Student Loan Scheme Amendment Bill (No 2)

10 August 2012

ATTORNEY-GENERAL

Legal Advice

Consistency with the New Zealand Bill of Rights Act 1990:
Student Loan Scheme Amendment Bill (no 2)

1. We have considered whether the Student Loan Scheme Amendment Bill (No 2) (PCO 16520/1.7) (‘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, 16 August 2012.

2. The Bill aims to improve the value of the student loan scheme by ensuring that repayment obligations are determined on a fair and equitable basis for all borrowers regardless of the types of income they earn. The Bill also introduces a data matching system with the New Zealand Customs Service to locate borrowers in serious default when they enter or leave New Zealand.

3. The Bill contains requirements to provide certain information to the Commissioner of Inland Revenue, which could engage section 14 (freedom of expression) of the Bill of Rights Act. However, these limits are clearly justified under section 5 of that Act.

4. 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
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Office of Legal Counsel