

Te Ture Whenua Tika iio Nga Tangata Whenua

Kei a ratoa te mana tuko Miru, Raharaha, Tipene, Mau Rakau Haapu Whanau

Whanaungatia ka uru te tika ma te mana whakahaere I nga patea whenua.

Ko te ukaipo te wahi, te tangata ranei e whangai ana I te ora, I te haa o te tangata. I te horopaki o te pepi ma te uu.

Engari, I te tikanga whanui whanui, ko te ukaipo hoki te puna o te manakitanga, o te ha ora me te hononga ki te whenua me te whanau.

Ko te tangata whangai e kai ana te kai pakeke, kua puta I te wa pepi pea, kua timata ki te kai I nga momo kai e hangai ana ki te pakeketanga o tona tinana. E tohu ana tenei I te whakawhanaungatanga me te tipu haere o te tangata, katahi ka tau ki nga kai e whakawhanui ake ana I tona oranga me tona kaha.

Te Kooti Marae

Ko te Kooii Marae he wahi nei whakataau rongoa me te whakaroa mo nga whanau me nga hapu, ma te whakamahi I nga tikanga Maori hei whakahou I te mana me te whakatau I nga raru I waenga I te tangata, te haponi, kia noho ai te rangimarie me te oranga ki te runga rawa me te whenua.

Ko te paepae

Kei runga I te marae e noho ai te kuia kaumatua me nga kaitiroiro o te kooti. He papa tuu ahua tikanga, ka noho ratou hei kaiarahi me te kaiwhakatu I nga korero me nga tikanga I nga huihuinga o te marae. I te ao Maori, ko te paepae te wahi o te mana me te rangatiratanga. Ko te paepae e tohu ana I te paeroa whakahaere o te hapu I runga I nga tikanga Rangatira. Ka rongo I nga korero o te hapu nga karakia, me nga whaikorero I runga I te mana o te whenua me nga kaupapa tuku iho.

This **Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989 and amendments**, is hereby altered, added to and replaced and these changes are now permanent and unamendable by special resolution in accordance with the tikanga of our Aio Haapu Whanau as follows;

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s2, Interpretation;

child means a boy or girl or tamariki or mokopuna or pe-pi, but the term “child” does not mean a legal person within the meaning of this Act.

child and family support service means any organisation or body created to operate as a hapu or whanau support service and approved by the Haapu Whanau Tikanga or any other hapu and whanau for the purpose of caring for and protecting tamariki and mokopuna and that this organisation or body is not registered with any government ministry or department or any agency.

custody means the right of tangata whenua and any man or woman or whanau to care and protect their family and children and whanau and care and protect all hapu huanga and the custody of children, boys, girls, tamariki and mokopuna and is an inherent right of men and women and whanau.

family group means hapu and whanau.

parent means a man or woman that may also be known as matua or whaea but the term “parent” does not mean a legal person within the meaning of this Act.

tikanga Māori means native customary law and practices

young person means a boy or girl or tamariki or mokopuna, but the term “young person” does not mean a legal person within the meaning of this Act.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s3, shall bind the Crown,

This Act shall bind the Crown.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s4 Purposes,

(1) The purposes of this Act are to promote the well-being of boys and girls, young persons and their whānau, hapū, and family groups by-

(a) giving prompt aid and assistance and funding as required and as notified to the chief executive or to any employee,

agent, staff or other member of Oranga Tamariki by any hapu and whanau for the purpose of caring for and protecting tamariki and mokopuna.

All other subsections of this section 4 are hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s4A Well-being and best interests of child or young persons.

This section is hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s5 Welfare and interests of child or young person are to be held paramount.

(1) The Welfare and interests of child or young person are to be held paramount by every employee, agent, staff or other member of Oranga Tamariki.

(2) The Welfare and interests of child or young person are to be held paramount by every Police employee and Police constable.

(3) The Welfare and interests of child or young person are to be held paramount by every employee, agent, staff or other member of the courts of New Zealand and the Ministry of Justice

All other subsections of this section 5 are hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s7 Duties of chief executive,

(1) The duties of the chief executive are;

to promptly give aid and assistance and funding as required and as notified to the chief executive by any hapu and whanau for the purpose of caring for and protecting tamariki and mokopuna and this aid and funding is only for those hapu and whanau not registered with any government ministry or department or any agency; and

(2)

(a) the establishment of services (including social work services, family support services, and community-based services) designed to improve the well-being of and long-term outcomes for children and young persons; and

(b) to provide financial and other assistance to hapu and whanau based services not registered with any government ministry or department or agency, intended and designed to provide for children and young persons who lack adequate parental care, or require protection from harm, or need accommodation or social or recreational activities; and

(c) the immediate recognition of any family support service and community based child support service created by any hapu or whanau group as notified to the chief executive.

