| **Individual Action Plan Update for New Zealand for 2012** |
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| ***Highlights of recent policy developments which indicate how New Zealand is progressing towards the Bogor Goals and key challenges it faces in its efforts to meet the Goals.***  |
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| IAP Chapter (and Sub-Chapter and Section Heading, if any) | **Improvements made since 2009 IAP**  | **Further Improvements Planned** |
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| ***Tariffs*** | New Zealand decided in 2009 to maintain tariff rates at existing levels of zero, 5% and 10% until June 2015, unless required to reduce tariffs earlier following completion of the WTO Doha Round.The Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) entered into force on 1 January 2010 for Australia, Brunei, Malaysia, Myanmar, New Zealand, Singapore, the Philippines and Viet Nam; on 12 March 2010 for Thailand; for Lao PDR on 1 January 2011; for Cambodia on 4 January 2011; and for Indonesia on 10 January 2012. New Zealand agreed to provide elimination of tariffs on 90% of tariff lines between entry into force and 2012, and on the remaining 10% of tariff lines between 2013 and 2020.The Malaysia-New Zealand Free Trade Agreement (MNZFTA) entered into force on 1 August 2010. New Zealand now provides duty-free access for about 94.6% of imports from Malaysia, and this will increase to 95% in 2014 and 100% by 2016.The New Zealand- Hong Kong, China Closer Economic Partnership Agreement entered into force on 1 January 2011. Tariffs on most textile, apparel, footwear, and carpet products will be phased out between 2014 and 2016. Tariffs on all other products will be phased on in 2012 and 2013, with the majority of such tariffs being eliminated by 2012. 100% of Hong Kong, China’s goods will enter New Zealand duty-free by 2016. | An assessment will be carried out in 2013 of New Zealand’s tariff situation after 2015. Free Trade Agreements are currently under negotiation with India, the Republic of Korea, with Russia,-Belarus and Kazakhstan, and with Australia, Brunei Darussalam, Chile, Malaysia, Peru, Singapore, the United States, Viet Nam (the Trans-Pacific Partnership). Pacific Island Forum Leaders agreed in 2009 to launch negotiations on PACER Plus. These Agreements will seek to put in place specific chapters devoted to Rules of Origin and the subsequent removal or reduction of tariff barriers. Negotiations with the Gulf Cooperation Council countries have concluded. |
| *Website for further information:* | *www.med.govt.nz/business/trade-tariffs/tariffs-in-new-zealand* |  |
| *Contact point for further details:* | *Dm-ard@mfat.govt.nz* |  |
| ***Non-Tariff Measures*** | *No change since last update.* |  |
| *Website for further information:* | www.med.govt.nz |  |
| *Contact point for further details:* | Dm-ard@mfat.govt.nz |  |
| ***Services*** | **Business Services: Legal**The Legal Services Act 2011 was enacted as a response to a government commissioned report into the legal aid system in November 2009 ‘Transforming the legal aid system’ which identified serious challenges for the legal aid system. It replaces the Legal Services Act 2000 and is designed to promote innovation in the design and delivery of publicly funded legal services. The Act and associated regulations: * Disestablished the Legal Services Agency and brought that Agency’s functions into the Ministry of Justice;
* Disestablished the Legal Aid Review Panel and established a new Legal Aid Tribunal within the Tribunals Unit of the Ministry;
* Established the independent statutory position of the Legal Services Commissioner;
* Established a quality assurance framework for lawyers seeking to be approved as legal aid providers; and
* Introduced flexibility to establish different legal services and deliver services in different ways.

Further information on the changes is available at [www.justice.govt.nz](http://www.justice.govt.nz) | *Regulation of patent attorneys*The governments of New Zealand and Australia have agreed to implement a single trans-Tasman registration regime for regulating patent attorneys across Australia and New Zealand. The regime is expected to be implemented in 2013/14. <http://www.med.govt.nz/business/intellectual-property/proposal-for-trans-tasman-regulation-of-patent-attorneys> |
| **Business Services: Accounting**Parliament has enacted the Auditor Regulation Act 2011, which will enter into force on 1 July 2012. The Act provides for independent oversight of the regulation of auditors and auditing firms by the Financial Markets Authority. The scope of the Act is audits of issuers of securities, banks, insurers, mutual funds and other entities that take deposits from the public and/or hold assets in a fiduciary capacity for broad groups of outsiders. The Act provides for the licensing of overseas auditors and firms in accordance with mutual recognition principles.  | **Business Services: Accounting**The Government has agreed to introduce legislation that will reform aspects of the financial reporting framework. The main change is to remove the requirement for small and medium companies to prepare general purpose financial reports. This change applies to both New Zealand companies and overseas companies that carry on business in New Zealand. It is proposed that a Bill be introduced into Parliament in 2012 with a view to enactment in 2013 and entry into force in 2014. |
| **Business Services: Architectural and Engineering**The Trans-Tasman Mutual Recognition Agreement, which comes into force on 1 March 2012, entitles practitioners granted occupational licensing in New Zealand or Australia to register to practice the equivalent occupation in the other country without the need to undergo further testing or examination. | **Business Services: Architectural and Engineering**A review of occupational licensing for statutory boards governing the building and construction sector will likely result in more alignment and consistency between boards. Resulting benefits are likely to include a more transparent and accessible occupational licensing regime that will be of benefit to skilled migrants. See also the response to Construction and Engineering Related Services, below. |
| **Communication Services: Telecommunications**In 2011, major changes were made to the Telecommunications Act 2001 intended to delivery faster broadband in urban areas through the Ultrafast Broadband Initiative and to rural areas through the Rural Broadband Initiative. These initiatives provide for co-investment in enhanced infrastructure by the Government and the private sector over the next five to six years. The changes included the vertical structural separation of the dominant telecommunications company, Telecom New Zealand, into a network infrastructure provider and a retail services provider. The initiatives will ensure increased competition in the telecommunications sector through the provision by the infrastructure providers of open access at the network level. See <http://www.med.govt.nz/sectors-industries/technology-communication> |  |
| **Communication Services: Audio Visual:**A minor amendment has been made to the Screen Production Incentive Fund (SPIF) to lower the minimum Qualifying New Zealand Production Expenditure Threshold for feature film productions from $4 million to $2.4 million.New Zealand ratified the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership and Cultural Property (1970) and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995), with both entering into force on 1 May 2007. | **Communication Services: Audio Visual:**The Government is currently reviewing the operation of the SPIF.An independent review of the New Zealand Film Commission was undertaken in 2009. The review recommended no changes were required to the New Zealand Film Commission Act 1978. The Ministry of Culture and Heritage maintains a Register of Objects of National Significance, as required under the UNESCO Convention. There have been no changes in the status of the Conventions in relation to New Zealand's domestic legislation since 2007. |
| **Construction and Engineering Related Services***Licensing Building Practitioners scheme*The Licensed Building Practitioners scheme encourages better building design and construction. The scheme is competency-based, and promotes, recognises and supports professional skills and behaviour in the building industry. A key objective is for the public to have confidence in the competence of licensed building practitioners working on their homes or buildings, and for homes and buildings to be designed and built right the first time. The scheme is playing an important role in meeting the skills requirements for the Canterbury earthquake recovery. Following the initial focus on the recruitment of licensed building practitioners, the emphasis is now moving to education and training and better career pathways for licensed building practitioners. From 2015, it is proposed the licensing scheme will be primarily qualifications-based. The scheme is also a prerequisite for the implementation of restricted building work. Restricted building work, which comes into force from 1 March 2012, requires all critical design and construction work on houses and small-to-medium sized apartment buildings must be carried out or supervised by a licensed building practitioner. The Licensed Building Practitioner scheme and restricted building work are key enablers of the review of the Building Act 2004 reforms.  | **Construction and Engineering Related Services***Building Act review* In 2009, the Government commenced a review of the Building Act 2004 with a view to reducing the cost but not the quality of the building control system. The review concluded that while there had been general improvements in building quality since the introduction of the new Building Act in 2004, changes were necessary to support other government and industry initiatives to improve the productivity, efficiency and accountability of the building and construction sector. The review recommended: * clearer signalling of roles and accountabilities for building work and Building Code compliance between designers, builders, building owners and Building Consent Authorities;
* new legislative provisions to enable residential consumers to better hold building contractors to account;
* changes to the Building Act and regulations to provide for a risk-based approach to the administration of building consent and inspection requirements, so that they are proportionate to the risk and consequences of building defects and the skills and capabilities of those doing the work; and,
* work on making improvements to the administration of the regulatory system.

