



# TE MANA TUKU

TE TURE WHENUA MĀORI ACT 1993

*Te Kooti Whenua Māori*



*Māori Land Court*

## 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 ōna kaituhi me ōna kaiwhakatika, kaipānui hoki kei te wātea mai i ngā herenga i mahia, kāhore rānei i oti i tētahi tangata te katoa, ētahi wāhanga 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 āheitia te whakamahia, te kape, te tuku, ahakoa pēhea nei te āhua, ā, kāhore he utu, kāhore hoki he 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 whakaaetanga 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 whakaaetanga 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



MINISTRY OF  
**JUSTICE**  
*Tābu o te Ture*

## Te Kāwanatanga o Aotearoa

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 e puritia ana 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 kīia nei i roto i tēnei pukapuka ko 'te ture').

*Te Mana Tuku: He kōrero ārahi*, he kohinga pukapuka ēnei nā Te Kooti Whenua Māori hei āwhina i te iwi Māori – me ētahi atu e ngākaunui ana – ki te whai māramatanga mō ngā take whenua Māori o te wā. He aratohu nui tēnei e whakatakoto atu ana i ngā tikanga me ngā huarahi e āheitia ai te whakawhiti pānga whenua Māori a te rangatira o te whenua kua mate, ki āna uri.

## Te Whakamāramatanga o te Mana Tuku

Kotahi anō, he maha noa atu rānei ngā rangatira o te whenua Māori. I ētahi wā, kotahi rau neke atu ngā rangatira o te whenua poraka kotahi, taitara<sup>1</sup> kotahi rānei. Ina mate he rangatira, he kaipupuri whenua, ko te tikanga me tuku ōna hea, ōna pānga whenua ki te tangata e tika ana kia whiwhi ki ngā hea, ki ngā pānga whenua. Ko aua tāngata ka whiwhi nei ki ēnei hea ko ngā uri, ngā kaiwhiwhi<sup>2</sup>, ko te tikanga tuku nei i ngā pānga whenua, ngā hea, ko te 'Mana Tuku'.

Ka āhei ngā kaiwhiwhi ki te whakamahi i taua whenua hei painga mō rātou, me ngā uri whakaheke.

Mehemea kāhore he rārangi kaipupuri tūturu, kāhore rānei he whiwhinga mana tuku, ka pā te raruraru i waenga i te whānau, ngā uri e ora ana.

Kāhore tētahi e āhei ana ki te pōti mō ngā hea o te rangatira kaipupuri whenua kua mate, kia oti rā anō te whiwhinga mana tuku. Engari anō tētahi<sup>3</sup> kaitohatoa, kua tohua nei e te Kooti Teitei<sup>4</sup> hei kaitohatoa, ka āhei ki te pōti i te taunga<sup>5</sup> hea, ki te kaitohatoa kaiwhakahaere.

### Tono mana tuku

Kia whai mana te whakawhiti rawa whenua mai i te tangata i mate ki te tangata ora, mā te Kooti Whenua Māori e tāpae atu he mana tuku<sup>6</sup>.

## Te whai mōhio mēnā kei a koe ētahi tika mō te mana tuku

Mēnā kua mate tētahi o te whānau, ā, ki te whakaaro rānei koe he rawa whenua Māori

ōna e tika ana kia tukua mai ki a koe, anei ngā huarahi hei rangahau:

- tirohia ngā kohinga hiko kei te Kooti Whenua Māori.
- whakakāia he tono rangahau. Ka hoatu e koe te mana ki ngā kaimahi kooti mā rātou hei rangahau ō hiahia. Ko tēnei tikanga kore utu, e kīia ana ko te 'Rangahau Part IV'.
- tirohia te kohinga Māori Land Online (MLOL), ka taea i runga i te ipurangi a Te Kooti Whenua Māori.

