What the Treaty of Waitangi Really Said in 1840.

Open Letter to our Politicians from the One New Zealand Foundation Inc.

What the Treaty of Waitangi Really Said in 1840.

The agreement the Maori chiefs signed in 1840 with Queen Victoria has been completely rewritten since the 1975 Treaty of Waitangi Act, therefore, those who use the rewritten Tiriti o Waitangi must remember when they meet the Maori chiefs who signed the Tiriti o Waitangi in 1840, they will have to explain to them why they rewrote the agreement they had made with Queen Victoria in 1840 that saved their people from total extinction by their own hand. Especially, the 200 Chiefs who attended the 1860 Kohimarama Conference where they, *"Pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the unions of the two races".*

Just imagine Willy Jackson and his mates in the Maori Party trying to explain the lies they have told about the Treaty to the cannibal warrior chiefs who signed the agreement with Queen Victoria in 1840, that saved Maori from possible extinction as the tangata whenua before them.

In 1869, the Legislative Council asked the Native Department for an "Official" English translation of the Treaty of Waitangi and this "Official" translation was made by Mr T E Young of the Native Department. See page 2: **Changes to the Final Draft Approved by Hobson, Busby and Williams.**

Since this time, many Maori scholars, such as Professor Margaret Mutu and Professor Hugh Kawharu have attempted to translate the Tiriti o Waitangi into English, but all these translations make the Tiriti o Waitangi mean something that

was never intended by Queen Victoria or the 500 Maori chiefs who signed it in 1840. They have rewritten the Tiriti o Waitangi to give Maori special rights and privileges never intended by those who signed it in 1840. See page 6: **What the Treaty of Waitangi Really Said in 1840.**

In fact, Professor Hugh Kawharu, who made the translation for the 1987 Court of Appeal, which is used today by the Government and the Maori Party as the "Official" translation of the Tiriti o Waitangi, admitted, "*It was an attempt at a reconstruction of the literal translation of the Maori text".* This "*attempted*" translation of the Maori text by Professor Hugh Kawharu was to give Maori special rights and privileges not intended by those who signed it in 1840. See page 8**: Page 663, Maori Council V Attorney General 1987**.

When we compare Professor Hugh Kawharu's translations with Lt. Governor Hobson's final English draft and the "Official" translation by the Native Department in 1869, they are like "*Chalk and Cheese*"! See page 2: **Changes to the Final Draft Approved by Hobson, Busby, and Williams.**

From what is happening in New Zealand today, it seems many people, including Government and the Maori Party, have forgotten what the Treaty of Waitangi between the tangata Maori and Queen Victoria really said in 1840.

What the Treaty of Waitangi Really Said in 1840.

It was a very simple document that gave the Maori people protection, not only from the French but also from themselves, which 13 Ngapuhi chiefs had asked the King in 1831.

Over 500 Maori chiefs agreed on behalf of their people to become British Subjects with the same rights as the people of England when they signed the Treaty of Waitangi in 1840. No more, no less, no Partnership and definitely, no Co-

governance.

In fact, a British Subject cannot be in Partnership or Co-governance with the Crown under English Law. Queen Victoria did not have the power or authority to give the tangata Maori any special rights or privileges in the Treaty not enjoyed by all the people of New Zealand, and none were given!

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc. 13 June 2023.

CHANGES TO FINAL DRAFT APPROVED BY HOBSON, BUSBY AND WILLIAMS.

CONFUSION

Since the Tiriti O Waitangi was signed in 1840, there has been on going confusion over the words**, "all the people of New Zealand",** in Article Two. Some say it refers to **"Maori only"** while others say it refers to**, all the people of New Zealand of all races, colours or creeds.** It's only since the **final draft** was found in 1989 and extensive research, we can now prove beyond doubt',

Article One asked the tangata Maori to give up their "governments" to the Queen and in return, they would become British Subjects with the same rights as the people of England. Article 2 referred to both the tangata Maori and all the other races of people living in New Zealand.

While the final draft asked the tangata Maori to give up the sovereignty to the Queen, Rev Henry Williams knew tangata Maori did not hold sovereignty as, "*No political body existed capable of making cession of sovereignty*" so he changed sovereignty to government, both Hobson and Busby agreed to this change. It was ruled by Chief Justice Prendergast in

1877, *"So far indeed as that instrument* (The Treaty of Waitangi) *purported to cede the sovereignty it must be regarded as a* ***'simple nullity'****. No political body existed capable of making cession of sovereignty".*

Article Two refers to, all the people of New Zealand of all races, colours and creeds.

AMERICANS BECOME INVOLVED

As well as the brief to Hobson by the Colonial Office that the tangata Maori must have the same rights as the people of New Zealand, once the Treaty was signed, other nations, which also had people and investment in New Zealand must also have these protected. At the time the Treaty was being drafted, the Americans were conducting extensive and costly research into whaling and sealing in the Southern Oceans. There were 28 known onshore whaling stations, many owned by the Americans as well as large tracts of land, businesses and investments owned by people other than Maori or British. Unless changes were made, once the Tiriti O Waitangi was signed and New Zealand became British soil, only the Maori the British would have had any rights to their lands, dwellings, and property within New Zealand.

This is where Englishman James Clendon, the American Consul who had been involved in drafting the Declaration of Independence in 1835 and a witness to it, also became very involved in the final drafting of the Treaty, especially Article Two. This has only become evident since the final draft was found which was written at his home and on paper he supplied. Clendon was also a witness to the Tiriti O Waitangi.

CHANGE TO EARLY DRAFTS

James Clendon had to make sure that American interests and property were fully protected. This is the reason why Article two was changed in the earlier draft from, "**Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respected families and individuals thereof the full exclusive and undisturbed possession of the Lands and Estates, Forests, Fisheries and other possessions which they may collectively of individually possess so long as it is their wish and desire to retain the same in their possession",** which confirmed and guaranteed exclusive and undisturbed rights to Maori only. This was changed to, **"The Queen of England confirms and guarantees to the chiefs and the tribes and *"To all the people of New Zealand'*, the possession of "their" lands, "their" dwellings and all "their" property".**

FINAL CHANGES TO THE TIRITI O WAITANGI

This change to the earlier drafts took care of confirming and guaranteeing to all the people of New Zealand the same rights to their lands, dwellings, and property but it overlooked the fact in the final draft that the same wording, "*the people of New Zealand*", had been used in the Preamble and Article Three to refer to Maori only. The Preamble was changed to read, ***the Hapus*** of New Zealand and Article Three to read, all the ***tangata Maori*** of New Zealand when translated into the Tiriti O Waitangi. Article Two remained unchanged and therefore, referred ***to all the people of New Zealand*** of all races when read to the gathering at Waitangi on 5 of February 1840, then signed by over 500 chiefs during 1840. (See copies of Treaty below).

