



NGĀ TONO

TETURE WHENUA MĀORI ACT 1993

Te Kooti Whenua Māori



Māori Land Court

Ko te whakakape

I pau te manawa me te kaha ki te whai i te tika me te pono o tēnei puka pānui, i tuhia, i whakatikaina, ā, i pānuitia i runga tonu i te mōhiotanga ko ōna kaituhi me ōna kaiwhakatika, kaipānui hoki kei te wātea mai i ngā herenga i mahia, kāhore rānei i oti i tētahi tangata te katoa, ētahi wāhanga rānei, ngā kupu me ngā kaupapa kōrero o tēnei puka pānui te mahi. Ko ngā kaititiro i ēnei tū āhuatanga me aro atu ki te tino pukapuka o te Ture, o ngā Ture rānei e pā ana ki tēnei take, kaupapa, te whai rānei i ētahi tohunga kaitohu i ēnei take kaupapa, ā, me te kore hoki e piripono ki ngā kupu kaupapa o tēnei pukapuka anake.

Tāhū o te Ture: he kupu mana tārua.

Ko ngā puka pānui ka tukua e te Tāhū o te Ture, ka noho tonu i raro i ngā ritenga maru o te mana tārua Karauna, ā, mēnā kāhore, ka whakamōhiotia anō hoki. Ko ngā rauemi mana tārua e whakamaru nei i tukua hoki e te Karauna, ka āheitia te whakamahia, te kape, te tuku, ahakoa pēhea nei te āhua, ā, kāhore he utu, kāhore hoki he tuku tonu kia whakaetia i te tuatahi. Kei te aro hoki tēnei ki te rauemi o ngā kupu me ngā kōrero kaupapa e whakamahia ana kia tika, kia pono hoki te tuku me te mahi. Ki te whakamahia, ki te hoatu rānei i tēnei rauemi ki tētahi atu tangata, me hoki tonu ngā kōrero ritenga i te tuatahi ki te kaituhi, ki te mana tārua hoki.

Ko te whakaaetanga ki te kape i te rauemi o te Karauna, kei raro nei i te maru o te mana tārua, kāhore e tika ana mō ngā rauemi mana tārua o tētahi atu tangata tuatoru. Ko te whakaaetanga mō te kape i ngā kupu kōrero o te tangata kē atu me whai anō i te mana tārua o taua ake tangata, rōpū rānei.

Kia mōhio ai: Ko ngā pukapuka pānui o te Tāhū o te Ture, ko aua pukapuka anō e tukua nei e te Tāhū o te Ture i roto anō i āna ake mahi. Kāhore hoki tēnei e pā atu ana ki ngā kupu pānui kōrero me ngā whakataunga mai i ngā Kooti me ngā kaimahi āpiha hoki o te Kooti.

Poutūterangi 2010



MINISTRY OF
JUSTICE
Tābu o te Ture

Te Kāwanatanga o Aotearoa

Ko te Kooti Whenua Māori te kooti o Aotearoa e rongohia ai ngā take katoa e pā ana ki ngā whenua Māori. E mārāma ana Te Kooti Whenua Māori ki te hononga motuhake a te Māori ki te whenua, nā reira kei te puritia e tēnei kooti ngā kōrero kāmehameha e pā ana ki ngā whakapapa o ngā Māori katoa. Ko te mana o te Kooti Whenua Māori ka taka māi ki raro i te korowai o te Ture Whenua Māori 1993 (e kīia nei i roto i tēnei pukapuka ko 'te Ture').

Ngā Tono, he kohinga pukapuka ēnei nā Te Kooti Whenua Māori hei āwhina i te iwi Māori – me ētahi atu e ngākaunui anaki – te whai māramatanga mō ngā take whenua Māori o te wā.

