

REGULATORY IMPACT STATEMENT

1.19 Executive summary

An ongoing part of the work programme for the Quality Regulation Review (the Review) is to identify potential legislative, regulatory and administrative measures that could improve the implementation of regulatory frameworks. This aggregated regulatory impact statement identifies a range of areas where there are high compliance costs without commensurate benefits. It contains additional amendments to legislation and regulation to reduce these compliance costs.

Adequacy Statement

The Ministry of Economic Development has compiled this aggregated regulatory impact statement and confirms that it meets the adequacy criteria for regulatory impact analysis.

Fisheries Act 1996

Status quo and problem

Commercial fishers are required to balance their catch with Annual Catch Entitlement (ACE), as part of the Quota Management System (QMS). If, at the end of a fishing year, they have not acquired enough ACE to balance against their catch they will incur a debt in the form of an invoice for annual deemed values. End of year balancing (comparison of catch vs ACE) occurs approximately 20 days after the end of the fishing year. On the 15th day after the end of a fishing year however the ACE register is closed, meaning that fishers are no longer able to transfer ACE and their ACE holdings at that point in time become fixed.

The majority of fishers manage to balance their catch within the required timeframes. However, since the introduction of the ACE balancing regime in 2001 there have been a number of cases where, for various administrative reasons, planned ACE transfers have failed to take place. In these cases, such failures only surface after the ACE register has closed, at which stage fishers are precluded from making additional ACE transfers to rectify the errors. The fishers have then incurred an annual deemed value debt even though they had intended to comply with the law. In this type of situation most fishers have to pay the debt so as to prevent their commercial fishing permit from being suspended. Currently there are no provisions in the Fisheries Act 1996 (the Act) to allow this type of situation to be rectified.

In absence of statutory authority, the Minister of Fisheries has progressed requests from fishers to seek relief from the position in which they have found themselves. For a case to be progressed the request for catch balancing relief must meet a set of criteria jointly approved by the Ministers of Finance and Fisheries. However, this is a protracted and cumbersome administrative process.

Objectives

To ensure that the catch balancing regime is fair, efficient and effective.

Preferred option

The preferred option is to amend the Act to allow requests from commercial fishers for catch balancing relief to be considered by the Chief Executive of the Ministry of Fisheries.

Amendments to the Act would put in place:

- i. a limited ability for fishers to make a request to the Chief Executive for catch balancing relief and for the ACE transfer to be recognised after the 15th day following the end of a fishing year.
- ii. A set of criteria that must be met before the Chief Executive can approve such a request

Upon approval, commercial fishers would be considered to have balanced their catch against ACE despite the requirement for all ACE transfers to be registered before the close of the 15th day after the end of a fishing year.

These changes would remove the perception that the Government is revenue gathering by taking advantage of minor administrative errors and would introduce an element of fairness to situations where invoices for debts have been issued although the sustainability of a stock has not been threatened. It would mitigate the burdens of firms arising out of legislation.

Consultation

The New Zealand Seafood Industry Council and Commercial Fisheries Services Limited have both indicated their support for the proposal.

Ministry of Agriculture and Fisheries Restructuring Act 1995

Status quo and problem

Under the Ministry of Agriculture and Fisheries (MAF) Restructuring Act 1995, the Ministry of Fisheries is required to charge all clients a penalty fee of 10% when they fail to pay their statutorily incurred debt within the time provided by the relevant enactment. This provision overlaps with the sanctions provided by the Fisheries Act 1996 when the same debt is not satisfied in the timeframe set by that Act.

The sanctions provided by the Fisheries Act 1996 in regard to unpaid levies (for example suspension of commercial fishing permit) have proven to be a greater incentive for levy payers to pay their debts within the required timeframes than the penalty fee provisions. Continuing to operate a double penalty regime is both inappropriate and unnecessary.

Objectives

To ensure that legislative frameworks are consistent and efficient.

