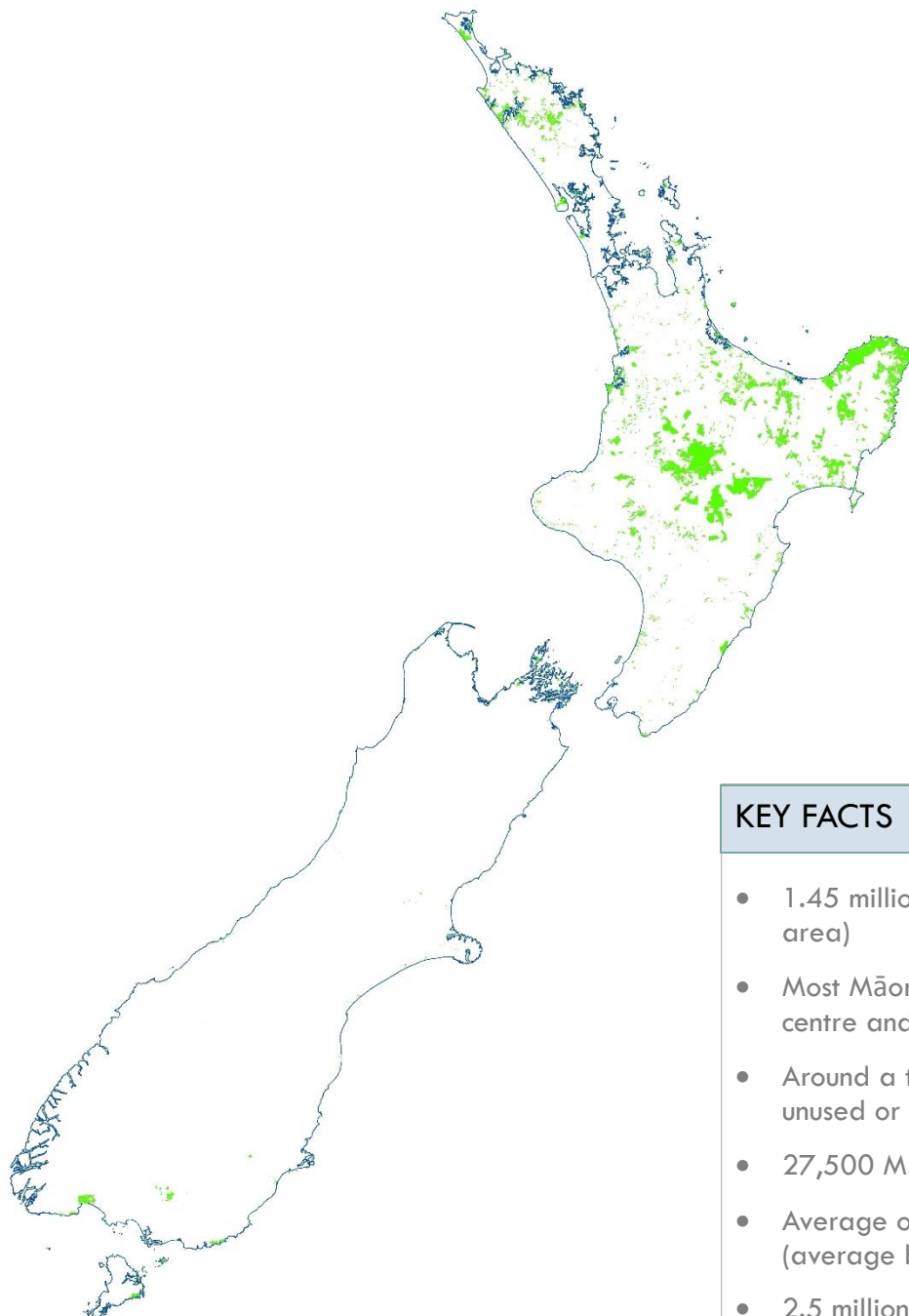


APPENDIX 1: MAP OF MĀORI FREEHOLD LAND



Source: Māori Land Court data 2013

KEY FACTS

- 1.45 million ha (5.5% of NZ land area)
- Most Māori land is in the north, centre and east of the North Island
- Around a third of Māori land is unused or unoccupied
- 27,500 Māori land blocks
- Average of 96 owners per block (average block size is 54 ha)
- 2.5 million owner interest

