

Governor-General of New Zealand

The Honourable Anand Satyanand

The Governor-General's address at the opening of the 20th anniversary of the Law Commission

25-Aug-2006

President of the Law Commission, Sir Geoffrey Palmer; Speaker of the House of Representatives, Margaret Wilson; Justice Michael Kirby of the High Court Australia; former president of the Court of Appeal and the first President of the Commission Sir Owen Woodhouse, Distinguished Guests otherwise, Ladies and Gentlemen.

I greet you, if I may in the languages of the Realm of New Zealand:

Kia Ora, Kia Orana, Fakalofa lahi atu, Taloha ni, Greetings all.

It gives me great pleasure to be here on this important occasion for the Commission. At this, my first official function in my new role as Governor-General, I am delighted that it occurs not only in a field with which I have some acquaintance, but also regarding a body with which I have had many connections over the years.

An opener of a Conference needs first to establish a place to stand. My present work and residence of less than 48 hours is at 1 Rugby Street, Newtown, in Wellington, which provides some kind of reason. At earlier significant times, however, as a law practitioner, my address was at 203 Queen Street in Auckland and as a Judge, it was at the Courthouse 494 Main Street, Palmerston North. I mention those two addresses because of my then connection in the years between 1977 and 1984 with the forerunner to the present Law Commission by being a member of the Department of Justice resourced Criminal Law Reform Committee. This made for many journeys of many brown manila envelopes from the Department of Justice Law Reform Division with papers to read in recreational time for the meetings. Those meetings were, I am happy to recall, under the superb chairmanship of erstwhile Solicitors General, Richard Savage and then Paul Neazor and in the company of a wonderful band of practitioners, judges and members of the academe, such as Bernard Brown and Ian Campbell. A more recent address for me from 1995 until last year was that of the Ombudsmen's office at 70 The Terrace in Wellington, across the road from the Law Commission at 89 The Terrace. In each of those 10 years as the erstwhile Presidents Justice Baragwanath and Justice Robertson will attest I was a regular visitor and user from time to time of the Commission's excellent library.

A place to stand thus I hope established, I need to say something about Law Reform. If I had been speaking in this spot on 25 August 1956, the item "Law Reform" on the landscape was restricted, if one looked at the legal lexicon of those days, to pieces of legislation - for example one in the mid 1930s to do with joint tortfeasors and another set in 1944 to do with Testamentary Promises.

How different it is today. A useful description of how things have changed is provided by me quoting a short passage from [Professor and] Justice Christy Weeramantry's 1980's book *Invitation to Law* and which says:

“An important new dimensionin recent years has been the setting up throughout the common law world of Law Reform Commissions. The task of these bodies of highly skilled lawyers is to keep the law under constant surveillance. Roscoe Pound, when analysing the causes of dissatisfaction with American justice at the commencement of the century, noted that the common law did not equip itself with any apparatus for keeping the law under constant surveillance. Civil law systems catered for this need through ministries of justice but the common law relied in the main upon its judges and the ‘lottery of litigation’. Permanent law reform commissions are the answer to this criticism. These commissions, scanning the entire body of law, pick out topics for intensive study and detailed recommendations for reform”.

Weeramantry then made reference to particular Law Reform Commissions throughout the Commonwealth

May I add how important it was for New Zealand to follow the lead taken by the United Kingdom and Australia in this area notably that of the particular Law Reform Commission headed by Justice Michael Kirby in Australia before his appointment to the Bench - the work of which in that time was followed avidly here.

The Law Commission's stated goal is to achieve laws that are just, principled, accessible, and that reflect the heritage and aspirations of the peoples of New Zealand. It is an independent body and this is essential as it pursues these worthy and necessary objectives.

How satisfying it must be for you, Sir Geoffrey Palmer, to have been part of the making of the Law Commission as the Minister responsible in Parliament, and to return 20 years later to head it. Speaking of leadership, it is also important to pay respects to the Law Commission in a corporate sense over the past 20 years and to see here for this Conference a number of its Presidents who have followed you Sir Owen Woodhouse – for example, Justice Bruce Robertson, Justice David Baragwanath and Sir Kenneth Keith.

But I would also like to acknowledge the contribution made by all those people who have worked for or with the Commission over the past twenty years. A passion for justice drives the Commission and this ensures our legal framework will continue to evolve with the needs of our changing society.

Benjamin Disraeli said 150 years ago that

Change is inevitable. In a progressive country, change is constant.

I end with a modest challenge, that the next step for the Commission, after having achieved a place for Law Reform on the legal landscape, the same needs to occur on the citizens' landscape. My challenge is that the ordinary person's ability to participate in discussion about changes to the law needs fostering.

Without any ado beyond this, it now gives me great pleasure to declare the seminar to mark the 20th anniversary of the Law Commission open.

Tena koutou katoa.