

In Confidence

Office of the Minister for Māori Development

Chair, Cabinet Economic Policy Committee

Proposed Amendments to Te Ture Whenua Maori Act 1993: Approval to Consult

Proposal

- 1 This paper seeks Cabinet agreement to release a discussion document on proposed amendments to Te Ture Whenua Maori Act 1993 (**TTWM Act**) that support the use and development of whenua Māori.

Relation to government priorities

- 2 The proposals in this paper relate to an action in the Coalition Government's Q1 Action Plan for New Zealand, under the priority to rebuild the economy and ease the cost of living:
 - 2.1 Consult with Māori landowners on changes to Te Ture Whenua Maori / Maori Land Act to better enable Māori economic development.
- 3 Proposals also relate to the government agenda *Going for Growth* aimed at boosting Aotearoa New Zealand's economic growth and productivity, and the wider government priority of reducing regulatory red tape.
- 4 Cabinet agreed on 12 August 2024 to the modernising Māori development portfolios and invited me to report back on a Māori economic development strategy and legislative programme [CAB-24-MIN-0094]. This paper responds to that request by outlining proposed changes to TTWM Act to improve the workability of TTWM Act for Māori landowners.

Executive Summary

- 5 Whenua Māori is vitally important to Māori. It 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. It is also an economic driver of the Māori economy. In essence, whenua Māori is integral to the maintenance of Māori social, economic, environmental, and cultural society and values.
- 6 As set out in the *Going for Growth* agenda, the government is focused on strengthening Aotearoa New Zealand's overall economic framework. Māori economic growth, and increasing the productive capacity of whenua Māori, is a crucial component of this agenda.

- 7 The Māori economy is currently in a period of significant growth, contributing 8.4% to Aotearoa New Zealand's GDP in 2023, compared to 6.5% in 2018.¹ With continued investment and a focused approach over the next decade, the contribution of the Māori economy to GDP is expected to increase from 8.4% to over 10%.
- 8 Māori freehold land represents a significant resource that is often underutilised. This is due to the intricacies of multiple ownership and system-level disadvantages, such as increased difficulty accessing capital for investment. These barriers can restrict land use and development.
- 9 Historical inequities have also played a substantive role in the fragmentation and alienation of Māori land. This is evident in the percentage of Māori land that is currently landlocked (20%), and the disproportionate representation of Māori land in the higher land use classes compared to other land.² Considering these inequities, the Crown has an important stewardship role in ensuring TTWM Act works as it should to enable land use and development.
- 10 Legislative frameworks have historically failed to reflect the whenua Māori tenure system, which is shaped by whakapapa, historic Hapū and Iwi centric events, intergenerational ownership, and multiple landowner interests.
- 11 These unique settings are not as simple as with other kinds of land because:
 - 11.1 The processes and mechanisms around making decisions are different, and consider the status of whenua Māori as taonga tuku iho and the nuance associated with collective ownership structures; and
 - 11.2 The Crown has a responsibility of active protection of whenua Māori under the principles of Te Tiriti o Waitangi/the Treaty of Waitangi (**the Treaty**), which other types of land are not afforded.
- 12 It is my intention to make changes to TTWM Act as part of a package of wider legislative and non-legislative changes to improve land use and productivity of whenua Māori. The proposed amendments are all 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.
- 13 This paper seeks approval from Cabinet to release the attached discussion document and begin public consultation. I propose that public consultation commences on 31 March 2025.
- 14 Following public consultation, I intend to return to Cabinet with final policy proposals in July 2025. I am expecting a Te Ture Whenua Maori Amendment Bill (**the Bill**) to be introduced to the House in December 2025 and enacted by June 2026.

