

**Reprint  
as at 11 December 2015**



**Animal Products (Fees, Charges, and Levies) Amendment  
Regulations 2015**  
(LI 2015/94)

Jerry Mateparae, Governor-General

**Order in Council**

At Wellington this 11th day of May 2015

Present:

The Right Hon John Key presiding in Council

Pursuant to sections 117, 118, 121, and 166 of the Animal Products Act 1999, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety after being satisfied that the requirements of sections 113 and 115 have been met.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry for Primary Industries.**

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**Schedule**  
**New Schedules 1 and 2**

## **Regulations**

### **1 Title**

These regulations are the Animal Products (Fees, Charges, and Levies) Amendment Regulations 2015.

### **2 Commencement**

These regulations come into force on 1 July 2015.

Regulations: confirmed, on 11 December 2015, by section 8(a) of the Subordinate Legislation (Confirmation and Validation) Act 2015 (2015 No 119).

### **3 Principal regulations**

These regulations amend the Animal Products (Fees, Charges, and Levies) Regulations 2007 (the **principal regulations**).

### **4 Regulation 9 amended (Director-General may grant exemption or waiver)**

In regulation 9, insert as subclause (2):

(2) The power conferred by subclause (1) includes power to grant an exemption, waiver, or refund in any of the circumstances described in section 112Z(1) of the Animal Products Act 1999.

### **5 Regulation 10 amended (GST)**

In regulation 10, replace “inclusive” with “exclusive”.

### **6 New regulation 10A inserted (Director-General may require information for purpose of calculating levies)**

After regulation 10, insert:

#### **10A Director-General may require information for purpose of calculating levies**

(1) The Director-General may, in relation to the commodities described in subclause (3), require any person who is required to pay levies prescribed in Schedule 2 to provide the information described in that subclause for the purpose of calculating the amount of levy payable by the person.

(2) A person required to provide information under this regulation must provide the information to the Director-General by the date specified by the Director-General.

(3) The information that may be required under this regulation is the information described in the following table:

<b>Commodity</b>	<b>Information that may be required to be provided to Director-General</b>
Fish and bivalve molluscan shellfish	Estimate of tonnes to be processed for the next year (1 July to 30 June) and reconciled at the end of that year, or actual data on tonnes processed for the previous month, or both
Lambs, bobby calves, goats, sheep, pigs, cattle, horses, and deer	Actual head processed for previous month, in individual commodity categories listed
Ostriches, emus, and poultry	Actual numbers of birds processed for the previous month, in individual commodity categories listed

(4) If the Director-General requires a person to provide information under this regulation, but the information is not provided or is not provided within the time required, the Director-General may give the person an estimate of the levy payable based on an estimate of the numbers of animals to be slaughtered or tonnes of fish or shellfish to be processed, as the case may be, for the next 1 July to 30 June year.

(5) If a person provides the information later than the date specified under subclause (2), the Director-General—

- must reconcile the estimated numbers or tonnes with the information provided; and
- must repay any over-recovered levy; and
- may demand payment of any under-recovered levy.

(6) Subclause (5) applies only if the information is provided not later than 90 days after the date specified under subclause (2).

## 7 **Schedules 1 and 2 replaced**

Replace Schedules 1 and 2 with the Schedules 1 and 2 set out in the Schedule of these regulations.

**Schedule  
New Schedules 1 and 2**

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**Schedule 1  
Fees and charges**

rr 6, 7, 10

**Part 1  
Schedule of fees**

<b>Matter for which fee or charge payable under Animal Products Act 1999</b>	<b>Fee or charge*</b>
1 Application under section 20 for registration of risk management programme	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
2 Application under section 25 for agreement to amendment of risk management programme	\$77.50 per application plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2
3 Fee in relation to update of risk management programme under section 26	\$77.50 per application plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2
4 Application under section 34 for registration of food safety programme as risk management programme	\$102.27 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
5 Application under section 54 for registration as exporter	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
6 Application for approval of premises for export of products where required under export requirements	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
7 Annual exporter registration fee under section 57	\$155.00 plus assessment charge on hourly basis after the first hour as specified in Part 2
8 Application under section 65G for listing as a game estate	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
9 Annual listing fee under section 65L	\$155.00 plus assessment charge on hourly basis after the first hour as specified in Part 2
10 Application under section 75 for listing as homekill or recreational catch service provider	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
11 Annual listing fee under section 77	\$155.00

