| **Individual Action Plan Update for New Zealand for 2014** |
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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 2012 IAP** | **Further Improvements Planned** |
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| ***Tariffs*** | In October 2013, the Government decided that tariffs will remain unchanged until at least 30 June 2017, except where they are being reduced through trade agreements.  An Agreement on Economic Cooperation Between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (ANZTEC) entered into force on 1 December 2013. Most New Zealand tariffs for goods imported under ANZTEC were eliminated on entry into force, except for tariffs on glass jars, some textiles, and some plastic and steel products which will be eliminated in 2017. | The next government review of tariff levels will take place in 2016 to consider whether to vary overall tariff levels after 2017. |
| *Website for further information:* | [*http://www.med.govt.nz/business/trade-tariffs/tariffs-in-new-zealand/new-zealand-tariffs*](http://www.med.govt.nz/business/trade-tariffs/tariffs-in-new-zealand/new-zealand-tariffs)  [*http://www.customs.govt.nz/incommercial/tariffandconcessions/tariffconcessions/Pages/default.aspx*](http://www.customs.govt.nz/incommercial/tariffandconcessions/tariffconcessions/Pages/default.aspx) |  |
| *Contact point for further details:* | *apd@mfat.govt.nz* |  |
| ***Non-Tariff Measures*** | **Dumping and Countervailing Duties Amendment Act 2012**  Rules have been established to assess and make decisions on applications for refunds of anti-dumping duty paid in excess of the margin of dumping. These rules have been incorporated into New Zealand legislation through the Dumping and Countervailing Duties Amendment Act 2012. Contact [*traderem@med.govt.nz*](mailto:traderem@med.govt.nz)  **Psychoactive Substances Act 2013**  This Act allows trade in psychoactive substances. The Psychoactive Substances Act 2013 introduced a new regulatory regime for New Zealand to regulate the availability of psychoactive substances to protect the health of, and minimise harm to, individuals who use psychoactive substances. The Act allows the approval of low risk psychoactive substances, where those substances are approved by the Regulatory Authority, and licences are available to persons for importation, manufacturing, research and sale of approved psychoactive substances. See <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/psychoactive-substances> for more information.  **Biosecurity Law Reform Act 2012**  This Act received Royal assent in September 2012. It amended the Biosecurity Act 1993 to allow the biosecurity system to respond to an increasingly challenging environment. This includes promoting more effective and efficient biosecurity measures, encouraging partnerships in the management of biosecurity risks and providing flexibility to allow future improvements.  **National Animal Identification and Tracing (NAIT) Act 2012**  The NAIT Act received Royal assent in February 2012. The Act implements a national animal identification and traceability scheme, and is a significant tool for responding to a biosecurity outbreak, such as foot and mouth disease, and ensuring that disruption to the New Zealand economy and market access is minimised. | **Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill 2013**  These amendments give effect to the Government's decision to introduce a plain packaging regime for tobacco products in New Zealand. The plain packaging regime will standardise all design elements of tobacco product packaging and prohibit the use of tobacco company branding imagery and all other marketing devices on any form of tobacco product packaging. This Bill should was introduced on 17 December 2013.  **Natural Health and Supplementary Products Bill**  The bill seeks to regulate low-risk natural health products in New Zealand. The Bill is before Parliament and awaiting the Committee of the Whole stage.  **Therapeutic Products and Medicines Bill**  The Therapeutic Products and Medicines Bill will establish a new regulatory scheme for therapeutic products. It is proposed that a regulatory authority will be set up as joint regulatory agency (the Australia New Zealand New Zealand Therapeutic Products Authority) to administer a joint regulatory scheme with Australia. The Bill is before Parliament and awaiting its second reading.  **Animal Welfare Amendment Bill**  The Animal Welfare Amendment Bill was introduced into the House in May 2013, and referred to the Primary Production Select Committee. The Bill aims to improve the enforceability, clarity and transparency of the Animal Welfare Act 1999. It will provide exporters with more certainty and protect New Zealand’s reputation as a responsible exporter. The committee is due to report the Bill back to the House in February 2014. |
| *Websites for further information:* | [www.mbie.govt.nz](http://www.mbie.govt.nz)  [*www.health.govt.nz*](http://www.health.govt.nz)  *www.mpi.govt.nz* |  |
| *Contact point for further details:* | apd@mfat.govt.nz |  |
| ***Services*** | **Business Services: Legal**  The Legal Services Amendment Act came into force on 2 September 2013. The Amendment Act contained measures designed to reduce the gap between forecast legal aid expenditure and available funding. It did this by:   * prioritising funding to those with the greatest need for legal assistance * encouraging those who can afford to repay their legal aid debt to do so, and * improving the efficiency and effectiveness of the legal aid system, so that it remains viable into the future.   The Amendment Act:   * tightened the criteria by which applicants whose income exceeds the prescribed thresholds can receive legal aid for civil proceedings * allowed applications for civil legal aid to be refused if the applicant is in arrears for repayments of previous legal aid grants, unless the interests of justice require otherwise * required most applicants for civil legal aid to pay a $50 user charge * charged interest on legal aid debt at a rate of 8% simple, after a six month interest-free window, and * allowed overdue repayments on legal aid debt to be recovered through notices deducting payments from wages, benefits or bank accounts.   Further information is available at:   * http://www.beehive.govt.nz/release/legal-assistance-amendment-bill-passes-third-reading * http://www.justice.govt.nz/policy/justice-system-improvements/legal-aid/legal-aid-funding * http://www.legislation.govt.nz/act/public/2011/0004/latest/DLM3142726.html |  |
|  | **Business Services: Accounting**  The **Accounting Infrastructure Reform Bill** proposes changes that will enable the accounting and audit industry to be more agile in an increasingly competitive environment.  The Bill proposes a number of important changes to enable the industry to be more efficient and effective, including:   * widening the scope for qualified members of accredited professional accounting bodies to perform statutory audits * updating legislative references to ‘chartered accountant’ with references to a ‘qualified statutory accountant’ * allowing New Zealand audit firms to incorporate as a company if desired, keeping in line with international practice. It will also allow incorporated overseas audit firms to perform statutory audits in New Zealand * improving the quality of financial reporting of charities by requiring all registered charities with an annual operating expenditure of $500,000 or more to have their financial statements reviewed by a qualified auditor.   It is hoped this Bill will become law in 2014. |
| **Business Services: Architectural and Engineering**  A review of the regulation of engineers is being undertaken by the Ministry of Business, Innovation and Employment. It is focusing on engineers working within the building and construction sector, and is looking at registration standards, the role and effectiveness of the registration authority and the Chartered Professional Engineers Council, how to ensure engineers are accountable, and how the standard of engineering can be lifted. | **Business Services: Architectural and Engineering**  Following on from the review of the regulation of engineers, a review of occupational licensing for other statutory boards will be undertaken to obtain greater alignment and consistency between the six boards in the building and construction sector. Resulting benefits are likely to include a more transparent and accessible occupational licensing regime that will be of benefit to skilled migrants. |
| **Business Services: Real Estate**  The Real Estate Agents Amendment Act 2013 made changes to the Act in relation to:   * process/procedure around objecting to the approval of a licensee; * the steps that the Registrar must take once an objection has been raised; and * the composition of the Complaints Assessment Committees.   For more information, see:  <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/real-estate-reform/Industry%20Guide> |  |
| **Communication Services: Audio Visual:**  In July 2013 the government released the results of a Screen Sector Review of government-funded screen initiatives conducted by the Ministry of Business, Innovation and Employment and the Ministry for Culture and Heritage. The Review looked at a range of interventions in the sector, including co-productions, training and development, international marketing and promotion.  The main changes to the Large Budget Screen Production Grant are:   * the qualifying expenditure threshold for  Post, Digital and Visual Effects Grant will be lowered from $3 million to $1 million * the period for completing principal photography and/or key animation on bundled productions will be extended from 24 to 36 months * a lower qualifying production expenditure threshold of $4 million for television productions. Details of the criteria for this incentive will be published by 1 October 2013.   The main changes to the Screen Production Incentive Fund are:   * to require applicants to find more of their budget from sources other than government (10 per cent for feature films; 25 per cent for television and other formats) * to lower the production budget qualifying threshold for short animation productions from $1.0 million to $0.4 million per hour * to allow access to joint Screen Production Incentive Fund, NZ On Air and Te Mangai Paho funding for animation productions.   For further detail: <http://www.mch.govt.nz/screensector-review> |  |
| **Construction and Engineering Related Services**  Restricted building work (being work critical to the integrity of a building that can only be carried out or supervised by a licensed building practitioner) came into force on 1 March 2012. It initially relates to design and construction work on houses and small-medium size apartment buildings.  Available at:  <http://www.dbh.govt.nz/builditright>  The **Building Amendment Act 2012** came into force in March 2012. The Act:   * Outlines clearer responsibilities for building owners, designers, builders, and building consent authorities. * Outlines new risk-based consent processes for low risk, and simple residential building work. Building consent and inspection requirements are proportionate to the risk and consequences of building defects and the skills and capabilities of those doing the work. * Outlines a new risk-based consent process for commercial building work. A Risk Profile and Quality Assurance System need to be approved by the building consent authority prior to consent application. The role of the building consent authority will be to audit compliance with the Quality Assurance System.   Available at:  <http://www.dbh.govt.nz/building-amendment-act-2012>  Regulations have been passed requiring building control officials to have an appropriate qualification by the end of 2015.  **Building Amendment Act 2013:**   * Provides new protections for residential building work consumers such as mandatory written contracts and includes penalties (infringement offences) for non-compliance. * Streamlines (to reduce compliance costs) the dam safety scheme. * Re-drafts exemptions from requirement for a building consent to improve clarity and understanding of the exemptions. * Regulations to set out the detail of the consumer protections will be developed in 2014.   Available at:  [*http://www.legislation.govt.nz/act/public/2013/0100/latest/DLM3957236.html*](http://www.legislation.govt.nz/act/public/2013/0100/latest/DLM3957236.html) | **Construction and Engineering Related Services**  Legislative changes to:   * Improve post-disaster building management; * Better manage construction contracts (and resolve disputes); and * Better identify and manage earthquake-prone buildings;   will be progressed in 2014.  The New Zealand Law Commission is reviewing the application of the ‘joint and several liability’ approach. For more information see: <http://www.lawcom.govt.nz/project/review-joint-and-several-liability>  Work on moving to a national building consenting system will be progressed in 2014. The programme will focus on delivery of a substantial review of the Building Act 2004, building consenting provisions, process transformation, national building monitoring framework, workforce development and technology enablers. |
