

# **OMBUDSMAN REFUSES TO INVESTIGATE**

**The Ombudsman supports the Government by refusing to investigate our complaint.**

In 2014, fellow researcher Jean Jackson (Ngai Tahu) contacted me asking if I had ever researched Queen Victoria's 1839 and 1840 Royal Charter/Letter Patents

I must admit, after researching New Zealand history for over 30 years, I have never seen any research on the Royal Charters by any other researchers. Yes, it was mentioned a couple of times, but there was no in-depth research into the Royal Charters.

I, with other members of the One New Zealand Foundation Inc decided to thoroughly research the 2 Royal Charter documents and were surprised what we found.

**How could we have overlooked our true Founding Document and first constitution that was on public display in Archives New Zealand's Constitution Room for over 25 years?**

This document was issued by "*Victoria by the Grace of God*" under, "*The Great Seal of the United Government of Great Britain and Ireland*". Not only was it issued by Queen Victoria under the Great Seal of the United Kingdom, it separated New Zealand from New South Wales 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 flag, irrespective of race colour or creed.

**Queen Victoria's Royal Charter/Letters Patent dated 16**

**November 1840 proves the Treaty of Waitangi was not our Founding Document and the reason why government were so keen to hide it from the public.**

We published this fact in 2015 on our website: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz). with letters to all the other groups, politicians and Government Departments thinking the government would now recognise the Ryal Charter finally as our true Founding Document and first Constitution.

**But no, the government dismantled the Constitution Room at Archives New Zealand and hid the Royal Charter in the Archives storeroom. How corrupt was that!**

We sent many Official Information Act letters to Ministers and the Chief Archivist, Marilyn Little asking why Queen Victoria's Royal Charter had been hidden from the public's view.

**Not only this, but future researchers who want to research the Royal Charter documents must now order them, that is, if they know it exists. Do you?**

But there is more, the Wellington National Library was refurbished at a cost to the taxpayer's of \$7.2 million with the new *He Tohu Exhibition* to display the Declaration of Independence, a complete failure as British Resident, James Busby could only entice 39 chiefs to sign it before they were back fighting each other and it was abandoned without one meeting taking place, the Treaty of Waitangi that had asked the 540 chiefs 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 and the Woman's Suffrage Petition..

These 3 documents were the only document removed from Archives New Zealand Constitution Room and place in the *He Tohu Exhibition* as, "*Iconic constitutional documents that shaped Aotearoa New Zealand*". The Royal Charter was left out of the

Exhibition.

**The only documents that had any right to be there were the Women's Suffrage Petition and Queen Victoria's 1840 Royal Charter/Letters Patent, our true Founding Document and first Constitution.**

Through Official Information Act letters, we found Chief Activist Marilyn Litte had decided to place Queen Victoria's Royal Charters in Archives storeroom out of the public's view.

**After many letters over a number of months asking why the Royal Charters had be hidden from the public's view, we were told our OIA letters were frivolous and vexatious, and no further correspondence would be entered into.**

The One New Zealand Foundation Inc. decided to complain to the Ombudsman. We sent information on Queen Victoria's Royal Charter and explained the Treaty of Waitangi had only asked the 540 chiefs to give up their government and 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 with the Crown!**

After many letters to the Ombudsman's Office, on 18 July 2023, we received a letter from the Chief Ombudsman, Peter Boshier stating, *"I have now had the opportunity to consider your comments on the provision opinion. It is my final opinion that the Department was entitled to refuse your request under section 18(h) of the OIA. You have asked me to investigate the history of the Royal Charter document, which is not part of my of my role in investigating a complaint under the OIA"*.

**How could he investigate our complaint if the was not prepared to investigate the Royal Charter documents, the basis of our complaint?**

He then went on to say, *"You are aware you are on a management plan with this Office, whereby we will not respond to any complaints or correspondence we receive from you about these issues of the He Tohu exhibition. I will therefore not be commenting further on any of the specifics you raise in your email". I have now concluded my investigation.*

**How could he conclude his investigation when he had not investigated Queen Victoria's Royal Charet the basis of our complaint.**

From the complaint we asked the Ombudsman to investigate, we believe he is supporting the Government in hiding our true Founding Document and first Constitution from the public.

**This would be one of the most corrupt acts by any government; to hide our true Founding Document and first Constitution from the Public, and the Chief Ombudsman, Peter Boshier and his staff supported it! How corrupt was that!**

The above is written from OIA letters and information supplied by the One New Zealand Foundation Inc. We can supply and support any of the letters and documents quoted in this article.

For further information: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) OR Email: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au).

1. It was issued by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Government of Great Britain and Ireland"*. This surprised me as the Treaty of Waitangi was not issued by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Government of Great Britain and Ireland"* but was being used as New Zealand's Founding Document. In fact, we knew the Treaty of Waitangi was initially drafted by the Undersecretary of Colonies, James Stephens, who was a very strong supporter of the Clapham Sect, a group of people prominent in England from about 1790 to 1845, who

campaigned to protect indigenous peoples from colonial exploitation. While little, if anything is published about the Clapham Sect in New Zealand's history, it had a great influence on the instructions given to Captain William Hobson on the drafting of the Treaty of Waitangi.