<b>Matter for which fee or charge payable under Animal Products Act 1999</b>	<b>Fee or charge*</b>
12 Application under section 107 for recognition	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
13 Application under section 112D for renewal of recognition	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
14 Annual recognition fee under section 112F	\$155.00 plus assessment charge on hourly basis after the first hour as specified in Part 2
15 Application under section 112E for substituted notice of recognition	\$77.50 per application plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2
16 Issue of official assurance under section 61	\$32.00 per official assurance plus assessment charge on hourly basis after the first 15 minutes as specified in Part 2
17 Issue of official assurances under section 61 for live animals or germplasm	\$32.00 per official assurance plus assessment charge on hourly basis after the first 15 minutes as specified in Part 2
18 Reissue of official assurance under section 64(2) if replacement assurance demanded by importing country	\$465.00 per official assurance plus assessment charge on hourly basis after the first 3 hours as specified in Part 2
19 Reissue of official assurance under section 64(2) for live animals or germplasm if replacement assurance demanded by importing country	\$465.00 per official assurance plus assessment charge on hourly basis after the first 2 hours and 30 minutes as specified in Part 2
20 Issue, on request, of statement of New Zealand standard under section 83	\$32 per statement issued
21 Registration of transport operator, vehicle docking facility operator, or wharf operator under a notice issued under section 40	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
22 Application to list animal material depot as required under notice issued under section 167 and renewal of listing	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
23 Application for issue or revocation of relay permit for bivalve molluscan shellfish issued under the Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
24 Application for registration as bivalve molluscan shellfish harvest operator under the Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2

<b>Matter for which fee or charge payable under Animal Products Act 1999</b>		<b>Fee or charge*</b>
25	Annual bivalve molluscan shellfish harvest operator fee under the Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006	\$155.00 plus assessment charge on hourly basis after the first hour as specified in Part 2
26	Application to list or renew listing as transport operators, sorting shed operators, or depot operators required by notice made under the Animal Products (Regulated Control Scheme—Bivalve Molluscan Shellfish) Regulations 2006	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
27	Application to register a limited processing vessel under the Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
28	Annual limited processing vessel registering fee under the Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001	\$155.00 plus assessment charge on hourly basis after the first hour as specified in Part 2
29	Application for approval of MPI Devices (brands/seals) made under the Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2012 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
30	Application to be certified as either a certified supplier (wild animals) or a certified game estate supplier under the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2013 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
31	Applications for re-certification as either a certified supplier (wild animals) or a certified game estate supplier under the Animal Products (Specifications for Products Intended for Human Consumption) Notice 2013 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
32	Application for listing as further (pet food) processor under the Animal Products (Specifications for Products Intended for Animal Consumption) Notice 2014 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
33	Applications to re-list as a further pet food processor under the Animal Products (Specifications for Product Intended for Animal Consumption) Notice 2014 or any replacement notice	\$77.50 per application plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2
34	Notification of change of a recognised agency on a risk management programme under sections 16(2) and 19(g)	\$77.50 per notification plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2

<b>Matter for which fee or charge payable under Animal Products Act 1999</b>	<b>Fee or charge*</b>
35 Application to list as an approved halal premises under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice 2015 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
36 Application to list as an approved halal organisation under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice 2015 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
37 Audit of approved halal organisations under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice 2015 or any replacement notice	\$155.00 plus assessment charge on hourly basis after the first hour as specified in Part 2
38 Application for approving, renewing or revoking an issuing officer's approval under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice 2015 or any replacement notice	\$155.00 per application plus assessment charge on hourly basis after the first hour as specified in Part 2
39 Listing of halal assessment and approval personnel and a competent halal slaughter person under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice 2015 or any replacement notice	\$155.00 per listing plus assessment charge on hourly basis after the first hour as specified in Part 2
40 Inspection and audit under the Animal Products Act 1999	Assessment charge on hourly basis as specified in Part 2
41 Performance of a function, power, or duty that is— <ul style="list-style-type: none"><li>• required to be undertaken under the Animal Products Act 1999, including under any regulations or notices; and</li><li>• not prescribed elsewhere in these regulations</li></ul>	\$77.50 plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2
42 Application for approval of any maintenance compounds that is required to be undertaken under the Animal Products Act 1999, including under any regulations or notices	\$77.50 per application plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2