¹ *Te Ōhanga Māori 2023, 2025. BERL.*

² Land that has limited productive uses, or is unsuitable for cropping, pastoral, or forestry activities

- 15 I will also be returning to Cabinet in June 2025 to progress a Māori Trustee Amendment Bill, in which I intend to propose amendments to the Māori Trustee Act 1953 in relation to grant funding available from the General Purposes Fund and transferring unclaimed moneys from the Common Fund to the General Purposes Fund.

Background

- 16 Whenua Māori (primarily Māori freehold land as defined in TTWM Act) is vital to Māori development. TTWM Act recognises it as taonga tuku iho, ensuring its retention, use, and development by Māori owners, their whānau and Hapū.
- 17 Over 28,000 Māori freehold land blocks cover approximately 1.4 million hectares, about 6% of Aotearoa New Zealand's total land. Other legislation, such as the Resource Management Act 1991, the Building Act 2004, and the Local Government Act 2002 have general application to whenua Māori.
- 18 Nearly 60% of Māori freehold land blocks lack formal governance, covering 18.8% of the total Māori freehold land mass. This issue varies across regions, with Te Tai Tokerau having 73% ungoverned land blocks (53,625 hectares), Ikaroa-Rāwhiti at 63.5% (66,350 hectares), and Waikato-Wairariki at 53.8% (60,769 hectares).
- 19 The unique whenua Māori tenure system can limit access, use, and development, restricting Māori economic participation and intergenerational wealth transfer. Overcoming these barriers is essential for better enabling Iwi, Hapū, and Māori landowners to make economic decisions about their land.
- 20 A previous review of TTWM Act commenced in 1998 to assess its effectiveness in retaining, occupying, and developing whenua Māori. This led to amendments in Te Ture Whenua Maori Amendment Act 2002 to enhance its usability.
- 21 Additionally, between 2012 and 2016, a further review resulted in Te Ture Whenua Māori Bill 2016, which sought to strengthen Māori land retention and decision-making. Due to contentious proposals, this was not progressed.
- 22 Since then, legislative changes have been introduced through Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Act 2020, the Local Government (Rating of Whenua Māori) Amendment Act 2021, and the Māori Purposes Act 2022 to address specific land administration and development issues.

Legislative change is needed to improve the workability of TTWM Act

- 23 Improving the ability of landowners to make decisions about their land is one way of unlocking the untapped economic potential of whenua Māori. Legislative change is needed to ensure TTWM Act is workable, efficient, and provides Māori landowners, trustees, and Māori land organisations the flexibility and autonomy to develop their land. Improving the workability of TTWM Act can benefit individuals, collectives, and have flow on effects to

communities from reducing red tape, such as job creation through long-term leases.

- 24 However, legislative change can only address so much – for example, facilitating capital access is a key initiative aimed at improving the flow of funding and improved lending on whenua Māori. Operational and legislative change together ensure that Māori landowners do not face any unnecessary barriers that other kinds of land would not encounter.
- 25 A broader package of support is needed to streamline the overall Māori land management system and improve the productive capacity of Māori land. This includes access to capital initiatives, regional infrastructure funding, changes to the Māori Trustee Act, and addressing challenges to the Māori Land Court's online portal Pātaka Whenua.

Seeking feedback from users of TTWM Act

- 26 From mid to late 2024, I directed officials to consider what changes could be made to TTWM Act to support the use and development of whenua Māori by improving the workability of the legislation. A range of suggestions were received and tested with officials who work directly with Māori landowners, and as part of the administrative system that supports TTWM Act – e.g. Te Tumu Paeroa, the Māori Trustee, and the judiciary and registrar function of the Māori Land Court.
- 27 This is only one side of the story. Feedback is needed directly from users of the system to test whether changes to TTWM Act will improve its workability. The evidence for the proposals is often limited and based on suggestions from government users of the system. Public consultation is an opportunity to gather further evidence and understand if the proposals will work for Māori landowners, beneficiaries, organisations, trusts, and trustees.

