Te Kāwanatanga o Aotearoa

Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Engagement and potential changes to Te Ture Whenua Maori Act 1993 (the Maori Land Act 1993)

Discussion Document for public consultation

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Minister's foreword

Whenua is fundamental to the identity, culture and expression of Māori as tangata whenua, connecting us to whakapapa and traditional knowledge. It represents a living legacy, spanning from our tupuna to our future mokopuna. Beyond its cultural significance, whenua is also a vital resource that drives economic growth, community resilience and positive social outcomes.

Te Ture Whenua Maori Act 1993 has been foundational to protecting the retention, use, development and control of whenua Māori as taonga tuku iho. Over the years, this legislation has been amended to address the needs of Māori landowners. However, this Government recognises that there are still areas where the system could work more effectively.

I would like to hear from Māori landowners on what changes you would like to see in Te Ture Whenua Maori Act 1993. Any ideas are welcome given the scale of opportunity for whenua as well as the often perpetual nature of whenua ownership.

I am also proposing a number of potential targeted improvements to Te Ture Whenua Maori Act 1993. This Discussion Document outlines these proposed changes for you to provide guidance and feedback on. The Government wants your feedback on these proposals and any alternative options to progress them. As well as any additional changes to Te Ture Whenua Maori Act 1993 that you think will benefit current and future Māori landowners.

Your feedback on the proposals, as well as your own ideas on potential improvements will support the determination of what a Te Ture Whenua Maori Amendment Bill may look like.

The potential improvements in this Discussion Document are designed to ensure greater equality of opportunity for and with Māori through streamlining and simplifying processes within the Māori land system. Making it easier to develop and use your whenua, boost the economic potential of land and support the continued growth of the Māori economy. They aim to help landowners achieve their aspirations for their whenua, while maintaining the necessary protections to ensure whenua remains a taonga tuku iho for future generations.

Whenua development is part of this government's mahi to grow the New Zealand economy. How we do this for, with, alongside and through Māori is a key ingredient to our success. It is my very strongly held view that we must realise the potential of te ao Māori, whānau, Iwi, Hapū and Māori communities and organisations, if we are to achieve being a leading small, advanced nation. One of which we can all be proud of.

I invite you to provide your own ideas as well as feedback on the proposed improvements outlined in this Discussion Document, as well as any additional suggestions for change. Your insights will help ensure that any changes we make truly serve the needs of Māori landowners now and for the future.

Mauriora,
Hon Tama Potaka
Minister for Māori Development

Contents

Section 1. Purpose of this Discussion Document

The Government is seeking your views on and proposing potential changes to Te Ture Whenua Maori Act 1993 (the Maori Land Act 1993) (**TTWM Act**) to improve TTWM Act for the benefit of owners of land subject to TTWM Act and their Hapū and whānau. The purpose of this Discussion Document is to provide information on the changes the Government is suggesting and seek your feedback.

Your feedback is important. Throughout the Discussion Document, each of the proposed changes is discussed in detail, alongside suggested pātai (**questions**) you may wish to provide feedback on. We welcome feedback on any or all of the proposed changes. We would also like to hear of any additional improvements to TTWM Act you think should be considered.

Kotahi karihi nāna ko te wao tapu nui ā Tāne
The creation of the forests of Tāne comes from one kernel

- Te Wharehuia Milroy

This whakatauāki acknowledges that the proposed changes to TTWM Act may be small in nature but pave the way for positive outcomes for landowners and their hapori (**Māori communities**) over time.

We welcome your ideas to improve Te Ture Whenua Maori Act 1993. Please use space provided to note them down.

Section 2. Understanding whenua Māori

2.1 Whenua Māori

TTWM Act was enacted in 1993 to promote the retention and facilitate the occupation, development, and utilisation of whenua Māori. The preamble of TTWM Act reaffirms the protection of rangatiratanga embodied in Te Tiriti o Waitangi/The Treaty of Waitangi (**Te Tiriti**) for the benefit of the owners of land subject to TTWM Act and their Hapū and whānau.

> Nā te mea i riro nā te Tiriti o Waitangi i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tērā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.
>
> Whereas the Treaty of Waitangi established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles.
>
> - Preamble, TTWM Act

Under TTWM Act, 'Māori freehold land' is land in which the beneficial ownership has been determined by the Court by freehold order. Māori land/whenua Māori generally refers to Māori freehold land and is governed by a unique framework that includes specific provisions to facilitate use and retention mechanisms. TTWM Act acknowledges whenua of special significance as taonga tuku iho (**a treasure handed down from ancestors**), for future generations.

The proposals in this Discussion Document mostly relate to 'Māori freehold land', 'general land owned by Māori' and 'Māori Reservations'.

- 'General land owned by Māori' means land (other than Māori freehold land) that is held in fee simple/as freehold land and is beneficially owned by a Māori or by a group of persons of whom a majority are Māori
- 'Part 1/67 General land' which is the term used in this Discussion Document to refer to General land owned by Māori that was originally Māori freehold land but was reclassified by a unilateral declaration made by the Registrar of the Court under Part 1 of the Māori Affairs Amendment Act 1967 (**1967 Act**)
- 'Māori reservations' are reservations set apart under s 338 of TTWM Act

Whenua Māori is intrinsically connected to whakapapa, collective ownership, and intergenerational stewardship, reflecting a te ao Māori approach to land that differs significantly from Western property systems. This holistic relationship with whenua supports social, cultural and economic wellbeing, strengthening community resilience and enabling intergenerational wealth transfer. Whenua Māori plays a key role in the transmission of knowledge, preservation of cultural identity, protection of taonga species and areas of high biodiversity, and the intergenerational expression of self-determination.

Land use and development

The use and development of whenua Māori plays a crucial role in supporting Iwi, Hapū, whānau, landowners and their economic enterprises to achieve their aspirations. This contributes to positive social, cultural and economic outcomes that strengthen community resilience, cultural identity and the transmission of traditional knowledge. The unique whenua Māori tenure system can limit access, use, and development, restricting Māori economic participation and intergenerational wealth transfer.

The aspirations of landowners and the ability to both retain and develop whenua varies and may be dependent on a range of factors, such as available infrastructure, levels of investment, governance structures, the tikanga (**customs and values**) of the owners and the quality of the whenua. These are not inherently negative factors and maintaining the status of these may be the preference of landowners. However, for some landowners, addressing these may support them to reach their aspirations.

A te ao Māori approach to land use and development recognises the interconnected relationship between people, whenua and te taiao (**the natural world**). Whenua is not just a resource, but a living entity with its own whakapapa (**lineage**).

It is important that landowners are supported to achieve their aspirations for their whenua, whether that is to lift productivity from existing agricultural or horticultural activities, or to build papakāinga (**housing on whenua Māori**), operate tourism activities, invest in and develop alternative energy and participate in commercial activities (such as establishing rest homes or conference centres) etc. Other landowners also may wish to retain the land in its natural state, or to modify the land in a manner that achieves both development and protection aspirations.

Whenua Māori facts

- Across Aotearoa New Zealand, there are approximately 28,000 Māori freehold land titles for 1.4 million hectares of whenua;[1]
    - This is approximately 6% of Aotearoa New Zealand's land mass – mostly in Te Ika-a-Māui (the North Island);[2]
- An average whenua Māori block is 53.06ha and has 114 owners;[3]
- Whenua Māori blocks with management structures have an average size of 112.84ha and an average of 207 beneficial owners;[4] and
- Whenua Māori blocks without management structures have an average size of 15.39ha and an average of 45 owners.[5]

2.2 History of whenua Māori

Prior to Pākehā settlement, tangata whenua were (*and still are*) kaitiaki (**guardians**) of whenua, managing and holding whenua collectively within Hapū and whānau, in accordance with their connection to whenua through whakapapa, and tikanga. This collective approach to whenua is grounded in a te ao Māori worldview, where whenua was seen as a living entity to be cared for and passed down through generations. In contrast, the nature of Māori land tenure and current ownership practises, which were shaped by different legal and economic frameworks is prevalent. These differing approaches led to significant changes to the way whenua Māori was managed and utilised.

Over time, these differing approaches, alongside land confiscation, introduced policies and acquisition practises, resulting in substantial loss of whenua Māori. Over the past 200 years, various laws have been introduced that have shaped the governance of whenua Māori, affecting the connection that Māori have with their whenua and their ability to achieve their cultural and economic development goals. This has left lasting disparities in land ownership for hapori and limited decision-making

[1] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.
[2] Te Puni Kōkiri data, 2025.
[3] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.
[4] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.
[5] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.

authority and landowners' ability to exercise rangatiratanga (**authority and autonomy**) over their whenua.

A brief outline of key legislative developments and significant events are outlined below:[6]

Native Land Act 1862 and 1865 – the Native Land Court was established and the introduction of individual land titles to replace customary communal titles

New Zealand Settlements Act 1863 – stated that the land of any tribe 'engaged in rebellion' against the government could be confiscated.

Native Lands Rating Act 1882 – introduced rates on Māori land and allowed for land to be seized if rates were not paid.

Public Works legislation 1860s – Māori land could be taken for government projects, such as roads, with up to 5% of a Māori land block able to be taken without paying compensation.

Native Land Act 1909 – prevented the Crown from buying Māori land unless a meeting of all owners had agreed to accept the offer.

Native Trustee Act 1920 – established the Native Trustee and the Native Trustee Office. It aimed to help Māori better manage remaining land.

1935 – Te Kooti Whenua Māori (the Māori Land Court) established.

1947 – Department of Māori Affairs established.

Māori Affairs Act 1953 – instructed the trustee to convert uneconomic shares in multiply-owned lands (shares valued at less than £25) for sale to other owners or the Government.

1967 – amendment to Māori Affairs Act meant that if there were fewer than 4 owners of a piece of Māori land, it could be converted to general land.

Treaty of Waitangi Act 1975 – Waitangi Tribunal established.

Treaty of Waitangi Amendment Act 1985 – enabled the Tribunal to investigate claims dating back to 1840, when the Treaty was signed.

Te Ture Whenua Māori Act 1993 – for the first time, the importance of the relationship of whenua to Māori and the need to promote whenua retention was acknowledged in law.

2.3 Previous reviews and reforms to TTWM Act

In May 1998, the then Minister of Māori Affairs[7] commenced a review of TTWM Act, in-line with the promise made when it was enacted, to monitor and review how well it was working. The key objective of the review was to identify how to make it more useful, effective and in particular, make it easier to retain, occupy, develop and use whenua Māori.

Following this review, in 2002, changes were made to meet these objectives through Te Ture Whenua Maori Amendment Act 2002 (Maori Land Amendment Act 2002).

Between 2012-2016 a further review and reform of TTWM Act was undertaken. This led to the development of Te Ture Whenua Māori Bill 2016 (**the Bill**). The Bill aimed to strengthen TTWM Act to keep whenua Māori in Māori hands and to empower landowners to make their own decisions about the potential of their whenua.[8] However, some of the proposals were contentious and the Bill was not progressed.

Since then, a series of changes have been progressed through:

- Te Ture Whenua Māori (Succession, Dispute Resolution and Related Matters) Amendment Act 2020;

[6] Tupu.nz, *History of Māori land*
[7] Now known as the Minister for Māori Development.
[8] New Zealand Parliament, *Draft for consultation, Te Ture Whenua Māori Bill*.

    - Which introduced a dispute resolution/mediation service based on tikanga Māori to assist whenua Māori owners to resolve disagreements and conflicts regarding their whenua
- Local Government (Rating of Whenua Māori) Amendment Act 2021; and
    - Which aimed to support the development of, and provision of housing on whenua Māori and to modernise the rating legislation affecting whenua Māori; and
- The Māori Purposes Act 2022
    - Which introduced a range of changes to TTWM Act, the Maori Purposes Act 1959, the Maori Trust Boards Act 1955 and the Maori Community Development Act 1962.

These legislative changes addressed identified issues within the whenua Māori system. As discussed below, there are still opportunities to further improve the workability of TTWM Act and remove barriers for economic development. The Government wants to hear how you think these opportunities can be realised through changes to TTWM Act. The proposals in this Discussion Document are a starting point, we welcome your feedback on these and any additional proposals to improve TTWM Act.

2.4 Opportunities for whenua Māori within TTWM Act

Over time, barriers to the development, use and access to whenua Māori have been identified, some of which relate to the provisions in or implementation of TTWM Act. For example, issues with access to funding and capital, Government processes for funding and inefficient processes that have hindered landowners from developing their whenua. The structures imposed by legislative frameworks and policies have not always aligned with a te ao Māori approach, creating complexities in governance, and limiting opportunities in the use and development of whenua Māori.

