



HEI WHAKATAU | BRIEFING

Seeking approval to lodge Cabinet Paper and Discussion Document on changes to Te Ture Whenua Maori Act 1993

Date:	Wednesday 19 March 2025	Priority	Urgent
Classification	In confidence	Tracking Number	72038

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none">Note that we are providing the Proposed amendments to Te Ture Whenua Maori Act 1993 Cabinet Paper and Discussion Document to you for your review and signature.Note that editorial and structural changes have been made to both documents following Ministerial consultation.Note the minor changes to the Discussion Document are to improve its readability following an internal peer review process.Approve your Office to lodge the following papers to the Cabinet Office by 10am Thursday 20 March 2025 for the Cabinet Economic Policy Committee meeting on Wednesday 26 March 2025:<ol style="list-style-type: none">Cabinet Paper – <i>Proposed Amendments to Te Ture Whenua Maori Act 1993: Approval to Consult (Attachment 1)</i>; andDiscussion document – <i>Proposed Amendments to Te Ture Whenua Maori Act 1993 (the Māori Land Act 1993) (Attachment 2)</i>Note that lodgement on Thursday 20 March is necessary to meet the Cabinet approval date of 31 March, which will enable public consultation to begin on 31 March in line with the Government's Q1 Action plan.	Thursday 20 March 2025

Attachments	<ol style="list-style-type: none">Draft Cabinet paper – Proposed Amendments to Te Ture Whenua Maori Act 1993: Approval to ConsultDraft discussion document – Proposed Amendments to Te Ture Whenua Maori Act 1993 (the Māori Land Act 1993)
--------------------	--

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 st contact
Paula Rawiri	Deputy Secretary, Policy		9(2)(a)	
Bern Te Paa	General Manager, Wellbeing, Policy Puni		9(2)(a)	√

☐ Approved

☐ Declined

☐ Noted

☐ Needs change



Minister's office to complete:

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments:



Wednesday 19 March 2025

Hon Tama Potaka
Te Minita Whanaketanga Māori

Seeking approval to lodge Cabinet Paper and Discussion Document on changes to Te Ture Whenua Maori Act 1993

Purpose

3. This briefing seeks your agreement to lodge the Cabinet Paper – *Proposed Amendments to Te Ture Whenua Maori Act 1993: Approval to Consult (the Cabinet Paper)* and the accompanying Discussion Document – *Proposed Amendments to Te Ture Whenua Maori Act 1993 (the Māori Land Act 1993) (the Discussion Document)* by 10am Thursday 20 March to the Cabinet Office. It is intended the papers are considered at the Cabinet Economic Policy Committee meeting on Wednesday 26 March 2025.
4. Lodgement on 20 March is necessary to meet the 31 March Cabinet meeting and enable public consultation to begin, in line with the Government's Q1 Action Plan.
5. This briefing also outlines the recent changes made to the Discussion Document and Cabinet paper regarding formatting and in response to Ministerial consultation.

Background

6. We have identified 17 proposed amendments to Te Ture Whenua Maori Act 1993, which are outlined in the attached Discussion Paper and summarised in the attached Cabinet Paper. You received these papers on Friday 21 February 2025, agreeing to commence Ministerial and departmental consultation, and noting that these papers will be considered at the upcoming Cabinet Economic Policy Committee [TPK-71881 refers].
7. Departmental consultation was concluded on Thursday 6 March. Revised papers provided to your Office on Monday 10 March, included a document summarising agency feedback and how this was addressed.
8. Ministerial consultation commenced on Wednesday 12 March 2025 and ended on Wednesday 19 March 2025. The feedback provided from your Ministerial colleagues has been considered and the documents have been revised, as outlined below.
9. The Cabinet paper and Discussion Document must now be lodged with the Cabinet Office. They are to be considered at the Cabinet Economic Policy Committee meeting on Wednesday 26 March 2025, prior to public consultation which will commence on Monday 31 March. A separate briefing outlining the approach to public consultation will be provided to your Office today, **Wednesday 19 March 2025 [BP 71932]**.