### Te Rangahau Rekoata a te Kooti Whenua Māori

I mua i te rangahautanga, kohikohia ngā mōhiotanga katoa e pā ana ki te tangata mate. Mā tēnei e āwhina te Kooti Whenua Māori ki te titiro whānui ki:

- Ōna ingoa katoa (me tōna ingoa whānau).
- Ngā ingoa o ētahi atu i tuku rawa ki a ia.
- Ngā ingoa o ōna tuāhine, tungāne.
- Ngā ingoa o ōna mātua (te ingoa whānau hoki o tōna whaea).
- Te ingoa o ngā whenua katoa kei a ia e pupuri ana, e whai pānga ana.

## Ngā momo rawa ka tirohia e te Kooti Whenua Māori

Te nuinga o te wā, mā te Kooti Whenua Māori e titiro ki ngā tono mana tuku.

Ka āhei te Kooti Whenua Māori ki te whai mana tuku mō:

- Ngā whiwhinga whenua Māori.
- Ngā whiwhinga wātea a te Māori kei roto i ngā whenua whānui<sup>7</sup> (engari me tono mai anō tētahi māngai<sup>8</sup> tūturu kua tohua i raro i te mana o te Kooti Teitei).

- He Kaporeihana Māori pupuri pānga whenua, pupuri hea<sup>9</sup>.
- He rīhi whenua kua rēhitatia hei rīhi whakawhiti<sup>10</sup> kei runga whenua Māori.
- Ngā pūtea e pupurihia ana e te kaitiaki Māori (he māngai rānei, he kaitiaki<sup>11</sup>, kaporeihana Māori) ahu mai i ngā rawa whenua Māori o te tangata mate.
- Whai rawa i ngā moutere tītī (tirohia te whārangi 8).
- Whai rawa i te Trust Wī Pere (tirohia te whārangi 8).
- Tono noho whenua (occupation order).

whenua whānau, he kāinga whānau, e hono tahi ana ngā kainoho<sup>12</sup>).

- He pūtea \$11,000 neke atu, kei te whare moni, kei tētahi kamupene rīanga rānei.
- He hea kamupene nunui.

Engari anō, mēnā kua tohua kē he kaiwhakahaere (tirohia te whakamāramatanga tuawhā o te whārangi 4 mō ēnei kupu 'kaiwhakahaere mana tuku'). Ka tonoa koe e ngā kaimahi Kooti Whenua Māori kia whakatūria he kaiwhakahaere mana tuku, ā, mā taua kaiwhakahaere e tonu ki te Kooti Whenua Māori mō te mana tuku whenua Māori ki ngā kaiwhiwhi.

## Kāore he mana o te Kooti Whenua Māori ki ēnei rawa

Kāore he mana o te Kooti Whenua Māori ki te tono mana tuku ki ngā rawa o te tangata mate, pēnei i ngā:

- Whenua whānui (engari anō mō ētahi

## He tono ki te Kooti Whenua Māori mō te mana tuku

Me whakauru he tono mana tuku ki te Kooti Whenua Māori. Kei ngā tari katoa o te Kooti Whenua Māori ngā pepa tono.

### He whakamārama

1 Te rangatiratanga, te mana pupuri whenua tūturu me ngā pepa e whakaatu ana i taua mana i raro i te ture.

2 He tangata e tika ana i raro i te ture kia whiwhi ki ngā hea o te tangata kua mate.

3 He tangata kua tohua, kua whai mana mai i te Kooti Teitei ki te whakahaere me te tohatoha i ngā rawa a te tangata kua mate, ina tohua e te Kooti Teitei he kaitohatoa, ka tukua e te kooti he momo reta kaiwhakahaere (ko te kaitohatoa wahine, he administratix).

4 Mā te whiwhi mana whakahaere kaitohatoa mai i te Kooti Teitei, ka āheitia te tuku i ngā rawa a te tangata kua mate ki ērā e ora tonu ana.

E rua ngā momo takoha:

(a) Ina mate he tangata i tuhi wira hoki, ka āhei te tono poropōti whakamana ki ngā kaitiaki kua whakaingotia i roto i

te wira (ahakoa i ētahi wā, ka tukua te mana ki tētahi atu, kāore ki te kaituku i whakaingotia).

