# Regulatory Impact Statement: Te Ture Whenua Maori Amendment Bill

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| **Decision sought** | *Agree to progress a Te Ture Whenua Maori Amendment Bill* |
| **Agency responsible** | *Te Puni Kōkiri* |
| **Proposing Ministers** | *Hon Tama Potaka, Minister for Māori Development* |
| **Date finalised** | *16 July 2026* |

Minister Potaka seeks Cabinet agreement to amend Te Ture Whenua Maori Act 1993 (**TTWM Act**). The proposed amendments would:

1. Enable the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991;
2. Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures;
3. Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes; and
4. Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land.

Additionally, there are eight proposals that are minor and technical in nature, which are exempt from the RIS.

The aim of the proposals is to improve discrete processes relating to the governance and management of whenua Māori, and provide opportunities for Māori land owners to access services of the Māori Land Court for different kinds of land.

The proposals can be progressed through a Te Ture Whenua Maori Amendment Bill (**the Bill**).

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## Summary: Problem definition and options

**Background:**

Te Ture Whenua Maori Act 1993 (**TTWM Act**) is the primary piece of legislation relating to whenua Māori. It is administered by Te Puni Kōkiri and supported by the functions of the Māori Land Court.

Whenua Māori is protected under TTWM Act as taonga tuku iho, recognising the special significance of whenua Māori to the social and economic development of Iwi, Hapū, whānau, and their economic entities.

TTWM Act has been reviewed several times over the years. Te Ture Whenua Māori (Succession, Dispute Resolution and Related Matters) Amendment Act 2020 introduced a dispute resolution and mediation service. The Local Government (Rating of Whenua Māori) Amendment Act 2021 supported housing development by modernising the rating legislation for whenua Māori.

Further changes are needed to ensure TTWM Act is functioning as it should, to promote the retention, use, and development of whenua Māori, for the benefit of land owners and their whānau.

**Note** that in this paper, 'Māori land owners' is used to refer to the owners of Māori land, rather than 'Māori landowners'. This is to differentiate between a Māori individual/collective who owns any type of land, including General land and Māori land (Māori landowners), from a Māori individual owning land that is of Māori status, generally Māori freehold land (Māori land owners).

**What is the policy problem?**

The Māori land system is multi-layered.[1] Legislative frameworks and government policies have historically failed to provide for whenua Māori and collective ownership structures. This has resulted in policies that treat whenua Māori like General land that is able to be sold and traded easily.

Whenua Māori is not like other kinds of land. It is protected under TTWM Act with strong provisions against alienation. There are often complex and time-consuming requirements to managing land with multiple owners, with Whenua Māori remaining central to the wellbeing and identity of Iwi, Hapū, and whānau Māori.

Whenua Māori is crucial to the development of the Māori economy. Barriers to the use and development of whenua Māori require both legislative and non-legislative change. This paper addresses the need for legislative change.

The proposals in this paper relate to expanding and the implementation of certain provisions of TTWM Act. Note that for each proposal, the policy problems are addressed individually.

Legislative change is needed to address barriers resulting from TTWM Act itself. Intervention from the Government is required to address identified barriers that delay decision making. Barriers include unclear and inefficient processes within TTWM Act, limited land owner autonomy and slow progress to finalise Māori Land Court applications. These barriers are specific to Māori land and governance structures.

[1] The Māori land system' refers to Māori land and its associated owners, beneficiaries, entities and actors (such as the Māori Land Court), as well as rights, interests and legislation that contribute to the ora and use of Māori land.



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Non-regulatory options have been considered and are proposed to be progressed alongside legislative change. This includes a proposed workstream providing targeted investment to uplift the knowledge and capability of Māori land owners and their governance entities.

**What is the policy objective?**

The Bill aims to address barriers to growth and support economic development through promoting flexibility, opportunity, clarity and more efficient processes. As well as providing for more land owner autonomy and removing some of the administrative burdens land owners can experience. Progressing this Bill will unlock economic opportunity for Māori land owners, supporting their aspirations to be realised.

The intended outcome of the Bill is to make it easier for Māori land owners to develop their land through the proposals to:

1. Enable a new option for management of land assets, based on the Māori Purposes (Wi Pere) Trust Act 1991
2. Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures
3. Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes
4. Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land

Additionally, there are eight proposals that are minor and technical in nature, which are exempt from the RIS.

Non-legislative change is also needed to reduce other barriers to development, such as governance capability training for land owners and additional resourcing for the Māori Land Court.

Indicators that could be used to measure the outcomes of the Bill include data on applications and processing times. These indicators could be quantitative (use of administrative records, survey questionnaires) and qualitative (stakeholder feedback) measures.

**What policy options have been considered, including any alternatives to regulation?**

Options have been considered based on previous reviews to TTWM Act, informal feedback from users of the Māori land system (gathered through regional relationships), public consultation feedback, engagement with government agencies, and engagement with the Māori Land Court, including the Judiciary.

The options outlined in this paper comprise proposals that will make up a Bill to amend legislation. However, other options have been considered. These are:

- **Review of TTWM Act** – this would require significant time and resource to implement, as well as further engagement with stakeholders. Progressing a review or reform may address issues raised related to tikanga, the role of supporting institutions, and suggestions from stakeholders calling for wider reform. However, reform is not an appropriate pathway at this time given the resources required and the current context of mistrust from the impacts of broader reform in other areas on Māori.
- **Capability uplift of Māori land owners** – a non-regulatory option suggested in feedback received during public consultation. This could be progressed through targeted investment into financial, governance and technology training, or introducing/supporting community guidance to manage land matters. This would

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support self-governance, better understanding of TTWM Act, its processes, and the role of the Māori Land Court.

The preferred option is to progress a Bill, alongside targeted investment to support capability uplift. This approach addresses the feedback that support is needed to address barriers to development for Māori land owners, as they cannot be solved by legislative change only.

**What external consultation has been undertaken?**

Public consultation occurred over eight weeks with Māori land owners and their entities, as well as Iwi and Hapū and Māori organisations, on 17 proposed changes to TTWM Act. Feedback received during public consultation highlighted inefficiencies within the Māori land system – influenced by both legislative and non-legislative barriers.

Stakeholders shared experiences of waiting years for applications to be progressed through the Māori Land Court, difficulties navigating TTWM Act and a desire for autonomy in decision-making. Feedback indicated little support for the progression of the proposals, with none receiving unanimous support.

Given the strong opposition received and the historical and current context (including land dispossession, perpetual leases, landlocked land, and the impact of the Treaty Principles Bill and Regulatory Standards Bill) leading to high levels of mistrust, progressing any Bill may be contentious. A smaller Bill will still enable useful changes to improve economic development outcomes for Māori land owners, whilst mitigating potential negative responses.

There was a strong desire in feedback for non-legislative changes to support development – such as providing support and funding to Māori land owners and their governance entities to uplift capability.

A two-pronged approach is proposed to progress:

- A Te Ture Whenua Maori Act 1993 Amendment Bill
- Targeted investment to uplift the knowledge and capability of Māori land owners and their entities

This approach removes some of the more contentious proposals and addresses feedback that targeted investment is needed to address barriers to development, as they cannot be solved by legislative change only.

**Is the preferred option in the Cabinet paper the same as preferred option in the RIS?**

Yes.

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## Summary: Minister's preferred option in the Cabinet paper

### Costs

**Description of costs and where they fall**

The key monetised costs of the Bill would fall on the Māori Land Court, for example, staffing costs, due to the potential increase in workload that some of the proposals may result in. s9(2)(f)(iv) [redacted]

Monetised costs of the Bill could also fall on Māori land owners who want to engage with the Māori Land Court following some of the proposals, for example through application costs and potential legal fees.

Indicative costings are set out below.

Enabling the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991:

- *Total annual costs (indicative):*
  - s9(2)(f)(iv) [redacted]
  - Costs decline as trusts adopt the new option, disputes reduce, and advisory and compliance demand falls.
  - Minimal costs over long-term – minimal ongoing oversight, monitoring, and compliance.

These costings are indicative only and should be treated as preliminary estimates. Further work is currently being undertaken as a parallel process to refine these estimates. Officials will seek further decisions from Cabinet as required to confirm preferred funding arrangements and implementation parameters.

Pending Cabinet agreement, Te Puni Kōkiri, the Ministry of Justice and Treasury officials will examine whether cost-recovery fees can be applied to partially offset associated costs. Given the potential for fiscal implications, any further decisions relating to cost-recovery will be determined by Cabinet.

Assumptions:

- Short-term costs include transitional activities such as training, restructuring, and updating guidance.
- Medium-term costs reflect ongoing support and monitoring as trusts align with the Wi Pere structure.
- Long-term costs are limited to maintenance, oversight, and minimal monitoring, with net savings possible from reduced disputes and litigation.
- These costs do not include the monetised benefits of increased trust efficiency, reduced litigation, or economic development of Māori land, which would require separate estimation.

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Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures

- The Ministry of Justice indicated this proposal would have no cost, resource, or timeliness implications.

Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes

- The implementation of this proposal is not expected to require additional baseline funding. However, if emergency or civil emergencies arise that create unanticipated costs pressures, additional funding may be required through future or out-of-cycle processes.

Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land

- This is expected to be cost neutral.

## Benefits

**Description of benefits and where they fall**

Key benefits of the proposals will fall on Māori land owners and their entities.

For example, the benefit to land owners who wish to clarify ownership of a dwelling on whenua Māori would be a clearer process, potentially leading to greater uptake of the service to support access to housing and Kainga Ora home loans on whenua Māori.

Impacts for each proposal are likely to be direct, i.e. a process is enabled, sped up, or made more efficient for the land owner, compared to the status quo. Inefficient processes can drag out business decisions, costing time and money for Māori land owners, trustees, and governance entities.

Estimated benefits for each proposal are outlined in **Appendix 1**.

## Balance of benefits and costs

**Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?**

Due to data limitations, and the lack of quantitative data, it is difficult to estimate the monetary benefits of the Bill. This is because data on the current state is needed to then estimate the value of changes to the status quo.

However, the Bill is intended to be progressed alongside a workstream to direct targeted investment into key areas of the Māori land system, to further support the intended outcomes of the Bill. Targeted investment will be used to provide education to support capability uplift for Māori land owners and governance entities could be funded through the Māori Development Fund (**MDF**), under the Community Resilience allocations. Te Puni Kōkiri will further consider updating the MDF Investment Plan to find targeted investment from June 2026.

The benefits of the Bill may increase over time if governance training is supported, and Māori Land Court resourcing is addressed.

Additionally, support for ungoverned whenua Māori in civil emergencies may increase over time, with climate change impacts and extreme weather events forecasted to increase in frequency and severity. This would lead to further work by the Māori Land Court and Te Tumu Paeroa, if appointed as an agent, to support the remediation and recovery of ungoverned whenua Māori after a civil emergency. Owners of land that is ungoverned would then have

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access to remediation support, e.g. silt removal after a massive flooding event. It is currently difficult for land owners of ungoverned Māori land to access funding due to government restrictions.

## Implementation

**How will the proposals be implemented, who will implement them, and what are the risks?**

The preferred option will be given effect by the drafting and introduction of the Bill.

Some proposals in the Bill will require coordination across agencies, e.g. in the case of a civil emergency.

Baseline operational funding is not anticipated to be sufficient to implement the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991 proposal outlined in the Bill, and costing information has been included in this document for each proposal (where possible). A summary and description of those anticipated costs are noted on page 5.

However, there are additional baseline resourcing constraints on the Māori Land Court. Any additional applications or processes may have a further impact on current wait times.

