

Table of legislation waiting to be brought into force by Order in Council (as at 1 January 2019)

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.

Departmental comments are as at 1 July 2018.

Department	Name of Act (listed alphabetically)	Provisions not in force (as at 1 January 2019)	Notes
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, 16 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="1146 310 1419 334">Departmental comment:</p> <p data-bbox="1146 362 2028 651">Section 33 of Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (the Reform Act) was enacted to enable land-based aquaculture to transition from the current licensing regime established by the Freshwater Fish Farming Regulations 1983 (the Regulations) to the fish farming registration regime that applies under the Fisheries Act 1996. 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="1146 678 2028 813">Currently the Fisheries Act 1996 preserves the licensing regime established under the Regulations for freshwater aquaculture. Section 33 would revoke the Regulations and set up a process for licence holders under the Regulations to transition to the fish farmer registration system under the Fisheries Act 1996.</p> <p data-bbox="1146 841 2028 943">Section 33 of the Reform Act was not brought into force on enactment of the Aquaculture Reform Act in 2011. This was because there remained some concern in relation to how biosecurity risks would be managed under the new regime.</p> <p data-bbox="1146 971 2028 1179">Recent aquaculture biosecurity events including the <i>Bonamia</i> parasite in dredge oysters have highlighted the need to improve the management of biosecurity in the aquaculture sector. There are still questions whether the transition from the Regulations to the Fisheries Act (under section 33) would enable effective management of New Zealand's aquaculture regime and appropriately manage biosecurity risk.</p> <p data-bbox="1146 1206 2028 1382">MPI is conducting an analysis of the mechanisms needed to improve aquaculture biosecurity management. Therefore, further investigation is needed to determine whether it is appropriate to revoke or maintain regulation in relation to land-based aquaculture. Fisheries New Zealand (MPI) will update the Minister of Fisheries in 2018/19.</p>

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Ministry of Transport	Aviation Crimes Amendment Act 2007	ss 4(1), 9, and 10	<p>Departmental comment:</p> <p>Relates to aviation security measures.</p> <p>See departmental comment on the Civil Aviation Amendment Act 2007 (to which this Act relates).</p>
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 Bill that is currently being developed.</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="1144 310 1419 334">Departmental comment:</p> <p data-bbox="1144 362 1493 386">Relates to civil aviation security.</p> <p data-bbox="1144 414 2028 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="1144 690 2028 865">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="1144 310 1419 334">Departmental comment:</p> <p data-bbox="1144 375 2028 659">Relates to new sections 26ZJA and 26ZJB of the Conservation Act 1987. The New Zealand Fish and Game Council presented a new proposal for the licensing of commercial sports fishing and game hunting guides to the Minister of Conservation on 28 May 2018 for her consideration. The Minister is currently considering the new proposal. The previous Minister rejected an earlier (2016) proposal from the Council and had advised the Council that, if she did not receive a suitable proposal by September 2018, she intended recommending to Cabinet that this latent legislation be repealed.</p> <p data-bbox="1144 678 2028 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="1144 909 2028 1305">The 12 regional fish and game councils are elected every 3 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="1144 310 1419 334">Departmental comment:</p> <p data-bbox="1144 362 2030 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="1144 492 2030 740">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="1144 768 2030 940">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 a 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="1146 310 1423 334">Departmental comment:</p> <p data-bbox="1146 362 2028 422">Relates to the alternative mechanism of an Energy Commission as regulator of the gas sector.</p> <p data-bbox="1146 449 2028 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="1146 730 2028 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="1146 1079 2028 1140">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="1146 1167 2028 1286" style="list-style-type: none"> <li data-bbox="1146 1167 2028 1227">1. undertaking annual reviews of the GIC levy-setting process and statement of Proposal; and <li data-bbox="1146 1255 2028 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="1144 293 2028 354">3. reviewing the Quarterly Reports and Annual Report published by the GIC; and</p> <p data-bbox="1144 386 2028 630">4. for the year 2016, MBIE 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="1144 695 1419 719">Departmental comment:</p> <p data-bbox="1144 743 2028 803">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="1144 836 2028 1010">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="1144 1042 2028 1216">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 HNZL to HNZC arising from such a vesting order.</p> <p data-bbox="1144 1248 2028 1302">At present there is no intention to make an order pursuant to section 53 of the Housing Corporation Act 1974.</p>

