Black letter law: the orthodox methodology of the Crown

An address by Solicitor-General Anna Adams KC

3 September 2026

I. Introduction[1]

When I took silk in May this year after being appointed as Solicitor-General, following the ceremony I made a short speech. I expressed my view that the enduring ideals of individual liberty, equality and solidarity are the foundation of justice and noted the particular importance of liberty of thought and expression in the law.

I described myself as an avowedly black-letter lawyer. I said that I believed the law should deliver certainty, predictability and equal application to like cases.

I observed that, while the government or Crown is a perennial legal entity, it is not an ethereal creature that exists in another world. The Crown is simply us, all New Zealanders.

And I commented that, while the law works alongside history, politics and social policy, in my humble experience lawyers are not skilled in these fields and would be best to leave them to our democratic representatives, who are well supported by their political and policy advisers.

Last month our Attorney-General, the Hon. Chris Bishop, robustly set out the constitutional dimension of such principles.[2] The Attorney stated first, that the government is not above the law and must follow the law. Second, that Parliament is supreme and sovereign. The Attorney emphasised why this means that significant public policy choices should be made by Parliament, as the constitutional branch of government with both a democratic mandate and the necessary institutional expertise. And by the same token, why the judiciary must guard against attempts to use the courts to relitigate Parliament's choices.

Parliamentary sovereignty is the Westminster constitutional formulation that took centuries of effort – truly blood, sweat and tears – to generate. It was plainly stated by the Attorney-General and as Solicitor-General I will adhere to it.

So, what role should a Solicitor-General play in supporting the constitution and justice?

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1 This address arose from exchanges with colleagues at the New Zealand Bar, in the academic community and the Crown Law Office (particularly, David Neild), whose assistance I gratefully acknowledge. It also draws on the work of scholars named in the text. It is a product of those collective efforts rather than mine alone.

2 Attorney-General Hon Chris Bishop, Speech to the Law Association, 6 August 2026, released at https://www.beehive.govt.nz/speech/speech-law-association-0.

I, supported by the government legal department that I lead, stand apart from Parliament and the judiciary. I must advise and represent the government in the legal system and contribute to the community's principled understanding of the law. I must reflect that the Crown's interests are the nation's interests. This is a Solicitor-General's contribution to the legitimacy and longevity of our legal system.

The subject of this address is the methodology by which the Crown, acting through its senior legal advisers, discharges its role within the legal system.

When a statute reaches the Crown Law Office for advice, the question is what it requires of those governed by it. When a statutory power has been exercised, and challenged, the question is whether the empowering Act on its proper construction authorised what was done. When a common-law principle is in issue in litigation with the Crown, the question is how that principle applies.

The debates about statutory interpretation, the exercise of statutory powers and the development of the common law are old and contested. No address by a serving Solicitor-General could resolve them, and this one does not attempt to. What it does attempt, is to state the orthodox legal methodology that the Crown will generally adopt, through the office of the Solicitor-General. This is the approach that I intend to bring to my advice and advance in my submissions. In my view it best reflects the constitutional framework within which New Zealand courts operate.

The first section of this address describes the office from which I speak. The duties of the Solicitor-General bear directly on this address – what I can properly say, what I cannot, and why an address of this sort has a place in the work of a Solicitor-General at all. I then turn to the substance. My argument proceeds in three steps: the rule of law; the interpretation of statutes; and the common law. From those steps, guiding principles follow, and I will close with these.

I emphasise that all views expressed are mine as Solicitor-General, within the scope of my law officer role. Further, they are general views – their application to any particular legal matter will vary according to the circumstances and the government's instructions. I am usually the solicitor rather than the client in that setting.[3]

Importantly, I have no expectation that my or the Crown's view of the appropriate legal methodology will prevail in any given case and indeed, sometimes it will not. Our independent judiciary must be fearless to rule for or against the Crown on the merits.

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[3] However, it has been noted that the relationship between the law officers and the Crown does not sit squarely with a solicitor-client relationship in private practice. See Matthew Palmer "The Law Officers and departmental lawyers" NZLJ 333.

However, as your incumbent Solicitor-General, I aspire to set out a general Crown legal methodology and approach that is clear, well-reasoned, consistent and reliable – and therefore helpful to our legal system.

II. The Solicitor-General's Role

The Solicitor-General is the Crown's senior legal adviser and its senior advocate in litigation. The office traces its lineage to the English Crown law officers of the sixteenth century, and its duties have been described often enough that they need no recital.[4]

In the circumstances of New Zealand in 2026, the office of Solicitor-General has three primary duties.

The first is the duty to advise

Ministers, agencies and officials who seek the Solicitor-General's view [5] are entitled to advice that reflects the law as it stands. That advice is not a statement of preference, nor an account of what the adviser would wish the law to be. It is a statement of what the law requires, given the text Parliament has enacted, the principles the courts have declared and the common-law tradition within which both operate.[6]

The advisory duty is, at its core, a duty of legal fidelity. An adviser who substitutes preference for law has ceased to perform the function for which the office exists. As Professor Janet McLean has put it, the strength of the rule of law depends not only on what the courts do once a decision is challenged, but on the structural independence of the legal advice that shapes decisions before they are made.[7]

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4 See generally John McGrath, "Principles for Sharing Law Officer Power: The Role of the New Zealand Solicitor-General" (1998) 18 *New Zealand Universities Law Review* 197, based on an address delivered to the Institute of Public Law, Victoria University of Wellington, on 24 February 1998, for the most thorough modern account of the office's duties from an incumbent's perspective.

5 See *Cabinet Directions for the Conduct of Crown Legal Business 2016* (Cabinet Office Circular CO(16) 2) at https://www.dpmc.govt.nz/publications/co-16-2-cabinet-directions-conduct-crown-legal-business-2016. At [2] the *Directions* provide that the Law Officers (the Attorney-General and the Solicitor-General) have constitutional responsibility for determining the Crown's view of what the law is, and ensuring that the Crown's litigation is properly conducted. At [14], the *Directions* provide that Ministers and Departments seeking legal advice on core Crown legal matters that are not being managed in-house are referred to the Law Officers.

6 This is consistent with the public service principles of political neutrality and free and frank advice, as set out in section 12 of the Public Service Act 2020.

7 Janet McLean, "Public Servants and the Rule of Law" (2022) 20(2) NZJPIL 299, delivered as the 20th Robin Cooke Lecture at Te Herenga Waka–Victoria University of Wellington in memory of Lord Cooke of Thorndon, particularly the analysis of advice as constitutionally grounded in "justification, reason and evidence, experience and experiment rather than power" (at 304).

