

Te Pire Whakatikatika Kāwanatanga ā-Rohe (Rētītanga o te Whenua Māori)

Pire Kāwanatanga

E ai ki tērā nā Te Komiti Whiriwhiri Take Māori i pūrongo

Ngā Kōrero

Tūtohutanga

Kua tirohia e Te Komiti Whiriwhiri Take Māori Te Pire Whakatikatika Kāwanatanga ā-Rohe (Rētītanga o te Whenua Māori). Kīhai te komiti i whakaae ki te tūtohu kia whakamanatia. Heoi ka tūtohu tahi mātou katoa kia whakamana Te Whare i ngā menemana e takoto ana i raro nei mēnā ka whakatauria kia kōkiri te pire.

Kupu whakataki

Ka rapu Te Pire Whakatikatika Kāwanatanga ā-Rohe (Rētītanga o te Whenua Māori) kia whānui te tautokonga o ngā kaupupuri o te whenua whiriwhiri Māori ki te whakapāpā atu, ki te whakamahi, ki te whakawhanake, ki te noho i runga i ō rātou whenua. Ka whakahou hoki i ētahi āhuatanga o te Local Government (Rating) Act 2002 e tuki-tuki ana ki ngā hiahia onāiane i te whakahoanga Māori Karauna.

I tua atu i te menemana i te Local Government (Rating) Act, ka oti i te pire ētahi menemana ririki ki ētahi atu whakatureture, pēnei me te Local Government Act 2002, Te Ture Whenua Māori 1993, me te Rates Rebate Act 1973.

Ngā menemana i marohitia

Kapi ai e tēnei kōrero ngā menemana matua nā mātou i tūtohu ki te pire i whakaurua rā. Kīhai mātou e matapaki menemana ririki, menemana hangarau rānei.

Te rētītanga o ngā poraka whenua whiriwhiri Māori huhua hei poraka kotahi

Ka whakaurua e te Rārangi 11 i whakaurua rā tētahi wāhanga hou ki te Pire, te 20A, kia āhei ai te mahi i ngā poraka huhua o te whenua Māori hei poraka kotahi. Ka wātea

te tangata e whakamahi ana i ētahi poraka whenua huhua hei poraka ōhanga kotahi ki te tono kia mahia aua poraka hei poraka kotahi, e pā ana ki te whakawānga rēti. Me whakaae te mana takiwā ka tika mēnā e ea ana ōna whakaaro i takea mai aua poraka i te poraka kotahi.

Te whakamārama i te takenga o ngā poraka whenua Māori

Ka tūtohu mātou kia menemanatia te wāhanga hou 20A(2)(b) hei whakamārama i te kupu “poraka kotahi”. Arā i puritia te poraka whenua Māori tuatahi hei taputapu taitara, ā, me ea noa iho ngā whakaaro o te mana takiwā i takea mai te whenua e kōrerohia ana i taua poraka tuatahi rā.

Te whakapūmautanga o te eanga whakaaro o te mana takiwā

Ka tūtohu mātou kia whakaurua te wāhanga hou 20A(2A) hei hoatu i tētahi whakaaro taunoa, arā he taunakitanga rawaka te ingoa poraka kotahi i roto i te whakamārama ā-ture o tētahi huinga taitara, kia ea ai ngā whakaaro o te mana takiwā i te takenga o tētahi poraka. Ka tino whakamārama tā mātou menemana i te takune o te pire, arā ehara i te mea e hiahiatia he taunakitanga whakatūturu kia whakamahia ai te ritenga nei.

Ka hoatu te wāhanga hou 20A(3) e whakaurua nei kia wātea te mana takiwā ki te rapu whakataunga mai i te Kairēhita o te Kōti Whenua Māori, mēnā kāore e ea ngā whakaaro e pā ana ki te takenga o ngā poraka whenua. Ka tūtohu mātou kia rīwhitia te wāhanga nei, ka tāpiritia te whakahau, e wātea ana te mana takiwā ki te rapu whakataunga mai i te Kōti, ā, me pērā ina ka inoi te kaitono. E whakapono ana mātou ka whakataurite tēnei āhuatanga i te hātepe pai e tau ai ngā āwangawanga i whakapua-kina e ētahi kaitāpae e hiahia ana kia whakahaua ngā whakatauranga.

Te aukati i te hokonga o te whenua Māori i hurihia hei whenua arowhānui i raro i te Māori Affairs Amendment Act 1967

Ka whakarerekē te rārangi 37 o te pire i whakaurua rā i te wāhanga 78 o te Ture hei aukati i te Kōti ā-Rohe kei whakamanatia te hokonga, te rīhitanga rānei o te whenua i whakarērea, māna e ea ana ōna whakaaro ehara tērā i te whenua whirīhoura Māori i hurihia hei whenua arowhānui i raro i te Māori Affairs Amendment Act 1967. Waihoki ina e puritia tonutia ana te whenua e aua kaupupuri anō rā (e ō rātou uri rānei), ā, e whiwhi painga tonu ana rātou.

E hiahia ana mātou ki te whakapakari i te ritenga nei ki te tūraru kei hokona pokerehūtia te whenua Māori. Ka marohi mātou kia paiherea te mana takiwā, te rapu nei i te whakaaetanga o te kōti ki te hoko, ki te rīhi rānei i te whenua i whakarērea, ki te whakaatu ehara taua whenua i te whenua whirīhoura Māori i mua atu, te whakamāramatia i runga nei. Ka tūtohu mātou kia whakaurua te rārangi hou 36A hei menemana i te wāhanga 77 o te Ture. Ka whakahau tā mātou menemana i tētahi mana takiwā ki te hoatu taunakitanga ki te Kōti ā-Rohe ehara te whenua i whakarērea i te momo whenua e whakamāramatia ana i roto i te wāhanga hou 62A(1) e marohitia nei.

Te mana o te tumuaki ki te whakakore rēti

Ka whakauru te rārangi 39 o te pire i ngā wāhanga hou ki te Ture, te 90A me te 90D. Ka whakaritea e aua wāhanga hou te pūatatanga ā-pūtea, ā, ka hoatu ki te tumuaki o tētahi mana takiwā, ki tōna māngai rānei, te mana ki te whakakore i ngā rēti kāore e taea te kapo.

Ka tūtohu mātou kia menemanatia te wāhanga hou e marohitia ana, te 90A(1), kia kī me (kaua ko te ‘ka taea’) whakakore ngā rēti mēnā ki ngā whakaaro o te tumuaki e kore e taea “tōkeketia” te kapo. Ka mārama kehokeho te tohutohu ki te tumuaki ki te whakatūturu ka whakamahia tōna mana mehemea he pēnei ōna whakaaro. He mea whakahoahoa te tōkeketanga mō te whakawānga o te āheinga ki te kapo i ngā rēti kia mārama ai me kua e noho te whakakorenga hei mahi tōtika mēnā e korekore rawa e taea ngā rēti te kapo.

