

Hazardous Substances And New Organisms (Transitional Provisions And Controls) Amendment Bill 2003

10 October 2003

Attorney-General

LEGAL ADVICE: COMPLIANCE WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: HAZARDOUS SUBSTANCES AND NEW ORGANISMS (TRANSITIONAL PROVISIONS AND CONTROLS) AMENDMENT BILL 2003

1. We have considered whether the Hazardous Substances and New Organisms (Transitional Provisions and Controls) Amendment Bill (PCO 5388/6) is consistent with the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act). We understand that this Bill is to be considered by the Cabinet Legislation Committee on Thursday, 16 October 2003.
2. The Bill amends the Hazardous Substances and Organisms Act 1996 (HSNO) by consolidating the system of regulatory controls placed on the use of new and existing hazardous substances. Hazardous substances were previously subject to controls under separate Acts covering animal remedies, explosives, dangerous goods, pesticides and toxic substances.
3. Under the provisions of this Bill, new hazardous substances will be subject to controls through the Environmental Risk Management Authority (the Authority) approval process. Current legislative controls over existing hazardous substances will be phased out over time to enable a smooth transition. These substances will have new HSNO controls assigned on transfer to the new classification regime. The Bill amends HSNO to provide the Authority greater flexibility in the way it classifies and assigns controls over hazardous substances. These amendments are considered necessary in order to enable the Authority to effectively manage the increased range of hazardous substances under its jurisdiction.
4. We consider that the Bill does not appear to be inconsistent with the rights and freedoms contained in the Bill of Rights Act.
5. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. A copy is also attached for referral to the Minister for the Environment if you agree.

Val Sim
Chief Legal Counsel

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Senior Legal Adviser
Bill of Rights/Human Rights Team

cc Minister of Justice
Minister for the Environment
Copy for your information

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