APPENDIX 2: TIMELINE OF TE TURE WHENUA MĀORI REFORMS

1993	
	Te Ture Whenua Māori Act enacted.
1998	
	A review of Te Ture Whenua Māori Act 1993 commenced with 18 hui held nationwide.
2002	
	The Act was amended but a number of recommendations from the 1998 review were not progressed.
2011	
	Te Puni Kōkiri released a report on Māori land tenure system recommending changes to the Act: <i>Ko Ngā Tūmanako o Ngā Tangata Whai Whenua Māori: Owner Aspirations Regarding the Utilisation of Māori Land.</i>
2012	
	An independent panel of experts was established to review the Ture Whenua Māori Act.
2013	
	<ul style="list-style-type: none"> • The panel published a discussion document, held 20 consultation hui nationwide and submitted their findings to the Government. • The panel's report recommended the 1993 Act be repealed and replaced by a new Act that would give Māori land owners greater autonomy (mana motuhake) to make decisions about their land, support the development of their land while ensuring Māori land is retained for future generations. These principles form the basis of the current Ture Whenua Māori Bill. • Cabinet accepted the panel's recommendations.
2014	
Jan – July 14	A Technical Panel is established to assist the drafting of a new Bill. The Associate Minister of Māori Affairs, Hon Chris Finlayson, discusses the review and the government's legislative intentions with Māori land owners.
Aug 14	The Technical Panel (in conjunction with Iwi Leaders Group and Federation of Māori Authorities) held 20 hui nationwide to with Māori land owners to seek their views.
Nov 14	The new Minister for Māori Development, Hon Te Ururoa Flavell, takes over the review of Te Ture Whenua Māori Act.
2015	

Feb 15	A Ture Whenua Ministerial Advisory Group was established to provide independent advice on the Bill. The members play a critical role in the development of the Bill and the broader Whenua Māori reform. The Advisory Group attend more than 60 hui collectively over the following year including chairing seven hui with representatives from Māori leadership groups and hui with Māori Land Court judges.
May 15	An exposure draft of Te Ture Whenua Māori Bill (Draft 8) is released to the public.
June 15	23 consultation hui held nationwide on the exposure draft and the public are invited to make written submissions.
Aug 15	392 written submissions received on the exposure draft.
Nov 15	Cabinet agrees to significant changes to the exposure draft as a result of feedback from the consultation hui and the submissions received - 109 changes are made.
Sept – Dec 15	Hui continue with Māori leadership groups, trusts and incorporations to discuss changes to the bill and the scope of the reform.
Dec 15	Cabinet agrees that Te Puni Kōkiri will lead the development of a new Māori Land Service. The Service will strengthen the support for Māori land owners, providing administrative, advisory and mediation services.
Nov – Dec 15	The Waitangi Tribunal considers an urgent claim on the review process of Te Ture Whenua Māori and the draft bill (Draft 10).
2016	
Jan 16	The next draft of Te Ture Whenua Māori Bill (Draft 12) is released publicly following changes approved by Cabinet. www.tpk.govt.nz
Feb 16	<ul style="list-style-type: none"> • Cabinet agree to include additional matters in the Ture Whenua Māori Bill relating to the valuation and rating of Māori land. • The Waitangi Tribunal released a draft chapter from its final report on Ture Whenua that conveys its concerns about consultation on the reforms. • 22 hui held around the country to explain the key changes to the Bill from the exposure draft to the current draft as well as other aspects of the reform such as ratings and valuation and the new Whenua Māori Fund. • First Whenua Māori Fund round opens. The fund provides \$12.8 million over four years to assist Māori land owners to explore ways to better utilise their land www.tpk.govt.nz/whenuamaori
March 16	<ul style="list-style-type: none"> • 14 wānanga held with Māori land owners and trusts around the country on Ture Whenua Māori reform. • Cabinet confirms its commitment to considering other barriers to the use of Māori land that have arisen in response to the legislative review. Those issues include rating, valuation, paper roads, land-locked land and the impact of the Public Works Act on Māori land. • Cabinet also confirmed the Government's intention to develop the Māori Land Service

