



Te Kōti Taiao o Aotearoa

Tuhinga Whakatau Tikanga 2023

Ngā ihirangi

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1. Te tūnga o tēnei Tuhinga Whakatau Tikanga

- (a) He tuhinga ārahi tēnei ki te mahinga i roto i te Kōti Taiao e whakamanahia ana i te 1 o Hānuere 2023. E whakakapi ana tēnei tuhinga whakatau tikanga i te katoa o ngā tuhinga whakatau tikanga o mua.
- (b) Kāore e ōrite ana te tūnga o tēnei tuhinga whakatau tikanga ki ngā tikanga engari i te nuinga o te wā me whai ngā ihirangi, hāunga ngā āhukatanga he take pai rawa kia mahi kē.
- (c) He whānui rawa ngā mana kōwhitinga o te Kōti e pā ana ki te tukanga me te taunakitanga. Ka āhei te Kaiwhakawā Whakahaere te whakamahi kē i aua mana i ngā whakahaerenga ā-ture katoa, hei tāpirihanga atu rānei, ki tētahi mea i roto i tēnei tuhinga whakatau tikanga mēnā e hiahiatia ana, e pai ana rānei i roto i ngā āhukatanga o tētahi kēhi.
- (d) E hāngai ana tēnei tuhinga whakatau tikanga ki ētahi tukanga, whakahau rānei e tukua ana i ngā wā ohotata:
 - i. e te Kaiwhakawā Matua mō te whakahaerenga o ngā kōti o Aotearoa; tērā rānei
 - ii. e te Kaiwhakawā Matua o te Kōti Taiao mō te whakahaere o te Kōti Taiao.
- (e) Ina kōrerotia ana te Ture, e hāngai ana ki te Resource Management Act 1991, hāunga i kīia kētia.
- (f) He kōrero mō ngā Waeture, he kōrero mō ngā Resource Management (Forms, Fees, and Procedure) Regulations 2003, hāunga e kōrerotia kētia ana.
- (g) He kōrero mō ngā Tikanga, he kōrero mō ngā District Court Rules 2014 (e hāngai ana pea i raro i te wehenga 278(1) o te Ture) hāunga e kōrerotia kētia ana.
- (h) Kāore i te hāngai tēnei tuhinga whakatau tikanga ki tētahi whakahaerenga ā-ture i roto i te Kōti ā-Takiwā, tae atu ki te whakahaerenga mō te taihara i raro o te wehenga 338 o te Ture.
- (i) E wātea ana tēnei tuhinga whakatau tikanga, me ētahi atu mōhiohio mō te Kōti, i runga i te paetukutuku a te Kōti ki

<http://www.justice.govt.nz/courts/environment-court>

2. Kuputaka o ngā kupu i whakamahia i roto i tēnei Tuhinga Whakatau Tikanga

Ōta whakaaetanga hukihuki: he ōta hukihuki, me tētahi manatu e tautokohia

ana e ngā hunga katoa, i tāpaetia ki te Kōti, ā, kei roto ngā kupu me ngā herenga i whakaaetia e ngā hunga hei whakatatū i tētahi whakahaerenga ā-ture, wāhanga rānei o tētahi whakahaerenga ā-ture, kei mua tonu i te Kōti.

Ōta whakaaetanga: he ōta whakaaetanga hukihuki i whakamanahia e te Kōti me te tuku ki ngā hunga o te kēhi.

Rōia: he rōia e kirimanatia ana kia tohutohu, whakakanohi hoki i te hunga i tētahi whakahaerenga ā-ture i mua i te Kōti.

He tuku tōtika: he tonono mō te whakaaetanga rauemi, tētahi atu tonono rānei, he pānui herenga rānei i tukuna tōtikatia ki te Kōti mō te nohoanga me te whakataunga, kua ko te nohoanga me te whakataunga a te mana whakahaere whakaaetanga.

Te Kaiwhakawā Whakahaere: te Kaiwhakawā Taiao e noho ai te whakahaerenga ā-ture tauwhāiti ki tōna ake mauhanga whakahaerenga kēhi, ā, e whakahaeretia ana te ahu whakamua ki te tatūtanga.

Hunga o te wehenga 274: he tangata, he rōpū whakahaere rānei, i tua atu i te kaitono, te kaitono pīra, te mana whakahaere whakaaetanga rānei, i tuku i te whakamōhiotanga i raro i te wehenga 274 o te Ture o te whakaaro kia uru hei hunga ki te whakahaerenga ā-ture i mua i te aroaro o te Kōti.

Tuhinga whakamahere ā-ture: He tuhinga me te whakaaweawe ā-waeture i raro i te Ture, tae atu ki te tauākī kaupapahere ā-motu, te paerewa taiao ā-motu, te paerewa whakamahere ā-motu, te tauākī kaupapahere ā-rohe, te mahere tauktai ā-rohe, te mahere ā-rohe, te mahere ā-takiwā rānei.

Rā mahi: he rā o te wiki i tua atu i—

- (a) te Rāhoroi, te Rātapu, te Rā o Waitangi, Te Paraire Tapu, Te Mane o te Aranga, te Rā o ngā Hōia, te rā whānau o te Kīngi, Te Rā Aro ki a Matariki, me te Rā o Reipa; ā
- (b) ki te taka te Rā o Waitangi, te rā o ngā Hōia rānei ki te Rāhoroi, te Rātapu rānei, te Mane ā muri atu; ā
- (c) tētahi rā o te wā e tīmata ana i te 20 o Tīhema i tētahi tau me te oti hei te 10 o Hānuere hei te tau i muri mai.

3. Whakakakau

3.1. Te whakakakau ki te Kōti

- (a) Me tuku ā-pepa tētahi whakakakau mō tētahi kaupapa e hāngai ana ki tētahi whakahaerenga ā-ture kei mua i te aroaro o te Kōti me te ingoa o te Rēhita, te kēhi, te nohoanga, te kaiwhakahaere tukanga ADR i whakaritea,

hāunga he whakakakau i te kōti tuwhera, i tētahi hui ā-kaiwhakawā rānei.

- (b) Ka āhei te whakakakau mā te īmēra.
- (c) Me tuku te tārua o ngā whakakakau katoa e pā ana ki te whakahaerenga ā-
ture ki ngā hunga katoa ki te whakahaerenga ā-
ture i te wā kotahi i tukuna
ki te Kōti.
- (d) Me tīmata te whakakakau e tono ana i te mahi, te whakahau rānei, ki te
tauākī mārama e pā ana ki te mea e kimihia ana me ngā tūāpapa mō te tono.
- (e) Ina tuku ana i te tono kia whakahau te Kōti i te ota taupua me whai i te āhua
e herea ana e te Waeture 25.
- (f) I te nuinga o te wā, kāore i te tika kia whakakakau ki te Kōti i muri i te
mutunga o te nohoanga, ā, i mua i te tuku a te Kōti i tana whakataunga.

3.2. Te whakakakau me te mahi tahi a ngā hunga

- (a) Kei tēnā kaiwawao, kei tēnā kaiwawao te haepapa hei āpiha o te Kōti kia
whakaute, kia whaihua, kia ngaio hoki te mahi me ētahi atu kaiwawao kia
whakatūturu e whakatutukihia ana ngā whāinga whakahaere kēhi.
- (b) E noho haepapa ana ngā kaiwawao me ētahi atu kaitohu ngaio kia
whakamōhio atu ki ā rātou kiritaki ki ngā whakatatūtanga pea ki ngā take
me ngā ara rerekē i te whakawā e wātea ana.
- (c) E kawatau ana te Kōti kia whakaute, kia whaihua hoki te mahi a ngā māngai
me ngā kaiwhakaatu katoa me ētahi atu hunga, ō rātou māngai me ā rātou
kaiwhakaatu i ngā wāhanga katoa o te whakahaerenga ā-
ture ki te
whakatairanga i te tatūtanga tōkeke, wā tika, utu whaitake hoki.

3.3. Te āhei atu ki ngā tuhinga

- (a) Me tono mō te āhei ki ngā tuhinga ā-kōti i raro i ngā District Courts (Access
to Court Documents) Rules 2017.

4. Te whakatakoto i te whakahaerenga ā- ture

4.1. Me whai taipitopito ngā pānui

- (a) Me pēnei ia pānui i te pīra, i te tono rānei hei tīmata i te whakahaerenga ā-
ture:
 - i. kia mārama te tautuhi i te whakataunga tauwhāiti e noho ana hei
kaupapa o te whakahaerenga ā-
ture;
 - ii. kia hoatu i ngā taipitopito katoa e mārama ana o ngā tūāpapa, ngā
take rānei e whakawhirinakitia ana; ā

- iii. kia tukuna ngā taipitopito katoa o te whakaoranga e kimihia ana.
- (b) Mēnā kāore he taipitopito i roto i tētahi pānui pīra, tono rānei i tukuna ki te Kōti, kāore rānei i te tautuku ki ngā herenga o te Ture, o ngā Waeture rānei, ka tuhi te Rēhita i whiwhi te tuhinga i raro anō i te whakatikahanga o ētahi tautuku kore, ā, ka tohutohu pērā ki te tangata i tuku i te tuhinga me ētahi atu hunga e mōhiotia ana.
- (c) Ki te tohutohu i te whiwhinga i runga i te herenga o tētahi pānui, tono pērā rānei, ka whakamōhio atu te Rēhita ki te tangata e tuku ana i te tuhinga o te mahi e tautukuhia ana kia whakatika i te tautuku kore me te tautuhi i te wā (i te nuinga o te wā i roto i ngā rā mahi e 5) kia mahia.
- (d) Ina mahia tētahi panonitanga i roto i te wā i tautuhia ai, ka tuhi te Rēhita kua whiwhi te tuhinga i puta ai te panonitanga i te rā o te whiwhinga o taua tuhinga.
- (e) Ki te kore tētahi panonitanga e herea ana i roto i te wā i tautuhia ai, ka tuku te Rēhita i tēnei āhuatanga ki te Kaiwhakawā māna e whai whakaaro kia whakamana i te whakaroatanga o te wā mahi, kia whakakore rānei te whakahaerenga ā-ture i raro i te wehenga 279(4) o te Ture, kia mahi rānei, kia whakahau rānei i tētahi mahi kē.

4.2. Te whakakore i ngā tepenga wā kia tuku i ngā pīra

- (a) Ina tāpaetia ana tētahi pānui pīra i muri iho i te mōnehutanga o te tepenga wā e hāngai ana kia mahi pērā i raro i te Ture, ka tuhi te Rēhita i whiwhi te pānui i muri iho i te wā kati i raro anō i te whakamanahia pea o tētahi whakakorenga o te wā tepenga e te Kaiwhakawā, ā, ka tohutohu pērā ki te kaitono pīra e takune ana me ētahi atu hunga e mōhiotia ana.
- (b) Ina whakamōhio atu ana i te whiwhinga pānui i runga i te herenga, ka whakamōhio atu te Rēhita i te wā kati o te tono mō te whakakorenga o te tepenga wā (ki te kore e tukuna kētia te tono) me te wā hoki me tuku i te pānui whakahē ki tētahi whakakorenga.
- (c) Ki te mōhio tētahi kaitono pīra e takune ana ka tōmuri te tāpaetanga, te tukunga rānei o tētahi pānui pīra, me tuku ngātahi te tono mō te whakakorenga o te wā tepenga ki te Puka 38 o ngā Waeture me te pānui.
- (d) Ina tukuna ngā whakaaetanga ā-pepa a ngā hunga kē katoa me te pānui pīra, i te nuinga o te wā ka whakamanatia te whakakorenga pērā. Ki te kore, me tutuki, ki tā te Kōti titiro, i raro i te wehenga 281 o te Ture:
 - i. kāore tētahi o ngā hunga nō te whakahaerenga ā-ture e tino whakahāweatia; ā
 - ii. ka whakaae te kaitono pīra, te kaitono me te kaiurupare rānei ki taua

whakakorenga, kāore rānei e tino whakahāweatia ana.

- (e) I tukuna ki te Rēhita me ngā Rēhita Tuarua te mana whakahaere kia whakaae i ngā whakakorenga o te wā kia tuku i ngā pīra mēnā:
- i. kāore te tōmuritanga o te whakatakotohanga o te pānui i te nui ake i ngā rā mahi e 5;
 - ii. kāore ngā hunga kē nō te pīra e mōhiotia ana e whakahē ana i te whakakorenga; ā
 - iii. e mārama ana kāore he whakahāweatanga nui e ara ake.

4.3. Ngā tepenga wā kia tuku i ngā tuhinga i te nuinga o te wā

- (a) Ka mōnehu hei te 5:00 karaka i te ahiahi i te rā mahi hāngai, tētahi tepenga wā i raro i te ture, i whakahaua rānei e te kōti, mō te tuku i te tuhinga, te mahinga o tētahi mahi o tētahi whakahaerenga ā-ture.
- (b) Ki te tukua tētahi tuhinga ki te Kōti mā te ara tāhiko, tae atu ki te imēra, ka kīia, ki te kore e kitea he hāpono kē, i tuka ki te Kōti i roto i te rā mahi mēnā i whiwhi i te Rēhita i mua i te 5:00 karaka i te ahiahi o taua rā mahi.
- (c) Ki te kore e tautukuhia tētahi tepenga wā, ka tukuna e te Rēhita ki tētahi Kaiwhakawā kia whai whakaaro mēnā e tika ana kia:
- i. whakawhānui i taua tepenga wā nā runga anō i te mōtini ake a te Kaiwhakawā; tērā rānei
 - ii. kia whakahaua kia whakawhānui taua tonu i te tepenga wā i runga i te pānui atu ki ērā atu hunga katoa; tērā rānei
 - iii. kia whakakore i te pīra, te whakahaerenga ā-ture rānei i raro i te wehenga 279(4) o te Ture.
- (d) Ka whakamana pea te Rēhita, te Rēhita Tuarua rānei i te whakakorenga mēnā kāore i nui ake i ngā rā mahi e 5 i raro i te wehenga 274(2) te tukunga o te pānui kia uru hei hunga i raro i te wehenga 274 o te Ture, ā, kāore he whakahē ki te whakakorenga, ā, kāore he whakahāweatanga ki tētahi hunga e kitea ana.
- (e) E pā ana ki ngā pīra e hāngai ana ki ngā whakataunga mō ngā tāpaetanga mō tētahi tuhinga whakamahere ā-ture, e āhei ana ngā tāngata katoa te tonu mō te whakaroatanga wā kia tū ngā tāngata katoa e tuku ana i ngā pānui hei hunga i raro i te wehenga 274 mēnā e tika ana nā te nama o ngā pīra, nā te whiwhiwhi rānei.

