



# NGĀ KAPOREIHANA MĀORI

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 mai ki raro i te korowai o te Ture Whenua Māori 1993 (e kīia nei i roto i tēnei pukapuka ko 'te Ture').

*Ngā Kaporeihana Māori*, ko tēnei tētahi o ngā pukapuka ka tukua nei e te Kooti Whenua Māori hei āwhina i te hunga Māori - me te katoa e whai whakaaro ana ki ēnei take – kia mārāma ai rātou ki ngā take whenua Māori o ēnei rā.

He nui ngā whakarerekētanga o ngā ritenga whakahaere kaporeihana Māori i whakatūria e Te Ture Whenua Māori Act 1993 me te ture Māori Incorporations Constitutions Regulations 1994. Ko ngā kaporeihana Māori i whakamanahia i raro i ngā ture i mua atu i tēnei, ka whai mana tonu i raro i te Ture. Kei te tū tonu tō tonu kaporeihana (me ōna tikanga katoa i whakamanahia ai tērā tonu) engari me mahi tonu i raro anō i te Ture, me Te Māori Incorporations Constitutions Regulations 1994. Ko ngā whakaritenga ā ture katoa e pānuitia nei i roto i tēnei pukapuka ka kitea i roto i te ture Māori Incorporations Constitution Regulations 1994.

I te mea he tini ngā take e pā ana ki ngā kaporeihana Māori kei roto i ngā whakaritenga i waho atu i Te Ture, me whakawhiwhi, me whakamātautau ia mema o ngā kōmiti whakahaere i ngā Whakaritenga ā-Ture.

Kei ngā Kooti Whenua Māori ngā pukapuka, mehemea kei te hiahiaatia e koe (tirohia te whārangi 18 mō ngā tari ā-rohe e pātata ana ki a koe).

## Kaporeihana Māori

### Whakarāpopototanga

E rite ana te āhua o te kaporeihana Māori ki te āhua o te kamupene. Ko tana kaupapa ko te whakahaere me te whakanui, te hāpai i ngā tikanga hei painga mō ngā whenua Māori korehere<sup>1</sup> o ngā whānau nō rātou nei te whenua.

I whakatūria ngā kaporeihana Māori hei whakahaere i ngā poraka whenua, ā, ko tēnei hoki te kaupapa tauhokohoko o ngā whakahaeretanga whenua Māori katoa. Ka taea e ngā rōpū tikanga kaitiaki pēnei me ngā rōpū kaitiaki tikanga ā whānau, ngā rōpū kaitiaki pūtea<sup>2</sup> me ngā rōpū kaitiaki<sup>3</sup> anō, te mahi ki raro i te marara o te kaporeihana Māori.

Ka taea te whakamahi i te nuinga o ngā take katoa, arā ngā take kua whakatūria e te ture, katoa i raro i te kaupapa kaporeihana Māori. Engari mēnā ka tau he whakaaro ki te hoko atu i te whenua kei raro i te kaporeihana Māori, he kaupapa kē anō tēnā, me ōna herenga ā-ture katoa. Ko ngā kaupapa whakaritenga o tēnei Ture ko te tiaki i te whenua Māori kia kore ai e hokona, kia mau tonu ki ngā ringa o te whānau, hapū<sup>4</sup> nō rātou nei te whenua, me te hāpai i te kaupapa noho tonu, ahuhenua hoki hei painga mō te hunga whai pānga ki te whenua me ā rātou uri katoa, arā te whānau me te hapū.

### Te whakatū kaporeihana Māori

I mua atu i te whakatūnga kaporeihana Māori me haere ngā kaupupuri whenua ki te Kooti Whenua Māori, ā, me:

- karanga he hui, kia rite ki te (wāhanga 9 o te Ture) kia tautokona he mōtini ki te whakatū kaporeihana Māori
- whakaaetia rānei, tekau mā rima (15%) ōrau o ngā whānau nō rātou nei te whenua
- te tuku tonu me tētahi kape o ngā tuhinga kōrero o te hui ki te Kooti Whenua Māori.

Ki te whakaae te Kooti Whenua Māori ki te tonu, ka whakatauhia e te kooti he tonu kaporeihana me te whakatū i tētahi kōmiti whakahaere.

### Ngā whenua ka taea te whakauru mai ki raro i te kaporeihana Māori

Ka taea te whakauru mai ki raro i te kaporeihana Māori ngā whenua Māori herekore, kotahi poraka, maha atu rānei ngā poraka whenua, engari, kia nui atu i te tokorua ngā tāngata nō rātou te whenua o tētahi o ngā poraka e whakaaro nei kia tukua mai ki raro i te kaporeihana.

Ki te whakaturehia he kaporeihana Māori, ka taea te whakuru mai, te hoko mai i ngā whenua ahakoa pēhea te āhua o ngā taitara - ehara ko te whenua Māori herekore anake.

## Kaupapa whakahaere

Me whai kaupapa whakahaere te kaporeihana Māori. Ka kitea ēnei kaupapa whakahaere mō ngā kaporeihana Māori katoa i roto i te rārangi tuatahi o te Ture, ā, kei konei hoki ngā whakaritenga mō:

- ngā huihuinga o te hunga whai pānga ki te whenua
- ngā whakaritenga pooti
- kōmiti whakahaere
- ngā hea.

## Ngā whakarerekētanga ki ngā kaupapa whakahaere

Ka āhei te hunga whai pānga ki te whenua ki te whakarerekē i ngā ritenga whakahaere i raro i te wāhanga 253A o te Ture, me te Ritenga ā Ture Rule 4(i)(h) o te Kaupapa Whakahaere, mā te mauhere anō ki te mana o te kōmiti whakahaere. Engari kāhore e āheitia ana mēnā ka hiahia ngā whānau whai pānga ki te whakarerekē i ngā kaupapa ture kia nui atu te mana whakahaere o ngā trust mō te kaporeihana, i tua atu i ērā o te Māori Incorporations Constitution Regulations 1994. Ko ngā whakarerekētanga, me whakamana mai anō i te mōtini o te hunga

whai pānga, kua whakatakotokia mai nei e te ture.

## Kōmiti whakahaere mō te wā poto

Ka whakatūria e te Kooti Whenua Māori he kaporeihana Māori, ka whakatūria anō hoki e te kooti he Kōmiti Whakahaere mō te wā poto.

Ka whakatūria tētahi Kōmiti Whakahaere mō te wā poto, me whakaaro anō e te Kooti (kāhore he herenga ki ēnei whakaaro) ngā ingoa o ngā mema mō taua kōmiti, arā ngā ingoa o ngā tāngata e hiahiatia ana e te hunga whai pānga ki te whenua, hei kaikōrero anō hoki mō rātou. Kia maha atu i te tokotoru mema o te Kōmiti Whakahaere, ā, kia kua hoki e nui atu i te tokowhitu.

## Pēhea te roa o te wā e tū ai te kōmiti whakahaere?

Ā muri tonu mai i te hui ā-tau, o te tau tuatahi, ka kati te mana whakahaere Kōmiti Whakahaere mō te wā poto. Me whakatū tērā hui i mua atu i te ono marama i muri mai i te paunga o te tau pūtea o te kaporeihana Māori.

Me whakatū hoki e ngā tāngata whai pānga ki ngā whenua, he kōmiti whakahaere hou i te hui ā-tau. E wātea ana ngā mema o te Kōmiti Whakahaere wā poto ki te tū mō te Kōmiti Whakahaere hou.

## He whakamārama

1 Ko te whenua whai pānga ka whakatūria nei e te Kooti Whenua Māori mā te tono kore here (arā, kua whakaritea he taitara e te kooti mō te whenua me te whakaatu i ngā tāngata whai pānga ki aua whenua).

Ko ngā taitara korehere ka wehewehea mā te tono wāhanga wehe. Ka tū tonu te whenua i raro i te whenua Māori. Ka tū tonu

te whenua hei whenua Māori kia tae rā anō ki te wā ka whakaritea mai he tono e te Kooti Whenua Māori ki te whakarerekē i te tūnga o taua whenua.

