



MINISTRY OF  
**JUSTICE**  
*Tahū o te Tūre*



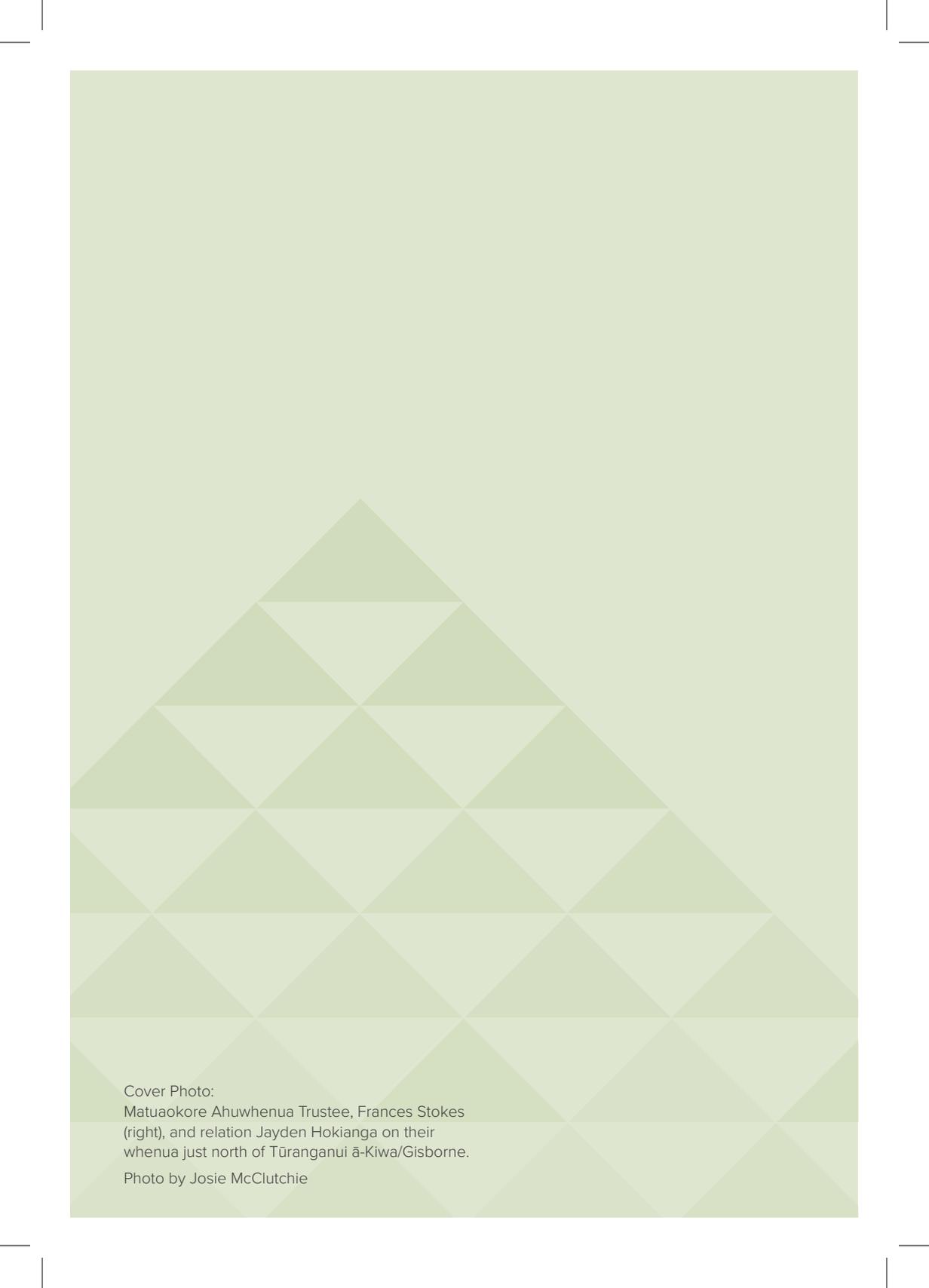
**Te Puni Kōkiri**  
MINISTRY OF MĀORI DEVELOPMENT

## Whenua Māori Programme

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Targeted amendments to Te Ture Whenua Maori Act 1993





Cover Photo:  
Matuaokore Ahuwhenua Trustee, Frances Stokes  
(right), and relation Jayden Hokianga on their  
whenua just north of Tūranganui ā-Kiwa/Gisborne.  
Photo by Josie McClutchie

# Message from Hon Nanaia Mahuta



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*Whatungarongaro te tangata, toitū te whenua*

*While people perish, the land remains*

This booklet summarises proposed legislative changes to Te Ture Whenua Māori Act 1993 to encourage your feedback. This is an important piece of law for Māori freehold land owners and we want to hear your views.

