

08 The New Order - A New Marae 1952-1977

8.1 Portrait of Orakei

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Orakei, by 1950, was firmly part of Auckland. The once secluded Ngati Whatua block severed from the city by the deep indentation of Hobson Bay was opened to Auckland by the Westfield Railway deviation (1927), the bridging of Hobson Bay (1928) and completion of Tamaki Waterfront Drive (1929), an 80 foot waterfront boulevard that enabled the development of the eastern suburbs. Orakei was brought within 2.5 miles and ten minutes drive of the inner city.

It was also firmly in non-Maori hands. The Orakei ridge was developed for superior residential properties, the southern plateau and Takaparawha ridge for State homes. The former lessees had been allocated a share, a total of 12.5 acres in freehold titles but the remnants of Ngati Whatua were State tenants in homes sandwiched in a gully of the Takaparawha hills. Held in public ownership was a broad swathe of open space along the north eastern harbour front from Okahu Bay to Kohimarama Point and south to Kitemoana Street. The subsequent history of Orakei focuses on these open spaces of the Orakei Domain.

As we have seen the Auckland City Council was constituted as the Orakei Domain Board in 1939 to administer the first area passed to it, some 10 acres of cliff face and bush at Pokanoa Point along Paritai Drive (No 10 on the map at appendix III). In 1941 major reserve proposals were agreed upon by the Crown and Council but in that year, mainly because of the war, there was added to the Domain only the M J Savage Memorial Park at Kohimarama Point comprising (then) 18 acres, and consisting, as it does today, of parking areas, the Garden of Remembrance and open space (No 19, appendix III).

In 1946 the Park was extended, according to the City Council because of an exchange arrangement. During the war, the Council told us, a military annexe was added to Auckland Hospital. The hospital, on Crown land, was surrounded by Auckland Domain which the Crown had vested in the City in 1893. It was not unusual during the war for parks to be used for military and transit housing purposes and the military hospital annexe encroached on some 4.25 acres of Domain land. It was agreed that this area should be permanently added to the hospital as Crown Land, and that the Council should take in exchange the administration of 20 acres at Orakei to add to the M J Savage Memorial Park (No 20, appendix III) and 76.5 acres adjoining at Takaparawha Point (No 21). It seemed to us the Crown had intended to settle this land on the Council, as a park, as early as 1941 but in any event s 16 of the Reserves and Other Lands Disposal Act 1946 declared 20 acres of Crown land at Orakei as recreation reserve to be added to the Orakei Domain as an extension to M J Savage Memorial Park. The Takaparawha land could not be immediately handed over because of the gun placements there. That area, known as

Takaparawha Park, was not added until it was gazetted in 1954 after the military apparatus had been cleared. It is grassed open space and only the concrete bases of the past works remain.

Cleared also, at about that time, were the gun placements on some 2 acres at Kohimarama Point (No 22, appendix III). That too was added to the Domain by gazette notice in 1954 and is now in grass.

No sooner was the papakainga cleared than that was added to the Domain in two lots, by gazette notices in 1953 and 1954 respectively. One area is passive reserve in trees and lawn which we call 'Okahu Park' (No 23, appendix III). Behind it is what we call 'the Orakei Sports Domain' (No 18). Comprising some 20 acres the southern half of the Sports Domain is occupied by the Orakei Bowling Club with two greens, clubhouse and associated parking, the northern half by a pavilion and playing fields, three rugby grounds in winter, and cricket pitches in summer.

The Crown added other smaller areas in 1953, mainly playgrounds within the housing subdivisions, and later some untidy and unstable areas requiring special treatment.

To complete the picture the City Council purchased the Biddick 'reserve' (No 7), the area awarded to one of the lessees in the 1920's and the only part of the Kohimarama headland in private ownership. There are two houses and a shed remaining on the property to this day.

The undulating plateaus of the headland are reminiscent of pastoral countryside with views seldom found close to the centre of a large city. At the seaward extremities the pastoral scenes open up to panoramic views of downtown Auckland, the Waitemata Harbour, the North Shore, Rangitoto Island and the Hauraki Gulf with its many islands.

But the Crown did not rid itself of all the land on the point.

Elevated behind the headland parks, also with commanding views of city and harbour, lay 60 acres of uncommitted Crown land (Nos 29-31, 103, 107-113, appendix III). The subsequent history of Orakei focuses on the uncommitted land in particular.

The whole area is most attractive. No sooner was the papakainga cleared than the land was drained, a park was established and the sewerage was taken elsewhere (the Manukau sewerage scheme was proposed in 1950, adopted in 1954 and operative in 1960).

But many of Ngati Whatua were still in the area too, occupying about thirty State homes. It may have caused fewer headaches for future Governments had they been taken elsewhere too, pepper potted throughout the city according to the Maori housing policy of that time. It may have been a greater mistake that they were grouped next to what was portentously termed "uncommitted", for looming over the Bastion Point headland was a question

of how those lands should be committed. Ngati Whatua had some thoughts on the matter.

At first their thoughts were only for the papakainga. The survivors would do nothing that might compromise the protection of the urupa where their ancestors were buried, or the 'return' of the old marae site. It was not until 1963 that they could even accept compensation for the old marae buildings and then only because it could be used for a new chapel being built in the cemetery grounds.

The Crown was to offer a new marae site but then that too was to be taken from them for Ngati Whatua were about to be submerged once more by yet further changes beyond their control borne on fresh winds of change.

Waitangi Tribunal, Department of Justice, Wellington.

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8.2 The New Wave of Settlers

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The Maori population had continued to grow. Having nearly doubled from its low ebb of 42,113 in 1896 to 82,326 in 1936, it had doubled again by 1961 when it was 167,086. (At 1981 it was 279,252).

It was also a population on the move. Those living in urban areas were, in 1936 - 11.2%, 1945 - 19%, 1966 - 55.8%, 1971 - 68.2% and by 1981 - 78.5%.

As early as 1940 the economist Horace Belshaw had predicted the trend

There is an unambiguous picture of a people whose land resources are inadequate so that a great and increasing majority must find other means of livelihood ... large numbers must migrate to other districts, many of them to the towns. The prospect is disturbing both for Maori communities and individuals ... The immigrants will be strangers in strange cities forced into adjustment while divorced from the moral and material support of their communities. Until the full implications of this are understood there is no solution to the Maori problem (Belshaw 1940:192).

It might not have been projected that the move to the cities would affect Ngati Whatua, for they were there already but they were dislocated nonetheless and a generation grew up without the training peculiar to a marae. They were seriously affected by the second great Maori migration which made up in numbers for what was lacking in distance.

Auckland received more of these settlers than any other city in New Zealand. With the influx of kindred Pacific Islanders it became the largest Polynesian city in the world.