	<p>collaboratively with Māori before the Ture Whenua Māori Bill is enacted.</p> <ul style="list-style-type: none"> • The Waitangi Tribunal released its full report on the Ture Whenua Review: <i>He Kura Whenua Ka Rokohanga</i>. • The Tribunal found the Crown would be in breach of Treaty principles if it did not ensure that there was properly informed, broad-based support from Māori for the new Bill to proceed. It made recommendations on the review process and the new Bill (Draft 10).
Apr 16	<ul style="list-style-type: none"> • After full consideration of the Waitangi Tribunal report and its recommendations, the Māori Development Minister introduces Ture Whenua Māori Bill (Draft 17) into Parliament. • The Bill will go to the Māori Affairs Select Committee following its 1st reading and public submissions will be called for and considered.
June 16	Report back to Cabinet due on work relating to the Public Works Act, and rating of Māori freehold land associated with marae.
Nov 16	Report back to Cabinet due on land-locked land and paper roads.
Dec 16	Engagement on the detailed design of the Māori Land Service to be completed.
2017	
April 17	<ul style="list-style-type: none"> • Enactment of the Ture Whenua Māori Bill by 30 April 2017. • Cabinet decision on the detailed design of the Māori Land Service to coincide with the Bill's enactment.
2018	
Oct 18	<ul style="list-style-type: none"> • Commencement of Ture Whenua Māori Act by 30 October 2018. • Māori Land Service will be fully operational.

APPENDIX 3: RESEARCH ON MĀORI LAND & TE TURE WHENUA MĀORI (1996-2014)

Year	Research	Prepared by
1996	Securing finance on Multiple-Owned Māori land: Options for Government	Māori Land Investment Group
1997	Māori Land Court and Utilisation Options Under Te Ture Whenua Māori Act 1993	Federation of Māori Authorities
1998	Māori Land Development (1998)	Māori Multiple Owned Land Development Committee
1998	Te Puni Kōkiri reports arising from the 1998 review of Te Ture Whenua Māori Act 1993 including feedback reports on consultation hui	Te Puni Kōkiri
1999	Report from the national wānanga of kaumātua convened to consider the principles that should underpin Māori land legislation	Te Puni Kōkiri
2003	Māori economic development: Te Ohanga Whanaketanga Māori	New Zealand Institute of Economic Research
2004	Māori land administration: Client Service Performance of the Māori Land Court Unit and the Māori Trustee	Controller and Auditor-General
2006	Māori land tenure review: Report on Issues	Hui Taumata
2011	Ko Ngā Tumanako o Ngā Tangata Whai Whenua Māori: Owner Aspirations Regarding the Utilisation of Māori Land	Te Puni Kōkiri
2011	Māori Agribusiness in New Zealand: A Study of the Māori Freehold Land Resource	Ministry of Agriculture and Forestry
2013	Growing the Productive Base of Māori Freehold Land	Ministry for Primary Industries
2014	Report of Te Ture Whenua Māori Act 1993 Review Panel	Te Ture Whenua Māori Act 1993 Review Panel

**Note: This list includes major published reports that have contributed to the current Māori land law reform. It is not exhaustive.*

The consistent themes across these reports, hui and other reviews that is reflected in the current Bill are:

- Māori want greater legal autonomy to make decisions about their land (mana motuhake)
- Māori want support to develop their land (whakawhanaketanga)
- Māori want Māori land retained for future generations (taonga tuku iho)

APPENDIX 4: CONSIDERATION OF THE WAITANGI TRIBUNAL RECOMMENDATIONS

RECOMMENDATIONS 1-2 (REFORM PROCESS)

1. ENSURE THAT MĀORI LAND OWNERS ARE PROPERLY INFORMED BY THE NECESSARY EMPIRICAL RESEARCH

Māori and the Crown have been talking about Māori land law reform since at least 1998. Throughout this time there has been a range of research, reviews and published reports undertaken (Refer [Appendix 3](#)). The result of those conversations and research is broad consensus that Māori land owners need greater autonomy to make decisions about their land while ensuring its retention. Māori also want more support to develop their land. The current reforms address these issues.

FURTHER ENGAGE WITH MĀORI LAND OWNERS AND LEADERSHIP GROUPS ON PROPOSED REFORM

Engagement with Māori land owners and leadership groups has been extensive and will be ongoing throughout the reform process.

Since the Waitangi Tribunal hearing last year, an additional 22 public information hui and 14 wānanga were held nationwide with Māori land owners. Engagement with Māori land owners and Māori land law experts has also been ongoing with the Ministerial Advisory Group.

Advisory Group members have attended more than 60 meetings in total over the last year including facilitating hui with Māori leadership groups.

The select committee process will also allow further engagement on the Bill from Māori land owners, leadership groups and the general public.

ENSURE THAT THERE IS BROAD-BASED MĀORI SUPPORT BEFORE INTRODUCING THE BILL

Māori have engaged with Te Ture Whenua Māori reforms since 1998 and there is widespread support for change to the current Act.

From the recent information hui, wānanga and sessions with representative groups and feedback received, it is clear there is broad-based support for the Bill to be introduced into Parliament and the broader reform programme.

2. THE CROWN CONTINUES TO TAKE ADVICE FROM INDEPENDENT MĀORI EXPERTS

The Ministerial Advisory Group, Māori land owners and representative entities have all had a critical role to play in the development of the Bill and the wider reform programme. The Crown intends to continue with this approach particularly on the development of the Māori Land Service.

RECOMMENDATIONS 3-5 (BROADER REFORM PROGRAMME)

3. DEVELOP ADMINISTRATIVE SUPPORT COLLABORATIVELY, WITH BROAD SUPPORT OF MĀORI LAND OWNERS

The proposed Māori Land Service will provide information and practical support to owners and representatives of Māori freehold land. It will also strengthen the management and use of Māori freehold land and assist with the transition to better governance structures under the new legislation.

The Government has committed to completing a detailed design of the Māori Land Service in consultation with Māori land owners and in tandem with the progress of the Bill.

4. CONTINUE WORK URGENTLY ON RATING, VALUATION, LANDLOCKED LAND, PAPER ROADS AND OTHER MATTERS

Since the Tribunal hearing last year, Cabinet has agreed to do further work on landlocked Māori land, paper roads, the operation of the Public Works Act 1981 and the rating of Māori land (Refer to [Appendix 2](#)).

5. ACCESS TO FINANCE FOR MĀORI LAND OWNERS IS A MATTER OF URGENT ATTENTION

The Māori Development Minister secured \$12.8 million in Budget 2015 to assist Māori land owners with the development of their land over four years. For more on information on the Whenua Māori Fund, go to www.tpk.govt.nz/whenuamaori

RECOMMENDATIONS 6-14 (SECTIONS OF THE BILL)

6. AVOID LEGISLATIVE SOLUTIONS THAT ALLOW PARTICIPATING OWNERS TO ALIENATE THE INTERESTS OF OTHERS

Participating owners will not be able to make major decisions that have the effect or potential to permanently alienate Māori land. Decisions that are able to be made by participating land owners focus on land management.