Ka tūtohu hoki mātou kia whakaurua te rārangi hou 90A(2) kia wātea ai te kaiwhakautu rēti ki te tonono kia whakaarohia e te tumuaki tētahi whakakorenga rēti i raro i te wāhanga (1). Ka herea te tumuaki ki te whakamōhio ā-tuhi i te kaiwhakautu rēti ki tana whakatau i roto i ngā rā e 30. E mōhio ana mātou ka āhei te tuku ki te Kaitiaki Mana Tangata i ngā amuamu e pā ana ki ngā whakatau, he ōkawa nō te hātepe tonono.¹

Ngā takiwā rēti wehewehe i runga whenua Māori

Ka hoatu te rārangi 46 (e whakauru ana i ngā wāhanga 98A ki te 98F) i te wāhi ki ngā takiwā rēti wehewehe i runga whenua whirīhoura Māori, te rētitia nei hei kotahi i te wā nei. Ko te pūtake o te ritenga ko te whakamana i ngā kainoho o ngā kāinga ki te whai wāhi ki te hōtaka whakahoki rēti, ā, ko te whakamārama i te whakahaerenga rēti. He uaua ngā hātepe i te wā nei, mēnā he huhua ngā kāinga i runga i te poraka kotahi.

Te whakawehenga o ngā takiwā rēti wehewehe

I raro i te wāhanga 98A hou, ka āhei te mana takiwā ki te whakatau he takiwā rēti wehewehe tētahi poraka whenua Māori inā ka tonono, mehemea he nōhanga te whenua e whakamahia wehetia ana i ētahi atu whenua o te poraka rēti.

Ka tūtohu mātou kia whakaurua te wāhanga hou (4A), ka herea te mana takiwā ki te whakamōhio i te/ngā kaiwhakautu rēti ki tētahi tonono ki te hanga i tētahi takiwā rēti wehewehe. Ka whakatūturu tā mātou menemana ka whakamōhio ngā kaupuri ki tētahi tonono mō tētahi takiwā rēti wehewehe i runga i tētahi whenua Māori, ina karekau ōna hanganga whakahaere ōkawa, ā, whakahaeretia tahitia ai te whenua e ngā kaupuri katoa. Ka whakamahia tēnei mēnā kāore te whenua i te whakahaeretia e tētahi poutiaki, mēnā kāore te whenua i te puritia e tētahi kaporeihana e whai hanganga whakahaere kē rānei.

¹ Tirohia ngā wāhanga 13 ki te 26 o te Ombudsmen Act 1975.

E mātau ana mātou tērā pea ka pōhēhētia he hoatu tikanga noho rānei, he hoatu pānga ki te whenua te hanganga o tētahi takiwā rēti wehewehe. Ka tūtohu mātou kia whakaurua te wāhanga hou (6) kia mārama kehokeho ai e kore e hangā he tikanga noho, he pānga ki te whenua rānei i runga i te hanganga o tētahi takiwā rēti wehewehe.

Te whakawehenga o ngā rēti i waenga i ngā takiwā rēti wehewehe

Tērā te wāhanga hou 98B, ka tūtohu mātou kia menemanatia te kōwae (d) hei whakamārama iho me tairite te wāwāhanga o tētahi utu i raro i te wāhanga 15(1)(b) o te Ture i waenga i tēnā me tēnā o ngā takiwā rēti wehewehe. He tapeketanga tēnei, ā, ka pā ki ngā takiwā rēti wehewehe katoa, ki tētahi takiwā rēti e toe ana hoki. Me hāngai te wāwāhanga pēnei ki tā te mana takiwā whakamārama o tētahi poraka e whakamāhia wehetia ana, e nōhia wehetia ana rānei. Waihoki ka kore e hua ake ētahi atu utu i runga i tēnei āhuatanga.

Te whakakorenga o ngā rēti mō ngā whenua whirīhoura Māori e whakawhanaketia ana

Ka whakauru te rārangi 48 i te rārangi 114A hou e hanga ana i tētahi hātepe ā-ture whakakore rēti mō ngā whenua Māori e whakawhanaketia ana. Ka mea te rārangi 1 e marohitia nei, ko te pūtake o taua ritenga he tautoko i te nōhanga, te whanaketanga, me te whakamahinga o ngā whenua Māori hei painga mō ngā kaupupuri.

Ka tūtohu mātou kia menemanatia te wāhanga hou 114A(3) kia rīwhitia ngā kupu “whakakorea ngā rēti” ki te “whanaketanga”. Ka tūhono rawa ngā kupu i whakaurua i te whakakore rēti ki ngā painga e whakaarohia ana. Mā tā mātou menemana e tahuri ai te aro o te whakakorenga ki ngā painga whānui o te whanaketanga.

Ka tūtohu hoki mātou kia whakaurua hei kōwae hou (e) ngā painga mō ngā kaupupuri e ahu mai ana i ngā mahi tautoko i te nōhanga, te whanaketanga, me te whakamahinga o ngā whenua Māori.

Hei whakakapi ake, ka tūtohu mātou kia whakamāramatia ki roto i te wāhanga hou 114A(4)(c) ko ngā paearu e whakaaetia ai te whakakorenga rēti. Ka hāngai pea ngā paearu ki te tīmatanga o te whanaketanga, te otinga o te whanaketanga, ki tētahi atu wāhanga o te whanaketanga rānei. Mā konei e whai mana ai te mana takiwā ki te whakaae ki tētahi whakakorenga rēti mai anō i te tīmatanga o tētahi whanaketanga o te whenua. Me te aha, ka māia ngā kaupupuri ki te kōkiri i te whakamaheretanga, i te whakaritenga pūtea hoki mō ngā whanaketanga, i runga i te mōhio ka whakakorea ngā rēti i te tīmatanga o te whanaketanga o te whenua.

Ehara te rēhitanga ki te Hōtaka Tauhoko Puhanga i te whakamahinga o te whenua

Ka tūtohu mātou kia menemanatia te rārangi 50(6) o te pire hei whakatūturu ehara te rēhitanga o te whenua Māori ki te Hōtaka Tauhoko Puhanga (ETS) i te whakamahinga o taua whenua. Ka āta whakamāramatia tēnei hanga i roto i te pire, ka tūturu ai ka kore e whakapāhunatia te rēhitanga o taua tū whenua. Pakari noa te ngahere, ka

kore e tika ki te whakautu tonu i ngā rēti, he mutu nō te whiwhinga pūtea mai i ngā tukunga waro.

Ka mōhio hoki mātou he nui rawa ngā whenua Māori e taupāngia ana, ā, mēnā ehara i te whenua Māori ka noho pea hei wāhanga o ngā whenua e tiakina ana e Te Papa Atawhai e kore nei e taea te rēti.

Te pūtea me ngā kaupapa here pūtea

Ka tūtohu mātou kia menemanatia te rārangi 52 hei whakamārama ake e hāngai ana ngā mātāpono e whakatakotoria ana i Te Ture Whenua Māori 1993 ki te kaupapa here mō te moni whiwhi me te pūtea; ki te kaupapa here o ngā tukunga mō te whanaketanga, o ngā tukunga pūtea rānei; tae atu ki ngā whakakorenga rēti me ngā kaupapa here hikinga katoa hoki.

Ngā whakaaro o te Pāti Nāhinara o Aotearoa

I whakaurua te pire nei ki Te Whare i te Taite te 27 o Huitanguru, 2020. I muri tata mai i te whakaurunga, ka noho rāhui te motu i runga i te pānga mai o te Mate Urutā Karauna, ka hīkina ngā huihuinga o Te Whare, me te aha ka wātea ngā komiti ki te huihui ā-whitiata noa iho. Nā runga i ēnei take, ā, ahakoa te hikinga o te rā pūrongo mā te kotahi marama, e whakapono ana a Nāhinara kāore i rawaka te hātepe nei kia tika ai te whakaaroaro i ngā kai o roto o te pire.

