



Te Puni Kōkiri
REALISING MĀORI POTENTIAL

UPDATE

Te Ture Whenua Māori Reform

May 2017



Summary

This guide explains the important parts to the reform of Te Ture Whenua Māori and what these changes mean for Māori land owners.

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Whakataukī

Ko au te whenua, ko te whenua ko au.

I am the land and the land is me.





Message from the Minister

Kei aku rangatira, tēnā tātou katoa.

Tēnā hoki tātou i te āhua ki ō tātou mate e hingahinga mai ana i ō tātou marae maha huri i te motu. Ko rātou i kaiwaka ai te rangi, i iwikore ai te tangata kei te pae o mahara rātou katoa. Ko tātou ngā mahuetanga iho hei pikau i ngā mahi i mahia e rātou. Waihoki, ko te tohe nui a te Māori i roto i ngā ngahurutanga tau, ko te tohe mō tō tātou whenua. Kōkiritia tonutia tērā whawhai nui.

Firstly I want to personally acknowledge everyone who has contributed and helped to shape the direction of the reform, not just recently, but over many years.

Many people have been involved in whenua Māori issues for a long time and this work has been passed through the generations. Many people have also attended workshops, hui and wānanga, and taken the time to make submissions on this important kaupapa. Ko tēnei au ka mihi.

I also acknowledge that some may be asking, ‘where are we up to with the reform?’ or ‘what has happened since I attended the hui or wānanga?’

We have been working hard to remove long standing barriers that land owners have raised with me. A lot of work has also gone in to strengthening protections to retain our whenua.

While that work continues we are providing assistance to Māori land owners looking at opportunities and possibilities for their whenua through the Whenua Māori Fund.

This booklet updates you on where we are up to, what has been achieved, what is coming up next and also where to go for further information.

Kia toaitia ngā kupu o te Pire:

“Ko tā tēnei Ture he whakaū i te noho pūmau o te whai tonu a te Māori i te mana me te tino rangatiratanga i kawea inamata, ā, e kawea tonu nei mō ō rātou whenua, ā rātou rawa me ā rātou taonga, e ai ki te tikanga Māori, e ai anō ki ngā kupu taurangi i tukua ki te Māori i Te Tiriti o Waitangi, e tiakina ai te mana o te hunga whai pānga ki te whenua Māori, kia noho pūmau ō rātou whenua ki a rātou, kia whakahaeretia, kia nohoia, kia whakatupuria ō rātou whenua hei taonga tuku iho, e whai painga ai ngā reanga o nāiane, me ērā e piki ake ana, tae atu ki ō rātou whānau me ō rātou hapū.”

Hon Te Ururoa Flavell
Te Minita Whanaketanga Māori





Shaping Te Ture Whenua Māori

Replacing the most significant piece of legislation regarding Māori land in Aotearoa New Zealand is not something to be taken lightly.

Te Ture Whenua Māori Act 1993 set out a new approach to Māori land under the law. For the first time the focus was on ensuring Māori held on to their land and could use it. The Māori Land Court's role was to support retention and utilisation of Māori land.

Over the past 24 years many Māori land owners felt that while the 1993 Act has been effective in retaining our whenua, the provisions for utilisation were not so effective.

Some Māori land owners felt they did not have the freedom or support to develop their land in a way that they would like, while ensuring the land is retained for future generations. This feedback has informed the current Ture Whenua Māori reform. Further changes to be captured in Te Ture Whenua Māori Bill were announced in March 2017 to better support whenua Māori and whānau (see details of those further changes on page 7).

Acknowledgements

There are many individuals and organisations who have helped to shape the current Te Ture Whenua Māori Bill. With the Bill progressing through the House it is important to acknowledge those who have been involved in the development of this important bill.

Whaimutu Dewes, Tony Walzl and Doug Martin, for Te Puni Kōkiri, wrote a report in 2011 which summarised the findings of six hui with Māori land owners. It outlined the aspirations owners had for their land and identified barriers they saw to realising their aspirations. The report advanced the issues raised at Hui Taumata 2005.

