

# Hāwea-Wānaka

The South Island Landless Natives Act 1906 (SILNA)

The Māori Land Court, Te Puni Kōkiri

# Purpose / Agenda

- Information sharing to inform the owners of the Hāwea-Wānaka substitute block about:
  - the background and current management of this block;
  - the current process for allocating this land to its named owners; and
  - your choices regarding this land.
- Presentation by Te Puni Kōkiri and Māori Land Court.
  - Background.
  - This process to allocate the land.
  - Next steps.
- Q & A

# BACKGROUND

## History

- South Island Landless Natives Act 1906 (SILNA)
  - blocks of land allocated to South Island Māori
- Repealed by Native Land Act 1909
  - Four SILNA blocks unallocated to owners:
    - **Hāwea-Wānaka**
    - Toitōi
    - Port Adventure
    - Whakapoai

# BACKGROUND

## History cont.

- The original Hāwea-Wānaka block was located at ‘the Neck’, a home of the tūpuna Te Raki and his family before 1836.
- Present-day owners are descendants of 57 named individuals from a range of South Island areas.
- 1956 – Ngāi Tahu sought the completion of the allocation of the Hāwea-Wānaka block, but were unsuccessful.
- 1979 – the Ngāi Tahu Māori Trust Board again sought resolution of claim, but it was not achieved until the settlement of all Ngāi Tahu claims in the late 1990s.

# BACKGROUND

## The Ngāi Tahu Deed of Settlement

- “The Crown has accepted that there was an obligation on the Crown to complete these transactions and that the failure by the Crown to complete the transfer of those lands to the beneficial owners after 1906 was a breach of the principles of the Treaty of Waitangi.”

Ngāi Tahu Deed of Settlement, Section 15, preamble.