E pupuri ana a Nāhinara ki tāna, arā me tuhi anō Te Ture Whenua Māori 1993 katoa kia ū tika ai te takune ā-kaupapa here o te pire nei. He wāwāhi nō te pire nei, i ōna tuhinga kupu onāiane, i ngā whakatureture Whenua Māori o te wā nei.

E āwangawanga ana a Nāhinara kei whakarite te pire i tētahi ritenga whakakore rēti e kaha ake ana te tautoko i tētahi hunga, tēnā i tētahi hunga. Ahakoa te tautoko a Nāhinara i te takune o te pire, arā te hurihanga o te whenua Māori huakore hei whenua whaihua, e noho tonu ana te pupuritanga o te whenua Māori e ngā kaipupuri tokomaha hei take nui, e kore pea e rongoātia e tētahi ritenga whakakore rēti.

E māharahara ana a Nāhinara kāore i āta whakaarohia e te Kāwanatanga ngā pānga o te pire nei ki ngā kaipupuri whenua, nāna nei te whenua i whakatapu mō tōna uara ā-taiao, mō ōna wai rere hoki. Ko te hua pea o te hanganga e whakatūria ana e te pire e tuhia pēneitia ana, ko te whenua huakore, kāore hoki ngā rēti e whakakorea. Me te aha ka hē kē atu ngā tautohetohe i waenga i ngā kaipupuri whenua me ō rātou kaunihera.

Waihoki, ka huri tuarā te pire ki ngā kaunihera nāna nei i whakauru ngā hātepe whakawhāiti rēti, me te āheinga hoki ki te whakakore i ngā rēti hītori, i ngā nama hoki. Me te aha ka hāmenetia ngā kaunihera kua oti kē i a rātou aua pūnaha te whakatū.

Hei whakakapi ake, e āmaimai ana a Nāhinara i ngā mana herekore e whakaurua ana e te pire nei. Mā reira ngā Tumuaki o ngā Kaunihera e wātea ai ki te whakakore i ngā rēti hītori, i ngā nama hoki, me te kore noa o ētahi pūnaha haepapa hei pūrongo i ngā hātepe, i ngā tukanga e hiahiatia ana hei whakamahi i aua mana.

Tāpiritanga

Hātepe komiti

I tukuna Te Pire Whakatikatika Kāwanatanga ā-Rohe (Rētītanga o te Whenua Māori) ki te komiti i te 12 o Poutū-te-Rangi, 2020. Ko te 17 o Haratua, 2020 te rā katinga mō ngā tāpaetanga. E 122 ngā tāpaetanga i whiwhi, ā, i whakaarohia e mātou mai i ngā rōpū whai pānga me te hunga takitahi. I rongo taunakitanga ā-waha mātou mai i ngā kaitāpae e 39 i ngā whakawātanga i Te Whanganui-a-Tara.

I whiwhi kupu tohutohu mātou mai i Te Arawhiti, i Te Puni Kōkiri hoki.

Mematanga komiti, ko

Rino Tirikatene (Heamana)

Marama Davidson

Joanne Hayes

Harete Hipango

Matt King

Adrian Rurawhe

Hōnore Nicky Wagner

Hōnore Meka Whaitiri

I whai wāhi a Lawrence Yule ki tā mātou whakaaroarohanga i te pire nei.

Local Government (Rating of Whenua Māori) Amendment Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Local Government (Rating of Whenua Māori) Amendment Bill. The committee is unable to agree to recommend that it be passed. However, we recommend unanimously that the House adopt the amendments set out below if it decides that the bill should proceed.

Introduction

The Local Government (Rating of Whenua Māori) Amendment Bill seeks to broadly support owners of Māori freehold land to engage with, use, develop and live on their land. It also modernises some aspects of the Local Government (Rating) Act 2002 that are inconsistent with today's expectations of Māori–Crown relationships.

As well as amending the Local Government (Rating) Act, the bill would make minor amendments to other legislation, including the Local Government Act 2002, Te Ture Whenua Maori Act 1993, and the Rates Rebate Act 1973.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Rating multiple blocks of Māori freehold land as one

As introduced, clause 11 would insert new section 20A into the Local Government (Rating) Act, to enable two or more blocks of Māori land to be rated as one. A person using multiple blocks of land as a single economic unit may make an application to have them treated as one for the purposes of a rates assessment. The application must

be accepted by the local authority if it is satisfied that they have originated from the same block.

Clarifying the origin of Māori land blocks

We recommend amending new section 20A(2)(b) to clarify that “same block” means the first Māori land block that was held in an instrument of title and that the local authority only needs to be satisfied that the land in question is derived from that same original block.

Establishing when a local authority may be satisfied

We recommend inserting new section 20A(2A) to provide a default presumption that a common block name in the legal description of a group of titles is sufficient evidence for a local authority to be satisfied of a block’s origin. Our amendment would make explicit the bill’s intention that conclusive evidence is not required for this provision to be applied.

As introduced, new section 20A(3) provides that, if a local authority is not satisfied of the origin of the blocks, it may seek a determination from the Registrar of the Māori Land Court. We recommend replacing this section to add that not only may it seek a determination from the Court, but it must do so if asked by the applicant. We believe this balances an efficient process against concerns raised by some submitters to require determinations.

Preventing the sale of Māori land that was converted to general land under the Māori Affairs Amendment Act 1967

Clause 37 of the bill as introduced would amend section 78 of the Act to prevent the District Court from authorising the sale or lease of abandoned land unless it is satisfied that the land is not land that was once Māori freehold land that was converted to general land under the Māori Affairs Amendment Act 1967 and that is still beneficially owned by the same owners (or their descendants).

We wish to strengthen the provision against the risk of inadvertent sale of Māori land. We propose doing so by placing an obligation on the local authority, when seeking court approval to sell or lease abandoned land, to demonstrate that the land was not once Māori freehold land of the type described above. We recommend inserting new clause 36A to amend section 77 of the Act. Our change would require a local authority to provide evidence to the District Court that the abandoned land is not of the type described in proposed new section 62A(1).

Power of chief executive to write off rates

Clause 39 would insert new sections 90A to 90D into the Act. These new sections would provide for financial transparency and empower the chief executive of a local authority, or their delegate, to write off rates that cannot be recovered.

We recommend amending new section 90A(1) to require that rates must (as opposed to “may”) be written off if a chief executive is of the opinion that they cannot

“reasonably” be recovered. This would make a clear directive to chief executives to ensure that their power is to be exercised if they are of that opinion. The addition of reasonability to the test of whether rates are recoverable is designed to make it clear that a write-off should not be seen as appropriate only when rates are practically impossible to recover.

We also recommend inserting new section 90A(2) to enable a ratepayer to make an application requesting the chief executive to consider a rates write-off under subsection (1). The chief executive would be required to notify the ratepayer of their decision in writing within 30 days. We note that providing for a formal application process would enable complaints about decisions to be referred to the Ombudsman.²

Separate rating areas on Māori land

Clause 46 (inserting new sections 98A to 98F) provides for separate rating areas on Māori freehold land that is currently rated as a whole. The purpose of the provision is to enable occupants of homes to access the rates rebate scheme and to generally simplify the administration of rates. These processes are currently complex when several homes exist on the same block.

