

2 Constitution of Aotearoa New Zealand

In this chapter we set out the text of the Constitution in English. We have not had the opportunity to set out the text in te reo Māori, but it will need to be done in future iterations.

Note that this Constitution is intended to be read as a whole.

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Constitution of Aotearoa New Zealand

Preamble

We the people of Aotearoa New Zealand:

Express our desire to build upon our rich constitutional culture and heritage that includes the Magna Carta 1215, the Petition of Right 1628, the Bill of Rights 1688, protection against unlawful detention by writs of Habeas Corpus, representative and responsible government, commitment to the rule of law and an independent Judiciary, the Declaration of Independence 1835, te Tiriti o Waitangi / the Treaty of Waitangi 1840, long-standing democratic traditions with free elections based on universal suffrage, respect for persons from diverse cultures, the dignity and worth of each individual human person, a commitment to the upholding of civil, political and human rights, the striving to secure cultural, economic and social rights, the promotion of transparency and openness in government decision-making and accountability of decision-makers:

Declare the time has come to strengthen and deepen the constitution by the adoption of a codified, written Constitution of Aotearoa New Zealand which recognises that we live together as a diverse community, in a proud and independent nation with our own voice within the community of nations, and an open society based upon the values of a robust and transparent system of democratic government under law:

State that the values of our society are based on freedom and opportunity; on human dignity and tolerance; on kaitiakitanga and sustainability; on mana and tikanga Māori; on a sound economy; on fairness and equality; on a strong sense of community, human compassion and the family, especially the care of children; on the responsible use of authority; and upon democracy:

Affirm that in the pursuit of the peace, order and good government of the State, the Constitution of Aotearoa New Zealand is founded on the following six principles:

- (a) a recognition that the people govern themselves through a democratic system of representative and responsible government based on free and fair elections, with a clear distribution of public powers between the Head of State, the Parliament, the Government and an independent Judiciary:

- (b) a commitment to the principle of transparency, on the basis of publicly available information, so that the people may participate in decision-making as far as practicable:
- (c) the rule of law with affordable access to the machinery of justice through the courts and tribunals so that people are treated equally before the law and receive justice according to law in a fair and equitable manner:
- (d) respect for te Tiriti o Waitangi/the Treaty of Waitangi, which is recognised as the founding document of the nation, and constitutional recognition of the rights, privileges and obligations on and of the State and Māori, and for Māori their interests and customs as the tangata whenua:
- (e) the protection of fundamental human rights and liberties against encroachment by the Parliament, the Government and the Judiciary without discrimination on the basis of race, gender, sexual orientation or any other prohibited ground of discrimination recognised by New Zealand law:
- (f) respect for the international rule of law, peace, the principles of the United Nations Charter and the rights and dignity of all peoples.

Part 1 Supremacy of the Constitution

1 Constitution is supreme

Where there is an inconsistency between any law and any provision of this Constitution, the provision of this Constitution prevails.

Part 2 The State

2 The State and nation of Aotearoa New Zealand

- (1) The nation known as New Zealand in the English language or Aotearoa in te reo Māori is referred to in this Constitution by the composite name of Aotearoa New Zealand.
- (2) Aotearoa New Zealand is an independent, democratic state that functions under the rule of law and is committed to the task of building a successful nation.
- (3) The State of Aotearoa New Zealand (in this Constitution referred to as “the State”) is a legal entity with a legal personality and has the rights, powers and capacities of a natural person of full age and capacity.
- (4) The rights, powers and capacities of the State that flow from the legal

personality of the State conferred by paragraph (3) may be exercised only for the purpose of doing anything that is required for, or that is incidental to, or consequential, on the performance of a function conferred by law on the Government.

- (5) The exact boundaries of the State territory are determined from time to time by or under Act of Parliament.

3 Source and exercise of governmental powers

- (1) All powers of government vested in the State, legislative, executive and judicial, derive from the people of Aotearoa New Zealand.
- (2) The State is bound by this Constitution and the law for the time being in force, except to the extent it is inconsistent with this Constitution.
- (3) The powers of the State may be exercised only by or on the authority of an institution of State established or recognised by this Constitution or by or under an Act of Parliament.

4 Assets and liabilities of Crown in right of New Zealand vest in the State

- (1) On the commencement of this Constitution, all assets of the Crown in right of New Zealand vest in the State as the successor of the Crown in right of New Zealand.
- (2) Paragraph (1) affects the land law doctrines of tenures and estates only to the extent that the State takes the place of the Crown for the purpose of the continued application of those doctrines.
- (3) On the commencement of this Constitution, all liabilities of the Crown in right of New Zealand are assumed by the State as the successor of the Crown in right of New Zealand.
- (4) In paragraph (1), “assets” includes—
 - (a) natural resources, land, minerals, and other resources:
 - (b) rights under any agreement or law:
 - (c) personal property and money.
- (5) In paragraph (3), “liabilities” includes—
 - (a) obligations under any agreement or law:
 - (b) contingent liabilities.

5 Citizenship

- (1) Nothing in this Constitution prevents a citizen of the State from also being a citizen of another state.

- (2) An Act of Parliament determines the acquisition, loss and restoration of citizenship.
- (3) Nothing in this Constitution prevents citizens of the Cook Islands or Niue from holding Aotearoa New Zealand citizenship.

6 The symbols of the State

There may be symbols of the State. Acts of Parliament determine the features of these symbols, unless by Act of Parliament it is decided in a particular instance to determine the issue by a referendum of the electors.

7 The languages of the State

- (1) The official languages of the State are te reo Māori, English and New Zealand Sign Language.
- (2) Provision may be made from time to time by Act of Parliament for the use of any official languages for any one or more official purposes.

8 The Commonwealth and the United Nations

Nothing in this Constitution prevents the State's continued membership of the Commonwealth of Nations or the United Nations.

Part 3 The Head of State

9 The Head of State

- (1) There is established by this Constitution the office of Head of State of Aotearoa New Zealand.
- (2) The Head of State is appointed to office for a fixed single term of five years by the House of Representatives on a free vote, that is to say a personal vote on a conscience issue.
- (3) The Head of State must—
 - (a) be a citizen of Aotearoa New Zealand;
 - (b) reside within New Zealand while holding the office.

10 Functions and arrangements of the Head of State

- (1) The Head of State has only the powers, duties and functions conferred on the office by this Constitution or by Act of Parliament.
- (2) The Head of State must—
 - (a) signify assent to all Bills that, in accordance with this Constitution and the standing orders of the House of Representatives, have

passed through all their stages and are presented for signature:

- (b) preside at meetings of the Executive Council when present:
 - (c) on receipt of the report of the Speaker of the House of Representatives, appoint as the Prime Minister the person elected to that office by the House of Representatives and accept the resignation of the Prime Minister when tendered by the Prime Minister:
 - (d) appoint to, and remove from, the office of minister the persons whose names are submitted by the Prime Minister:
 - (e) on advice of the Prime Minister, issue writs for parliamentary elections:
 - (f) on the advice of the Minister of Foreign Affairs, appoint all diplomatic or consular representatives of Aotearoa New Zealand and receive all diplomatic representatives accredited to Aotearoa New Zealand:
 - (g) on the recommendation of the Prime Minister, confer honours, awards, decorations and distinctions:
 - (h) act as the titular head of the Armed Forces of the State.
- (3) The Head of State must, in performing his or her functions, endeavour to act as a non-partisan symbol of unity of the State and the nation.
- (4) The Head of State must never be without ministerial advisers and must exercise all functions, powers and duties other than those conferred by Article 11, on the advice of those ministers.

11 Head of State to be kept informed and entitled to advise ministers

- (1) The Prime Minister must keep the Head of State informed on the general conduct of the Government, and must make available to the Head of State information he or she may request with respect to any particular matter relating to the Government of the State.
- (2) The Head of State may give advice and comment on affairs of State in private to the Prime Minister and to other ministers.

12 Death, resignation or removal of Head of State

- (1) Upon the death, resignation or removal of the Head of State a new Head of State must be appointed for a five-year term.
- (2) The Head of State may resign from office, for any reason, by giving notice of resignation to the Prime Minister.

- (3) The Head of State may not be removed from office except by an address of the House of Representatives, which address may be moved only on the grounds of misbehaviour or of incapacity to discharge the functions of office.