Changes to the Cabinet Paper and Discussion Document

10. Feedback was received from the following Ministers during Ministerial consultation:
 - a. Department of Prime Minister and Cabinet/the Prime Minister's Office;
 - b. The Minister of Finance;
 - c. NZ First; and
 - d. The Minister of Courts

11. The feedback received from your Ministerial colleagues on the Cabinet Paper centred on linking to the 'Going for Growth' agenda, including benefits to the 'individual', adding more detail to the proposals and highlighting that some of the future policy changes may require funding to implement, and these costs may only be known as early as Budget 2026.
12. These comments have been reflected in the Cabinet Paper attached by linking to the Going for Growth Paper, adding summaries of the proposals (and including a full list as an appendix), shortening it to 10 pages, including references to the individual and indicating that costs may be sought through Budget 2026.

Changes to the Discussion Document

13. Changes have been made to the structure and formatting of the Discussion Document, alongside a series of minor changes relating to language, tone and wording to produce a shorter, clearer and more succinct document.
14. The purpose of this was to enhance readability, reduce repetition and ensure it is digestible for readers, aligning with feedback from the internal Quality Assurance Panel and an internal peer review.
15. The key changes made to the discussion document were to:
 - Restructure the tables outlining the proposed options of each proposal to have one table per proposal (i.e., instead of one table per option)
 - With this new formatting, there is now one table per proposal, with one row for each option, the opportunities and risks/mitigations
 - The previous 'impacts' column has been removed, and the impacts are in the prior discussion of the issue and benefits, or in the opportunities or risks/mitigations row
 - This has greatly reduced repetition and the length of the paper
 - Removal of the page breaks between each proposal
 - Removal of the tables outlining the proposed options of each proposal entirely from the minor proposed amendments
 - Te Puni Kōkiri Legal tīma and the Ministry for Regulation have advised that as these proposals are minor, they are not required to be in the Discussion Document (or, if included, can have less detail). We decided to include summarised proposals in the Discussion Document for transparency with the public
15. Two additional proposals from the Māori Land Court were considered for the amendment package. Only one of these is included in the Discussion Document, i.e., *clarification of trustees' ability to seek Court direction*. The second proposal to *change TTWM Act so that TTWM Act expressly allows the Court to exercise its powers to order the payment of money held in trust by a Māori Incorporation* is not included in the Discussion Document as it could create public uncertainty about whether the Court has been acting unlawfully, which could risk legal challenge to Court orders. This is a technical change, so it does not need to be included in the Discussion Document. The public will additionally have an opportunity to provide submissions on this proposal during the Select Committee process.
16. Changes have also been made to the proposal *Widen the powers of the Court regarding amalgamated land*. This was to clarify some of the complexities of this proposal and its intent, and remove references to a new test and segregation to support understanding and respond to internal and external feedback. As well as other minor changes to enhance readability and accuracy.

Next Steps

17. Following your approval for lodgement of the Cabinet Paper and accompanying Discussion Document, your Office will lodge these to the Cabinet Office, to be considered at the Cabinet Economic Policy Committee on Wednesday 26 March 2025.
18. Once Cabinet has approved the release of the Discussion Document and to begin public consultation (expected on Monday 31 March), the Discussion Document will be released on and public consultation will commence on Monday 31 March.
19. A briefing will be provided to your Office today, **Wednesday 19 March 2025 [BP 71932]**, outlining the proposed public consultation process.

Recommended Action

20. It is recommended that you:

1. **Note** that we are providing the Proposed amendments to Te Ture Whenua Maori Act 1993 Cabinet Paper and Discussion Document to you for your review and signature. **YES/NO**
2. **Note** that editorial and structural changes have been made to both documents following Ministerial consultation. **YES/NO**
3. **Note** the minor changes to the Discussion Document are to improve its readability following an internal peer review process. **YES/NO**
4. **Approve** your Office to lodge the following papers to the Cabinet Office by 10am Thursday 20 March 2025 for the Cabinet Economic Policy Committee meeting on Wednesday 26 March 2025: **YES/NO**
 - a. Cabinet Paper – *Proposed Amendments to Te Ture Whenua Maori Act 1993: Approval to Consult (Attachment 1)*; and
 - b. Discussion document – *Proposed Amendments to Te Ture Whenua Maori Act 1993 (the Māori Land Act 1993) (Attachment 2)*



Paula Rawiri
Deputy Secretary, Policy

<p>Hon Tama Potaka Te Minita Whanaketanga Māori</p> <p>Date: ____ / ____ / 2025</p>
