“Unearthing New Zealand’s Constitutional Traditions”

It is often said that New Zealand’s dominant constitutional tradition is pragmatism – the “number eight wire” approach to constitutional change. But this hides other, and often richer, narratives from our constitutional past. This conference seeks to take a deeper look at, and to shed more light on, the fundamental ideals on which our constitution is based. It will carry on the Centre for Public Law’s own tradition of inquiry into our constitution by bringing together a number of distinguished scholars from New Zealand and abroad to reflect on these important questions and to begin unearthing the country’s traditions of constitutional thought.

Keynote speakers:
Professor David Hackett Fischer
University Professor and Earl Warren Professor of History at Brandeis University
Emeritus Professor Andrew Sharp
Fellow in New Zealand Studies, Birkbeck College, University of London/University of Auckland

Opening address:
Rt Hon Dame Sian Elias
Chief Justice of New Zealand

Other speakers include:
Professor Richard Boast
Victoria University of Wellington
Dr Petra Butler
Victoria University of Wellington
Professor Shaunnagh Dorsett
University of Technology Sydney
Dr Kirsty Gover
Melbourne Law School
Dr Mark Hickford
Department of Prime Minister and Cabinet
Catherine Iorns
Victoria University of Wellington
Moana Jackson
Te Wananga o Raukawa
Dr Carwyn Jones
Victoria University of Wellington
Professor Philip Joseph
University of Canterbury
Rt Hon Sir Kenneth Keith
International Court of Justice
Professor Geoff McLay
Law Commission/Victoria University of Wellington
Professor Janet McLean
University of Auckland
Dr Grant Morris
Victoria University of Wellington
Rt Hon Sir Geoffrey Palmer QC
Victoria University of Wellington
Dr Matthew Palmer
Thorndon Chambers
Professor Tony Smith
Victoria University of Wellington
Mamari Stephens
Victoria University of Wellington
Dr Damen Ward
Crown Law Office
Professor David Williams
University of Auckland

The New Zealand Centre for Public Law acknowledges the generous financial support of the New Zealand Law Foundation for this event.

29-30 August 2013
Parliament Buildings
Wellington, New Zealand
Hosted by:
Hon Chris Finlayson QC
Attorney-General of New Zealand

For more information or to register your interest, please contact:
Events Coordinator
New Zealand Centre for Public Law,
Phone +64-4-463 6327
Email nzcpl@vuw.ac.nz
www.victoria.ac.nz/nzcpl-conference
# PROGRAMME

**Thursday 29 August 2013**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
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<tr>
<td>8.15am</td>
<td>Registration</td>
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| 8.45am | **Pōwhiri, Host and Organisers’ Welcome, and Opening Address**  
|        | Hon Chris Finlayson QC  
|        | Opening Address – The Rt Hon Dame Sian Elias |
| 9.15am | **Session 1: On the Idea of Tradition**  
|        | Chair: Dr Mark Bennett  
|        | Keynote Address: Emeritus Professor Andrew Sharp (Fellow in New Zealand Studies at Birkbeck College, University of London/University of Auckland) |
| 10.30am | Morning Tea |
| 11.00am | **Session 2: Plenary Panel - The Origins of New Zealand’s Constitutional Order**  
|        | Chair: TBA  
|        | How Do Things Get Started? Legal Transplants and Domestication: Two Examples from Colonial New Zealand – Professor Shaunnagh Dorsett  
|        | Settler Politics, Courts of Revision and the Māori Franchise Before the Māori Seats – Dr Damen Ward  
|        | Considering the Historical, Political Constitution: Reflecting on some Constitutional Traditions and the Imperial Inheritance – Dr Mark Hickford  
|        | The Strong New Zealand Democratic Tradition and the 'Great Public Meeting' of 1850 in Nelson’ – The Rt Hon Sir Geoffrey Palmer |
| 1.00pm | Lunch |
| 2.00pm | **Session 3: Plenary Panel - Māori Constitutional Traditions**  
|        | Chair: TBA  
|        | A Loving Excavation: Uncovering Māori Constitutional Thinking – Māmari Stephens  
|        | Who Will Sign? The problem of authority in Maori constitutional debates – Dr Miranda Johnson  
|        | The Lost Jurisprudence of the Native Land Court – Professor Richard Boast |
| 3.30pm | Afternoon Tea |
Session 4: Concurrent Panels

