

Office of the Minister in Charge of the Law Commission
WELLINGTON

MEMORANDUM FOR CABINET

APPOINTMENT OF PRESIDENT OF THE LAW COMMISSION

Proposal

1. That Cabinet notes that the Minister in Charge of the Law Commission intends to recommend to Her Excellency the Governor-General the appointment of Sir Geoffrey Winston Russell PALMER as President of the Law Commission for a term of five years.

Reason for Proposal

2. Sir Geoffrey will replace Justice Bruce Robertson following his appointment to the Court of Appeal.

Background

3. Section 9 of the Law Commission Act 1985 states:
 - (1) The Law Commission must have no less than 3, and no more than 6, members.
 - (2) Members of the Commission are the board for the purposes of the Crown Entities Act 2004.
 - (3) The Governor-General must, on the recommendation of the responsible Minister, appoint 1 member of the Commission, who must be a Judge or retired Judge of the Court of Appeal or the High Court, or a barrister or solicitor of the High Court of not less than 7 years' practice, as the president of the Commission.
 - (4) The president holds office as chairperson of the board for the purposes of the Crown Entities Act 2004 for the same term as he or she is president.
4. Every Commissioner holds office for a term not exceeding 5 years but may be re-appointed.
5. The President is the chief executive of the Law Commission and is responsible for supervising and directing the work of the Commission.
6. The principal functions of the Law Commission are:
 - (a) To take and keep under review in a systematic way the law of New Zealand;

- (b) To make recommendations for the reform and development of the law of New Zealand;
- (c) To advise on the review of any aspect of the law of New Zealand conducted by any Government department or organisation and on proposals made as a result of any review; and
- (d) To advise the Minister of Justice and the responsible Minister on ways in which the law of New Zealand can be made as understandable and accessible as is practicable.

7. In making its recommendations, the Commission:

- (a) Shall take into account the Maori dimension and shall also give consideration to the multicultural character of New Zealand society; and
- (b) Shall have regard to the desirability of simplifying the expression and content of the law, as far as that is practicable.

Process

8. The position of President of the Law Commission has not been advertised in the past, nor has there been wide consultation to invite nominations. The reason for this is that the President is required to be eminent in his or her field and the pool of potential candidates is small and easily identified.
9. Sir Geoffrey has been identified for appointment following consultation with colleagues.
10. I am satisfied that there was no need in the case of this appointment for a more open appointment process and confirm that the process followed was appropriate to the circumstances.

Candidate

11. Sir Geoffrey is a former Prime Minister. He is a consultant for, and formerly a foundation partner of, the public law firm, Chen & Palmer. From 1984 to 1989 he was the Attorney-General and Minister of Justice. He was a Professor of Law at Victoria University of Wellington and a Distinguished Visiting Lecturer at the University of Iowa, USA. Sir Geoffrey is currently the Chairperson of the Legislation Advisory Committee.

Terms of appointment

12. Sir Geoffrey will be full time in the position of President of the Law Commission and I propose that his appointment will be for five years.

Conflicts of Interest

13. I am satisfied that Sir Geoffrey is fully aware of the issues associated with conflicts of interest. There is no reason to believe that his personal or professional conduct will be of other than the highest standard and that any conflicts of interest that may arise will be manageable.

Representativeness

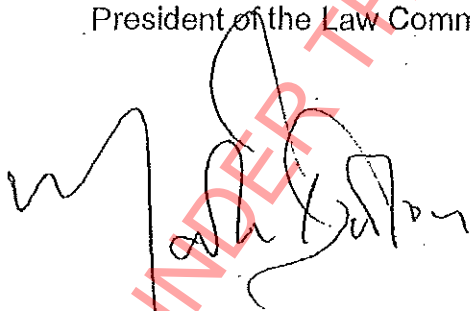
14. Representativeness was not identified as a specific consideration in making a selection for this appointment. I note, however, that in the broader appointments to the Law Commission full consideration has been given to the need to achieve appropriate gender, age, geographic and ethnic balance while still ensuring appointment is made on merit. I note that there are currently four male law Commissioners and two women Law Commissioners. Two Commissioners identify as Māori. The Law Commission is Wellington-based and all but one of the current members of the Law Commission resides here.

Remuneration

15. The President of the Law Commission receives reimbursement by way of fees, salary, wages and allowances in accordance with determinations issued by the Higher Salaries Commission. Travelling allowances and other expenses are reimbursed under the Fees and Travelling Allowances Act 1951.

Recommendation

16. I recommend that Cabinet notes that the Minister in Charge of the Law Commission intends to recommend to Her Excellency the Governor-General the appointment of Sir Geoffrey Winston Russell PALMER as President of the Law Commission for a term of five years.



Hon Mark Burton
Minister in Charge of the Law Commission

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