New Zealand Productivity Commission Bill

14 June 2010

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
NEW ZEALAND PRODUCTIVITY COMMISSION BILL

1. We have considered whether the New Zealand Productivity Commission Bill (PCO 14292/3.0) (the “Bill”) is consistent with the New Zealand Bill of Rights Act 1990 (the “Bill of Rights Act”). We understand that the Bill is likely to be considered by the Cabinet Legislation Committee at its meeting on Thursday, 24 June 2010.

2. The purpose of the Bill is to:

- establish the New Zealand Productivity Commission (the “Commission”), headed by 3 to 4 Commissioners, with the purpose of improving productivity in both the public and private sectors
- make it a function of the Commission to advise Ministers, hold inquiries into productivity related matters, conduct reviews of regulatory regimes and agencies, and undertake regulatory impact analysis of regulatory proposals
- provide for secondary functions of the Commission to undertake and publish its own research into, and promote public understanding of, productivity-related matters.

The scope of productivity-related inquiries and reviews undertaken by the Commission will include: labour; natural resources; management and worker skills; innovation activity and entrepreneurship; competition; investment; infrastructure; international linkages, including foreign investment and flows of people and knowledge; and legislative or administrative action, including taxation.

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.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

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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.