BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER	the Resource Management Act 1991
IN THE MATTER	of the Inclusionary Housing variation to the Queenstown Lakes Proposed District Plan

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STATEMENT OF EVIDENCE OF TANYA JANE STEVENS

ON BEHALF OF TE RŪNANGA O NGĀI TAHU

18 December 2023

INTRODUCTION

1. My name is Tanya Jane Stevens.

2. I hold the qualifications of Bachelor of Music and Master of Planning Practice (with honours) from the University of Auckland. I am a full member of the New Zealand Planning Institute and a Chartered member of the Royal Town Planning Institute. I am a Practitioner member of the Institute for Environmental Management and Assessment and a Registered Environmental Impact Assessment Practitioner with the same Institute. I have completed the Making Good Decisions course, including one recertification.

3. I am employed by Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) as a Senior Policy Advisor in Te Whakaariki/Strategy & Influence team. I moved to this position in April 2022, having been previously employed by Te Rūnanga as a Senior Planner for eight years.

4. I have over 15 years' experience in planning both in New Zealand and in the United Kingdom. I have worked for councils in both New Zealand and the United Kingdom as a planner, including as a resource consents officer. I have also worked for private consultancies and was employed by Deloitte UK as a planning consultant prior to working for Te Rūnanga.

5. Through my previous role for Te Rūnanga I have been involved in plan review processes as an expert planner, including the Christchurch City Council District Plan Review, and the submissions and hearings process on the Marlborough Environment Plan. I have appeared as an expert planning witness in the Environment Court for Te Rūnanga and have also been involved in Environment Court mediation processes. As part of my current role in Te Whakaariki/Strategy & Influence, I have shifted my focus to fisheries, aquaculture and Ngāi Tahu settlements more broadly.

6. I provided evidence on Plan Change 54 to the Queenstown Lakes Proposed District Plan which included provision for access to the Hāwea/Wānaka block, otherwise known as Sticky Forest (**Hāwea/Wānaka-Sticky Forest**). I have also provided evidence on the Priority Area Landscape Schedules Variation.

7. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

8. I whakapapa to Ngāi Tahu hapū Ngāti Kuri and Ngāi Tūāhuriri.

9. For transparency I note that my fathers' pōua (grandfather), Charles Stevens, is included in Schedule F, "Return of Natives and Half-castes in the South Island unprovided with Land" attached to report by Commissioner MacKay "Middle Island Native Claims" 1891. To the best of my knowledge I do not whakapapa to a beneficial owner of the Hāwea/Wānaka-Sticky Forest block. I do not and cannot speak for the successors to the Hāwea/Wānaka-Sticky Forest block.

10. I also wish to emphasise that I am a planner - I am neither a lawyer nor historian. My experience in Ngāi Tahu settlements and South Island landless native matters has formed through my nine years of working for the tribe. I have gained this experience through reading, discussion, internal wānanga on settlement, and my interaction with the Ngāi Tahu settlements and subsequent legislation and mechanisms through my day to day mahi.

11. In setting out the historic context to Hāwea/Wānaka-Sticky Forest I highlight that I have not always gone into source documentation myself, and instead rely largely on the Ngāi Tahu Report 1991 as it relates to the historical claims arising from the Crown purchases of Ngāi Tahu land from 1844 (**Ngāi Tahu Report**). The Ngāi Tahu Report extensively references and summarises relevant reports and the findings of various inquiries. It sets out the findings and recommendations of the Waitangi Tribunal on WAI27, Te Kerēme (**the Ngāi Tahu Claim**).

12. My intention is to present the information in a tailored way that serves to assist the Panel to understand the historical information and events which led to the current Hāwea/Wānaka-Sticky Forest block. I do so to provide what I believe to be relevant context to support the Panel in understanding the purpose of the amendments sought in the evidence of Ms Rachael Pull on behalf of Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga.

