

**PCO table of legislation waiting to be brought
into force by Order in Council (as at 1 January 2011)***

Department	Name of Act (listed alphabetically)	Provisions not in force (as at 1 January 2011)	Notes
Ministry of Justice	Anti-Money Laundering and Countering Financing of Terrorism Act 2009	Whole Act (except Parts 1 and 4 (except s 162) and ss 68 to 71, 106 to 115, and 163)	Departmental comment: On 15 November 2010 Cabinet agreed to commence the remaining provisions of the Act two years from the date that regulations are notified in the <i>New Zealand Gazette</i> . Cabinet has also agreed on the policy for regulations under the Act. The Ministry of Justice expects that regulations will be gazetted in the first quarter of 2011.
Ministry for the Environment	Aquaculture Reforms (Repeals and Transitional Provisions) Act 2004	s 33	Departmental comment: Section 33 of the Aquaculture Reforms (Repeals and Transitional Provisions) Act 2004 proposes to revoke the Freshwater Fish Farming Regulations 1983 made under the Fisheries Act 1983, as well as certain provisions of the Fisheries Act 1996, administered by the Ministry of Fisheries. We have been advised by the Ministry of Fisheries that any developments of freshwater policy and the legislative content for it are expected some time in 2012 (at the earliest) following the enactment of the Aquaculture Legislation Amendment Bill (No 3) 2010 which only addresses aquaculture in the coastal marine area.

* 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

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Ministry of Transport	Aviation Crimes Amendment Act 2007	Whole Act except ss 3, 4(2) and (3), 5, and 6	<p>Relates to aviation security measures.</p> <p>Departmental comment: See departmental comment on the Civil Aviation Amendment Act 2007 (to which this Act relates).</p>
Ministry of Justice	Care of Children Amendment Act 2008	ss 5 to 8, 10 to 13, and 18 to 21	<p>Needs additional funding to bring into force.</p> <p>Departmental comment: Relates to agreements between parents and guardians, duty of lawyers and courts with regard to reconciliation and conciliation, disputes between guardians that lead to mediation or counselling, the mediation and counselling process, and appeals to the High Court and Court of Appeal. Will come into force on a date to be appointed by an Order in Council. Needs operational policy development and additional funding to bring it into force.</p>
Ministry of Transport	Civil Aviation Amendment Act 1992	s 35(1) to (3)	<p>Relates to removal of exclusive right of Airways Corporation to provide certain services.</p> <p>Departmental comment: Section 35(1) to (3) of the Civil Aviation Amendment 1992 is not likely to be brought into force in the near future. We will refer this matter to the team in the Ministry that will be reviewing the Civil Aviation Act.</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>Relates to civil aviation security.</p> <p>Departmental comment: Sections 4(1), 6, 12(1), 18, and 19(4), and Part 3 of the Schedule of the Civil Aviation Amendment Act 2007 relate to in-flight security officers (IFSOs). The provisions are contained in the Act so that they may be enacted quickly in the event that in-flight security officers need to be deployed on flights. The provisions will only be brought into force when needed. This also applies to the related provisions in the Aviation Crimes Amendment Act 2007.</p>
Ministry for the Environment	Climate Change Response (Emissions Trading) Amendment Act 2008	New ss 165 and 186 of principal Act	<p>Relates to forestry (offsetting of liabilities).</p> <p>Departmental comment: The provisions have not been brought into force because “offsetting” (the process by which any liability of New Zealand in relation to the deforestation of pre-1990 forest land can be offset by the planting of new forest land) in relation to pre-1990 forest land has not been recognised internationally under the Kyoto Protocol and if it is recognised internationally then the Minister must make a recommendation to the Governor-General to bring these sections into force. The provisions are unlikely to come into force until an international agreement allows for offsetting, because to bring them into force before offsetting has been recognised internationally will have significant fiscal costs for New Zealand under the Protocol. The enactments should not be repealed.</p>

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Department of Conservation	Conservation Amendment Act 1996	s 24	<p>Relates to new ss 26ZJA and 26ZJB of principal Act.</p> <p>Departmental comment: Public consultation needs to be undertaken on the need for these provisions before a decision can be taken to either bring them into force or repeal them.</p>
Ministry of Economic Development	Copyright (New Technologies) Amendment Act 2008	ss 48, 53, and 85	<p>Relates to provisions requiring amendment or replacement.</p> <p>Departmental comment: Repeals of ss 48 and 85 are contained in the Trade Marks (International Treaties and Enforcement) Amendment Bill, will come into force when that Bill is enacted. This is expected to be in early 2011. The Bill will amend s 53 (as it relates to section 92A of the principal Act) which is expected to come into force in mid 2011.</p>