| **Education Services**  **Education Amendment Act 2013**  The Education Amendment Act 2013 was passed on 12 June 2013. The Act:  • sets out the necessary legal framework for the introduction of a new type of school into the schooling network, alongside state schools and private schools. These schools will be known as Partnership Schools | Kura Hourua  • safeguards learners by establishing clear surrender and retention provisions for schools  • supports the provision of early childhood education by enabling the Ministry of Education to assign a National Student Number to children at a much younger age  • clarifies the primary purpose of school Boards of Trustees  • makes a number of miscellaneous amendments including:  o allowing schools to be more flexible with their timetabling of the school day  o increasing the options for alternative governance arrangements  o introducing third party leasing arrangements for early childhood centres  o introducing electronic publishing of schools’ annual fiscal statements.  The majority of the Bill, including the provisions relating to Partnership Schools ׀ Kura Hourua, passed into law on 12 June 2013. The provisions relating to new search and retention powers will come into effect on 1 January 2014, along with related rules and guidelines. The Ministry is developing rules and guidelines on searches and the surrender and retention of property, in consultation with the education sector.  For more information see: <http://www.minedu.govt.nz/theMinistry/EducationInNewZealand/EducationLegislation/Education%20Amendment%20Act%202013.aspx>    **Review of the New Zealand Teachers Council**  In 2012 the Government announced a review of the role and functions of the New Zealand Teachers’ Council as part of its programme to lift student achievement.  As a result of the review, Cabinet has agreed to replace the existing Teachers Council with a new professional body for the education profession called the ‘Education Council of Aotearoa New Zealand’. The new Council will be established as an independent statutory body. Government will not be able to direct the Council and it will be free to express an independent view, even if that is contrary to government policy. Changes have been proposed to the regulation and discipline of teaches, in particular:   * Separation of registration (to recognise membership of the profession) and practising certificates (focused on assessing ongoing competence of teachers) * ‘Provisional’ and ‘full’ categories to be applied to practicing certificates rather than registration as now * Teachers’ register to show both registration and practicing certificate status * Amendments to the Limited Authority to Teach to allow it to be applied to a person as well as for a specific position * Development of a code of conduct for teachers * Changes to the disciplinary framework, aimed at developing a faster, more transparent process for dealing with teachers who have serious misconduct convictions against them.   These changes will strengthen assessment processes to ensure teachers meet the highest standards. They include:   * disciplinary proceedings to be open unless there is good cause for name suppression of those involved * automatic referral to the Disciplinary Tribunal for cases of ‘serious misconduct’ * removal of the requirement for the disciplinary committees and tribunal to include a member of the governing board of the Council.   For more information, see: <http://www.minedu.govt.nz/theMinistry/Consultation/NZTCReviewProposals/NZTCReview.aspx>  **Education Amendment Act 2011**  Since the enactment of the Education Amendment Act 2011, the New Zealand Qualifications Authority (NZQA) has developed, during 2012-2013, sets of rules that replace NZQA’s previous policies and criteria for the quality assurance of the tertiary education sector and seven additional sets for the non-university sector only. For more information see:  <http://www.nzqa.govt.nz/about-us/news/guidance-on-nzqa-rules/>  **Off shore delivery rules**  NZQA’s Offshore Programme Delivery Rules that provide additional quality assurance requirements for tertiary education delivered offshore by New Zealand providers were introduced in 2012. Current offshore programme providers and new providers are expected to meet the rules by the end of 2013.  For more information see:  <http://www.nzqa.govt.nz/about-us/our-role/legislation/nzqa-rules/nzqf-related-rules/offshore-programme-delivery-rules-2012/>  **Evaluation of NZQA’s evaluative quality assurance framework**  An independent evaluation of NZQA’s evaluative quality assurance framework was completed in October 2012. The evaluation concluded that the evaluative quality assurance system (the framework and its implementation) is the right approach for the New Zealand tertiary education system. It noted that NZQA has made a successful start in its implementation.  The report can be read at:  <http://www.nzqa.govt.nz/studying-in-new-zealand/quality-assurance-of-education-in-new-zealand/>  **The Code of Practice for the Pastoral Care of International Students**  Administration of the Code of Practice for the Pastoral Care of International Students (the Code) was transferred from the Ministry of Education to NZQA on 1 August 2013. The Code sets out the minimum standards of advice and service that international students can expect and provides a procedure to follow if there are concerns about the treatment received from an education provider or agent of a provider.  For more information see:  <http://www.nzqa.govt.nz/about-us/news/transfer-of-the-code-of-practice-for-the-pastoral-care-of-international-students/>  For more information see:  <http://www.nzqa.govt.nz/studying-in-new-zealand/code-of-practice-for-the-pastoral-care-of-international-students/>  **The New Zealand Qualifications Framework**  The New Zealand Qualifications Framework (NZQF) Qualification Listing and Operational Rules 2013 were revised to include amendments for listing of qualifications at levels 1 to 6 where the qualifications do not have a predominant use in New Zealand, but rather are New Zealand operated off-shore as part of developing New Zealand’s export education market.  The NZQF Programme Approval and Accreditation Rules 2013 were revised to include amendments to the English language entry requirements for international students.  For more information see:  <http://www.nzqa.govt.nz/about-us/news/amended-english-language-entry-requirements-international-students/>  The NZQF document was reviewed and published in November 2013. A revision of the definition of the Master’s degree was included.  For more information see:  <http://www.nzqa.govt.nz/studying-in-new-zealand/nzqf/listing-qualifications-on-the-nzqf/> | **Education Services**  **Reviews of qualifications on the NZQF**  NZQA will continue to review individual qualifications to ensure they remain useful, relevant and fit for purpose. This will result in a reduction of the number of similar qualifications on the NZQF.  The qualifications review schedule for 2013-2014 can be read at this link:  <http://www.nzqa.govt.nz/studying-in-new-zealand/nzqf/reviews-of-qualifications/schedule/>  **Evaluative quality assurance framework**  NZQA plans to enhance the evaluative quality assurance framework over the next three years following the first complete external evaluation and review (EER) cycle over four years, in which all non-university tertiary education organisations completed an EER. It will also take into consideration the evaluation report on the EER from an external panel.  An initial key emphasis will be on enhancing the reporting of tertiary education organisation education performance following EER. |
| **Environmental Services**  **Exclusive Economic Zone and Continental Shelf (Environment Effects) Act 2012 (EEZ Act)**  Exclusive Economic Zone and Continental Shelf (Environment Effects) Act 2012 was passed on 3 September 2012, and was brought into force on 28 June 2013 when the [Permitted Activity regulations](http://www.legislation.govt.nz/regulation/public/2013/0283/latest/DLM5270605.html) came into effect. The purpose of the EEZ Act 2012 is to promote the sustainable management of the natural resources of New Zealand’s exclusive economic zone and continental shelf.  Prior to the EEZ Act coming into force, several regimes regulated a number of activities occurring in the EEZ. However, there was no overarching framework for assessing whether the potential effects on the environment or existing interests were acceptable in a particular location, and no existing mechanism for public engagement in decision-making.  **Resource Management**  The resource management amendments of September 2013 include the:   * Resource Management Amendment Act 2013 (RMAA 2013) * Local Government (Auckland Transitional Provisions) Amendment Act 2013 * Local Government Official Information and Meetings Amendment Act 2013.   These three Acts were previously known as the Resource Management Reform Bill 2012. The purpose of these reforms is to help create a resource management system that delivers communities’ planning needs, enables growth, and provides strong environmental outcomes in a timely and cost-effective way. It does this through:  - improving the resource consent regime  - streamlining the delivery of Auckland’s first unitary plan  - improving the information basis for local decision-making  - improving the workability of the RMA through minor and technical amendments including changes relating to district rules for trees, environmental monitoring data and RMA emergency provisions.  For more information see: <http://www.mfe.govt.nz/rma/reform/phase-two/2013-rma-amendments.html>  **Climate Change**  Information and updates related to climate change related legislation and regulations can be found at the following sites:  <http://www.climatechange.govt.nz/>  <http://www.beehive.govt.nz/minister/tim-groser> | **Environmental Services**  **EEZ Act**  An activity’s classification under the Act determines whether a marine consent is required. The EEZ Act originally allowed for activities to be classified by regulation as: permitted, discretionary or prohibited. A new non-notified activity classification was added in 2013 via the [EEZ Amendment Act](http://www.legislation.govt.nz/act/public/2013/0085/latest/DLM5644760.html?src=qs)) to address concerns about the proportionality of the consent process for some activities.  The Government is currently considering the most appropriate way to regulate exploratory drilling under this framework, as well as the proportionate regulation of the discharge of harmful substances and dumping of waste.  The Minister for the Environment is required to consider the probability of significant adverse effects on the environment or existing interests resulting from the activity, as well as the nature of the activity, in making regulations.  The Minister has released a document seeking submissions on [draft regulations for exploratory drilling](http://www.mfe.govt.nz/issues/oceans/current-work/index.html). A similar process for discharge and dumping activities will commence in the near future.  **Resource Management**  Another phase of reforms to the Resource Management Act has been proposed but it is unclear whether these will be progressed in 2014.  **Hazardous Substances and New Organisms**  Reforms are planned to simplify controls and increase compliance / enforcement activity as a part of reforms to New Zealand’s health and safety regime. Further information is available at [www.mbie.govt.nz/what-we-do/workplace-health-and-safety-reform](http://www.mbie.govt.nz/what-we-do/workplace-health-and-safety-reform). |