(b) Ina mate he tangata (kāore i tuhi wira) ka tonoa ētahi takoha reta whakahaere.

Ko te mahi a ngā kaiwhakahaere, he whai kia taka mai ngā whenua ki te hunga e tika ana.

5 Ki te huri taitara ngā kaupupuri whenua, ka taka mai ngā hua me te mana kaupupuri ki te kaiwhiwhi (ka āhei te tuku whenua ki tētahi kaitiaki, ki tētahi atu tangata rānei).

6 He tono whai mana nā te Kooti Whenua Māori, kia tuku i ngā rawa a te tangata mate ki te tangata ora.

7 Ehara i te whenua Māori, ehara i te whenua Karauna engari kei roto i ngā ringaringa o te Māori.

8 He kaitohatoa, he kaiwhakahaere, he kaitiaki mō te wira.

9 Ko ngā hea e pupurihia ana e tētahi kaporeihana Māori iti.

10 Ka rīhitia e ngā kaupupuri maha ētahi pito o te rīhi ki a rātou anō hei whakatū whare, ahakoa kotahi noa iho te taitara. He taitara hanga ka whiwhi ki ia kaupupuri e kī ana:

(a) He hea wātea nā te tangata rīhi kei roto i te poraka

(b) He rīhi tūturu motuhake ki te pito whenua rā.

11 He tangata whai mana ki te whakahaere rawa nō ngā kaupupuri me ngā kaiwhiwhi. Ko te kaitiaki te kaupupuri tūturu mēnā ka mana te tono i a ia e whai mana ana hei kaitiaki mō ngā whenua o te taitara kua rēhitatia.

12 E hono tahi ana ngā kaupupuri, kāore i te wehe ngā rawa nā rāua tahi ko ngā kaupupuri. Mēnā ka mate tētahi, ka taka mai ōna rawa katoa ki te mea e ora tonu nei.

Ka āhei te tono mō ngā whenua Māori katoa, ngā whiwhinga hea kaporeihana, kei ngā rohe katoa. Kāore e wehe ngā pepa mō ia rohe.

Mō ia pepa tono me whakauru atu:

- Ko te tiwhikete mate tūturu kua āmenetia e tētahi tangata rongonui; he rōia kooti teitei; he māngai ture, he kaimahi poutāpeta, he kairēhita kooti teitei, te Kooti ā-Rohe, Kooti Whenua Māori, he tākuta rānei.
- Te wira tūturu <sup>13</sup>, he kape whai mana rānei.
- Te takoha whakahaere tūturu tuatahi mēnā he tono anō, he kape whai mana rānei hoki.
- Te pūtea utu tono.

Ko te utu kei runga tonu i te pepa.

Me tae atu tētahi mema o te whānau ki te tūnga o te Kooti Whenua Māori i te rā e whakaritea ai ki te whakautu i ngā pātai a te kaiwhakawā. Ka whakawākia te take nei ki te rohe kei reira te whenua, ki te wāhi tata ake rānei ki a koe mēnā koinei tō hiahia.

I te wā tono mō te mana tuku, ka āhei te tono anō kia tū he kaitiaki whānau <sup>14</sup>, e rua ngā pepa tono me tuku (mā tēnei e whakamāmātia te huarahi mō ngā kaimahi kooti, me te kaiwhakawā ki te whakatau i te mana tuku me te whakatū i te kaitiaki whānau, i te wā kotahi).

Tērā ētahi take mana tuku kei raro tonu i ngā ture tawhito. E whai nei:

- ko te whakahaere rawa i whakamanahia e te Kooti Teitei i mua i te 1 o Hōngongoi 1993.
- i mate rānei he tangata i mua i te 1 o Hōngongoi 1994, ā, ko te wira nō mua kē i te 1 o Hōngongoi 1993.