Te whai māramatanga

Ki te hia kōrero koe e pā ana ki tō tono, mā ngā kaimahi o te Kooti koe e āwhina. Tirohia rānei te ipurangi nei: www.maorilandcourt.govt.nz. Kei reira ngā kōrero mō ngā momo tono. Kei reira hoki ngā kōrero whenua ā-ipurangi, he kaupapa e hoatu ana i ngā kōrero mō ngā kaipupuri whenua, me nā taitara poraka¹ Māori.

Kei hea ngā wāhi whai pānui tono?

Tikina he pānui tono mai i te tari Kooti Whenua Māori, tōia mai rānei i te paetukutuku www.maorilandcourt.govt.nz.

He aha anō ngā pānui kōrero ka tukuna mai me te pānui tono

Tukua mai te pānui tono me ngā kōrero tautoko i te tono. He tauria tēnei, ko te tono mō ngā pānga whenua o te tangata mate, me whai tiwhikete rēhitatanga o te matenga o taua tangata rā, he tuku whakahaerenga (tono whakamau wira², ngā reta tuku whakahaere³ rānei), te wira tuatahi rānei, ngā kōrero mai i te hui ā-whānau mēnā kei te whakatūria he rōpū Kaitiaki Whānau, arā Whānau Trust me ngā whakaaetanga o ngā tāngata ka whakaingoatia ki runga ki te trust.

He rerekē ngā whakaritenga o ia tono, ā, kei te whakamāramatia i roto anō i ngā pānui tono, mā ngā kaimahi rānei o te Kooti Whenua Māori e whakamārama mai.

Te tuku i te tono

Me tuku ā-tinga tō tono ki te tari o te Kooti Whenua Māori. Mēnā ka tukua te tono mā te poutāpeta, me tono atu ki te tari o te rohe kei reira nā te whenua.

Te whakarite i te tono

Ka tohua he kaiwhakahaere i tō keehi, māna e tirotiro ngā rīkoata whenua o te kooti, ngā rīkoata rānei o te tangata whai urunga ki te take, ā, ka tuhia e ia ngā kōrero e pā ana ki

te keehi kia whakatakotohia ki mua i te kooti. Tēnā pea ka hoki mai anō ētahi pātai ā tōna wā ki a koe mō ētahi atu kōrero.

Ka tukua ngā pānui kōrero ki te kaiwhakawā, me tana tono anō pea i ētahi atu mahi uiui, kia tukua atu rānei he pānui ki ētahi atu tāngata e whai pānga ana ki te tono.

Mēnā ka whakawākia tēnei take ki te Kooti

I te nuinga o ngā wā e whakawākia ana ēnei take. Engari kāhore mō ētahi pēnei:

- he tono mō ētahi atu pānga, whai muri i ngā tono pānga o te tangata kua mate
- te tuku i ngā whenua ki te tamaiti kua eke nei ōna tau ki te rua tekau (me whai kōrero tautoko anō tēnei tono).

Ka tū te whakawā ki hea?

I te tīmatanga ka pānuitia te tono ki te rohe kei reira nā te whenua, engari mēnā ka tonoa anō e te kaituku tono, kāhore hoki he tangata e whakahē ana, ka nukuhia ki te Kooti Whenua Māori e pātata atu ana ki te kaituku tono. I ētahi wā nā te māuiui anō o te kaituku tono, ka whakaritea e te kooti kia haere ki tōna kāinga.

Mā wai tēnei take e whakahaere i roto i te Kooti?

I te nuinga o te wā me haere te kaituku tono ki te Kooti ki te whakarongo ki tana keehi, engari ki te kore e taea e ia te haere, māna anō e tono he rōia hei whakahaere i tana take tono, e inoi rānei ki tētahi whanaunga kia haere ki te kooti. Ko te tangata ka haere ki te kooti me mōhio anō ki ngā kōrero tautoko i te tono.

Ko te pānuitanga o te kēhi

Ka tukua ki te kaituku tono he pānui mō te wā, te rā, me te wāhi ka tū te kooti mō te keehi (e tonoa atu ana ki te kāinga kua tuhia

nei i roto i te pānui tonon) rua wiki te roa i mua atu i te whakawānga o tēnei take.