\*Fee or charge exclusive of any applicable costs payable under Parts 3, 4, and 5

## **Part 2**

### **Assessment charges on hourly basis**

Where Part 1 specifies an assessment charge on an hourly basis, that charge is to be determined as follows for each hour (or final part-hour) beyond the first 15 minutes, the first 30 minutes, the first hour, the first 2 hours and 30 minutes, or the first 3 hours, as the case may be, spent on assessing the matter concerned:

<b>Category</b>	<b>Fee (\$)</b>
(a) For each hour (excluding final part-hour) spent by a person employed by the Ministry (not relating to live animals or germplasm)	155.00
(b) For each 15-minute block in final part-hour spent under paragraph (a)	38.75
(c) For each hour (excluding final part-hour) spent by a person employed by the Ministry (relating to live animals or germplasm)	186.30
(d) For each 15-minute block in final part-hour spent under paragraph (c)	46.58
(e) For each hour (excluding final part-hour) spent by a person employed by the Ministry under item 4 in Part 1 of this schedule	102.27
(f) For each 15-minute block in final part-hour spent under paragraph (e)	25.57
(g) For each hour (excluding final part-hour) spent by a person who is not employed by the Ministry	155.00
(h) For each 15-minute block in final part-hour spent under paragraph (g)	38.75

### **Part 3**

#### **Costs incurred by Ministry at request of operator, etc**

- 1 Actual and reasonable costs, including actual and reasonable incidental and additional costs incurred by a Ministry employee, or a person engaged by the Ministry who is not an employee, may be recovered by the Ministry where those costs arise from a request by, or an act or omission of, any person under the Act or regulations or notices made under the Act.
- 2 The costs include, but are not limited to,—
  - (a) the costs of external review, expert review, notification, product testing, travel, and accommodation; and
  - (b) disbursements such as the costs of photocopying, printing and stationery, telephone, fax, video conferencing, postage, and couriers.
- 3 For technical staff providing support for the delivery of specialist services in relation to functions, duties, or powers under the Animal Products Act 1999 or any regulations or notice made under that Act, a fee of \$155.00 per hour is payable, in 15-minute increments, by the person whose actions result in the function, duty, or power being required to be exercised or performed.

### **Part 4**

#### **Travel costs**

Where travel of a Ministry officer or employee is required for any of the matters specified in Parts 1, 2, 3, 7, and 8, an additional amount of \$0.67 per kilometre travelled by the officer or employee is payable in addition to the relevant fee or charge.

## **Part 5**

### **Cost of other work-related allowances**

Additional amounts are payable in respect of the actual and reasonable cost to the Ministry of work-related allowances paid to Ministry officers and employees where these are fairly attributable to any of the matters specified in Parts 1, 2, 3, 7, and 8.

Without limiting the generality of what constitutes a work-related allowance, these include matters such as meal allowances, clothing and laundry allowances, and field, standby, and isolation allowances.

## **Part 6**

### **Charges for use of electronic certification system**

- 1 For industry users that access the Ministry's electronic certification system, charges based on the following formula are payable in respect of each database request and each second of time spent on the server:

(cost per request + cost per second) × appropriate percentage

where—

**cost per request** is the amount fixed from time to time by the Director-General by notice under section 167(1)(ma) of the Animal Products Act 1999 for each database request, having regard to clause 2

**cost per second** is the amount fixed from time to time by the Director-General by notice under section 167(1)(ma) for each second of time on the server, having regard to clause 2

**appropriate percentage** is,—

- (a) for industry users of a class for which recognised agency use of the electronic certification system is not required, 55%;
- (b) for all other industry users, 100%.