At first it was thought Auckland would be a great melting pot of tribes. It developed, in fact, a tribal mosaic, much more in keeping with tradition, but the first Maori migrants sought a Maori identity only, not a tribal one, and through marae that would be pan-tribal, multi-cultural and regional. In similar vein the statutory voice of Maoridom, the New Zealand Maori Council, changed its tribal constitution to a regional one to admit to its meetings the many Maori living outside tribal areas. (Only recently has the Council reviewed its structure to re-admit of tribal representation).

Also at this time, European Aucklanders were attracted to things Maori. Several were willing helpers in Auckland's Maori community projects and there were plenty of projects to link to. The urban Maoris sought to re-discover themselves in a plethora of special interest committees and a flurry of community activity. It was not until much later, with the resurrection of tribalism in the

cities, that proper thought was given to the prior rights of Ngati Whatua as tangata whenua, the customary holders of local mana.

The early developments seriously affected Ngati Whatua. Notwithstanding the emerging groups and their new activities, there remained traditional obligations on Ngati Whatua as tangata whenua. These obligations they were in no position to meet. Not only were they struggling for their own survival, but they had no marae from which they could perform their duty to receive others or maintain their customary right to have others acknowledge them. It was a delicate and embarrassing situation, demeaning of their mana, and to extricate themselves from it they became compelled to accept proposals that would in other circumstances have been unacceptable. The sheer size of the Maori migration to Auckland accentuated the problem to the point that other Maori may well have asked, did Ngati Whatua exist or didn't they?

At a time when Ngati Whatua needed to regroup as a tribe, they were thwarted by the moves to multi-cultural development and pan-tribalism. They became diffused amongst a range of committees giving vent to whatever was in vogue. We do not decry the value and importance of the hardworking committees established at Orakei, but none of them depended upon the existence of Ngati Whatua for their own existence, and collectively they negated the resurrection of the tribal authority Ngati Whatua sorely needed.

It is convenient to introduce the new committees at this stage, bearing in mind they were not all formed at once, but emerged to take various roles at different times in the events to be reviewed.

Waitangi Tribunal, Department of Justice, Wellington.

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8.3 The New Committees

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THE ORAKEI MAORI COMMITTEE was formed in 1945 as one of several at the base line of the New Zealand Maori Council pyramid. Its statutory brief was to service the Maori of a district. That included but was not exclusive to Ngati Whatua of Orakei as the membership of the committee showed. It no longer functions. It had special significance however because when it did exist it had a statutory authority to represent those of Ngati Whatua living in the district of Orakei.

THE WAITEMATA MAORI EXECUTIVE embraces several Maori Committees of the Waitemata area. It may support a Ngati Whatua view but of course cannot promulgate it. This same applies to The Auckland District Maori Council that spans the several Maori Executives of Auckland.

THE ORAKEI MAORI ACTION COMMITTEE led the Bastion Point protests in 1977.

It was spawned by the Orakei Maori Committee in 1976 and spurned by most of that Committee in 1978. It was consistent with its birth that the Action Committee called in aid the Maori of the district, irrespective of tribal origin. As the Committee's name implies it was formed to promote change by direct action. As there are many disposed to that course, the committee enjoyed the support of many, Maori and European.

In 1981 the Action Committee authorised the establishment of another group to review the same concern through study and reflection -

THE JOINT WORKING GROUP ON BASTION POINT, formed in 1981 in conjunction with CARE, the Waitangi Action Committee, the Anti-racist Movement of the Auckland University Students' Association, the Church and Society Commission of the National Council of Churches, the Evangelical Justice and Development Committee of the Auckland Diocese and by various others.

Naturally when people cease to belong to a family that belongs to a hapu that belongs to a tribe, they like to belong to something else and the young like to belong together.

THE TAMAKI MAKAUROU WORK TRUST began as the Kia Toa Youth Group to create work for young people. In 1983 it was incorporated as a charitable trust under its current name. Ngati Whatua of Orakei youth are involved of course, but the rationale for the Trust's existence is youth employment, not tribal affiliation.

administer the new marae. They are usually but wrongly called the Orakei Marae Reserve Trust Board. The trust estate is at Orakei, and it is a marae, but the trustees administer neither a Reserve under the Reserves Act nor a Maori Reservation under the Maori Affairs Act. They administer a parcel of Maori freehold land. Nor are they a Board. They are not a statutory Board, a Board under the Reserves Act or an incorporated body. They are individual trustees appointed by the Maori Land Court. As such they are bound to act unanimously. If they cannot they may apply to the Maori Land Court for directions. Though unanimity is singularly lacking they have not sought directions. Nor have they acted for some time. Amongst the trustees are representatives of Ngati Whatua but the trustees as a whole do not represent Ngati Whatua. Amongst them there are, or have been, representatives from the Auckland District Maori Council, the Maori Members of Parliament, the Department of Maori Affairs, the Auckland City Council, Auckland Rotary, the Okahu Bay Progressive Association and Ngati Whatua. This is unusual for a marae. Although marae administration varies from place to place, commonly marae are vested only in tribal persons and then mainly, tribal elders. Usually the trustees meet only occasionally to determine major policy directions. Normally they entrust day to day administration to a marae committee composed of younger people. About all that the Orakei Marae Reserve Trustees have in common with the norm is that they too now meet rarely. The unusual composition arises because the trustee's administer a multi-cultural marae not a Ngati Whatua marae. By law it is a marae vested in trust "for Maoris". This could mean 'all Maori', 'any Maori', or 'specific Maori'. We have come to the view the land was intended for those specific Maori called Ngati Whatua of Orakei but it ended up being held and run not for specific Maori, any Maori or even all Maori but simply 'all people'.

The trustees first entrusted day to day administration to THE ORAKEI MARAE EDUCATION AND CULTURAL EXCHANGE CENTRE INC. The 'Education Centre' has Ngati Whatua representation but stands outside any tribal structure. Its membership is both Maori and European. It includes Maori of different tribes. Ngati Whatua involvement arises because the Centre is based at Orakei and Ngati Whatua happens to be there too. The Centre is mainly concerned with promoting education and cultural exchange. From 1969 to 1982 it also administered the marae for the Orakei Marae Trustees and promoted fund raising activities. Today that responsibility has passed to another body and the Centre is able to concentrate on its main objectives of promoting better education and cultural understanding. In the former task it has done well.

THE OKAHU BRANCH OF THE MAORI WOMEN'S WELFARE LEAGUE includes Ngati Whatua women but embraces other women of the district interested in its primary concern to promote educational, cultural and health programmes. Much of its work has been done in conjunction with the Education Centre.

THE FRIENDS OF THE MARAE was an ad hoc body of mainly Europeans set up to support the marae project during fund raising. Its objective was to establish and show European support for the Orakei developments.

