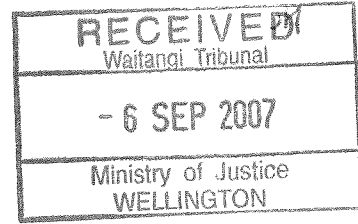




IN THE WAITANGI TRIBUNAL



IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Ngapuhi Claims

AND

IN THE MATTER of the Northland Inquiry

**REBUTTING THE FRAMEWORK
ENOUNCIATED IN THE DIRECTIONS
OF THE CHAIRPERSON OF THE WAITANGI TRIBUNAL
DATED 4TH JULY 2007**

INTRODUCTION

New Zealand is a country which entered into a Treaty directly with the Sovereign of England.

The Westminster Parliament erected in New Zealand has only recently been permitted by Westminster, to make its own laws.

In the pursuance of an identity of its own, the Westminster Parliament in New Zealand claimed to be a state as a result of joining the United Nations forum, purportedly granting it the attributes of a state.

Quite unexpectedly, the international standards within this forum developed to the degree that now this colonial Parliament in New Zealand finds difficulty in fulfilling its obligations, as being a member.

Part of these obligations of being a member, relate directly to ownership, freedom from discrimination and equal treatment, all of which is directly mentioned by the Treaty of Waitangi.

In the latest measure towards independence, recourse to the Privy Council has been abandoned in favour of this Westminster Parliament erecting a Supreme Court for itself.

The International Economic framework has clearly signalled its stipulation that land, property and natural resources despite what domestic laws which apply, must as a fundamental requirement, have the legitimate and lawful transfer of what has been defined as the "Predecessor in Title".

To make clear the colonial objective for the implementation of a treaty "Claims Process", it is to secure to the colonial authorities what has been described as the *Predecessor in Title*.

That is, without our consent or agreement, no claim by this Westminster Parliament, *despite what domestic laws which apply*, to the land, property and natural resources can be validated in the International Economic framework.

The *Predecessor* to all title in New Zealand are the indigenous people of New Zealand recognised internationally by Treaty, and the treaty Claims process is engaged to eliminate this impediment to lawful colonial possession.

As member to United Nations, the colonial authorities must establish or create a body to hear claims and in New Zealand for the indigenous people recognised by Treaty.

They are called Treaty Claims to be presided over by a Tribunal who while not possessing any power to enforce a ruling, can play an important part in bringing issues to the notice of the general public as well as the colonial authority itself.

To make the matter abundantly clear, the Crown as asserted by colonial authorities, is the colonial authority itself, created by Westminster Law,

The Crown is **not** the Queen of England.

Being a derivative of the Westminster Parliament in New Zealand, the Waitangi Tribunal was always going to have a conflict of interest.

While it is always possible to do the right thing, more importantly, it is the manner by such thing is done.

CONFLICTS OF INTEREST

It is with this in mind that we examine the propositions advocated in the directions of 4th July 2007, issued by such Tribunal.

In some jurisdictions it is usually the practice that any person whom might possess a conflict of interest would most naturally declare them.

The failure to declare such conflict of interest, reflects directly on all matters which might be engaged as a consequence.

The Tribunal proposes in issuing its own directions, to engage processes which significantly alters a process to achieve, in our opinion a predetermined outcome which for all intents and purposes,

is a continuation of the fraudulent behaviour of the Crown forestry rental trust.

THE MAORI LAND COURT

The Maori Land Court was created to distribute interests to individuals and groups under an untenable theory, directly in conflict with the Treaty of Waitangi, that all land belonged to the Queen, *not the Crown*, and that Maori individuals and groups as being the previous occupiers possessed what was called in England, the right to occupation.

This arose out of the Magna Charta when the Sovereign of England realised that the masses were no longer going to tolerate complete ownership of everything.

The right to life, liberty and property were assured and property being defined in terms of land as having title guaranteed by the Queen, to occupy particular areas.

This traditional practice was carried into New Zealand by the colonial authorities in erecting the Maori Land Court. It served colonial interests to destabilise the collective interests of Maori.

The Maori Land Court as a colonial mechanism, proceeded to calculate individual interests which did not exist and prescribed what is said to be permanently fixed boundaries around those interests.

The jurisdiction of the Maori Land Court, derives directly from the English doctrine, that all land belongs to the Queen subject to the right of occupation.