Preferred option

The preferred option is to revoke section 18 of the MAF Restructuring Act. This would ensure that the penalty regime of the Fisheries Act 1996 achieves the legislative intent as clearly defined by that Act in a more efficient and fair manner.

Consultation

Treasury has been consulted on this proposal. It is also supported by Commercial Fisheries Services Limited.

Conservation Act 1987*Status quo and problem*

The Conservation Act 1987 (CA):

- a. restricts the granting of concessions as permits to a maximum of 5 years without public notification, and requires that the intent to issue all licences is publicly notified. The notification process is expensive and time-consuming, and paid for by the applicant. In practice, many low-impact and small scale business proposals must be publicly notified in order to gain tenure longer than 5 years, or if a licence activity is involved.
- b. does not explicitly state that the Minister of Conservation will decline to consider applications made for a concession while that concession opportunity is being tendered or is subject to other processes. From time to time the Minister tenders the right to apply for certain concession opportunities (or initiates other specified processes to invite or encourage applications). There is potential for parties to undermine the objectives of such processes, by applying while they are underway.

Objectives

To ensure that the policy intent of the regulatory frameworks relating to the concession provisions of the Conservation Act can be implemented and administered in a manner that eliminates unnecessary compliance costs and minimises necessary compliance costs.

Alternative options

- a. Options considered for resolving the duration and notification problem included

- Seeking more resources for additional processing capacity. This option would probably divert resources from higher priority work and would not address the underlying causal factors of this problem.
 - Raising processing costs to enable the purchase of additional resources. This would add cost to applicants and would only have a marginal impact on processing times or backlogs.
 - Using very simple consideration processes to speed up application processes. While this would speed up processes, it would also risk insufficient effects consideration and poor decision-making.
 - Changing the legislation to allow for permits and licences to be issued for periods up to 10 years without public notification. This is the preferred option.
- b. Options considered to fix the contestable process problem included:
- Change the legislation to require the Minister not to consider uninvited applications once a contestable process has commenced. This is the preferred option

Preferred option

Amend the Conservation Act 1987 to:

- a. allow permits to be granted for a term not exceeding 10 years, and so that licences up to 10 years duration are not notified unless the Minister considers the effects make notification appropriate (Section 17Z(2) and section 17T(4)). The Minister is able to impose a condition on the concession requiring a review of conditions during the term in both cases.

The duration and notification proposal will mainly affect activities without significant adverse effects such as some guiding operations. With respect to licences, the primary area of effect will be long-standing grazing licences. The amendments will enable DOC to transfer resources from repeated processing of short-term concessions into management planning and environmental monitoring. Small-scale, low-impact business proposals will be able to receive terms of up to 10 years without incurring the expense and additional time delays relating to public notification which can cost in excess of \$1000 + GST. Businesses will receive greater certainty of investment. The proposal will reduce compliance costs as many businesses, particularly small owner-operator ones and farmers, will now only have to re-apply for their concessions every 10 years instead of every five. The standard fee for each process is around \$1200 + GST plus the applicant's costs. Under other provisions of the Act, DOC will be able to review concessions and make changes if circumstances change, including a change in a management plan or strategy, or where significant effects become apparent over time.

- b. clarify that the Minister of Conservation will decline to consider applications for a concession from the point in time that a tender (or other) process has been launched. Both the Minister and tender applicants will benefit from greater

certainty by knowing that third-party applicants are not possible once a tender (or other process) has commenced. Precluding the possibility of a process being derailed by applicants outside that process will protect the tenderers' investment of time and money.

Consultation

The proposals have been discussed in some detail with a wide range of stakeholders (NZ Conservation Authority, Ministry of Tourism, Te Puni Kokiri, Tourism Industry Association, Maori Tourism Council, Forest & Bird, Federated Mountain Clubs, Federated Farmers and Te Runanga o Ngai Tahu).

