



# New Zealand Bill of Rights (Declarations of Inconsistency) Amendment Act 2022

Public Act 2022 No 45  
Date of assent 29 August 2022  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the New Zealand Bill of Rights (Declarations of Inconsistency) Amendment Act 2022.

**2 Commencement**

This Act comes into force on the day after the date of Royal assent.

**Part 1****Amendment to New Zealand Bill of Rights Act 1990****3 Amendment to New Zealand Bill of Rights Act 1990**

This Part amends the New Zealand Bill of Rights Act 1990.

**4 New sections 7A and 7B and cross-heading inserted**

After section 7, insert:

*Required actions after declarations of inconsistency***7A Attorney-General to notify Parliament of declaration of inconsistency**

- (1) This section applies if a declaration made by a senior court that an enactment is inconsistent with this Bill of Rights (and not made under section 92J of the Human Rights Act 1993) becomes final because—
- (a) no appeals, or applications for leave to appeal, against the making of the declaration are lodged in the period for lodging them; or
  - (b) all lodged appeals, or applications for leave to appeal, against the making of the declaration are withdrawn or dismissed.
- (2) The Attorney-General must present to the House of Representatives, not later than the sixth sitting day of the House of Representatives after the declaration becomes final, a notice bringing the declaration to the attention of the House of Representatives.

**7B Responsible Minister to report to Parliament  
Government's response to declaration**

- (1) If a notice is presented under section 7A of a declaration that an enactment is inconsistent, the Minister responsible for the administration of the enactment must present to the House of Representatives, before the deadline, a report advising of the Government's response to the declaration.
- (2) The deadline is the end of 6 months starting on the date on which the notice is presented, or any earlier or later time—
- (a) specified by a resolution of the House of Representatives; or

- (b) otherwise determined by or on behalf of the House of Representatives, in accordance with its rules and practice.

## Part 2 Amendments to Human Rights Act 1993

### 5 Amendments to Human Rights Act 1993

This Part amends the Human Rights Act 1993.

### 6 Section 92K amended (Effect of declaration)

- (1) Before section 92K(1), insert:

*Effect on enactment, or act, omission, policy, or activity, concerned*

- (2) Replace section 92K(2) and (3) with:

*Required actions after declarations of inconsistency*

- (2) Sections 92WA and 92WB provide for required actions after a declaration of inconsistency is made under section 92J (by the Tribunal, or by a senior court on an appeal against a decision of the Tribunal).

### 7 New sections 92WA and 92WB and cross-heading inserted

After section 92W, insert:

*Required actions after declarations of inconsistency*

#### **92WA Attorney-General to notify Parliament of declaration of inconsistency**

- (1) This section applies if a declaration made under section 92J (by the Tribunal, or by a senior court on an appeal against a decision of the Tribunal) becomes final because—
- (a) no appeals, or applications for leave to appeal, against the making of the declaration are lodged in the period for lodging them; or
  - (b) all lodged appeals, or applications for leave to appeal, against the making of the declaration are withdrawn or dismissed.
- (2) The Attorney-General must present to the House of Representatives, not later than the sixth sitting day of the House of Representatives after the declaration becomes final, a notice bringing the declaration to the attention of the House of Representatives.

#### **92WB Responsible Minister to report to Parliament Government's response to declaration**

- (1) If a notice is presented under section 92WA of a declaration that an enactment is inconsistent, the Minister responsible for the administration of the enactment must present to the House of Representatives, before the deadline, a report advising of the Government's response to the declaration.

- (2) The deadline is the end of 6 months starting on the date on which the notice is presented, or any earlier or later time—
- (a) specified by a resolution of the House of Representatives; or
  - (b) otherwise determined by or on behalf of the House of Representatives, in accordance with its rules and practice.

### **Legislative history**

18 March 2020	Introduction (Bill 230–1)
27 May 2020	First reading and referral to Privileges Committee
30 September 2021	Reported from Privileges Committee (Bill 230–2)
11 May 2022	Second reading
2 August 2022	Committee of the whole House
23 August 2022	Third reading
29 August 2022	Royal assent

This Act is administered by the Ministry of Justice.