Setting separate rating areas

Under new section 98A a local authority, if requested, would be able to determine part of a block of Māori land to be a separate rating area if it comprises a dwelling and is used separately from the other land in the rating unit.

We recommend inserting new subsection (4A) to require the local authority to notify the ratepayer(s) of a request to create a separate rating area. Our recommendation would ensure that owners are notified of a request for a separate rating area on Māori land for which there is no formal governance structure and all owners collectively manage the property. This would only be applicable if the land is not administered by a trust or owned by an incorporation which would already have governance structures.

We acknowledge that creating a separate rating area could be interpreted as providing an occupancy right or interest in the land. We recommend inserting new subsection (6) to make it explicitly clear that creating a separate rating area under this section would not also create a right of occupancy or interest in the land.

Dividing rates across the separate rating areas

In regards to new section 98B, we recommend that paragraph (d) be amended to clarify that any charge set under section 15(1)(b) of the Act be apportioned equally. This would be in total and across each separate rating area, and any residual rating area. Apportionment would need to be consistent with the local authority’s definition of a

² See sections 13 to 26 of the Ombudsmen Act 1975.

separately used or inhabited part of a rating unit and could not result in the application of additional charges.

Remission of rates for Māori freehold land under development

Clause 48 would insert new section 114A to establish a statutory process for remitting rates on Māori land that is under development. Proposed subsection (1) states that the purpose of this provision is to facilitate the occupation, development, and utilisation of the land for the benefit of its owners.

We recommend amending new section 114A(3) to replace the words “remitting the rates” with “the development”. As introduced, the wording closely links the remission of rates to the expected benefits. Our change would refocus the purpose of the remission on the overall benefits of the development.

We also recommend that benefits to owners from facilitating the occupation, development, and utilisation of Māori land be inserted as new paragraph (e).

Finally, we recommend that the conditions under which a rates remission could be granted be clarified in new section 114A(4)(c). The conditions could relate to the commencement of the development, or the completion of the development or any stage of the development. This would enable a local authority to approve a remission from when a development commenced. In turn, this would provide owners with the confidence to proceed with planning and financing developments, confident that a rates remission would occur when development commenced.

Registration in the Emissions Trading Scheme is not a use of land

We recommend amending clause 50(6) of the bill to ensure that registration of Māori land in the Emissions Trading Scheme (ETS) does not constitute a use of that land. Making this explicit in the bill would ensure that registration of such land is not discouraged. Once a forest reaches full maturity it would be inequitable to continue to pay rates as the income from carbon credits under the ETS would have ended.

We also note that a considerable amount of Māori land is inaccessible and would likely form part of the Crown’s non-rateable conservation estate if it were not Māori land.

Funding and financial policies

We recommend amending clause 52 to clarify that the principles set out in Te Ture Whenua Māori Act 1993 are relevant to the revenue and financing policy, the development contributions or financial contributions policy, and all rates remissions and postponement policies.

New Zealand National Party view

This bill was introduced to the House on Thursday, 27 February 2020. Soon after its introduction, the House adjourned owing to the COVID-19 lockdown, meaning committees were only able to meet via videoconference. Owing to these factors, and

despite a one month extension to the report-back date, National believes this process has been insufficient in adequately considering the contents of the bill.

National remains convinced that the policy intent of this bill would be best served through a comprehensive re-write of Te Ture Whenua Maori Act 1993. This is because, as drafted, the bill fragments existing Whenua Māori legislation.

National is worried that the bill would establish a rates remission regime favouring one group over another. While National is supportive of the bill's intent of turning unproductive Māori land into productive land, the multi-ownership nature of Māori land remains an issue in itself that a rates remission regime may not remedy.

National is concerned that the Government has not given enough thought to the ramifications this bill will have on landowners who have set land aside for environmental value and waterways. As drafted, the regime established in the bill could lead to this land becoming unproductive without rates remissions, exacerbating disputes between landowners and their respective councils.

Further, the bill ignores those councils that have already introduced respective rates reduction processes with the ability to write off historic rates and arrears. This effectively penalises councils who already have these systems in place.

Finally, National has concerns over the discretionary powers introduced by the bill. These would allow council chief executives to write off historic rates and arrears without any built-in accountability mechanisms to report on the processes and procedures required to exercise those powers.

Appendix

Committee process

The Local Government (Rating of Whenua Māori) Amendment Bill was referred to the committee on 12 March 2020. The closing date for submissions was 17 May 2020. We received and considered 122 submissions from interested groups and individuals. We heard oral evidence from 39 submitters at hearings in Wellington.

We received advice from the Department of Internal Affairs and Te Puni Kōkiri.

Committee membership

Rino Tirikatene (Chairperson)

Marama Davidson

Joanne Hayes

Harete Hipango

Matt King

Adrian Rurawhe

Hon Nicky Wagner

Hon Meka Whaitiri

Lawrence Yule participated in our consideration of this bill.

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Nanaia Mahuta

Local Government (Rating of Whenua Māori) Amendment Bill

Government Bill

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Schedule

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23

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Rating of Whenua Māori) Amendment Act **2020**.

2 Commencement

5

This Act comes into force as follows:

(a) the following provisions come into force on **1 July 2021**:

(i) **section 6:**

(ii) **sections 11 to 23:**

(iii) **sections 25 to 32:**

10

(iv) **section 34:**

(v) **sections 40 to 46:**

- (vi) **section 50:**
- (vii) **sections 56 and 57:**
- (b) the rest of this Act comes into force on the day after the date of Royal assent.

Part 1

5

Amendments to Local Government (Rating) Act 2002

3 Amendments to Local Government (Rating) Act 2002

This Act amends the Local Government (Rating) Act 2002 (the **principal Act**).

Amendments to Part 1 (preliminary and key provisions)

4 Section 3 replaced (Purpose)

10

Replace section 3 with:

3 Purpose

The purpose of this Act is to—

- (a) promote the purpose of local government set out in the Local Government Act 2002 by—
 - (i) providing local authorities with flexible powers to set, assess, and collect rates to fund local government activities: 15
 - (ii) ensuring that rates are set in accordance with decisions that are made in a transparent and consultative manner:
 - (iii) providing for processes and information to enable ratepayers to identify and understand their liability for rates; and 20
- (b) facilitate the administration of rates in a manner that supports the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.

