

# Constitution Aotearoa

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“red”

### About

*“New Zealand’s basic rules of how we govern ourselves are difficult to find, hard to understand, and too easy to change. We need a modern constitution to fix that”,* Sir Geoffrey Palmer and Andrew Butler.

**Comment. We don’t need lawyers such as Geoffrey Palmer who cannot make up his mind and Andrew Butler, an Iris lawyer to write a new Constitution. It’s no Irish joke, it’s for real! Our lawyers have done enough damage already to our country and race relations so they must not be allowed to write our Constitution!**

### The book

A constitution provides the system of fundamental principles under which a nation is governed. It sets out the government’s powers and limits and how government institutions work. **Our first Constitution Queen Victoria’s Royal Charter/Letters Patent dated the 16 November 1840 did exactly this but is completely ignored by our lawyers, governments, Maori and Te Papa that misleads its 1.5 million visitors per year!**

New Zealand’s current constitution is formed by a jumble of statutes and is unclear and inaccessible to most citizens. It can be overridden easily by Parliament and is subject to political whims. **Not only by Parliament, the Waitangi Tribunal continually overrides it.**

*A Constitution for Aotearoa New Zealand*, by former Prime Minister Sir Geoffrey Palmer and constitutional lawyer Dr Andrew Butler, proposes to change that. One man that could not make up his mind and the other, an Irishman that has shown he does not know our true history

The book proposes a new constitution that is easy to understand, reflects New Zealand's identity and nationhood, protects rights and liberties, and prevents governments from abusing power. Because the Government will have all the power with Maori, similar to the Constitution of Bolivia, except Bolivians are the indigenous people, tangata Maori are not!

It sets out the terms of a codified constitution that is accessible and clear and reflects the reality of modern New Zealand. As seen by Geoffrey Palmer and Andrew Butler, both lawyers trying to squeeze the last dollar from you and me for their lawyer mates!

It aims to stimulate debate about New Zealand's constitutional arrangements. Our goal is for ordinary New Zealanders to be able to own their constitution, and for that constitution to reflect the realities of our modern nation. By basing it on the Tiriti o Waitangi, a document that had nothing to do with our Constitution or setting up our Nation, how ridiculous is that!

*A Constitution for Aotearoa New Zealand* makes the case for change. By one man that can't make up his mind and some newcomer! They don't even know our country is called "New Zealand" and has been for over 200 years. Geoffrey and Andrew, Aotearoa is a fiction!

Sir Geoffrey Palmer was the man that allowed the Waitangi Tribunal to hear alleged Maori claims dating back to 1840, many previously heard and "fully and finally" settled or rejected. He also instigated the Tiriti o Waitangi was a "Partnership between Maori and the Crown" and dreamt up and

put into law "The Five Principle for Crown Action on the Treaty of Waitangi" that gave one small group of New Zealand Citizens with a minute trace of Maori ancestry special rights, privileges and advantages over their fellow New Zealand Citizens. At the time Palmer thought, "*This a rather elegant legal solution*", but he later admitted, "*I was wrong*"!

In 1990 Palmer woke up to the terrible mistakes he had made and tried to put it right on the ABC TV programme, Four Corners, "Trick or Treaty" but he was too late the horse had bolted and he had no other option than to follow the horse and bolt from politics before he started a civil war threatened by the Maori leaders and supported by the Governor General, Rev Sir Paul Reeves if they did not get their own way. Palmer then became involved in advising Maori on Treaty claims. Has this man no conscience?

Sir Geoffrey Palmer did give this advice, "*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*", but Parliament was too afraid to act after the threat by the Governor General and Maori Leader of violence and a possible civil war if Maori did not get their own way.

He is now having another go at separating the people of New Zealand with a new Constitution hoping the people would have forgotten the terrible mess he made in the 1980's, but the One New Zealand Foundation Inc. never forgets and we have the documents and videos from those involved at the time to prove it. See NZ Herald article below as an example.

## **The authors**

**Sir Geoffrey Palmer**



Sir Geoffrey Palmer QC was a law professor in the United States and New Zealand before entering New Zealand politics as the MP for Christchurch Central in 1979.