Concurrent Panel I: Traditions of Democracy and Citizenship
Chair: TBA

*Constituting Political Community: New Zealand’s Extension of National Voting Rights to Non-Citizens* – Dr Fiona Barker and Dr Kate McMillan

*Ingredients for a Successful Written Constitution* – Gay Morgan

*It Takes Two to Tango – Have They Learned their Steps?* – Dr Petra Butler

Concurrent Panel II: Developing Traditions

*A Māori Constitutional Tradition* – Dr Carwyn Jones

*The Environment in Constitutional Thought: Developing a Constitutional Tradition* – Catherine Iorns

*A Challenge to New Zealand’s Constitutional Traditions? The History of Mediation in New Zealand in the Context of Justice Winkelmann’s Defence of the Civil Justice System* – Dr Grant Morris

5.15pm End of Day 1

6.30pm Conference dinner at Foxglove Bar and Kitchen

Friday 30 August 2013

8.30am Session 5: New Zealand’s Constitutional Tradition: A Comparative Perspective
Chair: Dr Joel I Colón-Ríos

**Keynote Address:** Professor David Hackett Fischer (University Professor and Earl Warren Professor of History at Brandeis University)

9.45am Morning tea

10.15am Session 6: Plenary Panel – Constitutional Traditions and the Crown
Chair: TBA

*The Reasonable Australasian Executive: Common-law Constructs of “the Crown” and its Powers in Australia and New Zealand* – Dr Kirsty Gover

*Commitment and the Constitution* – Professor Geoff McLay

*Diverse Constitutional Traditions in Māori Responses to “the Crown”: 1840-1940* – Professor David Williams

12.00pm Lunch
1.00pm **Session 7: Concurrent Panels**

**Concurrent Panel III: Early Constitutional Steps and Choices**

Chair: TBA

*Section 2 of the New Zealand Constitution Act 1852 (UK): Between Constitutional (Law) Tradition and Constitutional (Economics) Perdition* – Ben Gussen

*New Zealand’s First Chief Justice and Early Constitutional Steps* - Peter McKenzie QC

**Concurrent Panel IV: Constitutional Legitimacy**

Chair: TBA

*Transitional Justice in New Zealand* – Dr Stephen Winter

*Constitutional Authority: Legitimising the Exercise of Public Power in New Zealand* – Edward Willis

2.00pm **Session 8: Plenary Panel – Reviewing the Constitution**

Chair: TBA

*What Do We Mean by Constitutional Transformation?* – Moana Jackson

*New Zealand’s Constitutional Review: Tradition and Change* – Professor Janet McLean

*Assessing the Strength of the Rule of Law in New Zealand* – Dr Matthew Palmer

3.45pm Afternoon Tea

4.15pm **Session 9: Plenary Panel – Rapporteurs’ Comments**

Chair: TBA

Rt Hon Sir Kenneth Keith, International Court of Justice

Professor Philip Joseph, University of Canterbury

Rt Hon Sir Geoffrey Palmer QC, Victoria University of Wellington

Professor Tony Smith, Victoria University of Wellington

5.15pm Conference closing
REGISTRATION FORM
Unearthing New Zealand’s Constitutional Traditions Conference
29 – 30 August 2013

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<thead>
<tr>
<th>Title/Position</th>
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Dietary requirements

<table>
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<tr>
<th>Registration</th>
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<tbody>
<tr>
<td>□ Early Bird Registration (before 15 July)</td>
<td>NZD$280.00</td>
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<tr>
<td>□ Standard Registration (after 15 July)</td>
<td>NZD$380.00</td>
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<tr>
<td>□ Full-time Student Registration (ID Required)</td>
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<tr>
<td>□ One Day Registration</td>
<td>NZD$220.00</td>
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<td>□ Thursday 29 August</td>
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Conference Dinner (Thursday 29 August 2013)
Conference dinner at Foxglove Bar and Kitchen

I will attend the Thursday night dinner at NZD$110.00 per person

□ Yes
□ Additional guest
□ No

CANCELLATIONS
A substitute delegate is welcome if you are unable to attend (please just let us know).
An administration fee of $50 may be charged for cancellations received in writing before 24 August 2013.
No refunds will be made after this date.

Payment

□ Please invoice me for payment / Payment by cheque (payable to Victoria University of Wellington)
□ Visa □ Mastercard

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Please post, fax or email this form to:
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