

Table of legislation waiting to be brought into force by Order in Council (as at 1 January 2018)

Excludes Acts with a default specified date of commencement in the event that the Act is not earlier brought into force by Order in Council.

Department	Name of Act (listed alphabetically)	Provisions not in force (as at 1 January 2018)	Notes (as at 1 July 2017)
Ministry of Foreign Affairs and Trade	Antarctica (Environmental Protection: Liability Annex) Amendment Act 2012	Whole Act	Departmental comment: The Act implements New Zealand's obligations under Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty, on Liability Arising from Environmental Emergencies. The Act, like other legislation implementing obligations under a particular treaty, is designed to be brought into force by Order in Council once the Annex itself becomes effective. That will happen when all 28 Consultative Parties to the Antarctic Treaty that were entitled to attend the Antarctic Treaty Consultative Meeting in 2005 have approved the Annex. So far, 14 of the required 28 Consultative Parties (including New Zealand, in May 2013) have done so. It is not yet known when the Annex will become effective.

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Ministry for Primary Industries	Aquaculture Reform (Repeals and Transitional Provisions) Act 2004	s 33	<p data-bbox="1150 310 1423 334">Departmental comment:</p> <p data-bbox="1150 362 2045 646">The joint land-based aquaculture review (DOC and MPI) was deferred due to the 2014 General Election. The review was placed on hiatus because of other priority work. However, the initial findings of the joint review and recent events in the biosecurity system space has raised the question as to whether the transition from the Regulations to the Fisheries Act (under section 33 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (the Reform Act)) would still enable effective management of New Zealand’s aquaculture regime and appropriately manage biosecurity risk.</p> <p data-bbox="1150 673 2045 808">MPI is currently investigating multiple options on how best to progress with this legislation, while ensuring that all aquaculture in New Zealand is appropriately managed for the benefit of the growth of the sector, the fisheries, and the aquatic environment.</p> <p data-bbox="1150 836 2045 938">Advice will be provided to the relevant Ministers in relation to this in 2017/18 and we expect a decision on whether, and when, to bring section 33 of the Reform Act into force.</p>
Ministry of Transport	Aviation Crimes Amendment Act 2007	ss 4(1), 9, and 10	<p data-bbox="1150 1003 1423 1027">Departmental comment:</p> <p data-bbox="1150 1055 1556 1079">Relates to aviation security measures.</p> <p data-bbox="1150 1107 2045 1169">See departmental comment on the Civil Aviation Amendment Act 2007 (to which this Act relates).</p>

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Ministry of Business, Innovation, and Employment	Building Amendment Act 2012	ss 6(1)-(3), (7), and (8), 7, 11 and 12, 15-17, 21 and 22, 28, 30-35, 36(1) and (2), 37 and 38, 52, 55, 57(3) and (4), 58, 60, 62(1) and (3), 66, 72 and 73, 76-80, 84-86, 88(1), 89, 93(1)-(4), and 95	<p>Departmental comment:</p> <p>Provision was made in the Building Amendment Act 2012 for a risk-based consenting regime, to be brought into force by Order in Council once the Government was satisfied that a number of pre-conditions had been met. MBIE is working to test the relevant aspects of the risk-based consenting regime against what is now known about the current state of the building and construction sector, and using a whole-of-system approach to explore other options for meeting the objectives. This work will inform policy decisions to be made by the Minister for Building and Construction and Cabinet regarding the provisions in the Act.</p>
Ministry of Transport	Civil Aviation Amendment Act 1992	s 35(1)-(3)	<p>Departmental comment:</p> <p>Relates to removal of exclusive right of Airways Corporation to provide certain services.</p> <p>The review of the Civil Aviation Act 1990 has resulted in a decision to repeal these provisions. This will be implemented through the Civil Aviation Reform Bill likely to be introduced in 2018.</p>

