

Energy (Fuels, Levies and References) Biofuel Obligation Repeal Bill

28 November 2008

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

ENERGY (FUELS, LEVIES, AND REFERENCES) BIOFUEL OBLIGATION REPEAL BILL

1. We have considered whether the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Bill (the Bill) (PCO 13514/1.3) 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. We also understand the Bill may be subject to further minor changes before it is submitted to Cabinet. We will provide you with further advice should this prove necessary.
3. The Bill repeals Part 3A of the Energy (Fuels, Levies, and References) Act 1989 as well as making consequential amendments to that Act. Part 3A, which was inserted into the Act through the Energy (Fuels, Levies, and References) Amendment Act 2008, was intended to ensure that sustainable biofuels were supplied in New Zealand. Repealing Part 3A will remove the obligation to supply biofuels at a time of international concern about mandatory obligations, and particularly their effect on food supply and biodiversity, and research demonstrating varying greenhouse gas emission benefits.
4. 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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