18(d)

Summary of the proposed amendments

- 29 The attached discussion document details 17 proposed amendments to TTWM Act. For each proposed amendment, options are analysed based on the stakeholders affected, impacts, and potential risks, and grouped into categories for ease of readability.

Māori Land Court Processes

- 30 The Māori Land Court is central to the administration of whenua Māori. These amendments relate to the processes and services delivered by the Māori Land Court and aim to make certain aspects of these clearer, more efficient

³ 18(d)

and accessible for both the Court and landowners. The amendments in this category are:

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

Appointed Agents

- 31 When whenua Māori is owned by ten or more owners, the Māori Land Court has the jurisdiction to appoint one of the owners (or more if at least one is an owner) to be an agent. The appointed agent then becomes the statutory agent of the owners, having the powers provided to them in the order of appointment.
- 32 The amendments in this category relate to agents appointed by the Māori Land 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 to improve the powers of agents and ensure they can be utilised effectively. Improved utilisation of agents will support the management and retention of whenua Māori for landowners, for example in negotiations with the Crown and where there are large numbers of owners. Amendments in this category are:
 - 32.1 Widen the scope of the types of land that the Court has jurisdiction to appoint agents to;
 - 32.2 Widen the purposes for which the Court may appoint agents; and
 - 32.3 Temporary governance on ungoverned whenua Māori in specific circumstances.

Housing

- 33 The amendments in this category aim to support access and development of whenua Māori for housing through clarifying and enabling certain processes for landowners. For example, aligning existing processes within TTWM Act (such as providing a mechanism for de-amalgamation to occur) and introducing new provisions to clarify dwellings on whenua Māori. These are two matters that under current provisions are complex and time-consuming to address. The amendments are:
 - 33.1 Provide the Court with a specific jurisdiction to determine ownership of a dwelling on Māori freehold land; and
 - 33.2 Widen the powers of the Court regarding amalgamated land.

Succession

- 34 Succession provisions in TTWM Act set out processes for beneficiaries and administrators of Māori land to manage land interests when an owner dies. The amendment in this category seeks to provide a more efficient process for beneficiaries and to enable succession where the administrator may not know there are interests to succeed to.
- 34.1 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

- 35 The amendments in this category aim to support more efficient processes for certain leases to be progressed and enable landowners to have more decision-making powers regarding certain types of leases.
- 36 For example, extending the period that a long-term lease can be entered into without Court approval from 52 years to 99 years provides a substantial period for a lease to encourage investment, such as infrastructure. Allowing trustees to have greater decision-making powers and better enabling leases will lead to greater financial opportunities for landowners. The amendments relating to leases are:
- 36.1 Enable trustees of Māori Reservations to have more decision-making powers regarding leases on Māori Reservations; and
- 36.2 Extend the period for which a long-term lease can be granted without Court approval from 52 years to 99 years.

Minor and miscellaneous provisions

- 37 The amendments in this category relate to miscellaneous provisions that are significantly less substantive and more procedural in nature than those in the other categories. These amendments largely focus on aligning specific sections with other New Zealand legislation (for example, aligning the age of majority with the Trusts Act 2019) and clarifying processes (such as the registering of a trust or trustees against the title) to reduce administrative burdens. The full list of all amendments is included in **Appendix 2**.

Other considerations

- 38 The final amendment package consists of 17 proposed amendments to TTWM Act. I considered several amendments to be out of scope, for example due to legislative change not being required to address the issue, the proposal being too large for an amendment Bill (e.g., requiring a reform), or the proposal conflicting with other Government work currently being progressed.
- 39 Some of the proposed amendments require increased support and additional roles from the Māori Land Court. Extra resourcing and funding may be

necessary to enable them to deliver this support, as no funding is available from existing baselines. Officials will continue to work with the Ministry of Justice and the Māori Land Court prior to the confirmation of final policy proposals to ensure the amendments that alter Māori Land Court processes can be delivered. This would also identify if, and the extent to which, additional funding may be necessary, supporting a future Budget bid.