The second is the duty to represent in litigation

The Crown (the government) appears in the courts of New Zealand in a wide range of proceedings. The Solicitor-General, acting on behalf of the Attorney-General or a government department, bears the responsibility for ensuring the Crown's litigation is properly conducted and coherent as between proceedings. [8] The consistency between what the Crown advises and what the Crown submits is a discipline, and it is a discipline the Solicitor-General is responsible for maintaining.[9]

The Crown's conduct as a litigant is also governed by the Attorney-General's values for Crown Civil Litigation and the Solicitor-General's Prosecution Guidelines, under which the Crown acts as a fair and responsible litigant and assists the court to reach the correct legal outcome, rather than seeking to win at all costs.[10]

The third is the duty of contribution

The office of the Solicitor-General sits at the intersection of the three branches of government. That vantage carries with it a responsibility to contribute, when the occasion warrants, to the wider legal community's understanding of the law. The contribution is not a substitute for the primary duties of advice and litigation. It is a recognised function of the office, exercised with institutional care.

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8 See *Cabinet Directions for the Conduct of Crown Legal Business 2016*, above n 5, at [2] and [13-20], which explain how Ministers and Departments seeking legal representation in core Crown legal matters are referred to the Law Officers. In the criminal prosecution area, s 185 of the Criminal Procedure Act provides that the Solicitor-General is responsible for maintaining general oversight of the conduct of public prosecutions, although subs 3 confirms that this does not make the Solicitor-General responsible for the conduct of any particular public prosecution.

9 See Gabrielle Appleby *The Role of the Solicitor-General* (Hart Publishing, 2016) (Australia) at 253:

> "As an advocate the Solicitor-General is not merely akin to a private barrister in the same role. As an advocate the Solicitor-General is expected to provide a coherent, over-arching narrative to the constitutional position of the policy as presented to the courts. In many cases, the Solicitor-General is given little guidance and instruction, leaving the actual position of the government to the Solicitor-General's discretion and independent judgement. The Solicitor-General is also involved in the decision-making process in relation to constitutional interventions across many jurisdictions. So the Solicitor-General as an advocate is often not simply advocating on instruction. In this context there are significant advantages in having the same individual perform both the advisory and advocacy functions. The office holder must consider the same questions about the intersection of constitutional principles in both functions and form an opinion about the proper place of the government in the constitutional system. In both functions the Solicitor-General exercises a large amount of de facto independence. Having these functions vested in the same individual increases the likelihood of coherency and consistency in the government's position."

10 See the Attorney-General's Values For Crown Civil Litigation 2013, at https://www.crownlaw.govt.nz/publications/guidelines-protocols-and-articles, and the Solicitor-General's Principal Guideline at https://www.crownlaw.govt.nz/prosecution-guidelines/principal-guideline-2, especially at [8.1]: "Prosecutors should always act in a manner that is fundamentally fair and objective, in accordance with their role as officers of the court to uphold the rule of law. Prosecutorial decisions should not be influenced by sympathy or prejudice."

The tradition of public contribution is well established. Solicitor-General John McGrath QC in 1998 and Solicitor-General Una Jagose KC in 2018 each addressed the legal community on the office's constitutional role.[11] I take up a related subject – the general methodology by which the Crown discharges its role in the legal system – with restraint observed on questions that are currently before the courts.

Those duties – advise, litigate, contribute – are the institutional terrain of my office. An address of this kind is not an instruction to any party, a policy paper, and it is not a personal manifesto. It is an effort to clearly state the orthodox legal method of the Crown, offered on the basis that clarity about that method serves the rule of law.[12]

With that framing in place, I turn to substance.

III. The Rule of Law

Section 3(2) of the Senior Courts Act 2016 records New Zealand's continuing commitment to the rule of law and to the sovereignty of Parliament. Those are the twin foundations to which Parliament has bound our senior courts, and they frame the Crown's understanding of the legal system. The Act does not define either.

Parliamentary sovereignty – as Parliament has used the term for more than a century – admits of little doubt.[13] As our Attorney-General recently restated, Parliament's sovereignty has its foundation in constitutional history, not in judicial recognition. Parliament is sovereign because it is representative and its legitimacy rests on the consent of the people, given at an election every three years.[14] There is also a reasonably held view that the senior courts in New Zealand, including the Supreme Court, exist by Parliament's authority, although some regard parts of the senior courts' jurisdiction as inherent.[15]

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11 McGrath, above n 4, was written while the author was Solicitor-General. See also Una Jagose, "The Role of the Solicitor-General in Modern Aotearoa" (2018) Māori Law Review 19, an address delivered while in office.

12 The qualification "with institutional care" bears on what this address does not do. It does not address particular decisions of the courts, nor express views on questions that may be before the courts, nor comment on the method of individual judges. The subject of this address is legal method in the general sense –how the Crown understands and exercise its role in the legal system – with restraint observed throughout.

13 *Fitzgerald v Muldoon* [1976] 2 NZLR 615 at 622; *Te Runanga o Wharekauri Rekohu Inc v Attorney-General* [1993] 2 NZLR 301 (CA) [Sealords] at 307-308 – expressing the fundamental principle of separation of powers and parliamentary sovereignty. More generally see Jeffrey Goldsworthy, *The Sovereignty of Parliament: History and Philosophy* (Oxford: Clarendon Press, 1999) and Goldsworthy, *Parliamentary Sovereignty: Contemporary Debates* (Cambridge University Press, 2010). For Parliament's own affirmation of the principle, see Senior Courts Act 2016, s 3(2).

14 Above, n 2.

15 See generally Peter Watts, "Ellis v R: *A Revolution in Aotearoa New Zealand, Welcome or Not*" [2025] *New Zealand Law Review* 47 at 61–71, and the discussion below at footnote 57. However, compare *Attorney-General v Taylor* [2017] NZCA 215, [2017] 3 NZLR 24, in which the Court of Appeal stated at

The rule of law has, in recent decades, become more debated, and it is worth saying plainly what the Crown takes it to mean.