THE ORAKEI MARAE DEVELOPMENT COUNCIL was formed by the Orakei Marae Education Centre. The Education Centre had been fund raising for the marae but in 1971, in consultation with the marae trustees a decision was taken to open the appeal to the wider community under the direction of a Development Council chaired by the Deputy Mayor of Auckland and comprised of business and civic leaders. The Development Council conducted a successful appeal until it ceased operations in 1977.

THE ORAKEI MARAE COMMITTEE established in 1982 and chaired by J P Hawke is the body that now attends to the daily administration of the marae.

THE OKAHU BAY PROGRESSIVE ASSOCIATION INC was established to provide local citizens support for the Orakei marae project. It no longer functions but because of the important work that it once did continues to have a representative with the Orakei Marae Trustees.

THE ORAKEI MAORI URUPA TRUSTEES were appointed by the Maori Land Court in 1928 to administer the tribal cemetery and the Church now replaced by the undenominational chapel built there in 1964, at Okahu Bay. The cemetery is the only land at Okahu Bay that Ngati Whatua held onto. It is the spectre of Ngati Whatua's past rising from the graves of ancestors but because it is Ngati Whatua land, and the trustees are of Ngati Whatua, it might have provided a base for a new beginning. Instead in 1978 the Crown gave Ngati Whatua a broader base.

THE NGATI WHATUA OF ORAKEI MAORI TRUST BOARD was constituted by statute in 1978 to receive and administer lands and houses vested for Ngati Whatua of Orakei as a whole. In law this body is established to hold and administer tribal property for the benefit of the tribe. It is not appointed to speak for the tribe on all issues but perhaps it ought to be for here all Ngati Whatua belong, and more significantly, only Ngati Whatua belong. It is not for us to say the Trust Board is or might become the embodiment of Ngati Whatua tribal authority. That can come only from the people. But we do note the potential bearing in mind the Board is founded on turangawaewae, the only turangawaewae Ngati Whatua now has. If the current wisdom is right and correctly replaces the opinion of the 1950's, turangawaewae and tribal mana is more essential for Maori health than was once realised. For now, we return to the 1950's and the pan-tribalism of that time.

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8.4 The provision of a new Marae site

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When the Okahu meeting house was demolished the Crown offered a new marae site behind what is now Kitemoana Street. Sir Ralph Love was secretary to the Hon. Sir Eruera Tirikatene at the time. He recalled, in written submissions, his visit to Orakei with Sir Eruera and the Prime Minister, the latter promising Ngati Whatua the new marae site to replace the old one. The offer, however, was refused. No one would give the Crown any reason to think they could be tempted from the papakainga or would abandon the old marae site. As Rev. Maori Marsden explained, it continued to be seen as the source of their status and mana.

The offer was repeated after relocation but was again refused for by then the people were ensconced as State tenants and their status was even worse. 'He tuporo teretere - they were but floating logs' said Marsden, hardly tangata whenua (the people of the land) for without the restoration of the old site they had no whenua (land) to belong to.

The Crown nonetheless proceeded to reserve the new site, assuming, no doubt that Ngati Whatua would soon come to terms with their position. In 1953 the recreation status then attaching to the site was removed (1953 New Zealand Gazette 1483) and one acre 19 perches was formally set aside in 1954, "as a reserve for the use and benefit of Maoris" (1954 New Zealand Gazette 1340) (No 105, appendix III).

For the use and benefit "of Maoris"? Ngati Whatua, of course, are not just Maori, they are Ngati Whatua, but the use of the general and not the particular was standard draftsmanship and should not have mattered at least if things were done by law. Where Crown Land is set aside "for the use or benefit of Maoris" the Maori Land Court is empowered, on application by the Minister of Lands, to vest the land in the particular Maori for whom the land was set aside, or, in the case of a group, in trustees on the group's behalf (s.437 Maori Affairs Act 1953). The Minister of Lands applied to the Court to have that done, in 1955.

In this case however, the use of the general words did come to matter. We have no doubt, from the surrounding circumstances of the time, that when the reserve was gazetted in 1954 the Crown intended the reserve for Ngati Whatua, or for those of Ngati Whatua found entitled by the Maori Land Court. (The question for the Court was whether the land should pass to the tribe, or to the owners of the old site at the time of taking).

The trouble was however that at about this time, 'Maoris' generally, the new Maori migrants, were looking for an urban marae site in central Auckland, a

home away from home. The trouble was also that while the Scots may have clans and the Indians bands -

to most Europeans, Maoris were simply Maoris; tribal differences and the protocol problems that went with them were regarded as unnecessary factionalism. Pakehas who were sympathetic to a marae in Auckland, therefore, felt that it should be centred on an existing one such as the Ngati Whatua pa at Orakei, and that it should be removed from any proximity to Europeans In one of his last letters to Whina Cooper (now Dame Whina), the outgoing Minister of Maori Affairs, Ernest Corbett wrote: ' . . . I am opposed to the establishment of a fully fledged meeting house and marae in the heart of Auckland ... If a meeting house were to be built at all it should be at Orakei where a reserve has been set aside for that purpose. I would support such a scheme because the site is already available, it is removed from the heart of the city, and it is on ancestral grounds with a Maori environment. . .' (King, 1983:191).

But who was the reserve intended for in 1954? That was the question asked of the Crown representative when the Minister of Lands application was before the Maori Land Court. When there was no reply, the case was adjourned the Court minuting "the terms of the reservation by the Crown must be made available to the Court."

The terms of the reservation were never made available to the Court. The Crown was in fact entertaining a new proposition. It was seeking to meet Maori demands for an urban marae by offering the site at Orakei. Ngati Whatua did not seem to want it. They wanted the old site but that had been set apart for a park. The City Council backed the Crown's option. It was happy with the new site provided it was for "all Maoris".

Ngati Whatua however were opposed to that course. At meetings of the various parties in 1957, at Orakei and the Maori Community Centre in central Auckland, Ngati Whatua representatives remained adamant. The site could be used for a Youth Centre, Community Hall, or whatever, but

not as a place for ceremonial welcomes and discussions ... not a marae. The Hira family, a leading family had given their word to Princess Te Puea they would abide by her decision to hold on forever to the flat in spite of what might be offered. They decided to send a deputation to Turangawaewae Pa to bring the matter to the notice of the Maori King and his Council.... On 13 July (1957) thirty people ... went to Ngaruawahia and discussed ... the matter with the Council; the latter decided the marae would always be down on the flat but they ... would have no objections, provided the people were unanimous, to building a Youth Centre. (B P Puriri, evidence to Maori Land Court 16.7.57).

Many Maori understood the Ngati Whatua concerns and respected them. They considered anyway "outside people would always feel of a marae at Orakei that the local people owned it" (B P Puriri, evidence to Maori Land Court 16.7.57). Under the leadership of people like Dame Whina Cooper they raised funds to buy an alternative site at New Lynn, later abandoning that in favour of one centred on Mount Wellington.

