

New Zealand's 2023 New Year's Resolutions.

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1. **The Treaty of Waitangi.** Return the Treaty of Waitangi to the file it was placed in after it had achieved its purpose in 1840. Maori had given up their kawanatanga/governments to Queen Victoria and in return, had *"Become British Subjects with the same rights as the people of England"*. It is not New Zealand's Founding Document.
2. **The Waitangi Tribunal.** Abolish the Waitangi Tribunal as it has become a monster using corrupt, fabricated, and omitting evidence to base its fraudulent findings.
3. **The Five Principles.** Abolish Hon Geoffrey Palmer's 1985 *"Five Principles for Crown Action on the Treaty of Waitangi"* as he admitted in 1990, *"They were based on a treaty that was unclear and vague, and that was its problem"*.
4. **The Partnership.** Abolish the *"Partnership between Maori and the Crown"* as there is no mention of a Partnership in the Treaty, and *"A British Subject cannot be in partnership with the Crown"*. Maori became British Subjects, *"With the same rights as the people of England"* when over 500 of their chiefs signed the Tiriti o Waitangi in 1840.
5. **The Declaration.** Withdrawn from the *"United Nations Declaration on the Rights of the Indigenous People"* as Maori were not the tangata whenua or indigenous people of New Zealand.
6. **The Royal Charter.** Recognise Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 as our true Founding Document and first Constitution. The Royal Charter separated New Zealand from New South Wales and

made New Zealand into a British Colony with a Governor and Constitution to set up a political, legal and justice system under one flag and one law, irrespective of race colour or creed. *"He iwi tahi tatou – We are now one people"*.

There is no other document in our history that comes anywhere near to a true Founding Document than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. Use it or lose it, the choice is yours.

Until we sort out the above, New Zealand will continue to become a third world country known as Aotearoa. Wake up – we are one – New Zealanders.

Prepared by The One New Zealand Foundation Inc. Est. 1988.

For further information: www.onenzfoundation.co.nz or ONZF@bigpond.com.au

United Nation's Destroys New Zealand's Democracy

On 13 September 2007, Rosemary Banks, New Zealand's Permanent Representative to the United Nations explained to the United Nations the reason why New Zealand could not sign the Declaration of the Rights of the Indigenous People stating, *"It was fundamentally incompatible with New Zealand's constitutional and legal arrangements"*, but this was completely ignored by the United Nations when the Hon Pita Sharples signed the Declaration on the 19 April 2010. **WHY?**

In 2007, Maori asked Prime Minister, Hon Helen Clark to sign the United Nations Declaration on the Rights of the Indigenous

People, but New Zealand does not have a definition of the Indigenous People of New Zealand as well as, *"Four provisions of the Declaration were fundamentally incompatible with New Zealand's constitutional and legal arrangement"*, therefore, she refused to sign it.

In 2010, Prime Minister Hon John Key sent the Minister of Maori Affairs, the Hon Pita Sharples to New York on 19 April to sign the United Nation's Declaration of the Rights of the Indigenous People in secret!

Hon John Key must have known why Hon Helen Clark had not signed the Declaration in 2007 and that New Zealand did not have a definition of the Indigenous people of New Zealand, but he went ahead and signed it in secret without a mandate from Parliament or the people of New Zealand. This was solely for John Key to gain the Maori vote to stay in power as Prime Minister.

You will see from the OIA letter from Hon Pita Sharples below dated 2 April 2012, before he signed the Declaration, he told the United Nations, *"Maori hold a distinct and special status as the indigenous people, or tanga whenua of New Zealand"*. It is obvious Hon Pita Sharple's knew, *"Maori are **NOT** the indigenous people, or tangata whenua of New Zealand"*, otherwise he would have stated, *"Maori are the indigenous people, or tangata whenua of New Zealand"*, but the United Nation's accepted it.

On 21 October 2021 in an OIA letter to the Crown Law Office, 2.4, we asked, *"What law states, Maori have a distinct and special status as the tanga whenua or indigenous people of New Zealand"*. The Crown Law Office replied, *"You have been previously advised (by Hon Pita Sharples in 2012 and by Hon Christopher Finlayson prior to that), there is no statutory definition of indigenous people. This part of your request is refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist"*. See copy

of letters below.

As there is no statutory definition of the indigenous people of New Zealand and the document alleged to contain this information requested does not exist, then the United Nations accepted Maori as the Indigenous People, or tangata whenua of New Zealand, when New Zealand does not have a definition that Maori are in fact, *"The indigenous people of New Zealand"*.

The Declaration on the Rights of the Indigenous People has given Maori special rights over all other New Zealand Citizens, allowing Maori, *"A Partnership with the Crown"* and possibly, *"Co-Governance with the Crown"*, based on the United Nations allowing Hon Pita Sharples to sign the Declaration without a definition of the indigenous people of New Zealand and completely ignoring New Zealand's Permanent Representative to the United Nations, Rosemary Bank's explanation in 2007.

The Government has no other option now, than to inform the United Nations, New Zealand does not have a statutory definition of, *"The Indigenous people or tangata whenua of New Zealand"* and they were informed in 2007, *"It was fundamentally incompatible with New Zealand's constitutional and legal arrangements"*, which has completely destroyed New Zealand's democracy as agreed by the Treaty of Waitangi in 1840 and Queen Victoria's Royal Charter/Letters Patent enacted on 3 May 1841, New Zealand true Founding Document.

This article was written from documents held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers and the Official Information Act letters received by the ONZF.



Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau
Minister of Māori Affairs
Associate Minister of Corrections
Associate Minister of Education

02 APR 2012

Ross Baker
ONZF@bigpond.com

Tēnā koe Mr Baker

Thank you for your email of 18 March 2012 requesting information under the Official Information Act 1982, about the United Nations Declaration on the Rights of Indigenous Peoples and the New Zealand Government's definition of the indigenous peoples of New Zealand.

I understand that you have previously asked the Attorney General, Hon Christopher Finlayson, for such a definition and were advised that no document exists containing this information. I do not hold a document that defines the New Zealand Government's definition of the indigenous peoples of New Zealand, therefore your request is declined under section 18(g)(i) of the Official Information Act 1982.

However, I would like to reiterate the Government's position of support for the Declaration on the Rights of Indigenous Peoples. This was outlined in my statement to the United Nations on 19 April 2010, whereby I noted that Māori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand.

If you are not satisfied with this response you have the right under section 28(3) of the Official Information Act 1982 to make a complaint to an Ombudsman. Kāti mō tēnei wā.

Heoi anō

nā Hon Dr Pita R Sharples
Minister of Māori Affairs

21 October 2021

Ross Baker

By email: onzfi@bigpond.com

Dear Ross

Official Information Act Requests

1. This letter is our response to both your Official Information Act requests, emailed on 2 October and 11 October 2021.

2 October 2021 request (transferred to Crown Law from the Attorney-General)

2. On 2 October, you asked four questions, which we have answered below.

- 2.1 *Was it lawful for the Prime Minister of New Zealand to sign UNDRIP on behalf of New Zealand without the above?*

In our 9 August 2021 reply to your 19 July 2021 request about advice Crown Law gave the Hon John Key at the relevant time, we told you that the Prime Minister was not directly advised by Crown Law Office; rather Crown Law gave legal advice to the Government. Under s 18(a) of the Official Information Act, we refused that part of your request on the grounds that the good reason (the maintenance of legal professional privilege) was not outweighed by other considerations in the public interest to make it available. Again, Crown Law does not hold information about the lawfulness of the "Prime Minister's" decision.

- 2.2 *As the Government did not have a definition of the Indigenous People of New Zealand, who legally, under New Zealand law, are the Indigenous People of New Zealand?*

Crown Law has not given advice on this specific question. The information you seek does not exist. We therefore refuse this part of your request under section 18(e) of the Act. To the extent you ask for legal advice as to "who are the indigenous people", as the Government's legal advisors it is not appropriate for us to give legal advice to members of the public.

- 2.3 *Where does our constitutions and laws legally allow Maori, rights and privileges over other New Zealand Citizens?*

Likewise, Crown Law has not been asked (and has not given) legal advice on the specific question you ask and refuse this part of your request under section 18(e) of the Act. In accordance with our duty under section 18B of the Act, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for the refusal. We do not think consultation would assist as the general premise of your question is expansive. However, you may find the following resources useful:

- The Cabinet Manual for example says in relation to sources of the constitution "The law may sometimes accord a special recognition to Māori rights and interests such as those covered by Article 2 of the Treaty. And in many other cases the law and its processes should be determined by the general recognition in Article 3 of the Treaty that Māori belong, as citizens, to the whole community. In some situations, autonomous Māori institutions have a role within the wider constitutional and political system. In other circumstances, the model provided by the Treaty of Waitangi of two parties negotiating and agreeing with one another is appropriate. Policy and procedure in this area continues to evolve."¹
- The Constitutional Advisory Panel's Report on a Conversation (2013).²
- You may also with interest follow Te Aka Matua o te Ture (the Law Commission's) 2021/2022 work programme, which includes a review of the role of tikanga and te ao Māori concepts in law.³
- Section 19(2) of the New Zealand Bill of Rights Act 1990, which provides that measures taken in good faith for the purpose of assisting or advancing persons or groups disadvantaged because of unlawful discrimination do not constitute discrimination.

2.4 *What law states, "Māori have a distinct and special status as the tangata whenua or Indigenous people of New Zealand"?*

As you have been previously advised (by Hon Dr Pita Sharples in 2012 and by Hon Christopher Finlayson prior to that), there is no statutory definition of indigenous peoples. This part of your request is refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

11 October 2021 request

3. On 11 October, you listed ten reasons why you say the UN Declaration on the Rights of Indigenous Peoples should not have been signed. You then asked Crown Law:

¹ <https://dpmc.govt.nz/sites/default/files/2017-06/cabinet-manual-2017.pdf>.

² <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf>.

³ <https://www.lawcom.govt.nz/news/te-aka-matua-o-te-ture-law-commission-202122-work-programme>.

As the Crown Law Office advised the Government not to sign the Declaration on the Rights of the Indigenous People, why is the Crown Law Office allowing He Puapua to proceed based Maori being the Indigenous People of New Zealand when there is absolutely no evidence?

4. We note that He Puapua was not produced by a government agency and therefore Crown Law had no involvement with the writing of the report. Crown Law has also not provided any advice on the content of the He Puapua report. The rest of the matters 1-10 in your 11 October letter do not appear to be an Official Information Act request and so we make no comment on them. Finally, while your request does not ask for Crown Law advice given to the government about the UN Declaration of the Rights of Indigenous Peoples, we note that privilege over any such advice has not been waived in the past.
5. You have a right under section 19(b), by way of a complaint under section 28(3) of the Act to an Ombudsman, to seek an investigation and review of our refusal to provide you with the information sought.

Yours faithfully
Crown Law



Kim Laurenson
Crown Counsel

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Eight Reasons Why Co-Governance Must be Stopped.

A Brief History of New Zealand.

In the 14th century, the tangata Maori arrived in New Zealand in 7 canoes to find New Zealand already inhabited by the tangata whenua. Over the next 100 years or so, Maori legend tells how they drove the tangata whenua into the hills where they disappeared. Maori lived in peace until food became scarce and they began fighting amongst themselves for territories, escalating out of control in the early 18th century.

In 1820, Hongi Hika returned from England with over 500 muskets he had smuggled into New Zealand. He and his Ngapuhi followers then went on a rampage south attacking and slaughtering, thousands of unarmed men, women and children for the fun of it and the feasts that followed, only moving his followers on when the stench of rotting bodies became unbearable!

By 1830 the Southern tribes had accumulated large numbers of muskets and were about to attack Ngapuhi for utu/revenge. Ngapuhi panicked and wrote to the King of England asking him for protection and to be their guardian, not only from the southern tribes but also from the French who the Maori feared and were showing interest in claiming New Zealand.

While Britain did not want to become involved in New Zealand, Britain did send a British Resident, James Busby to sort out the intertribal fighting. But without forces, he was soon labelled by Maori as, *"A man of war without guns"*.

Busby decided to have Maori sign a Declaration of Independence giving Maori sovereignty over New Zealand to stop France from claiming New Zealand, but the ever-present intertribal tension and fighting took precedence over political co-operation as always and the Declaration was abandoned without one meeting taking place and Busby only able to entice 56 chiefs to sign it.

It became obvious, Maori could never form a united government!

Intertribal fighting continued with many tribes, such as Taranaki and Ngaitahu being forced off their land. Some of their chiefs who had lost their land travelled to Sydney to sell the land they no longer occupied. It is estimated over two thirds of New Zealand was sold before the Treaty was signed with many of the Deeds of Sale still held in the New South Wales Supreme Court. Most of this land was returned to Maori without compensation to the buyers after the Treaty of Waitangi was signed. By 1839 half the Maori population had been slaughtered by their own hand.

As the Maori race was rapidly declining, Britain reluctantly decided to take a more active role in saving this race of people from total extinction by their own hand.

Britain placed New Zealand under the dependency of New South Wales by Royal Charter/Letters Patent dated the 30 July 1839, with William Hobson as Lt. Governor of New Zealand under the New South Wales Governor, Sir George Gipps.

Britain decided to write a Treaty with Maori on 6 February 1840. In Article 1 it asked. *"Maori to give up their governments to the Queen"*. and in return Article 3 stated. *"They would become British Subjects with the same rights as the people of England"*. Article 3 explained to Maori, *"They would be given the same rights/protection to their lands, their settlements, and their property as all the people of New Zealand"*. Over 500 Maori chiefs agreed and signed the Treaty of

Waitangi on behalf of their people over the next few months in 1840.

The Treaty of Waitangi was an agreement between the Maori people and Queen Victoria. It did not refer to the people of England as they were already British Subjects.

Once the Treaty was signed, it had achieved its purpose and was filed away. Britain declared sovereignty over all the Islands of New Zealand by Proclamation in the London Gazette on the 2 October 1840.

One month later, a Royal Charter/Letters Patent was issued by "Victoria by the Grace of God" under, "The Great Seal of the United Kingdom of Great Britain and Ireland" on 16 November 1840. The "Constitutional Charter of New Zealand Erected the Colony of New Zealand and established a Legislative Council and Executive Council and granted certain powers and authority to the Governor". Lt. Governor Hobson becoming Governor of New Zealand.

The Royal Charter set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed on 3 May 1841.

There is no other document in our history that comes anywhere near to a Founding Document than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

The Treaty of Waitangi was never intended to be New Zealand's Founding Document.

Below are eight reasons why Maori cannot be in Co-governance with the democratically elected Government of New Zealand.

Reason Number 1.

The Government does not have a definition of the Indigenous People of New Zealand and there is no documented or forensic evidence that they are indigenous to New Zealand; therefore,

the Declaration on the Rights of Indigenous People does not apply to them.

Reason Number 2.

Today's Maori are not the people who signed the Treaty of Waitangi in 1840. Through intermarriage of their own free will, mainly with the people they are claiming against. They are a mixed race of people legally known as New Zealand Citizens.

Reason Number 3.

The Treaty of Waitangi made Maori British Subjects with the same rights as the people of England and a British Subject cannot be in Partnership or Co-governance with the Crown

Reason Number 4.

Maori were given the option to claim sovereignty over New Zealand in 1835 but were unable to form a united body due to the ever-present tension and fighting between the tribes.

Reason Number 5.

We can already see tribalism creeping into politics with the involvement of Hon Nanaia Mahuta's family.

Reason Number 6.

The Treaty of Waitangi dated 6 February 1840 made no mention of Maori being given special rights and privileges not enjoyed by all the people of New Zealand. They were given the same rights as the people of New Zealand under one flag and one law. No more, no less.

Reason Number 7.

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 was our true Founding Document and made no mention of Maori being given special rights and privileges not

enjoyed by all the people of New Zealand and none were given.

Reason Number 8.

For 188 years, New Zealand has been a democratic country based on one vote, one person. Our ancestors, both Maori and Pakeha fought for this in 1840 and many times since in wars around the world, many paying the ultimate price. Why would a few part-Maori want to dishonour their ancestors by creating a Co-governance with the democratically elected New Zealand Government?

Conclusion.

Today's part-Maori in Parliament are very ungrateful people when the British Government saved their Maori ancestors, who knew the only way for them to survive was to ask Britain to be their guardian and protector. Britain did everything in its power to save this race of people by making them British Subjects with the same rights as the people of England without lifting a finger. I know they only represent a very small proportion of the Maori people today, who in most cases are hardworking, honest New Zealand Citizens who appreciate Britain for helping their ancestors when they were completely out of control.

With Queen Victoria's 1840 Royal Charter being recognised as New Zealand's Founding Document and first Constitution and the Declaration on the Rights of the Indigenous People being repealed, these ungrateful part-Maori Politicians will return to being New Zealand Citizens as their ancestors agreed to in 1840. Democracy will be returned to New Zealand and its people as agreed to at Waitangi on 6 February 1840 when the Treaty of Waitangi was signed between Lt Governor Hobson and the Maori chiefs with a handshake and the words, "*He iwi tahi tatou – We are now one people*".

Ross Baker, Researcher, One New Zealand Foundation Inc.
11/12/2022.