Ngā tikanga whakahaere o te Kooti

Me haere tika te kaituku tonon ki te kaiwhakahaere o ngā take kooti, arā te kaiwhakapae, kia mōhio ai te kooti kua tae mai te kaituku tonon.

I te nuinga o ngā wā ka tirohia anō e te kaiwhakahaere ngā take o te kooti, me te kaituku tonon, ngā whakaritenga anō o te tonon, nā tēnei me haere te kaituku pānui ki te kooti tekau mā rima meneti i mua atu i te tīmatanga o tana keehi.

Kia mōhio anō hoki koe mēnā e tōmuri ana ētahi o ngā keehi ka āhua tōmuri te haere o te kooti. Me whakaaro tonu koe mō tēnei āhuatanga kia tika ai tō whakarite i a koe anō mō te whakahaerenga o tō take.

I te wā ka karangahia tō keehi, whakatikahia ake, ka haere ai koe ki te tēpu i mua, arā te tēpu nohonga o ngā rōia, ki mua ki te aroaro o te kaiwhakawā o te kooti.

Me kōrero atu koe ki te kaiwhakawā ko wai koe (i te nuinga o te wā ka pātai te kaiwhakawā ko wai tō ingoa, ā, ko wai e kōrero ana mō tō tonon pānui).

Me kōrero atu koe i tō ingoa, te katoa o tō ingoa, me tō kāinga noho.

Mēnā ko koe te kaitonon i te pānui tonon me whakamārama atu koe he aha te take o tō pānui tonon, he aha hoki tō hiahia. Me kōrero hoki ngā kōrero tautokon i tō tonon, mēnā kāhore anō ēnei i tonon ki te Kooti i te tīmatanga.

Mēnā e hē ana ētahi o ngā kōrero o te pānui tonon, nā te mahi hē, te hē rānei o te tuhi o te kaiwhakahaere i te keehi, me mea atu koe ki te kaiwhakawā kei te hē ētahi o ngā kōrero o te pānui tonon.

Mēnā he tangata anō kei te whakahē i tō pānui tonon, ka tukua te wā ki tērā tangata ki te kōrero i ōna whakaaro, kōrero pānui e whakahē ana i tō tonon.

Ka āhei anō hoki koe ki te whakautu i āna kōrero whakahē, me te pātai i ngā pātai mō ngā kōrero kua tukuna nei e ia hei tautokon i tana whakahē.

Ā te mutunga o te keehi, koia nei ngā āhuatanga e āhei ana te kaiwhakawā:

- ka whakaae ia ki te tuku tonon mai i te Kooti ki tāu e hiahitia nei
- te hiki i te keehi mō tōna wā, kia rangona anō i tētahi atu wā, ki tētahi wāhi rānei, mēnā e hiahitia ana ētahi kōrero whakamārama, kōrero tautokon rānei
- te whakatārewa i te whakatau (arā te waiho i te take ki te taha kia whakaarohia anōtia e te kaiwhakawā, me te tuku ā tuhi i te whakatau i muri iho)

He whakamārama

- 1 He kerēme, he herenga ki te whenua pēnei i te rīhi, te mōkete, te utu rānei.
- 2 Ko te whakapūmautanga o te Kooti Matua, i tētahi tangata ki te whakahaere i te wira o te tangata kua mate, ko te mana o te kooti ka tukua ki tēnei tangata ki te whakahaere kei raro i te tuku whakamau wira.
- 3 Ko te whakatūnga e te Kooti Matua he tangata hei whakahaere i te ritenga o te tangata kua mate (i ngā wā kāhore pea he wira, ki te kore rānei te wira e whakaingoa i tētahi tangata whakahaere). Ko te mana o te Kooti mō tēnei tangata ki te mahi i tēnei mahi ka tukua i raro i te tukunga reta whakahaere.