2 He kete tēnei. I raro i te tikanga kaitiaki ko te whakaminenga tāngata e mahi kotahi ana, e whakaki ana i ngā kete mā te tuku moni pūtea me ētahi atu taonga hei painga mō te katoa.

3 He kaitiaki, he kaiwhakaruruha – i raro i tēnei tikanga he kaitiaki mō te huinga taiohi, rangatahi, tamariki me te hunga hauā rānei kāhore nei e taea e ēnei te whakahaere ōna ake ritenga orange.

4 He wāhanga nō te iwi, he whanaungatanga, e hono ana i raro i te whakapapa ki tētahi tupuna.

## Kōmiti whakahaere

### Ngā whakaaturanga ingoa

Mā ngā tāngata whai pānga e whakaingoa ngā tāngata hei mema mō te kōmiti. Me mōtini, me tuhi, me pānui ngā ingoa, ā, me haina, me tautoko hoki te tangata whai pānga i tana mōtini, me te whakaetanga ā tuhituhi o te tangata kua whakaingoa i roto i te mōtini.

Me mau ēnei tono ki te tari rēhita o te kaporeihana kia toru rā i mua atu i te wā i tohua mō ngā tono (arā kia toru ngā rā ka wātea mai i te rā i tohua me te rā o te hui) kia toru rā i mua atu i te hui o ngā tāngata whai pānga mō tō rātou whakawā ko wai ngā ingoa o ngā mema o te kōmiti.

Kia mahara hoki ngā kaipupuri whenua, me whakatū ngā tāngata tōtika, ngā tāngata whai pūkenga tiaki rawa, tiaki moni, kia pai ai te puta o ngā hua ki ngā whānau me ngā hapū.

### Ngā tūranga o te kōmiti whakahaere

E wātea ana ngā tūranga o te Kōmiti Whakahaere nei ki te katoa ahakoa kāhore te tangata e whai pānga ana ki te kaporeihana Māori.

Engari kāhore e āheitia ana te whakaingoa, te whakatū, te noho tonu rānei a te tangata hei mema o te kōmiti whakahaere mēnā he tangata kei raro i ngā here o te:

- mate wairangi i tohua i raro i te ture, wāhanga 11 o te Mental Health Act 1992.
- kei te tārewatia āna pūtea, ā, kāhore anō kia whakawāteatia mai e te kooti.
- he mahi hē, he hara i mauheretia ai ia mō te ono marama roa atu rānei, ā, kāhore anō kia tutuki noa taua mauheretanga.

## Te roa o te tūranga i runga i te kōmiti

E toru tau te roa o te noho a tētahi mema ki runga i te kōmiti. Mēnā ka aituā, ka mate tētahi mema, ka rihaina, ka whakanukuhia mai rānei i tana tūranga, ka āhei anō ngā tāngata whai pānga ki te pooti ki te whakakī i aua tūranga.

Ka noho tonu te tangata hou ki te tūranga mō te wā i tohua mō te mema kua heke iho nei i tōna tūranga.

Ki te tae ki te wā e heke mai ai te mema i tōna tūranga, e āhei ana ia ki te tū anō ki taua tūranga mēnā e hiahia ana ia, ā, ki te kore ia e hiahia me whakapuaki ia i tōna kore hiahia i mua i te paunga o te whitu rā i mua atu i te hui.

## Whakaaturanga ki Te Kooti Whenua Māori

I raro i te ture, e wātea ana ngā tāngata whai pānga o te kaporeihana ki te whakatū i ō rātou ake mema mō te Kōmiti, ahakoa kāhore anō kia whakapūmautia e te Kooti Whenua Māori. Engari me whakaatu te kaporeihana ki te Kooti Whenua Māori, ngā mema kua whakaingoa.

## Te heamana me te hēkeretari o te kōmiti whakahaere

Mā te kōmiti whakahaere e tohu te heamana me te hēkeretari. Ko te heamana me tohu mai anō ki te kōmiti whakahaere, engari ko te hēkeretari, he pai noa iho ahakoa ehara ia i te mema o te kōmiti whakahaere.

Me hui te kōmiti whakahaere wā poto nei, i mua atu i te paunga o te marama tuatahi i muri mai i te wā i whakatūria ai rātou. I tēnei hui ka tohua te heamana me te hēkeretari. Mā te kōmiti whakahaere anō hoki e whakarite te tari rēhita mō te kaporeihana Māori.

I mua atu i te paunga o te rua wiki i muri mai i tēnei hui me whakaatu te Kōmiti ki te Kooti whenua Māori i:

- te ingoa o te heamana, tāna mahi, me tōna kāinga noho
- te ingoa o te hēkeretari, tāna mahi me tōna kāinga noho
- te wāhi, te tari ka rēhitatia mō te kaporeihana Māori.

Me arotake e te kōmiti whakahaere ēnei tūranga ia tau.

### Ngā utu ki ngā mema o te kōmiti whakahaere

E āhei ana he utu ki ngā mema o te kōmiti whakahaere, kia tika hoki te utu i a rātou me te utu anō i ā rātou moni pūtea. Ka utua rātou mō ngā mahi me ngā haerenga mō te kaporeihana. Mā ngā tāngata whai pānga anō e whakarite kia pēhea te nui o te utu me te whakatakoto tikanga kaupapa mō ēnei utu katoa.

### Ngā mema o te kōmiti e mahi ana mō te kaporeihana – he ākinga kaupapa kē atu

E āhei ana ngā mema o te kōmiti ki te mahi mō te kaporeihana, te whakarite kirimana<sup>5</sup> rānei me te kaporeihana Māori. Engari, kei tūpono te ākinga o tētahi kaupapa kē atu, kua whakatakotohia mai e te ture (Rule 24(2) o te constitution), kia kua rawa taua mema o te kōmiti e uru atu ki ngā kōrerorerotanga kōwhiringa o te kōmiti, te pooti rānei i runga i ngā āhuatanga o taua take e taupatupatuhia nei, arā te kaupapa ākinga kē atu.

Me whakapuaki tonu ngā mema o te kōmiti i ā rātou herenga ki ētahi atu kaupapa ākinga

kē atu, kia mārama ai ki te kōmiti. Me whakaaro hoki rātou mēnā he mea pai tonu kia noho tonu rātou hei mema mō te kōmiti.

### Te whakataka i te mema mai i te kōmiti

E wātea ana ki te tangata whai pānga te tuku tono ki te Kooti Whenua Māori ki te whakataka i tētahi, ētahi, mema mai i te kōmiti, engari me tino whai take kōrero tautoko mō tēnei mahi i te tuatahi. Ko ngā take ka whakatakahia mai te mema i te kōmiti:

- Kīhai te mema i mahi tika i āna mahi.
- Ko te takatakahi i ngā ture o te kaupapa whakahaere o te kaporeihana Māori, e mahi kino ana rānei, kāhore hoki tēnei mahi i te mahi tika mō te nohonga o te mema ki runga i te kōmiti.
- Pai atu kia whakatakahia mai kia kore ai e raru te kaporeihana Māori.

### Te tirohanga pooti mema ki te kōmiti

Mehemea e āwangawanga ana tētahi tangata whai pānga ki ngā whakahaeretanga o ngā mahi pooti me tonu ia ki te Kooti Whenua Māori kia āta tirohia ēnei take.

Ka oti ngā uiui i te Kooti e taea ana:

- te whakatūtururu i te/ngā tūranga o tērā/ērā tāngata
- te whakakore i te taunga pooti, me te whakatū anō he wā pooti.

Tēnā pea he utu anō mō tēnei mahi tirohanga.

### Ngā mahi nama moni mai i te kaporeihana

Kua ngā mema o te kōmiti e nama moni mai i te Kaporeihana Māori. E mārama ana

<sup>5</sup> He whakaaetanga i waenganui i te tokorua, ka whakamanahia e te ture. I te nuinga o te

wā e tuhia ana ki te kirimana, engari e whai mana tonu ana te oati ā waha.

te ture, kia kaua e tuku moni nama ki ngā mema o te kōmiti.

