

Hon Paul Goldsmith

Minister for Treaty of Waitangi Negotiations

Proactive release – Cabinet Minute, SOU Minute and Cabinet paper Progressing the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill

Date of issue: 31 July 2026

The following documents are being proactively released in accordance with Cabinet Office Circular CO (23) 04.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1.	Minute of Decision (CAB-25-MIN-0259) re report of the Cabinet Social Outcomes Committee: Period Ended 1 August 2025 Cabinet minute	Some information is out of scope.
2.	Minute of Decision re Progressing the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill (SOU-25-MIN-0096) Cabinet Social Outcome Committee minute	Some information has been withheld in accordance with the following sections of the OIA: • section 9(2)(g)(i) – free and frank advice • section 9(2)(f)(iv) – confidentiality of advice
3.	Progressing the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill Cabinet paper	Some information has been withheld in accordance with the following sections of the OIA: • section 9(2)(g)(i) – free and frank advice • section 9(2)(f)(iv) – confidentiality of advice • section 9(2)(h) – legal privilege



Cabinet

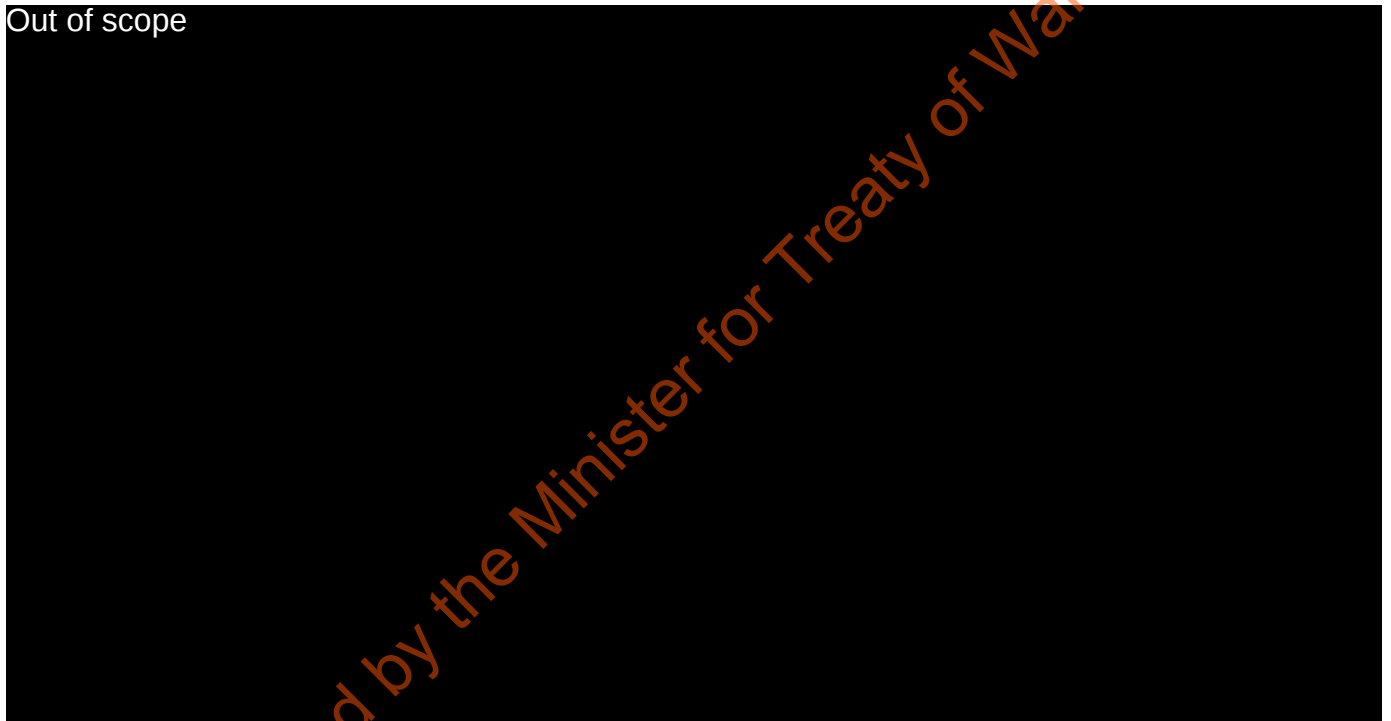
Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Social Outcomes Committee: Period Ended 1 August 2025