13. The key documents I have referred to in drafting this brief of evidence are:

(a) The Waitangi Tribunal WAI27 Ngāi Tahu Report 1991 (**Ngāi Tahu Report**);

(b) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**);

(c) Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**);

(d) Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**);

(e) South Island Landless Natives Act 1906 (**South Island Landless Natives Act**);

(f) Inclusionary Housing Section 42A report, David Mead, 14 November 2023 (**Section 42A report**); and

(g) Planning evidence for Te Rūnanga by Rachael Pull (dated 18 December 2023).

SCOPE OF EVIDENCE

14. My evidence will primarily cover the historical context and genesis of the Hāwea/Wānaka-Sticky Forest block. I will also provide some broader comment on Ngāi Tahu settlements and additional comment on Māori Land.

EXECUTIVE SUMMARY

15. The genesis of the Hāwea/Wānaka-Sticky Forest block originates from the colonisation of New Zealand in the 1800s. It involves a difficult history of land sales by Ngāi Tahu to the Crown, and broken contractual promises of provision for reserves, food resources and health, education and land endowments to be made for Ngāi Tahu.

16. However, after investigation by the Crown into the state of landlessness of Ngāi Tahu, the South Island Landless Natives Act provided a means for title to land located within blocks to be transferred from the Crown to beneficial owners, being those identified as having no or insufficient land.[1] Transfer of

[1] As discussed further in evidence, the land allocated under the South Island Landless Natives Act was often of dubious quality and location, and size.

title to four blocks within the Ngāi Tahu takiwā, including Hāwea/Wānaka,[2] did not occur before the South Island Landless Natives Act was repealed and replaced in 1909. The transfer of that land is, to this day, yet to be completed and is still owned by the Crown.

17. The Māori Land Court has made progress with identifying successors to the original beneficial owners of the Hāwea/Wānaka block. In essence, the Ngāi Tahu Settlement[3] provides for the vesting of Hāwea/Wānaka-Sticky Forest in those successors. As discussed in the evidence of Ms Pull, the land vested in successors needs to be meaningful – in that the potential of the land can be unlocked as and how the successors determine is appropriate. Beneficial owners, and now in turn the successors, have waited over 100 years for title of the Hāwea/Wānaka South Island Landless Natives Block to be transferred to them. Any additional encumbrances such as that proposed by the inclusionary housing variation would in my view, be inappropriate and inconsistent with the purpose of the South Island Landless Natives Act, the principles of Te Tiriti and the intent of the Ngāi Tahu Deed of Settlement Section 15 and in turn the Ngāi Tahu Settlement.

HISTORICAL CONTEXT

Introduction

18. The Hāwea/Wānaka block, colloquially known as "Sticky Forest" is located in Wānaka within an area that has seen substantial development since the Ngāi Tahu Settlement. It is covered in plantation forestry and has been used informally by the community, primarily for mountain biking, for many years. There are well established tracks and signs identifying tracks for users.

19. In 1998, when the **NTCSA** came into force, the reserve status of the land was removed. The land has been in the custodial ownership of the Crown since that time, with use of the land by the general public not prohibited. However, the underlying ownership of the land will ultimately vest in the successors to the beneficial owners identified in 1906. The reasons for this unique situation require an understanding of historical events that continue to affect the successors today. I provide a summary of these events below.

[2] Hāwea/Wānaka in this instance relates to the original block at Manuhaea/the Neck.
[3] Through section 15 of the Ngāi Tahu Deed of Settlement 1998.

Ten major land purchases, 1844-1864

20. Between 1844 and 1864 the Crown negotiated ten large scale purchases of land from Ngāi Tahu in the South Island.[4]

21. The Deeds of Purchase for the land made provision for Ngāi Tahu through the creation of reserves. The reserves were to be sufficient to provide for the current and future needs of Ngāi Tahu.[5]

22. Accompanied by the Deeds, were also promises of schools and hospitals.[6]

23. Provision for reserves of sufficient size and quality to suitably provide for Ngāi Tahu, as agreed between the Crown and Ngāi Tahu, was not honoured by the Crown. Nor were the promises of schools and hospitals.