Improving the ability of landowners to make decisions about their whenua is one way of unlocking the untapped economic potential of whenua Māori. Another is ensuring TTWM Act enables efficient processes that provide Māori landowners, trustees, and Māori land organisations the flexibility and autonomy to develop their whenua – for example, through reducing unnecessary administrative burdens. This can help landowners realise their aspirations while supporting broader social and economic outcomes and community resilience.

The changes to TTWM Act proposed in this Discussion Document are short to medium term improvements to make TTWM Act more efficient, streamlined, and easier to navigate, with the aim of removing legislative barriers to economic development. This is consistent with Government priorities related to economic development and Going for Growth (*aimed at boosting Aotearoa New Zealand's economic growth and productivity*), whilst also aligning with the modernisation of legislation to ensure it is fit for purpose.

Section 3. Development of the proposed changes

3.1 Changes to TTWM Act

From October 2024 to February 2025, Te Puni Kōkiri considered what changes could be made to TTWM Act to improve its workability and provide economic and housing opportunities for whenua subject to TTWM Act.

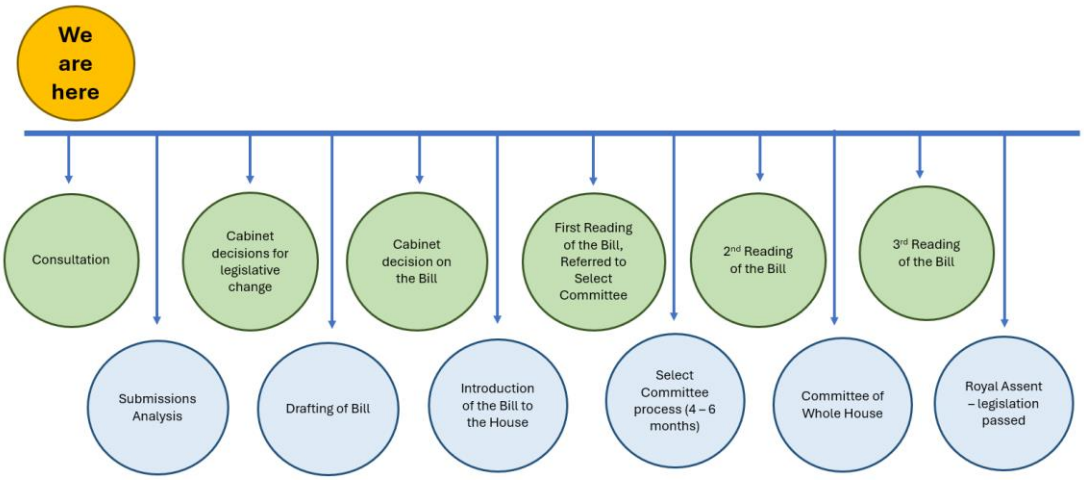
A range of options and ideas for change were analysed. Some of the ideas required more time and consideration to implement, whereas others were best solved outside of legislation, for example through implementation of guidance or non-regulatory Government initiatives and support, such as funding. The proposed changes outlined in this Discussion Document could be achieved in the short to medium term. All proposals and options have their own trade-offs, risks and challenges. Your feedback is welcome on these, as well as alternative options that the Government could consider.

Evidence and examples to determine the breadth and scope of the issues the proposed changes are seeking to address have been sought by Te Puni Kōkiri. Data has been sourced where appropriate, however much of the evidence needed to understand the scale of each issue is anecdotal. Public consultation will support this.

During the consideration of possible changes, Te Puni Kōkiri engaged with the Māori Land Court (including the Judiciary), an Internal Quality Assurance Panel[9], and an external Technical Advisory Panel, as well as a number of Government agencies and Ministers. These individuals and groups provided feedback as the proposed changes and options were developed and/or on previous versions of this Discussion Document.

Following public consultation on the proposed changes, Te Puni Kōkiri will analyse and consider the feedback received from the public. This will enable confirmation of what changes to include in any potential Amendment Bill. An Amendment Bill would then progress through the legislative process and be expected to be enacted in 2026.

An outline of the process from consultation on the proposed changes to legislation is below:



[9] Note: The Technical Advisory Panel was established to provide specialist advice on the proposed changes to TTWM Act through a review of earlier versions of this Discussion Document.

Section 4. Feedback process

4.1 What the Government wants your feedback on

The Government is seeking your input on changes you think could improve TTWM Act, as well as your feedback on the proposed changes outlined in this Discussion Document.

Your feedback is welcome on any or all of the proposed changes in this Discussion Document. The Government is particularly interested in your feedback on the below submission pātai:

1. What is your preferred option, and why?
2. What benefits do you think this proposal will have?
3. Are there any alternative options that the Government should consider? What are these?
4. Do you foresee any risks to this proposal(s)?

To support your feedback, each proposal also has specific feedback pātai (*which can also be found in Appendix 2*). The feedback pātai contained in this Discussion Document are designed to help guide your thinking, but you should not feel restricted to only answering these – any additional feedback is also welcome. Any insights and experience related to the issues the changes are seeking to address will also be useful to understand the scale of an issue.

The proposals in this Discussion Document are a starting point. The Government is also interested in hearing your whakaaro (**thoughts**) on other improvements that could be made to TTWM Act.

A summary of feedback provided during public consultation may be made public at a later date. The summary will be anonymous. Please let us know if you have any pātai or concerns regarding this.

4.2 How to provide your feedback

Public consultation will run from Monday 31 March 2025 – Friday 23 May 2025.

Te Puni Kōkiri will be hosting kanohi ki te kanohi (**face to face/in-person**) information sessions organised through our regional offices, as well as online sessions, including with specific organisations and groups about the proposed changes. You can provide your feedback by attending an information session and/or completing a feedback form. You do not have to attend an information session to provide your feedback, these are to assist understanding of the proposed changes and an opportunity to find out more.

Your feedback form can be provided to Te Puni Kōkiri via email or post to the below addresses:
Email address: TTWMA@tpk.govt.nz
Postal address: Te Puni Kōkiri National Office (Te Puni Kōkiri, 143 Lambton Quay, Wellington Central, Wellington, 6011)

In-person information sessions will occur across Te Tai Tokerau, Tāmaki Makaurau, Waikato-Waiariki, Ikaroa-Rāwhiti, Te Tai Hauāuru and Te Wai Pounamu.

Please see the website of Te Puni Kōkiri for more information on these information sessions and how to provide your feedback: www.tpk.govt.nz/en/nga-putea-me-nga-ratonga/whenua-maori/public-consultation-on-te-ture-whenua-maori-act-19.

Section 5. Overview of the proposed changes & pātai to support feedback

This section provides an overview of each proposed change, and the options the Government has considered. At the end of each proposal, there are specific pātai that we would like your feedback on. A list of the proposed changes is in Appendix 1 and a list of the feedback pātai is in Appendix 2.

The proposed changes have been themed for ease of reference:

Court processes

- Proposal: Enable a central register of owners/trustees
- Proposal: Expanding jurisdiction and clarifying status: changes to include Part 1/67 General land in TTWM Act
- Proposal: Improving governance practices for investigations into the affairs of Māori incorporations
- Proposal: Enabling the Registrar of the Court to be able to file for a review of trusts

Appointed agents

- Proposal: Widen the scope of the types of land that the Court has jurisdiction to appoint agents to
- Proposal: Widen the purposes for which the Court may appoint agents
- Proposal: Temporary governance on ungoverned whenua Māori in specific circumstances

Housing

- Proposal: Provide the Court with a specific jurisdiction to determine ownership of a dwelling on Māori freehold land
- Proposal: Widen the powers of the Court regarding amalgamated land

Succession

- Proposal: Enable, on application by a beneficiary under a will or under an intestacy (*when an owner dies without a will*), the Court to vest a freehold interest in General land in the beneficiary or the administrator

Leases

- Proposal: Enable trustees of Māori Reservations to have more decision-making powers regarding leases on Māori Reservations
- Proposal: Extend the period for which a long-term lease can be granted without Court approval from 52 years to 99 years

Minor proposed changes (miscellaneous)

- Proposal: Change the age of majority for kai tiaki trusts and for minors who hold interests in land vested in a Māori Incorporation to 18 years old
- Proposal: Create a default position where the name of the trust or a tipuna is registered against the Land Information New Zealand (LINZ) title
- Proposal: Allow the Registrar to release certificates of confirmation issued in respect of mortgages of land with a sole owner (removing the current one-month sealing requirement for these certificates)
- Proposal: Enable Court Judges to correct simple errors to Court orders that are over 10 years old
- Proposal: Clarification of trustees' ability to seek Court direction

5.1 Court processes

The below proposed changes discussed in this section relate to Court processes and services and aim to make certain aspects of these clearer, more efficient and accessible for both the Court and landowners.[10] These proposals may change and potentially increase the workload of the Court and/or Registrars and if so, impact the resourcing required for the Court.

At the end of the overview of each proposed change, there are specific pātai the Government is seeking feedback on.

Proposal 5.1.1: Enable a central register of owners/trustees

Proposal and benefits

The Government proposes to make information on trusts relating to land subject to TTWM Act more accessible through a central trust register of all whenua Māori owners and trustees in Pātaka Whenua (the Māori Land court online platform).

This proposal would make finding relevant information easier and less time consuming. It would also provide Māori landowners with a more efficient and fit-for-purpose process, supporting the Government's kāwanatanga role. Further benefits include improved governance and decision-making over whenua Māori, and helping reduce financial strain on entities.

Problem the proposal is seeking to address

Currently, trustees and owners do not have access to an up-to-date central register containing the status and contact details of all the owners and trustees of trusts relating to land subject to TTWM Act.

Therefore, trustees (especially in cases where there is a large number of owners/shareholders or they are a trustee for a large number of trusts, such as the Māori Trustee), do not have reliable information on the current status of owners/shareholders (in cases of transfer, death etc) or contact details.

Where trustees are unable to contact owners/shareholders, this can delay decision making and ultimately impact on their ability to carry out their functions. This is because trustees cannot provide basic services, such as invite owners to meetings, provide trust information to them, update them on matters pertaining to their whenua or pay out distributions.

There may be other options available for keeping contact information of landowners/shareholders up to date and accessible to trustees. For example, a new register. We welcome your feedback on the below options, or any other suggestions you may have.

Proposed options

The Government has considered the below options to address this matter:

Option	Opportunity	Risks and Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Trustees do not have access to up-to-date information of owners and shareholders in a central register • Potential delays in processes, preventing trustees being able to provide basic services • Owners may not receive updates

[10] As the case requires, 'Court' refers to the Māori Land Court, or the Māori Appellate Court, or both (as under s 4 of TTWM Act).

		• Some owners may wish to retain a tupuna name on a land title • Creation of a register where contact details can be accessed by trustees, owners, and others who are authorised to act on behalf of owners, would mitigate these risks
2. Enabling an up-to-date central register of all owners/trustees	• Make trust information more accessible through a central trust register of all whenua Māori owners and trustees in Pātaka Whenua to enable better land administration • Would make finding relevant information easier and less time consuming • Improved governance and decision-making over whenua Māori, and would help reduce financial strain on entities	• Relies on new succession orders for any updates i.e. a significant amount of information will remain out of date/irrelevant • May require a substantive research exercise to locate information relating to all other parcels of land. This will need clear expectations of what information is included • Potential for breach of privacy issues arising if not managed well • Owners not being comfortable with their details being shared • If the wrong information is shared could result in personal/collective claims • Privacy issues would need to be carefully thought through and managed to reassure users • This should include storage and adhering to privacy principles • An opt-out scheme could be used • If consent was required for information to be added on the register gaps in information might arise if it was not provided willingly

Additional pātai:

- Do you think that supplying information for the register should be compulsory, or optional? Would you be willing to supply your information for a register, if no, why not?
- Should this register be extended to other types of Māori land such as general land owned by Māori?
- Who do you think should be able to access a register of owners and trustees?

Proposal 5.1.2 Expanding jurisdiction and clarifying status: changes to include Part 1/67 General land in TTWM Act

Proposal and benefits

The Government is proposing to introduce changes to several sections of TTWM Act to explicitly include Part 1/67 General land still owned by the original owners or their successors (including whānaunga, where applicable, to account for those without direct descendants). ‘Part 1/67 General land’ is General land owned by Māori that was originally Māori freehold land but was reclassified under Part 1 of the 1967 Act.