Others however, Maori, Polynesian and Europeans, were increasingly attracted to concepts of 'an Auckland Marae' or 'a national marae' and 'a marae that is multicultural'. They were also attracted to the Orakei site.

Ngati Whatua were in no position to build a marae even if the old site was returned, but with Auckland's help and the support of the numerous new migrants, a very fine pan-tribal and multi-cultural marae was possible. The Crown was willing to give the land. All that was needed was Ngati Whatua's acquiescence.

Ani Pihema picked up the story from there

I became a Maori Welfare Officer in 1956 and was very much aware of the attitude in the community towards the new marae that the Government was offering to compensate for the Okahu marae. The tangata whenua's refusal to accept it prompted the Government to offer the marae site to the Waitemata Executive for the use and benefit of the Maori of Auckland who were anxious to see an urban marae established in Auckland.

Then Ngati Whatua gave way. Kawharu considered in evidence that they succumbed to the weight of opinion and to the burden of their traditional responsibility as tangata whenua to provide hospitality and a place to meet to the newcomers. All that was asked of them was that they agree to extend the trustees to include others and to this compromise some of them finally acceded. Ani Pihema considered

I believe they were actually relieved that the pressure concerning the new marae was lifted off them

. . . I believe also the fact that they didn't have to accept the new marae as compensation for the old made them feel better because they still had the hope of getting the old one back.

Ironically Ngati Whatua, who had sold most of the land to establish Auckland, and lost their own block through Auckland's growth, were about to lose the prospect of getting a new marae because now 'Auckland' wanted one.

So it was that the application to the Maori Land Court, on its face exceedingly simple, took four years to determine. The case was adjourned several times, the Court insisting that upon knowing for whom the land was reserved in 1954, the Crown insisting that some matters had first to be sorted out. The case was finally resolved at a Court hearing in 1959 with the Minister of Lands, Department of Maori Affairs, Waitemata Maori Executive and the Orakei Maori Committee all represented. Two of Ngati Whatua were also there. Again the Court enquired for whom was the land intended? For the Minister of Lands it was glibly contended that the gazette notice contained its own answer - "'Maoris' presumably means 'all Maoris'". The question was not further pursued. The Department of Maori Affairs advised that a multi-cultural marae for Auckland was proposed, to be funded by joint Maori and European endeavour and from a call for help from all the tribes of New Zealand. The Court was

informed that the people of Orakei had "resented the proposals at first" but had recently agreed to "other Maoris" coming into the trusteeship.

Only I H Kawharu of Ngati Whatua expressed reservations stating a proposed public appeal for funds through trustees other than those of Ngati Whatua "would involve social and moral obligations of an exacting kind so onerous that I doubt the tangata whenua could accept." Others may have felt more comfortable with the opinion of the Department of Maori Affairs. It was considered

the natural courtesy of non-residents would prevent any strangers from other parts of New Zealand attempting to override the natural control of the reserve by resident trustees.

It was like 1869 all over again with I H Kawharu standing in for Paora Tuhaere. The Court was advised an arrangement had been settled and a list of names was handed in comprising representatives of the Waitemata Executive (now Auckland District Maori Council) (4), the Department of Maori Affairs (1), Auckland Rotary Club (1), Okahu Bay Progressive Association (1), Ngati Whatua (4) and the four Maori members of Parliament. Later a representative for the Auckland City Council was added. The problem of defining the beneficiaries was got around by following the gazette notice. The Court vested the land in trustees in trust for the benefit 'of Maoris'. But which Maoris? - and if the marae was to be multi-cultural why not 'all people'?

Further minutes disclose the Crown's patent confusion over the nature of its own application to the Court. It advised

all plans for the development of the area would as a matter of course be submitted to the Commissioner of Crown lands, Auckland

and it continued with that expectation for some years after the Court Order had been made. In fact by virtue of the order the land ceased to be Crown land and became Maori land and the Commissioners' rights of supervision ceased too. The Crown also talked of the trustees as a Board. It used that term so often that the trustees came to see themselves as a Board too. In fact they were not, and never could be.

The Commissioner may appoint a Trust Board to manage a public reserve under (then) the Reserves and Domains Act 1953, but this was not a public reserve and this was not a proceeding under the Reserves and Domains Act. It was a proceeding under the Maori Affairs Act. By that proceeding the land became Maori land, and individual trustees, not a Board, were appointed for its administration. All that was lacking in the Court order was that it failed to determine who were the Maori beneficiaries.

The marae area was later extended and given access to Kitemoana Street. In 1974 an extra piece was set apart "as a reserve for the use and benefit of Maoris" under the Land Act (No 106, appendix III). Then by section 12 of the Orakei Block (Vesting and Use) Act 1978 other adjoining areas were "set apart

as a reserve for the use and benefit of Maoris" but this time "subject to the Reserves Act 1977" (No 107, appendix III). It implies that the last additions were meant to remain as Crown reserves with trustees appointed by the Crown for their administration but no matter what the intention was, in 1979 the Minister of Lands again applied to the Maori Land Court for an order under s 437 vesting the additional lands in trustees. This time the application sought that the trustees be "the trustees of the Orakei Marae Reserve Trust BOARD to hold in trust for the benefit of ALL MAORIS. " The capitals are added to emphasise an important difference between this application and the Court Orders of 1959.

The Minister's representative produced written submissions to the Court to show that the intention was to vest the additional lands in the same trustees upon the same basis and upon the same terms of trust as applied to the original area.

There was no argument and the Court endeavoured to give effect to the request. The minutes show that the Court proposed to vest the land in "the trustees who hold office at present as trustees of (the original marae area)" and no mention was made of the beneficiaries. The sealed order, which prevails over the minute, changed the trustees and defined the beneficiaries. It vested the land "in the Orakei Marae RESERVE Trust BOARD to hold upon trust for the benefit of all Maoris" (with emphasis added).

The order prevails over the minute and there are now anomalies.

- The original area is held "for Maoris" but the additional lands are held for "all Maoris".

- The original area is vested in individual trustees-the additional lands are vested in a Board that does not exist, in respect of a 'Reserve' that is not a Reserve.

At least, as the Crown has since admitted, all the land is Maori land by virtue of the Court Orders. It has admitted too that the land is not a reserve.

To lay people these things must be strange technicalities. They are decidedly strange to us! The Court orders, it seems to us, are wrong, made without jurisdiction and wanting in form. The Crown, it is clear, was in error, endeavouring to bend the law to fit its ends and all because, in our view, it no longer wished to honour its original proposal to provide a new marae for Ngati Whatua. There was no reality to the procedures the Crown adopted but at least reality lay in the building operations.

Waitangi Tribunal, Department of Justice, Wellington.

