

25 November 2016

Hon Christopher Finlayson QC, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Hurunui/Kaikoura Earthquakes Recovery (Emergency Relief) Bill 2016**

1. We have considered whether the Hurunui/Kaikoura Earthquakes Recovery (Emergency Relief) Bill 2016 ('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 20217/2.4). 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 modifies the requirements in section 330A of the Resource Management Act 1991 ('the principal Act') in respect of actions taken under s 330 of that Act which allow certain persons to undertake emergency works without fulfilling all the requirements of the principal Act, such as obtaining a resource consent. Section 330B of the principal Act, which relates to activities carried out under a state of emergency declared under the Civil Defence Emergency Management Act 2002, is modified in the same manner as the modifications made by cl 5.
4. The Bill also modifies the notification requirements of s 330(2) of the principal Act, which authorises consent authorities to enter certain places in an emergency provided certain preconditions are met.
5. The Bill will also:
  - a. authorise owners of rural land, or a person acting on the owner's behalf, to remove the causes of, or mitigate any actual or likely adverse effects of, an emergency relating to the Hurunui/Kaikoura earthquakes, and
  - b. deem rehabilitation work to be undertaken in Kaikoura Harbour that has any status other than that of a permitted activity (within the meaning of s 87A(1) of the principal Act) under the consent authority plans be a controlled activity.
6. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Edrick Child  
**Deputy Chief Legal Counsel**  
**Office of Legal Counsel**