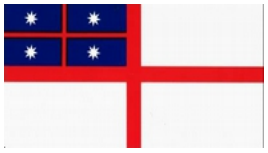

BEFORE THE NORTHLAND REGIONAL COUNCIL
HEARINGS PANEL

Ngati Korokoro Hapu / Ngati KoroKoro Hapu Trust — Appellant

And

FAR NORTH DISTRICT COUNCIL — Respondent

I**IN THE MATTER** of the Resource Management Act 1991

AND

IN THE MATTER of an application by FAR NORTH DISTRICT COUNCIL Resource Consent

Applications APP. 00389.01.03- and APP.002667.01.04 Opononi/Omapere and Kohukohu Waste Water Treatment Plants

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Filed by :clifford-morgan: royal, he uri o Kare Moetara, mandated kaikorero o He wakaputanga o te Rangatiratanga o Nu Tireni, i raro mai Hauraki me tauiwi o runga 1835, ano Te Tiriti O Waitangi 1840 te takahi, for and on behalf Ngati KoroKoro Hapu/Ngati KoroKoro Hapu Trust;

Date: 19th May 2023 Anno Domini

STATEMENT OF EVIDENCE OF :clifford-morgan: royal he uri o Kare Moetara Mandated Kaikorero o He wakaputanga o te Rangatiratanga o Nu Tireni, i raro mai Hauraki me tauiwi o runga 1835, ano Te Tiriti O Waitangi 1840 te takahi;

For and on behalf Ngati KoroKoro Hapu/Ngati KoroKoro Hapu Trust;

In regards to our whanaunga kaikorero o Ngati Korokoro :sheena: ross filing (number 90) I would also like to add what I am speaking about today on the 19th May 2023 at this venue;

Whakapapa

Ko Ngati Korokoro Te Hapu

Ko Te Ramaroa Te Maunga Tapu

Ko Hokianga Te Moana/Awa

Ko Matahourua Te Waka

Ko Maraeroa Te Marae

Ko :clifford-morgan: ahau

Synopsis

For and on the public record let it be known I am here making a special appearance on behalf of myself and our hapu, standing as the beneficial and equitable primary source title holders, of the un extinguished native title, I am past the age of majority acting on behalf of all known derivatives assigned by way of assumption to my first born christian name;

I tautoko the prior evidentiary claims and concerns of our whanaunga :sheena: ross (nee) moetara (Mandated Kaikorero) for and on behalf of Ngati KoroKoro Hapu/Ngati KoroKoro Hapu Trust;

By prior consensus of our Hapu, Trustees we state for and on the record, we do not accept any assumed, un constituted, illegitimate implied, express, constructive contracts and or any other form of assumed joinder by any third parties, agencies, that we stand as the Principals, as uri tohu rangatira in relation to our own private sovereign alliances and friendship with the Kings of the British Empire, namely Geo 4, Geo 9 , King William 1V, post He wakaputanga 1835 and Queen Victoria (R.I.P);

By way of the British Statute Book, the Parliament [UK] for the purposes of reference only hereto, our mana as a sovereign independent dominion outside the jurisdiction of the British Empire is established historically and remains so to this day, by way of independent acknowledgement and recognition via the British Statute Book, 1817, 1823, 1828 including the Memorandum Enclosure No. 38 Correspondence Relative to (New Zealand) issued upon the Command Of Queen Victoria, dated 13th April 1840 [Pages 68 and 69 Emphasis], further re confirmed and asserted by the highest collective power and authority of the British Empire via The Pacific Islands Protection Act, 1872-1875 [Emphasis] 1875 s7;

Official notifications of Te wakaminenga as a standing authority (National Congress) in continuium as of March 2020 to date, have been received and acknowledged by the Judicial Committee of the Privy Council and the Supreme Court of [UK];

Furthermore, that any questions I/we ask of the assumed un constituted agents of the Crown corporation HER MAJESTY QUEEN IN RIGHT OF NEW ZEALAND, and all assumed un constituted Crown agencies, that remain un answered shall be deemed accepted as tacit agreement, by which silence will be affirmed as aquiescence;

Our status and standing as a sovereign independent dominion remains un rebutted, within our rohe mana wenua, mana moana, mana tangata, mana ngahere, mana awa nga mea katoa, kei runga kei raro o Ngati Korokoro Hapu and hereby file the additional evidentiary findings as a matter of general, public, private record;

Issues determined at law;

We acknowledge the support of Dr Judy Ward, First Class Examiner, Historian Cf; Wai 774;

1) The chiefs who signed Te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Great Britain, that is, they did not cede the authority to make and enforce law over their people and their territories; [Emphasis];

