

14 March 2018

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Social Assistance  
(Extension of Residency Qualification) Legislation Bill**

1. We have considered whether the Social Assistance (Extension of Residency Qualification) Legislation 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. The Bill amends the New Zealand Superannuation and Retirement Income Act 2001 and the Veterans' Support Act 2014 to alter the residential qualifications for New Zealand superannuation and the veteran's pension. The amendments will allow the requirement that a person be resident and present in New Zealand for five years over the age of 50, to be met instead with residence and presence in any of New Zealand, the Cook Islands, Niue, or Tokelau, or any combination of those places.
3. We have considered whether extending the residence requirement to include residence in the Cook Islands, Niue or Tokelau could constitute a limit on the right to be free from discrimination affirmed in s 19 of the Bill of Rights Act, on the grounds of national or ethnic origins. As the distinction is based on residence and presence in a particular country or territory rather than a person's national or ethnic origins, we consider this Bill does not limit the right to be free from discrimination.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Jeff Orr  
**Chief Legal Counsel**  
**Office of Legal Counsel**