

Whakaitinga Rēti mō te whenua Māori

Me whakatutuki i a Te Pane Matua Taiao¹ tētehi kaupapa here mō te whakaitinga me te whakatārewa o ngā rēti whenua Māori herekore². . Kua whakaaetia hoki e Te Pane Matua Taiao ki te whiriwhiri i ngā tono whakaitinga rēti mō ētehi whenua whaipānga Māori ehara i te whenua Māori herekore.

Kua whakaarotia e Te Pane Matua Taiao ngā mātāpono o ngā kupu whakataki o Te Ture Whenua Māori 1993 me ngā take i te wāhanga 11 o te Ture Local Government 2002 ki te tuhi i tēnei kaupapa here, tae noa ki te whakatau ki te whiriwhiri i ngā tono mō te whakaitinga rēti ki runga i ngā whenua whānui e puritia ana e ngā whaipānga Māori, mō tēnei kaupapa here. Ka tū tēnei kaupapa here i raro i ngā wāhanga 102, 108 me 109 o te Ture Local Government kia whakaahuatia e te kaupapa here he pānga ōna ki ngā whenua Māori herekore me ngā whenua whānui nō ngā whaipānga Māori.

Kua whakatauhia e Te Pane Matua Taiao kāore tēnei kaupapa here e aro atu ki te whakatārewa rēti.

Ko ngā Paetae

1. Kia mōhio ko ētehi whenua Māori he herenga, he āhuatanga, he whakahaere, he aha atu e tika ana kia hiki i te tāke rēti.
2. Kia mōhio ka whai painga a Te Pane Matua Taiao me te hāpori i te tika o te kohi rēti e tika ana kia utua me te whakakore i te nama rēti kāore e taea te kohi.
3. Kia tautoko i te tūhonotanga o te mana whenua me te Māori ki ō rātou whenua tuku iho me ngā rawa, kaupapa ahurea hoki e tika ana, mā te hiki rēti i te wā iti, wā poto, wā roa.
4. Kia whakatutuki i ngā here o te Ture Local Government 2002 me te tautoko i ngā mātāpono o te kupu whakataki o Te Ture Whenua Māori 1993.

Ko ngā māraurau, paearu, here hoki

Ka whiriwhirihia e Te Pane Matua Taiao te whaitake o ia tono, ā, ka whakaaetia pea te whakaitinga ki te whiriwhirihia e rātou ka whakatutukihia e te tono ngā paearu me ngā here e whai ake nei:

Ki te whakawhiwhia ki te whakaitinga, me māraurau te tū a te whenua. Ko te māraurau whenua ko tētehi o ēnei:

1. Ko te whenua Māori herekore, ko te whenua rānei i whakawhiti hei whenua Māori herekore ki te whenua whānui i runga i te whakahau whakawhiti e ai ki te Ture Māori Affairs Amendment 1967;
2. Ko te whenua whānui rānei e whaipānga Māori ana

Ko te whenua i whakawhiti mai i te whenua Māori herekore ki te whenua whānui i raro i te Ture Māori Affairs Amendment 1967, me noho te whaipānga ki ngā uri o ngā kaiwhaipānga tūturu i te wā i whakawhiti ai.

¹ Section 102 Local Government Act 2002.

² Local Government (Rating) Act 2002 defines Māori freehold land as meaning land whose beneficial ownership has been determined by the Māori Land Court by freehold order.

Ko te whenua whaipānga Māori, ko te whenua e whaipāngatia ana e te Māori i runga i ēnei:

1. he mea whakawhiti ki tētehi Hinonga Mana Whakahaere Whakataunga Tiriti mai i te Karauna i runga i te whakataunga Tiriti, ā, karekau he nama rēti ki Te Pane Matua Taiao i mua i te whakawhitinga whenua, ā, kāore hoki te whenua i te whai whakahokinga arumoni, i te whai whakahokinga arumoni hoki i te tau pūtea e toono ana te whakaitinga;
2. he mea pupuri mō:
 - a. te tiakitanga o ngā wāhi tapu, o ngā kaupapa ahurea rānei pūmau ki te whenua;
 - b. te tautoko i te ōhanga, ahurea, hanganga rānei mō ngā marae (me ngā whare papakāinga);
 - c. ngā kaupapa mātauranga, ahurea, hāpori;
3. he mea whakaea ki ngā herenga mō ngā whenua e whakatupuria ana i raro i te wāhanga 114A o te Ture Local Government (Rating) 2002.

Ā, ko te hunga whaipānga ko:

- a. Tētehi o ngā rangapū mana whenua e ono o Te Pane Matua Taiao
- b. Tētehi Hinonga Mana Whakahaere Whakataunga Tiriti e hono ana tana whakataunga Tiriti ki te rohe o Pōneke
- c. Tētehi hinonga e whakakanohi ana i ngā hapū, whānau mātāwaka o te rohe me ō rātou tūmanako
- d. Tētehi tarahati marae, tōpūtanga ohaoha/manatōpū rānei e hono ana ki te marae.