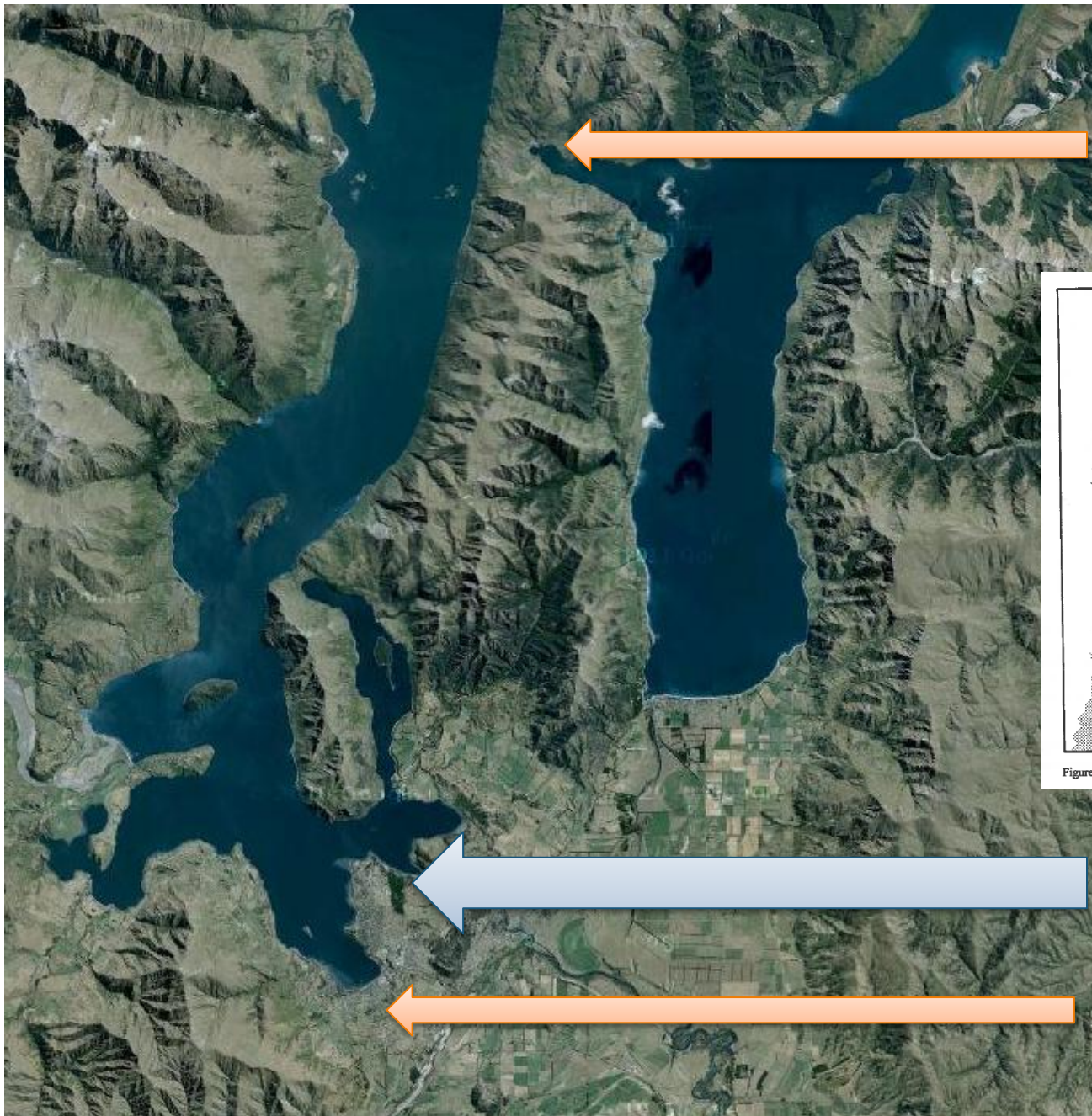
# BACKGROUND

## Hāwea-Wānaka

- **Hāwea-Wānaka** is separate and distinct to all other SILNA lands and processes.
- This includes:
  - other unallocated blocks; and
  - other blocks that were allocated, for example land managed by Rau Murihiku Whenua Māori, the Waimumu Trust and a number of others.
- Is not related to the Waimumu Trust Claim, WAI 1090.

# Ngāi Tahu Deed of Settlement cont.

- “As the Hāwea/Wānaka Land is no longer available for allocation to the Successors, the Hāwea/Wānaka Substitute Land is to be vested in those Successors by way of substitution.”
- This current process regards the Hāwea-Wānaka **substitute** block
- The substitute block is located just north of Wānaka.



The 'Neck'  
(original Hāwea-Wānaka  
block)