As Rev. Henry Williams had helped draft the Treaty from its early stages, he would have had a full understanding of what

Hobson and the Colonial Office required when he translated the final draft into the Tiriti O Waitangi. The task of translation was a difficult one, it being essential to avoid all expressions of English for which there was no equivalent in Maori, as well as it must comply with the way Maori was spoken and understood at the time. Williams admitted he made changes, he also admitted he did not make alterations which would ***'destroy the original spirit and tenor of the Treaty'.***

Before the Tiriti O Waitangi was read and explained to the people gathered a Waitangi, Hobson, Busby and Williams met behind locked doors with police guards to make sure they all agreed with the translation, ***"For the tangata Maori to give up their governments to the Queen and make the tangata Maori British Subjects with the same rights as the people of England under one flag and one law".*** They must have examined it thoroughly as Busby did change whakaminenga for huihuinga at this late stage. **Hobson, Busby, and Williams were then completely satisfied with the wording of the Tiriti O Waitangi.**

Without these changes, there would have been major problems for all those not tangata Maori when the Tiriti O Waitangi was signed. The Tiriti O Waitangi confirmed and guaranteed **"To all the people of New Zealand of all races, colours or creeds"** their lands, their dwellings and all their property. The Tiriti O Waitangi, while a very simple document, adequately covered all that was intended and expected of it.

"It made all the people of New Zealand the same under one flag, one law".

“He iwi tahi tatou – We are now one people.”

James Busby's final English draft written on the 4th of February 1840.	**Rev. Henry Williams' translation into Maori from Busby's final draft.**	**T.E Young's back-translation of the Maori text into English (1869).**
Her Majesty Victoria, Queen of England in Her gracious consideration of the chiefs and **the people of New Zealand,** and Her desire to preserve to them their lands and to maintain peace and order amongst them, has been pleased to appoint an officer to treat with them for the cession of the Sovreignty of their country and of the islands adjacent to the Queen. Seeing that many of Her Majesty's subjects have already settled in the country and are constantly arriving, and it is desirable for their protection as well as the protection of the natives, to establish a government amongst them. Her Majesty has accordingly been pleased to appoint Mr. William Hobson, a captain in the Royal Navy to be Governor of such parts of New Zealand as may now or hereafter be ceded to Her Majesty and proposes to the chiefs of the Confederation of United Tribes of New Zealand and the other chiefs to agree to the following articles. Article first The chiefs of the Confederation of the United Tribes and the other chiefs who have not joined the confederation, cede to the Queen of England for ever the entire Sovreignty of their country. Article second The Queen of England confirms and guarantees **to the chiefs and the tribes and to all the people of New Zealand,** the possession of their lands, dwellings and all their property. But the chiefs of the Confederation of United Tribes and the other chiefs grant to the Queen, the exclusive rights of purchasing such lands as the proprietors thereof may be disposed to sell	Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga **Hapu o Nu Tirani** i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira-hei kai wakarite ki nga Tangata Maori; o Nu Tirani-kia wakaaetia e nga Rangatira Maori; te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei. Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana. Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei, amoa atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei. KO TE TUATAHI Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o ratou wenua. KO TE TUARUA Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-**ki nga tangata katoa o Nu Tirani** te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona	Victoria, Queen of England, in her kind thoughtfulness to the Chiefs and **Hapus of New Zealand,** and her desire to preserve to them their chieftainship and their land, and that peace may always be kept with them and quietness, she has thought it a right thing that a Chief should be sent here as a negotiator with the Maoris of New Zealand - that the Maoris of New Zealand may consent to the Government of the Queen of all parts of this land and the islands, because there are many people of her tribe that have settled on this land and are coming hither. Now the Queen is desirous to establish the Government, that evil may not come to the Maoris and the Europeans who are living without law. Now the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be Governor to all the places of New Zealand which may be given up now or hereafter to the Queen; an he give forth to the Chiefs of the Assembly of the Hapus of New Zealand and other Chiefs the laws spoken here. The First The Chiefs of the Assembly, and all Chiefs also who have not joined the Assembly, give up entirely to the Queen of England for ever all the Government of their lands. The Second The Queen of England arranges and agrees to give to the Chiefs, the Hapus and **all the people of New Zealand,** the full chieftainship of their lands, their settlements, and their property. But the Chiefs of the Assembly, and all the other Chiefs, gives to the Queen the purchase of those pieces of land which the proprietors may wish, for such payment as may

From the changes to the final draft, "***It confirmed and guaranteed the same rights to all the people of New Zealand of all races, colours or creeds, to their lands, their dwellings, their settlements, and their property".***

For further information: www.onenzfoundation.co.nz

Or Email; ONZF@bigpond.com.au

What the Treaty of Waitangi Really Said.

Tangata Maori Chief's Agreement with Queen Victoria in 1840.

In 1840, over 500 tangata Maori chiefs made an agreement with Queen Victoria; if they gave up their governments to the Queen, they would become British Subjects with the same rights as the people of England. No more, no less, no Partnership and definitely, no Co-governance!

British intervention in New Zealand began in 1831 when 13 Ngapuhi chiefs ask Britain to be their guardian and protector, not only from themselves but also from the French who were showing an interest in annexing New Zealand to France. In 1833 Britain sent a British Resident, James Busby to try and bring peace, protection, law and order to all the people of New Zealand.

In 1835 the British Resident, James Busby tried to get the tangata Maori to claim sovereignty over New Zealand with his unauthorised "*Declaration of Independence*", but he could only entice 52 chiefs to sign it before they were back fighting each other, and it was abandoned without one meeting taking place. It was obvious the tangata Maori chiefs could never form a united government and claim sovereignty over New Zealand.

Chief Justice Prendergast explained this in his ruling in 1877. "*So far indeed as that instrument* (The Treaty of Waitangi) *purported to cede the sovereignty, it must be*

*regarded as a **‘simple nullity’**. No political body existed capable of making cession of sovereignty”.* This ruling has never been overruled but is completely ignored by the Government, the Maori Party and most of our researchers/historians today.