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“A Class Action Lawsuit”!

While all these groups continue to repeat the wrongs of Prime Minister, Hon Jacinda Ardern over and over again, not one group gives a solution to the problem!

I have read the articles over the years from Hobson's Pledge, NZCPR, Bassett, Brash & Hide, the Democratic Action Group, the New Zealand Taxpayer's Union, and many others, and while they all repeat what most of us already know, **not one word on how to fix the problem!**

There are only two ways to legally stop our democracy from being destroyed and that is by, **“A Class Action Lawsuit”**, so why not give it a go? What have we to lose?

1. Replace the Treaty of Waitangi with the 1840 Royal Charter as our Founding Document. There is no other document in our history that comes anywhere near to a true Founding Document and first Constitution than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.
2. Repeal the signing of the Declaration on the Rights of the Indigenous People. There is no evidence that Maori were the indigenous people of New Zealand and Government does not have a definition. It also goes against the Treaty of Waitangi, Queen Victoria's Royal Charter, our Constitution, and legal arrangements.

“A Class Action Lawsuit”!

If these groups really wanted to stop New Zealand’s democracy from being destroyed, then they must all join forces and find a lawyer who is prepared to set up, **“A Class Action Lawsuit”** to repeal the *“Declaration on the Rights of the Indigenous People”* and replace the *“Treaty of Waitangi”* as our Founding Document, with *“Queen Victoria’s Royal Charter/Letters Patent”*, dated 16 November 1840.

While we will have trouble finding a lawyer prepared to give up the goose that lays the golden egg, surely there is one with a little more loyalty to his country than hi\$\$\$\$\$\$\$\$ pocket!

But we must try if we want to,

“SAVE OUR DEMOCRACY”!

Prepared by Ross Baker. Researcher, One New Zealand Foundation Inc. 10/11/22 (C).

THE TRUE STORY OF TARANAKI

THE TRUE STORY OF TARANAKI

Compiled by Ross Baker, One New Zealand Foundation Inc.

The report by the Waitangi Tribunal that there was a holocaust in Taranaki is correct. It's the date they got wrong. The actual "holocaust" took place between 1830/ 34 when the Waikato came down from the North and completely annihilated the people of Taranaki; one third were slaughtered, one third taken to Waikato as slaves and the remainder **fleeing to Wellington**. In Maori lore, being taken as slaves or fleeing forfeits all rights to their land. **Taranaki Maori had only been sheltering/hiding in Wellington for about 5 years before the Tiriti o Waitangi was signed.**

William Wakefield of the New Zealand Company made the first of many European purchases of the same Taranaki lands with the assistance of whaler, Dickey Barrett. When Wakefield arrived in Taranaki in 1839, he found Barrett protecting the 50-Maori survivors of Ngati Te Atiawa – Ngati Te Whiti hapu, who were still under siege from the Waikato Maoris. Were it not for Barrett's cannons and muskets, these last survivors would have been overwhelmed.

A group of these people, who had fled Taranaki, later commandeered the brig Rodney and invaded the unprotected Chatham's Island Moriori, slaughtering hundreds of peace-loving men women and children. The remainder became slaves or were farmed like sheep for the next 7-years into virtual extinction. Another "holocaust", or in fact, Genocide!

'The Moriori were laid out along the beach over a quarter of a mile touching one another, parent and child; some of the women with stakes thrust into them were left to die in their misery'

(see Moriori by Michael King p 64). Of the estimated 1700 Moriori at the time of the invasion only 101 survived the years of slavery and cannibalism that followed **(see 1862 New Zealand Gazette, census, pp. 29-32).**

The New Zealand Company then bought a large part of Taranaki from a mere handful of people who had hidden from the Waikato and remained after the siege, but most of this claim was either returned by the Governor to the ex-slaves from the Waikato or sold to the Cornish settlers.

William Wakefield of the New Zealand Company, with the assistance of Dickey Barrett, went to Waikanae, Wellington district and purchased a large section of Taranaki from former, vanquished chief in exile, Wiremu Kingi.

It was only when the Wesleyan missionaries christianised the Waikato and led the now ex-slaves back to Taranaki, did the people who had fled to Wellington and the Chatham Islands return, but now under the protection and safety of British rule. The Waikato claiming ownership as conquerors, being paid off by the Governor. It seems the Taranaki people were quite happy with the British and their justice system when it suited them. Without the intervention of British rule, it is extremely doubtful if Taranaki people would have ever returned to Taranaki. The Governor allowed the people who had fled to Wellington to return, but only on the understanding that they remain on the north bank of the Waitara River. They didn't keep this promise and crossed over into the ex-slaves domain.

Reverend John Whitely of the Church Missionary Society, Kawhia Mission Station negotiated hard and long with paramount Waikato chief Te Wherowhero and other Waikato chiefs for the release of the Taranaki slaves, thus saving their lives and restoring their freedom. Whiteley was later murdered in Northern Taranaki by raiding Maoris from Waikato. Present day Taranaki Maori activists, who label him as a British spy, have vilified his profoundly humane work on behalf of Maori slaves.

They recently insisted that the monument to his memory be removed, when in fact many of these same Taranaki activists would never have been born, were it not for the ongoing pleadings and negotiations undertaken by Whiteley in behalf of their ancestors.

For six years these southern returnees led an inter-faction civil war against the despised ex-slaves, destroying both Maori and European farms, buildings and stock as they went.

About this time the Waikato “rebels” decided that Taranaki was the place to fight the Pakeha and a large contingent travelled south to join the Taranaki “rebels”. Eventually the Governor was forced to bring in the Imperial Troops to bring this small band of rebels to justice. This with the blessing of many tribes throughout the country who disagreed with these people’s “rebel” actions.

This was not a land grabbing exercise by the British, far from it. It was to squash the anarchy and rebellion and bring law and order to this small group of people, as asked for and agreed to in 1840. Britain had to make a stance to the commitment she had made to the rest of the country and warned that the treaty would be abnegated if the anarchy persisted, but the warning went unheeded, and the troops were brought in.

It was two years later that the land, which British intervention had returned, was confiscated as payment for the wars. Much of this land was returned as Maori reserves later. The land confiscated was a result of a war, not a reason for it. It was a war to bring law and order to the Maori of Taranaki.

Many of these people then travelled north to join the Waikato to continue their defiance of Sovereignty and the law of the land, agreed and accepted by the majority in 1840. But this is another untold part of our history.

Parihaka was built on government land and for another sixteen

years the Governor tolerated Te Whiti's now passive resistance to law and order until his patience was exhausted and again a stance had to be made. Parihaka was invaded, but without casualties. After his trial on the 14 November 1881, Te Whiti was imprisoned at New Plymouth for sedition.

In 1883, some eighteen months later, Te Whiti was released and returned to Parihaka where he re-established his settlement and continued his passive resistance to the country's law and order, but on a very low key.

The West Coast Settlement Reserves Act was passed in 1892 and the reserved land leased to give the Maori owners an income from very productive undeveloped land that had been lying idle for over 30-years since its return. The lessees, with blood, sweat and in many cases tears, turned this land into some of New Zealand's most productive farming areas, returning much needed capital to New Zealand and at the same time, an income to the Maori owners. From these facts, I do not see why the people of New Zealand should be expected to pay compensation. The people who are to benefit when the land again becomes available to them at the end of the lease term should pay compensation for the improvements. Taranaki Maori have gained in so many ways without so much as "lifting a finger".

The fact is, the Taranaki people first lost their land to the Waikato in 1830/ 34. They then sold most of it, which in Maori lore did not belong to them, to the New Zealand Company. It was the Governor who paid off the Waikato owners and then returned it in 1841 with the protection of British law and order. The leasing of the returned land was a means of the Maori owners receiving a return on very productive land they were uninterested in developing or farming. Not only have they benefited by the leases on this land, but also from the huge taxes the farmers have paid to the Government over the years. A full and final settlement has already been made and honoured by the people of New Zealand in 1946 for the land confiscated by the Crown in 1863. All this to a people who virtually wiped

out a complete race of people single handed while they waited to have land they had lost and then sold returned to them again, but this time on a golden platter.

I hope this puts the record straight on the total events surrounding the confiscations, the taking of Parihaka and the leased lands. The people of New Zealand have a right to know the full story. There was no holocaust at Parihaka; the holocaust occurred in Taranaki in 1830/ 34 and on the Chatham Islands in 1835, long before the British became involved. The British made it possible for the Taranaki Maoris to return to their defeated lands, as well as receiving a return for 100 years without even lifting a finger, but still they want more!

For additional study, please read: ***"The Realms of King Tawhiao"*, by Dick Craig.**

BY 1860 TARANAKI HAD BEEN FULLY PURCHASED THREE TIMES.

There is evidence that land sold by the Maoris to Europeans settlers in the early days was sold more than once. Yet we are constantly being told the settlers were land grabbers and crooks, "putting one across the Maoris". In The History of Taranaki, published in 1878 by B. Wells, provided extracts from a letter the warrior chief Ihaia Kirikumara wrote in conjunction with his friend Tamati Tiraura, to the settlers in New Plymouth.

"Friends, formerly we, the Maoris, lived alone in New Zealand; we did wrong one to another, we ate one another, we exterminated one another. Some had deserted the land, some were enslaved, the remnants that were spared went to seek other lands".

"Now this was the arrangement of this Ngatiawa land. Mokau was the boundary on the north, Ngamotu on the south; beyond was Taranaki and Ngatiruanui. All was quiet deserted; the land, the sea, the streams, the lakes, the forests, the rocks, were deserted; the food, the property, the work was deserted; the

dead and sick were deserted; the landmarks were deserted”.

“Then came the Pakeha hither by sea from other dwellings, they came to this land and the Maori allowed them – they came by chance to this place – they came to a place whose inhabitants had left it. There were few men here – the men were a remnant, a handful returned from slavery”.

“And the Pakeha asked, where are the men of this place? And they answered; they have been driven away by war, we few have come back from another land. And the Pakeha said, are you willing to sell us this land. And they replied, we are willing to sell it that it may not be barren; presently our enemies will come, and our places will be taken from us again”.

“So payment was made; it was not said, let the place be taken, although the men were few; the Pakeha did not say, let it be taken, but the land was quietly paid for”.

“Now the Pakeha thoroughly occupied the purchases made with their money; and the Maoris living in the land of bondage, and those who had fled, heard that the land had been occupied and they said, Ah! Ah! The land has revived; let us return to the land. So they returned. Their return was in a friendly manner. Their thought of the Pakeha was, let us dwell together, let us work together”.

“The Maoris began to dispute with the Pakeha. When the Governor saw this he removed the Pakeha to one spot to dwell. Afterwards the Pakeha made a second payment for the land, and afterwards a third; and then I said, Ah! Ah! Very great indeed is the goodness of the Pakeha, he has not said that the payment ceases at the first time”.

“My friends the Pakeha, wholly through you this land and the men of this land have become independent; do not say that I have seen this your goodness to day for the first time. I knew it formally, at the coming here of Governor Grey, I was urgent that the land might be surrendered and paid for by him; that

we might live here together, we the Maori and the Pakeha. And my urgency did not end there but through the days of Governor Grey.....".

This letter was written by the warrior chief Ihaia Kirikumara and his friend Tamati Tiraura at Waitara on 15 July 1860 and records that the land in that area was paid for three times over.

The End

THE TRUE STORY OF PARIHAKA

Compiled by Ross Baker, One New Zealand Foundation Inc.

It is very difficult to write about Parihaka as a single event. Virtually the whole of Taranaki was bought by the New Zealand Company from the few remaining Maori after the Waikato had annihilated them in 1831. While one third were slaughtered and one third taken as slaves by the Waikato, the remainder fled south where 900 traveled to the Chatham Islands where they slaughtered the Moriori or farmed them like sheep into virtual extinction for the next seven years. (From 2000 people to 101)

After the Governor had paid Waikato for their rights to Taranaki, the Wesleyan Missionaries talked the Waikato into releasing their Taranaki slaves and led them back to their homeland now under the protection of the Treaty. When the Taranaki that had fled south saw the slaves returning to their homeland, Te Whiti wrote to the Governor asking him if they could also return. The Governor agreed on the condition they remained on the north side of the Waitara River. They broke this promise and crossed the river and fighting broke out between the despised slaves and the southern returnees, killing many innocent settlers and destroying their farms. The Governor warned that if the fighting did not stop, he would abrogate the Treaty and bring in the troops. The fighting continued and the troops were brought in to enforce peace

between the tribes. At the end of the wars, land was confiscated as punishment, to pay for the wars and a buffer of armed settlers placed amongst the tribes.

"The basic story is, Te Whiti alias Wiremu Kingi sold it first. Te Whero Whero endorsed it, selling his superior conqueror's rights – to the Crown, that meant a ransom paid, accepted and the land became Crown Land". Jean Jackson

Te Whiti then built a village on the confiscated land that had not been immediately occupied by the settlers. As the Government surveyors moved in to survey this land, Te Whiti and his follows removed the survey pegs and ploughed up the settler's pastures. After 16 years the Governor had had enough and sent 15,000 troops to evict Te Whiti and his followers from the Government's confiscated land. While the troops destroyed a large part of their village, the only casualty was one small boy had his foot stepped on by a horse. Te Whiti was jailed for eighteen months for sedition and when released returned to Parihaka where he rebuilt a very modern village without further trouble with the government. While Te Whiti and his followers staged a passive protest, it was government land they had built their village on, therefore the government had every right to evict them.

From, *The Realms of King Tawhiao*, by Dick Craig and *Moriori* by Michael King.

"This chief (Te Whiti) had established a flourishing pacifist community on land officially confiscated after the wars, but not occupied immediately by the settlers", *The Treaty of Waitangi*, by Claudia Orange, p.196

For further information: www.onenzfoundation.co.nz or ONZF@bigpond.com.au

Treaty of Waitangi Superseded by Queen Victoria's Royal Charter

Te Tiriti o Waitangi

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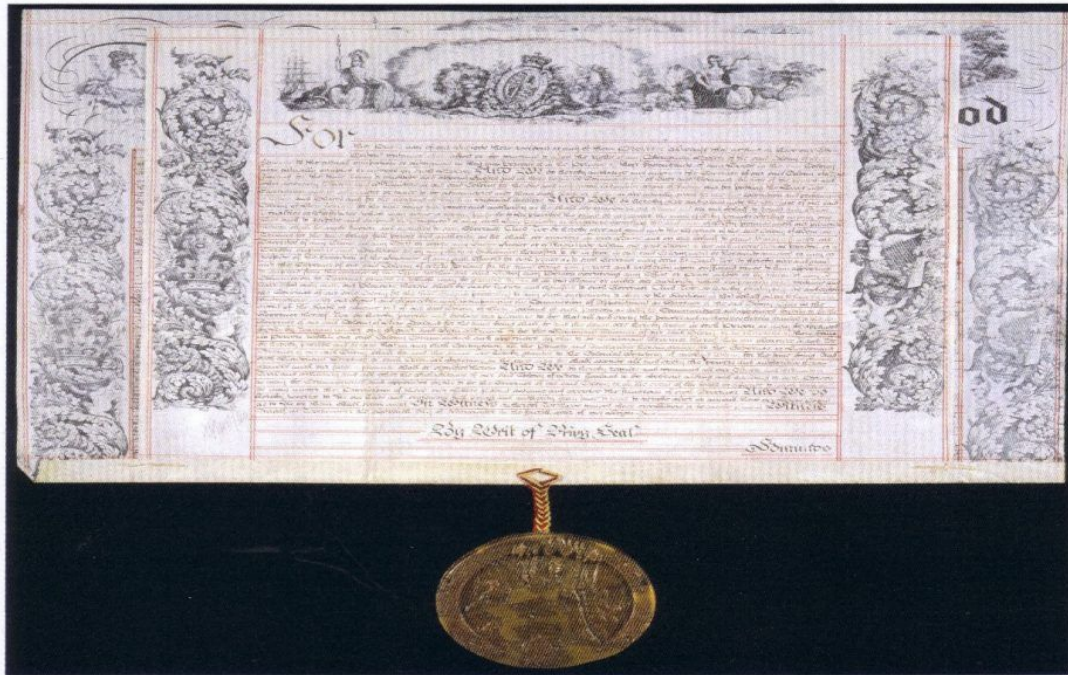
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Superseded By Queen Victoria's Royal Charter



New Zealand's True Founding Document and first Constitution.

A Politician's guide to New Zealand's true documented history held in New Zealand, Australian and American Archives plus the British Parliamentary Papers and Letters obtained under the OIA.

**Researched and written by the One New Zealand Foundation Inc.
Est: 1988.**

New Zealand's True Documented History

It is hard to believe how our governments, researchers and historians, such as Michael King, Dame Claudia Orange, Dr Paul

Moon, T Lindsay Buick, and hundreds of others have missed our true Founding Document and first Constitution as it's been around since 16 November 1840. In fact, it was displayed in New Zealand Archive's Constitution Room, Wellington until the One New Zealand Foundation Inc. brought it to the Government's attention in 2015 and the Constitution Room was immediately dismantled, and the Royal Charter hidden in Archives repository amongst the other 6 million historical documents. The Royal Charter/Letters Patent must now be ordered to research, that is, if future researchers know it exists. **Do you?** The Treaty of Waitangi was then placed in the \$7.2 million **He Tohu Exhibition** at the National Library, Wellington as, *"An iconic constitutional document that shaped Aotearoa New Zealand"*.

