



# KAITIAKI WHENUA MĀORI

TE TURE WHENUA MĀORI ACT 1993

*Te Kooti Whenua Māori*



## 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 ūna kaituhi me ūna kaivhakatika, kaipānui hoki kei te wātea mai i ngā herenga i mahia, kāhore rānei i oti i tētahi tangata te katoa, ētahi wāhangā 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 āheiitia te whakamahia, te kape, te tuku, ahakoa pēhea nei te āhua, ā, kāhore he utu, kāhore hoki he tuku tono 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 whakaetanga 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 whakaetanga 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



## 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 mārama 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 kīa nei i roto i tēnei pukapuka ko ‘Te Ture’).

*Kaitiaki Whenua Māori: He kōrero ārahi.*

Ko tēnei tētahi o ngā pukapuka o te Kooti Whenua Māori kua tuhia hei āwhina i te Māori – me te hunga e pīrangī ana ki te hōhonutanga o ngā take whenua Māori. He aratohu whānui tēnei mō ngā momo ritenga tiaki whenua Māori kei te whakatakotohia mai i raro i te ture, arā, ngā tikanga i whakaritea hei āwhina i te kaipupuri whenua Māori e hiahia ana ki te whakatū i tētahi ritenga tiaki.

Ko te tino kaupapa o te ture ko te whakanui i te pupuritanga o ngā whenua Māori kia ū tonu ki roto ki ngā ringa o te Māori, arā, ngā kaipupuri whenua Māori, ki ū rātou whenua hei kāinga nohoanga, hei oranga hoki mō rātou. Ko te wawata me whakamahi te whenua kia puta he oranga, he hua ki ngā whānau ki ngā hapū hoki.

Mā te Kooti Whenua Māori e whakatū tikanga mō ngā tono o ngā ritenga tiaki hou, ngā whakakapinga o ngā tāngata ka tū ki ngā ritenga tiaki, ngā whekarerekētanga o ngā ritenga tiaki, ngā tirohanga anō ki ngā ritenga tiaki me ngā amuamu ka werohia mai ki ngā ritenga kaitiaki. E tukua mai ana hoki ki te Kooti Whenua Māori ngā rīpoata mai i ngā ritenga kaitiaki, me ngā rīpoata o ngā whakahaerenga pūtea moni. Kāhore te Kooti Whenua Māori e whakahaere ana i ngā ritenga kaitiaki.

### **Ngā kaitiaki, me ngā kaitiaki whenua**

Ko te kaitiaki<sup>1</sup> he tangata ka pīkau i ngā kawenga ā-ture ki te tiaki i ngā taputapu o ētahi atu tāngata hei painga hoki mō aua tāngata rā. Ko te ritenga kaitiaki<sup>2</sup> ko ngā kawenga mō ngā tāngata kaitiaki.

### **He tautuhinga ture**

Ko te tautuhinga o te ritenga kaitiaki he kawenga ōrite<sup>3</sup> e here ana i te tangata (te tangata kaitiaki) ki te whakahaere i ngā ritenga o te whenua kei raro nei i tōna mana (te whenua kaitiaki) hei painga hoki mō tētahi atu tangata (ngā tāngata whai pānga) e āhei nei tētahi o rātou ki te whakatū atu i te kawenga nā tō rātou whai pānga<sup>4</sup>.

### **Ngā momo ritenga kaitiaki**

I raro i te wāhanga tekau mā rua (Pt 12), o te Ture Whenua Māori 1993, e rima ngā momo ritenga kaitiaki.

Mō ngā whakamāramatanga mō ia momo ritenga kaitiaki, tirohia ngā nama o ngā whārangi kua tuhia nei i konei.

### **Kaitiaki ahu whenua**

Ko tēnei te ritenga kaitiaki whenua Māori e tino mōhiotia ana. Kei te whakatūria tēnei hei whakanui i ngā mahi i runga i te whenua me ngā mahi whakahaere i ngā tikanga o te whenua hei painga mō te kaipupuri whenua. Kei te whakamahia ēnei ritenga kaitiaki mō ngā kaupapa mahi moni (tirohia te whārangi 10).

### **Kaitiaki whenua tōpū**

He ritenga kaitiaki ā-iwi<sup>5</sup> ā-hapū<sup>6</sup> rānei. I whakatūria tēnei hei whakarite hei whakahaere i ngā tikanga o te whenua hei painga mō te iwi, mō te hapū hoki. Ko tēnei te ritenga kaitiaki ka whiwhi ki ngā whenua Karauna<sup>7</sup> ka whakahokia mai nei i raro i ngā mahi whakataunga (tirohia te whārangi 11).

Ko te ritenga kaitiaki ahu whenua, me te tiaki whenua tōpū, he ritenga whakahaere i ngā tikanga o te whenua – ko te tikanga o tēnei ko ngā whenua nui, ngā poraka whenua katoa ka whakakotahitia, ka whakarōpūta.

### **Ritenga kaitiaki**

Ko te ritenga kaitiaki<sup>8</sup> e pā ana ki te tangata kotahi anake, he tamaiti<sup>9</sup> tonu, he tangata hauā<sup>10</sup> rānei, kāhore e whai kaha ana ki te whakahaere i tōna ake ao. Mā tēnei ritenga kaitiaki e tiaki ngā taputapu katoa o tēnei tangata (tirohia te whārangi 13).

### **Kaitiaki Whānau**

He ritenga kaitiaki tēnei e aro atu ana ki te whānau<sup>11</sup>. He ritenga e āhei ai te whānau ki te whakakotahi i ū rātou pānga whenua Māori, hei painga mō te whānau katoa, me ngā uri kei te heke mai (tirohia te whārangi 14).

## Kaitiaki pūtea

Ko te kaitiaki pūtea<sup>12</sup> he ritenga, kia āhei ai ngā tāngata pupuri whenua, he iti noa ū rātou pānga whenua, kāhore hoki he oranga mō rātou ki te whakakotahi i ū rātou pānga whenua (tirohia te whārangī 16).

Ko ngā ritenga kaitiaki whānau me te kaitiaki pūtea he ritenga kaitiaki whakakotahi e aro kē atu ana ki ngā pānga whenua, ā, ehara hoki mō ngā poraka whenua katoa. Kei te wātea hoki ki te whakarōpū i ngā pānga whenua o ētahi atu rohe i raro i tēnei ritenga kaitiaki.

## Te whakatū ritenga kaitiaki

E wātea ana ngā kaipupuri whenua ki te whakatū i tētahi ritenga kaitiaki. Me karanga e rātou he hui, ka whakatūngia ai ētahi tāngata hei kaitiaki mō ū rātou rawa, ā, ka tonoa e rātou he pānui ki te Kooti Whenua Māori (kei ngā tari o Kooti Whenua Māori ngā pānui tono).

## He whakamārama

- 1 He tangata kei te pikau i ngā ritenga kawenga mō ngā kaipupuri whenua, me ngā tāngata whai pānga. Ka tū ngā tāngata kaitiaki hei kaipupuri whenua i raro i te ture i tohua aia i hei kaitiaki mō te whenua ka rēhitatia ki te tāitara o te whenua.
- 2 He herenga o ngā kaitiaki ki te whakahaere i te whenua kua tohua nei rātou hei kaipupuri i te whenua (arā te whenua kaitiaki) hei painga mō ngā tāngata whai pānga ki te whenua.
- 3 He Kawenga ka tukua i raro i te ture kia mahia i runga i te tika me te pono.
- 4 He tangata ka whai hua mai i te whai pānga ki te whenua.
- 5 He tikanga tukuiho mō te rangatiratanga Māori me ngā tikanga ā-iwi i runga i ngā

- rēhitatia hapū (whanaungatanga) me te whānau (te whānau) i heke mai i tētahi tupuna e here ana ki tētahi rohe pōtae.
- 6 He hapū i heke mai i tētahi tupuna.
- 7 Ko te Karauna ko te Kuini, koia nei te Upoko o te Motu o Aotearoa. Ko ngā whenua Karauna he whenua kei te puritia e te Kāwana o te motu.
- 8 He tāngata kaitiaki/he matua whāngai.
- 9 He tangata kāhore anō kia eke noa ngā tau ki te rua tekau, kāhore anō hoki kia mārena noa.
- 10 Ki te taha o te ture he hauā ā-tinana, ā-hinengaro, ki tā te kooti he tangata kāhore e whai kaha ana nā tōna hauātanga ki te whakahaere i te katoa, i ētahi wāhi anō

## Ngā whakahaerenga hui

Ka karangatia e ngā kaipupuri whenua he hui, ā, ko ngā tikanga o tēnei hui:

- Me whakaae rātou ki te whakatū i tētahi ritenga kaitiaki.
- Me whakaae rātou, ko ēhea ngā poraka, ngā hea ka kohia mai ki roto ki te ritenga kaitiaki.
- Me whakaae rātou ki ngā kaupapa kōrero o te tauira ritenga kaitiaki<sup>13</sup> e whakatakoto ana i te mana whakahaere, ngā tika me ngā kawenga o ngā tāngata kaitiaki.
- Te whakaingoa i ngā tāngata kaitiaki.
- Kia tika te tuhi i ngā kōrero o ngā huihuinga.