13 Royal powers abolished

- (1) Those powers exercised, before the commencement of this Constitution, by ministers, under the authority of the royal prerogative, are abolished.
- (2) On and after the commencement of this Constitution, ministers have only the powers that are expressly, or by necessary implication, conferred on them by this Constitution or by Act of Parliament.
- (3) To allow orderly adjustments to be made and statutes to be passed by Parliament, the royal prerogative shall continue for five years after this Constitution comes into force and for that period the prerogative powers may be exercised on the advice of the ministers to the Head of State as if the prerogative powers were powers of the Head of State.

14 Administrator of the Government

In the absence or incapacity of the Head of State or if the office of the Head of State is vacant the Chief Justice of Aotearoa New Zealand acts as administrator of the Government in accordance with an Act of Parliament and exercises the powers and functions of the Head of State. In the absence of the Chief Justice the next most senior judge of the Supreme Court is the Administrator.

15 Remuneration

- (1) Remuneration for the Head of State, funding and other payments relating to the office and the programme of the office must be provided for by Act of Parliament.
- (2) The salary of a person appointed to the office of Head of State must not be reduced during his or her term of office and no adverse changes may be made in other conditions of service while the Head of State holds office.

Part 4 The Government

16 Governmental power

- (1) This Article establishes the Government of the State.
- (2) The Government has the executive powers of the State that are expressly,

or by necessary implication, conferred on it by this Constitution or by Act of Parliament.

- (3) The Government comprises—
 - (a) the Prime Minister:
 - (b) the other Members of Parliament appointed as ministers of the Government and members of the Executive Council:
 - (c) the public service.
- (4) The Government may act through the Cabinet, a minister or any other officer or entity empowered by or under this Constitution or by or under an Act of Parliament to act on behalf of the Government.
- (5) A person may be appointed and may hold office as a member of the Executive Council or as a minister only if that person is a Member of Parliament.
- (6) Notwithstanding paragraph (5) of this Article—
 - (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 if that person was a candidate for election at the general election of the House of Representatives held immediately preceding that person's appointment as a member of the Executive Council or as a minister, 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:
 - (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 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 until the expiration of the 28th day after the day on which that person ceases to be a Member of Parliament.

17 The Executive Council

- (1) The Executive Council is the institution through which Government collectively and formally advises the Head of State for the purpose of implementing Government decisions that require the force of law.
- (2) The functions of the Executive Council include—
 - (a) the making of Orders in Council and regulations:
 - (b) the carrying out of other formal acts of State:
 - (c) providing ministers an opportunity to brief the Head of State on

developments and current issues.

- (3) The members of the Executive Council comprise those persons who have been appointed under this Constitution to be ministers and who hold current warrants.
- (4) The Head of State presides over the Executive Council, but is not considered a member of the Executive Council. In the absence of the Head of State the Administrator of the Government or, in his or her absence, the most senior minister present, presides over the Executive Council.
- (5) A quorum of the Executive Council is three members.
- (6) The Secretary of the Executive Council is also the Secretary of Cabinet.

18 The Office of Prime Minister

- (1) There is established by this Constitution the office of Prime Minister.
- (2) The Prime Minister serves as the Head of the Government of the State.
- (3) The Prime Minister is elected by a majority of the voting members of the House of Representatives from among its members and is appointed to the office by the Head of State in accordance with Article 10.
- (4) The Prime Minister ceases to hold office—
 - (a) subject to Article 16(6) if he or she ceases to be a member of the House of Representatives;
 - (b) on the receipt by the Head of State of a letter of resignation from the Prime Minister;
 - (c) when another person is elected as Prime Minister.

19 Roles, functions and responsibilities of the Prime Minister

The roles, functions and responsibilities of the Prime Minister include the following:

- (a) to act as chair of Cabinet proceedings;
- (b) to make recommendations on Cabinet and other ministerial appointments and determine portfolio responsibilities of ministers;
- (c) to recommend himself or herself for ministerial appointments, in addition to those of the office of Prime Minister but not recommend himself or herself as Deputy Prime Minister, Minister of Finance or Attorney-General;
- (d) to oversee the execution of the policies of the Government with and through the appropriate ministers and the public service;
- (e) to formulate and manage with ministers the Government's legislative

programme in Parliament:

- (f) to participate in and be held to account by the House of Representatives for the performance of public duties, under procedures provided for in the standing orders of the House of Representatives:
- (g) to be responsible for ministerial conduct and provide standards for ministerial conduct:
- (h) to represent the people and Government of the State of Aotearoa New Zealand outside the State:
- (i) to perform such other roles, functions and duties as may be required.

20 Deputy Prime Minister

The Prime Minister designates a Deputy Prime Minister from among the members of Cabinet.

21 Minister of Finance

The Prime Minister designates a Minister of Finance to be responsible for economic, financial and fiscal policy.

22 Attorney-General

The Prime Minister designates a minister who has been admitted as a barrister and solicitor to be Attorney-General.

23 Ministers

- (1) Ministers are appointed by the Head of State, acting on the advice of the Prime Minister, from among Members of Parliament.
- (2) The designations of ministers and their responsibilities are set by the Prime Minister.
- (3) A minister is individually responsible to the House of Representatives for the proper and efficient execution of that minister's responsibilities.
- (4) A minister ceases to hold office—
 - (a) if the Minister ceases, other than in the circumstances described in Article 16(6)(b), to be a Member of Parliament for any reason:
 - (b) if removed from office by the Head of State, acting on the advice of the Prime Minister:
 - (c) on the receipt by the Prime Minister of a letter of resignation from the minister:
 - (d) when a new election to the office of Prime Minister is completed and the new ministers have been sworn in.

- (5) Any function, duty, or power exercisable by or conferred on any minister (by whatever designation that minister is known) may, unless the context otherwise requires, be exercised or performed by any other minister.

24 Cabinet

- (1) There is established a Cabinet, limited to 20 ministers.
- (2) The Cabinet has the general direction and control of the Government and is collectively responsible to the House of Representatives for the performance by the Government of its responsibilities.
- (3) The Cabinet may appoint such committees as it considers necessary, or are required, to assist the Cabinet in the discharge of its responsibilities; and the purpose, membership and terms of reference of the committees must be reported to the House of Representatives by the Prime Minister.
- (4) The Prime Minister may designate ministers as associate ministers to the principal minister in a portfolio with responsibilities delegated by the principal minister.
- (5) The Prime Minister may establish up to five ministers outside Cabinet with responsibilities designated by the Prime Minister.

25 Cabinet Manual

The Prime Minister must cause to be published at intervals not exceeding six years a Cabinet Manual that sets out in a transparent fashion a practical guide on—

- (a) how the functions of the Head of State are performed;
- (b) how ministerial and Cabinet decision-making works in practice;
- (c) how legislation is prepared;
- (d) how ministers are expected to conduct themselves in office;
- (e) how the Government interacts with the House of Representatives, the public service, and the Judiciary.

26 The public service

- (1) The public service recognised by this Constitution is the public service in existence before this Constitution entered into force.
- (2) The public service is a career-based service, where appointment and promotion is on professional merit.
- (3) The first duty of the public service is to act in accordance with this Constitution and the law.
- (4) The public service must be politically neutral and impartial and must

serve loyally the Government of the day.

- (5) The public service must provide ministers with free and frank advice.
- (6) The public service must uphold the concept of stewardship, that is active planning and management of medium- and long-term interests, along with associated advice.
- (7) The public service is headed by the State Services Commissioner, appointed by a resolution of the House of Representatives after receiving a recommendation from the appropriate select committee of Parliament.
- (8) The Commissioner makes decisions independently of ministers and is the employer of chief executives of departments and ministries of the public service.
- (9) An Act of Parliament in accordance with these principles provides for the public service and the wider state sector and the purposes of that Act are to promote and uphold a state sector system that—
 - (a) is imbued with the spirit of service to the community:
 - (b) provides free and frank advice to the Government:
 - (c) administers the policies of the Government:
 - (d) maintains high standards of integrity and conduct:
 - (e) maintains political neutrality and impartiality:
 - (f) is supported by effective workforce and personnel arrangements:
 - (g) is driven by a culture of excellence and efficiency:
 - (h) fosters a culture of stewardship:
 - (i) requires public servants to act within the law.

Part 5 The Parliament and Legislature

27 Parliament

- (1) The Parliament of the State consists of the Head of State and the House of Representatives.
- (2) Subject to the provisions of this Constitution, Parliament continues to have full power to make laws.

