

**Reprint  
as at 1 February 2013**



**Orakei Act 1991**

Public Act    1991 No 122  
Date of assent    9 December 1991  
Commencement    see section 1(2)

Orakei Act 1991: repealed, on 1 February 2013, by section 100 of the Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91).

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by Te Puni Kōkiri.**

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**An Act—**

- (a) to provide for the recognition of rights secured to the Ngati Whatua of Orakei in relation to the Orakei Block by the Treaty of Waitangi; and**
- (b) to give effect to parts of an agreement reached between the Crown and the Ngati Whatua of Orakei, to implement with modifications certain of the recommendations made by the Waitangi Tribunal in November 1987 in the *Report of The Waitangi Tribunal on the Orakei Claim (Wai-9)*; and**
- (c) to repeal the Orakei Block (Vesting and Use) Act 1978; and**
- (d) to provide for the continuance of the Ngati Whatua of Orakei Maori Trust Board under the name of the Ngati Whatua o Orakei Maori Trust Board; and**
- (e) to provide for the revesting of further portions of the Orakei Block in the Ngati Whatua o Orakei Maori Trust Board, and for the extension of the Board's functions and powers; and**
- (f) to provide for the setting aside of certain other land as reserves, to be jointly administered by the Auckland City Council and the Ngati Whatua o Orakei Maori Trust Board; and**
- (g) to protect land vested in the Ngati Whatua o Orakei Maori Trust Board by this Act, by imposing certain restrictions on the disposal of that land; and**
- (h) to grant exemptions to the Ngati Whatua o Orakei Maori Trust Board in relation to the payment of rates, reserves contributions, land tax and other charges**

**1 Short Title and commencement**

- (1) This Act may be cited as the Orakei Act 1991.**

- (2) This Act shall come into force on the date on which it receives the Royal assent.

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**beneficiary** means, in relation to the Trust Board, any living member of the hapu

**development land** means that part of the papakainga described in Part 1 of Schedule 1

**former Act** means the Orakei Block (Vesting and Use) Act 1978

**hapu** means the Maori subtribe or hapu known as Ngati Whatua o Orakei, being a hapu of the Maori tribe or iwi named Ngati Whatua

**hapu land** means the land which, by section 4, is vested in, or is to continue to be vested in, the Trust Board, being—

- (a) the papakainga; and
- (b) the whenua rangatira

**hapu reservation** means that part of the papakainga which is described in Part 2 of Schedule 1, and which is held by the Trust Board in accordance with section 6

**papakainga** means—

- (a) the land described in Schedule 1, being—
  - (i) the development land; and
  - (ii) the hapu reservation; and
- (b) the land described in Part 2 of Schedule 2, being the land stopped as a road and vested in the Trust Board by section 7(3)

**putea** means all real and personal property, other than the hapu land, that may from time to time be lawfully vested in and constitute assets of the Trust Board

**Reserves Board** means the Ngati Whatua o Orakei Reserves Board established by section 20

**roads** means the land which is described in Schedule 2 and which is vested in the Auckland City Council by section 7

**Trust Board** means the body corporate constituted under the name of the Ngati Whatua of Orakei Maori Trust Board by section 4(1) of the former Act, and continued in being under

the name of the Ngati Whatua o Orakei Maori Trust Board by section 9

**whenua rangatira** means the land which is described in Schedule 3, and which is administered by the Reserves Board in accordance with this Act.

- 3 Act to bind the Crown**  
This Act binds the Crown.

## **Part 1**

### **Vesting and status of hapu land**

- 4 Vesting of hapu land in Trust Board**  
The hapu land, being the land described in Schedules 1 and 3, is hereby vested in, or shall continue to be vested in, the Trust Board in perpetuity for an estate in fee simple.
- 5 Status of hapu land**  
Subject to section 17, the hapu land shall be deemed to be Maori freehold land within the meaning of the Maori Affairs Act 1953.
- 6 Hapu reservation**  
The hapu reservation, being all the land described in Part 2 of Schedule 1,—
- (a) shall be held for the common use and benefit of the beneficiaries, for the purposes of a marae, church, urupa, and related hapu amenities; and
  - (b) shall be inalienable whether to the Crown or to any other person.
- 7 Roads**
- (1) The land described in Part 1 of Schedule 2 is hereby vested in the Auckland City Council for an estate in fee simple as road within the meaning of section 315 of the Local Government Act 1974.
  - (2) Where any road or access way or any part of a road or access way, being a road or access way or a part of a road or access way vested in the Auckland Council and adjoining any part of

the hapu land, is closed and stopped, the road or access way or the part of the road or access way shall, on the stopping and closing of the road or access way or that part of the road or access way,—

- (a) vest in the Trust Board for an estate in fee simple; and
- (b) shall, as appropriate, form part of the adjoining papakainga or whenua rangatira.

