

19 February 2019

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Organ Donors and Related Matters Bill**

1. We have considered whether the Organ Donors and Related Matters 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 in relation to the latest version of the Bill (PCO 21183/4.0). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The purpose of the Bill is to improve organ donation rates by extending the functions of the New Zealand Blood Service to include oversight and support of donation and transplantation processes, and by ensuring that organ donors receive appropriate financial compensation for foregone earnings. The Bill amends the Compensation for Live Organ Donors Act 2016 to allow for an appropriate amount of compensation to be paid to donors for lost earnings while they recuperate from donor surgery, in situations that fit within the purpose of the Live Organ Donors Act but that are not currently covered. The Bill also amends the New Zealand Public Health and Disability Act 2000 to expand the functions of the New Zealand Blood Service to include oversight and clinical governance of the organ donation system and any related or incidental matters.
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**