## Te mana whiwhi mana tuku

Hāunga anō ngā mea whai wira (tirohia te whārangi 6), ko te mana tuku whenua Māori, hea kaporeihana Māori rānei, ka taka mai ki raro i ngā ritenga ture wāhanga 109 e whai ake nei:

- Ko te pouaru <sup>15</sup>, te hoa moe rānei, ka whai mana kia whiwhi ki ngā rawa, kia mate, kia mārena anō rānei ia. Mehemea kāre i wehe tūturu <sup>16</sup> i tōna hoa i mua o te matenga. Ka whiwhi te pouaru he moni noa iho <sup>17</sup>, (reeti, moni tāpae, te mea, te mea) engari kāore e whiwhi ki ngā hua o te whenua kua hokona atu, kua tangohia rānei mō te aha kē atu. Kei te pouaru anō te tikanga mēnā ka hiahia ia ki ngā moni tāpae motuhake <sup>18</sup>. I te porotanga o ngā moni tāpae, ko ngā rawa whenua ka taka mai ki ngā kaiwhiwhi, kei raro iho nei. Me tono rā anō te whānau ki te Kooti Whenua Māori ki te whakamana i tērā.
- Hāunga anō ngā moni tāpae (i runga ake), ka ōrite te whiwhi hea o ngā tamariki o te tangata mate, ngā pānga whenua hoki. Ko ngā tamariki whāngai tūturu ka whiwhi anō hoki, engari ko ngā tamariki kei te whāngaihia kē atu, kua poroa ngā here ki te whānau, kāre e whiwhi.
- Ko ngā rawa a te tamaiti i mate i mua o te matua, ka heke iho ki āna ake tamariki – ki āna kāwai heke katoa hoki.
- Mēnā kāore he tamariki a te tangata mate, ka whai mana ngā tungāne me ngā tuāhine. Ko ngā tungāne me ngā tuāhine matuatahi, ka whiwhi hoki ki ngā rawa o te whānau matua anake.
- Mēnā kāore he tungāne/tuāhine, me rapu i ahu mai ngā rawa i hea, nā wai, ā, ka rangahau i tērā whakapapa <sup>19</sup> hei mana tuku.
- Mēnā kāre tonu e kitea he kaiwhiwhi, mā te kooti e whakarite, ākene ka whakatūhia he kaitiaki mō te tangata mate.

Ka mana anō ēnei tikanga ki te tono noho whenua, ānō nei he hua whenua Māori, engari me whai pānga tonu te tangata ki aua whenua kua tonoa nei kia nōhia, me te whakaponono anō a te kooti, koia tonu te tangata tōtika kia whiwhi mana tuku.

## Ngā rawa o te tamaiti

Mēnā he tamaiti te kaiwhiwhi mana tuku i te wā whakauruhia ai e te Kooti Whenua Māori he tono noho whenua, ka āhei anō rātou ki te tohu kaitiaki<sup>20</sup> hei māngai mō te tamaiti, atu ki tōna rā whānau 20, tana mārena rānei, ki te mea tuatahi anō o ēnei e tūpono ai.

Mō ētahi atu mōhiotanga, tirohia te pukapuka Ngā Kaitiaki Māori: He ārahitanga mō ngā kaitiaki. Kei ngā tari Kooti Whenua Māori ēnei pukapuka.

## Whāngai

Ka uru mai ngā whāngai<sup>21</sup> ki raro i ngā ture mana tuku, ā, mā te kooti e whakatau te rahi o ngā hea ka whakawhiwhia. Ka hiahia rānei te whānau kia uru atu ngā whāngai, ka tirohia e te kooti taua hiahia. Me pono rawa te Kooti Whenua Māori kia uru atu te whāngai, nā konei ia rapu āwhina ai i te whānau.