On 4 August 2025, Cabinet made the following decisions on the work of the Cabinet Social Outcomes Committee for the period ended 1 August 2025:

Out of scope

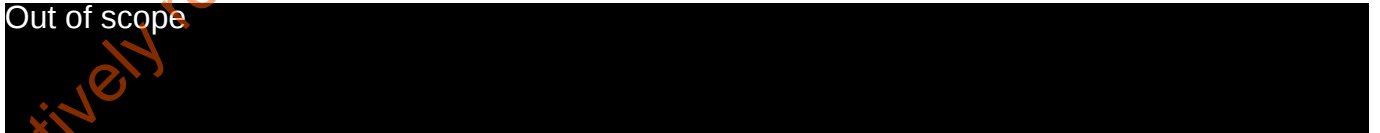


SOU-25-MIN-0096

Progressing the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill
Portfolio: Treaty of Waitangi Negotiations

CONFIRMED

Out of scope



Rachel Hayward
Secretary of the Cabinet



Cabinet Social Outcomes Committee

Minute of Decision

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Progressing the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill

Portfolio Treaty of Waitangi Negotiations

On 30 July 2025, the Cabinet Social Outcomes Committee:

Background

- 1 **noted** that the Coalition Agreement between the National Party and the New Zealand First Party includes an agreement to amend section 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 (the principal Act) to make clear Parliament's original intent, in light of the judgment of the Court of Appeal in Whakatōhea Kotahitanga Waka (Edwards) & Ors v Te Kahui and Whakatōhea Māori Trust Board & Ors [2023] NZCA 504 (Re Edwards) (the Court of Appeal judgment);
- 2 **noted** that the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill (the Bill) has been reported back to the House by the Justice Committee and is awaiting a Second Reading;

Amendments in response to the Supreme Court judgment

- 3 **noted** that the Supreme Court's interpretation of the test for customary marine title (CMT) in Re Edwards [2024] NZSC 164 (the Supreme Court judgment) is clearer and appears to be more stringent than the Court of Appeal judgment, but recent High Court decisions suggest extensive awards of CMT will remain possible under the Supreme Court's interpretation;
- 4 **noted** that the Bill, as compared to the Supreme Court judgment, more strictly defines exclusive use and occupation, requires inferences by decision-makers to be based on evidence of physical use (not just cultural associations), and clarifies that applicants bear the burden of proof to prove both limbs of the test – i.e. that they hold the area in accordance with tikanga and have exclusively used and occupied the area from 1840 without substantial interruption;
- 5 **agreed** to progress the Bill on the basis of Option 2, in the paper under SOU-25-SUB-0096, as the best way to clarify Parliament's intent for an exacting test commensurate with the significant rights associated with CMT;

Retrospective application of the test

- 6 **noted** that the Bill as introduced explicitly overturns all judgments awarding CMT since 24 July 2024, which is estimated to require reconsideration of approximately 280 kilometres of CMT, and approximately \$15 million in costs to the Crown from additional legal proceedings, s 9(2)(g)(i)
- 7 **agreed**, notwithstanding the costs to all court participants, to maintain the existing approach to retrospectivity in the Bill – i.e. overturning the reasoning of all earlier decisions to the extent they are inconsistent with the amended legislation and all judgments awarding CMT since 24 July 2024 – as this will best achieve the objective of all applications being determined against the same test;

s 9(2)(f)(iv)