(3) The land described in Part 2 of Schedule 2 is hereby—

- (a) stopped as a road; and
- (b) vested in the Trust Board as part of the papakainga.

(4) The Trust Board shall transfer to the Auckland Council and dedicate as road any road formed as part of the subdivision and development under section 33 of the development land.

Section 7(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

## **8 Whenua rangatira**

- (1) The whenua rangatira, being the land described in Schedule 3, shall be deemed to have been set apart as a Maori reservation pursuant to section 439 of the Maori Affairs Act 1953, for the common use and benefit of the members of the hapu and the citizens of the City of Auckland, and shall be administered by the Reserves Board in accordance with this Act.
- (2) Notwithstanding anything in subsection (1) of this section, nothing in subsections (5) to (9) and (11) to (17) of section 439 of the Maori Affairs Act 1953 shall apply in relation to the whenua rangatira.

## **Part 2**

### **Ngati Whatua o Orakei Maori Trust Board**

#### **9 Ngati Whatua o Orakei Maori Trust Board**

- (1) The body corporate constituted by section 4 of the former Act, under the name of the Ngati Whatua of Orakei Maori Trust Board, shall continue in being notwithstanding the repeal of the former Act by this Act.

- (2) As from the commencement of this Act the Trust Board shall be known as the Ngati Whatua o Orakei Maori Trust Board.
- (3) The Trust Board shall continue to be a Maori Trust Board within the meaning and for the purposes of the Maori Trust Boards Act 1955, and, subject to the provisions of this Act, the provisions of that Act shall apply accordingly.

#### **10 Beneficiaries**

The beneficiaries of the Trust Board are hereby declared to be the living members of the hapu, being the descendants of their common ancestor Tuperiri.

#### **11 Roll of beneficiaries**

- (1) The Trust Board shall maintain a roll containing the names and addresses of its beneficiaries.
- (2) The Trust Board shall ensure that a copy of the roll of beneficiaries is kept at its office and is made available for inspection by any person.

#### **12 Presumption in relation to roll of beneficiaries**

It shall be presumed, in the absence of any proof to the contrary, that where the name of any person appears in the roll of beneficiaries, that person is a beneficiary of the Trust Board.

#### **13 Application for inclusion of name in roll of beneficiaries**

- (1) Any person whose name does not appear in the roll of beneficiaries and who claims to be a beneficiary of the Trust Board, may apply in writing to the Trust Board for the inclusion of his or her name in the roll of beneficiaries.
- (2) Every application made under subsection (1) shall specify the grounds on which the application is made.
- (3) On the receipt of any application made under subsection (1), the Trust Board shall either—
  - (a) grant the application, include the applicant's name in the roll of beneficiaries, and inform the applicant accordingly in writing; or
  - (b) reject the application, and inform the applicant accordingly in writing, stating the reasons for the rejection.

- (4) Where any application made under subsection (1) is rejected by the Trust Board, the applicant may apply to the Maori Land Court for an order that the applicant's name be included in the roll of beneficiaries.
- (5) Where the applicant applies to the Maori Land Court under subsection (4), the applicant shall serve or cause to be served on the Trust Board a copy of his or her application to the Maori Land Court.
- (6) There shall be no right of appeal against the Maori Land Court's decision in respect of any application made under subsection (4); but nothing in this subsection shall exclude or affect the jurisdiction of the Chief Judge of that court under section 452 of the Maori Affairs Act 1953.
- (7) Where any person who claims to be a beneficiary is a minor, an application may be made on that person's behalf under subsection (1) or subsection (4) by that person's parent or guardian or by any other person authorised in writing by a Judge or Registrar of the Maori Land Court to do so.

