

Departmental Disclosure Statement

Post-settlement Governance Entities (Exemption from Jurisdiction of Māori Land Court) Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill; and
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Te Puni Kōkiri.

Te Puni Kōkiri certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

11 June 2026

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Part One: General Policy Statement

The purpose of the Bill is to exempt from the supervisory jurisdiction of the Māori Land Court specified post-settlement governance entities (**PSGE**), trusts controlled by the PSGE, and hapū trusts to which the PSGE has transferred settlement land, while also preserving the ability of an exempt trust to access the court's dispute resolution processes by mutual agreement. This exemption of the named PSGEs is consistent with the intention of each of the PSGEs named in Schedule 2.

Due to the nature of settlement redress and the intention of the PSGEs post-settlement governance arrangements, PSGEs named in Schedule 2 also had the opportunity to elect to exempt hapū trusts that the PSGE has transferred redress land to. The varied governance arrangements between hapū trusts and PSGEs requires case by case assessments before they are exempted from the supervisory jurisdiction of the Māori Land Court. Only the hapū trusts of PSGEs that have confirmed their wishes for its hapū trusts to be exempted and are satisfied that being made exempt is in alignment with the view of the relevant hapū will be exempted upon enactment of this Bill. This exemption of hapū trusts for these PSGEs is indicated in Schedule 2.

Sections 237 to 245 of Te Ture Whenua Maori Act 1993 (**the Act**) confer on the Māori Land Court broad supervisory jurisdiction over Māori land trusts and trusts constituted in respect of general land owned by Māori (as defined in section 4 of the Act). However, under the PSGE framework, it was not intended by the Crown that this supervisory jurisdiction would extend to PSGEs, particularly given the predominance of general land transferred through settlements. Applying this jurisdiction to PSGEs, contrary to that original intent, has the potential to impede post-settlement development, including the effective use of collective assets.

Accordingly, the Bill provides for the exemption of each specified PSGE from sections 237 to 245 of the Act, including trusts controlled by those PSGEs and the hapū trusts of specified PSGEs, and lists the exempt trusts in Schedule 2.

The Bill also authorises that other PSGEs, and certain other hapū trusts or other trusts that receive, or will receive, Treaty of Waitangi settlement redress can be added to the schedule by Order in Council. This provides for PSGEs to be added in the event that they were unable to make a formal decision within the specified time frame (for example, due to trustee elections, etc). Once a PSGE has followed their relevant decision-making processes in accordance with their own trust deed, they can seek the recommendation of the Minister for Māori Crown Relations to be made exempt, under the Order in Council.

The dispute resolution services provided under Part 3A of the Act offer an effective, no-cost, mediation service for post-settlement governance entities that choose to use them. Therefore, the Bill provides that PSGEs or other trusts listed in Schedule 2 of the Bill may, by agreement of the parties to a dispute, apply to the Registrar of the Māori Land Court to have a dispute relating to matters covered by sections 237 to 245 of Te Ture Whenua Maori Act 1993 referred to a mediator and allows for Court orders relating to the mediated resolution.

Claimant groups engaged in current or future Treaty settlement negotiations have the opportunity, within their settlement negotiations, for their settlement legislation to exempt their PSGE from the supervisory jurisdiction of the Māori Land Court.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
Decision of the Supreme Court - <i>Paki Nikora and Parearau Polly Alice Nikora on behalf of Te Kaunihera Kaumatua o Tūhoe v Tāmati Kruger on behalf of Tūhoe–Te Uru Taumatua Trust</i> [2024] NZSC 130; [2024] 1 NZLR 608. This decision considered an appeal from Te Kaunihera Kaumatua o Tūhoe as to whether the Māori Land Court had supervisory jurisdiction over Te Uru Taumatua Trust, the Post-Settlement Governance Entity for Tūhoe. The Supreme Court held Te Uru Taumatua Trust is subject to the supervisory jurisdiction of the Māori Land Court.	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts.	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
This legislation does not create any new obligations or standards, or impact on existing obligations or standards.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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This Bill exempts specified PSGEs from the supervisory jurisdiction of the Māori Land Court. It does not amend other legislation. There is no interaction with New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

<p>This Bill contributes to Māori wellbeing and development by exempting PSGEs that request it from the supervisory jurisdiction of the Māori Land Court. The exemptions are consistent with the framework for Treaty settlements and are consistent with PSGE decision making processes. Only those PSGEs which have confirmed in writing their wish to be exempt have been exempted from MLC jurisdiction through this Bill. These PSGEs have confirmed that they have followed the decision-making process in their trust deeds.</p>