4.4. Ngā pīra huhua e pā ana ki te kaupapa kotahi

- (a) E herea ana te Kōti i raro i te wehenga 270 o te Ture kia whakanoho ngātahi i ngā whakahaerenga ā-ture e pā ana ki te kaupapa kotahi, hāunga kāore

he take, kāore he tikanga, kāore e hiahiatia ana rānei, ā, nā reira i te nuinga o te wā ka:

- i. whakatārewa i te nohoanga mō te pīra e pā ana ki te whakaaetanga rauemi tae noa ki te wā i tukuna tētahi whakataunga hāngai o tētahi mana whakahaere whakaaetanga, tētahi whakaaetanga rauemi hāngai rānei; ā
- ii. whakahaere me te whakarite i te nohoanga ngātahi mō ngā pīra mēnā neke atu i te pīra kotahi e tukuna ai:
 1. e pā ana ki tētahi whakataunga mō te whakaaetanga rauemi, pānui herenga; tērā rānei
 2. mō ngā whakataunga mō ngā whakaaetanga rauemi, pānui herenga rānei neke atu i te kotahi e hāngai ana ki te marohi kotahi; tērā rānei
 3. mō te whakaritenga ōrite, ngā whakaritenga e hāngai ana rānei i roto i te tauākī kaupapahere, mahere rānei e marohitia ana.

5. Te whakahaere kēhi

5.1. Ngā whāinga o te whakahaere kēhi

Ko ngā whāinga o te whakahaere kēhi a te Kōti kia:

- (a) whakatairanga i te take o te ture hāngai i roto i tētahi whakahaerenga ā-ture;
- (b) whakarite i ana whakahaerenga ā-ture i runga i te āhua e tino whakatairanga ana i te tatūtanga e iti rawa ai te wā, e māmā ai hoki te utu whakahaere;
- (c) whakahaere i ana whakahaerenga ā-ture me te kore ōkawa o te tukanga mēnā he tōkeke tonu, he whāomo tonu hoki;
- (d) aro atu ki te tikanga Māori;
- (e) whakatūturu i te mahi tōkeke ki ngā hunga katoa me te tatūtanga tika o ngā whakahaerenga ā-ture katoa;
- (f) whakapai ake i te kounga o te tukanga whakawā me ngā putanga;
- (g) whakapūmau tonu i te ngākau titikaha a te hunga tūmatanui ki te Kōti; ā, kia
- (h) whakamahi i ngā rauemi ā-kaiwhakawā, ā-ture, ā-taunakitanga, ā-whakahaere hoki e wātea ana kia tino whāomo rawa atu.

5.2. Ngā āhuatanga waiwai o te whakahaere kēhi

Ko ngā āhuatanga waiwai o te whakahaere kēhi:

- (a) ko te tautuhinga wawe o ngā take e taupatupatuhia ana me ngā tukanga tika hei whakawhāiti i aua take;
- (b) ko te whakatenatena i te whakataunga mā te hui whakawhiti kōrero tōtika, te whakamahi rānei o ngā tukanga tatūtanga taupatupatu kē rānei;
- (c) ko te whakamahere i te haere me te whakarite wā mō ngā takunetanga o te whakahaerenga ā-ture;
- (d) ko te whakaiti i te nama me te whānuitanga o ngā tukanga taupua;
- (e) ko te tirohanga tōtika o ngā kēhi whīwhiwhi mā ngā hui ā-kaiwhakawā i ngā wā waiwai me te whakahau i ngā wātaka mō ngā mahi tauwhāiti a ngā hunga, tae atu ki te pūrongo rongo i ngā putanga;
- (f) ko te aroturuki i te whakatutukitanga o ngā takunetanga e rite ana ki te wātaka kia nahanaha te ahu whakamua, kia huawaere i te whakaritenga a ngā hunga, me te whakatenatena i te whakaaroaro wawe ki ngā kōwhiringa mō te whakataunga i ngā wā katoa e āhei ana; ā
- (g) ko te whakamahi i ngā whiu tika pērā i ngā ōta mō ngā utu whakahaere, mēnā kāore ngā hunga e tautuku ana ki ngā whakahau me te korenga o te whakamārama e tika ana.

5.3. Ngā ara whakahaere kēhi

- (a) E aromatawaitia ana ngā kēhi katoa e tukuna ana ki te Kōti e tētahi Kaiwhakawā e pā ana ki te tuku ki te ara whakahaere kēhi, ā, e tohutohua ai ngā hunga katoa o taua tukunga me ngā tohutohu tuatahi o te Kaiwhakawā.
- (b) Ka whakawhitia pea te kēhi mai i tētahi ara ki tētahi atu mēnā e tika ana i raro i ngā āhuatanga o te kēhi, nā te whakaaro o te Kōti, nā te tono rānei o tētahi hunga.
- (c) Mēnā kāore i te hiahiatia te aronga tukanga motuhake mō tētahi kēhi, ka tukuna ki te **Ara Whānui**, ā, e herea ana kia whai i ngā mahi whakahaere kēhi whānui e pēnei ana i te nuinga o te wā:
 - i. he kōwhiringa mō ngā tukanga ADR me te tautoko a te Kōti hei mahi tuatahi;
 - ii. he hui ā-kaiwhakawā kia tautuhi i ngā take o te whakahaerenga ā-ture, matapaki i te tukunga, i ngā āhuatanga mana ā-ture rānei me te tautuhi i ngā mahi tuatahi me mahi, ngā whakataunga rānei me whakatau;
 - iii. te tautuhi i ngā kaititiro rānei kia karangatia ki te nohoanga, me ō

rātou takiwā mātanga;

- iv. te whakarite wātaka mō ngā mahi tukanga me te whakawhitinga o te taunakitanga, tae atu ki ngā herenga kia whakarato i ngā paihere taunakitanga, tuhinga hoki ki te Kōti;
 - v. te pūrongo rongo i te ahu whakamua ki te Kōti;
 - vi. ētahi whakahau, whakataunga rānei, i te wāhanga takamua o te nohoanga; me
 - vii. te whakatau tata i te wā o te nohoanga e hiahiatia ana me te whakarite i te wā nohoanga.
- (d) Ka tukuna pea ngā kēhi e hiahia ana i te aronga whakaarotau ki te **Ara Whakaarotau**. Ko te kēhi i runga i te ara whakaarotau he kēhi i āta whakahaeretia e ngā whakahau tauwhāiti kia whakatutuki i te tatūtanga i roto i te wā e whaitake ana i roto i ngā āhuatanga o te kēhi. I te nuinga o te wā ka whakatakotohia ngā tono mō ngā ōta whakauruhitanga taupua, mō ngā whakapuakitanga me ngā tono i tukuna tōtikatia ki te Kōti rānei, ki tēnei ara.
- (e) Ka tukuna pea ngā kēhi kāore i te hiahia ki te tatūtanga i te haerenga noa o te mahi a te Kōti mō tētahi take tauwhāiti i tautuhia, ki te **Ara Tū o Ngā Hunga**. E herea ana kia whakaae te Kōti, ā, i te nuinga o te wā, te whakaaetanga a ngā hunga katoa. Ko ngā take e pērā ai te whakaritenga mēnā e hiahiatia ana ētahi atu whakaaetanga, tērā rānei e hui ana ngā hunga kia whakawhiti kōrero mō te whakataunga, tērā rānei me whakaoti tētahi atu tukanga whakaaetanga, whakawā rānei i mua i te whai whakaarotanga a te Kōti. Ka whakaritea te whakahau whānui kia whakarato i te pūrongo tūnga i ngā wā riterite kia whakatūturu e whaimana tonu ana ngā take mō te whakaritenga.
- (f) Ka whakapūmautia ngā tepenga wā whakahaere kēhi me ētahi atu herenga i muri i te whakaaroaro ki ngā whakaaro o ngā hunga, ā, ka whakahoungia e hāngai ana ki ngā āhuatanga o te kēhi. Ina whakahaua ana te whakaritenga whakahaere kēhi, e kawatau ana te Kōti kia tutuki ana wā kati me ana tepenga wā. Mēnā he tautuku kore kāore i te whakamāramatia, te āhua nei he nuka whakaroa rānei, ka pāngia e ngā whakahau, ngā whiu rānei, tae atu ki te whakawhiwhinga o ngā utu whakahaere mēnā kua pērā, i ngā āhuatanga taumaha rawa rānei, te whakakore rānei i te kēhi o te hunga e hē ana.

5.4. Ngā hui ā-kaiwhakawā

- (a) I raro i te wehenga 267 o te Ture ko te kaupapa o te hui ā-kaiwhakawā kia aru i ngā whāinga o te whakahaere kēhi i raro i te āhuatanga e

whakatairanga ana i te whakahaere tōkeke, whaitake hoki o te whakahaerenga ā-ture.

- (b) Ko te kawatau a te Kōti e whakapau kaha ana ia hunga nō te whakahaerenga ā-ture ki te whakakakau ki hunga kē ki te tautuhi me te kimi kia whakatatū i ngā take tukanga i mua i te kimihanga o te whakahaerenga ā-ture, tētahi atu āwhina rānei a te Kōti.
- (c) Ka āhei tētahi hunga te tono i te hui ā-kaiwhakawā mō ngā take katoa e whakarārangihia ana i roto i te wehenga 267(3) o te Ture. Me whāki tētahi tono mō te hui ā-kaiwhakawā i ngā taipitopito o ngā take e marohitia ana kia whai whakaarohia me tētahi whakataunga, whakahau rānei e kimihia ana. Ka whakahau pea te Kōti kia tū te hui ā-kaiwhakawā, ā, ka tautuhi i ngā take kia kōrerotia i roto i te pānui o te hui ā-kaiwhakawā.
- (d) Me tae atu ia hunga o te whakahaerenga ā-ture, tana kaiwawao, māngai rānei ki te hui ā-kaiwhakawā mō taua whakahaerenga ā-ture, hāunga e whakamanahia ana te whakaaetanga kia matangaro.
- (e) Me mōhio rawa ia kaiwawao, māngai o tētahi hunga i tētahi hui ā-kaiwhakawā ki ngā whakaaro o taua hunga mō ngā take katoa e kōrerotia ai ki te hui ā-kaiwhakawā.
- (f) Ka whakahaeretia te hui ā-kaiwhakawā i roto i te kōti, te kōti muna, ā-waea, ā-tuihono rānei. Mēnā e hiahiatia ana, ka whakahaua he whakatōpūtanga o ngā tikanga tae mai ā-tinana, ā-mamao rānei.
- (g) Ka whakahaeretia te hui ā-kaiwhakawā kotahi e pā ana ki ngā whakahaerenga ā-ture hāngai, ā, ko ngā whakaritenga o tēnei Tuhinga Whakatau Tikanga mō ngā hui ā-kaiwhakawā e hāngai ana ki ērā me ētahi panoni e hiahiatia ana.

5.5. Te aronga ki ngā tikanga

- (a) Ka whakapau kaha te Kōti, hei wāhanga o te whakahaere kēhi, kia aro ki ngā tikanga i ngā kēhi katoa mā te akoako ki ngā hunga i te wā o ngā hui ā-kaiwhakawā. E tonoa ana ngā hunga kia āwhina i te Kōti kia tautuhi i ngā tikanga hāngai mō ngā tāngata whenua, te wāhi rānei o te nohoanga, tētahi take rānei i roto i te whakahaerenga ā-ture tae atu ki te whakaritenga tika mō:
 - i. Te whakamahi i te reo Māori i raro i te wehenga 7 o Te Ture mō Te Reo Māori 2016 – the Māori Language Act 2016, tae atu ki:
 - 1. te mihi me te tuku taunakitanga;
 - 2. te whakarite kia wātea ngā kaiwhakamāori ā-waha me ngā ratonga whakamāori; me

3. te whānuitanga o te hāngaitanga o ngā Tikanga 1.15 - 1.18;
- ii. Te whakahaere i te karakia i te tīmatanga me te mutunga o te nohoanga, tētahi wāhanga rānei o te nohoanga;
- iii. Te whakatū i ngā nohoanga, te katoa, tētahi wāhanga rānei, ki te marae me te mahi tahi me te tangata whenua kia whakatūturu e whāia ana te kawa me ngā tikanga me te aro atu ki te tūnga o te Kōti ki te whakahaere i ngā nohoanga;
- iv. Te whakarite i ngā hui ā-kaiwhakawā mō ngā kaititiro mātanga mō ngā take ahurea;
- v. Te whakarite i ngā takahi whenua, otirā ki ngā wāhi tapu;
- vi. Tae atu ki te Kōti e rangona ai te whakahaerenga ā-ture, te Kaiwhakawā o te Kōti Whenua Māori e mau ana i te wārena hei Kaiwhakawā Taiao rīwhi.

5.6. Te whai wāhitanga mamao

- (a) Ka kōrerotia e te Kōti, hei wāhanga o te whakahaere kēhi te whānuitanga o te whakahaere mamao o tētahi whakahaerenga ā-ture, me te āhua hoki, i raro i te Courts (Remote Participation) Act 2010, i tētahi atu tikanga rānei, tae atu ki ngā mea e whai ake nei:
 - i. Mō tētahi hui ā-kaiwhakawā;
 - ii. Mō tētahi tukanga ADR;
 - iii. Mō tētahi hui ā-kaiwhakawā mātanga;
 - iv. Mō te katoa, tētahi wāhanga rānei o te nohoanga, tae atu ki te whiwhi taunakitanga i te kaiwhakaatu kāore i tae ā-tinana ki te kōti;
 - v. Ngā herenga mō te pānui ina takune ana te hunga kia mamao te whai wāhi atu, kia karanga rānei i te kaiwhakaatu kāore e taea te tae ā-tinana ki te kōti;
 - vi. Ngā herenga mō te wāhi e tuku mamao ana te kaiwhakaatu i te taunakitanga;
 - vii. Ngā herenga mō te whakahaere o te kaiwhakaatu e tuku mamao ana i te taunakitanga, tae atu ki te kore whakakakau ki tētahi tangata i tua atu i te hononga ataata-rongo i te wā e tuku taunakitanga ana, ā, kia kaua e titiro ki tētahi tuhinga, mātāpuna mōhiohio rānei hāunga ngā tuhinga, ngā mātāpuna mōhiohio rānei e whakamahia ana e te Kōti i te wā o te tuku taunakitanga; me
 - viii. Ngā tikanga kia whakamana i te hunga, te kaiwhakaatu mamao rānei ki te tohu i ngā whakaaturanga, tae atu ki ngā whakaaturanga kāore

anō kia tukuna atu i mua i te nohoanga.

