

Rights, Liberty and Equality: Runnymede to the Beehive

A conference marking 25 years of the New Zealand Bill of Rights Act and 800 years of Magna Carta

Gallery at the Pullman, Princes Street, Auckland

9am – 5pm, 25 September 2015

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In recognition of the 800th anniversary of Magna Carta and the 25th anniversary of the New Zealand Bill of Rights Act, the Legal Research Foundation is holding a one day conference on the theme of equality to celebrate the legacy of Magna Carta and the impact to date of the New Zealand Bill of Rights Act.

The conference will consider what the New Zealand Bill of Rights Act has achieved – or failed to achieve – and what, if anything, should be added to the Act. Speakers at the conference will consider the impact of the Act in specific areas including indigenous rights and the criminal law and will look at recent decisions and current cases where the Act has been applied or invoked, including cases relating to prisoner voting and end of life issues.

Broader issues of equality and liberty will also be explored, including the application of rights to problems of economic and social inequality and the rights which are “missing” from the Act, such as liberty and security of the person.

As well as prominent New Zealand experts in this area, the conference features eminent overseas speakers, **The Rt Hon The Lord Thomas of Cwmgiedd**, the Lord Chief Justice of England and Wales, the **Hon Kate O’Regan**, former judge of the Constitutional Court of South Africa, and the **Hon Mr Justice Grant Huscroft**, judge of the Court of Appeal of Ontario.

You should attend this conference if you wish to gain a deeper understanding of the influence of Magna Carta on modern rights, how the New Zealand Bill of Rights is being applied to current issues, and potential future developments

The conference is followed by a dinner to celebrate the LRF’s 50th anniversary. Hon Michael Kirby will speak at the dinner.

Register	Online – www.legalresearch.org.nz/events Email - send your details to info@legalresearch.org.nz and an invoice will be sent Mail – complete this form and post with payment	
Name		
Firm		
Phone		
Email		
LRF Member	YES / NO (please indicate)	
Non-member	Conference: \$550.00 (all prices include GST)	Dinner: \$150.00
LRF Member	\$495.00	\$130.00
Academic	\$275.00	\$130.00

The Legal Research Foundation gratefully acknowledges the support it has received from the NZ Law Foundation funding this conference



Conference Programme

9.00 am	Welcome from the Legal Research Foundation and Introduction from the Chair <i>Dr Matthew Palmer QC</i>
9.10 am	Session 1: Magna Carta and the New Zealand Bill of Rights Act The legacy of Magna Carta: Justice in the 21 st Century <i>The Rt Hon The Lord Thomas of Cwmgiedd</i> What the New Zealand Bill of Rights Act aimed to achieve and why it has failed to do so <i>Sir Geoffrey Palmer QC</i>
10.40 am	Morning Tea
11.00 am	Session 2: Do we need to add anything to the New Zealand Bill of Rights Act? Should economic and social rights be included in a bill of rights? <i>Hon Kate O'Regan, former judge of the Constitutional Court of South Africa</i> Magna Carta's Legacy? Ideas of liberty and due process in the New Zealand Bill of Rights <i>Paul Rishworth QC, Crown Law, and Prof Claudia Geiringer, Victoria University</i>
12.30 pm	Session 3: New Zealand courts and the tension between human rights and indigenous rights <i>Dr Claire Charters, Auckland University</i>
1.15 pm	Lunch
2.00 pm	Session 4: Use of rights to challenge legislation Parliament, the Courts and NZBORA: The cases of prisoner voting and aid in dying <i>Prof Andrew Geddis, Otago University</i> A Canadian perspective <i>Hon Mr Justice Grant Huscroft, Court of Appeal of Ontario</i>
3.30 pm	Afternoon tea
3.45 pm	Session 5: The impact of the New Zealand Bill of Rights Act in the criminal jurisdiction <i>Dr Mathew Downs, Crown Law</i>
4.30 pm	Panel Discussion
5.00 pm	Closing remarks from the Chair
7.00 pm	Conference dinner, including celebration of 50 years of the Legal Research Foundation: guest speaker: the Hon. Michael Kirby

Conference Presenter Biographies

Dr Matthew Palmer QC

Dr Matthew S R Palmer QC is one of New Zealand's leading experts in public law. He specialises in litigation and advice challenging/defending decisions of government, Crown entities and public bodies.



