State-Owned Enterprises And Crown Entities (Protecting New Zealand’s Strategic Assests) Amendment Bill

3 August 2012

ATTORNEY-GENERAL

Legal Advice

Consistency with the New Zealand Bill of Rights Act 1990:
STATE-OWNED ENTERPRISES AND CROWN ENTITIES (PROTECTING NEW ZEALAND’S STRATEGIC ASSETS) AMENDMENT BILL

1. We have considered whether the State-Owned Enterprises and Crown Entities (Protecting New Zealand’s Strategic Assets) 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 currently awaiting its first reading. The Bill is a Member’s Bill in the name of Hon Clayton Cosgrove MP.

2. The Bill will entrench Schedules 1 and 2 of the State-Owned Enterprises Act 1986 and Schedule 2 of the Crown Entities Act 2004 meaning that a proposal to partly or wholly privatise a State enterprise or Crown entity company would require support from 75% of all members of the House of Representatives, or alternatively, from a majority of voters in a referendum.

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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Office of Legal Counsel