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COMMENTS

The Strathclyde Review on Secondary Legislation and the Primacy of the House of Commons: Possible Lessons for Australia – *Stephen Argument* 167

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ARTICLES

The Making of New Zealand’s Foreign Fighter Legislation: Timely Response or Undue Haste? – *John Ip*

This article discusses New Zealand’s *Countering Terrorist Fighters Legislation Bill*, which was enacted over a period of some two weeks in late 2014. More specifically, the article assesses the government’s justifications for expediting the passage of this legislation through the use of urgency. It contends that these justifications – that the government’s hand was forced by a United Nations Security Council Resolution on the issue of foreign fighters, that the legislation makes minimal changes, particularly when compared to its Australian and British equivalents, and that there is provision for a sunset clause and post-enactment review – are all problematic and ultimately unconvincing. The article finishes by considering what the enactment of this legislation reveals about the separation of powers and constitutionalism in New Zealand. 181

Regency in the Realms – *Anne Twomey*

Just as the recent changes to succession to the throne raised difficult constitutional problems in the various Realms, so too would the implementation of a regency if the current monarch or her successor became incapacitated for a significant period. The issue is complicated by the fact that the *Regency Act 1937* (UK) was enacted after the enactment of the *Statute of Westminster 1931*, but before the Statute came into force in some of the Dominions. This article discusses the history of the enactment of regency laws in the United Kingdom and then addresses the constitutional issues that would arise if a regency had to be implemented in Canada, New Zealand and Australia. 198

Reconciling Hong Kong’s Final Authority on Judicial Review with the Central Authorities in China: A Perspective from “One Country, Two Systems” – *Shucheng Wang*

Although the formula of “One Country, Two Systems” has been implemented since 1997, it is still controversial in terms of the role of Hong Kong’s final authority on judicial review under China’s sovereignty. The power of final adjudication is vested in the Court of Final Appeal in Hong Kong according to the *Basic Law of the Hong Kong Special Administrative Region*, but it is unclear whether the power extends to solving issues relating to Central Authorities within its jurisdiction. This article examines judicial review in Hong Kong and its relationship with Central Authorities in China, drawing on several cases to demonstrate that a constitutional tension exists. This tension actually results from a dual structure of constitutional review: one is the judicial review of the Basic Law by Hong Kong courts with the final authority on adjudication at the regional level, and the other is the constitutional control of the Basic Law by the National People’s Congress

Standing Committee through interpretations at the national level. The article attempts to develop a theory of mutual deference, suggesting that each one should take a deferential approach so that a balance can be struck between “One Country” and “Two Systems”. 218

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