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Ministry of Transport	Civil Aviation Amendment Act 2007	ss 4(1), 6, 12(1), 18, and 19(4), and Part 3 of the Schedule	<p data-bbox="1150 310 1423 332">Departmental comment:</p> <p data-bbox="1150 363 1497 386">Relates to civil aviation security.</p> <p data-bbox="1150 417 2055 662">The aviation security risks facing aircraft operations to, from and within New Zealand is kept under regular review. The usefulness of deploying in-flight security officers (IFSOs) to mitigate these risks is, in part, dependent on these risk reviews and related discussions with aviation security partner countries. This in turn would feed into an assessment of whether it is necessary to bring the IFSO-related provisions of the Civil Aviation Amendment Act 2007 and the Aviation Crimes Amendment Act 2007 into force.</p> <p data-bbox="1150 693 2055 829">Some contingency planning has been done, for example, to consider what operational arrangements would need to be agreed with other countries with IFSO programmes and to provide for facilities for the safe disarming of IFSOs at airports. Any New Zealand IFSO capability will be provided by the New Zealand Police.</p>

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Department of Conservation	Conservation Amendment Act 1996	s 24	<p data-bbox="1150 310 1423 334">Departmental comment:</p> <p data-bbox="1150 375 2045 659">Relates to new sections 26ZJA and 26ZJB of the Conservation Act 1987. Policy work was undertaken by the New Zealand Fish and Game Council during 2016 regarding the need for the licensing of commercial sports fishing and game hunting guides. The Council presented its proposals to the Minister of Conservation in November 2016 for her consideration. The Minister rejected the Council’s proposal and has given it until September 2018 to present an alternative proposal. The Minister has advised the Council that, if she has not received a suitable proposal by September 2018, she intends recommending to Cabinet that this latent legislation be repealed.</p> <p data-bbox="1150 678 2045 889">Fish and game councils are statutory bodies created under sections 26B and 26P of the Conservation Act 1987. The functions of the 12 regional fish and game councils are to manage, maintain, and enhance sports fish and game bird resources in the recreational interests of anglers and hunters (section 26Q of the Conservation Act). The councils also issue licences to hunt game birds and licences to take sports fish (section 26Q(f)(i) and (ii) of the Conservation Act).</p> <p data-bbox="1150 909 2045 1307">The 12 regional fish and game councils are elected every three years by sports fish and game bird whole-season licence holders (section 26Z(3) of the Conservation Act). Each council then selects one of its councillors to be its representative on the overarching New Zealand Fish and Game Council (section 26D(2) of the Conservation Act). The functions of the NZ Council include advising the Minister of Conservation on issues relating to sports fish and game, and recommending fishing and hunting conditions and licence fees to the Minister for approval (section 26C(1) of the Conservation Act). Fish and game councils are public entities but not Crown entities (see references to other Acts contained in section 26W of the Conservation Act). The councils are independent of the Government and are not subject to Ministerial direction in regard to policy.</p>

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Ministry of Justice	Domestic Violence Amendment Act 2008	ss 4-6, and 14	<p data-bbox="1150 310 1417 337">Departmental comment:</p> <p data-bbox="1150 362 2045 464">These provisions would allow supervised contact with an approved provider to be imposed as a special condition of a protection order and would provide a process for determining payment of the costs of the service.</p> <p data-bbox="1150 488 2045 703">Supervised contact with an approved provider may be a condition on a parenting order made under the Care of Children Act 2004. The Family and Whānau Violence Legislation Bill provides that section 28B orders made under the Domestic Violence Act are to be treated as if made under the Care of Children Act. This allows judges to make an interim parenting order under section 28B, and consider supervised contact as part of a fuller assessment under the Care of Children Act.</p> <p data-bbox="1150 727 2045 902">We consider these latent provisions will be overtaken by section 28B and the improved links to the Care of Children Act. The Family and Whānau Violence Legislation Bill is currently before Parliament. We intend to propose the latent provisions for repeal through the next Statutes Amendment Bill, following passage of the Family and Whānau Violence Legislation Bill.</p>

