



APPLICATIONS

TETURE WHENUA MĀORI ACT 1993

Te Kooti Whenua Māori



Māori Land Court

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The Māori Land Court (Te Kooti Whenua Māori) is the New Zealand court that hears matters relating to Māori land. The special bond between Māori people and the land is recognised by the Māori Land Court, and the records held by this Court form an invaluable part of the whakapapa of all Māori. The Māori Land Court operates under the provisions of Te Ture Whenua Māori Act 1993 (referred to as 'the Act' throughout this booklet).

Applications is one of a series of Māori Land Court pamphlets designed to help Māori – and anyone else with an interest – to gain a fuller understanding of current Māori land matters.

Gathering information

If you need information to complete your application, staff of the Māori Land Court are available to provide assistance. Alternatively, visit the Māori Land Court website www.maorilandcourt.govt.nz. The website contains information on the most common types of applications processed by the Court. The website also contains a link to Māori Land Online, a tool that provides web based information on the current ownership and title information¹ for all Māori Land Court blocks.

Where to obtain application forms

Collect an application form from a Māori Land Court office or download from www.maorilandcourt.govt.nz.

What to file with the application

Evidentiary documentation should be filed with the application. For example, an application for succession will require a death certificate, any grant of administration (probate² or letters of administration³) or the original will, minutes of a whānau meeting if a whānau trust is required and consents of the proposed trustees.

Each application will have different requirements and these are usually set out in the application form or can be checked with Court staff.

Filing the application

You can file your completed application in person at any office of the Māori Land Court. If you choose to post the application, send it to the office for the district in which the land is situated.

Preparation of a submission

The application will be assigned to a case manager who will check the Court records

of the land or person involved and prepare a summary of evidence for the Court. You may be asked for further information.

The completed summary will be referred to a Judge who may direct further enquiries to be made, or notice of the application to be given to other people who may be interested in, or be affected by, the application.

Whether a formal hearing will be required

A formal hearing is required in most cases. Exceptions include:

- a succession to further interests where there has been previous succession to the deceased person
- vesting of lands in a minor who has turned 20 (provided that all appropriate documentary evidence is filed with the application).

Where a formal hearing will be held

The application is usually first advertised in the District in which the land is situated but can then, if requested by the applicant and if there is no opposition expressed by other interested parties, be adjourned to a usual Court sitting near where the applicant lives. In some special cases where the applicant is infirm the Court will arrange a home visit.

Who can prosecute the application

Generally the applicant should be at the Court hearing but if he or she is unable to be there he/she can instruct a solicitor to attend, or arrange for another family member to attend. It is important that the person attending is able to provide the evidence the Court will need.

Notice of the Court hearing

Notice of the date, time and place of the

hearing will be sent to the applicant (at the address supplied in the application) approximately two weeks before the hearing date.

Procedure for the Court hearing

As the applicant, you need to report to a Court officer at the hearing so that the Court is aware that the applicant is present.

In many cases a Court officer will need to check details of the application with you so you should report 15 minutes ahead of the scheduled time.

You should have the opportunity to read and check the submission prepared by the case manager.

You need to be aware that the Court can at times be running late if earlier applications have taken more time than scheduled. Accordingly, you need to ensure that you have enough time available to allow for delays.

When your case is called you move to the “counsel” benches at the front of the Court.

You will need to formally identify yourself to the Judge (the Judge will usually ask you your name or ask who is appearing on the application). You should give your full name and address.

As the applicant it is your job to state clearly what your application is about and what you want to achieve. You will need to present any relevant evidence to support your case if it has not already been filed with your application. If any facts set out in the submission prepared by the case manager are incorrect you must draw these to the attention of the Judge.

If your application is opposed, the person opposing will then be given the opportunity to state his or her case and to present supporting evidence.

You will be given the opportunity to respond to the argument and to question the evidence presented.

At the end of the hearing the Judge may do one of several things:

- make the order you were seeking
- adjourn the hearing to another date, and possibly another venue, if more information or evidence is needed
- “reserve” the decision (ie put the matter aside to be considered further by the Judge and for a written decision to be issued at a later date)
- dismiss the application if the Judge is not prepared to make the order you were seeking.