- 2 In setting any **cost per request** or **cost per second**, the aim is for these costs to reflect usage of the electronic certification system for the relevant year or other period, with regular updating if appropriate.
- 3 This Part applies to all users of the electronic certification system.

## **Part 7**

### **Ministry verification charges**

#### **Preliminary provisions**

- 1 The charges set out in this Part apply where any verification function under the Animal Products Act 1999 is carried out by an officer or employee of the Ministry.

2 The charges set out in this Part are exclusive of goods and services tax, and goods and services tax on these charges will be added to the total invoice.

3 In this Part,—

**a  $4 \times 10$  hour day roster** means designated hours of work that are identified by the employer as a  $4 \times 10$  hour day roster

**after-hours callout charges** refer to charges payable for hours where a veterinary or non-veterinary verifier performs verification functions at any place or premises outside normal agreed hours of work, and are chargeable for those hours in substitution for any establishment or circuit charges

**breakfast shift** refers to the situation where the verification functions carried out by a verifier in any day are commenced before 6 am

**circuit charges** refer to charges payable in respect of any place or premises where the verification or advice functions are performed by Ministry staff who are not permanently or semi-permanently based at the place or premises

**disestablishment charges** means the charges payable in respect of the disestablishment of the position of a veterinary verifier due to the closure of an operator's premises or the reduction of operations at those premises

**double time** refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to double time rates

**establishment charges** refer to charges payable in respect of any place or premises where the verification functions are performed by Ministry verifiers who are permanently or semi-permanently based at the place or premises

**non-veterinary verifier** means a verifier who is not a veterinarian registered under the Veterinarians Act 2005

**penal rate 0.5** means—

- the rate per hour of penal time worked by an employee during the period between midnight and 2 am Monday to Thursday; and
- the rate per hour of the first 3 hours of penal time worked by an employee during the period between—
  - midnight at the end of Friday; and
  - midday Saturday; and
- the rate per hour of penal time worked by an employee for the 9th and 10th hour between 6am and 10pm when an employee worked a  $4 \times 10$  hour day roster between Monday to Friday

**penal rate 1.0** means—

- the rate for every hour of penal time worked by an employee during the period between 2am and 6am Monday to Friday other than hours to which penal rate 0.5 applies; and

- (b) the rate for every hour of penal time worked by an employee during the period midnight at the end of Friday to midnight at the end of Sunday other than hours to which penal rate 0.5 applies; and
- (c) the rate for every hour of penal time worked by an employee on a statutory holiday; and
- (d) the rate per hour of penal time worked by an employee for the 9th and 10th hour between 10 pm and 6am when an employee worked a  $4 \times 10$  hour day roster between Monday to Friday

**penal rate 2.0** means the rate for every hour of penal time worked by an employee other than hours to which penal rate 0.5 and 1.0 apply

**penal time** refers to hours worked by a verifier for which the verifier is entitled, by his or her contract of employment, to penal rates, being hours (other than overtime) worked within a 40-hour week from Monday to Sunday or on a statutory holiday

**reserve rate** refers to the rate for hours worked by a reserve verifier

**reserve verifier** means a temporary veterinary verifier or supervising veterinary verifier who undertakes the work of an establishment verifier while that verifier is on annual leave or is otherwise absent on a temporary basis

**shift rates** refers to the rates applicable to the case where a verifier is entitled, by his or her employment contract, to extra remunerations for working shifts

**supervising veterinary verifier** means a veterinary verifier who has prime responsibility for the verification functions at a place or premises

**time and a half**, or **1½ time**, refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to time and a half rates

**veterinary verifier** means a verifier who is a veterinarian registered under the Veterinarians Act 2005.

## 1 Establishment charge

### A *Basic hourly charge on export and game sectors*

For each hour normal time (but not penal time hours or 1½ or double time hours) spent by a verifier in verification functions \$41.04