Matanuku Mahuika, Dion Tuuta, Toko Kapea, and Dame Patsy Reddy were appointed to an independent review panel for Te Ture Whenua Māori Act in 2012. The panel held 20 hui and received over 180 submissions which resulted in a recommendation that the 1993 Act should not just be amended but that it should be replaced.

In 2014, Te Puni Kōkiri (with the Iwi Leaders Group and the Federation of Māori Authorities) held consultation hui across the country.

In October 2014, Hon. Te Ururoa Flavell, became the Minister for Māori Development and took over the review of Te Ture Whenua Māori Act. He established Te Ture Whenua Māori Ministerial Advisory Group which included experts in land management and legal matters. The members of the group were Kingi Smiler, Traci Houpapa, Spencer Webster, Linda Te Aho, Sacha McMeeking, Dr Tanira Kingi and Matanuku Mahuika.



In addition to Māori land owners, rūpū such as the New Zealand Māori Council and the Māori Women's Welfare League, who have been staunch advocates for principled and effective Māori land laws over many decades, have given their views.

Te Ture Whenua Māori Bill has been influenced by many people, over many years. Māori land owners have been clear that they are ready to take the next step forward from the foundations that were laid by the 1993 Act. The reform has been strengthened by those that have challenged it.

As we look towards the future we recognise the contributions of all those that have been involved and acknowledge their commitment for the future of the whenua.

The journey

Where did this start? The call for reform has been apparent for a number of years - it was identified and signaled in reports by groups such as the Māori Land Investment Group, the Māori Multiple Owned Land Development Committee, the Hui Taumata Review Group, a Federation of Māori Authorities member's survey and a National Wānanga of Kaumātua.



Current reform

Five years ago, the current reform process began with the appointment of an independent review panel. This Panel then published a discussion document and held nearly 20 hui to discuss the options ahead.

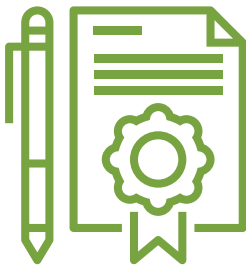
In 2015, a Te Ture Whenua Māori Ministerial Advisory Group was established. An exposure draft of the Bill was released and as a direct result of consultation during 2015, 109 amendments in total were made to the Bill and 28 provisions were deleted.

After its introduction to the House in April 2016, 152 written and 47 oral submissions on the Bill were received through the Select Committee process. The submissions came from trusts, individuals, incorporations, local councils, judiciary, other Māori organisations, and professional associations.



The Māori Affairs Committee was rigorous in its assessment of all submissions, including one from the Māori Land Court Judges. Changes were made to the Bill and it received its Second Reading in December 2016. All Select Committee recommendations were adopted at the Second Reading of the Bill.

The Bill (which anticipates the establishment of a Māori Land Service) continues to be developed and debated through the House. It's talked about in social media, in meeting rooms, on marae and in homes across the country.



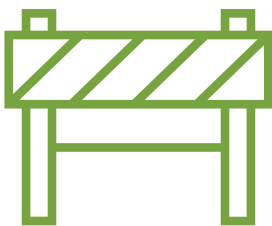
Update on the Bill

Three drafts of Te Ture Whenua Māori Bill have been publically released. This is the first time that Te Puni Kōkiri has released a draft Bill for consultation.

The Bill was introduced in the House in April last year. It underwent a thorough examination by the Māori Affairs Committee, which spent many days and hours hearing submissions, questioning officials and deliberating.

The Bill passed its Second Reading in the House in December 2016. It returned to the House earlier this month (May 2017) for the Committee of the Whole House stage.