There is a general consensus of support for the proposals. In the case of the duration and notification issue this support is subject to the development of improved guidance to decision-makers around classifying applications as low-impact, and the existence of a discretion to conduct mid-term reviews of concession conditions for 10 year non-notified concessions.

Local Government New Zealand does not oppose the proposals, but has requested that DOC investigate the "term" proposal with a view to extending it to reserves vested in local authorities. DOC and LGNZ will be investigating this proposal further. Further Cabinet approval will be sought, if necessary, to extend the "term" proposal to vested reserves.

Marine Mammals Protection Regulations 1992

Status quo and problem

Commercial operators who wish to seek to come into contact with marine mammals must obtain a permit to do so. Permits can be granted for up to 10 years. The process for renewing marine mammal operator permits under the Marine Mammals Protection Regulations is ambiguous. It does not state whether a person seeking to renew a permit must advertise his/her intention and comply with the advertising process as if it were a new permit, or if they can dispense with advertising if the proposed renewal involves conditions and terms that are not substantially different from the expired permit. The renewal process is time-consuming (involving potentially months of delay), and where no substantive change is proposed the criteria used for new permit applications are largely unnecessary for holders of newly expired permits. The average processing cost for recent new applications is estimated to be \$600 plus GST and for a non-advertised renewal \$300 plus GST.

Objectives

The public policy objective is to ensure that the permit renewal process is clear and does not cause any unnecessary cost and/or delay.

Preferred option

Amend the Regulations to make it clear that an applicant for permit renewal is not required to advertise its intention to renew its permit if the proposed renewal of permit involves conditions and terms that are not substantially different from those in the expired permit. This will streamline the permit renewal process for permit holders

seeking to renew permits, and remove uncertainty. Permit renewal processing costs to both the applicants and the Department will be minimised. Compliance costs will be reduced, as the cost of advertising in public newspapers would be dispensed with and there would be no submission process for operations where no substantive change to the business is proposed.

Implementation and Review

The Department of Conservation will notify its administrative staff (who process applications for renewal of marine mammal operator permits) about the process, and also those who hold such permits. The Department does not need a specific enforcement strategy for the proposal or to monitor and evaluate it.

Consultation

[...]. Te Puni Kokiri has been consulted and is supportive of the proposal.

Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1999

Status quo and problem

Currently, the Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1999 (PECPR Regulations) cover compressed gas cylinders in a place of work. This should fall within the jurisdiction of the Hazardous Substances and New Organisms (HSNO) Act as Parliament intended, following the revocation of the Dangerous Goods Regulations in 2006. This situation creates potential confusion over the coverage of regulations.

However, applying the Interpretation Act means that the reference in the PECPR Regulations to the Dangerous Goods (Class 2 – gases) Regulations could be read as the Compressed Gas Regulations that replaced them. This would mean that the coverage issue does not matter in practice as the Interpretation Act would apply.

Additionally, low hazard aerosols and cartridges are caught by the wide definition of the PECPR Regulations, so they are unintentionally covered. Due to their minimal hazards, these should not be covered by the PECPR Regulations. However, the practical consequence of covering low hazard aerosols and cartridges is nil, as the hazard analysis applied to these items will lead to them not requiring certification or inspection.

Objectives

To ensure that compliance with the regulations is clear, certain and simple to follow. And to ensure that regulations do not cover matters unintended by Parliament.

Preferred option

The preferred option is to amend the PECPR Regulations to:

- replace the reference to the Dangerous Goods (Class 2 – gases) Regulations 1980 in schedule 2 with a reference to the Hazardous Substances (Compressed Gas) Regulations 2004; and
- specifically exclude low hazard aerosols and cartridges

These amendments would improve the clarity and transparency of the RECPR Regulations. They would remove the need for recourse to the Interpretation Act and would improve clarity over what regulations provide compliance for certain items. There are no business compliance costs arising from the proposal.

Consultation

There has been no formal public consultation on the proposal relating to the amendment of the PECPR Regulations. ERMA NZ and MfE have agreed that the PECPR Regulations should be amended.