5.7. Ngā paihere taunaki tāhiko

- (a) E whakatenatena ana te Kōti i te whakamahi i ngā paihere taunaki tāhiko mēnā e āhei ana, ā, ka urupare i te whakamahinga i roto i tētahi whakahaerenga ā-ture ki tētahi hui ā-kaiwhakawā.
- (b) Ina whakahau ana te Kōti kia whakaratoa te paihere taunaki tāhiko, me akoako, me mahi tahi hoki ngā hunga nō te whakahaerenga ā-ture ki a rātou anō mō te whakarato i te paihere taunaki tāhiko hei whakamahinga i roto i te nohoanga mō taua whakahaerenga ā-ture.
- (c) Me whai ngā hunga i ngā aratohu i roto i:
 - i. te Senior Courts Civil Electronic Document Protocol 2019 (i panonitia i te 16 o Hepetema 2021); tērā rānei
 - ii. te Employment Court of New Zealand Electronic Casebook Protocol;
 e whakarite ana i ngā panoni e hiahiatia ana kia tika ai mō te whakahaerenga ā-ture i roto i te Kōti Taiao.
- (d) Ka tuku pea te Kaiwhakawā Matua o te Kōti Taiao i ētahi atu tuinga whakatau tikanga i ētahi wā e pā ana ki ngā āhuatanga tauwhāiti o ngā paihere taunaki tāhiko hei whakamahinga i mua i te aroaro o te Kōti Taiao.

5.8. Te whakarite i te whakahaerenga ā-ture mō te nohoanga

- (a) E herea ana te Kōti i raro i te wehenga 272 o te Ture kia rongu, kia whakatau hoki i ngā whakahaerenga ā-ture katoa i te wā poto e āhei ana i muri iho i tana tukunga hāunga, i roto i ngā āhuatanga o tētahi kēhi, kāore i te whakaarohia e tika ana.
- (b) Mutu kau anō te whakaoti i te wātaka whakahaere kēhi mō taua whakahaerenga ā-ture, ā, ka taea e te whakaritenga mō te Kōti, ka tuku pea te Rēhita i te pānui o te nohoanga.
- (c) Mēnā he take kia whakatārewatia te nohoanga o tētahi whakahaerenga ā-ture, me whakamōhio wawe atu ki te Rēhita ina mōhiohia ai taua take.
- (d) I te nuinga o te wā, kāore te Kōti e whakatārewa i te nohoanga mō tētahi pīra ki te whakamanatanga o te whakaaetanga rauemi ina whakahē ana te kaitono mō taua whakaaetanga.

5.9. Ngā nohoanga whakaarotau

- (a) I te nuinga o te wā ka rongu te Kōti i ngā whakahaerenga ā-ture i te raupapatanga o te tīmatanga, ā, e rite ana ki te nohoanga.
- (b) Ki te kimi te hunga i tētahi nohoanga tōmua mō tētahi whakahaerenga ā-

ture kāore anō kia whakatakotohia ki te ara whakahaere kēhi Whakaarotau, e āhei ana te tono ā-pānui mō te whakaritenga whakaarotau, e tautokohia ana e:

- i. tētahi manatu e whakatakoto ana i ngā take mō te tono, āhea te whakahaerenga ā-ture rite ai mō te nohoanga, ā, te roanga o te nohoanga e kawatauhia ana; me
 - ii. te taunakitanga kōrero taurangi e hāngai ana pea ki te whakatau kia whakamana, kia kaua e whakamana rānei i te whakaarotau.
- (c) Ko ētahi o ngā kaupapa hāngai hei whakaaroaro e pā ana ki te tono mō te whakaarotau:
- i. te take me whakaarotau tēnei whakahaerenga ā-ture i tō ētahi atu whakahaerenga ā-ture;
 - ii. ngā āhuatanga whai take o te whakahaerenga ā-ture ki te hunga tūmatanui e tautoko ana i te whakaarotau; tērā rānei
 - iii. mēnā, nā ngā āhuatanga o te kēhi tauwhāiti, e hiahiatia ana te whakaarotau (hei tauira, ina tatari ai ki te wā tika mō te kēhi ka kore he take mō ngā whakahaerenga ā-ture).
- (d) Mēnā he tono e whakataetae ana ki te rauemi kotahi, i te nuinga o te wā ka rongō, ka whakatau hoki te Kōti i ngā pīra ki ngā whakataunga i te raupapatanga e ōrite ana ki tērā i rongō ai te mana whakahaere whakaaetanga i ngā tono.

5.10. Ngā whakatārewatanga

- (a) Ki te kimi tētahi hunga i te whakatārewatanga i muri iho i te tuku a te Kōti i te pānui o te nohoanga, me tuku i te tono ā-pānui kia whakatārewahia me te tautokohia e:
- i. tētahi manatu e whakatakoto ana i ngā take mō te tono; me
 - ii. ngā taunakitanga kōrero taurangi e hāngai ana ki te whakatau kia whakamanahia tētahi whakatārewatanga.
- (b) Kāore pea te tono whakatārewa e whakamanahia ana ahakoa whakaae mai ngā hunga katoa.
- (c) Ina kimihia tētahi whakatārewa i te wāhanga tōmuri, ā, i muri i te noho nama a te Kōti mō ngā utu whakahaere tōtika e pā ana ki ngā whakaritenga nohoanga, ka whakamana pea te Kōti i te tono me te whakahau i te utu ki te Karauna o ngā utu whakahaere i noho nama ai te Kōti i raro i te wehenga 285 o te Ture.

5.11. Ngā Ōta Whakaaetanga

- (a) Mēnā me whakatatū tētahi whakahaerenga ā-ture e te whakaaetanga me whakamōhio wawe atu ngā hunga ki te Rēhita i te wā e mōhiohia te ara mahi.
- (b) Ina whakatatūhia tētahi whakahaerenga ā-ture e te whakaaetanga i waenga i ngā hunga me tētahi marohi kia tonu ki te Kōti kia whakarite i te ōta mā te whakaaetanga, me whakarite ngā hunga me te whakatakoto i tētahi manatu me te Ōta Whakaaetanga Hukihuki kia tukuna ki te Kaiwhakawā. Kia whakatakoto te manatu i ngā tūāpapa hāngai ki te whakarite i te Ōta Whakaaetanga Hukihuki me te whakaae e noho ana ngā panoni i whakaaetia ki te whakaaetanga rauemi, te tauākī kaupapahere rānei, te tapanga ōkawa rānei ki te korahi o te mana ā-ture o te Kōti, ā, e whakatutuki ana i ngā whakaaroaro hāngai i raro i te Ture me ētahi tuhinga whakamahere ā-ture hāngai. Mēnā e herea ana te taunakitanga hei tautoko i ngā tūāpapa kia whakarite i te Ōta Whakaaetanga Hukihuki, me whakarato ki te puka kōrero taurangi.
- (c) Tirohia wāhanga 10.4 o tēnei Tuhinga Whakatau Tikanga mō ngā whakaritenga e pā ana ki te whakaaturanga o ngā herenga hukihuki o te whakaaetanga rauemi, te tapanga ōkawa rānei. E hāngai ana hoki ēnei whakaritenga ki ngā herenga i marohitia kia whakahaua e tētahi ōta whakaaetanga hukihuki.
- (d) I ētahi wā, ka tuku pea te Kaiwhakawā Matua o te Kōti Taiao i tētahi whakahau whānui e pā ana ki te āhua o ngā tonu me tāpae ngā hunga mō ngā ōta whakaaetanga hukihuki ki te Kōti. Ka whakatakotohia te whakahau ki te paetukutuku a te Kōti.
- (e) Ina whaiwhakaaro ana i te tonu ki te whakarite i te ōta whakaaetanga, ka aro atu te Kōti ki:
- i. te korahi o tana mana ā-ture i raro i te ture hāngai;
 - ii. te korahi o te whakahaerenga ā-ture e marohitia ana e whakaritea ai te ōta; me
 - iii. ngā whakaaroaro hāngai i raro i te ture me ētahi tuhinga whakamahere ā-ture.
- (f) Kāore e whakaritea tētahi ōta whakaaetanga nā runga anō i te take e whakaae ana ngā hunga ki taua ōta.
- (g) Ka whakatū pea te Kaiwhakawā i tētahi hui ā-kaiwhakawā, tētahi nohoanga rānei ki te urupare ki tētahi take e ara ake ana e pā ana ki te ōta whakaaetanga hukihuki e marohitia ana.

5.12. Whakamutunga o ngā whakahaerenga ā-ture

- (a) Mēnā me whakamutu te katoa, tētahi wāhanga rānei, o tētahi whakahaerenga ā-ture e te whakaaetanga me whakamōhio wawe atu ngā hunga ki te Rēhita i te wā e mōhiohia te ara mahi.
- (b) Kāore te whakamutunga o te whakahaerenga ā-ture, te katoa, te wāhanga rānei, e herea ana ki te whakaaetanga a te Kōti.
- (c) Ina whakamutu tētahi hunga i tana whakahaerenga ā-ture:
 - i. Me tuku pānui o taua whakamutunga ki te Kōti me ērā atu hunga katoa;
 - ii. Ka tono ērā atu hunga nō taua whakahaerenga ā-ture mō ngā utu whakahaere i te whakamutunga, ā, ka pupuri tonu te Kōti i te mana ā-ture i raro i te wehenga 285 o te Ture kia whai whakaaro me te whakatau i tētahi tono pērā; ā
 - iii. Tētahi atu hunga e hiahia ana kia haere tonu taua whakahaerenga ā-ture me hoatu pānui ki te Kōti, ki te katoa o ērā atu hunga hoki e whakahē ana ia i te whakamutunga o te whakahaerenga ā-ture i mua i te paunga o ngā rā mahi e 5 i muri i te whiwhinga o te pānui o te whakamutu, ā, ka whakatū te Kōti i te hui ā-kaiwhakawā kia whakarite whakahau mō te tatūtanga o te take.

6. Ngā tukunga tōtika

6.1. Ngā tukanga motuhake i ngā pira whānui

- (a) Nā runga anō i ngā tukanga ā-ture motuhake me te rahi hoki, ka whakahaeretia motuhaketia i ētahi atu whakahaerenga ā-ture te tono mō te whakaaetanga rauemi e tukuna tōtikatia ki te Kōti e te mana whakahaere whakaaetanga i raro i ngā wehenga 87C–87I o te Ture, tētahi take rānei i tukuna ki te Kōti e te Minita i raro i te Wāhanga 6AA o te Ture.
- (b) Me tuku tētahi kaituku mō te tono, te kaupapa rānei i tukuna tōtikatia, i tana tāpaetanga ki te Kōti i raro i te wehenga 274 o te Ture ki te Puka 33 o ngā Waeture ahakoa kua tāpae kē ia ki te tono, te kaupapa rānei, ki te mana Whakahaere ā-rohe, kāore rānei.
- (c) Ki te kore te kaituku ki te mana whakahaere whakaaetanga, ki te mana whakahaere ā-rohe rānei e hoatu i te pānui ki te Kōti i raro i te wehenga 274 o te Ture, ehara ia i te hunga nō te whakahaerenga ā-ture, ā, nā reira kāore e whiwhi ki ētahi pānui, ki ētahi atu whakakakau rānei a te Kōti, i tua

atu i te whiwhi ki tētahi tārua o te whakataunga, te tatūnga, te ōta rānei a te Kōti i te whakaotinga o te kaupapa.

6.2. Te whakahaere i ngā hunga tino maha

- (a) Ka puta i te tukanga tukunga tōtika te nohoanga wā tuatahi i mua i te aroaro o te Kōti, kua ki mua i te mana whakahaere whakaaetanga, mana whakahaere ā-rohe rānei. I te nuinga o te wā he nui ake ngā hunga nō te tono tukunga tōtika i ō ngā pira i ngā whakataunga o ngā mana whakahaere whakaaetanga, ngā mana whakahaere whakahere. He maha pea ngā kaituku i tētahi tono tukunga tōtika kāore e whakakanohitia ana, ā, kāore he wheako ki ngā tikanga me ngā tukanga o te Kōti, he iti rawa rānei.
- (b) Ka whakarite whakahau te Kōti me te whai whakaaro ki aua kaupapa kia whāomo te ahua whakamua o te tono i tukuna tōtikatia, ā, ka tāpirihia pea:
- i. te kopou i tētahi kaitohutohu tukanga, ētahi rānei, ki te āwhina i ngā kaituku ki te tohutohu mō ngā tikanga me ngā tukanga a te Kōti, engari kia kua e tohutohu mō ngā take o te ture e hāngai ana ki ngā tukanga matua, ngā kaupapa rānei o te taunakitanga mātanga e hāngai ana pea ki ngā take o te kēhi;
 - ii. te whakakakau me te whakawhiti i ngā tuhinga mā ngā āhuatanga tāhiko ina āhei ana; me
 - iii. te whakatenatena i ngā kaituku kia whakaemi me te mahi tahi i te kirimana i te kaiwawao me te karanga i te taunakitanga.

6.3. Ngā whakahau me ngā whakakorenga takamua o te tukunga

- (a) Ina matapae ana te kaitono e hiahia ana ki te mana whakahaere, te mana whakahaere whakaaetanga, te mana whakahaere ā-rohe rānei he tokomaha ngā kaitono e whai wāhi atu ki te tono, ki te kaupapa rānei i tukunga tōtikatia, ā, kāore pea e āhei ana te tautuku ki ngā herenga whānui o te Ture mō te tuku o ngā tuhinga, ka āhei te Kōti te tuku whakahau me te whakamana whakakorenga ki te kaitono e pā ana ki aua kaupapa i mua i te tukunga o te tono ki te Kōti.
- (b) Mēnā e whakaritea ana ngā whakahau, ngā whakakorenga takamua o te tukunga rānei, ka whakamanahia kia tono tētahi tangata e tū ai hei hunga nō te whakahaerenga ā-ture ā tōna wā kia panonihia tētahi whakahau, whakakorenga pērā rānei.
- (c) He ōrite te āhuatanga o te kaitono, te mana whakahaere whakahere rānei e kimi ana i te *whakahau*, whakakorenga rānei i mua i te tukunga ki tētahi kaitono e kimi ana i ngā ōta takitahi ki ngā kōti whānui, ā, nā reira, e herea ana i raro i te herenga pono kia whakamōhio ki te Kōti, i runga i te tika me te pūataata, ētahi whakaaroaro e hāngai ana ki te whakamahi i te

whakahau, whakakorenga rānei e whakahē ana i te tono, te kaupapa rānei.

