

23 November 2016

Hon Christopher Finlayson QC, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Charter Schools
(Application of Official Information and Ombudsmen Acts) Bill**

1. We have considered whether the Charter Schools (Application of Official Information and Ombudsmen Acts) Bill ('the Bill'), a member's Bill in the name of Nanaia Mahuta MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. This is an omnibus Bill that amends the Official Information Act 1982 ('OIA') and the Ombudsmen Act 1975 ('OA').
3. The purpose of the Bill is to increase transparency and accountability in the operation of government-funded partnership or 'charter' schools by bringing sponsors of those schools under the provisions of the OIA and the OA.
4. The Bill seeks to make sponsors of charter schools subject to the OA and OIA in relation to all their activities. Sponsors, as defined in s 2(1) of the Education Act 1989, can include bodies corporate, corporations sole, or limited partnerships, as well as other institutions.
5. The Bill amends the definition of 'organisation' in s 2 of the OIA so that sponsors are no longer excluded from that Act's application. The Bill amends the schedule to the OA so that the OA covers sponsors generally, rather than only when they are performing a standing-down, suspension, exclusion, or expulsion function.
6. 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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