24. This is summarised by the Waitangi Tribunal in the Ngāi Tahu Report:[7]

> "The tribunal cannot avoid the conclusion that in acquiring from Ngāi Tahu 34.5 million acres, more than half of the land mass of New Zealand, for £14,750, and leaving them only with 35,757 acres, the Crown acted unconscionably and in repeated breach of the Treaty of Waitangi."

25. This dramatically changed the economic, social, environmental and cultural landscape for Ngāi Tahu. As may be expected from such substantial loss of resource and economic capacity, it led to a significant decline in the wellbeing of Ngāi Tahu people.[8]

[4] Ōtākou 1844, Canterbury (Kemps) 1848, Port Cooper 1849, Port Levy 1849, Murihiku 1853, Akaroa 1856, North Canterbury 1857, Kaikōura 1859, Arahura 1860, and Rakiura 1864. As listed in the Preamble to the NTCSA.
[5] These purchases are described and discussed in detail throughout the Ngāi Tahu Report, but are summarised in Volume 1, Section 2.
[6] See Ngāi Tahu Report Volume 3 Chapter 19, Schools and Hospitals, the Ngāi Tahu Report discusses promises regarding schools and hospitals in the context of the Murihiku and Kemp purchases.
[7] Ngāi Tahu Report, Volume 3, Chapter 24, paragraph 24.1.
[8] Significant landlessness and the resulting impact on Ngāi Tahu is central to Te Kerēme, the Ngāi Tahu Claim. The first statement of grievances was made in writing by Matiaha Tiramorehu in 1849. Seven generations followed in pursuit of Te Kerēme, such is the importance and scale of the grievance of Ngāi Tahu.

Investigations of the Crown into Native Landlessness

The MacKay Royal Commission 1886/7

26. On 12 May 1886 Judge MacKay was appointed a Royal Commissioner. He was instructed to: [9] [10]

    (a) inquire into cases where it was asserted that lands set apart were inadequate.

    (b) inquire into the position of all half-castes in the South Island still unprovided with land.

    (c) record the names of such persons and make recommendations as to quantities and in what localities land should be set apart.

27. The Commissioner provided a report to the Governor dated 5 May 1887. I am not an expert on the document or events discussed, but I have read the report furnished by MacKay. His findings are damning. MacKay describes various issues but in summary; he found that instructions to provide reserves sufficient for current and future needs of Ngāi Tahu were not followed,[11] that proper counting of numbers of Ngāi Tahu to be provided with reserves was not always undertaken, and that Ngāi Tahu normally resident in an area were not always present when census was taken.[12] He notes that "the Natives were coerced into accepting as little [land] as they could be induced to receive."[13]

28. MacKay made a series of recommendations which I summarise in brief as:[14]

    (a) That land should be set aside as an endowment to provide an independent fund for the "objectives which were held out to the Natives as an inducement to part with their land". For example, schools, land improvement, medical purposes.

[9] Ngāi Tahu Report Volume Three, pages 979 and 980, section 20.2.1.
[10] A subsequent warrant dated 20 July 1996 instructed MacKay to investigate whether Māori who had grievances arising from the Smith-Nairn Commission of 1878-1880 regarding the Ōtākou, Kemp, Murihiku and Akaroa purchases would accept a grant of land in final settlement of non-fulfilment of the terms and conditions of those purchases.
[11] See "Report on Middle Island Native Land Question" 1887, 188, AJHR, G-01. Particularly in the case of the Kemp Block and Ōtākou Block.
[12] Report on Middle Island Native Land Question, 1887, 188, AJHR, G-01, at 1.
[13] Report on Middle Island Native Land Question, 1887, 188, AJHR, G-01, at 3.
[14] Report on Middle Island Native Land Question, 1887, 188, AJHR, G-01, at 1.

(b) That blocks of land be set apart for "use and occupation" by Ngāi Tahu.

