

FOREWORD

Tony Angelo and Dean Knight***

This issue of the New Zealand Journal of Public and International Law presents an exciting and timely selection of papers, with a clear emphasis on matters of contemporary interest to New Zealand constitutional law.

The collection begins with the 2014 Robin Cooke memorial lecture which was delivered by Chief Justice Robert French of the High Court of Australia. His topic, common law constitutionalism, provides insight into constitutional debates in New Zealand, Australia and elsewhere about common law limits on legislative power and the role of judges in enforcing them. In his time, Lord Cooke was in the vanguard of such debates. More recently, we have seen a new chapter in the debate about the limits of legislative power, with the publication of a proposed codified and supreme constitution for New Zealand (Geoffrey Palmer and Andrew Butler *A Constitution for Aotearoa New Zealand* (Victoria University Press, Wellington, 2016)). That book has again stimulated debate about the role of judges in enforcing higher order norms, including striking down legislation that is inconsistent with fundamental rights. In the second paper in this issue, Sir Geoffrey Palmer reflects on the goals and achievements of his previous major constitutional endeavour, the New Zealand Bill of Rights Act 1990, and goes on to argue that these fundamental rights should be given supreme status. His hope surely is that a future written supreme constitution will have more bite than the Tom Scott cartoon indicated that the NZ Bill of Rights Act would have.

An outsider's view of New Zealand constitutionalism and thoughts as to its constitutional future are presented by Professor Kerry Hunter; these reflections are developed against the backdrop of Locke, Bentham and Burke and the experiences of the United States with its radical commitment to individual rights. Further analysis and commentary on the particularities of New Zealand public law, in this case with reference to the work of the Refugee Status Appeals Authority and the Immigration and Protection Tribunal, is found in the article by Chao Yi; he looks at the Internal Protection Alternative in refugee status determinations. Finally, Professor Bertus De Villiers' article reports on super-tribunals and how new ways of dealing with expert evidence can improve the operation of tribunals; this Australian experience with tribunals provides useful insight and comparison, especially as New Zealand's system of tribunals remains somewhat underdeveloped.

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