Hazardous Substances and New Organisms Act 1996

Ten problems with the Hazardous Substances and New Organisms Act 1996 (HSNO) Act have been identified:

- a. Section 19 limits the ability of the Environmental Risk Management Authority (ERMA) to delegate its decision making powers to those specified in s19(2). However, ERMA frequently makes a variety of relatively minor technical or administrative decisions which arguably involve an exercise of the ‘decision-making power’. Without the ability to delegate, significant administrative costs and time delays are involved for both businesses and regulators in making these decisions.
- b. There are three issues associated with the assessment of non-genetically modified new organisms (non-GMOs):
 - Currently the HSNO Act does not distinguish between low-risk and other non-genetically modified new organisms as it does for genetically modified organisms (GMOs). As a result, the Act does not allow for rapid assessment (and delegation to “any person”) of any application to import low-risk non-GMOs into containment, or develop them in containment, whereas it does so for applications to develop or import low-risk GMOs.
 - A different situation exists for field tests in containment. Instead of allowing non-GMO field test applications to be rapidly assessed (and so delegated), these applications cannot be notified. However, non-GMO developments and imports into containment (both arguably less likely to be of significant public interest than a field-test) may be notified if ERMA, in accordance with the HSNO Act, “considers that there is likely to be significant public interest” in the application.

- Applications for conditional release (with controls) of low-risk non-GMOs are not treated consistently with applications for full release (without any controls) of low-risk non-GMOs, which may be rapidly assessed if certain statutory conditions are met. Applications for conditional release (with control) however cannot be rapidly assessed even though the concerns around the risks of such releases could be satisfactorily met by the imposition of control.
- c. An application to import or manufacture a hazardous substance 'for release' under s28 must be publicly notified under s53, unless has been rapidly assessed and approved under s28A. However, experience has shown that many hazardous substance 'release' applications that do not meet the criteria for rapid assessment are routine and attract very few public submissions. Mandatory public notification can result in delays and costs to the applicant that are disproportionate to the risks posed or the benefits of public participation.
 - d. Section 82(4) requires a test certifier to refuse to issue a test certificate where he or she considers on reasonable grounds that any matter does not comply with the relevant requirement. Therefore, where locations are not in full compliance with the relevant HSNO requirements, a location test certificate cannot be issued until a test certifier revisits the premises and reassesses the outstanding compliance matters. This may result in substantial additional expenses to businesses, including operations being suspended while the non-compliances are resolved, even when the non-compliance may be considered 'minor or technical'.
 - e. Section 82A(1) requires ERMA to keep and maintain a register of test certificates issued by test certifiers under the Act. The Act restricts access to the register to certain purposes. However, while s82A(4) expressly allows searches where necessary to prevent or lessen a serious and imminent threat to public or individual health and safety, searches cannot be readily undertaken by the Fire Service in particular (not an enforcement agency under the Act), or by any HSNO enforcement agency, for emergency and response planning purposes.
 - f. Some substances with Part V specific individual approvals may also be controlled under generic group standards. Therefore, reassessment of a Part V approval may also impact on a group standard. At present there is no mechanism to account for these affected group standards, other than conducting a separate full group standard amendment process. Under the current provisions, this would require separate reassessment and group standard consultation processes with the consequent cost, potential confusion and inconsistencies.

Furthermore, while s67A the Act allows ERMA to amend a Part V approval on its own motion if it considers that the alteration is 'minor or technical', there is no equivalent provision for group standards. Such alterations to a group standard therefore require the full amendment process which is excessive for these situations.