You can follow the next steps of the Bill online at tpk.govt.nz/whenua-facts or on the Facebook page: www.facebook.com/TeTureWhenuaMaori/



Removing long-standing barriers

Many land owners have raised long-standing barriers to the use and retention of their land including rating, rating valuations, the application of the Public Works Act, landlocked land and paper roads.

For some time now, there have been provisions in the Bill that address some of the long-standing barriers, including these measures:



1. A fairer system for valuing Māori land for rating purposes.
2. Councils can develop policies for non-rating (and write off of rates arrears) of unused and unoccupied land.
3. The two hectare limit for non-rateability for marae and urupā will be removed.
4. Ngā whenua rāhui covenanted land will be non-rateable.
5. The jurisdiction of the Māori Land Court will be extended to deal with matters involving Māori land.
6. The Māori Land Court Judge will chair a Land Valuation Tribunal when dealing with matters relating to Māori land.

Further measures to clarify Māori land law, put in place additional protections to safeguard the ownership of Māori land and deal with other inequities were announced in March 2017. These additional changes include:

1. Changes to the Public Works Act - so there is fairer compensation when Māori land is taken; an enhanced offer back process for surplus land to be returned to Māori ownership; and a stronger set of criteria before Māori land can be taken.
2. Non-rating of two papakāinga houses on marae; and council discretion to non-rate further papakāinga housing associated with marae.
3. Improved uniform rates - two or more land blocks will be treated as a single block for rating. Currently Māori land cannot take advantage of single unit rating to the same extent as other land.
4. Improved access to the Rates Rebate Scheme for owners of multiple houses located on Māori land. The changes will allow separately owned housing on multiply owned Māori land to be eligible for rates rebates.

Further work continues on how to provide practical support to Māori land owners to resolve problems of access to landlocked Māori land, on developing options to resolve paper roads issues, on public works matters that affect both general land and Māori land; and on solutions for the Crown to no longer hold shares it has acquired in approximately 54 parcels of Māori freehold land.





Māori Land Service

To date more than 1,000 Māori land owners, including large incorporations and trusts, have taken part in consultation on the Māori Land Service.

It is proposed that the Service will deliver four core services:

1. Māori Land Information and Registry Services – maintaining and updating a register of Māori land owner decisions, ownership and governance information.
2. Owner Decision Making Services – service to support owners in relation to their interests and effective governance and management arrangements for their land.
3. Dispute Resolution Services – service to resolve disputes relating to land based on tikanga Māori.
4. Land owners signaled the need for the fourth service, Advisory and Development Services (advice relating to the productive use of land) to support land owners to effectively utilise their land if they so choose.

Work on the detail of the design and delivery of the Māori Land Service is ongoing, particularly for the fourth service.

Once the Bill is passed, it will take 18 months before the new Māori Land Service is established.

You will find updates about the Māori Land Service online at tpk.govt.nz/whenua-facts



Whenua Māori Fund

The Whenua Māori Fund is a \$12.8 million four-year fund.

The Fund is in its second year with more than \$4.8 million allocated to 45 projects across the motu. Over 50 applications were received in the latest funding round.

Funded projects to date span apiculture, forestry, energy, horticulture, agriculture, tourism, and funding feasibility studies to explore and identify development options.





Following are some examples of Whenua Fund projects around the country:

Te Tai Tokerau

Ngā Ngāhere Mōmona – Taitokerau Māori Forestry

Te Tai Tokerau Māori Forestry Collective with support from the Whenua Māori Fund of \$266,000 is trialing a prototype and attracting new investors.

Te Tai Tokerau Māori Forestry Collective has a current membership of 10 Māori Trusts/Incorporations that collectively own over 32,000ha of land. This initiative will plant up to 813ha in exotic pine across five trusts and will enable the collective to capture key learnings and information for its' other members to begin bringing their lands into production.

The collective seeks to increase the productive use of Māori owned assets, increase employment and skills in the region by trialing this initiative to attract new investors.

Rewarewa D - last bastion in urban Whāngārei

Rewarewa D Incorporation owns the last bastion of Māori freehold whenua – 70 hectares - within the Whangārei urban district.