6.4. Te whakahokinga o ngā utu whakahaere o te tono i tukuna tōtikatia

- (a) Ka kīia i raro i wehenga 285(5) o te Ture ka whakahau te Kōti i te kaitono i te tukanga tukunga tōtika ki te utu ki te Karauna ngā utu whakahaere me ngā whakapaunga i pā ki te Kōti i te whakahaeretanga o te nohoanga mō te tono.
- (b) Ka tāpirihia ki ngā utu whakahaere me ngā whakapaunga ngā utu whakahaere e pā ana ki te whakahaere kēhi pērā i te kopounga o ngā kaitohutohu tukanga, te pāho mataora, te mea, te mea.
- (c) Ka tono te Kōti i ngā tāpaetanga a te kaitono i mua i ngā whakataunga mō te whakahaere kēhi e pā ai ngā utu whakahaere, ngā whakapaunga inati rawa rānei.
- (d) Mēnā i tae te tukanga tōtika ki te nohoanga, kāore ngā utu whakahaere e whakawhiwhia ki tētahi hunga hei aro atu ki te āhuatanga whai wāhi o ngā tukanga wā tuatahi i raro i te Ture.

7. Te tatūtanga taupatupatu rerekē

7.1. Kupu Whakataki

- (a) I te nuinga o te wā ka tuku te Kaiwhakawā Whakahaere i te whakahaerenga ā-ture ki tētahi tūmomo tukanga (he hui takawaenga i āwhinatia e te Kōti i te nuinga o te wā) tatūtanga taupatupatu rerekē (**ADR**) hei mahi tuatahi, e hāngai ana ki te whakaaetanga a ngā hunga me ētahi tohutohu i raro i te wehenga 268 o te Ture.
- (b) Ki te kore te Kaiwhakawā Whakahaere e whakaaro he tika te tukanga ADR, ki te kore rānei e whakaaetia ana e ngā hunga, ka whakatū te Kōti i tētahi hui ā-kaiwhakawā ki te whakarite whakahau mō te whakahaerenga ā-ture kia haere ki te nohoanga.
- (c) Kāore he utu mō te tukanga ADR i āwhinatia e te Kōti, engari ina kimihia ana tētahi whakatārewa i te wāhanga tōmuri, ā, i muri i te noho nama a te Kōti mō ngā utu whakahaere tōtika e pā ana ki te whakamahi whakaritenga mō te tukanga ADR, ka whakamana pea te Kōti i te tono me te whakahau i te utu ki te Karauna o ngā utu whakahaere i noho nama ai te Kōti i raro i te wehenga 285 o te Ture.
- (d) Ka whakaae pea ngā hunga ki te whakahaere i tētahi āhua o te tukanga ADR i waenga i a rātou me te kore āwhina o te Kōti. Ki te pērā, me tohutohu ngā hunga i te Kōti mō te wā e hiahiatia ana mō taua tukanga, ā, mēnā me whakanoho te whakahaerenga ā-ture ki te Ara Tū o ngā Hunga mō te wā

nei.

7.2. Te taenga atu me te mana whakahaere

- (a) Ina tukuna te whakahaerenga ā-ture ki te tukanga ADR i raro i te wehenga 268 o te Ture, e whakaturea ana te whai wāhitanga atu a ngā hunga katoa i raro i te wehenga 268A o te Ture, hāunga e whakamanahia ana te whakaaetanga a te Kōti kia kaua e whai wāhi atu.
- (b) Ka āhei te hunga nō tētahi whakahaerenga ā-ture te tonono ki te Kōti mō te whakaaetanga kia kaua e whai wāhi atu ki te tukanga ADR. Ka āhei te Kōti te tuku whakaaetanga mēnā e whakaaro ana kāore i te tika kia whai wāhi atu tētahi hunga ki te tukanga ADR.
- (c) Ka whakawāteatia pea tētahi hunga kia tae ā-tinana ki te tukanga ADR mēnā, i mua i te takunetanga ADR, e whakarato ai taua hunga i te tohutohu ā-pepa pēnei:
 - i. e whakaae ana ia ki te tautuku ki tētahi whakaaetanga i tutuki i roto i te tukanga ADR; tērā rānei
 - ii. ka tū tētahi tangata hei māngai mō ō rātou take, ā, e whaimana ana taua tangata ki te whakatau mō rātou; tērā rānei
 - iii. kāore ia i te whai take ki ngā kaupapa e noho ana hei take o te tukanga ADR.
- (d) Ki te kore e riro i tētahi hunga te whakaaetanga kia kaua e whai wāhi atu, ki te whakahē kia tae atu, ki te kore e tae atu rānei ki te tukanga ADR, ka taea e tētahi atu hunga te tonono kia whakakorea taua hunga, kia whai wāhi atu anake i runga i ngā tikanga e whakaritea ana e te Kōti.
- (e) Me whai māngai ia hunga nō te tukanga ADR, kia kaua e iti iho i te kotahi, ā, e whai wāhi atu ana ā-tinana me te whaimana kia whakarite whakataunga i roto i taua tukanga hei māngai mō tana hunga ake. Mēnā he kamupene, he rōpū rangatōpū rānei, me whaimana te tangata hei māngai kia āhei te whakatau i te taupatupatu hei māngai mō te rōpū rangatōpū.
- (f) I te nuinga o te wā ki te tae atu te tangata hei māngai mō tētahi hunga ki tētahi takunetanga ADR, kua riro i taua tangata te mana whakahaere katoa i taua hunga ki te whakatau. Mēnā he tepenga ki te mana whakahaere me whakamōhio atu ki ērā atu hunga nō te tukanga ADR, ki te kaitakawaenga, te kaihuawaere rānei hoki, kia kaua e iti iho i ngā rā mahi 10 i mua i te takunetanga ADR hāunga i whakaaetia kētia e te katoa o ngā hunga.

7.3. Te noho haepapa me te mahinga

- (a) I te nuinga o te wā ka kopou te Kaiwhakawā Whakahaere, te Rēhita rānei i te Kaikōmihana Taiao kia mahi hei kaitakawaenga, hei kaihuawaere rānei

i te tukanga ADR.

- (b) Ka kopoua pea hoki tētahi tangata ehara i te mema nō te Kōti hei kaitakawaenga, kaihuawaere rānei, e hāngai ana ki te whakaaetanga a te Kaiwhakawā Whakahaere ki taua kopounga me te whakaaetanga i waenga i ngā hunga me te Rēhita mā wai ngā utu whakahaere o taua kopounga e utu.
- (c) Me whai whakaaro e ngā hunga te hui whakawhiti kōrero tōtika i ngā wā katoa, ahakoa ōkawa, ōpaki rānei. I ngā wāhanga katoa o te whakahaerenga ā-ture, e kawatau ana te Kōti kia urupare tonu ngā hunga i te āhei o te whakataunga i te hui whakawhiti kōrero.
- (d) Ki te kore e tutuki tētahi whakaaetanga i te tukanga ADR, me whai wā ngā hunga ki te whakawhāiti, ā, mēnā e āhei ana, ki te whakaae ki ngā take kia kawea ki te Kōti. Ka huawaere tēnei i te arotahi me te whakaiti i te roanga o te nohoanga.
- (e) Ina haere ana te tukanga ADR, ka tukua te whakahaerenga ā-ture ki te ara tū o ngā hunga, tērā rānei, ki te whakahaua e te Kaiwhakawā Whakahaere, ka herea ngā hunga kia whakarite tonu mō te nohoanga i te wā kotahi e haere ana te tukanga ADR.
- (f) Ka tuku te Rēhita Kōti i te pānui o te tukanga ADR ki ngā hunga. I te nuinga o te wā kāore e iti iho i ngā rā mahi 15 e tukuna ai tēnei pānui i mua i te rā o te tukanga ADR, e hāngai ana ki te wāteatanga o te kaitakawaenga, te kaihuawaere rānei.
- (g) Me urupare ngā hunga ki taua pānui me ngā ingoa me ngā taipitopito whakapā o ia tangata e tae atu ana me ētahi atu mōhiotio e hiahiatia ana e te pānui kia kua e iti iho i ngā rā mahi e 5 i mua i te rā mō te tukanga ADR.
- (h) He mea waiwai e kōrerorero ngā hunga, me te mahi tahi, ki te Rēhita Kōti i roto i te wā i tautuhia me te whakarato i ngā taipitopito e herea ana ki te Kōti. Ina kore e tautukuhia tēnei herenga, ka wehea pea te tukanga ADR me te whakarite i te kēhi mō tētahi nohoanga.
- (i) He tangata motuhake te kaitakawaenga, te kaihuawaere rānei, ā, ka whakapau kaha kia matatahi, kia tōkeke, kia matatika hoki te mahi, ā, kia ōrite te mahi me ngā hunga. Ko te tūnga o te kaitakawaenga, te kaihuawaere rānei he āwhina i ngā hunga kia whakaae ki te whakatau i te taupatupatu, kia whakatatū rānei i ngā take tauwhāiti kāore i roto i te taupatupatu whānui, ā, kia kua e whakatau ai mā aua hunga.
- (j) Ka wawe, ka whāomo hoki te tīmatanga o te tukanga ADR a te kaitakawaenga, te kaihuawaere rānei me te whakaaro kia oti ai i roto i te mahinga kotahi mēnā e āhei ana. Ko te mariu a te Kōti kia kua te tukanga

ADR e haere ana i tua atu i ngā mahinga e rua, e toru rānei, otirā i ngā āhuatanga rerekē rawa.

- (k) He muna te tukanga ADR ki ngā hunga e whai wāhi atu. Kāore e whakakakauhia ana ngā mahi i roto i te tukanga ADR, tana putanga rānei, hāunga e whakaae ana ngā hunga katoa i reira. E hāngai ana ngā wehenga 53 me 57 o te Evidence Act 2006 e pā ana ki te muna ā-taunakitanga mō ngā hui whakawhiti kōrero me ngā hui takawaenga whakataunga, tae atu ki ngā aweretanga i raro i te wehenga 57(3), ki tētahi whakakakau, ētahi mōhiohio rānei, i whakaarohia he muna, ā, i hangaia, i hoatu rānei e pā ana ki te whakamātau ki te whakatau, takawaenga rānei i te whakahaerenga ā-
ture.
- (l) Ka whakahaere te kaitakawaenga, te kaihuawaere rānei i te tukanga ADR i runga i te ara e pai ai ki tāna titiro, me te aro atu ki te āhua me ngā āhuatanga o te taupatupatu me ngā tūmanako o ngā hunga. Ka whai wāhi ki tēnei te whakapā ki ngā hunga i mua i te tukanga ADR me te whakahau i ngā mōhiohio, te whakatakoto rānei i ētahi atu herenga mō te tukanga kia āwhina i te whāomo o te tukanga ADR. Kāore e whakahaeretia ana te tukanga ADR i raro i ngā tukanga ōkawa, ngā tikanga o te taunakitanga rānei, ā, ka arahina e te kaitakawaenga, te kaihuawaere rānei i ngā wā katoa.
- (m) I ngā wā me te raupapa e tika ana, ka whakarite pea te kaitakawaenga, te kaihuawaere rānei i te rārangi wā kia whakatūturu te whakaoti wawe, nahanaha hoki o ētahi atu mahi, pērā i te whakaratonga o ngā mōhiohio anō.
- (n) Mēnā ko te whakaaro mātanga tētahi o ngā take e taupatupatuhia ana, me tae atu ngā mātanga hāngai a ngā hunga, mēnā e āhei ana, ki te tukanga ADR, kia noho wātea mā te waea rānei mēnā e hiahiatia ana kia matapaki i ngā take pēnā i roto i te tukanga ADR. E whakatenatenahia ana te kōrerorero tahi a ngā mātanga i roto i te tukanga ADR. Mēnā i kōrero tahi ngā mātanga i te hui takawaenga, ā, e whakaputaina ai te tauākī o ā rātou matapaki, ka whakahau pea te Kaiwhakawā Whakahaere kia whakaurua ki te tauākī kaiwhakaatu ngātahi hei taunakitanga i raro i te wehenga 57(3)(d) o te Evidence Act 2006 mēnā ka ahu te kaupapa ki te nohoanga.
- (o) E kawatauhia ana kia ngākaupono, kia whaihua hoki te mahi tahi a ngā hunga ki te whakamātau kia whakatau i te taupatupatu, i ngā take rānei. Kei roto i te mahi tahi te whakarato tuhinga, mōhiohio, tāpaetanga, ngā panoni kupu tauwhāiti e kimihia ana me ētahi atu āwhina i marohitia, i tonoa rānei e te kaitakawaenga, te kaihuawaere rānei.
- (p) I roto i ngā tukanga ADR me ngā hunga tino maha, ngā take tuatini

hoki/rānei, ka whakarite pea te Kōti kia neke atu i te kotahi te kaitakawaenga, te kaihuawaere rānei hei whakahaere i te tukanga ADR.

7.4. Te whai wāhi mamao

- (a) E tika ana pea te whai wāhi mamao ki tētahi takunetanga ADR mā tētahi hononga ataata-rongo. Ki te hiahia te hunga kia mamao te whai wāhi atu, me whakapā atu ki te Rēhita Kōti i te wā e whiwhi ai rātou ki te pānui o te tukanga ADR me tā rātou tono me te take e hiahia ana rātou ki te whai wāhitanga mamao. Kei te kōwhitinga a te kaitakawaenga, te kaihuawaere rānei te whai wāhi mamao pērā.
- (b) Ka whakahaeretia pea te katoa o ngā tukanga ADR e te whai wāhi mamao, e tētahi whakaritenga momorua rānei e tūtaki ana ētahi hunga kanohi ki te kanohi, ā, ka mamao te whai wāhi a ētahi atu. E hiahiatia ana e te ara momorua kia whakaritea ētahi whakaurunga ki te wāhi e noho ana ngā kaiwhakauru kanohi ki te kanohi. I te nuinga o te wā he mea nui kia mahi tahi te Rēhita Kōti me te mana whakahaere ā-rohe hāngai kia whakatūturu e tika ana ngā wāhi mō te tukanga ADR kanohi ki te kanohi, ā, kei reira ngā taputapu tika.
- (c) Ināianei e tino whakamahia ana te taupānga Microsoft Teams e te Kōti mō ngā hui ā-ipurangi tae atu ki ngā tukanga ADR. Kāore e herea ana te kaiwhakauru mamao e te taupānga nei kia tāutahia te taupānga ki tana rorohiko, ā, ka taea te whakamahi mā te pūtirotiro ipurangi pērā i Edge, Chrome, Firefox rānei. Ka mahi te taupānga mā te tono maramataka tāhiko e tukuna ana e te Rēhita Kōti ki te kaiwhakauru mā te imēra. Kei roto i taua tono te hononga hei tūhono ki te taupānga mā te pūtirotiro ā-ipurangi. Ka ui pea te kaitakawaenga, te kaihuawaere rānei ki te mana whakahaere whakaaetanga hāngai hei hunga nō te tukanga ADR (otirā i ngā whakahaerenga ā-ture mō ngā mahere e marohitia ana, ngā panoni mahere rānei) kia whakarite i ngā tono.
- (d) E pēnei ana ngā herenga mō te whai wāhi mamao ki tētahi tukanga ADR i te itinga iho:
 - i. tētahi rūma e taea ana te matatapu i te roanga o te takunetanga;
 - ii. he pūmārō rorohiko, papahiko rānei me te pūnaha mahi hou;
 - iii. he hopuoro me te kāmera i roto i te pūmārō, e tūhonoa ana rānei, ā, e tika ana te whirihora kia āhei te mahi tahi; me
 - iv. te hononga ipurangi kaha.
- (e) Nā runga anō i te āhua whīwhiwhi o te whakahaere i te tukanga ADR me ngā kaiwhakauru mamao, me iti rawa te tokomaha o ngā kaiwhakauru.