- g. The HSNO Act contains limited cost recovery provisions. The Ministry of Agriculture and Forestry, the enforcement agency for new organisms under the HSNO Act, can recover the costs associated with HSNO Act containment approvals under the Biosecurity Act, because the costs primarily elate to functions empowered by the Biosecurity Act. However, costs associated with controls on newer types of release approvals (outside containment) cannot be recovered under the Biosecurity Act without recovery being empowered under the HSNO Act. As a result such costs are currently recovered by MAF's baseline funding. This legislative gap does not provide any incentives to develop an efficient monitoring system for the holders of the approvals for various releases of new organisms to minimise these costs they incur.
- h. Sections 147(3) and 148(b) provide for additional matters relating to the effectiveness of the HSNO Act that ERMA must include in its Statement of Intent (SOI) and annual report. Experience has shown that this involves significant repetition of information already provided in a more comprehensive way elsewhere in the SOI or in ERMA's annual monitoring report, which is a requirement of the annual output agreement with the Minister and is publicly available. The duplication required by these sections results in unnecessary costs being incurred for no additional value, and diverts scarce resources away from other regulatory activities.
- i. Under section 82C, ERMA is currently empowered to revoke on certain grounds approved filler and handler test certificates issued by test certifiers. . However the Authority cannot revoke other types of test certificates, primarily location and stationary container test certificates, or revoke certificates when criteria for which the certificate was issued are no longer met by the certificate holder.
- j. Responsibility for enforcement of the HSNO Act requirements for new organisms and hazardous substances falls onto separate agencies (MAF and primarily DoL, respectively). Considerable efforts have therefore gone into aligning enforcement by these two agencies under the HSNO and Biosecurity Acts, and under the HSNO and Health and Safety in Employment Acts, respectively. However, inconsistencies remain in the respective statutory timeframes to lay information under these pair of Acts. These inconsistencies create problems in the use of the enforcement provisions of these Acts, leading to the HSNO enforcement provisions being underused.

Objectives

The overall policy objective is to ensure that the policy intent of the HSNO regulatory frameworks can be implemented and administered in an efficient manner that eliminates unnecessary compliance costs and minimises necessary compliance costs.

Preferred Options

- a. It is proposed to remove the specific limitation on the delegation of “decision-making powers” in s19(1)(b), while retaining the specific delegations listed in 19(2) in their current form (along with the additional delegations proposed below). This will enable ERMA to delegate technical/administrative decision-making powers to its Chief Executive, other agency staff or other persons, while retaining significant delegations in the form expressly allowed in the Act. The variety of technical/administrative decisions is such that their delegation cannot be readily covered by either a generic statement in s19(2) or a list in a Schedule of delegations. In accordance with standard legal principles, ERMA would still retain the ultimate responsibility for any delegation. It would therefore have to take all the usual precautions when considering when, to whom, and on what conditions, a delegation should be made, and would also continue to monitor the delegations it makes.

Such amendment will provide ERMA with greater flexibility and will enable greater efficiencies for both it and industry in making decisions on these matters.

- b. It is proposed to:
- (i) amend the HSNO Act to enable the rapid assessment of applications to import into containment, develop in containment into containment, field-testing in containment, and conditionally release low-risk non-genetically modified new organisms, including the ability to delegate these rapid assessments (consistent with existing rapid assessments), and the provision or development of the appropriate criteria for rapid assessment; and
 - (ii) amend section 53 of the Act to give ERMA the discretion to publicly notify any application to field-test a non-genetically modified new organism and to not be required to notify an application to conditionally release a non-genetically modified new organism, when that application has been rapidly assessed.

This option will improve consistency in how applications are processed by enabling applications to import, develop, or field-test non-GMOs in containment to be treated consistently with each other and with applications to import or develop low-risk GMO in containment (in terms of rapid assessment of low risk organisms and the discretionary notification of other applications); and by enabling applications for conditional release of low-risk non-GMOs to be treated consistently with applications for full release of low-risk non-GMOs.

The proposal will reduce application costs and shorten application times for industry, where pre-determined conditions set in the Act or in regulations are met. In doing so, these amendments will ensure the extent of assessment and the balance between risk and cost/benefits is appropriate for different application types and match the risks posed by non-GMOs, thereby ensuring sufficient assessment while minimising any unnecessary regulation.