Kia mataara te tuku pānui i te tuatahi ki ngā kaipupuri whenua, arā, rātou katoa e whai pānga ana ki te whenua, kia āhei ai rātou ki te whakaaro, ki te hui, kia kōrero ai te take.

Kāhore te ture e whakatakoto tikanga ana kia pēhea te nui, o te hui<sup>14</sup> o ngā kaipupuri whenua i runga i te ritenga kaitiaki, engari

rānei o tōna noho, i āna taputapu rānei.

11 Ko te whānau he whānau atu kē te titiro ki ngā mātua me ngā tamariki, ā, kei te titiro kē ki te whānaungatanga i raro i heke mai i te tupuna kotahī.

12 Ko te 'kete' tēnei. I raro i te tiaki whenua he rōpū tāngata kei te whakahuihui, whakakotahi i ū rātou whakaaro e whakaki ana i ū rātou kete, mā te kohikohi, whakakotahi i ū rātou rawa me a ū rātou moni.

13 He tono mai i te Kooti Whenua Māori e whakatakoto mai ana i ngā kaupapa o te ritenga kaitiaki, te mana, ngā pīkautanga me ngā tika o ngā tāngata kaitiaki me ngā tika o te hunga ka whiwhi ki ngā rawa.

14 Ko tēnei te maha o te tangata i te tuatahi ka tae ā-tinana mai ki te hui kia mana ai te hui.

e wātea ana ki ngā kaipupuri whenua te mana ki te whakatū, kia pēhea te maha o te tangata i roto i te hui kia whai mana ai te hui, ā, he painga hoki tēnei mō ngā huihuinga o muri iho, ā, me whakaputa hoki tēnei i roto i te tono kaitiaki.

### Ngā kaimahi o te Kooti Whenua Māori

E āhei ana ngā kaimahi o te Kooti Whenua Māori ki te haere ki ngā hui mēnā e pai ana ki ngā kaipupuri whenua. Engari me mōhio tonu ehara i te mea me tohutohu mai te kaimahi o te kooti. Ko tā rātou kē he whakamārama i ngā tikanga o ngā whakahaeenga a te kooti.

### Te tuku tono ki te Kooti Whenua Māori

I muri mai i te hui me tuku tono ngā kaipupuri whenua ki te Kooti Whenua Māori ki te whakatū ake i tētahi tiaki whenua.

Me tuku mai anō ēnei e whai ake nei:

- Tētahi kape o ngā kōrero i tuhia mai i te huihuinga o ngā kaipupuri whenua, arā ngā kōrero e tautoko ana i te rārangi ingoa o ngā tāngata katoa i tae atu ki taua hui.
- Ngā kōrero whakamārama, i pēhea te tuku i te tono mō tēnei kaupapa, arā, ngā pānui mō te karanga i te hui kia kōrerotia ai te take.
- He rārangi ingoa o ngā tāngata e whai pānga ana ki te whenua (ki ngā whenua Māori, ngā whenua tauwi kei te puritia ngā taitara e te tangata Māori, ngā kaporeihana Māori) kei te hiahia nei ngā kaipupuri whenua ki te tuku<sup>15</sup> ki te kaitiaki. I raro i te ritenga ko ngā whenua kei raro i te ture Pākeha, ētahi taputapu rānei ka tuku ki te kaitiaki me whakauru mai anō.
- Tētahi kape tauira mō te tono.

- Ngā ingoa o ngā kaitiaki me te kaupapa i tohungia ai rātou.
- Ngā tuhinga whakaaetanga i te whakatūnga o ngā kaitiaki.
- Ngā papa kōrero i whakaritea ai te tono.
- He rangahau i whakahaeretia i ngā rā tata nei mō te tukunga taitara o te whenua o ngā whenua Pākehā kei roto i te tono.
- He rārangi ingoa o te hunga kāhore i tautoko i te tono, kāhore rānei i whakaae i te wā e whakahaeretia ana te kaupapa i te whakatūnga o te ritenga kaitiaki.
- He tono kua otī te whakakī me te tāpiri atu i te utu (ka kitea te utu i runga i te pānui tono).

Mā te kaituku pānui tono mō ngā ritenga kaitiaki pūtea, ahu whenua, whenua tōpū rānei e whakamōhio atu ki ngā kaiwhakahē, te wā, te rā me te wāhi ka whakatūria te hui mō te tono.

### Te whakatū i te kaitiaki

He rerekē te whakatū kaitiki i ētahi atu ritenga kaitiaki. Ko ngā pānui e whai ake nei me tuku anō ki te Kooti Whenua Māori i te tuatahi, arā:

- Ngā kōrero mai i ngā hui ā-whānau.
- Ngā kōrero tautoko i te hauātanga o te tangata (pēnei i te tiwhikete mai i te tākuta), ngā kōrero rānei kei te tautoko i te āhua he tamaiti tonu ia (pēnei i te tiwhikete rā whānau).
- Te whakaaetanga o te tangata hauā (mehemea kāhore ia e whai kaha ana ki te tuku mai).
- Te ingoa o te/ngā tāngata kua tohua hei kaitiaki me ngā kōrero whakamārama, i pēhea tō rātou kōwhiringa.
- Te whakaaetanga mai i te/ngā tāngata kua tohua hei kaitiaki.

- Ngā kōrero whakamārama o te mana whakahae, ka tukua ki ngā tāngata kua tohua nei hei kaitiaki.
- Ngā kōrero pānui mō te whenua, mō ngā taputapu, me whakauru atu ki te ritenga kaitiaki.
- He whakataunga kāhore he here<sup>16</sup> kei runga i te whenua i raro i te maru o te ture, Personal and Property Rights Act 1988.
- He tono kua oti te whakakī, me te tāpiri atu i te utu mō te tono (kei runga nei i te pānui tono).

## Ngā tiaki whenua

### Te whakatū kaitiaki

E āhei ana ngā kaipupuri whenua ki te tuku ingoa o tētahi tangata hei kaitiaki (e āhei ana te tangata ki te tū hei kaitiaki ahakoa ehara ia i tētahi o ngā kaipupuri whai pānga rānei ki te whenua).

Me whai whakaaetanga ā-tuhi hoki ngā tāngata ka tū hei kaitiaki.

Mā te tono ā-kooti<sup>17</sup> tonu ka tū te kaitiaki, ehara mā te whakatū ingoa anake. Me whakaae tonu te kooti, he tangata pai, he tangata whai mana ki te tū hei kaitiaki. E kore hoki te kooti e whakatū i tētahi tangata mēnā he tangata:

- Kua pakaru rā te pēke (herenga o te kooti nā te kore pūtea).

- Mauhere.
- Kua mauheretia e te kooti.
- Tangata whaiora.
- He tamaiti.
- E mōhio ana te kooti ki tēnei tangata, arā, he tangata mahi hē, mahi kino i roto i ngā whakahaerenga o ngā ritenga kaitaiki.
- Kei roto i tētahi kaporeihana, kei te tārewatia ngā pūtea, kāhore rānei e mahi ana i tēnei wā.

E wātea ana ngā kaipupuri whenua ki te whakatū i ētahi tāngata tohunga pēnei i te rōia, te kaikaute pūtea, he kaitohutohu mahi pāmu, te Poari Kaitiaki Māori, he rōpū whakahaere tikanga<sup>18</sup>, he kaporeihana Māori, te Trust Māori, te Trust ā-iwi, he trust kamupene hei trust.

Me whakatū e ngā kaipupuri whenua he tangata e whai pūkenga ana ki ngā mahi o ngā tiaki whenua. Me āta whakaaro mēnā he tangata e aro atu ana ki ētahi atu kaupapa kāhore hoki e whai ana i ngā ritenga o tēnei kaupapa (tirohia ngā mahi o te trust: te whārangī 3).