Footnotes

- 1 A claim or liability attached to property, for example a lease, a mortgage or a charge.
- 2 When the High Court confirms the appointment of an executor to administer the will of a deceased person, the Court’s authority for that person to act is given in a grant of probate.
- 3 When the High Court appoints a person to administer the estate of a deceased person (generally where there is no will or if the will does not name an executor), the Court’s authority for that person to act is given in a grant of letters of administration.

After the hearing

The minutes (record of the hearing) will be typed from a recording made at the hearing and will be signed by the Judge.

A copy of the minutes will be sent to the applicant and other interested parties.

The orders will be drawn up, signed by either the Judge or a Deputy Registrar and sealed with the Court's official seal.

Unless the Judge has directed that the order is to issue immediately, it will then be held for two months before issuing. This is in case any appeal is lodged to contest the decision made by the Judge.

The order will then be written up in the Court title records if it affects land, and will be sent to any party who has to act on it, for example the Māori trustee if the Māori trustee has been ordered to pay money he/she is holding, or a Māori incorporation if the order affects shares in that incorporation.

Rehearings

Sometimes further relevant information might come to light immediately after the Court hearing or, when you receive the minutes, you might find that what you thought you had said was not correctly recorded and has affected the outcome of your application. In these circumstances you, or someone else affected, can apply for a rehearing. An application for rehearing must be made within 28 days of the date of the order (usually the same date as the hearing).

Appeals

If you, or some other party to the application, consider that the Judge's decision is wrong based on the evidence that was presented, then an appeal can be lodged. Notice of appeal must be lodged within two months from the date of the minutes and must set out details of the basis for the appeal.

More information

For more information about Māori Land Trusts please write to, phone, fax, email, or visit a Māori Land Court office. Staff will be pleased to assist you and discuss any matters with you.

www.maorilandcourt.govt.nz

Māori Land Court offices

Taitokerau District

Registry Office
L2, Manaia House, Rathbone Street
WHANGĀREI 0110
DX Box AX10086, WHANGĀREI
T (09) 983 9940
F (09) 983 9941
E mlctaitokerau@justice.govt.nz

Auckland Information Office

65B Main Highway, Ellerslie
AUCKLAND 1051
DX Box EX10912, AUCKLAND
T (09) 279 5850
F (09) 279 5852
E mlctamakimakaurau@justice.govt.nz

Waikato-Maniapoto District

Registry Office
L2, BNZ Centre, 354 Victoria Street
HAMILTON 3204
DX Box GX10101, HAMILTON
T (07) 957 7880
F (07) 957 7881
E mlcwaikato@justice.govt.nz

Waiariki District

Registry Office
Hauora House, 1143 Haupapa Street
ROTORUA 3204
DX Box JX10529, ROTORUA
T (07) 921 7402
F (07) 921 7412
E mlcwaiariki@justice.govt.nz

Aotea District

Registry Office
Ingestre Chambers, 74 Ingestre Street
WHANGANUI 4500
DX Box PX10207, WHANGANUI
T (06) 349 0770
F (06) 349 0771
E mlcaotea@justice.govt.nz

Tākitimu District

Registry Office
L2 Heretaunga House
Cnr Lyndon and Warren Street
HASTINGS 4122
DX Box MX10024, HASTINGS
T (06) 974 7630
F (06) 974 7631
E mlctakitimu@justice.govt.nz

Tairāwhiti District

Registry Office
Ngā Wai e Rua Building
Cnr Reads Quay and Lowe Street
GISBORNE 4010
DX Box PX10106, GISBORNE
T (06) 869 0370
F (06) 869 0371
E mlctairawhiti@justice.govt.nz

Te Waipounamu

Registry Office
30 Sheffield Crescent, Burnside
CHRISTCHURCH 8053
DX Box WX11124, CHRISTCHURCH
T (03) 962 4900
F (03) 962 4901
E mlctewaipounamu@justice.govt.nz

National Office, Office of the Chief Registrar, Māori Appellate Court

L7, Fujitsu Tower, 141 The Terrace
WELLINGTON 6011
DX Box SX11203, WELLINGTON
T (04) 914 3102
F (04) 914 3100
E mlcnationaloffice@justice.govt.nz

Use the X number as you would a PO Box number.