Proposals in the Bill will not take effect immediately on enactment. The Ministry of Justice has indicated that a lead-in period will be necessary to support operational readiness and implementation, including if any, potential impacts on the High Court proceedings. The Amendment Act will therefore come into force on a date appointed by Order in Council, allowing sufficient time for system changes, process updates and stakeholder preparation before the new provisions take place.

Implementation requirements for the full range of proposals are outlined further in this document.

## Limitations and constraints on analysis

There has been limited quantitative data available to inform the risks and benefits of the policy proposal.

Quantitative data is needed to understand the scope of the problem definition identified in each of the proposals outlined in this document. For example, number of applications for determination of a dwelling, and average time taken to process an application. This would then help to understand the costs of maintaining the status quo relative to the benefits of legislative change.

In lieu of the lack of quantitative data mentioned above, Te Puni Kōkiri has used qualitative data sources to inform options development. This includes insights from public consultation, engagement with institutions, such as the Māori Land Court, who have a role in Māori land administration, historical commentary, and previous reforms of TTWM Act.

Some indicative data has been utilised to inform the current state – for example, the number of applications for certain processes and some indicative Māori land statistics (such as average size of land blocks).

Many respondents noted the delay in processing time for certain applications, such as for succession. Feedback in consultation sessions also indicated the scope the problem, with calls for increased resourcing for the Māori Land Court to address delays and the backlog of applications.

The potential costs and resourcing required to implement the proposals are largely unknown at this stage. Further work is currently being undertaken as a parallel process to refine these estimates. Consultation feedback from Māori land owners highlighted strong concerns about the capacity of the Māori Land Court to deliver the proposals. Further work with other

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Government agencies is being undertaken to determine the potential costing and resourcing required.

Some of the proposals may incur minor costs to Māori land owners, for example through increased applications costs or potential legal fees. These costs would be optional, and dependent on potential uptake of services by Māori land owners.

**I have read the Regulatory Impact Statement, and I am satisfied that, given the available evidence, this RIS represents a reasonable view of the likely costs, benefits and impact of the preferred option.**

**Responsible Manager(s) signature:**

s9(2)(a) [redacted]

**Policy Manager, Te Pou Taiao**

s9(2)(a) [redacted]

## Quality Assurance Statement

| **Reviewing Agency: Te Puni Kōkiri** | **QA rating:** Partially meets |
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**Panel Comment:**

Te Kāhui Mātai Quality Assurance panel at Te Puni Kōkiri has reviewed the regulatory impact statement (RIS) and associated supporting material on 5 November 2025. The Panel has assessed that the RIS partially meets the quality assurance (QA) criteria. The RIS provides a clear, concise and convincing overview of the proposals to support decision making. Whilst acknowledging the data limitations, the analysis could be considered more complete by further qualification and quantification of the benefits to enable decision makers weigh up against the cost of the changes.

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## Section 1: Progressing a Te Ture Whenua Maori Amendment Bill

### What is the context behind the policy problem and how the status quo expected to develop?

1. Improving or enabling the use of whenua Māori can improve social, cultural and economic outcomes for Iwi, Hapū and Māori by, for example, supporting the development for agribusiness, or building papakāinga.

2. However, despite the importance that Māori land holds for both economic and social development, there are barriers to growth and development within Te Ture Whenua Maori Act 1993 (**TTWM Act**).

3. Anecdotal evidence from Māori land owners suggests that many aspects of TTWM Act are inefficient, unclear, and not aligned with other legislation. These barriers can lead to delayed or unnecessary processes, which can impact on the ability of land owners to make decisions and develop their whenua.

4. Many processes relating to TTWM Act can hinder Māori land owners from developing their whenua and realising their aspirations for it. The structures imposed by legislative frameworks and policies have not always aligned with a te ao Māori approach, for example, relating to lending, and issues accessing collateral for land with multiple owners.

5. Feedback from public consultation has also shown that Māori land owners are frustrated with many aspects of engaging with the Māori Land Court. Many have noted long wait times for applications, unclear processes, and a lack of training available for new trustees. These are non-legislative barriers that need to be addressed.

6. Legislative change is necessary to address inefficiencies in TTWM Act and how it is implemented to support the development of whenua Māori. This will improve the ability of land owners to make decisions about their whenua, by speeding up processes, or making processes clearer and easier to access.

### What is the policy problem or opportunity?

7. TTWM Act currently works for some Māori land owners, but not for all. The whenua Māori system is complex. Owners must apply to the Māori Land Court to progress many decisions, for example, for succession, change of trustees, establishment of trusts, certain kinds of leases, and for dispute related matters, such as relating to housing or papakāinga development. This can be time consuming and create delays for land owners.

8. In addition, legislative frameworks and government policies have historically failed to provide for whenua Māori and collective ownership structures. A lack of understanding of the unique circumstances relating to whenua Māori has resulted in Māori land owners being systematically disadvantaged in access to capital and land use development.

9. Legislative change is important where barriers relate to specific provisions or implementation of certain provisions of TTWM Act. However, addressing barriers to the development of whenua Māori requires more than legislative change. Targeted investment is needed to support governance capability training, and to address processing delays and resourcing of the Māori Land Court.

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10. Intervention from the Government is required to address identified barriers that delay decision making. These barriers are, for example, restricted land owner autonomy to make decisions, limited access to support following civil emergencies and complex process which could be made clearer (for example, to determine ownership of dwellings). Only legislative change can address barriers resulting from TTWM Act itself.

**What objectives are sought in relation to the policy problem?**

11. The Bill aims to promote flexibility, opportunity, clarity, and more efficient processes for whenua Māori development by removing certain administrative burdens.

12. Extended application processing times through the Māori Land Court are creating delays, hindering decision-making, and limiting the effectiveness of governance entities – which can have negative impacts on development.

13. Indicators that will be used to measure outcomes of the Bill could include data on applications and processing times – for example, assessing the number of applications to determine ownership of dwellings before and after the Bill.

14. The following proposals are included in the Bill, and discussed further in this document:

    a. **Enable the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991**– legislative change would provide an alternative option for management of land assets based on the Wi Pere Trust. This would support the progression of economic decisions by creating greater commercial alignment, promoting land owner decision-making autonomy and removing specified aspects of Māori Land Court oversight.

    b. **Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures** – there are currently no express provisions in TTWM Act to determine ownership of a dwelling and related structures on Māori land. Where there are applications to the Māori Land Court to determine ownership of dwellings on Māori freehold land, the Māori Land Court must draw on a range of sources of law leading to complex and time-consuming processes that are not always relevant to Māori freehold land with multiple owners and can increase costs for land owners.

    c. **Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes –** 57% of whenua Māori is officially recorded as ungoverned[2], therefore without the necessary framework to support decision making and land management. This potentially risks ungoverned whenua Māori being excluded from Government recovery efforts and funding in emergency situations. This proposal will support land owners to access government funding and support to recover and respond to civil emergencies through an agent appointed for this purpose.

    d. **Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land –** in the case of intestate succession, there are currently no provisions in TTWM Act to allow for

[2] Māori Land Update - Ngā Āhuatanga o te whenua - June 2025, Māori Land Court



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someone who is an adoptee to succeed to their birth parents' interests in Māori freehold land.

15. Only proposals that require a regulatory impact statement are included in this document – minor proposals that were consulted on and included in the discussion document have been exempted from this requirement. As well as minor proposals which were not consulted on.

16. Note that the proposals requiring a regulatory impact statement are discussed in the following sections. For ease of reference, options tables and cost/benefit tables for each proposal are included as **Appendix 1**.

### What criteria will be used to compare options to the status quo?

17. The criteria that will be used to compare options to the status quo are:

    a. **Effectiveness** – the extent to which the option would be more effective in meeting its objective, reduce administrative burdens, and speed up processes compared to the status quo.

    b. **Efficiency** – how complex the option would be to implement.

    c. **Consistency with the principles of TTWM Act** – the extent to which the option would:

        i. be consistent with the recognition that land is a taonga tuku iho of special significance to Māori people and promote the retention of that land in the hands of its owners, their whānau and Hapū;

        ii. protect wāhi tapu; and

        iii. facilitate the occupation, development and utilisation of the land for the benefit of the owners, their whānau and Hapū.

### What scope will options be considered within?

18. The changes to TTWM Act proposed in the Discussion Document consulted on were 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 and land utilisation.

### What consultation has been undertaken?

19. Public consultation occurred with Māori land owners and their economic entities (for example, whenua Māori trusts and some Māori organisations), as well as Iwi and Hapū on 17 proposed changes to TTWM Act.

20. Feedback received during public consultation highlighted inefficiencies within the Māori land system – influenced by both legislative and non-legislative barriers.

21. Stakeholders shared experiences of waiting years for applications to be progressed through the Māori Land Court, difficulties navigating TTWM Act, and a desire for autonomy in decision-making. Feedback indicated little support for the progression of the proposals, with none receiving unanimous support.

22. There was a strong desire in feedback for non-legislative changes to support development – such as providing support and funding to Māori land owners and their governance entities to uplift capability.



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a. Te Puni Kōkiri engaged with the Māori Land Court and Te Tumu Paeroa – the Māori Trustee during the development of the proposals to be publicly consulted on and following public consultation. These entities are broadly supportive of the proposals to make up the Bill; noting some of these changes will impact on the workload of the Māori Land Court, and potentially also of Te Tumu Paeroa. Most of the proposals expected to have significant costs and resourcing implications have been removed from the policy package under consideration.

## Section 2: Enabling the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991

### What is the context behind the policy problem and how is the status quo expected to develop?

23. Māori land, including Māori freehold land, is recognised in the preamble to Te Ture Whenua Maori Act 1993 (**TTWM Act**) as a taonga tuku iho of special significance, and TTWM Act's intent is to promote retention of Māori land while facilitating its use, development and management.

24. There are six types of Māori governance structures in TTWM Act, with three land-based trusts (where a block or multiple blocks of whenua are vested in the trust); Ahu Whenua and Whenua Tōpū trusts, and Māori Reservations. As well as three share-based trusts (which combine individual shareholdings into a collective where the trustees act on behalf of all the shareholders): Whānau, Pūtea, and Kai tiaki trusts.

25. TTWM Act also enables establishment of Māori incorporations, which are similar to companies, established to develop and protect the whenua on behalf of the owners. Māori incorporations have a management committee elected by the shareholders. The management committee is responsible for governance decisions. Māori incorporations also have a constitution that sets out the rules and requirements that governs the internal management of the incorporation, establishing the rights, powers, and duties of the shareholders and the management committee.

26. While there are six types of Māori trusts, the two key governance structures generally utilised by Māori land owners for land development opportunities are the Ahu Whenua Trust and Māori incorporations.

27. Ahu Whenua trusts are designed to administer Māori land or general land owned by Māori collectively for the benefit of owners. These trusts are flexible but can be administratively demanding and difficult for smaller and less experienced whānau groups to establish and manage.

28. An Ahu Whenua trust:

    a. holds the trustees legally responsible for the management of the land; and

    b. uses a Māori Land Court-approved trust order, which sets out the rights and responsibilities of the trustees and beneficial owners.

29. Owners must meet to decide who the initial trustees will be and what their responsibilities will be under a trust order.

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30. The benefits of an Ahu Whenua trust include:

    a. a greater opportunity to use the land;

    b. trustees can be appointed to administer and manage the block;

    c. owners can participate in meetings and decisions about the direction of the trust;

    d. the trust becomes the single point of contact for the block; and

    e. the trust is a legal entity and trustees can set up a bank account to hold any funds for the beneficiaries.

