



# TE WHAKAHOU TAITARA

TE TURE WHENUA MĀORI ACT 1993

*Te Kooti Whenua Māori*  
  
Māori Land Court

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’).

*Te Whakahou Taitara* koia nei tētahi o ngā kohinga pukapuka pānui a te Kooti Whenua Māori hei āwhina i te iwi Māori – me ētahi atu iwi – ki te whai mōhiotanga mō ngā take whenua Māori.

Ko te hanga tuarua me te whakahou taitara, ka taka mai ki raro i te wāhanga XIV o Te Ture Whenua Māori 1993. Ko te tikanga o tēnei wāhanga o te ture, he whakamana i te Kooti Whenua Māori hei kaiwhakahaere mō ngā whenua o ngā kaipupuri Māori, e āhei ai te whakapaipai, te hiki ake i te wāriu, me te whakahou ake i te taitara, mō te painga o te katoa.

## 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 ha utu, kāhore hoki ha 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

## Taitara<sup>1</sup> hanga tuarua me te whakahou

Kei te wāhanga 288 o te Ture e whakatakoto ana ngā take hei titiro mā te Kooti Whenua Māori e pā ana ki te tono whakawehē<sup>2</sup>, whakahono<sup>3</sup>, me te whakakotahi<sup>4</sup>. Mō ia tono, me āta whakaaro ake ko ngā wawata o ngā kaipupuri.

I roto i ngā tirohanga, me āta whakaaro te Kooti Whenua Māori ki ngā take nei:

- ngā whakaaro/wawata o ngā kaipupuri
- ngā pānga o te tono ki ngā kaipupuri whenua, kaipupuri hea o te kaporeihana Māori
- te whakahounga whenua hei painga mō te katoa.

Me kaua te Kooti Whenua Māori e whakamana he tono mō tētahi whenua, kia whakapono rā anō ia:

- kua nui te wā hei whakamōhio i ngā kaipupuri mō te tono
- kua whai wā ngā kaipupuri whenua ki te whiriwhiri i te tono
- kei te tautoko te nuinga o ngā kaipupuri whenua.

Mō tētahi kaporeihana Māori, me āta whakapono tonu te Kooti Whenua:

- kua nui te wā hei āta whakamōhio, whakamārama hoki ki ngā kaipupuri mō te tono
- kua whakamanahia e ngā kaipupuri he whakataunga e tautoko ai te tono nei.

## Ngā take hei whakaaro e pā ana ki ia tono

### Hui kaipupuri whenua

Me hui ngā kaipupuri whenua ki te whiriwhiri i ngā kaupapa e pā ana ki ō rātou whenua.

### He pānui

Me moata te pānui a te kaitono ki ngā kaipupuri whenua mō tētahi hui, tētahi nohoanga rānei a te Kooti Whenua Māori. Mā te Kooti Whenua Māori tonu te kaitono hei tohutohu. Ko te tikanga, me tuhi te kaitono ki ngā kaipupuri e taea ana e ia, me te tuku pānui e 21 rā i mua noa, kia tae atu rātou ki tētahi hui ki te whakaaro i te tono.

Mēnā kāre ngā kaipupuri whenua e tae ki te hui, me tuhi atu ō rātou whakaaro mō te tono ki te kairēhita o te Kooti Whenua Māori. Ka āhei anō te kōti ki te tohu atu i te kaitono, kia tukua e rua ngā pānuitanga mō te hui ki roto i te nūpepa.

### Me tautoko rawa te nuinga

I te wā e whakaarohia ana mēnā kei te rahi ngā tautoko, me āta whakaaro te Kooti Whenua Māori ki te rahi o ngā kaipupuri e tautoko ana, me te nui o ā rātou hea. Ko te iti o ngā kaipupuri kei a rātou, te nuinga o ngā hea, kāre e nui ake te mana ki ngā kaipupuri maha he iti ngā hea. Ka rangona e te kaiwhakawā ngā rōpū katoa, ā, mā ngā take me te ture e tohu tōna nei whakaritenga.

### Whakawehē

Ina ka tango mai ētahi kaipupuri whenua i ā rātou hea ka hangaia he taitara wehe, koia nei te whakawehē. Ka mana anō te whakawehē mēnā ka whakakotahitia te taitara mō ētahi poraka whenua piritata.

