



Proposed Māori Land Service

Te Ratonga Whenua Māori



Summary

This leaflet sets out the proposed functions of the new proposed Māori Land Service based primarily on what Te Ture Whenua Māori Bill (the Bill) says. It has been produced to help support the design of the proposed Māori Land Service and the refocused Māori Land Court including wānanga that will happen around the country.

These wānanga are an opportunity for you to tell us what you think the proposed Māori Land Service should provide and how it should deliver these services.

There will be multiple ways for you to participate and have a say about the design of the proposed Māori Land Service including:

- Wānanga – locations and dates will be advised online at www.tpk.govt.nz
- Email MāoriLandService@tpk.govt.nz
- Contact your local office
- Facebook page – Proposed Māori Land Service

Whakatauki

Whatungarongaro te tangata, toitū te whenua.

As man disappears from sight, the land remains



*Whatungarongaro te tangata, toitū te whenua.
As man disappears from sight, the land remains*

*“To Māori, land is everything.
Land provides our sense of identity, belonging, and continuity.”*

Te Ture Whenua Māori Reforms

Te Ture Whenua Māori Reforms is the most significant reform of Māori land law in a generation. It will help realise the promise of tino rangatiratanga of Māori over their land. The reform protects the status of whenua Māori as taonga tuku iho with special significance to Māori, and promotes its retention.

On 11th May 2016 Te Ture Whenua Māori Bill (the Bill) had its first reading in Parliament. The Bill makes specific provision for a new Māori Land Service and refocused Māori Land Court. Any developments will need to reflect the legislation when it is enacted.



Proposed Māori Land Service: A New Māori Land Service and Refocused Māori Land Court

The Bill describes the new Māori Land Service as providing vital administrative services to Māori land owners.

The proposed services would include:

- getting information about your whenua including for example location, size and ownership;
- advice on how to look after your whenua for example governance arrangements or options;
- providing practical support and advice on options for using your whenua; and
- ways to resolve any disagreements or disputes you and your whānau may have regarding your whenua (dispute resolution).

The proposed refocus of the Māori Land Court would result in changes to the Court's jurisdiction. The Māori Land Court would retain responsibility for ensuring that the law relating to whenua Māori is observed, including when Māori land owners want or need to

- change the status of the whenua, for example from Māori freehold land to general title land;
- sell whenua;
- make the whenua a whenua tāpui (a Māori reserve);
- as a last resort, help you and your whānau to overcome disagreements;
- seek court-ordered access to your landlocked whenua; and
- where there is an unresolved disagreement, updates to succession or changes to your governance.

Some specific roles of the Proposed Māori Land Service

The reform is intended to strengthen and empower owners to use the land however they agree best suits their vision for their whānau, hapū or iwi. To achieve that, the proposed Māori Land Service would be established to provide a consolidated information service for all Māori land matters. This will include the transfer of the current information and case processing functions from the Māori Land Court to the Māori Land Service.



Keep a Māori Land Register

The proposed Māori Land Service would create and update a Māori Land Register, which will hold details about each block of Māori land. It would record:

- individual owners;
- beneficiaries of whānau trusts or family arrangements who share ownership of the whenua;
- shareholdings of an incorporation that owns whenua;
- legal encumbrances (like mortgages) on the whenua;
- any Kaiwhakamarumarū (Kaiwhakamarumarū are appointed by the Māori Land Court to represent an owner where that owner needs protection, for example the owner is under 18 or lacks legal capacity);
- the status of any ownership interests in the whenua;
- any boundary changes, amalgamations and partitions of the whenua;
- any governance agreements provided to the proposed Māori Land Service by existing ahu whenua trusts and whenua tōpū trusts;
- how interest would be allocated and any distribution plan for proceeds from the whenua, where a governing body has been terminated;
- rent-free leases granted on the whenua; and
- legislation that may affect Māori freehold land.

Successions

As part of the proposals the Māori Land Service would include (as part of the Māori Land Register):

- succession applications made to the Māori Land Service for registration; and
- completed successions.

Register incorporations and governance entities

The proposed Māori Land Service must keep and provide access to a central register of all Māori land governance bodies. The Bill proposes that:

- any incorporation or governance agreement for whenua Māori must be lodged in order to be registered with the proposed Māori Land Service; and
- any changes to the agreement must also be lodged in order to be registered with the proposed Māori Land Service.

If there are two different governance agreements lodged for registration at the same time, the Māori Land Service would organise a meeting to reach agreement on which governance agreement to proceed with for registration.



Provide dispute resolution services

The Māori Land Service would support you to resolve any disagreements or disputes you and your whānau may have regarding your whenua with the help of Kaitakawaenga (the Bill provides for Kaitakawaenga to be appointed to assist parties to resolve a conflict themselves). This would be done in a way that applies the tikanga, values, and kawa of the owners, whānau or hapū associated with the land. This is important because parties to a whenua dispute often have ongoing relationships. Sustaining whānaungatanga links is a key priority.

Some differences and disputes may end up needing to be considered by the Māori Land Court for example, disagreement over whether a person is a whāngai or whāngai descendant, or the terms of a disagreement over a family arrangement following the death of an owner (succession).

Organise meetings to decide on governance

Where you wish to establish governance over your whenua, the proposed Māori Land Service can help to organise meetings and help with the voting so you can decide on a suitable governance arrangement that works for you and your whānau.

Upcoming Events

Wānanga

Sharing your insights about what would actually help you as a land owner is important to us.

We want to find out how the proposed Māori Land Service can carry out its functions in a way that best suits you as a land owner. We want to hear your views on how the services can be accessible and useful to meet your needs.

For further information including locations and dates for wānanga you can contact your local Te Puni Kōkiri office or email MāoriLandService@tpk.govt.nz or the Māori Land Court on mlcnationaloffice@justice.govt.nz

Further Updates

This is not the only way you can have your say. Keep an eye on our website for updates!

- <http://www.tpk.govt.nz/en/whakamahia/maori-land-service/>

And the Facebook page

- www.facebook.com/ProposedMaoriLandService



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Te Puni Kōkiri
REALISING MĀORI POTENTIAL

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, PO Box 3943, Wellington, New Zealand

PHONE Waea 04 819 6000, **FAX** Waea Whakaahua 04 819 6299, **WEB** tpk.govt.nz