31. Māori incorporations are a structure similar to a company. The purpose of a Māori incorporation is to facilitate and promote the use and administration of Māori freehold land on behalf of the owners. Māori incorporations are designed to manage whole blocks of land and are the most commercial of all Māori land management structures.

32. Whenua Tōpū trusts are established under TTWM Act to facilitate the use and administration of land in the interests of an Iwi or Hapū. Kai tiaki trusts can be established under TTWM Act when a person under disability is beneficially entitled to interests in land or shares in a Māori incorporation. TTWM Act also provides for the creation of whānau and pūtea trusts.

33. An alternative governance structure applies to land near Gisborne held by the Wi Pere Trust Board. This alternative governance structure is provided for under bespoke legislation, the Māori Purposes (Wi Pere Trust) Act 1991.

34. The Wi Pere Trust based near Gisborne, has a long governance history dating back to 1899, with its trustees being responsible to its beneficiaries in accordance with the Maori Purposes Act 1991 and TTWM Act.

35. In 2017, the current Wi Pere Trust Board was established. The Wi Pere Trust Board is made up of five whānau members elected by the shareholders on 5-year terms with staggered rotation, to oversee the governance of the Wi Pere Trust.

36. Under the governance structure that applies to the Wi Pere Trust Board;

    a. the governance body is an incorporated trust board;

    b. current and past members of the trust board have limited personal liability, but retain personal liability in relation to dishonesty, wilful breach of trust, or lack of good faith;

    c. appointments to the trust board are managed internally without requiring Māori Land Court approval;

    d. the trust board has unrestricted powers to borrow and raise money, give securities and guarantees, and enter into limited partnerships;

    e. the trust board is able to set aside any area of trust property land to enable a beneficiary or beneficiaries to use it, whether for the purpose of papakāinga or for other uses;

    f. the trust board has the power to make decisions to dispose of, lease, licence and grant mortgages and easements over land held by the trust board (subject to any Māori Land Court approvals under TTWM Act that are required in relation to the blocks of Māori freehold land held by the trust board) rather than needing specific beneficial owner approval for each such transaction; and



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g. the trust board can acquire and hold former Māori land that was converted to general land without requiring Māori Land Court approval to do so.

37. This governance structure has proved to be both stable and flexible enabling the Trust Board to balance the cultural, social, and commercial aspirations of the owners of the multiple land blocks subject to the trust. For example, in 2022 the Wi Pere Trust won the prestigious Ahuwhenua Trophy for the top sheep and beef farm, and in 2023 won the Ahuwhenua Trophy for the top Māori horticultural enterprise.

38. Currently, for Māori land owners to adopt the Wi Pere Trust Board alternative governance structure they would need to seek bespoke primary legislation. This would be time consuming and resource heavy to implement.

**What is the policy problem or opportunity?**

39. The current governance structures under TTWM Act can be complex, slow to change and administratively burdensome. They are not always suited to large-scale strategic management. Many Māori entities lack the legal flexibility, financing pathways, or scale to attract capital investment.

**What objectives are sought in relation to the policy problem?**

40. The objectives of the policy aim to:

a. strengthen governance standards in Māori land trusts;

b. ensure inter-generational benefit for owners and descendants;

c. embed tikanga Māori and collective values in trust operations;

d. improve accountability and transparency through reporting and engagement mechanisms; and

e. support sustainable and diversified economic development of Māori assets.

**What consultation has been undertaken?**

41. New ideas were actively sought from Iwi, Hapū and Māori during public consultation. The suggestion to introduce the option of a new option for land management of land assets, similar to the Wi Pere Trust, was provided as part of a feedback submission during public consultation. As this proposal was received during the public consultation period, it was not included in the Discussion Document.

42. Some submitters were in support of the adoption of a modern Trust board structure, based on the Māori Purposes (Wi Pere Trust) Act 1991. It was noted that it is a practical, proven and forward-looking solution that could significantly strengthen Ahu Whenua trusts across the motu. It was also viewed as a way to increase prosperity for Māori and enable greater tino rangatiratanga.

43. General insights from public consultation highlighted a strong desire from some submitters for land owners to have more autonomy and decision-making powers regarding their land, with some wanting to depend less on the Māori Land Court and its often time consuming processes.

44. Further consultation on this proposal would need to occur during the Select Committee process to determine wider views.

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45. While the Wi Pere Trust has a proven track record of success, there is little empirical evidence on how this mechanism would perform at scale or in contexts with different whānau dynamics, or land blocks with whānau who may have differing opinions.

46. To gain an understanding of the likely demand, Te Puni Kōkiri analysed the number of new Māori incorporations established following the February 2021 amendments to TTWM Act, which made incorporation easier. This assessment was to provide a reasonable proxy for uptake of similar governance models. Even on a conservative assumption that no applications were made between 6 February 2021 and 30 June 2022, an average of 8.7 new Māori incorporations were established annually over the three years from 1 July 2022 to 30 June 2025, with a peak of 14 in 2024. This suggests demand for governance arrangements based on the Wi Pere Trust model is likely to be modest and steady each year.

47. In addition, Te Puni Kokiri regional insights from kaimahi, including those from Ikaroa-Rāwhiti and Waikato-Waiariki consider there will be support by whānau in having another governance option within the TTWM Act framework.

## What options are being considered?

### Option One – Status quo (the use of Ahu Whenua trusts and Māori Incorporations)

48. Under this option, Māori land owners would continue to rely on the existing governance structures provided under TTWM Act, as well as oversight by the Māori Land Court (which can be time consuming). These mechanisms include Ahu Whenua trusts and Māori incorporations. These mechanisms remain the default options for managing Māori freehold land.

49. The status quo provides certainty and avoids transition costs but does not resolve the policy problem of constrained autonomy and heavy oversight by the Māori Land Court. Over time, maintaining the current approach may lead to inefficiencies and lower returns for beneficiaries.

*Ahu Whenua Trusts*

50. Ahu Whenua Trusts are established through the Māori Land Court under TTWM Act. They remain the core statutory vehicle under TTWM Act and provide strong protection of Māori land as taonga tuku iho.

51. However, they are designed primarily for land that is already Māori freehold land. Their ability to support the reacquisition of alienated land is limited, as while general land can be acquired and held, it does not become Māori freehold land unless further steps are taken to bring it within the trust.

52. As a result, Ahu Whenua Trusts while consistent with the principles of TTWM Act, the capacity for growth, economic development and reacquisition is limited.

*Māori incorporations*

53. Māori incorporations operate in a manner like a company. Māori incorporations are accountable to their shareholders, and their powers are linked to the constitution, TTWM Act and any resolutions agreed to by shareholders. Its purpose is to facilitate and promote the use and administration of Māori freehold land on behalf of the owners. They are designed to manage whole blocks of land.

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54. Notably, Māori incorporations are successful in the short-term. They enable access to capital, and large-scale land development. However, they are structurally constrained by the process of share succession. Over time, this can result in ownership fragmentation, leaving very small or economically insignificant holdings. This dilution means that while the incorporation might generate strong profits, the benefits to individual whānau members are often limited.

55. As a result, while incorporations may perform strongly in their early decades, their long-term economic benefits to whānau are significantly reduced.

### Option Two – A new option for management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991

56. The Māori Purposes (Wi Pere Trust) Act 1991 enshrined the Wi Pere Trust in statute, continuing the trust and establishing a trust board with a legal structure, powers, and obligations.

57. The new option for management of land assets, similar to the Wi Pere Trust, is designed to aggregate assets, reacquire alienated land (both General and Māori land), and provide sustained economic returns for whānau, Iwi and Hapū.

58. Key success factors of the 'Wi Pere Trust' structure include:

    a. land retention and expansion – the Wi Pere Trust has retained a significant land base and over time expanded its portfolio through strategic reacquisition of whenua previously alienated;

    b. diversified economic base – diversification has enabled consistent returns, where other mechanisms have been reliant on single-sector return;

    c. sustainable whānau benefits – the Wi Pere Trust distributes regular dividends to its beneficiaries. It funds scholarships, education grants, and whānau development opportunities; demonstrating positive reinvestment in its beneficiaries;

    d. governance – allows the Wi Pere Trust to engage professional trustees, and at the same time whakapapa-based representation keeps governance accountable to whānau aspirations; and

    e. intergenerational stability – unlike incorporations which can experience share fragmentation, the Wi Pere Trust has remained a consolidated entity over decades.

59. The Wi Pere Trust structure is best positioned to deliver transformational Māori economic development consistent with the principles of TTWM Act. This structure has been tested and is successful and enduring. Its track record demonstrates the viability of scaling this structure as a policy option for broader adoption.

### Option Three – Capacity-building pathway (an incremental step towards legislative change)

60. Instead of immediate legislative adoption of a new mechanism, another option could be to first develop awareness and understanding of the Wi Pere Trust structure as a best-practice governance framework. This option would lay the groundwork through

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education, engagement, and incremental steps towards bespoke statutory arrangements.

61. This alternative option has lower upfront costs and risks than immediate adoption, while ensuring that land owners build their understanding of the complexities and nuances of the structure. However, this approach delays the economic and tangible benefits of the Wi Pere Trust structure being realised sooner.

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

62. The new option for the management of land assets (based on Māori Purposes (Wi Pere Trust) Act 1991) (Option Two) is most likely to best address the problem (under-utilised, fragmented Māori land), meet the policy objectives (economic development, reacquisition, retention, intergenerational equity), and deliver the highest net benefits over the long-term – provided the option is carefully designed and implemented.

63. It offers Māori land trusts greater autonomy, with significnatly less oversight by the Māori Land Court. The higher establishment costs in the short-term are a strategic investment in long-term resilience and prosperity.

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## Section 3 – Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures

### What is the context behind the policy problem and how is the status quo expected to develop?

64. Applications to the Māori Land Court to determine ownership of dwellings on Māori land are common. These applications may be made in order to resolve disputes over ownership, or to provide certainty on succession. At present the Māori Land Court considers such applications under the general jurisdiction provisions in section 18(1)(a) of Te Ture Whenua Maori Act 1993 (**TTWM Act**).

65. Currently there are no express provisions in TTWM Act relating to the determination of ownership of dwellings and related structures on Māori land, in making such a determination the Māori Land Court currently must draw on a range of sources of law:

    a. the jurisdiction of the Māori Land Court under section 18(1)(a) 'to hear and determine any claim, whether at law or in equity, to the ownership or possession of Māori freehold land, or to any right, title, estate, or interest in any such land' (which is interpreted to include dwellings as an interest to Māori freehold land);

    b. the common law principle that ownership of a dwelling, where it is a fixture to the land, generally runs with ownership of the land;

    c. consideration of arguments as to whether a dwelling is a 'fixture' or 'chattel'; and a consequent 'degree of annexation' test to clarify the Māori Land Court's jurisdiction stemming from the common law principle;

    d. a balancing of interests, for example between the equitable interests of an individual or whānau in the dwelling and the interests of the other land owners in the land. This can include a 'reasonable expectation' test of any agreements made between parties, succession matters and the continuation of security interests to enable lenders to enforce their rights;

    e. an ownership test (where no prior orders have been granted concerning the house) which considers the history of the block, the building of the dwelling, rights of succession, agreements entered into (as above) to determine if an equitable ownership right exists; and/or

    f. precedents and relevant findings in case law.

66. The result is that applications to the Māori Land Court regarding home ownership are complex and time-consuming and rely on common law principles that are not always relevant for multiple-owned Māori freehold land. The law is applied inconsistently, leading to appeals and resulting in further costs for land owners. The Māori Appellate Court has expressed conflicting views about the law and therefore TTWM Act does not appear to be fit-for-purpose for housing on Māori land.

