

Amendments to Te Ture Whenua Māori Act 1993

Changes effective from 6 February 2021



This booklet summarises changes to Te Ture Whenua Māori Act 1993 effective from 6 February 2021.

Whenua Māori Programme

There are 1.4 million hectares of Māori freehold land in Aotearoa, with much of that whenua held by multiple owners. Māori land is a taonga tuku iho, a treasure handed on through generations. Connection to, use and development of whenua can sustain whānau and strengthen identity and belonging.

Through the Whenua Māori Programme, Te Puni Kōkiri and the Ministry of Justice have been working together to support Māori land owners to achieve their cultural, social and economic aspirations for their whenua and for whānau.

As a result of the investments made, there is more on-the-ground support for landowners and their whānau, and easier access to information and resources about whenua.

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Father and son, Phil (left) and Jayden Hokianga, standing on their ancestral whenua managed by Matuaokore Ahu Whenua Trust on Kaiti Hill, near Gisborne.

Photo by Josie McClutchie

About Te Ture Whenua Māori Act 1993

Te Ture Whenua Māori Act is the primary legislation for Māori land. It aims to balance the protection of Māori land for future generations with the ability to use and develop land to meet the aspirations of whānau.



The Act:

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

Changes in place from 6 February 2021

In August 2020, the Government passed targeted changes to the Act with Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020. The changes are effective from Waitangi Day, 6 February 2021.

The changes are some practical and technical changes to the legislation, so that it works better for landowners and supports the Māori Land Court to operate efficiently.

This booklet provides a summary of the changes. For more detail about each of the proposed changes go to www.maorilandcourt.govt.nz and www.tpk.nz/whenua.

Succession applications

Succession is the transfer of shares in Māori land from a deceased owner to their descendants and beneficiaries.

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| Before 6 February 2021 | Succession applications are decided by Māori Land Court judges. |
| From 6 February 2021 | Simple and uncontested succession applications can be decided by a registrar of the Māori Land Court without a court hearing. |
| Benefits | The time and costs associated with attending a court hearing are removed when decided by a registrar. This will also free up judicial time for more complex matters before the Māori Land Court. |

Succession and descendants

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| Before 6 February 2021 | A deceased landowners' interest(s) in land pass to their surviving spouse or partner even if the spouse or partner does not whakapapa to the land. When this happens, descendants who do whakapapa to the land are often not entitled to succeed to their land interest or shares until the spouse or partner enters a new relationship, dies or surrenders their interest. |
| From 6 February 2021 | On the death of a landowner, descendants can apply immediately to succeed to the land interest. The surviving spouse or partner does not receive the land interest but is entitled to income from the land and to occupy the family home. |
| Benefits | Descendants are involved as owners of the land and exercise their voting rights sooner. |

Dispute resolution

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| Before 6 February 2021 | In many cases the only option for owners to resolve disputes over their land is through the Court. This means issues of a personal and sensitive nature to whānau may be discussed in a public court hearing. |
| From 6 February 2021 | Landowners can choose to resolve their dispute through a free tikanga-based mediation service provided by the Māori Land Court. |
| Benefits | Unnecessary litigation can be avoided, more sustainable solutions found that are agreeable to all involved, and relationships between the parties can be preserved. |

Occupation orders

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

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| Before 6 February 2021 | A beneficiary of a whānau trust is not able to apply for an occupation order to use trust land for housing purposes. |
| From 6 February 2021 | The Māori Land Court can grant an occupation order to a beneficiary of a whānau trust. |
| Benefits | A beneficiary of a whānau trust can more easily use their land for housing. |



Supporting papakāinga housing

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

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| Before 6 February 2021 | Whānau are discouraged from building papakāinga housing on marae and other Māori reservations because an occupation license may only be granted by trustees for up to 14 years, with no right of renewal. |
| From 6 February 2021 | Occupation licenses for papakāinga housing can be granted for more than 14 years, with a right of renewal. |
| Benefits | The intention is to make it easier to secure finance for papakāinga housing developments, so whānau can realise their housing aspirations. |



Māori Land Court role extended

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| Before 6 February 2021 | The Māori Land Court does not hear certain matters relating to Māori land, even though it may be the most appropriate place to hear them. |
| From 6 February 2021 | The Māori Land Court can make rulings about Māori land under the Family Protection Act 1955, Law Reform (Testamentary Promises) Act 1949, Government Roothing Powers Act 1989, Local Government Act 1974 and the Property Law Act 2007. Also, remedies available to the Māori Land Court have been expanded. |
| Benefits | The Māori Land Court is better placed to assess the cultural implications of how interests in Māori land should be dealt with. The expertise of Māori Land Court judges is better utilised. |



Simple and uncontested trust applications

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| Before 6 February 2021 | Trust applications are decided by a Māori Land Court judge. |
| From 6 February 2021 | Simple and uncontested trust applications can be dealt with by a Māori Land Court registrar, without a court hearing. |
| Benefits | The time and costs associated with attending a court hearing are removed when decided by a registrar. This will also free up judicial time for more complex matters before the Māori Land Court. |

Other changes

A number of minor and technical changes have been made to improve the operation of Te Ture Whenua Māori Act from February 2021.

These changes include making it easier for landowners to establish Māori incorporations, and provisions for removing a trustee or a member of a committee of management of an incorporation have been updated. There is a new requirement for Māori incorporations to record the details of the dividends paid to shareholders.

Changes also strengthen the protections for Māori land. For example, when whenua is changed from Māori customary land to Māori freehold land, the interests of the owners will not be individualised.

Provisions regarding landlocked land have also been updated. The Court can take account of a broader range of factors when granting an order for reasonable access to landlocked Māori land, which can help whānau gain access to their whenua. Appeals about landlocked land will also be heard by the Māori Appellate Court rather than the High Court.

To support how the Māori Land Court functions, judges will be able to appoint experts in tikanga Māori and whakapapa as additional members of the Court, and they can hold judicial settlement conferences to assist parties to a dispute to settle a claim or issue.

Contact us



www.maorilandcourt.govt.nz



www.tpk.nz/whenua



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You can also call, email or visit your local Māori Land Court office. Contact details are available on the Māori Land Court website.

You can view legislation at: www.legislation.govt.nz

- Search for Te Ture Whenua Māori Act 1993
- Click on 'versions and amendments' to access Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020.

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