

Natural Health Products Bill

23 AUGUST 2011

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

NATURAL HEALTH PRODUCTS BILL

1. We have considered whether the Natural Health Products Bill (PCO 15129/1.19) (the Bill) is consistent with the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act). We understand that the Bill will be considered by the Cabinet Business Committee at its meeting on Monday, 29 August 2011.
2. The Bill's purpose is to establish a risk-based system for the regulation of natural health products. Natural health products include herbal remedies, traditional treatments, homeopathic remedies, and dietary supplements.
3. To achieve its purpose the Bill provides for the establishment of a Natural Health Products Regulatory Authority (the Authority) within the Ministry of Health. The Authority is required to establish an advisory committee to provide expert advice to it, and also to establish and maintain a natural health products database. The Authority has powers to:
 - exempt a natural health product or category of product from the requirement to complete product notification
 - audit any product notification or class of product notification
 - suspend and cancel a product notification
 - declare a substance to be a prohibited natural health product ingredient
 - publish statements relating to natural health products, and
 - require the recall of natural health products.

The Bill also provides for offences in relation to deceptive conduct; the sale of natural health products that have not been notified or do not meet required standards; manufacturing without a licence; obstruction of authorised persons; and endangerment of human health.

We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in 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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Health Products Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.