## He nama tairi

Te tikanga kāre te Kooti Whenua Māori e āhei ki te tono mana tuku, kia ea rā anō ngā nama whenua katoa a te tangata mate. Mēnā ka tukuna e te kooti ngā rawa ki ngā kaiwhiwhi i mua o te utu i ngā nama, ā, kāore e ea i aua rawa tuku, ngā nama nei. Ko ngā moni whenua ka whakamahia hei utu i ngā nama. Ētahi wā ka inoi te whānau ki te Kooti Whenua Māori kia whakamahia ngā moni tāpae hei utu i te tangihanga pea, ka taea e te kooti.

## Te hoko whenua Māori hei utu nama

I raro i ēnei ture, kāre e āhei te hoko atu i ngā whenua Māori hei utu i ngā nama a te tangata mate. Engari ka āhei te utu nama mai i ngā moni tāpae (reeti, moni tāpae te mea, te mea). Kei ngā kaitiaki o ngā rawa te mana ki te hoko atu i te whenua mēnā ka whakaae ngā kaiwhiwhi<sup>22</sup>, mēnā ka hāngai ki ngā ture.

## Ka āhei te waiho whenua Māori ki a wai

Ka taea e te kaupupuri whenua te waiho i ana hea ki roto wira, engari ki ngā tāngata anake kua tohua i raro i te ture (tae ki te 1 o Hōngongoi 1993, kāre he aukatinga, ā, ka āhei te tangata ki te waiho i ana hea ki tāna e hiahia nei).

13 Ngā tohutohu i raro i te ture mō te tohatoha i ngā rawa i muri o te matenga.

14 He kaitiaki ka tū mō te whānau i raro i te mana o tētahi tipuna, hei whakakotahi i ngā rawa whenua mō te painga o ngā uri whakaheke.

15 He hoa mārena tūturu, te tāne me te wahine.

16 He whakataunga nā te Kooti Whānau, kua wehe te tokorua mārena.

17 Moni mai i ngā taonga me ngā rawa (reeti, moni tāpae) engari ehara i te 'moni hoko' (whenua kua hurihia hei moni).

18 Moni tāpae (whenua tāpae rānei) he tuku mana ki te (pouaru) kia whiwhi ki ngā moni whenua. Koia tērā e kīia nei ko te 'life tenant'. Heoi, ina mate ia, ka mutu hoki tana whiwhi rawa. Ko te nuinga o ngā tāpaetanga moni ka whakatauhia kia mutu mēnā ka moe anō te pouaru.

19 Te whakapapa, kāwai heke, e hono ai taua tangata ki te whānau, tipuna rānei.

20 He kaitiaki – trustee or guardian.

21 He tamaiti whāngai Māori, ānō nei he tamaiti whānau tonu, engari kāore i whakamanahia te whāngai i rō kooti.

22 Ko ngā kaiwhiwhi rawa mai i te trust.

Hei whakarāpopoto, ko ngā whenua Māori me ngā hea kaporeihana Māori, ka āhei anake te waiho ki:

- Ngā tamariki/uri whakaheke.
- Ngā tungāne/tuāhine (engari ko ngā tungāne/tuāhine matuatahi ka āhei te whiwhi ki ngā hea anake i whakawhiwhia ki te kaituhi wira<sup>23</sup> mai i tō rāua matua tūturu).
- He kaiwhiwhi hea whai hono mā te whakapapa.
- Tētahi whānau toto nō te kaituhi wira, e hono ana ki te hapū o taua whenua.
- Ētahi atu kaipupuri whenua nō te hapū o taua whenua.
- He whāngai nā te kaituhi wira.
- He kaitiaki nō ngā mea katoa o runga ake nei.
- Te pouaru, te hoa mārena rānei mō ake tonu, mō te wā poto rānei (kia pouarutia).

Ka āhei te kaipupuri o tētahi tono noho whenua ki te waiho i taua tono ki ngā tāngata o runga ake nei, mēnā ka whiwhi hea a ia ki aua whenua e tonohia nei, mēnā anō ka whakaaetia e te kooti.

