

Electricity (Renewable Preference) Repeal Bill

26 November 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: ELECTRICITY (RENEWABLE PREFERENCE) REPEAL BILL

1. We have considered whether the Electricity (Renewable Preference) Repeal Bill (the Bill) (PCO 13495/4.0) is consistent with the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act). We understand that this Bill will be considered by Cabinet on 1 December 2008.
2. The Bill will repeal Part 6A of the Electricity Act 1992, as well as make consequential amendments to that Act. Part 6A, which was inserted into the Act through the Electricity (Renewable Preference) Amendment Act 2008, was intended to create a preference for renewable electricity generation by way of a 10-year restriction on new baseload fossil-fuelled thermal electricity generation capacity. By ending the restriction, the Bill will remove a barrier to investment in new baseload fossil-fuelled thermal energy generation plant.
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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