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8.5 The Making of a New Marae

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The question of the marae site was to remain a frustrating riddle. A new marae was built on the new site but not by Ngati Whatua. At first, it seemed, it was being built for them, but it was not, for it was never built on tribal terms or vested in their control. To their total humiliation it became known in Maori circles as 'the pakeha marae' where things are ordered on pakeha lines. It symbolised not only Ngati Whatua's loss of their land, but the takeover of even their culture - by Europeans and Maori from other places.

The belief, stated in Court in 1959, that the "natural control" would remain with the Orakei people was sadly misguided. Of the 16 trustees, only four were Ngati Whatua and according to Kawharu they did little more than sit quietly as token tangata whenua and they never, with one brief exception, included a kaumatua. This body met privately. Ngati Whatua of Orakei met separately. Despite the 1959 Court order the latter returned to the view that nothing should be done on the new site that might prejudice the 'return' of the old. They decided in 1961, for example, that compensation held for the old meeting house ought not to go to the new marae. It went instead, in 1964, to a new chapel by the old urupa.

Despite the Ngati Whatua resistance the trustees proceeded to authorise improvements. The impetus came from the Education Centre the origins of which are now considered.

Margaret Boyce is a former teacher, Training College lecturer and voluntary welfare officer in post-war Greece. She described the apathy and dejection amongst Ngati Whatua when she became chairperson of the Orakei Primary School Parent-Teachers Association in 1959. There was little interest in the Maori children's education and no Maori parents in her group. She canvassed the parents and was appalled. For many it was the first time a European had entered their homes. For Margaret Boyce it was the start of what is now 25 years of dedicated work amongst the Maori of Orakei. Quite rightly she enjoys the love and respect of many.

The Maori Education Foundation was also established at this time with a national appeal for funds. Margaret Boyce co-chaired fund raising in Auckland's eastern suburbs. The committee that was formed was the beginning of the Education Centre.

After the campaign the Committee began a homework-helping scheme with the Okahu branch of the Maori Womens Welfare League of which Margaret Boyce was also a member. The league sought to revive a beleaguered people through its young mothers, those who can least afford to give in to despair.

From the campaign the committee had established links with the wider community, service clubs and local authorities which were canvassed for more support. In 1962, libraries were established and classes met in the homes of Maori parents. Maori and European worked together in programmes that brought new hope. 1964 was important for in that year the committee, now called the Education Centre began an association with the marae trustees, and with their approval put the first building on the marae site. It was a double garage converted to a play centre built from local fund raising efforts and help from Tamaki Lions. It is called Te Puawai, or the spring, and operates today as a Kohanga Reo (Maori language nest).

By 1965 Te Puawai was being used for both pre-primary and post-primary tutoring. Arts and crafts training started in 1966 again with both Maori and European involvement. Margaret Boyce was elected Treasurer for the Centre in 1965 and for the marae trustees in 1967. She has held both posts ever since. Fundraising continued through the years and in 1967 the Centre began annual grants to the marae trustees. It may not have seemed too significant at the time but in 1969 the marae trustees arranged that the Centre handle the routine management of the marae. As for the marae trustees themselves, they proposed to extend the marae grounds into the 'uncommitted' lands. It was soon apparent however that others had competing designs.

Waitangi Tribunal, Department of Justice, Wellington.

08 The New Order - A New Marae 1952-1977

8.6 Development Proposals

8.6 Development Proposals

By 1968 the marae trustees had major development plans and approached the Council and Government for more land and access to Kitemoana Street. Auckland's Mayor, Dr McElroy, was sympathetic, writing to the Commissioner of Crown Lands on 21 May 1968 referring to the Acheson and Kennedy inquiries and adding

No one can read these official documents without feeling it is time that amends were made to these people for the injustices they have suffered in the past in the hands of representatives of the Crown.

But others had other proposals for the uncommitted lands - a tourist hotel, highrise apartments, an airport, a university - and the Commissioner of Crown Lands proposed a high density housing subdivision.

The Auckland City Council recorded 'strong objection' to any development. Its view, which was said to represent the majority opinion of ratepayers was that the land should be kept as open space for Auckland. The Crown thought Auckland should pay for it - at \$12,000 per acre - as it should not be a gift from the national taxpayer. It was not a gift, in the Council's opinion. The Crown was exempt from meeting reserves or paying reserve fund contributions in its development of the 700 acre Orakei block. Private developers would not have been exempt. The Crown had a moral obligation to provide sufficient open spaces and the uncommitted land should be used for that purpose and for the provision of public amenities. To bolster that stance the Council wrote

It would be some help to the Maori people who live in this locality to know that their historic homeland had become a Park to serve both the white and Maori population in Auckland and to afford by its beauty of setting a fitting background to a marae worthy of the history and traditions which attach to this area (Mayor to Commissioner of Crown Lands, 22 May 1968).

Meanwhile the Education Centre was busy with its own programmes with many of the Orakei Maori now fully involved too. The second building erected on the marae (in 1970) was a double garage converted to a classroom for arts and crafts. In 1971 a building was opened next to it, for carving, and the two were linked by a verandah.

The general education programmes were also expanding. In 1972 a bursary fund was established to help pupils attend boarding schools. Numerous Orakei Maori have since been sponsored through local primary and secondary schools, boarding schools, technical institutes and university, or assisted to attend holiday ranches or overseas schools on exchange programmes. One

witness now at University, by his demeanour and delivery alone was adequate testimony to the success of this programme.

Until 1971 the three buildings on the marae site had been paid for from local fundraising. Then the Centre added its support to the trustee's vision of a major marae complex and multi-cultural centre. That year saw the first public appeal for funds. A radio appeal was probably more successful for the interest generated than the \$4,000 raised. It was decided to launch a larger appeal. In June 1972 the marae trustees and the Centre formed the Orakei Marae Development Council to spearhead a public campaign. It comprised business and civic leaders and was co-chaired by the Deputy Mayor of Auckland and the Centre's Director. Ngati Whatua were not represented.

Local fundraising and initial construction work preceded the launching of the appeal. A toilet and ablution block was built, the actual construction being entrusted to J P Hawke. The foundation stone for the meeting house was laid. In 1972 Te Koha, an old carved wharepuni (sleeping house) was shifted to the site and renovated to serve as a reception and craft display centre.

Meanwhile the work-load was such that the Centre sought a permanent salaried staff. Pre-school primary and post-primary school programmes were still being run along with brownie, cub and scout groups. Another large prefabricated building was erected for their use (it has since been pulled down). Raffles, concerts and gala days accompanied the making and sale of craft-work, kits, poi, carvings, and tukutuku panelling. Hotels and business places, both home and abroad, were supplied with craft work under commission. The Centre hired a full-time Director and Administration Officer both of whom were Maori, (but neither of whom was of Ngati Whatua). Then the Centre itself was incorporated. All was ready for the appeal.

