

Māori Land Today

I have chosen to use the first edition of the re-launched Judges Corner to set out some basic information about Māori freehold land in 2011, and the steps currently being taken by the Māori Land Court to ensure owners of this land have access to all necessary information in relation to this land in our mutual work to enable the retention and utilisation of their whenua.

Today Māori freehold land comprises a little over 1.4 million hectares – that is, approximately 5.5% of New Zealand's land mass. 12% of the North Island is Māori land, including about 23% of the land in the Waiariki district, 18% in the Tairāwhiti district and 28% in the Aotea district. Most of the Māori freehold land in New Zealand is therefore concentrated in the centre and the east coast of the North Island.

There are 27,137 Māori freehold land titles and approximately 2.3 million ownership interests in those titles. So we are dealing with multiple owners averaging 85 owners per title – the lowest 10% averaging 1 owner to each title, and the highest 10%, averaging 629 owners in each title. Within the Māori Land Court districts, average ownership numbers range from 51 owners per block in the Tākitimu district to 154 owners per block in the Waiariki district. The average size of a Māori land block is 52.5 hectares, with the smallest 10% of blocks averaging 80m² and the largest 10% 468 hectares.

Of the approximately 2.3 million ownership interests in Māori land, anecdotal evidence indicates that about half of these interests are held by deceased persons; many land interests are owned by the same person under multiple names; and many owners live far from their land and, in some cases, do not know they are owners of Māori land at all.

The above statistics in themselves highlight the significant challenges that exist for Māori land owners in attempting to manage and administer their land. When one adds to the mix the underlying principles of Te Ture Whenua Māori Act 1993 – namely of land retention and land utilisation, in effect two competing principles – then the challenges facing Māori land owners and the Māori Land Court can be quite difficult.

How can we make a difference with the development of Māori land? We know that there are thousands of acres of undeveloped Māori land, thousands of acres of Māori land with no governance structures and thousands of small Māori land blocks with hundreds of owners that have governance structures but are struggling and underutilised.

In most but, to be fair, not all cases, Māori owners want to improve the development and productivity of their land, and unlock the potential of this sleeping economic giant.

So what realistically can be done to help with this problem – with the knowledge that Māori land is in multiple ownership, many of the owners are deceased and unsucceeded to, and many owners have no recorded addresses so are difficult to contact? What can be done, for example, for owners who wish to form governance structures so they can get a lease of their land to utilise it, but have difficulty notifying the owners to inform them of the proposals as required by section 215 of Te Ture Whenua Māori Act?

Clearly, the most basic assistance that can be given to owners is to make it easier for them to obtain important and relevant information about their land and the owners of that land. This is a real and acknowledged problem, and one which has been worked on and is currently being worked on in the Māori Land Court and across government agencies including Te Puni Kōkiri (TPK), Land Information New Zealand (LINZ) and the Ministry of Justice.

As an example, in recognition of the difficulty Māori land owners were having obtaining information about their land the Māori Land Information System (MLIS) was introduced in 2000. This brought the Māori Land Court record into the computer age with details of Māori land blocks and their owners being accessible nationwide, without owners having to travel to the Māori Land Court where the land was located to get information.

In 2005 the Government provided over \$30 million over a five year period to fund the Māori Freehold Land Project in a joint venture between the Māori Land Court, LINZ, the Ministry of Justice and TPK to ensure the registration of all Māori freehold land titles and orders with LINZ. This project was completed in March 2010.

One of the real benefits of this project is that now the majority of Māori land titles are defined as to survey, which will enable a full certificate of title or provisional certificate of title to be obtained. In simple terms this means that the boundaries and areas of Māori land are now clearly marked, identified and registered as a certificate of title. The lists of owners have also been brought up to date and the status of Māori freehold land has been clearly identified as such on LINZ's records.

Another real benefit from this project is that it brings Māori land, by virtue of the definition by survey and registration of it, into what is known as the primary layer for lending purposes. So in theory, perhaps still to be tested, Māori land should be more attractive to banks for lending purposes. I know this is a problem, and in my view primarily a matter of banks becoming educated in the Te Ture Whenua Māori Act 1993.

Another project which has just been launched on the Māori Land Online website by Te Puni Kōkiri and the Ministry of Justice is the Māori Land Geographic Information System (MLGIS) project. This new initiative provides a visual tool to Māori land owners and users of Māori land to access information to assist in the utilisation and development of their land.

In practice what does this mean? It simply means that GIS will bring the written data about the land to life in picture form. Your land will be brought up in front of you. You will be able to see the boundaries, the topography of your land, the land cover (e.g. bush, scrub, etc), the fences, roadways and, if you are nose-y, what the neighbours are doing to their land. As the capability of the system is increased, the information such as the soil type and therefore the capability of the land will also be made available. All this information will help owners better understand their land and be better prepared for planning its utilisation.

The Ministry is also looking at improving and enhancing the Māori Land Information System. Whilst MLIS has helped make information on land more accessible it has not gone far enough in terms of the information about the title and the owners that is available on this system. Work is now underway to create a more advanced system to provide a better service to landowners. This is in a more foetal stage of planning so I do not have much information but I am told it will improve access, accuracy and security of information contained in the Māori Land Court, which is very positive.

But will it go far enough? As I said earlier, one of the major difficulties for Māori owners setting up governance structures and improving the utilisation of land in multiple ownership is the inability to contact or give notice to other owners of proposals for development. While all the projects that I have mentioned will assist with land utilisation, none of them directly address this issue.

As a result I believe this should be one of the main objectives of the MLIS enhancement projects and that a concerted joint effort should be mounted across agencies who have the names and addresses of Māori owners, so that these addresses can be made available to an owner wanting to utilise his or her land and who is required by Te Ture Whenua Māori Act to notify those owners.

Agencies such as the Māori Land Court, the Māori Trustee, Collections, and the Electoral Enrolment Centre all have separate databases with addresses of Māori land owners. This information in my view should be brought together and made available to the Māori Land Court, and then to an owner who wishes to develop his land and needs to notify owners. Clearly there will be privacy issues but I believe these can be managed in the appropriate manner if enough vision and thought is given to this issue.

If this is achieved it will go a long way to resolving many of the problems land owners have in setting up governance structures, and would help to assist with the unlocking the benefit of this land to its Māori owners and their descendants, and also for the benefit of all of New Zealand.

W. W. Issac

CHIEF JUDGE