The Crown's view is orthodox – the "thin" or formal conception of the rule of law, in the tradition of Dicey,[16] refined in modern scholarship by Raz[17], Gardner,[18] and Finnis,[19] and recently articulated by Lord Sales, a former Treasury Counsel and current United Kingdom Supreme Court judge.[20] On that view, the rule of law describes the characteristics that a legal system must possess if it is to guide the conduct of the citizenry. Laws must be publicly promulgated, prospective, reasonably clear, stable and accessible to those they govern. They must be consistent. They must be applied impartially, by independent courts, through procedures that are fair. Official conduct must conform to the rules that have been declared.[21]

These are virtues of form, not of content. They describe the means by which the law operates, not the ends the law achieves.[22] They tell us nothing about whether the intended

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[47]: "Nor do the higher courts owe their common law judicial authority to Parliament. As Professor Joseph observes, no legislation conferred their general and inherent powers of adjudication...". The reference is to Professor Joseph's article "Parliament, the Courts and the Collaborative Enterprise" (2004) 15 KCLJ 321 at 328.

16 A V Dicey, *Introduction to the Study of the Law of the Constitution* (10th ed, London: Macmillan, 1959), particularly Part II. The three elements of Dicey's account – the supremacy of regular law, equality before the law, and the incorporation of constitutional rights through ordinary law – remain foundational to the orthodox conception.

17 Joseph Raz, "The Rule of Law and its Virtue," in *The Authority of Law: Essays on Law and Morality* (Oxford: Clarendon Press, 1979), 210. Raz identified eight principles: laws should be prospective, open and clear; laws should be relatively stable; the making of particular laws should be guided by open, stable, clear and general rules; the independence of the judiciary must be guaranteed; the principles of natural justice must be observed; the courts should have review powers over the implementation of the other principles; the courts should be easily accessible; the discretion of the crime-preventing agencies should not be allowed to pervert the law.

18 John Gardner "The Supposed Formality of the Rule of Law" in *Law as a Leap of Faith* (Oxford, 2012) at 213:

> "… the mere fact that Molotoff cocktails are thrown in Syntagma Square or Khao San Road does not signal or constitute an assault on the rule of law. If there is an assault on the rule of law, it will be found entirely in how officialdom responds to the rioting. If the relevant populations are lucky enough to live under the rule of law, the rioters should be able to find out, before and afterwards, what the law has to say about their actions, and the law should be such that, once they know what it says, they can judge when they are violating it and find a way to avoid doing so".

19 John Finnis, "Judicial Power: Past, Present and Future," in Richard Ekins (ed), *Judicial Power and the Balance of Our Constitution* (London: Policy Exchange, 2018) available at https://judicialpowerproject.org.uk/john-finnis-judicial-power-past-present-and-future.

20 Lord Sales, "What is the rule of law and why does it matter?", Robin Cooke Lecture, (2025) 23 NZJPIL 1.

21 This compressed account draws on Raz, above n 17, at 214–218. Compare the formulation of the formal virtues in Lon L Fuller, *The Morality of Law* (rev ed, New Haven: Yale University Press, 1969), chapter II.

22 Gardner, above n 18, "The Supposed Formality of the Rule of Law" in *Law as a Leap of Faith* (Oxford,

policy of a given law is wise or just. [23] A law that meets every one of them may still be unwise. A law that fails one may still, in substance, command acceptance.

What the rule of law requires is not that laws be good but that, whatever their content, they exhibit the qualities that permit them to function as law at all, so that citizens can rely on them, can predict and plan.

A different view has developed in recent decades. It holds that the rule of law, properly understood, reaches beyond the formal virtues to include substantive entitlements. Ronald Dworkin gave the position its most influential philosophical expression;[24] Lord Bingham off Cornhill moved in this direction in his influential book *The Rule of Law*.[25] That is the "thick" or substantive conception of the rule of law.

The Crown's position must necessarily be the thin view, and the reason is structural. The thick, substantive view of the rule of law requires someone to specify what the law's content must be. When that someone is Parliament, the rule of law and the statute book are the same. If that someone is the court, the court is placed in the position of articulating substantive entitlements that bind Parliament. Further, the source of those entitlements must be found somewhere outside the legal materials that Parliament has provided.

Lord Sumption, formerly of the United Kingdom Supreme Court, set out the difficulty: a court that undertakes to identify substantive rule-of-law content against which legislation is measured has reached outside law for the standards by which law is to be assessed.[26] The formal requirements of law resist that collapse.

The orthodox view, and the general position of the Crown, is that the rule of law means as follows. Laws are publicly accessible, clear, prospective, stable, consistent and impartially applied. Courts are independent, procedures fair, official conduct conforms to the declared rules. Discretion is constrained by rules, and arbitrary power resisted.

These are demanding requirements. However they do not include a requirement that legislation conform to a substantive list of entitlements specified by the interpreter of the

2012) at 206.

23 Raz, above n 17, at 211: "[The rule of law] is one virtue which the law may have or lack. Like other virtues, it is to be judged by the extent to which the law realises it." See also Raz at 228–229 on the rule of law's relationship to other political virtues.

24 Ronald Dworkin, *A Matter of Principle* (Cambridge, Mass: Harvard University Press, 1985), chapter 1. See also Dworkin, *Law's Empire* (Cambridge, Mass: Harvard University Press, 1986).

25 Tom Bingham, *The Rule of Law* (London: Allen Lane, 2010). Lord Bingham's eight principles are set out at chapters 3–10; the eighth principle, concerning compliance with international law, is developed at chapter 10. The chapter on fundamental human rights (chapter 7) similarly moves beyond the purely formal conception.

26 Jonathan Sumption, Trials of the State: Law and the Decline of Politics (London: Profile Books, 2019), based on the BBC Reith Lectures of the same year, on the structural risks attending the expansion of judicial power into territory historically reserved to democratic politics.

law, the courts. That question – what laws *should* say – belongs to Parliament in our constitutional order.

Two consequences follow, and they structure the balance of this address.

The first concerns statutes and the exercise of statutory powers. If the rule of law requires laws that guide conduct, then what a statute requires of those subject to it, and those exercising powers under it, must be ascertained from what Parliament has enacted.

The second concerns the common law, which includes enduring and long-protected values. If the rule of law requires predictability, the common law must develop by the *extension* of principle to new circumstances, not by judicial *revision* of settled doctrine. This is important because the common law applies retrospectively – the parties find out the law when they bring their case after the event, and this strongly demands predictability. Parliamentary law-making, by contrast, applies prospectively, and can therefore be more radical without undermining predictability.

