

Kiwi Jobs Bill

Member's Bill

Explanatory Note

The New Zealand Government, unlike its counterparts in Western Australia, New South Wales, Queensland and Tasmania, does not at present operate policies to maximise opportunities for competitive local businesses that seek to participate in government procurement.

This Bill constitutes a Commission of Inquiry to compare such policies as are operated in Australia and in other comparable jurisdictions, to determine whether such a policy may be operated by the New Zealand Government without breaching any international obligations to which the Government is, or is contemplating becoming, a party; and (provided such a policy can be operated without such a breach) to draft such a policy which the New Zealand Government must then consider adopting.

Clause by clause analysis

Clause 1 is the Title provision.

Clause 2 provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 sets out the purpose of the Bill.

Clause 4 is the interpretation clause.

Clause 5 creates the Kiwi Jobs Commission.

Clause 6 provides that the Commission shall consist of up to three members jointly nominated by the Minister of Economic Development and the Minister of Trade, to hold office until the Commission reports to the House of Representatives.

Clause 7 provides for members of the Commission to be paid as if they were members of a Crown Entity.

Clause 8 gives the Commission all the powers of a Commission of Inquiry.

Clause 9 sets out the functions of the Commission and provides guidance for its inquiry.

Clause 10 requires the Commission to report to the House of Representatives within six months.

Clause 11 requires the Minister of Economic Development to advise, within 30 days of the receipt by the House of Representatives of the Commission's report, whether; and if so, how and when; the Government intends to implement the report of the Commission.

Clare Curran

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The Parliament of New Zealand enacts as follows:

1. Title

This Act is the Kiwi Jobs Act 2010.

2. Commencement

This Act comes into force on the day after the date on which it receives the Royal Assent.

3. Purpose

The purpose of this Act is to establish a Commission of Inquiry to consider the logistics of operating a policy to maximise opportunities for competitive New Zealand businesses seeking to participate in Government procurement.

4. Interpretation

In this Act, unless the context otherwise requires,—

Commission means the Kiwi Jobs Commission established under this Act.

Minister of Economic Development means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Ministry of Economic Development.

Minister of Trade means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for conducting international trade negotiations on behalf of New Zealand.

5. Kiwi Jobs Commission

The Kiwi Jobs Commission is established.

6. Membership of Commission

- (1) The Commission shall consist of up to three members, to be appointed on the joint nomination of the Minister of Economic Development and the Minister of Trade, no later than 30 days after the coming into force of this Act.
- (2) One member of the Commission must be appointed to be the chairperson of the Commission.
- (3) In nominating members, the Minister of Economic Development and the Minister of Trade must take into account the need for the Commission to have expertise in,—
 - (a) Comparative policy analysis, policy formation and policy implementation; and
 - (b) Economics; and
 - (c) International trade law.
- (4) Members shall hold office until the Commission reports to the House of Representatives under s 10 of this Act.

7. Remuneration of Commission

Members of the Commission shall be entitled to remuneration and expenses under the Crown Entities Act 2004 as if they were a member of a Crown Entity.

8. Powers of Commission

The Commission shall have all the powers of a Commission of Inquiry established under the Commissions of Inquiry Act 1908, and that Act shall apply, with necessary modifications, to the proceedings of the Commission.

9. Functions of Commission

The Commission shall have the following functions:

- (a) To ascertain, record, and compare the merits of, any policies that are operated in Australia and in other comparable jurisdictions, to maximise opportunities for competitive local businesses that seek to participate in government procurement; and

- (b) To determine whether such a policy may be operated by the New Zealand Government without breaching any international obligations to which the New Zealand Government is, or is contemplating becoming, a party; and
- (c) Provided that such a policy as is referred to in paragraph (a) can be operated without such a breach as is referred to in paragraph (b), to draft such a policy.

10. Commission to Report

The Commission must report to the House of Representatives concerning the matters described in Section 9 not more than twelve months after its appointment.

11. Minister of Economic Development to Advise of Government's Intentions Concerning Report

- (1) The Minister of Economic Development must, no later than 30 days after the House of Representatives receives the report of the Commission, respond to its recommendations.
- (2) In reporting under section 11(1), the Minister of Economic Development must advise whether; and if so, how and when; the Government intends to implement the report of the Commission.