

FREQUENTLY ASKED QUESTIONS

1. What is SILNA?

The South Island Landless Natives Act 1906, which refers to land allocated to 'landless natives' who were living in the South Island in the late 1800's.

2. How did we get this block?

This block was not allocated back in 1906 when the Act was passed and became part of the Ngāi Tahu settlement.

3. Why aren't we getting the original block back?

As the original block was Crown pastoral land and was subject to a pastoral lease and therefore not available, the negotiators and the Crown agreed during the Ngāi Tahu Treaty settlement negotiations to substitute that land for the current block.

4. Is the block in the same general area as the original grant?

Yes – the original block is located approximately 40 kilometres north of the substitute block at a place called 'the neck', between lakes Wānaka and Hāwea.

5. How much is the original block, 'the neck', worth?

We do not know. When the settlement was completed the substitute block was chosen because it was of a similar value and was close in location to the original block.

6. Is this the same acreage as 'the neck'?

No. Settlement was for the same area of a similar or same value.

7. Do you have a map of the substitute block?

Yes we do. You can access a copy on the websites for the Māori Land Court (www.justice.govt.nz/maorilandcourt); Te Puni Kōkiri (www.tpk.govt.nz) and Te Rūnanga o Ngāi Tahu (www.ngaitahu.iwi.nz).

8. Why has it taken so long for these allocations to take place?

When the Ngāi Tahu Claims Settlement Act 1998 was passed, the Minister of Māori Affairs engaged the Māori Land Court to enquire and report on who the descendants of the original owners in 1906 were. The Māori Land Court only completed the inquiry in 2009.

9. Who are the original owners?

There were originally 57 grantees (owners) but it was later determined that there were 4 people who appeared twice in the list so there are only 53.

10. How did my name get into the list of owners?

The whakapapa unit at Te Rūnanga O Ngāi Tahu (TRONT) was able to provide information to the Māori Land Court of who the descendants were. This information was then cross referenced with the records of the Māori Land Court. The Māori Land Court then produced a list of owners.

11. What happens if I or someone I know should be on the list of owners but isn't?

Although the Māori Land Court undertook extensive processes as determined by the Settlement Act to refine the list of owners, we acknowledge that there is a possibility that names have been omitted. If you think that you or someone you know should be included in the list of owners, we invite you to make a submission to the Māori Land Court to be considered for inclusion.

12. Is there any money for us?

No – when the Crown and Ngāi Tahu signed the Deed of Settlement, they agreed that the failure of the Crown to return this land was a breach of the principles of the Treaty. In doing this, they also agreed on the appropriate redress which did not include cash. The process we are currently undertaking is a direct result of these agreements.

13. What do we need to decide?

In terms of the Deed of Settlement, the following needs to be decided by the owners:

- (a) The status of the land to be vested in them [the owners] (or the entity to hold the land on their behalf) by deciding whether the land is to be vested as:
 - a. Māori freehold land; or
 - b. General land.

(b) The manner in which their land will be held by them [the owners] by deciding whether the land is to be vested in:

- a. The Successors as tenants in common with an undivided share in proportion to each Successor's share of his or her Original Beneficiaries interest determined in accordance with *clauses 15.6.2, 15.6.3 and 15.6.4*
- b. A Māori incorporation established under Part XIII of the Te Ture Whenua Māori Act 1993;
- c. An Ahu Whenua trust constituted under section 215 of the Te Ture Whenua Māori Act 1993; or
- d. Any other manner the successors of the land in question decide upon.

14. Why is Māori Customary Land not an option? It should be.

It is not an option because it was not included in the Deed of Settlement.

15. What does successors as tenants in common with an undivided share mean?

You hold a beneficial interest (shareholding) in the block with the other successors. Your share is calculated on how many descendants there are from the original owner. For example, Tame had 10 shares and he had 5 kids, so they each got 2 shares.

16. How many shares are there in the block?

1555.038 shares. As described above, these shares are delegated based on descent and so are not necessarily divided evenly between the owners.

17. How many other owners are there?

In total there are 866 owners.

18. Where can I get a copy of the list of owners?

There is a list of owners on the websites for the Māori Land Court, Te Puni Kōkiri and TRONT.

19. What is 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.

20. What is 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.

21. How long is the term of a trust?

Most trusts have an indefinite term – but if you no longer want your block in the trust you will need to have a meeting of owners to either terminate or change it to another type of structure.

22. How do we decide who the trustees should be?

At the meeting of owners, you decide who you think has the best skills and experience to look after the land for you. This is done by nomination, can be any adult person, and does not have to be an owner in the block.

23. What is in a trust order?

This document sets out what the powers, rights and obligations of trustees are, and the rights of the beneficiaries. The Māori Land Court has drafts that can be used, or the trustees with agreement with the owners can provide their own draft for approval of the Court.

24. What are my rights if I set up an incorporation or trust?

Your rights will be set out in either the objects of the incorporation or the terms of the trust.

25. Which structure will benefit me and my kids?

We are unable to decide for you which structure would be of benefit to you and your kids. There are advantages and disadvantages to both, and you should talk to your whānau about the different options that they have had experience with.

26. What is the difference between general land and Māori freehold land?

As defined in Section 129(2) of Te Ture Whenua Māori Act 1993:

- (b) Māori freehold land – The beneficial ownership of which has been determined in the Māori Land Court by freehold order.
- (d) 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.

27. What are the benefits of these options?

Similar to management structures, we are unable to decide for you. Any Māori freehold land does have the advantage of the Māori Land Court administering and maintaining the list of owners.

28. What management structure options do we have if the owners choose for the block to be vested as general land?

If the land is vested as general land, the options will include a private trust, a charitable trust or a company to manage the land.