IV. The Interpretation of Statutes and the Exercise of Statutory Powers

Statutory interpretation is the principal task of any Solicitor-General's office. The Crown Law Office advises ministers, Crown departments and agencies on what statutes require. The Office litigates the meaning of statutes when their operation is contested and defends the exercise of statutory powers against challenge.[27] In each of those settings, the Crown's position reflects the discipline of giving effect to what Parliament has enacted, read in its purpose and context.

I will comment on four elements of the discipline that my office, in advising and representing the Crown, brings to that task:

i. the primacy of the enacted text;
ii. the principle of legality as an aid to legislative intent, particularly in connection with the New Zealand Bill of Rights Act 1990;
iii. the proper use of the presumption that Parliament does not intend to legislate contrary to international obligations; and
iv. the operation of the mandatory relevant considerations doctrine.

The primacy of the enacted text

Parliament has already specified how statutes are to be read. Section 10 of the Legislation Act 2019 provides that "the meaning of legislation is ascertained from its text and in the

[27] Crown litigation is also governed by the *Cabinet Directions for the Conduct of Crown Legal Business 2016,* above n 5, and the Attorney-General's Values For Crown Civil Litigation 2013, at https://www.crownlaw.govt.nz/publications/guidelines-protocols-and-articles .

light of its purpose and context."[28] That direction is close to its predecessor in s 5 of the Interpretation Act 1999, and those provisions trace back to the Acts Interpretation Act 1924.[29] The trajectory has been consistent for more than a century.

Meaning is ascertained from *text*, illuminated by *purpose*, in the *context* of Parliament's enactment of the legislation. Each element carries weight.

Meaning is ascertained from *text*. The Crown approaches interpretation on the footing that Parliament has spoken through the words it has enacted. Where words are clear in their context, the Crown does not invite alternative readings: it simply gives effect to what Parliament has said.

Purpose illuminates text. It is read from the Act's purpose provisions, which in modern legislation are increasingly express.

The *context* discloses the field of operation of the words used. At the level of the Act, context means the statutory scheme: surrounding provisions, the Act as a whole, the legislative architecture. At a wider level, it means the state of the law at the time of enactment, and the mischief the Act was designed to address. It does not mean the contemporary social or political preferences of the interpreter. A provision enacted in 1990 therefore means what Parliament enacted in 1990, read in the context of 1990.

Section 11 of the Legislation Act, which directs that an enactment "applies to circumstances as they arise," is the technical provision that allows statutory language to apply to new factual situations within its ordinary meaning. It is not a direction that the meaning of the words shifts to accommodate the interpreter's view of what Parliament would have said now.[30]

The orthodox method applies equally where a statute refers to an instrument of constitutional significance, such as the Treaty of Waitangi / Te Tiriti o Waitangi. The interpretive task remains to determine what Parliament has enacted, read in its purpose and context. The orthodox view is that the role of the Treaty and its principles in any given statute is the role Parliament has assigned to them, neither broader nor narrower.

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[28] Legislation Act 2019, s 10(1).

[29] Interpretation Act 1999, s 5(1) ("The meaning of an enactment must be ascertained from its text and in the light of its purpose"); Acts Interpretation Act 1924, s 5(j). The consistency of direction across four successive Interpretation Acts is not accidental: it reflects a settled understanding of the interpretive task that has not changed as the statutory language has been refined. See generally Ross Carter, *Burrows and Carter Statute Law in New Zealand* (6th ed, Wellington: LexisNexis, 2021), chs 7 and 8.

[30] John Finnis, "Rejoinder", in Richard Ekins (ed), *Judicial Power and the Balance of Our Constitution* (London: Policy Exchange, 2018), 111 at 119–121.

Section 6 and the principle of legality

Section 6 of the New Zealand Bill of Rights Act 1990 directs that, "wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning." That direction, together with the common-law principle of legality, governs a class of interpretive questions.

Where a statute engages with fundamental rights – rights protected by the Bill of Rights Act, or rights long recognised at common law – Parliament is presumed not to have intended to override those rights by general or ambiguous language. Clear language, or necessary implication from clear language, is required.[31]

The principle is a presumption about Parliament's intent. It is an aid to interpretation, not a rule requiring Parliament to legislate within particular bounds. Tipping and Blanchard JJ in the Supreme Court's decision in *R v Hansen* described the operation of s 6 in orthodox terms: the section authorises meanings that are "reasonably available" on the words Parliament used – meanings that are "tenable" or "genuinely open" on the text and in light of the purpose of the enactment.[32]

Thus, while both s 6 and the principle of legality are interpretive tools for safeguarding rights, they nonetheless operate within constitutional boundaries. These tools assist the court to discern what Parliament meant, and thus apply only to available interpretations. They cannot permit a court to disregard a plain expression of Parliament's intention.

The same approach applies to fundamental common law principles. [33] Janet McLean KC has explained that the principle of legality assumes that Parliament intends the law to maintain coherence between the present and the past, the enduring standards of the common law that operate unless they are clearly displaced. Professor McLean also notes that "the search for coherence cannot be so demanding that … words lose their meaning so that what the

31 See *R v Secretary of State for the Home Department, ex p Simms* [2000] 2 AC 115 (HL) at 131 per Lord Hoffmann. The principle's common-law form pre-dates the Bill of Rights Act 1990 and continues to operate alongside s 6 in respect of rights not enumerated in the statute.

32 *Hansen v R* [2007] NZSC 7, [2007] 3 NZLR 1 at [158] per Tipping J and at [58]-[61] per Blanchard J. The passages are illuminating as to the discipline the principle imposes and reinforce the point that s 6 is not a warrant for judicial rewriting of enacted provisions. In *Hansen* Blanchard J states that s 6 can displace the natural meaning of a provision only in favour of another meaning that is "genuinely open in light of both its text and its purpose" and "an approach that begins "casting around for other potential meanings of a provision as soon as a prima facie incursion upon a guaranteed right is identified does not give adequate recognition to the role of s 5 in the interpretive process".

33 See *Drew v Attorney-General* [2002] 1 NZLR 58 (CA) at [66-68], in which the Court of Appeal found that a regulation preventing a Visiting Justice from permitting a prisoner to be legally represented was *ultra vires* for being contrary to the common law principle of natural justice, and expressly linked this outcome to Parliament's intent.

law required becomes impossible for a citizen to discern ex ante and can only be understood after the courts have spoken". [34]

Thus, the orthodox Crown position is that, where no tenable meaning consistent with a right or fundamental principle is available, the court must give effect to the enactment as promulgated by Parliament.[35] Under the New Zealand Bill of Rights Act 1990 this result derives from s 4, which requires the court to give effect to any enactment notwithstanding inconsistency with the rights and freedoms affirmed by the Act.

