

Treaty of Waitangi (Removal of Conflict of Interest) Amendment Bill

17 October 2006

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

TREATY OF WAITANGI (REMOVAL OF CONFLICT OF INTEREST) AMENDMENT BILL

1. We have considered the Treaty of Waitangi (Removal of Conflict of Interest) Amendment Bill ('the Bill') for consistency with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The Bill, a Member's Bill in the name of Pita Paraone MP, was introduced into the House of Representatives on 12 October 2006 and is currently awaiting its first reading. We understand that the next Members' day is scheduled for Wednesday, 25 October 2006.
3. The purpose of the Bill is to amend the Treaty of Waitangi Act 1975 so that serving Judges of the High Court or Maori Land Court cannot also serve as members of the Waitangi Tribunal. Retired Judges would be able to serve on the Tribunal.
4. According to the Explanatory Note to the Bill, the amendment is considered to be necessary in order to remove a perceived conflict of interest caused by Judges sitting in the High Court or the Maori Land Court as well as on the Waitangi Tribunal.
5. We have concluded that the Bill appears to be consistent with rights and freedoms affirmed in the Bill of Rights Act.

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