

Wellington Regional Council (Water Board Functions) Bill

3 June 2004

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: WELLINGTON REGIONAL COUNCIL (WATER BOARD FUNCTIONS) Bill

1. We have considered whether the Wellington Regional Council (Water Board Functions) Bill (the Bill), a Local Bill in the name of Hon. Marian Hobbs, is consistent with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). We understand the Bill was introduced to the House of Representatives on Friday, 21 May 2004 and that the next Member's Day is scheduled for Wednesday, 16 June 2004.

2. We have concluded that the Bill appears to be consistent with the Bill of Rights Act.

3. The Bill seeks to:

- empower the Wellington Regional Council to use lands vested in it or under its control under the Wellington Regional Water Board Act 1972 for the production of renewable energy; and
- authorise the Wellington Regional Council establish and operate electrical installations and works in circumstances similar to those under the Reserves Act 1977, whether by itself, a council-controlled organisation or a council-controlled trading organisation or under any contract, agreement or arrangement.

4. In accordance with your instructions we attach a copy of this opinion for referral to the Minister of Justice. Copies are also attached for referral to the Minister of Local Government, and Hon. Marian Hobbs if you agree.

Allison Bennett Principal Legal Adviser Office of Legal Counsel	Stuart Beresford Senior Legal Adviser Bill of Rights/Human Rights Team
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Cc:

Minister of Justice
Minister of Local Government
Hon. Marian Hobbs

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whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Wellington Regional Council (Water Board Functions) Bill. It should not be used or acted upon for any other purpose. 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.