

The following is a model constitution drafted by Sir Geoffrey Palmer and Matthew Palmer as an Appendix to *Bridled Power: New Zealand Government under MMP* (1997). It contains a number of the existing elements of New Zealand's constitutional arrangements. It does not attempt to be comprehensive or complete and is intended simply as a means of stimulating and focusing public debate.

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CONSTITUTION ACT OF NEW ZEALAND

An Act to institute a Constitution as the supreme law of New Zealand

WHEREAS

(1) New Zealand is a democratic society based on the rule of law and on principles of freedom, equality and the dignity and worth of the human person;

(2) New Zealand does not have a Constitution enjoying the status of Supreme Law and it is desirable to change that situation and adopt a Constitution;

(3) The Maori, as tangata whenua o Aotearoa, and the Crown entered in 1840 into a solemn contract known as Te Tiriti o Waitangi or the Treaty of Waitangi, and it is desirable to recognise and affirm the Treaty as Part of the Supreme Law of New Zealand;

(4) New Zealand in 1978 ratified the International Covenant on Civil and Political Rights;

(5) It is desirable to guarantee the human rights and fundamental freedoms of all the people of New Zealand without discrimination;

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short title and commencement—(1) This Act may be cited as the Constitution of New Zealand.

(2) This Act shall come into force on 1 January 2000.

PART I

GENERAL PROVISIONS

2. Entrenchment—No provision of this Constitution shall be repealed or amended unless the proposal for the repeal or amendment—

- (a) Is passed by a majority of 75 percent of all the members of the House of Representatives; or
- (b) Has been carried by a majority of the valid votes cast at a poll of all electors eligible to vote in New Zealand.

Cf Electoral Act 1993 No 87, s268

3. Legal effect of Constitution—(1) Wherever a law can be given a meaning that is consistent with the Constitution, that meaning must be preferred to any other meaning.

(2) Where there is an inconsistency between any law and the Constitution, the Constitution must prevail.

Cf 1990 No 109, s6

PART II

The Treaty of Waitangi/Te Tiriti o Waitangi

4. The Treaty of Waitangi/Te Tiriti o Waitangi—(1) The rights of the Maori people under the Treaty of Waitangi/Te Tiriti o Waitangi are hereby recognised and affirmed.

(2) The Treaty of Waitangi/Te Tiriti o Waitangi shall be considered as always speaking and shall be applied to circumstances as they arise so that effect may be given to its spirit and intent.

(3) The Treaty of Waitangi/Te Tiriti o Waitangi means the Treaty as set out in Maori and English in the Schedule to this Act.

Cf Treaty of Waitangi Act 1975, No 114

5. Court appointment of *amicus curiae*—In any proceedings in which the question of consistency with the Treaty of Waitangi/Te Tiriti o Waitangi is in issue, the court may appoint an *amicus curiae* to represent any party who, in the opinion of the court, should be represented and who, but for the appointment of the *amicus curiae*, would be unrepresented.

PART III

The Sovereign

6. Head of State—(1) The Sovereign in right of New Zealand is the head of State of New Zealand, and shall be known by the royal style and titles proclaimed from time to time.

(2) The Governor-General appointed by the Sovereign is the Sovereign's representative in New Zealand.

Cf 1986 No 114, s2

7. Exercise of royal powers by the Sovereign or the Governor-General—(1) Every power conferred on the Governor-General by or under any Act is a royal power which is exercisable by the Governor-General on behalf of the Sovereign, and may accordingly be exercised either by the Sovereign in person or by the Governor-General.

(2) Every reference in any Act to the Governor-General in Council or any other like expression includes a reference to the Sovereign acting by and with the advice and consent of the Executive Council.

Cf 1986 No 114, s3

8. Regency—(1) Where, under the law of the United Kingdom, the royal functions are being performed in the name and on behalf of the Sovereign by a Regent, the royal functions of the

Sovereign in right of New Zealand shall be performed in the name and on behalf of the Sovereign by that Regent.

(2) Nothing in subsection (1) of this section limits, in relation to any power of the Sovereign in right of New Zealand, the authority of the Governor-General to exercise that power.