### What is the policy problem or opportunity?

67. The Māori Land Court advises that it is receiving an increasing number of applications for ownership of dwellings and confirmation of associated occupation rights. Existing



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legislative provisions do not provide a sufficiently clear basis for determining ownership of homes on Māori land.

*Te Ture Whenua Maori Act 1993 does not provide specific jurisdiction to determine ownership of a house on Māori land*

68. TTWM Act does not include a specific provision, or statutory regime, relating to the determination of ownership of dwellings (or other structures) on Māori land. Instead, the Māori Land Court derives its jurisdiction in this matter from the general provision under section 18(1)(a) to determine a claim to any right or interest in Māori freehold land. The Māori Land Court has determined that the jurisdiction conferred by s18(1)(a) is declaratory in nature (meaning it can only declare existing rights), and the Māori Land Court cannot create legal rights (in this case in relation to ownership of dwellings).

*Relevant principles from common law do not reflect issues with multiple ownership*

69. The absence of bespoke provisions in TTWM Act means that the Māori Land Court applies common law principles to determine ownership of dwellings (and other structures) on Māori land. Those principles have not been developed specifically for Māori land.

70. Common law generally holds that ownership of a house, where it is fixed to the land, runs with the ownership of the land itself. However, in the case of Māori freehold land, there may be tens or hundreds of owners and therefore additional considerations arise.

71. The Māori Land Court must balance the interests of the owners of the land, with the interests of the owner or owners who have built (or a seeking to build) a home there. It must recognise both the equitable interests of a person who has constructed a home on Māori land, and the ownership rights of the land owners (including rights to the fixtures on it).

*Fixtures versus chattels and the annexation test*

72. Some Māori Land Court decisions draw distinctions between homes that are 'fixtures' to the land and those that can be relocated and can therefore be considered 'chattels'. Because section 18(1)(a) refers to an 'interest in the land', the leading cases in this area have questioned the Māori Land Court's jurisdiction to determine the ownership of a dwelling that is a 'chattel'. This is because chattels can be removed from the land and are therefore not an 'interest in the land' covered by section 18(1)(a).

73. As a result, the Māori Land Court must examine the 'degree and purpose of annexation' to determine whether the dwelling is a fixture or a chattel, before it can determine ownership. That test appears artificial if the Māori Land Court's jurisdiction is simply to determine an applicant's interests in their house.

74. Finally, the way in which the degree of annexation test has been applied is confusing. Some cases have held that a house on piles is capable of being removed from the land and is therefore a chattel. Others have held that, although the dwelling is on piles and is capable of being removed from the land, it is not a chattel unless and until it is removed from the land.

*Confusion over right to occupy whenua versus ownership of dwelling*

75. Questions have also been raised in recent Māori Land Court decisions as to whether the recognition of ownership of a dwelling on Māori land carries with it a right to occupy that dwelling (separate from the specific provisions to support occupation via an occupation order or licence to occupy).



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*Resulting in delays and increased costs for land owners*

76. As a result of the factors described above, the Māori Land Court spends considerable time considering applications to ownership based on arguments around the common law distinction between 'fixtures' (where it does have jurisdiction) and 'chattels' (where it does not have jurisdiction). The system creates uncertainty for owners wishing to realise their aspirations to build homes on Māori land. It is likely that the existing legal framework is also a barrier to accessing loans, and government grants for housing repairs and improvements.

**What objectives are sought in relation to the policy problem?**

77. Confirming that the Māori Land Court's power to determine ownership of dwellings and related structures is expected to simplify processes for land owners, owners wishing to develop homes, and the Māori Land Court. As a result, we would expect to see the following benefits:

    a. greater clarity in legislation that encourages Māori home ownership;

    b. more efficient use of Māori Land Court resources when making determinations; and

    c. greater certainty for land owners and whānau of their ownership interests in a house and related structures.

78. As a consequence, the amendment may also:

    a. incentivise owners to build homes on Māori land, because owners will have greater certainty over their interests; and

    b. potentially, assist owners to obtain finance because lenders will have greater certainty over the ownership of the house which can be used as loan collateral. Currently, to secure a government-backed home loan for new builds on Māori freehold land, the Kāinga Ora Loan Scheme requires the borrower to file a section 18(1) application to the Māori Land Court for an order determining ownership of a dwelling, or related structure.

79. The proposal would be consistent with the purposes of TTWM Act to promote the retention of Māori land as a taonga tuku iho in the hands of its owners, their whānau, Hapū and descendants; and facilitate the occupation, development and utilisation of that land for the benefit of the owners, their whānau, Hapū and descendants.

**What consultation has been undertaken?**

80. This proposal was publicly consulted on. The response on this proposal was largely in opposition.

81. Feedback on this proposal highlighted the need for safeguards, with some concern this proposal may lead to disputes and disenfranchisement. Feedback suggested strengthening support for papakāinga through funding and tikanga based planning. Non-legislative solutions were preferred to legislative change, with respondents noting that housing developments must reflect Māori values and not lead to any unintended consequences, such as loss of land or control.

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## What options are being considered?

### Option One – Status quo

82. The status quo is described in the paragraphs above.

### Option Two – Māori Land Court to determine ownership of dwellings and related structures without criteria

83. Amendment to provide the Māori Land Court express jurisdiction to determine ownership of dwellings and related structures separate from the land (irrespective of whether the dwelling is a fixture or a chattel), without explicit criteria.

### Option Three – Māori Land Court to determine ownership of dwellings and related structures with criteria (preferred option)

84. As per Option Two but with a list of matters the Māori Land Court must consider in determining applications for ownership of dwellings and related structures.

85. Amending TTWM Act could provide greater certainty and clarity to land owners and the judiciary by:

    a. Introducing new provisions to confirm the Māori Land Court's jurisdiction to determine ownership of dwellings and related structures on Māori land (regardless of whether the dwelling is a fixture or chattel).

    b. Setting out the matters the Māori Land Court must consider in order to exercise this jurisdiction, for example:

        i. the history of the block and ownership interests in the land;

        ii. the history of the building of the dwelling, including any equitable interests (arising from financial contribution made to the building of the dwelling and subsequent improvements);

        iii. evidence of support from land owners, including any relevant rights of occupation (as per License to Occupy or Occupation Orders);

        iv. any other relevant agreements entered into with the land owners;

        v. provisions regarding succession and timeframes; and

        vi. any other relevant matters.

86. The proposed amendments would not:

    a. create a legal right to ownership of the land;

    b. provide for rights of occupancy to be automatically granted by the Māori Land Court when determining ownership of dwellings or related structures on Māori land, in order to preserve the interests of the land owners;

    c. impact on the authority of the land owners or the Māori Land Court to consent to the building (or relocation) of a dwelling or related structure on Māori land and to the occupation (through a license to occupy; or a Māori Land Court order); or

    d. cover dwellings or other structures used for commercial purposes.

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87. The policy intent is to provide clarity in TTWM Act regarding ownership of dwellings and related structures on Māori land. The proposed amendment would:

   a. apply to places of residence, whether the primary place of residence or not (the owner may live there permanently, or for some of the time);

   b. clarify the Māori Land Court's jurisdiction with respect to dwellings and related structures, irrespective of whether a dwelling is considered to be a 'fixture' or a 'chattel'; and

   c. not apply to ownership of the land itself.

88. The proposal would cover related structures that support a home, such as outbuildings (for example, a garage, shed, nursery, greenhouse, septic tank, stables).

89. Further work is required to consider whether any changes to existing statutory definitions is needed. 'Dwelling' is defined in the Housing Act 1955 as follows:

   a. "dwelling means any building or part of a building that is suitable for residential accommodation of any kind; and includes every garage, shed, and other building used in connection therewith; but does not include the land appurtenant to a dwelling".

90. TTWM Act includes provisions in relation to 'dwellings' and 'houses' on Māori land. Section 296 refers to 'dwelling sites' and 'dwellings' with respect to partitioning Māori freehold land; section 328 refers to a 'house', including houses already built and located on the land in the context of Māori Land Court occupation orders. Section 338 provides for occupation licenses for papakāinga housing. TTWM Act does not define these terms. The Māori Land Court has used the term 'dwelling house' in section 18(1)(a) orders.

91. Further work is required to identify if any consequential amendments to other Acts would be needed.

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

92. Option three is most likely to address the problem and provide the highest benefits to Māori land owners seeking to apply for ownership of a dwelling and related structures. This is because it promotes clarity and certainty of the process for land owners – which may have a flow-on effect of incentivising home ownership on whenua Māori.

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## Section 4: Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes

### What is the context behind the policy problem and how is the status quo expected to develop?

93. There are a number of circumstances which can result in their being no easily identifiable and contactable agents who can make decisions in relation to a block of Māori land or a Māori reservation.

94. Around 57% of Māori land blocks have no formal governance arrangements in place.[3] Some blocks with no formal governance arrangements in place are effectively governed directly by the relatively small number of beneficial owners of the block.

95. For some blocks with no formal governance arrangements, due to the number of beneficial owners or, a number of the beneficial owners not being easily contactable, it is difficult for decisions to be made in relation to the block.

96. Issues can arise even if there is a trust established in relation to a block. Trustees passing away, resigning, retiring, becoming legally incapacitated, or stepping away without being replaced can result in a trust being unable to meet Quorum Requirements.

97. Under Te Ture Whenua Maori Act 1993 (**TTWM Act**) there are currently two provisions which enable the appointment of agents in relation to land subject to it – section 183 and section 185.

98. Section 183 of TTWM Act relates to Māori freehold land not vested in any trustee or trustees. Under that section The Māori Land Court may appoint as an agent of the owners:

    a. an owner;

    b. two or more persons of whom at least one is an owner;

    c. the Māori Trustee; or

    d. a body corporate constituted by, or under, any enactment.

99. Under section 183 an agent can be appointed for one or more of the following purposes:

    a. to receive specified types of notices on behalf of the owners;

    b. to act in relation to any entry or proposed entry onto the land or the actual or proposed carrying out of any works on the land, or any proposed acquisition of the land;

    c. to negotiate for the settlement of compensation for land taken by the Crown or a local authority for a public work;

    d. to commence or act in relation to any legal proceedings relating to the land;

    e. to engage professional or technical advisors to assist the agent(s) in carrying out any of the purposes for which they are appointed;

    f. to borrow money for carrying out any purposes for which they are appointed and give security for repayment over the land or proceeds of the land;

[3] Māori Land Update - Ngā Āhuatanga o te whenua - June 2025, Māori Land Court



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g. "to do any other specified thing in relation to the land".

100. No agent appointed under section 183 is personally liable for anything they do in good faith in pursuance of their functions, duties and powers under their appointment.

101. Under section 185 of TTWM Act, on the application of any owner or group of owners of Māori customary land or Māori freehold land, or on the application of the Registrar, the Māori Land Court may appoint as an agent of the owners:

a. a body corporate constituted by or under any enactment;

b. a Māori incorporation;

c. the Māori Trustee;

d. the Public Trust; or

e. a trustee company.

102. Under section 185 of TTWM Act an agent can be appointed for the purposes of:

a. receiving the proceeds of any alienation of the land (not being an alienation by way of mortgage);

b. carrying into effect a resolution of the owners of the land;

c. carrying out certain powers in relation to leases, including granting a renewal provided for in a lease or consenting ton an assignment, subletting or mortgage.[4]

*Status quo*

103. If no change is progressed, owners of ungoverned land will continue to face challenges in accessing support during or following a civil emergency.

**What is the policy problem or opportunity?**

104. During the response to and recovery from a civil emergency (such as a severe weather event), it can be extremely difficult for blocks without governance to make formal decisions about what actions to take to respond, or to promptly access recovery funding or other support.