29. What is a private trust?

A trust is an 'equitable obligation' that nominates trustees to look after property for the benefit of persons who are called beneficiaries. Private trusts are often used for private purposes such as preserving a family fortune, planning successions for a family business and avoiding any major disruptions due to death. For more information, please view the Trustee Act 1956 available on the New Zealand Legislation website, www.legislation.govt.nz/act/searchquick.aspx. Enter 'Trustee Act 1956' into the search box.

30. What is a charitable trust?

Charitable trusts are trusts established to undertake a 'charitable purpose' and are therefore usually not suited to undertake commercial activity. A 'charitable purpose' means every purpose that in accordance with the law in New Zealand is charitable, including aiding poverty, religious instruction, towards sports and recreation etc. Charitable trusts can be incorporated as a Board under the Charitable Trusts Act 1957. For more information, please visit the Companies Office website on www.societies.govt.nz/cms/charitable-trusts; or view the Charitable Trusts Act 1957 available on the New Zealand Legislation website (search for 'Charitable Trusts Act 1957').

31. What is a company?

A company is that registered under Part 2 of the Companies Act 1993. For more information, please view the Companies Act 1993 on the New Zealand Legislation website described above and search for 'Companies Act 1993'.

32. What is the value of the block?

Last valuation was \$6,000,000 (6 million).

33. Are my shares worth anything?

The value of shares are only determined when you want to sell them, and any other value would affect how you view your ownership in the block.

34. What is on the land at the moment?

The land is 50.6 ha and contains approximately 40.1ha of exotic forests: Douglas Fir and Radiata Pine trees. The land contains several bicycle tracks and is a popular recreation spot.

35. What does that mean?

The majority of the trees will not be ready to be harvested until 2032-2042, and the forest will need to be professionally managed.

36. How much will that cost us?

It will cost approximately \$25,000 per annum in management fees.

37. How much are the trees worth?

Unknown, but some of them are subject to ETS.

38. If we harvested the trees how would we get the trees off?

You would have to talk to the owners of neighbouring blocks about access over their land.

39. Is it the whānau looking after the block?

The forest is currently managed by PF Olsen Limited.

40. Who is maintaining the tracks?

The forestry management company who have been employed by the Crown.

41. Are the bikers using the track paying a fee?

Not that we are aware of.

42. How much are the rates?

The land is charged rates by the Otago District Council and the Queenstown Lakes District Council. In 2010, combined rates were approximately \$7,000.

43. Who is paying the rates now?

The Crown. They will continue to pay the rates until this process is completed.

44. What is the block zoned as?

The block is zoned as Rural General land.

45. Will we get any money from the block?

Any dividends from the block will only occur if the block is being used for a commercial use, for example, a lease with a rentals being paid, or if the block is sold. If sold, there are laws and regulations associated with any sale of Māori freehold land.

46. Are the trees part of Emissions trading scheme (ETS)?

Yes. The block contains a combination of pre-1990 and post-1989 trees. All the pre-1990 trees on the block are not exempt from the ETS. , and as owners of the block you can decide whether you would like to include the post-1989 trees in the ETS.

47. Have we got carbon credits to sell?

No – since the Crown cannot be assigned or hold carbon credits, it was unable to apply for any units for this land. However, beneficiaries will be able to apply for credits for post 1989 forest land. The deadline to apply for credits for the period 2008 to 2013 is 31 March 2013.

Unfortunately, there is marginal financial benefit applying for credits for 20 hectares or less of post 1989 forest land and all the credits earned from 2008 onwards would need to be returned at the time of harvest. The current forest manager believes that the post 1989 forest is approximately 16ha. The benefit is only in the time value of money. There will also be significant financial implications if the trees are harvested and not replanted.

48. Are there any things that will prevent us from doing what we want with the land?

A variety of factors may constrain what the owners will want to do with the land. These factors include:

- a. The ETS – since some of the trees on the land are subject to the ETS, deforestation (converting the land to a use other than forestry) will carry a substantial cost. In addition, since the forest land is a popular recreation site, you will need to consider public use of this land.
- b. No legal road access – the land is surrounded on all sides by privately owned or Council land.
- c. Zoning restrictions – the block is zoned Rural General.

- d. The costs of the land, including rates and any other costs such as insurance or management, will need to be met by the owners.

49. Am I allowed to go to the block?

As an owner in the block, yes, you are.

50. Are there legal access roads onto the block?

There are currently no legal access roads on to the block, but pedestrian access is available through neighbouring Public Reserve Land or via private roads that border the property. For more information on public access to the block, please visit the Walking Access Mapping System compiled by the New Zealand Walking Access Commission available at www.walkingaccess.govt.nz.

51. Can I build on the block?

This will depend on the zoning of the block under the District plan and what management structure is looking after the block. Consents may also have to be provided from the trustees, or a committee of management, or other owners.

52. Can we sell it? Our shares? The block?

If the block is Māori freehold land, you can sell your shares to any person associated with the hapū of the block as long as they are 'blood relatives'. The sale of the block is subject to the law and regulations and you should speak to staff at the Māori Land Court about the process.

53. Can I give my shares to my whāngai?

You can gift shares to your whāngai if they are a person associated with the hapū of the block, and are 'blood relatives'. You can also leave your shares to your whāngai by will.

54. What use is the land to me? I don't live in Wanaka.

That is a question you should talk to your whānau about. Owning land is different to different people based on their values and beliefs.

55. Where can I find all this information?

At any Māori Land Court office and online at the following websites:

www.justice.govt.nz/maorilandcourt

www.tpk.govt.nz

www.ngaitahu.iwi.nz