Dairy Industry Restructuring (New Sunset Provisions)
Amendment Bill

6 September 2010

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
DAIRY INDUSTRY RESTRUCTURING (NEW SUNSET PROVISIONS) AMENDMENT BILL

1. We have considered whether the Dairy Industry Restructuring (New Sunset Provisions) Amendment Bill (PCO 14626/14.0) (“the Bill”) is consistent with the New Zealand Bill of Rights Act 1990 (“Bill of Rights Act”). We understand that the Bill is likely to be considered by the Cabinet Legislation Committee at its meeting on Thursday, 9 September 2010.

2. The Bill amends the Dairy Industry Restructuring Act 2001 to:

   • extend the application of subpart 5 of Part 2 of the Act by resetting the market share thresholds that trigger the expiry of that subpart to require higher levels of market share to be held by independent processors
   • institute a new process for expiry, whereby the reaching of the new market share thresholds will trigger a comprehensive review of the New Zealand dairy markets, and
   • provide for notification of the Minister’s response to the review.

We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

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