

9 August 2017

Hon Christopher Finlayson QC, Attorney-General

## **Consistency with the New Zealand Bill of Rights Act 1990: Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill**

### **Purpose**

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1. We have considered whether the Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill ('the Bill'), a local Bill in the name of Scott Simpson MP, 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 concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act. In reaching that conclusion, we have considered the consistency of the Bill with s 19(1) (freedom from discrimination). Our analysis is set out below.

### **The Bill**

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3. The Bill empowers the Thames–Coromandel District Council and Hauraki District Council to prepare a draft mangrove management plan for the coastal area of their districts to achieve and maintain acceptable levels of mangrove vegetation in order to restore, protect, and enhance any amenity values or ecosystems of the coastal area. The Bill provides that the draft plan can be approved through the special consultative procedure under s 83 of the Local Government Act 2002 and then implemented.

### **Consistency of the Bill with the Bill of Rights Act**

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#### **Section 19(1) – Freedom from discrimination**

4. Section 19(1) of the Bill of Rights Act affirms the right to be free from discrimination, including on the grounds of race.
5. Clause 6 of the Bill includes a requirement that the committee, established to prepare and implement the mangrove management plan, must include at least one iwi representative.
6. Arguably, this requirement draws a distinction on the basis of race. This is because it distinguishes between representatives of groups that are predominately Māori and those that include non-Māori. Nevertheless, in our view, the provision does not give rise to discrimination because it does not create any substantive disadvantage for non-Māori. The Bill does not give iwi representatives any more authority than other members of the committee and does not place any limits on the number of members on the committee.

7. We therefore conclude that the Bill appears to be consistent with the freedom from discrimination affirmed in s 19(1) of the Bill of Rights Act.

## **Conclusion**

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8. 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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