Mēnā ka tukua he whenua Māori ki tētahi kāre e hāngai ana ki ēnei tikanga, ka whakakorehia te mana o tērā wāhanga o te wira. Ka noho tonu ētahi atu wāhanga. Mā te Kooti Whenua Māori e whakarite ko wai ka whiwhi mana tuku i raro i te ture.

Ka mana anō te kooti ki te tuku rawa motuhake ki ētahi atu ahakoa kāre i te rārangi o runga ake nei. Ko ēnei momo tāngata ko ngā hoa moe, he tamaiti nā te hoa moe, me tētahi atu e ngākaunuitia ana e te tangata mate.

## Te wira

### He māngai

Ina mahue mai he wira, ka tono ai te māngai (executor<sup>24</sup>) ki te Kooti Teitei mō tētahi poropēti<sup>25</sup> kātahi ka tohatoha i ngā rawa. Ko te mahi a te māngai, he titiro mēnā kei te tika katoa ngā tuhinga o te wira.

Engari, mēnā he rawa iti noa iho, ākene kāre te whānau e tono mō te poropēti mai i te Kooti Teitei.

Mēnā ka tohua he māngai e te Kooti Teitei, kāhore rānei, ka āhei tonu te Kooti Whenua Māori ki te tono i te mana tuku mēnā:

- I mate te tangata i mua i te 1 o Hōngongoi 1993 (ka mana te wira).
- I mate te tangata i waenga i te 1 o Hōngongoi 1993 me te 1 o Hōngongoi 1994 (ka mana te wira mēnā i hainatia i mua i te 1 o Hōngongoi 1993).
- I mate te tangata i muri mai i te 1 o Hōngongoi 1993 me te mea anō i hainatia i muri i te 1 o Hōngongoi 1993 (ka mana te wira mēnā e hāngai ana ki ngā ture).

### Te takoha whakahaere a te Kooti Teitei

Mēnā kua tau kē te takoha whakahaere a te Kooti Teitei, ka āhei te Kooti Whenua Māori ki te wherawhera i te mana tuku. Ka āhei te Kooti Whenua Māori ki te whakawhiti i ngā rawa tika tonu ki ngā kaiwhiwhi, ki te māngai rānei, ā, māna tonu hei rapu tono kooti<sup>26</sup> e tautoko ana i ngā kaiwhiwhi.

### Tautohe i te wira

Mēnā tētahi e hiahia ana ki te tautohe<sup>27</sup> i te wira a te tangata mate, ka tono rātou ki te Kooti Teitei, ki te Kooti Whānau rānei, kia whakawākia rātou i raro i te ture Manaaki i te Whānau 1955. Me whakamōhio anō te Kooti



Whenua Māori mō te tono ki te Kooti Teitei/ Kooti Whānau rānei kia kore ai e tukuna ohorere he whakarite. Nā te teitei o ngā utu, pai kē atu me tono ki te Kooti Whānau.

Me tae atu he tono tautohe wira ki te Kooti Whānau ki te Kooti Teitei rānei i roto i ngā marama tekau mā rua, whai muri i te takoha kaiwhakahaere. Mēnā e tono tautohe ana mō te tamaiti<sup>28</sup>, mō tētahi hauā<sup>29</sup> rānei, ka tōia te wā tono ki te rua tau. Mēnā kāre anō kia tohatohaina ngā rawa, ka āhei te Kooti Teitei me te Kooti Whānau ki te whakaroa atu anō i aua wā tono.

## Ngā hea kaporeihana iti

Mēnā ka hiahia te whānau, ka āhei te Kooti Whenua Māori ki te tāpiri atu i ngā hea kaporeihana iti ki te taha o te tono manauku, engari anō:

- Mēnā i mana te tono kaiwhakahaere i mua i te 1 o Hōngongoi 1993.
- Mēnā i mate te tangata i mua i te 1 o Hōngongoi 1994, ā, nō mua noa atu i te 1 o Hōngongoi 1993 te tuinga i te wira.