Although it is now legally General land, other legislation (such as TTWM Act, the Income Tax Act 2007, and the Fisheries Act 1996) recognise Part 1/67 General land's historical and cultural significance and, in some cases, treat it similarly to Māori freehold land. The changes discussed in this section would grant the Court certain powers over some Part 1/67 General land, similar to those it currently holds over Māori freehold land. This would provide landowners with greater access to Court processes relating to:

Proposed area of inclusion	Explanation of powers	Benefits
Injunctions – include Part 1/67 General land in jurisdiction to give owners access to the resolution powers of the Court	Allows the Court to stop or start actions to protect landowner rights	Ensure and owners are included and have access to the resolution powers of the Court
Lost instruments – include Part 1/67 General land	Facilitates resolving issues where ownership documents are lost	Allows efficient resolution of lost instrument issues, enabling borrowing and land development
Appointment of receiver to enforce charges – include Part 1/67 General land to ensure owners can appoint a receiver to enforce charges, providing them with structured access to the resolution powers of the Court	Permits the Court to appoint a person to manage land or financial issues	Ensures owners access to the resolution powers of the Court
Jurisdiction under Property Law Act 2007 – include Part 1/67 General land	Extends the Court's legal reach under the Property Law Act 2007	Enhances judicial resolution processes for landowners
Excluding Part 1/67 General land from the Limitations Act 2010 – landowners can pursue legal claims without being constrained by standard time limits for bringing claims, ensuring they have an opportunity to resolve historical and ongoing land disputes	Ensures these lands are not bound by the standard time limits for legal claims	Ensures owners are included

It is important to clarify that these proposals would also broaden the scope of the Court's dispute resolution mechanisms. Currently, TTWM Act enables the Court to apply its dispute resolution powers to any matter within its jurisdiction. Therefore, if the powers of the Court are extended to encompass Part 1/67 General land, landowners would gain access to the established dispute resolution procedures of the Court.

This change would provide clarity and support for the lands that transitioned to General land under the 1967 Act but are still held by the original Māori owners or their descendants. This ensures that Part 1/67 General land is adequately protected, and its status clearly defined within the law. It aims to enhance governance and accessibility for affected landowners and supports efficient processes for whenua Māori land use and development and economic development.

Problem the proposal is seeking to address

Under the 1967 Act, significant amounts of whenua Māori was reclassified as General land, removing access to the jurisdiction of the Court for many owners (limiting their ability to apply for resolutions, appointments, and other supports provided by the Court). These legislative changes were driven by policies that aimed to streamline land development but often did so without adequate consultation

with Māori landowners. While TTWM Act of 1993 reinstated protections for Māori freehold land, it did not address ongoing issues related to Part 1/67 General land.

General land owned by Māori is not subject to the same cultural protections and specific sections aimed at keeping the land within whānau ownership that apply to Māori freehold or customary land.[11] Instead, it is governed by general property law principles, reflecting its legal status. The proposed changes would support Part 1/67 General landowners to achieve their aspirations by providing clearer access to legal and Court services that could facilitate various land use activities, including development and productivity enhancements.

A key issue for Part 1/67 General land is land being classified as "abandoned" under s 77 of the Rating Act 2002 if rates are unpaid, allowing councils to take control or sell it, even when Māori landowners still have an interest. While the changes do not seek to change rating legislation, expanding the Court's jurisdiction could help landowners better manage their whenua, engage with councils, and reduce the risk of land being treated as abandoned. Strengthening governance structures could also support better land management and prevent unintended land loss. A consequential change to the Rating Act 2002 could be considered to remove the 'abandoned' classification for Part 1/67 General land.

Another issue with Part 1/67 General land is the lack of a clear legal definition, which creates confusion across different laws and Government processes. Part 1/67 General land is treated differently under various legislation, making ownership rights and legal protections uncertain. The Infrastructure Funding and Financing Act 2020 has struggled to define this land, making it hard to obtain funding for infrastructure projects.

Not progressing legislative changes would mean that Part 1/67 General land owned by the original owners, or their descendants would continue not being able to access Court procedures. This proposed change contributes to ensuring TTWM Act is fit for purpose therefore fulfilling the Government's kāwanatanga role.

Proposed options

The Government has considered the below options to address this matter:

Option	Opportunity	Risks and Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Part 1/67 General Land remains vulnerable to public works and development law, such as the powers to compulsory acquire land under the Public Works Act 1981 and powers relating to development projects under the Urban Development Act 2020 • Expanding the Court's jurisdiction may help by providing legal pathways to challenge acquisitions and encourage stronger governance structures
2. Expand the jurisdiction of the Court to include Part 1/67 General land	• Owners could engage with the Court and are subject to their rules and processes • Provide clarity and support for the lands that transitioned to General land under the 1967 Act but are still held by the original Māori owners or their descendants	• Determining whether current owners are descendants of original owners could lead to disputes among claimants. Relevant documents, such as land titles, Court records, whakapapa records, family trees, and Iwi/Hapū records,

[11] Land held by Māori in accordance with tikanga Māori.

	• The status of Part 1/67 General land is clearly legally defined	could be used to confirm original ownership • Potential impact on existing whenua arrangements such as leases, mortgages, rating obligations, and succession rights and administrative tasks and complexities while this change and relevant documentation is being processed. Could include an option to opt in or out of the Court's jurisdiction, ensuring those with existing legal arrangements are not negatively impacted • Part 1/67 General land differs from both General land owned by Māori and Māori freehold land, and lack of clarity between these and Part 1/67 General land could lead to legal uncertainty, inconsistent protections, and difficulties resolving disputes
3. Create a distinct status for Part 1/67 General land still held by original owners or their descendants	• Owners can engage with the Court and would be subject to their rules and processes • Part 1/67 General land would be recognised in legislation	• Recognising Part 1/67 General land as a distinct status in legislation could lead to an increase in historical grievances related to land loss under the 1967 Act, potentially leading to legal challenges and increased scrutiny • This could create delays in implementation and require further legal clarification, affecting Māori landowners' ability to engage with the Court effectively • Engagement with Māori landowners should be prioritised to ensure the legislative changes reflect their interests and provide appropriate legal protections, reducing the risk of disputes
4. A flexible option for landowners to change status	• Create a formal process for landowners to apply to change the status of their land from Part 1/67 General Land to Māori Freehold Land (or vice versa)	• Changing land from Māori freehold land to Part 1/67 General land could lead to non-Māori acquiring Māori land through sale or succession • A clear legal status for Part 1/67 General land will help ensure Māori landowners are treated fairly and protected, ensuring that Iwi, Hapū and whānau have the first rights to buy or manage Part 1/67 General land when it's sold or transferred

		• Strengthening these safeguards would prevent any unintended loopholes that could make it easier for non-Māori to acquire Part 1/67 General land

Additional pātai:

- Should Part 1/67 General land still owned by the original owners or their descendants be treated differently in TTWM Act than other land owned by Māori?
- Do you agree with the list in section 5.1.2 of the Court powers over Māori freehold land that should be extended to cover Part 1/67 General Land still owned by the original owners or their descendants? Are there Court powers that should not be included or other Court powers that should be extended to Part 1/67 General land?

Proposal 5.1.3: Improving governance practices for investigations into the affairs of Māori incorporations

Proposal and benefits

The Government is proposing to either:

a) lower the threshold shareholders are required to reach to apply to the Court to investigate the affairs of their Māori incorporation from 10% to 5%; or
b) enable the Court to investigate the affairs of a Māori incorporation itself where there was sufficient cause (i.e. no shareholder percentage requirement) – for example, failure to carry out duties, actions not compatible with the Māori incorporation, or suspected mismanagement, misappropriation, or fraud.

This proposal aims to prevent majority shareholders acting against the interests of minority shareholders and enable minority shareholders to request investigations into Māori incorporations where there is sufficient cause. It also seeks to enable the Court to achieve its objective to ensure fairness in dealings with the owners of any land in multiple ownership. This change would contribute to ensuring TTWM Act is fit for purpose and would also support landowners to achieve their aspirations.

Problem the proposal is seeking to address

Currently TTWM Act enables a Māori incorporation to be investigated if:

- Shareholders that together own at least 10% of the shares apply to have the incorporation investigated; or
- A special resolution is passed by a general meeting of shareholders stating that the Māori incorporation should be investigated.

Court decisions have shown it can be difficult for minority shareholders to reach the 10% threshold required for an investigation but that it is not insurmountable. Where the threshold cannot be met, minority shareholders currently cannot seek reviews if they think one is needed. The Court has identified four instances where this has happened.[12] There are currently 146 Māori incorporations registered with the Court.[13]

Under s 280 of TTWM Act, the Court used to have the ability to investigate a Māori incorporation if it believed it had sufficient cause to do so (e.g. on the grounds of failure to carry out duties, actions not compatible with the Māori incorporation, or suspected mismanagement, misappropriation, or fraud). However, this provision was repealed in 2002 to support land development (i.e., to ensure that if majority shareholders with sufficient equity wanted to develop land, minority shareholders would not be able to prevent that).

[12] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.
[13] Māori Land Court data, 2025.

If legislative change is not progressed the threshold required for an investigation into the affairs of a Māori incorporation would remain at 10% which may leave issues unresolved, potentially disadvantaging minority shareholders.

Proposed options

The Government has considered the below options to address this matter:

Option	Opportunity	Risks and Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Can be difficult for minority shareholders to reach the threshold of support by the holders of 10% of shares required to apply for an investigation • Existing provisions in TTWM Act enable shareholders to apply to the Court for the removal of any member of the committee of management, but this can be a challenging process • Alternatively, a special resolution can be passed by a general meeting of shareholders seeking an investigation
2. Change the threshold to require an investigation from support by shareholders holding 10% of shares to support by shareholders holding 5%	• Would provide minority shareholders with a more realistic ability to apply for reviews • Would maintain the ability to instigate reviews within a Māori incorporation, without intervention from the Court	• Disgruntled minority shareholders making complaints to the Court could lead to Māori incorporations being unnecessarily investigated • There would still be a threshold for shareholders to meet for an investigation to occur • The Court would continue to be bound by other parts of TTWM Act which explicitly provides for the protection of major/minor shareholders
3. Enable the Court to investigate the affairs of a Māori Incorporation itself where there was sufficient cause	• Shareholders who could not meet the 10% (or 5%) threshold or pass a special resolution could bring their concerns to the Court and if the Court agreed, an investigation could occur • The Court would have the jurisdiction to investigate the affairs of a Māori incorporation if it became aware of issues	• During, or on completion of, an investigation, the Court might make an order for the payment of a reasonable sum to meet the costs of the investigation. The burden of a cost order might deter shareholders from asking the Court to initiate an investigation. This situation would be unlikely as generally security costs are proposed for repeat filers of injunctions, and enforcement • Potentially increased oversight from the Court of Māori incorporations

Additional pātai:

- What are your views on the current requirement for either support of shareholders holding 10% of the shares in a Māori incorporation or a special resolution of shareholders before an investigation into the Māori incorporation can be undertaken? Do they work effectively or not and why?
- Has a Māori incorporation you own shares in been investigated by the Court and, if so, what support was there among shareholders for that investigation?
- What are your views on the proposed options to lower the threshold to support by shareholders holding 5% of shares or to enable the Court to investigate the affairs of a Māori incorporation itself where there was sufficient cause?
- If the Court was enabled to investigate the affairs of a Māori incorporation itself, would you prefer that the Court could investigate without an application made by a shareholder, or that the Court could only investigate if requested by a shareholder, and why?

Proposal 5.1.4: Enabling the Registrar of the Court to be able to file for a review of trusts

Proposal and benefits

The Government is proposing that the Registrar of the Court be provided with either the power to apply to the Court for a review of a trust under TTWM Act or, there be a statutory requirement that trusts under TTWM Act are reviewed every three years.

Enabling more frequent reviews of trusts would ensure that trusts are being reviewed by the Court, with the outcomes of those reviews supporting the economic operation and governance of the trusts, if any areas for improvement were identified. This proposal aligns with the objectives of the proposals in this Discussion Document to support more efficient processes to enable trust reviews, which can benefit the operation and management of trusts.

This aligns with other parts of TTWM Act where the Registrar is able to file applications (for example, relating to injunctions, use of special powers, and the reviews of certificates of confirmation).

Problem the proposal is seeking to address

Under s 231 of TTWM Act, only the trustees or the beneficiaries of a trust (*aside from a kai tiaki trust*) are able to apply to the Court to review their trust.[14] The Court recommends that trusts are reviewed every three years, but there is no statutory requirement that trusts are reviewed. Trusts can specify the frequency of their trust reviews in their Trust Orders (though they do not have to) and it can be a breach of trustee duties if trusts are not reviewed at the frequency outlined in their Trust Order. If this proposal is progressed, it may require changes to Trust Orders.