- (f) Kei te kōwhitinga o te kaitakawaenga, te kaihuawaere rānei te whakaritenga rerekē ki tēnei Tuhinga Whakatau Tikanga. Ki te kimi tētahi hunga i te mea rerekē, me wawe te whakamōhio atu ki te Rēhita Kōti, ā, i mua tonu i te tukunga o te pānui mō te tukanga ADR.

7.5. Te Whakataunga

- (a) Kāore e whaimana ana te kaitakawaenga, te kaihuawaere rānei kia whakahau i te whakataunga ki ngā hunga, engari ka mahi ki te tautoko i a rātou kia whakatau i te katoa, i ētahi wāhanga rānei, o tō rātou taupatupatu mā te whakaaetanga, e whakamahi ana i te whānuitanga o ngā tikanga ADR whānui me te tae ki te taumata tohutohu ina tika ana i ētahi wā.
- (b) Ki te kore e whakaae tētahi hunga ki te whakauru ki te tukanga ADR, ā, e whakaae ana ērā atu hunga ki te whakataunga i raro i taua tukanga, ka pāngia pea te hunga kāore i te whai wāhi atu ki ngā utu whakahaere mēnā kāore e taea e taua hunga te whakawhere i te Kōti me rerekē rawa te putanga tika i te whakataunga i whakaaetia ai e ērā atu hunga.
- (c) Ehara i ngā wā katoa, engari i te nuinga o te wā, ina whakatau ana ka whakamutua te katoa, tētahi wāhanga rānei, o te pīra, tērā rānei he whakaaetanga e arohia ana e te Kaiwhakawā Whakahaere hei tūāpapa mō te tonu i te ōta whakaaetanga.
- (d) I ngā wā katoa, ka whakaputaina tētahi tuhinga putanga e ngā hunga i te tukanga ADR, ā, mēnā e āhei ana me waitohu e ngā hunga katoa i te rā i oti ai te tukanga ADR. Me whakatakoto tēnei tuhinga i ngā whakaaetanga katoa i tutuki i te tukanga ADR me ngā mahi hei mahi kia whakamanahia aua whakaaetanga. He matatapu tēnei tuhinga ki a rātou i roto i te tukanga ADR hāunga e whakaaetia kētia ana e te katoa i reira.
- (e) Ina hāngai ana tētahi tukanga ADR ki te whakataunga a tētahi mana whakahaere whakaaetanga, mana whakahaere ā-rohe rānei, kei mua i te aroaro rānei o tētahi o aua mana whakahaere, he āwhina mēnā ka tae atu te māngai o taua mana whakahaere me te anga tuhinga tāhiko hei whakatakoto i te mauhanga putanga. I te nuinga o te wā ka tautoko te wāhi mō te tukanga ADR i ngā taputapu tāhiko, rorohiko/rorohiko kawekawe hoki e whakamahia ana e ngā kaiwhakauru hei āwhina i te tukanga ADR pērā i ngā hanga whaitake tukuata me te tā.
- (f) I ētahi wā ka whakaputaina e ngā tukanga ADR, i tua atu i te tatūtanga o te tukanga i mua i te aroaro o te Kōti, he putanga i waho atu i te mana ā-ture o te Kōti. Me kauhā ngā take tāpiri e whakauru ki tētahi ōta whakaaetanga hukihuki, engari ka tuhia pea i tētahi whakaaetanga kē e taea ai te uruhi ki wānanga kē atu.

- (g) Tirohia wāhanga 5.8 o tēnei Tuhinga Whakatau Tikanga mō ngā whakaritenga e pā ana ki ngā ōta whakaaetanga.

7.6. Ngā tukanga ADR Mahere/Panoni Mahere

- (a) He whīwhiwhi ngā whakaritenga mō ngā tukanga ADR e pā ana ki ngā pīra mō ngā tuhinga whakamahere ā-ture i raro i te ture. Ka mahi tahi te Rēhita Kōti me te kaitakawaenga, te kaihuawaere rānei ki te mana whakahaere whakamahaere hāngai ki te whakahaere i te wātaka, te whakawhiti mōhiohio, te whakarite hōtaka me ētahi atu whakaritenga mō aua takunetanga. Kei roto pea i tēnei te whai i ngā kupu whakahau a te Kōti i tētahi kēhi tauwhāiti. Kua whakawhanakehia e ngā Kaikōmihana Taiao ngā aratohu me ngā tūkawe hei āwhina i ngā hunga. E matapae ana te Kōti, ina whakapaihia ake ana te hangarau, ka haere tonu te whanaketanga ngātahi o ēnei mea.

8. Te Whakaaturanga

8.1. E hāngai ana te ture whānui

- (a) E hāngai ana ngā whakaritenga o te Evidence Act 2006 ki ngā whakahaerenga ā-ture i roto i te Kōti Taiao. Me āta titiro ki ngā wehenga 6–9, 23–26 me 53 me 57 o te Evidence Act
- (b) He whakaritenga whakamana mō te Kōti te whakaritenga i roto i te wehenga 276(2) o te Ture, e mea ana kāore te Kōti Taiao e herea ana e ngā tikanga o te ture mō te taunakitanga e hāngai ana ki ngā whakahaerenga ā-ture, ā, ehara i te aweretanga mō ngā hunga, ngā kaiwawao, ngā kaititiro rānei.

8.2. Te mahi tahi i te whakaritenga o te taunakitanga

- (a) E kawatau ana te Kōti e mahi tahi ai ngā hunga katoa, tētahi ki tētahi, ina whakarite ana i te taunakitanga mō te nohoanga.
- (b) E whakatenatenahia ana ngā hunga, ā, ka whakahau pea te Kōti i aua hunga, kia whakarite i te tauāki o ngā take me ngā meka i whakaaetia tae atu ki ngā whakaaro mātanga i whakaaetia me te paihere whakaaturanga i whakaaetia me te paihere o ngā whakaritenga hāngai o ngā tuhinga whakamahere ā-ture, ētahi atu tuhinga hāngai rānei.
- (c) I te nuinga o te wā ka whakatakotohia ngā paihere taunakitanga me ngā paihere whakaaturanga ki te hōputu tānga ā-pepa (kia whā ngā tārua) me te hōputu tāhiko (ko te tūmanako hei hōputu tuhinga kawekawe, hei kōnae .pdf rānei). Me whakahaere ngā hōputu e rua o te paihere, me whai ripa, tohuwāhi rānei, me whakarite whārangi me te kuputohu hoki, kia kaua e

rerekē, ā, kia ōrite rawa.

- (d) Me āta arotake ngā ihirangi o te paihere o ngā tuhinga ngātahi e ngā kaiwawao kia awere i ngā rawa kāore i te hāngai, kāore i te tautoko rānei me te karo i te toai i ngā rawa mō te kore noa iho.
- (e) I te nuinga o te wā ka whakahaua te kaihāpai o tētahi whakahaerenga ā-ture (te kaitono mō te whakaaetanga, te mana whakahaere whakahere rānei, te hunga rānei e kimi ana i te panoni mahere) kia ārahi i te tukanga o te whakarite i ngā paihere o te taunakitanga, ngā whakaaturanga me ngā tuhinga ngātahi me te whakatakoto ki te Kōti e ai ki ana whakahau.

8.3. Tauākī o te taunakitanga

- (a) Me whakauru ki ia tauākī ā-pepa o te taunakitanga:
 - i. te whakaingoatanga o te whakahaerenga ā-ture, tētahi atu āhua rānei o te upoko e tautuhi ai i te whakahaerenga ā-ture e tukuna ana te taunakitanga;
 - ii. te ingoa katoa me te mahi o te kaiwhakaatu;
 - iii. mō tētahi kaiwhakaatu e karangatia ana kia hoatu i te taunakitanga mātanga, ngā pūtake tohu me te piringa ki te tikanga mahi mō ngā kaiwhakaatu mātanga i roto i te wehenga 9 o tēnei Tuhinga whakatau tikanga;
 - iv. he whakarāpopoto o ngā take matua e uruparehia ana e te kaiwhakaatu i roto i te tauākī; me
 - v. te taunakitanga i whakatakotohia ki ngā kōwae i whakanamahia, ki ngā whārangi i whakanamahia rānei.
- (b) Nā te mea i te nuinga o te wā ka tāpaetia he tauākī o te taunakitanga e te kaiwhakaatu ki tētahi nohoanga i roto i te kōti, ehara i te mea me waitohu te tauākī.
- (c) Me pēnei ia tauākī ā-pepa o te taunakitanga:
 - i. ka whakatakotohia, ka hōputuhia hoki i te ara e ngāwari ai te pānui me te tohutoro;
 - ii. ka tuhia ki ngā kupu ake a te kaiwhakaatu, kua ko ngā kupu a te rōia, a tētahi atu tangata rānei e uru ana ki te tuhi i te tauākī hukihuki;
 - iii. kāore i whakaurua he taunakitanga mēnā tē taea te tuku ki te whakahaerenga ā-ture;
 - iv. kāore i whakaurua he rawa e ōrite ana te āhua ki te tāpaetanga;
 - v. me poto me te karo i te tāruarua;

- vi. me karo te whakataki i ngā ihirangi, te whakarāpopototanga rānei o ngā tuhinga e whakaputaina ai; ā
 - vii. me whakawhāiti, ka arotahi hoki ki ngā take e taupatupatuhia ana.
- (d) E noho haepapa ana te kaiwawao, tētahi atu māngai rānei, o tētahi hunga kia whakatūturu e tautuku katoa ana ngā tauākī o te taunakitanga ki te Evidence Act 2006, ki tēnei Tuhinga whakatau tikanga me ētahi whakahau a te Kōti.
- (e) Ki te kore e tukuna tētahi kupu whakahau tauwhāiti mō te whakatakoto me te whakawhiti o te taunakitanga, me whakatakoto me te tuku ngā tauākī o te taunakitanga:
- i. e tētahi kaihāpai, e tētahi kaitono rānei nō te whakahaerenga ā-ture, ā, kia kua e nui ake i te 10 ngā rā mahi i mua i te tīmatanga o te nohoanga; ā
 - ii. e tētahi kaiwhakahē, e tētahi kaiurupare rānei nō te whakahaerenga ā-ture, ā, kia kua e nui ake i te 5 ngā rā mahi i mua i te tīmatanga o te nohoanga.
- (f) Ki te kore e tautuku ai ki tēnei Tuhinga Whakatau Tikanga, ki ētahi whakahau a te Kōti rānei e pā ana ki te whakatakoto me te whakawhiti o ngā taunakitanga, ka hiahiatia pea te whakaaetanga a te Kōti kia karanga i te kaiwhakaatu i hē tana taunakitanga, te whakatārewatanga rānei o te nohoanga me te whakahau hoki kia utu te hunga i hē i ngā utu whakahaere a ērā atu hunga me te Kōti i puta mai i te takaroatanga.
- (g) I te nuinga o te wā ka pānuitia e te Kōti ngā tauākī o te taunakitanga i mua i te nohoanga e tāpaetia ai aua tauākī.
- (h) I te nuinga o te wā ka tīmata pēnei te whakaaturanga o te taunakitanga a ia kaiwhakaatu i roto i tētahi nohoanga:
- i. ka karangatia, ā, ka haere ki te pouaka kaiwhakaatu;
 - ii. te tuku oati, whakaū rānei kia kōrero pono, e whakahaeretia ana e te Rēhita, e te kaiwhakahaere nohoanga rānei;
 - iii. te whakaū i tana ingoa, umanga, ā, nā wai i tuhi te tauākī, ngā tauākī rānei o te taunakitanga e kōrerotia ana e ia;
 - iv. te kōrero i te whakatikahanga mā tana tauākī o te taunakitanga, te tāpae rānei i tauākī tāpiri e whakatakoto ana i tētahi whakatikahanga;
 - v. te whakatūturu, hāunga tētahi whakatikahanga i tukuna e ia, i te tika o tana tauākī o te taunakitanga ki tana mōhio, ki tana whakapono

hoki;

- vi. te whakautu i ngā pātai tāpiri, ko te nuinga e pā ana ki ngā taunakitanga i tāpaetia kētia, ngā take rānei i whakaarahia e te Kōti i te wā o te nohoanga;
 - vii. te whakautu i ngā pātai ina uiuitia kōkirikiritia;
 - viii. te whakautu i ngā pātai ina uiuitia anō;
 - ix. whakautu i ētahi pātai a te Kōti; me
 - x. te whakautu i ētahi pātai e ara ake ana i ngā pātai a te Kōti.
- (i) Mēnā e taupatupatuhia ana ngā take meka matua, ka herea pea e te Kōti kia kōrerotia ā-waha te taunakitanga matua o te kaiwhakaatu mā te pātai me te whakautu.

8.4. Te taunakitanga whakahē

- (a) Ka karangatia anake te taunakitanga whakahē hei urupare i ngā taunakitanga kāore e tino taea te matapae. Kei roto pea i tēnā:
 - i. te urupare i te mea kāore e taea te matapae i mua i te karanga i te kaiwhakaatu, i te whakawhiti rānei o tana tauākī o te taunakitanga; tērā rānei
 - ii. ina ohorere kē ana te hunga, te kaiwhakaatu rānei.
- (b) Me tino here te taunakitanga whakahē ki ngā tauākī e urupare ana i te taunakitanga matua e kimihia ana kia whakahēngia, ā, me kua e toai ngā taunakitanga i tāpaetia kētia, e whakauru rānei i ngā take hou.
- (c) Kei te kōwhitinga o te Kōti te whakaurunga o te taunakitanga whakahē, e whakamahia ana kia tōkeke ki ngā hunga me te whakatūturu e tino mōhio ana te Kōti ki ngā take hāngai ki te whānuitanga e āhei ana.

