

APPLICATION TO DETERMINE SUCCESSORS FOR SOUTH ISLAND LANDLESS NATIVES (SILNA) LANDS Hawea/Wanaka Substitute land (being Section 2 of 5 Block XIV, Lower Wanaka SD) The Ngāi Tahu Claims Settlement Act 1998, Section 455(1); Te Ture Whenua Māori Act 1993, Sections 29 and 113; and The Ngāi Tahu Deed of Settlement, Clause 15.6.2

For more information, email mlcsilna@justice.govt.nz

WHAT IS THIS FORM FOR?

This application form has been modified specifically for use in determining the successors for South Island Landless Natives (SILNA) Lands in accordance with Part 15 of the Ngāi Tahu Deed of Settlement. The Māori Land Court is conducting an inquiry to establish the successors to SILNA lands pursuant to Section 29, Te Ture Whenua Māori Act 1993 in accordance with an application filled by the Minister of Māori Affairs, currently under application **A20180009373**.

HOW TO FILE AND COMPLETE THIS APPLICATION FORM

- (i) This form must be filed at the office of the Court at Christchurch;
- (ii) Please ensure that all information required on the form is completed;
- (iii) Where possible, please supply the names and contact details of the successors that listed in this form;
- (iv) Due to the nature of these applications, and in terms of the Court's inquiry under section 29 of Te Ture Whenua Māori Act 1993 and in recognition of the provisions of Part 15 of the Ngāi Tahu Deed of Settlement, the **Registrar for Te Waipounamu District has approved a waiver of filing fees for applications filed on this form.**
- (v) Where the tick boxes are provided please ensure you tick all those boxes that apply to your application, unless you are required to select one box, then only select the box that applies;
- (vi) Replace text within [square brackets] with the relevant text;
- (vii) Where alternative word choices are indicated, for example, male/female*, select the word or phrase that applies. Where alternative statements are indicated, select the statement that applies
- (viii) If there is insufficient room on the form to provide all the required information you should continue your application on a separate sheet of paper; and
- (ix) Additional information – in addition to completing this form, if the application requires you to provide further information you must include all documents, information or evidence you wish the Court to consider.

The Māori Land Court of New Zealand

All SILNA lands are located in **Te Waipounamu Māori Land Court District**.

SUBJECT OF APPLICATION – DECEASED:

.....
(Please show name of deceased and any known aliases contained in the approved List of Successors for Hawea/Wanaka Substitute Block for which successors need to be determined.)

APPLICATION:

I/We, [full name(s)],

apply pursuant to section 113 of Te Ture Whenua Māori Act 1993 (as provided for in Clause 15.6.2 of the Ngāi Tahu Deed of Settlement and in accordance with the Court’s inquiry under section 29 of Te Ture Whenua Māori Act 1993), for determination of the successors to the deceased. The Court’s jurisdiction is conferred by Section 455(1) of the Ngāi Tahu Claims Settlement Act 1998.

The deceased is named in the list of successors approved by the Court at 46 Te Waipounamu Minute Book 256-310 dated 5 October 2017 for the Hawea/Wanaka Substitute Block.

List No: } these details from the 3rd Schedule of the Court order
Shares listed: } at 46 TWP 256-310 dated 5 October 2017
Relationship to deceased:
[specify relationship, ie, father, sister, son, etc, or identify other relationship]

.....
The Court is conducting an inquiry to determine the successors to the persons listed in the approved list for the Hawea/Wanaka Substitute Block (SILNA). No or insufficient evidence has been identified for the deceased and the Court will now hear evidence as to the successors for the deceased. The determination is required under the terms set out in Clause 15.6.2 of the Ngāi Tahu Deed of Settlement where the determination is decided by the Court as though the lands were Māori lands and in accordance with section 109 Te Ture Whenua Māori Act 1993 as though the deceased left no will. The Clause relied upon in the Ngāi Tahu Deed of Settlement for this determination is as follows:

“Clause 15.6.2 Manner of Identifying Successors and Their Interest in the SILNA Lands

Te Runanga and the Crown agree that the Crown, through the Minister of Māori Affairs, will request the Māori Land Court, pursuant to section 29 of the Te Ture Whenua Māori Act 1993, to identify all of the Successors and their relative beneficial interest in the SILNA Lands by identifying all persons entitled to succeed to the interest of an Original Beneficiary in the SILNA Lands as if section 109 of the Te Ture Whenua Maori Act 1993 applied to the Original Beneficiary, and to every Successor to the Original Beneficiary, upon his or her death (notwithstanding that he or she may not have died intestate and that the SILNA Lands are not Maori freehold land) up until the date of the Maori Land Court’s determination in accordance with this clause 15.6.2”

Further Grounds

(add your own grounds here, if you require)

I/We seek an order to determine the successors to the deceased in respect of the Hawea/Wanaka Substitute Block, in their proportions in accordance with their generations.

APPLICATION:

The deceased was a *male/female** agedat the time of his/her death

Date of death:

Place of death:

1 A copy of the death certificate is/is not* provided
* Select one (please give reason if death certificate is not provided and supply alternative evidence if possible)

2 I/We* attended/did not attend* the tangi or funeral of the deceased.
* Select one.

3 We understand that any will of the deceased does not apply to succession for SILNA Lands.

4 The full name and address of any spouse(s) or civil union partner(s) or de facto partner(s) (including deceased persons) are:
[include full name, maiden name, and address or year of death if possible - this information is helpful for whakapapa purposes]

1.
2.
3.