| **Financial Services**  A regime requiring **KiwiSaver** providers to publish quarterly disclosure documents came into effect in 2013. The regime requires the disclosure of key information about KiwiSaver schemes, including performance, fees and key holdings.  A major reform of New Zealand’s securities laws, the **Financial Markets Conduct Act**, was passed in 2013. The Act rewrites many of the rules for how financial products and financial services are offered to the public and how they are governed and operated. It replaces several Acts, including the Securities Act 1978, the Securities Markets Act, the Unit Trusts Act, the Superannuation Schemes Act, and the non-tax parts of the KiwiSaver Act.  Key changes in the Act include:   * a new requirement for issuers to prepare a single product disclosure statement tailored to retail investors * two new online public registers that will make offer documents and information much more accessible to investors, their advisers, market analysts, and commentators * a new system of escalating penalties: from infringement notices for minor breaches through to penalties of up to $1 million for individuals, $5 million for companies, and criminal penalties of up to 10 years’ prison for the worst conduct * new licensing regimes for specific financial services providers including fund managers, independent trustees of workplace superannuation schemes, discretionary investment management services and derivatives issuers * new forms of capital-raising, such as peer-to-peer lending and crowd-funding * new duties on fund managers and supervisors and stronger governance requirements * a new system to regulate securities exchanges such as the stock market, including allowing for new low-cost exchanges to make capital-raising easier and cheaper.   The Act will start to come into force on 1 April 2014.  The **Financial Reporting Act** was also passed in 2013. This Act allows shareholders of small and medium-sized companies to decide whether the company must prepare financial statements.  Passing the Act is part of the New Zealand Government’s Business Growth Agenda to improve capital markets and reduce compliance costs.  The Act will also improve the quality of financial reporting by charities and allow the External Reporting Board to issue accounting standards for registered charities. The regime will come into force in April 2014.  The Auditor Regulation Act established a new licencing regime for major audits, such as the audits of issuers, banks and insurers and came into force on 1 July 2012.  In December 2012 new regulations ([**Securities Markets (Unsolicited Offers) Regulations 2012**](http://www.legislation.govt.nz/regulation/public/2012/0331/latest/DLM4817557.html?search=y_act%40bill%40regulation_2013_2012_ac%40bc%40rc%40ainf%40anif%40aaif%40bcur%40rinf%40rnif_ac%40bn%40rn_200_a&p=2)) that required greater disclosure requirements from a person or company that makes an offer, and introduce stronger rights and remedies for shareholders to help rein in unsolicited share offers and protect shareholders were introduced.  A person who does not comply with an order made by the Financial Markets Authority commits an offence and is liable on summary conviction to a fine not exceeding $30,000.  **Non-bank Deposit Taker Act 2013**  The **Non-bank Deposit Takers Act 2013** has recently been enacted and will come into force in the first half of 2014. Non-bank Deposit Takers (NBDTs) are currently required to comply with a number of prudential requirements (relating to matters such as capital, liquidity, related party exposures and governance). The Act adds to these requirements by:   * requiring NBDTs to be licenced by the Reserve Bank; * providing for the Reserve Bank to assess the suitability of an NBDT’s directors and senior officers in certain circumstances; and * providing the Reserve Bank with a variety of additional monitoring, investigation and enforcement powers in respect of NBDTs.   **Reserve Bank of New Zealand (Covered Bonds) Amendments Act**  In December 2013 the **Reserve Bank of New Zealand (Covered Bonds) Amendments Act** passed into law.  The Act amends the Reserve Bank Act to provide for registration of qualifying covered bonds programmes and to clarify the law as to the treatment of covered bonds in the event the issuing bank were to be placed into statutory management or liquidation.  A covered bond is a bond that is backed by a pool of high-quality assets originated by the issuing bank. This so-called ‘cover pool’ consists largely of relatively low-risk assets, such as residential mortgages and public debt. Covered bond issuance is generally considered to have benefits in reducing the liquidity and refinancing risk facing financial institutions. This may in turn help strengthen financial system stability.  Following the passage of the legislation banks are required to register all existing covered bond programmes if they wish to continue issuing under those programmes.  For more information see:http://www.rbnz.govt.nz/ | **Financial Services**  The **Financial Markets Conduct Act 2013** requires a substantial body of regulations to be made for it to enter into force. These are currently in development and will be progressively finalised during 2014.  **Reserve Bank of New Zealand Amendment Bill**  It is anticipated that a range of technical amendments to the **Reserve Bank of New Zealand Act 1989** will be made in order to clarify and improve the application of the parts of that Act containing crisis management provisions for distressed banks. The exact scope of these changes is still to be determined. |
| **Recreational, Cultural and Sporting Services**  As a result of a review of the Arts Council of New Zealand Toi Aotearoa Act 1994 in 2010, the Arts Council of New Zealand Toi Aotearoa Bill has been introduced with a view to streamlining the governance structure. The Bill will 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 Bill was debated at Committee of the Whole House stage in October 2013 and will now proceed to its third reading in 2014. The new Act will come into force three months after it receives Royal Assent.  For more information see:  <http://www.mch.govt.nz/what-we-do/our-projects/current/creative-new-zealand-review> | **Recreational, Cultural and Sporting Services**  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. However, in 2014 the Ministry for Culture and Heritage will commence a review of the Protected Objects Act in order to ensure that New Zealand will continue to meet its UNESCO obligations. |
| **Transport Services**  *Air*  New Zealand has enhanced its air services relationships with the following APEC economies: China; Chinese Taipei; Indonesia; Japan; Papua New Guinea; and Viet Nam.  *Road*  As part of a regulatory reform of the commercial licensing and vehicle inspection systems, the reviews are determining what opportunities there are to reduce regulatory and compliance costs while maintaining appropriate levels of safety. One result has been to reduce the frequency of warrant of fitness inspections for light motor vehicles newer than 2000 and certificates of fitness inspections for heavy motor vehicles. Reducing the frequency of vehicle inspections has been estimated as generating benefits of at least $1.3 billion over 30 years.  A review of agricultural vehicles, covering tractors, combine harvesters and other agricultural transport, and how they operate was carried out during 2011/12 and changes implemented in April 2013. The changes recognise that agricultural vehicles make limited use of roads and operate mostly off-road. The new rules for agricultural sector will reduce compliance costs, enable greater operational flexibility while maintaining safety standards. The estimated net benefit is $51 million over 25 years.  *intermodal*  A new public transport operating model (PTOM) has been implemented in legislation, under which all bus, rail and ferry services provided by local government will be fully contracted. The model seeks to incentivise commercial behaviour, create efficient networks and encourage a partnership approach to growing public transport patronage.  Bus (and also rail)  tendering opportunities will occur in almost all New Zealand markets within the next three to five years, under the new PTOM contracts. | **Transport Services**  *Air*  New Zealand is seeking to liberalise/further liberalise its air services relationships with the following APEC economies: China; Hong Kong, China; Indonesia; Japan; Korea; Mexico; Papua New Guinea; The Philippines; Thailand; and Viet Nam.  *Road*  A post implementation review of mandating safety security cameras in all taxis is being carried out in 2013. The purpose of the review is to determine whether the benefits of the safety provisions have been achieved and whether any further action needs to be taken to promote taxi driver safety.  *Intermodal*  The Ministry of Transport is undertaking a Future Freight Scenarios Study. This study is an exploration from a national and public interest perspective of possible future freight scenarios given a number of trends and challenges. For example it involves assessment of how New Zealand can gain from the worldwide trend to larger container ships rather than being disadvantaged by it; and how New Zealand can maximise its return from port investment by, for example, avoiding unnecessary duplication or stranded assets in the port sector. These challenges initially present as shipping or port issues, but have significant ramifications across the land transport system, export and import supply chains and the wider economy. Through modelling these different scenarios it will allow the Ministry to see what bottlenecks, costs and benefits are likely to emerge for New Zealand as a whole. Knowledge of these bottlenecks, costs and benefits can then inform the strategic choices infrastructure providers, freight operators and cargo owners make. It will also highlight where port and land transport infrastructure decision-making needs to be coordinated to better support New Zealand’s exporters over the coming decades. |
