

Hazardous Substances and New Organisms (Approvals and Enforcement) Amendment Bill

13 December 2004

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
Hazardous Substances and New Organisms (Approvals and Enforcement)
Amendment Bill

1. We have considered the Hazardous Substances and New Organisms (Approvals and Enforcement) Amendment Bill (the "Bill") (PCO version 6275/2) for consistency with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). This Bill is to be considered by the Cabinet Legislation Committee at its meeting on Thursday, 16 December 2004. We understand that further changes to this Bill are likely and we will provide you with further advice should this prove necessary.
2. The purpose of the Bill is to improve the workability of the hazardous substances provision in the Hazardous Substances and New Organisms Act 1996 (HSNO) by removing identified barriers to innovation and sustainable economic growth. The key amendments in the Bill are:
 - Provision of a 'group standards' mechanism;
 - Identifying regional councils as agencies that may enforce HSNO controls; and
 - Modifying the process for setting tolerable exposure limits and environmental exposure limits.
3. We have concluded that the Bill appears to achieve consistency with the Bill of Rights Act.
4. 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 the Environment, if you agree.

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CC Minister of Justice
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(Approvals and Enforcement) Amendment 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.