

## Kia haumarū tātou

Tēnā koutou e ngā māeikura, e ngā whatukura, e ngā rangatira katoa o ia pito o te motu. Ko te tūmanako e noho haumarū tonu ana koutou me o koutou whānau, i ēnei wā o te māharahara ki te mate huaketo o COVID-19!

## Relief for Māori entities under new COVID-19 Act

Last week Parliament passed the [COVID-19 Response \(Further Management Measures\) Legislation Act \(FMM Act\)](#) and the [COVID-19 Response \(Requirements For Entities – Modifications and Exemptions\) Act \(RFE Act\)](#) (together, the *COVID Acts*).

The COVID Acts make a number of changes to corporate and governance law to assist businesses to weather the challenges posed by the COVID-19 pandemic. These will apply until 30 November 2020.

Chapman Tripp had been actively engaging with MBIE officials and MPs over the past month to ensure the COVID Acts adequately provide for Māori interests and structures. We lobbied, alongside a range of clients, to have the broad range of Māori entities expressly covered in the RFE Act, which now includes Maori land trusts and incorporations, MIO under the Maori Fisheries Act, and a 'post-settlement governance entity' catch-all provision.

We were the only major law firm to submit on the COVID Acts, appearing before the Select Committee.

Key provisions include:

### Enabling electronic/virtual processes

If certain actions cannot be accomplished in person (because of a restriction in your rules, where the rules are silent, or your governors do not believe it is reasonably practical to do so by non-electronic means), they can be done electronically or virtually. For example, you may virtually or electronically:

- call or hold hui
- vote
- give or receive information, and
- sign documents.

### Modifying restrictions in your governing documents

Subject to a number of caveats, if your constitution or rules contain a provision that (directly or indirectly) requires a person to comply with a requirement or restricts the manner or form in which a person may exercise a power or right or perform a function, you may (by written notice of your governing officers) modify the requirement or restriction. For example, changes can be made to:

- calling or holding meetings
- a method or form of voting
- giving or receiving information
- making or keeping new records
- a method or form of dispute resolution, and
- other procedural or administrative processes.

Businesses will also be interested in the safe harbour provisions of the FMM Act. These provide a temporary shield for directors in respect of their insolvency duties under sections 135 and 136 of the Companies Act where that might assist to keep otherwise viable businesses in operation. We are happy to provide specific advice to the relevant Board/s of your businesses.

## COVID-19 Brief Counsel Series

As the unprecedented situation continues to unfold, the firm has looked into some of the impacts and immediate implications for different industries and sectors. Visit our website to see our guidance across a broad range of topics, including:



### COVID-19 – insolvency law changes

*Restructuring and insolvency – 18 May 2020*

The insolvency law package announced by the Government in April has now been passed, with a number of small improvements made during the legislative process.



### Looking ahead – a clearer business planning horizon

*General business advice – 13 May 2020*

With the Budget being announced, businesses will have a clearer view of the road ahead. We have identified some of the issues you may want to consider for business planning into the future.



### More COVID-19 FMA guidance for the financial services sector

*Financial services regulation – 5 May 2020*

The Financial Markets Authority has provided further guidance for insurers, KiwiSaver scheme providers and fund managers during the COVID-19 crisis.



### Tax relief for business keeps coming

*Tax – 1 May 2020*

The Government has legislated to provide further tax relief for business and allow for interest free loans to help small businesses with their immediate cash flow needs and fixed costs.



### Resource management processes during COVID-19 restrictions

*Environment, planning & resource management – 30 April 2020*

The COVID-19 'lockdown' has presented challenges for every part of our lives. Resource management processes have been significantly affected and will need to adapt as we move through Levels 3 and 2 and hopefully back to normality soon.

## Almost \$1b for Māori in Budget 2020

The Government announced last week that it will invest over \$900m in a multi-pronged approach to support Māori employment, Māori education, Māori health and Māori housing.

### Components include:

- \$400m on Māori education (\$200m of it for Kōhanga Reo)
- \$200m on a Māori Employment Package targeted at the regions, which includes a \$50m Māori trades training fund
- \$137m to boost Whānau Ora
- \$109m for the promotion of Māori language and culture, and
- \$40m towards tackling the housing challenges Māori face through the MAIHI (Māori and Iwi Housing Initiative) programme.

## UPDATE: Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill

The Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill (Bill) was reported back to Parliament on 1 May 2020. We submitted on the Bill and are generally supportive of the recommendations of the Committee.

The Bill is now awaiting its Second Reading but we are not optimistic that it will have passed through all its stages before Parliament rises on 6 August for the 2020 general elections.

This means that there is the real risk that yet another Te Ture Whenua Māori Amendment Bill is put on the backburner while a new government gets its feet under the table in the later part of the year.

You can read our overview and full submission on the Bill [here](#). You can read the Select Committee Report [here](#).

## News from Te Waka Ture

After seven weeks of working from home, be it in the spare room or at the kitchen table, we are for the most part all back in the office and working within the boundaries of the Level 2 guidelines.



**Toni Love** (Te Atiawa) is taking a year off from her role in our Wellington Property Team to undertake her Poutuarongo Reo Māori qualification at Te Wānanga o Raukawa. Ko te manu e kai ana i te miro, nōna te ngahere. Ko te manu e kai ana i te matauranga, nōna te ao!



**Roimata Mitchell** (Rangitāne and Ngāti Kahungunu), previously based in our Auckland Finance Team, has moved to London to take up an Associate position at international firm Herbert Smith Freehills. This is an exciting opportunity and we wish her all the best!



**Eru Kapa Kingi** (Te Aupōuri, Waikato-Tainui, Ngāpuhi, Te Whānau ā Apanui), who had previously joined Te Waka Ture as a Winter Clerk and Summer Clerk is currently a Judges' Clerk at the Auckland High Court, working under Justice Whata. Upon completion of his two-year position, we hope to see Eru back with Te Waka Ture!



Te Waka Ture alumni, **Roimata Claasen** (Ngāti Porou – Ngai Tāne, Te Whānau-a-Hinepare) has been accepted to the University of Oxford to pursue a Master of Business Administration, where she intends to explore the fields of social impact and responsible business. She is particularly interested in exploring how iwi and Māori organisations can better balance commercial objectives with obligations to iwi members, past, present and future. Ka mau te wehi, e te māreikura!



In February this year Chapman Tripp co-hosted an Iwi Symposium with Ngāti Whātua Ōrākei. The theme for this was "Papaki mai ngā ngaru nunui – Disruption and forging new pathways". Topics covered at the hui included mana whenua, ngā wai o te Māori, and the role of tikanga in alternative dispute resolution. The hui also acknowledged the 10th anniversary of Te Waka Ture.

Nick Wells and Te Aopare Dewes have both been recognised by the inaugural Leading Maori Law, Maori Land & Treaty of Waitangi Lawyers – New Zealand, 2020 list as "Recommended", rounding out a small selection of recognised specialists in Māori Business law. We are grateful to our clients and those in the market whom we have worked with, for their recognition of our mahi in Māori Business.

### Whakapā mai



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