The discipline matters. The principle of legality, in the *Hansen* sense, operates within the limits of what Parliament's enacted words will bear. Taken beyond that point, the principle ceases to operate as an aid to legislative intent and becomes a requirement that Parliament legislate to a judicially prescribed standard.[36] That is a different doctrine, and not one the Crown can reasonably advance.

This is not to diminish the rights affirmed in the Bill of Rights Act. They are expressed in broad and general language because they embody constitutional values and principles. It has long been held that they should be given a generous and purposive approach to their interpretation. In the earliest Bill of Rights Act cases, such as *Ministry of Transport v Noort,*[37] the Court of Appeal drew upon Lord Wilberforce's well-known statement that constitutional rights are to receive: "a generous interpretation, avoiding what has been called 'the austerity of tabulated legalism', suitable to give to individuals the full measure of the fundamental rights and freedoms referred to". [38]

However, "generosity" is not a governing principle in its own right. It is a means of ensuring that a right receives its proper scope and effect. A rights provision is interpreted by construing the text of the provision consistently with Parliament's purpose. The inquiry is directed to the "full measure" of the right,[39] not the broadest conceivable interpretation of its language.

As the Court of Appeal recognised from the outset, the Bill of Rights Act "… is evolutionary not revolutionary in its approach. It draws together but does not create new human

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34 Professor Janet McLean, "The Principle of Legality, Sovereignty and the Structure of the Constitution" in Simon Mount and Max Harris (ed) *The Promise of Law: Essays marking the retirement of Dame Sian Elias as Chief Justice of New Zealand* (LexisNexis, 2020) at 32-33.

35 Under the New Zealand Bill of Rights Act 1990, this derives from s 4. The section requires the court to give effect to any enactment notwithstanding inconsistency with the rights and freedoms affirmed by the Act.

36 Richard Ekins, *The Nature of Legislative Intent* (Oxford: Oxford University Press, 2012), particularly chs 4–5, on the principle of legality as a canon of construction directed at legislative intent. See also Ekins, *How to Reform Judicial Review* (London: Policy Exchange, 2021), at 20–23.

37 *Ministry of Transport v Noort* [1992] 3 NZLR 260 (CA) Cooke P at 268.

38 *Minister of Home Affairs v Fisher* [1980] AC 319.

39 Rishworth et al *The New Zealand Bill of Rights* (OUP Melbourne 2003) at 44.

rights."[40] The courts have emphasised that the meaning of a right must be understood in the light of the interests it was meant to protect.[41] This purpose of the right is an important anchor that prevents the broadly expressed rights and freedoms becoming free-standing moral abstractions divorced from their constitutional context.[42]

It should be expected that the Crown will reflect this orthodox position. Where a statute engages with protected rights, the Crown applies *Hansen*, asking whether a generous meaning consistent with the right is reasonably available on the text and purpose of the enactment. Where it is, the Crown prefers that meaning. Where it is not, the Crown submits that the court must give effect to Parliament's intent and apply the enactment Parliament made.

What the Crown should not be expected to do, is invite the court to read clear statutory language in a manner that is *not* reasonably available on the text in order to achieve rights consistency. The architecture of sections 4, 5 and 6 of the Bill of Rights Act, and indeed our constitutional architecture, do not permit that.

The presumption of conformity with international obligations

A further presumption has long operated in New Zealand law: that Parliament does not intend to legislate contrary to New Zealand's international obligations.

The Crown accepts that presumption. The question is the limits within which it operates. The presumption speaks to international obligations as they stood at the time of enactment of the legislation in issue. It is not a direction that the statute's meaning evolves to

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40 *R v Jefferies* [1994] 1 NZLR 290 (CA) Richardson J at 299. Interpretation therefore requires attention to the linguistic, historical, social and legal context of each provision, together with the nature of the right itself and the object it is designed to serve.

41 *R v Big M Drug Mart Ltd* [1985] 1 SCR 295 at p 344, relied on in *R v Hansen* [2007] NZSC 7, [2007] 3 NZLR 1 at [20].

42 Similarly, although the right to freedom from discrimination in s 19 of the New Zealand Bill of Rights Act 1990 is to be interpreted generously, that interpretive approach cannot be divorced from the statutory scheme that Parliament enacted.

The prohibited grounds of discrimination in New Zealand were identified by Parliament through a particular and incremental legislative process. The Race Relations Act 1971 prohibited discrimination on the grounds of colour, race, and ethnic or national origins. The Human Rights Commission Act 1977 added sex, marital status, and religious or ethical belief and by subsequent amendment, age. The Human Rights Act 1993 consolidated the two earlier statutes and added disability, political opinion, employment status, family status, and sexual orientation, and amended s 19(1) of the Bill of Rights Act so that the Human Rights Act supplied the prohibited grounds of discrimination. Each addition reflected a deliberate legislative judgment that a particular characteristic merited independent statutory protection. As Keith J observed in *Quilter v Attorney-General* [1998] 1 NZLR 523 (CA) at 570, the affirmation of a right to freedom from discrimination in s 19 of the Bill of Rights did not signal any departure from that approach. Rather, the right affirmed by s 19 remained tied to the grounds that Parliament had chosen to specify through the discrimination legislation. The question is therefore always what Parliament chose to include among the prohibited grounds of discrimination, noting that these raise complex moral and social policy considerations that Parliament alone has both the institutional capacity and democratic legitimacy to determine.

accommodate subsequent developments in international law – new declarations, international norms, or obligations assumed by the executive after the statute was passed.

The Court of Appeal approach articulated by Richardson J in *Ashby v Minister of Immigration* captured that discipline: the courts read open-ended statutory discretions subject to the international framework in force when Parliament enacted the statute, not subject to a subsequently developed framework that Parliament did not have before it.[43]

Once again, this presumption operates within the limits of what the text will bear. It is an aid to interpretation where the statute is open to more than one reading. It is not a basis for displacing the meaning Parliament has clearly enacted.

The alternative would be quite unorthodox: that the presumption creates an unrestricted licence to invoke developments in international law to displace domestic statutory text and purpose. This would transfer the lawmaking function from Parliament to the interpreter in the courts, and from the domestic legislature to the executive's choices in the international realm.[44] It would mean that the executive could effectively "bypass" Parliament by adopting international agreements that the courts would then read in to pre-existing legislation, even where no such matters had passed into legislation. The Crown could not reasonably support such an extension of the presumption.