28 Fixed four-year parliamentary term

Unless an early general election is required under Article 29, the term of Parliament is a fixed term of four years from the day fixed for the return of the writs issued for the last preceding general election of members of the House of Representatives.

29 Early elections

- (1) A general election may not take place before the expiry of the fixed four-year term of a Parliament unless the election (in this Article referred to as “an early election”) is required to take place in accordance with this Article.
- (2) An early election is to take place if the House of Representatives unanimously or by a majority of 75 per cent of all its members passes a motion in the following form: “That there is to be an early election.”
- (3) An early election is also to take place if—
 - (a) the House of Representatives passes a motion set out in paragraph (4) of this Article:
 - (b) the period of 14 days after the day on which the motion is passed ends without the House of Representatives passing a motion set out in paragraph (5) of this Article.
- (4) The form of the motion for the purposes of paragraph (3)(a) of this Article is—“That this House has no confidence in the Government.”
- (5) The form of the motion for the purposes of paragraph (3)(b) of this Article is—“That this House has confidence in the Government.”
- (6) When an early election is required to take place, Parliament is dissolved—
 - (a) on the close of the seventh day after the day on which a motion is passed under paragraph (2):
 - (b) on the close of the seventh day after the day on which the period described in paragraph (3)(b) ends.

30 Meetings of the House of Representatives

- (1) Parliament does not require summoning and may exercise its legislative power in accordance with this Constitution at any time.
- (2) After any general election of members of the House of Representatives, the House of Representatives must meet no later than 21 days after the first declaration of the official results, on a date to be fixed by the Clerk of the House of Representatives.
- (3) Any Bill, petition, or any other parliamentary business before the House of Representatives or any of its committees prior to a general election does not automatically lapse when a general election is held and may be resumed in the next Parliament to the extent reinstated by a resolution of the House of Representatives.

- (4) The House of Representatives meets regularly in accordance with a published timetable, which it has agreed.

31 House of Representatives

- (1) The House of Representatives is regarded as always in existence.
- (2) Members of the House of Representatives are elected from time to time in accordance with the provisions of the Act of Parliament governing the conduct of parliamentary elections.
- (3) Members of the House of Representatives are also known as Members of Parliament.
- (4) An Act of Parliament must provide for access to information concerning the administration of the House of Representatives and Parliamentary Counsel Office.

32 Purpose of House of Representatives

- (1) The House of Representatives is elected to represent the people of Aotearoa New Zealand.
- (2) The functions of the House of Representatives include ensuring—
 - (a) legislation is properly scrutinised, debated and considered by the House of Representatives and by select committees of the House of Representatives, and that select committees take public submissions on legislative proposals:
 - (b) the election of the Prime Minister:
 - (c) the confidence of the House of Representatives by voting upon motions of confidence or no confidence in a minister, including the Prime Minister, or in the Government:
 - (d) that proposals for Government expenditure and taxation are examined before being agreed to:
 - (e) that Government expenditure is monitored and Government finances are prudently managed:
 - (f) that ministers and the public service are held responsible for their actions and Government policy and motions for no confidence in the Government or a minister are debated and voted on in a timely fashion:
 - (g) that Government business is conducted in a publicly transparent manner:
 - (h) that petitions for redress of grievances are properly considered.

33 Oath or affirmation of allegiance

Before sitting or voting in the House of Representatives a Member of Parliament must take an oath or affirmation of allegiance to the State and to this Constitution.

34 Election of the Speaker

- (1) The House of Representatives at its first meeting after any general election of its members, and immediately after any vacancy occurs in the office of the Speaker, elects by a majority of voting members a Speaker by a free vote, that is to say a personal vote on a conscience issue, and every such choice is effective on being confirmed by the Head of State.
- (2) The Speaker does not vote in the House of Representatives but the deputy or assistant speakers may vote.
- (3) The party from which the Speaker is elected may replace that member with the person next on their party list to maintain proportionality within the House of Representatives.
- (4) The Speaker ceases to hold office—
 - (a) on an address of the House of Representatives which address may be moved only on the grounds of misbehaviour or of incapacity to discharge the functions of office:
 - (b) if the Speaker ceases to be a Member of Parliament for any reason:
 - (c) on the receipt by the Head of State of a letter of resignation from the Speaker:
 - (d) upon being appointed a minister.
- (5) No Speaker, Deputy Speaker or assistant may hold office as a minister.

35 Functions of the Speaker

- (1) The functions of the Speaker of the House of Representatives are to—
 - (a) preside impartially over meetings of the House of Representatives, keeping order and making rulings on points of order and procedural issues as required, with the assistance of such deputies and assistants as the House of Representatives appoints:
 - (b) maintain and lay claim to the privileges of the House of Representatives:
 - (c) chair the Parliamentary Service Commission and control the precincts of Parliament:
 - (d) carry out duties and exercise power conferred by the standing

orders of the House of Representatives:

- (e) chair any select committee established to revise the standing orders of Parliament;
 - (f) ensure parliamentary debates are fairly and fully reported in the New Zealand Parliamentary Debates.
- (2) The Clerk of the House of Representatives on request advises the Speaker and provides advice to Members of Parliament and select committees.
 - (3) The Chief Executive of the Parliamentary Service Commission advises the Speaker and assists Members of Parliament with the discharge of their duties.

36 Speaker to continue in office

A person who is in office as Speaker immediately before the House of Representatives adjourns for a general election continues in office until the next Speaker is elected.

37 Deputy speakers and assistants

- (1) The House of Representatives may elect a Deputy Speaker and assistant speakers.
- (2) The Deputy Speaker and assistants may deputise for the Speaker in that person's absence as provided for by the standing orders of the House of Representatives.

38 Leader of the House of Representatives

The Prime Minister designates one minister to be Leader of the House of Representatives who is responsible for the programming of Government business and the Government's legislative programme.

39 Leader of the Opposition

The Member of Parliament who is leader of the largest parliamentary party represented in the House of Representatives not in Government, not in coalition with a Government party and not subject to any agreement for confidence and supply is recognised by the Speaker as Leader of the Opposition.

40 Parliamentary procedure

Subject to this Constitution the House of Representatives may regulate its own procedure and for that purpose make and publish standing orders.

41 Parliamentary privilege

- (1) The House of Representatives and its members have the rights, powers, privileges and jurisdiction vested in the House of Representatives as immediately prior to the coming into force of this Constitution except as they are altered by or inconsistent with this Constitution.
- (2) Parliamentary privilege is part of the law of the State and the courts define the existence and extent of the privilege.
- (3) The House of Representatives determines the manner of the exercise of the privilege.
- (4) The House of Representatives is bound by the Bill of Rights contained in this Constitution but the manner of the exercise of parliamentary privilege is not intended to be justiciable in the courts.
- (5) Where an issue arises in a court that touches upon the privileges of the House of Representatives the Judge communicates to the Speaker the issue that has arisen.
- (6) Where an issue arises as to a conflict between privilege and the Bill of Rights the chair of the Privileges Committee obtains a legal opinion from the Solicitor-General and the opinion is published and reported to the House of Representatives after the issue has been determined.
- (7) The freedom of speech and debates or proceedings in Parliament shall not be impeached or questioned in any court or place out of Parliament.
- (8) Serious breaches of privilege may be enforced by fine or imprisonment for a period not exceeding one year.
- (9) The House of Representatives has the power to send for persons, papers and records and this power may be delegated by the House of Representatives to its committees.

42 The administration of Parliament

The affairs of Parliament are administered by a Parliamentary Service Commission headed by the Speaker as provided for by Act of Parliament.

43 Parliamentary committees

- (1) The House of Representatives establishes by standing orders a system of committees including a Business Committee, a Privileges Committee, a Standing Orders Committee, a Regulations Review Committee, a Human Rights Committee and a system of subject matter select committees to examine government policy, legislation, expenditure and

administration, and to make inquiries into such matters as fall within the subject matter of their jurisdiction.

- (2) Ministers are not eligible to serve on subject matter select committees, the Regulations Review Committee or the Human Rights Committee.
- (3) Select committees have the power to recommend to the House of Representatives new legislative proposals.
- (4) The Constitutional Commission must review the list of committees in paragraph (1) when undertaking its review under Article 117.