The Treaty of Waitangi was not a constitutional document and had nothing to do with forming a Government in New Zealand. In fact, it has done more to destroy New Zealand than any other document on record through the outrageous and unfounded translations and interpretations by Maori, the Government, and the Waitangi Tribunal. But no more so than when Attorney General, Hon Geoffrey Palmer dreamt up and passed into legislation, *"The Five Principles for Crown Action on the Treaty of Waitangi"*, destroying the true meaning and interpretation of the Treaty of Waitangi. He later admitted in his book, *New Zealand's Constitution in Crisis*, page 89, *"I was wrong"*, but he never tried to correct his error, in fact, he helped Maori with their alleged claims against the Crown.

The Treaty of Waitangi asked the tangata Maori, not the tangata whenua as they had long gone, to give up their individual kawanatanga/governments to the Queen and in return, they would become British Subjects with the same rights as the people of England. Tangata Maori could not give up sovereignty as Chief Justice Sir James Prendergast explained in 1877, *"So far indeed, as that instrument (The Treaty of Waitangi) purported to cede sovereignty, it must be regarded as a*

'simple nullity'. No political body existed capable of making cession of sovereignty".

Once the Chiefs had given up their governments to the Queen and become British Subjects, the Treaty had achieved its purpose and was filed away. From 30 July 1839 until 3 May 1841, New Zealand was under the jurisdiction and dependency of New South Wales.

New Zealand's true Founding Document and first Constitution

On 16 November 1840 a Royal Charter/Letters Patent was issued by "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*", which superseded the Treaty of Waitangi. The Royal Charter separated New Zealand from New South Wales on 3 May 1841 and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed.

The Royal Charter/Letters Patent consisted of, "*A Constitutional Charter for Creating and Establishing a Legislative Council and an Executive Council, and for Granting Certain Powers and Authority to the Governor for the time being of the said Colony*". All under one flag and one law, irrespective of race colour or creed.

Governments over the years have completely ignored Queen Victoria's 1840 Royal Charter/Letters Patent, New Zealand's true Founding Document and first Constitution. This has allowed the Treaty of Waitangi to be taken as New Zealand's Founding Document when in fact, it had absolutely nothing to do with New Zealand becoming a British Colony or setting up our political, legal or justice system under one flag and one law, irrespective of race colour or creed.

There is no other document in New Zealand's history that comes anywhere near to a Founding Document, than Queen Victoria's

1840 Royal Charter/Letters Patent!

Timeline of New Zealand's True History

All the information below is held in Zealand, Australian and American Archives, plus the British Parliamentary Papers, not from the minds of people who show little or no gratitude to the people of Britain for saving their tangata Maori ancestors from total extinction by their own hand!

1350 – The tangata Maori arrived in New Zealand by canoe to find New Zealand already inhabited by the tangata whenua. *“The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (Prior inhabitants) living in New Zealand”*. Dr Ranginui Walker, Head of Maori Studies, Auckland University, 1986. Before the tangata Maori arrived in New Zealand there had been many other people living in New Zealand; the Turehu, Patupaiarehe and the Moriori, but it was the tangata Maori who signed the Treaty of Waitangi in 1840, not the tangata whenua or prior inhabitants as they had long gone by 1840.

1600 – The Moriori, a peace-loving people, were the last to be driven from New Zealand by the tangata Maori and settled in the Chatham Islands. Unfortunately, there is no record of what happened to other earlier people, although Maori legend tells, they were a light skinned people with red or fair hair and were driven into the hills and disappeared.

1642 – Abel Tasman was the first European to sight New Zealand on 13 December.

1769 – Captain James Cook sighted the East Coast of New Zealand on 6 October 1769.

1800 – European Whalers and Sealers set up stations on New Zealand shores.

1807 – Between 1807 and 1840 there were over 150 intertribal wars in New Zealand that killed over half the tangata Maori population. From 1820 on, they were known as the “Musket wars”

1814 – Rev Samuel Marsden arrived in New Zealand to bring Christianity to the tangata Maori.

1815 – Congress of Vienna. European powers agreed that New Zealand would belong to Britain, according to the Book of Dates.

1820– Hongi Hika travelled to England and returned with over 500 muskets. Ngapuhi then went on a rampage south killing thousands of their unarmed countrymen, women and children. This was known as the “Musket wars”

1831 – Ngapuhi afraid the Southern tribes, now armed with muskets, were about to attack for utu/vengeance. Thirteen Ngapuhi chiefs wrote to King William IV asking him to be their guardian and protector. *“We are a people without possessions (taonga). We have nothing but timber, flax, pork, and potatoes, we sell these things, however to your people, and then we see the property (taonga) of your people. It is only thy land, which is liberal towards us. We have heard that the tribe of Marian (France) is at hand coming to take away our land, therefore we pray thee become our friend and the guardian of these islands, lest the teasing of other tribes*

should come near us, and lest strangers should come and take away our land”.

1831 – The Waikato attacked Taranaki, slaughtering one third, taking one third as slaves, and the rest fleeing to Wellington. Taranaki was deserted, but under the watchful eye of Waikato.

1832 – The British Colonial Office decided to appoint James Busby as British Resident in New Zealand. Later named by the tangata Maori as, *“A man of war without guns”*.

1834 – James Busby held a meeting with 25 northern chiefs in March 1834 to select a flag for New Zealand. A flag already used by the Church Missionary Society was selected.

1835 – Busby believed that a French eccentric, Baron Charles de Thierry was part of a French plot to annex New Zealand, so he decided to declare New Zealand independent on 28 October 1835 under the sovereignty of the United Tribes of New Zealand. Busby presented the Declaration of Independence to the chiefs but could only entice 39 chiefs to sign it before it was abandoned due to the continuing inter-tribal fighting. It became obvious to Britain, the chiefs did not have the ability or will to form a united government to bring law, order, peace or trade under one sovereignty to a country completely out of control.

1835 – Some of the Taranaki tribes that had fled to Wellington commandeered the ship Rodney and in two trips, 19 November and 5 December 1835, invaded the Chatham Islands, slaughtering or farming the peace-loving Morori *“like swine”* into virtual

extinction.

1837 – Captain William Hobson visited New Zealand. Hobson recommended that British sovereignty apply to small areas where British commercial enterprises could be established, with taxes levied and British law applying to those living there, and some sort of treaty to gain Maori permission.

1838 – During April and May, a Select Committee of the British House of Lords considered options for New Zealand. Its report recommended concluding a treaty with tangata Maori as part of a policy to extend British rule over New Zealand and to give the tangata Maori protection.

1839 – The New Zealand Company concluded a Deed of Purchase of Port Nicholson (Wellington) on 29 September with the tangata Maori, forcing the British government to intervene. Over two thirds of New Zealand, virtually all the South Island had been sold by the chiefs before 1840 with many of the Deeds of Sale still held in the New South Wales Supreme Court. The Colonial Secretary for Colonies, Lord Normanby issued instructions, written by the Under Secretary for Colonies, Sir James Stephens to Hobson for a Treaty with the tangata Maori on 14 August 1839. The first New Zealand Company colonists arrived at Petone on 22 January 1840.

1840 – Hobson arrived in New Zealand on 29 January 1840 and issued 2 Proclamations on 30 January 1840. (1). He was to become Lt. Governor to New Zealand and New Zealand would become a dependency of New South Wales under Governor Gipps. (2). No existing land titles in New Zealand would be

recognised as valid unless confirmed by the Colonial Government.

1840 – Hobson began to draft the Treaty of Waitangi on 1 February from the instructions he had been given by the Secretary for Colonies, Lord Normanby, but fell ill on 2 February and Busby completed a Treaty draft on 3 February. Hobson made changes and Busby completed the final draft on 4 February under Hobson's direction. Rev Henry and son Edward Williams translated the Treaty's final draft into the tangata Maori language, Te Tiriti o Waitangi, on the night of 4 February.

On 5 February Hobson and Williams read the final English draft of the Treaty and the Tiriti o Waitangi to the chiefs gathered at Waitangi. The text was extensively discussed and debated by the chiefs, Hobson and Missionaries, then later, well into the night. While the signing was to take place on 7 February, it was decided by the chiefs to sign it on 6 February to Hobson's surprise.

On 6 February forty-nine chiefs signed the Tiriti o Waitangi at Waitangi. Tangata Maori were to give up their individual kawanatanga/governments to Queen Victoria and in return, tangata Maori were given, *"The same rights as the people of England"*. Queen Victoria did not have the power or authority to give Maori any special rights in the Tiriti o Waitangi not already enjoyed by all the people of England under English Law. *"The chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make laws"*, Sir Apirana Ngata, Minister of Maori Affairs 1928 – 1932.

The New South Wales Continuance Act pronounced the Islands of New Zealand to be under the jurisdiction New South Wales and was passed in Britain on August 7, 1840.

The Proclamations of British sovereignty over all the islands of New Zealand appeared in the London Gazette on 2 October 1840.

A total of 512 chiefs, including 13 women, signed the nine copies of the Treaty of Waitangi, all except one in the Maori language text, at 34 locations around New Zealand between 6 February and 17 June 1840. Only 39 chiefs signed an unauthorised English language version when the CMS printed copy of the Tiriti o Waitangi could hold no more signatures. Hobson never made or authorized an English version of the Treaty of Waitangi, stating to those gathering further signatures after he became ill, *"The treaty which forms the base of all my proceedings was signed at Waitangi on 6 February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document"*. **Note:** No English version was signed at Waitangi on 6 February 1840.

The Treaty of Waitangi had achieved its purpose and was filed away; the tangata Maori had given up their individual governments to the Queen and had become British Subjects with the same rights as the people of England under the dependency of New South Wales. No more, no less.

New Zealand's true Founding Document and first Constitution

1840 – The Treaty of Waitangi was superseded by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. **The Constitutional Charter of New Zealand**, *"Enacted the Colony of New Zealand and Created and Established a Legislative Council, an Executive Council and for Granting*

Certain Powers and Authority to the Governor for the time being of the said Colony”.

1841 – On 3 May, Lt. Governor Hobson took the oath as Governor and Commander in Chief. New Zealand became a British Crown Colony and was no longer under the jurisdiction of New South Wales. The Governor summoned an Executive Council to advise and assist him. This Council comprised the Colonial Secretary, the Attorney-General, and the Treasurer. A Legislative Council of seven people – the Governor, the members of the Executive Council, and three nominated Justices of the Peace were to make laws and ordinances “*for the peace, order, and good government*” of the Colony. The Executive and Legislative Councils met frequently during the governorships of Hobson and his successors, with Lieutenant Willoughby Shortland (as Administrator). Throughout the Crown Colony period, each Governor held, in the name of the Crown, complete control over the executive and legislative functions of government under the watchful eye of the British Parliament.

1841 – Hobson presided over the first sitting of the Legislative Council on 24 May 1841. He cited the Royal Charter dated 16 November as the authority for him to assume the position of Governor and Commander-in-Chief and to appoint an Executive Council. George Clarke became Chief Proctor of the tangata Maori.

1842 – Claims Commissioners investigated all land purchases made before the signing of the Treaty of Waitangi. If the commissioners concluded that a purchase was made in good faith, they could validate it and award a Crown Grant of up to 4 square miles (1037 ha). If the purchase was invalid or exceeded that size, the land was returned to the seller or became Crown land. Commissioner William Spain investigated the

huge purchases claimed by the New Zealand Company. He determined that most of those in Wellington and elsewhere were invalid, but not all his recommendations were acted upon.

1844 – The Governor paid Waikato for Taranaki and allowed those who had fled to Wellington or had become slaves to return to their homeland. The Taranaki tribes began fighting amongst themselves as well as killing innocent settlers, their families and destroying their farms. While these have been called, “Land wars”, the Imperial Troops were brought in to only gain peace with the “rebels”. The Waikato also became involved in the disturbances in Taranaki with land being confiscated to pay for the troops, although much of this land was returned. *“Some have said that these confiscations were wrong, and they contravened the articles of the Treaty of Waitangi, but the chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make laws. Some sections of the Maori people violated that authority, war arose, and blood was spilled. The law came into operation and land was taken as payment. This in itself is Maori custom – revenge – plunder to avenge a wrong. It was their chiefs who ceded that right to the Queen. The confiscations cannot therefore be objected to in the light of the Treaty”*. Sir Apirana Ngata, Minister of Maori Affairs, 1928 – 1932. The people of Parihaka, which was built on confiscated land in 1866, were continually interfering with the Government surveyors and the settler’s farms and were asked to stop by the Imperial Troops without a shot being fired. After a trial in New Plymouth, the leaders were jailed in the South Island for 2 years.

1846 – The New Zealand Constitution Act 1846 was an Act of the Parliament of the United Kingdom, *“To make further provision for the Government of the New Zealand’s Islands*. It received the Royal Assent on 28 August but was never fully implemented.

1852 – The New Zealand Constitution Act 1852 was an Act of the Parliament of the United Kingdom that, *“Granted self-*

government to the Colony of New Zealand". The Act remained in force as part of New Zealand's constitution until it was repealed by the Constitution Act 1986.

1853 – NZ's first election for its own government. 5849 registered voters chose 37 MPs.

1854 – The first Parliament met in Auckland in May, regarded as an experiment in constitutional government since it was one of the first examples of substantial colonial self-rule in the British Empire.

1860 – About 200 Maori chiefs met at Kohimarama, Auckland, in July 1860 to discuss the Treaty of Waitangi. Governor Thomas Gore Browne had convened the conference. The Chiefs at the Kohimarama Conference unanimously declared, "*Recognition of the Queen's Sovereignty and the union of the two races*".

1907 – Colony of New Zealand was replaced with Dominion of New Zealand.

1930 – -Many of the claims by Maori against the Crown were heard by the Courts with "*Full and*

Final Settlements" or rejected between 1930 and 1940.

1947 – New Zealand adopted the Statute of Westminster. The Statute granted complete autonomy to New Zealand in domestic as well as foreign affairs. All the people of New Zealand became New Zealand Citizens under one flag and one law, irrespective of race, colour or creed. The Reigning Monarch

became our Head of State.

1949 – Passports for all New Zealanders changed from British Subjects to New Zealand Citizens.

1970– Many of the “*full and final*” Land Settlements were coming to an end and Maori were approaching Government for ways to open the claims process again.

1975 – The Government enacted the Treaty of Waitangi Act that created the Waitangi Tribunal. A Tribunal funded by government to assist and hear claims by Maori that may occur after 1975. The Tribunal was given the sole rights to interpret the Treaty of Waitangi. Non-Maori could not lay a claim, participate, or appeal a claim or a recommendation by the Waitangi Tribunal to Government.

1985 – The Government decided in 1985 to amend the Treaty of Waitangi Act to allow claims dating back to 1840 to be heard by the Waitangi Tribunal including those that had already had “*full and final settlements*” or rejected in 1830/40. This opened a flood gate of claims to the sympathetic Waitangi Tribunal which now interpreted the Treaty to suit the claim. The Minister of Treaty of Waitangi Negotiations, Hon Christopher Finlayson was also settling claims in secret, claiming, he gave away taxpayer’s money in more Maori financial settlements than all previously reached, 59 in all.

1986 – Attorney General, Hon Geoffrey Palmer's dreamt up "*Five Principles for Crown Action on the Treaty of Waitangi*" began to appear in Treaty recommendations and Legislation. There were no Principles in the Treaty of Waitangi, tangata Maori gave up their governments and became British Subjects. No more – no less! Palmer latter admitted in his book, New Zealand's Constitution in Crisis, page 89, "***I was wrong***".

1987 – The Treaty of Waitangi was now being referred to as, "*A Partnership between Maori and the Crown*", but the Treaty only gave Maori, "*The same rights as the people of England*" and the people of England could not be in partnership with the Crown.

2007 – Prime Minister, Hon Helen Clark asked the Crown Law Office for advice whether she should sign the Declaration on the Rights of Indigenous People. The Crown Law Office advised her, "*Not to sign it as it contradicted our Constitution of one flag and one law, irrespective of race colour or creed*".

2010 – Prime Minister, Hon John Key completely ignored the advice from the Crown Law Office and sent Hon Pita Sharples to New York on 19 April 2010 to sign the Declaration on the Rights of Indigenous People, without advice from the Crown Law Office, a mandate from Parliament or a definition of who were the Indigenous People of New Zealand.

2014 – One New Zealand Foundation Inc researched Queen Victoria's 1840 Royal Charter/Letters Patent and found it was New Zealand's true Founding Document and first Constitution and brought this information to the Government's and public's attention.

2017 – The Government immediately dismantled the Constitution Room at Archives New Zealand where the Royal Charter was held and hid it in Archive repository out of the public's sight.