5 Section 4 amended (Outline)

In section 4(4)(b), replace “remission of rates and postponement of the requirement to pay rates” with “remission of rates, postponement of the requirement to pay rates, and the write-off of rates”. 25

6 Section 5 amended (Interpretation)

- (1) In section 5, insert in their appropriate alphabetical order:

dwelling means a building or part of a building occupied as residential accommodation and includes— 30

- (a) a garage, a shed, and any other building used in connection with the dwelling; and

(b)	the land attached or appurtenant to the dwelling and commonly used in connection with the dwelling	
	person actually using land or person actually using a rating unit means a person who, alone or with others,—	
(a)	leases the land; or	5
(b)	does 1 or more of the following things on the land for profit or other benefit:	
(i)	resides on the land:	
(ii)	depastures or maintains livestock on the land:	
(iii)	stores anything on the land:	10
(iv)	uses the land in any other way	
	residual rating area means the part of a rating unit (if any) that remains after 1 or more separate rating areas are divided from the rating unit	
	separate rating area means land that has become a separate rating area under section 98A	15
	underlying rating unit means a rating unit which has been divided into separate rating areas under section 98A	
(2)	In section 5, definition of rates assessment , after “rating unit”, insert “or separate rating area”.	
(3)	In section 5, definition of rates invoice , after “rating unit”, insert “or separate rating area”.	20
7	New section 5A inserted (Transitional, savings, and related provisions)	
	After section 5, insert:	
5A	Transitional, savings, and related provisions	
	The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.	25
8	Section 10 replaced (Who is ratepayer?)	
	Replace section 10 with:	
10	Who is ratepayer?	
	For the purposes of this Act, a ratepayer is,—	30
(a)	in relation to a rating unit, the person who is named as a ratepayer in the rating information database and the district valuation roll for the rating unit:	
(b)	in relation to a separate rating area, the person who is named as the ratepayer in the rating information database for the separate rating area.	35

9 Section 12 amended (Liability for rates)

(1) After section 12(1), insert:

(1A) The ratepayer for a separate rating area is liable to pay the rates that are due on the separate rating area.

(2) In section 12(2), replace “and 62” with “to **62A**”.

5

10 Section 20 amended (Rating units in common ownership)

In section 20, replace “setting” with “assessing”.

11 New section 20A inserted (Rating units of Māori freehold land used as a single unit)

After section 20, insert:

10

20A Rating units of Māori freehold land used as a single unit

(1) A person actually using 2 or more rating units of Māori freehold land may apply to the local authority for 2 or more of the rating units to be treated as 1 unit for the purposes of a rates assessment.

(2) The local authority must treat the rating units as 1 unit for assessing a rate if—

15

(a) the units are used jointly as a single unit by the person; and

(b) the local authority is satisfied the units ~~were previously part of~~ are derived from, or are likely to have been ~~part of~~ derived from, the same original block of Māori freehold land, meaning the first Māori land block that was held in an instrument of title and that included the land that became the rating units.

20

(2A) For the purposes of **subsection (2)(b)**, it is sufficient evidence that 2 or more rating units of Māori freehold land are derived from the same original block of Māori freehold land if the rating units share a name in common according to the permanent record of the Māori Land Court.

25

~~(3) A local authority may make an application to the Registrar of the Māori Land Court for a determination as to whether the rating units were previously part of the same block of Māori freehold land.~~

(3) If a local authority is not satisfied that the units are derived from, or are likely to have been derived from, the same block of Māori freehold land, the local authority—

30

(a) may apply to the Registrar of the Māori Land Court for a determination as to whether the rating units are derived from the same original block of Māori freehold land; and

(b) must do so on the request of the person actually using the units.

35

(4) In this section, **block** has the meaning set out in section 4 of Te Ture Whenua Maori Act 1993.

Amendments to Part 2 (rating information database and rates records)

- 12 Section 27 amended (Rating information database)**
- (1) After section 27(5)(c), insert:
- (d) 1 or more separate rating areas being divided from a rating unit under **section 98A.** 5
- (2) In section 27(6)(a) and (b), after “unit”, insert “or a separate rating area”.
- 13 Section 28 amended (Inspection of rating information database)**
- In section 28(2), after “unit”, insert “or separate rating area” in each place.
- 14 Section 28A amended (Inspection of complete rating information database)** 10
- (1) In section 28A(2), after “unit”, insert “or separate rating area”.
- (2) In section 28A(3), after “unit”, insert “or separate rating area” in each place.
- (3) In section 28A(6), after “units”, insert “or separate rating areas”.
- 15 Section 28B amended (Local authority must inform owners of right to withhold certain information from database)** 15
- (1) In the heading to section 28B, after “owners”, insert “of rating units and ratepayers for separate rating areas”.
- (2) In section 28B, after “owner”, insert “of a rating unit and ratepayer for a separate rating area”.
- 16 Section 28C amended (Owner entered on database may require local authority to withhold information from database)** 20
- (1) In the heading to section 28C, after “Owner” insert “of rating unit and ratepayer for separate rating area”.
- (2) In section 28C(1), after “owner”, insert “of a rating unit or ratepayer for a separate rating area”. 25
- (3) In section 28C(2), (3)(b), and (4), after “owner”, insert “or ratepayer”.
- 17 Section 28D repealed (Transitional provision for local authority to establish database)**
- Repeal section 28D.
- 18 Section 29 amended (Objections to rating information database)** 30
- After section 29(1), insert:
- (1A) A person who is named in the rating information database as the ratepayer for a separate rating area or its underlying rating unit may also object to the information contained in the database on the ground that the apportionment of rates fails to comply with **section 98B.** 35

19	Section 37 amended (Rates records)	
(1)	In section 37(1), after “for each rating unit”, insert “and separate rating area”.	
(2)	In section 37(1)(a) and (b), after “unit”, insert “or separate rating area”.	
(3)	In section 37(3), after “unit”, insert “or separate rating area”.	
20	Section 38 amended (Inspection of rates records)	5
(1)	In section 38(1), after “rates record for a rating unit”, insert “or separate rating area”.	
(2)	In section 38(1)(d)(i), after “unit”, insert “or separate rating area”.	
21	Section 39 amended (Objection to rates records)	
	In section 39(1)(b), after “unit”, insert “or separate rating area”.	10
22	Section 41 amended (Amended assessment if error in rating information database or rates record is corrected)	
	In section 41(1)(a), after “unit”, insert “or separate rating area”.	
23	Section 41A amended (Amended assessment to give effect to objection to valuation under Rating Valuations Act 1998)	15
(1)	In section 41A(1), after “a rating unit”, insert “or separate rating area”.	
(2)	In section 41A(1)(a) and (b)(ii), after “unit”, insert “or separate rating area”.	
(3)	In section 41A(1)(b)(i), replace “the information in relation to the rating unit” with “information”.	
	<i>Amendments to Part 3 (assessment, payment, and recovery of rates and remission and postponement)</i>	20
24	Part 3 heading amended (Assessment, payment, and recovery of rates and remission and postponement)	
	In the Part 3 heading, replace “ remission and postponement ” with “ remission, postponement, and write-off of rates ”.	25
25	Section 44 amended (Notice of rates assessment)	
(1)	In section 44(1), after “rating unit”, insert “or separate rating area”.	
(2)	In section 44(2), after “unit”, insert “or separate rating area” in each place.	
26	Section 45 amended (Content of rates assessment)	
	After section 45(4), insert:	30
(5)	If subsection (3) applies because 1 or more separate rating areas have been divided from a rating unit,—	
(a)	the information required by subsection (1) must be provided for the residual rating area (if any) of the rating unit; and	

