

Dispute resolution service

Effective from Waitangi Day, 6 February 2021

In August 2020, the Government passed targeted changes to Te Ture Whenua Māori Act 1993 to simplify the legal processes for owning, occupying and using Māori land.

What has changed?

Historically, disputes over Māori land often had to be resolved through public court sittings before a judge.

Now, landowners and other court users can choose to resolve disputes related to Māori land through a free tikanga-based dispute resolution service provided by the Māori Land Court. This service provides access to high-quality mediation to settle disputes in a culturally appropriate and confidential environment outside of a court.

The mediator will guide the parties in the dispute through mediation based on the tikanga agreed by the parties.

If an agreement is reached through mediation, the mediator will record the terms of the agreement and provide this to the Māori Land Court. The mediation conversations will not be part of the public court record.

If necessary, a judge may make a court order to formalise what has been agreed by the parties.

Why make this change?

Disputes about whenua Māori can be complex and difficult for whānau. They can delay whānau connection to whenua, and plans for developing land. Court processes can also be time consuming and costly.

By creating a free, culturally appropriate and safe process outside of a court sitting, landowners and other Court users can kōrero and wānanga about the dispute privately and come up with their own workable solutions.

Who mediates?

Initially Māori Land Court judges will act as mediators. In the future, the service will be supported by a pool of non-judicial mediators identified to have the right skills to support disputes over Māori land.

When a judge is appointed as mediator, they will not be able to sit on the court proceedings related to that specific case.

What do I need to do?

If you want to make an application to the Māori Land Court or you have an application already in the Māori Land Court that is being delayed by a dispute, you can apply to use the dispute resolution service to attempt to settle the dispute outside of a court sitting. A judge may also refer any issue arising in court proceedings to mediation.

The dispute resolution service is voluntary, so all the people involved in the dispute must agree to take part.

When an application for dispute resolution is accepted, you will need to be available to attend the dispute resolution (mediation) hui when scheduled.

You will be included in discussions to confirm a suitable date and venue for the mediation hui, and to agree on the tikanga during mediation.

The parties involved in the dispute will need to agree on the mediator to be used, or one can be appointed for you.

You can apply for the dispute resolution service through one of our offices.

For office contact details, go to

www.maorilandcourt.govt.nz/contact-us

To download a form from our website, go to

www.maorilandcourt.govt.nz/application-forms

You can also find out more online at

www.maorilandcourt.govt.nz/disputes

When we roll out our new technology system, you will be able to make this application online via the Māori Land Court website. Check our website to see whether online applications are available at the time you make your application.

What if an agreement is not reached?

If the parties cannot come to an agreement, the mediator will notify the Māori Land Court. There will be options available when considering the next steps to resolve the dispute, including going to court or going back to mediation with the same or a different mediator.

What costs are involved with mediation?

The dispute resolution service is free of charge, but you may need to meet the costs of travel to attend mediation and of any independent legal advice (if you choose to seek it).