### **PRESENTERS**

## Jack Hodder, Chapman Tripp, Wellington

Jack joined Chapman Tripp in 1991 having practised as a barrister for 11 years. He practises in all aspects of corporate, commercial and public law litigation and in arbitration. Jack was an inaugural member of the NZ Law Commission between 1986 and 1991, and the founding editor in 1978 (and still a co-editor) of *The Capital Letter*.

#### The Rt Hon Sir Geoffrey Palmer, Chen Palmer & Partners, Wellington

Sir Geoffrey Palmer is a former Prime Minister, Attorney-General, Minister of Justice and Leader of the House. He was an MP from 1979 until 1990. He has taught constitutional law in New Zealand for many years at Victoria University of Wellington where he was formerly a professor and is now an honorary lecturer. He also teaches comparative constitutional law at the University of Iowa in the United States. In 1994 Sir Geoffrey founded New Zealand's first specialist public law firm with Mai Chen and he remains a consultant to that firm. He is Chair of the Legislation Advisory Committee and is New Zealand's Commissioner to the International Whaling Commission. Sir Geoffrey has written 12 books and more than 40 law review articles.

#### The Rt Hon Sir Ivor Richardson, Wellington

Sir Ivor Richardson retired as President of the Court of Appeal in 2002 after 25 years as an appellate judge. Since then he has focused on tax matters and on the roles and relationships of the three branches of government, including Bill of Rights questions. Sir Ivor has recently sat on the Supreme Court of New Zealand and the Hong Kong Court of Final Appeal.

# **CONTENTS**

The New Zealand Constitution in 2005 The Rt Hon Sir Geoffrey Palmer	1
Introduction	1
The Constitution Act 1986	4
The Separation of Powers and the Electoral System	6
Parliamentary Sovereignty	9
The New Zealand Bill of Rights Act	
The Treaty of Waitangi	
The Rule of Law	
What are the Issues?	16
APPENDIX 1: Rt Hon Sir Kenneth Keith "On the Constitution of New Zealand:	An
Introduction to the Foundations of the Current Form of Government" Cabinet Man	nual
2001	21
APPENDIX 2: The Constitution Act 1986	27
APPENDIX 3: Bill of Rights (1688)	47
APPENDIX 4: Fitzgerald v Muldoon and others [1976] 2 NZLR 615	53
APPENDIX 5: Rt Hon Sir Ivor Richardson "The New Zealand Bill of Rights: Experience and Potential, Including the Implications for Commerce" (2004) 10 Canta LR, 259	61
APPENDIX 6: Janet L Hiebert "New Constitutional Ideas: Can New Parliamenta Models Resist Judicial Dominance When Interpreting Rights?" 82 Texas Law Review, 1963, (2004)	•
APPENDIX 7: Professor Matthew Palmer "Some Realism about Relevance: Who Interprets New Zealand's Constitution?" Paper for the New Zealand Centre for Public Law Conference "Parliament" Legislative Council Chamber, 30 October 2004	
APPENDIX 8: Hon Dr Michael Cullen "Parliament Supremacy over Fundamenta Norms" Address to the Public Law Conference, Legislative Council Chamber, 29 October 2004	
APPENDIX 9: Rt Hon Dame Sian Elias GNZM "Sovereignty in the 21 <sup>st</sup> Century. Another spin on the merry-go-round" (2003) 14 PLR 148	
APPENDIX 10: The United States Constitution	147
APPENDIX 11: Constitution of the Republic of South Africa	165

APPENDIX 12: Rt Hon Sir Geoffrey Palmer "The Hazards of Making Constitutions: Some Reflections on Comparative Constitutional Law" in David Carter and Matthew Palmer (eds) <i>Roles and Perspectives in the Law: Essays in Honour of Sir Ivor Richardson</i> (Victoria University Press, Wellington, 2002), 209-238
APPENDIX 13: (A Possible) Constitution Act of New Zealand, Appendix to Geoffrey Palmer and Matthew Palmer, <i>Bridled Power – New Zealand's Constitution and Government</i> (Oxford University Press, Melbourne, 4 ed, 2004)