## **Whenua Māori Programme**

In May 2019, the Government announced \$56 million over four years will be invested into a Whenua Māori Programme to support whānau to achieve their aspirations for whenua Māori. Our approach taken by the Government seeks to ensure that the protection of Māori land as a taonga tuku iho remains paramount. The programme includes proposed legislative changes to improve the functionality of the Act, providing greater support for Māori land owners, providing access to extensive land capability information and greater access to equity finance.

The Whenua Māori Programme is ambitious and exciting. It is designed to stimulate social and economic development, particularly in regions in the top of the North Island where there is a high concentration of Māori freehold land. The Programme, co-led by Te Puni Kōkiri and the Ministry of Justice, will promote better engagement between Māori land owners and their whenua, encourage greater participation in its governance and management, and allow whānau to make more informed decisions about how their land is used.



## Amendments to the legislation

We have heard that navigating and complying with the current legislation can be difficult and frustrating for Māori land owners, with the process being time consuming, costly and complex.

We have listened and are making some practical and technical changes to the legislation, so that it works better for land owners, and supports the Māori Land Court to operate more efficiently.

I encourage your participation in making a submission to the Māori Affairs Select Committee about these proposed amendments and your experiences with connecting to and managing your whenua.



Hon Nanaia Mahuta  
**Minister for Māori Development**



## Whenua Māori

The land is an essential part of Māori identity. The relationship between Māori and the land is well summarised in the proverb, “Whatungarongaro te tangata, toitū te whenua”. It recognises the kaitiaki relationship Māori have with their land and that whenua is a permanent source of cultural and economic sustenance.

### About Te Ture Whenua Maori Act

There are 1.4 million hectares of Māori freehold land in Aotearoa, with much of that land held by multiple owners. Te Ture Whenua Maori Act 1993 is the primary legislation for Māori land.

Te Ture Whenua Maori Act aims to protect Māori land while making it easier for whānau to occupy, develop and use their whenua.



#### The Act:

- promotes the retention and use of Māori land
- facilitates the occupation, development and use of that land
- ensures decisions made about Māori land are fair and balanced, taking into account the needs of all the owners and their beneficiaries.

However, Māori land owners face many challenges with managing their whenua because the system in which they need to operate is complex, with rules and regulations that can be difficult to understand.



## About this booklet

This booklet sets out the first of two stages of changes to laws that affect or impact on whenua Māori. The first stage deals specifically with:



- **Succession to land**



- **Dispute resolution**



- **Occupation and papakāinga housing**



- **Supporting the efficient operation of the Māori Land Court.**

A second stage of changes is planned to be in the next 12 months. Those changes will address issues with the rating of Māori land and the Public Works Act 1981.



## The changes to Te Ture Whenua Maori Act

This is a summary of the first stage of changes which is specific to Te Ture Whenua Maori Act 1993. For more detail about each of the proposed changes go to [www.tpk.govt.nz](http://www.tpk.govt.nz) and [www.maorilandcourt.govt.nz](http://www.maorilandcourt.govt.nz)



Above: Wilson Karatea from Reureu Kotahitanga Trust based in Manawatū. Photo by Wiremu Grace.



### Succession

Succession is when shares in Māori land are passed from one generation to the next when an owner dies.

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| What happens now | All succession applications are decided by Māori Land Court judges.  |
| Proposed changes | Enable simple and uncontested succession applications to be decided by a registrar of the Māori Land Court without having to go through a court hearing. |
| Benefits         | The process will be less complicated for whānau, and will reduce the time and cost associated with attending Court.                                      |





## Succession and descendants

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| What happens now | Descendants are not always able to succeed to or exercise voting rights for their land following the death of a land owner. This is because the surviving spouse or partner of the deceased land owner, who does not whakapapa to the land, can receive a life interest in Māori land. |
| Proposed changes | Descendants will be able to succeed to the deceased owner's lands promptly so that they can exercise their voting rights.  |
| Benefits         | The opportunity for descendants to be involved as owners of the land straightaway.   |



## Dispute resolution

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| What happens now | In many cases, the only option for whānau to resolve disputes over their land is through the court. This means issues of a personal and sensitive nature to the whānau may be discussed in an open court. |
| Proposed changes | Whānau will have the option to have a mediator work with the parties to resolve the dispute, incorporating tikanga Māori as appropriate.  |
| Benefits         | This could avoid unnecessary litigation, and help maintain the long-term relationship between the parties.  |





## Occupation orders

An occupation order allows people to build houses on Māori freehold and General land owned by Māori.

