

# FOREWORD

*Alberto Costi\**

2004 marked the 150<sup>th</sup> anniversary of the first sitting of the New Zealand Parliament. The original House of Representatives met in Auckland on 24 May 1854 and the seat of government moved to Wellington only in 1865. From an organ with limited powers over local affairs to a fully-fledged sovereign legislature, the Parliament has been the theatre of some of the most important episodes in the history of this country, the engine of social and economic progress and a pioneer in the expansion of New Zealand's democratic values.

The democratic process has made huge strides forward since 1854, not least because of the rapid expansion of the composition of the electorate to provide a real voice to all the people of the country by 1893. After all, universal suffrage was only to materialize in more established democracies in the 20<sup>th</sup> century. At the national level, in the absence of a written constitution, it is through Parliament that the ideals of a young nation have blossomed and individual and collective rights have been consolidated. Throughout, the Parliament has been the centerpiece to the development of New Zealand as a modern and advanced society, and not without its fair share of pain and sorrow in the process.

It seemed, therefore, obvious for the New Zealand Centre for Public Law's Second Annual Conference on the Primary Functions of Government to focus on Parliament. Hosted in the old Legislative Council Chamber by the Right Honourable Jonathan Hunt, then Speaker of the House of Representatives, the Conference brought together academics, practitioners, civil servants and members of the executive, legislative and judiciary to reflect on a variety of interesting issues: the relevance of Parliament; Parliamentary supremacy and fundamental norms; Parliament and the courts; Parliament and the executive; the legislative process; election and representation; Parliament and treaties; Parliament past to present; Parliament and the people.

The papers published in this issue of the New Zealand Journal of Public and International Law offer a snapshot of the vibrant discussions at the conference while the themes they develop touch on basic tenets underlying our constitutional system, highlight some current issues and remind us of the early days of the parliamentary process. The first three papers each celebrate in their own way the importance of the principle of

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\* Senior Lecturer, Faculty of Law, Victoria University of Wellington.

parliamentary sovereignty. Their eminent authors, the Hon Dr Michael Cullen, Professor Jeffrey Goldsworthy and Lord Cooke ask stimulating questions about its meaning, its viability and importance in the 21<sup>st</sup> century. The next papers look at contemporary issues affecting the role of Parliament. Terence Arnold looks at the much-discussed relationship between the courts and Parliament. Janet Hiebert analyses the vetting of proposed legislation against the backdrop of existing human rights. Andrew Geddis reflects on the status and role of New Zealand's political parties since the change of the voting system from first-past-the-post to MMP (mixed member proportional) representation. Claudia Geiringer addresses disputes over membership of the House of Representatives and shows that modern Parliament can learn from its past history. It is, therefore, appropriate to complete this issue with two papers that look at early Parliament from a legal history perspective. Neill Atkinson focuses on the evolution of the male suffrage in the 19<sup>th</sup> century while Grant Morris presents a study on the role of the Legislative Council (now abolished) during its glory days (the 1860s) through the work of an early New Zealand influential judge and politician, James Prendergast.

Knowing the past to better understand the future, looking boldly towards the future by reflecting on the present, this issue provides some inspired papers that celebrate this young, yet mature, democracy and its Parliament.