At the bar, and as Deputy Solicitor-General (Public Law), Matthew has led argument in many public law cases in the Supreme Court, Court of Appeal, High Court, and Waitangi Tribunal. Matthew was Deputy Secretary for Justice (Public Law) for five years in charge of policy advice to Cabinet and Ministers on public law issues. He was also Pro Vice Chancellor and Dean of Law, and Director of the New Zealand Centre for Public Law at Victoria University of Wellington for five years. He has written several books and many articles and chapters on New Zealand public law and law and economics, winning the Legal Research Foundation prizes for the best book in New Zealand law in 2008 and the best article in New Zealand law in 2005 and 2006. He has taught law at the Victoria University of Wellington Schools of Law and of Government, Hong Kong University Law Faculty, Yale Law School, the Australian and New Zealand School of Government and the University of Chicago Law School and will be teaching Law and Policy at the National University of Singapore in 2016 as the Kwa Geok Choo Distinguished Visitor to the Faculty of Law.



The Rt Hon The Lord Thomas of Cwmgiedd

The Lord Chief Justice, The Rt Hon The Lord Thomas of Cwmgiedd, is the Head of the judiciary and President of the Courts of England and Wales. He was appointed a Judge of the High Court of England and Wales in 1996 and was assigned to the Queen's Bench Division and to the Commercial Court. From 1998-2001 he was one of the Presiding Judges of the Wales and Chester Circuit. He was Judge in Charge of the Commercial Court in London from April 2002 to July 2003, when he was appointed as a Lord Justice of Appeal. He has been a member of the Judges' Council since 2002. He was the Senior Presiding Judge for England and Wales from 2003 to 2006. From 2008 to October 2011 he was Vice-President of the Queen's Bench Division. He was President of the Queen's Bench Division from October 2011 until his appointment as Lord Chief Justice in

October 2013. He has been Deputy Head of Criminal Justice since 2008 as well as judge in charge of European issues from 2007-2011. He was President of the European Network of Councils for the Judiciary from May 2008 to December 2010.

Sir Geoffrey Palmer QC

Sir Geoffrey Palmer QC was a law professor in the United States and New Zealand for some years before entering politics as the MP for Christchurch Central in 1979. In Parliament he held the offices of Attorney-General, Minister of Justice, Leader of the House, Deputy Prime Minister and Prime Minister. As Minister of Justice in 1985 he presented the White Paper which led in due course to the passage of the New Zealand Bill of Rights Act in 1990, under his leadership as Prime Minister.



On leaving politics in 1990 Sir Geoffrey was a law professor at the University of Iowa and the Victoria University of Wellington. In 1994 he became a founding partner of Chen & Palmer Public Law Specialists where he remained until 2005 when he was appointed President of the Law Commission, a position he occupied until 2010. During that period he also chaired the Legislation Advisory Committee. Currently he practises as a barrister in Harbour Chambers in Wellington and is a Distinguished Fellow at the Victoria University of Wellington Law Faculty and Centre for Public Law. He has appeared extensively in the superior courts including the Privy Council. In 2010/2011 he chaired the United Nations Secretary General's Inquiry into the 31 May 2010 Gaza flotilla incident. In 2013 his memoir "Reform" was published by the Victoria University Press and in March 2015 he gave the Scarman lecture at the Middle Temple in London on "The Law Reform Enterprise: Evaluating the Past and Charting the Future" which recently appeared in the Law Quarterly Review.



Hon Kate O'Regan

From 1994 – 2009, Justice O' Regan served as one of the first judges of the post-apartheid Constitutional Court of South Africa. Since 2010, she has served as an *ad hoc* judge of the Supreme Court of Namibia (from 2010), Chairperson of the United Nations Internal Justice Council (from 2008 - 2012), President of the International Monetary Fund Administrative Tribunal (from 2011) and as a member of the World Bank Sanctions Board (from 2012). She is also a member of the boards of several NGOs working in the fields of democracy, the rule of law, human rights and equality. Since 2010, Justice O' Regan has been a Visiting Professor at the University of Oxford and an Honorary Professor at the University of Cape Town. Justice O' Regan is a NZ Law Foundation funded speaker.