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Department of Corrections	Corrections (Mothers with Babies) Amendment Act 2008	Whole Act	<p data-bbox="1137 312 2007 338">Requires changes to facilities of women's prisons before commencement.</p> <p data-bbox="1137 384 1447 410">Departmental comment:</p> <p data-bbox="1137 416 2024 868">The Act has not yet been brought into force because the amendments require the construction of appropriate facilities to meet the development needs of children up to the age of 2 years and those facilities have not yet been built. New facilities are required because children aged between 12 months and 24 months are far more mobile and active than babies and need access to an environment that will support their developmental needs. The existing self-care units, where women with babies currently reside, can only meet the needs of children up to the age of 9 months. The department has now received funding for the construction of new facilities, and building has commenced. It is expected that the facilities at the women's prison will be completed by July 2011 and at the second women's prison by September 2011. The Department intends the Amendment Act to come into force before the first facility becomes operational.</p>

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Ministry of Justice	Domestic Violence Act 1995	ss 108 to 120, for purposes of directions about non-disclosure of information as to whereabouts of protected person	<p>Relates to information in public registers referred to in clause 3 of the Domestic Violence Act Commencement Order 1998.</p> <p>Departmental comment: Part 6 of the Domestic Violence Act 1995 (ss 107-120) contains provisions that limit the disclosure of information of public registers where a person with a protection order applies to the register for a direction to that effect. The direction relates to information about the person's whereabouts. The underlying objective is to assist victims to establish a new life for themselves if they wish to do so without being able to be traced through public registers. Sections 108-120 of the Act are in force for the purposes of the public registers in clause 3 of the Domestic Violence Commencement Order 1998 only. However, there are a number of public registers that these provisions do not relate to so the provision is not fully in force. Further policy work has to be undertaken in order to assess whether the provisions should cover further registers.</p>
Ministry of Justice	Domestic Violence Amendment Act 2008	ss 4 to 6, 14	<p>Departmental comment: The Ministry will bring sections 4 to 6 and 14 into force when funding has been secured.</p>
Ministry of Justice	Family Courts Amendment Act 2008	ss 4 and 5	<p>Departmental comment: Relates to the appointment and powers of Senior Family Court Registrars, and amendments to s 8 inserting "mediator" after "counsellor". Will come into force on a date to be appointed by an Order in Council. Needs operational policy development and additional funding to bring it into force.</p>

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Ministry of Justice	Family Proceedings Amendment Act 2008	ss 4, 6, 8 to 12, 14, 15(2), 16, 17(3), 18 to 20, and 27	Departmental comment: Relates to the counselling and mediation process and rules under the Act, duty of courts as to reconciliation and conciliation. Will come into force on a date to be appointed by Order in Council. Needs operational policy development and additional funding to bring it into force.
Treasury	Finance Act (No 2) 1988	ss 7 to 9, 14, 23, and 29	Departmental comment: Section 7: relates to Solid Energy NZ Ltd - specifically removing that company from Schedules 1 and 2 of the State-Owned Enterprises Act 1986 - this company is still to be an SOE. Section 8: relates to Solid Energy NZ Ltd (and current listing in Schedule 1 of the Official Information Act 1982) - prerequisite for comments not satisfied as Crown owns greater than 50% of shares in capital - see s 6(2). Section 9: relates to Solid Energy NZ Ltd (and current listing in Schedule 1 of the Ombudsmen Act 1975) - prerequisite for commencement not satisfied as Crown owns greater than 50% of shares in capital - see s 6(2). Section 14: relates to Government Property Services Ltd (which was struck off on 8 Nov 2001) and the Real Estate Agents Act 1976 - possibly unnecessary to bring this into force although more research required to determine whether it could possibly be repealed. Section 23: relates to omitting "Crown Forestry Management Ltd" from Schedule 36 of the Income Tax Act 2007 - gives special tax treatment (this company was struck off on 28 Sep 2001). (Perhaps this should be brought into force unless intended that company be restored - need to check with MAF Crown Forestry.) Section 29: relates to amending Schedule 4 of the State-Owned Enterprises Act 1986 (this Schedule has expired) - therefore unnecessary to bring into force, this may be a candidate for repeal - more research is required.

