

Te Ratonga Whakatau Wenerau o *Te Kooti Whenua Māori*

Māori Land Court
Dispute Resolution Service

Puka ārahi mō te hātepe tuku tono |
Expression of interest process - information
booklet



Table of Contents

Table of Contents	2
Introduction	3
Background and service commencement	3
About Te Kooti Whenua Māori	3
Te Kooti Whenua Māori leadership	3
About Te Ratonga Whakatau Wenerau	4
Inviting expressions of interest for the role	4
The role of a mediator under Te Ratonga Whakatau Wenerau	4
Paerewa - standards of mediation practice	4
Mediator assessment criteria	5
Āhuatanga A: Pūkenga whakatau wenerau, takawaenga hoki	5
Category A: Dispute resolution and mediation skills	
Āhuatanga B: Te reo me ōna tikanga	6
Category B: Te reo me ōna tikanga knowledge	
Āhuatanga C: Mōhio ki Te Ture Whenua Māori me te whakahaere whenua Māori	6
Category C: Te Ture and whenua Māori knowledge	
Āhuatanga D: Te tū matatika me te hāngai ki ngā paearu kōwhiri	6
Category D: Personal ethics and suitability	
Broader considerations	7
Approval process	7
Steps in the process	7
Head Agreement signing	8
Expression of interest form	8

Kupu Whakataki | Introduction

This booklet includes important information about Te Ratonga Whakatau Wenerau o Te Kooti Whenua Māori - the Māori Land Court Dispute Resolution Service.

It offers guidance to those seeking approval as a mediator under the service, and includes detailed information about the skills and experience required.

Te orokohanga me te whakatū mai o te ratonga | Background and service commencement

In August 2020, targeted amendments were made to Te Ture Whenua Māori Act 1993. Amongst other changes, the amendments allowed for the establishment of a dispute resolution service to provide tikanga-informed mediation for parties with whenua Māori disputes to have those matters heard outside of the court process.

The service began in February 2021 with Te Kooti Whenua Māori judges conducting mediations. We are now inviting expressions of interest for others to join as non-judicial mediators under an expanded service.

Mō Te Kooti Whenua Māori | About Te Kooti Whenua Māori

Te Kooti Whenua Māori is the oldest and longest established specialist court in Aotearoa New Zealand. We are a unique institution, the only indigenous land court in the world.

Our key purpose is to promote the retention of whenua Māori in Māori hands, and to support landowners to use, occupy and develop their whenua for the benefit of owners, their whānau, and hapū.

The legislation which enables us to perform our role is Te Ture Whenua Māori Act 1993. The Act recognises the importance of whenua Māori as taonga-tuku-iho - of special significance to Māori passed down through generations.

Te hautūtanga o Te Kooti Whenua Māori | Te Kooti Whenua Māori leadership



Our Chief Judge is Dr Caren Fox. Her Honour is of Ngāti Porou and Rongowhakaata descent and is the first wāhine Māori appointed to the role. In July 2023, Judge Fox was appointed Chief Judge of the Māori Land Court - Te Kaiwhakawā Matua o Te Kooti Whenua Māori.

Steve Gunson is Pae Matua o Te Kooti Whenua Māori. He is of Ngāti Toarangatira and Te Ātiawa descent. Steve has worked for the Ministry of Justice since 2007.

Mō Te Ratonga Whakatau Wenerau | About Te Ratonga Whakatau Wenerau

Disputes involving whenua Māori are often delicate and unique situations. If not sensitively managed, disputes can create problems which can lead to longstanding whānau disagreements and division. These disagreements can have lasting negative impacts on relationships between those in dispute and those affected by it.

Te Ratonga Whakatau Wenerau is a free service that helps resolve whenua Māori disputes without going to court. It uses mediation guided by tikanga to support trustees, landowners, and whānau to work through issues together.

This service removes the focus on litigation, giving parties a greater say in how their dispute is progressed and more control over the decision-making process. It is a service based on the values and beliefs of Māori.