- (b) a separate rates assessment must be provided for each separate rating area in the rating unit in accordance with **section 98C**.
- 27 Section 46 amended (Rates invoice)**
In section 46, after “rating unit”, insert “or separate rating area” in each place.
- 28 Section 47 amended (Issue of amended rates invoice)** 5
In section 47(1), after “rating unit”, insert “or separate rating area” in each place.
- 29 Section 48 amended (Delivery of rates assessment and rates invoice)**
- (1) In section 48(1), after “unit”, insert “or separate rating area”.
- (2) In section 48(3), replace “the rating unit” with “a rating unit or separate rating area”. 10
- 30 Section 49 amended (Late delivery of rates invoice)**
In section 49, after “rating unit”, insert “or separate rating area”.
- 31 Section 51 amended (Combined rates assessment and rates invoice)**
- (1) In section 51(1), after “units”, insert “or separate rating areas” in each place. 15
- (2) In section 51(2), after “rating unit”, insert “or separate rating area”.
- (3) In section 51(3), after “unit”, insert “or separate rating area” in each place.
- 32 Section 54 amended (Power not to collect small amounts)**
- (1) In section 54(1) and (2)(a), after “rating unit”, insert “or separate rating area”.
- (2) In section 54(3)(b), replace “that rating unit” with “the rating unit or separate rating area”. 20
- 33 New section 62A inserted (Person actually using certain abandoned general land liable for rates)**
After section 62, insert:
- 62A Person actually using certain abandoned general land liable for rates** 25
- (1) This section applies to land if—
- (a) the land is general land that ceased to be Māori land under Part 1 of the Maori Affairs Amendment Act 1967; and
- (b) the land is beneficially owned by the persons, or by the descendants of the persons, who beneficially owned the land immediately before the land ceased to be Māori land; and 30
- (c) rates have not been paid to the local authority by the owner of the land for 3 years or more; and
- (d) the owner of the land—

- (i) is unknown; or
(ii) cannot be found after due inquiry and has no known agent in New Zealand; or
(iii) is deceased and has no personal representative; or
(iv) has given notice to the local authority that they intend to abandon or have abandoned the land. 5
- (2) A person actually using land to which this section applies is liable for rates on the land in respect of the period commencing on or after the date they started using the land.
- (3) A person actually using only part of a rating unit of land to which this section applies during a financial year must be treated as having used the whole of the rating unit for the whole of the financial year unless the person establishes otherwise. 10
- (4) The rates assessment and rates invoice must be delivered to the person actually using the land to which this section applies. 15
- (5) This section overrides sections 44 and 46.
- 34 Section 63 amended (Legal proceedings to recover rates)**
In section 63(2), after “rating unit”, insert “or separate rating area”.
- 35 New section 65A inserted (Recovery of unpaid rates from person actually using certain land)** 20
After section 65, insert:
- 65A Recovery of unpaid rates from person actually using certain land**
In proceedings under section 63 for the recovery of unpaid rates against a person actually using land to which **section 62A** or 96 applies (other than rates in respect of a separate rating area), the court may give judgment for a proportion of the unpaid rates if the court— 25
- (a) considers it to be reasonable to do so in the circumstances; and
(b) is satisfied that—
(i) the person did not actually use the whole of the rating unit for which the rates are claimed for the relevant financial year; and 30
(ii) the amount of rates payable is disproportionately large compared to a reasonable rental or payment for the use.
- 36 Section 67 amended (Enforcement of judgment)**
- (1) After section 67(2)(b), insert:
(c) evidence that the land is not land described in **section 62A(1)(a) and (b)**. 35
- (2) Replace section 67(3) with:

- (3) Subsection (1) does not apply to—
- (a) land that is subject to enactments that prohibit the alienation or transfer of that land; or
 - (b) land described in **section 62A(1)**.
- (2) In section 67(4), replace “despite those enactments, the local authority may” with “the local authority may, in respect of land described in **subsection (3)(a)**”.

36A Section 77 amended (Sale or lease of abandoned land)

After section 77(3), insert:

- (3A) The application must include evidence that the land is not land described in **section 62A(1)(a) and (b)**.

37 Section 78 amended (Court may order sale or lease of abandoned land)

In section 78, after “complied with”, insert “and the land is not land described in **section 62A(1)**”.

38 Heading to subpart 2 of Part 3 amended (Remission and postponement)

In the heading to subpart 2 of Part 3, replace “**and postponement**” with “**, postponement, and write-off**”.

39 New sections 90A to 90D and cross-heading inserted

After section 90, insert:

Power of chief executive to write off rates

90A Chief executive may write off rates that cannot be recovered

- (1) The chief executive of a local authority ~~may~~must write off any outstanding rates that, in the chief executive’s opinion, cannot reasonably be recovered.
- (2) ~~The local authority must give notice to the ratepayer of any write-off.~~
- (2) The chief executive may write off rates under **subsection (1)** on—
- (a) the chief executive’s own initiative; or
 - (b) the application of a ratepayer (who may make an application at any time).
- (3) The chief executive must—
- (a) notify a ratepayer of any write-off of the ratepayer’s rates under this section; and
 - (b) within 30 days of receiving an application under **subsection (2)(b)**, provide written reasons to the applicant of the reasons for the decision to write off, or not to write off, the rates specified in the application.

90B Chief executive may write off rates of deceased owners of Māori freehold land	
(1) The chief executive of a local authority may, in respect of a rating unit of Māori freehold land, write off all or part of the outstanding rates that—	
(a) are payable by a person beneficially entitled to a deceased owner’s beneficial interest in the land; and	5
(b) were payable by the deceased owner at the death of the owner.	
(2) The local authority must give notice to the ratepayer of any write-off.	
90C Chief executive may delegate power to write off rates	
(1) The chief executive of a local authority may delegate the exercise of the powers under sections 90A and 90B to any specified officer of the local authority.	10
(2) The chief executive must not delegate the power to delegate under this section.	
90D Amount of rates written off to be included in notes to financial statements	
A local authority must ensure that the notes to the financial statements described in clause 29(1)(a) of Schedule 10 of the Local Government Act 2002 disclose the amount of rates written off each financial year under sections 90A and 90B .	15

Amendments to Part 4 (rating of Māori freehold land)

40 Section 92 amended (Recording name of ratepayer)	20
(1) After section 92(4), insert:	
(4A) If a separate rating area is divided from a rating unit under section 98A , the person actually using the separate rating area must be entered as the ratepayer in the rating information database for the separate rating area.	
(2) In section 92(7), replace “and (4)” with “(4), and (4A) ”.	25
41 Section 93 amended (Limitation of trustee liability)	
In section 93, insert as subsection (2) :	
(2) Trustees seeking to rely on section 93(1)(b) must, on request by a local authority, provide copies of any annual financial statements provided to the beneficial owners by the trustees.	30
42 Cross-heading above section 96 replaced	
Replace the cross-heading above section 96 with:	
<i>Person actually using Māori freehold land in multiple ownership or separate rating areas</i>	

- 43 Section 96 amended (Person actually using land liable for rates)**
- (1) Replace section 96(1) with:
- (1) A person actually using land is liable for the rates on that land if the land is Māori freehold land—
- (a) in a rating unit in multiple ownership that is not vested in a trustee; or
 - (b) in a separate rating area.
- (2) Repeal section 96(2). 5
- 44 Section 97 amended (Rates assessment delivered to person actually using land)**
- In section 97(2), replace “A person to whom section 96 applies and who is actually using” with “A person who is actually using land described in **section 96(1)(a)** (other than land in a separate rating area) and who is using only”. 10
- 45 Section 98 replaced (Recovery of unpaid rates from person actually using land)**
- Replace section 98 with: 15
- 98 Ratepayer of underlying rating unit not liable for rates on separate rating area**
- (1) The ratepayer for a rating unit is not liable for any rates due on any separate rating area in the rating unit.
- (2) Sections 99 to 113 (which relate to charging orders on Māori freehold land) do not apply in respect of any rates due on the separate rating area. 20
- 46 New sections 98A to 98F and cross-heading inserted**
- After section 98, insert:
- Separate rating areas on Māori freehold land*
- 98A How rating unit on Māori freehold land divided into separate rating areas** 25
- (1) A local authority may divide a separate rating area from a rating unit on Māori freehold land on the request of a person in accordance with this section.
- (2) A local authority must determine a part of a rating unit to be a separate rating area if the identified part of the rating unit—
- (a) comprises a dwelling; and
 - (b) is used separately from the other land in the rating unit.
- (3) If the rating unit is managed by a trustee, the request for a separate rating area—
- (a) must be made by the trustee with the consent of the person actually using the identified part of the rating unit; and
- 35