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Treasury	Finance Act 1991	ss 23 to 26	Relates to Timberlands West Coast Limited. Departmental comment: Section 23: relates to Timberlands West Coast Limited ceasing to become an SOE - is likely that this section will be brought into force by Order in Council later this year or next year. Section 24: relates to Timberlands West Coast Limited (and current listing in Schedule 1 of the Ombudsmen Act 1975) - pre-requisite for commencement not satisfied as Crown owns greater than 50% of shares in capital (see s 1(10)). Section 25: relates to Timberlands West Coast Limited (and current listing on Schedule 1 of the Official Information Act 1982) - pre-requisite for commencement not satisfied as Crown owns greater than 50% of shares in capital (see s 1(10)). Section 26: relates to Timberlands West Coast Limited - prerequisite for commencement not satisfied as Crown owns none of the ordinary shares (see s 1(11)).
Ministry of Economic Development	Financial Reporting Amendment Act 2006	ss 13 to 17	Departmental comment: These provisions were drafted in response to concerns about a specific requirement in an International Financial Reporting Standard. However, the standard was amended so there is no longer any need for the provisions. They will be repealed when the Auditor Regulation and External Reporting Bill is enacted (expected by July 2011).

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Ministry of Fisheries	Fisheries Act 1996	ss 314(1)(a), (b), and (c), 338	Relates to repeal of provisions in the Fisheries Act 1983, and packhorse rock lobsters. <p data-bbox="1137 416 1447 442">Departmental comment:</p> <p data-bbox="1137 451 1995 517">Section 314(1)(a), (b), and (c) of the Fisheries Act 1996 allows repeal of sections 2, 2A, and 3 of the Fisheries Act 1983 by Order in Council.</p> <p data-bbox="1137 558 2029 938">The 1983 Act has been largely replaced by the 1996 Act. But there are still about 15 provisions of the 1983 Act still in force. Most of these relate to aquaculture and aquaculture policy is being considered at the moment in the context of the Aquaculture Legislation Amendment Bill (No 3) which has been introduced into Parliament. The ongoing status of the 1983 Act will be considered further and ultimately resolved in the light of that consideration. It is therefore most unlikely that the Order in Council process, provided for by s 314 of the 1996 Act, would be used to repeal only 3 of the remaining 15 sections of the 1983 Act. For this reason, the Ministry considers that section 314(1)(a), (b), and (c) of the 1996 Act could be repealed.</p> <p data-bbox="1137 979 2018 1080">Section 338 was included in the 1996 Act to allow for a possible change in season for packhorse rock lobster. It has never been brought into force and is now no longer needed. It may therefore be repealed.</p>

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Ministry of Agriculture and Forestry	Food Amendment Act 1996	s 8	<p data-bbox="1137 312 1899 336">Relates to repeal of provisions that prohibit the sale of raw milk.</p> <p data-bbox="1137 384 1447 408">Departmental comment:</p> <p data-bbox="1137 416 2031 1398">Reason why s 8 of the Food Amendment Act 1996 has not been brought into force: if commenced by Order in Council, s 8 of the Food Amendment Act 1996 will repeal s 11A of the Food Act 1981 (which was inserted into the Food Act 1981 by s 27 of the Milk Act 1988) to provide for a prohibition on the sale, resale, and buying of raw milk, except in limited quantities for consumption by the person buying the milk or their family. Section 8 of the Food Amendment Act 1996 was inserted in order that the prohibition on (and limited exception to) the sale of raw milk in s 11A of the Food Act 1981 could eventually be replaced by a food standard that would be specifically tailored to manage the risks associated with the selling and handling of raw milk. The mechanism for the issuing of food standards was also introduced into the Food Act 1981 by way of the Food Amendment Act 1996. Up until 1 July 2002, the Food Act 1981 was administered by the Ministry of Health. NZFSA (as part of MAF until July 2007) has been responsible for the administration of the Food Act 1981 after that time. Section 11A of the Food Act 1981 was amended by the Animal Products Act 1999 to allow for a further exception to the prohibition contained in that section for the sale of raw milk to dairy processors who process it under certain risk management tools under the Animal Products Act 1999. NZFSA has also undertaken work on managing some of the risks associated with raw milk by way of on-farm and processing requirements developed under the Animal Products Acts 1999. More recently, NZFSA has undertaken work in relation to the safe manufacturing of unpasteurised raw milk products. This recent work has included the issuing of a food standard relating to raw milk. However, the standard and the Animal Products Specifications that have been developed are limited in their application to certain controls associated with the import and manufacturing of raw milk products, as opposed to the sale of</p>