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Ministry of Business, Innovation, and Employment	Gas Amendment Act 2004	Part 4A, subpart 3 (ss 43ZZG-43ZZQ to be inserted into principal Act by s 5)	<p data-bbox="1150 310 1417 337">Departmental comment:</p> <p data-bbox="1150 362 2055 427">Relates to the alternative mechanism of an Energy Commission as regulator of the gas sector.</p> <p data-bbox="1150 451 2055 703">The purpose of subpart 3 of Part 4A of the Gas Amendment Act 2004 is to provide the legislation necessary to establish an alternative body to the Gas Industry Company (GIC) to govern New Zealand's gas industry. Section 3 of the Gas Amendment Act 2004 prescribes a specific process that must be followed before subpart 3 of Part 4A can be commenced. That process involves extensive consultation requirements including consultation on the reasons that the responsible Minister considers the GIC should be replaced.</p> <p data-bbox="1150 727 2055 1052">Section 3 and the latent provisions in subpart 3 of Part 4A of the Gas Amendment Act 2004 are integral parts of a legislative model designed to reflect Parliament's intention to regulate the gas industry by co-regulation. Subpart 3 of Part 4A will be brought into force if (and only if) the Minister, following completion of the process prescribed in section 3 and on the advice of the Ministry of Business, Innovation, and Employment (MBIE), considers that the Gas Industry Company is not performing satisfactorily. The effect of the Minister's decision to commence subpart 3 of Part 4A is significant; it involves abandoning the current model of co-regulation in favour of a model of government regulation.</p> <p data-bbox="1150 1076 2055 1141">In light of Parliament's intention to regulate the gas industry by a model of co-regulation, MBIE regularly monitors and assesses the performance of the GIC by:</p> <ol data-bbox="1150 1166 2055 1286" style="list-style-type: none"> <li data-bbox="1150 1166 2055 1230">1. undertaking annual reviews of the GIC levy setting process and statement of Proposal; and <li data-bbox="1150 1255 2055 1286">2. overseeing various GIC Work Programmes; and

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Treasury	Housing Corporation Amendment Act 2001	ss 24(3)-(5) and 25(2)	<p data-bbox="1150 293 2047 557">3. reviewing the Quarterly Reports and Annual Report published by the GIC; and</p> <p data-bbox="1150 347 2047 557">4. for the year 2016, MBIE has implemented a close review of a number of the GIC Work Programmes which relate to the efficient operation of natural gas transmission pipelines. Any inadequacy in the GIC deliverables, identified as a part of this process, may trigger a review of the GIC status. However, at this point in time MBIE does not consider that there are reasons for the Minister to commence the process under section 3 of the Gas Amendment Act 2004.</p> <p data-bbox="1150 618 1436 643">Departmental comment:</p> <p data-bbox="1150 672 2047 732">Aspects of this Amendment Act will come into force on the making of an order vesting assets in Housing New Zealand Corporation.</p> <p data-bbox="1150 761 2047 935">The vesting order in question is provided for by section 53 of the Housing Corporation Act 1974 and it allows the Governor-General, by Order in Council on the recommendation of the Minister, to vest the assets or liabilities of an existing company (as defined by the Housing Corporation Act 1974), or the Crown, in Housing Corporation New Zealand.</p> <p data-bbox="1150 964 2047 1138">Sections 24(3) to (5) and 25(2) of the Housing Corporation Amendment Act 2001 provide for consequential amendments, which will come into force on the same day that a section 53 vesting order relating to Housing New Zealand Limited (an existing company) comes into force. These consequential amendments reflect the change in ownership from HNZN to HNZN arising from such a vesting order.</p> <p data-bbox="1150 1167 2047 1265">At present there is no intention to make an order pursuant to section 53 of the Housing Corporation Act 1974. Treasury is considering the possibility of repealing these provisions and will consult with Housing New Zealand on this.</p>

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Ministry of Health	Human Tissue Act 2008	ss 87 and 88	<p data-bbox="1161 310 1434 334">Departmental comment:</p> <p data-bbox="1161 363 2053 574">The Ministry of Health recommends that sections 87 and 88 of the Human Tissue Act 2008 be retained. They reflect Parliament’s intention to provide for the possibility of a stand-alone organ donor register to be established in the future. The recently published organ donation strategy mandates work towards a donor register separate from the driver license register. If that comes about, the amendments provided for in those sections would be required.</p> <p data-bbox="1161 604 2053 815">Sections 87 and 88 of the Human Tissue Act 2008 provide for organ donor information presently held on the national register of driver licences to be disclosed to the national organ donor register, should such a donor register be established by regulations under section 78 of the Human Tissue Act. They allow the Transport Agency to continue collecting and disclosing information for a period of five years, to allow a smooth transition to the new register.</p> <p data-bbox="1161 844 2053 1052"><i>Increasing Deceased Donation and Transplantation: A National Strategy</i>, was published in June 2017. It provides for improvements to the recording and use of information on the driver license register in the short term. In the longer term, the strategy includes work toward establishing a separate register of people's donation wishes, attached to the proposed national electronic health record. No timeframe has yet been established.</p>