Paul Rishworth QC

Now a member of Crown Law, Paul Rishworth joined The University of Auckland Faculty of Law in 1987. His research interests are in the field of human rights and comparative constitutional law, and South Pacific legal studies. His work on the New Zealand Bill of Rights has been widely cited by peers, practitioners and judges. He has worked over the years as a consultant and advisor for government agencies and groups, including the Human Rights Commission, in New Zealand and overseas, on issues ranging from restrictions on hate speech to the autonomy of religious organisations to hire and ordain leaders. Amongst other publications, Paul is one of the editors of Rishworth, Huscroft, Optican, & Mahoney, (2003) *The New Zealand Bill of Rights* (1st). Auckland, N.Z: Oxford University Press.



Paul was the Faculty Dean and the Head of the Department of Law from 2005 to 2010. He remains involved in the litigation of civil rights issues in the higher courts and in community organisations.



Prof Claudia Geiringer

Prof Claudia Geiringer holds the Chair in Public Law at Victoria University of Wellington and is the Director of the New Zealand Centre for Public Law. She has been with Victoria University's Faculty of Law since July 2002. Her undergraduate law study was at Victoria University and her postgraduate study was at Columbia Law School, New York, where she was a human rights fellow, a Fulbright Scholar, an Ethel Benjamin Scholar and a James Kent Scholar.

Claudia teaches and researches primarily in the areas of the New Zealand Bill of Rights Act, constitutional and administrative law, the domestic reception of international law and the laws of Parliament. Prior to commencing her academic career, Claudia was a Crown Counsel in the Bill of Rights team at the Crown Law Office, where she practiced primarily in the areas of Bill of Rights law, immigration law, electoral law and constitutional law. She has also served a six-month term (from October 2009 to March 2010, while on leave from the Faculty) as Acting Special Counsel for Human Rights at the Victorian Government Solicitor's Office in Melbourne, Australia. She maintains a New Zealand practicing certificate and occasionally appears before the New Zealand courts on human rights matters.

At present, Claudia's main research project is a book-length evaluation of the New Zealand Bill of Rights Act which is funded by a three-year Marsden grant.

Dr Claire Charters

Dr Claire Charters is from Ngati Whakaue, Tuwharetoa, Nga Puhī and Tainui. Claire's primary area of research is indigenous peoples' rights in international and constitutional law, often with a comparative focus. Her PhD thesis examined the legitimacy of indigenous peoples' norms under international law.

Claire has typically combined her academic research and teaching with advocacy for the rights of indigenous peoples at the domestic and international levels. From 2010-2013 Claire worked for the UN's Office of the High Commissioner for Human Rights in the Indigenous Peoples and Minorities Section, focusing on the Expert Mechanism on the Rights of Indigenous Peoples.



Prof Andrew Geddis



Andrew Geddis completed his undergraduate work at the University of Otago, studying law and political studies. In 1996 he was awarded a Fulbright scholarship to Harvard Law School, where he completed his LLM degree. In 2000 he returned to Otago to take up a lecturing position. He was appointed an Associate Professor in 2007, and a Professor in 2011.

Andrew currently teaches Public Law including papers "Law and the Democratic Process" and "Bills of Rights: Theory and Practice". His research interests lie in the field of public law, rights jurisprudence and democratic theory, with a particular focus on the legal regulation of elections.

Andrew is a member of the Legislation Advisory Committee, and has provided advice on several occasions to parliament's Justice and Electoral Committee and Privileges Committee. He is also a regular contributor to the opinion pages of the country's newspapers.

Hon Mr Justice Grant Huscroft

Recently appointed as a judge of the Court of Appeal of Ontario, Grant Huscroft had previously been a member of the Faculty of Law at Western University of Ontario since 2002.