| **Energy Services**  **Gas Amendment Act 2012**  The Gas (Safety and Measurement) Regulations 2010 provide for the safe supply and use of gas, including gas distribution, consumer installations, and appliances. An amendment to these regulations (the Gas (Safety and Measurement) Amendment Regulations 2012) updated the certification regime gas-fitting in installations by adopting risk management principles in alignment with good regulatory practice.  For more information, see: <http://www.dbh.govt.nz/update-gas-and-electricity-regulations>  **Electricity (Safety) Amendment Regulations 2013**  The Electricity (Safety) Regulations 2010 provide for the safe supply and use of electricity, including electricity generation and distribution, consumer installations, and appliances.  An amendment to these regulations (the Electricity (Safety) Amendment Regulations 2012) updated the certification regime for electrical work in installations by adopting risk management principals in alignment with good regulatory practice.  A further amendment (the Electricity (Safety) Amendment Regulations 2013):   * Introduces new electrical safety requirements for mining, tunnelling and quarrying operations, based on the application of internationally aligned technical standards and compatible competency standards, and international equipment certification. * Updates the international and internationally aligned standards incorporated by reference in the principal regulations. * Facilitates a consistent regulatory regime for appliances with Australia by giving recognition to products and suppliers registered in Australia under the trans-Tasman Australian/New Zealand Electrical Equipment Safety System (the EESS).   **Crown Minerals Amendment Act 2013**  The Crown Minerals Amendment Act 2013 (CMA) followed a comprehensive review of the Crown Minerals regime. It introduced changes designed to improve:   * The effectiveness of permit management and reduce compliance costs through a two-tiered system distinguishing between the relatively small number of complex, higher-return petroleum and mineral activities and the larger number of lower-return industrial, small business and hobby mineral operations. * Coordination between the CMA permitting regime and the health, safety and environmental regulatory systems. * Engagement with iwi on Crown minerals through providing for permit holders to report annually on the engagement they have undertaken with affected iwi.   Available at:  [*Crown Minerals Amendment Act 2013*](http://www.legislation.govt.nz/act/public/2013/0014/latest/DLM4756113.html?search=y_act%40bill%40regulation_2013__ac%40bc%40rc%40ainf%40anif%40aaif%40bcur%40rinf%40rnif_ac%40bn%40rn_200_a&p=1) | **Energy Services**  **The Energy Efficiency (Energy Using Products) Amendment Regulations 2013**  There were two sets of amendments to the Energy Efficiency (Energy Using Products) Regulations 2002 in 2013. The amendments made on 25 February 2013:   1. Introduced mandatory minimum energy performance standards (MEPS) for computers and computer monitors, and mandatory energy rating labelling for computer monitors from 1 October 2013 2. Increased the stringency of the existing MEPS for heat pumps/air conditioners from 1 April 2013 3. Increased the stringency of the existing MEPS for televisions from 1 April 2013 4. Made minor and technical updates to existing requirements   Available at: <http://www.legislation.govt.nz/regulation/public/2013/0028/latest/DLM5029157.html?search=y_act%40bill%40regulation_2013__ac%40bc%40rc%40ainf%40anif%40aaif%40bcur%40rinf%40rnif_ac%40bn%40rn_200_a&p=1>  **Energy Efficiency (Energy Using Products) Amendment Regulations (No 2) 2013**  The Energy Efficiency (Energy Using Products) Amendment Regulations (No 2) 2013 were made on 23 September 2013, and will take effect on 1 April 2014. The regulations:  a. Introduce mandatory minimum energy performance standards (MEPS) for multiple split-system heat pumps/air conditioners.  b. Provide for the use of computer simulation as an alternative to physical testing of multiple split-systems, as well as other testing methods.  c. Update the MEPS that is already incorporated into the regulations for heat pumps/air conditioners to the latest version for administrative simplicity, and make other minor and technical updates to existing requirements.  Available at: <http://www.legislation.govt.nz/regulation/public/2013/0394/latest/DLM5313701.html?search=y_act%40bill%40regulation_2013__ac%40bc%40rc%40ainf%40anif%40aaif%40bcur%40rinf%40rnif_ac%40bn%40rn_200_a&p=1> |
|  | **Fisheries** | **Fisheries**  **Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill**  This Bill seeks to amend the Fisheries Act 1996, to improve the management of vessel safety, employment and fisheries management on foreign charter vessels (FCVs) operating in New Zealand waters, to protect the human rights of crews, and to maintain New Zealand’s reputation as a responsible and sustainable fishing nation. The Bill was introduced in 2012 and has been reported back from Select Committee.  For more information, see: http://www.mpi.govt.nz/fisheries/commercial |
| *Website for further information:* | [*www.mfat.govt.nz*](http://www.mfat.govt.nz)  [*www.mbie.govt.nz*](http://www.mbie.govt.nz)  *www.mpi.govt.nz* |  |
| *Contact point for further details:* | *Dm-apd@mfat.govt.nz* |  |
| ***Investment*** | New Zealand’s **Overseas Investment Act 2005** (the Act) requires that overseas investments in sensitive land provide a benefit to New Zealand. Benefit to New Zealand is determined by reference to a list of factors set out in section 17 of the Act and regulation 28 of the Overseas Investment Regulations 2005 (the Regulations).  In Febuary 2012, the High Court decision of *Tiroa E and Te Hape B* *Trusts v Chief Executive of Land Information New Zealand* (*Tiroa E*) clarified the application of the “benefit to New Zealand" criteria.  As a result of *Tiroa E*, the Overseas Investment Office and relevant Ministers must apply a "counterfactual test" when assessing whether an overseas investment will, or is likely to benefit New Zealand.  This test, which was described by the Court as a "with and without" test, requires a comparison of what is likely to happen with the investment, and what is likely to happen without the investment.  **Double Tax Agreements**  The Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income that was made in Tokyo on 10 December 2012 and the Protocol to that Convention entered into force on 25 October 2013.  For more information, see: <http://taxpolicy.ird.govt.nz/tax-treaties/japan>  The Double Tax Agreements (Papua New Guinea) Order 2013 which came into force on 18 July 2013, was made to give effect to the Agreement between the Government of New Zealand and the Government of the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (not yet in force).  For more information, see: <http://taxpolicy.ird.govt.nz/tax-treaties/papua-new-guinea> | **Companies and Limited Partnerships Amendment Bill 2011**  Amendments have been proposed to the Companies Act 1993 and the Limited Partnerships Act 2008. If passed, the Bill would require a New Zealand-resident administrative agent for companies and limited partnerships; augment the Registrar's powers to regulate companies and limited partnerships; create new rules about the reconstruction of code companies under the Companies Act 1993; and create new offences relating to breaches of certain directors' duties in that Act.  **Double Tax Agreements**  New Zealand has a number of negotiations under way for Double Tax Agreements and Tax Information Exchange Agreements. For more information, see: <http://taxpolicy.ird.govt.nz/tax-treaties>  The Convention on Mutual Administrative Assistance in Tax Matters will enter into force for New Zealand on 1 March 2014. For more information, see: <http://taxpolicy.ird.govt.nz/tax-treaties/convention-mutual-administrative-assistance-tax-matters> |
| *Website for further information:* | [www.linz.govt.nz/overseas-investment](http://www.linz.govt.nz/overseas-investment)  [*http://www.newzealandnow.govt.nz/investing-in-nz*](http://www.newzealandnow.govt.nz/investing-in-nz)  *http://www.nzte.govt.nz/en/invest/* |  |
| *Contact point for further details:* | Dm-apd@mfat.govt.nz |  |
| ***Standards and Conformance*** | **Alignment with International standards**  As of 30 June 2013, there were 3193 standards in NZ’s national catalogue. Of these, 1058 (33%) were identical to ISO or IEC Standards, 292 (9%) were modified adoptions of ISO or IEC Standards. 2611 (82%) were aligned with Australia. | **Alignment with International standards**  New Zealand will continue to align its standards with international standards. |
| **Participation in international standardisation activities**  As of 30 June 2013, New Zealand held Participant or Observer membership in 172 ISO and 117 IEC technical committees and subcommittees. | **Participation in international standardisation activities**  The Ministry of Business, Innovation and Employment’s (MBIE), Trading Standards branch (formerly the Ministry of Consumer Affairs) continues to participation 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)**  In relation to general consumer product safety, work is ongoing under the aegis of APEC and the OECD into a harmonised approach to risk assessment. Progress has also been made 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. In a related initiative the OECD has set up a Global Portal for products recalls that serve both consumers and business interests. |  |
| **Participation in bilateral recognition arrangements (regulatory sector)**  In January 2013 amendments to the MRA between New Zealand and the European Union came into force. The amendments streamline the administration of the MRA.  New Zealand (through MBIE – Trading Standards) 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 signed in 2012.  Since 2012, New Zealand has concluded an economic cooperation agreement with Chinese Taipei. This agreement has put in place specific chapters devoted to TBT and SPS issues. The agreement also includes 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 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 infrastructure  ***NZ Standards Review***  In October 2013 New Zealand’s Minister of Commerce, Hon. Craig Foss, announced new arrangements to maintain and strengthen the development and delivery of New Zealand Standards, to ensure they are able meet the needs of industry, regulators and consumers into the foreseeable future.  The new arrangements will also improve the efficiency and effectiveness of New Zealand Standards and include:   * a new Standards model - with an approval function, a development function and links to the international Standards community - will replace the Standards Council and Standards New Zealand. * Standards approval undertaken by an independent statutory board. * Standards development undertaken by an independent statutory officer within the Ministry of Business, Innovation and Employment (MBIE), using independent committees * the independent committees continuing to comprise industry and technical experts, consumer representatives and regulators in accordance with ISO and IEC guidelines for balanced committees.   The new arrangements will not come fully into force until legislation is in place. In the meantime Standards New Zealand will continue to provide support for Standards development and approval as the transition process continues.  It is vital for New Zealand to maintain our linkages with the international Standards community. The Standards development and approval function will continue to meet international expectations and guidance from ISO and IEC and meet New Zealand’s obligations in relation to the WTO Technical Barriers to Trade Agreement. We will maintain the current copyright and royalty arrangements we have with ISO, IEC, Standards Australia and other national standards bodies.  Our relationship with Standards Australia is particularly important given that 82 per cent of the current Standards catalogue comprise joint Australia/New Zealand Standards. MBIE will continue discussions with Standards Australia during the implementation phase. | Improve and maintain level of technical infrastructure  **Food Bill**  The Food Implementation programme (FIP) has been developing the Food Bill which is working its way through the Parliamentary System.  The FIP aims to:   * Improve assurance of food safety and suitability. * Reduce food borne illness. * Underpin New Zealand’s reputation as a trusted supplier of world class food and vegetables.   The Food Bill introduces substantial reforms to the regulatory regime for the safety and suitability of food. It seeks to provide an efficient, risk-based regulatory regime that places a primary duty on people trading in food to ensure that what is sold is safe and suitable. The proposed risk-based food safety management system will be consistent with the international approach to regulation of food safety. The Bill is proposed to be enacted in 2014. |
