

Mihimihi

E nga mana, e nga iwi, e nga waka, tēna koutou katoa.

Ko tenei he panui mo nga tangata whenua, ko te iwi o nga waka o Kai Tahu, o Kati Mamoe, o Waitaha me nga iwi o nga Matawaka ki roto i nga rohe o te whanui o Kai Tahu.

Kia ora

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Staff Profiles:

Joy Smith, Manager

Before joining the Law Centre as Manager in 2006, Joy was for 12 years Executive Officer at Kāti Huirapa ki Puketeraki Rūnaka.

Leah Rivers Llb, Barrister

Graduating in 2002 with a Bachelor of Laws, Leah joined the Law Centre as a Barrister in 2007. The Law Centre would like to welcome Leah back from maternity leave.

Desiree Mahy (Tuhoe) Llb, BTch(0-8), Barrister

Graduating in 2006, Desiree joined the Law Centre in 2007 as a Barrister. Desiree has one daughter.

Haines Ellison (Kai Tahu) Llb, BA(Geog), Barrister

After being admitted to the Bar in July last year, Haines is now a Barrister at the Law Centre.

Alex Kruize Llb, BA (Pols) Law Clerk

Alex graduated in 2009 and has recently returned from London. Alex is currently completing his legal professional's course.

Farewells:

The Ngai Tahu Maori Law Centre would like to farewell Sine Fraser and wish her well on her adventures in France.

Ngāi Tahu Māori Law Centre provides a free legal service in Māori land law issues to Ngāi Tahu Māori living anywhere in the world and to all Māori of any iwi living in the rohe of Ngāi Tahu. If you have questions or concerns about your Māori Land interests or want to know if you have any

Māori Land give us a call on 0800 626 745

Or email: info@ngaitahulaw.org.nz

Board Members

Nicola Taylor – Chair Te Runanga Otakou
David Mules – Deputy Chair Kati Huirapa Runaka
Suzanne Spencer – Treasurer Kati Huirapa Runaka
Jane Graveson – Te Runanga Moeraki
Des Tipa – Te Runanga Moeraki
Tim Vial – Te Runanga Otakou
John Dawson – Academic Law, University of Otago
David Ehlers – Webb Farry, Legal Expertise

We are fortunate to have a Board who have a wide range of skills that contribute to the effective operations of the Law Centre.

We would like to welcome David Ehlers of Webb Farry to the board where he will act as a legal representative.

Sadly we are farewelling David Mules who is moving to the warmer weather in the far north to be nearer whanau. David has been a board member for 6 years and his enormous contribution to the board will be greatly missed.

Carbon Credits Allocation and Forestry

Are you the owner or trustee for Maori Land which is forested? Do you know that you may be eligible for an allocation of carbon credits, or an exemption from deforestation liability which adds substantial value to your land?

If your land was forestry land on 31 December 1989 and is now in non native forest then it is important that you understand your rights under the Emissions Trading Scheme. You may be eligible for a free allocation of carbon credits with substantial value. If you own under 50 hectares, you may also be eligible for an exemption which will save you money if you are looking to deforest your land at some stage in the future. **It is important to apply under one of these categories or you will miss out.**

If you own land that has been planted in forestry since 31 December 1989, you can enter the Emissions trading scheme and gain carbon credits for the carbon being sequestered in your forest. **If you do not claim carbon credits under this part of the scheme then the rights revert to the crown.**

If you want more information please contact the Ngai Tahu Maori Law Centre on 0800626745 or contact the Ministry of Agriculture and Forestry on 0800 254 628

Wills and Māori Land

If you are in the process of drafting a Will, or considering drafting a Will, and you have shares in Māori land the make sure that you include directions in your Will that instruct an executor what should be done with them. Also if you have a Will, make sure that your family know where your Will is, and who your lawyer is, so that there are no complications in making sure things are done the way you want.

The Ngai Tahu Maori Law Centre can help make sure your Maori Land gift clauses are drafted properly in your Will. Call us on 0800 626 745, if you require assistance with this matter.