Next steps for the Bill

- 40 The table below outlines the anticipated milestones and the timeframe for progressing legislative change:

Milestones	Timeframe (subject to change pending approvals)
Public consultation	Commence on 31 March 2025
Finalising policy options	From 23 May to June 2025
Technical Advisory Panel review of the summary of submissions	June 2025
Cabinet Paper – final policy proposals	July 2025
Drafting	July to October 2025
Cabinet Paper – introducing the Bill	November 2025
Bill introduced and first reading	December 2025
Select Committee	December 2025 to April 2026
Second reading, third reading, and enactment	Q2 2026

Targeted engagement with Māori landowners ensures that those affected by the proposals are consulted

- 41 The proposed amendments to TTWM Act will directly impact Māori landowners, including individuals, collectives, whānau, Iwi, and Hapū. The proposed amendments aim to empower these groups by enhancing their rights under the Treaty which safeguard rangatiratanga and equality of opportunity.
- 42 A targeted engagement strategy for amendments to TTWM Act has been designed to enable meaningful consultation with Māori landowners across Aotearoa New Zealand, and to engage communities where whenua Māori is prevalent.

Pace is needed to enact legislative change within the current parliamentary term

- 43 Following consultation, it is my intention to report back to Cabinet in July 2025 with final policy proposals. I have directed officials to proceed at pace to ensure the Bill is enacted within the current parliamentary term.

Cost-of-living Implications

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

Financial Implications

- 45 There are no financial implications arising from this paper. However, a number of the proposals in the discussion document may have financial implications if included in a Bill and enacted through legislation, especially those that relate to the services of the Māori Land Court and increased demand with limited existing resources. Funding is likely to be required to implement the proposals, with a potential Budget bid in 2026.
- 46 A fuller consideration of financial implications arising from final policy proposals will be outlined in subsequent Cabinet papers and the associated Regulatory Impact Statement.

Legislative Implications

- 47 There are no legislative implications arising from this paper. Following consultation, I will report back to Cabinet with final policy proposals to amend TTWM Act through a Te Ture Whenua Maori Amendment Bill.
- 48 The proposed Bill holds a Category five priority on the 2025 Legislation Programme (to proceed to Select Committee by the end of 2025). I am expecting it will be of medium size and medium to high complexity. Pending Cabinet agreement, the Bill is anticipated to be enacted in 2026.
- 49 The proposed Bill will not change whether TTWM Act is binding on the Crown.

Regulatory Impact Statement

- 50 The Ministry for Regulation has determined that elements of this proposal are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social or environmental impacts are limited and easy to assess.
- 51 For the remaining parts of this proposal, a quality assurance panel from Te Puni Kōkiri has reviewed the discussion document and determined that it will lead to effective consultation and enable the development of a future regulatory impact analysis. Therefore, a separate Regulatory Impact Statement is not required at this stage. A full Regulatory Impact Statement will be completed at a later stage to inform Cabinet's final decisions on this proposal.

Climate Implications of Policy Assessment

- 52 A Climate Implications of Policy Assessment (**CIPA**) is not required for this paper.

Population Implications

- 53 There are no direct population implications associated with this paper. Should the proposed amendments progress to a Bill, changes will benefit Māori landowners, trustees, Māori land incorporations, and beneficiaries of Māori land.

Human Rights

- 54 There are no inconsistencies in this paper with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Use of external Resources

- 55 A Technical Advisory Panel was established to provide expert independent advice to Te Puni Kōkiri at specific milestones in the development of the Bill.
- 56 The Panel of four members provided specialist and technical feedback on the draft discussion document based on their relevant expertise and familiarity with TTWM Act. Panel members are contracted for a maximum of twenty hours each and will provide feedback following consultation.