8.5. Ngā whakaaturanga

- (a) E whakatenatenahia ana ngā hunga kia kōrerorero me te whakaae ki ngā wāhi e āhei ana ki tētahi whakaaturanga, tae atu ki tētahi tuinga, mahere, whakaahua rānei, hoahoa, tētahi atu rawa ataata rānei, hei whakaputa hei taunakitanga, hei hoatu rānei ki tētahi kaiwhakaatu i te uiuitanga kōkirikiri.
- (b) Me tāpae ngā whakaaturanga i te hōputu whaitake, e taea ana te whakahaere i te rahi me te āwhata e tino mārāma ana.
- (c) Me tautuhi motuhake ngā whakaaturanga takitahi.
- (d) Me tāpae te paihere whakaaturanga i roto i te kōpaki whakawhārangi, whakaripa me te kuputohu.

- (e) Me whakaatu ngā mahere me ngā whakamahere i te āwhata me te inenga āwhata me te tohu raki.
- (f) Me tāpiri he mahere ki ngā whakaahua e whakaatu ana i ngā wāhi i whakaahuatia ai ia whakaahua.
- (g) Mēnā ko te take o te whakaaturanga kia aromatawai i ngā rākeitanga ataata kia mārāma rānei ki tētahi aromatawai o ngā rākeitanga ataata rānei, me whakarite kia rite ki ngā aratohu tikanga pai rawa o Tuia Pito Ora (New Zealand Institute of Landscape Architects).
- (h) Mēnā, nā runga anō i te rahi, te momo rānei o te whakaaturanga, tae atu ki tētahi tauira, kāore e tino taea te whakatakoto ki te aroaro o te Kōti, te hoatu rānei i te tārūa ki hunga kē, me whakamōhio atu te hunga e whakaaro ana kia whakaputa atu ki te nohoanga i te wā i whakaritea kia whakawhiti i te whakaaturanga ko hea te wāhi e taea ai te mātai.

8.6. Ngā tuhinga whakamahere ā-ture

- (a) Me whakarato ia mana whakahaere ā-takiwā nō te whakahaerenga ā-ture ki te Kōti:
 - i. he whakatūturutanga ki te Kōti he tārūa tika ngā tuhinga whakamahere ā-ture hāngai e wātea ana i runga i tana paetukutuku o ngā tuhinga i whakaaetia e tana rōpū mana whakahaere, ā, e whaimana ana i te wā o te nohoanga; me
 - ii. ngā kuputoro tika ki aua tuhinga i runga i tana paetukutuku; tērā rānei
 - iii. he tārūa pono o ngā tuhinga i whakamanahia e whaimana tonu ana i te wā o te nohoanga i raro i te wehenga 276A o te Ture.
- (b) Ki te kore e tino taea te urunga ki ngā tuhinga whakamahere ā-ture hāngai i roto i tētahi nohoanga (tae atu ki ngā mahere, ngā whakamahere, ētahi atu kōnae hāngai rānei) ā-tāhiko, me hari mai e ia mana whakahaere ā-takiwā ki te nohoanga te rahi o ngā tārūa e hiahiatia ana hei whakamahi mā ngā mema o te Kōti. E hiahiatia ana ngā tārūa e whā i te nuinga o te wā.
- (c) Ka mau pea te Kōti ki tētahi tārūa o taua tuhinga hei tirohanga māna i roto i ana wānanga me te whakaritenga o tana whakataunga.

8.7. Ngā tāmana kaiwhakaatu

- (a) Kia kua e takaroa te tāmana i ngā kaiwhakaatu, ā, kia whai wā mō te whakarite i ngā tauākī o te taunakitanga, e kawatau ana te Kōti kia tōmua te tono mō te tāmana kaiwhakaatu kia āhei te tuku i te tāmana i te 15 rā mahi i te itinga iho i mua i te tīmatanga o te nohoanga e tuku taunakitanga ai te kaiwhakaatu.

- (b) I te nuinga o te wā kāore te Kōti e tuku i te tāmāna kaiwhakaatu mēnā iti iho i te 10 ngā rā mahi e toe ana i mua i te tīmatanga o te nohoanga, hāunga te kaupapa o te tāmāna he whakaputa ōkawa noa i te tuinga e mōhiotia ana, e wātea ana hoki ki ngā hunga katoa.
- (c) Ka tuku pea te Rēhita, te Rēhita Tuarua rānei i te tāmāna kaiwhakaatu i roto i te Puka 40 o ngā Waeture, hāunga he iti iho i te 10 ngā rā mahi i mua i te tīmatanga o te nohoanga te wā i tonoa ai.
- (d) E kawatauhia ana mēnā e tukuna ana te tāmāna kaiwhakaatu ki tētahi tangata me whakarite taua tangata i te tauākī o te taunakitanga ā-pepa e tautuku ana ki te wehenga 8.3(a)–(d) o tēnei Tuinga Whakatau Tikanga.

9. Tikanga mahi mō ngā kaiwhakaatu mātanga

9.1. Te herenga kia tautuku

- (a) E hāngai ana ngā take i roto i tēnei wehenga o te Tuinga whakatau tikanga hei tāpirihanga ki ngā take i roto i te wehenga 8 e hāngai ana ki te taunakitanga whānui, kua he whakakapinga.
- (b) Ki te tuku kirimana tētahi hunga ki te kaiwhakaatu mātanga me:
 - i. hoatu i te tārua o tēnei Tikanga Whanonga ki te kaiwhakaatu mātanga; tērā rānei
 - ii. whakatūturu i kitea e te kaiwhakaatu mātanga te Tikanga Whanonga, ā, e mōhiotia ana e ia.
- (c) Me tautuku te kaiwhakaatu mātanga ki te Tikanga Whanonga ina whakarite ana tētahi tauākī o te taunakitanga ā-pepa, ina tuku ana rānei i te taunakitanga ā-waha ki te Kōti.
- (d) Mēnā kāore te kaiwhakaatu mātanga i pānui i te tikanga mahi, kāore e whakaae ana rānei ki te tautuku ki te Tikanga Whanonga, ka taea anake tana taunakitanga te tuku mā te whakaaetanga a te Kōti.
- (e) E hāngai ana ngā whakaritenga hāngai o te Evidence Act 2006, otirā te tāpiri i ngā whakamāramatanga i roto i te wehenga 4 o te "expert" me te "expert evidence" me ngā whakaritenga e pā ana ki ngā tauākī whakaaro me te taunakitanga mātanga i roto i ngā wehenga iti 23 – 26, tae atu ki ngā whakaritenga o tēnei Tuinga Whakatau Tikanga. Ina taupatupatu ana, ka whaimana ngā whakaritenga o te Evidence Act.

9.2. Te Haepapa ki te Kōti

- (a) He haepapa mana nui i runga i te kaiwhakaatu mātanga kia tapatahi te āwhina i te Kōti ki ngā take i roto i te matatau o te mātanga. He nui ake te whaimana o tēnei haepapa ki te Kōti i te haepapa ki tētahi hunga nō te whakahaerenga ā-ture, ki tētahi atu tangata rānei e tuku kirimana ana ki te mātanga.
- (b) Ehara te kaiwhakaatu mātanga i te kaitaunaki mō te hunga i tuku kirimana ki a ia.
- (c) Me whāki te kaiwhakaatu mātanga ki te Kōti tētahi tūhonotanga ki te hunga e karanga ana i a ia, tētahi aronga rānei a taua kaiwhakaatu ki te putanga o te whakahaerenga ā-ture tae atu ki tētahi whakaaetanga utu heipūtanga e whakawhirinaki ana ki te putanga o te whakahaerenga ā-ture.
- (d) Me whakaute ia kaiwhakaatu mātanga i te taunakitanga o ētahi atu kaiwhakaatu mātanga ki te whakaute tika mō ngā whakaaro o te aropā, ahakoa he tino taupatupatu i waenga i ngā tirohanga e whakaatuhia ana e ngā kaiwhakaatu mātanga. Me mauru te whakahē, ā, me hāngai ki te taunakitanga kaua ki te tangata.

9.3. Te taunakitanga o te kaiwhakaatu mātanga

- (a) Ina tuku taunakitanga, me pēnei te kaiwhakaatu mātanga:
 - i. whakaatu kua pānuitia e ia tēnei Tikanga Whanonga, ā, e whakaae ana kia tautukuhia e ia;
 - ii. kōrero i ana tohu, wheako hāngai me ētahi atu tūāpapa mō tana mātanga;
 - iii. tautuhi i te whānuitanga o tana taunakitanga, e whakarārangi ana i ngā take e uruparehia ana e ia me te kī kei roto i te rahinga o tana mātanga te taunakitanga, tērā rānei e whakawhirinaki ana ia ki te taunakitanga o tētahi atu kaiwhakaatu;
 - iv. tautuhi i ngā raraunga, ngā mōhiohio, ngā meka me ngā pūmāramarama e whai whakaarohia ai e ia hei waihanga i ana whakaaro;
 - v. kōrero i ngā take mō ngā whakaaro e whakapuaki ana ia, tae atu ki te take kāore e tautokohia ana ngā whakamāramatanga kē o ngā raraunga;
 - vi. kī atu kāore i mahue te whai whakaaro ki tētahi meka nui i mōhiotia e ia ka whakarerekē pea, ka whakaiti rānei i tētahi whakaaro i whakapuakina;
 - vii. tautuhi i te mātākōrero, ētahi atu rawa rānei, i whakamahia, i

whakawhirinakihia rānei e ia hei tautoko i tētahi whakaaro i whakapuakina;

- viii. whakaahua i tētahi mātautanga, whakamātautau, whakatewhatewha rānei i whakawhirinakihia e ia, me te tautuhi nā wai i mahi me ngā taipitopito o ngā tohu, wheako, mātanga hoki o taua tangata;
 - ix. tautuhi i te āhuatanga me te whānuitanga o ngā rangiruatanga i roto i ngā mōhiohio pūtaiao me ngā tātaritanga i whakawhirinakihia me ngā hīraunga pea o taua rangiruatanga;
 - x. mēnā e whakawhirinaki ana ki tētahi tauira pāngarau, whakaurua ngā tātaritanga rahirahi, rangirua rānei e tika ana mō taua tauira, e whakaaetia whānuitia ana rānei; me te
 - xi. whakamahi i ētahi kupu hangarau pērā i ngā mea e whakamahia ana i roto i tēnei aho (tae atu ki te rangirua, te rahirahi, te ngākau titikaha me te tūponotanga) e whakamahia ana rānei i roto i ā rātou taunakitanga e ai ki tana tikanga whānui i waenga i ngā mātanga i roto i te takiwā mātanga o te kaiwhakaatu.
- (b) Ki te whakaaro tētahi kaiwhakaatu mātanga kāore anō kia oti tētahi wāhanga o tana taunakitanga, kāore i te tika rānei ki te kore e whakamāramahia, me whakapuaki taua whakamāramatanga i roto i tana taunakitanga.
 - (c) Me tautuhi te kaiwhakaatu mātanga i tētahi āputa mātauranga e mōhio ana ia me ngā hīraunga pea i roto i ana taunakitanga.
 - (d) Ki te whakaaro tētahi kaiwhakaatu mātanga kāore anō kia toka, kia oti rānei ōna whakaaro nā te itiiti o te rangahau, te rangahau rānei, tētahi atu take rānei, me whakapuaki i tana taunakitanga.
 - (e) Me whakarato te kaiwhakaatu mātanga i te aromatawai o te taumata o te ngākau titikaha, me te tūponotanga o ētahi putanga i tautuhia, i roto i tana whakakapinga.
 - (f) Mēnā i muri iho i te whakawhitinga o ngā taunakitanga, ka panoni tētahi kaiwhakaatu mātanga i ētahi o ōna whakaaro, whakataunga rānei mō tētahi take matua, me whakakakau wawe ki ngā hunga katoa nō te whakahaerenga ā-ture i roto i tētahi tauākī tāpiri tae atu ki te take, ngā take rānei i panoni ai te whakaaro, te whakataunga rānei, ā, ngā mōhiohio i roto i te wehenga 9.3(a)-(e) i runga ake e hāngai ana.
 - (g) I te nuinga o te wā kei roto i te taunakitanga a te kaiwhakaatu mātanga tētahi tauākī kaiwhakaatu ngātahi i whakaputaina i tētahi hui ā-kaiwhakawā i tae atu ia.

9.4. He haepapa kia kōrerorero

- (a) Kia whakapai ake te whāomo o te tukanga nohoanga ka whakahau pea te Kaiwhakawā Whakahaere i ngā kaiwhakaatu mātanga i tētahi whakahaerenga ā-ture kia kōrerorero mā tētahi hui ā-kaiwhakawā mātanga. Ka tū ā-tinana tētahi hui ā-kaiwhakawā pērā, ā-mamao rānei, mā tētahi huinga o ngā tikanga e rua rānei.
- (b) Me tae atu ngā mātanga (he tangata me te mātauranga, ngā pūkenga mātanga rānei nā te whakangungu, mātai, wheako rānei) anake ki tētahi hui ā-kaiwhakawā mātanga, hāunga e āta whakamanahia e te Kaiwhakawā Whakahaere. I te nuinga o te wā kāore e whakamanahia ngā hunga me ngā kaiwawao kia tae atu. Ka whakamanahia ngā kaitiro porihanga kia tae atu ina whakatairangatia te mana o te pūnaha tika kia pērā.
- (c) He muna te hui ā-kaiwhakawā mātanga ki ngā mātanga e whai wāhi atu. Kāore e whakakakauhia ana ngā mahi i roto i te hui ā-kaiwhakawā mātanga, tana putanga rānei, i tua atu i te tauākī kaiwhakaatu ngātahi e whakaputaina ai e ngā mātanga.
- (d) Ko te mariu a te Kōti kia kopou te Kaiwhakawā Whakahaere i tētahi Kaikōmihana Taiao hei huawaere mō te hui ā-kaiwhakawā mātanga. Kāore he utu mō tēnei ratonga. I ētahi wā, ka hiahia pea ngā hunga ki te ahu whakamua me te hui ā-kaiwhakawā mātanga me te kore huawaere, te huawaere rerekē rānei. Me tohutohu pērā ki te Kōti, ā, e hāngai ana ēnei whakaritenga Tuhinga Whakatau Tikanga.
- (e) Ka āhei te hui ā-kaiwhakawā mātanga te tū i ngā wāhanga katoa o te whakahaerenga ā-ture tae atu ki te whakahau a te Kōti ina haere ana te nohoanga, engari e kawatauhia ana ka tū te hui ā-kaiwhakawā i mua i te nohoanga.
- (f) Ina tū ana tētahi hui ā-kaiwhakawā mātanga i mua i te whakawhitinga o te taunakitanga matua i tētahi kēhi, ka tohutohu pea te Kaiwhakawā Whakahaere kia haere tonu i runga i ngā whakarāpopototanga "kōrero pēnei" i mua i te whakawhiti i mua. E kawatauhia ana mā te kaiwhakaatu mātanga, hāunga e whakahaua kētia e te Kōti:
- i. te whakatūturu i ētahi taunakitanga i hoatu i tētahi nohoanga i mua e pā ana ki taua take tonu; tērā rānei
 - ii. i te itinga iho:
 1. te whakatakoto i ngā meka matua me ngā pūmāramarama e whakawhirinakihia ana;
 2. te tautuhi i te tikanga me ngā paerewa i whakamahia hei tae ki tōna whakaaro; me te

3. āta whakamārama i te whakaaro i toko ake.

