



TE AWAPUNI MOANA ORDER 1996

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of July 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS,—

- A. On the 18th day of December 1992 the Maori Land Court made, under section 30 (1)(a) of the Maori Affairs Act 1953, an order effectively determining that the block of land in the Tairāwhiti District known as Te Awapuni Moana was owned by Rongowhakaata; and
- B. An appeal from that order was made by Joseph Te Kani Pere to the Maori Appellate Court; and
- C. It was essential to the jurisdiction of the Maori Land Court that Te Awapuni Moana had the status of Maori freehold land; and
- D. On the 4th day of June 1993 the Maori Appellate Court, having grave reservations as to the status of the land and being of the opinion that the Maori Land Court did not have jurisdiction to determine the ownership of Te Awapuni Moana, allowed the appeal (with the consent of the parties) and directed a rehearing of the matter by the Maori Land Court following the making, under section 27 of Te Ture Whenua Maori Act 1993, of an Order in Council conferring on the Maori Land Court jurisdiction to determine, subject to such terms and conditions as may be settled by the parties, the ownership of Te Awapuni Moana; and
- E. The parties have settled those terms and conditions; and

- F. The Maori Land Court has, by an order made under section 134 of Te Ture Whenua Maori Act 1993, declared that Te Awapuni Moana shall become Maori freehold land; and
- G. It is appropriate that jurisdiction to determine the ownership of Te Awapuni Moana be conferred on the Maori Land Court by an Order in Council made under section 27 of the Te Ture Whenua Maori Act 1993:

NOW THEREFORE, pursuant to sections 27 and 28 of Te Ture Whenua Maori Act 1993, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as Te Awapuni Moana Order 1996.

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Maori Land Court jurisdiction to hear matter—(1) Jurisdiction—

- (a) To determine ownership of that block of Maori freehold land in the Tairāwhiti District known as Te Awapuni Moana; and
- (b) To determine the relative interests of the owners of that block of Maori freehold land; and
- (c) To make an order vesting that block of Maori freehold land in the person or persons found by the Maori Land Court to be entitled thereto and specifying their relative interests in that block of Maori freehold land,—

is hereby conferred on the Maori Land Court.

(2) The jurisdiction conferred on the Maori Land Court by subclause (1) (c) of this clause includes the power to make an order vesting that block of Maori freehold land in any person or persons (with their prior consent), upon and subject to the trusts declared by the Maori Land Court in a separate trust order.

3. Appointment of additional members—(1) For the purposes of the matters specified in clause 2 of this order, there shall be 2 additional members of the Maori Land Court.

(2) The 2 additional members, who shall each possess knowledge and experience relevant to the matters specified in clause 2 of this order, shall be appointed by the Chief Judge of the Maori Land Court.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order, the background to which is given in the recitals, confers on the Maori Land Court jurisdiction to determine the ownership of that block of Maori freehold land in the Tairāwhiti District known as Te Awapuni Moana.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 July 1996.
This order is administered in the Ministry of Maori Development.