<p>The policy development of this Bill has been consistent with Treaty principles of partnership and Rangatiratanga. Te Puni Kōkiri has consulted the PSGEs affected by the policy given effect to by this Bill and the Māori Land Court on both policy and the draft legislation.</p>
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<p>Throughout policy development, officials have applied the Māori public policy framework Te Tautuhi-ō-Rongo to explore and consider collective and individual rights, interests and responsibilities of whānau, hapū, iwi and Māori based on the Treaty of Waitangi. Te Puni Kōkiri identified that this bill contributes to Rangatiratanga by allowing PSGEs to exercise independent judgement on whether they would like to be included in the schedule and be exempted from the supervisory jurisdiction of the Māori Land Court.</p>
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Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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<p>The Bill has been provided to the Ministry of Justice for consideration of compliance with the New Zealand Bill of Rights Act. The Ministry of Justice will provide advice to the Attorney-General. This is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice will be accessible on the Ministry's website at:</p>
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<p>https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/advice/</p>
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Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
<p>The Bill exempts the PSGEs specified in the schedule, and certain hapū trusts receiving Treaty settlement redress, from sections 237 to 245 of Te Ture Whenua Maori Act 1993, which confers broad supervisory jurisdiction on the Māori Land Court over Māori land trusts and trusts constituted in respect of general land owned by Māori.</p> <p>The Bill also authorises that other PSGEs, and certain other hapū trusts or other trusts that receive, or will receive, Treaty of Waitangi settlement redress, can be added to the schedule by Order in Council.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>The Ministry of Justice was consulted on both the potential wider implications for trusts based on the Supreme Court decision and the draft Bill.</p> <p>The Ministry was comfortable that the reasoning of the court in the Supreme Court decision should not have a broader impact on private trusts, even when discretionary beneficiaries may have Māori whakapapa.</p> <p>The Ministry of Justice had no further feedback on the draft of the Bill.</p> <p>Te Tari Whakataū, a departmental agency of the Ministry of Justice, was also consulted and has provided advice at multiple stages to support policy development and drafting.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO
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External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p><u>Targeted consultation on policy to be given effect to</u></p> <p>Targeted consultation during policy development was undertaken between November 2024 and August 2025 with the parties directly impacted by this Bill. The parties consulted include Post-Settlement Governance Entities (PSGEs) who are trusts not excluded from MLC jurisdiction in their settlement legislation. Engagement in August 2025 following Cabinet policy approval related to confirming individual PSGE requests and queries.</p> <p>Consulted parties were provided with options to either (a) maintain the status quo, or (b) remove the supervisory jurisdiction of the Māori Land Court from their respective PSGEs. Most PSGEs expressed concern and surprise upon finding out they were subject to the supervisory jurisdiction of the Māori Land Court and favoured legislation to exempt them.</p> <p>46 of 73 PSGEs consulted preferred option (b) to remove the supervisory jurisdiction of the Māori Land Court from their respective PSGE.</p> <p><u>Targeted consultation on the draft Bill</u></p> <p>Targeted consultation on the draft Bill was undertaken in February – April 2026 with the PSGEs that are named in the Bill.</p> <p>As a result of feedback from PSGEs named in the Bill, two options were provided to PSGEs: the opportunity to elect to exempt hapū controlled trusts to which the PSGE transferred redress land to through primary legislation rather than through the Order in Council powers given effect to by the Bill, or confirm that they wish hapū-controlled entities to have the option to seek exemption through the Order in Council process, should they choose to do so. To date, 9 PSGEs have elected to make trusts controlled by hapū that they have transferred redress land to exempt from the supervisory jurisdiction of the Māori Land Court.</p> <p>A consultation version of the draft Bill was provided to the PSGEs named in the Bill in accordance with the Attorney General’s protocol on the release of draft legislation outside the Crown.</p> <p>The Māori Land Court was consulted on the draft Cabinet policy paper and on a consultation version of the Bill. In keeping with the doctrine of separation of powers the Māori Land Court did not seek to advocate for a particular policy decision or outcome on this proposed amendment to the current law but provided information that could assist in the analysis of this issue.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill’s provisions are workable and complete?	NO
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Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	YES
<p>The Bill contains a power for trusts to be added to the Schedule of exempted trusts.</p> <p>Clause 9 provides that the Governor-General, by Order in Council, on the recommendation of the Minister of Māori Crown Relations: Te Arawhiti may add to the schedule:</p> <ul style="list-style-type: none"> • the name of a PGSE not already included in the schedule; • a hapū trust to which a named PSGE has transferred redress land to, provided the hapū trust is not one constituted in respect of Māori land; • a trust established to receive claim property (within the meaning of section 339 of the Ngāi Tahu Claims Settlement Act 1998) that is not declared to have the status of Māori freehold land; • a trust established to receive SILNA land that is not declared to have the status of Māori freehold land; or • a hapū trust to which a property or other redress is on transferred under the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 (see section 11 of that Act) to the Schedule. <p>The Bill contains the power to add PSGEs by Order in Council because there was insufficient time before the Bill was introduced for all PSGEs affected by the Supreme Court decision to carry out the processes necessary to obtain beneficiary consent to the exemption of their PSGE from the supervisory jurisdiction of the Māori Land Court.</p> <p>If these PSGEs that were unable to confirm their decision to be made exempt from the supervisory jurisdiction were to be added to the Schedule through a Bill amending the Schedule this would be a slower process to resolve an issue that PSGEs wish to have resolved expeditiously.</p> <p>The reason for including an ability to exempt, by Order in Council, trusts established to receive the Ngai Tahu claim property or SILNA land is that the terms of transfer and the type of entity to receive ancillary redress have not yet been agreed to by the Crown and the PSGE and may not be decided before the Bill is enacted.</p> <p>The reason for including an ability to exempt, by Order in Council, hapū trusts to which a property or other redress is on transferred under the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 is that the Settlement Trust considers that there is insufficient time for hapū trusts to engage with members and decide on the exemption issue before the Bill is enacted.</p> <p>The exercise of the above power is appropriately safeguarded, as the Minister for Māori Crown relations may only make a recommendation to Governor-General with the written consent of the relevant trust, who must also provide evidence that their consent is consistent with the process required by the trust deed constituting the trust.</p> <p>Another safeguard is that the criteria for the addition of a trust other than a PSGE to a schedule of exempt entities includes that trusts constituted in respect of Māori land will not be able to be exempted.</p>	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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