2017 – Government spent \$7.2 million on the *He Tohu Exhibition* at the National Library, Wellington to display the Treaty of Waitangi as, *“An iconic constitutional document that shaped Aotearoa New Zealand”*. The most corrupt act ever enforced on the People of New Zealand by any Government; to hide our true Founding Document and first Constitution.

Conclusion

Signing the United Nations Declaration on the Rights of Indigenous People opened the door for *“Maori to be in Partnership with the Crown”* and *“Maori to Co-Govern with the elected Government of New Zealand”*, when Maori are only 15 % of the population and not indigenous to New Zealand.

The Treaty of Waitangi made the tangata Maori British Subjects with the same rights as the people of England and the 1840 Royal Charter placed all the people of New Zealand under one flag and one law, irrespective of race, colour or creed. At no time did the Treaty of Waitangi, the Royal Charter or English Law give Maori rights not enjoyed by all the People of England/New Zealand.

This booklet has been produced for New Zealand's Politicians who it is obvious, have never researched New Zealand's true history. Surely, they have asked themselves, *“How did New Zealand become a British Colony with a Governor and Constitution that set up our political, legal and justice system”*? You don't have to be very bright to know it was not the Treaty of Waitangi, it could only have been Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

The information above has been sourced from New Zealand, Australian and American Archives,

plus, the British Parliamentary Papers, not from the minds of people who show little gratitude to the people of Britain who saved their tangata Maori ancestors from total extinction by their own hand!

There is no other document in New Zealand's history that comes anywhere near to a Founding Document, than Queen Victoria's 1840 Royal Charter/Letters Patent!

Can Our Politicians Fix It – Yes, They Can,

But Will They Have the Courage?

New Zealand's leading Constitutional Law, Attorney General and later Prime Minister, Sir Geoffrey Palmer, who dreamt up and passed into legislation, *"The Five Principles for Crown Action on the Treaty of Waitangi"*, destroyed the true meaning and interpretation of the Treaty of Waitangi by those that signed in 1840. He later admitted in his 1992 book, ***New Zealand's Constitution in Crisis***, page 89, ***"I was wrong"***, but he never tried to correct his errors, in fact, he continued helping Maori with their alleged claims against the Crown, cashing in on his "Five Principles" at the taxpayer's expense!

On page 98 of this same book, he did give future Politicians a way to replace what he had destroyed when Attorney General!

"It is true the Treaty of Waitangi Act 1975 and all the other statutes, which give explicit recognition to the Treaty are not entrenched. They can be swept away by a simple majority in Parliament".

Surely by now, our Politicians can see that New Zealand's Democracy has been completely destroyed since the 1975 Treaty of Waitangi Act was enacted that created, "The Waitangi Tribunal", "The Five Principles", "A Partnership between Maori and the Crown" and the latest, Jacinda Ardern and Nanaia Mahuta "two illegitimate babies", "Three Waters", and "He Puapua", ("A Co-governance" with the constitutionally elected

government of New Zealand).

Since this time, Maori have pulled the wool over the Politician's eyes because the Politician's had no idea of New Zealand's true history. They believed Maori were the indigenous people of New Zealand and the Treaty of Waitangi was our Founding Document, when in fact, both are fiction.

From the above history held in New Zealand, Australian and American Archives, plus the British Parliamentary Papers and Official Information Act letters from Ministers of the Crown over a number of years, Maori are not the indigenous people of New Zealand, and the Treaty of Waitangi only asked the tangata Maori to give up their kawanatanga/governments to the Queen and in return, they would become British Subjects with the same rights as the people of England. No more, no less!

How did our Politicians allow 15% of the population, who claim a minute trace of tangata Maori ancestry gain such power? It was very simple; our Politicians have been either too lazy to research our true history, too afraid to rock the boat or wanted to stay in power by giving in to Māori's every demand. They have completely ignored the other 85% of New Zealand Citizens.

Hon Geoffrey Palmer has given our Politicians an out for all the errors they have made over the last 47 years, but have they got the courage, **"To sweep it all away by a simple majority in Parliament"** and "Treat Maori as New Zealand Citizens", "Abolish the 1975 Treaty of Waitangi Act", delete "The Five Principles", "The Partnership between Maori and the Crown" and "He Puapua".

The Politicians have no excuse now, they have the true documents history of New Zealand in this booklet but have they the courage to do what is right for New Zealand and its People in the next election.

Hopefully, the polling booths will show at last we have

Politicians with courage, not the wimps we have had for the last 47 years who have destroyed New Zealand's democracy and breached our Constitution of one flag and one law, irrespective of race colour or creed!

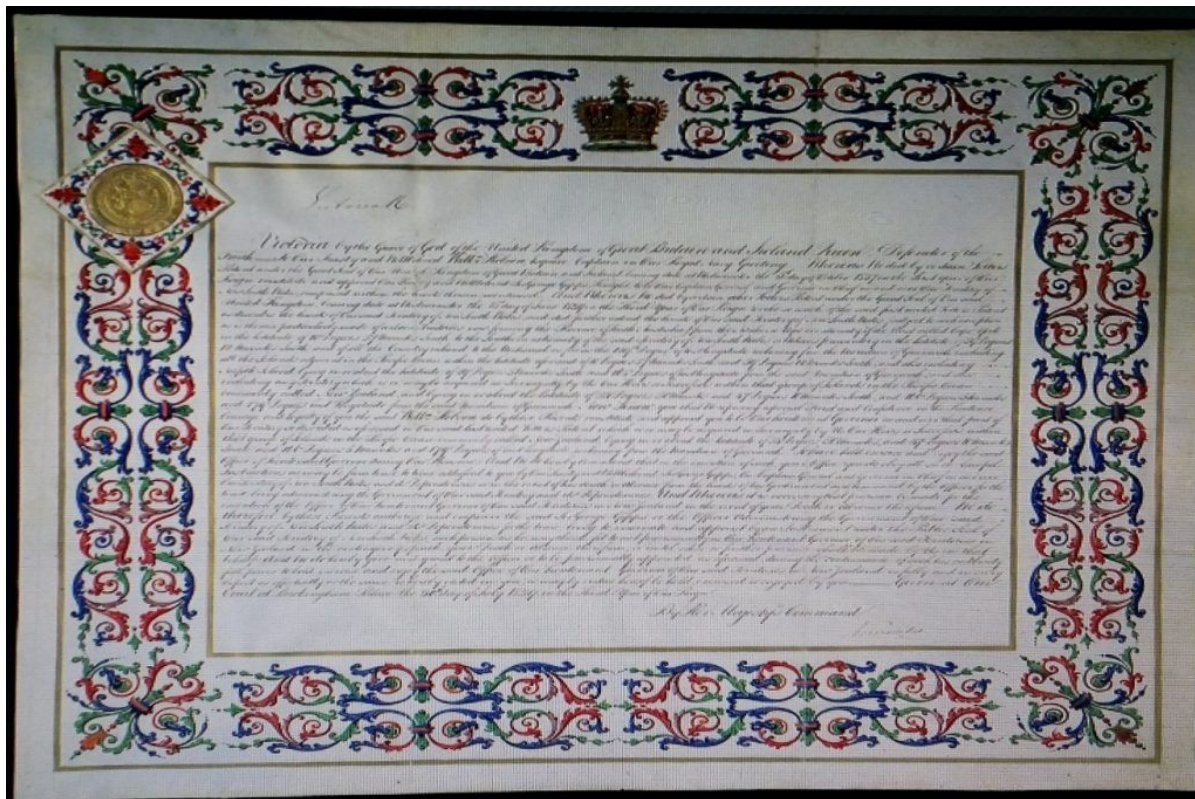
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Queen Victoria's 1839 Royal Charters/Letters Patent

Below is the 'Charter/Letters Patent' appointing William Hobson as Lieutenant Governor of New Zealand and extending the boundaries of New South Wales to include all the islands of New Zealand in 1839. **Sir George Gipps, Governor of New South Wales was in fact, the first Governor of New Zealand with Captain William Hobson as his Lieutenant.**

1839 Charter/Letters Patent for New Zealand and New South Wales



The Royal Charter/Letters Patent reads,
Victoria R

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our Trusty and Well beloved, William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 5th day of October 1837 in the First year of Our Reign constitute and appoint Our Trusty and Well beloved, Sir George Gipps, Knight, to be Our Captain General and Governor in Chief in and over Our Territory of New South Wales, comprised within the limits therein mentioned. And Whereas We did by certain other Letters Patent under the Great Seal of Our said United Kingdom, bearing date at Westminster the 15th day of June 1839 in the Third Year of Our Reign revoke so much of the said first recited Letters Patent as describes the limits of Our said Territory of New South Wales, and did further extend the

limits of Our said Territory of New South Wales (subject to such exception as is therein particularly made of certain Territories now forming the Province of South Australia) from the Northern Cape or extremity of the Coast called Cape York in the latitude of 10 Degrees 37 Minutes South to the Southern extremity of the said Territory of New South Wales or Wilson's promontory in the latitude of 39 Degrees 12 Minutes South and of all of the Country inland to the Westward as far as the 129th Degree of East longitude reckoning for the Meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of 10 Degrees 37 Minutes South and 39 Degrees 12 Minutes South, and also including Norfolk Island lying in or about the latitude of 29 Degrees 3 Minutes South and 168 Degrees of East Longitude from the said Meridian of Greenwich, and also including any Territory which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, and lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude from the said Meridian of Greenwich. Now Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said William Hobson do by these Present constitute and appoint you to be Our Lieutenant Governor in and over that part of Our Territory so described as foresaid in Our said last recited Letters Patent which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude reckoning from the Meridian of Greenwich. To have hold exercise and enjoy the said Office of Lieutenant Governor during Our Pleasure: And We do hereby command that in the execution of such your Office you do obey all such lawful Instructions as may be from time to time addressed to you by Our Trusty and Well beloved Sir George Gipps, Our Captain General and

Governor in Chief in and over Our Territory of New South Wales and its Dependencies or in the event of his death or absence from the limits of his Government and command by the Officer for the time being administering the Government of Our said Territory and its Dependencies. And Whereas it is necessary that provision be made for the execution of the Office of Our Lieutenant Governor of Our said Territories in New Zealand in the event of your Death or absence therefrom, We do therefore by these Presents authorise and empower the said Sir George Gipps or the Officer Administering the Government of Our said Territory of New South Wales and its Dependencies for the time being to nominate and appoint by an Instrument under the Public Seal of Our said Territory of New South Wales, such person as he may think fit to act provisionally as Our Lieutenant Governor of Our said Territories in New Zealand in the contingency of such your Death or absence therefrom, or until other or further provision shall be made by Us in that behalf. And We do hereby give and grant to the Officer so to be provisionally appointed as aforesaid, during the continuance of such his authority full power to hold exercise and enjoy the said Office of Our Lieutenant Governor of Our said Territories in New Zealand as fully and in every respect as effectually as the same as is hereby vested in you, or may be by virtue hereof be held, exercised or enjoyed by you – Given at Our Court at Buckingham Palace the 30th day of July 1839, in the Third Year of Our Reign. By Her Majesty's Command, Lord Normandy.

Above is the Royal Charter/Letters Patent dated 30 July 1839 issued by “Victoria by the Grace of God” under “The Great Seal of the United Kingdom of Great Britain and Ireland” that extended the boundaries and laws of New South Wales over all the islands of New Zealand. There is no mention of the Treaty of Waitangi in this Charter.

Below is Queen Victoria's Royal Charter/Letters Patent dated, 16 November 1840. The Constitution of the Colony of New

Zealand into a separate colony on 3 May 1841. Archives New Zealand Ref. No. ACGO 8341 1A1 9.

Royal Charter of 1840. Constitution of the Colony of New Zealand into a separate Colony 3 May 1841



This is New Zealand true Founding Document and first Constitution

The Constitution Reads:

CONSTITUTIONAL CHARTER OF NEW ZEALAND

CHARTER FOR ERECTING THE COLONY OF NEW ZEALAND, AND FOR CREATING AND ESTABLISHING A LEGISLATIVE COUNCIL AND AN EXECUTIVE COUNCIL, AND FOR GRANTING CERTAIN POWERS AND AUTHORITIES TO THE GOVERNOR FOR THE TIME BEING OF THE SAID COLONY.

Victoria, & c. to all whom these presents shall come, greeting.

1. Whereas by an Act of Parliament made and passed in the fourth year of our reign, intituled, "An Act to continue, until the 31st day of December 1841, and to the end of the then next Session of Parliament, and to extend the provisions of an Act to provide for the administration of justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto," after reciting amongst other things that the said colony of New South Wales is of great extent, and, that it may be fit that certain dependencies of the said colony should be formed into separate colonies, and provision made for the temporary administration of the government of any such newly-erected colony, it is enacted, that it shall be lawful for us, by Letters Patent to be from time to time issued under the great seal of the United Kingdom, to erect into a separate colony or colonies any islands which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales; and whereas the islands of New Zealand, at the time of the passing of the above recited Act, were comprised within and were dependencies of the said colony of New South Wales. Now know ye that we, in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby vested in us, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect the said islands of New Zealand, and all other islands adjacent thereto, and lying between the 34th degree 30 minutes north to the 47th degree 10 minutes south latitude, and between the 166th degree 5 minutes to the 172d degree of east longitude (reckoning from the meridian of Greenwich) into a separate colony, accordingly. And we do hereby declare that from henceforth the said Islands shall be known and designated as the colony of New Zealand, and the principal adjacent islands, heretofore known as, or commonly called the "Northern Island" the "Middle Island," and "Stewart's Island," shall henceforward be designated and known respectively as "New Ulster," "New Munster", and "New Leinster".
2. And whereas by the said recited Act of Parliament it is further enacted, that in case we shall by any letters patent as aforesaid establish any such new colony or colonies as aforesaid, it shall be lawful for us by any such letters patent, to authorise any number of persons, not less than seven, including the governor or lieutenant-governor of any such new colony or colonies, to constitute a Legislative Council or Legislative Councils for the same, and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by us for that purpose, and shall hold their places therein at our pleasure, and that it shall be lawful for such Legislative Council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such laws and ordinances, the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein. Provided always, that no such instructions and that no such laws or ordinances as aforesaid shall be repugnant to the law of England, but consistent therewith so far as the circumstances of any such colony may admit; provided

also, that all such laws and ordinances shall be subject to our confirmation or disallowance, in such manner and according to such regulations as we by any such instructions as aforesaid shall from time to time see fit to prescribe; provided also, that all instructions which shall, in pursuance of the said recited Act, be made by us, with the advice of our Privy Council, and that all laws and ordinances which shall be made in pursuance of the said recited Act, by any such Legislative Council of any such newly-erected colony as last aforesaid, shall be laid before both Houses of Parliament within one month from the date of any such instructions, or from the arrival in this kingdom of the transcript of any such laws or ordinances, if Parliament shall then be in session sitting, or if not, then within one month of the commencement of the next ensuing session of Parliament. Now, therefore in pursuance and further exercise of the powers so vested in us as aforesaid in and by the said recited Act of Parliament, we do by these our letters patent authorise the governor or the lieutenant-governor for the time being of the said colony of New Zealand and such other persons, not less than six, as are hereinafter designated, to constitute and be a Legislative Council for the said colony; and in further exercise of the powers aforesaid, we do hereby declare that, in addition to the said governor or lieutenant-governor, the said Legislative Council shall be composed of such public officers within the said colony, or of such other persons as shall from time to time be named or designated for that purpose by us, by any instruction or instructions or warrant or warrants to be by us for that purpose issued under our signet and sign manual and with the advice of our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure.

3. And we do hereby require and enjoin that such Legislative Council shall, in pursuance of the said Act of Parliament, make and ordain all such laws and ordinances as may be required for the peace, order, and good government of the said colony of New Zealand, and that in the making all such laws and ordinances the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein.
4. And whereas it is expedient that an Executive Council should be appointed to advise and assist the governor of our said colony of New Zealand for the time being in the administration of the government thereof, we do therefore, by these our letters patent, authorise the governor of our said colony for the time being to summon as an Executive Council such persons as may from time to time be named or designated by us in any instructions under our signet and sign manual, addressed to him in that behalf.
5. And we do hereby authorise and empower the governor of our said colony of New Zealand for the time being to keep and use the public seal appointed for the sealing of all things whatsoever that shall pass the seal of our said colony.
6. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being full power and authority, with the advice and consent of our said Executive Council, to issue a proclamation or proclamations, dividing our said colony into districts, counties, hundreds, towns, townships and parishes, and to appoint the limits thereof respectively.
7. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being, full power and authority, in our name and on our behalf, but subject nevertheless to such provisions as may be in that respect contained in any instructions which may from time to time be addressed to him by us for that purpose, to make and execute, in our name and on our behalf, under the public seal of our said colony, grants of waste land, to us belonging within the same, to private persons, for their own use and

benefit, or to any persons, bodies politic or corporate, in trust for the public uses of our subjects there resident, or any of them.