There can be no doubt that that the Chief Judge of the Maori Land Court would find difficulty in claims which directly impact on the authenticity of that Court.

It cannot be considered unreasonable for claimants to question or indeed to engage research to collect whatever evidence by way of documents, which lawfully transfers the underlying title to the Queen, much less the Crown.

It would be difficult to assert independent competence if the Chief Judge of the Maori Land Court responsible for preserving the integrity of such a fraudulent system, to sit as a Chairperson on the Tribunal to hear claims against it.

Similarly, it would be difficult to assert the independent competence of any such directions of the Chairperson of the Tribunal if he was also the Chief Judge of the Maori Land Court.

*This conflict of interest cannot be legitimised by calling it **multi-disciplinary expertise.***

Insider trading normally described as fraud, cannot be excused or legitimised by such a practical joke.

In most jurisdictions, such practice is restricted and is quite rightly seen, as a prelude to corruption.

RELEVANCY

The directions issued by the Maori Land Court Judge under the hand of the Chairperson of the Tribunal, describes a framework upon which the claims which are before it, are to be adjudicated.

It prescribes before hearing any evidence of any of the related claims before it, whether such evidence is relevant.

In an attempt to distance himself from his own stipulations, the Chairperson appoints a series of individuals to determine the relevancy of any evidence which has not yet been collected, compiled or completed.

Clearly the Chairperson of the Tribunal requires as mentioned in his directions of 4th July 2007, these appointed persons to determine the relevancy of such evidence.

Obviously the relevancy of outstanding evidence to still be collected and compiled cannot be considered if it does not yet exist.

There can be no question or doubt that the Chief Judge of the Maori Land Court will consider the individualisation records of that Court, as authentic evidence as the Chairperson of the Tribunal.

More could be said on the subject but it is already clear the Waitangi Tribunal lacks the competence to prejudge the relevancy of evidence which is yet to be collected and compiled.

It does not follow that the appointment of Tribunal persons to commit what the Tribunal Chairperson lacks the legal fibre to do, makes it any the less, fatally flawed.

TRIBAL INTERESTS

In the opinion of the Hauraki Chairperson of the Tribunal, it is a matter of *multi-disciplinary expertise*, to issue directions directly regarding the Hauraki claims.

It is difficult to argue that a process is objective if one of the parties in it is able to dictate how the inquiry should be carried out and who should be the judge.

The Hauraki Chairperson of the Tribunal issues by way of directions proposals to exclude entire areas from the inquiry which by no coincidence are the same areas where Hauraki have declared interests.

The division of an inquiry area is by directions, a matter for the next judicial conference.

Blinded by his personal regard of Hongi Hika, the Chairperson of the Tribunal does not need facts, the call for unity by the claimants at the last Judicial Conference, in the opinion of the Hauraki Chairperson, is the request to exclude areas where Hauraki have declared interests.

Of course there is a conflict of interest yet under the new terminology, it now sounds like multi-disciplinary expertise but more precisely, it now looks like fraud.

NGAPUHI NUI TONU

Is simply another word for the Ngapuhi *aligned* confederation. Other terms such as Ngapuhi Whanui are just as relevant. In times of war the confederation is simply known as Ngapuhi.

Ngapuhi nui tonu is a very recent terminology describing the reach of a single *Ngapuhi confederation*, which we have always known.

The presumptuous idea that we have been known as Ngapuhi nui tonu since the time of Hongi Hika, is a flagrant fiction.

The Hauraki Chairperson, in fraudulently advocating such falsehood as a legitimate basis for separating out areas in which Hauraki have declared interests, evidences the readiness to replace fact with fiction.

It is clear the Confederation was directly involved in treating with the Sovereign of England and is without doubt, as relevant as any other matter which could be considered in the Treaty of Waitangi claims.

The Chief Judge of the Maori Land Court, bound by both the practice and framework of the Maori Land Court, can only see individuals and groups who incidentally, being the previous occupiers, possess the right to occupy portions of Crown land.

The Treaty claims and the Maori Land Court are diametrically opposed to each other, one advocates collective interests directly identified by the Treaty of Waitangi and the existence of the Maori Land Court seeks to restrict and destroy them.

It is of no great surprise that all land within the Ngapuhi aligned Confederation mentioned directly in the Treaty of Waitangi, for which claims are made and been registered by the Tribunal, are being ignored by the Chief Judge of a Maori Land Court created to destroy the collective interests and the role of the Confederation in New Zealand society.

