

The Legal System in New Zealand

New Zealand has a common legal system based on the British model with an independent judiciary. New Zealand is rated second (one point behind Denmark) for freedom from corruption by Transparency International. New Zealand enjoys a stable democracy with a proportional representation voting system which tends to produce coalition governments. The two major parties, which would generally lead a coalition government, are National at the conservative end of the spectrum and Labour at the liberal end. New Zealand is an independent sovereign state and a member of the British Commonwealth of Nations. The British sovereign is the titular Head of State and is represented in New Zealand by a Governor-General.

Parliament is triennially democratically elected. New Zealand does not have a written constitution. All legislation is passed by a single chamber, the House of Representatives, which is the highest law-making body in the country.

In 1993, New Zealanders voted to change their electoral system from “First Past the Post” to a “Mixed Member Proportional” representation system.

The law is developed from case law (the decisions of the courts) and from statutes enacted by the New Zealand Parliament. Case law may be superseded by statute.

Legislative power is vested in Parliament, which usually comprises 121 members in the House of Representatives. Elections are held every three years.

The New Zealand court system follows a basic pyramid structure, with the ultimate authority being the Supreme Court. The majority of cases are heard in the District Court, with the High Court hearing some important cases (as statutorily defined). Some cases may go to the Court of Appeal or the Supreme Court in certain circumstances. A decision by a higher court is binding on the lower courts. There are specialist courts and tribunals, such as the Employment Court, the Taxation Review Authority and the Environment Court.

Gilles Menguy - Avocat à la Cour

gmenguy@gm-avocats.com