Fitzgerald v Muldoon – Case used in Constitutional Law. Tensions between Executive and judiciary.

* Separation of powers – Baron Montesquieu philosopher 18th Century. Government should be divided into 3 separate branches. NZ = Legislature, Executive and Judiciary. Each branch has its own function or roles. Must not encroach on functions or roles of other branches. Personnel of each branch must remain separate and distinct. Cant be member of two or more branches at same time.
* Purpose of separation of powers – Provide checks and balances on one another. Act as a constraint on one another. No branch has absolute power. This protects against abuse of power. This is theoretical though.
* Example of abuse of power – When one person acts as the law maker, the judge and the executioner there is huge potential for abuse of power.
* 3 Branches in NZ – Legislature, Executive and Judiciary.
* Legislature – Parliament. Makes Law. Examine, debate and vote on bills. Those that pass become acts.
* Executive – Cabinet. Initiates and administers laws. Decide policy, draft bills, enforce and administer acts

Judiciary – Judges. Applies and interprets laws. Hear and decide cases according to Law. Judicial review of decisions of administrative bodies.