Ka āhei te Kooti Whenua Māori ki te whakamana i te tono whakawehe mēnā koia nei tonu te huarahi tōtika mō te whakamahi me te whakahou i te whenua, ka whai takoha rānei tētahi mema o te whānau mai i te kaitono. Me āta whakaaro ēnei take:

- urunga – kia kaua te wehenga e aukati i te urunga atu ki te toenga o te whenua
- te takoto o te whenua – kia kaua te wehenga e tango i ngā whenua papatahi katoa me ngā whenua tino papai rawa.

### Wehenga tūturu, wehenga hapū<sup>5</sup>

Wehenga tūturu, me tono rā anō mō te whakaaetanga ā te kaunihera ā-rohe i raro i ngā ture whakahaere rauemi 1991. Mēnā ka whakaaetia, ka hiahia koha whenua te kaunihera<sup>6</sup>, he koha moni rānei.

Ko te momo koha ka āhei te tuku:

- ko te pito whenua e mōhiotia ana ko te Queen's chain
- he pito whenua hei urunga mō te katoa
- he whenua mō ngā mahi a-Rēhia
- he koha pūtea hei whakatūnga taputapu hākinakina.

Wehenga hapū. Ka āhei anake mēnā nō te hapū kotahi ngā mema o te wehenga. Kāhore e tono mō te whakaaetanga a te kaunihera ā-rohe, nā reira kāre e hiahiatia he koha. Nā te mea kāre e hiahiatia he

whakaaetanga, ka iti iho ngā utu wehenga. Engari, mēnā ka hangaia he whare ki runga i ngā taitara hou, me tono ki te kaunihera mō tētahi whakaaetanga hanga whare. Me pātai rawa ki te kaunihera i te tuatahi mēnā ka whakaaetia mai te hanga whare.

Ina tatū he wehenga hapū, ka tuhia tēnei ki ngā taitara. Mēnā, ā te wā ka whakahoutia hei wehenga tūturu, kātahi nei ka tono mō te whakaaetanga a te kaunihera. Mēnā ka hokona atu, ka whakawhitihia rānei te mana whenua ki waho o te hapū, ka āhei te kōti ki te whakatūwhera i taua whenua hei painga mō ngā iwi katoa o Aotearoa. Ka taka mai tēnei ki raro i ngā tikanga o te koha. Ko ēnei momo whenua ka tangohia mai i ngā whenua e hokona nei.

### Wehenga ā-rōpū

Ka whai hua he kaipupuri, he rōpū kaipupuri whenua rānei mēnā ka honoa ā rātou rawa, mēnā e rua ngā poraka whenua ka whakakotahitia hei poraka kotahi, arā mēnā nō rātou a poraka A, ā, ka whai pāngā anō rātou ki roto i te poraka B. Ka āhei rātou ki te tono mō tētahi wehenga ā-rōpū ki te Kooti Whenua Māori, mēnā ka whakaae ētahi atu o ngā kaipupuri o ngā poraka e rua, kāti kua hangaia ko poraka Z. I roto i ngā take wehenga katoa, me āta whai i ngā huarahi tuku tono.

### Footnotes

1 Ko te kaipupuri me ngā tikanga o te kaipupuri e mana ana i raro i te ture.

2 Te wāwāhi whenua Māori kia rua, neke atu rānei ngā taitara wehe (whakawehe). Te hono kia rua, neke atu rānei ngā poraka whenua ki raro i te taitara kotahi (wehenga hono).

3 Ko te whakakotahi taitara he whakakorenga i ngā taitara e rua, neke atu rānei o nga poraka whenua. Ka tuku kotahi anake te taitara mō ēnei whenua katoa. Kua kore he wehenga o ēnei poraka whenua. (tirohia wāhanga 307 o te ture.)

4 Ka tōpūngia ngā taitara mehemea he ōrite ngā kaipupuru o tētahi atu poraka. Ahakoa

rerekē tonu ngā taitara, kotahi tonu te rārangī kaipupuru (tirohia wāhanga 308 o te Ture).

5 He rōpū whānau e whakapapa ana ki te tipuna kotahi.

6 He wāhi whenua i whakatahatia mō te hapori ana wehe haere ai taua whenua raka.

## Tohatoha rīhi, mōkete me ētahi atu here

Ina whakaweheha he whenua Māori, ka āhei te Kooti Whenua Māori ki te tohatoha ki te whakarerekē rānei i ngā tikanga, ngā whakahaeere me ngā here e ahu mai ana i te rīhi, te mōkete me ētahi atu here kei raro i ngā poraka kua wehe. Hei tauira, ka āhei te kaipupuri ki te whakawehe he tūnga whare mai i te poraka whenua kua rihi kētia. Ka tohaina e te Kooti te rīhi o ngā toenga whenua, ki ētahi atu o ngā kaipupuri. Mā tēnei ka wātea te kairīhi o te wāhi tūnga whare hou, ka wātea hoki te poraka hou mai i te rīhi. Ka kore e raru ētahi atu kaipupuri. Ka whakarite whakahau te kooti, ā, ka rēhitatia ki te tarī 'Toitū te Whenua'.