105. This makes it difficult, and in some cases not possible, for owners of those blocks to act promptly to undertake response or recovery actions (including accessing funding and support).

**What objectives are sought in relation to the policy problem?**

106. The objectives sought in relation to this policy problem are for it to be more efficient and straightforward for owners of blocks of Māori land to:

a. take actions to respond to natural hazard events and civil emergencies of other kinds; and

b. access funding or other support following such events.

[4] Only the Māori Trustee can be appointed as an agent under section 185 TTWM Act in respect of any alienation of the land by way of lease if the lease contains provision for the payment of compensation for lessee improvements (section 185(4)).



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107. Making those things more efficient and straightforward:

a. is likely to make it easier to mitigate the economic impact of natural hazard events and emergencies of other types on owners of those blocks and owners of improvements located on those blocks; and

b. would potentially support economic development of those blocks (e.g. if accessed recovery funding was able to be used to improve the resilience of on-site infrastructure).

**What consultation has been undertaken?**

108. This proposal has been publicly consulted on – largely being opposed. Qualitative feedback on the proposal included that land owners had concerns about and/or wanted more clarity around:

a. what period would be considered 'temporary';

b. in what specific circumstances the power to appoint temporary governance would be available;

c. what the extent of a temporary agent's powers would be (particularly whether they would be able to sell, lease, or occupy the whenua or make decisions that had long-term impacts without obtaining owners' consent);

d. what criteria would be used and process would be followed, and who would be involved, in appointing an agent or other form of temporary governance;

e. whether temporary agents should be required to be members of relevant whānau or Hapū or whether preference would be given to appointing whānau or Hapū members; and

f. what accountability/liability an agent or temporary governance body would have if they made decisions that caused damage to or otherwise negatively impacted the whenua.

109. Some submitters suggested that the Government should instead adopt non-legislative solutions aimed at building governance capacity and supporting whānau and Hapū to self-organise.

**What options are being considered?**

**Option One – Status quo**

110. The status quo is described in the paragraphs above.

**Option Two – Non-legislative guidance**

111. Developing and delivering guidance:

a. **Option 2.1** – on the benefits during and following emergencies of having formal governance structures over land blocks;

b. **Option 2.2** – alerting both existing trustees and whenua owners who are considering establishing a trust of the need to ensure that their trust deeds and processes reduce the risk of a trust finding itself in the situation where they cannot meet Quorum Requirements.



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### Option Three – Legislative change through a Te Ture Whenua Maori Amendment Bill

112. Amend TTWM Act to give the Māori Land Court a power during, and for a specified period following, an emergency event to appoint an agent or agents to temporarily act on behalf of the owners of any Māori Land block or Māori Reservation (Temporary Governance Order). That power would only be available where the land block was either:

    a. not vested in any trustee or trustees; or

    b. vested in a trustee or trustees but they/the structure are inactive.

113. Section 4 of the Civil Defence Emergency Management Act 2002 contains a definition of 'emergency'. However, the Government has announced that it intends to introduce a Bill that would replace that Act. Therefore, the exact definition of 'emergency' for the purposes of the proposed power would be determined at the time any change to TTWM Act was drafted.

114. If Option Three proceeded, implementation details would include:

    a. defining the period following an emergency during which a Temporary Governance Order could be made;

    b. how long an agent/agents could be appointed for;

    c. in what circumstances a trustee or a group of trustees/trust structure could be treated as 'inactive' for the purposes of the power; and

    d. what accountability/liability an agent would have if they made decisions that caused damage to or otherwise negatively impacted a land block or adjoining land, improvements located on such land, or a wāhi tapu or other site of significance located on such land.

115. There are a number of sub-options within Option Three.

116. In relation to who could initiate the Māori Land Court making a Temporary Governance Order, it is proposed that one or more owners of the relevant land block or one or more trustees of a trust relating to the land block (including a trust in whom any Māori reservation is vested) could apply for a Temporary Governance Order.

117. Other people or entities could be empowered to apply for a Temporary Governance Order only when they were able to establish, on the balance of probabilities, that there was no owner or trustee of the relevant land block that was able to act. Possible categories of people/entities who could apply for a Temporary Governance Order in those circumstances are:

    a. **Option 3.1.1** – one or more owners of an adjoining block of Māori Land or adjoining Māori reservation (Adjoining Block), the trustee(s) of a trust in relation to an Adjoining Block, or a Māori incorporation in which an Adjoining Block is vested;

    b. **Option 3.1.2** – any person who holds a current occupation order under section 328 TTWMA Act authorising their exclusive use and occupation or the whole or any part of the land block as a site for a house;

    c. **Option 3.1.3** – any person who has been granted a lease or occupation licence for the purposes of papakāinga housing by the trustees in whom a Māori reservation is vested (recommended);



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d. **Option 3.1.4** – a body representing a relevant Hapū;

e. **Option 3.1.5** – the Māori trustee;

f. **Option 3.1.6** – a pre-approved agent.

118. In relation to who could be appointed as an agent under a Temporary Governance Order it is proposed that one or more owners of the land block or one or more trustees of a trust relating to the land block (including a trust in whom any Māori reservation is vested) could be appointed as an agent.

119. The Māori Land Court could have the power to appoint other persons as an agent under a Temporary Governance Order only when it was established, on the balance of probabilities, that there was no owner or trustee of the relevant land block that was able to act. Possible categories of people/entities who could be appointed as agents in those circumstances are:

a. **Option 3.2.1** – one or more owners of an Adjoining Block, the trustee(s) of a trust in relation to an Adjoining Block, or a Māori incorporation in which an Adjoining Block is vested;

b. **Option 3.2.2** – any person who holds a current occupation order under section 328 TTWMA Act authorising their exclusive use and occupation or the whole or any part of the land block as a site for a house;

c. **Option 3.2.3** – any person who has been granted a lease or occupation licence for the purposes of papakāinga housing by the trustees in whom a Māori reservation is vested;

d. **Option 3.2.4** – a body representing a relevant Hapū;

e. **Option 3.2.5** – the Māori Trustee;

f. **Option 3.2.6** – one of a pool of pre-approved potential agents;

120. In relation to what purposes the agent(s) could be appointed for (i.e. what functions, powers and duties they would have), the proposed purposes are:

a. engaging consultants to undertake an assessment of what clean-up works, remediation works or works to increase the resilience of the land block or any improvements located on the land block were required;

b. undertaking clean-up or remediation works or works to increase the resilience of the land block or any improvements located on the land;

c. taking any steps required by a Minister, or any person authorised by a Minister or under the relevant Act, that the owner of the land block could be required to undertake under one or more of the Biosecurity Act 1993, the Health Act 1956, the Civil Defence Emergency Management Act 2002, any Act which replaced one of those Acts, or any primary or secondary legislation put in place to respond to a particular emergency;

d. commencing, or acting in relation to, any insurance claim or legal proceedings relating to:

i. the land; or

ii. any improvements, waterways, animals or plants present on the land or that were present on the land immediately prior to an emergency event;



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e. applying for, receiving and disbursing funding to enable or assist any of the purposes in a. to d. to be fulfilled;

f. appointing professional or technical consultants or contractors to enable or assist any of the purposes in a. to d. to be fulfilled;

### Option Four – Progressing Options Two and Three together

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

121. Of the individual options assessed, Option Three – Legislative change through a Te Ture Whenua Maori Amendment Bill, is the preferred option. Overall, the preferred option is Option Four – implementation of Option Two – Non-legislative guidance together with Option Three.

122. The status quo would continue the need for ad hoc solutions to be developed in situations where owners or trustees were unable to act in an emergency. It would also likely result in some owners of land blocks not being able to access support that would otherwise be available in a future emergency.

123. Option Three would be the most effective of the three options in terms of making it easier for owners or trustees of, and occupiers of dwellings on, whenua Māori blocks who are seeking to manage the response to civil emergencies on the ground to act promptly to undertake response actions. How efficient it was and the extent to which it was consistent with the principles of TTWM Act would depend on the design of the legislative provisions. For example, if the provisions enabled a person who was not an owner of a land block to licence, lease, sell or agree to a transfer of any part of a land block that would create a risk that the powers would be exercised in a way that was contrary to the principles of TTWM Act.

124. Implementing Options Two and Three together would likely result in improved efficiency over Option Three by reducing (to some degree) the incidence of situations where the power for the Māori Land Court to grant a Temporary Governance Order (proposed in Option Three) would need to be utilised.

125. There would be additional upfront costs to Government in implementing Options Two together with Option Three due to the additional need to develop guidance:

a. on the benefits during and following emergencies of having formal governance structures over land blocks; (Option 2.1);

b. alerting both existing trustees and whenua owners who are considering establishing a trust of the need to ensure that their trust deeds and processes reduce the risk of a trust finding itself in the situation where they cannot meet Quorum Requirements (Option 2.2).

126. However:

a. implementing Option Three by itself would require the development and delivery of guidance to explain the new Māori Land Court power to make Temporary Governance Orders and the delivery of the non-legislative guidance described in Options 2.1 and 2.2 could be undertaken together with the delivery of guidance in relation to that new power; and



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b. if the use of non-legislative guidance increased the incidence of applications to put formal governance structures in place or amend trust deeds that would likely generate cost savings in relation to the management and governance of the impacted blocks over time. It would also potentially facilitate the economic development of impacted land.

127. Given the concerns raised during consultation on the Discussion Document, there is a risk that owners of Māori land and Māori reservations would see Temporary Governance Orders as a mechanism to be avoided as it would facilitate the lease, sale or transfer of impacted land. This could result in decisions being made that create adverse long-term impacts without owners' consent or would otherwise undermine owners right to exercise tino rangatiratanga/determine their own priorities in relation to their land. The extent to which there was that perception would depend upon (among other things):

a. who had the ability to apply for a Temporary Governance Order;

b. who could be appointed as an agent under a Temporary Governance Order;

c. how long a Temporary Governance Order could be granted for;

d. what powers an agent would have under a Temporary Governance Order; and

e. the appropriate development and delivery of communications and guidance in relation to Temporary Governance Orders.

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## Section 5: Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land

### What is the context behind the policy problem and how is the status quo expected to develop?

128. There are no provisions in TTWM Act that allow for someone who is adopted to succeed to their birth parents' interests in Māori freehold land. Any biological child who was adopted out of a whānau under an order made under the Adoption Act 1955 (an adoptee) is not entitled to succeed to their biological parents' interests in Māori freehold land if that biological parent died intestate. That is the case even if the adopted child maintains an ongoing relationship with their birth family or re-establishes a relationship with their birth family.

129. This matter was raised through a petition to Parliament by Deborah Chappell in 2022. In September 2025, the Māori Affairs Committee recommended that the Government consider amending legislation to address Ms Chappell's petition.

130. Although succession for adoptees isn't provided for in TTWM Act, whāngai, defined as a person adopted in accordance with tikanga Māori, is provided for. Section 114A of TTWM Act addresses succession of a whāngai to Māori freehold land by allowing for the tikanga of the Iwi and Hapū to determine whether a whāngai relationship is recognised as a "relationship of descent".

*Status quo*

131. Someone who is adopted out under an order made under the Adoption Act 1955 cannot succeed to their birth parents' interests in Māori freehold land.

132. The recommendation of the Māori Affairs Committee was not addressed in the suite of amendments to TTWM Act consulted on.

### What is the policy problem or opportunity?

133. Under current provisions, an adoptee whose deceased birth parent was the beneficial owner of Māori land cannot apply for intestate succession to that land. Although TTWM Act includes consideration of whāngai succession it does not provide for adoptees whose adoption took place via the Adoption Act 1955. Addressing how succession for both adoptees and whāngai individuals is provided for in TTWM Act create consistency in how these rights are applied.