I ēnei momo āhua, me haere tōtika te māngai ki te hēkeretari o te kaporeihana iti.

## Kaiwhiwhi mana tuku

I mua i te 1 o Hōngongoi 1993, i ōrite te tohatoha o ngā hea kaporeihana Māori ki ētahi atu o ngā rawa (pēnei i te motokā/moni rānei). Mēnā kāre he wira, ka whakawhiwhia ngā rawa whenua whānui, me ngā hea kaporeihana Māori ki te pouaru.

Mai i te 1 o Hōngongoi 1993, i whakaritea ngā hea kaporeihana Māori he rawa whenua Māori, ko ngā mea kāre he here, he ōrite ērā ki te rawa whenua Māori.

## Whānau trusts

Ka āhei te whakatū whānau trust i te wā o te mana tuku. Engari me whakaae ngā mema katoa kia whakauru atu ā rātou nei hea ki taua trust. Mēnā kāre tētahi e whakaae, me kua ā rātou rawa e whakauruhia engari me tuku tōtika ki a rātou. Mēnā kāre tētahi mema e uru atu, ā, kāre āna hea ki te trust, me āta aro tonu te trust kia kua a ia e whakaingoatia hei kaiwhiwhi<sup>30</sup>. Te nuinga o te wā, ko tētahi o ngā mātua o te tupuna kua mate, ā, ka tohua ko āna uri katoa hei kaiwhiwhi. Ka āhei tonu te whakaingoa i te tupuna, engari me āta rārangi ngā ingoa o ngā kaiwhiwhi, te tūpono noa, kāre ētahi i whakaae kia uru ki te trust.

23 Te tangata nāna i tuhi te wira.

24 Te tangata kua tohua hei kaiwhakatutuki i ngā hiahia i tuhia ki te wira, o te tangata mate. Ka whakaingoatia te māngai i roto i te wira. Ka whakamanahia tēnei āhuatanga mēnā he nunui ngā rawa, mēnā koia anake rānei te huarahi e tutuki pai ai te mana tuku.

Ina ka mana te tūnga māngai i te Kooti Teitei, ka tukua e te kooti he poropēti hei painga mōna (mēnā kāre e whakaingoaia he māngai, ka tohua ai e te Kooti Teitei he kaiwhakahaere. Ko te taitara o te kaiwhakahaere wahine, he executrix.)

25 Kia mana i te Kooti Teitei te tūnga o te māngai hei kaiwhakatutuki i te wira a te tangata mate, ko te mana ka tukua e te kooti ki taua tangata he takoha poropēti.

26 He pepa kua hangaia, ā, kua hainatia e te kooti, hei whakamana i te whakatau a te kaiwhakawā o te kooti.

27 E whakahē ana, e wero ana i te mana o te wira i roto i te kooti.

28 He tangata kei raro iho i te 20 tau, ā, kāhore anō kia mārena noa.

29 He tinana hauā, he wairangi rānei, ki tā te kooti, kāre e āhei ki te manaaki, te whakahaere i āna nei take e pā ana ki ōna rawa whenua.

30 He tangata ka whai hua mai i te trust.

Me āta whakarite tuatahi, ko wai ngā kaiwhiwhi o ngā whenua, kei tūpono ka whakakorehia te trust. Kāti, ka hoki katoa ngā rawa ki ērā o te whānau kua whakauru hea ki te trust.

“Kaitiaki Whenua Māori” kei roto he wāhanga e pā ana ki te whānau trust. Kei ngā tari o te Kooti Whenua Māori ēnei pukapuka. Me rapu kape tētahi e hiahia ana ki te whakatū i tētahi whānau trust.

## Te Kaitiaki Māori

He maha ngā poraka whenua Māori ka whakahaerehia e te Kaitiaki Māori, ā, ko rātou anō ka tohatoha moni ki ngā kaupupuri. Ka tukuna e te Kooti Whenua Māori ngā tono katoa e pā ana ki ngā kaupupuri whenua ki te Kaitiaki Māori hei tāpaetanga rekoata. Nā te mea he moni whenua Māori anō ka tohatohatia e te Kaitiaki Māori, me āta mōhio rātou ki ngā kāinga noho o ngā kaiwhiwhi.