**Amendments in relation to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019**

- 12 **noted** that:
- 12.1 when Cabinet agreed to introduce the Bill in September 2024, it was agreed that engagement would be undertaken with representatives of Ngāti Porou before Cabinet decided whether the Bill will apply to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (the Ngāti Porou Act) [CAB-24-MIN-0375];
 - 12.2 Ngāti Porou representatives have raised strong concerns with the Minister and the Justice Committee about the Bill applying to the Ngāti Porou Act; and
 - 12.3 the Ngāti Porou Act is based on past agreements with the Crown which should be upheld;
- 13 **agreed** that the Bill will not apply to the Ngāti Porou Act, meaning that the bespoke regime for Ngāti Porou will continue, and that the test in the Ngāti Porou Act will be interpreted in line with their existing legislation and the Supreme Court judgment;

Amendments responding to the Justice Committee

- 14 **noted** that the Justice Committee has recommended minor changes to the Bill, which the Minister has agreed to, as authorised by Cabinet [CAB-24-MIN-0256];

Next steps

- 15 **noted** that the Minister:

15.1 intends to release an Amendment Paper ahead of the Committee of the Whole House stage to give effect to Cabinet's decisions under SOU-25-MIN-0096;

15.2 considers that the Bill could be enacted in October 2025;

- 16 **authorised** the Office of Treaty Settlements and Takutai Moana - Te Tari Whakatau to work with the Parliamentary Counsel Office to develop drafting for the minor consequential changes that will need to be made to the Bill to align with the decisions under SOU-25-MIN-0096, including to the preamble, and potentially to the outline of changes in new section 59A and the list of cases in new section 59B, noting that Ministers will have an opportunity to approve the final drafting before the Amendment Paper is tabled;

- 17 s 9(2)(f)(iv)

Jenny Vickers
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Bishop
Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Mark Mitchell
Hon Tama Potaka
Hon Matt Doocey
Hon Nicole McKee
Hon Karen Chhour
Hon Nicola Grigg
Hon Scott Simpson

Officials present from:

Office of the Prime Minister
Officials Committee for SOU

IN CONFIDENCE

LEGALLY PRIVILEGED IN PART

Office of the Minister for Treaty of Waitangi Negotiations

Cabinet Social Outcomes Committee

Progressing the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill

Proposal

- 1 This paper seeks agreement to policy decisions required to progress the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill (**the Bill**) in response to developments since the Bill was introduced, including a judgment of the Supreme Court.

Relation to government priorities

- 2 The coalition agreement between the National Party and the New Zealand First Party includes an agreement to amend section 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 (**the principal Act**) to make clear Parliament's original intent, in light of the judgment of the Court of Appeal in *Whakatōhea Kotahitanga Waka (Edwards) & Ors v Te Kahui and Whakatōhea Māori Trust Board & Ors* [2023] NZCA 504 (**Re Edwards**) (**the Court of Appeal judgment**).

Executive Summary

- 3 On 24 September 2024, the Bill to give effect to the above coalition commitment was introduced to Parliament and referred to the Justice Committee. On 2 December 2024, the Supreme Court in *Re Edwards* [2024] NZSC 164 (**the Supreme Court judgment**) allowed the Crown's appeal in relation to the test for customary marine title (**CMT**) and determined the Court of Appeal was incorrect in its interpretation of the test for CMT.
- 4 As the Supreme Court judgment corrects some of the concerns sought to be addressed in the Bill I have given further consideration as to whether or how to progress the Bill.
- 5 We have two options:
 - 5.1 **Option 1** – not progressing the Bill and relying on the Supreme Court judgment as the prevailing interpretation for decision-makers in all current and future applications and appeals; or
 - 5.2 **Option 2** – proceed largely with the same Bill which, in some respects, goes further than the Supreme Court judgment.

