

Government Superannuation Fund Amendment Bill

21 August 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: GOVERNMENT SUPERANNUATION FUND AMENDMENT BILL

1. We have considered whether the Government Superannuation Fund Amendment Bill (PCO 13291/6.0) ('the Bill') is consistent with the New Zealand Bill of Rights Act 1990 ('Bill of Rights Act'). We understand that this Bill is likely to be considered by the Cabinet Legislation Committee at its meeting on Thursday, 28 August 2008.
2. We understand that the Bill might still be subject to some minor textual changes before it is submitted to Cabinet. It is unlikely that those changes will raise any issues under the Bill of Rights Act, but we will provide you with further advice should this prove necessary.
3. The Bill seeks to ensure that all Government Superannuation Fund (GSF) and National Provident Fund (NPF) annuitants' benefits are treated consistently with regard to annual cost of living adjustments and that all benefits are annually adjusted based on 100% of the changes in the Consumer Price Index.
4. To that end, the Bill proposes to amend the Government Superannuation Fund Amendment Act 1969, and the Government Superannuation Fund Amendment Act 1979.
5. The Bill also corrects an error made in the Government Superannuation Fund Amendment Act 1990 and, for that reason, amends the Government Superannuation Fund Act 1956.
6. We have reached the conclusion that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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