Consistency with the New Zealand Bill of Rights Act 1990:
Environment Canterbury (Temporary Commissioners and Improved Water Management) Bill

1. We have considered whether the Environment Canterbury (Temporary Commissioners and Improved Water Management) Bill (PCO 16689/5.0) (‘the Bill’) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (‘the Bill of Rights Act’). We understand that the Bill will be considered by Cabinet at its meeting on 3 September 2012.

2. The Bill extends the current governance structure of Environment Canterbury put in place by the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (‘the Act’). It requires that a Ministerial review of the governance arrangements must begin on 1 March 2014.

3. The Bill retains the limited appeal rights currently in the Act. The Act removes the normal jurisdiction of the Environment Court to consider applications in respect of water conservation orders, and limits appeals to the High Court on such orders, and on regional policy statements and plans, to points of law.

4. When the Act was assessed for compliance with the Bill of Rights Act, we considered whether these limits raised a potential issue with the right to natural justice affirmed in s 27(1) of the Bill of Rights Act. We were satisfied that the Act did not limit natural justice obligations or the ability of an applicant to seek judicial review. The proposed Bill does not change that conclusion.

5. 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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