With over half the tangata Maori population killed, taken as slaves, or eaten by the intertribal wars and two-thirds of the country had been sold by the chiefs to foreigners by 1839, Britain reluctantly had to take a more active role if the tangata Maori were to survive. Britain reluctantly decided to place New Zealanders under the dependency of New South Wales in 1839 by Royal Charter and a Treaty with the tangata Maori chiefs in 1840, which would make the tangata Maori British Subjects the same rights as the people of England.

The Treaty of Waitangi’s instructions were drafted by the Under Secretary for Colonies, James Stephens, a strong supporter of the Clapham Sect and given to Captain Hobson by Lord Normanby before he left England for New Zealand in 1839. Hobson, who had now been made Lieutenant Governor to New Zealand, drafted the Treaty of Waitangi that was signed in 1840 by over 500 tangata Maori chiefs. Most of the land the chiefs had sold before the Treaty was signed, virtually the whole of the South Island, was returned to Maori by the Colonial Government without compensation to the buyers.

What the Treaty of Waitangi Really Said.

Article 1 of the Treaty of Waitangi asked the tangata Maori chiefs to give up their kawanatanga/ governments to the Queen and in return, Article 3 made the tangata Maori British Subjects with the same rights as the people of England.

No more, no less, no Partnership and definitely, no Co-Governance.

The Preamble and Article 2 explained to the tangata Maori people they would have the same rights/protection to “their”

lands, “their “settlements and all “their” property, the same as “all the people of New Zealand” once the Treaty of Waitangi was signed. This is English Law based on the Magna Carta.

Under English Law, Queen Victoria did not have the authority or power to give the tangata Maori any special rights in the Treaty of Waitangi not enjoyed by all the people of England and none were given!

The Chiefs who signed the Treaty at Waitangi on 6 February 1840 fully understood this when they shook Lt. Governor Hobson’s hand with the words. *“He iwi tahi tatou – We are now one people”.* Over 500 tangata Maori chiefs signed the Tiriti o Waitangi on behalf of their people in 1840 and became British Subjects with the same rights as the people of England, under British Sovereignty and English Law. No more, no less, no Partnership and definitely, no Co-Governance!

This was endorsed by Sir Apirana Ngata, Minister of Native Affairs in 1923 in his book, “*The Treaty of Waitangi – An Explanation*” when he stated, “*The chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make Laws. If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong”.*

In 1860 over 200 tangata Maori chiefs swore their allegiance to the Queen’s Rule at the Kohimarama Conference with a unanimous vote, *“Do not consent that the Treaty should be for the Europeans alone but let us take it for ourselves. Let this meeting be joined to the Treaty of Waitangi, let us urge upon the Government not to withhold it from us. That this conference takes cognisance of the fact that several chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen’s sovereignty, and of the unions of the two races”.*

There is no denying, today’s Maori ancestors gave up their rights to Queen Victoria in 1840 under one flag and one law.

Since this time, the Tangata Maori have intermarried with other races and adapted to their way of life, therefore, it is wrong for them to expect to be given special rights over all other New Zealand citizens, especially when their ancestors agreed to become British Subjects with the same rights as the people of England. No more, no less, no partnership and definitely, no Co-governance!

The Treaty referred to the people who signed it as tangata Maori, not the indigenous people of New Zealand or the tangata whenua as there were people living in New Zealand before the tangata Maori arrived in 1350. Even the Government does not have forensic evidence or a definition of the indigenous people of New Zealand. This was endorsed by Dr Ranginui Walker, Head of Maori Studies at Auckland University in the "1986 New Zealand Yearbook", page 18 when he stated, "*The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New Zealand".* Cape Reinga-Spirits Bay region of the Far North has great spiritual significance for Māori, as when they die their spirits leave New Zealand by Cape Reinga to return to the homeland of their ancestors in Hawaiki.

Maori must remember, when they meet their tangata Maori ancestors, they will have to explain to them how they rewrote the agreement their ancestors had made with Queen Victoria in 1840 that saved their people from extinction by their own hand.

New Zealand's True Founding Document and First Constitution

The Treaty of Waitangi was never intended to be our Founding Document as it only asked the tangata Maori to give up their governments to the Queen and in return, they would become British Subjects with the same rights as the people of England. Lt. Governor Hobson announced British Sovereignty over all the Islands of New Zealand on 21 May 1840 and 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.* This was New Zealand's true Founding Document and first Constitution that involved all the people of New Zealand, irrespective of race colour or creed.

See:http://onenzfoundation.co.nz/queen-victorias-two-royal-charters-letters-patent/.

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is New Zealand's true Founding Document and first Constitution. It 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.

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Page 663: Maori Council V Attorney General 1987

Professor Hugh Kawharu's "Attempt at a reconstruction of the literal translation of the Maori text" for the 1987 Court of Appeal. This translation, solely for the benefit of his people was wrongly used by the 1987 Court of Appeal for this case and was never intended to be used by the Government and the Maori Party to give Maori advantage and privilege over all other New Zealanders.

The principles of the Treaty are to be applied, not the literal words. As is well known, the English and Maori texts in the first schedule to the Treaty of Waitangi Act 1975 are not translations the one of the other and do not necessarily convey precisely the same meaning. The story of the drafting of the Treaty and the procurement of signatures from more than 500 Maori chiefs, including some Maori women of appropriate rank – events in which no lawyer seems to have played a part – is an absorbing one, but not within the ambit of this judgment.

Instead of repeating the two texts scheduled to the 1975 Act, I set out what a distinguished Maori scholar, Professor Kawharu, calls his "attempt at a reconstruction of the literal translation" of the Maori text. It was put before us on behalf of the applicants. The Crown likewise accepted it for the purposes of this case:

"Victoria, the Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

"So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness.

"So the Queen has appointed me, William Hobson a captain in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

"The first

"The Chiefs of the federation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

"The second

"The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

"The third

"For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

Signed William Hobson
Consul and Lieutenant Governor

"So we, the Chiefs of the Confederation and of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and marks thus

"Was done at Waitangi on the sixth of February in the year of our Lord 1840

The Chiefs of the Confederation"

What happened to the Agreement the Tangata Maori

Chiefs made with Queen Victoria in 1840?

In 1840, over 500 tangata Maori chiefs made an agreement with Queen Victoria; if they gave up their governments to the Queen, they would become British Subjects with the same rights as the people of England, no more, no less, no partnership and definitely, no Co-government. FACT!