Kainga Whenua loan – building on Māori land

The Kāinga Whenua loan scheme has been established to help Māori build, purchase or relocate a house on multiple-owned Māori Land. Kiwibank will provide a loan of up to \$200,000 for this purpose if the right criteria are met.

A contract is signed between the borrower, the owners of the property and Housing New Zealand. The house is used as security for the loan and the bank obtains no rights in the land.

In order to access the loan the borrower must show:

- Income of under \$85,000 for a one or two income household, or Income of under \$120,000 for a 3 or more income household.
- That they have been employed with the same employer for at least 12 months, or in the same industry for at least 24 months.
- That they are a first home buyer, or in a similar position to a first home buyer and unable to access finance elsewhere.
- Proof of income and a good credit history.
- That they have a licence to occupy from the owners of the land.

The Property for which the Kainga Whenua loan is used must be:

- Built on wooden piles
- One storey only
- At least 70 square metres
- Located on the mainland North or South Islands
- Reasonably accessible by road

There are 11 steps to complete in order to get the Kāinga Whenua loan. The most difficult is getting the licence of occupancy from the land owners. First it is necessary to identify the owners of the land. If the land is owned in trust a licence may be obtained from the trustees. If there is no trust it is necessary to obtain agreement from all owners.

In a situation where it is not possible to reach all of the owners, an application can be made to the Māori Land Court for an assembled owners meeting. At this meeting a licence can be given provided it is approved by owners or representatives of fifty percent of the beneficial interest in the land.

Alternatively a trust can be established to manage the land. A trust allows the land to be managed by a group of trustees on behalf of the beneficiaries. If the trustees decide that granting a licence of occupancy is in the interests of the beneficiaries then the licence can be granted. If you would like more advice on the legal aspects of Kāinga Whenua loans, please feel free to call us on 0800 626 745.

Hui-a-tau 2010

This years Ngai Tahu Hui-a-tau is being hosted by Kati Huirapa Runaka at Karitane. It will be held on the 19-21st of November. This could be a good opportunity for you or your Whanau to meet and discuss any Māori Land issues. We have a meeting room, please give us a call so that we can make arrangements. The Law Centre will have a stall, come and say hello.

Foreshore and Seabed update

On Monday 14 July it was announced that the government was looking to repeal the Foreshore and Seabed Act 2004. The Bill is currently being drafted and is expected to be introduced in August.

Key Points:

- The foreshore and seabed will no longer be owned by the crown and will instead be called “Public Space”
- The legislation is expected to allow customary title and customary rights to be recognised through the Courts as they would have been had the Foreshore and Seabed Act not been introduced.
- Iwi will also be able to negotiate settlements directly with the Crown.
- Access to the foreshore and seabed will continue to be guaranteed to all New Zealanders.

Enduring Power of Attorney

Giving someone an enduring power of attorney means that they can look after you and your property if you are no longer able to. There are two different types of enduring power of attorney. One relates to your property and allows you to give full, or limited power over as much of your property as you would like to a person you trust. The other enduring power of attorney relates to your personal care and welfare. Separate people can be appointed for each of these roles.

Enduring power of attorney can take affect now, or at such time as you should lose the capacity to make or communicate decisions yourself, either through accident illness or incapacity.

A Kai Tiaki trust is a similar system which can be set up if you have shares in Maori land. It protects the interests or shares of someone who is unable to manage their own affairs. This can be someone who is still a minor or a person with a disability.

An enduring power of attorney can only be set up by someone who is mentally capable. If there is no enduring power of attorney and mental capability is lost then the process to appoint someone is longer and more expensive. The person appointed to control your property and look after you may not be the person you would choose.

Funding and Review.

As part of the funding process the Ngai Tahu Law Centre was recently reviewed by an independent auditor. We passed this with flying colours and have secured funding in to the future so that we can continue to provide services for all Ngai Tahu, and Matawaka living in the South Island.

Facebook and Twitter

The Ngai Tahu Maori Law Centre is now on Facebook and Twitter, if you are using either of these then feel free to follow us for reminders, information and up-to-date news on Maori Legal issues. Also check out our website at <http://www.ngaitahulaw.org.nz/index.html> for previous newsletters and other information.