceeds from alienation;
- b) Related amendments to ensure that TTWM Act applies appropriately to dwellings and related structures on Māori land, regardless of whether these are fixtures or chattels;
- c) Related amendments to provide for occupation rights and security interests
- d) Set out matters that the Māori Land Court must consider when making orders determining the ownership of dwellings on Māori land; and
- e) Any amendments to other legislation necessary to give effect to the Māori Land Court's specific jurisdiction to determine the ownership of dwellings and related structures on Māori land.

Proposal 3. Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes

8. **agree** to enable the Māori Land Court to appoint a timely and temporary agent to ungoverned Māori land in civil emergencies for targeted response or recovery-related purposes;
9. **note** that while implementation is expected to be fiscally neutral, additional costs arising from emergency circumstances may require additional funding through future or out-of-cycle budget processes.

Proposal 4. Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land

10. **agree** to allow an adoptee whose deceased birth parent was the beneficial owner of an interest in Māori freehold land to apply for intestate succession to that interest;

Proposals 5 to 7. Three proposals to support efficiency of certain Māori Land Court processes

11. **agree** to expand the powers of Judges to appoint a service provider, without first requiring a Registrar's report;
12. **agree** to include authority for Special Aid Fund payment for appointments under the new proposed power to enable Judges to appoint a service provider, without first requiring a Registrar's report;
13. **agree** to grant Registrars powers to approve extensions of occupation orders and for these Registrar decisions to be treated as an order of the Court; and
14. **delegate** to the Minister for Māori Development, the Minister of Justice and the Minister for Courts the authority to make any minor decisions as necessary to improve the workability of the legislation. Any substantive policy decisions would be referred to Cabinet

Proposals 8 to 12. Minor and miscellaneous

15. **agree** to lower the age of majority for Kaitiaki trusts and for minors who hold interests in land vested in a Māori incorporation from 20 years-old to 18 years-old;
16. **agree** to remove the right of review for certificates of confirmation in respect of mortgages for a sole owner;
17. **agree** to enable all Māori Land Court Judges to correct simple errors to Court orders that are over 10 years old;
18. **agree** to provide trustees with the ability to apply to the Māori Land Court for direction (to be consistent with the Trusts Act 2019);
19. **agree** to enable the Māori Land Court to exercise its powers under section 242 to order the payment of money held in trust by a Māori incorporation.

Targeted investment

20. **note** that Te Puni Kōkiri will progress work to determine whether funding can be allocated from the Māori Development Fund from June 2026 (once completed, decisions may be required of Cabinet depending on the scale of investment identified).

Other matters

21.



22. **invite** the Minister for Māori Development to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions in this paper; and
23. **agree** that the Minister for Māori Development is authorised to further clarify and develop policy matters relating to the proposals in this Cabinet paper in a manner not inconsistent with the policy recommendations contained in the paper.

Hon Tama Potaka
Minister for Māori Development

Authorised for lodgement

IN C O N F I D E N C E

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

Released by the Minister for Māori Development

IN C O N F I D E N C E

Appendix 2: Overview of status of proposals and costing estimates

Proposal	Proposed for inclusion in Bill	RIS required	Costing estimates ¹⁰	Notes
Enable management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991	Yes	Yes	- There would be some initial resourcing and other costs for land owners and the Māori Land Court, to establish new management structures. The Ministry of Justice has advised that this would require additional resourcing, including new forms and updated IT systems. - Following establishment of new management structures, Māori Land Court involvement would greatly reduce. Where the Māori Land Court makes decisions in relation to land subject to the new management structure, it would be required (as it is under the Māori Purposes (Wi Pere Trust) Act 1991 to seek to promote both the retention of land by the trust board and “the effective use, management, and development of the land by or on behalf of the trust board”. - Once land was transferred to the new option for management of land assets, the High Court, rather than the Maori Land Court, would have the jurisdiction to determine any dispute relating to the administration and governance of land.	Costs are expected to decline as trusts adopt the option, Māori Land Court involvement in disputes reduce, and advisory and compliance demand falls. Further work will be undertaken to confirm operational costs. It is unknown what the uptake might be. Not publicly consulted on – suggested during public consultation.

¹⁰ Estimated costings were provided by the Ministry of Justice in September 2025. These figures are an estimate and are independent to each proposal (ie., do not consider any efficiencies of for example, combining additional resources). Costing estimates the proposal for the management of land assets are predominantly based on Te Puni Kōkiri analysis.

IN CONFIDENCE

Proposal	Proposed for inclusion in Bill	RIS required	Costing estimates ¹⁰	Notes
Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures'	Yes	Yes	No cost, resource or timeliness implications	
Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes	Yes	Yes	- There is no direct cost implication, and it is not expected to require additional baseline funding. - However, if emergency or civil events create unanticipated cost pressures, additional funding may be required through future or out-of-cycle processes	
Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land	Yes	Yes	Estimated to be cost-neutral	It is unknown what the uptake might be. Not publicly consulted on – suggested following public consultation.
Three proposals to support efficiency of certain Māori Land Court processes - Expand the powers of Judges to appoint a service provider, without first requiring a Registrar's report - Include authority for Special Aid Fund payment for appointments under the new proposed power to enable Judges to appoint a service	Yes	Exempt	No cost, resource or timeliness implications noted	Not publicly consulted on – suggested following public consultation.

IN CONFIDENCE

Proposal	Proposed for inclusion in Bill	RIS required	Costing estimates ¹⁰	Notes
provider, without first requiring a Registrar's report • Grant Registrar's powers to approve extensions of occupation orders and for these Registrar decisions to be treated as an order of the Court				
Lower the age of majority for Kaitiaki trusts and minors who hold interests in land vested in a Māori incorporation from 20 to 18	Yes	Exempt	No cost, resource or timeliness implications noted	
Remove the right of review for certificates of confirmation in respect of mortgages for a sole owner	Yes	Exempt	No cost, resource or timeliness implications noted	
Enable all Māori Land Court Judges to correct simple errors to Court orders that are over 10 years old	Yes	Exempt	No cost or resource implications noted	
Provide trustees with the ability to apply to the Māori Land Court for direction (to be consistent with the Trusts Act 2019)	Yes	Exempt	No cost, resource or timeliness implications noted	
Enable the Māori Land Court to exercise its powers under section 242 to order the payment of money held in trust by a Māori incorporation	Yes	Exempt	No cost or resource implications noted	Not publicly consulted on – exempt from requirement

Appendix 3: Regulatory Impact Statement

[Attached]

Released by the Minister for Māori Development