### Te maha o ngā tiaki whenua

Ko te maha o ngā tiaki whenua ka whakatūria, me whai i te tikanga. Ka pēhea tā rātou pai ki te mahi tahi ki a rātou anō. Ki te tino nui rawa, kāhore pea e whakaaetia e te kooti.

15 Te huringa o te kaipupuri whenua i ōna pānga whenua me ōna tika ki te whenua ki tētahi atu (ka hurihia te whenua ki te kaitiaki, ka tukua rānei ētahi hea ki tētahi atu tangata).

16 Ka tukua he tono ā-kooti mō te whenua mō te taonga i raro i te mana o te ture

'Protection of Personal and Property Rights Act 1988'. I tūhia ēnei hei tiaki i te hunga hauā, arā te hunga wairangi. Mā te Kooti Matua e tuku tēnei tono.

17 He pānui whai mana tēnei, kua hainatia e te kaiwhakawā, e tētahi apīha matua rānei o te

kooti, ā, kua tāngia te tohu whai mana o te kooti ki runga, kia mana aī te whakataunga o te kaiwhakawā o te kooti.

18 He rōpū kua whakatūria i raro i te ture, pēnei i te kamupene, te kaporeihana, te Poari Kaitiaki Māori rānei.

## Momo tiaki whenua

E toru ngā momo tiaki whenua ka tautokohia e te ture.

### He tiaki whenua whai kawenga:

Ko ngā kaitiaki whai kawenga he:

- whakahaere i ngā kaupapa o te tiaki whenua.
- whakahaere i ngā mahi o te tari, ngā mahi pakihī o te tiaki whenua.
- e tiaki ana i ngā taonga o te tiaki whenua.
- e kohikohi ana, e tohatoha hoki ana i ngā hua<sup>19</sup> ka puta mai i te tiaki whenua.

### He kaitiaki

Ko ngā kaitiaki he tāngata e kawe ana i:

- ngā tikanga whakatōpū, i ngā taonga me te pupuri hoki i ēnei mō te tiaki whenua.
- te whakapūtea i ngā taonga o te tiaki whenua.
- te whakahaere i ngā tikanga whakapau taonga o te ritenga kaitiaki.
- te haina i ngā pānui kua tohua mai e te trust whai kawenga.

Kāhore ngā kaitiaki e whakahaere ana i te tiaki whenua. Ko ngā kaitiaki whai kawenga kē e mahi ana i tēnei mahi.

Ka whakakotahitia ngā taonga o te tiaki whenua ki raro i te mana o te kaitiaki, mēnā kei te tū tētahi.

### He kaitohu trust

Ko ngā kawenga o ngā tiaki whenua kaitohu, he tohutohu i ngā tiaki whenua whai kawenga. Kāhore ēnei tiaki whenua e whakahaere ana i te tiaki whenua.

Kei ngā tiaki whenua katoa he trust whai kawenga, engari kāhore te nuinga e whai

kaitiaki ana, kaitohu rānei. Mēnā he tiaki whenua, ka tukuna ngā taonga o te tiaki whenua katoa ki raro i tēnei trust. Ki te kore he tiaki whenua, ka tukuna mā te tiaki whenua whai kawenga e tiaki ngā taonga. Kāhore ngā taonga e tukuna ana mā te kaitiaki whenua kaitohu hei tiaki.

Tirohia anō ngā whakamāramatanga mō ēnei tūranga:

- Trust whai kawenga, tirohia te wāhanga 223 o te ture.
- Trust kaitiaki, tirohia te wāhanga 225 o te ture.
- Trust kaitohu, tirohia wāhanga 224 o te ture.

### Ngā mahi a ngā tiaki whenua

Kei te herea ngā tiaki whenua ki te ‘ture’ arā ki te ture Trustee Act 1956.

Ko ā rātou tino mahi, he whakanui ake i ngā taonga pūtea, me te whakaiti iho i ngā herenga utu o te tiaki whenua.

Kei te whakatakotohia atu tō rātou mana, ō rātou tika, me ō rātou kawenga i roto i te pānui tono o te tiaki whenua.

Kia kaua hoki ngā tiaki whenua e whakapau moni noa iho, arā te whakapau moni kāhore anō kia whakaaetia, he mahi hē, he mea takahi i te pānui tono o te tiaki whenua. Mēnā ka mahi pēnei rātou, ka āhei ngā tāngata whai pānga ki te tiaki whenua ki te wero atu ki a rātou, arā, ki te wero tika tonu atu ki tētahi o rātou, mō ngā mahi hē, ngā mahi heke pūtea nā tā rātou mahi hē i ngā tikanga whakahaere.

E āhei ana ngā tāngata whai pānga ki te mau i tēnei take ki te Kooti Whenua Māori, ki te Kooti Matua rānei. He nui te whakaaro o te kooti ki ngā mahi hē, ngā mahi takahi i ngā tiaki whenua, ā, ki te kitea e hē ana ngā

mahi a ngā kaitiaki whenua, ko rātou anō ka utu i ngā pūtea moni i ngaro mai i ā rātou mahi hē. E whai ake nei he rāpopototanga o ngā mahi a ngā tiaki whenua.

### Te mōhiotanga ki ngā whenua ki ngā taonga

Kia mōhio ngā tiaki whenua ki ngā whenua, ki ngā taonga, me ngā ritenga o te tiaki whenua. Me matua mōhio rātou ki ngā take e pā ana ki te tiaki whenua i ngā wā katoa.

### Te piringa ki ngā kaupapa kua whakatakotohia mai mō te tiaki whenua

Me piri tonu ngā tiaki whenua ki ngā kaupapa kua whakaritea mai mō te tiaki whenua.

### Tōkeketanga

Kia tika, kia pai, kia ōrite te manaaki o ngā tiaki whenua i te katoa o ngā tāngata whai pānga ki te tiaki whenua. Kia kaua hoki ngā tiaki whenua e huri ki te taha, te mau ki ngā whakaaro rānei o tētahi o ngā tāngata whai pānga ki te tiaki whenua.

### Pūtea penapena, moni pūtea

Me whakahaere ngā mahi penapena pūtea i raro i ngā kaupapa kua whakaritea mai i roto i te pānui tiaki whenua, i raro hoki i te ture Trustees Act 1956 me ngā whakatikahanga ā-ture (Amendments) 1988.

E kore hoki te Kāwana e whakapūmau ki ngā mahi penapena pūtea, moni pūtea rānei. Me tino mōhio ngā tiaki whenua e penapena nei i ngā pūtea, he aha te painga o ēnei mahi, ā, me haere hoki rātou ki te whai i ngā tohunga mō ēnei tū mahi.

### Mamahitanga, tūpatotanga

Me whai ngākau māhaki, mamahitanga, tūpatotanga ngā tiaki whenua, me te mōhio hoki ki te whakatau take, pēnei anō i ngā kaiwhakahaere pakihī e whakahaere nei i ngā tikanga o ētahi atu tāngata.

### Te tuku mana whakahaere i ngā kawenga

Kaua ngā tiaki whenua e tuku i ū rātou mana whakahaere i ngā kawenga ki tētahi atu tangata, engari mēnā kei te āheitia i raro i ngā kaupapa kua whakaritea mai i te pānui tiaki whenua, e whakaaetia mai ana rānei i raro i te ture. E āhei ana hoki ngā tiaki whenua ki te tuku mahi ki ngā tohunga mahi hei āwhina i te tiaki whenua.

### Mahi Tahi

Me mahi tahi ngā tiaki whenua. Kia kotahi tō rātou pīkau i ngā kawenga mō ngā mahi hē kua mahia. Kei te tū ngā tiaki whenua katoa, ki mua i ngā tāngata whai pānga ki te tiaki whenua.

### Te mahi, kāhore he utu ka puta ki te tangata

Kia kaua ngā kaitiaki e whai rawa mai i tō rātou tūnga hei trust. Mēnā ka whakaaetia i roto i te pānui tono o te tiaki whenua, e āheitia ana te utu i ngā kaitiaki mō ngā nama ka pā ki a rātou mai i tō rātou tūranga me ngā mahi a te trust.