#### **14 Duties and powers of Trust Board**

- (1) The principal duties of the Trust Board shall be—
  - (a) to hold, conserve, administer, and develop the hapu land as a perpetual estate and turangawaewae for the beneficiaries:
  - (b) to hold, conserve, administer, and develop the putea for the beneficiaries:
  - (c) to provide services and amenities in relation to the hapu land and the putea.
- (2) Subject to the provisions of this Act and of any other enactment, the Trust Board shall have and may exercise all such powers and authorities as may be necessary to enable it to perform its duties under subsection (1) in the interests of the beneficiaries.

#### **15 Restrictions in relation to land**

Subject to sections 16 and 17, the Trust Board shall not sell, lease, mortgage, charge, or otherwise dispose of any land vested in it by this Act.



**16 Power to grant easements**

- (1) The Trust Board may grant, for valuable consideration or otherwise, easements, in gross or otherwise, over any part of the hapu land.
- (2) The Trust Board may grant, for valuable consideration or otherwise, easements, in gross or otherwise, over any part of the putea to any local authority within whose jurisdiction that part of the putea is situated.

**17 Power to grant leases of development land**

The Trust Board may at any one time lease not more than one-fifth of the total area of the development land on such terms as it thinks fit, as if that land were general land within the meaning of the Maori Affairs Act 1953.

**18 Naming of whenua rangatira**

- (1) The Trust Board shall accord the whenua rangatira such name or names as it considers appropriate, and shall notify the Minister of Maori Affairs of its decision.
- (2) The Minister of Maori Affairs shall, by notice in the *Gazette*, publish any such decision of the Trust Board.

**19 Power of Trust Board to negotiate outstanding claims**

- (1) Subject to subsection (2), in addition to the functions and powers conferred on the Trust Board by the Maori Trust Boards Act 1955, or by the other sections of this Act, the Trust Board may from time to time negotiate with the Crown, or any other body or authority concerned, for the settlement of any outstanding claims relating to the customary rights and usages of the hapu, including those matters which derive from the mana whenua of the hapu in the Tamaki isthmus, and the Trust Board shall have the sole authority to conduct any such negotiations in respect of the hapu, or of any particular whanau or group within the hapu.
- (2) This Act shall constitute a full and final settlement of any claim which the hapu may have against the Crown in relation to the Orakei Block.

### **Part 3**

#### **Ngati Whatua o Orakei Reserves Board**

##### **20 Ngati Whatua o Orakei Reserves Board established**

There is hereby established a board to be known as the Ngati Whatua o Orakei Reserves Board.

##### **21 Duties and powers of Reserves Board**

- (1) The Reserves Board is hereby appointed as the administering body to control and manage the whenua rangatira, deemed by section 8 of this Act to have been set aside as a Maori reservation pursuant to section 439 of the Maori Affairs Act 1953.
- (2) Subject to the provisions of this Act, the Reserves Board shall control and manage the whenua rangatira for the purposes of the classification of the whenua rangatira as a recreation reserve under the Reserves Act 1977, in accordance with that Act.
- (3) In relation to the whenua rangatira, the Reserves Board shall have, to the extent that they do not conflict with the provisions of this Act,—
  - (a) the powers conferred by the Reserves Act 1977 on the administering body of a recreation reserve; and
  - (b) the powers that, by regulations made from time to time under section 439(10) of the Maori Affairs Act 1953, are conferred on the trustees in whom a Maori reservation is for the time being vested and by whom it is administered.
- (4) The Reserves Board shall have such additional and incidental powers as may from time to time be conferred on it by regulations made under this Act or by any other enactment.

##### **22 Management plan**

The Reserves Board shall prepare and maintain a management plan, in accordance with section 41 of the Reserves Act 1977, to provide for the uses to which the whenua rangatira may be put.

**23 Power to grant leases and licences**

Subject to the management plan prepared in accordance with section 22, but notwithstanding the provisions of any other enactment, the Reserves Board may, on behalf of the Trust Board or in its own name, from time to time grant, in writing, leases or licences over any part or parts of the whenua rangatira to enable any of the beneficiaries to carry on any farming activity, or to conduct any tribal, community, or cultural activities.

**24 Costs of management of reserves**

Except as provided by section 29, all costs and expenses incurred in and incidental to the control and management of the whenua rangatira shall be paid by the Auckland Council to the extent that any income arising from the whenua rangatira is insufficient to defray the same.

