

16 September 2021

Attorney-General

**Remuneration Authority Legislation Bill (PCO 22600/11.0) – Consistency with the
New Zealand Bill of Rights Act 1990**
Our Ref: ATT395/343

1. We have considered whether the Remuneration Authority Legislation Bill, a Government Bill, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (“the Bill of Rights Act”).
2. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.
3. The Bill would amend the Remuneration Authority Act 1977 and six other Acts to transfer responsibility for determining the remuneration for various judicial officers from the Cabinet Fees Framework to the Remuneration Authority.
4. The Bill follows an independent review which concluded that the power to set the remuneration of various judicial officers ought to be transferred from the Cabinet Fees Framework to the Authority. The reason for this is the need for judicial officers to be, and be seen to be, impartial, independent from government, and free from political interference in their decision-making. The Cabinet Fees Framework is controlled by Government, whereas the Authority is an independent entity, and its decisions must be given effect by the Government. Transferring decision-making about the remuneration of judicial officers to the Authority therefore contributes to public trust and confidence in the independence of the judiciary.
5. The Bill raises no issue of apparent inconsistency with a right or freedom affirmed by the Bill of Rights Act. This advice has been peer reviewed by Peter Gunn, Crown Counsel.

Yours faithfully

Crown Law



Matt McKillop
Crown Counsel