

Government response
to the
Petition of Alistair Reese: Recognise oral agreement as part of the Treaty of
Waitangi

Presented to the House of Representatives
In accordance with Standing Order 380

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Introduction

1. The Government has considered the Petition Committee's (the Committee) report on the *petition of Alistair Reese: Recognise oral agreement as part of the Treaty of Waitangi*.
2. The petitioner requests that "the House of Representatives legislate to recognise the oral agreement ("fourth article") as part of the Treaty of Waitangi". This refers to an oral exchange between Governor William Hobson and Catholic Bishop Jean-Baptiste Pompallier at Waitangi on 6 February 1840 regarding the protection of religious freedom (referred to in the Petition Committee's report as the "oral agreement").
3. The Government is responding to the petition in accordance with Standing Order 380.

Recommendation

4. The Petitions Committee has considered the petition of Alistair Reese and recommends to the Government that a policy process be initiated that considers ways in which the oral agreement at Waitangi could be formally recognised, and encourages the Government to consider using public engagement tools such as deliberative democracy as part of the process.

Government response

5. The Government acknowledges the Petitions Committee's careful consideration of the petition, including the evidence provided by the petitioner, submitters, and expert advisors.
6. New Zealanders are guaranteed the right to religious freedom under section 13 of the New Zealand Bill of Rights Act 1990, which recognises the freedom of thought, conscience, religion, and belief. New Zealanders are also guaranteed the right to be free from discrimination based on religious beliefs under section 21 of the Human Rights Act 1993.
7. While there is evidence to support that there was an agreement relating to religious freedom at the signing of the Treaty of Waitangi in February 1840, the Crown has never considered this to constitute a fourth article of the Treaty.
8. The articles of the Treaty of Waitangi are those set down in the English and te reo Māori texts of the Treaty, and contained in schedule 1 of the Treaty of

Waitangi Act 1975 and Appendix A of the Cabinet Manual 2023 (pages 155-159).

Conclusion

9. Legislation to protect the right of all New Zealanders to religious freedom and freedom from discrimination based on religious beliefs is already in effect. The Government does not intend to initiate a policy process to consider ways to formally recognise the oral agreement that is the subject of this petition.