Lord Reed, President of the Supreme Court of United Kingdom, recently succinctly described this principle in the Westminster system as follows:[45]

> The UK has what is sometimes called a "dualist" system, which means that international and domestic law operate on different planes. Treaties are binding on the UK on the international plane, but they do not form part of the law of the UK and the courts do not have any powers to enforce treaty rights or obligations, unless Parliament passes legislation to implement them. This is a necessary corollary of Parliamentary sovereignty.

And in the same vein, our Attorney-General recently noted that, at a minimum, any international law precedent must be binding on or ratified by New Zealand, before advocates could rely on it. Mere advisory international opinions cannot support a presumption of consistency when interpreting domestic legislation.[46]

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43 *Ashby v Minister of Immigration* [1981] 1 NZLR 222 (CA) at 229 per Richardson J. The *Ashby* approach distinguishes the question of whether a statutory discretion is exercised *consistently* with international obligations (part of the exercise of the discretion) from the question of whether the discretion is *confined* by international obligations (a matter of statutory interpretation).

44 John Finnis, "Rejoinder," in Richard Ekins (ed), *Judicial Power and the Balance of Our Constitution* (London: Policy Exchange, 2018), 111 at 119–121. See also Finnis, "Judicial Power: Past, Present and Future", above n 19, at 29–30.

45 Lord Reed, "Mechanisms of Constitutional Review" 10 July 2026 at 2.6, see https://supremecourt.uk/uploads/speech_lord_reed_15072026_bf12b86dd4.pdf

46 Attorney-General Hon Chris Bishop, above n 2. See *R(AB) v Secretary of State for Justice* [2021] UKSC 28 at [64].

The mandatory relevant considerations doctrine

A fourth element of statutory interpretation deserves notice, because it is prominent in judicial review proceedings and in the administrative law advice the Solicitor-General gives government agencies.

The supervisory jurisdiction by which the courts review the exercise of statutory powers is broad, and includes a range of doctrines – mandatory considerations, irrelevant considerations, unreasonableness, procedural fairness – that the common-law world has laboured over for the better part of a century. The application of each of those doctrines turns on what the statute, on its proper construction, requires (or permits) the decision-maker to do.

The mandatory relevant considerations doctrine is significant and often decisive in judicial review. However, it remains a doctrine of statutory interpretation. When a court holds that a particular consideration is one a decision-maker *must* take into account, the court is ruling on what the empowering statute, on its proper construction, requires.

The doctrine therefore derives its content from the empowering Act. Where the Act expressly identifies the considerations to which the decision-maker must have regard, the doctrine gives effect to what Parliament has said. Where the Act is silent, the considerations that are mandatory are only those that, by necessary implication from the text, purpose and context of the legislation, the decision-maker is required to take into account.[47]

The orthodox view, which the Crown adopts, must therefore be as follows. The doctrine of mandatory considerations operates within the limits of what the empowering statute will bear. It does not authorise the court to identify as mandatory considerations what the statute does not require – however attractive those considerations may be on the merits.

Where Parliament has chosen the considerations to which a decision-maker must attend, the Crown must give effect to that choice. Where Parliament has left the matter to the decision-maker's judgment, the Crown cannot reasonably invite a court to constrain the decision-maker by submitting that further considerations are mandatory without justification in the statute.[48]

The doctrine, properly applied, is again a corollary of Parliamentary sovereignty. It locates the focus in judicial review in statutory interpretation: what Parliament has enacted, read in its purpose and context.

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47 The classical statement of the doctrine is found in *CREEDNZ Inc v Governor-General* [1981] 1 NZLR 172 (CA) at 183 per Cooke J: a consideration is mandatory if the statute, expressly or by necessary implication, identifies it as a matter to which the decision-maker must have regard.

48 The position adopted here follows *CREEDNZ*, above n 47. See also the analysis in Ekins, *How to Reform Judicial Review*, above n 35, on the limits of the court's interpretive role in administrative-law settings.

V. The Common Law

I now turn to the common law, where different considerations apply.

The common law is not an enacted code. It is the accumulated product of judicial decisions in cases decided over centuries, the courts declaring and applying principles carefully worked out in the resolution of concrete, real-life cases.

Those principles are found in the reasons given for judgments, tested against one another in subsequent cases and refined through the discipline of *stare decisis*, or precedent. The system by which the common law develops is a system of judicial responsibility, reflecting the judiciary's distinctive institutional expertise and limitations.

It is worth stating that the doctrine of precedent directly supports a foundational rule of law principle: equality before the law.[49] This principle is that no one (including the government) is above the law and that like cases must be treated alike. It has been described as requiring "that a person whose factual situation is indistinguishable from another should be given like treatment"[50] and that decision-makers must be consistent in the procedures and criteria they apply.[51]

The doctrine of precedent requires that decisions of higher courts bind lower courts in similar cases, that courts must generally follow their own prior decisions, and decide cases consistently. This constrains judicial discretion, fosters coherence across the law, and supports other rule of law values such as predictability and prohibition of arbitrary decision-making. These outcomes are critical to public perception of court decisions as fair and legitimate.

The declaratory tradition

The orthodox account of the common law treats the court's function as declaratory. In deciding a case, the court identifies the parties' rights and obligations under the law as it stood when the dispute arose – a backward-looking exercise that asks what the parties' legal position was at the relevant time, by reference to the law the parties were entitled to assume applied to them.

The declaratory account was treated with scepticism after Lord Reid characterised it as a "fairy tale" in 1972.[52] That characterisation has been influential but was perhaps too quickly accepted. The declaratory theory is incomplete – it does not capture the reality that courts

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49 As noted in discussion of Dicey, above n 16.

50 *Patel v Chief Executive of the Department of Labour* [1997] 1 NZLR 102 at 111 per Baragwanath J.

51 See *Pharmaceutical Management Agency Ltd v Roussel Uclaf Australia Pty Ltd* [1998] NZAR 58 (CA). Thomas J (in dissent at 72) discussed Dicey and the constitutional principle of the equal application of the laws, stating "from Dicey to Dworkin, the notion that like should be treated alike has been an essential tenet in the theory of law."