*Comment, "The factor that shaped my intellectual approach to Maori issues in New Zealand was my experience in the United States..... It was on this background that I drew, and with adaptations used as the basis for legislation to advance the interests of the Maori minority in New Zealand. I did some researched on the outstanding grievances and it did not appear to me that looking into them would open the can of worms, which many feared. I took the view that the claims may take a decade to deal with, that it would cause some anguish but it would be worth it in the end". Nearly 3 decades later, billions of dollars and hundreds of alleged claims still to be settled with no end in sight, how wrong he was then and how wrong he is now!*

In Parliament he held the offices of Attorney-General, Minister of Justice, Leader of the House, Minister for the Environment, Deputy Prime Minister and Prime Minister. *Comment. When Attorney General he instigated the "Partnership" and the "Principles" into our legislation until when Prime Minister his clash with Governor General the Rev Sir Paul Reeve on the ABC Programme Four Corners when he stated, "Did Queen Victoria for a moment think of forming a Partnership with a number of signatures, a number of thumb prints and 500 people. Queen Victoria was not that sort of person". He also warned against, "making literal interpretations from the Treaty", stating, "The meaning of the Treaty in terms of its operational consequences now, was far from clear. In fact, it's a documents that is so vague that that is its primary problem". Now he wants to base our constitution on the Tiriti o Waitangi! Is he for real?*

On leaving politics in 1990 he was a law professor at the University of Iowa and the Victoria University of Wellington. *Comment. Did he leave or was he pushed for his comments on the ABC's TV Four Corners programme causing the threat of violence or a civil war by the Governor General and the Maori Leaders with his about face on the ABC?*

In 1994 he became a foundation partner of Chen & Palmer Public Law Specialists where he remained until 2005 when he was appointed President of the Law Commission, a position he occupied until 2010. During that period he also chaired the Legislation Advisory Committee. *Comment. When the ONZF ask him to act for it in 1995 he replied, "I regret this firm cannot accept the instructions contained in your letter. We have a professional conflict of interest since we advise a group of Maori". He made the rules now he was reaping the rewards!*

He has appeared extensively in the superior courts including the Privy Council. He is a member of the Her Majesty's Privy Council, was made a Knight Commander of the Order of St Michael and St George in 1991 and was made an honorary companion to the Order of Australia the same year. He was made a member of the Global 500 Roll of Honour by the United Nations Environment Programme. He holds four honorary doctorates. He was elected a member of the American Law Institute, a Member of the American Association of International Law and a Fellow of the World Academy of Arts and Sciences. He is a member of the New Zealand Law Society Rule of Law Committee. *Comment. His views of Her Majesty's Privy Council, "I was utterly opposed to the Privy Council having anything to say at all about what the Treaty meant in New Zealand". He was a member of Her Majesty's Privy Council but he had no faith in it!*

In 2010 and 2011 he chaired the Panel of Inquiry on the 31 May 2010 Flotilla Incident for the United Nations in New York that reported to the Secretary-General. For eight years he was New Zealand's Commissioner to the International Whaling

Commission. Comment. He didn't do much for the whales, they are still being slaughtered by the Japanese!

Sir Geoffrey is a Distinguished Fellow of the New Zealand Centre for Public Law and the Law Faculty at the Victoria University of Wellington. He has an extensive list of publications in legal periodicals and is the author or co-author of 12 books, the latest of which is *Reform – a Memoir* published by the Victoria University Press in November 2013. Comment. But not one mention of Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 that separated New Zealand from New South Wales on the 3 May 1841 and made New Zealand into an independent British Colony with its own Governor and Constitution to form government to make laws with courts and judges to enforced those laws under one flag, irrespective of race, colour and creed and he's now writing a new Constitution! OMG!

## Andrew Butler



Andrew was born in Ireland and has lived in New Zealand since 1991. Over the course of his career he has been a legal academic at Victoria University of Wellington, a Crown Counsel in the Human Rights team at the Crown Law Office, and most recently a partner at the Wellington office of the law firm Russell McVeagh. He has extensive experience in human rights and administrative law cases. High profile cases have included acting for the Crown on the Ahmed Zaoui litigation, and representing Lecretia Seales in her case seeking to clarify the law on medical aid for the dying. Comment. As a Human Rights Lawyer he should have realised the Human Rights given to tangata Maori by Britain making them British Subjects with the same rights as

the people of England. A race of people on the verge of extinction by their own hand rescued by the world's leading super power at the time. He also seems to have no idea of how New Zealand became a British Colony with its own Governor, Constitution and government on the 3 May 1840. Without this knowledge, how can he write a Constitution for New Zealand? Imagine a Constitution for New Zealand written by an Irish lawyer! Unfortunately, it's no Irish joke, it's for real!