- 6 I propose proceeding with the more demanding test contained in the Bill already before the house (Option 2) as it gives best effect to the balance struck in the principal Act. That is a balance between the legitimate interests of all New Zealanders in the common marine and coastal area and those customary interests specific to tangata whenua. This means that significant rights for CMT holders can only be recognised by meeting a suitably high-bar test.
- 7 Two High Court decisions issued in June demonstrate how the Supreme Court's interpretation of the test will work in practice. It appears that extensive awards of CMT would remain possible under Option 1.
- 8 In addition, I consider the resource management permission right, or veto right, exercisable by CMT holders will inevitably affect certainty for investors in infrastructure and other economic activity on our coastline beneficial to all New Zealanders. Economic growth depends on investment; uncertainty about resource management decisions on our coastline will inhibit investment. This illustrates why Parliament's original intent was for an exacting test.
- 9 Amending the principal Act, despite the interpretive corrections made in the Supreme Court judgment, will prove controversial with Māori given the history of the legislation. But an amendment Bill, setting out the precise standards of the test and how it is to be met, is the best way to clarify Parliament's intent.

Retrospective application of the test

- 10 The Bill as introduced explicitly overturns the reasoning of all earlier court decisions to the extent they are inconsistent with the amended legislation and all judgments awarding CMT since 24 July 2024. This is estimated to require reconsideration of approximately 280 kilometres of CMT, with a potential Crown liability for approximately \$15 million in costs to the Crown from additional legal proceedings.
- 11 The Government made its intent clear, when the policy was announced in July 2024, that it wants all applications, past and future, to be decided based on the same test. Despite the principal Act being more than a decade old, relatively few determinations have been made. By clarifying the high-bar test, the Bill will bring unduly large awards of CMT made on the basis of the Court of Appeal judgment back in line with Parliament's original intent. While that will come at a cost to all Court participants, including the Crown, I consider it appropriate to maintain retrospective application as this will best achieve the objective of all applications being determined against the same test.

Amendments in relation to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

- 12 There is an unresolved question about whether the Bill will apply to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (**the Ngāti Porou Act**).
- 13 The Ngāti Porou Act is based on past agreements with the Crown which should be upheld. That is good reason, evident in the bespoke legislation, to set Ngāti Porou apart. Accordingly, the Bill should not apply to determinations under the Ngāti Porou Act. This would mean that the test in the Ngāti Porou Act will be interpreted in line with their existing legislation and the Supreme Court judgment.

Recommendations of the Justice Committee

- 14 The Justice Committee has considered the Bill and recommended it be passed subject to minor technical changes which I have accepted.

Background

- 15 On 8 July 2024, Cabinet agreed the approach to clarifying Parliament's intent for the test for CMT in section 58 of the principal Act [CAB-24-MIN-0256 Revised refers]. On 23 September 2024, Cabinet approved the Bill for introduction [CAB-24-MIN-0375 refers]. On 24 September 2024, the Bill was introduced and referred to the Justice Committee.
- 16 The Supreme Court judgment was issued on 2 December 2024. This allowed the Attorney-General's appeal in relation to the test for CMT and determined the Court of Appeal was incorrect in its interpretation of the test for CMT.
- 17 The Justice Committee reported the Bill back to the House on 5 December 2024 recommending, by majority, that the Bill be passed. The Bill is currently awaiting a Second Reading.
- 18 Having now considered the Supreme Court judgment and consulted with colleagues, I consider it appropriate to progress the Bill.
- 19 There are currently 380 active applications (counting applicant groups that applied in both the Crown engagement and High Court pathways as one group), cumulatively covering the entire coastline. A map showing the status of CMT determinations as at 30 June 2025 is included in **Appendix 1**. Maps of applications are included at **Appendix 2**.

Amendments to the test in response to Supreme Court judgment

- 20 The Supreme Court found that the Court of Appeal was incorrect in its interpretation of the test for CMT and re-stated the test's interpretation broadly in-line with the Attorney-General's submissions. Overall, the Supreme Court's interpretation of the test is clearer and appears to be more stringent than the Court of Appeal's.
- 21 There is a high degree of alignment between the Supreme Court's interpretation and the Bill on the key components of the test relating to 'exclusive use and occupation' and 'substantial interruption'. However, the Bill is more likely to permanently secure these changes because the Bill also widens the burden of proof on applicants and constrains the extent of inferences available to decision-makers.
- 22 Considering the differences between the Supreme Court judgment and the Bill my officials have identified the following two options:
- 22.1 **Option 1** – not progressing the Bill and relying on the Supreme Court judgment; or
- 22.2 **Option 2** – largely the same Bill going further than the Supreme Court judgment. This option:

- 22.2.1 requires applicants to have the intention and ability to control the area to the exclusion of others, since 1840;
- 22.2.2 places the burden of proof on applicants to prove all aspects of the test; and
- 22.2.3 limits the Courts to make inferences based on physical evidence of use.
- 23 Option 1 would mean the Supreme Court judgment will be the prevailing interpretation for decision-makers in all current and future applications and appeals. It would immediately resolve the CMT test issue, arguably meet our coalition commitment, avoid re-hearing costs associated with overturning existing awards of CMT, and respond to concerns raised in submissions to the Justice Committee. It would ensure a consistent approach to the test under the principal Act and under the Ngāti Porou Act. Option 1 would also give time for the Supreme Court to issue its second judgment in *Re Edwards* – which will clarify how the Supreme Court’s interpretation of the test will work in practice. s 9(2)(g)(i)
- 24 However, Option 1 provides insufficient strictness and clarity. Two High Court decisions issued in June demonstrate how the Supreme Court’s interpretation of the test will work in practice.¹ It appears that extensive awards of CMT will remain possible under this option. Therefore I do not support Option 1.
- 25 Option 2 retains the stricter test laid out in the Bill already before Parliament. The Bill, as compared to the Supreme Court judgment, more strictly defines exclusive use and occupation, requires inferences by decision-makers to be based on evidence of physical use (not just cultural associations), and clarifies that applicants bear the burden of proof to prove both limbs of the test – i.e. that they hold the area in accordance with tikanga and have exclusively used and occupied the area from 1840 without substantial interruption.
- 26 The more exacting test provided by Option 2 is necessary to give full effect to the balance struck in the principal Act. That is a balance between the legitimate interests of all New Zealanders in the common marine and coastal area and those customary interests specific to tangata whenua. This means that significant rights for CMT holders can only be granted by meeting a suitably high-bar test.
- 27 In particular I consider the resource management permission right, or veto right, exercisable by CMT holders will inevitably affect certainty for investors in infrastructure and other economic activity on our coastline beneficial to all New Zealanders. Economic growth depends on investment; uncertainty about resource management decisions on our coastline will inhibit investment. This illustrates why Parliament’s original intent was for an exacting test. I therefore propose proceeding largely with the Bill as introduced (Option 2).

¹ Wairarapa Group M 1(b) and Kāpiti-Manawatu.

Retrospectivity and status of existing decisions

- 28 The Bill as introduced explicitly overturns the reasoning of all earlier decisions to the extent they are inconsistent with the amended legislation and all judgments awarding CMT since 24 July 2024. While I consider we should maintain this approach, Cabinet should consider how matters have moved on since the Bill was introduced.
- 29 Since 24 July 2024 three decisions have been issued by the courts with approximately four to come where there have been hearings but no judgments, meaning a total of seven cases will need to be re-heard.² Preliminary estimates suggest the current approach in the Bill will result in overturning approximately 280 linear kilometres of CMT awards³ without compensation, and this figure will almost certainly rise because of further decisions from the Courts before the Bill is enacted.
- 30 The re-hearings will involve costs to the Crown of up to \$15 million plus whatever applicant costs the Courts might award at the Crown's expense. **s 9(2)(f)(iv)**
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
- 31 The retrospective aspects of the Bill were key concerns of submitters to the Justice Committee. **s 9(2)(h)**
 [REDACTED]
 [REDACTED]
 [REDACTED]
- 32 However, the Government made its intent clear when the policy was announced in July 2024 that it wants all applications, past and future, to be decided based on the same test. Few final determinations have been made under the principal Act. An amendment Bill clarifying the high-bar test will bring unduly large awards of CMT made on the basis of the Court of Appeal judgment back in line with Parliament's original intent. Court decisions subsequent to the July announcement have been made in the expectation that they will be subject to the retrospective provisions in the Bill. The Justice Committee did not recommend any change to the retrospective elements of the Bill either.
- 33 While it may come at a cost to all court participants, including the Crown, I consider it appropriate to maintain the existing approach to retrospectivity in the Bill as this

² Cases with decisions: Aotea Harbour, Wairarapa Group M 1(b), Kāpiti Manawatu. Cases without decisions: Whangarei Harbour, Whangarei Coast, Ruapuke Island, Reeder stage 2.