44 Salaries, allowances and standards

- (1) Members of Parliament receive remuneration, expenses and retirement allowances appropriate to the full time performance of their responsibilities and the amounts are set from time to time by an independent public authority as provided for by Act of Parliament.
- (2) The independent authority must ensure that Members of Parliament are supported in a way that maintains public confidence in the integrity of the House of Representatives and provides its members with the efficient delivery of services required to carry out their roles.
- (3) The House of Representatives must maintain under independent oversight a register of interests of Members of Parliament which shall be available for public inspection.
- (4) The House of Representatives must maintain and by resolution approve a code of conduct for members prepared under the supervision of the Speaker.

45 Parliamentary elections

- (1) Elections for membership of the House of Representatives are conducted by equal suffrage and secret ballot under the mixed-member-proportional system as provided for by Act of Parliament.
- (2) An Act of Parliament provides for the electoral system and also for an independent Electoral Commission that has the following objectives:
 - (a) to facilitate participation in parliamentary democracy;
 - (b) to promote understanding of the electoral system and associated matters;
 - (c) to maintain confidence in the impartial and professional administration of parliamentary elections.
- (3) The Electoral Commission must act independently in performing its statutory functions and duties, and exercising its statutory powers.

- (4) The Act of Parliament referred to in paragraph (2) provides for:
- (a) the registration of electors and compilation of electoral rolls; and
 - (b) the registration of political parties;
 - (c) the qualification and nomination of candidates;
 - (d) regulation of election advertising;
 - (e) limits on individual and political party election expenses and the public reporting thereof;
 - (f) limits on donations to political parties and candidates and the public reporting thereof;
 - (g) prohibition of corrupt and illegal election practices;
 - (h) the filling of vacancies in the membership of the House of Representatives;
 - (i) the declaration of the results of elections and challenges to those results.

46 Representation Commission

- (1) There continues to be an independent commission known as the Representation Commission.
- (2) The function of the Commission is to provide for the periodical readjustment of the representation of the electoral districts in the House of Representatives.
- (3) The Commission must ensure that electoral boundaries are fairly drawn to secure equal representation as far as practicable and to avoid gerrymandering.

Part 6 Law-making

47 Legislative procedures

- (1) Subject to this Constitution a Bill becomes law when it is passed by an affirmative vote of a voting majority of members of the House of Representatives and assent of the Head of State is signified.
- (2) A Bill may be introduced as—
 - (a) a Government Bill—a Bill dealing with a matter of public policy introduced by a minister;
 - (b) a Member's Bill—a Bill dealing with a matter of public policy introduced by a Member of Parliament who is not a minister;
 - (c) a local Bill—a Bill promoted by a local authority, which affects a particular locality only;

- (d) a private Bill—a Bill promoted by a person or body of persons (whether incorporated or not) for the particular interest or benefit of that person or body of persons.
- (3) A Bill must identify on its face which of the above classes it is.
- (4) If any question arises as to the classification of a Bill, the Speaker decides the matter.
- (5) Subject to this Constitution, parliamentary procedures for the passage of legislation are established by the standing orders of the House of Representatives.
- (6) A Bill passed by the House of Representatives becomes law when the Head of State, on advice from the Prime Minister and Attorney-General, signs it.

48 Information concerning Government legislation

Before introducing to the House of Representatives a Bill containing a new legislative scheme or a Bill containing significant or extensive amendments to an existing Act, the Government must make publicly available in advance information concerning the proposed legislation, including but not limited to—

- (a) the detailed nature of the proposals;
- (b) the policy papers relating to the changes;
- (c) the administrative arrangements proposed;
- (d) the fiscal costs of the new measures;
- (e) an analysis of Treaty of Waitangi issues, if any;
- (f) an analysis whether the proposals comply with this Constitution.

49 Legislative programme

- (1) For each four-year term of Parliament, the Leader of the House of Representatives must publish the Government's proposed legislative programme for the term.
- (2) For each calendar year of the Parliament, the Government must publish its proposed legislative programme for that calendar year.

50 Urgency

A motion for urgency to expedite the consideration of legislation requires a 75 per cent majority of the members voting in the House of Representatives.

51 Drafting, presentation and accessibility of legislation

An Act of Parliament provides for—

- (a) the drafting, publication and reprinting of legislation, and the disallowing and confirming of instruments:
- (b) electronic and printed copies of Acts and legislative instruments to be published:
- (c) official versions of Acts and legislative instruments to be published in electronic form:
- (d) facilitating the production of up-to-date reprints that are modernised and made consistent with current drafting practice concerning their mode of expression, style and format:
- (e) making statute law more accessible, readable and easier to understand by facilitating the progressive and systematic revision of the body of statute law:
- (f) enabling technical or voluminous subordinate legislation that is of limited interest to the general public to incorporate material by reference in reliance on that Act, subject to compliance with consultation and other requirements.

52 Statutory instruments and delegated legislation

- (1) An Act of Parliament authorises the House of Representatives to disallow or amend by resolution statutory instruments and other forms of delegated or subordinate legislation made under the authority of an Act of Parliament.
- (2) All statutory instruments and other forms of delegated or subordinate legislation made under the authority of an Act of Parliament fall under the supervisory jurisdiction of the Regulations Review Committee of the House of Representatives and that Committee is chaired by a member of the Opposition.
- (3) The Committee has, subject to the standing orders of the House of Representatives, the power to—
 - (a) hear complaints from members of the public about statutory instruments and other forms of delegated or subordinate legislation:
 - (b) make recommendations that statutory instruments and other forms of delegated or subordinate legislation should be disallowed

or amended by the House of Representatives.

- (4) Without prejudice to the development of further grounds for disallowance or amendment that may be recommended by the Committee, the grounds on which a recommendation may be made under paragraph (3) include that the statutory instrument or other form of delegated or subordinate legislation—
- (a) is contrary to this Constitution:
 - (b) is not in accordance with the general objects and intentions of the enactment under which it is made:
 - (c) trespasses unduly on personal rights and liberties:
 - (d) appears to make some unusual or unexpected use of the powers conferred by the enactment under which it is made:
 - (e) unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal:
 - (f) purports to exclude the jurisdiction of the courts without explicit authorisation in the enactment under which it is made:
 - (g) contains matter more appropriate for parliamentary enactment:
 - (h) is retrospective where this is not expressly authorised by the enactment under which it is made:
 - (i) was not made in compliance with particular notice and consultation procedures prescribed by applicable enactments:
 - (j) requires elucidation for any other reason concerning its form or purport.

53 Law Commission

An Act of Parliament provides for an independent Law Commission to promote the systematic review, reform and development of the law of the State.

Part 7 Finance and Taxation

54 Government's financial veto

- (1) The House of Representatives must not pass a Bill, amendment or motion that the Government certifies it does not concur in because, in its view, the Bill, amendment or motion would have more than a minor impact on the Government's fiscal aggregates if it became law.
- (2) In addition, the House of Representatives must not make a change to an appropriation that the Government certifies it does not concur in

because, in its view, the change would, if made, have more than a minor impact on the composition of the vote.

55 Parliamentary control of public finance

It is not lawful for the Government, except by or under an Act of Parliament—

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

56 Restrictions on money bills

Except on the recommendation or with the consent of Cabinet, signified by a minister, the House of Representatives must not—

- (1) pass any Bill, amendment or motion which, in the opinion of the person presiding, makes provision for any of the following purposes—
 - (a) imposing, increasing, reducing or abolishing any tax;
 - (b) imposing or increasing any charge on any public fund or public revenue of the State or for altering any such charge otherwise than by reducing it;
 - (c) compounding or remitting any debt due to the Government;
- (2) pass any motion the effect of which in the opinion of the person presiding would be to make provision for any of these purposes.

57 Public finance controls

An Act of Parliament determines the detailed control of public finance which—

- (a) provides a framework for parliamentary scrutiny of—
 - (i) the Government's expenditure proposals;
 - (ii) the Government's management of its assets and liabilities;
- (b) establishes lines of responsibility for effective and efficient management of public financial resources;
- (c) specifies the principles for responsible fiscal management in the conduct of fiscal policy and requires regular reporting on the extent to which the Government's fiscal policy is consistent with those principles;
- (d) specifies the minimum financial and non-financial reporting obligations of Ministers, departments, departmental agencies, offices of Parliament, and listed organisations and companies;
- (e) provides for the application of financial management incentives and for the accountability of listed organisations and companies;
- (f) places limits on the ownership of the companies named in the Act;

- (g) safeguards public assets by providing statutory authority and control for the—
- (i) borrowing of money:
 - (ii) issuing of securities:
 - (iii) use of derivatives:
 - (iv) investment of funds:
 - (v) operation of bank accounts:
 - (vi) giving of guarantees and indemnities
- relating to those public assets.

