

WAITANGI TRIBUNAL

WAI 83

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of a claim by Matiu Love and James Mark on behalf of the Maori descendants of the original owners of the Waikawa block relating to the Waikawa block

Minister of Maori Affairs
Parliament Buildings
WELLINGTON

Dear Minister

1. On 31 March 1987 the Waitangi Tribunal received an application from Mr PHE Bloomer as agent for Matiu Love and James Mark asking for 'an enquiry into whether or not the Waikawa Block should be returned to Maori descendants of original owners'. In particular the Tribunal was asked to recommend that 'the block be returned to Matiu Love and James Mark and others being direct descendants of original owners'.

2. This claim was made on the grounds that:

- (a) 'The land was purchased for the purpose of a Rifle Range;
- (b) that such use never if so intended actually happened;
- (c) the land has not been usefully used for many years and lies "deserted";
- (d) that it is proper that the land taken for a purpose no longer appropriate should be returned to dispossessed [*sic*] Maoris'.

3. In a covering letter, Mr Bloomer indicated that the claim was brought because the claimants feared that the land was about to be transferred to the new Land Corporation, a State-owned enterprise established under the State-Owned Enterprises Act 1986.

The Tribunal made inquiries with the Department of Survey and Land Information, asking about the current legal status of the land, and inquiries were made of the Land Corporation, asking if the land was indeed to pass to them.

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4. On 7 July 1987 Land Corporation Limited wrote to the Tribunal advising that it was intended:

that a greater portion of the Crown land that remained of the rifle range be allocated to the Land Corporation. However, it has just recently been decided that the land should remain as Crown land under the control of the Department of Lands.

The letter further stated that the department would deal with the land in terms of the existing policy of the Government under the Public Works Act relating to lands acquired by the Crown for a particular purpose but no longer required for that purpose.

5. Then on 12 July 1987 Mr Bloomer wrote to the Tribunal indicating that he had received a letter from the Prime Minister saying that the Waikawa block would be retained by the Crown and normal procedures as to lands no longer required by the Crown would be instituted.

6. The letter added that the claim could be put into a 'probably no action needed status'.

7. On 4 February 1988 Mr Bloomer gave a further update on negotiations, saying that 'it seems in principle that the Honorable Mr P Tapsell will arrange for the return of the land to Matiu Love and his associated relatives'.

8. Finally, on 22 June 1988, after an inquiry from the Tribunal, Mr Bloomer wrote and formally withdrew the claim.

9. Please be advised that the Tribunal is now treating this claim as withdrawn.

10. Copies of this report are being sent to the claimants and the Minister of Lands.

Dated at Wellington this 27th day of June 1989

Judge McHugh
Deputy-Chairperson
Acting Chairperson
on the behalf of the Waitangi Tribunal