



# The Magna Carta and its Relevance in New Zealand Today

*Monday 15th June 2015 was the 800th anniversary of the sealing of the Magna Carta. It is considered to be a pivotal moment in the establishment of human rights in a number of countries. Ironically, human rights are still seriously violated in many parts of the world. This small reflection touches briefly on the Magna Carta's fascinating and colourful story of origin, subsequent developments, and some implications in today's society.*

*What questions does it raise?*

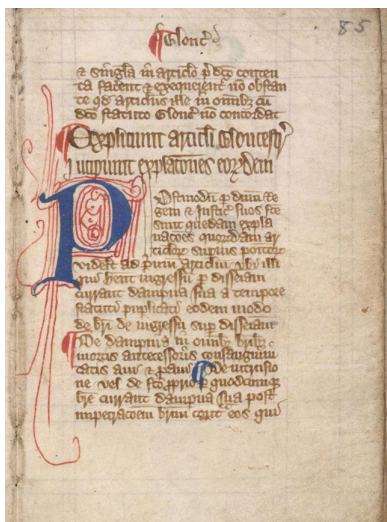
It took place at Runnymede in England. Its exact location of the meeting isn't certain but some historians believe that it happened under the great yew.

King John was unpopular with the barons (nobles) who resented his heavy taxation and practice of cruel and arbitrary imprisonment. Anxious to keep the peace the Archbishop of Canterbury drafted a charter safeguarding the barons from ruinous taxation and illegal imprisonment; it guaranteed that justice would not be delayed. This agreement was signed by the nobles and King John was forced to apply his seal.

Originally these freedoms applied only to the barons but in time they were extended to everyone. They guaranteed that justice would be available to all people without delay or prejudice and that the ultimate judgement would be made by a jury of people like themselves, not by a vindictive tyrant.

The principles of the Magna Carta have had significant implications for democratic countries. For instance, the mass-media continually draw our attention to complexities of trial by jury especially in relation to serious crime and other legal dilemmas concerning the laws of the land around the globe.

In 1840, with the signing of the Treaty of Waitangi Britain's laws became New Zealand's laws. From its beginning, New Zealand's Parliament adopted the Magna Carta's ideals of individual liberty and freedom, and the constraint of power. This includes the use of the Westminster parliamentary system as it is defined in the New Zealand Constitution Act 1852. Since then many of our laws have changed but those two basic principles – 'everyone had to obey the laws of the land and everyone had the right to a fair trial' have remained important.



As a result of the complexities and contradictions which exist within New Zealand society and the judicial system, there are movements working to present alternative ways of dealing with different types of offences. Some examples include -

A Law Foundation-backed, two-year study, From "Real Rape" to Real Justice: Prosecuting Rape in New Zealand, co researched by Elisabeth McDonald, Yvette Tinsley and Jeremy Finn, published in 2011 – recommending alternative ways of dealing with sexual offending

substituting jury trials with judges either sitting alone or assisted by lay assessors, as used in European jurisdictions. Other trial process options might include pre-trial cross-examination, as well as specialist judges, prosecutors, police, defence counsel and support persons.

Another vital group is the New Zealand Public Interest Project. This group has identified some significant gaps and systemic issues within the criminal justice system. NZPIP is also working with the Council of Trade Unions, on criminal prosecutions of the forestry industry over its safety record and will consider civil action on behalf of Christchurch earthquake victims.

These examples, cast a little light on the creative and inspiring ways groups of people are courageously watching and challenging existing systems to ensure that those principles sealed 800 ago years ago in Runnymede are upheld appropriately for the common good in a more culturally diverse and complex New Zealand.

*For the full article [click here](#)*

*- Cathy Harrison*

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### **2015 ERJANZ Trust Update**

The Edmund Rice Justice Aotearoa New Zealand Trust held the annual AGM recently in Christchurch. Below are a few extract from the Chairperson's report.

- Since the 2014 AGM the Trust has implemented new strategic directions, employed a project officer in Auckland, begun developing Memorandums of Understandings with our partner organisations, continued policy development, redesign of the Trust's website and newsletter. There has been significant changes in trustees, Paul O'Neill, Christine O'Neill and David Ivory have resigned after considerable contribution and commitment to the trust. Cathy Harrison, Debbie Frank and Marty Taylor have been appointed trustees and bring a wealth of experience and skills.
- An aspect of the Trust's role that is being developed, is its ability with using its experience, skills and network connections, to offer support services to other groups within the Edmund Rice Network.
- The Trust is not into building empires and so a key role for the Trust is the seeding and establishment of justice activities which may then taken over by another organisation.
- The next twelve months for the Trust will be a continued time of consolidation. It is a time when the Trust does look to the future with confidence.

*- Paul Robertson.*

**“Peace is built on the foundation of justice”  
- Pope Leo XIII**