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			<p>raw milk for consumption. The broader question of the possible repeal of s 11A of the Food Act (by way of the commencement of s 8 of the Food Amendment Act 1996) has been considered by NZFSA through its domestic food review project. Indication of timetable for when s 8 of the Food Amendment Act 1996 is likely to be brought into force: s 8 of the Food Amendment Act 1996 will not be brought into force. This is because the issues currently provided for in s 11A of the Food Act 1981 are now expected to be provided for under the Animal Products Act 1999 and possibly the future regime that will be introduced when the Food Bill is enacted. The specific regulatory mechanisms to regulate raw milk to consumers are in development. The Food Bill will repeal the Food Act 1981 and its amendments in their entirety.</p>
Ministry of Agriculture and Forestry	Forests Amendment Act 1996	Whole Act	Relates to supply contracts in relation to forest produce owned by another person.
Ministry of Economic Development	Gas Amendment Act 2004	Part 4A, subpart 3 (as to be inserted into principal Act)	<p>Relates to the alternative mechanism of an Energy Commission as registrar of the gas sector.</p> <p>Departmental comment: Provisions not in force are alternatives to the current co-regulatory model in force. Therefore as long as the Gas Industry Company Ltd continues to function and deliver the outcomes of the Government Policy Statement on Gas Governance this provision remains inactive.</p>

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Ministry of Economic Development	Geographical Indications (Wine and Spirits) Registration Act 2006	Whole Act (except s 62)	Relates to a framework for the registration of geographical indications. Departmental comment: Cabinet decision taken to delay bringing into force, pending resolution of several implementation issues to be addressed through international negotiations. Situation is still unresolved due to slow progress in concluding the WTO DOHA round.
Treasury	Government Superannuation Fund Amendment Act (No 2) 1990	s 12(2)	Relates to the basis for meeting the employer share of benefits. Departmental comment: Relates to annual subsidies up to 1 July 1991 from Government and from funds or accounts out of which contributors' salaries are paid. Relates to the repeal of certain enactments. Will need to seek further advice from the GSF on this provision.
Housing Corporation of New Zealand	Housing Corporation Amendment Act 2001	ss 24(3) to (5) and 25(2)	Relates to transfer of assets from Housing New Zealand Limited
Department of Labour	Immigration Act 2009	ss 60, 100, 104, 111, 120, 278, 283 to 291, 312, 400(1)	Departmental comment: These sections have not come into force because Cabinet agreed that the new powers created in the Act should not come into force until appropriate systems and procedures are put in place and the agreement of Cabinet is sought. This is expected to be done by July 2011.

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Department of Labour	Injury Prevention, Rehabilitation, and Compensation Amendment Act (No 2) 2005	ss 3(2), (5), (7), 52(1), and 53	<p>Relates to definitions of registered health professionals and treatment providers.</p> <p>Departmental comment: These provisions enable types of registered health professionals and treatment providers to be defined by regulations as a means of responding to changes in scope in the Health Practitioners' Competence Assurance Act 2003. These provisions are to come into force following the review of counsellor regulations and other policy work. It is expected that these provisions will be brought into force during 2010 by Order in Council.</p>
Department of Labour	Injury Prevention, Rehabilitation, and Compensation Amendment Act 2008	s 4(4)	<p>Relates to definition of nurse practitioner.</p> <p>Departmental comment: This provision inserts a new definition for nurse practitioner that is linked to a definition of regulations. This provision will come into force following regulatory reviews in the areas of treatment provider definitions and cost of treatment. The department will be progressing this work as part of its 2011/12 work programme. Current government priorities did not allow this to be progressed as part of the 2010/11 programme. It is expected that consultation and any regulatory change will occur in 2011.</p>
Treasury	International Finance Agreements Amendment Act 1998	Whole Act	<p>Relates to the special one-time allocation of special drawing rights in the International Monetary Fund.</p> <p>Departmental comment: Relates to the amendment of Schedule 1 of the International Finance Agreements Act 1961 - Articles of Agreement of the International Monetary Fund (relating to the allocation of special drawing rights). The prerequisite support of those entitled to vote was reached last month. It is expected that this Act will be brought into force in the next few months.</p>

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Ministry of Justice	Judicature (High Court Rules) Amendment Act 2008	Subparts 15 and 16 of Part 5 of High Court Rules	<p>Departmental comment: Relates to electronic filing, which requires more development before it can be brought into force. Will come into force on a date to be appointed by an Order in Council. Will be implemented when the technology is ready, which requires additional funding.</p>
Ministry of Transport	Land Transport Amendment Act 2009	Whole Act (except ss 4 to 31, 32(1), (4), (16), and (17), and 35(2) and (3))	<p>Requires regulations relating to the motor vehicle register in order to bring into force.</p> <p>Departmental comment: Some sections of the Land Transport Amendment Act 2009 have already come into force. Provisions relating to drug-driving, contained in ss 5 to 23, 25, and 26 of the Act came into force on 1 Nov 2009. The rest of the Act is expected to come into force in 1 April 2011. The provisions need to come into force at different times to allow for an update to the Landata computer system. Certain provisions have been brought into force so that regulations can be enacted to facilitate this process.</p>
Ministry of Transport	Land Transport (Enforcement Powers) Amendment Act 2009	ss 9, 10, 17, 18, 20, 21, and 40	<p>Departmental comment: These sections either will be repealed by the Land Transport (Road Safety and Other Matters) Bill (when enacted), and in one case possibly also the Courts and Criminal Matters Bill (once enacted), or will all come into force at the same time as the Land Transport (Road Safety and Other Matters) Bill once enacted.</p>

