

REGULATORY STEWARDSHIP

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Constitutional

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Aotearoa New Zealand's constitutional arrangements are found in a range of statutes, documents, practices, conventions and institutions. They describe and create the institutions of the State, set out the constraints on the exercise of State power, and regulate the relationship between citizens and the State. At its most basic level, constitutional arrangements aim to ensure that State actions (including legislating, governing, and enforcing and upholding the law) are legitimate and are accepted as such by the public. Because New Zealand's constitution is not all set out in one document, and much of it is found in practices and the common law, it's known as an 'unwritten constitution'.

Principles such as the separation of powers, the rule of law, restraint and proportionality, and Aotearoa New Zealand's commitment to representative democracy are critical to the operation of our country's constitution. They inform the operation of the systems described here.

The constitutional regulatory area creates the foundations that underpin the courts and tribunals regulatory area. Together, these areas provide the platform upon which all other regulatory systems in Aotearoa New Zealand are based. The constitutional regulatory area also provides the framework for the recognition and implementation of international law.

This area includes the following systems:

Constitutional arrangements (foundations for the State)

The statutes in this system work with other constitutional conventions, principles and practices to provide the foundations upon which our system of government and law is built. These foundations include:

- the institutions of the State, including the head of state (the sovereign and the Governor-General), the legislature (Parliament), the executive (the government), and the judiciary
- the rules and principles protecting the independence of the judiciary
- key constitutional principles such as the separation of powers, parliamentary sovereignty, the rule of law, and representative democracy
- the relationship between the head of state, the legislature, the executive, and the judiciary, including limits on the executive's power to legislate
- the oaths of office for key constitutional decision-makers.

This system articulates the roles and functions of the branches of State, so the exercise of State power can take place within clear boundaries, be scrutinised, and be held to account. This system includes te Tiriti o Waitangi (the Treaty of Waitangi) but is not described here as it is treated as a separate system.

[Further information about constitutional arrangements \(foundations for the State\)](#)

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Constitutional arrangements (Tiriti o Waitangi (Treaty of Waitangi))

This regulatory system deals with the place of the Treaty of Waitangi (te Tiriti o Waitangi) as a founding document of Aotearoa New Zealand. **The Treaty established a constitutional relationship between Māori and the Crown.**

While Te Puni Kōkiri administers the Treaty of Waitangi Act 1975, the Ministry is responsible for the place of the Treaty in our constitutional arrangements.

The Ministry also administers the Treaty of Waitangi (State Enterprises) Act 1988 which provides the Waitangi Tribunal the power to direct the government to transfer certain state-owned-enterprise assets to iwi as part of claim settlements.

[Further information about constitutional arrangements \(Tiriti o Waitangi \(Treaty of Waitangi\)\)](#)

[\(http://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-systems/constitutional/tiriti-o-waitangi-treaty-of-waitangi/\)](http://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-systems/constitutional/tiriti-o-waitangi-treaty-of-waitangi/)

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Tiriti o Waitangi (Treaty of Waitangi) settlement commitments