Nau mai ngā tono | Inviting expressions of interest for the role

This is the first time we are inviting expressions of interest for the mediator role under Te Ratonga Whakatau Wenerau. We **plan to approve up to twelve (12) mediators** through this process.

There may be more opportunities to apply in the future, depending on demand for the service.

Ngā kawenga a te kaitakawaenga i Te Ratonga Whakatau Wenerau | The role of a mediator under Te Ratonga Whakatau Wenerau

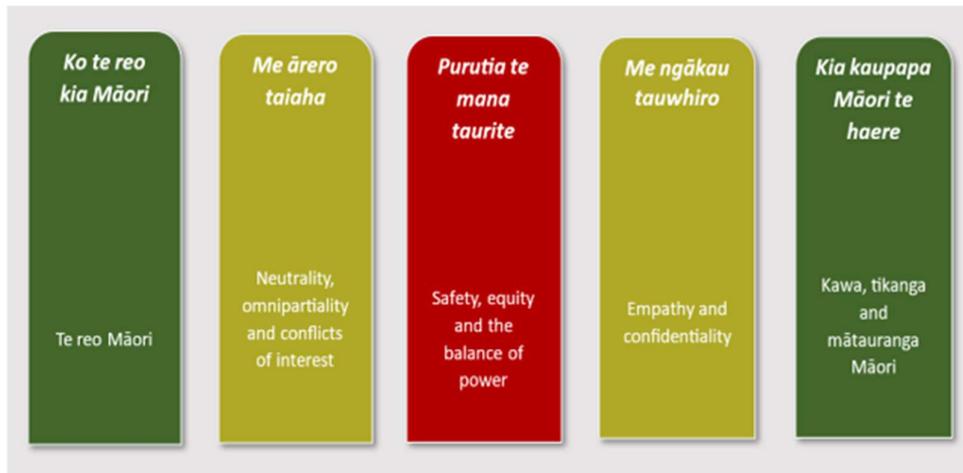
As a mediator under Te Ratonga Whakatau Wenerau, you will have some important responsibilities. Your main role is to support and guide people in dispute through tikanga-informed mediation, helping them resolve their differences and reach a lasting outcome that works for everyone.

Ngā paerewa mō te mahi takawaenga | Paerewa - standards of mediation practice

We have created five paerewa to guide and support mediation practice. Each has associated actions and behaviours, drawing on uarā and tikanga Māori which include, but are not limited to:

- **Manaakitanga** - reciprocity and care
- **Whanaungatanga** - relationships and interconnectedness
- **Kaitiakitanga** - guardianship and protection
- **Rangatiratanga** - autonomy and self-determination
- **Mahi ngātahi** - collaboration and cooperation

The paerewa are presented as pou in the image below. In this context, they can be viewed as pillars that will support and guide a mediator as they bring parties together through mediation under Te Ratonga Whakatau Wenerau to resolve their disputes.



Ngā paerua arotake kaitakawaenga | Mediator assessment criteria

Assessment criteria have been created to reflect the required skills and experience for a mediator under Te Ratonga Whakatau Wenerau. We will use these to assess each expression of interest.

Preferred applicants will be those determined to have the necessary skills, knowledge, and experience across categories A through C as set out in this booklet. The requirements of category D must be met to be considered for the role.

Preferred applicants will also have an applied understanding and practice of tikanga and its role and relevance in mediation as a pathway to resolution.

Āhuatanga A: Pūkenga whakatau wenerau, takawaenga hoki

Category A: Dispute resolution and mediation skills

- Experience in consent-based dispute resolution processes, including mediations which may be multi-party and or involve large groups.
- Strong engagement and communication skills, with the ability to build rapport to create a comfortable environment for the participants.
- Facilitation skills to assist parties to understand each other and their different perspectives with an aim to come to resolution.
- Professional conduct, knowledge of procedural fairness, safety, and managing conflicts of interest and confidentiality.
- Ability to work with others including kaumātua and other experts, when required in the mediation process.

- Organisational and administration capabilities covering planning, logistics, documentation, and report writing.

