



lessee owns the land surrounding the lagoon as well, including the urupa, except for an access strip to the lagoon from Pukaki Road, which is owned by the Board.

In the 1970's a stock car track (now abandoned) was built around the lagoon. A part of the adjoining burial ground was bulldozed away and remains were exposed. The Maoris complained (to the Department of Health and the local authority) and claim they did not get replies until too late. In any event they no longer owned either the lagoon or the burial ground. It was further claimed that quarrying is now taking place on another part of the lagoon.

Auckland International Airport was opened in 1965 and adjoins the mouth of the Pukaki creek. A causeway and bridge built across the mouth for airport maintenance and rescue purposes is said to affect the flow of waters causing siltation of the creeks and depletion of the fishing. In addition, airport protection regulations restrict fishing or the passage of boats carrying fish in proximity to the airport. The people claim to have lost the greater part of their seafood resource and access to the harbour for fishing purposes.

Pukaki marae was also in the flight path of a projected second runway and restrictions were introduced on any development in the proposed path. It is claimed that these restrictions prevented the Pukaki marae from developing with the result that the people were "forced" to abandon the area.

At the time some of the buildings had become dilapidated. Some did not meet health requirements and the people sought to repair them. They were denied building and renovation permits, according to Joseph Wilson from the early 1950s. Mahia Wilson claimed that it happened in the early 1960s. She said the people thought that if they co-operated and tidied up the place they would be favoured and allowed to rebuild. She said that the people pulled down the buildings themselves including the marae buildings (demolished in 1966) but then could not get permits to renovate or rebuild. Witnesses for the airport authority gave 8 May 1960 as the earliest date on which restrictions were introduced as a result of the airport. Joseph Wilson recalled 1953 as the year in which a permit to repair the marae was first refused because of the proposed airport.

In any event the people left their ancestral area to build elsewhere. We were told they left "in despair" because of restrictions of one sort or another over a long period.

The next step, and the source of considerable grievance today, was the sale of much of the remaining land and the mistaken inclusion of the marae itself in the sales.

With the abandonment of occu-

to the harbour from Glenbrook Mill, and

- the proposed siting of a liquified petroleum gas wharf terminal in Papakura channel.
- 8. Particular respects in which it was claimed tribal interests in the land are not recognised include
 - compulsory acquisition of certain lands
 - siting of major works on or near Maori lands so that land ownership is lost or land enjoyment limited
 - denial of access to the harbour, river and lakes, and
 - destruction or failure to protect sacred sites (wahi tapu)
- 9. It was claimed the promise in the Treaty of Waitangi to full exclusive and undisturbed possession of Maori lands homes and fisheries had not been kept and is still ignored in current projects and policies.
- 10. Recognition of tribal fishing rights was sought but opinions varied on how recognition should be given. Some claimed the whole harbour belonged to the local tribes and ought to be vested in them. Others claimed representatives of the tribes ought to be appointed as Guardians of the harbour. Others asked for particular areas to be reserved for their use. Others asked simply that tribal fishing rights be recognised in fishing laws and planning policies and be given greater priority.

We interpreted the broad claim as having two aspects

- an allegation that the tribes are prejudiced by the omission of the Crown to recognise "treaty rights" (the comprehensive claim), and
- allegations that the tribes are prejudiced by particular acts policies and practices adopted by or on behalf of the Crown (the specific claims).

With regard to the former it was said that the alleged omission of the Crown to recognise "treaty rights" is not new because the omissions of today are a continuation of a policy or practice that intensified with the land wars and has never really ended...

The Story of Pukaki

Pukaki is the principal marae of Ngati Te Akitai and Waiohua. Before the land wars the main buildings were located on the southern headland of the confluence of Pukaki and Waiokauri creeks. Other buildings and the urupa (burial ground) were on the opposite bank overlooking Pukaki lagoon. The estuary and creek provided for the people's seafood needs. The estuary gave access to the Harbour and Pukaki lagoon gave shelter to canoes. The lagoon had additional significance as one of the sacred footsteps of Mataaho (Nga Tapuwae o Mataaho) the vulcan god whose footprints are evidenced by a series of depressions in the landscape starting from Lake Pupuke on Auckland's North Shore.

Prior to the land wars the people were forced to leave and what was left behind was looted and destroyed.

Following the land wars the main marae area, urupa and 1300 acres surrounding were confiscated and occupied by settlers. Only 160 acres on the north bank remained. The people shifted there on their return from Waikato and a new marae was built in 1890. We were told that by the 1950s there were 200 families at Pukaki. The marae buildings constituted a very large complex, the dining room being said to hold 1000 people at one sitting. Although the burial ground had been confiscated the people continued to use it. It is still used and is well maintained, but the Maoris do not own the land. They use the burial ground at the sufferance of the private owner. They cross other land in private ownership to gain access.

Pukaki Lagoon (now dry land) comprises 33.6 hectares. In 1911 the Manukau Harbour Control Act vested the lagoon in the Auckland Harbour Board although the Maoris considered the lagoon was theirs. In 1925 the Board leased the lagoon under s147 of the Harbours Act 1908 which permitted mudflat areas to be reclaimed or impounded for pastoral or agricultural purposes. A stop bank was constructed to exclude tidal waters and the reclaimed land was drained and brought into agricultural use. In 1959 a lease in perpetuity was granted. Today the