



23 March 2011

The Hon Christopher Finlayson  
Attorney-General  
Parliament Buildings  
**WELLINGTON 6160**

Dear Attorney-General

### **Government Observance of Human Rights and the Rule of Law**

I refer to the correspondence between you, my predecessor, John Marshall QC and me in relation to the Society's concerns regarding Government observance of human rights and the rule of law.

In your letter of 28 April 2010 you were kind enough to respond to a number of specific issues that had been set out in John Marshall's letters.

I thought it would be useful to follow up on matters touched upon in that letter and to make some observations on more recent events.

### **Request for update on matters previously raised by the Society's correspondence**

The Society would appreciate any updates you can provide on work being undertaken by the New Zealand Government as to:

- whether more formal parliamentary involvement would be desirable in respect of United Nations' Human Rights Treaty monitoring bodies' views and periodic reports (I refer to page 2 of your letter of 28 April); and
- what consideration is being given by the Government to the concluding observations of the United Nations' Human Rights Committee in respect of New Zealand's Fifth Periodic Report.

### **Update on Society's initiative in Bill of Rights/rule of law matters**

In your letter of 28.4.10 you asked to be kept informed of initiatives planned by the Society to mark the 20<sup>th</sup> anniversary of the enactment of the New Zealand Bill of Rights Act 1990. I am pleased to report that the Society undertook a number of significant initiatives last year relating to the Bill of Rights and the rule of law:

- (a) The Society, along with the World Justice Project and the American Bar Association's International Law Section, co-sponsored a LexisNexis International Rule of Law conference held in Wellington on 18 and 19 November 2010. The conference was well attended and a number of themes emerged from the conference papers that may well inform the Society's work in this area.

- (b) The Society's Rule of Law Committee and Human Rights & Privacy Committee, together with the Centre for Public Law at Victoria University of Wellington and law firm Russell McVeagh, hosted a symposium of invited participants on the future of the New Zealand Bill of Rights Act 1990, also in November. We were pleased that the Minister of Justice attended, delivered an informative keynote speech, and stayed to field questions from the symposium participants. The participants discussed a range of topics, including matters such as:
- extending the list and range of rights guaranteed by the Bill of Rights to privacy and property,
  - extending the jurisdiction of the courts to issue formal declarations of inconsistency,
  - the development of a more effective human rights bar and NGO sector; and the improvement of parliamentary mechanisms for upholding human rights, including the possibility of a dedicated select committee, and
  - extending the s 7 reporting procedure to stages of a bill beyond the introduction phase.

It is likely that a number of these themes will be developed over the coming year.

The Society's Rule of Law Committee supported the undertaking of the Urgency Project by researchers at the Centre for Public Law at Victoria University.

#### **Section 7 of the NZBORA**

By way of footnote, the Society appreciates your role in reporting under s 7 of the NZBORA in respect of Government bills. As I have already conveyed to you personally, we are pleased to see you exercise the statutory role in such a robust and independent manner. Important values such as the observance of the rule of law and human rights are undermined when the Government decides to proceed with legislative initiatives that have a significant impact on those values. The Society supports your approach and looks forward to further discussion on this topic.

Yours sincerely



Jonathan Temm  
**President**