Since 1998, the Court has received 4,584 applications for trust reviews.[15]

The Government is considering including statutory criteria for the Registrar to consider before applying for a review of a trust. This could include:

- Developing statutory criteria for the Registrar regarding when it is appropriate for them to apply for a trust review. This criterion could include factors for the Registrar to consider, such as whether:
    - Changes have been implemented in response to the previous trust review(s);
    - There have been frequent/recent changes in trustees/management of the trust, which have/may have caused instability;
    - There have been infrequent change of trustees;
    - Issues have been raised by trustees/owners/beneficiaries with the Registrar that signal a potential need for review; and
    - There have been consistent financial losses, that do not align with the costs of operation and/or purpose of the trust.
- Requiring the Registrar to engage with trustees prior to making an application for review of a trust to the Court; and/or

[14] A 'kai tiaki trust' is a trust in respect of any interests to which a minor or a person under disability is beneficially entitled.
[15] Māori Land Court data, 2025.

- Providing trustees with the opportunity to resolve any issues that prompted the Registrar to apply for a review internally, and/or apply for a review themselves.

This matter was discussed in 1998 during a review of TTWM Act, with mixed responses on the role of the Court in reviewing trusts. The outcome of this was changes to TTWM Act enabling a trustee or beneficiary to apply to the Court for a review of trusts.

If legislative change is not progressed, the Registrar would continue being unable to apply for a review of trusts, posing a risk to the management of the trust if sufficient reviews and potential changes do not occur.

Proposed options

The Government has considered the below options to address this matter:

Option	Opportunity	Risks and Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Trusts may not be reviewed as frequently as/if needed, reducing the opportunity for Court intervention when issues arise
2. Enable the Registrar to apply to the Court for a review of trusts	• Trust may be subject to changes in management/operations pending the outcome of the review (eg., change in trustees, vary the terms of the trust) – this may benefit trusts who have not had a review in an extended period of time, and may be unaware of opportunities, such as alternative options for their land use	• Trusts may want to maintain their autonomy and limit the discretion of the Crown • Clear parameters and processes would be required regarding when and how the Registrar could apply for a review and how trustees can respond • Trusts may stop applying for trust reviews if they see it as a job for the Registrar – further increasing the workload of the Court/Registrar • The trust review process can take over a year to complete (impacting the operation of trusts, which may have financial implications) • May lead to trust reviews applications due to bias or information which may be inaccurate, impacting the operation of trusts • Need to ensure there are criteria/parameters for the Registrar to refer to when applying for a review of a trust • Creates a different process from other legislation relating to trusts – such as the Trusts Act 2019[16] and the Incorporated Societies Act 2022[17]
3. Require trusts to be reviewed every three	• Would support the resolution of issues as trust reviews are regular and frequent	• Trusts may not support frequent reviews

[16] Where reviews are undertaken only on the application of a beneficiary (s 126).
[17] Where the constitution may provide for whether and how a decision made under the procedures for resolving disputes may be subject to an appeal or a review (s 44).

years, with an opt-out provision	• Provides trustees and owners/beneficiaries with input into whether a review is needed • Some trusts may be unaffected as they may already have agreed to 3-yearly reviews in their Trust Orders	• Might impede on the activities of trusts which are operating successfully, and there may be little to update the Court on across three years • Trustees and owners/beneficiaries can opt out of a trust review if they decide they do not need one for this particular 3-year cycle (e.g., they were operating effectively) • Trusts may advise that they do not need trust reviews, but could provide rationale as to why they do not need a review • The trust review process can take over a year to complete, potentially impacting the operation of trusts

Additional pātai:

- Do you agree with providing guidance to the Registrar on when to apply for a trust review? Do you think the suggested parameters outlined in section 5.1.4 are appropriate? What would you add and/or remove from these?
- Do you think enabling the Registrar to apply to the Court for a review of a trust and/or requiring trusts to be reviewed every three years (with an opt-out provision) would support the management and operation of trusts?

5.2 Appointed agents

The proposals discussed in this section relate to agents appointed by the Court and aim to widen who can be appointed as an agent, the types of land an agent can be appointed for and the powers of an agent. These proposals may change and potentially increase the workload of the Court and/or Registrars and if so, impact the resourcing required for the Court.

When whenua Māori is owned by 10 or more owners, the Court has the power to appoint one or more owners to be an agent. The appointed agent becomes the statutory agent of the owners, with their powers outlined in the Order of Appointment (*for example, carry into effect a resolution of assembled owners, receive proceeds of any alienation of the land, not being an alienation by mortgage*). Since 1998, the Court has received 131 applications to appoint agents under s 183 of TTWM Act.[18]

At the end of the overview of each proposed change, there are specific pātai the Government is seeking feedback on.

Proposal 5.2.1: Widen the scope of the types of land that the Court has jurisdiction to appoint agents to

Proposal and benefits

The Government is proposing to widen the scope of the types of land an agent can be appointed to, to include an additional four categories (**types of land**) that currently the Court do not have the ability to appoint agents over:

- Part 1/67 General land (*that is currently owned by the original owners and descendants, or there are original owners/descendants who want to own it*);

[18] Māori Land Court data, 2025.

- General land owned by Māori that was previously Māori freehold land, but ceased to have that status in accordance with an order of the Court made on or after 1 July 1993, under Part 10 of TTWM Act;
- General land for sale, that was formerly whenua Māori (with descendants of the original owners who want to purchase it); and
- Surplus Crown-owned land being offered back to the former owners or their successors.[19]

Surplus Crown-owned land is Land that has been owned by the Crown but is surplus to their requirements (disposing of this land follows Government policies, including ensuring it is not needed by other Crown agencies, offering to sell the land to its former owner and offering it for sale to Iwi as part of Treaty settlements (or the Māori protection mechanism) [20], and then selling on the open market).[21]

Empowering the Court to appoint agents for these types of land would enable landowners/future landowners to experience the benefits of having an appointed agent (which can support representation and decision-making). Empowering the Court to appoint agents on these types of land could improve the efficiency of processes by making it easier for local and central government agencies to determine who has the authority to negotiate on behalf of owners of multiple-owned land. The ability to appoint an agent would be especially useful in negotiations relating to the land or when all owners/future landowners are unable to be contacted for hui. This situation often arises in relation to these types of land, as the numbers of owners multiplies generationally.

Agents would not be required to be appointed on these types of land, however, the ability to do so would be available if owners/future owners decide having an appointed agent would support them.

This aligns with the objectives of the proposals in this Discussion Document to enable landowners/future landowners of these types of land with access (if wanted) to Court processes and supports the access and development of their whenua, supporting them to achieve their aspirations. This aligns with the Government's kāwanatanga role, to protect taonga of tangata whenua and provide services to support landowners.

Problem the proposal is seeking to address

Currently, under s 185 of TTWM Act, the Court is only able to appoint agents for Māori land and is unable to appoint agents on Part 1/67 General land, General land owned by Māori that was previously Māori freehold land, surplus Crown land being offered back and General land that is for sale, that was formerly whenua Māori. Being unable to have agents appointed on these types of land limits access to the support of the Court and reduces a representation mechanism that agents can provide. This can cause difficulties for, for example, holding hui and negotiations, potentially impacting ownership of whenua. This can especially be prudent where ownership numbers have multiplied over generations, meaning there are many more descendants to find and communicate with.

If legislative change is not progressed, these types of landowners/future landowners would continue to be unable to access a mechanism that can support the access, use and development of their whenua.

Proposed options

The Government has considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Limited representation for the proposed types of landowners/future landowners • Can be a barrier to negotiations and other processes

[19] Under s 41 of the Public Works Act 1981 land that was General land owned by Māori or Māori freehold land prior to acquisition can be returned under s 40 of the Public Works Act 1981, or the relevant Chief Executive can apply to the Court for an order under s 134 of TTWM Act (change to Māori freehold land).
[20] The application process for adding surplus Crown-owned land to a landbank for future use.
[21] Toitū Te Whenua (Land Information New Zealand), *Buying and selling Crown Property*.

2. Enable the Court to appoint agents for the types of land listed above	• Supports retention and development of whenua as it can make it easier for processes to occur (e.g. negotiations, decision-making, representation) • Supports more efficient processes for engagement with the Government and other owners	• Shifts the decision-making powers from owners to agents • Landowners may not agree to the appointment of an agent or actions they have implemented, which could lead to internal disputes and delays in proceedings • Potential lack of suitable individuals to act as agents (i.e., due to lack of experience or knowledge), which could limit who can become an agent, or the appointment of an unsuitable agent • Appointed agents are subject to their Order of Appointment, which should be agreed to by trustees, owners and beneficiaries • Agents have a responsibility to engage with other owners to ensure their decisions reflect their interests • The Court has a responsibility to ensure that the appointed agent has sufficient ability, knowledge and experience and that the appointment is broadly accepted

Additional pātai:

- Do you support the Court being able to appoint agents on the types of land listed in section 5.2.1? Are there any additional types of land that could also benefit from the ability to appoint agents? What are these and why?
- Would enabling agents to be appointed on these types of land support the development and use of this land?

Proposal 5.2.2: Widen the purposes for which the Court may appoint agents

Proposal and benefits

The Government is proposing to widen the powers of appointed agents and granting them powers of administration similar to those of a sole trustee under an Ahu whenua trust.[22]

This proposal aligns with the objectives of the proposals in this Discussion Document to create more efficient processes for landowners and support development of whenua Māori.

Under this proposal, the Government would amend TTWM Act to give agents broader authority and power over whenua Māori. This relates to the proposed change 5.2.3 outlined in this Discussion Document (*introduce temporary governance on ungoverned whenua Māori in specific circumstances*) and may include broader categories of land, including ungoverned whenua.

This would be beneficial for ungoverned land (land for which there is no governance in place or operative) as it would:

- Enable effective land management and long-term economic growth through business ventures, investments, and strategic development;
- Facilitate access to Government support for infrastructure projects and land recovery during unprecedented events;

[22] 'Ahu whenua trusts' are trusts in respect of Māori freehold land, Māori customary land or General land owned by Māori constituted under section 215 of the TTWM Act.

- Protect whānau interests by allowing agents to represent owners in legal and administrative matters; and
- Promote faster decision-making and improved governance by delegating powers to agents; and
- Increase financial returns through strategic land transactions, such as buying, selling, or leasing land.

Problem the proposal is seeking to address

Currently, the powers that an appointed agent can deliver are limited to activities relating to lease management and land alienation (to prevent overreach and to protect landowners' rights). Although these tasks are helpful to the management of trusts, the narrow scope of their powers prevents agents from supporting broader governance and long-term economic development of whenua Māori. Appointed agents currently do not have the flexibility to undertake tasks that generate income (such as pursuing economic opportunities or access to Government support for infrastructure development). This can limit the administration of whenua, strategic management of land assets and engagement in development projects; including limiting access to funds for infrastructure repair and land recovery.

The proposed change aims to improve land administration, enabling landowners to access resources, Government assistance, and development opportunities without requiring the formalities of forming a trust. It would provide a more flexible and accessible approach to managing ungoverned whenua Māori.

The table below outlines the powers held by Ahu whenua trustees compared to the current powers of appointed agents:

Powers	Ahu whenua trustee powers	Importance
General powers	Providing trustees with full control to manage and invest in trust land and property, subject to their fiduciary duties	Allows strategic management, land development, and investment to drive long-term economic growth
Business operations	Do all things necessary to carry on a business on the trust land, or in relation to trust property	Enables them to generate income through business, helping increase land productivity
Title development & improvement	Promote title improvement by managing rights and interests in land, subdividing land, applying to the Court to facilitate the operation and the improvement of title to land, and maintaining records with the Registrar	Allows them to develop land and infrastructure, promote economic growth and improve land value
Borrowing & investment	Lend or invest any money coming into the trustees' hands in accordance with current trust laws, and to borrow and repay money with or without security over the trust's real or personal property, provided that no security is granted over the trust land	This can increase the trust's assets and generate higher returns for owners
Negotiating compensation	Negotiate fair compensation for land taken for public works or under another statutory authority with the Government or any local authority	Help negotiate the terms of a sale of the land, agreements with a network utility operator, with the Crown or local authority
Granting rights to occupy	Grant the right to occupy any part of the trust land by granting a licence to occupy or lease, or by consenting to the Court granting an occupation order to a beneficial owner	Helps facilitate access for development projects
Lease management	Lease, in accordance with TTWM Act, the whole or any part of trust land on whatever terms, covenants and conditions that the trustees think fit and to renew, vary, transfer, assign and accept the surrender of any leases	Helps optimise land income and support sustainable growth

Improvement and development of infrastructure	Improve and develop the trust land and build structures on it as the trustees think fit	Enable them to drive infrastructure development that boosts land value and usability
Delegation of powers	Delegate any power of the trustees to one or a committee of the trustees	Enable them to improve land governance, manage tasks more efficiently and ensure timely decision-making
Land purchase & exchange	Buy any land or interest in land, shares or assets whether by way of lease, purchase, exchange and to acquire, sell or hire	Allow agents to strategically buy, sell, or exchange land to enhance the land's economic value
Owner representation	Represent the beneficial owners in any proceedings or process before any court, tribunal, inquiry, arbitration, council hearing, select committee hearing or any other forum	Enables them to effectively represent owners in various legal and administrative fora. Also enables them to protest, appeal, or make representations against entry on the land, undertaking of works, or represent owners when seeking to obtain Government funds

The existing powers of agents would be maintained if legislative change was not progressed. Although the current powers are beneficial, landowners would experience more benefit if the agents had wider powers.