58 Taxation and the Budget

For each financial year, the Minister of Finance must prepare a Budget that includes proposals with respect to the raising of revenue and incurring of Government expenditure for that financial year, and the Minister of Finance presents the Budget, when approved by Cabinet, to the House of Representatives.

59 The Comptroller and Auditor-General

There must exist an Officer of Parliament appointed by resolution of the House of Representatives, to be known as the Comptroller and Auditor-General, whose function is to audit the public accounts of the State and local government and report to the House of Representatives with the purpose of ensuring that public money are properly spent and accounted for, that public money has been lawfully expended, and that the public has received value for money. An Act of Parliament in accordance with these principles provides for the office.

60 Sound money and financial stability

An Act of Parliament establishes the Reserve Bank of Aotearoa New Zealand, as the central bank, responsible for—

- (a) formulating and implementing monetary policy designed to promote stability in the general level of prices, while recognising the Government's right to determine economic policy:
- (b) promoting the maintenance of a sound and efficient financial system:
- (c) carrying out other functions, and exercising powers, that may be specified.

*Part 8 The Judiciary***61 Judicial authority**

- (1) The judicial authority of the State is vested in the courts.
- (2) It is lawful for Acts of Parliament to provide for tribunals to exercise the judicial authority of the State.
- (3) It is lawful for Acts of Parliament to provide for a judge to be appointed as a member of a tribunal.
- (4) The courts and the tribunals are independent and subject only to the Constitution and the law, which they must apply independently, impartially and without fear, favour or prejudice.
- (5) The senior courts have the inherent power to develop the common law in a manner which is compatible with the Constitution. Parliament has the power to alter the common law.
- (6) The procedures and jurisdiction of all courts and tribunals function under the authority of Acts of Parliament. Rules committees may be established for the purpose of making, amending and keeping under review the rules and practices of the courts and tribunals.
- (7) The Chief Justice of the State is the head of the Judiciary. The Chief Justice is a member of, and presides over, the Supreme Court.
- (8) Acts of Parliament may confer investigatory and decision-making functions of a non-judicial nature upon a court or tribunal.
- (9) Acts of Parliament shall limit the number of judges in each court and tribunal. Changes to those numbers may only be made by Act of Parliament.

62 Senior courts

- (1) There shall continue to be the following senior courts which exercise the judicial authority of the State within the jurisdiction conferred upon them by this Constitution and by Act of Parliament:
 - (a) the High Court:
 - (b) the Court of Appeal:
 - (c) the Supreme Court.
- (2) The Supreme Court is the court of final appeal. Any decision of the Supreme Court is final and binding on all other courts.
- (3) The Supreme Court is not bound by its own decisions.

63 Other courts and tribunals

- (1) Subject to this Constitution, Acts of Parliament establish such other courts (other than the senior courts) and tribunals as are considered appropriate for the administration of justice within the State and make provision for matters related to their administration and jurisdiction.
- (2) Those courts and tribunals in existence at the time of the commencement of this Constitution continue in existence with the powers, privileges and jurisdiction conferred upon them until such time as they are reorganised by Acts of Parliament.
- (3) No tribunal, other than a military tribunal, may determine a criminal charge. A military tribunal may only determine a criminal charge against military law.

64 Judicial Appointments Commission

- (1) An Act of Parliament must establish a Judicial Appointments Commission within two years of the commencement of this Constitution.
- (2) The Act of Parliament must—
 - (a) provide that members of the Commission consist of persons who are members of the Judiciary, the legal profession, the House of Representatives and the general public;
 - (b) set out procedures for the Commission to identify candidates for judicial office to be selected on merit, having regard to the candidate's personal qualities, legal ability and experience, and the desirability of the Judiciary reflecting gender, cultural and ethnic diversity;
 - (c) require the Commission to produce a short list of candidates whom it considers suitable for appointment to a judicial vacancy.
- (3) Following the expiry of three years from the commencement of this Constitution, no person may be appointed as a judge of any court unless that person's name appears upon the shortlist for that vacancy produced by the Commission.

65 Protection of Judges against removal from office

No judge is to be removed from office except by the Head of State 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 office.

- (1) No such address shall be moved in the House of Representatives except by the Attorney-General. The Attorney-General may only move such an address after he or she has received a report from an independent panel established by Act of Parliament set up to inquire into and report upon the conduct or capacity of the judge.
- (2) The independence of tribunals must be secured by Act of Parliament. Members of tribunals, including a member who is a judge, may be appointed to the tribunal for a limited term of office.

66 Salaries of judges not to be reduced

The salary of a judge must not be reduced, and no other adverse changes made in other conditions of service, during the judge's tenure of office.

67 Age of retirement

All judges cease to hold office upon attaining the age of 72 years. However, an Act of Parliament may permit a retired judge to be appointed as a temporary judge of the court of which he or she was a judge immediately prior to attaining the age of 72 years of age.

68 Constitutional jurisdiction of the courts and tribunals

- (1) All courts and tribunals have jurisdiction to determine the question of the inconsistency of any law or conduct with this Constitution in proceedings that otherwise fall within the jurisdiction conferred upon them.
- (2) When deciding a constitutional matter within its jurisdiction, a court or tribunal—
 - (a) must declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of its inconsistency;
 - (b) may make any order that is just and equitable in order to remedy the consequences or effects of that inconsistency;
 - (c) may make any order that is just and equitable to limit the effects of a declaration of invalidity or of a remedial order including:
 - (i) an order prospectively limiting the retrospective effect of the declaration of invalidity or of the remedial order;
 - (ii) an order suspending the declaration of invalidity or of the remedial order for any period and on any conditions, to allow the competent authority to correct the inconsistency.

- (3) Where any declaration or order described in paragraph (2) concerns the consistency of an Act of Parliament with this Constitution, that declaration or order is conditional on its confirmation by the Supreme Court. The Supreme Court has power to confirm, vary, modify or set aside any declaration or order which it is asked to confirm. The procedure for confirmation by the Supreme Court may be regulated by Act of Parliament.
- (4) Where an Act of Parliament has been held or confirmed to be inconsistent with this Constitution by the Supreme Court, within one year of the decision of the Supreme Court, Parliament may enact an Act of Parliament (“the validating Act”) that provides that, notwithstanding the decision of the Supreme Court, the Act of Parliament in question shall continue to have effect, subject to such modifications or limitations as are provided for in the validating Act.
- (5) A validating Act described in paragraph (4) has no legal force or effect unless it receives the support of a 75 per cent majority of all members of the House of Representatives.
- (6) Where a constitutional matter within its jurisdiction arises in a court that is not a senior court, or in a tribunal, the court or tribunal may remove the proceedings to the High Court for its determination on that matter, in accordance with an Act of Parliament or rules of court.

69 Government’s duty to protect the courts and tribunals

The Government is under a duty to protect the courts and tribunals to ensure their independence, impartiality, dignity, accessibility and effectiveness. The Attorney-General shall have a particular responsibility to ensure that this duty is discharged.

Part 9 International Relations

70 Diplomacy and treaties

- (1) The Prime Minister and the Minister of Foreign Affairs carry the primary responsibility for the conduct of the State’s international relations, assisted by other ministers, diplomats and public servants.
- (2) Subject to this Constitution and Acts of Parliament, the Government has the necessary powers for that purpose, including the power to maintain diplomatic representatives abroad and to receive diplomatic representatives from other states.

- (3) The State accepts the generally recognised principles of international law, including the principles of customary international law.
- (4) After the commencement of this Constitution the State is not bound by any international agreement unless and until agreement to be bound is expressed by a Cabinet decision which has been approved by resolution of the House of Representatives. For the purposes of this Article a treaty includes any international agreement, treaty or convention that creates obligations on the State binding under international law.
- (5) Paragraph (4) does not apply to any international agreement entered into by or on behalf of the Crown in right of New Zealand prior to the commencement of this Constitution.

