Statutes Amendment Bill (No 3)

13 October 2011

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
STATUTES AMENDMENT BILL (NO 3)

1. In accordance with current arrangements, we have considered the non-Justice items in the Statutes Amendment Bill (No 3) (PCO 15279/2.1) (‘the Bill’) for consistency with the New Zealand Bill of Rights Act 1990 (‘the Bill of Rights Act’). The Crown Law Office has considered the Justice items in the Bill. We understand that the Bill will be considered by Ministers at a meeting scheduled for Monday, 17 October 2011.

2. We have concluded that the Bill appears to be consistent with the Bill of Rights Act.

PURPOSE OF THE BILL

3. The Statutes Amendment Bill is an omnibus Bill amending various Acts.

NON-JUSTICE ITEMS

4. We have considered the proposed amendments to the following pieces of legislation which are included in the Bill, and advise that they are consistent with the Bill of Rights Act:

   Ministry of Agriculture and Forestry
   - Veterinarians Act 2005

   Ministry of Economic Development
   - Dumping and Countervailing Duties Act 1988
   - Electricity Industry Act 2010
   - Gas Act 1992

   Ministry of Science and Innovation
   - Heavy Engineering Research Levy Act 1978

   Ministry of Social Development
   - Children, Young Persons, and Their Families Act 1989
   - Social Security Act 1964

   Department of Building and Housing
   - Residential Tenancies Act 1986
Department of Internal Affairs

- Dog Control Act 1996
- Local Government Act 1974
- Local Government Act 2002
- Local Government (Auckland Council) Act 2009

JUSTICE ITEMS

The Crown Law Office has considered the proposed amendments to the following pieces of legislation and advises that there are no inconsistencies with the Bill of Rights Act arising from these amendments:

Ministry of Justice

- Anti-Money Laundering and Countering Financing of Terrorism Act 2009
- Lawyers and Conveyancers Act 2006
- Real Estate Agents Act 2008

CONCLUSION

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

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