### Utua ngā tāngata tika

Me utu ngā tiaki whenua i ngā tāngata anake kei te whakaingoatia i roto i te pānui tono o te tiaki whenua. E kore hoki e murua tō rātou hē, mēnā ka utu rātou i te tangata, kāhore e tika ana kia utua, ahakoa ka pōhehe

<sup>19</sup> He moni ka taka mai i ngā taonga kei te puritia, me ngā utu (pēnei i ngā rēti, me ngā hua moni) ehara hoki i te moni hoko (arā, whenua kua hurihia hei moni pūtea).

rātou ki te wairua o te pānui tono o te tiaki whenua, i haere rānei rātou ki te kite i tētahi tohunga mō te take.

### Ngā pānui kōrero mō ngā kaute pūtea o te tiaki whenua

Kia kaha ngā tiaki whenua ki te mahi i ngā rīpoata kaute pūtea i ngā wā katoa, ā, e wātea ana hoki ēnei mahi kaute ki ngā tāngata e whai pānga ana ki te tiaki whenua, mēnā ka takina e rātou. He pérā anō hoki ki ētahi atu pānui ka hiahiatia e ngā tāngata whai pānga.

### He tawhā i runga i ngā mōhiotanga, whai pānga hoki.

Me pare ki te taha ngā mahi tawhā e mōhiotia ana e ngā tiaki whenua, i ngā wā katoa. Mēnā ka taea me whakapuaki e te trust ūna hononga ki tētahi take, ā kia kaua hoki taua trust e noho ki ngā wā kōrerotanga, whakataunga o taua take rā.

### He nui te wā whakapuaki mahi

Kia maha tonu ngā wā e whakapuakitia ai e ngā tiaki whenua ā rātou mahi, me te haere pēhea o ngā pūtea moni, arā te whakamōhio atu ki ngā tāngata whai pānga. Me āta noho rātou ki te kōrerorero ki ngā tāngata whai pānga i runga i ngā take hōhonu e pā ana ki te tiaki whenua, me te whai i te whakaaetanga o ngā tāngata whai pānga ki ngā take whakarerekē i te pānui trust.

Kei roto i te pukapuka 'Ngā Mahi a ngā Kaitiaki: He kōrero āwhina'. Kei ngā tari o te Kooti Whenua Māori ēnei pukapuka.

## Ngā mahi whakahaere i te tiaki whenua

Kei ngā tiaki whenua tonu ngā kawenga o ngā mahi katoa o te tiaki whenua, arā ngā mahi o ia rā, o ia rā (kāhore te Kooti Whenua

Māori e whakahaere ana i ngā mahi o te tiaki whenua). E whakatūria ana ngā tiaki whenua kia tutuki ai ngā wawata me ngā hiahia o ngā kaipupuri whenua, ā, me kōrero tonu rātou ki ngā kaipupuri whenua. Me kōrero hoki rātou ki te kooti, nā te mea e haere tonu ana ngā kaipupuri whenua ki te kooti ki te uiui, ki te pānui take. I whakatūria hoki e ngā kaipupuri whenua ngā tiaki whenua hei tiaki, hei whakahaere i ngā mahi e pā ana ki ō rātou whenua, ā, me tuku ngā tiaki whenua ki te mahi i ā rātou mahi. Kaua e ākina ki ngā take here noa.

### Ngā tāke utu mō te tiaki whenua

He maha ngā rerekētanga o ngā take utu ka utaina ki runga i ngā tiaki whenua. Me kōrero ngā tiaki whenua ki te Tari Tāke, ki tō rātou kai kaute pūtea, mō ngā herenga tāke.

He mauri anō tō te tiaki whenua i raro i te ture, ā, nā tēnei me whai nama anō te tiaki whenua, i tāna nama mai i te Tari Tāke.

### Whakatau raruraru

Mēnā ka pā mai he raruraru, me mahi kaha ngā tiaki whenua ki te whakatau i ēnei raruraru, arā, mā rātou anō e whakatau i mua atu i te kawenga ki te ture. Ki te kore e tutuki i a rātou, ka āhei hoki rātou ki te kawe i te take ki te Kooti Whenua Māori kia:

- tirohia anō ngā ritenga tohu o ngā mahi o ērā atu anō hoki o ngā āhuatanga o te tiaki whenua.
- tirohia te whakatū atu anō he kaitiaki hou, te whakakore rānei i te tūranga o tētahi kaitiaki.
- āta tirohia ngā āhuatanga o te tiaki whenua.
- tirohia te whakamana i ngā ritenga kua takotohia mai mō te tiaki whenua.
- tirohia te whakarerekē rānei i ngā ritenga o te tiaki whenua.

- tirohia te whakakapi i te tiaki whenua.

Me tuku he tono pānui ki te Kooti Whenua Māori i runga anō i te pānui puka kua whakaritea mō tēnei kaupapa, ā, me tuku atu hoki i te utu mō te pānui kei te whakatakotohia mai i roto i te puka pānui. Me tuku mai hoki ngā kōrero tautoko i tēnei take.

### Te whakapau i ngā moni o te tiaki whenua mō ngā mahi ā-iwi

E pai ana ki te whakapau i ngā mōni o te tiaki whenua mō ētahi o ngā mahi ā-iwi. Ko ngā mahi ka āheitia ko ngā ritenga e pā ana ki ngā mahi hauora, ngā mahi ā-iwi, ngā mahi tikanga ā-iwi, me ngā mahi mātauranga o te iwi Māori. Kei te whakatakotohia atu ēnei mahi katoa i roto i te wāhanga 218 o te ture.

Ko ngā tiaki whenua tōpū, me ngā tiaki whenua pūtea (tirohia ngā whārangī 11 me 12) e āhei ana ki te whakapau moni mō ngā mahi ā-iwi. Ko ngā tiaki whenua ā-whānau me ngā tiaki whenua, (tirohia ngā whārangī 14 me 11) e āhei ana ki te whakapau i ngā moni mō ngā mahi ā-iwi mēnā kei te whakaaetia i roto i ngā ritenga o te pānui, ā, kei te tonohia mai rānei e te kooti. Mā te pānui trust anō e kōrero ko wai ka whiwhi ki ngāhua o ngā moni ka tukua ki te iwi whānui.

### Te whakapai ake i te tiaki whenua

Me whakarerekē anō ngā ritenga kua whakaritea ki te tiaki whenua ki te kore e tutuki ngā hiahia o ngā tāngata whai pānga, ngā tāngata pupuri rānei i ngā whenua.

Ki te whakarerekē i ngā āhuatanga o te tiaki whenua me hui ngā kaipupuri whenua ki te whakatau i ngā take o te tiaki whenua hou, ka tukua ai te tono ki te Kooti Whenua Māori. Me tuku atu hoki ngā kōrero kua tangohia mai i taua hui.

Me tuku atu e ngā kaipupuri whenua ō rātou whakaaro, arā, te nuinga o rātou i whakaae, kia whakapono ai te kooti koia nei tō rātou hiahia (kei roto hoki i te pānui trust ngā ritenga kua whakatakotohia mai mō tēnei take, arā kia hia ngā mema kātahi anō ka whai mana i te huihuinga – quorum). Me kōrero atu hoki ngā kaipupuri whenua ki te kooti, i tae te pānui ki ngā tāngata whai pānga<sup>20</sup> ki te whenua, arā, kei te whekarerekētia ngā āhuatanga o te tiaki whenua, ā, kei a rātou te wā hei kōrerorero i tēnei take.

### Ngā tiaki whenua hou

Me whakatū anō he tiaki whenua hou mēnā ka nuku mai tētahi kaitiaki i tōna tūranga, kāhore rānei ia i whakahokia ki tōna tūranga i roto i ngā pōtitanga, kua mate rānei tētahi o ngā kaitiaki. Ko ngā tikanga whakatū i tētahi kaitiaki anō, me huihui ngā kaitiaki i te tuatahi kia whakaae rātou ki ngā kaitiaki hou, ka tukua ai ngā tono ki te Kooti Whenua Māori, kia āpititia atu he kaitiaki hou, te nuku, te whakakore mai rānei i tētahi atu kaitiaki, te tuku atu rānei tētahi kaitiaki hou ki te tūranga o tētahi atu. E whai ake nei ngā pānui ka hiahiatia kia tonoa atu me te pānui tono ki te kooti.

- He kape pānui mō te hui.
- Ko ngā kōrero mai i te hui i whakaritea aia kia tū atu he kaitiaki hou, kia nuku mai

20 Te tangata e whai pānga ana ki te whenua.

Mēnā kei te tukua te whenua ki ngā tiaki whenua, ko ngā kaitiaki ngā kaipupuri i te whenua mō ngā tāngata nō rātou nei ngā

whenua, arā rātou e whai pānga ana ki te whenua. Kei ngā tāngata whai pānga ngā hea o ngā whenua, ā, ko rātou nei hoki ngā kaipupuri i te whenua.

