

### **Mihimihi**

E ngā mana, e ngā iwi, e ngā waka, tēnā koutou katoa.  
Ko tēnei he pānui mo ngā tangata whenua, ko te iwi o ngā waka o Kāi Tahu, o Kāti Māmoe, o Waitaha me ngā iwi o ngā Mātāwaka ki roto i ngā rohe o te whānui o Kāi Tahu.  
Kua tata tae ki te wā kirikimete.  
He wā pai hei tūtakitaki whānau.  
Ngā mihi o te kirihimete mo te Tau Hau.  
Kia ora

### **Inside this issue:**

- ❖ Ngāi Tahu Māori Law Centre Staff and Board
- ❖ Chief Judge appointment
- ❖ Find out about your Maori land
- ❖ Outreach clinics
- ❖ Hui-a-tau 2009
- ❖ Leasing Māori land
- ❖ Unsure if you have to pay rates on Māori land?
- ❖ Trustee training

### **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.

#### ***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 this year, Haines is now a Barrister at the Law Centre.

#### ***Sine Fraser Llb, Law Clerk***

Sine joined the Law Centre in 2008 as a part time law clerk. Sine has completed her law degree, graduating at the end of 2008, and is in the final stages of her Honours thesis for her arts degree in French. Sine will be working full time at the Law Centre over part of the summer.

### **Farewell:**

We say farewell to Royden Sommerville and thank him for his valuable input while a member of our Board. We wish him well in the future.

**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](mailto:info@ngaitahulaw.org.nz)**

### **Chief Judge Appointment**

Congratulations to Wilson Whare Isaac who has been appointed Chief Judge of the Maori Land Court. Prior to his appointment as Chief Judge, Judge Isaac had been acting Chief Judge and Deputy Chief Judge of the Maori Land Court. Judge Isaac has had a total of 15 years experience with the Maori Land Court. During his term as Chief Judge, Judge Isaac was presiding in the Tairāwhiti and Takitimu Maori Land Court districts. An LLB/BA graduate of Otago University, he spent several years practising in Gisborne, mainly practising in the areas of Maori land and Family law before being appointed to the Maori Land Court bench.

### **Find out about your Māori land**

The Ngāi Tahu Māori Law Centre is preparing a pamphlet which will assist you to find answers for questions you have about your Maori land. In this pamphlet we hope to include steps on:

- How to find out what Maori land you have;
- How to find out where your Maori land is;
- How to find out if anyone is looking after your Maori land;
- How to find out what is happening on your Maori land; and
- How to find out if you are entitled to money or other support from your Maori land.

We hope to have this pamphlet published early next year. Keep watching this space for updates.

### **Outreach clinics**

The Ngāi Tahu Māori Law Centre aims to run at least four outreach clinics in Te Waipounamu each year. At outreach clinics, individuals who have questions about Maori land can seek the assistance of lawyers who have expertise in this area.

Clinics are held in Christchurch and Invercargill, when the Lawyers attend Court sittings in these locations. We advertise our outreach clinics in local newsletters and Te Pānui Runaka, the monthly Ngāi Tahu publication. We have recently started holding clinics in other areas such as Milton and Wanaka. If you feel that an outreach clinic is needed to assist whanau in your area, please contact us and we will try to arrange a clinic in your area in the near future.

### **Hui-a-tau 2009**

The Ngai Tahu Māori Law Centre will again have a stall at this year's Hui-a-Tau. For those who have not yet heard, the Hui-a-Tau this year is being held at Colac Bay, Southland, from Friday 20<sup>th</sup> – Sunday 22<sup>nd</sup> of November. If you are thinking of attending this year's Hui, please stop by our stall and have a korero with us. We have some great giveaways but you will need to be in quick as past Hui have shown that these are snapped up.

## **Leasing Māori land**

Have you ever thought about leasing out your Māori land?

Before you can lease out your Māori land, there are some things you need to consider:

- If the land is multiply owned, you need to meet with the other owners, to see if they wish to pursue a lease option;
- Determine if anyone has anyone expressed an interest in leasing the land;
- Decide who is going to manage the finances; trustees might have to be appointed to manage the piece of land;
- Determine who is going to be responsible for making sure the tenant and owners all comply with the lease agreement; and
- A lease agreement needs to be executed between the owners and the tenant.

The lawyers at the Ngāi Tahu Māori Law Centre can assist you in these steps. If you think a lease might be a suitable option for Māori land that you own, please feel free to call us on 0800 626 745 to discuss this further.

## **Unsure if you have to pay rates on Māori land?**

There are a lot of theories out there regarding the payment of rates on Māori land. Below is a brief summary outlining when rates on Māori land have to be paid.

Under the Local Government (Rating) Act 2002, Māori land is liable for rates in the same manner as if it were general land, subject to certain exceptions.

The following person(s) is/are liable for the payment of rates:

- A person who leases the land;
- A person who Resides on the land;
- A person who has stock on the land; and
- A person who uses the land in any other way.

Where the land is vested in Trustees, the Trustees are liable to pay rates. Trustees are not liable for rates if no money is derived from the land and received by them for beneficial owners.

A local authority may remit all or part of the rates on Māori freehold land if it has a policy to do so.

If there is no policy to remit rates and rates are owed, the local authority can apply to the Māori Land Court for an order charging the unpaid rates against the land if the person liable fails to pay rates for 6 months after the due date, and the sum owing is more than \$50. The application will not be accepted if it is made later than 6 years after the due date of the rates.

In considering the application, the Māori Land Court must take into account the following factors:

- The area and location of the Māori freehold land in respect of which rates are unpaid;
- The name of any person actually using all or part of the land during the period that the rates were unpaid;
- Whether that person has an interest in the land;
- The purpose for which that person used the land during the period the rates were unpaid;
- If the land is vested in trustees, whether all reasonable steps have been taken by the local authority to obtain payment of the rates from the trustees;

### **Unsure if you have to pay rates on Māori land? Cont'**

- Details of the value of the land;
- The names and addresses of the persons to whom the rates assessments for the land have been delivered at any time during the period for which the rates were assessed; and
- All objections to the rates.

If the Court orders a charge on the land, no owner may deal with the land except with the consent of the local authority or leave of Court. Should the charging order remain unsatisfied within 6 months, the local authority may apply to the Māori Land Court to enforce the order. If the Māori Land Court is satisfied that it would not be contrary to the interests if the owners to do so, it must enforce the charging order by:

- Appointing a receiver for the purposes of enforcing the charging order
- Constituting an ahu whenua trust

### **Land fully non-rateable**

- Land that is set apart as a reservation used for the purpose of a marae or meeting place and that does not exceed 2 hectares, or a Māori Reservation, but not a waahi tapu;
- Māori freehold land that does not exceed 2 hectares and on which a Māori meeting house is erected;
- Māori customary land; and
- A Māori burial ground (providing it does not exceed 2 hectares).

### **Local Government policies on rates remission**

There is no standard rates remission policy nationwide. Each local authority has a different district plan that contains their rate remission policy. This plan must be consistent with the Local Government (Rating) Act 2002.

### **Trustee training**

The Māori Land Court are planning trustee training workshops in the New Year. If you are currently a trustee of Māori land, considering becoming one or feel this training would be of advantage to you, please contact us or the Māori Land Court to register your interest in these workshops. The Māori Land Court can be contacted on 03 962 4900. Once the Māori Land Court have enough individuals they will schedule one or more workshops throughout Te Waipounamu.