Section 24: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**25 Membership of Reserves Board**

- (1) The Reserves Board shall comprise 6 members or such greater even number of persons as may be fixed by agreement in writing between the Auckland Council and the Trust Board.
- (2) One half of the number of members of the Reserves Board shall be appointed in writing by the Trust Board and one half of such number shall be appointed in writing by the Auckland Council.
- (3) Subject to section 26, the members of the Reserves Board appointed under subsection (2), shall be appointed for a term of 3 years, and any such member may from time to time be reappointed.

Section 25(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 25(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**26 Extraordinary vacancies**

- (1) The body by which any member of the Reserves Board is appointed may at any time in its discretion, by notice in writing to that member, remove that member from office.

- (2) Any member of the Reserves Board may at any time resign his or her office by writing addressed to the body by which the member was appointed.
- (3) If any member of the Reserves Board dies, or resigns, or is removed from office, his or her office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.
- (4) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.
- (5) Every person appointed to fill an extraordinary vacancy in the office of a member of the Reserves Board shall be appointed for the residue of the term for which the vacating member was appointed.
- (6) The powers of the Reserves Board shall not be affected by any vacancy in its membership.

#### **27 Appointment of presiding member and deputy presiding member**

- (1) Not less than 1 month before the first meeting of the Reserves Board,—
  - (a) the Trust Board shall, in writing, appoint one member of the Reserves Board to be the initial presiding member; and
  - (b) the Auckland City Council shall, in writing, appoint one other member of the Reserves Board to be the initial deputy presiding member.
- (2) The presiding member and the deputy presiding member of the Reserves Board shall thereafter be appointed by the Trust Board and the Auckland Council respectively.
- (3) Appointments under subsection (2) shall be made triennially or following the vacation of either office.

Section 27(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **28 Meetings of Reserves Board**

- (1) The first meeting of the Reserves Board shall be held in the City of Auckland within 6 months from the date of commence-

ment of this Act, at a time and place to be appointed by the Auckland City Council.

- (2) Subject to subsections (1) and (3), every meeting of the Reserves Board shall be held at a time and place to be fixed by the Reserves Board.
- (3) The Reserves Board shall hold meetings at successive intervals of not more than 6 months.
- (4) At all meetings of the Reserves Board a quorum shall consist of one half of the number of members, but no meeting of the Reserves Board shall be held or continue unless—
  - (a) the presiding member or the deputy presiding member is present; and
  - (b) at least 1 member appointed by the Trust Board and 1 member appointed by the Auckland Council are present.
- (5) The presiding member shall chair all meetings of the Reserves Board at which he or she is present.
- (6) In the absence of the presiding member from any meeting of the Reserves Board, the deputy presiding member shall chair the meeting.
- (7) All resolutions to be considered by the Reserves Board shall be proposed by one member of the Reserves Board and shall be seconded by another member of the Reserves Board; and any such resolution shall be passed or rejected according to the voting of the members thereof present at the meeting of the Reserves Board, which voting shall be by a show of hands.
- (8) At any meeting of the Reserves Board the person presiding over the meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.
- (9) The proceedings and resolutions of every meeting of the Reserves Board shall be recorded in a minute book to be kept for the purpose.
- (10) Subject to the provisions of this Act and of any regulations made under this Act, the Reserves Board shall regulate its own procedure.

Section 28(4)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**29 Remuneration and expenses of members of Reserves Board**

- (1) There shall, in accordance with the Fees and Travelling Allowances Act 1951, be paid, out of money appropriated by Parliament for the purpose, to the members of the Reserves Board who are appointed by the Trust Board,—
- (a) remuneration by way of fees, salary, or allowances, for the member's services as a member of the Reserves Board; and
  - (b) travelling allowances and expenses in respect of time spent travelling in the service of the Reserves Board.
- (2) *Amendment(s) incorporated in the Act(s).*

**30 Accounting and auditing of Reserves Board**

- (1) Not later than 4 months before the end of each financial year of the Auckland Council, the Reserves Board shall deliver to the Auckland Council an estimate of the income and expenditure of the Reserves Board, in relation to the whenua rangatira, in the next financial year.
- (2) The Reserves Board shall cause full and accurate accounts to be kept of all money received and paid by it.
- (3) At the close of each financial year the Reserves Board shall cause its accounts to be audited by a chartered accountant.
- (4) The Reserves Board shall cause a copy of any accounts audited under subsection (3) to be delivered to the Trust Board and the Auckland Council, together with a report of the financial position of the Reserves Board and its financial operations during the period to which the accounts relate.