Government is seeking to achieve a more balanced relationship between consumers and service providers in the residential building market. For this to happen, consumers need to know how to manage the risk of any building work they undertake. The Department is currently developing information and advice for consumers about the legislative changes and the steps they need to take to protect their investment. Specific initiatives include:* consumer protection provisions (provided for in Building Amendment Bill (No 3) currently before Parliament);
* reviewing the need to change the liability framework in the building sector, as this is a major issue for the sector in the wake of the leaky homes experience; and,
* proposed changes to the Construction Contracts Act 2002 to improve its application to both residential and commercial building disputes, with the intention of strengthening the use of contracts for residential housing and supporting early resolution of disputes.
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| **Education Services***International Education*In late 2011, the New Zealand government published a new International Education Leadership Statement, which includes objectives of doubling export education revenue by 2025 to about $5 billion, significantly increasing offshore sales of education services from consultancy services to international student enrolment, and reaping wider social, academic and political benefits for New Zealand through international education. In September 2011, the former industry body Education New Zealand was transformed into a Crown entity to better coordinate the government and industry efforts in driving the development of international education. It will receive $10 million government funding in the first four years, and is set to reprioritise its resources to key markets and lead the implementation of International Education Leadership Statement. The New Zealand Education Counsellor’s Network has also become part of the new Crown agency Education New Zealand. There are education counsellors in Brussels, Riyadh, Delhi, Kuala Lumpur, Seoul and SantiagoEngagement with multilateral education forums remains the responsibility of the Ministry of Education. The Ministry’s International Division has been reorganised into three teams: Policy and Regulation; International Engagement; and Pastoral Care.*Licensing and Qualification Requirements of Service Providers**Tertiary Reforms:* Through the Education Amendment Act 2011, the New Zealand Qualifications Authority acquired new powers to lift the threshold for private training establishments to be registered, and to strengthen the monitoring of and sanctions on poor quality providers. The New Zealand Qualifications Framework has also been entrenched in the Education Act 1989, with an objective to streamline this Framework by reducing the number of similar qualifications and making the accreditation process more consistent.The Code of Practice for the Pastoral Care of International Students was revised in 2010.  | **Education Services***International Education*The government is developing a detailed action plan to achieve the goals set out in the International Education Leadership Statement.The policy implemented in 2005 whereby all international Doctor of Philosophy (PhD) students and their families were made eligible for domestic fees status is being evaluated to ascertain whether the intended objectives have been met. As of 2010, international PhD student numbers had grown by three times, from 692 in 2005 to 2,796 in 2010. New Zealand is considering a specific set of rules to manage offshore delivery of New Zealand qualifications.*Licensing and Qualification Requirements of Service Providers*Following revision of the Code of Practice for the Pastoral Care of International Students in 2010, the New Zealand government is looking to develop a more comprehensive international student support framework, which is anticipated to improve coordination between multiple players in terms of student support, such as local governments, central government agencies, and local communities, in addition to education providers. Meanwhile, the government is also considering ways to improve the process of sanctions for breaches of the Code. |
| **Environmental Services**The Resource Management (Simplifying and Streamlining) Amendment Act entered into law from 1 October 2009. The Act, inter alia, established an Environmental Protection Agency as a standalone Crown agent on 1 July 2011. Its establishment marks a new era in managing New Zealand’s natural resources with the Government taking a more active role, with major resource consents being processed nationally.  | **Environmental Services**A second phase of resource management reforms (RMII) is planned to improve the economic and environmental outcomes of the Resource Management Act (RMA) are planned, focussing on particular sector issues and better interaction between the RMA and other statutes, including legislation to reform aquaculture, improvements to the efficiency of the archaeological authority consent processes, and proposals to reform urban planning and implementation of infrastructure. Cabinet agreed that the primary objective of RMII is to better achieve the low cost delivery of good environmental outcomes, which will include:* Providing greater central government direction on resource management;
* Improving economic efficiency of implementation without compromising underlying environmental integrity;
* Avoiding duplication of processes under the RMA and other statutes; and
* Providing for efficient and improved participation of Maori in resource management processes.

The work has, and is likely to continue to, involve a number of advisory groups and opportunities for public consultation. |
| **Financial Services***Financial Markets Authority*The Financial Markets Authority (FMA) is the new consolidated market conduct regulator for New Zealand's financial markets. Established on 1 May 2011 under the Financial Markets Authority Act 2011, the FMA performs the regulatory functions previously undertaken by the Securities Commission and some of those of the Government Actuary and Companies Office.See <http://www.med.govt.nz/business/business-law/current-investment-law-work/financial-markets-authority>*Securities* The Securities Regulations 2009 have been updated. The Securities Regulations Amendment 2011 replaces the current text about financial advice that is required to be included in investment statements. The regulations align with the Financial Advisers Act and changes made under the Financial Markets (Regulators and Kiwisaver) Bill. See <http://www.med.govt.nz/business/business-law/current-investment-law-work/securities-amendment-regulations>  | **Financial Services***Securities* A review of securities law is being conducted that includes a review of:* The scope of securities law - that is, that financial products, and offers of those financial products, should be regulated under securities law.
* Issuers' disclosure obligations.
* Regulation of managed investment schemes.
* The liability regime for breaches of securities law.
* Public enforcement of directors’ duties.
* The appropriate regulatory framework for securities and derivatives exchanges.

Cabinet has decided to make substantial changes to these aspects of securities law. This will require the repeal of the Securities Act 1978, Securities Markets Act 1988, and the enactment of a new Financial Markets Conduct Act. It will also incorporate and amend a range of other related investment legislation. The Financial Markets Conduct Bill was introduced into Parliament on 12 October 2011.Disclosure requirements for non-bank deposit takers The Ministry of Economic Development and the Reserve Bank have sought feedback on regulatory proposals that would require non-bank deposit takers to:* Disclose information in their prospectuses relating to the prudential requirements that they have to comply with.
* Update the prudential disclosures in their prospectuses every six months based on their latest financial statements.
* Ensure the prudential disclosures made in their prospectuses are subject to an assurance engagement by an auditor.
* Make high-level disclosures in their investment statements regarding their prudential requirements.
* Disclose their credit rating in advertisements if a fixed return is advertised.
* Notify existing investors when prudential disclosures in their prospectuses are updated.
* Disclose in their prospectuses and update information in relation to impaired assets, large credit exposures, credit concentration and loans with interest capitalised, every six months.

