

# New Zealand-China Free Trade Agreement Bill

7 May 2008

Attorney-General

## LEGAL ADVICE

### CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: NEW ZEALAND-CHINA FREE TRADE AGREEMENT BILL

1. We have considered whether the New Zealand-China Free Trade Agreement Bill (PCO 13055/2.3) ("the Bill"), is consistent with the New Zealand Bill of Rights Act 1990 ("Bill of Rights Act"). We understand the Bill is likely to be considered by Cabinet at its meeting on Monday, May 12, 2008.
2. The Bill enables the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China ("the FTA") done at Beijing on 7 April 2008 to be brought into force. This is accomplished through technical amendments to the:
  - Tariff Act 1988 – amendments permit preferential tariff rates on imported goods of Chinese origin;
  - Customs and Excise Act 1996 – amendments create a system of issuing certificates of origin for goods exported from New Zealand to China;
  - Fair Trading Act 1986 – amendments enable compliance by New Zealand with the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components ("the Conformity Cooperation Agreement"), which forms an integral part of the FTA
  - Electricity Act 1992 – amendments enable compliance by New Zealand with the Conformity Cooperation Agreement; and
  - Radiocommunications Act 1989 – amendments enable compliance by New Zealand with the Conformity Cooperation Agreement.
3. We have concluded that the provisions contained in the Bill appear to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the New Zealand-China Free Trade Agreement 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.