

New Māori Land Court Rules 2011

What do the new rules do?

The rules set out how the Māori Land Court works, how proceedings in the Māori Land Court are dealt with and how appeals are heard by the Māori Appellate Court (*r.2.1*).

Why have the rules been introduced?

The Māori Land Court Rules 2011 are a result of a comprehensive review of the 1994 Rules. They recognise a number of significant changes that have occurred which called for the Rules to be updated and modernised. These changes and events include:

- A range of amendments to Te Ture Whenua Māori Act 1993, in a number of significant areas;
- A need for the revised rules to accommodate and provide for the move to increased electronic processing and documentation;
- Innovations within the Māori Land Court that have resulted in the increased use of technology solutions within the administration; and
- New jurisdictions given to the Māori Land Court by legislation concerning Māori fisheries and the Māori commercial aquaculture claims settlement.

When do the new rules come into effect?

The new Māori Land Court Rules 2011 come into effect from 1 December 2011.

Summary of the key changes in the Māori Land Court Rules 2011

There are 17 parts to the Māori Land Court Rules 2011; the key changes identified in each part are detailed below:

Part	Description of change
1 - <i>Title and Commencement</i>	Māori Land Court Rules 2011. Also known as Ngā Ture O Te Kooti Whenua Māori 2011.
2 – <i>Using these rules</i>	This part is about the rules themselves, the objectives, complying and interpreting the rules.
3 – <i>How Court works</i>	<p>No change to Court offices, hours, and sittings.</p> <p><i>Pānui</i></p> <p>The Pānui is the monthly schedule of applications, appeals, and other matters to be heard at all Māori Land Court and Māori Appellate Court Sittings in the month to which the Panui relates.</p> <p>There are new requirements for the Panui which will see the inclusion of:</p> <ul style="list-style-type: none"> • affected party information <ul style="list-style-type: none"> ○ other parties or persons name in the application or appeal (<i>r.3.13</i>) • details of applications to be decided without notice (<i>r.3.15</i>) • those applications that have been heard or are to be heard and set down by special Pānui (<i>r.3.16</i>) • details of the succession, whānau trust and kaitiaki trust applications that are being heard in another district (<i>r.3.15(1)(b)</i>) <p>The Chief Registrar must also notify in the Pānui all applications received in the Office of the Chief Registrar until they are completed, set down for a hearing, or for inquiry and report (<i>r.3.18</i>).</p> <p>However, for practical purposes a full list will be published every month on the Māori Land Court website www.maorilandcourt.govt.nz.</p>

<p><i>4 – Making an application</i></p>	<p><i>Forms</i></p> <p>New application forms have been prescribed in the new rules and will be available from 1 December through all Māori Land Court offices (r.4.2). PDF copies of the most common forms will be available on the Māori Land Court website www.maorilandcourt.govt.nz.</p> <p><i>Electronic Filing</i></p> <p>Some of the rules refer to electronic functions which will enable the Court administration to utilise modern information technology solutions to improve business process and service delivery over time (r.4.7(2)).</p> <p>The electronic capability is still in its development stages and will not be available immediately upon implementation of the Rules.</p> <p><i>Information required for Certain Applications</i></p> <p>There are requirements to file whakapapa or a plan of land with applications for certain proceedings (r.4.6 and 4.7).</p> <p><i>Notice</i></p> <p>There is an increased requirement for the applicant to provide notice, or service of notice, for certain types of applications before filing an application, before a hearing, and/or after a hearing (r.4.13). Applicants will now need to demonstrate that they have informed owners of Māori land and other parties materially affected.</p>
<p><i>5 – Setting Applications down for hearing</i></p>	<p>This part has been expanded and, subject to rule 5.2, now enables the Registrar to set down applications for succession, whānau trust and kaitiaki trusts for hearing in other districts at the request of the applicant. Previously, these types of applications were required to be heard at the hearing venue where the majority of the lands were located and on request of the applicant, adjourned to another location for hearing.</p> <p>The new rules also require the Chief Registrar to notify quarterly, all applications over 6 months old on the Māori Land Court website www.maorilandcourt.govt.nz (r.5.11).</p>

6 – <i>Conduct of hearing</i>	This part has been expanded to include a requirement that the Registrar must provide details of applications that have been or are to be heard without notice (<i>r.6.6 and 6.7</i>).
7 – <i>Orders and records of Court</i>	This part remains relatively unchanged. However, the new rules do state the further intent to enable the Court to eventually hold, store and manage the permanent record in an electronic form.
8 – <i>Reconsideration of decision</i>	While this part pertaining to rehearings has not changed to any significant degree, applications to the Chief Judge and appeals to the Māori Appellate Court must now be lodged with the Office of the Chief Registrar in Wellington (<i>r.8.2(1)</i>).
9 – <i>Civil applications, injunctions, and other applications</i>	No material changes have been made to this part of the rules.
10 – <i>Succession and related applications</i>	New tailored forms have been introduced for successions. There has been a change in that subject to rule 5.2, applications for succession can now be processed, filed and heard at any MLC Court hearing venue at the request of the applicant. Previously, these types of applications were required to be heard at the hearing venue where the majority of the lands were located and on request of the applicant, adjourned to another location (<i>r.5.2</i>).
11 – <i>Applications relating to land: status, alienation, assembled owners, exchange, and representation</i>	This part of the rules provides clarity to applicants about what is required when filing these types of applications.
12 – <i>Trusts and incorporations</i>	<p>New tailored forms have been introduced for constitution of a Trust. There has been a change in that subject to rule 5.2, applications for a whānau or kaitiaki trust can now be processed, filed and heard at any MLC Court hearing venue at the request of the applicant. Previously, these types of applications were required to be heard at the hearing venue where the majority of the lands were located and on request of the applicant, adjourned to another location (<i>r.5.2</i>).</p> <p>There are no other material changes.</p>
13 – <i>Applications that create or affect title to land</i>	New tailored forms have been introduced for partition and occupation applications. The new rules also provide clarity about filing and procedures for these types of applications.

<i>14 – Title Registration and improvement</i>	No change.
<i>15 – Jurisdiction under miscellaneous Acts</i>	This now includes reference to the Māori Commercial Aquaculture Claims Settlement Act 2004 and the Māori Fisheries Act 2004.
<i>16 – Special Aid</i>	This part formalises the new process and requirements for applying for special aid and set out the requirements for special aid applications.
<i>17 Revocation and transitional provisions</i>	Sets out the revocation of the old rules and the transitional provisions from the old to the new rules.

MĀORI LAND COURT – CONTACT DETAILS

www.maorilandcourt.govt.nz

A copy of the Māori Land Court Rules 2011 is available at www.legislation.govt.nz. For more information visit the Māori Land Court website at www.maorilandcourt.govt.nz or contact your nearest Māori Land Court Office:

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