

Resource Management (Climate Protection) Amendment Bill 2006

24 March 2006

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

RESOURCE MANAGEMENT (CLIMATE PROTECTION) AMENDMENT BILL 2006

1. We have considered the Resource Management (Climate Protection) Amendment Bill 2006 ('the Bill'), a Member's Bill in the name of Jeanette Fitzsimons MP, for consistency with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). The Bill was introduced to the House of Representatives on 16 March 2006 and is currently awaiting its first reading. The Ministry understands that the next Members' Day is scheduled for Wednesday 29 March 2006.
2. The Resource Management (Energy and Climate Change) Amendment Act 2004 removed the ability of local government to consider the effect of CO₂ emissions (and other greenhouse gases) on climate change when making rules in regional plans or determining air discharge consents.
3. The Bill proposes to repeal those sections of the Resource Management Act 1991 ('the principal Act') which prevent the consideration of climate change in the granting of air discharge consents and the formulation of regional plans.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

Stuart Beresford
Principal Legal Adviser
Bill of Rights / Human Rights

In addition to the general disclaimer for all documents on this website, please note the following: This advice was prepared to assist the Attorney-General to determine whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Resource Management (Climate Protection) Amendment Bill 2006. 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.