British intervention in New Zealand began in 1831 when 13 Ngapuhi chiefs ask Britain to be their guardian and protector, not only from themselves but also from the French who were showing an interest in annexing New Zealand to France. In 1833 Britain sent a British Resident, James Busby to try and bring protection, law, and order to all the people of New Zealand.

In 1835 the British Resident tried to get the tangata Maori to claim sovereignty over New Zealand with his unauthorised "Declaration of Independence", but he could only entice 52 chiefs to sign it before they were back fighting each other, and it was abandoned without one meeting taking place. It was obvious the tangata Maori chiefs could never form a united government, and therefore, claim sovereignty over New Zealand.

Chief Justice Prendergast ruled in 1877. *"So far indeed as that instrument* (The Treaty of Waitangi) *purported to cede the sovereignty, it must be regarded as a* ***'simple nullity'****. No political body existed capable of making cession of sovereignty".* This ruling has never been overruled but is completely ignored by the Government, Maori and most of our researchers/historians.

With over half the tangata Maori population killed, taken slaves, or eaten by the intertribal wars and two-thirds of the country sold by the chiefs to foreigners by 1839, Britain

reluctantly had to take a more active role if the tangata Maori were to survive. Britain decided a treaty with the tangata Maori chiefs was the best way to bring protection, law and order to a country that was completely out of control. The Treaty of Waitangi was signed in 1840 by over 500 tangata Maori chiefs and most of the land the chiefs had sold was returned to them by the Colonial Government once the Treaty was signed.

Article 1 of the Treaty of Waitangi asked the tangata Maori chiefs to give up their kawanatanga/ governments to the Queen and in return, Article 3 made the tangata Maori British Subjects with the same rights as the people of England.

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The Preamble and Article 2 explained to the tangata Maori people they would have the same rights/protection to "their" land, "their "settlements and all "their" property, the same as "all the people of New Zealand" once the Treaty of Waitangi was signed. This is English Law based on the Magna Carta.

Under English Law, Queen Victoria did not have the authority or power to give the tangata Maori any special rights in the Treaty of Waitangi not enjoyed by all the people of England and none were given!

The Chiefs who signed the Treaty at Waitangi on 6 February 1840 fully understood this when they shook Lt. Governor Hobson's hand with the words. *"He iwi tahi tatou – We are now one people".* Over 500 tangata Maori chiefs signed the Treaty on behalf of their people in 1840 and became British Subjects with the same rights as the people of England, under British Sovereignty and English Law.

This was endorsed by Sir Apirana Ngata, Minister of Native Affairs in 1923 when he stated, "*The chiefs placed in the hands of the Queen of England, the Sovereignty and authority*

to make Laws. If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong".

In 1860 over 200 tangata Maori chiefs swore their allegiance to the Queen's Rule at the Kohimarama Conference with a unanimous vote, *"Do not consent that the Treaty should be for the Europeans alone but let us take it for ourselves. Let this meeting be joined to the Treaty of Waitangi, let us urge upon the Government not to withhold it from us. That this conference takes cognisance of the fact that several chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the unions of the two races".*

There is no denying, today's Maori ancestors gave up their rights to Queen Victoria in 1840 under one flag and one law, irrespective of race colour or creed. Since this time, the Tangata Maori have intermarried with other races and adapted to their way of life, therefore, it is wrong for them to expect to be given special rights over all other New Zealand citizens, especially when their ancestors agreed to become British Subjects with the same rights as the people of England. No more, no less, no partnership and definitely, no Co-governance!

The Treaty referred to the people who signed it as tangata Maori, not the indigenous people of New Zealand or the tangata whenua as there were people living in New Zealand before the tangata Maori arrived in 1350. Even the Government does not have a definition of the indigenous people of New Zealand. This was endorsed by Dr Ranginui Walker in the, "1986 New Zealand Yearbook", page 18 when he stated, "*The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New Zealand".* Cape Reinga-Spirits Bay region of the Far North has great spiritual significance for Māori as it is stated when they die their spirits leave New Zealand by Cape Reinga

to return to the homeland of their ancestors in Hawaiki.

Maori must remember, when they meet their tangata Maori ancestors, they will have to explain to them how they dishonoured the agreement they had made with Queen Victoria in 1840 that saved their people from extinction by their own hand.

New Zealand's True Founding Document and First Constitution

The Treaty of Waitangi was never intended to be our Founding Document as it only asked the tangata Maori to give up their governments to the Queen and in return, they would become British Subjects with the same rights as the people of England. Lt. Governor Hobson announce British Sovereignty over all the Islands of New Zealand on 21 May 1840 and 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.* This was New Zealand's true Founding Document and the first Constitution that involved all the people of New Zealand, irrespective of race colour or creed.

See http://onenzfoundation.co.nz/queen-victorias-two-royal-charters-letters-patent/.

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is New Zealand's true Founding Document and first Constitution. It 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.

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Treaty Versus Royal Charter

Once Hongi Hika, Te Rauparaha and others had gained muskets, they went on the rampage slaughtering or taking as slaves over half their fellow unarmed countrymen, women and children. Many of the chiefs had also sold about two thirds of New Zealand to foreigners by 1839. Britain had to take a more active role in New Zealand the King had promised in 1831 if the tangata Maori were to survive. In 1839 Britain reluctantly decided the best way to bring law and order to the people of New Zealand was by treaty.

The Treaty of Waitangi.

The Treaty of Waitangi was drafted from instructions given to Captain William Hobson by the Secretary for Colonies, Lord Normanby before he left England for New Zealand on 25 August 1839. During his stop off in New South Wales, Hobson was made the Lt Governor of New Zealand under Governor George Gipps, the Governor of New South Wales.

Once Lt Governor Hobson arrived in New Zealand, he and British Resident, James Busby went ahead and drafted an English draft for the Treaty of Waitangi. Once drafted on 4 February 1840, it was given to Rev Henry Williams and his son Edward to translate into the Tiriti o Waitangi. The Tiriti o Waitangi was read to and discussed by the chiefs on 5 February, with signing commencing on 6 February until 21 May 1840 when Lt Governor Hobson declared British sovereignty over all the

Islands of New Zealand.

How can the Treaty of Waitangi dated 6 February 1840 be our founding document when it was signed when New Zealand was under the dependency of New South Wales and only asked the tangata Maori to give up their governments to Queen Victoria and in in return they would become British Subjects with the same rights as the people of England?

No more, no less, no partnership and definitely no Co-governance.

