

# APPLICATIONS

## Te Kooti Whenua Māori – Māori Land Court

For more information, go to [maorilandcourt.govt.nz](http://maorilandcourt.govt.nz)

Te Kooti Whenua Māori – Māori Land Court (MLC) is the New Zealand Court that hears matters relating to Māori land. The unique relationship between Māori and whenua is recognised by the MLC, and the records held by the Court form an invaluable part of the whakapapa of all Māori people. The MLC operates under the provisions of Te Ture Whenua Māori Act 1993 ('the Act').

### Gathering information

If you need help to complete your application, you can call, email or visit an MLC office. You can also enquire about attending one of our offsite clinics. See the back page of this factsheet for the MLC office closest to you or **go online to** [maorilandcourt.govt.nz/contact-us](http://maorilandcourt.govt.nz/contact-us)

For information about the most common applications, **go online to** [maorilandcourt.govt.nz/apply](http://maorilandcourt.govt.nz/apply)

Another useful website is Māori Land Online, which has details about the current ownership and title information<sup>1</sup> for all MLC blocks. **Go online to** [maorilandonline.govt.nz](http://maorilandonline.govt.nz)

### Where to get an application form

You can get an application form from your nearest MLC office. Or **go online to** [maorilandcourt.govt.nz/apply/fees-and-forms](http://maorilandcourt.govt.nz/apply/fees-and-forms)

### What to file with your application

You should file documents in support of your case. For example, for an application for succession, you'll need a death certificate, any grant of administration (grant of probate<sup>2</sup> or letters of administration<sup>3</sup>) or the original will, minutes of a whānau meeting if a whānau trust is required, and consents of the proposed trustees.

### Filing your application

You can file your completed application in person at any MLC office. Or, if you prefer, you can post your application. You should send it to the office for the district in which the land is situated. See the back page of this factsheet for the address or **go online to** [maorilandcourt.govt.nz/contact-us](http://maorilandcourt.govt.nz/contact-us)

1. A claim or liability attached to property, for example a lease, a mortgage or a charge.

2. When the High Court confirms the appointment of an executor to administer the will of a deceased person, the authority for that person to act is given in a grant of probate.

3. When the High Court appoints a person to administer the estate of a deceased person (generally where there is no will or if the will does not name an executor), the Court's authority for that person to act is given in a grant of letters of administration.

### Application fees

To find out how much your application will cost, talk to a staff member at an MLC office or **go online to** [maorilandcourt.govt.nz/apply/fees-and-forms](http://maorilandcourt.govt.nz/apply/fees-and-forms)

### Simple and uncontested applications

Succession and trust applications that are uncomplicated and unopposed can be decided by a registrar without a court hearing (unless you request to be heard by a judge). You will be informed if your application will be dealt with in this way. The MLC will also notify others of the application in its National Pānui. For more information, **go online to** [maorilandcourt.govt.nz/apply/simple-and-uncontested](http://maorilandcourt.govt.nz/apply/simple-and-uncontested)

### Preparing your submission

Once your completed application is received, the MLC will check the Court's records of the land and person involved, and prepare a summary of evidence for the registrar or judge making the final decision about your application. At any time you may be contacted for more information or be requested to notify people who may be interested in, or be affected by, your application.

### Preparing for a hearing

Applications to be heard by a judge in a court hearing are notified in the MLC's National Pānui, usually under the district heading where the land is located. A hearing can then, if you request it and there's no opposition from other people, be adjourned<sup>4</sup> to a court near your home. In special cases, such as if the applicant is very ill, the Court will arrange a home visit.

Talk to the MLC about the availability of video conferencing and attending a hearing virtually. The Court will send you a notice of the date, time and place of the hearing about two weeks before it's due to start.

Applicants should attend the hearing. But if you can't attend, you can instruct a solicitor to attend, or arrange for a member of your family to attend in your place. It's important the person who attends for you can give the Court the evidence it will need.

### At the hearing

- Arrive at court 15 minutes before your hearing is due to start. When you arrive, report to a court officer to let them know you're there. They may also need to check the details of your application with you.
- You should also have time to read and check the submission prepared by your case manager.

4. To postpone a court sitting, or any meeting, to another date and/or location.

- You should make sure you can stay at court until your case is heard, even if it's running late.
- When your case is called, move to the table at the front of the courtroom.
- The judge will usually ask you your name or ask who is appearing on the application. You should answer with your full name and address.
- State clearly what your case is about and what you want to achieve. Present any relevant evidence to support your case if you haven't already filed it with your application.
- If there are any facts in the submission from your case manager that are wrong, you must tell the judge.
- If your application is opposed, the person opposing will have a chance to state their case and present evidence.
- You'll have a chance to respond to them and their evidence.

#### At the end of the hearing, the judge may:

- make the order you were seeking
- adjourn the hearing to another date and, in some cases, another Court, if more information or evidence is needed
- reserve their decision – they will put your case aside to be considered, and issue a written decision, at a later date
- dismiss your application – this means the judge will not make the order you were seeking.

