

**BEFORE THE WAITANGI TRIBUNAL**

**IN THE MATTER OF**

the Treaty of Waitangi Act 1975

**AND IN THE MATTER OF**

the Poho-o-te-rangi Lands Claim brought by  
Henry Koia, beneficiary of the Mo Koia Land  
Trust, for himself and on behalf of the  
beneficiaries of the Mo Koia Land Trust

**AND IN THE MATTER OF**

rulership over Poho-o-te-rangi lands

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**APPLICATION FOR URGENT INQUIRY HEARING**

(5 May 2025)

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<b>RECEIVED</b>
Waitangi Tribunal
<b>5 May 25</b>
Ministry of Justice WELLINGTON

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## **MAY IT PLEASE THE TRIBUNAL**

### **Introduction**

1. My full name is Allan Henry Koia but I am commonly known as Henry Koia.
2. In my capacity as a beneficiary of the Mo Koia Land Trust, I am the claimant for the Poho-o-te-rangi Lands Claim (“my claim”).
3. I bring my claim for myself and on behalf of all the beneficiaries of the Mo Koia Land Trust.
4. I hereby apply to the Waitangi Tribunal for an urgent inquiry into the matters pleaded in my claim’s Statement of Claim.
5. In support of my application for urgency I will demonstrate:
  - a. that the claimants will suffer significant and irreversible prejudice as a result of current or pending Crown actions and policies; and
  - b. that there is no alternative remedy that, in the circumstances, it would be reasonable for me to exercise; and
  - c. that I am ready to proceed urgently to a hearing, generally without the need for further research to be filed; and
  - d. my claim challenges an important current or pending Crown action or policy.

### **Grounds for urgency**

6. I rely on the following grounds for urgency.

*Current or pending Crown actions and Policies*

7. The Crown's current or pending action or policy of failing or refusing to recognise the supreme authority of the Poho-o-te-rangi Sovereign Land Council as the legitimate ruler over Poho-o-te-rangi lands, is the current Crown action or policy that gives rise to the need for urgency.

*Significant and irreversible prejudice*

8. If my claim is not urgently inquired into, then my claim is likely to be added to the Waitangi Tribunal's Wai 3300 Constitutional Kaupapa Inquiry.
9. It could take another 5 years for the Waitangi Tribunal to complete its Wai 3300 Constitutional Kaupapa Inquiry or longer if this current rogue government imposes cuts to Tribunal resourcing.
10. By then:
  - a. the Gisborne District Council is likely to have initiated unjustified enforcement action for the recovery of rates and accrued penalty fees based on a false belief that Pohooturangi A9B is rateable land; and / or
  - b. the Trustees of the Mo Koia Land Trust are likely to have been falsely charged, falsely convicted, and falsely fined or imprisoned for tax crime. As the trustees are also beneficiaries, the claimants will suffer significant and irreversible prejudice.

*No alternative remedy*

11. Unless the Crown is willing to give the trustees of the Mo Koia Land Trust an assurance that it will indemnify the trustees of the Mo Koia Land Trust against rates enforcement and criminal charges for alleged tax crime pending the completion of the Waitangi Tribunal's Wai 3300 Constitutional Kaupapa Inquiry, then there is no alternative remedy.

Being lumped into the Wai 3300 Constitutional Kaupapa Inquiry without that Crown assurance, is not an alternative remedy.

*Challenge to an important Crown action or policy*

- 12.** My claim poses a direct challenge to the Crown's power by asserting that the exercising of kāwanatanga by the British Crown is limited to the control of British subjects on British soil for the maintenance of peace and good order, and that therefore the rating of Māori land, and the imposition of tax obligations on Māori landowners in relation to their lands by the British Crown's New Zealand colonial government exceeds the limitations of kāwanatanga, is unconstitutional, and invalid.

**The scope of the urgent inquiry**

- 13.** My application for urgency relates to the claim in its entirety.

*Statement of Issues*

- 14.** The material issues raised by my claim are:

- a. Which treaty prevails over Poho-o-te-rangi lands?
- b. Is the constituting of the Poho-o-te-rangi Sovereign Land Council allowed under the prevailing treaty?
- c. Who is the legitimate supreme ruler over Poho-o-te-rangi lands?
- d. Is the Crown obligated to recognise and comply with the authority of the Poho-o-te-rangi Sovereign Land Council, so long as that authority does not impede the Crown's right to exercise kāwanatanga?
- e. How should disputes between the sovereigns (the principal sovereign and the sub-contractor sovereign) be resolved where there are conflicts between kāwanatanga and te tino rangatiratanga?

### **The applicant's readiness for hearing**

15. I am ready to be heard.

### **No research required**

16. No further research is required.

17. Crucial research that I will be relying on is Mark Derby's Wai 900 A11 research report<sup>1</sup> commissioned by the Waitangi Tribunal in the Wai 900 East Coast District Inquiry.

### **Notice to other parties**

18. The following parties should be given notice of my application for urgency:

- a. King Charles III
- b. The Prime Minister of the British Crown's New Zealand colonial government
- c. All claimants / interested parties in the Wai 3300 Constitutional Kaupapa Inquiry
- d. All Māori tribes (or at least (i) all those tribes who are in current settlement negotiations with the Crown; and (ii) all PSGEs)
- e. All owners of Māori freehold land.

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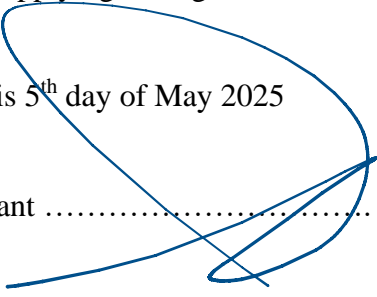
<sup>1</sup> [Derby, Mark. 'Undisturbed Possession' – Te Tiriti o Waitangi and East Coast Maori 1840 -1865. \(2007\).](#) Derby notes (p.5) "The only version of the Treaty of Waitangi signed on the East Coast was in the Māori language. To distinguish it from the English-language version, I have consistently used the term 'te Tiriti' to refer to the Māori-language version. Present day East Coast Māori have also indicated that they prefer 'te Tiriti' to 'the Treaty' to refer to the document their tūpuna were asked to sign." Derby also concludes (p.82) that: "It does not seem credible that East Coast Māori would demonstrate a quarter-century of determined but non-violent resistance to all threats to their regional self-government, if they believed their legal right to manage their own affairs had been effectively surrendered in 1840."

## Legal Aid

19. I will not be applying for legal aid.

Dated at Rotorua this 5<sup>th</sup> day of May 2025

Signature of Applicant .....



**TO:** The Registrar, Waitangi Tribunal, Wellington (By email: WT.Registrar@justice.govt.nz)

**AND TO:** Crown Law Office (By email: treaty.teams@crownlaw.govt.nz)

**THIS** Application for Urgent Inquiry Hearing is filed by Henry Koia

Documents for service on the Applicant may be:

- a. Posted to Henry Koia, 142 Kawaha Point Road, Rotorua; or
- b. Transmitted to Henry Koia by email at [henry.koia@outlook.com](mailto:henry.koia@outlook.com)