Through the Fund, the incorporation is being supported to investigate the feasibility and scoping options to build a marae and papakāinga.

Waikato-Waiariki

Collective growth – Oparau Station Trust

With the support of \$99,925 from the Whenua Māori Fund, the Oparau Station Trust will work with four farms to identify their individual potential before exploring what a relationship across the five farms could look like (e.g. supplier agreements, land management under one entity/approach). The owners want to move from being price takers to price makers. The project also looks at specific governance mentoring to support the trustees to make robust investment decisions in the future.

Land development options for Te Rau Aroha Trust

Te Rau Aroha Trust with the support of \$195,480 from the Whenua Māori Fund is leading the Ōmaio Kiwifruit Development project.

Owners of 766ha of Māori freehold land in the Ōmaio region, have a long-term aspiration to develop 150 canopy hectares of kiwifruit over seven years, creating 100 new local jobs for whānau. The Trust will also explore how it might convert nine land blocks from maize to kiwifruit production.

Ikaroa Rāwhiti

Seeking alternatives – Chadwick Family Trust

The Chadwick Family Trust was successful in securing \$43,200 from the Whenua Māori Fund for their forestry block.

The Chadwick Family Trust's Waituhi Kuratau forestry block is nearing harvest time and the trustees want to gain a comprehensive understanding of the current state of the forest block and forestry industry while at the same time obtaining detailed information about suitable land use options post-harvest.

The trustees' feasibility study will focus on the forestry block situation near State Highway 41 between Tūrangi and Taupō.





The long-term goal is to explore the options to develop and maximise the potential of the land once the trees are harvested.

Ohuia Incorporation will explore their horticulture options.

The Fund is contributing \$50,000 to support Ohuia with its long-term aspiration to create employment and training opportunities through horticultural developments such as apple orchards and organic maize.

Ohuia will investigate the sustainability of the land for horticulture developments, produce a due diligence report on the capability of the land for horticultural developments and prepare the Trustees for future investment opportunities.

Land to brand - Awatere B Trust

With the support of \$172,950 from the Whenua Māori Fund, the Awatere B Trust plans to increase the mānuka honey productivity of its 1200ha of Māori freehold land.

Awatere B Trust's long-term aspiration is to operate across the value chain of the mānuka honey resource, from land to brand, adding value all along the way from the plant to the consumer.

The Trust will also develop a Land Use Management and Information tool that will identify existing Mānuka stands, hive management and honey flow. The tool (an e-whenua platform) will support the land trusts to make decisions on best utilisation of their existing Mānuka stands.

Te Tai Hauāuru

Te tuituinga whakamua – Tupoki Takarangi Trust

Tupoki Takarangi Trust in Te Tai Hauāuru region with the support of \$75,000 from the Whenua Māori Fund is investigating options for its three blocks.

This project will produce a feasibility investigation report, business cases and a strategic plan to prepare the trustees for future investment decisions.

Production potential for Reureu Kotahitanga

Reureu Kotahitanga Ltd was successful in receiving \$118,500 from the Whenua Māori Fund to identify opportunities for developing an initial 200ha (approx.) with the possibility of increasing scale.

The project is looking to work collaboratively across 20 blocks to develop the 200ha with the possibility of increasing to 1,000ha.

Te Waipounamu

Kiwi spotting - Rakiura Māori Lands Trust

The Rakiura Māori Lands Trust in Te Waipounamu is using \$65,000 to assess generating sustainable revenue streams for landowners through a tourism venture.

The long-term aspirations of the Rakiura Māori Lands Trust for their owners and their local community include the development of a joint tourism venture, retaining and passing on traditional knowledge, supporting natural wildlife and the eradication of pests and predators. The trustees prepare for investment decisions to establish an eco-tourism joint kiwi spotting venture.