The appeal was opened by the Prime Minister in 1973. When it closed in 1977, \$ 173,671 had been raised. In a letter to the Tribunal Phillip Corvette explained it was a cooperative effort of the Development Council, Marae Trustees and Education Centre. He explained "the [marae trustees] directed the building programme. The daily responsibility for handling funds needed for day-to-day marae administration, repairs, maintenance, marae promotion, all insurances and care-taking was delegated by [the trustees] to [the Education Centre]. The [Development Council] handed over to [the marae trustees] during those five years, 1972-1977 a total of \$153,600 to pay for materials and labour in constructing those two buildings and also wages for carvers."

Though many of Ngati Whatua actively supported the programmes of the Education Centre and marae trustees, the appeal was not promoted by Ngati Whatua despite Kawharu's caution 14 years earlier that an appeal for funds through trustees other than those of Ngati Whatua "would involve social and moral obligations of an exacting kind so onerous that I doubt the tangata whenua could accept." The panui or public notice of the appeal was not announced by Ngati Whatua despite the promise fourteen years earlier, that "the natural courtesy of non-residents would prevent any strangers from other

parts of New Zealand attempting to over-ride the natural control of the reserve by resident trustees."

Like all good appeals, it was well advertised. Brochures explained its purpose, to build

...an adequate marae where Ngati Whatua and associated groups can act fully in their host capacity ...

...a large reception and community centre where (Maori) groups can come together on host territory...

...a meeting place for all people.

Its functions would be

To provide a place where all who live in New Zealand can meet in a setting where racial harmony can be established on the best basis of all-working together.

To provide a setting where youth can share the Maori culture, where they can come as of right, the Marae thus providing a catalyst in community stability.

To provide a place where those things which are Maori can be conducted, taught and practised in a Maori way in a Maori setting with fitting dignity.

To provide a fitting location for welcoming distinguished visitors to this City.

In the messages from leading citizens printed with the publicity material there is nothing to suggest that the proper place of the tangata whenua might be threatened. The Hon. Matiu Rata, then Minister of Maori Affairs, stressed that a marae "is one of the few places where matters are ordered on Maori terms". That summarises Ngati Whatua's current case for the control of the marae. Queen Te Ata-i-rangi-Kaahu stressed the significance of the site as "the focal point for Maori settlement of the Auckland isthmus and much of the North Island". Ngati Whatua could not disagree with that. Mr Te Hau, Chairman of the marae trustees took a similar line referring to the area as the "Marae Matua" - or the parent marae, which of course it had to be, for in Maori custom it was the marae of the tangata whenua. And no-one, including Ngati Whatua, could take umbrage with the sentiments expressed by other leading citizens which included the Mayor and Deputy Mayor.

Such misdescriptions as were given were in other parts of the brochures. It was said the Orakei Marae Trust Board was created by statute when it was not a creature of statute but of Court Order, and nor were the trustees a Board. More significantly it was said that the marae was held "for the benefit of the entire Auckland community and for all Maoris in New Zealand (Maori Land Court 1959)." It was not held for the entire Auckland community but was Maori freehold land. The 1959 Court order did not refer to 'the entire Auckland community, or 'all Maoris', despite the Crown's representation that

the word "all" was implied and should be added. But who could raise such technicalities to dampen the fervour and enthusiasm of the time?

The shell of the meeting house was completed as funds came in, in 1974. To accommodate Maori beliefs, the building was ritualistically opened, by another tribe, so that carving could begin. In accordance with ritual it was duly named - Tumutumuhenua! Tumutumuhenua is the founding ancestor of Ngati Whatua!

The naming of an ancestral house is no idle matter. It is always fraught with enormous implications, and in the Orakei case, the implications were considerably more than usual.

For the building then ceased to be a building and became the embodiment of the tribal forbear. Ngati Whatua had now to be committed, totally, to the new site, and the new house. The recovery of the old site was jeopardised for no other marae could stand in the shadow of this great ancestor!

Tumutumuhenua! Ngati Whatua of Kaipara, Helensville and other places could lay equal or even greater claim to a house named for the great tribal forbear, but no-one had consulted with them. Though for several years the tribe had talked of establishing a house with that name, there had been no tribal meeting to agree that the Orakei subtribe could carry that honour.

We were told the name had been settled by a certain museum curator, not a person of Ngati Whatua nor even a member of "all Maoris" - but a person said to be an expert observer of Maori affairs. In any event, somehow the name surfaced, and though without tribal consultation or approval, with appropriate ritual Tumutumuhenua was duly reborn.

Some considered the naming of the house an outright affront, others felt humiliated, while those who had fully supported the developments became increasingly uneasy. But in the euphoria of the time support was still there. Many of Ngati Whatua were amazed and humbled by Auckland's generous response to the public appeal and by the hard work of persons outside the tribe. How could anyone be anything but grateful? It was not until two years later that the issue came to a head. In the meantime the protocol of business and being busy continued to predominate over Ngati Whatua ritual, custom and tradition. Ngati Whatua of Orakei had lost their land. The control of their culture had now been taken too. "As you suggest" said Margaret Boyce in responding to the Tribunal's draft report, "a problem lies in the 1959 arrangements to set up the Orakei Marae Reserve Trust Board to build and administer a new Marae for all Maoris - arrangements about which I was certainly ignorant until long after I became involved in building the Marae at the urging of the Elders then here. As time went on, those of us who had agreed to be trustees, asked again and again about our responsibilities and status - our ability to tackle this formidable task. The only clear answer given to us was that we were there to build the Marae - no doubt we continued to be driven by the need and the increasing impetus of our Marae activities including education and cultural exchange." She went on to point out that all

this work was with the co-operation of Ngati Whatua people. In the period 1970-1973, she said, there were 84 working members in the Education Centre including many of Ngati Whatua.

In 1974 the marae trustees wrote twice to the Minister of Lands, first for more land for the marae (which was still without access) and secondly for more surrounding land for Maori housing. On the first they were successful, three acres being added in 1974 extending boundaries and giving access. On the second they had to wait while discussions continued with the Council.

The enormous task of carving, panelling and scroll painting began under the supervision of Ngati Whatua's master carver under the patronage of the Education Centre. Fencing, planting, paving and landscaping was continued. Visitors flocked to the marae. They ranged from thousands of school children to overseas dignitaries, Prime Ministers and the Governor-General.