Part 10 Defence and Security

71 Armed Forces and Defence Force

- (1) The State may continue to raise and maintain a defence force for the defence and protection of the State and to further the interests of the State as provided for by Act of Parliament.
- (2) The purposes of the Defence Force, which includes the Armed Forces and civil support, are—
 - (a) the defence of the State and any area for the defence of which the State is responsible under any Act;
 - (b) the protection of the interests of the State, whether in the State or elsewhere;
 - (c) the contribution of forces under collective security treaties, agreements or other arrangements;
 - (d) the contribution of forces to, or for any of the purposes of the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;
 - (e) the provision of assistance to the civil power either in the State or elsewhere in time of emergency.
- (3) The use of the Armed Forces of the State to assist the civil power in the State or provide help in emergencies are subject to limitations provided for by Act of Parliament.
- (4) The Chief of the Defence Force and the chiefs of the three armed services, being the Navy, Army and Air Force, are appointed by Parliament after receiving a recommendation from the appropriate select committee of

the House of Representatives.

- (5) The Head of State is the titular head of the Armed Forces of the State.
- (6) The Defence Force must be politically neutral and impartial but subject to that it must serve loyally the Government of the day.
- (7) Without the prior approval by affirmative resolution of the House of Representatives, the Government must not, whether by declaration of war or otherwise, commit the State to—
 - (a) direct participation in any armed conflict, war or like emergency;
 - (b) any deployment overseas of armed forces for any purpose as under paragraphs 2(c) or 2(d).
- (8) As early as practicable prior to the proceedings referred in paragraph (7) the opinion of the Attorney-General on the legality at domestic and international law of the grounds for the State's involvement proposed by the Government, must be presented to the House of Representatives.

Part 11 Te Tiriti o Waitangi / The Treaty of Waitangi

72 Te Tiriti o Waitangi / The Treaty of Waitangi

- (1) The rights, duties and obligations of Māori under te Tiriti o Waitangi / the Treaty of Waitangi are hereby recognised and affirmed.
- (2) On the commencement of this Constitution, all rights, duties and obligations under te Tiriti o Waitangi / the Treaty of Waitangi and under Treaty settlement agreements previously vested in the Crown in right of New Zealand, vest in and are assumed by, the State.
- (3) Te Tiriti o Waitangi / the Treaty of Waitangi is considered as always speaking and is to be applied to circumstances as they arise so that effect may be given to its spirit, intent and principles.
- (4) Te Tiriti o Waitangi / the Treaty of Waitangi means the Treaty as set out in Māori and English in the Appendix.

73 The Waitangi Tribunal

There continues to be a body known as the Waitangi Tribunal, which is provided for by an Act of Parliament.

74 Application of the Treaty

Where issues arise which relate to te Tiriti o Waitangi / the Treaty of Waitangi or which involve tikanga Māori, the courts and tribunals have the power to request an opinion from the Waitangi Tribunal or other established experts on those issues.

*Part 12 The Bill of Rights***75 Rights affirmed**

The rights and freedoms contained in this Part (referred to in this Constitution as ‘the Bill of Rights’) are adopted and affirmed.

76 Application

This Bill of Rights applies only to acts done—

- (a) by the legislative, executive or judicial branches of the State;
- (b) by any person or body in the performance of any public function, power or duty conferred or imposed on that person or body.

77 Justified limitations

The rights and freedoms contained in this Part may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

78 Rights preferred

Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Part, that meaning is preferred to any other meaning.

79 Legal persons entitled to benefit of rights and freedoms

- (1) Except where the provisions of this Part otherwise provide, the provisions of this Part apply, so far as practicable, for the benefit of all legal persons as well as for the benefit of all natural persons.
- (2) The rights conferred on legal persons by paragraph (1) may be limited in accordance with the terms of Article 77.
- (3) Articles 81 (right not to be deprived of life), 82(a) (right not to be subjected to torture), 83 (right not to be subjected to medical or scientific experimentation), 84 (right to refuse to undergo medical treatment), 85 (right not to be held in slavery, servitude or required to perform forced compulsory labour), 86 (electoral rights), 93 (freedom of movement), 98 (liberty of the person) and 99 (rights of persons arrested or detained) do not apply to legal persons.

80 Other rights and freedoms not affected

No right or freedom (recognised by legislation or by the common law) shall be held to be abrogated or restricted by reason only that the right or freedom is not included in this Part or is included only in part.

Life and security of the person

81 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.

82 Right not to be subjected to torture or cruel treatment

Everyone has the right not to be subjected to—

- (a) torture:
- (b) cruel, degrading or disproportionately severe treatment or punishment.

83 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.

84 Right to refuse to undergo medical treatment

Everyone has the right to refuse to undergo any medical treatment.

85 Right not to be held in slavery or servitude, or required to perform forced or compulsory labour

Everyone has the right not to be held in slavery or in servitude, or required to perform forced or compulsory labour.

Democratic and civil rights

86 Electoral rights

- (1) Every 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 and of local government representatives, which elections shall be by equal suffrage and by secret ballot as set out in Article 45 and Article 110(1)(d):

- (b) is qualified for membership of the House of Representatives and to be elected as a local government representative.
- (2) Paragraph (1) does not prevent an Act of Parliament from conferring on non-citizens the right to vote and to be a candidate at elections of the House of Representatives and of local government bodies.

87 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.

88 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.

89 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.

90 Freedom of peaceful assembly

Everyone has the right to freedom of peaceful assembly.

91 Freedom of association

Everyone has the right to freedom of association.

92 Freedom of privacy

Everyone has the right not to be subject to arbitrary or unlawful interference with that person's privacy, family, home or correspondence.

93 Freedom of movement

- (1) Everyone lawfully in the State has the right to freedom of movement and residence in the State.
- (2) Every citizen of the State has the right to enter the State.
- (3) Everyone has the right to leave the State.
- (4) No one who is not a citizen of the State and who is lawfully in the State shall be required to leave the State except under a decision taken on grounds prescribed by law.
- (5) Every citizen of the State has the right to a passport.

94 Right to a state education

Every person is entitled to free enrolment and free education at any State primary or secondary school.

Equality, non-discrimination and minority rights

95 Equality before the law

Everyone shall be treated as equal before the law including before the courts and tribunals, and shall be given the equal protection of the law.

96 Freedom from discrimination

- (1) Everyone has the right to freedom from discrimination on the grounds of sex, gender, colour, race, language, ethnic or national origins, marital or family status, religious or ethical belief, disability, age, political or other opinion, employment 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 discrimination on the grounds listed in paragraph (1) do not constitute discrimination.
- (3) The Constitutional Commission must review the list of grounds in paragraph (1) when undertaking its review under Article 117.

97 Rights of minorities

A person who belongs to an ethnic, religious or linguistic minority in the State shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority.

Liberty, arrest, detention and criminal process

98 Liberty of the person

Everyone has the right to—

- (a) liberty and security of the person, and shall not be deprived thereof except in accordance with the principles of fundamental justice:
- (b) not to be arbitrarily or unlawfully arrested or detained.

99 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;
 - (b) shall have the right to consult and instruct a lawyer without delay and to be informed of that right;
 - (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 arbitrary or 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;
 - (b) detained under any enactmentfor 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 the person.

100 Rights of persons charged

Everyone who is charged with an offence—

- (a) shall be informed promptly and in detail of the nature and cause of the charge;
- (b) shall be released on reasonable terms and conditions unless there is just cause for continued detention;
- (c) shall have the right to consult and instruct a lawyer;
- (d) shall have the right to adequate time and facilities to prepare a defence;
- (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 two years or more;
- (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;
- (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.

101 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.

102 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 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.

Fair process

103 Right to justice

- (1) Every person has the right to the observance of the principles of natural justice by any court, 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 court that is not a senior court, 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 State, and to have those proceedings heard, according to law, in the same way as civil proceedings between individuals.

Property

104 Right to property

- (1) Everyone has the right not to be deprived of his or her property except in accordance with the following principles:
 - (a) deprivation shall not occur except pursuant to an Act of Parliament;
 - (b) deprivation shall only be pursuant to a law of general application and in pursuit of a public purpose or public interest;
 - (c) deprivation shall not be arbitrary;
 - (d) deprivation by way of expropriation shall be subject to the prompt payment of just and equitable compensation.
- (2) For the avoidance of doubt, deprivation in pursuit of a public purpose or public interest shall include, but not be limited to—
 - (a) the carrying out of public works (whether or not the works are undertaken by a person or body referred to in Article 76):
 - (b) taxation, and the levying of rates or charges;
 - (c) the benefit of public health, resource management, the environment, public transport, the integrity of the financial sector, law enforcement, family relationship purposes, or any other aspect of the common good.
- (3) Nothing in this Article applies to any sanctions that the State is required to impose pursuant to a resolution of the Security Council of the United Nations.