2) With the exception of Tareha of Ngati Rehia, who stated that he would never agree to Hobson remaining as a Governor and told him to go back to England, the Ngapuhi chiefs who signed Te Tiriti o Waitangi on 6 February 1840 said that Captain Hobson could remain as a Governor for the Queen's subjects who were living in New Zealand at the time;

3) The chiefs believed that they had retained the right to govern themselves and their hapu according to custom, within their respective hapu boundaries;

4) The chiefs also believed that their agreement that Hobson could remain in New Zealand as a Governor for the Europeans, ended on the death of Captain William Hobson (and did not extend to include Governor Robert FitzRoy, Governor George Grey or other successive governors and governors-general from Britain);

5) With regard to the Old Land Claim, land that was the subject of agreements between hapu and Europeans between 1814 and 1840, Wai 774 argued:

a) The agreements between the chiefs, members of their hapu and the Europeans were made on the basis of custom: the expectation being that the Europeans would share their rights in the land with the hapu and with other European's (there being no such thing as 'overlapping claims');

b) The British Crown could not back-date English law and apply it to the same period in which the Crown had already recognised New Zealand as an independent, sovereign nation outside His Majesty's Dominions to which English law did not apply;

c) The British Crown could not issue a Crown Grant to Old Land Claim, land that the Crown had never owned;

d) That in the absence of any cession of sovereignty to the British Crown, the native title to all hapu land in the Bay of Islands and Hokianga has never been extinguished and the respective hapu of Ngapuhi continue to hold both the imperium (sovereignty) and dominion (land) throughout their rohe;

6) In his cover letter attached to the Stage 2 Report, Judge Craig Coxhead said:

".... We have not identified when the sovereignty the Crown holds and exercises today was acquired, nor have we considered its legitimacy in a contemporary context";

This is just another way of saying that the Crown does not have any constitutional legitimacy, that it does not hold either the sovereignty (imperium) or dominion (land), both of which are still vested in nga hapu o Ngapuhi (the other tribes in New Zealand having reached full and final settlements with the Crown and thereby extinguished their own sovereignty);

7) On 9 August 2016, Judge Coxhead sought separate legal advice on the Old Land Claim land, the following excerpts have been taken from that document:

a) The key issue for the claimants is "the Crown's retrospective imposition of British law on[to] the pre-Tiriti transactions", when the law applying at the time of the transactions being made was tikanga Maori";

b) "Conflict of Laws, [abridged] application of conflict of laws principles show that tikanga Maori should have been used to review the pre-Tiriti land transactions";

c) "Application of the legal principal lex situs required that the law in effect at the time of the pre-Tiriti transactions governed those transactions, lex situs holds that the law of the place where the property is located that was in effect at the time of the transaction will govern the property transaction";

d) "The law of New Zealand at the time the transactions were made was tikanga Maori, Britain itself had earlier acknowledged that there was no basis to apply British law in New Zealand and this was a motive for seeking sovereignty";

e) "The Crown had recognised by the time Te Tiriti was signed, that Maori were independent and sovereign, Maori were 'a numerous and inoffensive people whose title to the soil and sovereignty to New Zealand is indisputable and has been solemnly recognised by the British government";

f) ".... this Tribunal has already held that February 1840 signers of Te Tiriti did not cede their sovereignty";

g) "The February 1840 signers of Te Tiriti o Waitangi did not cede sovereignty, and... tikanga Maori [Emphasis] continued to prevail over Maori";

h) "There is nothing in Te Tiriti or in any of the proceedings or in the written record leading up to it that would have announced, justified or supported retrospective imposition of British law on the pre-Tiriti transactions, it is contrary to established conflicts of laws, principles";

i) "There has been no justification for imposing an after-the-fact British legal construct over pre-Tiriti transactions that were concluded before the British achieved any measure of authority over ... New Zealand";

j) The Crown claims that it holds the radical title to the land.... that falls down however with the finding that the rangatira who signed Te Tiriti on 6 and 19 February in Te Tai Tokerau did not cede their sovereignty;

k) "Since sovereignty was not ceded, then the British Crown did not have the basis to claim radical title";

l) "Unless customary or aboriginal title was extinguished, there is no basis for a grant of land from Her Majesty";

(Source: Lyall & Thornton Barristers & Solicitors, 24 March 2017, Wai 1040, Document # 3.3.223 pp. 28-31, prepared at the request of Judge Coxhead on Issue 2: Old Land Claims, Scrip & Surplus Lands, on 9 August 2016);

m) The rest of the Stage 2 Report, in the absence of a cession of sovereignty to the British Crown in 1840, everything that the Crown and the NZ government did after that has had no constitutional legitimacy;

Issues to be determined;

Jurisdiction:

Based upon the evidence filed, un rebutted, we ask where possible the following questions be answered point by point;

Upon which Treaty, which version and by which author does the Crown (NZ) and its service agencies base its sovereign power and authority upon?