It did not always assist that the marae was now an ancestral marae and was therefore used also for tangi - the last rites for the dead are a most important proceeding on a marae. The tangi were conducted behind the main building in the old 'prefabs' under most trying conditions. The bereaved and their visitors had to be accommodated and fed. At first cooking was done in the open and later under a corrugated iron lean-to. There was only one tap for all washing - outside and with no drains. Ngati Whatua were ashamed of these conditions and of the goading they received from other tribes that 'their' marae was really a tourist show place and was founded on a vision that was all wrong. In 1975 the Tai Tokerau District Maori Council of North Auckland complained formally to the Minister of Maori Affairs that Orakei was receiving Government subsidies for a 'tourist attraction' while other more genuine marae of the north were missing out on the available money.

Things came to a head in 1975. Ngati Whatua desperately needed a cook-house and dining-room for their hui and tangi. The Education Centre needed a reception centre for their 'official' visitors and those whose support was necessary for the maintenance of the appeal. The Centre was not unmindful of the local people's concern but a reception centre would separate the general public from things like tangi and maintain privacy for the local people. In any event, a full cookhouse and dining room was planned in the longer term.

Ngati Whatua saw things differently. Tangi take precedence and that meant proper catering for guests. In any event the new building was proposed for the marae forecourt and their custom did not permit of the forecourt being used that way.

But the die had been cast. \$25,000 from the Auckland City Council and \$25,000 from other sources had been given for the erection of the Reception Centre, nothing else, and could not be used for a dining hall.

The Centre decided that the Reception Centre would be built. The gradually widening split became an open chasm. Thirty-one Ngati Whatua residents met

in one of the homes to record and pass on their unanimous opposition. For the first time they also labelled the development 'a pakeha marae'.

For Ngati Whatua things went from bad to worse. Tangi were to be held away from the multi-cultural marae. Although when the reception centre was built it could cater for seventy people at one sitting it was in constant use by other groups. The use of the old building was eventually forbidden for health reasons. Thereafter tangi were conducted in adjoining homes, under tents on front lawns, or the dead were transported to Reweti, an old Ngati Whatua marae near Helensville where the living could fulfill their obligations and more fittingly honour their dead.

Symbolic of the new marae control was that the people had to seek the keys to the reception centre. Some claim to have experienced rebuffs but Phillip Corvette of the Education Centre considered there was either a misinterpretation or misunderstanding, stating, in a letter to the Tribunal

Ngati Whatua people have never been required to ask for permission to use Marae facilities for tangis, hui, family gatherings or any other meetings. Administration officers only required to be informed so that meetings or other activities already scheduled can be held elsewhere. We are aware that sometimes there has been conflict about the way such things are conducted but the conflict has always been between members of Ngatiwhatua families themselves.

The reception centre was opened in 1976. Its name 'Te Pou o te Waitemata' commemorates Titahi's prophecy. A new post did indeed stand at Waitemata!

Meanwhile, waiting in the wings to advance their cause were the Ngati Whatua residents. It suited their purpose to do so, at that time, through the official body then ascendant amongst them.

Waitangi Tribunal, Department of Justice, Wellington.

08 The New Order - A New Marae 1952-1977

8.7 The Orakei Maori Committee

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The Orakei Maori Committee was a body corporate with statutory authority to represent the Maori of Orakei district as part of the New Zealand Maori Council structure.

Since Ngati Whatua predominated in Orakei, they comprised a majority of the Committee, but technically it could not exclude others. In recognition of population changes the Maori Welfare Act 1962 did away with the old title of 'tribal committees' and substituted district representation. An indirect consequence was technically the Committee could not represent those of Ngati Whatua outside the district but such a technicality did not in practice constrain, or if it did, at least those residents who maintained their fires on the ancestral land had a statutory voice, and as residents, a good customary right to be heard as well. The statutory status deserves emphasis because later the Crown preferred not to deal with this body although it was the Crown's own creation.

It also included two prominent Ngati Whatua families in residence at Orakei, the Hawke and Rameka families. Michael Rameka described his family's concern to make the Maori Committee successful, after the 1962 restructuring, and the work undertaken to establish the first buildings on the marae for education. Eruini Hawke was both on the Committee and Chairman of the Education Centre at the time and his son Joseph, the main claimant in this case, was a willing worker for both. Joseph Hawke described how he arranged the supply of timber for the marae from Rotorua, and how he worked on the buildings.

Joseph Parata Hawke deserves special mention and not just because he is a fifth generation descendant of Te Kawau. He had not then the reputation he has today. He was a registered builder in business on his own account with good contracts from the City Council. He belonged to a Workingman's Club and enjoyed a game of bowls. Although at the time he was living in Mount Wellington, he was keen on furthering the work of the Maori Committee and was qualified to help in building projects.

But Hawke had inherited the legacy of his people. Underlying their activity was a brooding about the past. Hawke did not pretend to understand it all for he was but a child when his family was evicted from the papakainga. He knew only the rumours, the garbled version of legal technicalities. Much worse, he felt, more than understood, the anguish of his grandmother Mihiata Te Mamae, who had travelled to Wellington with Princess Te Puea, with great hope, only to suffer the despair of losing all. She died during the relocations. At first Hawke distanced himself from the anguish of Orakei, moving to Hawkes Bay

in 1962 and remaining there six years to raise a family. He returned in response to the pleas of his mother, Piupiu. Hawke knew there must be a wrong and finally resolved to expose it.

He began in the tradition of his forebears. In April and August 1974 he took the Orakei case to the Commission of Inquiry into Maori Reserved land. The Commission included a brief summary of the matter in its report (pp 127-129) but concluded that the land was not, and had not been a Maori reserve in law, and was therefore outside its terms of reference. The following year he hoped to take the matter to the Waitangi Tribunal, only just established, but the tribunal could not consider events occurring before 1975. He took to this tribunal instead (the first claim it ever had), a fisheries prosecution matter, but lost, for as he was convicted and discharged it was held he was not prejudicially affected. With ominous portent it seemed necessary that he be convicted and fined! He made submissions direct to Government in 1975 during the Land March but the Orakei case was only one of many referred to at that time and it was not examined.

Meanwhile the Orakei Maori Committee was having about as much success. It claimed it made many requests to the Housing Corporation for the right of residents to buy their State homes but that each request was declined.

Whether or not the Ngati Whatua state tenants were denied rights to purchase their homes in the same way as other Orakei residents had is examined in chapter 12. We need only record here that the matter loomed large in the residents thinking and had an influence on the inability of some to accept a later proposal to vest the homes in a Ngati Whatua Board. The issue was of sufficient importance to warrant meetings at Orakei with Housing Corporation representatives on 22 September 1974 and 26 September 1976. From the minutes of those meetings it is apparent that interwoven with the individual desire to buy, was a concern to keep the homes within the Ngati Whatua tribal group. The following is from the minutes of the 1976 meeting

It was pointed out that there were, under present policy, no "tags" as to a subsequent sale and it appeared that at the moment the houses could be sold eventually to any interested purchaser. This appeared to cause some concern and it appeared that some attempt will be made to formulate some suggestions for a policy of compulsory 'buy back' or possibly a leasehold tenure which can not be passed on to other than an approved purchaser.

