

8 February 2018

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Families Commission Act Repeal Bill**

1. We have considered whether the Families Commission Act Repeal 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 20681/9.0). 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 repeals the Families Commission Act 2003 ('the principal Act') and disestablishes the Families Commission ('the Commission'), currently operating as Superu. It vests and transfers the Commission's residual assets and liabilities, agreements, leases and licence arrangements, and information to the Ministry of Social Development ('the Ministry'), excluding employment agreements and appointments, which are dissolved. The Ministry will also be responsible for determining or completing any outstanding proceedings or matters involving the Commission, as if the Ministry were the Commission.
4. The Bill also contains procedural provisions to support this transition. References to the Commission (for example in enactments and proceedings) are to be read as references to the Ministry. The Bill specifies rules for presenting instruments related to property that has vested in the Ministry, for example to the Registrar-General of Land. Consequential amendments to the Crown Entities Act 2004 and the Ombudsmen Act 1975 delete references to the Commission.
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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