Consultation

- 57 The Department of Conservation, the Department of Internal Affairs, Kāinga Ora, Land Information New Zealand, the New Zealand Infrastructure Commission – Te Waihanga, the Ministries for Business, Innovation, and Employment, Environment, Housing and Urban Development, Justice, Foreign Affairs and Trade, Primary Industries, Regulation, Social Development, Transport, Te Tari Whakatau, and Treasury were consulted on this Cabinet paper. The Department of Prime Minister and Cabinet was informed.
- 58 The Māori Land Court and Te Tumu Paeroa – the Māori Trustee, were consulted during the development of the proposed amendments.

Communications

- 59 I will publicly announce the release of the discussion document and the start of public consultation through a press release. Te Puni Kōkiri will publish the discussion document on its website and share the link through its social media platforms and key networks.

Proactive Release

- 60 I intend to proactively release this Cabinet paper within 30 business days, pending final approval from Cabinet.

Recommendations

The Minister for Māori Development recommends that the Committee:

- 1 **note** that consultation with Māori landowners on changes to Te Ture Whenua Maori Act 1993 is included in the Coalition Government's Q1 Action Plan under rebuild the economy and ease the cost of living;
- 2 **note** that in a related paper I outline my priorities for Māori economic growth, including focused actions within the *Going for Growth* agenda;
- 3 **note** that amendments to Te Ture Whenua Maori Act 1993 will support the use and development of whenua Māori, including proposals to:
 - 3.1 Make certain processes more efficient for both the Māori Land Court and landowners;
 - 3.2 Widen who can be appointed as an agent, the types of land an agent can be appointed for, and the powers of an agent;
 - 3.3 Support the development and access of whenua Māori for housing;
 - 3.4 Support better and clearer processes for succession matters;
 - 3.5 Support more efficient processes for certain leases to be progressed; and
 - 3.6 Amend miscellaneous provisions.
- 4 **note** that final policy proposals will be given effect through Te Ture Whenua Maori Amendment Bill, which holds a category five priority on the 2025 Legislation Programme (to progress to Select Committee by the end of 2025);
- 5 **direct** the Minister for Māori Development to report back to Cabinet with final policy proposals to amend Te Ture Whenua Maori Act 1993 following public consultation;
- 6 **authorise** the Minister for Māori Development to make any minor changes as needed to finalise the discussion document; and
- 7 **approve** the release of the attached discussion document for public consultation.

Hon Tama Potaka

Minister for Māori Development

Authorised for lodgement

Appendix 1 – Proposed amendments to Te Ture Whenua Maori Act 1993 (the Māori Land Act 1993) – Discussion Document for public consultation

Appendix 2 – List of proposed amendments to Te Ture Whenua Maori Act 1993

Court processes	Enable a central register of owners/trustees
	Expanding jurisdiction and clarifying status: changes to include Part 1/67 General land in TTWM Act
	Improving governance practices for investigations of Māori Incorporations
	Enabling the Registrar of the Court to be able to file for a review of trusts
Appointed agents	Widen the scope of the types of land that the Court has jurisdiction to appoint agents to
	Widen the purposes for which the Court may appoint agents
	Temporary governance on ungoverned whenua Māori in specific circumstances
Housing	Provide the Court with a specific jurisdiction to determine ownership of a dwelling on Māori freehold land
	Widen the powers of the Court regarding amalgamated land
Succession	Enable, on application by a beneficiary under a will or under an intestacy (<i>when an owner dies without a will</i>), the Court to vest a freehold interest in General land in the beneficiary or the administrator
Leases	Enable trustees of Māori Reservations to have more decision-making powers regarding leases on Māori Reservations
	Extend the period for which a long-term lease can be granted without Court approval from 52 years to 99 years
Minor proposed changes	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
	Create a default position where the name of the trust or a tipuna is registered against the Land Information New Zealand (LINZ) title
	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)
	Enable Court Judges to correct simple errors to Court orders that are over 10 years old
	Clarification of trustees' ability to seek Court direction