8. Provided always, that nothing in these our letters patent contained shall affect, or be construed to affect, the rights of any aboriginal natives of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives.
9. And we do hereby authorise and empower the Governor of our said Colony of New Zealand for the time being, to constitute and appoint judges, and, in cases requisite, commissioners of oyer and terminer, justices of the peace, and other necessary officers and ministers in our said Colony, for the due and impartial administration of justice, and for putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of these offices and places, and for the clearing of truth in judicial matters.
10. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures, which may accrue or become payable to us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until our pleasure thereon shall be made known and signified to such Governor.
11. And we do hereby give and grant unto the Governor of the said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to grant to any offender, convicted of any crime in any Court, or before any judge, justice, or magistrate within our said Colony, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Colony may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.
12. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office, within our said Colony, any person exercising any office or place under or by virtue of any commission or warrant granted, or which may be granted by us, or in our name or under our authority; which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to such Governor. And we do hereby strictly require and enjoin the Governor of our said Colony for the time being, in proceeding to any such suspension, to observe the directions in that behalf given to him by our instructions under our signet and sign manual accompanying his commission of appointment as Governor of the said Colony.
13. And in the event of the death or absence out of our said Colony of New Zealand of such person as may be commissioned and appointed by us to be the Governor thereof, we do hereby provide and declare our pleasure to be, that all and every the powers and authorities herein granted to the Governor of our said Colony of New Zealand for the time being shall be, and the same are hereby vested in such person as may be appointed by us by warrant under our signet and sign manual, to be the Lieutenant-Governor of our said Colony, or, in the event of there being no person within our said Colony commissioned and appointed by us to be Lieutenant-Governor thereof, then our pleasure is, and we do hereby provide and

The Royal Charter/Letters Patent dated 16 November 1840 issued by "Victoria by the Grace of God" under "The Great Seal of the United Kingdom of Great Britain and Ireland" the only document that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems

under one flag and one law irrespective of race, colour or creed



“Charter of 1840. Constitution of the Colony of New Zealand into a separate colony, 16 November 1840”

Disc supplied by the Chief Archivist, Archives New Zealand.

Sir Apirana Ngata, Minister of Native Affairs M.A., L.I.B., Lit.D, 1922, *“Let me issue a word of warning to those who are on the habit of bandying the name of Treaty around to very careful lest it be made the means of incurring certain liabilities under the law which we do not know now and which*

are being borne only by the Pakeha" It is obvious he was referring to Queen Victoria's 1840 Royal Charter.

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 1/1/2022 (C).

For further information: www.onenzfoundation.co.nz. **OR** Email: ONZF@bigpond.com.au

National Must Admit its Errors and Promise to Correct Them!

Over the last 47 years, the National Party has destroyed New Zealand's democracy because of their lack of knowledge of New Zealand's true history that is fully documented in New Zealand, Australian and American Archives, plus the British Parliamentary Papers. They have used the Treaty of Waitangi to pass Acts when the Treaty of Waitangi was only an agreement between Queen Victoria and the tangata Maori. At the time the Treaty of Waitangi was signed, New Zealand was under the jurisdiction of New South Wales. Once signed, it was filed away and superseded by Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840.

OUR TRUE FOUNDING DOCUMENT AND FIRST CONTITUTION.

The following are acts by the National Party that destroyed New Zealand's democracy based on the Treaty of Waitangi. If National is to regain power, they must admit to these errors and promise to correct them once in power.

1975

New Zealand was a happy democratic country, except for a few disgruntled part-Maori until the National Government enacted the 1975 Waitangi of Waitangi Act. This Act created the Waitangi Tribunal based on a twisted version of the Treaty of Waitangi. It was funded by government and only part-Maori were allowed to lodge a claim. No-Maori could not participate, lay a claim, or appeal a decision by the Tribunal, which in just about every case, was accepted by the Government.

This Act by the National Party turned New Zealand into one of the most undemocratic, racist countries in the world today!

2010

The Labour Government rejected signing the Declaration on the Rights of the Indigenous People based on advice from the Crown Law Office in 2007, but the National Party stood by and let their Leader, John Key send Pita Sharples to New York on 19 April 2010 to sign the Declaration in secret and without advice from the Crown Law Office, a mandate from Parliament or a definition of the indigenous people of New Zealand. **Is this Law?**

"What any man, whoever he may be, orders on his own, is not law". Jean-Jacques Rousseau, book 11, Chapter 1, Treatise of Social Contract, 1763.

In **September 2007**, 143 countries voted in favour of the Declaration on the Rights of Indigenous Peoples at the United Nations. New Zealand was one of four countries that voted against the Declaration. **The Declaration** was deemed so radical that Labour Prime Minister **Helen Clark** refused to sign it. The advice from Crown Law was, that four provisions were fundamentally incompatible with New Zealand's constitutional and legal arrangements.

Government does not have forensic evidence or a definition of who are the indigenous people or tangata whenua of New Zealand, but Hon John Key went ahead and signed it! **Maori**

are now using the Declaration on the Rights of the Indigenous People to force the Labour Government to accept they have rights above and beyond other New Zealand Citizens.

Hon John Key signing the Declaration on the Rights of Indigenous people single handed, allowed Maori to twist the Treaty of Waitangi to allow, *"A Partnership between Maori and the Crown"* and in the future, *"Co-governance with New Zealand's democratically elected Government"* (He Puapua).

How wrong Hon John Key was when he said after Sharples had signed the Declaration on the Rights of the Indigenous People, *"Signing this declaration is basically of little importance and non-binding"*, but one wonders why he went to such lengths to make sure the country did not know what he was doing until it was too late!

The National Party must be held responsible for He Puapua and condemn its Leader, Hon John Key for the devastating consequences the Declaration on the Rights of the Indigenous People will/is having on New Zealand and its People!

Ministerial Statements on UN Declaration on the Rights of Indigenous Peoples.

Tuesday, 20 April 2010

HON RODNEY HIDE: (Act Party Leader)

The ACT Party is both shocked and appalled to find itself supporting a government that has **covertly** given recognition to the United Nations Declaration on the Rights of Indigenous People. The declaration asserts that Māori have rights and privileges not enjoyed by other New Zealanders. The declaration is the very antithesis of ACT's policy of one law for all New Zealanders. It is the antithesis of the policy

that we should have one law regardless of people's religion, their race, the colour of their skin, their ethnicity, their culture, or indeed their degree of indigeneity. The declaration is divisive and is a further step for New Zealand down the path towards being a divided nation. **The declaration clearly splits New Zealand into two rather than bringing New Zealand together as one.**

The UN declaration sets us up to enable foreigners from the UN to come to New Zealand to pontificate and to criticise New Zealand's race relations, policies, laws, and processes. For these and for other reasons the former Prime Minister, Helen Clark, refused to ratify the declaration. At the time, the Hon Parekura Horomia said that the declaration was incompatible with New Zealand's laws and democratic processes and that it ignored reality and would be difficult to implement. **Helen Clark and Parekura Horomia were both right.**

I am very disappointed that the Prime Minister, John Key, has covertly foisted the declaration on New Zealand, and I consider the statement that the recognition of this declaration has no practical effect to be naive in the extreme.

Hon JIM ANDERTON (Progressive Party Leader)

Well, which meaning did the Government sign up to? Did it not know? Has the Government read it? Does it know what it means? The answer to all those questions is no. It has nothing to do with it. It is to do with the deal between National and the Māori Party to get the Māori Party to run alongside and support the Government.

Hon Phil Goff (Leader Labour Party)

The declaration was signed in secrecy when Dr Sharples had "sneaked off" to New York. New Zealanders should have been told first that this was the intention of the Government, they should not have been told afterwards. There was a conflict

between Dr Sharples' view of the declaration and the Government's position about it not making any practical difference. Labour had opposed the declaration which had unrealistic goals such as returning all land back to indigenous people. Mr Goff could not see the point in signing up to a declaration that the Government did not intend to fulfil. Why would you sign up to something you never intended to act on, and you don't actually believe in. They are signing up to something they don't believe in and never intend to implement.

The question that must be asked, "Was it legal for Hon John Key to sign the UN Declaration on the Rights of Indigenous Peoples single handed and without advice from the Crown Law Office, a mandate from Parliament and without a definition of the Indigenous people of New Zealand"? The ONZF believed it was not!

While the National Government never intended for the Declaration on the Rights of Indigenous people to be used, part-Māori grabbed it with both hands with Prime Minister, Hon Jacinda Ardern falling over herself to support it!

2017

On the 17 April 2017, the National Government allowed Archives New Zealand to dismantle the Constitution Room at Archives New Zealand and hide our true Founding Documents (Queen Victoria's 1839 and 1840 Royal Charters/Letters Patent) from the People of New Zealand in Archive repository amongst the other 6 million documents. In fact, if the public or future researchers want to view these documents, they must now be ordered, that is, if they know they exist. **Do you!**

The National Government then spent \$7.2 million of taxpayer's money to build the *He Tohu* Exhibition to mislead the people, stating, "*The Declaration of Independence and the Treaty of*

Waitangi are Iconic constitutional documents that shaped Aotearoa New Zealand". The Declaration of Independence was a complete failure and the Treaty of Waitangi only referred to the tangata Maori making them British Subjects with, *"The same rights as the people of England if they gave up their governments to the Queen"*. The Treaty of Waitangi could not be New Zealand's true Founding Document as it only referred to the tangata Maori and founded very little, if anything, compared with Queen Victoria's Royal Charter/Letters Patent date the 16 November 1840 that made New Zealand a British Colony under one flag and one law, irrespective of race colour or creed.

2022

In 2022 the National Party added the Treaty of Waitangi to its Constitution as our Founding Document. From this it is obvious the National Party has no idea of New Zealand's true history as the Treaty of Waitangi had nothing to do with founding New Zealand. It was only an agreement between Queen Victoria and the tanga Maori to give up their kawanatanga/government to the Queen and in return, they would become British Subjects with the same rights as the people of England. The Treaty of Waitangi was signed when New Zealand was under the jurisdiction of New South Wales and when signed, was filed away as it had achieved its purpose. The Treaty of Waitangi was then superseded by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840, our true Founding Document and first Constitution.

For the National Party to be trusted again to run the country, it must force the Government to hold an inquiry into the 1975 Treaty of Waitangi Act and allowing Hon John Key to allow the Hon Pita Sharples to travel to the United Nations in secret, to sign the Declaration on the Rights of the Indigenous People. The Māori's ancestors were not indigenous to New Zealand.

The National Party must promise the following if it is to regain power!

1. Promise to admit its errors as above.
2. Promise to correct its errors as above.
3. Promise to remove the Treaty of Waitangi from its Constitution.
4. Promise to include Queen Victoria's Royal Charter in its Constitution.
5. Promise to recognise the 1840 Royal Charter as of Founding Document.
6. Promise to remove the Declaration on the Rights of Indigenous People.
7. Promise to return democracy to New Zealand.
8. Promise to treat all New Zealanders the same.
9. Promise to remove the part-Maori seats from Parliament.
10. Promise to abolish the Waitangi Tribunal.
11. Promise to abolish any laws solely for part-Maori.
12. Promise to remove Aotearoa from the name for New Zealand.
13. Promise to abolish "*He Puapua*".
14. Promise to abolish "*Three Waters*".
15. Promise to abolish "*The Partnership between Maori and the Crown*".
16. Promise to include the Queen Victoria's 1840 Royal Charter in "*He Tohu*" as our true Founding Document and first Constitution.

Prepared by Ross Baker, Researcher, the One New Zealand Foundation Inc. (Copyright.) 20/7/2021.

This article will be posted on our website:
www.onenzfoundation.co.nz

The True Date of the Birth of Our Nation

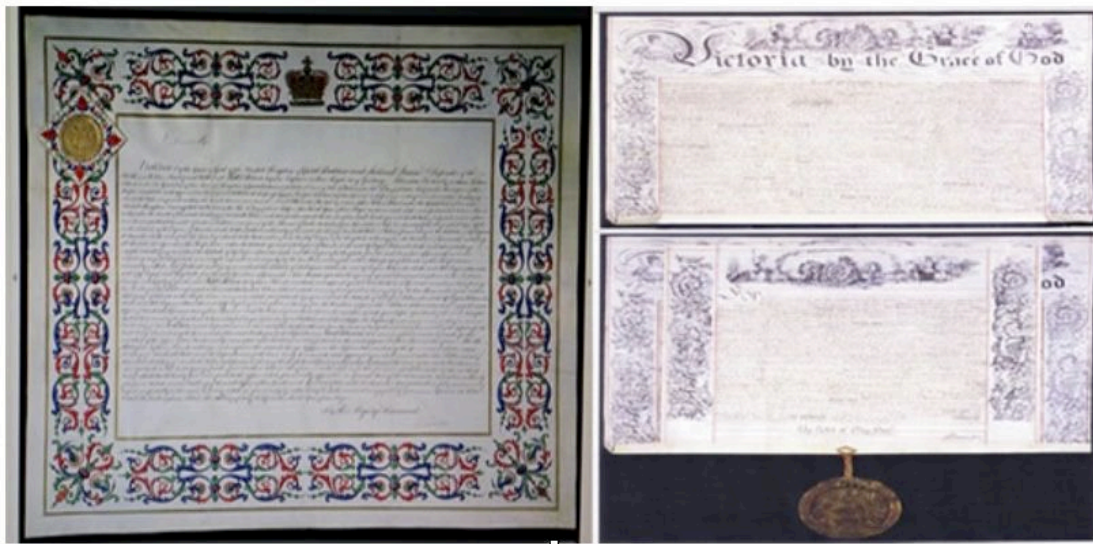
New Twist in 'the Year of Reality.'

by Terry Dunleavy 16 February 2022 9:00 am

Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 that made New Zealand into a British Colony on the 3 May 1841 with its own Governor and Constitution that set up our political, legal and justice systems under one flag and one law irrespective of race, colour or creed. Our true Founding Document and first Constitution.

My columns of the previous two weeks have been my personal quest to make 2022 the **"Year of Reality"** in the recounting of the history of New Zealand, especially in respect of the increasing efforts at deliberate misinterpretation/distortion of the intent and spirit of the Treaty of Waitangi.

This week, thanks to Helen Moseley and Ross Baker of One New Zealand Foundation (ONZF), comes a cruncher: **the Treaty was NOT the founding document of our nation, but merely a necessary prelude.**



Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 that made New Zealand into a British Colony on the 3 May 1841 with its own Governor and Constitution that set up our political, legal and justice systems under one flag and one law irrespective of race, colour or creed. Our true Founding Document and first Constitution.

This is what ONZF has shown, certainly to my satisfaction:

*Our true founding document and first constitution that founded New Zealand was **Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840.** It was issued by, Victoria by the Grace of God under, the Great Seal of the United Kingdom of Great Britain and Ireland.*

The Royal Charter of 1840 allowed New Zealand to separate from New South Wales dependency and with the consent of the British Parliament and became a British Colony on the 3 May 1841 with its own Governor and Constitution for "Creating and establishing a Legislative Council and an Executive Council, and for granting certain powers and authority to the Governor"

to set up a Government to make laws based on English law under the watchful eye of the British Parliament.

<http://onenzfoundation.co.nz/an-amazing-achievement-by-britain/>

I urge you all now to go on and read the full text at this link:

<http://onenzfoundation.co.nz/articles/queen-victorias-royal-charter/politicians-must-honour-the-royal-charter/>

especially this extract:

*There is no doubt the Government and some part-Maori do not want this document made public as it would show how the people of New Zealand have been misled by their politicians and governments since the 1975 Treaty of Waitangi Act and the apartheid Waitangi Tribunal it created. **Queen Victoria's Royal Charter/Letters Patent is our Founding Document and first Constitution** as confirmed by the New Zealand Gazette Notices below.*

Gazette Notices and Proclamations that made New Zealand into an Independent British Colony.

THE NEW ZEALAND GOVERNMENT GAZETTE.

PUBLISHED BY AUTHORITY)No 12]

KORORAREKA BAY OF ISLANDS, MAY 6, 1841 [GRATIS.

DECLARATION OF THE INDEPENDENCE OF NEW ZEALAND, AND THE

APPOINTMENT OF HIS EXCELLENCY, CAPTAIN WILLIAM HOBSON, RN

AS GOVERNOR IN CHIEF IN AND OVER THE SAME.

In my mind this is incontrovertible proof that the legal, constitutional date of the birth of New Zealand as a nation was **3 May 1841**, and, accordingly, we should transfer what we

celebrate on 6 February every year to 3 May, and re-name it, either New Zealand Day or in a well-deserved nod to our first settlers, **Iwi Kotahi** Day (*iwi Kotahi* standing for **One United Tribe**, which was undoubtedly the spirit that motivated signatories on both sides of the tables).

February 6 1840 at Waitangi was an important day and place in the constitutional process, but it was only a **prelude** (and a necessary prelude) to the Royal Charter/Letters Patent which gave effect to the final birth of our nation.

Apart from the recognition of the reality of our history that such a change of date would involve, is the question of how to do it?

It is safe to assume that those temporarily in charge of our government in Wellington, the party that is now Labour in name only, having long since departed from the principles that underlay its first assumption of office in 1935, wouldn't have a bar of such a change.

And, sadly, I have to say, a similar disregard for its founding principles by the main opposition party, National, makes one wonder whether under its latest spin of leadership it would have the moral courage to simply legislate in Parliament when it wins by default in 2023.