Proposed options

The Government has considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Restricts what agents can deliver which may be a barrier to development and cause frustration for owners
2. Provide agents with the powers of an Ahu whenua trustee	• Would enable agents to provide widened support and representation • Would enable effective land management and long-term economic growth • Would facilitate access to Government support for infrastructure projects and recovery following unforeseen events (such as extreme weather events) • Would protect whānau interests by allowing agents to represent owners in legal and administrative matters • Would promote faster decision-making and improved governance by delegating powers to agents • Would potentially reduce time and costs for the Court, as the Court's role would remain significant only for complex matters, with agents able to make more decisions independently without requiring Court approval	• Would shift the decision-making powers from owners to agents, which might lead to agents prioritising their own/external interests, or making decisions that did not align with the interests of other owners, or make it difficult for owners to challenge agents • Could lead to internal disputes and delays in proceedings • Appointed agents would be subject to their Order of Appointment, which should be agreed to by trustees, owners and beneficiaries • Agents would have a responsibility to do their best to engage with other owners to ensure decisions reflect their interests • Agents might lack the necessary expertise or resources to manage land effectively. This could result in poor land management and missed opportunities

	• The Court might still oversee major decisions, but with expanded powers, agents would be able to efficiently handle routine tasks	
3. Provide agents with selective powers that allow for long-term land growth and development	• Would facilitate sustainable development and growth of whenua, business ventures, and infrastructure projects • Would enable agents to negotiate with Government agencies for funding or coordinate land recovery efforts, benefiting landowners in crisis situations and promoting long-term development • Would mitigate the risks associated with granting full trustee powers and reduce potential legal complications	• As above • If agents lacked the full range of powers to handle recovery and long-term development, there would be a risk of fragmented efforts that hindered both immediate recovery and future growth and could result in misalignment between the agent's actions and owners' expectation • An Order of Appointment could require them to report regularly to the Court, be appointed for a fixed term, or establish a management structure to support their efforts

Additional pātai:

- Would widening the powers of agents to handle more aspects of whenua management lead to more efficient development and growth opportunities? Why/why not?
- Would providing agents with selective powers to manage land assets and lead recovery projects, like cyclone support, lead to improved outcomes? Why/why not?

Proposal 5.2.3: Temporary governance on ungoverned whenua Māori in specific circumstances

Proposal and benefits

The Government is proposing to add provisions to TTWM Act that would establish temporary governance structures over ungoverned whenua in specific circumstances, providing trustees or agents with the authority to manage and administer land.[23] The proposal would change TTWM Act to include provisions that allowed the Court to establish temporary, limited-purpose trusts or agents to represent landowners of ungoverned Māori land blocks following civil emergencies. Trusts or agents would be formed or appointed with specific requirements for engaging landowners in the selection of trustees, and clear obligations for trustees to consult with landowners throughout their term. This would ensure that:

- Landowners were represented in the recovery period following civil emergency even when formal governance structures were absent – enabling trustees/agents to act on behalf of landowners and protect their interests, particularly in situations where owners were hard to contact; and
- Trustees or appointed agents could act quickly to address urgent matters, such as severe weather events or climate impacts, helping landowners access Government funding and support that may otherwise be unavailable.

Problem the proposal is seeking to address

A number of recorded trusts have become inactive, dormant over time, with deceased trustees, or trustees resigning, retiring, becoming legally incapacitated, abdicating their duties without being replaced and rendering trusts unable to meet quorum requirements. Accordingly, any whenua Māori block without easily identifiable and contactable representation is effectively ungoverned land.

[23] Ungoverned Māori land is where there is no governance situation is 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.

Around 58% of whenua Māori blocks are officially recorded as ungoverned due to not having either formal governance or other decision-making structures.[24] However, it is important to note that while many land blocks do not have a formal governance arrangement, they are informally managed by a small number of owners, and not all blocks without a formal governance structure are 'ungoverned'. By land area, 83% of Māori land (1,278,323 ha) is vested in a governance body, while 17% of such land (255,797 ha) has no governance body in place.[25]

As a result, a significant portion of whenua Māori remains without the necessary governance framework to support effective decision-making and land management. Ungoverned blocks of whenua Māori have the opportunity to be included in future Government recovery efforts (for example following an extreme weather event) and funding opportunities, provided there is proper representation.

If no legislative change was introduced, ungoverned land would remain without the necessary governance frameworks to support effective decision-making and land management. Ungoverned blocks would continue to face the risk of being excluded from Government recovery efforts and funding.

Proposed options

The Government have considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Owners of ungoverned whenua Māori may not have the necessary governance framework to support effective decision-making and land management (in the event of an extreme weather event)
2. Introduce temporary governance on ungoverned whenua Māori	• Representation in the absence of formal governance structures to facilitate access to remedial funding following severe weather events • Landowners would be represented by agents even when formal governance structures were absent. This would enable trustees/agents to act on behalf of landowners and protect their interests, particularly in situations where owners were hard to contact or urgent matters arose	• The actions of the representative might not align with landowner's preferences, especially if they were hard to contact or absentee • There might be confusion over the role of the agent • Owners may not want to be represented or any action made on their behalf • The specific roles and responsibilities of the representative must be outlined, including protective provisions to safeguard property rights • Agent or temporary governance structure could make periodic efforts to contact absentee owners • Specific oversight could help to mitigate the risk of agents acting in their own interest • The timeframe of the temporary governance structure must be stated

[24] Improving Māori Land Governance, Options for representing the interests of whenua Māori owners (Te Puni Kōkiri, 2024).
[25] Māori Land Court data, 2025.

Additional pātai:

- Would introducing temporary governance over 'ungoverned' whenua Māori in the recovery period following civil emergencies improve representation and development of those lands?
- How could the framework for temporary governance arrangements be designed to ensure that agents had the necessary resources and expertise to support the governance and development of whenua Māori?

5.3 Housing

The proposals discussed in this section intend to clarify aspects of TTWM Act and support the development of, and access to, Māori freehold land for housing. These proposals may change and potentially increase the workload of the Court and/or Registrars and if so, impact the resourcing required for the Court.

At the end of the overview of each proposed change, there are specific pātai the Government is seeking feedback on.

Proposal 5.3.1: Provide the Court with a specific jurisdiction to determine ownership of a dwelling on Māori freehold land

Proposal and benefits

The Government is proposing to provide certainty and clarity to landowners and the judiciary by:

a) Introducing new provisions to confirm the jurisdiction of the Court to determine ownership of dwellings on Māori freehold land; and
b) Setting out the matters the Court must consider in order to exercise this jurisdiction, for example:
    - The history of the block and ownership interests in the land;
    - The history of the building of the dwelling, including any interests (including any equitable interests arising from financial contribution made to the building of the dwelling or subsequent improvements);
    - Evidence of support from landowners, including any relevant rights of occupation (as per Licences to Occupy or Occupation Orders);
    - Any other relevant agreements entered into with the landowners; and
    - Any other relevant matters.

This proposal would provide specific jurisdiction for the Court to determine ownership of dwellings on Māori freehold land (as distinct from ownership of the land itself), irrespective of whether the dwelling was a fixture or a chattel. The intention of the change is to clarify the Court's jurisdiction to provide greater certainty for landowners and the Court.

This would have a number of benefits, including greater clarity in legislation regarding the jurisdiction of the Court, increased certainty for landowners and whānau of their ownership interest in a house and related structures on Māori freehold land, and more efficient use of Court resources when making determinations. As a consequence, the proposal might also incentivise housing development on Māori freehold land and potentially, assist owners to obtain finance because lenders would have greater certainty over the ownership of a house which could potentially be used as loan collateral.

Problem the proposal is seeking to address

Applications to the Court to determine ownership of dwellings on Māori freehold land are common. These applications may be made to resolve disputes over ownership, or to provide certainty on succession.

Because there are no express provisions in the TTWM Act relating to the determination of ownership of dwellings on Māori freehold land, the Court currently must draw on a range of sources of law:

a) The jurisdiction of the Court under s 18(1)(a) 'to hear and determine any claim, whether at law or in equity, to the ownership or possession of Maori freehold land, or to any right, title, estate, or interest in any such land' (which is interpreted to include dwellings as an interest in Māori freehold land);
b) The common law principle that ownership of a dwelling, where it is a fixture to the land, generally runs with ownership of the land;
c) Consideration of arguments as to whether a dwelling is a 'fixture' or 'chattel'; and a 'degree of annexation' test;
d) A balancing of interests, for example between the equitable interests of an individual or whānau in the dwelling, and the interests of the other landowners in the land;
e) An ownership test (where no prior orders have been granted concerning the house) which considers the history of the block, the building of the dwelling, rights of succession, and agreements entered into with the landowners; and
f) Other relevant precedents and findings in case law.

The result is that applications to the Court regarding ownership of dwellings are complex and time-consuming and rely on common law principles that are not always relevant for multiple-owned Māori freehold land. The law is applied inconsistently, leading to appeals and resulting in further costs for landowners.

The current process is complex and difficult to understand (particularly for those without a legal background) and creates confusion and delays for owners.

The proposed change would not affect the underlying rights of the landowners in the whenua, or the requirement that a person must obtain agreement of the landowners to live on the whenua.

The proposed change would:

- Apply to places of residence, whether a primary place of residence or not (the person applying for ownership might live there permanently, or for some of the time); and
- Cover other structures that support a home, such as outbuildings (for example, a garage, shed, greenhouse, or septic tank).

The proposed change would not:

- Create a legal right to ownership of the land;
- Provide for rights of occupancy to be automatically granted by the Court in order to preserve the interests of the landowners; nor
- Impact the authority of landowners or the Court to consent to the building (or relocation) of a dwelling on Māori freehold land or to the occupation of Māori freehold land (through a licence to occupy; or a Court order).

Proposed options

The Government has considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Ongoing uncertainty for landowners who wish to develop homes, which may be a deterrent • Complexity and inconsistency in application of the law and time consuming and resource intensive processes for the Court • Mitigations could be to provide clarity and certainty in the law, so that the Court can implement a clear and efficient process in relation to applications for

		recognition of ownership of dwellings on Māori freehold land
2. Introduce explicit provisions in TTWM Act clarifying the jurisdiction of the Court to determine ownership of dwellings on Māori freehold land	• Increases clarity and certainty for landowners who wish to build homes • Enables a more efficient process for landowners and the Court • Existing constraints on the Court to only determine ownership for dwellings that are 'fixtures' would be extended to all dwellings, including 'chattels' • The Court's existing ownership test would continue to be applied, building on case law	• Might lead to an increased volume of applications to the Court • Clarifying and streamlining Court process would be needed to decrease overall hearing time
3. Progress option 2 and include a list of matters the Court must consider in exercising its jurisdiction to determine ownership	• As above • Would enhance certainty and provide further clarity on matters of process for the judiciary and landowners	• As above

Additional pātai:

- Should the Court be able to specify a timeframe or other arrangements when making ownership orders (as it does when making occupation orders)? Would this be helpful to landowners? If yes, how, if not why not?

Proposal 5.3.2: Widen the powers of the Court regarding amalgamated land

Proposal and benefits

The Government is proposing to enable a land block that was amalgamated into a larger block in the 1950s to be uncoupled from the amalgamated block. The Court would have a new discretionary power to cancel an amalgamation order, in whole or in part, on application by the owners.

