

Reform: A Memoir. By Geoffrey Palmer. Victoria University Press, Wellington, 2013. 800pp. NZ price: \$80.00. ISBN: 9780864739056.

'Reform' is an appropriate title for this memoir because Sir Geoffrey Palmer has always been a reformer, and in this substantial work he continues to offer his views on change for the better. What makes this book engrossing is that this is his own story of the numerous reforms with which he was involved. He covers much ground, from the accident compensation scheme to the torrent of reforms under the fourth Labour government in the 1980s, from nuclear-free New Zealand to extending the Waitangi Tribunal's jurisdiction to 1840 and the State-Owned Enterprises Act, to MMP and the Constitution Act, and to the Bill of Rights and the Resource Management Act when he was the Deputy Prime Minister from 1984 and Prime Minister from 1989 to 1990.

Palmer's interest in constitutional questions is evident from the beginning, in how he writes about his family history in Nelson from 1843. We learn that Palmer the alcohol reformer's ancestor John Palmer was a publican who lost his liquor licence in 1876, which demonstrates how the law was important in the new society. Through researching his family networks, Palmer convincingly debunks Fairburn's thesis of atomization in favour of a thesis of a legally imposed order. My one quibble is that he represents Nelson College as unique for a state school. This is easily contested by reference to the traditions of other single-sex schools established in the nineteenth century, for example Christchurch Boys' High School. We then discover that by studying Political Science at Victoria University of Wellington the young Palmer learnt to look at all laws critically to see if they were in the public interest. From there he studied at the University of Chicago, where he met his mentor Sir Owen Woodhouse, author of New Zealand's landmark accident compensation scheme. Subsequently, Palmer's education in American constitutional law influenced the New Zealand Bill of Rights Act.

Having decided he could achieve more reform as a politician than as a law professor, Palmer became MP for Christchurch Central in 1979. To Palmer, Prime Minister Robert Muldoon embodied the need for constitutional change. Under Muldoon, New Zealand was an 'elective dictatorship' (p.258); Cabinet had too much power and Parliament too little. Palmer cites several examples of unconstitutional actions by the Muldoon government, including the National Development Act 1979 that underpinned the 'Think Big' projects. Once in government, we learn, insider trading was legal until he stopped it.

Central to the book are chapters on changing the constitution, reforming Parliament and the Treaty of Waitangi. MMP, Palmer contends, was the biggest constitutional change in over a hundred years, and he established the Royal Commission that recommended it. MMP has tamed the power of executive government. The Constitution Act 1986, written by Palmer, finally patriated the constitution to New Zealand, while the Bill of Rights 1990, also authored by Palmer, was based on the idea that the system of government needed reform. Palmer wanted to incorporate the Treaty of Waitangi but this was opposed, including by Māori. He thinks that the most important decision by the fourth Labour government on Māori issues was the Treaty of Waitangi Amendment Act 1985, on which he worked with MP Koro Wetere.

It is hard to challenge this judgement. Yet Palmer also designed the State-Owned Enterprises Act 1986, and the belated section 9 that obliged the Crown to act in a manner consistent with the principles of the Treaty. Together, these statutes led to the Treaty claims process and to the development of Treaty jurisprudence in the courts about the nature of Treaty principles.

