pation, rating problems, and the people's need for money to build homes elsewhere, the land itself was at risk. In the 1960's several owners sought to sell their properties. Initially negotiations to sell to the airport authority were proposed (as the body whose regulations had inhibited the use and enjoyment of the land), but most lands were eventually sold privately.

Throughout these sales the local people considered the marae itself, and an area for housing around it, would always be protected and held, even though planning restrictions might prevent the use of that land for communal living purposes. It was their understanding that a three acre marae area had been "cut out" and reserved, together with roadway access.

Then in 1974, the siting of the proposed second runway was shifted. Pukaki marae was no longer in the flight path. There was now a prospect that the marae and the surrounding Maori land held back from the sales could be used to support a small Maori village complex. On the review of the Manukau District Scheme in 1982 the people made submissions to the local authority seeking zoning for this to happen. By this time a new enlightenment had crept into Town Planning and marae papakainga (housing) zoning had been provided for in several district schemes. In response to the submissions the three acre marae area was zoned Residential 9 (Maori Purposes Zone).

Now yet another problem presented itself. Doubts arose as to whether the marae had in fact been protected and whether the Maori people still owned it. These doubts existed at the time of our hearing and we had to investigate the matter.

We learnt:

(a) That prior to the decision in 1955 to establish an airport at Mangere. Pukaki marae was part of the Maori land block known as Parish of Manurewa Allotment 156 of some 47 acres.

(b) In 1947 the Maori Land Court was asked by the owners to set aside as a Maori Reservation that part of Allotment 156 containing three acres, already fenced, as would include the Pukaki marae, and a house (then occupied by Tame Wirihana) as a meeting house and papakainga reserve. The Court agreed. It was noted that the land was at the southeastern corner of the block with frontage to "the harbour". An order dated 6 March 1947 was duly sealed recommending that an Order in Council be gazetted to reserve the land accordingly.

(c) The order was not in fact acted upon and the land was not in fact gazetted as a reserve.

(d) On 30 January 1953 the Court was advised that the people had had the marae reserve surveyed (on a plan approved by the Chief Surveyor as ML Plan 13581), but that as the reserve was without access to Pukaki Road, the surveyor had provided for a private roadway over allotment 156 to serve the reserve. The Court made an order creating the roadway as a Maori Roadway and then minuted a direction "Recommendation for reserve to be sent forward with copy of approved plan". This meant that the recommendation had to be sent forward to the Head Office of the Department of Maori Affairs to have the reservation gazetted. Once gazetted the land would be inalienable.

(e) Still the recommendation was not acted on. The land was not in fact gazetted as a reservation. The roadway order was not in fact registered against the Certificate of Title in the Land Transfer Office. The Chief Surveyor forwarded the plan to the District Land Registrar to enable those things to be done, but they were not done because the gazette notice was never put through or actioned.

(f) On 15 April 1953 and subsequently three other areas were cut out of allotment 156 for a total area of seven acres, three roods, 14 perches. These are the areas surrounding the marae, the only areas that remain as Maori land today.

(g) In 1969 an estate agent was engaged to negotiate the sale of the balance of the block to the airport authority. After some years the negotiations fell through when the principal owner died. By then there were 22 owners. On 15 August 1972 after hearing Counsel for the estate of the deceased owner, other owners, Counsel for the Manukau City Council and Counsel for the Auckland Regional Authority, the Maori Land Court appointed a real estate agent as trustee for the land (and two other blocks) "to negotiate or complete a sale of the above lands to the Auckland Regional Authority for extensions to the Mangere International Airport". The ARA offer of $120,000 (for the three blocks) did not compare with the offer of $252,000 from a private buyer and eventually the lands, including the residue of allotment 156, were sold by trustee to the private purchaser. (This was in fact contrary to the terms of the trust order which contemplated that the land was needed for airport purposes and restricted any sale to the A.R.A.)

(h) But what was sold? Our enquiries reveal that the area sold in fact included the marae and roadway. The transfer was registered on 5 February 1982. The new title that then issued to the purchaser (CT 52D/518) depicts the part allotment 156 that was sold as being held in two parts, the area that we can identify as the marae and roadway part of 1.2141 ha, and the residue of 14.8118 ha but of course both parts are in the one title and stand vested in the purchaser.

It seems clear to us that this is so because the Chief Surveyor lodged the plan for the marae, but the recommendation that the marae be reserved was never gazetted or registered and the roadway order was never registered. It appears on our enquiries that a recommendation of the Maori Land Court that land be gazetted as Maori Reservation is a matter to be followed through to gazettal by the Department of Maori Affairs as a simple administrative exercise. Further action on the part of the owners is unnecessary unless survey is required. In this case, survey was attended to in 1953 that the 1947 recommendation be sent forward for gazettal. It appears to us that in 1969 and 1972 both the owners and the Maori Land Court could reasonably have expected all necessary steps would have been taken to ensure that the marae was reserved and protected from the sale then proposed.

Pukaki illustrates the way in which Maori people have lost their lands, homes, sacred places and fisheries through insensitive and (to them) incomprehensible laws and regulations. We are aware of new laws, new policies and new attitudes that may prevent this sort of thing from happening again but we feel strongly that although there are currently limits on what we may recommend, the problem of Pukaki cannot be ignored. Witnesses cried openly as we were told the story of Pukaki. Many of the people shifted to the lands of their kin-folk at Makaurau only to be faced there with the closure of the Oruarangi creek, the loss of the Makarau seafood resource and the construction of the treatment plant. Today nothing remains of the Pukaki marae that supported some 200 families in the 1950s, apart from three houses on the remaining pockets of Maori land. We were told of how current hopes to rebuild the marae and re-establish homes continue to be thwarted. We were told that approaches have been made to Ministers of Maori Affairs and Registrars of the Maori Land Court, and of course to the landowners, but without success. The Auckland Regional Authority told us that it would lend what assistance it could to aid the return of lands and the re-establishment of the marae. We were told that if they could, the people would return. They return now only to bury their dead in the ancient burial ground that is no longer theirs.