The benefits of the proposed changes would be:

- A clearer and more accessible legislative pathway for Māori landowners affected by land development schemes to apply to the Court to cancel amalgamation orders (in whole or in part);
- A new option for the Court to reach practical solutions that weigh the views and interests of historic and current owners of amalgamated land blocks;
- Increased possibility that landowners affected by amalgamation schemes might return to their ancestral land and build houses;
- Increased exercise of rangatiratanga by those whānau who are successful in uncoupling the original block, as there would be fewer owners in the land; and
- Preventing the ongoing dilution of interests in land as future generations are born.

This proposal aligns with the objectives of the proposals in this Discussion Document to enable economic and housing development of Māori freehold land and support more efficient processes. This is consistent with the Government's kāwanatanga role to support the rangatiratanga of landowners to access and use their whenua.

Problem the proposal is seeking to address

There is currently a gap in TTWM Act where land that was amalgamated for land development schemes in the 1950s cannot easily be separated or de-amalgamated (uncoupled) to fully restore the property rights of original landowners. In contrast, a specific power in TTWM Act enables the cancellation of an aggregation order that aggregated (grouped) land.

Amalgamation: In the 1950s, individual owner/occupier unit farms on Māori land, that were considered uneconomic were amalgamated into larger land blocks. Amalgamations involved the cancellation of titles to the smaller blocks and the substitution of one title for the cancelled titles. Amalgamations were designed to reduce the number of small blocks to build more profitable farming units, but also to ease administration, managing fewer lists of owners. Many amalgamated blocks already had shared ownership, which reduced complications when an amalgamation was implemented. However, this also resulted in some owners becoming disconnected from their land and from each other.

Section 435(1) of the Māori Affairs Act 1953 empowered the Court to amalgamate Māori land blocks, where the Court was 'satisfied that any continuous area of Maori freehold land comprising two or more areas held under separate titles could be more conveniently or economically worked or dealt with if it were held in common ownership under one title'. Many amalgamations were sponsored by the Department of Māori Affairs.

In such cases, the title in the smaller block was cancelled and a new title created for the amalgamated block. In some cases, the procedure diluted a minority shareholder's proprietary rights in their smaller land block, proportionate to shareholders in the larger land block.

Aggregation: In the 1970s, the Māori Affairs Act 1953 was amended to provide the Court with power to aggregate the ownership of several parcels of non-continuous land blocks, whist retaining the existing titles.[26] This means that the titles remain separate, but there is a common ownership list.

This provision was introduced to increase the working or management of the land, often for economic purposes.

In the 1980s, the Government ended its involvement in land development schemes and transferred amalgamated land blocks back to landowners via management entities (a s 438 Trust or an incorporation). This process left former majority shareholding landowners (who may not have consented to their land being amalgamated) with minority shareholdings in the larger, amalgamated land block. Their descendants are now unable to decide the best use and development of their land and have limited recourse under current legislative settings.

Partition

Currently, where an owner (or descendent of an owner) of a block that was amalgamated wishes to separate their historic title from an amalgamated block, they must apply for a partition under Part 14 of TTWM Act. Any partition application must meet a high statutory threshold, in recognition of the desirability of limiting the fragmentation of Māori land title. The legislative tests for partition are outlined below:

Sufficiency test: Section 288(2)(b) requires the Court to be satisfied 'that there is a sufficient degree of support for the application among the owners…'. This can be difficult for minority shareholders as it is unlikely they could contact enough owners to demonstrate to the Court that support is 'sufficient' due to the high number of absentee landowners, limited attendance at Annual General Meetings, and the reluctance of trustees or management committees to support partition applications.

Necessity test: Section 288(4)(a) requires the Court to be satisfied that the partition 'is necessary to facilitate the effective operation, development, and utilisation of the land'. In determining whether a partition is necessary, the Māori Appellate Court has reflected on the High Court interpretation: "Necessary" is properly to be construed as "reasonably necessary" … What may be considered

[26] Section 58 Māori Affairs Amendment Act 1974 No. 73

reasonably necessary is closer to that which is essential than that which is simply desirable or expedient…".[27]

These statutory tests and the Court's exercise of its discretion reduce the likelihood of success for an application to partition amalgamated land. The Court takes a cautious approach, outlining alternatives to partition in TTWM Act to access pre-amalgamated blocks. For residential housing purposes, a landowner can apply to the Court for an occupation order (where there is no governance over the land block), or seek agreement from the governance entity for a licence to occupy. For development purposes, a lease or licence can be applied for, if there is sufficient support amongst the owners.

There is currently no provision in TTWM Act to cancel an amalgamation order. TTWM Act does however include a provision to cancel aggregation orders.[28] In such cases, the land is deemed to be held by the people who held the land at the time the aggregation order was issued, or by their successors, and in the same relative shares.

A similar provision relating to amalgamated blocks might enable better access for whānau to their (pre-amalgamated) blocks. However, the idea of 'de-amalgamation' is a complex issue, where the interests of owners who wish to revert to an historic land title must be balanced with the views and interests of the overall ownership of a current, amalgamated land block – which has been owned and managed on a single title for several generations.

If legislative change is not implemented, descendants of former majority shareholdings in smaller blocks (pre-amalgamation) will continue to face challenges in accessing and using their whenua.

Proposed options

The Government has considered the following options to address this matter:

Option	Opportunity	Risks and Mitigations
1. Status quo (no change required)	• Landowners would continue to be able to apply for partition orders over amalgamated land blocks • The same statutory protections would be contained within the legislative tests for partition • Landowners would continue to be able to apply for an occupation order/licence to occupy to build/relocate a house onto the amalgamated block; or a lease or licence to develop the land	• Landowners who have been disadvantaged by amalgamation would continue to encounter barriers within the statutory tests to access their whenua and develop homes • The problem would become more complex over time as future generations are born and landowner shares in the amalgamated blocks are further divided • Legislative amendments might address these matters
2. Enable the Court to cancel an amalgamation order (or part of an order)	• Would enable the Court to exercise discretion, on application by an owner, to make an order cancelling an amalgamation (in whole or in part) • Would provide a mechanism to divide/uncouple former land blocks to realise property rights • Would provide for the views and interests of different groups of landowners (i.e. to revert to the	• De-amalgamating land that is used for other purposes (such as agribusiness) might result in the remaining land being uneconomic • A discretionary power to the Court would ensure that the views and interests of all landowners are considered • Trustees might not support a cancellation proposal, and owners might experience financial loss

[27] *Brown v Māori Appellate Court* [2001] 1 NZLR 87 at [51] cited in *Whaanga v Smith* [2013] Māori Appellate Court MB 45, at [15].
[28] A provision to cancel aggregation orders was introduced in 1991 - refer clause 372(4) Māori Affairs Bill 1991. This provision has been continued in section 308(4) of TTWM Act.

	original title and/or remain with the amalgamated title) • Would require a survey and new title • Would need to consider how to provide the owners and Court with the ability to create solutions when addressing a de-amalgamation application, to support a new title (e.g. if the land has shifted from erosion)	• When assessing applications to partition amalgamated blocks, the Court could be required to have regard to historic and current land titles • There would be the potential for this provision to be used to separate landowner interests in an amalgamated block, convert land to General land and sell it. The likelihood of this occurring is low due to the time, cost and effort required to research and litigate the matter • Cancelling an amalgamation would require changes to historical Court orders (e.g. succession orders)
3. Change legislative test to partition amalgamated land	• Provides a mechanism to divide or uncouple former land blocks to realise property rights • Would include a statutory test for partition, limited to landowners whose land was amalgamated under a land development scheme • The test for this land would be lower than the current test for partition generally	• When assessing applications to partition amalgamated blocks, the Court would be required to have regard to historic and current land titles • This provision might be used to separate landowner interests in an amalgamated block, convert the land to General land and sell it. The likelihood of this occurring is low due to the time, cost and effort required to research and litigate the matter

Additional pātai:
- Should be a new Court process be created to de-amalgamate land blocks that were amalgamated as a result of the Land Development Schemes in the 1950s? Why/why not?

5.4 Succession

The purpose of this change is to support better and clearer processes for succession matters. These proposals may change and potentially increase the workload of the Court and/or Registrars and if so, impact the resourcing required for the Court.

At the end of the overview of the proposed change, there are specific pātai the Government is seeking feedback on.

Proposal 5.4.1: Enable, on application by a beneficiary under a will or under an intestacy (*when an owner dies without a will*), the Court to vest a freehold interest in General land in the beneficiary or the administrator

Proposal and benefits

The Government is proposing to change the requirements to enable a beneficiary under a will or an intestacy (*when an owner dies without a will*) to apply to the Court to vest a freehold interest in

General land in a beneficiary or administrator (*the person who is granted administration*).[29] This would enable the Court to vest these interests in the beneficiary or administrator, provide a more efficient process for beneficiaries and enable succession where the administrator may not know there are interests to succeed to.

The intention for this change is to allow beneficiaries to apply for this vesting so that the beneficiaries are not waiting for the administrator to apply to the Court to enable succession. This would support a more efficient process, allow succession to continue, and enable whenua Māori use and development. This is consistent with the Government's kāwanatanga role to provide landowners with access to their whenua, and to support them to achieve their aspirations.

This proposal would not speed up the process to succession of General land as probate would still be required by the administrator and getting probate or letters of administration will remain costly for the administrator.

Problem the proposal is seeking to address

Currently, under s 111 of TTWM Act, only the administrator can make an application to the Court for the Court to make an order vesting interests in General land of a deceased Māori in the administrator or to the successors (beneficiaries).

To apply to the Court, the administrator needs to:

- Complete an application form with the necessary documents including details of probate or any letters of administration that has been granted;
- Wait for the application to be processed by the Court registry and notified;
- Wait for the order/s to be made. This can be done by a court registrar without a court hearing, if the succession is simple and uncontested; and
- Wait for the order/s to be issued by the Court registry and also sent to LINZ for registration.

Only the administrator being able to apply to the Court is inflexible and restrictive. It can cause issues as administrators may not be using their powers as administrator to apply to the Court to enable succession for beneficiaries. This can leave estates not being resolved for decades and beneficiaries not having appropriate access and powers.

If there are interest in other land such as Māori freehold land, than they are able to use Māori Land Court Rule 10.6(1).[30] If the deceased person owns both General land and Māori freehold land, for example, then succession can occur for both land types under the same application.

If legislative change does not occur, administrators will remain the only persons with the ability to apply for a vesting order in relation to General land. This risks estates being unused and issues and delays with succession.

Proposed options

The Government has considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Succession of General land will continue to take a long time in some instances which could impact beneficiaries • The Court will continue to be required to wait for administrators to get probate or letters of administration before

[29] Noting that this proposal refers to General land (as under Part 6 of TTWM Act; land other than General owned by Māori and Māori freehold land that has been alienated from the Crown for a substituting estate in fee simple), not General land owned by Māori.

[30] Māori Land Court Rule 10.6(1) states that an application to vest interest of a deceased Māori interest in General land…may be determined as part of an application under section 113 (Maori Land Court to determine succession to beneficial entitlements to Maori freehold land), 117 (Vesting in persons beneficially entitled following grant of administration), or 118 (Vesting in persons beneficially entitled where no grant of administration) of TTWM Act.

		they can progress succession of General land and probate will continue to be expensive • Administrators may not know there is General land to be transferred, which over time, may result in more General land that has not been succeeded to • These issues would be mitigated by enabling beneficiaries to be able to apply to the Court for succession of General land
2. Enable, on application by a beneficiary under a will or under an intestacy, the Court to vest a freehold interest in General land in the beneficiary or the administrator	• Speeds up cases where there is an administrator, but the administrator has not applied to the Court for an order vesting these interests • May improve the frequency the relevant provision is implemented and support succession	• Would give rise to a requirement to determine who the beneficiary/beneficiaries were (which is usually determined through probate which the administrator applies for before they apply to the Court). This does not support a more flexible and efficient approach and if administrators do not get probate or letters of administration, beneficiaries cannot apply to the Court for succession of General land. To address this, probate could still be required to be granted to the administrator by the High Court

Additional pātai:
- Should a beneficiary under a will or an intestacy (*when an owner dies without a will*) have the ability to apply to the Court to vest a freehold interest in General land in a beneficiary or administrator?

5.5 Leases

The proposed changes discussed in this section aim to support more efficient processes for certain leases. These proposals may impact and potentially increase the workload of the Court and/or Registrars. Additional resourcing and funding will be required to support the Court and/or Registrar to deliver their role(s) effectively.

At the end of the overview of each proposed change, there are specific pātai the Government is seeking feedback on.