## Tūnga whare Māori

I raro i te wāhanga 296 o te ture, ka āhei te kooti ki te whakawehe whenua, kia whai wāhi te kaipupuri ki te whakatū whare. Ka whakamahia tēnei wāhanga ture, hei tuku<sup>7</sup> i te whare ki raro i te tāne, te hoa wahine, me ngā hoa moe, hei kairīhi hono<sup>8</sup>, kairīhi ōrite<sup>9</sup>, nā te ōrite o ngā hea.

Mēnā, ka hipa te rima tau, kāre anō kia whakamahia te whenua hei kāinga noho, ka āhei te Kooti Whenua Māori ki te whakakāhore i te whenua whakatū whare, me te whakahau anō kia:

- whakahokia te whenua, ki tērā i mua o te tono, ānō nei kāre noa iho he tono
- me tuku te mana whenua ki tētahi atu, me kī, ka tukua ki tētahi tangata tōtika.

## Kaipupuri hea

Ko te wehenga ka whakaritea i runga i te wāriū, ehara ko te rahi o te whenua. Hei ārai tēnei i te whiwhi a tētahi ki te nuinga o ngā rawa nā te whakawehe i ngā whenua papai, ka waiho i ngā whenua pōhara mō

ētahi atu o ngā kaipupuri. Mēnā kāre i rahi ngā hea hei whakakapi i te wehenga e hiahiatia ana, ka āhei te kaipupuri ki te utu moni hei whakatau i te utu a te kaiwāriū whenua. Heoi anō, mēnā kei tua noa atu ngā hea a te kaipupuri hei whakakapi i te wehenga, ka hiahia peā a ia ki te waihō i te toenga mō ētahi atu kaipupuri. Mā tēnei, ka kore e poroa ngā here ki te whenua matua, ki ngā kaipupuri hoki.

Me āta mahitahi te kaitono ki te kaiwāwāhi me te kaiwāriū whenua, kia tika ai te wehenga, ngā tohatohanga hea me ngā wāriutanga. Me aro rawa te kōti ki te whakatutuki i te wehenga nei kia tika.

## Wāriutanga

Mō te whakawāriū i te wehenga, me whakauru rawa ēnei ki roto i te tono:

- te wāriū o te poraka katoa
- te wāriū o te whenua ka whakawehea
- te wāriū o te toenga whenua o te poraka.

Mā ēnei wāriutanga e toru, ka tutuki ai te wāriū o ngā pupuritanga hea, i runga i te tika me te pono.

## Whenua hono ki te ara matua

Mēnā he whenua hono ki te ara matua, me whakaae rawa a Ararau Aotearoa i te kuhunga hou ki te poraka whenua. Tūpono noa kei aituā tētahi. Mā te kaiwāwāhi whenua hei tuku whakamōhiotanga mō tēnei kaupapa.

## Whenua hono ki tētahi rori kaunihera

Mēnā he poraka hono ki tētahi whenua kaunihera, mā te kaunihera ā-rohe te tono hei whakaae.

## Whakatū whare

Mēnā e hiahia ana koe ki te whakatū whare, me rapu kirimana hanga whare mai i te kaunihera ā-rohe. Kia tūpato, mēnā kāre ū kirimana hanga whare, ka whiuia koe, tata ki te 150,000 tāra.

Kei roto i te kirimana hanga whare ko:

- te kawenga para
- te horo tahamoana
- te puna wai
- me ētahi atu take ka taka mai ki raro i te ture Tiaki Rauemi 1991 me te ture Kāwanatanga ā-rohe 2002.

## Rīhi

Mēnā he poraka rīhi, me tono rawa ki te kairīhi mō te mana whakawehe. Mā te Kooti Whenua Māori hei tono kia tohatohatia te rīhi ki te toenga o te poraka. Mēnā ka whiria he utu rēti rerekē, he utu tāpiri ka utaina mō ngā utu ture.