The Environment

105 Environmental rights

Everyone has the right—

- (a) to an environment that is not harmful to his or her health or wellbeing; and
- (b) to have the environment protected, for the benefit of present and future

generations, through reasonable legislative and other measures that—

- (i) reduce pollution and ecological degradation:
- (ii) promote conservation:
- (iii) pursue ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Social and Economic Rights

106 Social and economic rights

In making provision for the social and economic welfare of the people, Parliament and the Government shall be guided by the following non-justiciable principles:

- (a) the right of everyone to an adequate standard of living, including adequate food, clothing and housing;
- (b) the right of everyone who requires it to social security for the provision of financial and other support that clearly establishes the entitlements that may be claimed;
- (c) the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (d) the right of every worker to resort to collective action in the event of a conflict of interests, including the right to strike;
- (e) the right of every worker to enjoy satisfactory health and safety conditions in their working environment;
- (f) the right of workers to earn their living in an occupation freely entered upon.

Part 13 Other State Institutions

107 The law officers

- (1) The law officers of the State are the Attorney-General and the Solicitor-General.
- (2) Both law officers must have been admitted as barristers and solicitors of the High Court.
- (3) The Attorney-General must be designated by the Prime Minister from amongst the members of Cabinet.
- (4) The Solicitor-General must be a highly qualified practising lawyer appointed by the Head of State upon the advice of the State Services Commissioner who shall assist the Attorney-General and be the Chief

Executive of the State's law office.

- (5) The law officers determine the State's view of the law, provide legal advice to ministers and the public service, and conduct litigation brought against the State. In discharging these functions, the law officers must strive to uphold the rule of law.
- (6) Prosecutions by the State are brought in the name of the State.
- (7) No minister shall make any decision concerning whom to prosecute. The Solicitor-General supervises the making of decisions to prosecute and the system of prosecutions.
- (8) Nothing in this Constitution prohibits private prosecutions.
- (9) The Solicitor-General may perform any function or duty imposed, or exercise a power conferred, on the Attorney-General.

108 Police

- (1) An Act of Parliament provides for the organisation and governance of the police based on the following principles:
 - (a) principled, effective and efficient policing services are a cornerstone of a free and democratic society under the rule of law:
 - (b) effective policing relies on a wide measure of public support and confidence:
 - (c) policing services are provided under a national framework but also have a local community focus:
 - (d) policing services are provided in a manner that respects human rights:
 - (e) policing services are provided independently and impartially:
 - (f) in providing policing services every police employee is required to act professionally, ethically and with integrity:
 - (g) members of the police in carrying out their duties and exercising their discretion act under the principle of constabulary independence.
- (2) The police are held to account among other ways by an independent authority established to investigate complaints concerning police conduct and provided for under an Act of Parliament.

109 The intelligence agencies

- (1) The New Zealand Security Intelligence Service and the Government Communications Security Bureau (the agencies) are governed by a single Act of Parliament that sets out their functions, powers and oversight mechanisms and is regularly reviewed within periods of not more than seven years.
- (2) The agencies are established as public service departments.
- (3) The objectives of the agencies are to preserve a free, open and democratic society; to protect the State's national security (including its economic security); the maintenance of international security and the international relations of the State; and economic wellbeing.
- (4) The agencies have the function of collecting intelligence, providing protective security and assisting other government agencies.
- (5) The legislation must set out clear limits upon the extent to which the agencies may direct their activities towards New Zealand citizens and permanent residents, so that New Zealand objects are targeted only when it is necessary to protect national security with clear authorisation in the law as to when and how the intelligence may be used.
- (6) Interceptions of communications, acquisition of information held by third parties, accessing information infrastructure, surveillance and the use of human sources for intelligence purposes may only be authorised by warrants authorised by judicial commissioners, headed by a Chief Commissioner of Intelligence Warrants. Some authorisations will require the approval of the Attorney-General.
- (7) All activity by the agencies must be authorised by law and the procedures for doing so set out in the Act described in paragraph (1). Records of all authorisations must be kept.
- (8) Access to, retention and the use of information collected by the agencies must be limited by law.
- (9) An Inspector-General of Intelligence must be provided for, who will have clear powers to ensure the agencies are acting in compliance with the law, to independently investigate complaints about the agencies and to advise the Government and Parliament on matters relating to oversight of the agencies.

110 Local government

- (1) The State must have a democratic, transparent and accountable system of local government based on the following principles:
 - (a) the principle of subsidiarity, meaning that the provision of services and the solution of problems should take place as close to the citizens as practicable as the nature of the relevant process allows subject to allocative efficiency;
 - (b) the power of units of local government to manage their own affairs independently within subject-matters established in Acts of Parliament;
 - (c) fostering within each unit of local government the concept of community;
 - (d) local government representatives must be democratically elected by secret ballot;
 - (e) local government must be open and transparent in its decision-making and accountable to its citizens;
 - (f) the financing of local government by the imposition of rates on land and property provided for by Act of Parliament must be accompanied by a revenue sharing programme with central government negotiated between central and local government;
 - (g) Parliament may provide special procedures for central government to ensure compliance with the law and the execution of delegated responsibilities, including the appointment of independent commissioners in accordance with law.
- (2) When any new responsibility is placed on local government by or under Act of Parliament, that must be preceded by adequate consultation and estimates of the financial and administrative costs of that new responsibility.

Part 14 Integrity and Transparency

111 The Ombudsman

There must be an officer of Parliament known as the Ombudsman appointed by Parliament, who has power to investigate and report to Parliament upon maladministration and wrongs done by administrative decisions of central and local government. An Act of Parliament in accordance with these principles provides for the office.

112 The Parliamentary Commissioner for the Environment

There must be an officer of Parliament appointed by Parliament to function as an independent check on the capability of the State's system of environmental management and the performance of public authorities in maintaining and promoting the quality of the environment. An Act of Parliament in accordance with these principles provides for the office.

113 Complaints bodies

In order to promote accountability of public decision-making and to protect the public against the abuse of public power, Parliament may from time to time by Act provide agencies for complaints to be made by members of the public and publicly reported upon in respect to breaches of human rights, invasions of privacy, substandard treatment in the public health system, the treatment of children and other matters.

114 Official information

- (1) Official information must be made publicly available to the greatest extent practicable by public bodies, including the Government and local government bodies, to enable more effective participation in the making and administration of laws and policies by members of the public and to promote the accountability of ministers and elected and unelected officials, and thereby to enhance respect for the law and to promote good governance.
- (2) An Act of Parliament in accordance with these principles must—
 - (a) provide for the availability of official information and the access for individuals and bodies corporate to information concerning themselves;
 - (b) provide for the establishment of an independent Information Authority;
 - (c) empower the Information Authority to release information in cases where access to that information has been denied.

*Part 15 Commencement and Amendment***115 Commencement**

If the proposal to approve this Constitution is carried by a majority of the valid votes cast by electors eligible to vote at the poll conducted under the Act of Parliament enacted for that purpose, this Constitution comes into force on the date specified in that Act for the commencement of this Constitution.

116 Entrenchment and amendment

- (1) No article or part of this Constitution may be repealed or amended following the commencement of this Constitution unless the proposal for the repeal or amendment:
 - (a) is contained in an Act of Parliament that has been passed by a majority of 75 per cent of all members of the House of Representatives;
 - (b) is contained in the Act of Parliament that has been carried by a majority of the valid votes cast at a poll of the electors eligible to vote.
- (2) The Appendix to this Constitution containing the text of te Tiriti o Waitangi / the Treaty of Waitangi cannot be amended.