## B *Hourly charges for verifiers*

(1) Veterinary verifier—

(a) non-shift rates—

per hour	\$70.30
per hour at 1½ time	\$105.50
per hour at double time	\$140.60

(b) shift rates

the relevant rate specified in paragraph (a), plus an additional rate of—

(i) \$41.00 per shift per verifier for evening shift

		(ii) \$41.00 per shift per verifier for night shift
	(c) penal rates	the relevant rates specified in paragraphs (a) and (b), plus an additional rate of—
		(i) \$35.20 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$70.30 per hour per verifier for penal time worked at penal rate 1.0
		(iii) \$140.60 per hour per verifier for penal time worked at penal rate 2.0
	(d) reserve rate	\$70.30 per hour for each hour worked by a reserve verifier
(2)	Supervising veterinary verifier—	
	(a) non-shift rates—	
	per hour	\$75.10
	per hour at 1½ time	\$112.60
	per hour at double time	\$150.20
	(b) shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i) \$41.00 per shift per verifier for evening shift
		(ii) \$41.00 per shift per verifier for night shift
	(c) penal rates	the relevant rate specified in paragraphs (a) and (b), plus an additional rate of—
		(i) \$37.60 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$75.10 per hour per verifier for penal time worked at penal rate 1.0
		(iii) \$150.20 per hour per verifier for penal time worked at penal rate 2.0
	(d) reserve rate	\$75.10 per hour for each hour worked by a reserve verifier

**2 Circuit charge**

A	<i>Basic hourly charge on primary processors who slaughter or dress animals other than fish</i>	
	Charge for each hour spent by a verifier in verification function for animals other than fish	\$44.90 per hour
B	<i>Basic hourly charge on secondary processors (other than processors of fish and operators of coolstores or other storage premises)</i>	

	Charge for each hour spent by a verifier in verification function	\$44.90 per hour
C	<i>Hourly charges for verifiers</i> (for all verification activities)	
	Verifier—	
	(a) non-penal rates—	
	per hour (excluding seafood and cool-store premises)	\$120.10
	per hour for seafood and coolstores premises	\$120.10
	per hour at 1½ time	\$180.10
	per hour at double time	\$240.10
	(b) penal rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i) \$60.10 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$120.10 per hour per verifier for penal time worked at penal rate 1.0
		(iii) \$240.10 per hour per verifier for penal time worked at penal rate 2.0
3	<b>After-hours callout charge</b>	
A	<i>Minimum charge</i>	
	Minimum charge for any individual after-hours callout, however long	charge for 3 hours at the relevant rate under item B (plus flat rate \$8.70 breakfast shift charge, if applicable)
B	<i>Hourly charges for verifiers</i>	
	(a) per hour	\$75.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
	(b) per hour at 1½ time	\$125.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
	(c) per hour at double time	\$150.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
4	<b>Disestablishment charges</b>	
A	<i>Where verifier employed by operator for less than 12 months</i>	
	Either—	
	(a) the actual cost of transfer or relocation; or	
	(b) the actual cost of retraining; or	
	(c) the actual cost of the matters specified in paragraphs (a) and (b), if both are applicable; or	
	(d) the lesser of—	
		(i) the actual cost of redundancy; or
		(ii) the amount derived by multiplying the total ordinary pay during the period employed by 0.04165—
	but in no case is the charge under paragraph (a), (b), (c), or (d) to exceed \$55,000.	
B	<i>Where verifier employed by operator for 12 months or more</i>	

Either—

- (a) the actual cost of transfer or relocation; or
- (b) the actual cost of retraining; or
- (c) the actual cost of the matters specified in paragraphs (a) and (b), if both are applicable; or
- (d) the lesser of—
  - (i) the actual cost of redundancy; or
  - (ii) an amount calculated using the following formula:

$$(a \times 0.08) + (a \times 0.04)(b - 1) + (a \times c \times 0.0333) + (da)$$

where—

- a is the veterinary verifier's total ordinary pay for the immediately preceding 12 months
- b is the lesser of 19 or the number of completed years of employment with the operator
- c is any completed months of employment in respect of an additional period of employment with the operator of less than 12 months
- d is—
  - 0.10 if the period of employment completed is 1 year or more but not more than 3 years
  - 0.20 if the period of employment completed is more than 3 years but not more than 5 years
  - 0.29165 if the period of employment completed is more than 5 years

but in no case is the charge under paragraph (a), (b), (c), or (d) to exceed \$55,000.