Policy work is continuing and is expected to be completed in the first half of 2012. |
| **Recreational, Cultural and Sporting Services** | **Recreational, Cultural and Sporting Services**The Arts Council of New Zealand Toi Aotearoa Act 1994 was reviewed in 2010, with a view to streamlining its governance structure. The Arts Council of New Zealand Toi Aotearoa Bill would replace the current governance structure of the Arts council with a unitary board, comprising 13 members with responsibility for determining strategic direction, priorities and a policy framework for the whole organisation and for funding allocation decisions. The first reading was on 18 August 2010 and it was reported by Select Committee on 29 November 2010. It is awaiting its second reading in the House. |
| **Transport Services***Rail*The Railways Network Bill that was being considered by the New Zealand Parliament has been overtaken by events. In July 2008 the Government bought back the rail services from Toll Holdings Ltd. Consequently, virtually all rail operations in New Zealand are now in government ownership.*Road*The last major review of commercial road transport was implemented in 2007. At that time, the new provisions, previously contained in the Transport Services Licensing Act 1989 were incorporated into the Land Transport Act 1998, the Land Transport Rule: Operator Licensing 2007 and Land Transport Rule: Worktime and Logbooks 2007. The changes enhanced the qualitative aspect but did not impose any quantitative requirements.A mandatory requirement in the commercial passenger transport area that all “taxis” be fitted with safety security cameras came into force on 1 August 2010. | **Transport Services** *Air*New Zealand is seeking to liberalise its air services relationships with the following APEC economies: China, Indonesia, Japan, Papua New Guinea, Peru, Thailand and Viet Nam.*Road*Further work is proposed to commence in early 2012 as part of a regulatory reform package to look at commercial licensing and vehicle inspection systems. The proposed reviews would be to determine what opportunities there are to reduce regulatory and compliance costs while maintaining appropriate levels of safety.A review of agricultural vehicles, covering tractors, combine harvesters and other agricultural transport, and how they operate is planned. The review is focussing on agricultural vehicles that make limited use of roads and operate mostly off-road, such as on farms. The objectives of this review are to improve the quality of transport law, reduce unnecessary compliance costs and enhance economic growth and productivity without compromising the safety of operators, other road users and road infrastructure. |
| **Energy Services***See Competition Policy Section below for changes in electricity sector.* | **Energy Services***Gas*A review of infrastructure resilience and emergency response processes is underway after a failure of a major gas pipeline in 2011. It is not known yet whether this will lead to any regulatory or legislative change.See <http://www.med.govt.nz/sectors-industries/energy>  |
| *Website for further information:*  | [*www.mfat.govt.nz*](http://www.mfat.govt.nz)[*www.med.govt.nz*](http://www.med.govt.nz)  |  |
| *Contact point for further details:* | *Dm-ard@mfat.govt.nz* |  |
| ***Investment*** | A review of the Overseas Investment Act 2005 has been completed. To date, no changes have been made to the Act as a result of this review.Overseas Investment Regulations introduced in December 2009 added two factors to the benefits test for investments in sensitive land. These factors enable the decision-making Ministers to consider promotion of New Zealand’s economic interests and New Zealand participation in the investment when assessing the benefits of an investment.  |  |
| *Website for further information:*  | [www.linz.govt.nz/overseas-investment](http://www.linz.govt.nz/overseas-investment)  |  |
| *Contact point for further details:* | Dm-ard@mfat.govt.nz |  |
| ***Standards and Conformance*** | **Alignment with International standards**As of 30 June 2011, there were 3103 standards in NZ’s national catalogue. Of these, 974 (31%) were identical to ISO or IEC Standards, 300 (10%) were modified adoptions ofISO or IEC Standards. 2522 (81%) were aligned with Australia. New Zealand has continuously achieved 100% alignment with the VAP priority area standards. | **Alignment with International standards**New Zealand will continue to align its standards with international standards. |
| **Participation in international standardisation activities**As of 30 June 2011, New Zealand held Participant or Observer membership in 154 ISO and 117 IEC technical committees and subcommittees.  | **Participation in international standardisation activities**The Ministry of Consumer Affairs participates on the AS/NZS CS018 Toy Safety Standards Committee which in turn has direct input into the ISO TC 181 Toy Safety Standards Committee |
| **Participation in plurilateral recognition arrangements (regulatory sector)**New Zealand continues to be an active participant in the APEC EEE MRA. It is also an active participant in the annual meetings of the Joint Regulatory Advisory Committee (JRAC) and is on the steering group to support the Chair with running the JRAC. | **Participation in plurilateral recognition arrangements (regulatory sector)**In May 2012, New Zealand, together with Australia and co-sponsors USA, Singapore and Brunei Darussalam, will run a seminar on developing a harmonised electrical equipment regulatory risk assessment tool. The development and application of such a tool will support the regulatory coherence in the region and will further support trade facilitation. In relation to general consumer product safety, work is underway under the aegis of APEC into a harmonised approach to risk assessment. Early work is also underway in relation to establishing a uniform approach to product tracking and traceability. Both these initiatives have potential in the longer term to contribute towards improved trade facilitation |
| **Participation in bilateral recognition arrangements (regulatory sector)**In February 2010, New Zealand and Chinese Taipei concluded a Regulatory Cooperation Arrangement covering a range of goods including electrical and electronic products, gas products and consumer goods.In June 2010, New Zealand and China concluded an arrangement on cooperation in the field of consumer products safety. In July 2011 an agreement to amend the MRA between New Zealand and the European Union was reached and is undergoing final approval procedures in both parties. The amendments would streamline the administration of the MRA. New Zealand continues to actively participate in the Committee on Participation Review (CPR) for OIML Mutual Acceptance Arrangements (MAA) in relation to water meters (R49), non-automatic weighing instruments (R76) and load cells (R60). New Zealand is currently a ‘Utilizing Participant’ in these MAA’s. A review of New Zealand’s Type Approval functional capability was completed in 2011 and identified the need to work closer with NMI in Australia to effectively deliver approval services. An arrangement between the national responsible bodies was developed and will be signed in early 2012.Since 2009, New Zealand has concluded free trade agreements with the ASEAN nations and Australia (AANZFTA), Malaysia, Hong Kong China. These agreements have put in place specific chapters devoted to TBT and SPS issues. The FTAs also include provisions for arrangements such as MRAs and regulatory co-operation and co-ordination targeted at reducing the impact of barriers to trade and improving regulatory effectiveness | **Participation in bilateral recognition arrangements (regulatory sector)**New Zealand plans to continue to implement the current suite of bilateral arrangements and to negotiate others trade facilitation arrangements in areas of trade interest.Work is now underway to identify key areas to be developed that will benefit regulators in both jurisdictions as part of the ongoing relationship.Once the EU/NZ MRA has been amended, the next step will be to identify areas to build on and improve it. Free Trade Agreements are currently under negotiation with the Trans Pacific Partnership, Korea and India. These agreements will seek to put in place specific chapters devoted to TBT and SPS issues. The Agreements will also seek to include provisions for regulatory cooperation targeted at improving regulatory coherence.  |
|  | Participation in recognition arrangements (voluntary sector)JAS-ANZ has been elected to Chair the Pacific Accreditation Cooperation Multilateral Recognition Arrangement Group. The PAC MLA Group has responsibility for identifying regional trade opportunities that would benefit from a multilateral recognition arrangement. The PAC MLA Group has decided to develop MLA s to cover:* ISO/TS 22003 for food safety management systems,(12 economies/members to join)
* ISO 14065 for greenhouse gas validation and verification bodies;(7 economies/members to join)
* ISO/IEC 27003 for Information security management systems and(6 economies/members to join)
* ISO/IEC 17024 for certification of persons(5 economies/members to join)

These MLAs will directly support the reduction of technical barriers to trade and increased trade opportunities.JAS-ANZ is experiencing growth in FSSC 22000 for Global Food Safety Initiative. <http://fssc22000.com/en/> and intends to have the PAC MLA for ISO/TS 22003 for food safety management systems certification extended to cover FSSC 22000. |
| Improve and maintain level of technical infrastructureThe New Zealand agency responsible for the regulation of food, including the management of food safety for both domestic consumption and for export, is the New Zealand Ministry of Agriculture and Forestry (MAF).Following reviews of domestic food regulations and imported food, decisions were taken to put in place a food regulatory programme across all sectors of New Zealand’s domestic food industry that promotes and delivers safe and suitable food in New Zealand. The core tool for government regulation of food safety and suitability is to: * rely on the risk based programmes that already operate across most of the food industry (risk management programmes, food safety programmes, product safety programmes); and
* enhance or simplify elements of these programmes.

