

Public Lending Right for New Zealand Authors Bill

12 June 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: PUBLIC LENDING RIGHT FOR NEW ZEALAND AUTHORS BILL

1. We have considered whether the Public Lending Right for New Zealand Authors Bill ("the Bill") is consistent with the New Zealand Bill of Rights Act 1990 ("Bill of Rights Act"). We understand the Bill is likely to be considered by the Cabinet Business Committee at its meeting on Monday, 16 June 2008.
2. The Bill establishes the public lending right for New Zealand authors scheme. It repeals section 31 of the Arts Council of New Zealand Toi Aotearoa Act 1994, and disestablishes the New Zealand Authors' Fund.
3. We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed in the Bill of Rights Act. Notably, we do not consider that clause 14 (3)(d), which enables the termination of a person's membership from the advisory group where that person is a special patient within the meaning of the Mental Health (compulsory Assessment and Treatment) Act 1992, will be interpreted as authorising discrimination on the prohibited grounds of discrimination in the Human Rights Act 1993. We are therefore satisfied that this clause is consistent with the right to freedom from discrimination as affirmed in section 19(1) of the Bill of Rights Act.

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