- (b) must include the full name and postal address of the person actually using the identified part of the rating unit and evidence that they consent to the request.
- (4) If the rating unit is not managed by a trustee, the request for a separate rating area may be made by the person actually using the identified part of the rating unit. 5
- (4A) On receiving a request under **subsection (4)**, a local authority must notify the ratepayer or ratepayers for the rating unit of the request.
- (5) Requests for separate rating areas may be made at any time during the financial year. 10
- (6) The division of a separate rating area from a rating unit under this section does not create any right of occupancy or interest in the land.
- 98B Apportionment of rates for separate rating areas**
- The local authority must apportion the rates assessed for the underlying rating unit between each separate rating area and any residual rating area in the unit as follows: 15
- (a) the apportionment of any rate must be assessed in accordance with the same values and factors that were used to assess the total rates for the underlying rating unit under section 43; and
- (b) any general rate must be apportioned between separate rating areas and any residual rating area by apportioning the rateable valuation of the underlying rating unit between each separate rating area and any residual rating area, but always using the same category of rateable land under section 14 that applies to the underlying rating unit; and 20
- (c) any uniform annual general charge set under section 15(1)(a) for the underlying rating unit must be apportioned equally between each separate rating area and any residual rating area in the underlying rating unit; and 25
- (d) any uniform annual general charge set under section 15(1)(b) for the underlying rating unit must be ~~applied to~~ apportioned equally between each separate rating area, and any residual rating area, in the underlying rating unit that is a separately used or inhabited part of the rating unit according to the local authority's definition (see clauses 15 and 20 of Schedule 10 of the Local Government Act 2002); and 30
- (e) any targeted rate must be apportioned between each separate rating area and any residual rating area in the underlying rating unit by apportioning the factors under section 18 that apply to the underlying rating unit between each separate rating area and any residual rating area, but always using the same category of rateable land under section 17 that applies to the underlying rating unit; and 35 40

(f)	to avoid doubt, the sum of the apportionments of all rates for the separate rating areas and any residual rating area must equal the sum of all rates that would apply to the underlying rating unit without apportionment.	
98C	Contents of rates assessment for separate rating area	5
(1)	A rates assessment for a separate rating area must clearly identify all of the following:	
(a)	the name and address of the local authority:	
(b)	the name and address of the ratepayer:	
(c)	the number on the district valuation roll of the underlying rating unit:	10
(d)	the legal description of the underlying rating unit:	
(e)	the location of the separate rating area:	
(f)	the rateable value of the separate rating area:	
(g)	the amount and description of each rate:	
(h)	the activities or groups of activities of the local authority that will be funded from each rate:	15
(i)	the relevant matters in Schedule 2 that are required to determine—	
(i)	the category (if any) to which the separate rating area belongs for the purposes of setting general rates differentially under section 13(2)(b):	20
(ii)	the category (if any) to which the separate rating area belongs for the purposes of setting a targeted rate under section 16(3)(b) or (4)(b):	
(j)	the information on the factors used to calculate the amount of the liability of the separate rating area in respect of each targeted rate:	25
(k)	the total amount of rates payable on the separate rating area for the financial year:	
(l)	the information set out in section 45(1)(l) to (p).	
(2)	If the ratepayer has elected to make a lump sum contribution to a local authority's capital project, the rates assessment must also identify the target rates for the financial year for which, as a result of the election, no liability attaches to the separate rating area.	30
98D	When separate rating area divided from rating area	
(1)	A determination by a local authority that a part of a rating unit is a separate rating area applies on and from the commencement of—	35
(a)	the financial year following the financial year in which the request for the determination is made; or	

- (b) if the requestor and the local authority agree, the financial year in which the request is made.
- (2) **Subsection (3)** applies if, before a rating unit is divided or ceases to be divided into separate rating areas for a financial year, a local authority has sent a notice, a ratepayer has made a payment, or either has done anything else that affects who is liable for rates (or apportionments of rates) under this Act for that financial year. 5
- (3) The local authority may do anything required to adjust who is liable for rates (or apportionments of rates), and anything required to adjust any related matters, under this Act for that financial year to reflect the division or removal of the division. 10

98E How separate rating area ceases to be a separate rating area

- (1) A local authority may determine that a separate rating area divided from a rating unit is no longer a separate rating area—
 - (a) on the request of the trustee of the rating unit; or 15
 - (b) if the rating unit is not managed by a trustee, on the request of the person actually using the separate rating area; or
 - (c) on its own initiative if—
 - (i) the dwelling on the separate rating area has been removed or demolished, or is no longer habitable; or 20
 - (ii) there is no person actually using the separate rating area.
- (2) A determination by a local authority that a separate rating area is no longer a separate rating area applies on and from the commencement of—
 - (a) the financial year following the financial year in which an application is made by the trustee of the underlying rating unit: 25
 - (b) if the trustee and the local authority agree, the financial year in which the request is made:
 - (c) if the local authority makes the determination on its own initiative, the financial year following the financial year in which the determination is made. 30
- (3) The local authority must write off any rates outstanding in respect of a separate rating area when the local authority ceases to apportion the rates between separate rating areas under **subsection (2)**.

98F Election to make lump sum contributions must be made on behalf of underlying rating unit 35

If Part 4A applies to a rating unit that has been divided into separate rating areas, the eligible ratepayer is the ratepayer for the underlying rating unit.

47 Section 114 amended (Remission of rates)

In the heading to section 114, after “rates”, insert “on Māori freehold land generally”.

48 New section 114A inserted (Remission of rates on Māori freehold land under development)

5

After section 114, insert:

114A Remission of rates for Māori freehold land under development

- (1) The purpose of this section is to facilitate the occupation, development, and utilisation of Māori freehold land for the benefit of its owners.
- (2) A local authority must consider an application by a ratepayer for a remission of rates on Māori freehold land if— 10
- (a) the ratepayer has applied in writing for a remission on the land; and
 - (b) the ratepayer or another person is developing, or intends to develop, the land.
- (3) The local authority may, for the purpose of this section, remit all or part of the rates (including penalties for unpaid rates) on Māori freehold land if the local authority is satisfied that ~~remitting the rates~~ the development is likely to have any or all of the following benefits: 15
- (a) benefits to the district by creating new employment opportunities;
 - (b) benefits to the district by creating new homes: 20
 - (c) benefits to the council by increasing the council’s rating base in the long term;
 - (d) benefits to Māori in the district by providing support for marae in the district;
 - (e) benefits to the owners by facilitating the occupation, development, and utilisation of the land. 25
- (4) The local authority may remit all or part of the rates— 30
- (a) for the duration of a development; and
 - (b) differently during different stages of a development; and
 - (c) subject to any conditions specified by the local authority, including conditions relating to— 30
- (i) ~~the completion~~ commencement of the development; or
 - (ii) the completion of the development or any stage of the development.
- (5) In determining what proportion of the rates to remit during the development or any stage of the development, the local authority must take into account— 35

- (a) the expected duration of the development or any stage of the development; and
 - (b) if the land is being developed for a commercial purpose, when the ratepayer or ratepayers are likely to generate income from the development; and
 - (c) if the development involves the building of 1 or more dwellings, when the ratepayer or any other persons are likely to be able to reside in the dwellings.
- (6) Sections 85(2) and 86 apply to a remission made under **subsection (3)**.
- (7) This section does not limit the application of section 85 or 114 to Māori freehold land.

