

me saying that because I have been in Court a few times, that qualifies me to give legal opinions.

36. I want to be clear, that I have respect for Mr Volkerling's skills as a technical writer from what I have observed in forums such as the Hauraki Gulf Forum and Te Ohu Kai Moana, however, I can't help but be offended when tauwi comment that because they have Maori friends or have known key rangatira, they know how maori think.
37. As I read his evidence, however, it is difficult to understand who he is giving evidence for. For instance, at paragraph 9, he talks about reports from fishers. Who are these fishers? Where are their reports?
38. That being said, I agree with him, that the moana is central to our identity. So from this point we need to do something to maintain the taonga.
39. At paragraph 3.3, he notes that the Trust Board do not completely oppose the substance of the controls or their intent. Rather than being constructive about the scope and extent, however, they have just opposed and would rather do nothing. Our hapu are now saying, you have done nothing for too long. It is time to do something.
40. At 6.2(c) of his evidence Mr Volkerling records that the Trust Board negotiated a royalty per cubic meter of sand extracted off the coast from Pakiri. This is a misrepresentation.
41. The opposition to the sand-mining was taken by Lally Haddon and Gavin Brown of Ngati Manuhiri. They were negotiating on behalf of our Marae, Rahui Te Kiri. All the Trust Board did was forward the notification onto Lally who mounted the opposition and ran the case and negotiation. The Trust Board did nothing.
42. This is made clear in the case of *Haddon v Auckland Regional Council* [1994] NZRMA 49 at 54. At the end of the negotiation, Verne Rosieur, who was the Marae Chair at the time refused to sign the mitigation agreement. So they contacted Hori Parata from the Trust Board to sign as they needed a receiving entity.
43. Mr Volkerling is trying to claim credit where it is not due. I do note, that Mr Volkerling references the cases in other examples where he can, but not in this one. To me, this shows an effort to put a spin on his evidence.

Terrence (Mook) Hohneck

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