Cf 1986, No 114, 4

9. Demise of the Crown—(1) The death of the Sovereign shall have the effect of transferring all the functions, duties, powers, authorities, rights, privileges, and dignities belonging to the Crown to the Sovereign's successor, as determined in accordance with the enactment of the Parliament of England entitled The Act of Settlement (12 & 13 Will. 3, c. 2) and any other law relating to the succession to the Throne, but shall otherwise have no effect in law for any purpose.

(2) Every reference to the Sovereign in any document or instrument in force on or after the commencement of this Act shall, unless the context otherwise requires, be deemed to include a reference to the Sovereign's heirs and successors.

Cf 1986 No 114, s5

The Executive

10. Ministers of Crown to be members of Parliament—(1) A person may be appointed and may hold office as a member of the Executive Council or as a Minister of the Crown only if that person is a member of Parliament.

(2) Notwithstanding subsection (1) of this section,—

(a) A person who is not a member of Parliament may be appointed and may hold office as a member of the Executive Council or as a Minister of the Crown if that person was a candidate for election at the general election of members of the House of Representatives held immediately preceding that person's appointment as a member of the Executive Council or as a Minister of the Crown but shall vacate office at the expiration of the period of 40 days beginning with the date of the appointment unless, within that period, that person becomes a member of Parliament; and

(b) Where a person who holds office both as a member of Parliament and as a member of the Executive Council or as a Minister of the Crown ceases to be a member of Parliament, that person may continue to hold office as a member of the Executive Council or as a Minister of the Crown until the expiration of the 28th day after the day on which that person ceases to be a member of Parliament.

Cf 1986 No 114, s6

11. Power of member of Executive Council to exercise Minister's powers—Any function, duty, or power exercisable by or conferred on any Minister of the Crown (by whatever designation that Minister is known) may, unless the context otherwise requires, be exercised or performed by any member of the Executive Council.

Cf 1986 No 114, s7

12. Appointment of Parliamentary Under-Secretaries—(1) The Governor-General may from time to time, by warrant under the Governor-General's hand, appoint any member of Parliament to be a Parliamentary Under-Secretary in relation to such Ministerial office or offices as are specified in that behalf in the warrant of appointment.

(2) A Parliamentary Under-Secretary shall hold office as such during the pleasure of the Governor-General, but shall in every case vacate that office within 28 days of ceasing to be a member of Parliament.

Cf 1986 No 114, s8

13. Functions of Parliamentary Under-Secretaries—(1) A Parliamentary Under-Secretary holding office as such in respect of any Ministerial office shall have and may exercise or perform under the direction of the Minister concerned such of the functions, duties, and powers of the Minister of the Crown for the time being holding that office as may from time to time be assigned to the Parliamentary Under-Secretary by that Minister.

(2) Nothing in subsection (1) of this section limits the authority of any minister of the Crown to exercise or perform personally any function, duty, or power.

(3) The fact that any person holding office as a Parliamentary Under-Secretary in respect of any Ministerial office purports to exercise or perform any function, duty, or power of the Minister concerned shall be conclusive evidence of that person's authority to do so.

Cf 1986 No 114, s9

The Legislature

14. House of Representatives—(1) There shall continue to be a House of Representatives for New Zealand.

(2) The House of Representatives is the same body as the House of Representatives referred to in section 10 of the Constitution Act 1986.

(3) The House of Representatives shall be regarded as always in existence, notwithstanding that Parliament has been dissolved or has expired.

(4) The House of Representatives shall have as its members those persons who are elected from time to time in accordance with the provisions of the Electoral Act 1993, and who shall be known as 'members of Parliament'.

Cf 1986 No 114, s10

15. Oath of allegiance to be taken by members of Parliament—(1) A member of Parliament shall not be permitted to sit or vote in the House of Representatives until that member has taken the Oath of Allegiance in the form prescribed in section 17 of the Oaths and Declarations Act 1957.

(2) The oath to be taken under this section shall be administered by the Governor-General or a person authorised by the Governor-General to administer that oath.

Cf 1986 No 114, s11

16. Election of Speaker—The House of Representatives shall, at its first meeting after any general election of its members, and immediately on its first meeting after any vacancy occurs in the office of Speaker, choose one of its members as its Speaker, and every such choice shall be effective on being confirmed by the Governor-General.