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Ministry of Foreign Affairs and Trade	Nuclear-Test-Ban Act 1999	Whole Act	<p>Departmental comment:</p> <p>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>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>At this point it is difficult to predict when the CTBT will enter into force. There are a small number of Annex 2 countries which have yet to ratify, including the United States, China, India, and Pakistan. While there may be movement towards ratification in the next period, particularly as countries like the United States reassess their position, ratification by all Annex 2 countries is unlikely to occur in the short term.</p>
Ministry of Justice	Parole Amendment Act 2007	ss 4(1), (3), and (7), 16, 48, 49, and 67	<p>Departmental comment:</p> <p>Relates to changes to parole eligibility and parole guidelines to be prepared by the Sentencing Council, and was intended to come into force on a date to be appointed by Order in Council. The Government has indicated it will not proceed with the establishment of the Sentencing Council and is therefore likely to repeal these amendments in due course.</p>
Reserve Bank of New Zealand	Reserve Bank of New Zealand Amendment Act 2008	new s 157L of principal Act	Relates to governance requirements for deposit takers. Not ready to bring into force (but likely to be brought into force within 12 to 18 months).

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Ministry for the Environment	Resource Management Amendment Act 2005	ss 108, 115(2) to (4), and 117	<p>Relates to Environment Court's powers to determine applications for declaration on notification matters.</p> <p>Departmental comment: The provisions have not been brought into force because we are waiting for the Environment Court to have capacity. The time-frame for bringing them into force therefore depends on the Environment Court's capacity. The enactments should not be repealed. There is cross party agreement that these provisions should be brought into force if the workload of the Environment Court changes in the future.</p>
Ministry of Education	Royal New Zealand Foundation of the Blind Act 2002 (P)	s 27(2)	<p>Repeals provisions in principal Act. These provisions need to remain in place until the Foundation for the Blind becomes an incorporated society. Enquiries are underway as to when this will occur.</p>
Ministry of Justice	Sentencing Amendment Act 2007	ss 5, 6(1), 12, 15, 45, 46, 49(1) to (3) and (5), and 52 to 54	<p>Departmental comment: Relates to the sentencing guidelines to be prepared by the Sentencing Council and changes to short-term prison sentences, and was intended to come into force on a date to be appointed by Order in Council. The Government has indicated it will not proceed with the establishment of the Sentencing Council and is therefore likely to repeal these amendments in due course.</p>

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Treasury	State-Owned Enterprises Amendment Act 1992	ss 15, 17, 18	Relates to MCS Limited. Departmental comment: Section 15: consolidated (by Income Tax Act 2004). Section 17: consolidated. Section 18: consolidated.
Treasury	State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999	s 3	Relates to sale of Meteorological Service of New Zealand Limited. Departmental comment: Relates to Meteorological Service of NZ Ltd - specifically removing that company from Schedules 1 and 2 of the State-Owned Enterprises Act 1986 and from various other Acts. Prerequisite from some of those provisions not met as Crown still 100% shareholder. This company is still to be an SOE.
Ministry of Justice	Summary Proceedings Amendment Act 1976	s 3	Departmental comment: Relates to summary procedure for minor offences and will come into force on a date to be appointed by Order in Council. Subsequent amendments to s 20A of the principal Act have, however, rendered s 3 unnecessary. The Ministry of Justice will therefore provide for the repeal of s 3 by the Criminal Procedure Bill once enacted.

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Ministry of Transport	Transport (Vehicle and Driver Registration and Licensing) Act 1986	s 12	Relates to trailer licences. Departmental comment: Section 12 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 will not be brought into force. The Act will be repealed on 1 April 2011 when the remainder of the Land Transport Amendment Act 2009 comes into force.
Department of Building and Housing	Unit Titles Act 2010	Whole Act	Departmental comment: The intention is to bring this Act into force in the middle of 2011.
Department of Conservation	Wildlife Amendment Act 1996	s 6	Relates to s 22A of principal Act Departmental comment: Further consultation with the public is needed to determine whether this provision should be brought into force or repealed.