## Whakawānga kōti Māori

Me haere rawa te kaitono whakawehenga ki tētahi whakawānga kōti, ki te whakamārama i ngā painga o te wehenga nei mō te whenua. Mēnā kua tutuki pai ngā tikanga o te ture, ā, mēnā kua whakaae te Kooti Whenua Māori, ka whakamanahia te tono whakawehe.

## Wāwāhinga

Me otī rawa he tirohanga wāwāhi i mua i te whakaaetanga ki te wehenga. Mā tēnei ka āhei te whiwhi ki te tiwhikete tūturu o te taitara.

## Rēhitatanga

Ka rēhitatia e te Kooti Whenua Māori ngā tono whakaweha katoa ki Toitū te Whenua. Mā Toitū te Whenua hei tuku atu he taitara rēhita mō te whenua. Nā, ko tēnei he rēhita tono ā-rorohiko. Mēnā ka hiahia te kaipupuri hou ki tētahi tiwhikete tūturu o te taitara, me utu rā anō a Toitū te Whenua.

## Te tono whakaweha

### Te huarahi

Pānui mō ngā kaitono:

#### 1 Whiringa ki waenga i te kaunihera ā-rohe.

Whakawehenga hapū: Tirohia mēnā he kirimana hanga whare ka hiahia. Me āta whakaaro he kuhunga, he kawenga para hoki.

Whakawehenga tūturu: Tirohia mēnā kei te hāngai tō tono ki ngā ture manaaki rauemi anō, mēnā ka whiwhi whakaaetanga koe ki te hanga whare.

#### 2 Whakaritea he hui ki ngā kaipupuri.

Me whakatū he hui i waenga i ngā kaipupuri kia kite ai rātou i te tono, ā, kia riro mai tā

7 Mā te takahuri i te mana pupuri whenua, ka riro i te kaiwhiwhi te mana whenua me ngā tikanga katoa o taua whenua (ka āhei te tuku i te whenua ki te kaitiaki, ki tētahi atu tangata rānei).

8 Ko ngā kaipupuri katoa o te whenua kotahi. Kāre he rawa tohatoha i waenga i a rātou, he

kaipupuri katoa rātou. Mēnā ka mate tētahi o rātou, ko āna hea ka taka mai ki te katoa o ngā kaipupuri. Ko te hunga mārena ka whai i tēnei āhuatanga, e hiahia ana ko rāua tahi hei kaipupuri rawa. Mēnā he whenua whānui, he mahā ngā kaipupuri, kei a rātou katoa te mana pupuri, hāunga anō, mēnā he rerekē tā te taitara i tohu ai.

9 He tāngata ōrite te mana pupuri, engari he rerekē te rahi o ia whenua me te wāriū o ngā rawa. Ina ka mate tētahi, e kore e taka mai īā nei rawa ki te toenga o ngā kaipupuri. Ka noho tārewa tonu aua whenua i raro i te "taitara whānui" kia tau rā anō tā te kooti i tohu ai.

rātou tautoko. Me whai whakaaetanga ā-tuhī mai i ērā kāre e tae mai ki te hui. Me āta pānui te hui me ana pūtake.

**3 Kōrero ki ngā kairīhi, mēnā he kairīhi.**

Me rapu rawa he whakaaetanga ā-tuhī mō tō tono mai i ngā kairīhi.

**4 Kōrero ki ngā kairangahau wāwāhi.**

Rapua he whakatau utu mō te rangahau wāwāhi.

**5 Whakatutukihia ngā hiahia o te Ture Manaaki Rauemi.**

Kia oti katoa ngā mahi i raro i te Ture Manaaki Rauemi. Mō te whakawehenga tūturu, mē tāpiri atu he hōtaka mahi me tētahi rīpoata mai i te kairangahau wāwāhi.

**6 Kōrero ki tētahi kaiwāriu.**

Rapua he whakatau utu mō te kaiwāriu, me te rīpoata e pā ana ki te whakawehenga me te toenga o te poraka.

**7 Whakaarohia mēnā ka taea te whakaotī i te tono.**

Ina tutuki katoa ngā hiahia kei runga ake nei, māu tonu hei whakarite mēnā ka āhei te tono te anga whakamua.

**8 Kōrero ki te Kooti Whenua Māori.**

Whāia rā he tono whai mana mai i te Kooti Whenua Māori e whakaatu mai ana i te whakawehenga ā-hapū, me ētahi atu tono whai mana e hiahiatia ana.

