

Tariff (New Zealand - Thailand Closer Economic Partnership) Bill

14 June 2005

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

TARIFF (NEW ZEALAND - THAILAND CLOSER ECONOMIC PARTNERSHIP) BILL

1. We have considered whether the Tariff (New Zealand - Thailand Closer Economic Partnership) Bill (the "Bill") (PCO 6449/8) is consistent with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). We understand that the Bill was considered by the Cabinet Legislation Committee at its meeting on Thursday, 5 May 2005.
2. On 3 May 2005, we provided you with advice on an earlier version of the Bill (PCO 6449/7). However, prior to its consideration by the Cabinet Legislation Committee, it became apparent that certain parts of the Bill needed to be changed to reflect more accurately New Zealand's obligations under the New Zealand - Thailand Closer Economic Partnership Agreement, and a small number of provisions were redrafted. The title of the Bill - which was previously called the Tariff (Free Trade Agreements Implementation) Bill - was also changed.
3. The Bill proposes to amend the Tariff Act 1988 to:
 - implement preferential tariffs conferred under the New Zealand - Thailand Closer Economic Partnership Agreement; and
 - establish a bilateral transitional safeguards mechanism which includes the ability to investigate situations where a party claims that they are suffering serious injury as a result of a surge in competing imports.
4. We are satisfied that, after discussions with the Ministry of Foreign Affairs and Trade, the Bill appears to be consistent with the rights and freedoms affirmed by the Bill of Rights Act.

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