KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL WAI 2180

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF THE TAIHAPE: RANGITĪKEI KI RANGIPŌ DISTRICT INQUIRY

BRIEF OF EVIDENCE OF

MICHELLE PATEHEPA PAREWHERO HIPPOLITE

TE PUNI KŌKIRI

18 February 2019

CROWN LAW
TE TARI TURE O TE KARAUNA
PO Box 2858
WELLINGTON 6140
Tel: 04 472 1719
Fax: 04 473 3482

Contact Person:
Kirsten Hagan
Kirsten.Hagan@crownlaw.govt.nz

Barrister instructed:
Rachael Ennor

INTRODUCTION

1. My full name is Michelle Patehepa Parewhero Hippolite.

2. I am Chief Executive of Te Puni Kōkiri and responsible for all policy and operational aspects of the organisation.

SCOPE OF EVIDENCE

3. The purpose of my brief of evidence is to provide information regarding the projects and policies relating to landlocked land that currently exist and are being developed by the Crown.

4. In addition, I will address some issues raised about landlocked land by the claimants in the Taihape: Rangitīkei ki Rangipō inquiry district.

5. The evidence provides the Tribunal with:

   5.1 details of the legislative scheme relating to landlocked Māori land and its impact on providing access to landlocked Māori land;

   5.2 some detail on the current options open to Māori seeking access;

   5.3 the workstreams in place to improve those options; and

   5.4 some detail on the particularly complex situation in Taihape.

6. This evidence does not seek to address general issues about the development of Māori land.

7. Landlocked Māori land is a long-standing issue that is consistently raised by Māori landowners as severely limiting their options to access and use their land. For example this was a common issue raised during previous consultation on the review of Te Ture Whenua Maori Act 1993 (**Te Ture Whenua**) between 2012 and 2017. The current Government is re-assessing matters related to Māori land generally, and this includes consideration of issues related to landlocked Māori land.

8. A significant amount of landlocked Māori land has remained landlocked for a long period of time. There is often not an easy answer to achieving access to landlocked Māori land. The process by which landowners can achieve access

often requires negotiation with affected parties, technical and specialist knowledge, and often a substantial amount of money.

TE TURE WHENUA MAORI ACT 1993

9. Te Ture Whenua reformed Māori land laws, with the dual objectives of retaining Māori land in Māori ownership, and enabling Māori land to be developed and used for the benefit of its owners, their whānau, their hapū and their descendants.[1] Te Ture Whenua provides for all matters relating to the investigation, creation, management, and disposal of Māori land. Te Ture Whenua, and proposed reforms to it, have been the subject of separate Tribunal processes. This evidence focusses solely on the issue of access to landlocked Māori land.

2002 Amendments

10. The access to landlocked land provisions (ss 326A-326D) in Te Ture Whenua were introduced by the Te Ture Whenua Maori Amendment Act 2002. These amendments arose out of a review of Te Ture Whenua by Te Puni Kōkiri which began in 1998 and resulted in the relocation of powers previously exercised by the High Court to the Māori Land Court.[2]

11. Under these provisions the Māori Land Court may order "reasonable access" be provided to "landlocked" Māori freehold land and General land owned by Māori. This power is available to the Court even if the owner(s) of the neighbouring land do not consent and regardless of whether the neighbouring land is Māori freehold land or General land.

12. Section 326A of Te Ture Whenua defines the following key terms:

> **landlocked land** means a piece of land that has no reasonable access to it and is either—
>
> (a) Maori freehold land; or
>
> (b) General land owned by Maori that ceased to be Maori land under Part 1 of the Maori Affairs Amendment Act 1967

---

1 Te Ture Whenua Maori Act 1993, s 2(2) and Preamble. See also *Valuer-General v Mangatū Incorporated* [1997] 3 NZLR 641.

2 Ruru, Jacinta; Crosbie, Anna — "The key to unlocking landlocked Maori land: the extension of the Māori Land Court's jurisdiction" [2004] Canterbury Law Review 13; (2004) 10 Canterbury Law Review 318.