Once the Treaty of Waitangi was signed, it had achieved its purpose and was filed away. New Zealand was under British sovereignty and all the people of New Zealand under one flag and one law, irrespective of race, colour or creed.

The Five Principles for Crown Action on the Treaty of Waitangi are a fallacy dreamt up by Hon Geoffrey Palmer in 1986 when Attorney General. The Tiriti o Waitangi had only one principle and that was, *He iwi tahi tatou – We are now one people*". Palmer later admitted, "*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*". But he somehow managed to dream up, "*Five Principles for Crown Action on the Treaty of Waitangi*"!

In 1877 Chief Justice Sir James Prendergast ruled, "*So far indeed as that instrument* (The Treaty of Waitangi) *purported to cede the sovereignty it must be regarded as a* ***'simple nullity'****. No political body existed capable of making cession of sovereignty*". This ruling has never been over-ruled, but is completely ignored by government, Maori and most of our researchers and historians today.

The people who signed the Tiriti o Waitangi were called "*tangata Maori*", not "*tangata whenua*" as explained by Professor Ranginui Walker 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". The Government also does not have a definition of the indigenous people or tangata whenua of New Zealand.

While the Treaty honoured the promise the King had made to the tangata Maori to be their protector and guardian as asked for by the 13 Ngapuhi chiefs in 1831, it also gave the tangata Maori the same rights as the people of England, but it did very little in founding New Zealand as a British Colony under one flag and one law, irrespective of race, colour or creed. This was achieved by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

Queen Victoria's Royal Charter/Letters Patent.

Once the Treaty of Waitangi had achieved its purpose and was filed away, 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.

See: http://onenzfoundation.co.nz/queen-victorias-two-royal-charters-letters-patent/.

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is our true Founding Document for the following reason.

1. It separated New Zealand from New South Wales dependency.
2. It made New Zealand into a British Colony.
3. It placed New Zealand under the sovereignty of Great Britain.
4. It gave New Zealand its first Governor, Governor William Hobson.
5. It gave New Zealand a constitution that set up our political, legal and justice systems.

6. It placed all the people living in New Zealand under one flag and one law, irrespective of race colour or creed.
7. It gave the tangata Maori protection, not only from the French, but also themselves, the first time ever for the tangata Maori.
8. It stopped all the intertribal fighting, slavery, cannibalism and genocide.
9. It returned thousands of hectares of land to the tribes the chiefs had sold before the Treaty was signed.
10. It advanced the tangata Maori 1000 years without lifting a finger.

There is no other document in New Zealand's history that comes anywhere near to a true Founding Document and first Constitution than Queen Victoria's Royal Charter dated 16 November 1840, but is completely ignored by the government, Maori and most of our researchers and historians. WHY?

Prepared by Ross Baker, Researcher One New Zealand Foundation Inc. The One New Zealand Foundation Inc was formed in 1988 to research our true documented history using the Official Information Act and the New Zealand, Australian, and American Archives, plus the British Parliamentary Papers.

Website: www.onenzfoundation.co.nz. Email; ONZF@bigpond.com.au. 14 May 2023. (C)

Welcome to the digitised version of A. H. McLintock's

1966 Encyclopaedia of New Zealand

In 1966 the first encyclopedia of New Zealand was published in three thick volumes. *An Encyclopaedia of New Zealand* was a critical and publishing success at the time and has been used as a basic reference work about the country since then. We are proud to make it available online.

The Establishment of Sovereignty in New Zealand

New Zealand was not British, but some New South Wales governors, notably Lachlan Macquarie, exploiting a possible ambiguity in their instructions, had in fact tried to extend British authority across the Tasman, seeking to foster the commercial life of New South Wales, to protect the Maoris from vicious influences, and to support the missionaries. Macquarie, in 1814, made Kendall a Resident Magistrate; in 1819 he commissioned the missionary Butler a Justice of the Peace and declared New Zealand a dependency of New South Wales. A British statute of 1817 empowered Macquarie to punish offences committed there, though it also declared New Zealand to be not a British colony. By the 1820s Australians were starting to plan colonies in New Zealand, and in 1823 the jurisdiction of the Courts of New South Wales was extended to New Zealand (for crimes committed by British subjects). These actions did not alter the status of New Zealand, but they did show that she was a matter of concern to New South Wales officials and, to a lesser extent, to the United Kingdom.

Events in the 1830s made it certain that New Zealand would become British. In 1831 the scandalous conduct of Capt. Stewart of the *Elizabeth* in aiding Te Rauparaha in one of his more bloodthirsty exploits outraged respectable opinion in New Zealand, Sydney, and London. The Colonial Secretary, Lord Goderich, was appalled. In the same year, the presence of a

French ship at the Bay of Islands led to fresh rumours of French colonisation and a petition from some chiefs to the King for protection against the “tribe of Marion”. But the upshot was, initially, trivial and ill-contrived. James Busby, an Australian free settler, was appointed Resident by Goderich without consulting the Governor of New South Wales. Thus relations between Governor and Resident were permanently bedevilled. Further, Busby quite lacked any authority other than support he could enlist from chiefs and missionaries. Imperial legislation to increase his powers was contemplated but never passed.

Nevertheless, the mid-1830s continued the movement towards annexation. In 1834 troops intervened for the first time to rescue the captured crew of a wrecked vessel. A year later Busby learned of Baron de Thierry’s fantastic plans for the creation of a personal monarchy and secured a Declaration of Independence from 35 northern chiefs. When, in 1837, de Thierry and about 100 followers landed, the hollowness of his pretensions became apparent. In the last three years of the decade the pace quickened. Land speculators from Sydney were making large “purchases” and disputes over land between Maoris and settlers became acrimonious. An increasing number of escaped convicts crossed the Tasman. Over 200 British residents of New Zealand petitioned the Imperial government for protection of property. In 1837 Captain William Hobson was sent on a tour of inspection on HMS *Rattlesnake*. He recommended the establishment of “factories” (i.e., small areas under direct British rule) to protect British interests and trade. Busby, at the same time, urged that all New Zealand become a British protectorate. There were fresh scares of French initiative, thanks to the presence of French ships and the arrival of a French Catholic Bishop, Pompallier. George Gipps now Governor of New South Wales, argued that either the Residency be ended or made effective, as did the Kororareka Vigilantes Association (an experiment in self-government), and the traders and newspapers of Sydney.