For more information about the Whenua Māori Fund contact:

Te Puni Kōkiri

Phone 0800 200 410

Email: whenuamāorifund@tpk.govt.nz



Role of the Māori Land Court

The Māori Land Court will remain the judicial body responsible for ensuring the law relating to whenua Māori is observed.

The Court will still deal with matters involving Māori land ownership when owners cannot make a decision, there is a challenge to a decision or if there is a dispute of some sort.

It will still determine and change the status of Māori customary land and Māori freehold land; grant access to landlocked Māori freehold land and make declaratory orders to correct inaccuracies in the Māori Land Register.

However, the Māori Land Court will no longer deal with applications where land owners have made decisions for themselves e.g. what governance structure they choose and what land utilisation decisions they make. The Māori Land Service will facilitate and register such decisions.

The status of the Māori Land Court as a court of law will be enhanced by having an Act of its own and having its jurisdiction extended to legal matters under other Acts when Māori land is involved.

The Judges of the Māori Land Court will continue to be appointed on the advice of the Minister for Māori Development, after consultation with the Attorney-General.

The Māori Land Court will remain accessible. The special aid fund will continue to be available to assist parties with matters dealt with by the court.



FACT. 1

Extensive consultation with Māori land owners has shaped the reform.

- Māori have been engaging with Te Ture Whenua Māori reform since 1998. Many Māori land owners, trustees and whānau have supported the reform over that period.
- The messages are clear. We must address: taonga tuku iho: ensuring Māori land is retained for future generations; mana motuhake: more autonomy to make decisions; and whakawhanake: better support to develop land.
- The reform address these three goals.
- Māori land owners are asking for more support and fewer barriers. The Bill will change the law to address this concern. Already, the Whenua Māori Fund is one way we are now providing support to landowners.

FACT. 2

Māori land will be harder to alienate.

- One of the main principles underpinning the reform is the principle of taonga tuku iho - ensuring land is retained for the benefit of future generations.
- The Bill makes it harder to sell whenua Māori. At present, Māori freehold land can be transferred into general title with 75% support from all shareholders. Under the Bill, this remains the minimum requirement, but owners can choose to increase the threshold up to 100%. This would make sale virtually impossible.

- The Bill prevents the sale of Māori customary land, whenua tāpui or land converted to collective ownership.
- Further, the Māori Land Court will be able to prevent people circumventing these protections by partitioning or changing the status of their land.

FACT. 3

The Bill will ensure whakapapa whānau retain the power to make decisions over the land.

- Whakapapa whānau can agree to make provisions for whāngai as they are now able to determine their own tikanga. But this still requires land owners and trustees to make and agree to this. This is a decision that ultimately lies with whakapapa owners.
- The general principle is that only people with a tikanga-based association will be eligible to receive or inherit interests in Māori land.

FACT. 4

Māori land will be easier to use.

- The Bill provides easier ways to set up trusts to avoid fragmentation.
- The reform provides a fairer system of rating Māori land which addresses one of the major barriers to owners using their land.
- The reform for a proposed Māori Land Service will be focused on providing services and support for Māori land owners.



- The Whenua Māori Fund, initiated as part of this reform, already helps whānau, trustees and Māori land owners to explore new options for the use of their land.

FACT. 5

All land owners will have the opportunity to take part in decision-making about their land.

- Owners living away from the land can participate in the decision-making remotely. e.g. internet
- Selling, disposing or changing the status of lands needs 75% support of all land owners, not just owners who chose to take part, as well as approval by the Māori Land Court.

FACT. 6

Māori land cannot be taken for unpaid rates.

- The Bill maintains that Māori land cannot be taken for unpaid rates.
- It gives councils the ability to non-rate unused Māori land, and gives councils the ability to write-off rates arrears on unused Māori land.
- This is for all Māori land - customary and freehold.

FACT. 7

The Bill confirms the status of the Māori Land Court as a judicial body.