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| What happens now | The members of a whānau trust are not able to apply to the Māori Land Court for an occupation order to use their Māori land for housing purposes. |
| Proposed changes | The Māori Land Court will be able to grant an occupation order to a member of a whānau trust.   |
| Benefits         | It will be easier for whānau to use their land to achieve their housing aspirations.  |



## Supporting papakāinga housing

A Māori reservation is land set aside on Māori freehold or General land for marae, burial grounds, wāhi tapu or other communal purposes.

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| What happens now | Whānau are discouraged from building papakāinga housing on marae and other Māori reservations as an occupation license may only be granted by trustees for up to 14 years, with no right of renewal. |
| Proposed changes | Occupation licenses for papakāinga housing can be granted for longer terms.  |
| Benefits         | This change will remove a potential barrier to obtaining finance for papakāinga housing developments, and support whānau to realise their housing aspirations.                                       |





## Maori Land Court role extended

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|-------------------------|---|
| <p>What happens now</p> | <p>The Māori Land Court does not hear certain matters relating to Māori land, even though it may be the most appropriate place to hear them. For example, it:</p> <ul style="list-style-type: none"> <li>• can't issue injunctions to compel action</li> <li>• can't grant some types of remedies</li> <li>• can't enforce orders for the recovery of Māori land</li> </ul> |
| <p>Proposed change</p>  | <p>The Bill will allow the Māori Land Court to do the things listed above.</p>  |
| <p>Benefit</p>          | <p>To ensure that the Court remedies are practical and effective for whānau.</p>  |



## Other Changes

A small number of minor and technical changes are being made to improve the operation of the Act. These changes will better align Māori land trusts and incorporations with similar governance bodies, and make it easier for whānau to establish Māori incorporations if that is their wish.

The changes will also strengthen the protections for Māori land. For example, the Bill will ensure that when whenua is changed from Māori customary land to Māori freehold land, the interests of the owners will not be individualised as this exposes the land to possible alienation.

The inability to access landlocked land prevents land owners from using their land. Currently, the factors that the Māori Land Court must take into account when granting an order for reasonable access to landlocked Māori land are too restrictive. The Bill enables the Court to take account of a broader range of factors and, by doing so, will help whānau gain access to land that until now they have been alienated from.



Above: Supporting whānau to achieve their whenua aspirations. Photo by Josie McClutchie.





## Have your say

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Please tell us what you like about the proposed changes, and what you think could be improved. What are your personal experiences of managing your whenua? What has been straightforward, and what have you found challenging or complicated?

Send your submission to the Māori Affairs Select Committee:



- **by post – two copies required**

Address your submission to:  
Māori Affairs Select Committee  
Select Committee Services  
Parliament Buildings  
Wellington 6160

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- **online via a webform  
on the Parliament website**  
**<https://www.parliament.nz/en/pb/sc/make-a-submission>**
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- **The select committee may decide to hear from submitters who have asked to make an oral submission either face to face, by phone, or by video conference.**



Submissions are publicly released and published to the Parliament website. Only your name or organisation's name is required on a submission. Please keep your contact details separate. If they are included on the submission they will become publicly available when the submission is released.

- If you wish to speak to your submission, please state this clearly.
- If you wish to include information of a private or personal nature in your submission you should discuss this with the clerk of the committee before submitting.

Further guidance on making a submission can be found from the *How to make a submission* link in the Māori Affairs Select Committee web page.

If you have any questions about your submission or the submission process please contact Select Committee Services on (04) 817 9520 or via email at [ma@parliament.govt.nz](mailto:ma@parliament.govt.nz)

You normally have six weeks to make a submission to the Māori Affairs Select Committee. After six weeks, the Committee will hold hearings to hear from those who have requested to speak to their submission, and will then consider all the relevant information and make recommendations to Parliament about the proposed amendments.





## Contact us

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### Please send your submissions directly to:

<https://www.parliament.nz/en/pb/sc/make-a-submission>

### If you want more information on the submission process:

**WEBSITE:** [tpk.nz/whenua](http://tpk.nz/whenua)

**PHONE:** 0800 TPK WHENUA

### For general information on the Whenua Māori Programme:

**WEBSITE:** [tpk.nz/whenua](http://tpk.nz/whenua)

**EMAIL:** [WMPsupport@justice.govt.nz](mailto:WMPsupport@justice.govt.nz)

### For general information on the Māori Land Court, go to:

[www.maorilandcourt.govt.nz](http://www.maorilandcourt.govt.nz)



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