> **reasonable access** means physical access of the nature and quality that may be reasonably necessary to enable the occupier for the time being of the landlocked land to use and enjoy that land.

13. The provisions in Te Ture Whenua are similar to s129B of the Property Law Act 1952 (which were introduced by amendments in 1975, under the Property Law Amendment Act 1975) which provide the High Court with the power to grant reasonable access to landlocked land.[3]

14. The Māori Land Court's approach to determining whether reasonable access exists (and consequently whether land is landlocked) has been summarised in *Huata v Robin - Rotopounamu 1B1A* [2017] NZMLC 73 (7 July 2017)):

> [68] The approach adopted by this Court in landlocked cases is to consider reasonable access against the definition in the 1993 Act, having regard to the kaupapa and principles of that Act and according to the factors set out in *Wagg v Squally Cove Forestry Ltd*:
>
> (a) Whether there is reasonable access to land is a question concerned with whether there is practical physical access in fact, rather than whether there is legal access.
>
> (b) It is a question of present fact, concerned with whether reasonable access now exists, not whether (for example) "it is possible to provide access by upgrading existing tracks on the applicant's own land".
>
> (c) Access "at the whim of an adjoining owner" or dependent on the "courtesy and goodwill" of the adjoining owner is not reasonable access.
>
> (d) What is reasonably necessary to use and enjoy the land "in accordance with any right ... [or] consent under the Resource Management Act" is concerned with existing uses, not potential uses for which a land owner could apply for consent.
>
> (e) Reasonable access is not necessarily the same as the best access that could be achieved. Other access may be convenient and reasonable but that does not mean that the access the land presently has is unreasonable.
>
> (f) Whether there is reasonable access is a value judgment that the Court has to make on the basis of the evidence. Factors such as the characteristics of the locality (residential, commercial or mixed), the topography of the area and contemporary transportation requirements are relevant.
>
> (g) The circumstances as they existed at the time the land was acquired may be relevant evidence as indicating what the purchaser regarded as reasonable at that time.

---

3 Ruru, Jacinta; Crosbie, Anna — "The key to unlocking landlocked Maori land: the extension of the Māori Land Court's jurisdiction" [2004] Canterbury Law Review 13; (2004) 10 Canterbury Law Review 318.

> (h) Reasonable access does not invariably mean vehicular access, but nowadays the situations in which non-vehicular access will be regarded as reasonable are likely to be few because of the great dependence people now have on motor vehicles.

Impact of 2002 Amendments

15. Despite their potential to "unlock" landlocked Māori land, relatively few applications have been filed, or orders made under s 326B since 2002, when these provisions were added to Te Ture Whenua. Information from the Ministry of Justice indicates that there have been 27 applications made under s 326B (and one joinder application) since 2002.[4]

16. Of the 28 applications under s326B identified by the Ministry of Justice:

    16.1 ten applications have been declined or dismissed (and an additional three applications dismissed or rejected by a Registrar);

    16.2 nine applications have been completed, meaning orders have been granted and four of these applications remain extant due to issues such as determining compensation and other matters still to be decided; and

    16.3 nine applications remain active before the Court.

17. In addition, there have been a number of other orders identified as having been made by the Court under s 326B but where the application to the Court was made under other provisions. In relation to the applications declined or dismissed in at least one case the parties concerned reached an agreement in Court in relation to access and the application was dismissed by consent.[5]

18. Appeals from decisions under these provisions that affect General land are to the High Court, rather than the Māori Appellate Court (see s 326D(3)). However, no appeals to the Māori Appellate Court or the High Court of any decisions under these provisions have been identified. The costs associated with potential appeal to the High Court, and the expectation of the High Court

---

4 **Exhibit MH1**: letter from Ministry of Justice dated 19 November 2018 "Official Information Act 1982 request"; **Exhibit MH2** "Table: Applications lodged with the Māori Land Court under section 326B of Te Ture Whenua Maori Act 1993").