## After the hearing

After the hearing, a record of it ('minutes') will be typed and given to the judge to sign. You and the other people in the case will each be sent a copy. Orders about what is to happen next will be signed by the judge or a deputy registrar, and sealed with the Court's official seal.

Unless the judge has directed that the order be issued immediately, it will be two months before it's issued. This is in case an appeal is lodged against the judge's decision.

The order will be written up in the Court title records if it affects land, and sent to every person who has to act on it, for example, to the Māori trustee if they've been ordered to pay money they're holding, or a Māori incorporation<sup>5</sup> if the order affects shares in that incorporation.

## Rehearings

Sometimes more evidence is discovered immediately after the hearing or, when you receive the minutes, you might find that what you thought you had said wasn't correctly recorded and has affected the outcome of your case. In these circumstances, you can apply for a rehearing. You must apply within 28 days of the date written on the order.

## Appeals

If you or another person involved in the case thinks the judge's decision is wrong based on the evidence, you can appeal. You must lodge a notice of appeal, explaining why you're appealing within two months from the date of the minutes.

5. An administrative structure similar to a company for managing Māori land vested in it by the Māori Land Court.

## More information

To find out more about applications, **go online to** [maorilandcourt.govt.nz/apply](http://maorilandcourt.govt.nz/apply)

Or you can visit your local MLC office or attend an offsite clinic. We have nine offices across Aotearoa New Zealand, which are open between 10am and 4pm on normal weekdays. You don't need to make an appointment. Contact details are below or **go online to** [maorilandcourt.govt.nz/contact-us](http://maorilandcourt.govt.nz/contact-us)

## Contact the Māori Land Court

The DX number is the postal address.

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| <b>Taitokerau District</b>   | Level 3, Manaia House<br>Rathbone Street, Whangārei 0110<br>DX Box AX10086, Whangārei<br>Phone 09 983 9940<br>Email <a href="mailto:mlctaitokerau@justice.govt.nz">mlctaitokerau@justice.govt.nz</a>                                |
| <b>Auckland Information Office</b>                                 | Ground floor, Building B<br>65B Main Highway, Ellerslie<br>Auckland 1051<br>DX Box EX10912, Auckland<br>Phone 09 279 5850<br>Email <a href="mailto:mlctamakimakaurau@justice.govt.nz">mlctamakimakaurau@justice.govt.nz</a>         |
| <b>Waikato-Maniapoto District</b>                                  | Level 2, BNZ Centre<br>354 Victoria Street, Hamilton 3204<br>DX Box GX10101, Hamilton<br>Phone 07 957 7880<br>Email <a href="mailto:mlcwaikato@justice.govt.nz">mlcwaikato@justice.govt.nz</a>                                      |
| <b>Wairiki District</b>  | Hauora House<br>1143 Haupapa Street, Rotorua 3204<br>DX Box JX10529, Rotorua<br>Phone 07 921 7402<br>Email <a href="mailto:mlcwaikato@justice.govt.nz">mlcwaikato@justice.govt.nz</a>   |
| <b>Aotea District</b>  | Ingestre House<br>74 Ingestre Street, Whanganui 4500<br>DX Box PX10207, Whanganui<br>Phone 06 349 0770<br>Email <a href="mailto:mlcaotea@justice.govt.nz">mlcaotea@justice.govt.nz</a>  |
| <b>Tākitimu District</b>   | Hastings District Court, 106 Eastbourne Street West, Hastings 4122<br>DX Box MX10024, Hastings<br>Phone 06 974 7630<br>Email <a href="mailto:mlctakitimu@justice.govt.nz">mlctakitimu@justice.govt.nz</a>                           |
| <b>Tairāwhiti District</b>   | Ngā Wai e Rua Building<br>Cnr Reads Quay and Lowe Street<br>Gisborne 4010<br>DX Box PX10106, Gisborne<br>Phone 06 869 0370<br>Email <a href="mailto:mlctairawhiti@justice.govt.nz">mlctairawhiti@justice.govt.nz</a>                |
| <b>Te Waipounamu District</b>                                      | Level 1, CJESP<br>20 Lichfield Street, Christchurch 8011<br>DX Box WX11124, Christchurch<br>Phone 03 962 4900<br>Email <a href="mailto:mlctewaipounamu@justice.govt.nz">mlctewaipounamu@justice.govt.nz</a>                         |
| <b>Office of the Chief Registrar/ Specialist Applications Team</b> | Level 7, Fujitsu Tower<br>141 The Terrace, Wellington 6011<br>DX Box SX11203, Wellington<br>Phone 04 914 3102<br>Email <a href="mailto:mlc.chief-registrars.office@justice.govt.nz">mlc.chief-registrars.office@justice.govt.nz</a> |