



Animal Welfare (Cost Recovery) Regulations 2015

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 section 183 of the Animal Welfare 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 Primary Industries after meeting the requirements of section 182 of that Act.

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Regulations

1 Title

These regulations are the Animal Welfare (Cost Recovery) Regulations 2015.

2 Commencement

These regulations come into force on 1 July 2015.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Animal Welfare Act 1999

working hours means the hours between 8 am and 5 pm on any day except—

- (a) a Saturday or a Sunday; and
- (b) Christmas Day, Boxing Day, New Year's Day, the day after New Year's Day; and
- (c) Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and
- (d) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (e) in respect of a particular place, the anniversary day of the region in which that place is situated.

4 Fees and charges

- (1) The fees and charges set out in the Schedule are payable in respect of the matters to which they relate.
- (2) The fees and charges are exclusive of goods and services tax.

5 When fees and charges payable

The fees and charges set out in the Schedule are payable on the making of the relevant application or on performance of the relevant service, as the case may require.

6 Director-General may remit or waive costs

- (1) The Director-General may remit or waive any costs recovered, or to be recovered, under these regulations, in whole or in part, if the Director-General is satisfied—
 - (a) that the services performed do not justify the costs payable under these regulations; or
 - (b) that special circumstances applicable to a particular case make it reasonable to waive the recovery (in whole or in part) of the costs payable under these regulations.

- (2) In this regulation, **costs** includes fees and charges.

7 Revocation

The Animal Welfare Export Certificate Regulations 1999 (SR 1999/393) are revoked.

Schedule Fees and charges

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Part 1 Fees and charges

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
1 Application under section 42 of the Act for an animal welfare export certificate	\$21.33 per application Plus assessment charge on hourly basis after the first 15 minutes, as specified in Part 2	The applicant
2 Performance or exercise of a function, duty, or power that is— (a) required to be undertaken under the Act, including under any regulations; and (b) not prescribed elsewhere in these regulations.	\$77.50 Plus assessment charge on hourly basis after the first 30 minutes, as specified in Part 2	The person whose actions resulted in the function, duty, or power being required to be performed or exercised

*Fee or charge exclusive of any applicable costs payable under Part 3 or 4

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 or 30 minutes, as the case may be, spent on assessing the matter concerned:

Category	Fee
(a) for each hour (excluding final part-hour) during working hours spent by a person employed by the Ministry under item 1 in Part 1 of this schedule	\$186.30
(b) for each 15-minute block in final part-hour spent under paragraph (a)	\$46.58
(c) for each hour (excluding final part-hour) outside working hours spent by a person employed by the Ministry under item 1 in Part 1 of this schedule	\$252.17
(d) for each 15-minute block in final part-hour spent under paragraph (c)	\$63.04
(e) for each hour (excluding final part-hour) during work hours spent by a person (whether or not employed by the Ministry) under item 2 in Part 1 of this schedule	\$155.00
(f) for each 15-minute block in final part-hour spent under paragraph (e)	\$38.75

Part 3

Costs incurred by Ministry

- 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 made under the Act.
- 2 The costs in clause 1 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 Act or any regulations made under the Act, a fee of \$155 per hour is payable, in 15-minute increments, by the person whose actions result in the function, duty, or power being required to be performed or exercised.

Part 4

Travel costs

Where travel of a Ministry employee, or a person engaged by the Ministry who is not an employee, is required for any of the matters specified in Parts 1, 2, and 3, an additional amount of \$0.67 per kilometre travelled by the employee or person is payable in addition to the relevant fee or charge.

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 come into force on 1 July 2015. They replace the Animal Welfare Export Certificate Regulations 1999 and prescribe new fees and charges payable in respect of matters under the Animal Welfare Act 1999.

Regulation 1 relates to the Title.

Regulation 2 provides that the regulations come into force on 1 July 2015.

Regulation 3 defines terms used in the regulations.

Regulation 4 provides that the fees and charges are set out in the *Schedule* and are GST exclusive.

Regulation 5 sets out when the fees and charges are payable.

Regulation 6 authorises the Director-General, on 2 grounds, to remit or waive any costs recovered under these regulations.

Regulation 7 revokes the Animal Welfare Export Certificate Regulations 1999.

The *Schedule* prescribes the fees and charges payable under these regulations and who is responsible for paying them. The fees and charges include—

- a fee for an application for an animal welfare export certificate:
- a fee for the performance or exercise of a function, duty, or power required to be undertaken under the Animal Welfare Act 1999 and not prescribed elsewhere in the regulations:
- 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, such as the costs of external review, expert review, product testing, travel, and accommodation, and also the costs of 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.

These regulations are administered by the Ministry for Primary Industries.