- The status of the Māori Land Court as a court of law will be enhanced by having an Act of its own and having its jurisdiction extended to legal matters under a number of other Acts when Māori land is involved.

- The previous Act did not contain a dispute resolution mechanism, and resulted in the Māori Land Court spending much of its time on administration instead of judicial issues.
- The Bill provides clarity in terms of provisions for a Māori land register, dispute resolution processes and registering owners' decision-making. The proposed Māori Land Service will deliver these services.
- The Judges of the Māori Land Court will continue to be appointed on the advice of the Minister for Māori Development, after consultation with the Attorney-General.

FACT. 8

The Bill aims to ensure Māori land owners can still seek legal redress from the Māori Land Court.

- The Māori Land Service is a service provider NOT a decision maker.
- If an error is made in the register it can be considered by the Māori Land Court Chief Judge and if it's incorrect it can be corrected.
- If a dispute arises over anything submitted to the MLS, the MLS will not make decisions. These will be referred to the dispute resolution service or to the Māori Land Court.

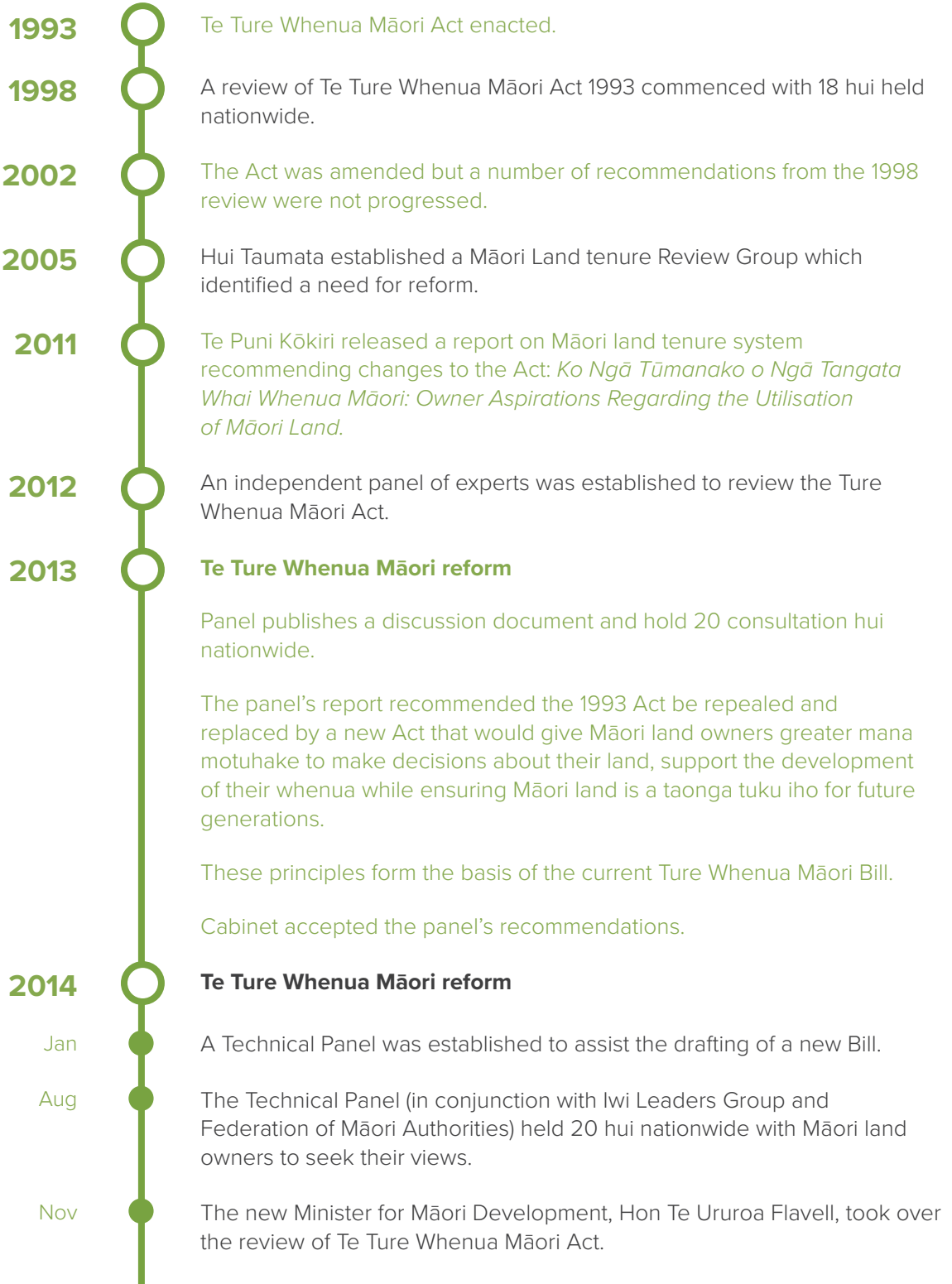
FACT. 9

Māori land records will not be handed to Land Information New Zealand (LINZ).

- LINZ is providing the IT infrastructure that delivers the Māori Land Register.
- This information will not reside with LINZ, it will be held by the proposed Māori Land Service.



Timeline for Te Ture Whenua Māori reform



2015**Te Ture Whenua Māori reform**

Feb

