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## Announcements

### **Sir Kenneth Keith: Collected Papers Part I: Academia**

The Keith Papers collect some of the work of the Right Honourable Sir Kenneth Keith PC. Sir Kenneth studied law at the University of Auckland, the Victoria University of Wellington and Harvard Law School. He was a member of the legal divisions of the New Zealand Department of External Affairs and the United Nations, a law teacher at Victoria University of Wellington, to which he has returned as professor emeritus, a member and president of the New Zealand Law Commission, a judge of appeal in various Pacific courts, an international arbitrator, and a judge of the New Zealand Court of Appeal and Supreme Court and of the International Court of Justice.

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## **LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES** **VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

### **"The Courts and Conventions of the Constitution"**

(1967) 16 ICLQ 542

*Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 1/2017*

**KENNETH J. KEITH**, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

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One difficult and recurring drafting problem is the desirability of incorporating the conventions of the constitution, especially those which regulate the relations between the Head of State and his or her

Ministers. While some argue that incorporation minimises the dangers of uncertainty and creates convenience, others consider that drafting problems are immense, that flexibility is often desirable, and that courts should not deal with such cases. This article is concerned with that issue: should courts consider disputes arising out of allegations that the rules regulating relations between the Head of State and his Ministers have been breached? The author answers this by reviewing two cases, *Adegbenro v Akintola* and *Stephen Kalong Ningkan v Tun Abang Haji Openg*, concluding that the question of justiciability must be more carefully considered in such cases and should not be assumed simply because the relevant rules are to be found in the constitution.

## "The Courts and the Constitution"

(1985) 15 VUWLR 29

*Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 2/2017*

**KENNETH J. KEITH**, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

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The role of the courts is in one sense unchanging: it is to resolve matters, especially disputes, brought before them. But the ways in which they carry out that role and some of the principles relevant to it are changing – possibly fundamentally – and greater changes may be in the offing. This article considers aspects of those larger questions. It asks about the role of courts and how they go about their tasks – what matters are taken into account, the weight given to those considerations, by what the courts are bound – and asks how these tasks might change in the future. The author confines his discussion to constitutional matters, specifically disputes about the powers of public agencies, especially when individuals are challenging a particular exercise of power. The author concludes by emphasizing the relevant international context in which the discussion takes place.

## "Commissions of Inquiry: Some Thoughts from New Zealand"

*Inquiries Conference, Queen's University, Canada, February 1999*

*Allan Manson and David Mullan (eds) Commissions of Inquiry: Praise or Reappraise (Irwin Law, Toronto, 2003) 153*

*Victoria University of Wellington Legal Research Paper Series, Keith Paper No. 3/2017*

**KENNETH J. KEITH**, Victoria University of Wellington - Faculty of Law, Victoria University of Wellington - Faculty of Law

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This paper largely concerns the New Zealand experience of commissions of inquiry, with some reference to the international experience. Regarding the subject matter of inquiries, the author makes a key distinction between investigations into conduct, many relating to criminal justice matters, and inquiries into broader advisory matters, especially matters of policy. His paper considers five main areas: the reason for using a commission of inquiry rather than another available means; the membership of commissions; the procedures they follow; some substantive limits on what can be considered; and judicial and other review of commission reports.

Abstract by Juliet Bull.

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## About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924),

still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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