Cf 1986 No 114, s12

17. Speaker to continue in office notwithstanding dissolution or expiration of Parliament—A person who is in office as Speaker immediately before the dissolution or expiration of Parliament shall, notwithstanding that dissolution or expiration, continue in office until the close of polling day at the next general election unless that person sooner vacates office as Speaker.

Cf 1986 No 114, s13

Parliament

18. Parliament—(1) There shall continue to be a Parliament of New Zealand, which consists of the Sovereign in right of New Zealand and the House of Representatives.

(2) The Parliament of New Zealand is the same body as that which was established by section 14 of the Constitution Act 1986.

*Cf*1986 No 114, s14

19. Power of Parliament to make laws—Subject to this Constitution the Parliament of New Zealand continues to have full power to make laws.

*Cf*1986 No 114, s15

20. Royal assent to Bills—A Bill passed by the House of Representatives shall become law when the Sovereign or the Governor-General assents to it and signs it in token of such assent.

*Cf*1986 No 114, s16

21. Term of Parliament—The term of Parliament shall, unless Parliament is sooner dissolved, be 3 years from the day fixed for the return of writs issued for the last preceding general election of members of the House of Representatives, and no longer.

*Cf*1986 No 114, s17

22. Summoning, proroguing, and dissolution of Parliament—(1) The Governor-General may by Proclamation summon Parliament to meet at such place and time as may be appointed therein, notwithstanding that when the Proclamation is signed or when it takes effect Parliament stands prorogued to a particular date.

(2) The Governor-General may by Proclamation prorogue or dissolve Parliament.

(3) A Proclamation summoning, proroguing, or dissolving Parliament shall be effective—

(a) On being gazetted; or

(b) On being publicly read, by some person authorised to do so by the Governor-General, in the presence of the Clerk of the House of Representatives and 2 other persons,—whichever occurs first.

(4) Every Proclamation that takes effect pursuant to subsection (3) (b) of this section shall be gazetted as soon as practicable after it is publicly read.

*Cf*1986 No 114, s18

23. First meeting of Parliament after general election—After any general election of members of Parliament, Parliament shall meet not later than 6 weeks after the day fixed for the return of the writs for that election.

*Cf*1986 No 114, s19

24. Carrying over of Parliamentary business—Where the House of Representatives resolves that any Bill, petition, or other business before it or any of its committees be carried over to the next session of Parliament (whether the same Parliament or not), that Bill, petition, or other business shall not lapse upon the prorogation or dissolution or expiration of the Parliament in being when that resolution is passed but shall be carried over accordingly.

*Cf*1986 No 114, s20

Parliament and Public Finance

25. Bills appropriating public money—The House of Representatives shall not pass any Bill providing for the appropriation of public money or for the imposition of any charge upon the public revenue unless the making of that appropriation or the imposition of that charge has been recommended to the House of Representatives by the Crown.

*Cf*1986 No 114, s21

26. Parliamentary control of public finance—It shall not be lawful for the Crown, except by or under an Act of Parliament—

- (a) To levy a tax; or
- (b) To raise a loan or to receive any money as a loan from any person; or
- (c) To spend any public money.

Cf 1986 No 114, s22

The Judiciary

27. Protection of Judges against removal from office—A Judge of the High Court shall not be removed from office except by the Sovereign or the Governor-General, acting upon an address of the House of Representatives, which address may be moved only on the grounds of that Judge's misbehaviour or of that Judge's incapacity to discharge the functions of that Judge's office.

Cf 1986 No 114, s23

28. Salaries of Judges not to be reduced—The salary of a Judge of the High Court shall not be reduced during the continuance of the Judge's commission.

Cf 1986 No 114, s24

PART IV

BILL OF RIGHTS

General Provisions

29. Bill of Rights—(1) The rights and freedoms contained in this Bill of Rights are guaranteed.

(2) The provisions of this Part of this Act shall be known as the Bill of Rights.

30. Application—This Bill of Rights applies only to acts done—

(a) By the legislative, executive, or judicial branches of the government of New Zealand; or

(b) By any person or body in the performance of any public function, power, or duty conferred or imposed on that person or body by or pursuant to law.