29. Whilst he provided a thorough account of how the purchases were made, he did not succeed in completing the instruction to list individuals or allocating blocks.

Joint Committees 1880 - 1890

30. Between 1888 and 1890 a series of joint committees were formed for the purpose of carrying out the recommendations in MacKay's report.[15] As part of the first joint committee (1888), evidence from Members of Parliament was provided in addition to documentary evidence.

31. The Ngāi Tahu Report highlights that the evidence of William Rolleston appears to have been particularly influential, and summarises what Rolleston proposed, being that:[16]

- no land should be set aside as endowments for Ngāi Tahu as recommended by Mackay;
- it was dangerous to grant any Ngāi Tahu more than the minimum of land and then only where it was shown "there was absolute pauperism";
- rather than grant any more land the government should issue terminable annuities; and
- the only hope for Ngāi Tahu was to become an industrious people presumably all as members of the "labouring-class".

32. The comments summarised above reflect the overall tone of the joint committees. Suffice to say, the recommendations of MacKay were not progressed, and the situation of Ngāi Tahu was not improved.

The MacKay Royal Commission 1891

33. Although his previous report had largely been ignored, MacKay was commissioned to again look into the condition of Ngāi Tahu and to establish if any had insufficient land.[17] He visited the principle settlements and "gave

[15] These are discussed in the Ngāi Tahu Report Volume Three pages 982 – 985.
[16] Ngāi Tahu Report, Volume 3, Page 984, section 20.3.3.
[17] Ngāi Tahu Report, Volume 3, Page 985, section 20.4.1.

a depressing account of the poverty, listlessness, and despair" amongst Ngāi Tahu.[18] As described in the Ngāi Tahu Report, it was found that 90% possessed either no land or insufficient land (being 44 percent and 46 percent respectively), and where land was owned, it was often of poor quality and difficult to make a living from.[19]

MacKay and Smith reports 1893-1905

34. In December 1893 MacKay and Percy Smith (Surveyor General) were appointed to complete a list of landless Māori and to assign land to them within blocks.

35. The Ngāi Tahu Report describes the reports and progress with each. I do not provide a summary of each report here, as the below provides an account sufficient for the purposes of this brief - in discussing the delay of the final report the Tribunal quotes MacKay and Smith:[20]

> "In the end, lands have actually been found to meet all requirements as to area, but much of the land is of such a nature that it is doubtful if the people can profitably occupy it as homes."

36. As described above, much of the land allocated was of poor quality but in addition blocks were often a considerable distance from rail, towns or other infrastructure, and/or the blocks themselves were without roading and other infrastructure.[21]

37. Regardless, the final report (1905) included a recommendation that legislation be passed so that titles allocated to the land could be issued.[22]

South Island Landless Natives Act 1906

38. The South Island Landless Natives Act is relatively short and therefore I have appended it to this brief as **Appendix One**.

[18] Ngāi Tahu Report, Volume 3, Page 986, section 20.4.2.
[19] Ngāi Tahu Report, Volume 3, Page 986, section 20.4.2.
[20] Ngāi Tahu Report, Volume Three, page 991, paragraph 20.4.12.
[21] See Ngāi Tahu Report, Volume Three. The quality of land is discussed on pages 988 to 991.
[22] Ngāi Tahu Report, paragraph 20.4.13.

39. The purpose of the South Island Landless Natives Act was to provide land for the support and maintenance of landless natives in the South Island.[23] [24]

40. In summary the Act:

(a) Made provision for the allocation of land "generally in accordance" with the Smith-MacKay Commission.[25]

(b) Provided authority to transfer title to those named and listed against blocks in the Gazette.[26]

(c) Contained restrictions on the alienation of such land.[27]

41. However, two key issues arise:

(a) As highlighted above, the land was of such poor quality that the situation for many Ngāi Tahu was not improved.