|  | Identification of requirements for technical assistance  MBIE Trading Standards is working with APLMF to look at further technical support (to include training for regulatory staff) for developing economies within the Asia / Pacific Region. Potential sources of funding are being explored which in turn will determine the extent and nature of the training and technical support that might feature. |
| Provision of assistance for improvement of others economies’ technical infrastructure  JAS-ANZ has hosted staff from several accreditation bodies, from APEC and other regions, or provided other collaborative programs to extend cooperation to Ecuador, South Africa and Thailand. | Provision of assistance for improvement of others economies’ technical infrastructure  JAS-ANZ expects further cooperation programs to be developed with Accreditation bodies in India, South Korea and Singapore. |
| Participation in relevant international fora  New Zealand maintains active participation in relevant international fora such as the WTO TBT and SPS Committees.  New Zealand successfully hosted the second meeting of the APEC WRF in November 2012 in Auckland. The meeting was held back to back with the annual meeting of the World Wine Trade Group. The outcomes of the meeting prepared the way for the on-going work programme of the WRF. New Zealand continues to be an active participant in the WRF including at the November 2013 technical workshop held in Washington DC.  In the area of Legal Metrology, New Zealand continues to actively participate in OIML and APLMF activities. In 2013 New Zealand took over the Chair for APLMF.  JAS-ANZ has recently been re-evaluated as a signatory to the PAC Multilateral Recognition Arrangement (MLA) for its existing scope Quality Management Systems (QMS), Environmental Management Systems (EMS) and Product certification and an initial evaluation for Food Safety Management Systems (FSMS).  JAS-ANZ is a signatory to the IAF MLA for Quality Management Systems (QMS), Environmental Management Systems (EMS) and Product certification.  JAS-ANZ has been re-evaluated as a signatory to the APLAC Mutual Recognition Arrangement (MRA) for Inspection. JAS-ANZ is a signatory to the ILAC MRA for Inspection.  JAS-ANZ staff hold the following international positions: Chair of PAC, Chair IAF MLA Committee (both Chairs are members of the IAF and joint IAF and ILAC Executive Committees) and the Chair of the IAF Food Working Group. JAS-ANZ also provides staff to participate as experts on ISO CASCO working groups for the development of international standards on conformity assessment.  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. At the International Consumer Product Safety Week 2013 (organised by ICPHSO and ACCC) held in Queensland in October, New Zealand presented papers and chaired sessions. MBIE Trading Standards is also working on a specific product safety issue (‘button batteries’) in conjunction with the US, Australia, Korea and Japan. | Participation in relevant international fora  New Zealand will host the 2014 OIML Annual Conference in Auckland.  Joint Accreditation System of Australia and New Zealand (JAS-ANZ) will continue to actively participate actively at PAC, APLAC, IAF, ILAC and ISO CASCO.  JAS-ANZ will extend its signatory status to the PAC and IAF MLAs from 2013-14 to include:   * Certification of persons, * Information Security Management Systems, * Green House Gas; and * Medical Devices   JAS-ANZ will continue to establish bi-lateral arrangements with accreditation bodies in other economies to foster closer cooperation and improvement. |
| *Website for further information:* | [*www.mpi.govt.nz*](http://www.mpi.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)  *www.mbie.govt.nz/tradingstandards* |  |
| *Contact point for further details:* | angela.mahony@mbie.govt.nz |  |
| ***Customs Procedures*** | **Joint Border Management System**  Customs and the Ministry for Primary Industries (MPI) have been developing the Joint Border Management System (JBMS). The first stage of the phased roll-out occurred in August 2013. This first stage of JBMS includes the Trade Single Window, which will ultimately enable parties involved in international trade and transport to submit the craft and cargo clearance data required by New Zealand border agencies electronically, once, through one entry point. Importers and others in the cargo industry will send all shipment details electronically to one place, rather than separately to several government agencies. A similar solution is being considered for exporters, to the degree desired by industry and that aligns with policy for particular markets and commodities.  **Trade Single Window**  The Trade Single Window involves replacing the current cargo and craft reporting messages, such as import and export entries, with new messages that contain the information each of the agencies need.  These new messages are based on version 3 of the World Customs Organization’s international trade data model. Once implemented, the system is expected to deliver significant benefits to importers, exporters and others in the international trade supply chain. These will include improved coordination of processes and earlier certainty of border agency requirements when advance data is provided. Compliant traders will be able to get their goods through the border with greater speed, consistency and certainty.  More information is available at <http://www.customs.govt.nz/features/jointbordermanagement/Pages/default.aspx> | **Trade Single Window**  Customs and MPI will continue transitioning traders to the Trade Single Window through to 2015.  **Review of Customs and Excise Act 1996**  Customs has recently received approval from Cabinet to commence a review of the Customs and Excise Act 1996. The review of the Act is an opportunity to consider the underlying principles informing Customs’ border management functions and the legislative mandate for Customs activities.  It will also provide for a more enabling statutory basis, which allows for more adjustment to systems and processes. This should reflect supply chain developments, improved facilitation of goods people and craft, while still achieving the border protection and revenue collection roles which are at the core of Customs’ activities. Customs is beginning the next phase of the Review in December 2013, which involves the development of a legislative framework and policy proposals for a new Customs and Excise Act. A discussion paper is scheduled to be available to industry and the public in May/June 2014. |
| On 24 October 2013, New Zealand implemented further HS2012 transposition updates to the product specific rules schedules under the Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area, and to the schedules in free trade agreements with China, Thailand, and Hong Kong, China.  The updates align the product specific rules with the HS2012, which will help to support consistency in the international coding and classification of goods. |  |
| *Website for further information:* | [*www.customs.govt.nz*](http://www.customs.govt.nz) |  |
| *Contact point for further details:* | [*feedback@customs.govt.nz*](mailto:feedback@customs.govt.nz) |  |
| ***Intellectual Property Rights*** | **Trade Marks**  The *Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks* (the Madrid Protocol), and the *Singapore Treaty on the Law of Trademarks* (the Singapore Treaty) entered into force for New Zealand on 10 December 2012. The *Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks* (the Nice Agreement) entered into force for New Zealand on 16 October 2013. Amendments to the New Zealand Trade Mark Regulations 2003, intended to reduce compliance costs and align procedures, where appropriate, with those in Australia came into force in December 2012. |  |
| **Patents**  New patents legislation, the Patents Act 2013, was enacted in September 2013. The legislation will enter into force in September 2014. The new Act, which repeals and replaces the Patents Act 1953, provides for stricter criteria for granting a patent than those applied under the Patents Act 1953.  See <http://www.legislation.govt.nz/act/public/2013/0068/latest/DLM1419043.html?src=qs> | **Patents**  The regulations required to implement the Patents Act 2013 are currently being developed. A public discussion document was released in December 2013. It is expected that these new regulations will be published in August 2014. |
| **Copyright**  The Copyright (Parallel Importing of Films) Amendment Act 2013 amends the Copyright Act 1994 to prevent the parallel importation of copies of films (for example on DVD) within 5 months of the film’s public release. Prior to this amendment, the Copyright Act provided that copies of films could not be parallel imported until 9 months after the film’s public release. The restrictions on the parallel importation of copies of films will expire on 31 October 2016.  The Copyright (Infringing File Sharing and Cellular Mobile Networks) Order 2013 deferred the application to mobile networks of the three-notice file sharing regime in sections 122A – 122U of the Copyright Act 1994 until 30 September 2015 (from 30 September 2013). |  |
| **Intellectual Property Office of New Zealand (IPONZ)**  IPONZ introduced a new case management facility in a phased approach in 2012. Key features include: 100% online interaction with customers; removing the need for paper filing and creating the ability for applicants and owners to receive all correspondence electronically; reduced processing times, reduced compliance burdens and improved functionality for New Zealand innovators and entrepreneurs; business is able to operate in real time, receiving immediate confirmation of their applications and full access to their applications and documents from the moment they are filed, meaning tasks that previously took days can be done instantaneously and examination processes have been dramatically streamlined.  IPONZ achieved ISO recertification for its patents, trade marks and designs processes and achieved certification for its plant variety rights processes. | **Intellectual Property Office of New Zealand (IPONZ)**  Planned improvements include:  Continuous improvement programme for our online service delivery  Cultivating international relationships to gain benefits of joining international treaties, harmonisation and knowledge sharing  Continuing our efforts to share our knowledge with and assist ASEAN nations to accede to Madrid Protocol and patent training  Improving IP awareness amongst NZ businesses. |
| **Intellectual property enforcement**  The Chief Executive of the Ministry of Business, Innovation and Employment (MBIE) is empowered to prosecute the offences of manufacturing, importing and selling counterfeited goods and pirated works prescribed in the Copyright and Trade Marks Acts. Guidelines have been published that set out the approach that MBIE, through the Intellectual Property Office of New Zealand (IPONZ), intends to take in investigating and prosecuting those offences, and how IPONZ will work with other agencies that have a role in trade mark and copyright enforcement.  See: [Prosecution Policy Guidelines under the Trade Marks Act 2002 and the Copyright Act 1994.](http://www.iponz.govt.nz/cms/contact/ask-a-question/how-do-i-enforce-my-intellectual-property-rights/draft-prosecution-policy-guidelines-under-the-trade-marks-act-2002-and-copyright-act-1994) |  |