5 See Kawerau A5A - Access to landlocked land [over Part Parish Matata 39A Section E]) 293 ROT 52, 6 September 2005.

in such appeals would favour indefeasibility of title over access, have been cited as a factor in owners of landlocked not making applications to the Court.[6]

PRINCIPAL BARRIERS STOPPING OWNERS FROM ACHIEVING ACCESS

19. While the 2002 amendments to Te Ture Whenua have resulted in some owners gaining access to landlocked land, the provisions have not been as successful as the Crown anticipated. There remain a number of barriers for owners seeking to gain access to their land.

20. The Crown considers, based on previous policy work, consultation, and Waitangi Tribunal reports, that the principal barriers faced by Māori landowners seeking to achieve access are:

    20.1 The substantial costs (legal, survey, compensating neighbours, fencing, forming access), which can outweigh the expected benefits of achieving access.

    20.2 Difficulties in accessing capital for attaining access (legal, land acquisition, fencing and forming access).

    20.3 A lack of capacity and expertise to navigate the steps, including specialist advice on available options.

    20.4 Difficulties gaining agreements with surrounding landowners.

    20.5 Neighbouring landowners may have economic or other incentives to continue restricting access to the landlocked Māori land.

21. In its previous reports, the Waitangi Tribunal has particularly noted the high costs associated with gaining access to landlocked land, and has recommended or suggested the provision of funding to support landowners to gain access to their land through the Māori Land Court.[7]

---

6 See Report of the Ministerial Advisory Group on the Te Ture Whenua Reform, 13 May 2015, attached to John Grant affidavit Wai 2478, #A5(a), at 125. See also Woodley, Wai 2180, #A37, at 524-525, cited in the Waitangi Tribunal's "preliminary views" memorandum directions, Wai 2180, #2.6.65, at [18].

7 See, for example, Waitangi Tribunal, *Wairarapa ki Tararua*, vol 2, at 637–638, and the Waitangi Tribunal's "preliminary views" memorandum directions, Wai 2180, #2.6.65, at [35].

22. The provisions of Te Ture Whenua are not considered by the Crown to be a principal barrier to accessing landlocked Māori land. However, there is scope to improve the legislation, as discussed further below.

SUPPORTING LANDOWNERS TO ACCESS LANDLOCKED LAND

23. In recent years, Te Puni Kōkiri has led or been involved in a number of initiatives intended to support Māori landowners to access landlocked land.

Review of Te Ture Whenua

24. In 2012 the former government began a review of Te Ture Whenua. This review led to the Te Ture Whenua Māori Bill (the **Bill**) being introduced in April 2016. The Bill included specific provisions dealing with landlocked land, including importing particular sections of the Property Law Act 2007 into the scheme. The Bill was withdrawn in December 2017.

Whenua Māori Fund

25. As part of Budget 2015 the Whenua Māori Fund was established to support Māori landowners and trustees of Māori freehold land to increase productivity of their whenua.

26. The Whenua Māori Fund was allocated $12.8 million over four years (or $3.2 million per annum) to improve the productivity of Māori land through the purchase of tools, interventions (such as expert advice), and research.

27. The Whenua Māori Fund is targeted at supporting and assisting pre-commercial activities such as, education and training, confirming landowner vision/aspirations, confirming land-use capability, land development options, business planning, working up value-added opportunities, and overcoming constraints to Māori land development. This supports Māori landowners and Trustees to:

    27.1 optimise the use of their land, including the active use of unoccupied unused land;

    27.2 improve land-use practices and productivity;

    27.3 prepare themselves for commercial ventures;

27.4 overcome impediments to the more productive use of their land; and

27.5 take advantage of other government programmes.

28. In March 2017 Cabinet noted that in order to better facilitate access to landlocked Māori land, the Minister for Māori Development would broaden the scope of the Whenua Māori Fund to support owners of landlocked Māori land (within the scope of the existing appropriation).

29. This was subsequently implemented and the Whenua Māori Fund application form was amended in October 2017 to explicitly state that applications can be made with respect to addressing impediments to land development, including addressing landlocked Māori land.