(b) Not all blocks were allocated under the South Island Landless Natives Act before the Act was repealed in 1909.[28] One of these blocks was around 1,658 acres of land, now known as the Hāwea/Wānaka block. This block was set aside at Manuhaea, or "the Neck", between Lakes Wānaka and Hāwea as a permanent reserve for 57[29] named individuals under the South Island Landless Natives Act.[30]

WAI27, findings of the Waitangi Tribunal on the Ngāi Tahu Claim, Te Kerēme – the Ngāi Tahu Report 1991

42. Issues of Ngāi Tahu landlessness and investigations and inquiries by the Crown, and the eventual passage and effect of the South Island Landless Natives Act were investigated thoroughly by the Waitangi Tribunal in WAI27

[23] South Island Landless Natives Act 1906 section 3. Section 2 describes landless natives as Māori in the South Island who are not in possession of sufficient land to provide for their support and maintenance, including half-castes and their descendants.
[24] I note that I use the term "natives" where it is necessary to understand connection to reports etc, but otherwise use "Ngāi Tahu" or "Māori" depending on context.
[25] Ngāi Tahu Report, paragraph 20.5.1.
[26] See South Island Landless Natives Act section 8.
[27] See South Island Landless Natives Act section 9.
[28] Ngāi Tahu Deed of Settlement, Section 15, paragraph D.
[29] The Māori Land Court has since refined to 50 names. List-of-Original-Grantees-for-Hawea-Wanaka-with-notes.pdf (xn--morilandcourt-wqb.govt.nz)
[30] The other three blocks that were not transferred are Toitoi, Port Adventure, and Whakapoai.

and reported on in the Ngāi Tahu Report to which I have already referred extensively.

43. What is left is for me to highlight here is the findings of the Tribunal regarding landlessness. The Tribunal states in the Ngāi Tahu Report:[31]

> "The tribunal is unable to escape the conclusion that, to appease its conscience, the Crown wished to appear to be doing something when in fact it was perpetrating a cruel hoax. In the tribunal's view the facts speak for themselves. The tribunal was unable to reconcile the Crown's action with its duty to act in the utmost good faith towards its Treaty partner. The South Island Landless Natives Act 1906 and its implementation cannot be reconciled with the honour of the Crown. The tribunal found the Crown's policy in relation to landless Ngai Tahu to have been a serious breach of the Treaty principle requiring it to act in good faith. The breach is yet to be remedied."

44. In its concluding remarks the Tribunal states:[32]

> "Ngai Tahu have established their major land and associated grievances. They are entitled to speedy and generous redress if the honour of the Crown is to be restored. The tribunal would urge, in the interest of all New Zealanders, that the Crown at long last repays its debts to Ngai Tahu. Surely Ngai Tahu have waited long enough."

45. The findings of the Waitangi Tribunal formed the basis for negotiations with the Crown, eventually recorded in the Deed of Settlement.

Deed of Settlement 1997

46. The Deed of Settlement records the agreement between the Crown and Ngāi Tahu. This agreement followed extensive discussions and negotiations.

47. Section 15 of the Deed of Settlement summarises the findings of the Waitangi Tribunal, in relation to specified South Island Landless Natives Act

[31] Ngāi Tahu Report, Volume Three, Page 1000, Section 20.7.4.
[32] Ngāi Tahu Report, Volume Three, Pages 1037 and 1038, section 22.3.

blocks which did not transfer before repeal of the South Island Landless Natives Act in 1909, being that:[33]

(a) Although the land was set aside in accordance with the South Island Landless Natives Act 1906, the land was not gazetted, surveyed, and titles were not issued.

(b) This failure to allocate these lands served to exacerbate the earlier Crown failure to set aside sufficient lands within the purchase areas to give Ngai Tahu an economic base and was therefore a further breach of the principles of the Treaty of Waitangi.

48. The Deed of Settlement notes that the Crown:[34]

> "accepted that there was an obligation on the Crown to complete the transfer of those lands to the beneficial owners after 1906[35] and that the failure by the Crown was a breach of the principles of the Treaty of Waitangi."