He has published extensively in New Zealand and overseas on a range of topics, including as co-author of the leading text on the New Zealand Bill of Rights, *The New Zealand Bill of Rights Act 1990: a commentary* (2nd ed, LexisNexis Butterworths, Wellington, 2015). Comment. It's a pity he had not spent more time researching New Zealand's true history before joining Geoffrey Palmer to write a new Constitution for New Zealand. Andrew, we already have a perfectly good Constitution and don't need lawyer's tampering with it.



***A Constitution for Aotearoa New Zealand is supported by a grant from the New Zealand Law Foundation.***

Comment. The lawyers have already made a fortune out of Maori by representing them in their alleged claims, now they want to steal the last dollar from you and me supporting a new Constitution. No way!

The rest paid by the taxpayer no doubt!

All our Constitution needs to say is:-

**We are one people under one flag and one law irrespective of**

race colour and creed. In other words, "*He iwi tahi tatou – We are now one people*", the words the chiefs agreed to when they shook Lt. Governor Hobsons's hand after they had signed the Tiriti o Waitangi at Waitangi on the 6 February 1840 followed by three hearty cheers from those gathered.

Don't let our self-serving lawyers interfere with a document that belong to the people of New Zealand to help line their pockets. They have stripped Maori for millions of dollars to help fight their alleged claims that have cost the people of New Zealand billions of dollars in assets and money and now they want to steal our last dollar with a new Constitution based on a document that is being continually distorted to meet the cause!

How can these two ~~clown's~~ lawyers expect to write a new Constitution when they seem to have no knowledge of Queen Victoria's Royal Charter, our true Founding Document and first Constitution that made New Zealand into an independent British Colony under one flag and one law, irrespective of race colour or creed?

We do not need a new Constitution, there is nothing wrong with the one Queen Victoria gave us on the 16 November 1840 with a few tweaks as time goes by. Definitely not one by lawyers to benefit lawyers, especially one lawyer that cannot make up his mind and the other has no idea of our documented history held at Archive New Zealand. Just a pack of parasites (see below), far more interested in lining their pockets than the people they serve or our country as a whole.

Say "No to a new Constitution" and honour the one we already have and tell Palmer and Butler to keep their greedy little fingers away from our Constitution!



# Sir Paul and Govt differ over treaty on screen

NZPA

Sydney

The clashing views of the Governor-General, the Most Rev Sir Paul Reeves, and the New Zealand Government on the Treaty of Waitangi were aired on Australian television on Monday night.

The Prime Minister, Mr Palmer, and his predecessor, Mr Lange, now the Attorney-General, ruled out yielding to major financial and economic claims by Maori under the treaty when they were interviewed on the Australian Broadcasting Commission's Four Corners current affairs programme.

But Sir Paul joined Maori leaders in hinting that failure to address "injustices" under the treaty would lead to violence.

While Mr Palmer described the treaty as vague and unclear, Sir Paul compared it to the "covenant made between God and Abraham or God and Noah" and said it was a binding document.

"Many Pakema people get impatient at what they see to be the ways in which Maoris keep on dredging up the things that happened 100 years ago," he said.

"They say: 'Why can't we just live together?' and Maoris can't buy into that because their injustice won't go.

"What we've got to do is relieve people of that sense of injustice and if we don't take the justice option, we run the risk of reaping the whirlwind."

Sir Paul said a white backlash against Maori claims was unavoidable and that the backlash was an expression of prejudice.

Even though change "scares the pants off"

prejudiced people, he urged legislators to create a society beneficial to all.

The head of the Ngaitahu Maori Trust Board, Mr Tipene O'Regan, acknowledged that the Crown could not afford to meet the value of the tribe's South Island claims and declined to say how much the tribe would accept in settlement.

But he agreed to the reporter's suggestion that it would have to be "hundreds of millions of dollars."

Mr Palmer said such expectations were unreasonable and would not be met.

"The idea that somehow hundreds of millions of dollars are going to change hands in a short period of time... is, I'm afraid, idle," he said.

"And the reason it is idle is that the country can't afford it and it won't happen. And in any case I don't know of any authoritative adjudication anywhere that suggests it ought to happen."

Both Mr Lange and Mr Palmer warned against making literal interpretations from the treaty.