WAI 1040

These Treaty based claims are registered by the Tribunal to designate a particular claim a particular number to distinguish one claim from another.

Such numbers, prefixed by the letters WAI are allocated to claims which are made by individual indigenous persons or groups of New Zealand which under colonial law, are described as being Maori.

All Treaty claims must cite the particular breach or breaches of the Treaty of Waitangi which, in the opinion of such claimant might have occurred. At times such claimant describes the kind of redress sought.

All claims are required to be against the Crown.

The Tribunal which was created by the Crown is apparently, is unable to decipher its own rules.

Having issued a claim in its own name, it purports such claim to be a consolidated record of the claims of the inquiry which are before it.

This claim of the Tribunal itself, is in fact a land claim dealing with matters pertaining to a particular block of land in the same fashion as the Maori Land Court would.

Those matters, according to the practice of the Maori Land Court, which are not directly related to the land block in question, can be considered irrelevant and all opinion which asserts otherwise, cannot be considered as authentic.

This Tribunal approach to an international treaty with the Sovereign of England appears to be the traditional Maori Land Court approach, by the Chairperson of the Tribunal who by no coincidence is also the Chief Judge of that Land Court.

Having discovered the Treaty is in fact engaged as an international arrangement, the Chief Judge of the Maori Land Court now struggles to reassert control over these treaty claims.

Having adequately demonstrated by way of such directions, the scribing of the land block boundaries represented by its own Tribunal claim WAI 1040, all that remains in the practice of the Maori Land Court, is to calculate the individual and group interests within it, and scribing internal boundaries around them.

This approach according to the Chairperson of the Tribunal is said to be able to determine the relevant interests between the Sovereign of England and the Confederation both of which are mentioned directly in the Treaty of Waitangi itself.

The Chief Judge intends, that the same persons appointed by the Chairperson to predetermine relevancy and authenticity of evidence which does not yet exist, to also be the Tribunal appointed principals to its own claim.

Clearly the only relevant legal parties to the Tribunals own claim, must as a matter of expediency, all be the appointees of the Judge of the Maori Land Court.

In this way the Tribunal might better be able to avoid fatigue of having to actually deal with the registered claims which are before it.

This Tribunal appointed group has been allocated a predetermined claim number, WAI 1040.

As the legal claimant, they are entitled to determine the relevancy and authenticity of any matter which might arise within the WAI 1040 claim.

The question of what evidence should be deemed relevant or be accorded the sanction of authenticity, are according to the Tribunal reserved exclusively for the legal claimant.

The directions of the Chairperson of the Tribunal clearly did not make mention that any other claim would be heard yet was quite specific in requesting that the disputed Crown engaged research be refocused and recalibrated to comply with the claim.

There is no question that the Tribunal intends to adjudicate on its own claim on which it appointed its own claimant group.

The use of Chief Judge appointees to act as claimant for a Tribunal claim, to which the Chairperson intends to apply the disputed research of the Crown, and then as a Crown Tribunal to adjudicate on those matters, gives rise to the question of relevancy and authenticity of such arrangement itself.

CONCLUSION

The predetermination abundantly evident, supported by a jumble of conflicts of interest and fiction, speaks volumes as to the intentions of the finder of the facts.

Prejudging the relevancy of evidence which is yet to be collected and compiled is in itself, beyond comprehension.

The practice of the Maori Land Court to define Treaty related matters by boundaries, is intended to marginalise or destroy any claims which have been registered for the Ngapuhi aligned Confederation which by no coincidence is directly mentioned in the Treaty itself.

The Crown as the colonial authorities in New Zealand could not contend that no opportunity was available to correct these obvious deficiencies in the process before the hearing actually occurred.

Impaired by such an array of conflicts, the ability of Tribunal to hear the Treaty claims which have been made by indigenous persons, is crippled by the lack of competency which is expected of it.


In allowing such arrangements to continue or to permit this legal proposition enunciated by the directions of the Chairperson to actually take effect, would clearly grant the necessary permission for the validity of such arrangements, to be questioned before the relevant body to United Nations.

NOTIFICATION


All participating claimant parties should be notified **before** the proposed workshops on the 4th and 5th of October 2007, set down in Tamaki and Waitangi respectively.

Helen Clarke as the Prime Minister of Parliament ought be **directly** entitled to a copy as well.

Respective counsel ought reasonably be entitled as of right.



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...10... day of ..... 2007