

25 November 2016

Hon Christopher Finlayson QC, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Civil Defence Emergency Management Amendment Act 2016 Amendment Bill

1. We have considered whether the Civil Defence Emergency Management Amendment Act 2016 Amendment Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. We have not yet received a final version of the Bill. This advice has been prepared with the latest version of the Bill (PCO 20208/17.0). We will provide you with further advice if the final version of the Bill includes amendments that affect the conclusions in this advice.
3. The Bill amends the Civil Defence Emergency Management Amendment Act 2016 ('the Amendment Act') to:
 - a. bring forward the commencement date of most provisions of the Amendment Act to support recovery from the Kaikoura earthquake sequence, and
 - b. require, in certain situations, an owner of a structure or the owners of a particular type of structure to arrange for an assessment of the effect of an emergency on those structures.
4. The Bill also includes a set of transitional provisions which provide that Civil Defence Emergency Management Groups may, but are not required to, appoint a Group Recovery Manager or a person to give notice of a local transition during the period beginning on 29 November 2016 and ending on 31 May 2017.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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