New Zealand and Australia have also completed work to align criteria for assessing risk foods and reduce the number of foods that are subject to certification and inspection requirements.  | Improve and maintain level of technical infrastructureA new Food Bill involving a complete overhaul of the Food Act 1981, and moving to more efficient and effective risk-based system that improves businesses certainty and minimises costs, was introduced to Parliament in 2011. |
| Identification of requirements for technical assistanceIn 2009 a regional workshop aimed at assisting Pacific Island economies in the development of trade measurement legislation consistent with OIML recommendations was held in Auckland. This workshop was attended and well received by representatives from 7 economies. |  |
| Provision of assistance for improvement of others economies’ technical infrastructureJAS-ANZ developed and conducted a 4-day training course on behalf of PAC for ISO 22000 (ISO/TS 22003) in September 2010 in Bogur, Indonesia and in November 2010 in Beijing China.In January 2011 JAS-ANZ was a participant and contributor at a workshop in Japan sponsored by the Japanese Ministry for the Environment. The workshop was a “train the trainer program for 14065" with participants from through-out the Asia Pacific Region.In November 2011, JAS-ANZ Provided Guide 65 development training for HKAS in Hong Kong. |  |
| Transparency of S&C requirementsNZ has an online Regulatory Information Portal which provides information about legislation and regulations that apply to businesses, products and services that are sold or offered in New Zealand. It was developed to help businesses, exporters, importers, intermediaries and local producers understand the regulatory environment governing a range of products and services (see <http://www.med.govt.nz/business/regulatory-reform/regulatory-information-portal> ). |  |
| Participation in relevant international foraNew Zealand maintains active participation in relevant international fora such as the WTO TBT and SPS Committees. New Zealand is also an active participant in the APEC SCSC and related activities including in SCSC Conferences, seminars and workshops and regulatory dialogues. In the area of Legal Metrology, New Zealand continues to actively participate in OIML and APLMF activities. In 2011 New Zealand took a leading role in organising OIML workshops looking at issues with ensuring the global conformity to type of measuring instruments and took on the joint secretariat of a newly formed OIML technical committee to address these issues.In the area of accreditation, JAS-ANZ hosted the Pacific Accreditation Cooperation General Assembly in Wellington, NZ during June 2010.In the area of general consumer product safety, New Zealand actively participates in a number of fora that includes ICPHSO and ICPSC as well as specific product safety related issues and initiatives undertaken by organisations such as OECD and APEC. MCA is also working on a specific product safety issue (‘button batteries’) in conjunction with the US, Australia, Korea and Japan. | Participation in relevant international foraNew Zealand plans to host the 2012 APEC Wine Regulatory Forum: Public-Private Dialogue on risk management and certification requirements for regional trade in wine. In the area of metrology, MSL will host the APMP General Assembly in 2012. |
| *Website for further information:*  | [*www.med.govt.nz*](http://www.med.govt.nz)[*www.maf.govt.nz*](http://www.maf.govt.nz)[*www.consumeraffairs.govt.nz*](http://www.consumeraffairs.govt.nz)[*www.standards.co,nz*](http://www.standards.co,nz)[*www.ianz.govt.nz*](http://www.ianz.govt.nz)[*www.jas-anz.com.au*](http://www.jas-anz.com.au)[*www.msl.irl.cri.nz*](http://www.msl.irl.cri.nz) |  |
| *Contact point for further details:* | rosie.byford@med.govt.nz |  |
| ***Customs Procedures*** |  | **Paperless trading**Customs and MAF are currently progressing the development of the Joint Border Management System (JBMS), with the first Tranche to be implemented later in 2012. This will include implementation of Trade Single Window. A business case is being prepared for further developments in 2012 and 2013, including enhancements to Trade Single Window. |
|  | **Adoption of Revised Kyoto Convention**A review of the13 Recommended Practices against which New Zealand has reservations is scheduled to be completed before the end of 2012. |
| **Implementation of the Harmonised System Convention**New Zealand has adopted the HS 2012 nomenclature from 1 January 2012. |  |
|  | **Development of a Compendium of Harmonised Trade Data Elements** Version 3 of the WCO data model will be implemented as part of the JBMS later in 2012. |
| **Other**Since 2007, New Zealand Customs has established mutual recognition arrangements with the United States, Japan and Korea respectively. These arrangements recognise customs security and facilitation programmes, and provide benefits for recognised traders in those markets. |  |
| *Website for further information:*  | www.customs.govt.nz |  |
| *Contact point for further details:* | feedback@customs.govt.nz |  |
| ***Intellectual Property Rights*** | **Trade Marks**Amendments have been made to the Trade Marks Act 2002 to enable New Zealand to implement *the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks* (the Madrid Protocol), accede to the *Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks* (the Nice Agreement) and ratify the *Singapore Treaty on the Law of Trademarks* (the Singapore Treaty). See <http://www.med.govt.nz/business/intellectual-property/trade-marks> | **Trade Marks**A general review of the Trade Marks Regulations 2003 is currently underway. The review is seeking to reduce business compliance costs and, where appropriate, align trade mark registration procedures with Australia. In addition the Madrid Protocol is expected to be implemented by October 2012. The deposit of formal documents of ratification with WIPO for the Singapore Treaty is also expected to occur around October 2012, whilst the process of accession to the Nice Agreement is expected to occur in 2013.  |
|  | **Patents**The Patents Bill 2008, which is will update and repeal the Patents Act 1953, is currently before Parliament and is expected to make progress in 2012 towards enactment and implementation. See <http://www.med.govt.nz/business/intellectual-property/patents/draft-patents-bill> |
|  | **Intellectual Property Office of New Zealand (IPONZ)**IPONZ expects to roll out in 2012 a wholly electronic online application, registration and renewal system for the issuing of patents, trade marks and industrial designs. |
|  | **Protection of Traditional Knowledge**The New Zealand Government is expected to issue a formal response in 2012 to the recommendations contained in the Waitangi Tribunal’s *Report into Claims Concerning New Zealand’ Law and Policy Affecting Maori Culture and Identity*, which was published in 2011. The report recommended a number of changes to intellectual property laws intended to facilitate protection for, and prevent inappropriate use of, Maori traditional knowledge. A copy of the Waitangi Tribunal’s report is available at <http://www.waitangi-tribunal.govt.nz/inquiries/genericinquiries2/florafauna/> |
| **Intellectual property enforcement** The Copyright 1994 has been amended to provide a three-notice regime to assist right holders to more efficiently and effectively address infringements occurring over peer-to-peer file sharing networks. <http://www.med.govt.nz/business/intellectual-property/copyright>Amendments were also made to the Copyright Act 1994 and the Trade Marks Act 2002 to provide the Ministry of Economic Development and the New Zealand Customs Service with warranted and limited non-warranted search and seizure powers to enforce the criminal offences related to copyright piracy and trade mark counterfeiting.<http://www.med.govt.nz/business/intellectual-property/intellectual-property-enforcement/review-of-the-enforcement-of-criminal-offences>New Zealand has become a signatory to the Anti-Counterfeiting Trade Agreement. <http://www.med.govt.nz/business/intellectual-property/intellectual-property-enforcement/anti-counterfeiting-trade-agreement> |  |
|  | **Single Economic Market between Australia and New Zealand**IPAustralia and New Zealand's Ministry of Economic Development have announced a joint work programme to consider options for policy and operational co-ordination in the granting of intellectual property rights in Australia and New Zealand. Two key projects are briefly mentioned below. *Single patent examination process*A single patent examination process is being developed for patent applications in Australia and New Zealand. Under this initiative patent applications for the same invention are to be examined by a single examiner from either Australia or New Zealand. The single examination process will take account of separate national patent laws and will produce two separate Australian and New Zealand patents.*Regulation of patent attorneys*The governments of New Zealand and Australia have agreed to implement a single trans-Tasman registration regime for regulating patent attorneys across Australia and New Zealand. The regime is expected to be implemented in 2013/14. <http://www.med.govt.nz/business/intellectual-property/proposal-for-trans-tasman-regulation-of-patent-attorneys> |
| *Website for further information:*  | www.med.govt.nz |  |
| *Contact point for further details:* | ip.policy@med.govt.nz |  |
| ***Competition Policy*** | Since the last update, and as part of ongoing advocacy initiatives the Commerce Commission has updated and produced new guidelines relating to:* Bid-rigging
* Mergers and acquisitions (process, divestment remedies, failing firms)
* Streamlined authorised process guidelines

The Commerce Commission has also produced a number of factsheets about:* Avoiding illegal agreements
* Commerce Act exemptions
* Recognising and Deterring bid rigging
* Mergers and Acquisitions
* Leniency Policy
* Price-fixing cartels
* Resale price maintenance

For more information see <http://www.comcom.govt.nz/business-competition> | The Commerce (Cartels and Other Matters) Amendment Bill was introduced in October 2011. The Bill introduces criminal sanctions for hard-core cartel conduct and aims to clarify the scope of legitimate collaborative activities via new exemptions and a clearance mechanism. The Bill also implements minor legislative changes that were a consequence of the 2007 review of clearances and authorisations. The Bill is expected to be passed in 2011. For more information see <http://www.med.govt.nz/business/competition-policy/cartel-criminalisation> (and previous IAP update 2007-2009 page 31) |
| **Dairy Industry**The Dairy Industry Restructuring Act (2001) was a specific Act of Parliament introduced to allow for the formation of Fonterra. Upon its creation, Fonterra collected approximately 96% of New Zealand's milk production. Given this market position it was necessary for the government to regulate Fonterra to ensure that New Zealand dairy markets are contestable and efficient.The DIRA has market share thresholds that specify the expiry of the pro-competitive provisions. As a result of a review, the Government reset the market share thresholds. This has the effect of extending the application of pro-competitive provisions placed on Fonterra. See <http://www.maf.govt.nz/agriculture/pastoral/dairy/dairy-industry-restructuring-act.aspx> | **Dairy Industry**Throughout 2011, the Ministry of Agriculture and Forestry (MAF) led reviews of farm gate milk price setting, the Raw Milk Regulations, and the appropriate regulatory regime to accompany Fonterra’s proposed capital restructure. These work streams are each looking at separate issues, but all aim to ensure the long term growth and dynamic efficiency of New Zealand's dairy industry. MAF is currently consulting publicly on the preferred options in combination. After the public consultation process is completed, options will be presented to the Government for consideration, which may result in legislative or other amendments being made. See [http://www.maf.govt.nz/news-resources/consultations/reviews-of-fonterra’s-farm-gate-milk-price-setting](http://www.maf.govt.nz/news-resources/consultations/reviews-of-fonterra%27s-farm-gate-milk-price-setting) |
| **Telecommunications**In 2011, major changes were made to the Telecommunications Act 2001, which included the vertical structural separation of the dominant telecommunications company, Telecom New Zealand, into a network infrastructure provider and a retail services provider. The initiatives will ensure increased competition in the telecommunications sector through the provision by the infrastructure providers of open access at the network level.See <http://www.med.govt.nz/sectors-industries/technology-communication>  |  |
| **Energy***Electricity*The Electricity Industry Act 2010 improved regulatory efficiency in the electricity sector by increasing the independence of the electricity regulator – the Electricity Authority (previously the Electricity Commission) and by reducing the scope of its objective to that of promoting competition in, reliable supply by, and the efficient operation of, the electricity industry for the long term benefit of consumers. Functions previously performed by the regulator such as grid upgrade approvals and energy efficiency were transferred to other appropriate agencies. | **Energy***Electricity*New Zealand is seeking to reduce government ownership in state owned energy companies. A bill to enable partial private ownership (up to 49%) of state owned energy companies is under development. |
| *Website for further information:*  | [www.med.govt.nz](http://www.med.govt.nz)[www.comcom.govt.nz](http://www.comcom.govt.nz) [www.maf.govt.nz](http://www.maf.govt.nz) |  |
| *Contact point for further details:* | Melanie.porter@med.govt.nz |  |
| ***Government Procurement*** | All-of-government contracts have been established for computers, office consumables, print devices, vehicles, external legal services, and air travel.Single access e-commerce portal “eMarketplace” established (outsourced) to provide agencies access to catalogues of multiple suppliers’ products available under the All-of-government contracts.RFP issued for solution/provider for improved Government Electronic Tenders Service (GETS).Government Model Contracts issued (1st and 2nd editions). Launch of the New Zealand Procurement Academy. |  |
| *Website for further information:*  | www.procurement.govt.nz |  |
| *Contact point for further details:* | procurement@med.govt.nz |  |
| ***Deregulation/Regulatory Review*** | Reviews of existing regulation * Productivity Commission established, with draft reports on inquiries into housing affordability and international freight released for consultation.
* Regulatory scanning system , where departments look at and periodically report on the regulation they are responsible for, continued
* 13 major regulatory reviews completed: Electricity Reforms; Telecommunications; Weathertight Homes; Regulatory Barriers to Export Growth; Overseas Investment Act; Employment Relations Act; Dairy Restructuring (Raw Milk); Resource Management Act (phase I); Air Quality Standards; Holidays Act; Capital Markets; Statutory Review of ETS; Foreshore and Seabed Act
* All regulatory regimes subject to a high-level assessment against principles for best-practice regulation, to identify areas of concern. The principles used for the assessment are: growth supporting; proportionate; flexible and durable; certain and predictable; transparent; and capable regulator.
* Regulatory Reform portfolio Minister appointed
* Business cost calculator introduced

