

Biosecurity and Hazardous Substances and New Organisms Bill

8 February 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

BIOSECURITY AND HAZARDOUS SUBSTANCES AND NEW ORGANISMS BILL 2008

1. We have considered whether the Biosecurity and Hazardous Substances and New Organisms Bill (the Bill) (PCO 12864/5) is consistent with the New Zealand Bill of Rights Act 1990 (Bill of Rights Act). We understand that the Bill is likely to be introduced into the House sometime during the week commencing Monday, 11 February 2008.
2. The Bill seeks to amend the Biosecurity Act 1993 and the Hazardous Substances and New Organisms Act 1996 to resolve an issue about the roles of these two Acts in managing risks to New Zealand from incidentally imported new organisms. The Bill will clarify that:
 - risks from all non-genetically modified organisms imported incidentally in association with imported goods will be managed by the Ministry of Agriculture and Forestry under the Biosecurity Act; and
 - risks from non-genetically modified new organisms imported other than incidentally in association with imported goods, and risks from all genetically modified new organisms, will be managed by the Environmental Risk Management Authority under the Hazardous Substances and New Organisms Act.
3. We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed by the Bill of Rights Act.

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