In England, the government was preparing to act. A House of Lords committee favoured British possession in 1838, and in the previous year a New Zealand Association had been formed by Edward Gibbon Wakefield and his associates for the colonisation of the country. The government regarded it with suspicion, but in 1839 it (transformed into the New Zealand Company) made its intentions clear by the dispatch of an advance party aboard the *Tory*. By this time Hobson had already been offered the post of British Consul, and in 1839 he accepted the position of Lieutenant-Governor and Consul under the government of New South Wales. The Law Officers reported that the United Kingdom could properly annex New Zealand, and Gipps's commission was enlarged with this step-in view.

The stage was set for annexation, though the official actors moved with a circumspection not equalled by private interests. The New Zealand Company had sent the *Tory* in haste to buy land before annexation should introduce a Crown monopoly of land purchases; Sydney "land sharks" drove bargains with Maoris in Sydney for immense areas "acquired" upon trivial considerations – the most ambitious was W. C. Wentworth, who claimed to have bought 20 million acres. Gipps's counter measures were effective; land dealings were prohibited, and past transactions were to be subjected to an official inquiry. Early in 1840 Hobson arrived in New Zealand, Lieutenant-Governor of a colony yet to be acquired. His instructions required him to take possession of the country only with the consent of the Maori chiefs. This emphasis upon consent arose from the influence of evangelical Christian views, especially as urged by the Church Missionary Society and its secretary, Dandeson Coates, upon the Colonial Office. It represented an attempt to combine the extension of British authority with a policy designed to safeguard the well-being of the native people. The Treaty of Waitangi of 6 February 1840 was the instrument of such consent, for the chiefs who signed it agreed to place themselves under the sovereignty of the Queen in return for her protection. After the initial signing Hobson

annexed that part of the country down to 36°S, and apparently planned a progressive southwards annexation as signatures were collected. The resident missionaries of the Church Missionary Society were a numerous body whose cooperation was essential to the Government. Together with the Wesleyans, they assisted Hobson in urging upon the chiefs the acceptance of the treaty. Some even were dispatched southwards in the *Herald* to collect further signatures, normally cementing the new relationship with gifts. Hobson was forced into greater speed by the action of the newly arrived Company settlers at Port Nicholson (Wellington) in organising their own government, and possibly by a renewed threat of French intervention – the ships carrying the French settlers who were to colonise Akaroa had arrived. On 21 May Hobson issued two proclamations announcing British sovereignty over the whole country, the North Island by right of cession, the two southern islands, where the Maori population was very slight, by right of discovery. The expansion of British influence, largely from Australia, and reinforced by the Church Missionary Society and by the New Zealand Company at the eleventh hour, had brought a new British colony into existence.

Supplied by the One New Zealand Foundation Inc.

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QUEEN VICTORIA'S TWO ROYAL CHARTERS/LETTERS PATENT

QUEEN VICTORIA'S TWO ROYAL CHARTERS/LETTERS PATENT

NEW ZEALAND'S TRUE FOUNDING DOCUMENTS.

New Zealand's True Documented History, Not the Propaganda by Government!

The following information has been obtained by the One New Zealand Foundation Inc. from New Zealand, Australian and American Archives, plus the British Parliamentary Papers.

Queen Victoria's first Royal Charter/Letters Patent dated 30 July 1839 claimed British Sovereignty over all the islands of New Zealand by the "Law of Nations" and placed New Zealand under the dependency of New South Wales Government. The second Royal Charter dated 16 November 1840 separated New Zealand from New South Wales dependency and made New Zealand into a British Colony with a Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour, or creed. See copies of both Royal Charters/Letters Patent below.

Both Charters were 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".**

The Treaty was not our "***Founding Document***", it only asked Maori, "*To give up their kawanatanga/government* in Article 1, *and in return, they would become British Subjects with the same rights as the people of England*" in Article 3. Article 2 guaranteed all the people of New Zealand protection of their land, their settlements, and all their property. This is fully explained in the Preamble of the Treaty, which is a vital part of the Treaty as it explains why a Treaty was needed and how it was to be administered. After each chief signed the Tiriti o Waitangi at Waitangi on 6 February 1840, Governor Hobson shook their hand and repeated, "*He iwi tahi tatou – We are now one people*", to which the whole gathering gave three hearty cheers. **The Tiriti o Waitangi's only Principle agreed to by both parties!**

After Chief Justice, Sir James Prendergast ruled in 1877, "*So*

far indeed as that instrument (The Treaty of Waitangi) *purported to cede the sovereignty it must be regarded as a* ***'simple nullity'****. No political body existed capable of making cession of sovereignty*", little was heard of the Treaty until 1975 when it was dragged out, dusted off and has been continually twisted and dishonoured by the Waitangi Tribunal never intended by those that signed it in 1840.

The Tiriti o Waitangi could not and did not give the tangata Maori, "*A partnership or Co-Governance with the Crown*", because under English Law, "*A British Subject cannot be in Partnership with the Crown*". **Fact!**

At the end of 1840, the Treaty had achieved its purpose and was filed away where it was later damaged by fire and rats. Maori had given up their individual governments and become British Subjects with the same rights as the people of England. Britain could now separate New Zealand from New South Wales jurisdiction and dependency and make New Zealand into a British Colony with a Governor and Constitution to form a government under on flag and one law, irrespective of race colour or creed, which was achieved by Queen Victoria's 1840 Royal Charter/Letters Patent on 3 May 1841.

Both these Royal Charters/Letters Patent have been completely ignored by governments. In fact, on 17 April 2017 the Government allowed Archives New Zealand to dismantle the Constitution Room at Archives New Zealand and place the Royal Charters of 1839 and 1840 in Archive's repository amongst the other 6 million documents and out of the public's view. To research these documents now, researchers must order them, that is, if they know they exist. ***Do you?***

The Treaty of Waitangi was placed in the new $7.2 million ***He Tohu*** Exhibition at the refurbished National Library, Wellington in 2017 as, "*An iconic constitutional document that shaped Aotearoa New Zealand".* The Treaty of Waitangi was only between tangata Maori, and the Queen, therefore, cannot be New

