

What is SILNA?

SILNA stands for the South Island Landless Natives Act 1906. This Act of Parliament provided for the transfer of land in Te Waipounamu/the South Island and Rakiura/Stewart Island allocated to Māori located in Te Waipounamu/the South Island who were identified as having no or insufficient land.

Most of the SILNA land transferred as intended.

SILNA was repealed by the Native Land Act 1909. The repeal left some SILNA land, which had been allocated to individuals, untransferred.

Where and what was the Hāwea/Wānaka land allocated under the SILNA scheme?

The original Hāwea/Wānaka SILNA land allocated to the 50 Original Beneficiaries is located between lakes Wānaka and Hāwea at a place called 'The Neck'.

Why were the 50 Original Beneficiaries allocated the land at 'The Neck' of the lakes?

As part of the SILNA scheme, Crown land that was considered available for transfer was identified. The SILNA land was generally in remote locations – Rakiura/Stewart Island, Southland, the West Coast. The land was not assigned on the basis of the whakapapa, cultural or historical associations of the landless Māori individuals to whom it was allocated.

Historical Treaty claims related to the land allocated under the SILNA scheme have been settled through iwi settlements.

Who are the successors?

The Māori Land Court is to identify the successors to the original 50 beneficiaries to the original Hāwea/Wānaka SILNA land.

As at 18 May 2023, the Māori Land Court had identified 1,994 Hāwea/Wānaka SILNA successors.

People who think they might be entitled to succeed to a deceased person on the Māori Land Court list of Hāwea/Wānaka SILNA successors should contact the Māori Land Court – Te Waipounamu.

Why is the original Hāwea/Wānaka SILNA land not available to the successors?

At the time of the Ngāi Tahu settlement, the original Hāwea/Wānaka SILNA land at 'The Neck', was subject to a long-term pastoral lease to private leaseholders and was not available to the SILNA successors.

Accordingly, a substitute block situated close to Wānaka township was made available for the successors under the Ngāi Tahu deed of settlement. The substitute land is known colloquially as 'Sticky Forest' and is 50 hectares of land in Wānaka (referred to as the Hāwea/Wānaka Substitute Land).

The Hāwea/Wānaka Substitute Land is approximately 40 kilometres south of the original Hāwea/Wānaka SILNA land at 'The Neck'.



How will the successors hold this substitute land?

That is for them to decide through a Māori Land Court voting process, in accordance with the Māori Assembled Owners Regulations 1995. They are not limited to any particular type of holding entity in their choices. They may choose to take the land as Māori freehold land subject to Te Ture Whenua Māori Act 1993 or they may choose to take the land as general land.

Who represents the Hāwea/Wānaka SILNA successors?

In 2023 a voting process is taking place for identified successors to establish their representation for the period until the Hāwea/Wānaka Substitute Land transfers.

Te Arawhiti and Te Puni Kōkiri have engaged Independent Election Services Ltd (Election Services) as an independent returning officer to receive nominations and votes.

Identified successors have the opportunity to nominate up to five successors – including themselves - whom they think should comprise a representative body. Nominations are due by 18 September 2023.

Successors are asked to vote – between 16 October 2023 and 27 November 2023-on which five nominees should form the representative body.

Will the representative body be able to make decisions about the Substitute Land (a.k.a. ‘Sticky Forest’)?

The representative body would be mandated by the successors to seek independent advice as to their options for holding the Hāwea/Wānaka Substitute Land, and to engage with the Crown on issues associated with the Substitute Land (while the Crown still holds it, pending transfer).

Any agreements reached with the Crown on the issues associated with the Substitute Land will be ‘in-principle’ agreements. That means that those agreements will be subject to consideration by the successors at large as part of the final voting process about how to receive and hold the substitute land.

Why has it taken so long to get to this stage?

There are real challenges in identifying the modern-day successors to the original beneficiaries to SILNA lands identified over 100 years ago.

The research work has required significant resourcing alongside the other business-as-usual responsibilities of Māori Land Court officers. The Māori Land Court - Te Waipounamu now has a team of three people dedicated to this work.



