



3 October 2022

Section (9) (2) (a)

Our ref: OIA 98793

Tēnā koe **Section (9)**

Bill of Rights Act reports

Thank you for your email of 29 August 2022, requesting under the Official Information Act 1982 (the Act), information around two Bill of Rights Act (BORA) reports held by the Ministry of Justice (the Ministry). Specifically, you requested:

"I am requesting all official information regarding the following two reports prepared by the Ministry of Justice:

Consistency with the New Zealand Bill of Rights Act 1990: Water Services Entities Bill, dated 25 May 2022

Consistency with the New Zealand Bill of Rights Act 1990: Pae Ora (Healthy Futures) Bill, dated 12 October 2021."

On 2 September 2022, your request was clarified in accordance with section 15 of the Act. You clarified that you sought the basis of the reasoning for these reports.

The reasoning for our conclusions is set out in the finalised reports, and includes references to relevant cases. The finalised reports are available on our website:

justice.govt.nz/assets/Documents/Publications/20220525-NZ-BORA-Advice-Water-Services-Entities-Bill-2.pdf

justice.govt.nz/assets/Documents/Publications/20211019-NZ-BORA-Advice-Pae-Ora-Healthy-Futures-Bill.pdf

Therefore, I am refusing to provide these to you under section 18(d) of the Act, as the information is publicly available.

We note that the reports are the Ministry's view on the introduction version of the Bills' compliance with BORA. Whether the Bill as enacted is compliant with BORA is a matter for the courts.

If you are not satisfied with this response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman can be contacted by emailing info@ombudsman.parliament.nz; calling 0800 802 602; or writing to:

The Office of the Ombudsman
PO Box 10152
Wellington 6143

I trust this information is of assistance to you.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'K. Brightwell', is written over a light blue rectangular background.

Kathy Brightwell
General Manager, Civil and Constitutional Policy