

“NOT ONE MORE ACRE”

A Members’ Bill which would stop compulsory land acquisitions from whenua Māori is before Parliament, and the Green Party launched a campaign at Rātana calling on all Members of Parliament to support it.

What is the proposed Bill and what would it do?

The Public Works (Prohibition of Compulsory Acquisition of Māori Land) Amendment Bill would amend the Public Works Act to specifically protect Māori customary and freehold land from being compulsorily taken by the Crown for public works (like roads).

Why do we need this?

This Bill was inspired by Patricia Grace and her whānau in Kapiti who were threatened with confiscation under the Public Works Act to build a road. This was the tiny remnant of land that once belonged to her tupuna, Wiremu [Wi] Parata Te Kakakura, who was one of the earliest Māori MPs. He owned substantial tracts of land, and was very generous in donating it for development projects, such as the Manawatū Railway, for the people of Waikanae. He gifted so much land that Patricia’s block is all that remains. In 2014, Grace took her case to both the Environment Court and the Māori Land Court. The Environment Court deemed that the taking of the land would “*not be fair to do so, nor reasonably necessary*”, a decision that government has decided not to appeal. It is not fair to expect whānau to have to take the Government to court to protect their whenua.

Has anyone else been affected by Public Works Act confiscations?

There have been many other examples of this happening around Aotearoa. The land at Bastion Point was originally taken under the Public Works Act. Princess Te Puea fought for the old marae site in Ōrākei for Ngāti Whātua to be protected, not taken under the Public Works Act. Dame Whina Cooper led the land march hikoi to Parliament under the banner of “Not one more acre of Māori land”, and it is from here our campaign is named.

Why is this important?

Compulsory acquisition of land using the Public Works Act cuts across Article Two of te Tiriti o Waitangi, which guarantees rangatiratanga. Confiscating land in this manner by the Government has been at the heart of many land grievances, and it is important that those who have fought for this in the past are acknowledged and that justice is achieved for them.

In 2009, less than 5 percent of land in New Zealand was Māori customary and freehold land, and any further unwanted Government confiscations would be a mistake. Public works justification has historically, and recently, been used as a way of confiscating land from Māori and often not in the interests of Māori.

What can you do?

This Bill will be voted on in Parliament in March or April 2016. You can sign the Green Party petition to add your voice and put pressure on MPs to vote for the Bill or you could also contact your MP directly.

Further information:

What are public works and what currently happens?

If the Government, or local body such as a Council, wants to build infrastructure such as roads or pipes for water supply, drainage and sewerage, motorways, and electricity distribution, then they apply under the Public Works Act to claim the land. The land can then be acquired by agreement, and a valuation settlement made, by the Government to the landowner. If an agreement cannot be reached, then the Government will make a compulsory acquisition, take the land and give the landowner compensation.

What is wrong with the current law?

The Public Works Act has been used against Māori to confiscate land, often on dubious grounds. Land was taken under the auspices of the Public Works Act, but then not used for its intended purpose. Instead of returning that land, too often it was sold and used in ways not originally intended, such as making a private campground. The Waitangi Tribunal has been clear that Māori have been discriminated against as a result of the Public Works Act.

What does the Bill propose changing about the current process?

Under the Bill, the Government will not be able to take Māori customary or freehold land unless they consult and get the express permission from the owners to do so. If permission is not granted, then Māori landowners will be able to maintain ownership of their land.

Does this include all Māori owned land?

The Bill includes Māori customary land, and Māori freehold land. Māori freehold land is land that was set aside by the Crown during settlements, or land that has been confirmed by the Māori Land Court and title granted by the Crown.

But I thought that the Government was settling the Treaty of Waitangi and all of the claims?

The Greens believe and act upon te Tiriti o Waitangi as a living document that needs an ongoing commitment from the Government. The Treaty is a strong and ongoing partnership between Māori and tauwi. The Treaty should be enshrined across the laws of New Zealand/Aotearoa, and this Bill seeks to do this.

What will this Bill achieve given that Patricia Grace's court case was successful?

This Bill would spare some whānau big costs of not having to go to court to protect their land, or having to deal with potentially losing their land.

The country will benefit from taking a clear stance on land confiscations, and acknowledging the previous pain that the Public Works Act has caused.