Section 30(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 30(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**31 Charitable nature of purposes of Reserves Board**

The purposes for which the Reserves Board is established shall be deemed to be of a charitable nature.

## **Part 4**

### **Miscellaneous provisions**

#### **32 Zoning**

- (1) In addition to any purposes for which it might lawfully be developed and used before the commencement of this Act, the development land may be developed and used for housing purposes.
- (2) Subject to subsection (1), until such time as it is lawfully changed, the zoning of the hapu land shall, for the purposes of the Resource Management Act 1991 and of any regional plan or district plan, remain the same as it was immediately before the commencement of this Act.

#### **33 Subdivision of development land for housing purposes**

Without limiting anything in sections 14 to 17, the Trust Board may, subject to the Resource Management Act 1991, subdivide and develop all or any of the development land for housing purposes.

#### **34 Exemption from payment of rates and other charges**

The whenua rangatira, the hapu reservation, and, to the extent that it remains undeveloped, the balance of the development land shall—

- (a) not be rateable under the Local Government (Rating) Act 2002; and
- (b) be exempt from all other taxes and charges from time to time imposed by the Auckland Council.

Section 34(a): substituted, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 34(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **35 No reserves contribution to be required on subdivision**

Notwithstanding anything in the Resource Management Act 1991 or in any regional plan, or district plan, the Trust Board shall not be liable to make provision for reserves, or to pay any sum in lieu thereof, in respect of any subdivision of land to which this Act applies.

Compare: 1978 No 47 s 18

**36 Exemption from payment of land tax**

Notwithstanding anything in the Land Tax Act 1976, the Trust Board shall not be liable to pay any land tax in respect of the hapu land, or in respect of any putea which shall become vested in the Trust Board.

**37 Registrars to give effect to provisions of this Act**

(1) Notwithstanding anything in any other enactment, the District Land Registrar and the Registrar of the Maori Land Court shall, without fee, make all such entries in any register or other record kept by him or her, and shall do all such other things, as may be necessary to give full effect to the provisions of this Act.

(2) In the performance of any duty under subsection (1), the District Land Registrar and the Registrar of the Maori Land Court shall, on request and without fee, issue to the Trust Board a certificate of title or other instrument of title in respect of any land vested in the Trust Board by this Act.

Compare: 1978 No 47 s 20

**38 Regulations**

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) to enable the Reserves Board to grant leases or licences over the whenua rangatira pursuant to section 23:
- (b) prescribing any act or thing necessary to render more effectual the administration of the Trust Board, or its management of the hapu land and the putea for the benefit of the beneficiaries:
- (c) prescribing any act or thing necessary to render more effectual the administration of the Reserves Board, or its management of the whenua rangatira:
- (d) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act or for its due administration.

**39 Amendment to Maori Trust Boards Act 1955**

*Amendment(s) incorporated in the Act(s).*



**40 Amendment to Maori Trust Boards Regulations 1985**

*Amendment(s) incorporated in the regulations.*

**41 Transitional provision in relation to membership of Trust Board**

Each member of the Trust Board in office at the commencement of this Act shall continue in office for the residue of the term for which he or she was appointed.

**42 Repeal**

The Orakei Block (Vesting and Use) Act 1978 is hereby repealed.

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**Schedule 1**  
**Papakāinga**

ss 4, 6

**Part 1****Development land**

First, all those pieces of land containing together 1.8223 hectares, more or less, situated in Blocks VIII and IX, Rangitoto Survey District, being Lots 1 to 19, Deposited Plan 40823, and being all the land comprised and described in certificates of title, Volume 19D, folios 1320 to 1338, North Auckland Registry.

Secondly, all those pieces of land containing together 5 309 square metres, more or less, situated in Blocks VIII and IX, Rangitoto Survey District, being Lots 30 to 34, Deposited Plan 37786, and being all the land comprised and described in certificates of title, Volume 46A, folios 850 to 854, North Auckland Registry.

Thirdly, all that piece of land containing 1.1429 hectares, more or less, situated in Block VIII, Rangitoto Survey District, being Section 810, Town of Orakei, and being part of the land comprised and described in certificate of title, Volume 276, folio 295, North Auckland Registry (SO Plan 53257).