- (g) Me tautuku tētahi kaiwhakaatu mātanga ki tētahi whakahau a te Kōti kia:
- i. kōrerorero ki tētahi atu kaiwhakaatu mātanga;
 - ii. whakamātau kia whakaae me ērā atu kaiwhakaatu mātanga ki ngā take i roto i te takiwā mātanga o ngā kaiwhakaatu mātanga, kia whakawhāiti i ngā rerekētanga i waenga i a rātou me te tautuhi i ētahi rerekētanga e toe ana; me te
 - iii. whakarite me te waitohu i tētahi tauākī kaiwhakaatu ngātahi e urupare ana i ngā take i whakarārangihia i roto i te wehenga 9.5 i raro iho.
- (h) Ina kōrerorero ana ki tētahi atu kaiwhakaatu mātanga me te whakarite i te tauākī kaiwhakaatu mātanga ngātahi, me whakamahi te kaiwhakaatu mātanga i te whakataunga motuhake, mātanga hoki, ā, me kua e mahi i runga i te tohutohu, te whakahau rānei a tētahi tangata kia tāpae i tētahi whakaaro, kia kua rānei e whakaae, kia kua rānei e karo te whakaaetanga.
- (i) Ko te hui ā-kaiwhakawā mātanga he tukanga taunakitanga, ā, ehara i te tukanga ADR. Ahakoa ka whakaae pea ngā mātanga e uru ana ki te hui ā-kaiwhakawā mātanga ki ngā take i roto i ō rātou takiwā mātanga, kāore te whakaaetanga e here i tētahi hunga ki tētahi putanga whānui, ki ngā kupu rānei o tētahi herenga.

9.5. Ngā tauākī kaiwhakaatu ngātahi

- (a) Me whakauru te tauākī kaiwhakaatu ngātahi i te whakaaetanga, ina whakaputa ana i te tauākī, kua pānuitia, ā, kua tautukuhia hoki e ngā mātanga te Tikanga Whanonga mō ngā kaiwhakaatu mātanga.
- (b) Me uru hoki i te tauākī kaiwhakaatu ngātahi ngā take e whai ake nei ina whakaaro ana ngā mātanga me te kaihuawaere e hāngai ana ki te hui ā-kaiwhakawā mātanga:
- i. te tautuhinga o ngā rawa e whakaarohia ana e ngā mātanga hei raraunga matua;
 - ii. ngā meka matua me ngā pūmāramarama e whakaaetia ana e ngā mātanga;
 - iii. he tautuhinga o ētahi tikanga, paerewa rānei e whakamahia ana e ngā mātanga ina tae ana ki ō rātou whakaaro me ētahi take mō ngā rerekētanga o ngā tikanga me ngā paerewa;
 - iv. te tautuhinga o ngā paerewa i tāngia, ngā pepa rānei i

whakawhirinakihia ina tae ana ki ō rātou ake whakaaro;

- v. ngā take e whakaaetia ana i waenga i ngā mātanga me ngā take mō aua whakaaetanga tae atu ki te aromatawai o tana taumata ngākau titikaha ki te tūponotanga o tētahi putanga, whakaotinga rānei i roto i aua whakaaetanga;
 - vi. ngā take kāore e taea e ngā mātanga te whakaae me ngā take mō aua taupatupatu;
 - vii. te tautuhinga o tētahi take e whakaae ana ngā mātanga kāore i tino uruparehia ana e ngā taunakitanga i whakatakotohia i taua wāhanga o te whakahaerenga ā-ture me ngā take mō taua ngoikoretanga; me
 - viii. ētahi potau rānei a tētahi mātanga mō tētahi kaupapa o te ture hira, tukanga rānei e rangirua ana rātou (hei tauira, te hāngaitanga o tētahi paepito e whakaaetia ana).
- (c) Me whakaoti, waitohu me te tuhi i te rā o te tauākī kaiwhakaatu ngātahi i whakaputaina i te hui ā-kaiwhakawā mātanga i te rā o taua hui ā-kaiwhakawā, e tata rawa ana rānei ki taua wā.
- (d) Ka here pea te Kōti i te uiui kōkirikiri i ngā mātanga ki ngā take e whakaaetia ana i te hui ā-kaiwhakawā mātanga pērā i te mauhanga i roto i te tauākī kaiwhakaatu ngātahi, ā, ka here pea i te karanga i taunakitanga kē, otirā ina whakamātau ana te kaiwhakaatu ki te whakauru i tētahi take, ētahi take rānei kāore i whakaaetia e ngā kaiwhakauru o te hui ā-kaiwhakawā me kua e whai whakaaro.

9.6. Te haepapa a ngā hunga mō te hui ā-kaiwhakawā mātanga

- (a) E noho kawatau ana ngā hunga (mā ā rātou kaiwawao mēnā ki kirimanatia tētahi) kia āwhina i te whakaritenga mō te hui ā-kaiwhakawā mātanga, tae atu ki te:
- i. whakarato ki ngā mātanga ngā tuhinga tonu, pīra hāngai hoki e whakahoungia tikahia ana, me ngā taunakitanga i tukuna kētia (mēnā e wātea ana) me ngā pūrongo e hiahiatia ana kia āhei tō rātou māramatanga ki ngā take o te whakahaerenga ā-ture, me tētahi tauākī meka i whakaaetia. Me tae atu ngā tuhinga i kōrerotia i runga ake ki ngā mātanga me te huawaere kia kua e iti iho i te 10 ngā rā mahi i mua i te hui ā-kaiwhakawā;
 - ii. kōrerorero, tae atu ki ngā mātanga hui ā-kaiwhakawā, kia whakarite i tētahi rārangi take hui ā-kaiwhakawā i whakaaetia e urupare ana i ngā take matua me te tuku i mua i te hōputu tāhiko ki ngā kaiwhakauru hui ā-kaiwhakawā katoa, tae atu ki te kaihuawaere, kia kua e iti iho i te 48 haora i mua i te hui ā-kaiwhakawā;

- iii. kōrerorero mō te whakaratonga o tētahi kaihopu kia tae atu ki te hui ā-kaiwhakawā me te whakarite i te tauākī kaiwhakaatu ngā tauākī kaiwhakaatu ngātahi i raro i te whakahau a ngā mātanga me te kaihuawaere;
 - iv. kōrerorero ki te Rēhita mō tētahi wāhi tika me ngā taputapu tika, ngā whakaritenga rānei mō te whai wāhi mamao; ā
 - v. mēnā kāore te hui ā-kaiwhakawā mātanga i te huawaeretia e tētahi Kaikōmihana Taiao, me whakaae ngā kaiwawao me te whakarite mā tētahi o rātou e noho haepapa ai kia tuku i te tauākī kaiwhakaatu ngātahi ki ngā hunga, te kaihuawaere me te Kōti.
- (b) Ki te kopoua tētahi Kaikōmihana Taiao kia huawaere i te hui ā-kaiwhakawā:
- i. me whai e ngā hunga me ngā mātanga ētahi atu tohutohu e whakaratoa ana e te Kaikōmihana hei āwhina i te whakahaere o te hui ā-kaiwhakawā mātanga me tana whāomo; ā
 - ii. kei te kōwhitinga o te Kaikōmihana mēnā ka tū kanohi-ki-te-kanohi te hui ā-kaiwhakawā, mā te whai wāhi mamao, te momorua rānei o ēnei tikanga. Ina whakahaua ana te whai wāhi mamao, e hāngai ana ngā whakaritenga hāngai o te wehenga 7.4 o tēnei Tuhinga Whakatau Tikanga.

10. Ngā tukanga ki ngā nohoanga

10.1. Te whakaraupapatanga o ngā hunga

- (a) I te nuinga o te wā ka whakahaeretia e te Kōti te pīra hei nohoanga hou. Ko te nui o ngā take hei whakarongo mā te Kōti e hāngai ana pea ki te nui o ngā meka e whakaaetia ana, ngā take rānei e whakaaetia ana i waenga i ngā hunga, i roto rānei i tētahi tauākī kaiwhakaatu ngātahi.
- (b) E pā ana ki te tono i tukuna tōtikatia, ko te nohoanga te wā tuatahi i rangona te marohi, ā, e taea ai te wero e ngā hunga whakahē.
- (c) I te nuinga o te wā ka rangona tuatahitia e te Kōti te hunga i tono ki te whakaaetanga, e whakatairanga ana rānei i te tauākī kaupapahere, mahere, panoni mahere rānei, ā, whai muri mai ko te hunga e tautoko ana i te whakamanatanga o te whakaaetanga, o te tauākī kaupapahere, mahere, panoni mahere rānei. Kātahi ka rangona e te Kōti te mana whakahaere whakaaetanga, whai muri mai tētahi hunga e whakahē ana i te whakamanatanga o te whakaaetanga, tauākī kaupapahere, mahere, panoni mahere rānei. Kei te hunga i tū i te tuatahi te mōtika kia whakautu.

- (d) I roto i te whakahaerenga ā-ture me te taumahatanga hāpono i runga i tētahi hunga, hei tauira he tono mō te ōta whakauruhi, ka rangona taua hunga e te Kōti i te tuatahi.
- (e) Ka rerekē te whakaraupapatanga o ngā hunga i roto i ngā kēhi whīwhiwhi e hāngai ana ki te maha me te whānuitanga o ngā hunga me ngā take, ā, he kaupapa tēnei mō ngā whakahau a te Kaiwhakawā Whakahaere i muri i te matapaki ki ngā hunga i te hui ā-kaiwhakawā.
- (f) I roto i te kēhi whīwhiwhi, ka whakarite whakahau pea te Kaiwhakawā Whakahaere, ā, kei roto i ēnei, me te kore e here:
- i. te whakaaturanga o te katoa o ngā tāpaetanga whakataki a ngā hunga katoa, i roto i tētahi whakaraupapatanga tika, i te tīmatanga o te nohoanga, ā, i mua i te wā e rangona ana ngā taunakitanga;
 - ii. te roanga o te whakatuwheratanga a tētahi kaihapai e whāia ana e ngā whakatuwheratanga whakarāpopoto a ētahi atu hunga i te tīmatanga;
 - iii. he whakarāpopoto o ngā tāpaetanga mō ngā take matua i tautuhia nā ngā hunga katoa i whakatakotohia, i tukuna hoki i mua i te nohoanga, kia pānuitia i mua e te Kōti;
 - iv. he tauākī o ngā meka i whakaaetia me ngā take i whakatakotohia i mua i te nohoanga me ngā tāpaetanga e whakaatuhia ana i te nohoanga; me
 - v. tētahi atu ara e urupare ana ki ngā āhuetanga o te kēhi i runga i te ara tōkeke, whāomo anō hoki.

10.2. Ngā tāpaetanga whakatuwhera, whakakapi hoki

- (a) Me pēnei ngā tāpaetanga whakataki a tētahi hunga ki te Kōti:
- i. me whakarārangi ngā take e toe ana hei whakatatū mā te Kōti;
 - ii. me whakatakoto i ngā whakaaro a te hunga mō ngā take;
 - iii. me whakahua ngā āhuetanga me te āhua o ngā taunakitanga e karangatia ana tae atu ki te whakarārangitanga o ngā kaiwhakaatu e karangatia ana mō te hunga me ngā take e uruparehia ai e rātou, me te kore whakaharatau i taua taunakitanga;
 - iv. me kōrero i ngā āhuetanga whakahaere rauemi e hāngai ana ki tana kēhi;
 - v. me kōrero ngā kupu whaimana ā-ture me ngā mātāpono e whakawhirinakihia ana e ia;
 - vi. me poto me te karo i te tāruarua;

- vii. me karo te whakataki i ngā ihirangi, te whakarāpopototanga rānei o ngā tuhinga e whakaputaina ai; ā
- viii. me whakawhāiti, ka arotahi hoki ki ngā take e taupatupatuhia ana.
- (b) I muri i te rangona o ngā taunakitanga katoa, ka whai wāhi te hunga i tāpae i tana kēhi i te tuatahi ki te kōrero ki te Kōti hei urupare i tētahi hunga i tāpae i tana kēhi i mua i te katinga o te kēhi o te hunga tuatahi. Ka whakawhāitia rawahia taua kōwhiringa ki te urupare ki ngā kēhi o muri mai, ā, ehara i te kōwhiringa kia toai i te kēhi o te hunga tuatahi.
- (c) I te nuinga o te wā kāore e whakaaetia ana e te Kōti kia tukuna ētahi atu tāpaetanga, ētahi tāpaetanga whakakapi rānei hei urupare e te hunga i rongō i te katoa o ngā taunakitanga o tētahi hunga whakahē i mua i te tuwheratanga o tana kēhi.
- (d) I te nuinga o te wā mēnā i puta anake tētahi hunga hei tautoko i te hunga matua, kāore e taea te tuku whakautu motuhake.
- (e) I roto i ngā kēhi whīwhiwhi, ā, mēnā ka āwhinatia te Kōti mā te whiwhi i ngā tāpaetanga e whakarato ana i te tirohanga whānui o ngā whakaaro o ia hunga mō ngā take e taupatupatuhia ana i roto i te whakahaerenga ā-ture, ka tono pea te Kōti ki ngā hunga katoa kia hoatu i ngā tāpaetanga whakakapi.

10.3. Te whakataki i ngā whakataunga Kōti

- (a) E tonoa ana ngā kaiwawao kia whai i te ara whai whakaaro, māhukihuki hoki ki te whakataki i ngā kēhi, me te aronga tino kaha i runga i:
 - i. te whakataki i te tauākī hou rawa, whaimana rawa anake mō tētahi kaupapa, kua ko ngā kēhi maha e kōrero ana i te mea āhua ōrite;
 - ii. te tautuhi i ngā tīpakohanga hāngai mā te kōwae, te nama whārangi rānei;
 - iii. te tautuhi i ngā whakataki i pūrongohia mēnā tērā ētahi; ā
 - iv. me poto, ā, me karo te tāruarua moumou.
- (b) Me tūpato te kaiwawao kia kua e whakataki i tētahi whakataunga i hurihia i muri i te pīra (ahakoa i pūrongotia, kāore rānei), hāunga e whakamana ana te whakataunga i te take kāore i hurihia.
- (c) Me whakawhāiti ngā paihere taunaki ki ngā tārua o ngā kēhi e āta whakaatuhia ki te Kōti, ā, e whakawhirinakihia ai.
- (d) E pai ana ngā tārua tāhiko o ngā kupu whaimana. Me whakatakoto ngā tārua ki te hōputu tuhinga kawekawe (.pdf).