All other subsections of this section 7 are hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s8 Parents and others to be informed of decisions

(1) tangata whenua and hapu and whanau and others are to be consulted prior to any decisions being made and only those decisions fully consented to by all men and women and parents and hapu and whanau usually having the care of those boys or girls or young person, shall be undertaken.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s12 Duty of health practitioner to minimise distress to child or young person

(1) every health practitioner who carries out a medical examination of any child or young person shall carry out that examination in a way that causes the least possible distress to the child or young person.

(2) every health practitioner who carries out a medical examination of any child or young person shall only do so with the full express consent of the man or woman or hapu or whanau usually having the care of those boys or girls or young person.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s13 Principles

(1) every employee, agent, staff or other member of Oranga Tamariki shall promptly give aid and assistance and funding as required and as notified, for every boy or girl or man or woman as directed by hapu and whanau.

(2) no employee, agent, staff or other member of Oranga Tamariki have any jurisdiction or authority over any boy or girl or man or woman.

(3) that every employee, agent, staff or other member of Oranga Tamariki shall conduct themselves in a manner that respects all rights of every boy and girl and man and woman.

(4) that prior to dealing with any boy or girl or man or woman every employee, agent, staff or other member of Oranga Tamariki shall have prior consent from every boy or girl and their family or hapu or whanau.

(5) that every employee, agent, staff or other member of Oranga Tamariki shall operate in such a manner as to have a wide measure of public support and confidence.

(6) every employee, agent, staff or other member of Oranga Tamariki shall recognise the superior jurisdiction and authority of every boy and girl and man and woman and that without a contract to show otherwise no boy or girl or man or woman shall be considered a legal person within the meaning of the Acts.

(7) these principles are binding on every employee, agent, staff or other member of Oranga Tamariki

(8) no employee, agent, staff or other member of any court or the ministry of Justice have any jurisdiction or authority over any boy or girl or man or woman or hapu or whanau.

(9) these principles are binding on every employee, agent, staff or other member of any court or the Ministry of Justice.

(10) no police employee or police constable or other member of the New Zealand Police have any jurisdiction or authority over any boy or girl or man or woman.

(11) these principles are binding on every police employee or police constable or other member of the New Zealand Police

All other subsections of this section 13 are hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s35 Police officers and Police constables shall comply

(1) All police officers and police constables shall comply with decisions, recommendations, and plans of family or hapu group conferences where the implementation of that decision, recommendation, or plan involves any action on the part of the Police.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s37 Proceedings of family or hapu group conference privileged

(1) Proceedings of family or hapu or whanau group conferences are privileged

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s39 Place of safety warrants

(1) any powers to remove child or boy or girl are hereby repealed.

(2) warrants dealing with boys or girls or young persons are invalid without prior consultation and informed written consent from any man or woman or family or hapu or whanau usually having the care of those boys or girls or young persons.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s40 Warrant to remove child or young person

(1) warrants dealing with boys or girls or young persons are invalid without prior consultation and informed written consent from any man or woman or family or hapu or whanau usually having the care of those boys or girls or young persons.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s41 Evidence of identity and authority

(1) Every employee, agent, staff or other member of Oranga Tamariki shall have evidence of identity and authority and shall present it on demand to any tangata whenua in a manner where it can be read and photographed or otherwise recorded.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s42 Search without warrant

(1) No Police employee or Police constable has the power to arrest or search any man or woman.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s43 Placement of child or young person placed in custody of chief executive.

This section is hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s48 Unaccompanied children and young persons

(1) Where a child or young person or boy or girl is found unaccompanied by a parent or other man or woman or hapu or whanau member who usually has the care of the child or boy or girl in a situation in which the child or boy or girl's physical or mental health is being, or is likely to be, impaired, a Police employee or Police constable shall make all attempts to contact the parent, family, man or woman or hapu or whanau usually having the care of the boy or girl and aid and assist in transporting and reuniting those involved -

(a) with the consent of the child or young person, deliver the child or young person into the custody of a parent or man or woman or hapu or whanau member usually having the care of the child or young person; or

(b) call a local hapu or whanau or health and community organisation to obtain assistance in finding the men and women usually having the care of those boys or girls.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s49 Court may order medical examination of child or young person.

(1) no court has the jurisdiction or authority to order any procedure on any child or boy or girl or young person under any circumstance.

(2) no court may order any medical examination of child or boy or girl or young person under any circumstance.

(3) a parent or man or woman or hapu or whanau member usually having the care of the child or young person may arrange for a medical examination if there is agreement and just cause.

(4) no chief executive officer, employee, agent, staff or other member of Oranga Tamariki may order any medical examination of child or boy or girl or young person under any circumstance.

All other parts of this section are hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s59 Application for production of documents relevant to investigation of whether child or young person in need of care or protection or assistance under section 17(2A)

This section is hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s61 Court may order document to be produced.

This section is hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s66P Amendments to Code

(1) The Code may be amended by special resolution of any native or Maori organisation through their inherent authority.

All other parts of this section are hereby repealed.

This Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989, s101 Custody orders

This section is hereby repealed.

**This Oranga Tamariki Act 1989, Children's and Young People's
Well-being Act 1989, s123 Power of entry**

This section is hereby repealed.