## Ngā rawa o ngā moutere Titi

Kāre e āhei te wira i ngā pānga ki ngā moutere Titi. Ko rātou e āhei ana ki te mana tuku me whai pānga rā anō ki ēnei:

- Uri whakaheke.
- He uri whai piringa toto ki te tangata i mate.
- He whāngai tūturu i raro i te ture.

(Tirohia te whārangi 3 mō ngā whakamāramatanga ki te tuku tono mana tuku).

## Ngā rawa o te trust Wi Pere

Ka āhei tētahi kaiwhiwhi nō te trust Wi Pere ki te whakarite kia mahue mai he wira, ki te tuku i ana rawa ki tētahi e whai pānga ana ki ēnei e whai ake nei:

- Ngā tamariki heke iho (arā mokopuna) o te kaiwhiwhi.
- He tangata e tika ana kia whiwhi ki te mana tuku, mēnā kāre i mahue he wira i te kaiwhiwhi, hemo noa.
- Tētahi atu uri whai piringa toto nō Wi Pere; anō rānei.
- Tētahi kaitiaki nō ngā tāngata i whakahuatia i runga ake nei.

Mēnā kāre i mahue mai he wira i te kaiwhiwhi, ko te mana tuku ka ōrite ki ērā mō te whenua Māori. Ahakoa anō mō tēnā, ko te tamaiti whāngai (me āna tamariki/ mokopuna) kāre e whiwhi ki te mana tuku, ki ngā rawa nui atu i te rawa motuhake, mai i te trust Wi Pere, engari me whai piringa toto rā anō ngā uri (kia mataara, ko ngā kaupapa o te wāhanga 2 kei te Ture Māori Purposes 1991 e pā ana ki ngā rawa o te trust Wi Pere, kei runga ake i ngā Ture Whāngai 1995).

Waihoki, ka āhei te pouaru, te hoa mārena rānei kia whiwhi rawa motuhake, engari kāre i tua atu i tēnā.

## Mō ētahi atu mōhiotanga

Mo ētahi atu mōhiotanga e pā ana ki te mana tuku, me tuhi, waea, waea whakaahua, imēra, haere rānei ki te tari Kooti Whenua Māori. Kei reira ngā kaimahi hei āwhina i a koe.

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

## Ngā Tari o te Kooti Whenua Māori

### Te Rohe o Te Taitokerau

Tari Rēhita  
Papa Tuarua, Manaia House, Rathbone Street  
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**Wh** (09) 983 9941  
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### Te Rohe o Tāmākimakaurau

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Pouaka Poutāpeta 23-358, Papatoetoe 2155  
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### Te Rohe o Waikato Maniapoto

Tari Rēhita  
Papa tuarua, BNZ Centre,  
354-358 Victoria Street  
Pouaka Poutāpeta 620, Kirikiriroa 3240  
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**Wh** (07) 957 7881  
**Ī** [mlcwaikato@justice.govt.nz](mailto:mlcwaikato@justice.govt.nz)

### Te Rohe o Te Waiariki

Tari Rēhita  
Hauora House, Haupapa Street  
Pouaka Poutāpeta 3012, Rotorua 3046  
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### Te Rohe o Aotea

Tari Rēhita  
Ingestre Chambers, 74 Ingestre Street  
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### Te Rohe o Tākitimu

Tari Rēhita  
Papa Tuarua, Heretaunga House  
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### Te Rohe o Te Tairāwhiti

Tari Rēhita  
Cnr Reads Quay and Lowe Street  
(kuhu mā Reads Quay)  
Pouaka Poutāpeta 849, Tūranga 4040  
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### Te Rohe o Te Waipounamu

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### Te Tari Matua, te tari o te Kairēhita Matua

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