**9 Whakaritea te tono.**

I mua i te tutunga i tō tono, me āta whakapono kua tutuki katoa i a koe ngā hiahia o te Kooti Whenua Māori, te Ture, me ngā tikanga o te Kooti Whenua Māori 1994. Āta tirohia tō tono mēnā:

- kua whakakī tika i ngā pātai
- kua tāpirihia tētahi māhere o te whakawehenga, me te wāriu o ia wāhi i muri i te wehenga
- kua tāpirihia te whakaaetanga a ngā kairīhi
- ko te rārangī o ngā kaipupuri, me ā rātou hea, ō rātou ingoa, kāinga noho hoki (me ā rātou whakaaetanga)
- he whakamārama me pēhea te tohatoha i ngā toenga whenua ā muri o te wehenga
- ka whakaatuhia ki te kōti ngā painga o te wehenga, arā hei 'whakahaere tōtika i te whenua, hei whakahou, hei whakamahi hoki' (wāhangā 288(4) o te ture).

**10 Tukuna te tono.**

Tukuna te tono ki te Kooti Whenua Māori ki te rohe kei reira nei te whenua.

**11 Mā te Kooti Whenua Māori e whakapā atu ki a koe.**

Ko te hiahia o te Kooti Whenua Māori me tuku he pānui mō tō tono ki ngā kaipupuri whenua, te hunga noho i te whenua, me ngā kaitiaki<sup>10</sup>. Mā te Kooti Whenua Māori e homai he reta hei tauira māu. Tukuna tētahi kape o te reta, te tono, te mahere, te pānui me ētahi take ki ngā tāngata e tika ana.

**12 Haere ki te whakawānga Kooti Whenua Māori.**

Haere ki te Kooti ki te whakamārama i tō tono.

**13 Ka tukuna e te Kooti he whakaaetanga, ka tārewahia rānei.**

Mēnā ka tukuna he whakaaetanga tārewa mō tō tono, me whai koe i ngā huarahi e whai ake nei:

### Mō te wehenga hapū:

- whakamahia he kairangahau wāwāhi ki te whakaoti rangahau
- rapua he wāriutanga mō te tono whakawehe me ngā toenga o te poraka.

### Mō te wehenga tūturu:

- tonoa he kairangahau wāwāhi whenua hei whakaoti i te rangahau
- me hāngai ki ngā tikanga o te Ture Manaaki Rauemi
- rapua he wāriutanga mō te whenua ka whakawehea, me ngā toenga whenua hoki.

## 14 He whakawānga Kooti Whenua Māori tuarua ka whakatūhia.

Mēnā he take atu anō ka hua mai i te wāriutanga mā te rangahau whenua, ākene pea me whakatū he whakawānga Kooti Whenua Māori anō.

## 15 Mā te Kooti te tono hei whakaae, hei whakatārewa<sup>11</sup>, hei whakakore rānei.

### Kua whakaaetia te tono – ka whakamanahia te wehenga

Ā muri i te whakamananga i te wehenga, mā te Kooti e tuku he kape ki te kaunihera ā-rohe, hei tāpiri atu ki ā rātou rekoata rēti. Tua atu i tērā, ko ngā utu rēti ka tukuna ki ngā ingoa kei runga i te tono whakawehenga.

### Kua tārewahia te tono

Ka āhei te kōti ki te whakatārewa i te tono, kia whai wā te kaitono ki te rapu i

ētahi atu kaupapa hei tāpiri ki te tono, e tutuki katoa ai ngā hiahia.

### Kua whakakāhoretia te tono

Mēnā kāre e tutuki te tono, ka whakakorehia e te Kooti.

## 16 Ka tukuna atu he taitara tārewa.

Mā te Kooti hei whakarite he whakaaetanga whakawehe. Ka rēhitatia ki te tarī Toitū te Whenua, ā te wā ka tukua mai tētahi taitara tārewa. Kia utua rā anō he moni, kātahi ka tukuna he taitara tūturu.

## Tūhonohono

E kī ana a wāhanga 307 o te Ture, e rua, neke atu rānei ngā poraka ka āheitia kia honoa, kia noho kotahi te poraka. Ka taea tēnei mēnā he whānau kotahi ngā kaipupuri (ākene pea ka hiahia te whānau ki te hanga pāmu mahi moni). Ina honoa he whenua, ka whakakorehia ngā taitara o mua, ka hangaia he taitara kotahi. Ka whakakorehia hoki te mana o ia kaipupuri ki ia whenua.

Ka āhei te hono whenua whānui<sup>12</sup>, whenua Māori hoki. I raro i tērā ka hurihia te poraka kotahi nei hei whenua Māori.