Reviews of new or proposed regulation* RIA regime, including requirements for Regulatory Impact Statements, enhanced as outlined in the *2010 Factsheet* and now being used systematically.
* Annual regulatory planning system maintained and improved with the introduction of more strategic plans covering a longer time period for large regulatory departments.
 | Reviews of existing regulation * 8 reviews on the current regulatory review programme: Resource Management Act (housing); Water Management; Local Government; Accident Compensation; Building Regulation; Securities Markets; Consumer Protection; Food Regulation (Domestic).
* A refresh of the regulatory review programme and the *Government Statement on Regulation* will be considered by Cabinet in March 2012

Reviews of new or proposed regulationA Regulatory Standards Bill is intended to be passed by December 2012. The Bill will:* Require that explanatory notes for bills and regulations specify certain information and answer certain questions of particular relevance to the fundamental quality of legislation (eg “does this piece of legislation impose obligations retrospectively?”) and provide an explanation for “yes” answers to the relevant questions;
* Increase the emphasis on Parliament’s role as a regulatory gatekeeper with increased support for that role; and
* Provide for other supporting elements.
 |
| *Website for further information:*  | [www.treasury.govt.nz/economy/regulation](http://www.treasury.govt.nz/economy/regulation) |  |
| *Contact point for further details:* | Kirsty FlannaganManager, Regulatory Quality TeamTreasury Kirsty.flannagan@treasury.govt.nz |  |
| ***Implementation of WTO Obligations/ROOs*** | *No change since last update. See RTAs section below* |  |
| *Website for further information:*  | [*www.mfat.govt.nz/Trade-and-Economic-Relations/NZ-and-the-WTO/index.php*](http://www.mfat.govt.nz/Trade-and-Economic-Relations/NZ-and-the-WTO/index.php) |  |
| *Contact point for further details:* | *Trade Negotiations Division, Ministry of Foreign Affairs and Trade:* *dm-tnd@mfat.govt.nz* |  |
| ***Dispute Mediation*** | **Disputes between Governments**Since 2010, the Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area has entered into force for all Parties, as has the Malaysia-New Zealand Free Trade Agreement. In addition, New Zealand has concluded negotiations on the NZ- Hong Kong, China, closer Economic Partnership Agreement, which has also entered into force. These Agreements include dispute settlement provisions for State-State disputes, which involve consultations followed by recourse to arbitration. The possibility of good offices, conciliation and mediation as an alternative is also offered. New Zealand has participated in the WTO Dispute Settlement Understanding Review and in WTO Dispute Settlement proceedings. See <http://www.mfat.govt.nz/Treaties-and-International-Law/02-Trade-law-and-free-trade-agreements/NZ-involvement-in-trade-disputes.php>  | **Disputes between Governments** New Zealand is currently negotiating the following agreements, and expects that they will provide for dispute settlement mechanisms similar to those in New Zealand’s existing free trade and investment agreements:* The Trans-Pacific Partnership (TPP) negotiations with Australia, Brunei Darussalam, Chile, Malaysia, Peru, Singapore, United States, Vietnam to create a regional free trade agreement (with the potential for further partners to join), in line with the high quality benchmarks set by the original Trans Pacific Strategic Economic Partnership (P4) Agreement;
* An investment protocol with Hong Kong, China;
* A free trade agreement with India;
* A free trade agreement with Russia, Belarus and Kazakhstan;
* A free trade agreement with Korea.

NZ and the Gulf Cooperation Council have concluded negotiations on a free trade agreement, the text of which includes dispute settlement mechanisms.New Zealand has also concluded negotiations on the Protocol on Investment to the New Zealand-Australia Closer Economic Relations Agreement, which has been signed but has not yet entered into force. Consistent with other CER instruments, and reflecting the close and unique relationship between Australia and New Zealand, this Agreement includes provisions for consultations between the Parties only. New Zealand has concluded negotiations on the Anti-Counterfeiting Trade Agreement, which has been signed but has not yet entered into force. This Agreement provides for a consultation mechanism between Parties, but does not provide for further dispute settlement mechanisms.New Zealand continues to work towards the entry into force of the Agreement between the Government of New Zealand and the Government of Australia on Trans-Tasman Court Proceedings and Regulatory Enforcement (the TTCP). Implementing legislation was enacted in New Zealand and Australia in 2010 (Trans-Tasman Proceedings Act 2010). Officials in each country are working closely together on the regulations and court rules necessary to bring the legislation and agreement into force. We are hopeful this will be in the first part of 2012. This will streamline the process for resolving civil court proceedings with a trans-Tasman element to reduce costs and improve efficiency, and reduce impediments to enforcing certain judgements and regulatory sanctions. New Zealand will continue to participate in the WTO Dispute Settlement Understanding Review.  |
| Disputes between Governments and Private Entities:Since 2010, the Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area has entered into force for all Parties, as has the Malaysia-New Zealand Free Trade Agreement. These agreements include investor-State dispute settlement provisions for settling investment disputes between a Party and an investor of another Party, including through consultations (and negotiation in the case of the MNZFTA), followed by recourse to arbitration.  |  |
| *Website for further information:*  | *New Zealand Legislation can be accessed on the website:* [*www.legislation.govt.nz*](http://www.legislation.govt.nz)*, including the Arbitration Act 1996 and the Arbitration (International Investment Disputes) Act 1979**The texts of most bilateral and plurilateral treaties that New Zealand has entered into can be obtained through the MFAT website:* [*www.mfat.govt.nz*](http://www.mfat.govt.nz)*, or through* [*www.nzlii.org*](http://www.nzlii.org)*. Multilateral treaties can be accessed through* [*http://treaties*](http://treaties)*.un.org**Arbitrators’ and Mediators’ Institute of New Zealand:* [*www.aminz.org.nz*](http://www.aminz.org.nz) |  |
| *Contact point for further details:* | wln-lgl@mfat.govt.nz |  |
| ***Mobility of Business People*** | The New Zealand Immigration Act 2009 substantially came into effect in November 2010.  It replaces the Immigration Act 1987 and modernises New Zealand’s immigration legislation but has little impact in the area of mobility of business people. Chinese Taipei was added to New Zealand's visa waiver scheme in November 2009. | A significant investment in Immigration New Zealand’s IT system was recently announced which will significantly improve Immigration New Zealand's ability to provide timely, responsive and secure immigration services.The new Immigration Global Management System (IGMS) will enable more online processing and automation of simple tasks for clients and employers and the ability for all data to be accessed by INZ offices worldwide. The system will also provide biometric capability which offers significant improvement in identity management and enhanced security. Customers applying for visas will also have their own individual online immigration accounts that will enable them to enter all their details online and track progress on their applications. Implementation of IGMS is scheduled to begin in early 2012, with full implementation expected by 2015.  |
| *Website for further information:*  | [*http://www.immigration.govt.nz*](http://www.immigration.govt.nz) |  |
| *Contact point for further details:* | *Cecily Lin**Senior Adviser, International / Legal and International Group / Department of Labour**Cecily.lin@dol.govt.nz* |  |
| ***Official websites that gather economies’ information*** | Information, images and resources from all New Zealand government agencies and government funded sites is available at the New Zealand Government Portal:[*www.newzealand.govt.nz*](http://www.newzealand.govt.nz)Statistics New Zealand Tatauranga Aotearoa is a government department and New Zealand’s national statistical office, which administers the Statistics Act 1975 and leads the Official Statistics System:[*http://www.stats.govt.nz/*](http://www.stats.govt.nz/) The Economic Division of the Ministry of Foreign Affairs and Trade is the Ministry's primary source of a range of trade-related data, including bilateral trade flows in merchandise goods and services, and the main liaison point for work with Statistics New Zealand on trade data issues. See <http://mfat.govt.nz/Trade-and-Economic-Relations/Trade-and-economic-analysis/index.php> Tourism research and data is available on the Ministry of Economic Development website at <http://www.med.govt.nz/sectors-industries/tourism/tourism-research-data>  |  |
| *Website for further information:*  | As above. |  |
| *Contact point for further details:* | Dm-ard@mfat.govt.nz |  |
| ***Transparency******Note: See APEC Transparency Standards for full list of general and specific transparency elements for completion of this section.*** | **General Principle 1***Acts and Regulations*Under the Acts and Regulations Publication Act 1989, all New Zealand legislation must be published and offered for sale at a reasonable price. Official copies of legislation can be purchased from [Legislation Direct](http://www.legislationdirect.co.nz/) [www.legislation.govt.nz](http://www.legislation.govt.nz) or selected bookshops. Legislation can also be viewed and downloaded free of charge at Legislation Direct [www.legislation.govt.nz](http://www.legislation.govt.nz) but the electronic versions of legislation on this website, and any legislation printed from this website have no official status and are made available for information only and should not be relied on as the authoritative text.Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force are published by the Parliamentary Counsel Office. These list all principal Acts and Statutory Regulations in force a 1 January for a given year, and the amendments that have been made to them. This annual publication is available in hard copy format only from Legislation Direct ([www.legislation.govt.nz](http://www.legislation.govt.nz)). The electronic version of the Tables was withdrawn from 31 March 2008 because the functions previously provided by the electronic version are now provided by Legislation Direct ([www.legislation.govt.nz](http://www.legislation.govt.nz)). A list of deemed regulations is maintained on the Parliamentary Counsel Office website and is updated monthly. See <http://www.pco.parliament.govt.nz/> All statutory notices must be published in the New Zealand Government’s official newspaper, the New Zealand Gazette. The Gazette also publishes all parliamentary notices. The Gazette is published weekly, and is available to be printed or downloaded at [www.dia.govt.nz](http://www.dia.govt.nz) *Procedures and Administrative rulings of general application*The Official Information Act provides access to information, written or otherwise, held by Ministers of the Crown government departments, Crown entities, Crown companies and some other organisations. Anyone who is in New Zealand can request official information. New Zealand citizens overseas and corporate bodies with a place of business in New Zealand can also apply. See <http://www.justice.govt.nz/publications/global-publications/o/official-information-your-right-to-know> A similar procedure exists under the Local Government Official Information and Meetings Act 1987 for requesting official information from local government. Judicial Decisions Online provides a searchable database of judgments and decisions sourced from New Zealand Courts. Decisions from the following New Zealand Courts are available:* Supreme Court (all)
* Court of Appeal (cases from 2003)
* High Court (cases from 2005)