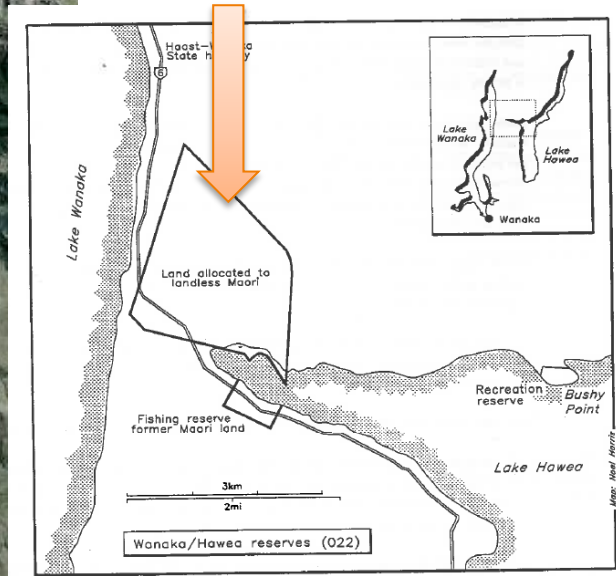


Figure 4: Hawea reserves

The Hāwea-Wānaka  
substitute block

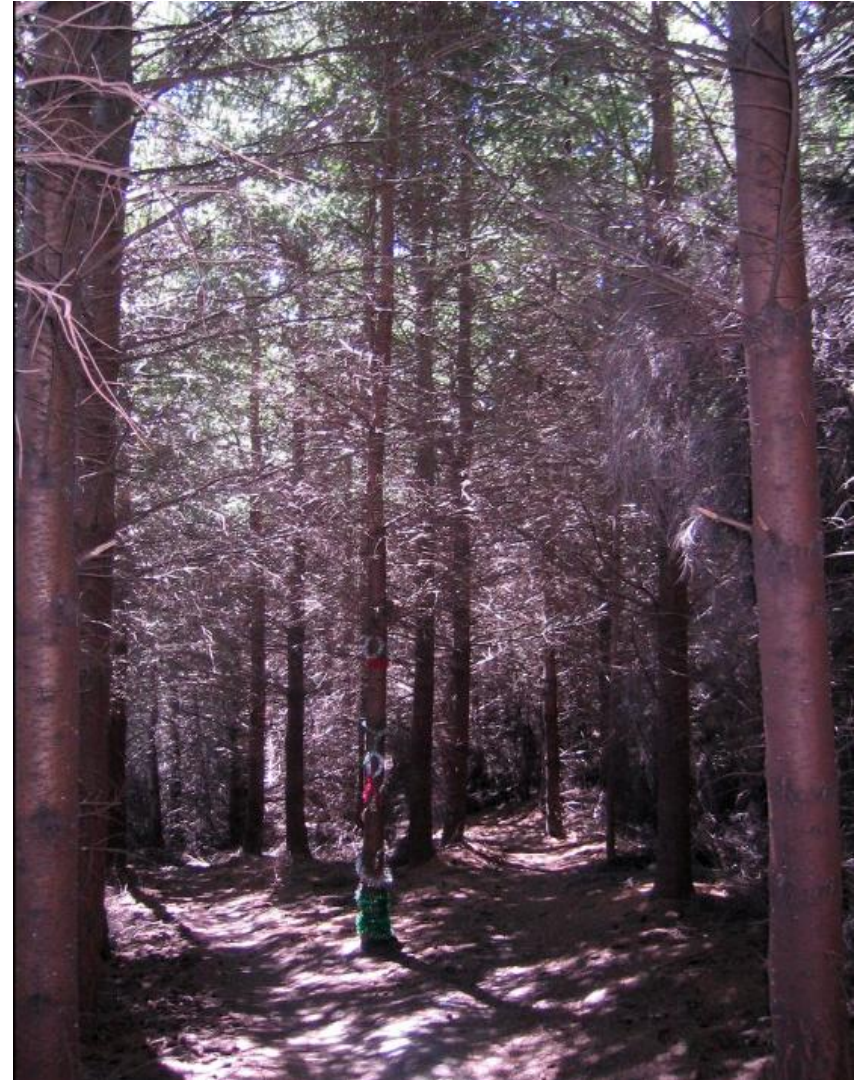
Wānaka township



The Hāwea-Wānaka substitute block

# The Hāwea-Wānaka substitute block today

- Contains 40.1ha of exotic forest, bicycle tracks.
- Combination of pre-1990 and post-1989 trees. Currently the pre-1990 trees are part of the Emissions Trading Scheme (ETS).
- Rates (approximately \$7,000 a year) are charged by:
  - the Queenstown Lakes District Council; and
  - the Otago Regional Council.
- Other matters to consider include:
  - Block zoned 'Rural General'



# Owners of the **Hāwea-Wānaka** block

- Process primarily defined in The Ngāi Tahu Deed of Settlement.
- Māori Land Court process:
  - 2009: potential list identified
  - 2009-2010: feedback and submissions received
  - List available online at Māori Land Court, Te Puni Kōkiri and Te Rūnanga o Ngāi Tahu websites.
- There are 866 identified owners.

# Current Process

**Decision 1:** The Ngāi Tahu Deed of Settlement explains that the successors/owners will need to decide the status of the land by deciding whether the land is to be vested as:

- (1.1) Māori freehold land; or
- (1.2) General land;

**Decision 2:** AND the manner in which their land will be held by them by deciding whether the land is to be vested in:

- (2.1) the successor/owners as tenants in common proportion to each successors entitlement as determined by the Court; or
- (2.2) in a Māori incorporation; or
- (2.3) in an ahu whenua trust; or
- (2.4) in any other manner as determined by the owners.

# Decision 1:

## Māori Land and General Land

- As defined in Section 129(2) of Te Ture Whenua Māori Act 1993:
  - **(1.1) Māori Freehold Land** – The beneficial ownership of which has been determined in the Māori Land Court by freehold order.
  - **(1.2) General Land** – Land (other than Māori Freehold Land and General Land owned by Māori) that has been alienated from the Crown for a subsisting estate in fee simple.

## **Decision 2** - Vesting Options:

### 2.1 As Tenants in Common Proportion to each Successor's Entitlement

- Currently, there are 866 named owners for a total of 1555.038 shares.
- More information on your shares are available in the List of Owners (available online at the websites for TPK, the MLC and TRONT).

## 2.2 A Māori Incorporation

- A Māori incorporation is a structure similar to a company. Its purpose is to facilitate and promote the use and administration of Māori freehold land on behalf of the owners. Māori incorporations are designed to manage whole blocks of land and are the most commercial of all Māori land management structures.
- For example the Wakatū Incorporation.

## 2.3 An Ahu Whenua Trust

- This is the most common Māori land trust. It is designed to promote the use and administration of the land in the interest of the owners. These trusts are often used for commercial purposes.
- For example the Waimumu and Rakiura trusts

## 2.4 Any Other Manner of Vesting

- You can consider these options and decide if these or another option best suit what you want.
- Discuss with your whānau etc.
- Other options may include:
  - A Whenua Toopu Trust (Māori Land); or
  - A Private Trust, a Charitable Trust or a Company (General Land).
- Further information is available on all options from the Māori Land Court.

# Voting Process

- Process will be dependant on directions from the Judge of the Māori Land Court and will be in accordance with the Māori Assembled Owners Regulations 1995.
- Will include postal votes.
- We need contact details from as many owners as possible to achieve a sufficient participation rate.

# Next Steps

- Discuss options with your whānau, including possible management structures or who might be a trustee.
- We will publicly notify hui to be held for voting.
- You will have option to vote on the two decisions:
  - Māori Freehold Land or General Land; and
  - types of proposed management structures.

# Contact Details

- If you want to arrange a management structure to be voted on or want advice, please contact:
  - **The Māori Land Court** on (03) 9624900, or visit their temporary office at Rehua Marae, 79 Springfield Road, Christchurch.
  - Tom White, Manager, Treaty Settlements, **Te Puni Kōkiri**, PO Box 143, Lambton Quay, Wellington, or [whitt@tpk.govt.nz](mailto:whitt@tpk.govt.nz).

# Questions?