

# How the Fourth Labour Government Destroyed New Zealand



Ever since the 1975 Treaty of Waitangi Act we have been led to believe that the Treaty of Waitangi was our Founding Document that made New Zealand into a British Colony, but the Treaty of Waitangi only made tangata Maori, whose chiefs signed the Treaty of Waitangi on their behalf, British subjects with the same rights as the people of England. No more – No less.

So, let's start at the beginning.

In 1820 New Zealand was made up of hundreds of small tribes constantly at war with each other. Ngapuhi were the first to obtain large quantities of muskets and had gone on the rampage south slaughtering thousands of the unarmed southern tribes. The southern tribes were now gaining muskets for utu/revenge against Ngapuhi.

In 1831 thirteen Ngapuhi chiefs wrote to the King of England asking him to be their guardian and protector, not only from the French, but also from the tribes gaining muskets for utu/revenge.

**Tangata Maori were not interested in claiming sovereignty over New Zealand.**

British Resident, James Busby tried to get the tribes of New Zealand to unite in 1835 with the Declaration of Independence to claim sovereignty over New Zealand and to form a united government. This government was to meet annually to encourage peace and trade amongst the tribes and the new settlers, but tangata Maori were more interested fighting and the feasts that followed, and it was abandoned with only 35 signatures and not one meeting taking place. Britain had no other option now than to claim sovereignty if Britain was to honour the request Ngapuhi had made to be their guardian and protector.

**Britain gained sovereignty over New Zealand by the Law of Nations seven days before the first marks appeared on the Treaty of Waitangi.**

Before Britain could intervene in New Zealand, Britain had to gain sovereignty over all the islands of New Zealand. Britain gained sovereignty under the **Law of Nations** by Royal Charter/Letters Patent issued by, "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" dated the 30 July 1839. British sovereignty over New Zealand was ratified on the 30 January 1840 when Lt. Governor Hobson read the two Proclamations at Kororareka/Russell. This was recognised internationally when it was published in the London Gazette on the 2 October 1840 and has never been challenged by any other Nation.

From the 30 January 1840, New Zealand was under the laws and dependency of New South Wales until the 3 May 1841. Sir George Gipps, Governor of New South Wales was New Zealand's first

Governor and Captain William Hobson became his Lt. Governor to New Zealand.

Before Lt. Governor Hobson had left Australia, Governor Gibbs had told him that over 2/3 of New Zealand had been sold by the chiefs, some ever travelling to New South Wales to find buyers. By 1840 over 700 Deeds of Sale were held at the New South Wales Supreme Court where they remain today. Most of these sales were investigated by the government after 1841 with many being disallowed and returned to the chiefs that had sold the land without compensation to the buyers. Those allowed were reduced to 2650 acres.

### **Drafting the Treaty of Waitangi**

In 1838, the Under Secretary for Colonies, James Stephens a strong supporter of the Clapham Sect, a group of prominent Englishmen that campaigned for the protection of people from colonial exploitation had written a draft document on how these people should be treated. Lord Normanby, the Secretary of Colonies used this as a draft for a treaty with the tangata Maori, but as he was not quite sure whether tangata Maori had sovereignty over New Zealand or not, he made a couple of contradictory additions about sovereignty and gave it to Captain Hobson before he left England. Lt. Governor Hobson used Stephens draft document with Lord Normanby's additions to write the Treaty of Waitangi that was translated into the tangata Maori language by Rev. Henry Williams and his son Edward to become, Te Tiriti o Waitangi. Rev. Williams had lived in New Zealand since 1823 and knew the people and their language well and made changes to the Treaty translation. "*The people of New Zealand*" to "*tangata Maori*" as he knew they were not tangata whenua and "*sovereignty*" to "*government/kawanatanga*" as he also knew tangata Maori did not have sovereignty over New Zealand, therefore, could not ceded sovereignty to Britain. Over 500 chiefs confirmed they were not "*tangata whenua*" or "*the indigenous people of New Zealand*" when they signed the Treaty of Waitangi as "*tangata Maori*".

Check the Tiriti o Waitangi for evidence.

Now than New Zealand was under British sovereignty, tangata Maori were offered the Tiriti o Waitangi to sign on the 6 February 1840. If they wanted to become British subjects with the same rights as the people of England they must give up their governments/kawanatanga to the Queen". Over 500 chiefs, mainly from the North Island agreed to the Tiriti o Waitangi on behalf of their tribes making an estimated 80,000 tangata Maori British Subjects under one flag and one law – English law.

In 1860 the Kohimarama Conference was held where over 200 tangata Maori chiefs unanimously agreed, *"That they alleged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the unions of the two races"*. Why is Ngapuhi claiming sovereignty today when their ancestors, ***"Declared recognition of the Queen's sovereignty"***?

The Tiriti o Waitangi was never intended to cede sovereignty of New Zealand from the tangata Maori as they had never had a political body capable of holding sovereignty. Britain claimed sovereignty under the **Law of Nations** on the 30 January 1840.