49. The Deed of Settlement then records that the Hāwea/Wānaka land at Manuhaea/the Neck was no longer available for allocation to successors. Therefore the Hāwea/Wānaka substitute land (being Sticky Forest) is to be vested in those successors by way of substitution.

50. The NTCSA enacts the Deed of Settlement.

51. The Deed of Settlement and NTCSA set out a procedure to provide for the vesting of the four outstanding South Island Landless Natives Act blocks in beneficial owners.

52. It is now well over one hundred years since the passing and indeed repeal of the South Island Landless Natives Act, and some twenty years since the signing of the Deed of Settlement and the passing of the NTCSA. The Hāwea/Wānaka block is still vested in the Crown.

[33] The below is taken from the Ngāi Tahu Deed of Settlement, section 15.2, B., i and ii.
[34] Ngāi Tahu Deed of Settlement, Section 15, E
[35] Being the four outstanding blocks that were not transferred before the repeal of the South Island Landless Natives Act 1906

53. I set out below some common questions which arise, and provide answers to assist the Panel:

Why is Hāwea/Wānaka-Sticky Forest a substitute block?

54. At the time of Ngāi Tahu settlement the original Hāwea/Wānaka block (at Manuhaea, "the Neck") was subject to a long term pastoral lease to private leaseholders. A substitute block, known as "Sticky Forest", was made available. It was agreed that the fee simple of the block would be vested in beneficial owners[36] and the reserve status of the block removed.[37]

What is the process for vesting the block with beneficial owners?

55. Section 15.8.7 of the Deed of Settlement sets out the process for vesting the block with successors. It requires that:

    (a) The Māori Land Court identify successors.[38] [39]

    (b) The Successors to determine how to receive and hold the land (e.g. whether to take the land as Māori freehold or general land and whether to receive by way of a holding entity).[40]

    (c) The vesting is by notice in the Gazette in accordance with the determinations of the Successors as to how to receive and hold the land.[41]

56. The Ngāi Tahu Whakapapa Unit, with particular assistance from the late Matua Terry Ryan, have assisted the Māori Land Court with identifying successors to Hāwea/Wānaka-Sticky Forest.

What is the role of Te Rūnanga in the Hāwea/Wānaka block?

57. The Panel and more broadly Queenstown Lakes District Council may be accustomed to working with Te Rūnanga in its capacity as iwi authority in the Queenstown District.

[36] Ngāi Tahu Deed of Settlement, Section 15, Clause 15.2.2.
[37] Ngāi Tahu Deed of Settlement, Section 15, Clause 5.2.3.
[38] There are specific processes that the Māori Land Court must satisfy in undertaking this work. I am not familiar with these and do not comment on them other than highlighting the role of Te Rūnanga Whakapapa Unit.
[39] Ngāi Tahu Deed of Settlement, Section 15, Clause 15.6.2
[40] Ngāi Tahu Deed of Settlement, Section 15, Clause 15.7.5
[41] Ngāi Tahu Deed of Settlement, Section 15, Clause 15.8.7

58. Te Rūnanga is the relevant iwi authority in this variation process.

59. It is important to note that the Section 15 redress provided in respect of untransferred South Island Landless Natives Act lands is for the benefit of the successors to the interests of the original beneficiaries who did not receive the land committed to them prior to 1909. The role of Te Rūnanga as it relates to Section 15 redress is to "use reasonable endeavours to facilitate the provision of that redress to those beneficiaries in accordance with this Deed".[42]

60. With regard to Hāwea/Wānaka-Sticky Forest, Te Rūnanga defers to the successors on aspirations and outcomes sought for the block.