30. In terms of the principal barriers to accessing landlocked Māori land (see above [20]) the Whenua Māori Fund may be used, for example, to address possible lack of capacity and expertise, including specialist advice on options for access or access arrangements. The Whenua Māori Fund may not be used for capital expenditure such as the construction of access, or for compensating neighbouring or surrounding landowners of landlocked land or for legal services such as representation in the Māori Land Court in relation to applications under s 326B or drafting of access agreements between owners.

31. To date very few applications to the Whenua Māori Fund have been received from owners of landlocked land or those seeking to address landlocked land issues. An application to the Whenua Māori Fund was received from the owners of Owhaoko B and D block, which was identified as landlocked in Woodley's evidence,[8] in August 2017. However this application was withdrawn shortly afterwards (November 2017).

32. The Aorangi Awarua Trust administers Aorangi (Awarua) and Awarua 1DB2. Both of these blocks are identified as landlocked by Ms Woodley.[9] On 15 June 2017, the Aorangi Awarua Trust was approved funding (through the Whenua Māori Fund) to undertake a feasibility study to explores opportunities and potential for niche crops and products and growing requirements. This

8 Wai 2180, #A37(m) at 2, table 19.

9 Wai 2180, #A37(m) at 2, table 19.

feasibility study also includes identifying a suitable high value product range, product development and manufacturing processes and costs, and potential markets and marketing requirements for distribution.

33. A further application to the Whenua Māori Fund, seeking to address access issues from a block of potentially-landlocked land, is currently under consideration. This block is not located within the Taihape inquiry district.

On-going Policy Work

34. The current government is re-assessing the approach to Māori land matters.[10] This includes consideration of targeted legislative amendments to Te Ture Whenua and other legislation that impacts on Māori land, and consideration of other support to owners of Māori land. This work is being informed by previous and current consultation with Māori landowners, and the Waitangi Tribunal's previous reports and recommendations, including those concerning landlocked land.[11]

35. The policy process currently underway is considering various potential future initiatives. The following options should be read with the knowledge that the policy process is not yet complete and may be subject to change.

2018 Policy Decisions

36. In December 2018 Cabinet agreed to certain specific and targeted amendments to Te Ture Whenua subject to the Parliamentary process. These amendments concerning landlocked lands are as follows.

37. The factors the Māori Land Court must take into account when considering applications for access to landlocked land under s 326B are to be modified. These modifications are summarised as follows:

    37.1 Under s 326B(4)(a) the Court must consider the nature and quality of the access that existed to the landlocked land (if any) at the time when the applicant purchase or otherwise acquired the land, this will be modified so that the access that existed when the applicant acquired

10 **Exhibit MH3.**

11 **Exhibit MH4.**

the land will only be relevant if the applicant purchased or acquired the land by exchange (i.e. not if applicant succeeded to the land).

37.2 If the landlocked land or the land over which access is sought is Māori land, the court must have regard to:

37.2.1 the relationship that the beneficial owners of that land have with the land and with any water, sites, wāhi tapu, wāhi tūpuna, or other taonga associated with the land; and

37.2.2 the culture and traditions of those beneficial owners with respect to that land.

38. In addition, it has been agreed that appeals of decisions under s 326B will be to the Māori Appellate Court rather than the High Court as it is currently in respect of decisions that affect General land (see s 326D(3)). This change is proposed to reduce potential costs for Māori landowners.[12]

39. Cabinet also agreed that Te Ture Whenua should include provisions to establish a process to enable Māori landowners to resolve disputes about their land, including disputes about landlocked Māori land.

Provincial Growth Fund Whenua Māori Allocation

40. The Government recently announced that $100 million from the Provincial Growth Fund (PGF) will be used to provide financial capital (via loans and some grants) for investment-ready projects that will lift the productivity of Māori-owned land.[13] This investment aims to allow Māori landowners to realise greater economic benefits from more productive land blocks.

41. The Provincial Development Unit, the administrator of the PGF, will work with the Ministry for Primary Industries and Te Puni Kōkiri to support Māori landowners to develop business-ready PGF applications.