Proposal 5.5.1: Enable trustees of Māori Reservations to have more decision-making powers regarding leases on Māori Reservations

Proposal and benefits

The Government is proposing to remove the requirement for trustees of Māori Reservations (**Reservations**) to seek the approval from the Court to grant short term leases (*less than 14 years*). This would enable Reservation trustees to have more decision-making powers and autonomy regarding leases on Reservations and make the lease process more efficient (*i.e., as they would not need Court approval*). This aligns with the Government's kāwanatanga role to support the rangatiratanga of landowners to access and use their whenua as they wish. As Reservations are often marae, urupā (burial grounds), or wāhi tapu (sacred places), the financial benefits of this change

might be minimal. As leases for papakāinga are already excluded from the requirement, this change will not impact housing.

Problem the proposal is seeking to address

Under s 338 of TTWM Act, a Reservation can be established over Māori freehold land or General land. Reservations are typically set aside over land that is culturally, spiritually or historically significant to Māori (as well as fishing grounds, springs, timber reserves, and scenic areas) for the benefit of those it is set aside for. Reservations are established through a Court process, where trustees are appointed to administer the Reservation.

Trustees of a Reservation may:

- Authorise and/or issue permits of lawful activities on the Reservation;
- Apply to the Court for directions about the administration of the Reservation and the powers and obligations of the trustees;
- Call meetings of interested persons about the administration of the Reservation;
- Appoint and employ, on behalf of the trustees, any advisers that may enable the better administration of the Reservation; and
- Sign documents that comply with TTWM Act.

However, under TTWM Act there are limitations to trustees' management of Reservations, including that trustees can only grant a lease or occupation licence of the land for a term of up to 14 years, including renewals (*unless the lease or occupation licence is for education, health or papakāinga housing, in which case there is no time limit*). Currently the Court is required to approve any such short-term lease to ensure land which is spiritually, culturally and historically significant is protected.

If legislative change is not progressed, trustees will continue to be required to seek approval of short-term leases, engaging in a time-consuming process. Since 1998 the Court has received 18 applications under s 338 of TTWM Act.[31] There are currently 2,300 Reservations nationally.[32]

Proposed options

The Government has considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Gaining Court approval for short-term leases on their Reservation takes time and could cause delays. The requirement for the Court to approve short-term leases on Reservations could be removed to address this
2. Remove the requirement for Court approval for short term leases on Reservations	• Trustees would have more decision-making power regarding short-term leases on Reservations • Would be a more efficient process for obtaining or granting short-term leases on Reservations • Saves Court time and resources and reduces their oversight	• Court approval is to ensure whenua, which is spiritually, culturally and historically significant, is protected – this oversight may be seen as necessary and removing it might not align with the purposes of a Reservation

Additional pātai:

- What are your views on Court oversight of short-term leases over Māori Reservations? Is it necessary, why/why not?

[31] Māori Land Court data, 2025.
[32] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.

Proposal 5.5.2: Extend the period for which a long-term lease can be granted without Court approval from 52 years to 99 years

Proposal and benefits

The Government is proposing to change the threshold for when the Court is required to approve long-term leases on Māori freehold land, through extending the period of when a long-term lease can be granted without Court approval from 52 years to 99 years.[33] This would enable landowners to engage in lease agreements up to 99 years, without needing to engage in Court proceedings. Making the process to enter into long-term leases easier could support more longer-term lease agreements, encouraging financial return and development and security of whenua (e.g. through a long-term stable income).

For non-Māori owned general land, is rare that a lease would be entered into without the agreement of all owners, however, this is generally not practicably possible for whenua Māori due to the number of owners some whenua has. The current scheme was put in place to enable leases to be granted without 100% support, but with certainty that there is support within owners.

The proposed change will provide long-term certainty to plan for infrastructure and other purposes for lessees so that investment is made. This could also be utilised under new funding frameworks to provide standard home loans on multiple-owned land managed by land trusts or incorporations using a leasehold structure (taking the mortgage over the lease, not the whenua) – noting support may be required to implement this.[34]

This change would also interact with the Public Works Act 1981 (**PWA**). The PWA gives the Crown the ability to permanently acquire land from private landowners for public works (such as roads, railways, schools, police stations).[35] Whenua Māori being used for development under long-term leases may mitigate/prevent it from being considered for compulsory acquisition under the PWA (*i.e., as the land is being invested in, may have infrastructure on it and the purpose of the lease may be of benefit to the public*) – retaining Māori ownership.

This proposed change aligns with the objectives of the proposals in this Discussion Document to support more efficient processes and support economic development of whenua. It also supports the Government's kāwanatanaga role to support landowners to achieve their whenua aspirations. It also supports the retention of whenua Māori in Māori ownership and landowners and trustees having authority and decision-making powers over their whenua – enhancing rangatiratanga and whenua as taonga tuku iho and reducing the oversight of the Court. As well as aligns with the purpose of TTWM Act (as set out in the preamble of TTWM Act) as it can support the promotion of land use and development and ensures retention of whenua Māori, as leases are not permanent alienation.
An alternative option to address part of this issue (*difficulties gaining owner approval of long-term leases*) is to change the owner thresholds required for confirmation of a lease – which is currently that at least 50% of owners need to agree. The agreement threshold could instead have a pro-rata approach to make the agreement threshold fairer. For example, if a land block has less than 50 owners, granting a lease would require 50% of owners' agreement, with thresholds for agreement being lowered as the number of owners increases (*e.g., 50-200 owners, 201-500 owners, 501-1,000 owners, 1,000-5,000 owners and 5,000 owners plus*). Noting that provisions may need to be updated in Trust Orders to reflect this.

Problem the proposal is seeking to address

Under TTWM Act, a long-term lease is defined as a lease that is for a term of more than 52 years. Landowners wishing to implement a long-term lease of more than 52 years over Māori freehold land require approval from the Court – this requires 50% of the landowners to agree to the lease, a range of documents be provided to the Court and the owners and lessees to participate in a Court hearing. This process can be costly and time-consuming, which may create hesitancy for landowners and lessees to enter into lease agreements, as the return may not justify their investment over a shorter

[33] Noting that the intention of this proposal is not to inadvertently re-introduce perpetual leases and is instead to support easier processes for lease opportunities, if owners wish to enter them.
[34] BNZ, 2024, *New path to home ownership on Māori land: BNZ expands innovative funding framework*.
[35] Toitū Te Whenua (Land Information New Zealand), *Acquisitions for Public Works*.

time-period. Leases that are less than 52 years only require the owners to notify the Court of the lease agreement.

Past public consultation reduced the original period that a long-term lease could be granted without Court approval from 100 years to the current 52 years, as Māori did not want their land out of their control for this length (especially with housing crises).

If legislative change is not progressed landowners will continue to need 50% owner agreement and participate in Court proceedings for leases 52 years or more on Māori freehold land.

Proposed options

The Government has considered the below proposals to address this matter:

Option	Opportunity	Risks & Mitigations
1. Status quo (no change required)	• The opportunity would remain the same	• Landowners and the Court are required to engage in Court process for leases on Māori freehold land more than 52 years. This process can be costly, time consuming and be a disincentive for long-term leases. Changing the threshold for approval could mitigate this
2. Extend the period of long-term leases over Māori freehold land that could be granted without Court approval to 99 years	• Easier for landowners to enter into short and long-term leases • Landowners may experience benefits from long-term leases – such as income (likely passive), security, and whenua maintenance and development, which could be beneficial once the lease ends (e.g., unlocking landlocked Whenua Māori, road access), whilst ensuring that the whenua remains in Māori ownership • May reduce the workload of the Court as they will have reduced the Court oversight into leases	• Owners who agree to lease terms may not be owners for the entirety of the lease period, which may span generations. Future generations may not agree with the lease terms and/or have limited access to whenua. Mitigations could include review provisions or periodic rights of renewal, to provide descendants the opportunity to engage with the lessees • Whenua could be returned in an altered state (eg., from construction, or loss of plants and wildlife), potentially impacting how owners interact with it. Lease terms would need to clarify maintenance conditions and what state it will be returned in as a mandatory part of the agreement • Owners and descendants may have no/minimal access to their whenua, leading to loss of connection and site-specific traditional knowledge. Lease provisions could allow owners access under agreed circumstance • Changing the threshold of requiring Court approval and therefore 50% owner agreement could mean that some owners are unable to have their say. Owners will need to ensure that

		the lease agreement is discussed, and owners are comfortable with it • If the costs of market rent increase, a provision in the lease agreement can allow for periodic rent reviews • There may be difficulty in reaching owner agreement of leases due to absent owners, which may limit the ability to enter into leases. To mitigate this, the threshold of owner agreement could be changed to reflect a pro rata basis

Additional pātai:

- Do you support the current provision requiring landowners to notify the Court of leases longer than 21 years? Or should that threshold also be extended?
- Do you think that there should be a higher owner agreement threshold if leases could be granted for up to 99 years without Court approval (eg., 75%)?
- Do you agree with a pro-rata based approach to the agreement threshold, enabling the percentage of owner agreement required decreasing as the number of owners increase? What do you think an appropriate number/percentage of owners who need to agree on leases should be?

5.6 Minor proposed changes (miscellaneous)

The below proposed changes are miscellaneous provisions that are minor and more procedural in nature than the other proposed changes. There is less information in this section to reflect the minor state of these proposals. These proposals may impact and potentially increase the workload of the Court and/or Registrars. Additional resourcing and funding will be required to support the Court and/or Registrar to deliver their role(s) effectively.

At the end of the overview of each proposed changes, there are specific pātai the Government is seeking feedback on.

Proposal 5.6.1: Change the age of majority for kai tiaki trusts and for minors who hold interests in land vested in a Māori Incorporation to 18 years old

Proposal and benefits

A kai tiaki trust is set up for a minor or person with a disability, that in the view of the Court, lacks competence to manage their own affairs. The total number of kai tiaki trusts nationally is 2,453.[36] The Government is proposing to change the age at which a person ceases to be a minor (age of majority) for the purposes of kai tiaki trusts from 20 years old to 18 years old.

Changing the age of minority could be beneficial to affected persons as it would enable them to access their interests, money and other assets at age 18, which for many is a turning point for independence and higher education. This might enable them to achieve their aspirations sooner and support economic development on whenua Māori. Lowering the age of majority to 18 years would also align TTWM Act with other legislation, such as the Trusts Act 2019, the Electoral Act 1993, the Wills Act 2007 and the Care of Children Act 2004, which treat 18 as the age of an adult. This aligns with the objectives of the proposals in this Discussion Document to support more efficient processes and the achievement of aspirations.

[36] Māori Land Update – Ngā Āhuatanga o te Whenua, June 2024, Hune 2024.

Problem the proposal is seeking to address

Under s 217 of TTWM Act, the age of majority is currently 20 years old – this means that land interests, Māori incorporation shares, or personal property a person is beneficially entitled are held in the trust until they are 20 years of age. This aligns with the Age of Majority Act 1970 which states that unless stated otherwise, the age of majority is 20 years old – the default position in law.

Additional pātai:

- How do you think changing the age of majority to 18 years old would benefit those who are subject to a kai tiaki trust?
- Should this change be applied to all existing kai tiaki trusts or only new kai tiaki trusts, and if so, why?

Proposal 5.6.2: Create a default position where the name of the trust or a tipuna is registered against the Land Information New Zealand (LINZ) title

Proposal and benefits

The Government is proposing to create a default position for land subject to TTWM Act that is held in a trust where the name of the trust or a tipuna is registered against the LINZ title (as opposed to the names of the trustees). This would reduce an administrative burden for LINZ, the Court and trustees as there would be less likelihood of registration changes. It would also support recognition of tipuna on titles and facilitate multiple-owned land being registered on the general land register. Trusts would still maintain the ability to have trustees registered on a title by opting out of this default provision.

An alternative option is to require people registering trusts under TTWMA Act to confirm that they have considered whether they want the name of a tipuna, the name of the trust or the names of the trustees to be registered against any relevant land titles when providing evidence to Registrars. This would enable trusts to be registered how they want, providing there is evidence that this had been agreed to by beneficiaries.

Problem the proposal is seeking to address

Currently, TTWM Act stipulates that trusts can register their land title in the name of their tipuna or trust, or in the name of the trustees. More often than not it is trustees that are registered instead of trusts. This could be due to the preference of the individual trustees, an assumption that trustees must be registered against the LINZ title, or trustees being unaware of the option to register land in the name of trust or tipuna. When a trustee changes or the name is updated, LINZ and Court staff must then process the change if the trustees are registered against the LINZ title, creating an administrative burden for these parties.

Additional pātai:

- Do you think that this proposal is an improved approach to registration of land titles for trusts?