CLARIFICATION OF POINTS MADE IN SECTION 42A REPORT

61. Paragraphs 8.26 to 8.27 of the Section 42A report relate to submissions by iwi. Ms Pull responds to this in full. I consider that the Section 42A report in paragraphs 8.26 to 8.27 may be discussing both land held under Te Ture Whenua Māori Act 1993 (which I refer to as **Māori Land**) and Hāwea/Wānaka-Sticky Forest redress land. Whilst the outcome sought in the evidence of Ms Pull is in essence the same for both the Hāwea/Wānaka-Sticky Forest redress land, and Māori Land - for the purposes of the consideration of the submission it is important to understand and differentiate between Māori Land and redress land.

62. Māori Land will for the most part have no direct relationship to Te Rūnanga as a tribal representative body, owing to the nature of Māori Land being generally whānau owned, rather than in tribal ownership. With Māori Land it is important to note that while owners of Māori Land may whakapapa to Ngāi Tahu, it is not therefore immediately a tribal matter.

63. However, in instances such as this where the Inclusionary Housing variation as notified has a far reaching impact on Māori Land, therefore affecting the ability of Ngāi Tahu whānui to make use of that land, Te Rūnanga will from time to time provide comment.

64. It is important that the amendments as sought by Ms Pull are accepted to ensure that there are no inadvertent or inappropriate encumbrances on the

[42] Ngāi Tahu Deed of Settlement clause 16.2.4

use of Māori Land. The development of Māori Land is complex due to the requirements of Te Ture Whenua Māori Act 1993. I am not an expert in those processes, but I have assisted in the drafting of rules to enable Kāinga nohoanga (similar to Papakainga) development elsewhere within the Ngāi Tahu takiwā on Māori Land which has provided me with some awareness of the challenges. Additionally my father has succeeded to Māori Land. It is challenging to develop Māori Land due to existing processes, as such, financial contributions would create an additional hurdle.

65. I have already discussed Hāwea/Wānaka – Sticky Forest redress land thoroughly in this brief. I hope that the above explanation of Māori Land in addition to that is of assistance and provides clarity.

CONCLUSION

66. The Inclusionary Housing variation is now part of a longer chronology of events. Previous events have:

    (a) Caused or added to substantial landlessness, and severe decline in the wellbeing of Ngāi Tahu.

    (b) Demonstrated a lack of care and attention, in some instances even deliberate efforts on the part of the Crown, when contractual agreements and promises made to Ngāi Tahu should have been honoured.

    (c) Pulled the carpet away as such, with the repeal of the South Island Landless Natives Act before land could be transferred.

    (d) Resulted in over a century passing before efforts to transfer land resumed through the NTCSA and Deed of Settlement.

67. Hāwea/Wānaka-Sticky Forest is an allocation of land owed to beneficial owners, and in turn their successors, for over a century. Those successors have to date not had the ability to make use of the block. With progress made in the Māori Land Court identifying successors, and in turn processes in Section 15 of the Deed of Settlement being worked through, successors are moving closer to receiving their South Island Landless Natives Act allocation.

68. I consider the amendments sought by Ms Pull in relation to both Hāwea/Wānaka-Sticky Forest, and Māori Land, are appropriate.

Tanya Jane Stevens
18 December 2023

APPENDIX ONE: South Island Landless Natives Act 1906

New Zealand.

ANALYSIS.

1906, No. 17.

AN ACT to make Provision for Landless Natives in the South Island. [*20th October, 1906.* Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The South Island Landless Natives Act, 1906." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

"South Island" means the islands known as the Middle and Stewart Islands:

"Landless Natives" means Maoris in the South Island who are not in possession of sufficient land to provide for their support and maintenance, and includes half-castes and their descendants:

"Land" means all land set apart heretofore to make provisions for landless Natives and which may subsequently be set apart for a similar purpose:

"Court" means the Native Land Court as constituted by "The Native Land Court Act, 1894."

3. (1.) For the purpose of providing land for landless Natives in the South Island the Governor may from time to time by Proclamation declare that any Crown land shall, whether the same has been surveyed or not, be set aside temporarily for such purpose. Temporary reserves for landless Natives.

(2.) Notice of all such temporary reservations shall be published in the *Kahiti*.