The purpose of Judicial Decisions Online is to make a greater number of New Zealand’s Higher Courts’ judicial decisions and the reasoning behind them, available to the public as efficiently and widely as possible. Judicial decisions of particular public interest may be published on the internet on the Decisions of Public Interest site immediately following delivery. Decisions are published on the JDO site following delivery to the parties but no earlier than three days after the decisions are given. See <http://www.courtsofnz.govt.nz/front-page/from/decisions/judgments>  | **General Principle 1***Acts and Regulations* It is intended that the legislation on www.legislation.govt.nz will become an official source of New Zealand legislation in the future. This involves two steps. Firstly, the Parliamentary Counsel Office is officialising the material, giving it semi-official status. Officialised material has been confirmed as being an accurate and authoritative version of legislation. The intention is that officialisation will be completed by the end of the 2012/13 year. Secondly, when it is completed, the Parliamentary Counsel Office intends to promote legislation to make the New Zealand Legislation website an official source of legislation. |
| **General Principle 2**Printed copies of bills that have been introduced to the House of Representatives may be purchased from Legislation Direct, or selected retail outlets. Bills and reports on parliamentary debates on bills are also available free to browse and download at [www.legislation.govt.nz](http://www.legislation.govt.nz). Regulations will not come into force, except in extraordinary circumstances, until 28 days after notification in the Gazette, (see General Principle 1 above). See <http://cabguide.cabinetoffice.govt.nz/context/definitions/28-day-rule> Public input to legislative proposals is achieved by the select committees of the House of Representatives publishing newspaper and website notices about proposed legislation and inviting submissions from the public. See <http://www.parliament.nz/en-NZ/AboutParl/GetInvolved/> A similar consultation process exists at local government level. See <http://www.localcouncils.govt.nz/lgip.nsf/wpg_url/About-Local-Government-Participate-in-Local-Government-Index> Consultation is also usually undertaken with interested stakeholders during the policy development phase prior to the drafting of legislation. Opportunities for public participation in policy development are advertised on <http://newzealand.govt.nz/participate/> as well as the websites of government departments. |  |
| **General Principle 3**For New Zealand citizens, the *Official Information Act* and *Local Government Official Information and Meetings Act* (see above) provide the avenue to request and receive information on both actual and proposed measures. Enquiries from other Economies can be dealt with through inter-governmental consultative channels or by direct approach to the responsible agency. |  |
| **General Principle 4**New Zealand conducts its administrative proceedings applying the measures in paragraph 1 in an open manner and in accordance with the guidelines in General Principle paragraph 4. Courts will require all reasonable measures to ensure that non-resident parties directly affected by a proceeding are given reasonable notice of the details of the proceeding, and are afforded an opportunity to present arguments in support of their position. |  |
| **General Principle 5**Individuals affected by administrative actions can apply to the relevant body noted below:Office of the OmbudsmanThis office can review any decision or recommendation made, or act done by, a central or local government department or organisation which affects any person or body of persons in their personal capacity. It can also review decisions to decline to release, either in full or in part, official information under the Official Information Act 1982.See <http://www.ombudsmen.parliament.nz> Judicial Review This process enables the High Court to review the exercise (or refusal to exercise) of any statutory power of decision, and to determine whether that decision or action is unauthorized or invalid. These reviews relate to the procedures, not the substance, of the decisions. Office of the Auditor-GeneralThe Auditor-General may examine the extent to which a public entity is carrying out its activities effectively and efficiently; a public entity’s compliance with its statutory legislation; any act or omission of a public entity in order to determine whether waste has resulted or may have resulted or may result; and any act or omission showing or appearing to show a lack of probity or financial prudence by a public entity or one or more of its members, office holders and employees. The Auditor-General may also inquire, either on request or on the Auditor-General’s own initiative, into any matter concerning a public entity’s use of its resources. See <http://www.oag.govt.nz/> State Services CommissionThe State Services Commissioner sets minimum standards of integrity and conduct which are to apply in a government department or a Crown entity, and agencies must comply with such standards. See <http://www.ssc.govt.nz/integrityandconduct>  |  |
| *Note: Information provided against each sector-specific transparency standard compliments the information provided under the General Transparency Principles above.* | Transparency Standard 1: ServicesThe New Zealand government website ([www.newzealand.govt.nz](http://www.newzealand.govt.nz)) and the business portal [www.business.govt.nz](http://www.business.govt.nz) offer a range of information on government policies and procedures relevant to service providers.In addition, information on licensing procedures is available from the websites of the relevant licensing / registration boards. A summary of these is available at: <http://www.immigration.govt.nz/migrant/stream/work/skilledmigrant/LinkAdministration/ToolboxLinks/registrationauthorities.htm> In New Zealand services sectors are governed by a range of government or industry bodies. The enquiry point for queries regarding New Zealand’s GATS and FTA commitments is the Trade Negotiations Division of the Ministry of Foreign Affairs and Trade: dm-tnd@mfat.govt.nzContact details for other relevant government agencies please visit the New Zealand government website ([www.newzealand.govt.nz](http://www.newzealand.govt.nz)) and the business portal [www.business.govt.nz](http://www.business.govt.nz).For industry-specific queries, contact details for the relevant industry body are available at: <http://www.immigration.govt.nz/migrant/stream/work/skilledmigrant/LinkAdministration/ToolboxLinks/registrationauthorities.htm> As a matter of best practice, New Zealand agencies aim to respond to authorisation and licensing applications in as timely manner as possible, to respond to queries as to application status and to inform applicants of the decision concerning their application.  This is reinforced by administrative law, which allows for judicial review of the procedural aspects of government agency decision-making.The times and costs of examinations required as part of the application process for a license or authorisation are disclosed as a matter of practice.New Zealand’s regulation of services is conducted in a reasonable, objective and impartial manner. |  |
| Transparency Standard 2: InvestmentNew Zealand operates a liberal and transparent foreign direct investment regime.  New Zealand’s designated contact point for foreign investment enquiries is the Overseas Investment Office (<http://www.linz.govt.nz/overseas-investment/about-oio>). Detailed information about the regime’s requirements and criteria, including information on guidelines for screening investments and on relevant application and registration procedures, as well as the current directions from Government to the Overseas Investment Office (OIO), are publicly available at [www.linz.govt.nz/overseas-investment](http://www.linz.govt.nz/overseas-investment) Information about the laws and regulations relevant to New Zealand’s overseas investment regime are available at: <http://www.linz.govt.nz/overseas-investment/about-oio/legislation-delegations> Investors and potential investors can appeal decisions of the Overseas Investment Office to the High Court of New Zealand. They can also seek judicial review of Ministers’ decisions and have access to non-litigious methods of dispute resolution. Information on New Zealand’s investment promotion programmes is available on the Trade and Enterprise New Zealand website:<http://business.newzealand.com/auspac/en/invest-in-new-zealand/>New Zealand supports the inclusion of transparency provisions in its investment agreements with other countries. See for example: Article 146 of the China – New Zealand Free Trade Agreement and Article 15 of the Protocol on Investment to the New Zealand – Australia Closer Economic Relations Trade Agreement. (The text of these agreements is available at [www.mfat.govt.nz](http://www.mfat.govt.nz))  |  |
| Transparency Standard 3: Competition Law and Regulatory ConformanceThe Commerce Commission is New Zealand's primary competition regulatory agency. The Commerce Commission’s adjudicative decisions are published and can be accessed at the Commission’s website [www.comcom.govt.nz/](http://www.comcom.govt.nz/)Under section 25 of the Commerce Act (available at [www.legislation.govt.nz](http://www.legislation.govt.nz)), the Commerce Commission is also subject to the duty to disseminate information in relation to: (a) its functions and powers under the Act; and (b) the provisions of the Act itself. Appeals of Commerce Commission determinations under the Commerce Act can be made to the High Court. The Commerce Commission’s decisions are also subject to judicial review. The High Court is responsible for hearing all claims for relief in respect of beaches of the Commerce Act. The Commission has entered into a number of arrangements with overseas agencies that have responsibility for enforcement of comparable competition and consumer protection laws. These generally provide for co-operation between the agencies on matters of common interest, including:* notification relating to activities that impact on the other jurisdiction;
* co-ordination of enforcement activities;
* exchange of information in certain circumstances; and
* joint educational programmes and publications.
 |  |
| Transparency Standard 4: Standards and ConformanceIn addition to information available through more general channels described above, some information is also available from New Zealand’s standards and conformance infrastructure bodies. (See <http://www.med.govt.nz/business/standards-conformance/organisations-involved-with-the-standards-and-conformance-system>) * Standards New Zealand: [www.standards.co.nz](http://www.standards.co.nz/)
* International Accreditation New Zealand: [www.ianz.govt.nz](http://www.ianz.govt.nz/)
* Joint Accreditation System of Australia and New Zealand: [www.jas-anz.com.au](http://www.jas-anz.com.au/)
* Measurement Standards Laboratory of New Zealand: [www.irl.cri.nz/msl](http://www.irl.cri.nz/msl)
* Measurement and Product Safety Service: <http://www.consumeraffairs.govt.nz/about-mca/what-we-dont-do-and-who-can-help/copy_of_measurement-and-product-safety-service>

