

Annexure 1: Legislation enacted despite section 7 Bill of Rights report

The following are examples of statutes enacted by the New Zealand Parliament since the 3rd Periodic Review, despite [a report from the Attorney General](#) pursuant to section 7 of the Bill of Rights Act identifying inconsistency with protected rights. Each was passed with limited or – in most cases – no public consultation.

Enactment (link to Law Society submission)	Infringed rights (section)	Law Society comment
Smokefree Environments and Regulated Products (Vaping) Amendment 2020	14, 19	<p>Received a truncated select committee process of only 3 weeks. The Law Society was unable to see why the period for public submissions had been restricted. It could not fairly be described as so urgent as to be exceptional and to justify a period shorter than six weeks.</p> <p>Law Society agreed with the section 7 report, that the restrictions in the Bill on packaging, advertising and promoting vaping products are inconsistent with the right to freedom of expression. In the absence of conclusive evidence around the harm caused by vaping, and more specifically to young people, the limits on freedom of expression were not demonstrably justified. Provisions remained in the Act.</p>
Taxation (Income Tax and Rate and other Amendments) Act 2020	14, 21	<p>Despite the section 7 report, this bill was introduced and passed within 7 days, and without public consultation.</p> <p>The Act introduced a provision enabling the Inland Revenue Department to compel the provision of information from taxpayers, for the purposes of policy development, and with criminal penalties for failure to comply. Insufficient protections were included around the use of such information, and whether it could also be used for compliance purposes once obtained. It is a significant power that intrudes into the private affairs of citizens, for a non-essential purpose.</p> <p>The Law Society wrote to the then-Minister of Revenue to set out its constitutional and Bill of Rights concerns.</p>

<p>Returning Offenders (Management and Information) Amendment Act 2023</p>	<p>25(g), 26(2), 27(1)</p>	<p>Passed under urgency with no select committee process.</p> <p>The Act subject returning offenders to parole-like conditions in New Zealand even if they have been deported here after a prison sentence in another jurisdiction. It also allows Police to collect information from returnees to establish their identity and support future investigations. Although this was the case for returnees who committed offences after November 2015, the Act applies retrospectively to those who committed offences prior to that date, even if this is inconsistent with other law.</p> <p>The Act was a response to a December 2022 court decision which found that the government’s retrospective application of the Returning Offenders (Management and Information) Act 2015 was unlawful.</p>
<p>Parole Amendment Act 2023</p>	<p>26(2), 18, 16, 22, 27(1)</p>	<p>Like the Returning Offenders (Management and Information) Amendment Act 2023, this Act was passed under urgency and with no select committee process, even though subject to a section 7 report.</p> <p>The Act was a response to a June 2023 court decision which held that the Parole Board could not impose certain special conditions on individuals subject to an Extended Supervision Order and undertaking rehabilitative programmes.</p> <p>The Act permits imposition of an effective second penalty, is inconsistent with the right to freedom of movement, and while there is provision for Parole Board review of imposed special conditions, there is no right for the individual concerned to appear and make submissions before the Parole Board.</p>

When the 53rd Parliament was dissolved on 8 September in advance of the General Election, there remained bills subject to section 7 reports. These are noted below. Once a new government has

been formed and the 54th Parliament is summoned, the new Parliament will determine whether to reinstate this existing business.

- Child Protection (Child Sex Offender Government Agency Registration) (Overseas Travel Reporting) Amendment Bill: AG report [here](#), Law Society submission [here](#).
- Ram Raid Offending and Related Measures Amendment Bill: AG report [here](#), Law Society submission currently being prepared, will be available [here](#).