



## Kia Hiwa rā! Kia Hiwa rā! Waitangi Tribunal Claim

Tihei Mauri Ora  
 Korōria ki te Atua  
 Maungarongo ki te whenua  
 Whakaaro pai ki ngā tangata katoa  
 Haere e ngā mate, haere, haere, haere  
 He karanga tēnei e toro atu ana ki a koutou, ngā rangatira o tātou. E tū mai tātou i runga i te kaupapa kōtahi, me kii ko te taonga tuku iho a WAKATŪ. Akuanei, ka timata tō tatou noho ki mua i te Taraipiunara o Waitangi, hei wero ki te Karauna mō ō rātou mahi tūkino e pā mai ana ki ō tātou mātua tūpuna. Tenā koutou katoa

The Wakatū claim, Wai 56, was scheduled to be heard after the Iwi claims in July, however this has since changed with the insistence of the Tribunal rescheduling the programme to June. We have now had to bring our planning and claims workload forward.

The Treaty of Waitangi claim Wai 56 is to be heard on behalf of the descendants of the original owners of the Nelson Tenth Estate, also known as the Wakatū Incorporation and as part of the Northern South Island Inquiry.

Our claim was lodged in 1985 by Rore Stafford, and the late Hepa Solomon. Over the years, a number of hui with owners, about Wai 56, have occurred throughout the country. As a consequence of this consultation, our claim has developed, and the various aspects are presented for you, in this pānui.

### WAI56 CLAIMS SUMMARY

#### Claim 1

The deficit in the tenths associated with the 151,000 acres awarded to the NZ Company following the Spain hearings;

#### Claim 2

The failure to provide tenths reserves out of the further approximately 300,000 acres acquired from Māori following the Spain hearings;

#### Claim 3

The erosion of the Tenths Estate by the taking of land for public works without purchase of substituted land;

#### Claim 4

The insertion of sections 9A and 9B into the Māori Reserved Land Amendment Act 1955 by sections 155 and 156 of the Māori Affairs Amendment Act 1967 resulting subsequently in the sale of 1,307 acres of the tenths estate;

#### Claim 5

Acts and omissions of the Crown in the legislation affecting the trusteeship of the tenths estate, in particular:

- The creation of the Tenths Fund and its uses for purposes other than the benefit of the owners;
- The legislation placed no obligation on the statutory trustee to consult and involve the owners in the administration of the estate;
- The creation of perpetual leases by section 14 of the Westland and Nelson Native Reserved Land Act 1887 without provision to protect the owners from economic loss;

- A legislative framework which resulted in the management of the estate in a way which reflected a view of the statutory trustees as a rent collector rather than a position involving the role of active protection;
- The ability of the Māori Trustee to acquire for a period uneconomic interests without the agreement of Owners;
- Legislation which made possible "prescribed" leases as an option for lessees at a time when the set rental rate (4% and 5%) which under such leases was less than that for the standard arbitration (market rental) lease;

#### Claim 6

The failure to implement the recommendations of the 1975 Commission of Enquiry into Māori Reserved Land and the Waitangi Tribunal after the Ngāi Tahu hearings that rent reviews in perpetual leases of commercial and rural property should be at five yearly intervals;

#### Claim 7

The omission of the Crown to rectify by legislation perpetual lease terms which are adverse to the Owners' interests including:

- Assessment of rentals on unimproved value;
- No penalty interest provisions for late payment of rent;
- Unsatisfactory provisions on renewal of leases where lessees do not wish to renew;
- Archaic lease terms and language.

**Please attend, and support our claim. It is an important historical event and an opportunity such as this will not arise again.**



E ngā mana, e ngā reo, rau rangatira mā, mauria mai ō koutou kaha, ō koutou tautoko e pā ana ki tō tātou take. We look forward to seeing you and welcome your support during the hearing of WAI 56. This is an important historical event for us all, as descendants of the Original Owners of the Nelson Tenths Estate and an opportunity such as this will not arise again.

We hope that the people of the four constituent Iwi (Ngāti Rārua, Ngāti Koata, Ngāti Tama, and Te Ātiawa) will embellish our witnesses briefs of evidence with waiata representative of our four peoples.

#### Key Dates:

Wednesday 11 June  
 Thursday 12 June  
 Friday 13 June

#### The venue for the hearing is:

Seifrieds Estate Main Rd, Appleby  
 (Main Highway between  
 Nelson & Motueka)

#### Time:

9am to 5pm daily  
 Hākari – 7pm Thursday June 12