³ Aotea Harbour, Wairarapa Group M 1(b) and Kāpiti-Manawatu.

will best achieve the objective of all applications being determined against the same test.

Amendments in relation to the Ngāti Porou Act

- 34 When the Bill was introduced, Cabinet agreed for me to engage with Ngāti Porou with “a view to agreeing appropriate amendments to the Ngāti Porou Act, which may include retaining the existing test, with any necessary changes included in the Bill at select committee stage” [CAB-24-MIN-0375 refers].
- 35 Ngāti Porou representatives have raised strong concerns with me and the Justice Committee about the possibility of the Bill applying to the Ngāti Porou Act. Their arrangements are distinct as they are based on past agreements with the Crown, which should be upheld. Also, determinations under their Act are more advanced than under the principal Act with CMT already determined for several groups. Applying the Bill to them could therefore create inconsistency in how the test applies within Ngāti Porou or across different tranches of their claims.
- 36 Having considered these concerns and the Crown’s commitments to Ngāti Porou set out in its bespoke legislation, there is good reason to continue to set Ngāti Porou apart. Accordingly, the Bill should not apply to determinations under the Ngāti Porou Act. This would mean that the test in the Ngāti Porou Act will be interpreted in line with their existing legislation and the Supreme Court judgment.⁴

Amendments to the test in response to Justice Committee recommendations

- 37 The Justice Committee considered one part of the Bill is broader than it needs to be. Proposed new sections 9A(3) to (5) of the Bill as introduced provide that the CMT amendments would prevail over any other law including the Treaty clause and the purpose of the principal Act, and the judgments specified.
- 38 The Justice Committee noted that submitters expressed a range of concerns about these provisions, including that over-riding provisions should ordinarily list the legislation that they intend to override.
- 39 The Justice Committee agreed that the approach proposed in new sections 9A(3) to (5) is unnecessarily broad. The Committee considered it would be sufficient for the drafting to be specific that the Bill prevails over the purpose and Treaty clause of the principal Act and over the relevant court judgments.
- 40 I agree with the Justice Committee’s recommendation. Cabinet delegated authority to me to make changes to the Bill consistent with Cabinet’s original policy decisions [CAB-24-MIN-0256 Revised refers]. As the Justice Committee recommendation is consistent with Cabinet’s original decision, my officials will work with the Parliamentary Counsel Office to make the necessary amendments to the Bill.

⁴ This inconsistency in the application of the test between Ngā Hapū o Ngāti Porou and other applicants would be avoided under Option 1 as described in paragraph 23.

Further amendments to the principal Act may be required

41 s 9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

42 s 9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]

Cost-of-living implications

43 There are no cost-of-living implications arising from these proposals.

Financial Implications

44 s 9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Legislative Implications

46 If Cabinet agrees to progress the Bill I will report back to the Legislation Cabinet Committee in October seeking approval for the necessary Amendment Paper. I anticipate the Bill could be enacted by the end of October.

47 The Act already binds the Crown and will continue to do so once amended.

Impact Analysis

48 A supplementary analysis report was provided when Cabinet agreed to introduce the Bill [CAB-24-MIN-0375 refers].

Climate Implications of Policy Assessment

49 There are no climate implications arising from this paper.

Compliance

- 50 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Use of External Resources

- 51 No external resources were used in the preparation of this paper.

Consultation

- 52 The Crown Law Office, the Parliamentary Counsel Office, Te Puni Kōkiri and The Treasury were consulted in the preparation of this Cabinet paper. The Department of Prime Minister and Cabinet was informed.

Proactive Release

- 53 I propose this paper be proactively released 20 working days after the Amendment Paper has been tabled. Sections of this paper are legally privileged and will be appropriately redacted.