| **Single Economic Market between Australia and New Zealand**  *Single patent application process and single patent examination process*  IP Australia and IPONZ agreed on an implementation plan to improve the way patent applications are processed and examined. The implementation plan has three main stages: working sharing, single application process and single examiner process. The primary goals of the single application and single examiner processes are to remove duplication and drive efficiencies.  *Regulation of patent attorneys*  The governments of New Zealand and Australia have agreed to implement a single trans-Tasman registration regime for patent attorneys practicing in Australia and New Zealand. The regime is expected to be implemented in 2014. | **Single Economic Market between Australia and New Zealand**  *Single patent application process and single patent examination process*  IPONZ and IP Australia have developed high level designs for both processes and are currently working on the detailed frameworks, with the intention to implement a pilot program in 2015.  Cabinet has approved the proposal to implement the processes through legislative amendments to the Patents Act 2013. |
| *Website for further information:* | [www.mbie.govt.nz](http://www.mbie.govt.nz)  [www.iponz.govt.nz](http://www.iponz.govt.nz) |  |
| *Contact point for further details:* | ip.policy@mbie.govt.nz |  |
| ***Competition Policy*** | Legislation arising out of the **Commerce Commission (International Co-operation, and Fees) Act** was passed by the New Zealand Parliament on 16 October 2012 and came into force on 24 October 2012. The Act contributes to the objectives of the *Single Economic Market Outcomes Framework* jointly announced on 20 August 2009 by the Australian and New Zealand Prime Ministers.  The aim of the Commerce Commission (International Co-operation, and Fees) Act is to enhance co-operation between New Zealand’s competition and consumer regulator (the New Zealand Commerce Commission) and overseas competition, consumer and telecommunications regulators (in particular, the Australian Competition and Consumer Commission), while ensuring that appropriate safeguards are in place to address public interest concerns, including the maintenance of privacy interests, confidentiality and legal privilege.  To achieve this aim, the Commerce Commission (International Co-operation, and Fees) Act amended the Commerce Act 1986, the Fair Trading Act 1986, the Credit Contracts and Consumer Finance Act 2003, and the Telecommunications Act 2001 to allow the New Zealand Commerce Commission to use its statutory powers to provide investigative assistance to overseas regulators and to provide, subject to conditions, compulsorily acquired information to them.  The **Consumer Law Reform Bill** was an omnibus bill with the purpose of modernising New Zealand’s consumer law and improving its alignment with the Australian Consumer Law. The Bill was passed by the New Zealand Parliament in December 2013.  The Bill amended the Fair Trading Act 1986, the Consumer Guarantees Act 1993, the Weights and Measures Act 1987, the Carriage of Goods Act 1979, the Sale of Goods Act 1908, and the Secondhand Dealers and Pawnbrokers Act 2004.  In addition, the Bill: (a) repealed the Auctioneers Act 1928, replacing it with the new Auctioneers Act 2013; and (b) effective 18 June 2014, the Door to Door Sales Act 1967, the Layby Sales Act 1971, and the Unsolicited Goods, with the matters covered by those three Acts to be incorporated into the amended Fair Trading Act. | **General Competition Policy**  The New Zealand Government is currently working on a significant amendment to the Commerce Act 1986: the **Commerce (Cartels and Other Matters) Amendment Bill**. This Bill is part of New Zealand’s commitment to achieving the outcomes identified in the *Single Economic Market Outcomes Framework* endorsed by the Prime Ministers of Australia and New Zealand in August 2009.  The Bill, introduced into the New Zealand Parliament on 13 October 2011, proposes a new exemption regime for collaborative activities, an associated clearance regime, and the criminalisation of hard-core cartel activities.  A key feature of the Bill is that it clarifies the definition of cartel conduct to include the forms of cartel behaviour as defined by the Organisation of Economic Development and Co-operation: price fixing, output restriction, and market allocation. Cartel conduct is currently prohibited under the Commerce Act only to the extent that there is an effect on the price for goods or services. The definition of cartel conduct in the Bill makes it clear that contracts, arrangements and understandings that contain, or give effect to, any of the specified forms of cartel conduct are prohibited.  As a counterbalance to this more inclusive definition of cartel conduct, the Bill focuses on the substance of collaborative conduct (rather than on the form) by introducing a collaborative activity exemption. The purpose of the exemption is to ensure that legitimate pro-competitive collaborations are not prohibited. The exemption applies to all pro-competitive, efficiency-enhancing collaborations and not only to structural joint ventures, as currently provided under the Commerce Act.  The Bill also introduces a clearance regime to enable firms to approach New Zealand’s competition regulator (the New Zealand Commerce Commission) for a ruling on whether a proposed arrangement entered into by parties involved in a collaborative activity would raise competition concerns. In order to grant a clearance, the New Zealand Commerce Commission would need to be satisfied that the arrangement would not have, or would not be likely to have, the effect of substantially lessening competition in a market, and that if the relevant activity contains a cartel provision, that the provision is reasonably necessary for the purpose of the collaborative activity.  The part of the Bill that has attracted the most attention is the proposed imposition of criminal sanctions for hard-core cartel offences. The Bill, however, sets high thresholds for “intent” and “beyond reasonable doubt” criteria which must be satisfied in order for criminal behaviour to be proven.  The Commerce Select Committee has reported back to the New Zealand Parliament on its consideration of the Bill, recommending that the Bill be passed with some amendments including repealing the out-dated competition regime for international shipping in the Shipping Act 1987. Under the Bill, competition in international shipping would be regulated under the Commerce Act. The Bill is awaiting its second reading in the New Zealand Parliament.  The **Credit Contracts and Financial Services Law Reform Bill** proposes reforms to the entire suite of legislation that governs consumer credit contracts, from before their inception until their termination or enforcement.  The Bill amends the Credit Contracts and Consumer Finance Act 2003, and repeals the Credit (Repossession) Act 1997 and incorporates its provisions within an expanded Credit Contracts and Consumer Finance Act. Repossession agents will be required to be registered under the Private Security Personnel and Private Investigators Act 2010. A small amendment is made to the Personal Property Securities Act 1999, and the Bill also amends the Financial Service Providers (Registration and Dispute Resolution) Act 2008 to promote cost-effective financial dispute resolution and protect the integrity of the financial service provider registration regime.  The Bill passed its first reading in the New Zealand Parliament on 17 September 2013 and has been referred for consideration to the Commerce Select Committee. The Committee is due to report back to Parliament by 17 March 2014. It is hoped the Bill will become law in 2014. |
| **Dairy Industry**  Amendments were made to the **Dairy Industry Restructuring Act 2001** in July 2012 to further bolster the contestability of the market for farmers’ milk.  The Dairy Industry Restructuring Act provided for an authorisation under the Commerce Act 1986 to allow for the formation of the dairy co-operative Fonterra. Upon its creation, Fonterra collected 96 per cent of New Zealand’s milk production. In recognition of Fonterra’s dominant market position, the Dairy Industry Restructuring Act set up a unique regulatory regime with the purpose of promoting the efficient operation of New Zealand dairy markets.  Fonterra was still subject to the provisions of the Commerce Act prohibiting restrictive trade practices. However, whereas the Commerce Act provides for *ex-post* examination of whether or not a company has taken advantage of market power, the Dairy Industry Restructuring Act is designed to act as an *ex-ante* incentive regime such that Fonterra does not have the incentive to act in an anti-competitive manner.  In particular, the Dairy Industry Restructuring Act promotes contestability in the market for farmers’ milk through a requirement that Fonterra operate an “open entry and exit regime”. This means that Fonterra must accept all milk supply offers from dairy farmers in New Zealand and allow relatively costless exit from the co-operative. These requirements ensure that Fonterra cannot “lock in” its farmer-suppliers and, as a consequence, Fonterra faces commercial incentives to pay efficient prices for farmers’ milk and capital invested in Fonterra.  The 2012 amendments to the Dairy Industry Restructuring Act require greater transparency of how Fonterra sets the price it pays farmers for milk and introduce a new farm gate milk price (the price paid by Fonterra to dairy farmers for raw milk) monitoring regime to be undertaken by the New Zealand Commerce Commission. The purpose of the milk price monitoring regime is to promote the setting of the base milk price (i.e., farm gate milk price) by Fonterra that: (a) provides an incentive for Fonterra to operate efficiently, while (b) providing for contestability in the market for the purchase of milk from farmers.  Under the milk price monitoring regime, the New Zealand Commerce Commission is required to carry out two statutory reviews of Fonterra’s base milk price-setting for each milk season, beginning with the 2012/13 milk season. The first review requires the New Zealand Commerce Commission to report by 15 December each year on the extent to which Fonterra’s Farm Gate Milk Price Manual is consistent with the purpose of the milk price monitoring regime. The second requires it to review Fonterra’s calculation of the base milk price for each season and report by 15 September on the extent to which it is consistent with the purpose of the milk price monitoring regime. | **Dairy Industry** |
| **Telecommunications**  New Zealand and Australia agreed on a joint regulatory approach in late 2012 in response to historically high costs of trans-Tasman mobile roaming. In future, the New Zealand Commerce Commission and the Australian Competition and Consumer Commission will collect data and report regularly on wholesale and retail trans-Tasman mobile roaming services. Both Commissions will also gain new powers to intervene in the market if necessary, and legislation to enable these changes is being prepared.  To make broadband offerings easier for consumers to understand and compare across different providers, a draft new industry code was developed by the New Zealand Telecommunications Forum in 2013. | **Telecommunications**  The **Telecommunications Act 2001** created an industry-specific regulatory regime for telecommunications, overseen by the Telecommunications Commissioner within the New Zealand Commerce Commission.  The New Zealand Commerce Commission can set comprehensive terms and conditions for regulated wholesale telecommunications services, such as interconnection, unbundled local loop services and mobile termination. It can also recommend that new wholesale telecommunications services be regulated, and if the recommendation is accepted by the Minister for Communications, then the service can be added to the schedule of regulated services under the Telecommunications Act. The New Zealand Commerce Commission produces regular reports on developments in competition in telecommunications markets under its general monitoring powers.  In February 2013 the New Zealand Government announced a review of the Telecommunications Act. The review will take account of the market structure, technology developments and competitive conditions in the telecommunications industry, including the impact of fibre, copper, wireless, and other telecommunications network investment.  The focus of the first phase of the Telecommunications Act review was on how to improve the current copper price-setting process (for a transition period until 2020) to ensure consideration of current and future investments when setting prices. A discussion document was released in August 2013, as part of this review. |