10.4. Te whakaatu i ngā herenga hukihuki

- (a) I roto i tētahi pīra e pā ana ki te whakaaetanga rauemi, te pānui herenga rānei, e noho haepapa ana te mana whakahaere whakahere i te tuatahi kia whakarato i te huinga herenga hukihuki.
- (b) Ki te marohi tētahi hunga i ngā herenga panoni, e noho haepapa ana ia kia whakarato i aua herenga.
- (c) Me noho te hōputu mō ngā herenga hukihuki ki te tārua mārō (me ngā hopunga panoni, me te kore hopunga panoni hoki). Waihoki me noho ki te hōputu .doc mō Microsoft Word.
- (d) Kei roto i te whakaaetanga rauemi ngā herenga katoa e hāngai ana ki te whakaaetanga, ā, nā reira, i te nuinga o te wā, me whakatakoto te whakaaetanga me ana herenga ki te tuhinga kotahi.
- (e) E kawatauhia ana kia whakatūturu ngā kaiwawao e tutuki ana i ngā herenga hukihuki e tāpaetia ana ki te Kōti i ngā paerewa mahinga pai e whai ake nei:
- i. Me whakatairanga ngā herenga i te whakahaeretanga tōitū.
 - ii. Me kua ngā herenga e whakaore i te whakamanatanga o te whakaaetanga.
 - iii. Me kua e here noa ngā mōtika me ngā wāteatanga o te tangata.
 - iv. Mēnā e whakaurua ana ngā herenga ki te whakaaetanga rauemi, me tū motuhake, ā, me āhei te whakamārama me te whakamahi i runga i āna kupu ake.
 - v. Me hanga māramatanga ngā herenga, ā, kia aroraru, kia ōrite, kia oti hoki. Kia mārama, kia tūturu, ā, kia taea te whakauruhi ngā herenga katoa.
 - vi. Me whakaata tika ngā herenga i te marohi i tonoa, waihoki tētahi panoni i marohitia, i tāpaetia rānei i roto i te taunakitanga i te haeretanga o te nohoanga.
 - vii. Me tuhi hukihuki i ngā herenga kia hāngai tonu ki ngā wāhanga, ngā āhuatanga rānei o te mahi e hiahia ana ki te whakaaetanga rauemi, ā, me kua e whakarārangi noa ai i ngā tuhinga i tāpaetia me te tono mō te whakaaetanga rauemi.
 - viii. Me whakatakoto ngā paerewa tutukinga i roto i ngā herenga o te whakaaetanga, ā, kua e waiho kia whakaritea ā muri iho.
 - ix. Me kua ngā herenga e tuku mana mō ngā mahi ā-whakawākanga, ā-ture rānei ki ngā āpiha o te mana whakahaere whakaaetanga, ana mātanga hāpai rānei.

- x. Ina hiahiatia te tiwhikete mātanga, te tirohanga whānui rānei o tētahi mahi, i roto i ngā herenga, me whakauru ngā tepenga mārāma me ngā paerewa i tautuhia.
- xi. Mēnā e tūao ana tētahi herenga e tētahi kaitono, ā, kāore e taea te whakahau i te nuinga o te wā (hei tauira, he herenga *Augier*) me tautuhi tauwhāiti me te pūtake tauwhāiti i whakaurua ai.

10.5. Ngā takahi whenua

- (a) Ko te take o te takahi whenua kia āwhina ki te mārāma ki ngā taunakitanga i roto i te whakahaerenga ā-ture, ā, kia kua te Kōti e kohikohi taunakitanga māna.
- (b) I te nuinga o te wā ka haere te Kōti ki te wāhi, ngā wāhi rānei e whakamaheretia ana te marohi, e kitea ai rānei ngā whakaaweawe e pā ana ki ngā take i roto i te whakahaerenga ā-ture. I te nuinga o te wā ka kōrerorero te Kōti ki ngā hunga mō te toronga, te wā, ngā whakatūpatotanga hauora me te haumarū me ētahi atu āhuatanga o te toro i tētahi hui ā-kaiwhakawā, i te wā rānei o te nohoanga.
- (c) I te nuinga o te wā ka takahi whenua te Kōti anake, kāore e haere tahi mai ai tētahi hunga, kaiwawao, kaiwhakaatu rānei. Mēnā e hiahiatia ana, e tūmanakohia ana rānei, ka kōrerorero te Kōti ki ngā hunga ki te tautuhi i te tangata tika, kāore i te whai wāhi atu i tua atu, kia mahi hei kaiārahi mō te toro.
- (d) Mēnā e whakaritea ana te takahi whenua e tētahi tangata e whakahaere ana i te pakihī, te mahinga (**PCBU**), rānei ka pēnei te PCBU me te Tāhu o te Tāhu o te Ture:
 - i. he tūnga inaki i raro i te Health and Safety at Work Act 2015 mō te take o te takahi whenua; me
 - ii. te tuari i te haepapatanga kia whakatūturu, i mua i te takahi whenua, e whakatakotohia ana tētahi Mahere Hauora me te Haumarū e tautuku ana ki te Health and Safety at Work Act 2015 me ētahi atu ture hāngai, tētahi whakaritenga ture rānei, ā, e urupare ana i ētahi āwangawanga, herenga rānei a te Tāhu o te Ture me te PCBU e pā ana ki te takahi whenua.
- (e) Ina whakahaua e te Kōti, e te Tāhu o te Ture rānei, ki te whakarite, huawaere rānei tētahi PCBU i te takahi whenua me whakatakoto ki te Kōti me te tuku ki ngā hunga katoa (tae atu ki tētahi hunga kē e whai wāhi atu ki te takahi whenua) tētahi Mahaere Hauora me te Haumarū Takahi Whenua Hukihuki e hāngai ana ki ngā herenga e whakatakotohia ai i ētahi wā i runga i te paetukutuku a te Kōti.

- (f) I te nuinga o te wā ka pūrongo te Kōti ki ngā hunga i muri iho i te takahi whenua kia whakamōhio atu ki a rātou i ngā mahi i mahia. Ki te whiwhi te Kōti ki ētahi mōhiohio hira e rerekē ana i ngā taunakitanga, e tautuhi ana rānei kāore i tāpaetia tikahia i roto i te taunakitanga, ka whakamōhio atu te Kōti ki ngā hunga me te whakarato i te kōwhiringa kia whakamārama, kia kōrerorero rānei mō tēnei.

10.6. Te tuku i ngā whakataunga

- (a) Ka tukua tētahi whakataunga i roto i te whakahaerenga ā-ture ki ngā hunga katoa i te wā kotahi. Ka tukuna pea te whakataunga mā te whakapuaki ki te kōti tuwhera, mā te tuku rānei ki te wāhi noho o tētahi hunga mō te tukunga mā te pōhi, te imēra rānei, ngā mea e rua rānei.
- (b) I te nuinga o te wā kāore e wewetehia ngā whakataunga ki te hunga pāpāho i mua i te hipatanga o ngā rā mahi e toru i muri iho i te tukunga ki ngā hunga.
- (c) E tautuhia ana ngā wā e tūmanakohia ana e te Kōti kia tukua i roto, i muri iho i te nohoanga, ki tētahi tukunga i tāngia ki te paetukutuku a te Kōti i raro i te wehenga 288A o te Ture:

<https://environmentcourt.govt.nz/assets/Documents/Publications/Protocol-as-to-Environment-Court-Judgment-delivery-expectations.pdf>

10.7. Ngā utu whakahaere

- (a) Kāore he tikanga, he mahinga rānei e whai ana ngā utu whakahaere i te takunetanga i ngā whakahaerenga ā-ture i mua i te aroaro o te Kōti, ā, kāore he āpitianga o ngā utu whakahaere e hāngai ana ki ngā whakahaerenga ā-ture i mua i te aroaro o te Kōti.
- (b) He ārahi noa ngā whakaritenga o tēnei Tuhinga Whakatau Tikanga ki te whakamahi whānui o te kōwhiringa o te Kōti e pā ana ki ngā utu whakahaere i raro i te wehenga 285 o te Ture, ā, e hāngai ana ki ngā whakaaroaro hāngai i roto i ngā āhuatanga o tētahi kēhi tauwhāiti, tae atu ki te wā e ara ake ai i te whakahaerenga ā-ture he kaupapa e whai take ana te hunga tūmatanui, e hira ana rānei ki a rātou.
- (c) Kāore e taea te kerēme i ngā utu whakahaere e pā ana ki te nohoanga i mua i te aroaro o te mana whakahaere whakaaetanga, i roto i ngā tukunga ADR e āwhinatia ana e te Kōti rānei.
- (d) I te nuinga o te wā kāore te Kōti e whakawhiwhi i ngā utu whakahaere ki tētahi rōpū tūmatanui e hāngai ana tana whakataunga ki te pīra, hāunga kāore i mahi tika i ana mahi, kāore i whaitake rānei ana mahi.

- (e) Mēnā e whakamanahia ana e tētahi whakataunga i pīratia te herenga rerekē ki ngā mōtika a te kaitono pīra, ā, kāore i te whakamanahia te herenga, ka whakawhiwhia pea ngā utu whakahaere mā te kaiurupare i tonono, i whakamana rānei i taua herenga, e utu.
- (f) Mēnā i ahu whakamua ki te nohoanga te pīra ki tētahi whakataunga mō te tāpaetanga ki te tuhinga whakamahere ā-ture i raro i te Āpitiwhanga 1 ki te Ture, i te nuinga o te wā kāore e whakawhiwhia ngā utu whakahaere ki tētahi hunga hei aronga ki te āhuetanga whai wāhi o te waihanga i ngā tuhinga whakamahere ā-ture.
- (g) E kawatauhia ana mā te kaitono e utu ngā whakapaunga a te Kōti i te whakahaeretanga o te nohoanga e tukuna tōtikatia ki te Kōti.
- (h) Mēnā he kino rawa te korenga e tautuku a tētahi hunga ki ngā whakahau tukanga, nā runga anō rānei i te āhua o tana whanonga e hiahia ana he utu whakahaere anō a te Kōti ake, tae atu ki ngā utu hāereere me te whare noho, ka herea pea te hunga kia utu i aua utu whakahaere o te Kōti i tua atu i ētahi atu utu whakahaere i whakawhiwhi ki hunga kē.
- (i) Ki te whakamutua te pīra, te tonono rānei i muri i te whakarite mō te nohoanga, i te nuinga o te wā ka tuku te Kōti i ngā utu whakahaere mā te kaitono pīra, te kaitono rānei, e utu, hei painga mō ērā atu hunga e pā ana ki ā rātou whakaritenga mō te nohoanga.
- (j) Ina whakaaro ana kia hoatu utu whakahaere rānei, me te rahi o te whakawhiwhinga, e whai whakaarohia ana ngā āhuetanga e whai ake nei i te nuinga o te wā, ā, e arohia ana mēnā kei roto i te kēhi tauwhāiti:
- i. mēnā kāore he take o ngā whakapae i kōkiritia e tētahi hunga;
 - ii. mēnā kāore i tutuki i tētahi hunga ngā herenga tukanga, whakahau rānei;
 - iii. mēnā i whakahaeretia e te hunga tana kēhi kia whakaroa ake i te tukanga whakahaere kēhi, te nohoanga rānei mō te kore noa iho te take;
 - iv. mēnā kāore te hunga i tūhura i ngā kōwhiringa e tino wātea ana mō te whakataunga;
 - v. mēnā i whai tētahi hunga i te kaupapa hangarau, koretake rānei, ā, i hinga;
 - vi. mēnā i herea tētahi hunga kia hāpono i ngā meka, ki tā te Kōti i muri i te rongō i te taunakitanga, me whakaae e ērā atu hunga.
- (k) Ka āhei pea te hunga te karo i te kawenga mō ngā utu whakahaere o ētahi atu hunga mō te hāpono i ngā meka mā te whakatakoto me te tuku i te

tauākī e tautuhi ana ko ēhea ngā otinga meka i roto, e kōrerotia ana rānei i roto i te whakataunga pīra, e whakaaetia ana e taua hunga, ā, ko ēhea e hiahiatia ana kia hāponotia e taua hunga i te nohoanga pīra.

- (l) Me kaua tētahi hunga e whakaaro ko te mana ā-ture kōwhitinga o te Kōti ki te whakawhiwhi i ngā utu whakahaere hei wāhanga matua o tana kēhi i roto i te whakahaerenga ā-ture. Mēnā kāore he pānga nō tētahi wāhanga o te kēhi o tētahi tangata, nō te katoa rānei, he koretake rānei mō tētahi atu take, me whakarewa tōmua te take i roto i tētahi tukanga ADR, i tētahi hui ā-kaiwhakawā rānei, mā te tono rānei ki te whakakore i te kēhi o taua tangata.
- (m) I te nuinga o te wā, ka whakaritea he whakahau e pā ana ki ngā utu whakahaere i te mutunga o tētahi whakataunga matua e te Kōti.
- (n) Ki te kore e whakaritea tētahi whakahau e pā ana ki ngā utu whakahaere i te whakataunga matua, ā, mēnā ka whakataua ngā utu whakahaere ā tōna wā, e pēnei ana te āhua i te nuinga o te wā:
- i. ina tono ana tētahi hunga kia whiwhi utu whakahaere me tuku ki te Kōti me te katoa o ērā atu hunga, i mua i te hipatanga o ngā rā mahi 10 i muri mai i te rā i tukua te whakataunga, he tono e tautokohia e ngā taipitopito; ā
 - ii. ina kimihia ana he utu whakahaere i tētahi hunga, me tuku urupare taua hunga ki te tono me te tuku ki te katoa o ērā atu hunga; ā
 - iii. ka āhei te kaitono mō ngā utu whakahaere, i roto i ngā rā mahi e 5 anō, te urupare ki tētahi take hāngai i whakarewahia tuatahitia i te urupare me te tuku ki ngā hunga katoa; ā
 - iv. me whakauru ki ngā taipitopito o te kerēme ngā nama, ētahi atu hāpono rānei o ngā utu whakahaere e noho nama ana.

Mō te Kōti:

D A Kirkpatrick

Kaiwhakawā Matua o te Kōti Taiao

Kaiwhakawā Matua

1 o Tihema 2022