134. There is an opportunity to address the Māori Affairs Committee report and recommendations on Ms Chappell's petition which recommended that the Government "consider amending legislation to allow adoptees whose deceased birth parents were the beneficial owners of Māori land to apply for intestate succession to that land."

135. The Committee's report further encouraged Te Puni Kōkiri to "explore the possibility of including this proposed change in its current suite of [TTWM Act] amendments." Standing Order 256(1) provides that the Government must responding to any recommendations of the Committee.

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### What objectives are sought in relation to the policy problem?

136. The objectives sought in relation to this policy problem is to allow for adoptees to succeed to their biological parent's' interests in Māori freehold land if that biological parent died intestate.

137. This will broaden the number of successors to Māori freehold land, in turn supporting succession to occur which may lead to housing and development on the land by the beneficiaries. This could add to the potential social and economic benefits for the successors and the wider community.

138. Greater fairness will also be achieved, as there is already provision to those adopted in accordance with tikanga Māori to be extended in the same manner to those adopted under an order made under the Adoption Act 1955.

### What consultation has been undertaken?

139. This matter was included in Te Pire mō Te Ture Whenua Māori Bill which passed its Second Reading in December 2016.

140. Ms Chappell's petition gained 35 signatures which indicates there is some support for such an amendment to be included in TTWM Act. Furthermore, the Māori Affairs Committee supported Ms Chappell's petition by recommending that legislation be amended to address the matter.

### What options are being considered?

#### Option One – Status quo

141. The status quo is no amendment to TTWM Act regarding succession to Māori freehold land by adoptees. Ms Chappell's petition, and the Māori Affairs Committee report and recommendation will not be addressed in the current Amendment Bill.

#### Option Two – Amend TTWM Act to enable an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land

142. Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land.

143. If Option Two proceeded, further work would be required to:

    a. Determine how tikanga is incorporated into the legislation, perhaps in a similar manner to the section 114A provision relating to whāngai.

### What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

144. Of the options, Option Two – legislative change through a Te Ture Whenua Maori Amendment Bill, is the preferred option. Option Two would be the most effective as it would create a pathway in the TTWM Act for adoptees to apply for succession of Māori freehold land if a biological parent died intestate,

145. Option One – status quo would mean any adoptee is not entitled to succeed to their biological parents' interests in Māori freehold land if that biological parent died intestate,



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regardless of their relationship with their birth family. This would not meet the policy objectives or deliver any benefit.

146. This matter was not consulted on with the wider suite of proposed amendments as Ms Chappell's petition wasn't addressed by the Māori Affairs Committee until engagement on amendments to TTWM Act had concluded. Nor was this matter raised in any submissions or hui that were held regarding the proposals.

147. The only information available regarding the proposal date back to 2016. There is no recent gauge on how such a proposal may be received. The Select Committee process will be the only opportunity for owners of whenua Māori, adoptees, and the general public to engage with this proposal.

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## Section 6: Delivering an Amendment Bill

### How will the proposal be implemented?

148. The preferred option will be given effect by the drafting and introduction of a Te Ture Whenua Maori Amendment Bill.

### How will the proposal be monitored, evaluated, and reviewed?

149. Te Puni Kōkiri has a regular meeting with the Māori Land Court, including the Chief Judge of the Māori Land Court, and frequent meetings with Te Tumu Paeroa.

150. Any issues with implementation of the proposals will be discussed at the working level with the Māori Land Court, Te Tumu Paeroa, and other relevant agencies as they arise.

151. Land Information New Zealand and Te Tari Whakatau may report back on practical issues regarding types of land that agents may be appointed to, and on temporary governance.

*Implementation of individual proposals*

152. Guidance on the new power to make temporary governance orders and non-legislative guidance would be developed and delivered by Te Puni Kōkiri working together with other relevant agencies (e.g. the Māori Land Court, NEMA, the Ministry for Primary Industries, the Ministry of Justice, and Te Tumu Paeroa).

153. If temporary governance with non-legislative guidance was implemented, the effectiveness of that non-legislative guidance could be monitored and evaluated by:

    a. analysing any trends in the percentage of relevant land blocks with more than a few owners and no formal governance (the Māori Land Court already reports annually on the percentage of land blocks which do not have any formal governance in place); and

    b. if an emergency event occurred which resulted in applications for temporary governance orders, analysing the reasons why the owners or trustees of the relevant land were unable to act requiring an order.

154. The impact of the new arrangements for the determination of a dwelling and/or related structures could be monitored through a range of metrics collated by the Māori Land Court, such as numbers of successful applications to ownership of dwellings. Evaluation would need to be discussed with the Māori Land Court.

*Enabling the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991*

155. Delivering the proposal will be a staged approach and will include the following steps.

    a. Stage 1: Legislative enablement

        i. Te Puni Kokiri working with the Parliamentary Counsel Office would draft an amendment to TTWM Act creating a new statutory whānau trust modelled on the success of the Wi Pere structure.

        ii. The timeline will be 6-12 months to draft, consult and pass through the legislative process.

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b. Stage 2: Governance frameworks

   i. Te Puni Kokiri working alongside Māori legal experts, and Māori land trusts will develop model trust deed and tikanga clauses. The outcome will be a co-designed governance framework.

   ii. The timeline will be 6-12 months alongside the legislative process.

c. Stage 3: Capability and support

   i. Te Puni Kokiri will work alongside Te Tumu Paeroa to create training and governance modules for Trustees, aligned with the new requirements. This will be important to ensure there is a high level of capability to sustain the structure at scale.

   ii. The timeline for this time will be ongoing over both the short and medium-term.

156. The purpose of monitoring and evaluation is to ensure that the new option for management of land assets is delivering on its objectives. It will provide assurance to both the Crown and Māori land trusts and inform decisions on any further refinements that may need to be made.

157. Te Puni Kokiri will lead policy monitoring, supported by Te Tumu Paeroa on operational matters and the Māori Land Court on compliance. Key indicators will be tracked annually, and may include asset growth, profitability, land reacquisition, retention rates, beneficiary engagement, governance compliance, and the incorporation of tikanga Māori.

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## Appendix 1 – Options tables

Options and cost/benefit tables for proposals outlined in this document are referenced here.

Proposals are:

1. Enabling the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991;
2. Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures;
3. Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes; and
4. Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land.

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## Enabling the management of land assets, based on the Māori Purposes (Wi Pere Trust) Act 1991

### How do the options compare to the status quo/counterfactual?

| Criterion | Option One – New option for management of land assets, similar to the Wi Pere Trust | Option 2 – Status Quo (the use of Ahu Whenua Trusts and Māori Incorporations) | Option 3 – Capacity-building pathway (an incremental step towards legislative change) |
|---|---|---|---|
| **Effectiveness** | Yes.<br>• Strong suitability for reacquisition. The Trust is empowered to hold both Māori freehold land and general title land. This means it can acquire alienated land on the open market and still hold it in trust for descendants, even before it is converted back to Māori freehold.<br>• Aggregation and scale. The consolidated ownership prevents the share-fragmentation problem that dilutes benefits in incorporations, enabling economies of scale that make significant commercial activity viable.<br>• Achieves a good balance between empowering land owners with autonomy and flexibility, while still embedding protections through statutory design. | Ahu Whenua Trusts - no.<br>• Not able to reacquire general land. The land must already be Māori freehold to vest in an Ahu Whenua Trust. Land owners would need to apply to the Māori Land Court to convert general land back to Māori freehold before creating an Ahu Whenua trust.<br>• Low autonomy by land owners and high degree of oversight by the Māori Land Court – many decisions (e.g. variations to trust order, succession, disputes) require Māori Land Court approval.<br>Māori incorporations - yes.<br>• Suitability for reacquisition. Can acquire both Māori freehold and general land, with Māori Land Court approval.<br>• Share-based structure makes it easier to raise capital for reacquisition (e.g. issuing new shares to whānau).<br>• Less involvement by the Māori Land Court, but structural weakness | • Yes – Developing guidance and capacity building ensures whānau understand new governance and operational structure and compliance requirements, making them better prepared to collectively manage reacquired land.<br>• Rolling out guidance to Māori land trusts as an incremental step towards legislative change may increase confidence among both Trustees and beneficiaries to engage in complex, legal, financial and commercial processes. |

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| | | | |
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| | | (fragmentation of shares) means that long-term benefits are eroded. | |
| **Efficiency** | Moderate to high complexity<br>• Requires legislative change and administrative complexity is higher than Ahu Whenua trusts due to compliance and reporting obligations. | Ahu whenua Trusts - low to moderate complexity<br>Relatively straightforward if the land is already Māori freehold.<br>It is very limited in the reacquisition of alienated land. It is generally confined to land already held as Māori freehold.<br>Māori incorporations - moderate to high complexity<br>• Incorporations must operate like corporate entities (share registers, dividends, committees, annual accounts). As such, it requires stronger financial and administrative capacity. | Low to moderate complexity<br>Primarily programme design (development of guidance for national roll-out and engagement with Māori land trusts). |
| **Consistency with the principles of TTWM Act** | Yes.<br>• Recognition of Māori land as taonga – there is a focus on retention, but the Wi Pere Trust structure allows a wider commercial scope than existing mechanisms under TTWM Act.<br>• There is a strong focus on land retention and enables the reacquisition of alienated land.<br>• Tikanga Māori – moderately recognised through whakapapa-based ownership of the trust, but less embedded in governance due to statutory and professional structures. | Ahu Whenua trusts - yes.<br>Strong alignment because Ahu Whenua Trusts were designed as the primary TTWM mechanism.<br>Retention – very strong, statutory purpose is to prevent further alienation.<br>Māori incorporations – yes<br>Strong protective mechanisms, but commercial imperatives can create tension with taonga status.<br>Succession fragments shares, reducing equity for future generations. | Yes<br>• Strengthening capacity-building through guidance will help ensure that once land is reacquired, it is retained in Māori ownership.<br>• Governance and trustee training directly promote the effective and sustainable management of land.<br>• This pathway builds capability, empowering whānau and creating the conditions for whānau to exercise tino rangatiratanga. |



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| | | | |
|---|---|---|---|
| **Overall assessment** | The Wi Pere Trust structure delivers the most balanced and comprehensive outcomes.<br><br>It strengthens economic development opportunities, enables reacquisition, protects land as taonga tuku iho, and ensures intergenerational wealth creation within a framework that is both tikanga based and commercially robust. | Both the Ahu Whenua Trusts and Māori incorporations are existing mechanisms under TTWM Act, but they do not provide the same economic development opportunities or protections against fragmentation as the Wi Pere Trust structure. | The capacity building pathway empowers whānau and trustees to strengthen governance and decision-making, aligning strongly with TTWM principles. However, it does not directly address the critical barriers to whānau reacquiring alienated land. By contrast the Wi Pere Trust structure offers a tested framework that delivers clarity, stability and confidence to land owners. While capacity building may complement governance development, on its own it is insufficient and the Wi Pere Trust operational structure provides a more comprehensive and effective option of achieving policy objectives. |

**What are the marginal costs and benefits of the preferred option?**

| Affected groups | Comment | Benefits | Costs | Evidence Certainty |
|---|---|---|---|---|
| Beneficiaries/Owners | Net impacts are strongly positive. While some risks exist, they are generally outweighed by the high-level benefits of secure, transparent, and sustainable governance. | **High** – improved protections for whenua, greater transparency, access to reinvestment and grants.<br><br>Clearer reporting and accountability from trustees, including AGM updates, audited financial statements and reinvestment of profits for beneficial owners. | **Medium** – Potential perception of reduced autonomy. Beneficiaries may feel decision-making is constrained. | Yes – historical evidence from the Wi Pere Trust demonstrates durable land retention, robust reporting and successful reinvestment strategies. |