Fourthly, all those pieces of land containing together 4.1803 hectares, more or less, situated in Blocks VIII and IX, Rangitoto Survey District, being Section 3, SO Plan 63319, and being part of the land comprised and described in certificate of title, Volume 276, folio 295, Volume 961, folio 198, and *Gazette* Notice 19461, in the *Gazette*, 1962, at page 2013, North Auckland Registry.

Fifthly, all those pieces of land containing together 2.8725 hectares, more or less, situated in Blocks VIII and IX, Rangitoto Survey District, being Section 799, Town of Orakei, and being parts of the land comprised and described in certificate of title, Volume 276, folio 295, and *Gazette* Notice 19461, in the *Gazette*, 1962, at page 2013, North Auckland Registry (SO Plan 53254).

Sixthly, all that piece of land containing 4 148 square metres, more or less, situated in Blocks VIII and IX, Rangitoto Survey District, being Section 800, Town of Orakei, and being part of the land comprised and described in *Gazette* Notice 19461, in the *Gazette*, 1962, at page 2013, North Auckland Registry (SO Plan 53254).

Seventhly, all that piece of land containing 1 103 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Lot 3,

Part 1—*continued*

Deposited Plan 50515, and being part of the land comprised and described in *Gazette* Notice 19461, in the *Gazette*, 1962, at page 2013, North Auckland Registry.

Eighthly, all those pieces of land containing together 3 285 square metres, more or less, situated in Block VIII, Rangitoto Survey District, being Lots 2 to 4, Deposited Plan 39988, and being all the land comprised and described in certificates of title, Volume 31C, folios 302 to 304, North Auckland Registry.

Ninthly, all that piece of land containing 4 304 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 798, Town of Orakei, and being part of the land comprised and described in *Gazette* Notice 19461, in the *Gazette*, 1962, at page 2013, North Auckland Registry (SO Plan 53254).

Tenthly, all that piece of land containing 573 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 2, SO Plan 63269, and being part of the land comprised and described in certificate of title, Volume 961, folio 198, North Auckland Registry.

Eleventhly, all that piece of land containing 5 895 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 3, SO Plan 63269, and being part of the land comprised and described in certificate of title, Volume 276, folio 295, and *Gazette* Notice 19461, in the *Gazette*, 1962, at page 2013, North Auckland Registry.

Twelfthly, all that piece of land containing 727 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 4, SO Plan 63269, and being part of the land comprised and described in certificate of title, Volume 961, folio 198, North Auckland Registry.

Thirteenthly, all that piece of land containing 5 641 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Lot 1, Deposited Plan 92924, and being all the land comprised and described in certificate of title, Volume 49B, folio 1131, North Auckland Registry.

Fourteenthly, all that piece of land containing 7 473 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Lot 2, Deposited Plan 92924, and being all the land comprised and

Part 1—*continued*

described in certificate of title, Volume 49B, folio 1132, North Auckland Registry.

Fifteenthly, all that piece of land containing 3 460 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Lot 3, Deposited Plan 92925, and being all the land comprised and described in certificate of title, Volume 49B, folio 1133, North Auckland Registry.

## Part 2

## Hapu reservation

First, all that piece of land containing 4 535 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 722, Town of Orakei, and being all the land comprised and described in the *Gazette*, 1954, at page 1340, North Auckland Registry (SO Plan 37867).

Secondly, all that piece of land containing 1.2157 hectares, more or less, situated in Block IX, Rangitoto Survey District, being Section 790, Town of Orakei, and being all the land comprised and described in the *Gazette*, 1974, at page 1798, North Auckland Registry (SO Plan 48141).

Thirdly, all that piece of land containing 9 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 793, Town of Orakei, and being part of the land comprised and described in certificate of title, Volume 276, folio 295, North Auckland Registry (SO Plan 53252).

Fourthly, all that piece of land containing 94 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 794, Town of Orakei, and being part of the land comprised and described in certificate of title, Volume 276, folio 295, North Auckland Registry (SO Plan 53252).

Fifthly, all those pieces of land containing together 1 229 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 1, SO Plan 63269, and being part of the land comprised and described in certificates of title, Volume 276, folio 295, and Volume 961, folio 198, North Auckland Registry.

Part 2—*continued*

Sixthly, all that piece of land containing 1 721 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 792, Town of Orakei, and being part of the land comprised and described in certificate of title, Volume 276, folio 295, North Auckland Registry (SO Plan 53252).