Ko te maha o ngā mema o te hui, kia whai mana ai te hui.

Ka tū te hui mēnā ka tae mai te nuinga<sup>6</sup> o ngā mema, arā kia toru ngā mema ka tae mai mehemea tokoono, tokowhā, tokorima rānei ngā mema katoa, engari me kake atu ki te tokowhā, mehemea tokoono, tokowhitu rānei te katoa o te kōmiti. Me whakaae te katoa o te hui ki ngā take e kōkiritia ana, mēnā tokotoru anō ngā mema o te kōmiti.

Mō te whakatū i te nuinga o ngā mema ka tae mai ki te hui, e āhei ana te whakahaere i te hui mā te huinga ā-waea (conference call).

## Ngā whenua kaporeihana Māori

### Te takoha, te hokohoko

Kei te kaporeihana te mana ki te huri i ngā whenua herekore, e tukua mai nei ki a ia<sup>7</sup>, te mana whakahaere mehemea ka tutuki ēnei:

- ka whakaaetia e ngā tāngata whai pānga te mōtini motuhake.
- kia whakaaetia neke atu i te 75% o ngā hea o ngā tāngata whai pānga
- ka tukua tuatahitia atu mō ngā whenua ki ngā tautāngata whenua kē<sup>8</sup> (ko ēnei ngā mema o te hapū e whai mana ana ki te whenua i raro hoki i te tikanga Māori<sup>9</sup>)
- mā te Kooti Whenua Māori e whakapūmau ngā mahi tuku whenua.

Kei te Kooti Whenua Māori te mana tuku whenua mehemea he iti noa iho te whakarerekētanaga o ngā rohenga ahakoa kihai ngā tikanga i runga ake nei i tutuki.

Mēnā e puritia ana e te Kaporeihana Māori he whenua kua tukua hei 'Whenua Tāpui Moni' i raro i te wāhanga 256 o te Ture, e āhei ana te kaporeihana ki te takoha atu i taua whenua ki te hoko rānei i taua whenua kāhore hoki he herenga aukati i tēnei.

### Tuku rīhi whenua

E āhei ana te kaporeihana Māori ki te rīhi whenua kei a ia nei te mana pupuri, engari mehemea he rīhi roa atu i te 52 tau me whakaae mā te mōtini tonu ngā tāngata whai pānga, kei a rātou ngā hea 50%, nui atu, mā Te Kooti Whenua Māori hoki e whakataua. Ko ngā rīhi roa atu i te 21 tau me tuku atu ki te Kairēhita o te Kooti Whenua Māori kia whakaurua atu ki ngā pūketē. Ehara mā te Kooti Whenua Māori e tiro-tiro, e whakataua rānei ngā āhuatanga o ngā rīhi.

Kāhore he herenga ki te kaporeihana Māori, kia tukua te rīhi i te tuatahi ki ngā tāngata whai take whanaungatanga. Kāhore e mea ana mā te Kaporeihana e whakaatu ki te Kooti Whenua Māori e rīhi whenua tāpui moni ana.

### Mōketē whenua Māori

E āhei ana ngā kaporeihana Māori ki te mōketē whenua Māori mēnā, horekau atu he tono o te Kooti Whenua Māori, he mōtini rānei a ngā tāngata whai pānga ki te whenua kia kaua e mōketehia.

Me tono atu hoki he kape o te mōketē ki te Kairēhita o te Kooti Whenua Māori hei whakamōhio-tanga ki a rātou. Ehara mā te Kooti e tiro-tiro, e whai rānei i ngā āhuatanga o te mōketē.

Kia tūpato hoki ki te mōketē whenua Māori. Ki te kore e utua ngā moni utunga o te mōketē, ka taea e te kaupuri mōketē te hoko atu te whenua ki ētahi i waho atu, ā, horekau he herenga ki te whakamōhio atu i te kaporeihana Māori, ki ngā tāngata whai



pānga rānei. Kāhore hoki he tikanga ki te whakamōhio atu ki te Kooti Whenua Māori i te hokonga mōkete o te whenua.

## Whenua tāpui moni

Ko ēnei ngā whenua i riro mai i te kaporeihana i muri mai i te whakataunga, ā, me ū tonu hei whenua tāpui moni mō te kaporeihana hei whenua pūkeha<sup>10</sup>.

Kei te kaporeihana Māori te mana ki te hoko mai, hoko atu, whakamōketehia te whenua tāpui moni i runga anō i te tika me ngā herenga o te Ture. Mā te kaporeihana Māori e tono ki te Kooti Whenua Māori kia whakatauria ngā whenua kua whakauru atu hei whenua corpus<sup>11</sup> arā, ehara i te whenua tāpui moni.

## Ngā hea kaporeihana Māori

### Tatau hea

Ka whakatūria te kaporeihana e te Kooti Whenua Māori kia whakatutukitia ngā hea katoa mō te kaporeihana.

Ki te tini atu i ngā hea i te kotahi poraka whenua i roto i te kaporeihana, ka tohatohaina ngā hea ki ia tangata whai pānga i te wāriu o ngā huawhenua me ērā atu o ngā rawa here kore i tukua e ia ki te kaporeihana.

## Ngā hea iti rawa

Mā te kaporeihana e tohu ngā hea iti rawa mehemea e hiahia ana ia. Mā tēnei pea ka tākiritia te tangata whai pānga mehemea e hiahia ana ia ki te tuku he wāhanga noa iho o āna hea i te kaporeihana. Ngā mea homai noa iho me ngā whenua tuku i raro hoki i te wāhanga 264 i raro atu i ngā hea iti rawa e taea ana, kia kore e whakaaengi e te kaporeihana. E taea ana e te tangata whai paanga te huri āna hea kia whakatū he whānau trust<sup>12</sup>.

## Ngā rēhitanga hea

Me whakatū he rēhita hea e te kaporeihana hei pūkete i ngā tāngata whai pānga. Me whakauru atu ngā ingoa, ngā nama hea, ngā hea e puritia ana e ia tangata whai pānga me te wāhi noho hoki.

Mā te hēkeretari o te kaporeihana e tiaki te rēhita hea me ngā whakaaturanga o ngā hea tuku, ngā hea huri<sup>13</sup> kua whakatinanatia e te Kooti Whenua Māori. E taea ana kia āta tirohia e ngā tāngata whai pānga te rēhita hea. E āhei ana hoki ki te tono kia utua e ngā tāngata i waho atu o te kaporeihana me ngā kaikawe ki te kaporeihana ngā moni whakapau mō te tirohanga i te rēhita.

6 Ko te nuinga o ngā mema me tae mai ki te hui kia whai mana ai te hui.

7 He whakahuringa o te tangata whai taitara ki te whenua ki tētahi atu, kia hoatu ki tētahi atu tangata ngā hua whai pānga ki taua whenua me ngā tika katoa ki taua whenua (e āhei ana te tuku hua o te whenua ki te trust, te tuku rānei i ngā hea ki tētahi atu tangata).

8 Wāhanga 4 o te Ture e rārangi mai ana i ngā reanga o ngā tautāngata whai pānga whenua kē i raro i tēnei kaupapa. Ko ngā

whakataunga o te tono mō tēnei kaupapa kia mōhio tonu te Kooti Whenua Māori ko ngā tautāngata whai pānga whenua kē, kua tukua e rātou tō rātou mana ki te kore e whakaae.

9 Tikanga Māori.

10 E pā ana tēnei kupu ki ngā whenua ehara i te whenua Māori engari kua riro mai i te Karauna, ā, kāhore i a ia te whenua Māori nō te Māori. Tirohia te take.

11 Me kī ehara i te whenua Māori, he whenua Karauna hoki.

12 He trust tēnei i raro i te wāhanga 214, ka puritia ngā hea, ngā pānga whenua mō ngā uri whakaaheke o tētahi tupuna, whānau rānei.