- rānei tētahi kaitiaki i tōna tūranga, ā, me hoki atu hoki tētahi kaitiaki hou ki te tūranga o tētahi atu.
- Te whakaaetanga mai i te kaitiaki.
  - Te pānui reta mai i te kaitiaki kei te rihaia ia, te pānui rānei o te matenga o tētahi kaitiaki (ētahi atu kōrero hei whakaneke mai i te kaitiaki i tōna tūranga).
  - Te pānui tono kua oti te whakakī, me te utu kua tāpiritia atu, kei reira nei hoki te utu i runga i te pānui tono.

### Te whakakapinga o te tiaki whenua

E taea ana te whakakapi, te whakamutu i tētahi tiaki whenua, engari he rerekē ngā tikanga whakakapi o tētahi ki tētahi (Tirohia te whārangī 12 mō ngā whakamāramatanga me pēhea te whakakapi i tētahi tiaki whenua.)

## Te tiaki whenua ahu whenua

### He whakarāpopototanga

Ko te tiaki whenua ahu whenua he tikanga pai, ngāwari nei mō te whakarerekē me te whakahurihuri. He tiaki whenua whakahaere i ngā mahi o te whenua, arā, ngā poraka whenua nui ka whakakotahitia ngā hea, ā, e whakamahia ana mō te mahi moni pūtea hei oranga mō ngā kaipupuri. Koia nei hoki ngā whāinga o tēnei tiaki whenua.

Kei te āhei ngā kaitiaki ki te whakahaere i ā rātou mahi i runga tonu i ngā tikanga pakihī, whāinga mahi, me te tuku anō i ngā hua o te oranga o ngā tikanga ā-iwi ki ngā kaipupuri whenua.

Ka āheitia ngā tiaki whenua whānau, tiaki whenua pūtea me te tiaki whenua anō ki raro i te maru o te tiaki whenua ahu whenua. Ko ngā tikanga katoa e aro atu ana ki ngā whakaritenga o te ture. Ka tutuki pai ngā

wawata i raro i te mana o te tiaki whenua ahu whenua, engari ko te mahi hoko whenua ka taea i raro i ngā tino tirohanga hōhonu o te ture, kia whakanuia te pupuritanga o te whenua ki ngā ringaringa o ngā kaipupuri me ū rātou whānau, hapū, hei kāinga, hei oranga hoki mō rātou. Ka whakamahia te whenua kia puta he hua ki ngā whānau. He maha ngā tiaki whenua e tohu ana kia kaua rawa e hokona atu te whenua.

### Te Ture Take Māori 1953, me te Ture Whenua Māori Act 1993

Ko te tiaki whenua ahu whenua te whakakapinga o te wāhanga kaitiaki 438, arā, te wāhanga 438 trust i raro i te Māori Affairs Act 1953.

Ko ngā wāhanga 438 tiaki whenua, i tū i te wā ka whakamanahia te Ture Whenua Māori Act 1993, ka hurihia ngā ingoa ki te tiaki whenua ahu whenua, arā, 'ahu whenua tiaki whenua'. Ka whakamanahia te tiaki whenua ahu whenua i raro i te wāhanga 215 o te ture.

### Ngā taonga ka hiahiatia mō te whakatū tiaki whenua

Whenua Māori<sup>21</sup>, Whenua whānui rānei kei te puritia e te Māori, ā, e wātea ana kia whakatūria he tiaki whenua ahu whenua. Kotahi te poraka whenua, he maha atu ngā poraka rānei ka whakatūria ki roto i te tiaki whenua, ā, ka whakaurua atu hoki ngā hea katoa o te whenua, ngā poraka katoa rānei o taua whenua.

### Tikanga tuku

Ko te tikanga tuku<sup>22</sup> ki ngā hea o te poraka whenua ka haere tonu.

Mō te nuinga o ngā whakamārama, mō te tikanga tuku, tirohia te pukapuka 'Tikanga Tuku: He kōrero āwhina', kei ngā tari o te Kooti Whenua Māori.

## He kaikōrero mō ia hea i roto i ngā huihuinga kaipupuri whenua

E wātea ana ngā kaipupuri whenua ki te kōrero mō rātou anō, ki te tuku rānei i tō rātou mana kaikōrero<sup>23</sup> ki tētahi atu tangata. Mā te pānui kaitiaki anō e whakaae ki te tuku māngai kōrero, arā, ‘proxy’.

## Ngā moni o te tiaki whenua

Ka whakapaua ngā moni o te tiaki whenua i runga anō i ngā tohutohu mai i te pānui, ā, ka tae ēnei mahi whakapau moni ki ngā kaupapa o ngā iwi, hapū, whānau Māori hoki.

## Tirohanga tātari o te tiaki whenua

E āhei ana ngā tiaki whenua, ngā tāngata whai pānga rānei o te tikanga ahu whenua ki te tuku tono ki te Kooti Whenua Māori kia tirohia, kia tātarīhia ngā whakaritenga, ngā kaupapa mahi, me ētahi atu āhuatanga o te tiaki whenua. Engari, ahakoa tēnei kia kotahi anō te tirohanga tātari i roto i te wā o te rua tau.

## Te whakamutu i te tiaki whenua

Ka whakamutua te tiaki whenua mā te tuku tono ki te Kooti Whenua Māori. Mā tētahi tangata anō e tono te pānui, ahakoa ko wai te tangata, engari i te nuinga o te wā, ko tētahi kaitiaki anō te kaitono i tēnei pānui i muri mai i tētahi huihuinga o ngā tāngata whai pānga, ā, i kōrerotia hoki te take o te whakamutunga o te tiaki whenua ki taua hui. Mēnā ka whakaae te kooti ki te whakamutu i te tiaki whenua, me whakahoki ngā whenua ki ngā tāngata whai pānga ki aua whenua, ki ngā tāngata rānei ka tohua e te kooti.

21 Whenua whānau (he whenua ehara i te whenua Māori ehara hoki i te whenua Karaua) kei roto i ngā ringaringa Māori e puritia ana, kei roto rānei i tētahi rōpū ko te nuinga o taua rōpū he tāngata Māori.

22 Ko te tikanga tuku o ngā taonga o te tangata

## Tiaki whenua whenua tōpū

### He whakarāpopototanga

Ko te tiaki whenua whenua tōpū, he tikanga ā-iwi, ā-hapū hoki mō te whakahaere i ngā mahi o te whenua. Ko tana kaupapa he whakahaere i ngā mahi o runga i te whenua, ngā mahi katoa o te whenua mō te iwi, mō te hapū rānei. He maha ōna whāinga i ngā ritenga mai i te tiaki whenua ahu whenua. Ka tukua te mana ki ngā tiaki whenua ki te whakahaere pakihī i runga i ūrātou tohungatanga mō ngā mahi pakihī, hei oranga mō ngā mahi tikanga ā-iwi, o ngā tāngata whai pānga ki te whenua.

Ka āheitia ngā tiaki whenua ā-whānau, tiaki whenua pūtea me te tiaki whenua anō ki raro i te maru o te tiaki whenua ahu whenua. Ko ngā tikanga katoa e aro atu ana ki ngā whakaritenga o te ture kia tutuki pai ngā wawata i raro i te mana o te tiaki whenua ahu whenua. Engari ko te mahi hoko whenua ka taea i ētahi wa, i raro i ngā tino tirohanga hōhonu o te ture, ko te whakanui kē i te pupuritanga o te whenua te whakaaro tuatahi, kia noho te whenua ki roto i ngā ringaringa o ngā kaipupuri me ūrātou whānau, hapū, hei kāinga noho, hei oranga hoki mō rātou. Ka whakamahia te whenua kia puta he hua ki ngā whānau. Ko te tino tūmanako o ngā tiaki whenua, kia kaua rawa e hokona te whenua.

### Te Ture Take Māori 1953, me te Ture Whenua Māori Act 1993

I whakatūria te tiaki whenua whenua tōpū i raro i te wāhanga 216 o te Ture Whenua Māori Act 1993. Kāhore he wāhanga i raro i

mate, ki te hunga e whai pānga ana ki ēnei taonga, ā, ko ūrātou hoki e whai mana ana kia whiwi ki ēnei taonga.