Proposal 5.6.3: Allow the Registrar to release certificates of confirmation issued in respect of mortgages of land with a sole owner (removing the current one-month sealing requirement for these certificates)

Proposal and benefits

The Government is proposing to remove the requirement for the one-month sealing period for certificates of confirmation (**certificate**), for sole owners wishing to execute a mortgage. This would enable the Registrar to confirm and issue the certificate immediately in this circumstance, reducing administrative processes and making the process more efficient for sole owners wishing to execute a mortgage (supporting access and development of whenua). This will also provide for more consistency with sole owners implementing mortgages over non-Māori land.

An alternative option to address this is to provide the Registrar with the authority to decide prior to confirmation, whether a certificate requires the one-month review period prior to confirmation, or if it can be issued without delay.

Problem the proposal is seeking to address

Under s 160 of TTWM Act, some instruments of alienation of whenua Māori have no force or effect until a certificate has been issued by the Registrar and noted by the Registrar in the records of the Court. Once the Registrar is satisfied that the relevant provisions have been met, the Registrar will issue the certificate, which must be sealed and held for one-month from the day it was sealed. This allows a period for any person or the Registrar to apply for the certificate to be reviewed.

The one-month review period, although beneficial where there are multiple owners, can be a hinderance to sole owners wishing to execute a mortgage as it can cause delays that can have financial impacts. These impacts can be unnecessary, as there will be no other owners to request a review of the certificate.

This issue was discussed during the 1997 review of TTWM Act, with submitters noting that the one-month review period was causing conveyancers difficulty in effecting settlements as they could not provide an effective discharge of the mortgage upon settlement.

Additional pātai:

- Do you think removing this safeguard will have any negative consequences for the sole owners or others? If so, what?
- What do you think the Registrar should consider if they are deciding whether a certificate requires the one-month review period?

Proposal 5.6.4: Enable Court Judges to correct simple errors to Court that are over 10 years old

Proposal and benefits

The Government is proposing to enable all Court Judges (instead of only the Chief Judge) to correct simple errors in Court orders older than 10 years old (to give effect to the true intention of any decision or determination, or to record the actual course and nature of proceedings). This proposal would enable simple errors to be corrected by all Court Judges, without intervention from the Chief Judge, creating a simpler and more efficient process for landowners (allowing for more timely whenua development and use) and removing this administrative function from the Chief Judge. This aligns with the objectives of the proposals in this Discussion Document to support efficient processes and resolve a problem within TTWM Act.

Problem the proposal is seeking to address

Under s 77 of TTWM Act, orders made by the Court in respect of whenua Māori cannot be annulled, quashed, declared, or held invalid by any court in proceedings instituted more than 10 years after the date of the order. While most administrative errors are typically identified and corrected soon after an order is made, the current provisions limit the ability to correct simple historical errors, potentially leaving some orders inaccurate and creating barriers for landowners seeking clarity in land records.

Additional pātai:

- Are you satisfied that allowing all Court judges to correct simple errors in Court orders older than 10 years old would ensure a fair and consistent correction process, and what additional measures, if any, would you suggest?

Proposal 5.6.5: Clarification of trustees' ability to seek Court direction

Proposal and benefits

Section 133 of the Trusts Act 2019 states that:

1. A trustee may apply to the court for directions about –
   (a) the trust property; or
   (b) the exercise of any power or performance of any function by the trustee.
2. The application must be served, in accordance with the rules of court, on each person interested in the application or any of them as the Court thinks fit.
3. On an application under this section, the Court may give any direction it thinks fit.

4. This section does not restrict the availability of alternative proceedings within the court's jurisdiction, including a declaration interpreting the terms of the trust.

The Government is proposing to add a section with the same or similar language to TTWM Act. This change would reinforce the existing rights of trustees, making it clearer that they can seek directions when needed, supporting trustees to manage trusts effectively (reducing risks of management and disputes) and ensuring that the Trusts Act 2019 and TTWM Act are aligned.

Problem the proposal is seeking to address

Under s133 of the Trusts Act 2019, a trustee may apply to the High Court for directions about trust property or the exercise of any power or performance of any function by the trustee. Section 237 of TTWM Act extends the powers of the High Court (including those in section 133 of the Trusts Act) to the Court in respect of Māori land trusts.[37] This means that trustees are currently able to ask the Court for directions in relation to a Māori land trust. However, TTWM Act does not include a provision that expressly states this, and some trustees are therefore unaware of this option. Many trustees are landowners rather than legal professionals and may not know that they can seek Court guidance, leading to uncertainty and potential disputes.

Additional pātai:

- Do you think this will support clarification regarding seeking Court direction? Why/why not?

Section 6. Next steps

We invite you to attend a kanohi ki te kanohi or online information session on these proposed changes and provide your feedback.

Once all the feedback from public consultation has been received, Te Puni Kōkiri will undertake an analysis process. Recommendations based on this will be provided to the Minister for Māori Development, for approval by Cabinet. If approved, these recommendations would form the basis of a proposed Amendment Bill.

[37] Putea trusts, whānau trusts, ahu whenua trusts, whenua tōpū trusts, and kai tiaki trusts.

Appendix 1 – List of proposed changes to Te Ture Whenua Maori Act 1993

Court processes
Proposal 5.1.1: Enable a central register of owners/trustees
Proposal 5.1.2: Expanding jurisdiction and clarifying status: changes to include Part 1/67 General land in TTWM Act
Proposal 5.1.3: Improving governance practices for investigations into the affairs of Māori incorporations
Proposal 5.1.4: Enabling the Registrar of the Court to be able to file for a review of trusts
Appointed agents
Proposal 5.2.1: Widen the scope of the types of land that the Court has jurisdiction to appoint agents to
Proposal 5.2.2: Widen the purposes for which the Court may appoint agents
Proposal 5.2.3: Temporary governance on ungoverned whenua Māori in specific circumstances
Housing
Proposal 5.3.1: Provide the Court with a specific jurisdiction to determine ownership of a dwelling on Māori freehold land
Proposal 5.3.2: Widen the powers of the Court regarding amalgamated land
Succession
Proposal 5.4.1: Enable, on application by a beneficiary under a will or under an intestacy (*when an owner dies without a will*), the Court to vest a freehold interest in General land in the beneficiary or the administrator
Leases
Proposal 5.5.1: Enable trustees of Māori Reservations to have more decision-making powers regarding leases on Māori Reservations
Proposal 5.5.2: Extend the period for which a long-term lease can be granted without Court approval from 52 years to 99 years
Minor proposed changes (miscellaneous)
Proposal 5.6.1: Change the age of majority for kai tiaki trusts and for minors who hold interests in land vested in a Māori Incorporation to 18 years old
Proposal 5.6.2: Create a default position where the name of the trust or a tipuna is registered against the Land Information New Zealand (LINZ) title
Proposal 5.6.3: Allow the Registrar to release certificates of confirmation issued in respect of mortgages of land with a sole owner (removing the current one-month sealing requirement for these certificates)
Proposal 5.6.4: Enable Court Judges to correct simple errors to Court orders that are over 10 years old
Proposal 5.6.5: Clarification of trustees' ability to seek Court direction

Appendix 2 – Feedback pātai

Court processes
Proposal 5.1.1: Enable a central register of owners/trustees • Do you think that supplying information for the register should be compulsory, or optional? Would you be willing to supply your information for a register, if no, why not? • Should this register be extended to other types of Māori land such as general land owned by Māori? • Who do you think should be able to access a register of owners and trustees?
Proposal 5.1.2: Expanding jurisdiction and clarifying status: changes to include Part 1/67 General land in TTWM Act • Should Part 1/67 General land still owned by the original owners or their descendants be treated differently in TTWM Act than other land owned by Māori? • Do you agree with the list in section 5.1.2 of the Court powers over Māori freehold land that should be extended to cover Part 1/67 General Land still owned by the original owners or their descendants? Are there Court powers that should not be included or other Court powers that should be extended to Part 1/67 General land?
Proposal 5.1.3: Improving governance practices for investigations into the affairs of Māori incorporations • What are your views on the current requirement for either support of shareholders holding 10% of the shares in a Māori incorporation or a special resolution of shareholders before an investigation into the Māori incorporation can be undertaken? Do they work effectively or not and why? • Has a Māori incorporation you own shares in been investigated by the Court and, if so, what support was there among shareholders for that investigation? • What are your views on the proposed options to lower the threshold to support by shareholders holding 5% of shares or to enable the Court to investigate the affairs of a Māori incorporation itself where there was sufficient cause? • If the Court was enabled to investigate the affairs of a Māori incorporation itself, would you prefer that the Court could investigate without an application made by a shareholder, or that the Court could only investigate if requested by a shareholder, and why?
Proposal 5.1.4: Enabling the Registrar of the Court to be able to file for a review of trusts • Do you agree with providing guidance to the Registrar on when to apply for a trust review? Do you think the suggested parameters outlined in section 5.1.4 are appropriate? What would you add and/or remove from these? • Do you think enabling the Registrar to apply to the Court for a review of a trust and/or requiring trusts to be reviewed every three years (with an opt-out provision) would support the management and operation of trusts?
Appointed agents
Proposal 5.2.1: Widen the scope of the types of land that the Court has jurisdiction to appoint agents to • Do you support the Court being able to appoint agents on the types of land listed in section 5.2.1? Are there any additional types of land that could also benefit from the ability to appoint agents? What are these and why? • Would enabling agents to be appointed on these types of land support the development and use of this land?
Proposal 5.2.2: Widen the purposes for which the Court may appoint agents • Would widening the powers of agents to handle more aspects of whenua management lead to more efficient development and growth opportunities? Why/why not? • Would providing agents with selective powers to manage land assets and lead recovery projects, like cyclone support, lead to improved outcomes? Why/why not?
Proposal 5.2.3: Temporary governance on ungoverned whenua Māori in specific circumstances • Would introducing temporary governance over 'ungoverned' whenua Māori in the recovery period following civil emergencies improve representation and development of those lands? • How could the framework for temporary governance arrangements be designed to ensure that agents had the necessary resources and expertise to support the governance and development of whenua Māori?

Housing
Proposal 5.3.1: Provide the Court with a specific jurisdiction to determine ownership of a dwelling on Māori freehold land • Should the Court be able to specify a timeframe or other arrangements when making ownership orders (as it does when making occupation orders)? Would this be helpful to landowners? If yes, how, if not why not?
Proposal 5.3.2: Widen the powers of the Court regarding amalgamated land • Should there be a new process to de-amalgamate land blocks that were amalgamated as a result of the Land Development Schemes in the 1950s? Why/why not?
Succession
Proposal 5.4.1: Enable, on application by a beneficiary under a will or under an intestacy (*when an owner dies without a will*), the Court to vest a freehold interest in General land in the beneficiary or the administrator • Should a beneficiary under a will or an intestacy (*when an owner dies without a will*) have the ability to apply to the Court to vest a freehold interest in General land in a beneficiary or administrator?
Leases
Proposal 5.5.1: Enable trustees of Māori Reservations to have more decision-making powers regarding leases on Māori Reservations • What are your views on Court oversight of short-term leases over Māori Reservations? Is it necessary, why/why not?
Proposal 5.5.2: Extend the period for which a long-term lease can be granted without Court approval from 52 years to 99 years • Do you support the current provision requiring landowners to notify the Court of leases longer than 21 years? Or should that threshold also be extended? • Do you think that there should be a higher owner agreement threshold if leases could be granted for up to 99 years without Court approval (eg., 75%)? • Do you agree with a pro-rata based approach to the agreement threshold, enabling the percentage of owner agreement required decreasing as the number of owners increase? What do you think an appropriate number/percentage of owners who need to agree on leases should be?
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Proposal 5.6.2: Create a default position where the name of the trust or a tipuna is registered against the Land Information New Zealand (LINZ) title • Do you think that this proposal is an improved approach to registration of land titles for trusts?
Proposal 5.6.3: Allow the Registrar to release certificates of confirmation issued in respect of mortgages of land with a sole owner (removing the current one-month sealing requirement for these certificates) • Do you think removing this safeguard will have any negative consequences for the sole owners or others? If so, what? • What do you think the Registrar should consider if they are deciding whether a certificate requires the one-month review period?
Proposal 5.6.4: Enable Court Judges to correct simple errors to Court orders that are over 10 years old • Are you satisfied that allowing all Court judges to correct simple errors in Court orders older than 10 years old would ensure a fair and consistent correction process, and what additional measures, if any, would you suggest?
Proposal 5.6.5: Clarification of trustees' ability to seek Court direction • Do you think this will support clarification regarding seeking Court direction? Why/why not?

Te Puni Kōkiri
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