13 Ko te tukunga o ngā hea o tērā kua mate ki ngā tāngata e āhei ana kia whiwhi.

## Ngā hea e puritia ana e te pūtea trust/whānau trust

Mehemea e puritia ana ngā hea ki roto i te rōpū kaitiaki pūtea, te rōpū kaitiaki whānau rānei, me whakauru atu ngā ingoa o ngā trusts<sup>14</sup> ki te rēhita hea, me ngā ingoa tāngata nō rātou te whenua.

Me whakamōhio te Kōmiti Whakahaere nā te Rōpū Kaitiaki ngā hea, ā, kua tohua ngā trusts e te Kooti Whenua Māori. Mā te Kooti e tuku atu āna whakatau<sup>15</sup> ki te kaporeihana.

Ka whakatauria te Kōmiti Kaitiaki, ka whakurua atu ngā hea ki te rēhita, ka tonoa atu he pānui ki ngā mema kaitiaki āhea ngā hui tāngata whai pānga. Mā ngā trusts o ngā Rōpū Kaitiaki whānau e pooti mō te taha o ngā kaiwhiwhi takuhe<sup>16</sup> o ērā hea. E kore e āhei ngā trusts o ngā Rōpū Kaitiaki Pūtea ki te pooti. Ko ngā tāngata tika ki te pooti, ko rātou i tuku rawa ki te rōpū kaitiaki.

## Ngā rōpū kaitiaki whenua Māori, He ārahitanga.

Kei ngā tari Kooti Whenua Māori ngā whakamāramatanga o ngā rōpū kaitiaki pūtea me ngā rōpū kaitiaki whānau.

## Ngā hea tiwhikete

Ki te hiahia mā te kaporeihana Māori e tuku tiwhikete whakamārama ki ngā tāngata whai pānga, e hia ngā hea i te wā e whakataua ana.

## Ko ngā taumahatanga kaupupuri hea

E kore e taea kia hāmenetia he tangata whai pānga whenua Māori i roto i te kaporeihana mō ngā nama o te kaporeihana Māori. Engari ki te whakatakahia te kaporeihana me āna nama tino nui, ko ngā hea me ngā rawa katoa i whakaurua atu ki te kaporeihana e taea ana te hoko hei utu i ngā nama. Kia mārama ngā tāngata whai

pānga ko ngā whenua mōkete e taea ana te hoko hei utu nama.

## Hurihanga hea

E taea ana e tētahi tangata whai pānga te hoko, te takoha, te tuku rānei i āna hea ki tētahi atu engari:

- kua ki raro iho i ngā hea tuku i ērā i whakatauria e te kaporeihana Māori
- me tuku ngā hea ki ngā tāngata whai take whānau.

Ki te kore ēnei whakatakatoranga e tika, e taea ana kia hurihia ki te kaporeihana Māori.

E taea ana te huri hea o ngā mātua ki āna tamariki, mokopuna whānau hoki. E taea ana e te hoa tāne, hoa wahine<sup>17</sup> hoki me ērā ka honoa e te ture, o te tangata whai pānga kia whiwhi ki ngā hea mehemea he whānau whai take ia (ki te mate te tangata whai pānga e tika ana kia hurihia ngā hea ki tana hoa moe mō ana rā e ora<sup>18</sup> tonu ana ia).

Kei te kaporeihana te mana, ā, kei te Kooti Whenua Māori te whakarite ā-ture ki te tuku hea. Ko te mahi anake mō te Kooti Whenua Māori ko te mahi tahi me te kaporeihana me ngā rōpū kaitiaki ki te tuku hea (kei ngā ture i muri mai nei ngā puka whakamārama).

## Hea tuku, whakarere iho

Ko ngā hea kei te kaporeihana e rite ana ki ngā hea whenua Māori, ā, ko ngā hea tuku iho pērā tonu i te whenua Māori. Mehemea ka riro mai ngā reta whakahaere<sup>19</sup>, ngā whakamau wira<sup>20</sup> e taea ana e te kaiwhakahaere whai mana<sup>21</sup> te tono ki te kaporeihana Māori kia tukua ngā hea ki ngā uri whai paanga<sup>22</sup>. Tirohia ngā whakamāramatanga kei ngā Tari o te Kooti mō te kupu uri whai pānga.

## Ritenga kaitiaki whānau, ritenga kaitiaki pūtea

Mehemea nō te ritenga kaitiaki whānau ngā hea, ka whakamātauria ngā trusts kia karangatia te hui pooti hea. Engari mehemea nō te ritenga kaitiaki pūtea ngā hea, ka whakamātauria ngā trusts hei te wā hui, engari kei ngā tātanga tuku hea te mana pooti, kāore i ngā trusts.

## Ngā hui mō ngā tātanga whai pānga

Me whakahaere ngā hui tātanga whai pānga i raro i te Ture me ngā whakaritenga kaupapa ture. E āhei ana te Kooti Whenua Māori ki te karanga hui mō ngā tātanga whai pānga mehemea e hiahia ana rātou.

## Te tuku pānui hui mō ngā tātanga whai pānga

Ki te karangatia he hui, me tae te pānui tuhi ki ngā tātanga whai pānga i mua atu i te paunga o te 14 o ngā rā. Ka pānuitia kei hea te hui, ā hea te hui, ā, he aha ngā take kōrero. Mehemea he tino take kei te kōrerotia, me tae atu i mua atu i te paunga o te 21 rā i mua atu i te hui.

Ki te kore e mōhiotia kei hea ngā kāinga noho o ngā tātanga whai pānga ka pānuitia ki ngā nūpepa ā-rohe.

## Kaitātari hui

Ko ngā tātanga whai pānga me ngā kairīwhi<sup>23</sup> e āhei ana ki te haere ki te pooti hoki i te hui.

Mehemea ka tohua he kairīwhi me tae atu te whakamōhiotanga ki te tari o te kaporeihana i mua atu i te 48 hāora o te hui, ka tohua pea e te heamana o te Kōmiti Whakahaere he aha te wā ka karangatia e ia.

## Pooti mōtini

Kotahi pooti anake mō ia tangata, kairīwhi rānei e āhei ana ki te pooti mō te mōtini. Me whakaae te nuinga o ngā kaipooti i mua atu i te whakaritenga o te mōtini.

## Pooti kairīwhi

E tukuna kē ana te kairīwhi te pooti mō te tangata i tohua hei māngai mōna. Kei ngā Ture i muri mai ngā whakamāramatanga mō tēnei āhuatanga.

14 He tangata kua tohua ki te tiaki i ngā taputapu mō ngā tātanga nō rātou, e whai mana ana pea ki ēnei rawa. Ka whakatūria e te ture ngā trusts hei kaikōrero, hei kaiwhakahaere i ngā āhuatanga katoa ki runga i te whenua kua rēhitatia. Ka huaina ngā uri whai paanga ko ngā kaiwhiwhi takuhe.

15 He pepa whai tikanga i hainatia e te tiati, he tangata whai mana rānei ki te haina, ā, ka tātanga ki te moko whakapiri kia whai mana ai ngā whakaritenga a te tiati.

16 Tētahi/ētahi tātanga i whai hua mai i te rōpū kaitiaki.

17 He hoa wahine, hoa tāne kua whakaturehia.

18 Ko te tangata whai take i a ia e ora tonu ana. I te whai mana kia whiwhi pūtea mai i

te pānga tuku iho o te tangata kua mate. Ko tēnei tangata ko te 'life tenant'. Ki te mate tēnā life tenant, ka pau te whiwhinga. He maha ngā take whai hua e kīia ana mehemea ka moe anō te tangata i tētahi atu, ka kore ia e whiwhi. E kore e taea kia hurihia atu ēnei painga ki tētahi atu. Ko ngā painga pūtea me huri ki ēnei, (pēnā me ngā utu noho, ngā hua puta mai) ehara ko ngā pūtea hoko, ko ngā utunga moni e nama ana.