The only other alternatives, both of which would require a stiff dose of moral fortitude are either:

- A special constitutional convention, as discussed by distinguished political commentator **Chris Trotter** here:

<http://bowalleyroad.blogspot.com/2022/02/thoughts-on-waitangi-day-2022.html>

or

- A referendum

Whatever the process, it should address also the question of whether there is any longer a need for the Waitangi Tribunal and the increasingly questionable gravy train it has created.

The end of that tribunal was effectively signalled by ex-Prime Minister **Jim Bolger** in 1991, when, after National's resounding win in the 1990 General Election, he inaugurated the programme of **full and final Treaty settlements** to compensate for confiscations of Maori land that had clearly breached the spirit of the Treaty of Waitangi and followed that up with the master stroke of entrusting implementation to Doug (now Sir Douglas) Graham.

Interesting, isn't it, to reflect on how many settlements have been achieved under National-led governments, thanks initially to Doug Graham and, more recently, Chris Finlayson, that almost all land and taonga confiscations have now been settled, except for the dissonant hapu of Ngapuhi who might be moved to get their iwi act together if there is a suggestion that the Tribunal's days are numbered.

Whatever, there is a need for early and urgent action before the public mood turns from the indignant impatience currently on view in the grounds of our Parliament and turns more ugly and less in tune with our No 8 wire, "she'll be right" traditional Kiwi attitudes. Labour will be finished in 2023, if they last that long, but, in the meantime, National needs urgently to rediscover and re-enact its own founding principles, moral fortitude, and find some leadership while it still retains enough support to be a viable political force.

As Maori are Not the Indigenous People of New Zealand, UNDRIP Does Not Apply to Them!

As Maori are Not the Indigenous People of New Zealand, UNDRIP Does Not Apply to Them!

The New Zealand Government does not have a definition of, “*The Indigenous people of New Zealand*”.

Maori are Not the Indigenous People of New Zealand.

There is absolutely no evidence that Maori are the indigenous people of New Zealand in either Maori oral history or forensic evidence. Maori arrived in New Zealand by canoe to find New Zealand already inhabited by the tangata whenua or the indigenous people of New Zealand, a fact stated by Dr Ranganui Walker in the **1986 New Zealand Yearbook**, page 18, when Head of Maori Studies at the Auckland University, “*The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New Zealand*”.

This was endorsed by Ngapuhi Leader David Rankin when he stated in the Northern Advocate on the 27 December 2012, “*If we believe our histories, then we as Maori are not the indigenous people of New Zealand. He pointed to numerous Maori oral histories which referred to people being here when the first Maori arrived, including fair-skinned people*”.

He said, “*Details of much of the country’s past was being*

concealed by academic historians. They are worried that their own research will be exposed so they have worked hard to ridicule and suppress any Maori history which disagrees with their views".

"However, the tide is turning, and more people are now seeing that there is a whole history of our country that has been concealed and which will have major implications for Treaty settlements for example."

Tangata Maori Way of Life Long Gone.

When Captain Cook "*discovered*" New Zealand, there were people living in New Zealand who were later called the "*tangata Maori*", but since then, they have continued to intermarry of their own free will with other races, mainly the British, until today, most can only claim a minute trace of tangata Maori ancestry. Today, Maori work, live and play, the same as all other New Zealanders, their tangata Maori ancestor's way of life has long gone.

The Signing of UNDRIP by Prime Minister, Hon John Key.

In 2007 Prime Minister, Hon Helen Clark had asked the Crown Law Office for advice on whether the New Zealand Government should sign the United Nations Declaration on the Rights of Indigenous People and they advised her, "***Not to sign it***" because it contradicted the Treaty of Waitangi and our Constitution of one flag and one law, irrespective of race, colour, or creed, therefore, Prime Minister, Hon Helen Clark, "***Did not sign it***"!

On the 19 April 2010, Prime Minister, Hon John Key sent the Minister of Maori Affairs, Hon Pita Sharples to New York to sign the United Nations Declaration on the Rights of Indigenous People without asking the Crown Law Office for advice, a definition of who were the indigenous people of New Zealand, or had discussed it with Cabinet, but went ahead and did it on his own. See attached letters below obtained under

the Official Information Act 1982 from Crown Law.

What any man, whoever he may be, orders on his own, is not Law". Jean-Jacques Rousseau, Book 11, Chapter 1. Treatise of Social Contract, 1863.

Even when Hon Pita Sharples signed the Declaration he could not say, "*Maori are the indigenous people of New Zealand*", he could only say, "*Maori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand*". See page 7.

But on the 21 October 2021, Kim Laurenson, Crown Counsel, Crown Law Office stated, "*There is no statutory definition of the indigenous people*", therefore, Hon Pita Sharples misled the United Nations when he stated, "*Maori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand*". See letter below from Kim Laurenson, Crown Law Office dated 21 October 2021.

Tangata Maori Become British Subjects.

Queen Victoria's Royal Charter Letter Patent dated the 30 July 1839 placed New Zealand under the jurisdiction of New South Wales and over 500 tangata Maori chiefs signed the Treaty of Waitangi on behalf of their people. They agreed to give up their individual governments and in return, would become British Subjects with the same rights as the people of England, under one flag and one law. Tangata Maori did not have a united government, they consisted of hundreds of small tribes continuously at war with each other, therefore, could not claim sovereignty over New Zealand. See page 15.

New Zealand Becomes a British Colony by Royal Charter.

By the end of 1840, tangata Maori had given up their

governments to Queen Victoria and had become British Subjects, therefore, Britain could now separate New Zealand from New South Wales and make New Zealand into British Colony under one flag and one law, irrespective of race, colour, or creed. The Treaty of Waitangi was then filed away as it had achieved its purpose when New Zealand was under the jurisdiction of New South Wales.

Maori had become British Subjects with the same rights as the people of England.

Queen Victoria's Royal Charter/Letters Patent. Our true Founding Document and first Constitution.

New Zealand became a British Colony by Royal Charter/Letter Patent dated the 16 November 1840 issued by "*Victoria by the Grace of God*" under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". See page 17.

It consisted of a Constitution for Erecting the Colony of New Zealand, and for Creating and Establishing a Legislative Council and an Executive Council, and for Granting Certain Powers and Authority to the Governor of the Time being of the said Colony". See page, 18.

The First Sitting of the Legislative Council of New Zealand was held on the 24 May 1841. See page 22.

The Royal Charter did not give tangata Maori any special rights, advantage, or privilege over any other British Subject. Tangata Maori were given the same rights as the people of England. Article 3, Tiriti o Waitangi, "*The Queen of England will protect all the tangata Maori of New Zealand. All the rights will be given to them, the same as her doings to the people of England*".

He Puapua contradicts the Treaty of Waitangi and our Constitution.

“He Puapua” is a report commissioned in 2019 by the New Zealand Government to inquire into and report on appropriate measures to achieve the goals set out by the United Nations Declaration on the Rights of Indigenous Peoples.

As can be seen from the above, the United Nations Declaration on the Rights of Indigenous People does not apply to Maori for the following reasons,

1. Government does not have a definition of the Indigenous People of New Zealand.
2. Government does not have forensic evidence of who are the Indigenous People of New Zealand.
3. Prime Minister, Hon Helen Clark had been advised by the Crown Law Office in 2007, “**Not to sign UNDRIP**”, as it contradicted the Treaty of Waitangi and our Constitution.
4. Prime Minister, Hon John Key did not have legal advice from the Crown Law Office before he allowed the Minister of Maori Affairs, Hon Pita Sharples to sign UNDRIP in 2010.
5. Hon Pita Sharples misled the United Nations stating, “*Maori held a special status as the tangata whenua or indigenous people of New Zealand*”. See letter from Kim Laurenson, Crown Law 21 October 2021, stating, “*There is no statutory definition of indigenous people*”.

Both UNDRIP and He Puapua must be Declared, “Null and Void”.

From the above, both UNDRIP and He Puapua must be declared “Null and Void”. The New Zealand Government does not have a definition of the Indigenous People of New Zealand. Prime Minister, Hon John Key over-ruled the advice from the Crown Law Office and allowed the Hon Pita Sharples to sign UNDRIP in 2010. Hon Pita Sharples then lied to United Nations, Maori were the tangata whenua, or indigenous people of New Zealand.

They are Not!

Conclusion.

For Government to allow He Puapua to proceed, it had to dismantle the Constitution Room at Archives New Zealand in 2017 and hide our true Founding Document and first Constitution; **Queen Victoria's 1840 Royal Charter/Letters Patent**. The Government then spent \$7.2 million of taxpayer's money to refurbish Wellington's National Library with the **He Tohu Exhibition** to brainwash the people of New Zealand, stating, *"The Treaty of Waitangi was an iconic constitutional document that shaped Aotearoa New Zealand"*.

The Treaty of Waitangi was only signed between the tangata Maori and Queen Victoria when Zealand was under the jurisdiction of New South Wales, therefore, is not a New Zealand, *"Iconic constitutional document"*!

Government does not have a definition of the tangata whenua or indigenous people of New Zealand, therefore, UNDRIP cannot apply to Maori as they are not the tangata whenua or indigenous people of New Zealand.

Prime Minister, Hon John Key did not have legal advice from the Crown Law Office before he allowed Hon Pita Sharples to sign UNDRIP on the 19 April 2010. In fact, he went against the advice given by the Crown Law Office to Prime Minister, Hon Helen Clark in 2007.

Hon Pita Sharples misled the United Nations when he stated, *"Maori held a special status as the tangata whenua or indigenous people of New Zealand"*. **They do not!**

An Inquiry Must be Held.

Until Government holds a "Full Public Inquiry" into who are the tangata whenua or indigenous people of New Zealand, He Puapua and Three Waters must not proceed.

They both completely contradict the Treaty of Waitangi and our Constitution that New Zealand has operated under for the last 181 years of one flag and one law, irrespective of race, colour or creed! He iwi tahi tatou – We are now one people – New Zealanders.

Prepared by the One New Zealand Foundation from letters and information obtained under the Official Information Act 1982 and documents held in New Zealand, Australian and American Archives as well as the British Parliamentary Papers.

Prepared by: Ross Baker, Researcher, One New Zealand Foundation Inc.. Est: 1988.

Website: www.onenzfoundation.co.nz. Email: ONZF@bigpond.com.au (7/11/21). Copyright.

NOTE

See documented evidence below obtained under the Official Information Act 1982, New Zealand, Australian and American Archives as well as the British Parliamentary Papers.

For further information, please do not hesitate to contact Ross Baker, Researcher, One New Zealand Foundation Inc. on ONZF@bigpond.com.au.

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One law – One flag – One New Zealand.



EXECUTIVE COUNCIL CHAMBERS

12 October 2021

Ross Baker
onzf@bigpond.com

Ref: OIA-2021/22-0307

Dear Ross Baker

Official Information Act request: Part-Māori tangata whenua and Aotearoa

Thank you for your Official Information Act request received on 19 September 2021. You requested:

- "1. Can the government produce forensic evidence and a definition, that part-Maori are the "tangata whenua or indigenous people of New Zealand"?*
- 2. Can the Government produce documented evidence that "Aotearoa" was the name used by the "tangata Maori" for New Zealand before, during or after the 1835 Declaration of Independence or the 1840 Treaty of Waitangi were signed?"*

The Department of the Prime Minister and Cabinet does not hold any specific official information relevant to your request. I am therefore refusing your request under section 18(e) of the Act, as the information requested cannot be found.

In response to the second part of your request, information on the use of Aotearoa in the nineteenth century is available on Te Ara – The Encyclopedia of New Zealand's website: <https://teara.govt.nz/en/nation-and-government/page-9>

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely

Michael Webster
Clerk of the Executive Council

4442505

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Telephone: (04) 830 5010 Facsimile: (04) 472 6332
www.dpnc.govt.nz



OFFICE OF THE MINISTER OF MAORI AFFAIRS,
PARLIAMENT HOUSE,
WELLINGTON, NEW ZEALAND

12 May 1995

Mr Ross Baker

Tēnā koe

Thank you for your letter dated 29 March 1995 concerning the indigenous people of New Zealand.

There is no *'Government definition of the indigenous people of New Zealand'*. However, as stated in previous correspondence, Māori are defined in a number of statutes. For instance, in *Te Ture Whenua Māori Act 1993* Māori is taken to "mean(s) a person of the Māori race of New Zealand; and includes a descendant of any such person".

The issue of whether the indigenous people of New Zealand were Moriori or Māori is not one which sets a precedent for present government policy. As a general practice the Government does not seek to impose limits upon its ability to treat with groups who claim a particular cultural identity. Thus for the purposes of the Māori fisheries settlement, the term Māori was *'deemed to include the Moriori people of New Zealand'*. A similar position underlies the Government's willingness to consider Moriori claims to the Waitangi Tribunal.

Aecia and

Hon John Luxton
Minister of Māori Affairs

As can be seen from the date on this letter, 12 May 1995, Government has been allowing Maori special rights, privileges

and advantages without a definition of who are these people.

With the continuing intermarriage between Maori and other race of their own free will, mainly the British, most Maori today can only claim a minute trace of Maori ancestry, therefore, should not be given special rights, privileges or advantages over their fellow New Zealand Citizens. Today, Maori work, live and play, the same as all other New Zealanders, their tangata Maori ancestor's way of life has long gone.



Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau
Minister of Māori Affairs
Associate Minister of Corrections
Associate Minister of Education

02 APR 2012

Ross Baker
ONZF@bigpond.com

Tēnā koe Mr Baker

Thank you for your email of 18 March 2012 requesting information under the Official Information Act 1982, about the United Nations Declaration on the Rights of Indigenous Peoples and the New Zealand Government's definition of the indigenous peoples of New Zealand.

I understand that you have previously asked the Attorney General, Hon Christopher Finlayson, for such a definition and were advised that no document exists containing this information. I do not hold a document that defines the New Zealand Government's definition of the indigenous peoples of New Zealand, therefore your request is declined under section 18(g)(i) of the Official Information Act 1982.

However, I would like to reiterate the Government's position of support for the Declaration on the Rights of Indigenous Peoples. This was outlined in my statement to the United Nations on 19 April 2010, whereby I noted that Māori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand.

If you are not satisfied with this response you have the right under section 28(3) of the Official Information Act 1982 to make a complaint to an Ombudsman. Kāti mō tēnei wā.

Heoi anō

nā Hon Dr Pita R Sharples
Minister of Māori Affairs

12 July 2021

Ross Baker

By email only: onzf@bigpond.com

Dear Mr Baker

Official Information Act request
Our Ref: OIA353/1

1. I refer to your email of 8 July 2021 in which you ask the following:

Under the Official Information Act, Was the Declaration on the Right of the Indigenous People illegally signed by the Hon Pita Sharples in New York on the 19 April 2010 under the New Zealand Constitution/law?

2. On 19 (New York time)/20 April 2010 (New Zealand time), the Minister of Māori Affairs Hon Dr Pita Sharples appeared before the United Nations Permanent Forum on Indigenous Issues and announced New Zealand's support for the Declaration on the Rights of Indigenous Peoples.

3. Your request is not one that is cognisable under the Official Information Act 1982. Its substance — was the Declaration illegally signed under the New Zealand Constitution/law — is for legal advice. Crown Law provides legal advice and representation to the government, not members of the public. It is therefore not appropriate for us to answer your question. You may instead wish to seek advice from a lawyer (<https://www.lawsociety.org.nz/>), Community Law Centre (<https://communitylaw.org.nz/>) or Citizens Advice Bureau (<https://www.cab.org.nz/>)

4. You have the right to seek a review of this decision by the Ombudsman.

Yours faithfully
Crown Law



Daniel Perkins
Crown Counsel
Constitutional & Human Rights Team

9 August 2021

Ross Baker
One New Zealand Foundation Inc.

By email: onzf@bigpond.com

Dear Ross

Official Information Act request


Our Ref: OIA353/1

1. On 19 July 2021, by email, you asked Crown Law for the following official information:
 - 1.1 Did Prime Minister Hon John Key seek advice from the Crown Law Office before he sent the Minister of Maori Affairs, Hon Pita Sharples to the United Nations to sign the Declaration on the Rights of Indigenous Peoples ("UNDRIP") on the 19 April 2010 and if so, why did the Crown Law Office change its advice to Hon John Key in 2010, compared with the advice given to Hon Helen Clark in 2007?
 - 1.2 What were the four provisions in particular that were, fundamentally incompatible with New Zealand's constitutional and legal arrangements?
2. Under section 18(e) of the Official Information Act 1982, we refuse the first part of question 1 of your request. Crown Law Office has not been able to find any request for legal advice from Prime Minister Hon John Key in 2009-2010 (the relevant time period) in respect of UNDRIP.
3. However, throughout the relevant time period, Crown Law gave legal advice to government on UNDRIP. That advice is subject to legal professional privilege, a good reason for withholding information under section 9(2)(h) of the Act that is not outweighed by other considerations which render it desirable in the public interest to make that information available in these circumstances. We refuse this part of your request under section 18(a) of the Act.
4. To the extent that your second question asks for the content of legal advice provided by Crown Law, that advice is privileged and, as above, that privilege is not outweighed by other considerations which render it desirable in the public interest to

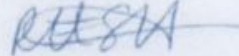
make that information available. We therefore refuse this part of your request under section 18(a) of the Act. However, we draw your attention to the following public statements:

- 4.1 Rosemary Banks, New Zealand diplomat, at the United Nations General Assembly in 2007 <https://www.un.org/press/en/2007/ga10612.doc.htm>; and
 - 4.2 Pita Sharples, Minister of Maaori Affairs, at the United Nations Permanent Forum on Indigenous Issues in 2010 https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100420_00000071/ministerial-statements-un-declaration-on-the-rights-of
5. You have a right under section 19(b) of the Act, by way of complaint to the Ombudsman under section 28(3), to seek an investigation and review of the refusal.

