

Trust the Select Committee?

**CAN WE TRUST THIS MAORI AFFAIRS
SELECT COMMITTEE?**

Your Submission may not worth

the paper it is written on!

The Marine and Coastal Area (Takutai Moana) Bill (Foreshore and Seabed) has been sent to the Maori Affairs Select Committee for Public Submissions but can we trust this Maori Affairs Select Committee? **We believe from past experience, we cannot!**

Hon Tau Henare – Chairman – National – List MP – Maori.

Hon Tau Henare misled Parliament to allow the Te Roroa Claims Settlement Bill to proceed. A false claim that cost the taxpayer's \$9.5 million, thousands of ha of land, buildings and assets. He lied to Parliament that the One New Zealand Foundation Submission, that contained documents evidence that this claim was only an "alleged" claim, was not heard when in fact, I personally presented it at Parliament on the 2 May 2007. This Maori Affairs Select Committee also withheld all opposing submissions from its report to Parliament, including a submission from the New Zealand Federated Farmers representing over 17000 members, *"That considerable doubt remains about the validity of some of the claims that are redressed by the Bill and, it seems that some of the officials involved in processing the claim had vested interests"*.

Hon Hone Harewira – Deputy Chairman – Maori Party – Te Tai Tokerau – Maori

We know Hone Harawira's feeling towards Europeans when he called the early settlers *"White Mother F..kers"*. How could we trust this man to give an unbiased report to Parliament.

Hon Mita Ririnui – Committee Member – Labour Party – List MP – Maori

Hon Mita Ririnui was also a member of the Te Roroa Claims Settlement Bill's Maori Affairs Select Committee that misled Parliament.

Hon Parekura Horomia – Labour Party – Ikaroa-Rawhiti – Maori

Hon Parekura Horomia was the Minister of Maori Affairs who

failed to respond to our complaint that the Te Roroa Claims Settlement Bill's Maori Affairs Select Committee misled Parliament.

Hon Paul Quinn – National Party – List MP – Maori

Hon Paul Quinn has specialist knowledge in Treaty of Waitangi settlement processes and was appointed by Maori and the forest industry to lead their respective teams in successfully negotiating an outcome with the Crown to enable the sale of the state forests. Paul was commercial negotiator for Ngati Awa and established the commercial investment framework that manages their settlement.

Hon Kelvin Davis – Labour Party – List MP – Maori

Hon Kelvin Davis believes he has the vision, skills and attitude to help Maori to achieve beyond their potential.

Hon Simon Bridges – National Party – Tauranga – Maori

Hon Simon Bridges is related to former Labour Cabinet Minister Koro Wetere who was instrumental in creating the "*Five Principles for Crown Action on the Treaty of Waitangi*" with Sir Geoffrey Palmer.

It is interesting to note, all are of Maori descent and all seem only interested in Maori? It is also interesting to note, 4 of the 7 are List MP's – MP's not elected by the people.

Hon Christopher Finlayson is the Minister in Charge of the

Bill and **Hon Pita Sharples** is the Minister of Maori Affairs. Both these Minister were members of the Te Roroa Claims Settlement Bill's Maori Affairs Select Committee that misled Parliament.

A Select Committee has the final say in presenting a Bill to Parliament. It reads and/or hears all the submissions from the public and then presents its report to Parlaiment for the Members to vote. A report, as in the Te Roroa Claims Settlement Bill, can be extremely biased by ommitting all submissions opposing the Bill giving the Members false information when they finally vote on the Bill.

A "corrupt" Select Committee can be both, "Judge and Jury"!

(Select committees work on behalf of the House and report their conclusions to the House).

Once public submission have been lodged and heard, **the public has no further input into the Bill.** Even if the Select Committee misleads Parliament or omits all opposing submissions as with the Te Roroa Claims Settlement Bill, the public have no recall as explained by David Wilson, Clerk-Assistant (Select Committees), Office of the House of Representatives, *"Select committees are entities created by the House of Representatives and are responsible to it. Complaints about misleading the House may be directed to the Speaker, as the presiding officer of the House, but only by a Member of Parliament. Nobody, other than the House of Representatives, may investigate the actions of the House or its committees".*

Even if a Member of Parliament knows the House has been misled, as the **Hon John Carter** knew with Te Roroa's "alleged" claim; "political pressure" may stop the Member from laying a complaint to the Speaker.

If a "corrupt" Select Committee wishes to withhold information allowing a "dubious" Bill to proceed, it will proceed unless a Member of Parliament knows and is prepared to complain to the Speaker. This makes a complete sham out of Public Submissions. A "corrupt" Select Committee can sway a Bill in its favour and the Public can only stand by and watch!

There is no reason why the Maori Affairs Committee hearing the **Marine and Coastal Area (Takutai Moana) Bill** will not do exactly as the Te Roroa Claims Settlement Bill's Maori Affairs Select Committee by misleading Parliament and ignoring all opposing Public Submissions from their report to Parliament to sway the Bill in its favour, and there is nothing the public can do!

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The Public has no guarantee or control that this Maori Affairs Select Committee hearing the Marine and Coastal Area (Takutai Moana) Bill), will not mislead Parliament as the Maori Affairs Select Committee that heard the Te Roroa Claims Settlement Bill for the Bill to proceed against the will of the majority of the people.

The Seabed and Foreshore belongs to all the people of New Zealand held in trust by the Crown and should not be up for debate! See article below.