19 Kei te Kooti Matua te mana ki te whakatau pepa whai tikanga whakahaere, kia āhei ai te tuku i ngā rawa o tērā kua mate ki a rātou e whai mana ana.

20 I te whakataunga o te kaiwhakahaere whai mana o te Kooti Matua ki te whakatinana i te kupu ohāki o te tangata kua mate, ka whakatau tērā e te Kooti kia mahi

i te whakamau wira (tirohia anō hoki te kaiwhakamahi i te wira).

21 He tangata kua whakataua hei whakatinana i ngā kōrero i roto i te wira o te tangata kua mate. Ka whakaingoaia e te tangata kua mate te kaiwhakahaere whai mana, ā, mā te Kooti Matua e whakarite kia tukuna atu te whakamau wira ki a ia (ki te kore e huaina he kaiwhakahaere whai mana i roto i te wira, ka tohua e te Kooti Matua, ka huaina tētahi atu, hei whakahaere, hei tiaki hoki).

22 He tangata e āhei ana i raro i ngā tikanga whai pānga ki ētahi hea tuku iho.

23 Ko te mana ka tukua e te tangata whai pānga ki tētahi atu hei māngai mōna mō te taha pooti.

## Whakahau tatau pooti

E taea hoki ki te whakahau te kaute i ngā pooti i raro i ngā kaupapa nama hea.

E taea ana te whakahau mehemea tokorima ngā kaitono e āhei ana ki te pooti, tekau paiheneti o te katoa o ngā pooti. He whakahau tatau pooti tēnei i te taha pooti.

## Whakatau kairiwhi

E āhei ana he tangata whai pānga ki te whakatau i tētahi tangata hei kairiwhi mōna, engari ehara ko tētahi o ngā mema o te Kōmiti Whakahaere me tētahi atu kua whakaingoatia ki te tūranga o te kōmiti.

## Pooti mai i te poutāpeta

E tukuna ana he pooti mai i te poutāpeta mehemea ka whakaaetia e te huinga Kōmiti Whakahaere tētahi atu huihuinga o te kōmiti rānei. E taea ana e te tangata whai pānga te pooti poutāpeta mō ētahi take, ngā take katoa i pootingia i tērā hui.

Ki te whakaaetia ngā pooti poutāpeta me pānui i roto i te karangatanga hui te ingoa o te tangata o te kōmiti whakahaere kua tohua hei kaupupuri, hei kaikaute i ngā pooti mō te hui. Ki te kore e tohua tētahi kaupupuri, kaikaute rānei ka whakatauria ko te hēkeretari (tirohia te ture 20 o te kaupapa ture). Ki te tukuna atu he pooti poutāpeta, me tonu atu e te tangata whai pānga he pānui ki te tangata kua tohua me pēheatia ana pooti. Me tuku atu tēnei pānui i mua atu i te paunga o te 48 hāora i mua i te timatatanga o tō hui (kei ngā puka ngā whakamāramatanga).

## Te tokomaha kia mana ai te hui

Kia 20 ngā tāngata whai pānga kia āhei ai te whakahaere i te hui engari e taea ana mehemea e ono tekau mā ono paiheneti (2/3) o ngā tāngata whai pānga ka tae

mai (te mea iti rānei o ēnei). Tēnā pea me whakarerekē ētahi o ngā tikanga e ngā kaporeihana mō tēnei āhuatanga o te hui. E kore e tika te haere o tēnei hui kia toru ngā tāngata whai pānga i te timatanga tae noa ki te mutunga o te hui.

E kore e kautehia te pooti poutāpeta o te tangata whai pānga kia tūpono ai te tokomaha.

## Ngā take whakatau, mōtini motuhake

Me whakatau ēnei take motuhake me:

- mēnā ka whakaurua atu ētahi atu kaupupuri whenua Māori herekore ki te kaporeihana Māori
- mēnā ka whakakotahitia te kaporeihana Māori me tētahi atu kaporeihana Māori
- mēnā ka whakawhitihia atu ngā whenua Māori herekore kua tukua mai nei ki te kaporeihana hei whenua whai hua
- mēnā ka whakaaetia he rīhi, he raihana, he tikanga mahi ngahere rānei ki runga ki ngā whenua Māori herekore kua tukua mai nei ki te kaporeihana Māori hei whenua whai hua, mō te maha atu o ngā tau rua tekau mā tahi
- mēnā ka hokona atu, takohatia rānei ngā whenua Māori herekore kua tukua ki te kaporeihana Māori hei whenua whai hua (me maumahara hoki ko ngā mahi hoko me ngā mahi takoha, me whakaae e te nuinga, arā 75% o ngā tāngata whai pānga, e whakaae ana i roto i te tuku pooti
- mēnā ka parea ki tētahi taha he whenua, he pūtea<sup>24</sup> o te kaporeihana Māori, hei ritenga kaitiaki āwhina
- mēnā ka whakatikia, rāhuitia rānei, te mana, ngā tika, me ngā painga o ngā mema o te kōmiti whakahaere
- mēnā ka whakarerekētia te kaupapa whakahaere o te kaporeihana Māori

- mēnā ka whakamutua, ka katia te kaporeihana Māori
- mēnā ka tautokohia he tono whakawehewehe i te whenua
- whakakotahi<sup>25</sup>, he tono whakaemi<sup>26</sup> rānei
- ērā atu take rānei kei te whakatakotohia mai i roto i te kaupapa whakahaere arā ngā take me whakatau i runga i te mōtini motuhake (hei taura pērā me te tokomaha mō ngā hui whānui).

### Te tono mōtini

E taea ana e tētahi tangata whai pānga te tono tuhituhi whakatau mōtini motuhake ki te kōmiti whakahaere. Me whakarapa te mōtini ki te pānui o te hui ā-iwi, ki te hui ka karangatia mō ngā tātanga whai pānga. E kore e tukuna kia mōtinitia he whakatau motuhake kia whakaurua atu e te kaitono he mōtini ki te pānui mō te hui kua karangatia.

## Ngā pūtea moni o te kaporeihana Māori

### Ngā whakaritenga kaute pūtea

Me mahi tika, mahi pono ngā kaporeihana Māori katoa i ngā whakaritenga tuhi kaute pūtea moni, ngā kaute pono, kia tika hoki ngā pūtea katoa o te kaporeihana. I muri mai i te hui ā-iwi (tātanga whai pānga), me hoatu e te kōmiti whakahaere he kape o ngā pire katoa ki te Kooti Whenua Māori i te rohe kei reira te whenua.

## Te tuku pānui ki ngā tātanga whai pānga

Mā te kōmiti whakahaere e hoatu ki te hui ā-iwi o ngā tātanga whai pānga ngā hua raru o ngā pukapuka pūtea, ngā pūtea whiwhi, ngā pūtea kua pau me ngā pukapuka pūtea katoa me tō pūrongo pūtea.

Me hoatu e te kōmiti whakahaere ēnei pūrongo ki te kaporeihana Māori i mua atu i paunga o te tekau mā waru marama i te pūmoutanga o te kaporeihana, ia tau i muri mai i tēnei.

E āhei ana ngā tātanga whai pānga ki te āta titiro ki ngā kaute o te kaporeihana Māori. Kei te kaporeihana te mana ki te tono atu i ngā whakapaunga pūtea mō ēnei tirohanga. Ko ngā pūrongo kaute kei te Kooti Whenua Māori, e taea ana te tiroiro.

### Kaitātari kaute

I ngā hui ā-tau o ngā tātanga whai pānga me whakatau he kaitātari<sup>27</sup>. Ka noho te kaikaute kaitātari, kaiwhakapūmau pūtea moni mai i te hui i whakatūngia ai ia, tae noa ki te hui ā-tau o te tau whai muri iho. E āhei ana hoki te kaporeihana Māori kia waiho i tēnei tūranga kia wātea mēnā kei raro i te \$25,000 ngā whiwhinga moni pūtea mai i te tau o mua atu.