Meanwhile unbeknown to the Orakei Maori Committee the Government was working on a plan to subdivide the uncommitted lands for general housing. Unbeknown to the Government the Committee was formulating another claim, for the return of all the uncommitted lands in the area to Ngati Whatua. Unexpectedly for both sides, a new Government swept to office in 1975 becoming heir to the inherent contradictions between the competing aspirations.

08 The New Order - A New Marae 1952-1977

8.8 Government Proposals and Polarisation

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The new Government neither hedged nor lost time, but reaction was equally swift and decisive. On 19 November 1976 the Minister of Lands announced the broad outline of proposals for the uncommitted lands, to sell 17 acres for private housing, keep one acre for a Youthline Hostel, and add 22.5 acres to the parks administered by the Council. The balance 19 acres around Kitemoana Street was 'subject to further investigation'. J P Hawke reacted the following day stating the Orakei Maori Committee had long claimed the whole sixty acres should return to Ngati Whatua (New Zealand Herald 20.11.76). The Prime Minister gave his view that the 19 acres should be used for Maori housing (same Herald report). The Commissioner of Crown Lands Auckland disclosed he had spoken with the marae trustees before the announcement and marae extensions and proposals for further housing were being discussed with them (New Zealand Herald 25.11.1976).

Many others then rallied to oppose the Government's moves, environmental groups, local residents, committees and others. The Auckland Trades Council placed 'a green ban' to prevent any site work and local residents circulated a petition. In all there was an uproar, many groups uniting in their common opposition to the Government's moves and yet for quite different reasons according to whether they favoured more open space, more development opportunities, more low cost housing or more Maori land.

Waitangi Tribunal, Department of Justice, Wellington.

08 The New Order - A New Marae 1952-1977

8.9 Competing Claims

8.9 Competing Claims

Though the Government scheme was based on a compromise of something for everyone it seemed to please no-one. Although the Crown was exempt from reserve requirements in developing the Orakei block, it had provided handsome reserves at the harbour end and now proposed to add to it, free to the Auckland rate payer. To recoup something for the national taxpayer who paid for it, part was to be sold, in an area intruding least on the open spaces, and used for more homes. For the Maori the prospect of a bigger marae and more Maori housing was at least under investigation.

Some objectors were not opposed to more public housing but were opposed to open sales likely to lead to high class residences on premium real estate. They contended the greatest need was for low cost housing in proximity to the inner city and that Government should provide for it.

The open space contenders wanted more open space, and as things turned out, they won the most. Environmental action groups had been herald to the protests of the 1960's and the national predilection for confrontation in the settlement of issues. Their protests were politicised with the formation of the Values Party. The latter saw most of their values espoused by the new Government in seeking election in 1975. The open space group had therefore a head start when they campaigned about Bastion Point, environmentalists finding common cause, in this instance, with local residents and Aucklanders generally.

Local residents stood to lose other values, if development went ahead, a loss of outlook, and a re-sale diminution as a result, magnified if either low cost or Maori housing won out. Aucklanders generally stood to lose too.

The Orakei parks are the largest near central Auckland with harbour frontage, providing a huge recreation area, sheltered places at Okahu Bay and commanding views at Bastion Point. The latter is a natural grandstand for the thousands who watch the Anniversary Day Regatta. Now although in law, long term use and occupation cannot disentitle the Crown, in practice it is different, at least in major cities. A leading factor favouring the open space contenders was that noted by a group of officials later established to reconcile the claims, that "the majority of Aucklanders have come to regard the whole of Bastion Point as public open space."

The Maori land claim as formulated by the Orakei Maori Committee was founded on a similar premise (though with less public appeal) that the majority of Ngati Whatua had always regarded the whole of Bastion Point as their ancestral space, coupled with an additional claim that they were wrongly

dispossessed of it. The first was seen publicly as less important than the actual use more recently enjoyed by Aucklanders, and the second, it was thought, ought properly to be determined elsewhere, although precisely where was in doubt for unless it could be narrowed to existing principles of law, there was then no Court or Tribunal that could resolve it.

Accordingly, as shall be seen, another section of Ngati Whatua was to narrow the Maori claim to an existing principle of law that Maori land taken under the Public Works Act, and not used for the purpose taken, should be returned.

Sandwiched between the broad and narrow claims was another, also advocated by the Maori Committee, and based if not on principles of law, then on principles of general policy. It was a claim for the right to buy or recognition for having 'bought' the State homes that they occupied. Had Ngati Whatua tenants been given the right accorded other state tenants to buy their homes, it was said, and had rent been applied to mortgage instalments on standard Corporation terms, they would have more than paid for those homes and the land too, with overpayments to their credit. Some gave voice to this claim by declining to pay further rent.

Meanwhile the marae trustees, with whom the Crown had actually been dealing, were holding to a contradictory claim, that the state houses should pass to them, the rentals to support the marae, and also the adjoining uncommitted land to be used for Maori housing, for the benefit, of course, of "all Maoris".

In this way the Maori Committee was both aided and constrained by other protests. In the months that followed the Maori claim won the greatest publicity but the open space league won more land.

Ngati Whatua gained something, quite a lot in terms of the second more limited claim, but it was probably fortunate the claim could be satisfied with minimal impact on the open space plan.

So much for the competing claims. The Orakei Maori Committee could see at once they were both aided and hindered by other claims. By the end of 1976 it had defined its position

- The Orakei marae to pass to Ngati Whatua control.
- The uncommitted land and parks to pass to a Ngati Whatua Board but with the developed parks to be administered as public reserves, (the Orakei Sports Domain by the Auckland City Council).
- The Maori state tenants to have title to their houses (as being already paid for in rents), and
- The Youthline site to be used specifically for Maori Youth.

To advance that stance the Committee did something unheard of in the post European tradition of Ngati Whatua. It did not formulate another petition but formed instead an Action Group, in keeping with the tenor of the times. One of the claims with which the Committee had had to contend, that "the majority of Aucklanders have come to regard the whole of Bastion Point as public open space" had an ominous portent. If long term use and occupation was the test, the Committee was determined to put it to the test and on 5 January 1977, under the leadership of J P Hawke and J Rameka, the Action Group occupied the uncommitted land at Bastion Point, and held it for 506 days.

The claim had been formulated to the point of entrenchment when the Crown's specific intentions were published by the Department of Lands and Survey in February 1977. By then the 19 acres requiring further investigation had been investigated and subject to engineering tests, seven acres were proposed for Maori housing and reserves and twelve acres for public housing. If this satisfied any of the Maori contenders it was too late. Conflict had already turned to confrontation. Protest had become the order of the day.

Waitangi Tribunal, Department of Justice, Wellington.