

2 July 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: District Court (Protection of Judgment Debtors with Disabilities) Amendment Bill

1. We have considered whether the District Court (Protection of Judgment Debtors with Disabilities) Amendment Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. This is a Member's Bill in the name of Anahila Kanongata'a-Suisuiki MP.
3. The Bill amends the District Court Act 2016 to prohibit the seizure of goods of a judgment debtor with a disability, where the item proposed to be seized is necessary for the judgment debtor's care, support, or independence.
4. Section 19(1) of the Bill of Rights Act provides that everyone has the right to freedom from discrimination. This includes freedom from discrimination on the grounds of disability.¹ The right to be free from discrimination is only engaged where a person or group is treated differently based on a prohibited ground, and this results in a material disadvantage for the person or group differentiated against.²
5. The different treatment provided for in the Bill will ensure people with disabilities are not disproportionately disadvantaged by a warrant to seize property as part of enforcement proceedings. This measure is taken in good faith for the purpose of ensuring people with disabilities are able to live their lives with dignity, and, as such, does not engage the right to be free from discrimination.

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¹ Human Rights Act 1993, s 21(1)(h).

² *Ministry of Health v Atkinson* [2012] NZCA 184, [2012] 3 NZLR 456 at [109].