52 Lord Reid, "The Judge as Law Maker" (1972) 12 *Journal of the Society of Public Teachers of Law* 22 at 22.

at times revise existing law in the course of applying it. That reflects the incremental way that the common law develops, within the courts' own limitations. [53]

Peter Watts KC has set out the discipline at length in his essay, *The Judge as Casual Lawmaker*. He explains that the declaratory tradition does not deny that courts develop the common law, but specifies the conditions under which that development is consistent with judicial responsibility. Courts extend abstract principle to new concrete factual circumstances. They resolve points earlier cases had left unsettled. They correct anomalies where prior decisions are inconsistent with principles the courts themselves have recognised.[54]

The limits of judicial development

Thus, the common law develops incrementally by applying principle to facts, treating like cases alike and identifying materially different cases that require refinement of the law. The Crown does not suggest otherwise.

The question is not whether the common law may be refined but how, and by whom, and within what constraints. In the orthodox view, there are three requirements that discipline how the common law develops.

The requirement of continuity

The common law develops, in Lord Bingham's phrase, by scoring its runs in singles – not boundaries, let alone sixes.[55] Development is incremental. It proceeds by the extension of principle, the refinement of principle or the reconciliation of apparently conflicting principles. It does not proceed by judicial overturning of settled law in favour of a new general rule the instant court believes to be preferable.

The doctrine of precedent, *stare decisis*, exists to enforce this condition. The Crown's submissions will be framed on the orthodox basis that *stare decisis* governs, and that the Crown will not invite the court to overturn settled law without properly reasoned grounds.

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53 See for example Aileen Kavanagh on the institutional limitations on judicial law-making in *The Collaborative Constitution* (Cambridge University Press, 2024) at 208-212 and Richard Ekins, "Introduction to Judicial Power: Past, Present and Future", above n 19, at 11.

54 Peter Watts, "The Judge as Casual Lawmaker," in Rick Bigwood (ed), *Legal Method in New Zealand* (Wellington: Butterworths, 2001), 175, particularly at 210–211. See also Watts, "Taxonomy in Private Law – Furor in Text and Subtext" [2014] *New Zealand Law Review* 107, particularly at 111, 126–129. Both essays build on the work of the late Professor Jim Evans from the Auckland University Law School, "Some Reflections on the Development of the Doctrine of Negligence (or Murphy's Law Reaffirmed)" in *Legal Reasoning and Judicial Activism: Two Views* (Auckland: Legal Research Foundation, 1992), in which Professor Evans mapped the limits of orthodox common-law method in the development of negligence.

55 Tom Bingham, "The Way We Live Now: Human Rights in the New Millennium" (1999) 1 *Web Journal of Current Legal Issues*.

Settled law in this context means law – principle-based doctrine – that has established itself across more than one generation of judge. It is notable that, on this basis, it is not wrong for a court to retreat from a recent decision of its own level which was a misstep.

The requirement of institutional competence

A court adjudicates a dispute between particular parties, on the evidence and arguments those parties put before it. A court is not able to conduct a general inquiry into how a field of law should be ordered. It cannot consult broadly with the persons the law will affect. It has no means to consider alternatives outside the framework its counsel have presented.

These are not failings of the judicial process. They are features of it and part of institutional competence. They are also the reasons why the Crown does not invite the court, through common-law litigation, to undertake the kind of systemic reform the legislative process is designed for.[56]

The requirement of democratic authority

The common law exists by authority. In New Zealand, Parliament has authorised its application. The Supreme Court Ordinance 1841 conferred on New Zealand's courts the jurisdiction to apply English common law, and that jurisdiction has been confirmed and continued by successive statutes – including successive Judicature Acts, the English Laws Act 1858, the Imperial Laws Application Act 1988 – to the present day.[57]

New Zealand's courts therefore apply and develop the common law within a framework Parliament has enacted. Changes of substantial character – for example changes to the rule of recognition by which common-law authority is identified, or to the sources from which common law is drawn – must be matters for the authorising institution, Parliament.[58]

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56 See Kavanagh above n 53 at 209: "Whilst the legislature can make new law on its merits in a forward-looking fashion, the courts are confined to developing the law gradually, applying existing legal norms and 'building incrementally on existing principles … Therefore, if root-and-branch legal change is required, it is often better to leave it to the legislature". See also Finnis, "Judicial Power", above n 9, at 35–37. Finnis identifies categories of institutional error to which the litigation process is particularly susceptible: the seduction of counsel's rhetoric, the distortions of selective precedent, blind spots in legal learning, and the procedural limitations inherent in adversarial proceedings. These are reasons for judicial restraint in the development of the common law.

57 See generally Peter Watts, "Ellis v R: *A Revolution in Aotearoa New Zealand, Welcome or Not*" [2025] *New Zealand Law Review* 47, particularly the historical analysis of the statutory foundations of New Zealand's courts at 61–71. On Watts' analysis of the Supreme Court Ordinance 1841, the English Laws Act 1858, and the Imperial Laws Application Act 1988, the authority of New Zealand's common law rests on statutory foundation and continues to do so. As noted earlier, some take the view that the senior courts' jurisdiction is inherent rather than legislative – see Professor Joseph's article "Parliament, the Courts and the Collaborative Enterprise" (2004) 15 KCLJ 321 at 328.

58 Jeffrey Goldsworthy *Parliamentary Sovereignty: Contemporary Debates* (Cambridge University Press, 2010) at 34-35.

The Crown proceeds on the orthodox basis that these requirements define the boundaries of the operation of the common law in the courts.

An additional reason for judicial restraint in developing the common law is that the courts do not have Parliament's democratic mandate and capacity. The Attorney-General recently summarised this principle from the perspective of a modern Parliamentarian. He stated:[59]

> As illustrated by … history …, Parliament's authority to make public policy choices is grounded in its democratic mandate.
>
> But Parliament's claim to supremacy is also based on its institutional expertise, relative to the executive and the judiciary. That is not to diminish the executive or the judiciary, but to recognise the distinct roles and expertise of each of those three institutions. The processes of Parliament, and the resources available to it, qualify it to make the kind of important public policy choices necessary in a modern nation. […]
>
> If you want to address any big social problem – whether that's housing, the environment, or infrastructure – you need to be able to foresee issues across a number of different sectors. You will need access to a range of expertise, and you will probably need to make difficult trade-offs. You may want to consult with the stakeholders who will be applying the legislation.
>
> These are things Parliament is good at, or at least better at than the courts. In short, it has the necessary institutional capacity.

