Policing (Involvement in Local Authority Elections) Amendment Bill

20 May 2010

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
POLICING (INVOLVEMENT IN LOCAL AUTHORITY ELECTIONS) AMENDMENT BILL

1. We have considered whether the Policing (Involvement in Local Authority Elections) Amendment Bill (PCO 14418/2.2) (the ‘Bill’) is consistent with the New Zealand Bill of Rights Act 1990 (‘Bill of Rights Act’). We understand that the Bill is to be considered by Cabinet on 27 May 2010.

2. The purpose of the Bill is to remove the existing legislative restrictions in the Policing Act 2008 relating to Police standing as candidates in local authority elections. This would enable all Police employees to stand for local authority elections without being placed on leave, and if elected, they would not need to vacate their employment. The Bill amends s 99 and repeals s 115 of the Policing Act 2008.

3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

In addition to the general disclaimer for all documents on this website, please note the following: This advice was prepared to assist the Attorney-General to determine whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Policing (Involvement in Local Authority Elections) Amendment Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.