### Ngā hea whakakotahi

Ko ngā toha hea mō te poraka i whakakotahihia, ka tātaia mai i te wāriu o ngā hea o ia kaipupuri, i mua i te whakakotahitanga o ngā poraka. Me otī rawa he wāriutanga mō ia poraka i

10 He tangata kua whakamanahia hei kaiwhakarite mō te whenua, i raro i te tono o ngā kaipupuri. Ko te kaitiaki ka noho hei kaipupuri tūturu ā te wā ka rēhitatia te tono e tohu ai i a ia hei kaitiaki mō te whenua.

Ko ngā kaiwhiwhi rawa ka möhiotia ko ngā kaipupuri whiwhi rawa.

12 Hei whakarāpopoto, he whenua ehara i te whenua Māori, ehara i te whenua Karauna.

11 Ki te neke i tētahi whakawānga kōti, hui rānei, mō tētahi atu rā, tētahi atu wāhi.

te wā kotahi. Ka pēneihia kia tutuki te whakakotahi i runga i te tika. Ko te rahi o ngā hea hou o te poraka i whakakotahihia ka whakaōritehia te wāriu.

### Ngā rīhi me ngā mōkete

Kāre e āhei te tono mō te whakakotahi mēnā kāre te kairīhi, te kaimōkete rānei e tautoko ana i te tono, ki te whakapono rānei te Kooti Whenua Māori, e kore taua tono e takahi i ngā tikanga o aua tāngata.

### Te whakakore i te kotahitanga

Ki te whakakore, te tango mai rānei i tētahi poraka mai i te whakakotahitanga, me tono rawa mō tētahi whakawehenga. Kei te Kooti Whenua Māori te mana i raro i te wāhanga 298 (5) o te Ture, ki te whakakore i te tono whakakotahi. Me whai rawa ngā tikanga o te tono whakawehenga.

### Kohikohinga

Ko te kohikohinga kaipupuri poraka ka āheitia, mēnā he maha ngā tāngata whiwhi hea ki ia poraka. Ko te hua o te kohikohinga whenua, ka whai hua te katoa o ngā kaipupuri i raro i te kohikohinga whenua.

Ko te painga o tēnei, ka āhei te whakamahi i ia poraka whenua, ahakoa kotahi anake te rārangi utu. Mā tēnei ka māmā ake te toha o ngā pūtea<sup>13</sup> nā te mea kua iti iho ngā utu whakahāere. Nā te mea ka mau tonu ngā taitara tūturu, kāre e mate ki te rangahau wāwāhitanga mō te katoa o ngā whenua.

### Ngā hea

He ōrite te tātai o ngā hea hou ki te tātaitanga o te kohikohinga. Ko ngā rawa a te kaipupuri hea o mua, ka tohatohatia kia ōrite te wāriu ki tērā o te kohikohinga.

Ko te rerekē o te whakakotahi me te kohikohinga, arā:

- Ko te whakakotahi he here i ngā kaipupuri me ngā taitara ki roto i te poraka kotahi. Ka kore ngā taiapa.
- Ko te kohikohinga ka here i ngā kaipupuri anake ki raro i te rārangi kotahi. Ka tatū tonu ngā taiapa.

### Whakangāwari

Mā te tono kōti, e āheitia ai tētahi whakangāwari i raro te wāhanga 315 o te ture. Mā tēnei, ka whai mana tētahi ki te whakawhiti me te whakamahi rānei i ngā whenua o tētahi atu, ahakoa kāre e whai pānga ana ki taua whenua. Ko te whakangāwari he huarahi mō ngā pou hiko, kōrere kawe wai, kuhunga hoki. Ko ngā whakangāwari anō, hāunga anō mō ngā kuhunga, ka āhei te kōti ki te whakarerekē, te whakakore rānei.

### Whakaetanga

#### Kaipupuri whenua

Me whakaae rawa ngā kaipupuri whenua ki te tono whakangāwari. Mā te huitahi ka āheitia te rapu whakaetanga. Ka rēhitatia te tono whakangāwari e te Kooti Whenua Māori ki Toitū te Whenua mō te kore utu.

#### Kaitiaki

Mēnā he whenua tuku ki te kaitiaki, ā, mēnā ka whakaaehia e te tono kaitiaki<sup>14</sup>, ka āhei ngā kaitiaki ki te whirihwiri kaupapa whakangāwari ki waenga i ērā e hiahia ana. Ahakoa mā te kōti tonu e tuku he tono, kāre noa iho ngā kaipupuri whenua e whakatū hui.