Me uru atu te ingoa o te kaitātari kaute ki ngā rārangi ingoa o ngā kaikaute pūtea o Aotearoa, arā New Zealand Society of Accountants, ki raro rānei i tētahi ingoa whakapiringa o tētahi rōpū kaikaute kua

24 Ko ngā whiwhinga moni mai i ngā taonga me ngā utunga mahi (pēnei i ngā utu reeti me ngā hua) engari ehara i te 'moni hoko' (whenua ka whakahurihia hei moni).

25 Ka timata te whakakotahitanga taitara mehemea e rua, maha atu ngā poraka kei raro i te rangatiratanga kotahi. E wehewehe

ana ngā taitara engari kotahi anō te rangatiratanga whenua mō te whenua taitara kotahi (kei te wāhanga 308 o te Ture te whakamāramatanga).

26 Ka whakatōpūtia ngā whenua kia hono kia rua, te maha atu rānei o ngā poraka whenua i raro i te rārangi ingoa tangata whai pānga

ki aua whenua rā. Ka wehe tonu ngā taitara engari ko ngā ingoa o ngā tātanga whai pānga ka whakarōpūhia ki raro i tētahi rārangi kotahi mō aua whenua rā (tirohia wāhanga 308 o te Ture).

27 He kaititiro, he kaiwhakapūmau i ngā mahi kaute pūtea moni.

whakamanahia ki tētahi atu whenua i raro i te Mana o Ingarangi, arā Commonwealth i waho atu o Aotearoa.

### Ngā mahi

Me tuku pānui te kaitātari kaute pūtea ki te hui ā-tau o ngā tāngata whai pānga ki te whenua, arā ko rātou o te kaporeihana Māori, mō ngā whakamāramatanga o ngā mahi me ngā kaupapa pūtea mō te tau, me tohu hoki ia i roto i tēnei pānui:

- kua kite ia i ngā kōrero me ngā pānui katoa e hiahiatia ana e te kaitātari kaute pūtea
- kei te whakahaeretia e te kaporeihana ngā mahi kaute pūtea ngā mahi whakapau pūtea moni
- mēnā:
  1. kei te pai te whakatakoto mai o te pūrongo tātai moni me te pono, te tika rānei o ngā kōrero me ngā kaute e pā ana ki ngā mahi pūtea moni o te kaporeihana
  2. kei te pai te whakatakoto mai o ngā kaute whai hua, whakapaunga hua rānei mō ngā mahi pūtea moni o te kaporeihana Māori mō te tau kaute pūtea kua whakaritea
  3. kua whakaritea he rēhita hea, ā, kei te pai hoki me te tika anō o tēnei rēhita.

### Te whai whakawāteatanga ki ngā rekoata o te kaporeihana Māori

Kia pai ai te mahi o ngā kaitātari kaute pūtea moni me whakawātea tonu i ngā wā katoa ngā pukapuka me ngā pūrongo pepa o te kaporeihana Māori ki a rātou.

Kei te whai mana hoki ngā kaitātari kaute ki ētahi atu kōrero pānui mai i te kōmiti whakahaere me ērā atu āpiha katoa o te kaporeihana Māori.

### Ngā utu

Ka tau tonu te utu ki te kaporeihana Māori mō te whakatū i tētahi kaitātari kaute pūtea moni.

### Te wāriu o ngā hea

Me uru atu te ingoa o te kaiwāriu hea ki ngā rārangi ingoa o ngā kaikaute pūtea o Aotearoa, arā, New Zealand Society of Accountants, ki raro rānei i tētahi ingoa whakapiringa o tētahi rōpū kaikaute kua whakamanahia ki tētahi atu whenua i raro i te mana o Ingarangi, arā Commonwealth i waho atu o Aotearoa. E wātea ana hoki te kaikaute pūtea ki te tū hei kaiwāriu hea.

### Ngā mahi

Ā te wā ka hiahiatia, mā te kaiwāriu hea e wāriu ngā hea kei roto i te kaporeihana Māori.

I roto i ngā kōkiritanga wāriu tika o ngā hea me aro tonu te kaiwāriu hea ki ngā mātāpono, arā:

- te piki te heke o ngā wāriu mai i ngā mākete whānui, te wāriu o ngā taonga o te kaporeihana Māori mai anō hoki i te wāriu mutunga o te hui ā-tau o te tau i mua atu
- ngā utunga moni ki ngā tāngata whai pānga mai i te hui ā-tau i mua atu
- ngā whakataunga taonga pūtea moni o te kaporeihana Māori mō tēnei tau
- ērā atu mea katoa ka whai pānga mai i ngā wāriu o ngā taonga o te kaporeihana Māori.

### Ngā utu

Ka tau tonu te utu ki te kaporeihana Māori mō te whakatū i tētahi kaiwāriu hea.

## Ngā hua whiwhinga o te kaporeihana Māori

### Whakapaunga hua moni

Ka taea e te kaporeihana te whakapau hua moni ki ngā wāhanga e whā:

- hei utu i ngā nama a te kaporeihana Māori, me ngā mahi hanga taonga, whiwhi taonga hoki mō te kaporeihana
- te whakarite i ētahi pūtea moni hei painga mō te wā kei te heke mai
- te utu moni hua<sup>28</sup> ki ngā tāngata whai pānga
- mai i ngā mahi i mōtinitia e ngā tāngata whai pānga mō ngā take i whakaarotia mai i taua mōtini.

### Te tuku moni nama (pēnei i te mōkete) me te tuku moni mō te mahi pūtea

Me mahi tika me mahi pono ngā kōmiti whakahaere o ngā kaporeihana i ngā ritenga whakahaere i ngā taonga me ngā pūtea o te kaporeihana, arā ngā pūtea o te hunga whai pānga. E mārāma ana te whakatakoto mai o te Ture kia kaua te kaporeihana e tuku moni nama ki ngā mema o tōna ake kōmiti whakahaere o te kaporeihana.

### Ngā pūtea moni whai hua

Ko te moni ka utua hei moni whai hua, mā te kōmiti whakahaere e whakatau, mai anō i te mōtini o te hunga whai pānga. Ki te wehea mai te moni whai hua, me whakaaro anō te kōmiti whakahaere ki ngā nama, ngā pire ka utua mō ngā mahi whakahaere anō i te kaporeihana, me ngā moni pūtea hoki ka parea ki te taha hei moni mō ngā wā kei te heke mai, me te utu anō hoki i ngā moni whai hua kāhore anō kia kerēmehia.

Me tino mahara anō ko ngā moni ka utua hei moni whai hua ka tangohia mai i ngā moni hua a te kaporeihana (me ngā pūtea moni hua me ngā moni wāriu o ngā taonga).

### Ngā moni hua kāhore anō kia kerēmehia

Ko ngā moni whai hua, ka karangahia he moni kāhore anō kia kerēmehia nā te mea kua noho ēnei moni mō te tekau tau, ā, kāhore anō kia kerēmetia e te tangata whai pānga, e te tangata rānei e āhei ana ki te kerēme i ēnei moni. I roto i ngā marama tekau mā rua, me whakarite e te kaporeihana he rārangi ingoa o ngā tāngata whai pānga kia utua nei ēnei moni hua ki a rātou, me whakarārangi anō hoki te nuinga o ngā moni ka utua, kia hia ki te tangata kotahi. Me tuku tēnei rārangi ingoa ki te Kooti Whenua Māori. Mā te Kooti Whenua Māori e whakauru ēnei ingoa ki te rēhita ingoa o ngā kaporeihana Māori. Ka whakawāteatia hoki tēnei rārangi ingoa ki te iwi whānui hei tirohanga mā rātou.

Mēnā ka pau te rua tekau mā rua marama i muri mai i te rēhita tangata o ēnei ingoa ki te Kooti Whenua Māori ki runga i te rārangi ingoa kaporeihana Māori, ā kāhore anō ēnei moni kia kerēmehia, me whakaae te kōmiti whakahaere kia tukua aua moni ki te Kaporeihana Māori, ka whakamahia pēnei me ngā hua o ngā mahi anō o te kaporeihana Māori.

