

# [Why do we have a Treaty of Waitangi Act?](#)

## **Why do we have a Treaty of Waitangi Act, Waitangi Tribunal, Principles of the Treaty and a Minister for Treaty of Waitangi Negotiations?**

**New Zealand's Independence Day must be celebrated on the 16 November every year!**

Governor Hobson on behalf of Queen Victoria negotiated the Treaty of Waitangi over four months in 1840, with Britain gaining sovereignty over all the Islands of New Zealand and Maori given the same rights as the people of England. No more, no less.

Treaty of Waitangi negotiations were completed after the chiefs signed the Treaty of Waitangi and Britain declared sovereignty on the 21 May 1840 over the North Island by Treaty and over the South Island by Discovery. Proclamations were published in the London Gazette on October the 2nd 1840, which were accepted internationally and New Zealand was now under the jurisdiction of the New South Wales Government. The Treaty of Waitangi had accomplished what it was authorized to do, it gave Sovereignty of New Zealand to Britain and Maori the same rights as the people of England under the jurisdiction of the New South Wales Government. **End of Negotiations - End of Treaty of Waitangi!**

**Queen Victoria did not have the power or authority (jurisdiction) to give tangata maori special rights in the Treaty of Waitangi not already enjoyed by all the people of England under English law.**

On the 16 November 1840, Queen Victoria granted Her Royal Charter that separated New Zealand from the New South Wales Government and New Zealand became its own British Colony with its own Governor, Government and authority to make and enforce its own laws under the watchful eye of the British Parliament. Lieutenant Governor Hobson was sworn in as Governor of New Zealand on the 3 May 1841. No mention of the Treaty of Waitangi is made in Queen Victoria's Royal Charter as New Zealand and its people were accepted internationally as being under British Sovereignty.

**Queen Victoria's Royal Charter; Enacted the Colony of New Zealand, Created and Established a Legislative Council and an Executive Council, and Granted Certain Powers and Authority to the Governor for the time being of the said Colony.**

*"Some have said these confiscations were wrong and that they contravened 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 in 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".* **The Treaty of Waitangi - An Explanation**, by Sir Apirana Ngata, M.A., LL.B.D. M.P., Minister of Native Affairs, 1922.

The Treaty of Waitangi has never been breached it gave Sovereignty to Britain and Maori the same rights as the people of England. If there are any breaches, then they can only be breaches of the laws of New Zealand and therefore must be heard by a Court of Law. Not the apartheid Waitangi Tribunal created by the 1975 Treaty of Waitangi Act that uses the Treaty of Waitangi and the Five

Principles of the Treaty or direct negotiations with Minister for Treaty of Waitangi Negotiations, as the breaches have nothing to do with the Treaty of *Waitangi!*

*“Let me issue a word of warning to those that are in the habit of bandying the name of the Treaty around to be 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”*. Sir Apirana Ngata.

Any alleged breaches can only be breaches of the laws of New Zealand authorised under Queen Victoria’s Royal Charter dated the 16 November 1840 that made New Zealand into a British Colony with its own Governor and Government to make laws under one flag for all the people of New Zealand, irrespective of race, colour or creed.

If the Crown breached a law against Maori, then this alleged breach must be heard in a Court of Law as they were in the 1930’s and 40’s with all the legal documented evidence being laid out before the Court where it can be cross-examined and/or appealed then either approved or rejected by Parliament.

Over 540 Maori chiefs agreed to British Sovereignty over New Zealand in return for the same rights as the people of England, no more, no less, therefore the alleged breaches cannot be objected to in the light of the Treaty.

Instead of celebrating Waitangi Day, which only gave sovereignty of New Zealand to Britain and Maori the same rights as the people of England and has turned into a disgrace, the Royal Charter gave New Zealand its own British Colony, its own Governor and Government to make and enforce laws over the all the people of New Zealand, irrespective of race, colour or creed. The Royal Charter dated the 16 November 1840 gave the people of New Zealand full independence and must be celebrated by all the people of New Zealand as the day our Nation was founded.

**New Zealand’s Independence Day must be celebrated on the 16 November every year!**

The One New Zealand Foundation Inc would like to see a large monument of Governor Hobson erected in front of Parliament Building to celebrate and honour “The Founding Father of Our Nation”.

Ross Baker, Researcher, One New Zealand Foundation Inc has just written a book on “Queen Victoria’s Royal Charter”. For a copy of this very radical 32 page book, ONZF, P.O.Box 7113, Pioneer Hwy, Palmerston North with a donation to cover printing, p & p. etc. Thank You.