## Kaporeihana Māori

Mēnā kei tētahi kaporeihana Māori te mana whenua, mā te kōmiti whakahaere hei whirihwiri he kaupapa whakangāwari ki waenga i ērā e hiahia ana. Ahakoa mā te kōti tonu e tuku he tono, kāre noa iho ngā kaipupuri whenua e whakatū i tētahi hui.

Ka āheitia he whakangāwari mēnā ka mana he utu rēti, he utu nui kotahi rānei.

## Kaunihera ā-rohe

Mēnā he whakangāwari hei hanga kuhunga mā runga rori kaunihera, me rapu whakaaetanga mai i te kaunihera ā-rohe. Mēnā e hono ana te whakangāwari ki tētahi rori matua, me rapu whakaaetanga mai i a Ararau Aotearoa. Mā te whakaaetanga hei tohu me pēhea te hanga o te kuhunga. Engari me rapu rawa koe he möhiotanga mai i te kaunihera, mai i tētahi kairangahau wāwāhi whenua.

## Wāwāhi whenua

Me wāwāhi rawa he whakangāwari – hei tāpiri ki tētahi mahere whakawehē, mō te whakangāwari noa rānei.

Anei ngā tikanga hei whai mō te tono whakangāwari:

- whenua matua (te whenua nui ake te mana i tētahi atu whenua)
- whenua tuarua (te whenua ka taka mai ki raro i te mana o te whenua matua)
- whakangāwari whānui (kāre he whenua matua, arā he whakawhitinga pou hiko anake kei runga i te poraka).

## Ngā rori

Ko ngā ara rori ka taka mai ki raro i ngā wāhangā 316 ki te 326 o te Ture, mā tēnei e āhei te hanga, te whakakore, me te whakarerekē i ngā rori.

Mēnā he rori ka hono ki tētahi rori matua, me whai whakaaetanga mai i a Ararau Aotearoa i mua i te hanganga. Pērā hoki, mēnā he rori ka hono ki tētahi atu kei raro i te mana o te kaunihera ā-rohe, me whai whakaaetanga mai i te kaunihera ā-rohe.

## Tono hanga rori

Ka tono koe mō te hanga rori, mēnā he kuhunga kei te hangaia i raro i tētahi whakawehenga. Mēnā ka whakawhitī he whenua whānui, me whai whakaaetanga mai i te mana whenua.

## Whakatika rori

Ko rātou e whakamahi ana i ngā rori hei kuhunga ki ō rātou poraka, mā rātou tonu hei manaaki. Ko te rori nei, mō te hunga whai mana whenua anake me ā rātou manuhiri; ehara i te rori mō te katoa. Kei ngā kaipupuri te mana ki te tono ki te Kooti Whenua Māori mēnā e hiahia ana rātou kia tūwhera te rori ki te katoa. Me whai whakaaetanga ngā kaipupuri mai i te kaunihera ā-rohe, kia tūwhera te rori ki te katoa, nā reira, mā te kaunihera hei manaaki.

13 Ko ngā hua moni mai i ngā rawa (pēnei i ngā rēti me ngā moni tāpae) engari anō te 'moni hoko' (moni whenua kua takahurihia hei moni).

14 He kawenata nā te Kooti Whenua Māori e tohu ana i: ngā whāinga o te kaitiaki, tōna mana, ūna here, te mana o ngā kaitiaki me te mana o ngā kaiwhiwhi rawa.

## Rori tawhito

Mēnā he rori kua kore e hiahia, me tono ngā kaipupuri ki te Kooti Whenua Māori kia whakakorehia taua rori.

## Rori whānui korehua

Mēnā he rori kua kore e hiahia, me tono te mana kaitiaki ki te Kooti Whenua Māori, kia katia te rori, ka whakauruhia ki roto i te taitara honohono, me tuku rānei ki ngā kaipupuri i te wā i tangohia ai hei hanga rori.

## Tono noho whenua

Ka āhei te tangata ki te noho whenua Māori i runga i te tono noho whenua a te Kooti Whenua Māori. Ka āhei te tono noho whenua mō tētahi whare, tētahi whenua hanga whare rānei. Ko te kaipupuri whaihua mai i tētahi whenua Māori, ko tētahi rānei e whai mana ana kia tētahi whenua tuku iho, ka āhei ki te tono noho whenua. Ko te nui o te tono noho whenua, kia kore e nui atu ngā hea a te kaitono, i roto i te poraka, ka takamai ki a ia.