---

12 See for example, Wai 2180, #A37(m) at 3, in relation to Awarua o Hinemanu, and at 4, in relation Owhaoko B & D Trust, referring to the potential costs of an appeal to the High Court (available to owners of general land whose land had been affected by orders under s 326B or s 326C of Te Ture Whenua) was cited. See also Wai 2180, #G13, at 6–7 and #A37, at 265–266.

13 https://www.beehive.govt.nz/release/100-million-investment-support-m%C4%81ori-landowners-and-grow-regional-growth

42. Applications will be considered which meet the existing Provincial Growth Fund criteria[14] and:

42.1 Involve Māori freehold land or general title land owned by Māori.

42.2 Come from small to medium Māori landholdings that require investment of financial capital to unlock and realise latent potential. Provincial Growth Fund loans may look for alternative security rather than requiring applicants to offer their land as collateral.

42.3 Are no greater than $10 million.

43. My officials will work with the Provincial Development Unit and the Ministry for Primary Industries to clarify whether and how this allocation could be used for owners of landlocked Māori land.

Further policy initiatives

44. As part of future work, officials will also be considering opportunities to address any further suggestions raised by the Waitangi Tribunal's preliminary views[15] and in its priority report on landlocked Māori land.

45. Further proposals being considered to try to address the issue of landlocked Māori land include the following:

Legislation

45.1 A revised definition of 'reasonable access' to:

45.1.1 explicitly recognise topography as a relevant factor; and

45.1.2 recognise that owners in different circumstances or seeking access for different purposes (e.g. cultural or commercial) may seek different types of access (e.g. pedestrian, private vehicle, industrial).

14 https://www.kanhive.govt.nz/sites/default/files/2018-02/PGF%20overview_1.pdf

15 Wai 2180, #2.6.65.

Funding

45.2 Other potential funding to address the significant costs that can be associated with obtaining access to landlocked Māori land.

Support

45.3 Consideration of how the planned regional advisory services (as part of Whenua Māori Programme)[16] can play a role in assisting owners of landlocked Māori land.

Crown Agency Agreement

45.4 Te Puni Kōkiri has been facilitating the development of an agreement between several Crown agencies with significant land holdings namely:

45.4.1 Department of Conservation;

45.4.2 New Zealand Transport Agency;

45.4.3 New Zealand Defence Force; and

45.4.4 KiwiRail.

45.5 Land Information New Zealand and the Commissioner of Crown Lands are likely to be involved in the implementation of the agreement at the level of contributing data and expertise.

45.6 The intention of the agreement is to:

45.6.1 establish guiding principles for agencies to consider with regards to Māori land that is partially or wholly landlocked by those agencies;

45.6.2 describe the issues with respect to each type of Crown land holding that the parties administer;

16 https://www.beehive.govt.nz/release/reform-whenua-m%C3%A1ori

45.6.3 provide a framework for how these agencies respond in instances where Crown land might be used to provide access to landlocked Māori land;

45.6.4 provide stronger guidance to agencies on the options they have where Crown owned land could be used to provide access; and

45.6.5 result in land holding agencies more proactively resolving instances of landlocked Māori land.

45.7 The agreement is yet to be finalised and signed by the agencies involved. It is anticipated that this agreement will be finalised and signed within the next 3-6 months.

LANDLOCKED LAND IN TAIHAPE: RANGITĪKEI KI RANGIPŌ

46. I will now provide a summary of some of the work Te Puni Kōkiri is undertaking concerning landlocked land within the Taihape: Rangitīkei ki Rangipō inquiry district, and how current and future policy initiatives might assist owners of landlocked land within the inquiry district to access their land.

Te Puni Kōkiri Taihape Landlocked Land Research

Introduction

47. Te Puni Kōkiri has recently commenced a pilot study researching landlocked land in the Taihape: Rangitīkei ki Rangipō inquiry district. The purpose of this study is to test and validate a methodology that officials have devised to identify landlocked land. Subject to budget, Te Puni Kōkiri plans to use this methodology for a broader nationwide project on landlocked Māori land.

