

Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Bill

1 June 2010

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

SOUTHLAND DISTRICT COUNCIL (STEWART ISLAND/RAKIURA VISITOR LEVY) EMPOWERING BILL

1. We have considered whether the Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Bill ('the Bill'), a local bill in the name of Eric Roy MP, is consistent with the New Zealand Bill of Rights Act 1990 ('Bill of Rights Act'). The Bill was introduced into the House of Representatives on 26 May 2010 and is currently awaiting its first reading. We understand that the next Members' day is scheduled for Wednesday, 2 June 2010.
2. The Bill proposes a levy on visitors to Stewart Island/Rakiura to meet the infrastructure costs attributable to visitors.
3. We have considered whether the Bill infringes the right to freedom of movement protected in s 18(1) of the Bill of Rights Act. In our opinion the charge of a levy to visit Stewart Island/Rakiura does not raise a prima facie issue of inconsistency with s 18(1).
4. The Bill empowers the Southland District Council to pass bylaws to enable the operation of the levy. We note that in the absence of an authorising clause bylaws must be consistent with the Bill of Rights Act.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr

Chief Legal Counsel

Office of Legal Counsel

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