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| Affected groups | Comment | Benefits | Costs | Evidence Certainty |
|---|---|---|---|---|
| Trustees and Governance bodies | There will be a need to focus on capacity-building for trustees (this includes governance training). | **High** – clearer duties, better training, reduced disputes. | **Medium** – compliance obligations create additional time and cost pressures, particularly for small trusts.<br><br>Transitional costs are relatively well-understood. This may include:<br>• administration costs and time for trustees and beneficiaries to adopt the new option for management of land assets.<br>• Training and onboard costs for trustees unfamiliar with governance requirements.<br>• Technology and system costs – updates to reporting and monitoring systems to accommodate reporting under new option. | Yes – historical evidence from the Wi Pere Trust demonstrates durable land retention, robust reporting and successful reinvestment strategies.<br><br>Resistance or reluctance among Trustees to adopt the model is difficult to predict with certainty and context specific. |
| The Māori Land Court | Net impact is positive, with benefits from reduced disputes and improved oversight expected to outweigh short-term transitional costs.<br><br>Adoption of the Wi Pere Trust would influence the Māori Land Court's caseload, administrative workload, and ability to monitor governance standards. | **High** – Clearer governance standards reduce the likelihood of litigation and disputes over trust management. | **Medium** – staff training and administrative updates may be needed to align processes with the new Wi Pere structure.<br><br>Transitional workload – the Māori Land Court may experience an increase in applications for trust restructuring, interpretive decisions, or compliance queries.<br><br>In the short-term, additional judicial time and registry staff may be required to process restructuring applications and | The Court has experience managing trust restructuring and compliance processes. |



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| Affected groups | Comment | Benefits | Costs | Evidence Certainty |
|---|---|---|---|---|
| | | | resolve transitional disputes (if they arise). | |
| Te Puni Kokiri | Net impact on Te Puni Kōkiri is positive.<br><br>Long-term benefits of more effective governance across trusts, clearer policy alignment and improved advisory outcomes outweigh the short-term operational burden. | **Medium to high** – adoption of the Wi Pere structure provides Te Puni Kōkiri with a consistent policy framework to promote across the sector.<br><br>The Wi Pere Trust structure strengthens the alignment between Te Puni Kōkiri's land development programmes and governance outcomes. | **Low to medium** – in the short-term, Te Puni Kōkiri will need to redeploy and upskill staff in core areas such as legal, governance and financial in order to ensure Māori land trusts are well-supported through this transition phase.<br><br>Te Puni Kōkiri may need to expand and develop guidance material to support Māori land trusts through this transition. This may include guidance around governance and trustee responsibilities, establishment and transition processes, financial management and compliance and whānau engagement. | Te Puni Kōkiri has delivered comparable programmes in the past (e.g. Whenua Māori Fund), so the scale of likely impacts can be reasonably projected. |
| Te Tumu Paeroa | Net impact on Te Tumu Paeroa is positive.<br><br>The long-term benefit of reduced disputes, improved governance and greater opportunities to harness economic development opportunities significantly outweigh the short-term transitional costs. | **High** – Better governance helps Te Tumu Paeroa ensure compliance and stewardship without the need for intervention directly in day-to-day trust operations.<br><br>**High** – Reduction in long-term intervention. By clarifying Trustee responsibilities and duties, this will mean fewer trusts will require intervention by Te Tumu Paeroa. | Short-term transitional costs.<br><br>Ongoing compliance and monitoring. | |
| Treasury | Treasury's role would be indirect but would still assess the fiscal implications of | Potential long-term fiscal savings through reduced dispute resolutions costs and | Short-to-medium term increase in operational costs for Te Puni Kokiri, Te Tumu Paeroa and the Māori Land Court. | Treasury is likely to view the evidential base as medium. Case studies |



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| Affected groups | Comment | Benefits | Costs | Evidence Certainty |
|---|---|---|---|---|
| | adopting the Wi Pere Trust structure. | more efficient Māori land governance.<br><br>Broader macro-economic effects of improved land utilisation on regional development | | (e.g. the success of Wi Pere Trust itself, which sets a precedent) provides a strong qualitative support.<br><br>Note the long-term cost-benefit projections remain uncertain due to variability in how trusts may adopt and implement the new option. |
| Wider economy and investment partners | | **Medium** – greater investor confidence, sustainable land use strengthens regional economies. | **Low** – reduced flexibility in leveraging land for development; possible short-term delays in project implementation. | |
| **Total monetised costs** | Total annual costs (indicative):<br>• s9(2)(f)(iv) [redacted]<br>• Costs decline as trusts adopt the new option for management of land assets, disputes reduce, and advisory and compliance demand falls.<br>• Minimal costs over long-term – minimal ongoing oversight, monitoring, and compliance.<br>• These costings are indicative only and should be treated as preliminary estimates. Further work is currently being undertaken as a parallel process to refine these estimates.<br>Assumptions:<br>• Short-term costs include transitional activities such as training, restructuring, and updating guidance.<br>• Medium-term costs reflect ongoing support and monitoring as trusts align with Wi Pere Trust structure.<br>• Long-term costs are limited to maintenance, oversight, and minimal monitoring, with net savings possible from reduced disputes and litigation. | | | Short-term costs have medium certainty, as they are based on FTE and programme requirements. The costs of additional FTEs for agencies such as the Māori Land Court is based on known staffing levels, standard salaries and typical overheads.<br><br>Medium and long-term costs have medium to low certainty reflecting variability in adoption rates, trust sizes, and |



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| Affected groups | Comment | Benefits | Costs | Evidence Certainty |
|---|---|---|---|---|
| | • These costs do not include the monetised benefits of increased trust efficiency, reduced litigation, or economic development of Māori land, which would require separate estimation. | | | long-term operational efficiencies. |
| **Non-monetised costs** | Trustees and Governance Bodies<br>• Administrative burden<br>• Capacity constrains<br>• Behavioural adaptation<br>Beneficiaries/Owners<br>• Perceived loss of autonomy<br>Government Agencies<br>• Short-term surge in demand for support from Māori land trusts.<br>Transitional risks<br>• During the initial implementation phase, inconsistencies in understanding or applying the new option for management of land assets may lead to miscommunication, disputes, or delays. | | | **Low to High** |

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**Provide the Māori Land Court with a specific jurisdiction to determine ownership of a dwelling and related structures and provide powers in relation to ownership, possession and rights relating to dwellings and related structures**

**How do the options compare to the status quo/counterfactual?**

| | Option One – Status quo | Option Two – Māori Land Court to determine ownership of a dwelling and related structures without criteria | Option Three – Māori Land Court to determine ownership of a dwelling and related structures with criteria |
|---|---|---|---|
| **Effectiveness** | **No** – applications are complex and time-consuming | **Partly** | **Yes** |
| **Efficiency** | **No** – current process is inefficient and does not provide certainty to Māori land owners who are seeking to apply for ownership of a dwelling | **Partly** | **Yes** |
| **Consistency with the principles of TTWM Act** | **Yes** | **Yes** | **Yes** |
| **Overall assessment** | Does not fully meet the assessment criteria | Partially meets two of the assessment criteria | Meets the assessment criteria |

**What are the marginal costs and benefits of the preferred option in the Cabinet paper?**

| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| **Additional costs of the preferred option compared to taking no action** | | | |
| Māori land owners | None | None anticipated | Low to medium |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| Māori Land Court | None | Risk of increased volume in applications to the Māori Land Court, resulting in backlogs | Low to medium<br><br>The Ministry of Justice indicated this proposal would have no cost, resource, or timeliness implications |
| **Total monetised costs** | Not known | | Low to medium |
| **Non-monetised costs** | Not known | | Low to medium |
| **Additional benefits of the preferred option compared to taking no action** | | | |
| Māori land owners | None | Enhanced clarity for land owners including aspiring owners who wish to build homes.<br><br>Greater clarity in law regarding the Māori Land Court's jurisdiction.<br><br>Increased certainty for land owners and whānau of their ownership interest in dwellings (houses and related structures) on Māori land<br><br>Incentivise housing development on Māori land.<br><br>Assist owners to obtain finance because lenders will have greater certainty over the ownership of the house which can be used as loan collateral. | Medium |
| Māori Land Court | None | Enhanced certainty and clarity for the Māori Land Court.<br><br>Stipulating process for determining ownership in the Act to provide further clarity for all parties on matters of process. | Medium |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| | | More efficient use of Māori Land Court resources when making determinations.<br><br>Overall anticipated decrease in hearing time, due to simplifying Māori Land Court process (less time determining the jurisdiction based on fixture/chattel distinction, and associated degree of annexation test).<br><br>Greater clarity in law – codifying current Māori Land Court practise. | |
| **Total monetised benefits** | Not known | | N/A |
| **Non-monetised benefits** | High | | Medium |

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**Enable the Māori Land Court to appoint temporary agents to ungoverned Māori land in civil emergencies for response or recovery-related purposes**

**How do the options compare to the status quo/counterfactual?**

| | Option One – Status quo | Option Two – Non-legislative guidance | Option Three – Legislative change through a Te Ture Whenua Maori Act Amendment Bill | Option Four – Implementation of both Option Two and Option Three together |
|---|---|---|---|---|
| **Effectiveness** | **No** - Would not make it easier for owners or trustees of, and occupiers of dwellings on, whenua Māori blocks allow them to act promptly to manage the response to and recovery from emergencies and access funding and other support to enable or assist them to do that. Would also be Likely to result in some owners of land blocks not being able to access support that would otherwise be available in a future emergency. | **Only to some degree** – Non-legislative guidance would be likely to reduce the incidence of situations where owners or trustees of land blocks were unable to act in response to an emergency. However, it would not address the situation where owners or trustees were unable to act in an emergency. Likely to result in some owners of land blocks not being able to access support that would otherwise be available in a future emergency (although it is likely that fewer owners would be in that situation than under the status quo). | **Yes** – the proposal would provide owners or trustees of, and occupiers of dwellings on, whenua Māori blocks with access to a mechanism that would allow them to act promptly to manage the response to and recovery from emergencies and access funding and other support to enable or assist them to do that. | As for Option Three |
| **Efficiency** | **No** - Would continue the need for ad hoc solutions to be developed in situations where owners or trustees were unable to act in an emergency. | **No** - Would continue the need for ad hoc solutions to be developed in situations where owners or trustees were unable to act in an emergency. | **To some degree** – the proposal would avoid the need for ad hoc solutions to be developed in situations where owners or trustees were unable to act in any emergency.<br>How complex it would be to implement would depend upon | As for Option Three but would likely result in improved efficiency over Option Three by reducing the incidence of the situations where the special powers proposed in Option Three would need to be utilised. |



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| | | | | |
|---|---|---|---|---|
| | | | the final design of the legislative provisions. | |
| **Consistency with the principles of TTWM Act** | **Yes** | **Yes** | **Not currently able to be determined** – whether the proposal would be consistent with the principles of TTWM Act would depend upon the design of the legislative provisions – particularly on decisions that were made about who could apply for a Temporary Governance Order and what powers the person appointed as an agent under a Temporary Governance Order had. For example, if the provisions enabled a person who was not an owner of a land block to licence, lease, sell or agree to a transfer of any part of a land block without the owners' consent that would create a risk that the powers would be exercised in a way that was contrary to the principles of TTWM Act. | As for Option Three |
| **Overall assessment** | Does not meet two of the three assessment criteria | Would only meet one and partially meet one of the three assessment criteria. | Would meet the effectiveness assessment criterion and, if appropriately designed and implemented, could meet all three of the assessment criteria. | Would meet the effectiveness assessment criterion, if appropriately designed and implemented could meet all three of the assessment criteria, and would likely meet the efficiency criterion to a great degree than Option Three on it is own. |

