

Office of the Minister for Māori Development
Cabinet Legislation Committee

Maori Reservations Amendment Regulations 2024: Approval for Submission to the Executive Council

Proposal

- 1 This Cabinet paper seeks authorisation to submit to the Executive Council the Maori Reservations Amendment Regulations 2024.

Policy

- 2 In July 2023, Cabinet agreed to the amendment of the Maori Reservations Regulations 1994 to clarify that Māori reservation trustees and beneficiaries may meet electronically. [MCR-23-MIN-0016 and CAB-23-MIN-0281 refer]. The Maori Reservations Amendment Regulations 2024 will give effect to this decision.
- 3 In July 2023, Cabinet also gave approval to amend the Maori Reservations Regulations 1994 to clarify that Māori reservation trustees may appoint co-chairs [MCR-23-MIN-0016 and CAB-23-MIN-0281 refer]. This amendment is being progressed through the Māori Purposes Bill because a validation provision is necessary to validate any existing co-chairperson appointments and validation provisions should be in primary rather than secondary legislation.
- 4 Te Ture Whenua Maori Act 1993 is the primary Act for governing whenua Māori (Māori land). It facilitates and promotes the retention, use, development, and control of Māori land as taonga tuku iho by Māori owners, their whānau, their hapū, and their descendants, and it protects wāhi tapu. The Maori Reservations Regulations 1994 are secondary legislation under Te Ture Whenua Maori Act 1993 and are focused on the administration of Māori reservations and the responsibilities of reservation trustees.
- 5 During the COVID-19 lockdowns, the trustees and beneficiaries of Māori reservations could not meet in person. We expect there will be other occasions in the future where all or some of Māori reservation trustees or beneficiaries cannot meet in person but wish to participate in a meeting by electronic means. The proposed amendments clarify the situations in which electronic meetings are possible under the Māori Reservations Regulations 1994.
- 6 This is consistent with the amendments being made to Te Ture Whenua Maori Act 1993 through the Māori Purposes Bill that will clarify that meetings for Māori land trusts and Māori incorporations may also be held electronically. Te Ture Whenua Maori Act 1993 was also amended in 2022 to provide for electronic meetings of “assembled owners.”

Timing and 28-day rule

- 7 The 28-day rule requires that secondary legislation made by Order in Council must not come into force until at least 28 days after it has been notified in the New Zealand Gazette.

IN CONFIDENCE

8 I intend for the Māori Reservations Amendment Regulations to come into force 28 days after notification in the Gazette. If the Amendment Regulations are made by Order in Council on 9 December 2024, then they will be notified in the Gazette on Thursday 12 December 2024 and come into force on Thursday 9 January 2025.

9 No waiver of the 28-day rule is sought.

Compliance

10 The Regulations comply with:

10.1 the principles of the Treaty of Waitangi;

10.2 advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions;

10.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;

10.4 the principles and guidelines set out in the Privacy Act 2020;

10.5 relevant international standards and obligations; and

10.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

11 Section 338(15) of Te Ture Whenua Maori Act 1993 empowers the making of the Maori Reservations Regulations 1994. There are no statutory prerequisites that exist for the making of the regulations.

Regulations Review Committee

12 There are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives as a Standing Order requirement.

Certification by Parliamentary Counsel

13 The Regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

14 The Treasury's Regulatory Impact Analysis Team has determined that the amendments to be progressed are exempt from the requirement to provide a regulatory impact statement.

Publicity

15 I do not propose to issue a media statement. This change will be notified in the Gazette and Te Puni Kōkiri will proactively release relevant documentation on its website.

Proactive release

- 16 I propose to proactively release this paper within 30 business days of the Maori Reservations Amendment Regulations coming into force. Redactions may be made as appropriate in line with the Official Information Act 1982.

Consultation

- 18 The Ministry of Justice, Te Arawhiti, and Māori Land Court have been consulted on this paper and the Māori Reservation Amendment Regulations 2024.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 3 July 2023, the Māori Crown Relations: Te Arawhiti Committee gave policy approval for the Māori Purposes Bill and associated regulations [MCR-23-MIN-0016 and CAB-23-MIN-0281 refer];
- 2 **note** that the Maori Reservations Amendment Regulations 2024 will clarify that Māori reservation trustees and beneficiaries may meet electronically;
- 3 **authorise** the submission of the Maori Reservations Amendment Regulations 2024 to the Executive Council; and
- 4 **note** that the Maori Reservations Amendment Regulations 2024 will come into force on 9 January 2025, 28 days after notification in the *Gazette*.

Authorised for lodgement

Hon Tama Potaka

Minister for Māori Development