Maori Television Service (Te Aratuku Whakaata Irirangi Maori) Amendment Bill

27 July 2012

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: MĀORI TELEVISION SERVICE (TE ARATUKU WHAKAATA IRIRANGI MĀORI) AMENDMENT BILL

1. We have considered whether the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Amendment Bill (PCO 15472/13.0) (‘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 the Cabinet Legislation Committee at its meeting on Thursday, 2 August 2012.

2. In summary, following a required statutory review of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 (‘the Act’) the Bill amends the Act to ensure that Te Pūtahi Paoho (‘TPP’) (the Māori Television Electoral College) of the Māori Television Service (‘MTS’), is able to:

2.1. have spectrum management rights transferred to it ensuring that the MTS has access to and can establish a free-to-air digital terrestrial television network;

2.2. issue spectrum licenses to other broadcasters where those licenses are not being used by MTS; and

2.3. ensure that the practices of both the MTS and TPP align as much as possible to the Crown Entities Act 2004.

3. In October 2001, in relation to the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Bill (which became the Act), we considered whether the establishment of the MTS and its functions gave rise to issues in terms of freedom of expression, freedom of association, and discrimination on the grounds of race and ethnic origin. We concluded that the Bill appeared to be consistent with the Bill of Rights Act.

4. Given that the current Bill simply makes technical changes in relation to spectrum rights and minor changes to the Act’s functions and operations, we do not consider that the changes in the Bill materially alter that conclusion.

5. We have, therefore, 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**

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