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Announcements

Lord Cooke of Thorndon: Collected Papers Part I: Perspectives on Administrative Law

The Cooke Series forms part of the Victoria University of Wellington Legal Research Paper Series (VUWLRPS). Lord Cooke (1926-2006) was one of New Zealand's most prominent jurists and the first and only New Zealander to sit as a judge in the House of Lords. He was a Distinguished Fellow of the Victoria University of Wellington Law Faculty. The faculty gratefully acknowledges the generous support of the Cooke family for their sponsorship of the series.

VUWLRPS welcomes Dr. Joel Colón-Ríos, Senior Lecturer in Law at Victoria University of Wellington, as Guest Editor of the Cooke Series.

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["Administrative Law Trends in the Commonwealth"](#)



Robin Cooke "Administrative Law Trends in the Commonwealth" in The Sultan Azlan Shah Lectures: Judges on the Common Law (Profession Law Books: Sweetwell & Maxwell Asia, Kuala Lumpur, 2004)

[Victoria University of Wellington Legal Research Paper Series: Cooke Paper no. 1/2016](#)

[ROBIN COOKE](#), Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords (deceased)
Email: robincookevuw@gmail.com

This is a paper presented by Sir Robin Cooke at the Fifth Sultan Azlan Shah Law Lecture, held in Kuala Lumpur on 4 December 1990. Sir Robin first discusses administrative law trends and tensions in the Commonwealth, drawing on anecdotal evidence of his own experience on the bench. His discussion is wide-ranging, canvassing (then) recent cases in New Zealand, England, Australia, and Canada. He then looks more widely, if briefly, at South Africa, before concluding with an outside look at Malaysian administrative law. Abstract by Tim Cochrane.

["Administrative Law: Discretion or Valour?"](#)

Annual Lecture of the Administrative Law Bar Association, Old Hall, Lincoln's Inn, London, 24 November 1997
[Victoria University of Wellington Legal Research Paper Series: Cooke Paper no. 2/2016](#)

[ROBIN COOKE](#), Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords (deceased)
Email: robincookevuw@gmail.com

This is a paper presented by Lord Cooke at the Annual Lecture of the Administrative Law Bar Association in which Lord Cooke discusses the development of public law by judges, commenting that its most important cause has been the "greater readiness" of judges "when confronted with a case which on established principles could go either way, to prefer judiciously valour to discretion". He outlines developments in Canada, Australia, and United Kingdom, commenting specifically on the collapse of the jurisdictional fact distinction. The remainder of Lord Cooke's paper focusses on two different speeches of Michael Beloff on this topic. He concludes by noting that United Kingdom constitutional law was still common law and therefore its development "required judicial valour", although was likely to be aided by the European Convention on Human Rights. Abstract by Tim Cochrane

["Empowerment and Accountability - The Quest for Administrative Justice"](#)

(1992) 18 Commonwealth Law Bulletin 1326
[Victoria University of Wellington Legal Research Paper Series: Cooke Paper no. 3/2016](#)

[ROBIN COOKE](#), Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords (deceased)
Email: robincookevuw@gmail.com

This text is a revised and annotated version of a lecture delivered by Sir Robin Cooke at the Fifth Judicial Colloquium on the Domestic Application of International Human Rights Norms at Balliol College, Oxford on 22 September 1992. In this lecture, Sir Robin assesses the extent to which the three branches of government are empowered and accountable to each other. He argues that the legislature is empowered by and therefore accountable to the judiciary. He explains that the scope of executive accountability turns on the suitability of the subject-matter of the decision for judicial review. He then cautions that the judiciary should be independent of executive influence. Sir Robin concludes by expressing guarded support for the appointment of judges by an independent judicial appointments commission.

["The Public and Administrative Law Reform Committee: The Early Years"](#)

(1989) 13 NZULR 150
[Victoria University of Wellington Legal Research Paper Series: Cooke Paper no.4/2016](#)

[ROBIN COOKE](#), Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords (deceased)
Email: robincookevuw@gmail.com

In this article, Sir Robin discusses the work of the Public and Administrative Law Reform Committee (Committee). He begins by describing the Committee's history, original membership and outputs (including the publication of an annual report containing recommendations for reform). He then considers one particular recommendation proposed by the Committee to establish an Administrative Division of the (then) Supreme Court. He explains that the purpose of this division was to develop a specialist bench for appeals from administrative tribunals. Sir Robin questions whether this division was necessary, believing that administrative law has such wide application that it should not be treated as a specialist jurisdiction. Abstract by Elizabeth Chan.

["Third Thoughts on Administrative Law"](#)

New Zealand Recent Law, Vol. 5, p. 218, 1979
[Victoria University of Wellington Legal Research Paper Series: Cooke Paper no. 5/2016](#)

[ROBIN COOKE](#), Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords (deceased)
Email: robincookevuw@gmail.com

This is a revised version of an address delivered by Sir Robin Cooke at an Auckland District Law Society seminar on 22 May 1979. It was his third Law Society address on the topic of general administrative law (the first and second reported at [1960] NZLJ 128 and [1975] NZLJ 529 respectively). Throughout the address, Sir Robin reflects on a speech given by Lord Diplock in 1974 (reported at [1974] CLJ 233). He begins by discussing recent leading cases from the United Kingdom. Sir Robin then turns to New Zealand. First, he discusses the "revolution" brought about in New Zealand as a result of the enactment of the Judicature Amendment Act 1977. He then considers some New Zealand judicial themes commenting briefly on *Fitzgerald v Muldoon* [1976] 2 NZLR 615 (SC), as well as recent case law emphasising the importance that public decision-makers provide giving reasons for their decisions. He then comments on the reluctance of the New Zealand Court of Appeal to determine that an "intelligent and reasonable policy" is unauthorised when asked to review the exercise of a broad statutory power. Sir Robin concludes by outlining the following three challenges in administrative law: damages, the duty to act fairly, and the test of jurisdiction. Abstract by Tim Cochrane.

About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the [Faculty of Law at Victoria University of Wellington](#). Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 187 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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