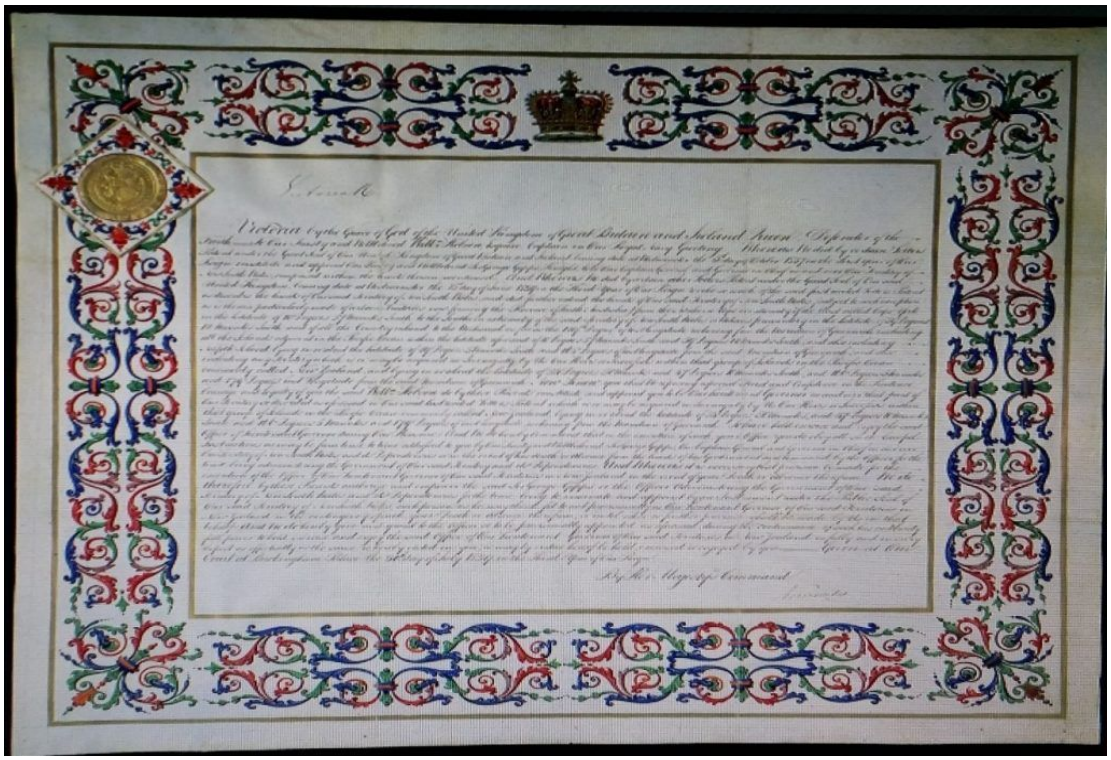
Zealand's Founding Document or Constitution that shaped New Zealand. This is just another lie by government to elevate the Treaty of Waitangi to something it was never intended to be by those who signed it in 1840.

Queen Victoria's 1839 Royal Charters/Letters Patent

A vital part of our history governments have hidden from the public.

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.

This 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 by the "Law of Nations". There is no mention of the Treaty of Waitangi in this Charter.

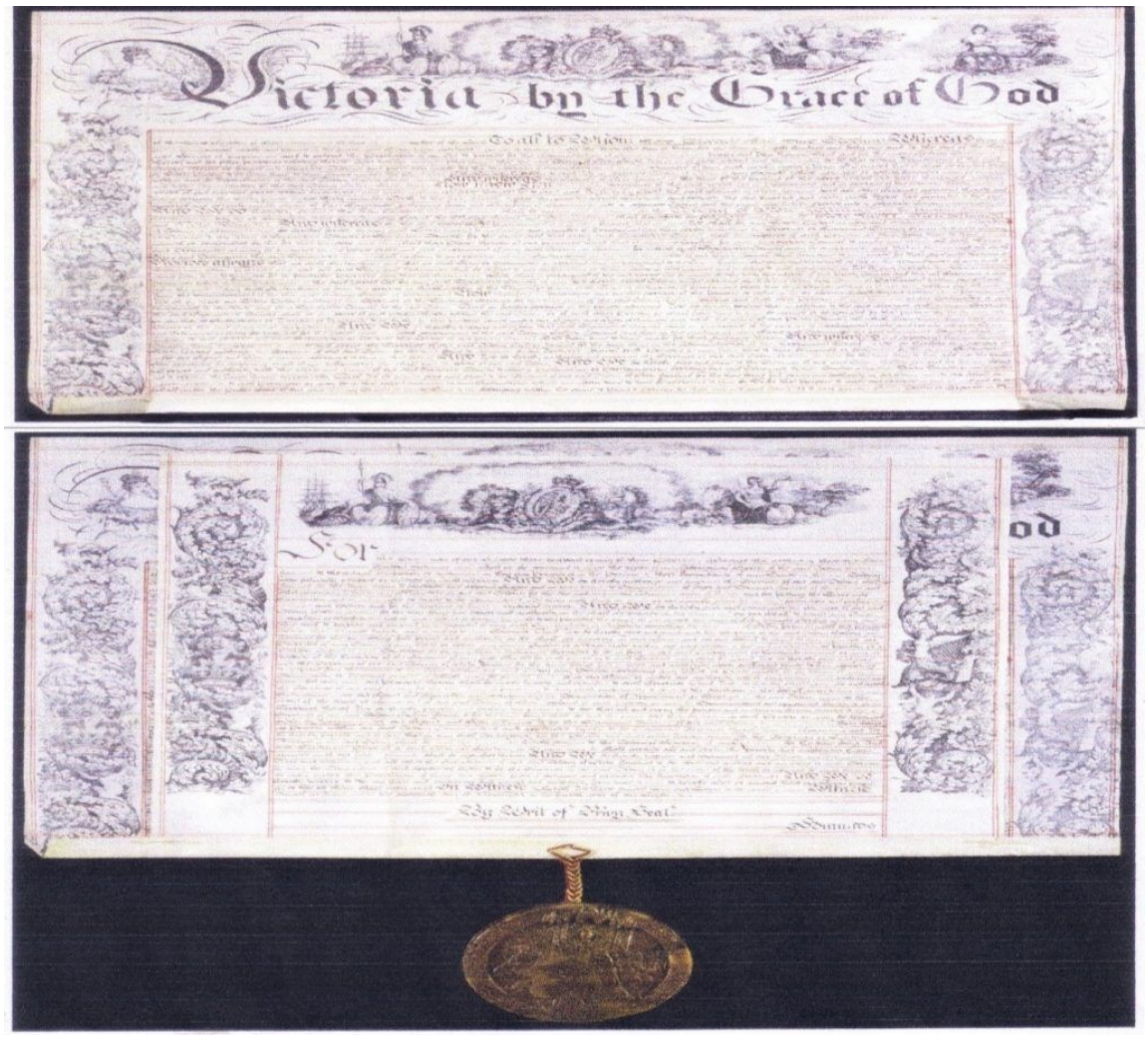
The Law of Nations.