The successors and their whānau are still waiting to get land as committed to them in the early 1900s. Will they be compensated?

Presumably this will be an issue the representative body will raise with the Crown once it has been formed through the 2023 voting process.

There needs to be a party that has a mandate from the successors to discuss such issues with the Crown.

Is the substitute land public land?

No.

It is currently Crown-owned land, pending the process under Section 15 of the Ngāi Tahu deed of settlement to effect transfer of the land.

At this time, while the land is held by the Crown, public use has not been prohibited. But public use is not a legal right.

Will it be public land after it transfers?

No. It will be privately owned land.

Can the Crown sell the substitute land (aka 'Sticky Forest')?

No.

The Crown cannot sell the substitute land. The Crown is bound contractually and by statute to transfer the substitute land to the Hāwea/Wānaka SILNA successors under the Ngāi Tahu settlement.

Can the successors sell the land?

Yes.

Decision-making about any possible disposal by the new owners will be subject to the way in which the land is held by the new owners. For instance, if the future owners choose to take the land as Māori freehold land (rather than general land), decisions to sell the land will be subject to limitations on disposal under Te Ture Whenua Māori Act 1993.

Why can't the Crown give the successors something else?

The land is substitute land for the original Hāwea/Wānaka SILNA land that was not available.

The Crown is bound contractually and by statute to transfer the substitute land to the successors.



Can the successors develop the land? What can the successors use the land for?

The Hāwea/Wānaka Substitute Land/Sticky Forest is plantation forestry, mostly planted in Douglas fir, and some pine.

The future owners use of the land will be subject to the District Plan, including the zoning of the land, and any other overlays on the land under the District Plan.

It is currently zoned 'Rural' in the District Plan.

Elements of the Proposed District Plan – including how it is zoned – are currently subject to decision-making processes under the Resource Management Act, and appeal to the Environment Court.

Why is there no access to the Substitute Land?

On the settlement date (under the Ngāi Tahu Claims Settlement Act 1998) the substitute land vested in the Crown. Legal access that had been available to the land up until that moment in time, was no longer available.

This will be one of the matters that a representative body for the successors will want to discuss with the Crown, before the successors receive ownership of the Substitute Land.

What are the proceedings in the Environment Court?

Michael Beresford was one of the SILNA successors identified by the Māori Land Court. Mr Beresford sought the rezoning of part of the Substitute Land in the Proposed District Plan. This was declined by Queenstown Lakes District Council. Michael Beresford then appealed that decision in the Environment Court. Michael Beresford passed away in 2021.

Two other successors – Theo Bunker and Lorraine Rouse – successfully applied to the Environment Court to continue the proceedings. They are seeking rezoning of 20 hectares to 'Residential'. If their appeal is successful, this would provide the future owners with the option of developing that 20 hectares, if they so choose. If their appeal is unsuccessful, the total 50 hectares will remain zoned 'Rural' land in the District Plan.

A hearing in the Environment Court is expected to occur late in 2023.

What is the mandate of the appellants to pursue these proceedings?

The Environment Court has recognised the interests of Theo Bunker and Lorraine Rouse as individuals, as future owners of this land, by granting them an appeal.

Why is the Attorney-General in the proceedings?

The Attorney-General for the Crown joined the Environment Court proceedings in support of the appeal, noting that rezoning of part of the land would provide the future owners with options for use, not currently available.



Why is the Crown seeking to develop 'Sticky Forest'?

The Crown is not seeking to develop 'Sticky Forest'.

The Crown holds this land pending its transfer to SILNA successors through the provisions of the Ngāi Tahu Treaty settlement.

Te Arawhiti has submitted in local district planning processes with a view to preserving options for the intended owners who will receive this redress land.

Is the Crown going to harvest the trees?

No decisions have been made to harvest the trees at this time.

How would you get the trees off?

The Crown is interested in options to secure legal access to this land. The intended owners will want legal access to their land for various reasons.

When will the land transfer?

The Hāwea/Wānaka SILNA successors identified by the Māori Land Court need to make decisions about how they want to hold and receive this land, to precipitate transfer.