- te whakakore i te pānui tono, nā te kore o te kaiwhakawā i whakaae ki te tuku tono ā kooti mō tō tono.

I muri i te whakahaerenga o te keehi

Ka tuhia, ka patopatohia ngā kōrero katoa o te keehi mai i tētahi rīpene tango kōrero i te wā e whakawātia ana te keehi, ā, ka hainatia tēnei e te kaiwhakawā.

Ka tonoa he kape o ēnei kōrero ki te kaituku pānui ki te tangata hoki e whai pānga ana ki te keehi.

Ka tuhia ngā tono ā kooti, ā, ka hainatia e te kaiwhakawā, e te kairēhita tuarua rānei o te Kooti, ā, ka tāngia ki te moko ā ture o te Kooti.

Ka puritia te tono ā kooti mō te rua marama, mēnā kāhore te kaiwhakawā e tonoa kia tukua tonutia te tono ā kooti. Ko te take ka puritia mō te rua marama, he whakawātea i te wā mō ngā kaiwhakahē i te whakatau o te kaiwhakawā.

Ka tuhia te tono ki roto ki ngā rīkoata o te kooti mēnā e pā ana ki te whenua, ā, ka tonoa ki te tangata, ki te rōpū rānei kia mahia ngā mahi o te tono, pēnei i te kaitiaki rawa o te Māori, arā Māori trustee, kia utua ngā moni kei te puritia e ia, ā, me te kaporeihana Māori mēnā e pā atu ana ki ngā hea o te kaporeihana.

Te whakahoki tono kia whakahaerehia anōtia

Tēnā pea ka kitea anō ētahi atu kōrero pānui e pā ana ki te keehi i muri iho o te whakahaerenga o te keehi, ka kite rānei koe i roto i ngā kōrero o te keehi i tonoa mai nei ki a koe, ko ngā kōrero ka kōrerotia e koe ki te kooti, kāhore i tika te tango me te tuhi i ēnei kōrero, ā, ka pā hoki te hē ki te whakatutukitanga o te keehi. Nā tēnei ka whai mana koe, tētahi atu tangata rānei e

pāngia ana ki tēnei raruraru, ki te whakahoki tono kia whakahaerehia anōtia tō keehi. Me tuku te tono ki te kooti mō te whakahaere anō i te keehi, i roto i te rua tekau mā waru rā mai i te whakaputanga o te tono (te rā whakahaerenga rānei o te keehi).

Te pira

Mehemea e whakaaro ana koe, e whakaaro ana rānei tētahi atu tangata kei te hē te whakatau o te kaiwhakawā, mai i ngā kōrero tautoko i whakatakotohia ki mua i a ia, ka āhei koe, tētahi atu tangata rānei e whai pānga ana ki te take, ki te tono pira. Me tau te tono pira i roto i te rua marama mai i te tukunga mai o ngā kōrero o te kooti, ā, me whakamārama mai hoki i ngā take e hiahia nei te pira.

Mō ētahi atu whakamāramatanga

Mō ētahi atu pānui whakamāramatanga mō ngā tiaki whenua Māori, tuhia mai he reta, waea mai, tonoa mai he reta whakaahua, imēra, haere mai rānei ki te tari o te Kooti Whenua Māori. Mā ngā kaimahi koe e āwhina, e kōrero i ngā take e hiahia nei koe.

www.maorilandcourt.govt.nz

Ngā Tari o te Kooti Whenua Māori

Te Rohe o Te Taitokerau

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Tari Awhina – Tāmaki Makaurau

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Te Rohe o Waikato-Maniapoto

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Te Rohe o Te Waiariki

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Te Tari Matua, Te Tari o te Kairēhita, Te Tari o Te Kooti Pira Māori

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He rite tonu te whakamahi i ngā nama X i te mahi i
ngā nama pouaka poutāpeta.

