

Succession for whāngai

Effective from Waitangi Day, 6 February 2021

In August 2020, the Government passed targeted changes to Te Ture Whenua Māori Act 1993 to simplify the legal processes for owning, occupying and using Māori land.

What has changed?

Whāngai is the traditional Māori practice where a child is raised by someone other than their birth parents.

The Act now clarifies that Māori Land Court judges will follow the tikanga of the hapū or iwi associated with the land being succeeded to when deciding whether whāngai can succeed to a land interest.

This means that in some cases whāngai may succeed to land interests as if they were a birth child or grandchild of the person who has passed.

Where the relevant tikanga does not recognise a relationship that entitles whāngai to succeed, the Māori Land Court may issue a court order giving whāngai a lifetime right to receive income or grants from the land or the right to occupy the family home on the land, or both.

Such an order will only be made if a judge considers it is necessary to prevent an injustice to whāngai not entitled to succeed. When this happens, the right to income or to live in the family home will end after a specified period (if there is one), or when the recipient passes away or gives up the right in writing.

Why make this change?

Succession to Māori land interests can be complex for whānau and for whāngai, and Māori land is often owned by members of different whānau (with different views on whāngai succession).

Changes to the Act clarify how succession involving whāngai will be dealt with in a consistent tikanga-based way.

What do I need to do?

The process for applying for succession has not changed. Apply by completing the appropriate application form. Forms are available at Māori Land Court offices or on our website.

For office contact details, go to

www.maorilandcourt.govt.nz/contact-us

To download a form from our website, go to

www.maorilandcourt.govt.nz/apply

It is good to kōrero with whānau about whāngai succession before applying to succeed to a deceased landowner's interests. Make the outcome of those conversations known when making your application.

It is also important to notify every person named as a party in the application and any other person affected by the application.

If you are whāngai and have any questions about an application, you should contact the Māori Land Court.