Once a representative body has been formed for the Hāwea/Wānaka SILNA successors, then the Crown will look to engage with those representatives on issues associated with the land.

When the representatives are ready to make recommendations to the SILNA successors about how to receive and hold the land, then a final decision-making process can be convened.

This might be 12– 18 months away.

What is happening with the other untransferred SILNA lands?

The Māori Land Court is researching the succession to the other untransferred SILNA lands the subject of Section 15 of the Ngāi Tahu deed of settlement.

The Court has released a working successor list for Toi Toi. This can be found on the SILNA page of the Māori Land Court website.

Research is underway in relation to succession to the other untransferred SILNA blocks (the subject of Section 15 of the Ngāi Tahu deed of settlement), being Whakapoai, followed by Port Adventure.



My whānaunga are on the Hāwea/Wānaka SILNA successor list but have died. What do I do?

If you believe you or whānaunga are entitled to succeed, but you or your relations are not on the 18 May 2023 list released by the Māori Land Court, apply to the Māori Land Court.

If you use the form for Hāwea/Wānaka SILNA succession application – found on the SILNA page of the Māori Land Court website - the application fee is waived.

The succession process takes time. You may not be recognised in time to participate in the 2023 voting process as to representation.

However, apply now to ensure you are recognised in time to participate in the final voting process as to how the successors should receive and hold the Wānaka land.

Can I participate in the 2023 voting process as to representation?

If you are on the list of Hāwea/Wānaka SILNA successors released by the Māori Land Court on 18 May 2023: yes.

If you have been recognised by the Māori Land Court as a successor since 18 May 2023, you can cast a special vote. But you will need to provide Election Services with the Court order issued since 18 May 2023 which recognises you as a successor, and you will need to do this in time to meet the deadlines in the voting process.

Who decided that the representative body should include five successors?

The Māori Land Court is responsible for identifying the Hāwea/Wānaka SILNA successors.

For a number of years, Te Arawhiti and Te Puni Kōkiri have been consulting with successors and whānau members who have made themselves known to these government departments.

They discussed what representation for the successors should look like for the period until the substitute land transfers. They also discussed what a voting process to establish interim representation should look like. The discussions landed on:

- a body comprised of five successors, who can then co-opt two further members (who do not have to be successors); and
- terms of reference setting out the purpose of the proposed body and how it should operate.

The terms of reference for the proposed body are on the Te Arawhiti SILNA page www.tearawhiti.govt.nz/SILNA



I didn't get an information pack/nomination form/voting form in the mail. What do I do?

Nomination forms and information packs will be sent out on 14 August to those successors who have provided their current postal address to the Māori Land Court.

Hāwea/Wānaka SILNA successors have not received the nomination form in the mail, have the option of using the electronic nomination form.

From 14 August, the electronic nomination form will be available on [Te Arawhiti website](#) about the 2023 voting process for Hāwea/Wānaka SILNA successors.

Or by accessing <https://www.electionservices.co.nz/SILNA2023>

All nomination forms must be returned to Election Services direct, by:

Emailing to info@electionservices.co.nz or

Posting to: PO Box 5135, Victoria Street West, Auckland 1142

Further information can be found at www.tearawhiti.govt.nz/SILNA.

Who can make nominations or be nominated to be on the representative body?

Only Hāwea/Wānaka SILNA successors identified by the Māori Land Court.

You can nominate yourself or others on the 18 May 2023 list of Hāwea/Wānaka SILNA successors. You can nominate up to five people.

Contact Election Services if you have questions about your eligibility to participate in the 2023 voting process:

Email info@electionservices.co.nz, or

Phone 0800 922 822 in New Zealand.

Or +61 1800 951 355 from Australia.

If you haven't been recognised by the Māori Land Court yet, you can still apply to the Māori Land Court to succeed to a deceased person on the list of Hāwea/Wānaka SILNA successors.

Succession takes time. Do this in time to be able to participate in the future decision-making as to how to receive and hold the Hāwea/Wānaka Substitute Land.