A Te Ture Whenua Māori Ministerial Advisory Group was established to provide independent advice on the Bill.

The members played a critical role in the development of the Bill.

The Whenua Advisory Group attended more than 60 hui collectively and chaired seven hui with Māori leadership groups representatives and hui with Māori Land Court judges.

May

Te Puni Kōkiri releases for the first time in its history an exposure draft to the general public.

June

23 consultation hui were held across the motu and the public were invited to make written submissions.

Aug

392 written submissions received on the exposure draft.

Nov

109 Bill provisions amended and 28 removed as a result of feedback

Dec

Hui continued with Māori leadership groups, trusts and incorporations to discuss changes to the bill and the reform.

2016**Te Ture Whenua Māori reform**

Jan

The next draft of Te Ture Whenua Māori Bill (Draft 12) was released publicly following approved changes.

Feb

Cabinet agreed to include additional matters in the Ture Whenua Māori Bill relating to the valuation and rating of Māori land.

22 hui are held around the motu to explain key changes to the Bill.

The first Whenua Māori Fund is released for whānau, trustees and Māori land owners to explore opportunities for their whenua. The trust fund is \$12.8 million over four years.

March

14 additional wānanga are held with Māori land owners and trustees, and whānau around the motu on Ture Whenua Māori reform.

Cabinet confirms its commitment to considering other barriers to the use of whenua Māori, including rating, valuation, paper roads, landlocked land and the impact of Public Works Act on Māori land.



Timeline continued...