117 Constitutional Commission

- (1) Every 10 years, following the year in which this Constitution comes into force, the House of Representatives must appoint by resolution a Constitutional Commission to sit for up to six months to consider possible amendments to the Constitution and report to the House of Representatives, including:
 - (a) the list of select committees contained in Article 43(4);
 - (b) the grounds of discrimination contained in Article 96(1).
- (2) The Commission comprises 12 members. Six of those members are members by virtue of their office—the Chief Justice, the Solicitor-General, the President of the Law Commission, the Clerk of the House of Representatives, the Chair of the Waitangi Tribunal and the Ombudsman.
- (3) The remaining six members of the Commission are members of the public appointed by the House of Representatives.
- (4) Before decisions are taken upon the report of the Commission a widespread programme of consultation with the public must be undertaken and provided for in an appropriation by the House of Representatives.

- (5) The results of the public consultation must be fully reported to the House of Representatives.
- (6) This Article does not prevent amendments to the Constitution in accordance with the provisions of Article 116, whether or not those amendments have been recommended by the Commission.

Part 16 Emergencies

118 Emergencies and suspension of parts of the Constitution

- (1) Where in the opinion of the Prime Minister, within the State or any part of it—
 - (a) a grave threat to national security or public order has arisen or is likely to arise:
 - (b) a grave civil emergency has arisen or is likely to arise,
 the Head of State may, by Order in Council, make provision to the extent strictly necessary by the exigencies of the situation and reasonably justified in a democratic society, suspending, in whole or in part, absolutely or subject to conditions, any of the provisions of this Constitution set out in paragraph (3).
- (2) Any such Order in Council made under paragraph (1) of this Article must specify a specific date on which the order providing the suspension will commence and expire. Expiry of the order must be no later than 30 days after the order is issued.
- (3) Subject to paragraph (4), the following provisions may be suspended under this Article—
 - (a) Part 12, Articles 75 to 106 concerning the Bill of Rights:
 - (b) Articles 28 and 29 concerning the duration of Parliament:
 - (c) Article 48 concerning the availability of legislative information:
 - (d) Article 50 concerning urgency.
- (4) The following provisions of the Bill of Rights may not be suspended under this Article—
 - (a) Article 81 Right not to be deprived of life:
 - (b) Article 82 Right not to be subjected to torture or cruel treatment:
 - (c) Article 85 Freedom from slavery:
 - (d) Article 87 Freedom of thought, conscience and religion:
 - (e) Article 95 Equality before the law:
 - (f) Article 96 Freedom from discrimination:
 - (g) Article 100 Rights of persons charged:

- (h) Article 101 Minimum standards of criminal procedure:
 - (i) Article 102 Retroactive penalties and double jeopardy.
- (5) Unless the urgency of the situation makes it impracticable to obtain approval under this Article, an Order in Council under this Article shall not be made unless a draft of the order has been approved by resolution by a majority of 75 per cent of all the members of the House of Representatives.
 - (6) An Order in Council that has been made without having been approved in draft under paragraph (5) ceases to have effect unless, within 14 days after it has been made, it is confirmed by resolution, by a majority of 75 per cent of all the members of the House of Representatives.
 - (7) The validity of an Order in Council made under this Article may be challenged in proceedings for judicial review.

Part 17 Transitional Provisions

The necessary transitional provisions have not been drafted at this stage. They will involve changes to New Zealand statute law and their nature is discussed in chapter 13.

*Appendix to the Constitution***Text of te Tiriti o Waitangi / The 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.

William 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.]

(The text in Māori)

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 kau ai nga kino e puta mai ki te tangata Maori ki te Pākehā 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 aiane, 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 rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu-ki nga 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 hoko 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 Kuini-Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(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.

A Note on Sources

Designing a constitution requires adherence to the traditions and political culture of the country the constitution will serve. The text cannot import foreign concepts forged in different constitutional settings because everything has to be adjusted to New Zealand's specific conditions and practices of government. Nevertheless, many other constitutions can contribute to our understanding and, on particular elements, have examples to offer. The text we present has been through many adjustments and changes as comments and insights came from people listed in the acknowledgements. We went through nine drafts in all. No doubt many more alterations will be made as a result of informed public comment.

The work that influenced this project most profoundly and was indeed the inspiration for it was the monumental analysis of the United Kingdom Constitution contained in the House of Commons, Political and Constitutional Reform Committee, *A New Magna Carta?* Second Report of Session 2014–15, HC 463, 10 July 2014. This is work that has been invaluable to us in a New Zealand context because of New Zealand affinities with British constitutional law and history.

Professor Robert Blackburn, of King's College, London, the lead adviser on that project, was good enough to convene and conduct a seminar of interested British constitutional lawyers at King's College, London in February 2016 to consider and comment upon an early draft of our work. The first draft we prepared followed the third part of *A New Magna Carta?* which contains a draft of a written constitution for the United Kingdom. Due to the extensive constitutional changes in the United Kingdom with devolution to Scotland, Wales and Northern Ireland, the legal complexity of the situation there is much greater than in New Zealand. Nevertheless, the basic configuration of the United Kingdom's existing constitution has great similarities to that of New Zealand. The United Kingdom has an unwritten, uncodified constitution based on parliamentary sovereignty as we do.

Both of the authors have taught comparative constitutional law and there were lessons to be learned from many other existing constitutions. In particular Ireland, that has had a written, codified constitution since 1937 was useful in many respects, particularly on how to constitute the state. Further the role of the Head of State in Ireland was a topic of interest to us.

The Australian and Canadian Constitutions are obvious sources of interest to New Zealand, given our similar constitutional heritage. Both are federations,

a feature we do not wish to copy, but in other respects their experience is relevant. The State Constitution of Queensland contained in the Constitution of Queensland 2001 is of particular interest since it is modern and contains many topics that we think should be in a constitution, for example local government.

The material on the Judiciary contained in Articles 61 to 69 has benefited from some of the work by the Law Commission in its report: *Law Commission Review of the Judicature Act 1908: Towards a New Courts Act* (NZLC R126, 2012). The report led to the Judicature Modernisation Bill 2013, still before Parliament at the time of writing.

The New Zealand Bill of Rights Act 1990 was based on the Canadian charter model to a very large extent. The content of the 1990 New Zealand Act, along with the Constitution Act 1986, both appear in the proposed Constitution in a substantially similar form to the present. More than 30 articles of the proposed Constitution derive from these two existing Acts of the New Zealand Parliament. Changes to the human rights provisions, such as a right to privacy, result from modern developments in international human rights law since 1990 and the extensive web of international conventions on the subject. These are discussed in chapter eight.

The constitutions of the Pacific Island countries, with which New Zealand has been involved historically and for whom New Zealand constitutional lawyers were important figures in the framing of their constitutions, have been examined. The Constitutions of Samoa, the Cook Islands and Niue have interesting and helpful features in the use of the term “Head of State” and setting out requirements for Cabinet in the constitution.

South Africa has perhaps the most modern and stunning modern Constitution framed in a real constitutional moment. We have borrowed one provision from it, the environmental right in Article 105. We have done this because there is some case law on it and it appears to be the best of the increasing number of environmental protections with constitutional status to be found around the world.

The fixed four-year term for parliamentary elections contained in Articles 28 and 29 is based upon the similar provision to be found in United Kingdom law that provides these days for fixed-term Parliaments in that country: the Fixed-term Parliaments Act 2011 (UK). Such provisions are common in the Australian states.

Other provisions in the Constitution come from New Zealand sources that are not contained in an Act of Parliament. Some of the provisions of the standing orders of Parliament have constitutional significance and have to be included

in our view. For example Article 54, which places the fiscal veto in the hands of the Government, and Article 52, containing safeguards against delegated legislation. There are five other articles that impinge upon existing standing orders, for example Article 50, which restricts the use of urgency in the House of Representatives to pass Bills. There are others on law-making.

The provisions in Articles 111–117 relating to institutions of integrity and transparency and Part 13 have their origins for the most part in existing New Zealand Acts of Parliament. The principles contained in Article 109 on the intelligence agencies derive from the 2016 independent report by Sir Michael Cullen and Dame Patsy Reddy, *Intelligence and Security in a Free Society*.

We have also used, particularly in relation to the Treaty of Waitangi, the approach taken in the 1985 White Paper *A Bill of Rights for New Zealand* and proposals contained in the possible Constitution Act of New Zealand contained in the third and fourth editions of *Bridled Power*.

Important sources for this project were the analyses and research of scholars who have studied constitutional issues both in New Zealand and in kindred jurisdictions, legal academics, political scientists and historians. In a book of this type, where citations have to be kept to a minimum, we have not been able to acknowledge formally all the published research and books we have benefited from. Government reports on various subjects have also been helpful.