Prior to that he was a member of the Faculty of Law at the University of Auckland from 1992-2001. While at Auckland Grant established (with Paul Rishworth) the course on Rights and Freedoms and was an active member of the Legal Research Foundation Council. He also served as editor of three books, Huscroft and Rishworth (eds) Rights and Freedoms (Brookers, 1995), Huscroft and Rishworth (eds) Litigating Rights: Perspectives from Domestic and International Law (Hart, 2001) and Rishworth, Huscroft, Optican and Mahoney, New Zealand Bill of Rights (OUP, 2003).

Grant's research interests also include: Canadian, American, New Zealand, UK, and Australian Constitutional Law; Constitutional Interpretation; Judicial Review; and Legal Theory. Mr Justice Huscroft is a NZ Law Foundation funded speaker.



Dr Mathew Downs



Dr Mathew Downs is Crown counsel at the Crown Law Office, a lecturer and Honorary Academic at the Auckland University Faculty of Law, and former Crown prosecutor.

Mathew has particular expertise in search and seizure and the law of evidence. He is the general editor of Cross on Evidence. He appears regularly for the prosecution in criminal appeals to the New Zealand Supreme Court and New Zealand Court of Appeal, and he has argued a number of cases of significance in both of those Courts.

Dinner celebrating 50 years of the Legal Research Foundation

Top of the Town, Pullman Hotel
Waterloo Quadrant, Auckland, 7pm

Guest speaker:

Hon Michael Kirby

When he retired from the High Court of Australia on 2 February 2009, Michael Kirby was Australia's longest serving judge.

He was first appointed in 1975 as a Deputy President of the Australian Conciliation & Arbitration Commission. Soon after, he was seconded as inaugural Chairman of the Australian Law Reform Commission (1975-84). Later, he was appointed a judge of the Federal Court of Australia, President of the New South Wales Court of Appeal and, concurrently, the Court of Appeal of Solomon Islands. His appointment to the High Court came in 1996 and he served thirteen years. In later years, he was Acting Chief Justice of Australia twice.

In addition to his judicial duties, Michael Kirby served on three university governing bodies being elected Chancellor of Macquarie University in Sydney (1984-93). He also served on many national and international bodies. Amongst the latter have been service as a member of the World Health Organisation's Global Commission on AIDS (1988-92); President of the International Commission of Jurists, Geneva (1995-8); as UN Special Representative Human Rights in Cambodia (1993-6); a member of the UNESCO International Bioethics Committee (1995-2005); a member of the High Commissioner for Human Rights' Judicial Reference Group (2007-) and a member of the UNAIDS Reference Group on HIV and Human Rights; since 2009 he has served as a member of the Human Rights Initiative (HRI) Council.

Since his judicial retirement, Michael Kirby was elected President of the Institute of Arbitrators & Mediators Australia from 2009-2010. He also serves as Editor-in-Chief of *The Laws of Australia*. He has been appointed Honorary Visiting Professor by twelve universities, and participates regularly in many local and international conferences and meetings. He has been awarded many honorary doctorates.

In 2010, he was awarded the Gruber Justice Prize. He was also a member of the Eminent Persons Group (2010-11) which was investigating the future of the Commonwealth of Nations; and has been appointed to the UNDP Global Commission of HIV and the Law (2010-12). In 2010, he was appointed to the Arbitration Panel of the International Centre for Settlement of Investment Disputes (World Bank).



In 2013 he was appointed a Commissioner of the UNAIDS Commission on Sustainable Health (2013-14). Later in 2013 he was appointed by the President of the UN Human Rights Council pursuant to a resolution of the Council, to head the Commission of Inquiry on Alleged Human Rights Violations in the Democratic People's Republic of Korea (2013-14).

In October 2014 at Tokyo, he was elected Vice-President of Vice-Chair of the Human Rights Institute of the International Bar Association. Also in October 2014 in New York, he received the Leo Nevas Award for human rights from the United Nations Foundation of the United States of America.

Hon Michael Kirby is an Honorary Fellow and a long standing supporter of the Legal Research Foundation.



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