2. We also knew the Treaty of Waitangi asked the tangata Maori to give up their governments to Queen Victoria and in return, they would be give the same rights as the people of England, no more, no less, no Partnership and definitely, no Co-governance.
3. We had always wonder how New Zealand became a British Colony with a Governor and Constitution, that set up our political, legal and justice systems under one flag, one law, irrespective of race colour of creed as there was nothing the Treaty of Waitangi that could have achieved this.

Our researched also showed the 1839 Royal Charter/Letters Patent placed New Zealander under the dependency of New South Wales and the 1840 Royal Charter was the document that separated New Zealand from New South Wales 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, one law, irrespective of race colour of creed. In fact, the Letters Patent of 16 November 1840 (the Royal Charter) empowered the governor to constitute courts and appoint judges to administer justice in the Colony. In 1841 an ordinance of the Legislative Council established the Supreme Court of New Zealand, which continues in existence as the High Court, which vests in the court 'all judicial jurisdiction

which may be necessary to administer the laws of New Zealand.

This came as quite a shock as we had always been told the Treaty of Waitangi was our true Founding Document, but we found this was not correct, our true Founding Document and first Constitution was Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

We published this fact in 2015 on our website: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz). with letters to all the other groups, politicians and Government Departments.

While we thought this would be of great interest to the Government, the other groups and the Politician's as we now knew how New Zealand became a British Colony, but few should any interest. In fact, the Constitution Room at Archives New Zealand, where the two Royal Charter documents had been on public display for over 25 years, was demolished and the two Royal Charters hidden from the public in Archives storeroom. For researchers to research the two Royal Charters, our true founding Document and first Constitution, they now have to order them, that is, if future researchers know they existed.

**Do you?**

While this was bad enough, the Government then spent \$7.2 million of taxpayers' money to refurbish the Wellington National Library and built the He Tohu Exhibit to hold just three documents, the Women's Suffrage Petition, which gave women the vote in New Zealand, the Declaration of Independence that James Busby could only entice 49 to sign before it was abandoned without one meeting taking place and the Treaty of Waitangi that only asked the tangata Maori to give up their governments and in return they would become British Subjects. with the same rights as the people of England,

When we queried the Chief Archivist Marilyn Little as to why Queen Victoria's Royal Charters/Letters Patent were not displayed in the He Tohu Exhibition, she replied, "*Only a*

*small portion of the many constitutional document held by Archives New Zealand are to be displayed in He Tohu. The three documents on display, the 1935 Declaration of Independence, the 1840 Treaty of Waitangi and the 1893 Women's Suffrage Petition represents moments of pivotal historical significance in Aotearoa New Zealand. The decision to display these documents was approved by the project Board. The decision to return the remaining documents to the repository is made under the authority of the Chief Archivist".*

**What? No room to hold two extra documents in a building that cost the taxpayers \$7.2 million! This decision was made by the project Board, whoever they are and the Chief Archivist decided to return the remaining document to the repository, but they were never in the repository, they have been in the Constitution Room for 25 years in full view of the public.**

*We then asked under the OIA, "Where would the Royal Charters be held" and she replied, "The remaining documents currently housed in the Constitution Room, including the Charter of 1840, will be located in Archives New Zealand's Wellington repository".*

**We now know the two Royal Charters documents were deliberately hidden from the public by the Chief Archivist as they would show up the errors governments have made over the last 175 years by using the Treaty of Waitangi as our Founding Document, when it is not!**

*We then asked, who gave the authority to hide the Royal Charters in Archives repository out of the public's view and she replied, "The closure of the Constitution Room, and subsequent removal of the documents housed within it, is authorised by Cabinet Minute CAB Min (12) 14/11, dated 30 April 2012. It agrees to the proposal to move the Constitution Room from the Archives New Zealand building to the refurbished National Library building".*

Correct it did agree, *"To the proposal to move the Constitution Room from the Archives New Zealand building to the refurbished National Library building"*

**But it did not say, to hide the Royal Charters in Archives storeroom out of the public's view. What right did the Chief Archivist, Marilyn Little have to remove these documents from the public's view when they belong to all the people of New Zealand?**

In 2017 we wrote the Ombudsman's Office with a complaint that the Chief Archivist Marilyn Little had removed the Royal Charters from the public's view without the authority of Cabinet. We set copies of the Royal Charters and explaining, these documents were issued by, *"Victoria by the Grace of God"* under, *"The Great Seal of the United Government of Great Britain and Ireland"*. We also explained the 1839 Royal Charter placed New Zealand under the dependency of New South Wales, which could only have been achieved if the tangata Maori did not have sovereignty over New Zealand. This was confirmed in 1877 when 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.