| *Website for further information:* | [www.mbie.govt.nz](http://www.med.govt.nz)  [*www.comcom.govt.nz*](http://www.comcom.govt.nz)  [*www.mpi.govt.nz*](http://www.mpi.govt.nz) |  |
| *Contact point for further details:* | Melanie.porter@med.govt.nz |  |
| ***Government Procurement*** | Additional All-of-Government (AoG) contracts were established for: advertising, electricity, external recruitment services, mobile voice and data services, reticulated gas.  Collaborative contracts (involving clusters of agencies) have been or are being developed for: electronic content management system as a service, ICT security and related services, desktop as a service, contracts database and communications tolls, eye tests and eye wear, security services (card access, guards, CCTV), office furniture, meeting room technologies, driver instruction.  A Commercial Pool of procurement experts, based in the Ministry of Business, Innovation and Employment, was established to assist agencies in their high value procurement projects.  eVALUA was engaged as the provider of a new (next generation) Government Electronic Tenders Service (GETS) [www.gets.govt.nz](http://www.gets.govt.nz)  New Government Rules of Sourcing were published in 2013 (a revision and expansion of the 2006 Mandatory Rules for Procurement by Departments). The new Rules represent the government’s standards of good practice for procurement planning, approaching the market and contracting. They are aligned with international good practice, and demonstrate that New Zealand’s government procurement is open, transparent and accountable.  A new guide for government agencies entitled Competitive Dialogue: How Competitive Dialogue Works in New Zealand was published in July 2013. See <http://www.business.govt.nz/procurement/pdf-library/agencies/guides-and-tools/competitive-dialogue.pdf>  Negotiations for New Zealand to accede to the plurilateral WTO Government Procurement Agreement are underway. | Further AoG contracts are planned or under consideration for: banking services, building materials, consultancy services, insurance, rental vehicles. AoG contract for office consumables comes up for renewal or re-tendering in June 2014.  The new improved GETS system is expected to be operating by mid- 2014.  Subject to consultation and approval by Cabinet, mandatory coverage of the Government Rules of Sourcing may be extended beyond public service departments to a wider range of government agencies under the Crown Entities Act 2004. |
| *Website for further information:* | [*www.business.govt.nz/procurement*](http://www.business.govt.nz/procurement) |  |
| *Contact point for further details:* | procurement@mbie.govt.nz |  |
| ***Deregulation/Regulatory Review*** | Reviews of existing regulation   * **Productivity Commission** **completed inquiries on**:   + Local government regulation   + Trans-Tasman joint study (trans-Tasman economic integration)   + Housing affordability   + International freight transport services * **Productivity Commission current inquiries**:   + Regulatory institutions and practices   + Services sector * **Regulatory scanning system** , where departments look at and periodically report on the regulation they are responsible for, continued * **Regulatory Review Programme**: 18 major regulatory reviews completed- Accident Compensation, Air Quality Standards, Air Transport, Building Regulation, Capital Markets, Consumer Law, Dairy Restructuring (Raw Milk), Electricity Reforms, Employment Relations Act, Food Regulation (Domestic), Foreshore and Seabed Act, Holidays Act, Overseas Investment Act, Regulatory Barriers to Export Growth, Resource Management Act (phase I), Statutory Review of the Emissions Trading Scheme, Telecommunications, Weathertight Homes. * **Expectations for Regulatory Stewardship:** Cabinet agreed expectations for regulatory stewardship, outlining at a high level Cabinet’s expectations for how government departments should be designing and implementing regulatory regimes, and their stewardship role in administering those regimes. These supersede the *Government Statement on Regulation*.   Reviews of new or proposed regulation   * **RIA regime** maintained and revised guidance on Regulatory Impact Analysis issued. * **Annual regulatory planning system** maintained. * **Expectations for Regulatory Stewardship:** Cabinet agreed expectations for regulatory stewardship, outlining at a high level Cabinet’s expectations for how government departments should be designing and implementing regulatory regimes, and their stewardship role in administering those regimes.   **Regulatory Disclosures Regime:** implementation of a regulatory disclosure regime is underway with an administrative trial of the disclosures. The disclosure regime will support aspects of the Regulatory Quality Management system by requiring disclosure of key quality assurance information and significant or unusual features relating to new legislative initiatives. | Reviews of existing regulation   * **Regulatory Review Programme**: the following reviews are currently on the Regulatory Review Programme:   + Resource Management Act (Phase Two)   + Local Government Review   + Vehicle Licensing   + Teacher Workforce   + Occupational Safety and Health * **Best Practice Regulation**: all regulatory regimes are being subject to a process of reassessment of their high-level performance 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.   Reviews of new or proposed regulation  **Regulatory Disclosures Regime**: Current government policy is to implement a legislative requirement for disclosure; implementation is now underway with an administrative trial of the disclosures. |
| *Website for further information:* | [www.treasury.govt.nz/economy/regulation](http://www.treasury.govt.nz/economy/regulation) |  |
| *Contact point for further details:* | *Colin Hall*  *Manager, Regulatory Quality & Tax Strategy*  *Treasury*  Colin.Hall@treasury.govt.nz |  |
| ***Implementation of WTO Obligations/ROOs*** | No change since last update. |  |
| *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:* | *(WTO Obligations) Trade Negotiations Division, Ministry of Foreign Affairs and Trade:* [*tnd@mfat.govt.nz*](mailto:tnd@mfat.govt.nz)  *(ROO)*  *Shiromani Jayasekera*  *Senior Policy Analyst, New Zealand Customs Service*  [*Shiromani.jayasekera@customs.govt.nz*](mailto:Shiromani.jayasekera@customs.govt.nz)  *Christine Mullinder*  *Senior Policy Analyst, New Zealand Customs Service*  [*Christine.mullinder@customs.govt.nz*](mailto:Christine.mullinder@customs.govt.nz) |  |
| ***Dispute Mediation*** | **Disputes between Governments**  Since the last report in 2012, the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation has entered into force. This Agreement includes 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.  In addition, the Protocol on Investment to the New Zealand Australia Closer Economic Relations Trade Agreement came into force in 2013. 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. | **Disputes between Governments**  New Zealand continues to negotiate 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, Viet Nam, Mexico, Canada and Japan 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; * The Regional Comprehensive Economic Partnership (RCEP) negotiations among 16 countries: the 10 members of ASEAN (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Viet Nam) and the six countries with which ASEAN has existing Free Trade Agreements (FTAs) – Australia, China, India, Japan, Korea, and New Zealand. * 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.  The New Zealand Government is taking the final steps towards putting in place a new regime that will make it easier to resolve trans-Tasman legal disputes. The Government has made regulations and court rules supporting the Trans-Tasman Proceedings Act 2010. The Act implements the Agreement with Australia on Trans-Tasman Court Proceedings and Regulatory Enforcement, which New Zealand and Australia signed in 2008. The Agreement introduces a range of measures aimed at streamlining 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. For example, the Agreement:   * makes it easier to start civil proceedings against a person in the other country * introduces a common test to determine which country a court case should be heard in * allows greater use of technology, so people and their lawyers can appear and give evidence in court proceedings in the other country via video or audio link * expands the range of civil court judgments that can be enforced in the other country, and streamlines the process for enforcing those judgments.   The Agreement will also allow civil financial penalties and certain criminal fines for regulatory breaches to be enforced across the Tasman.  New Zealand will continue to participate in the WTO Dispute Settlement Understanding Review. |
| Disputes between Governments and Private Entities:  Since the last report in 2012, the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation has entered into force. This Agreement includes investor-Party dispute settlement provisions for settling investment disputes between a Party and an investor of another Party, including through consultations and negotiations, followed by recourse to arbitration provided that the disputing investor obtains the disputing Party’s written consent 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) | *The regulations, court rules and Orders in Council to implement New Zealand’s Trans-Tasman Proceedings Act 2010 were published September 5 in the New Zealand Gazette, which is available on the New Zealand Department of Internal Affairs website.*  Information about the agreement is available on the New Zealand Ministry of Justice website at <http://www.justice.govt.nz/policy/international-justice/trans-tasman-court-proceedings> . |
| *Contact point for further details:* | [lgl@mfat.govt.nz](mailto:lgl@mfat.govt.nz) |  |
| ***Mobility of Business People*** | Immigration New Zealand has introduced two new visa facilitation mechanisms for high value travellers. Efforts have been focussed in China, with partnerships being announced with China Southern Airlines and with Air New Zealand. The arrangements allow holders of gold class status with those airlines to use evidence of that status as a proxy for evidence of funds and employment when applying for a visitor visa. Criteria have been developed for identifying further opportunities for agreements that assist in the facilitation of movement of high value travellers.  In April 2013 Prime Minister John Key announced a new arrangement whereby business visitors from China may be granted a multiple-entry visitor visa valid for up to 36 months.  **Border**  Customs opened the automated border processing system (i.e. SmartGate) to United Kingdom and United States ePassport holders for departures in July 2013.  Customs opened a dedicated lane for all US Global Entry Members arriving at Auckland, Wellington, and Christchurch airports in December | The new Immigration Global Management System (IGMS), known as Immigration Online, has begun rolling out of services. The first stage was the introduction of a new ‘visa options check’ tool that helps potential temporary entrants or migrants to identify the visa that best meets their needs.  Future IGMS functions will be introduced progressively from 2014. Initially online forms will enable electronic lodgement of applications. Full implementation is expected by the end of 2015.  The system 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.  **Border**  Customs is planning to open SmartGate to United Kingdom and United States ePassport holders for arrivals during 2014. |
