Ombudsmen (Cost Recovery) Amendment Bill

7 August 2012

ATTORNEY-GENERAL

Legal Advice

Consistency with the New Zealand Bill of Rights Act 1990: OMBUDSMEN (COST RECOVERY) AMENDMENT BILL

1. We have considered whether the Ombudsmen (Cost Recovery) 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 26 July 2012 and is awaiting first reading. The Bill is a Member’s Bill in the name of Hon Shane Jones MP. We understand that the next Members’ Day is 15 August 2012.

2. The Bill adds s 17D to the Ombudsmen Act 1975, which provides that:

- the Ombudsman may recover costs from an agency that is the subject of a complaint,
- the Ombudsman must issue guidelines specifying the costs that may be recovered and the circumstances in which cost recovery will apply, and
- the cost recovery provisions will not apply to investigations initiated by an Ombudsman on their own motion, or referred by the House of Representatives or the Prime Minister.

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.

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