

9 August 2023

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Restoring Citizenship Removed By Citizenship (Western Samoa) Act 1982 Bill

1. We have considered whether the Restoring Citizenship Removed By Citizenship (Western Samoa) Act 1982 Bill (the Bill), a member's Bill in the name of Teanau Tuiono MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. The Bill would provide entitlement to New Zealand citizenship for a group of people born in Western Samoa between 13 May 1924 and 1 January 1949 whose New Zealand citizenship was removed by the enactment of the Citizenship (Western Samoa) Act 1982 (the 1982 Act). Clause 5(1) of the Bill outlines the 'specified person' who the Bill would apply to as being someone who a). was a New Zealand citizen before the commencement of the 1982 Act, and b). under section 6 of the 1982 Act was deemed never to have been a New Zealand citizen, and c). has not, since the commencement of the 1982 Act, obtained New Zealand citizenship.
3. Clause 6 of the Bill would repeal the Citizenship (Western Samoa) Act 1982. Despite this repeal, clause 5(4) of the Bill provides that the provisions of the 1982 Act necessary for understanding the eligibility of a 'specified person' under the Bill would continue to apply.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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