

THE
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2013

**CONSTITUTION
CONVERSATION**

He kaupapa nui
te kaupapa ture



New Zealand's Constitution

1. The role of a constitution

A constitution is the set of rules that determines how a country is governed and how its people live together. It reflects a country's unique history, values and aspirations. Our constitution determines who exercises power in Aotearoa New Zealand and the checks and balances on those powers. It also protects the rights of everyone in New Zealand.

2. New Zealand does have a constitution

New Zealand has a constitution - it's just not all written down in a single document. Our constitutional rules include legislation such as the Bill of Rights Act 1990 and the Constitution Act 1986, foundational documents such as the Treaty of Waitangi signed in 1840 and established constitutional principles.

New Zealand is one of only three countries, including Israel and the United Kingdom, that doesn't have a constitution written down in a single document.

3. The foundations of New Zealand's constitution

Constitutional principles include:

- » The rule of law i.e. everyone in New Zealand, including governments, must follow the law.
- » New Zealand is a representative democracy i.e. voters elect people to represent them in Parliament.
- » We have a responsible government i.e. the Ministers who make up the Government must also be members of Parliament and are accountable to Parliament.

Public power is shared between Parliament, Government and the Courts. This separation of power ensures that each branch acts as a check and balance on the power of the others.

New Zealand's Constitution

4. The Head of State

The Queen of New Zealand is our head of state. She is represented in New Zealand by the Governor-General. The head of state and the Governor-General act in accordance with New Zealand law and on the advice of the Prime Minister and Ministers.

5. Parliament

We elect members of Parliament (MPs) who make laws and monitor the government. Parliament can make laws about anything, if a majority of MPs support the proposal. In most cases the public has an opportunity to comment on proposed laws.

6. Government

The government – the Prime Minister and Ministers – sets New Zealand's policy direction and asks Parliament to make or change laws to implement their policies. The Prime Minister and Ministers are also MPs.

7. The Courts

The courts interpret what the law means in particular cases. They can decide on complaints that people in government have acted unfairly or outside their legal powers. In New Zealand, the courts cannot review or strike down legislation.

8. You and New Zealand's constitution

New Zealanders all have a role to play in our constitution – we vote, we follow the law, we make submissions, we lobby for change and stand for local and national government.

From February to July 2013, every New Zealander has the chance to tell the Constitutional Advisory Panel what they think about our constitution. The independent advisory group, appointed by the Deputy Prime Minister and the Minister of Māori Affairs, has been established to listen to, consider and report on people's views about a range of constitutional issues.

↳ For more information, go online to www.ourconstitution.org.nz or call 0508 411 411.

↳ Join the conversation on www.facebook.com/TheConstitutionConversation

***Our constitution** is the set of rules that determines how this country is governed and how we all live together. It's your constitution and your conversation.*