OWNERSHIP OF RIVERS,

LAKES, SEABED AND FORESHORE

Ancient History

The Magna Carta, Queen Victoria, British Law or the Tiriti o Waitangi

did not give the ownership of our rivers, lakes, seabed or foreshore to

Maori, they are held in "trust" by the Crown for the people of

New Zealand. The Crown has no right to give our rivers, lakes, seabed

or foreshore to one group of New Zealand Citizens who are no longer,

"The distinct race of people that signed the Tiriti o Waitangi in 1840".

Law of Ancient Civilizations

Classical Roman law held that “running water” is “common to mankind”. It is held that, “all rivers and ports are public, hence the right of fishing, in a port, or in rivers, is common to all men”. It is held that this is one of the “Laws of Nature” which are “established by divine providence” and which “remains forever fixed and immutable”. It recognizes public rights to the use of the banks as well as the surface of the water, on no-navigable as well as navigable rivers. This was based on the laws of Greece and other ancient civilizations.

These principles continued in the laws of the emerging European Nations. In England, Kings fenced off some rivers and their banks, but the Magna Carta reaffirmed public rights in 1215. Running water is common to all and all rivers and ports are public, hence the right to fishing in a port or river is common. The use of the banks is also public as the rivers. Spanish law at the time also reflected the law of earlier civilizations, holding that “everyman has the right to use the rivers for commerce and fisheries” on navigable and non-navigable rivers, including the riverbanks. French law also held that rivers and riverbanks are public things, the use of which is common to all. *Institute of Justinian*, 2.1.1; *Digest*, 43, 12, 1, 1. *On the Laws and Customs of England*, Henry de Bracton, 1250. *Las Siete Partidas*, Alfonso X 1226. *French Civil Law*, Jean Domat, 1694.

In *Martin v Waddell*, the US Supreme Court held that in America, as in England, the public has a “liberty of fishing in the sea or creeks, or arm thereof, in a common of piscary”. It held that state cannot “abdicate its trust over property in which the whole people are interested shall not be disposed of piecemeal to individuals as private property”.

The Law of Nature.

The Law of Nature is the only true foundation of all social rights. The state cannot make a direct and absolute grant of the waters of the state, divesting all the citizens of their common rights. Public access to streams and trails along streams, is further supported by the legal doctrine of custom and prescription. Since Government hold waterways in "trust" for the public, they cannot sell or give them away to private ownership or control. Waterways are natural highways of the world.

Queen Victoria's Instructions

Queen Victoria's instructions to Governor Hobson in 1840 asked that places along seacoasts and navigable streams "be reserved for all recreational and amusement of the inhabitants". The chiefs gave up their territories to Queen Victoria by Treaty in 1840 and New Zealand became a British Colony under British Sovereignty, British Rule/Law.

Tiriti o Waitangi

At a Seabed and Foreshore meeting held in the Otaki Memorial Hall on the 17th of April 2010, the Hon Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, said in his opening speech. *"At the signing of the Treaty of Waitangi, Maori ceded sovereignty to Queen Victoria and New Zealand became subject to English law and the Magna Carta"*.

In 1840, New Zealand became a British Colony under British

Rule/Law. Article two of the Tiriti o Waitangi stated, “*Ko te Kaini o Ingaranui ka wakarite ka wakaae ki nga Rangatira ki hapu ki tangata katoa o nu Tirani te tino rangantiratanga o ratou wenua kainga me o taonga katoa – The Queen confirms and guarantees to the chiefs and the tribes and all the people of New Zealand, the possession of their lands, dwellings and all their property*”. There was no mention of **rivers, lakes, seabed or foreshore** in the Tiriti o Waitangi as once it was signed, these were the property of the Crown held in “*trust*” for all the people of New Zealand – *since Government hold waterways in “trust” for the public, they cannot sell or give them away to private ownership or control.*

The Queen’s Chain

Since 1840, Maori and non-Maori alike have known this as the “*Queens Chain*”. While it may not have been enacted into law, it is common law under the Magna Charta – the law of England – the law the chief’s accepted in 1840. It has been a distinguishing feature of New Zealand society since 1840. It is an unwritten law of New Zealand that must not be changed. Part-Maori still own the **rivers, lakes, seabed or foreshore** with all their fellow countrymen, they are held in “*trust*” by the Crown for the benefit of all New Zealanders to enjoy.

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Who Owns the Rivers, Lakes, Seabeds and Foreshore?

Over the years, this has been an ongoing dispute between Maori and the Crown, but it has never been legally proved who actually owns our **rivers, lakes, seabed or foreshore**. Ancient history, the Magna Carta, Queen Victoria, British Law or the Tiriti o Waitangi did not give the ownership of our **rivers, lakes, seabed or foreshore** to Maori, they are held in “*trust*” by the Crown for the people of New Zealand. The Crown has no

right to give our **rivers, lakes, seabed or foreshore** to one group of New Zealand Citizens who are no longer the “distinct race of people that signed the Tiriti o Waitangi in 1840”.

Distinct Race of People

Maori have intermarried of their own free will with other races and therefore are no longer the “distinct race of people that signed the Tiriti o Waitangi in 1840”. Maori today are New Zealand Citizens that claim varying degrees of Maori ancestry as one sees in the continuing amended legislation since 1865 as their Maori ancestry becomes further and further diluted.

“If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong”.
Sir Apirana Ngata, M.A., LL.B.D. M.P. – 1922.

Compiled by the One New Zealand Foundation from New Zealand’s Archives. For further information, click <http://www.onenzfoundation.co.nz>

The ‘Queen’s Chain’

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