4. At the expiration of one month, but not later than six months, after the publication of the aforesaid Proclamation the lands described therein may by Proclamation be permanently reserved, and notice of such permanent reservation shall be pub- Permanent reserves.

lished in the *Kahiti*, and failing such permanent reservation any such temporary reservation shall be void.

Effect of Proclamation.

5. On the publication of the Proclamation permanently reserving the aforesaid Crown lands, such lands shall become and be dedicated to the purpose for which they were set apart, and may at any time thereafter be granted as hereinafter provided.

Proclamations may be amended.

6. Where there has been any error of description made in the Proclamation of any intended reserve, or where there appears to be a great discrepancy in the area of any intended reserve after the same has been surveyed, the Governor may cancel any Proclamation made in respect of such reserve, and issue a fresh Proclamation in respect thereof with amended particulars and descriptions. All such amended Proclamations shall be published in the *Kahiti*.

Lands may be granted to landless Natives.

7. For the purpose of carrying out the intention of this Act, or in fulfilment of any contract, promise, agreement, or understanding in connection with the setting-apart of lands for landless Natives in the South Island, the Governor may from time to time execute warrants for the issue of Land Transfer certificates to all or any parts of the land heretofore selected and allocated in favour of any such landless Natives, or which may be subsequently selected for such purpose, to any person or persons whose names have been ascertained either in severalty or as tenants in common, and may fix the terms and conditions and the dates on which the legal estate therein shall respectively vest.

Particulars to be published and to form basis of title.

8. The names of the persons deemed to be entitled to such instruments of title, together with the respective areas allotted them, shall be published in the *Kahiti*, together with the name of the locality and the sectional number; and such publication shall form the basis of title, and shall operate provisionally as such for the purpose of exchange, subdivision, or the reduction of areas as hereinafter provided.

Restriction on alienation.

9. Every certificate of title to be granted under the authority of this Act shall contain a restriction to the effect that the land shall be absolutely inalienable except by way of exchange or a lease for any term not exceeding twenty-one years amongst the persons only or their descendants who have been found to be entitled.

Powers of Court.

10. (1.) The Court shall have power to determine inheritance, exchanges, and subdivisions of any part or parts of the land set apart as aforesaid or which may hereafter be set apart, and in cases where it appears to the Court, on the application of any person concerned, that the allocation made in favour of any person or persons in consequence of the uncertainty of the age of any individual is in excess of the quantity such person or persons should have received, the Court is authorised to reduce the area allotted to a quantity commensurable with the acreage which such persons would have received had their age been accurately known at the time the award was made—that is to say, on the basis of fifty acres each or a lesser area in the case of adults, and twenty acres each or a lesser area for non-adults under the age of fourteen years, allotted to all persons found to be entitled to the territory south of the northern boundary of the Provincial District of Canterbury; and on the basis of forty acres each or a lesser area in the case of adults, and twenty acres

each or a lesser area in the case of non-adults under fourteen years old, allotted to all persons found to be entitled in the Provincial Districts of Nelson and Marlborough (saving and except in the case of Whakapoai, in the Provincial District of Nelson, which for this purpose shall be treated as if south of the northern boundary of Canterbury).

(2.) Any surplus lands which may be created through any reduction made by the Court shall revert to the Crown, and shall be set apart as an endowment for the recreation or education of Natives.

Land may be leased by Governor.

11. The Governor is authorised, after consultation with the Natives entitled to any of the sections or parcels of land allotted as aforesaid or which may be allotted hereafter, to lease any such lands on behalf of the Natives concerned to Europeans for any period not exceeding twenty-one years in possession and not in reversion, at the best improved rent obtainable at the time, subject to the payment of the value of any timber standing or growing thereon, the proceeds and rents to be paid and divided amongst the persons to whom such lands have been specially allotted in proportion to their respective acreage.

Regulations.

12. The Governor may from time to time, by Order in Council gazetted, make regulations for any purpose deemed expedient or necessary in connection with carrying out any of the provisions of this Act.

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