

9 May 2018

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Dog Control (Category 1 Offences) Amendment Bill

1. We have considered whether the Dog Control (Category 1 Offences) Amendment Bill ('the Bill'), a member's Bill in the name of Ian McKelvie MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The purpose of the Bill is to reduce the time it takes for certain charges under the Dog Control Act 1996 to be heard. It proposes to allow category 1 offences under that Act, as defined in s 6(1) of the Criminal Procedure Act 2011, to be heard by Justices of the Peace and Community Magistrates, rather than District Court Judges. Under the Criminal Procedure Act 2011, Justices of the Peace and Community Magistrates are authorised to sit as judicial officers in the District Court criminal jurisdiction only where the enactment creating the offence provides for it.
3. 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