Parliamentary Service Amendment Bill

15 July 2010

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: PARLIAMENTARY SERVICE AMENDMENT BILL

1. We have considered whether the Parliamentary Service Amendment Bill (PCO 14382/3.0) (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, 22 July 2010.

2. The purpose of the Bill is to define the term “funding entitlements for parliamentary purposes” (“the defined term”) for the Parliamentary Service Act 2000 (“Parliamentary Service Act”). The meaning of that term is currently provided by section 4 of the Parliamentary Service (Continuation of Interim Meaning of Funding for Parliamentary Purposes) Act 2009 which expires on 31 December 2010. The defined term is to the same effect as the meaning currently provided in section 4, except that certain types of communication are added to the purposes for which funding is excluded (related to election and referendum advertising and communications that support voting for a particular referendum response).

3. The Bill provides definitions for “electioneering”, and amends the interpretation section of the Parliamentary Service Act to introduce key terms relevant to the meaning of the defined term. It also provides for the apportionment of expenses for an election or referendum advertisement published both before and during a regulated period, and for the opinion of the Electoral Commission to be taken into account in deciding whether an advertisement is an election advertisement.

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.

Jeff Orr
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Office of Legal Counsel

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