

PUBLIC LAW REVIEW

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ARTICLES

Reflections on the role of the Attorney-General – *Ruth McColl SC*

In this article the author challenges the Federal Attorney-General's view that it is not the function of an Australian Attorney-General to defend the judiciary. The article examines the doctrinal foundation of the traditional role of the Attorney-General and asserts that the tradition should be preserved. It criticises the abandonment of that role as inevitably leading to a blurring of the separation of powers with the judiciary, absence a defender in the First Law Officer, increasingly becoming embroiled in political controversy. Abandoning the traditional role may also necessitate a reconsideration of the Attorney-General retaining other prerogatives which were vested in the occupant of that office because of the perception that the Attorney-General acted independently of party politics.

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Domestic procedures for international treaty actions: Description of New Zealand procedures – *Allan Bracegirdle*

This article comments on the domestic procedures that New Zealand, following Australia's lead, has developed to give Parliament the opportunity to consider major international treaties before the government takes binding action on the treaties at international law. A new MMP voting system, intended to enhance Parliament's role, was one factor. Another was the increasing use that the courts were making of treaties that had not been incorporated into domestic law by Parliament. The new procedures do not amount to a constitutional change, but represent a significant evolution in treaty making and the related arrangements between the branches of government.

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The new public law: A New Zealand perspective – *Rodney Harrison QC*

This article summarises some significant recent New Zealand developments in the field of public law. These include the creation of a new public law remedy of "declaration of inconsistency" with human rights, and the "reading down" of statutory provisions where inconsistent with fundamental rights. Recent case law in the area of judicial review is also analysed. The author, an Auckland barrister specialising in public law and human rights litigation, argues that the developments reviewed can be characterised as part of the ongoing emergence in New Zealand of a "new public law".

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 - 5. Austin, n 4, p 56.

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 - 7. Sheehy et al, n 6 at 221.

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