Tikanga and the common law

There is one area in which particular care is required. Tikanga Māori has long been recognised as part of the common law of New Zealand in certain circumstances, being where custom is established between the relevant parties.[60] Questions arising in matters intrinsically connected to Māori affairs – including aspects of family law involving Māori parties – have been determined with reference to tikanga in cases presenting the necessary jurisdictional conditions of custom in the common law.[61]

These recognitions fall within the orthodox operation of the common law and have been consistently recognised by the Crown as such.

The Supreme Court's decision in *Ellis v R (Continuance)*, raised significant questions about the future relationship between tikanga and the common law of New Zealand. The Court

59 Attorney-General Hon Chris Bishop, above n 2.

60 *Public Trustee v Loasby* (1908) 27 NZLR 801 (SC). The *Loasby* framework requires custom to meet specified conditions before it may be recognised as part of the common law.

61 See, for example, *Takamore v Clarke* [2012] NZSC 116, [2013] 2 NZLR 733 (although the decision did not turn on tikanga, the Court's reasoning acknowledged that tikanga values might in some circumstances inform the common law in cases with the appropriate connection to Māori parties or affairs). See Watts, above n 46, at 55–56.

divided three to two on whether a criminal appeal could continue after the convicted defendant's death, and divided differently on whether tikanga bore on the answer.[62]

An orthodox view would be that the majority's reasoning on the place of tikanga in the common law is *obiter dicta.* The *Ellis* reasoning would therefore be a question on which the law is still developing in this generation of jurists. The minority judgment of Arnold and O'Regan JJ identified a series of issues of "legal and constitutional significance" to which the majority's reasoning did not provide settled answers. Among these is how the application of tikanga in one area of the law is to be reconciled with competing common law doctrine in another. For example, if tikanga is invoked by a debtor as a defence to the application of creditors' remedies in bankruptcy law, one can envisage difficulties reconciling the statutory and common law regimes, and the lending economy that relies on both.

The orthodox view is that these questions have not yet been settled.[63] The Crown may therefore engage with tikanga in litigation case-by-case, on the basis of the law as the courts have developed it, with attention to the factual connection between the case before the court and the tikanga said to apply. However, it would not be consistent with orthodox common law discipline for the Crown to invite the court, in cases without that factual connection, to treat tikanga as a general source of law applicable to any issue of common law or statutory interpretation.

VI. Guiding Principles

I come back to where I started. To a black letter lawyer, and certainly to a Solicitor-General, the aims of the law are to deliver certainty, predictability and equal application to like cases.

In my view, the Crown's default legal method must be orthodox. This is the view articulated in the thin or formal tradition of the rule of law, in the primacy of enacted statutory text in interpretation, and in the declaratory tradition of the common law.

This is a view with a long pedigree, supported by scholars of the common-law world. It is a view that encourages fairness and stability. It is also the view most consistent with the constitutional architecture that our democracy has established and with the office that I hold.

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62 *Ellis v R (Continuance)* [2022] NZSC 114; 1 NZLR 239. The Court divided 3-2 on whether the appeal should continue, with Winkelmann CJ, Glazebrook J and Williams J in favour and O'Regan and Arnold JJ against. A differently composed majority of three judges expressly stated that consideration of tikanga did not change the result they would have reached without it. See Glazebrook J at [146] (tikanga led to "the same conclusion as that reached without considering tikanga" - that the appeal should continue); O'Regan and Arnold JJ at [315] (tikanga considerations "do not lead us to a different conclusion on the continuance issue" - that the appeal should not continue). The consequences of this for the strict ratio of the majority's reasoning on the place of tikanga in the common law has been addressed in Peter Watts, above n 15, at 49 and 76.

63 *Ellis v R (Continuance)* [2022] NZSC 114 at [285]–[287] per Arnold and O'Regan JJ.

Three guiding principles follow.

First, advice to the Crown will start from the text Parliament has enacted

Ministers, government departments and agencies who seek the Solicitor-General's view on the operation of a statute will receive advice that begins from the statutory text, read in its purpose and context, and that operates within the limits of long-observed common-law presumptions. Crown advice should not be expected to prefer a reading that is not reasonably available on the text in order to achieve a preferred outcome.

Second, the Crown can be expected to litigate on the same basis

Where a statute is open to more than one reading, and a meaning consistent with the rights and freedoms that the Bill of Rights Act and the common law affirms is reasonably available on text and purpose, the Crown submission will be that the rights-consistent meaning is to be preferred. Where the statutory text is clear, the Crown submission will be that the court should give effect to it.

In the development of the common law, the Crown will rely on orthodox methods – the extension of principle to new circumstances, the resolution of unsettled questions, the correction of anomaly. The Crown should not be expected to encourage the court to identify new contemporary values, nor new general sources of law, without a statutory basis.

Third, as Solicitor-General, I will contribute publicly to the law's good order on behalf of the Crown.

This address is one such contribution.

VII. Conclusion

I return, in closing, to my opening. The Crown is not an ethereal creature; it is us. A judgment in a Crown case settles what the law requires of all of us, and the costs fall on all of us. When the law is unpredictable, those costs are paid by us, not by the lawyers. When the rules shift beneath the parties' feet, it is our certainty – our ability to plan, to contract, to live under known rules – that is lost.

The orthodox, black letter law methodology I have described is the discipline by which the law remains the law of those it governs. The law provides the stable framework of rules that support our society and economy.

The law is not to be equated with social policy or politics nor a simple value set. The law is the collection of formal rules that are relied on by the people to resolve disputes and order their affairs. These may be a quotidian dispute about family, employment, crime or land, or a contest of constitutional significance. All of these cases matter.

Certainty, predictability and equal application of the law are not a lawyer's preferences, they are the foundation of justice. These principles are what the law owes to those it governs. They are therefore the touchstones of the Crown and my office as Solicitor-General.

I do not suggest that the law cannot progress with the times. However, the process of change itself must be transparent and within the competence and jurisdiction of the institution doing the changing. As our Attorney-General recently explained,[64] in our democracy, significant change belongs to Parliament, whereas change in the courts must be incremental.

These are the principles that I hold as Solicitor-General. They are offered to serve the framework Parliament has established and, through that framework, the New Zealand public. I am grateful for the opportunity to have set them out.[65]

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64 Attorney-General Hon Chris Bishop, above n 2.

65 The Crown Law Office's publications develop the methodology described in this address. Practitioners and scholars interested in particular matters of statutory interpretation and common-law development are welcome to raise those questions with the Office through the usual channels.