Information is also notified to the WTO through two New Zealand Inquiry Points: the WTO TBT Notification Point (service provided by Standards New Zealand [www.standards.co.nz](http://www.standards.co.nz/)) and the WTO SPS Notification Point (service provided by the Ministry of Agriculture and Forestry [www.maf.govt.nz](http://www.maf.govt.nz/)). The WTO TBT and SPS Notification Points are responsible for promoting awareness of and compliance with the transparency provisions of the WTO TBT and SPS Agreements.  |  |
| Transparency Standard 5: Intellectual Property RightsProcedures concerning the protection of IPR in New Zealand are published on the Internet. See <http://www.med.govt.nz/business/intellectual-property> and [www.iponz.govt.nz](http://www.iponz.govt.nz/).Information on enforcement of intellectual property is available on <http://www.med.govt.nz/business/intellectual-property/intellectual-property-enforcement/enforcing-your-intellectual-property-rights>Procedures regarding border protection enforcement are available on the Customs website. See <http://www.customs.govt.nz/news/utilities/Pages/copyright.aspx> Policy development and legislative changes to IP legislation are always subject to extensive public consultation. See <http://www.med.govt.nz/business/intellectual-property>Proposed changes to examination practice procedures are published by IPONZ on their website [www.iponz.govt.nz](http://www.iponz.govt.nz/).  |  |
| Transparency Standard 6: Customs ProceduresInformation on New Zealand’s customs procedures and policies as they affect the trading community and the general public is regularly being loaded on to the New Zealand Customs Service (NZCS) website ([www.customs.govt.nz](http://www.customs.govt.nz)). NZCS will, on application made in accordance with mandated procedures, provide advance rulings on tariff classification, excise classification, Tariff concession and country of origin.See <http://www.customs.govt.nz/news/resources/factsheets/Documents/Fact%20Sheet%2023.pdf> NZCS does not provide advance rulings on country of origin labelling requirements. Guidance on this matter is provided by the Commerce Commission [www.comcom.govt.nz/](http://www.comcom.govt.nz/)NZCS does not provide advance rulings on admissibility requirements but will give guidance on the application of the relevant legislation.New Zealand does not provide importers with the right to a level of administrative review independent of the employee or office issuing the determination subject to review. See <http://www.customs.govt.nz/about/contactus/Pages/Make-a-complaint.aspx> Importers do however have the right to a review of such matters by a judicial authority by way of an appeal to the Customs Appeal Authority, an independent judicial body administered by the Ministry of Justice. See <http://www.justice.govt.nz/tribunals/customs-appeal-authority> Decisions of the Customs Appeal Authority Department may, in turn, be appealed to the High Court.NZCS maintains a National Call Centre which is a contact point to which interested parties can address questions concerning Customs matters. See <http://www.customs.govt.nz/about/contactus/Pages/default.aspx> The following telephone numbers are monitored 24 hours a day, 7 days a week.* Within New Zealand free phone 0800 428 786 (0800 4 CUSTOMS)
* Calling from Australia free phone 1800 301 861
* Calling internationally +64 9 927 8036