Yours faithfully
Crown Law



Kim Laurenson
Crown Counsel



Bex McMenamin
Assistant Crown Counsel

3 September 2021

Ross Baker
One New Zealand Foundation Inc

By email only: onzf@bigpond.com

Dear Ross

Official Information Act Request
Our Ref: OIA353/1

1. We have received your reply dated 9 August 2021 asking for an explanation of the good reason for refusing your request dated 19 July 2021 under s 18(a) of the Official Information Act and attaching an Official Information Act reply to you from Hon Dr Pita Sharples on 2 April 2012.
2. To clarify, we were unable to find any advice from Crown Law specifically to the Rt Hon Mr Key. However, as we indicated in our letter to you dated 9 August 2021, Crown Law did advise the government more generally on the UN Declaration on the Rights of Indigenous Peoples.
3. That advice is withheld under s 9(2)(h) of the Official Information Act as it is legally privileged. The maintenance of legal privilege is a good reason to withhold official information and while we acknowledge there is some public interest in the New Zealand's international treaty making process, we do not consider that withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
4. We again remind you of your right under s 19(b) of the Official Information Act, by way of complaint to the Ombudsman under s 28(3), to seek an investigation and review of the refusal.

Yours faithfully
Crown Law



Kim Laurenson
Crown Counsel

21 October 2021

Ross Baker

By email: onzf@bigpond.com

Dear Ross

Official Information Act Requests

1. This letter is our response to both your Official Information Act requests, emailed on 2 October and 11 October 2021.

2 October 2021 request (transferred to Crown Law from the Attorney-General)

2. On 2 October, you asked four questions, which we have answered below.

- 2.1 *Was it lawful for the Prime Minister of New Zealand to sign UNDRIP on behalf of New Zealand without the above?*

In our 9 August 2021 reply to your 19 July 2021 request about advice Crown Law gave the Hon John Key at the relevant time, we told you that the Prime Minister was not directly advised by Crown Law Office; rather Crown Law gave legal advice to the Government. Under s 18(a) of the Official Information Act, we refused that part of your request on the grounds that the good reason (the maintenance of legal professional privilege) was not outweighed by other considerations in the public interest to make it available. Again, Crown Law does not hold information about the lawfulness of the "Prime Minister's" decision.

- 2.2 *As the Government did not have a definition of the Indigenous People of New Zealand, who legally, under New Zealand law, are the Indigenous People of New Zealand?*

Crown Law has not given advice on this specific question. The information you seek does not exist. We therefore refuse this part of your request under section 18(e) of the Act. To the extent you ask for legal advice as to "who are the indigenous people", as the Government's legal advisors it is not appropriate for us to give legal advice to members of the public.

- 2.3 *Where does our constitutions and laws legally allow Maori, rights and privileges over other New Zealand Citizens?*

Likewise, Crown Law has not been asked (and has not given) legal advice on the specific question you ask and refuse this part of your request under section 18(e) of the Act. In accordance with our duty under section 18B of the Act, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for the refusal. We do not think consultation would assist as the general premise of your question is expansive. However, you may find the following resources useful:

- The Cabinet Manual for example says in relation to sources of the constitution "The law may sometimes accord a special recognition to Māori rights and interests such as those covered by Article 2 of the Treaty. And in many other cases the law and its processes should be determined by the general recognition in Article 3 of the Treaty that Māori belong, as citizens, to the whole community. In some situations, autonomous Māori institutions have a role within the wider constitutional and political system. In other circumstances, the model provided by the Treaty of Waitangi of two parties negotiating and agreeing with one another is appropriate. Policy and procedure in this area continues to evolve."¹
- The Constitutional Advisory Panel's Report on a Conversation (2013).²
- You may also with interest follow Te Aka Matua o te Ture (the Law Commission's) 2021/2022 work programme, which includes a review of the role of tikanga and te ao Māori concepts in law.³
- Section 19(2) of the New Zealand Bill of Rights Act 1990, which provides that measures taken in good faith for the purpose of assisting or advancing persons or groups disadvantaged because of unlawful discrimination do not constitute discrimination.

2.4 *What law states, "Maori have a distinct and special status as the tangata whenua or Indigenous people of New Zealand"?*

As you have been previously advised (by Hon Dr Pita Sharples in 2012 and by Hon Christopher Finlayson prior to that), there is no statutory definition of indigenous peoples. This part of your request is refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

11 October 2021 request

3. On 11 October, you listed ten reasons why you say the UN Declaration on the Rights of Indigenous Peoples should not have been signed. You then asked Crown Law:

¹ <https://dpmc.govt.nz/sites/default/files/2017-06/cabinet-manual-2017.pdf>

² <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf>

³ <https://www.lawcom.govt.nz/news/te-aka-matua-o-te-ture-law-commission-202122-work-programme>

As the Crown Law Office advised the Government not to sign the Declaration on the Rights of the Indigenous People, why is the Crown Law Office allowing He Puapua to proceed based Maori being the Indigenous People of New Zealand when there is absolutely no evidence?

4. We note that He Puapua was not produced by a government agency and therefore Crown Law had no involvement with the writing of the report. Crown Law has also not provided any advice on the content of the He Puapua report. The rest of the matters 1–10 in your 11 October letter do not appear to be an Official Information Act request and so we make no comment on them. Finally, while your request does not ask for Crown Law advice given to the government about the UN Declaration of the Rights of Indigenous Peoples, we note that privilege over any such advice has not been waived in the past.
5. You have a right under section 19(b), by way of a complaint under section 28(3) of the Act to an Ombudsman, to seek an investigation and review of our refusal to provide you with the information sought.

Yours faithfully
Crown Law



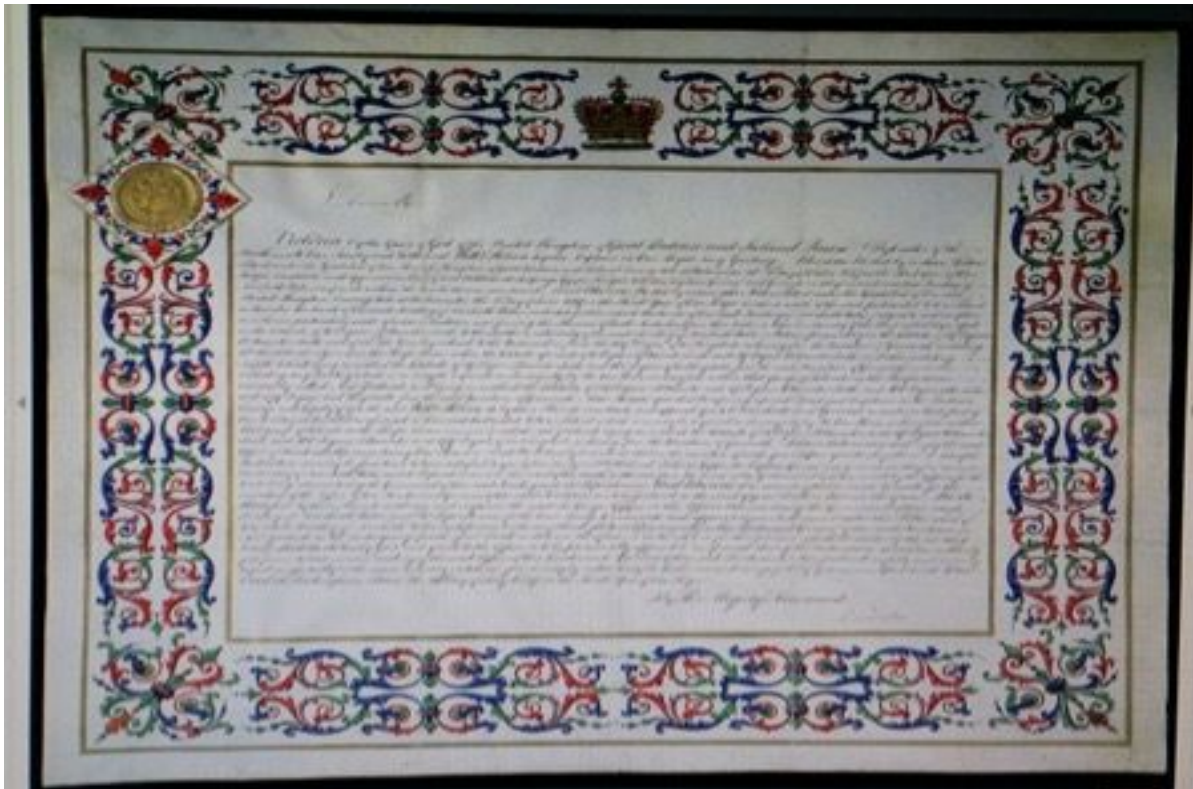
Kim Laurenson
Crown Counsel

Queen Victoria's 1839 Royal Charters/Letters Patent

Below is the 'Charter/Letters Patent' appointing William

Hobson as Lieutenant Governor of New Zealand and extending the boundaries of New South Wales to include all the islands of New Zealand in 1839. **Sir George Gipps, Governor of New South Wales was in fact the first Governor of New Zealand with Captain William Hobson as his Lieutenant.**

1839 Charter/Letters Patent for New Zealand and New South Wales.



The Royal Charter/Letters Patent reads,

Victoria R

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our Trusty and Well beloved, William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 5th day of October 1837 in the First year of Our Reign constitute and appoint Our Trusty and Well beloved, Sir George Gipps, Knight, to be Our Captain General and Governor in Chief in and over

Our Territory of New South Wales, comprised within the limits therein mentioned. And Whereas We did by certain other Letters Patent under the Great Seal of Our said United Kingdom, bearing date at Westminster the 15th day of June 1839 in the Third Year of Our Reign revoke so much of the said first recited Letters Patent as describes the limits of Our said Territory of New South Wales, and did further extend the limits of Our said Territory of New South Wales (subject to such exception as is therein particularly made of certain Territories now forming the Province of South Australia) from the Northern Cape or extremity of the Coast called Cape York in the latitude of 10 Degrees 37 Minutes South to the Southern extremity of the said Territory of New South Wales or Wilson's promontory in the latitude of 39 Degrees 12 Minutes South and of all of the Country inland to the Westward as far as the 129th Degree of East longitude reckoning for the Meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of 10 Degrees 37 Minutes South and 39 Degrees 12 Minutes South, and also including Norfolk Island lying in or about the latitude of 29 Degrees 3 Minutes South and 168 Degrees of East Longitude from the said Meridian of Greenwich, and also including any Territory which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, and lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude from the said Meridian of Greenwich. Now Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said William Hobson do by these Present constitute and appoint you to be Our Lieutenant Governor in and over that part of Our Territory so described as foresaid in Our said last recited Letters Patent which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and

166 Degrees 5 Minutes and 179 Degrees East longitude reckoning from the Meridian of Greenwich. To have hold exercise and enjoy the said Office of Lieutenant Governor during Our Pleasure: And We do hereby command that in the execution of such your Office you do obey all such lawful Instructions as may be from time to time addressed to you by Our Trusty and Well beloved Sir George Gipps, Our Captain General and Governor in Chief in and over Our Territory of New South Wales and its Dependencies or in the event of his death or absence from the limits of his Government and command by the Officer for the time being administering the Government of Our said Territory and its Dependencies. And Whereas it is necessary that provision be made for the execution of the Office of Our Lieutenant Governor of Our said Territories in New Zealand in the event of your Death or absence therefrom, We do therefore by these Presents authorise and empower the said Sir George Gipps or the Officer Administering the Government of Our said Territory of New South Wales and its Dependencies for the time being to nominate and appoint by an Instrument under the Public Seal of Our said Territory of New South Wales, such person as he may think fit to act provisionally as Our Lieutenant Governor of Our said Territories in New Zealand in the contingency of such your Death or absence therefrom, or until other or further provision shall be made by Us in that behalf. And We do hereby give and grant to the Officer so to be provisionally appointed as aforesaid, during the continuance of such his authority full power to hold exercise and enjoy the said Office of Our Lieutenant Governor of Our said Territories in New Zealand as fully and in every respect as effectually as the same as is hereby vested in you, or may be by virtue hereof be held, exercised or enjoyed by you – Given at Our Court at Buckingham Palace the 30th day of July 1839, in the Third Year of Our Reign. By Her Majesty's Command, Lord Normandy.

Royal Charter of 1840. Constitution of the Colony of New Zealand into a separate Colony on 3 May 1841.



**This is New Zealand true Founding Document and first
Constitution.**

The Constitution Reads:

CONSTITUTIONAL CHARTER OF NEW ZEALAND

CHARTER FOR ERECTING THE COLONY OF NEW ZEALAND, AND FOR CREATING AND ESTABLISHING A LEGISLATIVE COUNCIL AND AN EXECUTIVE COUNCIL, AND FOR GRANTING CERTAIN POWERS AND AUTHORITIES TO THE GOVERNOR FOR THE TIME BEING OF THE SAID COLONY.

Victoria, & c. to all whom these presents shall come, greeting.

1. Whereas by an Act of Parliament made and passed in the fourth year of our reign, intituled, "An Act to continue, until the 31st day of December 1841, and to the end of the then next Session of Parliament, and to extend the provisions of an Act to provide for the administration of justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto," after reciting amongst other things that the said colony of New South Wales is of great extent, and, that it may be fit that certain dependencies of the said colony should be formed into separate colonies, and provision made for the temporary administration of the government of any such newly-erected colony, it is enacted, that it shall be lawful for us, by Letters Patent to be from time to time issued under the great seal of the United Kingdom, to erect into a separate colony or colonies any islands which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales; and whereas the islands of New Zealand, at the time of the passing of the above recited Act, were comprised within and were dependencies of the said colony of New South Wales. Now know ye that we, in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby vested in us, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect the said islands of New Zealand, and all other islands adjacent thereto, and lying between the 34th degree 30 minutes north to the 47th degree 10 minutes south latitude, and between the 166th degree 5 minutes to the 172d degree of east longitude (reckoning from the meridian of Greenwich) into a separate colony, accordingly. And we do hereby declare that from henceforth the said Islands shall be known and designated as the colony of New Zealand, and the principal adjacent islands, heretofore known as, or commonly called the "Northern Island" the "Middle Island," and "Stewart's Island," shall henceforward be designated and known respectively as "New Ulster," "New Munster", and "New Leinster".
2. And whereas by the said recited Act of Parliament it is further enacted, that in case we shall by any letters patent as aforesaid establish any such new colony or colonies as aforesaid, it shall be lawful for us by any such letters patent, to authorise any number of persons, not less than seven, including the governor or lieutenant-governor of any such new colony or colonies, to constitute a Legislative Council or Legislative Councils for the same, and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by us for that purpose, and shall hold their places therein at our pleasure, and that it shall be lawful for such Legislative Council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such laws and ordinances, the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein. Provided always, that no such instructions and that no such laws or ordinances as aforesaid shall be repugnant to the law of England, but consistent therewith so far as the circumstances of any such colony may admit; provided

also, that all such laws and ordinances shall be subject to our confirmation or disallowance, in such manner and according to such regulations as we by any such instructions as aforesaid shall from time to time see fit to prescribe; provided also, that all instructions which shall, in pursuance of the said recited Act, be made by us, with the advice of our Privy Council, and that all laws and ordinances which shall be made in pursuance of the said recited Act, by any such Legislative Council of any such newly-erected colony as last aforesaid, shall be laid before both Houses of Parliament within one month from the date of any such instructions, or from the arrival in this kingdom of the transcript of any such laws or ordinances, if Parliament shall then be in session sitting, or if not, then within one month of the commencement of the next ensuing session of Parliament. Now, therefore in pursuance and further exercise of the powers so vested in us as aforesaid in and by the said recited Act of Parliament, we do by these our letters patent authorise the governor or the lieutenant-governor for the time being of the said colony of New Zealand and such other persons, not less than six, as are hereinafter designated, to constitute and be a Legislative Council for the said colony; and in further exercise of the powers aforesaid, we do hereby declare that, in addition to the said governor or lieutenant-governor, the said Legislative Council shall be composed of such public officers within the said colony, or of such other persons as shall from time to time be named or designated for that purpose by us, by any instruction or instructions or warrant or warrants to be by us for that purpose issued under our signet and sign manual and with the advice of our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure.