Āhuatanga B: Te reo me ōna tikanga

Category B: Te reo me ōna tikanga knowledge

- Understanding of Te Ao Māori including knowledge of tribal structures and histories and tikanga of different hapū and iwi.
- Practical and wide-ranging experience of using te reo Māori and relevant tikanga in Māori forums.
- Understanding of the tikanga principles of mana, whanaungatanga, rangatiratanga, take, hē, ea, and Rangimārie, as well as their relevance and application in dispute resolution.

Āhuatanga C: Mōhio ki Te Ture Whenua Māori me te whakahaere whenua Māori

Category C: Te Ture and whenua Māori knowledge

- Familiarity with Te Ture Whenua Māori Act 1993, the purpose and function of Te Kooti Whenua Māori and the legal system of Aotearoa New Zealand generally.
- Understanding of the problems encountered by whānau in managing their whenua, for example, issues arising in trusts, incorporations, marae structures and Māori reservations issues.

Āhuatanga D: Te tū matatika me te hāngai ki ngā paearu kōwhiri

Category D: Personal ethics and suitability

- The ability to pass a criminal records check, or to show why previous criminal convictions should not preclude the individual from approval as a mediator.
- Whether the person has been declared bankrupt, or been a director of a company that has been put into receivership or liquidation.
- Whether the person is subject to a current investigation, charge, or order by a regulatory or disciplinary body.
- Whether the person has been the subject of a complaint that was upheld by a regulatory or disciplinary body, including in other countries.

He whaiwhakaaro | Broader considerations

Each application will be assessed against the criteria set out under categories A through C and responses to the requirements of category D. As noted above, the requirements of category D must be met to be considered for the role.

Assessment will also take account of the skills and experience of current mediators and factors such as location, gender, age, and iwi affiliation to ensure that parties to a dispute are able to select from a diverse pool of mediators where possible.

Applicants will also need to demonstrate that they can manage a mediation process that is procedurally and substantively tika and one which seeks to achieve the purposes of Part 3A (Dispute resolution) of Te Ture Whenua Māori Act 1993.

It is likely that the role will require some travel.

Mediation accreditation is highly desirable but not mandatory.

Te hātepe whai whakaāe | Approval process

The Chief Executive of the Ministry of Justice has authority under section 98M (2) of Te Ture Whenua Māori Act 1993 to approve mediators. That authority has been delegated to the role of Pae Matua o Te Kooti Whenua Māori.

The Pae Matua is responsible for approving all mediators under Te Ratonga Whakatau Wenerau. Approval decisions will be made using the process below.

Ngā tūāoma o te hātepe | Steps in the process

The five key steps in the approval process for a mediator under Te Ratonga Whakatau Wenerau are:

1. **Promotion:** Te Kooti Whenua Māori calls for expressions of interest in the mediator role.
2. **Application:** Applicants submit an expression of interest for the role using the prescribed form and process.
3. **Evaluation:** Applications will be considered against the assessment criteria. The mediator approval panel may call for applicant interviews and will do so at its discretion.
4. **Recommendation:** The mediator approval panel will present approval recommendations to the Pae Matua for consideration.
5. **Approval:** The Pae Matua will make decisions regarding mediator approval. Decisions will be communicated to all applicants.

Te hainatanga o te Kirimana Matua | Head Agreement signing

Once a person has been approved by the Pae Matua as a mediator under Te Ratonga Whakatau Wenerau, they will receive a Head Agreement for signing.

The Head Agreement is a key contractual document and contains all relevant information, including the term (duration) of the Agreement, service delivery obligations, general terms and conditions, mediator fees (remuneration) information and more.

Approval as a mediator is subject to the Head Agreement being signed and returned to Te Kooti Whenua Māori.

Once the signed Head Agreement is returned, the approved mediator will be included in a mediator list published on Te Kooti Whenua Māori public website, and be available for selection and appointment to mediate disputes under Te Ratonga Whakatau Wenerau.

Te puka mō te tuku tono | Expression of interest form

Expressions of interest must be submitted using the designated expression of interest form. The form is published on the Māori Land Court public website, along with this information booklet.