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Ministry of Business, Innovation, and Employment	Immigration Act 2009	ss 100, 104, and 400(l)	<p>Departmental comment:</p> <p>Section 100: Collection of biometric information from proposed arrivals - An initial trial for voluntary collection of biometric information from passengers departing Brisbane on specific flights to New Zealand is progressing. Officials will continue to assess the results and options for integrating to passenger movement systems.</p> <p>Section 104: New Zealand citizens arriving in New Zealand to be photographed - A decision on section 104 will be made in the context of the review of the Customs and Excise Act 1996. The new Customs and Excise Bill was introduced on 23 November 2016.</p> <p>Section 400(l): The implementation of biometric enrolment will inform policy and regulations around categories of exemptions. Biometric enrolment is expected to be implemented in 2017/18.</p>
Ministry of Business, Innovation, and Employment	Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005	ss 3(2), (5), (7), 52(1), and 53	<p>Departmental comment:</p> <p>Relates to definitions of registered health professionals and treatment providers.</p> <p>These provisions enable types of registered health professionals and treatment providers to be defined by regulations as a means to responding to changes in scope in the Health Practitioners Competence Assurance Act 2003 and in the treatment provider workforce. These provisions are being considered as part of a regulations review and assessment of the need for the regulations which is expected to be completed in late 2017 or early 2018.</p>

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Ministry of Business, Innovation, and Employment	Injury Prevention, Rehabilitation, and Compensation Amendment Act 2008	s 4(4)	<p data-bbox="1150 310 1434 332">Departmental comment:</p> <p data-bbox="1150 363 1656 386">Relates to the definition of nurse practitioner.</p> <p data-bbox="1150 417 2053 553">This provision inserts a new definition for nurse practitioner that is linked to a definition set out in regulations. This provision will be considered as part of a regulations review and assessment of the need for the regulations which is expected to be completed in late 2017 or early 2018.</p>
Ministry of Justice	Legal Services Act 2011	ss 9, 21(7), and 114(1)(s), (t), and (u)	<p data-bbox="1150 612 1434 634">Departmental comment:</p> <p data-bbox="1150 665 2053 951">These provisions relate to a streamlined eligibility assessment process for low-level criminal cases, approved by Cabinet in 2009 as part of its response to the legal aid reforms recommended by Dame Margaret Bazley. The necessary changes to primary legislation were made when the Act replaced the Legal Services Act 2000, but regulations specifying which cases the process would apply to and how it would operate were still required to give it full effect. The streamlined eligibility assessment process was intended to reduce the cost of administering legal aid for low-level criminal cases.</p> <p data-bbox="1150 982 2053 1117">The Ministry has assessed the provisions, and considers they are no longer necessary. In the time since the relevant provisions in the Act were enacted, these purposes have either been achieved through other means, or will be better achieved through currently planned changes.</p>
Ministry of Justice	Maritime Crimes Amendment Act 2017	Whole Act	

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Ministry of Justice	Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	s 164(3) and Schedule 6	<p data-bbox="1150 310 1436 337">Departmental comment:</p> <p data-bbox="1150 363 2070 464">Section 38 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 provides for an Order in Council to bring into effect certain provisions of the Act following agreement on the future administration of Maungauika [North Head].</p> <p data-bbox="1150 490 2070 630">The Department of Conservation has been engaged in discussions with Auckland Council on the administration and management of the site, as anticipated under section 38 of the Act. It is currently expected that a draft proposal will be progressed under the new Council following the local body elections later this year.</p>
Ministry of Foreign Affairs and Trade	Nuclear-Test-Ban Act 1999	Whole Act	<p data-bbox="1150 688 1436 716">Departmental comment:</p> <p data-bbox="1150 742 2070 881">The Nuclear-Test-Ban Act 1999 seeks to implement New Zealand’s obligations under the Comprehensive Test Ban Treaty (CTBT). The Act, like other legislation to implement obligations under a specific treaty, is to be brought into force by Order in Council only once the treaty itself is in force.</p> <p data-bbox="1150 907 2070 967">At present the CTBT is not in force. It will enter into force once all 44 Annex 2 countries under the CTBT have ratified the treaty.</p> <p data-bbox="1150 993 1934 1021">At this point it is difficult to predict when the CTBT will enter into force.</p>

