

Wellington City Council (Te Aro Reclamation) Amendment Bill 2003

8 May 2003

Attorney-General

LEGAL ADVICE

Consistency With The New Zealand Bill Of Rights Act 1990: Wellington City Council (Te Aro Reclamation) Amendment Bill 2003

1. We have considered whether the Wellington City Council (Te Aro Reclamation) Amendment Bill 2003, a Local Bill in the name of the Hon Marian Hobbs, is consistent with the New Zealand Bill of Rights Act 1990. It is our understanding that the Bill was introduced to the House of Representatives on 29 April 2003.
2. We have concluded that the provisions of the Bill do not appear to be inconsistent with the New Zealand Bill of Rights Act 1990.
3. The Bill would amend the Te Aro Reclamation Act 1879, which permits the Wellington City Council to sell or lease land reclaimed from Wellington Harbour provided that any sale or letting is by public auction. This Act also requires that the proceeds of the sale are paid into a sinking fund to be used to repay moneys borrowed to undertake the reclamation.
4. The Bill seeks to remove the requirement for the Council to sell or lease reclaimed land only by notified public auction and to pay the proceeds of sale into a sinking fund
5. In accordance with your instructions we attach a copy of this opinion for referral to the Minister of Justice. A copy is also attached for referral to the Hon Marian Hobbs, if you agree.

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Bill of Rights/Human Rights Team

Allison Bennett
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Office of Legal Counsel

CC Minister of Justice

Hon Marian Hobbs

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The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.