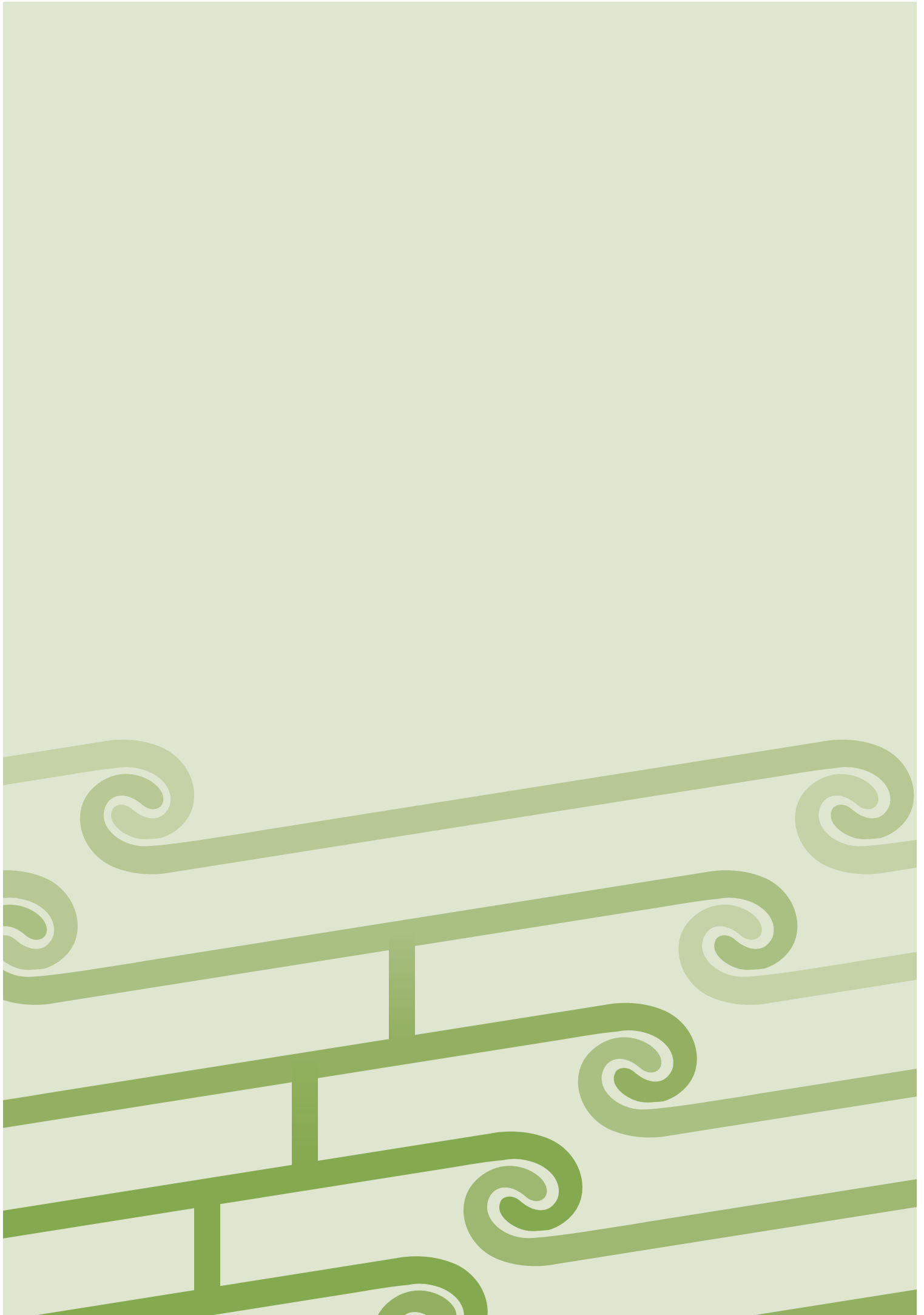
Apr	●	The Bill went to the Māori Affairs Select Committee following its first reading and public submissions will be called for and considered.
May	●	A report was sent back to Cabinet on work relating to the Public Works Act, and rating of Māori freehold land associated with marae.
Sep	●	25 wānanga were held across the motu to get feedback from whānau, Māori land owners and trustees about the services that could be offered through the Māori Land Service and what it would look like.
2017	○	Te Ture Whenua Māori reform
Jan	●	25 wānanga were held across the motu to update whānau, Māori land owners and trustees on the proposed Māori Land Service's structure and services.
Mar	●	Further changes to address inequities in the Bill were announced (see page 7).
May	●	The Bill goes to the Whole Committee of the House stage in Parliament.



For more information

- For more information about Te Ture Whenua Māori go to: tpk.govt.nz/whenua-facts
- Facebook: www.facebook.com/TeTureWhenuaMaori/
- For more information about the Whenua Māori Fund contact Te Puni Kōkiri: Phone: 0800 200 410 or Email: whenuaMaorifund@tpk.govt.nz







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