Cf 1990 No 109, s2

31. Justified limitations—The rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Cf 1990 No 109, s5

32. Other rights and freedoms not affected—An existing right or freedom shall not be held to be abrogated or restricted by reason only that the right or freedom is not included in this Bill of Rights or is included only in part.

Cf 1990 No 109, s28

33. Application to legal persons—Except where the provisions of this Bill of Rights otherwise provide, the provisions of this Bill of Rights apply, so far as practicable, for the benefit of all legal persons as well as for the benefit of all natural persons.

Cf 1990 No 109, s29

Life and Security of the Person

34. Right not to be deprived of life—No one shall be deprived of life except on such grounds as are established by law and are consistent with the principles of fundamental justice.

Cf 1990 No 109, s8

35. Right not to be subjected to torture or cruel treatment—Everyone has the right not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment.

Cf 1990 No 109, s9

36. Right not to be subjected to medical or scientific experimentation—Every person has the right not to be subjected to medical or scientific experimentation without that person's consent.

Cf 1990 No 109, s10

37. Right to refuse to undergo medical treatment—Everyone has the right to refuse to undergo any medical treatment.

Cf 1990 No 109, s11

Democratic and Civil Rights

38. Electoral rights—Every New Zealand citizen who is of or over the age of 18 years—

(a) Has the right to vote in genuine periodic elections of members of the House of Representatives, which elections shall be by equal suffrage and by secret ballot; and

(b) Is qualified for membership of the House of Representatives.

Cf 1990 No 109, s12

39. Freedom of thought, conscience, and religion—Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference.

Cf 1990 No 109, s13

40. Freedom of expression—Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

Cf 1990 No 109, s14

41. Manifestation of religion and belief—Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.

Cf 1990 No 109, s15

42. Freedom of peaceful assembly—Everyone has the right to freedom of peaceful assembly.

Cf 1990 No 109, s16

43. Freedom of association—Everyone has the right to freedom of association.

Cf 1990, No 109, s17

44. Freedom of movement—(1) Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand.

(2) Every New Zealand citizen has the right to enter New Zealand.

(3) Everyone has the right to leave New Zealand.

(4) No one who is not a New Zealand citizen and who is lawfully in New Zealand shall be required to leave New Zealand except under a decision taken on grounds prescribed by law.

Cf 1990 No 109, s18

Non-Discrimination and Minority Rights

45. Freedom from discrimination—(1) Everyone has the right to freedom from discrimination on the grounds of colour, race, ethnic or national origins, sex, marital status, religious or ethical belief, disability, age, political opinion, employment status, family status or sexual orientation.

(2) Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of colour, race, ethnic or national origins, sex, marital status, religious or ethical belief, disability, age, political opinion, employment status, family status or sexual orientation do not constitute discrimination.

Cf 1990 No 109, s19; 1993 No 82, s21

46. Rights of minorities—A person who belongs to an ethnic, religious, or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, or profess and practice the religion, or to use the language, of that minority.

Cf 1990 No 109, s20

Search, Arrest, and Detention

47. Unreasonable search and seizure—Everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise.

Cf 1990 No 109, s21

48. Liberty of the person—Everyone has the right not to be arbitrarily arrested or detained.

Cf 1990 No 109, s22

49. Rights of persons arrested or detained—(1) Everyone who is arrested or who is detained under any enactment—

(a) Shall be informed at the time of the arrest or detention of the reason for it; and

(b) Shall have the right to consult and instruct a lawyer without delay and to be informed of that right; and

(c) Shall have the right to have the validity of the arrest or detention determined without delay by way of habeas corpus and to be released if the arrest or detention is not lawful.

(2) Everyone who is arrested for an offence has the right to be charged promptly or to be released.

(3) Everyone who is arrested for an offence and is not released shall be brought as soon as possible before a court or competent tribunal.

(4) Everyone who is—

(a) Arrested; or

(b) Detained under any enactment for any offence or suspected offence shall have the right to refrain from making any statement and to be informed of that right.

(5) Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of that person.

