

Development / Utilisation / Opportunities

Contact us to discuss any of these points in more detail

Ahu whenua trusts: The most common management structures for Māori land. A small number of trustees elected by owners takes on responsibility for day-to-day management and administration of one or more blocks.

Māori Incorporations: A management structure where land is vested in an incorporation, and former owners receive shares in the incorporation rather than in specific blocks of land.

Occupation: Occupation Orders can be obtained through the Māori Land Court, and Licences to Occupy through Ahu Whenua Trustees. Can be short or long term and allow the holder to live on the land concerned.

Partition: If an owner or small group of owners wants to separate their shares, they can apply to partition part of a block equivalent to their shareholdings.

Papakāinga: Rules for papakāinga development differ throughout the country. Financing may be available from various sources. We strongly recommend getting professional assistance with papakāinga. Ask us about our consultancy service.

Whenua Rahui: This is a conservation covenant used to protect areas of native bush. Compensation may be obtainable for forming a Rahui and rates can reduce as a result.

Whenua Tōpū: This is a type of trust where a block of land is managed in the interests of an iwi or hapū. Beneficiaries of the trust are all members of that iwi or hapū, and all funds go toward Māori community purposes

Rates: Māori Freehold land **does** attract rates. To ensure you don't accrue significant rates debts, contact your local council to see if your land qualifies for remission, waiver or postponement.

Mediation

What will a Mediator do?

- ◆ Facilitate discussion between the parties of the issues which are causing problems.
- ◆ Assist the parties to identify a range of solutions.
- ◆ Work with the parties to determine the best possible solution for both parties.

What will a mediator *not* do?

- ◆ Take sides in the dispute
- ◆ Impose a solution
- ◆ Force parties to come to an agreement
- ◆ Make decisions for the parties.
- ◆ Give legal advice

Why should you get us to Mediate for you?

- ◆ Our mediators have internationally recognised LEADR training and accreditation.
- ◆ We incorporate Tikanga Māori principles in to our mediation and are well acquainted with Māori legal concepts.
- ◆ We provide co-mediators to allow for a better balance of skills and experiences.
- ◆ We bring a Kaupapa Māori approach to mediation

What sorts of disputes can we Mediate?

Our mediators specialize in:

- ◆ Land Issues
- ◆ Trust and Estate Issues
- ◆ Family/Whānau Issues
- ◆ Kaupapa Māori Issues

We are happy to discuss mediation of disputes outside of these areas as well.

We provide mediation services at a very reasonable rate. We offer a free initial consultation and hourly, half day and full day rates.

Contact us to discuss what sort of costs might be involved.



Whenua Māori The basics

The Ngāi Tahu Māori Law Centre:

Level 1, 258 Stuart Street, Dunedin

Postal Address: PO Box 633, Dunedin 9054

Telephone: 03 4770855

Freephone: 0800 626 745

Email : info@ngaitahulaw.org.nz

We provide a specialist Maori land legal service, free to those who qualify, an affordable mediation service with a kaupapa Maori focus to all who need assistance to resolve any dispute, and a consultancy service to assist with the development of papakāinga.

This information is meant to give introductory advice on the various matters we commonly deal with only and on the basis that the law applicable is Te Ture Whenua Māori Act. 1993.

The Ngāi Tahu Māori Law Centre recommends that each individual or whānau seek legal advice in respect of their own specific circumstances.



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community law

free legal help

throughout aotearoa

Succession

What you need:

- ♦ Death Certificate – original or certified copy*
- ♦ Whakapapa*
- ♦ A list of the relevant land interests (including Māori Incorporation shares)*
- ♦ Will / Letters of Administration / Probate*
- ♦ A list of the names, addresses, and dates of birth of all children of the deceased, including those who have died, any whāngai, and any adopted in or out
- ♦ Where children of the deceased have passed away, a list of the names, addresses and dates of birth of *their* children, if any

*We can assist in obtaining these items.

You CAN leave your Māori land interests by Will.

We strongly recommend you contact your lawyer about including instructions for your Māori land in your Will.

If you have a Will but do not mention your Māori land, then your land will go with the residue of your estate.

If you do not leave a Will, your Māori land goes to those whānau nearest in the chain of title. This is normally your children, or your siblings if you left no descendants.

The inclusion of whāngai depends on a number of factors (whānau opinion is important).

If you have whāngai, clarify your desires in your Will.

Adopted out children are not legally entitled to succeed
Adopted in children are entitled to succeed absolutely.

Talk to us if you have questions about Tītī Islands, particularly regarding adoptions.

Spouses are entitled to life interests - though these can be relinquished.

Advice in this pamphlet is based on current legislation, in force since 1 July 1993. We can give you specific advice on successions governed by previous legislation.

Whānau trusts

Effects:

- ♦ The Māori land interests of a living or deceased owner or owners are vested in trustees.
- ♦ *All* descendants of the named Tipuna are beneficiaries of the Whānau Trust.
- ♦ Succession and fragmentation of the interests stops.
- ♦ Interests in land and shares in incorporations become the property of the trustees to be held for purposes specified in the trust order.

What you need:

- ♦ Details of the interests in land or shares in Māori Incorporations to be vested.
- ♦ Details of any other assets to be vested.
- ♦ Details of the object or purposes of the trust.
- ♦ Names and consents of those nominated as trustees, and details of how they were selected (for example by a vote at a meeting of owners).
- ♦ Consent from all owners vesting their interests into the Whānau Trust.

Important points:

- ♦ *Whānau trusts are not generational.* Trustees over whānau trusts must consider the interests of **all** descendants of the named tipuna, not just the current oldest generation.
- ♦ *You no longer own your shares.* Once you put your shares in a whānau trust, you no longer own them. The appointed trustees own them, on trust for all descendants.
- ♦ *You will no longer receive dividends.* Monies from Māori Freehold land must be paid to the whānau trust account, to be distributed according to the trust deed. Tax returns for whānau trusts must be filed.

For Specific information on tax obligations for whānau trusts, contact the IRD on 0800 227 774.

Researching your Māori land

The best place to start for whakapapa information is always your whānau, or your marae. Local library records and electoral rolls can be helpful.

Facebook and other social media are also effective methods for locating individuals.

Māori Land Court staff and records can also be valuable.

Contact Births Deaths and Marriages New Zealand to obtain original copies of certificates.

Wills could be at Archives NZ, held by the High Court, with whānau, or with lawyers who acted for the deceased. Talk to us for help looking for Wills.

www.maorilandonline.govt.nz is a powerful tool worth mastering. Click on HELP at the top right hand corner of the page to learn the many ways you can use this website.

Remember to research alternate names, nicknames, and names of parents and grandparents etc. to find all interests you may be entitled to.

Māori Incorporation shareholdings are **not** listed on the 'maorilandonline' website, and records are not held by the Māori Land Court - talk to us about how to research your Māori Incorporation interests.

Once you know what lands you are an owner in, you can contact the trustees or administrators of the lands to find out what is happening on the land, and if you are owed any money.

Attend meetings of owners to get more information

If you find land in any ancestors names you may need to complete succession to them - come see our law centre and we can advise you.

If you have a problem with trustees then contact us and we can advise how best to approach the situation.