49 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.

50 Schedule 1 amended

- (1) In Schedule 1, after clause 1, insert:
- 1A Land that is subject to a Ngā Whenua Rāhui kawenata under section 77A of the Reserves Act 1977 or section 27A of the Conservation Act 1987.
- (2) In Schedule 1, clause 10, delete “that does not exceed 2 hectares and”.
- (3) In Schedule 1, replace clauses 12 and 13 with:
- 12 Land that is used for the purposes of a marae, excluding any land used—
- (a) primarily for commercial or agricultural activity; or
 - (b) as residential accommodation.
- 13 Land that is set apart under section 338 of Te Ture Whenua Maori Act 1993 or any corresponding former provision of that Act and used for the purposes of a meeting place, excluding any land used—
- (a) primarily for commercial or agricultural activity; or
 - (b) as residential accommodation.
- 13A Māori freehold land on which a meeting house is erected, excluding any land used—
- (a) primarily for commercial or agricultural activity; or
 - (b) as residential accommodation.
- 13B Land that is a Māori reservation held for the common use and benefit of the people of New Zealand under section 340 of Te Ture Whenua Maori Act.
- (4) In Schedule 1, after clause 14, insert:
- 14A An unused rating unit of Māori freehold land.
- (5) In Schedule 1, note 1, insert in its appropriate alphabetical order:

meeting place means any church, meeting house, hall, dining hall, kitchen, or other building (other than a dwelling) used as a meeting place and includes any land attached or appurtenant to and commonly used in connection with any such building

- (6) In Schedule 1, after note 4, insert: 5
- 4A For the purposes of **clause 14A**, a rating unit is **unused** if—
- (a) ~~there is no person actually using any part of the rating unit; or~~
- (b) ~~the entire rating unit is used in a similar manner to a reserve or conservation area and no part of the rating unit is—~~
- (i) ~~leased by any person; or~~ 10
- (ii) ~~used as residential accommodation; or~~
- (iii) ~~used for any activity (whether commercial or agricultural) other than for personal visits to the land or personal collections of kai or cultural or medicinal material from the land.~~
- (a) a rating unit is **unused** if— 15
- (i) there is no person actually using any part of the rating unit; or
- (ii) the entire rating unit is used in a similar manner to a reserve or conservation area and no part of the rating unit is—
- (A) leased by any person; or
- (B) used as residential accommodation; or 20
- (C) used for any activity (whether commercial or agricultural) other than for personal visits to the land or personal collections of kai or cultural or medicinal material from the land;
- and
- (b) a rating unit must not be treated as being used solely because a person is a participant under the Climate Change Response Act 2002 in respect of an activity relating to the rating unit. 25

Part 2

Amendments to other legislation

Amendment to Local Government Act 2002 30

51 Amendment to Local Government Act 2002

Section 52 amends the Local Government Act 2002.

52 Section 102 amended (Funding and financial policies)

(i) Replace section 102(1) with:

- (1) A local authority must adopt the funding and financial policies listed in subsection (2) in order to— 35

- (a) ~~provide predictability and certainty about sources and levels of funding; and~~
- (b) ~~support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.~~

After section 102(3), insert:

(3A) The following policies must also support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993:

- (a) the revenue and financing policy, the policy on development contributions or financial contributions, and the policy on the remission and postponement of rates on Māori freehold land adopted under **subsection (1)**:
- (b) any rates remission policy or rates postponement policy adopted under **subsection (3)**.

Amendments to Te Ture Whenua Maori Act 1993

53 Amendments to Te Ture Whenua Maori Act 1993

Sections 54 and 55 amend Te Ture Whenua Maori Act 1993.

54 New section 128A inserted (Registrar may advise local authority whether rating units were previously part of same block of Maori freehold land)

After section 128, insert:

128A Registrar may advise local authority whether rating units were previously part of same block of Maori freehold land

- (1) This section applies if a local authority makes an application under **section 20A(3) of the Local Government (Rating) Act 2002** for a determination as to whether 2 or more rating units were previously part of the same block of Maori freehold land.
- (2) The Registrar may make a determination as to whether the rating units were previously part of the same block of Maori freehold land.
- (3) The Registrar may decline to make a determination if satisfactory evidence is unavailable.

55 New section 330B inserted (Obligation to notify territorial authority of occupation order)

After section 330A, insert:

330B Obligation to notify territorial authority of occupation order

The Registrar of the Maori Land Court must notify the relevant local authority of—

- (a) any occupation order made under section 328; and

- (b) any amendment or cancellation of an occupation order made under section 330.

Amendments to Rates Rebate Act 1973

56 Amendments to Rates Rebate Act 1973

Section 57 amends the Rates Rebate Act 1973. 5

57 Section 2 amended (Interpretation)

- (1) In section 2(1), replace the definition of **property** with—

property means—

- (a) a rating unit within the meaning of sections 5B and 5C of the Rating Valuations Act 1998; or 10
(b) a separate rating area within the meaning of section 5 of the Local Government (Rating) Act 2002

- (2) In section 2(1), definition of **residential property**, paragraph (a), after “unit”, insert “or separate rating area” in each place.

Amendment to Māori Land Court Fees Regulations 2013 15

58 Amendment to Māori Land Court Fees Regulations 2013

Section 59 amends the Māori Land Court Fees Regulations 2013.

59 Schedule amended

In the Schedule, after item 25(o), insert:

- (p) determination whether rating units were previously **128A** 60
part of the same block of Māori freehold land

Schedule
New Schedule 1AA inserted

s 49

Schedule 1AA
Transitional, savings, and related provisions

5

s 5A

Part 1
Provisions relating to Local Government (Rating of Whenua Māori)
Amendment Act 2020

- 1 Definition of amendment Act** 10
- In this Part, **amendment Act** means the Local Government (Rating of Whenua Māori) Amendment Act **2020**.
- 2 Local authority must write off rates arrears for Māori freehold land that is non-rateable on commencement of section 50 of amendment Act** 15
- On the commencement of **section 50** of the amendment Act, a local authority must write off rates arrears in respect of—
- (a) land that is subject to a Ngā Whenua Rāhui kawenata; and
 - (b) Māori freehold land that is unused (within the meaning of Schedule 1 of this Act).
- 3 Recognition of pre-commencement actions and processes in relation to separate rating areas** 20
- Any action or process undertaken before the commencement of **section 46** of the amendment Act by a local authority or any other person may be taken into account by the local authority in determining a part of a rating unit to be a separate rating area on or after the commencement date if the local authority is satisfied that the action or process is consistent with the provisions of this Act as amended by the amendment Act. 25

Legislative history

27 February 2020
12 March 2020

Introduction (Bill 226–1)
First reading and referral to Māori Affairs Committee