Most fascinating are Palmer's insights into his personal involvement with New Zealand's anti-nuclear policy. As we know, the fourth Labour government's policy was for a nuclear-free New Zealand within ANZUS, the defence alliance with Australia and the United States since 1951. This was impossible, because the United States policy of neither confirming nor denying whether their warships were nuclear powered or carried nuclear weapons contravened the nuclear-free principle. The critical moment in the rift between New Zealand and the United States was the USS *Buchanan* incident of January 1985, when the Labour government turned down the request for a ship visit by this 'clapped-out old destroyer' (Norrish in *For the Record*, ed. Clark, 2005, p.153).¹ Who made the decision? When the United States request to send the USS *Buchanan* arrived in January, David Lange immediately disappeared to Tokelau, where he was incommunicado. Palmer stepped in as Acting Prime Minister. Palmer confirms that Lange did not brief him before he departed and that a group of officials, led by the Chief of Defence staff, had obtained approval to negotiate with United States officials for the visit of a supposedly inoffensive vessel. When Palmer read the officials' advice to admit the USS *Buchanan*, he thought it ambiguous. New Zealand required clarity: a standard of 'beyond reasonable doubt'. According to Palmer's biographer Raymond Richards, 'Palmer effectively decided the matter'.² Palmer himself explains that he gave his views to Cabinet on the Monday morning before Lange returned from the Pacific that afternoon. Once Lange arrived there was a short discussion but the Prime Minister said little. The ship was turned down. In Lange's account, 'I supported Palmer's assessment and the cabinet agreed.' But he insisted he had already decided while in the Pacific.³ Palmer, however, divulges that he sent a memorandum to Lange which would have reached him in Samoa, advising him what to do. There is rich material here for student essays as to who made New Zealand nuclear free, and how it happened.

Palmer's law reform work has extended beyond Parliament into legal practice and academia. From a historian's perspective the chapters relating to his life as a law professor in the United States and in Wellington, and as a legal practitioner, provide intellectual context for his political life. His American experience, for example, informed the establishment of Chen Palmer with Mai Chen in 1994. This public law firm, the first in New Zealand, offers a public law service to keep executives abreast of government developments. Palmer also served as President of the Law Commission from 2005 to 2010, a body he conceived of in the 1980s. His life as a reformer began early, when he assisted Justice Woodhouse with accident compensation inquiries both in New Zealand and in Australia. A no-fault system to cover accidental injury was adopted in New Zealand in 1973 but the policy failed in Australia.

Reform is never done, he concludes, because capitalism does not serve the interests of the people. There are challenges for the historian here because he asks what we stand for as a nation. Palmer wants New Zealand to commit to the principles

of compassion and egalitarianism in its policymaking. A generation after the State Sector Act was passed, he seeks reform of the public service. He wants civics taught in schools. And he wants a written constitution that is superior law, as in the United States, that includes both the Bill of Rights and the Treaty of Waitangi.

This excellent book can be read on a number of levels. It is an engrossing biography, but as a memoir it tells much about the New Zealand of Palmer's generation (and that of his forebears). In particular, it is an invaluable insider account of the fourth Labour government that reveals just how much Palmer contributed to the statute book. This is essential reading for New Zealand historians, as well as people interested in political and legal history. It also deserves a wider readership because it suggests reforms for New Zealanders to contemplate.

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NOTES

1 Merwyn Norrish, 'The great debate at Oxford Union', in Margaret Clark, ed., *For the Record: Lange and the Fourth Labour Government*, Wellington, 2005, p.153.

2 Raymond Richards, *Palmer: The Parliamentary Years*, Christchurch 2010, p.29.

3 David Lange, *My Life*, Auckland, 2005, pp.204–5.

Judgements of All Kinds: Economic Policy-Making in New Zealand, 1945–1984. By Jim McAloon. Victoria University Press, Wellington, 2013. 284pp. NZ price: \$50.00. ISBN: 9780864738974.

Jim McAloon's *Judgements of All Kinds: Economic Policy-Making in New Zealand, 1945–1984* offers a welcome addition to late twentieth-century New Zealand economic history. The book reflects solid archival research and deep engagement with New Zealand's recent past. Readers with a background in economics will presumably find points to engage with, and general historians should consider McAloon's book an essential addition to their library. McAloon tells an important story: New Zealand's transition over the latter half of the twentieth century from a settler economy, based on agricultural exports and a very limited range of markets, to a mixed economy tightly connected to the global world. He places particular focus on the disintegration of the 'post-war settlement', in the face of complex global pressures both regionally and in Europe. The end result is a usefully detailed account of contemporary New Zealand history which unravels many of the myths established by key figures in the events and later generalist historians who have necessarily focused on broad themes ahead of historical specificity. In doing so, *Judgements of All Kinds* reminds us of the need for specialist New Zealand histories capable of offering depth of narrative and