

# **Courts vs Tribunal**

## **Courts vs Waitangi**

### **Tribunal**

There is a major problem between Treaty claims going before the Courts and the same claim going before the taxpayer funded, apartheid Waitangi Tribunal. While the Courts use documented evidence, much of it held in our archives, the Tribunal relies heavily on unproven oral evidence supplied by the claimants and their “puppet” researchers. Most hearings are held on a marae where Maori protocol is upheld. These hearings can become very emotional for all concerned, including those officials that are there to hear and record the evidence, much of it unproven oral evidence. The Courts base its findings on fact whereas in most cases, the Tribunal base its findings on emotional oral fabricated evidence.

In 1999 the Chairman of the Waitangi Tribunal, Chief Judge Eddie Durie admitted researchers were fabricating evidence, omitting evidence not helpful to their claims and researchers not being paid by the claimants unless they change their reports in favour of the claim. This is supported by Dr John Robinson, Dr Giselle Byrnes, Dr Michael Basset (Member of Waitangi Tribunal 1994 – 2004) and many others. See, “Judge queries ethics of treaty demands – Researchers pressured to change findings”. NZH, 17/11/1999.

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All the documented evidence in the 1939 Court hearing into the Te Roroa’s claim lodge by Mr L Parore found Manuwhetai and

Whangaiariki were never reserved from the sale of the Maunganui Block and the claim was rejected by Parliament in 1942 through lack of evidence. Oral evidence at the Waitangi Tribunal spoke of Manuwhetai and Whangaiariki being '*wahi tapu*' and would never have been sold. No mention was made of this in the original 1876 Deed of Sale at the time of the sale or the inquiry held two months later. When the Hon Doug Graham signed the Deed of Sale in 1995 to purchase this land to return to Te Roroa, he initialled an amendment that Manuwhetai was only "*alleged to be wahi tapu*" due to once again, lack of evidence. See "Stole Lands at Maunganui Bluff", [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz)

Bastion Point is another example of the Court and the Waitangi Tribunal coming to different conclusions.

Justice Speight in 1976 found the Government had bought this land legally and morally, a fact agreed by Ngati Whatua elders, but the Tribunal found in the claimants favour a few years later and it was returned to Ngati Whatua with many extras. See, "Bastion Point, The Judgement by Justice Speight".

There is something very wrong when the Courts reject a claim but an apartheid Tribunal overturns the Courts findings in favour the Maori claimants. The Courts heard most of the major claims in the 1930's and 40's and Parliament either settled as "full and final" settlements or rejected them. While the Courts use documented evidence, mostly held in our archives, the Waitangi Tribunal relies heavily on unproven, fabricated oral evidence presented by the claimants and their "puppet" researchers, which its Chairman admits are forced to change their evidence in the claimants favour to be paid. We must also remember the Waitangi Tribunal is not a Court of Law and must accept oral and/or hearsay evidence and write its reports/recommendations accordingly. In most cases the Government accepts these reports without further inquiry. Non-Maori cannot lodge a claim, participate or appeal the Waitangi

Tribunal's reports/ recommendations. These reports end up so long and emotional most Members of Parliament would fail to read them and sort 'fact from fiction' before voting on their acceptance put forward in most cases by Minister's sympathetic to their Maori "brothers and sisters".

While the 1975 Treaty of Waitangi Act and its Amendments seemed a good idea at the time, it has been completely high jacked by greedy activist Maori, its authority to use an unauthorised English version of the Treaty of Waitangi and to interpret the Tiriti o Waitangi to suit the claim before it with the help of the Five 'made to order' Principles and the 'fraudulent' Partnership between Maori and the Crown.

The apartheid, taxpayer funded Waitangi Tribunal completely breaches the Tiriti o Waitangi on all counts and must be abolished immediately. It also violates the Democratic and Human Rights of all New Zealand Citizens that cannot claim a minute trace of Maori ancestry.

Where in the Tiriti o Waitangi does it state Maori have special rights over any other New Zealand Citizen? The Tiriti o Waitangi made us all one people under one Sovereignty and one Law.

**“He iw tahi tatou –**

**We are now one people/Nation”**

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