23 He pānui ture e whakatū ana i tētahi tangata hei kaikōrero mō tētahi atu i runga i ngā mahi pakihī, mahi ā-ture rānei. Ko te

mana kaikōrero, ka tū motuhake tonu te mana kaikōrero kia tae rā anō ki te wā kā whakakāhoretia e te tangata, nānā nei i tuku taua mana kaikōrero, ā, kua mate rānei taua tangata.

te Māori Affairs Act 1953 e rite ana ki te tiaki whenua whenua tōpū.

## Ngā taonga ka hiahiatia mō te whakatū i tētahi tiaki whenua me ūna wawata

He whenua Māori, he whenua whānui rānei kei roto i ngā ringaringa o tētahi Māori, ka āheitia te whakauru mai ki roto ki tētahi tiaki whenua whenua tōpū. Me whakanui, me whakahāere e te tiaki whenua ngā mahi o te whenua hei painga mō te iwi, mō te hapū hoki.

Ko te ritenga o te tiaki whenua tōpū, ka puritia e rātou he poraka whenua, ngā poraka whenua maha rānei. Ko te tiaki whenua whenua tōpū te tikanga pai kia whiwhi ki ngā whenua Karauna, ngā whenua Kaunihera ka whakahokia mai i raro i te wāhanga 134 o te ture, me te whakahuri hoki i ēnei whenua hei whenua Māori. E whakaurua mai ana hoki ngā hea o ētahi atu poraka whenua.

## Tikanga tuku

Horekau he tikanga tuku mēnā kei te tū tētahi tiaki whenua tōpū (engari he wāhanga anō mō te tikanga tuku mō ngā kaipupuri whenua mēnā he nui ā rātou heal). Kei raro te mana whakahāere o te whenua i ngā tiaki whenua, engari mā te kooti anō e whakatau ko wai ngā uri - tāngata<sup>24</sup> ka whiwhi ki ngā hea, ki te mate tētahi o ngā tāngata whai pānga. He painga hoki tēnei mō ngā tiaki whenua kia pai tonu te whakapapa<sup>25</sup>.

Mō ētahi atu whakamārama mō te tikanga tuku, tirohia te pukapuka 'Tikanga Tuku: He kōrero āwhina', kei ngā tari o te Kooti Whenua Māori.

## Ngā tāngata whai pānga i roto i ngā huihuinga kaipupuri whenua

Ko ngā mema o te hapū, o te iwi ka whakaingoatia i roto i te pānui tono, ngā tāngata whai pānga, ā, kei te whai mana

hoki rātou ki te kōrero i roto i ngā huihuinga kaipupuri whenua. E āhei ana ngā tāngata whai pānga ki te kōrero mō rātou anō, ki te tuku rānei i te mana kōrero ki tētahi atu tangata. Ko ngā māngai kōrero ka āheitia mēnā kei roto tēnei ritenga i te pānui kaitiaki.

## Ngā moni o te tiaki whenua

Ki tā te ture, ki te whakaaetanga rānei o te kooti, me whakapau ngā moni pūtea o tēnei tiaki whenua, hei āwhina i ngā kaupapa o te iwi Māori whānui. Ka whakamanahia tēnei i raro i te wāhanga 218 o te ture.

## Tirohanga tātari o te tiaki whenua

E āhei ana ngā kaitiaki, ngā tāngata whai pānga rānei o te tiaki whenua whenua ki te tuku tono ki te Kooti Whenua Māori kia tirohia, kia tātarihia ngā whakaritenga, ngā kaupapa mahi, me ētahi atu āhuatanga o te tiaki whenua. Engari, kia kotahi anō te tirohanga tātari i roto i te rua tau.

## Te whakamutu i te tiaki whenua

Nā te mea he tiaki whenua tēnei mai i te iwi, i te hapū hoki ka tū tēnei tikanga mō ake tonu atu, engari, ki te hiahia ngā tāngata whai pānga ki te whakamutu, ki te whakakāhore i te tiaki whenua me tuku tono atu rātou ki te Kooti Whenua Māori. Mā tētahi tangata anō e tono te pānui, ahakoa ko wai te tangata, engari i te nuinga o te wā, he kaitiaki anō te kaitono i tēnei pānui.

Mā te kooti e whakatū ngā kaipupuri whenua, e tuku hoki ngā whenua ki a rātou, mēnā kāhore anō kia mōhiotia ko wai te hunga whai pānga ki aua whenua, ko wai rānei kei te whai mana kia whiwhi ki ngā whenua rā.

## Te kaitiaki

### He whakarāpopototanga

Ko te kaitiaki te tikanga anake e pā ana ki te tangata kotahi. I whakatūria tēnei tikanga hei āwhina i ngā taiohi, rangatahi, me te hunga hauā hoki, arā te hunga hauā ā-tinana, ā-hinengaro. Kāhore hoki e āhei ana te taiohi te rangatahi rānei ki te whakauru atu ki ngā kirimana<sup>26</sup>, me whai kaitiaki rā anō rātou hei kaikōrero mō ā rātou hea.

Mēnā kāhore te tangata hauā e whai mana ana ki te whakahaere i ōna ake tikanga oranga, āna mahi pakihī katoa, ētahi wāhanga rānei o aua mahi, nā tōna mate hauā, ka tukuna e te tiaki whenua te mana ki ngā tiaki whenua ki te whakahaere i ngā tikanga o te tangata hauā i runga i te mātauranga pakihī, tohungatanga hoki ki te tiaki i te oranga o taua tangata hauā.

Mā te Kooti Whenua Māori e tohu te kaikōrero ki te whakahaere i ngā tikanga o taua tangata kia tiaki hoki i ana taonga. Ka mahi te kaitiaki i raro i te maru o ngā kaitiaki whenua whānau, pūtea, ahu whenua me te whenua tōpū i raro rānei i te maru o te kaporeihana Māori.

### Te Ture Take Māori 1953, me te Ture Whenua Māori Act 1993

Ko te tiaki whenua e whakakapi ana i te wāhanga X tikanga, i whakatūria nei i raro i te ture wāhanga 93 o te Māori Affairs Act 1953. Ko ngā part X tiaki whenua e tū ana i te wā i whakamanahia ai te Ture Whenua Māori Act 1993, ka whakaingoatia anō, ko te tiaki whenua i raro i te ture wāhanga 217 o te ture.

### Ngā taonga ka hiahiatia mō te whakatū i tētahi tiaki whenua

Ko ngā taonga katoa o te tangata Māori, ngā motokā, ngā pūtea moni, ka whakauru hei whakatū i te tiaki whenua. Ko te tangata Tauwi e whai hea ana i roto i tētahi whenua Māori, he hea rānei ki tētahi kaporeihana Māori, ka āhei ki te whakatū i tētahi tiaki whenua.

Kāhore hoki te tangata Tauwi e āhei ana ki te whakatū tiaki whenua i runga i te whenua whānui.

E kore hoki e āheitia te whakatū tiaki whenua kia herea te taonga, te whenua rānei ki tētahi tono i raro i te ture ‘Protection of Personal and Property Rights Act 1988’.

### Tikanga tuku

Ka haere tonu te tikanga tuku. Mō ētahi atu whakamārama mō te tikanga tuku, tirohia te pukapuka ‘Tikanga Tuku: He kōrero āwhina’, kei ngā tari o te Kooti Whenua Māori.

### Te kaikōrero mō ngā hea i roto i ngā huihuinga kaipupuri whenua

Ko ngā kaitiaki whenua ngā kaikōrero i roto i ngā huihuinga kaipupuri whenua.

### Te whakapau i ngā moni o te tiaki whenua

Ka āheitia i raro i te ture te whakapau i ngā moni o te tiaki whenua ki ngā āhuatanga katoa hei oranga mō te tangata.

### Tirohanga tātari o te tiaki whenua

E āhei ana te kaitiaki ki te tuku tono ki te Kooti Whenua Māori mō te tirohanga tātari o te tiaki whenua i roto i ngā tau e rima mai

24 Ko te tangata e whai tika ana kia whiwhi ki ētahi hea o tētahi tangata mate.

25 He whakapapa nō tētahi tangata, e tātai ana, e hono atu ana ki taua tangata rā ki tētahi whānau, tupuna rānei.

26 He whakaaetanga i waenga i ētahi tokorua, ka whakamanahia e te ture. I te nūninga o te wā kei te tuhia ngā kirimana, engari he kirimana tonu te whakaaetanga ā-waha.

i te tīmatanga o te tiaki whenua, ā, i muri ake i tērā, i roto i ngā tau e rima, ki te tohua rānei e te kooti.