Cf 1990 No 109, s23

50. Rights of person charged—Everyone who is charged with an offence—

- (a) Shall be informed promptly and in detail of the nature and cause of the charge; and
- (b) Shall be released on reasonable terms and conditions unless there is just cause for continued detention; and
- (c) Shall have the right to consult and instruct a lawyer; and
- (d) Shall have the right to adequate time and facilities to prepare a defence; and
- (e) Shall have the right, except in the case of an offence under military law tried before a military tribunal, to the benefit of a trial by jury when the penalty for the offence is or includes imprisonment for more than 3 months; and
- (f) Shall have the right to receive legal assistance without cost if the interests of justice so require and the person does not have sufficient means to provide for that assistance; and
- (g) Shall have the right to have the free assistance of an interpreter if the person cannot understand or speak the language used in court.

Cf 1990 No 109, s24

51. Minimum standards of criminal procedure—Everyone who is charged with an offence has, in relation to the determination of the charge, the following minimum rights:

- (a) The right to a fair and public hearing by an independent and impartial court;
- (b) The right to be tried without undue delay;
- (c) The right to be presumed innocent until proved guilty according to law;
- (d) The right not to be compelled to be a witness or to confess guilt;
- (e) The right to be present at the trial and to present a defence;
- (f) The right to examine the witnesses for the prosecution and to obtain the attendance and examination of witnesses for the defence under the same conditions as the prosecution;
- (g) The right, if convicted of an offence in respect of which the penalty has been varied between the commission of the offence and sentencing, to the benefit of the lesser penalty;
- (h) The right, if convicted of the offence, to appeal according to law to a higher court against the conviction or against the sentence or against both;
- (i) The right, in the case of a child, to be dealt with in a manner that takes account of the child's age.

Cf 1990 No 109, s25

52. Retroactive penalties and double jeopardy—(1) No one shall be liable to conviction of any offence on account of any act or omission which did not constitute an offence by such person under the law of New Zealand at the time it occurred.

- (2) No one who has been finally acquitted or convicted of, or pardoned for, an offence shall be tried or punished for it again.

Cf 1990 No 109, s26

53. Right to justice—(1) Every person has the right to the observance of the principles of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person's rights, obligations, or interests protected or recognised by law.

(2) Every person whose rights, obligations, or interests protected or recognised by law have been affected by a determination of any tribunal or other public authority has the right to apply, in accordance with law, for judicial review of that determination.

(3) Every person has the right to bring civil proceedings against, and to defend civil proceedings brought by, the Crown, and to have those proceedings heard, according to law, in the same way as civil proceedings between individuals.

Cf 1990 No 109, s21

PART V

Miscellaneous Provisions

54. Enforcement of Constitution—(1) Any person may seek a declaration in the High Court that any of the following are inconsistent with the Constitution—

(a) Any law;

(b) Any action by the sovereign, legislative, executive or judicial branches of the government of New Zealand;

(c) Any action by a person or body in the performance of any public function, power, or duty conferred or imposed on that person or body by or pursuant to law.

(2) Where any law or action has been held by any court to be inconsistent with the Constitution, the court may make such orders as are fair and reasonable in the circumstances in order to remedy any person adversely affected by the action.

55. Involvement of Attorney-General in proceedings—In any proceedings in which the question of consistency with any part of the Constitution is raised, the Attorney-General may be joined as a party, and if not joined may intervene.

56. Interpretation—In this Act, unless the context otherwise requires, 'Constitution' means the provisions of this Act.

'Law' means any enactment in force at the commencement of this Act, any enactment made after the commencement of this Act, and any rule of common law.

57. Repeals—(1) The Constitution Act 1986 is repealed.

(2) The New Zealand Bill of Rights Act 1990 is repealed.

SCHEDULE

Te Tiriti o Waitangi

(THE TEXT IN MAORI)

Ko Wikitoria, te Kuini o Ingarni, i tan a 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 wakaeta 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 t e Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei, amua 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 raw a atu ki te Kuini o Ingarni ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarna

Ko te Kuini o Ingarni ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki tangata katoa o Nu Tirani te tino rangatiratanga o 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 te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hook e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te KuiniKa tiakina e te Kuini o Ingarni nga tangata Maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarni.

(Signed) WILLIAM HOBSON
Consul and Lieutenant-Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

Treaty of Waitangi

(THE TEXT IN ENGLISH)

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands—Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in

Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

ARTICLE THE THIRD

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W. HOBSON Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

[Here follow signatures, dates, etc.]