

# New Zealand's Relationship with New South Wales

Let's explore the historical context of New Zealand's relationship with New South Wales.

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In **1840**, Britain initially included New Zealand as a **dependency** of New South Wales. During this time, New South Wales laws were deemed to operate in New Zealand. However, this arrangement was transitional, and by **November 1840**, New Zealand became a **separate colony** in its own right<sup>12</sup>.

Before this official separation, New Zealand and Australia had a close relationship. The boundaries of the New South Wales colony extended from Cape York in Queensland to South Cape in Tasmania, encompassing all land west to 135 degrees longitude (just east of Alice Springs) and "including all the islands adjacent in the Pacific Ocean." This vague definition effectively incorporated New Zealand into the New South Wales territory. Governors encouraged economic and cultural activities across the Tasman, including supporting the Church Missionary Society's presence in New Zealand and appointing New Zealand's first Justice of the Peace, Thomas Kendall, in **1814**3.

However, changing circumstances led to the Crown taking more direct control. In **1831**, Captain John Stewart of the brig Elizabeth collaborated with a Maori war party in massacring a rival group on the Banks Peninsula. Despite successive

attempts to bring Stewart and his crew before English courts, they escaped punishment. This highlighted the difficulty in applying the law across the Tasman Sea and forced the government to reconsider New Zealand's position. Additionally, a growing humanitarian movement expressed concern about the fate of the Maori people following an influx of British settlers hungry for land. [Thus, the time had come for New Zealand to become a separate colony](#)<sup>3</sup>.

By **1841**, New Zealand stood on its own, inheriting political practices and institutions of government from the United Kingdom. [This marked the end of over 50 years of confusion regarding the relationship between New Zealand and the Australian colony, and it paved the way for New Zealand's independent development as a distinct nation](#)<sup>3</sup>

**Queen Victoria's Royal Charter**, dated November 16, 1840

**Queen Victoria's Royal Charter**, dated November 16, 1840, holds a significant place in New Zealand's history. It is often overlooked but plays a crucial role as the **true founding document** and **first constitution** of New Zealand. Let's delve into the details:

### 1. **Background:**

- The **Tiriti o Waitangi**, commonly known as the Treaty of Waitangi, has been recognized as New Zealand's founding document for over 173 years.
- However, recent research by Ross Baker of the One New Zealand Foundation Inc. reveals that the Tiriti o Waitangi served a specific purpose: to grant Britain sovereignty over New Zealand and provide tangata Maori with rights similar to those of the people of England.

### 2. **Queen Victoria's Royal Charter:**

- This charter was the missing link that established New Zealand as an independent British colony.
- It granted New Zealand:

- Its own British Colony status.
- A Governor and Government.
- The authority to enact laws, establish courts, and appoint judges.
- A unified legal and political system under one flag and one law for all people, regardless of race, color, or creed.

### 3. **Declaration of Independence:**

- Before the Royal Charter, there was the **Declaration of Independence**, drafted by James Busby in 1835.
- The Declaration aimed to unite Maori chiefs, promote peace, justice, and trade, and prevent intertribal conflicts.
- Unfortunately, only 34 Northern chiefs signed it, and it was eventually abandoned due to internal conflicts.

### 4. **Role of the Treaty of Waitangi:**

- The Tiriti o Waitangi did not serve as New Zealand's founding document or part of its constitution.
- Instead, it granted Britain sovereignty and ensured Maori rights similar to those of the English people.

**Queen Victoria's Royal Charter** had significant implications for indigenous rights in New Zealand. Let's explore how it impacted the tangata whenua (indigenous people):

#### 1. **Recognition of Sovereignty:**

- The Royal Charter granted New Zealand its own British Colony status, recognizing its sovereignty within the British Empire.
- This recognition allowed for the establishment of a Governor and Government, which played a crucial role in shaping the legal and political landscape.

#### 2. **Equal Rights Under One Law:**

- The Charter ensured that all people in New Zealand, regardless of their race or ethnicity, would be subject to the same legal system.
- Maori rights were protected under English common law, granting them equal rights alongside European settlers.

### 3. **Land Ownership and Disputes:**

- The Charter established a unified legal system, including courts and judges.

In summary, Queen Victoria's Royal Charter, issued on November 16, 1840, is the **true foundation** upon which New Zealand's legal and political systems were established. [It's time to recognize its importance and place it firmly in our historical archives1](#)

#### **NOTE.**

#### **Tangata Māori were not indigenous to New Zealand.**

Since this article was written, forensic evidence shows Māori were not the indigenous people of New Zealand. The Māori arrived in New Zealand in 1350 to find New Zealand already inhabited by the tangata whenua. The Government does not have a definition of, "*The tangata whenua or the Indigenous People of New Zealand*". The Tiriti o Waitangi states it was signed with tangata Maori, not tangata whenua.

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