"Did Queen Victoria for a moment think of forming a partnership with a number of signatures, a number of thumb prints and 500 people?" Mr Lange said.

"Queen Victoria was not that sort of person. That does not detract from the significance of the Treaty of Waitangi. It can become the Magna Carta of New Zealand society but it is not

going to become that from Dead Sea scroll eschatology examination."

Mr Palmer said the meaning of the treaty, in terms of its operational consequences now, was "far from clear."

"In fact it's a document that is so vague that that is its primary problem," he said.

A Tainui leader, Mr Bob Mahuta, said if thousands of young Maori were allowed to sit and brood on their situation, being unemployed and deprived, they would react like other young blacks around the world.

"They will take from the haves because they are the have-nots. They have nothing to lose," he said.

Asked if they would take by force, he said: "Naturally, yes."

A former Labour Government minister, the Hon Maiti Rata, said that when Maori people's faith in the rule of law was destroyed it introduced such thoughts as civil war.

"That would be so absurdly stupid," he said.

"That is why our ancestors signed the treaty."

The One New Zealand Foundation Inc. has a copy of DVD and transcript of this disgraceful clash between the Governor General, the Rev Sir Paul Reeves and the Prime Minister Palmer screened on the ABC TV programme Four Corners in March 1990 the called "Trick or Treaty". Prime Minister Geoffrey Palmer had woken up to his terrible mistakes, but our Governor General of Maori descent and his Maori mates would have no

part of it, even threatening violence and or a civil war if they did not get their own way!

# Sealord cash 'sponged up by parasites'

By BERNARD ORSMAN  
political staff

The Associate Treasurer and New Zealand First Maori MP, Mr Delamere, has laid into lawyers with a stinging attack on their ethics and greed at the expense of Maori.

Mr Delamere has described lawyers, including some Maori lawyers, as "legal parasites who have been able to sponge up the potential benefits Maori may have been able to get from the Sealord settlement."

The former Treaty of Waitangi negotiator said he knew of one lawyer who was charging for 36 hours a day.

"When I went to school I was taught there were 24 hours in a day," he said yesterday.

Some tribes, Mr Delamere said, were paying lawyers over \$1 million for advice for Treaty of Waitangi claims and "to date are no further down the road than when they started."

"The law fraternity have benefited enormously from treaty claims and Maori have seen precious little."

"The great bulk of them haven't been worth a single dollar. They



John Delamere

have ridden on the back of ... ignorance by many Maori claimants of the process and at times misrepresented their own ability. They take their money and run and don't achieve anything.

"Most of the tribes who have made progress have done it notwithstanding the inadequacy of some of the legal representation."

However, Mr Delamere said not all lawyers involved in treaty claims were parasites, saying

some did "very good work for very fair fees." Mr Delamere also laid part of the blame for costly legal bills at the hands of Government.

"Treaty settlement claims are not a matter of the law but what the Government is willing to do."

He said that when he was negotiating the Whakatohea claim last year, his tribe spent \$10,000 in legal bills before encountering the Wellington bureaucracy in the final weeks. Then, it ran up a further bill for \$100,000.

"Some of that cost was going to happen anyway, but we expended much more than we really needed to because of the attitude of the crown officials doing their absolute damndest to try and deny Whakatohea any sort of settlement redress whatsoever."

Mr Delamere said that with 15 Maori MPs in Parliament attitudes to treaty claims could change. He also believed it was up to Maori MPs and Parliament, not lawyers, to resolve the Sealord wrangle.

The Privy Council in London last week quashed a Court of Appeal decision that allowed urban Maori with no tribal ties to benefit from fisheries allocation.

Maori First M P, Mr Delamere has described lawyers as "legal" parasites who have been able to sponge up the potential benefits Maori may have been able to get from settlements. Don't let these "parasites" sponge from the rest of us with a new Constitution written by them!

There is nothing wrong with our Constitution if governments would honour it, but with the parasite lawyers filling their

pockets and Maori threatening violence and or a civil war if they don't get their own way and our politicians quite happy to sit on the fence and let it happen financed with taxpayer's funds.

Say "No to a new Constitution" and honour the one we already have and tell Palmer and Butler to keep their greedy little fingers away from our Constitution!

This article has been compiled from information we have on file by those involved at the time. For further information, please contact, [onzfoundation.co.nz](http://onzfoundation.co.nz). 6/2/2017.