Sovereignty over New Zealand was claimed by the **Law of Nations** *(jure gentium)* and placed New Zealand under the laws and dependency of New South Wales on 30 January 1840 by Queen Victoria's 1839 Royal Charter/Letters Patent before the first signature appeared on the Treaty of Waitangi.

The Law of Nations recognized no other mode of assuming dominion/sovereignty in a country of which the inhabitants were ignorant of the meaning of sovereignty, and therefore incapable of ceding sovereignty rights. This was the case with the people inhabiting New Zealand for whom it would have be impossible for Captain Cook or Lt. Governor Hobson to have obtained British sovereignty by cession. Tangata Maori consisted of hundreds of small individual tribes without any form of united government continually at war with each other for territories. Meaning of "*jure gentium*", by the **Law of Nations.** Inst. 1. 3. 4; 1 Bl. Comm. 423.

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 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 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 ranted 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

Above is the "Constitutional Charter" 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"* 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.

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

New Zealand's true Found Document and first Constitution.

Disc supplied by the Chief Archivist, Archives New Zealand.

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 10/6/2021 (C).

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

THE ONZF ‘PLAN’ TO REGAIN OUR DEMOCRACY

THE ONZF ‘PLAN’ TO REGAIN OUR DEMOCRACY

If you are going to protest, then you must know what you are protesting about.

Co-Governance could be stopped in its tracks if the ONZF **‘Plan’** below was followed, but the groups hoping to regain our Democracy, seem to have no actual “**Plan**” to do it or if they have, are keeping it a secret. If we are to regain our Democracy, then we must have a ‘**Plan**’ to achieve it, it will not happen on its own. We must show up the people who stole our Democracy from us and what we need to do to regain it. Please support the One New Zealand Foundation Inc. ‘**Plan**” by suggesting it to your chosen group.

Attorney General, Hon Geoffrey Palmer made many changes to our legislation in the 1980’s giving part-Maori special rights over all other New Zealand Citizens that were never intended by the Treaty of Waitangi or Queen Victoria’s 1840 Royal Charter/letters Patent. Once he had achieved this, he retired from politics and went back to his law firm where he could help part-Maori with their alleged Treaty claims. When we asked him to help the ONZF on 30 January 1995, he wrote back, *“I regret this firm cannot accept the instructions in your letter. We have a professional conflict of interest since we advise a group of Maori”.* Yes, *“Advi$$$$$e a group of part-Maori”*!

There was no mention of “*Co-Governance*” in the Treaty of Waitangi or Queen Victoria’s 1840 Royal Charter/letters Patent, but this all changed in 2010 when Prime Minister, Hon

John Key allowed Hon Pita Sharples to sign the Declaration on the Rights of Indigenous People without a mandate from Parliament, the people of New Zealand or even a government definition of the indigenous people of New Zealand. All this for John Key to gain the Maori vote to stay in power.

I had hoped my fellow New Zealanders could see through all this 'nonsense', but no, your taxes have done such a great job of brain washing you, most of you believe it.

Don't you understand, a dozen or so part-Maori, whose ancestors were not the tangata whenua or the indigenous people of New Zealand are holding you all to ransom. About 12 New Zealand politicians who claim to have a minute trace of tangata Maori ancestry holding 5 million New Zealand Citizens to ransom. God help us if the Chinese decided to invade us!

We believe these two men, plus the dozen or so part-Maori in Parliament today were/are all "*Traitors*" and should be convicted and jailed for "*Treason*".

Please spend time reading our true history that is fully documented in the New Zealand, Australian and American Archives plus the British Parliamentary Papers, not in the minds of a few part-Maori politicians for their own gain. Unfortunately, most of our true history has been removed from New Zealand's Archives to allow our history to be distorted for the sole benefit of part-Maori. Don't believe what the Government is telling you at your expense, it is all lies when our true recorded history is known.

Please ask your group to support this 'Plan' to regain our Democracy.

THE ONZF PLAN TO REGAIN OUR DEMOCRACY

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*". The Treaty of Waitangi is not New Zealand's Founding Document, it was to save the tangata Maori, not only from themselves, but also from the French as they had asked for in 1831. It gave the tangata Maori, *"The same rights as the people of England".* No more, no less!

2. **The Waitangi Tribunal.** Abolish the Waitangi Tribunal as it has become a corrupt breeding ground for false treaty claims being paid for by the taxpayers of New Zealand and if not part-Maori, are not allowed to lay a claim, participate, or appeal its recommendations. It completely breaches the Treaty of Waitangi and Queen Victoria's 1840 Royal Charter/Letters Patent of one flag and one law, irrespective of race, colour or creed. "*He Iwi tahi tatou – We are now one people*".
3. **The Five Principles.** Abolish Hon Geoffrey Palmer's 1987 "*Five Principles for Crown Action on the Treaty of Waitangi",* because in 1990 he admitted, *"I was wrong*", stating, *"The meaning of the Treaty of Waitangi was now unclear and vague, and that is its problem*". There was only one Principle in the Treaty of Waitangi and that was, *"He iwi tahi tatou – We are now one people".*
4. **The Partnership.** Abolish the "*Partnership between Maori and the Crown*" as there is no mention of a Partnership in the Treaty of Waitangi and *"A British Subject cannot be in partnership with the Crown".* Tangata 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.** Withdraw from the *"United Nation's Declaration on the Rights of the Indigenous People*" as Maori were not the tangata whenua or indigenous people of New Zealand and it was signed without authority from

Parliament or the People.

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 dependency on 3 May 1841 and made New Zealand into a British Colony with a Governor and Constitution to set up our political, legal and justice system under one flag and one law, irrespective of race colour or creed.

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. 9 January 2023. (Copyright)

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

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New Zealand's 2023 New Year's Resolutions.

New Zealand's 2023 New Year's Resolutions.

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.

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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 Minster, 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 statuary 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 exit".* See copy of letters below.

As there is no statuary definition of the indigenous people of New Zealand and the document alleged to contain this information requested does not exit, 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

0 2 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

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6825 Facsimile 64 4 817 6525

Te Tari Ture o te Karauna
Crown Law

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:

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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

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

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 on 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.

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

“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).