Local Government (Salary Moderation) Amendment Bill

18 July 2012

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
LOCAL GOVERNMENT (SALARY MODERATION) AMENDMENT BILL

1. We have considered whether the Local Government (Salary Moderation) Amendment Bill (‘the Bill’) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (‘the Bill of Rights Act’). The Bill was introduced into the House of Representatives on 28 June 2012 and is awaiting its first reading. It is a Member’s Bill in the name of Hon Annette King. We understand that the next Members’ Day is 25 July 2012.

2. The Bill seeks to amend the Local Government Act 2002 so that the employment terms, conditions, and remuneration of local authority chief executives are approved in advance by the State Services Commissioner. Currently chief executives’ salaries are negotiated between the individual and the relevant local authority via its elected members.

3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Melanie Webb
Acting Chief Legal Counsel
Office of Legal Counsel

In addition to the general disclaimer for all documents on this website, please note the following: This advice was prepared to assist the Attorney-General to determine whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Local Government (Salary Moderation) Amendment Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.