

Rail Network Bill

22 February 2005

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: RAIL NETWORK BILL

1. We have considered the Rail Network Bill (the "Bill") (PCO version 6183/9) for consistency with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). We understand that this Bill is to be considered by the Cabinet Legislation Committee at its meeting on Thursday, 10 March 2005.
2. The purpose of the Bill is to contribute to the aim of achieving an integrated, safe, responsive, and sustainable transport system. The Bill changes the status of the New Zealand Railways Corporation from a State-owned enterprise to a Crown entity to be known by the new name of ONTRACK. It repeals the entity's existing legislation and carries over some provisions that are still required.
2. The Bill also provides for the entity's new objective and functions, and some principles concerning how it must perform its functions. The functions of the new entity include:
 - operating the rail network;
 - preparing industry codes and standards; and
 - providing the Minister with advice relating to the entity's functions.

In performing its functions the entity must act consistently with its objectives, act efficiently and effectively and operate in a financially responsible manner.

4. We consider that this Bill appears to be consistent with the Bill of Rights Act.
5. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. We also attach a copy for referral to the Minister of Transport, if you agree.

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CC Minister of Justice
Minister of Transport

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