

July 2016

8. Roadways over Māori Land Frequently Asked Questions



What are roadways over Māori land?

Roadways over Māori land provide access over Māori land to other Māori land, or sometimes to general or Crown land. The title to the underlying land remains with the Māori land owners. The access may be open to the public or may be confined to the affected landowners.

The term “roadway” is used to distinguish them from ordinary public roads, as defined in the *Local Government Act 1974*. These roads are vested in the Crown or local authorities.

How are roadways over Māori land created?

The *Te Ture Whenua Māori Act 1993* provides for the laying out of roadways over Māori land by orders of the Māori Land Court. The Court also has the power to amend or cancel such orders.

How can I locate roadways over Māori land?

In general, roadways over Māori land are registered on titles and shown in the cadastre. The cadastre is the system used to record land ownership and boundaries by Land Information New Zealand (LINZ).

Provided roadways have been registered with LINZ, they can be located by searching the relevant block name or Certificate of Title on the Māori Land Court’s mapping website (www.maorilandonline.govt.nz). In addition, some can be viewed on the New Zealand Walking Access Commission’s Walking Access Mapping System (www.wams.org.nz).

Note that some early Māori Land Court decisions have not yet been registered so any roadways that may have been created by these decisions will not be found in the cadastre.

Who is responsible for the formation and management of roadways over Māori land?

The relevant order by the Māori Land Court may specify who has responsibility for formation of the roadway. Otherwise, it is a matter for the owners of the affected land to decide. In some cases, local authorities may contribute to formation and maintenance of the roadway, especially if it provides public access.

There is no statutory administrative mechanism for the management of roadways over Māori land.

Is public access restricted on roadways over Māori land?

Unless the Māori Land Court states otherwise when making the order, the public have the same right to use roadways over Māori land as they have for ordinary legal roads.

However, in some cases, access rights have been restricted by the Māori Land Court so it cannot be assumed that all roadways over Māori land are open to public access.

Where access is restricted the public may be able to still use the road, but only at the invitation of a party with access rights.

How can I tell if access to a roadway over Māori land is restricted?

Information about access restrictions requires a search of the relevant Māori Land Court order. The order and assistance with them is available in the Māori Land Court Registry offices for the area they are responsible for.

The orders may also be found by searching the judgments on the Māori Land Court part of the Ministry of Justice website (www.justice.govt.nz).

What if the roadway over Māori land is unformed?

Some roadways over Māori land are unformed and difficult to locate on the ground. Therefore, in addition to checking the legal status of the roadway, potential users are advised to also discuss their intentions with owners of the underlying land.