From the 30 January 1840, New Zealand and most of its people were under the dependency and laws of New South Wales. Some chiefs had refused to sign the Tiriti o Waitangi but still use it to claim against the Crown today, therefore, accepting the Treaty terms of giving up their governments/kawanatanga in exchange for becoming British Subjects.



On the 16

November 1840 Britain issued another Royal Charter/Letters Patent by, *"Victoria by the Grace of God"* under *"The Great Seal of the United Kingdom of Great Britain and Ireland"*. This Royal Charter/Letters Patent separated New Zealand from New South Wales laws and dependency on the 3 May 1841 and made New Zealand into an Independent British colony with its own Governor, Governor Hobson and New Zealand's first Constitution to form a Government to make laws with courts and judges to enforce those laws under one flag and one law, irrespective of race, colour or creed.

In 1877 the Treaty of Waitangi was ruled a *"Simple nullity"* by Chief Justice Sir James Prendergast and in 1941 the Privy Council ruled, *"That if it was not in our legislation, then the Treaty of Waitangi was not legally binding"*, which have never been over-ruled. The National Government overlooked both legal rulings in 1975 and introduced the Treaty of Waitangi Act which created the Waitangi Tribunal to hear claims by Maori against the Crown **that occurred after 1975**. For ten years it had very little to do until the Labour Government took office in 1984. The Hon Geoffrey Palmer became Attorney General, the Hon Koro Wetere Minister of Maori Affairs and the Rev Sir Paul Reeves, Governor General. A very dangerous team was established between the Attorney General, the Minister of Maori Affairs and the Governor General both of Maori descent.

**The Hon Geoffrey Palmer stated, *"I was utterly opposed to the Privy Council having anything to say about what the Treaty***

***meant in New Zealand".***

Surely, the Attorney General knew that the Privy Council had ruled in 1941, *"That if it was not in our legislation, then the Treaty of Waitangi was not legally binding"* or had he just taken it upon himself to overrule the Privy Council to change New Zealand forever!

### **How the Fourth Labour Government destroyed New Zealand.**

The Labour Government with the Hon Geoffrey Palmer as Attorney General instigated the 1985 Treaty of Waitangi Amendment Bill that allowed claims **dating back to 1840**, which was given its Royal Assent by the Governor General, the Rev Sir Paul Reeves. *"The Five Principles for Crown Action on the Treaty of Waitangi"* soon followed. This allowed the Attorney General, Sir Geoffrey Palmer a free hand to make his many Acts of Parliament based on his time in America studying American Civil Rights that had nothing to do with New Zealand, its people or its politics. Nothing!

The Hon Geoffrey Palmer then had the State Owned Enterprise Act passed. Section (9) stated, *"Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the Principles of the Treaty of Waitangi"*, but the principle had not been discussed at this time. No one knew what they were. This opened the door to the flood of alleged claims that are still being settled today with no end in sight.

The Hon Geoffrey Palmer admitted in his book, **"New Zealand's Constitution in Crisis"**, *"For the situation we are in, I blame neither my former opponents nor my friends. It is a book written with sorrow, although with convictions that things can change"*. He also stated, *"I was wrong"*, giving 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".

Luckily, the Palmer/Wetere/Reeves team had a falling out in 1990 when the Government and to the Governor General differed over the Treaty on screen. On the Australian Broadcasting Corporations programme Four Corners on the 6 March 1990, the Hon Geoffrey Palmer, now Prime Minister 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", while the Attorney General, Hon David Lange said, "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". The Governor General, Rev Sir Paul Reeves replied by hinting, "He would join Maori leaders that failure to address 'injustices' under the treaty would lead to violence, even civil war". Not the sort of comment you would expect from the Queen's Representative. Soon after this programme aired, Palmer and Lange disappeared from front line politics, but it was too late; the Hon Geoffrey Palmer, "Had opened the gate and the horse had bolted"!

## **Conclusion.**

The Tiriti o Waitangi had nothing to do with, "addressing injustices". The Tiriti o Waitangi only offered tangata Maori; to become British subjects with the same rights as the people of England, they must give up their individual governments/kawanatanga to the Queen. Over 500 chiefs signed the Tiriti o Waitangi on behalf of their tribes making an estimated 80,000 tangata Maori British Subjects.

Sovereignty was gained by the **Law of Nations** under the laws and dependency of New South Wales on the 30 January 1840. New Zealand became a British Colony on the 3 May 1841 with its first 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 1975 Treaty of Waitangi Act

created the Waitangi Tribunal, but the Fourth Labour government enacted the 1985 Treaty of Waitangi Amendment Act that change New Zealand for ever!

Either Mr Palmer knew what Chief Justice, Sir James Prendergast and the Law Lords at the Privy Council had ruled, and ignored it, or he deliberately overruled them to satisfy his own ego. Either way what he did was wrong, and he is now trying to put right his wrongs by making the Treaty of Waitangi part of our Constitution to overrule the Chief Justice and the Privy Council's rulings.

**The Treaty of Waitangi was never intended to be part of our Constitution. Our true Founding Documents and first Constitution that set up New Zealand's political, legal and justice systems under one flag and one law were the Royal Charters/Letters Patent of 1839 and 1840 issued by, "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*". New Zealand's true Founding Documents and first Constitution!**

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