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Ministry of Business, Innovation, and Employment	Personal Property Securities Amendment Act 2011	s 5 to the extent that it relates to subparagraph (iv) of s 167A(1)(b) (as inserted by the Amendment Act) of the Personal Property Securities Act 1999	<p>Departmental comment:</p> <p>Primary legislative change is required before section 167A(1)(b)(iv) can be brought into effect.</p> <p>The necessary amendment has now been made through the Senior Courts Act 2016. However, the High Court Rules will need to be amended before this subsection can be brought into effect. (The Senior Courts Act re-enacted the High Court Rules without any amendments being made.)</p> <p>The Ministry of Justice intends to progress the amendments to the Rules along with other regulatory changes arising from the new Act.</p>
Ministry for the Environment	Resource Management Amendment Act 2005	s 108	<p>Departmental comment:</p> <p>This provision was enacted at the same time as sections 115(2) to (4) and 117 of the RMAA. If enacted, the combined effect of these sections would enable the Environment Court, rather than the High Court, to consider challenges to consent authorities' notification decisions. Sections 115(2) to (4) and 117 have since been repealed by the Resource Legislation Amendment Act 2017.</p> <p>Upon review of section 108, we have concluded that it does not logically operate without sections 115(2) to (4) and 117. Accordingly, we consider that section 108 could usefully be repealed.</p>

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Ministry of Social Development	Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016	ss 5(3), 14(1), 15, 16, 18(2) and (3), 32, 33, 37(3) and (4), 40-42, 43(2), 45-47	<p>Departmental Comment:</p> <p>These provisions of the Social Security (Extension of Young Persons Services and Remedial Matters) Amendment Act 2016 extend the provisions of the Social Security Act 1964 relating to youth services to 18 and 19 year olds without dependent children who are at significant risk of long-term welfare dependency, and make related amendments to jobseeker support provisions. They cannot be brought into force until funding for the purpose is appropriated. A bid for funding in Budget 2017 was not approved. Funding will be sought in Budget 2018.</p>
Treasury	State-Owned Enterprises Amendment Act 2012	ss 4(4), 5(4), 6(5), 7, 8(5), 10(4), and 11(4)	<p>Departmental Comment:</p> <p>The sections of the State-Owned Enterprises Amendment Act 2012 that have not yet been brought into force relate to Solid Energy New Zealand Limited. The status of Solid Energy New Zealand Limited is uncertain. These sections will be reviewed when its status becomes more certain.</p>
Treasury	State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999	s 3(7)-(10)	<p>Departmental comment:</p> <p>This section relates to a situation where Meteorological Service of New Zealand Limited ceases to be a State enterprise. The status of this section will be reviewed at a future date.</p>

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Department of Conservation	Wildlife Amendment Act 1996	s 6	<p data-bbox="1150 310 1436 337">Departmental comment:</p> <p data-bbox="1150 363 1577 391">Relates to section 22A of principal Act.</p> <p data-bbox="1150 417 2070 704">Policy work was undertaken by the New Zealand Fish and Game Council during 2016 regarding the need for the licensing of commercial sports fishing and game hunting guides. The Council presented its proposals to the Minister of Conservation in November 2016 for her consideration. The Minister rejected the Council's proposal and has given it until September 2018 to present an alternative proposal. The Minister has advised the Council that, if she has not received a suitable proposal by September 2018, she intends recommending to Cabinet that this latent legislation be repealed.</p> <p data-bbox="1150 730 2070 794">(Refer above to comment about the Conservation Amendment Act 1996 for details about the independence of fish and game councils.)</p>