Some distinction will remain between non-GMO and GMO field tests. Rapid assessment is not available for any GMO field test applications and all GMO field-test applications must be publicly notified. The proposed discretionary notification of other higher risk non-GMO field-test applications (not possible at present) will be on the same statutory basis as other discretionary notifications – “likely to be significant public interest”. Enabling such discretionary notification will tighten the requirements for higher risk non-GMO field tests – in recognition of the range of possible non-GMO field-test applications, although not to the extent already required for GMO field-tests.

This option is consistent with the recent recommendation of the Primary Production Committee.

- (i) It is proposed that ERMA be given both the discretion to publicly notify those hazardous substance applications under section 28 that do not otherwise qualify for rapid assessment and the ability to delegate the applications that are not publicly notified (or rapidly assessed) to its Chief Executive. The discretion to publicly notify will be exercised on the same basis as existing provisions for certain new organism applications in s53(2), i.e., whether ERMA considers there is likely to be significant public interest.
- (ii) These proposals will simplify and improve the efficiency of the assessment process for appropriate applications to import or manufacture hazardous substances.
- (iii) It is proposed that test certifiers have the discretion to issue a location test certificate on a ‘provisional’ (or conditional) basis where they consider the non-compliance with the relevant HSNO requirements to be due to minor or technical issues. The provisional certificate would state the outstanding matters, the time within which they would need to be rectified, and the manner of evidence required to demonstrate rectification. A normal location test certificate would then be issued once the test certifier is satisfied that the matters are no longer outstanding. This proposal will allow operations to continue lawfully while action is taken to ensure full compliance.
- (iv) It is proposed that the purposes for which an approved person may search the register be extended to include emergency and response planning purposes. The Fire Service would be able to search the register for that purpose, under delegation from an approved person (in accordance with s82B), as would all HSNO enforcement agencies, including those local authorities that have enforcement roles as per s97. These provisions will enable relevant parties to fully utilise the test certificate register as an efficient means of minimising potential threats to public health and safety in a more timely and effective manner.
- (v) It is proposed to enable joint consideration of common changes to Part V hazardous substance approvals and group standard approvals established under Part 6A, including the option of adapting the group standard amendment process to the Part V reassessment process, as

appropriate to the extent of the change, and to provide an equivalent to s67A for minor or technical changes to group standards. These proposals will remove the need for separate reassessment and group standard processes and reduce the consequent cost, potential for inconsistencies, and the potential confusion for industry.

- (vi) It is proposed to amend s97A of the HSNO Act to enable the enforcement agency responsible for the enforcement of the new organisms provisions of the HSNO Act (MAF) to use the cost recovery provisions of the Biosecurity Act, including the cost options (s135), levies (s137) and regulations (s165(1)(s)) to recover costs of performing HSNO functions in regard to new organism releases. The existing Biosecurity (Costs) Regulations 2006, with any necessary amendments, could then be used for cost recovery. This will be consistent with existing recovery of costs for performing HSNO functions in regard to new organism containment approvals. This cost recovery model is more appropriate to the development of an efficient monitoring system for the holders of the approvals for various releases of new organisms, as the costs are more readily identified.
- (vii) It is proposed to remove the two additional reporting requirements in section 147(3) and 148(b). This proposal will improve the cost and administrative efficiency of the statement of intent and annual report processes by reducing duplication, without adversely impacting on their quality, and enable more efficient use of resources for other regulatory activities.
- (viii) It is proposed to:
 - (a) Extend ERMA's power to revoke test certificates to all test certificates; and
 - (b) Extend the grounds for revocation under the HSNO Act to include where the criteria for which the certificate was issued are no longer met.
- (ix) It is proposed:
 - (a) for offences involving hazardous substances, to change the current time to lay charges from 120 working days to 6 months (from when the offence became known), and allow the District Court to extend the 6 month period, consistent with the HSE Act, and
 - (b) for offences involving new organisms, to change the time to lay charges to 2 years from when "the matter of the information arose", consistent with the Biosecurity Act.