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**What are the marginal costs and benefits of the preferred option in the Cabinet paper**

| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| **Additional costs of the preferred option compared to taking no action** | | | |
| Regulated group<br>Owners and trustees of relevant land blocks | Either:<br>• costs for individual owners or individual trustees in applying for and ensuring compliance with temporary governance orders; or<br>• if it occurred in response to the non-legislative guidance - costs in putting permanent formal governance structures in place and implementing those structures or reviewing trust deeds to reduce the risk of there not being enough trustees to meet Quorum Requirements. | **Medium**<br>The overall quantum of costs relating to applications for Temporary Governance Orders would depend upon the incidence and severity of emergencies and the number of relevant land blocks located in areas affected by an emergency.<br>The likely increase in applications to put formal governance structures in place or review trust deeds cannot be accurately estimated. | There is a **High** chance that, if they were available, at least some Temporary Governance Orders would be sought where an emergency event impacted an area with a significant number of relevant land blocks.<br>There is a **Medium** chance that the development and delivery of non-legislative guidance would result in at least some increase in applications to put formal governance structures in place or review trust deeds.<br>Provided by the Ministry of Justice in September 2025 |
| Regulator – the Māori Land Court | Costs in terms of Māori Land Court time in:<br>• making Temporary Governance Orders;<br>• any increase in applications to put formal governance structures in place or amend trust deeds as a result of owners/trustees responding to the non-legislative guidance.<br>There is no direct cost implication, but this may impact on BAU mahi progressing during a civil emergency | | |
| Regulators - other Government entities that either regularly deal with issues relating to Māori land – e.g. Te Puni Kōkiri, the Ministry for | Costs in developing and delivering, or contributing to developing and delivering, guidance on any new power to make Temporary Governance Orders. | Not assessed due to data gaps. | |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| Primary Industries, Te Tumu Paeroa, LINZ – or have substantial dealings with issues relating to Māori land following a relevant emergency event – e.g. NEMA and DPMC. | Costs in developing and delivering or contributing to developing and delivering non-legislative guidance. | | |
| Regulators - Ministers and officials exercising powers under emergency legislation | None | N/A | N/A |
| Others – local authorities and other infrastructure providers seeking to undertake assessments of, or clean-up operations and remediation works in relation to, infrastructure following an emergency event. | None | N/A | N/A |
| Others – owners and trustees of Adjoining Land | If they were given a power to apply for Temporary Governance Orders - costs in applying for and ensuring compliance with Temporary Governance Orders circumstances where there was no owner or trustee of a land block that was able to act and either (a) there were synergies in undertaking works on both blocks at that same time; or (b) due to whakapapa ties, they wished to undertake actions in relation to a relevant block. | **Medium** - The overall quantum of costs relating to applications for Temporary Governance Orders would depend upon the incidence and severity of emergencies and the number of relevant land blocks located in areas affected by an emergency. | Based on experience following the North Island Severe Weather Events there is a **High** chance that if an emergency event occurred in an area where there was a reasonable number of relevant blocks at least some owners and trustees of Adjoining Land would seek a Temporary Governance Order. |
| Others – people with the benefit of:<br>• an occupation order; or<br>• a lease or licence relating to papakāinga located on a Māori reservation. | If they were given a power to apply for temporary governance orders - costs in applying for and ensuring compliance with temporary governance in circumstances where there was no owner or trustee of a land block that was able to act and there | **Medium** – The overall quantum of costs relating to applications for Temporary Governance Orders incurred by such people would depend upon the incidence and severity of emergencies and the extent to which | **Low** - this would be a new option for people with the benefit of occupation orders or leases/licences relating to papakāinga located on a Māori reservation. |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| | were impacts on their dwelling that they wanted to address | people in the affected area were occupying dwellings under the authority of occupation orders or leases/licences relating to papakāinga located on a Māori reservation. | |
| **Total monetised costs** | Generally, not known.<br><br>Minimal cost/impact for processing applications.<br><br>Costs in developing and delivering guidance on any new power to make Temporary Governance Orders<br><br>Costs in developing and delivering non-legislative guidance | | |
| **Non-monetised costs** | For potential Temporary Governance Order applicants and the Māori Land Court – **Medium**<br><br>For other groups – **Nil or Low** | | **Medium** |
| **Additional benefits of the preferred option compared to taking no action** | | | |
| Regulated group<br>Owners and trustees of relevant land blocks | **High**<br>Would provide owners or trustees of, and occupiers of dwellings on, whenua Māori blocks with access to a mechanism that would allow them to act promptly to manage the response to and recovery from emergencies and access funding and other support to enable or assist them to do that.<br><br>This would: | **Medium to High** - benefits relating to applications for Temporary Governance Orders would depend upon the incidence and severity of emergencies and the number of relevant land blocks located in areas affected by an emergency. | **High** - Based on experience following the North Island Severe Weather Events there is a high chance that if an emergency event occurred in an area where there was a reasonable number of relevant blocks at least some owners and trustees would seek a Temporary Governance Order. |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| | • make it easier to mitigate the economic impact of emergencies on owners of those blocks; and<br>• potentially support economic development of those blocks (e.g., if recovery funding accessed was able to be used to improve the resilience of on-site infrastructure).<br><br>If the use of non-legislative guidance increased the incidence of applications to put formal governance structures in place or amend trust deeds that would likely generate cost savings in relation to the management and governance of the impacted blocks over time. It would also potentially facilitate the economic development of impacted land. | | |
| Regulator – the Māori Land Court | The use of non-legislative guidance could increase the incidence of formal governance structures being put in place over land blocks and trust deeds being amended in ways that reduced the likelihood of trustees being unable to act. That would likely generate cost savings for the Māori Land Court over time in relation to the management and governance of the impacted blocks. | **Medium** | **Medium** |
| Regulators - other Government entities that either regularly deal with issues relating to Māori land – e.g. Te Puni Kōkiri, the Ministry for Primary Industries, Te Tumu | Would reduce the need for those agencies to assist in developing ad hoc solutions where owners or trustees were unable to act in an emergency. | **Medium** | **Medium to High** |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| Paeroa, or LINZ – or have substantial dealings with issues relating to Māori land following a relevant emergency event – e.g. NEMA and DPMC. | | | |
| Regulators - Ministers and officials exercising powers under emergency legislation | Would be more likely to be able to locate someone who could act in the capacity of a 'landowner' in relation to relevant land blocks. | **Medium to High** – depending on the extent of relevant land blocks in the area affected by an emergency. | **High** |
| Others – local authorities and other infrastructure providers seeking to undertake assessments of, or clean-up operations and remediation works in relation to, infrastructure following an emergency event. | | | |
| Others – owners and trustees of Adjoining Land | If they were given a power to apply for Temporary Governance Orders – would provide a mechanism that enabled them to act in circumstances where there was no owner or trustee of a land block that was able to act and either (a) there were synergies in undertaking works on both blocks at that same time; or (b) due to whakapapa ties, they wished to undertake actions in relation to a relevant block. | **Medium** – the total quantum of benefits relating to applications for Temporary Governance Orders would depend upon the incidence and severity of emergencies and the number of relevant land blocks located in areas affected by an emergency. | **High** - Based on experience following the North Island Severe Weather Events there is a high chance that if an emergency event occurred in an area where there was a reasonable number of relevant blocks at least some owners and trustees would seek a Temporary Governance Order. |
| Others – people with the benefit of:<br>• an occupation order; or<br>• a lease or licence relating to papakāinga in respect of a Māori reservation. | If they were given a power to apply for Temporary Governance Orders – would provide a mechanism that enabled them to act in circumstances where there was no owner or trustee of a land block that was | **High** – the overall quantum of benefits relating to applications for Temporary Governance Orders would depend upon the incidence and severity of emergencies and the extent to which people in the affected area were | **Medium** |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| | able to act and there were impacts on their dwelling that they wanted to address.<br><br>This would make it easier to mitigate the economic impact of natural hazard events and emergencies of other types on the owners and occupants of those dwellings. | occupying dwellings under the authority of occupation orders or leases/licences in relation to papakāinga located on Māori reservations. | |
| **Total monetised benefits** | Not known | | |
| **Non-monetised benefits** | **High** | | **High** |

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**Allow an adoptee whose deceased birth parent was the beneficial owner of Māori land to apply for intestate succession to that land**

**How do the options compare to the status quo/counterfactual?**

| | Option One – Status quo | Option Two – enable beneficiaries to apply for a vesting order |
|---|---|---|
| **Effectiveness** | **No** – no changes would mean that adoptees cannot succeed to their biological parent's' interests in Māori freehold land if that biological parent died intestate. | **Yes** – introduces a pathway to enable adoptees to succeed to their biological parent's' interests in Māori freehold land if that biological parent died intestate. |
| **Efficiency** | **No** – as above. Adoptees would have no avenue available to them to apply to succeed succeed to their biological parent's' interests in Māori freehold land if that biological parent died intestate. | **Yes** – as above. Enabling adoptees to an avenue to succeed to their biological parent's' interests in Māori freehold land if that biological parent died intestate. |
| **Consistency with the principles of TTWM Act** | **No** – no changes would not promote the retention of land nor development of such land for social and economic benefits. | **Yes** – changes would promote the succession and in turn retention land. Land can then be used to for social and economic purposes. |
| **Overall assessment** | Does not meet the assessment criteria. | Meets the assessment criteria. |

**What are the marginal costs and benefits of the preferred option in the Cabinet paper?**

| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| **Additional costs of the preferred option compared to taking no action** | | | |
| Adoptees | None | N/A | N/A |
| Decision maker – The Māori Land Court | There will be additional costs in terms of Court time for this proposal.<br><br>Depending on how many adoptees are eligible to apply for this succession, the Māori Land Court could further be burden as the decision maker on whether adoptees can succeed a biological parent's Māori freehold land | Medium – high – this may further stretch an already under resourced entity. | None. |



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| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|---|---|
| | in intestate. This will take away for other work that the Māori land Court is required to perform. | | |
| Iwi, Hapū and whānau members of adoptees | Allowing adoptees to succeed a biological parent's whenua Māori could cause tension amongst the biological family who are also entitled to succeed the land. This could cause delays in the succession process which could further delay the development or use of Māori freehold land. | Medium – would need to gauge support by Māori land owners during the Select Committee process | N/A |
| **Total monetised costs** | Not known. | | |
| **Non-monetised costs** | To be determined during consultation as part of the Select Committee process. | | |
| **Additional benefits of the preferred option compared to taking no action** | | | |
| Adoptees | Benefit in being able to succeed Māori freehold land. | High for adoptees. | Medium – unclear exactly how many adoptees that this proposal may benefit. |
| Regulator – The Māori Land Court | Not known. | N/A | N/A |
| Iwi, Hapū and whānau members of adoptees | There will be time and resources required to participate in the process of determining the tikanga that is applied in the decision-making process when determining if an adoptee is entitled to succeed to their biological parent's' interests in Māori fresehold land if that biological parent died intestate. | Medium for Iwi, Hapū and whānau of adoptees | Medium – unclear exactly how many adoptees that this proposal may apply to and therefor ethe flow on to Iwi, Hapū and whānau members required to be involved in the process. |
| **Total monetised benefits** | Not known | | |
| **Non-monetised benefits** | Medium | | Medium |



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