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**NOT
RECOMMENDED**

IN THE HIGH COURT OF NEW ZEALAND
NAPIER REGISTRY

AP.42/89

1550

BETWEEN: KAHI TAKIMOANA HARAWIRA
Appellant

A N D: THE JUSTICE DEPARTMENT
Respondent

Hearing: 13 October 1989
Counsel: Appellant in Person
 Barbara Morris for Respondent
Judgment: 13 October 1989

ORAL JUDGMENT OF JEFFRIES J.

Appellant lodged an appeal which states it is from conviction and sentence in the District Court at Hastings.

On 4 September 1989 appellant came before Judge D.J. Tucker for not having paid fines for one speeding offence committed on 17 February 1989, for the offence of having no warrant of fitness and an unlicensed motor vehicle on 22 March 1989. The first offence was dealt with in the Hawke's Bay and the second offences in the Auckland District Court. The fines imposed, which were unpaid, totalled \$435.00. There were on top of that costs of \$75.00, leaving outstanding a total amount of \$510.00. Appellant does not dispute, as far as this court can understand, that the fines remain unpaid. When he came before Judge Tucker on 4 September 1989 he appeared for himself and the following is the note by Judge Tucker.

"Mr Harawira has not put forward any valid reasons for not paying these fines and Mr Harawira makes no proposal as to payment. He is sentenced to periodic detention for two months on the grounds of non-payment, Hastings Work Centre, first report 8 September 1989."

He filed a Notice of Appeal against that decision and he stated the grounds for appeal to be as follows:

1. Ownership held by Tribe.
2. Not Crown property.
3. Taken by NZ Government without due process of law.
4. Unlawful acquisition.
5. I prefer to uphold integrity of Crown.
6. Limited legal authority of Crown.
7. Sovereignty (sic) doctrine invoked by NZ Government substitutes 'equal before the law' for latest majority political whim.
8. Forbidden Maori property right."

The case was set down for hearing today. Appellant has placed before the court a 37 page written submission which seems to relate to some of the grounds of his appeal. He said that document is to be regarded as his submission on the appeal. He said to the court that quite frankly he had not faced his accusers in court and that placed him at a disadvantage. He said the accusers belonged to the New Zealand government, but the courts belonged to the Crown and, further, that the property in question belongs to the Tribe. He informed the court that he has been in the process of getting answers from the government to many of the matters raised in his written document, but none have yet been forthcoming.

3.

Appellant made no submissions to the court about the fines which were unpaid, or the sentence of two months' periodic detention imposed by the District Court Judge. It is clear appellant is using the occasion of this appeal to place before the court matters which are essentially irrelevant to the appeal itself. The court cannot take account of those matters in this appeal simply as a matter of law.

There being no grounds for this court to interfere with the decision of the District Court Judge the appeal is, therefore, dismissed, and appellant is to report at the Hastings Work Centre, and his first report is to be on 27 October 1989.

A handwritten signature in cursive script, appearing to read 'D. M. J.', is written in the center of the page.

Appellant in Person

Solicitor for Respondent:

Crown Solicitor, Napier

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