

Electricity And Gas Industries Bill 2003

13 October

Attorney-General

LEGAL ADVICE CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: ELECTRICITY AND GAS INDUSTRIES BILL 2003

1. We have considered whether the Electricity and Gas Industries Bill 2003 ("the Bill") (PCO 5283/10) is consistent with the New Zealand Bill of Rights Act 1990. We understand that the Bill is to be considered by the Cabinet Legislation Committee on Thursday, 16th October 2003.
2. We received this version of the Bill on 13 October 2003 and have had to complete our final assessment within these time constraints.
3. In the limited time available we have concluded that the Bill appears to achieve overall consistency with the Bill of Rights Act.
4. The stated purpose of the Bill is to introduce a consistent statutory framework to both the electricity and gas sectors with the objective of ensuring an integrated approach, cross sector solutions and the security of electricity and gas supply with adequate reserve energy for dry years.
5. The Bill reflects the establishment of the Electricity Commission and provides for improved co-ordination between the functions of the Commerce and Electricity Commissions in respect of electricity lines businesses. The Bill also provides the Electricity Commission with additional powers to fulfil the stated objectives.
6. The Bill further seeks to encourage the gas industry to provide a safe, efficient, reliable and environmentally sustainable delivery of services to consumers. It allows for the Government to change the structure of the Electricity Commission to govern the gas industry, and to be renamed the Energy Commission, should that change be considered necessary in the future.
7. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. We also attach a copy for referral to the Minister for Economic Development, if you agree.

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Bill of Rights/Human Rights Team

Allison Bennett
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CC Minister of Justice

CC Minister of Economic Development

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