Ki te tū mai tētahi tangata whai pānga ki te kerēme i ngā moni hua nei i raro i ōna tika ki te ture, ka utua ēnei moni e te kaporeihana Māori ki te tangata whai pānga. Engari kāhore te kaporeihana e utu i ngā hua kua whiwhi mō tēnei moni pūtea.

28 He utu ki ngā tāngata whai paanga.

## Ngā mahi a Te Kooti Whenua Māori

### Te rēhita kaporeihana Māori

Me mau tonu ngā tari o te Kooti Whenua Māori o ngā rohe katoa tētahi rēhita o ngā kaporeihana Māori kei roto i aua rohe. E wātea ana tēnei rēhita ki te katoa (ka whakaritea pea he utu e te tari o te Kooti Whenua Māori mō te titiro ki tēnei rēhita).

Me whai tēnei rēhita i ēnei e whai ake nei:

- te ingoa o te kaporeihana Māori me te wā i whakatūngia e te kooti taua kaporeihana Māori
- te ingoa me ngā kōrero mō te takiwā o te whenua kua whakaurua nei ki raro i te kaporeihana Māori
- ngā ingoa, ngā kāinga noho o ngā tāngata kei runga i ngā Kōmiti Whakahaere o ngā kaporeihana, te ingoa hoki o te heamana me te ingoa o te hēkeretari o te kōmiti
- te wāhi o te tari o te kaporeihana Māori
- ngā tono kua tukua mai e te kooti e pā ana ki te kaporeihana Māori
- te wā ka tukua ngā pānui kaute ki te Kooti Whenua Māori
- te rārangi o ngā moni whiwhi hua kāhore anō kia kerēmehia
- ngā mōtini motuhake.

### Mōtini motuhake

Ki te whakatakotohia he mōtini motuhake i te hui o te hunga whai pānga, me tono e te hēkeretari he kape o taua mōtini motuhake, arā ngā kōrero tautoko i taua mōtini, te wā me te wāhi o te hui, ki te Kooti Whenua Māori i roto i ngā rā rua tekau mā tahi mai i te rā o taua hui.

## Te tuku taitara whenua ki tētahi atu tangata

Ka whakaurua e te Kooti Whenua Māori ki roto ki ōna pātaka taitara<sup>29</sup> kaupapa mahi tuku taitara<sup>30</sup> kua mōhiotia nei e te kooti i raro i te wāhanga Section 150B(3) o te Ture.

### Ngā mahi kaute

Me whakarite tonu te Kooti Whenua Māori i ngā mahi kaute o ngā kaporeihana Māori kia wātea, kia kitea anō e te iwi whānui, ā, e āhei ana hoki te kooti ki te whai i te utu mō te titiro ki ēnei pānui.

## Te mana o Te Kooti Whenua Māori

### Ko ngā mahi hē a ngā Kōmiti Whakahaere o ngā Kaporeihana Māori

E whai mana ana te Kooti Whenua Māori ki te tono ki te mema o tētahi kaporeihana Māori kia haere mai ki te kooti kia tū ki te aroaro o te Kooti ki te whakamārama mai i ngā mahi mō:

- te kore whakarite rārangi ki te Kooti Whenua Māori mō ngā pūtea moni kāhore anō kia kerēmehia
- kāhore e tuhi mahi kaute ana
- kāhore e tuku pānui pūtea mutunga mō te tau, me ngā pānui kaute o ngā mahi utu me ērā atu pānui kei te hiahiaatia e te hui o ngā tāngata whai pānga
- kāhore e tuku ana i te puka kaute pūtea moni, arā te ‘balance sheet’ me ērā atu pānui ki te Kooti Whenua Māori
- kāhore i whakatū he kaitātari kaute
- kāhore i tono i te kape o ngā mōtini motuhake ki te Kooti Whenua Māori
- kāhore i whakarite i tētahi rēhita hea
- kāhore i whakatū i tētahi hui ā tau mō ngā tāngata whai pānga



- kāhore i tuku i ngā kaupapa ākinga whai pānga
- te whakapau utu i ngā moni mai i ngā pūtea o te kaporeihana Māori kāhore hoki i āheitia, i āmenetia hoki.

### Ngā whakataunga o te Kooti Whenua Māori:

Ki te kore te Kooti e pai ki ngā kōrero whakamārama kua tukua, kua kōrerohia mai, ka whai mana te kooti ki te:

- whakataka mai i te mema mai i taua Kōmiti Whakahaere i te hēkeretari rānei o te kaporeihana
- te muru i te mana whakahaere o ngā mema o te kōmiti whakahaere, me te whakatū atu anō i ētahi atu tāngata pai atu hei whakahaere, hei whakamau tika i te mana whakahaere o te kōmiti
- te whakatika aukatitanga, whakaritenga whakarerekētanga rānei o te mana whakahaere o te kaporeihana Māori
- te tohutohu me pēhea te whakahaere i te mahi o te kaporeihana
- te muru i ngā kaupapa whakahaere o te whakaritenga o te kaporeihana Māori
- te tono kia whakakapia te kaporeihana Māori
- te tuku i ngā take ki te Tāri o te Rōia Matua o te Whenua, māna e whakaaro kia tīmatahia ngā mahi hāmene.

E whai mana ana te Kooti ki te whakamahi i ēnei tikanga i roto tonu i ana tirohanga me

te wā e whakaarotia ai e ia he wā tika mō ēnei kaupapa.

### Ngā tirohanga take o ngā kaporeihana Māori

E taea ana te tuku inoi kia tirohia ngā take, ngā whakaritenga o te kaporeihana Māori:

- mā te tuku tonu ki te Kooti Whenua Māori. Mā te hunga whai pānga e tuku tēnei, engari me eke ki te 10 paiheneti o ngā hea ka puritia e rātou katoa.
- mā te mōtini motuhake e whakatau i roto i te hui whānui o ngā tāngata whai pānga.

### Te kaititiro

Mā te kooti tonu e whakatū te kaititiro tāke (e karangatia ana hoki ko te 'kaiwhakawā').

### Ngā utu

Ka uru mai anō ngā utu mō te tuku tonu kaititiro, kaiwhakawā. I mua atu i te whakatūnga o tētahi kaititiro kaiwhakawā, e āhei ana te Kooti Whenua Māori ki te inoi mai ki te kaitono me te whakatakoto i taua utu i mua atu i te tīmatatanga o te whakahaere i tēnei kaupapa.

I te wā o te whakahaeretanga, ā te mutunga rānei o te tirohanga nei, e āhei ana te Kooti ki te tono mō te utu i te moni ahakoa pēhea te nui, hei utu rā i te nama o te tirohanga. Mā te Kooti anō e whakatau mā wai tēnei e utu, mai anō i ngā taha e rua o te take e tautohetohetia ana.

29 Ko te whai taitara ki te whenua me te tohu tautoko o te ture o te tangata e whai taitara ana ki te whenua.

30 He kaupapa tuku taitara o te tangata whai mana ki te whenua, ki tētahi atu tangata, ētahi wāhanga anō o ngā mahi o taua

whenua rā. He mea pēnei i te hoko i te whenua ka tukua te taitara o taua whenua ki tētahi atu, ko te rīhi i te whenua, ka tukua te mana ki tētahi atu kia noho ki runga i taua whenua rā, me te utu reeti me ētahi atu whakaritenga. Te tuku mōkete ki runga i te whenua: ka whai mana te

kaipupuri i te mōkete ki te hoko atu i te whenua ki te kore e utua te mōkete (tirohia te wāhanga 4 o te Ture).

## I te wā o te tirohanga

Ka tohua te kōmiti whakahaere kia:

- whakapuare mai i ngā pukapuka katoa, i ngā pānui, i ngā ripoata katoa e pā ana ki tēnei tirohanga me te āwhina hoki i te kaititiro i tēnei take
- whakamāramatia ngā take i runga tonu i te tono a te Kooti Whenua Māori, i runga i ngā take katoa ka tirohia e te kaititiro, e te kaiwhakawā.