Paearu

Ka hoatu e Te Pane Matua Taiao he whakaitinga e eke ana ki te 100 ōrau o ngā nama rēti mō ngā Whenua Māraurau mō ngā tau e whakaaetia ana, ā, me te nui o te whakaitinga rēti i runga i te pānga ki tētehi, nui ake rānei o ēnei paearu:

1. Ki te tautoko i te whakamahinga o te whenua o te hunga whaipānga mō ngā kaupapa tuku iho
2. Ki te tautoko i te hononga o te Māori ki ō rātou ahurea, kaupapa tuku iho hoki o ō rātou whenua taketake
3. Ki te kaupare i te rironga anō o te whenua Māori herekore
4. Ki te whakahaere i ngā tūmanako o te hunga whaipānga ki te whakatupu i te whenua hei rawa ōhanga
5. Ki te mōhio, ki te whakaaro hoki mō ngā wāhi tapu, me te pānga atu o tēnei ki te whakamahinga o te whenua
6. Ki te mōhio, ki te whakaaro hoki i te hiranga o te whenua ki te tautoko i te ōhanga, i te hanganga mō ngā marae me ngā whare papakāinga (mehemea ki te whenua, ki wāhi kē rānei)
7. Ki te mōhio, ki te whakaaro hoki mō te hiranga o te whenua ki ngā kaupapa ā-hāpori e pā ana ki te:
 - a. tiakitanga o te māoritanga o te taiao tai
 - b. tiakitanga o ngā mīharotanga
 - c. tiakitanga o ngā hua taketake nui me ngā nohoanga o ngāi kīrehe
8. Ki te mōhio ki ngā ratonga ā-hāpori ki te whenua me ngā kainoho
9. Ki te mōhio ki ngā āheinga o te whenua

Herenga

1. Katoa ngā tono whakaitinga i raro i tēnei kaupapa here me tuhi, ā, me homai i mua i te tīmatanga o te tau rēti. Ko ngā tono i muri i te tīmatanga o te tau rēti ka whakaae atu pea, engari mā Te Pane Matua Taiao e whiriwhiri. Kāore e taea te utu ngā whakaitinga mō ngā tau rēti o mua.
2. Ka hoatu ngā whakaitinga mō ngā tau e toru, mō tētehi atu wā rānei. Tērā pea ka poto ake te wā o te whakaitinga ki te kīia e Te Pane Matua Taiao kāore i te whakatutuki i ngā paearu i hoatu ai te whakaitinga i te tuatahi.
3. Me whakamārama i ēnei taipitopito i roto i te tono:
 - a. Ko ngā kōrero mō te wāhanga rēti, mō ngā wāhanga rānei
 - b. He mauhanga e whakaahua ana e māraurau ana te whenua i runga i ngā kōrero whakamārama o runga
 - c. He kōrero tautoko e whakaatu ana i te āwhinatanga o te whakaitinga ki te whakatutuki i ngā paearu o runga.
4. Ka mātaitia e Te Pane Matua Taiao tāna i pai ai, ā, ka whakaae ki te whakaitinga o te katoa, o tētehi wāhanga rānei o ngā rēti (tae noa ki ngā whiunga mō ngā rēti kāore anō kia utua) i runga i ngā whenua Māori herekore i te rohe. Ka pēnei anake tēnei whakaitinga i raro i tēnei kaupapa here mō ngā whenua Māori herekore e māraurau ana kua rawa mō ētehi atu momo whenua.
5. Ki te hiki, me te nui o tērā, ka riro i Te Pane Matua Taiao, ā, ka whakakore, whakaiti ake rānei i te wā. Mā Te Pane Matua Taiao e whakamōhio atu ki te hunga whaipānga te hiahia ki te whakakore, ki te whakaiti rānei i te whakaitinga, i te āhua rānei o te whakaitinga, whāia hoki he whakahoki kōrero i te hunga whaipānga me te whiriwhiri i ēnei whakahokinga kōrero i mua i te whakataunga whakamutunga.
6. Ki te tika, mā Te Pane Matua Taiao e whakatau ko tētehi whakaitinga ka pā ki tērā wāhanga whenua e māraurau ana, (hei tauira, he wāhanga wāhi tapu o te whenua e aukati ana i ētehi whakamahinga whenua engari anō te katoa). Ki te pēnei, ka wāwāhi i te whakaitinga.
7. Mō ngā whakaitinga i runga i ngā whenua Māori e whakaturia ana e tutuki ana i ngā hua i raro i te wāhanga 114A(3) o te Ture Local Government (Rating) 2002, mā Te Pane Matua Taiao e whiriwhiri te roanga, te āhua hoki o te rēti kia whakaitihia i runga i ngā wāhanga 114A(4) me wāhanga 114A(5) o te Ture.
8. Ka āhei te kaitono ki te utu i tētehi wāhanga o te rēti e nama ana.

Whakataunga

I raro i tēnei kaupapa here, ko ngā whakataunga mō ngā whakaitinga o ngā rēti (tae noa ki ngā whiunga mō ngā rēti kāore anō kia utua) me ngā whakataunga mō ngā whakaitinga i raro i te wāhanga 114A o te Ture Local Government (Rating) 2002, ka riro i ngā āpiha o Te Pane Matua Taiao. Katoa ngā tuku mana ka whakamau ki te pukapuka tuku mana.