In terms of applicability of the past and concurrent corporate rules, codes and regulations, policies and procedures of the legislature (NZ) including the Acts RMA et al, what does the Crown Service Agencies rely upon, to apply an assumed un constituted and now established illegitimate process of misrepresentation?

With respect, is the Hearing panel acting as agents of the Crown (NZ)?

If so and with respect, it is not for the Agent to apply executive dictate to the Principal, henceforth within our mana whenua, mana moana, mana ngahere, mana awa, mana tangata you shall be answerable to the Principals, nga uri tohu rangatira hapu o Ngati Korokoro;

For the purposes of objective reality, with the intention of quantifying the anaylsis of monitoring, measurement data we, Ngati KoroKoro Hapu/Ngati KoroKoro Hapu Trust, require direct involvement with and access to all related parties, suppliers, BECA, staff, added, charges where applicable shall apply, across our related rohe mana whenua, mana moana, mana tangata, mana ngahere, mana awa;

Potential conflicts of interests:

We require full disclosure and discovery of the criteria and conditions if any, established by the FNDC in undertaking the services of all related expert witnesses;

We require the Commissioners of the Hearing Panel to explain how, should they rely upon the advice of those expert witnesses that have ostensibly rubber stamped the pending consents, can the Commissioners find in favor of the FNDC when it has been demonstrated they have failed in their specific duty of care, their obligations, acts ultra vires, of the very rules to which they are supposed to be subject too, upon which all related agents of the Crown (NZ) enjoy their “benefits” of office?

Should the Commissioners deem this process acceptable they will be equally culpable, by way of civil and criminal proceedings pending, if necessary under contract privity;

Briefs of expert witnesses:

We require clarity in relation to the afore mentioned measurements and models relied upon to ostensibly ignore and by pass Tikanga, the lore, law of mana whenua, mana moana, mana tangata, mana ngahere, mana awa:

a) EVIDENCE OF BRETT JAMES BEAMSLEY

The focus on percentile measurements, unless corrected, avoid stating the 0-5% percentile of contaminants at the point of discharge, does 0% represent in terms of excess discharges 100% contamination? The apparent focus and preference is of a far higher percentile, a far greater dilution, the elephant in the room is the antiquated technology relied upon to justify a failed system;

Relationships

Not withstanding the challenges, the harm, injury we have suffered, both culturally, emotionally, mentally, we wish to state we are at a cross roads, if by way of dialogue we are able to set aside our animosities, the pathway forward shall be obtainable;

This does not establish joinder, rather the way forward is by way of maintaining relationships to transition and assist us in eventually taking a controlling interest in the services infrastructure;

Summary / Remedy;

Solutions, te ara tika, me te pono, me te aroha...

Ethics, integrity and competence in the "public" sector appear to have been compromised including the administrative practices and processes which under pin ethical values and integrity, such insufficency leaves these constructs prone to corruption, the remedy requires transparency, integrity, legitimacy, fairness, responsiveness, efficiency and effectiveness, it is encumbent upon the Respondents to prove otherwise;

Thus far we have three potential alternate solutions, sourced offshore, that are currently in the process of due diligence, so far, the technologies, are proven, the scale and costs pending, these will ideally provide an alternate pathway to the current failed and injurous antiquated technologies and ideologies that continue to cause harm and injury to us, uri tangata, ano uri manuhiri;

To eliminate the concurrent breaches, acts ultra vires by way of non-compliance, non-consent of the these service agencies, the remedy we seek has yet to be quantified, however there are matters sovereign, cultural and commercial that are sensitive, matters of which will be subject to future hui;

We require ongoing engagement, purely as a transitional pathway forward, future relationships need to be developed that are aligned with Tikanga, tika me to pono, our self determination is paramount, added, an initial meeting, in the private, to discuss and work towards a way forward, firstly with our tuturu uri tohu rangatira hapu whanau;

It is clear we are at an impasse, realistically it could take 2-3 years to give effect to these changes, yet based upon non-compliance issues any further consents are not acceptable, the status quo of non-compliance and non-consent although repugnant to Ngati Korokoro Hapu is for the time being a semi functioning system vs none at all, the transitional remedial implementation required, both, immediate, short and long term require collaboration, cooperation, not conflict, we await your response in good faith;

Jointly By;

:sheena: ross

Kai Korero Ngati KoroKoro Hapu/Ngati KoroKoro Hapu Trust;

As the Equitable Beneficial Primary Source Title Holder of the un extinguished native title;

:clifford-morgan: royal

Kai korero o He wakaputanga o te Rangatiratanga o Nu Tireni, I raro mai Hauraki me tauiwi o runga 1835, ano Te Tiriti O Waitangi 1840 te takahi

As the Equitable Beneficial Primary Source Title Holder of the un extinguished native title;