3. And we do hereby require and enjoin that such Legislative Council shall, in pursuance of the said Act of Parliament, make and ordain all such laws and ordinances as may be required for the peace, order, and good government of the said colony of New Zealand, and that in the making all such laws and ordinances the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein.
4. And whereas it is expedient that an Executive Council should be appointed to advise and assist the governor of our said colony of New Zealand for the time being in the administration of the government thereof, we do therefore, by these our letters patent, authorise the governor of our said colony for the time being to summon as an Executive Council such persons as may from time to time be named or designated by us in any instructions under our signet and sign manual, addressed to him in that behalf.
5. And we do hereby authorise and empower the governor of our said colony of New Zealand for the time being to keep and use the public seal appointed for the sealing of all things whatsoever that shall pass the seal of our said colony.
6. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being full power and authority, with the advice and consent of our said Executive Council, to issue a proclamation or proclamations, dividing our said colony into districts, counties, hundreds, towns, townships and parishes, and to appoint the limits thereof respectively.
7. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being, full power and authority, in our name and on our behalf, but subject nevertheless to such provisions as may be in that respect contained in any instructions which may from time to time be addressed to him by us for that purpose, to make and execute, in our name and on our behalf, under the public seal of our said colony, grants of waste land, to us belonging within the same, to private persons, for their own use and

benefit, or to any persons, bodies politic or corporate, in trust for the public uses of our subjects there resident, or any of them.

8. Provided always, that nothing in these our letters patent contained shall affect, or be construed to affect, the rights of any aboriginal natives of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives.
9. And we do hereby authorise and empower the Governor of our said Colony of New Zealand for the time being, to constitute and appoint judges, and, in cases requisite, commissioners of oyer and terminer, justices of the peace, and other necessary officers and ministers in our said Colony, for the due and impartial administration of justice, and for putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of these offices and places, and for the clearing of truth in judicial matters.
10. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures, which may accrue or become payable to us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until our pleasure thereon shall be made known and signified to such Governor.
11. And we do hereby give and grant unto the Governor of the said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to grant to any offender, convicted of any crime in any Court, or before any judge, justice, or magistrate within our said Colony, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Colony may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.
12. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office, within our said Colony, any person exercising any office or place under or by virtue of any commission or warrant granted, or which may be granted by us, or in our name or under our authority; which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to such Governor. And we do hereby strictly require and enjoin the Governor of our said Colony for the time being, in proceeding to any such suspension, to observe the directions in that behalf given to him by our instructions under our signet and sign manual accompanying his commission of appointment as Governor of the said Colony.
13. And in the event of the death or absence out of our said Colony of New Zealand of such person as may be commissioned and appointed by us to be the Governor thereof, we do hereby provide and declare our pleasure to be, that all and every the powers and authorities herein granted to the Governor of our said Colony of New Zealand for the time being shall be, and the same are hereby vested in such person as may be appointed by us by warrant under our signet and sign manual, to be the Lieutenant-Governor of our said Colony, or, in the event of there being no person within our said Colony commissioned and appointed by us to be Lieutenant-Governor thereof, then our pleasure is, and we do hereby provide and

declare, that in any such contingency all the powers and authorities herein granted to the Governor or Lieutenant-Governor of our said Colony shall be, and the same are hereby granted to the Colonial Secretary of our said Colony for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as may be, shall possess all and every the powers and authorities herein granted until our further pleasure shall be signified, therein.

14. And we do hereby require and command all our officers and ministers, civil and military, and all other the inhabitants of our said Colony of New Zealand, to be obedient, aiding and assisting to such person as may be commissioned and appointed by us to be the Governor of our said colony, or, in the event of his death or absence, to such person as may, under the provisions of these our letters patent, assume and exercise the functions of such governor.

And we do hereby reserve to us our heirs and successors full power and authority from time to time, to revoke, alter or amend these our letters patent as to us or them shall seem meet.

In witness, &c. witness, &c.

16 November 1840



“Charter of 1840. Constitution of the Colony of New Zealand into a separate colony, 16 November 1840”

Disc supplied by the Chief Archivist, Archives New Zealand.

Above is the Royal Charter/Letters Patent dated the 16 November 1840 issued by “*Victoria by the Grace of God*” under “*The Great Seal of the United Kingdom of Great Britain and Ireland*” that separated New Zealand from New South Wales and made New Zealand into a British colony with a Governor and Constitution that set up New Zealand’s political, legal and justice systems under one flag and one law irrespective of race, colour or creed. There is no mention of the Treaty of Waitangi in this Charter.

FIRST SITTING OF THE LEGISLATIVE COUNCIL OF NEW ZEALAND.

(From the New Zealand Government Gazette.)

His Excellency the Governor, according to notice, opened the first session of the legislative council of New Zealand on the 24th May 1841. Hon. W. Shortland, colonial secretary, Hon. Francis Fisher, attorney general, Hon. George Cooper, colonial treasurer, E. S. Halswell, Esq., one of the three senior justices, being present, received the oaths and took their seats in the legislative council accordingly. James Coates, Esq., was appointed clerk of the council, and took the oaths of office. His Excellency then delivered the following speech: – Gentlemen—I have availed myself of this early period to assemble the members of the legislative council for the purpose of bringing under consideration certain measures which the altered circumstances of the colony seem to me urgently to require. At this our first meeting I deem it proper to draw your attention, not only to the royal charter, but to the highly important instructions under the royal signet and sign

manual which accompany it. The charter, as you are already aware, erects the islands of New Zealand and certain dependencies into a separate colony, under the superintendence of a governor and commander-in-chief. It constitutes a legislative council, who are empowered to enact laws and ordinances for the local government of the colony; it authorizes the establishment of courts of justice, and the issue of commissions of the peace; and, in fact, brings into complete operation British laws throughout the whole colony of New Zealand. The instructions under the royal signet and sign manual more particularly define the functions of the governor and council, and in a clear and conspicuous manner point out the duties of each. In order that you, gentlemen, may have an opportunity of acquainting yourselves with those particular duties, I have directed the instructions to be laid on the table, and kept open for your perusal in the council chamber. I regret that I cannot at the present meeting lay before you the estimates of the ensuing year, which, although in a forward state of preparation, are incomplete, owing to the non-arrival of directions from the lords of the treasury, of which I am advised, and which may be daily expected. I shall lay before you an ordinance for the present re-adoption of all such acts of New South Wales as were in force previous to our separation and are now applicable to this colony. It is not my intention, however, eventually to propose for your adoption the laws of New South Wales, but it will be my endeavor, during the recess, aided by the advice and assistance of the law officers of the crown, to prepare for your consideration such laws as will best provide for the administration of justice, and the contingencies of social life, which may be expected to arise in New Zealand ; therefore the measures now proposed to you must be deemed temporary and contingent, as resulting from the present peculiar condition of the colony. By command of her Majesty, I will bring under your consideration the repeal of the Land Commission Act and submit for your adoption an ordinance for the same general purposes but granting to the Governor of New Zealand the same powers as

those heretofore enjoyed by the Governor of New South Wales. I will likewise lay before you bills for the regulation and collection of the revenue of her Majesty's customs, for establishing courts of quarter sessions and requests, and for the prohibition of distillation. These, gentlemen, are the only subjects for the present on which I shall require you to deliberate. We have, gentlemen, a solemn and important duty to perform; by our means conflicting interests are to be reconciled ; harmony and tranquility established, and measures are to be adopted for improving the condition and elevating the character of the aboriginal inhabitants. In this salutary work I confidently look for your cordial assistance and co-operation, and I trust under Divine Providence we shall be enabled to accomplish these important objects, and to give effect to her Majesty's gracious and benign views for the welfare, prosperity, and civilization of this colony. After laying on the table the Indemnity Bill, the Governor adjourned the council until Thursday, the 27th May, 1841. New Zealand. Anno quarto Victoriæ Reginæ. No.

1.—An Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in, her Majesty's colony of New Zealand from and subsequent to the date of her Majesty's royal charter and letters patent, erecting into a separate colony the islands of New Zealand, and to indemnify the Lieutenant Governor and other officers thereof for certain Acts done and performed between the date of the said royal charter and letters patent and the day of passing this ordinance. Whereas by an act of the Governor and legislative council of New South Wales, made and passed in the third year of the reign of her present Majesty, entitled " An Act to declare that the Laws of New South Wales extend to her Majesty's dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the administration of justice therein, and to indemnify certain Officers for Acts already done." After reciting that her Majesty had been pleased to annex her Majesty's dominions

of New Zealand to the government of New South Wales, it is enacted that all laws and acts or ordinances of the Governor and legislative council of New South Wales which then were, or thereafter might be, in force within the said colony should extend to and be applied in the administration of justice within her Majesty's dominions in the said islands of New Zealand, so far as they could be applied therein. And whereas, under and by virtue of an act of parliament made and passed in the fourth year of her said Majesty's reign, entitled, " An Act to continue until the thirty-first day of December, one thousand eight hundred and forty- one, and to the end of the then next ensuing Session of Parliament, the Provisions of any Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relative thereto," her Majesty did, by her royal charter and letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixteenth day of November, one thousand eight hundred and forty, erect into a separate colony the islands of New Zealand, theretofore comprised within or dependencies of the colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned. And did further provide that from thenceforth the said islands should be known and designated as the " colony of New Zealand." And whereas, by her said royal charter and letters patent, her Majesty did constitute a legislative council for the said colony of New Zealand, with full power and authority to make and ordain all such laws and ordinances as might be required for the peace, order, and good government of the said colony. And whereas it is expedient, until all such laws and ordinances can be well considered and ordained, that all such laws, acts, and ordinances of New South Wales as are applicable to the colony of New Zealand should continue to be acted upon and be applied therein. And, in order to remove any doubt which may exist whether the said laws, acts, or ordinances of the said Governor and legislative council of New South Wales are and

continue in force within the said colony of New Zealand from and subsequent to the date and proclamation of such her Majesty's royal charter and letters patent. 1. Be it therefore enacted and ordained by his Excellency the Governor in and over the colony of New Zealand, with the advice of the legislative council thereof, that so much of all and every of the laws, acts, and ordinances heretofore made by the Governor and legislative council of New South Wales, and now in force therein, as have already been, and can hereafter during the continuance of this ordinance be, applied within the said colony of New Zealand shall be, and the same are hereby, adopted and declared and directed to be extended to and applied in the administration of justice in the said colony of New Zealand, in the like manner as all other the laws of England, and as if the same had been repeated and re-enacted in this ordinance. And whereas doubts may arise as to the validity of acts done and performed in the said colony of New Zealand since the date of her said Majesty's royal charter and letters patent by his Excellency as the Lieutenant Governor of the same, and by justices of the peace, officers of the customs, constables, and other officers, under and by virtue of the said in part recited act of the Governor and legislative council of New South Wales ; for the removal whereof 2. Be it therefore further enacted that the said Lieutenant Governor of the colony of New Zealand, and all justices of the peace, officers of the customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of her Majesty, or of the governor of New South Wales, or of the said lieutenant governor of the said colony of New Zealand, or under any orders and directions of the same lieutenant governor, or of his excellency the governor, since his assuming the government of the said colony of New Zealand, previous and up to the passing of this ordinance, shall be, and they, and each and every one of them, are hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they, or any one

of them, may have heretofore, or may now otherwise be liable for any act so done or performed. 3. And be it further enacted that no act done or performed by any such officer or other person afore- said, shall be questioned or avoided in any court of law, by reason of any supposed want of power and authority, and that all such acts so done and per- formed shall be, and they are declared to be, as valid and effectual in law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within and under, or by virtue of, any law or statute of the parliament of Great Britain and Ireland. 4. And be it further enacted and ordained that in all or any of the said acts of the Governor and legislative council of New South Wales, which shall under and by virtue of this ordinance be brought into operation, and extended to and applied to the said colony of New Zealand, whenever the words " Governor, with the advice of the executive council, Governor, justice, or justices of the peace, or Government Gazette, of New South Wales," are used in such act or acts, the same words shall be construed to mean, and shall include and extend to " the Governor, with the advice of the executive council of New Zealand," or "Governor for the time being," or " all or any justices or justice of the peace, and to the Government Gazette of the said colony of New Zealand;" and that all words or expressions referring, and having relation, to New South Wales shall be, and the same are hereby directed to be, applied and construed to extend to the said colony of New Zealand. WILLIAM HOBSON, Governor. Passed the legislative council this 3rd day of June, in the year of our Lord one thousand eight hundred and forty-one. JAMES COATES, Clerk of Councils.

Prepared by: Ross Baker, Researcher, One New Zealand Foundation Inc.. Est: 1988.

Website: www.onenzfoundation.co.nz.
ONZF@bigpond.com.au (7/11/21). Copyright.

Email:

NOTE

See documented evidence below obtained under the Official Information Act 1982, New Zealand, Australian and American Archives as well as the British Parliamentary Papers.

For further information, please do not hesitate to contact Ross Baker, Researcher, One New Zealand Foundation Inc. on ONZF@bigpond.com.au.

Sharples Signs UNDRIP Under False Pretences.

In the letter below, the Hon Pita Sharples agreed with the Attorney General, the Hon Christopher Finlayson, that the New Zealand Government did not have a definition of who were the indigenous people of New Zealand, but he told the United Nations, *"Maori have a distinct and special status as the tangata whenua or the indigenous people of New Zealand"*.

How can Maori have, *"A distinct and special status as the tangata whenua or the indigenous people of New Zealand"*, when the fact is, Government does not have a definition of who are, *"The Indigenous People of New Zealand"*? Was this statement made to mislead the United Nations?

The tangata Maori were not indigenous to New Zealand, they arrived in the 14th century by canoe to find New Zealand already inhabited by the tangata whenua, just as the Europeans found in the 16th century with New Zealand inhabited by the tangata Maori.

This was confirmed by the late Dr Ranginui Walker, when Head

of Maori Studies at the Auckland University in the 1986 New Zealand Yearbook, page 18, when he stated, *"The traditions are quite clear on one point, whenever crews disembarked there were already tangata whenua (prior inhabitants) living in New Zealand"*.

Not only did New Zealand not have a definition of the indigenous people, but the Crown Law Office had advised Prime Minister, Hon Helen Clark not to sign the Declaration as it contradicted our constitution and laws of New Zealand of one flag and one law, irrespective of race colour or creed.

Prime Minister, Hon John Key sent Hon Pita Sharples to New York on the 19 April 2010 to sign the UN Declaration on the Rights of the Indigenous People without a mandate from Government or advice from the Crown Law Office. He did it solely to get the Maori vote without worrying of the problems it would cause in the future!

The UN Declaration on the Rights of the Indigenous People of New Zealand is a **"simple nullity"** for the following reasons,

1. New Zealand did not have a definition of the indigenous people of New Zealand.
2. The Crown Law Office had advised Hon Helen Clark not to sign it in 2007
3. Hon John Key did not ask the Crown Law Office for advice before signing it.
4. Hon John Key did not have a mandate from Government before signing it.
5. Hon Pita Sharples misled the United Nations by stating, *"Maori were the tangata whenua or Indigenous people of New Zealand"*.
6. Maori must prove, with forensic evidence, they are the tangata whenua or, the indigenous people of New Zealand for UNDRIP to include them.

Both Hon John Key and Hon Pita Sharples knew of the above but

went ahead and signed the United Nations Declaration on the Rights of Indigenous People under false pretences!

He Puapua is based on Maori being the tangata whenua or, the indigenous people of New Zealand, but there is absolutely no forensic evidence to prove that they were the first inhabitants to live in New Zealand. All the evidence shows there were other people living in New Zealand when the tangata Maori arrived in the 14th century.

Until Maori can prove their ancestors were tangata whenua or, the Indigenous people of New Zealand with forensic evidence, they cannot use the UN Declaration on the Rights of the Indigenous People to claim rights the Declaration gives to indigenous people, including Puapua.

Over 500 tangata Maori chiefs on behalf of their people, agreed to become British Subjects with the same rights as the people of England under one flag and one law in 1840 and nothing has changed since then, absolutely nothing.

Maori ancestry is still, "*tangata Maori*", not "*tangata whenua*"!

Below is the Hon Pita Sharples statement to the UN made under "*False Pretences*".



Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau

Minister of Māori Affairs

Associate Minister of Corrections Associate

Minister of Education

02 APR 2012

Ross Baker

ONZF@bigpond.com

Tēnā koe Mr Baker

Thank you for your email of 18 March 2012 requesting information under the Official Information Act 1982 about the United Nations Declaration on the Rights of Indigenous Peoples and the New Zealand Government's definition of the indigenous peoples of New Zealand.

I understand that you have previously asked the Attorney General, Hon Christopher Finlayson, for such a definition and were advised that no document exists containing this information. I do not hold a document that defines the New Zealand Government's definition of the indigenous peoples of New Zealand, therefore your request is declined under section 18(g)(i) of the Official Information Act 1982.

However, I would like to reiterate the Government's position of support for the Declaration on the Rights of Indigenous Peoples. This was outlined in my statement to the United Nations on 19 April 2010, whereby I noted that Māori hold a distinct and special status as the indigenous people, or tāngata whenua, of New Zealand.

If you are not satisfied with this response, you have the right under section 28(3) of the Official Information Act 1982 to make a complaint to an Ombudsman. Kāti mō tēnei wā.

Heoi anō

Hon Dr Pita R Sharples
Minister of Māori Affairs