

7 May 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Overseas Investment (Other Measures) Amendment Bill

1. We have considered whether the Overseas Investment (Other Measures) 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 22904/4.0). 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 Overseas Investment Act 2005 ('the principal Act'). This Bill and the Overseas Investment (COVID-19 Emergency Measures) Amendment Bill ('the Emergency Measures Bill') form a package of two Bills to replace the Overseas Investment Amendment Bill (No 2) ('the previous Bill'), which was introduced on 19 March 2020. This advice should be considered in conjunction with our advice on the previous Bill¹ and our advice on the Emergency Measures Bill.²
4. The Bill largely contains measures from the previous Bill which do not need to be put in place urgently to mitigate the effects of COVID-19. Notably, clause 59A of the Bill enables the Governor-General to make Orders in Council that reinstate all or part of the 'emergency notification regime' proposed by the Emergency Measures Bill in respect of a future emergency.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Jeff Orr
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¹ Ministry of Justice *Legal Advice – Consistency with the New Zealand Bill of Rights Act: Overseas Investment Amendment Bill* (10 March 2020).

² Ministry of Justice *Legal Advice – Consistency with the New Zealand Bill of Rights Act: Overseas Investment (COVID-19 Emergency Measures) Amendment Bill* (7 May 2020).