Recommendations

- 54 The Minister for Treaty of Waitangi Negotiations recommends that the Committee:
- 1 **note** the coalition agreement between the National Party and the New Zealand First Party includes an agreement to amend section 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 (**the principal Act**) to make clear Parliament's original intent, in light of the judgment of the Court of Appeal in *Whakatōhea Kotahitanga Waka (Edwards) & Ors v Te Kahui and Whakatōhea Māori Trust Board & Ors* [2023] NZCA 504 (**Re Edwards**) (**the Court of Appeal judgment**);
 - 2 **note** the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill (**the Bill**) has been reported back to the House by the Justice Committee and is awaiting a Second Reading;

Amendments in response to the Supreme Court judgment

- 3 **note** the Supreme Court's interpretation of the test for customary marine title (**CMT**) in *Re Edwards* [2024] NZSC 164 (**the Supreme Court judgment**) is clearer and appears to be more stringent than the Court of Appeal judgment but recent High Court decisions suggest extensive awards of CMT will remain possible under the Supreme Court's interpretation;
- 4 **note** the Bill, as compared to the Supreme Court judgment, more strictly defines exclusive use and occupation, requires inferences by decision-makers to be based on evidence of physical use (not just cultural associations), and clarifies that applicants bear the burden of proof to prove both limbs of the test – i.e. that they hold the area in

accordance with tikanga and have exclusively used and occupied the area from 1840 without substantial interruption;

- 5 **agree** to progress the Bill on the basis of Option 2 as the best way to clarify Parliament's intent for an exacting test commensurate with the significant rights associated with CMT;

Retrospective application of the test

- 6 **note** the Bill as introduced explicitly overturns all judgments awarding CMT since 24 July 2024 which is estimated to require reconsideration of approximately 280 kilometres of CMT and approximately \$15 million in costs to the Crown from additional legal proceedings, s 9(2)(g)(i)

- 7 **agree**, notwithstanding the costs to all court participants, to maintain the existing approach to retrospectivity in the Bill—overturning the reasoning of all earlier decisions to the extent they are inconsistent with the amended legislation and all judgments awarding CMT since 24 July 2024—as this will best achieve the objective of all applications being determined against the same test;

s 9(2)(f)(iv)

Amendments in relation to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

12 **note:**

- 12.1 when the Bill was introduced, we agreed I would engage with representatives of Ngāti Porou before we decide whether the Bill will apply to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (**the Ngāti Porou Act**);
- 12.2 Ngāti Porou representatives have raised strong concerns with me and with the Justice Committee about the Bill applying to the Ngāti Porou Act;
- 12.3 the Ngāti Porou Act is based on past agreements with the Crown which should be upheld;

13 **agree** that the Bill will not apply to the Ngāti Porou Act, meaning the bespoke regime for Ngāti Porou will continue and that the test in the Ngāti Porou Act will be interpreted in line with their existing legislation and the Supreme Court judgment;

Amendments responding to the Justice Committee

14 **note** the Justice Committee has recommended minor changes to the Bill and I have agreed to those changes within my delegation from Cabinet [CAB-24-MIN-0256 Revised refers];

Next steps

15 **note** I:

- 15.1 intend to table an Amendment Paper at Committee of the Whole House to give effect to Cabinet's decisions on the proposals in this paper; and
- 15.2 consider the Bill could be enacted in October 2025;

16 **agree** that Te Tari Whakatau work with the Parliamentary Counsel Office to develop drafting for the minor consequential changes that will need to be made to the Bill to align with Cabinet's decisions on the proposals in this paper – including to the preamble and potentially to the outline of changes in new section 59A and the list of cases in new section 59B, noting Ministers will have an opportunity to approve the final drafting before the Amendment Paper is tabled;

17 s 9(2)(f)(iv)

Authorised for lodgement

Hon Paul Goldsmith

Minister for Treaty of Waitangi Negotiations

Proactively released by the Minister for Treaty of Waitangi Negotiations