These measures will help integrate the use of the enforcement provisions of these Acts, leading to the HSNO enforcement provisions being fully used.

All the HSNO amendment proposals were developed in consultation with ERMA New Zealand and the respective agencies.

- a. This proposal is based on the practical experience of ERMA and informal comment by industry.
- b. The Primary Production Select Committee, in the report on its investigation into plant imports, recommended allowing the Authority “to delegate its power to conduct rapid assessments relating to the importation into containment of low risk [here non-GM (genetically modified) new plant] organisms”. This was based on submissions to the Committee by a range of stakeholders in the plant import industry.
- c. To the extent that low-risk criteria are stated in regulation, consultation on the criteria for low risk non-GMO imports, developments and field-tests would occur during the development of those low-risk regulations.
- d. This proposal is based on the practical experience of ERMA and informal comment by industry.
- e. This proposal is in response to concerns raised by both test certifiers and businesses.
- f. This proposal is based on the practical experience of ERMA and concerns expressed by industry as to the relationship between Part V approvals and group standards.
- g. This proposal was initiated by concerns expressed by the New Zealand Fire Services and some regional councils.
- h. The purpose of this proposal is simply to empower the use of the Biosecurity Act cost-recovery tools. This proposal is consistent with a Cabinet direction to MAF to report on how HSNO-related costs might be recovered (POL Min (04) 24/10 refers). Consultation over specific proposals for cost-recovery would be undertaken as those proposals are developed.
- i. This proposal is based on the practical experience of ERMA.
- j. This proposal is based on the practical experience of ERMA.
- k. This proposal is supported by the Department of Labour and the Ministry of Agriculture and Forestry.

Health Sector Revocations

Status quo and problem

The following regulations are identified as redundant:

- *Chiropractors Order 2002 and 2003*

These orders amended the First Schedule of the Chiropractors Act 1982, which lists recognised qualifications for chiropractor registration, since repealed by the Health Practitioners Competence Assurance Act 2003.

- *Medicines (Deferral of Expiry of part 7A) Order 2003*
This order deferred by 2 years (until 2006) the expiry of Part 7A of the Medicines Act 1981 (which imposes restrictions on germ-cell genetic procedures, xenotransplantation, and cloning procedures). This Order was superseded by the Medicines (Deferral of Expiry of part 7A) Order 2006 which deferred the expiry of Part 7A of the Medicines Act to 31 December 2008.
- *Toxic Substances Act Commencement Orders 1979 and 1983*
The Act referred to in this Order has been repealed.
- *Medical Practitioners Amendment Act Commencement Order 1996 (SR 1996/115)*
The Act referred to in the Order has been repealed.
- *Practicing Opticians Notice 1955*
The matter addressed in this notice is covered by the Health Practitioners Competency Assurance Act 2003
- *The Noxious Substances Notices 1958 (SR 1958/83) and 1959 (SR 1959/84)*
These two notices identify substances as noxious substances which are inserted in the Schedule to the Noxious Substances Regulations 1954.
- *Mental Hospitals Road Traffic Bylaws 1960*
This bylaw is outdated and relates to the Transport Act 1949 which has been repealed.
- *Porirua Hospital Traffic Bylaws 1969*
This order is outdated and relates to the Transport Act 1962, to be repealed in 2009.

These regulations are either unused or unneeded. They do not represent best practices and may potentially create inconsistency in application of law.

Objectives

Ensure that the legislative framework is efficient, up to date and consistent.

Preferred Options

To revoke all regulations listed above in the proposed Omnibus Bill, as it is administratively more convenient to include them in the Omnibus Bill, than revoking them separately. As these are entirely redundant regulations, there are no impacts of the proposed changes.

Consultation

There has been internal Ministry of Health consultation.