| *Website for further information:* | [*http://www.immigration.govt.nz*](http://www.immigration.govt.nz)  [*http://www.customs.govt.nz*](http://www.customs.govt.nz) |  |
| *Contact point for further details:* | *Phillipa Guthrey*  *Manager, Immigration International / Service support Group*  *Immigration New Zealand, Ministry of Business, Innovation and Employment*  [*Phillipa.guthrey@mbie.govt.nz*](mailto:Phillipa.guthrey@mbie.govt.nz)  *Phil Lockwood*  *Senior Policy Analyst, New Zealand Customs Service*  [*Phil.lockwood@customs.govt.nz*](mailto:Phil.lockwood@customs.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 Business, Innovation and Employment 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-apd@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**  In late 2013 NZ accepted an invitation to join the Open Government partnership in April 2014. OGP was launched in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. For more information see: <http://www.opengovpartnership.org/> | **General Principle 1** *Acts and Regulations*  From 6 January 2014, the New Zealand Legislation website [www.legislation.govt.nz](http://www.legislation.govt.nz) will become a source of official legislation, in addition to legislation printed and published by the Parliamentary Counsel Office and the New Zealand Government. (Under [section 18](http://www.legislation.govt.nz/act/public/2012/0119/latest/DLM2998516.html) of Legislation Act 2012, “An official version of legislation as originally enacted or made is taken to correctly set out the text of the legislation.” In the courts, official legislation is taken to correctly state the law without any further proof of its accuracy unless the contrary is shown.) Official legislation will be in PDF format and will display the New Zealand Coat of Arms on the first page. PDFs of the following documents will be official:   * every Act and Legislative Instrument enacted or made since 2008 * every reprint (subsequent version) of those Acts and Legislative Instruments * the latest version of all principal (ie not amendment) Acts and Legislative Instruments enacted or made between 1931 and 2007, if still in force * the latest versions of some pre-1931 Acts, eg the [Judicature Act 1908](http://www.legislation.govt.nz/act/public/1908/0089/latest/DLM144693.html) and [Sale of Goods Act 1908](http://www.legislation.govt.nz/act/public/1908/0168/latest/DLM173958.html) * some earlier reprints of those 1931-2007 Acts and Legislative Instruments, and some earlier reprints of those pre-1931 Acts.   A printout of an official PDF will also be official.  A new website “print on demand” feature that will allow users to order a commercially printed copy of any Act, Legislative Instrument, Bill, or Supplementary Order Paper will also be introduced on 6 January 2014.  With the move to providing up-to-date official legislation online, the Parliamentary Counsel Office will stop providing some of its hard-copy products. Publication of traditional printed reprints will stop after the current reprinting programme has been completed. The 2013 annual bound volumes of legislation, to be published early in 2014, will be the last published by the Parliamentary Counsel Office. For more information see <http://www.legislation.govt.nz/news.aspx#official> |
| **General Principle 2**  No change | For information on changes to the accessibility of legislation, see above under General Principle 1. |
| **General Principle 3**  No change |  |
| **General Principle 4**  No change |  |
| **General Principle 5**  No change |  |
| *Note: Information provided against each sector-specific transparency standard compliments the information provided under the General Transparency Principles above.* | Transparency Standard 1: Services  No change |  |
| Transparency Standard 2: Investment  The Overseas Investment Office has updated its information for applicants about the [application assessment process](http://www.linz.govt.nz/overseas-investment/applications/assessment#1) and [assessment timeframes](http://www.linz.govt.nz/overseas-investment/applications/assessment#2). New information provided on the OIO website includes the OIO’s internal performance targets, actual performance, and the average time taken to assess a consent application from start to finish (which will be updated monthly).  For further information, see: <http://www.linz.govt.nz/about-linz/news-publications-and-consultations/news-and-notices/update-to-oio-web-pages>    Information on New Zealand’s investment promotion programmes can now be found on the Trade and Enterprise New Zealand website at the following link:  <http://www.nzte.govt.nz/en/invest/> |  |
| Transparency Standard 3: Competition Law and Regulatory Conformance  No change |  |
| Transparency Standard 4: Standards and Conformance  *See standards and conformance section above* |  |
| Transparency Standard 5: Intellectual Property Rights  *See IP section above* |  |
| Transparency Standard 6: Customs Procedures  No change |  |
| Transparency Standard 7: Market Access  The 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 Working Tariff Document is published at: <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 Mobility    No change |  |
| Transparency Standard 9: Government Procurement  eVALUA was engaged as the provider of a new (next generation) Government Electronic Tenders Service (GETS).  New “Government Rules of Sourcing” were published in 2013 (a revision and expansion of the 2006 “Mandatory Rules for Procurement by Departments”). The new Rules represent the government’s standards of good practice for procurement planning, approaching the market and contracting. They are aligned with international good practice, and demonstrate that New Zealand’s government procurement is open, transparent and accountable.  A new guide for government agencies entitled “Competitive Dialogue: How Competitive Dialogue Works in New Zealand” was published in July 2013. | The new improved GETS system is expected to be operating by mid- 2014.  Subject to consultation and approval by Cabinet, mandatory coverage of the Government Rules of Sourcing may be extended beyond public service departments to a wider range of government agencies under the Crown Entities Act 2004. |
| *Website for further information:* | [www.newzealand.govt.nz](http://www.newzealand.govt.nz) |  |
| *Contact point for further details:* | Dm-apd@mfat.govt.nz |  |

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| **RTAs/FTAs** | | | |
| ***-*** ***Description of current agreements*** | | **Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation (ANZTEC)**  ANZTEC was signed in Wellington on 10 July 2013 and entered into force on 1 December 2013. The Agreement liberalises and facilitates trade in goods, services and investment between New Zealand and Chinese Taipei, and includes innovative provisions on film and television, indigenous cooperation and air links. |
| ***- 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.  Korea  and New Zealand formally announced the resumption of negotiations in December 2013, with the next round to be held in February 2014 in New Zealand. |
| ***Agreement #3*** | **India-New Zealand FTA**  Negotiations towards an FTA between New Zealand and India were announced by New Zealand Trade Minister Tim Groser and Indian Commerce Minister Anand Sharma in January 2010. This followed the completion of a joint feasibility study in February 2009, which concluded that the Indian and New Zealand economies were largely complementary. The study also found considerable potential exists to substantially develop the bilateral trade and economic relationship. It found that an FTA would deliver a broad range of benefits to both countries.  Consequently, the first round of negotiations took place in Wellington in April 2010. Subsequent rounds have continued at intervals of approximately six months.    The Ninth Round of negotiations was held in Wellington in July 2013. Progress was made across a number of negotiating fronts, but both sides acknowledged that a number of challenging issues remain outstanding. New Zealand and India discussed the goods market access interests of both countries, following an exchange of revised goods offers prior to the round. Both sides reiterated their commitment to progress the FTA negotiations. |
| ***Agreement #4*** | **Russia, Belarus & Kazakhstan-New Zealand FTA**  CURBK-NZ FTA (Customs Union of Russia Belarus and Kazakhstan – New Zealand FTA) negotiations have made significant progress since they began in late 2010. Nine rounds of negotiations have been held so far, and these are continuing. The atmosphere between the parties has been consistently positive and focused, and good progress has been made across the negotiation. |
| ***Agreement #5*** | **The Trans-Pacific Partnership (TPP)**  TPP covers a number of areas including: competition; cooperation and capacity building; cross-border services; customs; e-commerce; environment; financial services; government procurement; intellectual property; investment; labour; legal issues; market access for goods; rules of origin; sanitary and phytosanitary standards; technical barriers to trade; telecommunications; temporary entry; textiles and apparel and trade remedies and several other issues.  Consistent with the statements made by TPP Leaders and Trade Ministers on 12 November 2011, TPP members share the goal of achieving a comprehensive, high ambition, 21st century agreement, which includes comprehensive duty-free access to TPP goods markets and the lifting of restrictions on services trade, investment and government procurement. The membership remains committed to the goal of eventually expanding TPP to include other interested economies from across the Asia-Pacific region.  TPP Ministers met in December and made significant progress towards completing TPP negotiations. Intensive work is continuing with a view to setting the stage to conclude all remaining areas across the negotiation, and ensure TPP remains on track to be substantively concluded, in early 2014. |
| ***Agreement #6*** | **Pacer Plus**  Officials from New Zealand and PACER Plus parties have engaged in six negotiating rounds and five intersessional meetings since negotiations began in 2009.  Officials concluded the latest round of negotiations in November 2013.   Following a productive year, good progress has been made across the agreement and a number of chapters are close to conclusion.  Initial textual discussions on goods, services, and investment have proven positive.  The 6th Intersessional meeting will take place in Port Vila, Vanuatu in April 2014. |
|  | ***Agreement #7*** | **RCEP**  Round 2 of RCEP negotiations took place in Brisbane from 23 – 27 September 2013. The third round took place in Kuala Lumpur from 20-24 January. Members are seeking a high quality outcome in RCEP, consistent with the Leaders’ Declaration which envisages a modern, comprehensive, high quality agreement in goods, services and investment as well as supporting rules in areas like Competition Policy and Intellectual Property. |
| ***-*** ***Future plans*** | |  |
| *Website for further information:* | | [www.mfat.govt.nz](http://www.mfat.govt.nz) |
| *Contact point for further details:* | | Dm-apd@mfat.govt.nz |

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| ***Other voluntary reporting areas***  ***[Labour and environment]*** | Since 2012, New Zealand has concluded legally-binding side agreements on Labour and on Environment in the context of our FTA with Indonesia (under AANFTA), 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. |  |
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| *Contact point for further details:* | Dm-apd@mfat.govt.nz |  |