

IN THE WAITANGI TRIBUNAL

Wai 2800

CONCERNING

the Treaty of Waitangi Act 1975

AND

the inquiry into Remaining
Historical Claims: Southern
North Island and South Island
Claims

**MEMORANDUM-DIRECTIONS OF CHIEF JUDGE ISAAC REGARDING THE
STATUS ON SILNA ESTATE CROWN FORESTS AMENDMENT ACT 1992
(TE AIKA) (WAI 2163) AND THE GEARY WHĀNAU MIDDLE ISLAND HALF-
CASTES CROWN GRANTS ACT 1877 LANDS (WAI 2324) CLAIM**

9 December 2022

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Introduction

1. This memorandum-directions address the status of two claims in this inquiry:
 - (a) the SILNA Estate Crown Forests Amended Act 1992 (Te Aika) claim (Wai 2163);
and
 - (b) the Geary Whānau Middle Island Half-castes Crown Grants Act 1877 Lands claim (Wai 2324).

SILNA Estate Crown Forests Amended Act 1992 (Te Aika) claim (Wai 2163)

2. On 7 August 2022, I released the claim assessment for the SILNA Estate Crown Forests Amendment Act 1992 (Te Aika) claim (Wai 2163) for claimant response by, 20 September 2022 (Wai 2800, #2.5.9 & #6.2.4). On 20 September 2022, I granted an extension for the response to 18 October 2022 (Wai 2800, #2.5.10), but no response was received from Wai 2163. I instructed the Registrar to enquire with counsel to provide an update.
3. On 2 November 2022, the Tribunal received a memorandum from Dr Bryan Gilling advising that Mr Benjamin Te Aika had informed counsel he no longer wishes to pursue the Wai 2163 claim as filed by his mother, the late Mrs Mahara Te Aika (Wai 2800, #3.128 at [3]). Counsel confirmed that they no longer represent Mr Aika, and are unaware whether he has current legal representation (Wai 2800, #3.128 at [4]).
4. The Tribunal then received a memorandum from Mr Daniel Hunt for the Crown on 16 November 2022, suggesting that the Tribunal directs Mahony Horner Lawyers to obtain formal confirmation from Mr Aika that he seeks to withdraw the Wai 2163 claim. The Crown suggests this will ensure the position is clear as to whether the claim remains to be inquired into (Wai 2800, #3.128 at [17]).
5. I thank Mr Dr Gilling for the update and I accept what he has said. As a result, I confirm that the Wai 2163 claim is withdrawn.

Geary Whānau Middle Island Half-castes Crown Grants Act 1877 Lands claim (Wai 2324)

6. On 16 November 2022, the Tribunal received a memorandum of counsel from Eve Rongo, advising that the Wai 2324 claim seeks to withdraw from the Wai 2800 inquiry (Wai 2800, #3.129 at [7]).
7. Counsel notes that since filing the Wai 2324 feedback on the Tribunal's claim assessment, the claimant Mr Jury and his whānau have had an opportunity to study further evidence. The claimants have confirmed that John, Thomas and William Geary were not born at the time the Otākou block was sold. They were not living on the Otākou block at the time of the sale and as a result, were not eligible to be included in the Middle Island Half-castes Crown Grant Act 1877 (the Act). As a result of this discovery, the claimants take the position that their whānau do not suffer any prejudice from being left off schedules of subsequent amendments to the Act and accordingly seek leave to withdraw their claim from this inquiry (Wai 2800, #3.129 at [1], [5] & [7]).

8. I confirm that the Geary Whānau Middle Island Half-castes Crown Grants Act 1877 Lands claim (Wai 2324) has been withdrawn from the Wai 2800 inquiry.

The Registrar is to send this direction to all those on the notification list for Wai 2800, the Inquiry into Remaining Historical Claims: Southern North Island and South Island Claims.

DATED at Gisborne this 9th day of December 2022

A handwritten signature in black ink, appearing to read 'W Isaac', followed by a period.

Chief Judge W W Isaac
Presiding Officer

WAITANGI TRIBUNAL