48. Details of the methodology and the preliminary results in Taihape are attached to my evidence (**Exhibit MH5**).

Working definition and methodology

49. In order to assess whether blocks are likely to be landlocked, Te Puni Kōkiri has adopted a working definition of landlocked land for the purposes of its research. Under that definition, a block is considered landlocked if it:

49.1 does not have direct contact (i.e. zero metres) with the boundaries of a legal or formed road; and

49.2 has no easement providing legal access.

50. This definition differs from the legal definition provided by Te Ture Whenua, which is concerned with whether a block has "reasonable access" (as defined by the factors listed by the Māori Land Court in *Hwata*). It is acknowledged that vehicular access may not always be "reasonable access" in terms of Te Ture Whenua, particularly in areas where topography has a major impact.

51. The first four steps of the methodology are desktop-based and consist of:

51.1 utilising GIS data to identify blocks that do not have direct contact with the boundaries of a legal or formed road;

51.2 checking certificates of title to verify if there are any legal roads or easements registered against the titles of the blocks;

51.3 checking Māori Land Online to verify if the blocks are administered by a governance entity or if the blocks have been aggregated;[17] and

51.4 checking Satellite and Google Street View imagery to verify if any legal access appears to be formed, or if other access is evident.

52. These four steps produce a preliminary assessment of the access situation for blocks, being either landlocked, not landlocked, or needing further investigation.

53. The final step of the methodology is interaction with landowners to discuss the preliminary access assessment. This will involve:

53.1 contacting landowners to verify the access situation to their land; and

53.2 conducting drone surveys of boundaries and terrain.

---

17 To check whether practical access is provided by some other mechanism, e.g. being managed under a land trust that has other access adjoining the land.

54. This final step has not yet been undertaken in Taihape because it is one of the projects within our wider Māori land mahi and robust desktop research is required to prioritise landowner interactions.

Independent review and limitations of methodology

55. An independent review of Te Puni Kōkiri's methodology and the preliminary results in Taihape has been conducted. That review found the methodology and preliminary results to be generally sound, but noted some limitations, particularly around the quality of the underlying roading and land block GIS data.

56. Because of underlying data issues, it appears that some blocks may be inadvertently omitted from the initial GIS assessment of road proximity. For instance, Owhaoko A1B, which is included in Woodley's list of landlocked blocks,[18] was excluded from this assessment as it is not included in the Māori Land Spatial Dataset.

Preliminary results in Taihape: Rangitīkei ki Rangipō

57. In summary, the preliminary results of Te Puni Kōkiri's research about landlocked land in Taihape are:

57.1 Of the 162 Māori land blocks within the inquiry district, 57 blocks were initially identified by GIS analysis as potentially lacking direct contact with a legal or formed road. One landlocked parcel of a larger block (Rangipo North No. 6C) was subsequently identified as having been taken by the Crown for defence purposes in 1942. That block was therefore removed from the dataset, leaving 56 blocks potentially lacking direct contact with a legal or formed road.

57.2 Of the 56 blocks initially identified as potentially lacking direct contact with a legal or formed road, we have assessed that 32 blocks (comprising 51,017 hectares) have been assessed as most likely landlocked.

57.3 Of the remaining 24 blocks initially identified as potentially lacking direct contact with a legal or formed road, we have assessed that eight

18 Wai 2180, #A37(m), at 1–2.

blocks (comprising 2,263 hectares) have been assessed as likely not landlocked based on a review of title, satellite, and street view data, while 16 blocks (comprising 804 hectares) require further investigation to determine whether they have access.

Access Assessment	Number of Blocks	Area (ha)
Landlocked	32	51,017
Not Landlocked	8	2,263
Needs Investigation	16	804
Total	**56**	**54,084**

58. Whilst these results are preliminary it is evident that there are some very large landlocked blocks in Taihape that present unique geographical challenges. Landlocked subdivisions of the Owhaoko block alone total 39,582 hectares – 78 per cent of the 51,017 hectares assessed as likely to be landlocked within the inquiry district. The topography of these lands appears to present a significant hurdle to access. As noted above, these results are preliminary and need further investigation on the ground before they can be confirmed.