5

**Charge for establishing verification services premises at any location**

The actual and reasonable costs associated with establishing a full time Verification Services presence at any premises, including, but not limited to,—

- (a) capital items such as computer terminals, monitors, printers, office furniture, storage, telephones, and technical equipment; and
- (b) expenses such as costs for recruitment, transfer, relocation, induction and training, salaries, new health and safety equipment, new folders, stationary, lockable cupboards, inspection stamps, and reject and hold tags

## Part 8

### **Unit charges, hourly rates, and callout charges in respect of export of live animals and animal germplasm**

Unit charges payable for each relevant unit to be exported	Charge (\$)
If an animal is a zoo animal and comes within the description of another animal, only the unit charge for the animal as a zoo animal is payable.	
Cats and dogs (including semen) (per animal or semen consignment)	104.94
Equine animals (per animal)	29.63
Equine semen (per straw)	1.02
Livestock (only bovine, caprine, cervine, ovine, and porcine) (per animal)	3.85, with maximum charge of \$19,260 per consignment

<b>Unit charges payable for each relevant unit to be exported</b>	<b>Charge (\$)</b>
Bovine semen (per straw)	0.06, with maximum charge of \$2,400 per consignment
Caprine and ovine semen (per straw)	0.06, with maximum charge of \$2,400 per consignment
Cervine semen (per straw)	0.06, with maximum charge of \$2,400 per consignment
Embryos and ova (only bovine, caprine, cervine, and ovine) (per embryo or ovum)	0.06
Day-old chicks and hatching eggs (only poultry and ducklings) (per chick or egg)	0.01, with maximum charge of \$300 per consignment
Bee packages (excluding bumble bees, but including a queen bee if applicable) (per kilogram)	0.04
Queen bee (including a small number of attendant bees) or bumble bees (per queen or bumble bee)	0.31
Ferrets (per animal)	1.32
Lamoids (per animal)	50.78
Birds (includes budgies, lovebirds, cockatiels, finches (not wild caught), and rosellas (not wild caught)) (per bird)	38.00, with a maximum charge of \$1,140 per consignment
Finches (wild caught) and rosellas (wild caught) (per bird)	0.27
Zoo animals (per animal)	104.94
Other animals and animals germplasm not specified (per consignment)	104.94
<b>Hourly rates</b>	<b>Charge (\$)</b>
(1) Hourly rate for recognised persons who are employees of the Ministry undertaking specialist functions and activities necessary for the export of live animals or germplasm:	
(a) a minimum charge for up to the first 30 minutes	93.15
(b) for each complete hour after the first half hour	186.30
(c) for each 15-minute block after the first half hour	46.58
(2) Hourly rate for services undertaken by an employee of the Ministry, on behalf of an exporter, to negotiate with the importing country alternative measures for meeting access requirements for overseas markets:	
(a) a minimum charge for up to the first 30 minutes	93.15
(b) for each complete hour after the first half hour	186.30
(c) for each 15-minute block after the first half hour	46.58
(3) Hourly rate for services undertaken by an employee of the Ministry, on behalf of an exporter, to negotiate new access requirements for overseas markets (except for exporters of cats and dogs):	
(a) a minimum charge for up to the first 30 minutes	93.15
(b) for each complete hour after the first half hour	186.30
(c) for each 15-minute block after the first half hour	46.58

**Callout charges**

Callout charges for recognised persons who are employees of the Ministry undertaking specialist functions and activities at any place or premises outside normal agreed hours of work and necessary for the export of live animals or germplasm:

