

Protection of Personal and Property Rights Amendment Bill

14 November 2006

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

PROTECTION OF PERSONAL AND PROPERTY RIGHTS AMENDMENT BILL(PCO 7396/7)

Our Ref: ATT395/26

1. On Thursday 16 November 2006 the Cabinet Legislation Committee will consider the Protection of Personal and Property Rights Amendment Bill (PCO 7396/7) for approval for introduction to Parliament.
2. The proposed Bill amends the enduring powers of attorney ("EPA") provisions in Part 9 and Schedule 3 of the Protection of Personal and Property Rights Act 1988 ("principal Act"). The purpose of the Bill is to:

2.1 Strengthen the legislation (e.g. witness requirements, health practitioner certifications and obligations on an EPA to act in the "best interests of donors) so that the welfare and rights of vulnerable people are better protected;

2.2 Replace the current Enduring Powers of Attorney forms and notes in Schedule 3 of the principal Act with prescribed forms in regulations that can more easily be amended to reflect evolving practices.

3. We have considered the Protection of Personal and Property Rights Amendment Bill (PCO 7396/7) for consistency with the New Zealand Bill of Rights Act 1990 ("NZBORA") and advise that the Bill does not contain any amending provisions that are inconsistent with the NZBORA.

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