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WAI 298

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Waitangi Tribunal Division
10 JUL 1992
Dept. of Justice
WELLINGTON

17/7/92

IN THE MATTER OF

the Treaty of
Waitangi Act 1975

AND

a claim by Lawrence
Tukaki-Millanta for
and on behalf of
the original owners
of Whangaokena
Island

STATEMENT OF CLAIM

I, Lawrence Tukaki-Millanta, being a descendant of Te Wikiriwhi Matauru, one of the original owners of Whangaokena Island, hereby give notice of the following claim:

1. That the Crown by Order-in-Council dated 27 December 1897 acquired Whangaokena Island (also known as East Island), for the purposes of a lighthouse pursuant to Section 88 of the Public Works Act 1894.
2. That in 1922, the lighthouse was re-situated on the mainland opposite Whangaokena on the Marangairoa 1C6E2 Block, leaving the island deserted and no longer required for the public work in which it was acquired. The subsequent abandonment of Whangaokena by the Crown indicates that the Crown took no action in returning Whangaokena to its original owners and was therefore a breach of the Treaty of Waitangi.
3. That the policy of the Crown not to offer Whangaokena Island back to the original owners or their descendants was in breach of the Treaty of Waitangi, and a breach of the Public Works Act insofar as the island was no longer needed for the purposes in which it was acquired.

4. That the compulsory acquisition and vacating of the island, together with the non-return of Whangaokena to the original owners or their descendants was and still is in breach of the Treaty of Waitangi.
5. That the decision in 1981 by the then Commissioner of Works on behalf of the Crown not to offer Whangaokena back to the original owners or their descendants was in breach of the Treaty of Waitangi.
6. That the declaration by the Crown over Whangaokena to be Crown land to suit the purposes of the Crown in declaring the island a wildlife refuge under the Reserves Act was a deliberate attempt to abrogate the Crown's responsibility in returning the island to the original owners or their descendants and therefore a blatant breach of the Treaty of Waitangi.
7. That the original owners of Whangaokena Island were determined by the Maori Land Court as being;
 - (a) Te Wikiriwhi Matauru
 - (b) Hapi Haerewa
 - (c) Pineaha Koia
 - (d) Ripeka Tahuru
8. That the claimant now seeks the return of Whangaokena Island to the descendants of the original owners as determined by the Maori Land Court (Waiapu District)
9. That the claimant reserves the right to make amendments to this statement of claim at a later date, when and if necessary.
10. That the claimant reserves the right to seek legal counsel when necessary.

11. That the claimant reserves the right to approach the Waitangi Tribunal to seek assistance in research at a later date.

PRELIMINARY RESEARCH


12. That further to paragraph 11 of this statement of claim, the claimant respectfully requests that the Tribunal direct the Crown to obtain copies of extracts from the Waiapu Minute Books of the Maori Land Court that relate to the investigations of title of Whangaokena and Marangairoa No.1 Blocks, and that such copies be made available to the claimants to assist in preliminary research.

13. That the Tribunal directs the Crown to bear the costs for the reproduction of the relevant Land Court records.

SERVICE OF THIS STATEMENT OF CLAIM

14. That a copy of this statement of claim be served upon the following persons, and where applicable the appropriate Crown agencies:

- (a) Apirana Mahuika
Chairman
Te Runanga O Ngati Porou
- (b) Minister of Justice
- (c) Minister of Conservation
- (d) Minister of Transport
- (e) Minister of Crown Lands


Lawrence Tukaki-Millanta

DATED this 10th day of July 1992

28A CAMPERDOWN ROAD, MOTU KAI RANGI, WELLINGTON.