(a)	where an employee is entitled, by his or her contract of employment, to time and a half rates	252.17 per hour or part of an hour
(b)	where an employee is entitled, by his or her contract of employment, to double time rates	318.04 per hour or part of an hour
(c)	where an employee works on a public holiday within the meaning of the Holidays Act 2003	845.13 per day or part of a day, plus 211.28 for each hour or part of an hour worked

**Schedule 2**  
**Levies**

rr 5, 6, 10

**Preliminary provisions**

- 1 The levies set out in this schedule are payable by—
  - (a) operators of risk management programmes in respect of operations under the programme;
  - (b) operators of hides and skins export approved premises;
  - (c) homekill and recreational catch providers (not being dual operator butchers);
  - (d) operators of fishing vessels who are operating under—
    - (i) a risk management programme and who undertake primary processing of fish and bivalve molluscan shellfish; or
    - (ii) the regulated control scheme set out in the Animal Products (Regulated Control Scheme—Limited Processing Fishing Vessels) Regulations 2001.
- 2 The levies set out in this schedule are payable irrespective of who performs any verification or other function in relation to the processing operations.
- 3 The levies set out in this schedule are exclusive of goods and services tax, and goods and services tax on those levies will be added to the total invoice.
- 4 In any case, a minimum levy of \$77.50 (excluding goods and services tax) is payable under this schedule.
- 5 In this schedule, **dual operator butcher**, **homekill**, and **recreational catch** have the meanings given to them in section 4(1) of the Animal Products Act 1999.

**1 Levies per head where animals slaughtered and dressed**

The following levies are payable by the operators (not being homekill or recreational catch service providers) of premises or places where the animals specified are slaughtered and dressed, on the basis of the number of animals slaughtered and dressed:

	<b>Operators that process wholly or partly for export</b>	<b>Operators that process only for consumption within New Zealand</b>
Lambs, bobby calves	\$0.135 per head	\$0.04 per head
Goats	\$0.12 per head	\$0.04 per head
Sheep	\$0.157 per head	\$0.04 per head
Pigs	\$0.31 per head	\$0.09 per head
Cattle	\$0.974 per head	\$0.25 per head
Horses	\$0.86 per head	\$0.25 per head
Deer	\$1.38 per head	\$1.04 per head
Ostriches, emus	\$22.00 per head	\$3.50 per head
Poultry	\$0.004430 per bird	\$0.004430 per bird
Other species (other than fish)	\$0.27 per head	\$0.27 per head

**2 Annual levies for fish**

The following levies are payable on the basis of greenweight tonnage of fish or bivalve molluscan shellfish processed on the fishing vessel:

(a) primary processors of fish other than bivalve molluscan shellfish \$0.20 per tonne of fish—

(a) processed on a fishing vessel that are—

- (i) filleted at sea for consumption in New Zealand; or
- (ii) otherwise processed at sea for consumption in New Zealand and that are not delivered to an onshore primary processor (except for the purposes of storage or transport); or

(b) processed by an onshore processor except for fish that are—

- (i) filleted at sea for consumption in New Zealand; or
- (ii) otherwise processed at sea for consumption in New Zealand and that are only transported or

		stored by the onshore processor; or
		\$0.50 per tonne of fish—
	(a)	processed on a fishing vessel that are—
	(i)	filleted at sea for export; or
	(ii)	otherwise processed at sea for the purposes of export and that are not delivered to an onshore primary processor (except for the purposes of storage or transport); or
	(b)	processed by an onshore processor except for fish that are—
	(i)	filleted at sea for export; or
	(ii)	otherwise processed at sea for the purposes of export and that are only transported or stored by the onshore processor
(b)	primary processors of bivalve molluscan shellfish	\$1.50 per tonne of bivalve molluscan shellfish processed (if an operator processes only for consumption in New Zealand); or
		\$2.90 per tonne of bivalve molluscan shellfish processed (if an operator processes wholly or partly for export)
3	<i>Annual levy for coolstores and other storage premises</i>	
	Operator of a coolstore or other storage premises, per coolstore or other premises	\$207.30 per annum
4	<i>Annual levy for homekill and recreational catch service providers (not being dual operator butchers)</i>	
	Homekill and recreational catch service providers (not being dual operator butchers) listed under section 76 of the Animal Products Act 1999, per application for listing or re-listing	\$100 per annum
5	<i>Annual levy for primary or secondary animal processing premises or places that do not include animal slaughter (not being homekill or recreational catch service providers)</i>	
(a)	annual levy for bee products	\$471.80 per annum*
		\$1,005.70 per annum <sup>1</sup>
(b)	annual levy for egg products	\$527.30 per annum for all processors
(c)	annual levy for animal feed processors	\$684.10 per annum*
		\$769.60 per annum <sup>1</sup>
(d)	annual levy for dual operator butchers	\$256.50 per annum for all processors

