

6. Walking access and Māori land Frequently Asked Questions



Does Māori land have access provisions?

Generally, unalienated Maori land does not have public access provisions. It is governed under the *Te Ture Whenua Māori Act 1993*, and there are not unformed legal roads or other such mechanisms in that land. It will be owned to the foreshore, and in some cases, through to the seabed.

However, land granted through Treaty of Waitangi settlements is general land, and it may well have access provisions as part of that settlement.

The Commission does not distinguish between land owned under general title or Māori land – it is all considered private ownership. Thus, permission should be sought from the owners to access that land.

How do I gain permission to access to Māori land?

Māori land is privately-owned land and does not have public access rights. Permission must be sought from the owners or those authorised by them. Information must also be requested about the relevant tikanga (customs or protocols) to be observed on that land.

Extreme cultural offence may be caused by haere pokanoa (unauthorised wandering).

Seeking permission may not be straightforward. Property boundaries, owners and appropriate contacts may have to be identified with the help of the local Māori Land Court and tribal runanga (council). Where land is owned by Māori trusts or Māori land incorporations, it is often possible to contact these entities directly. The Māori Land Court's mapping website (www.maorilandonline.govt.nz) provides information on Māori land that may assist in obtaining permission.

Crown land returned to Māori as part of a Treaty of Waitangi settlement has general land status rather than Māori land status under the *Te Ture Whenua Māori Act 1993*. Any pre-existing public access rights are usually preserved.

Does the Commission help Māori to access wāhi tapu on private land?

Māori have expressed concern that they sometimes find it difficult to obtain access to wāhi tapu (sacred places) on private land or where they need to obtain access to cross private land to sites of particular significance.

The Commission recognises the importance to Māori of access to wāhi tapu on private land. Some iwi authorities are working with private landowners to arrange better access to wāhi tapu. The Commission notes that it may be able to help explore opportunities to improve access by Māori to sites both through the use of existing access rights such as unformed legal roads and through negotiation and agreement with private landowners.

Can I use Māori roadways to get access to rivers or beaches?

Roads on Māori-owned land are provided for in the *Te Ture Whenua Maori Act 1993*.

There are no unformed legal roads on Māori land. There are Māori roadways, which have similar use rights to public roads, but there may be some restrictions on them. They are not roads in the strict legal sense – for example, the underlying land ownership remains with Māori, not the Crown.

Formed public roads intersecting Māori land have the same legal status as any public road.

6. Te Whenua Māori me te Ara Hiko He Pātai ka Rite Tonu te Puta Ake



Kua takoto he whakaritenga e haerehia ai ngā whenua Māori?

Kāore he whakaritenga i te nuinga o ngā whenua Māori e pai ai te haere a te iwi whānui i aua whenua. Ka taka kē ki raro i *Te Ture Whenua Māori 1993*, ā, kāore he rori ā-ture kāore anō kia hangaia, ētahi atu āhuetanga pērā rānei i aua whenua. Nō te Māori te whenua tae rawa ki taihua, ki te takere rā anō rānei o te moana.

Heoi anō, ko ngā whenua i whakahokia ki te Māori mā tētahi whakatau i raro i Te Tiriti o Waitangi, he whenua whānui, ā, tērā tonu i kuhuna ki te whakatau he whakaritenga e haerehia ai aua whenua.

Kāore e rerekē te titiro a te Komihana ki te whenua whānui me te whenua Māori - e rua e rua, he whenua tūmataiti. Nō reira, kia mātua whakaaetia tō haere i aua whenua e te hunga nōna te whenua.

Me pēhea taku kimi whakaaetanga e haere ai au i ngā whenua Māori?

He whenua tūmataiti te whenua Māori, kāore he tikanga e haere noa ai te iwi whānui i aua whenua. Me whakaae rawa te hunga nōna te whenua, te māngai rānei kua tohua mō aua whenua. Me inoi anō kia homai ngā kōrero mō ngā tikanga tuku iho kia arohia i aua whenua. Ki te haere pokanoa te tangata, tērā tonu te kīia ai he takahi tikanga, he takahi tangata.

Kāore pea e māmā te kimi whakaaetanga. Me kimi rawa pea ngā tawhā, te hunga nōna te whenua, me te hunga hei whakapā atu, heoi, he āwhina pea kei Te Kōti Whenua Māori o te rohe me te rūnanga ā-iwi. Mehemea kei raro te whenua i tētahi rōpū tiaki whenua Māori, i te kaporeihana whenua Māori rānei, ka taea pea te whakapā tika atu ki a rātou. He kōrero kei te pātaka pūpuri kōrero mō ngā whenua Māori (www.maorilandonline.govt.nz) tērā ka āwhina i te hunga kimi whakaaetanga.

Ko ngā whenua o te Karauna i whakahokia ki te Māori i tētahi whakatau i raro i Te Tiriti o Waitangi, e kīia ana he whenua whānui, ehara i te whenua Māori i raro i *Te Ture Whenua Māori 1993*. Me te aha, ka mau tonu te nuinga o ngā whakaritenga haere whenua o mua e pā ana ki taua whenua.

Ka āwhinania anō te Māori e te Komihana, kia taea atu ngā wāhi tapu i ngā whenua tūmataiti?

Kua kōrerotia e te Māori ō rātou āwangawanga i te mea he uaua i ētahi wā te toro atu i ngā wāhi tapu kei ngā whenua tūmataiti, te takahi rānei i te whenua tūmataiti e taea atu ai tētahi wāhi nui kei tua o taua whenua.

E mārāma ana te Komihana he mea nui kia taea e te Māori ngā wāhi tapu i ngā whenua tūmataiti. Kei te mahi tahi ētahi mana ā-iwi ki ōna anō kaupupuri whenua tūmataiti ki te whakamāmā ake i te huarahi atu ki ngā wāhi tapu. Kei te kite anō te Komihana māna anō pea ka māmā ake te whai wāhi atu a te Māori ki aua wāhi, mā te whakaatu pea i ngā tikanga haere whenua kua takoto kē, pērā i ngā rori ā-ture kāore i hangaia, tae atu ki te whiriwhiri tahi ki te hunga pupuri whenua tūmataiti.

Ka pai taku haere i ngā huarahi Māori e taea atu ai au ki te awa, ki tātahi?

Ko ngā huarahi i ngā whenua Māori, kei raro i te mana o *Te Ture Whenua Māori 1993*.

I aua whenua, kāore kau he rori ā-ture kāore anō kia hangaia. Arā he ara Māori e āhua rite ana ngā tikanga e pā ana ki aua ara ki ō te rori tūmatanui, engari he here tonu pea kei runga. Ehara i te rori tūturu ki tā te ture titiro – hei taurira, nō te Māori tonu te whenua i takoto ai aua ara, ehara i te Karauna.

Ko ngā rori tūmatanui kua hangaia, e haukotia ana i ngā whenua Māori, he rite te mana ā-ture ki tō ērā atu rori tūmatanui.