Me tuku hoki e ngā tiaki whenua he rīpoata ki te kooti i roto i ngā marama tekau mā rima, mai i te tīmatatanga o te tiaki whenua, ā, me tuku rīpoata ia tau ā muri ake. Mēnā ko te tiaki whenua Māori, ka taea te tuku rīpoata ia toru tau mai i te tīmatanga o te rīpoata tuatahi.

### Te whakamutu i te kaitiakitanga tangata

Ki te ora, ki te hauā te tangata, ka mārena rānei te taiohi, te rangatahi, me tuku he tono ki te Kooti Whenua Māori ki te whakamutu i te kaitiakitanga tangata. Ka mukua te ingoa o te kaitiaki mai i ngā rekoata o te kooti. Ka tukua ngā hea, ngā rawa ki te tangata whai pānga ki aua hea, ki aua rawa, me te tuku i te mana kaikōrero ki te kaipupuri whenua hei kōrero mōna ake, i raro hoki i tōna anō mana.

Ki te eke ngā tau o te taiohi, te rangatahi ki te rua tekau te pakeke, ka kati te mana o te kaitiaki. Engari, me tuku āna hea, ūna rawa ki te tangata whai pānga, ā, ka mukua mai te mana pupuri o te kaitiaki i aua hea, i aua rawa hoki. Ki te noho tonu ngā taonga ki raro i te ingoa o te kaitiaki i muri i te huringa o ngā tau o te taiohi, te rangatahi ki te rua tekau kei te karangatia ēnei he ‘unctus officio’ kāhore ia e whai mana ana ki te whakahaere i ngā ritenga mō ēnei taonga. Mēnā ka whakamōhiotia atu ki te kooti ētahi atu hauātanga, ka āhei te kooti ki te whakaraoa atu i te tūranga o te kaitiaki ki te whakarerekē hoki i te pānui tiaki whenua, kia uru atu ai te mate tata mehemea ka mōhiotia. Mēnā ka mate te kaipupuri taonga, whenua rānei, me whakahaere he tikanga tuku i taua wā anō.

## Tiaki whenua whānau

### He whakarāpopototanga

Ko te tiaki whenua ā-whānau he tikanga mahi tahi i ngā kaupapa whakahaere o tētahi whenua Māori. Ko tēnei te tiaki whenua motuhake mō te whānau. E whakahuihui ana tēnei tikanga i ngā hea o te whānau i roto i tētahi whenua Māori hei painga mō te whānau me ngā uri kei te heke mai. He kaupapa tēnei e āwhina ana i te whānau kia kaua anō e whakawehē<sup>27</sup> ngā hea. Ka whakatūria e te whānau he tupuna<sup>28</sup> i roto i te pānui tono o te kooti. Ka tū ēnei tiaki whenua i raro i te mana o te tiaki whenua ahu whenua i te kaporeihana Māori rānei.

### Te Ture Take Māori 1953, me te Ture Whenua Māori Act 1993

Ka whakatūria ngā tiaki whenua whānau i raro i te mana o te wāhanga 214 o te Ture Whenua Māori 1993. Kāhore hoki he ritenga pēnei i raro i te ture Māori Affairs Act 1953.

### Ngā taonga ka hiahiatia mō te whakatū i tētahi tiaki whenua

Ko ngā hea i roto i ngā whenua Māori, kaporeihana Māori, whenua whānui rānei, kei roto i ngā ringaringa o te tangata Māori e pupuri ana, e wātea ana kia whakaurua mai ki roto ki te tiaki whenua ā-whānau, mēnā e whakaae ana ngā kaipupuri hea ki tēnei. Mēnā kua mate tētahi tangata, ā, kei roto āna hea i te tiaki whenua ā-whānau, me whakaae ngā uri whakaheke e whai mana ana ki ēnei hea kia waiho i ēnei hea ki roto ki te tiaki whenua whānau. Mēnā kāhore te katoa e whakaae, ka haere tonu te tikanga tuku, nā, ka wātea rātou, ngā mea kua whiwhi hea mai i ā rātou hea ki te tiaki whenua whānau.

## Te tikanga tuku

Mēnā kei te tū he tiaki whenua ā-whānau, ka kore te tikanga tuku. Ka noho tonu te mana whakahaere o te whenua ki ngā tiaki whenua.

E whai mana ana hoki te Kooti ki te whakatau ko wai ngā kaiwhiwhi ki ngā hea, mēnā ka mate te kaipupuri whenua. He mea pai hoki tēnei kia mau, kia tika tonu ai te whakapapa.

Mō ētahi atu whakamāramatanga mō te tikanga tuku tirohia te pukapuka 'Tikanga Tuku: He kōrero āwhina', kei ngā tari o te Kooti Whenua Māori.

## Te kaikōrero mō te hunga whai pānga ki te tiaki whenua ā-whānau i roto i ngā hui o ngā kaipupuri whenua

Ko ngā kaitiaki whenua ngā kaikōrero mō te hunga whai pānga ki te tiaki whenua whānau i roto i ngā hui o ngā kaipupuri whenua, engari me whakaae te katoa o rātou (ngā kaitiaki), kātahi anō rātou ka whai mana ki te kōrero. Ki te kore te katoa o ngā kaitiaki e whakaae, e tae rānei ki tētahi hui, he wāhanga anō e wātea ana ki a rātou. Kāhore hoki e wātea ana ki te tohatoha i te pōti i waenganui i ngā tiaki whenua, nā te mea kotahi anō te 'pānga' e puritia ana e te tiaki whenua whānau i runga i te whenua.

Mēnā ka karangatia he hui kaipupuri whenua i raro i te wāhanga 9 o te ture, e āhei ana tētahi wāhanga mō te māngai kaipōti hei whakaotī. Ko te kaitiaki ka haere ki te hui, me whai i te nuinga o ngā pōti o ngā māngai kaipōti mai anō i āna hoa kaitiaki i te tuatahi, kātahi anō ia ka whai mana hei kaikōrero mō te nuinga o ngā kaitiaki.

Mēnā ka hui mō te tiaki whenua ahu whenua, ka wātea pea he wāhanga i roto i tēnā tiaki whenua, mō te pooti ā-māngai.

E taea ana e te tiaki whenua ā-whānau ki te whakauru mai i tētahi wāhanga mō te pōti ā-waha.

Me āta arotake e ngā tiaki whenua ngā wāhanga me ngā whakaritenga kei raro i te tiaki whenua.

## Ngā moni o te tiaki whenua

Kei te whakatakotohia mai e te ture, me whakapau ngā moni o te tiaki whenua hei painga mō ngā tāngata whai pānga, ā, me wātea hoki mō te kooti ki te whakatakoto i ētahi tikanga kia whakapaua ngā moni mō ngā kaupapa whānui o te Iwi Māori.

Kaua hoki e tohatohatia ngā moni katoa ki ngā tāngata whai pānga. Me tuku ngā moni ki te hunga e taimaha ana, e tika ana kia tukua ki a rātou, engari me mahi ōrite ngā tiaki whenua kia kaua hoki e utua ngā moni ki tētahi tangata/rōpū i ngā wā katoa (ki tētahi whānau rānei), ka mahue ētahi atu ki waho.

## Tirohanga tātari o te tiaki whenua

E āhei ana ngā tiaki whenua, ngā tāngata whai pānga rānei o te tiaki whenua ā-whānau ki te tuku tono ki te Kooti Whenua Māori kia tirohia, kia tātarihia ngā whakaritenga, ngā kaupapa mahi me ētahi atu āhuatanga o te tiaki whenua. Engari kia kotahi anō te tirohanga tātari i roto i te rua tau.

27 Ko te mahi wehewehe, he ritenga tohatoha i ngā hea o tētahi tangata ki ētahi atu tāngata, arā, ngā kairīwhi.

28 Tupuna (engari i roto i tēnei āhuatanga ko te kaipupuri hea, mēnā ka whakatūria te tiaki whenua hei painga mō ngā urī o ngā kaipupuri hea.