Enquiries may also be made by fax and email, but these are only monitored during business hours from Mon-Fri (excluding public holidays) between the hours of 7:00am and 6:00pm:* Fax +64 9 927 8019
* Email: feedback@customs.govt.nz
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| Transparency Standard 7: Market AccessThe primary source of information on New Zealand tariff rates is The Working Tariff Document of New Zealand. The Tariff of New Zealand is a consolidated document from two legislative bases, namely – the Tariff Act 1988 and the Customs & Excise Act 1996, and contains details of normal and preferential tariff rates, including preferences under applicable FTAs/RTAs. The Tariff Amendment Act 2009 changed the basis of the Tariff from Schedule 1 of the Tariff Act 1988 to a certified copy of The Working Tariff Document at 1 January 2010 from which Tariff amendments, modifications, or revocations and replacements are made. See <http://www.customs.govt.nz/news/resources/tariff/theworkingtariffdocument/Pages/default.aspx> The tariff schedules of FTAs/RTAs are published at<http://www.mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/index.php> Information and the legislation which governs the New Zealand’s import regime is available at <http://www.customs.govt.nz/incommercial/Pages/default.aspx> or at [www.legislation.govt.nz](http://www.legislation.govt.nz/). |  |
| Transparency Standard 8: Business MobilityNew Zealand aims for its processes to be as user-friendly as possible. Information on all processes (along with application forms) is available on the Immigration New Zealand (INZ) website [www.immigration.govt.nz](http://www.immigration.govt.nz/)In addition, information on more specific procedures is available from the websites of the relevant agencies, e.g. for information on passenger arrival procedures, see <http://www.customs.govt.nz/inprivate/onyourarrival/Pages/default.aspx> INZ operates a National Contact Centre and has offices throughout New Zealand and in a number of off-shore locations. The INZ National Contact Centre can be reached on +64 9 914 4100, or online at  [http://www.immigration.govt.nz/migrant/general/generalinformation/contactus//](http://www.immigration.govt.nz/migrant/general/aboutNZIS/contactus/)NZ procedures for decision making are consistent with APEC standards with regard to transparency, processing times, training, and quality control reviews. See <http://www.immigration.govt.nz/migrant/general/generalinformation/operationalmanual/> With regard to review mechanisms, Immigration New Zealand’s Quality Assurance Processes provide the relevant monitoring procedures. See <http://www.immigration.govt.nz/migrant/general/generalinformation/media/qap.htm> All INZ managers have performance management standards that cover expected behaviour, and training is provided on their responsibilities around the promotion and monitoring of ethical practices and integrity. Selection criteria concerning leadership include requirements with regard to professional conduct. An induction programme is held for all new managers covering requirements in terms of accountability and professional conduct. Information regarding the treatment of immigration fraud is available at: <http://www.immigration.govt.nz/migrant/general/generalinformation/immigrationfraud/> Immigration fraud can be reported anonymously by calling Crimestoppers on 0800 555 111 or filling out an online form at <https://secure.crimestoppers-uk.org/ams.form.anonymous.asp>  |  |
| Transparency Standard 9: Government ProcurementGovernment procurement in New Zealand generally operates within a devolved public sector management framework established by broad legislation such as the State Sector Act 1988 and the Public Finance Act 1989. In the particular area of transport infrastructure procurement, the Land Transport Management Act 2003 requires transport authorities to follow specific competitive procurement procedures approved by the New Zealand Transport Agency. All legislation is published and may be accessed via the Legislation Direct website [www.legislation.govt.nz](http://www.legislation.govt.nz/). The procurement principles, rules and policies that apply in New Zealand are available at <http://www.business.govt.nz/procurement/for-suppliers/key-guidance-for-suppliers/procurement-principals-rules-and-policy>Mandatory Rules for Procurement by Departments issued by Cabinet direction in 2006 apply to a specified range of central government agencies. The rules cover issues such as information to be made available to suppliers, maintenance of transparency criteria for evaluating bids, awarding contracts in a transparent manner, and disclosure of confidential information/protection of commercially sensitive information.These rules are available at: <http://www.business.govt.nz/procurement/for-agencies/key-guidance-for-agencies/principles-rules-and-the-law> See also “Government Procurement in New Zealand: Policy Guide for Purchasers” <http://www.business.govt.nz/procurement/pdf-library/government-procurement-in-new-zealand-policy-guide-for-purchasers-government-procurement-in-new-zealand-august-2007.pdf> The Office of the Controller and Auditor General has also published non-mandatory guidelines on good procurement practice. These are available at <http://www.oag.govt.nz/2008/procurement-guide> New Zealand has no comprehensive official journal on government procurement, but procurement information is published and updated on the internet and accessible via [www.procurement.govt.nz](http://www.procurement.govt.nz/) Regional and local government authorities are encouraged to conduct their procurement in a transparent manner and to apply the central government rules and guidelines as appropriate. In transport infrastructure procurement, regional and local authorities are required to follow competitive procedures prescribed by Land Transport NZ under the Land Transport Management Act 2003, which include transparency. Any procurement rules that are proposed to be adopted will be made available to interested parties through the Ministry of Economic Development website [www.procurement.govt.nz](http://www.procurement.govt.nz/). Any questions pertaining to actual or proposed rules, or any requests for information can be sent to procurement@med.govt.nz for response by the Government Procurement Solutions group in the Ministry of Economic Development.Any administrative proceedings applying to any procurement rule would be carried out in accordance with the domestic law and the principles of due process and transparency, including reasonable notice to affected parties and reasonable opportunity to present their positions. Judicial review of administrative actions relating to procurement is available within the jurisdiction of the court.The Auditor-General may review, report and make recommendations to Parliament on procurement–related administrative actions.The Ombudsmen may similarly review and report to government on procurement-related administrative actions. In all cases, the principles of due process would be followed. Central agencies covered by the Mandatory Rules for Procurement by Departments must publish all open tender opportunities (which includes all valued at or above NZ$100,000 for goods and services and at or above NZ$10 million for construction services) on the Government Electronic Tenders Service (GETS) website: [www.gets.govt.nz](http://www.gets.govt.nz/) All other agencies are encouraged to do the same, and are increasingly using GETS. GETS is available to all potential suppliers. Agencies are also required to publish annual procurement plans on the www.procurement.govt.nz website. Covered agencies maintaining lists of pre-qualified suppliers for non-public bidding opportunities are required to publish on GETS contact details for suppliers wishing to apply to qualify. Early advice of complex high-value procurement can be found on the GETS website. Agencies are encouraged as a matter of good practice to use staged procurement procedures where appropriate, and to allow time for responses that is reasonable and adequate in the circumstances. For agencies covered by the Mandatory Rules for Procurement by Departments, there is an absolute minimum of 10 working days. The Mandatory Rules also require covered agencies to publish pre-qualification requirements and time limits, and other agencies should do so as a matter of good practice as set out in the Auditor-General’s guidelines.  | Information on reforms of government procurement in New Zealand is available at: <http://www.business.govt.nz/procurement/procurement-reform/about-the-reform>  |
| *Website for further information:*  | [www.newzealand.govt.nz](http://www.newzealand.govt.nz)  |  |
| *Contact point for further details:* | Dm-ard@mfat.govt.nz |  |

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| **RTAs/FTAs**  |
| ***-*** ***Description of current agreements*** | New Zealand has concluded the following agreements:**Malaysia-New Zealand Free Trade Agreement**The Malaysia-New Zealand FTA was signed in October 2009. The FTA builds on the benefits both countries secured during the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) negotiations. New Zealand will provide Malaysia 100% tariff elimination by the end of 2016. The FTA also liberalises and facilitates trade in goods, services and investment between New Zealand and Malaysia. More information and the full text of the agreement can be found at: <http://www.mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/Malaysia/index.php>**Hong Kong, China-New Zealand Closer Economic Partnership**The Hong Kong, China-New Zealand Closer Economic Partnership Agreement was signed in March 2010 and entered into force on 1 January 2011. It contains measures to improve business flows and promote cooperation in a broad range of economic areas of mutual interest such as goods, services, investment, government procurement, TBT, SPS, and customs cooperation. It is supported by legally-binding side agreements on Labour and Environment. A legally-binding side agreement was also secured to negotiate an Investment Protocol within two years of entry into force. More information and the full text of the agreement can be found at: <http://www.mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/Hong-Kong/index.php> |
| ***- Agreements under negotiation*** | *Please provide information on agreements that are currently under negotiation eg issues being covered in the negotiation and the status of the negotiation.*  |
|  | ***Agreement #1*** | **Gulf Cooperation Council (GCC)-New Zealand FTA**Officials from New Zealand and the six Member States of the Gulf Cooperation Council (GCC) concluded substantive negotiations on the text of a Free Trade Agreement in October 2009 following six rounds of negotiations. That text awaits legal verification and signature before ratification by the governments of New Zealand and GCC Member States - made up of Bahrain, Oman, Kuwait, Saudi Arabia, the UAE and Qatar - and then entry into force.  |
| ***Agreement #2*** | **Republic of Korea-New Zealand FTA**Four rounds of bilateral FTA negotiations between New Zealand and the Republic of Korea have taken place since June 2009. No negotiating rounds took place in 2011. |
| ***Agreement #3*** | **India-New Zealand FTA**Seven rounds of negotiations have now been held, the most recent in January in Wellington. The New Zealand and Indian Prime Ministers and Trade Ministers last year confirmed their wish to conclude negotiations quickly. The next round is currently scheduled for March 2012 and conclusion of the agreement is anticipated before the end of 2012. |
| ***Agreement #4*** | **Russia, Belarus & Kazakhstan-New Zealand FTA**Four rounds of negotiations were held in 2011 and a fifth round is scheduled to be held in March 2012 in Wellington. Good progress has been made in discussions on the chapters of goods access, customs procedures, sanitary and phytosanitary issues, rules of origin, and services and investment. Initial discussions have also been held on technical barriers to trade, intellectual property, and dispute settlement. The parties are on track to achieve the shared objective of completing negotiations during the first half of 2012. |
| ***Agreement #5*** | **The Trans-Pacific Partnership (TPP)**TPP aims to create a regional FTA involving nine Asia Pacific countries: Australia, Brunei Darussalam, Chile, Peru, Singapore, the United States, Viet Nam and New Zealand. Ten rounds of negotiations have taken place since March 2010 and the next round will be in Melbourne in March 2012.  |
| ***Agreement #6*** | **Pacer Plus**In the PACER (Pacific Agreement on Closer Economic Relations) Plus negotiations, Australia and New Zealand are negotiating with Forum Island Countries. Three officials’ meetings have taken place since negotiations were launched by Pacific Forum Leaders in late 2009. The fourth meeting is scheduled for late March 2012. Discussions so far have been aimed at building confidence, and are currently concentrating on customs procedures, rules of origin, and labour mobility. |
| ***-*** ***Future plans*** |  |
| *Website for further information:*  | www.mfat.govt.nz |
| *Contact point for further details:* | Dm-ard@mfat.govt.nz |

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| ***Other voluntary reporting areas*** | Since 2009, New Zealand has concluded legally-binding side agreements on Labour and Environment in the context of our FTAs with two APEC economies Malaysia and Hong Kong, China, consistent with the Framework adopted by the New Zealand government in 2001 to incorporate labour and environmental issues into our FTAs. The core elements are cooperation, consultation and agreed common principles on trade and labour, and trade and environment. The relevant government agencies are beginning to implement cooperation under these agreements. |  |
| *Website for further information:*  | www.mfat.govt.nz |  |
| *Contact point for further details:* | Dm-ard@mfat.govt.nz |  |