Ki te kore te kōmiti e aro ki ngā tono o te kaititiro, kei te whai mana te Kooti Whenua Māori ki te uiui, me te whakarongo ki ngā kaiwhakaatu e pā ana ki te kaupapa. E whai mana ana hoki te kooti ki te hāmene i te tangata mō tana kore aro ki ngā tono o te kooti, mēnā kāhore rātou e whakaae ki te āwhina mai i te tirohanga.

## Te tirohanga anō ki te ripoata o te kaititiro

Kia mutu te tirohanga a te Kooti Whenua Māori ki te ripoata o te kaititiro, ka āhei te kooti ki te whakawā i tēnei take ki mua i te aroaro o te kooti. Ka tona e ia ngā tono whakaritenga mō te keehi kia noho ki te kooti me ērā atu take kei te hiahia rongo ia, kia whakatauria.

## Ngā mahi whakahaere hē

Ki te kitea he mahi hē i whakahaeretia e te kaporeihana, ka whai mana te Kooti ki te tuku tono i raro i te ture. Kei te whakarārangitia ēnei mahi i runga i ngā whārangi 14-15 i raro i te Kooti Whenua Māori.

## Ngā tūranga wātea o te kōmiti whakahaere

Ki te whakatakahia mai tētahi/ētahi o ngā mema o te kōmiti whakahaere mai i te kaupapa tirohanga, ka āhei te kooti ki te:

- tono kia whakatūria he hui hei tohu anō i tētahi/ētahi mema ki te kōmiti
- whakakī i ngā tūranga kua wātea nei ki ngā tāngata whai pūkenga ki ēnei tūranga
- tuku tono kia kua ēnei tūranga e whakakīngia kia tatū rā anō te tono a te Kooti.

## Te whakakapinga kaporeihana Māori

### Ngā take ka whakakapia te kaporeihana Māori

He maha ngā take e whakakapia ai he kaporeihana Māori. E whai ake nei ētahi:

- i runga i ngā tirohanga o ngā whakaritenga, ngā mahi o te kaporeihana
- mā te mōtini motuhake i whakatauhia e te hunga whai pānga mai i tētahi hui ā-iwi, i tohua e rātou me whakakapi te kaporeihana Māori
- mēnā kāhore te kōmiti whakahaere i tuku i ngā ripoata ā-tau (me te puka pānui toenga kaute moni, me ērā atu pānui) ki te kooti
- ki te taka iho ngā mema o te kaporeihana ki raro iho i te tokorua
- ki te kore te kaporeihana e utu i āna nama
- mēnā kua whakaaro te Kooti me whakakapi te kaporeihana Māori.

### Ā te wā e whakakapia ai te kaporeihana Māori

Ā te wā ka whakakapia te kaporeihana Māori, mā te Kooti Whenua anō e whakatū he kaiwhakaae. Ka kati te mana o te kōmiti whakahaere, ka riro te mana i te kaiwhakaae ki te whakahaere i te kaporeihana Māori me te haina i ngā pepa pānui.

## Te kaiwhakaaea

### Ngā mahi

I runga i ngā tono a te kooti kei te whai mana te kaiwhakaaea ki te hoko atu, te whakakore atu i ngā taonga o te kaporeihana, engari kāhore e whai mana ki te whenua Māori kāhore he here (ko ngā whenua whiwhi hei hua pūtea e āhei ana kia hokona atu). Ko ngā hua katoa ka puta mai i ēnei hokohoko ka puritia e te kaiwhakaaea me te tatari ki ngā tohutohu mai i te Kooti.

E āhei ana hoki te kaiwhakaaea, i raro i te whakaaetanga o te Kooti, ki te rīhi i te whenua Māori kore here kua whakaurua mai ki te kaporeihana Māori, engari kia kua te rīhi e roa atu i te whitu tau, ahakoa anō ngā tau whakahoutanga i runga anō i ōna whakaaro ritenga me te reeti ki tāna e hiahia ai.

Ka whakakapia te kaporeihana Māori e te kaiwhakaaea, me tuku e ia tētahi ripoata o ngā kaute katoa ki te Kooti Whenua Māori me āna kōrero whakamārama mō te whakakapinga o te kaporeihana Māori.

Ki te whakaae te Kooti kei te tika ngā whakaritenga whakakapi i te Kaporeihana Māori ka tuku tonu te Kooti kia mukua katoa, kia whakakorehia te kaporeihana Māori.

### Ngā utu

Ka whakaritea pea e te Kooti he utu mō te kaiwhakaaea. Ka utua mai ēnei i ngā utu hoko o ngā taonga o te kaporeihana Māori.

## Te tuku whenua hei whāinga hua

Ki te kore e hokona te whenua ka āhei te Kooti ki te tuku i te whenua whai hua ki te hunga e whai pānga ana ki aua whenua. Ko te nuinga o te wā ko rātou tonu ngā tāngata whai pānga i roto i te kaporeihana Māori.

## Ētahi atu whakamārama

Mō ētahi atu whakamārama mō ngā kaporeihana Māori me tuku reta mai, waea mai, tuku waea whakaahua mai, kōrero mai rānei ki ngā Kaimahi o ngā tari o te Kooti Whenua Māori ā Rohe. Mā rātou koe e āwhina.

[www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt)

## Ngā Tari o te Kooti Whenua Māori

### Te Rohe o Te Taitokerau

Tari Rēhita  
Papa Tuarua, Manaia House, Rathbone Street  
AX10086, Whangārei 0140  
**W** (09) 983 9940  
**Wh** (09) 983 9941  
**Ī** mlctaitokerau@justice.govt.nz

### Te Rohe o Tāmakimakaurau

135 Kolmar Road  
EX10912, Papatoetoe 2155  
**W** (09) 279 5850  
**Wh** (09) 279 5852  
**Ī** mlcpapatoetoe@justice.govt.nz

### Te Rohe o Waikato Maniapoto

Tari Rēhita  
Papa Tuarua, BNZ Centre,  
354-358 Victoria Street  
GX10101, Kirikiriroa 3240  
**W** (07) 957 7880  
**Wh** (07) 957 7881  
**Ī** mlcwaikato@justice.govt.nz

### Te Rohe o Waiariki

Tari Rēhita  
Hauora House, Haupapa Street  
JX10529, Rotorua 3046  
**W** (07) 921 7402  
**Wh** (07) 921 7412  
**Ī** mlcwaiariki@justice.govt.nz

### Te Rohe o Aotea

Tari Rēhita  
Ingestre Chambers, 74 Ingestre Street  
PX10207, Whanganui 4541  
**W** (06) 349 0770  
**Wh** (06) 349 0771  
**Ī** mlcaotea@justice.govt.nz

### Te Rohe o Tākitimu

Tari Rēhita  
Papa Tuarua, Heretaunga House  
Cnr Lyndon and Warren Streets  
MX10024, Heretaunga 4156  
**W** (06) 974 7630  
**Wh** (06) 974 7631  
**Ī** mlctakitimu@justice.govt.nz

### Te Rohe o Te Tairāwhiti

Tari Rēhita  
Cnr Reads Quay and Lowe Street  
(kuhu mā Reads Quay)  
PX10106, Tūranga 4040  
**W** (06) 869 0370  
**Wh** (06) 869 0371  
**Ī** mlctairawhiti@justice.govt.nz

### Te Rohe o Te Waipounamu

Tari Rēhita  
76 Peterborough Street  
WX11124, Ōtautahi 8140  
**W** (03) 962 4900  
**Wh** (03) 962 4901  
**Ī** mlctewaipounamu@justice.govt.nz

### Te Tari Matua, te tari o te Kairēhita Matua

Fujitsu Tower  
141 The Terrace  
SX11203, Te Whanganui-a-Tara 6140  
**W** (04) 914 3102  
**Wh** (04) 914 3000  
**Ī** mlcnationaloffice@justice.govt.nz

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