## Te whakamutu i te tiaki whenua

E āhei ana ngā tāngata whai pānga o te tiaki whenua ki te whakamutu, ki te whakakapi i te tiaki whenua, ki te kukume mai rānei i ngā hea kua tukua e ia ki te tiaki whenua ā-whānau. Me tuku he pānui tono ki te Kooti Whenua Māori ki te whakamutu i te tiaki whenua. Ka whakahokia e te kooti ngā hea ki te tangata nāna nei aua hea i tuku mai ki te tiaki whenua ā-whānau, ki āna uri whakatupu rānei. Me tuku pānui hoki ki ngā tāngata whai pānga katoa.

## Tiaki whenua pūtea

### He whakarāpopototanga

Ko te tiaki whenua pūtea he tikanga whakahaere tahi i ngā kaupapa whakahaere, ā, e mahi kaupapa ana mō ngā hea iti nei, kāhore he hua ka puta ki ngā kaipupuri i ēnei hea nā te iti rawa. Kei te āhei ngā tiaki whenua (mai i te tiaki whenua pūtea) ki te whakahaere i ngā mahi o ngā kaupapa hei painga mō te katoa o ngā kaipupuri hea.

Ko te ingoa 'pūtea' ka tukua nei mō tēnei āhua tiaki whenua, e rite ana ki te whakatauākī nei, 'mā tō rourou, mā taku rourou ka kī te kete'. Kāhore hoki ēnei tiaki whenua e whakatūria ana ki te whakahaere i ngā kaupapa mō ngā poraka whenua katoa – ko te mahi kē o ēnei tiaki whenua he pupuri ki ngā kaupapa e pā ana ki ngā pānga iti rawa o ngā poraka whenua.

E wātea ana ki te whakatū tiaki whenua pūtea mō ngā kaporeihana Māori hei whakahaere i ngā pānga kāhore e whai hua ana. Kei te tū ngā tiaki whenua pūtea i raro i te maru o te kaitiaki ahuwhenua, te kaporeihana Māori rānei.

### Te Ture Take Māori 1953, me te Ture Whenua Māori Act 1993

Ka whakatūria ngā tiaki whenua pūtea i raro i te mana o ngā wāhangā 212 me 213 o te Ture Whenua Māori Act 1993. Kāhore hoki he ritenga pēnei i raro i te ture Māori Affairs Act 1953.

### Ngā taonga ka hiahia mō te whakatū i tētahi tiaki whenua

Ko ngā taonga o te tiaki whenua pūtea, ko ngā taonga katoa o ngā tāngata, ngā kaipupuri i ngā hea o ngā whenua Māori, ngā kaporeihana Māori, ngā whenua whānui rānei, kei te puritia e ētahi tāngata Māori. Ko ēnei hea whenua, pānga whenua ahakoa iti nei ka whakarōpūtia kia whai mana ai i roto i ngā whenua me ngā poraka maha. Ka tū hoki te tiaki whenua pūtea ki te tiaki i ngā pānga iti i roto i te poraka whenua, ki tētahi kaporeihana rānei.

Ko ngā kaipupuri pānga ki te whenua, ka whakaurua atu ō rātou pānga ki te tiaki whenua. Ka whakaaetia kia uru ki te tiaki whenua pūtea (kei te kooti tonu te mana ki te tono - kāhore te whakaaetanga e hiahia ana pēnei me ngā hea kore hua).

### Tikanga tuku

Mēnā e tū ana he tiaki whenua pūtea, ka kore he tikanga tuku. Ka noho tonu ngā hea ki ngā tāngata e whai mana ana ki te pupuri i aua hea, ā, ki runga i te pepa ko te ingoa o te tiaki whenua ka tuhia ki te rārangi kaipupuri whenua i te Kooti Whenua Māori.

Kei te whai mana te kooti ki te whakatau ko wai ka whiwhi hea, mēnā ka mate te tangata, kaipupuri whenua rānei. He mea pai hoki tēnei kia mau tonu ai te whakapapa.

Mo ētahi atu whakamārama mō te tikanga tuku, tirohia te pukapuka 'Tikanga Tuku: He kōrero āwhina', kei ngā tari o te Kooti Whenua Māori.

## Kaikōrero mō te hunga whai pānga ki te tiaki whenua pūtea i roto i ngā hui o ngā kaipupuri whenua

Ko ngā kaitiaki ngā kaikōrero mō ngā kaipupuri pānga whenua i roto i ngā hui o ngā kaipupuri hea whenua Māori, engari me mahi rātou i raro i te whakaetanga o te nuinga anō o rātou. Kāhore e āhei ana kia wehewehe ngā pōti i waenganui i ngā tiaki whenua.

Mēnā ka karangatia he hui i raro i te mana o te wāhanga 9 o te ture, e āhei ana te whakatutuki i te pōti ā-waha.

Mēnā kāhore te kaitiaki e wātea ana ki te haere ki te hui me tū anō te pōti ā-waha i ana hoa kaitiaki hei kaikōrero mō te nuinga o ngā kaitiaki.

Kei roto i te pānui o te tiaki whenua pūtea te wāhanga whakamahi i te tikanga pōti ā-waha.

Me āta titiro anō ngā tiaki whenua ki ngā whakaritenga i roto i te tono o te tiaki whenua.

Ki ngā hui o ngā hea kaporeihana, ko ngā tiaki whenua ka whiwhi ki ngā pānui karanga mō te hui, engari kei ngā kaituku i ngā hea o ngā whenua, nō rātou nei ngā hea, te mana ki te pōti.

## Ngā moni o te tiaki whenua

I raro i te ture me whakapau ngā moni o te tiaki whenua ki ngā kaupapa o te iwi Māori whānui.

## Tirohanga tātari i te tiaki whenua

E āhei ana ngā kaitiaki, ngā tāngata whai pānga rānei o te tiaki whenua pūtea ki te tuku tono ki te Kooti Whenua Māori kia tirohia, kia tātarīhia ngā whakaritenga, ngā kaupapa mahi, me ētahi atu āhuatanga o te tiaki whenua. Engari kia kotahi anō te tirohanga tātari i roto i te rua tau.

## Te whakamutu i te tiaki whenua

E wātea ana ngā tāngata whai pānga ki te tiaki whenua pūtea ki te whakamutu i tēnei tiaki whenua, ki te kukume mai rānei i ngā hea kua tukua e ia ki te tiaki whenua whānau. Me tuku he pānui tono ki te Kooti Whenua Māori, ki te whakamutu i te tiaki whenua. Ka whakahokia e te kooti ngā hea ki te tangata, nāna nei aua hea i tuku mai ki te tiaki whenua pūtea, ki āna uri whakatupu rānei. Me tuku pānui hoki ki ngā tāngata whai pānga katoa.

## Mō ētahi atu whakamāramatanga

Mo ētahi atu pānui whakamāramatanga mō ngā tiaki whenua Māori, tuhia mai he reta, waea mai, tonoa mai he reta whakaahua, īmēra, 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](http://www.maorilandcourt.govt.nz)

# Ngā Tari o te Kooti Whenua Māori

## Te Rohe o Te Taitokerau

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L2, Mania House, Rathbone Street  
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W (09) 983 9940  
Wh (09) 983 9941  
ī mlctaitokerau@justice.govt.nz

## Tari Awhina – Tāmaki Makaurau

65B Main Highway, Ellerslie  
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## Te Rohe o Waikato-Maniapoto

Tari Rēhita  
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Wh (07) 957 7881  
ī mlcwaikato@justice.govt.nz

## Te Rohe o Te Waiariki

Tari Rēhita  
Hauora House, 1143 Haupapa Street  
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Wh (07) 921 7412  
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## Te Rohe o Aotea

Tari Rēhita  
Ingestre Chambers, 74 Ingestre Street  
WHANGANUI 4500  
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Wh (06) 349 0771  
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## Te Rohe o Tākitimu

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## Te Rohe o Te Tairāwhiti

Tari Rēhita  
Ngā Wai e Rua Building  
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TŪRANGA 4010  
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ī mlctairawhiti@justice.govt.nz

## Te Rohe o Te Waipounamu

Tari Rēhita  
30 Sheffield Crescent, Burnside  
OTAUTAHI 8053  
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Wh (03) 962 4901  
ī mlctewaipounamu@justice.govt.nz

## Te Tari Matua, Te Tari o te Kairēhita, Te Tari o Te Kooti Pīra Māori

L7, Fujitsu Tower, 141 The Terrace  
TE WHANGANUI A TARA 6011  
DX Box SX11203, TE WHANGANUI A TARA  
W (04) 914 3102  
Wh (04) 914 3100  
ī mlcnationaloffice@justice.govt.nz

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