

To: The Registrar,
Waitangi Tribunal
P.O. Box 5022
Wellington

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF a claim by Katrina Koia for and on behalf of herself, and the future generations of Koiauruterangi and David Rangi Katia

AND

IN THE MATTER OF Her Majesty Queen Elizabeth II, sovereign representative of the Crown New Zealand

CONCERNING Consul Hobson's Proclamations 21 May 1840.

STATEMENT OF CLAIM
Dated this 1st day of September 2008

PREAMBLE

WHEREAS the claimant acknowledges that the Proclamations by Consul Hobson dated 21 May 1840 has no valid application within the Takimoana territory given that the Takimoana Government on 22 June 2008 invalidated the aforesaid proclamations. THEREFORE, the Takimoana territory which lies within the Ruawaipu rohe is excluded from the ambit of this claim.

1. The Claimant and Claimant rohe

1. Katrina Koia (ōthe Claimantō) is a direct descendant of Ruawaipu.
2. The Claimant rohe can be defined as the coastal boundary known as the Whangaporoa river to the Tuparoa stream, seawards to the pacific rim, and inwards to the Raukumara Ranges (the Ruawaipu rohe).

2. The Claim: The Cause of Action

1. The Claimant states that this matter falls within one or more of the matters referred to in Section 6 (1) of the Treaty of Waitangi Act 1975.
2. The Claimant is aware the Crown has placed without authority a 1st September deadline to file Treaty of Waitangi historical claims. This is contrary to the United Nations recommendations¹. Furthermore, the Claimant alleges this action by the Crown is a further breach of Te Tiriti o Waitangi.

3. Statement of Claim

1. On 21 May 1840 Consul Hobson by way of the English text of the Treaty of Waitangi, proclaimed Queen Victoria's acquisition of Sovereignty over the North Island of New Zealand.
2. The Claimant is a direct descendant of two signatories that signed Te Tiriti o Waitangi at Rangitukia on 1 June 1840 (after Hobson's 21 May 1840 proclamations).

¹ CERD/C/NZL/CO/17 15 August 2007

3. The Claimant's tipuna that signed Te Tiriti o Waitangi on 1 June 1840 were koiauruterangi and David Rangi Katia.
4. This treaty did not cede sovereignty or te tino rangatiratanga to Queen Victoria.
5. Unlike at Waitangi, where Hobson read out the English Treaty of Waitangi, and both versions were tabled, the only treaty promulgated on the East Coast was the Maori version.
6. Therefore, Hobson's proclamations of 21 May 1840, are in fact invalid. There is also no evidence that as from 6 February 1840, Queen Victoria has exercised her sovereignty over the North Island.
7. As a result of Hobson's proclamation, and the assumption that the English text of the Treaty of Waitangi was the prevailing treaty, Queen Victoria, her Hereditary Heirs, Successors and Agents by various laws, proclamations, legislations, policy, actions and omissions, have breached Te Tiriti o Waitangi, namely, but not limited to;
 - a. Enacting illegal ordinances, proclamations, and Acts over the Ruawaipu sovereign territory in breach of the prevailing East Coast Te Tiriti.
 - b. Devolving the Queen's Article II protectorate duties of tino rangatiratanga to her colonial administration in 1864, causing colonial terrorism by her administration during the religious suppression campaign on the East Coast in 1865, despite Hobson verbally promising at Waitangi all faiths would be tolerated.
 - c. Granting the Independence of Her Majesty's colonial administration over the Sovereign Ruawaipu peoples by using foreign rule to establish a colonial Dominion in 1907.
 - d. Using Westminster legislation in 1931 (the Statutes of Westminster) to constitute the Sovereignty of Her Majesty's administration over the Ruawaipu people.
 - e. Empowering Her Majesty's administration with full powers to breach Te Tiriti in 1986 (Constitution Act NZ).

3. In summary the Claimant asserts, that as a result of Hobson's invalid Proclamation 21 May 1840, Queen Victoria of England, her Heirs, Successors and Agents (the Crown UK and NZ) acted outside its legitimate powers repugnant to Te Tiriti o Waitangi and denied the protection of ōte tino rangatiratanga.

4. The Breaches

1. Articles 1, II, and III of East Coast Te Tiriti o Waitangi

5. The result of prejudice

1. It is alleged that as result of Hobson's Proclamations 21 May 1840, that the Claimant tipuna and uri have been adversely affected and discriminated against in the development of their tino rangatiratanga by way of;
 - a. The denial of tino rangatiratanga
 - b. The loss of wealth and prosperity by Crown actions and omissions in the denial of tino rangatiratanga.

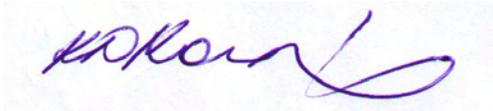
6. Recommendations Sought

1. That the Tribunal find this claim well founded.
2. That the Tribunal recommends Queen Elizabeth II remove the prejudice.
3. Other recommendations to duly protect the Claimants tino rangatiratanga

7. Particulars

1. The Claimant requests the Tribunal exercise its exclusive statutory powers under section 5(2) of the Treaty of Waitangi Act 1975, to inquire into the differences and meaning between the two treaties for the purposes of this claim.

2. The Claimant will also in time instruct her legal representative to request the Tribunal exercise its statutory powers under section 4D of the Commissions of Inquiry Act 1908 to summons Her Majesty Queen Elizabeth II or Her Representative the Governor General to provide legitimate evidence for this claim.
3. The Claimant will rely upon the research casebook programme in particular the social and economic report to measure the quantum assessment of the denial of tino rangatiratanga caused as a result of Hobson's proclamations.
4. The Claimant asks the Tribunal to hear this claim before any other claims in the Wai 900 Inquiry, as this claim will have a fundamental impact on every Wai 900 claim.
5. The Claimant asks for permission to amend this claim if necessary.
6. The Claimant believes all affected parties should be notified of the claim.
7. The Claimant will notify the tribunal of her legal representative in due course.



Signed

Katrina Koia
175 Tyndall Road
GISBORNE

Copy sent:

Her Majesty Queen Elizabeth II, SW1A 1AA, Buckingham Palace, London, England.