7. AVOID COMPULSORY SOLUTIONS IN ANY DRAFTING OR REDRAFTING OF PROVISIONS

This recommendation appears to be largely directed to the provisions for whānau trusts when an owner dies without a will and certain disputes that must go to dispute resolution before they can be litigated in court.

The Bill addresses the concern about compulsory solutions when an owner dies without a will by allowing whānau to choose not to establish a whānau trust if that is their wish.

This dispute resolution process recognises the parties will often be connected in an ongoing relationship and mitigating relationship damage is important. It is hoped that parties will reach their own solution rather than having to accept an outcome imposed by the court.

8. ENSURE THE MĀORI VERSION OF THE PURPOSE AND PRINCIPLES IS REDRAFTED IN CONSULTATION WITH MĀORI LANGUAGE EXPERTS AND ADEQUATELY AND FULLY EXPRESSES THE EXTREMELY IMPORTANT CONCEPTS

The Māori version has been rewritten since the Tribunal considered the draft Bill. The Māori version was prepared by a Māori language expert and peer-reviewed by another Māori language expert. The concepts are well expressed in te reo Māori. If there is an issue with interpretation, the reo Māori version takes precedence over the English translation.

9. ENSURE THAT THE MĀORI LAND COURT'S DISCRETIONARY POWERS ARE RESTORED REGARDING ANY SECOND CHANCE PROVISION FOR THE PROTECTION OF ALL OWNERS' INTEREST

The reforms support owners who participate to make and implement decisions about management related matters themselves. The court will deal with matters of law, rather than matters of management.

A procedural check by the court of notification and meeting process serves to protect owners' interests. Owners can decide their own participation rules for participating owners' decisions and incorporate them in their governance agreements including with or without the second chance option. The second chance provision does not apply to significant alienation decisions.

10. DO NOT ALLOW GOVERNANCE BODIES TO SELL LAND ON THE BASIS OF 75 PERCENT OF PARTICIPATING OWNERS AGREEING TO LAND MANAGEMENT PLAN

Currently a governance body is able to sell land as part of a land rationalisation scheme, however, land management plans are only required to be approved by the court, not the owners. The new Bill will require a land management plan to be approved by the owners and the court.

In addition, since the release of the Waitangi Tribunal report, the Bill has been updated and now provides that the Court will not be able to remove Māori freehold land status unless it is satisfied that the purpose of the Act can be more effectively achieved by doing so.

11. ENSURE THE BILL REQUIRES GOVERNANCE BODIES TO ABIDE BY EVERY OWNER-AGREEMENT THRESHOLD IN THE BILL

Governance bodies will have to abide by owners' decisions where these are required by the Bill. Through the governance agreement owners will be able to extend the number of matters that the governance body must seek owners' agreement to.

12. PROTECT INTERESTS OF PUTATIVE OWNERS (WHO HAVE NOT YET SUCCEEDED) OR ARE UNDER INCAPACITY

Putative owners and those under incapacity are able to have their interests safeguarded through the appointment of kaiwhakamarumarū (guardian). This regime reflects the general law, as these owners have no legal capacity to enter into contracts or transactions.

13. ENSURE DECISIONS ABOUT DISPUTES GOING TO ALTERNATIVE DISPUTE RESOLUTION ARE LEFT TO THE DISCRETION OF JUDICIAL OFFICERS

The Bill has been changed so that only Judges can decide whether a matter that has not been resolved through dispute resolution should be referred back for further dispute resolution.

14. ENSURE THAT INTESTATE (DEATH WITHOUT A WILL) SUCCESSION PROCESSES ARE PROVIDED FOR IN A PRACTICAL AND INEXPENSIVE MANNER

It was through engagement with land owners that the opt-out mechanism was provided instead of automatically vesting all interests on intestacy in a whānau trust. The Māori Land Service will assist Māori land owners who wish to opt out of the provisions and confirm a family arrangement. The Māori Land Service will also assist Māori land owners to set up whānau trusts.