Mā te Kooti Whenua Māori e whakarite te roa o te wā e mana ai te tono, mā rātou e tohu rānei ā hea mutu ai, arā, ā te matenga pea o te kainoho.

## Whakaaetanga

Mēnā he whenua tuku ki tētahi kaitiaki, kaporeihana Māori rānei, me whakaae rawa rātou ki te tono noho whenua. Me whakaae rawa hoki ngā mana Kāwanatanga. Me huitahi anō kia rātou mēnā e hiahia ana he whakaaetanga whakatū whare. Me whakaae rawa hoki ngā kairīhi, ngā kainoho whenua rānei, me te toenga o ngā kaipupuri.

Ko te tikanga me pānui rawa he hui mō tēnei.

Me whai whakaaetanga anō mai i a Ararau

Aotearoa mēnā ko te kuhunga ki te whenua, ki te whare rānei, ka whakawhitirori matua.

## Whakaaro tangata

Me whai whakaaro te kōti:

- ki ngā hiahia o ngā kaipupuri
- ki te pānga o te noho whenua ki ngā kaipupuri
- ki ngā mahinga pai me ngā whakahoutanga tōtika mō te whenua.

I mua i te whakamananga i te tono noho whenua, me pono rawa te kōti i whai wā ngā kaipupuri ki te whakaaro, ki te whiriwhi hoki i te tono nei, me te mea anō, kei te tautoko te nuinga i te tono.

Mā te Kooti Whenua Māori e whakarite ā hea tīmata ai te noho, ko tēhea wāhi ka nōhia, he aha ngā utu me ngā whakaritenga utu. Mā te Kooti hei titiro anō ki te tono noho whenua, mēnā ka inoihia e tētahi o ngā kaipupuri hea whenua, tētahi rānei kua whiwhi ki te whenua tuku iho.

## Whenua tuku iho

Ka āhei te tuku iho o te tono noho whenua. Ka āhei te kaipupuri tono noho whenua ki te waiho i te tono ki roto i tana wira, ki tētahi e mana ana kia whiwhi whenua Māori tuku iho (me taka rawa mai rātou ki raro i te kāhui taumata o ngā kaiwhakawehē<sup>15)</sup>.

## Te tono mō te mana noho whenua

Me whakamahi katoa ngā kaitono i ngā tikanga (kei runga ake nei) ki roto i ā rātou tono, ka tāpiri atu ko ngā mēneti o te hui kaipupuri me te pānui hui hoki. Me tāpiri anō ko ngā whakaritenga o te wāhi me te taitara mai i Toitū te Whenua.

Me tāpiri rawa atu he pikitia o te poraka katoa, o te wāhi, o ngā whare kei runga i te

poraka, ngā taiapa, ngā ine, me ngā kuhunga e whakaorohia ana i te wā e tono ana mō te mana noho whenua i raro i te wāhanga 328 o te Ture.

### Raihana noho whenua

E ōrite ana te mana o te raihana noho whenua ki tērā o te tono noho whenua. Ko te rerekētanga, ko te raihana noho whenua ka whiria ki waenga i te kaipupuri whenua me ngā kaitiaki. Engari me whai mana anō ngā kaitiaki ki te whakaae kia nōhia te whenua i raro i tā rātou anō tono. Ka āhei anō te tono kaitiaki ki te tāpiri atu i ētahi here. Me whai kape rawa te rēhita o te Kooti Whenua Māori, mēnā ko te wā tono neke atu i te 21 tau.

### Ētahi atu mōhiotanga

Mō ētahi atu mōhiotanga e pā ana ki te whakahou taitara whenua, me tuhi, me waea, waea whakaahua, īmēra, me haere rānei ki te Kooti Whenua Māori. Mā ngā kaimahi koutou hei āwhina.

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

15 Wāhanga 4 o te Ture e rārangī ana i te Kāhui Taumata o ngā kaiwhakawehē, e pā ana ki te whakawehenga. I roto i ngā whakaratonga tono whakawehenga, me pono rawa te Kooti Whenua Māori, kua whai wā te Kāhui Taumata Kaiwhakawehē ki te whakaae, ki te whakahē tuatahi rānei i taua tono.

# 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

**I** mlctaitokerau@justice.govt.nz

## Te Rohe o Tāmaki Makaurau

135 Kolmar Road  
EX10912, Papatoetoe 2155

**W** (09) 279 5850

**Wh** (09) 279 5852

**I** 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

**I** 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

**I** 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

**I** 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

**I** 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

**I** 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

**I** 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

**I** mlcnationaloffice@justice.govt.nz

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