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Ministry of Health	Human Tissue Act 2008	ss 87 and 88	<p data-bbox="1144 310 1419 334">Departmental comment:</p> <p data-bbox="1144 363 2022 573">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="1144 602 2022 812">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 5 years, to allow a smooth transition to the new register.</p> <p data-bbox="1144 841 2022 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 - Australian authorities are currently evaluating the outcomes of a 12-month Brisbane airport trial which involved the voluntary collection of biometric information from passengers departing Brisbane on specific flights to New Zealand. New Zealand will assess those results as part of wider work identifying future options for integrating biometric capture into passenger movement systems to facilitate travel, in the context of Future of the Border strategy development.</p> <p>Section 104: New Zealand citizens arriving in New Zealand to be photographed – the new Customs and Excise Act 2018 is in the process of implementation. A decision on whether section 104 is still required will be able to be made post-implementation, in the context of Future of the Border strategy development.</p> <p>Section 400(l): The implementation of biometric enrolment will inform policy and regulations around categories of exemptions. Previous plans to establish a project to implement biometric enrolment were deferred due to competing priorities but a new project is in the process of initiation.</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>Work on regulations defining types of registered health professionals and treatment providers is underway. MBIE expects to complete work on the regulations by the end of 2018.</p>

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Ministry of Business, Innovation, and Employment	Injury Prevention, Rehabilitation, and Compensation Amendment Act 2008	s 4(4)	<p>Departmental comment:</p> <p>Work on regulations defining types of registered health professionals and treatment providers is underway. MBIE expects to complete work on the regulations by the end of 2018.</p>
Ministry of Justice	Legal Services Act 2011	ss 9, 21(7), and 114(1)(s), (t), and (u)	<p>Departmental comment:</p> <p>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>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> <p>These provisions are proposed for repeal through the Statutes Amendment Bill.</p>

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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="1144 310 1419 334">Departmental comment:</p> <p data-bbox="1144 363 2022 498">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="1144 527 2022 703">The proposal was considered by Auckland Council at the end of June 2018 who have confirmed their agreement to undertake management of this site. The remaining actions to implement the Order in Council are being undertaken by the Department of Conservation, the estimated timeframe for completion being 30 September 2018.</p>
Ministry of Justice	Ngāti Tūwharetoa Claims Settlement Act 2018	ss 92-94	
Ministry of Foreign Affairs and Trade	Nuclear-Test-Ban Act 1999	Whole Act	<p data-bbox="1144 862 1419 886">Departmental comment:</p> <p data-bbox="1144 915 2022 1050">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="1144 1079 2022 1140">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="1144 1169 1913 1190">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>Section 108 is proposed for repeal in the Statutes Amendment Bill 2018. This section amends section 296 of the Resource Management Act 1991 (RMA) by adding subsection 2. This subsection prevents persons from challenging the validity of a consent authority's decision on notification of a resource consent application under sections 93 or 94 of the RMA.</p> <p>Sections 93 and 94 were repealed by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. As section 108 relates to decisions made under these sections, it does not logically operate if these sections are not in force.</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.</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>
Ministry of Business, Innovation, and Employment	Tariff (PACER Plus) Amendment Act 2018	Whole Act	

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Ministry of Foreign Affairs and Trade	Trans-Pacific Partnership Agreement Amendment Act 2016	Whole Act	<p>Departmental comment:</p> <p>The Act implements New Zealand’s obligations under the Trans-Pacific Partnership Agreement (TPP). The Act is designed to be brought into force by Order in Council when the TPP enters into force for New Zealand. This could not happen unless a sufficient number of other TPP Parties, including the US, ratified TPP. The Trans-Pacific Partnership Agreement (CPTPP) Amendment Bill is currently being considered by the Foreign Affairs, Defence and Trade Committee. This Bill will amend the Act to enable parts of the Act to be brought into force before TPP enters into force. This will enable New Zealand to comply with its obligations under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). The provisions of the Act that relate to elements of the TPP that were suspended from the CPTPP will not be brought into force by the Bill.</p>
Department of Conservation	Wildlife Amendment Act 1996	s 6	<p>Departmental comment:</p> <p>Relates to section 22A of principal Act.</p> <p>The New Zealand Fish and Game Council presented a new proposal for the licensing of commercial sports fishing and game hunting guides to the Minister of Conservation on 28 May 2018 for her consideration. The previous Minister rejected an earlier (2016) proposal from the Council and had advised that, if she did not receive a suitable proposal by September 2018, she intended recommending to Cabinet that this latent legislation be repealed.</p> <p>(Refer above to comment about the Conservation Amendment Act 1996 for details about the independence of fish and game councils.)</p>