Comparison with Woodley

59. Te Puni Kōkiri is using evidence produced for the purposes of the Tribunal's inquiry – including Woodley's report and claimant evidence – to augment its own research, gain a better understanding of access issues in the inquiry district, and identify instances of landlocked land where further research is needed to inform the national policy and legislative process or to assist in facilitating options for resolution.

60. In her research, Woodley identified 32 blocks comprising 52,780 hectares within the inquiry district as being landlocked.[19] While these high-level figures are similar to the preliminary results produced by Te Puni Kōkiri, there are some discrepancies at the level of individual blocks:

60.1 Three blocks identified by Woodley as being landlocked – Te Koau A, Motukawa 1B, and Owhaoko A1B[20] – are not landlocked according to Te Puni Kōkiri's preliminary results, as they were not

19 Wai 2180, #A37(m), at 1–2.

20 As noted above, Owhaoko A1B is not included in the Māori Land Spatial Dataset, and so was excluded from the initial assessment of road proximity.

assessed by GIS analysis to be more than zero metres from a legal or formed road.

60.2 Similarly, three blocks identified by Te Puni Kōkiri as landlocked – Awarua 3D No. 3 No. 17B, Motukawa No. 2 D No. 2 B No. 1, and Otamakapua No. 1G – are not identified as landlocked by Woodley.

61. Officials are working to understand the reasons for these discrepancies and to evaluate whether it is necessary to adjust our methodology. As above, the future work of ground-truthing and analysis of ownership of adjoining lands and topography etc is required.

Unlocking Landlocked Land in Taihape: Rangitīkei ki Rangipō

62. The 2002 amendments have not resulted in any successful applications for access to landlocked land in the Taihape: Rangitīkei ki Rangipō inquiry district.

63. Te Puni Kōkiri acknowledges that the potential costs of an appeal to the High Court by a general landowner have been seen as a barrier by some landowners in Taihape seeking to gain access to their landlocked land under the existing legislative provisions.[21] It is intended that the proposed changes to Te Ture Whenua agreed by Cabinet in December 2018, empowering the Māori Appellate Court to hear all appeals concerning access orders made under the landlocked land provisions, will encourage more Māori landowners to pursue access applications through the court.

64. Similarly, it is intended that the proposed introduction of a dispute resolution mechanism will provide an avenue for owners of landlocked land and the owners of adjoining land to come to agreements for access outside of the court.

65. In addition, funding via the Whenua Māori Fund or the Provincial Growth Fund could also be accessed to help landowners meet the high costs associated with achieving access to their whenua.

---

21 Wai 2180, #G13, at 6–7

CONCLUSIONS

66. Landlocked Māori land is a long standing and difficult problem faced by many Māori landowners. There are limited options available to owners of landlocked Māori land, and the steps required to achieve access are often long, complex and costly. Previous Crown attempts to address this issue have not proven to be effective. In order to make any meaningful change, I believe a comprehensive package of support and funding is required.

67. Te Puni Kōkiri and the Government has had, and continues to have, an programme of work aimed at enabling Māori landowners to achieve their aspirations, including owners of landlocked Māori land. This work began in 2012 with a comprehensive review of Te Ture Whenua and consideration of services and support for owners of Māori land. While the current government has changed the approach, the key objectives of enabling owners to achieve their aspirations remains.

68. As outlined in my brief of evidence, there is an active programme of work aimed at addressing issues associated with landlocked Māori land. This work includes enhancements to legislation, detailed research on the nature and extent of the issue, development of dispute resolution and advisory services, potential agreements amongst Crown land holding agencies, and consideration of funding assistance for owners of landlocked Māori land.

69. I believe that these initiatives should, over time, help Māori landowners achieve access to their whenua.

Signed: _____

Michelle Hippolite
Chief Executive
Te Puni Kōkiri

/02/2019