



Orakei Act 1991

1991

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| Citation: | No 122 |
| Date of Assent: | 9 December, 1991 |
| Commencement: | Date of Assent |
| Repeal: | Still in Force |
| Amendments: | – |
| Type of Legislation: | Public |
| Subject: | ToW/Principles of ToW reference Status of Land Rating |

- Relevant Sections:** *Long Title* refers to recognition of rights secured to Ngati Whatua of Orakei by the Treaty of Waitangi and giving effect to the Report of the Waitangi Tribunal on the Orakei Claim.
- s2:** Hapu defined as Ngati Whatua o Orakei. Hapu land defined as the papakainga and the whenua rangatira. Papakainga defined as the development land, the hapu reservation and certain land stopped as road.
- s4:** The hapu land (described in First and Third schedules) is vested in the Trust Board.
- s6:** The Hapu reservation (described in Part II, First schedule) shall be held for the common use and benefit of all beneficiaries, for the purposes of a marae, church, urupa and related hapu amenities. The hapu reservation shall be inalienable.
- s8:** The Whenua Rangitira (described in Third schedule) shall be deemed to have been set apart as a Maori reservation pursuant to s439 of the Maori Affairs Act 1953 for the common use and benefit of the citizens of Auckland and the members of the hapu.
- ss9 - 19: Ngati Whatua o Orakei Maori Trust Board**
- s9:** Ngati Whatua of Orakei Maori Trust Board shall continue in being as the Ngati Whatua o Orakei Maori Trust Board notwithstanding the repeal of the former Act by this Act.
- s10:** Beneficiaries are living members of the hapu being descendants of their common ancestor Tuperiri.
- s14:** Duties and powers of Trust Board.
- s19:** Power of Trust Board to negotiate for settlement of any outstanding claims relating to the hapu in the Tamaki isthmus.
- s20:** Ngati Whatua o Orakei Reserves Board established.
- s21:** Reserves Board to control and manage the whenua rangatira.

Relevant Sections, Commentary and Cross Reference continued over page



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s25: Half membership of Reserves Board appointed by the Auckland City Council and half by the Trust Board.

s33: Development land may be subdivided for housing.

s34: The whenua rangitira, the hapu reservation and the undeveloped balance of the development land shall be deemed non rateable land for the purposes of the Rating Act 1988. Also exempt from other charges.

First Schedule: Describes Papakainga. Part I – Development land. Part II – Hapu reservation.

Second Schedule: Describes Roads. Part I – Roads to vest in Auckland City Council. Part II – Roads to be stopped and vested in Trust Board.

Third Schedule: Describes whenua rangitira.

Commentary: This Act repeals the Orakei Block (Vesting and Use) Act 1978 which the Waitangi Tribunal said was an inadequate settlement of Ngati Whatua grievances as it dealt with the two Blocks taken under Public Works legislation, but not with the wider loss of land, including the papakainga and the marae in Okahu Bay. The Tribunal's Report covers in detail the history of land transactions in Orakei Block, the numerous petitions and complaints of Ngati Whatua about those transactions, and the final traumatic clearing of the hapu from their papakainga in 1951. The Report makes findings that the Crown acted in breach of the Treaty of Waitangi in destroying the mana of the tribe over their ancestral land through individualisation of ownership under the Native Lands Acts from 1865, and then for some 40 years from 1914 successive Governments pursued a common policy to acquire the entire Orakei Block oblivious of Crown responsibilities under the Treaty towards Ngati Whatua. This Act now vests most of the remaining unallocated Crown land within Orakei Block in the Ngati Whatua O Orakei Maori Trust Board, with some open space land to be jointly administered by the Trust Board and the Auckland City Council. The focus of the Debates was on the placing of Orakei Marae under the control of the Ngati Whatua o Orakei Maori Trust Board rather than the trustees which had administered it since 1959 as a 'multi-cultural marae for Auckland'.

Cross Reference: NZPD vol 521 (1991) 5571 - 5576, 5752 - 5757, 5772 - 5785, 5870 - 5876
 Waitangi Tribunal *Report of the Waitangi Tribunal on the Orakei Claim* Wai 9
 (Waitangi Tribunal, Wellington, 1987).