(e)	annual levy for renderers	\$132.80 per annum*	\$559.70 per annum <sup>1</sup>
(f)	annual levy for hides and skins processors	\$136.00 per annum for all processors	
(g)	annual levy for primary or secondary processors processing animal material or animal product not covered under paragraph (a) to (f)	\$710.10 per annum*	\$784.50 per annum <sup>1</sup>
(h)	annual levy for primary or secondary processors processing animal material or animal products covered by 1 or more of paragraphs (c), (e), and (f)	A single levy that is the highest of the applicable levies under the applicable paragraph	

\*Operators that process only for consumption within New Zealand

<sup>1</sup>Operators that process wholly or partly for export

Michael Webster,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 2015, amend the Animal Products (Fees, Charges, and Levies) Regulations 2007 (the **principal regulations**).

*Regulation 1* relates to the Title.

*Regulation 2* relates to commencement.

*Regulation 3* states the Title of the principal regulations.

*Regulation 4* amends regulation 9 of the principal regulations, which relates to the Director-General's power to grant exemptions and waivers under the principal regulations. The amendment inserts a reference to the circumstances described in section 112Z(1) of the Animal Products Act 1999 (the **Act**), which covers applications made under section 107 by 1 person for more than 1 type of recognition, applications made under section 112C by 1 person to renew more than 1 type of recognition, and persons liable under section 112F to pay a prescribed fee, charge, or levy for ongoing recognition under more than 1 of sections 101 to 105 of the **Act**.

*Regulation 5* amends regulation 10 of the principal regulations, which relates to GST. The amendment is to provide that fees, charges, and levies in Schedules 1 and 2 are exclusive of goods and services tax.

*Regulation 6* inserts *new regulation 10A* into the principal regulations. *New regulation 10A* provides that the Director-General may require a person to provide specified information for the purpose of calculating the amount of levy payable by the person.

The information concerned relates to fish and bivalve molluscan shellfish, lambs, bobby calves, goats, sheep, pigs, cattle, horses, deer, ostriches, emus, and poultry. Additionally, the regulation provides that, if the Director-General requires a person to provide information under this regulation, but the information is not provided or is not provided within the time required, the Director-General may give the person an estimate of the levy payable and proceed to recover the levy amount owing on the basis of the estimate.

*Regulation 7* replaces Schedules 1 and 2 of the principal regulations. The new schedules set out the new rates of fees, charges, and levies.

New items include—

- a minimum fee of \$77.50 for services related to changes to risk management programmes;
- a new fee of \$155 plus an hourly rate assessment charge for processing applications under the Animal Products (Overseas Market Access Requirements for Halal Assurances) Notice 2013;
- a new minimum fee of \$77.50 plus an hourly rate assessment charge for performance of functions required to be undertaken by or under the Act that are not prescribed elsewhere in the regulations;
- actual and reasonable costs such as costs of external review, expert review, product testing, travel and accommodation, and also disbursements for the functions referred to in the Schedule.

### **Regulatory impact statement**

The Ministry for Primary Industries produced a regulatory impact statement on 18 March 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 14 May 2015.

## **Reprints notes**

### **1    *General***

This is a reprint of the Animal Products (Fees, Charges, and Levies) Amendment Regulations 2015 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Subordinate Legislation (Confirmation and Validation) Act 2015 (2015 No 119): section 8(a)