Seventhly, all those pieces of land containing together 2 012 square metres, more or less, situated in Block VIII, Rangitoto Survey District, being Section 802, Town of Orakei, and being part of the land shown in Deeds Index Volume 15A, folio 411, and part of the land comprised and described in certificate of title, Volume 469, folio 233, North Auckland Registry (SO Plan 53255).

Eighthly, all that piece of land containing 1 644 square metres, more or less, situated in Block VIII, Rangitoto Survey District, being Orakei No 1 Reserve C Block, and being all the land comprised and described in the *Gazette*, 1955, at page 1522, North Auckland Registry (ML Plan 13151).

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**Schedule 2**

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**Roads****Part 1****Roads to vest in Auckland City Council**

First, all that piece of land containing 846 square metres, more or less, situated in Block IX, Rangitoto Survey District, being part of Section 803, Town of Orakei, North Auckland Registry (shown marked "A" on SO Plan 63269).

Secondly, all that piece of land containing 2 427 square metres, more or less, situated in Block IX, Rangitoto Survey District, being part of Section 804, Town of Orakei, North Auckland Registry (shown marked "B" on SO Plan 63269).

Thirdly, all that piece of land containing 667 square metres, more or less, situated in Block IX, Rangitoto Survey District, being part of Section 806, Town of Orakei, North Auckland Registry (shown marked "C" on SO Plan 63269).

Fourthly, all that piece of land containing 385 square metres, more or less, situated in Block IX, Rangitoto Survey District, being part of Section 805, Town of Orakei, North Auckland Registry (shown marked "D" on SO Plan 63269).

Fifthly, all that piece of land containing 277 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Section 816, Town of Orakei, North Auckland Registry (shown marked "E" on SO Plan 63269).

**Part 2****Road to be stopped and vested in Trust****Board**

All that piece of land containing 232 square metres, more or less, situated in Block IX, Rangitoto Survey District, being Legal Road adjoining Section 797, Town of Orakei and Section 2, SO Plan 63269 (shown marked "F" on SO Plan 63269).

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### Schedule 3

#### Whenua rangatira

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First, all that piece of land containing 2.1047 hectares, more or less, situated in Block IX, Rangitoto Survey District, being Section 1, SO Plan 63319, and being part of the land comprised and described in *Gazette* Notice 936243.1, in the *Gazette*, 1981, at page 499, North Auckland Registry.

Secondly, all those pieces of land containing together 38.7030 hectares, more or less, situated in Blocks VIII and IX, Rangitoto Survey District, being Section 2, SO Plan 63319, and being part of the land comprised and described in certificates of title, Volume 276, folio 295, Volume 961, folio 198, and *Gazette* Notice 936243.1, in the *Gazette*, 1981, at page 499, North Auckland Registry.

Thirdly, all that piece of land containing 5.9994 hectares, more or less, situated in Block VIII, Rangitoto Survey District, being Section 1, SO Plan 63318, and being part of the land comprised and described in *Gazette* Notice 936243.1, in the *Gazette*, 1981, at page 499, North Auckland Registry.

Fourthly, all that piece of land containing 5 817 square metres, more or less, situated in Block VIII, Rangitoto Survey District, being Section 24, SO Plan 31039, and being part of the land comprised and described in *Gazette* Notice 936243.1, in the *Gazette*, 1981, at page 499, North Auckland Registry.

Fifthly, all that piece of land containing 234 square metres, more or less, situated in Block VIII, Rangitoto Survey District, being Section 815, Town of Orakei, and being part of the land comprised and described in certificate of title, Volume 961, folio 198, North Auckland Registry (SO Plan 53258).

Sixthly, all that piece of land containing 1.3568 hectares, more or less, situated in Block IX, Rangitoto Survey District, being section 2, SO Plan 65657, and being part of the land comprised and described in *Gazette* Notice 936243.1, in the *Gazette*, 1981, at page 499, North Auckland Registry.

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**Contents**

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**Notes****1 General**

This is a reprint of the Orakei Act 1991. The reprint incorporates all the amendments to the Act as at 1 February 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and



provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5 *List of amendments incorporated in this reprint (most recent first)***

Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91): section 100  
Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):  
section 113(1)  
Local Government (Rating) Act 2002 (2002 No 6): section 137(1)

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