5 The full names of the deceased's immediate family members are:

Father:

Mother:

Brothers and sisters:

.....
.....

6 Next of kin

Select and tick the statement that applies, and delete the other statements.

- The deceased left children or their issue as next of kin and they are listed below; OR
- The deceased had no children but left brothers and sisters or their issue as next of kin and they are listed below; OR
- The deceased left no children or brothers and sisters as next of kin, but I/we* list below or attach a whakapapa record showing the next of kin to the deceased, including, where possible, the names, sex, age, and postal address of those next of kin living at the date of death of the deceased.

Important Notes

- If a person is deceased, instead of address write the date of death, and, as the case may be, write DI to indicate deceased with children, or DNI to indicate deceased with no children:
- Include any persons who have been legally adopted into the family:
- Give details of all next of kin especially any child excluded under any will.

No	Full Name(s)	Sex (m/f)	Age	Postal Address (or date of death)
1				
2				
3				
4				

No	Full Name(s)	Sex (m/f)	Age	Postal Address (or date of death)
5				
6				
7				
8				
9				
10				

7 For each person listed in **question 6** above, specify the following details:

No	Full name of other parent (if persons are children of deceased)	Full name(s) of parents (if persons are brothers or sisters of deceased)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

8 If any next of kin listed under **question 6** is deceased with children, specify the following details for each child:

No. from Q6	Full name(s) of deceased	Name(s) of children of deceased	Sex (m/f) of children of deceased	Age of children of deceased	Postal Address (or date of death)

If any of the above children is deceased, list his or her children on a separate sheet using the same table as above.

9 Did the deceased legally adopt any children into his or her family or were any children adopted out of the family? Yes/No* Select one.

If **yes**, specify the details below.

Full names of children adopted in:

Full names of children adopted out:

10 Has there been a previous succession to the deceased? Yes/No* Select one

If **yes**, specify the following details:

Place:

Date:

Minute book reference:

11 Other comments you may wish to make on this application.

AFFECTED PARTIES:

Are there any parties who will be affected by this application? (affected parties include successors to the deceased and persons who may have an interest that may be affected by this application)

YES (Complete the list of affected parties by providing their name and contact details)

NO

Preferred place of hearing:

(Note that Video Conference attendance is now available in most Māori Land Court venues)

Signature of Applicant(s)	Dated: / /
	Dated: / /
	Dated: / /

CONTACT DETAILS:

Applicant's Contact Address:
.....
.....

(Address to which documents or correspondence in connection with the application can be posted or delivered)

PHONE NUMBER(S):

Home:	Work:
Mobile	Fax:

Email:

NOTE: Where fax or email addresses are given these may be used as a means of notice and service.

APPLICATION FEE

Due to the nature of these applications, and in terms of the Court's inquiry under section 29 of Te Ture Whenua Māori Act 1993 and also in recognition of the provisions of Part 15 of the Ngāi Tahu Deed of Settlement, the **Registrar for Te Waipounamu District has approved a waiver of filing fees for applications filed on this form.** That waiver is made pursuant to Regulation 7 of the Māori Land Court Fees Regulations 2013 and is limited to SILNA Lands affected by the Deed of Settlement

Caroline Green
Registrar
Te Waipounamu District

LIST OF AFFECTED PARTIES

The names and contact details of persons, groups or authorities who you think have an interest that might be affected by this application

Name	
Postal Address	
.....	
Email Address	Phone No.

Name	
Postal Address	
.....	
Email Address	Phone No.

Name	
Postal Address	
.....	
Email Address	Phone No.

Name	
Postal Address	
.....	
Email Address	Phone No.

Notes to assist applicants

1 **Death certificate**

The original or a photocopy of the death certificate should be filed. If a death certificate is not readily available by reasonable inquiry, the Court may accept other evidence as to death. If death has been established at a previous hearing, a further death certificate may not be required.

2 **Names of immediate family members**

The information provided in question 5 helps the Court staff in their research to prepared the application for the Court hearing — any additional whakapapa could also help the Court in its search.

3 **Next of kin**

Next of kin for the purposes of this succession are children of the deceased. If there are no children, then next of kin are brothers and sisters. If there are neither children of the deceased nor brothers or sisters, then next of kin are the nearest relatives on the side of the family from whom the land originated. Generally speaking, where next of kin die before the person from whom succession is sought, the children of the next of kin are entitled to the share they would have received had they survived the deceased.

4 **Notice of hearing**

While an applicant is not required to give formal notice of hearing to other beneficiaries, he or she is expected to consult with them and advise them of the application and when it is to be heard. If this is not done, the Court may direct that formal notice be given to the beneficiaries.

5 **Wills**

Wills do not apply to these successions to SILNA Lands under the Court's inquiry under section 29 of Te Ture Whenua Māori Act 1993

6 **Checklist of documents required**

- Death certificate or other evidence as to death (see note 1 above)
- Whakapapa, where possible

MAORI LAND COURT CONTACT DETAILS

This application should be lodged with the **Registrar in the Māori Land Court District at Christchurch** but may be forwarded to Christchurch through any of the other offices of the Court.

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